

Burlington Development Review Board

Department of Permitting & Inspections
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Geoff Hand
Sean McKenzie
Brad Rabinowitz
Leo Sprinzen
Chase Taylor
Evan Gould, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, January 16, 2024, 5:00 PM MINUTES

Hybrid & In Person (at 645 Pine Street) Meeting

Board Members Present: Caitlin Halpert (Remote, 5:16 PM), Geoff Hand, Sean McKenzie, Brad Rabinowitz, Chase Taylor, and Evan Gould

Board Members Absent: AJ LaRosa, and Leo Sprinzen

Staff Members Present: Mary O'Neil, Garret King, and Ted Boylan

Staff Members Absent: Scott Gustin and Joseph Cava

- I. Agenda
- II. Communications
- III. Minutes
- IV. Consent

1. **ZP-20-712; 362 Riverside Avenue (NAC-R, Ward 1) Douglas Boyden / Benjamin Avery**
Time extension request for permit to construct 64-unit senior housing development with related site work. (Project Manager, Scott Gustin)
Benjamin Avery: Sworn in.

Brad Rabinowitz: This item is recommended for consent approval. Does the applicant have any comments or questions about treating this as consent?

Benjamin Avery: No.

Brad Rabinowitz: Are there any questions or comments from the public about this item? Hearing none, are there any questions or comments from the board?

Evan Gould: I saw that there is a bike parking area, but no number of spaces or design considerations have been included for it. Will this be compliant with minimum parking requirements?

Brad Rabinowitz: We would need to know more about the language in the original approval. We are only entertaining a time extension. Are there any additional questions or comments? Hearing none, would someone like to make a motion?

Geoff Hand: Motioned to approve and adopt staff recommendations for time extension request, Chase Taylor 2nd. Vote 5-0. Motion carried.

V. Certificate of Appropriateness

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1. **ZP-23-545; 245 Appletree Point Road (RL-W, Ward 4) 507J, LLC / Ramsay Gourd Architects**
Proposed demolition of existing residence to construct a new residence in the same footprint.
(Project Manager, Mary O'Neil)

Brad Rabinowitz: The applicant has requested a deferral. Is this to a date certain?

Mary O'Neil: The applicant's Stormwater Plan was not complete in time for the January Conservation Board meeting, so they were deferred to 2/5/24 Conservation Board meeting. This resulted in a request to reschedule to the 2/6/24 DRB meeting.

Brad Rabinowitz: Motioned to defer to the 2/6/24 DRB meeting, Chase Taylor 2nd. Vote 5-0. Motion carried.

2. **ZP-23-435; 165 Shelburne Street (RL, Ward 5) Champlain Housing Trust, Inc. / Donal Dugan**
Proposed renovation of existing facility. (Project Manager, Garret King)
Donal Dugan (Champlain Housing Trust, Inc.), Amy Demetrowitz (Champlain Housing Trust, Inc.), Sharon Bushor, and Nicholas Barberino: Sworn in.

Brad Rabinowitz: Can you give us an overview of what we are looking at?

Donal Dugan: The project has been incrementally changing. This is a 1950s hotel and the third floor was added to the hotel in 1979. The Champlain Housing Trust took over the management of the site six months ago, which is currently operated by Champlain Valley Office of Economic Opportunity (CVOEO) as a homeless shelter. The previously existing pool was filled in about five years ago. The proposal includes adding sprinklers to the building and eliminating a portion of the existing vestibule roof to improve building accessibility. The vestibule will control access to the building. Other work includes covered bike storage, renovating 30 bathrooms, drainage, and installing four-foot-tall corrugated metal for railings on the rear fourth floor deck.

Brad Rabinowitz: To clarify, just the vestibule roof is being removed.

Donal Dugan: Yes, and for the motel the siding on the first and second floors will remain. The proposal though is to replace the siding on the south side of the fourth floor with something more durable and fireproof, like vertical corrugated metal. Vinyl was considered, but this is not an attractive replacement material.

Amy Demetrowitz: The south side of the building on the fourth floor is difficult to access because of the steep slope and existing trees. Metal is one option, but cementitious siding is not an option because it would not replicate the existing shiplap siding. Metal siding would be preferable to vinyl siding.

