

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
Fax (802) 863-0466

AJ LaRosa
Caitlin Halpert
Geoff Hand
Sean McKenzie
Brad Rabinowitz
Leo Sprinzen
Chase Taylor
Evan Gould, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, February 6, 2024, 5:00 PM

MINUTES

Hybrid & In Person (at 645 Pine Street) Meeting

Board Members Present: AJ LaRosa (5:05 PM), Sean McKenzie, Brad Rabinowitz, Leo Sprinzen, and Evan Gould (5:05 PM)

Board Members Absent: Caitlin Halpert, Geoff Hand, and Chase Taylor

Staff Members Present: Scott Gustin, Mary O'Neil, Ted Miles, and Joseph Cava

Staff Members Absent: Garret King

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

1. ZP-23-552; 332 Ethan Allen Parkway (RL, Ward 7) City School Department / Administrative Offices/EED / Max Madalinski

Proposed construction of a multi-use pathway connecting Gosse Court to James Avenue. (Project Manager, Scott Gustin)

Max Madalinski: Sworn in.

AJ LaRosa: This item is recommended for consent approval. Is the applicant present?

Max Madalinski: Yes.

AJ LaRosa: Have you had a chance to review the staff report and have any questions or comments?

Max Madalinski: Yes, I have reviewed this and have no questions or comments.

AJ LaRosa: Is there anyone in the audience who wishes to speak on this item? Hearing none, are there any questions or comments from the board? Hearing none, would someone like to make a motion?

AJ LaRosa: Motioned to approve and adopt staff findings and recommendations, Evan Gould 2nd.
Vote 5-0. Motion carried.

V. Public Hearing

1. ZAP-24-1; 230 Main Street (FD5, Ward 8) Mid-Town Associates, Inc. / Ryan Nick

Appeal of zoning violation notice regarding unpermitted parking lot use. (Project Manager, Ted Miles)

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 Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

Printed on 100% Recycled Paper

Ryan Nick, Kim Sturtevant, and Matthew Daly: Sworn in.

AJ LaRosa: Is the appellant present?

Scott Gustin: Yes, the appellant is here, but they have requested a 60-day deferral.

AJ LaRosa: How does the City feel about a deferral?

Scott Gustin: This is an appeal of a zoning violation that is unrelated to the reasons for a deferral.

Evan Gould: Was the request in response to the letter from the Department of Public Works (DPW) to use the lot for the Main Street project?

Scott Gustin: Yes.

AJ LaRosa: Is Kim Sturtevant available over Zoom?

Kim Sturtevant: Yes.

Scott Gustin: The property owner has interest in what the property might become and Public Works has expressed interest in using the lot for the Main Street project.

Matthew Daly: This could be an unpleasant appeal and DPW has an interest in the use of this property for the Main Street project. I spoke with Kim Sturtevant about this, and her recommendation was to follow through with a deferral. This is not a delay tactic, but a request from the City.

Jeff Nick: I have been in communication with the mayor's office and DPW and this is a valuable piece of property for use in the Main Street project.

Brad Rabinowitz: This board has granted these deferrals previously, and it seems like a good use for the Main Street project.

AJ LaRosa: I would like to see what happens between Jeff Nick and the conversations with DPW following a 60-day deferral.

Evan Gould: I am okay with granting a deferral, but my annoyance is with the active zoning violation.

Jeff Nick: The reason the lot was used over the past few years was for the Committee on Temporary Shelter (COTS) to use this lot for parking.

AJ LaRosa: Are there any additional questions or comments? Hearing none, would someone like to make a motion for the deferral?

AJ LaRosa: Motioned to approve a deferral to the 4/2/24 DRB meeting, Brad Rabinowitz 2nd. Vote 5-0. Motion carried.

VI. Certificate of Appropriateness

- 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)
Patrick King, Ramsay Gourd Architects and Rem Kielman, Wagner Hodgson Landscape Architecture: Sworn in.

AJ LaRosa: Can you tell us about this project?

Patrick King: It was recommended that the homeowners demolish the existing residence and reconstruct in the same footprint to address flood mitigation and structural deficiencies. The intent is to preserve the cottage massing with a change in materials.

Rem Kielman: We have reduced the driveway and auto court by 1,000 square feet and adding/retaining plantings to improve the stormwater drainage to the northerly edge of the property. The property is being regraded by the reconstruction of the residence.

Patrick King: We have also reduced the width of the entry steps.

Brad Rabinowitz: What is the height of the revised elevations?

Rem Kielman: We are raising it 18 inches from 104.1 feet to 105.6 feet.

Sean McKenzie: Has the proposed siding materials changed since this application was review by the Design Advisory Board (DAB)?

Patrick King: No, the materials have not changed. The existing siding is horizontal, but the proposed siding is vertical.

Sean McKenzie: In the interest of durability, will the vertical siding last longer than the horizontal siding?

