

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Austin Hart
Brad Rabinowitz
Israel Smith
AJ LaRosa
Geoff Hand
Alexandra Zipparo
Samantha Tilton
Jim Drummond, (Alternate)
Vacant, (Alternate)



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

Board Members Present: A.Hart, A.LaRosa, S.Tilton, G.Hand, A.Zipparo, J.Drummond (Alt.)

Board Members Absent: B.Rabinowitz, I.Smith

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

I. Agenda

No changes

II. Communications

Communications are provided in packet

III. Minutes

A.Hart: Minutes from the May 19th 2018 meeting will be discussed at next deliberation

IV. Consent

- 1. 18-0924CA; 24 Front St (RM, Ward 3C) Liam Flynn and Sarah Woodard**
Second story addition on existing single-family house. (Project Manager: Mary O'Neil)

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

None

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: Mary can you explain what the setback encroachment involves?

M.O'Neil: We have two different standards in the Ordinance that allows vertical expansion with Development Review Board review. That's why they are here. The second is calculation of setback which can be made by averaging the two adjacent properties on either side so the rear observes the average. But the setback for the vertical expansion is allowed to encroach. One is a side yard average and one is a continuance of encroachment with vertical expansion.

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

A.Zipparo: Seconds the motion

6-0-0

2. **18-0857CA; 159 Locust Terrace (RL, Ward 5S) William Marquess**
Renovation and addition to existing single family home. (Project Manager: Mary O'Neil)

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

None

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

G.Hand: Seconds the motion

6-0-0

3. **15-0868CU; 404 College St (RH, Ward 1E) Dunlap Riehle**
Request for Time Extension: Change of use from duplex to single residential unit and boarding house. (Project Manager: Scott Gustin)

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

None

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

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

J.Drummond: Seconds the motion

6-0-0

V. Public Hearing

1. **18-0834CA/MA; 298 College Street (RH, Ward 8E) Greater Burlington YMCA Foundation Inc.**

Demolish Ethan Allen Club; Construct YMCA facility at 298 College Street with child care, two stories, approximately 50,000SF. (Project Manager: Scott Gustin and Mary O'Neil)

G.Hand: Recused from project review

S.Gustin: Project went to Conservation Board last night, included in your packets is a memo noting the (Conservation) Board's approval

K.Dodson: Gave background of size and use of the current location and building

A.Halpren: Discussed location of project and showed location images; Roof plan and vehicle access points presented on slides; went over the site plans, stormwater plans, landscape plan, and photometric plan via slide show. The waste enclosure is going to be 3 sides of cement board clapboard and the 4th side being the gate opening; materials will be to match that of the main building façade. Future solar zones provided on the roof; the building is set up for solar but that is currently not part of this original project due to financial constraints. Majority of the facility is cement board panel; the central gym area is broken up with cement board panels in a block like pattern to replicate building blocks; provided street elevations via slideshow to showcase project relative to neighborhood and

A.Hart: The Design Advisory Board requested the applicant explore the use of additional cladding materials in simulation to the neighboring properties

A.Halpren: We looked at different types but felt it didn't offer significant longevity, cement board panel has lifespan of 20-40 years and we felt it was more appropriate; we adjusted the fenestration and entrances/façade – it was a cost decision

A.Zipparo: How many childcare total? Play area/general garden space?

K.Dodson: West of the building nodule that sticks out is proposed playground area. In the building we are planning to have 110 seats of 0-5 year olds broken into 50 infants/toddlers and 60 preschool; playground equipment, sensory opportunities for equipment, sandbox, age appropriate equipment.

A.Zipparo: What is the dimension of the playground area?

K.Dodson: 30' x 50' approximately

A.LaRosa: Fencing around the play area; black vinyl chain-link, what was the deciding factor on that?

K.Dodson: Updated rational-safety vinyl fence for softness; educators want visibility into the space; this material is most appropriate.

A.LaRosa: Could you discuss the interior plans?

K.Dodson: Discussed floor plan in relation to programs that will be provided

A.Zipparo: Where is the kitchen? Are you planning on feeding the kids?

K.Dodson: Only planning on small kitchenette; not planning on feeding the kids

J.Drummond: The building has grown since the site plan?

K.Dodson: original plan called for a smaller building; we rearranged to increase the parking due to the ordinance requirements. Zoning and budget issues led to the changes. Walked through windows and siding specifications

A.Hart: Can you discuss the parking and traffic?

