

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
Miles Waite
Marina Campbell, (Alternate)
Evan Gould, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, May 6, 2025, 5:00 PM MINUTES

Hybrid & In Person (at 645 Pine Street) Meeting

Board Members Present: AJ LaRosa, Caitlin Halpert, Geoff Hand (5:05 PM), Sean McKenzie, Brad Rabinowitz, Leo Sprinzen, and Marina Campbell (5:05 PM)

Board Members Absent: Miles Waite and Evan Gould

Staff Members Present: Scott Gustin, Garret King, Steve Cormier, and Joseph Cava

Staff Members Absent: Mary O'Neil

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

1. **ZP-25-92; 24 Grant Street (RM, Ward 3) 24 Grant Street, LLC / Doug Viehmann**
Post fire rehabilitation, creating one additional residential unit as allowed under the Historic Building Rehabilitation Bonus. Project review under Planned Unit Development (PUD) standards. (Project Manager, Mary O'Neil)

AJ LaRosa: This item is recommended for consent approval. Is there anyone on the board that has an issue with treating this as consent? Hearing none, is anyone from the applicant team present? In light of no one from the applicant team being present, I would move to continue this item.

AJ LaRosa: Motioned to continue to the next available DRB meeting, Caitlin Halpert 2nd. Vote 6-0. Motion carried.

2. **ZP-22-199; 51 Elmwood Avenue (RH, Ward 3) City DPW / CEDO**
Proposed time extension request for the establishment of emergency shelter and associated site improvements. (Project Manager, Scott Gustin)
Sarah Russell, Brian Pine, Kelly Devine, Kerri Duquette Hoffman, Evan Langfeldt, and Zachary Nersinger: Sworn in.

Caitlin Halpert: This item is recommended for consent approval. Is there anyone on the board that has an issue with treating this as consent?

AJ LaRosa: We have limited review under Vermont State Statute 4413. Can you tell us about the changes for a one-year extension?

Sarah Russell: We have made countless referrals.

Brian Pine: Early on, there were concerns raised by adjacent property owners. Through meeting and discussions, security cameras were installed for safety. There were also concerns on the durability and sturdiness of the chosen fencing materials.

AJ LaRosa: Can you tell us about the time constraints?

Scott Gustin: They can have up to two one-year time extensions.

Sarah Russell: Under case management and data, we see folks stay here anywhere from four to ten months while they settle to access medical and recovery services.

AJ LaRosa: I note under condition 6, stays are limited up to 180 days.

Scott Gustin: There is a subsequent permit to amend that condition.

AJ LaRosa: Is there anyone else that wishes to speak on this?

Kelly Devine: I am not here for non-approval, but it is my intention to gather data on how this project has affected downtown tenants and businesses. I have written evidence of thefts ending up at this site contributing to the negative impacts that this project has had on the surrounding community. I do not understand why this data is not available to speak to the project's success. This project offers services, but whether people utilize them is another matter entirely. This is a valuable initiative, but the lack of data is frustrating because I do not feel that the Community Economic Development Office (CEDO) is working with the public enough to answer questions. How will success be evaluated moving forward? This short-term transition has turned into a long-term problem of answers that are not being met.

Kerri Duquette Hoffman: Today, 5/6/25, is Homelessness Awareness Day. The Human Services Commission is committed to providing adequate housing in Chittenden County. The State of Vermont as a whole is experiencing a widespread housing shortage. The availability of low barrier shelters like this helps to reestablish trust in a fragmented system. These shelters help those who do not thrive in larger community shelter settings.

AJ LaRosa: Is there anyone else that would like to be heard?

Evan Langfeldt: I am representing McKenzie House, a low income elderly housing facility, which is an abutting neighbor. We still have concerns but did not appeal the process. Since the installation of the pods, we have had an uptick in deviant behavior and influences that has affected the quality of life for our tenants. Candidly, we have not received a lot of empathy from the City. I do feel that the Champlain Housing Trust has made the best of a difficult situation, but the minimum strides that have been made are lacking at best. This is causing a direct impact to our tenants because of theft, defecation, and drug use/activity. It is a real problem causing strains on existing public safety infrastructure. We have spent over \$50,000.00 in security since the installation of the shelter pods, and this project is not subsidized like that of Decker Towers.

AJ LaRosa: City folks, would you like to respond? I have heard a few things, and I wonder what the abilities are to be more responsive and communicative towards the concerns.

Brad Rabinowitz: Having some history on the data would be helpful.

Sarah Russell: I have not received any direct data beyond a quarterly report, which is also vague. We work with an administrator to gather a robust wealth of data connected to medical, mental health, substance abuse, and legal support services. Direct connections include 15-25 individuals who have sought additional help and alternative housing situations.

Brian Pine: Some of the data is also based off those exiting from the State level motel voucher program. This process was lengthy and progressed between state and local resources. City Place as an example was supposed to have homeless dedicated units, but created a bottleneck when this proposal was altered.

Sarah Russell: As we see changes progress nationally, we will see more funding resource trickle down to the local level.

