

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

AJ LaRosa
Caitlin Halpert
Geoff Hand
Brooks McArthur
Brad Rabinowitz
Leo Sprinzen
Chase Taylor
Sean McKenzie, (Alternate)
Emily O'Hara (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, January 3, 2023, 5:00 PM MINUTES

In Person (at 645 Pine Street) Meeting

Board Members Present: All members were in person. AJ LaRosa, Caitlin Halpert, Geoff Hand, Brooks McArthur, Brad Rabinowitz, and Leo Sprinzen

Board Members Absent: Chase Taylor, Sean McKenzie and Emily O'Hara

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

- I. Agenda
- II. Communications
- III. Minutes
- IV. Public Hearing

1. **ZP-22-596; 170 Park Street (RM, Ward 3C) Iryna Poberezhniuk**
Variance for additional lot coverage. (Project Manager, Scott Gustin)
Iryna Poberezhniuk, Carol Czina: Sworn in.

AJ LaRosa: Scott, can you clarify this?

Scott Gustin: The appeal item was heard by the DRB about a month ago, and the hearing was continued to allow time to review the revised site plan submitted by the applicant. That site plan was reviewed, and the denied zoning permit was reversed with an approved site plan based on the revised site plan. The applicant initially requested withdrawal of the appeal but then requested leaving it pending. So, the DRB does have an appeal item pending tonight in addition to the variance.

Iryna Poberezhniuk: The proposed site plan before you has had all the gravel removed, and the site is being leveled and seeded as we speak. Beyond the gravel, we're trying to resolve the unsafe parking conditions. The concern presented in this site plan is the driveway, where most driveways in the neighborhood are private, this driveway is shared. This makes it tight for the movement of vehicles. As proposed now, Car A is closest to the existing residence which causes safety risks for the movement of vehicles. The property damage is evident from insufficient safe passage space. There have been a couple of iterations to the site plan over the years to create more favorable lot coverage. If the variance doesn't get approved, then the alternative is to remove the existing driveway and replace with a ribbon driveway, which would be too costly.

AJ LaRosa: Scott, didn't a previous site plan address this?

Scott Gustin: Yes.

Iryna Poberezhniuk: On paper, the site plan makes sense.

Brad Rabinowitz: So the revised site plan presented makes the movement of vehicles better?

Iryna Poberezhniuk: Yes, the goal is to retain as much existing vegetative material without disturbing more than 600 sq. ft. of good asphalt.

AJ LaRosa: We have high standards for granting variances. Essentially, if the shed in the backyard didn't exist, the site plan in relation to lot coverage wouldn't be an issue.

Iryna Poberezhniuk: The revised site plan proposes expanding the depth of Car C's parking space, but this puts the property over allowable lot coverage. By increasing the depth of Car C, Cars A and B have greater maneuverability to back out of the driveway. What else could be the rationale for the 40% lot coverage rule?

AJ LaRosa: The rationale for lot coverage is to maintain a certain percentage of impervious versus pervious surfaces.

Brad Rabinowitz: I get the hairpin turn presented in this plan, but we are bound to reviewing what complies with the existing zoning ordinance.

AJ LaRosa: A thought is what provisions in the zoning ordinance give us the ability to approve this?

Iryna Poberezhniuk: I made a mistake dumping the gravel in the first place, which is classified as unsustainable for climate change purposes. It is as if the City would rather have asphalt poured than utilize a solution that will satisfy everyone involved.

Leo Sprinzen: Are the neighboring property owners supportive of this parking extension?

Iryna Poberezhniuk: Yes, the neighbors have a higher lot coverage with more wiggle room to back out of their driveways.

AJ LaRosa: Does anyone from the audience wish to speak?

Carol Czina: I live on Myrtle St. and I have a concern that the exhaust and fluids from the vehicles in this proposal will leach into the soil and poison the composted soils and vegetative growths that we have spent years building up. This includes our vegetable garden and apple tree.

AJ LaRosa: Can you point out where the apple tree is located?

Carol Czina: Yes, the tree is located on the abutting property line. I am happy to hear that there is less gravel, and I have been disturbed by the way that this whole process has come about.

AJ LaRosa: I am going to request that the testimony be constrained to the application in front of us. The applicant has made a good faith effort.

Iryna Poberezhniuk: I don't own an automobile, but I am thinking about investing in an electric vehicle. If the depth of Car C was approved, this would be reserved for an electric vehicle to minimize the impact caused to neighboring residents. Clearly, Carol's point is a matter of taste, and being harassed on my own property isn't fair.

AJ LaRosa: Please, keep this testimony to the application in front of us. Hearing no additional comment I move we close the public hearing on this item.

AJ LaRosa: Motioned to deny variance, Geoff Hand 2nd. Vote 5-1. Motion carries.

