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, January 7, 2014 - 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, Alexandra Zipparo (Alt.)
Staff: Ken Lerner, Mary O'Neil, Nic Anderson, Scott Gustin
Absent: Israel Smith (Alt.)

I. Agenda
Amended agenda. 291 South Prospect Street withdrawn.

II. Communications
Seven sets of communications. Accepted by board.

III. Minutes
One set of minutes from December 17, 2013 for review.

IV. Consent

1. 14-0645CU: 92 OVERLAKE PARK (RL, Ward 6) Mara Coven
Change from registered 'home' daycare to licensed 'small' daycare. (Project Manager: Scott Gustin)

Applicant Mara Coven present. No board objections to treating as consent item. Has read staff comments and has no objections. No public present to speak. Five (positive) communications in packet from neighbors.
Motion by J. Stevens to grant permit and adopt staff findings and recommendations.
Seconded by A. Zipparo
Vote: 7-0-0
Motion Carried.

2. 14-0631CU: 162 MAPLE STREET (RH, Ward 6) Spencer Taylor/Ryder Owens & Rae Berolzheimer
Establish art studio on ground floor. (Project Manager: Mary O'Neil)

Applicant Ryder Owens and Rae Berolzheimer present.
No board objections to treating as consent item.
No public to speak.
Asked for clarification of permit. No problem with staff comments.
Motion by B. Schwartz to grant permit and adopt staff findings and recommendations.
Seconded by J. Stevens
B. Rabinowitz confirmed for 162 ½.
Vote: 7-0-0
Motion Carried.

3. 14-0556CA/CU: 287-289 SOUTH WINOOSKI AVENUE (RM, Ward 5) Steven Kelson
Demolish historic garage, construct new garage of same size in existing footprint. (Project Manager: Ken Lerner)

Applicant Steve Kelson and Todd Volitis present.
K. Lerner noted addendum to staff comments.
Member of public wishes to speak.
M. Long thinks it is complex and should have hearing.
Applicants and member of public sworn in.
A. Hart would like information about historic status of garage.
T. Volitis – Elevation change from rear yard is at least 6ft. Existing block retaining wall has decayed. Previously tried to salvage. Garage used to have a basement or lower level. Has steel girders to hold back and are now collapsing into basement of garage. Structurally nothing to salvage. Nothing that will hold garage without excavating and building new retaining wall to support parking in garage.
A. Hart asked if this is demolition by neglect? Has this been maintained?
T. Volitis – there has been attempts to maintain but have failed and eroded. Retaining walls not holding back soil.

B. Rabinowitz asked how close rear wall is to property line.
T. Volitis – about 2 feet away from rear property line. Will be put back in same place. Will do slab on grade.

M. Long – wants to speak but has lost voice.

A. Hart asked K. Lerner about standards for demolition of historic structure and assessment.
K. Lerner detailed assessment and in-kind replacement.
B. Rabinowitz asked about fascia detailing and plans. Angled fascia?
T. Volitis – No. Flat fascia up to soffit.
B. Rabinowitz asked if cap on window trim.
T. Volitis – No windows.
B. Rabinowitz asked if could have a window on south elevation.
T. Volitis – there is a shed on Saint Paul St property. Yes, on south side would be green space. Could put window on south side of garage if told to. Will match details and roof when building new building.

Norman Williams – Presenting letter on behalf of 22 residents including himself objecting to application. Summarized letter. No licensed engineer or architect has presented information on suitability of rehabilitation. If demolished under CDO it should not be replaced as is non-conforming structure. Demolition by neglect. No Building Inspectors order to demolish. If structure can be rehabilitated it should be required. Concerned about following ordinance under demolition by neglect. Handed in letter.

T. Volitis – Building inspector has been out and is aware of conditions of foundation.
J. Stevens – Understands that if ordered demolished it can be rebuilt but not replaced at will. Thinks that there might need to be an order from the Building Inspector.
T. Volitis – Building inspector did not issue as he was concerned about demolition and nothing new being constructed.

