

Burlington Development Review Board

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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 November 19th 2019, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT Minutes

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

Board Members Absent: Springer Harris, Geoff Hand, Zoraya Hightower

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

I. Agenda

B. Rabinowitz: Was informed a few Board members will be arriving late, so agenda is adjusted slightly, pushing 110 Riverside Ave agenda item to the end of the meeting

II. Communications

B. Rabinowitz: Several additional communications submitted for 110 Riverside Ave agenda item, will discuss those materials when we get to that agenda item

III. Minutes

B. Rabinowitz: Meeting minutes from November 6, 2019 will be discussed during deliberation

IV. Consent

1. **20-0432CU; 80 Colchester Ave (I, Ward 1E) Colchester Avenue Housing, LLC**
Change of use to medical office (Project Manager: Ryan Morrison)

Mary Steiger appeared on behalf of project
No one from public provided testimony

B. Rabinowitz: Asks if applicants have reviewed staff recommendations and if any members on Board if they object to the item being on the consent agenda.

Mary Steiger: Accepts staff comments and recommendations.

B. Rabinowitz: Recommends Board makes motion to approve.

B. McArthur: Motion

R. Venkataraman: Seconds motion
4-0-0

V. Public Hearing

1. **20-0408CU; 747 Pine St (RL/W, Ward 5S) Cresta Cooper Nedde LLC**
Expansion of warehouse/retail (Burlington Furniture into vacant unit former fitness/gym (Body Resolution) (Project Manager: Mary O'Neil)

Mark Binkhorn and Fernando Cresta appeared on behalf of project
No one provided public testimony

B. Rabinowitz: Clarifies with planners that there was not an overall site plan submitted

M. O'Neil: Confirms there was only a partial site plan submitted
B. Rabinowitz: Asks about parking and missing representation in site plan. Asks for overall site plan to be submitted as a condition of approval
M. O'Neil: Confirms approval from parking count. Explains overall site plan was submitted in previous application and approval, so staff can provide the site plan to the Board
B. Rabinowitz: Agrees that will be sufficient. Closes public hearing

2. 19-0395CA/CU; 65 Oakledge (RL/W, Ward 5S) 65 Oakledge Trust

Request construction on Saturdays, regarding condition #3 in permit 19-0395CA/CU (Project Manager: Scott Gustin)

Benjamin Roll appeared on behalf of project
Kate Laing, Suzanne Garrity and Douglas White provided public testimony

Benjamin Roll: Introduction of project and explanation of request for construction on Saturdays during the winter to offset time that would be used in the summer. Completion of building cladding in the winter will allow site work and landscaping as early as possible in the spring and hopefully limit additional summer work

B. Rabinowitz: Asks to confirm that work will be exterior work like siding

Ben: Confirms. Siding, trim, possible roofing

B. Rabinowitz: Asks about material deliveries on Saturdays

B. Roll: Not likely on Saturday. Small pick-ups and box trucks. Nothing major

B. McArthur: Confirms that they are wanting to start work at 8 AM on Saturdays?

Ben: Yes, requesting 8 AM- 2:30 PM work time. Reduced work day

K. Christianson: Asks about importance of 8 AM being the start time

B. Roll: Normal work hours are 7 AM- 5 PM, so explains 8 AM- 2:30 PM is already a significantly reduced day. Willing to be flexible to start later, go later into the day

B. McArthur: Asks about anticipated project completion date

B. Roll: Scheduled to be complete in September of 2020

B. McArthur: Asks if that anticipated completion date includes the construction on Saturdays request

B. Roll: Explains that they are ready now to meet that goal, but with working Saturdays for a few months, adding those days up gives us about a month of work. Hoping that siding work gets done during winter, when weather warms up, the site improvements can be completed sooner, reducing the amount of summer work

B. Rabinowitz: Saturday work is typically requested for inside work, quieter work

B. Roll: Explains there is interior work going on, but exterior is very detailed and is going to take some time to complete

B. McArthur: Asks about anticipated parking needs on Saturdays

B. Roll: Reduced number of workers on Saturdays, we have had some issues with parking the crew, but all work on Saturdays the parking could be on site

