

Burlington Development Review Board

Department of Permitting & Inspections
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Brad Rabinowitz
AJ LaRosa
Geoff Hand
Brooks McArthur
Caitlin Halpert
Chase Taylor
Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, May 17, 2022, 5:00 PM

Minutes

Board Members Present: All members were remote. Brad Rabinowitz, AJ LaRosa, Geoff Hand, Brooks McArthur, Leo Sprinzen, and Sean McKenzie

Board Members Absent: Caitlin Halpert and Chase Taylor

Staff Members Present: All members, but one, were remote. Scott Gustin, Mary O'Neil, Ryan Morrison (In-Person), and Joseph Cava

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Consent**

1. ZP-22-196; 98 University Road (I, Ward 1E) UVM State Agricultural College / Derick Reed

Install a permanent canopy roof over a section of the existing right field seating at Centennial Field. The area under the canopy-covered seats will be converted to concrete and a 6' wide pervious walk will be installed along the backside of the covered area. An area of pavement behind the grandstands will be restored to vegetation. (Project Manager, Ryan Morrison)

Derick Reed, C. J. Knudson: Sworn in.

Brad Rabinowitz: Anyone who objects to this being a consent item?

Leo Sprinzen: Motioned to approve and adopt staff recommendations, Brooks McArthur 2nd. Vote 6-0. Motion carries.

2. ZP-22-200; 38 South Winooski Avenue (FD5, Ward 8E) First Congregational Church / Doug Viehmann

Two-lot subdivision. No new development included. (Project Manager, Ryan Morrison)

Doug Viehmann, Kristine Bickford: Sworn in.

Brad Rabinowitz: Are you okay with how this was recommended for approval?

Doug Viehmann: Yes

AJ LaRosa: Motioned to approve and adopt staff recommendations, Leo Sprinzen 2nd. Brooks McArthur recused himself. Vote 5-0. Motion carries.

V. Public Hearing

1. ZP-22-171; 23 North Champlain Street (RH, Ward 3C) Henry Stark

Establish a bed and breakfast (short-term rental) within existing duplex; one bedroom in each unit totaling 2 bedrooms (one unit owner occupied). (Project Manager, Mary O'Neil)

Brad Rabinowitz: We've been asked to move this to a date certain, is this correct?

Mary O'Neil: Yes

AJ LaRosa: Motioned to defer to the June 21st DRB meeting, Geoff Hand 2nd. Vote 6-0. Motion carries.

2. ZP-22-97; 228 Maple Street (RH, Ward 6S) Mark Kuprych

Establish a bed & breakfast (short-term rental) use within one unit of the existing 8-unit apartment building. Applicant also requests a parking waiver. (Project Manager, Ryan Morrison)

Mark Kuprych: Sworn in.

Geoff Hand: Motioned to move to a date to be determined. AJ LaRosa 2nd. All in Favor 6-0 for approval. Motion carried.

3. ZP-22-199; 51 Elmwood Avenue (RH, Ward 3C) City DPW / Samantha Dunn

Establish temporary emergency shelter including 30 shelter pods, community resource center, and bathhouse. (Project Manager, Scott Gustin)

Samantha Dunn, CEDO, Brian Pine, CEDO, Sam Beal, Duncan Wisniewski Architects, Marcella Gange, CEDO, and Sarah Russell, CEDO: Sworn in.

Brad Rabinowitz: This project is subject to limited municipal review per VSA Statute §4413.

Samantha Dunn: This project is important to understand that housing is a human right, with an emphasis on housing for everyone. The project is for temporary/emergency housing for 36 months.

Brian Pine: The action plan was laid out with the initiative to end homelessness in the City of Burlington by 2025. 30 pods with a combined capacity of 78 individuals is the start to a comprehensive approach for creating more affordable housing in the City of Burlington.

Sam Beal: This shelter community will be another neighborhood in a collection of diverse City neighborhoods. Many factors were considered including grid formation patterns, traffic flow, and offsets for privacy. Other beautification design considerations include green spaces and upgrading the existing chainlike fence with a six-foot privacy fence and security gate for protection.

Samantha Dunn: These prefabricated shelter pods are also being designed for future use beyond the shelter community including farm stands or storage.

