

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

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BURLINGTON DEVELOPMENT REVIEW BOARD
Tuesday December 1, 2015, 5:00 PM
Contois Auditorium, City Hall, 149 Church Street, Burlington, VT
Minutes

Board Members Present: Austin Hart, Brad Rabinowitz, Geoff Hand, Israel Smith, Alexandra Zipparo, Jim Drummond, Wayne Senville
Board Members Absent: Jonathan Stevens
Staff Present: Scott Gustin, Mary O'Neil, Anita Wade

I. Agenda

Change to agenda regarding 34 Spring St. Applicant requests in writing to have application withdrawn.

II. Communications

Board accepts supplementals pertaining to:
COT'S Letter on 85 North Ave application, lease arrangement for 95 North Ave, two exhibits pertaining to 85 and 95 North Ave.

III. Minutes

VI. Public Hearing

1. 16-0499HO; 29 Home Avenue (RL, Ward 5) Roger Lewis

Home occupation office for tours. (Project Manager, Mary O'Neil)

A.Hart - swears in applicants.

M.O'Neil – this project was recommended by staff for the consent agenda

A.Hart - Board does not object to treating this as consent item.

D.Lewis and R.Lewis - have no concerns with staff comments and recommendations.

No questions from Board members or public.

B.Rabinowitz – motions to approve application and adopt staff findings and recommendations.

G.Hand - seconds the motion.

Board Vote: 7-0-0

2. 16-0325CU; 34 Spring Street (RM, Ward 2C) Christopher Valin

Establish boarding house within existing home. (Project Manager, Scott Gustin)

Application withdrawn.

V. Certificate of Appropriateness

1. 16-0463CA; 203 Elmwood Ave (RM, Ward 3C) Shannon H. Reilly

Remodel existing house with expansion of 2nd floor and 17 ft. x 21 ft. addition to west elevation. (Project Manager, Mary O'Neill)

A.Hart - swears in applicant and interested parties.

A.Hart – questions whether to treat this as a historic building.

S.Reilly – this is a rehabilitation of a house in the old North End.

G.Allen – the building is a ½ story 1 bedroom home and the proposal is to expand to a 3 bedroom home. Intend to remodel second floor area within setbacks and add 17' x 21' addition. This is a unique lot with strict setbacks. Trying to keep street facade and porch intact. Adding a shed dormer to provide more 'head room' and living space on the first and second floors.

A.Hart – staff went through the criteria about historic buildings presenting their findings to the Board that this is a historic home. On what points do you disagree with staff?

S.Reilly – we do not feel this is historic. There are no embellishments or architectural detail. The criteria does not demonstrate historic.

G.Allen – one area is where we are expanding the size of the home doubling by 1900 sq. ft., which is still a modest size. Using same materials on the exterior building, existing cedar shakes, keeping DH windows, and developing the home with a more modern touch. This is a difficult site because of the building lot size. Trying to develop while keeping within sense of scale in the neighborhood.

A.Hart – asks if staff want to take a position about this being historic building.

M.O'Neil – the ordinance treats buildings on register equally and some of those being determined eligible. The standards provides a set of standards to meet that criteria. When faced with this challenge, need to seek advice of the Boards. On this project, the DAB made no finding and did not reach an agreement on eligibility.

B.Rabinowitz – is it the main facade that is protected or leaves front facade intact?

M.O'Neil – the street side or 'polite side' is protected and considered historic. This project came before DAB in 2006 for alteration on the primary façade, which the Board denied. The applicant decided to withdraw the application.

A.Hart – asks staff if there open issues about the lot coverage. Is this project over on coverage?

M.O'Neil - the landscape plan was submitted late. They are within lot coverage given the bonus as is currently.

A.Hart – questions staff about comment on the driveway pavers and treatment for lot coverage.

M.O'Neil – this location requires two parking spaces.

B.Rabinowitz – questions the setbacks and additions to dormer. Did you look at keeping the east facade the way it is.

G.Allen – the problem is not a lot of head room in the 2nd story. Looking at a simple shed dormer in order to maximize small 24' x 26' existing structure.

