

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
Fax (802) 863-0466

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



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, December 1, 2020, 5:00 PM REMOTE MEETING

Zoom: <https://us02web.zoom.us/j/82028668953?pwd=RE5BdFhRMFQyaStNYjJhSTFIY1RDUT09>

Webinar ID: 820 2866 8953

Password: 842557

Telephone: +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

Coverage link: <https://www.cctv.org/watch-tv/programs/burlington-development-review-board-347>

Minutes

I. Agenda

B. Rabinowitz: No changes to the agenda

II. Communications

B. Rabinowitz: Everything posted under meeting packet.

III. Minutes

B. Rabinowitz: November 17th meeting minutes posted [online](#).

IV. Consent

1. 21-0413CA; 400 Pine Street (ELM, Ward 5S) Alan Newman SpeakEasy Arts LLC and Howard Space Partnership

Exterior building renovations including new entries, canopies, and awnings. New front deck and related seating. (Project Manager: Mary O'Neil)
Moved to public hearing item

Israel Smith and Alan Newman appeared on behalf of application

B. Rabinowitz: Explained that this was originally on the consent agenda, but staff raised an issue about the five-foot setback, asks to explain the variance request.

A. Newman: Explains that local and businesses are currently struggling and there is a need for outdoor seating.

I. Smith: Shares screens and walks through the design and project plans. Explains additional communications that were submitted. Explains differences of revised plans. Explains ramp and decking area. Explains there are different levels of the building that they have to work with. There is new outdoor seating, ramps, stairs, and walkways. Enlarged masonry openings, Design Advisory Board recommended approval. Fully glazed garage doors. Some new building openings, shows building façade. Project repositions Arts Riot for the future. Conversion of this space to a distillery is part of this project, but is permitted separately. Wants to increase the outdoor space use whether for dining or for entertainment purposes. Wants to be inviting from the street at certain entry points. Fencing barrier combats the traffic noise along Pine Street. Shows vertical elevated bike

racks in the public right-of-way. Improved accessibility at three different levels of building. Explains the different designs that were considered and why the designs they chose, is the best approach.

B. Rabinowitz: Asks about ramps and accessibility for the two revised plans they have.

I. Smith: Yes, one entry ramp on north side in one plans and two accessible ramp entries at north and south side in second plan. Walks through why and what the differences are.

B. Rabinowitz: Asks if accessibility ramps can be exempt from lot coverage and setbacks

M. O'Neil: Confirms that there are exemptions to lot coverage and encroachment to required setbacks. Under Article 5.

I. Smith: Explains difference between two exceptions. With regards to setbacks, it includes accessible ramps along with other things, but in regards to lot coverage, the Ordinance limits the definition of accessible ramps to be at a minimum dimension per access codes. Ramps are basically for the sole purpose of providing access and have no more than the minimum dimensions of accessibility standards, saying you cannot use more than that for an exception to lot coverage. No distinction for exemptions for ramps from setbacks, interprets that as intentional. That tries to allow for some flexibility with regard to setback exception definition.

G. Hand: Asks about distance of existing ramp compared to what they are proposing.

I. Smith: Speeder's ramp is back from the property line, the Arts Riot ramp is right on the line. The new one would be the same distance out.

G. Hand: Asks about the allowable exceptions to the side yard setback. Asks about need for approval from Building Inspector.

M. O'Neil: ADA access is under the jurisdiction of the Building Inspector. The zoning language in this exception is specific to grants for the disabled, does not define accessible routes as the application is seeking. Building Inspector said that the ramp would have to meet code, but does not have an interpretation that is more distinct.

G. Hand: Asks if Mary O'Neil is she agrees with Israel Smith's distinction between the provision of the Ordinance that relates to lot coverage which specifically references those guidelines and the fact that the guidelines are not specifically referenced in the setback exception.

M. O'Neil: Finds the setback exception language so specific, that is what is followed in the Staff Report. Does not agree, that is why this is the recommended decision.

G. Hand: Asks if Mary O'Neil agrees with the lot coverage section. Interested in the distinction of the language

M. O'Neil: Referencing a section that was not brought up here because lot coverage is not changing. Lot coverage is remaining the same. Section 5.2.3, right before setback exceptions.

I. Smith: Difference of opinion for this matter. Explains how he interprets the setback exceptions. All things lead to the accessibility of a building.

