

Burlington Development Review Board

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Austin Hart
Michael Long
Jonathan Stevens
Brad Rabinowitz
Missa Aloisi
Israel Smith
A. J. LaRosa
Alexandra Zipparo (Alt.)
Jim Drummond (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, November 18, 2014, 5:00 p.m. Contois Auditorium, City Hall, 149 Church Street, Burlington, VT MINUTES

Present: Austin Hart (Chair), Jonathan Stevens, Alexander LaRosa, Michael Long, Brad Rabinowitz, Missa Aloisi, Israel Smith, Alexandra Zipparo.

Staff: Ken Lerner, Mary O'Neil.

Absent: Jim Drummond, alternate.

I. Agenda

No changes as published.

II. Communications

One communication re: 15-0422, 188-190 North Union Street. Accepted into the record.

III. Minutes

No new minutes to act on, or in packets.

IV. Public Hearing

1. 15-0506CU: 37 NORTH PROSPECT STREET UNIT A (RL, Ward 1) Wilbur Shriner

Conditional use review to create one additional residential unit out of portion of existing boarding house. Boarding house, with reduced number of rooms, to remain. (Project Manager: Ken Lerner)

Austin Hart recused from this review. Jonathan chairs item. Applicant sworn in.

Jonathan Stevens - asks Ken if parking lot should be paved.

Ken Lerner – no delineation where parking lot is. Recommends paving.

Mr. Shriner – no mentioned in staff notes. Paving is not recommended due to lack of permeability to rainwater. I have heard people have been denied paving due to rainwater. Anyone else have info on that?

Michael Long – Yes, have heard that. Two thoughts on that.

Mr. Shriner – no problem over the last 30 years. Maybe we could do that if this goes ahead, and monitor it.

Jonathan Stevens – Staff recommends that parking spaces be assigned. I want you to be aware of that, as we will be discussing at deliberation. Invites applicant to discuss project.

Mr. Shriner – unit on first floor a boarding house. Has not worked out for at least 10 years. The boarding house concept is pretty archaic itself, harkens back a century. People come in as individuals, never as a community. I get drug addicts. I end up being a social worker. Never a good feeling there. There is already a sink and counter from its first zoning addition, designed to be a doctor's office. I want to reduce it to a three person apartment; have a kitchen, take out a bedroom. One less car, one less person. The third floor is zoned for four; I have only rented it to three people. Less impact that the zoning permit suggests.

Michael Long – currently there are 2 units in the house and 2 in the smaller place in the back?

Mr. Shriner – the place in the back is a single family home. There is a two bedroom on the 2nd floor, another 2 bedroom on 2nd floor.

Michael – asks for clarification –

Mr. Shriner – Four room boarding house.

Ken Lerner – 8 room boarding house – separated by 2nd floor.

Michael Long – Disconnect here. Where is actually there? Is the whole structure a boarding house?

Ken Lerner – no, top floor and first floor are boarding house. The 2nd floor is residential. There will be only four boarders, owner occupied on top floor.

Brad – how many bedrooms now?

Ken Lerner – Ask Bud (applicant.)

Brad – a lot of beds.

Mr. Shriner – effectively 3 on the third floor. Four on the 2nd floor. 1st floor, four bedrooms. A total of ten people in the house with this permit. Reduce bedroom count by one on first floor.

Michael – how many cars associated with the property and various tenants?

Mr. Shriner – I allow one per person. 10 is what I would like to allow for the front house.

Jonathan to Ken – were you including the single family residence in back with the parking count?

Ken Lerner – yes.

Mr. Shriner – that doesn't jive with my math. Basically, this is a PRD. Exclusive use for the house. In the parking lot, three spaces with dots, there are four spots. The easterly most portion of that house is a two car garage; two spaces in front of that. Two spaces to the east of that. Those spots are not numbered. If you look at the numbering, 10 spots numbered. Just east of #10, there is another spot.

Brad Rabinowitz – Space #6 is north of what you call the condo space.

