

Burlington Development Review Board

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BURLINGTON DEVELOPMENT REVIEW BOARD Wednesday, March 3, 2021, 5:00 PM REMOTE MEETING

Zoom: <https://us02web.zoom.us/j/84346105661?pwd=dTJLb3UrcDFyNWVM5VkJzQOU9F5SWNVZz09>

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Video recording link: <https://www.cctv.org/watch-tv/programs/burlington-development-review-board-353>

Draft Minutes

Board Members Present: Brad Rabinowitz, AJ LaRosa, Springer Harris, Geoff Hand, Brooks McArthur, Caitlin Halpert, Sean McKenzie (Alt)

Board Members Not Present: Kienan Christianson, Ravi Venkataraman (Alt)

Staff Present: Scott Gustin, Mary O'Neil, Ryan Morrison, Alison Davis, Laura Wheelock (Dept of Public Works), Norm Baldwin (DPW),

I. Agenda

B. Rabinowitz: No changes to the agenda.

II. Communications

B. Rabinowitz: Asks if there are additional communications.

S. Gustin: All communications for the items have been posted. There were recent additions for 75 Cherry Street and 2-14 King Street.

III. Minutes

S. Gustin: The minutes from the last meeting are posted.

IV. Public Hearing

1. 21-0638CU; 251-253 South Union Street (RL, Ward 6S) Two Fifty Three South Union Street Realty LLC, Rebecca Weisman and Christopher Wright Cronin

Change of general office use to neighborhood commercial use (health studio and medical office). No site or exterior building changes. (Project Manager: Scott Gustin)

Tom Higgins, Rebecca Weisman, and Alex spoke on behalf of application
Joseph McNeil provided public testimony

B. Rabinowitz: Invites applicant to address questions that were brought up for application

R. Weisman: Gives overview of application and why this item is being reviewed again.

Explains that through further investigation, realized that there has been no residential space unit in this space since at least the 1980s. The entire building is being used as a law

office. They are proposing to convert the general office use to a neighborhood commercial use to be more in accordance with the Zoning Ordinance. The sq footage is above the amount of neighborhood commercial use allows, so hoping that this would be approved by Board.

T. Higgins: Testifies that he has been working in building since 1989 and there have been no changes made to the building since than besides repairs and upkeep. Explains that when he began working there, there was never a residential unit in the building.

B. Rabinowitz: Asks if Staff was able to find any permits for changing the residential unit.

S. Gustin: There was a zoning permit to establish the office and then there was a zoning permit subsequent to that in 1977 to expand the office space, and they got a permit for it. With that permit, they still had a single apartment remaining in addition to the office. What is in front of the Board tonight is that the applicant is seeking approval to convert the nonconforming office to a neighborhood commercial use. Should this be approved, there should be an apartment in the building because there is no permit to have gotten rid of it.

R. Weisman: In our proposal we are asking to use the entire building and to not have to include a unit in the building. What use we are asking for is not differently impacting the surrounding area any different than the current use.

Alex: Has been used as a general commercial use for the last 30-40 years, so they are requesting if there is a space for a conditional use to take it over as a health studio, neighborhood commercial use with same shape and form, with no modification to the outside.

B. Rabinowitz: Asks to clarify that health studio is a different use than office.

S. Gustin: Correct, health studio and medical office. Aside from missing apartment, there are three problems. The entire space is too big, more than 4,000 sq ft. Another is, they are proposing more than just the street level, which is a requirement for neighborhood commercial. And the other is that, to convert to a neighborhood commercial use, you need to have one currently, and they do not. I spoke with applicants a few times beforehand and it seems maybe that is what they hope to get approved for, in terms of the use. One could argue that we are changing a non-conforming use to something that could conceivably be conforming. The problem is what was just said, the zoning code does not say you can change a nonconformity to one of these, but they went ahead with the application anyhow.

Alex: The reason we wanted to move ahead with the application was because of the idea of if this was a proposal to put law offices in here instead of the health studio that is proposed, we wouldn't even need to talk with Zoning, and it could go in as the same use.

B. Rabinowitz: One would assume that this would increase the traffic than the current use of the property. Could have a different impact on traffic and activity on property.

