

## Burlington Development Review Board

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



## BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, December 6, 2022, 5:00 PM

### MINUTES

#### *Remote Meeting*

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

**Board Members Absent:** Caitlin Halpert and Chase Taylor

**Staff Members Present:** Scott Gustin, Mary O'Neil, Ryan Morrison, and Joseph Cava

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

1. **ZPS-22-52; 328 North Avenue (RL, Ward 7N) Nova Enterprises, LC / Joe Realty, LC / David Simendinger**

Replace existing nonconforming freestanding sign with new nonconforming freestanding sign.  
(Project Manager, Ryan Morrison)

Brooks McArthur: I am recused on this project.

AJ LaRosa: This agenda item is recommended for consent. Is the applicant here?

Scott Gustin: No, the applicant is not on the Zoom call.

AJ LaRosa: Would we like to defer this item to the end of the meeting agenda?

Brad Rabinowitz: Yes, I prefer we defer.

AJ LaRosa: Motioned to defer to the end of meeting agenda, Geoff Hand 2<sup>nd</sup>. Vote 5-0. Motion carries.

Ryan: The applicant has not responded to the calls or emails reminding them of this application's meeting.

AJ LaRosa: Motioned to defer to February 7, 2023, Leo Sprinzen 2<sup>nd</sup>. Vote 5-0. Motion carries.

V. **Sketch Plan**

1. **ZSP-22-10; 453 Pine Street (E-LM, Ward 5S) Derrick Davis / Kelley DesRoches**

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Sketch Plan Review for the construction of 26,000 square foot bowling alley, 4,000 square foot commercial building, and 20,000 square foot Nordic inspired bathhouse. (Project Manager, Mary O'Neil)

Sworn in: Kelley DesRoches, Jovial King, Larry Williams, and Dori Barton: present: Scott Michael Mapes, Daniel Voisin, Peter Lazorchak, David Roy, Cynthia Knauf, Alex Crothers

Geoff Hand: I am recused on this item.

AJ LaRosa: Can you walk us through this project?

Jovial King: Scott, can you please pull up the map that was sent through email? This is a Brownfield superfund site abutting the Pine Street Barge Canal. We are closely working with the Mayor's office to gift some of the acreage to the City as an access point as part of the larger goal to create a public conservation park. There are three buildings proposed, a Nordic inspired bathhouse, a boutique, and bowling alley. There are two floors of small event spaces and a private pool available on the south of the site within a buffer. Many of the proposed facilities are on the exterior of the building promoting healthy and active lifestyles for families of all ages.

Kelley DesRoches: I am on the Wiemann/Lamphere Design Team working on the bathhouse. The driveway accessing this site will utilize the existing Maltex drive, but long-term project planning will realign this drive with Howard Street. We are proposing 107 parking spaces, but the staff report caps the parking at 88 spaces. Our business plan is for 150 occupants within the bathhouse at any given time, and we would like the parking to reflect our business plan. Currently, we are proposing low impact uses within the wetland buffer zones which are an approved use, but require DRB approval. As proposed, the project will have no adverse impacts within the wetland buffer zones.

Larry Williams: The backside bowl facility places pedestrian access points along pedestrian walkways along Pine Street to promote walkability year round. We have incorporated sculpture gardens and a glass wall to operate as a water collection feature.

Kelley DesRoches: The bathhouse facilities are designed with an emphasis on the rear of the building to create an air of mystery for occupants entering from Pine Street.

Brad Rabinowitz: I'm not sure what the materials are for the building's design, but the building elevation renderings seems standoffish.

AJ LaRosa: The front of the building needs a more activated design.

Kelley DesRoches: Can you expand?

AJ LaRosa: The ordinance articulates the entrance being inviting as your entering from Pine Street. The proposed plans make it seem like the back of the building is facing Pine Street.

Brad Rabinowitz: Adding onto AJ's point, the presentation of the building itself as it exists in the plans would be disappointing as viewed from Pine Street.

Sean McKenzie: Can you expand on the decision making for your design?

Larry Williams: The intent for this project was only for the backside bowl, but the bathhouse and commercial building help to frame the site. The service court proposed helps to service the one story commercial building and backside bowl.

AJ LaRosa: I appreciate the design as thought out, but can you expand on the commercial function of the one-story building?

Larry Williams: It would be retail.

AJ LaRosa: Can you expand upon the shared use path that currently exists along Pine Street and what will exist?

Jovial King: That is part of the Pine Street connector project.

AJ LaRosa: Has a traffic study been completed?

