

Burlington Development Review Board

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Burlington Development Review Board

Findings of Fact

Deliberative Hearing Tuesday, June 2, 2020

In RE: 20-0687CA/CU; 15 Rockland Street (Ward 7N, RL) (Tax Lot No. 029-3-053-000)

Owner/Applicant: James Daigle / Hinge, Inc. (Missa Aloisi)

Request: The applicant seeks approval to construct a new duplex on a vacant lot, with associated site improvements.

Members Present:

Brad Rabinowitz
AJ LaRosa
Brooks McArthur
Springer Harris
Ravi Venkataraman
Kienan Christianson

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. FINDINGS

Background Information:

The applicant proposes to construct a new duplex on a vacant 16,248 sf lot. Each unit will have parking beneath the structure, and their own individual driveway off Rockland Street.

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

Section 3.3.8 Time and Place of Payment

(a) New Buildings

Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof.

Impact fees shall apply. The fees will be based on the net new square footage of the building.

Affirmative finding as conditioned.

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

- 1. Existing or planned public utilities, facilities, or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The proposal will have minimal impact on public utilities, facilities and services. A letter of confirmation from DPW will be required to assure adequate sewer capacity. Additionally, a state wastewater permit will be required. **Affirmative finding as conditioned.**

- 2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the Municipal Development Plan;*

The property is within an established residential neighborhood and a residential zoning district. The Residential Low Density (RL) zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This particular stretch of Rockland St contains four single family structures and two duplex structures. The proposed use conforms with the purpose of the RL zone. **Affirmative finding.**

- 3. The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

No greater impacts are anticipated than other residential uses in the area. **Affirmative finding.**

- 4. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;*

This parcel is located along Rockland Street, a residential street. This section of Rockland Street eventually turns to the west and becomes Temple Street – an approx. 215 ft long street that dead ends. Each unit will have its own driveway providing access off Rockland Street. Each unit's two-car garages individual driveways will provided adequate onsite parking. There are no transit stops in this neighborhood. The nearest stops are along North Avenue, approximately 4,000 ft away via sidewalks. A sidewalk exists on the opposite side of Rockland Street. **Affirmative finding.**

- 5. The utilization of renewable energy resources;*

Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**

and;

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*

The applicant will be required to secure a state wastewater permit, and associated building and trades permits for construction of the new structure. **Affirmative finding as conditioned.**

(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*

The plans indicate new landscaping to surround the new construction. Landscaping includes a mix of trees and shrubs. Landscaping will also provide a stabilization function on the slope at the rear of the property. **Affirmative finding.**

2. *Time limits for construction.*

The standard 3 year time limit will apply to this permit. The applicant will have one year to at least start the project, and an additional two years to bring to the project to a conclusion. **Affirmative finding.**

3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*

Construction hours are not specified. Typical construction hours in residential areas are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No work on Sunday. **Affirmative finding as conditioned.**

4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*

Should the applicant wish to alter the structure or use, such alteration will require review and permitting under regulations in effect at that time. **Affirmative finding as conditioned.**
and

5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

None identified. It is the applicant's obligation to secure any additional permits (from state or federal offices) as required. **Affirmative finding.**

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

1. The Residential Low Density (RL) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. The district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhood's development history.

Duplexes are conditional uses within the RL district. **Affirmative finding.**

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.5-1 Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W.

Duplex and above, RL Minimum 60' frontage, RL Minimum 10,000 sq ft lot size.

Not applicable. The property is located within the RL Larger Lot Overlay District. See Sec. 4.5.5 below.

Table 4.4.5-2 Base Residential Density

Not applicable. The property is located within the RL Larger Lot Overlay District. See Sec. 4.5.5 below.

Table 4.4.5-3 Residential District Dimensional Standards

Zoning District	Max. Lot Coverage	Setbacks				Max. Height
		Front	Side	Rear	Waterfront	
RL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet
15 Rockland Street	32.66%	<i>Ave. front yard setback: 18'</i> <i>Proposed Setback: 20'</i>	<i>Lot width: 155' – min. setback req'd – 15'</i> <i>Proposed setbacks: 44' (North) & 55' (south)</i>	<i>Lot depth: 111' – min. setback req'd: 27' 5 ½"</i> <i>Proposed setback:</i>	<i>N/A</i>	32'

Zoning District	Max. Lot Coverage	Setbacks				Max. Height
		Front	Side	Rear	Waterfront	
				27' 5 1/2"		

The proposed building complies with the maximum lot coverage and height requirements, as well as the minimum setback requirements. **Affirmative finding.**

(c) Permitted and Conditional Uses

A duplex is a conditional use in the RL zone. **Affirmative finding.**

(d) District Specific Regulations

1. Setbacks

A. Encroachment for residential driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

Not applicable.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

A. Additional Unit to multi-family

Not applicable.