Brad Rabinowitz: The west side of the building is clad with board and batten siding. I am concerned about the hodgepodge look of the proposed metal siding, which is not compatible with the existing board and batten siding.

Donal Dugan: Some of these proposed changes are also in response to budgetary constraints like bringing the bathrooms back up to safe and sanitary standards.

Amy Demetrowitz: The siding on the street facing façade will not change. The proposal is to construct a six-foot-tall fence, which will go in front of it.

Brad Rabinowitz: I am concerned about the fence as well. We don't want the project to look like it was done as cheaply as possible. I do not see a proposed landscaping plan.

Amy Demetrowitz: The intention is to remove the sign in front of the property and reduce its height.

Sharon Bushor: I do not see that the Design Advisory Board's (DAB's) recommendations were taken into account. The DAB effectively denied this project for non-conformity with design choices. I also have a concern over what could have been done structurally to make this project look better.

Sean McKenzie: I am curious about landscaping instead of a simple fence for a privacy barrier. Has fire and safety been consulted regarding the site's access?

Donal Dugan: We have spoken with the Fire Marshal whom has given approval for this project.

Amy Demetrowitz: A fence was proposed to maintain security. Landscaping is more opaque. We want to be able to see who is coming and going from the courtyard into the building.

Caitlin Halpert: Is the fence off the property line and conforming to the clear sight triangle requirements?

Donal Dugan: Yes, the fence is set back from the road.

Sean McKenzie: Could the fence be replaced with a combination of landscaping?

Donal Dugan: Maybe, but not with the fire truck turnaround. We would like to make landscaping improvements, but cannot specify any now that would be appropriate. Snow removal is pushed to the south side of the site, which blocks existing parking or pushes snow onto neighboring properties.

Amy Demetrowitz: The focus is on making it more comfortable to stay here, adding a lift to the structure in front with added heating, cooling, and plumbing.

Brad Rabinowitz: I know the Champlain Housing Trust has a good reputation, but the proposed fence in front of the building walls looks bad without a landscaping proposal.

Amy Demetrowitz: It is for access control and improved quality of life, privacy.

Donal Dugan: Our focus is on interior upgrades first. We are trying to make it as hospitable as possible.

Brad Rabinowitz: Landscaping would help.

Amy Demetrowitz: Potted plants could be a potential addition, but the fence is important as currently proposed.

Brad Rabinowitz: Are there any additional questions or comments from the board? In terms of historic preservation, siding is a big factor we are worried about.

Donal Dugan: Height and scale of the existing building has changed. The historic elements are not as important now.

Amy Demetrowitz: If there are still concerns about siding, then we can explore the options to scrape, paint, and repair, but this will cause long-term maintenance issues.

Sean McKenzie: Is it a dark color for metal siding? The proposed would be silver colored and reflective.

Amy Demetrowitz: No, it would be a matte grey, steel color, so it is not reflective. That way it is not visible to the public.

Brad Rabinowitz: Are there any additional comments or questions from the board or applicant team? Hearing none, is there anyone from the public who wishes to speak on this application?

Nicholas Barberino: I am a neighbor living on the backside of this property. We deal with a lot of second hand smoke and noise, and have not been opening our windows. Trash has been thrown into our backyard, which abuts the backside of the building. Can you clarify the smoking arrangements?

Donal Dugan: No smoking will be allowed in the building or out on the decks.

Amy Demetrowitz: All smoking will now be done in the smoking shelter on the front side of the building.

Nicholas Barberino: Are there any plans for the cedar bushes on the backside of the building?

Donal Dugan: Some trimming was done close to the ground level, but they will not be removed. We trimmed them to accommodate security cameras, but they provide natural screening.

Brad Rabinowitz: Are there any additional questions or comments from the board?

Sean McKenzie: Can you expand on the double rolled roofing?

Donal Dugan: There will be no roofing changes on the motel, just a flat rubber membrane roof by the check-in office.

Brad Rabinowitz: Are there any other questions?

Mary O'Neil: When identifying old zoning permits stored in the attic of City Hall, we found newspaper articles about the construction of the fourth story, which apparently was added without a permit. Julian Goodrich was the architect and was called back before the Zoning Board of Adjustment. There is some history here.

