

Burlington Development Review Board

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Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday April 17th, 2018, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT MINUTES

Board Members Present: A. Hart, B.Rabinowitz, I.Smith, A.LaRosa, G.Hand, A. Zipparo, S.Tilton

Board Members Absent: J.Drummond (Alt.)

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

I. Agenda

A.Hart: Any changes to the agenda?

S.Gustin: The first Public Hearing item has been withdrawn with settlement achieved and the second Public Hearing item the appellants have requested deferral to date certain May 15th.

II. Communications

A.Hart: No new items

III. Minutes

A.Hart: Minutes from the April 3rd meeting will be considered at next deliberation

IV. Consent

1. 18-0777CA; 165-181 Winterberry Lane (RL, Ward 1E) Bayberry LLC

Add a floor to building S and building T and increase the overall unit count from 232 to 235. Increase parking to 432 spaces and relocate one gazebo and remove another.

(Project Manager: Scott Gustin)

A.Hart: What are the changes proposed? We are taking this item off consent and treating as public hearing item

P.O'Brien: we have built most of the units on the upper level- under construction is Building M which is an apex; lower level 3 large buildings; proposing to add story to Buildings T and S; Building R is already approved 4 story; elevation change from Grove St to lower plateau varies but is quite a drop, added parking; -showed parking on site plan- We took two parking spaces out as we deemed them impractical spaces; 3rd item is pavilion moved to another location; another pavilion proposed is removed from the plan One minor adjustment in staff comments and that is background info in findings-staff said increase number of units by 2 but it is an increase of 3. Thinking 11 or 12 units per floor decided on 10 units per floor which means Building J was approved for 33 units, but we only built 30; Building R was approved for 44 units but we're only building 40; the sequence of events- base density -came in a little under base density; went to act 250 and neighbor appealed- we took 11 or 12 units out of the project. Appellant told it is ok and has

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no issues with new proposal; discussed table; approved for 232 units; 215 is number of units that they would end up as they lost some units due to act 250 and redesign; proposing 235 total units- still below max density that was approved at preliminary;

A.LaRosa: What is the number of affordable units; does this increase mean another affordable unit?

P.O'Brien: Yes, for every 15 units there is one additional inclusionary unit

G.Hand: unclear about steel structure, is that coming down?

P.O'Brien: the steel structure is basically the old plant-; the ordinance states you can build up to a preexisting structure as long as it stays; that structure is going to become an overlook

A.Zipparo: is there another structure that is coming down?

P.O'Brien: yes the concrete plant is coming down it currently sits where Building T is going to be built.

G.Hand: Additional parking on lower level, does that take away green spaces?

P.O'Brien: yes about a 30 foot strip of green space;

S.Gustin: discussed inclusionary housing requirement; no change in requirement.

P.O'Brien: Important for everybody to understand that these two buildings do sit way low and as you drive up and down Grove St the view is up Grove St; varying trees shield the project; the lookout will be the only place there is an opening in the trees; no view blocked

S.Bushor: project has developed nicely, would have liked to have left the trees; wants to know about notification of one abutter. The neighborhood that this becomes part of is small older homes; understand the building is set down so that masks some of the height wondering if that looms over the other homes in close proximity.

P.O'Brien: met with abutter and discussed the project- they were happy; regards to distance its 175 feet; not that close to Grove St edge of pavement to Building S and T; closest distance is 175 feet.

A.Hart: grade may be different but close in height

P.O'Brien: correct; closest thing to Building S is Apple Grove which is quite a bit higher.

A.Hart: closed Public Hearing

2. 18-0779CA; 214 North Prospect St (RL, Ward 1E) Synagogue Corp.

Addition to existing building and associated site work.

(Project Manager: Scott Gustin)

A.Hart: Do any members of the Board object to this item being treated as consent?

None

A.Hart: Does the applicant have any questions or concerns about conditions or staff findings as presented?

None

A.Hart: Are there any members of the public that wish to comment or have questions regarding the project?

None

G.Hand: Motion to approve and adopt staff findings and recommendations

B.Rabinowitz: Seconds the motion

7-0-0

3. 18-0768CA; 75 Cherry St (FD6, Ward 3C) BTC Mall Associates LLC

7th and 12th floor amenity space; change to project phasing

(Project Manager: Mary O'Neil)

G.Hand/A.LaRosa: Recused

A.Hart: Do any members of the Board object to this item being treated as consent?

None

A.Hart: Does the applicant have any questions or concerns about conditions or staff findings as presented?

None

A.Hart: Are there any members of the public that wish to comment or have questions regarding the project?

None

B.Rabinowitz: Motion to approve and adopt staff findings and recommendations

A.Zipparo: Seconds the motion

5-0-0

V. Public Hearing

1. 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)

Withdrawn

2. 18-0771AP; 12 Weston St (RL, Ward 1E) Charles Chauncey Burns

Appeal of NOV 336638 pertaining to duplex use.

(Project Manager: Scott Gustin)

Note: Applicants have requested deferral to the May 15th, 2018 meeting.

A.Hart: Request to defer to May 15th. Are any members of the public here to speak?

None

A.Hart: Motion to defer to date certain May 15th 2018

A.LaRosa: Seconds the motion

7-0-0

VI. Other business

1. 18-0692BA; 46 Cross Parkway (RL, Ward 4N) Ronald Koss and Carley Claghorn

Consider re-opening Public Hearing on appeal of denial of ZP18-0692BA

(Project Manager: Ryan Morrison)

G.Hand: Recused

R.Morrison: April 3rd appeal hearing on admin denial 18-0692BA for 46 Cross Parkway staff recommended denial; public hearing was held and closed; appellants submitted 7 examples of other garage conversions with permit to prove inconsistency with department's approval of permits; we did not have chance to respond to submittals but found 4 out of the 7 examples provided are legitimate permits for proposals 3 of the older permits are illegitimate; 4 current are legitimate- given the consistency in our response we feel it would be proper to open the hearing again.

A.Hart: anyone come up to reply to the request to reopen and reconsider

R.Koss: one of the important points is we submitted 12 or 13 examples of contradictions to denial and when you start parsing this out; if an interpretation is what is governing the decisions then people who don't have access to the interpretation and are reading the plain meaning that's the way the board should be judging these applications. The ordinance says nothing about the parking being behind the setback; if the planner's want there to be an ordinance that specifies those things than go through the public process and do that- otherwise we have to make decisions without the information available to us. People on the review board are sympathetic to plain meaning and not contradictory. We would like that to apply to our app

A.Hart: Decision is whether to reopen an reconsider if we were to decide then we would schedule another hearing.

C.Claghorn: number of conversions we presented- looking around Burlington we Identified 43 conversions, many of them weren't permitted and many were; it's so inconsistent even as each permit is being given

A.Hart: Are there any other members of the public that wish to speak, or any members of the Board have any further questions?

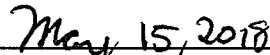
None

VII. Adjournment

The meeting was adjourned at 5:40 PM.



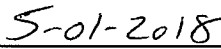
Austin D. Hart, Chair of Development Review Board



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/dr/ agendas or the office notice board, one week before the hearing for the order in which items will be heard.