

Burlington Development Review Board

Department of Permitting & Inspections
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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

Wednesday, November 6, 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, Leo Sprinzen, and Evan Gould

Board Members Absent: Miles Waite and 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-24-421; 176 South Winooski Avenue (FD5, Ward 8) Post Apartments Housing Limited Partnership / Eli Maroscher

Request for Alternative Compliance within the Form Code for placement of utility meter. (Project Manager, Mary O'Neil)

Kirsten Merriman Shapiro and Taryn Barrett: Sworn in.

Geoff Hand: I am recused on this item.

AJ LaRosa: Can you tell us about this project for the installation of a gas meter?

Kirsten Merriman Shapiro: We came before this board previously for the construction of the Post Apartment building including site improvements. At this time, the bypass work has complicated the location of the gas meter and we are back before the board for alternative compliance after re-evaluating the proposed façade locations.

AJ LaRosa: What are the long-term complications of moving the gas meter?

Taryn Barrett: We seek dimensional relief to place the gas meter on the front edge of the building protruding into the sidewalk. Vermont Gas would not allow us to complete the installation on the rear facade of the building. We felt that re-locating the meter on the front corner would make it more visible, and the other corner would be located directly over the historic sewage ravine below.

Kirstin Merriman Shapiro: We are minimizing the impact of the meter by locating it where it is currently proposed.

AJ LaRosa: I see Vermont Gas' email, and the content seems questionable. Were there any other viable options?

Taryn Barrett: I spoke with Vermont Gas a few weeks ago, and putting the gas meter on the rear façade would be difficult due to proposed parking and a transformer unit.

Kirsten Merriman Shapiro: The issue is finding a location far enough away from windows. There is a narrow sidewalk proposed on the backside of the building. The site is also trapezoidal in shape, which makes it difficult to arrange the building and parking so it all works and flows. The building also slopes downward on this angled site and City Department of Public Works (DPW) requested we not have any proposals in the City's Right-of-Way (ROW).

Leo Sprinzen: Was this always something of consideration, or did this come up during the construction process?

Taryn Barrett: This project was guided by the alignment of setbacks. In regard to feasibility, this is the clearest access that aligns with the existing project proposal.

Sean McKenzie: Can you tell us about screening for the gas meter?

Taryn Barrett: The installation of screening would draw more attention to the gas meter than if nothing were done at all. It was also important for the property owner not to create obstacles or hiding spots that would otherwise threaten the safety and security of tenants posed by passersby.

Evan Gould: So the north side of the building is not feasible because there is no basement beneath this section, only a slab?

Taryn Barrett: Correct.

Kirsten Merriman Shapiro: This gas line would also create a longer run if installed on the north side of the building. If the pipeline were encased in a slab, then this would make long-term maintenance difficult in the future.

Brad Rabinowitz: Can you expand on the parameters of the project that would cause complications?

Taryn Barrett: The entrance stairs, accessibility ramp, and lobby are all factors of consideration that would impact the gas meters location.

AJ LaRosa: Did we grant alternative compliance for similar requests (meters on facades) on previous projects?

Mary O'Neil: Alternative compliance has been granted before, but not for prohibited items on facades.

AJ LaRosa: Are there any additional questions or comments from the board?

Evan Gould: Can you expand on the relationship between the gas meter and the building's façade?

Taryn Barrett: The gas meter would be color matched with the building's primary façade color.

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

Garret King: I do not see any hands raised in the waiting area on ZOOM.

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

2. ZAP-24-11; 62-64 Conger Avenue (RM, Ward 5) Serena Furnari / Benjamin Rickman / Rebecca Grannis

Appeal of administrative denial, ZP-24-362, for the proposed removal of existing chimneys. (Project Manager, Mary O'Neil)

Serena Furnari, owner, present, Rebecca Grannis, and Linsey Brunner: Sworn in.

AJ LaRosa: This is an appeal of an administrative denial, so we will hear the facts of the case from city staff, and then open it to the appellant to speak. Can you tell us about the facts of this case and the basis of the denial?

Mary O'Neil: The applicant applied for general renovations in June 2023, and the inquiry came for chimney removals after the permit was issued. This property is a contributing resource to the Lakeside National Register Historic District. This Board has previously approved the retention or reconstruction of chimneys above the ridgeline, but not the outright removal of character defining features on historically listed properties.

AJ LaRosa: So to clarify, the chimneys were not present on the approved plans?

Mary O'Neil: Correct. Typically staff does not do a site visit to confirm the accuracy of the submission materials; however I noticed when running past the structure that the chimneys were extant although not illustrated on the submission materials. Both chimneys were present immediately after issuing the original permit. One of the two chimneys has been removed without prior approval.

