

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/pz/DRB
Telephone: (802) 865-7188
Fax: (802) 865-7195

Austin Hart
Brad Rabinowitz
Israel Smith
AJ LaRosa
Geoff Hand
Alexandra Zipparo
Wayne Senville
Jim Drummond, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday August 2, 2016, 5:00 PM

Contois Auditorium, City Hall, 149 Church Street, Burlington, VT

Minutes

Board Members Present: Brad Rabinowitz, Wayne Senville, Israel Smith,
A.J.LaRosa, Alexandra Zipparo, Geoff Hand

Board Members Absent: Austin Hart, Jim Drummond (Alt)

Staff Present: Scott Gustin, Mary O'Neil, Anita Wade

I. Agenda

M.ONeil – 290 East Ave is recommended for consent agenda.

II. Communications

Supplemental communications for 316-322 Flynn Ave accepted by Board.

III. Minutes

Two sets of minutes included in packet.

IV. Consent:

1. **12-0764MP; 29-35 CHURCH STREET (D, Ward 3C) Nick & Morrissey Development, LLC**
Amend master sign plan to include projecting signs (Project Manager, Scott Gustin)

B.Rabinowitz: this is on the consent agenda. Asks applicant if he has seen staff recommendations and conditions.

R.Wistergram: rep of CVS, gave business card to staff, said he accepts staff recommendations and conditions.

A.J.LaRosa: motion to amend master sign plan, approve the request and adopt staff recommendations.

W.Senville: seconds the motion.

Board Vote: 5-0-0

VI. Public Hearing

1. **15-0801PD; 140 GROVE STREET (RL, Ward 1E) Bayberry LLC**

Amend final plat approval specifically condition 13 relative to phasing of inclusionary housing units. (Project Manager, Scott Gustin)

B.Rabinowitz: swears in applicant and interested parties.

P.O'Brien: representative for Ireland LLC, and area known as Grove Street apartments. Here before the Board for two reasons. One is to change the way inclusionary units are phased in. The condition states for 15% of the units to be inclusionary should be built within the first 4 or 5 phases. Would like to amend the plan to be more in line with the ordinance seeking 15% of the projects inclusionary units for each phase as long as this requirement is complete prior to the last 10% of the units being built. Second: the construction phasing plan shows original with duplexes built first and the 33 residential unit built next. Asking to change the building order to finish up the inner circle and move to the lower level.

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Department of Planning & Zoning at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

Printed on 100% Recycled Paper

B.Rabinowitz: asks to explain the changes or give numbers on the inclusionary units.
P.O'Brien: no exact numbers. Working with CEDO Office on this.
B.Rabinowitz: as you build each building will you be creating 15% of the inclusionary units?
P.O'Brien: correct.
A.Zipparo: asked if the inclusionary units be dispersed among the projects
P.O'Brien: our intent is to sprinkle them throughout the project as better scenario than concentrated.
A.Zipparo: asked about the calculations for inclusionary units.
P.O'Brien: it equals the same, still at 15% of 232 total units.
G.Hand: does this switch keep inclusionary units on the same schedule?
P.O'Brien: yes, it will. Each phase will have inclusionary units.
S.Bushor: City councilor for Ward 1, said most of her questions have been answered, although it is key that numbers be nailed down with each phasing. Would like to make sure the numbers show up, since we really need affordable housing. Hoping to get this right and end up with same number of units.
M.Essberg: assistant director at CEDO provides a memo about phasing in inclusionary housing. In agreement on the phasing of inclusionary units and supports the developer's request for this.
A.Zipparo: is this 15% of 232 or do you round up?
S.Gustin: yes, it would be 34.8 units or rounded would be 35 units.
B.Rabinowitz: closed the public hearing.