B. McArthur: Asks about alternative parking area if needed

B. Roll: Do not think it is necessary for the size of crew

B. McArthur: Concerned for neighbors and availability with parking

B. Roll: Answers and explains current conditions of parking

B. McArthur: Asks if site is occupied or unoccupied

B. Roll: Unoccupied

K. Christianson: What are previous examples of Saturday work hours

S. Gustin: Answers and uses previous projects for examples of Saturday construction hours

B. Rabinowitz: Invites public to provide testimony

Kate Laing: Introduction. Neighbor of property. Expresses that construction has been happening on Saturdays since the spring. Also expresses concern for parking, but main problem is the noise. Explains it is a quiet neighborhood, but they have been enduring loud noises, house is designed bigger than others in neighborhood, construction on most Saturdays since the spring to the end of the summer. Proposes compromise for work on Saturdays until the end of Winter, March 31st, and then no working on Saturdays until the end of the project

Suzanne Garrity: Introduction, explains proximity to parking pads. Explains lights have been shining into living room at 6 AM, counts 19 vehicles, very impactful for family. Explains she had asked work crew if work times were legal, reassured they were permitted. Recently worked until 10:30 PM, walked over at 9 PM, trying to get kids in bed, asked to stop, reassured they had permit. Went to Code Enforcement office and asked about construction time and was told they did not have permission to work Saturday/early work times. Explains that Saturdays are disruptive. Beeping trucks from 7-10. Would like work to be limited to inside or quiet outside work

B. Rabinowitz: Asks if Board has any remaining questions from neighbors

K. Christianson: Asks neighbors if they have objections or comments for proposed 8 AM- 2:30 PM work time

K. Laing: Agree with 8 AM start time until March 31st, 2020

S. Garrity: Also agrees, but wishes to limit work to inside and quiet work

B. McArthur: Asks applicant if he was seeking permission to work on Saturdays because they did not know that they needed permission and have been working then or if they want permission now

B. Roll: Were mistaken and thought they had permission to work on Saturdays, found out later they did not have formal approval, then ceased work. Hope is that by working weekends, they could pick up time and accomplish the outside work during the cold months, and make more warm months' construction/noise free

B. McArthur: Confirms that he understands the neighbors' concerns with the allowable hours. Asks if there is a plan in place to avoid disrupting neighbors before 7 AM

B. Roll: Responds and addresses the truck lights in the house before 7 AM and the future avoidance for that

B. McArthur: Asks if B. Roll agrees with the compromise to only work Saturdays until March 31st.

B. Roll: Yes, agrees

B. Rabinowitz: Asks about beeping and equipment noise, thinking about restricting that use on Saturday

B. Roll: Probably do not need forklifts. Can avoid truck beeping

B. McArthur: Asks about work time and how early the workers arrive

B. Roll: Knowing it is a concern with the neighbors, willing to be flexible.
R. Venkataraman: Asks about status of excavation activities
B. Roll: Project has been challenging, explains difference phases of project.
Yes, is an impact and would not be a weekend type of work. Not as much
blasting and impactful excavation events to happen.
B. Rabinowitz: Closes public hearing

3. 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)

Steve Guid, Eric Goddard, and Jeremy Matosky appeared on behalf of the City
Sharon Bushor provided testimony

B. Rabinowitz: Explains Board has seen this before, but some members on Board have not seen it, should look at it as a new project. Should break it down into a few pieces. Shoring, building, and site issues.

S. Guid: Explanation of life cycle of permit and expirations. Gives details about building. Explains parking and other details of site plan. Four stories, explains siding and exposed siding. Parking plan, bike parking, long term and short term parking. Explains window and deck details. Explains current conditions of site

B. Rabinowitz: Asks to discuss phase II assessment of property

S. Guid: Explains different phases. Explains owner does not want to start phase II until the City approves permit because need to demo building to see if there are buried tanks, phase II is costly.

A. LaRosa: Need to bore to expose those other things

Jeremy Matosky: Explains hold up with phase II and the conditions of the permit

AJ. LaRosa: Asks about demolition and excavation

J. Matosky: Does not know anything besides that it is a concrete slab and was an auto facility. Might be some excavation work involved

M. O'Neil: Confirms that there might be some underground storage tanks on property. Requires excavation if identified

B. Rabinowitz: phase 2 will require some remediation to happen

J. Matosky: Compares staff report from 2013 and changes that have been made. Now staff report reads no findings possible. Trying to figure things out

B. Rabinowitz: Concerned that there are no elevation drawings being submitted with the application. Shoring right on the property line?