A.Zipparo – there is some discrepancy between the porch, railing and roof, posts and railing. Does the project follow the plan?

S.Reilly – this is a work in progress.

G.Allen – taking a look at an old porch and what was there previously.

B.Rabinowitz – are the historic pictures of the building?

G.Allen – yes.

M.O'Neil - not sure the posts are there. Photos were with the application. Porch has been removed.

S.Reilly - porch railings are there, but windows are sealed up.

A.Hart – asks if there are interested parties wanting to speak.

R.Crehan – resident lives with wife at 205 Elmwood. Said plans are too big. The building cannot be treated as a standard addition. This is a small lot. This is not a standard addition, more like building a second house. There's no setback on north side on the line direct effect on our home. The lot size is pushed to 50% and not character of neighborhood. Concern for two mature trees.

A.Zipparo - any issues with the historic nature and the scale of the neighborhood?

R.Crehan - there are nonconforming setbacks and issues with 5' setbacks. The scale is too big.

C.Crehan - existing house is right on property line and major expansion is right on line and all work will be close to our home. Sent photos for space between the two houses to give sense of space.

That side is a functional side of our home, porch and access to our backyard. Feel house is historic, modest and charming, has original slate roof and siding. Coverage shows gravel laid down near house which was not there before.

B.Rabinowitz - questions about material in packet.

C.Crehan - the house has several historic purposes and yet modest and charming from front of house. Coverage recalculation needed for gravel in front of the house.

I.Smith - questions staff about exhibit 1 and setbacks and whether this was an increase in volume.

M.O'Neil – there was a change in the ordinance that allows a vertical expansion is allowed over existing habitable area.

G.Allen – the most pressing issue is the one boundary line. We understand trying to alleviate boundaries on the southern elevation that are different from the other house. The scale we propose is still a small building but only stands 26 ft. tall and meets what other buildings in area. Is not over top than what is there now and fits

B.Rabinowitz – asked if applicant has respect for the existing house that was there.

S.Reilly – some changes are not making sense.

B.Rabinowitz – design decisions are challenging to what was there. Were you unaware you needed a permit?

S.Reilly – we had a permit to do interior work and then started some exterior cleanup. Questioned staff about this. No intention of doing any work without permits.

M.O'Neil – spoke to recent changes in the ordinance pertaining to Sec 5.3.5., can only reduce the degree of nonconformity. There cannot be an increase in nonconformity for a single family. Must be compatible in style and scale with neighboring properties.

A.Zipparo – questioned about a previous comment made by applicant regarding rent.

S.Reilly – cannot put a lot of money in a one bedroom house and not get something out of it monetarily. Although, not intending to rent in the future.

Public hearing was closed.

VI. Sketch Plan

1. 16-0507SP; 475 Lake St, New Moran (UR/DW-PT) City of Burlington

Renovation of, and addition to, vacant Moran plant with associated site improvements.
(Project Manager, Scott Gustin)

A.Hart, G.Hand, I.Smith recused themselves.

C.Tipper - came to City's public investment action plan in March 2014 and was successful in raising 6.3 million for the grand plan. The New Moran is a 501 c (3) nonprofit made up of engineers and consultants. Important to hear Board's feedback since project is nearing completion of design development. Project is driven from the input of community at large with over 1000 people who toured and commented on the design that could bring new life to the Moran plant.

E.Crockenbay – spoke about the building and its interesting life span. Initially, it was a Biomass plant for 30 years until it was decommissioned in 1986. Our role as nonprofit is to be the conduit and synergy for development with a similar goal to redefine waterfront as a cultural and economic entity from a dilapidated eyesore. Presenting a lasting legacy and that preserves the unique piece of history and art for the city and the state. The proposal is a 3 tiered building with the 1st floor as a market, food, art and recreation with small and medium vendors. The 2nd floor is the core 1500 sq. ft. capacity for three event space with lake views. The 3rd floor is an innovation work space reflecting values of community/nonprofit work space and history of area.

C.Buckley – plan to address the landscaping plan, building and drawing renderings.

