

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
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Development Review Board

Tuesday, July 2, 2024, 5:00 PM

645 Pine Street, Front Conference Room or Remote on Zoom:

Please click the link below to join the webinar:

Zoom: <https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09>

Webinar ID: 832 2569 6227

Passcode: 969186

Telephone: US +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

1. Agenda

2. Communications

3. Minutes

4. Public Hearing

4.1.

ZP-24-224; 173-175 North Prospect Street (RL, Ward 1) Burlington Monthly Meeting, Inc. / Noa Isabella
Proposed conversion of the front building, a multi-use space, into a school program for up to ten children, ages 2-12, one to two days a week. (Project Manager, Garret King)

4.2.

ZP-24-148; 49-55 Chase Street (RL, Ward 1) Chase Street 49, LLC / Missa Aloisi
Proposed subdivision of existing lot into four separate parcels. Development plan includes residential unit expansions to existing structures and construction of one new four-unit apartment building. (Project Manager, Garret King)

5. Adjournment

6. Informational and Non-Discrimination Statements

6.1.

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.

Department of Permitting & Inspections

Zoning Division
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William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
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Steve Cormier, Code Compliance Officer
Ted Boylan, DPI Administrator



TO: Development Review Board
FROM: Garret King
DATE: July 2, 2024
RE: ZP-24-224; 173-175 North Prospect Street

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Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RL Ward: 1

Owner/Applicant: Burlington Monthly Meeting inc. / Noa Isabella

Request: Proposed conversion of the front building, a multi-use space, into a daycare program for up to 10 children ages 2-12 one day a week.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews, Article 4 (Maps & Districts), Article 5 (Citywide General Regulations).

Background Information:

The applicant is proposing to convert one room in the front building on the lot to be used one or two times a week to provide a school program for children 10 and under. The proposed use is a "daycare center" as defined in the Comprehensive Development Ordinance and is subject to conditional use review in this residential district. The daycare center will run August to June from 8am to 4pm. The staff will be comprised of both paid teachers as well as volunteers.

Prior zoning permit actions for this property.

- Zoning permit: ZP-17-376 Establish additional parking spaces alongside driveway.
- Zoning Permit: ZP-1997-522 Installation of non-illuminated freestanding sign, measuring 3ft x 5ft high, for existing church.
- Zoning Permit: ZP-1993-400 Installation of an emergency second floor means of egress for existing Sunday school.
- Zoning Permit: CU-1994-015 Move school to the house.
- Zoning Permit: ZP-1992 279 Construction of 6ft x 12ft addition to west side of existing structure for additional storage.

Recommendation: Consent approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Project Reviews

Section 3.5.2 Applicability

(a) *Conditional Use Review: Conditional Use Review shall be required for the approval of all development subject to the following provisions of this ordinance:*

2. any Special Use specifically identified as being subject to conditional use review under Article 5, Part 3;

As noted above, the proposed use is a daycare center as defined in the CDO and is a conditional use. **(Affirmative finding)**

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a). *Purpose*

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment, while enabling neighborhoods to evolve to meet the changing needs of households and the economy, and as a result of the climate emergency. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and new buildings are interspersed within a wide range of historic development patterns across the city. Parking shall be placed either behind, within, or to the side of structures, and building facades designed for parking shall be secondary to the residential aspect of a structure.

1. The Residential Lower Intensity (Residential Low, RL) district is intended primarily for residential development that includes a mix of housing types such as single detached dwellings, with or without accessory dwelling units, duplexes, triplexes and quadplex, organized in a compact neighborhood-scale that complements respective neighborhoods' development and open space patterns. Building heights typically vary from one to two and half stories, and development generally results in lower lot coverage than in other residential districts. Limited commercial uses take the form of home-based businesses and the adaptive reuse of historic buildings as neighborhood-serving uses.

The property is located in the RL zoning district. The existing residential building will convert one room to a classroom and one room into a supply storage area with no other changes to the property proposed. The other building on the property will remain unchanged as a residential building.

