

Burlington Development Review Board

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Jim Drummond (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, January 6, 2015, 5:00 p.m. Contois Auditorium, City Hall, 149 Church Street, Burlington, VT Minutes

Board members present: Austin Hart, Michael Long, Brad Rabinowitz, Jonathan Stevens, Israel Smith, Alexandra Zipparo, Alexander LaRosa, Missa Aloisi.

Staff members present: Ken Lerner, Scott Gustin, Mary O'Neil.

I. Agenda

S. Gustin notes that 289 College Street has requested indefinite deferral to allow for revised plans.

II. Communications

On the table before the board members. Communications accepted into the record.

S Gustin reminds that the email about the DRB Summit was intended to be discussed under "Other Business."

A Hart concurs.

III. Minutes

Minutes of DRB meeting of 12/16/2014 in packet. A. Hart directs board members to please bring edits to deliberative.

IV. Public Hearing

1. 15-0451CA/MA: 234-240 COLLEGE ST (DT, Ward 3) Sisters & Brothers Investment Group, LLP (*continued review*)

Major impact review to demolish rear portion of building, construct new 5-story addition at rear for 9 units. Results in change from 19 to 25 units for a net increase of 6. (Project Manager: Scott Gustin)

A Hart swears in all who wish to participate.

Steve Guild present as applicant's representative.

Curb cut to be eliminated. Working with public works.

A Hart – we are under the impression that the alley – you don't have any deeded rights to use for access.

Steve Guild – not our property.

Steve Guild - One inclusionary unit. You wanted some dimensions on the site plan. We are seven feet away from the property line; on the west site 10' away from the property line. The big thing last time was the 10' setback. You guys needed more information, we have provided for you.

Brad Rabinowitz – northeast corner, you've got windows all the way up on the east side.

Those are 4'10" from the adjacent building. (Asks Scott about building code.)

S Gustin – relates to existing building having windows.

S. Guild – 4.4.1 doesn't help the developer at all. It makes our building move 10' away.

That regulation doesn't benefit the developer at all. We are 7 ½ feet from the property.

We have to push our building 10' according to this section. In the downtown transitional, we can do 100% lot coverage with 0 setbacks. This requires us to push the building.

A Hart to S Gustin – any discretion?

S Gustin – You would have to treat it as a variance. District specific provision in Article 4; also city wide in Article 5, provision.

A Hart – I don't recall this issue coming up before; as opposed to renovating an existing building. We are struggling how that applies in this situation.

S Guild – Asks about Stratos. About 6' away from adjacent building.

S Gustin – Stratos was reviewed under the 1995 Zoning Ordinance.

J. Stevens – Asks S. Gustin question about staff report.

S Gustin – Israel expressed a concern about a lack of light and fenestration on the east and west facades. Here we are looking at greater expanses of blank walls.

A Hart asks why a limited number of windows.

S. Guild – Stair tower on east elevation, elevator, lobby. Other side is bedroom. Really, another reason why to avoid windows. Close to existing building.

M. Aloisi – It would be nice if that bathroom had a window in it.

A Hart – It looks like there have been some changes to the building elevations. Can you help us understand those changes?

S Guild – more cleaner, more presentable. Horizontal metal panels. Wanted to make basement level durable, solid material to withstand plowing.

A. Hart – north façade looks different.

S Guild – same windows. No change there.

A Hart – visible from the City Market parking lot.

S. Guild – the majority of the apartments are facing that side.

M. Aloisi – please explain trash pickup, what size containers will fit in that room.

S. Guild – 5 or 6 toters. Will need to make it bigger. Double doors....

M. Aloisi – the dump truck will come to pick them up?

S. Guild – they will come in that back alley.

B. Rabinowitz – even if you don't have access to that alley?

S. Guild – It hasn't been an issue. Not sure about access from College or....

S. Guild – new concrete sidewalk. The owner would like to keep that as it is, pavement. He doesn't want to change to concrete.

A Hart invites the public.

Irwin Herschlitz..... spoke at the last hearing. I looked through the file. It doesn't say where the parking is going to be.

A Hart – the proposal is to lease spaces at Corporate Plaza within 1000 feet of the project site, which the ordinance allows. There is a lease.

