

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/PZ/Boards/DRB
Phone: (802) 865-7188
Fax: (802) 865-7195

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



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, June 18, 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, Kevin Stapleton, Jim Drummond, Bob Schwartz, Alexandra Zipparo (Alt.)

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

Absent:

I. **Agenda**

No changes. 26 Spring St applicant cannot attend. May need to defer. Will take up item in turn.

II. **Communications**

Two items. One for 110 Riverside Avenue and one for 83-85 Adams St. Accepted by the board.

III. **Minutes**

None. Older minutes to be discussed at deliberation.

IV. **Consent**

1. **13-1131CA/HO: 136 CROSS PARKWAY (RL, Ward 4) Justin G Hayes**

Conditional use home occupation for tool sales/distribution business. Includes expansion of driveway and new parking area for one commercial vehicle. (Project Manager: Scott Gustin)

Applicant Justin Hayes present. Has received staff comments and has no concerns.

No objections by board to treat as consent item.

Public present to support but will not speak. Will leave as consent agenda item.

Motion by J. Stevens to approve and adopt staff findings

Seconded by B. Schwartz

Vote: 7-0-0

Motion Carried.

2. **11-0734CA/CU: 668 PINE STREET (ELM, Ward 5) Stern Properties, LLC**

Time Extension request for new addition at side, install rooftop solar panel system and stormwater collection system. (Project Manager: Scott Gustin)

Applicant Masha Stern present. Has received staff comments and has no concerns.

No objections by board to treat as consent item.

No public present to speak.

Motion by J. Stevens to approve time extension and adopt staff findings and recommendations

Seconded by M. Long

Vote: 7-0-0

Motion Carried.

3. 13-1165HO: 26 SPRING STREET (RM, Ward 2) Jane Frank

Conditional use home occupation for metal-work workshops. (Project Manager: Mary O'Neil)

Applicant not present.

J. Stevens asked if applicant had concerns.

M. O'Neil - spoke twice with applicant. No concerns.

M. Long asked about level of metal fabrication.

A. Hart asked M. O'Neil about parking and recommended condition and concern of enforcement.

M. O'Neil - no age bracket defined. School children would not have problem, other adults may need to address vehicle concerns.

A. Hart - reservation is that it requires trust in the clients to not drive.

B. Rabinowitz - have had a condition requiring applicants return after one year.

J. Stevens - concerned about parking and would like to hear applicants view point.

A. Hart notes J. Stevens reservations about being treated as consent.

J. Stevens not concerned about treating as consent item but wants it to be clear that parking is a concern.

M. Long noted conditions could be enforced.

Treated as consent item.

No public present to speak.

Motion by J. Stevens to approve and adopt staff findings and recommendations

Seconded by B. Schwartz

Vote: 7-0-0

Motion Carried.

V. Public Hearing

1. 13-0650CA/MA: 110 RIVERSIDE AVENUE (NAC-R, Ward 1) Sisters & Brothers Investment Group, LLP

Reconsideration of conditions for siding and pedestrian crossing for proposed 57-unit residential building with associated underground parking. (Project Manager: Mary O'Neil)

Applicants Steve Guild from Steve Guild Design and Abby Derry from Trudell Consulting Engineers present.

A. Derry provided handout.

Members of public present to speak. Everyone sworn in.

A. Derry detailed information submitted and previous studies done in other cities.

J. Stevens asked about beacon.

K. Lerner requested that DPW review and approve the lighting system and that wording be specific in the conditions.

A. Hart noted specific examples and asked for comment.

A. Derry 31 Installations in South Burlington. Busy road.

J. Stevens asked why an actual traffic light is not ok.

S. Guild – Cost is a factor.

A. Derry – DPW does not want to install a traffic signal.

M. Long would like to see a higher rate of compliance. Would like to see more than 88% from study.

G. Gomez – DPW engineer. Has discussed with DPW staff. After review, still stand by recommendation for rapid flashing beacon. Appropriate for location and easier to install and maintain. Volumes do not warrant placement of traffic light. Could potentially upgrade if there are deficiencies.

