

# Burlington Development Review Board

149 Church Street, City Hall  
Burlington, VT 05401  
[www.burlingtonvt.gov/PZ/DRB](http://www.burlingtonvt.gov/PZ/DRB)  
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Austin Hart  
Michael Long  
Jonathan Stevens  
Brad Rabinowitz  
Bob Schwartz  
Jim Drummond  
Missa Aloisi  
Alexandra Zipparo (Alt.)  
Israel Smith (Alt.)



## BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, April 1, 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**  
No changes.
- II. **Communications**  
2 communications. Accepted by board.
- III. **Minutes**  
None.
- IV. **Consent**
  1. **14-0779HO: 52-54 CHASE STREET (RL, Ward 1) Owners: David Fairfax & Stephanie Larkin, Applicant: Bhavatarini Carr**  
Conditional use home occupation for bakery. No site or exterior building changes proposed. (Project Manager: Scott Gustin)  
  
Applicant B Carr present.  
No objections by Board to treating as consent item.  
No public present to speak. Has not received staff comments.  
S. Gustin showed conditions.  
B. Carr – No concerns about conditions.  
Motion by J. Stevens to approve and adopt staff findings and conditions  
Seconded by M. Long  
Vote: 7-0-0 (2 alternates not needed)  
Motion Carried.
  2. **14-0776CA: 208 FLYNN AVENUE (ELM/NMU, Ward 5) Wills Two LLC**  
Construct new accessible entry addition with associated site improvements and interior renovations. (Project Manager: Scott Gustin)  
  
A. Hart recused.  
Applicants Bren Alvarez and Jeremy Gates present.  
No objections by Board to treating as consent item.  
No public present to speak.  
Applicant has received staff comments and has no concerns.  
Motion by B. Schwartz to approve and adopt staff findings and conditions  
Seconded B. Rabinowitz  
Vote: 7-0-0 (1 alternate not needed)  
Motion Carried.

## V. Public Hearing

1. **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)

Applicants Steve Kelson and Todd Volitis present.

A. Hart noted process. Wanted to have brief discussion about demolition by neglect.

Asked how board felt about permit being now administrative.

B. Rabinowitz - concerned that they have been in front of the board for many months, and now it could be simply removed based on demolition order.

A. Hart – at initial hearing that this could be considered demolition by neglect and wants to hear boards comments.

A. Zipparo asked K. Lerner how many have been issued like this.

B. Schwartz - thinks that this should be streamlined, and not be dragged through demolition by neglect.

S. Kelson – Engineer confirmed that it was not neglect and was poorly structured.

A. Hart – Understands.

A. Hart - motion that based on K. Lerner email that the demolition does not need to be reviewed by the DRB and can be approved administratively.

J. Stevens seconded.

B. Rabinowitz asked for comment from applicants on proposed motion.

S. Kelson asked for clarification of question.

A. Hart - detailed what the motion would mean.

S. Kelson - would like administrative review.

J. Stevens – Doesn't see it as a risk to have buildings demolished as long as the City official determines it. Supports it.

A. Hart - there could be situations where it could be demolition by neglect and doesn't trust that the City Building official looks at these specific details.

J. Stevens - doesn't want a process that lets people tear them down but is confident that if the City Building official deems it necessary to remove, so be it.

Vote on motion: 7-0-0 (2 alternates not needed)

2. **14-0773CA/CU: 52 LOCUST STREET (RL, Ward 5) Owners: Zpora Perry & Leighton Johnson, Applicants: Ruby Perry & Andrew Simon**

Construct detached structure for an accessory unit, convert back porch to living space, add fencing, re-grade driveway. (Project Manager: Ken Lerner)

Applicants Ruby Perry, Zpora Perry and Leighton Johnson present and sworn in. Public sworn in also.

A. Hart seems that issue is parking and request for parking waiver. Would like to focus on that issue. Asked if seen staff comments.