Mr. Shriner – west ofyes, number 1 is west of that line.

Brad Rabinowitz – so #6 is the only one shown on that separate area.

Mr. Shriner - #1 is there also.

Brad Rabinowitz – what line are you talking about.

Missa Aloisi – There is no north arrow on plan. Can't tell.

Jonathan Stevens – What does the line denote?

Mr. Shriner – each of these buildings is a condo association. Each has exclusive use. I don't know where that line goes.

Brad Rabinowitz – The people that live in the front house don't have permission to park in those spaces for the rear?

Mr. Shriner – I own both buildings, so people park wherever there is an available space. I should probably draw a better map.

Brad Rabinowitz – It is likely that we will be making conditions based upon parking requirements.

Missa Aloisi – Are there 2 parking spaces in the garage?

Mr. Shriner – yes.

Missa Aloisi – So you can count those 2 spaces.

Mr. Shriner – I allow 4 for the rear, 10 for the front.

Missa Aloisi – to Ken Lerner – you are requiring 11. We would need a site plan that shows 14 parking spaces.

Brad Rabinowitz – Can you do that before Monday?

Mr. Shriner – Yep.

Ken Lerner – You are allowed to have more than the requirement. You don't count the interior spaces as part of a maximum parking calculation.

Missa Aloisi – showing tandem.

Alexandra Zipparo – four bedroom on first floor

Mr. Shriner – Want to change to three bedrooms.

Alexandra Zipparo – Four on the 2nd floor, 3 on the third floor?

Mr. Shriner – Yes.

Jonathan Stevens – will need to expand footprint of the parking lot?

Mr. Shriner – No.

Jonathan Stevens – are we up against any coverage issues?

Ken Lerner – approved as a PRD. We have a survey showing us what is there.

Mr. Shriner – Ken, parking space is 9 x 20?

Ken Lerner – Can do 9 x 18, with backup space.

No one from public to participate. Jonathan Stevens closes the public hearing at 5:21 pm.

2. 15-0422FC: 188-190 NORTH UNION STREET (RM, Ward 2) Eric Hathaway

Appeal of administrative permit approval to installation of eight sections of wooden fencing along boundary line. (Project Manager: Ken Lerner)

Austin Hart returns to participate.

Mr. Arnold King is present. A property management representative (Barbara Sweeney) is present.

Austin Hart – Why are you appealing the permit?

Jonathan Stevens to Chair – our procedure is to allow the city to first present their case for issuing the permit.

Austin Hart – as opposed to an enforcement action?

Austin Hart to Ken Lerner – could you give a summary of the application and action taken?

Ken Lerner – It was to install 8 sections....

Austin Hart – swears in all those who may give testimony.

Ken Lerner continues – basic permit. Replacing a wooden fence. Site plan shows where the fence was going. It was an administrative permit. There is no specific reason or intention on why it should not have been approved.

Austin Hart to appellant – “Does not want fencing removed from this property. Chain link belongs to Arnold King, who does not want it removed.”

Mr. King – I am against the stockade fence.

Austin Hart – How come?

Mr. King – It is a junkyard there now. Look around the city. I have some pictures of what this yard looks like. (submits to staff.)

Austin Hart – It does raise the question about why you wouldn't want to block the view of the yard.

[Lady shouts about him paying property taxes; they are only students.]

Austin Hart – the only thing before us is the issuance of the fence permit.

Mr. King – it is on MY property. I don't want it on my property. Have you seen stockade fences here in the city? They are falling over, leaning against trees.

Austin Hart – We cannot permit anybody to do anything on your property. Second issue of chain link fence.

Mr. King – buildings are not 2 foot apart. Cannizarros owned it at one time. Cannizarro needed to work on the buildings. He wanted it brought over to his building to stop traffic. About a foot and a half.

Brad Rabinowitz – Fence moved?

Mr. King – Yes, to work on the building.

Austin Hart – the fence permitted is not to go between the buildings. Only the back of the lot.

