

Burlington Development Review Board

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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday June 7, 2016, 5:00 PM Contois Auditorium, City Hall, 149 Church Street, Burlington, VT Minutes

Board Members Present: Austin Hart, Geoff Hand, Israel Smith, Jim Drummond, Wayne Senville

Board Members Absent: Ali Zipparo, A.J.LaRosa, Brad Rabinowitz, Jonathan Stevens

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

I. Agenda

Change to agenda regarding 66 Vest Haven's request for deferral.

II. Communications

III. Minutes

IV. Public Hearing

1. 16-1175CU; 66 Vest Haven (RL, Ward 7N) Bruce Bergman

Expansion of an accessory unit living space. Applicant requests a deferral.
(Project Manager, Mary O'Neil)

A.Hart – received a note from applicant asking for a deferral. No one to speak. Is this a deferral to a date certain?

M.ONeil - not a date certain, but to sometime during the summer.

A.Hart – motion made to defer item to a date be set and determined.

G.Hand - seconds the motion.

Board Vote: 5-0-0

2. 16-1086AP; 41 South Willard Street (RH, Ward 8E) Vista K. Properties LLC

Appeal of notice of violation # 312280, re: parking.
(Project Manager, Jeanne Francis)

A.Hart – for violation appeals we turn to Code Enforcement first. Swears in staff and interested parties. Board and staff receive handouts from Code Enforcement regarding this item.

J.Francis – gives background from 1997 NOV for parking in front lot. In 2003, received more complaints and owner brought property in compliance. This is the area in question.

B.Ward – gives description of photos and front of property and right side.

J.Francis – speaks about the east, west sides of the property and the dates the property in July, 2003 afterwards was in and out of compliance. In 2016, complaints were received and an NOV was issued. In March, 2016 complaints again which is being appealed. Issued NOV on March 28, 2016 and owner appealed.

A.Hart – violation is failing to what is the violation?

J.Francis – the violation is that the parking area was expanded without a permit.

A.Hart - what is it you are looking for to cure the NOV?

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J.Francis – the owner needs to fill in reseed the area and restore ruts and follow stormwater standards to restore compacted soil and install a barrier so parking cannot continue in this location.

J.Drummond - what is the number of cars and where they are parking?

G.Hand – what are the recommendations for barriers so it does not happen again?

J.Francis - looking for resilient, post and beam. We intend to discuss this with Planning & Zoning Department.

A.Hart - not sure what resilient means, may need more information on this. The owner's response was to put in a barrier and filing an application. Has this happened?

J.Francis – no this has not happened.

B.Ward – shows a photo in 2014 of the property. The concrete driveway has not weathered well, broke up and hits undercarriage of cars. This property is half owned by Dr. Kwon. Ove the last two winters gravel has spread and not there is no indication of the parking area. Received number of complaints about the parking area. Historically a green area.

A.Hart – looking for a restoration of green space with some resilient barrier?

J.Francis – that is correct. The owner does not believe it is a violation of an ordinance, just a parking issue. I have tried to explain that this is a zoning violation.

S.Kwon – the owner of 41 South Willard St, provides copies for the Board. Presents photos with boundaries and how vehicles are parked. Describes two apartments in the building each with six bedrooms. Each unit has three or four parking spaces.

A.Hart - what does this have to do with the parking violation along the building? Experience has shown it is not an effective means of keeping cars off the area by telling tenants not to park there.

S.Kwon – trying to specify how many parking spaces are in the lease.

A.Hart - when barriers go away people will park there again. What are your plans to restore the green space than what you are telling the tenants?

S.Kwon - spoke with staff about installing borders or other means. I will need a permit from Planning & Zoning. If I bring in boulders, snow plow will not work around these and gave up on this idea. Only option is a letter from city with the photos of cars parked next to the driveway and going to ask tenants to see if vehicles can be identified.

M.Kuprych – tenant; clear that tenants not parking there. It is a matter of prevention.

Understand from photos of cars that may not belong there. This is matter of prevention and Dr. Kwon and the City need to identify who is parking in the area and then take preventative measure. Identify what options are available and perhaps a legal action to enforce this.

A.Hart - that process has been started. In the meantime Code Enforcement recommends actions, what should be taken. This has been fixed in the past, but need to fix this in a permanent and resilient way.