R. Weisman: Was informed that when that building was fully occupied, there were 20 employees and clients coming and going all day. We would not have that many employees for our company. Anyone coming and doing counseling or therapy, we have to have a lot more space per person, so that is why we do feel like we need all that space. The coming and going of clients would be about the same. There is plenty of parking in the back of the lot so there would not be a need for street parking.

B. McArthur: Asks what hours the business would be open.

R. Weisman: We are thinking that if we are able to have five "suites", those would be separate practitioner's. Those would be 9am-5pm regular hours. The yoga therapy, that could potentially be more of an evening time, but pretty much regular business hours.

Alex: Clarifies that yoga therapy is much different than a yoga class.

R. Weisman: Explains that what they do is small and public classes, but also a lot of one-on-one, therapeutic work.

B. McArthur: Asks to confirm the hours because on application it was proposing that the business would be open until 11pm.

R. Weisman: Not sure where that was, we would not be operating that late at night.

B. Rabinowitz: Asks to clarify that the applicant is requesting to be designated as neighborhood commercial use to be the use they are proposing to be, health studio.

S. Gustin: Correct. Neighborhood commercial use is predicated on there being that use there already. The alternative is that the building was originally constructed for commercial and is historic, but that is not the case here.

B. Rabinowitz: Asks to clarify the grandfathering rule, 15-year statute of limitations, surrounding uses.

S. Gustin: Yes, the 15-year statute of limitations applies to use and physical things.

B. Rabinowitz: So the idea of this not having an apartment is to some extent not an issue with not having a permit that we can't find for that use.

S. Gustin: That is possible, but we would have to demonstrate/prove that it has been 15-years. What we heard tonight suggests that, all I can say is that there is no evidence to have removed that residential unit.

B. Rabinowitz: Asks if that changes anything what applying to the neighborhood commercial use.

S. Gustin: On the fly, I would say I don't think so because the overall sq footage is more than you can permit tonight anyway.

C. Halpert: Asks why this would have to be neighborhood commercial use and what makes the proposal not an office.

S. Gustin: Health studio and medical office are separate uses in the use-table in the CDO as compared to general office. The office right now is general office, and that could not just be a law office, but any sort of general office without doing anything with zoning.

C. Halpert: Clarifies if that the only thing that is making this a health studio/medical studio is the yoga therapy. Asks to confirm that counseling falls under health use as well.

R. Weisman: That is a good question. When you look at the neighborhood commercial uses, they are many different types of uses. My understanding is that mental health counseling is medical and physical therapy is medical. We also have massage therapy, but not sure where that falls. Yoga does fall under health studio use.

S. Gustin: Explains that with yoga studio applications, they have been falling into the health studio category.

B. Rabinowitz: Invites member of public to comment.

J. McNeil: Explains relationship with property. Owners buildings to the south. We do not oppose this application, but we are somewhat confused by it and wanted to get clarification. From the presentation, it sounds like it is in practical terms, it is going to be leased out to five separate organizations for utilization as health studios or yoga studios or therapy. That concerns us with traffic and the unknown patterns with that. There is an emergency easement to use our space for easement and access. We would like to know what the use pattern would be in the back lot. What we have experienced with the law office has not been any problems.

B. Rabinowitz: Asks if there are any other questions from the Board or if there is anyone from public to speak on item.

None

B. Rabinowitz: Closes public hearing

2. 21-0647CU; 428 South Winooski Ave (RM, Ward 6S) Jill Badolato

Establish short-term rental (bed and breakfast) within existing dwelling unit. (Project Manager: Ryan Morrison)

Jill Badolato appeared on behalf of item

No public appeared to provide comment

B. Rabinowitz: Has question for Staff Member, Ryan Morrison. Asks to clarify that a short-term rental is allowed in an owner occupied building, but this application is going to be used as a short-term rental when the owner is not occupying the building, seems like a conflict.

R. Morrison: Explains that for the owner to be occupying the building, they technically have to be there 6 months and 1 day.

