

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
Fax (802) 863-0466

Brad Rabinowitz
AJ LaRosa
Springer Harris
Geoff Hand
Brooks McArthur
Kienan Christianson
Caitlin Halpert
Chase Taylor
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, August 17, 2021, 5:00 PM

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

Zoom: <https://us02web.zoom.us/j/84106530127?pwd=Y2p5RG16OXFQN3IBWlJKdINBWmdSQT09>

Password: 302244

Webinar ID: 841 0653 0127

Telephone: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

Minutes

Board Members Present: Brad Rabinowitz, AJ LaRosa, Geoff Hand, Caitlin Halpert, Brooks McArthur, Chase Taylor, Kienan Christianson

Board Members Not Present: Springer Harris, Sean McKenzie (Alt)

Staff Members: Scott Gustin, Mary O'Neil, Ryan Morrison, Ted Miles, and Alison Davis

I. Agenda

B. Rabinowitz: No changes to the agenda

II. Communications

B. Rabinowitz: Updated plans for the UVM and projects and for the sketch plan.

III. Minutes

B. Rabinowitz: Previous meeting minutes are posted online.

IV. Public Hearing

1. ZP-21-136; 92 Farrington Parkway (RL, Ward 7N) Raymond K. Ingram Jr.

Appeal of 15-year determination as to yard parking next to driveway. (Continued hearing) (Project Manager: Scott Gustin)

Ray Ingram appeared on behalf of appeal

No public provided testimony

B. Rabinowitz: Asks project manager, Scott Gustin, when the applicant was informed that he was in violation, if he moved the van to not be in violation at that point.

S. Gustin: Correct, the warning letter went out in October, and the vehicle was moved in March.

B. Rabinowitz: Mentions that there are affidavits now confirming the continuous 15-years. Asks to confirm that the Staff's position is that since he moved the vehicle at the point he was told he was in violation, he lost the 15-year continuous use.

S. Gustin: Correct. Believe that it was pointed out that it was corrected and seems to still be corrected.

B. Rabinowitz: Confirms with the applicant that the van was moved. Explains that the issue was that it was 15-years without continuous use, and then if you do not use it continuously for 60 days or more, it is deemed not continuous. If you moved it in April

The programs and services of the City of Burlington are accessible to people with disabilities.

Individuals who require special arrangements to participate are encouraged to contact the Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

Printed on 100% Recycled Paper

because of the violation, then it was not continuous, and you had a more than 60-day break.

G. Hand: Agrees that this one is odd. It came before us before in not the form that we thought it should be in, and we asked for the information. We got the information that we wanted in the form of affidavits saying that there is 15-years of continuous use, but Ray was trying to be responsive to the violation notice, and corrected the violation.

C. Halpert: Asks what the goal of the appellant is. Asks if the goal is to have parking in this location or if the goal is to have the violation go away and not be an issue. Or both.

R. Ingram: Goal would be to park there. Both would be ideal.

G. Hand: Asks if that space has still been used for parking since April.

R. Ingram: Yes. Off and on.

C. Halpert: Asks if there was a period of time of 60-days or more that there was no vehicle there.

R. Ingram: No. And there was not a span of more than 60 days of the van not being there.

B. Rabinowitz: Thinks there is enough information. Will need to discuss during deliberation. Asks if the Board or public has any questions or comments.

None

B. Rabinowitz: Closes hearing.

2. ZP-21-559; 64 East Ave (RL, Ward 1E) MBVT, Inc.

Two-lot subdivision to create one new single-family building lot. (Project Manager: Ryan Morrison)

Doug Goulette and Matt Broulliard appeared on behalf of item

No public provided testimony

B. Rabinowitz: Invites applicant to speak.

D. Goulette: Gives overview of project. Two-lot subdivision. The existing parcel has a house fronting on East Ave, and a driveway coming off University Rd. Proposal is to split parcel in half to create one new building lot. One lot would contain the existing single family home and the other lot will be a new single family home. Explains the easements that they have obtained for the driveways and sewer/water.

