

## 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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### BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday August 2, 2016, 5:00 PM

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

#### Minutes

**Board Members Present: Brad Rabinowitz, Wayne Senville, Israel Smith,**

**A.J.LaRosa, Alexandra Zipparo, Geoff Hand**

**Board Members Absent: Austin Hart, Jim Drummond (Alt)**

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

#### I. Agenda

M.ONeil – staff recommends 290 East Ave is for consent agenda.

#### II. Communications

Supplemental communications for 316-322 Flynn Ave accepted by Board.

#### III. Minutes

Two sets of minutes included in packet.

#### IV. Consent:

1. **12-0764MP; 29-35 CHURCH STREET (D, Ward 3C) Nick & Morrissey Development, LLC**  
Amend master sign plan to include projecting signs (Project Manager, Scott Gustin)

B.Rabinowitz: asks applicant if he has seen staff recommendations and conditions.

Richard Westergam: rep of CVS, gave business card to staff, said he accepts conditions.

A.J.LaRosa: motion to approve request and adopt staff recommendations.

W.Senville: seconds the motion.

Board Vote: 5-0-0

#### VI. Public Hearing

1. **15-0801PD; 140 GROVE STREET (RL, Ward 1E) Bayberry LLC**

Amend final plat approval specifically condition 13 relative to phasing of inclusionary housing units. (Project Manager, Scott Gustin)

P.O'Brien: representative for Ireland LLC, comes before the Board to change the way inclusionary units are phased in. The condition states 50% of the units shall be inclusionary build within the first 4 or 5 phases. First, would like to amend this plan to be in line with Section 9 of the ordinance and seek phasing stage where 15% of units are inclusionary at each phase provided it is finished within the time element. Second: the construction phasing plan shows original with duplexes built first and the 33 residential unit built next. Uses map display to show original phase. Asking to change the building order to finish up the inner circle and then move to the lower level.

B.Rabinowitz: explain the changes with the inclusionary units.

P.O'Brien: working with Community and Economic Development Office showing where they are included.

B.Rabinowitz: as you build each building will you be creating inclusionary units as 15% of the units?

P.O'Brien: correct.

A.Zipparo: questions how inclusionary units will be dispersed among the projects.

P.O'Brien: our intent is to sprinkle them throughout the project.

A.Zipparo: do the calculations of each phase add up to the original number?

P.O'Brien: it equals the same, still at 15% of 232 total units.

G.Hand: does this switch keep inclusionary units on the same schedule?

P.O'Brien: yes, it will. Each phase will have inclusionary units.

S.Bushor: City councilor for Ward 1, said most of her questions have been answered, although it is key that numbers be nailed down with each phasing. Would like to make sure the numbers show up, since we really need affordable housing. Hoping to get this right and end up with same number of units.

M.Essenber; provides a memo for the agenda about phasing in inclusionary housing.

Feels it should be phased in entire project and would support the developer on this.

A.Zipparo: is this 15% of 232 or do you round up?

S.Gustin: it would be 34.8 units or rounded would be 35 units.

B.Rabinowitz: closed the public hearing.

**2. 16-1225CA/CU; 410 NORTH STREET (RL, Ward 1E) Scott Goodwin**

Finish garage interior to be accessory dwelling unit, add parking space. Continued review.  
(Project Manager, Ryan Morrison)

B.Rabinowitz: this is a continuation from a previous public hearing. Swears in applicant and interested party.

S.Goodwin: would like to turn garage into accessory dwelling, not moving garage.

B.Rabinowitz: do you meet lot coverage requirements?

S.Goodwin: yes

I.Smith: looking at the ESPC 1 site plan, there's not a full space for a vehicle inside the garage without it sticking out.

S.Goodwin: had to change this at last minute for storage space.

I.Smith: space shows half in and half out.

S.Goodwin: yes

B.Rabinowitz: closed public hearing.

**3. 16-1506CA/CU; 290 East Ave (I/RL, Ward 1E) UVM**

Construction of one story building for UVM Rescue Services with associated site modifications. (Project Manager, Mary O'Neil)

B.Rabinowitz: this was moved up as a consent item.

