

Burlington Development Review Board
Department of Permitting & Inspections
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Development Review Board

Tuesday, October 1, 2024, 5:00 PM

645 Pine Street, Remote on Zoom:

Please click the link below to join the webinar:

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1. Agenda

2. Communications

3. Minutes

4. Public Hearing

4.1.

**ZP-24-317; 251-253 South Union Street (RM, Ward 6) Daisy Properties, LLC / Stephen Kredell
Planned Unit Development (PUD) for construction of one five-unit addition and two detached four-unit
buildings and related site improvements. (Project Manager, Scott Gustin)**

4.2.

**ZAP-24-8; 0 Northshore Drive (RL, Ward 4) Village of Northshore Association, Inc. Members / Jon
Anderson
Appeal of administrative denial, ZP-24-193, for the after-the-fact installation of four EV charging
stations. (Project Manager, Scott Gustin)**

4.3.

**ZP-24-59; 44 Wright Avenue (RM, Ward 5) 44 Wright, LLC / Arthur Chukhman
Planned Unit Development (PUD), with construction of an additional principal structure at 44 Wright
Avenue. (Project Manager, Mary O'Neil)**

4.4.

ZAP-24-10; 164 North Willard Street (RL, Ward 1) Luke Purvis
Appeal of administrative decisions finding two complaints as to alleged zoning violations unfounded.
(Project Manager, Steve Cormier)

5. Adjournment

6. Informational and Non-Discrimination Statements

6.1.

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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Department of Permitting & Inspections

Zoning Division
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Burlington, VT 05401
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William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Garret King, Associate Planner
Joseph Cava, Permit Technician
Steve Cormier, Code Compliance Officer
Ted Boylan, DPI Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: October 1, 2024
RE: ZP-24-317; 251-253 South Union Street

=====

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RM Ward: 6

Owner/Applicant: Stephen Kredell / Daisy Properties, LLC

Request: Proposed construction of three detached 4-unit buildings and including related site improvements.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 11 (Planned Unit Development)

Background Information:

In February 2022, the applicant received approval under the adaptive reuse provisions of Article 4 to convert office space within an historic building to 8 dwelling units. Some minor site work was also included in that approval. The applicant subsequently received approval under the historic building rehabilitation bonus for a 5-unit rear addition in November 2022. That subsequent permit expired without construction. The applicant is now seeking approval to revise that project to modify the previously approved rear addition into a detached 4-unit building along with two more detached 4-unit buildings in the rear yard and related site improvements. Unlike when the prior approvals were granted, the property is now entirely Residential – Medium Intensity. Previously, it was split between low and medium density.

The existing historic building along South Union Street will remain unchanged.

The Design Advisory Board reviewed this application August 27, 2024 and unanimously recommended approval subject to the following conditions:

- Notation of parking and circulation area surface material.
- Shade trees and related shading analysis demonstrating 30% shading of parking and circulation areas.
- Confirmation of removal (or not) of the northerly parking spaces from the neighboring property.
- Bike parking details (location and type).
- Material and dimensional details for the “light wells.”

- Exterior illumination levels (no greater than 5.0 footcandle average for the entries). Parking lot lighting information if any is proposed.
- Infrastructure details such as trash enclosure materials and dimensions, utility meter locations and screening, mail box locations, exterior mechanical equipment locations and screening.
- Perspective drawings and building cross sections.

Revised plans have been submitted to address the DAB's recommendations.

Previous zoning actions for this property:

- 11/1/22, Approval for 5-unit rear addition (expired)
- 2/15/22, Approval to convert office building to 8 residential units
- 3/4/21, Denial to change general office use to neighborhood commercial use (health studio and medical office)
- 7/12/89, Approval to install a compressor and new window
- 8/28/86, Approval to construct exterior egress stairs behind the building
- 3/10/82, Approval to install a replacement parallel sign
- 8/1/77, Approval to convert an apartment into expanded office space
- 7/11/67, Approval to convert the first floor residential space into office space

Recommendation: **Certificate of Appropriateness and Major Impact approval** as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

1. *Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The proposed development will be served by municipal utilities. Sufficient water and sewer service are available. A State of Vermont wastewater permit will be required. A capacity letter issued by the Dept. of Public Works will be required in order to obtain the wastewater permit.

(Affirmative finding as conditioned)

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The subject property is located within the Residential Medium Intensity zone. This zone is intended for residential development including a mix of housing types such as triplex, quadplex, and multi-unit buildings in compact, walkable neighborhoods. The proposed residential development, including three 4-unit buildings in addition to the existing 8-unit historic building, is consistent with this intent. **(Affirmative finding)**

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The proposed use is residential, set within an existing residential neighborhood. No nuisance impacts greater than those typically generated by other residential uses in the district are anticipated. **(Affirmative finding)**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

The additional dwelling units will generate additional traffic into, and out of, the property. South Union Street is classified as a “major street” and accommodates a relatively high volume of traffic. For the 4-unit buildings, the basic ITE traffic estimate is ~0.51 trips per dwelling unit in the AM peak hour and 0.62 trips per dwelling unit in the PM peak hour. The anticipated ~6 AM trips and 7 PM trips do not trigger the need for a comprehensive traffic analysis, nor are they expected to generate undue impacts on the existing transportation network. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

No renewable energy resources are evident in the project plans. Running conduit for future rooftop installation is encouraged. **(Affirmative finding as conditioned)**

and,

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;*
- The proposed construction must adhere to applicable building and energy codes. **(Affirmative finding as conditioned)**

(b) Major Impact Review Standards

1. *Not result in undue water, air, or noise pollution;*

No significant air or noise pollution is anticipated as a result of this development.

See Sec. 5.5.3 for stormwater management. **(Affirmative finding)**

2. *Have sufficient water available for its needs;*

See Sec. 3.5.6 (a) 1.

3. *Not unreasonably burden the city’s present or future water supply or distribution system;*

See Sec. 3.5.6 (a) 1.

4. *Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

See Sec. 5.5.3.

5. *Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*

See Sec. 3.5.6 (a) 4.

6. Not cause an unreasonable burden on the city's ability to provide educational services;
The 12 new residential units may include families with school-age children. Impact fees will be paid to help offset what impacts on educational services there may be. **(Affirmative finding as conditioned)**

7. Not place an unreasonable burden on the city's ability to provide municipal services;
The proposed development will generate additional impacts on city services; however, those impacts are expected to be relatively modest. Impacts will be mitigated by payment of impact fees following project completion. **(Affirmative finding as conditioned)**

8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;
See Article 6 for effects on significant natural areas, historic buildings, and archaeological significance.

9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;
As part of the "neighborhood code" zoning amendments, the subject property and surrounding area was changed to Residential Medium Intensity. Previously, much of the area was Residential – Low Density. The change to Medium Intensity enabled greater residential development intensity than was previously permissible. The development will bring about greater residential density in an area intended for it. The project will not adversely impact the city's present or future growth patterns. The development is of a relatively moderate scale and is not expected to have an undue adverse impact on the city's ability to accommodate growth. **(Affirmative finding)**

10. Be in substantial conformance with the city's municipal development plan;
The proposal can be characterized as infill development within an existing residential neighborhood, something specifically encouraged by the municipal development plan (Dynamic City, pg. 53). The new construction will integrate with the existing network of public facilities and infrastructure (Connected City, pg. 79) and will be built to current energy efficiency standards (Dynamic City, pg. 47). The new residential development will help to strengthen and sustain the surrounding neighborhood (Sustain, pg. 93). **(Affirmative finding)**

11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;
The proposed residential development is of moderate scale and will be constructed in an area of the city targeted for medium intensity residential development. The three 4-plexes will add to the diversity of housing types within the neighborhood. **(Affirmative finding)**

12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.
Little impact on the city's park and recreation needs is expected as a result of this development. What impact there is will be mitigated by payment of impact fees. **(Affirmative finding as conditioned)**

(c) Conditions of Approval:

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

Noise impacts in need of mitigation are not anticipated. Within the development, landscaping is proposed to help screen vehicles and their headlights from residents' view. **(Affirmative finding)**

2. Time limits for construction.

No additional time is requested with the application, nor is a phasing plan included. The standard 3-year time limit applies. **(Affirmative finding)**

3. Hours of operation and/or construction to reduce the impacts on surrounding properties.

Construction hours are not noted in the application. Typical construction hours within or close to residential areas are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No work on Sunday. **(Affirmative finding as conditioned)**

4. That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions; and,

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **(Affirmative finding)**

5. Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

See the recommended conditions.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) Residential Medium Intensity (RM)

As noted above, the Residential Medium Intensity zone is intended for residential development including a mix of housing types such as triplex, quadplex, and multi-unit buildings in compact, walkable neighborhoods. The proposed residential development, including three 4-unit buildings in addition to the existing 8-unit historic building, is consistent with this intent. Note that the project plans continue to depict low and medium intensity districts. This distinction should be removed. **(Affirmative finding as conditioned)**

(b) Dimensional Standards & Density

The lot presently has more than the minimum required 45' of street frontage for RM lots with more than 2 primary buildings and will remain unchanged.

The front yard setback remains unchanged. The easternmost new building (Building C) is set 14' from the nearer side property line. It complies with the 10% minimum side yard setback on the 134' wide eastern section of the property. The more westerly Buildings A and B are set ~ 9' from the nearer side property line and comply with the 10% minimum side yard setback in this 63' wide western section of the property. The building closest to the rear property lines is Building A. It is

set a compliant 15' from the rear property line. At least 15' is required. Several accessory site features such as walkways and light wells encroach into setbacks but comply with the minimum required 5' for accessory features. The existing driveway extends into the 5' minimum side yard setback. That nonconformity may be retained. The extended driveway observes the minimum required 5' setback.

Existing lot coverage is 40.6%. Proposed lot coverage will increase to 52%.

The three proposed buildings are all under the 3-story/35' height limit. All three contain 4 dwelling units, the maximum permissible. All of the dwelling units within the townhouse style buildings exceed the 350 sf minimum unit size. All three proposed buildings have compliant footprints of less than 1,800 sf. All of the townhouse units have projecting front stoops and comply with offset requirements. All buildings are set at least 15' apart as required. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The proposed 4-plexes are a permitted use in the Medium Intensity Residential zone.
(Affirmative finding)

(d) District Specific Regulations

1. Additional Residential Development Permitted
(Not applicable)

2. Exceptions to Dimensional Standards
(Not applicable)

3. Exception for Neighborhood Commercial Uses
(Not applicable)

4. Miscellaneous Standards
(Not applicable)

(e) Effective Date
(Not applicable)

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation & Steep Slopes Overlay District

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

Limited outdoor lighting is proposed and consists of a recessed canister fixture over every front stoop. No photometric plan has been provided; however, lumen information demonstrates that the LED fixture lamps qualify as “low output” and are acceptable. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

Presently, there are no stormwater management features onsite. The proposed project design includes a series of catch basins, swales, and an onsite gravel wetland to capture and attenuate stormwater runoff from the parking areas and building roofs. A related erosion prevention and sediment control (EPSC) plan has also been submitted. Both the stormwater and EPSC plans have been submitted for review by the Stormwater Program. Final approval is required prior to construction. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

No land division is proposed. **(Not applicable)**

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

No identified important natural features will be impacted by the project. **(Affirmative finding)**

(b) Topographical alterations

The property has an east-west downslope. The proposed rear addition remains as previously approved. It will be set downslope from, and below, the existing building. The two detached 4-unit buildings are set further downslope at the western end of the property. Project plans depict existing and proposed topo lines. While grading is required, the general sloped characteristic of the property will remain. **(Affirmative finding)**

(c) Protection of important public views

There are no identified public view corridors from or through the subject property. **(Affirmative finding)**

(d) Protection of important cultural resources

The existing brick building along South Union Street is an historic resource. It will be unaltered in this development. New construction will be set downhill and behind this building. **(Affirmative finding)**

(e) Supporting the use of alternative energy

No part of the application will preclude the use of wind, water, solar, geothermal or other renewable energy resource. **(Affirmative finding)**

(f) Brownfield sites

The property is not listed as a Brownfield Site. **(Affirmative finding)**

(g) Provide for nature's events

Project plans depict stormwater management features. These will be subject to review and approval by the city's stormwater program.

Ground floor entries into the new residences include overhead canopies to provide some shelter for people entering and exiting the dwellings.

Space remains available onsite to handle snow storage. **(Affirmative finding)**

(h) Building location and orientation

The existing historic building defines the character of this property along the street. It will remain unchanged. The proposed detached buildings will be oriented inward with south-facing primary elevations. **(Affirmative finding)**

(i) Vehicular access

No change to the existing curb cut along South Union Street is proposed. The existing driveway will be retained and extended to provide vehicular access. **(Affirmative finding)**

(j) Pedestrian access

New concrete walkways will connect the parking area to the front entries of the new dwelling units and to the public sidewalk. As required, the walkways are separate from the parking areas and keep pedestrians out of traffic circulation in the driveway and parking areas. **(Affirmative finding)**

(k) Accessibility for the handicapped

The plans depict handicap parking nearest the walkway to the new detached buildings. ADA standards are administered primarily by way of the Building Inspector. **(Affirmative finding)**

(l) Parking and circulation

Parking will be substantially reconfigured and expanded to serve the 12 new residential units. Parking and circulation will be paved. Perimeter curbing looks to be proposed. Parking spaces and circulation aisles appear to be dimensionally compliant with the standards of Article 8. As required, parking is set behind the primary building along South Union Street and is split into two smaller areas rather than one large expanse. The proposed 16 parking spaces are enough to require shade trees. This criterion requires at least 1 shade tree for every 5 parking spaces to achieve at least 30% shading of parking and circulation areas. A shading analysis has been provided and demonstrates 43% shading with 12 trees.

Parking spaces encroaching onto the property from the northerly neighbor are not depicted in the project plans. Confirmation has been provided that they are to be removed. **(Affirmative finding)**

(m) Landscaping, fences, & retaining walls

A landscaping plan is included and depicts species and location. New plantings are used to define borders and interior spaces and to provide screening as well. Proposed species appear to be acceptable and include no invasives.

No new fencing is evident. No retaining walls per se are depicted; however, Building C will have a “light well” along its northerly foundation line. Dimensions are to-scale, and it appears to be constructed of concrete. Light wells for the other two buildings have been deleted. **(Affirmative finding)**

(n) Public plazas and open space

There is no requirement within the ordinance to provide a public plaza. The property will, however, provide interior green space for occupants to utilize. **(Affirmative finding)**

(o) Outdoor lighting

See. Sec. 5.5.2.

(p) Integrate infrastructure into the design

The site plans include two trash enclosures screened, in part, by landscaping or placement behind the front building. The one behind the front building is existing. The other one is proposed and will be enclosed in a metal frame and bamboo structure. Mailbox locations are noted but lack construction details. A specification should be provided. No ground-mounted mechanical equipment is evident in the project plans. If any is proposed, it must be depicted and screened. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The three 4-unit buildings are very similar to the previously approved, but not constructed, rear addition to the historic structure. They appear as basic rectangular boxes of uniform scale. They are townhouse style, and they are deferential to the primary historic building along the street and are largely hidden from view. Perspective drawings and building cross sections have been provided. **(Affirmative finding)**

2. Roofs and Rooflines

The proposed structures are flat-roofed. While not especially common in this neighborhood, it matches the flat roof on the historic structure’s rear ell. Use of flat roofs reduces the overall potential height of the structures relative to neighboring buildings. **(Affirmative finding)**

3. Building Openings

Fenestration within Building C, behind the existing building, differs somewhat from that in Buildings A and B. The fenestration is consistent with the boxy appearance of the buildings and is obviously distinct from the historic primary structure on the property. **(Affirmative finding)**

(b) Protection of important architectural resources

See Sec. 5.4.8 above.

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The proposed construction is located behind the existing building and has no street presence, nor is it intended to. The existing building has an impressive street presence and a well-articulated front entrance. No changes to the existing primary façade are proposed. **(Affirmative finding)**

(e) Quality of materials

Building C will be clad primarily in rough-sawn wooden shiplap siding. Exterior material around Building C entries is not noted and must be. Proposed cladding of Buildings A and B also appears to be shiplap wooden siding (but is not specified) with metal and fiber cement accents. All of the flat roofs will be topped with EPDM. Steel railings are proposed at each entry with corrugated metal roofing on each entry canopy. Fiberglass windows will be installed throughout. These materials are of acceptable quality for this new residential construction. **(Affirmative finding as conditioned)**

(f) Reduce energy utilization

The proposed building must comply with the current energy efficiency standards of Burlington and the State of Vermont. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

No advertising is included in this proposal. **(Not applicable)**

(h) Integrate infrastructure into the building design

No rooftop or other exterior mechanical equipment is included in the project plans. If any is proposed, it must be depicted and screened. **(Affirmative finding as conditioned)**

(i) Make spaces safe and secure

The proposed building must comply with the city's current egress requirements. Building entries will be illuminated. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

There is no longer a minimum on-site parking requirement. **(Affirmative finding)**

Sec. 8.1.9, Maximum On-Site Parking Spaces

This criterion limits on-site parking spaces to 3 spaces per dwelling unit in this Neighborhood Parking District. With a total of 20 units (8 existing, plus 12 proposed), the maximum parking allowable would be 39 spaces. Only 16 spaces are proposed. **(Affirmative finding)**

Sec. 8.1.10, Off-Street Loading Requirements

(Not applicable)

Sec. 8.1.11, Parking Dimensional Requirements

As noted above, parking spaces are dimensionally compliant at 9' X 18.' Back-up distance is 24,' and circulation aisles allow for 2-way circulation. **(Affirmative finding)**

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Shared Parking for Off-Site Use

(Not applicable)

(b) Front Yard Parking Restricted & Residential Driveways

No front yard parking is proposed. The driveway width is within the acceptable range of 7' to 18' and will be surfaced with asphalt pavement. **(Affirmative finding)**

(c) Availability of Facilities

The parking to be constructed as part of this development will serve residents and visitors. It may not be used for the storage or display of vehicles or materials. **(Affirmative finding)**

Sec. 8.1.13, Parking for Disabled Persons

ADA parking details are depicted as required. **(Affirmative finding)**

Sec. 8.1.14, Stacked and Tandem Parking Restrictions
(Not applicable)

Sec. 8.1.15, (Reserved)

Sec. 8.1.16, Transportation Demand Management

(b) Applicability

The construction of 12 additional dwelling units triggers the need for a TDM plan. A TDM plan has been submitted. **(Affirmative finding)**

(c) Transportation Demand Management Program

The applicant has provided a transportation demand management program that addresses each of the following items.

a. Outreach and Education:

The TDM plan notes outreach and education as a plan component and identifies the property manager as the Transportation Coordinator. Among other things, the Transportation Coordinator will be responsible for hosting an annual meeting with residents to present and discuss available TDM strategies and opportunities for increased use and participation. Preparation and dissemination of annual travel surveys and associated record-keeping is also required. **(Affirmative finding)**

b. TDM Strategies:

Onsite bicycle parking is provided as required. Beyond bike parking, the TDM plan notes two strategies: 1) subsidized CarShare Vermont memberships and 2) subsidized GMT passes.

The proposed CarShare membership subsidy is inadequate per this criterion. The applicant proposes 100% subsidy for the first two years and 50% thereafter. This criterion requires that it be provided for free. Revision of the TDM plan is needed. The proposed GMT pass subsidy is acceptable. Passes will be fully subsidized for the first year and at 50% thereafter. **(Affirmative finding as conditioned)**

c. Parking Management:

As with the TDM strategies, annual parking utilization studies must be conducted for a period of at least 7 years with results reported to the city. Parking will be unbundled from leases and made available at market rate. Parking will not be made available for

off-site users. Priority parking is reflected in the site plan with bike and ADA parking noted. The project is not large enough to require onsite car-share parking.

(Affirmative finding)

d. TDM Agreement:

Applicant signature on the TDM plan agreement is required. **(Affirmative finding as conditioned)**

Sec. 8.2.5, Bicycle Parking Requirements

The project plans depict one outdoor bike rack location for short term bike parking. Inverted “U” racks will be provided. Total capacity is not indicated; however, given that at least one rack will be provided, at least 3 spaces will be available. The additional 12 dwelling units require 2 short term spaces. The number of long term bike parking spaces required is tied to the number of bedrooms (1 per 2 bedrooms). Each of the 8 units in Buildings A & B will have 2 bedrooms. Building C appears to contain 1-bedroom units. With 20 bedrooms, 10 long-term bike parking spaces are needed. The project plans depict a long term bike parking enclosure between Buildings A & B with a noted capacity of 12. While total capacity is addressed in this location, it is not convenient to Building C. A similar enclosure next to Building C is recommended. **(Affirmative finding as conditioned)**

Article 11: Planned Unit Development

Sec. 11.1.6, Approval Requirements

(a) The minimum project size requirements of Sec. 11.1.3 shall be met

There is no minimum project size requirement for a PUD in the RM zone. **(Affirmative finding)**

(b) The minimum setbacks required for the district have been met at the periphery of the project

Peripheral setbacks are met as noted. **(Affirmative finding)**

(c) The project shall be subject to design review and site plan review of Article 3, Part 4

See Articles 3 and 6 above.

(d) The project shall meet the requirements of Article 10 for subdivision review where applicable

Not applicable.

(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project

Density on a units-per-acre is no longer a standard. Each of the buildings contains the maximum permissible 4 units. Lot frontage and lot coverage are compliant as noted above. **(Affirmative finding)**

(f) All other requirements of the underlying zoning district have been met as calculated across the entire project.

Other requirements are addressed on a project-wide basis as applicable in these findings.

(Affirmative finding)

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB.

Common land is included in the site layout. It will be accessible to residents and guests. Application materials imply that the dwelling units will be rentals, and a property manager will oversee maintenance of the common lands within the development. **(Affirmative finding)**

(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.
See Sec. 3.5.6 (c) 2.

(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests
Sec. 11.1.1, Intent

(a) Promote the most appropriate use of land through flexibility of design and development of land;

The subject property is ripe for infill development, given its relatively large size, limited existing development, and proximity to downtown, the institutions, and transportation options. The PUD process enables development on this lot with capacity for it but without the large expanse of street frontage necessary for a subdivision development. **(Affirmative finding)**

(b) Facilitate the adequate and economical provision of streets and utilities;

The proposed development will utilize the existing street and utility network with private connections thereto. **(Affirmative finding)**

(c) Preserve the natural and scenic qualities of open space;

Approximately the rear 2/3 of the property is currently undeveloped green space. None of it is identified as significant open space in the Open Space Protection Plan. As noted above, interior green space will be provided and made available to residents and guests. **(Affirmative finding)**

(d) Provide for a variety of housing types;

The three 4-plex buildings will provide additional diversity to the neighborhood housing stock. Within the three new buildings, it appears that unit layout in Building C will differ from that in Buildings A & B. **(Affirmative finding)**

(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and,

The subject property is relatively large but has insufficient lot frontage for a multi-lot subdivision to achieve the same number of new dwelling units. The PUD process enables construction of three new buildings and 12 new dwelling units that otherwise would not be possible. **(Affirmative finding)**

(f) Achieve a high level of design qualities and amenities.

The Design Advisory Board reviewed the project design and found it to be acceptable with conditions to address some outstanding details. As noted above, the property is well situated to take advantage of nearby city services and recreational and employment opportunities. **(Affirmative finding)**

(j) The proposed development shall be consistent with the Municipal Development Plan
See Sec. 3.5.6 (b) 10.

(k) Any proposed accessory uses and facilities shall meet the requirements of Sec. 11.1.6 below.
Not applicable.

II. Conditions of Approval

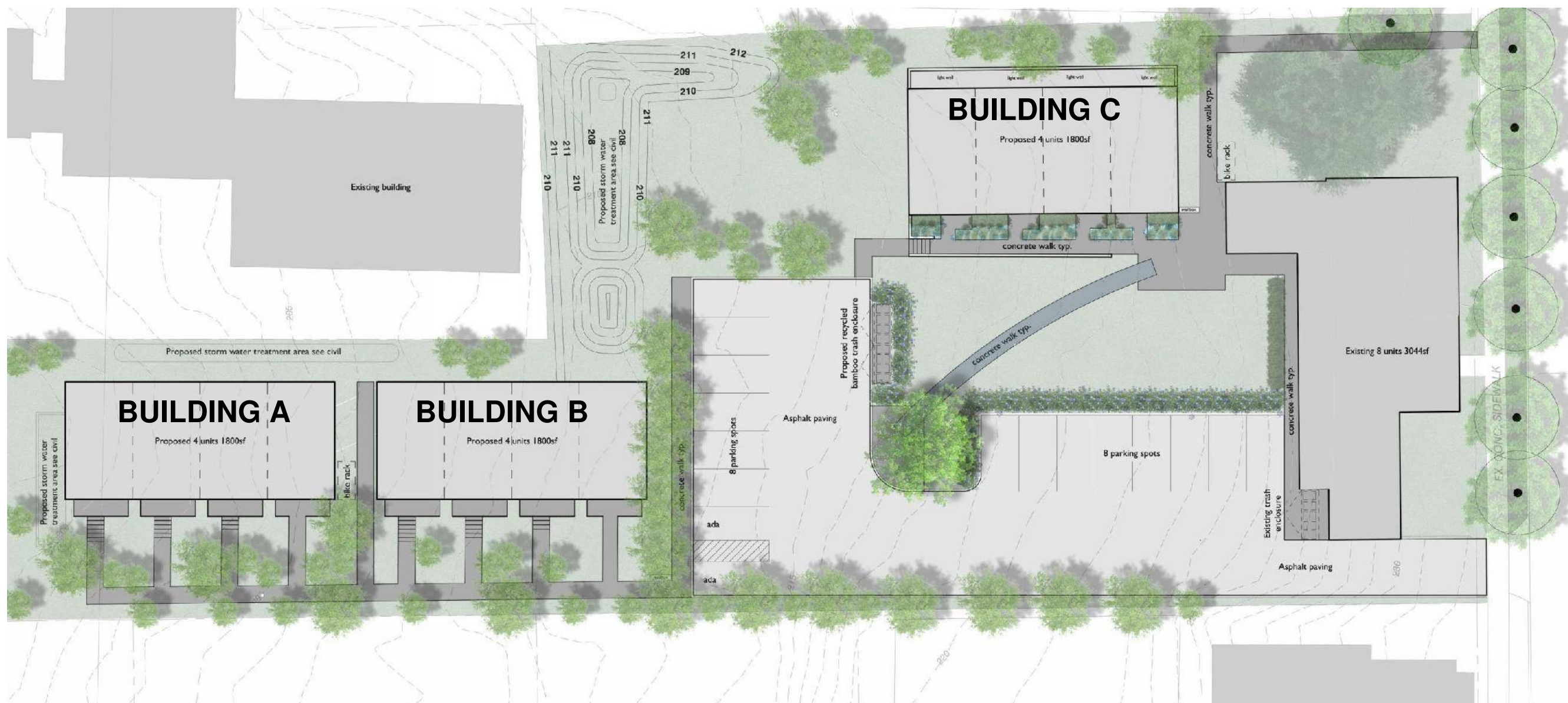
1. **Prior to release of the zoning permit**, revised project plans addressing the following shall be submitted, subject to staff review and approval:
 - a. Deleting reference to the former low density / medium density residential zone split;
 - b. Depiction of mailbox details, all exterior building material details, and mechanical equipment locations and screening (if any proposed);
 - c. Provision of a second long-term bike parking enclosure proximate to Building C; and,
 - d. Revision of the TDM plan to include free car share memberships and a TDM agreement form signed by the applicant.
2. Final review and approval of the EPSC and stormwater management plans shall be obtained from the city's stormwater program prior to construction.
3. A State of Vermont wastewater permit will be required. A capacity letter issued by the Dept. of Public Works will be required in order to obtain the wastewater permit.
4. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Permitting & Inspections Department the impact fee as calculated by staff based on the new square footage of the proposed development.
5. Days and hours of construction are limited to Monday – Friday 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.
6. All new utility lines shall be buried.
7. It is the applicant's responsibility to comply with all applicable ADA requirements.
8. Installation of conduit for future solar energy devices is encouraged.
9. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
10. Standard Conditions 1-15.

253 SOUTH UNION STREET

DRB REVIEW

09/20/2024

253 SOUTH UNION STREET
BURLINGTON VT 05401



DRAWINGS

COVER WITH RENDERING

- C1.0 EXISTING CONDITIONS PLAN
- C2.0 PROPOSED GRADING AND DRAINAGE PLAN
- C2.1 PROPOSED UTILITY PLAN
- C3.0 EPSC PLAN
- C3.1 EPSC NARRATIVE AND DETAILS
- C4.0 SITE DETAILS
- C4.1 WATER DETAILS
- C4.2 SEWER DETAILS
- C4.3 STORMWATER DETAILS
- C5.0 SITE SPECIFICATIONS
- C5.1 SITE SPECIFICATIONS
- C5.2 SITE SPECIFICATIONS
- C5.3 SITE SPECIFICATIONS
- C5.4 SITE SPECIFICATIONS
- C5.5 SITE SPECIFICATIONS

- L100 LAYOUT PLAN
- L102 GRADING PLAN
- L104 SHADE STUDY PLAN
- L106 PLANTING PLAN

- A100 FLOOR PLANS - BUILDING C
- A101 FLOOR PLANS - BUILDING A
- A200 ELEVATIONS/SECTIONS - BUILDING C
- A201 ELEVATIONS - BUILDINGS A & B
- A202 ELEVATIONS/SECTIONS - BUILDINGS A & B

- BICYCLE RACK CUT SHEET
- TRASH BIN CUT SHEET

gbArchitecture

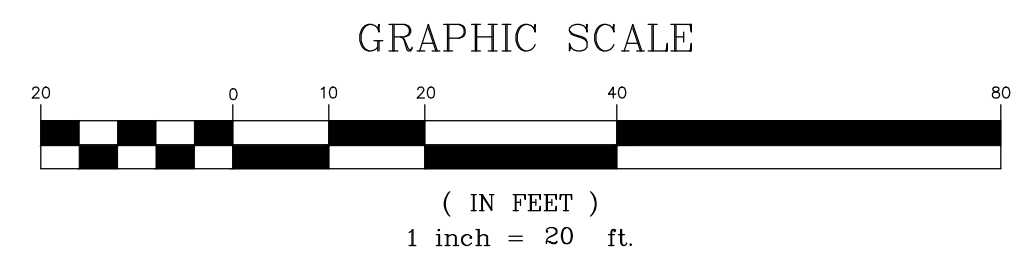
85 Granite Shed Lane
Montpelier VT 05602
802-229-1664

www.gbArchitecture.com

	APPROXIMATE PROPERTY LINE
	APPROXIMATE SETBACK LINE
	EXISTING CONTOUR
	EXISTING CURB
	EXISTING FENCE
	EXISTING GRAVEL
	EXISTING PAVEMENT
	EXISTING GUARD RAIL
	EXISTING ELECTRIC
	EXISTING FORCE MAIN
	EXISTING GAS
	EXISTING STORM
	EXISTING GRAVITY SEWER
	EXISTING TELEPHONE
	EXISTING WATER
	EXISTING SWALE
	STREAM
	WETLANDS
	WETLANDS BUFFER
	EXISTING SEWER MANHOLE
	EXISTING STORM MANHOLE
	EXISTING CATCH BASIN
	EXISTING YARD DRAIN
	EXISTING WELL
	EXISTING HYDRANT
	EXISTING SHUT OFF
	EXISTING UTILITY POLE
	EXISTING LIGHT POLE
	EXISTING GUY WIRE/POLE
	EXISTING SIGN
	EXISTING DECIDUOUS TREE
	EXISTING CONIFEROUS TREE
	EDGE OF BRUSH/WOODS
	IRON ROD/PIPE FOUND
	CONCRETE MONUMENT FOUND
	TEST PIT
	PERCOLATION TEST
	PROJECT BENCHMARK



1. UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) PRIOR TO ANY CONSTRUCTION.
2. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE.
3. PROPERTY LINE INFORMATION IS APPROXIMATE AND BASED ON EXISTING TAX MAP INFORMATION. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE.
4. PROJECT BENCHMARK IS LAKE CHAMPLAIN ESTABLISHED FROM THE UNITED STATES GEOLOGICAL SURVEY GAUGING STATION 04284500 LOCATED IN BURLINGTON, VERMONT. (DATUM NGVD 29)
5. CONTOUR INFORMATION IS BASED UPON LIDAR DATA FROM 2004. HORIZONTAL AND VERTICAL DATUM BASED ON VCS NAD 83 AND NAVD 88. ALL OTHER SITE INFORMATION IS BASED UPON ORTHORECTIC PHOTOGRAPHY.



