

Department of Planning and Zoning

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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, March 21, 2017, 5:00 PM Conference Room 12, City Hall, 149 Church St, Burlington, VT Minutes

Board Members Present: Austin Hart, Brad Rabinowitz, AJLaRosa, Israel Smith, Alexandra Zipparo, Wayne Senville, Geoff Hand, Robert Purvee (Alt), Jim Drummond (Alt)

Staff Members Present: Scott Gustin, Mary O'Neil, Ryan Morrison, Anita Wade

AGENDA

- I. Agenda
- II. Communications
Board accepts supplementals.
- III. Minutes

IV. Public Hearing

1. 17-0762CA/CU; 35 GROVE STREET (RL, Ward 1E) Gina S. Lambdin

Add accessory apartment and mudroom. Convert porch into year-round living space. Reconfigure parking area. (Project Manager, Mary O'Neil)

A.Hart: swears in applicants and asks if they have seen staff recommendations. One issue raised by staff was the parking.

G.Higgins: confirms this. Explains the shared driveway and easement issue. Difficult to turn around in driveway. Need to legally document an easement that satisfies the backup with the cars.

A.Hart: backing out and turn around with an easement that allows this is appropriate.

G.Higgins; property line issue. An easement needs to be documented on what is current situation what are the changes.

B.Rabinowitz: process must note and document lot coverage for both properties.

A.Hart: staff comments on adverse findings is also about landscaping plan for headlight glare, and utility plan/location. Board is looking for supplemental information.

G.Higgins: basic landscaping mostly grass for now with tight space.

A.Hart: look at something to prevent or screen for headlights for this arrangement.

G.Higgins: might need more time to find out what is feasible.

A.Hart: have you looked at the easement to see there's enough space with neighbor for backup.

M.ONeil: shows from google maps.

G.Hand: mentions adverse finding on enclosed porch.
G.Higgins; hoping to get measurements but need time to get information.
A.Rowan: neighbor has seen plans and in agreement. Feels it is feasible to do change with a three season light bush or put in evergreen.
A.Hart: will continue hearing. Asks applicant get information to Board by April 11th and have a continuance to April 18th.
A.Hart: motion to continue hearing.
B.Rabinowitz: seconds the motion.
Board Vote: 9-0-0

2. 17-0763CU; 311 NORTH AVENUE (RM-W, Ward 4N) VLTBTV Parkland LLC

Allow for a conditional use of the stone house as a community house.
(Project Manager, Ryan Morrison)

A.Hart: staff recommends this project for consent. No interested persons to speak. Has a question on staff notes and narrative referring to minimum of 13 occupants. What is the maximum.
J.Bridges: 13 occupants.
A.Hart: may look at this as more than 13.
A.Hart: closed public hearing.

3. 17-0776CU; 449 SOUTH PROSPECT STREET (RL, Ward 6S) Chris Khamnei

Establish duplex and widen driveway. (Project Manager, Scott Gustin)

A.Hart: mentions supplemental communications and resident letter regarding application.
C.Khamnei: discusses history of property. Feels he is blamed for using property for more intense use.
A.Hart; restriction in deed doesn't apply for duplexes.
C.Khamnei: this is a civil court matter.
A.Hart: cannot enforce civil covenants.
C.Khamnei: two original lots and could build more on each lot. Speaking to the issue of duplex. On first lot was brick six bedroom house predating ordinance had an apartment and expands second lot with 3 bedrooms. Felt it was a duplex and trying to bring into compliance. The zoning should reflect two units exist.
A.Hart: width of driveway?
C.Khamnei: explained expansion of driveway and provided lot coverage calculation.
A.Hart: need 4 parking spaces with driveway 18' wide.
C.Khamnei: meets density requirements. Neighborhood concerns of loud tenants is not true. Generally good neighbors and professionals. Meets duplex standards. No internal renovations, only changes with driveway.
B.Rabinowitz: questions driveway width.
C.Khamnei: widest part is against the house near garage and narrows at street to 16 ft.
B.Rabinowitz: how long have you had the house?
C.Khamnei; since October.
A.Hart: opens for public comment.
K.Dawnly; as resident of South Prospect St, feels project is out of compliance with single family district for no more than 4 unrelated persons. Consistently 6 cars in driveway and if approved as duplex there will be 9 cars. Cars are backing onto sidewalks.