M.Smith: Provided parking overview; no impact to parking supply

A.Zipparo: question from slide show; slide states 90% of drivers come downtown, what do you mean by that?

M.Smith: there are many options for where people park the parking management plan shows that there will be no impact from the new facility to public parking-that is allowed through the use of alternate modes and shared parking arrangement and assistance from CATMA; people are parking all over now; staying strictly in the requirement of the CDO

S.Thibault: provided overview of what CATMA is and the programs they provide for employees

M.Smith: more parking will mean more traffic; generated by daycare in morning and afternoon; health club- reduction based on experience of health club but not daycare;

A.Hart: traffic study seemed good, parking it is remarkable that you won't have space to provide accessible parking but this does seem like a good solution for a tough problem. The off-site parking, is that committed?

M.Smith: working with CATMA to find offsite parking

A.Hart: Part of the waiver request is based on shared use; daycare and health club have different hours; parking areas being monitored and enforced; 15 minute spaces for drop off needs to be enforced; how are you going to control those spaces?

M.Smith: Spaces are well signed; enforcement is up to staff. If it is a problem it will be up to the Y staff to enforce those spaces.

K.Dodson: Tagging and identifying spaces; we will tow if needed.

A.Hart: In the transportation management plan there were a lot of "shoulds" and "coulds"; are there firmer commitments? To the extent you r waiver request is based on numbers we need a commitment to back up that request

M.Smith: Yes there are a lot of possibilities but since we joined CATMA they give a very detailed list of options they provide. Ride home guarantee, educational resources to know where the busses are and when they will come, bike parking

marketing and outreach, strategy development, carpool and van pool support, incentives for transit, and discounted bike share memberships. Negotiating car share pod.

A.LaRosa: Parking lot was reoriented, does your assessment take the changes into consideration?

M.Smith: New configuration doesn't change anything. One-way circulation is superior from a safety standpoint

J.Drummond: How does parking compare with increased membership?

M.Smith: 14 spaces currently exist but are not really available to members; this is new that there is parking there for members. There will be some staff parking but most will park off site and take shuttles up.

A.Zipparo: Accessible parking spaces?

M.Smith: Provided locations of accessibility spaces and overview on project site accessibility; 2 accessible spaces

M.Bushey: DAB chairman; Gave overview of DAB recommendations and explanation of Boards (Design Advisory Board) intent; DAB supports the Y and recognizes the need for the new facility; recommendation and review based on design; At the April 10th review DAB voted to forward the project to DRB and for approval only if 12 conditions met; biggest concern was felt the project did not fit within the context of the neighborhood; Main St/College St historic district; College St includes many examples of historically significant homes; DAB chose to add issue and articulate concern by focusing on exterior materials. Condition 1 applicant should explore materials to better fit the neighborhood; DAB is saying a greater variety of exterior materials are recommended not just colors; currently the entire 2 story building is primarily one building material; incorporating or adding some sort of masonry was brought up but was dismissed by applicant. Condition 2 North end of East elevation was addressed by applicant. Condition 3 encourages solar panels; DAB position supporting use of renewable energy-where feasible site should be designed for renewable potential; Y professes to be pillar in community and that is how it is presented; Building will be sustainable and host community meeting spaces. Applicants shall provide layout plan provided; required applicant to produce detailed plan to determine how many panels on roof and how many Kw and projected cost saving etc. Required a cost benefit analysis. Roof plan has been revised but does not meet our request for a PV area; the hashed area does not appear to account for the size of the panels rather it is just a hashed area. Dab is saying show us your due diligence;

E.Lee: excited to have Y as a neighbor; don't foresee parking being an issue as they currently have little and they are very vigilant about parking management currently; Bradley St is a resident only parking with a 2 hour window up until 6 p for open parking; ability to work with DPW to change those hours if things get bad with parking; would be great to work with DPW for traffic mitigation on Bradley street because of the increased traffic; no issue with design with building – did prefer cedar siding in original design but the design now should look handsome; only issue is with the noise from the mechanical equip- current Y is very loud – noise study should be done and a commitment be made to upkeep the mechanical equipment to keep noise down. Decibel limits should be enforced.

E.Morrow: Noise study; asked Y for lighting mitigation-cut offs of the lights; ADA parking spaces- proposed relief granting was not inclusive of handicap relief.

M.Posig: questions landscaping and how close parking will be against residences and if there will be natural buffer landscaping between residence and parking- parking seems very tight and intense; 74 spaces on site or included on and off site?