H.Lupe – as landscape architect for the project, working on the site plan want to make sure everyone can get to the location. The parking lot and skate park is extensive and storm water facility

B.Rabinowitz – asks for an outline of the area.

H.Lupe – describes: within red dash line as the boundary; blue line is a multi-use path; blue dash is proposed pedestrian connections; making sure existing connections follow through and up to plant. There is a draw to the waterfront and the multi-use path near the lake ties in with north side. Vehicular elements show few areas of conflict. Opportunities will be present for markets and events. A secondary pedestrian pathway connects to existing sidewalk. The plaza and stadium seating and have great views of water; raised planted area near plaza space used for festivals or concerts with rear patio spilling out from the first floor offering water views of lake. A minimal service area allows for an access corridor and truck access.

A.J.LaRosa – is the loading area evaluated for tour bus use?

H.Lupe – the space is intended for big events large for a vehicle drop off.

B.Rabinowitz – questions if terrace on west side is on the 1st floor is at grade?

C.Buckley – intend to raise grade 3 or 4 ft. at the entry on the east side. There are differences in grade between the east and the west side.

W.Senville - questions the parking and how many potential parking spaces.

H.Lupe – said a total of 61 parking spaces with 57 regular and 4 ADA spaces

WSenville – has a major concern about a 1500 person event and how that number of cars are handled say on a winter day.

P.Owens – says 161 spaces are available, but this is still sketch plan review. Parking on the waterfront is a long term issue. Usually this is a shared solution shared by all partners in At least for 10 years there has been a quasi-public parking occurring in this location. Discussions are still ongoing. Extensive impervious surface near waterfront is uncertain at this point. Intending to bring shared parking approach depending on the nature of the activities. Parking might be accommodated for each event and circumstance. Hard to say what options will be at this point. Currently working with New Moran and looking into other options.

A.Zipparo – questions transportation.

P.Owens – said the team will consider progressive and innovative options for transportation.

A.J.LaRosa – this is not a City facility but there is next to it with Waterfront Park. What if there is an event at both facilities at the same time. There may be large events in the summer at both locations. Is there some way of priority for shared parking and arrangement?

B.Rabinowitz – good to raise the issues and at some point they will be answered since this is sketch plan review.

A.Zipparo - questions landscaping plan and seeing a lot of hard-scraping was meant to match the industrial nature of the building.

H.Lupe – it is functional, but the intent is to create space as an exterior as an extension of the interior space.

A.Zipparo – questioned if community gardens will be realized.

H.Lupe – this is not in the plan right now.

A.Zipparo – where might on grounds and

E.Crockenbay – in dialogue with VT community garden with large rooftop 430 person capacity rooftop with 1/3 being raised beds on rooftop providing education and beautification.

A.J.LaRosa – questions circulation plan into the lot for one direction or two

H.Lupe – it can function happen both ways.

C.Tipper – have not worked out yet the circulation pattern, but may be one way. Amount of impervious area creates access for trucking, semi-trucks; gas turbine building for fuel deliveries; water department and other supports that need to happen. Shows storm water treatment system for the large parking area, displaying where this will happen.

A.Zipparo – questions about the alley docking being so close to the skate park. Will there be a barrier

E.Crockenbay - will look into more separation between these elements. Intended to be a public access area.

A.Zipparo – would like to see a different design there for backing in.

B.Rabinowitz – might want to put controls in place. Will pathways be lit consistent with the waterfront creating a continuity?

C.Tipper – want to match to the existing lighting.

C.Buckley – comments on the slides shown and exterior design. The lower part of building is below grade. Plan in place to waterproof and make habitable. The front door on east side is above 100 year flood level. The plan is to keep the historic turbines. The historic entry to the building will remain active. Food service, loading dock and trash/recycling will service the back

of area of the building on north side. Descriptions for each level of the building were provided including the area where performances would take place. Some remnants of the former building will be left for the community to get the historic sense and the views. Presented existing and current photos. Described the building as historically significant in form and structure.

Idea is to combine the old with the new. Older windows cannot be saved, but simulating older windows and creating a net zero facility with additional insulation. The structure is solid constructed with masonry with steel, which presents challenges for insulation. Consideration is being given to insulation on the outside masonry by placing a large sign.

