

## **Burlington Development Review Board**

Department of Permitting & Inspections  
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Brooks McArthur  
Caitlin Halpert  
Chase Taylor  
Leo Sprinzen  
Sean McKenzie, (Alte*



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**BURLINGTON DEVELOPMENT REVIEW BOARD**

**Tuesday, December 21, 2021, 5:00 PM**

**Minutes**

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

**Board Members Present:** Brooks McArthur (remote), Caitlin Halpert (remote), Chase Taylor (remote), Leo Sprinzen, and Geoff Hand, A.J. LaRosa (remote)

**Board Members Absent:** Sean McKenzie (Alt)

**Staff Members:** Mary O'Neil, Scott Gustin

**I. Agenda**

**II. Communications**

**III. Minutes**

The draft minutes for the December 7, 2021 DRB hearing are posted on the website.

**IV. Consent**

**1. ZP-19-567; 15 Conger Avenue (RL-W, Ward 5S) Patricia Stratmann**

Time extension for approval to demolish existing structure and construct new single family home and related site improvements. (Project Manager, Scott Gustin)

Patricia Stratman. AL – swears them in. Geoff recused.

AJ – After a brief review, motion to approve adopted staff recommendation. Caitlin motioned, Chase 2<sup>nd</sup>. All in favor.

AJ – closes public hearing.

**V. Public Hearing**

**1. ZAP-21-11; 164 North Willard Street Appeal (RL, Ward 1E) Luke Purvis**

Appeal of zoning application denial for installation of fence and related gates. Continuance requested by appellant. (Project Manager, Scott Gustin)

Luke Purvis and Christina Lauterbach - are sworn in.

Scott – Gave an overview of the current statuses; pending fence denial, requesting an extension which the staff supports. Gravel strip determination; applicant said it was appealed, staff says it was not. The question tonight is; was the appeal filed properly.

Geoff – could you walk through the timing of when it was made and when did it run

Scott – October, adverse admin determination. Applicant did file timely but also requested reconsideration

November, different adverse determination issued. Posted packet to applicant. Luke asked if it could be appealed, staff answered yes and noted appeal period ended the day before.

No correspondence from applicant saying he would be appealing, process not followed but is it close enough?

Caitlin – was original appeal followed clearly?

Scott – yes it was

AJ – Luke to comment and share your position.

Luke: Christina; We agree with Scott's timeline. We were confused about the timeline of reconsideration nullifying appeal. Scott said to combine the two to streamline, but no conversation to tell us how to combine two appeals.

Luke: We knew we need to appeal when we took reconsideration but didn't know it would lose our appeal period. When I wrote, on 11/26, no idea the appeal period nullified in system. We just want the fence for family protection.

AJ – Caitlin asked if they followed the process the first time why didn't you follow for this appeal.

Christina – No information on how to combine two appeals.

Joe Cleary, neighbor – sworn in. Luke is very familiar with the appeal process after having been in litigation over this for the last seven years. He is not new to making appeals as many were made to the DRB. A conversation typically does not count as filing an appeal. It would be a bad precedent to set if a conversation takes the place of filing appeal paperwork properly.

AJ – Does the Board have any more questions – No.

Luke: We are asking for clarification of 2015 decision. If appeal was entered into the system we would have known it was returned/mailed back to us.

AJ – Thank you all – closes public hearing.

2. **ZP-21-509; 72-76 Elmwood Avenue (RH, Ward 2C) Michael Alvanos / PBGC LLC**  
Construct three-unit detached residential building on site of former Methodist Church. One single family dwelling remains. (Project Manager, Mary O'Neil)

Applicant not present.

AJ – motioned to continue to January 4<sup>th</sup> meeting, Brooks 2<sup>nd</sup>.

**3. ZP-21-759; 77 Pine Street (FD6, Ward 3C) Grace Ciffo / Nedde Pine LLC**

This Request is for the specific reconsideration of condition #22 “Rooftop mechanicals shall be screened”, for ZP21-118OG, also related to ZP21-0927CA. (Project Manager, Mary O’Neil)

AJ recused.

All participants – Sworn in.

Doug, Grace - The requirement for screening normally adds value but the building is so high that screening doesn’t make a difference. It takes away from the architectural value. Architect did a study to show the screening when viewed from different sides.

Curtis – used google earth to show how much screening would be visible from the different sides of the building and how one side it showed enough to take away the visual value of the building, loses architectural lines of building. (various simulations were shown)

Leo – did you include curbs in equipment, in the roof plan? yes

Geoff – question for staff; other adjacent buildings don’t have screening.

Staff – they were approved before the ordinance changed.

Geoff – Are there any exceptions to form based code?

Mary – Article 14 shows what ordinances are required to be reviewed.

Doug – we have proved the screening takes away from the architecture of the building and doesn’t do anything since the equipment can’t be seen that high.

Jay White, neighbor – what about those of us in other buildings that are higher, we would be able to see the equipment and have to look at that from our buildings. On behalf of the other building owners we would like to request that they equipment get screened. Neighbors are as tall as your building will be.

Geoff – Code is for street level not from surrounding buildings. Closed public hearing.

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**V. Certificate of Appropriateness**

- 1. ZP-21-541; 410 Appletree Point Road (RL-W, Ward 4N) Charles Schmidt /**  
Demolition of existing camp and construction of new single family home. (Project Manager, Scott Gustin)

All participants sworn in.

Scott; applicant resubmitted site plan. Tear down small home. New home further away. Conservation Board and DAB approved with removal of parking spaces. They did remove spaces.

AJ – No board questions.

Elizabeth Harman; There are no outstanding issues on the project. Finalizing details to bring power to the site. Board requested the power lines be buried. There was discussion of moving a pole but it is proving to be too expensive.

Burying part of the line is possible but may not be possible to bury all of it. Can we commit to bury partial then continue to work out the remaining pole?

Seth – we are setting up a meeting with BED.

AJ – when is is BED meeting?

Seth – we have no meeting confirmation yet.

AJ – closed public hearing.

**VII. Adjournment 6:26 pm.**

A.J. LaRosa, Interim Chair of Development Review Board

Date

Celeste Crowley, Administrative Staff

Date

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