

## Burlington Development Review Board

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htrhreh

### BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, June 15, 2021, 5:00 PM REMOTE MEETING

**Zoom:** <https://us02web.zoom.us/j/85976499785?pwd=WVpxRlZLclpWMWQwTVZLM01DU3gxUT09>

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**Video recording link:** <https://www.cctv.org/watch-tv/programs/burlington-development-review-board-359>

### Agenda

**Board Members Present:** Brad Rabinowitz, AJ LaRosa, Caitlin Halpert, Geoff Hand

**Board Members Not Present:** Springer Harris, Kienan Christianson, Brooks McArthur, Sean McKenzie (Alt)

**Staff Present:** Scott Gustin, Alison Davis

#### I. Agenda

B. Rabinowitz: No changes to the agenda.

#### II. Communications

B. Rabinowitz: All communications posted online under this meetings packet.

#### III. Minutes

B. Rabinowitz: Previous meeting minutes posted online under last meeting's packet.

#### IV. Consent

##### 1. 21-394; 15 Myrtle Street (RM, Ward 3C) Andrew Feltus

Replace existing garage with new detached accessory dwelling unit. (Project Manager: Scott Gustin)

*Item reviewed after public hearing items due to delay of attendance*

Andrew Feltus appeared on behalf of item

No provided public comment

B. Rabinowitz: Explains that this item is recommended for approval from the staff. Asks if applicant has seen the staff recommendations and conditions for approval.

A. Feltus: Yes, did see those. All conditions are good. I think I have resolved all of them in drawing updates, and the other open item is the wastewater letter from the City.

B. Rabinowitz: Asks if there are any questions for applicant and if there is any public to speak on item.

*None*

A. LaRosa: Motion to approve application and adopt staff findings.

G. Hand: Seconds motion

4-0-0

**2. 21-415; 6 Alexis Drive (RL-W, Ward 4N) David Cohen**

Tree clearing work on vacant lot. (Project Manager: Ryan Morrison)

*Item reviewed after public hearing items due to delay of attendance*

David Cohen appeared on behalf of item

No public provided comment

B. Rabinowitz: Explains that this item is recommended for approval from the staff. Asks if applicant has seen the staff recommendations and conditions for approval.

D. Cohen: No, have not seen them.

B. Rabinowitz: They are pretty much expecting you to cut everything on that lot. Just the standard conditions apply, so you are pretty much approved for what you have applied for.

D. Cohen: Yes, agrees with conditions.

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

A. LaRosa: Seconds motion

4-0-0

**V. Public Hearing**

**1. 21-0909CA; 81 Dunder Road (RL-W, Ward 5S) Jonathan Heller**

Creation of accessory dwelling unit to be used as a bed and breakfast use - amending ZP18-0682CU. (Project Manager: Ryan Morrison)

Jonathan Heller appeared on behalf of item

Tom Walsh provided public comment

B. Rabinowitz: It is recommended for approval but there are some neighbor comments and questions. Mentions the neighbor's comment about a fence where some trees were taken down. Asks if he had discussed it with his neighbor.

J. Heller: Yes, we discussed the fence. And two trees.

B. Rabinowitz: Since this has been acting as a bed and breakfast for a while, asks opinion on how it has been going.

J. Heller: It is working well.

B. Rabinowitz: Asks if people are parking on the street or in the driveway.

J. Heller: In the driveway.

A LaRosa: Asks to clarify that the application is for an accessory unit because it is adding kitchen facilities to the existing, what was then proposed, as just a bed and breakfast use in an existing room.

S. Gustin: Correct. The prior approval was for a single room bed and breakfast and then it seems like after the fact it was more of an accessory dwelling unit. So we are looking to an amendment to that previous permit to be a full ADU to be used as a short term rental.