A.Hart: parking on pavement or grass?

K.Dawnly: they park on grass. Gave a letter to the Board.

D.Rue; handout to Board on behalf of Wendy Bombards at 429 So Prospect. This duplex does not comply with CDO and has an undue adverse effect on area. Focus on lots that front on South Prospect and Cliff St, which are all single family built in late 1920's. The purpose of SF district is to re-enforce a historic development pattern and not a duplex pattern. An allowance of more than 4 unrelated persons will have more noise impact. Urges Board to have condition of compliance for single family dwelling. Parking is an issue with residents parking on lawn now. Urge Board to condition for a narrow driveway to control access. Currently exceeds tandem parking requirement. Encourages Board to enforce existing zoning violatins and deny application.

W.Senville: any existing zoning violations?

D.Rue: have a list from about Code enforcement actions under investigation. Gives handout to Board.

C.Khamnei: this property rents two units; one with 4 people and one with 3 people, one has three bedrooms and other five bedrooms. Total of seven tenants, not nine residents. They are not parking on the lawn. Usually I am doing repairs and need to park closer due to heavy tools.

G.Hand: drove past property looks like 2 or 3 cars on the lawn when I drove by.

C.Khamnei: application proposes driveway which will be sufficient. The violations are because I registered with zoning department for two units. Always used as a duplex.

G.Hand: do you need to expand driveway to provide adequate parking.

C.Kahmnei: yes, if tenants do not park properly, their tires end up on the lawn. The duplex is not going to affect travel on So. Prospect St.

B.Rabinowitz: cannot park in setback.

S.Gustin: can park within setback if in tandem.

C.Khamnei: 6 cars are parked there now. Can get a curb cut on the other side. The two lots are at 19,000 sq ft.

B.Rabinowitz: questions if two lots are combined.

C.Khamnei: yes.

A.Hart: closes public hearing.

4. 17-0755CA/CU; 235 PENNY LANE (DW-PT, Ward 3C) City of Burlington

Construct marina, parking lot, and related site improvements.

(Project Manager, Scott Gustin)

Board members recused: AJLaRosa, GHand

A.Hart: mentions that the Board has not reviewed the supplemental communications for this project. Swears in applicant and interested persons. A good portion of the marina is off land. The state has jurisdiction on what happens in the lake. Board review is limited to what happens on the land.

J.Wallace and C.Deloia, D.Marshall; provides an overview and bullet points pertaining to staff report. Comments on proposed conditions. Review is on the land improvements. Several components includes the coast guard building, water treatment plant, the Moran, the new lake street extension, and fishing pier. Sailing center will provide information on parking. Shared parking management plan.

A.Hart: approval for 68 parking spaces?

S.Gustin: approved for 69.

J.Wallace; waiver request from sailing center. Continued vehicular and pedestrian access to drop off plaza, spur of bike path connects waterfront path. The agreement with the City is 160

slips with transient and seasonal slips. Requesting a waiver for transient spaces. Park area – designed the park and recreation areas with Tif funds. Further description of site plans.

A.Hart: access to loading dock?

J.Wallace: water department working to limit of agreements for only employees and restrict of public access. Explains public parking for certain spaces between May 15th to October 15th.

M.Nod; spoke of previously approved lot parking spaces for the sailing center. Utilizing parking in the fishing pier lot about 28 spaces. Fifty-two spaces dedicated to storage lot. Have less yard storage space than previously. Asking for a parking waiver with the City. Discussed parking, bus, and bike utilization, and growth in educational programs for youth and public.

B.Rabinowitz: are you submitting as an applicant.

M.Nod: submitted as a co-applicant.

A.Zipparo: question about parking flow. Where does the bus drop off for kids going to sailing center.

M.Nod: explains drop off configuration has a driveway and a hammerhead. Reconfigured flow to handle constraints of site but have sufficient capacity for turn around.

A.Zipparo: expressed concerns about turnaround, drop off, and backing up of bus vehicles, and how it concerns children, pedestrian, and bus access.

