

Burlington Development Review Board

149 Church Street, City Hall
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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 December 3rd 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, Springer Harris, Zoraya Hightower

Board Members Absent: Sean McKenzie, Ravi Venkataraman, Geoff Hand

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

I. Agenda

B. Rabinowitz: 28 Faith St requested deferral to January 22. Will discuss when Board gets to that agenda item

II. Communications

B. Rabinowitz: Additional communications from 441 Shelburne St were received

III. Minutes

B. Rabinowitz: Minutes from November 19th will be reviewed during deliberation

IV. Consent

1. 20-0491CU; 1 Woodridge Dr (RL, Ward 4N) Dawn M. Ellis

Establish 2-bedroom bed and breakfast (short term rental) within single family home
(Project Manager: Scott Gustin)

Dawn Ellis appeared on behalf of project

B. Rabinowitz: Asks if applicant has reviewed staff report and recommendations

D. Ellis: Informs Board she has not received them, has not reviewed them

S. Gustin: Informs Board and applicant he sent those documents in an email

Applicant is given copy of staff report, recommendations and conditions.

B. Rabinowitz: Explains this is recommended for consent so applicant has to review conditions. Asks if conditions are acceptable with applicant.

D. Ellis: Accepts

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

AJ LaRosa: Seconds motion

5-0-0

V. Public Hearing

1. 20-0487CA/CU; 351 Pine St (ELM, Ward 5S) Vermont Railway Inc., and the University of Vermont Agricultural College

Use of an existing gravel parking/storage lot owned by Vermont Railway for long term student parking (Project Manager: Mary O'Neil)

Jim Barr and Joe Weith appeared on behalf of project

B. Rabinowitz: Staff report was supportive of this

J. Weith: Informs Board there are inconsistencies in narrative that they submitted. Corrects that open hours of parking lot will be Monday through Friday 7 AM- 8 PM. Lot will be closed and locked during weekends. Students who want to use cars on the weekends will have to arrange to do so before lot closes for the weekend. Can make temporary parking on campus for the weekend an option. Can use Green Mountain Transit and Champlain College Shuttle to get back and forth from lot to campus. Safe ride passes are no longer an option

B. Rabinowitz: Confirms with application that this is part of the joint institutional parking management plan. Confirms that this is parking for a project that was approved in October

J. Barr: Correct

M. O'Neil: Explains that project located at 149 Beaumont requested a 200-space parking waiver to absorb student long-term parking located at a satellite lot

B. Rabinowitz: Asks where are students parking now that would be parking on satellite campus

Applicant: Explains UVM has given students off-site parking permits, we have put them in a "holding lot" on campus for now

Z. Hightower: Asks how the project will be effected by the South End Connector/Amtrak plans

J. Barr: Right now is a 5-year lease and will have option to extend, but this is short-term solution for now. Inconsistency with shuttles in narrative that was submitted. Shuttles used are for break times only. Explains current transportation options for students.

B. Rabinowitz: Asks if the submitted site plan is piece of a property plan

M. O'Neil: Parcel was identified through a required subdivision by the Railroad because of environmental concerns and is in its own zoning district

B. Rabinowitz: Asks about lot coverage. Asks plan for how UVM is going to mark spaces

J. Barr: Line marking and railroad ties anchored to each other, not anchored to the ground

S. Gustin: Informs applicant ties need to be anchored to the ground for secureness from plows, etc.

S. Harris: Asks about patrol access and safety measures

J. Barr: Explains safety measures that are going to be taken

K. Christianson: Asks what measures are going to be used to reduce environmental impact from cars/parking lot/oil leaks

J. Barr: Explains things Vermont Railway did to build parking lot. If there is an oil leak, we will respond the same way we would on campus

