

Burlington Development Review Board

149 Church Street, City Hall
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Missa Aloisi

Israel Smith

A. J. LaRosa

Alexandra Zipparo (Alt.)

Jim Drummond (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, May 5, 5:00 p.m.

Conference Room 12, City Hall, 149 Church Street, Burlington, VT

Minutes

Board Members Present: Jonathan Stevens, Brad Rabinowitz, Alexander La Rosa, Jim Drummond, Ali Zipparo, Israel Smith, Missa Aloisi

Board Members Absent: Austin Hart

Staff Members Present: Scott Gustin, Ken Lerner, Anita Wade

I. **Agenda**

No changes to Agenda

Jonathan chairs the meeting which begins at 5:08pm.

II. **Communications**

Supplemental Communications;

18-20 Weston, Time line memo from Bill Ward and photo packets;

III. **Minutes**

To be taken up at deliberation hearing.

IV. **Public Hearing**

1. **15-0809CA/MA; 316 Flynn Ave (NMU, Ward 5) G and C Properties LLC**

Remove existing deli building and replace with new mixed use (deli, office, 9 residential units) building and associated site improvements. (Project Manager: Scott Gustin)

Swearing in of applicants at 5:10pm.

M.Alvanos and Christine Alvanos

M. Alvanos, new development on corner of Pine and Flynn; 9 new residential units, new deli and new office space; DAB and Conservation Brd suggestions mentioned; DAB brought up discussion of bike parking issues;

S.Gustin; mentioned the spec's for bike hanger noting nothing on outside for bike parking

M.Alvanos explanation of outside bike parking; half covered, 7 for 9 units;

JStevens; bike racks for deli?

M Alvanos, some racks, not opposed to other suggestions for rack locations; mentioned mechanical equipment and potential screening; sited in middle of building; maybe concerns about southern exposure and view; open to suggestions from Board;

BRabinowitz; questions

MAlanos, elevator core sticks out?

JStevens has applicant read ordinance about screening and elevation

MAlvanos, yes; mentioned traffic and trip ends; okay on traffic;

SGustin, revised estimates, 8 trips, L.Wheelock says not a concern

AJLaRosa, peak am is concern with school drop-off and pickup; questions if building closer to Flynn and Pine and if blocking views for people wanting to turn; landscaping plan in question; are hedge and views of intersection clear

MAlvanos no impact on those areas,

MAlloisi, site line of intersection questions and the flow of traffic concerns

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MAlvanos, mentioned that entrances on Glen Ave, trying to bring entrances back to Pine St; Affordable housing question and committed to doing this; outdoor lighting providing sketch plan; 20' off ground
BRabinowitz, this seems high
MAlvanos, shading requirement for parking lot unclear when bldg. is southwest corner; may need waiver
SGustin planting new shade trees; shading calculated with the bldg. may have the 30% that's necessary
BRabinowitz, landscape plan shows some new and some existing?
MAlvanos, explains plan planted 3 or 4 yrs. ago; not in site lines
BRabinowitz door into parking lot concerns and deli; need a roof overhang or show some feature to identify egress
MAloisi, speed bump placement possible and concerned with sort of a blind spot
MAlvanos, agrees to speed bump and maybe change of pavement;
JStevens questions about inclusionary housing
MAlvanos making sure it is in writing; 1 unit will be affordable on site
MLong, questions about exterior parking
MAlvanos, 5 to 6 bikes for rack
SGustin need to know what type of rack
MAlvanos; DAB wanted coverable space for bikes
ISmith, can there be interior bike parking?
MAlvanos, agrees with everything Board says
BRabinowitz, asks about color rendering?
MAlvanos, yes, red color, contemporary,
BRabinowitz, reddish/black brick?
JStevens; members of public comment? No
MAloisi, likes the change to brick
AZipparo, mix of bedrooms?
MAlvanos, 2nd floor has 4 one bedroom; 2 2 bedrooms 3rd floor; families or young couples
MAloisi inclusionary one or two bedroom?
MAlvanos not sure
AZipparo restaurant and hours
MAlvanos, 6 – 8pm
ALaRosa, questions storm water management
MAlvanos, storm water management plan sent to DPW; treatment on site with section of area
SGustin, says swale area
Public Hearing is closed at 5:40pm

2. 15-0830AP; 18-20 Weston St (RL, Ward 1) Charles Burns

Appeal of zoning violation #279187. Continued hearing from April 7, 2015. (Project Manager: Jeanne Francis/Ken Lerner)
Michael Long recused during this proceeding.
JStevens swears in C.Burns and B.Heir a 5:41 pm

KLerner, distributes supplemental communications.

