

Burlington Development Review Board

Department of Permitting & Inspections
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Sean McKenzie, (Alternate)
Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, January 19th, 2021, 5:00 PM REMOTE MEETING

Zoom <https://us02web.zoom.us/j/86262385645?pwd=d2RJQ3FVNHRvVzFWUjRaTDQrVC83UT09>

Webinar ID: 862 6238 5645

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Meeting link: <https://www.cctv.org/watch-tv/programs/burlington-development-review-board-350>

Draft Minutes

Board Members Present: Brad Rabinowitz, AJ LaRosa, Brooks McArthur, Caitlin Halpert, Geoff Hand, Sean McKenzie (Alt)

Board Members Not Present: Kienan Christianson, Springer Harris, Ravi Venkataraman (Alt)

Staff Members: Scott Gustin, Mary O'Neil, Ryan Morrison, Alison Davis

I. Agenda

B. Rabinowitz: No changes to the agenda

II. Communications

B. Rabinowitz: No additional communications. Meeting packets posted on [website](#).

III. Minutes

B. Rabinowitz: Minutes from previous meeting posted on [website](#).

IV. Consent

1. 21-0530CA; 60 Institute Road (RCO-RG, 4N) Burlington Parks Recreation and Waterfront

Construction of 85' long road; demo existing dump station and two RV stanchions, construct new RV dump station with water tower. (Project Manager: Scott Gustin)

Max Madalinski appeared on behalf of item

No public appeared

B. Rabinowitz: Asks if applicant has reviewed the Staff's report and recommendations.

M. Madalinski: Yes, agree. Will forward up to complete Staff recommendations.

B. Rabinowitz: Asks if any Board Members disagree to treating item as consent.

No objections

B. Rabinowitz: Asks if there is any public to comment on item.

No public

B. McArthur: Motion to approve application and adopt Staff findings and recommendations.

G. Hand: Seconds motion

6-0-0

V. Public Hearing

1. 21-0076CA/CU; 400 North Street (RL, Ward 1E) William McKenna

Remove garage; construct accessory dwelling unit in backyard; driveway and parking reconstruction. *Continued review.* (Project Manager: Ryan Morrison)

Will McKenna appeared on behalf of item

James Sherrard, Joseph Cleary, Laura Trieschmann, Luke Purvis, Sharon Bushor provided public testimony

B. Rabinowitz: Explains item is a continued review. Erosion Prevention and Sediment Control (EPSC) plan has been submitted. Asks applicant to speak on behalf of item and progress of application.

W. McKenna: Explains that the last meeting it was determined there was more information needed for the EPSC plan approval. The Board could not deliberate unless the EPSC plan was approved. Site survey was performed. Received professional help and created engineering plan to understand project will be feasible. Was told that was the needed missing piece.

B. Rabinowitz: Addresses public comment about Dan's Court and how it is designated as a private road. Asks if it is correct that the applicant will need to obtain access to that street.

W. McKenna: Yes, correct. Has talked with Doug Boyden who is the owner of the Court and his comment is that he does not want to allow access at that location for driveway. That is fine and in his right. Viewing these items as two different issues. The City is requiring and asking to approve the site plan, but obviously if not granted access to Court, then will not be able to use that driveway. Is an interesting situation.

B. Rabinowitz: Understands that plan is to now have French drain and permeable driveway is in plan. Asks if there are any other questions from Board for applicant.

No questions from Board

J. Cleary: Wants to discuss design elements. Asks to confirm that gutters lead to a dry well, a plan that was mentioned in an earlier meeting. Suggests snow guards for the western facing roof. Has large two car garage on adjacent property that sits close to property line. Is worried about snow falling onto garage and damaging structure. Would address the driveway separately.

B. Rabinowitz: Gutters are shown on the building elevations on both sides.

J. Cleary: Asks what gutters lead to.

B. Rabinowitz: Will need to ask applicant

J. Cleary: Was a very helpful suggestion from Board for snow guards on western side. Will help alleviate some of our concerns. Confused about driveway. Ryan had sent out a memo about the driveway earlier. There had been a requirement for a signed agreement between Will and Doug Boyden. That requirement seemed to had been dropped, not sure if that is still required or not.