Rem Kielman: Yes, the vertical siding is a method used in Japan which has proved to be durable.

AJ LaRosa: Is there anyone in the audience who wishes to speak on this agenda item?

Mary O'Neil: The Conservation Board reviewed these plans on 2/5/24 and recommended approval as presented.

AJ LaRosa: Are there any additional questions?

Evan Gould: Can you expand on the previously mentioned lot coverage reductions?

Mary O'Neil: The minimized plans of the auto court and encroachments are what is reducing the lot coverage.

Brad Rabinowitz: Did the Conservation Board have any recommended revisions?

Mary O'Neil: No.

AJ LaRosa: Hearing no additional questions or comments, we will close the hearing on this item. Would the board like to make a motion to treat this as consent?

Brad Rabinowitz: Motioned to treat this application as consent and approve and adopt staff recommendations, AJ LaRosa 2nd. Vote 5-0. Motion carried.

VII. Other Business

1. Neighborhood Code Presentation

Office of City Planning

Meagan Tuttle: Sworn in.

Meagan Tuttle: A public hearing was warned by the City Council for later this month to adopt this ordinance change. We are here tonight to discuss the recommendations and how we got here. This will allow for denser housing types like duplexes, triplexes, and quadplexes in residential neighborhoods. This will complement the goals of the City to address the housing needs of the community at large. This is also in response to the HOME Act from the Vermont legislature in 2023 to address future incremental change in land use planning. It is important to note that the Neighborhood Code addresses the limited land area in Burlington as a landlocked city. The HOME Act stipulates five dwelling units per acre, but the Neighborhood Code proposes to regulate building mass and scale.

Brad Rabinowitz: Will these changes be permitted use or conditional use?

Meagan Tuttle: They will generally be permitted uses. The Neighborhood Code will allow up to four residential units in the Residential Low-density district and six residential units in the Residential Medium-density district.

AJ LaRosa: What has the response been to this?

Meagan Tuttle: We have received a lot of mixed responses from the community. The responses have been open to finding housing solutions, but questions have been raised about the appropriateness of these solutions.

Brad Rabinowitz: So there is no scale set for this type of development?

Meagan Tuttle: We recognize a variety of new building types in single-family residential neighborhoods.

Sean McKenzie: How do you define building types?

Meagan Tuttle: The building types are defined by the varying examples like duplexes versus two detached buildings. The major elements of zoning code utilize the framework to implement new housing types that were previously excluded by minimum lot size. Front and side setbacks will be kept as is, but the rear setback will be standardized.

AJ LaRosa: Can you expand on the setbacks?

Meagan Tuttle: We heard a lot of advocacy for standardizing the front setback, but the character of these neighborhoods could not be standardized to retroactively apply to all Residential Low-density district neighborhoods. This will also allow lots with greater lot depths to be subdivided into new lots. We are recommending expanding the lot coverage limitations in addition to standardized rear setbacks.

Leo Sprinzen: Can you repeat the streets that were encompassed by the corridor districts?

Meagan Tuttle: Yes, North Avenue, Colchester Avenue, and Shelburne Street. The new density rules would apply to building mass instead of density based on lot size. We worked closely with an architect to confirm that the proposed primary building max footprint have the potential to create comfortable living units that are not efficiency units. This is contextualized by the created neighborhood corridor.

Brad Rabinowitz: How do you envision this transformation happening?

Meagan Tuttle: This will be gradual change to address the challenges that arise. We envision backyard development in initial stages. The combination of these rules and the reality of what property owners could build will limit the pace of build out.

Brad Rabinowitz: How will this address home ownership in the city?

Meagan Tuttle: This is addressed by smaller developments like townhouses and cottage courts to allow for home ownership.

Evan Gould: This is interesting when compared against the recent changes to the HOME Act.

Sean McKenzie: Is Riverside Avenue considered one of these corridors?

Meagan Tuttle: No, only because this area is already a mixed use district which allows for denser development. Some areas of zoning districts in the Residential Low density will be reclassified as Residential Medium density and Residential Medium density to Residential High density. Part of the reasoning for this is addressing the non-conformities that exist in these areas. This also identifies potential infill sites like the Champlain Elementary School which is currently in the Residential Low-density zone just outside the Enterprise-Light Manufacturing district.

AJ LaRosa: Thank you for this.

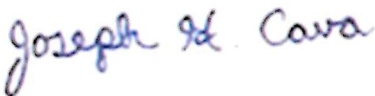
Meagan Tuttle: The larger lot overlays are also being removed to be more conforming with the neighborhood code.

AJ LaRosa: What is the timeline for this?

Meagan Tuttle: The public hearing is scheduled for 2/26/24.

VIII. Adjournment

Hearing closed at 6:30 PM.

	3-19-24
_____ Alexander J. LaRosa, Chair of Development Review Board	_____ Date
	2-20-24
_____ Joseph H. Cava, Permitting & Inspections Permit Technician	_____ 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.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

