Burlington Development Review Board

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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, June 1st, 2021, 5:00 PM REMOTE MEETING

Zoom: https://us02web.zoom.us/j/85024138316?pwd=VHdubEFMLzRXQjNQKzd0cEs1Y05zUT09

Webinar ID: 850 2413 8316 **Password:** 053341

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Video recording link: https://www.youtube.com/watch?v=tPSRO02L-pM&list=PLIjLFn4BZd2PwCge7lNoKug676jlf iUA&index=6

Minutes

Board Members Present: Brad Rabinowitz, Springer Harris, Kienan Christianson, Caitlin Halpert,

Brooks McArthur

Board Members Not Present: AJ LaRosa, Geoff Hand, Sean McKenzie (Alt)

Staff Present: Scott Gustin, Ryan Morrison, Alison Davis

I. Agenda

B. Rabinowitz: No changes to the agenda.

II. Communications

B. Rabinowitz: All communications posted under meeting packet online.

III. Minutes

B. Rabinowitz: Previous meeting minutes posted online.

IV. Public Hearing

1. 21-0927CA; 77 Pine Street (FD6, Ward 3C) Nedde Real Estate

49-unit residential apartment building. (Project Manager: Mary O'Neil)

Doug Nedde, Grace Ciffo, David Saladino, Greg Dawson appeared on behalf of item Kris Jensen, Michael Green, Louis Lionni provided public testimony

- B. Rabinowitz: Explains that Staff has recommended approval for this item. The height issue is something is that they have to review according to section 14 6.4 of the Ordinance.
- D. Nedde: Gives overview explanation of project. Classic urban infill project. Currently is a drive-thru that used to serve three bank teller spots, but we are looking to relocate that access to the North of building and create a great addition to the Downtown area. Developing 49 housing units. Hoping to start construction sometime this summer.
- G. Dawson: Architect, walks through design of building. Tight site. Wanted to emphasize the small footprint and the vertical nature of it all. Rendering shows that there is a brick feature with pewter colored panels in vertical oriented manner. On street level, we have

created a datum along the sidewalk because Pine Street slopes about three feet or so from the north side to the south side. We put a horizontal planter to recess the entry with a feature column picking up the vertical nature of the building. All corners of the buildings are living dining kitchens. Corner windows in apartments. The form-based code allowed us to put rooftop terraces and trees on the building. Also utilized cantilevering decks and wanted to mimic the streetscape energy. In the entrance area, there is a public bathroom open during business hours.

- B. Rabinowitz: Agrees with the street presence because the Board does need to consider that criteria for the allowing the extra height. For the form-based code, it does not require that the rear of the building have the same animation to it and it was a little disappointing, but it did not seem like a contradiction to the code.
- G. Dawson: For the west elevation, we used pewter colored panels and vertical windows. What you are not able to read on this elevation is that up at the ninth level, it steps back and there is a trellis and large terrace area.
- B. Rabinowitz: Asks if the public bathroom is a requirement in the form-based code for a public amenity.
- M. O'Neil: Yes, if a building is proposed to be over 85 feet, there are two standards. One is providing public access, rooftop access, and/or a public restrooms. In this case, that standard is being met by the provision of providing a public restroom signed from the principle entrance, maintained by the building owners and open during regular business hours.
- K. Christianson: Asks about rooftop access for anyone in the building. Asks if there was thought given to the public to that terrace area.
- D. Nedde: No, we wanted to focus on the choice of providing the public bathroom. Thought it would be problematic to get the public to a private common space with barbeques and different amenities. Hard to control how maybe people are up there. It would effect security. Contemplated it, but did not contemplated it for very long. Not a requirement for buildings over 85ft, but it is an option either/or.
- B. Rabinowitz: Sounds like for the inclusionary housing, we do not need to review other than the fact if you have met the criteria, but asks if they are playing to that on-site or off-site.
- D. Nedde: Yes, on-site. We have the 15% affordable units for the City and then 5% for the State. 20% affordability for this project. 10 out of 49 apartments will be affordable housing.
- B. Rabinowitz: Great. Likes the fact that it is on-site affordable housing. Invites public to comment on project.
- K. Jensen: Introduces self. Is an attorney for Lisbon Leckerling. Representing Doug Cheeseman, Manny Lionni, and Mike Green. Explains that primary concern would be that the height of the proposed structure is significantly taller than the neighboring properties. The mass from the north and west really looks significant. The other issues are the transportation demand plan because we have parking issues in this area. There are no parking requirements but that is something that we have taken into account. Height and mass of the building is going to have an impact on the amount of light in the general area. Understands that this is a brownfield property, but does not know if that is a zoning issue, but there are concerns from the neighbors about that.
- M. Green: Resident at office located at 84 Pine Street. In the staff report, there are many terms of art in the zoning ordinance, but when I see the requirements for your discretion to allow the additional height, from a slender vertical oriented proportions, while I think this building has a lot to say for itself, I wouldn't use those adjectives to describe those upper stories. Thinks it's quite massive and monolithic. It would be helpful to see something in the drawings to show the actual streetscape for how it looks and fits in that space. There is a driveway between it and the building to the south. Part B of section 14 6.4 talks about

