

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
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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, February 18, 2025, 5:00 PM MINUTES

Hybrid & In Person (at 645 Pine Street) Meeting

Board Members Present: Caitlin Halpert, Sean McKenzie, Leo Sprinzen, Miles Waite, and Evan Gould

Board Members Absent: AJ LaRosa, Geoff Hand, Brad Rabinowitz, and Marina Campbell

Staff Members Present: Scott Gustin (Remote), Mary O'Neil, Garret King, Steve Cormier, and Joseph Cava

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

1. ZP-25-36; 1 North Avenue (RC, Ward 3) City of Burlington / Carrie Cobb

Proposed variance request, previously warned under ZPF-25-3, for clear sight triangle to construct a fence around Burlington Police Department's North Parking lot for security. (Project Manager, Mary O'Neil)

Caitlin Halpert: This first item has been addressed, and we will not be taking any action on it.

V. Certificate or Appropriateness

1. ZP-24-533; 276 Ethan Allen Parkway (RL, Ward 7) Ann Lander / Joseph Lander

Continued review of after-the-fact tree removal. (Project Manager, Garret King)

Garret King: The applicant has requested a deferral to the next available Development Review Board (DRB) meeting on March 18, 2025.

Caitlin Halpert: Would someone like to make a motion to defer this item?

Miles Waite: Motioned for deferral to the March 18, 2025, DRB meeting, Evan Gould 2nd. Vote 5-0. Motion carried.

2. ZP-24-526; 72 Temple Street (RL, Ward 7) Green Mountain Habitat for Humanity

Continued review for additional after-the-fact tree removal and new plantings. (Project Manager, Scott Gustin)

Robin Pierce, John Summa, Barry Deliduka, and Lisa Hardy: Sworn in.

Caitlin Halpert: We are patiently waiting for contact from the applicant to proceed with the review of this item. We will proceed once we have everyone we need.

John Summa: How does my wife, Lisa Hardy, participate in these proceedings?

Caitlin Halpert: We will hear from the applicant first, then open it up for public questions and comments. Can you tell us about the changes that were made to the proposed planting plan?

Robyn Pierce: We have compiled a detailed list of plantings that we hope meets the requirements set forth by the Development Review Board.

Caitlin Halpert: Are there any questions or comments from board members?

Leo Sprinzen: Was slope stabilization accounted for in the completed plan?

Robyn Pierce: Yes, the design was redone with slope stabilizing plantings.

Leo Sprinzen: Has anything else been done since the previous meeting?

Robyn Pierce: No, none.

Caitlin Halpert: Are there any additional questions or comments from board members?

Evan Gould: Is there any concern of shading from new plantings over the ground stabilizing plantings?

Robyn Pierce: No, there is not.

Caitlin Halpert: Can you clarify the number of new plantings to restore the privacy plantings that were removed?

Robyn Pierce: There are one to two trees proposed on each side of the property with miscellaneous arborvitae and other ground cover plantings.

Miles Waite: Did your landscape architect consult with the neighbors to the east and west of this property?

Robyn Pierce: No, the neighbors were not consulted.

Caitlin Halpert: Hearing no additional questions or comments from the board, are there any questions or comments from the public?

John Summa: I am one of the neighbors to the east and comments were submitted by my neighbor, Ali Lanzetta. Number one, is the concern of slope stabilization in light of the excessive tree clearing. The area of the site plan marked in yellow is a radical 60 degree slope with propane tanks located at the base of this steep slope. If a truck were plowing the driveway, it is difficult to measure the edge of the slope from the edge of the driveway. The slope is an accelerant for stormwater runoff on this property and presents risks to the abutting property owners. The slope is a huge concern and I do not believe the applicant team has thoroughly addressed stormwater runoff to areas of our yards, which were previously dry and now wet. Viable solutions are needed to address shade and privacy after trees were recklessly removed. The proposed solutions are a mockery at best to the illegal behavior that has commenced here. How is the board going to address future runoff, shading, and loss of privacy? I recommend a stepped up fence system to address this.

Evan Gould: Are there remediation measures that you would like to see installed?

John Summa: I am not an expert in this field, but the long term plantings are not a viable solution for the damages done. Right now the ground is frozen, so there is not a viable way to proceed.

Miles Waite: Yes, the runoff will fall faster as evidenced by the slope, but there will be no change in the volume of runoff created.

John Summa: What are they going to do after-the-fact? Since the construction of the development, there is nowhere for the volume of water to collect other than our yards.

Miles Waite: But you can confirm that this has always been a slope?