B. Additions to Existing Residential Structures

Not applicable.

C. Residential Occupancy Limits

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.

Not applicable.

6. Uses

A. Exception for Existing Neighborhood Commercial Uses

Not applicable.

7. Residential Development Bonuses

Not applicable.

Section 4.5.5 RL Larger Lot Overlay District

*The RL Larger Lot Overlay District is intended to maintain the existing residential development pattern of larger residential lots reflective of the respective neighborhoods' development history. The property is within this overlay district and is subject to the requirements herein. **Affirmative finding.***

Table 4.5.5-1 Residential Density, Minimum Lot Size and Frontage: RL Larger Lot Overlay

	Minimum Lot Frontage¹ <i>(In linear feet)</i>	Minimum Lot Size <i>(In square feet)</i>	Maximum dwelling units per acre² <i>(without bonuses or any Inclusionary Zoning allowances)</i>
Single detached dwelling	75 feet	9,900 sqft	4.4 units/acre
Duplex and above	100 feet	15,840 sqft	5.5 units/acre
<i>15 Rockland St</i>	<i>155'</i>	<i>16,248 sqft</i>	<i>5.36 units/acre</i>

The lot and proposed duplex is compliant with the minimum requirements laid out above.
Affirmative finding.

Article 5: Citywide General Regulations

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

Nothing within the application suggests non-compliance with applicable nuisance regulations and performance standards per the requirement of the Burlington Code of Ordinances.

Affirmative finding.

Section 5.5.2 Outdoor Lighting

Lighting fixture spec sheets have been provided, and the elevation drawings show the location of the proposed fixtures. The fixtures comply with the lighting standards of this section.

Affirmative finding.

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control Plan was submitted to the Stormwater Program Manager. Prior to the start of construction, the plan must be approved. **Affirmative finding as conditioned.**

Section 5.5.4 Tree Removal

Based on aerial photographs, it appears that there could be a few trees removed due their proximity to the proposed development footprint. However, the plans do indicate that new landscaping will be installed. Landscaping consists of maple trees and various shrubs. The plans show a high concentration of shrubs on the slope behind the proposed structure to aid in slope stabilization. **Affirmative finding.**

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The subject property contains no important natural features as identified in the Open Space Protection Plan. **Affirmative finding.**

(b) Topographical alterations

The property slopes downhill considerably moving west to east – from approx. 162 ft in elevation to 110 ft in elevation. Topographical alterations will be made to accommodate the footprint of the structure and the driveways. The project will include a retaining wall to provide slope and structure stability. **Affirmative finding.**

(c) Protection of important public views

The subject property is not affected by any identified public view corridor. **Affirmative finding.**

(d) Protection of important cultural resources

The property contains no archaeologically significant site points, nor is it located within an archaeologically sensitive area. The property is of no known historical significance. **Affirmative finding.**

(e) Supporting the use of alternative energy

There is no indication that the proposed home will utilize alternative energy. Solar energy utilization is encouraged. In any event, the home will not adversely impact the actual or potential use of alternative energies by neighboring properties. **Affirmative finding.**

(f) Brownfield sites

The subject property is not an identified brownfield. **Affirmative finding.**

(g) Provide for nature's events

As total lot coverage will exceed 2,500 sf, a residential stormwater plan has been provided. As noted above, the city's stormwater program manager is reviewing the proposed stormwater management.

The front and rear entries into the duplex are sheltered, and ample room is available onsite for seasonal snow storage. **Affirmative finding.**

(h) Building location and orientation

The proposed duplex is appropriately oriented towards the street. The building will be situated on the lot similar to other homes in the neighborhood. Ample lawn and open space will surround the home. **Affirmative finding.**

(i) Vehicular access

The proposal involves two separate driveways off of Rockland Street, both providing access to each individual unit. The bottom level of each unit will contain a two car garage, and each driveway will be of sufficient size to accommodate additional parking, should the need arise. **Affirmative finding.**

(j) Pedestrian access

This criterion requires that a walkway connect the duplex to the public sidewalk. While there is no sidewalk on this side of Rockland Street, the plans indicate walkways connecting each unit to the street. **Affirmative finding.**

(k) Accessibility for the handicapped

No handicap accessibility is evident or required with this proposal. **Affirmative finding.**

(l) Parking and circulation

First level garages for each unit will provide 4 parking spaces (the minimum requirement for a duplex). Additional driveway space can accommodate additional parking should the need arise. Circulation is simple with individual access provided to each unit. **Affirmative finding.**

(m) Landscaping and fences

The plans indicate a variety of landscaping proposed. Maple trees and weeping Alaskan cedars will be planted along the front of the property, as well as a few shrubs. To the side and rear of the duplex, several shrubs will be installed to aid in aesthetics and slope stability. **Affirmative finding.**

(n) Public plazas and open space

Not applicable. No public plaza or open space is included or required in this proposal.

