

## Burlington Development Review Board

149 Church Street, City Hall  
Burlington, VT 05401

[www.burlingtonvt.gov/PZ/Boards/DRB](http://www.burlingtonvt.gov/PZ/Boards/DRB)

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Michael Long  
Jonathan Stevens  
Brad Rabinowitz  
Bob Schwartz  
Jim Drummond  
Missa Aloisi  
Alexandra Zipparo (Alt.)  
Israel Smith (Alt.)



### BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, February 18, 2014 - 5:00 p.m., Contois Auditorium, City Hall, 149 Church Street, Burlington, VT MINUTES

**Present:** Austin Hart (Chair), Jonathan Stevens (Vice Chair), Brad Rabinowitz, Jim Drummond, Michael Long, Michael Long, Missa Aloisi, Israel Smith (alt), Alexandra Zipparo (Alt.)

**Staff:** Scott Gustin, Mary O'Neil, Nic Anderson, Ken Lerner

**Absent:** Bob Schwartz

#### I. **Agenda**

106 Deforest Hgts request to defer. Communication in packet.

#### II. **Communications**

Five communications. Accepted by board.

#### III. **Minutes**

One set of minutes from February 4, 2014 for review.

#### IV. **Consent**

##### 1. **14-0674HO: 106 DEFOREST HEIGHTS (RL, Ward 6) Anya E. Byam**

Utilize portion of garage for silk screening home occupation. (Project Manager: Mary O'Neil)

Email request from owner asking to defer. Item not reviewed.

##### 2. **14-0691HO: 10 CEDAR STREET (RM, Ward 3) Anthony Tran**

Conditional use home occupation for food processing. (Project Manager: Scott Gustin)

Applicant A. Tran present. Sworn in.

Has not received staff comments. S. Gustin showed applicant conditions. Applicant ok with proceeding with item. No public present to speak. No objections by board to treat as consent item.

Motion by B. Rabinowitz to approve and adopt staff findings.

Seconded by A. Zipparo

Vote: 7-0-0

Motion Carried.

#### V. **Public Hearing**

##### 1. **14-0708CA: 187-191 SOUTH WINOOSKI AVENUE (RH, Ward 6) Metropark, LLC**

Construct two story addition to existing commercial space for four new residential units. (Project Manager: Scott Gustin)

I. Smith recused.

Applicants Lou Natale & Anne Rothwell present.

Received supplemental communication from neighbor.

Will treat as public hearing. Applicants and neighbor sworn in.

L. Natale gave summary of application.

B. Rabinowitz asked about distance from property to south Winooski avenue property at neighbors.

L. Natale – Addressed setback. Set back to allow more windows in that portion of the building. Existing structure is 3.5ft from property line but new building would be 6ft back from property line.

Architect – Will have walkway between with 7ft. Detailed location.

A. Hart – So freezer building is set back but the new will be set back further.

Architect – Yes. Set back.

B. Rabinowitz asked for confirmation of site and layout.

S. Gustin noted error in staff comments regarding eastern setback. Current amendment with City Council but not passed. Needs to be 7ft from the boundary based on being a side yard setback.

Architect. Took measurements today with lesser dimensions and thus would be a 4.5ft setback. Disagree that this is a side yard setback. Thinks it's a front yard setback.

S. Gustin property has corner lot with two fronts and then sides. This is 60 feet back from road and is thus a side yard setback.

K. Lerner – Applicants argument is that it's a front yard to South Winooski. Will need to be discussed.

L. Natale – Calculations from today note it is 4.5ft.

S. Gustin – Would only be the average of the two neighbors to the south.

Architect – Can get the numbers prior to deliberation.

A. Hart asked about exterior materials.

Architect and L. Natale – Completely different to existing. Detailed cement board siding system and metal siding.

