

Burlington Development Review Board

Department of Permitting & Inspections
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Sean McKenzie
Leo Sprinzen
Miles Waite
Marina Campbell, (Alternate)
Chase Taylor, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, January 6, 2026, 5:00 PM
MINUTES

Hybrid & In Person (at 645 Pine Street) Meeting

Board Members Present: All members were remote. AJ LaRosa, Caitlin Halpert, Geoff Hand (5:05 PM), Sean McKenzie, Leo Sprinzen, Miles Waite, and Chase Taylor

Board Members Absent: Evan Gould and Marina Campbell

Staff Members Present: Bill Ward, Scott Gustin (Remote), Kirk Dressing (Remote), Collin Naheedy (Remote), and Joseph Cava (Remote)

Staff Members Absent: Mary O'Neil

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

1. ZAP-25-9; 20 Pine Street (FD6, Ward 3) Diocesan Charitable Trust / Cathedral Immaculate Conception Parish Charitable Trust / John Franco

Appeal of issuance of notice of zoning violation related to ZP-22-576. (Project Manager, Scott Gustin)

Withdrawn.

2. ZAP-25-8; 164 North Willard Street (RL, Ward 1) Luke Purvis

Continued review of appeal of issuance of notice of zoning violation related to ZP-21-275. (Project Manager, Scott Gustin)

Luke Purvis and Christina Lauterbach, owners, present, Matthew Zidovsky, Adam Phillips, Chris Wilde, Dan Phillips, Melanie Jannery, Margaret Tamulonis, Missa Aloisi, and Kimberlee Sturtevant: Sworn in.

Caitlin Halpert: Is the appellant present?

Matthew Zidovsky: Yes, I have the property owners, Luke Purvis and Christina Lauterbach, here with me as well.

Caitlin Halpert: There have been a number of documents uploaded with this item.

Matthew Zidovsky: There are also new documents that were uploaded today.

Caitlin Halpert: Before we begin, I would like to remind folks that the Development Review Board (DRB) does not engage in boundary line disputes and all testimony given should be constrained to

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the scope of this appeal. In the case of an appeal, we will hear the facts of the case from City staff, then open it up to the appellant to speak. Can you please tell us about the facts of this case and the basis for the appeal?

Scott Gustin: A zoning permit was issued in May 2022 for site changes. It came with the standard permit timeline of three years. As permitted, the vehicle turnaround was not installed, an area of gravel was not converted to greenspace, and the project has reached its maximum timeline without a Certificate of Occupancy (CO).

Caitlin Halpert: If the property owner wished to amend this, what would be the process?

Scott Gustin: It depends on the scope of changes. As built changes could have been made for something minor. More significant changes would have required a new zoning permit to amend the original permit.

Caitlin Halpert: Are there any questions or comments from members of the Board? Hearing none, we will now open it up to the appellant to speak.

Matthew Zidovsky: I represent the homeowners and appreciate the overview by Scott Gustin. The permit allowed them to replace a previously existing fence. In addition, it allowed them to remove impervious and install permeable surfaces. The settlement agreement is expressly incorporated. As a threshold matter, it is difficult to understand the issues before the board today. The facts of the Notice of Violation (NOV) outline that a portion of the fence was constructed on the north side of the property. The staff report however raises other issues unrelated to the NOV. The alleged NOV is that the reconstructed fence that was installed is inconsistent with what was approved. This is not true. The permit itself is saying that the fence would be constructed within the existing fence line. The permit and visual representation is not running straight back from the corner of the house. The appellant supplement 1.1 to 1.3, pages 22 to 35, shows the previously existing fence, evidencing the jog in the fence from the northeast corner of the house. My client's, in addition to their witnesses, can testify that the reconstructed fence was installed exactly where it previously existed. The raised planter was constructed in the jog supporting that the fence was reconstructed where it previously existed. We understand that there is boundary dispute concerning this matter. The question is whether it was reconstructed according to the approved permit. This concludes my arguments concerning the north side issues.

