

Burlington Development Review Board

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



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, January 20, 2026, 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, and Miles Waite

Board Members Absent: Marina Campbell and Chase Taylor

Staff Members Present: Scott Gustin, Collin Naheedy, and Joseph Cava

Staff Members Absent: Mary O'Neil and Kirk Dressing

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

1. ZAP-25-10; 457 Saint Paul Street (RC, Ward 5) Group Five Investments, LLC / Jill Badolato
Appeal of administrative approval of ZP-25-566 for exterior alterations. (Project Manager, Scott Gustin)

Jill Badolato, Janet Stambolian, Robyn Schenck, Andrea Gray, Julie Kipp, Billy Coster, Issac Alkotini, Unidentified Individual, Unidentified Individual, Unidentified Individual, Unidentified Individual, Unidentified Individual, Unidentified Individual, and Jack Sieno: Sworn in.

AJ LaRosa: There are a large number of people here to speak on this item.

Miles Waite: I know a great number of people present to speak, but I do not feel that will prevent me from operating in an unbiased manner.

AJ LaRosa: In the case of an appeal, 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 this case?

Scott Gustin: We received a zoning permit application in November 2025. The existing structure is not historically significant. It is already established and permitted for neighborhood commercial use. Around December 17, 2025, we received notification from neighbors that work was started without the posting of the red Z-card. Because it was not posted, the administrative appeal period was restarted. The existing proposal consisted of changing the existing appearance of the storefront without changing the structure's existing footprint. The permit application was administratively reviewed under Article 6. The appeal notes a few things including lighting. The zoning code only regulates exterior lighting, not internal.

AJ LaRosa: So Article 6 allowed administrative review?

Scott Gustin: Correct.

AJ LaRosa: Can you expand on administrative authority?

Scott Gustin: Certificate of Appropriateness Level I (COA I) is administrative review, and there is some flexibility under Article 3 for Certificate of Appropriateness Level II (COA II) as well.

Caitlin Halpert: Did anyone amongst the zoning staff confirm that the red Z-card was posted?

Scott Gustin: A picture of the posted Z-card was uploaded beneath the attachments with the permit record before the administrative appeal period was restarted.

Geoff Hand: Can you expand on the Estimated Cost of Construction (ECC) of this project?

Scott Gustin: The project following completion is reconciled under the building permit application process. This helps to delineate the final costs of the project. There would otherwise be no implication for zoning beyond increasing the application fee if it was deemed to meet the threshold of a COA II application.

AJ LaRosa: Can you expand on what constitutes a COA II application?

Scott Gustin: This is based off a project with an ECC equal to or greater than \$28,000.00, and would result in higher permit application fees.

Janet Stambolian: Were there any other applications filed for this property?

Scott Gustin: This is the only zoning permit application submittal.

Robyn Schenck: Can you expand on why this building is not considered historically significant?

Scott Gustin: In spite of its age, this building was not deemed eligible for historical registry listing due to extensive material changes and exterior alterations

Andrea Gray: If it is a done deal, then what happens?

Scott Gustin: At the end of the project, there is a reconciliation of construction costs and permit fees.

Caitlin Halpert: It would go through the same administrative process to correct any inconsistencies.

Julie Kipp: Did the renovations include parking?

AJ LaRosa: We are only here to discuss the building façade renovations. It is not within the scope of our project review to deliberate parking.

Jill Badolato: I am here to represent over 100 neighbors. This project will create nighttime light pollution and disrupt neighbor's daily lives. We do not oppose development, but we oppose a vape and smoke shop which would not enhance the character of the neighborhood.

Billy Coster: Thank you for your review. The distinction of this project being administratively approved is incorrect and should have always required review by the Development Review Board (DRB). We question the initial ECC as it relates to administrative authority. It is not just a façade renovation, but a complete first floor rebuild. We received a quote from Portland Glass which excludes construction costs related to framing, electrical, and other utilities.

AJ LaRosa: Do you have that quote or professional who can speak to this?