A. Hart commented on unusual aspect of south and north elevations.

Michael Russell – Neighbor and here on behalf of condominium. Detailed letter submitted in communication. Detailed ordinance changes proposed but not adopted by City Council yet. Setback determination will limit how close it could be to boundary line. DRB needs to make findings that allow encroachment. Cannot expand non-conformity if there is impact on neighbors. Feeling like theirs is the smaller house in the area, being dwarfed by neighbors. Doesn't have claim to view to west but public view from Church St to their historic building will be obscured from view. Clearly an impact on the views of their structure.

B. Rabinowitz asked about setback.

M. Russell – Doesn't agree that it's a two story structure. 2 two floor units. There is a third floor.

L. Natale – Willing to work with everyone. Detailed ground floor space heights. Rear view of house is not as good as the front of the house. Could have gone higher, but wanted to keep it in scale with the neighborhood. Other buildings could block this.

J. Drummond asked if office existing.

L. Natale – Yes.

J. Stevens closed Public Hearing 5.33pm

2. **14-0556CA/CU: 287-289 SOUTH WINOOSKI AVENUE (RM, Ward 5) Steven Kelson**  
Re-opened hearing to demolish historic garage, construct new garage of same size in existing footprint. (Project Manager: Ken Lerner)

Request to defer. Will take up in turn. A. Hart noted sense of urgency from previously. Asked K. Lerner why this date was made specific.

K. Lerner – Building is deteriorating. Understands that it takes time to get engineers. Could take to April 1<sup>st</sup>.

A. Hart – Would like to take up but understands. Asked if any public willing to speak. None.

No comments from board.

J. Stevens motion to defer to date certain April 1<sup>st</sup> based on applicants request.

Seconded B. Rabinowitz

Vote: 7-0-0

Motion Carried. ‘

A. Hart asked K. Lerner to contact applicant.

3. **14-0671CA/MA: 194 SAINT PAUL ST (DT, Ward 6) Champlain College Inc., AND  
14-0672CA/MA: 1 BROWNS COURT (DT, Ward 6) City Of Burlington  
14-0721CA/MA: 14 BROWNS COURT (DT, Ward 6) City Of Burlington**  
Construction of mixed use building with ground-floor commercial space, 115 residential units and enclosed parking. Development to merge three existing lots. (Project Manager: Mary O'Neil/Scott Gustin)

A. Hart and J. Drummond recused.

Public and applicants sworn in.

Applicants present. John Caulo, Andy Rowe, Lisa Kilcoyne.

J. Caulo – Gave summary of location, site and proposal. Power point slideshow.

Detailed housing based on community goals and College goals, mixed use, walkability, parking management.

B. Rabinowitz asked if building on Browns Court at end.

J. Caulo – Yes. Detailed site, grading, neighborhood

M. Long asked what plan would be for purchased buildings.

J. Caulo – Could be used for other institutional housing for different needs. Will be retained by Champlain College. Detailed proposed uses and locations within building.

Detailed both sites Level 2 brownfields studies. Will need to remediate soils on the Brown Court site.

B. Rabinowitz asked about ownership.

J. Stevens asked about Redstone Lofts use.

J. Caulo – Apartments. Detailed vehicle access and parking, pedestrian entrances, uses.

A. Zipparo asked about bike parking.

L. Kilcoyne – Could potentially include more in the future.

B. Rabinowitz asked how many beds.

L. Kilcoyne – 304 beds grouped into different units.

J. Caulo – Continued presentation. Limited on sidewalk width by existing trees and services.

L. Kilcoyne – Terraces are stepped down to allow for handicap accessibility.

J. Caulo – Detailed ROW improvements. Will be amenable to what the City requires.

B. Rabinowitz asked about bus bump out.

J. Caulo – Detailed street.

M. O'Neil noted image in staff comments on page 18 is now outdated.

L. Kilcoyne – Detailed terrace landscaping and park. Detailed screening of cars within garage.

A. Rowe – Detailed stormwater improvements.

B. Rabinowitz asked about overhead utility lines.

A. Rowe – Detailed. Could be can of worms to underground other properties lines.

J. Stevens asked about landscaping in Browns Court courtyard and access.

A. Rowe – Will have shade and wet tolerant trees.

J. Caulo – Detailed context with other buildings. No examples of buildings that are a block long in Burlington. College and Battery condos are the closest. Detailed the materials and design changes to provide definition between uses/vertical break down. Detailed materials on all elevations.

