

Burlington Development Review Board

Department of Permitting & Inspections
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Marina Campbell, (Alternate)
Chase Taylor, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, September 16, 2025, 5:00 PM MINUTES

Hybrid & In Person (at 645 Pine Street) Meeting

Board Members Present: Evan Gould (Remote), Sean McKenzie, Leo Sprinzen, Miles Waite, and Marina Campbell (Remote)

Board Members Absent: AJ LaRosa, Caitlin Halpert, Geoff Hand, and Chase Taylor

Staff Members Present: Scott Gustin, Mary O'Neil, Kim Sturtevant, and Joseph Cava

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

1. ZP-25-107; 120 Depot Street (RM, Ward 3) Andrea Trombley / Steven Trombley

Continued hearing for the variance request to allow exception to the existing height regulations.
(Project Manager, Scott Gustin)

Steven Trombley, owner, present, Hans Huessy, Mark Johnson, Steven Russo, and Bill Pierson:
Sworn in.

Miles Waite: Scott, can you please tell us about this project?

Scott Gustin: We can hear the facts of the case from the applicant before going over the staff report.

Steven Trombley: When we were here last, the staff report raised issues requiring postponement.
The reasons to postpone related to a decision required from the City Attorney's office.

Miles Waite: I would like to turn it over to the City Attorney to speak.

Kim Sturtevant: I previously submitted a written opinion for board review and consideration.

Miles Waite: I am inclined to waive our attorney client privilege to share that opinion.

Evan Gould: How frequently does this come up?

Kim Sturtevant: Not frequently, but every so often.

Evan Gould: Motioned to waive attorney client coverage, Leo Sprinzen 2nd. Vote 5-0. Motion carried.

Kim Sturtevant: The Vermont State Court Environmental Division (VSCED) denied a previous variance request to allow construction of a structure above the allowable height regulations.

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Evidence could be precluded if it is found to be the same evidence submitted under the previous case. The court agreed with the Development Review Board's decision to uphold the denial. This was due to the fact that the previous design could be altered to adhere with the regulations outlined in the Comprehensive Development Ordinance (CDO).

Steven Trombley: I would like to point out that any design would require a variance request for height.

Miles Waite: Did you consider a different design?

Steven Trombley: Yes, but it would require extensive subterranean development. I told the judge that there are variations that we would work with; however, this is about the changes in the CDO regulations and not the judge's previous decision. Ultimately, a variance for height would be required.

Miles Waite: It is based off a variance to height calculation.

Sean McKenzie: Was the fifty foot maximum height previously considered?

Scott Gustin: The height measurement standards have been amended twice. They were changed to switch 10' to 50' from the road for measuring just the front façade, and the provision for measuring the average finished grade around the entire building was changed to just the average finished grade at the base of the front façade.

Miles Waite: This is not an easy site to work with. Are there any additional questions or comments from the board? Hearing no additional questions or comments from the board, are there any questions or comments from the public?

Hans Huessy: It was incumbent on the applicant to correct the court's judgement. The design previously presented is not in keeping with the court's final judgement. Re-examination by this board needs to be precluded from the record moving forward.

Mark Johnson: Is it possible to switch the graphic to show the sketch? Using your eyes, if the graphic is pushed forward, further down the hill, it would not require the excess space needed for a height variance. Under the proposal to build a suitable above ground house that would not otherwise significantly affect the views of existing neighbors at the condominium association at the top of the hill.

Miles Waite: Do you have a view or air rights easement?

Mark Johnson: No.

Miles Waite: We need to understand what the minimum view elevation angle is.

Mark Johnson: Unfortunately, I do not have documentation to support this. The minimum deck height is eight feet above the ground level at the top of the incline.

Evan Gould: I did not see the court decision in the agenda packet. To clarify, the neighbors of the condominium are seeking a lower height allowance?

Steven Russo: The difficulty of developing this lot has been gathering supporting evidence since 2018. A similar building lot was sold in the last few years in 2021. We looked at this lot, but regretfully we were forced to shift our supporting interests away because of the complexities related to development of a site such as this.

Hans Huessy: The court's previous decisions cannot now be contested.

Steven Trombley: I am trying to wrap my head around the concerns. The proposed design would be a solution to the previous variance request to allow for changes in elevations. The court's previous references and parameters are not encouraging a compromising solution between the involved parties. The design I am referencing is at level or below the existing condominium association.

Miles Waite: Any changes would need to come back before the board.

Steven Trombley: Additional revisions would take time including enlisting the help of professionals like architects and engineers to make changes as the design process progresses.

Bill Pierson: I am confused about what is actually before the board currently and what is being applied for.

Leo Sprinzen: We will be deliberating on the parameters of a height variance.

Bill Pierson: If the variance is granted, how will the finished height be measured?