S. Gustin: Resident does not have to be in the building when it is being short-term rented.

S. Harris: It feels like in the past many applications have required the owner to be present and operating the short-term rental. Asks to clarify.

S. Gustin: General rule is the primary residence qualifies as owner occupied, I know in fairly common instances where people are needing to do stacked parking because of a parking requirement, there is usually a requirement to have the owner to primarily deal with parking. In this case, the owner would not be there.

G. Hand: That is my recollection as well. The parking would raise the question about being present.

B. Rabinowitz: Asks how they would be managing the short-term rental if you are not present and something is needed.

J. Badolato: Explains that when guest stay, she will plan to stay at her partner's residence outside of Burlington, so if anything is needed, she would travel to help out.

B. Rabinowitz: Asks to confirm that the guests would have access to the unit when you are not there, a hidden key or code of some sort.

J. Badolato: Correct.

B. Rabinowitz: Asks if there are any other questions from Board or members of public.

None

B. Rabinowitz: Closes public hearing.

3. 21-0414CA/MA; 75 Cherry Street (FD6, Ward 3C) BTC Mall Associates, LLC

Mixed use redevelopment of the former Burlington Town Center mall site. (Project Manager: Scott Gustin and Mary O'Neil)

AJ LaRosa and Geoff Hand recused from item

Jesse Beck (Freeman French Freeman), Jessie Robbins (Freeman French Freeman), Kevin Worden (Engineering Ventures), Jenn Conley (VHB), William Fellows (Devonwood Investors), Dave Farrington (Farrington Construction), Brian Dunkiel (Dunkiel Saunders) and others appeared on behalf of application.

John Franco, Myer Dana, Steve Goodkind, Barbara McGrew, and Sharon Bushor, Caryn Long, provided public testimony

B. Rabinowitz: Invites applicant to present.

J. Beck: Explains that this is an amended permit to reduce the size of the project. The look and feel of the project is very similar from what has been permitted before, with same

materials, same City block. Walks through project application and the changes. Explains that project is more about housing and less about office space as previously permitted. Explains program and slight program change as there is no more office space in the south building. It is primarily 426 units of housing with 20% inclusionary housing. Reduced total amount of sq footage and amount of retail sq footage. Parking garage meeting zoning code requirements with 422 parking spaces. 348 bike parking spaces. Displays plans regarding building cross-section interior levels, and floorplans of different floors. Runs through renderings of the façade of buildings.

S. Harris: Asks if co-working space in a level of the building is for residents only or if it will be managed as a public co-working space.

J. Beck: It would be managed as a space to lease.

S. Harris: Asks if the community space would operate the same way or just a residents only space for activities.

J. Beck: Explains that the community space is for City use and public use to be scheduled, when not scheduled for public use, it can be used for private use.

S. Harris: Asks if the restaurant space will be able to be leased like any other commercial restaurant.

J. Beck: Correct. Adds that the elevator core has doors so the public does not have to go through the restaurant to access the public observation deck.

S. Harris: Asks if the public has access to the residential halls/residential parts of the building through same access.

J. Beck: The public would be limited to taking the elevator up to the public observation deck or the community space floor.

S. Harris: Asks if the resident halls are secure for residents living on that floor.

J. Beck: Correct.

S. Harris: Asks if the cover on parking structure is accessible to the public.

J. Beck: That space will not be a public accessible place. It is for the residents and the green-roof area. There will also be some screened/fenced mechanical areas. It is a private space.

S. Harris: Asks to clarify that it is accessible to the residents who live there.

J. Beck: Yes, correct.

S. Harris: Asks what the materials are on roof. Refers to rendering on page 32 of plans.

J. Beck: Explains that there is a combination of materials. There will be an open terrace with pavers that people can walk on. There will be a green-roof area of sedum, it is not to be walked on, it is to collect rainwater, but a person can walk through it using walkways, similar to what was done at the Airport. The rest of the roof will be a membrane roof which we will not want people to walk on because it is to manage rainwater and keep the rain out of the parking structure.

B. Rabinowitz: Asks about parking access from Pine St and Saint Paul St. Asks about Saint Paul St pedestrian walkway through garage and how it looks like it doesn't come out to the street to that entrance. Asks about access and layout.