(Affirmative finding)

(b). *Dimensional Standards*

The proposal includes no exterior work. Dimensional characteristics will not change. **(Affirmative finding)**

(c). *Permitted and Conditional Uses:*

See Sec. 5.1.1

(d). *District Specific Regulations:*

Not Applicable

(e). *Effective Date:*

Not Applicable

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Section 5.4.1 Day Care Centers and Preschools

In addition to the provisions of Art 3, Part 5 for conditional uses, and applicable site and design review standards in Art 6, the following additional regulations shall be applicable to an application involving a day care center or preschool where such uses are treated as conditional uses pursuant to Appendix A – Use Table:

(a) No playground equipment shall be located within the front yard;

No outside changes are proposed as part of this project. Playground equipment may need additional permitting. **(Affirmative finding as Conditioned)**

(b) [Reserved]

Not applicable

(c) The site plan review shall insure adequate and safe drop-off and pickup space is provided and that traffic problems are not created;

The drop off and pick up location will be in the parking and turn around area of the driveway. The proposed location is away from the road and should provide a safe location for children to be picked up and dropped off. With the proposed plan of having the program on only select days of the week and seasonally, road traffic will be minimally affected by the vehicles entering and exiting the property. **(Affirmative finding)**

(d) Any additions, signage, or site improvements shall be residential in character;

No signs or exterior changes to the buildings or site are proposed with this application. Any exterior changes may require additional permitting. **(Affirmative finding)**

(e) The facility shall be licensed by the State of Vermont;

The applicant will need to comply with all standards and regulations set forth by the State in addition to the regulations from the City. **(Affirmative finding as Conditioned)**

(f) No more than one residential unit may be converted for the creation of a single day care center or preschool. Such a conversion shall be exempt from the requirements of Article 9, Part 2- Housing Replacement; and,

Two rooms on the first floor of the subject building will be used as the classroom and as a supply room for the daycare center. The program is only takes place part of the year and only one to two days a week. No reduction in number of units is proposed. **(Affirmative finding)**

(g) The neighborhood is not overburdened with other day care centers or preschools.

The neighborhood currently has one other day care/pre-school program. At 188 North Prospect Street a day care/pre-school program is run by the Ohavi Zedek Synagogue. With only one other daycare and the proposed daycare center operating only part of the year, the new daycare will not overburden the neighborhood. **(Affirmative finding)**

II. Conditions of Approval

1. No exterior building and site work is included in this approval. Any exterior work may require additional zoning permits.
2. The daycare center requires licensure from the State of Vermont.

3. Standard permit conditions 1-15.

The Freedom Finders Community School will operate two days a week Tuesday and Thursday, from August 31 to June 14. Ten students will attend, ages 2-10. There will be approximately 12-15 additional cars during pick up and drop off at 8am and 4pm. Staff will include 3 paid staff and 1-5 volunteers are expected. The Freedom Finders Community School centers the safety, integrity, joy and freedom of Black children and children of the African diaspora. Our program will focus on child-directed learning and play, abolitionist conflict repair, studying systems of oppression and movements of resistance.

Hi Garrett,

I hope this email finds you at the end of a gentle day. Thank you for connecting on the phone about the site plan needed to push forward our application process for registering Freedom Finders Community School.

The address of the site is 173 N Prospect St B, Burlington, VT 05401 (The Burlington Friends Meeting House).

The building we utilize for school is called the **Bassett House** which is the larger building.

More Narrative

When you walk into the property from North Prospect street, you enter through the driveway. On the left hand side (facing the smaller white building) are the primary parking spots, with four spots available. Right in front of the smaller white building (with the sign Burlington Friends Meeting) are three parking spots total- one reserved for folks with disabilities. Facing right- toward the Bassett House are two parking spots.

There is no parking available on the other side of the building.

I've attached below a folder of photos taken today of the driveway, and our drop off and pick up spots, and re-named each picture with more context.

Here is the link to the pre-existing [site plan](#) on the city website.

I will circle back with a copy of the receipt/ invoice from the dryer vent maintenance once that work is completed.

Please let me know if you have any questions or if there's anything else needed at this time.