Asks board if they have any other questions. None. Invites property owner to respond.

Barbara Sweeney - I own the property management company that manages the property for Eric Hathaway. Everything is in the pictures. The fence will be on our side of the yard, just where the chain link fence is.

Austin Hart – Are you moving the chain link fence?

Barbara Sweeney – absolutely not. In-between the buildings.

Alex Zipparo – how far?

Barbara Sweeney – about 1 ½ foot.

Brad – We have a photograph.

Barbara Sweeney – on our side.

Brad Rabinowitz – This fence is on your property.

Barbara Sweeney – there is an argument that the fence is already on our property. We are not going to go there. Going to move the raised bed gardens, what he is referring to as a junk yard. That and a chicken coop. We really need this fence. They don't get along.

[Shouting. WE GET ALONG. Something about rabbits]

Barbara Sweeney – the tenants have been harassed; yelled and screamed at. They just want to enjoy their gardens and privacy.

Jonathan Stevens – we have a google earth image. Who submitted it?

Barbara Sweeney – that is you guys. Old image.

A. J. LaRosa – structure?

Barbara Sweeney – chicken coop.

Austin Hart – limited review for a fence. Invites Mr. King to reply.

Mr. King - My biggest reason, when they passed out this deal, everyone in the neighborhood got a letter. When it came to making that into a frat house, nobody get a letter. There are probably 14 in there; a trailer in the yard with somebody living in it. I called Code Enforcement. They told me why don't I move. I will move when I go to the grave, and I will be taking somebody with me.

Laura (daughter of owner- lives at the house.) We have pet rabbits, they got into their property and ate some of their vegetables. I got a letter from the state about lung infections from the chickens. Why should my father have to leave his property that he owned for more than 50 years, because of the bunch of college students?

Austin Hart – Why wouldn't the fence solve the problem that you mention, about the rabbits?

Laura – because it looks like shit. I have caught them urinating on my property.

Charging people a cover charge to get in the building to party.

Mr. King – owned that property 55 years. This is the first time I have had a problem here.

Laura – girls having sex on the porch. I have a 16 year old son.

Mr. King – that fence will only allow them to do more of what they want to do.

Austin Hart – closes public hearing.

[Laura curses at property owners as she exits the auditorium.]

V. Sketch Plan

1. 15-0549SP: 316-322 FLYNN AVENUE (NMU, Ward 5) G AND C PROPERTIES LLC

Sketch Plan review to remove existing building and construct new mixed use building for deli, office space and nine residential units. (Project Manager: Scott Gustin)

Michael Alvanos presents.

Picked up the property in 2006. Been running the store for 8 years; very successful.

Ran into a hiccup with zoning. Zoning change for Neighborhood Mixed Use. Allows us to expand the store.

Explains programmatic intent.

The South End is in need of new housing stock. The deli has been there since the 60s. We could commercial /retail as well.

One of the first iterations, the building was bigger. Parking was tight. What you have before you, the parking exists. We are in a shared use parking district. Will provide approximately 24 spaces.

All Stormwater will be captured; discharged appropriately.

Our old building is not energy efficient. That is one of the biggest reasons we are coming in. Need a building to meet the current energy efficiency codes. This building has met its life span.

Discussion of intersection, parking.

That bottle return, especially on weekends, generated a lot of traffic. That program is proposed to be eliminated.

Jonathan Stevens asks Ken about IZ requirements.

Brad Rabinowitz comments on the “nicer presence” on the corner. Asks about green belt, requirement for new street trees?

Michael Alvanos – discussed at Technical Review. Have discussed adding to the green belt on Pine Street, going north. Will include in plans.

Brad Rabinowitz – It is a challenge to make parking on the north end of the building, walking to the entrance to the deli, could use some enhancement or recognition. Asks about materials for the exterior.

Michael Alvanos – conceptualizing masonry on first floor, fiber cement on top floors, probably red. The Howard Center is red. Church is red. Fire escapes, considering increasing fenestration, galvanized aluminum going up.