J. Weith: Adding swales and retention basins on the property next year

B. Rabinowitz: Closes public hearing

2. 20-0488SD; 95 Derway Dr (RL, Ward 7N) Larkin Realty

Preliminary plat application for subdivision of the Claire Ponte planned community into six (6) parcels. One each of Buildings A, B, C and D, one for the Northshore swimming pool and one common land parcel (Project Manager: Ryan Morrison)

Carl Lisman appeared on behalf of John Larkin, Inc. for the agenda item

No public provided testimony

C. Lisman: Introduction of preliminary plat application for subdivision
B. Rabinowitz: Asks if lot lines are based on the footprint of ground or overhangs
C. Lisman: Explains lot lines are based on the outside physical walls of building.
Wanted to make sure shrubs were included in the lot lines
B. Rabinowitz: Clarifies that lot lines were determined so construction for that would fit within that lot
C. Lisman: Yes
AJ LaRosa: Asks if access to buildings will be via easement
C. Lisman: Yes
AJ LaRosa: Asks who would own the pool
C. Lisman: Northshore, the community
B. Rabinowitz: Asks what prompts the subdivision
C. Lisman: Explains that two buildings are substantially owned by third party homeowners are on one side of the property, and two buildings that are primarily rented on the other side of the property. Decision was made that homeowners should have their own association and renters should be separate
B. Rabinowitz: Asks if the subdivision will end up with four (4) homeowner associations
C. Lisman: Will end up with possibly three (3) homeowners associations. A & B will be one, which they already are. C & D can be one or two.
B. Rabinowitz: Any questions from Board? Have to come back for final plat review showing right of way access
S. Gustin: Informs Chair that Board needs to take action to approve or deny the preliminary plat. If approved, applicant have a year to come back for final plat review
B. Rabinowitz: Closes public hearing

3. 20-0482CA/CU; 28 Faith St (RL, Ward 7N) Mary L. Cunningham

Change of use from single family to duplex; renovation of lower level (Project Manager: Mary O'Neil)

Request to defer item to January 22nd meeting
AJ LaRosa: Motion to defer item to January 22nd
K. Christianson: Seconds motion
5-0-0

VI. Other Business

1. 19-0355CA; 441 Shelburne St (RM, Ward 5S) 441 Shelburne Road, LLC

Project status update (Project Manager: Scott Gustin)

Anna Thelemark and Mitchel Richardson appeared on behalf of project

Jeff Govoni provided public testimony

M. Richardson: Here for a status update. Moving forward with project. Explains they have now had one workday with five-man crew compared to three. Will continue with five-man crew for rest of project. Request to amend permit to have until April 1st to have project update.

AJ LaRosa: Asks S. Gustin to remind us of past decisions and updates to project

S. Gustin: The applicable permit condition says that siding was to start in April 2019 and finished in September 2019, if not done by September 2019, the applicant will

come to the Board for a status update. When October came, contacted Mitchel for a status update. Board heard update and wanted another update in December.

AJ LaRosa: Looks like siding progress being made. Asks what else is there to be done

M. Richardson: Explains structural problems that are issues holding up the siding progress. Cannot continue siding until the structure is done

B. Rabinowitz: Asks about progress about exterior sides of building

M. Richardson: Responds with siding status on sides of building

AJ LaRosa: Asks architect what structural issues are present

A. Thelemark: Rot was uncovered. Rot was in greater area than anticipated. Instead of putting on a band-aid, he went and put in a solid structure

AJ LaRosa: Why are there continually unforeseen structural issues that we are running into? We have given applicant lots of time. Asks how much more time is necessary.

M. Richardson: More things need to happen before the siding goes up

B. Rabinowitz: Asks about material handicap ramp

M. Richardson: Concrete and wood

B. Rabinowitz: Asks about timeline for pouring concrete

M. Richardson: Pouring concrete come spring

B. Rabinowitz: Asks if ramp will impact the siding

AJ LaRosa: Asks if there is any action to take on this item

S. Gustin: No action tonight. Application was approved in March of 2019, have two years to complete project

K. Christianson: Asks about relationship of crew

M. Richardson: Addition to crew just started yesterday (three-man to five-man crew)

A Thelemark: Explains more about crew dynamic and issues like weather impacts. Everything is linked to other things. Not just a simple siding project.

