

Burlington Development Review Board

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Austin Hart
Michael Long
Jonathan Stevens
Brad Rabinowitz
Bob Schwartz
Jim Drummond
Missa Aloisi
Alexandra Zipparo (Alt.)
Israel Smith (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, July 16, 2013 - 5:00 p.m., Contois Auditorium, City Hall, 149 Church Street, Burlington, VT MINUTES

Present: Austin Hart (Chair), Michael Long, Brad Rabinowitz, Missa Aloisi, Bob Schwartz, Jim Drummond (5.15pm), Alexandra Zipparo (Alt.)

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

Absent: Jonathan Stevens (Vice Chair), Israel Smith (alt.)

I. **Agenda**

No changes.

II. **Communications**

Four communications. One for 31 Rivermount Tce and three for 3-11 George St.

III. **Minutes**

One set. Will be discussed at deliberation.

IV. **Consent**

1. **13-1233CA: 42 ELMWOOD AVENUE (RH, Ward 3) Sandra Lathem Trust**

Add one room to existing bed and breakfast, finish carriage house space for studio with associated site improvements. (Project Manager: Scott Gustin)

Applicant Sandra Lathem and Thomas Perry present.

Has received staff comments and has no concerns or questions.

Board agreed to treat as consent item.

No public present to speak.

Motion by B. Schwartz to approve and adopt staff findings

Seconded by B. Rabinowitz

Vote: 5-0-0

Motion Carried.

2. **13-1253SD: 173-193 ST PAUL ST (DT, Ward 5) Mansfield Professional Building**

Two lot subdivision. No new development included. (Project Manager: Scott Gustin)

Applicant Stuart Chase and Attorney Robert Rushford present.

Has received staff comments and have no concerns or questions.

B. Rabinowitz asked S. Gustin about process and permit conditions for development.

A. Hart so will have deeded rights and access between the properties.

S. Gustin yes. Approval still stands. Up to owners to document and comply with access.

Board agreed to treat as consent item.

No public present to speak.

Motion by B. Schwartz to approve and adopt staff findings

Seconded by B. Rabinowitz

Vote: 5-0-0

Motion Carried.

V. **Public Hearing**

1. **13-1232CA/VR: 31 RIVERMOUNT TERRACE (RL, Ward 7) Gregory A Jenkins**
Reapplication for two bedroom bed and breakfast, one parking space waiver requested, widen driveway. (Project Manager: Mary O'Neil)

Applicant Gregory Jenkins present.

M. O'Neil noted typo on agenda. Is conditional use (CU) not a variance (VR).

Members of public present. All parties sworn in.

G. Jenkins - Detailed application and parking. Been in touch with Local Motion about setting up bike facilities.

A. Hart asked about driveway widening. Asked M. O'Neil about previous decision for front yard parking.

M. O'Neil - detailed previous decision.

B. Rabinowitz asked how front yard setback is calculated.

M. O'Neil noted driveway is restricted to 18ft wide.

A. Hart asked applicant about condition to return within 1 year.

G. Jenkins – Not willing to pay hearing fee then but is willing to come back in a year.

Brian Bear – 98 Rivermount Tce. Real concerns. Property is on outside of blind corner and parking on street is huge problem. No sidewalk on that side of the street and end in front. Forces people to walk in the street. More and more families and children in the street. Driving becoming more of a hazard. Winter has snow banks. Neighborhood covenant restricts to only having single family dwellings for residential uses only. Realizes that DRB cannot enforce covenants. Surveyed neighbors and 4 are against and 2 neutral. Noted that he is already running the operation.

Peter Barnbrook – 54 Rivermount Tce. Parking is definitely an issue. Concern about a bed and breakfast in the neighborhood. Concerned about transient traffic through the neighborhood.

B. Rabinowitz asked about parking and curbs.

G. Jenkins - Clarified that property is on inside of curve. Has lived there for 18 years and has always parked in front of house. Wide road. Plenty of room. Cars on street help slow traffic. Questioned covenant.

A. Hart – DRB doesn't enforce protective covenants.

G. Jenkins – Over road there is a duplex with a lot of cars. Parking on street never been an issue.

B. Schwartz asked if operating.

G. Jenkins – Has a room mate with a lease.

B. Schwartz – has it been a bed and breakfast.

G. Jenkins – Yes. Has had people there. Not going to lie.

Public Hearing closed 5.28pm

2. **13-1262CA/MA: 256-258, 260-262 and 264 NORTH WINOOSKI AVENUE (NMU, Ward 2) 256-262 N. Winooski, LLC**

Combine 256-258 and 260-262 North Winooski Ave into one lot, demolish existing structures, construct new three story mixed use building with 23 residential units and one commercial unit. (Project Manager: Mary O'Neil)

No public present to speak.