Irwin Herschlitz – forever?

S. Gustin – For the duration of the use.

Irwin Herschlitz – how to restore the frontage? I thought the new building was going to be 10' from the west side of the adjacent building.

A Hart – the applicant is arguing that the 10' setback requirement should not apply. We need to look at the ordinance and deliberate.

S. Gustin – on the west side, 10'. On the east side (uphill), it has setback problems.

Irwin Herschlitz – Was there a six month thing put in there?

S. Gustin – parking? It was submitted with revised plans. It should be in the packet. No one else to speak on this.

A Hart invites S. Guild to reply. He declines.

A Hart closes the public hearing on this matter.

2. **15-0656CA/MA: 289 COLLEGE ST (RH, Ward 8) 289 College Street Associates**
 New building addition of 12 residential units with associated site modifications for a total of 13 units, 5,800 sf existing office. (Project Manager: Mary O'Neil) (*applicant has requested an indefinite deferral*)
 M. O'Neil – applicant not present.
 Jonathan Stevens – indefinite? What if they don't come back.
 S. Gustin – Bylaws give 6 month time limit. Can be extended by another 6 months.
 A. J. LaRosa has procedural question.
 A Hart – motion to defer.
 J. Stevens – 2nd.
 Motion passes unanimously.

A Hart – to M. O’Neil. Will you please notify applicant?
M. O’Neil – yes, of course.

3. 15-0675CU: 298 COLLEGE ST (RH, Ward 2) Champlain College / Champlain Valley Office of Economic Opportunity

Seasonal change of use from club to community house/overnight shelter. (Project Manager: Ken Lerner)
Austin Hart, recused from this review.

Jan Demers from CVOEO present to apply for use of the Ethan Allen Club for a temporary warming shelter for the homeless of Burlington; those who need a place to stay, and need a place to sleep for the winter months. The opening will be based on the decisions of this body. Close date is scheduled for April, 2015. The intent is for someplace comfortable, warm, and a place to sleep. There are several reasons why we want to put this into place. Some are short terms goals – to make sure everyone is safe and has a place to street. The long term goals are permanent housing. The state right now is spending a great deal of money for hotel rooms. This situation will be considered a community house; there will be company, warmth, and opportunity for other services. If the state continues to spend the same amount on short term housing, the solutions for long term housing is not readily available.

J. Stevens – Champlain is the property owner.

J. Demers – Leasing to us. Champlain will not operate the project: It will be CVOEO.

J. Stevens – have you read the staff report?

J. Demers – yes.

J. Stevens – you are applying for 35 beds?

J. Demers – yes. We need 35, but will accept 20.

J. Stevens – you understand the factors at play.

J. Demers – Ken gave us maps, helped us understand proximity and the number of beds that might be available.

J. Stevens – Have you operated a facility like this before?

J. Demers – CVOEO has not before. We have been speaking with COTS, Spectrum, Mark Redmond, and a representative from Anew Place. This is our mission of CVOEO to bridge that gap for people that are homeless. This is temporary; not something that will continue after this season.

J Stevens – your objective is not to consider this site for a long term site?

J. Demers – The long term solution is the ideal. We are only looking for a short term answer for people that are sleeping outside now. This will be a low barrier shelter for people that may not be accepted elsewhere.

B Rabinowitz – you won’t be building 35 beds.

J. Demers – Open space. Separated into 3 sections. We expect cots to be 8 for women, six in each section for men. Only for single men and women.

B Rabinowitz – outside spaces?

J. Demers – no outside area, other than a smoking area. We have been working with Waystation folks, Cots. One recommendation was the canopy area in the back parking lot. Visibility, security. However the neighbors have expressed concern. I have met with immediate neighbors, concern about foot traffic, smoking. Our conversations will be continued and on-going.

B. Rabinowitz – entrance?

J. Demers – only one entrance; door off the parking lot. The other doors will be open for emergencies. They will have an alarm system.

J. Stevens opens the hearing up to the public.

Paul Dragon speaks – CVOEO has put in an excellent application. Service provision that they are offering will be good for the people experiencing homelessness, but good for the city as well. From the department’s position, we completely support this application.

