

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
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AJ LaRosa
Caitlin Halpert
Geoff Hand
Sean McKenzie
Brad Rabinowitz
Leo Sprinzen
Miles Waite
Marina Campbell, (Alternate)
Evan Gould, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, October 15, 2024, 5:00 PM MINUTES

Hybrid & In Person (at 645 Pine Street) Meeting

Board Members Present: AJ LaRosa, Caitlin Halpert, Geoff Hand, Sean McKenzie, Brad Rabinowitz (Remote), Leo Sprinzen, Miles Waite, and Evan Gould

Board Members Absent: Marina Campbell

Staff Members Present: Mary O'Neil, Garret King, and Joseph Cava

Staff Members Absent: Scott Gustin

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Public Hearing**

1. **ZP-23-284; 266 College Street (FD5, Ward 8) Giri Burlington Property, LLC / Cleary Buckley**
Proposed time extension request for the renovation of existing building. (Project Manager, Mary O'Neil)
Bruce Baker, owner, present, Cleary Buckley: Sworn in.

AJ LaRosa: This item was recommended for consent. Is there anyone on the board that has an issue with treating this as consent? Hearing none, would someone like to make a motion?

AJ LaRosa: Motioned to approve time extension request, Geoff Hand 2nd. Vote 8-0. Motion carried.

2. **ZP-24-375; 32-34 Hickok Place (RM, Ward 3) Mary Vanburen Swasey / Francis Swasey / Lewis Creek Builders**
Variance request for a Renewable Energy Resource Structure to allow removal of slate roof and replacement with asphalt shingle. (Project Manager, Mary O'Neil)
Saryn Campbell and Sharon Bushor: Sworn in.

Brad Rabinowitz: I have represented Lewis Creek Builders, but this will not be an issue.

AJ LaRosa: I have also represented Green Mountain Solar, but I do not foresee this being an issue. Can you tell us about this project? The staff report was very interesting.

Mary O'Neil: This application was previously administratively denied, and the board upheld the administrative denial.

AJ LaRosa: So the denial was not based on solar, but the change in materials?

Mary O'Neil: Correct. In speaking with our electrical inspector Tim Hennessey, I asked what defined a renewable energy structure. He identified that as proposed, the proposed solar array is not a renewable energy structure, and there are other possibilities to consider.

AJ LaRosa: Can you walk us through the changes?

Saryn Campbell: The intention has always been to install solar, now we have updated our application to reflect this.

Leo Sprinzen: Are there existing community solar programs available to the property owners?

Saryn Campbell: None that I am aware of.

Brad Rabinowitz: The ordinance is in conflict between the retention of historic building materials and the use of renewable energy sources like solar, can you expand?

Mary O'Neil: Yes, we are aware of this.

Caitlin Halpert: Is there an acceptable replacement material for slate?

Mary O'Neil: This is why we ask for a report from a certified roofing slater to confirm if the existing slate roof is at the end of its serviceable life. In the early-2000s, we explored composite material, but it did not hold up to the same degree as slate.

Geoff Hand: Looking over the submitted variance materials, it seems that the applicant team has met the base line for a variance request.

Mary O'Neil: The ordinance provision for renewable energy sources is all-encompassing and the applicant team has not provided us with an evaluation of other geothermal renewable energy resources. The owner's preference is for solar, and I fear that this application will set a precedent for other historic property owners that have slate roofs.

Brad Rabinowitz: Would rubber slate be an acceptable alternative?

Mary O'Neil: I am not aware of an acceptable roofing material that has been adopted by ordinance. This is an evolving field with newer building materials being produced all the time.

Geoff Hand: Is there a way for the applicant team to minimize the impact of the solar panels?

Saryn Campbell: We evaluated this, but the net zero calculations did not align with the goals of the property owners.

Miles Waite: I see other possibilities for renewable energy sources.

Saryn Campbell: The lot is minimal, and does not present other opportunities for renewable energy sources.

Mary O'Neil: The Leunig's building in the downtown core on Church Street is a good example of competing interests. The National Parks Service has adopted the use of renewable resources as long as it does not do any harm to the appearance of existing historic building materials.

Sean McKenzie: Did you consider using the existing porch roof as part of the proposed solar array?

Saryn Campbell: No, this would look too obvious.

Geoff Hand: Could you utilize the rear facades that are not street facing for this project?

Saryn Campbell: I would need to check this. We would not be able to proceed with the project without using most of the existing roofline.

Leo Sprinzen: Do you have other projects utilizing other forms of renewable energy resources?

Saryn Campbell: Yes, we have a solar array project out in Hinesburg, Vermont.

AJ LaRosa: Are there any additional questions or comments from the board? Hearing none, are there any questions or comments from the public?