J. Heller: Says that it is as it was when the City inspected it. The kitchen facility was there.

B. Rabinowitz: Explains that that is not what was permitted on the last application.

J. Heller: Was under the impression that what they inspected was permitted.

A. LaRosa: Asks who inspected.

J. Heller: Not sure. Someone from the City.

A. LaRosa: Asks what they were inspecting for.

J. Heller: They were inspecting the bed and breakfast. Unsure.

B. Rabinowitz: We have a copy of what was approved in 2018, which was just a guest room. What you are asking for now is an accessory dwelling unit with a kitchen and a bathroom. And you have been renting this out for a while now anyways.

J. Heller: Correct.

C. Halpert: Asks about the proposed plan document and the detail that is on there. Looks like the goal is to make sure we are delineating where the kitchen and bathroom are located. Where I was confused is that there is an entrance room listed, but not what the actual bedroom is. The issue we had from the last time this item was heard was that there was not enough detail in the plan.

J. Heller: Explains that he did not put in a second permit for the air bnb. What I thought I did was applied for a zoning permit, but I did not change my air bnb permit.

B. Rabinowitz: Explains that is what they are reviewing. Explains that the question was that for the plan, there is a sketch that shows a stove and a bathroom, but doesn't really show a bedroom.

J. Heller: Explains that the entire room is the bedroom. It is one room. Would like to make it into two rooms, but I have not put the application in for that yet.

B. Rabinowitz: Asks if there are steps within the ADU.

J. Heller: The steps go from the door you enter, to five steps up. Within the unit. The original permit was for just the room over the garage, and in the new permit, I would like to add the entry room that was a shared space. Would like to make that part of the Airbnb completely.

B. Rabinowitz: What we are seeing is a space that is 34'x16' that you are applying for.

J. Heller: For the accessory dwelling unit, yes. For the Airbnb I would like to increase the Airbnb from one room to two rooms.

B. Rabinowitz: What we have in front of us is the Airbnb, but it is not for increasing the bedroom count. There is only one bnb here. The accessory dwelling unit as the bnb.

J. Heller: Correct. How it is set up is that there is a shared entry room, which is the downstairs space and then from there is a door to their space which is upstairs which is not shared space.

*Screenshares floorplan*

B. Rabinowitz: Asks where there is room for a bed.

J. Heller: Between the stairs and the bathroom.

B. Rabinowitz: Above the stairs, is really where the sleeping area/room would be. Asks if the entry room is up the five steps.

J. Heller: No the entry room is connected to my living room.

B. Rabinowitz: Asks to clarify that the entry room is shared and would continue to share it.

J. Heller: Yes, it is currently shared but I would like to make that part of the Airbnb.

C. Halpert: Explains then it would be included in the ADU which looks like it is indicated here.

B. Rabinowitz: Asks to clarify that for their view that an Airbnb is the same as a BnB.

S. Gustin: Correct.

B. Rabinowitz: Basically a one-bedroom accessory dwelling unit that we are looking at.

J. Heller: Correct.

G. Hand: Asks what the distance is from the entry door to the property line on that side of the house, or if there is an estimation.

J. Heller: Asks to go measure. Does not want to say an estimate that may be wrong while under oath.

G. Hand: Asks if that is the side of the property that trees were removed.

J. Heller: Yes.

G. Hand: It looks like there is a request that if we approve that permit to require a privacy fence along that property line and if that is an acceptable condition.

J. Heller: No. Willing to do it as a courtesy for the neighbor, but not willing to put it as a prerequisite for the Airbnb.

G. Hand: Sounds like you are agreeing to put up the privacy fence.

J. Heller: No, not under oath, I am not agreeing to put up a privacy fence. I will do my best to put up a privacy fence, but I am not going to go under oath in front of a judge and do something that he can then sue me for.

G. Hand: It is for us looking at your application to see if meets the standards and one of the standards is that the use does not result in any nuisance impact from noise, odor, etc., what I am trying to understand is whether that is a reasonable condition for you to install a fence along that property line.

J. Heller: It is reasonable and I want to do it, but right now lumber prices are through the roof, labor is hard to come by, finances are uncertain, and I am not sure about when it would be done. If it takes longer than Tom is happy with, I am not having it be a prerequisite for my Airbnb. I am willing and wanting to put up a fence.