S.Kwon - before NOV one of photos shows gravel and cracks and spoke to the other owner.

A.Hart - the violation is on your property and you will need to have a discussion with your neighbor.

S.Kwon – I have called the police and asked for help so they can come and issue tickets. They identified there are no parking signs.

A.Hart - signs are great, and the language in lease is great, but it will not restore parking to the correct areas. Board will discuss this at deliberation.

Opens hearing to the public.

Neighbor - at 34 So Willard since 1993 says the area has been parked on sporactically since then. Mentions number of people living at apartments.

A.Hart - that's not the violation before us. Only looking at parking.

A.Hart - public hearing is closed at 5:42pm.

3. 16-0888CA; 100-102 North Union Street (RM, Ward 2C) Josh Tyrowicz-Cohen
Convert 200 sq. ft. of existing attached shed to living space.
(Project Manager, Mary O'Neil)

A.Hart – Is the applicant here?

M.O'Neil - no, this was scheduled to this date specific at his request.

A.Hart – will defer to this for after sketch plan.

S.Gustin – it is reasonable to take action in default.

A.Hart - take up during the deliberative session.

V. **Sketch Plan**

1. **16-1183SP; 311-375 North Ave (RM-W, Ward 4N) 375 North Ave LLC**

Sketch plan review of 700+ unit planned unit development with mixed commercial and residential uses, related buildings, and infrastructure.

(Project Manager, Scott Gustin and Mary O'Neil)

A.Hart - explains sketch plan review and how interested parties participate. The Board listens to the project to understand and provide feedback. No decisions are made during a sketch plan review.

E.Farrell – project director presents plans, calling the project area Cambrian Rise. Proposed subdivision plan currently has three lots, which will increase to seven lots. The City will retain a 12 acre piece. Grades present significant challenges. Commitments to the City for a provision of underground parking of 70%. Current plan to build 670 units.

Showed video of the area. Provided handouts of plans to Board members.

A.Hart – will be posted on the Planning and Zoning website.

E.Farrell - describes each building and the need to repurpose the Burlington College building. Mentioned the CHT affordable housing units and Cathedral Sq. senior housing units where there are 25% inclusionary units mixed between the two buildings. Moving bus stop to be more proximate and prominent to senior housing. Trying to find the right balance with parking and commercial space. This is not downtown and not neighborhood would and would like to activate and support live and work possibilities. Provides views of elevations from each building. Incorporate green streets control storm water on the site. Connection of path from buildings to recreation path and bike path.

W.Senville - do pedestrian paths cut through parking lots?

E.Farrell – no. Mentioned amenities such as terraced community gardens, greenhouses, solar panels, city community gardens, pet parks, edible orchards rainwater cisterns, composting, indoor and outdoor bike accommodations. Discussed rentals, inclusionary rental housing, mix of workforce housing, and associated parking. Discussed location of public and private streets. Encourage use of bikes and public transit.

W.Senville - agrees with staff comments on surface parking and idea of parking reserve providing green space for potentially more parking. Notice there are no playground areas for children.

E.Farrell - haven't calculated the number of children.

W.Senville – why is retail spread out?

E.Farrell - appropriate for retail to be along the avenue. Not viable for the community to weave commercial with residential and then have parking considerations.

W.Senville – will CCTVA run buses through project?

E.Farrell - could not get CCTVA to come into the development.

J.Drummond - trying to understand the suburban and urban spaces. How are these spaces controlled and by whom?

E.Farrell - the green space is controlled by the building association with each having direct access to property manager.

M.Chestey – attorney from Dunkiel speaks about CHT and Cathedral Square buildings that are being done in phases.

Questioning is open to members of the public.

D.Woolf - has lived with his wife on the street for over 10 years. Has increasing difficulty accessing North Ave. Inability to get out of driveway. Would like to know if traffic studies will be done for upper North Ave?

A.Hart – presently, there is no traffic study, but will have one in next review and impacts in next phase of review.

D.Woolf – the scale seems inappropriate and dense for our area. The access to the waterfront is not clear from North St.

G.Livingston – as president of the Vermont land trust, gives a history of the property and development.

