

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.ci.burlington.vt.us/planning/boards/drb/

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Austin Hart
Michael Long
Jonathan Stevens
Brad Rabinowitz
Bob Schwartz
Kevin Stapleton
Jim Drummond
Andy Strauss (Alt.)
Oscar Hernandez (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, September 20, 2011 - 5:00 p.m., Contois Auditorium, City Hall, 149 Church Street, Burlington, VT MINUTES

Present: Austin Hart (Chair), Michael Long (Vice Chair), Kevin Stapleton, Brad Rabinowitz, Jonathan Stevens, Bob Schwartz,

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

Absent: Jim Drummond, Andy Strauss (Alt.), Oscar Hernandez (Alt.) (not needed)

I. Agenda

No Changes.

II. Communications

None.

III. Minutes

None.

IV. Consent

1. 12-0249CA: 5-11 MILL STREET (NMU, Ward 1) GREGG BLASDEL

Construct new carport structure at rear of property with artist studio space above. (Project Manager: Mary O'Neil)

Applicants present. Greg Blasdel and Jennifer Koch asked about the lighting and EPSC condition.

B. Rabinowitz asked about parking.

Public present. Sworn in as a public hearing.

Steve and Sharon Litwhiler neighbors. Concerned about digging for foundation. Block wall 9-10 feet high about 10 feet back. Will disturbance cause problems with wall?

A. Hart asked about location of their property.

Steve Litwhiler ... uphill from property. Doesn't want integrity weakened on wall.

B. Rabinowitz asked how long wall been in location.

Steve Litwhiler been there 18 years by Scott Mansfield. Used to be higher but leaned so came in and tiered it.

B. Rabinowitz asked about stepped down part.

Sharon concerned about height of building.

A. Hart plans show 25 feet to peak of gable.

Sharon Litwhiler concerned that her tenants will be looking at it. Will affect bottom two apartments. Siding and roof will be shiny corrugated. Wont be pretty. Will be more industrial.

Steve Litwhiler building on Barrett currently has shiny corrugated and it looks out of place.

Sharon Litwhiler close to property line. May have trouble getting tenants. Will devalue property. Hard to get tenants.

Steve Litwhiler ... big tree there. Would like it to stay.

G. Bladsel likes tree.

Sharon Litwhiler... doesn't think the surveyor is correct on who owns the tree. Not confident on property line.

A. Hart the DRB does not make decisions on property lines. Will approve based on site plan.
Sharon Litwhiler what would happen.
A. Hart no setback in this district.
B. Rabinowitz plan shows 10 ft back from property line.
Sharon Litwhiler ...also issue is that they own another property.
M. O'Neil showed board full size plan.
Sharon showed area on plan. At end of Debuke Lane they parked cars in the past. Want to be sure this building doesn't impact them.
A. Hart building is setback from Debuke lane.
M. O'Neil will be in existing parking area.
G. Bladset will be 5ft.
Sharon will want to be able to turn around in Debuke Lane.
A. Hart this will not affect rights for parking.
G. Bladset Debuke Lane is a right of way. Will not block when backing out. Have two businesses which require 4 space total. Have space now and is simply building above it. Current building doesn't block view now. Tree blocks view. New building will block. Like the siding proposed. Will be digging ten feet away from wall. Wall has footing and drainage. Get all water that flows downhill. Have storm drain in parking lot. Excavation will not disturb wall. Happy to have it looked into. Wont compromise stone wall.
A. Hart asked about willow tree.
G. Bladset will not disturb. Planted that for screening.

Steve Neighbor did not install wall. Bought like that and had fixed.