G. Hand: The exceptions for lot coverage and setbacks seem to have different language. There is very specific language when talking about ramps for disabled. There is an intended difference between the application of the lot coverage exception and the setback exception.

C. Halpert: Asks question regarding setbacks to help clarify issue at hand. Asks what differentiates both designs from being a deck

I. Smith: Walks through the slope elevation plans and explains pathway flow through area. Walks through this property and options for the deck and seating area. Explains accessible routes through decking area.

A. Newman: Talks about experience with building public facilities and challenges to meet ADA code and provide accessibility. Challenging to create an accessible building that has three separate units at three different heights. The designs that were picked were because of the greater accessibility.

S. Harris: Asks about seating capacity difference between the two designs

I. Smith: Not enough of a difference that we were concerned with

B. Rabinowitz: Asks if there are any other questions from the Board for the applicant.

No other questions

2. 21-0374CA; 160 Bank Street (FD6, Ward 3C) HandySisters LLC, Catamount Hospitality LLC

Construct gallery seating area with canopy on south side – seeking alternative compliance as to gallery dimensions. (Project Manager: Scott Gustin)

Moved to public hearing item

Cleary Buckley and Jed Davis appeared on behalf of application
Deborah Miller (71 Church St) provided public testimony

B. Rabinowitz: Asks applicant to provide overview or respond to neighbor's questions

C. Buckley: Would like to respond to neighbor's questions. DAB was smooth review and item is simple, does not feel a need for overview.

S. Gustin: Few pieces to project. The only thing the DRB is reviewing tonight is the depth of the gallery.

B. Rabinowitz: Invites Deborah Miller to speak

D. Miller: There is a ten-foot right-of-way from the Farmhouse to property on Bank Street. Right of way space is included in the deed of building. We are supposed to be able to turn a car or truck around in that area. There is a shed proposed for back there, and that is a concern. Another concern would be the overhang on the side of the building. If it is past the property line, the right-of-way includes the air space up to 12 ft. Was worried about structure, sign and awning from blocking view of other businesses and Church Street Marketplace.

B. Rabinowitz: Things are within their property lines. Asks Cleary Buckley to confirm the height of lights

C. Buckley: The existing Farmhouse sign sits in a planter, and it sits lower than 12 feet. The lights are higher than the canopy.

G. Hand: Asks about shed in rear of site

C. Buckley: The shed is an existing shed that is located where it says walk-in cooler on plan. It is being relocated to what is now a parking spot

B. Rabinowitz: Asks about 12-foot gallery space vs 10-ft space. Asks if the fence along Bank Street is where the existing seating is today

Buckley: Yes, the existing fence is right along the edge of the property. The issue that we need relief on is for the frontage type. The columns that support the new roof can only be ten feet away from the existing building. The columns come down within the seating area. Ideally, would've liked to have these columns on the property line with the fencing. The two feet is helpful to get the seating correct and gives more usable room. The solution is consistent with the form based code.

J. Davis: The sign is being relocated by a few feet but is remaining on property and will not hang over property line.

S. Gustin: Clarifies that any changes to the sign will need to be a separate permit and the Board will not be reviewing the sign in this item.

B. Rabinowitz: Closes public hearing

V. Public Hearing

1. **21-0076CA/CU; 400 North Street (RL, Ward 1E) William McKenna**

Continued hearing to remove garage; construct accessory dwelling unit in backyard; driveway and parking reconstruction. (Project Manager: Ryan Morrison)

Will McKenna appeared on behalf of item

B. Rabinowitz: Asks about issue with EPSC plans

R. Morrison: EPSC is still pending. Applicant is working with the Stormwater Manager on that item. There are new plans for the driveway and the applicant also submitted building drawings showing the gutters and down spouts.

B. Rabinowitz: Asks about plan for French drain.

W. McKenna: Has been working with Krebs and Lansing and they did not recommend that method. Talked to James Sherrard about making something similar to French drain except without perforated pipe, just need to put that onto paper and create a plan with engineer. There was not a good plan for the water to drain, but with a gravel barrier, excess water would soak into the gravel area like a drywell. Driveway will be permeable pavers and gentle grade, no curb cut.

B. Rabinowitz: Asks where the roof drains/gutters fall onto the property

W. McKenna: They are on the south side. One of the big concerns was that on the north side, there is an existing shed and they were concerned with excess water damaging their shed. With this plan, the water would be relocated.