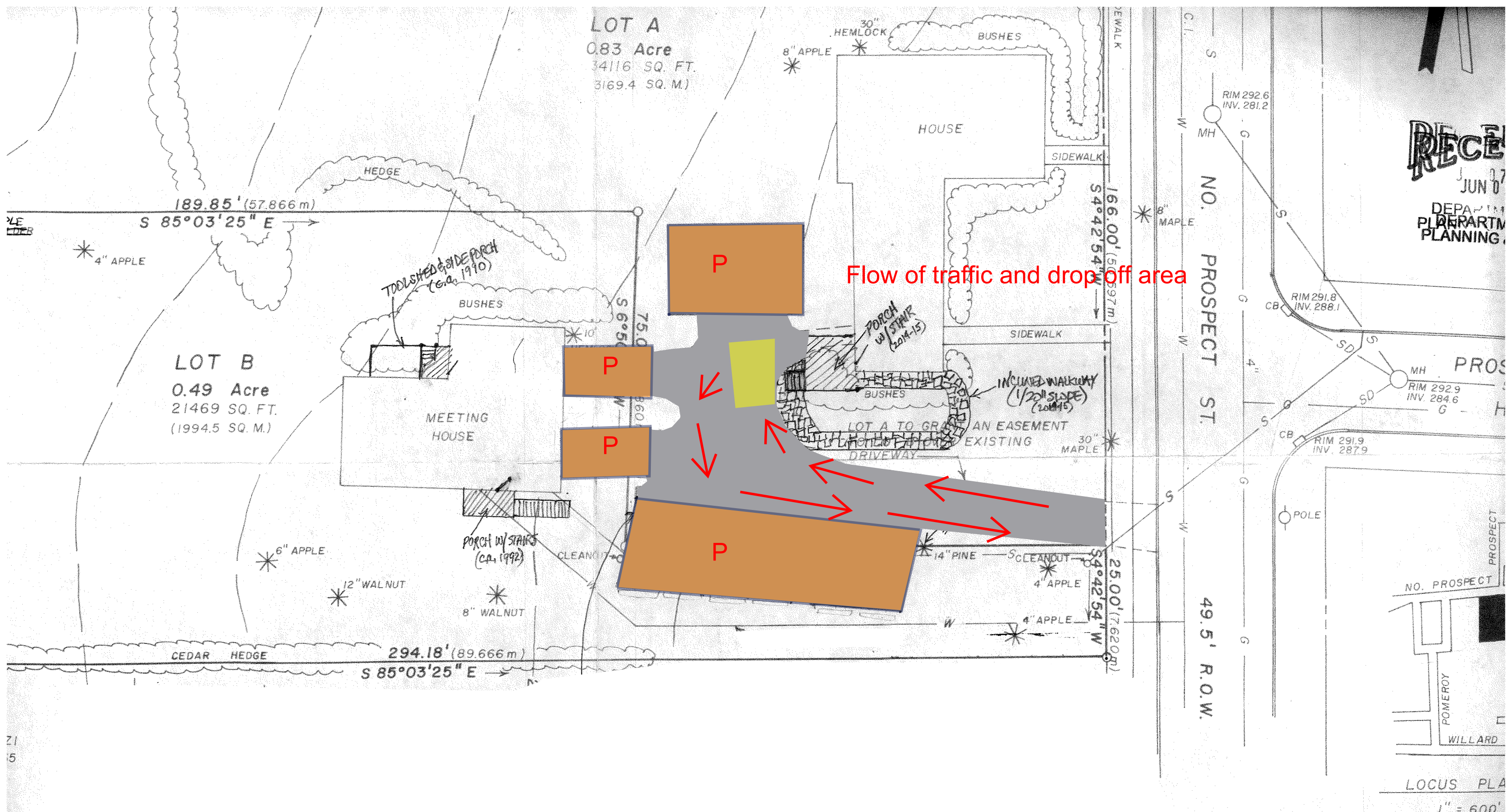
Thank you!

Noa

Noa Isabella

Director of School | [Freedom Finders Collective](#)

GSA Network Coordinator | [Outright Vermont](#)



OWNER AND SUBDIVIDER T. D. SEYMOUR BASSETT

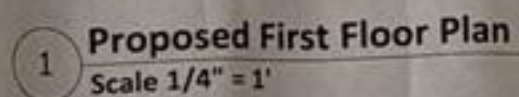
ADDRESS 179 NO. PROSPECT ST. BURLINGTON, VT

756 Buck Hill Road
Hinesburg, Vermont
05461

Contact: Chuck Weiss 802.482.1295

Notes

- Preliminary drawings



16° extension of basement during well
 $\pm 15^\circ$ basement during to mid d/casting crisis
 21° d/c of about

 90° total

Flo

6.1

A



Drop-off and pick-up area

A black and white photograph of a residential driveway. In the foreground, a yellow rectangular area is highlighted on the gravel surface, labeled "Drop-off and pick-up area" in red text. To the right, a stone-paved walkway leads to a set of stairs with a white railing that goes up to a two-story house. In the background, two cars are parked in the driveway: a dark SUV on the left and a light-colored SUV on the right. The area is surrounded by trees and a smaller house is visible on the far left.

