

Burlington Development Review Board

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



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday December 18th, 2018, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT Draft minutes

Board Members Present: B. Rabinowitz, A. LaRosa, A. Hart, G. Hand, S. Tilton, Z. Hightower (alt.)

Board Members Absent: A. Zipparo, S. Harris, J. Drummond (alt.)

Staff Present: Scott Gustin, Mary O'Neil, Ryan Morrison, Layne Darfler

I. Agenda

No changes to the agenda; there is a request for deferral for 15-17 Weston St

II. Communications

Communications have been submitted and will be discussed further.

III. Minutes

Minutes from the December 4th 2018 meeting will be discussed at deliberation

IV. Other Business:

1. Permit Reform

D. White and W. Ward provided overview on permit reform process; changes will not affect the Development Review Board. The underlying foundation as to how the permit process works is being reworked and improved. Discussed current challenges within the process for homeowners and contractors, objectives focus on typical homeowner. Improved public process, accountability, etc. Goals are to come up with creation of the Department of Permitting and Inspections that would take Zoning, Building/Trades, and Code Enforcement and combine them into one department. Proposed charter change to City Council which encompasses four elements: the creation of new department, new director appointed by the mayor, appointment of zoning administrative officer to be appointed by the mayor, appointment of planning director by the mayor. Outcome is Planning and Zoning get split in half. Regulatory functions of the DRB will not be impacted the process and projects that have to come before the Board remain the same, staff remains the same. Should see little to no change. New Planning Department will co-locate with CEDO and will collaborate with new staffing. Will keep close relationship with the zoning side of the dept. will continue to need a close relationship with the zoning side for items such as amendments to the ordinance. Discussed Planning Commission function changes.

B. Rabinowitz: What is the timeline for these changes?

D. White: Charter change resolution was approved on 12/17/18, public hearing is set for mid-January, then council makes its final decision. In March, it goes to voters and if approved, as well as approved by legislature, it then goes into finer details and

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budgets. Cross training and process training have already started. Reconfiguration of the space at Pine Street also has to take place.

A. Hart: discussion about the appointment of the Planning Director by the Mayor
D. White: its separate but its central to the accountability issue, right now you have functions of 3 departments headed by 3 different individuals 2 appointed by mayor one not so by changing it, it makes one single individual responsible.

B. Rabinowitz: The State deleted the residential code because they don't enforce code on single family homes; code that was deleted works great but isn't used in Burlington. Problem with Code Enforcement in Burlington is the state doesn't enforce anything so contractors come here and are in shock they have to follow these rules.

W. Ward: not just co locating the point is to act on other issues and having consistency wherever possible so customers have the least challenge

G. Hand: resident oversight? How does that improve?

D. White: That is a role that the Planning Commission traditionally played in overseeing the Planning and Zoning Department, their role is more advisory but there is a role for average residents and Boards like this to get involved. The Permit Advisory Committee provides perspectives on initiative; these Boards bring residents and citizens into the process.

B. Rabinowitz: is there any public comment for this?

D. White: Public hearing is set for mid-January

2. DRB Bylaws: Proposed Changes

M. O'Neil: reviewed proposed changes; this bylaw recommendation is to allow staff to review the revisions in NAC-CR district that the board sees almost monthly.

Asking the board to consider allowing admin review for anything that is not mi, cu art 10 or 11, and nothing included a parking waiver. Any of those will come to the Board.

B. Rabinowitz: what is the upper limit of changes they could make that wouldn't come here; if they eliminate buildings?

M. O'Neil: we would be looking at the major impact table for what those developments are

B. Rabinowitz: changing number of units would affect major impact

M. O'Neil: correct; last review we had was modification that added 2 units still came to you because it was over \$24,000

A. Hart: these things are eligible for admin review, does staff have ability to say this would be more appropriate to go to the DRB

S. Gustin: yes this enables admin as a requirement

A. Hart: Motion to amend the By Laws and adopt staff recommendations and comments

A. LaRosa: seconds the motion

5-0-0

V. Consent

VI. Public Hearing

1. 19-0355CA; 441 Shelburne St (RM, Ward 5S) 441 Shelburne Road, LLC

Convert boarding house and duplex to 10 unit residential apartments with associated site improvements. Reapplication for expired zoning permit (Project Manager: Scott Gustin).