Eric Hanley – owns property on Bradley Street on the northwest corner of the parking lot. I have a 3 apartment building at 7 Bradley Street. No one has reached out to me. I

wonder if Champlain College is going to have security there. I have 12 tenants in my building. We had a lot of syringes, needles. Police there frequently. They were there tonight. There are issues in the neighborhood. All my rental properties are non-smoking. Church Street is non-smoking. My family owns Corbin and Palmer Funeral Home. My neighbors all come to my property to smoke! Will this be regulated? I have a concern about people hanging around my property. Who will be regulating it. Will Champlain have security there?

A Zipparo – when there were syringes, was there a shelter there?

Eric Hanley – No. But I have seen a lot go on. The police have been patrolling it.

A Zipparo – So the police are already patrolling it.

Eric Hanley – Yes.

John Caulo – Champlain College. Just want to voice my support for the application. Organizations like CVOEO provide a function in the community for providing a safety net. I would like to note that temperatures will be below zero tonight. For those sleeping outside, a concern. A simple twist of fate and it could be us. This is important. Some of the anti-social behavior I don't think will be seen at this time of year. To answer the previous speaker's question, yes; Champlain will be providing security. I anticipate it will be pretty quiet.

J Stevens – (To John Caulo), do you have a non-smoking policy?

I don't take into mind that Champlain should have a policy. Probably not appropriate for this hearing. How to go about enforcing?

J Caulo – A pain in the ass. Hard to tell an undergraduate to put out a cigarette.

Lisa Bridge, lives in the row houses that are just below the Ethan Allen center on College Street. I agree with a lot of what John said. My biggest concern is for the Y kids. What time will it open, how many congregating when the kids are there, getting picked up.

They go by between 4 and 6 in the evening. They play in that yard every day. I know drug paraphernalia has been found. Sobriety is not a requirement for this shelter. How will this impact the kids? That is my biggest concern.

Jasmine Walker, on the board of CVOEO. Jan has really crossed her "t"s and dotted her "i"s. I have been so impressed with her compassionate collaboration. We have been receiving weekly, almost daily updates on her progress. I am very impressed with her connections with so many people. With a monitored shelter, and a presence in this environment, less of a concern. There will be staff there when the shelter is open. A police presence. Smoking contained.

J Stevens – a question on security. Champlain says they will have their regular patrol. More than one facet to security.

Jasmine Walker – Jan (from CVOEO) can address these items specifically.

J. Demers – All valid concerns. Security – we have engaged two security companies, we plan to have security on site. Not all night long. Opening 6:00 pm until 11:00 pm. Quiet time – 10:00, no activity. People will be there every night. Staffing on premises when the facility is open ; A direction, a volunteer coordinator, and an overnight awake person. Not all at the same time, but different shifts. I have had several conversations with Chief Shirling. We had to have a plan for emergency solutions, for our funding, needed certification of local approval. We received approval from the Mayor's Office, Brian Lowe. Concerns about security as well. Relative to sobriety: Not a wet shelter: people will not use while in the shelter. Their bags will be checked. If they have been using, if their behavior is acceptable, it is a place to sleep. This is for people that have no place to stay. We have been in contact with others places around the state; one in Middlebury, Charter House. A very compassionate program. I spoke to Doug Sinclair, their director. We are trying to gain wisdom from others that have experience. As far as the children coming by, that is a concern. I don't know if changing the hours will make a difference. We plan to open at 6:00; people need to leave at 7:00 a.m.. People will not loiter, as breakfast starts at 6:30 a.m. at the Chittenden Emergency Food Shelf to eat. We will not be offering food.

A. J. LaRosa – staff?

J. Demers – Staff beginning at 5:30 pm.

A. J. LaRosa – and all night long?
J. Demers – yes, all night long. First shift 5:30 – 1:30. The next one 1:30 to 7:30. The director will be there for the first shift. The volunteer coordinator for 2nd shift. Teamed with training volunteers.
No other comments.
J Stevens – closes public hearing 6:02 pm.

A Hart rejoins board.

V. Certificate of Appropriateness

1. 15-0468CA: 166 EAST AVE (RL, Ward 1) Germain Mopa

Construct new 3-story addition to existing duplex with associated parking changes.