Brad Rabinowitz: Obviously, the timeline and number of individuals in need of services is fluctuating.

Sarah Russell: Planning is the key factor. The intention is not to contribute to homelessness through these shelters, but provide temporary respite while additional resources open up.

Sean McKenzie: Given the project location, what is the biggest barrier, and what is your long-term goal for this location?

Sarah Russell: We are one of the most successful facilities on the county level. Our hope is to reconnect people to resources. A tent is not a secure or long-term solution. The feeling of safety that the pods provide contributes to the long-term goal of permanent housing for over 250 individuals on our waiting list.

Brian Pine: Moving into a housing unit that is \$2,400.00 a month is not a sustainable practice.

Zachary Nersinger: This is conceptual, but eventually the goal would be to dismantle the pods and re-envision the site for future development.

Leo Sprinzen: There is a concern on meetings and availability for individuals to participate.

Brian Pine: Yes, we have had meetings with mixed participation and the attendance could have been more adequate.

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

V. Public Hearing

1. ZP-25-43; 29-35 Church Street (FD6, Ward 3) Nick & Morrissey Development, LLC / Ryan Nick

Continuation of proposed variance request for after-the-fact installation of loading dock gate.
(Project Manager, Scott Gustin)

Ryan Nick, owner, present, Kelly Devine, Sharon Bushor, and Melo Grant: Sworn in.

AJ LaRosa: This item is for the continuation of the proposed variance request for the after-the-fact installation of a loading dock gate. Can you tell us about the changes that have been made to the project to bring it into conformity?

Ryan Nick: The alleyway for the dumpsters is very narrow, and we have had difficulty raising a viable solution. Today, 5/6/25, we removed the barbed wire from the top of the gate. The fence is within the first lot layer, but we believe that based on its existing location that it is in the second lot layer.

Leo Sprinzen: Are you contemplating a different toper for the existing fence?

AJ LaRosa: Can you cover the existing chain link with a cover?

Ryan Nick: We could consider it, but it would make it more noticeable. The height is to prevent people from jumping the fence.

Sean McKenzie: So the gate is to secure the alleyway between truck pickups?

Ryan Nick: Yes.

Geoff Hand: What is the height without the barbed wire?

Ryan Nick: It is six feet tall.

Caitlin Halpert: Is the property to the left involved?

Ryan Nick: No, this is the State office building.

Kelly Devine: I am a tenant of the building, and I recommended a temporary halt on regulations concerning fencing until this safety matter is resolved. I have seen both drug related activity and sexual acts that threaten me as an individual. Since the installation of the fence, I have noticed that conditions have gotten better.

Brad Rabinowitz: We had a similar issue arise with the Ronald McDonald House on South Winooski Avenue.

Kelly Devine: Crime prevention from Environmental Designs will deter these types of behaviors.

Brad Rabinowitz: We are desperate to keep these things from happening, but we are subject to the existing regulations.

Caitlin Halpert: Why is this the first lot layer?

Scott Gustin: It is based on the front of the building's façade and the curb.

AJ LaRosa: Looking at Google Maps, I note that the cutout space is limited. Are there any additional questions?

Geoff Hand: Why was the State office building's fence approved?

Scott Gustin: This is a limitation on local zoning applied under V.S.A. 4413. I should point out that a variance is predicated on impossibility of compliance with the standards. Shifting this fence a foot back behind the building would allow an eight-foot-tall chain link fence.

Geoff Hand: Can the applicant explain why you would be unable to do this?

Ryan Nick: It would prevent the sliding gate design, as it currently exists for ease of use. The swing gate would cause concerns for pedestrian safety and would involve drilling into the State office building's facade.

Sharon Bushor: Form based code was established to illuminate confusion and surprise. The criteria is specific. I listened to Scott Gustin's testimony, and there are options to comply with the existing regulations. I am trying to balance this though and am reluctant to allow a variance when the applicant has not presented any creative solutions to comply with the existing regulations.

Marina Campbell: Have other materials and or options been considered?

Ryan Nick: We did, and it would incur an increase in our costs.

Melo Grant: Before my time on City Council, I was a police commissioner. I appreciate the feedback on how this fence could be more accommodating. On another side though, I was taken aback when someone suggested greater police presence, which is already a constrained community resource. We are not prepared for this overlap and condensing of vulnerable individuals. Property and business owners have to think outside the box to protect themselves, staff, and patrons. I think education is a huge component of allowable fences. I would urge this board to be as relaxed as possible for consideration as the circumstances are anything but normal.

Ryan Nick: Our interests and choices in materials used is related to the anticipated temporary nature of this gate.

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

VI. Certificate of Appropriateness

1. 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, Barry Deliduka, Lisa Hardy, John Summa, and Sandra Nigolian: Sworn in.

AJ LaRosa: This item is for the continuation of the after-the-fact tree removal and proposal for new plantings. Can you tell us about the changes that have been made to the project to bring it in conformity?

Robin Pierce: We have prepared existing conditions, design, and proposal for landscaping. What was there previously was mostly buckthorn and mature trees. The Vermont Landscaping Association has been very generous with their time and resources regarding this proposal.

