

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Brad Rabinowitz
AJ LaRosa
Austin Hart
Springer Harris
Geoff Hand
Alexandra Zipparo
Samantha Tilton
Jim Drummond, (Alternate)
Zoraya Hightower, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD **Wednesday** November 7th, 2018, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT Draft Minutes

Board Members Present: B. Rabinowitz, A. LaRosa, A. Hart, S. Harris, G. Hand, A. Zipparo, S. Tilton,

Board Members Absent: J. Drummond (Alt.), Z. Hightower (Alt.)

Staff Present: Scott Gustin, Ryan Morrison, Layne Darfler

I. Agenda

B. Rabinowitz: No changes to the agenda

II. Communications

B. Rabinowitz: Communications have been submitted for 44 Lakeside Ave and 147 South Cove Road; both have will be reviewed upon discussion.

III. Minutes

B. Rabinowitz: Minutes from October 16th 2018 will be discussed at deliberation.

IV. Consent

1. **19-0305CA; 147 South Cove Rd (RL-W, Ward 5S) William and Lara Calfee** Installation of temporary modular home. (Project Manager: Scott Gustin)

B. Rabinowitz: Have the applicant's received staff comments?

Yes

B. Rabinowitz: Do you have and questions or concerns?

None

B. Rabinowitz: Do any members of the Board object to this item being on the consent agenda?

None

B. Rabinowitz: Are there any members of the public hear to speak about this project?

Yes

B. Rabinowitz: Open the review to public hearing

A. Hart: Temporary home, what do you plan to do with it when you're done with it?

W. Calfee: Plan to sell it

B. Rabinowitz: Conservation Board reviewed this?

S. Gustin: Yes, recommended approval

South Cove Road Association President: does not like the proposal as it does not fit into the neighborhood, main concern is the temporary nature and how the Board plans to see that.

B. Rabinowitz: permitted for 2 years and he can ask to have it renewed

W. Calfee: the home will be removed within two years, to clarify the South Cove

Association's purview is the Beach and the Beach area not the property which this is

located. Received a lot of positive comments and support for the project from neighbors. The building will be as close to net zero as possible.

B. Rabinowitz: We will accept the supplemental communications into the record and close the public hearing.

2. 19-0299CA; 1 King St (DW-PT, Ward 5S) The Spot LLC

After the fact paving of gravel parking areas. Also, installation of stormwater improvements. (Project Manager: Scott Gustin)

A. Hart recused

B. Rabinowitz: Have the applicants received the staff comments and recommendations? Do you have any questions?

Staff report received and no questions.

B. Rabinowitz: Does the Board have any objections to this project remaining on the consent agenda?

None

B. Rabinowitz: is there any members of the public here to speak regarding this project?

None

A. LaRosa: Motion to approve and adopt staff findings and recommendations

A. Zipparo: Seconds the motion

6-0-0

3. 19-0303CU; 196 South Willard St (I, Ward 6S) Ellen Wark

Permit existing 3-unit use. No site or exterior building changes. (Project Manager: Scott Gustin)

B. Rabinowitz: Have the applicant's received staff comments?

Yes

B. Rabinowitz: Do you have and questions or concerns?

None

B. Rabinowitz: Do any members of the Board object to this item being on the consent agenda?

None

B. Rabinowitz: Are there any members of the public hear to speak about this project?

None

A. Hart: Motion to approve and adopt staff findings and recommendations

G. Hand: Seconds the motion

7-0-0

4. 19-0295SD; 45 Grey Meadow Rd (RL, Ward 4N) Joshua and Shanta Karson

Subdivide existing lot into 2 lots. (Project Manager: Ryan Morrison)

B. Rabinowitz: Have the applicant's received staff comments?

Yes

B. Rabinowitz: Do you have and questions or concerns?

None

B. Rabinowitz: Do any members of the Board object to this item being on the consent agenda?

None

B. Rabinowitz: Are there any members of the public hear to speak about this project?

Yes

B. Rabinowitz: Open the review to public hearing

A. Bergeron: This is a very congested area and to subdivide the property proposes that they will build eventually and it will effect our property value. Looking to sell home in near future and this could hurt the value.

W. Cross: Would like to see the proposal for the new building

B. Rabinowitz: only here reviewing the subdivision, as of now there is no plans for building

A. Zipparo: the building on the lot will have to comply with the Ordinance so if you want to know what could happen on that lot you can do some research with the Ordinance or talk to Planning and Zoning Staff.