Brad Rabinowitz – Parking for 3 unit building on the site?

Michael Alvanos, yes.

Missa Aloisi asks about calculations.

Ken Lerner – reads from staff report. Café requires 8, office component....

Brad Rabinowitz – There is an opportunity for residential component to have site access.

Michael Alvanos– will ask stormwater administrator....

Brad Rabinowitz – There is a buffer-

Michael Alvanos– comes way out there; top of the slope. As we currently have NO stormwater management plan, we will be able to take the majority of our stormwater and treat it. I haven’t designed it yet.

Austin Hart to Ken Lerner – is encroachment into buffer grandfathered?

Ken Lerner –actual paving as well as the gravel parking lot goes into encroachment. As noted, there is no management now. Under requirements, something will have to be improved.

One member of the audience wishes to speak.

Lawrence Ribbecke, owns the corner house across the street at 317 Flynn Avenue. Extremely concerned about the size of the last plan. Are plans for the current iteration online?

Ken Lerner – we usually post them on-line.

Austin Hart – I got mine on line.

Lawrence Ribbecke – concerned about height. Average roof height is 22’.

Austin Hart – objections to current design, or prior design?

Lawrence Ribbecke – haven’t seen current plan.

Austin Hart – 35’ flat roof. This is Sketch Plan. You will have an opportunity to review more fully developed plans before this comes before us again.

Lawrence Ribbecke – 2nd concern is traffic. Have lived here since 1984. We have seen 2 fatalities, and at least one serious accident every year. We see hundreds of children go by to school every day. I would have to reserve my opinion until I see more. It is a very serious concern. Parents dropping their children off at Champlain School jockey for parking spaces; line up on the east side of Pine Street. Parking lot jammed up. It is a serious concern. I wonder what the impact of these 9 new residential impacts will be. Can there not be something to help those parents at Champlain School for better traffic flow?

Third objection – comparables. I haven’t decided whether to withdraw my objections to this project. What is the process?

Austin Hart explains Sketch Plan, application, public hearing.

Lawrence Ribbecke – what would the purpose of the public hearing be?

Austin Hart – for staff to review, public to participate. Application will have to be filed.

Michael Alvanos re-approaches the table.

Austin Hart – Concerns about screening of parking areas, protection of Englesby Ravine. I see painted CMU block on first floor. I know people are doing all kinds of interesting things with materials now. This is a high visibility corner. I want this to be an attractive building. In terms of greater density, more residential units, it seems like a great use for this spot.

Missa Aloisi – Have you thought about bike parking; exterior and interior storage?

Michael Alvanos – I missed this initially. We will probably have 2 spaces. I don't know about interior storage.

Ken Lerner – We would encourage at least one per unit. Whenever I had a bike, I would take it inside to my apartment.

Michael Alvanos – the units are pretty generous inside. I will look specifically at bike storage.

Ken Lerner states bike parking requirements.

Israel Smith– Painted CMU – I want to second my reservations for CMU, and painting it. Durability wise, you would want something more durable. There are other options you might consider.

Michael Alvanos – I am not thinking school cafeteria style. Something finished. I will provide more details.

Israel Smith – maybe something with a glaze...

Missa Aloisi – Something to work well with graffiti.

Michael Alvanos – Also though about doing wood cedar, something more natural or earth toned at entrance. Landscaping will be important. Around the deli, outdoor seating to activate the area.

Alexandra Zipparo – traffic and visibility. That intersection is really bad. You can see a little more right now because the building is set back. Increased danger – work with public works or planning on that. The café – what is your vision – sit down, hours, or like the tasting room at Citizen Cider or Arts Riot? Outside the concept on which they were planned.

Michael Alvanos – the current deli opens at 6:00 am, closes at 9:00 pm. We won't be doing that. We are looking at something more like 6 am – 6 pm. Flipping the location of the deli from the south corner to the north, or be closer to parking.