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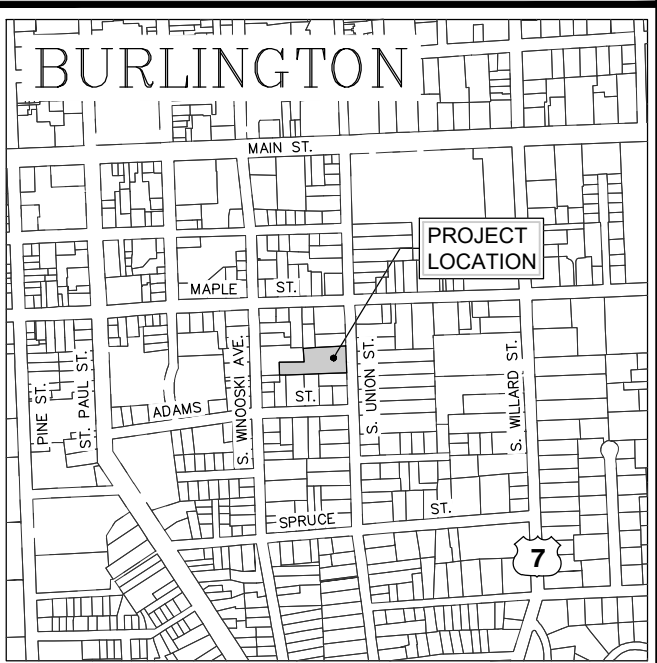
APPROVED

CLIENT:

251-253 SOUTH UNION ST.
BURLINGTON, VT

PROJECT:

251-253 SOUTH UNION ST.
BURLINGTON, VT

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PROJ. NO.
21245

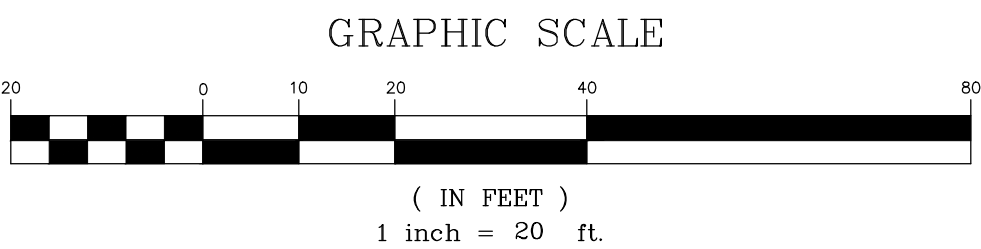
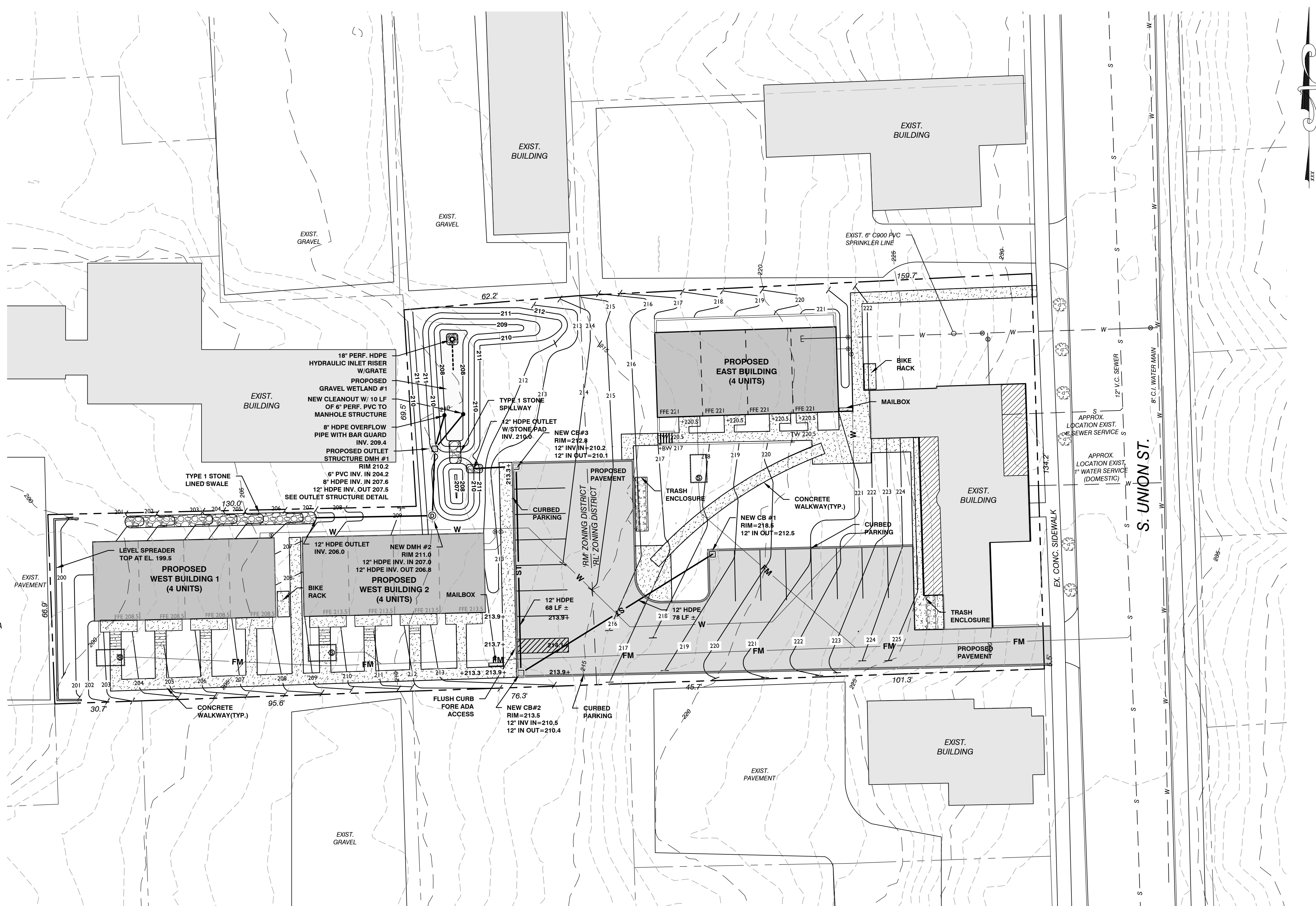
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- LEGEND**
- PROPOSED PROPERTY LINE
 - PROPOSED SETBACK LINE
 - PROPOSED CONTOUR
 - PROPOSED CURB
 - PROPOSED FENCE
 - PROPOSED GRAVEL
 - PROPOSED PAVEMENT
 - PROPOSED GUARD RAIL
 - PROPOSED ELECTRIC
 - PROPOSED FORCEMAIN
 - PROPOSED GAS
 - PROPOSED STORM
 - PROPOSED GRAVITY SEWER
 - PROPOSED TELEPHONE
 - PROPOSED WATER
 - PROPOSED SWALE

- PROPOSED SEWER MANHOLE
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED YARD DRAIN
- PROPOSED WELL
- PROPOSED HYDRANT
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- PROPOSED UTILITY POLE
- PROPOSED LIGHT POLE
- PROPOSED GUY WIRE/POLE
- PROPOSED SIGN
- PROPOSED EDGE OF BRUSH/WOODS
- REBAR SET
- CONCRETE MONUMENT SET

GENERAL NOTES

- UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) PRIOR TO ANY CONSTRUCTION. IN ADDITION, THE CONTRACTOR SHALL HIRE A PRIVATE UTILITY LOCATING FIRM TO LOCATE OWNER OWNED UNDERGROUND UTILITIES PRIOR TO START OF ANY EXCAVATION.
- ALL EXISTING UTILITIES NOT INCORPORATED INTO THE FINAL DESIGN SHALL BE REMOVED OR ABANDONED AS INDICATED ON THE PLANS OR DIRECTED BY THE ENGINEER.
- THE CONTRACTOR SHALL MAINTAIN AS-BUILT PLANS (WITH TIES) FOR ALL UNDERGROUND UTILITIES. THOSE PLANS SHALL BE SUBMITTED TO THE OWNER AT THE COMPLETION OF THE PROJECT.
- THE CONTRACTOR SHALL REPAIR/RESTORE ALL DISTURBED AREAS (ON OR OFF THE SITE) AS A DIRECT OR INDIRECT RESULT OF THE CONSTRUCTION.
- ALL GRASSED AREAS SHALL BE MAINTAINED UNTIL FULL VEGETATION IS ESTABLISHED.
- MAINTAIN ALL TREES OUTSIDE OF CONSTRUCTION LIMITS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK NECESSARY FOR COMPLETE AND OPERABLE FACILITIES AND UTILITIES.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR ALL ITEMS AND MATERIALS INCORPORATED INTO THE SITE WORK. WORK SHALL NOT BEGIN ON ANY ITEM UNTIL SHOP DRAWING APPROVAL IS GRANTED.
- IN ADDITION TO THE REQUIREMENTS SET IN THESE PLANS AND SPECIFICATIONS, THE CONTRACTOR SHALL COMPLETE THE WORK IN ACCORDANCE WITH ALL PERMIT CONDITIONS AND ANY LOCAL PUBLIC WORKS STANDARDS.
- THE TOLERANCE FOR FINISH GRADES FOR ALL PAVEMENT, WALKWAYS AND LAWN AREAS SHALL BE 0.1 FEET. UNLESS NOTED OTHERWISE, ALL EXISTING MANHOLE COVERS, VALVES, CURB STOPS AND OTHER ITEMS TO REMAIN SHALL BE ADJUSTED TO THE NEW FINISH GRADE.
- ANY DEWATERING NECESSARY FOR THE COMPLETION OF THE SITEWORK SHALL BE CONSIDERED AS PART OF THE CONTRACT AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
- THE CONTRACTOR SHALL COORDINATE ALL WORK WITHIN TOWN ROAD R.O.W. WITH TOWN AUTHORITIES.
- THE CONTRACTOR SHALL INSTALL THE ELECTRICAL, CABLE AND TELEPHONE SERVICES IN ACCORDANCE WITH THE UTILITY COMPANIES REQUIREMENTS.
- EXISTING PAVEMENT AND TREE STUMPS TO BE REMOVED SHALL BE DISPOSED OF AT AN APPROVED OFF-SITE LOCATION. ALL PAVEMENT CUTS SHALL BE MADE WITH A PAVEMENT SAW.
- IF THERE ARE ANY CONFLICTS OR INCONSISTENCIES WITH THE PLANS OR SPECIFICATIONS, THE CONTRACTOR SHALL CONTACT THE ENGINEER FOR VERIFICATION BEFORE WORK CONTINUES ON THE ITEM IN QUESTION.
- PROPERTY LINE INFORMATION IS APPROXIMATE AND BASED ON EXISTING TAX MAP INFORMATION. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE.
- IF THE BUILDING IS TO BE SPRINKLERED, BACKFLOW PREVENTION SHALL BE PROVIDED IN ACCORDANCE WITH AWWA M14. THE SITE CONTRACTOR SHALL CONSTRUCT THE WATER LINE TO TWO FEET ABOVE THE FINISHED FLOOR. SEE MECHANICAL PLANS FOR RISER DETAIL.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING TESTING AND INSPECTION SERVICES INDICATED IN THE CONTRACT DOCUMENTS, TYPICAL FOR CONCRETE AND SOIL TESTING.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL LAYOUT AND FIELD ENGINEERING REQUIRED FOR COMPLETION OF THE PROJECT. CIVIL ENGINEERING ASSOCIATES WILL PROVIDE AN AUTOCAD FILE WHERE APPLICABLE.
- THE OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ANY AND ALL SAFETY FENCES OR RAILS ABOVE EXISTING AND PROPOSED WALLS. THE OWNER SHALL VERIFY LOCAL, STATE AND INSURANCE REQUIREMENT GUIDELINES FOR THE INSTALLATION AND VERIFY ANY AND ALL PERMITTING REQUIREMENTS.



SITE ENGINEER:

CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
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CLIENT:

JAMES DUFOUR

251-253 SOUTH UNION ST.
BURLINGTON, VT

PROJECT:

SITE IMPROVEMENTS

251-253 SOUTH UNION ST.
BURLINGTON, VT

LOCATION MAP

1" = 1000'

DATE	CHECKED	REVISION
09/20/24	JDL	LOCAL SUBMITTAL

PROPOSED GRADING AND DRAINAGE PLAN

DATE
JUL., 2024

SCALE
1" = 20'

PROJ. NO.
21245

DRAWING NUMBER
C2.0

	PROPOSED PROPERTY LINE
	PROPOSED SETBACK LINE
	PROPOSED CONTOUR
	PROPOSED CURB
	PROPOSED FENCE
	PROPOSED GRAVEL
	PROPOSED PAVEMENT
	PROPOSED GUARD RAIL
	PROPOSED ELECTRIC
	PROPOSED FORMCAIN
	PROPOSED GAS
	PROPOSED STORM
	PROPOSED GRAVITY SEWER
	PROPOSED TELEPHONE
	PROPOSED WATER
	PROPOSED SWALE



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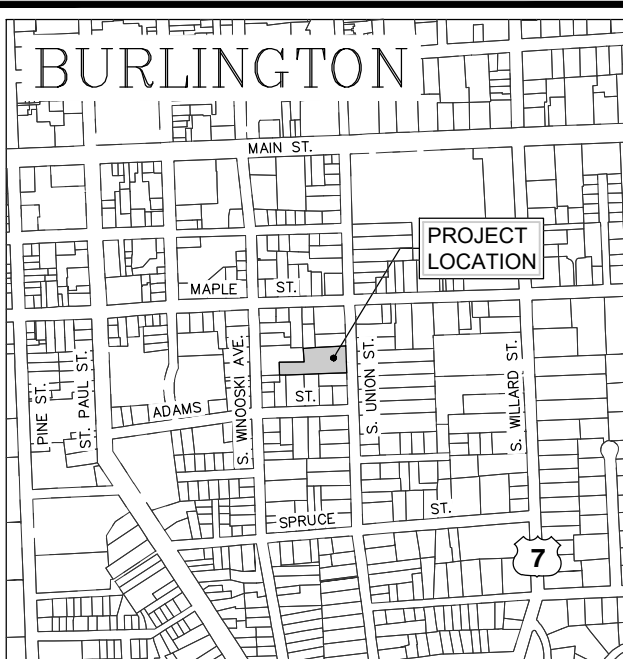
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CLIENT:

251-253 SOUTH UNION ST.
BURLINGTON, VT

PROJECT:

251-253 SOUTH UNION ST.
BURLINGTON, VT

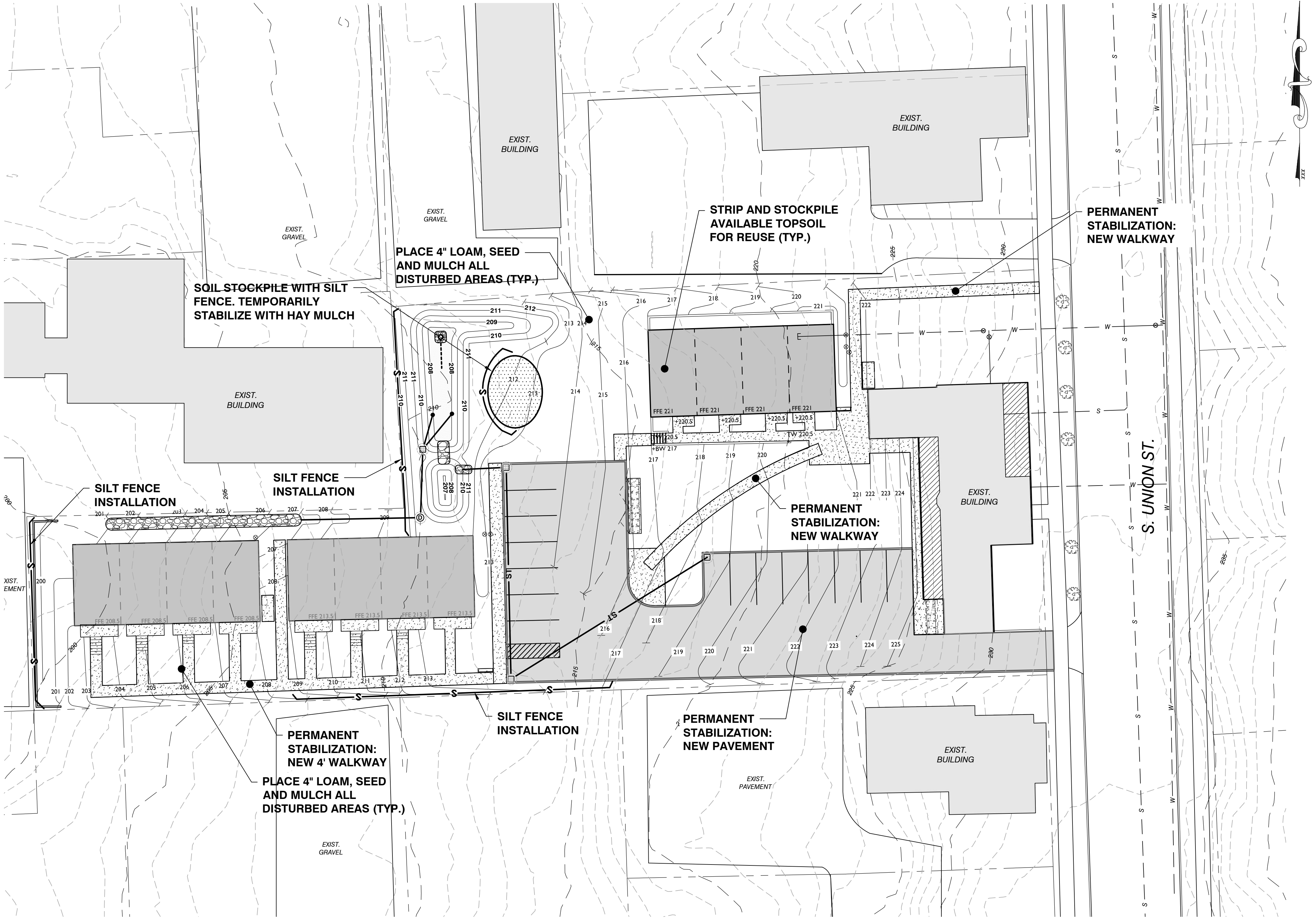

$$1'' = 1000$$
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PROJ. NO.
21245

C2.1

Figure 1 is a horizontal bar chart. The x-axis has labels 20, 0, 10, 20, 40, and 8. The bars are black and white, representing different categories of children per family.

(IN FEET)
1 inch = 20 ft.



SPECIFIC EPSC EXECUTION REQUIREMENTS

Applicant will call 863-4501 or email gjohnson@burlingtonvt.gov at least 24 hours prior to initiating earth disturbance and submit the name and contact (cell phone and email) of the erosion control coordinator for the project.

Applicant will post the attached notice in a visible location.

I acknowledge that it is the responsibility of the owner and his/her representatives to ensure that:

- sediment does not enter surface water bodies (streams, ditches, ponds, lakes, wetlands etc.)
- sediment does not enter City conveyance infrastructure (catch basins, sewers etc.) and
- All sediment must be removed from the city ROW (sidewalks and roadways) by the end of each work day.

Sediment control measures will be installed prior to the initiation of earth disturbance.

During the non-winter construction season (April 15 - October 15): After an initial 14 day period of initial disturbance, temporary or permanent stabilization (mulching, erosion control matting or tarps for stockpiles, or other approved method) of exposed areas and stockpiles will occur at the end of each work day unless:

- Earthwork is to continue in the area within the next 24 hours and there is NO liquid precipitation forecast for the next 24 hours; or
- If work is occurring in a self-contained excavation (no outlet) with a depth of 2 feet or greater (e.g. house foundation excavation or utility trenches.)

During the winter construction period from October 15 to April 15, any new disturbance must be temporarily or permanently stabilized (mulching, erosion control matting or tarps for stockpiles, or other approved method) will occur at the end of each work day unless:

- Earthwork is to continue in the area within the next 24 hours and there is NO liquid precipitation forecast for the next 24 hours; or
- If work is occurring in a self-contained excavation (no outlet) with a depth of 2 feet or greater (e.g. house foundation excavation or utility trenches)

The perimeter of the site and all BMPs will be inspected at the end of each workday to ensure that sediment will not leave the site. If sediment has travelled beyond the site boundary, it shall be swept up or otherwise removed and deposited on-site in an upgradient area at the end of each work day.

The owner and his/her representatives shall abide by the best management practices (BMPs) indicated in this plan and conditions and in the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control (2006). Contact 802-863-4501 for a hard copy or go to the web: http://vtwaterquality.org/stormwater/docs/construction/sw_low_risk_site_handbook.pdf

If soils will be exposed after October 15 and winter construction has not been permitted the project will notify DPW prior to October 15th and ensure that sediment control is installed PRIOR to soil freezing. If the project is completed during the winter months, an additional inspection will be required to ensure that the site is buttoned up for the winter.

Within 48 hours of reaching final grading, the exposed soil will be seeded and mulched or covered with erosion control matting (for slopes steeper than 3:1 or high wind prone areas). Erosion control matting is preferred.

The owner will contact DPW to schedule a stabilization inspection when site work is finished and stabilization measures (seeding and mulching or matting) have been installed.

SITE ENGINEER:



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10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
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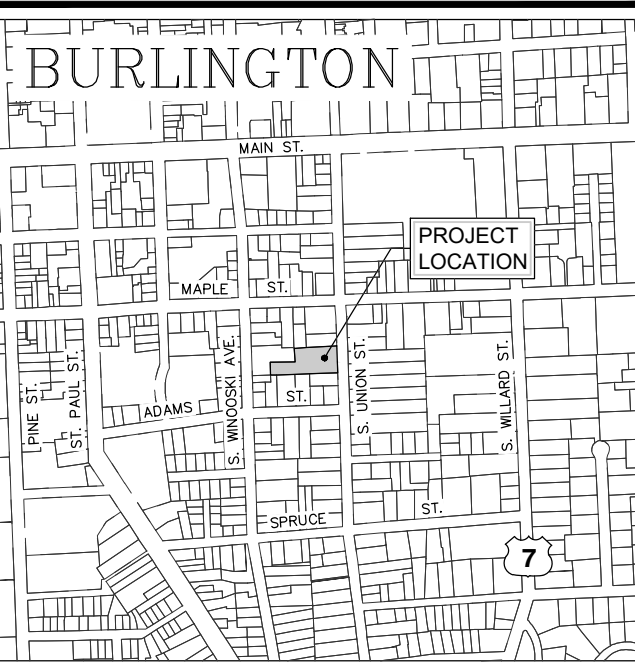
JAMES DUFOUR

251-253 SOUTH UNION ST.
BURLINGTON, VT

PROJECT:

**SITE
IMPROVEMENTS**

251-253 SOUTH UNION ST.
BURLINGTON, VT



LOCATION MAP

1" = 1000'

