

Burlington Development Review Board

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



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, March 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, Bob Schwartz, Israel Smith (alt), Alexandra Zipparo (Alt.)

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

Absent:

I. **Agenda**

Using second amended agenda. NA confirmed.

II. **Communications**

12 communications. Accepted by board.

III. **Minutes**

One set of minutes from February 18, 2014 for review.

IV. **Public Hearing**

1. **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**

Re-opened hearing for 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.

Applicants and public sworn in.

Lisa Kilcoyne and David Provost, Asst Vice President of Finance at Champlain St

J. Stevens asked about dumpster location.

L. Kilcoyne – Have reviewed and believes this is the right location for the waste management. Least amount of disturbance on other neighbors. Looked at having indoor locations but would have smaller dumpsters which would need to have in road pickup stopping traffic. Design changes to minimize impact on neighbors. Have designed for two compactors which need pickup once every 7-10 days. Compactors mitigate odors. Enclosure set back from street. Added hedgerow of arborvitae to soften neighboring side.

B. Rabinowitz asked about how they are emptied. Taken away and swapped, or emptied. Either way would beep. Could have put against east face of building on Browns Court. Would effect plaza.

L. Kilcoyne – Is set back when looking down so that it is tucked back and screened instead of being a main feature of the building. Maple St and St Paul St are busy streets.

M. Long asked if 10-11 ft from neighboring house.

L. Kilcoyne – Yes.

J. Stevens asked how much noise comes from compactor and frequency of compacting.

L. Kilcoyne – Unsure. Trash is wheeled from trash room to compactors around plaza. As efficient as possible.

M. Aloisi asked what is located in NE corner.

L. Kilcoyne – Transformer that is 8ft below and does not have access through parking garage to this pad.

K. Lerner asked about possible turnaround on purchased property on Browns Court.

M. O'Neil - that was offered by staff. Excluded from final review.

J. Stevens asked about elevations showing adjacent buildings.

L. Kilcoyne – In packet. Showed on screen.

J. Stevens asked for IS comments.

B. Rabinowitz had previously asked for this.

L. Kilcoyne noted other elevations. Showed perspective looking down King St and Browns Ct. Detailed materials changes. Have elevations with materials key.

B. Rabinowitz asked about lighting.

L. Kilcoyne – Will address in turn. Provided plan that shows mechanical plan and penthouse. Will have cornice that helps blend in mechanical penthouse. Lighting from parking garage. Still presenting trellis screens and will have evergreen screening. Proposing to have lighting on motion sensors with 50% light after hours which will go to full strength when there is motion. Lighting plans show light levels at floor are 0 outside the openings. No leaping of light out of the openings.

B. Rabinowitz asked about location of lights.

L. Kilcoyne detailed. Have skirt coming up from floor to screen headlights.

J. Stevens asked about main entrance.

L. Kilcoyne detailed entrance plan.

D. Provost – Will have natural flow to the St Paul St from campus and the shuttle.

A. Zipparo asked about bike parking.

L. Kilcoyne detailed.

M. Aloisi - so indoor bike storage is off Browns Court.

L. Kilcoyne – Yes. Would like to see how the bike racks are used and could add more.

J. Stevens – Back to item number 4.

D. Provost – Detailed Joint Institution Parking Management Plan (JIP). Tenants will not be allowed to park here. Will need to park at Gilbane Lot. Can increase the number of spaces at Gilbane by an addition 200 if needed. College has shuttle system on same route as building.

J. Stevens – Parking spaces will be available in the building. Will these have parking in the building?

D. Provost – No. Space will be available for the public. Trying to maintain enough parking to satisfy market and the public.

J. Stevens asked S. Gustin if a permit was needed for a parking garage.

S. Gustin – It is part of this application. Parking is a permitted use in the downtown.

M. Long asked if any student have a car.

D. Provost – Restrict freshmen to no car but can appeal that under certain circumstances.

M. Long asked how many percent have a car.

D. Provost – 23-26% have a car.

A. Zipparo – Asked if a student can just have a car without telling the college if they have one.

D. Provost – Have officers patrolling the streets making sure students aren't using the streets. 8 hour meters would be going away on Browns Ct from this project. Easier for students to park at Gilbane and be on a shuttle three minutes away.