J. Matosky: Agrees that needs to be included. Confusion about the report. Have survey of property and were boundary lines are

B. Rabinowitz: Asks about report being considered preliminary

Eric Goddard: Bulk of engineering has been completed including slope analysis and what is needed to hold back the slope when bottom is taken away. Explains shoring and tie-back details.

B. Rabinowitz: Asks about if additional soil testing is required

E. Goddard: Soil testing is done

B. Rabinowitz: Asks about drainage system and subsurface drainage. Asks about grade above project

J. Matosky: Reasonable condition for us to provide those plan as a condition of approval. #5 in proposed conditions

B. Rabinowitz: Asks site related questions

B. Rabinowitz: Asks about DPW questions about stairs and accessible ramp

J. Matosky: Answers about accessible ramp and stair location and necessity

B. Rabinowitz: ADA should mean the main entrance is accessible

J. Matosky: Addresses dumpster issue on east boundary

AJ LaRosa: Asks about traffic report

J. Matosky: Explains this building would generate less traffic. Explains different coding of traffic analysis. Did not update chart, should be updated as part of condition

Sharon Bushor: Saw project first time through and weighed in on a few items, concern that individuals who live here should have access to the bus and have access to public transportation. Should have access to crossing riverside. Talks about DAB comment with bike storage, recommends minor tweaks. Explains main concern is the change that occurred with initial review and this review. Explains there has been significant development that occurred above this property on Colchester Ave. Concerned with stability of bank

B. Rabinowitz: Invites applicants back up. Need to see more information about bank and shoring

E. Goddard: Should be maintaining or improving the factor of safety of bank with this project

B. Rabinowitz: Asks if Board has any remaining questions for applicants

R. Venkataraman: Asks Board if applicant has provided calculations for post construction stormwater management

M. O'Neil: Yes, did have approved plans for 2013

J. Matosky: Confirms there are stormwater management plans included

B. Rabinowitz: Asks if applicant know if it will be all senior housing

S. Guid: Gives details about senior housing

B. Rabinowitz: Rentals or condos?

S. Guid: All rentals

B. Rabinowitz: Question about bike storage, all open?

S. Guid: Shows where bike storage is. Could provide more secure bike storage options.

AJ LaRosa: Recommends more secure bike storage

S. Guid: Explains for the bike storage by Riverside Ave, could enclose that

B. Rabinowitz: Asks about play area. Is access to that adjacent to the elevator? How is that accessible

S. Guid: Explains layout of area

K. Christianson: Updated water capacity letter?

M. O'Neil: Was received today

B. Rabinowitz: Asks about senior housing units

M. O'Neil: Gives details about senior units and dimensions

B. Rabinowitz: Addresses revision of lighting plan

M. O'Neil: Explains lighting spell within 20 ft outside of the boundary line. Hard because enormous right of way in the front of the building

J. Matosky: Will double check that

B. Rabinowitz: Rooftop equipment?

S. Guid: Proposing putting equipment in the parking garage mechanical room. Have not gotten that far yet. Two boilers in the mechanical room. Air conditioning on the top

B. Rabinowitz: Asks about canopies covering entry

J. Matosky: Asks to clarify #23 recommendation

B. Rabinowitz: Recommendation, not a requirement

J. Matosky: Asks to clarify #12. Pedestrian flashing light: rectangular rapid flashing beacon

B. Rabinowitz: Have you had it approved by DPW?

J. Matosky: Yes

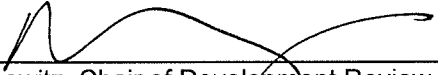
AJ LaRosa: Asks about difference of conditions # 4 and 13. Are they overlapping or different?

M. O'Neil: Received dump of information last Wednesday. Not surprised if there is overlap. Same about having qualified people on site and state official if appropriate

M. O'Neil: Noted same application from 2012, looking 8 years past, things have changed. Setback for dumpster- general standard, have to go with the specific standard. Since it's expired, we have established a president. Have to go with the setbacks

VI. Adjournment

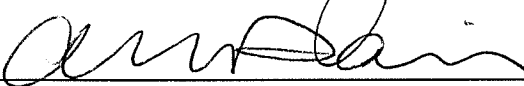
The meeting was adjourned at 6:12 PM.



Bradford L. Rabinowitz, Chair of Development Review Board

12/3/19

Date



Alison Davis, Zoning Clerk

12/4/19

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 or the office notice board, one week before the hearing for the order in which items will be heard.

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