B.Rabinowitz – finds it unfortunate there is not more open space on the outside masonry where the signage is being placed.

C.Buckley - will consider this aspect when considering the proposed sign.

J.Drummond – was there a historic sign that was lit?

C.Buckley - not sure about this. Also intend to make solar part of project. The west wall will have a large window for views and light with a design inspiration from the lake activity.

Vertical blade wind turbines will be in same location as the former smoke stacks. These renderings are representative of a concept and showing relationships using two different types of metals. The facade on north will be curved slightly.

J.Drummond – questions about natural light.

C.Buckley - plenty of natural light will filter from other sides of the building. This works well with energy since building faces north.

B.Rabinowitz – comments on the nice rendering.

W.Senville - great design, although the main concern is the event space and provision for parking. These are two important components. Perhaps consider two scenarios with one scenario not having events.

C.Buckley – these are two different scenarios. The thought was to accommodate day to day and event scenarios. There is excess parking capacity in the City.

W.Senville - concerns if they relied on other city garages.

E.Crockenbay – There are two scenarios, daily activities and event activities. A total of 618 parking spaces is what we will need and what we will have directly adjacent to the building.

Mentioned Lake View parking lot, Battery St., Echo parking, and Main St Landing parking.

Certain there is a solution for parking and in negotiating this with the City and the hotels. The event hall is an essential part of this project.

B.Rabinowitz – may want to give and coordinate events with Waterfront Park over parking.

J.Drummond - great presentation of the site design, although don't quite have sense of what's inside.

A.Zipparo - what's the public access going to be at the site? Will there be handouts and brochures.

C.Buckley – question the restrictions on use plans, which include a maker space, food service community benefit, athletic equipment rental, and artist demonstrations/classes, cannot say exactly.

A.Zipparo – are there opportunities for tourists who don't participate in events to experience the architecture.

C.Tipper – giving building back to the public at large with unfettered access. The crowning piece is the upper level where there is public access and ADA access. This is a gift to the public with views, showcasing the best of VT through sports retailers, and food component. The building becomes place to enjoy.

B.Rabinowitz – asks if interested parties want to speak.

A.Zipparo – possible for a winter farmer's market?

C.Tipper - yes

J.Drummond – is there any way to move inside activity to the outside?

C.Tipper – this has been integral to the design from the beginning. The plan is to integrate functions between the interior and the exterior.

A.J.LaRosa – strongly encourage a good number of bike parking spaces, and provide more shade trees in the parking lots.

C.Tipper – the Board is invited to come for tour of the building.

End of discussion 7:04pm

2. 16-0581SP; 85 North Ave (NMU, Ward 3C) Catamount/Lakeview LLC

Proposed four story, 56-unit apartment building with associated parking garage.
(Project Manager, Scott Gustin)

A.J.LaRosa and G.Hand recused.

E.Hoehstra – a Redstone proposed project. Describes site shown on slides. Parcel mostly a surface parking lot with no direct frontage on North Ave. Parcel is 1.12 acres in the neighborhood mixed used district. FAR is 2.5 over 90% with permitted lot coverage, significant slope toward lake with portion of site near an easement for COTS. Development on the bank keeps the existing parking intact with building into the slope. Approximately 56 units, similar to the north Winooski project in scale and size. Building rises 45 ft. height above grade and has a continuous sidewalk in front of building. Slides show the sections of the buildings on all levels, garage in lower levels and rises to 4th floor loft space. Then transitions down on both sides. Feedback received from one NPA in Ward 1 and DAB regarding adequate parking, traffic flows and scale on project; questions from DAB overwhelmingly positive asking to see more details. This is shared use parking district requiring one space per dwelling. Feedback spoke of plenty of parking that offers one space per bedroom and 79 spaces in the garage ranging from studio to three bedroom.

A.Hart – similar opinions as DAB in regard to the impact of traffic on residential area.

E.Hoehstra - existing parking is near COTS easement with a handful on the space. Will work out with COTS regarding the encroachment onto COTS easement.

A.Hart – how will you avoid massive wall on bank?