DATE	CHECKED	REVISION
08/20/24	JDL	LOCAL SUBMITTAL

EPSC PLAN

DATE

JUL., 2024

SCALE

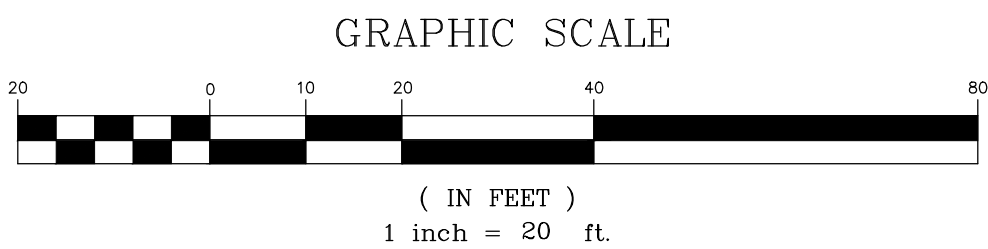
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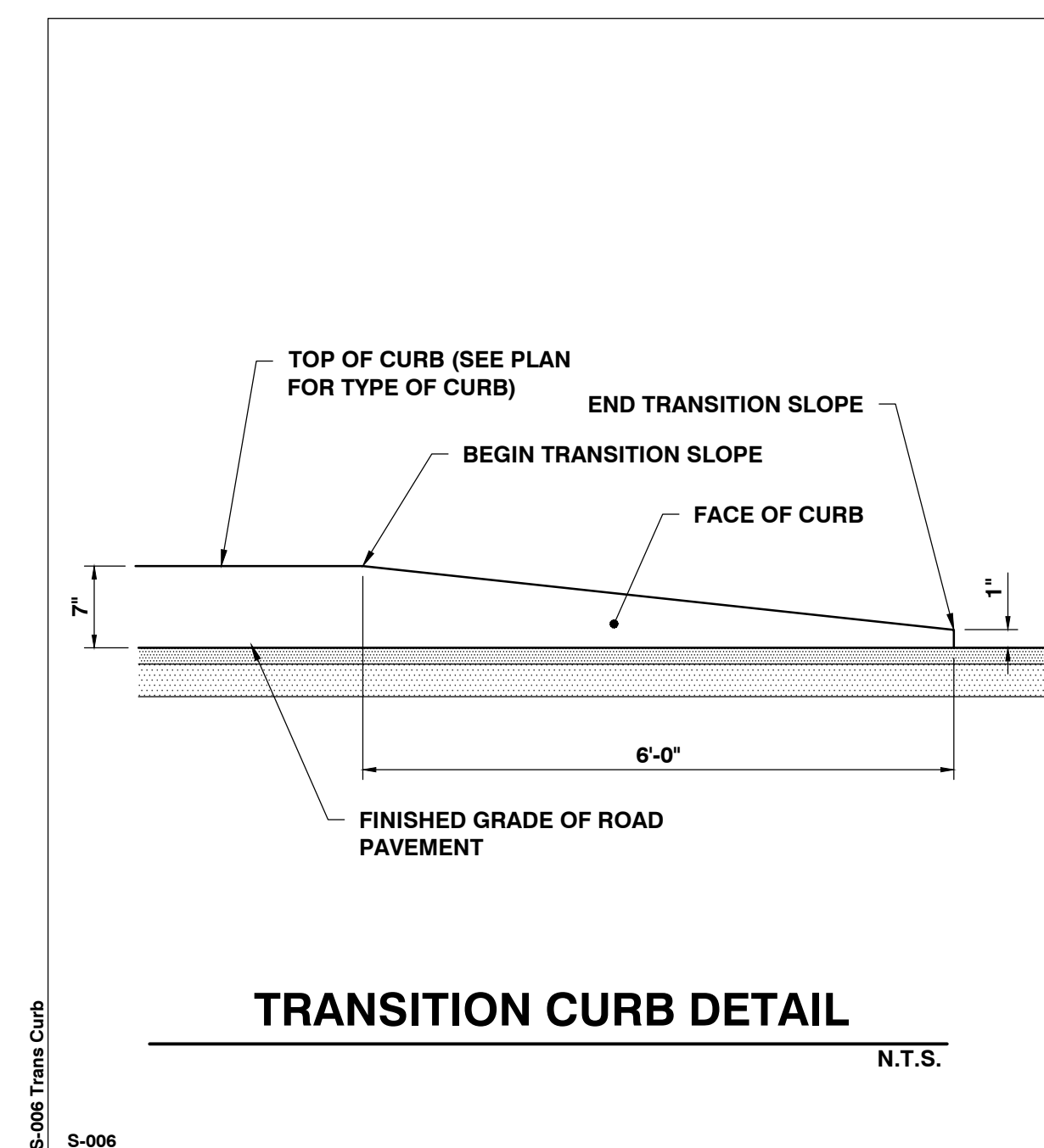
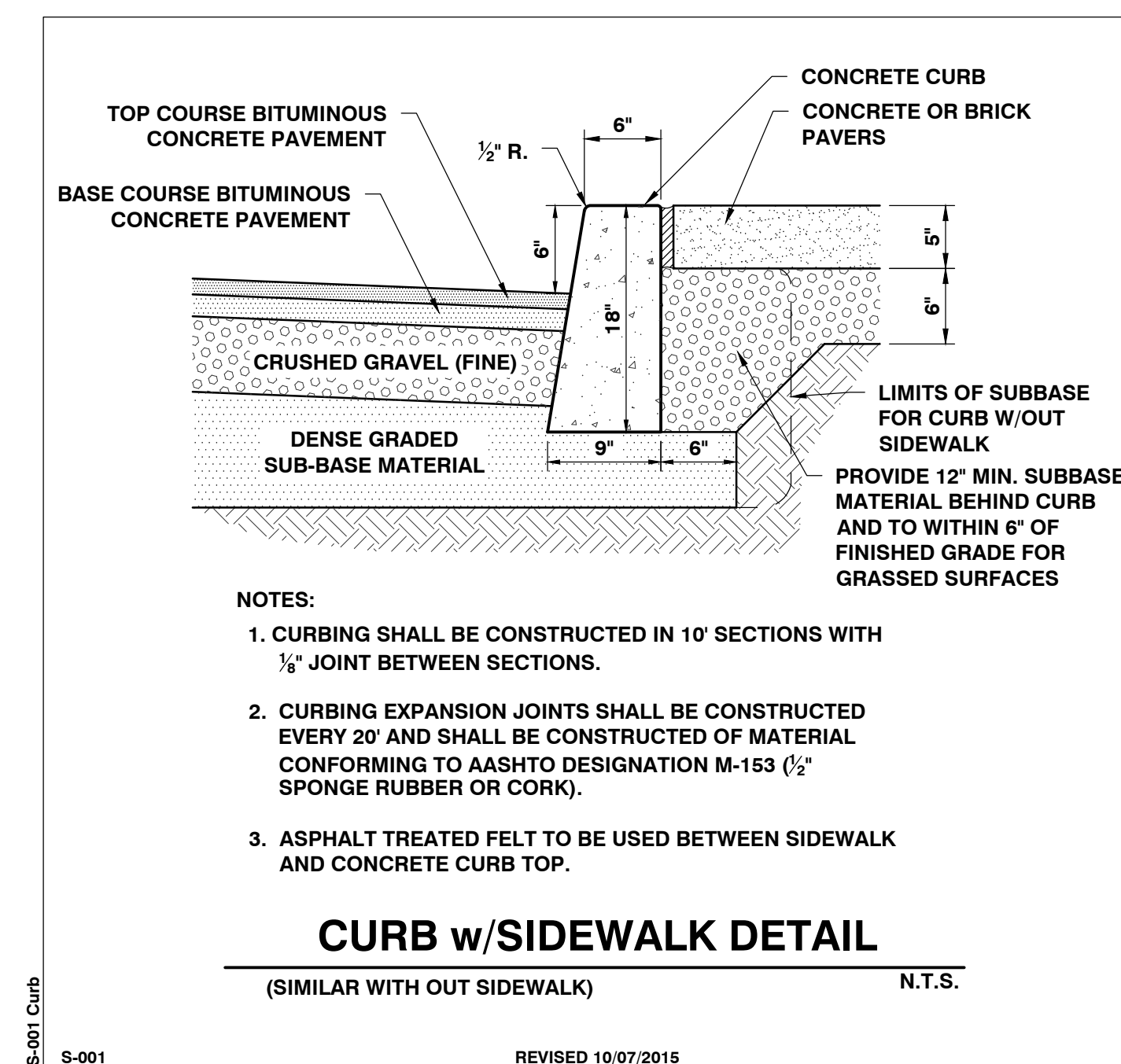
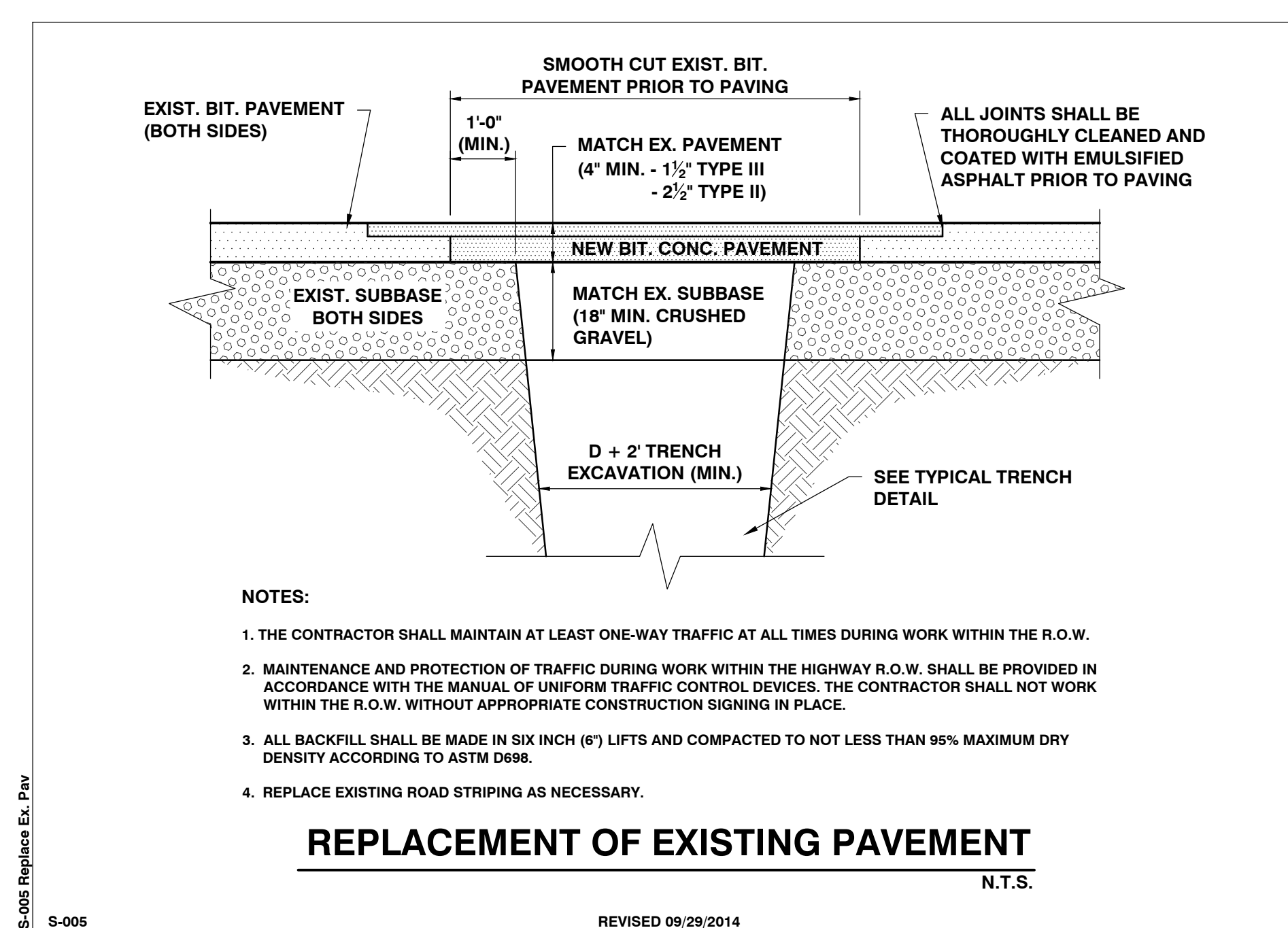
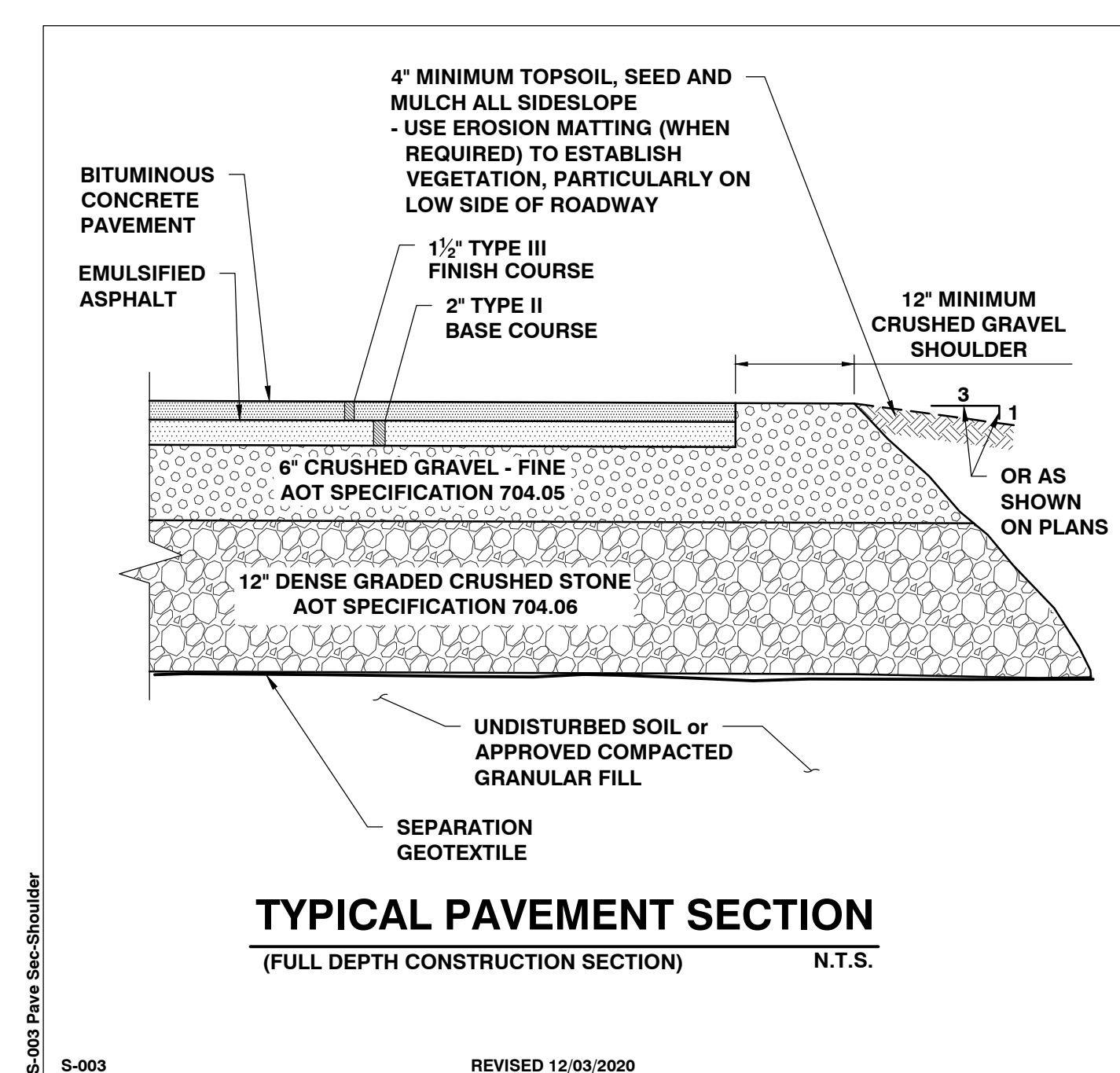
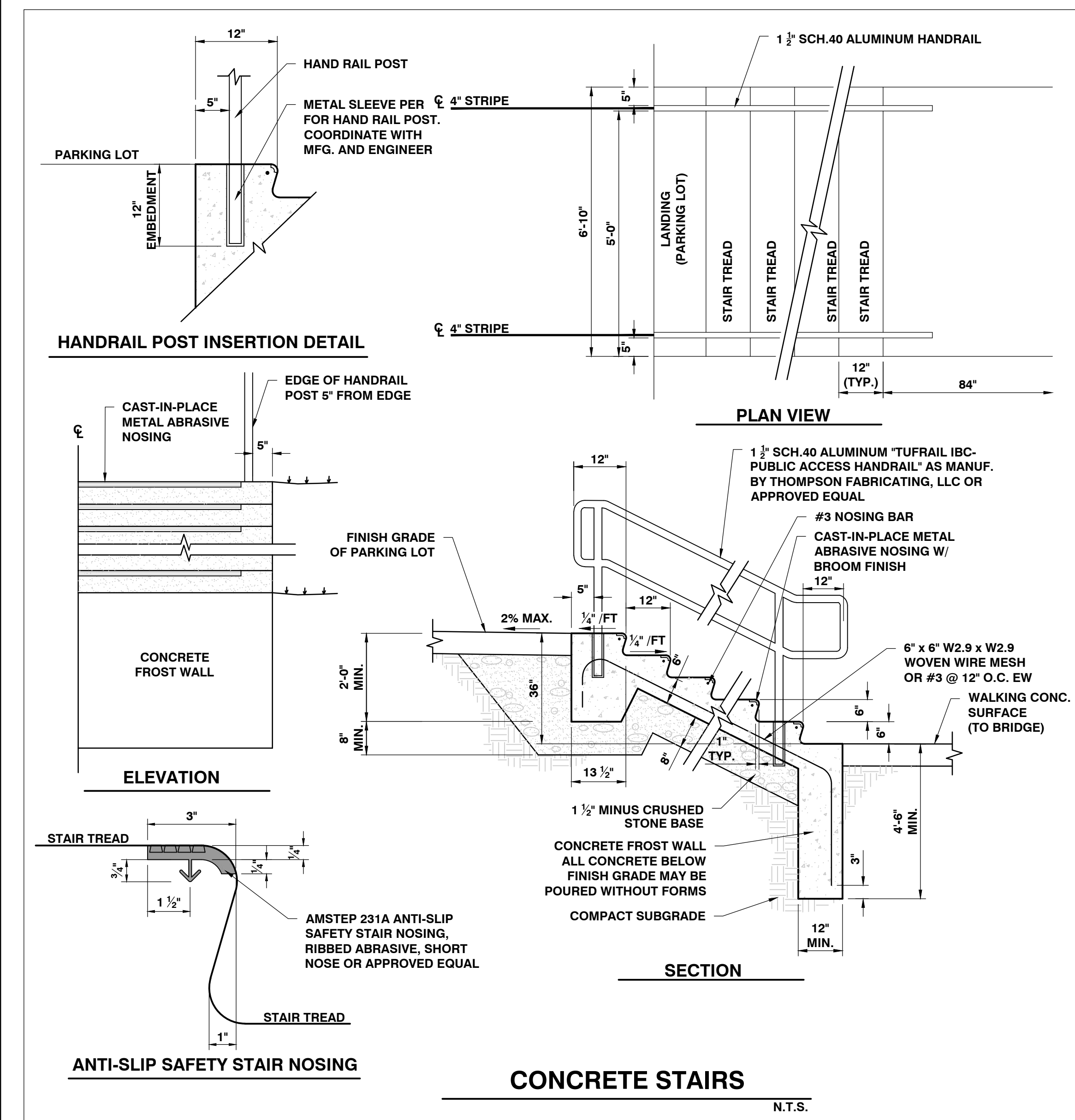
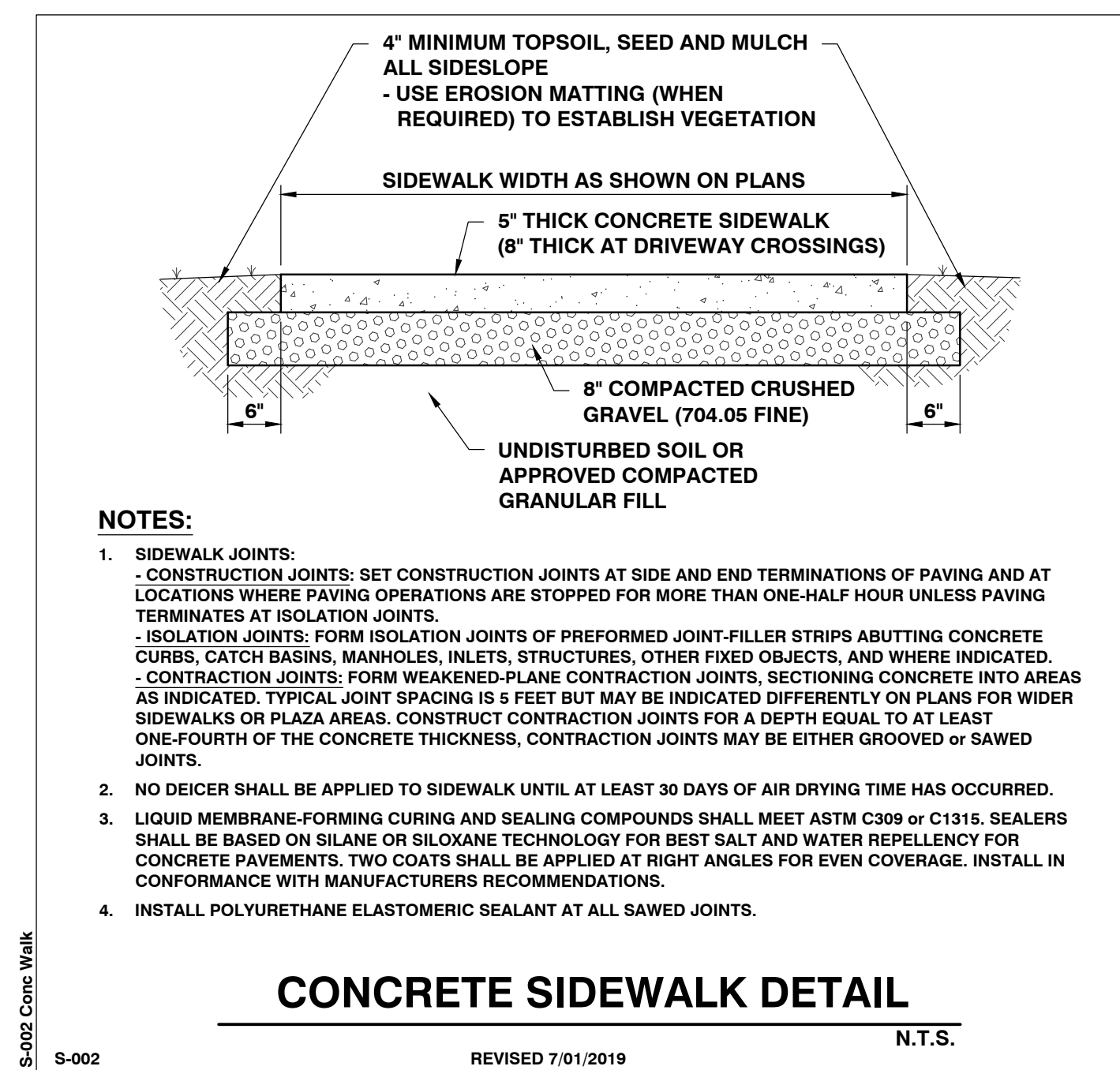
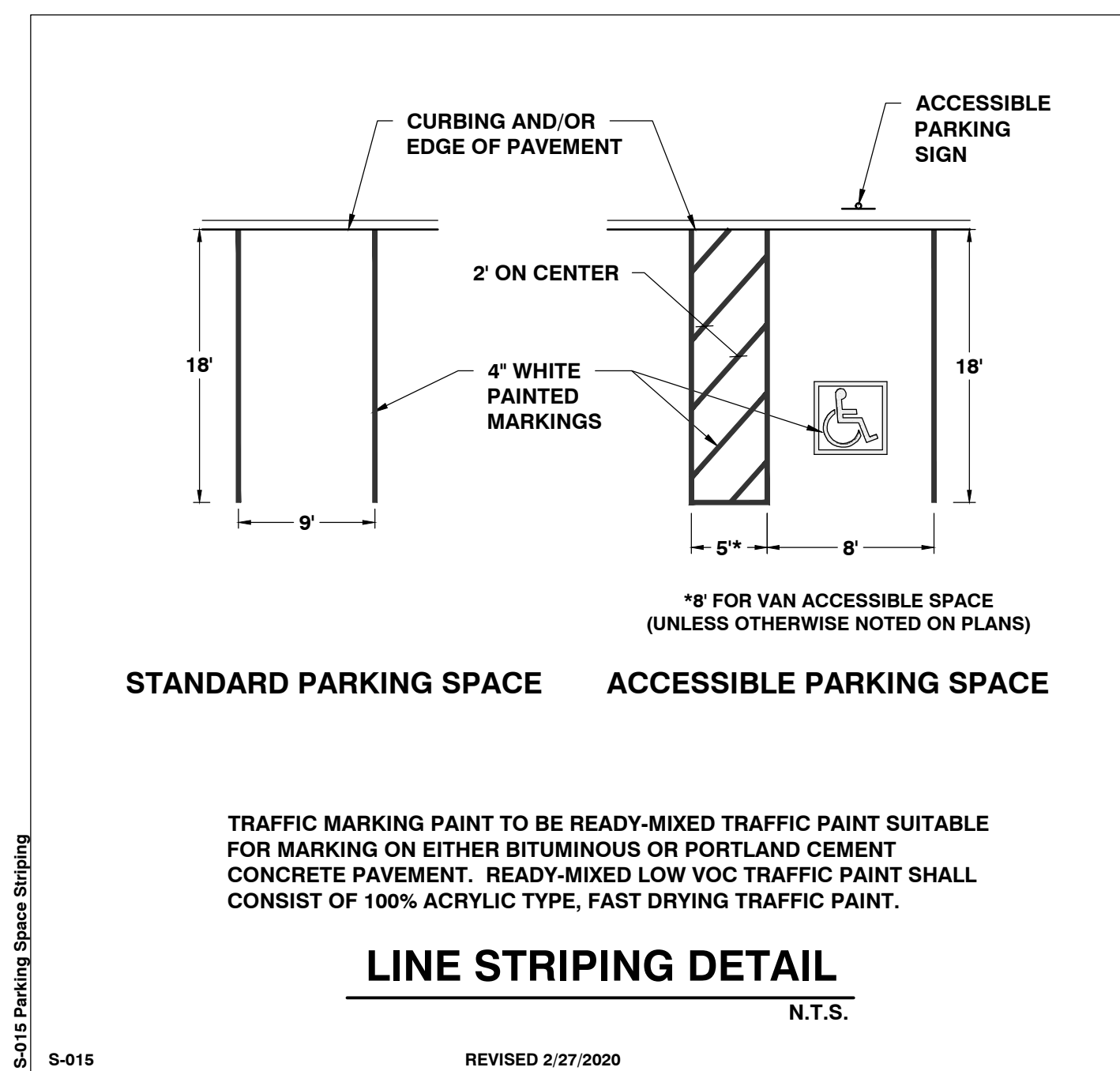
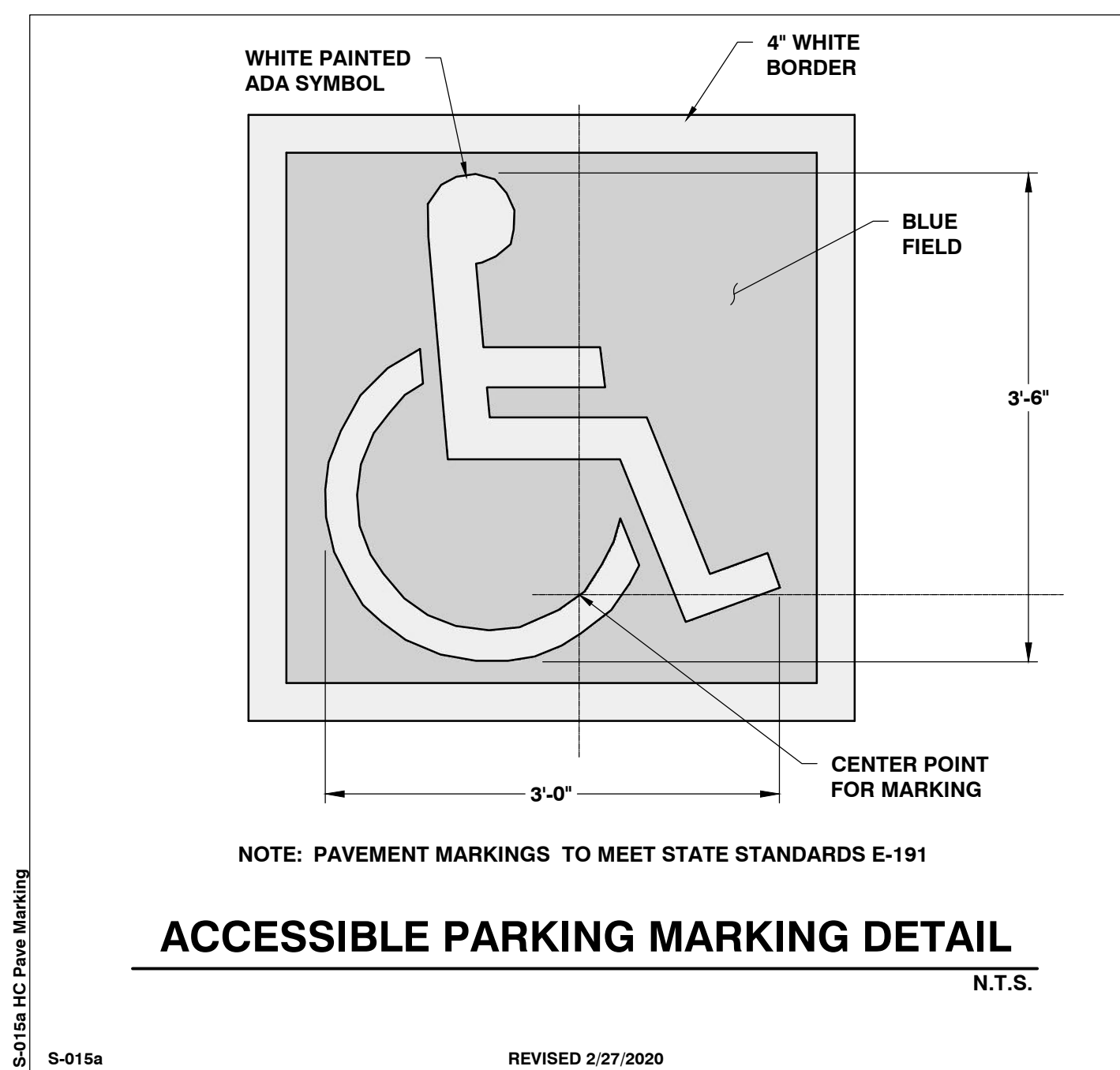
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CLIENT:

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251-253 SOUTH UNION ST.
BURLINGTON, VT

PROJECT:

SITE IMPROVEMENTS

251-253 SOUTH UNION ST.
BURLINGTON, VT

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SITE DETAILS

DATE
FEB., 2024

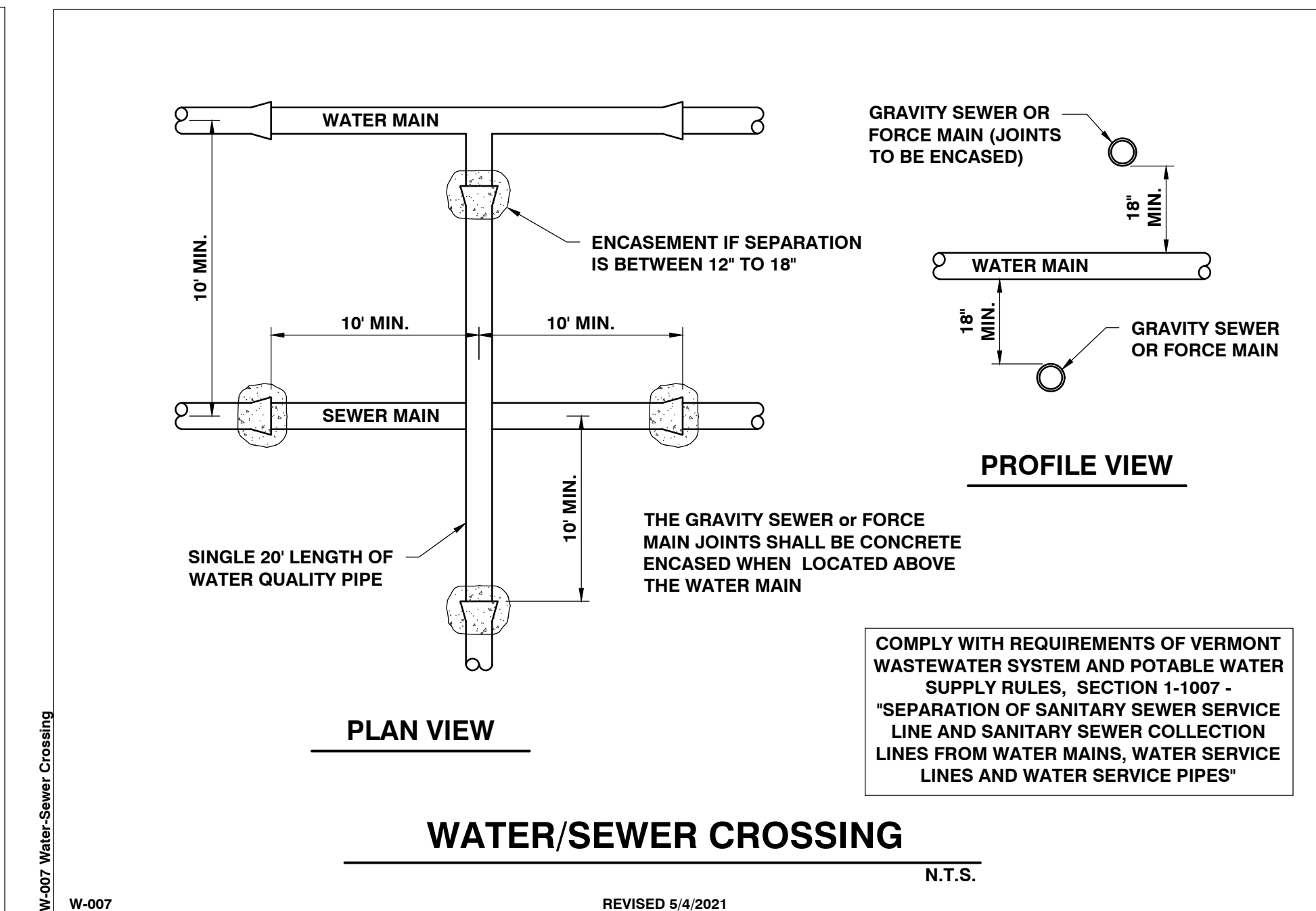
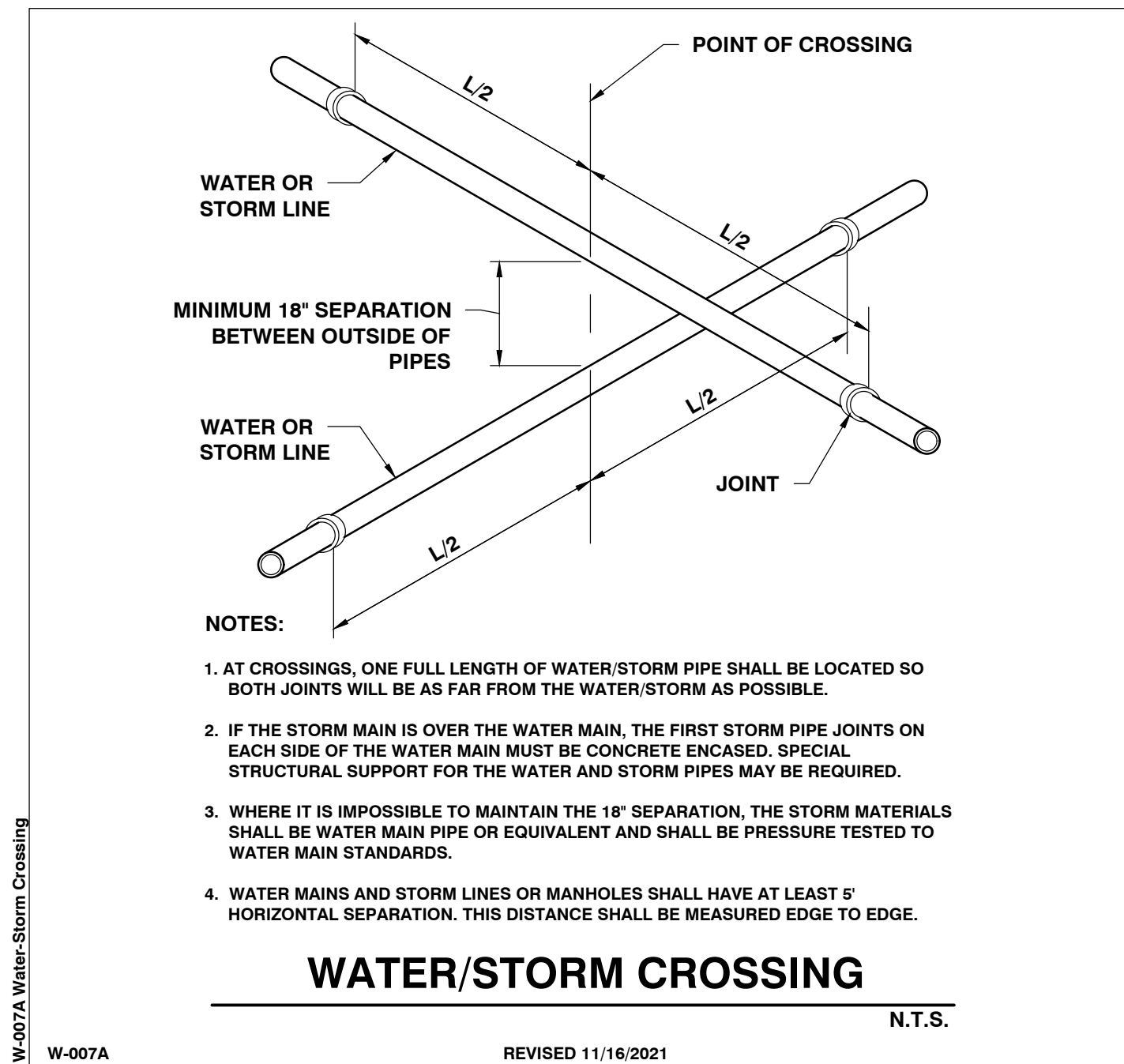
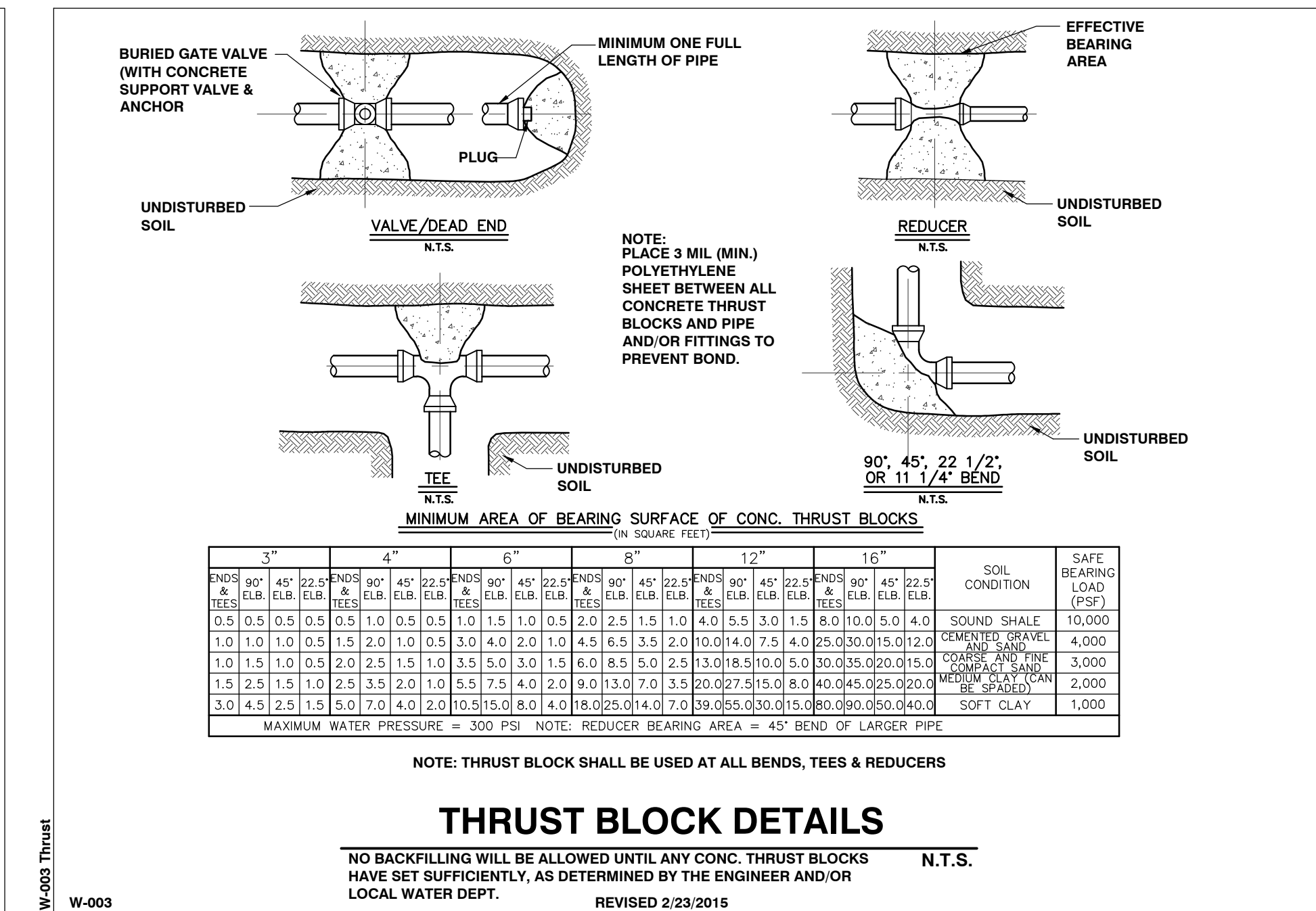
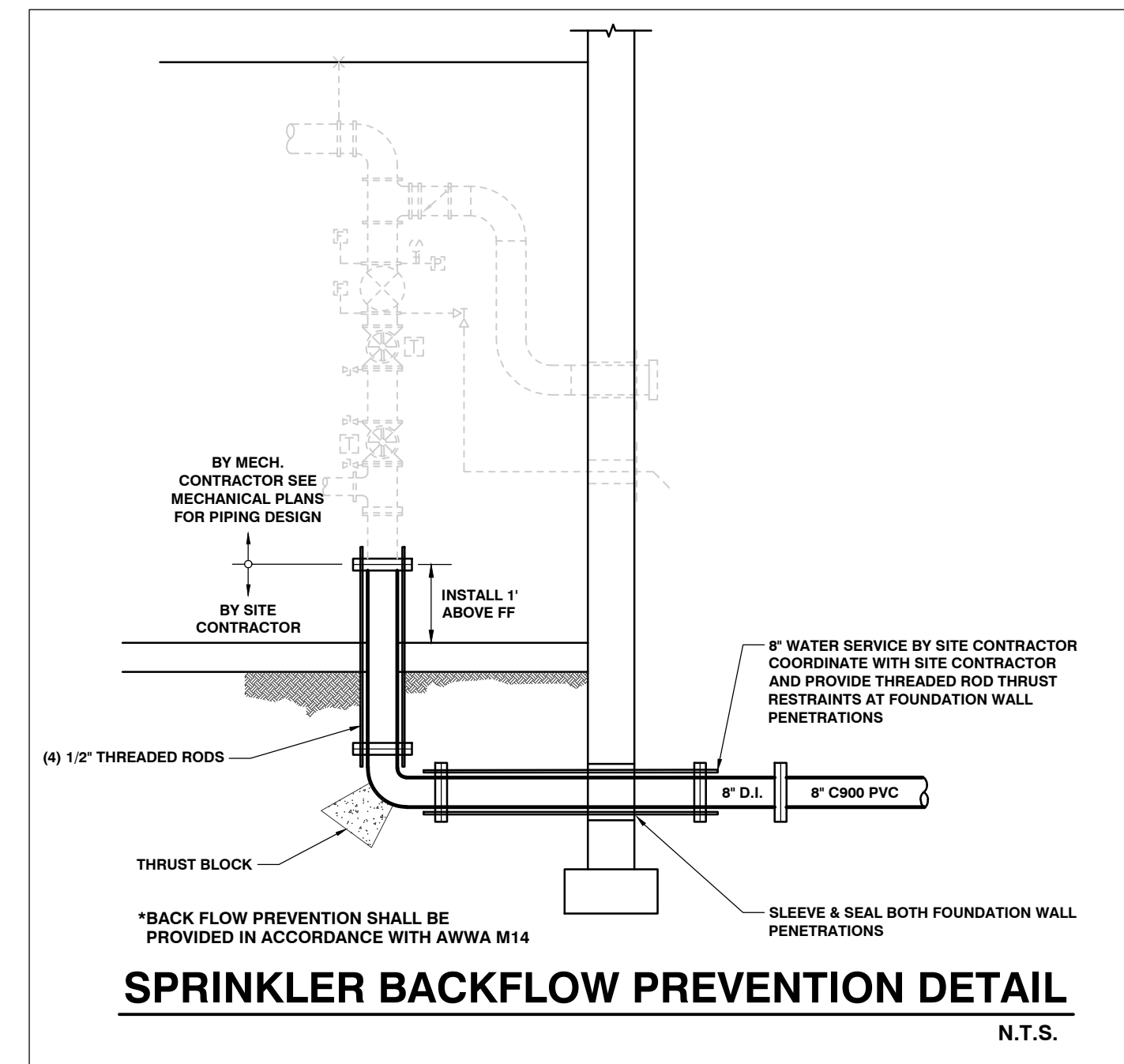
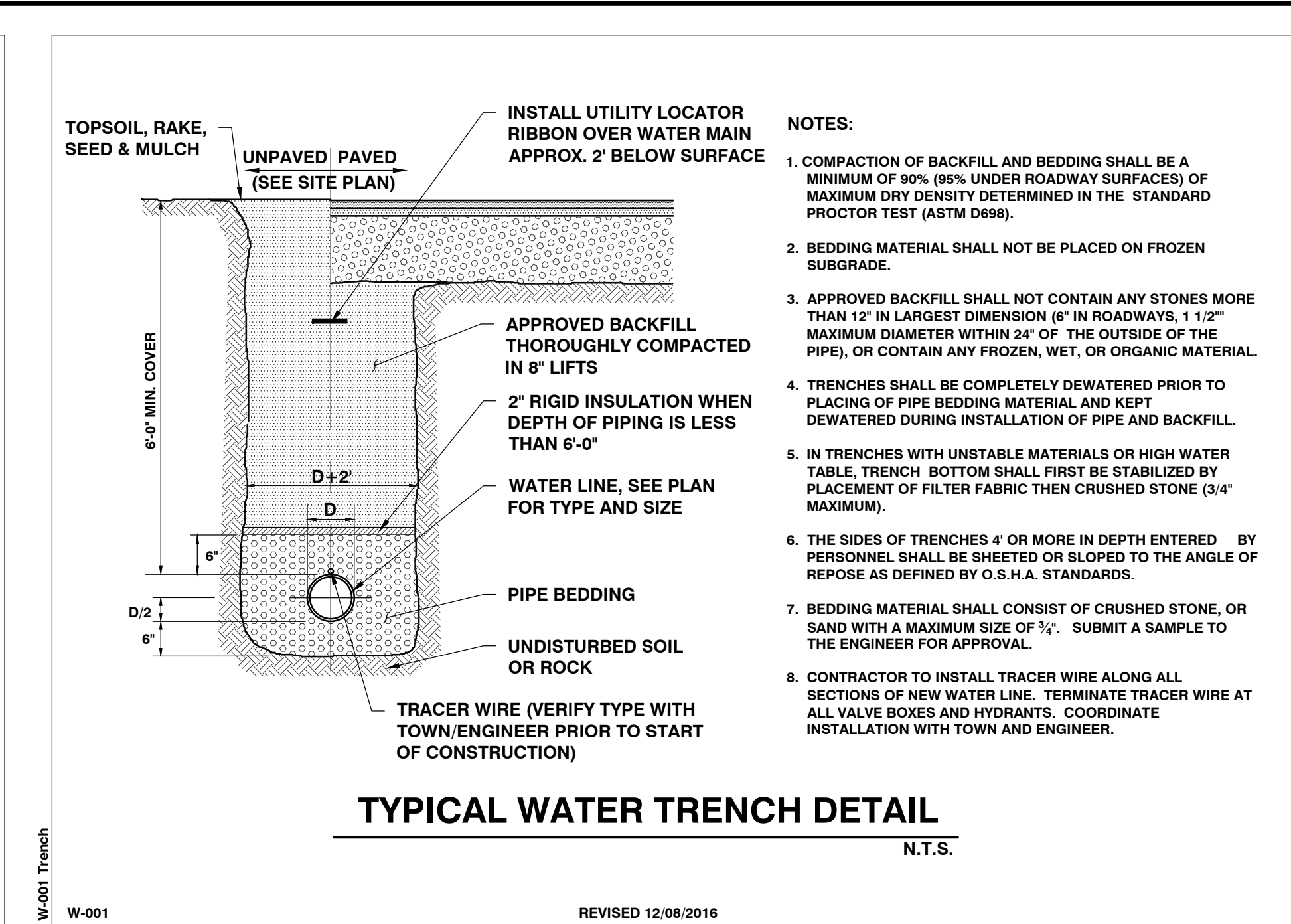
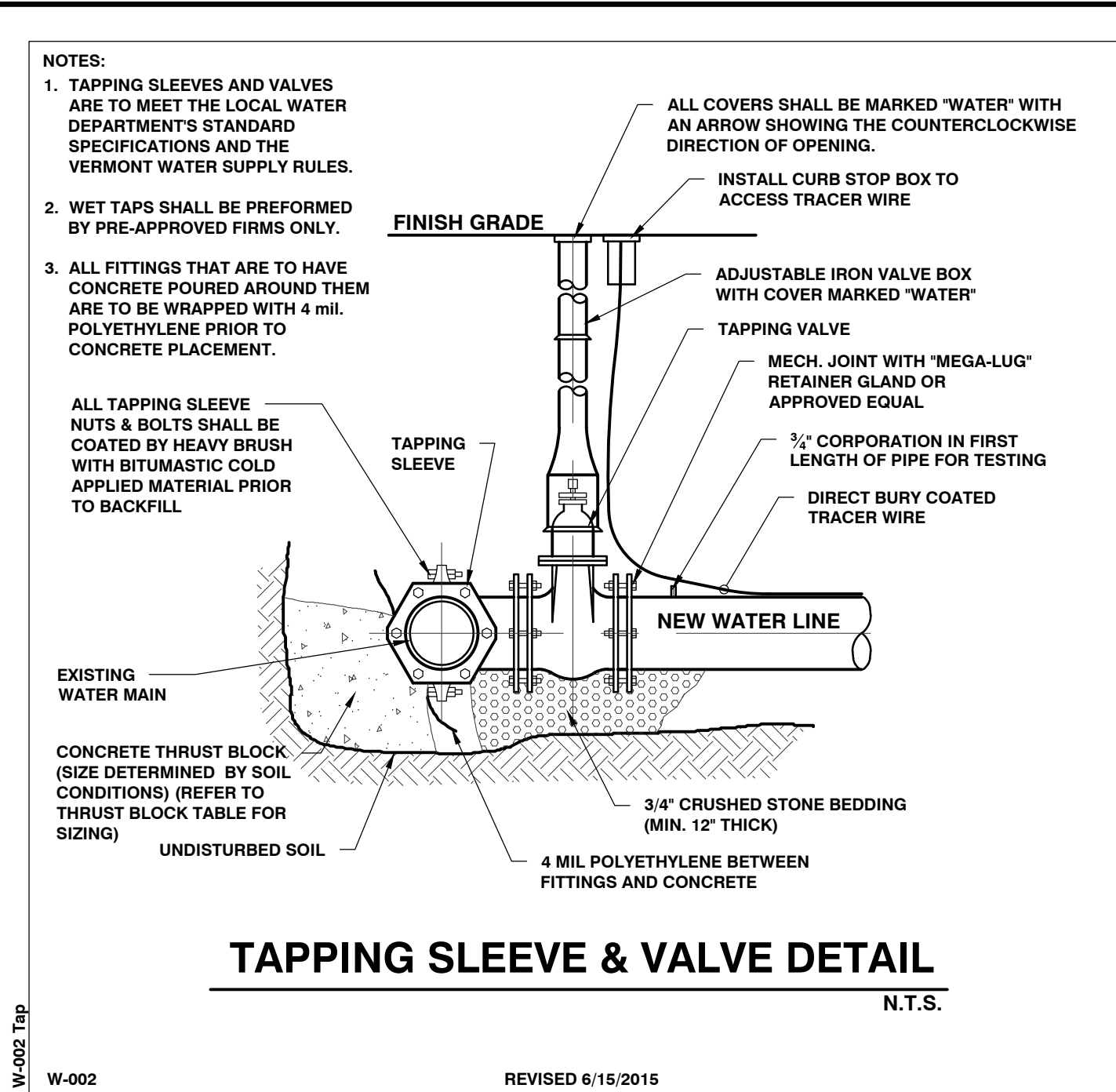
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PROJ. NO.
21245