2. 16-1225CA/CU; 410 NORTH STREET (RL, Ward 1E) Scott Goodwin

Finish garage interior to be accessory dwelling unit, add parking space. Continued review.
(Project Manager, Ryan Morrison)

B.Rabinowitz: continuation from a previous public hearing. Swears in applicant and interested party.
S.Goodwin: have updated drawings. New owner of property and would like to turn a prebuilt garage into accessory dwelling.
B.Rabinowitz: the plan you submitted does not show the shared driveway. Do you meet lot coverage requirements? Are you moving the garage?
S.Goodwin: indicated it meets lot coverage and the garage stays the same.
I.Smith: looking at the site plan to install 2 new garage doors, but there's not a full space for a vehicle inside the garage without the car sticking out.
S.Goodwin: yes, it will stick out. I had to change this at last minute for storage space.
I.Smith: the space shows half in and half out.
S.Goodwin: yes
B.Rabinowitz: closed public hearing.

3. 16-1506CA/CU; 290 East Ave (I/RL, Ward 1E) UVM

Construction of one story building for UVM Rescue Services with associated site modifications. (Project Manager, Mary O'Neil)

B.Rabinowitz: was noted that review is limited as a college project. Applicant and interested parties are sworn in.
S.Bushor: City Councilor of Ward 1, would like to continue this item as a public hearing.
B.Rabinowitz: swears in applicant and interested parties.
L.Ravin: campus planning services; introduces Alex Halpern, architect of Freeman, French, Freeman for the project's rescue building; Ken Bean, project architect for UVM; Marshall Wallace, director of operations at UVM rescue services, and Derrick Read, with Krebs and Lansing Engineers. Accept all recommendations except condition #6 and would like better understanding from the Board regarding this condition.
M.ONeil: there is a standard about having a separation between pedestrians and vehicles. Seeking a continuation for a pedestrian access from one parcel to another. Staff feels it currently dead ends into a parking area, which not ensure a safe situation between pedestrians and vehicles.

L.Ravin: that parcel is not under discussion. This building is not for clients. Eventually there will be a pedestrian pathway. Able to get to the path from other areas. UVM rescue at 285 East Ave is UVM's primary servicer. Able to make a path. Making as few changes as possible.

M.Wallace: director of operations, UVM is total student run advance life support; 24/7 and 365 days, which also provides diabetic and cardiac services. This will be a prime 911 call center for UVM. Outgrown current station for staff and parking vehicles. Have helicopter path. Serving as many as six recuses at a time.

L.Ravin: the sidewalk leads into the parking lot and then a pedestrian path. No access to building from the north. Asking for a separate building to house UVM rescue.

B.Rabinowitz: questions whether students who volunteer drive.

L.Ravin: typically students are walk, and they may cross East Ave and Catamount Dr. into the parking lot to get to the building.

G.Hand: seems an active area that may not be safe for walking.

L.Ravin: it's a low volume and low speed area. Drivers will have to walk through the parking lot. Handicap parking is near a walkway to the main entrance. Most employees walk through the parking lot.

G.Hand: where do ambulances exit?

M.Wallace: they exit east onto Catamount and East Dr.

A.J.LaRosa: changing the access is an easy solution to amend plan to provide a sidewalk.

L.Ravin: I can show where the sidewalk would be appropriate. Shows sidewalk to main entry.

B.Rabinowitz: can the location of sidewalk be extended?

L.Ravin: this is a different lot and permit and cannot provide a sidewalk for everyone.

G.Hand: crosswalk for UVM students

L.Ravin: could provide a sidewalk if it would address the needs, but visitors will come in main entrance

B.Rabinowitz: handicap parking

Derrick: yes

L.Ravin: yes near specific buildings. Questions where to put the sidewalk when accessibility will be from many different directions.

A.Zipparo: Is this ADA compliant?

Derrick: could look at other options.

A.Zipparo: could have the space for someone who works there?

L.Ravin yes, will have the space and would immediately strip to make accommodations.

S.Bushor: City councilor of Ward 1. Asks about increase in the lot coverage and stormwater management behind the hotel. Read how 38 spaces are being removed and not sure why this did not come before Ward 1 NPA. Would like to see better orientation for the front entrance. Concerns about congestion and what happens to the original building.

L.Ravin: there is no increase in scope. Just moving a few hundred feet with no additional employees or scope of activity. Did not go before NPA, because there was no change in parking space. Reconfiguring existing space and planting green space.