M.Wallace – thanks to the Board for attention to this matter. Said there are issues of scale, strain on public services, runoff, and monolithic design of buildings. Would like to see more human scale to buildings and less segregation. Sees a need to slow down the process, viewing this as the largest development in Burlington history. Asks to take time to make sure voices are heard and all concerns are addressed. Feels this development is out of character and spoiling one of the largest green spaces and not sure citizens want to grow in this manner.

A.Rossman – has lived on North Ave for the past 15 years. Asked if the City knows how much property is exempted from the Act 250 review? Concerns about stormwater and sensitive geologic area. Is anything being kept in escrow? Asked questions about natural resources and economic viability.

I.Stratibus – member of Save Open Space Burlington. Respectfully disagrees with much of the project. Questions the process going forward and next steps. Where can I ask questions and stay engaged in this process?

S.Bushor – City Councilor of Ward One, finds presentation very informative. Doesn't feel enough diversity of scale or design. Hopes there is more thought on this. Concerns about on how open space won't become part of project. People who live there tend to control the uses. Access to open space is not inviting and needs to feel less about property trespassing. In support of the use of the terrain for parking. Not overwhelmed by the view court, but disappointed about the area from North Ave to Lake. It does not feel open. The large structures are tall and create tunnel effect.

Desire from Planning and Zoning for the building to be close to street gives relief from intense development. Is this in keeping with Burlington's character and scale or out of scale? There are problems with segregated housing.

A.Demetros – CHT has been saying same thing for 30 years about the need for rental housing. Currently have one vacancy for 200 applications. This is a test for inclusionary housing and funding. As an example, Thayer offers a great diversity of housing, market, senior, and inclusionary units. Thrilled to be able to build this number of units.

Neighbor - went to presentation by Eric Farrell and wondered about the phases of the project. DRB should consider this phase by phase to see traffic impact on North Ave. When does the fire department enter the conversation and how is this measured? Asks about height restrictions and wonders why there is pressure to go above that. If it is not feasible to do project then don't do it. Questions diversity of units and inclusionary units. Said the health of lake may be determined by scale of project.

A.Hart – explained that the Board does not deliberate or provide decision at this time. At some point the developer comes back with a preliminary plat review hearing and maybe more. Then a decision is made to either approve with conditions, not approve, or ask for more information. Many opportunities for public comments. The scope of review under major impact is essentially Burlington's mini Act 250 looking at all issues raised tonight. A traffic study be available next time, which is a concern of mine.

S.Gustin – the process is for a major impact, requiring three reviews, Design Advisory Board, Conservation Board, and Planning Commission, who will consider zoning changes that go before the City Council.

A.Hart - density and massing are my concerns. Recognize tradeoffs and the reason why this is a dense development. Still commitment to open space, comfortable density and scale, especially along North Ave looking at elevations carefully.

J.Drummond - bold to have that much density. There is no precedent for this project, but feel this kind of development is what the city needs.

A.Hart - Burlington has little area to do this scale.

W.Senville - what make this distinctive? How do you identify character?

E.Farrell - a lot of people would like to live downtown, use the bike path as commuter route and as recreational area which creates a community and healthy lifestyles.

I.Smith - pathway to waterfront is important since it will be connected to North Ave. Commercial space should have a connection and put in better spot. Provide diversity of scale with more elaboration of buildings with bays and less flat sides. City's green space is a concern with ownership.

E.Farrell - all good comments. Have competing interests with the land use.

A.Hart – like to see phasing and how building will evolve in the next 15 years, but not as a construction site for next 15 years.

E.Farrell - have to get to critical mass soon which depends on market conditions. Can give a sequence and estimate.

A.Hart - want to know about certain amenities being built on the site, soon. This has been very helpful. Thank you for everyone's comments.

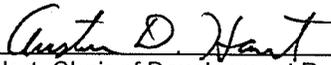
VI. Other Business

1. FY 2016, Annual Report

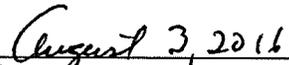
Discuss in Deliberation Session.

VII. Adjournment

The meeting adjourned at 8:17pm.



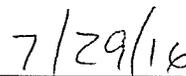
A.Hart, Chair of Development Review Board



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.

