

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
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AJ LaRosa
Caitlin Halpert
Evan Gould
Geoff Hand
Sean McKenzie
Leo Sprinzen
Miles Waite
Marina Campbell, (Alternate)
Vacant, (Alternate)



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

Hybrid & In Person (at 645 Pine Street) Meeting

Board Members Present: AJ LaRosa, Caitlin Halpert, Evan Gould (Remote), Geoff Hand, Sean McKenzie, Miles Waite (Remote), and Marina Campbell

Board Members Absent: Leo Sprinzen

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

Staff Members Absent: Scott Gustin

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

1. ZP-25-310; 633 Main Street (I, Ward 1) University of Vermont / State Agricultural College / Claire Forbes

Proposed conversion of existing fenced area into an outdoor lab with associated site improvements.
(Project Manager, Mary O'Neil)
Derick Read: Sworn in.

AJ LaRosa: This application is recommended for consent approval. Is there anyone on the board that would object to treating this item as consent? Hearing none, do you have any questions or comments with the staff report?

Derick Read: No, none.

AJ LaRosa: Are there any questions or comments from the board? Hearing none, are there any questions or comments from the public? Hearing none, would someone like to make a motion?

AJ LaRosa: Motioned to approve and adopt staff findings and recommendations, Caitlin Halpert 2nd.
Vote 7-0. Motion carried.

V. Public Hearing

1. ZP-25-291; 110 Summit Street (RL, Ward 6) Charles Smith / Amy Mellencamp

Proposed variance request to construct a 672 sq. ft. addition that would exceed the total maximum principal structure footprint of 1,800 sq. ft., for a total of 1,992 sq. ft. (Project Manager, Garret King)
Amy Mellencamp and Charles Smith, owners, present, Sharon Bushor: Sworn in.

AJ LaRosa: This not an appeal of a decision?

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Garret King: Correct.

AJ LaRosa: Can you give us the background on this new provision?

Garret King: This came in under Neighborhood Code allowing secondary structures in residential neighborhoods. Max principal structure footprint is allowed up to 1,800 square feet. The proposal is over this.

AJ LaRosa: Under Neighborhood Code, it was my understanding that there was an expansion of residential uses.

Garret King: Accessory Dwelling Units (ADUs) have since been removed from the Comprehensive Development Ordinance (CDO) language. Detached secondary structures has replaced it instead.

AJ LaRosa: So there is no longer a bonus provision?

Miles Waite: Was this based off average size?

Garret King: The provisions outlined in the regulations were created by the City's Planning Commission.

Evan Gould: I was involved with this process.

Geoff Hand: How big is the existing detached garage?

Amy Mellencamp: It is just over 500 square feet.

AJ LaRosa: Can you tell us about this project?

Amy Mellencamp: We are seeking a variance request to construct an addition to allow us to age in place. The proposal is sufficient for accessibility to accommodate wheel chair access. We want the addition to be attached to the house so our family members can help take care of us. Many of the houses on this street are larger and do not accommodate Neighborhood Code for the average. The existing structure is not accommodating to aging in place and our contractor reaffirmed this during the planning process. We only want an additional 672 square feet added to the existing footprint. There are a few problems about the property including the shared driveway. The placement of a secondary structure in our backyard would also consume too much land and would not be in keeping with the neighborhood character. This plan would also allow us to stay in place and keep the neighborhood character. There is a bonus provision in the ordinance for elderly people, which we feel, also applies to this project.

Charles Smith: The 672 square foot addition is more worthwhile than creating a secondary structure in the backyard.

Caitlin Halpert: Is this addition for a second unit or an addition to the existing single-family home?

Charles Smith: It can operate as its own independent unit with extended family living in the main portion of the house.

AJ LaRosa: Does the porch contribute to the structure's footprint?

Garret King: No, it does not.

AJ LaRosa: When did you get the permit for a smaller addition?

Amy Mellencamp: A couple of months ago.

AJ LaRosa: How did you reach the decision that the prior plan was not accommodating?

Charles Smith: The contractor called it out and addressed that the prior design was not accommodating during the planning process.

AJ LaRosa: Under the provision, would it allow a quarter of 1,800 square feet?

Garret King: Yes.

Geoff Hand: Did you see the provision regarding the elderly?

Garret King: The provision relates to elderly housing as defined under Section 5A of the Comprehensive Development Ordinance (CDO).

Mary O'Neil: It is exclusive housing regulated under the Fair Housing Act.

Sean McKenzie: If we approved this, could this become a duplex?

Garret King: Yes, however a duplex would still create a problem. The issue here is the limitations created by the max allowable building footprint.