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

The development will be required to utilize underground utilities. The surrounding neighborhood already utilizes underground utilities. Should utility units locate in the front yard,

or visible side yard, they will need to be screened from view from the public street. Trash and recycling totes are expected to be contained inside each garage, and brought curbside for pick up on the appropriate days. **Affirmative finding as conditioned.**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The massing, height, and scale of the proposed duplex is consistent with that of existing homes within this neighborhood. The homes come in a variety of typically suburban forms and styles. Each unit will have covered front porch entries, which will provide for a clear distinction between the first and second floor. Building openings on the front façade will break up any possibility of a blank wall. As viewed from the street, the height will be consistent with the heights of other nearby homes. **Affirmative finding.**

2. Roofs and Rooflines

The duplex will have gable roof lines – running north/south and east/west. Given the topography of the property, each unit will vary in its height, as viewed from the street, but the rooflines will be similar to each other. **Affirmative finding.**

3. Building Openings

The front doors will be protected under each front porch roof. Fenestration is appropriately scaled and placed in consistent rhythm throughout the building. **Affirmative finding.**

(b) Protection of important architectural resources

There are no historically significant structures on, or near, the subject property. **Affirmative finding.**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The front doorways are clearly articulated. There are no large blank walls or expanses of roof. Fenestration and roof variations work successfully to provide an active and inviting street elevation. **Affirmative finding**

(e) Quality of materials

The proposed duplex will be clad in vinyl siding and trim. The windows will be vinyl as well. Asphalt shingles will be installed on the main roof, and metal will cover the roofs of the rear building section and both sets of front and rear porches. The materials proposed are of acceptable quality and durability for new construction such as this. **Affirmative finding**

(f) Reduce energy utilization

The proposed duplex must comply with the current energy efficiency standards of Burlington and the State of Vermont. **Affirmative finding as conditioned**

(g) Make advertising features complimentary to the site

Not applicable. No advertising is included in this proposal.

(h) Integrate infrastructure into the building design

Utilities must be underground. Should there be utility units/boxes placed within view from the street, they shall be screened. **Affirmative finding as conditioned**

(i) Make spaces safe and secure

The proposed building must comply with the city's current egress requirements. Building entries will be illuminated. **Affirmative finding**

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

Duplexes require 2 parking spaces per unit in the Neighborhood Parking District. The plans indicate a 2-car garage beneath the structure for each unit. The overall minimum requirement of 4 onsite spaces will be met. **Affirmative finding.**

II. MINUTES

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. MOTION

Motion: Brooks McArthur

I move that the Board approve the application as proposed, based on the findings in Section I above and subject to the following conditions:

1. **Prior to the release of the zoning permit**, the applicant shall secure a letter of adequate capacity from DPW for water and sewer services.
2. **Prior to the release of the zoning permit**, the site plan shall be revised to include:
 - a. All utility units and adequate screening.
3. **Prior to the start of construction**, the EPSC plan shall be reviewed and approved by the Stormwater Program Manager.
4. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development.

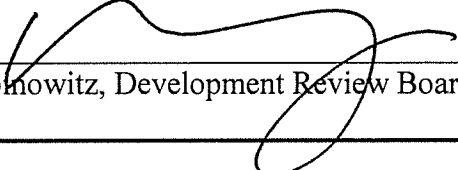
5. Construction shall be limited to the following schedule: Monday – Friday from 7:30 AM – 5:30 PM; Saturday construction may occur for interior work only; and no work on Sunday.
6. Utility lines to the new duplex shall be underground and the utility meters shall be sufficiently screen from view from the public street.
7. The occupancy of both dwelling units is limited to members of a family as defined in Article 13.
8. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
9. Should the structure or use be altered in the future, a new zoning permit will be required, subject to the regulations in effect at that time.
10. The applicant/property owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
11. Standard Permit Conditions 1-15.

Seconded: Springer Harris

Vote: 6-0-0, motion carried

Dated at Burlington, Vermont, this 10th day of June 2020

Respectfully Submitted, ‘



Brad Rabinowitz, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board’s decision.