R. Perry – Yes. Can elaborate on whole project if needed. Parking Management plan is based on personal commitments and plans. Believe that existing paved parking meets the requirement and goals of Municipal Development Plan. Economic considerations. Environmental decision. Also cultural.

A. Hart – Commitment to reduce automobiles runs with lands and asked how that condition could be enforced.

R. Perry – Previous developers have noted CCTA and Carshare as reasons for parking management plans. Asking for the parking space waiver to be attributed to the single family spaces so that there is one for the house and one for the apartment.

J. Stevens asked how the DRB could be assured that future occupants could have the same values.

L. Johnson – Proposing a deed restriction for parking proposal.

B. Rabinowitz asked if two spaces could be in tandem.

K. Lerner – Yes.

R. Perry – Read off deed language.

A. Hart asked for the specific language and drafted deed.  
 R. Perry – Doesn't have a drafted deed but could by Real Estate attorney.  
 A. Hart asked what other options could be.  
 R. Perry – Owners could add protective covenant that limits the number of cars that could be placed on site.  
 J. Stevens – Would like to see language in writing. Asked for it to be submitted to staff before deliberative.  
 A. Hart – Needs to go to staff and seen by DRB before being reviewed by City Attorney.  
 B. Rabinowitz – Asked if in Design Review  
 K. Lerner – No.  
 B. Rabinowitz – Would like to see better and more specific elevations.  
 R. Perry – If more complete elevations are required they can be provided. Asked Board if they submit specific wording on a deed restriction, would it solve concerns.  
 K. Lerner asked Board about enforcement of a deed restriction. Who has right to enforce?  
 A. Hart – Deed restrictions can be changed without zoning review so need to ensure that it is enforceable.  
 M. Long asked if they could just install one parking space as it seems that they could put on site based on coverage.  
 R. Perry – There are additional zoning restrictions that K. Lerner has noted that parking cannot be in front yard setback.  
 K. Lerner – could put in a driveway if needed. Could come off neighbors driveway.  
 M. Long – Could put in driveway. Is it a preference to just not install?  
 R. Perry – Yes. Don't need it and would like to encourage reduction of parking on a citywide basis. Moderate concession in favor of not owning cars.  
 M. O'Neil – Subject to design review and need assessment of Article 6. Covenants are not enforceable by zoning.  
 R. Perry asked what would be an enforceable instrument?  
 M. O'Neil - have seen long term renewable leases for off site spaces.  
 R. Perry asked if waiver is enforceable.  
 B. Rabinowitz – Just because it isn't enforceable doesn't mean that they would not consider it.

Cristina Mazzoni and John Cirignano – Lives on Locust Terrace north of subject property. Supports the proposal in general. Came to share concerns. Will be closer to home than original house. Surprised by building and concerned about losing light and privacy. Have driveway close.

A. Hart – Proposed building will be 13 ft from property line.  
 C. Mazzoni – Used to open space and would be concerned. Water is a serious problem in the neighborhood and excavation and stormwater are concerns. Likely been studied but wanted to bring up. Building will diminish green space but understands it. Only free standing apartment proposed for the area so is interested on how this would work. Concerned that could be rented to students.  
 A. Hart – Property would need to be owner occupied so might reduce impacts.  
 J. Cirignano – Would NOT be interested in leasing driveway at any time.

R. Perry – Had neighborhood meeting and showed plans. Did shadow study to ensure that it does not cast a shadow to the north. Having engineer designing shallow foundation to reduce land disturbance. Is a small cottage.

A. Hart closed Public Hearing

## VI.

### Sketch Plan

#### 1. 14-0784SP: 247-249 PEARL STREET (RH, Ward 2) Pearl Lake, LLP

Sketch plan review for construction of new three story, 29 unit apartment building with associated parking and site improvements. (Project Manager: Scott Gustin/Mary O'Neil)

Applicants Eric Hoekstra, Justin Dextrateur, Cleary Buckley present.