S. Harris: Looking at memo, wondering if applicant has a preference for next steps. Without the EPSC plan, the Board would need to defer to January 19. If the plan was not in at that point, you would have to submit an application to extend further.

B. Rabinowitz: Asks to make motion

S. Harris: Motion to defer and continue public hearing to January 19th, 2021.

B. McArthur: Seconds motion

6-0-0

2. **21-0409CA/MA; 362 Riverside Ave (NAC-R, Ward 1E) Douglas Boyden and BlackRock Construction**

64-Unit senior housing development and related site work. Lot line merger included. (Project Manager: Scott Gustin)

Cleary Buckley, Jeff Zweber, Ben Avery appeared on behalf of item
Paul Bierman, Sharon Bushor, Bob Butani provided public testimony

B. Avery: Provides brief background on project.

C. Buckley: Gives overview on building. Shows 3D model of building. Compliments the location for the project. Shows food component possibility location. Explains where entrances to building is, and shows location of parking.

J. Zweber: Walks through existing and proposed site plans. Explains traffic and parking plans. Walks through grading and drainage plan. Explains Stormwater mitigation plans. Currently, there is no existing Stormwater mitigation, proposed Stormwater infrastructure is much more improved than the current.

A. LaRosa: Asks about conversation with Fire Department and emergency access considering the underground parking.

J. Zweber: Fire Marshall was not concerned and will respond wherever the property address is located. Mentions bike parking and that it remained unaddressed. Explains plans for bike parking, shows example of racks. Explains locations of long term and short term bike parking.

B. Rabinowitz: Asks about design on back of building. Not much articulation of rear façade.

C. Buckley: Lots of vegetation on Hillside Terrace which the windows look onto. Economically, we have put our money where it would buy us the most, and in the back of the building, we are trying to be economical. There is parking back there, people will not view it much.

B. Rabinowitz: Asks about housing and neighbors who would be able to view the façade.

C. Buckley: A few will have views, but there are not people right across the street viewing the building.

B. Rabinowitz: Asks if tenants can enter the building from Riverside Ave. Asks about main entrance of building

C. Buckley: There would be two main entrances. The one on Riverside Ave would be a more ceremonial front door, but it does not lead to parking. The other door would be mainly used because of the location to parking. The entrances serve two different functions.

G. Hand: Asks about service entrance. Concerned about location and view from Riverside. Asks about different location options for service entrance. Asks about possibility of screening that entry.

C. Buckley: We do not expect vehicles to be parked there for long periods of time. As you move along Riverside Avenue, between the grade change and the vegetation, it would make it less prominent than it is in this rendering. Seemed like the best location for the options that they had.

G. Hand: Asks about screening on other side of building

J. Zweber: It screens trash, recycling, compost

G. Hand: Wonders if screening can also be used for the service entrance door. Asks about geotech work.

B. Avery: Worked with structural engineer to be evaluated to see what they are working with, and everything can be addressed structurally when they have that geotech data.

B. Rabinowitz: Asks for public comment

P. Bierman: Expresses concerns with landslides on Riverside Ave. Thanks staff for recommending geotechnical research. Walks through series of photographs that show landslides from 1955. Recommends putting building back 10-20 feet away from the sidewalk. Explains possibility of landslides.

S. Bushor: Expresses concerns for landslides and earth movement. Outstanding Stormwater issue. Concerns about Stormwater. Would like the possibility of screening.

B. Butani: Expresses concerns for landslide possibility and Stormwater output into Winooski river.

B. Avery: Responds to public testimony and adds details about structural design of building.

G. Hand: Asks about needing geotech analysis prior to approval of application as proposed condition and If the same condition was proposed in the 110 Riverside application

Continues discussion about geotechnical review and Stormwater mitigation. Conversation about using City Stormwater collection/drainage vs emptying into Winooski River.

B. Rabinowitz: Closes public hearing

VI. Other Business

1. Zoning Amendments

Moved to future meeting

2. Development Review Board 2021 Schedule

A. LaRosa: Move to adopt 2021 Board meeting schedule

C. Halpert: Seconds motion

6-0-0

VII. Adjournment

Meeting adjourned at 7:30 PM.

Bradford L. Rabinowitz, Chair of Development Review Board

Date

Alison Davis

12/28/2020

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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