A. LaRosa: When you were here last time, we had some discussion about what the Airbnb guests can use and what they can't use. Asks if it is proposed that the guests are allowed to use the pool.

J. Heller: Yes, they have been using my pool and my hot tub.

A. LaRosa: Asks if there are limits to those available hours.

J. Heller: Yes, I can change them, but currently the limit is 10pm.

A. LaRosa: Asks how that is enforced.

J. Heller: That has never needed to be enforced since I have put it into the house rules. If I do need to enforce it, I would walk outside and tell people that it has reached the time limit.

A. LaRosa: Asks if he is there all the time that guests are there.

J. Heller: Yes.

A. LaRosa: Last time, we talked about exterior lighting. And none is proposed as part of this. Asks if there is exterior lighting on the south side of the project.

J. Heller: Changed the blue lights because someone complained about them. Yes, there are lights, they are necessary for safety.

A. LaRosa: Asks what kind of lights

J. Heller: Standard LED probably 60-watt power watt located about 6 feet facing down to the ground. There are also two other lights that I have not been using located at the roofline. Standard floodlights colored blue that people complained about.

A. LaRosa: Asks if those are turned off or they need to be turned back on.

J. Heller: Would like to because they look cool, but would be happy to change to white if the blue was the problem. They will be on white as soon as I get a chance to change the lightbulbs.

B. Rabinowitz: Invites Tom Walsh, Jonathan Heller's neighbor, to speak.

T. Walsh: Did provide comments during a neighbor impact review. Summarized the impacts that are ongoing. This use has existed for more than two years. When renters come daily, they park in the driveway, which is less than 10 feet from my common boundary. They walk along the common boundary and then go into the entry door that is shown on the floorplan. When they leave that entry door to go to the hot tub, they walk even closer to my property. Right where the entry door is, is where one of the large trees that Jonathan Heller asks my approval to remove, and with that tree gone, there is much less buffer of this intense activity. I am asking that if you approve this use, is that you require a privacy fence so that I can privately and quietly enjoy the use of my property. I have changed my activities at my house to go out the other side of my house and around because I cannot go to that side of my house without being imposed by people coming and going, if not the tenants, then the housecleaners and it is constant. As I stated in my opinion letter, I offer that this use offers a nuisance and is a significant interference with my daily enjoyment of my property. The options in my mind are to not approve the application, or to approve it with reasonable condition of installing a privacy fence along the common boundary.

B. Rabinowitz: Asks if there are any other questions from the board or the applicant. Asks if there is any public to comment on project.

*None*

B. Rabinowitz: Closes public hearing

**2. 21-0785CA/CU; 57 South Williams Street (RH, Ward 1E) Chabad of Vermont**

Change of use from dormitory rooms to an elementary school. (Project Manager: Ryan Morrison)

Eliyahu Junik, and Ed Wolfstein appeared on behalf of item  
Sharon Bushor provided public comment

B. Rabinowitz: Invites applicant to present application.

E. Junik: We have a community center at 57 South Williams Street. We have a preschool and we are wanting to start a school, so we want to change the third floor for that purpose. The fourth floor will be gradually changed into classrooms.

B. Rabinowitz: Asks if there are any exterior changes planned.

E. Junik: No, loves the building the way it looks. Only changing some interior walls eventually to make some rooms bigger.

B. Rabinowitz: How many students do you see attending this school.

E. Junik: We are starting gradually so we do not know, but we are asking for four classrooms and having maybe 10 kids in each classroom.

B. Rabinowitz: Asks if the students arrive through their own transportation.

E. Junik: Right now, we are talking about first and second grade, so they will probably be dropped off by their parents.

A. LaRosa: Asks about the request of a parking waiver. When I read the staff comments, I saw that you had gotten a parking waiver for the addition in the back. Asks how that has been going or if there have been any issues with that reduced parking.

