

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
Geoff Hand
Brooks McArthur
Caitlin Halpert
Chase Taylor
Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, November 2, 2021, 5:00 PM Minutes

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

Zoom: <https://us02web.zoom.us/j/81930553531?pwd=ZjhqOE9abHhyaDZJUjFmc3BQcXhUdz09>

Password: 706819

Webinar ID: 819 3055 3531

**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**

Board Members Present: Brad Rabinowitz, Brooks McArthur, AJ LaRosa (remote), Caitlin Halpert (remote), Chase Taylor, Leo Sprinzen

Board Members Absent: Geoff Hand, Sean McKenzie (Alt)

Staff Members: Mary O'Neil, Scott Gustin

I. Agenda

II. Communications

III. Minutes

Minutes for the October 19, 2021 meeting are posted on the DRB website.

IV. Public Hearing

1. ZP-21-614; 77-87 Pearl Street (FD6, Ward 3C) Jacob Hinsdale / 77-87 Pearl St LLC

Demolish existing historic barn and convert to green space. (Project Manager, Mary O'Neil)
Jacob Hinsdale presenting, sworn in.

Jacob: Presented photos of barn when purchased in 1978 vs current condition. It is not economically rational and prefers to invest in the other mixed use spaces. Would like to demolish barn and put in green space.

Brooks: If you are not allowed to demo, you wouldn't invest in it?

Jacob: That's correct.

Leo: You said it is stabilized.

Jacob: Yes, windows boarded to prevent break ins and to keep pests like raccoons out. The barn attracts mischief.

Leo: We just received a letter from a property owner in Weathersfield. She is looking for a carriage barn. Were you aware?

Jacob: No, but willing to give it away as the value is in its location not because of its use.

Leo: Have you done any outreach?

Jacob: Yes, spoke with the historical board.

Caitlin: with ownership longstanding, how are you arguing it is not demo by neglect, how is it not neglect?

Jacob: We bought it burned, didn't let the face fall, and I painted it 5-6 years ago.

Brad: But we have reports of damage.

Jacob: that was done centuries before. We haven't put money into it but it has not been neglected.

Sharon Bushor (member of public attending): Feels that only painting it is neglect and that it would be unacceptable to demolish a historic barn. She understands the need for revenue from the property but feels there are other options instead of demolishing it.

Matt Vienz (member of public attending): Concurs with Sharon. Found the applicant's tone to show a lack of respect for the historic nature of the building. That aside, he also feels that the building has been neglected. There was no attempt at upkeeping the structure and that letting it fall apart is just to get to his end agenda.

Ron Wannamaker (member of public attending): Recalls the applicant saying it has been owned since 1978 and no investment into structure since then, except painting. Definition of neglect is not avoiding damage but not doing anything to keep it up. Also, tearing down the barn to put in a dog run does not rise to the level of clear compensation defined in State and local statutes/ordinances.

Jacob: No intention of taking down the other historical buildings as he upkeeps historic properties for a living, but the barn needs to go. Did all upkeep to surrounding buildings but not the barn. No room on South or East sides to do anything with it so demolishing it is the only option.

Leo: Did a company or an individual purchase the property in 1978?

Jacob: I'm not sure.

Brooks: I have noticed who congregates near the barn; are their other parties who have requested us of it for photos or other reasons?

Jacob: In 2016 there was a party interested in using it for a recording studio but backed out as there was too much work that needed to be done on the structure. It's just not worth it.

Brad: Thank you, I believe the Board has enough information on this and will deliberate after the meeting.

2. **ZAP-21-16; 230 Main Street (FD5, Ward 6S) Matt Daly Esq / Mid-Town Associates Inc** Appeal notice of zoning violation regarding non-compliance with zoning permit 21-0478CA for building and site demolition and conversion to green space. (Project Manager, Ted Miles) **Presenting:** Jeff Nick and Ryan Nick, Attorney Matt Daly in attendance (all parties were remote)

Ted Miles, City Project Manager: Former Midtown Motel applied for a demolition Zoning Permit in November of 2020. The permit was approved. It was to be returned to green space. 3/2021 inspection alleged that the property was not returned to green space but is being used for parking.

Jeff: The Zoning Conditions state the project doesn't have to be completed until 11/2023. Why are they being penalized when the permit is valid until 2023.

AJ: This part of the property is not approved for parking.

Jeff: People parking there are from neighboring building but we don't know exactly who is parking there. The plan is to grass in to serve the duplex building that we own. With the closure of Sears Lane, and the homeless in the Auditorium lot, there is concern that the homeless will move in if that area is grass. It's better to leave it for parking.

AJ: Two aspects of violation are the issues; 1) It hasn't been converted to green space as stated on the Zoning Permit, and 2) There is no permit for it to be parking.

Jeff: The current use is the same as when the building was there.

Brad: The position being presented is that you do not want to do a green space.

Jeff: We are trying to decide that.

Brad: Usually projects are started and completed timely, why did you stop the project?

