

## Burlington Development Review Board

149 Church Street, City Hall  
Burlington, VT 05401

[www.burlingtonvt.gov/pz/DRB](http://www.burlingtonvt.gov/pz/DRB)

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



### BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday November 21<sup>st</sup>, 2017, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT Minutes

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

**Staff Present:** M.O'Neil, L.Darfler

#### I. Agenda

B.Rabinowitz: 323 Pearl St has request to defer?

M.O'Neil: This item has been removed from the agenda as it can be handled administratively.

#### II. Communications

##### 1. 181 Battery St communications

B.Rabinowitz: Communications from 181 Battery St, email communications;

M.O'Neil: Justification letter explaining the agreement they have come to with Department of Public Works

#### III. Minutes

B.Rabinowitz: Minutes from the November 8<sup>th</sup> meeting are included, we will discuss them at the next deliberative

#### IV. Consent

##### 1. 18-0440CU; 76 Chase St (RL, Ward 1E) Eva Sollberger

Request 1 room bed & breakfast in single family home.

(Project Manager: Scott Gustin)

B.Rabinowitz: Has the applicant received and/or gone over the staff comments? Do you have any questions?

E.Sollberger: Received the comments and has no questions

B.Rabinowitz: Do any members of the Board object to this project being on consent?

None

B.Rabinowitz: Are there any members of the public here today that wish to speak?

None

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

G.Hand: Seconds the motion

5-0-0

#### V. Certificate of Appropriateness

*The programs and services of the City of Burlington are accessible to people with disabilities.*

*Individuals who require special arrangements to participate are encouraged to contact the Department of Planning & Zoning at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).*

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**1. 18-0325CA; 181 Battery St (DW, Ward 5S) Burlington Waterfront South LLC**

Re-open: 500 sqft addition to building; 1500 sqft exterior deck addition

(Project Manager: Mary O'Neil)

B.Rabinowitz: This is the follow up on a request to reopen the hearing; we agreed to reopen, the approval we gave the applicant is that still valid?

M.O'Neil: The request to reopen was due to new information, therefore it affects the approval given.

B.Rabinowitz: This new information has to do with the boundary line survey relative to new construction encroaching the City right-of-way

N.Baldwin: Department of Public Works administers the rules and compliances of the public right of way; this particular project has identified that the property line is encroached by the project. Our position as staff is that those things that exist exist and it would be unreasonable to tell people to move out, but respectfully we have to look at proposals for additions.

Ultimately DPW doesn't decide this but we provide a recommendation to Council. One thing we agreed to, to reduce encroachment, was to realign the kitchen space to realign within the existing encroachment. What they are asking for is in no way unreasonable, would go further to say that the appreciated the property owner making it safe and accessible for public. We're ultimately supportive but will go before City Council. We have no objections as designed.

A.Zipparo: So when you say Council, it is City Council, what is their jurisdiction?

N.Baldwin: Right of way is outside of DRB jurisdiction so right of way is governed by City Council

G.Hand: Where on the provided diagram is the right of way?

N.Baldwin: Sheet 307, based on survey there are two heavily weighted lines that represent right of way.

J.Drummond: Is anything on the plan different than previously submitted and reviewed by this Board?

B.Alvarez: We learned the building was over the property line and therefore we needed to refine some of the volumes, locations, and footprint. There are some changes. The addition on the South side was easily able to be accommodated by moving it to the West, the footprint changed by about 25 square feet.

J.Drummond: The part to the north of existing

B.Alvarez: Building over existing foundation, made sense to build over that foundation

B.Rabinowitz: Any further discussion?

None

B.Rabinowitz: Any members of the public wish to speak?

None

B.Rabinowitz: Closes the public hearing

**2. 17-1081PD; 451 Ethan Allen Parkway (RL, Ward 7N) William Ellis**

Request for time extension for application review period only: Final plat for 9-unit planned unit development in three buildings and associated site improvements.

(Project Manager: Scott Gustin)

B.Rabinowitz: Is the applicant here?

No applicant present

B.Rabinowitz: When does their time period run out?

M.O'Neil: Discovered by staff that their state water permit had expired, so they defer their Conservation Board review until that could be addressed

B.Rabinowitz: That was preliminary plat review?

M.O'Neil: Yes, there is a time limit between preliminary and final plat review which is what they are requesting extension for

G.Hand: Storm water permit expired? Those are 3-5 year permits

M.O'Neil: Yes

B.Rabinowitz: We have some neighbors here who wish to speak, can we reopen without the applicant?

A.LaRosa: If no action is taken does that run the 45 day clock?

M.O'Neil: It may

B.Rabinowitz: I would like to open the hearing, the applicant is not here but if the neighbors would like to testify they can do so now

M.Brennan: We have been fighting the proposed multiple triplexes for a very long time. Request their dealine extion request be denied; this project has been going on for years and years, they have missed deadlines. Request that the Board abide by their own guidelines. Scott Gustin Found that the extension can only be granted if they come to this meeting. This project effects protected wetlands. We have prepared a written statement as well (passed out). Really just request that the developers and the neighboring homeowners be treated equally to the same standards with no special treatment given. We have many neighbors who wish they could have been here, but due to being so close to thanksgiving could not attend.  
B.Rbinowitz: Any further discussion or questions from the Board?  
None  
B.Rabinowitz: Closed the public hearing

## VI. Other Business

### 1. 2018 DRB Schedule for Approval

G.Hand: Only date of concern is July 3<sup>rd</sup>, is that changeable? Some may want to take that off for the July 4<sup>th</sup> holiday  
M.O'Neil: Scheduling is very delicate between room reservations and meeting conflicts, but we can look for another date  
G.Hand: Motion to approve with July 3<sup>rd</sup> included  
A.Zipparo: Seconds the Motion  
5-0-0

## VII. Adjournment

The meeting adjourned at 5:33 PM

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

12.5.17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
L. Darfler, Planning Technician

Dec 5<sup>th</sup> 2017  
\_\_\_\_\_  
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](http://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.