

## Burlington Development Review Board

149 Church Street, City Hall  
Burlington, VT 05401

[www.burlingtonvt.gov/pz/DRB](http://www.burlingtonvt.gov/pz/DRB)

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Austin Hart  
Brad Rabinowitz  
Jonathan Stevens  
Alexandra Zipparo  
Israel Smith  
AJ LaRosa  
Geoff Hand

Wayne Serville, (Alternate)  
Jim Drummond, (Alternate)



### BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday June 21, 2016, 5:00 PM

Contois Auditorium, City Hall, 149 Church Street, Burlington, VT  
Minutes

**Board Members Present:** Austin Hart, Brad Rabinowitz, Jonathan Stevens, Israel Smith, AJ LaRosa, Ali Zipparo, Geoff Hand  
**Board Members Absent:** None  
**Staff Present:** Scott Gustin, Mary O'Neil, Ryan Morrison, Anita Wade

#### I. Agenda

#### II. Communications

Supplemental Communications: Three letters for 410 North Street.

#### III. Minutes

#### IV. Consent

##### 1. 16-1259CA/CU; 195 South Prospect Street (RL, Ward 6S) Vermont Organization for Jewish Education-Lubavitch

Change of use from single family to two units, add finish in the basement, and rearrange parking/driveway.

(Project Manager, Ryan Morrison)

A.Hart – asks applicant if he has seen staff recommendations.

W.Zalman – said he has.

A.Hart – asks if any interested parties would like to speak? No one.

J.Stevens – makes a motion to approve and adopt staff recommendations and approval.

B.Rabinowitz – seconds the motion.

Board Vote: 7-0-0

Motion passes and project is approved.

##### 2. 16-1221CA; 111 Colchester Street (I, Ward 1E) UVM Medical Center

Request for extension of time for temporary Modular B building on the Medical Center campus.  
(Project Manager, Mary O'Neil)

A.Hart – is recused from this items.

B.Rabinowitz – asks the applicant if they have seen staff comments and recommendations.

G.H.King - supports staff comments and recommendations.

M.ONeil – notes what is being asked is not what applicant indicated on the application, but acknowledged this on all plans before the Board.

G.Hand - think it should be changed.

M.ONeil – it's a change from what was applied for previously.

B.Rabinowitz – Board will take this off the consent agenda and open it as a Public Hearing.

Applicant and interested parties are sworn in. Is this a temporary or permanent approval?

G.H.King – the medical center has full intention of replacing the building, but need to keep up with trends to accommodate patient and doctor care. The long term plan is that this will be replaced and eventually have it as a permanent structure.

M.ONeil - any structure over 30 days is considered permanent.

S.Bushor - city councilor of ward, is speaking as an employee of the center and as a resident of the area, not as a city councilor. Supports having this extended another 5 years not about making this a permanent structure. It does not feel like a permanent structure. It feels pre-fab and begs the question of minimum safety requirements and stability.

B.Rabinowitz - this is considered under normal deliberation, but it is not necessary to respond. General comments were in support of a 5 year extension.

G.H.King - understands it is a temporary structure but the medical center doesn't know when the space can be removed. We will have to come back

The public hearing is closed at 5:14pm.

## V. Public Hearing

### 1. 16-1225CA/CU; 410 North Street (RL, Ward 1E) Suzanne Bette

Finish garage interior to be accessory dwelling unit, add parking space.

(Project Manager, Ryan Morrison)

A.Hart – swears in applicant and interested parties. Mentions that supplemental communications were received at this meeting from three interested parties. Asks applicant what Board should know about project.

S.Goodwin – explains the driveway parking plans and turning radius

B.Rabinowitz and J.Stevens – ask questions about the parking configuration.

A.Hart – do you feel there is enough room to back out facing forward?

S.Goodwin – yes. Also mentions plan B for parking, which he feels meets the parking needs.

A.Hart – asks to see the plan now.

S.Goodwin - gives out copies of the plan to the Board. It shows an additional spot at garage and a parallel spot to allow for 24' turnaround for all three spots.

B.Rabinowitz – asks if it was an accessory apartment located in back of the garage.

S.Goodwin – no.

B.Rabinowitz –questions the tiled floor in garage.

S.Goodwin - yes, previous owner renovated with finished floor.

A.Hart – asked if staff has seen the revised plan.

R.Morrison – yes, two hours ago.

S.Goodwin - sorry, I just put this together.

J.Stevens - what where the steps taken to determine lot coverage?

S.Goodwin - used google earth for rough sketch, noticed few problems and revised dimensions.

J.Stevens – asked if staff went to the site?

R.Morrison – no, I did not go out to site visit. I looked over the Assessor's information.

S.Goodwin – due to concerns came up with plan B at work.

J.Lynam – has lived at 412 North St since 1997. This house is less that 20ft away. The property has ROW for access 95 x 10 ft. which is not in dispute. Reads a letter from a neighbor to show concern with over-crowding on North Street. More renters creates a negative issue where 3 or 4 cars will increase traffic and compromise area. Neighbors concern is that another house sale could become another rental situation. The issues with rentals in this location has to do with drug deals, fireworks in middle of night and noise. There needs to be a balance to between owner occupied and rentals. Reads another letter hand written by a 70 year old who has witnessed historic homes become rooming houses and against constant use of the 410 North St driveway.