DRAWING NUMBER

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SITE ENGINEER:



CIVIL ENGINEERING ASSOCIATES, INC.
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CLIENT:

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251-253 SOUTH UNION ST.
BURLINGTON, VT

PROJECT:

SITE IMPROVEMENTS

251-253 SOUTH UNION ST.
BURLINGTON, VT

DATE	CHECKED	REVISION
09/20/24	JDL	LOCAL SUBMITTAL

WATER DETAILS

DATE
FEB., 2024

SCALE
AS SHOWN

PROJ. NO.
21245

DRAWING NUMBER
C4.1

PUMP STATION TANK TESTING

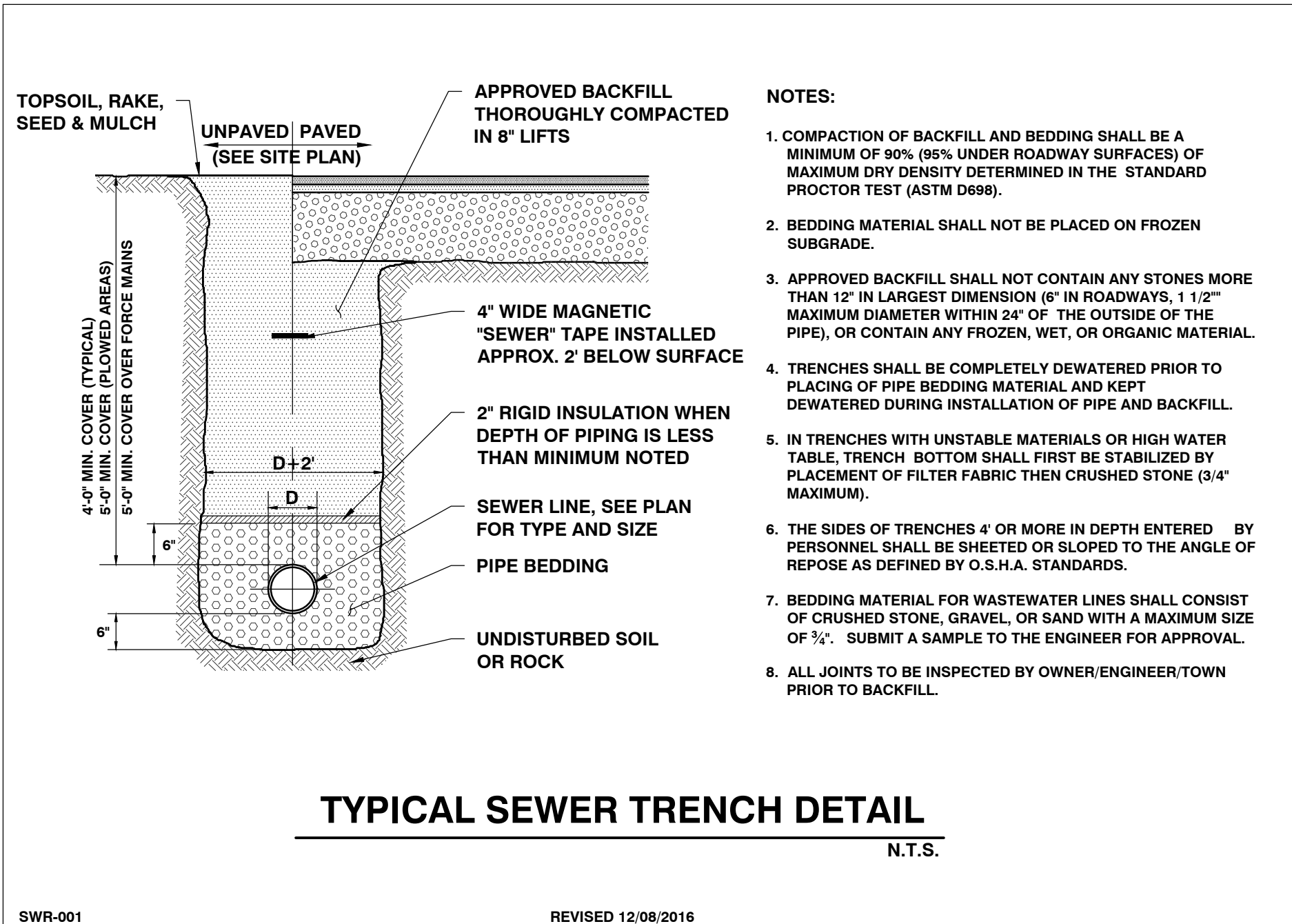
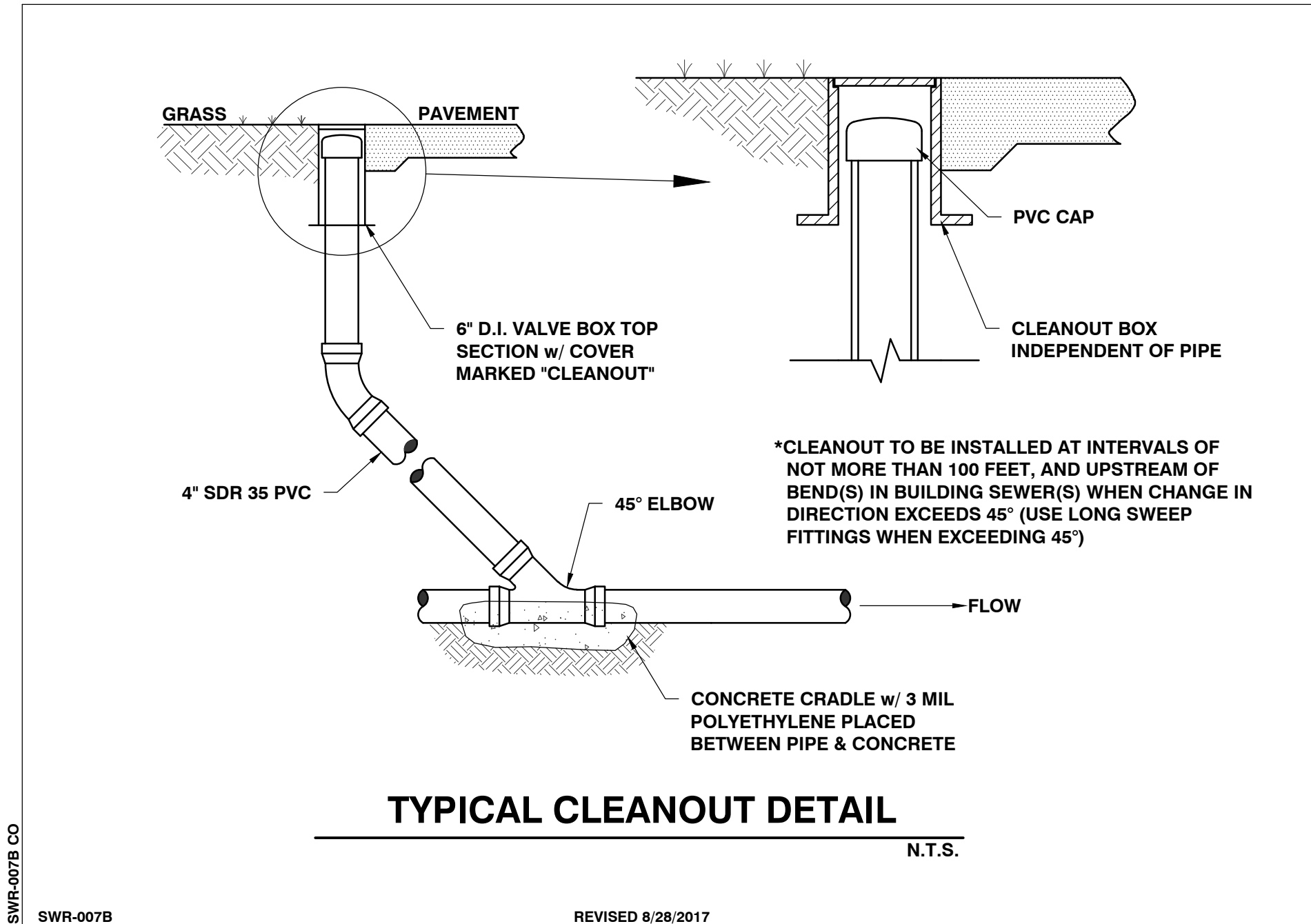
The tanks shall be tested by the following procedure and in conformance with the State of Vermont - Environmental Protection Rules:

1. Exfiltration Leakage Test: All pipes and other openings into the tank shall be suitably plugged and the plugs braced to prevent blowout. The tank shall then be filled with water to the top of the riser section. A period of time may be permitted, if the Contractor so wishes, to allow for absorption. At the end of this period, the tank shall be refilled to the top of the riser, if necessary, and the measuring time of at least four hours begun. At the end of the test period, the tank shall be refilled to the top of the riser, measuring the volume of water added. This amount shall be converted to gallons per vertical foot depth for 24 hours. The leakage for each tank shall not exceed four gallon/vertical foot/day. If leakage exceeds the allowable rate, repairs shall be made as approved by the Engineer and the tank retested. If the Contractor elects to backfill prior to testing, the testing shall be at his own risk, and it shall be incumbent upon the Contractor to determine the reason for any failure of the test. No adjustment in the leakage allowance will be made for unknown causes such as leaking plugs, absorption, etc. It will be assumed that all loss of water during the test is a result of leaks through the joints or through the concrete. Furthermore, the Contractor shall take any steps necessary to assure the Engineer that the water table is below the bottom of the tank throughout the test.

OR

2. Vacuum test in accordance with ASTM C1227-03, Standard Specification for Precast Concrete Septic Tanks, except as noted below:

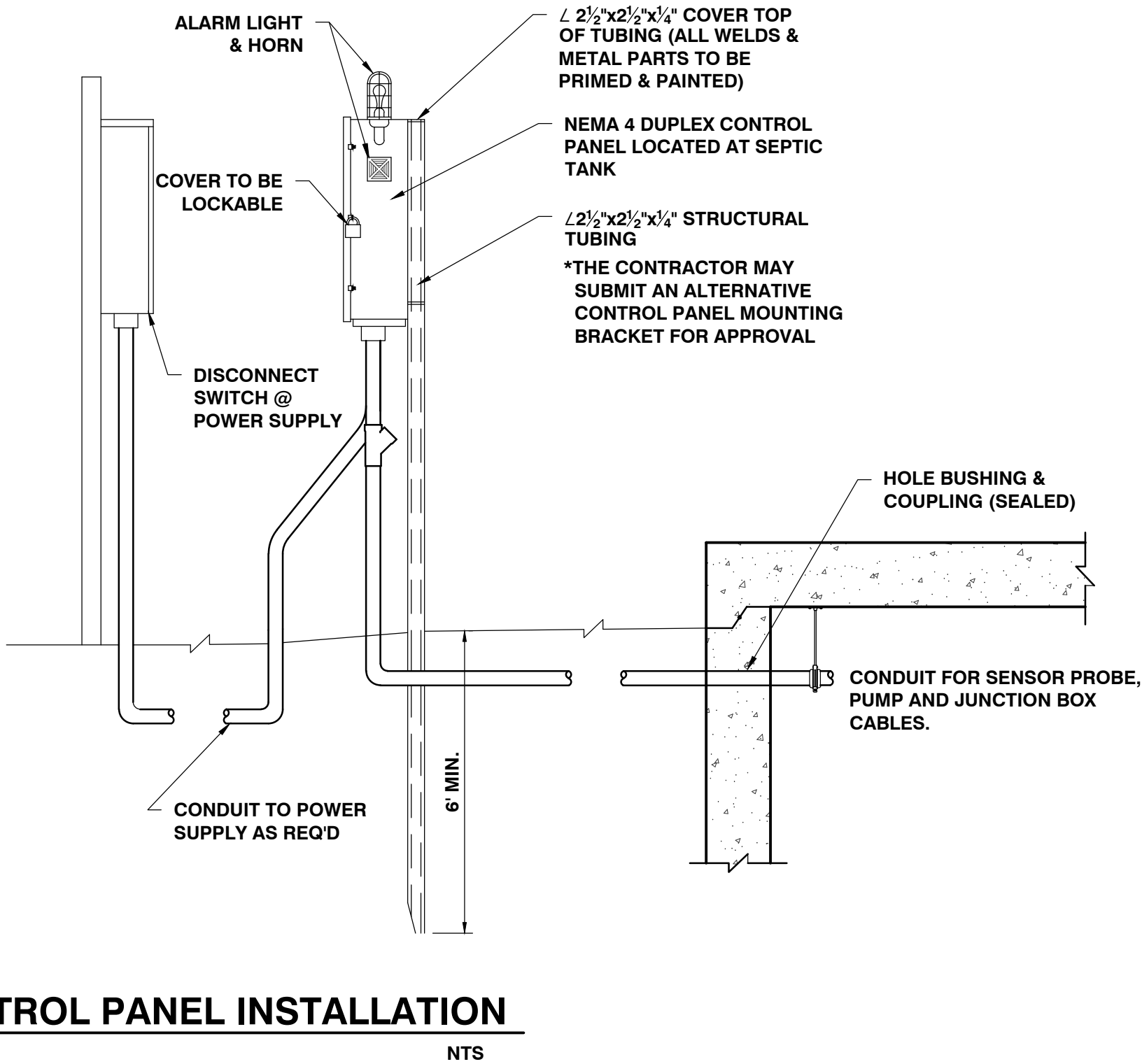
- seal the empty tank and apply a vacuum to 5 inches (100mm) of mercury. The tank is approved if 90% of vacuum is held for 5 minutes.



CONTROL PANEL REQUIREMENTS

- UL LISTED NEMA 4 ENCLOSURE,
- THE PANEL SHALL BE COMPATIBLE WITH THE PUMPS.
- EACH PUMP SHALL BE SUPPLIED WITH A RUN LIGHT, HAND-OFF-AUTO SWITCH, ELAPSED TIME METER, CIRCUIT BREAKER, LIGHTING SUPPRESSOR, PHASE LOSS CIRCUITRY, SEAL FAIL INDICATOR LIGHT MAGNETIC CONTACTOR, AND MAIN CIRCUIT BREAKER.
- ALARM INDICATION - ALARM LIGHT AND HORN (OR BELL) w/ BATTERY BACK-UP. THE AUDIO ALARM SHALL HAVE AN AUTOMATICALLY RESETTING MANUAL SILENCE SWITCH AND MANUAL TEST SWITCH.
- ALARM ACTIVATION - PUMP FAILURE
HIGH WATER
LOW WATER
- PANEL SHALL ACTIVATE A NORMALLY OPEN SOLENOID VALVE TO CLOSE DURING A PUMPING CYCLE.
- ALL COMPONENTS SHALL BE EXPLOSION PROOF.
- DOUBLE THROW SWITCH WITH PLUG FOR PORTABLE GENERATOR.
- 110V OUTLETS.

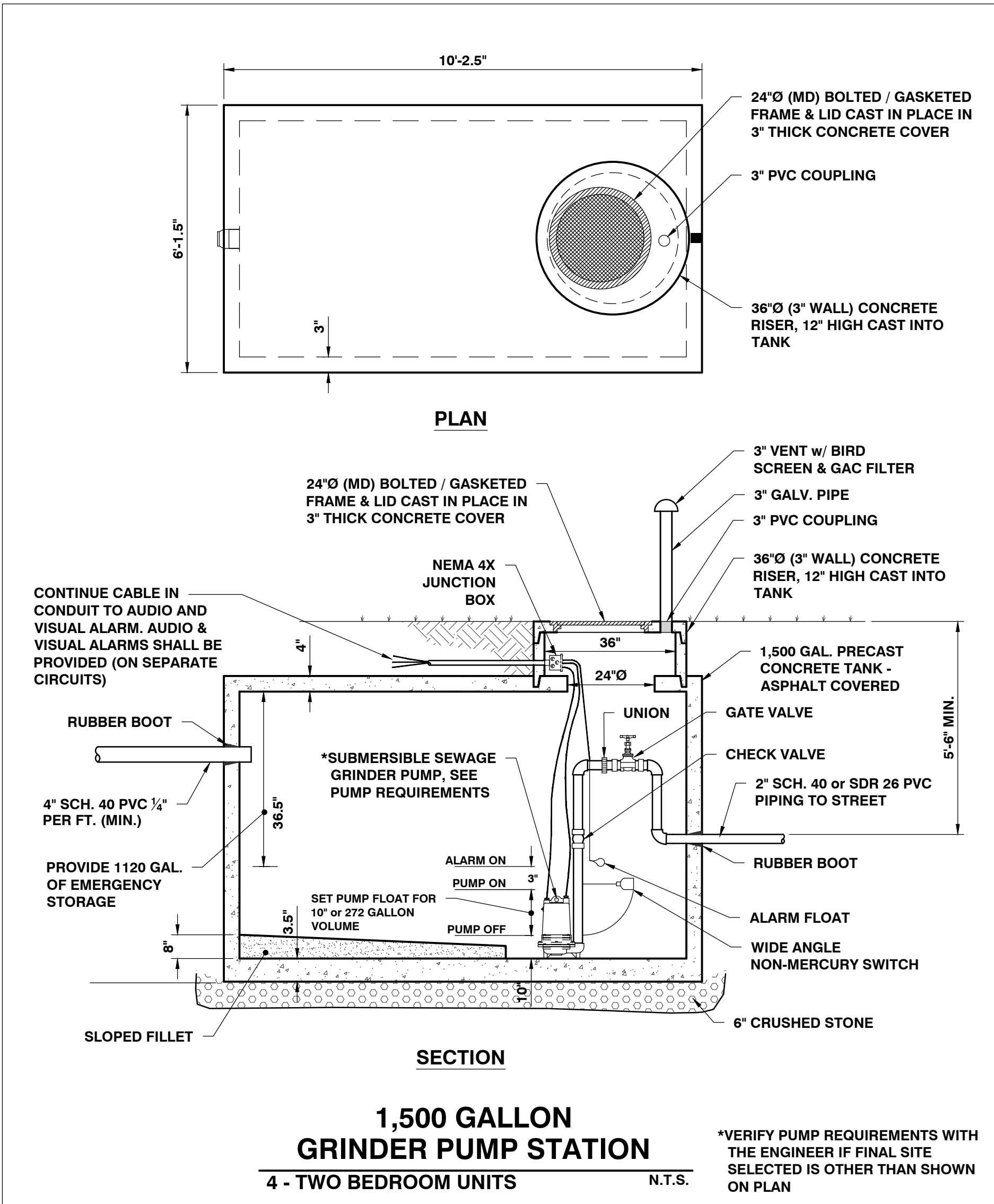
CONTROL PANEL INSTALLATION



251 South Union Addition Burlington, Vermont Pump Station Basis of Design		
Design Flow	1,120	GPD
Infiltration	0	GPD
Total Design Flow	1,120	GPD
Average Daily Flow	1.17	GPM
Peaking Factor	5.00	
Peak Flow	5.83	GPM
Required Storage	1,120	gallons
Storage Provided	700	gallons
Force Main Dia.	2.00	Inches
Min. Cleansing Velocity	2.00	FPS
Min. Pumping Rate	19.57	GPM
Chosen Pumping rate	30.00	GPM
Length of FM to Mound	360.00	feet
Friction Losses to Mound	6.60	feet
High Point of FM at Street	233.00	feet
Low Elevation in PS	197.50	feet
Elevation Change	35.50	feet
Minor headlosses	4.00	feet
Residual	1.00	feet
TDH	47.10	feet
Pump Cycle Storage	280	Gallons
Run Cycle	13.93	Minutes
Wet Well Detention Time	240.00	Minutes
System Curve	GPM	TDH
	18.0	43.10
	22.0	44.20
	26.0	45.60
	30.0	47.10
	34.0	48.80
	38	50.70
Pump Selection	Barnes XSGV2022L 2HP, 230V, 1PH, 60z, 4.5 in Impeller Submersible Grinder and Explosionproof Pump	

Pump Station Dosing
Minimum Number of Doses per Day = 4
Maximum Dose Size = 1120 GPD/4 = 280 Gal
No Drainback
Use 272 Gallon Dose Volume

Pump Station Emergency Storage
Required = 1120 Gallons
Pump station Volume = 34 gal/in
Emergency Storage Delta, Use 3"
Cycle Delta = 272 Gal/34Gal/inch = 10"
Pump off above floor = 10"
Pump on above floor = 10" + 10" = 20"
Alarm above floor = 20" + 3" = 23"
Storage above alarm to roof (inches) = 59.5" - 23" = 36.5"
Storage above alarm (gallons) = 29.5" x 34 Gal/inch = 1,241 Gallons Provided



SITE ENGINEER:



CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
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DSM

CLIENT:

JAMES DUFOUR

251-253 SOUTH UNION ST.
BURLINGTON, VT

PROJECT:

SITE
IMPROVEMENTS

251-253 SOUTH UNION ST.
BURLINGTON, VT

DATE	CHECKED	REVISION
09/20/24	JDL	LOCAL SUBMITTAL

SEWER DETAILS

DATE
FEB., 2024

SCALE
AS SHOWN

PROJ. NO.
21245

DRAWING NUMBER

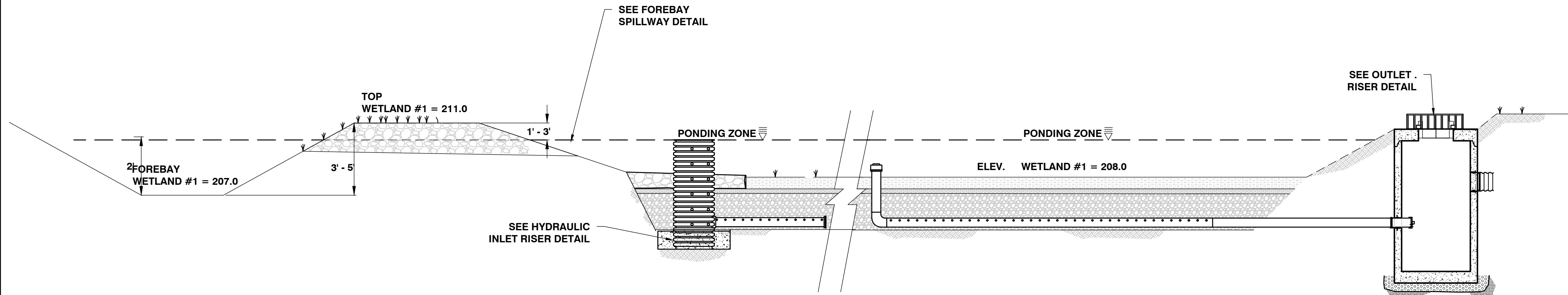
C4.2

Elevation (feet)	Surf Area (sq-ft)	Inc Store (cubic-feet)	Cum Store (cubic-feet)
207.00	18	0	0
210.00	232	376	376

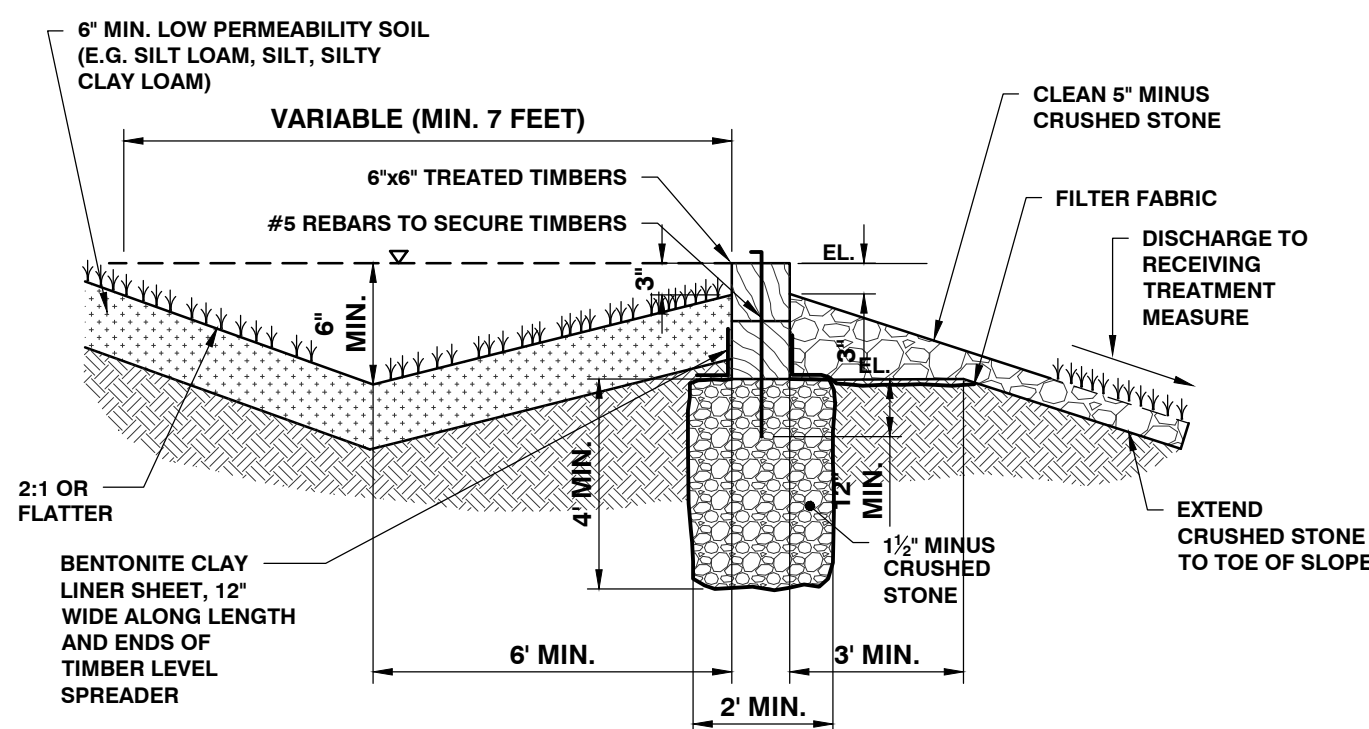
WETLAND #1 FOREBAY STORAGE TABLE

Elevation (feet)	Surf Area (ac-ft)	Voids (%)	Inc Store (cubic-feet)	Cum Store (cubic-feet)
204.00	341	0.0	0	0
207.33	341	40.0	454	454
208.00	341	0.0	0	454
209.00	637	100.0	489	943
210.00	802	100.0	810	1,753
211.00	1,673	100.0	1,328	3,080

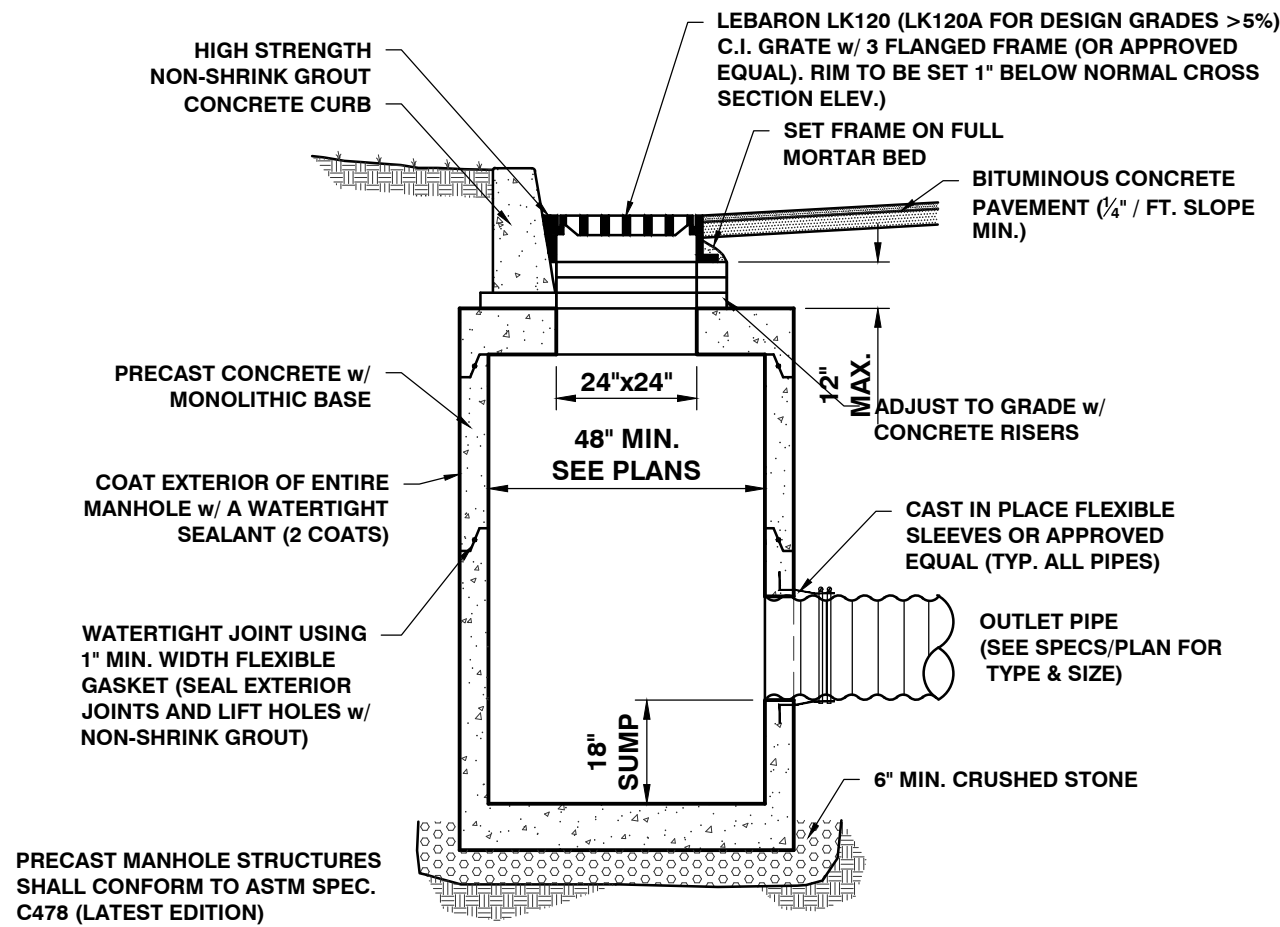
WETLAND #1 STORAGE TABLE



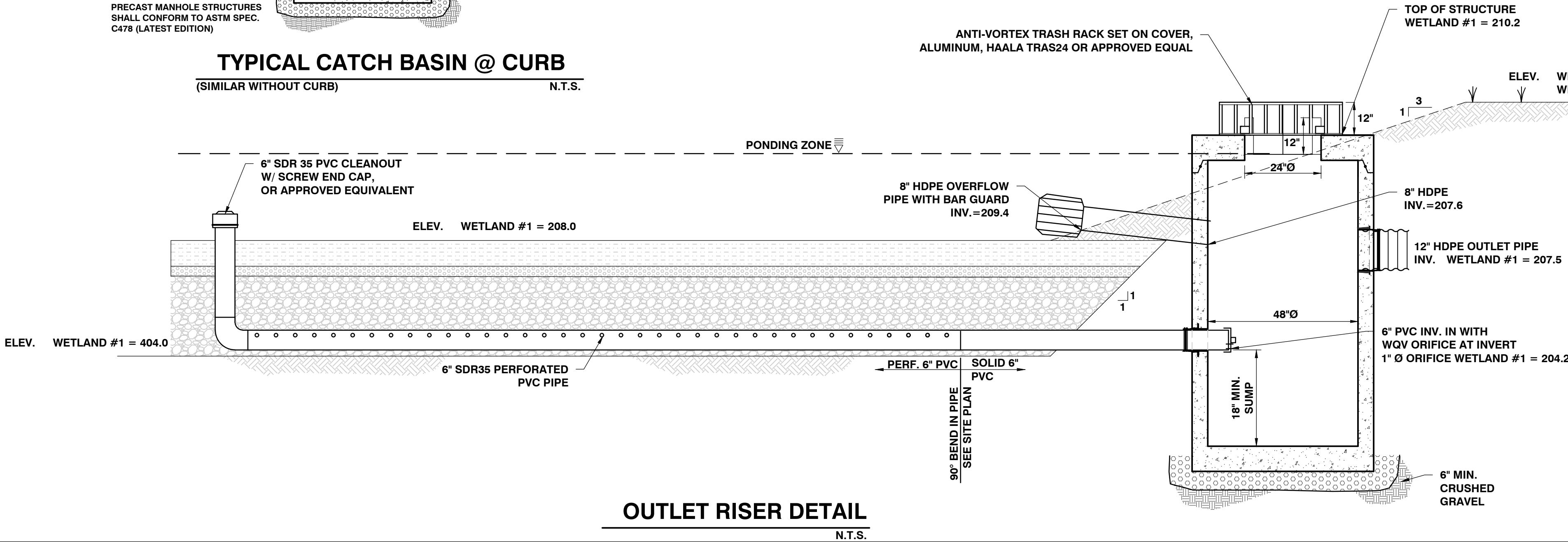
TYPICAL GRAVEL WETLAND SECTION
N.T.S.