JStevens, asks for summation

SRiley; chair of Board in Williston owned bldg. 1996 to 2002; parking all around lot; residential 2; garage built 100 yrs. ago not serviceable for cars; sold to Chuck in 2002;

BHeir, said green space reduced and questions Scott if green space was reduced

SRiley, no it was not

JStevens questions?

KLerner, no or if Code Enforcement?

JFrancis, findings of the 1st complaint 2004 stated she lived there forever and parking had increased
B.Heir, witness should be here to comment
JFrancis, said everything at last meeting; spoke to Chuck on site and about plan of 2005 was he had agreed to
B.Heir, nothing happened to it
JStevens will make decision to significance of plan
JFrancis, characterized as a plan
B.Heir, discounts the agreement
BRabinowitz questions about if plan was followed through
CBurns; never went through; didn't make sense; has drawing that makes more sense and shares it with board
KLerner; aerial photo legitimizes site;
KLong lived Henry St since 1982; questions # of residents and parking and SRiley statements
SRiley, answered no photos
BRabinowitz, questions about garages
SRiley, presently construction materials storage, too small a space for a car
KLong, questioned who parks in garage
SRiley, garage all different sizes and only one resident
JRosenstrick, lived there when SRiley owned house; problem house; meeting of Henry St and joining Association; receiving letters from Judy Rosenstrick
SRiley does not recall receiving letters
JRosenstick, there were complaints about Riley's ownership and noise
JStevens, this is not relevant
SBuser, City Councilperson, Ward 1, questions SRiley
KimSturvant, question for SRiley; how often at property?
SRiley, once a week, 1992 lived there, 2002 did not live there, 2000 lived in Williston;
JStevens; clarify last answer; there was a daily inspection of property in Burlington?
SRiley, 1993 to 2011 office in Burlington Alpine Shop; managing properties weekly basis
SBuser, opportunity to ask more questions; issues to address are parking,
BHeir asks for SRiley to be excused
MLong, asks to address SRiley
JStevens everyone speak to him; other witnesses may have other things to say; no more back and forth;
SRiley; stated that he owned bldg. from 1996 to 2002;
BRabinowitz, where are trash receptacles on plan?
CBurns, under porch
BHeir, reluctant to rehash everything
MLong, read letter from Mark Mahoney; parking on north side always in 1980's; not parking all over lot; parking since has been expanded;
SBuser, long time lived on Weston St, concerned about the number of activities identified by code enforcement and that it is not fault of City that it is not implemented and a recommendation to remedy a problem.
JStevens, Should Board do a formal site visit to see garage?
M.Aloisi, questions sizes of bays
BRabinowitz, the size of the bays seems difficult cars
JFrancis, state that code enforcement does not support the plan and does not correspond to aerial photos;
JStevens, not clear about the statement 'not support'
JFrancis, the number of parking spaces does not support what is shown on aerial;
further discussion about the bays being used for parking
ABond, lived since 2009, no problem with residents; problem with how parking is allowed on neighboring property; taking advantage of code enforcement
ISmith, 2005 plan and how it came about
BRabinowitz yes, went over this at last hearing

C.Long, offered additional information to share; in 2005 curb cut pulled out of 18/20 Weston; DPW inspected; allowed landlord to widen apron and driveway at same time drawing came up; found out no permit to do driveway; green space taken away at that time; indications that a business being run out of garage; abutting neighbor not notified of expanded parking; only parking allowed in garage...