B. Rabinowitz: Do not believe that is in our purview

J. Cleary: Asks Ryan Morrison to clarify

R. Morrison: Yes, a recommended condition was sent out to include the owner of Dan's Court. They were suggested recommendations for the Board for this item during tonight's meeting. The Board can decide whether that condition is applicable.

J. Cleary: Asks if that is connected to the Stormwater permit or to the entire permit.

R. Morrison: For the permission to use the access to the Court, that would be more of a civil issue. Could potentially be wrapped into an approval or denial of the application.

J. Cleary: Submitted letter with concerns. There were concerns that Doug Boyden was not brought into the conversation earlier in the process. We have been dealing with these issues since October. Would recommend to the Board that the driveway design is not suitable. Dan's Court is very narrow. Even just pulling into and pulling out of driveway would be problematic. If there is snow and plowing, that area becomes very narrow. The other concern in letter was that the plan is to have cars jump the curb and then go down a steep driveway. Seems like a bad idea. Right now there is a retaining wall, the landscape is essentially a terrace. You drop down from Dan's Court two feet, and then you drop down at least another foot to our adjacent property line. Laura mentioned in her letter that it would be difficult to make that turn. That curb in terms of Stormwater will not last since driving over a curb continuously wears it down. Does not think that will solve the Stormwater issue. Does question whether the hypothetical of if this is not owner occupied, if that becomes one large rental compound, so ADU concerns us in those terms.

B. Rabinowitz: With the last concern, there is a requirement if it is rented separately. It is a requirement to be owner-occupied.

J. Cleary: Concerns with building being turned into one large rental unit.

S. Gustin: Explains requirement of ADU and what happens if it ceases to be owner occupied.

J. Cleary: For driveway issue, believes Board should use discretion and not allow poor design.

B. Rabinowitz: Invites next member of public to speak on item.

S. Bushor: Issue is if DPW has signed off for the Stormwater, hoping that they have also looked at the overall proposal. Was hoping they would make a statement about if the driveway was created without an adequate curb cut or apron. Asks if DPW evaluated how Stormwater would be adequately addressed. Wants to know if the integrity of that curb would remain. If that was part of the overall solution, would think that they need to look at this project again.

B. Rabinowitz: Invites next member of public to speak on item.

L. Purvis: Dan's Court is a densely occupied rental unit street owned by property owners who do not live in the area. This creates livability issues for the people living in the neighborhood. Allowing Will McKenna to make a connection in from Dan's Court would allow him to reach an agreement with the people of Dan's Court to be part of that maintenance; it also increases the communication and accountability of Dan's Court to the neighborhood. We will have a point of contact if issues were to arise. Benefits the entire neighborhood. If curb was to break down, there would be significant Stormwater issues. Supports project. Would support a condition that the curb where driveway would enter Dan's Court, the height should be part of the maintenance plan.

B. Rabinowitz: Invites next member of public to speak on item.

L. Trieschmann: Adjacent property owner. Garage is a boundary on the edge of property, dividing them. Wants to reiterate that the driveway over the curb is not a great idea. Would agree which the maintenance of the catch basin. Very busy and narrow lot already.

B. Rabinowitz: Asks Will McKenna about slope of driveway. Asks if the option of making the driveway elevation higher than street was ever considered.

W. McKenna: For the area that the driveway would be going, it measures about 18 inches. Did not think it would have to do with the slope. Gives more details about slope of driveway and plan for future considerations.

C. Halpert: Asks if having the parking spot connected to the existing driveway where the existing garage is being removed was ever considered.

W. McKenna: Did consider that option. There is currently stacked parking, but concerns with snowfall from roof. There are a lot of questions with catch basin. Catch basin is not even next to property. Proper drainage in this area was centered towards this catch basin. Not fair condition to not have responsibility fall on him. Catch basin maintenance does not legally fall on him.

G. Hand: Asks to speak to the concern about driving over the curb and the issues that raises with the surrounding properties.