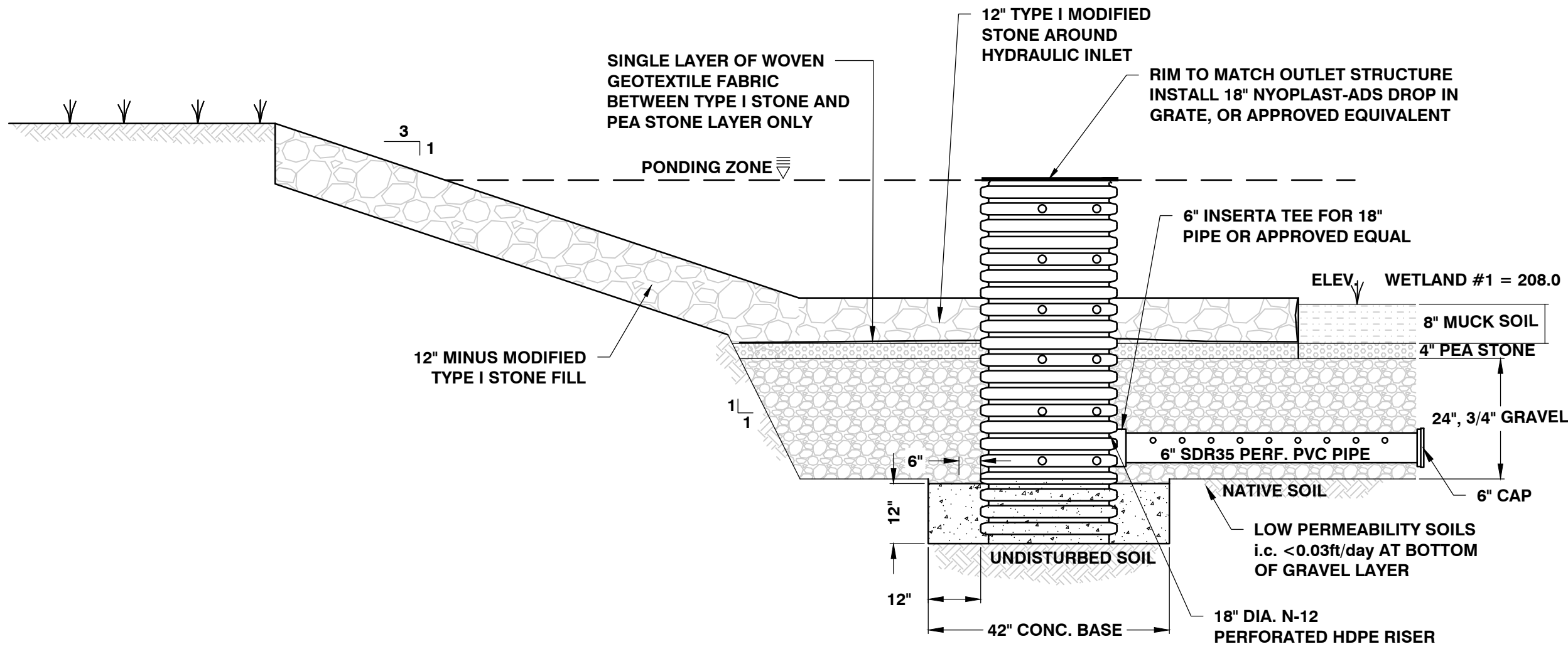
LEVEL SPREADER SECTION
N.T.S.



TYPICAL CATCH BASIN @ CURB
(SIMILAR WITHOUT CURB) N.T.S.



OUTLET RISER DETAIL
N.T.S.



HYDRAULIC INLET RISER DETAIL
N.T.S.

PLANTING PLAN AND SPECIFICATIONS

SEED MIX SHALL BE OBTAINED FROM THE FOLLOWING VENDOR, OR SUBSTITUTE SUBJECT TO ENGINEER APPROVAL

VERMONT WETLAND PLANT SUPPLY, LLC
P.O. BOX 153
ORWELL, VT 05760
TELEPHONE: 802-948-2553
FAX: 802-948-2522
CELL: 802-989-4529
DREDDONDO@VERMONTWETLANDPLANTS.COM

SEED MIX:
BROADCAST "DETENTION BASIN/WET MEADOW SEED MIX" IN WETLAND AREAS COVERING BASE UP TO BERM HEIGHT AT A RATE OF 35 LBS PER ACRS, 1 LB PER 1,200 S.F. BROADCAST TURF GRASS ALONG SLOPES OUTSIDE OF WETLANDS.

SPECIES COMPOSITION:
PANICUM VIRGATUM, ELYMUS VIRGINICUS, FESTUCA RUBRA, CAREX VULPINOIDEA, CAREX SCOPARIA, SCIRPUS CYPERINUS, SCIRPUS ATROVIRENS, BIDENS CERNUA, EUPATORIUM PERFORIATUM, EUPATORIUM ADLAPHEM, MACULATUS, JUNCUS EFFUSUS, ONOCLEA SENSIBILIS, VERBENA HASTATA, SYMPHYOTRIUM NOVA-ANGLIAE

WETLAND SOIL SPECIFICATIONS AND TESTING

- WETLAND SOIL SPECIFICATION:
- ON-SITE EXCAVATED SOIL MATERIALS MAY BE ACCEPTABLE PROVING THE FOLLOWING SPECIFICATIONS ARE MET.
 - WETLAND SOIL SHALL BE POORLY DRAINED SOIL WITH A MEDIAN PARTICLE SIZE (D50) OF 0.15 MM AND IS A CLAY OR SILT LOAM IN THE USDA SOIL TEXTURAL TRIANGLE. SURFACE INFILTRATION RATES OF WETLAND SOIL SHOULD BE SIMILAR TO A LOW HYDRAULIC CONDUCTIVITY WETLAND SOIL (0.1-0.01 FT/DAY). FREE OF CLAY CONTENTS IN EXCESS OF 15%, STONES, STUMPS, ROOTS, REFUSE, HARD DIRT, STIFF CLAY, OR OTHER SIMILAR OBJECTS LARGER THAN TWO INCHES.
 - THE ORGANIC PORTION SHALL CONSTITUTE 15-20% OF THE MIXTURE WHICH MAY BE INCLUSIVE OF PEAT, ANIMAL OR POULTRY MANURE, AT ANY STAGE OF DECOMPOSITION, SHALL NOT BE ACCEPTABLE.
 - THE MIX SHALL NOT HAVE A PH LESS THAN 6.0 OR GREATER THAN 7.0.
 - THE MIX SHALL BE A LOW-PHOSPHORUS SOIL MIX WITH A PHOSPHORUS SATURATION RATIO LESS THAN OR EQUAL TO 0.10

WETLAND SOIL TESTING:
PHOSPHORUS SATURATION RATIO TESTING IS REQUIRED AND SHALL BE SUBMITTED TO THE ENGINEER

- TESTING SHALL BE DONE IN ACCORDANCE WITH THE STATE OF VERMONT "BIORETENTION AND GRAVEL WETLAND SOIL MEDIA TESTING GUIDANCE" DOCUMENT LATEST VERSION.
- TESTING SERVICES CAN BE OBTAINED THROUGH THE AGRICULTURAL AND ENVIRONMENTAL TESTING LABORATORY (AETL) LOCATED AT UVM. EACH SAMPLE COSTS \$15. PLEASE ALLOW LEAST 3-4 WEEKS FOR ANALYSIS.
- WETLAND SOIL AND CAN BE TESTED BY TESTING ORGANIC CONTENT ONLY OR TESTING ENTIRE MIX

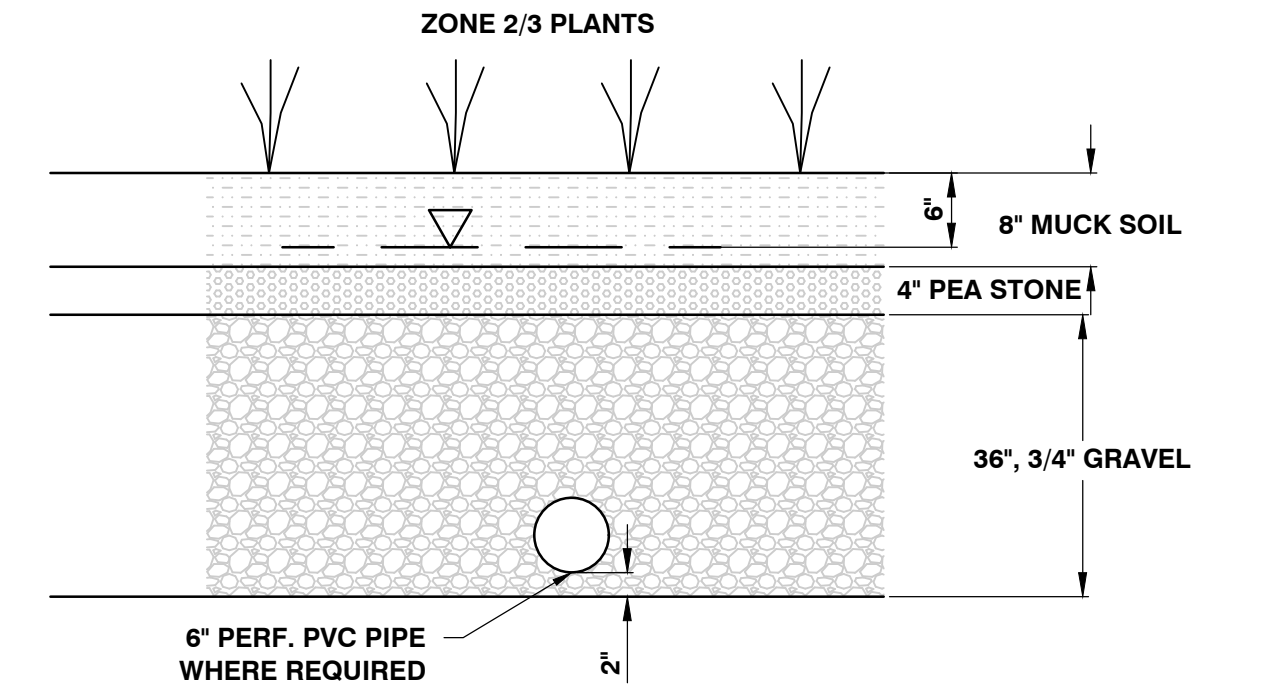
WETLAND NOTES:
A. NO OTHER MATERIALS OR SUBSTANCES SHALL BE MIXED OR DUMPED WITHIN THE GRAVEL WETLAND AREA THAT MAY BE HARMFUL TO PLANT GROWTH, OR PROVE A HINDRANCE TO THE PLANTING OR MAINTENANCE OPERATIONS. THE PLANTING SOIL SHALL BE FREE OF NOXIOUS WEEDS.

B. NO WOODY VEGETATION > 2 INCHES IN DIAMETER SHALL BE PLANTED OR ALLOWED TO GROW ON THE DAM, WITHIN 15 FEET OF THE DAM OR THE TOE OF THE EMBANKMENT, OR WITHIN 25 OF A PRINCIPAL SPILLWAY OUTLET.

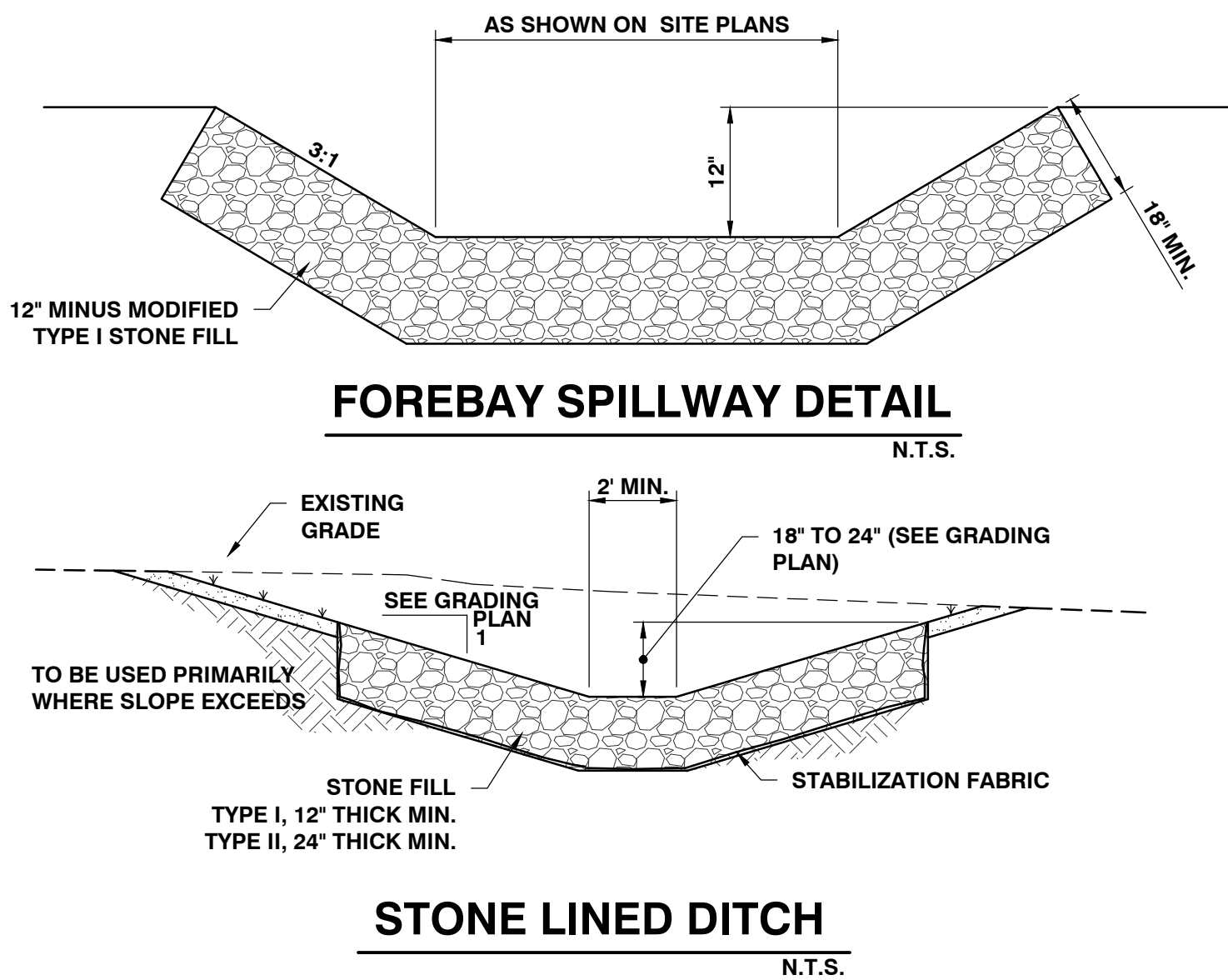
WETLAND SOIL & AGGREGATE PARTICLE SIZE DISTRIBUTION REQUIREMENTS

WETLAND "MUCK SOIL"		3/4" GRAVEL DRAINAGE COURSE (AOT SPEC. 704.02C)	
Sieve Designation	Percent by Weight Passing Square Mesh Sieve	Sieve Designation	Percent by Weight Passing Square Mesh Sieve
1/2"	100	1"	100
No. 10	75 - 90	3/4"	90 - 100
No. 100	40 - 50	3/8"	20 - 55
No. 200	25 - 50	No. 4	0 - 10
		No. 8	0 - 5

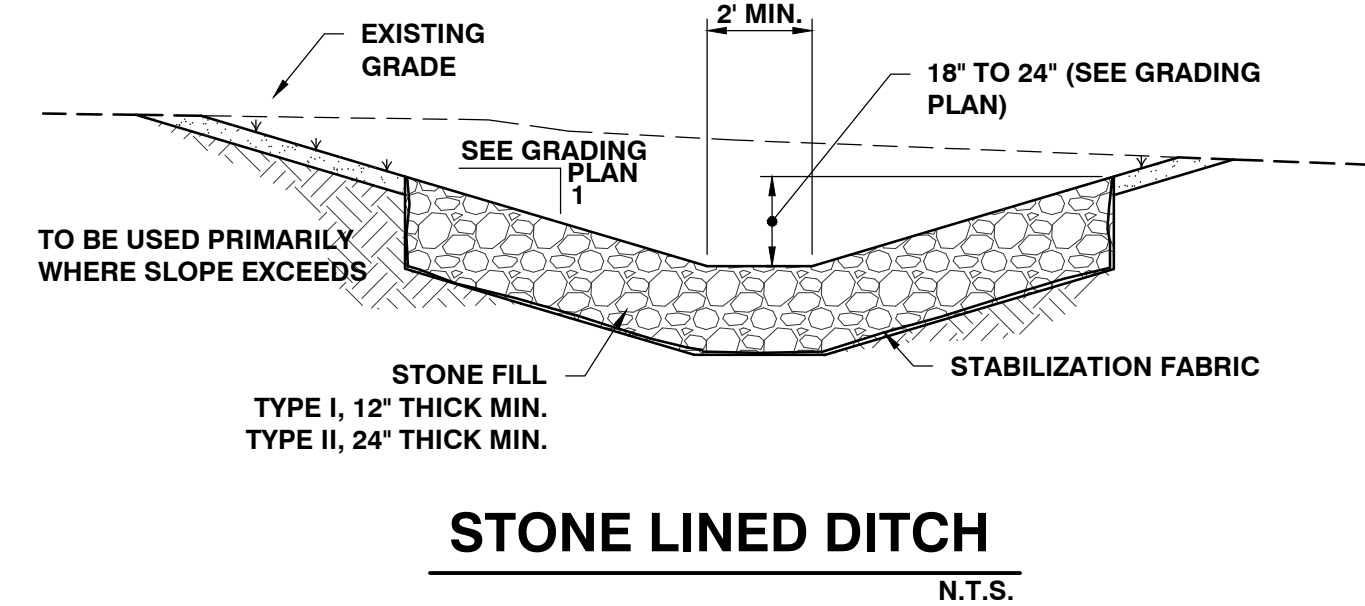
3/8" PEA STONE DRAINAGE COURSE (AOT SPEC. 704.02B)		1-1/2" GRAVEL DRAINAGE COURSE (AOT SPEC. 704.02D)	
Sieve Designation	Percent by Weight Passing Square Mesh Sieve	Sieve Designation	Percent by Weight Passing Square Mesh Sieve
1/2"	100	2"	100
3/8"	85 - 100	1-1/2"	95 - 100
No. 4	10 - 30	3/4"	35 - 70
No. 8	0 - 10	3/8"	10 - 30
No. 16	0 - 5	No. 4	0 - 5



GRAVEL WETLAND DETAIL
N.T.S.



FOREBAY SPILLWAY DETAIL
N.T.S.



STONE LINED DITCH
N.T.S.

SITE ENGINEER:



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CLIENT:

JAMES DUFOUR

251-253 SOUTH UNION ST.
BURLINGTON, VT

PROJECT:

SITE
IMPROVEMENTS

251-253 SOUTH UNION ST.
BURLINGTON, VT

DATE	CHECKED	REVISION
08/20/24	JDL	LOCAL SUBMITTAL

STORMWATER
DETAILS

DATE
FEB., 2024

SCALE
AS SHOWN

PROJ. NO.
21245

DRAWING NUMBER

C4.3

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PROJECT COORDINATION

PART 1 – GENERAL

1.01 MEETINGS & PROJECT ACCESS

A. The Owner shall be notified five (5) days prior to commencement of Work by the Contractor.

B. The Contractor will coordinate with the Owner to arrange an on-site pre-construction meeting prior to commencement of any work. Job superintendents and subcontractors shall be included in this meeting.

C. The Contractor will coordinate all phases of the Work, so as not to interfere with the normal work procedures in the area.

D. The Contractor shall conduct his work in such a manner as to not interfere with or endanger work or traffic in areas adjacent to the construction area, except as permitted by the Owner. The Contractor shall so arrange his construction operations as to provide access for emergency vehicles and equipment to the work site at all times.

1.02 LABOR

A. The Contractor and subcontractors will employ mechanics skilled in their respective trades.

B. All labor will be performed in a neat and workmanlike manner.

1.03 PROTECTION OF PERSONS AND PROPERTY

A. The Contractor shall be responsible for initiating, maintaining, and supervising all O.S.H.A. safety precautions in connection with the Work.

B. Fire Protection: The Contractor shall take all necessary precautions to prevent fires adjacent to the Work and shall provide adequate facilities for extinguishing fires. The Contractor shall also prevent fires in project related buildings and shall prevent the spread of fires to areas outside the limits of the Work.

C. Safety Precautions: Prior to commencement of Work, the Contractor shall be familiar with all safety regulations and practices applicable with construction operations. No additional payments will be made for equipment and procedures necessitated by these safety precautions.

1.04 CORRECTION OF WORK

A. The Contractor shall promptly correct all Work rejected by the Owner as defective or as failing to conform to the Contract Documents. The Contractor shall bear all cost of correcting such rejected Work.

1.05 WEATHER CONDITIONS

A. No Work shall be done when, in the opinion of the Owner, the weather is unsuitable. No concrete, earth backfill, embankment, or paving shall be placed upon frozen material. If there is delay or interruption in the Work due to weather conditions, the necessary precautions must be taken to bond new Work to old.

B. Protection Against Water and Storm: The Contractor shall take all precautions to prevent damage to the Work by storms or by water entering the site of the Work directly or through the ground. In case of damage by storm or water, the Contractor, at his own expense, shall make repairs or replacements or rebuild such parts of the Work as the Engineer may require in order that the finished work may be completed as required by the Drawings and Specifications.

1.06 DISPOSAL OF DEBRIS

A. All debris and excess materials, other than that which is authorized to be reused, become the property of the Contractor and shall be promptly removed from the property. The Contractor shall receive title to all debris and/or excess material. The Owner will not be responsible for any loss or damage to debris or excess material owned by the Contractor.

1.07 PROJECT LAYOUT

A. The Contractor shall be responsible for providing all necessary survey staking.

1. Locate and protect control points before starting work on the site.

2. Preserve permanent reference points during progress of the Work.

3. Establish a minimum of two permanent benchmarks on the site, referenced to data established by survey control points.

a. Record locations, with horizontal and vertical data, on Project Record Documents.

1.08 TESTING

A. The Contractor is responsible for obtaining testing and inspection services.

SITE CLEARING

PART 1 – GENERAL

1.01 SUMMARY

A. Section includes:

1. Remove surface debris.

2. Clear site of plant life and grass.

3. Remove trees and shrubs.

4. Remove root system of trees and shrubs.

PART 2 – PRODUCTS

Not used.

PART 3 – EXECUTION

3.01 PROTECTION

A. Protect utilities that remain from damage.

B. Protect trees, plant growth, and features designated to remain as final landscaping.

C. Protect bench marks and existing structures from damage or displacement.

D. Use means necessary to prevent dust becoming a nuisance to the public, to neighbors, and to other work being performed on or near the site.

E. Maintain access to the site at all times.

3.02 CLEARING

A. Clear areas required for access to site and execution of Work.

B. Remove trees and shrubs within marked areas. Remove stumps, roots and top roots and other projections 1" or greater in diameter to 2'-0" below the excavated surfaces in cut areas and 2'-0" below the exposed subgrade in fill areas.

3.03 REMOVAL

A. Remove debris, rock, and extracted plant life from site unless otherwise noted on plans.

3.04 UTILITIES

A. Coordinate with utility companies and agencies as required.

SITE EARTHWORK

PART 1 – GENERAL

1.01 SUMMARY

A. Section includes:

1. All excavation (unless covered in other sections of these specifications), removal and stockpile of topsoil, stabilization fabric, and other miscellaneous and appurtenant works.

2. Site filling.

3. Roadway structural sections.

1.02 PROTECTION

A. Protect bench marks and existing structures.

B. Protect above or below grade utilities which are to remain.

1.03 SUBMITTALS

A. Testing laboratory reports indicating that material for backfill meets requirements of this Section.

B. Field density test reports of site fill in place.

C. Field density test reports for roadway structural sections in place.

D. Stabilization Fabric: Submit copies of manufacturer's specifications and installation instructions.

PART 2 – PRODUCTS

2.01 CRUSHED GRAVEL, FINE GRADED (AOT SPEC. 704.05B)

A. All materials shall be secured from approved sources. This gravel shall consist of angular and round fragments of hard durable rock of uniform quality throughout, reasonably free from thin elongated pieces, soft or disintegrated stone, dirt, organic or other objectionable matter. This material shall meet the following grading requirements:

Sieve DesignationPercent by Weight
Passing Square Mesh Sieve

2"100
1 1/2"90 – 100
No. 430 – 60
No. 1000 – 12
No. 2000 – 6

At least 50% by mass (weight) of the material coarser than the No. 4 sieve shall have at least one fractured face.

2.02 CRUSHED GRAVEL (AOT SPEC. 704.05, COARSE)

A. All materials shall be secured from approved sources. This gravel shall consist of angular and round fragments of hard durable rock of uniform quality throughout, reasonably free from thin elongated pieces, soft or disintegrated stone, dirt, organic or other objectionable matter. This material shall meet the following grading requirements:

Sieve DesignationPercent by Weight
Passing Square Mesh Sieve

4"95 – 100
No. 425 – 50
No. 1000 – 12
No. 2000 – 6

At least 50% by mass (weight) of the material coarser than the No. 4 sieve shall have at least one fractured face.

2.03 DELETED

2.04 DRAINAGE COURSE (AOT SPEC. 704.16)

A. All materials shall be secured from approved sources. Rock for drainage applications shall be produced from natural gravels or crushed quarried rock and shall consist of clean, hard, sound, and durable material. This material shall meet the following grading requirements:

Sieve DesignationPercent by Weight
Passing Square Mesh Sieve

1"100
3/4"90 – 100

3/8"20 – 55
No. 40 – 10
No. 80 – 5

2.05 DENSE GRADED CRUSHED STONE (AOT SPEC. 704.06)

A. All materials shall be secured from approved sources. Dense Graded Crushed Stone shall consist of clean, hard, uniformly graded, crushed stone. It shall be sufficiently free from dirt, deleterious material, and pieces that are structurally weak. This material shall meet the following grading requirements:

Sieve DesignationPercent Finer by Weight

3 1/2"100
3"90 – 100
2"75 – 100
1"50 – 80
1/2"30 – 60
No. 415 – 40
No. 2000 – 6

Source: This material shall be obtained from crushed quarried rock sources. The area from which this material is obtained shall be stripped and cleaned before blasting.

Not more than 30% by mass (weight) of the material coarser than the No. 4 sieve shall consist of thin and/or elongated pieces.

2.06 RECYCLED ASPHALT PAVEMENT (RAP) 1 1/2" MINUS CRUSHED ASPHALT

A. All materials shall be secured from approved sources. This material shall be free of Portland Cement and approved by the engineer prior to installation. This material shall not be mixed with gravel and shall meet the following grading requirements:

Sieve DesignationPercent by Weight
Passing Square Mesh Sieve

2"100
1 1/2"90 – 100
No. 430 – 60
No. 1000 – 12
No. 2000 – 6

2.07 SAND BORROW AND CUSHION (AOT SPEC. 703.03)

A. All materials shall be secured from approved sources. Sand Borrow shall consist of material reasonably free from silt, loam, clay, or organic matter. This material shall meet the following grading requirements:

Sieve DesignationPercent Finer by Weight

2"100
1 1/2"90 – 100
1"70 – 100
No. 460 – 100
No. 1000 – 20
No. 2000 – 8

2.08 GEOTEXTILE

A. Subsurface Drainage Geotextile: Nonwoven needle-punched geotextile, manufactured for subsurface drainage applications, made from polyolefins or polyesters; with elongation greater than 50 percent; complying with AASHTO M 288 and the following, measured per test methods referenced:

1. Survivability: Class 3; AASHTO M 288.

2. Grab Tensile Strength: 120 lbf; ASTM D 4632.

3. Tear Strength: 50 lbf; ASTM D 4533.

4. Apparent Opening Size: No. 70 sieve, maximum; ASTM D 4751.

5. Permittivity: 1.7 per second, minimum; ASTM D 4491.

6. UV Stability: 70 percent after 500 hours' exposure; ASTM D 4355.

B. Separation Geotextile: Woven geotextile fabric, manufactured for separation applications, made from polyolefins or polyesters, with elongation less than 50 percent; complying with AASHTO M 288 and the following, measured per test methods referenced:

1. Survivability: Class 3; AASHTO M 288.

2. Grab Tensile Strength: 200 lbf; ASTM D 4632.

3. Sewn Seam Strength: 222 lbf; ASTM D 4632.

4. Tear Strength: 75 lbf; ASTM D 4533.

5. Puncture Strength: 90 lbf; ASTM D 4833.

6. Apparent Opening Size: No. 40 sieve, maximum; ASTM D 4751.

7. Permittivity: 0.02 per second, minimum; ASTM D 4491.

8. UV Stability: 50 percent after 500 hours' exposure; ASTM D 4355.

9. Weight: 4.0 oz/yd² minimum.

PART 3 – EXECUTION

3.01 PREPARATION

A. Identify required lines, levels, contours, and datum.

B. Identify known below grade utilities. Stake and flag locations.

C. Maintain and protect existing utilities remaining which pass through work area.

D. Upon discovery of unknown utility or concealed conditions, discontinue affected work; notify Engineer.

3.02 EROSION CONTROL

A. Erosion control must be installed prior to beginning any earthwork operations.

3.03 TOPSOIL EXCAVATION

A. Excavate topsoil from areas to be excavated, re-landscaped or regraded and stockpile in areas designated on site or as directed by the Engineer.

B. Maintain the stockpile in a manner which will not obstruct the natural flow of drainage.

Location

Modified Proctor
ASTM D-1557

95%

Subgrade and Gravel for Roads and Parking Lots

95%

General Embankments

90%

UTILITY TRENCHING AND BACKFILLING

PART 1 – GENERAL

1.01 SUMMARY

A. Section includes:

1. Trench, backfill, and compact as specified herein and as needed for installation of underground utilities.

1.02 QUALITY ASSURANCE

A. Use adequate numbers of skilled workmen who are thoroughly trained and experienced in the necessary crafts and who are completely familiar with the specified requirements and the methods needed for proper performance of the work of this section.

B. Use equipment adequate in size, capacity, and numbers to accomplish the work in a timely manner.

C. Comply with all requirements of governmental agencies having jurisdiction.

PART 2 – PRODUCTS

2.01 SOIL MATERIALS

A. Fill and backfill materials:

1. Provide backfill materials free from organic matter and deleterious substances, containing no rocks or lumps over 6" in greatest dimension.

2. Fill material is subject to the approval of the Engineer, and is that material removed from excavations or imported from off-site borrow areas, predominantly granular, non-expansive soil free from roots and other deleterious matter.

3. Do not permit rocks having a dimension greater than 2" within 2' of the outside of pipe.

4. Cohesionless material used for backfill: Provide sand free from organic material and other foreign matter, and as approved by the Engineer.

PART 3 – EXECUTION

3.01 PROCEDURES

A. Existing Utilities:

1. Unless shown to be removed, protect active utility lines shown on the drawings or otherwise made known to the Contractor prior to trenching. If damaged, repair or replace at no additional cost to the Owner.

2. When existing underground utilities, which are not scheduled for removal or abandonment, are encountered in the excavation, they shall be adequately supported and protected from damage. Any damage to utilities shall be repaired promptly at no additional cost to the Owner.

3. If the service is interrupted as a result of work under this section, immediately restore service by repairing the damaged utility at no additional cost to the Owner.

4. If existing utilities are found to interfere with the permanent facilities being constructed under this section, immediately notify the Engineer and secure his instructions.

5. Do not proceed with permanent relocation of utilities until written instructions are received from the Engineer.

B. Protection of persons and property:

1. Barricade open holes and depressions occurring as part of the work, and post warning lights on property adjacent to or with public access.

2. Operate warning lights during hours from dusk to dawn each day and as otherwise required.

3. Protect structures, utilities, sidewalks, pavements, and other facilities from damage caused by settlement, lateral movement, washout, and other hazards created by operations under this section.

C. Dewatering: The Contractor, at all times, shall conduct his operations so as to prevent the accumulation of water, ice, and snow in excavations or in the vicinity of excavated areas, and to prevent water from interfering with the progress of quality of the work. Under no conditions shall water be allowed to rise in open trenches after pipe has been placed.

E. Maintain access to adjacent areas at all time.

3.02 TRENCHING

A. Care shall be exercised by the Contractor to avoid disrupting the operation of existing facilities without prior written approval of the Engineer.

B. Provide sheeting and shoring necessary for protection of the work and for the safety of personnel.

1. Sheeting and bracing required for trenches shall be removed to the elevation of the pipe, but no sheeting will be allowed to be pulled, removed, or disturbed below the pipe.

C. A trench shall be excavated to the required depth and to a width sufficient to allow for joining of the pipe and compaction of the bedding and backfill material under and around the pipe. Where feasible, trench walls shall be vertical.