2. 12-0194CA/CU: 175 APPLETREE POINT ROAD (RL-W, Ward 4) ANDREA & RICHARD KENNEY

Replace damaged seawall with a new seawall. (Project Manager: Scott Gustin)

Applicants present. Have received findings. No concerns with staff comments. Will need lower lake level to put in footings. No board concerns. No public present.
M. Long moved to approve and adopt staff findings and conditions of approval.
J. Stevens seconded.
Vote: For 7:0 against

3. 12-0253CA/CU: 259 APPLETREE POINT ROAD (RL-W, Ward 4) MARK PLANTE

Repair and improve seawall. (Project Manager: Scott Gustin)

Applicant present. Has received findings. No concerns with staff comments. No board concerns. No public present.
M. Long moved to approve and adopt staff findings and conditions of approval.
B. Rabinowitz seconded.
Vote: For 7:0 against

V. Public Hearing

1. 11-0842SN: 37-43 CHURCH STREET (D, Ward 3) ANTONIO B POMERLEAU LLC/ OUTDOOR GEAR EXCHANGE

Appeal of administrative permit denial to install two parallel signs for Outdoor Gear Exchange. *Continued review.* (Project Manager: Scott Gustin)

M. Long recused. A. Hart received revised drawings.
M. Sherman sworn in. Gave history. Detailed current application. Lower sign and now backlit instead of internal illumination. Will also have goosenecks on Cherry St elevation.
J. Stevens is curious why not OGE.
M. Sherman general public would not know exactly what that meant. More sense to have name and branding.

- A. Hart no public present. Closed public hearing.
- M. Sherman wants to know about timeframes.
- A. Hart may act on that tonight.
- M. Sherman thanked everyone (but mainly the AWESOME staff).

2. 12-0016CA: 231 SOUTH PROSPECT STREET (RL, Ward 6) TIMBERLAKE ASSOCIATES, LLP

Appeal of administrative permit denial to relocate three parking spaces to front yard of Maple Street. No change in coverage. (Project Manager: Scott Gustin)

Appellant Bill Simendinger present. Sworn in. Gave summary of property. Will be safer situation. Will keep backdoor more accessible for fire crew. Will have less sediment with parking on paved surface. Setbacks don't relate to driveways.

- A. Hart within limits. This is not a driveway. This is parking. Asked if he received comments,
- B. Rabinowitz asked where current parking is.
- B. Simendinger detailed.
- K. Stapleton asked about proposal. Is space 9 paved currently.
- B. Simendinger is gravel.
- B. Rabinowitz asked about backing space. Still back out to street?
- B. Simendinger no (but no explanation).
- A. Hart asked about measurement of front yard setback.
- S. Gustin eyeballed 33 ft front yard setback along Maple Street.
- A. Hart has 33 ft setback and ordinance requires no parking in front yard and no driveway larger than 18ft wide.
- B. Simendinger VT law doesn't restrict parking.
- S. Gustin the ordinance restricts parking.
- B. Simendinger not in VT.
- A. Hart it does in Burlington.
- B. Simendinger in winter bans you are allowed to park anywhere.
- A. Hart this has been vigorously enforced in the City.
- J. Stevens winter parking is different.
- A. Hart would be happy to consider a more specific front yard.
- B. Simendinger setback needs to be in ordinance.
- A. Hart it is in ordinance. Detailed the requirement.
- B. Rabinowitz this is how it is reviewed with the regulations. Cant debate the regulations in this forum.
- B. Simendinger comes down to whether it is structure or use. Montpelier case notes zoning couldn't prohibit.
- A. Hart can close public hearing and can give additional time for him to submit information in writing based on the Montpelier Case.
- B. Simendinger. Would like two weeks to submit legal evidence.
- A. Hart would like sooner. Would like to not do more than a week.
- K. Lerner thinks its rooming units not housing units.
- S. Gustin number of units is not part of this appeal and is irrelevant. Has been litigated 10 years ago.
- A. Hart closed public hearing willing to receive legal argument in writing to Planning and Zoning no later than 4pm Tuesday 27th of September.

VI. Other Business

VII. Adjournment

Adjourned at 6.01pm.

Deliberative scheduled for right now.

A. Hart, Chair, Development Review Board

Date



Nic Anderson, Planning and Zoning Clerk