E.Hoehstra – primarily through geotechnical construction where the majority is fill. The bank is native vegetation and sand. There is good material to build on, only a matter of holding sand back and providing erosion and storm water plans.

J.Drummond – questions boundaries.

E.Hoehstra - off site is there is city owned property with vegetation. Not sure what will be doing, because space is not easily accessible.

B.Rabinowitz – is there a walk across the parking lot for residents? No easy access. What about the dumpster placement.

E.Hoehstra - trying to determine this location.

W.Senville – the garage view from the lake is a concern and if this is completely closed underground parking?

E.Hoehstra - not completely closed in, though perhaps natural existing vegetation will help with ventilation and work to minimize the visual impact of the lower levels of parking from the lake acting as a buffer.

A.Hart – asked for interested party comments.

R.Markley - COTs has a permanently surveyed 15 year lease on an easement in the parking area. COTS will not negotiate a rearrangement to the boundary lines we control. We also have a 15 year lease on Depot Street for a right of way. We met with Redstone months ago over this.

J.Farrell - this is a permanent easement project at 95 North Ave, which includes our parking, landscaping, and building design. We wish to keep easement as is. The 15 yr. lease with the City is on Depot St is a twenty-five foot right of way. Forwarded lease to the Board with exhibit A showing part of permanent project. Second concern is the flow of traffic and cut through with many vehicles coming in and out because we serve families with children and ADA individuals who come to this location. The third concern is understanding the distinction of a neighborhood activity center and neighborhood use and heights and bonuses.

S.Gustin – there is a map of the City with circles of neighborhood activity centers. This is a district zoned neighborhood mixed use.

K.Dor – resident from 55 North Ave, whose property is on the City's 1854 map. Mentioned how her house was restored inside and out. When the house was bought it the support wall was crumbling. Needed to place new blocks for support in replacing the old wall. The City was extremely interested in how she would cover up the blocks. The City required a growth space where perennials and vegetation should be planted. Anyone who has to build on the slope side should have same restrictions so no one has to look at an obscene cement wall.

D.Carlisle – resides at Lakeview Terrace. Says the City requires residents to certain things when taking out a few shrubs or topping trees, but other projects maybe not. With this project the concern is the fragility of the bank and property. The major concerns are housing and the traffic.

Understands the mantra in Burlington is housing, but when someone buys a house in a neighborhood there is not enough concern about it being a safe and livable neighborhood. Personally seen Lakeview Terrace grow from two to now twenty-five neighborhood children. We have a vibrant neighborhood, but it is getting squeezed in the name of more housing. The emphasis has shifted too much in one direction. Asking the Board to keep as one of its responsibilities, neighborhood viability and livability and protecting residents from traffic and development. Questions if the traffic can flow freely from the COTS easement onto North Ave, or are there restrictions on North Ave.

A.Hart - this is not a forum to address this, but project will need to submit a traffic study to show the traffic flow. The Board shares the same concerns.

D.Carlisle – of primary concern is that it is very hard to enter the stream of traffic going north up North Ave and to enter the stream of traffic from the west side of North Ave. It is difficult to enter the stream of traffic up North Ave. Another concern is the light at North St. and North Ave. The traffic light may need to be calibrated for the flow of traffic out of the COTS parking lot and for the new development. Many hundreds of apartments are being built on the Burlington College property there and traffic will stream down North Ave. Does not understand how traffic will go down Lakeview Terrace, Haswell, or Canfield and up Berry St. Spoke to Spencer Chapin about this extremely dangerous exit at Berry St, North St, and Washington St.

A.Hart - this is sketch plan and applicant will need to come back to address the issues you raised.

E.Hoehstra – questioned the section NMU Use and no height/density bonus. Article 9 says eligible for height and density.

S.Gustin - not exactly clear in Article 4, but is addressed in Article 9. Must defer to the Board.

A.Hart – Board will need to review these Articles in the zoning ordinance taking a closer look at them.

Public hearing is closed.

Adjournment at 7:37pm.

VII. Other Business

Deliberative Session scheduled for Monday December 7, 2015.

VIII. Adjournment

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.