Drop-off and pick-up area



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TO: Development Review Board
FROM: Garret King
DATE: July 2nd, 2024
RE: ZP-24-148; 49-55 Chase Street

Dear Members of the DRB

The application for 49-55 Chase Street remains incomplete and still requires review by Conservation Board at this time, and therefore will need to be deferred to a later date. This application should be deferred to a date uncertain.

-Staff, Garret King

Hello Mr. King:

I own and reside at 10 Rumsey Ln with my wife and daughter. I understand you are the staff planner working on the Zoning Permit Application for 49-55 Chase St (ZP-24-148). In advance of the DRB meeting on July 2, 2024, I wanted to share (and put on record) some comments and concerns I have regarding this development application.

First, the application does not appear to contain all the necessary information and documentation required by Article 3 of the Burlington Comprehensive Development Ordinance and, thus, does not appear to be ripe for approval review by the DRB. For example --

The applicant did not identify the location of all existing and proposed utilities, including sewer, per Sec. 3.2.2(a)(3)(G).

With the exception of select trees, the applicant did not identify all existing natural features on the proposed development site per 3.2.2(a)(3)(G). For example, three trees on proposed parcel 4 that run parallel to Rumsey Ln between 7 and 9 Rumsey Ln, as well as the total space of the wooded area at the rear of proposed parcel 4 next to 10 Rumsey Ln, were not identified.

The applicant did not provide a “detailed plan” for new landscaping or a color-rendered perspective drawing of proposed buildings and landscaping after 5-7 years of growth per Sec. 3.2.2(d)(5) and 3.2.2(d)(4).

The applicant has not received written approval from the Department of Public Works for discharge to or connection with public sewers; submitted a stormwater management plan; completed small project erosion and sediment control plan approved in writing by the department of public works; or received written determination from the department of public works that the project for which a permit is requested complies with the city’s MS4 general permit, CS discharge permit and the Vermont Stormwater Manual design requirements. See Article III, Stormwater and Erosion Control, Sec. 26-97 (a)(1)-(4).

The applicant has not submitted a Development Plan specifying the time periods within which development of each phase will be started and completed per Article 11, Planned Development, Sec. 11.1.5(h).

Other concerns I have regarding the proposed development relate to its conformance with City Ordinances and the adverse impact it will have on the neighborhood, residents and environment of which include, but are not limited to, as follows:

The existing sewer line that runs down Rumsey Ln is old (clay pipe) and has been clogged more than once. Unclogging it has come at great expense to current residents on Rumsey Ln, including myself. The applicant intends to attach the 4-unit apartment building (8 bedrooms) to this sewer line, yet the line is not capable of supporting that many units. See Sec. 3.5.6(a)(1) (“the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards: 1. Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area”).

Rumsey Ln is a gravel/dirt road and is already in a significantly deteriorated state due to the lack of maintenance and number of residents who currently use it to access off-street parking for 5 Chase Ln, 37 Chase St, 49-55 Chase St, 7 Rumsey Ln, 9 Rumsey Ln, and 10 Rumsey. At the most traveled area of Rumsey Ln between the parking lot behind 49-55 Chase St and its intersection with Chase St, there are numerous very large pot holes which persist throughout the year. The majority of the vehicles traveling on that portion of Rumsey Ln are 49-55 Chase St residents. The City has refused to maintain this portion of Rumsey Ln and, aside from a recent instance, the owner of 49-55 Chase St has not taken any steps to maintain it. The surface of Rumsey Ln will further deteriorate and get increasingly unsafe from the increase in vehicular traffic that an additional 8-units (17 bedrooms) at 49-55 Chase St will create. Furthermore, Rumsey Ln is a narrow one-way, dead-end road with no turnaround, no sidewalk and no traffic signs and the increase in traffic from the proposed development will create a safety hazard for pedestrians and residents on Rumsey Ln and interfere with residents, emergency services and utility services’ ability to safely and timely access Rumsey Ln. See Development Ordinance, 3.5.6(b)(5) (“the DRB must be satisfied, based on documentation provided by appropriate city agencies, experts, interested parties and/or the applicant that the proposed development shall: Not cause unreasonable congestion or unsafe conditions on ... streets, ... pedestrian pathways or other means of transportation, existing or proposed”).