B.Heir, City cannot establish when green space was removed/occurred; photos not disguisable; same for garages about use changing; horse and buggy garages unsuitable for cars; two bays used for storage materials; not a shop; materials come in and go out; people from both properties using lots;

ALaRosa, people who live at 18/20 park at garage?

C.Burns, didn't know

BHeir, asks where does City ordinance prohibit people from using a parking lot

BHeir, driveway being paved was replaced not taken away green space and made a smooth driveway

ALaRosa when did paving occur

CBurns, said he cannot remember,

K.Sturtevant, there needs to be clarification on City violation; said property owner has burden to prove statute of limitations and violations, exceptions for uses over 15yrs; separate use of property is not accessory to property

JStevens closed public hearing at 6:27pm

3. **15-0882CA/AP; 92 Home Ave (RL, Ward 5S) Benjamin Traverse**

Appeal of denied permit to expand living space into garage and associated modifications to windows. (Project Manager: Ken Lerner)

JStevens, said the City has burden to prove its case in this matter and City will go first.

Swearing performed at 6:27pm

KLerner, this is an appeal of denial of zoning permit; garage converted to living space; exhibit D; result of second parking space was within City right of way; driveway becomes defacto parking space; cannot claim use of public right away

LLaRosa, how much into public right away

KLerner, a few feet

BRabinowitz, widened driveway?

KLerner, no access to parking?

M. O'Neil, first space has to have access to garage

KLerner, approved expansion of house, but owner put pantry into garage; approved addition in rear only; potential to use north side of property and expand living space
Explanation of floor plans showing pantry;

BRabinowitz, lot coverage?

KLerner, up to 27% could have up to 45% coverage

BTraverse, 92 Home Ave owners since 1994; wants to add a new bedroom; alternatives more expensive to add bedroom; not accurate assessment; site plan with parking is aspirational with two cars in driveway and use walkway as walkway; concrete slab has been used as parking space; space described by P & Z has never been used as parking space; argument should be practical and don't think P & Z should rule at all; cannot find single person who has used it as a garage; 2003 approved walk-in pantry and considered liveable space by assessor's office; does not affect parking and will still park two cars outside; submit copies of emails to Board

Explanation of emails and previous owners; Photos from 1999 shows location of cars parked; 2003 proposal was included in zoning application; only approved was expansion of house; only stamped approval was the blueprint; CO was signed off and in compliance with code; it was livable space and relevant to discussion; learned back in 2000 work done on street City expanded curb cut to access concrete slab and make second cut; evidence that City approved parking spaces; spaces grandfathered in over 15yrs; referenced to 140 Wells St and similar circumstance; owners were able to prove

statute of limitations for reasons of pre-existing; no evidence in code or elsewhere on how grandfathered in; garage was too small; not able to access and converted to livable space; Environmental Ct did not say something cannot be condoned; can demonstrate that driveway has been used as two car driveway; driveway closer to 20' length, suggestion by Zoning to widen driveway and concerns about not being access driveway. Term access driveway is not clear in Codes. 1991 VT Supreme CT drive by which one accesses a piece of property; Definition of Access Driveway by Board?; exception to driveway is simply 18' and not to an access point; mentioned location of driveway near busy intersection; busy bus stop; lawn used as signage; parking situation precludes from improving home

ALaRosa, Is pantry taxed as livable space?

BTraverse, accessed since 2003 as livable space

ISmith, basic application, description matches well

KLerner, basic permit, only looked at addition, does not look at floor plan; CO refers to addition only; site plan from 2001 shows two site plans to walkway to driveway not supported in original plan 14 yrs. ago; Wells St is not in right away;

BRabinowitz, question about small lots and driveways; tiny house and tiny lot; how does zoning address this

KLerner, no alternative, in Burlington has determined access of a lot

BRabinowitz, is it preferred approach to allow two driveways

ALaRosa, discussion about alternatives

KLerner giving options; required to have two space; survey might help;

ALaRosa, 18' not right away chance decision

KLerner still in right away

BRabinowitz trouble with placement

MAloisi addition is the whole thing

JStevens discussion for deliberation

BTraverse: reads term addition differently; disagrees about Well St does not involve right away; Spruce St spots not in driveway; front yard parking ban is single access driveway; see same factual issues as Well St; if Board disagrees with arguments request a variance;

JStevens, one alternative would be to remove the pantry?