Brad Rabinowitz: Can you talk about lighting?

Sam Beal: There are two existing lights on the existing parking lot with other lights planned for the shelter pods, community resource center, and bath house.

Brad Rabinowitz: Will the lights be operation on a 24/7 basis?

Samantha Dunn: The lights will operate as they currently exist.

Brad Rabinowitz: Questions from the board?

Leo Sprinzen: How will residents be chosen?

Sarah Russell: We have been working with local outreach to identify those that are unsheltered and using the guidelines set by the State of Vermont.

Marcella Gange: It is important to correlate the States guidelines with the goal of the project to end homelessness.

Brad Rabinowitz: What are the limitations on when the community resource center is open?

Samantha Dunn: The resource center will be open between 9:00 AM and 4:00 to the general public, but will stay in continuous operation for residents of the shelter community.

Brad Rabinowitz: Is fencing a part of the lot or part of the proposed project?

Sam Beal: Chain link is not an attractive fencing material and considerations for alternative fencing materials with artwork is to heighten public perception of the shelter community.

Brad Rabinowitz: How are the pods heated?

Sam Beal: The pods will be heated and cooled with electricity which isn't ideal, but this is also a budgetary constraint.

Samantha Dunn: Electricity will ensure this project leaves a carbon free footprint.

Sean McKenzie: Do the project plans depict access for emergency vehicles?

Samantha Dunn: Yes, we have been working fire and emergency services on this.

Sean McKenzie: What is the method for snow removal?

Sam Beal: Snow will be carted away in dump trucks.

Leo Sprinzen: What are the chances of this shelter outliving its time frame of 36 months?

Brian Pine: Significant reinvestments are in the way for permanent affordable housing measures in the City of Burlington.

AJ LaRosa: If approved, would this facility be temporary, or would it outlive the 36 months?

Scott Gustin: Conditional approval is for 36 months. Any extension would require board approval.

Brad Rabinowitz: Public Comment

Eric Lafayette, Wanda Hines, Matt Byrne, Byrne, Gravel and Shea – representing McKenzie House residents, Mollie Flanagan, Michelle Borbas, Alexander Trombley, on behalf of Cooper Siegel, Joe Magee, Christopher Haessly, on behalf of Wards 2-3, Bari Kuhl, McKenzie House resident, Tucker Wright, Lacey Smith, Bill Jones, McKenzie House resident, and Bob Duncan: Sworn in.

Eric Lafayette: As a property manager across the street, I am concerned about the impact of these buildings and other issues like drugs and alcohol on the premises. These shelter pods are being made an exception to the residential zoning status and building codes of the area. It is disappointing that the city chose this location of multi-generational families with a use that is not conforming.

Wanda Hines: We and the City are no stranger to homelessness. As a member of the Joint Urban Ministry Project (JUMP), we closely examine the relationship we have with those around us. There will be risk and discomfort, but we at JUMP support what this project could do for the city in a controlled and sustaining environment.

Matt Byrne: VSA. Section §4413 is creating a broad interpretation of what is and is not allowed. Declarations from the members of McKenzie House are concerned how the facility will impact the quality of life for neighbors and residents in the area. The Mayor and City Council are in a difficult position regarding this project.

AJ LaRosa: Can you elaborate on a case study of VSA Section §4413?

Matt Byrne: These are the City of Burlington's regulations, which are stepping beyond the limitations of VSA Section §4413.

Scott Gustin: Limitations are addressed under Article 6 and the project classifies as a conditional use.

Mollie Flanagan: In our recent meeting of the Neighborhood Planning Assemblies (NPA), we put forward a resolution in support of the shelter pods which received overwhelming support.

Michelle Borbas: How are we going to ensure this site and its facilities stay clean? There are numerous examples in the City of Burlington of areas that are trashed and unkept. The circumstances that lead to homelessness stem beyond hard times and raises awareness to mental health issues.

Alexander Trombley: This is a failure of urban planning when compared to other shelter communities across the US.

Joe Magee: I am the City Counselor for Ward 3, and I am speaking for the representative for Ward 2 as well, and this is a great opportunity base upon other successes in Aurora, CO and Boston, MA. 54% of residents in the shelter communities showed potential for job placement and securement of essential documents like driver's licenses. In Burlington, we are also seeing an increase in homeless encampments and implementing it now provides security for the winter months.

