

## Burlington Development Review Board

149 Church Street, City Hall  
Burlington, VT 05401

[www.burlingtonvt.gov/pz/DRB](http://www.burlingtonvt.gov/pz/DRB)

Telephone: (802) 865-7188

Fax (802) 865-7195

Austin Hart  
Brad Rabinowitz  
Alexandra Zipparo  
Israel Smith  
AJ LaRosa  
Geoff Hand  
Wayne Senville,  
Jim Drummond, (Alternate  
Vacant (Alternate))



### BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday July 5, 2016, 5:00 PM Contois Auditorium, City Hall, 149 Church Street, Burlington, VT Minutes

**Board Members Present:** Austin Hart (Chair), Geoff Hand, Brad Rabinowitz, Israel Smith, Ali Zipparo, and Wayne Senville.

**Board Members Absent:** A.J. LaRosa, Jim Drummond (alternate.)

**Staff Members Present:** Scott Gustin & Mary O'Neil

#### I. Agenda

**Scott Gustin** - 207 Flynn requests deferral to the second meeting in August; Fletcher Place application is not on the consent agenda.

#### II. Communications

Two supplemental communications on the desks before the Board. One for 45-47 North Champlain Street, and one for 6 Proctor Place.

#### III. Minutes

Minutes for the June 21, 2016 meeting are within the packets. Board members are advised to review and provide comments or suggested changes at the next deliberative session.

#### IV. Consent

1. **16-0814CA/CU and 16-0815LL; 20 Fletcher Place (RL, Ward 1) Wiltshire Properties, LLC**  
Construction of three unit residential building with associated drive and parking.  
Boundary line adjustment between 20 Fletcher Place, 128 and 132 Colchester Avenue.  
(Project Manager, Scott Gustin)

**Austin Hart** – announces project, invites applicant Martha Lang forward. Wayne Senville objects to it being treated as a consent item.

**Austin Hart** – are there members of the public here to speak? (There are.) Then we will treat this as a public hearing item, not consent.

**Austin Hart** swears in applicant and public.

**Dr. Martha Reese Lang**, resident of Colchester Avenue. Thanks Scott and Mary for their assistance. Institutional zone, 22 units/acre are allowed; I propose 3 units. Gable roof, clapboarded structure, to be painted tan with dark brown trim, asphalt roofing, Bicycle parking, 1 long term 2 short term. I have city stormwater approval. Three parking spaces on site. Downtown shared parking district Section 8.1.2, can have off-site parking within 1000 feet by way of the sidewalk. My house has 7 parking spaces and I am only required to have 2.

**Brad Rabinowitz** – Maps are unreadable. Which is your house?

**Martha Lang** – 3<sup>rd</sup> house in. Parking will be off-site, in the deed. Grading is being directed toward the back of the lot, 3' lower than my building. A natural grade. There will be swells and berms put in. I am not an engineer, but I have studied my own maps. Pipe size increased from 4" to 6" which I have agreed to do. Pipe to be put in will be checked twice a year. I am very conscientious.

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Perforated pipe in driveway. I am supposed to check that once a month, vacuum once a year. I have a fire sprinkler system, I will check on the same cycle so it won't get overlooked.

**Austin Hart** – I think we have some letters from some of your neighbors on Fletcher Place. Issues primarily are relative to noise from potential tenants. Also, required parking spaces. What is the impact from the actual number of cars coming to the street. There is a possibility of student residents. What can you tell me about these issues.

**Martha Lang** – There is not a better tenant than a UVM student, when properly selected. And I live on-site; if there is a party, I know about it.

**Austin Hart** – Leases, noise control plan, anything to give us comfort for a long term plan?

**Martha Lang** – My leases say I will evict for parties. I can't control future ownership. I live in the neighborhood. I get along fine.

**Austin Hart** – How many bedrooms are proposed?

**Martha Lang** – Each unit 1800 feet. Maximum of four bedrooms per unit. I have had tenants rent a three bedroom, tenant uses one or two. I would anticipate four bedrooms.

**Austin Hart** – What is your experience for residents having cars and needing parking spaces? You have other units in the neighborhood, correct.