J. Beck: Explains that is one of the relief area that the applicant is asking for from the Board. Explains the form based code requirements regarding garage entrance width. Applicants are asking for 20% relief on that to get a larger opening so you do not have conflict between pedestrians and two lanes of traffic.

B. Rabinowitz: Asks to clarify that the applicant is looking for them to be larger.

J. Beck: Correct. The form based code limits the entrance to 24 ft and in our application and in comments from Planning and Zoning, we have requested the enlargement of that.

B. Rabinowitz: Asks to what size.

J. Robbins: Showing between 26 and 27 feet and the increase in width at the request of the Dept of Public Works Staff who reviewed documents, they were concerned about the egress/ingress of the garage, so the extra width is to accommodate traffic management.

B. Rabinowitz: Asks that the lower level of garage has 214 parking spaces.

J. Beck: Correct.

B. Rabinowitz: Inquires about question from Dept of Public Works regarding the area-ways/sidewalks.

J. Beck: It is being looked at. Ongoing conversations.

B. Rabinowitz: Asks if they will be flushed with sidewalk.

J. Beck: Correct. Similar to what is around Burlington currently.

B. Rabinowitz: Asks about LED certification and commitment. Lots of solar panels on roof. Asks if the heat/coolant for the building are fossil fuels or electric.

J. Beck: Have commitments to LED goals. In the new development agreement, there is a request to look an electric based system. Once we move beyond this step and into detailed design, we are going to pursue how we can do so.

B. Rabinowitz: Asks about how building is going to manage compost for residents.

J. Beck: Explains the three loading docks. Has had conversations with Casella and DPW on what equipment is going to be in docks, and we are committed to composting for this facility. We are committed to compactors for trash and recycling to reduce to number of truck trips.

B. Rabinowitz: Asks about phasing, and asks about the East side of the initial building and what that is going to look like.

J. Beck: Explains flat surface, which is the wall that splits the elevator shafts and how that will have a panelized system on it. Mentions that the retail and parking will be built. Explains that the side of the retail at grade will have a panelized blank wall, which goes up the other levels of housing, temporarily, until we create the other section of building.

B. Rabinowitz: Asks about timeline.

M. O'Neil: Answers that it lists 18-months for that panelized wall on the applicant's timeline submittal.

B. Rabinowitz: Asks for clarification about the form-based code if there are regulations for having a blank façade, nine-stories tall.

M. O'Neil: Answers that the project would still be considered under construction, allowing for that.

J. Beck: The intent is that from the start of construction to the end of the fourth space in a sequence, it is yet to be determined how quickly we are able to make it through those four phases. Right now, there is a start date, and an end date.

B. Rabinowitz: Asks about progress of the questions from DPW.

J. Beck: Explains that they have had two sessions and have three more scheduled. Have responded to list of comments zoning department had. Have created spreadsheets addressing each of those items. As well as traffic concerns.

B. Rabinowitz: Asks if any other Board members have questions for the applicant. *None*. Opens item for public comment.

E. Hostra: Representing 100 Bank Street. Wanted to make sure the Board saw the letter from their attorney at Gravel & Shea. Explains that they are part of the downtown neighborhood and that they are excited about the potential for the revitalization. We think there are a number of issues that need to be more closely looked at like traffic, Stormwater, parking, and a variety of other items. Encourages Board to look through letter and look at items/issues that were brought up. Asks to clarify what Ordinance applies to this application because this is an amendment to an existing application and new elements of a new Ordinance is being reviewed that is not applied at the time of the original application.

S. Gustin: Explains that we are handling this as an amendment because it is basically what was proposed beforehand but is downsized. But it is a new application. That is why you are seeing it and why the Design Advisory Board and Conservation Board saw it.

B. Rabinowitz: Asks if the issues is mainly about the parking.

E. Hostra: That is one major element, yes.

B. Rabinowitz: Mentions that there has been major changes to the Ordinance the last few years.

E. Hostra: There is a big legal question here. Explains opinion that this should either be an amendment or a new application, not both.