BTraverse; not enforceable to take down the pantry

KLerner, basic permits are very basic, pantry was beyond basic permit; if claim not extending right away suggest a survey

Wells St was grandfathered and not a right away;

JStevens reminds Board this is appropriate for deliberation hearing;

Public Hearing closed at 7:15pm

4. 15-0849DT/AP; 383 College St. (RH, Ward 8E) Astra Burlington LLC

Appeal of determination of the existence of fourteen residential rental units. (Project Manager: Ken Lerner)

Swearing in performed at 7:16pm.

KLerner, permit in 1975 for 12 permits; 1980's changed. Application for 16 apts but did not follow up. Last permit is 12 permits; Owner indicated 14 permits; 15 yr. statute does not apply to use;

Atty; Mr Chase purchase bldg. in 1995; 5 offices; three stories; 6 units on 2nd and 3rd floor; March in 1975 applied for 12 permits; half floor not accounted for in 1975; issues with documents in City not available; questions on former applications for permits; paying for 14 units and min housing; Assessors cards shows 15 units and not certain what this is; 1994 shows 13 units and 2 offices; discrepancies shown in Assessors office; inconsistencies in City records; taxes paid on uses; City has burden to show with records not accurate

BRabinowitz, how did discrepancies come up

Atty, wasn't based on violation,

Discussion of Assessors; record and question about showing Board photographs;
KLerner, made effort to try to verify 14 unit permit; based on research could not say otherwise

Atty.; quotes code; possible former applicant failed to comply with permit
Buyer of property looking for affirmation from City that won't enforce 1975 permit;
Drew Chase; Bldg. always keep the same; want to sell due to health issues; converted dorm room to apartments; apartments are very small; talking about 2nd floor; not the first.
Assume help lived on first floor; tenants now are college professors and doctors; first floor 5 small offices and 2 residences
KLerner, was a fraternity, assume staff house separate from other units;
JStevens, any more questions
Closed Public Hearing 7:33pm

V. Certificate of Appropriateness

1. 15-0704CA; 61 Summit St (I, Ward 6S) University of Vermont

Exterior renovation of Alumni House with construction of a new pavilion. Includes connector to original building and miscellaneous improvements to surrounding grounds. (Project Manager: Mary O'Neil)

JStevens, questions if applicant has reviewed Board recommendations and conditions of approval; asks applicant to go through the list.

Swearing in at 7:37pm

LRavin, introduces UVM project managers; UVM has reviewed conditions and agrees with them; #6 received request from neighbor for vegetative structure

JSteven, questions most proximate neighbor

LRavin, yes

M. O'Neil, have received 4/29/15

LRavin, submits plan to Board

JStevens asks about elevation

Discussion on screening

JStevens, give brief description of project

LRavin, new pavilion description,

ARyea, office located in project, survey, bldg. with main and larger event space for students;

LRavin, working with neighbors,

JDale speaks to building description

BRabinowitz, beautiful bldg., looking at west side back end of bldg. is back end of alley; disappointing and connector

Abutting neighbor, cannot see sight plan, no contour lines

JStevens, is there a site plan?

JDale, yes

LRavin will set up projector; have submitted topo plans

Abutting neighbor, not large enough

Set up of projector

JDale, 1890 residence, description, street locations, 61 Summit central house and garden and residential area; limit impact on western side with neighbors; speaking to elevations on each side; modern survey of lot shown;

BRabinowitz grade changes question

JDale ground slopes; proposal to use existing curb cuts; turnaround off Summit; connected pavilion toward grass mount; 61 Summit is severe grade and added connector; allowed for ramps; fire stair in NW corner;