E. Junik: Correct. We are still under construction, so we still do not fully know the answer. Even with a lot less parking because it is under construction, there has not been an issue.

As I explained in the waiver, the school is from Mon-Fri and the times for the services do not conflict timing wise.

A. LaRosa: Asks to clarify that they would be approving a two additional space waiver over what was already approved.

S. Gustin: Correct.

B. Rabinowitz: Asks Ed Wolfstein to speak on behalf of project.

E. Wolfstein: I do not have too much to add to this testimony, there are no exterior changes. It is only shuffling around some interior partitions.

B. Rabinowitz: Invites Sharon Bushor to provide public comment.

S. Bushor: Has no objection to the expanded use as a school. My issue is one that I need to verbalize, and it is something that the Board can review, but I wanted the applicant to hear. This building is historic, and everyone focuses on the exterior, but my understanding is that at the State level and the City level, there have never been regulations about the interior of historic structures, which is sad. As this evolves into a school, if there are changes to the inside, it would be nice to have partitions so that the internal integrity of the structure could potentially be preserved if indeed it would be utilized as a school.

E. Junik: Agrees with comment. We have fixed the bottom floor and we have kept everything the way it is. We are not removing or reconstruction essential walls. The building has a lot of character and we are planning and hoping to keep it that way.

B. Rabinowitz: Asks if there are any more comments or questions from applicant, Board, and public.

*None*

B. Rabinowitz: Closes public hearing

**3. 21-0922LL; 68-70 Conger Ave (RL-W, Ward 5S) Michele Bushey**

Appeal of lot line adjustment denial with 78-80 Harrison Ave. (Project Manager: Scott Gustin)

*Item associated with 21-0923LL, 78-70 Harrison Ave*

**4. 21-0923LL; 78-80 Harrison Ave (RL-W, Ward 5S) Michele Bushey**

Appeal of lot line adjustment denial with 68-70 Conger Ave. (Project Manager: Scott Gustin)

Michele Bushey, Andrew Galinas appeared on behalf of item

Celeste Crowley provided public comment

B. Rabinowitz: Asks Scott to present.

S. Gustin: Explains that what we have is a boundary line adjustment in the lakeside neighborhood, in the waterfront residential low-density zone, which has a few dimensional standards to keep in mind. The standard minimum lot size is 6,000 sq ft, but considering that both properties are duplexes, the CDO says that the minimum lot size is 10,000 sq ft. Both lots are smaller than that. Both lots are also bigger than 4,000 sq ft, which puts them into the existing small lot category. That means that they can be developed as intended for the zoning district subject to design review. Both lots are substandard in terms of lot size and are both over the permissible lot coverage limit. The appellant and I talked a few times before they applied, and we tried to find a way to find an even swap to change the boundary line. The intent is to put the garage on the Conger Ave property, which it currently sits on the Harrison Ave property. Conceptually, it would be possible to do a boundary line adjustment; it would have to be an even trade meaning that sq footage would remain the same for both lots. With that, you would not affect the degree of nonconformity for the lot size or the lot coverage. What was applied for was not an even trade. The Harrison Ave property became even smaller, which increases the degree of

nonconformity for lot size. Since it became smaller, the amount of lot coverage also increased, meaning the degree of nonconformity increases even more. Even though Conger Ave becomes less non-conforming as a result, it drives up the degree of non-conformity on the Harrison Ave property. One cannot happen without the other, so it was denied. The basis of the denial was basic. The degree of non-conformity increases and the CDO says you cannot do that. They were denied, and the appellants and I talked and they decided to appeal the lot line adjustments to the Board.

B. Rabinowitz: Asks to clarify that the driveway is used by the Conger Ave house.

M. Bushey: Yes.

B. Rabinowitz: Conceptually it seems like it would not work because you are taking a garage, which is a lot of lot coverage on one property, and adding it to the other. So the lot coverage needs to increase on one and decrease on the other so that even if you end up with the same sq footages on both, the lot coverage cannot stay consistent.