J.Davidson: efforts today is to allow the employees (of neighboring business) to participate in the design; showed parking loss and how the building comes out farther. Building is now going to be 4 ft from boundary line; 1902 building where colleagues can see trees and green grass currently that will go away; nothing they

can do but there may be opportunity for them to have a voice by appealing the project. Feeling is if the front expansion causes major change and major impact to their building

E.Lee: Neighbors were reached out to and invited to meetings at YMCA where they had opportunity for input- Y did reach out several times. From the neighbors perspective there were several opportunities to provide concerns and design opinions.

P.Simon: question about landscape buffering and screening; proposed variety of plantings and shrub planting to help with screening; happy to work with abutters if wanting specific planting

A.Halpren: RSG will look at the equipment and study the noise issues and select the appropriate acoustic levels; screening is visual the study will take that into account but study looks at the noise itself and understanding what the effect is on the neighbors; there is screening to minimize the noise but we are looking at equipment with acoustic control;

A.Halpren: looked at metal panel, masonry, financial but also aesthetic concern; fiber cement vs cedar is very similar- building as a whole works very well with this design; planning to modulate the exposure of the panels

A.LaRosa: what is between the building and the neighbors; no room for landscaping? Very narrow on west side

P.Simon: one suggestion is to share a walkway and as the walk gets out to college it is along the property line anyway; ground cover plantings between two walkways;

A.Hart: the PV solar panels provided where they could go and wired to accept panels, the DAB spec asked for cost benefit analysis; has that been done?

A.Halpren: no that requirement was not provided to us in the dab comments- we could do that but it is changing all the time so it could change before we can do it

K.Dodson: emphasize that there has been a great deal of outreach to the neighboring properties and the community

A.Hart: Closes the Public Hearing

2. 18-0683CA; 600 South Willard Street (RL, Ward 6S) Greek Orthodox Church

Appeal of administrative decision: Replace and add lighting along new ramp and paths of Church. (Project Manager: Ryan Morrison)

R.Morrison: submitted February 13th 2018- reviewed in compliance, March 27th approval issued based on section 5 5 2 f2 for walkway lighting item c says- applicant presented lights that has frosted glaze to minimize glare, hooded, lumens comply with code requirement permit was granted.

J.Noll- Extremely bright lights-blue bright; lumens are unbelievably bright; they were not soft, they are blue. Neighbor across the street noticed them first. Shine into bedroom and bathroom and blind neighbors at night; we want to keep residential setting so we can have a lifestyle the way it always was. The church met with us last Tuesday at 6; we suggested compromise, instead of blaring lights why don't we get some of the lumens taken down. They were extremely blue and bright. Felt like a Walmart parking lot- recommend to put them on timers, reduce lumens, and who walks by at night; lights won't keep people away, motion sensitive could be a solution. For many years the lights they have there now suddenly the lights are back to normal;

A.Hart: you mean back to normal you mean less bright

J.Noll: yes; when they first did this it was 24 /7

A.LaRosa: what are the hours you want to see?

J.Noll 9 or 930; they do have night events but prefer them to go off 930 or 10; I went out and bought the most expensive motion light one for my back door

easement- no activity at all; bright lights wont chase away anybody. Wish the church would consider the neighbors with everything they've done

A.Hart: has the brightness been resolved?

J.Noll- the lights are back to what they used to be

A.Hart: so the issue has been cured?

J.Noll: if they keep it what it is now

A.Hart: brightness has been resolved?

J.Noll: if they need to keep code compliance make those lanterns into movement sensory- would love the lights to stay the way they were and are now because there is no need for industrious lights

E.Churchill: we want to be neighborly and resolve the issue; met with parish council last week; we did not change the lights since the installation so no change in illumination; aware she is facing our ramp and stairs where the lights are and we are willing to place them on a timer for 10 pm if that will resolve the issue. Motion sensors may not be possible.

A.LaRosa: can we provide the 2 sides the ability to come to an agreement before we decide on the appeal

R.Morrison: we can keep the hearing open for 45 days

A.Hart: would it be worthwhile to allow time to come to an agreement; continue to another date; 2 weeks at least to work something out with an agreement or not and if not we will

Rev. Papayiannis: Met with neighbor; we had mechanical issue with lights where they wouldn't turn off, we working on timers. Except for midnight services. We need more discipline from our end we think we've done the process correctly not much more we can do.