It is my understanding the applicant intends to tear down several trees, including 5 contiguous trees, the 4-trees that run parallel to Rumsey Ln between 7 and 9 Rumsey Ln, and the majority of the wooded area at the rear of proposed parcel 4 (east of 10 Rumsey Ln). Please note that the trees and wooded area sought to be removed provide unique wildlife habitat including for several endangered and threatened birds such as the imperial woodpecker and/or red-cockaded woodpecker, warblers, and finches; provide significant privacy between properties on Rumsey Ln, Chase Ln and Grove St; and also provide noise absorption in a neighborhood that already experiences harmful noise levels from the airport and F-35s as it lies within the DNL 65 decibel contour. See Citywide General Regulations, Sec. 5.5.4(2)(tree removal may be denied if trees are

not to be “Providing a significant privacy or aesthetic buffer or barrier between properties” or “Provide unique wildlife habitat”); Development Ordinance, Sec. 3.5.6(a)(3)(“Approval shall be granted only if the DRB, after public notice and public hearing, determines that ... [t]he proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations”).

Thank you for your consideration.

Stephanie Greenlees

Hi Garret,

I'm reaching out in regards to the Zoning Permit Application for 49-55 Chase St (ZP-24-148). Upon calling into the Zoning Division office, I was referred to you, as the staff member assigned to this project.

My name is Mark Rosenberg. Along with my wife, we have owned and resided in the house at 37 Chase St since 2020. Our property adjoins the westerly frontage of 49-55 Chase St. I'm writing in advance of the DRB meeting tonight, to state a few anecdotal concerns for the record and for consideration. Can you please see that they are added to the official meeting agenda/minutes?

Doubling the amount of rental units on this property, from 8 to 16, in conjunction with the current stress upon existing infrastructure and the community, gives me great pause. Of note:

- The condition of Rumsey Lane is in constant disrepair due to the heavy use and traffic from the residents of 49-55 Chase St
 - The owner does nothing to mitigate nor repair this. It consistently falls upon the residents of Rumsey Lane to lobby the city for repairs.
- There is not sufficient or proper management of the property's trash/recycling
 - Large recycling bins are consistently left between the sidewalk and street with lids open. Not only is this an eyesore, but the misuse of these bins (open lids, non-recyclables, sidewalk placement, etc) leads to trash and litter dispersing all around neighboring lawns and within the street.
 - The communal dumpster is also consistently overstuffed and left open. This contributes to litter blowing around the neighborhood, and has been attracting skunks, raccoons, and other pests. Again, the responsibility of picking up trash and litter falls upon the neighboring residents of Chase/Rumsey.
- Automated flood lights, on the 49-55 Chase St property, are constantly triggered by traffic throughout the night, contributing to obtrusive light pollution upon the neighboring homes/properties - detracting from the quality of night-time peace and quiet.
- Trees. Since the current ownership has taken over, ~10-15 cedar trees have been cut to the ground, detracting from privacy and noise absorption. It's to my understanding that the vast majority of remaining trees on the property will also be removed, furthering the degradation of greenspace, wildlife habitat and noise pollution.

As a neighboring resident, I'm deeply concerned that the increased traffic, building structures, alterations, tenants, etc. will further exacerbate the above issues - especially without any plan for

ongoing maintenance or mitigation. The applicants of this project own the second largest parcel of land, and oversee/manage the largest number of tenants in the Chase St/Rumsey Ln/Grove St neighborhood. Because of this, I feel they have an innate responsibility to uphold a commitment to preserving and upholding the community standards that make the Old East End so beloved, just as we all do.

It's to our hope that the DRB will take these anecdotal reports into consideration, and hold the applicant to a thoughtful and meaningful standard when moving forward with next steps.

Thank you,

Mark Rosenberg

802-309-5263