S.Bushor: City Councilor of Ward 1, would like to continue as a public hearing.

B.Rabinowitz: swears in applicant and interested parties.

L.Ravin: here with Alex Halpern, architect; Ken Bean UVM; and Marshall Wallace, UVM rescue. Accept all recommendations except #6 and would like better understanding from this condition.

M.ONeil: do have a standard with vehicles and pedestrians. Seeking a continuation for a pedestrian access from one parcel to another, since staff feels it currently dead ends into the parking lot.

L.Ravin: not on the parcel under discussion. Eventually there will be a pedestrian pathway. Able to get to the path from other areas.

M.Wallace: director of operations, UVM is total student run advance life support; 24/7 and 365 days, which also provides diabetic and cardiac services. This will be a prime 911 call center for UVM. Outgrown current station for staff and parking vehicles.

L.Ravin: the sidewalk leads into the parking lot and then a pedestrian path. No access to building from the north.

B.Rabinowitz: questions whether students who volunteer drive.

L.Ravin: they may walk crossing East Ave and Catamount Dr. into the parking lot to get to the building.

G.Hand: seems an active area that may not be safe for walking.

L.Ravin: it's a low volume and low speed area. Drivers will have to walk through the parking lot. Handicap parking is near a walkway to the main entrance. Most employees walk through the parking lot.

G.Hand: where do ambulances exit?

M.Wallace: they exit east onto Catamount and East Dr.

A.J.LaRosa: changing the access is an easy solution to amend plan to provide a sidewalk.

L.Ravin: I can show where the sidewalk would be appropriate. Shows sidewalk to main entry.

BRabinowitz: can the location of sidewalk be extended?

L.Ravin: this is a different lot and permit and cannot provide a sidewalk for everyone.

G.Hand: crosswalk for UVM students

L.Ravin could provide a sidewalk if it would address the needs, but visitors will come in main entrance

B.Rabinowitz: handicap parking

Derrick: yes

L.Ravin: yes near specific buildings. Questions where to put the sidewalk when accessibility will be from many different directions.

A.Zipparo: Is this ADA compliant?

Derrick: could look at other options.

A.Zipparo: could have the space for someone who works there?

L.Ravin yes, will have the space and would immediately strip to make accommodations.

S.Bushor: City councilor of Ward 1. What happens when exiting the building, if there is an increase of lot coverage? Questions stormwater management into Sheraton parking lot with water behind the hotel. How does this work? No change in overall parking but read how 38 spaces are being removed? Not sure why this did not come before ward 1 NPA. Would like to see better orientation for the front entrance. Concerns about congestion and what occurs there if original building is retained?

L.Ravin: there is no increase in scope. Just moving a few hundred feet with no additional employees or scope of activity and no waste. Not before NPA no change in parking space; reconfiguring existing; planting green space.

A.Zipparo: questions stormwater management

Derrick: UVM is active with storm ponds off to the east under review by the State. Ponds are in compliance with no increase in flow.

A.Zipparo: no impact on water?

Derrick: yes

G.Hand: screen plan with white pine?

K.Bean: mix of deciduous bushes and pines. Impacts building and screens parking lot

G.Hand: white pines grow tall. Will this provide a good long term screen?

K.Bean: wrong person to speak on this and will look into it. Project is from 7 years ago.

L.Ravin: did plant bushes for screen. Rugby field remains. This is a different zoning permit to increase pervious space as shown on display. Important to have good pedestrian access and what we have now is our best solution.

W.Senville: keep this open for pedestrian access?

L.Ravin: would like to submit a new plan, which is not in your packet.

L.Ravin: submits new plans to staff, M.O'Neil.

BRabinowitz: closed public hearing.

#### **4. 15-1507CA/MA; 316-322 Flynn Ave (NMU, Ward 5S) G&C Properties, LLC**

Demolish existing building. Construct mixed use building with 30 residential units and 2 commercial spaces and associated site improvements.