Alexandra Zipparo – a great project.

Michael Alvanos -we are looking at the entrance ON Flynn avenue to be one way. Brought up at Technical Review.

Michael Long – Are you adding 9 residential units to the three existing? 12 total, plus commercial?

Michael Alvanos – yes.

Michael Long – are all units one bedroom?

Michael Alvanos – a mix. 2 bedrooms, 900-1200 sf. Not for folks to come in and leave in a couple of months. They are in the rental, condo size.

Sketch Plan review closed 6:15.

2. 15-0539SP: 289 COLLEGE STREET (RH, Ward 2) 289 College Street Associates
Sketch plan review of new building addition for twelve residential units with associated modifications to existing building. (Project Manager: Mary O'Neil)

Bruce Baker, Greg Doremus, and Bob Duncan present.

Bruce Baker presents plan. 5800 sq. ft. existing office, 1 residential unit, historic structure.

Bob Duncan goes over plan. Existing 5800 sq. ft. office, one residential unit on the rear, 2nd floor. None of the office space is h/c accessible.

Proposed: 12 apartments on 3 floors. Access via rear. Proposes 20 parking spaces; this may shift as we develop stormwater management and paving. First floor office space will be accessible. One h/c unit will be provided per Vermont Law, all will be visitable per Vermont requirements. Discussion about rear stair, conflict with vehicles. Although appears as one building, will be two separate by code, one stair requirement, sprinklered. Rated wall between them. Client wants to sprinkler both. Does have the kind of accessibility as a new build. Wants a safer building.

Haven't developed landscaping plan yet as this is only Sketch Plan. Will address headlamp glare. Most of the parking is daytime parking. There will be more use of the parking with new residential use, and agree that something will need to be done relative to headlights.

[Austin leaves at 6:30 pm.]

Brad Rabinowitz – is that an entrance off College Street/?

Bob Duncan – There is a door adjacent, back. Part of a connector. There will be a re-configured stair to serve a second floor apartment. Will correct insufficient head room.

Alexandra Zipparo – How many bedrooms?

Bob Duncan – 13, including existing one bedroom apartment. All one bedroom apartments.

Jonathan Stevens – What is the basis for your decision to have all one bedroom apartments?

Bruce Baker – It is an economic challenge to build one bedroom units. In talking to David White, there are less than 16 one bedroom units built in the last few years. You have to build it first. My wife works in Human Resources at Champlain College, and people looking to work and live here could not find any suitable housing. We think this creates something that zoning should create – a work/live environment. Something to change the neighborhood in a positive direction. We have been dreaming about this for a while, and could not find a property where it would work.

Jonathan Stevens – you are suggesting that this is expressly designed for people who work at home?

Bruce Baker – or for people who could walk downtown to work.

Michael Long – asks about existing parking. Seems crowded.

Bruce Baker – Synergy. At my visits, there is usually one car there at night. Full during the day. Seven are leased to Langrock Sperry. The parking would stay at, essentially, 20.

Israel Smith – I am wondering what the flat roof scheme looked like. (Bob Duncan says doesn't have a copy of that image.)

Israel Smith – do I do something sympathetic, or something in contrast to the artifact. A flat roof connector, in a different language. Making a separation between the old use and the new “addition.” The wing references the old building – no matter what you do, you will fall short of the original. The original will be impacted in some way. I don’t know this building. I had to look at your site plans to see what you were doing. I know you met with staff; I’m not sure I am comfortable with this approach. I would prefer something that is sympathetic in scale, massing, but not the same roofline.

Brad Rabinowitz – I would agree with Israel. The window patterning takes away from the power of the building. The extra floor is challenged. I don’t know where it is going to go. When this thing is built, the existing building should come alive.

Missa Aloisi – I would agree. I note this is National Register.

Israel Smith asks about listing.

Mary O’Neil – Main Street College Street Historic District, National Register of Historic Resources.

Missa Aloisi – Materials?

Bob Duncan – fiber cement.

