

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Austin Hart
Brad Rabinowitz
Jonathan Stevens
Alexandra Zipparo
Israel Smith
AJ LaRosa
Geoff Hand
Wayne Senville, (Alternate)
Jim Drummond, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday April 5, 2016, 5:00 PM Contois Auditorium, City Hall, 149 Church Street, Burlington, VT Minutes

Board Members Present: Austin Hart, Brad Rabinowitz, Alexandra Zipparo, A.J.LaRosa, Jim Drummond, and Wayne Senville

Board Members Absent: Jonathan Stevens, Geoff Hand, Israel Smith

Staff Members Present: Scott Gustin, Ryan Morrison, Anita Wade

I. **Agenda**

Board will address 3 requests to reopen hearings prior to Sketch Plan. Can accommodate 124 Sunset Cliff and 17 Henry St as long as there are no serious issues for health and safety.

II. **Communications**

Letter from Matthew Daly regarding 16 Rose Street. /Other Business accepted by Board

III. **Minutes**

IV. **Consent Agenda**

1. **14-0753CA/CU; 210 SOUTH UNION STREET (I, Ward 6) Chad Tyler**

Request for time extension to add one residential unit to existing accessory structure, increasing total units for property from four to five; add one surface parking space.

(Project Manager, Ryan Morrison)

A.Hart – asks applicant if there are there any concerns or conditions about the staff report.

C.Tyler - did not receive staff report.

A.Hart – we will give you time to review and read. Asked Board members if item could be treated as a consent. Asked if members of public wanted to respond.

Recommends approval with modifications.

B.Rabinowitz – makes a motion to approve staff findings and recommendations with modification.

A.J.LaRosa – seconds the motion.

Board Vote: 6-0-0

2. **14-0671CA/MA; 194 SAINT PAUL STREET (DT, Ward 6) Champlain College**

Request for extension on construction of a mixed use building with ground-floor commercial space, 104 units, 289 bed, 6 story apartment building with 66 space enclosed parking. Development to merge three existing lots. (Project Manager, Mary O'Neil)

A.Hart – recused from item.

B.Rabinowitz – Asks Board members if item can be treated as consent. Asks for public comment. Opens as public hearing and swears in applicant and interested parties.

J.Daggitt – resident of 161 St Paul diagonally from 194 St Paul. Spoke regarding condition of the property and how it needs to be cleaned up. Asks responsible parties to keep art work on wall. If not remediating property suggests alternate use of property as small public park or extension of farmer's market.

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B.Rabinowitz – these are things beyond our purview or right now. May be relevant for the future.

S.Gustin - there is a permit in place but this request is for an extension for one year. Permits in hand would need to expire first.

B.Rabinowitz - applicant has a permit and alternate uses are not relevant at the moment.

J.Daggitt - thank you for the opportunity to speak.

J.Caulo – this was a tough winter. We continue to clean up. Engaging students in street art.

Variety of challenges, but college is committed to working this through in a prudent manner. Lining up budget is taking a long time.

A.Zipparo – I'm liking the art.

A.Hart - Closed public hearing.

V. Public Hearing

1. **16-0870AP; 124 SUNSET CLIFF ROAD (RL-W, Ward 4N) Joseph Kroger**

Appeal of Notice of Zoning Violation #298627 relative to a second unit in a single family home. (Jeanne Francis)

M.Stern – represents the owner/seller.

A.Hart – asks if this is a continue to an alleged zoning violation with Code Enforcement

MStern- the issue is a timing concern on when is the next available date.

A.Hart - request to continue

S.Gustin continuance is mute since we didn't receive an appeal. Can continue public hearing

A.Hart - move to continue hearing until regular hearing ON April 19th with consideration.

B.Rabinowitz – Seconded the motion.

Board Vote: 6-0-0

2. **16-0914AP; 17 HENRY STREET (RL, Ward 1E) Jill Boardman**

Appeal of zoning violation for 5 unrelated adults in a dwelling unit located in an RL zone and unfinished attic constructed as habitable space. (Project Manager, Jeanne Francis)

A.Hart - asks for response from anyone from public or interested parties. Asks for a continuance to date certain.

S.Gustin – a continuance to date certain and settlement agreement may be reviewed either May 3rd or May 17th.

A.Hart – motions to continue to date certain on May 3 to allow parties to resolve their agreement.

W.Senville seconds the motion.

