

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 21, 2023, 5:00 PM MINUTES

In Person (at 645 Pine Street) Meeting

Board Members Present: All members were in person. Caitlin Halpert, Geoff Hand, Brad Rabinowitz, Leo Sprinzen, Sean McKenzie, and Chase Taylor

Board Members Absent: AJ LaRosa, Brooks McArthur and Emily O'Hara

Staff Members Present: Mary O'Neil, Garret King, and Joseph Cava

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

- 1. ZP-23-27; 655 Spear Street (I, Ward 6S) UVM State Agricultural College / Claire Forbes**
Proposed demolition, removal, and disposal of UVM's BioResearch Laboratory building. Site will be seeded, and a silt fence installed to protect wetland buffer. (Project Manager, Mary O'Neil)

Lisa Kingsbury: Sworn in.

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

Lisa Kingsbury: Yes.

Caitlin Halpert: Do you have any comments or questions?

Lisa Kingsbury: No, none.

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

Brad Rabinowitz: Motioned to approve and adopt staff recommendations, Chase Taylor 2nd. Vote 6-0. Motion carries.

V. Public Hearing

- 1. ZAP-23-1; 126 College Street (FD6, Ward 3C) Investors Corporation of VT / Julia Booth**
Appeal of zoning denial (ZPS-22-69) to install wall sign for Vermont Law School. (Project Manager, Scott Gustin)

Julia Booth, Tom Juiffre, Beth McCormack, Lorraine Atwood, Jim Langan, Miche Altman, Jill Piaz: Sworn in.

Caitlin Halpert: Can you please address what it is you're appealing?

Mary O'Neil: This appeal is for the administrative denial of ZPS-22-69. The language within the ordinance does not allow wall signs for businesses above the second floor. The applicant appealed the decision in a timely manner.

Brad Rabinowitz: So the applicant can have a wall sign, just not one above a certain level? The staff report doesn't expand.

Mary O'Neil: Section 7.1.13, Wall Signs, gives dimensional standards for tenants on the ground floor, and again for tenants on the second floor with only a first floor entryway. There is no language about wall signs above the 2nd floor.

Leo Sprinzen: I am not aware of any businesses that have a wall signs for business located on the third or fourth floor.

Geoff Hand: Is there another interpretation of the ordinance to allow these types of signs?

Mary O'Neil: No, this ordinance was adopted in September 2019 so any previously existing wall signs are grandfathered.

Julia Booth: If we are to submit a master sign plan, what would you like to see?

Mary O'Neil: There is language within the ordinance for addressing a master sign plan.

Tom Juiffre: If this is denied, what are our options? The verbiage contained within the letter did not address solutions moving forward. What appropriated this change in the ordinance?

Mary O'Neil: Article 7: Signs of the development ordinance. Window signs, a directory sign, or a Master Sign Plan (Part 3) are all options.

Caitlin Halpert: Is there additional argument for the appeal?

Brad Rabinowitz: No sign may exceed the allowable limitations addressed in the ordinance. I know when I go to the city, there are directory signs when you enter the building.

Beth McCormack: We used to have another site that allowed wall signs, and we bought this property with the intent of installing a wall sign. We don't see any language within the ordinance that would prevent a wall sign for this fourth-floor tenant space. The wall sign will support the initiative and nature of the tenants occupying the space.

Lorraine Atwood: We are very disappointed on not being able to install a wall sign here.

Caitlin Halpert: Any questions from the board?

Geoff Hand: It seems illogical that a fourth floor tenant would want a sign.

Beth McCormack: This is to advertise and promote.

Jim Langan: I agree with the staff report and the way it was written, but there is no prohibition within the ordinance against the tenant having a sign in this location and area. We ask that it be accepted on the basis of what the regulations says.

Brad Rabinowitz: So, there's no lighting proposed?

Jim Langan: No.

Geoff Hand: The ordinance was drafted in a way to address the first and second floor tenants, but nothing above that.

Jim Langan: It seems odd that area wasn't addressed to limit the height requirements of a sign.

Caitlin Halpert: The concept of the ordinance is to prevent the building from becoming plastered in wall signs.

Brad Rabinowitz: The criteria for signs should be addressed beyond the ordinance in a master sign plan.

Lorraine Atwood: We believe having a sign here is very important.

Mary O'Neil: It is important to note the decision was not a blanket denial of signage. It was denied because the applicant specifically wanted a wall sign. The applicant was informed of other options, but was insistent on the wall signs.

Miche Altman: I'm a Masters; student at the Vermont Law School. I am advocating for a wall sign at this location. The building at this site is set farther back from other buildings which makes it difficult for students to locate. In addition to students, it is also difficult for individuals whose families first language isn't English locate the office.

Brad Rabinowitz: How are people not finding the building? I am looking at it, and there is a big "126" above the door.

Jill Piaz: The reflective and imposing exterior makes it difficult for people struggling to enter a rigid atmosphere where racial equality and inclusion is encouraged citywide.

Caitlin Halpert: Hearing no additional comment, I move we close the public hearing on this item.

Geoff Hand: Motioned to reverse the administrative denial and approve the application, Brad Rabinowitz 2nd. Vote 4-2. (CH, SMK) Motion carried.

VI. Certificate of Appropriateness

- 1. ZP-23-9; 98 Sunset Cliff Road (RL-W, Ward 4N) Keye & Lucy Wong / Elizabeth Herrmann**
Demolish existing single-family residence and construct new single-family residence with associated site improvements. (Project Manager, Scott Gustin)

Elizabeth Herrmann, Seth Goddard: Sworn in.

Caitlin: Can you give us an overview and tell us about the project?

Elizabeth Herrmann: The proposal is to demolish the existing residence and construct a new one that will be pulled back from the edge of the water. The previous owner built a subterranean tunnel

connecting the house to the lake. This tunnel will be removed and a path built along the existing landscape.

Brad Rabinowitz: I understand that the conservation board had recommendations about this project.

Seth Goddard: Yes, the site is clay soil which makes it difficult for adequate drainage. The bio-retention area proposed in the plan would improve stormwater runoff.

Sean McKenzie: Did the soil contain clay before fill was brought in, or after?

Seth Goddard: It appears that the fill from the original home was spread on top of the existing clay, which is about three feet down and is consistent throughout the site.

Brad Rabinowitz: I am interested in the landscape plan.

Elizabeth Herrmann: Krebs & Lansing came back with some small changes to the lot size which changed the calculation.

Seth Goddard: The lot is widest at Sunset Cliff Rd. and narrows as it goes down to meet the lake elevation. There is a state wastewater permit that has been applied for.

Brad Rabinowitz: Can you expand on the siding design choices?

Elizabeth Herrmann: Yes, the darker shading was to capture shadows and make good use of light by blending the natural and darker materials.

Caitlin Halpert: Hearing no additional comments or questions, I move we close the public hearing on this item and enter deliberative session.

Brad Rabinowitz: Motioned to approve and adopt staff recommendations, Chase Taylor 2nd. Vote 6-0. Motion carried.

VII. Adjournment

Hearing closed at 5:55 PM.

A.J. LaRosa

3/10/23

Alexander J. LaRosa, Chair of Development Review Board

Date

Joseph H. Cava

2-27-23

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 or the office notice board, one week before the hearing for the order in which items will be heard.

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