

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, August 20, 2013 - 5:00 p.m., Contois Auditorium, City Hall, 149 Church Street, Burlington, VT MINUTES

Present: Michael Long, Brad Rabinowitz, Missa Aloisi, Alexandra Zipparo (Alt.), Jonathan Stevens (Vice Chair), Jim Drummond (5.15pm), Israel Smith (alt.)

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

Absent: Austin Hart (Chair), Bob Schwartz

I. **Agenda**

No changes.

II. **Communications**

Two communications. One for 31 Stanbury Rd and one for 78 and 80 Sherman St.

III. **Minutes**

One set. Will be discussed at deliberation. Maybe duplication from last meeting.

IV. **Consent**

1. **14-0057CA/HO: 531 SAINT PAUL ST (RL, Ward 5) Mark Adams & Niko Pruesse**
Conditional use home occupation for coaching and therapeutic massage business, finish approx. 710sf in basement for office, replace basement window with patio doors, replace basement window with new casement window, new shed. (Project Manager: Mary O'Neil)

Applicants Mark Adams and Niko Pruesse 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 M. Long to approve and adopt staff findings
Seconded by B. Rabinowitz
Vote: 5-0-0
Motion Carried.

2. **14-0043CA: 501 NORTH STREET (RL, Ward 1) John & Signe Daly**
Remove existing non-conforming garage within side yard setback, construct new garage in same footprint with living space above. (Project Manager: Scott Gustin)

Applicant John Daly present.
No public present to speak.
Has received staff comments and has no concerns or questions.
Board agreed to treat as consent item.
Motion by M. Long to approve and adopt staff findings
Seconded by B. Rabinowitz
Vote: 5-0-0
Motion Carried.

3. **13-1248PD: 196 SOUTH UNION STREET (I, Ward 6) 196 South Union Condominium/Lawrence Walden**

Construct new single family detached condominium structure at rear of property. (Project Manager: Scott Gustin)

Applicants Laurence Walden and Chuck Rees present.

S. Gustin noted revised plans to meet condition 1 were submitted. Condition 1 can be stricken from the review.

Board agreed to treat as consent item.

B. Rabinowitz wanted to note that the application notes the back area will not be cleared.

L. Walden - would like to be able to get rid of the knot weed etc but understands the trees should not be removed.

No public present to speak.

Has received staff comments and has no concerns or questions.

Motion by B. Rabinowitz to approve and adopt staff findings noting that condition 1 is satisfied.

Seconded by M. Aloisi

Vote: 5-1-0

Motion Carried.

**4. 11-1065CA/CU: 26 SUMMIT STREET (RL, Ward 6) Whiteville Properties LLC/
Michael Johnson**

Time extension request for change of use of front building from single family to duplex.

Existing duplex at rear for a total of four units on the property. Expanded parking. (Project Manager: Scott Gustin)

Applicant Michael Johnson present.

Board agreed to treat as consent item.

No public present to speak.

Has received staff comments and has no concerns or questions.

Motion by B. Rabinowitz to approve time extension and adopt staff findings

Seconded by M. Long

M. Long asked of status of property.

S. Gustin it is a duplex. Need more time to do associated site work. Waiting on Court decision which could affect site work.

Vote: 6-0-0

Motion Carried.

V. Public Hearing

1. 14-0030CU: 31 STANBURY ROAD (RL, Ward 4) Abigail Knapp

Use existing single family home for small daycare for up to 10 children. No site or exterior building changes proposed. (Project Manager: Scott Gustin)

Applicant Abigail Knapp present.

K. Lerner - referred board to supplemental communication.

Applicant A. Knapp sworn in. No public present. Gave summary of proposal and parking plan.

J. Stevens asked if a parking management plan is required.

S. Gustin – Need a one parking space waiver so needs plan. Shared use parking situation.

J. Stevens asked about parking management.

A. Knapp - detailed garage and driveway parking.

B. Rabinowitz asked about parking and review.

A. Zipparo – Noted that there is a daycare near her that she didn't even know about until last week. Asked about outside use.

J. Stevens closed Public Hearing 5.27pm.

2. 13-1241CA/CU: 78 SHERMAN STREET (RM, Ward 3) Crosby Hard

Conditional use to demolish existing historic dwelling, construct new two story single family dwelling. (Project Manager: Mary O'Neil)

J. Stevens – Will consider both applications at same time.

Applicant C. Hard and member of public sworn in.