B. Rabinowitz: provide timeline, what happened with 1st application

M. Richardson: started building permit processes, lapse of 6-8 months transitioning from previous design. Need another year to wrap things up.

B. Rabinowitz: construction stopped

M. Richardson: yes, for about 6-8 months

B. Rabinowitz: timeline needed to complete
M. Richardson: 1 year
B. Rabinowitz: tight site and complex building takes a fair amount of management are you acting as general contractor.
M. Richardson: yes
A. Hart: Have you read over the staff report? Issues noted that were left open last time we approved this, can you update us on those issues.
A. LaRosa: what has to be done to exterior to finish?
M. Richardson: concrete walls and siding; finishing the back part before siding so we can do siding in one shot
Z. Hightower: condition findings was the parking waiver can you tell how you are going to implement the car share?
M. Richardson: we would give a Car Share waiver and would incentivize the tenant by paying for the sign-up fee.
B. Rabinowitz: condition of approval is to make that more explicit as part of the parking management plan. "Provide access to car share VT"
A. Hart: That is what I was looking for is more detail on that. The project has had neighborhood impact; on the siding was there a specific time period on the siding? I would like to condition a specific date for that
M. Richardson: not prepared to give that right now
A. Hart: major objection is that neighbors have been putting up with construction site for at least 2 years we want to protect them from that continuance. Shouldn't be too tough for when the siding can go up. A date that gives you enough time but one that we can hold you to.
M. Richardson: could get back to Scott with that date.
G. Hand: asking about siding or completion, is siding your last step?
M. Richardson: the ramp will be the last step. Understand and can have a date figured out.
B. Rabinowitz: same package that was approved two years ago, it's a complicated lot. Is your intention to start right away on it or restart in spring?
M. Richardson: currently working on it should have siding up within a couple of months.
B. Rabinowitz: any other board comments; ask for a flushed out parking management plan as conditions of approval.
S. Gustin: right this is technically a brand new permit; you can revisit the issues as you wish.
G. Hand: letter submitted by neighbor, gives helpful example of issue with neighbors
B. Rabinowitz: ask for clarification of you process on this and timeline of project.

Close public hearing

2. 19-0436AP; 15-17 Weston St (RL, Ward 1E) Phillip Irwin Aaron

Appeal of NOV 345151 relating to occupancy of a dwelling by more than 4 unrelated adults (Project Manager: Jeanne Francis).

B. Rabinowitz: request to defer to date certain of Feb 5th 2019
S. Gustin: ok with single deferral, but would not support another deferral
K. Aaron: property manager, property owner is requesting deferral
B. Rabinowitz: comments from the Board?
A. LaRosa: Motion to defer to February 5th, 2019
S. Tilton: Seconds the motion
B. Rabinowitz: we have no information on this in our packet so we are also unprepared to discuss this project

6-0-0

3. 19-0395CA/CU; 65 Oakledge (RL-W, Ward 5S) 65 Oakledge Trust

Construct new single-family home with accessory dwelling unit, associated site improvements included (Project Manager: Scott Gustin).

Jeff MckBride/Brian Mack

J. McBride: provided overview of lot and project; single-family residence on an odd shaped lot near Oakledge Park. Small portion of class 3 wetland, which we are not proposing to touch at all. Demolition permit was issued in May and lot has sat vacant since then. Showed slides of previous and proposed buildings. There was originally a separate drive that was never incorporated into Burlington so Oakledge Drive itself is a set of easements. Project is single family with accessory unit. Displayed and reviewed floorplans. Removed significant portion of basement. Existing boathouse will remain with a small addition. The setback for the waterfront is based off two adjacent neighbors and their relation to the waterfront, our setback is around 27' which cuts through the existing boathouse. Reviewed house exterior design; proposing single material such as stained cedar, going for wood box look and pulling it farther away from the water to make it a calm quiet presence. North side of the house will have a large porch and overhang. Discussed exterior renderings. Reviewed process so far, met with staff, DAB – addressed a series of points; corrected to include accessory apartment, guest parking relocated to outside of front yard, exterior signage lighting, garage setback, screening mechanical equipment. DAB felt the spirit of the section was satisfied with the plan for the garage. Met with Conservation Board; 3 points of feedback – report of environmental assessment, conduct radon survey pre and post blasting, provided more blasting information, basement concern; gone from half occupied basement to a small one room basement primarily for mechanical uses. Had probes done on site to see where the best location was for the mechanical room. Proposing to go a bit deeper than required for frost protection.