Applicants Gates and Marsh Gooding present. Gave presentation of proposal. Has made commercial space larger at front, outdoor patio, bike parking at front, moved street trees to ROW. Detailed unit count and floor plans. Conservation Board comment asking for more infiltration. Will be 100% infiltration on 1 year storm events. Pursuing MOU with CarShareVT. Will offer one year CarShare membership to any tenant who gives up their space. Solar on roof will definitely be part of project. Detailed energy savings from proposed UVPVC windows from Europe.

B. Rabinowitz commented on window materials.
 J. Drummond asked about operation of windows.
 B. Schwartz asked about tilt/turn operation.
 G. Gooding – cost 50% more than Marvin Windows. ‘Intus’ brand windows. Detailed insulation, factors in energy modeling.
 K. Lerner asked about cooling.
 G. Gooding – Air sourced heat pumps will be for both heating and cooling. Tenant behavior makes more impact so will be encouraging heavily. Trying to cultivate culture.
 AZ asked about pumps.
 G. Gooding – refers to ground source heat pumps which will not be done. Detailed doors and solar.
 A. Hart noted project even better than Sketch Plan. Asked about brownfields remediation.
 M. Gooding – detailed remediation and plans for construction and system for dealing with PCE’s. Once they have that, they will have an approved Corrective Action Plan for the state.
 G. Gooding - within the last week they had confirmation that the last testing done today will be sufficient for the corrective action plan to be approved.
 A. Hart asked about parking waiver and CarShareVT.
 M. Gooding – Do not have a MOU yet but have letter of intent.
 A. Hart - would like to see summary of parking management plan summarizing comments made tonight.
 No public present still.
 A. Hart - will close Public Hearing and would like to see parking summary. Asked about stormwater and if Conservation Board needed additional review.
 S. Gustin – No. CB recommended approval with improvements. This is an improvement.
 A. Hart closed Public Hearing 5.52pm

3. 13-0707CA/MA: 3-11 & 13-15 GEORGE STREET (DT, Ward 3) 3-11 1/2 George Street LLC

Demolish existing structures on George St, construct new residential building above and behind existing historic structure on Pearl St corner for total of 23 residential units and 1 commercial unit. (Project Manager: Scott Gustin)

Applicants John Alden and Rick Bove present. Members of public present and wish to speak. Everyone sworn in.

J. Alden – Detailed history. Has received staff comments and have taken them on board. Has 7 items to comment on based on staff comments. Biggest problem is boundary line running through the project. Neighborhood could be denser than it currently is. Cannot achieve density of DT zone. Problem is with transition. Want building to create the transition. Don’t want to have 15ft setback and ordinance does not say that it is required. Project will make the appropriate transition. Detailed site and application.

B. Rabinowitz and J. Drummond asked about materials.

J. Alden – Showed sampled. Porcelain tile siding will have wood grain pattern.

A. Hart asked about height of Victoria Place.

J Alden – Detailed existing heights and proposed height of 55ft. Detailed materials locations.

A. Hart - wants cut sheets for deliberation.

AZ asked about painting of the corrugated metal.

J. Drummond and B. Rabinowitz asked more details about siding material.

B. Rabinowitz noted brick in elevations and asked for confirmation.

J. Alden – yes there is brick. More consistently applied materials. Proposing the building be allowed to act as the setback to provide the transition. RH portion of building will abut an RH building. The RH to DT boundary is within the building. Zone is tied to the lot line. Other comments on zone transition is density in RH section – have treated all parts of the building in the RH zone to be RH but have proposed 8 when RH density would only

support 6. Overall the project is only half as dense so should be considered ok due to only two units being within the DT zone. Project itself as a whole is within density.

B. Rabinowitz asked for confirmation of the argument for density.

B. Rabinowitz asked M. O'Neil about Perry Hall zone boundary. Asked if average density.

S. Gustin - no district setback there. Did average out lot coverage which would be ok with this.

K. Lerner - ordinance specifically says that you cannot average out density.

J. Alden – not as black and white as having 8 in RH.

S. Gustin noted supplemental communication on density and asked about size of property based on lot line adjustment.

J. Alden – different ways to work out lot size and density based on dissecting the property different ways. Can have less units which wont change bedroom count, just where walls are. Having three bedroom units wouldn't be as easy to move within the market. Way under density proposal.

MA asked if bedroom size meets fair housing standards.

