

Burlington Development Review Board

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AJ LaRosa
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Alexandra Zipparo
Samantha Tilton
Jim Drummond, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday January 16th, 2018, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT MINUTES

Board Members Present: B. Rabinowitz, I. Smith, A. LaRosa, G. Hand, A. Zipparo, S. Tilton, J. Drummond (Alt.)

Board Members Absent: A. Hart

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

I. Agenda

B.Rabinowitz: Item number 1 under Public Hearing has withdrawn their application
R.Morrison: That is correct

II. Communications

B.Rabinowitz: Written Communications sent in regarding 208-212 N. Winooski

III. Minutes

Minutes from December 19th will be considered at next deliberative

IV. Consent

- 1. 18-0547CA; 323 Pearl St (RH, Ward 8E) 323 Pearl Street LLC**
Renovations to existing building including siding and windows.
(Project Manager: Scott Gustin)

B.Rabinowitz: Has the applicant received and reviewed the staff comments?
Confirmed

B.Rabinowitz: Any questions?

None

B.Rabinowitz: Do any members of the Board object to this item remaining as consent?

None

B.Rabinowitz: Any public present wish to speak about this project?

None

B.Rabinowitz: Added comment that it would be nice to see the portions of the porches being filled in be decorated similarly to the balcony to maintain the character of the building

S.Tilton: Motion to approve and adopt staff findings and recommendations

A.LaRosa: Seconds the motion

4-0-0

2. 18-0506CA/CU; 294-296 North Winooski Ave (NMU, Ward 2C) Irene Hinsdale / Jon Bacon

Turn unit 112A into Dance Studio, with interior renovations.
(Project Manager: Ryan Morrison)

B.Rabinowitz: Has the applicant received and reviewed the staff comments?

Confirmed

B.Rabinowitz: Any questions?

None

B.Rabinowitz: Do any members of the Board object to this item remaining as consent?

None

B.Rabinowitz: Any public present wish to speak about this project?

None

A.LaRosa: Motion to approve and adopt staff findings and recommendations

S.Tilton: Seconds the motion

4-0-0

3. 18-0567CU; 1288 North Ave (RL, Ward 7N) Joan Provencher

Convert single family dwelling to a duplex.
(Project Manager: Ryan Morrison)

B.Rabinowitz: Has the applicant received and reviewed the staff comments?

Confirmed

B.Rabinowitz: Any questions?

None

B.Rabinowitz: Do any members of the Board object to this item remaining as consent?

None

B.Rabinowitz: Any public present wish to speak about this project?

None

A.LaRosa: Motion to approve and adopt staff findings and recommendations

S.Tilton: Seconds the motion

4-0-0

4. 18-0561CA/CU; 208-212 North Winooski Ave (NMU, Ward 2C) 208-212 North Winooski Avenue LLC

Change of use from retail and redemption center to restaurant and food processing. Minor changes to elevations, infilling small existing windows, new storefront doors, new siding and installation of three exhaust fans on the roof.
(Project Manager: Mary O'Neil)

A.LaRosa and G.Hand recused

M.O'Neil: Communications were sent last minute just before the meeting, the applicants have been made aware, regarding concerns about lighting.

B.Rabinowitz: Has the applicant received and reviewed the staff comments?

Confirmed

B.Rabinowitz: Any questions?

None

B.Rabinowitz: Do any members of the Board object to this item remaining as consent?

None

B.Rabinowitz: Any public present wish to speak about this project?

None

S.Tilton: Motion to approve and adopt staff findings and recommendations

A.Zipparo: Seconds the motion

4-0-0

V. Public Hearing

- 1. 18-0544CU; 32 Marble Ave (RM, Ward 5S) Amy Radcliffe/Maryann Neuzil**
Convert existing duplex to single family residence with one bedroom Bed and Breakfast/short term rental.
(Project Manager: Ryan Morrison)

B.Rabinowitz: Project has been withdrawn

VI. Other Business

- 1. 17-1081PD; 451 Ethan Allen Parkway (RL, Ward 7N) Timothy Alles and William Ellis**
Reconsideration request of time extension denial regarding final plat for 9-unit planned unit development in three buildings and associated site improvements.
(Project Manager: Scott Gustin)

B.Rabinowitz: Is the applicant or representative here?

S.Gustin: The representative stated he would be here, expected his item to be closer to 5:30PM (currently 5:15PM)

B.Rabinowitz: What is the formality of this? Do Board members have any comments?

S.Gustin: To be clear what is in front of you tonight is a request to reconsider the time extension; going back to November they requested a time extension on the 6 month DRB time limit. That killed the application as it has timed out. Tonight the applicants want you to reconsider saying no to the extension

B.Rabinowitz: Open to public comment; reminder this is only on the issue of approving the time extension request

M.Brennan: Concerned neighbors; final plat was in May in the staff report they requested an extension in November, they were not here and again they are not here. They didn't file request for reconsideration until December 19th, respectfully we are requesting the DRB follows its procedure and decline the request for reconsideration.

J.Drummond: We denied the time extension request because they have to be here correct?

B.Rabinowitz: It is stated in bold at the top of the staff report that the applicant or a representative must be present.

