

## 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)  
Emily O'Hara (Alternate)



### BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, February 7, 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, Leo Sprinzen, and Chase Taylor

**Board Members Absent:** Sean McKenzie, Emily O'Hara, and Brad Rabinowitz

**Staff Members Present:** Scott Gustin, Mary O'Neil, Garret King, 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**

Replacement of existing nonconforming freestanding sign with new nonconforming freestanding sign. (Project Manager, Scott Gustin)

David Simendinger, Kurt Simendinger: Sworn in.

Caitlin Halpert: This item is recommended for consent approval. Have you had time to review the staff report?

David Simendinger: Yes, but I am confused about open permits spanning back to 1998.

Scott Gustin: It is not uncommon to have unresolved permit records.

Caitlin Halpert: Are there any questions or comments from the public? Hearing none, would someone like to make a motion?

Brooks McArthur: Motioned to approve and adopt staff recommendations, Caitlin Halpert 2<sup>nd</sup>. Vote 5-0. Motion carries.

##### 2. **ZP-22-625; 72 Temple Street (RL, Ward 7N) David Driscoll / Habitat for Humanity / David Mullin**

Tree clearing to inform siting of new duplex. (Project Manager, Mary O'Neil)

David Mullin, John Summa, Barry Deliduka: Sworn in.

Caitlin Halpert: This item is recommended for consent approval. Have you had time to review the staff report?

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David Mullin: Yes.

AJ LaRosa: Are there any comments or questions from the public?

John Summa: We live in the duplex on the corner of Temple Street and Rockland Street which sits below this project at the base of the downward slope. Looking at the diagram presented in the application materials, we have concerns about the project and its impacts on erosion and runoff. Is this just an initial clearing to explore the area to know what's possible?

AJ LaRosa: To clarify, are you concerned about the erosion and runoff from future development or just the tree clearing?

John Summa: The erosion and runoff caused by the tree clearing.

Leo Sprinzen: Any clearing proposed now is for siting only. No new development is proposed under this application.

David Mullin: The clearing is to determine where the ledge sits which will determine where development can occur.

AJ LaRosa: Are there additional comments or questions concerning the tree clearing?

John Summa: When will the tree clearing begin? The stability of the steep grade is the concern for erosion and runoff.

AJ LaRosa: This is something that we will take into consideration during deliberations. Would the applicant like to respond?

David Mullin: We spoke with neighbors to be respectful and take concerns into consideration.

Mary O'Neil: The Stormwater Program Coordinator, James Sherrard, reviewed the proposal, and did not require the submission of an Erosion Protection and Sediment Control (EPSC) plan until the application for development is submitted.

AJ LaRosa: Would anyone else like to speak on this application?

Barry Deliduka: I've lived here for over 40 years, and I don't disagree with what has been presented this evening. I recommend cutting all the trees, especially the Aspen or Poplar, to restore my views of Mount Mansfield.

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

Brooks McArthur: Motioned to approve and adopt staff recommendations, Caitlin Halpert 2<sup>nd</sup>. Vote 6-0. Motion carries.

## V. Public Hearing

- 1. ZAP-22-9; 94 Glen Road (RL, Ward 6S) Joel FitzGerald / Barbara & Stephen George**  
Appeal of zoning approval (ZP-22-508) to install new shed, expand driveway, and establish an in-home office. (Project Manager, Scott Gustin)

Joel FitzGerald, Barbara George, Liz George: Sworn in.

Geoff Hand: I am recused on this item.

AJ LaRosa: We have the staff report and appeal documents, but can the appellant please expand on why you're appealing?

Barbara George: The business nature of this home occupation is a violation of the local ordinance including large trucks on a residential road and hazardous chemicals in conflict with Section 5.4.6 Home Occupations of the zoning ordinance.

AJ LaRosa: You've mention stuff being handled and stored on site, can you expand?

Liz George: The pictorial evidence shows large construction vehicles including a dump truck, excavator, and super shock pool chemicals.

Caitlin Halpert: Were any of these pictures taken after the filing of the appeal on December 8, 2022?

Liz George: Yes.

Barbara George: There has been excessive vehicle storage on the property including the dump truck and excavator.

Brooks McArthur: When was the last occurrence of something being stored on the property?

Barbara George: Just today.

AJ LaRosa: Were these vehicles empty or full since the last witnessed occurrence?

Barbara George: I can't speak to this, but Mr. Fitzgerald can.

AJ LaRosa: Do you recall any employees on the property?