upper story proportions of the building are oriented and tapered which is not an adjective that should be applied to this, and or separated into separate masses in order to retain sky view.

- M. Lionni: Mentions the 20% affordable units. Expresses that that amount is not sufficient enough. If you have 20% affordable units, there is 80% that are unaffordable. This building dramatizes the kind of buildings that are being built in Burlington that do not meet the housing needs of the City. For the building, has concerns about size and height. Experience in Burlington, tall residential buildings make lousy communities and lousy neighborhood in proportion to how large they are. One of the things that the building dramatizes is that we all tend to look at these buildings as if they were individual projects as if they are not part of a collective expansion of downtown. The collective impact of these buildings in terms of the massing in terms of the neighborhood and parking issues. Up to now, the Board seems to be using the present laws and codes in particular to justify your approval of these buildings. Hoping that Board returns to a more modest version of traditional zoning and traditional respect for the particular qualities that Burlington has. Concerned about the parking and traffic. This area right now is quiet, but our experience is that there has never been adequate parking. The public parking garage has been removed. The business downtown will suffer. Do not think there is any long-term traffic or parking plan for this project.
- B. Rabinowitz: Explains that the Board is bound by parking and height form-based code all went to the Planning commission and City council and that is what we are supposed to be using as a guidance. Invites applicants to respond to public questions and concerns.
- G. Hand: Asks about placing of building in context because renderings do not show the streetscape around and does not compare the size to the existing buildings. Would like something that shows the size in a sense to see how ten stories compares to the height of those buildings.
- B. Rabinowitz: Asks Staff if that is something that would have been required.
- M. O'Neil: That is not something that is on the form-based checklist that the staff goes through.
- G. Hand: Asks if that is something the Board can request from the applicant. Given that up to ten is with DRB approval. Seems like we have the ability to ask for additional information, not just the six stories that would be subject to staff approval.
- M. O'Neil: Correct, the extra height is discretionary by this Board's review. To be clear, they are not asking for ten, they are asking for nine stories.
- G. Ciffo: Adds that she does have photos that show the surrounding areas and building site.
- B. Rabinowitz: Would like to see that with the proposed building in place.
- G. Ciffo: We do not currently have those renderings to provide. We have stood on the buildings footprint and have taken photos of all directions.
- D. Nedde: Gives overview of 77 Pine St location height is about 58 feet high. 100 Pine is about 114 feet high. I think the building across the street is about 68 feet. The occupants of the building might know.
- G. Ciffo: Adds details about surrounding area and buildings and their heights. For the comment that there is nothing nearby that is nearly as the height of our proposed building, just wanted to point out that the Key Bank building is taller than our building. Just separated by the People's United Bank building at 77 Pine Street.
- S. Harris: Looking at the elevation of Pine Street and 100 Bank Street being similar height, 100 Bank Street, from skyline standpoint, would actually be taller due to the elevation grade.
- D. Nedde: Correct, the grade change might be 6 or 8 feet.