Caitlin Halpert: I think it would be helpful to discuss the NOV. The conditions do not match what was permitted and without a CO, it is difficult to address.

Matthew Zidovsky: Does the fence match what previously existed or is the issue that the completed work does not match the permit that was issued?

Caitlin Halpert: The lack of a CO is an issue.

Geoff Hand: I think we have heard your argument about the fence being in the correct place.

Matthew Zidovsky: Would the Board like to hear from the property owner's witnesses?

Caitlin Zidovsky: Yes, I think this would be helpful.

Geoff Hand: Will the evidence be contrarily related to other issues?

Matthew Zidovsky: I am instructing my clients and witnesses to speak on the issue of the fence.

Luke Purvis: The new fence is located slightly closer inside where the previous fence existed. The northeast corner of the fence was moved about a foot and is supported by visual evidence.

Christina Lauterbach: We have not changed the footprint and it creates a lovely backyard.

Matthew Zidovsky: My clients have other witnesses.

Adam Phillips: The potential disputes are three separate issues.

Caitlin Halpert: The NOV relates to the location of the reconstructed fence and that is the testimony we are seeking.

Adam Phillips: I lived across the street from the appellants on North Willard Street. Knowing the neighbors, and having an idea of the property, I helped him with the planning and installation of the fence. We tried to get the fence to be on Purvis' side of the property to satisfy the neighboring property owners.

Caitlin Halpert: So the reconstructed fence was installed in the same location as the previously existing fence?

Adam Phillips: Yes.

Chris Wilde: I am a tenant of Luke Purvis and can confirm that the location of the old fence and the new fence is the same.

Dan Phillips: I am Adam Phillip's brother, and I live across the street from the appellants. I feel it is important for you to know that Luke Purvis has put a lot of work into this. I would also like to reassure the Board that Luke Purvis has not done anything wrong.

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

Miles Waite: This discussion should be focused on the reason why a CO has not been obtained.

Matthew Zidovsky: The project has not been completed; therefore, a CO has not been obtained. There are rights and obligations between the City and rights of private property owners for a final site plan. Under Sections 5 and 6 of the settlement agreement, the City is required to receive and approve a site plan. It is my understanding that the City has continually denied the site plan due to a gravel strip on the property. Luke Purvis is concerned that if the gravel is converted to grass, this would sacrifice his right for future development. This entire problem would go away if the City would adhere and act in good faith to have this problem go away. There should be some way to resolve this problem without the need for zoning enforcement. The fact of the presence of the settlement agreement means that this needs to be litigation issue, not a zoning enforcement issue.

Miles Waite: Does the appellant think that the drawing we are looking at is a site plan? It is not very detailed.

Luke Purvis: I did not submit this document to be interpreted as a site plan. The document was produced only to show the changes outlined in the settlement agreement. Site plans have a specific condition to outline the site conditions, as they exist. I have tried to submit site plans in the past.

Geoff Hand: Mr. Purvis, do you interpret the submitted document to address previous site conditions in furtherance of the fence agreement, is that correct?

Luke Purvis: No, that is not correct.

Geoff Hand: Was this a site plan?

Matthew Zidovsky: Luke Purvis was not aware.

Geoff Hand: You have not complied with the permit conditions outlining specific conditions. I agree with Miles Waite that this is not a very good site plan, but we have spent years fighting over conditions at this property.

Geoff Hand: I understand the argument, but we would like to issue an appropriate decision.

Caitlin Halpert: What are we talking about, the differences between what was approved versus what was built?

Luke Purvis: Right now, there is a gravel strip located in the easement that the settlement agreement was supposed to resolve. The submitted site plan illustrates unchanged discrepancies. The concrete pad has been there, and the neighbor's position placed a boundary through this concrete pad which is supposed to be removed.

Caitlin Halpert: Can you address the changes that have occurred?

Luke Purvis: The patio was installed, and the visual supplemental evidence supports this.

Christina Lauterbach: The title and recent boundary action also addresses this. Page 14 is also the original site plan from the permit submission in March 2021.