**Martha Lang** – I did a little study about 2 years ago. I got all the parking permits issued for Case Parkway, Thibault Parkway, Nash Place, Fletcher Place. I went around on a Sunday and counted the number of spaces on the street. Actually Fletcher Place doesn't have the crowding issue as Nash Place.

**Austin Hart** – Do your leases restrict cars?

**Martha Lang** – No. I have a five unit, with only one tenant car. These kids figure it out. They are entitled to park on Fletcher Place. I am within my rights, Section 8.1.12.

**Austin Hart** – You only need 2 spaces at 138 Colchester Avenue?

**Martha Lang** – I have 7 spaces at 138; I lease to employees at the hospital for annual lease. If I get this permit, I will be using those spaces.

**Wayne Senville** – to Scott Gustin – Table 8.1.8; less parking for a triplex than for a duplex?

**Scott Gustin** – The line had to be drawn somewhere, that is where it was drawn.

**Wayne Senville** – That doesn't make sense. To me it doesn't have any rational basis.

**Scott Gustin** – the intent is to provide a lower minimum parking requirement for a "multi-family." The folks that wrote this drew the line between duplex and multi-family attached. Where do you move the line?

**Austin Hart** – we don't move it at all. [laughter]

**Ali Zipparo** – The Commission tackles this.

**Brad Rabinowitz** – These full size plans have a revision date of March 7, 2016; the other plan has a revision date that is unreadable. The difference between the plans is one shows three parking spaces between. The other one shows tandem. The question is, we are looking at three spaces next to each other, not a tandem and single. There is a 27' wide curb cut. I thought we can't have a curb cut that wide?

**Scott Gustin** – the Plans in your packet show the tandem. But the tandem doesn't have the 27' wide...

**Brad Rabinowitz** – Is that what we are doing? Tandem?

**Martha Lang** – Plan date of 3/7/2016.

**Austin Hart** – Is that what is in our packet?

**Brad Rabinowitz** – No.

**Scott Gustin** – looks through the project folder.

**Brad Rabinowitz** – I don't see a full plan for 138. It is cut off. Do you have an accurate parking plan for 138 Colchester Avenue?

**Martha Lang** – I don't consider 138 part of this. I do have an accurate plan at P & Z that shows 7 parking spaces. I couldn't have my hearing before because I posted at 138.

**Geoff Hand** – Do we know if the current site lot coverage is calculated on the current plan?

**Martha Lang** – Current.

**Scott Gustin** – the most up-to-date plans were received March 7, 2016. Because it is in the institutional zone, I believe the driveway can be 27'.

**Austin Hart** – We are going with the March 7, 2016 plans.

Chair invites public to speak.

**Bob Butoni, 31 Fletcher Place.**

**Austin Hart** – we do have a letter in the file. But go ahead.

**Bob Butoni** – Congratulates applicant on design. But concerns about increased traffic and parking competition. Increased resident noise. Trinity Daycare, Nan Reid's daycare. We are without a traffic light. We disagree that traffic impacts will be minimal. We are concerned about increased traffic, late

night noise, so many vehicles from this project. We understand that a traffic study is not required, but request one. We also request a traffic light. Parking: Tremendous competition. Only 20 places, one is for handicapped parking. The proposed 12 bedrooms could have 12-24 residents living in it. The applicant is only offering 2 spaces from her 138 property. I want her to offer more spaces. It is not fair for her to make money while she pushes her tenants onto the street. She has referred to Fletcher Place as a war zone. We resent that our tax dollars are used for police to address tenant issues. We agree that the applicant should provide a management plan, with contact information to be reached 24 hours a day. [Something about standing water and mosquito born diseases.]

**Brad Rabinowitz** – I am confused, because people frequently come and say exactly the things you are saying. And they recognize that more housing is needed. Can you tell me please how a project can go forward?