John Summa: Yes, the driveway will become a river and the water collection measures are not sufficient enough to handle this.

Evan Gould: Scott, would stormwater remediation's be addressed by Water Resources?

Scott Gustin: Yes, Water Resources reviewed and approved an Erosion Prevention and Sediment Control (EPSC) permit, EPSC-24-20, and a Post Construction Stormwater (PCSW) permit, PCSW-24-2, respectively to address these issues.

John Summa: Now we are faced with a fait accompli. Another excavator was hired for this project and promised that the driveway would be on the left hand side of the property, not on the right hand side where it currently exists.

Sean McKenzie: We cannot verify what was promised beyond the facts in front of us.

John Summa: The city agreed that the proposals would be reasonable.

Caitlin Halpert: Are there any additional questions or comments from the public?

Barry Deliduka: I think enough documentation has been submitted to address the construction schedule. The trees were marked and removed. An additional permit was issued for the construction of the development and quote on quote site improvements. They used the site improvements language to take down more trees than what was previously approved. This attitude of procession being nine tenths of the law has allowed this wrongful behavior. I am not sure what the board's position is on this, but I highly recommend issuing a stop work order until the promises can be fulfilled. I have had to go through legal channels to address this.

Caitlin Halpert: Is there something in the landscape plan that you would like to address?

Barry Deliduka: It is how property is managed. A portion of the property was carved out and we lost a natural ridgeline abutting our property.

Evan Gould: To repeat, is there anything related to landscape plan itself that you have questions or comments on?

Barry Deliduka: No, but the city should either prevent organizations like Habitat for Humanity from proceeding with development within Burlington for the next 100 years or levy a fine against them amounting up to \$100,000.00 to prevent errors like this from ever happening again.

Caitlin Halpert: Instituting fines is outside the scope of our authority in project reviews.

Evan Gould: Our position is approving or denying on the basis of compliance with the existing regulations outlined in the Comprehensive Development Ordinance (CDO).

Barry Deliduka: Can you do a site visit?

Caitlin Halpert: We don't typically do site visits as a board. Does anyone else from the public have questions or comments?

Lisa Hardy: I appreciate Ali Lanzetta's written feedback that was submitted. Our trust in a humanitarian organization like Habitat for Humanity is broken. Future plantings will not address the mature root systems which were removed as part of the construction. The weatherization program that visited the property drafted recommendations for Habitat for Humanity and our own properties to address runoff concerns. On another note, the steep grade of the existing slope would be dangerous for anyone with children occupying the subject property.

Caitlin Halpert: Can you define your address for the record?

Lisa Hardy: Yes, I live at Rockland 3A. What is the plan should this vegetation and tree plantings fail? What if they do not grow or die? Who will be responsible for maintaining the slope? We, as the abutting landowners are not being properly compensated for the loss that has occurred.

Caitlin Halpert: Is there anyone else from the public with questions or comments?

Mary O'Neil: I do not see anyone else in the online waiting room.

Caitlin Halpert: We will now turn it over to the applicant to address some of the questions asked.

Robyn Pierce: The plantings will have a one-year guarantee. Final planting choices will be made in the spring to further support the prevention of stormwater runoff. The driveway location changed because of the existing ledge.

Leo Sprinzen: The abutting landowners have agreed that the area marked canopy no longer exists. Will you make changes to the existing planting plan to reflect the existing conditions of the site?

Robyn Pierce: This is what will be planted.

Evan Gould: Can Holly Greenleaf of Greenleaf Design, LLC go over the landscaping plan with the abutting landowners to address erosion control?

Sean McKenzie: I agree, if the plants fail, how will Habitat for Humanity address this?

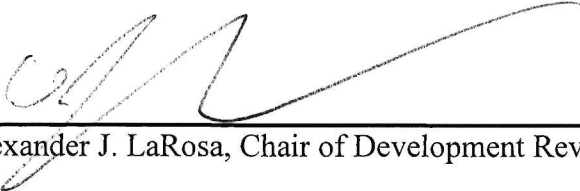
Robyn Pierce: Failed plants will be replaced. Planting contractors will be doing the work directly.

Scott Gustin: Standard zoning permit condition number six will address the replacement of diseased and dying plants within a year.

Caitlin Halpert: Hearing no additional questions or comments, we will close the hearing on this item and enter deliberative session to discuss this evening's agenda items.

VI. Adjournment

Hearing closed at 6:10 PM.



Alexander J. LaRosa, Chair of Development Review Board

3/5/24
Date

Joseph H. Cava

3-5-25

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.

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