Barbara George: Only the deliveries which occur on Chestnut Terrace.

Leo Sprinzen: How often do you see these deliveries?

Barbara George: I work part time, but there were at least two deliveries this summer.

AJ LaRosa: Are there any additional comments or questions from the appellants?

Barbara George: I would only like to note the disregard for the super shock pool chemical boxes that are discarded on the side of the road.

Liz George: This is a safety and environmental hazard.

AJ LaRosa: Having heard the testimony from the appellants, I would like to hear from the applicant.

Joel Fitzgerald: I applied for the permit in collaboration with City staff and a City Counselor to ensure compliance with the existing regulations. I cannot be held responsible for delivery drivers, when neighbors have larger pieces of furniture delivered under the same methods. The City does allow me park my trailer and other vehicles on the street. My equipment is not stored on site with the exception of momentary periods between deliveries and trips to offsite storage. I have done everything I've been asked to by the City.

Leo Sprinzen: You said you have storage offsite?

Joel Fitzgerald: Yes, my equipment is registered, insured, and have been respectful to the surrounding neighbors who also utilize my dump truck.

Leo Sprinzen: Do you have business related chemicals stored on site?

Joel Fitzgerald: No, the chemicals have always been delivered to the offsite storage in a different municipality.

Leo Sprinzen: The pictures show evidence of chemicals on site.

Joel Fitzgerald: I have worked with Mr. Miles to ensure compliance. Mr. Miles recommended specifying a home office for the relief of my neighbors.

AJ LaRosa: Where do you store the trailer, when not in use?

Joel Fitzgerald: The trailer is attached to the truck which is in compliance with the City.

Leo Sprinzen: Do I understand it correctly that the equipment pictured is for the driveway project?

Joel Fitzgerald: Yes.

Leo Sprinzen: Would the equipment be present less often after the driveway project?

Joel Fitzgerald: The equipment is there for an ongoing project with a three year deadline. I will attempt to resurface the driveway in the spring.

Leo Sprinzen: There is PVC present in the pictures, is this for the driveway project too?

Joel Fitzgerald: I am a contractor, and these are materials that I keep and reuse between projects.

Leo Sprinzen: I am seeing pictures under supplemental information, can you describe what we're seeing?

Joel Fitzgerald: The chemical boxes you're seeing I use for the water up at my camp.

AJ Larosa: Does the City have anything to add?

Scott Gustin: This started as a complaint in May 2022 with yard parking, equipment onsite, and no home occupation permit. The owner applied for a permit to bring the property into compliance, and changes were made to address the problems with the prior conditions. We have not seen any evidence to suggest that the violations have reoccurred.

AJ LaRosa: Hearing no additional feedback, we'll close the hearing on this item.

AJ LaRosa: Motioned to deny the appeal and uphold administrative approval, Caitlin Halpert 2<sup>nd</sup>. Vote 5-0. Motion carries.

## **VI. Certificate of Appropriateness**

- 1. ZP-23-2; 3119 North Avenue (RL-W, Ward 7N) Marci McGowan / Joseph Rowell**  
Proposed construction of seawall along western side of yard. (Project Manager, Scott Gustin)

Application Withdrawn.

- 2. ZP-22-632; 11 Hungerford Terrace (RH, Ward 8E) 18138 Parking, LLC / Bruce Baker**  
Add additional unit with two parking spaces. (Project Manager, Mary O'Neil)

Bruce Baker: Sworn in.

AJ LaRosa: This was marked as a certificate of appropriateness with consent approval. Can you expand on this?

Bruce Baker: The planner reviewing this application recommended making the information clearer.

Mary O'Neil: After alterations occurred to make the information clearer, I do recommend for consent.

AJ LaRosa: Is there anyone who objects to this being a consent item? Hearing none, does the applicant wish to add anything else?

Bruce Baker: One three bedroom unit is being added for a total of 16 units which impacts three of the building's primary façades. We lost one parking space, but gained two parking spaces.

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

AJ LaRosa: Motioned to approve and adopt staff recommendations, Brooks McArthur 2<sup>nd</sup>. Vote 6-0. Motion carries.

Scott Gustin: We have a meeting space conflict with the 7/5/23 DRB meeting. We can conduct a remote meeting or schedule another location to meet. Board members chose to hold a remote meeting on July 5.

**VII. Adjournment**

Hearing closed at 5:55 PM.

*A.J. LaRosa*

3/10/23

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Alexander J. LaRosa, Chair of Development Review Board

Date

*Joseph H. Cava*

2-14-23

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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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