A.Hart - this application is for accessory unit with main house being owner occupied.

J.Lynam - asked to summarize other letters. Let Board know her house and 410 North St. are very close together. It is possible the owner will be renting to 5 or 6 unrelated people at this residence although it has been single family since 1899. There is a difference in use between owners and renters.

A.Hart – asks staff a question about the ruling on allowing the primary house being a rental.

R.Morrison – mentions ordinance regarding an accessory unit and that an approval for accessory unit is void is either the primary or accessory is no longer owner occupied.

J.Lynam - says both units must be owner occupied in terms of either lot coverage or accessory unit. This is not designed for an investor to rent out room by room because this would be nonconforming.

A.Hart - will take this up in deliberation and will consider your argument. There may be confusion owner occupation of primary and accessory units. The new parking plan changes what garage looks like. The Board will have a continuance to a date certain and interested parties will get a copy of this as an opportunity to comment on the revised plan.

J.Stevens - reminds the Board that his term expires at the end of the month and someone would need the public record.

A.Hart - we have audio record.

I.Smith - main question is if the parking works. Not sure what to debate regarding the accessory apartment since there is not enough detail in the site plan and no certainty about property lines.

A.Hart - said Board would look at neighbor's communications.

A.J.LaRosa - would like staff to look at impervious area and the parking dimensions.

G.Hand - wondering if it is cleaner to deny the application and ask applicant to come back with a new application.

B.Rabinowitz - if plans are revised the Board needs a landscaping plan and how the scope of the project has changed regarding parking.

J.Lynam - this should not be a question of who is not on the deed, but who is living in the apartment.

S.Goodwin - I am okay with resubmitting a new application.

A.Hart - spoke of several options: one, withdraw and resubmit new application and fee with this plan or something else; two, a new public hearing and warned meeting; third option is to continue to supplement new site plan; make decision on what we heard tonight

S.Goodwin - the second option sounds best. I will make sure everything checks out.

G.Hand - questioned if applicant intends to live in primary residence. We need to hear from you about living in the house.

S.Goodwin - spoke with staff about this. Whatever works will pursue in this plan.

B.Rabinowitz - should we continue the hearing with a new submittal?

A.Hart - makes a motion for the Board to continue the Public Hearing on August 2<sup>nd</sup> for the opportunity to review neighbor's letters and applicant's revised proposal and give time for applicant to submit additional details on the new proposal.

B.Rabinowitz - seconds the motion.

J.Stevens - not sure the new member has the ability to follow this and there may be a split vote. Board should decide on what is before us.

B.Rabinowitz - assuming as he clears zoning ordinance and submit elevations and at that point a complete application will still be part of the record.

Board vote: 4-0-3

Motion passed.

## VI. Certificate of Appropriateness

1. **16-1296MP; 53 Lavalley Lane, City of Burlington - Department of Public Works**  
Tree Maintenance Plan for water resources infrastructure in easements and ROW throughout the City. (Project Manager, Scott Gustin)

A.Hart - swears in applicant. The Board has the maintenance plan

A.Legg - mentions city water resources and the numerous infrastructure for water that conflicts with tree removal. Presenting a 5yr tree maintenance plan requesting an exemption for the long term amend the ordinance.

A.Hart - questions next 5 years and improve access with the arborist or city contractor?

A.Legg - intends to contact Warren Spinner.

A.Hart - you are asking us to approve a process that may need the city arborist or contractor. When would they be consulted?

Further discussion between applicant and Board regarding the removal of trees and their caliber, and granting easements to the City.

S.Gustin - this is the 4<sup>th</sup> tree maintenance plan we seen.

B.Rabinowitz - city arborist are equal terms with contractors and there may be a problem with this.

A.Legg - city arborists add language or approve a contractor.

A.Hart - he has approved contractors?

A.Legg - yes

J.Stevens - your application began with 4 photos before and after.

A.Legg - yes

J.Stevens - there are no living trees in the photos

A.Legg - these are types of easements we want to improve; significant in size and drainage.

J.Stevens - asks about approved contractors and the process

A.Legg - only 3 certified arborists in area. Not certain of the process

A.Hart - a city arborist is an independent employee with the City. More comfortable with city arborist.

Public Hearing was closed at 6:12pm.

**VII. Other Business**

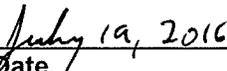
A.Hart - I want to recognize Jonathan Stevens and thank him for his years of service to the Board.

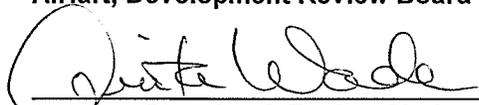
J.Stevens - You're welcome. I have enjoyed the fellowship of this Board.

**VIII. Adjournment**

**Adjourned at 6:14pm**

  
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A.Hart, Development Review Board Chair

  
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Date

  
\_\_\_\_\_  
A.Wade, Planning & Zoning Clerk

7/15/16  
\_\_\_\_\_  
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](http://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.