

Burlington Development Review Board

Department of Permitting & Inspections
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Brooks McArthur
Kienan Christianson
vacant
Sean McKenzie, (Alternate)
Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, August 18, 2020, 5:00 PM

REMOTE MEETING

Zoom: <https://us02web.zoom.us/j/86007795506?pwd=a0pzU0xWd00yZTBnek5MTnRhZmJHQT09>

Webinar ID: 860 0779 5506

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Minutes

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

Board Members Absent: Springer Harris

Staff Present: Scott Gustin, Ryan Morrison, Alison Davis

I. Agenda

B. Rabinowitz: One change to agenda

S. Gustin: 273 Pearl Street PUD item is no longer on agenda, looking to be deferred to future meeting. Design Advisory Board took longer than anticipated.

II. Communications

B. Rabinowitz: 266 Queen City Park Road item- all communications and all other documents posted online.

S. Gustin: Confirms

III. Minutes

B. Rabinowitz: August 4 minutes online to be deliberated

IV. Public Hearing

1. 20-0717CA/MA; 273 Pearl Street (RH, Ward 8E) Triple Tree Group, LLC, (Bruce Baker, Greg Doremus)

Planned Unit Development involving 273 Pearl St, 11 Hungerford Terrace, 15 Hungerford Terrace and 21 Hungerford Terrace. Demolish porch and move garage at 21 Hungerford; demolish garage at 11 Hungerford. Construct 12-unit residential building with related parking and supporting infrastructure. (Project Manager: Mary O'Neil) *Deferred to Sept 15th meeting.*

No public attended to speak on item.

K. Christianson: Motion to defer item to September 15th meeting.

R. Venkataraman: Seconds

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2. 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. *Continued review.* (Project Manager: Scott Gustin)

G. Hand: Recused from agenda item

Applicants here: Justin Worthley, Brian Dunkiel, Eddie Duncan, Jennifer Conley, John Caulo, Alex Crothers, Alan Newman, Mark Balderson

Public: Kyle Creason, Janice Ellis, Sharon Bushor, Laurie Smith, Frank Kochman, Robert, Almy Landauer, Stephanie Herrick, Lori Hayes, Diane de Terra

B. Rabinowitz: Gives brief project details. This is the third meeting on project. Recently received more documentation and information on daytime traffic and noise.

B. Dunkiel: Speaks on conditional use proposal for mitigation of issues that public spoke on. Speaks on proposed conditions for permit. Speaks on proposed condition #3 that was sent in J Caulo's memorandum to S Gustin's from August 14, 2020. Asks about expectations for noise assessment study.

E. Duncan: Explains purpose for proposed condition #3 and further investigation into sound levels.

B. Dunkiel: Talks through list on edits for conditions and explains reasoning. Aligns with condition #4 for mitigation measures for noise. Explains reasoning for condition #5. Explains condition #7 addressing daytime use and communications with Burlington Department of Public Works. Explains larger events time limitations and when they are allowed to occur. Requests to add that conditions can be modified with approval of DRB and public hearing so conditions will "live on" with the use of the property.

J. Conley: Explains and gives details surrounding traffic concerns and the traffic studies. Explains proposed conditions to mitigate and monitor traffic location concerns.

B. Rabinowitz: Asks clarification question about large daytime events and the traffic study surrounding that.

A LaRosa: Asks traffic levels at Home Avenue and Pine Street intersection after an event.

J. Conley: Not sure how the traffic will be distributed on the way out of events. Explains difficulty with providing specific numbers and difficulty with measuring the routes people take to get home. Gives reasoning for numbers used. Explains half of site traffic would go east and half would go west. Explains analysis of historic data of conflicting traffic at Home Ave and Pine St intersection. Very rare that there would be a confliction vehicle at that intersection.

B. Dunkiel: Asks if there is any doubt about the capability of that intersection to handle these events.

J. Conley: No doubt because the traffic volumes are significantly higher during the weekday PM peak hour.

K. Christianson: Asks about traffic concerns surrounding lack of Champlain Parkway.

J. Conley: Explains that the conditions include both analyzed situations and review both situations. Conditions were developed to address the concerns that were identified in the traffic study with and without the Champlain Parkway.

R. Venkataraman: Asks about vehicle miles traveled and how far away patrons live.

J. Conley: Higher Ground traffic comes from all over. There is a population that comes from Burlington, but also a population that comes from other locations in Vermont.