Recused: G.Hand and AJ.LaRosa

B.Rabinowitz: this came to sketch plan twice before. Swears in applicant and interested parties.

E.Hoekstra: lead architect for the project.

B.Rabinowitz: two different zoned districts.

E.Hoekstra: majority is NMU, north is RL. Further discussion of zoning districts, proposed demolition and construction.

B.Rabinowitz: questions screening.

D.Goltzman: combination of screening.

E.Hoekstra; architecture similar from past, changes in color, size and different materials on lower level and lighting and screening.

A.Zipparo: good with cedar, but what is its life span?

E.Hoekstra: will require maintenance. Eventually may need to be replaced.

A.Zipparo: questions the green space on roof.

E.Hoekstra: roof to layer green elements.

B.Rabinowitz: no roof deck plan.

A.Zipparo: do you have data on who is using carshare?

E.Hoekstra: shared use space between hours with clear signage.

W.Senville: any problems in evening hours?

E.Hoekstra: our experience is that it hasn't been a problem. Working well in other spaces.

W.Senville: explain the lighting.

E.Hoekstra: working on fixtures with the right projection.

B.Rabinowitz: questions landscaping.

D.Goltzman: will have a bio swale on north end of parking lot.

B.Rabinowitz: questions stairs at back of building.

E.Hoekstra: these are secondary stairs.

I.Smith: questions the material at the base.

E.Hoekstra: aluminum change for first floor is metal

I.Smith: skirt and back is wood screen?

K.Devine: Project offers much needed housing. Recruiting employers for good housing for mid-level employees creating walkability. Dealer dot com and other businesses looking for professional services and workers.

L.Rebecke: dismayed that this level of detail is out of scale. There are no four story buildings within ½ mile. Average homes are 23 ft. Pedestrian access is difficult. Residents care about their houses. The developer does not understand the feeling of homeowners. Questions how project can be 45 feet high. Negative impact for housing in area. Most alarming is request of the restaurants operating until 1am and roof deck noise. Want Board to reject it and ask applicant to come back with something more in keeping with neighborhood.

B.Bryant; resident of 61 Ferguson Ave. Had had 30 years in VT municipal government. Asking applicant to revise application. Need for a traffic study based on city market's project and traffic study due to traffic impact of both projects.

B.Rabinowitz: the Board does not have a traffic analysis from City Market.

L.Rebecke: asking this be provided by applicant and not rush through this.

A.Zipparo: mentions that DPW is addressing traffic. Board is only looking at this project.

L.Rebecke: spoke about peak hours for parking and how different types of restaurant uses conflict, Lacking in analysis and conflicts with proposed parking. Need data about busiest times of uses. There are limitations with the safe through movements of vehicles in and out of property.

DPW review of parking on street parking and the adequacy of loading and unloading. Application is flawed due to the cantilever design of upper floor. This is a misuse of NMU. The parking plan suggests commercial needs and on street loading space, but does not provide a buffer. Applicants parking for the retail is a disregard for the overflow of residential parking in residential.

The scale, parking, design of upper floors, undue impacts on neighborhood and traffic study is inadequate. Ask applicant to work with us and NPA. Not one single concern has been addressed by applicant. Submitted materials to staff.

Neighbor: Alarmed by project. When Redstone became involved it became all or nothing.

Concerns are noise; roof garden with thirty units; restaurant open until 1:00am; traffic with children walking to school; and the fact that most units are too small for families. Feeling that this is a done deal.

S.Vishnevsky: family neighborhood, quiet, children; brewery nothing open beyond 11pm. Entire south end is closed by 11pm; affordable housing agree but no one housing site will take care of this. Scale is negative and huge. Champlain apartments are set back far back and different comparison. Question people with two cars, could easily park on street. The overflow is a concern. Feel developer says it's all or nothing. Needs to take neighborhood into consideration.