S. Gustin: Yes and you make a good point about accounting for the coverage from switching from one property to the other. Mathematically it could work, but practicality it does not.

B. Rabinowitz: Theoretically, you have two properties there, one of the garages is a preexisting non-conforming structure. If one is at 37% and the other is at 41%, if they swap and go the other way around, from your logic, it increases the nonconformity on one of the lots.

S. Gustin: That might be so and I think the punchline remains the same that it would not be possible to do a boundary line adjustment without affecting the non-conformity.

A. LaRosa: You would have to add some empty land from somewhere else to add to this. If you do not want to get involved with easements, which we have no jurisdiction over, you would have to bring in some empty land to fix the lot coverage issues.

B. Rabinowitz: Invites applicant to talk.

M. Bushey: Explains that the garage was built 41 years ago by our father who owned both properties. Burlington approved the garage 41 years ago. It was built and never moved. If you look at Burlington land records, it has always been part of Conger Ave, never been annotated to be a part of Harrison Ave's land or use. For the City of Burlington, that garage has always been on Conger Ave.

B. Rabinowitz: Asks where the property lines are coming from.

M. Bushey: The property lines were drawn back in 1937 when Queen City Cotton Company divided the land. These were already nonconforming lots from 1937 and now we have to hold up those standards to today's standards.

A. Larosa: Asks for background of why this was applied for.

S. Gustin: No was not a violation. My understanding is that they are looking to sell the properties separately and the garage is practically associated with Conger Ave, but it sits on the Harrison Ave property. Which gets them into doing easements between the two and what I understand from the applicant that complicates things for selling the properties.

M. Bushey: Explains that they have lost multiple offers on the Harrison Ave property because of a temporary easement. If we do not accommodate for the boundary line adjustment, we would be forced to sell both properties together and whoever buys them from us will need to continue to sell both properties together. Or you would be forced to take down a substantial sized garage, which would decrease the property value.

B. Rabinowitz: Asks if there is an intent that is not met by adjusting these so that the lot coverage on the Conger Ave goes up and the coverage on Harrison goes down.

A. LaRosa: Asks if they were to remove some lot coverage from the Conger Ave property like the equivalent of what they're adding, like the gravel driveway, if that would correct the issue.

S. Gustin: That is conceivable. We are looking at the even trade and if that is possible. As Brad has pointed out, it is more complicated when we consider the lot coverage effects of the garage switching from one property to the other, sure, but it comes down to if the percentage stays the same.

B. Rabinowitz: It is puzzling. Asks if there is a driveway that goes up to the garage.

M. Bushey: No.

B. Rabinowitz: Invites Celeste Crowley to speak.

C. Crowley: I am Michele and Andrew's cousin. Conger Ave was our grandparents home, so down the road I might be interested in buying it. I do not understand why the City would approve a permit for Conger Avenue knowing that the structure sits on Harrison Ave, and it may be because my uncle owned both properties so they allowed it. Asks why there cannot be a variance or allowance because the City approved it and now recently changed the lot coverage guidelines. These two properties are now tied together because of the approval of the garage on both properties.

C. Halpert: Asks if there is a site plan from the original permit for the garage.

S. Gustin: There is not a site plan. There is a single piece of paper for a garage associated with Conger Ave.

C. Halpert: Asks if all the doors and access is on the Conger Ave and there is not a way to use it from the Harrison Ave property.

M. Bushey: Correct. Was never intended for us for Harrison Ave.

G. Hand: Asks if the garage is on a concrete slab.

M. Bushey: Yes, it is on a concrete slab.

C. Halpert: Explains that the site plan shows the two properties but it does not show where the garage is.

M. Bushey: Explains that at the time when the City approved it, they did not go out to double check anything to close the permit, but now we are being held to today's standards from way back when. Explains that we have had the Harrison Ave property up for sale, and we have had offers walk away because we had a temporary easement drawn up from our lawyer, stating that Conger Ave would use the garage until Conger Ave is sold.