B. Rabinowitz asked for final plans that show the different notations which match the images.

L. Kilcoyne – Can clean that up and provide.

B. Rabinowitz – The Brown Court (east) elevation looks like the back of the building and seems lacking.

J. Caulo – Tried to reduce cost and some choices needed to be made. Also have some differing elevations along the tops of the building.

L. Kilcoyne – Trying to give each segment of the building its own character. Agrees that rear façade is simpler, but have balconies and terrace doors. Will have more of a residential street feel. Wouldn't go as far as drab.

J. Stevens asked for sample floor plans. Concerned about management. Impact of possible bad management could be big for neighbors.

L. Kilcoyne – Detailed screening of parking garage openings, canopies, will do signage at some point in the future, porches, railings.

J. Stevens asked about grey materials on elevations.

L. Kilcoyne – Detailed materials.

J. Caulo – Will likely design to LEED standard but not seek certification.

L. Kilcoyne – Detailed floor plans.

J. Caulo – Detailed existing students at Spinner Place. When lease terminates will have all students here. Have other places too. Would be same management standard for conduct for on campus accommodation. If behavioral issues, College would get involved. Is still college sponsored housing. Will be limited to upper classmen. Still maintains oversight. Can point to Spinner Place and Quarry Hill for examples of how it has worked in the past. Will have on site management.

B. Rabinowitz – Who will be responsible.

J. Caulo – Will be managed by Bob Miller as Eagles Landing LLC.

B. Rabinowitz asked for management plan for the building.

J. Caulo – Entity is not hired yet. Can provide that.

B. Rabinowitz asked about parking.

S. Gustin – Retail has a 0 parking requirement.

L. Kilcoyne – Detailed renderings.

J. Stevens asked if inclusionary units would be inter-dispersed within the building.

J. Caulo – Have 23% of students are at 65% income and have financial aid. As an institution, more than meet inclusionary. Suggested that on an annual basis, they provide information that they continue to meet requirement.

A. Zipparo commented on upperclassmen versus first years.

J. Caulo – Meeting that threshold. Will provide on an annual basis that it meets requirement.

A. Zipparo – Doesn't meet spirit of ordinance requirements. Meeting standards but would love to see numbers.

J. Caulo – Have a healthy percentage. All students would use same self selection process and be covered under room and board.

J. Stevens – Needs to be economically integrated. Doesn't want some parts of the building to have different classes.

J. Caulo – Inclusionary students will be inter-dispersed throughout the building.

I. Smith – Overall he appreciates attempt to break up massing. No working based on images. Break up is all materials. Would be happy to have two materials and unify it. Pendulum swung too far to being broken up. Too many personalities. Could be better broken up with form. Have room to push and pull more than they have. Will look more coherent and intentional. Feels random. All the grey tones are gloomy. Good to tie in with other buildings on the block but could have a bit more fun with color. Asked staff about building height diagram and intervals being set for identifying height. Would like guidance. Timid differences in height. Should have mechanicals screened to help break up massing. Asked if form could be used to make better design. Would like screened mechanical instead of painted. Likes landscaping. Asked about screening of garage on Saint Paul Street. Concerned about ownership of park and entrance to private apartment. No visual ownership of nooks and crannies. Can the lobby be moved up the hill and have landscaping park be part of entrance. Connect fun used to common spaces with entrances.

J. Stevens told I. Smith to frame as questions.

I. Smith – Questions hopefully can be understood. Asked if the Browns Court entry is a main entry?

L. Kilcoyne – One main lobby. Each floor will have its own lobby around the elevator. Will be curtain walls to see through each side to help connection.