Public Hearing closed 5.29pm.

V. Public Hearing

1. 14-0499CA/MA: 237 NORTH WINOOSKI AVENUE (NMU, Ward 2) Kathryn Goguen/Hot Eats, Cool Treats, LLC

Demolish existing building and construct new building for 28 residential units and 1 commercial unit. (Project Manager: Mary O'Neil)

Applicants Eric Hoekstra and Justin Dextradeur from Redstone present.

Applicants and public sworn in.
E. Hoekstra gave summary of application, site and history. Brownfield site based on neighboring properties and previous fill on site. Currently very low site utilization. FAR is below 0.1FAR where 2FAR could be allowed. Have discussed with neighbors and NPA. Continued detail of application. Detailed meetings with Design Advisory Board and Conservation Board. Both DAB and CB have recommended approval of project. Gave presentation of plans. Ground floor commercial and parking behind, second and third floor mix of studio, 1bedroom and 2 bedroom units and rooftop deck with screened mechanical on roof.

Architect Joel Page gave summary of exterior materials.
J. Stevens asked about roof deck and visibility.
J. Page – Set back to not be visible. Will have railing around.

E. Hoekstra – Detailed lighting meeting requirements. Continued presentation of plans. Detailed property boundaries and notch in building on south elevation.
M. Aloisi – Notch helps with scale on that elevation.
J. Drummond asked about fencing.
A. Hart asked about driveway and why it needed to go all the way back to the back property line.
E. Hoekstra – Fire Marshal wanted access to back of building for ladder truck if needed.
B. Rabinowitz asked about landscaping and bike racks.
J. Dextradeur – Detailed bike parking and DPW comments on concrete in ROW. Could have racks in ROW on concrete area.
A. Zipparo – Asked if ROW would be used as patio space.
E. Hoekstra – Would have patio space on property and separated from sidewalk by bike racks and planters. Could have seating.
J. Stevens asked M. O'Neil to elaborate on comment in staff comments about smoking area.
M. O'Neil – Opportunities to enhance entranceway and add landscaping at the pedestrian entrances.
A. Hart asked about parking and backup space.
E. Hoekstra – Parking spaces meet dimensional requirements. Backup space requirement is 24ft and have 22ft isle. Requirement is 20ft. Have a wide enough isle width and thinks that it is OK. Detailed entrance off Bank Street into Marketplace Garage on left into merchant space with an isle of 18ft wide which functioned perfectly well. Several examples that don't meet dimensional requirements.
A. Hart asked M. O'Neil if there is discretion to waive 24ft backup space.
M. O'Neil – Read portion of staff comments regarding DRB discretion.
E. Hoekstra – Noted that the isle width is OK. No clarification in ordinance that this is back up space.
K. Lerner noted dimension of driveway being 19ft wide.
M. Aloisi asked also.
J. Dextradeur detailed driveway width. Other cities in Chittenden County have lesser standards. Believes waiver provision is satisfactory.
M. O'Neil noted examples given were constructed prior to this ordinance. One example of driveway and large tree.
J. Drummond asked about columns on plan.

J. Page detailed column location. Not defined structure yet. Can change the column location to meet gridlines.
A. Hart asked about staff comments re: features exceeding height limits.
E. Hoekstra – Features exceeding height limit are deck railing, elevator tower and screening.
J. Stevens asked about parking waiver and Management Plan.

