

## Burlington Development Review Board

149 Church Street, City Hall  
Burlington, VT 05401

[www.burlingtonvt.gov/pz/DRB](http://www.burlingtonvt.gov/pz/DRB)

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



### BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday October 15th 2019, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT Minutes

**Board Members Present:** G. Hand, B. Rabinowitz, A. LaRosa, S. Harris, K. Christianson, B. McArthur, A.J. LaRosa, R. Venkataraman (Alt)

**Board Members Absent:** S. McKenzie (Alt)

**Staff Present:** Scott Gustin, Mary O'Neil, Ryan Morrison, Alison Davis

#### I. Agenda

B. Rabinowitz: No changes to agenda, confirms 110 Riverside has requested deferral and no one from the public is here to testify

#### II. Communications

B. Rabinowitz: No additional communications

#### III. Minutes

B. Rabinowitz: Will review minutes from 10/1/2019 meeting during deliberation

#### IV. Consent

- 1. 20-0332CU; 336 North Winooski Ave (NMU, Ward 2C) Gorilla Bars**  
Change of use to food/beverage processing. (Project Manager: Ryan Morrison)

Applicants appeared on behalf of project.

B. Rabinowitz: Confirms no one from public to testify. No objection from Board to have project on consent agenda

G. Hand: Motion to approve application and adopt staff findings and recommendations

A. LaRosa: Seconds motion

7-0-0

- 2. 20-0254CA/CU; 34 Henderson Terr (RL, Ward 6S) Mark and Valerie Hamlin**  
Demolition of garage and construction of new garage extended an additional 4' to the south. (Project Manager: Scott Gustin)

Mark and Valerie Hamlin appeared on behalf of project.

B. Rabinowitz: Confirms no one from public to testify. Asks if applicants have reviewed conditions of approval

M. Hamlin: Did not receive a set of conditions

Z. Hightower: Asks if applicant received staff report

A. LaRosa: Gives applicant copy of the conditions  
Applicants: Review and accept conditions  
B. Rabinowitz: Asks Board if they oppose to project being on consent agenda  
Z. Hightower: Motion to approve and adopt staff findings and recommendations  
A. LaRosa: Seconds motion  
7-0-0

**3. 20-0315CA; 0 University Rd (RCO, Ward 1E) University of Vermont & State Agricultural College**

Install two salt sheds. Relocate two brine tanks and addition of another larger tank. Relocate fence. Remove existing waste blocks. Installation of gate. Replacement of two sheds with a 10 ft x35 ft wood shed on concrete pad. Installation of two storage containers. All work on existing gravel surface. (Project Manager: Mary O'Neil)

Gail Henderson King, Sal Chiarelli, Derick Read, Lisa Kingsbury appeared on behalf of project.

G. Hand: Disclosures Law Firm's involvement with UVM, but has no association with project. Has questions to ask about project.  
B. Rabinowitz: Moves agenda item to public hearing  
G. Hand: Asks about status about EPSC approval  
M. O'Neil: Issued date was Oct 2  
G. Hand: Refers to staff findings and photos, red circled area, asks who owns stormwater basin  
G. Henderson King: UVM is the owner of stormwater basin  
G. Hand: When looking at aerial photos of this area there is significant erosion occurring on project site headed down towards stormwater pond. Asks if they have plans to address this as part of project  
D. Read: Explains that the road that goes down and in the photo you are seeing snow storage in that area, emphasized it is a well vegetated area. Explains current site conditions do not reflect an erosion issue.  
G. Hand: Back corner looks like stormwater has created deep erosion, not how you want stormwater going into your stormwater pond. Worth follow up if you are not addressing it during this project. Looked concerning  
D. Read: Will confirm, but does visual checks of pond to make sure it is running properly, and has not seen an erosion issue recently

Martha Lang provided public testimony

M. Lang: Expresses concern with permit, has many questions about permit. Says area is a dump, and is not a permitted use in zone. Explains there is compacting/composting area, which is also not a permitted use. Concerns that salt shed could contaminate vegetation which should be highly respected. Concerned with stormwater permit from 15 years ago and gravel parking lot permit from 12 years ago, and other permits which have not been closed out.

B. Rabinowitz: Explains there is a condition of approval to close out permits before this permit is issued

M. Lang: Disagrees to any issuance of this permit. Refers to section 2.7.8. Questions previously issued permits and conditions of approval. Area is now a disaster, used to be a beautiful natural area. Refers to zoning map and staff comments. Questions what is institutional and what is recreational. Asking for a graphic scale for recreational areas and institutional. Unacceptable conditions of current site. Refers to City's comments and

needs more clarification about where the project is going and what they are putting there. Questions buffer zone for stream. Recommends UVM be held to a higher standard.

B. Rabinowitz: Clarifies that these are salt sheds to replace already existing salt sheds. Asks if there are any issues with the existing use

M. O'Neil: Explains that the equipment and facilities that they are proposing to replace are already existing. They may be changing some dimensions but are accessory to the overall institutional use relative to the overlays that M. Lang referred to. Explains reasoning for including which screenshots of area, so the extent of the sensitive areas, including different zoning districts and overlay districts can be seen.

B. Rabinowitz: Asks to address why previous permits have not been closed

G. Henderson King: Explains why permits have not been closed. They are a busy University, are aware they are needing to be closed, and have a lot of projects going on

B. Rabinowitz: Explains updates to ordinance should not be considered new at this point

G. Henderson King: Agrees. Explains they are in the middle of closing out permit, and understands that before issuance of this permit, they need to be closed out.

