

Burlington Development Review Board

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Brad Rabinowitz
AJ LaRosa
Springer Harris
Geoff Hand
Brooks McArthur
Kienan Christianson
vacant
Sean McKenzie, (Alternate)
Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday July 7, 2020, 5:00 PM Remote Meeting

Zoom: <https://us02web.zoom.us/j/85200949242?pwd=V1EzNnhqejNOYlJvNUpSbFVzQTBFQT09>

Webinar ID: 852 0094 9242

Password: 842557

Call in telephone: US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Minutes

Board Members Present: Brad Rabinowitz, Geoff Hand, Brooks McArthur, Kienan Christianson, AJ LaRosa, Ravi Venkataraman (Alt), Sean McKenzie (Alt)

Board Members Absent: Springer Harris

Staff Present: Scott Gustin, Ryan Morrison, and Alison Davis

I. Agenda

B. Rabinowitz: No changes to the agenda

II. Communications

B. Rabinowitz: Asks if anything came in today

S. Gustin: Have posted everything except for a few last minute emails

B. Rabinowitz: Asks if they will be part of the record

S. Gustin: Yes, they will be part of the record

III. Consent

1. 20-0820CA; 44 Lakeside Ave (ELM, Ward 5S) Lakeside Ovens, LLC

Demolish existing office building and replace with new 4-story office building on existing foundation. Add five parking spaces to overall parking count (Project Manager: Mary O'Neil)

John Caulo appeared on behalf of applicant

No public provided testimony

Geoff Hand recused from item

M. O'Neil: The applicant revised the application to build a three-story building, which the staff report reflects

B. Rabinowitz: Asks applicant if they have read the staff recommendations for approval

J. Caulo: Yes, I have

B. McArthur: Motion to approve application and adopt staff findings and recommendations

R. Venkataraman: Seconds motion

6-0-0

2. 20-0858CA; 225 Elmwood Ave (RM, Ward 3C) Green Mountain Habitat for Humanity

Demolish existing single family home and build replacement single family home
(Project Manager: Mary O'Neil)

David Mullin and Chris Lane appeared on behalf of project
John Smyrski provided public testimony
Geoff Hand recused from item

M. O'Neil: Requesting Saturday construction hours 8 am - 3 pm because they rely on volunteer help. Posted late on webpage.

B. Rabinowitz: Asks Board if anyone opposed to treating this as a consent item

AJ LaRosa: Asks when this change happened. Asks if it was before or after it was posted as consent, if public had notice of the change

M. O'Neil: Yes, was posted in the beginning

Moves item to public hearing for question from abutting neighbor who has questions about tree removal

C. Lane: On the property line along the sidewalk there is a large, 4' diameter, pine tree that has damage from storms, intruding power lines. Plan is to remove tree along Elmwood Avenue, another small 8" tree, not touching any trees along John's property lines. Nothing is growing straight, efforts to clean up property lines. Trying to create a property that a homeowner can maintain without a high cost.

J. Smyrski: Does not want the lot to be clear-cut

B. Rabinowitz: The one tree out front is the only large tree coming down. Closes public hearing.

IV. Public Hearing

1. 20-0792CA; 291 Appletree Point Rd (RL-W, Ward 4N) Gordon M. Maher

Appeal of an administrative denial for an after-the-fact patio removal and replacement with deck on different footprint (Project Manager: Ryan Morrison)

Gordon Maher and Dave Chenette appeared on behalf of appeal

R. Morrison: Explains reasoning for denial. Application was for an after-the-fact deck, aerial images could make out a patio that ran along the lakeside of the house. Application was to replace that patio with the new deck. The new deck was on a different footprint. Application mentioned he had removed the patio in 2017-2018, which nonconforming structures renders it void as an existing use after 12 months of discontinued use that nonconforming use loses its existing status. The ability to replace that in that footprint goes away. Applicant is seeking an after-the-fact permit to allow for the already existing new deck. Deck does encroach into the lakefront setback more than the patio did.

B. Rabinowitz: Asks if stonework falls into the same criteria that a deck does

R. Morrison: It does

G. Maher: Clarifies that there was an existing patio along the backside of the house that were water pebbles that you could see in the aerial photos. Patio was overgrown when they moved in, had to dig up pebbles, and are left there. Built floating deck on top of that. Clarifies that he did not remove the existing patio, but did not get a permit when new deck was built over that. Deck that was built was larger in length than the patio. Appealing because this deck was needed.

B. Rabinowitz: Asks to clarify photo

G. Maher: Clarifies questions about photos of property, patio and deck

R. Morrison: Points to older photos that were submitted about patio existence

D. Chenette: Deck does go towards the lake more than the stone pebbles did, but they did go across the entire back of the house, so with those gone, the overall square footage would be less.

B. Rabinowitz: Asks if the deck encroaches towards the lake more than the patio did.

G. Maher: Yes, it does

G. Hand: Asks about solutions

R. Morrison: Since the older patio is existing nonconforming, then it would have to maintain the same footprint

K. Christianson: Mentions construction phases mentioned in denial letter and asks why appellant did not apply for a permit during that time

G. Maher: Just did not apply for the permit

B. Rabinowitz: Closes public hearing

2. 20-0794SN; 66 North Ave (RM, Ward 3C) Sarah M. Holbrook Community Center
Appeal of an administrative denial for a proposed new sign (Project Manager: Ryan Morrison)

Bob Duncan appeared on behalf of the item

R. Morrison: Sarah Holbrook remodel was approved by the Board in 2018, among that they showed a canopy sign on the front of the building, but there was a condition to get a sign permit because they are issued and reviewed separately. The sign ordinance has changed, specifically about canopy/awning signs in the RM zone district, they are strictly prohibited. There are other signs models that can be approved in the RM district.