D. The completed trench bottom shall be firm for its full length and width.

SITE ENGINEER:



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10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
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CLIENT:

JAMES DUFOUR

251-253 SOUTH UNION ST.
BURLINGTON, VT

PROJECT:

SITE IMPROVEMENTS

251-253 SOUTH UNION ST.
BURLINGTON, VT

DATE	CHECKED	REVISION
08/20/24	JDL	LOCAL SUBMITTAL

SITE SPECIFICATIONS

DATE
FEB., 2024

SCALE
AS SHOWN

PROJ. NO.
21245

DRAWING NUMBER
C5.0

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material upon which the curb is to be set shall be compacted to a firm, even surface. All soft and unsuitable material shall be removed and replaced with suitable material which shall be thoroughly compacted. B. Installation: The curb shall be set so that the front top line is in close conformity to the line and grade required. All space under the curbing shall be filled and thoroughly tamped with material meeting the requirements of the material for the bed course. C. Concrete Mixing and Placing: Compaction of concrete placed in the forms shall be by spading or other approved methods. Forms shall be left in place for 24 hours or until the concrete has set sufficiently so that they can be removed without injury to the curbing. Upon removal of the forms, the curb shall be immediately rubbed down to a smooth and uniform surface but no plastering will be permitted. For this work, competent and skillful finishers shall be employed. D. Sections: Curbing shall be constructed in sections having a uniform length of ten feet, unless otherwise ordered. Sections shall be separated by open joints 1/8 inch wide except at expansion joints. E. Expansion Joints: Expansion joints shall be formed at the intervals shown on the plans using a pre-formed expansion joint filler having a thickness of 1/4 inch cut to conform to the cross-section of the curb. They shall be constructed at 20 foot intervals or as directed by the Engineer. When the curb is constructed adjacent to or on concrete pavement, expansion joints shall be located opposite or at expansion joints in the pavement. F. Backfilling: After the concrete has set sufficiently, the spaces in front and back of the curb shall be filled to the required elevation with layers of not more than six inches of the same material as the bedding and thoroughly tamped. G. The Contractor shall protect the curb and keep it in alignment until the completion of the contract. Each curb which is damaged at any time previous to final acceptance of the work shall be removed and replaced with satisfactory curb at the Contractor's expense. H. Concrete Curing/Sealing:Curing and Sealing may be accomplished with a dissipating curing compound in conjunction with a sealer, moisture curing with a sealer or one step curing and sealing compound. – Protect newly placed concrete against low and high temperature effects and against rapid loss of moisture. Cure all concrete for at least seven (7) days at a temperature of at least 50 degrees Fahrenheit by approved curing methods. – Moisture curing with silane based sealer is recommended during hot weather applications. – liquid membrane-forming curing and sealing (or sealing) compounds shall meet ASTM C309 or C1315. Sealers shall be based on silane or siloxane technology for best salt and water repellency for concrete pavements. Two coats shall be applied at right angles for even coverage, allowing first coat to dry before applying second coat. Install in conformance with manufacturers recommendations.			the space on each side of the sidewalk shall be backfilled to the required elevation with suitable material, firmly compacted and neatly graded. F. Concrete Curing/Sealing:Curing and Sealing may be accomplished with a dissipating curing compound in conjunction with a sealer, moisture curing with a sealer or one step curing and sealing compound. – Protect newly placed concrete against low and high temperature effects and against rapid loss of moisture. Cure all concrete for at least seven (7) days at a temperature of at least 50 degrees Fahrenheit by approved curing methods. – Moisture curing with silane based sealer is recommended during hot weather applications. – liquid membrane-forming curing and sealing (or sealing) compounds shall meet ASTM C309 or C1315. Sealers shall be based on silane or siloxane technology for best salt and water repellency for concrete pavements. Two coats shall be applied at right angles for even coverage, allowing first coat to dry before applying second coat. Install in conformance with manufacturers recommendations. G. Joint Sealing: All joints shall be sealed with polyurethane based, elastomeric sealant such as Sikaflex-2c SL, or equivalent approved by the Engineer. SANITARY SEWER SYSTEMS PART 1 – GENERAL 1.01 SUMMARY A. Section includes: 1. Gravity Sewer Pipe 2. Manhole Structures and Appurtenances 3. Pressure Sewer Pipe B. Related Sections: 1. Utility Trenching and Backfilling 1.02 SUBMITTALS A. Product Data: Submit published data from manufacturers of products and accessories specified, indicating compliance with requirements. 1.03 QUALITY ASSURANCE A. All sanitary sewer materials and construction of same shall be as shown on the Contract Plans and shall meet the requirements of the State of Vermont Agency of Natural Resources (Department of Environmental Conservation) and the Public Works Standards and Specifications of the local municipality. PART 2 – PRODUCTS 2.01 GENERAL A. Furnish ells, tees, reducing tees, wyes, couplings, increasers, crosses, transitions and end caps of the same type and class of material as the conduit, or of material having equal or superior physical and chemical properties as acceptable to the Engineer to provide a complete and operable system. 2.02 PVC GRAVITY SANITARY SEWER PIPE A. PVC sewer pipe shall conform in all respects to the latest revision of ASTM Specifications D-3034 or F679, Type PSM Polyvinyl Chloride (PVC) Sewer Pipe and Fittings, SDR 35 pipe. All pipe and fittings shall be clearly marked as follows: – Manufacturer's Name and Trademark – Nominal Pipe Size (as shown on plans) – Material Designation 12454-C PVC – Legend "Type PSM SDR 35 PVC Sewer Pipe" or "PS 46 PVC Sewer Pipe" – Designation ASTM D-3034 or F679 B. Joints shall be push-on type using elastomeric gaskets and shall conform to ASTM D-3212. The gaskets shall be factory installed. The pipe shall be furnished in nominal 13 foot lengths. Sufficient numbers of short lengths and full machine fittings shall be provided for use at manholes and connections. All connections will require the use of manufactured fittings. Field fabricated, saddle-type connections will not be considered acceptable. C. Any pipe or fitting having a crack or other defect or which has received a severe blow shall be marked rejected and removed at once from the work site. All field cuts are to be made with saw and 90 degree miter box. Bevel the cut end to the same as the factory bevel and remove all interior burrs. Measure and place a homing mark on the pipe before assembling. The pipe installed under this specification shall be installed so that the initial deflection, measured as described below, shall be less than five percent (5%). D. The manhole water stop gasket and stainless steel clamp assembly must be approved by the Town Wastewater Treatment Department prior to the installation of any pipe. E. The Contractor will submit certification that the materials of construction have been sampled, tested, inspected, and meet all the requirements including wall thickness in accordance with ASTM D-3034 or ASTM F679 for all pipe and fittings to be included in project work. PVC pipe shall not be installed when the temperature drops below 32 degrees Fahrenheit or goes above 100 degrees Fahrenheit. During cold weather, the flexibility and impact resistance of PVC pipe is reduced. Extra care is required when handling PVC pipe during cold weather. PVC pipe shall not be stored outside and exposed to prolonged periods of sunlight, as pipe discoloration and reduction in pipe impact strength will occur. Canvas and			other opaque material shall be used to cover PVC pipe when stored outside. 2.03 PVC PRESSURE SEWER PIPE A. PVC pipe shall conform in all respects to the latest revisions of ASTM Specifications D-2241. All pipe and fittings shall be SDR 26 (or as specified on plans) clearly marked as follows: – Manufacturer's Name and Trademark – Nominal Pipe Size (as shown on plans) – Material Designation 12454-A PVC ASTM D-1784 B. Joints shall be push-on type using elastomeric gaskets factory installed conforming to ASTM Specification D-3212. 2.04 POLYETHYLENE (PE3408) SANITARY SEWER FORCE MAINS A. This specification covers requirements for PE3408 high density polyethylene sanitary sewer force mains. All work shall be performed in accordance with these specifications and manufacturer requirements. B. <u>Referenced Standards.</u> All standard specifications, i.e., Federal, ANSI, ASTM, etc., made a portion of these Specifications by reference, shall be the latest edition and revision thereof. C. <u>Warranty and Acceptance.</u> The Contractor shall warrant all work to be free from defects in workmanship and materials for a period of one year from the date of completion of all construction. If work meets these specifications, a letter of acceptance, subject to the one year warranty period, shall be given at the time of completion. A final acceptance letter shall be given upon final inspection at the end of the one year warranty period, provided the work still complies with these specifications. In the event deficiencies are discovered during the warranty period, they shall be corrected by the Contractor without additional charge to the owner before final acceptance. During the warranty period, the Project Engineer shall determine if warranty repairs or replacement work shall be performed by the Contractor. The decision of the Project Engineer shall be binding upon the Contractor. D. <u>Polyethylene Pipe and Fittings</u> 1. <u>Qualification of Manufacturers.</u> The Manufacturer shall have manufacturing and quality control facilities capable of producing and assuring the quality of the pipe and fittings required by these Specifications. The manufacturer's production facilities shall be open for inspection by the Owner or his Authorized Representative. Qualified manufacturers shall be approved by the Project Engineer. 2. <u>Materials.</u> Materials used for the manufacture of polyethylene pipe and fittings shall be PE3408 high density polyethylene (SDR 11 or better) meeting cell classification 345444C or 345444E per ASTM D 3350; and shall be listed in the name of the pipe and fitting manufacturer in Plastics Pipe Institute's TR-4, <u>Recommended Hydrostatic Strengths and Design Stresses for Thermoplastic Pipe and Fitting Compounds</u>, with a standard grade HDB rating of 1,600 psi at 73°F. The manufacturer shall certify that the materials used to manufacture pipe and fittings meets these requirements. 3. <u>Polyethylene Pipe.</u> Polyethylene pipe shall be manufactured in accordance with ASTM F 714, <u>Polyethylene (PE) Plastic Pipe (SDR-11 rating or better) Based on Outside Diameter</u>, and shall be so marked. Each production lot of pipe shall be tested for (from material or pipe) melt index, density, % carbon, (from pipe) dimensions and ring tensile strength. 4. <u>Polyethylene Fittings & Custom Fabrications.</u> Polyethylene fittings and custom fabrications shall be molded or fabricated by the pipe manufacturer. Butt fusion outlets shall be made to the same outside diameter, wall thickness, and tolerances as the mating pipe. All fittings and custom fabrications and connections shall be fully rated for the same internal pressure as the mating pipe. Pressure de-rated fabricated fittings are prohibited. 5. <u>Molded Fittings.</u> Molded fittings shall be manufactured in accordance with ASTM D 3261, <u>Butt Heat Fusion Polyethylene (PE) Plastic Fittings for Polyethylene (PE) Plastic Pipe and Tubing</u>, and shall be so marked. Each production lot of molded fittings shall be subjected to the tests required under ASTM D 3261. 6. <u>Fabricated Fittings.</u> Fabricated fittings shall be made by heat fusion joining specially machined shapes cut from pipe, polyethylene sheet stock, or molded fittings. All fabricated fittings shall be tested for internal pressure service at least equal to the full service pressure rating of the mating pipe. 7. <u>Polyethylene Flange Adapters.</u> Flange adapters shall be made with sufficient through-bore length to be clamped in a butt fusion joining machine without the use of a stub-end holder. 8. <u>Back-up Rings & Flange Bolts.</u> Flange adapters shall be fitted with back-up rings pressure rated equal to or greater than the mating pipe. The back-up ring bore shall be chamfered or radiused to provide clearance to the flange adapter radius. Flange bolts and nuts shall be Grade 6 or higher (stainless steel). 9. <u>Compliance Tests.</u> Manufacturer's inspection and testing of the materials. In case of conflict with manufacturer's certifications, the Contractor, Project Engineer, or Owner may request retesting by the manufacturer or have retests performed by an outside testing service. All retesting shall be at the requestor's expense, and shall be performed in accordance with the Specifications. E. Joining 1. <u>Heat Fusion Joining.</u> Joints between plain end pipes and fittings shall be made by butt fusion, electrofusion couplings and joints between the main and saddle branch fittings shall be made using saddle fusion procedures that are recommended by the pipe and fitting manufacturer. The Contractor shall ensure that persons making heat fusion joints have received training in the manufacturer's recommended procedure. The Contractor shall maintain records of trained personnel and shall certify that training was received not more than 12 months before			commencing construction. External and internal beads shall not be removed. 2. <u>Butt Fusion of Unlike Wall Thicknesses.</u> Fusions of different wall thickness are acceptable, as long as the difference is limited to a one SDR difference, i.e. SDR 11 to SDR 9. Transitions between unlike wall thicknesses greater than one SDR shall be made with a transition nipple (a short length of the heavier wall pipe with one end machined to the lighter wall) or by mechanical means. 3. <u>Joining by Other Means.</u> Polyethylene pipe and fittings may be joined together or to other materials by means of (a) flanged connections (flange adapters and backup rings), (b) mechanical couplings designed for joining polyethylene pipe or for joining polyethylene pipe to another material, or (c) electrofusion. When joining by other means, the installation instructions of the joining device manufacturer shall be followed. All connections shall maintain the total pressure rating of the force main. 4. <u>Mechanical Joint Installation.</u> Mechanical joints shall be installed in accordance with the manufacturer's recommended procedure. When an OD compression mechanical coupling is used, a stiffener shall be installed in the bore of the polyethylene pipe. 5. <u>Branch Connections.</u> Branch connections to the main shall be made with saddle fittings or tees. Polyethylene saddle fittings shall be saddle fused to the main pipe. 2.05 HORIZONTAL DIRECTIONAL DRILLING W/ POLYETHYLENE PIPE A. Directional boring with PE3408 pipe shall be completed in accordance with the manufacturer's requirements and shall not in any way affect the joint connections or the overall strength characteristics of the pipe. B. References: "Mini-Horizontal Directional Drilling Manual" published by North American Society for Trenchless Technology (NASTT). "Guidelines for a Successful Directional Crossing Bid Package" published by Directional Crossing Contractors Association (DCCA). "Polyethylene Pipe for Horizontal Directional Drilling" of the Plastic Pipe Institute's Handbook of Polyethylene Piping. C. <u>Quality Control.</u> All directional boring shall be completed in such a way as not to jeopardize the existing infrastructure/facilities, such as the roadway, utility poles, subsurface utilities, structures/foundations, or significant landscaping. Prior to directional drilling, all potential conflicts shall be field verified. D. General 1. Directional drilling shall be performed in a manner required to install HDPE utility line as indicated on the drawings. Furnish all manpower and equipment required to perform the pipeline installation. The operation shall include all excavation and dewatering, drilling calculations, pilot hole, and pullback operations. Contractor shall be responsible for type of reamer, diameter, and other pertinent operations required for a complete installation. Contractor shall be responsible for mobilizing on-site with a full range of drill stems and reaming heads to allow for various factors which may occur. Drill stems shall be of proper size and diameter to allow for full thrust and torque capabilities of the drilling machines. 2. Contractor shall perform utility survey to locate information concerning existing utility lines located in the areas of the directional drilling work. 3. Directional drilling shall be accomplished by drilling from one side of the crossing to the other using an approved method. One method shall be drilling a small diameter pilot hole along the proposed utility route. Steering shall be accomplished by using drilling mud which is pumped into the drill pipe to provide rotational energy in a drill bit at the end of the drill pipe. A jet bit shall force the mud through small orifices and jet away the earth and to allow the drilled path to curve in the proper direction as the drill pipe is thrust forward. An electronic survey instrument shall be placed inside the drill pipe head. The instrument shall signal a computer of the drilled paths magnetic azimuth, vertical inclination, and orientation of the bend. This data shall be used by the drilling contractor to calculate location of the drill bit and allow steering adjustments to be made. 4. After completing the pilot hole, larger diameter reaming heads shall be pulled back in order to enlarge the hole as required to allow for the pipe pullback. The Contractor shall be responsible for multiple reaming operations as required to complete the work. Pull back operations shall be carried out as soon as possible following the final preream. During this phase of the work, the Contractor shall continue his work operations without interruption regardless of the day of week or hour of the day. A pullback head shall be attached to the pipe to allow fastening to the swivel head reamer. The head shall be closed to prevent drilling mud from entering the main during the pullback operation. 5. Upon completion of the drilling operations, the equipment and materials used shall be removed from the site and the areas disturbed shall be restored to original conditions. The main shall be tested in accordance with the Pressure Pipe Testing section of the specifications. If the main fails the testing, it shall be removed and the work repeated at no additional cost to the Owner.			C. All manholes are to be provided with copolymer polypropylene plastic steps with steel reinforcement 12 inches on center. D. All manholes shall be provided with rough, gray, cast iron manhole frames and covers. All iron castings shall be thoroughly cleaned and then coated with hot tar before being delivered. Frames and covers shall be LeBaron LC 266, or an approved equal, and have a minimum weight of 400 pounds. E. Precast risers and bases for manholes shall conform to ASTM Specification C-478. The pipe opening in the precast manhole system shall have a cast-in-place flexible gasket or an equivalent system for pipe installation as approved by the Engineer. Joints between manhole risers shall be 1" minimum width flexible gasket or approved equals. 2.07 CLEANOUTS A. Cleanouts for gravity sewers and force mains shall be provided at locations indicated on the plans or as directed by the Engineer. Cleanout frames and covers shall be of tough gray cast iron. Castings shall be true to pattern and free from flaws. The bearing surface of cleanout frames and covers against each other shall be machined to give continuous contact throughout their circumference. 2.08 PIPELINE INSULATION A. Approved sewer lines with less than four feet (4'-0") of cover over the crown, five (5'-0") in plowed areas that cross a storm sewer, or where indicated on the plans, shall be protected against freezing by the installation of two inch (2") thick highest available density extruded polystyrene insulating sheets or equivalent. Sheets shall be the the lesser of 3' or 2 x diameter of the pipe. The sheets shall be placed six inches (6") above the crown over placement of four to six inches (4"-6") of clean medium or coarse sand below the pipe bottom and four to six inches (4"-6") above the crown. Joints shall be overlapped so there is no gap that will allow frost to penetrate. Care shall be exercised during backfill and compaction over the polystyrene sheets to prevent damage to the sheets. The polystyrene sheets shall meet the comprehensive strength requirements of ASTM D1621-73. In no cases shall the sewer line have less than four feet (4') of cover over the top of the pipe. When sewer line passes within 5 feet of a catch basin install 2" min. rigid insulation, polystyrene sheets, between sewer line and cb.			PART 3 – EXECUTION 3.01 GENERAL A. Care shall be exercised by the Contractor to avoid disrupting the operation of existing sanitary sewer facilities without prior written approval of the Engineer. B. When existing underground utilities not scheduled for removal or abandonment are encountered in the excavation, they shall be adequately supported and protected from damage. Any damage to utilities shall be repaired promptly at no additional cost to the Owner. C. Installation of pipe shall be in accordance with the Utility Trenching and Backfilling and as specified by this section. 3.02 BEDDING FOR PIPE A. The bedding material shall be shaped to fit the pipe for a depth of not less than 10 percent of its total height and shall have recesses to receive the bell. 3.03 LAYING PIPE A. In general, sewer pipe shall be installed in accordance with the latest detailed instructions of the manufacturer. B. The laying shall begin at the outlet end and the lower segment of the pipe shall be in contact with the shaped bedding throughout its full length. Bell or grooved ends of rigid pipes and the circumferential laps of flexible pipe shall be placed facing upstream. C. All pipe and fittings shall be carefully examined for defects and no pipe or fittings shall be laid which are known to be defective. If any defective piece is discovered after laying, it shall be removed and replaced at the Contractor's expense. All pipes and fittings shall be cleaned before they are laid and shall be kept clean until accepted in the completed work. D. The pipe shall be laid to conform to the lines and grades indicated on the drawings or given by the Engineer. Each pipe shall be so laid as to form a close joint with the next adjoining pipe and to bring the inverts continuously to the required grade. E. The Contractor shall take all necessary precautions to prevent flotation of the pipe in the trench. F. When pipe laying is not in progress, the open ends of the pipe shall be closed with temporary watertight plugs. If water is in the trench when work is resumed, the plug shall not be removed until all danger of water entering the pipe is eliminated. G. For force mains, concrete reaction blocking shall be provided as detailed at all bends deflecting 22½ degrees or more. At the Contractor's option, retainer glands may be used at bends in lieu of concrete blocking. Retainer glands shall also be provided at all joints within three pipe lengths each side of the bends. H. Any pipe that is not laid to grade and alignment shall be re-laid to the satisfaction of the Town Wastewater Department. The bedding material shall be placed and compacted on each side of the pipe to a height equal to one-half (1/2) the pipe diameter and for the full width of the excavated trench and as shown on the accepted plans. Bedding shall be #2 pea stone from Shelburne Limestone or an equivalent approved by the Town Wastewater Department and the Engineer. I. All sewer pipes shall be marked with magnetic marking tape. The marking tape shall be installed one (1) foot directly over the pipe and shall be labeled "sewer". Concrete thrust blocks or anchors shall be placed at bends, tees, fittings, and other locations on the force main as shown on the contract drawings or as directed by the Town Wastewater Department. Concrete for thrust blocks and anchors shall be Class B			SITE ENGINEER:  CIVIL ENGINEERING ASSOCIATES, INC. 10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403 P: 802-864-2323 FAX: 802-864-2271 web: www.cea-vt.com COPYRIGHT © 2021 – ALL RIGHTS RESERVED DRAWN SAL CHECKED DSM APPROVED DSM CLIENT: JAMES DUFOUR 251-253 SOUTH UNION ST. BURLINGTON, VT PROJECT: SITE IMPROVEMENTS 251-253 SOUTH UNION ST. BURLINGTON, VT <table><tr><th>DATE</th><th>CHECKED</th><th>REVISION</th></tr><tr><td>09/20/24</td><td>JDL</td><td>LOCAL SUBMITTAL</td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></table> SITE SPECIFICATIONS DATE FEB., 2024 SCALE AS SHOWN PROJ. NO. 21245 DRAWING NUMBER C5.2			DATE	CHECKED	REVISION	09/20/24	JDL	LOCAL SUBMITTAL																											
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tested by hydrostatic pressure equal to twice the specified working pressure. Gate valves shall be Mueller, Kennedy, AFC, or approved equal.			C-900, in areas of corrosive soils.			service rod. Service lines from three-quarter to two inch (3/4" to 2") shall be copper tubing from the corporation stop to the curb stop. Copper tubing shall be type "K", soft temper, conforming to ASTM B88. The name or trademark of the manufacturer and type shall be stamped at regular intervals along the pipe. Copper service pipe shall be one piece from the corporation to the curb stop. The minimum service for a single-family residence shall be three-quarter inch (3/4"). The minimum service for a duplex shall be one inch (1").			no cases shall the waterline have less than four feet (4') of cover over the top of the pipe.			minimum of twenty feet (20') on either side of the crossing. The section constructed to water main standards shall be pressure tested to maintain 50 psi for fifteen (15) minutes without leakage prior to backfilling. In those areas that proper cover cannot be provided, proper insulation shall be installed.		
B. Buried valves shall be installed with a gate valve box.			B. The polyethylene encasement shall prevent contact between the pipe or fittings and the surrounding backfill and bedding material and shall be installed as outlined in Section 4.1 of the above ANSI/AWWA standard.			H. Temporary support, adequate protection, and maintenance of all underground structures, drains, sewers and other obstructions encountered in the progress of the work shall be provided at all times. If utility service is interrupted as a result of work for the project, the contractor shall immediately restore service by repairing the damaged utility at the contractor's expense.			I. At all times, when pipe laying is not actually in progress, the open ends of the pipe shall be closed by temporary watertight plugs or by other approved means. If water is in the trench when work is resumed, the plug shall not be removed until all danger of water entering the pipe has passed. During construction, the contractor shall conduct operations so as to prevent the accumulation of water, ice, and snow in the vicinity of excavations or in the vicinity of excavated areas, and to prevent water from interfering with the progress and quality of the work.			E. Sewer and waterline separation shall conform to all VT Water Supply Rule requirements, and installed in accordance with the latest edition of the "Ten States Standards – Recommended Standards for Water."		
C. Gate valves shall normally be placed a maximum of five hundred feet (500') apart. Tee intersections shall have a minimum of three (3) gate valves. Cross sections (four way intersections) shall have a minimum of four (4) valves.			2.13 CONCRETE FOR THRUST BLOCKS			3.03 TESTING AND DISINFECTION			A. All water mains shall be constructed, tested and disinfected in accordance with AWWA Standards C-600, C-605, C651 and The Vermont Water Supply Rule. All tests shall be conducted by and at the expense of the Contractor.			1. The Contractor shall furnish all gauges, testing plugs, caps and all other necessary equipment and labor to perform leakage and pressure tests in sections of an approved length. Each valved section, including hydrant laterals, or a maximum length of 1,000 feet of pipe shall be tested. The Contractor shall provide at his own expense any additional taps to the water line necessary to perform the pressure and leakage test between valves. All disinfection/testing shall be completed by an independent third party unless otherwise approved by the Engineer or local municipality.		
D. The Town Water Department may require all bolts, studs and nuts be made from a corrosion resistant-material stainless steel.			2.14 FIRE HYDRANTS AND HYDRANT BRANCHES			J. Under no conditions shall water be allowed to rise in open trenches after pipe has been laid.			K. Accumulated water, ice, and snow shall be promptly removed and disposed of by pumping or other approved means. Disposal shall be carried out in a manner that will not create a hazard to public health, nor cause injury to public or private property, work completed or in progress, or public streets. Disposal shall not cause any interference in the use of streets and roads by the public. Pipes under construction shall not be used for drainage of excavations.			2. All water required for testing shall be potable. All testing shall be conducted in the presence of the Engineer.		
2.08 VALVE BOXES			A. Fire hydrants shall be Mueller Super Centurion 250, Figure A-423, Kennedy K-81 D, or Waterson Pacer Hydrant, and shall conform to AWWA C502 with the following specifications:			L. Any deflection of joints in pipe up to twelve-inch (12") diameter shall be within the limits specified by the manufacturer, but not to exceed five degrees or nineteen inches (19") per eighteen feet (18') of pipe length.			M. Concrete thrust blocks shall be installed on all hydrants, plugs, tees, and bends deflecting 11 1/4 degrees or more. Concrete thrust blocks shall be used in conjunction with "Mega-Lug" restraining glands or equivalent. Care shall be taken to ensure that concrete will not come into contact with flanges, joints, or bolts. The required area of thrust blocks shall be indicated on plan typicals and approved by the Town Water Department. Concrete shall be placed against undisturbed soil. Wooden side forms or equal shall be provided for thrust blocks. No backfilling shall be allowed until concrete masonry has set sufficiently. Where directed by the Town Water Department or engineer, concrete encasement of the waterline may be made for stream crossings and similar purposes. Where required on the plans or as directed by the Town Water Department or engineer, a concrete cradle shall be used to bolster and strengthen the pipe. The Town Water Department or his designee shall inspect all thrust blocks prior to backfilling.			3. The Contractor shall make the necessary provisions to tap the pipe at the high point to release all air and shall plug some after completing the test. Hydrants or blowoffs located at high points may be used for air release in lieu of taps if approved by the Engineer.		
A. Valve boxes shall be of the three-piece Cast iron slide-type with a minimum inside shaft diameter of five and one quarter inches (5 1/4") and a six foot (6') trench depth. Valve boxes shall not transfer loads onto the valve.			1. Main Valve Opening: 5 1/4 inches			N. All trenching safety standards shall be in conformance with all applicable State and Federal guidelines. The contractor shall be solely responsible for any safety citations by State or Federal inspectors.			O. There shall be no physical connection between the distribution system and any pipes, pumps, hydrants, or tanks that are supplied with water that is, or may be, contaminated.			6. Should any section of pipe fail either the pressure or leakage test, the Contractor shall do everything necessary to locate and repair or replace the defective pipe, fittings, or joints at no cost to the Owner.		
B. Valve boxes shall have a cast iron cover, marked "WATER". The boxes shall be dirt tight with the top of the cover flush with the top of the box rim.coutersunk brass pentagon plug for paved or concrete areas, and standard two holes for grass areas. Curb box couplings and extensions will be the same material as the curb box. Both cover and upper section of the box shall be able to be located with an aqua type metal locator.			2. Nozzle Arrangement: Two 2 1/2 inch Hose Nozzles with National Standard Thread (NST)			P. As necessary, temporary PVC markers shall be supplied at all gate valves, curb boxes, and at the end of water lines to a minimum of twelve inches (12") above finish grade until accepted by the Town Water Department.			Q. All surplus material and debris shall be removed as the project progresses, leaving all areas clean and presentable.			7. Disinfection: Disinfection of the pipeline shall be directed by the Engineer and at the Contractor's expense. AWWA Standard C-651 shall be used as a basis for the disinfection process.		
C. All service connections shall be installed to the curb stop for all building lots before the street is paved.			3. One 4 1/2 inch Pumper Nozzle with National Standard Thread (NST)			R. Unless otherwise required, all paving and sidewalks that may be damaged during construction shall be replaced with the same kind of material that previously existed.			S. The contractor shall be responsible for proper protection of persons and property on the project. The contractor shall barricade open holes and depressions occurring as part of the work, and post warning lights on adjacent property to or with public access.			B. The Engineer or Town Water Department will require as minimum:		
D. Valve boxes located in roadways shall have one non-adjusting paving riser of a height ranging from one and a half inches (1.5") to six inches (6") as needed to be brought to final pavement grade.			4. Inlet Connection: 6 inch Mechanical Joint, "Mega-Lug" or equivalent retaining gland and concrete thrust block			T. Warning lights shall be operated during hours from dusk to dawn and as otherwise requested.			U. The contractor shall protect structures, utilities, sidewalks, pavements, and other facilities from damage caused by settlement, lateral movement, washout, and other hazards created by construction operations.			1. Complete flushing of the pipeline to wash out all dirt, debris, etc. which may have accumulated in the pipeline during construction. A reducing agent shall be used at the point of flushing to eliminate the free chlorine residual per the direction of the Town Water Department.		
2.09 BACKFLOW PREVENTION DEVICES			5. Operating Nut: Standard 1 1/2 inch Pentagon			V. No water lines shall be installed after November 15 or before April 1 without prior approval of the Town Water Department.			3.02 WATER/SEWER SEPARATION			4. Upon successful completion of step 3 above, the pipeline shall be flushed again until the chlorine concentration in the pipeline is no higher than that prevailing in the supply system. A reducing agent shall be used to eliminate the free chlorine residual in the flushing process per the direction of the Town Water Department.		
A. No water service connection shall be approved or maintained by the Town Water Department unless the water supply is protected as required by State laws, regulations and ordinances. The type of protective device shall depend on the degree of hazard that exists. In general, backflow devices designed to protect potable water supplies in accordance with national plumbing codes for non-health hazard cross connections and continuous pressure applications shall be used, i.e. Watts Series 007 or approved equal. Watts Series 709 Double Check Valve Assembly or approved equal shall be installed on all sprinkler systems. A shop drawing detail assembly showing backflow devices and meter placements shall be required by the Town Water Department.			6. Direction of Opening: Counterclockwise			A. Water mains crossing sewers shall be laid to provide minimum vertical distance of eighteen inches (18") between the outside of the water main and the outside of the sewer line. This shall be the case where the water main is either above or below the sewer. At crossings, one full length of pipe shall be located so both joints will be as far from the sewer as possible. This vertical separation shall be maintained for that portion of the water main located within ten feet (10') horizontally of any sewer it crosses. Water mains must be laid at least five feet (5') horizontally from any existing or proposed storm sewer and ten feet (10') from any existing or proposed sanitary sewer.			E. Care shall be taken to prevent damage to valves and other appurtenances during handling and installation. All materials shall be carefully inspected for defects in workmanship and materials; all debris and foreign matter cleaned out of valve openings, etc.; all operating mechanisms operated to check their proper functioning, and all other nuts and bolts checked for tightness. Valves and other equipment, which do not operate easily, or are otherwise defective, shall be replaced. All valves shall be carefully incorporated into the water main and supported in their respective positions free from all distortion and strain. Valves and valve boxes shall be set plumb. Valve boxes, besides being plumb, shall be centered directly over the valves.			C. After final flushing and before the new water main is connected to the distribution system, two consecutive sets of acceptable samples, taken at least 24 hours apart, shall be collected from the new main, and submitted to the Vermont Health Department for analysis. At least one set of samples shall be collected from every 1,000 feet of the new water main, plus one set from the end of the line and at least one set from each branch. All samples shall show the absence of coliform organisms and, if required, the presence of a chlorine residual (AWWA C651-99). If the initial disinfection fails to produce samples which pass the V.S.H.D. requirements for potable drinking water, then the new main shall be refushed and shall be resampled until satisfactory test results are obtained.		
2.10 PIPE BEDDING			7. Depth of Bury: Six-foot cover. The hydrant shall have at least 15 inches and no more than 21 inches between the bottom of the steamer cap and the ground.			F. All pipes showing cracks shall be rejected. If cracks occur in the pipe, the contractor may, at his own expense and after approval of the Town Water Department, cut off cracked portions at a point at least twice the pipe diameter from the visible limits of the crack and use the sound portion of the pipe.			G. All water mains shall have no less than six feet (6') of cover unless waived by the Town Water Department. The pipe shall be laid to conform to the lines and grades indicated on the Department. The Town Water Department may restrict work before November 15 and after April 1 during adverse weather conditions. The Town Water Department may not allow excavating for water mains during the winter months except by special permission for emergencies. Each pipe shall be laid so as to form a close joint with the next adjoining pipe and to bring the inverts continuously to the required grade. In			D. Upon satisfactory results by the Vermont State Health Department, the pipeline may be placed in service. All costs for water, materials, equipment and labor to perform the required testing disinfection, and flushing of the pipeline shall be paid by the Contractor.		
A. Water lines shall be laid and maintained on lines and grades established by the plans for the project. Pipeline trenches shall be excavated to the width and depths shown on the plan typicals. Pipeline trenches in which pipe is to be laid directly on the trench bottom shall not be excavated entirely by machinery, but shall be finally excavated by hand tools such that the trench shall have a bottom shaped to support the pipe throughout its entire length by firm and undisturbed material. Pipeline trenches, for which bedding is required, may be excavated to the required depths using machinery. No pipe shall be laid directly on ledge, hard shale or a very compact glacial till. When an unstable trench bottom is encountered and the Town Water Department determines that it cannot support the pipe adequately, an additional depth shall be excavated and refilled to the pipe invert with approved material at the contractor's expense. Pipeline trenches shall be dry during the laying of pipe. Wood supports under pipe shall be removed prior to backfilling. Pipeline installation procedures can be found in AWWA Standard C600.			8. Drain: The hydrant shall be non-draining or have the drains permanently plugged.			G. Distribution lines shall not be placed closer than fifty feet (50') horizontal distance from any septic tank or leach field unless approved by the VT Water Supply Rule Provisions under Chapter 21.8.6.4 or the Town Water Department.			D. Force main crossing shall be arranged so that at least one full length of sewer pipe is centered above or below the water line, with the sewer joints as far as possible from the water joints and encased in concrete. The new force main line shall be constructed to water main standards for a			SITE SPECIFICATIONS		
B. Bedding material shall consist of crushed or natural stone conforming to ASTM D2321.			9. Color: Red enamel			H. When it is impossible to obtain horizontal and vertical separation on new installations, both the water main and sewer main shall be constructed of waterworks material with watertight joints and shall be pressure tested before backfilling. Lines may also be encased in concrete as required by the Retail Department. No water main shall pass through or come in contact with any part of a sewer manhole.			I. At all times, when pipe laying is not actually in progress, the open ends of the pipe shall be closed by temporary watertight plugs or by other approved means. If water is in the trench when work is resumed, the plug shall not be removed until all danger of water entering the pipe has passed. During construction, the contractor shall conduct operations so as to prevent the accumulation of water, ice, and snow in the vicinity of excavations or in the vicinity of excavated areas, and to prevent water from interfering with the progress and quality of the work.			J. Under no conditions shall water be allowed to rise in open trenches after pipe has been laid.		
C. Bedding and blanket material shall be Class II material (ASTM D2321) consisting of clean, granular material (sand), particle size limits described as follows:			10. Other: Hydrants shall be compression type closing with the pressure. Hose and pumper nozzles shall be 1/4 turn type secured by stainless steel or corrosion resistant pins or screws. Pressure seals behind the nozzle flanges shall be "O" rings. A breakable coupling retained in place by stainless steel or corrosion resistant pins shall make the union between the upper and lower stems. The two-piece traffic flange shall be held in place by nuts and bolts. The upper barrel shall be able to rotate 360 degrees without removing any bolts. Hydrant flags shall be required and supplied for each hydrant. Wherever a traffic hazard appears to exist, curbing and/or bollards shall protect the hydrant.			I. At all times, when pipe laying is not actually in progress, the open ends of the pipe shall be closed by temporary watertight plugs or by other approved means. If water is in the trench when work is resumed, the plug shall not be removed until all danger of water entering the pipe has passed. During construction, the contractor shall conduct operations so as to prevent the accumulation of water, ice, and snow in the vicinity of excavations or in the vicinity of excavated areas, and to prevent water from interfering with the progress and quality of the work.			J. Under no conditions shall water be allowed to rise in open trenches after pipe has been laid.			K. Accumulated water, ice, and snow shall be promptly removed and disposed of by pumping or other approved means. Disposal shall be carried out in a manner that will not create a hazard to public health, nor cause injury to public or private property, work completed or in progress, or public streets. Disposal shall not cause any interference in the use of streets and roads by the public. Pipes under construction shall not be used for drainage of excavations.		
D. When set in lawn space between the curb and sidewalk, no portion of the hydrant or nozzle cap will be less than one foot off the gutter face of the curb or edge of the sidewalk. Hydrants shall be a minimum of four feet (4') and a maximum of six feet (6') from the edge of the sidewalk to the closest point on the hydrant when placed behind the sidewalk. In the absence of a curb or sidewalk, no hydrant shall be placed more than six feet (6') from the edge of pavement. Hydrants shall be located so as to provide complete accessibility and minimize the possibility of damage from vehicles or injury to pedestrians.			PART 3 – EXECUTION			L. Any deflection of joints in pipe up to twelve-inch (12") diameter shall be within the limits specified by the manufacturer, but not to exceed five degrees or nineteen inches (19") per eighteen feet (18') of pipe length.			M. Concrete thrust blocks shall be installed on all hydrants, plugs, tees, and bends deflecting 11 1/4 degrees or more. Concrete thrust blocks shall be used in conjunction with "Mega-Lug" restraining glands or equivalent. Care shall be taken to ensure that concrete will not come into contact with flanges, joints, or bolts. The required area of thrust blocks shall be indicated on plan typicals and approved by the Town Water Department. Concrete shall be placed against undisturbed soil. Wooden side forms or equal shall be provided for thrust blocks. No backfilling shall be allowed until concrete masonry has set sufficiently. Where directed by the Town Water Department or engineer, concrete encasement of the waterline may be made for stream crossings and similar purposes. Where required on the plans or as directed by the Town Water Department or engineer, a concrete cradle shall be used to bolster and strengthen the pipe. The Town Water Department or his designee shall inspect all thrust blocks prior to backfilling.			N. All trenching safety standards shall be in conformance with all applicable State and Federal guidelines. The contractor shall be solely responsible for any safety citations by State or Federal inspectors.		
2.11 PIPELINE INSULATION			2.15 HYDRANT ASSEMBLIES			O. There shall be no physical connection between the distribution system and any pipes, pumps, hydrants, or tanks that are supplied with water that is, or may be, contaminated.			P. As necessary, temporary PVC markers shall be supplied at all gate valves, curb boxes, and at the end of water lines to a minimum of twelve inches (12") above finish grade until accepted by the Town Water Department.			Q. All surplus material and debris shall be removed as the project progresses, leaving all areas clean and presentable.		
A. Approved waterlines with less than six feet (6'-0") of cover over the crown, that cross a storm sewer, or where indicated on the plans, shall be protected against freezing by the installation of two inch (2") thick highest available density extruded polystyrene insulating sheets or equivalent. Sheets shall be the lesser of 3' or 2 x diameter of the pipe. The sheets shall be placed six inches (6") above the crown after placement of four to six inches (4" - 6") of clean medium or coarse sand below the pipe bottom and four to six inches (4" - 6") above the crown. Joints shall be overlapped so there is no gap that will allow frost to penetrate. Care shall be exercised during backfill and compaction over the polystyrene sheets to prevent damage to the sheets. The polystyrene sheets shall meet the comprehensive strength requirements of ASTM D1621-73. In no cases shall the waterline have less than four feet (4') of cover over the top of the pipe. When water line passes within 5 feet of a catch basin install 2" min. rigid insulation, polystyrene sheets, between water line and cb.			A. Hydrant assemblies shall consist of an anchor tee, a six inch (6") mechanical joint gate valve conforming to the above specifications, the appropriate length of six inch (6") Ductile Iron Cement Lined, Class 52 pipe, all necessary anchor couplings and approved restraining glands, the fire hydrant and appropriate thrust block.			R. Unless otherwise required, all paving and sidewalks that may be damaged during construction shall be replaced with the same kind of material that previously existed.			S. The contractor shall be responsible for proper protection of persons and property on the project. The contractor shall barricade open holes and depressions occurring as part of the work, and post warning lights on adjacent property to or with public access.			T. Warning lights shall be operated during hours from dusk to dawn and as otherwise requested.		
2.12 POLYETHYLENE PIPE ENCASEMENT			B. Care shall be taken to prevent damage to hydrants and appurtenances during handling and installation. All materials shall be carefully inspected for defects in workmanship and materials; all debris and foreign matter cleaned out of the hydrant bowl; all operating mechanisms operated to check their proper functioning, and all other nuts and bolts checked for tightness. All hydrants shall be carefully incorporated in the water main and supported in their respective positions free from distortion and strain. Hydrants shall be set plumb. All hydrants shall be oriented to most efficiently allow fire truck access and connection for emergency purposes. They shall be installed away from the curb line at sufficient distance to avoid damage from or to vehicles. Traffic model hydrants shall be installed so the breakaway flange is not less than two inches (2"), nor more than six inches (6") above the established grade, according to manufacturer recommendations. Hydrant locations are subject to the approval of the Town Water Department and the appropriate municipality's fire department. Installation for fire hydrants can be found in AWWA Standard C600.			U. The contractor shall protect structures, utilities, sidewalks, pavements, and other facilities from damage caused by settlement, lateral movement, washout, and other hazards created by construction operations.								