- G. Ciffo: Mentions and explains the approval City Place project and the height that was proposed. It was approved and taller than this project proposal.
- G. Hand: That was helpful. Will have to think about if the rendering is needed for context, but that was helpful.
- D. Nedde: My interpretation of the code is that the City wants more density in its downtown area and we are creating a walkable, bike-able, bus-able environment and to do so, you have to have some density and that is what we are proposing. I do not look at that as a bad thing.
- S. Harris: If the board approves a reduction of affordable units, how many units would the project be reduced by.
- D. Nedde: Do not have that exact number, but if you divide it equally, each floor might have five units, so it would be 20% of five, which would be one unit. Mentions that it was interesting when they were presenting to the DAB, they felt a shorter building would not work as well in the neighborhood and thought it would be a mistake to take floors away from the building.
- G. Ciffo: They approved the design unanimously and they were very complimentary to Greg Dawson's design because we strove to create a special design with this building that it does taper as it elevates. The footprint of these neighboring buildings have a larger footprint than ours.
- D. Nedde: Not a huge mass of building, it is less than 80 feet wide.
- G. Dawson: At the DAB meeting, a person felt like the building design would be compromised if the building were shorter.
- B. Rabinowitz: I think we have we have some criteria to review this with. Question is the terraces, setbacks, and articulation that happens on the building, does that give us something to hold onto to approve the extra height. Board is bound by the ordinance and that is the criteria we need to look at it by. Asks if there are any other questions for the applicant.

None

B. Rabinowitz: Closes public hearing

2. 21-0799CA; 157-159 South Champlain Street (FD5, Ward 3C) Nathan Dagesse New five-story building with 32 new residential units. (Project Manager: Mary O'Neil)

Nathan Dagesse, Don Welch, Peter Smiar, Kurt Muller appeared on behalf of item David Schlansky and Steve McKenzie provided public testimony

- B. Rabinowitz: Explains that this is a form-based code application. More discussion of height, less height, but still more height.
- N. Dagesse: Introduces project. We have a new infill project on a site that has sat vacant for many years. For contamination challenges for this property, our team has put together an approach that will clean up this site for good and create a new residential building on the site. Thirty-two new units. Will be achieving LEED Gold for this project.
- D. Welch: Walking through screen-share. We are asking for an additional 12 feet above or an additional floor to what can be approved administratively. To mitigate the height of the building we have recessed the first floor back about six feet from the front façade to create more of a shadow, making the building feel lighter. We have divided the primary façade into three bays and then broke the middle bay down into three more bays. The southeast and northeast corners have been setback from the primary façade. I think softening the mass and allowing more light down into the neighboring properties. Central bay is broken up into a band of granite with flanking brick cladding. There are decks that are cantilevered out. That helps to break down the overall mass of the building and to provide visual scale

and visual interest. The second floor does read horizontal. It is a public space, with big windows. We are proposing a gymnasium. With the bigger windows, we wanted to liven up the streetscape. Elaborates on exterior materials. We have worked to soften the northeast corner and held that side of the building back as much as we can from the property line allowing as much light and the least amount of shadow onto the neighboring property. Creating a "pocket park" between the two buildings that the civil engineer can speak to more. For DAB review, the proposed parapet height is 42 inches and we talked about reducing those two feet, getting us back within the 55 foot maximum.