AJ LaRosa: I would like to hear from neighbors on how they feel on the revised proposal.

Brad Rabinowitz: The plans do not specifically address stormwater runoff.

Robin Pierce: Stormwater runoff and retention was included with the duplex construction plans and permitting.

Leo Sprinzen: What are some of the heights of these proposed plantings?

Robin Pierce: We are not sure; these plants are donated from the existing stock of local nurseries.

AJ LaRosa: Hearing no additional questions or comments from the board. Would the neighbors like to speak to the revised proposal?

Barry Deliduka: I would like to revisit the previous meeting regarding a lack of proposed plantings. I see the same identical plan that was presented last December. I do not feel the revisions address the proposed plantings. Since then, someone requested a copy of the motion. I replied to your office with a letter back in February.

Leo Sprinzen: Yes, I see the letter in our agenda packet.

Barry Deliduka: Can you expand on staff comments? I see the comments came from Scott Gustin, which seems like a conflict of interest. The staff comments go on to note properties to the east and west and lack of supporting information. I do not understand Scott's authority to make comments on this subject.

Caitlin Halpert: When you looked at the inventory of current trees, did this look accurate?

Barry Deliduka: I did have privacy; I do not have privacy anymore. None of the trees that were removed were in anyone's way. The only plantings that have been added is tall grass.

Caitlin Halpert: Planting cannot commence until the revised planting plan is approved.

Brad Rabinowitz: What is missing is a row of arborvitae that can be added as screening.

AJ LaRosa: Are there any additional concerns?

Barry Deliduka: I do not agree with the revised planting plan. There has only been a little bit of change to the east proposed. I am disappointed by the lack in communication.

AJ LaRosa: We have had a lot of after-the-fact requests for projects concerning excessive tree removal. We are familiar with this project and the issues that have been raised.

Lisa Hardy: You have the comments from my husband, John Summa, and our neighbor, Ali Lanzetta. Habitat for Humanity has not been communicative with us.

AJ LaRosa: How does it look?

Lisa Hardy: It looks good, the grass is tall. I am shocked by the lack of control regarding this project. It is so sad looking at the minimized landscape and it causes so much emotion.

AJ LaRosa: Is there anyone else that wishes to speak on this item?

John Summa: There are audio comments from a video that I sent to Joseph Cava that was not uploaded to the agenda packet. There is evident runoff presented in the video that drains to our property. Many of the trees on the hill are beginning to lean towards our property due to erosion.

AJ LaRosa: My question was concerning slope stabilization.

John Summa: From as far as I can tell, the slope is stable. I wanted my comments on the record due to the failure to upload my video. The other issue is that I have not been given clarity from Habitat for Humanity or the landscapers regarding the revised replanting plan. How can we respond without sufficient evidence? I would like more information on what is being planned.

Sandra Nigolian: I live to the rear of this property. I am concerned because I met with Mike, the Director of Green Mountain Habitat for Humanity, back in August 2024. I live on Van Patten Parkway next to Bernie Sanders and the depicted site plan is not correct. Bernie retained a portion of this land on Temple Street as part of his property on Van Patten Parkway. To replace the tree canopy on our own property would cost over \$10,000.00. I am in my late-50s, and we do not have the time for the proposed plantings to reach a level of maturity that affords the neighborhood the previously existing privacy that was removed.

Robin Pierce: I thought that the landscaper did an excellent job putting this plan together. For consideration, the plantings would be whatever can be sourced or is available at local greenhouses and nursery centers.

Brad Rabinowitz: We still need to know the caliper and species inventory.

Robin Pierce: That has been presented in the revised plans. I offered to meet with the neighbors at the last meeting, but they did not follow through.

Caitlin Halpert: Is the planting plan in conformity with stormwater management and retention plan?

Robin Pierce: Yes.

Scott Gustin: I would like to point out that the revised landscaping plan included all this information.

Sandra Nigolian: I have been doing a lot of research and there is an abundance of plantings available at local greenhouse.

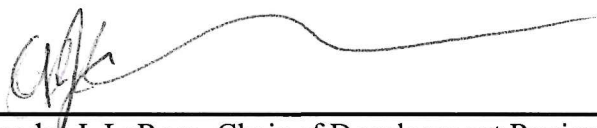
AJ LaRosa: The cost of compliance is not a consideration of this board. We try to make sure the intent aligns with the provisions outlined in the ordinance.

Sandra Nigolian: This project has affected the use of our private properties.

AJ LaRosa: I appreciate that, but these are trees on someone else's property. Hearing no additional questions or comments, we will close the hearing on this item and deliberate on it.

VII. Adjournment

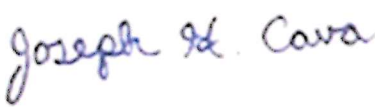
Hearing closed at 7:05 PM.



Alexander J. LaRosa, Chair of Development Review Board

6-3-25

Date



Joseph H. Cava, Permitting & Inspections Permit Technician

6-3-25

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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