E. Hoekstra – Gave summary of site and proposal. Detailed existing buildings in the City to give citywide context. 10-12ft retaining wall maximum in back corner. Detailed elevations. Common deck at rear in south west for solar and sunsets. RH encourages high density but parking restricts that. Have accommodated as much parking on site. 41 spaces for 29 units. Ordinance requires 58. 8 of 41 in tandem. Technically 33 from an ordinance perspective. Requesting 25 space waiver. Will provide parking management plan. 11 two beds 8 one beds and 9 studios.

C. Buckley – Commented on height. Want 9ft ceilings.

E. Hoekstra – Smaller unit size to normal so having higher ceilings helps feeling of space.

C. Buckley – Investing more in materials and design on front of building to ensure compatibility with street.

E. Hoekstra – Have had DAB sketch plan, NPA Meeting and meetings with neighbors.

Neighbors would like to site building as far as possible from west property boundary.

Would also like to see building length reduced and pushed closer to Pearl St. Looking at bringing height of entire site down to reduce retaining wall size, landscaping to reduce look of walls, stormwater solutions. Outdoor bike racks and tenant storage inside.

Concerns by neighbors on deck on corner looming over backyards. DAB suggested roof deck may be better solution further east or north on building.

A. Hart – Question on setback where indent happens.

E. Hoekstra – Will address setback issue when drafting plans further.

A. Hart asked about impact on neighbors to west and long flat façade. May have impact.

J. Stevens – Likes way building looks. Asked about building entrance locations.

E. Hoekstra – Entrance on front and one entrance on side. Really important to have front door.

M. Long asked about materials.

E. Hoekstra – Brick for 35ft along the side and then Hardi-plank for the rest.

M. Long asked about landscaping.

E. Hoekstra – Detailed ratio of landscaping vs hardscapes. Potential for street trees. May landscape along rear. Asking fire marshal what landscaping will be allowed on west to ensure access for emergencies. Only at about 65% lot coverage where 80% is allowed. 35% would be green.

C. Buckley – The topography limits how much of the 35% is usable at tenant amenity.

E. Hoekstra will be sloped down the driveway to the parking.

B. Schwartz asked about garage of neighboring property.

E. Hoekstra – Detailed retaining walls and ways to reduce and soften.

B. Rabinowitz asked where top of retaining wall would be compared to peak of garage.

J. Dextrateur – Would about the existing height of garage.

J. Drummond not bothered by parking issue. Concern about architecture. Not much detail on front. Would like to see balconies or porticos to make it feel more residential.

B. Rabinowitz – Examples shown are set back. Odd to have building this size in such close proximity to sidewalk. Pulling closer to sidewalk would be mistake. Assuming under building parking was based on money.

E. Hoekstra – Not just money. More feasibility. Will have partial basement at rear going down to crawl space. Need a 70 foot ramp to get a full story down. Would only allow 16 parking spaces under and would not have a wide enough building to meet city dimensional requirements.

B. Rabinowitz asked about 8 spaces not on property.

E. Hoekstra – Detailed neighbors spaces. Not in 41 space count.

Bill Church – 34 Bradley St. Likes what Redstone is doing in City. Scope of project is not what neighborhood needs. No parking in neighborhood. Will contribute to problem.

Substance abuse is a big problem. Any construction should consider adding transient persons in a neighborhood which could encourage this use. Noise and violence is a

problem at night. Need to resist having student housing. Trash is a big issue. Design in contrast to neighborhood.

Michael Sealy - 14 South Union St – Met with applicant beforehand. In historic residential neighborhood. 4 of 6 neighbors are owner occupied. Scale does not fit with surrounding buildings. Would severely impact. Affecting daylight, property values, quality of life, privacy from building and parking. Does support development but not of this size and location. Architecturally doesn't fit within surrounding building. Square-ness makes this building seem taller. Existing houses are 2 story with peaked roofs. Scaling back to a third smaller would be better. Goes too far within the site with long walls. Disappointed that previously approved building was not built. Previous building was a third the size. Should have more architectural detail to make interesting and relevant.