Brad Rabinowitz: Hearing no additional questions or comments, we will close the hearing on this item and deliberate later on.

3. ZP-23-427; 52 Isham Street (RM, Ward 3) Nils Skaane

Proposed conversion of attic to residential space and adding a third unit subject to Historic Building Rehabilitation Bonus. (Project Manager, Mary O'Neil)

Nils Skaane, owner, present. Michael Long, Caryn Long, and Todd Deluca: Sworn in.

Brad Rabinowitz: We have the supporting application materials in front of use, but can you walk us through what the project is proposing?

Nils Skaane: Yes, I acquired the property two and half years ago. Significant interior projects have been completed including conditioning the attic for storage and adding a bathroom. Through these renovations, we discovered a significant amount of rot issues. This led to the proposed extension of the roof from a hip roof to a gable roof to protect the rear access.

Brad Rabinowitz: Just to clarify, the rear of the structure originally had a hipped roof?

Nils Skaane: Yes, it was. This was in response to extending the ridgeline. The extension has a metal standing seam roof to match the existing slate. The open rear porch was covered in spring. Now the proposal is to close it all up and convert the attic into a third dwelling unit.

Brad Rabinowitz: What are the criteria for the review of this third unit?

Mary O'Neil: It is discretionary review for the rehabilitation following the standards outlined under Section 5.

Geoff Hand: Can you expand on the historic nature of this property?

Nils Skaane: Proposal is to remove the asbestos siding on the front and restore the wooden clapboard beneath. The fascia will also be restored in addition to adding a new stairwell, removing the pressure treated wood railing and replace to original cedar appearance. Window trims will also be replaced by wood, which is currently a mixture of wood and vinyl.

Chase Taylor: Roof is a slate roof.

Nils Skaane: Yes, the roof has been restored and it is in great shape.

Geoff Hand: Is unfinished attic space gross floor area?

Mary O'Neil: No, there is a definition of Gross Floor Area in the Comprehensive Development Ordinance. It is areas used for human occupancy.

Geoff Hand: How was gross floor area calculated?

Mary O'Neil: By definition, the ordinance defines habitable space, specifically excluding bathrooms and storage areas. The calculation in the staff report comes from the assessor's database. Zoning code is different from the building code. The building official's requirement to create an egress staircase to the third floor was the result of the approval for the occupancy.

Geoff Hand: The third floor unit would need to meet building code requirements for gross floor area.

Mary O'Neil: It would have to meet all building and life safety codes. The Assessor's property database online lists the first floor as 1065 square feet, the second floor is 977 square feet, and attic with finished space is 488 square feet. New area calculations come from the Assessor's property database.

Caitlin Halpert: What unit was the bathroom be added to?

Nils Skaane: Bathroom is not finished yet but will be added to second floor unit at the top of the stairs to the third floor.

Brad Rabinowitz: How will the third floor be accessed?

Nils Skaane: The third floor will be accessed through the newly created external staircase on the rear of the building. The internal staircase will be separated and eventually sealed off from the third floor.

Mary O'Neil: The Assessor's property database online lists the first floor as 1065 square feet, the second floor is 977 square feet, and attic with finished space is 488 square feet. There are no other permits for creating habitable space on the third floor.

Caitlin Halpert: This includes inhabitable spaces like hallways and bathrooms?

Mary O'Neil: Yes, this comes to a total of 2,530.5 square feet in gross floor area.

Brad Rabinowitz: Are there any questions or comments from the public?

Caryn Long: We love the property we own abutting the rear of this property and it has been upsetting because the exterior of building still has not been restored. We had a great relationship with the previous owner of this property, but the new owner has allowed parking in back yard, which has created runoff concerns. We complained to code enforcement regarding these issues. I was alarmed when the owner cut a hole in second floor porch roof for a stairway that was not previously there. The gable dormer window on the hip roof was changed to a small door. City officials told us

that this permit was not for living space. We were also concerned when the slate roof was removed, because we were told this was not possible. I had conversations with several City staff who confirmed they had permitting for this work and the backyard has been a wreck and in disarray since. My understanding is that this work may qualify for a bonus, and I was upset that I did not receive notification of this, and I request that you deny this request.