Board Vote: 6-0-0

VI. Other Business:

16-0762PD; 16 Rose Street (RM, Ward 3C) J&S LLC

A.Hart - 16 Rose St intends to submit additional information about the parking plan to the Board.

W.Senville – makes a motion to recommend 16 Rose for reconsideration.

AJ.LaRosa – seconds the motion and asks that additional testimony be limited to parking issues only.

Board Vote: 6-0-0

16-0859CU; 616 South Willard (RL, Ward 6S) RJL South Willard Management LLC

B.Rabinowitz - application before us was denied due to nonconforming use modification. This would be an extension.

S.Gustin - applicants have information on the Church agreement and how they can make it work.

AJ.LaRosa - can reopen it but not for nonconforming and not for additional parking. We need to see a parking management plan.

B.Rabinowitz – makes a motion to reopen the public hearing and hear testimony on parking issues relating to the car rental and whether to open up parking anywhere.

W.Senville – seconds the motion.

A.Hart recused from vote.
Board Vote: 4-1-1. Motion carries.

16-0724PD; 451 Ethan Allen Parkway (RL, Ward 7N) Timothy G Alles

A.Hart – asked if a member of the homeowner’s association was present. One issue raised was on proper notice and deliberation.

S.Gustin - notice did go out in paper. Contingent neighbors said they did not get a notice, but the notices were not returned, which means they were on the mailing list.

AJ.LaRosa - do you know by name if any are on the list?

S.Gustin – Sue Reardon.

A.Hart – is anyone here for the applicant? No one.

B.Rabinowitz - long time original hearing was a preliminary plat and all issues were addressed at public hearing as were with many applications.

AJ.LaRosa - when can this be scheduled?

S.Gustin - applicants have a year.

B.Rabinowitz - challenging site. Can you appeal a preliminary plat?

S.Gustin – yes.

W.Senville - did you reply it would be brought up tonight?

S.Gustin – yes, but did not say the Board would look into merits of the case tonight.

A.Hart – my thought is to not reopen. We went through process we were suppose to go through. Some of this is outside our jurisdiction, such as DPW and trees. A lot of issues is that they disagree with our decision and about incorrect facts. This will be coming back with final plat; I would vote not to reopen.

A.Hart – makes a motion to respectfully reject request to reopen 451 Ethan Allen

B.Rabinowitz – seconds the motion.

Board Vote: 6-0-0. Motion carries.

16-0845AP; 75 Grant St (RH, Ward 2C) Priscilla R Toomey

S.Gustin – this is an appeal for being placed on the April 19th DRB agenda. Appellants are requesting postponement since the property owner will be out of town on April 19th. Do not see how Board can defer this tonight.

K.Lumpkin – attorney representing the owner was here two weeks ago and was not aware this was to be postponed to a date certain. The owner is concerned about not being here due to a scheduled trip abroad to visit her daughter. She is worried about not being here for the hearing on April 19th. She will be here on May 3rd.

A.Hart - typically delay due to health and safety issues. Most likely we will look favorably on this. The request is to continue hearing. We would not close the public hearing on the property owner unless someone convinces us it requires immediate attention. We will give general nod and look favorably for the request to continue. Will try to grant request to postpone, but if someone wants to speak they will have the opportunity on April 19th.

A.Hart – we will not act on this now and will consider briefly on April 19th. No formal motion in front of us at this time.

VI. Sketch Plan

**1. 16-0746SP; 72 80 94 COLCHESTER AVENUE and 27 FLETCHER PLACE (I, Ward 1E)
Edward B von Turkovich**

Sketch Plan review for proposed two 3 story buildings with 78 apartment multi-residential complex and associated parking.

(Project Manager, Mary O’Neil)

B.Rabinowitz – asks applicants to speak about the parcels, setbacks, and plans.

F.von Turkovich - met with staff last week and agreed that all properties should be included within the PUD for purposes of review and deal with each parcel individually for the easement for purposes of permitting.

B.Rabinowitz – can there be different owners of various parcels in a PUD.

S.Gustin - can have multiple owners of parcels within a PUD.

G.Rabideau – project architect, went over plans identifying each parcel and lot density and coverage calculations. Proposed density is 78 units in two building with parking primarily under the building. Taking advantage of density bonus but not building out to maximum of 96 units for workforce housing. This is still same proposal as previous one with minor adjustments.

A.Zipparo – question about term used, ‘workforce housing’.