PROGRESS SET NOT FOR CONSTRUCTION

251-3 SOUTH UNION ST.
Burlington, VT

revisions
date: 09/2024

layout
plan
scale: 1/16"=1'-0"

L100



PROGRESS SET NOT FOR CONSTRUCTION

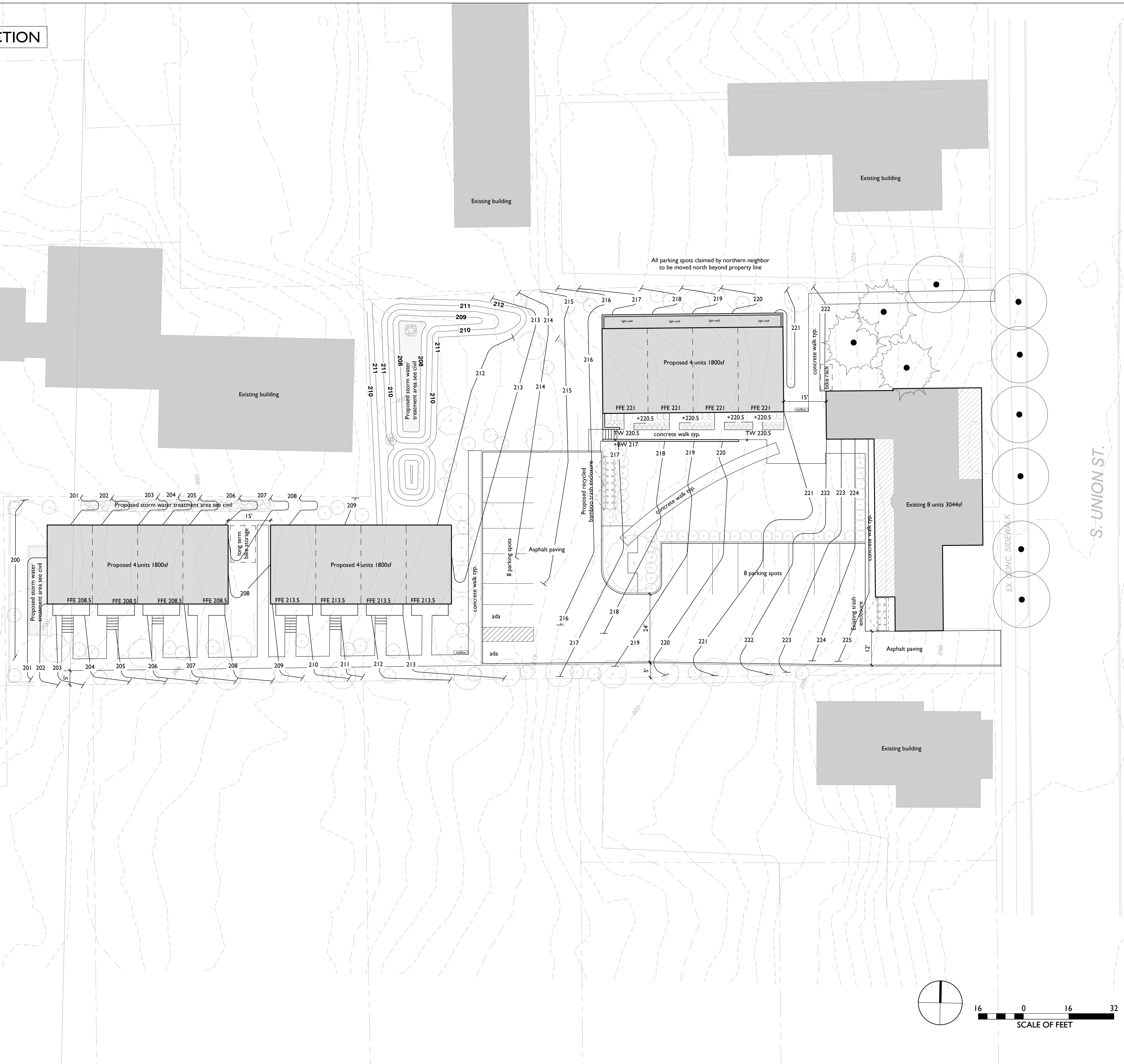
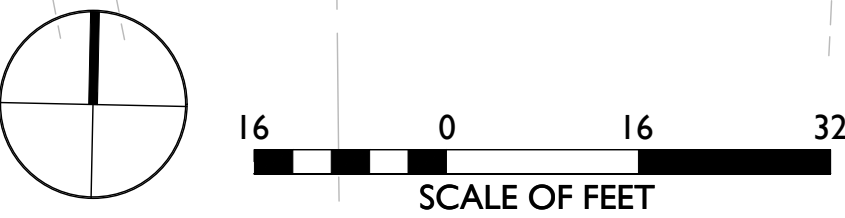
251-3 SOUTH UNION ST.
Burlington, VT

Revisions
Date: 092024

Grading plan

scale: 1/16"=1'-0"

_102



PROGRESS SET NOT FOR CONSTRUCTION

SHADE CALCULATIONS

SUN ANGLE CALCULATION DATA

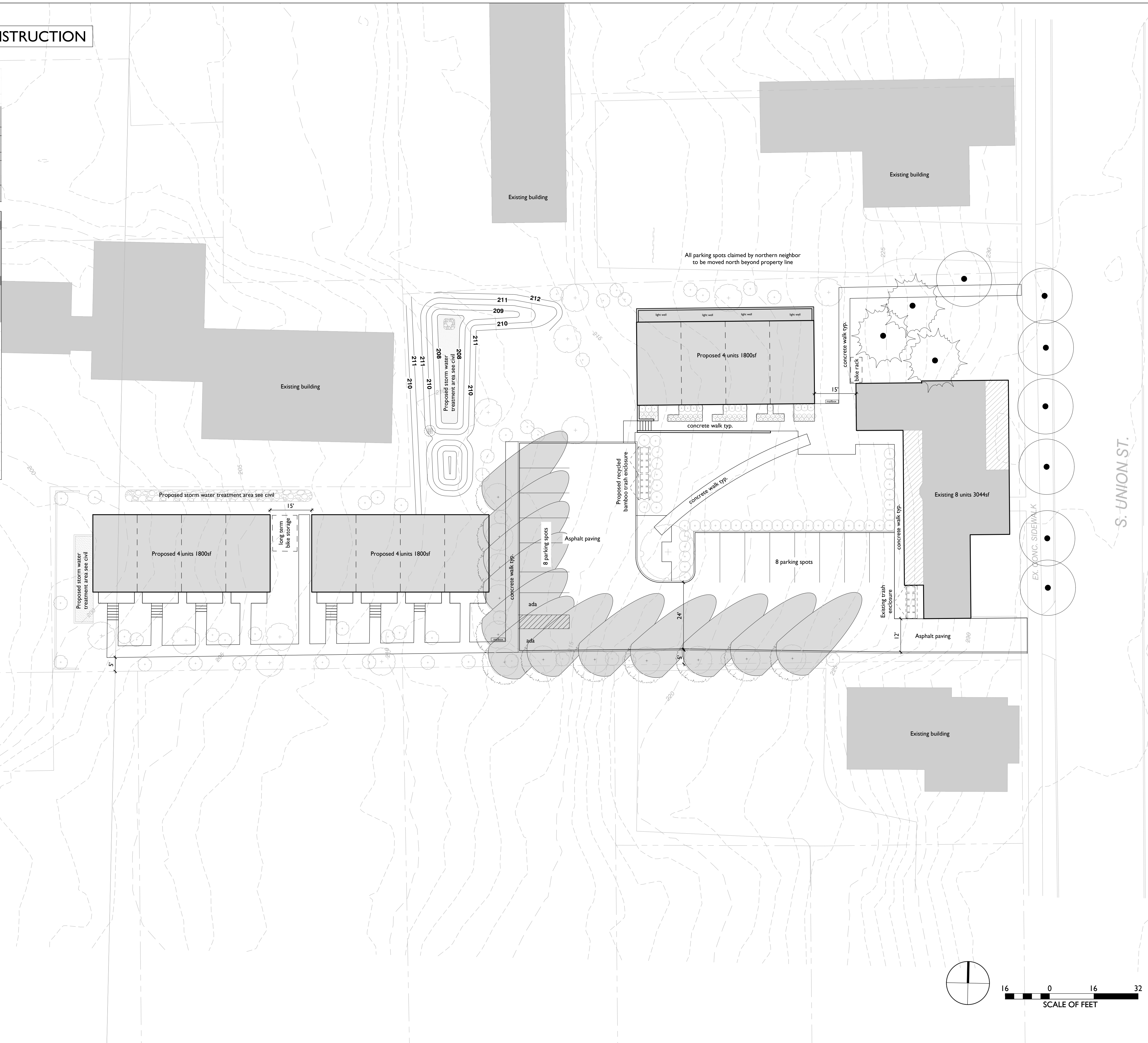
LONGITUDE:	73°12'32"W
LATITUDE:	44°28'22"N
CALCULATION DATE:	AUTUMNAL EQUINOX (9.23.24)
TIME:	3pm
RESULTING SUN ALTITUDE ANGLE:	44.66°

TREE SIZING DATA

TREE SIZING (COLUMNAR TREE):	35' HEIGHT; 15' DIAMETER
TREE SIZING (SHADE TREE):	40' HEIGHT; 20' DIAMETER
TREE SIZING (SHADE TREE):	45' HEIGHT; 27' DIAMETER

Autumnal Equinox Sept 23, 2024	
Time	3pm
GMT Time Zone	-5:00
Day Light Savings	No
Zero Azimuth	
South	
Sun Altitude Angle	
44.94	
Sun Azimuth Angle	
5.32	
Tangent	
0.997907795	
Object Height in Feet	Shadow Length
10	10.02
12	12.03
14	14.03
16	16.03
18	18.04
20	20.04
25	25.05
30	30.06
35	35.07
40	40.08
45	45.09
50	50.10
55	55.12
60	60.13
65	65.14
70	70.15

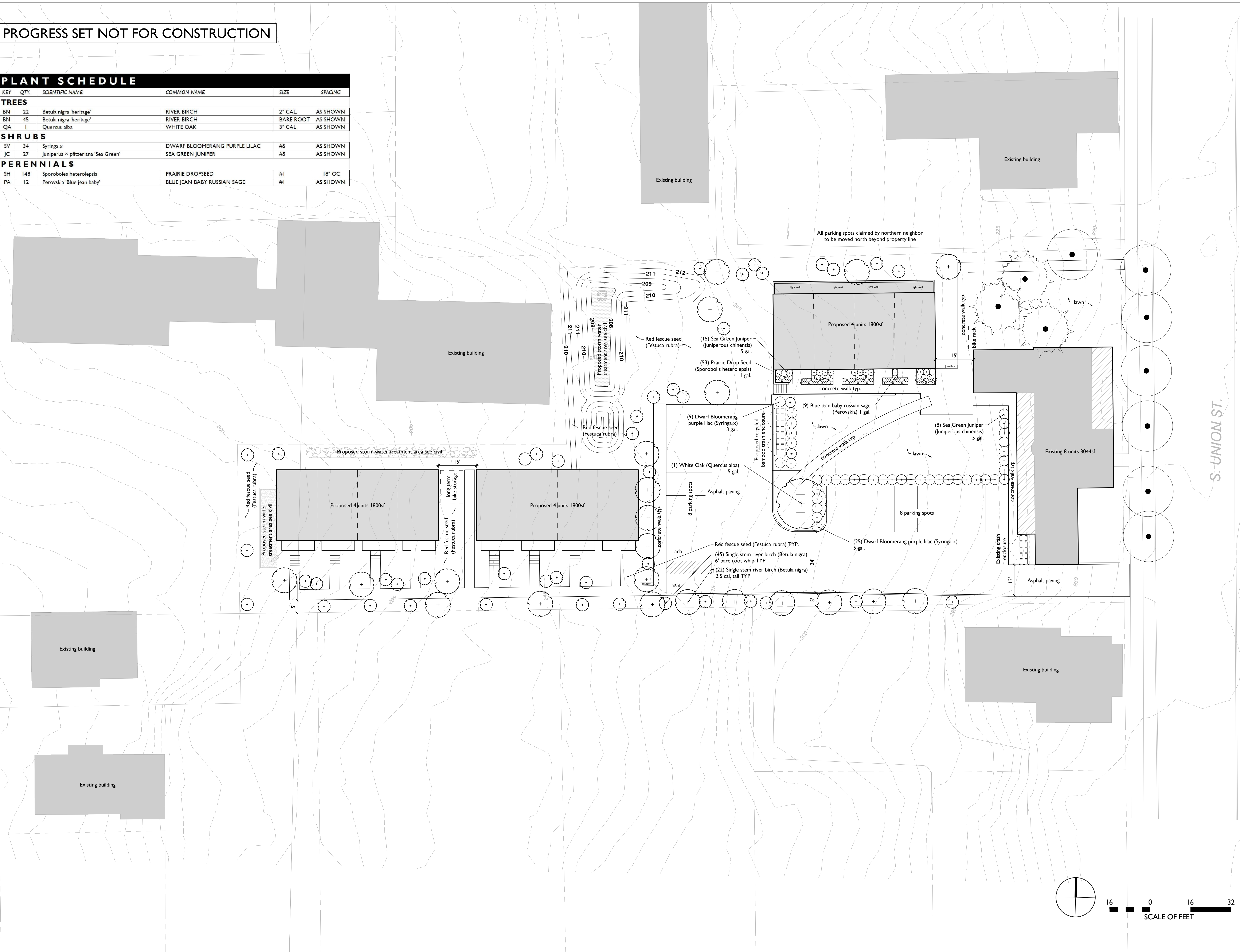
Total paved parking and circulation area: 7530sf
Total shaded parking and circulation area: 3295sf (43%)

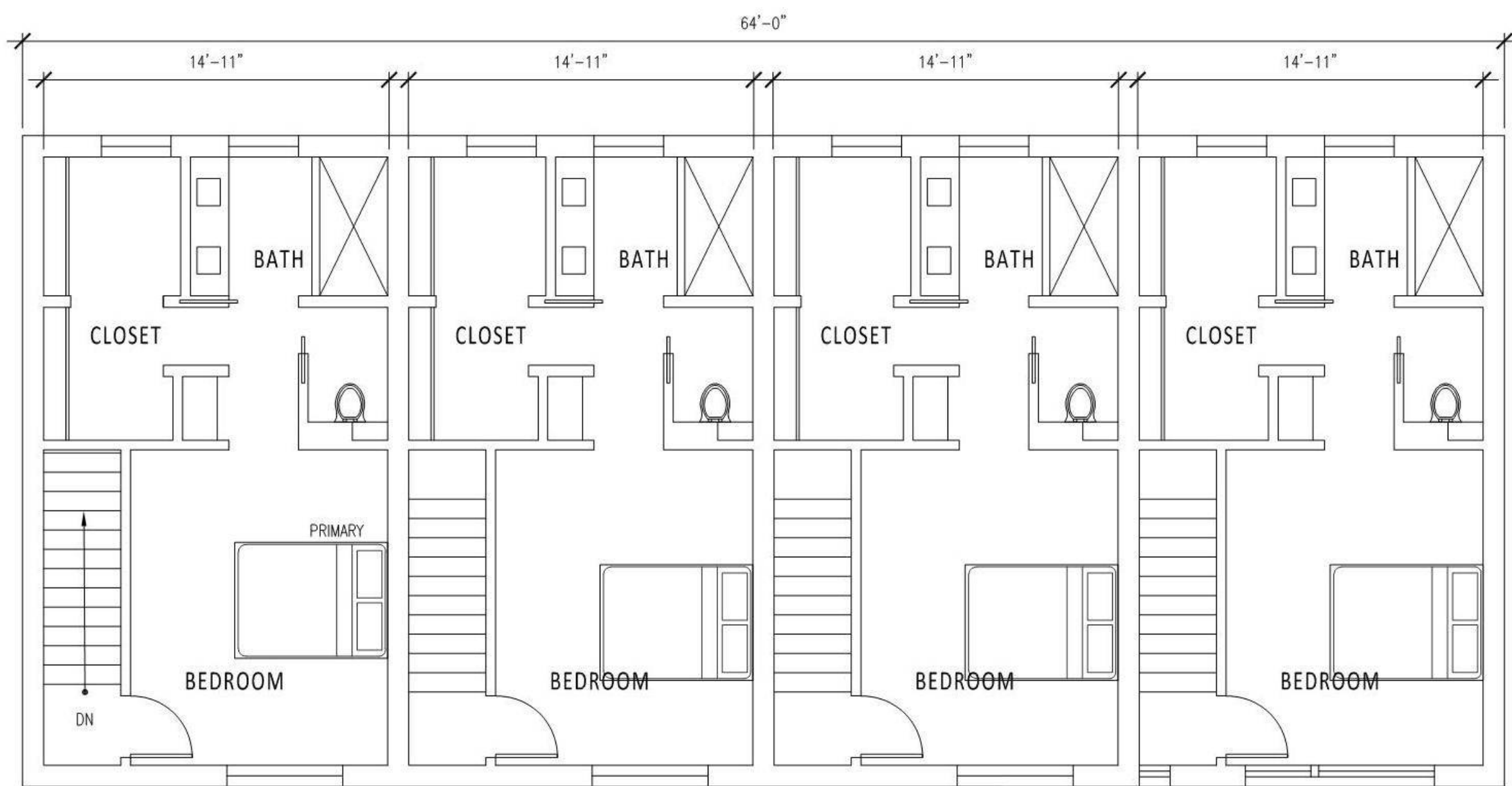


PROGRESS SET NOT FOR CONSTRUCTION

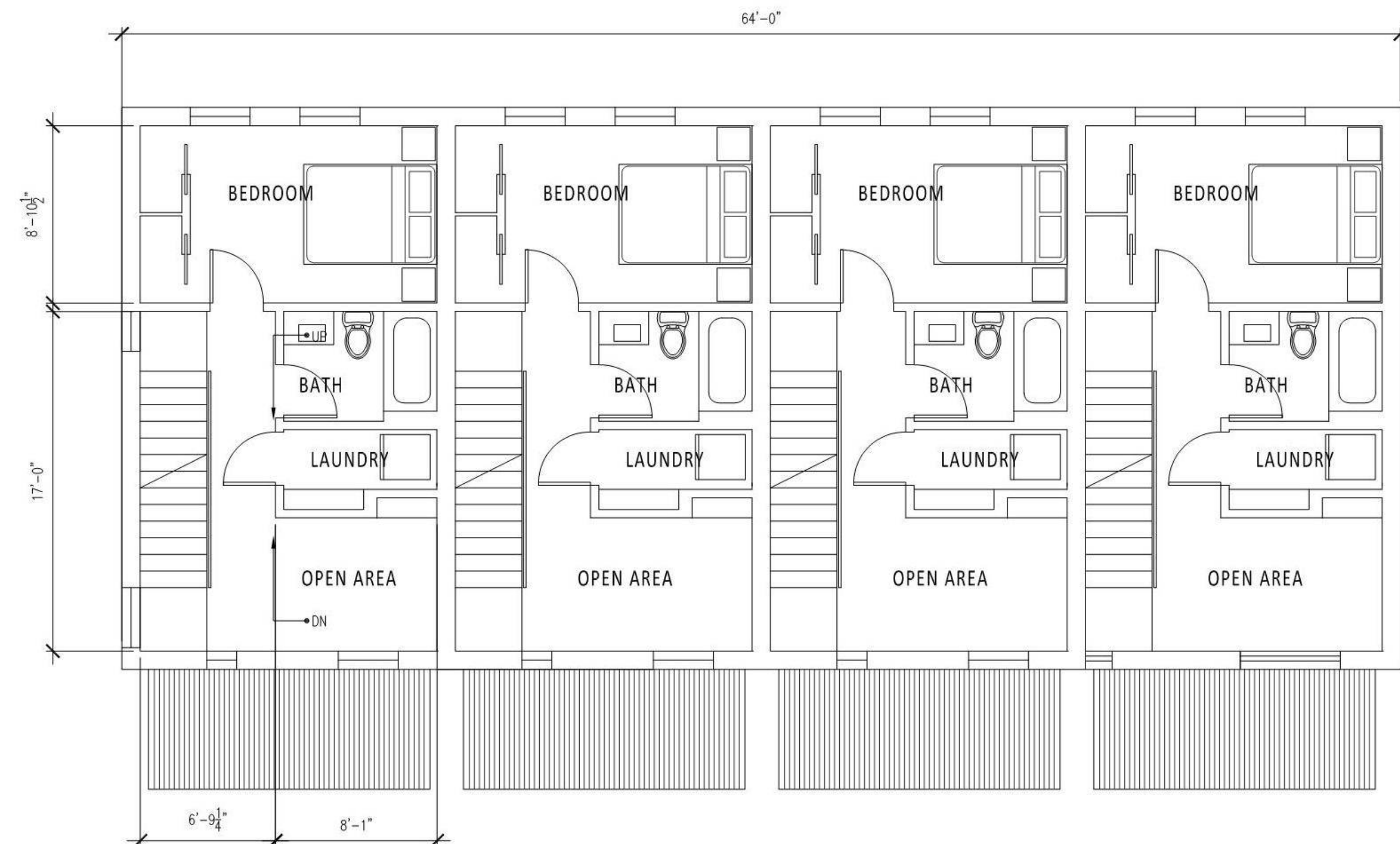
PLANT SCHEDULE

KEY	QTY.	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING
TREES					
BN	22	Betula nigra 'heritage'	RIVER BIRCH	2" CAL.	AS SHOWN
BN	45	Betula nigra 'heritage'	RIVER BIRCH	BARE ROOT	AS SHOWN
QA	1	Quercus alba	WHITE OAK	3" CAL.	AS SHOWN
SHRUBS					
SV	34	Syringa x	DWARF BLOOMERANG PURPLE LILAC	#5	AS SHOWN
JC	27	Juniperus x pfizeriana 'Sea Green'	SEA GREEN JUNIPER	#5	AS SHOWN
PERENNIALS					
SH	148	Sporobolus heterolepis	PRAIRIE DROPSOED	#1	18" OC
PA	12	Perovskia 'Blue jean baby'	BLUE JEAN BABY RUSSIAN SAGE	#1	AS SHOWN

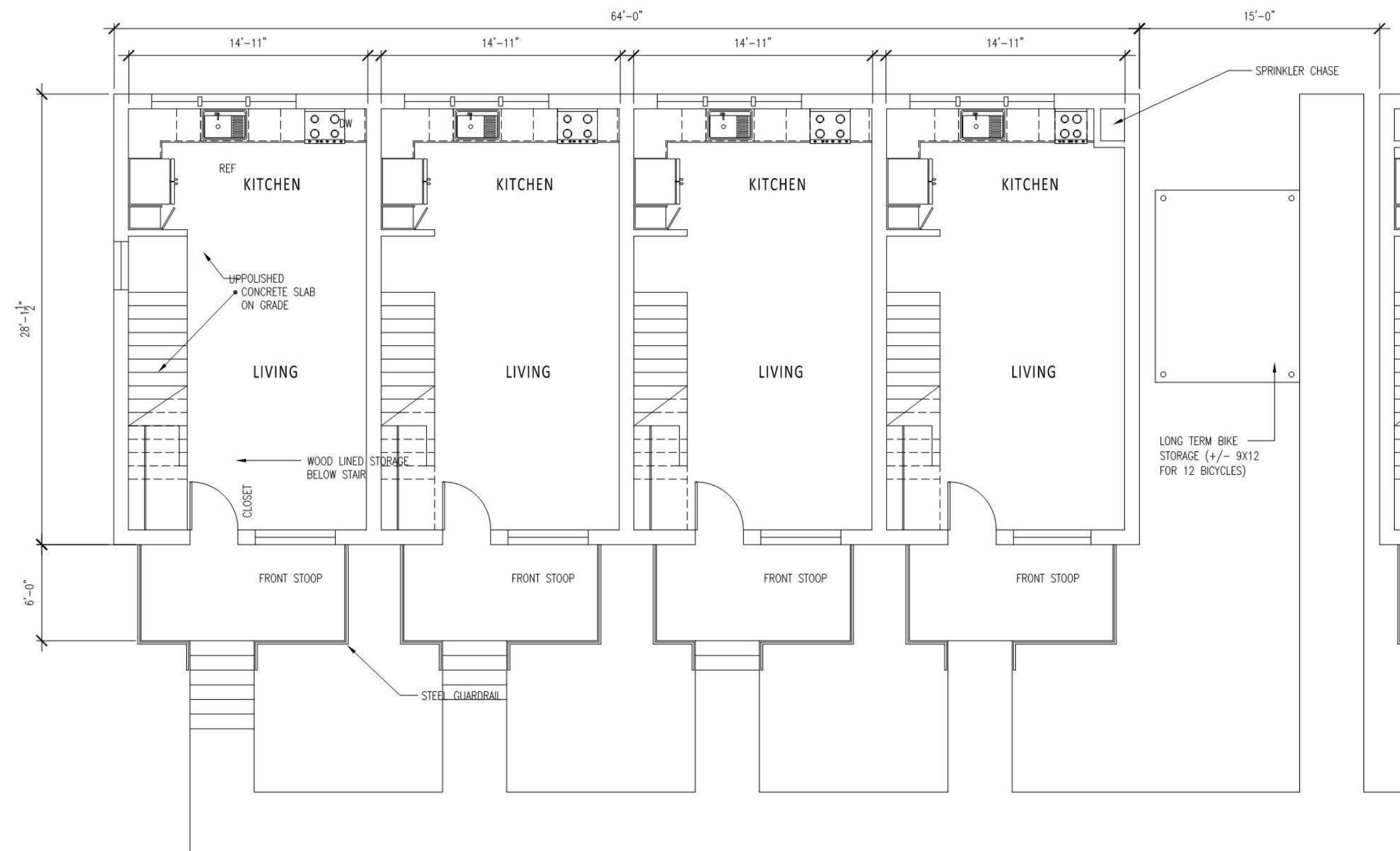




3 THIRD FLOOR
SCALE: 3/16" = 1'-0"



2 SECOND FLOOR
SCALE: 3/16" = 1'-0"



1 FIRST FLOOR
SCALE: 3/16" = 1'-0"

BUILDING A (BUILDING B, SIMILAR)

gbArchitecture

85 Granite Shed Lane
Montpelier VT 05602
802-229-1664

www.gbArchitecture.com

**253 SOUTH
UNION
STREET**

253 SOUTH UNION STREET
BURLINGTON VT 05401

Revisions:
#

Project Number: Project Number

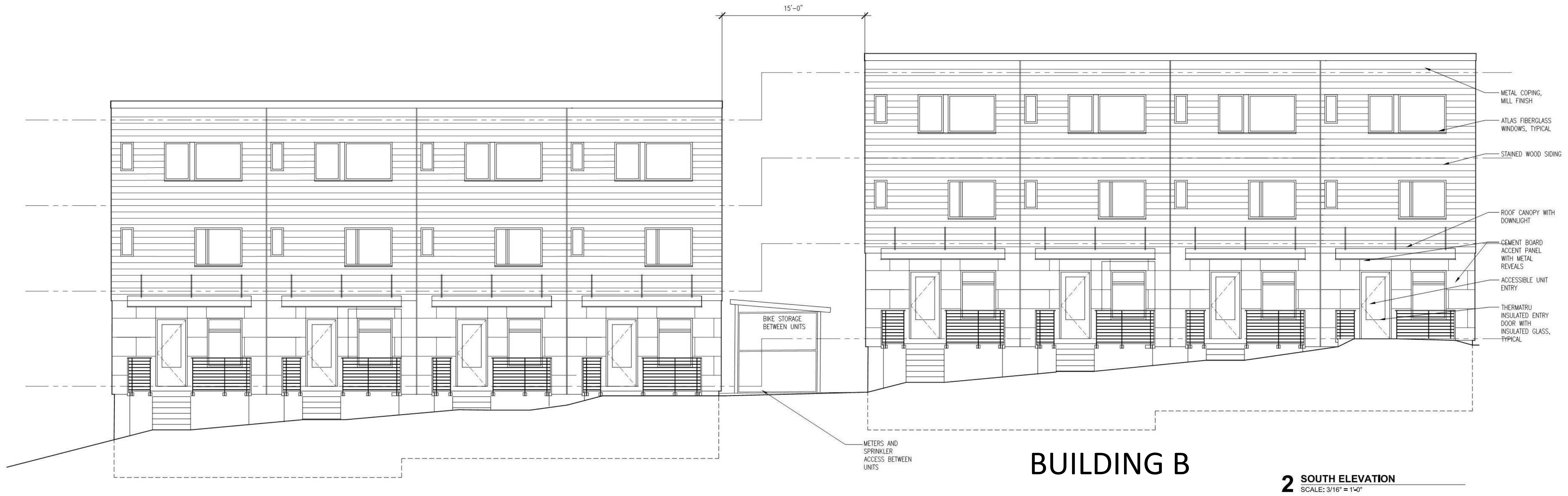
Phase: DRB REVIEW

Scale: 3/16" = 1'-0"