W. McKenna: Was a solution for Stormwater with the contour of the street. Seems like water runs up against curb and is funneled towards catch basin. One of the concerns was if there is a curb cut, instead of funneling towards the catch basin, the water would come down the driveway. Would be okay with keeping what is existing there. It would alleviate the concerns with Stormwater issues. The existing curb is not huge and would not take much force for a car to pass over the curb. If the curb is cracked or deteriorated from driving over curb, would agree with a condition that includes responsibility of maintenance of curb.

G. Hand: Does not seem like best solution for curb or car driving over curb.

W. McKenna: Project is unconventional, but solutions are possible for the issues we are addressing.

B. Rabinowitz: Invites any other members of Board or public who has anything else to comment or ask to do so.

No additional questions or comments

B. Rabinowitz: Closes public hearing

VI. Certificate of Appropriateness

- 1. 21-0049CA/LL; 9-11 Lafountain Street (NMU, Ward 3C) PBGC LLC, Sam Gardner**
Lot merger #1 and #2; construct single family home. (Project Manager: Ryan Morrison)

Sam Gardner appeared on behalf of item

No public provided comment

B. Rabinowitz: Asks project manager, Ryan Morrison, about the existing and proposed parking for the project.

R. Morrison: Technically the parking is on an adjacent property. The parcels have been combined for tax purposes, so it is seen as one property, but the parking is on a different property.

B. Rabinowitz: Asks if the property has a permit that requires parking.

R. Morrison: No, not with the duplex construction.

S. Gardner: Explains and gives some comment on project.

B. Rabinowitz: Compliments project. Asks if any Board members have questions for the applicant. Asks if there is any public to comment on project.

No comments

B. Rabinowitz: Closes public hearing

2. 21-0396CA; 217-219 North Winooski Ave (NMU, Ward 2C) Jade Age LLC, Steven Schenker

Construct new 3-unit apartment building and related site work. (Project Manager: Ryan Morrison)

Steven Schenker appeared on behalf of item
No public provided comment

B. Rabinowitz: Asks if this project benefits from the new parking regulation

R. Morrison: Yes, it does.

B. Rabinowitz: Invites applicant to speak about project.

S. Schenker: Gives details about project and new construction. There is limited on-site parking that benefit from the new parking regulations.

B. Rabinowitz: Asks if the new building is four studio apartments.

S. Schenker: Correct.

B. Rabinowitz: Mentions comment brought up by Design Advisory Board about removing column between two parking spaces.

S. Schenker: Is a structural engineering issue. The spaces do meet the size requirements for parking, but do agree with taking it out. Just not ready to commit to that action at this point.

B. Rabinowitz: Compliments project. Asks if there are any other questions from Board members. Asks if there are any members of public who have comments.

No comments

B. Rabinowitz: Closes public hearing

VII. Other Business

1. Zoning Amendments

S. Gustin: Five significant zoning amendments that have been adopted within the last year or so. Explains Accessory Dwelling Unit (ADU) administrative approval amendments and changes to those requirements.

B. Rabinowitz: Asks if that applies to the 400 North Street, Dan's Court issue project.

S. Gustin: Correct. There is no parking requirement for ADU's. Explains that the State also passed a statute revising statutory limitations for square footage and bedroom configuration definition.

B. Rabinowitz: Asks about details to the square footage change.

S. Gustin: Explains that goal is to allow applicants to make a bigger ADU if you have a small primary dwelling unit. Explains changes to parking standards. New parking district in Downtown, explains details. Moderate to big projects need to have a Transportation Demand Management plan. Some changes to parking dimensional standards. Changes to applicable standards of front yard parking standard. Explains details. Explains that 311 North Avenue has re-zoned from Medium-Density Residential to Recreation-Conservation and Open Space. No changes Daycare standards, but now have a singular Daycare category instead of small and large designation.

B. Rabinowitz: Asks if Board has any questions.

VIII. Adjournment

Meeting adjourned at 5:56pm

Bradford L. Rabinowitz, Chair of Development Review Board	Date
	2/4/2021

Alison Davis, Zoning Clerk	Date
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Plans may be viewed upon request by contacting the Department of Permitting & Inspections 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 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/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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