- K. Muller: Introduces self. Hired us last year to perform a phase one environmental site assessment at which point we identified that there was a former drycleaner located in the 151 South Champlain St parcel. Walks through site plan via screen-share. A former auto repair facility as well as a foundry on that property, there had been historically releases of petroleum, minor PCBs, metals, as well as potentially some PAHs. For the former drycleaner parcel, there was known groundwater and soil vapor impacts. As we transitioned from phase one to phase two, applied for the Brownfield program and got an umbrella program, which is the liability protection program through the DEC. We were able to confirm the nature and extent of contamination. Two purposes, one being determined nature and extent of contamination, but to pre-characterize the soil for off-site disposal. Important piece of that is that because of this project, there is a lot of ground material that is coming out of this hole to put the garage in. as a result, all that contaminated soil will be disposed of appropriately, mitigating the exposure risk. Because there is a vapor plume migrating underneath this property, there will also be a vapor mitigation system that is proactively installed underneath this building in case measures have to be taken. Transitioning from the phase two investigation to the corrective action plan, we are designing that mitigation system as well as calculating the soil disposal, means and methods for that. We will have the corrective action plan built and ready for distribution in about 1 month or so. Great opportunity to clean up a contaminated site in Burlington.
- P. Smiar: Gives overview of property. Straightforward for the civil and utilities standpoint. It is served off of the existing municipal services on South Champlain Street. One of the things that we were excited about is that as of now, it is occupied by some old building slabs and then gravel lot and driveway. One of the things we were able to do from a stormwater standpoint, is knowing that this drains down to the City's combined sewer network that drains to the treatment plant. We are able to collect that water and detain it and hold that water back before it goes into the combined system. Right now what happens is that the water flows across some of those gravel lots and slabs to the west and across the adjacent gravel lots and properties. There is a decent amount of runoff volume to the lots to the west and that has resulted in some evidence of erosion of those lots and some sediment washed into the street at the bottom of Maple Street.
- B. Rabinowitz: Asks if there is some detention for part of this.
- P. Smiar: We are. Underneath what is the northeast corner of the building, that is a pervious lot, the small "pocket park" area. That is where we are putting a detention system that connects into the street drainage network. System is essentially the pervious patio and combined with the detention system.
- B. Rabinowitz: Asks if none of the remediation has been done at this point. And if that will be the first stage of construction.
- P. Smiar: Correct.
- N. Dagesse: Seeing the site plan we are excited about the "pocket park" and it is a small opportunity, but we have a special relationship with the adjacent property and we have the easements to allow a couple of parking spaces in our building for them. Planters and greenery planned as well.
- B. Rabinowitz: Asks that there is only one street tree that is proposed.
- N. Dagesse: Correct

- B. Rabinowitz: Seems odd that it is in front of the front door.
- N. Dagesse: We did coordinate that with our landscape architect, but there is some significant three phase power that runs along the city green belt in front of the building, so one of the challenges was to find a tree that was of a scale that would fit under that correctly. We did collaborate with the city arborists to match the lilac that you can see to the south of our driveway.
- B. Rabinowitz: Mentions to staff that we have had these parking management plans, but we should be getting some data about how these projects, with all the changes we have had with parking requirements, is how they are working out.
- S. Gustin: The TDM has annual reporting requirements with it now. We had done a very informal analysis but now the TDM has an annual reporting requirement.
- B. Rabinowitz: Invites public to comment on project.
- D. Schlansky: Owns two adjacent property. At one point, owned this property. Primary concern is shading. We have not had a shading study on this despite asking a few times. The proposed building is basically a wall that is going to block the sun.
- B. Rabinowitz: Asks staff if that is something that is part of the form-based code review.
- M. O'Neil: Explains that there is no requirement to provide shading information within the checklists.
- S. McKenzie: In favor of the project. It is good to see more housing downtown. Not really concerned about parking. Is a resident in this area and lives a very walkable life. Has no issue with the low vehicle parking. Asks about compliance of the building code with the setback. Typically, when you are between five and ten feet, you are restriction no more than 25% of the surface area of the exterior wall for opening. Looks like it might be over the allowable amount of opening sq footage because of that particular setback. Looking at the grading and the amount of fall, from our standpoint, it is not a building that has a backside, it is visible from all four sides, and it would be nice to see some landscaping treatment to the west side as well. There is about 5 feet of exposed concrete wall at the base of the building, so would benefit with landscaping for the base of the building.
- N. Dagesse: Follows up on the shadow study information. We have done the analysis and sent it over to your colleague one week and a half ago. Was done as a professional study. No doubt that it is going to have an impact the amount of sun and the shading, but I was pleasantly surprised to see the amount of morning and afternoon sun that hits the eastern and western façade. Screen-shares the shadow study done for the adjacent property. Past noon is when the shade starts to fade on the eastern side and then comes back towards the evening. Pushed the building as far back as possible within the code to work with the shading.
- B. Rabinowitz: Asks about the landscaping point that was brought up. Asks if there is an opportunity to add landscaping on the west side of the building.
- M. O'Neil: Would not be a requirement, but would be an opportunity.
- N. Dagesse: Would be happy to see what we can do with landscaping in that space.
- B. Rabinowitz: Asks if anyone has any other questions