B. Rabinowitz: Questions difficulty of University trying to close out permits for years

G. Henderson King: Does not know details, but believes they are in the works of closing them out

G. Hand: Asks if someone from team can address those issues

L. Kingsbury: Confirms that what G. Henderson King said is accurate. Have long list of permits that have not been closed out but are working their way through the list and are accepting of the condition of approval to not use the salt sheds until the other permits are closed out

B. Rabinowitz: Closes public hearing

## V. Public Hearing

### ~~1. 19-0980CA/MA; 110 Riverside Ave (NAC, Ward 1E) Sisters & Brothers Investment Group, LLP~~

~~57-unit apartment building with underground parking. (Project Manager: Mary O'Neil)~~

Deferred until November 19<sup>th</sup> at request of owner

B. Rabinowitz: Confirms no one from public is here for testimony

G. Hand: Motion to have item moved to November 19<sup>th</sup> meeting

B. McArthur: seconds

7-0-0

### 2. 20-0317CU; 702 Lake St (UR, Ward 4N/3C) City of Burlington

Renewal of snow storage on urban reserve parcel. (Project Manager: Scott Gustin)

Chapin Spencer and Rich Thibault appeared on behalf of project.

G. Hand: Recused

B. Rabinowitz:

C. Spencer: Provides overview of importance of project for City of Burlington

B. Rabinowitz: Clarifies location has been used for few years, clarifies length of permit

R. Thibault: Has worked for the City of 10 years and has been using that location since then  
B. Rabinowitz: Confirms length of renewal  
S. Gustin: Confirms 2 years  
B. Rabinowitz: Addresses of comment about loudness of trucks  
R. Thibault: Have talked to the guys about the slamming of trunks and doors and picking up debris after the snow melts  
C. Spencer: Happy to follow condition and talk with Church Street Marketplace about cooperating to share facility  
B. Rabinowitz: Closes public hearing

## VI. Other Business

### 1. 19-0355CA: 441 Shelburne St (RM, Ward 5S) 441 Shelburne Road, LLC Project status update. (Project Manager: Scott Gustin)

Mitchel Richardson appeared on behalf of agenda item.  
Jeff Govoni and William Ward appeared for public testimony.

B. Rabinowitz: Explains status of permit and project. Confirms that this is a follow-up from a permit that was issued  
S. Gustin: Confirms this is a follow-up from an issued permit because there is a condition that the siding was supposed to be complete in September, it is now October and it's not done. Second part of that condition is to have a status update by the applicant  
M. Richardson: Explains siding should be done in two to three months, have had large setbacks, building collapsed, needed to rebuild a section of the house  
B. Rabinowitz: Clarifies setbacks and that project is very much in public view. There has been a visible lack of progress  
A. LaRosa: Site conditions have improved  
B. Rabinowitz: People in the neighborhood will be happy to have the siding go on  
M. Richardson: Explains what is still holding project up, waiting on doors to be delivered  
B. Rabinowitz: Asks when siding should be on building  
M. Richardson: One week or two it should start; four to six weeks the whole building will be done. Everything is waiting for siding, just waiting on doors and electrical panel  
B. Rabinowitz: Confirms there is no action to make from Board  
K. Christianson: Recommends another project update in 6 weeks  
B. Rabinowitz: Gives project two months, confirms for another project update for Dec 3  
M. Richardson: Accepts to return on Dec 3

J. Govoni: Unsatisfied with unclear answer addressing when project will be complete. Unsettled about long lifespan of project without clear plans. Upset about lack of detail. Mentions windows are not all in. Questions accountability to get project done within reasonable timespan. Has well documented damage to his property. Wants project to succeed, but wants more accountability  
B. Rabinowitz: Understands that collapse of building held things up  
J. Govoni: Three-man crew is too small for this size of project. Dates have been moving back consistently since permit was issued  
G. Hand: Sympathetic to situation and agrees project should be done in a timely manner. Explains he has seen work start and stop when checking-in on project site. Expecting for siding to be done when M. Richardson returns in December

M. Richardson: Clarifies window in the rear of building was removed for material entry/exit

W. Ward: Is monitoring project, confirms progress. Explains vacant building ordinance and warns applicant about right to file notice. Will work with both parties to find a balance

B. McArthur: Asks about opinion of project progress

W. Ward: Agrees with G. Hand about start and stop of project process. Has photo progress from Shelburne St view

M. Richardson: Explains there have been different stages of building process and not all progress can be made from Shelburne St view, need to view progress from complete building

B. Rabinowitz: Confirms item moved to Dec 3. Closes

## 2. 2020 DRB Schedule

Review of Development Review Board Schedule for 2020

B. Rabinowitz: Confirms Board has to adopt 2020 Schedule

S. Gustin: Confirms

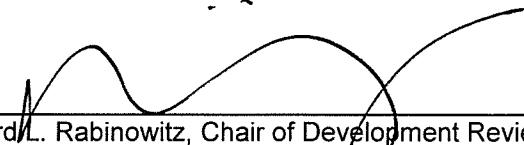
A. LaRosa: Moves to adopt proposed schedule for 2020

Z. Hightower: Seconds motion

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## VII. Adjournment

Meeting adjourned at 5:45 PM.

  
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Bradford L. Rabinowitz, Chair of Development Review Board

11/6/19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Alison Davis, Zoning Clerk

11/8/19  
\_\_\_\_\_  
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 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](http://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.

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