2. 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)

Geoff Hand: Motioned to dismiss the appeal as moot, Caitlin Halpert 2nd. Vote 6-0. Motion carries.

V. Certificate of Appropriateness

1. ZP-22-608; 800 Pine Street (RL/E-LM, Ward 5S) City School Department / James Sherrard

After-the-fact tree cutting associated with ongoing maintenance of a stormwater pond. (Project Manager, Scott Gustin)

James Sherrard: Sworn in.

Geoff Hand: I am recused on this.

AJ LaRosa: Can you tell us about this project?

James Sherrard: This property is a city school department property, but this is a stormwater management project. The fence shown in the application, is the stormwater division's responsibility to maintain. Vegetative buildup has led to a need to dredge the stormwater pond to remove the built up sediment.

Brad Rabinowitz: Is a tree maintenance plan not required for this type of venture?

James Sherrard: The tree maintenance plan needed to be updated to address this maintenance.

AJ LaRosa: Scott, has the supplemental information been provided that was absent in the staff report?

Scott Gustin: This evening is a chance to address this information. The tree clearing requires DRB review under Article 5, but it is up to James to address how much the stormwater division wants to discuss.

AJ LaRosa: The pond goes through upgrades and improvements, but does this clearing require zoning approval?

Scott Gustin: Yes, correct.

James Sherrard: The fence is an integral part of the pond to create a buffer with the neighbors.

AJ LaRosa: Is there any ability to reinstitute some of this growth that has since been cleared?

James Sherrard: Yes, we avoided clearing some of the mature trees and have taken recommendations from the City Arborist to return some of the plantings after the new fence is constructed.

AJ LaRosa: Were any of the tree species significant?

James Sherrard: We encourage the retention of the red maples that were planted as part of the pond's initial construction.

Leo Sprinzen: Did the City arborist have any other recommendations on planting the site?

James Sherrard: The arborist recommended staggered plantings but had no specific feedback.

AJ LaRosa: Hearing no additional comments or questions, I move we close the hearing on this item.

AJ LaRosa: Motioned to approve, with the condition of instituting a replanting plan, Brad Rabinowitz 2nd. Vote 5-0. Motion carries.

2. **ZP-22-611; 834-922 North Avenue (RL, Ward 7N) City DPW / Michael Schramm**
After-the-fact tree cutting associated with emergency stormwater outfall repair. (Project Manager, Scott Gustin)
Michael Schramm, Linda Bassick: Sworn in.

Geoff Hand: I am recused on this.

AJ LaRosa: Scott, this was recommended for consent approval. Do any members of the board have an issue with this? Hearing none, Mr. Schramm, did you have anything to add?

Michael Schramm: No.

AJ LaRosa: Any questions or comments from the public?

Linda Bassick: I was just curious what's going on, but it seems straightforward.

AJ LaRosa: Hearing no additional questions or comments, I move we close the public hearing on this item.

AJ LaRosa: Motioned to approve, Brad Rabinowitz 2nd. Vote 5-0. Motion carries.

VI. Master Plan

1. **ZP-22-617; 53 Lavalley Lane (RCO-RG, Ward 5S) City DPW Water/Wastewater Department / Michael Schramm**
DPW Citywide Tree Maintenance Plan. (Project Manager, Scott Gustin)
Michael Schramm: Sworn in.

Geoff Hand: I am recused on this.

AJ LaRosa: Scott, the last tree maintenance plan was approved in 2016?

Scott Gustin: Yes, the tree maintenance plan is valid for five years.

Michael Schramm: The need to renew the plan came to our attention while dealing with the sinkhole failures that occurred near North Avenue. The new plan addresses emergency repairs/replacement projects on page five.

AJ LaRosa: Are there any questions from the board?

Michael Schramm: The old plan included a short list of arborists.

James Sherrard: The City Arborist or designee are referred to in the maintenance plan.

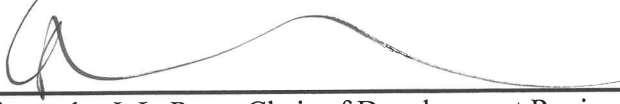
AJ LaRosa: Hearing no additional feedback, I move we close the public hearing on this item.

AJ LaRosa: Motioned to approve, Caitlin Halpert 2nd. Vote 5-0. Motion carries.

VII. Executive Session

VIII. Adjournment

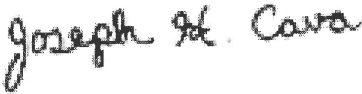
Hearing closed at 6:35 PM.



Alexander J. LaRosa, Chair of Development Review Board

1-9-23

Date



Joseph H. Cava, Permitting & Inspections Permit Technician

1-9-23

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.