M. O'Neil noted that due to reduction in commercial space, the waiver request is now for 4 spaces.
E. Hoekstra – Management would be shared use of spaces. Will require all tenants to lease parking separate to residential leases to better manage. Close proximity to CCTA bus lines, Carshare nearby, walking and biking distance to downtown, near other locations that have waivers.
M. Aloisi asked about handicap accessible spaces and who use.
E. Hoekstra – Would be for all tenants, commercial or residential. If commercial customers need handicap space could talk with DPW.
J. Stevens asked if tenants did not have car, would they rent to anyone.
E. Hoekstra – Yes. Don't want to discourage tenants who don't have cars and don't want to include cost for parking in lease.
A. Hart – Using for Parking Leasing for off site uses would require a separate zoning approval.
A. Zipparo – Vermont people need cars and don't always have the discretion to not have a car.
A. Hart asked about mechanical equipment decibels.
J. Dextradeur – In supplemental communication.
A. Zipparo asked about bike parking spaces.
E. Hoekstra – Detailed based on information in communication.
A. Hart asked about roof and potential for solar.
E. Hoekstra – Without subsidy, photovoltaic are not economical. Designing to accommodate for the future when economics are more favorable.

Sharon Bushor. Ward 1 City Councilor. Will provide needed housing is a plus. Concerned about Parking Management Plan which she has not seen. Findings in staff comments are not affirmative. Wanted to note that concern is because of Multi-Gen center neighbor and its survival and competing needs with regards to adequate on street and neighborhood parking. With aging community we need to make accommodations for that. Where will visitors park? They will compete with visitors to the Multi-Gen Center who are persons at risk and need to come together to socialize and get together for support. Asked board to think about the parking waiver and how it will impact existing neighborhood. Haven't heard that addressed adequately or a voice from the Multi-Gen Center.
A. Zipparo asked if S. Bushor concerned about leasing of spaces and forcing tenants to use street instead.
S. Bushor – There is a need for some type of parking but doesn't have issue with proposal but how their parking or needs will impact others around it.

E. Hoekstra – Have been working with Multi-Gen seniors and children's space on parking issues. Have been talking about working together as neighbors to make sure it works. Working with DPW on maybe some restrictions for parking. Maybe more short term spaces, loading zone for SSTA bus etc. Aware of concern. There are strategies for dealing with this. Concern is about renting space for events. Other properties around have ample parking in the evenings so could work with neighbors to identify parking resources they could use.

A. Hart closed Public Hearing 6.27pm.

2. **14-0466PD: 140 GROVE STREET (RL, Ward 1) S. D. Ireland Brothers Corporation**
Preliminary plat review for Planned Unit Development to demolish existing concrete plant and buildings, construct 12 new buildings for 247 residential units with associated road, parking, and site improvements. (Project Manager: Scott Gustin)

Applicant and public sworn in.

S. Gustin noted DAB vice chair Matt Bushey available tonight to give input if needed on the DAB recommendation.
Applicant P. O'Brien handed out copy of minutes from Sketch Plan and color plans. Paul O'Leary from O'Leary Burke present also.
P. O'Brien detailed proposal and location. Met with Conservation Board twice. Met with DAB three times. Handful of NPA meetings. Met several times with DPW and Parks and Rec. Multiple sketch plan hearings. Have tried to address the majority of the negative comments. Gave Google Earth view 'drive-by' down the Grove Street using 'street view'.
J. Stevens asked about height of existing concrete plant.'
P. O'Leary - New buildings would be 10-12 below height of existing plant. Largest building would also be further away than existing plant.
P. O'Brien noted improvements to traffic signals. Will have speed radar and flashing lights going downhill to the right hand bend. Continued google earth 'drive-by'. Gave handout about raised traffic island within Grove St as traffic calming down centerline.
A. Zipparo asked if same as Mansfield Avenue?
P. O'Leary – Yes. DPW specification they use.
B. Rabinowitz asked for plans.
N. Anderson – In file.
P. O'Brien continued drive-by. Showed pickup location on Barrett St for 'Neighborhood Special'. RSG used DPW Colchester Ave traffic study.
J. Drummond asked what school they would attend.
P. O'Brien – Unsure.
Public – Edmunds.

