

## Burlington Development Review Board

Department of Permitting & Inspections  
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AJ LaRosa  
Caitlin Halpert  
Evan Gould  
Geoff Hand  
Sean McKenzie  
Leo Sprinzen  
Miles Waite  
Marina Campbell, (Alternate)  
Chase Taylor, (Alternate)



### BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, October 21, 2025, 5:00 PM MINUTES

*Hybrid & In Person (at 645 Pine Street) Meeting*

**Board Members Present:** AJ LaRosa, Caitlin Halpert, Evan Gould, Geoff Hand, Sean McKenzie, Leo Sprinzen, Miles Waite, and Marina Campbell (5:05 PM)

**Board Members Absent:** Chase Taylor

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

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

1. **ZAP-25-6; 250 South Union Street (RM, Ward 6) 250 South Union, LLC / Cynthia Secondi**  
Proposed appeal of administrative approval of ZP-25-222 for existing retaining wall and additional parking. (Project Manager, Mary O'Neil)  
Cynthia Secondi, Sean Bowman, William Reilly, Eliza van Lennep, Robert Cone, Greg Dixon, Andrew McNealus, and Elizabeth Goody: Sworn in.

AJ LaRosa: I am recused on this item.

Caitlin Halpert: 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 tell us about the facts of this case and the basis of the appeal?

Mary O'Neil: The applicant is requesting approval for a retaining wall that had already been constructed. In addition, an application for rear parking had been previously denied. Two important regulations concerning this project include the Steep Slopes Overlay District and Neighborhood Code, which increased allowable lot coverage in residential zoning districts. The site plan illustrated gravel in a setback and the applicant removed it. The application received approval the day after a geotechnical analysis was uploaded.

Miles Waite: Why did this not trigger review by the Development Review Board (DRB) in the Steep Slopes Overlay District?

Mary O'Neil: The recent zoning changes allowed this project to fall under administrative review.

Caitlin Halpert: Can you expand?

Mary O'Neil: The changes in zoning regulations combined with the work completed without permits creates a complex situation.

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Evan Gould: Can you expand on stormwater?

Mary O'Neil: The eight additional parking spaces was confirmed with the geotechnical analysis.

Miles Waite: Was post construction stormwater reviewed?

Mary O'Neil: This will be a condition of approval.

Cynthia Secondi: I will be having my daughter speak on this matter, as she is more knowledgeable.

Shawn Kelley: The shading in the uploaded plan presents grading created by gravel fill pushed up against the existing picket fence. There was a suggestion to install a shorter retaining wall to block the fill created by the parking area.

Caitlin Halpert: Are there concerns with the submitted geotechnical analysis?

Shawn Kelley: The submitted plan does not address how the fill will be retained on its existing property to prevent runoff.

Caitlin Halpert: Is there something that was not addressed in the application?

Shawn Kelley: We are concerned with water and the erosion created by the fill.

William Reilly: As you can see from the site pictures, the existing old fence is the only thing holding back the fill and water. The fence is deteriorated which has allowed the fill and water to creep beneath it into our driveway.

Cynthia Secondi: The unpermitted parking lot in the back, and the fill created from it, has ruined the property and is creeping onto our property.

Eliza van Lennep: Other unpermitted features like the retaining wall, and expanded deck, rely on an out of date lot coverage calculation. It is a common fact that the expanded driveway cannot be accommodated at this property.

Caitlin Halpert: What is the difference in the grade between the two parcels?

Evan Gould: Can you open the approved civil plan for our review? Was this the approved plan?

Mary O'Neil: Yes, it is.

Shawn Kelley: There is a note to remove the stone from within five-feet of the property line and replace with a mulched garden bed. The garden bed, constructed of permeable materials, would not prevent the stone and water from eroding from the neighboring property onto the appellant's property. The natural grade and contour causes heavy rains to overwhelm the area. It needs better engineering controls to protect neighboring properties.

William Reilly: Cynthia and I have been here for over fifty years. Over the years, the neighboring property located at 250 South Union Street built up their property without authorization. This has led to the issues that we are experiencing today. Their proposal for the property changes have not addressed our erosion concerns.

Cynthia Secondi: The property maintenance team that plows snow in the winter plow it onto the property line which causes further issues. A retaining wall would help to block this from occurring.

Shawn Kelley: Logically, the area of gravel adjacent to the pavement will be where snow is stored. The concern is without an engineered structure in place, these issues will continue to be compounded. The north south orientation of the wall and boulders also shows the significant grade change. We do not feel that this project is engineered well.

William Reilly: The retaining wall and boulders were first installed to prevent vehicles from making contact with the associated building.