A. Hart asked if there were other reasons than cost. Would it cause backup and queuing?

G. Gomez – Would create queuing. Would also create perception issues as it would not be used constantly as would be infrequently based on pedestrian actuated.

J. Stevens asked about vehicle egress.
 G. Gomez – detailed vehicles.
 A. Hart asked if any examples of the flashing beacon in Burlington.
 G. Gomez – No. Planning to have on Main Street soon. Maintenance cost would be borne by DPW after installation.
 B. Rabinowitz – Pedestrians not factored by DPW enough.
 M. Long noted Burlington does not have any experience with this device. Noted existing traffic lights on Riverside Avenue.
 G. Gomez – Not new technology, but just has not been installed in Burlington.
 M. Long - much more dangerous site than others on Riverside Avenue.
 G. Gomez – Meets all criteria and a traffic light would go way beyond which would be required.
 A. Zipparo – Doesn't think it would cause too much traffic delay to have traffic light.
 G. Gomez – Not just a traffic beacon, would have additional signing etc. Would need to be approved by DPW Commission.

S. Bushor. Noted previous study and design for Riverside Avenue. In discussions, there was a commitment to address safe crossing for any new mixed use. Understands sidewalk is much too expensive. DPW staff did not discuss at DPW commission meeting so doesn't know the details. Thinks submission is not adequate. Studies shown are straightaways not curvy like this area. Wants to put pedestrians first. Need safe access. Not unreasonable to have a pedestrian activated traffic light to stop traffic.

K. Sturtevant. Assistant City Attorney. Recommends putting additional language on the condition as suggested by K. Lerner. Appropriate for condition language to require DPW to review and approve.

J. Stevens asked about standing and appeal period.
 K. Sturtevant - the 30 day appeal period starts once the final decision is made.
 A. Hart asked K. Sturtevant if there are conditions that cannot be met what breaks the tie.
 K. Sturtevant - would be taken to a different level.

A. Hart asked applicant to come back on siding.
 S. Guild - wanted to re-iterate where vinyl siding was to be installed. Visual effect would be only on tenants. Would only be on the rear elevation. No buildings anywhere that warrants fiber cement for fire rating. Fiber cement is four times more expensive than vinyl. Planning on using nice corner and window trim to reduce vinyl look. Will be making it visually pleasing. Vinyl is more 'green' than fiber cement. Fiber cement needs painting and maintenance and higher installation cost. Will impact affordability.
 B. Rabinowitz asked about deck areas on front.
 S. Guild - Yes proposing vinyl on the decks. Would be recessed.
 A. Hart – This is a big wall and will be a big amount of vinyl. Concern about design.
 B. Rabinowitz - would be ok with seeing some variation on the rear elevation.
 S. Guild - happy to provide a revised elevation.
 A. Hart - the cost to install is higher but the vinyl will need to be replaced sooner. If they could provide details on how it could look on the rear elevation.
 K. Lerner - argument that it is only tenants that look at is flawed.
 K. Stapleton - tenants can take that into account when they enter.
 K. Lerner - the painting of fiber cement is more like every 15 years not 5-10.
 J. Stevens asked about rear recreation space.

Bill Savoy. Owns immediate property adjacent. Used to own this location.
 A. Hart - only talking about pedestrian crossing and vinyl siding proposed.
 B. Savoy asked if any other opportunity to comment.
 A. Hart - no. Just these items.
 B. Savoy - Noted drilling done at property and stability of bank issues.

A. Hart - included conditions on prior approval. If there are problems with the bank that would be up to the applicant to discuss privately as the agenda was not re-opened for this item.

M. O'Neil noted condition of approval #4. Both City officials could be contacted regarding those details.

Finished review. Moved to next item.