Luke Purvis: The settlement mandated that I withdraw the previous appeal. Issues were raised by the Zoning Division Manager, Scott Gustin, and pre-existing features have not been addressed in the approved project plans.

Matthew Zidovsky: Significant work has already been completed. It seems foolish to tear out the existing pad as it represent a significant historic property boundary. The Board has emphasized the lack of detail in the site plan. Luke Purvis has raised that he is only protecting his private property rights to complete the project.

Caitlin Halpert: I am struggling to understand why this work has not been completed. When the application was approved, why has the appellant not made strides to fix this?

Matthew Zidovsky: A baby was born right after this and it is my understanding that Luke Purvis has made strides to correct this.

Luke Purvis: I have submitted multiple documents trying to get feedback from Kimberlee Sturtevant and Scott Gustin. The settlement specifically outlines good faith communications, which have not been received. That is what is perpetuating the dispute, in addition to the site plan not having a coverage calculation. We would like to have a site plan that accurately reflects this.

Matthew Zidovsky: Does this answer the question?

Caitlin Halpert: Yes. Are there any questions or comments from members of the public in attendance? Can you please share commentary that you would like to give?

Melanie Jannery: The original site plan that Christina Lauterbach brought up...

Caitlin Halpert: As a reminder, this is not an accepted site plan and cross talk should be avoided.

Melanie Jannery: Many of the submitted site plans show the existing slab in varying locations with different dimensions.

Matthew Zidovsky: This seems like a discussion of property boundaries.

Caitlin Halpert: The site plan is accepted. The conversation should relate only to the NOV.

Scott Gustin: Do you know the document and page number of what you are trying to reference?

Melanie Jannery: The permit was approved for 66-foot-long fence, but the actual measurement is 69-feet in length.

Caitlin Halpert: Can you explain what you are seeing?

Melanie Jannery: The size is greater than what was permitted.

Caitlin Halpert: Your point is that the evidence does not match what was permitted.

Melanie Jannery: When Bill Ward and Collin Naheedy were here at our property on a site visit, they confirmed the measurements. Captures from previous site plans does not align with the jog against our property line. I would not have thought that this would have such a larger extension and the jog did not previously exist. On page 403 there is a lot coverage study that was completed during the pandemic. We had Missa Aloisi from Hinge Architecture come to create a site plan.

Matthew Zidovsky: Can you expand?

Caitlin Halpert: It would be helpful to let them finish their testimony.

Melanie Jannery: You will find that Missa Aloisi's document aligns with previous survey work. The fence is contingent on the settlement. There are conditions referenced from Kimberlee Sturtevant for everything that would need to be approved for zoning. Document A has fence pictures in the back and surveys on where the boundary exists. I wish I knew the page number of the document submitted today. We also submitted a series of photos attributed to the skew called out in the Haggerty survey. Since 2022, there are conditions outlined in the settlement regarding appeals of administrative decisions. There are also documents sent to Scott Gustin and Kimberlee Sturtevant on a timeline that the appellant needs to adhere to. The motions are from the Vermont State Court Environmental Division (VSCED).

Margaret Tamulonis: The fence from previous owners of 164 North Willard Street has been recognized as encroaching on my property.

Caitlin Halpert: It looks like there are additional members of the public in attendance looking to speak.

Missa Aloisi: I do not do surveys, only site plans. This is important to consider as part of the fence's reconstruction.

Caitlin Halpert: Are there any additional questions or comments from members of the public in attendance?

Kimberlee Sturtevant: Concerning the legality, citations under the NOV stipulate that there is no CO. This is undisputed. There were a couple of things stated. The board should receive clarified responses. Was the patio properly removed before the turf was installed? In addition, the turnaround

cannot be used as parking under the settlement agreement. Bill Ward has observed and documented yard space is being used for parking. These are all factors of consideration, and I have not received confirmation of compliance.

Caitlin Halpert: The request I would like to make is the extent of the patios removal and turf installed, but please keep it brief.