Christopher Haessly: This is a step up from the shelter at Sears Lane, but I am unsure of the implementation of this project. A lot of the opinions being expressed tonight are NIMBYism. As part of the steering committee people who pushed the approval of this project had more input from city positions, than those of ordinary life.

Bari Kuhl: I live in McKenzie house, and the project staff have not addressed the concerns of the neighbors surrounding the project. Our landlord has worked hard to protect us, but the pod shelters will jeopardize the safety and security of surrounding residents. A lot of people living in McKenzie house are elderly with underlying health conditions that are exacerbated by the stress caused by the implementation of the pod village. I worry about COVID and what will happen if it passes from the pod village to surrounding neighbors.

Tucker Wright: This concept is good, but I have been unimpressed by the way CEDO has been moving forward in regard to the concern of the community members. The project has not been forthright with the conditions outlined and how they will manage it if they are unable to fulfill promises made during the conception of this project. This process is shameful and CEDO should be held accountable by permitting standards.

Lacey Smith: I am a social worker with the City of Burlington and there is no capacity for addressing homelessness between one year and multiple years. No other issue can be addressed if there isn't a collective impact between the community and people living and working within the pod shelters. We will be working at the community center on a daily basis, and we will also be available to the community to foster healthy relationships.

Bill Jones: I live in the McKenzie House, and I have gone through homelessness myself. I don't see or hear what people who are fortunate to have a home or access to resources to know what it is like to feel the way these people are feeling.

Brad Rabinowitz: We need to keep the discussion to the issue at hand.

Bill Jones: I am asking this rhetorically, what will this do, not just to the people living in the neighborhood, but the people being relocated to this area? These people deserve honor and respect.

Bob Duncan: I only want to say you, CEDO, have a difficult challenge moving forward. I think we know we are in a crisis situation because it is tackling homelessness and the wants of the greater community. I've worked most of my career in affordable housing and I've seen people against projects like this that are in favor in the end because they had a well written plan to incorporate and implement such a venture. It is important to change areas of the plan where necessary.

Brooks McArthur: I see additional hands waiting to speak. (On Zoom)

Brad Rabinowitz: I am open to suggestions on moving forward in public comments.

AJ LaRosa: I'd like to hear more about VSA Section §4413. I would recommend we continue this given the amount of public participation.

Mary O'Neil: Our next available DRB date is July 5, 2022.

Brad Rabinowitz: I don't intend on deliberating on this either and we should continue this as efficiently and effectively as possible.

Brooks McArthur: I recommend we have the City's attorney's office weigh in on this before the next DRB meeting in July.

AJ LaRosa: Motioned to continue this to the July 5th DRB meeting. Brooks 2nd. Geoff recused himself. Voted 5-0 for approval. Motion carried.

VI. Certificate of Appropriateness

1. ZP-22-179; 48 Sunset Cliff Road (RL-W, Ward 4N) Mort Zachter & Nurit Zachter / Michael Koch

Construct single-family dwelling. (Project Manager, Scott Gustin)
Mort Zachter, Jeff Kamuda, Michael Koch: Sworn in.

Brad Rabinowitz: Can you give us a brief presentation?

Michael Koch: We gave a presentation to the DRB for Phase I to demolish the previously existing single-family residence to construct a new single family residence during Phase II of the project. This project was reviewed and granted approval from the City Stormwater and Conservation Board.

Jeff Kamuda: All the lots along sunset cliff are long narrow lots, most being shielded from the road by vegetation. In addition to replacing the previous residence, the project team are using the existing constraints including the vegetation, driveway direction, and lakefront access.

Brad Rabinowitz: I appreciate that the footprint is smaller. Any questions from the board? None being heard.



Mort Zachter: It feels ironic given our application compared to the previous application for a homeless shelter.

VII. Other Business

None

VIII. Adjournment

Hearing closed at 7:09 PM.

 Bradford L. Rabinowitz, Chair of Development Review Board	June 29, 2022 Date
 Joseph H. Cava, Permitting & Inspections Permit Technician	6-16-22 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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