

Burlington Development Review Board

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Geoff Hand
Alexandra Zipparo
Wayne Senville
Jim Drummond, (Alternate)
Robert Purvee, (Alternate)



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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, June 6, 2017, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT Minutes

Board Members Present: Austin Hart, Brad Rabinowitz, Wayne Senville, Jim Drummond (alt), A.J. LaRosa, Alexandra Zipparo, Geoff Hand, Robert Purvee (alt)

Board Members Absent: Israel Smith

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

I. Agenda

Scott Gustin recommends 158 South Willard for consent

II. Communications – no action to take

Board accepts communications submitted in the supplemental packet.

III. Minutes

A.Hart: Board is up to date with reviewing previous minutes, board members are asked to bring any issues regarding most recent minutes to the next meeting

IV. Consent

1. 17-0081DT; 135 Hayward Street (RL, Ward 5S) Andrew and Daniel Rowan

Request to extend retention of nonconforming triplex status past 1 year related to previous determination and appeal. (Project Manager, Scott Gustin)

A.J. LaRosa: Recused himself

A.Hart: Asks applicant if they have reviewed staff comments or if they have any questions.

A. Rowan: applicant affirms this and has no questions.

A. Hart: Members of the public have requested to speak. Opens the project up for public hearing.

A.Hart: Applicant and interested parties sworn in.

B. McNichols: Concerned that all pertinent information was not shared with the Board previously. Ask the Board to not approve extension due to misleading information and due to the case that the property has not been touched since early September of 2016. Property is overgrown, littered with garbage and glass, construction and/or demolition is not finished, crumbling foundation, property in sad condition.

B.Kellc: Asked if the applicant was obliged to mow the grass. Why hasn't the applicant cleaned the site up from the original fire?

A.Hart: The condition is that you will have another year, but not another extension.

A. Hart: neighbors have asked legitimate questions, asks applicants to return to address these questions and concerns.

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A. Rowan: after the fire they lost home owners insurance which held up the project- a \$240k check had been deposited and the construction is starting as soon as possible.

D.Rowan: it was a lengthy project working with the multiple agencies.

A.Hart: the question is: what can we do as the neighbors have been living with this eyesore for a length of time- what can u do about cleaning up what is there now and when will u begin and complete construction?

D.Rowan: foundation cannot be torn down until it was determined removable by the insurance company. It will be torn down in next 6 weeks, we will be in front of the DRB again to submit plans, high grass will be taken care of, fence has been maintained any glass is inside that fence, and there are no trespassing signs.

G.Hand: Question about applicant's transparency with the board. Concerned that there was information not provided.

A.Rowan: We have documented emails of weekly conversations with proctor, which then were sent to freedman.

G.Hand: Why wasn't this identified as something that was still holding you up?

A.Rowan: it was moved back after appeal. Money wise, we had to make sure things were clear. Time was of the essence and still is, we are trying very hard to get this project going.

A.Hart: mentioned that the Board understands this is a difficult project, but it does have an impact on the community and if the applicant could take that into consideration.

A.Rowan: building permit looks like triplex, appealed that it was a single family home. Continue to battle with insurance company. Neighbors are concerned that this was a boarding house, however the end result is that the neighbors will be happy with the triplex instead of the 5 bedroom house that was previously there.

W.Senville: Asked Scott Gustin: with a one year extension requested, what needs to be done or accomplished by the applicant within that year?

S. Gustin: they need to retain non conformity. They need to file the complete permit application with Planning and Zoning within the year.

A. Hart: Do we have any discretion as to put conditions to the extension with tighter time frames.

S. Gustin: Yes. The finish line remains the complete application submitted with Planning and Zoning, but the board has discretion as to how long the extension is granted for.

B. Rabinowitz: if you were to remove the foundation, what condition would the site be in?

D.Rowan: the site would be a hole with gravel in the bottom, plans are close to being submitted to Planning and Zoning for the DRB process.

G.Hand: absent an appeal what is the expected timeline for completion?

D.Rowan: everything is lined up, we need to get on DRB schedule for the end of July/August. Looking at September before construction can begin.

J.Drummond: asked about preliminary plan

D.Rowan: that was a design to show the footprint but will be possibly altered, slightly.

A.Hart: closed the public hearing

2. 15-0868CU; 404 College Street (RH, Ward 1E) Dunlap Riehle

Time extension request for zoning permit establishing a single residential unit and boarding house. (Project Manager, Scott Gustin)

A.Hart: Staff recommends approval with conditions, any public comment requested?