Billy Coster: No, but we feel that the applicant has not met the basic threshold to allow for administrative review.

AJ LaRosa: Can you expand?

Billy Coster: Yes, per Section 6.2.3, it is not appropriate given the monolithic glass wall that this proposal creates. This proposal also does not address the signage standards. In addition, there is no additional information concerning the hours of operation or other business practices. Once the wall is opened up, the light pollution will be horrendous. There is also a conflict between this standard and the excessive glass wall and would be visually intrusive to the neighborhood. An alternative design could be accomplished under Section 6.0.1 without being so overly intrusive. When there is a conflict between so many standards, it is up to the DRB to resolve the matter. This design does not complement the existing building's design or the character of the neighborhood. For these reasons alone, the merits of this proposal must be reviewed by the DRB. This is our primary argument against this proposal being administratively approved.

AJ LaRosa: What was the figure you were quoted for the glass windows?

Jill Badolato: I cannot share that.

AJ LaRosa: By a raise of hands, only, who supports the information presented by Jill Badolato and Billy Coster? Very good, thank you. We will now open it up to the applicant to speak on this project.

Issac Alkotini: This will be a convenience store with groceries, cigarettes, and beer.

AJ LaRosa: Can you tell us about the basis for the listed ECC?

Issac Alkotini: I have worked in construction. Based off of experience, this is the price for demolition of the existing wall to install the glass doors and windows.

AJ LaRosa: Who is doing the demolition?

Issac Alkotini: My property owner, Joe Handy.

AJ LaRosa: Do you know how much the cost of this will be? Your ECC needs to be based off of the project total, not just the glass installation. We need to consider what is before us, but changes are not within our preview if you intend to work with the neighbors.

Geoff Hand: Is this the final design that you would like us to rule on?

Issac Alkotini: Yes.

Geoff Hand: What I am asking is whether the design will be changed.

AJ LaRosa: I will open it up to the public to speak politely.

Unidentified Individual: What other projects has the applicant done in this area? Why do you feel that this design choice is best for the proposed store's performance?

Unidentified Individual: Can the applicant submit an itemized list detailing this project's construction costs?

AJ LaRosa: This is something that the DRB will deliberate on.

Unidentified Individual: Can you evaluate the structural integrity of the building to accommodate this project?

AJ LaRosa: This is not within our preview.

Unidentified Individual: Can you evaluate parking, how will this proposal handle deliveries without parking?

AJ LaRosa: We are not entertaining questions around parking.

Unidentified Individual: How is there not a change in use?

AJ LaRosa: We are reviewing the structural changes related to the design of the building façade only.

Unidentified Individual: What is the light output and hours of operation for the proposed business?

Issac Alkotini: The hours of operation will depend.

AJ LaRosa: Are there any questions or comments from the DRB?

Jack Sieno: I believe the project should be held accountable for any changes, and my neighbors should also be held accountable for being able to say anything more than no. This is stagnant towards development that creates things that the neighborhood needs. When I put out feelers for something similar, there was not a lot of public support.

AJ LaRosa: I am going to close the public hearing on this item and we will deliberate on it later on.

2. ZAP-25-11; 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, ZCPT-25-12, related to unpermitted tree cutting. (Project Manager, Scott Gustin)

John Franco, Meg McGovern, Devin Coleman, and Kim Sturtevant: Sworn in.

Geoff Hand: I am recused on this item.

AJ LaRosa: We are only here to discuss the Notice of Violation (NOV) for tree cutting that has occurred. In the case of an appeal, 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 this case?

Scott Gustin: Some of you were on this Board when the initial demolition permit came before the Board. The applicants sought zoning approval for the cathedral's demolition, which is subject to limited zoning review under the provisions of 24 V.S.A. § 4413. The previous application did not approve any tree removal. The decision was appealed to the Vermont Superior Court Environmental Division (VSCED). The VSCED approved and upheld the decision to demolish it as did the Vermont Supreme Court, and the structure was subsequently demolished. As demolition began, it was brought to our attention that tree removal was occurring in June 2025. By September 2025, additional tree clearing was done without permit approval to do so. More than five trees were cut down which meets the threshold under Burlington's Comprehensive Development Ordinance (CDO) requiring zoning approval. As a result, an NOV was issued. Again, regardless of the permit history, the threshold for requiring zoning approval for the tree removal was crossed despite the statutory limitations under § 4413.