W. Cross: If they propose to build will they come before the Board

R. Morrison: it would be an administrative review and would therefore not come before the Board, but when you see the Red Z Card displayed on the property that is your notice and you can come into the office to look at their proposed plans.

B. Rabinowitz: Board questions?

None

B. Rabinowitz: Close the public hearing

5. 19-0211CU; 449 South Prospect St (RL, Ward 6S) Chris Khamnei

Establish duplex and expand driveway. (Project Manager: Scott Gustin)

B. Rabinowitz: Have the applicant's received staff comments?

Yes

B. Rabinowitz: Do you have any questions or concerns?

None

B. Rabinowitz: Do any members of the Board object to this item being on the consent agenda?

None

B. Rabinowitz: Are there any members of the public here to speak about this project?

Yes

B. Rabinowitz: Open the review to public hearing

B. Ward: reviewed issues that Code Enforcement has with the property; the project was approved in 2017 to become a duplex, since then no new construction has taken place and no building permit has been issued. Owner reports it as a duplex and occupied by more than four unrelated adults. It is over occupied and becomes a life safety issue for the tenants residing there. Asking the DRB to shorten the 2 year time frame to speed up this process. Submitted supporting documentation to the Board. Important from rental housing perspective as over occupancy could lead to tragic incidents. It can't be occupied as a duplex unless it has a CO as a duplex. If the time limit were reduced from 2 years, it would be more efficient to move the process along. Want to guarantee something happens quickly. Similar issues with parking since the original parking has been issued. Has asked the owner to put up a barrier as soon as possible.

G. Hand: Was there a previous violation?

B. Ward: There was a warning notice and the property owner came in for a zoning permit

G. Hand: has your office issued any other notice of violation

B. Ward: a parking complaint came in and that is how we learned that the permit was no longer valid so he responded in a timely manner to address the expired permit.

C. Khamnei: want to bring the property into compliance but we initiated obtaining a zoning permit on our own accord because it is a historic duplex which predates zoning. Thought he picked up permit but did not, safety is of utmost importance. A shorter deadline is fine.

A. Hart: so 90 days

C. Khamnei: 90 days is fine

A. Zipparo: 60 days for interior and 6 months for site work?

C. Khamnei: agree

B. Rabinowitz: Close the public hearing

V. Public Hearing

6. 19-0202CA/MA; 44 Lakeside Ave (ELM, Ward 5S) Cloverleaf Properties

Re-open Public Hearing; Renovate buildings for assembly, office, and seasonal recreational use. Rework parking and circulation. (Project Manager: Scott Gustin)

G. Hand Recused

B. Rabinowitz: Following up on traffic issues

A. Hart: There is a proposed condition for working in good faith effort with the City regarding the relocation of the bike path; the City wants to move the bike path closer to the water

J. Calo: We do not plan to change the location of the bike path but have improved access to the site. The condition language should be changed.

S. Gustin: The condition is a recommendation from the Conservation Board; the Board can accept it, reject it, or modify it.

L. Wheelock: Gave overview on supportive memo from Department of Public Works. Would like the Board to consider incorporating two conditions for approval: ensure the traffic study is fully updated, there are very minor differences in the findings submitted by the applicant and the City's report; second is to note the traffic demand management strategies to be more focused around reduction of vehicle traffic. Note that the bike path access at lakeside is a significant grade separation.

S. Molzon: Provided overview on proposed condition of the applicants providing/creating pedestrian crosswalk at Lakeside and Central Ave.

A. Zipparo: the connectivity with pedestrian is good; is the city concerned about pedestrian and bike safety some areas get messy and congested, are you concerned about the increased congestion in that specific area regarding safety risks?

L. Wheelock: Dave (VHB representative) may be able to address that, but with a good design those concerns could be worked out as well as both designs be worked out together would be helpful.

B. Rabinowitz: Close Public Hearing

VI. Other Business

B. Rabinowitz: would like to bring it to the Boards attention that Samantha Tilton will be stepping away from the Board and that will leave us with a vacancy.

VII. Adjournment

Meeting adjourned at 6:02 PM

Bradford L. Rabinowitz, Chair of Development Review Board

Date

Layne Darfler, Planning Technician

Date

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

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 is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.