

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/PZ/DRB

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Austin Hart, Chair
Jonathan Stevens
Brad Rabinowitz
Israel Smith
A.J. LaRosa
Alexandra Zipparo
Geoff Hand
Jim Drummond (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, September 1, 2015, 5:00 p.m. Contois Auditorium, City Hall, 149 Church Street, Burlington, VT Minutes

Board Members Present: Brad Rabinowitz, Austin Hart, Jonathan Stevens, Geoff Hand, Israel Smith, Alexandra Zipparo,

Board Members Absent: A.J.LaRosa, Jim Drummond

Staff Members Present: Scott Gustin, Mary O'Neil, Anita Wade

I. Agenda

II. Communications;

- a. Board accepted the supplemental for 281 Shelburne St

III. Minutes

IV. Consent Agenda

1. **16-0165CU; 747 Pine Street (ELM, Ward 5S) Cresta Cooper Nedde, LLC**
Change use of unit #2 to retail warehouse and office (Project Manager, Mary O'Neil)

A.Hart - recused on this item.

B.Rabinowitz - asked applicant if staff findings and recommendations were acceptable.
Applicant affirmed.

J.Stevens - motioned to vote on adopting a change of use and staff findings and recommendations.

J.Drummond – seconded the motion

Board Vote 5-0-0

2. **16-0188CA; 111 Colchester Ave (I, Ward 1E) Fletcher Allen Health Care**
New roof deck addition to Shepardson South Building (Project Manager, Mary O'Neil)

A.Hart and G.Hand recused on this item.

B.Rabinowitz - asked applicant if staff findings and recommendations were read and acceptable.

D.Keelty – the response was affirmative.

Applicant and interested parties were sworn in.

D.Keelty - gave presentation and description of on an extension of a 3 season porch to be built adjacent to the present porch from 2005, which is located on the south side, 6th floor. New screened in porch will have access for Psych unit patients expanding the present area.

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Department of Planning & Zoning at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

No additional parking or outside lighting necessary. Applicant conducted discussions with patients and families to develop access to the porch area. Interior lighting will be necessary for evening.

JStevens - asked if this is visible to the outside of the building.

D.Keelty - lighting is modest

J.Drummond - questioned if glazing is transparent

D.Keelty - will be semi opaque material.

JDrummond - questioned about using perforated paneling

D.Keelty - decking material is steel reinforced

JDrummond - questioned the number of patients served.

D.Keelty - said less than a dozen and not seen as assembly area

JDrummond - questioned health of patients.

JStevens - objected to this inappropriate line of questioning

D.Keelty - said patients have been long term for which facility is providing amenities

M.Lang - resident at 138 Colchester Ave pointed out her interested party status as the owner of 6 properties on Colchester Ave visible from Fletcher Place

M.ONeil - questioned M.Lang if she provided the one page diagram placed on the Board members table.

M.Lang – her response was affirmative.

B.Rabinowitz - asked if she was aware of the limited review

M.Lang - responded that she was aware. Not opposed to the concept of this project. She is opposed to the process regarding traffic and questions how the public can weigh in if there is no data or traffic study. Said that the Board can rule on traffic and asked if a traffic study will be completed. Suggested the traffic route for this project should not be Colchester Ave, and instead be Riverside Drive and Main St.

B.Rabinowitz - asked if her concern was truck routes

M.Lang – spoke to how the Board can issue permits due to construction. Requested the Board make a condition on the permit for trucks not to use Colchester Ave. Asked about the sketch plan on the north side facing her properties. Asked to the view from the porch overlooking over her properties, since the plan shows a blocked view. Does not understand why a traffic study is not included in this discussion.

S.Bushor - City Councilor Ward 1 questioned about the overview and air conditioner unit being moved to east side of the new enclosure. Questions sound studies and whether address of the new location has more noise now.

J.Stevens - mentioned that the original center created noise

S.Bushor - agreed and asks if this project will mitigate some noise

D.Keelty - doesn't feel project warrants a traffic study in relation to the cost being since construction is limited and is considered a minor project of only 1000 sq ft. Major traffic is not an issue with this project.

G.Hand - how long will construction take

D.Keelty - the project will take about 3 months. A sound consultant will do sound studies about the issues raised. Reduction of sound accomplished by replacing old air conditioner and relocating it. Option of putting unit on lower roof to reduce sound. Glass windows allows people to look out.

B.Rabinowitz closed the public hearing at 5:32pm.

3. 16-013CU; 702 Lake Street (UR, Ward 4N/3C) City of Burlington

Biennial review of winter snow storage for the City (Project Manager, Mary O'Neil)

Geoff Hand recused on this item.

A.Hart - asked if Board members objected to this item being a consent item

A.Zipparo – felt there were some questions

A.Hart – changes to public hearing and swears in applicant and interested parties

A.Hart - this is a continuation of a matter
A.Zipparo - asks whether or not there were changes
L. (rep from Dept of Public Works) the construction will not affect the operation
A.Zipparo - there is a lot of runoff and it becomes an issue where to put snow and then salt runoff. Evidence shows the bike path has some run off.
A.Zipparo - how does the ground affects new construction and Lake Champlain water quality studies.
L(rep from Dept of Public Works) - hoping road will contain affects
D.Carlyle – as a resident, objects to the constant noise which she wakes her up to saying is not good for her health. Appreciates whatever can be done to reduce noise levels.
S.Bushor - Councilperson for Ward 1, said the Conservation Board had no review or evidence of changes since 2009. Conservation board did due diligence to reveal the issues.
A.Hart – asks what can be done
L.(rep from Dept of Public Works) - all trucks have some noises from the diesel engine, tailgate dropping and the beeping noise from backing up. Bigger trucks are needed during heavy snow storms to remove snow from parking garage entrances removing more snow depending on snow fall.
A.Hart - how often this would take place
L.(rep from Dept of Public Works) - need space for higher snowfall and finding that dead end street snow removal operation can be several times a year maybe more
J.Drummond – how much do operations result in small runoff
L.(rep from Dept of Public Works) - less than five %
A.Zipparo - asks if infiltration goes out to the Lake
L.(rep from Dept of Public Works) - not familiar with what amount goes into the ground.