**Bob Butoni** – Property management.

**Bill Hickok** - 26 Fletcher Place, lived there 27 years this month. I have environmental concerns about more impervious in this neighborhood. Water flows east onto her land and then down onto UVM land. Then it flows northwest onto my land. I have had a situation in the past, I can see the pond in Martha's back yard get bigger, then the water from UVM's pond merges with Martha's. I have had my basement flood three times. If I get mold in my basement, it is very dangerous health-wise. I am not sure my insurance would cover mold abatement. I also worry about parking; it is a mess. My socializing has been restricted; we can't have people come over. Sometimes we park at the UVM parking lot, sometimes we can't. Just one more car would add to that mess. I understand there are 2 parking places commandeered for this project.

**Austin Hart** – there are 5 spaces required under the ordinance. That includes the 2 from the existing home. We have heard that 5 isn't enough....

**Bill Hickok** – 5 ISN'T enough. There is not enough room to turn around. They have to back out of there. Currently in the parking lot at 27 Fletcher Place, parked almost up against the house. If that is in place next year, it would totally obstruct the vision of someone backing out. I am very concerned about that. I also walk a lot. I am concerned that I might be hit as a pedestrian. Also, there is a childcare center. They walk the kids along the sidewalk. That will be a very dangerous situation the way it is set up. I would recommend it not be done. I have lived there 27 years, I know where all the skeletons are buried. I have seen a lot of changes. Families. Married couples. Mother with 2 children. Now no more families. I did a survey at the end of April, every one in that building is a student at UVM. Now all students. I used to think students were awful because they cause so many problems. The last 7 years, nothing works. Tough guy, nice neighbor, you try to do that...

**Austin Hart** – there is nothing in the zoning ordinance to discriminate any particular tenant in any particular property. We understand the location, the type of units; we can make assumptions about likely tenancy.

**Bill Hickok**- Why aren't you doing anything about it? The students have smartened up. They don't answer the door. They shut off the light. Even when the police have a warrant.

**Austin Hart** – We have heard this before...

**Bill Hickok** – You can pooh-pooh me. This is it for me. I served active duty to protect free speech we are enjoying here. Did anyone else here do that?

**Ali Zipparo** – I would have, but I was prohibited by law.

**Austin Hart** – I need to keep you on relevant topic.

**Bill Hickok** – [demands to continue.] This impacts our standard of living so totally, you cannot believe it. I did a survey of Martha's units. There was not an empty unit. It is a fantasy if you think there will be anything but students in there. Even adjusted for inflation would be rented for \$1000 a month; to students thousands of dollars a month. How does that affect the rest of us? We are managing that unit at Fletcher Place....give me a break! We get no satisfaction. Martha says call the police. I tried to see Martha to do something with 20 Fletcher Place, a new owner went in and managed it for working people. Martha was angry with me for not supporting her plan. Said she wouldn't talk to me.

**Austin Hart** – I understand.

**Bill Hickok** – I am almost done.

**Austin Hart** – this is becoming personal.

**Bill Hickok** – this happened without a referendum. Without a zoning change. There are no kids in the street. No people we have relationships with. They are great kids, but like a puppy that isn't housebroken.

**Austin Hart** – This affects all of us.

**Bill Hickok** – You don't stay up all night. This is my moment. These kids, their brains aren't developed. The UVM president said we have a problem with immature kids.

**Austin Hart** – You promised...

**Bill Hickok** – you are dropping this right on top of us. Do I deserve to lie in bed at night and not sleep? My doctor says I have stress, I need to sleep. That is the end of my epistle, apostle.

**Ali Zipparo** – Do you feel the same way about the other development project we have reviewed?

**Bill Hickok** – I feel the same way. Another unsupervised dormitory. Not fair to us. God Bless each and every one of you.

**Brenda Owre**- Lived on Fletcher Place for 45 years. (43 Fletcher Place.) We have seen the changes mentioned. We still believe this is a wonderful neighborhood. There is a request for a zoning change from Institutional to Residential Medium that is pending. We were surprised that it was zoned Institutional, as that is not how we have experienced the neighborhood. It is relevant to this discussion. 79 units are being proposed on the other side. We are between one and another, increased density. Not for families, no one connected to one another. Very big consequences for us. I support my neighbors.