B.Rabinowitz: is there a plan of entire project and asks for photos.

S.Gustin: presented two points about parking. Parking management plan addresses the marina and the sailing center.

A.Hart: this is an explanation of why they qualify for waiver. It would be helpful to have CEDO speak on this all fits together.

J.Wallace; spoke about nineteen public parking spaces for weekend and holiday times.

A.Hart: sounds as if this is a component of your application. Would like to know how DPW manage the three uses all at once. It needs to be part of the application.

J.Wallace: mentioned aspects of staff report and proposed conditions. Spoke of additional screening, landscape plans developed with park and recreation, promenade between park and two buildings, extension and turnaround and pedestrian access path, and leaving plan as is with screening and bond condition for public approval. Contaminated soils will find a place on site working with the state landscape berms on site.

B.Rabinowitz: can there be public access on the north side for pedestrians where there is better access?

M.Nod; asking area to be covered and guaranteeing the TIF spending.

N.McKay; sworn in. Gives clarification on TIF.

A.Hart: swears in N.McKay.

Further discussion on vehicular and pedestrian use. Penny Lane access and safety. Flood plain area and questions of bonding or escrow.

S.Gustin: condition is vague, not bond or escrow necessary, and what ordinance says, similar to what has happened to Mall. TIF will pay for it.

A.Hart: allows us to accept a bond or other instrument as stated by the city attorney.

Board opens up to public comment.

S.Goodkind; formerly public works director and familiar with the site. Sees area open to the public with good access. Federal funds should preserve the Penny Lane access and public parking. The development of park is unusual path and should be a public process as to how this public land should be developed as public trust land with some restrictions as to how it can be used. Allocation for the public seems only off hours.

A.Hart: swears in other interested persons.

N.McKay: spearheading through the City Departments. Public process was approved and TIF money was used for infrastructure and public and private investments. Agreement developing all on public property where park and parking lot becomes City owned. The Marina will pay for spaces but may be public arrangement with city for spaces.

A.Hart: are there assigned spaces

N.McKay: spaces will be allocated as 19 spaces available for public. Penny Lane is City-owned and needed for access this because of its trucks.

B.Rabinowitz: asks about parking for the fishing pier

W.Senville: has City looked at effects of fishing pier.

K.Pigsford: yes, it will be accessible with conditions.

Resident on Lake St: the access through Lake St. already has too much vehicular traffic.

Lake Street is fairly noisy.

M.Long: questions if parking is adequate. Questions other arrangements parked cars and shuttles.

A.Hart: decision to continue and schedule one more hearing.

J.Wallace: with property taxes, marina will be accessed a significant amount.

B.Rabinowitz: the Board needs to look at supplementals.

A.Hart: move to continue hearing to April 18th.

B.Rabinowitz: seconds the motion.

Board Vote: 6-0-0

IV. Other Business

A.Hart: this comes to the Board as a request to reopen the public hearing for 75 Cherry Street. Board accepts supplemental communications.

C.Meyer: assistant city attorney gives criteria and standards by which the Board would reopen the hearing.

B.Rabinowitz: if information does not generate a positive condition does this alter decision.

A.Hart: this is to process new information perhaps not available previously.

M.Long: asked this be reopened.

A.Hart: we previously closed the public hearing and now reviewing this request.

M.Long; asks how the Board reviewed the shadow studies.

A.Hart: working toward an efficiency of process. Made sure all information including shadow studies were available.

M.Long: felt it was not adequate with what was rendered by computer program.

B.Rabinowitz: we had elaborate shadow studies.

M.Long: good if information could be verified.

B.Dunkiel: pointed out that interested parties are allowed to respond, but there have already been three hearings. Information has been available for years on this project. There should be consequences for someone who wants to reopen the hearing and not take advantage of the time allowed. This is an extraordinary remedy and burden is extremely high on the applicant.

S.Goodkind; sworn in. Studies may show a different aspect.

M.Long: the project has been represented and locked in before the public process.

A.Hart: closed the public hearing.

V. Adjournment

Austin D. Hart
Austin D. Hart, Development Review Board

June 12, 2017
Date

A. Wade
A. Wade, Zoning Clerk

6/5/17
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 or the office notice board, one week