P. O'Brien – Handed out Memo from RSG addressing concerns. Can summarize traffic study. Detailed. 50 more AM trips and 90 more PM trips difference based on existing.
J. Stevens asked about how trip generation is calculated.
P. O'Leary – Based on modeling and actual traffic counts. 2/3 trips come and go from South Burlington in the modeling.
P. O'Brien – Intersections in area functioning poorly. This project would add to this problem. DPW concurred that improvements noted in Colchester Ave Corridor Plan much too expensive for one project to pay for. Suggested developer pay proportionate share. Consultant said was that proportionate share was $6100 but should be used today instead of being put in a fund. DPW suggested using now and focus on pedestrians. No crosswalks at Colchester Avenue intersection. No push button crossing signals. Doesn't think there are show stoppers with regards to traffic. Can be mitigated.

A. Hart thinks that a second hearing will be needed and would like to get through presentation before question asking. Major issues are size of buildings and streetscape that need to be addressed.

B. Rabinowitz asked can you give us a profile with siting of buildings? It would be nice to have them.
S. Gustin – No sections submitted.
B. Rabinowitz – Austin is right – a lot of information.
Jonathan Stevens – Inclusionary housing. Phasing plan?
P. O'Brien – Not presented. We were going to propose a phasing plan as a condition of approval.
A. Hart - At final review.
J. Stevens - read from ordinance "as part of initial project review."
I. Zipparo - is a public concern. At final plat, nobody has a chance to consider the data. If we are going to have a second hearing, it meets the requirement. But we can't close this public hearing until that has been presented to us.
P. O'Brien – Requirement for phasing, you would like to include phasing of inclusionary housing, not just constructional phasing?

J. Stevens – yes. Blow-up at the housing on the end of Cherry St. We want to make sure it doesn't happen again.
P. O'Brien – prior to next meeting, we will supply staff with a schedule. I assumed construction schedule – now I know it means or includes affordable housing.
J. Stevens – include economic integration. I would like your comments how segregating all the affordable housing into one building is integrating economic status.
P. O'Brien - I remember the discussion. Changes from option B1. The major different is that this entrance has been taken off. No connection here (more green space.) We want to discuss the notion that all paring shall be behind the building. I believe the intent of the ordinance is that thou shall not have parking along the public way. Look at Mr. Farrell's project along Thayer commons. Internally, in front of the project, parking in front, on the side, behind, even underneath. But not along Ethan Allen Highway. Ordinance says also parking can also mimic what is in the neighborhood. That's what I pointed out to you. The majority of parking in the neighborhood is in front of or on the side of buildings. We are trying to do something different from other buildings in Chittenden Country – not have parking on all four sides. There is green space, and the river. We don't want to introduce pavement between the buildings and the river. People can enjoy their backyards. I believe the ordinance allows it – mostly because it is a PUD, but how you read the ordinance.
J. Drummond – Double loaded corridor?
P. O'Brien – About half and half. (Names buildings with underground parking.)
J. Drummond – the building between the green and the river – if you went around the river side, you would see parking?
P. O'Brien – Bank would hide that view. The rear elevation would have half the elevation open.
J. Drummond – someone doesn't walk out of their apartment?
P. O'Brien – Conservation Board did not want people to, or urged us to prevent walk-out situations. Limit activity. Rear of units are half open.
A. Hart – Curious about that?
P. O'Brien - affect the wildlife.
B. Rabinowitz – that why we need sections. Probably hard NOT to have done it that way.
P. O'Brien – Design Advisory Board would support a parking waiver. We revised the plan, got rid of 60 or 70 parking spaces. We can come back to you a really good parking management plan – ratio of 1.6 or 1.7 per unit. Is that what you could agree to?
A. Hart – finish your presentation. We will provide feedback.
P. O'Brien - I don't want to leave without that feedback.
A. Hart – I am not prepared to answer that.
P. O'Brien – 2 streetscapes here. One along Grove Street. DAB wanted us to put sidewalks here (notes on plan.) Discusses parking lot access. Other streetscape is internal streetscape. We had those buildings set back 20-25 feet from the sidewalk. Staff was calling from them to push them way up. I asked you about that. Happy medium. What you see here is the happy medium. Buildings are not tight up to the sidewalk, but not 20' back. We think the design (building, little bit of green space, sidewalk, parking) is a really great streetscape.