Roger Wiberg – 22 South Union St – Owns garage that juts into site. Parking lot is above his back yard. At present there are a lot of trees that hide the parking lot and create a buffer. Retaining wall will be close to boundary and will box in his property. Will reduce privacy and property value. Dumpster location very close and will smell in the summer. Walls will be major job to do. Parking is at a premium in neighborhood. Grading property down may funnel water into his backyard. Ravine cannot handle stormwater now so will not if there is more water in it. Most of green space or trees will be removed so concerned about rainfall events. Mix of units but will have higher percentage of students than anticipated. Close to a lot of amenities which will attract students. Will have a lot of noise pollution. Quality of life issues are serious. Will exacerbate the problem.

Emily Lee – Member of Ward 2/3 steering committee. Project was held at NPA. On planning commission and lives at 39 Bradley St. Building is next to last pocket of owner occupied homes in area. Tight knit community which has a high standard of investment and retention of quality on homes. Requested how the homes on South Union Street would be effected and would like to see how it will look from that perspective. Health and Rehab over the road severely impacted neighborhood. Retaining wall should obey setback requirements. 10-12 ft wall 1 foot from property line is too close.

Kami Oliver – 12 South Union. Yard is right beside property. Will see solid 35ft wall from her perspective. Will block light and sky view from property. Looks like industrial building, not residential. Historic area. Improvements to existing historic buildings are hard for them, and this rectangle should be better. Understands its RH but the way its designed, there will be a lot of individuals and students. Concerned about noise and effect on neighborhood. Hard to come up with possible solutions. Cant see where green space is. Concerned green space is at the rear. Reminds her of VSAC building in Winooski which is disastrous as it is street level. Would really like building to be able to be moved east. Retaining walls not affecting her but is concerned for others. Water is a problem and more water could impact her property. Building doesn't fit this particular district. Would rather not see such a huge structure.

Maddy Posig – 87 Hungerford Tce. Lived there 30 years. Neighborhood has been under assault the last 10 years. Problems of noise and parking are getting worse and worse, because of previous developments approved. Likely that car ownership may be high. Not enough parking. Does not support parking waiver. Concerned about size of building. Looks like a giant rectangle. Around the area has a lot of turrets and rooflines. Should try to make this building attractive. This is a gateway to the City. Highly concerned about open deck. Noise will occur. Outdoor gathering will happen late at night. Existing building was set back and was beautiful. Architecture is suspect and footprint is huge. Based on location will attract transient students. Will be huge problem for neighborhood.

Other neighbors don't need to speak but noted they agree with previous comments.

E. Hoekstra – Need for housing in Burlington. Number of people at NPA like the application and liked the idea of dense urban smart growth development. This is pretty much downtown. City has made the decision through public process that this is the place for density. People want to live close to Downtown. Yes this building is big, but is also on a large site. On smaller sites there are still three story buildings with 90% coverage. Could propose 20 four bedroom apartments under current parking which could be as close to ‘as of right’ that we could get without any parking waivers. That would be entirely students. Trying to be thoughtful and having smaller units and a mix which will help attract a mixed population. Don’t want 100% students. Want professionals, empty nesters, those who want to just rent Downtown. Will be students, but will need to live amongst a mixed population. Will be changes based on comments but will be dense and big.

M. Long – referred to Article 6 based on North Union about massing in relation to neighboring properties. Should acknowledge and address that.

J. Stevens asked for a shadow study.

K. Lerner – Would help to show cross sections to show neighboring houses.

M. Aloisi – Would like to see perspective from North Union.

**VII. Other Business**

**VIII. Adjournment**

Adjourned at 7.20pm.

Deliberative Monday at 5pm.

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A. Hart - Chair, Development Review Board

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Date

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Nic Anderson, Zoning Clerk