C. Hard detailed proposal. Lives at 74 Sherman St. Detailed site conditions on all three properties.

J. Stevens asked about which houses are which on the street.

C. Hard detailed structure of buildings and proposal.

J. Stevens asked about engineering report from a historic preservationist.

C. Hard detailed report from structural engineer.

A. Zipparo asked if structural reports assessment is because its not worth it?

C. Hard – Buildings were poorly constructed. Cannot renovate. Detailed site conditions.

J. Stevens – Concerned about engineers letter and dates of construction.

C. Hard – Doesn't make much difference who built them. They are old, but there is nothing unique about the buildings.

J. Stevens doesn't think the documents submitted are sufficient to make a decision.

B. Rabinowitz wouldn't we normally discuss that at deliberative.

J. Stevens – would want to see report from historic preservationist. Ordinance requires that.

J. Drummond knows the engineer and has worked on historic structures.

M. O'Neil noted previous history. Reads the requirement to not specifically require an architects review, but has received an opinion on the soundness of structures.

J. Stevens takes that paragraph to mean that either an architect or engineer to write an opinion on historic preservation.

B. Rabinowitz noted that structural report could note that the building is so bad that historic significance might not matter. Asked how long they have been owned.

C. Hard – Has owned for around 10 years. 80 has never been occupied in his ownership and 78 has been recently vacated.

B. Rabinowitz asked about DAB review.

M. O'Neil – DAB did not articulate that they agreed with the demolition. Noted that the engineers report did not address historic preservation.

B. Rabinowitz notes the proposed buildings are similar in scale to the existing.

M. O'Neil – Read staff comments re: DAB.

J. Drummond asked if the DAB visited the property.

M. O'Neil - no. DAB noted it is a balancing act.

A. Zipparo asked if being demolished based on economic hardship.

C. Hard – Yes. Would need to do something with the building as he is losing money. Adds that only one DAB member questioned it, not the whole board.

A. Zipparo – Noted that if based on economic hardship there is a lot of additional criteria.

Michael Russell – Detailed basis for the application. Not impossible to renovate but the whole structure needs to be replaced to renovate it. Not arguing the economic hardship. Can submit costs as a condition if needed.

A. Zipparo noted history.

M. Russell – The value to the city is not being realized right now based on their condition.

A. Zipparo asked if building at rear is being retained.

C. Hard – the barn is not on this lot.

M. Aloisi – there are standards.

M. O'Neil notes that these are significant buildings with an important history but the buildings are in tough shape, valued lowly and staff is recommending this based on the balancing act.

J. Stevens asked about how the record and story of the buildings are kept.

M. O'Neil these buildings are eligible but not listed. We don't have a designation that would trigger the requirements for HABS style documentation but can document through the zoning files.

J. Stevens asked about parking on site and on street.

C. Hard – No on street parking on the block. Property has no parking space on site currently and one is not proposed. One parking space would be accessed off 74 Sherman Street.

J. Stevens asked if brick siding is proposed.

C. Hard – No. Detailed coloring.

B. Rabinowitz asked if proposed building will be mirror images?

C. Hard – Yes. Mirror images.

M. O'Neil noted challenges with meeting code and historic review. Always trying to find balance and integrity of the built environment.

James Henry. Owns 84 Sherman Street building with Champlain Housing Trust. Main concern is sewer line system. His line enters his property. Making sure that his doesn't get cut off and that it isn't at his cost to replace if needed. Houses are on 1877 map. Gave history. Doing renovations at his property which are significant also and are interesting construction. Wants to put it on record.

J. Stevens doesn't think we have jurisdiction.

B. Rabinowitz – Public Works permit would deal with stormwater.

J. Henry – was just handed a letter from the owner which states that it will be snaked to record location. Concerned about costs for replacement of sewer line if needed. His property will not be replaced but is being renovated.

A. Zipparo asked about relocation of tenants.

C. Hard – Noted submission of landscape plans. Also noted lighting. Has been addressed.

M. O'Neil – Have lighting in packet.

Closed Public Hearing 6.15pm.

3. **13-1240CA/CU: 80 SHERMAN STREET (RM, Ward 3) Crosby Hard**

Conditional use to demolish existing historic dwelling, construct new two story single family dwelling. (Project Manager: Mary O'Neil)

See attached.

VI. Other Business

Member of public to speak on 26 Summit St that was previously decided on. Board discussed the ramifications of having anyone speak after a decision.

Member of public wants to know what his legal rights are.

K. Lerner could submit a request for re-consideration in writing with rationale.

Public member will submit reconsideration. Signed clipboard.

VII. Adjournment

Adjourned at 6.20pm.

Need to deliberate on Adams St also. J. Stevens wants others to review tape. Will deliberate after regular meeting on September 3rd.

A. Hart - Chair, Development Review Board

Date

Nic Anderson, Zoning Clerk