J. Caulo – Constrained on parking and relationship with landscaping. Have reduced parking on King St tray.

I. Smith – Students parking on Lakeside. So why keep parking?

J. Caulo – The long term this parking is valuable. The park will not lead to unsightly behavior but be active with sidewalk.

I. Smith – Concerned about the Browns Court dead end.

J. Caulo – Doesn't feel that it's a dead end.

L. Kilcoyne – Severely limited to width. 60ft out to out. Even bay windows would be over property line. A lot of the building is over the property line. A lot of limitation on what can be done with form.

Timothy Grannis and Susan Hurd. End property at rain garden end of Browns Court. Asked about on street parking which is resident only and if being retained. Concerned about placement of dumpster at end of Browns Court. Will have 300 peoples trash. When trucks reverse down the street it will be loud. 6-8 ft from tenants window. Will likely smell like slaughterhouse.

J. Stevens so would like to hear from applicant about odor and noise.

T. Grannis – Doesn't believe that dumpster should be located right beside the residential house. Would like dumpster area moved. Cant do anything about losing view. Backside of building is drab. A lot of changes to materials and colors on Saint Paul Street but significant downgrade on Browns Court.

S. Hurd – Last time at Sketch Plan, it was understood that it was not to be dedicated student housing. Asked if it is dedicated to students or open to public and are there RA's.

Jack Daggitt – Lives in Hinds Lofts. Massive building. Thinks scale is inappropriate. Would like to hear how they got to this scale.

Bart Keinath. Parents own property at corner of King and Browns. Understood it to be mix of employees for Champlain etc, not just students. Comparing other places management is apples and oranges compared to this site in Downtown Burlington. Concerned about vandalism, arguments, behavior etc. On rear façade it is currently wide open, and they are the current little houses on the block that are historic but aesthetics and history is going to be dwarfed by massive building and will have a wall of building that is grey and blank. Would like to see reduced scale so that the money could be used for making all aspects have similar design. Will be eyesore from the view going down King Street. Currently do have residential parking on Browns Court. Doesn't seem parking situation is well defined. Should be open to the public but hear comments that it is an asset to the College. Huge blow if that parking is taken away. Wants to know if public parking will be metered and accessible? Knowing age range, they will have parents and friends visiting which wont park at Lakeside. This will be an attractive building for students up the hill to come down.

Susi Taylor. Asked if students cars are identified.

B. Rabinowitz – Champlain College has an intensive program for students cars.

J. Stevens – So asking students will have to account for vehicles?

S. Taylor – Could the students pay the meter and park there? Would like more details on parking management plan. Asked who is responsible for issues with management.

Behavior, condition of building etc and what is the Colleges responsibility compared to management company. Asked if balconies on corner of Maple? Asked about parking openings and screening. If trees have no leaves, is the garage lit and will it be lit at all hours, with light coming through openings? Asked about street lighting? Doesn't see

any street lights on Maple and Saint Paul Streets. Timeframe – How long is it student housing? Can that change and when?

Allan Hunt – Resident of Maple Street. King St and Maple Street historic district are under pressure with regards to parking and development wise. Cynical about parking and taking all the students cars down to Lakeside and have no impact on the neighborhood. Friends and parents coming over will impact parking in neighborhood. A lot of properties are small lots that depend on on-street parking. Doesn't have answer but is concerned about it. Dealer.com has impacted surrounding neighborhood like this is anticipated. Long term ownership question. Want to make sure we have on site parking for the future. Seems to be inconsistencies. Asked if not students, how do you regulate that parking. Could be problematic. Curious about long term ownership? Developer buy back? College ownership? Particularly as it relates to parking.

Jake Webster. Owns unit on corner of Maple and Saint Paul Street. Knew it was coming when they bought but wanted to ask questions. Would like to know what is driving the scale? Student count or cost? Trying to imagine energy and density of residents, friends, deliveries, retail trucks etc. When big event at Flynn it is temporary. This is more baseline and wants to make sure there is a solid plan behind it.