AJ LaRosa: So in June 2023, were there one or two chimneys on the existing structure?

Mary O'Neil: There were two.

Caitlin Halpert: My understanding is that chimneys are not a distinctive character-defining feature of historic properties such as this, since they are not high in style like a large Tudor revival chimney for example. Hasn't there been testimony from a guest speaker that not all chimneys are historic?

Mary O'Neil: Some chimneys, like a 1980s cinderblock chimney are not important for retention. We look to the National Register narrative for identification of these features. Refer to the historic photographs of this neighborhood from the nomination: Paired chimneys are like Easter bunny ears on the duplexes. That is why they were identified as among the commonalities that created the context and character of the district.

AJ LaRosa: Hearing no additional questions or comments from the board, we will now open it up to the appellant.

Rebecca Grannis: We were contacted by the client's to do the renovations on this property. As part of the City's net zero energy goals, the internal portion of the chimneys were removed, which led to the removal of a chimney above the ridgeline. We thought it would be worth asking the question about removing the other chimney since most of the properties in this neighborhood have since removed their chimneys. This led to maintenance issues and the cost to replace the chimney above the ridgeline places an unnecessary burden on the property owners.

Linsey Brunner: This building type is an 1899 example of building type C. Most of these building types in the neighborhood have already removed their chimneys since they are no longer connected to an active boiler. The other chimney on this structure was retained since it is still connected to an active boiler, with the intention to remove it after the boiler has outlived its useful life.

Leo Sprinzen: So you have removed a chimney?

Rebecca Grannis: Yes, the disused chimney was removed while the active chimney is still connected to a functional utility source.

Brad Rabinowitz: I see the elevation drawing that the windows are different on each side of the duplex. Can you elaborate on this?

Rebecca Grannis: Yes, before historic preservation, some of the windows were replaced with newer wooden windows. There are budgetary concerns with this project that prevented replacing the remainder of the windows.

AJ LaRosa: So there is still one existing chimney?

Rebecca Grannis: Yes, it is still in use.

Evan Gould: So is the eventual goal to replace the existing boiler with something that will use the existing functional chimney?

Rebecca Grannis: No, new venting will need to be installed for a new boiler installation to meet energy and tax incentives.

AJ LaRosa: Are there any questions or comments from the board? Hearing none, is there anyone in the public that has questions or comments concerning this project?

Mary O'Neil: No one has his or her hands raised in the waiting room on ZOOM.

AJ LaRosa: Are there any additional questions or comments from the appellant?

Serena Furnari: I was born and raised in Burlington, and we are very excited to live in this neighborhood. The reconstruction of the disused chimney would take funds away necessarily from other facets of this project.

Rebecca Grannis: The two-foot-by-two-foot chimney would be easy to replace, but we find nothing unique about the chimney that would require reconstructing it.

AJ LaRosa: So now, you are undercutting your argument switching from the reconstruction being too expensive to this being an easy fix?

Rebecca Grannis: Features on all of the buildings in this neighborhood have been changed over time and evolved with changing times.

Leo Sprinzen: Could you rebuild the previously demolished chimney?

Rebecca Grannis: We have stabilized the façade, with the possibility of building a faux chimney on top of the existing ridgeline.

Evan Gould: Would you do the same with the still functional chimney on the opposite side of the building's façade?

Rebecca Grannis: Yes.

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

3. **ZP-24-467; 365 South Winooski Avenue (RM, Ward 6) Robert Viskup / Lewis Creek Builders**
Proposed variance request to replace the existing slate roof with a standing seam metal roof to accommodate solar installation. (Project Manager, Garret King)
Connie Lael, owner, present, Layne Darfler: Sworn in.

AJ LaRosa: This is a different historically registered house, but has similar historic parameters as a previously reviewed project. Can you tell us about this project?

Layne Darfler: We are requesting a variance for the proposed replacement of an existing slate roof with a standing seam metal roof to accommodate the installation of solar. An upgraded service is needed, and the solar panels will help to support the goals of the homeowners. The current utility is not adequate for the existing electrical usage and it does not align with the City's goals of net zero energy. The existing proposal allows us to repair the existing roof, but the implementation of solar brings it around to the front of the house where it is visible from the streetscape.

Evan Gould: One of the staff reports outlines the need for a roofing slater report, but I do not see that one was uploaded.

Layne Darfler: We were not requested to provide a roofing slater report.

AJ LaRosa: Have you considered rubber faux slate?

Layne Darfler: We have, but it is not the preference of the property owners.

Geoff Hand: There is an emphasis for the consideration of viable alternatives to rooftop mounted solar arrays. Can you expand on why alternatives to this was not considered?