S. Harris: Asks for update about financing of project. Is there a point where the project has become too big?

M. Richardson: Have financing in place now. Collapse was that "too big" point for me. Now on the downward side. 90% done with structural work and that was the most challenging.

S. Harris: Asks how neighbors might feel with work that has been going on

M. Richardson: One neighbor has concerns, we are in contact with other neighbor whom has no negativity towards our work

S. Harris: How have updates been with Code Enforcement Office/Bill Ward

M. Richardson: Has not shown up. Wanted to bring Anna to bring some other evidence of what has been happening

B. Rabinowitz: Asks about previous permit

S. Gustin: Two-year time frame that expired before Mitchel requested an extension

B. Rabinowitz: Clarifies that this project has started over two years ago, before March

S. Gustin: Correct

B. Rabinowitz: Putting into context, you keep telling us you have been doing everything your best, but you have been behind the whole process, including now when we asked a few months ago to have the siding completed. It does not work out the way you said it will when you come to the meetings. It takes longer. You are in a two-year window for a second permit, the first permit having expired and not completed

M. Richardson: Never agreed or accepted September as a date for the siding. I said I don't know. Now this is the first time I am saying that in April it will be done. I never accepted the date.

B. Rabinowitz: Don't know if it was something for you to accept if it was a part of the conditions. The terms of the permit were specific to what your dates were. Invites public to provide testimony.

J. Govoni: Neighbor to the West. Best outcome would be a project that is complete in accordance with permits. That outcome is elusive. Not good relationships with neighbors. Neighborhood is suffering. Has a lot of issues with Mitchel and the damage he has done to his property. Financing is finally in place. Do not ever know what is happening with project. Wants the right thing to be done. Going to protect my property, which is being impacted every day

B. McArthur: Asks applicant how they feel about what they heard their neighbor say and how his work is impacting their daily lives. I've driven by, it is impactful for what's going on, and I don't even have to live next to the project. What is the plan to make it happen. You say April but how do we know that is going to happen?

M. Richardson: I have financing in place. A huge developer, City of Burlington, is running into problems with a larger pocket book than I would imagine having

AJ LaRosa: They would get the same stuff that we're giving you. Says siding will be done in April, let's have you back in April. Requests pictures of project

2. 19-0001CA/CU: 50 Clymer St (RL, Ward 6S) Faith Ingulsrud and Eric Avildsen

To amend conditions 1 and 2 of DRB approval (Project Manager: Ryan Morrison)

Eric Avildsen appeared on behalf of the project

S. Gustin: This is an action item to amend permit conditions

B. Rabinowitz: Reviews item, explains there are no lot coverage issues and photographs show that it was burned

E. Avildsen: Explains they thought they would quickly put a garage back up, but as the winter came, they thought about it more. Thought about plans to put garage back up and put ADU

Rethought plans of rebuilding a simple garage and thought about ADU, heard City talking about changing ADU regulations so they wanted to wait to build something. Want to close construction permit so we can have a clean slate, but cannot do that with the conditions that we have originally agreed to.

B. Rabinowitz: Compliments garage


E. Avildsen: Describes garage and garage door characteristics

No questions from Board

VII. Adjournment

S. Gustin: Informs Board they are receiving updated printed copies of the Comprehensive Development Ordinance. There is the annual Joint Meeting with DRB, Advisory Boards, and Planning Commission on January 7. Board is receiving tablets to use for meetings instead of printed copies of packets to reduce paper, starting sometime soon.


Meeting adjourned at 6:00 PM



Bradford L. Rabinowitz, Chair of Development Review Board

12/16/19

Date



Alison Davis, Zoning Clerk

12/18/19

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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