AJ LaRosa: Does the Religious Land Use and Institutionalized Persons Act (RLUIPA) fit into § 4413?

Scott Gustin: Yes.

Miles Waite: What about the stormwater site plan depicting tree removal?

Scott Gustin: I was made aware of that plan. It was not included in the zoning approval.

John Franco: The issue in this case is broader than § 4413 and relates to the ecclesiastical decision doctrine. This is case law as it relates to the disposition of church property.

AJ LaRosa: Is it your logic that the tree removals are part of the structural demolitions?

John Franco: Tree removal was necessary for the demolition. The VSCED applied to the provisions of § 4413, and Article 14 does not relate to the foundation of this case. With all due respect, there is no jurisdiction if you would like to break it down. As you can see from the design and demolition plans, the selection for the removal of trees is evident.

Meg McGovern: The removal of trees to the east and sidewalk was for the removal of the bell tower.

John Franco: In addition, the foundation tested positive for asbestos and caused delay. Additional tree removal was required around the building foundation. Work started in May 2025, and all work completed was necessary.

Meg McGovern: We introduced Scott Gustin and Bill Ward to the demolition team. The huge impact was cost related, as the demolition plan grew more extensive.

John Franco: In addition to the growth of the demolition plan, the dragging appeals led to three to five years' worth of delay. We are arguing that the tree removal was necessary to accommodate the demolition. Over ten years ago, a condemnation order was brought against the church property during the construction of the bus terminal.

AJ LaRosa: Is the argument that some of the tree removal was not conducted on church land?

John Franco: It was exempt under § 4413 of the findings under previous DRB proceedings.

AJ LaRosa: As a reminder, we are not discussing redevelopment, only the tree removal outlined in the NOV.

John Franco: I gave explicit instruction to the demolition crew regarding tree removal.

Scott Gustin: The prior project being referred to exempts tree removal because they were in the street Right-of-Way (ROW). In Burlington, zoning jurisdiction does not extend into the public street ROW.

John Franco: There is no city jurisdiction for the work that was done.

AJ LaRosa: Hearing no additional feedback from the Board or City staff, are there any questions or comments from members of the public in attendance or online?

Devin Coleman: The building is gone and this is no longer the argument of these proceedings. Basic tree preservation measures were not taken during the demolition. I support the review of unpermitted work completed on this project.

Meg McGovern: We had to submit an Erosion Prevention and Sediment Control (EPSC) permitting, which included stormwater fencing.

AJ LaRosa: Are there any additional questions or comments regarding this item? Hearing none, we will close the hearing on this item and deliberate on this evening's agenda items.

Scott Gustin: City Attorney Kim Sturtevant is online wishing to speak on this item.

AJ LaRosa: Motioned to reopen hearing, Evan Gould 2nd. Vote 6-0. Motion carried.

Kim Sturtevant: The appellants under the prior permits for demolition filed no cross appeal challenging the conditions of approval. There was no action challenging the appeal for finality. The City of South Burlington versus the State Department of Corrections case ruled that zoning permit conditions remain valid even if the permit was not necessary.

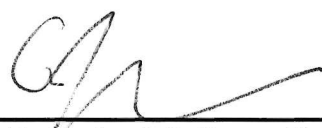
John Franco: The City of South Burlington did not contest the jurisdiction. The basis of our appeal is contesting jurisdiction. Preservation Burlington was not challenging the conditions, but that the demolition should not occur at all. To apply the CDO at all would infringe on the scope of the proposal as presented.

Scott Gustin: Tree cutting was not included in the scope of the application.

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

V. Adjournment

Hearing closed at 6:45 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/dr/ agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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