

Burlington Development Review Board

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Brad Rabinowitz
Bob Schwartz
Jim Drummond
Missa Aloisi
Alexandra Zipparo (Alt.)
Israel Smith (Alt.)*



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, December 17, 2013 - 5:00 p.m., Contois Auditorium, City Hall, 149 Church Street, Burlington, VT MINUTES

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

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

Absent:

I. Agenda

No changes.

II. Communications

Two communications. Accepted by board.

III. Minutes

One set of minutes from November 19, 2013 for review.

IV. Consent

- 1. 14-0591CA/CU: 250 NORTH WINOOSKI AVE (NMU, Ward 2) Howard & Nancy Dolan**
Addition to existing garage for office and repair space. Install new siding on garage building. (Project Manager: Scott Gustin)

Applicant Howard Dolan present. Received staff comments. No comments or concerns.

No public present to speak.

Motion by B. Rabinowitz to approve and adopt staff findings and recommendations

Seconded by B. Schwartz

Vote: 5-0-0

Motion Carried.

V. Public Hearing

- 1. 14-0520AP: 132 SPRUCE STREET (RL, Ward 6) Owners: Robert & Zoe Barracano; Appellants: Stephanie & Miles Waite**
Appeal of communication confirming as-built approval under ZP# 12-1261CA for change of fence style. (Project Manager: Ken Lerner)

Appellant Stephanie Waite present. Public, owners and appellants sworn in.

A. Hart asked K. Lerner on procedure.

S. Waite – Noted changes made after permit issued and then approved administratively.

Detailed issues.

A. Hart asked K. Lerner for confirmation of materials.

J. Drummond asked for location.

Owner Zoe Barracano. Handed out photographs to Board. Read statement re: survey, fence, landscaping, screening. Rebuttal in handout. Noted location of fence from property boundary being 12-8 inches from property boundary. Screening is temporary to protect the trees during the cold as they were just planted in the fall. Noted many chain link fences within several blocks. Cant see fence from the street.

B. Rabinowitz asked about trees and location of fence.
 Z. Barracano – Detailed. Want to have as much greenery as possible. 28 arborvitae.
 Trying to increase security while keeping look from front. Included article from
 Washington Post about historic nature of chain link fences.

Horace Mitchell Resident at 41 Kingsland Terrace. Opposes fence. Doesn't like black tarp covered barrier. Fence is inappropriate. Recycled materials. No post caps or top rails. More like construction fence, not residential. Looks unsafe.

David Massell. 35 Kingsland Terrace. Concerned about fence style. Out of norm of neighborhood. Barriers should be appropriate and that neighbors should be able to work it out. Not a good fence and not helping neighborly relations. Would like healthy intervention.

Laurel Broughton. Neighbor at 124 Spruce St. Agree that fence style is not attractive and not something that she wants to look at. Has photographs to submit. Disturbed that staff comments not sensitive to the neighborhood. Original application was for 6ft stockade fence which was appropriate. Neighbors were not notified of change and had no appeal rights. If was originally chain link, would have appealed it. Detailed fence photographs. Disputes that fence is visible from street. Can see from street. No six ft high chain link fences that she knows of. There are 4ft chain link fences but are hugely different to a 6ft fence that is installed. Would like appeal upheld.

A. Hart noted Zoning Ordinance standards for fences are skimpy and would encourage that discussions be had between neighbors.

Rob Barracano – 132 Spruce Street. On a casual walk around neighborhood there are numerous examples of chain link fences. There is a 5ft high at 300 Maple Street. Wind screening material is typical screening and intention that it will be there until winter ends. A. Hart asked about recycled materials, post caps etc, safety.
 R. Barracano – Fence is safe. Not planning on capped fence posts but can if board needs it. Tried to use recycled materials as much as possible.

Ron Wanamaker. Illustrates problems with ordinance. Changes to ordinance encouraged. Not a time to relax standards. Lack of notice is the problem here. Hard to enforce. No notice of changes. If administrative changes are made, there should be notice. May be time to come up with reasonable conclusion between neighbors so Board doesn't need to act.

A. Hart – Public Hearing closed.

2. 14-0567AP: 1174 NORTH AVE (NAC, Ward 7) Jeannette & Francisco Cruz / William Towle, Esq

Appeal of Notice of Violation #256465 for change of use. (Project Manager: Jeanne Francis)

Appellant and public not present. Communication requesting continuance.
 Motion by A. Hart to continue to date to be determined.
 Seconded by J. Stevens
 Vote: 7-0-0

VI. Sketch Plan

1. 14-0571SP: 121-123 PINE STREET (D, Ward 3) Brick Box Company, LLC

Sketch plan review for proposed four story apartment building with underground parking.
 (Project Manager: Scott Gustin)

M. Aloisi recused.

Applicant Dave Farrington and Steve Guild present. D. Farrington detailed application.