Saryn Campbell: I would like to express that the preferences presented are the homeowner's goals for creating a net zero residence.

Evan Gould: Could alternative faux slate be considered?

Mary O'Neil: If this is the direction that the board would like to move in, then that is up to the board's discretion.

Evan Gould: Would the applicant need to reapply?

Mary O'Neil: Yes, this application is for the variance only.

Geoff Hand: Given the competing interests, it would be wise to re-evaluate substitute replacement materials.

Sharon Bushor: The community knows we would be better suited with approved replacement materials. We do not have a practical process in place for slate roofs. The conversation of rubber slate would need to go back before the Design Advisory Board (DAB) for the adoption of other alternative supporting materials like this one. There needs to be a thoughtful process to address the competing needs.

Evan Gould: I see that the DAB has been evaluating alternative materials to slate.

Mary O'Neil: Correct, this is in preparation of a Historic Preservation plan.

AJ LaRosa: Are there any additional questions or comments concerning this application?

Saryn Campbell: Our intention is to do the right thing, and I appreciate this board's time.

AJ LaRosa: Hearing none, we will close the hearing on this item and deliberate later on.

V. Master Plan

- 1. ZPS-24-28; 125 Cambrian Way (NAC-CR, Ward 7) 125 Cambrian Way / Mike Brouillard**
Proposed master sign plan including one freestanding sign and one wall mounted sign. (Project Manager, Garret King)

AJ LaRosa: The applicant has changed the scope of their plans, and it no longer requires review by the Development Review Board (DRB).

VI. Other Business

1. ZP-24-59; 44 Wright Avenue (RM, Ward 5) 44 Wright, LLC / Arthur Chukhman

Request to re-open ZP-24-59, 44 Wright Avenue. (Project Manager, Mary O'Neil)

Dana Sicard and Arthur Chukhman: Sworn in.

AJ LaRosa: This is not a hearing on the project, and only a request to reopen the hearing. With that said, what would you like to add?

Dana Sicard: I had my hand raised in the ZOOM waiting room, but I was not called on.

AJ LaRosa: To clarify were any of your objections not addressed by other neighbors during the hearing.

Dana Sicard: I do not understand.

AJ LaRosa: Sometimes neighbors work together on a matter that generates neighboring opposition.

Arthur Chukhman: Can I ask some questions?

AJ LaRosa: Sure.

Arthur Chukhman: When was the notification received that meeting attendees could not contribute? Was this during the previous hearing or after?

Mary O'Neil: The notification was received two days following the public hearing date. No one else raised his or her hands in the ZOOM waiting room.

Caitlin Halpert: I can concur Mary O'Neil's point. There were no additional hands raised in the waiting room.

AJ LaRosa: We understand your concerns, but with fairness, there is also finality.

Mary O'Neil: As this stage, we are in the appeal period, and no one has appealed this permit yet.

AJ LaRosa: Are there any additional questions or comments? Hearing none, we will close the hearing on this item and deliberate later on.

2. Neighborhood Code Part 2A

Presentation by City Planning. (Project Manager, Sarah Morgan)

Sarah Morgan: Sworn in.

AJ LaRosa: Can you give us a brief overview? I note there are many technical corrections.

Sarah Morgan: It has changed significantly, particularly to secondary building structures. Specifically the height of secondary structures to principal structures in varying zoning districts. Secondary footprints are proposed to increase from 900 square feet to 1,100 square feet. An added footnote was added as it relates to Planned Unit Developments (PUDs) under Article 11. The existing regulations will not change as it relates to Accessory Dwelling Units (ADUs).

Mary O'Neil: Manousha is prevalent and there are many corrections and updates that are needed to solidify this plan.

Sean McKenzie: Does this not create complications for projects between the existing regulations versus proposed regulations?

Sarah Morgan: Yes, we are closely working with the public to make sure everyone is aware of the changes.

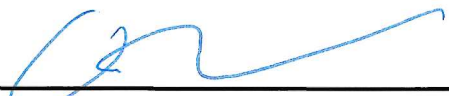
Mary O'Neil: There will be a lot of cleanup work to the existing ordinance.

Sarah Morgan: We will be putting a lot of focus on this for future developments like the Historic Preservation plan.

AJ LaRosa: Are there any questions or comments from the board? Hearing none, are there any questions or comments from the public? Hearing none, we will close the hearing on this item and enter into deliberative session.

VII. Adjournment

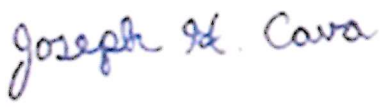
Hearing closed at 6:25 PM.



Alexander J. LaRosa, Chair of Development Review Board

11-6-24

Date



Joseph H. Cava, Permitting & Inspections Permit Technician

11-6-24

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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