J.Worthley; member of the Burlington South End Action Group. Expressed a need for more housing. Supports this project as walkable to Burton. Hears from employees the challenge of housing. Businesses are recruiting from outside areas, but with the cost of housing people cannot afford to live here. Not a housing person but attractive project. The business association group encourages solutions, and believes project is step in right direction. The addition of more housing will stabilize things and help reduce barriers to housing.

C.Ginger: resident of 65 Ferguson. Has looked at traffic study, staff comments and is concerned about way the project is portrayed. Supports redevelopment of property, but this project is more of an incursion than a buffer.

Describes development that is a mile north of the project. No mention from city staff on how it serves as a buffer. It appears the project aspires to be part of the development a mile north and not part of the surrounding residential area. Don't look at high demands of parking on residential streets, especially where the church the street narrows.

Characterized as larger scale but contextually inappropriate. No attempt to relate to residential neighborhood. Not opposed to development and see commercial uses that fit within hours. Would support development with parking onsite and fits with neighborhood

A.Bourdon; resident of 59 Lyman Ave, who supports the project. Feels the development adds vibrancy to the area. Possibilities of carshare. Survey of carshare numbers with over 68 users are within area who live there. About 80% are one car owners. Helps people to adopt lifestyle.

V.Zion: says business people see this as a solution for their employees, but the industrial look does not fit with the neighborhood.

T.Stokes; resident at 78 Ferguson is a new neighbor in the area. Attracted to area because of development. Came from Baltimore previously. Does have concerns about traffic and safety. Additional parking concerns and the street parking. Feels that investment of project warrants consideration as a full development in the area. May start causing problems with other projects trying to develop.

M.Fleming: as resident of 425 Flynn Road has difficulty turning onto my street now. Finds it challenging to get out of the driveway. Found it challenging when her child went to Champlain school dealing with cars and buses. Questions if it will it really add more affordable housing.

Questioned onsite parking.

E.Hoekstra: mentioned the truck traffic onsite with access and trash pick-up.

B.Rabinowitz: questions about the loading zone.

E.Hoekstra: working out loading zone with DPW.

B.Rabinowitz: questions if the north end of lot is in residential low density.

E.Hoekstra: yes it is. When you step back and look at the City and south end, almost none of this area is zoned for multi-family. The south end area has little multi-family housing and it is a shame not to maximize on it.

I.Smith: asks staff if the height is dependent on the bonus?

S.Gustin: yes it is.

B.Rabinowitz: questions if roof will be altered.

E.Hoekstra: yes it will.

S.Gustin: a number of times relied on DPW for traffic impact in relation to infrastructure. The traffic analysis is for this project only and need to make a decision solely on this project.

W.Senville: what are the restaurant hours are proposed?.

E.Hoekstra: proposing 1:00 am and not seeking anything beyond what city allows.

B.Rabinowitz: closed public hearing.

**V. 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. Continued review. (Project Manager, Scott Gustin)

BRabinowitz: swears in applicant

GJohnson: spoke of stormwater program and follow up with tree maintenance plan

BRabinowitz: what triggers zoning review

GJohnson: under ordinance review by city arborist

GHand: implementation

GJohnson: yes; arborist gets involved.

A.J.LaRosa: who does the work?

G.Johnson: most likely arborist who will do this

AJLaRosa: where are the project boundaries?

SGustin: pertains to a particular project applied to

I.Smith: if a project scope is not driven by tree management, is there a 6 months review scope of applications so someone becomes aware of it?

B.Rabinowitz: have certified arborist and some protection

GJohnson: not an ongoing that easements are maintained for a long time.

A.Zipparo: citizens review.

B.Rabinowitz: closed public hearing.

**VI. Other Business**

**VII. Adjournment**

**VIII.**

B.Rabinowitz: Adjourned meeting at 7:47pm

Deliberative session set for Monday August 8, 2016 at 5:00pm.

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**Austin D. Hart, Chair of Development Review Board**

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**Date**

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**A.Wade, Planning & Zoning Clerk**

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**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/dr/ agendas](http://www.burlingtonvt.gov/pz/dr/ agendas) or the office notice board, one week before the hearing for the order in which items will be heard.