Luke Purvis: There is dirt and turf where the patio was reduced in size. The neighbor specifically spoke on the jut in the fence. The photos were taken around the time that a dancing dinosaur existed, which no longer exists. The fence is directly to the north of where it previously existed. We are still parking on the turnaround because the gravel and neighboring disputes have not been resolved. The metal fence was there before we moved in and is a non-enforceable because it had been in place for over 15 years. The testimony given that the boundary ends at the corner of the foundation and fundamentally challenges the 1940s subdivision that created this.

Matthew Zidovsky: I hear all the feedback and testimony, but the goal is to explain why there is not a CO. We need an accurate site plan that sets out lot coverage. This action is not malicious, but a protection of private property rights.

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

V. Certificate of Appropriateness

1. **ZP-25-527; 116 Sunset Cliff Road (RL, Ward 4) Catherina O'Connell / Thomas Ellis**
Proposed reconstruction of existing, deteriorated, retaining wall to stabilize the slope. (Project Manager, Kirk Dressing)
Thomas Ellis, owner, present

AJ LaRosa: Is the applicant available to speak?

Scott Gustin: The applicant is present.

Miles Waite: I see this item was originally proposed for denial, could you explain the basis of this?

Kirk Dressing: I inherited this project, so I am not aware of the basis for the original permit's denial.

Thomas Ellis: There was a previous request for additional drawings, which I was not able to provide. Under the revised application, I have provided the remainder of the requested materials.

AJ LaRosa: Hearing no additional questions or comments, would someone like to make a motion?

AJ LaRosa: Motioned to approve and adopt staff findings and recommendations, Chase Taylor 2nd.
Vote 6-0. Motion carried.

2. **ZP-25-574; 97 Locust Street (RCO-RG, Ward 5) City DPW Parks Rec Dept / Max Madalinski**
First phase of construction of a multi-use pathway as outlined in the Calahan Comprehensive Plan.
(Project Manager, Kirk Dressing)
Max Madalinski and Sharon Bushor: Sworn in.

AJ LaRosa: Can you tell us about this project?

Max Madalinski: The work here is to construct the first phase of the proposed multiuse path between Locust Terrace and the park's athletic fields.

AJ LaRosa: Is this for the tree removal as well?

Max Madalinski: Some of the existing trees are on the border of the existing civil plans.

AJ LaRosa: What is the timeline?

Max Madalinski: The design is 70-90% complete.

Miles Waite: Can you expand on the stormwater plans?

Max Madalinski: We have been receiving comments from Seth Kuchenbecker, Stormwater Program Manager, so we are confident about the designs for implementation.

Sharon Bushor: I would like to expand on the ten trees proposed for removal. The Open Space Subcommittee plan outlined that there has been a significant loss in tree canopy across the City. I recommend that the DRB include a condition with the decision that the ten trees being removed are replaced in kind. We need to lead by example and have appropriate replacements.

Miles Waite: If you read the narrative, there is a replanting plan proposed by VJ Comai, City Arborist.

Sharon Bushor: Do you know how many trees are included in the replanting plan?

Max Madalinski: We are evaluating existing root conditions to replant sturdier replacement trees.

AJ LaRosa: The application materials prioritize this in the record. Hearing no additional questions or comments, would someone like to make a motion?

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

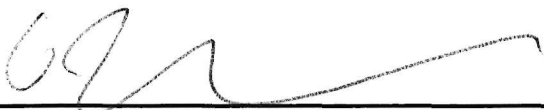
3. ZP-25-378; 451 Appletree Point Road (RL, Ward 4) Jamie Spano

Proposed after-the-fact tree removal and replacement/extension of deteriorated seawall. (Project Manager, Scott Gustin)

Scott Gustin: This item has been deferred to the February 17, 2026 DRB meeting.

VI. Adjournment

Hearing closed at 7:00 PM.



Alexander J. LaRosa, Chair of Development Review Board

2-3-26

Date



Joseph H. Cava, Permitting & Inspections Permit Technician

2-3-26

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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