J. Alden – Yes. All apartments will meet minimum standards. Asked for parking waiver. Detailed parking space requirements based on zoning. Proposing 14 parking spaces for 24 units. If had to have 2 spaces per unit in RH zone, there would be a math problem and would need to have off site leases. Will still need 50% parking waiver.

R. Bove – Parking lot of 15 spaces for 30 units in Victoria Place is never full.

B. Rabinowitz asked if property line would be extinguished.

J. Alden – Proposing to get rid of property line to get rid of setback requirement. Project meets setback intent.

A. Hart will open up to public.

K. Lerner clarified staff comments about middle section of building. Retaining the General Stannard house was required to meet minimum standards. 13-15 George Street has not been addressed and the board needs to review.

J. Drummond asked K. Lerner about previous decision.

K. Lerner relayed staffs position

Rachel Segal – City Councilor. Wants to speak about tenants and tenant rights. More housing good idea. Concerned about kicking out people with low incomes. Knows that there isn't an ordinance that requires priority to those persons but hopes that the Board can put conditions encouraging the owners to allow priority. Tenants have little to no confidence that they would be looked after. Asked board to keep tenants in mind and if possible to look after them.

Joe Spidel – Lives on George Street. Main problem is size and massing. Five story building towers over existing two story building and others on the street. DT/RH boundary line not being respected. Historic buildings not being addressed correctly. Stannard building not improved based on conditions from 2001 decision. Conditions of housing is not good. Good project would be a good thing for Burlington.

Emily Lee – On Planning Commission, NPA and Preservation Burlington. Wants to make sure that NPA comments are heard by the board. Relay to board that affordability was a concern, concerned about loss of green space and green 'feel', inadequate parking and number 1 sentiment was that concerns of neighbors should be heard and made compatible with their desires. Copy of NPA meeting is available online. As Preservation Burlington has grave concerns about the General Stannard house and demolition of the middle addition. Certainly eligible. Beautiful building that has not been maintained. Is demolition by neglect and would reward the developer for that. General Stannard house is being dwarfed by the new buildings scale. Should have setback. Rules should not be given flexibility and parking should be met.

A. Hart - would like to hear about setbacks and justification for transition.
 Carl Lisman – Representing applicant as lawyer. Detailed standards talk about property boundary lines. If no property boundary line, there is no line to serve as foundation for all dimensional and density standards. If condition requires two lots to be merged it would address concern.
 K. Lerner asked about ownership.
 C. Lisman – Each property is owned by an LLC.
 S. Gustin – Noted DT follows property lines and intent of having breaks. Can provide written opinion from the City Attorney.
 C. Lisman – Intent is within language of Ordinance. When lot lines are through boundaries it should not be intended that they are forever separate districts.
 B. Rabinowitz asked if the DRB could move the zone boundary.
 S. Gustin – No. Planning Commission can. Offered this option to developer early on in the process but was not taken.
 K. Lerner - absurd to think that private property owners can have the power to move zone boundaries simply by owning properties and merging lots.
 B. Rabinowitz asked for attorneys opinion.
 S. Gustin – Can provide.
 A. Hart asked of Board ready to close and deliberate.
 B. Rabinowitz - could close and deliberate and then give motion to re-open.
 AZ asked for clarification of parking numbers.
 J. Alden - would need 31 spaces. Would then need to give 16 spaces with waiver. Would give 14 on site. With regards to historic preservation, not about neglect. The buildings are being removed based on achieving a higher density. Quality of built form is not very high. General Stannard is a worthy building. New use will help provide a more active use.
 K. Lerner - gave photographs from Code Enforcement. Buildings were supposed to be restored and that has not happened.
 J. Alden – Architecturally the buildings are weak. Not great examples of this style.
 M. Long asked what is needed to the General Stannard house to maintain.
 J. Alden - Will give entire façade a makeover.
 J. Drummond asked why porches on George St side.
 J. Alden – Want to increase seating capacity. Detailed history of construction of front façade.

Ted Miles – Code Enforcement inspector. Building has been seriously neglected. 2011 order has not been met for minimum standards. Detailed the deficiencies on the whole building. Have a number of issues of neglect. Concern by Code about neglect on these buildings. Have issues at Victoria Place. Current building is a disaster due to neglect. Will need substantial money to get the building up to the minimum housing code.

A. Hart discussed with board if additional information is needed. Closed Public Hearing and will deliberate later.

VI. Other Business

VII. Adjournment

Adjourned at 7.11pm.

 A. Hart - Chair, Development Review Board

 Date

 Nic Anderson, Zoning Clerk