A. LaRosa: Has many thoughts. Thinks this problem could be solved in a much more expeditious than what we are trying to do here. Asks if they have thought about the idea of taking some lot coverage away so that you can add the garage as lot coverage to the Harrison Ave property, like taking out one of those gravel driveways.

A. Gilinas: I am sure it can be done to turn that into a greenspace.

A. LaRosa: It might be a way to solve the lot coverage problem.

S. Gustin: Reminds that there is a minimum parking requirement.

A. LaRosa: We do have the ability to waive some of it. But cannot waive lot coverage.

S. Gustin: Correct.

M. Bushey: Expresses frustrations. When you look at the sketch, the backyard is still usable to either family that would buy them and then you are not taking away driveway space.

G. Hand: The issue is that we do not have a lot of flexibility. It is increasing a non-conformity otherwise. This is a challenging conundrum.



A. LaRosa: Asks if the garage is really valuable to the Conger Ave property.

A. Gilinas: Yes, it is to me because it is my workshop. And could be useful to someone else to who buys it down the road. If not, these lots should be sold as a pair.

C. Halpert: Clarifies that the plan is to only sell the Harrison Ave property right now.

M. Bushey: Correct.

B. Rabinowitz: This is difficult. It is frustrating hearing the history and then needing to hold this to today's standards.

A. LaRosa: The overall we are looking at them as a pair as dual applications, so the overall degree of non-conformity does not really change.

B. Rabinowitz: Seems like in this case, I have a hard time not doing something to be flexible.

M. Bushey: Wanted to reiterate the fact that we have owned this land since it was divided, and has been passed down, and this is not effecting people around us, we are just trying to make things right to move on with our goal of selling the properties separately.

B. Rabinowitz: Asks if there are any other questions or comments from Board, applicant and public.

*None*

B. Rabinowitz: Closes public hearing

**5. 21-0409CA/MA; 362 Riverside Ave (NAC-RC, Ward 1E) Douglas G. Boyden**

64-unit Senior Housing development and related site work. Lot line merger included. *Re-opened public hearing.* (Project Manager: Scott Gustin)

Ben Avery, Shawn Kelly, Jeff Zweber, Cleary Buckley appeared on behalf of item  
Sharon Bushor provided public comment

B. Rabinowitz: Explains that this is a re-opened public hearing. Looking at site related issues.

B. Avery: We took the route of doing the drilling geotechnical review. Took the time for the whole team to review and make sure that the initial concepts for the building were still solid. And to have a memo prepared to address the slope analysis concerns. Fenestration on the back of the building has plans to be improved and more functional for the people living there.

C. Buckley: Presents architectural changes. Last time we received feedback that the back of the building was too monochromatic and not broken up enough.

A. LaRosa: Asks if plans for pedestrian access for the front of the building has improved.

C. Buckley: The tower that has the numbers on it is the primary pedestrian access from Riverside Ave for the residential component to this. To the right of that, there will be a dining function that will service residents and can be opened up to outside chefs or caterers and have it accessible to the public. To the left of the vertical tower are common functions for the residents/ there is a small physical therapy office. There is some group activity space. Day to day residents and visitors will use the entrance that is underneath the building at the level up. Continues talking about the back façade of the building. We considered adding balconies and French balconies, but both have some issues in terms of running the facility and weather issues. What we landed on was installing a paired large casement windows. Added a lot of color. Intent is to brighten up the façade and give more rhythm to the property.

B. Rabinowitz: Asks what the material is for the siding.

C. Buckley: It is fiber cement siding.

B. Rabinowitz: Asks what the material is for the red section on the front of the building.

C. Buckley: Panel product. Cement board, but a panel.

B. Rabinowitz: Does think that it is an improvement. Asks if the grey wall in the renderings is a concrete retaining wall.