(Project Manager: Mary O'Neil)

Germain Mopa present.

A Hart – have you had a chance to read the staff comments?

G. Mopa – I have. I have met with Mary to discuss.

G Mopa discusses landscaping plan, parking creep, lighting. Revised plans submitted this morning (in communications packet.)

M O'Neil – refers board to communications packet.

B Rabinowitz – no specific fixtures noted. Can you get back to us with that?

G. Mopa – yes.

A Hart – anything else to add?

G Mopa - you can ask me questions~

A Hart – size of home, existing home on state register. One of the questions is the scale of the addition relative to the existing home. Can you answer that?

G. Mopa – the property is big enough. To the left of us, we have a house that is higher than us. On the other side, we have a lot of housing (co-housing.) In the neighborhood, we don't believe it will be out-of-place.

A Hart - no changes to your original plan?

M O'Neil – minor changes. DAB asked to have eave line broken between existing and new. Ridgeline lower.

A Hart asks about the number of bedrooms.

G Mopa – Three and two.

A Hart – owner occupied?

G. Mopa – yes.

B. Rabinowitz – Questions setbacks.

M O'Neil – we just identified a survey this morning. Mr. Mopa has not been able to locate property pins however we believe we have identified three property pins. He is likely to be able to correct the north setback, recoup the needed 2' for the south setback.

B. Rabinowitz – just move the house over on the plan?

M O'Neil – a corrected site plan.

G.. Mopa – Hard to find housing in Burlington. We like our house.

B. Rabinowitz – you will want to look at the third bedroom, third floor. With the slopes of the roof, you may be banging your head going up the stairs.

A Hart – asks staff about parking, creep, is this still a problem.

M O'Neil – solved by the co-housing development to the south.

B. Rabinowitz – If you want to see a Kentucky Coffee Tree, better look now! [laughter]

A Hart invites comment.

Clara Bond, live at co-housing. Asks staff about required setbacks.

M O'Neil – explains survey identified, three pins illustrated, can accurately define property boundaries using that information. Mr. Mopa is likely to be able to meet the south setback.

Clara Bond – anything to mitigate the mass, and the setback?

A Hart – we haven't made a decision. Staff has provided comments. We will look at all the evidence. Staff is purely advisory.

Clara Bond – My main concern is setback, and curbing to delineate driveway and parking. I have an issue with lights; we don't have the information on it. Potentially could be a lovely little backyard. I am concerned about lights shining into our unit. And do you require anything as to where the placement of recycling and trash would be.

M O'Neil – provides plan to neighbor. City Councilor from Ward I Sharon Bushor present and interested in plan.

Clara Bond – run-off absorbed right on the property? I lived on Bilodeau Court before. I used to walk across. Used to be water run-off. During the construction here, I want to be sure that nothing alters the conditions of the site.

M O'Neil – EPSC plan approved by the City Stormwater engineer. Will require compliance, and will be inspected.

A Hart – nothing we approve can adversely affect neighboring properties, re-direct stormwater on neighboring properties. Can I ask you about your concern about the massing?

Clara Bond – It seems to have been a concern of staff. I wanted to ask.

Sharon Bushor, City Council Ward 1. I live on East Avenue. The property and this house have a long history. When Mrs. Turner died and left the property to her heirs, I worked really hard with her heirs to secure Centennial Woods, provide for the new neighborhood. I am very familiar with this home. My goal as a City Councilor has been to find a way to accommodate what has been proposed, and what doesn't work. I take houses on the historic registry very seriously. I looked at the standards of the ordinance. [quotes standards.] I give this project an "F" in that regard. It doesn't work. I understand that the property slopes. If this was in Ward 6, I don't know. It depends on the location, what scrutiny it gets. I ask you to understand the integrity...the old garage doors, the small scale. How can the property owner build a house that he and his family can live in. I know there are choices that can be made. Maybe you want to preserve that duplex. But what are the options, what can happen here that meets the historic nature of this farmhouse that is really quite charming. Take an opportunity to understand that very little has been done to alter the original structure. I think this is very important. To me, the historic building site is an issue. I have never met the owner, and he has been very clear about what he wants to do with it. Wonderful that someone wants to commit his family to Ward 1. But if he chooses to leave, we have something that looks like a mini-dorm attached to a house. We live next to UVM. We will have that challenge, with something that will erode the very nature of our neighborhood. It is amazing that how when one house goes, it alters the entire neighborhood. I am disappointed. I did as much homework as I could. I have not had a chance to review the information submitted today. It was an incomplete application, as I have not seen landscaping, lighting, and other plans that come before you with a precarious situation. We are not current on what we comment on. I care about landscaping, lighting, how it spills over in the back yard, how parking barriers will serve the property owner well if he is renting out the duplex.