Yes, there will be 12 bedrooms in the proposal. These are people who will not have a commitment to their neighborhood. Historically, if you look at the 19<sup>th</sup> century, there were boarding houses. They were under some authority. I understand that you cannot make changes, but perhaps can help us. Because we are presently zoned Institutional, we are bearing the brunt of what the Institutions themselves should bear. We get investors that benefit. It is not a just trade-off. We don't have any empowerment to do anything about it. I would you to take into account the minimal amount of parking for the Lang project. Request some on-site, 24 hour to make a request if a problem arises. I have gone to the door at 2:00 am in the morning. Sometimes young professionals, like next door. I doubt that will be the tenants at 20 Fletcher Place. It is true I can hardly get out of the street because it backs up. Whatever you can do would be appreciated.

**Ali Zipparo** – You are asking us to go beyond the four unrelated individuals...

**Brenda Owre** – That would be helpful. Outside fits. Inside doesn't. I would like to see multiple units that would accommodate small numbers of units with families.

**Scott Gustin** to Ali – functional family provision only applies to the residential zoning districts.

**Dr. Lang** – This project stands on its own merits. Thank you very much.

**Austin Hart** – Construction Hours?

**Scott Gustin** – Days and hours we typically have used for other projects. M-F 7:00 – 5:00pm.

**Austin Hart** – to Martha Lang – would you consider a later start time?

**Martha Lang** – Considering what I have been put through, I will stand with my legal rights.

**Austin Hart** – Parking flexibility for numbers?

**Martha Lang** – [cites ordinance provision.]

**Brad Rabinowitz** – I would like to see a site plan of 138 with the parking spaces on it, to understand what parking is required for 138.

**Scott Gustin** – it is a single family, so 2 spaces are required. I can provide an aerial, maybe have a site plan on file.

**Geoff Hand** – Can you provide us with a plan that shows us the spaces, and the dimensions?

**Martha Lang** – When do you want that?

**Austin Hart** to **Scott** – can you provide?

**Scott Gustin** – agreed.

**Martha Lang** – I had 138 surveyed by Krebs and Lansing in 2000.

**Brad** – if we have a survey that shows the spaces....

**Martha Lang** – It does not show the spaces. In September 2002 I got an approved site plan. I will show it to you.

**Scott Gustin** – residential driveways shall be limited to 18'. Semantics: You can debate what is meant. Under Article 6, site plan standards.

**Wayne Senville** – Have you done a count of on-street spaces? Can you get from public works?

**Scott Gustin** – sure.

**Ali Zipparo** – can you add more bike parking?

**Martha Lang** – [nods.] My tenants at 146 put in a bike rack in front of the house.

**Austin Hart** – Close the hearing on this, subject to information about dimensions of parking at 138 Colchester Avenue.

**Martha Lang** – I will give it to Mary of Scott.

**Austin Hart** – closes public hearing 6:10 pm.

**Brad Rabinowitz** – to staff – we will need up-to-date plans.

**Scott Gustin** – I will request electronic plans.

## V. Public Hearing

1. 16-1145CA/MA; 207 Flynn Ave (ELM, Ward 5) Vermont Railroad Inc  
Construct new retail grocery building and related site improvements and subdivide lot.

(Project Manager, Scott Gustin)

Applicant has requested deferral to the 2<sup>nd</sup> hearing in August. No one here to speak.

Motion by Wayne – move to defer to August 17, 2016.

Geoff and Ali are recused.

Austin Hart – 2<sup>nd</sup>.

Austin discusses the issue of co-op membership. They do not believe membership warrants recusal from review.

Vote 4-0 (Ali and Geoff not participating.)

2. **16-1121CA; 45-47 North Champlain Street (RH, Ward 3C) Johannah Leddy Donovan**

Appeal of zoning permit to define driveway and parking spaces with crushed gravel and restore green space.

(Project Manager, Scott Gustin)

Owner is Johannah Leddy Donovan.

**Scott Gustin** presents: Rental property in high density zone. Looking through ortho-photos see a driveway along the west side of the property. Over the last few years, you can see parking has crept into the backyard, which has been consumed by hardpack with cars parking where they shouldn't be. Code Enforcement sent out a letter in the winter to say that there is a problem here. Come spring, organize parking. We saw a site plan, now a revised site plan with dimensions, borders, where the parking, where the driveway is. Conditions to clean it up; anchor curb stops, more green space (related to grandfathering, what the ortho photos show.) On the 15<sup>th</sup> day it was appealed. In re-examining everything, I feel the permit should be upheld. Lot coverage should come down. There should be a barrier to prevent barrier creep. Two recommended conditions upon what was originally recommended.