J. Robbins: We have been advised by the Staff that we are complying with the full Zoning Ordinance as it stands currently and we are not picking and choosing elements in the different Ordinances.

S. Gustin: Explains that it is an amendment to the original application, but is under a new application submission.

J. Franco: Is present to represent four individuals who were involved in the appeal of this original zoning permit back in 2017. Explains the appeal and history of settlement agreement. No comment or objection to project. Problem is that the overall size of project is reduced by one third, which is good. The bad is that the parking has been reduced by almost 60% and the non-parking elements have been reduced to almost 18%. Our position is that that does not comply with either the settlement agreement that we had with the developer or the consent judgement that was filed by the Superior Court led by the Environmental Division. The case law in Vermont is very clear with a number of cases, that you don't get to disregard previous permit conditions when you have an amendment. There are certain things you have to show and certain things you have to do, we have outlined those in our letter. For the claim that the parking is limited by the new Ordinance is not true. The current ordinance does not put any cap on public parking. We are asking for mitigation for the loss of public parking spaces from the demolition of the Cherry Street parking garage. That was demolished in reliance upon the permit that was granted by the settlement and the consent judgement issued by the Environmental Division in 2017. They acted on that. This application is out of balance with the amount of parking that should be provided here. Explains the Taft Corner's case and how it relates to this application. Our appeal was based not on the minimum parking requirements of the Ordinance, it was based on the Major Impact provision of the Zoning Ordinance. The impact created by the downtown off-site parking capacity by the demolition of the old parking garage.

M. Dana: Explains that family owns the building adjacent to mall entrance on Church St and another location. Asks about the amount of public parking spaces proposed. Asks if the existing mall entrance will remain as the one story building as opposed to being a highrise.

B. Rabinowitz: Answers that the entrance is not changing at this time.

M. Dana: Asks to clarify the public parking question. Issue with the Cherry St parking garage being demolished and then not being replaced with an adequate amount of spaces. Asks if apartments are going to be market rate or student housing.

J. Beck: Answers that the apartments will be market rate, with the 20% of inclusionary housing. If students wants to and are able to rent here, they are able to. For the parking questions, the parking garage proposed is a private parking garage. The first spaces to be leased will be given/offered to the occupants of the building, whether that be the dwelling units or the retail leases. There is a commitment to parking spaces for 100 Bank Street. Spaces that are left over will be offered to the public either on an hourly or daily basis.

B. Rabinowitz: Asks to clarify that there is no commitment to any spaces being available to the public.

M. Dana: Asks about commitment to the public parking spaces after the public parking garage was torn down.

J. Beck: There has never been a commitment to create a public structure.

B. Rabinowitz: Asks to clarify if the parking numbers were in excess of what was required for what was being constructed.

J. Beck: Was always based on the requirements of the Zoning formulas.

M. Dana: Asks how many parking spaces were going to be built under the original plan.

B. Rabinowitz: Rough estimate around 900 spaces for the high estimate.

M. Dana: Mentions that the parking has been reduced significantly compared to the scope of the project, which has not been reduced as much as the parking.

J. Beck: Explains that they are meeting the parking requirements in the Ordinance. Housing and retail uses have no parking requirements, so with 422 spaces, we are building close to the maximum number of spaces allowed.

S. Goodkind: Mentions that the parking plan that exists as approved, the parking spots in that plan did not meet the size/dimension requirements. Questions the approval process for that plan. Asks if the parking spaces have been confirmed to meet size and dimension requirements.

M. O'Neil: Confirms that the parking dimensions have been reviewed and are conforming to the Ordinance. It is discussed in the Staff Report.

S. Goodkind: Asks if any of them are tandem spaces.

J. Beck: Very limited amount of tandem.

S. Goodkind: Mentions and agrees with the comment earlier about public parking and the demo of Cherry Street parking garage.

B. McGrew: Repeats and reiterates what Steve Goodkind said. They are here for the parking discussion, worried about the number of public parking spaces for the Church St Marketplace.