Kelley DesRoches: We have asked the Roger Dickerson, whom is doing the traffic study, to incorporate the traffic lanes proposed as part of the larger project.

AJ LaRosa: Where would you like to take us next?

Kelley DesRoches: We've discussed the flow of traffic, but would you like us to discuss the proposed parking, wetlands impacts, and elevation designs?

AJ LaRosa: I would like to know more about the uses are for the event spaces proposed.

Brad Rabinowitz: I would like to know more about the exterior uses of the backside bowl facility where an outdoor patio/event space is proposed.

Jovial King: The bathhouse can be used for small private events with upwards capacity of ten people including a private pool.

Kelley DesRoches: The bathhouse site isn't meant to be used for large scale events, and is intended to be used as a quiet contemplative retreat space.

Larry Williams: The back entry of backside bowl is meant to be a food and drink venue that has access to the outdoor patio area for seating and small yard games like cornhole. It will be a social zone for family oriented activities only.

Brad Rabinowitz: Will there be concert venues?

Larry Williams: No, this isn't part of the scope of our business plan.

AJ LaRosa: On the parking issue, I think the expanded parking needs justification from the applicant.

Larry Williams: The maximum parking is a reflection of facility uses like bowling alley lanes and bathhouse occupancy. The backside bowl creates accessory uses with the restaurant and bar that is included with the plan. Rick Davis, who owns the Maltex building has granted the use of metered parking spaces in the Maltex parking lot.

Kelley DesRoches: There is also a turn around available for dropping off guests.

Leo Sprinzen: Will the activities move indoors during the winter?

Jovial King: The Nordic portion of the bathhouse is inspired by the environment that this facility will be located. The peak tourism times are during the summer months.

AJ LaRosa: Dori, can you expand on the wetlands?

Dori Barton: Yes, we have been assessing this area for years including working with Tina Heath on the recent wetlands delineation. This project will not initiate a state wetlands permit, but there is encroachment on the right side of the plan. Our goal is to not decrease water quality, but improve it without diminishing the quality by disturbing invasive species in the area. We would also like to improve the buffer for the conservation of wetlands, wildlife and water quality.

AJ LaRosa: Any additional questions of feedback from the board?

Brad Rabinowitz: What will be the access to the proposed city owned property be?

Larry Williams: The intent of 501 Pine St. is to connect to City owned land and dedicate a right-of-way to the City for conservation/park use through the City's Park and Recreation Department for long-term planning.

Jovial King: The area outlined in blue surrounding the site will be conservation land.

Brad Rabinowitz: Mary, can you expand on the zoning amendment?

Mary O'Neil: I wrote the staff report based on the existing regulations because of the complexity of the proposed regulations which have not been adopted by the City Council yet.

AJ LaRosa: Hearing no additional questions or comments, I motion to close sketch plan hearing on this item.

## VI. Public Hearing

### 1. ZAP-22-5; 170 Park Street (RM, Ward 3C) Iryna Poberezhniuk

Appeal of zoning application denial ZP-22-505 to install gravel extension to existing driveway and rear parking lot. (Project Manager, Scott Gustin)

Iryna Poberezhniuk: Sworn in.

AJ LaRosa: This is an appeal for the denial. Scott, can you please give us a summary of the appeal?

Scott Gustin: This appeal is based upon accessible lot coverage for a dwelling located in the residential medium density district. The City received a complaint of gravel being dumped on the property to expand parking which was over lot coverage. The previously proposed parking encroached on setbacks and was not functional for parking standards. The appeal brought the lot coverage down, but created a difficult parking situation. The parking spot located closest to the house isn't accessible for the movement of vehicles entering and exiting the property.

AJ LaRosa: Scott, can you bring up the revised site plan? So the previous site plan was over lot coverage, and the new site plan creates a difficult parking situation?

Scott Gustin: Correct, the long strip of gravel encroaching on the property line would need to be removed.

Sean McKenzie: It appears the configuration is proposing three spaces?

Scott Gustin: Correct, but if two spots in the middle and right are occupied, the spot one the left could not be occupied.

Iryna Poberezhniuk: My interpretation is if the spots was gravel it would not require a permit, but if it were paved, it would require a permit. The landscaping company assured me in writing that I could pave the entire backyard for parking. I understand that the additional parking does require a

permit. Bill Ward gave me good advice on using Table 8.1.1.1 for my parking requirements to fit the 40% maximum lot coverage.

AJ LaRosa: Scott, have you reviewed the revised site plan?

Scott Gustin: I have not.