**Geoff Hand** – this is the site plan we are looking at.

**Scott Gustin** – Yes.

**Geoff Hand** – the area to the right is to be seeded.

**Scott Gustin** – the area to the north, and to a lesser degree east and west to be seeded.

**Geoff Hand** – Do these meet back-up space?

**Scott Gustin** – 20', especially with 2' overhang.

**Kenneth Nosek, appellant.** I live at 87 Sherman Street, appellant. I have provided supplemental material for tonight's hearing. The past year and a half, the parking situation has gotten worse and worse. A mini lake, especially when rainfall. Photo of Handy's vehicle using a plank and a winch to get a car out of the backyard. Two other photos showing the wetness, to show the state of that backyard. How badly something needs to be done. I am here not to stop the parking plan, but to make sure it is the best parking plan that can be done. The property owner has not been active trying to correct it. That's why there have been zoning violations.

**Geoff Hand** – asks about a photo, asks where appellant's house is.

**Kenneth Nosek** – 1978 orthographic. Not great. But GIS line not accurately depicting where properties are. But you can see the southerly, north of that a fence going all the way along the driveway in 1978. 2<sup>nd</sup>, the 1985 zoning request, Sherman Street files supports the green space in the rear that should exist. Scott has that. A photo that was taken in the green space taken toward 87 Sherman Street, the current lilac bush that has been there many years. Different fencing in 1985. Inset closer to the back of the house.

**Austin Hart** – Scott, is this the Polaroid photo?

**Scott Gustin** – Yes.

**Kenneth Nosek** – references plan for daycare, not appealed, directly in conflict with the site plan. The site plan from 1985 can be considered when you make your decision. 2004 ortho, you can see a boat and a car. There is a pre-existing mature site plan I would like to see on the site plan. I see fencing, I wonder if that is the remnant of the daycare fencing. In the past, 10-0830CA, condition to minimize headlight glare. I would request it be considered in this instance as well, provided by the property owner specifically. Reconfigure the parking. I would like to avoid tandem parking front and back. Currently there has been tandem parking in the backyard.

**Geoff Hand** – when were these photos taken? What time was it taken?

**Kenneth Nosek** – I have it written down. Those particularly were 6/28/2016. I can provide other dates for other photos. I would request a higher standard. If complaints hadn't been filed and violations issued, the owner would not be here. They are here because they have to come into compliance. Does this need a parking management plan, because it is a new site plan? And the four units requiring 2 car spaces per unit; a Neighborhood Parking District. Section 8.1.12. Where do the other four cars go? Do they go to the street? Permanently in the street? Appropriate and okay for the owner to use the street for her tenants? Where will tenants park

during the snow ban? Or some other plan? Why are those spaces calculated using the compact car method? Table 8.1.11-1. I would expressly request no stacked or tandem spaces. I would a condition that maximizes green space in the rear yard. I would like a condition for a parking management plan by the owner; snow ban plan, if appropriate. I would like to see existing, mature vegetation preserved on a site plan. Appropriate buffers installed specifically for this project to minimize headlight glare to adjacent properties. That site plan has been on file since 1985 for the daycare, I would like the property owner to give better evidence that the proposed site plan is on that property, perhaps by providing a survey so there is no question. Questions to the owner directed to the DRB: Did the tenants used to park on the north side of your building? did you make your tenants stop parking on the north side, and why? Where will the tenants park other vehicles above the four? Are they parking on the street? Have you made allowances for where they will park during the snow ban?

**Austin Hart asks Scott Gustin** – We don't have the Code information on this property?

**Scott Gustin** – there is no approved site plan. There is a single permit for windows. We have ortho photos from 1978, 2000, 2004, 2014. This property, with no site plan on file, we rely on orthophotos. It has a single lane driveway until after 2000 when the parking creeps into the backyard. That single lane driveway has one official parking spot. We now have a permit with four parking spots.