Scott Gustin: This will be measured from the finished grade at the bottom of the front façade rather than the street's grade.

Miles Waite: Hearing no additional questions or comments, we will close the hearing on this item to deliberate later on.

V. Certificate of Appropriateness

1. ZP-25-370; 23 Isham Street (RM, Ward 3) Isham Street 23, LLC / Brett Brosseau

Proposed construction of secondary building with three residential dwelling units to accompany existing duplex. (Project Manager, Mary O'Neil)

Brett Brosseau, owner, present, Missa Aloisi, and Sharon Bushor: Sworn in.

Miles Waite: Can you please tell us about this project?

Brett Brosseau: We are proposing to add a secondary structure.

Leo Sprinzen: Can you expand on the revised elevations?

Missa Aloisi: The revised designs have been submitted. There should be a revision note on the title block.

Leo Sprinzen: So the revisions are based off of the Design Advisory Board's (DAB) recommendations?

Missa Aloisi: Yes, the DAB recommended lowering the roofline/structure to accommodate the third level.

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

Sharon Bushor: The improvements are significant to resolve design choices. I do not however see a detailed landscaping plan to understand if the site changes were acted upon. A lot of the discussion pertained to natural light. My position is being a proponent of natural light. The external staircase

should be pushed to the rear of the building to accommodate more light that is natural and so residents can access the recycling and trash enclosure. I am not sure if changes were made to the window sizes.

Mary O'Neil: The applicant did implement an addendum with additional details regarding the plantings. The Erosion Prevention and Sediment Control (EPSC) permit will also be listed as a condition of approval.

Sharon Bushor: Thank you.

Missa Aloisi: Building circulation is what is guiding design choices. This is why there are not more windows and why the staircase is located where it is. I also disagree with your ascensions regarding light. The staircase as proposed will not be dark.

Sharon Bushor: Thank you.

Evan Gould: I see a roof overhang for bike storage. Is this location secured for leaving a bike out overnight?

Brett Brosseau: The solution to prevent bike thefts is to lock them up. In my various properties, if someone leaves a bike out unsecured, it will be stolen.

Miles Waite: Hearing no additional questions or comments, we will close the hearing on this item to deliberate later on.

2. ZP-25-298; 506 Appletree Point Road (RL, Ward 4) Conrad Koerper IV / Pamela Koerper / Joshua Carel

Proposed demolition and replacement of existing structure with a new residence. Garage structure will be partially demolished and rebuilt. (Project Manager, Scott Gustin)

Scott Homsted, Cynthia Silvey, and Joshua Carel: Sworn in.

Miles Waite: Can you please tell us about this project?

Scott Homsted: The proposed project is to demolish the existing structure to construct a new structure that is pulled farther away from the lake. The new design does contribute additional lot coverage to the site. The site ultimately will store more rain than the existing set up can accommodate. The existing house is on an old septic system, but the new construction will be connected to municipal water and sewer, which will also improve water quality. New stormwater retention will also be implemented for the improvement of water quality.

Sean McKenzie: Is the existing septic system to be replaced to the city sewer?

Scott Homsted: Yes, it will connect with a force main.

Miles Waite: I am familiar with this site. It is questionable on the development of properties in this area with a forced main to accurately accommodate the flow.

Scott Homsted: The driveway is where the year round water line ends and all properties further down are on seasonal systems. State permitting is in place to upgrade these properties.

Cynthia Silvey: There is a pinch point on the rear of the property and physical changes have been made to the design to align the math of covered surfaces like walkways versus plantings. Other factors of consideration are the location of the proposed garage doors to align with the existing curb cut.

Scott Homsted: This also accounts for a turn radius for vehicles leaving the driveway from the garage.

Cynthia Silvey: There is room for growth and for practicality.

Miles Waite: Where is the water collection area located?

Scott Homsted: There is a vegetative rain garden to filter runoff from the site. We have been working with Seth Kuchenbecker in the Water Division.

Joshua Carel: Can you pull up the EPSC permit plans?

Scott Homsted: The existing driveway is being retained. What is not seen is the compacted gravel beneath the surface of the grass from the previously existing driveway.

Sean McKenzie: Did you establish the Clear Sight Triangle with the driveway?

Cynthia Silvey: I am not qualified to speak on this.

Scott Homsted: This is not a well-traveled road. When we did the Senegal project, it was our understanding that all neighbors participated.

Miles Waite: Will there be any development across the street?

Scott Homsted: No, none.

Leo Sprinzen: The staff report does not formalize any clear decisions, is there any reason you need us to make a decision tonight?

Joshua Carel: We are fighting the clock with seasonal construction schedules.

Miles Waite: Are there any additional questions or comments? Hearing none, we will close the hearing on this item to deliberate later on.