A.Zipparo: questions stormwater management.

Derrick: UVM is active with storm ponds off to the east under review by the State. Ponds are in compliance with no increase in flow.

A.Zipparo: no impact on water?

Derrick: yes

G.Hand: asks if there will be screening with white pine.

K.Bean: mix of deciduous bushes and pines. Impacts building and screens parking lot

G.Hand: asked if white pines will provide a good long term screen.

K.Bean: cannot speak on this and will look into it. Project is from 7 years ago.

L.Ravin: planted bushes for screen. Rugby field remains. This is a different zoning permit to increase pervious space as shown on display. Important to have good pedestrian access and what we have now is our best solution.

W.Senville: asked if this project should remain open to resolve pedestrian access.

L.Ravin: would like to submit a new plan, which is not in your packet.

L.Ravin: submits new plans to staff, M.O'Neil.

BRabinowitz: closed public hearing.

4. 15-1507CA/MA; 316-322 Flynn Ave (NMU, Ward 5S) G&C Properties, LLC

Demolish existing building. Construct mixed use building with 30 residential units and 2 commercial spaces and associated site improvements.

Recusals: G.Hand and AJ.LaRosa

B.Rabinowitz: this project came to sketch plan twice before. Applicant and interested parties are sworn in.

E.Hoekstra: lead architect for the project and colleague, Dan Goltzman, Development Manager.

B.Rabinowitz: is this in two different zoned districts?

E.Hoekstra: yes. The majority is NMU, north portion is in RL. Merger of two properties. Further discussion of zoning districts, proposed demolition of all existing structures on site and new construction and mixed use. New smaller curb cuts to slow down traffic. Reducing lot coverage in NMU and in residential with a bonus for inclusionary units to increase height. Proposing thirty apartment units and mixed use building with restaurant. One parking space for unit and nine spaces for restaurant and bicycle spaces. Mix of housing units includes studio, one and some two bedroom apartments.

B.Rabinowitz: questions screening.

D.Goltzman: combination of screening.

E.Hoekstra: architecture similar from past, changes in color, size and different materials on lower level and lighting and screening.

A.Zipparo: good with cedar, but what is its life span?

E.Hoekstra: will require maintenance. Eventually may need to be replaced.

A.Zipparo: questions the green space on roof.

E.Hoekstra: roof to layer green elements.

B.Rabinowitz: no roof deck plan.

A.Zipparo: do you have data on who is using car share?

E.Hoekstra: shared use space between hours with clear signage.

W.Senville: any problems in evening hours?

E.Hoekstra: our experience is that it hasn't been a problem. Working well in other spaces.

W.Senville: explains the lighting.

E.Hoekstra: working on fixtures with the right projection.

B.Rabinowitz: questions landscaping.

D.Goltzman: will have a bio swale on north end of parking lot.

B.Rabinowitz: questions stairs at back of building.

E.Hoekstra: these are secondary stairs.

I.Smith: questions the material at the base.

E.Hoekstra: aluminum change for first floor is metal

I.Smith: skirt and back is wood screen?

K.Devine: Project offers much needed housing. Recruiting employers for good housing for mid-level employees creating walkability. Dealer.com and other businesses looking for professional services and workers.

L.Rebbecke: disappointed that this level of detail is out of scale with area. There are no four story buildings within ½ mile. Pedestrian access is difficult. Residents care about their homes. The developer does not understand the feeling of homeowners. Questions how project can be 45 feet high. Negative impact for housing in area. Very concerned about the restaurant operating until 1am and roof deck noise. Asking Board to reject project and ask applicant to come back with something more in keeping with the neighborhood.

B.Bryant; resident of 61 Ferguson Ave. He has been involved for 30 years in VT municipal government. Asking applicant to revise application. Need for a traffic study based on city market's project and traffic study due to traffic impact of both projects.

B.Rabinowitz: the Board does not have a traffic analysis from City Market.

L.Rebbecke: asking this be provided by applicant and not rush through this.