B. Rabinowitz: Motion to approve adopted with staff's recommendations

W.Senville: seconds the motion

Board Vote: 6-0-0

3. 17-1047CA/CU; 158 South Willard (I, Ward 6S) Phi Gamma Delta Housing Corp.

Change in use from Fraternity to Dormitory. No change to the number of beds.

No change to exterior of building. (Project Manager, Mary O'Neil)

A.Hart: Any concerns or questions with staffs findings?
A.Hart: applicant and interested parties sworn in
A.Hart: posed question about Champlain College parking plan
Applicant: area coordinator will be parking there and may be used for faculty as well but no students/occupants.
Ah-any other questions by board members, none.
P.Lavin: will there be supervision of the tenants at all times in the building?
A.Hart: application says 'yes' but will let applicant answer the question
Applicant- there will be an "area coordinator"-staff member living there full time.
A.Hart: closed the public hearing

V. Public Hearing

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

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

G.Hand: recused himself
A.LaRosa: recused himself

A.Hart: This is a continued public hearing. The Board will be keeping in mind the previous meeting comments however any new info and questions will be welcomed.
E.Hoekstra: reviewed parcel map with parking lot/easement. Project proposes to construct on the slope/existing parking lot a 43 unit apt building. Project is in mixed use district- highlighting that the project is significantly lower than lot coverage, height requirements, and abide by the parking regulations with no waivers requested. Noted that nothing about project is beyond what the Mixed Use zoning district allows, asks the board to keep that in mind.
E.Hoekstra: addressing previously raised concerns and questions about loading and deliveries: we put a large scale moving truck to show how it sits as if parked in the loading zone. Pointed to a rendering which shows that it fits no problem and could easily fit multiple trucks if needed. Applicant sees no issues in loading and delivery circulations. Questions about trash and recycling: showed a robust enclosure with solid doors for the trash and recycling. Concerns about bike parking: we have more than the required space for bike storage. Also added 3,000 square feet of storage in the basement for bicycles and tenant use. Bike parking provided in front of the building and now in the basement. Comments and concerns about pets: the development ordinance doesn't deal with pets- not relevant for DRB. The city has regulations on pets and there is language in their leases for pets and the tenant's responsibilities regarding pets. Concerns regarding the connection to Depot Street: the applicant reviewed with DPW, right now there is no practical way from the front side of the building, and there is extreme slopes between the building and the street. However they will work with the City to provide a 30ft right of way for future connection establishment (public connection). Traffic and parking questions- we are providing the required number of spaces.
K.Worden: raised concern over the before and after slope stabilization and erosion control
B.Rabinowitz: lot coverage calculation, is shadow footprint on the building part of lot coverage?
E.Hoekstra: everything is in lot coverage.
K.Worden: questions about contours and grading. West/left slab on grade with basement below. Dashed lines on site plan represent grade below the building. Surface below will be stabilized with fabric and gravel. Proposed storm water system diverts water away from the bank and into infiltration system, less water going over the bank to help stabilize soil and control erosion.
K.Worden: prior to Kots coming in you could see the erosion problem, the applicant took part of the roof and parking lot and redesigned them in order to correct that problem. Any

water that doesn't infiltrate into the proposed system will bypass and be redirected to another infiltration system.

A.Hart: so this is for the more than a 10 year storm situation.

A. Zipparo: This would be more likely for a 100 year storm

K.Worden: Preventing water staying on the ground and helping it enter the ground faster

A.Hart: storm water offset. Is storm water going offsite?

K.Worden: storm water offsets have nothing to do with this site, this area is separated in which the storm water goes to a dedicated system. Worked closely with geo engineers in regards to how much weight the building will have on soils below. Stated that it is not uncommon to build an elevated building and gave a few examples

B.Rabinowitz: looks like there are a number of trees that will be taken out. Question what one will end up with other than gravel under the building and the approximately 20' wall? Concerns the project seems to have an un-orchestrated view. There is no landscaping, only a concrete wall. Renderings are nice but don't include material you are going to provide. Has there been any coordination with the city about what will be there in terms of vegetation?

E.Hoekstra: coordination with city property has not been brought up. The lands are all heavily vegetated, but the project would not be disturbing anything there.

B.Rabinowitz: you are disturbing everything on your property

E.Hoekstra: there aren't any views of the property from any neighboring properties, due to the heavy vegetation surrounding.

B.Rabinowitz: would like to see more effort being made to show consideration of neighboring views. Also the board does not have any plans of the lower portion of the building, no foot print

E.Hoekstra: pointed out where the footprint was provided. Commented that the slab on grade portion of the building includes no visual impact of the addition as they would not change anything visually to the exterior.