S. Bushor: In support of application. In support of the reduction in height and the removal of the hotel. Happy to see the TDM proposal, bus passes, CarShare, etc. Happy to see that the cost of parking is not included in the rent being charged. Has been following application since the beginning and thinks that this is going in a good direction. In support of the green roofs and likes that the parking has a cover on it so the residents will not be looking onto cars. The things that continue to concern me is that the form-based code is so limited. It is a loss that the commercial space is not a part of this project and the UVM component is gone. Concerned with the shrinking retail. Frustrating that this was once called our "Marketplace" and now the retail component is hardly visible. Unfortunate that this project and this size of a project is during this pandemic and we are doing meeting virtually. The first application that was reviewed, there were to scale models, so it is also lacking that detail and access to the public. Still multipurpose, and enjoys that. Likes to see the housing included, but does think that it is detrimental to the Marketplace. Tried to read through all the materials and was concerned in the reduction of parking spaces. Did believe that there were going to be enough spaces for the public to use and access the

retail. Believes it will put added pressure on the merchants. Hopeful that the applicant will remember the legal agreement and hear the comments of people who want to use the retail of these two buildings. People are going to need to park to take advantage of what they are going to offer. Disappointed that it has been down-played. We have to realize that we have a robust public transportation system and people do drive to get to Burlington, and they do have to park their cars somewhere.

C. Long: Asks about the 100 spaces that are reserved for 100 Bank Street. Asks to clarify which building that is.

S. Gustin: 100 Bank Street is the brown office building at the end of Bank Street.

J. Beck: Answers those 100 spaces will be offer at market rate to that building with full access to our building

B. Rabinowitz: So they could take 100 but they could take less. Asks about proposed parking garage structure and number of spaces and how they've changed from the previous proposal.

J. Robbins: Gives details and explains the reductions and changes regarding parking garage.

B. Dunkiel: Representing project. Wants to remind DRB of role and jurisdiction. Role is primarily to review the application before them under the current zoning ordinance, and the zoning ordinance instructs you to interpret the ordinance literally. The DRB has no jurisdiction over private disputes. Several of the issues raised regarding 100 Bank St involves issues over private property owners. Mentions Attorney Franco's public comment and how the law he read is not applicable in this case. The applicant concurs with the City Attorney's analysis regarding this, which is in the packet materials. Wanted to note the proper terminology for this application. This is an amendment application proposing a substantial change to what was previously permitted. This DRB does not have jurisdiction to evaluate the settlement agreement. Many of the public comments were regarding that matter. Responds to public comments regarding public and public parking. Explains that this has always been proposed private parking garage and always has been. Responding to public comments, sounds like people do not like the policies that have been put in place in regards to parking management under the Zoning Ordinance passed by the City Council. Explains parking requirements in the Ordinance and explains that the Ordinance is very clear what the requirements are for this project applicant.

J. Beck: Have reviewed all the Staff comments. Feels like we have met the Ordinances in place and are willing to accept comments as written. Only request is relief on the two items, which is the width for the garage entrance and the material for façade.

L. Wheelock: Followed up with Staff regarding Staff comments and comments with applicants, but DPW have not yet had a chance to review and respond. Concern regarding loading docks and obstruction of the City sidewalk when trucks and vehicles are accessing dumpsters/trash compactors. Recommendation for that to be a time limited activity. The areaways are something that has been an ongoing conversation with the applicant and still working on removing the areaways within the City right-of-way. Wants to acknowledge that the streets for Pine and St. Paul are in an interesting condition and they were in original application and could become public rights-of-way sometime this year, they are in the middle of a settlement agreement. Regarding traffic, the comments to initial questions came back late in the day Monday and we have not had a chance to thoroughly review some of those comments. Some larger concerns that need to be addressed is the level of service at intersections of Main St/Prospect St, and Colchester Ave/Prospect St.

B. Rabinowitz: Asks to elaborate on the comment about the loading dock relative to truck access.

L. Wheelock: One of the sketches that they provided us shows the compactors inside the loading docks, which closely resembled a trash and recycling facility based on how full

they are. The estimated size for the vehicle to handle those will obstruct the City sidewalk during accessing those.

B. Rabinowitz: Asks if it would be for other deliveries too if it is just the compacting/trash haulers that would be blocking the sidewalk.