A.Zipparo: mentions that DPW is addressing traffic. Board is only looking at this project.

LRebecke: spoke about peak hours for parking and how different types of restaurant uses conflict. Lacking in analysis and conflicts with proposed parking. Need data about busiest times of uses. There are limitations with the safe movements of vehicles in and out of the property. DPW review of parking on street parking and the adequacy of loading and unloading. Application is flawed due to the cantilever design of upper floor. This is a misuse of NMU. The parking plan suggests commercial needs and on street loading space, but does not provide a buffer. Applicants parking for the retail is a disregard for the overflow of residential parking in residential. Traffic study is inadequate.

Asks applicant to work with NPA.

Neighbor: Alarmed by project. When Redstone became involved it became all or nothing. Concerns are noise, roof garden with thirty units, restaurant open until 1:00am, traffic and children walking to school, and the fact that most units are too small for families. Feeling that this is a done deal.

S.Vishnevsky: this is a family neighborhood, quiet, with children and nothing is open beyond 11pm. Agree about affordable housing agree, but no single housing site will take care of this. Scale is negative and huge. Champlain apartments are set far back and different in comparison. Questions about people with two cars who could easily park on street. The overflow is a concern. Feel developer says it's all or nothing. Needs to take neighborhood into consideration.

J.Worthley; member of the Burlington South End Action Group. Expressed a need for more housing. Supports this project as walkable to Burton. Hears from employees about the challenge of housing. Businesses are recruiting from outside areas, but with the cost of housing people cannot afford to live here. The business association group encourages solutions, and believes project is step in right direction. The addition of more housing will stabilize things and help reduce barriers to housing.

C.Ginger: resident of 65 Ferguson. Has seen traffic study and staff comments and is concerned about way the project is portrayed. Supports redevelopment of property, but this project is more of an incursion than a buffer.

Describes development that is a mile north of the project. No mention from city staff on how it serves as a buffer. It appears the project aspires to be part of the development a mile north and not part of the surrounding residential area. Don't look at high demands of parking on residential streets, especially where the church the street narrows.

Characterized as larger scale but contextually inappropriate. No attempt to relate to residential neighborhood. Not opposed to development and see commercial uses that fit within hours.

Would support development with parking onsite and fits with neighborhood

A.Bourdon; resident of 59 Lyman Ave, who supports the project. Feels the development adds vibrancy to the area. Possibilities of car share. Survey of car share numbers with over 68 users are within area who live there. About 80% are one car owners. Helps people to adopt new lifestyle.

V.Zion: says business people see this as a solution for their employees, but the industrial look does not fit with the neighborhood.

T.Stokes; resident at 78 Ferguson is a new neighbor in the area. Attracted to area because of development. Originally from Baltimore, Maryland. Has concerns about traffic and safety.

Additional parking concerns and the street parking. Feels that investment of the project warrants consideration as a full development in the area and may cause problems with other projects developing in the area.

M.Fleming: as resident of 425 Flynn Road has difficulty turning onto my street now. Finds it challenging to get out of the driveway. Found it challenging when her child went to Champlain school dealing with cars and buses. Questions if it will it really add more affordable housing and concerns about onsite parking.

E.Hoekstra: mentioned the truck traffic onsite with access and trash pick-up and discussed with Fire Marshall and Traffic Engineer.

B.Rabinowitz: questions about the loading zone.

E.Hoekstra: may seek loading zone with DPW if tenant wants this.

B.Rabinowitz: questions if the north end of paved lot is in residential low density and if lot coverage had improved.

E.Hoekstra: yes, the coverage goes from 91% to 82% coverage. The south end area has little multi-family housing and it is a shame not to maximize on it within the confines of the ordinance.

