

Burlington Development Review Board

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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday February 6th, 2018, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT MINUTES

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

Board Members Absent: A.Zipparo

Staff Present: M. O'Neil, R.Morrison, L.Darfler

I. Agenda II. Communications

M.O'Neil: Communications before the Board is the request for deferral by 59-61 University Terrace

III. Minutes

A.Hart: Minutes from the January 16th meeting will be discussed at deliberation

IV. Public Hearing

- 1. 18-0455CA/CU; 44 Hoover St (RL, Ward 6S) Alberto and Jessica Guterrez**
Demolish 2 car garage replace with 2 car garage with Accessory Dwelling Unit above.
(Project Manager: Mary O'Neil)

A.Hart: Has the applicant received and gone through the staff recommendations?
Confirmed

A.Greenburg: The project includes: removal of 570 square foot 2 car garage and replace it with a 2 car garage with an accessory dwelling unit (ADU) in second floor, slightly smaller than original garage footprint. Moving garage 2 feet to the East and 8 Feet to the North to accommodate the setbacks. There will be a 2 car garage on the first level with interior stairs to studio apartment on the second floor. The apartment meets the requirement by the ordinance in that it is 22% or less of the main homes habitable space. The ADU is a modern style with historic accents to assimilate into the historic nature of the neighborhood. Building siding is modern with historic style windows, the lower siding will be a deeper medium grey with more earthy look; the upper lap siding will have corner boards to match historic styling of the main house. Robust landscaping plan has been drafted; adding trees and a section of the driveway pavement will be taken out- turned into mulch and seasonal flower beds. Landscaping plan is the immediate surrounding of proposed building. There are 6 cedar trees planted by the adjacent property

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owner; 30 foot tall trees in which the base of the trees are about 1 foot off the property line; had an arborist look at the trees and they didn't feel the excavation is going to harm the trees; the other issue is that the trees have grown over the property line about 8 feet and hang above the current garage. The arborist felt that the trees are hardy enough that they can withstand the cutback; property owners are more than willing to work with the neighbors to preserve the trees.
A.Hart: If you are not able to preserve the trees how that would be replaced as a screen buffer

A.Greenburg: Shrubbery is in the landscaping plan; property owners would be willing to add screening and work the adjacent owner to work out replacements if need be; discussion about a fence has been brought up as well. We do have a letter from the arborist that can be submitted

A.Hart: Do any members of the Board have questions?

None

A.Hart: Do any members of the public wish to speak?

J.Kaplewicz: Owner of the 30 foot tall cedar trees; applicant and she have been speaking on and off since last summer; they have had some conversation about the project and was in attendance at the Design Advisory Board meeting. There are a few concerns that she has and not sure how regulations play into it. When she moved in in the mid 80's her husband planted the trees to shield their view of the garages in the back yard. When the garage is moved back it will cover more open space that she currently enjoys in her backyard. Currently when looking in backyard a garden can be seen with big trees behind it blocking the garage from sight. When garage is moved back only 9 feet of open space will be left on the property line. Second thing is there is a fence on what believes to be own property, it is 18 inches from current garage, so there is a question of where the property line actually is. Clarification of where the property line is important as they are building a permanent structure.

A.Hart: Mary can you remind what a fence setback requirement is?

M.O'Neil: Fence may be on the boundary line as long as there is room for maintenance of the fence from both sides.

J.Kaplewicz: More about the space between the building and the property; Also they have never had tenants in the backyard before. Screening depends on if the trees survive the construction and trimming. Setback issue is that there is a fence that is believed to be on own property; measures 18 inches to the building. Is that own fence or do they need to move further away? Looked for property line and did point it out to the applicants.

A.Hart: Application before the Board shows a setback of 4 feet from the side property line which complies with the Ordinance; we don't judge where the property line is. If we approve the project it is with the condition that it complies with the property line; however it would be worthwhile for both sides to reach some sort of agreement on that issue.

J.Kaplewicz: Seeing this is a conditional use and you will provide conditions- could one of those conditions be to clarify the property line?

A.Hart: That is something that we can discuss at deliberation; we won't reach resolution here about the boundary line

J.Kaplewicz: Had arborist look at the trees; he sent email stating construction could be done in a manner which could mitigate any harm to the trees. Reassured that they could cut back some of the trees with minimal damage, his suggestion was that there are certain steps needed to be taken to protect the roots and there are ways to trim the tree for it to survive; Need to be handled delicately. If a neighbor does construction on their property and it is harmful to their property can we claim retributions?

A.Hart: you are asking for legal advice and that is not what we do here and is way out of our jurisdiction. We will look at the issues at hand during deliberation and you may submit and correspondence you would like tonight.

