Burlington Development Review Board
149 Church Street, City Hall
Burlington, VT 05401
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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, September 17, 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, Jim Drummond, Alexandra Zipparo (Alt.)
Staff: Ken Lerner, Mary O'Neil, Nic Anderson, Scott Gustin
Absent: Brad Rabinowitz, Missa Aloisi, Bob Schwartz, Israel Smith (alt.)

I. Agenda
No changes.

II. Communications
Two communications for 97 Dunder Road and Hope Works.

III. Minutes
None.

IV. Consent

1. 14-0208HO: 51 ARLINGTON COURT (RL, Ward 7) DANIEL UKOLOWICZ
Conditional use home occupation for nano-brewery in garage and part of basement. (Project Manager: Scott Gustin)

Applicant D. Ukolowicz present.
Has received staff comments and has no concerns.
J. Stevens asked S. Gustin about definition of nano-brewery.
S. Gustin confirmed that it is a home occupation.
No public present to speak.
A. Zipparo asked about cleaning tanks and wastewater.
S. Gustin - wastewater not under our jurisdiction. Cant see where this is covered under home occupations.
Board has questions. Opened up to public hearing. Applicant sworn in.
D. Ukolowicz – Wouldn't have caustic chemical. Can clean tanks by hand. Detailed number of barrels. Will deliver malt extra to farm at end of road or Intervale Compost. Would sell at 2-3 businesses.
M. Long asked about deliveries.
A. Hart closed public hearing. Asked if Board comfortable acting.
Motion by J. Stevens to approve and adopt staff findings
Seconded by M. Long
Vote: 5-0-0
Motion Carried.

V. Public Hearing

1. 14-0061CA/MA: 87 KING STREET (RH, Ward 5) King Street Youth Center
Reconstruct and expand King Street Youth Center. (Project Manager: Scott Gustin)

A. Hart recused. J. Stevens managing item.
Applicants and public sworn in.

S. Gustin clarified on page 2 of staff report a typo. Should say 'Item 5 is moot' not Item 6.
Applicants Rolf Kielman, Andrew Chardain, Paul Boisvert, Amy Houghton present.
R. Kielman detailed current site and proposal.
J. Stevens asked about bike parking.
A. Houghton detailed site conditions and proposed site changes. Bike corral on street for up to 14 spaces.
R. Kielman – Still in good discussion with DPW about trees.
J. Stevens asked about parking.
S. Gustin will have off site spaces. Will be covered in the conditions.
R. Kielman – Staff are encouraged to come to work via means other than vehicle. Persons using the center come by walk, bike or bus.
J. Stevens asked about demand for bike spaces.
Vicki Smith – Director. Sworn in. Currently have a bike rack which at some times there are 10-15 and other times less. Big bike proponents. Staff store inside.
M. Long asked if on sidewalk racks as well as corral in street. Will staff increase?
V. Smith – The staff will grow over time, not necessarily a large jump due to this change.
A. Zipparo asked about volunteers and modes of transport.
J. Stevens asked if staff comments have been received.
R. Kielman – Have reviewed conditions.
A. Chardain – Submitted written response to conditions.

Paul Boisvert – Detailed coverage and stormwater management, pervious pavers at the front, possible infiltration in back.
M. Long asked if stormwater would be reduced.
P. Boisvert – Yes. Will work with Megan Moir. Modest reduction over a variety of events.
J. Stevens asked about change to coverage.
A. Chardain - Lot coverage would go from approximately 76-77% to 80%.
S. Gustin - emphasis on this site is managing peak flow.

Joe Reinert. Lives at 85 King St. Speaking for himself only. Generally supports the project. Concerned about setback. Pleased to see the 7.5ft setback. One question on shading study and condition.
S. Gustin - Confirmed criteria. No condition related to shadow impacts.
J. Reinert – Generally supportive.
J. Stevens closed public hearing 5.45pm.

2. 14-0044CA: 500 SOUTH PROSPECT STREET (I/RL, Ward 6) Prospect Venture Lp
Appeal of administrative permit approval to relocate existing fence along southern boundary with associated landscape changes. (Project Manager: Scott Gustin)

Applicant and other members of public sworn in.
Larry Williams – Principal of Redstone and one of the owners of Redstone Apartments. Detailed history regarding hedge and location of fence. Detailed application.
J. Stevens noted appeal and point on jurisdiction. Noted trash on the other side of fence. Without buffer the trash might end up in neighbors. Asked for comment on the buffer.
L. Williams – Moving would allow more room for the cedar hedge to thrive.
John Collins – Can have others testify about benefits of proposal. These issues were litigated in Superior Court and were required to comply with the conditions. Handed out judgment order and read portion. Will have landscape architect discuss buffer.
Rosemary Leland. Grounds manager at UVM for 16 years. Detailed plantings proposed.
J. Drummond asked about fence materials and new setback.
R. Leland – 2 ft. Right now the plants are to the north of the fence. No change.
J. Drummond asked for clarification.
J. Collins – Intend to allow appellants to remove their plants that were put on UVM land.
J. Stevens asked what the total length is.
R. Leland – 160ft long.

J. Collins – Noted that appellants are concerned about safety issues.
Chief Leanne Toomey at UVM Police. Has reviewed the planting plan. Addressed safety. Detailed experience in Crime Prevention. Will be an improvement to safety. Comments from appellant are counterintuitive. More site lines.
J. Collins asked Chief about a berm being removed.
L. Toomey – Has not noted any berms to be removed. Has asked for vegetation to be cut to improve.
J. Collins – It is appropriate to administratively review. If a light is needed they would be willing to do.
J. Stevens asked why this is considered minor and not a major change.
J. Collins detailed.
S. Gustin noted administrative authority in CDO.