Jeff: The high school was considering their area and the police are concerned about the homeless. Since we have until 2023 to complete the work, we thought we would take time to decide.

Chase: Are their current permits to have parking on the site?

Jeff: In 1986 the previous owner acknowledged spaces were leased during the day and for motel use in the evening.

Caitlin: Explain how grass is relevant for the homeless.

Scott: No part of the Zoning Permit includes surface parking. Current code prohibits surface parking for that district.

Caitlin: The prior parking with the structure is not the same, it has now changed.

Brad: Are the spaces being leased.

Jeff: No, the people in neighboring building use them. In 1986 there was not difference between surface and structure parking.

Brad: The zoning code has changed since 1986.

Jeff: We should be exempt/grandfathered and allowed to keep it.

Brad: The summary of this issue is; you are in construction period and parking as if the motel is still there. I believe we have the information we need and the questions have been asked by the Board. We will deliberate after the meeting. Thank you.

V. Certificate of Appropriateness

1. ZP-21-457; 43 Adams Court (RL, Ward 6S) Jake Pill

1-Space parking waiver request associated with site plan revisions resulting in 3 parking spaces. (Project Manager, Mary O'Neil)

Presenting: Jake Pill

Jake: Purchased 2 years ago, am completing renovation started by previous owner. In doing so, it eats up the parking space. Feels it is reasonable to only have one space for the studio unit.

Brad: How does the ordinance affect this?

Mary: The ordinance states 2 spaces per unit.

Leo: Do you find you will add additional spaces later?

Jake: No, the driveway is very long and there is plenty of street parking.

Caitlin: Are you living there?

Jake: Currently yes, but may not down the road.

VI. Sketch Plan

1. ZSP-21-10; 180 Flynn Avenue (E-LM, Ward 5S) Jovial King / LJC Inc

Sketch plan review of 15,000 sf health club and associated renovations. (Project Manager, Mary O'Neil)

Presenting: Jovial King

Kelly Desroches of Wiehmann Lamphere Architects

Jovial: Put in an application but the site is not viable. However, there are other viable sites in the same zone. The purpose of the presentation is to discuss the conditional use of the zone, as compared to their business model and how it does and does not relate to “recreational use” and/or “health club” use.

Silt Bathhouse, a bath house is a community space to gather and relax. Many different cultures use them to come together with the people in their communities. Russia, Japan, and Arab countries, to name a few, all have bath houses as integral parts of their cultures. Canada is seeing bath houses opening up in various cities with multiple community spaces such as, restaurants, saunas, cafes, and wading pools.

Kelly: A lot of research has been done in regards to wellness, not only physical but mental health as well. We are looking for feedback, from the Board, on this specific type of wellness. The current plan is for 15,000sf of indoor and outdoor space.

Leo: Do you have a sense of the number of people?

Jovial: 300/day during peak season.

Leo: What age range will be attending?

Jovial: Primarily 15 years and older with family days.

Caitlin: What type of use? Membership or per day?

Jovial: We are looking at both, membership and day use.

Caitlin: What is the kitchen use?

Jovial: It will be under 2,000sf, light food; soups, salads, cheese platters. It is not a dining destination.

AJ: The difference between day time and night time dining needs to be clearly stated. Particularly with music on the patio and the affect on the residential neighbors.

Jovial: It is meant to be a quiet environment for relaxation. Any music would be peaceful with cellos not bands.

Mary: Regarding types of use, be aware that the ELM is under change to refine the uses. The office of City Planning recognizes the need for expanded and refined uses.

AJ: Encourage your client to define your use clearly in regards to what is included in “recreation” or “health club” definitions. This will save the Board from being faced with a tough decision if it doesn’t fit the uses for that zone.

Jovial: We fell it is more inline with a health club, but we are curious of mental health use definitions as well.

Kelly: The square footage is within the Health Club guidelines.

Brad: Don’t change your scope of use to fit a category but be clear in what your use is. Once the refined uses are warned, they are applicable.

Mary: Participate in the conversations to help define uses before the changes are made concrete.

Jovial: We are working to find spaces and are ready to move forward, so we came here to understand if we can in fact move forward at this time.

Brad: What are you considering for the number of employees?

Jovial: 20+ employees. Burlington is the optimal place for this type of facility with the proposed space it would not be a crowded venue.

Leo: My concern would be with parking for customers and how would it impose on trucks moving in and out of the neighboring businesses.

Brad: Our job is to give feedback and it seems like a good idea and would work with you for the zone and give support. Once a specific location is chosen then we can be more specific about lighting, traffic, etc.

Mary: Could the DRB regulate this as a health club?

Brad: There are so many aspects to the zone and it is unique to the City.

Brooks: We're looking forward to more details.

Brad: Remember that the permit goes with the land and to use good definitions of use when applying. Thank you for coming.

VII. Adjournment 6:40pm

VIII. Deliberative Session

Motions recorded separately in project findings.

Bradford L. Rabinowitz, Chair of Development Review Board

Date

Celeste Crowley, City Staff

Date

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