

Burlington Development Review Board

149 Church Street, City Hall
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Geoff Hand

Wayne Senville, (Alternate)
Jim Drummond, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, October 20, 2015, 5:00 PM

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

Board Members Present: Austin Hart, Brad Rabinowitz, Israel Smith, Alexandra A.J. LaRosa, Geoff

Hand,

Board Members Absent: Jonathan Stevens, Jim Drummond

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

Minutes

I. Agenda

II. Communications

Supplemental letter from Staniford Farms Road residents regarding 70 Appletree Point Lane is accepted by Board.

III. Minutes

IV. Consent

1. 16-0313CA/CU; 98 UNIVERSITY ROAD (ICC-UVM, Ward 1E) UVM

Construct small retail enclosure for Lake Monsters at ball park.

(Project Manage, Scott Gustin)

A.Hart – recused from this item.

B.Rabinowitz - asks if applicant reviewed staff report.

K.Bostwick – responds affirmatively.

B.Rabinowitz – Board treats this as a consent item. Asks for a motion.

W.Senville – motions to consider project a consent item.

G.Hand – seconds the motion.

No discussion.

Board Vote: 5-0-1

V. Public Hearing

1. 12-1138PD; 70 APPLETREE POINT LANE (WRL, Ward 4N) Staniford Farms, LLC

Amendment to Planned Unit Development to enable duplex use.

(Project Manager, Scott Gustin)

A.Hart – swears in applicant and interested speakers. Board has staff comments.

E.Farrell - asked if Board has copy of the site plan?

S.Gustin - Board only has site plan for this project.

E.Farrell – new public street; 19 lots on street vary in size, 70' x 100' or 120' deep; one lot at end of street is an acre. Most are selling for \$400,000. Someone called me asking for lower price point or retirement home to have a 2 unit condominium built on lot 19. Originally, there were several single family and several duplexes approved, but ended up as only single family.

B.Rabinowitz – questioned whether applicant was selling project as a rental.

E.Farrell – anyone can rent a house on their property.

S.Vautereau – spoke about the letter submitted by residents who live in the neighborhood. She has lived in Burlington for a long time. Purchased home that was marketed as a 19 single family home neighborhood. Concerns about adjoining properties becoming duplexes, which may open up other issues. Might not have purchased home spending the price if she knew they would become duplexes.

A.Hart – looking at the development and lots as a whole, which is not pushing constraints of the zoning ordinance. Can you say specifically what the concern is about one duplex?

S.Vautereau– concern about the precedent. If allowed, it could become two rental properties. Maybe in five years will change the area, and feeling is that duplexes are not maintained in the same way as a single family or owner occupied home.

G.Hand- do you belong to a homeowners' association or HOA?

S.Vautereau - have 15 signatures, but cannot satisfy this until all lots are sold.

K.Vautereau – as rental owners, he and his wife pride themselves as good landlords. Usually rental owners and landlords do not take same care of properties the way they should.

Burlington prides itself for many things, and one is the bike path. Developer wants to put duplex on bike path. Eventually duplexes become rental property as circumstances change, people move away and property changes to a rental. If Mr. Farrell wants to put in smaller houses, he could lower the price and downsize by creating smaller single family lots.

M.Bradshaw – lives at Staniford Farm Rd saying he believes until lots are all sold that Mr. Farrell makes the rules of the HOA association. Clarification as whether the proposal on two adjoining structures can be sold individually or as a unit?

A.Hart – Board does not have a proposal at this time on what this will look like. He would have to submit another application to clarify this later.

J.Montross – lives near lot 19 and questions whether a duplex can be placed there and then later decided on how big it can be?

A.Hart – This project is in regard to a conceptual approval on a one acre lot.

J.Montross – asks questions on setback rule.

S.Gustin - setbacks are defined on the subdivision plat for lot 19.

J.Montross –one acre lot is a good size. I'm trying to understand what the rules are and what is happening with this project.

A.Hart – Board doesn't know what the building will look like. If you would like to know what the parameters are and what might be built, speak with staff who may be able to let you.

AJ.LaRosa – if and when another person wants to build a duplex, that would be a separate application and neighbors can then respond and comment. This is not before us now and would have to be a separate process and review.

J.Montross – appreciates this explanation. I bought house in this area because they are single family homes. I spent a lot of money on my house. The set of rules was such at the beginning and should remain.

E.Baker – he and his wife are residents of 67 Staniford Farms Rd, wants to know if Board will make a decision based on what they hear tonight.

A.Hart - the decision is whether or not a duplex can be built on the lot. The decision will be on whether or not a duplex can be built on lot 19. The Board does not have information on a specific design yet.

E.Baker - most of us live on the lakeside of street. The understanding is that we are afraid as a community that the remaining lots could become duplexes. What happens on the remaining lots could be open to other options. Does permission for one duplex open the door for other duplexes. Is there a rule on the size of a lot for duplexes?