R. Venkataraman: Asks if biking/walking infrastructure would improve traffic.

J. Conley: Not necessarily for the Higher Ground concerts.

B. Rabinowitz: Asks about rates of peoples leaving the venue and how that reflects in the analyses. Asks about traffic at Home Ave and Pine Street and the queue of cars.

J. Conley: Explains how they included the peak hour analysis and how it impacts the study. Gives details about how the four-way intersection analyses work. Explains how there will be very little delay involved.

B. Dunkiel: Introduces Eddie Duncan who will address the noise concerns. Addresses a few legal concerns.

E. Duncan: Explains proposed condition #3 and condition #4. References operational management plan. Explains outdoor lounge area screening/barrier was not included in the noise assessment, could reduce noise levels and improve noise mitigation. Addresses concerns from CRZ about sound levels and sound analysis. Explains maximum sound level and average sound level, and the noise assessment.

K. Christianson: Asks about the concentric circle procedure for public protection, asks about safety for people living near the project. Mentions concerns with attendees post-show.

J. Worthley: Benefits of proposal is that Higher Ground has been operating at another location at a similar size for a number of years and know how to do it responsibly. Not a tailgating environment. More parking at Burton location. Not going to have the issue of having to park in other places. Going to have clear rules about operations and expectations.

Recess meeting for 15 minutes

K. Creason: Expresses concerns with traffic study and number of cars leaving shows. Concerns with how the data is presented for the traffic study.

J. Ellis: CRZ members remain concerned with the impacts from the project. Concerns about noise, traffic, safety and infrastructure.

S. Bushor: Expresses concerns for noise and traffic. Asks to consider off-site parking.

L. Smith: Expresses concerns with noise levels.

F. Kochman: Responds to comments and concerns about noise ordinance.

Robert: Expresses concerns with noise levels late at night.

A. Landauer: Concerns about traffic. Concerns with drivers seeking alternate routes when there is a backup at an intersection.

S. Herrick: Concerns about traffic. Concerns about outdoor seating lounge with noise levels.

L. Hayes: Concern with post-show issues. Concerns with show attendee monitoring and enforcement.

D. de Terra: Concerns with noise, rowdy events. Concerns with lack of plans and mechanisms to handle these issues.

B. Rabinowitz: Closes public hearing.

3. 21-0018CA/CU; 119 Spruce Street (RL, Ward 6S) Chris Khamnei

Remove garage and pantry addition on rear of structure and construct new garage. (Project Manager: Scott Gustin)

Applicant: Chris Khamnei

Public: Carolyn Hanson, Steffen Hillemann

C. Khamnei: Gives background details about application for 119 Spruce Street. Gives details about 129 Spruce Street driveway and proposal for driveway. Gives history of project. Elevation drawing shows where garage is going, under porch in the lower elevation. Explains what is currently on property vs what is proposed.

G. Hand: Asks about existing conditions of property and what will need to be done to construct project.

C. Khamnei: Gives details about conditions and ground level.

G. Hand: Asks if other houses on street have this type of garage.

C. Khamnei: Nothing on this street, but there are a few examples in the surrounding area.

G. Hand: Asks about historical nature of home and how this project will impact that.

S. Gustin: Clarifies historical review and where this project falls.

B. McArthur: Asks if house will be used as single-family home

C. Khamnei: Single family home

C. Hanson: Lives across the street and has concerns about work happening. Explains that the proposed driveway and garage takes away with the historical value of the home. Proposes that the garage that was there should not have been taken down.

S. Hillemann: Concerns with what is going on with the property concerns with the redstone wall, addition, and lack of information and/or incorrect information provided about project. Provides details about concerns. Mentions property's tulip tree and concern with taking it down.

C. Khamnei: Responds to neighbor's concerns.

B. Rabinowitz: Closes public hearing.

V. Other Business

1. 20-0971CA/CU; 362 South Union Street (RL, Ward 6S) William Fellows and Tshen Shue

Amend condition #4 of approved zoning permit 20-0971CA/CU to remove the requirement to amend the shared driveway easement to accommodate the proposed development. (Project Manager: Ryan Morrison)

G. Hand: Recused

B. Rabinowitz: Amend conditions of approval to remove condition #4

B. McArthur: Seconds motion

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2. DRB Bylaw amendment

G. Hand: Motion to approve

K. Christianson: Seconds

7-0-0

VI. Adjournment

Meeting adjourned 7:20pm.

Bradford L. Rabinowitz, Chair of Development Review Board

Date

Alison Davis *Alison Davis*

September 1, 2020

Alison Davis, Zoning Clerk

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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