Lastly, staff touched on density.
O. O'Brien - We thought we clearly articulated our point for density bonuses/increases. We feel this is the perfect spot to do so. Frankly, we wouldn't' be sitting here if we didn't that that wasn't supported at Sketch Plan for DRB. Lastly, staff's read on whether or not this project meets the intent of the RL district. The intent of the district starts out is mainly to have single family homes and duplexes. The key word is "mainly." It does not say "solely." We took your direction from sketch plan and came in with smaller buildings.
B. Rabinowitz – A lot of the questions you are asking are not answered in this packet. The streetscape you gave a rendering of is only Grove Street – not the internal streetscape. That is where the scale comes in. Hard to tell from the information we have.

P. O'Brien _ I don't know what you have.
B. Rabinowitz – did you submit more than 2 renderings of Grove street?
S. Gustin – Lincoln Brown renderings.
B. Rabinowitz – elevations are detached from the streetscape. We can use conjecture, but this is an area of concern. The size of the buildings – what is the overall sense of the complex?
P. O'Brien – concern is Grove Street looking in?
B. Rabinowitz – a lot of it is Grove Street looking in. Hard to know right now. We don't have enough information.
A. Hart – You focused very much on what is happening on Grove Street. That focus is appropriate. The ordinance also requires us to look at streetscapes within the development. Private streets, but part of our review. Public/private.
P. O'Brien – How do you feel about the plans you have about Grove Street?
A. Hart – We are running out of time. I would like members of the public to speak.
B. Rabinowitz – When would they come back?
Scott Gustin – Recessed to a date certain – next date is the second meeting in January. Only one other item on the agenda. Public notice will not be a problem.
P. O'Brien – Interior illustrations we have. I know you don't want them now. We can provide them.
A. Hart invites the public.

Sharon Bushor, Ward 1 councilor. This is in my ward. Two weeks from now is president's day, city council meeting. I don't have all the information, so my comments may be immature. External improvements are all things the neighborhood supports and wants. Not crazy about the chain link fence at Schmanska Park after all the improvements that have been made, but not a show stopper. I am not a planner. I don't like big buildings in close proximity to a sidewalk. I would like buildings farther away because of the size of them. It separates the buildings. I haven't heard about the makeup of the units. Other voices have asked for 3 bedroom units. I don't know if that has been accomplished in this project. Traffic – perfect proximity to UVM and Fletcher Allen. I am hoping that FAHC and UVM, as they look to house their staff, will work with the developer. They have shuttle buses. Could go to this development and up the hill to UVM/FAHC. Traffic is always underestimated. Forgive me. Incredibly disappointed with CCTA that they cannot make a route to this development because of the size of their buses. A first grader should not have to walk that distance to catch the neighborhood special bus – even with pedestrian improvements.

Erhard Mahnke, 60 Grove Street. Immediate abutter. Echo's concerns about segregated housing. Appreciate the number of units, neighborhood improvements improved. Some improvements offered are actually part of a project that were supposed to be completed a number of years ago and never done. Presented as neighborhood benefits, but actually were required to do long ago. Lived here for about 30 years. I have significant concerns. I appreciate staff's recommendation to deny. I appreciate the DAB's recommendation to deny. I echo Sharon's concerns about traffic. I mistrust traffic studies – focus on impacts to intersections. That neighborhood is under siege during high traffic times. Traffic from South Burlington is generally intolerable. (Holds up traffic calming method) This just doesn't work. People come in at about 40 mph. Please don't go forward with this traffic calming method. This is a neighborhood that has no services. We walk to Winooski, but not a lot of stuff other than restaurants and bars. Most people will drive. I agree that most will go to South Burlington. We got rid of most of the trucks about 15 years ago. Truck traffic not that big deal any more. This is just really out of character of the neighborhood. The number of units is overwhelming. It will change that area to its detriment. Quotes staff comments about conversion bonus provision. I agree that this level of incentive should not be provided to a project that is so out of character with its neighborhood.