AJ LaRosa: The best solution would be to defer this item for time to review the revised site plan.

Brad Rabinowitz: I concur.

Scott Gustin: If the revised site plan is compliant, I can review it administratively.

AJ LaRosa: Motioned to defer to January 3, 2023, Geoff Hand 2<sup>nd</sup>. Vote 6-0. Motion carries.

**2. ZP-22-524; 87 Hungerford Terrace (RH, Ward 8E) James & Madeleine Posig / Chi Nguyen**  
Demolition of existing single-story garage for larger proposed two-story garage. (Project Manager, Ryan Morrison)

Chi Nguyen, Madeleine Posig, James Posig, and Sharon Bushor: Sworn in.

AJ LaRosa: Can you tell us about this project?

Chi Nguyen: There is an existing accessory structure listed on the State Register of Historical Places and is in poor condition. The homeowners would like to demolish it and replace it with a larger accessory structure.

AJ LaRosa: The request to demolish a historic structure is based on the justification of long-term neglect.

Chi Nguyen: The owners haven't neglected the structure, and have taken temporary measures like installing framing to hold up the deteriorated roof and door. The parts to repair the door are no longer available and the structure does not sit on a foundation which has led to structural failure over time.

AJ LaRosa: Is there anything else we should know?

Chi Nguyen: There was an addition added to the front of the structure so the structure that is viewed from Hungerford Terrace is not the original structure.

Brad Rabinowitz: It is my interpretation that the applicant can increase the height vertically in response to the setback non-conformity.

Ryan Morrison: The structure is confined to a 15-foot height limitation, with the only non-conformity being the setback.

Brad Rabinowitz: I am confused about this considering previous DRB projects for proposed accessory dwelling units.

Scott Gustin: The vertical expansion has a 15-foot maximum cap without increasing the non-conformity of the setback.

Geoff Hand: Can you tell us about the fence abutting the old Y property?

Chi Nguyen: It is a wider type fence with a four-foot height against the grade going to the Y's parking lot. Moving the garage away from the existing footprint would make it difficult for accessing the garage from the driveway.

Madeleine Posig: We've lived here for the past forty years. We've tried to rehabilitate the garage, but it is beyond its useful lifespan being built in the 1920s. If we were to move it, it wouldn't be aligned with the existing driveway which is narrowly situated between the existing residence and the abutting neighbor.

AJ LaRosa: Are there any additional questions?

Sharon Bushor: I am concerned with the demolition by neglect of historic structures, particularly as they relate to accessory structures. I have a garage attached to my house with a garage that is impossible to find replacement parts for, so I understand the difficult place upon the property owners. My understanding from reading the staff report is these structures were placed on cinderblocks, and over time the cinderblocks have deteriorated leaving little to support them. This could explain the discrepancies in the staff report versus the historic registry listing description.

James Posig: The garage was built around the same time as the house. The house was built very well, but the garage is a mishmash of leftover materials. The existing garage is not functional for today's use, and I'm not understanding why it is difficult to create a new accessory dwelling. Why is the garage confined to 15-foot width?

AJ LaRosa: The width is dictated by the existing zoning ordinance.

Geoff Hand: I understand your point James, but we have to apply the zoning ordinance retroactively.

James Posig: Why does the dormer have to be half the roof space, when dormers on other buildings occupy more if not all of the roof space?

AJ LaRosa: It is part of the existing zoning ordinance. Those other dormers you are referring to were approved under previous ordinances.

Madeleine Posig: What happens next?

AJ LaRosa: We will deliberate on this during executive session and you'll receive the findings-of-fact following the board's decision. Hearing no additional comments or questions, I move we close the public hearing on this item.

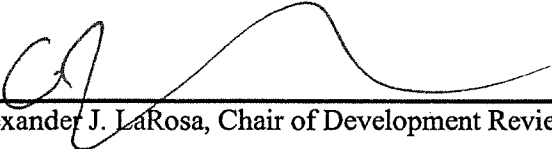
## **VII. Other Business**

### **1. Review and approve 2023 meeting schedule**

The DRB approved and adopted, with the correction to July 5<sup>th</sup> as a Wednesday meeting date. All meetings will now be in person at 645 Pine Street.

## **VIII. Adjournment**

Hearing closed at 6:35 PM.

  
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Alexander J. LaRosa, Chair of Development Review Board

1/5/23  
\_\_\_\_\_  
Date

Joseph H. Cava

12-12-22

\_\_\_\_\_  
Joseph H. Cava, Permitting & Inspections Permit Technician

\_\_\_\_\_  
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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