**Brad Rabinowitz** – Not a 2' space between them?

**Scott Gustin** – when you do the math, there is 2'. [they do the math.] It is off my ½ foot.

**Brad Rabinowitz** – why 2'? It makes it so much worse.

**Johannah Donovan** – This is Jessica McCloud who has been the property manager for the last year ½. There was a drainage problem from Monroe Street that was pouring water into that backyard. We were able to route the gutter to stop the water from coming into the yard. A tree was struck by lightning. The tree had to come down, changed the look of the backyard.

**Miss McCloud** – I apologize that the plan is messy. I am not an architect. I am in social services, not my skill. We want to be compliant, a good neighbor. We want to increase green space, provide four parking spaces for our tenants. We have four units, more than four people with cars. We thought four parking spaces were adequate. We are sympathetic. Open to feedback from you.

**Geoff Hand** – How many spots are back there? Do you have any historic reference to more than four spaces?

**Miss McCloud** – My mother-in-law has owned the property for a long time. Only when we heard from the tenants.

**Johannah Donovan** – Bill Bissonnette rents spaces to the north. If that is a problem....I understood this was within green spaces.

**Brad Rabinowitz** – you rent spaces?

**Johannah Donovan** – we rent 2 on the north side of the house to Bissonnette.

**Scott Gustin** – this is a shared driveway. 5' width, part of Bissonnette driveway.

**Geoff Hand** – I heard tenants park there. How many? How long?

**Johannah Leddy Donovan** – Many years ago. My husband died. I don't have the answers.

**Geoff Hand** – I am having a hard time finding four cars parking there consistently.

**Miss McCloud** – they parked on the lawn.

**Wayne Senville** – do you want to comment on any of the items brought up by the appellant? Which ever seem relevant to you?

**Johannah Leddy Donovan** – the first seems technical, I don't know. I would like to maximize the green space. I did not know it was the responsibility of the landlord to provide snow ban parking. I have never done that.

**Brad Rabinowitz** – I don't think there is a requirement.

**Scott Gustin** – Not under zoning.

**Wayne Senville** – what about vegetation?

**Johannah Leddy Donovan** – I am happy to replace vegetation. I love lilacs as well.

**Brad Rabinowitz** – driveway on north side; 4 ½ wide on this property; neighbor rents parking spaces. 7 cars parked on his property. No setback for RH?

**Scott Gustin** – Shared driveways have no setbacks. Non-shared driveways do. Then we get into how long it has been going on. All our ortho photos show the same configuration.

**Lucy Circe, 41-43 North Champlain Street** - there has always been parking in the back.

Neighbor. When I moved it, the two units on my side, they were from Bosnia. There was only 1 vehicle. So only 2. I have seen from 3-4 up to 6. The mudhole issue was a perfect storm.

Monroe Street put in gutters, had the water drain into this yard. Monroe Street side is all tarmac. The house on the opposite side, they all park in the backyard. They park everywhere. I find it amusing almost 20 years after I bought my building, because everyone is concerned about green space.

**Austin Hart** – it is an issue. We need to define what is parking and what isn't. I won't comment on adjacent parking, only the one before us.

**Lucy Circe** – why pick on this owner?

**Austin Hart** – You are welcome to call code enforcement.

**Lucy Circe** – I would prefer to be on good terms with my neighbors. Like the wild west. There is tenant [resident only] parking on Monroe Street. I think it is quite unfair; a mess that came about because of bad drainage. It is a right they have had since I have been living on North Champlain Street.

**Maggie Martin, tenant at 47 North Champlain Street for 3 years.** Initially, we parked on the north side, my fiancé and I and our four month old daughter. Since we shared an apartment, we could park there. After the driveway was no longer available to us, a lot of the landscape changed when that happened. Not the owner's doing. There was a partial fence, another lilac bush. The driveway on the Bissonette property did not connect. On the Sherman Street side. Now it all connects. Every tenant is promised a space. Nobody can get in and out. Everybody is taking up the street parking. [references something about things changing when tenants moved out. "I wouldn't do that to you." ]

**Austin Hart** – are you supporting the parking plan, or not?

**Maggie Martin** – I support it. No room for anyone to turn around.

**Austin Hart** – what is a good parking plan for this property?

**Maggie Martin** – four cars, side by side is the best way for it to be done.

**Austin Hart** invites appellant to respond.

**Kenneth Nosek** – that neighborhood has many four plus units. Shared neighborhood parking district – what are we sharing?