C. Buckley: Correct. And the grey tower on the left would be corrugated metal siding for the stair tower.

C. Halpert: Asks about screening for the loading dock.

C. Buckley: I remember talking about the loading dock and there has been a lot of discussion about putting the loading dock where it is, but no, the screening has not changed. There are plantings and is elevated significantly from Riverside and not visible for the public.

B. Avery: We do have trees planned for either side of the entry and shrubbery surrounding both sides. My concern would be if we forgo those trees in favor of screening, it is likely to stick out almost more than the loading dock itself. In the end, the loading dock is not a place of high activity.

C. Buckley: Mentions that there is fencing around the trash and recycling area.

B. Rabinowitz: Asks if there the retaining wall is right up on the property line.

C. Buckley: Correct.

B. Rabinowitz: Asks if there are any issues with protection on top of the retaining wall.

C. Buckley: There will be protection on the one corner. They will be low walls and trying to match the grade.

S. Kelly: Speaks on behalf of the soil testing and issues. Did three soil borings so far and what we were looking for at this stage at the project is will this project negatively impact on the northern side of Riverside Ave towards the Winooski River. Performed a slope stability analysis using the grades that we have planned for this project as well as the grading from across the street. At the end of the analysis, we did see that the property location where we are putting the building, does not negatively impact the existing conditions along Riverside Avenue. Explains technical information about their analysis process.

G. Hand: Asks about factor of safety. In this report, it says it is slightly lower than ideal.

S. Kelly: When we look at slope stability, we look at factor of safety to make sure that our resisting force is greater than the driving force. The resisting force is the stability of the soil itself. The driving force is gravity. We want to make sure that the slope can resist the driving force of gravity. Explains that there are multiple things/other forces that can move a slope. Explains technical information about analysis process for factor of safety.

B. Rabinowitz: Asks about the graphs for the slip surfaces for the slopes that Shawn Kelly explained.

S. Kelly: Yes, those are in the report. Explains the graphs and what went into making them. Explains what parameters were used.

B. Rabinowitz: Asks if there is anything unique for the footings of the building to address the slope issues.

S. Kelly: No, the soils are pretty good here. In Vermont we love to build on glacial till, but that is not in our site profile. Explains what the soil profile is for this property. Straightforward for how the foundation is planned.

G. Hand: Asks about assumed pressure measurement and if it is a conservative figure.

S. Kelly: Correct. Explains bearings, footings, and loads.

B. Rabinowitz: Invites Sharon Bushor to speak.

S. Bushor: Explains that she has been following this project application. One of my concerns has been addressed by the applicant regarding the stability study. Weight of the structure and the fact that it is four separate structures being taken down to create one larger structure and how that was evaluated. Was glad to hear that it does not have impact on the stability of the slope across the street and the Winooski River. Wanted to ask about information about report from the City as far as major impact soil erosion reduction and land to hold water. Want to see a letter that this is adequate for this new project. Mentions that because the lot is going to be about 80% covered, I understand that there will be clear cutting of trees. I want to challenge the City and ourselves that with the environmental crisis, we have to be more cautious and to see if any trees can be retained. Asks applicant about number of units and concern with low number of parking spaces. Asks if there is parking on the street if they run out of room on the property.

B. Avery: We are taking some data from looking at other projects around the City. Explains that they have a recent project that was built in Essex, we see that the parking counts tend to skew when there are older ages. And Essex is an area without great transportation infrastructure. Given the access to transportation here in Burlington, we are comfortable with the assumption that the parking facility would run at the worst case at around 50%. There is parking on Hillside Terrace, which provides overflow parking. We will not have assigned parking. Flexible parking to accommodate residents and visitors.

S. Bushor: Yes, that helps.

S. Kelly: Has a stormwater letter that states approval of the EPSC (stormwater) letter from the City.

B. Rabinowitz: Asks if there are any other questions from the Board, the applicant, and the public.

None

B. Rabinowitz: Closes public hearing

## VI. Adjournment

Meeting adjourned at 6:50 PM



Bradford L. Rabinowitz, Chair of Development Review Board

September 7, 2021

Date



6/17/2021

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](http://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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