Geoff Hand: Do you have gravel material coming in from under the fence?

William Reilly: Yes.

Sean McKenzie: To be clear, the existing plan is a mulched garden bed and ground cloth to prevent this?

Caitlin Halpert: I think we have a clear idea of what is going on with the property. We will now hear from the property owners.

Robert Cone: I manage the property with Andrew McNealus.

Eliza van Lennep: I represented the neighbors in a previous 2024 case.

Robert Cone: We removed the upper parking area to address the steep slope changes.

Greg Dixson: We were hired in Spring 2025 to survey the property to reinstall the parking area. The main point of us being hired was to remove the gravel. The grade did not seem excessive during our work. This was to facilitate better parking and movement of vehicles. We worked with Mary O'Neil to consult with a geotechnical engineer for this project.

Geoff Hand: The report outlined that ground would not move. Has the criteria been addressed?

Mary O'Neil: My review was based off of the information outlined in the report.

Geoff Hand: There is likely a deeper channel that is existing along the fence line.

Caitlin Halpert: The plans and the photos are in contradiction of one another.

Andrew McNealus: The photos are from 2023, which is not representative of the existing site conditions.

Geoff Hand: What work has been done?

Robert Cone: There is a ton of vegetation in the photos that distorts the existing site conditions.

Elizabeth Goody: Here are some photos taken in the last few weeks.

Mary O'Neil: Here is a map outlining the steep slopes overlay.

Elizabeth Goody: Here is additional documentation outlining the hard pack in the area that pre-existed the other work.

Geoff Hand: When were the boulders put in?

Elizabeth Goody: The blocks that pre-existed the boulders had fallen down the hill with the growth of vegetation. The work that is being alleged like paving was never done. Excavation work behind the prior blocks had been done prior to protect the neighbor's parcel.

Caitlin Halpert: So blocks were never added?

Robert Cone: No.

Caitlin Halpert: Are there any additional questions?

Elizabeth Goody: A conversation was attempted with the neighbors, but...

Geoff Hand: To be clear, we are here to evaluate the project at hand, not what may have been done or undone. Mary O'Neil, can you expand on the zoning code?

Mary O'Neil: A retaining wall within two-feet of the property boundary will still require review by the Development Review Board (DRB). I can only speak on this project as presented before us and any solutions would be excluded.

Caitlin Halpert: Are there any other questions? I would like to give the appellant the chance to respond.

Eliza van Lennep: We are here today regarding the unpermitted retaining wall. The applicants are trying to get retroactive approval for a second unpermitted retaining wall. I was able to locate recent photos from our side of the fence. As evidenced, there is gravel, soil, and water leaking from under the fence.

Evan Gould: If the pictures were uploaded, could they be considered for review?

Caitlin Halpert: Are there any further questions? Hearing none, we will close the hearing on this item and deliberate later on.

- 2. ZAP-25-7; 190-194 College Street (FD6, Ward 3) Pomerleau Family, LLC / Bridget Conry**  
Proposed appeal of administrative denial of ZPS-25-24 for retention of installed signage. (Project Manager, Scott Gustin)  
Shayne Lynn: 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 tell us about the facts of this case and the basis of the appeal?

Scott Gustin: This is a Garret King application, so I am covering in his place. The application came in with several different signs and was denied as incomplete after several follow-ups concerning the size of the sign's lettering. Revised sign plans had not been received so the application was denied. The staff report outlines a solution for alternative compliance and Garret King appropriately denied it.

Shayne Lynn: I hired a designer to create the logo. This logo is used on our business branding.

Sean McKenzie: Is this a painted sign?

Shayne Lynn: No, it is a graphic logo. We had hopes from the previous tenant's logo that this larger font would be allowable by the City, even with a waiver for approval.

Miles Waite: The ordinance outlines lettering restrictions, but not logo restrictions. There are also dimensional restrictions on window signage.

Shayne Lynn: Patagonia across the street also has larger lettering.

Scott Gustin: Business signage like those at Mad River Distillery, Frog Hollow, and Patagonia predate the sign ordinance standards.

Evan Gould: What about the Boba Asian Market signage? This does not predate the sign ordinance.

Geoff Hand: We understand, and unfortunately, many of the signs presented pre-date the sign regulations.

Sean McKenzie: It is a question of scale regarding this matter.

Geoff Hand: Many properties that exceed sign coverage have been grandfathered.

AJ LaRosa: Without a clear articulation of when signs were installed, there is no way to quantify this against other signs. The board has to unpackage the difference between a logo and lettering. Is there anyone in the audience wishing to speak? Hearing none, we will close the hearing on this item and deliberate later on.