B. Rabinowitz: guest parking as 8.1.1.2 confusion about required parking because guest parking is not required, is this relevant

S. Gustin: parking needs to be behind front yard setback, incorporating those parking spaces they are over 18' wide. The front yard setback is 130', the prior home was around 55'. The parking needs to be behind the front line of the house.

B. Rabinowitz: thinking about shape of the lot, the willingness to move that parking; how does one get into the house.

J. McBride: there are a couple of arguments we can make for the proposed location which includes design and location of the front entryway. The parking area, despite being in front yard, is one of the less visible spots on the property. The guest parking will be less visible from the neighbors' homes and roadway.

K. Wagner: discussed image displayed; several factors go into the need for the parking to be as proposed. The setback limits the location of the parking.

A. Hart: concerned about mandatory language of the ordinance

A. LaRosa: how much bigger is the proposed home vs previous home;

J. McBride: around 10,000 sqft proposed,

A. LaRosa: any changes or alteration to existing border/wall to Oakledge

J. McBride: only footing drains and overflow from rain garden that would be included along there but not affecting or touching it.

A. LaRosa: concern with change in size and reorientation will make it appear different; the old house you couldn't really tell it was there, this new design might be very loud to the area.

J. McBride: no rendering from that area currently.

K. Wagner: there is a lot of existing vegetation there now that we will be maintaining, building retaining wall so the vegetation thrives and creates a full dense buffer from park area.

B. Rabinowitz: is the fence on the property line the city's or property owners?

J. McBride: it is right on the property line, it will remain

A. Hart: railroad tracks coming out of boathouse

J. McBride: yes it is part of the boat lift system

A. Hart: 2 adverse findings; parking structure
S. Gustin: garage, the garage is not changed since DAB there is a few things in the CDO- need 25' setback from the road. Regarding the street facing garage walls, there is a requirement that a parking structure shall be set back from the longest street facing wall of the principle structure; as proposed the garage wall is closer to the street than the house.
A. Hart: it's irrelevant to this particular lot, frustrating to apply that here
J. McBride: it talks about the street frontage and public things such as sidewalk, crosswalk etc. this is a unique situation. DAB agreed we are meeting the spirit of the requirement. We are trying to minimize the visual cues of a garage.
B. Rabinowitz: driveway length; how does one determine the frontage on a private road
S. Gustin: definition of setback, yard, front yard. Area between house and street.
A. Hart: public or private
S. Gustin: doesn't say public or private
G. Hand: implying the requirement means the garage has to become smaller
B. Rabinowitz: what is behind that garage is the issue; so if it's a laundry room its ok
S. Gustin: yes, conditioned building space vs parking space
K. Wagner: if we called the 1st bay in garage storage would that solve it
G. Hand: how many bays is it?
J. McBride: 2.5 bays
B. Rabinowitz: No outside access to accessory apt?
J. McBride: true there is a door from garage but enters main house; it is considered a nanny suite, not trying to make it a separate space.
B. Rabinowitz: staff report noted setback as 200'
J. McBride: using the former residence setback as the nonconforming point that set sour setback.
B. Rabinowitz: any other questions; like the single material of the building idea.
B. Goddesman: questions about the blasting. Surveying the other houses. Radon will be surveyed in case the ledge is damaged. The sewer lines come in through a slab so a sewer line survey will also need to be done in case damage is done to those areas. Concerns with the extent of the ledge removal but hearing that should be minimal.
B. Rabinowitz: blasting report info is posted online
D. Marshall: adoption of the City Department of Public Works standards for blasting calls for pre blast survey. Protects property owners and blasting company. Indicate that we are favorable to do video line work of sewer line prior and after blasting. If something does happen then corrective actions would be appropriate.
G. Hand: all adjacent properties, have you defined all of those neighbors; that should be made clear
D. Marshall: 400 ft surrounding the blasting site. Which is larger than required by the city.
A. LaRosa: existing boathouse will be expanded with small rear addition
J. McBride: addition happens outside of the waterfront setback directly behind the existing boathouse
B. Rabinowitz: any other questions?
None
Public Hearing closed

VII. Adjournment

Meeting adjourned at 6:36PM

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/dr/ agendas or the office notice board, one week before the hearing for the order in which items will be heard.