Jesse Robins. Sworn in. Was owner and resident on street for 13 years. Congratulated Champlain College on the process they have undertaken.

J. Stevens asked what his interested party status is?

J. Robbins – Resident, employee and used to live there. Concerned about use of material on the Browns Ct façade. Would like to see a change. Parking lot was bad neighbor so will be a better neighbor, as will the Eagles Club. Tremendous need for housing and will help to ease pressure on rest of city. Could reduce numbers of materials and change materials to another kind.

J. Caulo responses. Thanked people for coming and voicing opinions.

J. Stevens gave detail of questions.

J. Caulo – Parking management plan is covered under the CATMA management agreement. Every year they do updates to Joint Institution Parking Management Plan. Detailed Lakeside Avenue parking situation. Same rules apply to students in this lot. Detailed enforcement and consequences. On site parking spaces will be off limits to residents. Cant stop people using meters. This is a dedicated student housing project. This is long term. Will at some point buy out the developer and be back under Champlain College ownership. Part of long term plan. Will not be in our lifetime that it may not be students. The goal is not to have apartments. Will be occupied by college students. At some point in year 15 – 20 that it will be back to the College.

J. Stevens – If neighbor has complaints, who would they complain to?

J. Caulo – would contact developer first. College would then hear from it. Would be Eagles Landing LLC.

K. Lerner asked if there is a definite date.

J. Caulo – doesn't have a fixed date but will definitely buy back.

I. Smith – Asked if they are asking for a waiver.

M. O'Neil – Not a waiver. Part of JIPMP.

B. Rabinowitz – Anticipated parking based on future builds.

M. O'Neil – JIPMP is reviewed every 5 years.

I. Smith – Still not clear why extra parking is being provided. Unclear how a new owner of the building would meet parking.

M. Aloisi – Asked who would be using the extra parking?

J. Caulo – Will be renting to other businesses with parking leases.

M. O'Neil – Reminded that parking bonus requires parking to be available to the public anytime. Will still be public parking.

M. Long – No parking provided for 115 units.

B. Rabinowitz – Yes the parking is provided within the JIPMP.  
 M. Long – Offsite.  
 B. Rabinowitz – Yes. That's the nature of the plan.  
 M. Long asked staff about inclusionary provision and adjustment.  
 K. Lerner – Could be condition, that if occupied by others, need to address it.  
 B. Rabinowitz this is covered for all institutional buildings.  
 I. Smith – Asked about double height bonus.  
 M. O'Neil – Two bonuses are available.  
 I. Smith – Parking is the concern.  
 M. O'Neil – If they came in off the street they could apply for a waiver. Work under ordinance under effect at the time. They have chosen.  
 M. Long asked about visitors and parents and impact of those cars on the neighborhood.  
 J. Caulo – if they come to the area, they would pay for parking like any other persons visiting down town.  
 B. Rabinowitz asked if they would be eligible for residents only parking on Browns Court. Could they have ask for resident only parking.  
 J. Caulo – doesn't understand the procedures for resident only parking.  
 A. Zipparo – This site would be the ideal location for 'pre-gaming'. What can be done about other students coming to the site and making problems.  
 J. Caulo – Have a site in Downtown Winooski which is close to bars and hasn't heard any problems such as this. Similar to this situation in location and nearby ownership.  
 M. Long asked about which students are allowed cars?  
 J. Caulo – All. But have remote parking lots. Use campus land for buildings instead of parking lots. Could be change to parking philosophy at some point.  
 J. Stevens – Asked about balconies.  
 J. Caulo – Will not be outdoor spaces. The doors allow for some openings but will not be usable spaces. With regards to parking openings, they are trying to strike balance between openings and venting.  
 L. Kilcoyne – Hedgerow will be evergreen.  
 M. O'Neil – The ordinance has lighting standards for inside parking garages.  
 B. Rabinowitz asked about dumpster location and design.  
 J. Caulo – Had to make a decision on the logical place.  
 M. Aloisi – Could have it inside the parking garage and wheel the dumpsters out.  
 B. Rabinowitz – Landscaping between dumpster and house could help mitigate noise and some impacts.  
 M. Aloisi asked about overall scale.  
 J. Caulo – Reducing square footage decreases income. What it doesn't reduce is land cost and paying it back. Feel strongly that it is consistent with scale of area, intent of DT zone, urban design principles and goals of PlanBTV. If it gets denied, they will move on. Feel pretty good about project.  
 J. Stevens closed public hearing 8.06pm.

