Burlington Development Review Board
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BURLINGTON DEVELOPMENT REVIEW BOARD
Tuesday, May 2, 2017, 5:00 PM
Contois Auditorium, City Hall, 149 Church St, Burlington, VT
Minutes
Board Members Present: Austin Hart, Brad Rabinowitz, Geoff Hand, Israel Smith, AJ.LaRosa, Alexandra Zipparo, Wayne Senville, Jim Drummond (Alt)
Board Members Absent: R.Purvee (Alt)
Staff Present: Scott Gustin, Ryan Morrison, Anita Wade

I. Agenda

II. Communications

III. Minutes

IV. Consent

1. **17-0792CA/CU; 410 North Street (RL, Ward 1E) Scott Goodwin**
   Add a 165 sq. ft. addition onto accessory dwelling unit. (Project Manager, Ryan Morrison)

   A.Hart: assume you have you seen staff conditions and recommendations.
   S.Goodwin: correct.
   A.Hart: asked if members of the public are request to speak. None.
   W.Senville: motion to approve staff findings and recommendations.
   B.Rabinowitz: seconds the motion.
   Board Vote: 7-0-0

2. **17-0896SD; 311 North Ave (RM-W, Ward 4N) BCCH**
   Review of Final Plat for 9 lot subdivision (3 existing and 12 proposed lots).
   (Project Manager, Scott Gustin)

   G.Hand: recused from this item.
   A.Hart: no public members of the public request to speak. Swears in applicant. Asks if he has seen staff comments.
   E.Farrell: yes.
   S.Gustin: preliminary plat review had a single condition on lot lines being straight. The plat was submitted the same and felt this needed to be pointed out to the Board.
   A.Hart: what are the specific concerns for staff.
   S.Gustin: concerns about lot 9, 3, and 2 being irregular lots.
   E.Farrell: lot lines are perpendicular and were approved with the master plan previously. This reflects the plan we presented prior that was approved by the Board.

M.Murray: owner of property on Shelburne Rd. Said FOIA letters were sent to the Mayor and Board and HUD about too many units being placed near the water, overbuilding on a slope, and the dirt. She gave letters to the Board.
A.Hart: closed public hearing.

V. Public Hearing

1. 17-0825CA/MA; 85 North Ave (NMU, Ward 3C) Catamount/Lakeview, LLC

Review construction of a 43-unit residential building with associated parking and site improvements. (Project Manager, Scott Gustin)

AJ.LaRosa: recused from this item.
A.Hart: swears in applicant and interested persons.
E.Hoekstra: slide presentation of area in NMU. Proposing multifamily mixed use development with no direct frontage on North Ave previously owned by Burlington College. Showed parking easement that benefits COTS and where the proposed building lot can be sited. Indicates the differences and changes from previous presentation, where the current proposal is a smaller scale with 43 units and 53,000 sq ft building consisting of studio, one bedroom and two bedroom. Indicates vehicular travel patterns, pedestrian approaches, and crosswalks and sidewalks. Parking to be open. Spoke of infrastructure connections and adequate capacity. Worked out with the Fire Marshall about maintaining the path of travel for emergency vehicles. Discussed elevations, entryways; parking levels.
W.Senville: questions the structure of the parking level.
E.Hoekstra: part of building is on slab foundation and part on columns. The hillside is stable on sandy soil.
W.Senville: what sort of materials.
E.Hoekstra: screening of headlights, screened ceiling lights in garage, showed parking levels and sectional aspects of the building. Refers to site plan, landscaping, tree locations,
B.Rabinowitz: location of trees.
E.Hoekstra: fair amount of trees will remain and will be post construction stabilization.
A.Hart: is building finalizing the retaining walls and review by the City
E.Hoekstra: DPW is looking at substructural with a rigorous review process.
A.Hart: stormwater offsets explanation; and most handled with infiltration; need more detail
E.Hoekstra; overflow has dedicated line; challenge is the combined line on North Ave. Working with DPW to reduce flow of stormwater with new infiltration off site. Conservation around Police Station and Battery Park, where the infiltration site will be installed.
A.Hart: building materials.
D.Goltzman: discusses mixture of materials.
W.Senville: questions on traffic flow.
E.Hoekstra: primary is North Ave. Majority of parking is accessible to building.
W.Senville: access from Lakeview Terrace.
E.Hoekstra: don't think most people will travel down North Ave. Peak trips are few during commuter times.
W.Senville: traffic report mentions number of left hand turns and people going down Lakeview Terrace to make the turn.
E.Hoekstra: don't think this will be adverse impact.
A.Zipparo: connectivity and circulation of traffic concerns.
E.Hoekstra: shows pedestrian access and ROW.
A.Zipparo: want to know more about the parking area and where traffic flow from the building.
W.Senville: would like to hear about DPW comments.
A.Hart: materials on site designated as hazard site.
N.Baldwin: spoke about program from DEC, phase 1 and 2 sampling and testing. DEC will review before and at the end.
A.Hart: asks for members of the public who may want to speak.
J.VanDriesche: part of an advocacy group for better places for walking and biking. Would like more information on bike parking and bike storage with secure location. Supportive of viable transportation options.
A.Zipparo: 16 long term and 8 short term bike spaces doesn't seem not adequate.