## **V. Certificate of Appropriateness**

### **1. ZP-25-406; 153 Locust Terrace (RM, Ward 5) Margot Scharfe / Mark Hall**

Proposed targeted demolition, renovations, and additions to existing house. (Project Manager, Mary O'Neil)

Mark Hall: Sworn in.

AJ LaRosa: Can you tell us about this project?

Mark Hall: I am the designer, and this is a remodel of an existing residence.

Mary O'Neil: This type of project requires review by the Development Review Board (DRB) because it trips over 50% of the existing floor area.

Caitlin Halpert: Can you expand on the carport?

Mary O'Neil: The carport occupies the area previously occupied by the garage.

Caitlin Halpert: So beyond the design itself, the proposal is not very different then from what currently exists.

AJ LaRosa: Are there any questions or comments from the board? Hearing none, we will close the hearing on this item and deliberate later on.

### **2. ZP-25-488; 11 Driftwood Lane (RL, Ward 4) Tracy Russell / Andrew Russell / Michael Koch**

Proposed replacement of existing seawall due to deteriorated condition and replace aluminum lake access stairs with stone. (Project Manager, Scott Gustin)

Jack Milbank: Sworn in.

AJ LaRosa: Can you tell us about this project?

Jack Milbank: Back in 2008, our firm was engaged with the previous owner for a concrete seawall with metal piles supporting it. In 2011, the high lake level proved the inadequacies of the steel piles from being driven deep enough into the bedrock to support the wall. In 2012, stone blocks were installed to remediate the issue and stabilize the failed wall behind it. We worked with neighbors and the City's Parks and Recreation Department back then, but there are recurring issues of the failed wall. Ultimately, this is preventative maintenance for an ongoing issue for rising lake levels. The footprint of the proposed wall is the same, with the only change being the dimensions of the lake access stairs.

Geoff Hand: Can you tell us about the number of truck trips in a given day to complete this project?

Jack Milbank: Up to six. We will be working with flaggers to control the traffic in this area. The scope of this project is between this property and Leddy Park where work will be occurring.

Miles Waite: Are you changing the material?

Jack Milbank: Yes, it will be a different type of stone material.

Sean McKenzie: What are you doing with the old material?

Jack Milbank: The piles will be cut down to a certain point and will be buried.

AJ LaRosa: Do we need comment from the State of Vermont?

Scott Gustin: No, the City will need to apply for permitting for Leddy Park though.

Jack Milbank: We will need to tie it in so the new wall does not scour.

Miles Waite: Can this work be completed over the winter?

Jack Milbank: Yes, the snow and ice of the high water mark actually helps.

Geoff Hand: Would you be opposed to a condition for traffic management?

Jack Milbank: No.

AJ LaRosa: Are there any addition questions or comments from the board? Hearing none, we will close the hearing on this item and deliberate later on.

**3. ZP-25-456; 85 Lakeview Terrace (RM, Ward 2) Jovial King / Peter Kamitses / Kelley DesRoches**

Proposed demolition of existing Accessory Dwelling Unit (ADU) to construct a new addition/renovation of existing house. (Project Manager, Mary O'Neil)

Kelley DesRoches: Sworn in.

AJ LaRosa: Can you tell us about this project?

Kelley DesRoches: An earlier Accessory Dwelling Unit (ADU) was permitted in 2014. The goal is to create an addition with a greenhouse to fit with the traditional aesthetics of the existing building and landscape.

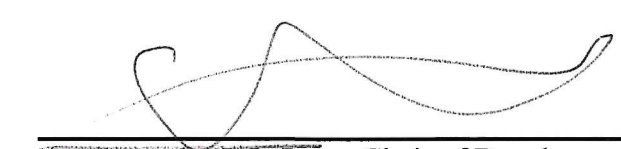
AJ LaRosa: Will the siding on the front porch be retained?

Kelley DesRoches: Yes.

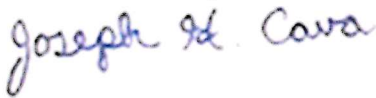
AJ LaRosa: Are there any questions or comments from the board? Hearing none, is there anyone from the public with questions or comments regarding this item? Hearing none, we will close the hearing on this item and close this hearing to deliberate on this evening's agenda items.

**VI. Adjournment**

Hearing closed at 6:45 PM.

  
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Alexander J. LaRosa, Chair of Development Review Board

Criffin Halpert Vice Chair



12/16/25

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Date

12-16-25

\_\_\_\_\_  
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](http://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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