VI. Sketch Plan

1. ZSP-25-8, ZSP-25-9, and ZSP-25-10; 77 North Winooski Avenue, 83-85 North Winooski Avenue, and 91 North Winooski Avenue (RM, Ward 3) Neil Gardner / Wayne Nelson / Martin Courcelle

Sketch plan review for proposed construction of memory care facility to the rear of three existing properties. (Project Manager, Mary O'Neil)

Martin Courcelle, Neil Gardner, Bren Alvarez, Wayne Nelson, and Sharon Bushor: Sworn in.

Miles Waite: Can you please tell us about this project?

Martin Courcelle: We are here to present our site plans. The three properties are comprised of mixed use residential properties. The plan would be to retain the existing buildings with conversions for memory care staff housing and daycare.

Neil Gardner: The idea for a memory care center came from relatives living with dementia. Other relatives working in the medical field expressed a need for memory care solutions. Memory care centers are in high demand as a specialized care service.

Sean McKenzie: Would there be space for the partners of those inflicted by memory loss challenges?

Bren Alvarez: The multigenerational of rising memory loss is in high demand.

Wayne Nelson: I have lived here since 2001 and the neighborhood demographic has changed.

Bren Alvarez: Later additions to the existing buildings would be removed to accommodate better traffic circulation.

Martin Courcelle: There are three existing driveways, which would be utilized to create a circular traffic pattern. A central driveway will have its curb cut removed to create additional parking. This will also be helpful for creating the circular traffic pattern.

Sean McKenzie: Will the three existing buildings change use?

Martin Courcelle: The existing buildings would be affiliated with the memory care facility for staff housing, daycare, etc.

Miles Waite: Have you considered the impacts of stormwater on this project?

Martin Courcelle: We are currently working with engineering consultants. The site has great flow with no environmental contaminants.

Evan Gould: Will there be screening for the graveyard?

Martin Courcelle: We will be working with a landscape architect to preserve the tree canopy to promote screening.

Mary O'Neil: If you made it through the staff report you get a gold star. The concern is the loss of housing units in nursing homes. Residential units for the allocation as a special residential unit, is not a loss of housing units when several others are being created as a result.

Martin Courcelle: We misinterpreted lot coverage and are over. How does lot coverage count for non-paved or structural surfaces? We definitely have some work to do to bring lot coverage under control.

Mary O'Neil: The only other option is to treat memory loss as a disability on paper, which would allow additional lot coverage exemptions.

Marin Courcelle: Would this allow more than 65% lot coverage?

Scott Gustin: Emergency services and fire access also merits additional lot coverage allowances.

Miles Waite: Environmental assessments are significant for evaluating site conditions.

Leo Sprinzen: Are there any additional site/public spaces proposed as part of this project?

Bren Alvarez: We are making the backyard tiered to accommodate additional building levels which could also help with code requirements. The main level of the plan illustrates the relationship of the site and community spaces. A senior daycare is also a possibility for site uses.

Martin Courcelle: Building height is also an interpretation of access from the main level and additional access out of the basement level in the rear.

Sean McKenzie: So there is a gentle slope to allow multiple building access points?

Martin Courcelle: Yes.

Miles Waite: Why are there so many applications for one project?

Mary O'Neil: This project concerns three separate parcels and the Planned Unit Development (PUD) requirements would still require individual application submissions for each parcel involved.

Martin Courcelle: There is an issue with the rear setback that also needs to be worked out.

Mary O'Neil: I did seek addition guidance from the Office of City Planning regarding this exemption. They agree with the interpretation. I am glad you got this far in the staff report.

Martin Courcelle: We will be working with the Department of Public Works for driveway accesses with streets.

Mary O'Neil: Sketch plan is a good introduction for this.

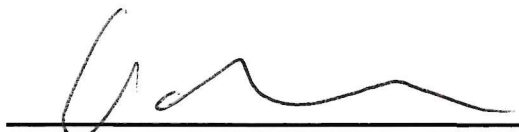
Miles Waite: Hearing no additional questions or comments from the board, are there any questions or comments from the public?

Sharon Bushor: I am concerned with the necessity for parking if the existing structures will be affiliated with staff housing. If it is not for independent living, but for long-term care. Can the number of parking spaces be reduced to bring this project into compliance with lot coverage? I am not sure, but there is no longer a minimum parking requirement. I agree with the need for a project such as this. Closing the curb cut will also be beneficial for pedestrian safety.

Miles Waite: Hearing no additional questions or comments, we will close the hearing on this item to deliberate on this evening's agenda items.

VII. Adjournment

Hearing closed at 6:50 PM.



Alexander J. LaRosa, Chair of Development Review Board

10-7-25

Date



Joseph H. Cava, Permitting & Inspections Permit Technician

10-7-25

Date

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