J. Stevens asked about management.

D. Provost – In response. Have students at Spinner Place, Quarry Hill and in on campus residents. Would like to manage exactly like others. Management company will be bound to meeting standards and enforced the same as on campus. Management will simply contract with Student Life. Will not be owned, but responsibility has to be arms length. Assured that the standards of behavior will be the same as on campus.

J. Stevens asked if only students would be allowed to live on site.

D. Provost – Yes. Only students. At Spinner Place and Quarry Hill there is on site management right now and this facility will have similar oversight.

J. Stevens asked about inclusionary housing.

D. Provost – Yes. Detailed how inclusionary is met in response. At any one time would be meeting spirit of inclusionary housing. At beginning of year, persons would know how they fit in with financial aid. When items change they will be addressed.

Brian Pine – Available for comment if needed.

J. Stevens – Asked how others deal with this matter.

B. Pine – Other cities normally exempt inclusionary for colleges. On university land it is exempt. This is an anomaly.

J. Stevens – Being out of campus subjects them to this provision.

B. Pine – Looking at Champlain's demographics they far exceed that standard. Intent of the ordinance is met.

A. Zipparo – State law requires housing per project, not campus.

B. Pine – No state requirements. Only city in the State that has a requirement. There are affordability standards to exempt from Act 250. City's ordinance refers to property so this would be a change from that.

M. Long noted JIP states 55 units and 200 beds for this project but this project is larger. Uncertain whether there is parking available. Visitors and parents coming to cars would not be using remote parking areas. Unsure what the parking impacts would be. Asked if they still have enough parking to accommodate the needs of this project.

D. Provost – Absolutely have enough to meet tenants requirements. JIP initially only discussed Eagles Club site but did not cover Browns Court. Parking will be open to the public and a parent or visitor could use public parking.

M. Long so on site parking will address visitors to the site?

D. Provost – Yes. Flynn Theatre uses current site and will continue to serve the need of those others.

Tim Grannis. Owns property at end of Browns. Two concerns. Location of trash compactor. Locating at Maple Street entrance would avoid noise and smell. Noted ordinance shall be location within or behind buildings. Doesn't have a behind. Doesn't consider his neighborhood a 'behind'. Locating near house is not a good solution especially only 10ft away. Seems like they could swap for bike traffic. Doesn't think it fits the criteria for new projects to handle trash. Second concern is that new elevation for Browns Ct looks like a grey industrial warehouse. No cornices, just a wall of grey. Will become industrial grey canyon. A little more attention would be a better building.

Jack Daggett – Lives in Hinds Lofts. Not opposed to Champlain College student housing but concerned about the size of the building. Will destabilize and overwhelm neighborhood. Would like to urge the board to give it a lot of considerations and reduce the size of the building. Book by Jane Jacobs outlines three principles which is being broken. Quick construction would be immediate impact, would not add to diversity to already diverse neighborhood.

M. O'Neil noted neighbor left written testimony.

Lou Natale – Owner of Hood Plant and parking lot. Like Champlain Colleges buildings but this scale and detail will overwhelm the neighborhood. Length of building and height is too much for the neighborhood. Doesn't mind 6 stories but would like to see it stepped down to four stories on ends while still have a single elevator. Newer buildings have lost the beauty of their other buildings. Going up to 6 stories is fine, but should be scaled down in parts.

Frank Von Turkovich – West side of block. Co-owns properties on Lower Church St. This design will tower over properties and will effect open space, daylight etc. Agrees with L. Natale comments about lowering size of portions of the building. Parking is a concern. Wants to see documents. Wants to know if parking at Gilbane will be available on a long term basis. After parking meter hours there is a concern that the spaces will not be available to the public. Doesn't want to see parking in the building leased to

others. Asked about management and student leases etc. What leverage would the permit provide to enforce management commitments. Intrigued that inclusionary housing is proposed to be met by students. Have a lot of properties that have students and wanted to know if inclusionary applies.