## VI. Certificate of Appropriateness

### 1. 14-0720CA: 180-188 BATTERY STREET (BST, Ward 5) Waterfront Plaza, Inc.

Amend ZP#10-0601CA/MA for change to north facade (King Street) for pedestrian entry and new vent. (Project Manager: Scott Gustin)

Applicant Mike Brouillard and Greg Rabideau sworn in.

G. Rabideau – Was not original architect but hired to address issue to get final CO. Disagreement with Applicant and Staff about meeting requirement of the permit. Has read minutes from before.

B. Rabinowitz – Asked about specific changes?

G. Rabideau – Door constructed but not used.

M. Brouillard – Door is not going away but is not going to be accessible. Also installed louvers in a door size opening instead of linear diffusers in stone wall.

G. Rabideau – Security grill is currently installed over opening. Need to discuss the details of access to the building. Louver is not a concern with staff from what is understood. Previous concern about making King Street a second principal façade. A lot of things were done to address impact on King Street with regards to settling back upper stories, materials, arched entrance over garage. Opening constructed but there is currently no way inside to go through opening as it enters into a space between two levels. Wouldn't be able to go into the lobby of the building, but could access parking garage. Was not a specific condition but was part of staff findings but not specifically mentioned in comments on pedestrians. Applicant built with opening to animate façade but didn't make it accessible. Question is if it is OK that this building is not accessed from this opening. A lot of examples around Burlington of this example. Want to control access. Asks board to break the tie on this one. It was not a permit condition; an important point of the overall discussion, but not a requirement.

M. Long – faux entrance?

B. Rabinowitz – typical Vermont farmhouse; secondary door that isn't used?

G. Rabidoux – Interesting plan. Works on all those levels. Got LEED certification.

Overall a great project – but in limbo until they get this decision. Even on approved drawing, just an arched opening.

M. Brouillard – Code Enforcement interpreted it to be a door. It was never supposed to be a door – just an opening.

G. Rabideau – security grill. Keeping weather out. Grill was installed – never approved by this board.

M. Brouillard – We would like to keep the grill. Behind it it drops about 4' to the garage below.

I. Smith – What was material approved?

G. Rabideau – none identified. I was not the project architect.

J. Drummond – How did contractor know what to do?

G. Rabideau – the owner is the contractor. They followed the plans and put in the arched opening. We were not super impressed with the drawings. It was abundantly clear that there wasn't going to be a door there. I was not the project architect. There are places like Charlotte that have gateways that lead to side gardens. I don't have a philosophical argument about this.

S. Gustin – it was not a condition of approval because it was reflected in the approved drawings. It was noted that “we need to make King Street a second primary façade.” It was on the plans and labeled as an entry. Not necessary to make it a condition.

B. Rabinowitz – I remember that the façade lacked a lot of elements, and a lot of changes were made there. Everything else that they did. Having an entrance there was not a driving force in what brought it to compliance. It was everything else they did.

S. Gustin – A package of revisions to King Street, yes.

J. Stevens – closed Public Hearing 8.27pm

**VII. Other Business**

**VIII. Adjournment**

Adjourned at 8:27 pm.

Deliberative Monday February 24<sup>th</sup> at 4pm.

Add whatever else to that. Idea was to start with the Champlain College item, and go from there. Jim and Austin are recused. Then jump into Grove and whatever.

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A. Hart - Chair, Development Review Board

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Date

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Nic Anderson, Zoning Clerk