B.Rabinowitz: what is the end of the property?

E.Hoekstra: slab with frost walls go down to grade

K.Worden: surface grade is less than 5 feet

R.Bryant: Representations about traffic impacts. DPW had some input, the applicant met with them last week. DPW issued a statement that the analysis was reasonable and conclusions were found to be reasonable. Trip generation rates, how many trips to and from the site are occurring per development unit. Compared number of dwelling units versus average vehicle trips. Looked at U.S. Census data for north avenue, found that 85% of residents drive or carpool. Showcased comparable projects which helped identify trip rates for project site. Studies look at morning commuter peak hour and afternoon commuter peak hour trips.

E.Hoekstra: these trip calculations are for the peak hour-1hour during peak hour

R.Bryant: the ratio for residential uses peak versus rest of the day= 10:1. These are the busiest times of days for use Morning peak hour =15 trips, to/from north =8, via Lakeview Terrace = 4

E.Hoekstra: this is an aggressive look at the directional movement of the traffic. This projects more impact than would likely occur.

R.Bryant: made the assumption that there is a 50/50 split for directional trips taken, 1 new trip coming off site every 3-4 mins during peak hours, 1 new vehicle every 15 mins on Lakeview Terrace.

A.Zipparo: so vehicles that want to exit go up to North Street, does that light allow cars to exit the site and go toward North Street?

E.Hoekstra: that can be tricky during certain times in the day

A.Zipparo: traffic would have to obey the North Avenue light –you could not go straight across?

R.Bryant: study shows detail analysis of north to north intersection – North Avenue corridor study came back as showing intersection can handle new flow.

E.Hoekstra: another way to think about it is 1 new vehicle every 3-4 mins

B.Rabinowitz: doesn't seem like there is any scientific or specific way to analyze the parking lot as a means to exit. Parking lots are challenging things it becomes a person's choice to go one way or another, exiting through the Lakeview Terrace road over Parking lot exit. Going through a parking lot that belongs to someone else

E.Hoekstra: this is a site that used to be a grocery store. Changed to Burlington College-. The volume of traffic has to be less than the store or college ever was, the afternoon peak hour impact of this would be significantly less than a grocery store. For a period of time you had low intensity use with wide open parking lot which was very easy to fly through. The parking lot has since been redesigned with hardscapes to slow down and buffer traffic.

D. Golteman: no changes to the design of parking lot elevation. No change to elevation, no design changes to side elevations, the Lakeview elevation, change related to how the applicant decided to set the northern section of the building on the slab so the slab has been raised. Instead of structural fill behind basement wall, now it will be habitable space.

A.Hart: is the landscaping up against the foundation wall, is that vegetation on this site or city property?

D. Golteman: all vegetation on the slope currently are not necessarily on site or on site plan

D. Golteman: in addition to easement with DPW the applicant has also agreed to help work to implement the walk bike master plan as it continues to unfold.

L.Tierney: resides at 37 Lakeview Terrace States that the reality is that the city has always had a policy that a new building should not have a deleterious effect on neighborhood, which it will. Concern about the increased housing density on the street, new site triples residential density on the street. Packard Ross also had a traffic study done but resident can attest that they have tons of high speed traffic coming from Packard Ross. It has made a huge difference in traffic congestion and issues. Concern that parking was not mentioned. Concern over where the overflow parking will be going, parking regularly overflows onto Lakeview. Dog issues were mentioned. Resident would like to see a dog run in the site plan so that the neighborhood doesn't become a dog latrine. Asks the board to visit the site to appreciate what the neighborhood looks like with the over parking on the street. Resident feels that getting out of Lakeview Terrace to go north is practically impossible.

A.Newman: encourage the board to go down during the day and look at the parking lot to observe the traffic and parking situation. How are the moving trucks going to get there? There is no way for trucks to get in the site.

J. Perlommer: Lakeview Terrace Resident- Concern regarding the site-line looking at slope side. States the property is clearly and totally visible from the water and has concerns about how the barricade will look from the west. Concern over parking lot design and truck use. Concerned that whatever criteria they met to meet mixed use, it will change Lakeview Terrace, it will create a mini North Avenue. Concern regarding traffic study. The City could make Lakeview Terrace residents satisfied if you simply cut off Lakeview. Concerned that there will be a fatality, believes there will be a vehicle pedestrian accident. Questions how is the fire marshal going to use that site?

Resident- Concerned that with the development the trees are either going to be disturbed or removed. Requests that the Board require be some vegetation.