M O'Neil provides communication packet to Sharon Bushor.

S Bushor – Asks about stormwater plan. I looked at Bilodeau, run-off. When DPW looks at the immediate property, I hope they look at the surrounding property and basin. I want to make sure that plan takes into consideration the property behind on Bilodeau. I have seen unintended impacts after a new parking lot on East Avenue. Concern about shadow effects. The house next to it is pretty much in keeping with the original home, so I anticipate little impact on the actual residents. Mentions side yard, encroachment issue. I don't understand about the large tree in the front yard? Will it be removed?

A Hart – No, Kentucky coffee Tree in the rear yard.

S. Bushor – that's good. Not a lot of trees on that street. I went to co-housing and asked if anyone had concerns. Some did, but could not attend. There is a fear if this property gets sold, what will happen.

Clara Bond submits a communication from Barbara Nolfi – submitting it now for board review. Sharon Bushor asks Board: In a nutshell, would you like me to read it?

A Hart – if brief. Leave it with Mary.

Sharon Bushor reads communication from Barbara Nolfi. "The current parking lot goes onto our property. We know the property is a duplex, and the property owner intends to remain. If the property gets sold, a concern.....landscaping plan important...lighting questions...would like to see the lighting plans. Where is recycling and refuse area?" To conclude, there is a lot of re-visiting the same issues over and over again. I disagree with the finding that from the street you cannot see the massing of the new addition. I disagree. It does impact and overshadow and overwhelm the original structure.

G. Mopa – speaks briefly about massing. We live in a great neighborhood. We want to stay. We are within the guidelines of the ordinance.

A Hart – why did you choose vinyl? Existing house is clapboard.

G. Mopa – make sure the addition is different than the existing. We looked at clapboard. We are trying to keep costs down. The way to achieve that financially, turn into duplex and keep costs down. Open to any suggestions that would be more durable and less expensive.

A Hart – You won't find anything in the short term that is less expensive than vinyl; but over the long term, there will be maintenance and durability issues. As a second issue, as an addition to a historic home, compatibility.

B. Rabinowitz – will become brittle and break. Other materials may turn out to be better for you.

M. Aloisi – to be clear – the basement, lower level, stone cladding. Above that is vinyl. I don't think they make a vinyl stone. I would be curious to know what the base is. You have alleviated the issue of kids banging it up.

A Hart – it looks like stone. Do you know what the material is? Can you look into and get the information to Mary?

G. Mopa – yes.

No other questions. Closes public hearing 6:43. pm.

Deliberative set for Monday, January 12, 2015 at 5:00 pm.

VI. Other business

Discussion about DRB Summit.

M Long – interested in meeting with our own Planning Commission that other DRBs. Rather weeknight that weekend.

A Zipparo – weekends work.

A Aloisi – I agree with Ali.

A. J. LaRosa – limited value with other DRBs. Better to meet with Design Advisory Board and our Planning Commission. That would be a priority item.

A Hart – Ken suggested four such meetings over a year.

J Stevens – The Milton DRB is proposing this. We do have a full plate. If they had mentioned something they are concerned about...

A Hart – they did propose an agenda. A lot of them are what any DRB in any city might consider.

Ken Lerner – maybe a representative, or a couple or representatives could attend?

A Hart – Maybe that's right. Divide and conquer.

J Stevens – Are they looking for the whole board to attend?

Ken – you are all invited.

A Hart – no other business.

VII. Adjournment 6:47 pm.

A. Hart - Chair, Development Review Board

Date

Mary O'Neil, AICP, Senior Planner

Date