J. Stevens – Inclusionary is only on new construction.

FVT – Interested if Champlain's eligibility changes that it may not be managed or re-reviewed. The size of the project is very big. If private developer there would be half of the number of beds than student dorms. Concerned about the size still.

Don Leopold. Resident of Hinds Lofts. Concerned about street lighting. Would hope that City will have a uniform low glare lighting for the whole corridor up to Main Street.

D. Provost – Offered clarification if the board needed.

J. Stevens closed Public Hearing at 6.25pm.

V. Certificate of Appropriateness

1. 14-0753CA: 210 SOUTH UNION STREET (I, Ward 6) Chad Tyler

Add one residential unit to existing accessory structure, increasing total units for property from four to five; add one surface parking space. (Project Manager: Mary O'Neil)

Applicant Chad and Patsy Tyler and other public sworn in.

B. Rabinowitz worked on property years ago. Nothing to do with this project.

C. Tyler – Detailed history and application.

A. Hart noted there are supplemental communications.

C. Tyler – Noted communications provided from Condominium association and Thomas's. Have a written response to the communication and conditions.

A. Hart – Would like a copy of the written statement and save some time.

C. Tyler – Pointed out that it is a beautiful building and want to retain it. Will need to be totally lifted up to be saved properly.

A. Hart noted encouragement in ordinance for adaptive re-use. Thrilled the effort is being made. Asked if possible to preserve loft doors details.

C. Tyler – Doesn't function. Would prefer to have as solid door that could be opened and/or could save on outside and frame inside.

A. Hart – Just keeping outside appearance would be the intent.

C. Tyler would still like to keep some windows to keep light above the door.

A. Hart asked about north elevation and setback and building code.

C. Tyler – It is about a foot. Existing door and existing window. Will reduce window down to a smaller size and add windows for egress. Have talked with the Building Inspector.

Can affect neighboring property and what they can do. Faces of buildings are 28ft apart.

If something new was proposed on 204 then it would need to be 9ft back. It has happened down the street where a door is installed in the setback. Ned believes this could be done. There may be an appeals process.

A. Hart asked M. O'Neil about zoning code.

M. O'Neil – Have also had multiple conversations with the Building Inspector. Re-using existing openings can be done. It is completely his oversight. Zoning has no review.

A. Hart asked if the 5ft setback from zoning perspective is required.

M. O'Neil – Not new development.

A. Hart so DRB can approve new windows and doors despite the setback because it is an existing building?

M. O'Neil – Yes conditional on Building Inspector approval.

A. Hart asked for distance to 204.

C. Tyler – Is 28ft. As for privacy, windows are a floor above the existing Thomas's windows, are not directly opposite, there are existing trees, interested that 196 South Union was not appealed on other side, reduced size of window on ground floor which are on same level as neighbors.

A. Hart – Asked about impacts during construction. DRB cannot give permission to access other properties or block accesses. Can this be done without interference?
 C. Tyler – Driveway and walkway would be out of commission for two weeks. People affected by this are informed. Pedestrians will have normal access. Have worked with other neighbors and will provide access through another neighbors property. No blocking off pedestrian access but blocking parking for two weeks. Major inconvenience. Trying to time and have been discussing it for a long time. Windows will be the same. Retaining a lot of the original building. One more parking spot. Recalculated coverage.

Andrea Grey. Handed out photographs. President of Richardson Condo complex. Live right about the Thomas's with same windows which is a complete non-issue for her. Would have liked to represent the association that they are fully in support, but there is one owner that has submitted letter. Others in association has not been vocal. Understands the Thomas's are supportive but just have stipulations. Wants the building to be retained and improved. Best possible scenario for building and City. Really supports it. Complex walkways on 204 South Union and would love to see co-operation which will enable project to go ahead such as lot coverage. If there is a concern would be the parking access being inconvenienced but will be worth it for the end in sight.

A. Hart – Board cannot give permissions for neighbors to be inconvenienced.

A. Grey – Understands. Could get neighbors together more to discuss if needed. Good project. A lot of co-operation will need to exist.

