

Burlington Development Review Board

Department of Permitting & Inspections
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Brad Rabinowitz
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Caitlin Halpert
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Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, February 1, 2022, 5:00 PM Minutes

Physical location: 645 Pine Street, Front Conference Room, Burlington VT 05401

Board Members Present: All members were remote. Brad Rabinowitz, AJ LaRosa, Caitlin Halpert, Leo Sprinzen, Brooks McArthur, Geoff Hand, Chase Taylor

Board Members Absent: Sean McKenzie

Staff Members: Mary O'Neil (remote), Scott Gustin (remote), Ryan Morrison, Celeste Crowley

I. Agenda

II. Communications

III. Minutes

January 18, 2022 minutes have been posted on the website.

IV. Consent

(The Board has requested for this item to be taken out of Consent.)

1. ZP-21-804, 2-14 King Street (DW-PT Ward 3C/5S) Christopher Burke / Lake Champlain Transportation Company

Replace Existing 375 sf building with 720 sf building (Project Manager, Ryan Morrison)
Chris Burke was sworn in.

Brad: There is 50ft covered Right-Of-Way?

Scott G: It's an existing encroachment.

Ryan M: Replacing what is there, no greater non-conformity.

Brad: Encroaching less is not mentioned in report. Recommend adding it for consent.

Chris: Ok

Brad: Any other questions from the Board? No. Close public hearing.

V. Public Hearing

1. ZAP-21-21; 164 North Willard Street (RL, Ward 1E) Luke Purvis

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Appeal of fence permit denial. (Project Manager, Scott Gustin)

Scott: Applicant requested deferral as they are in settlement discussions with the city attorney.

AJ: Motion to defer and extend until April 4th, 2022 meeting. Geoff 2nd. All in favor.

2. ZAP-21-21; 164 North Willard Street (RL, Ward 1E) Luke Purvis

Appeal of adverse determination regarding pre-existing nonconforming status of gravel strip.
(Project Manager, Scott Gustin)

Scott: Applicant requested deferral as they are in settlement discussions with the city attorney.

AJ: Motion to defer and extend until April 4th, 2022 meeting. Geoff 2nd. All in favor.

3. ZP-21-276; 570 South Prospect Street (RCO/RG Ward 6S) Amy E. Tarrant Living Trust

PUD with two lot subdivision, lot line adjustment, and tree removal. (Project Manager, Ryan Morrison)

Michael Koch and Jack Milbank from Civil Engineering Associates, and Sharon Bushor were present and sworn in.

Brad: AJ is recused as he is speaking on behalf of the Country Club. It seems straight forward. Would you like to say anything about the project?

Mike: Yes, it is straight forward. It's a 2 lot subdivision.

AJ: The Burlington Country Club (BCC) has no real issues. It does surround the two lots. I just want to point out a couple items on the BCC agreement. 1) There is a license agreement to use the cart path on the South East corner of the property. The license area is shown on the final site plans. 2) Access to the property must be from Prospect Street and not Spear Street.

Geoff: The plans do not show the connection from Prospect/paved driveway.

Jack: That will be shown on the plat when ready to record.

Sharon: The subdivision is not an issue, but my concern is with the trees. Specifically the clearing of the second lot, tree removal. Do these trees meet the criteria for removal? The removal of more than ten trees requires zoning and plans. I don't feel that it does meet the criteria. In the past tree removal wasn't as important but now we need to be more thoughtful of how many trees are being removed, for the health of our planet and local environments. The DRB has been thoughtful of tree removal but I am asking that this be reviewed again before approval.

Jack: The applicant has hired a master arborist, Bill DeVos, to assess the trees. Larger trees have been mapped and only talking about the building envelope. We are not clear cutting the lot. The arborist is very thoughtful of clearing and removing only what is necessary to have the least impact. He has prepared a thoughtful plan. The applicant also values the trees.

Geoff: What is the timeframe for clearing and removing trees in the building envelope?

Jack: The concepts are prepared but not complete. We are looking at later summer, but it's easier to clear them in the winter while the ground is frozen.

Brad: The report says clear lot of all trees.

Jack: That is an error on the plans. It will only be in the building envelope.

Geoff: It looks like ½ to 1/3 of the lot is the envelope. The report is not clear.

Caitlin: The building envelope looks quite large. I'm assuming it is not the entire dimensions of the lot. I agree that the report is too generalized.

Brooks: So my understanding is that you are clearing the envelope and leaving the rest, clean unhealthy trees.

Brad: How does the location of the proposed driveway affect the building envelope?

Jack: It serves the lot.

Brad: We got plans without the full scope of area/properties. Any other questions?

Caitlin: Does the driveway cross the neighboring lot?

AJ: Yes, they all have cross easements.

Brad: Closed public hearing.

4. ZP-21-816; 273 Pearl Street, 11, 15, and 21 Hungerford Terrace (RH, Ward 8E) Benjamin Frye / 15 Hungerford Terrace LLC

Amendment to approved 4 lot PUD. Zoning Permit: ZP-20-0720CA/MA. Add 3 units to approved PUD, window, parking, and site changes.(Project Manager, Mary O'Neil)
Bruce Baker, Jess Gasset, Ben Frye; sworn in.

Brad: You are presenting changes to the existing approved plans..

Bruce: Yes, they are similar to the original plan. Jess can outline the specific changes.

Jess: There will be additional units in the basement level. New units with additional windows, retaining walls to create window wells. The overall impression is the same.

Brad: And the parking will be the same, under the building?

Bruce: Yes, with the same number of spaces. My understanding is that they are not required so not adding any. As far as the window wells, there is one unit impacted. Staff points out that the window well is a feature but it is not a feature. (Sighted various articles regarding window wells and retaining walls).

Geoff: I'm still confused by exactly what features...I think we are talking about unit 3, all window wells on that unit? Yes. And it encroaches into front yard setback?

Jess: We note 54ft new building setback, minimum 46.

Mary: Based on the abutting buildings the average setback came in at 47ft and you are allowed a variable of 42-52.

Mary: Front yard setback applies, window wells are encroachments.

Mary: The applicant is looking for the interpretation of the window wells to be allowed. They are singular component and are not identified to a yard setback. Staff has made the decision that

window wells are independently defined under Article 13. Window wells are not an identified exception to a yard setback.

Geoff: Are any of the retainers above 5ft?

Jess: They do not project above grade more than 5ft.

Mary: Issue of non-conformity, Hungerford is an outlier but still contributes.

Brad: If no retaining wall, would wells be an issue? Does anyone have anything else to add or questions? Closed public hearing.

VI. Certificate of Appropriateness

VII. Other Business

VIII. Adjournment 5:20pm



February 8, 2022

Bradford L. Rabinowitz, Chair of Development Review Board

Date

Celeste Crowley, Permitting & Inspections Administrator

Date

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