I.Smith: asks staff if the height is depends on the bonus?
 S.Gustin: yes, it is dependent upon inclusionary that the project is entitled to additional height.
 W.Senville: thought this was the discretion of the Board, but in comments it says staff is entitled to make this decision.
 S.Gustin: read ordinance discretion referencing section 9.1.13 on additional density.
 I.Smith: how does this reconcile with section 4.4.2 (3a)
 S.Gustin: this was brought up in sketch plan. Article 4 is silent on this and does not preclude article 9 which says you are entitled.
 B.Rabinowitz: asked if 4th floor plan and roof alteration not be as graphic.
 E.Hoekstra: yes
 W.Senville: heard testimony about city market project. Looking at staff comments it's saying this is irrelevant.
 S.Gustin: not say it's irrelevant. We know city market is in the Que. We heard a number of times heard about redoing traffic impacts and rely substantially on DPW comments for traffic impacts in relation to infrastructure. What you have tonight is an application for this project and traffic analysis is for this project and need to make a decision solely on this project.
 The traffic study for city market should not be part of this.
 W.Senville: the traffic study for city market should not be considered with this project
 S.Gustin: no
 W.Senville: are they required to provide 20% inclusionary units for 4th floor.
 S.Gustin: no. Section 9.1.13 affords additional regulations and Section 4.4.4 provides additional which is 15%.
 W.Senville: what are the restaurant hours you are proposing?
 E.Hoekstra: proposing 1:00 am and not seeking anything beyond what city allows.
 B.Rabinowitz: closed public hearing.

V. Certificate of Appropriateness

1. **16-1296MP; 53 Lavalley Lane, City of Burlington - Department of Public Works**
 Tree Maintenance Plan for water resources infrastructure in easements and ROW throughout the City. Continued review. (Project Manager, Scott Gustin)

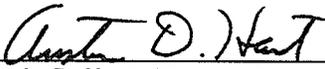
B.Rabinowitz: swears in applicant.
 G.Johnson: speaking on the waste water treatment plant at 53 Lavalley Lane. Works with water resources at DPW, specifically the stormwater group at DPW. Here to follow up on revised tree maintenance plan and has worked with Scott on what triggers a zoning review.
 B.Rabinowitz: main issue is getting a clarification of what triggers participation of the city arborist.
 G.Johnson: with Scott's help worked on what triggers a zoning review. The arborist review is same threshold as zoning review speaking to an updated section of the zoning ordinance, and page three of plan. Warren Spinner had sent email to revise the tree pruning section. His comment was that DPW staff should not do tree pruning. It should be performed by a certified tree arborist.
 B.Rabinowitz: that's the difference with this report that an arborist gets involved
 Greg: yes
 AJLaRosa: questions tree pruning procedures and who performs this depending on the number of trees from DPW with supervision of the city arborist
 G.Johnson: most likely going to be an arborist if tree removal
 A.Zipparo: what period of time are we talking about in terms of the increment of trees?
 G.Johnson: most likely the arborist who will do this
 AJLaRosa: where are the project boundaries, if working in the right of way?
 G.Johnson: to whatever degree we need to maintain the project
 S.Gustin: every project is has defined parameters. The scope is somewhat unclear for each particular project has its own threshold could apply to that be different.
 I.Smith: in most cases a projects' scope is not driven by tree management. The Board has talked about whether there is a 6 months or annual review of the whole scope of applications that did not meet threshold by the city arborist. Does someone become aware of it?

B.Rabinowitz: there are a certified arborist's doing the work with some competency.
G.Johnson: would not see this as an ongoing thing because easements have not been maintained for a long time. Do not see tree cleaning as not an ongoing process in a lot of areas.
A.Zipparo: we are sometimes held accountable by residents of Burlington and they do comment on some projects that we have approved resulting in tree loss.
AJLaRosa: could put a condition on the city's tree management.
B.Rabinowitz: closed public hearing.

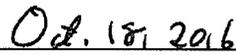
VI. Other Business

VII. Adjournment

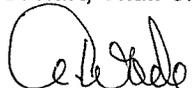
B.Rabinowitz: Adjourned meeting at 7:47pm
Deliberative session set for Monday August 8, 2016 at 5:00pm.



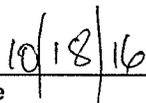
Austin D. Hart, Chair of Development Review Board



Date



A.Wade, Planning & Zoning Clerk



Date

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), 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 Planning and 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/pz/drbb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