M. Broulliard: Should have copies of the easements.

D. Goulette: There are lot coverage calculations on page two that are slightly different from what are on sheet one. Thinks that staff was provided with an earlier version than what we are working with now.

R. Morrison: The correct lot coverage, it should be all set if it does not exceed the 35% coverage and the 10% bonus for the amenity structures on lot one.

B. Rabinowitz: Depends on how much of the slab is removed to address the coverage or setback issues if there are any.

D. Goulette: Correct. Half of the garage structure is being removed. The structure itself is going away. Some of the concrete slab underneath may be retained for storage and such. The grey area is the portion of the paved driveway that is going away. Wanted to bring it into compliance with the 18-foot width. That area also brings the coverage under that threshold.

B. Rabinowitz: Asks if there are any questions or comments from the Board.

None

B. Rabinowitz: Closes hearing.

V. Certificate of Appropriateness

1. ZP-21-514; 489 Main Street (I, Ward 6S) University of Vermont

Landscape improvements, removal of barn behind Pomeroy Hall and addition. Relocate arch. Pedestrian circulation improvements, underground storm water detention system, parking modifications. (Project Manager: Scott Gustin)

ZP-21-515; 184-194 South Prospect Street (I, Ward 6S) University of Vermont

Landscape improvements, removing of building and driveway. Pedestrian circulation improvements, underground storm water detention system, parking modifications. (Project Manager: Scott Gustin)

Lani Ravin (UVM), Cheryl Dowling, Scott Goodwin, Derick Read, and Luce Hillman appeared on behalf of item

Sharon Bushor provided public testimony

L. Ravin: Introduces project. Explains that the plan is to beautify the area and it is one of the first views on campus for students who are considering attending the University of Vermont. Making improvements to a sensitive and important area of campus, and fitting in with the University's preservation priorities. Recently there was some work in combining the lots so that there would be a comprehensive and unified project. We have reviewed Staff recommendations, and we support those recommendations.

C. Dowling: Goal is to provide an inviting and accessible pedestrian friendly and enjoyable experience from the moment a student arrives on campus. The current path that students have to take is lacking in terms of what is offered at UVM. Shows where the current path is that students take through campus during first visits. Explains that the current path is not universally accessible. Not an equitable situation. Proposing a link from the admissions building through campus. By doing that, it is a path which anyone can use. Explains that there is space that is separated from cars and separated two spots from the pedestrian area. Bringing total parking spaces from 149 to 146, minor reduction in parking spaces. Talks about how the lots are reconfigured. The barn is a historic structure, and had parking right up against it. We pulled the parking away, and are proposing greenspace. Shows where new parking would be. Explains new locations of driveways. Adding electric charging station. Explains landscaping plans. Explains idea of landscaping reasoning for visitors and campus tours. Explains lighting plans. Has been working closely with the Vermont Division of Historic Preservation. Very exciting project and creating this new space will be transformed into a place that the University community, prospective and current students can use and enjoy.

B. Rabinowitz: Asks where the boundary line of UVM vs the arch to the City.

C. Dowling: Shows on site plan where the property line is located. Shows where the proposed location of the arch will be.

B. Rabinowitz: Asks about a different line on the site plan and what that represents.

L. Ravin: Explains that the property line to the east has not been determined yet. They accept all conditions. Have already address most of the conditions. The property line negotiation with the City is on going and will probably not happen right away. Will be moving forward with this project before that negotiation is settled. When the negotiation is settled and we want to move the arch, another zoning permit will be needed for that.

B. Rabinowitz: Looks like a nice project. Asks if there are other questions from the Board.

None

B. Rabinowitz: Asks if they will maintain two driveways off South Prospect Street.

L. Ravin: Getting rid of two driveways. There are two that will remain.

B. Rabinowitz: Asks if there are any questions from the public.

S. Bushor: Introduces self. Speaks in support of project. Troubling thing is that is of great concern to have a residential structure torn down and to not have an entity responsible for the housing replacement. Since UVM creates so much stress for housing, it is ironic that they do not need to provide replacement housing or a fee. Asks that for the arch relocation, for a future application, if it is administrative or if it will need to go in front of the DRB.