J.Kaplewicz: Neighborhood has been designated as historic but this property was left out, wondering why?

M.O'Neil: Yes the neighborhood fell into a historic site survey listing but this house was omitted as not adding to the historic character; did not create/conduct the survey so cannot speak to why the house was left off the list.

J.Kaplewicz: love modern architecture but this is a historic neighborhood; this is a very modern design building that will have different style and material on every side. DAB brought up the un-relativity to the front house; front house is supposedly going to be updated to match the new garage but this seems to set a precedent of leaving historic characteristics to the wayside and moving to modern forms- will be an odd house on the streetscape.

A.Hart: We will take everything into consideration at deliberation

Do any other members of the public have questions?

None

A.Greenburg: The applicants would be happy to provide a survey to verify property line; it is fairly obvious but not entirely where the property line is.

A.Hart: We don't want to get into the middle of a debate about the property line, we can discuss if a condition is appropriate. It is up to the property owners to figure out what risk is acceptable.

A.Greenburg: Rear lot coverage: existing garage is 24 feet long, proposed is 23 feet long with 18+/- inches residing over the property line. Moving the garage is essential to meet setback requirements and will essentially keep the same lot coverage. The move will not increase how much of the building is on the property line. Happy to work with the adjacent property owner on any tree specifics, trees have not been cut back in a while as they are 8 feet over the property line. The additional height of the new building is only about 6 feet taller- designed to limit the height impacts; we worked with the DAB extensively and went to great lengths for windows and siding.

A.Hart: Do any members of the Board have any further questions?

None

A.Hart: Closed public hearing

2. 18-0323DT; 59-61 University Terrace (RL, Ward 8E) Citytrust of Bridgeport Connecticut / Priscilla Toomey

Appeal adverse administrative decision regarding determination of pre-existing, non-conforming use of 5-person occupancy (unrelated tenants) of each of the two duplex units.

(Project Manager: Scott Gustin)

A.Hart: Requested Deferral for March 7th 2018 staff requested

A.Hart: Motion to defer until March 7th

6-0-0

V. Certificate of Appropriateness

1. 18-0541CA; 228 North Winooski Ave (NMU, Ward 2C) Champlain Housing Trust, Inc./Chittenden County Emergency Food Shelf

Two story addition.

(Project Manager: Ryan Morrison)

A.Hart: Has the applicant received and reviewed the staff report?

Confirmed

M.Wisniewsk: Current space is too small for the expanding mission of the Food Shelf. Food Shelf supplies food stocks, meals, and cooking classes. We want to expand office space and create a teaching kitchen separate from main kitchen. Designed the building with mission to not be too open to the street for privacy, entrances on the side and set back from sidewalk a bit. Looking at the existing site plan the only place to add on is the front of the building; challenge was that they were at 78.6% lot coverage. Existing exterior HVAC equipment is being moved and grass will take the place of that coverage to add addition and meet coverage; parking had 13 spaces and needed an 8 space parking waiver. With the revised zoning ordinance the requirement is 14 spaces so we are asking to reduce waiver from 8 to 3; new site plan shows 10 spots, when they fenced in the freezers and dumpsters we lost 2 parking spots; with the approval of the owner we are going to remove that fencing and relocating it so we will gain one space back. Existing tree on property line will create some space to avoid tree death-but spaces were tight so we extended the lines to make the spaces work. Verified with engineers that the spaces work for traffic flow. Requesting a reduced parking waiver.

A.Hart: Concern about truck traffic, the loading area is across from space 11; Who is parking in those spaces? Much of the traffic seems constant

M.Wisniewsk: Not ideal situation; staff all park off site so those onsite spaces would be customers coming and going. Trucks do come in and temporarily block cars in but they are very efficient at unloading those trucks and getting them back off the lot. It more or less works, but the site is small. Plenty of parking off site. Proposed addition; keeping most of the addition up against the higher part, still leaving a slight greenspace. Using the façade and entry to reinforce the streetscape. Few upgrades to parking lot itself, including increasing handicap accessibility. New entry will not be for public use, the front entry will be to classroom only. Food Shelf entry will be at side as currently exists. Existing building has a mix of metal and clapboard siding; street side, street side is in rough shape and will be replaced with fiber cement or borrel siding (rock resistant siding and trim). Struggled with the relationship of addition to tower, the original tower is small and has pyramidal shape. Propose to make tower bigger 6x12, removing pyramidal shape and flattening it. Right window in tower already exists. New entry, signange, and 3 large windows looking into classroom; much more welcoming and open approach to a building that currently turns its back to the street. Very low window strip will showcase shadows of pots and pans in the classroom. Upstairs is straightforward and simple; office and open work spaces.

A.Hart: Any questions from the Board?