S. Guild showed plans. Will need larger setback of 10ft in corner. Detailed parking, building design. Overflow parking over the street. Asking for 50% waiver.

A. Hart - would like to hear grounds for waiver at the time an application is made.

B. Rabinowitz asked about unit breakdown.

S. Guild – Mix of studios, one beds and two beds.

A. Hart – Would like numbers of bedrooms given when application made.

D. Farrington – Have parking in other lots nearby which can be incorporated into a Parking Management Plan.

S. Guild – Asked about non-residential aspect of ground floor. Nature of street is not commercial. Will have a lobby level at sidewalk level going up to apartments. Will have common area for tenants.

B. Rabinowitz – Intent of ordinance is to create activity. Might not have it now, but the street could be more active commercially.

D. Farrington – Would be active with tenants.

B. Rabinowitz – Only be active in morning and evening, not all day like commercial would be.

A. Hart – Would like retail or office to generate activity all day. Lobby is accessory to residential which sounds residential.

D. Farrington – Idea is to not mingle public interface. Wants residential building.

S. Guild – Having first floor at lobby and then the apartments would be upstairs.

Storefront look with glass and place for tenants to hang out. Detailed elevation designs and use on floors.

S. Gustin asked what obstacle to restaurant or office or non-residential.

D. Farrington – Not in vision for building.

S. Gustin would be easier for process if there was commercial there.

D. Farrington – Would be hard to keep tenant in a space there. Do commercial real estate so have an idea of demand.

K. Lerner - having mechanical at front takes up valuable space.

S. Guild – Below grade at that point.

B. Rabinowitz asked about materials.

S. Guild – Detailed materials and design of structure.

B. Rabinowitz asked about setback on south and footprint.

A. Hart – Asked for samples of building materials.

B. Rabinowitz – May need more detailing.

S. Guild – Will have prefinished, anodized metal panels with concealed fasteners.

Similar to Hotel Vermont without the wood look. Flat panel. Asked about commercial ground floor aspect.

S. Gustin – Not green light.

A. Hart – This is new territory but need more information.

D. Farrington – What is intent and extent of commercial?

A. Hart – this is the one thing we are struggling with.

S. Gustin – Clear that it needs some sort of commercial use.

A. Hart asked about ground floor residential uses.

S. Gustin – Haven't seen cross section before.

A. Hart – Were not previously receptive of mezzanine floor on another application.

J. Drummond asked what would be between sidewalk and building frontage. Asked for front setback.

S. Gustin – 12 ft from curb.

S. Guild – Asked for comments on parking regarding having compact parking spaces.

A. Hart – Doesn't think it has discretion on parking.

S. Gustin – Only 15% can be compact.

A. Hart – Don't think there is discretion to change parking dimensions.

S. Gustin – There is flexibility previously by the board on circulation.

M. Aloisi asked about 18ft flexibility for surface parking.

- S. Gustin – Not for structured parking.
- A. Hart – Like use, could be good argument for waiver.
- K. Lerner – Need to make sure that off site parking is available and deeded.

Neighbor asked about garbage trucks.
 S. Guild would have wheeled totes and bring out to truck after backed down truck.

Other Neighbor asked about relationship with historic house nearby and how it will be impacted. Value will decrease. Subject lot is filled land. Concerned about first floor and hopes the board follows through with requiring commercial. Have a previous rendering which is very different. Setback and door or window requirements need to be addressed.

Neighbor concerned about public notice and making sure they are notified of future hearings. Windows and setbacks need addressing.

Another neighbor concerned about garage access and location near existing garages on neighboring property. Have B&B on Main Street. Parking was big issue for them. Nearby commercial buildings are complementary to area but this building will be very modern and stick out. Concerned that there was an intent within the city of keeping brick and historic looks along Main Street.

- A. Hart will have this addressed.
- A. Zipparo would like to see rendering of whole streetscape to see scale and context.

S. Guild would like guidance on the commercial use of ground floor.

- B. Rabinowitz - thinks exterior is blank right now and needs more details.
- J. Drummond – Can't think of a residential building that uses those materials.
- S. Guild – Wanting to have more modern look. Will bring more pictures.
- B. Rabinowitz noted NE corner bedroom could have solution for relationship with next door property.

- D. Farrington – Asked about extent of commercial.
- S. Gustin – Extent is ground floor.
- K. Lerner asked about basement for mechanical. Asked about borings.
- D. Farrington. Using grade.

VII. Other Business

VIII. Adjournment
 Adjourned at 6.25pm.

Deliberative to be held Monday 23 at 5pm.

 A. Hart - Chair, Development Review Board

 Date

 Nic Anderson, Zoning Clerk