JTadrice: looking into creating more strategies for bike parking and long-term storage.
J.George: speaking as a neighbor from North Ave would like to see visitor parking issues provided by the contractor to have parking in other areas offsite.
A.Farrell: lengthy construction with COTS and would like to shorten time with this project and plan for this construction.
Resident: resident of Lakeview Terrace would like Board to view area and take notice of entry way. Questions about moving trucks and delivery trucks. Methods of no shipping, receiving and unloading in this plan; how are trucks entering. Want to build all the things to support the community or else the area will become dangerous with transportation concerns for children playing in area. This building supports dogs with no design solution to relieve the dogs and puts it out of balance handling waste.
R.Markey: resident and also works for COTS. With our plan we brought to the Board was in spirit of NMU with commercial on lower floor and housing on top floor. Reads NMU requirements. Decided on having services for community, where half of staff can bike or walk to work and could have created 5 or more affordable units. What are the ground rules? Consider the precedent the Board is setting and what for what purpose. What is the meaning and purpose of uses if not everyone is following them.
M.Sherman: not enough said about parking and traffic. Number of cars owned by residents doesn't make sense. Matter of time before an accident. The parking on Lakeview Terrace is impossible and the number of cars are not realistic. In favor of more housing but needs to be held to high standard like Lakeview Terrace. Asks Board concern about traffic, safety and parking.
L.Tierney: lived 40yrs in area. Skate park is nice but noisy, traffic issues, dogs in garden all the time, dog runs placed on the roof in other areas with self-clean components, place garbage behind the building not next to building. There are over 20 kids on our street with some people not paying attention driving down Lakeview Terrace. This is not a stable hillside. We've lost between 6 to 8 feet of land.
S.Bushor; sworn in. Speaking as a resident wants the focus on environmental change and frequency of 100 year storm and stability of bank. Concern about structure hanging over posts and look at weather changes and also have had tremors in area. Not sure where structure could slide to. Feel DRB hasn't had questions answered and need to continue hearing.
I.Goldstein: 65 Lakeview Terrace resident feels it is a nice design, but bad logistics. It cuts off Depot St and needs significant review
M.Tierney: chairman of advisory on Historic preservation and looking for rationale for historic; multi facet of neighborhoods. Packard loft area changes and ecology. Problems with dog droppings in leaves, driving legal limit is too fast at 25mph. Not against this project but sense of neighborhood and community is being eroded. Structurally needs to be resolved. Feels preliminary sense of application.
Resident: access to Depot St and only access to water; special crossing signals to reach water and old north end
D.Goltzman: 135 Lakeview Terrace. Disagrees with most neighbors. Main concern should be about state of economy in VT and Burlington and believe the need for housing. If we slow down housing projects and delay it can slow economic development. Nice design and aesthetics and need to add taxpayers into Burlington; welcome into Burlington and strive to maintain.
M.Murray: lives in Montpelier and own property on Shelburne St. COTS had overrun due to polluted soils and this will be similar. DPW will work with developer looking at traffic. Stormwater and sewer combined capacity up North Ave. Funds for project is concern
M.Sherman: sworn in. Licensed B&B owner. Parking is challenge with traffic is picking up. Pets are a problem at Packard Loft. Would like to see new development have pet run. Trash placement is concern. Underground parking should dedicate carshare spaces.
E.Speigel: sworn in. Resident lives two blocks away said Depot ST and impact of additional traffic as a primary connector to waterfront has a lot of activity and busy convergence. Parking issues. and concern for older trees being removed. Where will 43 bikes be parked.
P.Reilly: sworn in. Beauty of the view and now will be looking at parking area.
A.Hart: will continue this for traffic and study from DPW. Continue to another date.
E.Hoekstra: close to addressing this with DPW.