S. Gustin: For a future arch relocation application, that would be an administrative permit.

B. Rabinowitz: Asks what the building is that is being torn down.

L. Ravin: Originally, was a residential structure, but was damaged and has been unusable. Very small unit, was being used for traveling professors, etc. was unrepairable and has deteriorated. Was not a residence for the past few years.

B. Rabinowitz: Closes public hearing.

VI. Sketch Plan

1. **ZSP-21-6; 95 Elbow Street and ZSP-21-5; 105 Elbow Street (RL-W, Ward 7N) 2751 North Miami Ave LLC and Doug Henson**

Construct a residential duplex. (Project Manager: Ryan Morrison)

ZSP-21-4; 3131 North Ave and ZSP-21-3; 3135 North Ave (RL-W, Ward 7N) 2751 North Miami Ave LLC and Doug Henson

Construct a single-family dwelling. (Project Manager: Ryan Morrison)

AJ LaRosa recused from item

James Dufour and Doug Henson appeared on behalf of item
Janice and Nelson Laplante provided public testimony

B. Rabinowitz: Some question about the lot sizes. Was clarified in a resubmitted survey. Asks if that is correct

R. Morrison: Yes, correct.

D. Henson: Introduces self. These are four lots. Explains locations of lots. Two lots are over 10,000 sq ft, and the other two are both over 4,000 sq ft. Explains that no one knows where those properties came from. Explains history of ownership of lots and property lines.

B. Rabinowitz: Asks if it is a Lidar plan or actual survey.

D. Henson: Actual survey. This plan was done before Lidar was considered.

B. Rabinowitz: Would like more information about existing conditions of the sites for the future application. Asks about age of survey plan they are viewing.

D. Henson: The property lines are based on our survey which we did in 2016.

B. Rabinowitz: Asks about the connection between Elbow Street and North Avenue.

D. Henson: You could generously call it a street. The last time I was down there, it was packed dirt.

B. Rabinowitz: Asks if that is how someone would access this property.

D. Henson: Yes. And the connection on the north side of lot 1, that was a vacant parcel who no one knew who owned. The Judge said that my client could use that as access.

B. Rabinowitz: Asks if there are any other questions or comments.

C. Halpert: Asks about Elbow St that is on the property of all lots. Asks if it currently exists within the setback.

D. Henson: Correct.

B. Rabinowitz: That access continues to access the property to the south of lot 4.

D. Henson: No, they do not use that. In addition to the building directly south of lot 4, they also own the building to the east of that. They use North Ave for that. My client has a letter from them that he can connect all four of those properties to his pump station.

B. Rabinowitz: Asks how power gets to these properties.

D. Henson: There are multiple poles down through there. It is tough to see on the plan. Shows lines on drawing. Discusses utility accesses.

B. Rabinowitz: Asks if there are any other questions from Board or public.

J. LaPlante: Asks if they are going to construct one duplex and tear down the two empty houses.

B. Rabinowitz: Explains that they can do duplexes on that lot. They are planning to do two sets of duplexes and two single-family houses. Two single-family against North Ave, and then duplexes on the other two.

J. LaPlante: Asks if they are going to fix up the lots or the walls because the walls are falling down.

R. Morrison: The applicant has not proposed to touch the lake walls.

J. LaPlante: Asks if they are removing some trees.

B. Rabinowitz: Explains that they haven't submitted plans and that this is just a sketch plan. Confirms that they are above lot 3 and the location of their property access right-of-way. Asks if there are any other questions. Asks applicant if the right-of-way for Elbow Rd is defined.

D. Henson: Explains that the location is for the Judge to find. There is no deeded right-of-way for Elbow Rd and Elbow St.

B. Rabinowitz: Asks if there are any other questions.

None

B. Rabinowitz: Closes sketch plan.

VII. **Adjournment**

Meeting adjourned at 6:05pm



Oct 6, 2021

Bradford L. Rabinowitz, Chair of Development Review Board

Date



9/10/21

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 or the office notice board, one week before the hearing for the order in which items will be heard.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.