Jonathan Stevens – I am enthusiastic about the residential component. I echo the concerns about the architecture given by my colleagues. I look forward to the next step.

Alexandra Zipparo – I look forward to a new design, especially within the downtown core to maintain that historic precedent.

Michael Long – do you have any concern about fiber cement siding in conflict with historic content, with the conflict with historic materials? Seems incompatible.

Bob – No.

Jonathan Stevens – your next door neighbor has such a conflict of styles – the Fletcher Free Library. Those two styles live comfortably side by side.

Michael Long – do you envision 12 one bedroom units with 12-24 residents, with no cars?

Bruce Baker – Hard to tell how many cars. 6-12 is what you would expect. I anticipate it will be singles living there.

Michael Long – I have some experience. I would expect more parking.

Alexandra Zipparo – One bedrooms are typically off-the- wall expensive. Paring is always a consideration that we look at parking.

Mary O’Neil discusses staff meetings with applicants. There may be different responses to this challenge. Advises board to review another nearly identical to this further east up College Street. Not extremely well received, negative comments.

Israel Smith– not about flat roof or sloped roof. Not in favor of this plan, as illustrated.

Liam Murphy – Murphy, Sullivan Kronk, tenant at 275 College Street. The solution seems to be what is reflected in staff notes: If you strip off all the details, you get a boring idea of what this building is. This is what has happened to College Street. Not about distinguishing between old and new. What has happened is that the building that is proposed here, just because you have stripped down to the mass and windows, it’s okay. Not a great concept. Either match the building that is there and put a sign on it defining it as new, or make something new. There have been great additions of what you have approved, in the back yard, on the south of Willard, looks great. Modern. Totally different style. People will walk by in 50 years and think both are great buildings. I encourage you to have the discussion, have the developers get their pens out and

make something worthy 50 years from now. The two here are both Peck buildings. The drawings put the massing of 289 together. They don't incorporate 275. The buildings have to be read together. Show 275, 285, and the building being built in-between. Show them all. The parking issue is always a challenge. This many units, people may start parking in our parking lot. Instead of just waiving it, maybe we should be providing it. Instead, let's put money into a transportation fund. There was a development conference, a gentleman from Portland Oregon. They committed to a strong downtown transportation system to allow people to not have cars. The bigger picture, if we are going to eliminate parking, we need to fund with impact fees. Need landscaping plan. Alexandra Zipparo – thanks for input. There is a downtown parking hearing tomorrow night here at city hall. Can you tell me what your issue is with this particular development parking?

Mr. Murphy – 12 units. Daytime parking for offices. Is there enough parking? I'm not sure. It is a judgment call. If they are walking to work, they will be leaving their cars here, and not opening those spaces up for the office use during the day.

Missa Aloisi – mentions Montpelier parking management.

Liam Murphy – I don't know what Burlington did with the funds raised for parking.

Mary O'Neil – mentions no parking waiver needed, due to zoning amendment in effect.

Michael Long – was this adopted?

Mary O'Neil – not adopted, not rejected. Active until either action taken, or amendment will die next week.

Michael Long – sounds like a tactic.

Mary O'Neil – nonetheless, in effect.

Jonathan Stevens – opines about architecture. There are no Penn Stations any more.

Liam Murphy – There is some great architecture; Champlain College, Lakeview Terrace. We need to push it.

VI. Other Business

Mary reminds board of parking waiver study. Austin asked for a reminder to decide if further discussion is desired. Board does not remember topic and asks for email copy of previous study. They will then decide whether to take up in future meeting. Brad says they were only presented a hard copy, not in an email.

Mary will ask Scott to send copies of the study.

Ken brings up Austin's desire for work sessions, planning forums.

VII. Adjournment 7:02 pm.

Deliberative scheduled for Monday, November 24, 2014 at 5:00 pm, Planning and Zoning office.

Austin Hart, Development Review Board Chair

Date

Mary O'Neil AICP, Senior Planner