A.Hart: you are working to fix tech problems to make sure they are off at 10

G.Hand: would like to see cut sheets on lights – unfortunate neighbor filed appeal before speaking with you

Rev. Papayiannis: neighborly feud; we will make commitment to keep the lights off after 10 and perhaps lowering lumen output

A.Hart: Again within providing needs to facility

Rev. Papayiannis: 800 lumens is too high for purpose but it is within codes- we could lower them down to 200 which would be a usual park setting. We can certainly commit to that.

N. Rorris: when we started this project the inspectors came out and we went by the rules, the lamps are less than what they had before; later services lights stay on later, we will fix the timing. City inspector told the light height voltage and the base requirements.

E.Churchill: we are going to work on issues regarding timer and lumens

A.Hart: heard proposal to lower the lumens and put on time to go off at 10 except later services.

J.Noll: great

Public Hearing Closed

VI. Other Business

1. 18-0803CU; 53 Summit Ridge (RL, Ward 6S) James Brown and Vida Drungilaite

Request to reopen public hearing: New bed and breakfast room; letting one bedroom. (Project Manager: Ryan Morrison)

A.Hart: public hearing was held, closed, voted on the vote and written decision was signed and mailed. Within the appeal period there has been a request to reopen. Decision is whether or not to reopen with review towards reconsidering what was granted.

J. Polubinski: Howard Averill provided letters at last meeting; letter submitted

the condition use application with condition that the garage be available for use. Client was disappointed by the decision but respected DRB process- he doesn't think the applicant has the ability to comply with that condition; 1st ground that the applicant does not have ability to park at the garage; the applicant cleaned out 1 side of garage May 1st and 7th they still have people parking on the street. 2 is that the applicant during the hearing said that they had been testing out the use over the summer but included over 20 reviews showing space has been used since February 2017; demonstrating the clients have noticed change in the neighborhood since February 2017 parking and character changes in neighborhood; note June 4th the applicants have made considerable improvements to clearing out the garage but it was not done until the client had submitted this request. Concern that continued compliance with the conditions will not happen- 2 space in garage and 2 in driveway situated in such a way someone in garage to get out one driveway car needs to be moved. Applicants were in noncompliance immediately after approval makes client very concerned they will continue to not comply.

J.brown: only seen 1st of 3 letters provided tonight, we don't see anything new that the requester has brought before the board it's just rehashing what was already brought up by the board; seems to focus on character rather than criteria that the board approved; not much relevance is presented; concerns expressed seem to be based on speculation or inference of the requester- he doesn't live on Summit Ridge, doesn't live in the state so he doesn't have the ability to bring any observations to the board and hasn't present data or photographs to add to the proceeding. In short we recommend that the request be denied as it won't add anything to the process.

A.Hart: the neighbor and the board want to feel that this process is taken seriously; the representations made to us about how this has been operated in the past based on past air bnb are relevant to how the you are treating this process and the potential impact on the neighborhood and neighbors. Respecting the conditions that we did impose, we were clear that was critical in saying it would not have an adverse impact on neighbors. Claim is that the condition was not respected.

J.Brown: can ensure it has been respected; prepared exhibits showing garage provides plenty of room for 2 cars- after hearing we cleared out garage

V.Drungilaite: we were able to fit 2 cars even before cleaning it

J.Brown: no issues fitting 2 cars we have made it easy to continue to comply

V.Drungilaite: one incident when guest came early is the only time we have had any guest's park on street; it is practically impossible for people to park on the street;

J.Brown: that guest did receive a ticket; it is very diff for guest to park on the street; we have guest parking passes from the police that are given to kids and friends because they are hard to get so we do not want to give them to guests. It is our policy to have guest park in the drive way- son's friends may have been the ones parking outside the house which caused the parking issues.

A.Hart: Kim can you advise on the process here- we will deliberate and either schedule a public hearing or not; we have discretion to reopen

K.Sturtevant: overview on criteria to reopen the hearing, need to make decision to reopen or not but need to make that decision tonight.

Closed Public Hearing

2. Upcoming Annual Organization Meeting

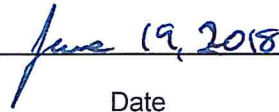
A.Hart: Organizational meeting July 5th- elect clerk, chair and vice chair. Appoint representatives to long term planning and ordinance committee.

Annual report to City council was sent around

VII. Adjournment 7:32



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.