None

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B. Rabinowitz: Closes public hearing

Certificate of Appropriateness

1. 21-0910CA; 125 South Cove Road (RL-W, Ward 5S) David M. Boardman

Demolish existing single family home and replace with new single family home and related site work. (Project Manager: Ryan Morrison)

Cliff Deetjan and David Boardman appeared on behalf of item

No public provided public comment

- B. Rabinowitz: Explains that there are some concerns relating to the site for this project and the form of the building relative to the code. That's what we will be reviewing tonight.
- C. Deetjan: Introduces project. Would like to continue the discussion for the main topic from the Design Advisory Board which is recommending a redesign of our home. The issue is with the ordinance relating to setbacks and garages. We believe that the intent of the ordinance is based on aesthetic principles to prevent prominent and potentially unsightly or ill-proportioned garage bumps on the front of houses especially located on dense lots with tight city and shallow front yards. We have needed to locate out house structure over the existing footprint of the house that we are removing. This is to take advantage of the existing small but highly functional full height basement space. We do not want to get into any blasting which would be expensive, disturbing to the neighborhood and the natural character of the site. Walks through floor plans. The existing homes in the neighborhood span from the 1960s to the present and most notable for consideration are the adjacent properties and all of which have garages that are set forward from the main faces of the homes. Understandably, these homes were built before the garage ordinance that we are addressing today but the building type does form a strong rhythm and character to the street, which is very recognizable. Shows pictures of the adjacent homes. Our design upholds and complements this type of simple building layout. We have incorporated the garage space into the main footprint of the home. Shows landscape plan and walks through site. Trees for screening, outdoor patio space, one outdoor living space via covered porch in front of the home. With living space above the garage. We have given the front of the house great character and promise as to lessen he visual impact of garage plus the house. Has created a tasteful home appropriate for its neighborhood site. Reads through Building Location and Orientation in the Development Review Standards in the ordinance to express that with the consideration of the site's constraints and the project's property and existing character of the South Cove neighborhood, hoping that there will be a consideration to allow the garage to with the main face of the building.
- B. Rabinowitz: Explains that there were two other issues discussed in the staff report. One had to do with the deck footprint.
- C. Deetjan: Yes, when we met with the Conservation Board, this was brought up. Asks for Scott Gustin to clarify because it did seem like they were right inside of that setback but it thinks it was deemed okay.
- D. Boardman: They had decided that it was a landscape element.
- S. Gustin: The only issue that I can tell it that the walkway is fine and retaining walls, but the southwestern most corner of the stone dust patio encroaches like 2 or 3 feet past the permissible line. That would need to be made greenspace or pulled make.
- D. Boardman: That can be modified. We just an intermediate area coming off the deck to a mid terrace before you go down the slab steps that are integrated into t aplanting bed.
- B. Rabinowitz: Asks about driveway width.
- C. Deetjan: 18-feet. Discussed this with the DAB about having a turnaround section in front of the garage.
- G. Hand: Asks to view foundation plan. Asks if they are going to need to do blasting now for other portions of the foundation.
- C. Deetjan: No, we are wanting to avoid that. Shows on plans where there is full height for basement and crawlspace. Needing to hold that line with the face of our new build so that it can incorporated into that space for utilities and such.
- G. Hand: Asks to clarify that that issue is not preventing them from moving the garage further back.
- C. Deetjan: No.