Layne Darfler: The backyard is sloped in the wrong direction, and the shading would not allow adequate sunlight infiltration. There is also a statewide setback requirement.

Caitlin Halpert: Would a solar canopy over the driveway be allowed?

Layne Darfler: No, this would block emergency access so we would ultimately be denied by the Fire Marshal's office.

Brad Rabinowitz: So the issue is installing solar on a historic slate roof?

AJ LaRosa: There is a legal question about prohibiting the installation of renewable energy source under 24 V.S.A. 4413.

Geoff Hand: What is this roof type?

Brad Rabinowitz: It is a gambrel roof.

Geoff Hand: Can you maintain the slate dormer on the front façade without obstructing it with a solar array?

Layne Darfler: No, the preference of the property owners is to have all new roofing material installed to support the installation of a solar array.

Geoff Hand: Are there any maintenance concerns where sheet metal meets slate?

Layne Darfler: It is something we would have to look into, but the preference is to do an outright replacement.

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

Connie Lael: We purchased the property in 2013, and the previous owner did a bad job at repairing the existing roof. We have had all the windows professional restored and are replacing the rotten cedar shake siding with Hardie Board siding to preserve the historic integrity of the property and provide longevity to the building's exterior envelope. The purpose of this project is to reduce our dependency on the existing electrical grid. We have worked with metal roofing materials before on other properties and it is the most superior roofing product.

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

V. Certificate of Appropriateness

1. **ZP-24-415; 184-186 North Winooski Avenue (NMU, Ward 2) North Winooski Avenue 184, LLC / Aishath Deen-Brosseau**

Proposed amendment to ZP-21-151 including façade and site changes. (Project Manager, Mary O'Neil)

Brett Brosseau, owner, present, Missa Aloisi: Sworn in.

AJ LaRosa: Can you tell us about this project and what changes were made to the previously approved plans?

Brett Brosseau: Essentially, this building has four units. The first was the original design was not conducive to the existing site conditions. As a secondary change, an overhang was created to combat this. A third was the implementation of security lighting and cameras.

Missa Aloisi: During construction, the builders introduced the removal of the previously approved balconies. This was also a cost saving measure to promote maintenance free practices on the property. The canopies were removed because the steel beams needed to support the load significantly increased the cost of the project. The landscaping is more of a property management issue than an architectural issue.

Brett Brosseau: Basically, there is landscaping on the street facing façade and back of the building. Needles are an issue along the back fence line and front property lines. Trash is also an issue getting caught in the shrubbery. Bushes were planted to shield headlights from neighboring properties. The unhoused population has been using these bushes to squat, which creates an issue for the safety and security of tenants. Ultimately, the bushes were removed to prevent further maintenance issues. What we are asking for is based on how the property is being used today.

Missa Aloisi: Are there any questions?

AJ LaRosa: I see from the recommended motion that we do not approve the as-built changes, is that correct?

Mary O'Neil: There are provisions in the ordinance that support the retention of amenities in the originally approved plan. This is a very large building; design features included in the original plan contributed to reducing the apparent massing and height of the building, particularly as experienced from the public right-of-way.

Geoff Hand: Can you speak to the ability to complete the project as originally proposed?

Brett Brosseau: The balconies were removed after a concern of cost, but there was also a water concern pooling on these structural components compromising the building's structural integrity.

Geoff Hand: Can you expand on the canopy?

Brett Brosseau: All I was told was the recommendation of the general contractors. People have tried breaking in, and this would provide lenses for mischief. It is expensive to implement these measures and it would compromise the security of our tenants. This was the best possible solution.

Geoff Hand: You put us in a difficult situation without attempting to come before us again with an amendment. It is frustrating, and trying to approve as-built changes is difficult. Ultimately, it is your project, so it is your responsibility.

Brett Brosseau: I know and I am sorry about this. We are trying to do the best with the contractor we have been working with.

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

VI. Other Business

- 1. ZP-24-148; 49-55 Chase Street (RL, Ward 1) Chase Street 49, LLC / Missa Aloisi**
Request for time extension request for proposed subdivision and redevelopment. (Project Manager, Garret King)

AJ LaRosa: Motioned to approve time extension request, Evan Gould 2nd. Vote 7-0. Motion carried.

VII. Adjournment

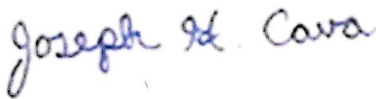
Hearing closed at 6:40 PM.



Alexander J. LaRosa, Chair of Development Review Board

11-19-24

Date



Joseph H. Cava, Permitting & Inspections Permit Technician

11-19-24

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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