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

Sharon Bushor: I live in a different Ward than where this property is located, but I feel the Neighborhood Code was hastily adopted and not all the details were well thought out. This is similar to the affordability, use, and adoption of Accessory Dwelling Units (ADUs). I am frustrated by the rushed implementation of the Neighborhood Code regulations. I worked hard for the support of projects like this. These applicants are being proactive with their age in place mentality. The ratio of 1,800 square feet for the principal structure is not reasonable, and I am hoping people think about it more, to revise the regulations. My hope is that we can be supportive without worrying about the example that projects like these present. Reasonable development provide reasonable continuity.

Geoff Hand: Can you describe the rationale for the project on North Prospect Street that was approved?

Mary O'Neil: The project on North Prospect Street will be removed by a date certain, but the rationale was in regard to the setbacks.

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

2. ZP-25-317; 208 Flynn Avenue (E-LM, Ward 5) Stack 208, LLC / Kelley DesRoches

Proposed conditional use conversion of approximately 7,000 sq. ft. of commercial office space into a health club. (Project Manager, Mary O'Neil)

Dave Nelson, Dave Farrington, Paige Farrington: Sworn in.

AJ LaRosa: Can you tell us about this project?

Dave Nelson: We operate a few other locations in Vermont. We are seeking conditional use approval to convert an existing commercial office space into a health club.

AJ LaRosa: Are there any questions or comments from the board? Can you walk us through traffic studies?

Dave Nelson: Visitors will enter through an entrance vestibule off of Flynn Avenue. Max traffic generation will be in the evenings and on the weekends.

AJ LaRosa: So you are coming in on the driveway off of Flynn Avenue?

Dave Nelson: Yes.

AJ LaRosa: Have you spoken to Public Works about the created trip generation?

Mary O'Neil: Trip ends and net new impact fees will be substantially different.

AJ LaRosa: What was the prior use? What is the max number on occupancy?

Dave Nelson: It would range from 20 visitors, plus three staff members.

Mary O'Neil: Dave Farrington can probably speak in greater depth on this.

Dave Farrington: The prior use was administrative office for the Howard Center. There would be 20-30 people present on average.

Paige Farrington: I would concur.

AJ LaRosa: Are there any additional 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 deliberate later on.

3. ZAP-25-5; 276 Ethan Allen Parkway (RL, Ward 7) Joseph Lander / Ann Lander / Peter Raymond

Proposed appeal of administrative denial of ZP-24-533 for after-the-fact tree removal. (Project Manager, Garret King)

Joseph Lander, owner, present, Peter Raymond: Sworn in.

AJ LaRosa: In the case of appeals, we will hear the facts of the case from City staff, and then open it up to the appellant to speak. Can you please tell us about the facts of the case?

Garret King: This is one of the after-the-fact tree clearing projects that was received at the beginning of the year. The Development Review Board (DRB) stipulated that the applicant come back with a replanting plan. Six months passed since the application was received on 1/7/25 without receiving a replanting plan or additional correspondence to proceed with the review.

Peter Raymond: Ultimately, the permit was denied after a tree-planting plan had been submitted. The appeal is in response to this, requesting review of the submitted materials.

AJ LaRosa: This is a weird property with two separate owners on a single property.

Peter Raymond: Yes, Peter Davis submitted a letter to the DRB expressing support for the submitted replanting plan.

AJ LaRosa: What would the result of upholding the denial be?

Garret King: The applicant would need to reapply for a zoning permit and go back before the DRB to resolve the zoning violation.

Geoff Hand: So this would resolve the issue.

Garret King: Yes.

AJ LaRosa: Are there any additional 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 deliberate on it later on.

VI. Other Business

1. Annual Organizational Meeting

Nomination and election of Chair, Vice Chair, and reps to Ordinance and Long Range Planning Committees.

Caitlin Halpert: Motioned to appoint AJ LaRosa as Chair of the Development Review Board, Miles Waite 2nd. Vote 7-0. Motion carried.

Miles Waite: Motioned to appoint Caitlin Halpert as Vice Chair of the Development Review Board, AJ LaRosa 2nd. Vote 7-0. Motion carried.

AJ LaRosa: Motioned to appoint Evan Gould as representative to the Long Range Planning Committee, Caitlin Halpert 2nd. Vote 7-0. Motion carried.

AJ LaRosa: Motioned to appoint Miles Waite as representative to the Planning Commission Ordinance Committee, Caitlin Halpert 2nd. Vote 7-0. Motion carried.

VII. Adjournment

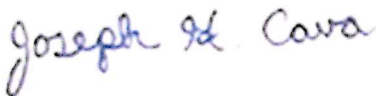
Hearing closed at 6:30 PM.



Alexander J. LaRosa, Chair of Development Review Board

9-2-25

Date



Joseph H. Cava, Permitting & Inspections Permit Technician

9-2-25

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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