- B. Rabinowitz: Asks about side yard setbacks and how close the house is from those north and south sides.
- C. Deetjan: Yes, they are close. For a large lot it is. For a home this size, we are needing to go to the boundaries to the north and south. Protecting as much as we can for lakeside living and space that faces the lake.
- S. Gustin: Explains that the large lot overlay has been mentioned, and is a real thing, but only pertains to the minimum lot size of 9900 sq ft. Design standards are pretty clear. It says that the parking structure either detached or attached shall set back from the longest street facing the wall of the principle structure.
- D. Boardman: Explains perspective of ordinance and the development review standards pertaining to the project.
- G. Hand: Asks for Scott Gustin to explain the highlighted paragraph in the ordinance that they are referring to.
- S. Gustin: What is on the screen is the context for the standards in article 6. There are recommendations and there flexibility, but there are a few "shall" items. You have to at least do this. Putting the face of the garage behind the longest street facing section of the principle structure, that is a shall.
- C. Deetjan: The conflict is that it also says that they shall maintain existing development patterns and rhythm of structure along the existing streetscape. Which clearly there is on South Cove.
- B. Rabinowitz: Asks if anyone else has any other questions.

None

B. Rabinowitz: Closes public hearing

VI. Sketch Plan Review

1. 21-0963SP; 278 Main Street (RH, Ward 8E) Committee on Temporary Shelter Sketch plan review of 16-unit addition. (Project Manager: Ryan Morrison)

Bob Duncan and Jonathan Farrell appeared on behalf of item

B. Duncan: Walks through site plan. Currently the home of the COTS Family Shelter on Main Street. 18,000 sq ft lot size. The existing building is a historic building and had an addition built in 1991 by the YMCA. There is one building is considered a community house, so we would be able to propose an additional 18 units. Our proposal is for 16 additional units. We are moving the building further away from the setback is more problematic, but by attaching the new addition to the existing building, we are able to provide elevator access to both floors of the original building through the connection between the two. Right now, the existing historic building is only accessible only at the main first floor level. By connecting the two buildings, we are able to use the elevator that is required for the new addition, which is four stories. This building will have one stair connected to the elevators we are encouraging people to use he stairs instead of the elevator. Explains layout of entrances to property and parking lots. Shows trash space designation. Shows covered bike parking. Even though we are not required to provide parking in this district and for this use, but we are providing nine spaces and one of which is handicap accessible. There is some open space that will remain on the land and we have a common space on the north side of the new addition. We are proposing four stories. Walks through and explains exterior elevations. Received comments from Design Advisory Board about exterior materials and recommendations, so they will be modifying those façade plans. On the third floor, an open terrace serves the residents of that addition. Also interior common space for residents. Explains that the slope of the roof prevents water from dumping into the terrace. Explains exterior elevation plans from different views. Proposing some additional height because we are allowed to do so in this zone. We are much lower than the 92% lot coverage that is allowed because of the inclusionary zoning.

- B. Rabinowitz: Asks about the demand for parking.
- B. Duncan: Some residents will have cars. There are also staff who drive.
- B. Rabinowitz: Concerned with layout of walkway and where it in comparison to the driveway.
- B. Duncan: That is something that we thought and talked about. One of the expectations is that we think the vehicular traffic will be relatively light and providing nine spaces is not any high-speed traffic. We are looking at the idea of incorporation emphasizing pedestrian access by including the sidewalk in the driveway itself so that it accentuates the fact that we are encouraging pedestrian traffic there and trying to de-accentuate to diminish the idea of predominately-vehicular traffic.
- B. Rabinowitz: Asks if there are parking spaces in that area now that are being removed.
- B. Duncan: There are not parking spaces in that area now. The parking is all at the rear of the property.
- K. Christianson: Asks if there was any thought about putting in more ramps and other ADA accessible locations other than what it is the only option in the front of the building.
- B. Duncan: Complicated because of the grade change from Main Street to get into the building. The current handicap accessibility is in roughly the same location. We have increased accessibility to the second floor by adding the elevator. Explains the logistics of shelter housing vs more permanent housing.
- B. Rabinowitz: Plans need to be firmer, but this is good presentation for sketch plan review.
- B. Duncan: Yes, looking for feedback from the Board for feedback.
- B. Rabinowitz: It is nice that there are some picnic tables and other amenities to use the site. Asks if anyone has any other questions.

None

B. Rabinowitz: Closes public hearing.

VII.	Adjournment
	Meeting adjourned at 7pm

Bradford L. Rabinowitz, Chair of Development Review Board	Date	
Alison Bavis	6/4/2021	
Alison Davis, Zoning Clerk	Date	

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