Michael Long: I researched Isham Street and there are 44 residential units with 40 of these being rentals. Not many of these are owner occupied, and those who do not live here do not even reside in Burlington. I believe that the neighborhood has been degraded due to the condition of these rentals, caused by the stress for housing caused by UVM. I do not think it should get the historic preservation bonus because it is contradictory and inappropriate to preservation standards. I do not think that this project should pass because the hip roof has been destroyed and the new ridgeline is hideous. The previously granted permits were too generous and liberal in the decision-making process for the historic character. Adding an additional unit would be obscene.

Mary O'Neil: The definitions of these terms vary depending on which City department you are speaking with. Under the Assessor's property database, gross area for example encompasses decks, open porches, and garages. For the purposes of defining habitable area like bedrooms, we utilize definitions in the ordinance.

Brad Rabinowitz: Typically, in other project reviews, has there been an allowance for alterations on non-street facing facades on historic buildings?

Mary O'Neil: Correct; there is greater flexibility for changes on secondary elevations of listed historic properties. These include changes to decks, additions, and dormer alterations. I recognize there has been a public information request about email exchanges with the applicant and City staff have been engaged throughout this process.

Caitlin Halpert: What is the process for reviewing the permit that is in front of us, when there are other active permits for ongoing work that is related.

Mary O'Neil: This is the default option for the changes that are occurring for a project that has evolved. The response to previous complaints has been addressed by previous permit requests. I advised the City Attorney's office that the comments in OpenGov should be included, as they demonstrate on-going active engagement on each of these permit reviews. For this project alone, there are no less than 30 comment exchanges with Mr. Skaane. Given the extent of engagement, staff advised applicant he would have to apply for density bonus because applicant was over density limitations for this zoning district.

Caitlin Halpert: Is there active work going on while permits are open, or are these more amendments to previous permits?

Mary O'Neil: It may be best to direct question to property owner. There are permits for all of the ongoing work. Applicant had to ask for bonus provision because site is maxed out under density provisions. Project evolved from finished dry storage to habitable living space.

Evan Gould: So if this permit is denied, it could not be a dwelling unit.

Caitlin Halpert: Can the applicant provide additional background on process?

Nils Skaane: The project did evolve. Exterior changes will be wrapped up in spring. I do want this to be finished. Mary has helped to ensure that the permits are good.

Geoff Hand: We acknowledge that this can be a difficult process and our hands can be tied as reviewers when there is ongoing work.

Nils Skaane: I learned about the density bonus in 2021. I now have an architect and money to finish this project.

Evan Gould: Was there a reason that the roof on the backside of the gable metal and not slate?

Nils Skaane: I went back and forth with Mary O'Neil on this. Cost and structural reasons were the deciding factors during the assessment.

Brad Rabinowitz: Can you expand on the construction zone in the back yard?

Nils Skaane: The backyard does not look great but this project will be wrapping up in the spring.

Caryn Long: Where is the proposed dormer on the north side of the gabled roof? If the roof has already been installed, how will you incorporate a dormer?

Nils Skaane: That can be a minimal change. A hole can be cut into the existing roofline to install a small headroom dormer.

Brad Rabinowitz: Does anyone else have anything to add?

Evan Gould: Was the original plan for a new residential unit?

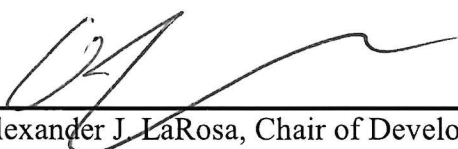
Nils Skaane: No, the original plan was just for an office space in the third floor, but it evolved into a third unit.

Evan Gould: I have no additional questions.

Brad Rabinowitz: Hearing no additional questions or comments, we will close the hearing on this item.

VI. Adjournment

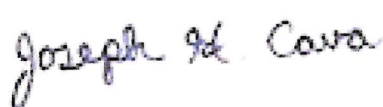
Hearing closed at 6:42 PM.



Alexander J. LaRosa, Chair of Development Review Board

3/26/19/24

Date



Joseph H. Cava, Permitting & Inspections Permit Technician

2-6-24

Date

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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