S.Gustin: next available date is June 6th
A.Zipparro: would like to know more about erosion control.
B.Rabinowitz: adds would like to see how this impacts plan
A.Hart: more information on traffic circulation, traffic up Lakeview Terrace and mitigate high speeds.
W.Senville: asks for loading and deliveries for DPW to address Depot ST.
A.Hart: whether spaces sufficient or spill over on Lakeview Terrace, consequences of dogs.
B.Rabinowitz: number of bedrooms
A.Hart: come back June 6th and send information in advance for Board
Letter Handout from neighbor to Board.

2. **17-0755CA/CU; 235 Penny Lane (DW-PT, Ward 3C) City of Burlington/Burlington Harbor Marina, LLC**
Continued review to construct marina, parking lot, and related site improvements.
(Project Manager, Scott Gustin)

AJ.LaRosa: recused
A.Hart: only seeking what is happening on the land and not waterfront. Swears in applicant and interested persons.
A.Hart: traffic, management, spaces and other issues unanswered.
J.Wallace: following up on responses from the City.
C.Spencer: goes over aspects of the letter sent to Board; the traffic study; satisfied with conclusions and guidance with east lot and plaza relates to pedestrian sidewalking; sufficient due to less traffic in this area 2) parking waiver 3) UGS tanks referred to VT and their role 4) management of shared parking, 68 spaces on east lot
AHart: how will this lot be managed?
C.Spencer: kiosks or meters with signage clearly conveyed.
B.Rabinowitz: does marina have card or status?
C.Spencer: designated spaces.
A.Hart: need for control and consequences since very desirable parking spaces.
C.Spencer: handicap accessible spaces will be first month first serve.
A.Hart: flood hazard comments from state where it connects to city system are they secure and safe.
M.Moir: thorough review but not offshore. Working with developer on piping system.
A.Hart: would like to know general system that connection is secure and safe.
M.Moir: cannot approve UST Steve: will not have adverse impact on system
N.Baldwin: will follow up on protections are complete and sensible
J.Wallace: two comments and questions about conditions; condition 8, flood hazard area; request condition 8c and 8e say nonapplicable. Confusion on how much of project in special flood area;
S.Gustin: point out these are required as part of CDO if it's a sliver or more.
A.Hart: condition is that nothing applicant can do to avoid crossing area.
JWallace: 8f and 8g but 8e no onsite waste disposal and only water supply pipe
SGustin: suggests Board leave in 8C
J.Wallace: revise 3.2 performance bond
N.McKaiy: performance bond and structure of development agreement is for park area and feel we have enough assurances
JWallace: bonding, for two years of maintenance going to City and City is taking over; it is in the CDO.
B.Rabinowitz: questions parking approved for sailing center.
S.Gustin: parking at Moran for sailing center and will come in with separate parking arrangements.
W.Senville: Moran permit, outstanding zoning permit. How does Board grant approval with outstanding zoning permit?

S.Gustin: this is mostly for sailing center who will be finding own parking, apply separate. May have temporary parking or amendment for parking.
Richard: city attorney and fact witness for city said solution for temporary CO for sailing center. Coming back in August for amending zoning permit to finalize what the waiver request will be. Temporary CO and amend before original is closed out. City will work with them. This allows DRB to proceed.
B.Rabinowitz: spaces are not yet accepted into public ROW.
Richard: sailing center waiver will satisfy for DRB.
Applicant: comfortable moving forward into building in the summer. Will come in with long term solution to DRB.
A.Hart: asks if anyone from public would like to speak.
S.Bushor: City Councilor Ward 1 asks how many spaces remain and if there has been any ADA complainant. State weighed in on spill prevention plan? DRB and DPW consider this drinking water for Burlington? Concerns about condition 4, with questions on parking waiver. Final conditions more expansive to remedy.
J.Wallace: Four ADA spaces in same area as now at fishing pier with15 minute drop off. Reviewing spill prevention plan which goes to Feds and is filed, recorded and administered.
W.Senville: are long waiting lists and why seasonal?
J.Wallace: greater demand for transient slips; reduce waiting list and encourage transient spaces;
W.Senville: does Burlington get priority?
J.Drummond: is there a pedestrian walkway and demarcations for bike lane and separation.
N.Baldwin: Traffic reduced and not seen accidents. Challenge with the excavation of site near water
A.Hart: closed public hearing.

VI. Other Business

VII. Adjournment

Austin D. Hart

Austin D. Hart, Chairperson of Development Review Board — June 6 2017 **Date**

A. Wade

A.Wade, Zoning Clerk, Development Review Board — 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/drb/agendas or the office notice board, one week before the hearing for the order in which* items will be heard.