A.Hart – there are lot dimensions for duplexes. Lot 19 as an acre is dramatically larger than west side of Staniford Rd and would be dramatically different.

S.Gustin – yes, there is a minimum lot size for duplexes, but tonight's application is about an amendment to the PUD. Mr. Farrell could make request seek proposal to do duplex on all lots if he wanted. Outside of a PUD, minimum lot size is 15,000 sq ft for a duplex and 9,000 sq ft for single family homes since this was approved as a project.

AHart – the only application before the Board is pertaining to lot 19. Other possibilities are not before us right now and not relevant right now.

E.Farrell – for the record there is a declaration and when all lots are sold it becomes an Association. I do not collect dues. I understand that I cannot build a duplex on anything less than 15,0000 sq ft. When this was approved, the building envelope was not much larger due to fact that most of the area of the lot is wetlands. No intention to do duplexes on any other lot. It would be fine if this was a condition of approval for the permit.

W.Senville – Did you see a copy of a letter in the packet from the residents?

E.Farrell – yes.

W.Senville – they speak about a quote from public offering statement that only construction is single family home. Is public offering filed as this?

E.Farrell – did not know this. I had to give Chris Snyder a public offering statement to build all the houses except for one and had to give him a public offering, but not individual owners. Don't know if a public offering is binding.

W.Senville - is that part of the PUD application submittals?

E.Farrell – certainly the declaration is a record.

A.Hart – obviously Board cannot change what is in the public statement or in declaration. This is between developer and buyer. All Board does is enforce the zoning ordinance.

E.Farrell – I'm basically here for a request for a use.

Public hearing is closed.

2. 16-0190PD; 76 & 80 NORTH UNION (RM, Ward 2C) Tioli Properties, LLC

PUD to dissolve common lot line between 76 and 80 North Union Street and revamp parking area. (Project Manager, Scott Gustin)

A.Hart - swears in applicant. No interested speakers for this item.

J.Pizzagali – owner and representative of Tioli Properties has read staff comments and understands findings. Met with Scott last week going over his comments. If there is a decision tonight, asking to be continued so conversations can continue with staff on questions about adjoining property setbacks. Welcome constructive questions from the Board.

A.Hart – do not have a specific question. Need to have better understanding of project. Not dealing with current violation issue. Board encourages time to sort things out with staff. From staff comments, sounds like one lot is nonconforming and one is conforming. Board encourages the time to work out issues with staff. If you need more time to work things out, Board encourages this.

S.Gustin – the problem is with the merging of two lots with a conforming lot at 80 North St. resulting in a still nonconforming though slightly less with 76 North St. Coverage is over the limit for 76 losing conformity for lot 80 will still result in a still nonconforming lot. There is a greater degree of nonconformity on the setbacks by making the lot wider.

A.Hart – preference is for applicant to work this out with staff. Encourage questions and constructive comments that might be would be helpful now.

AJ.LaRosa - sounds like he is asking for a continuance.

J.Pizzagali – setback issue is great enough. Feels that by combining lot net coverage setback issue maybe reduced or improved to be within regulations of current non-conforming lot.

A.Hart – there are some positive things on the application, yet have to balance between the new and nonconforming lot issues. Board encourages staff and applicant to work this out.

Two options are available: we can continue to a date certain where there is room on agenda or when you are ready sometime in the future, but not to go indefinitely.

J.Pizzagali – would like to leave it open in case engineers need to change drawings for future discussion.

A.Hart – do not see a serious remedy to resolve at this point in time. Makes a motion to continue the public hearing to a date to be determined.

A.Zipparo – seconds the motion.

Board Vote: 7-0-0.

VI. Certificate of Appropriateness

1. 15-1123CA; 83 HYDE STREET (RM, Ward 2C) Nathan J. Cross

Remove existing side porch, remove rear addition and construct new 1 1/2 story addition to home. (Project Manager, Mary O'Neil)

AHart - Applicant is sworn in. No interested party to speak.

A.Hart – last time looked at additional design work and now have a revised design with new staff report and recommendations. Asks applicant what has changed.

N.Cross –Main question was about project setbacks with the porch on north side. Setbacks were not in conformity and now they are redesigned. Walkway is exempt. Also concerns with lighting and have more accurate depictions of this. Submitted a landscape plan, labeled all current plants, circled plants that are coming out. Mostly perennials and decorative plants are being added. Rear of house is not affected and no trees are affected.

A.Hart - thank you for good, scaled plan. It makes our job easier. Minor point, new rear addition has proposal for new vinyl siding. One Board member recommended solid corner boards.

N.Cross – affirms on siding and corner boards.

B.Rabinowitz – asked about photo of maple tree in front of property and if this was between the properties.

N.Cross - yes, tree is on the property line and it will stay. The only other change is interior design, decided to change false window to make it a rear window and re-orientate the bathroom to accommodate it.

Public hearing was closed.

Meeting adjourned at 5:44pm.

VII. Adjournment

VIII. Other Business

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.