**Austin Hart** – You are arguing for resident only parking on the street?

**Kenneth Nosek** – there are people in the room that could argue that with other city departments. I want to thank the property owner.

**Question to Scott** – to the extent you can would you consider the appellant's conditions?

**Scott Gustin** – Sure – your site plan needs to show each space. This site plan shows that. Configuration that maximizes green space in the rear yard. RH allows 80% lot coverage. There was a suggestion to widen the green space, but you lose the 20' backup space.

**Geoff Hand** – tandem parking?

**Scott Gustin** – None depicted.

**Geoff Hand** – not allowed?

**Brad Rabinowitz** – how people park is not within our jurisdiction.

**Geoff Hand** – enforcement is not ours. Would parking in tandem violate this plan?

**Austin Hart** – tandem parking would not work with this plan.

**Scott Gustin** – lilac? Go ahead. I didn't require additional screening. Property owner seemed agreeable to keep it. Screening? I thought 4' tall fence was adequate. Survey? I have no basis to compel a survey. We have had that debate for years. Every permit application would come with a few thousand dollar expense.

**Kenneth Nosek** – a question. A site plan on file, another, they don't overlap. What determines what site plan wins?

**Austin Hart** – we have your point, we will take it into account.

**Geoff Hand** – we don't resolve property line disputes.

**Austin Hart** – closes public hearing 7:08 pm.

## VI. Certificate of Appropriateness

### 1. 16-1262CA; 6 Proctor Place (RL, Ward 5S) Rebecca Grannis

Demolish existing trailer and garage. Construct new single family home and shed.  
(Project Manager, Mary O'Neil)

Mary O'Neil noted problem with location of city sewer line and easement, came via email last Friday. Consent approval is no longer recommended.

Rebecca Grannis and Missa Aloisi appeared.

**Rebecca Grannis** – No sure how we can get accurate information as to where the sewer line actually is.

**Austin Hart** – We cannot determine locations of easements. Not sure how we can address that. If what we approve is in violation of the easement, our approval cannot override that.

**Rebecca Grannis** – Would like to see a conditional approval.

**Brad Rabinowitz** – Noted buildings sitting within setbacks.

**Rebecca Grannis** – Replied that those are existing buildings. She's had a survey done. She assumes they determined the sewer line location upon contacting the city.

**Wayne Senville** – Why did this information come in so late?

**Mary O'Neil** – Was in touch with the stormwater program asking about status with them. That's when she heard of the problem.  
**Geoff Hand** – Is the red line the sewer line on the city site plan? Do you know which line was depicted by the survey?  
**Brad Rabinowitz** – We don't have enough information to handle the sewer location?  
**Austin Hart** – Suggests looking at the rest of the application. Alternatively, we could table this item to allow you to resolve the matter with DPW before we act on this application.  
**Rebecca Grannis** – Would like to proceed. The sewer line could affect the location of the building footprint.  
**Austin Hart** – If the adjustment is minor, it could be handled administratively.  
**Mary O'Neil** – There are a lot of nonconformities to consider.  
**Austin Hart** – We'll proceed with the application as presented. Are there Board members with questions about items other than the sewer location?  
**Brad Rabinowitz** – Clarified orientation of the project plans.  
**Mary O'Neil** – Does the survey have a notation as to the location of the sewer line?  
**Rebecca Grannis** – Its pretty much straight north.

Close project review.

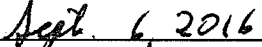
**VII. Other Business**

None.

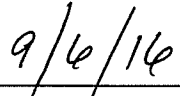
Deliberative set for Monday, July 11, 2016 at 5:00 pm, Planning and Zoning Conference Room.

**VIII. Adjournment**

  
\_\_\_\_\_  
A.Hart, Chair of Development Review Board

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Mary O'Neil, Principal Planner

  
\_\_\_\_\_  
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/dr/agendas](http://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.