G.Rabideau - not meant for student housing or to be large apartments full of people. Want to appeal to people who work at UVM and medical center offering extra amenities and an appeal and walk to work. Staff did not see traffic problems and given location it will be lower generation of traffic.

AJ.LaRosa - asks about traffic at the entrances.

B.Rabideau - no new curb cuts. Exit will be at traffic light.

AJ.LaRosa – asks about restricting traffic at one entrance and if it will be difficult for two way traffic.

B.Rabinowitz - need to look at internal functions of buildings and look at the traffic onto site and within the site. As part of calculation, include traffic on site and within the site.

B.Rabideau – intend to eliminate curb cut at 66 could allow for more parking. Need to work with owner on east west circulation. The goal is to have an east west circulation behind the buildings.

B.Rabinowitz - questions typography.

G.Rabideau – mild slopes to back of site and natural terrains. Precipitous steep ravine in rear. Changing grade and surface parking circulation.

B.Rabinowitz – questions the back of the building and the drop off in the rear.

G.Rabideau - shows drop off and where natural area will remain. Points out buildable area and storm water discharge area having paths through woods and extensive trail network to Riverside.

AJ.LaRosa – asks about storm water detail and plan. Concerns on the amount of impervious area and steep slope for storm water discharge to bottom of ravine. Would want to know more about what suggests for infiltration into green infrastructure.

B.Rabideau – there is on site protection. Once a civil engineer comes on board will work with DPW and present infiltration plan. Existing and proposed coverage is almost identical.

B.Rabinowitz – asks staff if steep slopes affect the lot calculation.

S.Gustin – this is in an institutional zone and does not apply.

B.Rabideau – maximum housing opportunity and institutional zone allows for more units.

B.Rabinowitz – questions grade of rear building and buffer.

J.Drummond - questions slopes.

B.Rabinowitz - asks for public comment.

R.Butani – he and his wife own property on Fletcher Pl and provided a supplement of letters on this project. Mr.vonTurkovich is not presenting the building mass. Fletcher Place houses are historic. The north building will loom over our house. The building looks more like a dormitory. The land is unbuildable. Having a problem with students residing in the area now. Would like to see geotechnical plans.

S.Bushor; city councilor for Ward 1; there are a fair amount of issues, placement of project, protecting infill and protecting existing neighborhood. There was a development agreement with UVM as effort to protect neighborhood houses area that are over 200 years old. In technical review committee this was not considered as an institutional core campus, which is a huge distinction that everyone should understand. As city councilor, aware of the runoff that pools and 27 Fletcher Pl where housing will go has huge drainage problems not yet addressed. How will this be resolved with the pooling and what about the water table? Concerned that housing type proposed are small and won't be families with studios and 1 bedroom.

The massing and size is not part of a neighborhood, which is not compatible with surroundings.

Storm water and runoff is really important and this needs to be addressed.

B.Hickok – resident at 26 Fletcher and has lived there for over 4 generations. One of the points my wife and I have is that project is way too big building individual units. If built Queen Anne style with 20units would look better. The building will be 35 ft. high and block out the sun. Question the stability of the ravine. The fill was not professionally done to guarantee stability. If trees and root system is taken away questions the stability of the ravine. Early 1900's common to use fill from barge canal with known carcinogens could be released near residents, and playground as well as

possible embankment failure. Currently have nine students living near us, clutter around house and yard.

R.Hillyard – on the NPA steering committee. Letters are consistent at NPA meetings with the next meeting on this topic for April 11th. Implicit is loss of about 15% value on people’s property.

Developer spoke about what he needs to do to make economic, and not what this means for neighbors. Do we want buildings to look penitentiary and people to move out?

F.vonTurkovich - addresses drainage; city resolved drainage and seemed to resolve elevated grade. Once we bring proper civil engineer onboard we will present plans to Board.

B.Rabinowitz - It is a question of scale and some transition between what is there and what could be.

G.Rabideau – we have made a commitment to underground parking and if we break away from this format there will be more surface parking. Difficulty with inclusionary housing and make the math work.

B.Rabinowitz - we are charged with working from zoning ordinance and looking at the scale in relation to the neighborhood.

F.vonTurkovich - our target market is not students.

B.Rabinowitz - closed public hearing and meeting was adjourned.

VII. Adjournment

A.Hart, Chairperson of Development Review Board

Date

A.Wade, Planning & 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.