None

A.Hart: Any members of the public wish to speak?

None

A.Hart: Closed public hearing

2. 18-0590CA; 20 Allen St (RM, Ward 3C) Champlain Housing Trust, Inc.

Change of use to Community Center. Site renovation to include increased parking lot size, addition of landscaping features and park enhancement. Replace exterior windows with new windows. Rehab existing historic windows. Paint existing metal panels and apply new decorative panels over existing panels. Remove existing vent stacks. Request for parking waiver.

(Project Manager: Mary O'Neil)

M.O'Neil: Confirmed compliant light reports; waiting on confirmation of when agreement was made for parking between parking districts.

A.Hart: Has the applicant received and reviewed the staff report?

Confirmed

A.Demetrowiz: Here to discuss and request a change of use for Saint Joseph's School into a Community Center; Proposing substantial expansion of parking lot and site changes. Requesting 50% parking waiver. Proposing exterior changes relating to windows.

J.Gage : Proposing to expand parking lot to back edge of building while keeping the existing walkway; proposing to replace the existing playground/park that looks at Church. Proposing additional bike parking. Current parking spaces at 22-23 spaces; proposing to add filler trees, remove existing fence and add planting area along north st.

I. Smith: isn't there a park there now?

J. Gage : relocating park closer to the use area for easier access by center users. Exterior of the building not changing a lot. On the roof there are former vent shafts that will be removed, some mechanical equipment will be added. The existing roof is sloped to support roof drainage.

A.Hart: Adding elevator?

J. Gage: That was done in a previous project /permit. We did add vent hood in previous phase as well. The window replacement consists of replacing existing windows with similar to original clad double hung and we are wanting to just rehab those.

B. Rabinowitz: Question about access, entrances only on Street side and parking behind building?

J.Gage:Multiple entrances based on the tenant of the building; went into detail about what entrances lead to each use. No entrances from parking lot directly – for security reasons; 2nd and 3rd floor windows we are proposing to keep the insulated metal portions of the windows and replacing the windows with fixed and awning style windows. We are proposing painting the metal panels and covering with perforated metal panel to show paint underneath. Model shows rooftop equipment to scale in location where we believe they will be located.

A.Demetrowiz: Request for parking waiver; ordinance required 130 parking spots felt this is excessive since this property mostly serves the immediate neighborhood and targets the low income population. Most users will use bus or walk/bike; convenient location for bus users. Not needing or requesting waiver for bike parking. Proposal includes 65 parking spots, there may be times when there is an even and maybe more than 65 spots are needed but there is street parking and two large lots close to site. 50% parking waiver to 65 spots.

A.Hart: The parking demand: Can you run us through what the current tenants are and how the use is changing

A.Demetrowiz: 1st floor: Robins nest daycare, family room; 2nd floor: parks and rec programs for the senior center and teen center. Hindu temple/cultural gatherings, very merry theatre, adult basic education classes/ English second language and citizen classes; 3rd floor is the association of Africans in Vermont, refugee new population, AALE; building can be intensely used at all hours of the day but not always heavy demand in terms of parking

A.Hart: So where is the change of use?

A.Demetrowiz: It is currently listed as a School, while educational services it is not technically a school and therefor needed to be termed a Community Center; Use is not changing just evolving

A.Hart: Onsite parking is available and there was an agreement with the diocese for additional parking

A.Demetrowiz: Champlain Housing Trust purchased building in July, this is when agreement was made, ordinance changed in fall so that agreement still applies. Parking agreement is for 16 spots for staff; larger events being held at the church can park at the community center- program planning will make sure no large events are occurring at the same time.

A.Hart: What was the change in the ordinance?

M.O'Neil: Date was December that the change took effect; change was parking district boundary change. Ordinance states that in these shared situations that they can't have agreements between different parking districts.

A.Demetrowiz: This parcel had been bisected by 2 different zones NMU (Neighborhood Mixed Use) and RM (residential medium density); recently changed so 20 Allen St is entirely in NMU district

I.Smith: Existing parks; one is fenced in and one is not- the community enjoys the one not fenced in. On the site plan you show the new play area being fenced in and noted for center use only.

A.Demetrowiz: The old equipment has been removed, in talking with the family room they have specific requirements that they need; We have not fully ironed out the play area, but have moved it closer to the building. They want it gated but it will remain open to the public-much like school playgrounds are.

A.Hart: Any members of the public wish to speak?

None

A.Hart: Closes the public hearing

VI. Adjournment

The meeting was adjourned at 6:30 pm. Deliberation followed immediately after



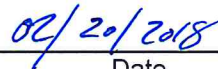
Austin D. Hart, Chair of Development Review Board



Date



L. Darfler, Planning Technician



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.