LRavin, 6' grade change

Abutting neighbor, questions contours,

BRickowski, runoff from sight, storm water slowing down, giving it opportunity to hold onto ground; filters w/in 48 hrs., mixture of planting area,
JDale, slow water down into western households; drop offs displayed; terrace from east and north; flat area used for tents; 61 Summit has copper and slate roof; granite base with brick; connector is recessive;
BRabinowitz exterior materials question
JDale, Brick material?
LaRosa, Natural shingles? Wood?
JDale, 3 sets of stairs and landscaping;
JStevens, corrugated metal roof?
JDale, yes;
Mechanical system hot air heat pump piped into bldg. and not shown in elevation
Discussion of each elevation from all sides.
BRabinowitz, disappointed by the mass seen from other sides;
JDale, tried to shield the mass
CLong, comment of massing and plainness; neighbors about light trespass and noise; trying to soften with perennials; description of plantings; neighbors asked for screening with evergreens and Siberian elms for temporary fill in; new fence to limit foot traffic between Main and Maple
KLerner, concern about circular driveway and sightline; concerns that pedestrians been seen
JDale, adding service drive; screen trash area; connector will have plantings;
LRavin, DAB suggestions on turnaround
Neighbor, trees are all down; imagine showing trees slated to be taken down;
C.Long, pointing out American Elm
JDale, trees are not healthy and taken down; more trees and plantings;
Concept of interior views and street views;
LRavini can address the work with neighbors and letters
Lisa Kingsbury, planning relations manager; working with neighbors number of changes to make it more successful; eliminated service rd.; parking; boundary fence; storm water treatment; added fence to deter walk areas; neighbors on north end put in plantings; conditions agreed to in writing and want to continue work with neighbors; outside events done by 10pm; shuttle buses parking in approximate lots and not further than Maple St; Sat work let know in advance
KLerner, questions route for shuttle buses
LSeavey, explained the route, ultimately use Main St
JStevens presentation complete, asking questions
MGaty, Bio retention area explanation? 11' grade chance Harrington Terrace; dumpster location enclosure; lighting fixtures, cutoff, don't cutoff enough and shines into windows;
JStevens, questions statute and scope
MONEil, lighting is included
Brad/UVM Bio retention area is small storage area of water; concerns, created shallow ditch less than 1' and 3' wide; routes water to retention area disperse; water has opportunity to get into ground in 48hrs; mixture of plantings; rain garden and bio retention same
MLong question if it solves runoff
Brad/UVM captures 1 yr. storm
JDale has storm water runoff
JStevens questions on other items
Mary G; questions lines,
Brad/UVM shrub line
LRavini packet includes photo metric plan;
M. O'Neil never be able to read it; must take staff comments it complies
BRabinowitz questions lighting and standards UVM concerns yellow light
Discussions of elevation;
BRabinowitz overall count it up is 11' grade

Graty, shows the 11' grade
M. O'Neil, contours go from 344 to 357
Board agrees it is 11'
LRavin, cannot comment on 11' grade change; have received request for vegetative screening;
MAloisi questions dumpster location
C.Long, no looked at a nice pad and dense planting and no enclosure
JDale neighbor didn't want chain link
Discussion further about dumpster location
JDale make sure it is not relocate with trucks
Laura G. UVM put a lot of effort into project; Harrington Terrace location; Champlain College construction on Sat; building is 6,000'; green space is compromised;
Intersection of two institutions; realistic expectations of traffic between Champlain and UVM; Saturday construction starts not at 7am but 9am; 2am UVM students walking up street and parties all summer concerns; being hemmed in a significant way.
Public Hearing closed at 8:44pm.

VI. Other Business
VII. Adjournment

Applications and Plans may be viewed in the Planning and Zoning office, (City Hall, First Floor, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m.

All staff comments, plans and supporting documents will be available on the Planning and Zoning website at: www.burlingtonvt.gov/pz/drbb/agendas approximately one week before the hearing.

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 and Development Review Board is considered public and cannot be kept confidential.

This agenda is distributed to: adjacent property owners of projects before the Development Review Board, Neighborhood Planning Assemblies, City Councilors, City Departments and interested parties. You may direct written comments to the Planning and Zoning Department, at the above address. Inquiries may be made by calling 865-7188. Oral comments may be given at the meeting by any persons on any project listed on the Agenda.