M. O'Neil asked if its appropriate to share professional opinion on contractors.

B. Rabinowitz – Would like to assume that it is being done by a competent contractor.

C. Tyler – Contractor is the one who knows how to both lift a building and lay a foundation. Local soils known by other contractors. Have good people and will be the best fit for the project. Submitted written comments.

A. Hart closed Public Hearing at 6.54pm.

VI.

Sketch Plan

1. 14-0770SP: 421-423 SHELBURNE STREET (RM, Ward 5) Tabernacle Of Worship Assembly Of God, Inc.

Change use of property to up to 10 residential units. (Project Manager: Scott Gustin)

Applicant A. Youkel present. Detailed building and proposal. Parking is condition that needs to be watched carefully. Detailed parking plan and units. Two schemes. 6 apartments with neighborhood commercial space or 10 units. Only providing 6 parking spaces so would need a waiver. Parking would be separated from residential leases to be flexible.

A. Hart – issue is parking. Shared parking in alley at rear. 6 parking spaces. Neighbor notes that when there is snow, the 6 aren't available. Issue of parking waiver. Board can waive 100% if adaptive re-use so needs to explore that aspect more. Parking Management plan is aspirational. Need to have very specific strategies to manage cars. That portion will need to have a lot of work and be much more specific. Not sure if he could waive 100%. Parking is by far the biggest issue.

A. Youkel – The current shared arrangement is 18 spaces. Doesn't function as a tandem space. Much deeper at present for spaces so snow management could easily go in this area and still provide the required 6. Key to concept is the size of the apartments. Nature and size of units are such that it leads to persons to not have vehicles. To get to 50% there are options and solutions that are available. Could lease spaces from neighbors, bus passes. Believes based on market study that parking demand is not what the ordinance requires.

A. Hart other issue is if other spaces are encumbered.

A. Youkel – Doesn't know of any spaces encumbered. Without any shared parking what it really boils down to is 6 spaces. 4 or 5 of these spaces are double deep and could

accommodate snow management. Existing building. No changes. Massing not a valid issue. Respect that 100% is too much but happy to provide 6.
 A. Hart – Take hard look at Parking Management.
 S. Gustin – No lease on property for B&B.
 A. Youkel – Is there a preference for residential vs. commercial.
 S. Gustin – Can do any use in the definition of Neighborhood Commercial Use but cannot do storage.
 A. Hart – No preference.
 A. Youkel – Does size of apartments make a difference. Right now is 350-450sq ft. If to reduce number from 10 and have larger units.
 B. Rabinowitz – Ordinance relates to units, not bedrooms, which helps.
 A. Youkel – Will look at unit count and size.
 B. Rabinowitz – Hamstrung on data.
 A. Hart – Smaller unit size will help on waiver requirement but more units make the parking demand higher.
 B. Rabinowitz – Leasing off site parking is extremely difficult.
 J. Drummond – People renting apartments on Shelburne Rd, hard to imagine that people will not just use the residential streets to park to save the lease cost.

Bonnie Murray – Sent pictures of snow. Church plan was to have cars in tandem. Did also have lease with her for a parking space in the driveway. Doesn't see how they can fit. Concern is parking. Trash removal is a concern. Would like to see where trash location would be.

Bonnies husband – Big issues are parking and trash. Only place on Shelburne Rd that has the right of way access at rear. Important that the ROW is maintained.

B. Murray asked what makes it historic?

A. Youkel – Removing annex portion will help parking.

A. Hart – Board has never reviewed 100% parking waiver. 50% is what the board is more used to but still need robust Parking Management Plan.

M. Long – often parking waivers are premised on location and walkability to downtown.

A. Youkel – Fortunate to have public transport nearby.

A. Hart closed SP at 7.21pm

VII. Other Business

VIII. Adjournment

Adjourned at 7.21 pm.

Deliberative Monday at 5pm.

 A. Hart - Chair, Development Review Board

 Date

 Nic Anderson, Zoning Clerk