J. Beck: Answers that the loading docks are two-bays wide so the trash/recycling compactors are on one side and the other side is open. When the truck backs up to grab compactors, the drivers cab would be the only thing that is on the sidewalk just at those times for pick up. When people are moving into the building, box trucks will be able to use the second bay and be out of the way of the pedestrian right-of-way. The South loading dock is a much larger dock, which can accommodate a tractor-trailer.

B. Rabinowitz: Asks if there could be time restrictions on the pick-up of the trash. Casella prefers early morning in the downtown area, so it would most likely be early morning. With the compactors, it limits it to how many times a week they would have to pick up trash and block the sidewalk.

N. Baldwin: There is a transit center adjacent to this project. Has expectations that St. Paul St is going to be a primary route that the transit center will service, as a result it's important that the sidewalk is not obstructed during those early morning hours when the transit center is very active. There should be clear conditions besides just time of day. We need to look closely when CCTA starts.

B. Rabinowitz: Asks if there are any other questions from the Board, the applicant, or public.

None

B. Rabinowitz: Closes public hearing.

V. Certificate of Appropriateness

1. 21-0641CA; 2-14 King Street (DW-PT, Ward 3C/5S) Lake Champlain Transportation Co., Spot on the Dock

Renovation to existing building to demo bathrooms to increase outdoor bar within existing footprint and add interior partitions to create new office and storage room. Construct new bathroom building with stairs and access ramp. (Project Manager: Ryan Morrison)

Geoff Hand recused from item

Jay Buermann and Kelly DesRoches, and Shannon Lipkin appeared on behalf item

No public provided testimony on item.

B. Rabinowitz: Invites applicant to present.

K. DesRoches: Gives brief overview of item. Walks through plan and explains changes. Explains current siteplan and walks through the proposed changes to the property.

B. Rabinowitz: Asks how the public enters the proposed bathrooms.

K. DesRoches: Shows the path that the public would take to get to the bathrooms.

B. McArthur: Asks if the bathrooms are for the general public or for patrons of the restaurant.

K. DesRoches: Open to the patrons of the restaurant.

B. McArthur: Asks if it is open to the public and if it is locked.

K. DesRoches: It is not intended for public use and will be locked during closed hours.

B. McArthur: Asks if the bathroom will be locked (from the public) when the restaurant is open.

K. DesRoches: Believes that the bathrooms will be open and you will not require a key to use the bathrooms.

S. Lipkin: We would keep it unlocked during business hours.

B. McArthur: Asks if there would be any signage or prohibition of public using these restrooms.

S. Lipkin: This issue and signage was not an issue when thinking of the application and proposal. Would like to not have to install signage for this if possible.

B. Rabinowitz: Mentions that if someone is sitting at the bar, they would have to walk around the entire restaurant and then out into the public space and then come back inside just to use the bathroom.

S. Lipkin: We had to do that this past season due to covid and it was actually better for the business and customers because of how the building is conformed to not have customers accidentally walking into the kitchen or interrupting flow of service and did not seem like an issue.

K. DeRoches: We looked at having the ramp and access located in a different spot, but having that access squeezed in between the buildings seemed like a negative experience and space instead of having it more open and visible. Walks through elevation plans and how exterior and height will change. Explains changes in roofline. Walks through renderings.

B. Rabinowitz: Asks about façade materials.

K. DesRoches: Explains the current façade and the proposed material changes.

B. Rabinowitz: Asks about floodplain comments that applicant is working on with State Department.

K. DesRoches: Correct. Do have flood vents in four locations to locate and size. Other comment has to have any mechanical/electrical/plumbing one foot above the floodplain level. We will be following up with those plans.

B. Rabinowitz: Asks if applicant has anything else to add and if any Board members have any questions.

None

B. Rabinowitz: Closes public hearing

VI. **Adjournment**

Meeting adjourned at 7:20PM



Bradford L. Rabinowitz, Chair of Development Review Board

July 6, 2021

Date



Alison Davis, Zoning Clerk

3/15/2021

Date

Plans may be viewed upon request by contacting the Department of Permitting & Inspections 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 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/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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