VI. Certificate of Appropriateness

1. 13-1186CA: 81-83 ADAMS STREET (RM, Ward 6) F & M Properties LLC

Convert existing triplex to fourplex by splitting one unit into two. New parking area at rear. Two space parking waiver requested. (Project Manager: Scott Gustin)

Applicants Bill Forsyth and Bob Meijers present.

B. Forsyth detailed history and current conditions. Prefer to downsize units to make easier to rent.

A. Hart asked for bedroom breakdown.

B. Forsyth – Originally a side by side duplex. Then became triplex with one of the units being a six bedroom.

A. Hart noted the two issues. Noise violations and Parking Management Plan. Asked for comment.

B. Forsyth – Spoke with S. Gustin and have some suggestions to address. Have not been previously told about the number of noise complaints as they were not notified. Large apartment with students helps to create that situation. Believes that the large number of complaints are from the six bedroom apartment. This will help reduce the noise issues.

J. Stevens asked about bedroom count.

B. Forsyth – Will reduce by one bedroom count.

K. Stapleton – asked if going from 11 bedrooms to 10, so a reduction in occupants?

B. Forsyth – Yes.

B. Meijers – Noted that 6 spaces would be provided and can address parking management plan. Can do other ideas like charging less for those who do not have a car and more for those that do want to have a car. Goal is to keep the cars off the streets. Current situation that have is a maximum of 4 vehicles for the existing three units.

B. Forsyth – Have consistently seen 4 to 6 to 7 cars for the whole property every year. This would put two more cars on site.

A. Hart thinks of neighborhood as a single family neighborhood. Breaking up the 6 bedroom apartment would be positive in terms of noise, but still concerned about parking management plan. Other examples of Parking Management Plans have been good in the past. All sorts of options. Suggests to improve management plan.

B. Forsyth – Asked how that could be codified into their leases.

A. Hart - could be done through conditions.

B. Forsyth – Concerned about being locked into a box.

A. Hart - could come back in for an amendment if it wasn't working.

M. Long asked about rental potential for the 6 bedroom unit.

B. Forsyth – Hard to rent. Would change how they market the units maybe. Could change to non-student rental.

B. Meijers – Hard to control sometimes. Have had success with the 2 and 3 bedroom apartments and want to try that.

A. Hart - options are to close and make a decision based on current information or can defer and come back with a revision.

B. Rabinowitz asked about current parking.

B. Meijers – Current situation is lacking and having an extra two spaces on site.

B. Rabinowitz - would be comfortable closing the hearing and requesting information for deliberative.

K. Lerner asked about proposed surface of parking lot.

B. Forsyth – Would be looking at Surepak or gravel. Would like to reduce stormwater impacts. Would have grass strip driveway which would actually help. Runoff would be to the lawn in the backyard.

K. Lerner - gravel would need to be contained.

A. Hart - prefers this to come back as a public hearing instead of a deliberative. Idea is to defer to August 6th hearing to allow time to address parking management plan and plans to define parking area.

Motion by A. Hart to keep Public Hearing open and continue to August 6.

Seconded by J. Stevens

Vote: 7-0-0

Motion Carried. Continued to August 6.

VII. Other Business

163 South Willard St – request for Saturday construction

S. Gustin commented on email request. Read condition 7. Noted extra request to start at 8am. If they go with 8am it would require an amended application. If OK with 9am.

M. Long motion to approve Saturday hours 9am to 5pm as requested as long as there are no complaints from Neighbors. If complaints arise, it would revert to Monday thru Friday.

Seconded by B. Rabinowitz

Vote: 7-0-0

Motion Carried.

Staffing

Will have Annual Organizational Meeting July 16th.

Will need someone to opt for the Long Range Planning Committee as K. Stapleton is leaving.

VIII. Adjournment

Adjourned at 6.30pm.

Deliberation to be held Monday June 24th.

A. Hart - Chair, Development Review Board

Date

Nic Anderson, Zoning Clerk