I.Goldstein: Good responsible neighbors don't do site work on a brownfield without warning the neighbor. Stated there was a bunch of dust that was created when the removal of 5 trees occurred. Stated that there is something in city code about public view protection and that this project entails a wrap-around large tall building which will decrease the public view that is supposed to be protected in some way. Stated good neighbors don't put dumpsters next to a neighbor's home, questions why the applicant can't redesign and put them on the other side of the building. Stated it would be nice if the board addressed urban pet usage policy on the street. Concerned over the pile driving, stating they will be driving piles in to the brownfield. Questions how will the applicant protect the neighbors from dust. Questions why don't they have a wrap around for loading trucks/ dumpsters.

M.Tierney: question regarding if the south elevation a true structural solution? How is lot coverage figured here? Lot looks to be completely covered by hardscape

S. Gustin: lot cover is anything that is not green- walkways, building, etc.

A.Hart: where part of the surface is steep slope how does that come into play?

S.Gustin: the slope has no play

B.Rabinowitz: they have a slope stabilization that is a dense graded stone, would that also be lot cover?

S.Gustin: confirms

M.Tierney: what is the allowable coverage?

S.Gustin: 92%

A.Hart: asks the applicant come back and answer questions

E.Hoekstra: confirms the elevations are accurate

J.Drummond: he was asking if the columns reflect real design

E.Hoekstra: applicant confirms

A.Zipparo: Asks the applicant to explain how moving trucks would be using that building?

E.Hoekstra: we've been coordinating with the fire marshal's office- the biggest truck moves through the site with ease. Moving trucks have multiple routes for movement throughout the lot

A.Zipparo: so firetrucks would be able to fit those dimensions also

E.Hoekstra: confirms

A.Zipparo: they would exit by pulling forward

E.Hoekstra: because there is limited access to the building the fire department would park in front of the wings. Firetrucks wouldn't be letting anyone move in emergency situations anyway.

R.Purvee: would the walkway turn to private ownership or city?

E.Hoekstra: the city would like public access but would like it to remain private. Public permitted to use sidewalk but the property owner maintains it.

J.Drummond: looking up at the building what are we going to see on the underside of the parking garage?

E.Hoekstra: at the request of the DAB they are putting a screening to shield lights. There may be some vantage points where you see under the parking deck-

J.Drummond: would you see the steel deck and beams?

E.Hoekstra: Confirms

B.Rabinowitz: what would happen if access to property were only through that parking lot or garage?

E.Hoekstra: not our preference nor the preference of DPW or the fire marshal. Stated the fire marshal doesn't like the idea of botherance there.

A.Hart: Asks Norm Baldwin from City of Burlington DPW to come up and answer questions.

W.Senville: is there a process for closing off that street and how would the City decide that?

N.Baldwin: We provide recommendation to the City Council and it is Council decision. Significant consideration is taken in how the decision to close the road would impact neighborhood and fire department access. The fire department has expressed strong concern to keep the access open for emergency needs. Access is largely for fire response.

E.Hoekstra: fire marshals feedback wasn't as much as access to our building but in terms of historic access as they have used it as a public right of way for many years. Fire Marshal also did not like the idea of bollards or speed bumps.

A.Hart: Allowing a late public comment

J.Caesar: looking at the slope with the designers how they are using sustainable tactics to help mitigate runoff and erosion control.

A.Hart: discussion was already had on this topic.

J.Caesar: is there the use of permeable pavement on site?

B.Rabinowitz: No

E.Hoekstra: infiltration chambers but not using permeable pavement. Found it is difficult

with snow removal to maintain the permeable pavers.

A.Hart: closed the public hearing

A.Hart: Deliberative meeting to be held Monday at 5 in the office of Planning and Zoning.

VI. Other Business

Supplement Packet introduced by Scott Gustin regarding ZP 17-0914CA; 212 Elmwood Avenue; Demolish existing 3 bedroom single family residence and replace with a new 3 bedroom single family residence.

S.Gustin: recently the board approved construction of a single family residence at 212 Elmwood Avenue regarding a habitat for humanity project site. A request to the DRB has been made asking to allow volunteers to engage in construction activities on Saturday.

W.Senville: can the Board handle this administratively

S.Gustin: yes referring to previous examples

A.Hart: Does not seem appropriate to permit without notice to neighbors

S.Gustin: we can put it on the agenda as an official item in 2 weeks

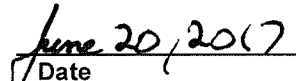
Board agreed to put this item on the agenda for 2 weeks from today.


VII. Adjournment

The meeting adjourned at 7:12 PM


Austin D. Hart Chairperson of Development Review Board


L. Darrier, Planning Technician


Date


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.

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