G. Hand: Clarifies that Board has approved the architectural component of this sign as part of the building. Interprets that putting up signage would be installing the letters on the sign.

S. Gustin: Canopy was part of the design and included in approval, but Ryan points out that the actual signage, is always handled separately. Not saying that the awning is the problem, saying that the signage going on the awning is the problem.

R. Venkataraman: Asks if the original approval included anything about signage, in the staff report

R. Morrison: Yes, condition 18

B. Duncan: Yes, in RM district, originally showed sign that was allowable in this district, but then ordinance changed. Would have been allowed with the original submission. We knew a sign permit was required, but showed the sign plan from the beginning. Never knew the ordinance was changing. This property is in the RM zone, but it is next to RH and NMU districts. This sign plan makes sense with the location and use of property.

G. Hand: Asks if the concrete grey stripe along front of the building comes out from the façade of the building where the proposed lettering is going

B. Duncan: Where proposed sign location on face of entry canopy. Clarifies Geoff Hand's question about façade

B. Rabinowitz: Asks if there are any other questions for applicant or staff. Closes public hearing

3. 20-0854CA/CU; 266 Queen City Park Rd (ELM, Ward 5S) Burton Corporation

Conditional use application to create 11,560 SF Performing Arts Center use within an existing 85,000+ SF structure; proposed façade improvements to existing building exterior (Project Manager: Scott Gustin)

Justin Worthley, John Caulo, Mike Crother, Mark Balderston, Jenn Conley, Eddie Duncan, Brian Dunkiel appeared on behalf of the application

Geoff Hand recused from item

Laurie Smith, CRZ Group (15 people), provided public testimony

B. Rabinowitz: Likely to not finish project presentation tonight, does not want to go past 7:30 PM. Limiting time for each public comment to three minutes. Five minutes for representing a group of people. Issues on this item seem to center around traffic and noise, maybe start with overall presentation, but want to get to that focus at some point

J. Worthley: Introduces Burton and gives overview of the company and history with property. Explains details about Burton properties, both 180 and 266 Queen City Park Road. Shows where space of performing arts center will be located within building as well as offsite parking. Provides overall vision for Burton Hub.

AJ LaRosa: Clarifies that no food production is included in this application

J. Worthley: Correct. Explains more details about vision for the performing arts center and Higher Ground.

A. Crothers: Gives history and background details about Higher Ground as well as future visions for company.

M. Balderston: Gives details about operational plan and crowd and event management plan.

J. Worthley: Explains impact analysis and conditional use criteria. Criteria 1- public utilities, facilities, and services. Criteria 2- character of the area. Criteria 3- renewable energy resources.

E. Duncan: Explains noise assessment, sound sources, and noise management plan. Sound management and mitigation.

B. Rabinowitz: Asks about person capacity of waiting area

J. Worthley: Explains queue timing and waiting of people.

A. Crothers: Explains queue, people come in waves, sprinkle in. Our goal is to get people in as quickly as possible

E. Duncan: Continues explaining sound movement and control. Explains concert sound level map. Explains details on background sound and community noise guidelines, noise standards and guidelines.

AJ LaRosa: Has questions about sound analyses. Asks about entrance of building and if the doors will be open or closed. Asks about the after-concert scenario and modeling instantaneous noises. Asks if they modeled car horns or door slamming.

E. Duncan: Responds to questions about sound analyses.

J. Conley: Explains details about Criteria 4- transportation systems. Evaluated with and without the Champlain Parkway being built. Working with South Burlington on signage for

directing cars for after events, discouraging travel down residential side streets. Explains traffic controls in the operational management plan.

AJ LaRosa: Asks for clarification about traffic movement near Home Ave and Pine Street intersection.

J. Conley: Discusses traffic modeling and analyses.

K. Christianson: Asks about solutions for mitigating tailgating and socializing in parking lots.

M. Balderston: Explains method and process of mitigating scenarios like tailgating. Explains crowd control, pinpoints, and concentric circle methods during end of event to assess intoxication of event goers.

J. Worthley: Explains the importance of pre-event planning and coordination with the Police

J. Caulo: Responds to staff comments. Hours of operation, site plan, outdoor lighting, parking, waivers from parking requirements/parking management plans, bike parking. Responds to CRZ letter, major impact studies, public safety service, noise and vibration, transportation systems, wastewater

J. Worthley: Reponds to South Burlington City Council letter about signage and signage for parking, enforcing no tailgating policy, directing traffic, committing to following through on monitoring plan for one-way bridge, and measuring exterior noise levels

L. Smith: Asks to present full presentation for CRZ Group at continued date.

AJ LaRosa: Motion to continue hearing until August 4th.

K. Christianson: Seconds motion

B. Rabinowitz: Closes public hearing

V. Adjournment

Meeting adjourned 7:30 PM

 _____ Bradford L. Rabinowitz, Chair of Development Review Board	Feb 2, 2021 _____ Date
 _____ Alison Davis, Zoning Clerk	07/20/2020 _____ 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/dr/ agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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