A.Hart closed the Public Hearing at 5:52pm.

V. Public Hearing

1. 15-1386FC; 281 Shelburne Street; (RL, Ward 5S) Barry Heath

Appeal of zoning permit denial for installation of fence around portion of front yard. (Project Manager, Scott Gustin)

B.Rabinowitz - mentioned this item was a clarification on Shelburne Street project.
Applicant and interested parties are sworn in
Board asks senior staff planner to provide details of this project.
S.Gustin – said this was a basic fence application accepted in May or June. After application was submitted fence was installed. Clear sight triangle problem with fence installed since it is 4 ft tall and parallel to property on Shelburne Street right of way. Two key issues pertain to the denied application and that Code Enforcement can not issue an encumbrance.
J.Stevens - asks about code enforcement.
Appellant - Barry Heath decided to have fence installed and asked fence company to talk to the City of Burlington. Claimed they did and waited until spring to install fence. Had not heard whether or not fence permit was not approved. Surprised about fences in PROW with no fence clearance and be unlikely the fence would be ripped up.
M.Hall - there are three issues; one regarding the application filing, second regarding the property rights of owner and third not being able to use the public right of way. Does not want to run foul of zoning. Said the Board is not suited to decide what can be done in PROW; Applicant has a right as long as City is not using PROW. This is not the purview of the Board about what can be placed on property that's owned.
A.Hart - the DPW has authority to determine what can be done in the PROW.
M.Hall - said whether they can or not this is a statutory process.
A.Hart - what do you have in mind to meet the clear sight triangle rule.
M.Hall - it would not be a solid fence
M.Hall - trying to demarcate area near the bus stop with a see through fence and that a triangle is not called for in this area
B.Rabinowitz - the DR Board cannot approve or disapprove

S.Gustin - agreed with this comment
 B.Rabinowitz - the DR Board has no jurisdiction over PROW
 M.Hall - spoke to the rights of City's control over PROW and the property owner's right to control the PROW.
 G.Hand - asked if fence was placed in area
 B.Heath - it was a foot over the clear sight, but putting in a metal fence
 G.Hand - asked if fence was pre-existing or non-conforming fence
 B.Heath - submitted a display to Board
 G.Hand - gave information on what changes need to happen for the fence
 M.Hall - there was no specificity when a fence borders a road
 S.Gustin - a clear sight triangle is needed
 J.Drummond - questioned if this pertains to a street or driveway
 S.Gustin - it is necessary for the driveway
 M.Hall - there is no sliding scale in ordinance and questioned where this is determined
 B.Heath - new fence is taller and happy to go smaller and put in metal fence
 M.Hall - could put in shrubs and can landscape but not fence. Mentioned a letter from a neighbor says it's a nice fence
 Height of fence and
 R.Rivers - as neighbor says this is a nice fence. Feels it is heavy handed by city to ask for the fence to be taken down
 S.Rivers - like the fence; wish she could afford one; B.Heath, tried to grow various hedges and could not; in favor
 B.Rabinowitz - mentioned a response from DPW referring to DPW staff, Sarah Wheelock
 S.Gustin - questioned encumbrance
 M.Hall - not proper forum for DPW and this is a process. Checked citation federal row allows if it's okay.
 A.Hart- happy to stay away from federal regulations
 S.Gustin - point out Google earth image from L.Wheelock as point of reference.
 The Public Hearing was closed at 6:17pm.

VI. Certificate of Appropriateness

1. 16-0122CA; 316-322 Flynn Ave; (RL, Ward 5) G & C Properties

Amendment to zoning permit 15-0809CA/MA for requested reduction in parking lot shading (Project Manager, Scott Gustin)

M.Alvanos as one of the property owners mentioned there was a reduction in the requirement of shading for new business and was asking for a waiver to add another parking island and analysis of shading asking for a 10% waiver.

A.Hart – asked staff about removal of one or two spots

S.Gustin - waiver relates to one tree. The Board needs to approve the waiver to reduce from 20% to 10%. Buildings often offer shading.

M.ONeil – mentioned that King St is similar, where buildings shade the north side

M.Alvanos - difficult to meet the target

I.Smith - talking about last one target, 2B

S.Gustin eastern parking spaces were removed

M.Alvanos – providing an island with new landscaping on eastern side and adding more trees based on staff recommendations

A.Hart - when are you building

M.Alvanos - Hopefully next within the next 3 months

Public Hearing was closed at 6:24pm.

VII. Other Business; summary of recent amendments to Zoning Ordinance

S.Gustin provided information to the Board on the recent zoning amendments pertained to

Conditional Use Standards, PD distinctions and inclusionary zoning, Residential District setback changes, the LLM district in the south end allowing for a Performing Arts District, and Community Garden waivers on new development with park and recreation impact fee credits.

VIII. Adjournment

The meeting adjourned at 6:39pm.

Deliberative Session scheduled for Monday, September 14, 2015 at 5:00pm.

A.Hart, Chairperson for DRB

Date

Anita Wade, Planning and Zoning Clerk

Date

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m.

Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential.

This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.