J.Drummond: Inclined to wait another 10 minutes since it sounds he was given a later time to be here (5:30 PM). We should wait.

B.Rabinowitz: Public meeting agendas are always flexible on time

A. LaRosa: The applicant wasn't here the first time so now we are reconsidering

B.Rabinowitz: Do we have to vote?

S.Gustin: No, you can take no action and let your decision at the original request remain

B.Rabinowitz: Anyone on the Board think we need to take action?

A.Zipparo: No it was clear last time

G.Hand: I would be inclined to wait until 5:30 PM and then decide

B.Rabinowitz: No objection, we will adjourn for 10 minutes and re-open at 5:30PM
Reopen at 5:24 PM; any new evidence or information that supports the reconsideration; again we are here only to reconsider the request for time extension

J.Anderson: Several things support reopening or keeping the application open; allowing us to have time to provide information that the Development Review Board will want to consider with the application. The application is in good shape except two issues found out as they were ready to file for final approval; 1 the wetlands delineation was out of date and the wetlands permit had to be re-filled. We have done wetlands delineation and that information is being put on the application that will be brought before you.

B.Rabinowitz: Again this is about the request for reconsideration regarding the request for time extension

J.Anderson: Understood, would like to explain why and what we are putting in front of you. We understand the reason the application closing in Rules of Procedure but it is not in the Ordinance itself, looked multiple times in the ordinance and other than DRB bylaws this procedure is not listed.

B.Rabinowitz: It is clearly stated in bold at the top of the staff comments that the applicant or representative must attend the meeting.

J.Anderson: True I did not attend the meeting, and if that is my crime I am sorry. However, I am trying to make sure the application is considered on its merits. The meeting was held the Tuesday before Thanksgiving and had positive recommendations that they should have the extension and have good reason for requesting such. Doing a wetland delineation – looks like we will be able to obtain new wetlands permit from the state. Trying to resolve storm water issues with the project; DRB has stated that they need to file storm water plans and that needs to be solved before the application comes before you. Met with storm water folks and hired best person known to solve and address these issues. We want to bring a fully supported application before the DRB to be considered on its merits. If they don't, and this request is denied, the end result is appeal to environmental court and the DRB loses its ability to control the outcome. If all of that is unsuccessful than we can resubmit the application and start over. Project is a good project, has been delayed due to storm water department delaying meetings. Can give application with no issues other than opposition from neighbors.

B.Rabinowitz: How many renewals can one have for time extensions?

S.Gustin Two; 6 months off the bat

A.LaRosa: Jon did you say you filed an appeal with the environmental court?

J.Anderson: I recognize the implications if DRB grants the extension but filed the appeal within the time limits in case decision was adverse. If DRB went his way he would pull the appeal. Recognize jurisdictional issue; felt he had no choice no provision for staying the appeal period

G.Hand: Our procedures speak to needing to explain the justification for needing the time extension, special events require the extension; it doesn't sound like anything typical developer has gone through.

J.Anderson: The Storm Water folks couldn't make time to meet with us.

G.Hand: How long has this project been under consideration?

J.Anderson: What do you mean?

G.Hand: When was sketch plan?

J.Anderson: A year or so ago; we followed the time line provided

B.Rabinowitz: This has been several years

J.Anderson: We have been through process twice; missed deadline for filing final application by a matter of days, we have been close to the deadlines but just shy.

G.Hand: This does not feel like an application that has pursued with reasonable haste/lack of diligence; that raises concern as it puts neighbors through this process; the cost to the applicant is refilling application

J.Anderson: Cost is several thousands of dollars every stage; will not result in loss of project and will ask environmental court to consider project based on merits. In effect you have rejected the application.

B.Rabinowitz: Are there any other members of public who wish to speak; again only concern is the request for reconsidering the time extension request.

S.Ston: This has been going on since 2004; they have missed several deadlines and file appeal after appeal. We have opposed this for many years and it has been changed many times. When is enough, is enough. Representative states that they were delayed because of City staff; they have missed 3-4 deadlines and they keep delaying, now it is time for the DRB and everyone to just say no. Giving them another extension is just ridiculous, time to let go and be done with it.

D.Hartman: North District City Councilor; the applicant must be present at time of the meeting- this is written for a reason, thanksgiving week is tough but where was the phone call or request for delay? The neighbors have met every deadline and have done everything on time and have shown up; the fair thing to do is to make sure it is done the right way.

W.Zygmintowicz: Request the Board uphold the decision to deny, especially since there was no applicant or representative as required. Uphold the bylaws and regulation to look out for the citizens in the neighborhood.

J.Anderson: Only deadline before them is not stated within the Ordinance, it has not been approved through City Council. It is only in rules of procedure, I should have been at the meeting but the penalty you're imposing – we base our cases on their merits- neighbors have not mentioned any reason why they can't go forward. The neighbors have asked you to deny based on our lack of attendance; we are asking that you decide on merits.

B.Rabinowitz: Closed Public Hearing

VII. Adjournment

The meeting adjourned at 5:45 pm


Bradford L. Rabinowitz, Vice-Chair, Development Review Board

2/6/15
Date


L. Darfler, Planning Technician

2/6/18
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.