Concerns about walking children, no bus service, how children can safely get to school. Entire development is currently within the 69 decibel level around the airport. They are decommissioning buildings around the air port. What is this development being considered in this zone? Half of this site used to be a dump – closed in the 80s. What I understand is that the arson remains of buildings were buried there. That needs to be looked into. Concerned it is all rental. No three bedroom units. Not conducive to family living. There are too many unanswered questions.

Carol Livingston, Colarco Court. Utility needs for this complex, I understand that there was going to be a tie-in from our street to meet the needs of this complex. I ask that this be looked into.

Kevin Worden – City Councilor, ward 1. We need housing, but we need housing that is connected. Not car centric. But housing that is connected. Either as a condition of approval, or reason for denial, mass bus service or transit plan must happen. Without it, this is an island unto itself. It would be available to Burlington only by car.

A. Hart – Traffic impact?
K. Worden – Development needs to be connected to the community by something other than by cars.
Jonathan – concern about the mass or size of the buildings?
K. Worden – No.

Matthew Bushey, Vice Chair of DAB. Available to answer questions. DAB reviewed this project 3 times. Recommended denial based on its incompatibility with low density residential district. Beyond that, we had much discussion about the streetscape along Grove. Applicant came back with changes. Pedestrian experience – recommended connecting building to central green space, add parallel parking. They made some improvements to the project when they returned. But in the end, we felt that the size of the buildings, and the lack of diversity in the sizes, we recommended denial.
A. Hart – You were not satisfied with improvements along Grove St/
M. Bushey – more satisfaction with Grove Street – developer places smaller buildings. Buildings are fine for what they are. More an issue with the buildings on the interior.
Austin Hart – size?
M. Bushey – Yes. And they are all the same size. If there were different sizes, that would have been more agreeable.
J. Stevens – how small?
S. Gustin – getting into hypothetical. Not what the board would have said.
A. Hart invited M. Bushey back for next hearing.
B. Rabinowitz – suggests inclusion of additional elevations. There is a slope in there that doesn't show up in these plans. I don't know how it works.
P. O'Brien – Shows up on grading plan.
A. Hart – separate, but has impacts on the neighborhood. I would like to understand….these buildings are very different and much bigger than anything around. I would like information on HOW separate…distance…buffers between your area and others…open, wooded, if we can find compatible, then we can look at it as a separate community.
P. O'Brien wishes to clarify comments. There are no current zoning violations on this project. (noted by E. Mahnke.) The reason CCTA …not turning radiuses, - the route that connects down through this area, goes out to Essex and beyond, so busy and tight, they are unwilling to alter that route at this point in time. They look at their routes every couple of years. Regards to neighborhood special, they are rather harsh. They say there are other children who walk further to school than is proposed. Can we alter plans?
A. Hart – not frozen in time. An opportunity to see new plans. Want to give people enough time to see and absorb plans.

P. O'Brien – not dramatic. Will make minor changes. We want feedback relative to staff comments, smaller buildings. We are uneasy.
A. Hart – that's why I asked for information on separations, buffers.
J. Stevens – I share A. Hart's view. Dilemma. You are asking for a zoning variance, but not asking for it. This is an isolated parcel in many respects. You have only one neighbor objecting to the massing of the buildings.
M. Aloisi – I think a larger population is represented that is not here.
B. Rabinowitz – That is the challenge. The ordinance says favor these kinds of things. You are pushing on us to respond to this. How separate is it?
A. Hart – they have run out of tape. We have run out of energy. This is time to call it quits. 2nd hearing – January 21, 2014.

Motion by A. Hart to continue to date certain, January 21, 2014.
B. Rabinowitz seconded.
If applicant needs more time to prepare additional plans, let staff know.

VI. Other Business

VII. Adjournment

Adjourned at 8:06 pm.

Deliberative to be held Monday January 13, 2014 at 5pm.

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A. Hart - Chair, Development Review Board Date

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Nic Anderson, Zoning Clerk