Pike Porter. Appellant. Detailed his property and previous history. No reason that hedge cannot be moved or planted while retaining existing fence location.
J. Stevens asked what adverse impact is.
P. Porter - Was agreed with all parties that the project created an adverse effect and this is why the fence was required.
J. Stevens asked if the original plan specified a location.
P. Porter - Plat does not show location but there is a written description by Police Services to Linda Seavey. Hedge was installed as described. Detailed conditions in existence from 1957. Showed board a photograph. Detailed trash that gets thrown over the fence onto appellants side. Showed board photographs of trash. Noted condition of fence. Noted people smoke and drink in an existing hedge on South Prospect Street. Showed photographs of small hut built by people to hang out in.
A. Zipparo asked what would be desired.
P. Porter – Desires a hedge as was approved by Court. Noted memo to Planning Commission at the time of Redstone Apartments about shielding development from Adams property. Trash over fence will continue even if moved. If within 2 ft then the trash would end up in appellants yard. Fence is the only thing stopping students from going there. Students like to hang out in hedge so would just be more nuisance. Detailed court decision regarding plantings. Handed out photographs of plantings. Planted Approx summer 2011 and photos are November 2011 and this month. Noted S. Gustin stated the stormwater system is irrelevant which he disagrees with. Showed photographs of trees they have planted on UVM land and did not ask UVM for compensation. Noted ANR permit requires that snow should be pushed to catch basins, not over swale. Currently push snow into an area that is not allowed. If UVM plow as required, they would not have the vegetation issues. Continued to hand out photographs to board regarding property line and storm pond/swale. Testimony about the proposal creating more open space is incorrect. Moving the fence would move the place that people hang out in the shadows. UVM police do not enforce UVM policy, only State Law so no night supervision. Court did not address all the questions raised in considering fence location.
J. Stevens asked appellant to complete presentation.
P. Porter – Read email from J. Collins from June 2012. Detailed dates of decision, email and application. Noted UVM changed their minds and believes this is because he appealed another decision for Virtue Field.
J. Stevens told P. Porter to stop and closed public hearing without further comment at 6.50pm.

3. 13-0707CA/MA: 3-11 GEORGE STREET (DT, Ward 3) 3-11 1/2 George Street LLC
Continued review to 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 Rick Bove and John Alden present.

A. Hart noted motion and reopening and would like to keep testimony to those items. Applicants and member of public sworn in.
John Alden – Noted that main issue seems to be zone boundary. Has additional plan to show that shows how it could be built based on zone. Thinks that it isn't a big issue because of previous legal opinion from applicant lawyer. Need to get through this. Thinks it's the right project for the area. Project is too small for DT but good size for RH so should be allowed as proposed.
A. Hart detailed the items that were needed and went through submittals. Asked about district boundary behind building and couldn't see property line. Asked for confirmation.
J. Alden – Property line is same as zone boundary. Detailed existing and possible density. Not having buffer zone but buffering building using density.
A. Zipparo – Wanted a perspective view from walking on the sidewalk on George St, not just an elevation or perspective from Pearl or over the road.
J. Alden – Happy to produce that information.
A. Hart - Wanted to ask additional questions on the demolition of the buildings.
A. Zipparo - Concerned about the middle addition being demolished. Asked for comment.
J. Alden – Does contribute to overall structure. Secondary element with no significant features, opening or detailing. Only interesting because it is attached to the General Stannard House. Modifications over time have scarred the building also. Restoration and improvement to the original structure would help mitigate the removal of the rear additions.
M. Long noted maybe not as important but were part of the original decision or 'deal' for maintaining. Asked if decision differentiated the portions or commented on the building as a whole.
J. Alden – Cannot recall but that the front building is the most important.
K. Lerner noted decision was to maintain and dealt with the density.
R. Bove – Did spruce it up. Spent $40,000 on repairs. No deal said it was in perpetuity. 13 years later and proposing a great compromise. Adding to the quality of housing stock in Downtown Burlington.
A. Zipparo – Noted violations and record of lack of follow through.
K. Lerner – Code enforcement inspector testified previously on violations.
A. Hart asked board to get back on track. Wants to hear new information to make a decision.

Joe Spiedel - Doesn't think there is anything new that he could add from last hearing.

A. Hart asked for applicant to submit drawing showing what the ordinance would allow and pedestrian perspective along George St?
J. Alden – Yes. Will submit a packet.

VI. Other Business

1. Burlington Advisory Committee on Accessibility

Open discussion with Co-Chair Ralph Montefusco

Ralph Montefusco present. Detailed history and current situation. Would like more inclusion. Would like more awareness of accessibility. Available as a resource. Broad discussion between board, staff and R. Montefusco. A. Hart happy to work to make the focus on ADA more relevant. S. Gustin mentioned ADA is under Building Inspector. Could include on Technical Review Committee. Can be contacted through Community and Economic Development Office. Kesha Ram is contact person for committee.

VII. Adjournment

Adjourned at 7.33pm.

Deliberative session set for Monday 30th at 5pm.

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A. Hart - Chair, Development Review Board Date

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Nic Anderson, Zoning Clerk