Date: 09/20/24

**FLOOR
PLANS**

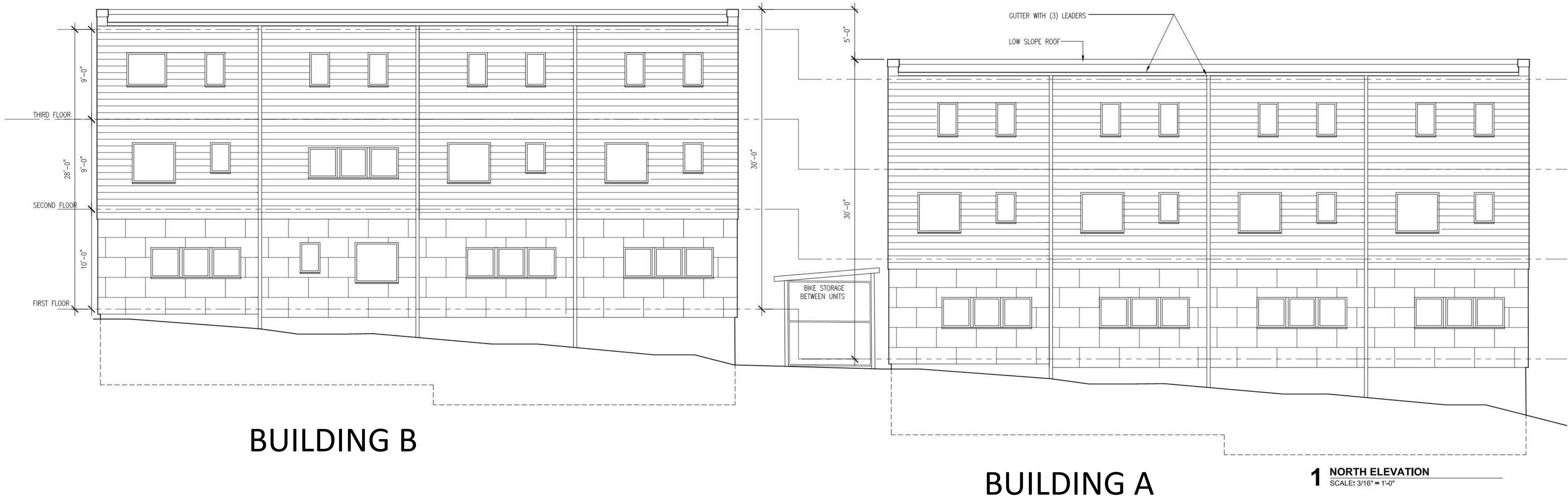
A101



BUILDING A

BUILDING B

2 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



BUILDING B

BUILDING A

1 NORTH ELEVATION
SCALE: 3/16" = 1'-0"

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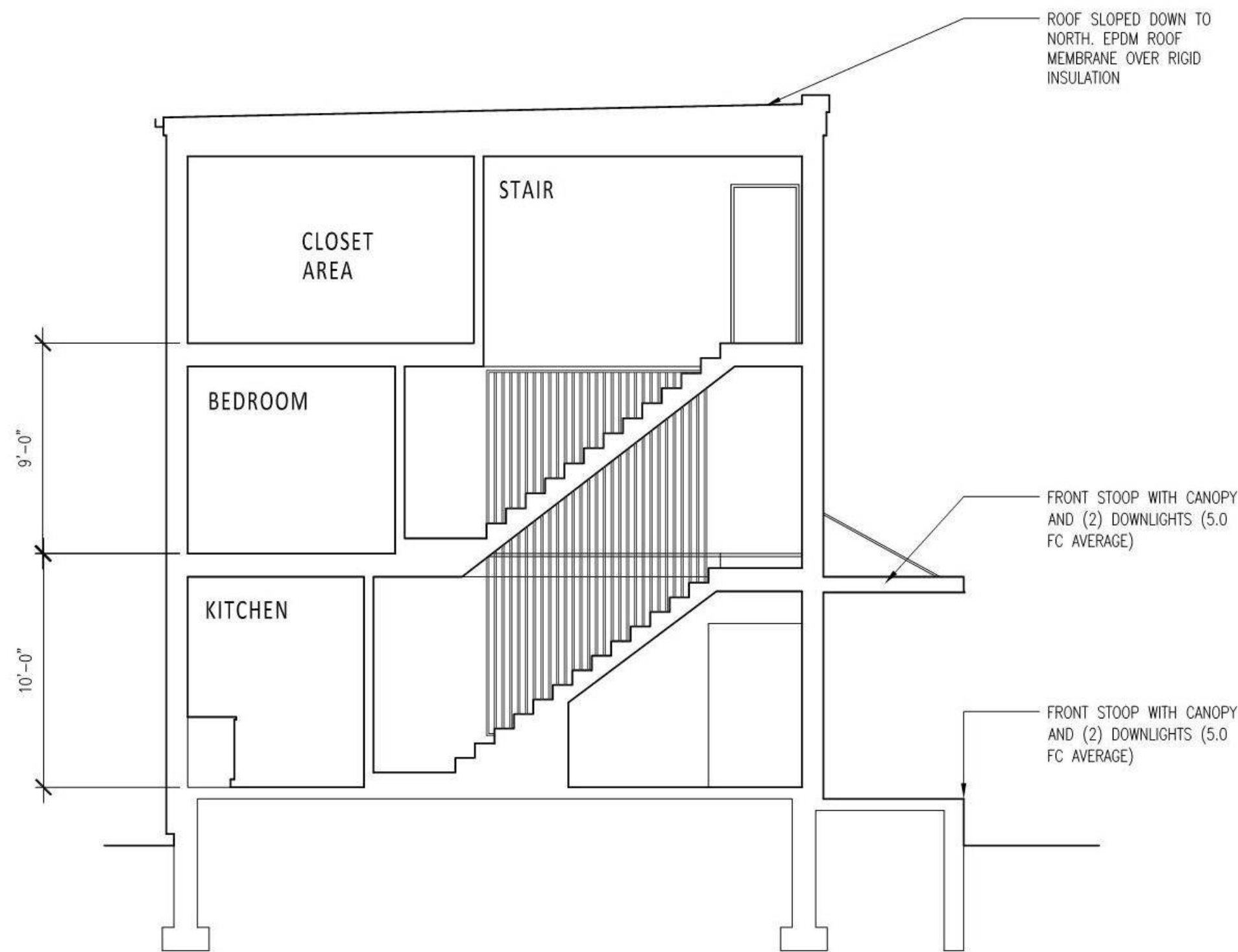
253 SOUTH
UNION
STREET

253 SOUTH UNION STREET
BURLINGTON VT 05401

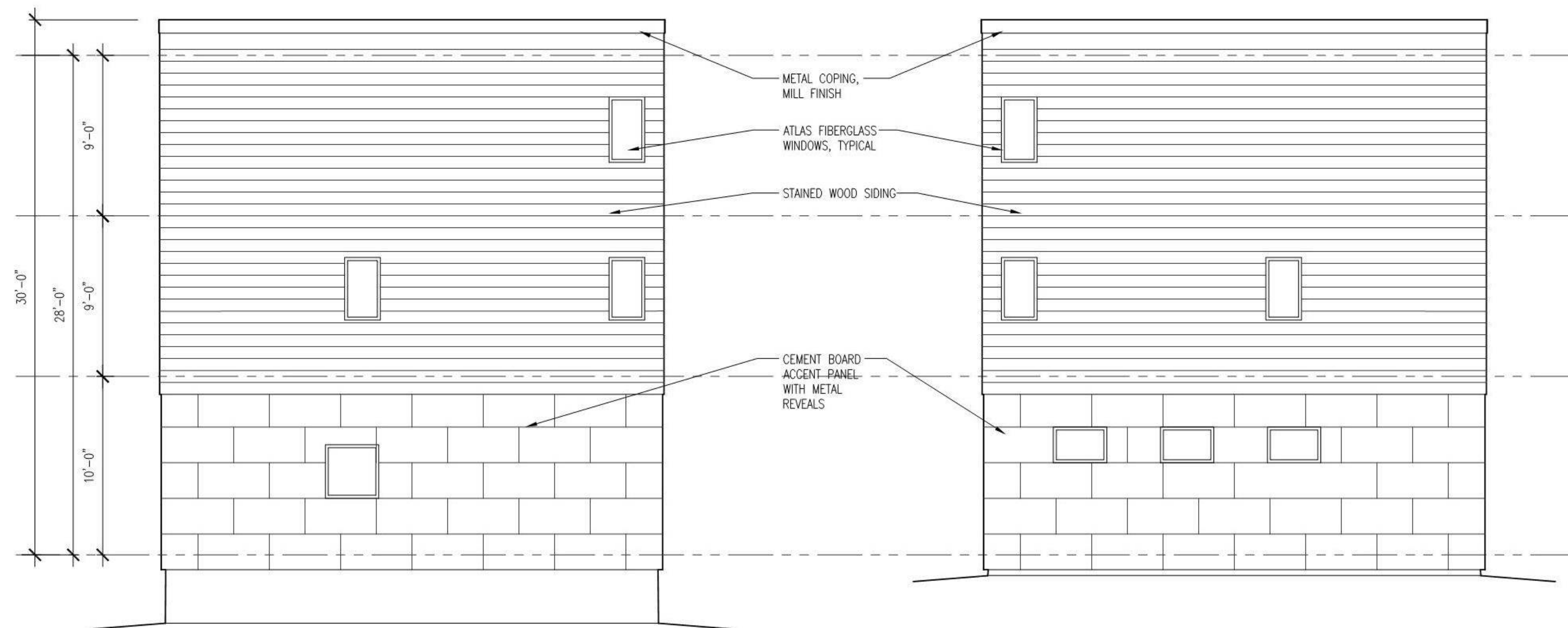
Revisions:	
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Project Number:	Project Number
Phase:	DRB REVIEW
Scale	3/16" = 1'-0"
Date	08/09/2024

BUILDING
ELEVATIONS

A201

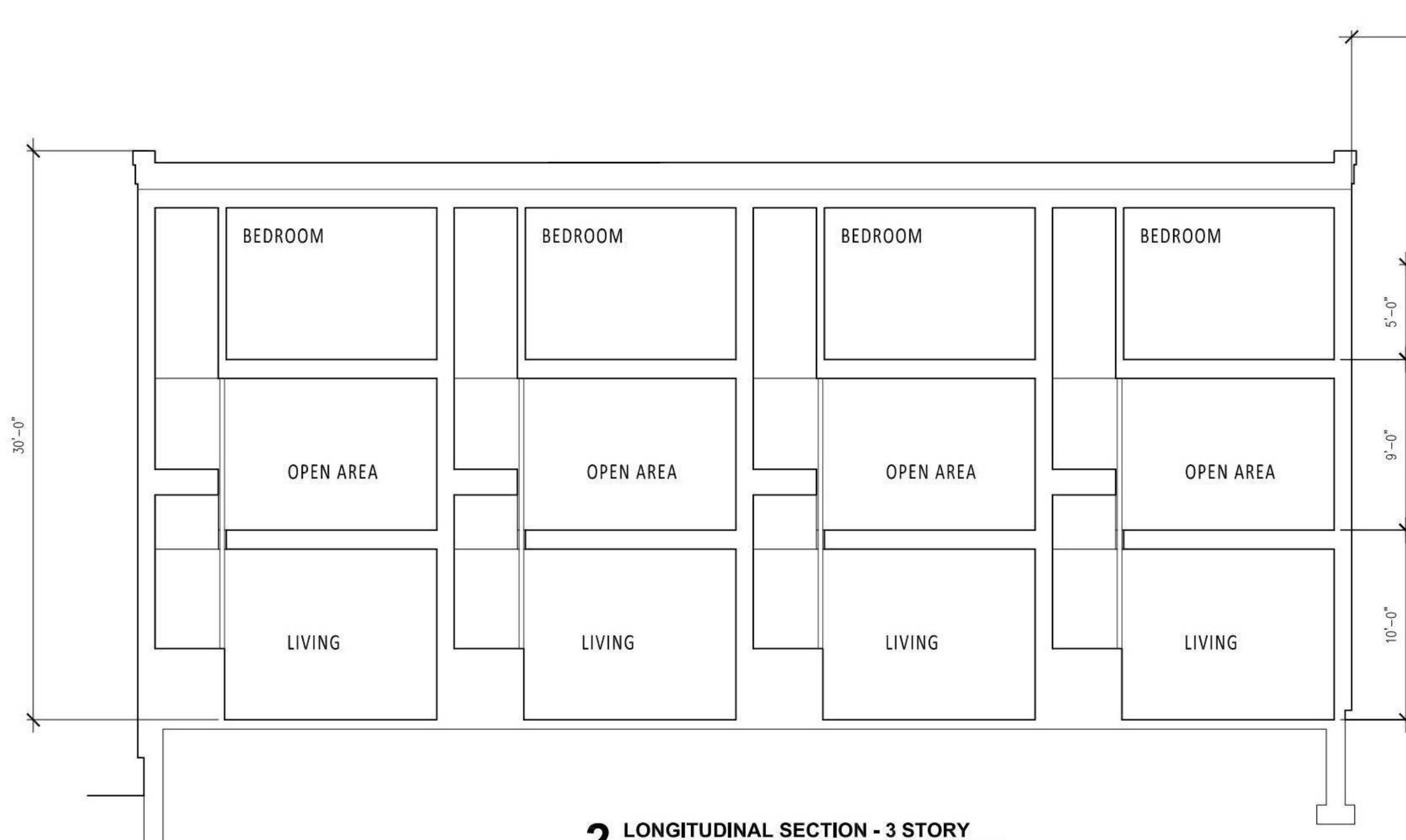


3 TRANSVERSE SECTION - 3 STORY
SCALE: 3/16" = 1'-0"

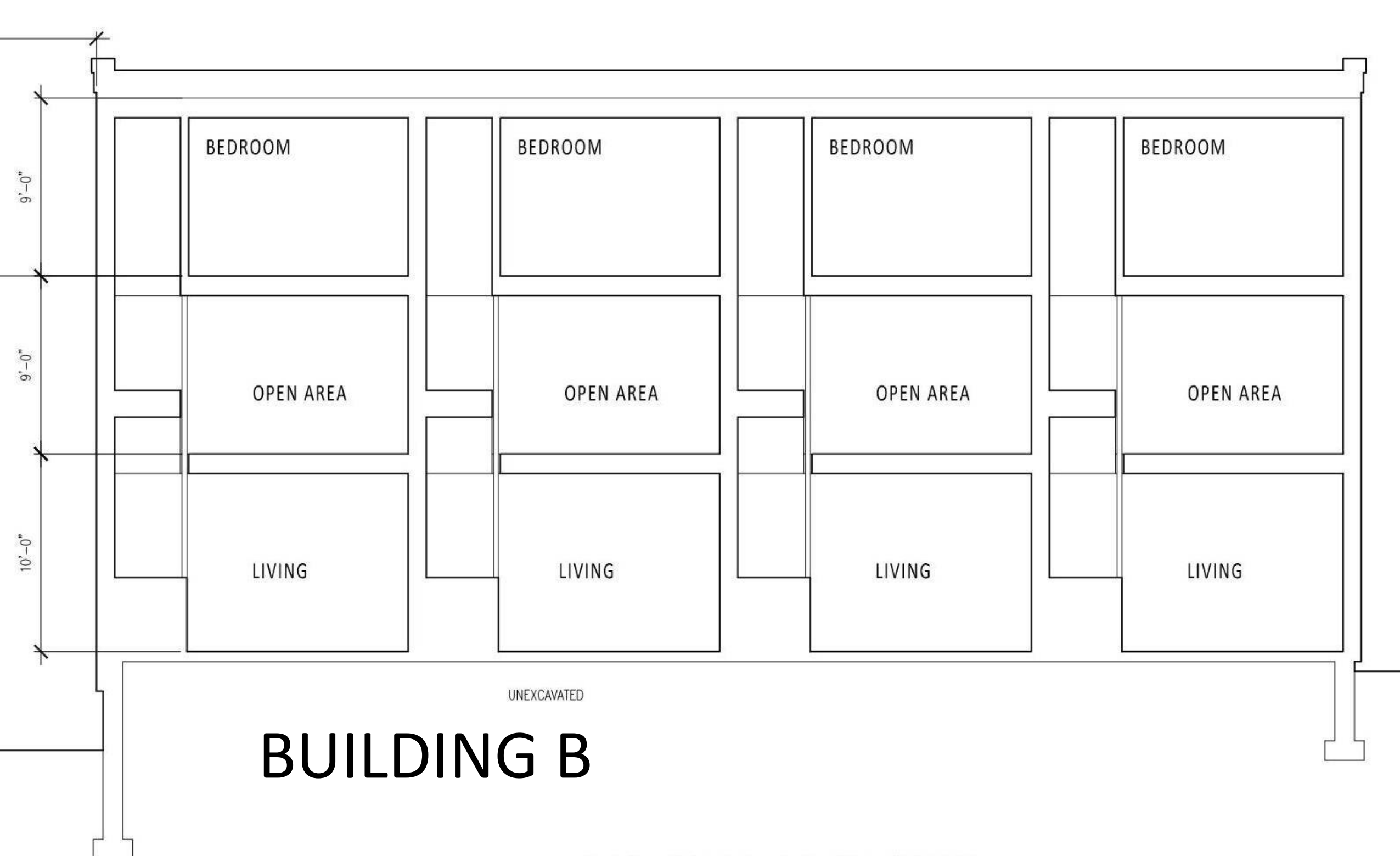


4 WEST ELEVATION
SCALE: 3/16" = 1'-0"

5 EAST ELEVATION
SCALE: 3/16" = 1'-0"



2 LONGITUDINAL SECTION - 3 STORY
SCALE: 3/16" = 1'-0"



1 LONGITUDINAL SECTION - 3 STORY
SCALE: 3/16" = 1'-0"

BUILDING A

BUILDING B

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802-229-1664

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253 SOUTH
UNION
STREET

253 SOUTH UNION STREET
BURLINGTON VT 05401

Revisions:
#

Project Number: Project Number

Phase: DRB REVIEW

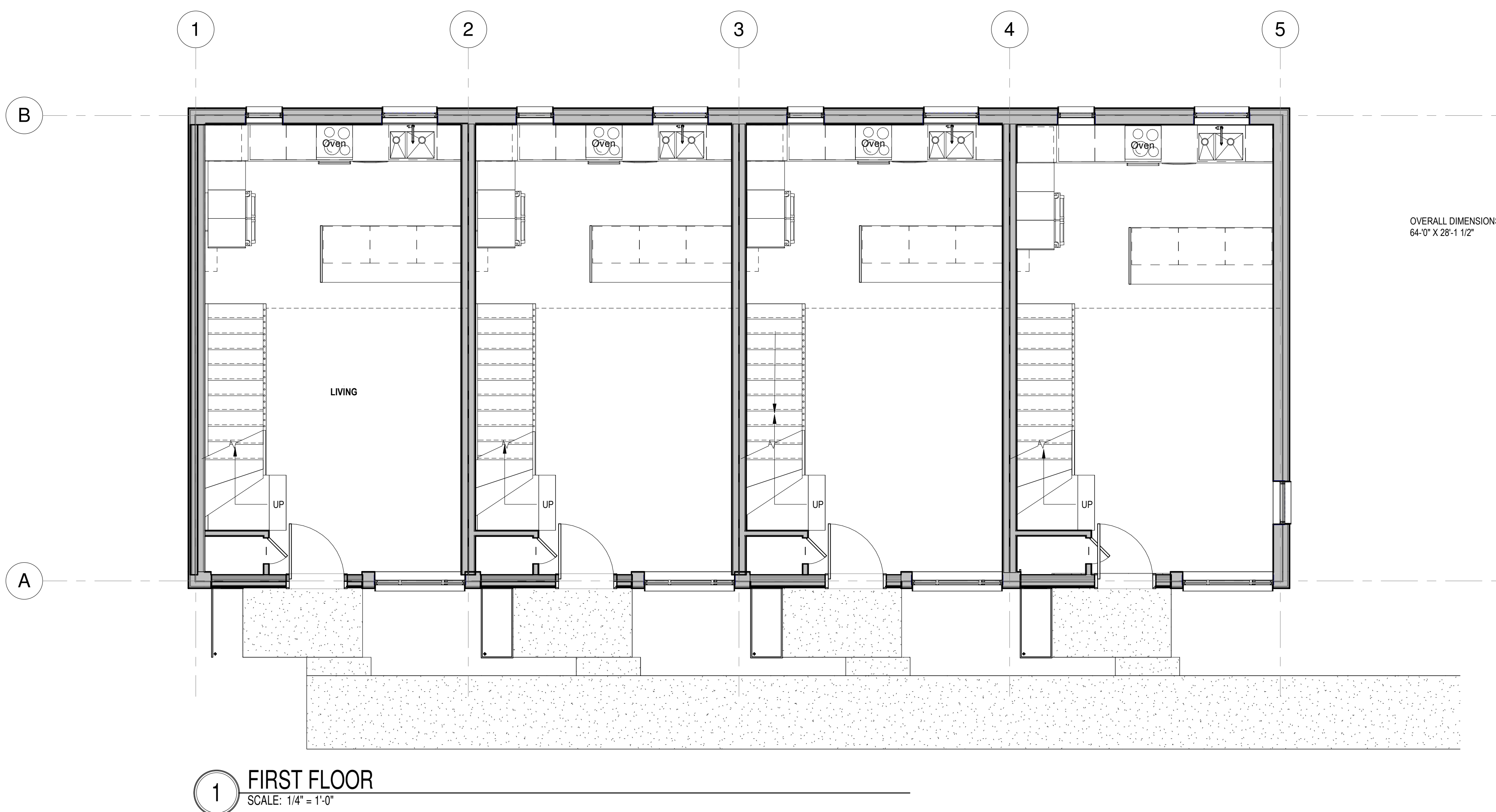
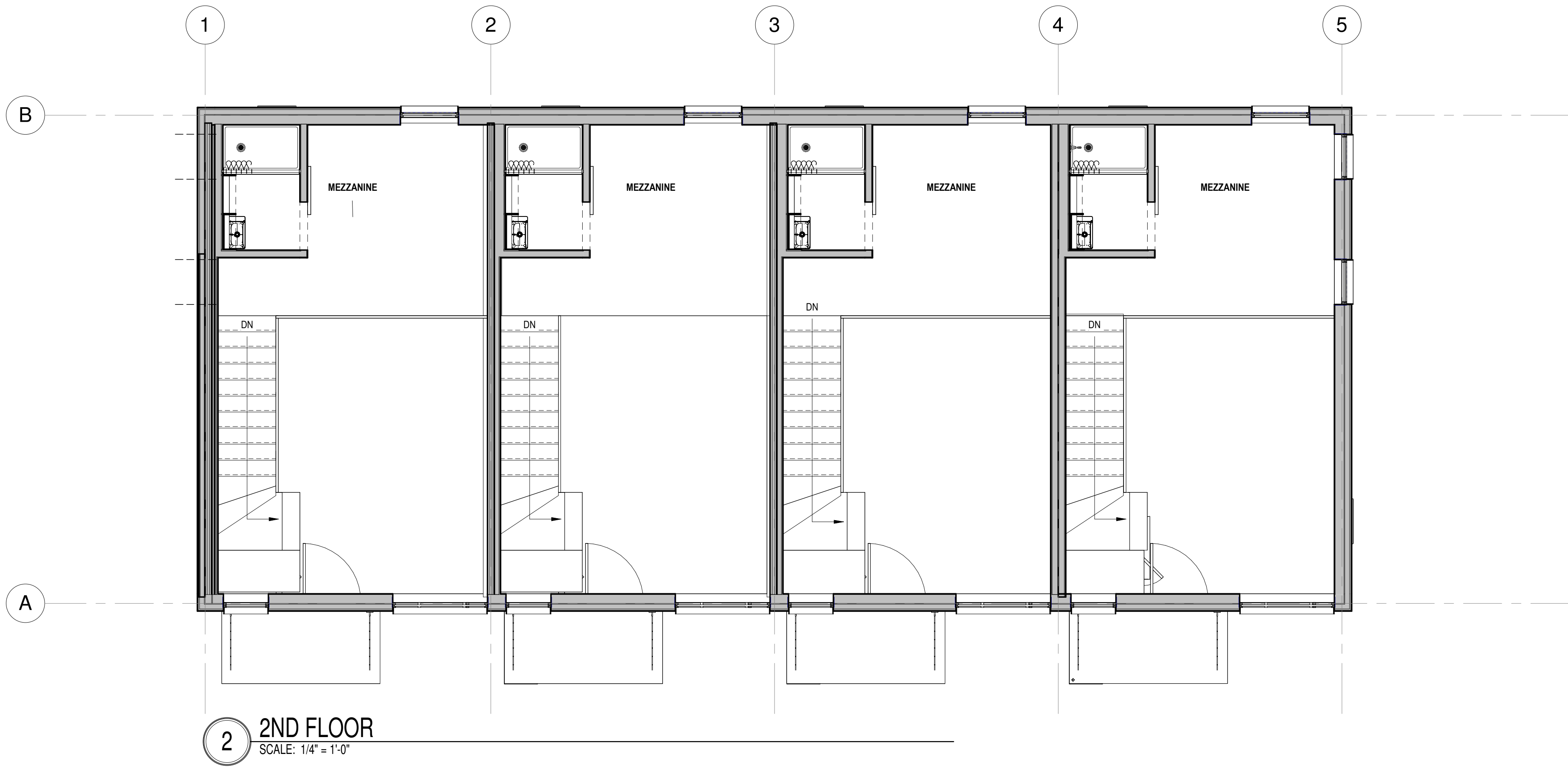
Scale: 3/16" = 1'-0"

Date: 09/20/2024

BUILDING
ELEVATIONS/
SECTIONS

A202

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Page 39 of 239



BUILDING C

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253 SOUTH
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253 SOUTH UNION STREET
BURLINGTON VT 05401

Revisions:	
#	
Project Number:	Project Number
Phase:	DRB REVIEW
Scale	1/4" = 1'-0"
Date	09/20/24

1ST AND
MEZZ. FLOOR
PLANS

A100

253 SOUTH
UNION
STREET

253 SOUTH UNION STREET
BURLINGTON VT 05401

Revisions:
#

Project Number: Project Number

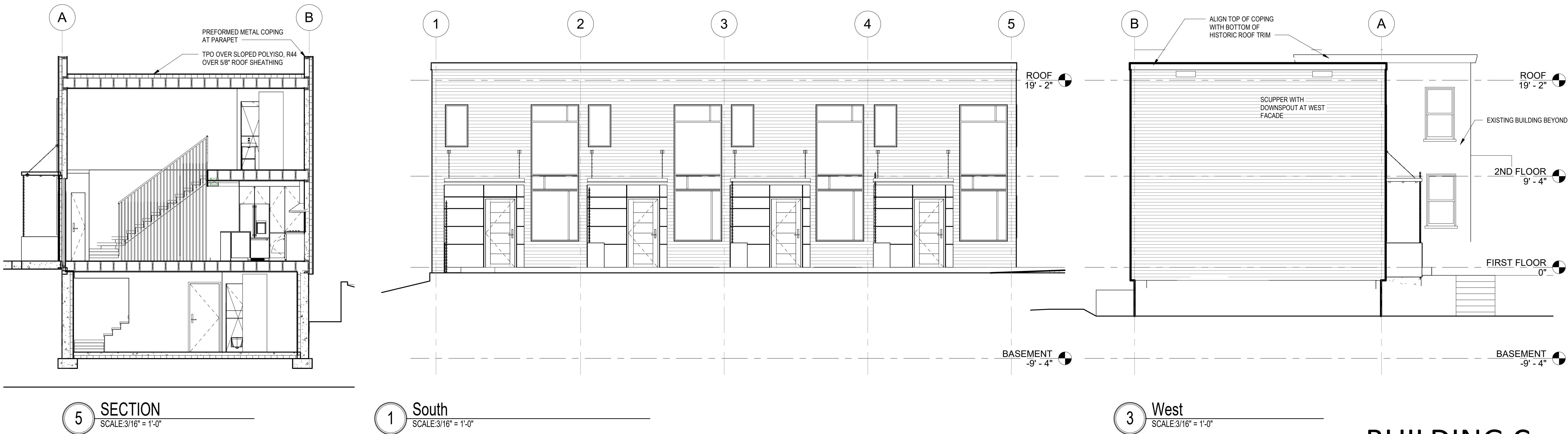
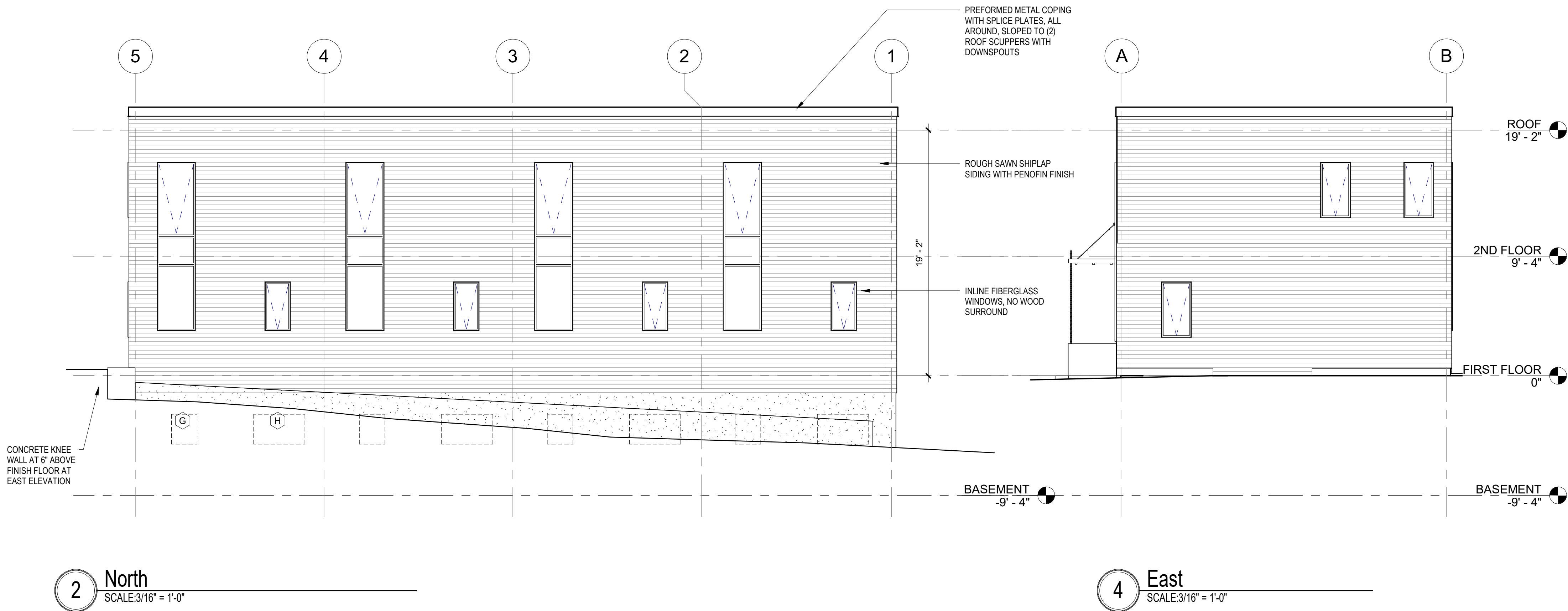
Phase: DRB REVIEW

Scale: 3/16" = 1'-0"

Date: 09/20/24

BUILDING
ELEVATIONS/
SECTION

A200



BUILDING C



CITIBIN <https://citibin.com/>
Frame: Marine-grade bent aluminum, powder-coated in black gray.

Siding: Recycled bamboo composite boards.

Hardware: Stainless steel hinges, screws, soft-closing hydraulic arms, and leveling feet.

1-Loop Wave Style Bike Rack - 3 Bike Capacity, Black



[More Images](#)

Upscale stylish look for downtown shopping and business districts.

- For stadiums, parks and athletic fields.
- 10-gauge steel with attractive powder coating.
- 2 3/8" diameter bar.
- Mounting hardware included.

SPECIFY COLOR:



MODEL NO.	DESCRIPTION	SIZE L x W x H	BIKE CAPACITY	WT. (LBS.)	PRICE EACH		COLOR	IN STOCK SHIPS TODAY
					1	3+		
H-2892BL	1-Loop	22 x 2 1/2 x 34"	3	27	\$230	\$220	☒ Black	1 ADD

☒ [Additional Info](#)

☐ [Parts](#)

☐ [Shopping Lists](#)

[Request a Catalog](#)

DIMENSIONS:

- Base Plate (Diameter): 7"
- Mounting Holes: 9/16"

MOUNTING HARDWARE:

- Included hardware is for concrete, block or stone.
- Not recommended for asphalt.

Availability: [In Stock](#)

Unit Weight: 28 lbs.

[Instructions](#)

[Catalog Page 417](#)

[Email Item](#)

Country of Origin: USA

SAME DAY SHIPPING

HUGE SELECTION IN STOCK

SHIPS FROM 13 LOCATIONS

253 South Union Street

MATERIALS AND PRODUCTS

WINDOWS

Jeld Wen DF Hybrid Series

- Dual glazed meeting RBES requirements
- Se

DOORS

ThermaTru

- Exterior fiberglass, insulated door panels with insulated glazing.
- Meets RBES requirements

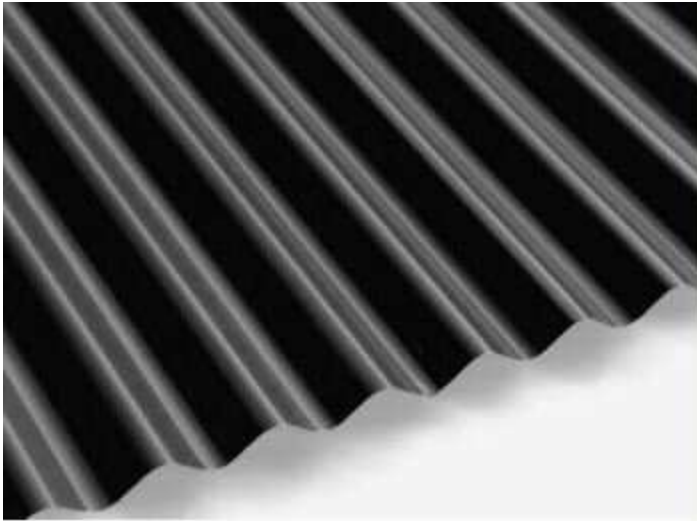
ROOFING

EPDM or TPO roofing membrane

- 60 mil roofing membrane at low slope roofs (high roofs)
- Sloped to gutter and leader at rear
- Black or Gray

CORRUGATED ROOF PANELS

- Painted Corrugated Steel Panels (entry roofs)

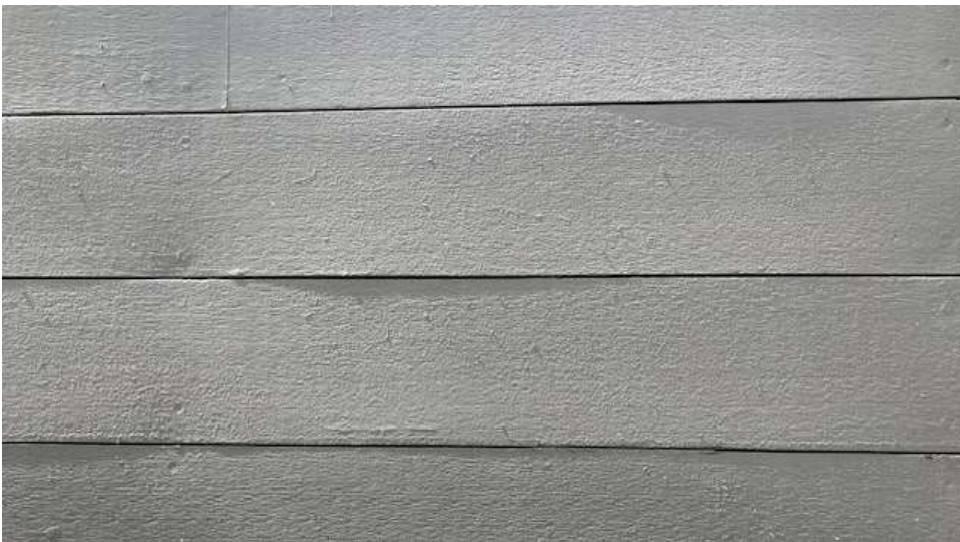


-

SIDING

GENERAL SIDING

- Shiplap wood siding
- Painted or Stained



SIDING

ACCENT PANEL @ siding

- Metal panels or cement board panels
- Hardie product



- Metal Panel



EXTERIOR LIGHTING

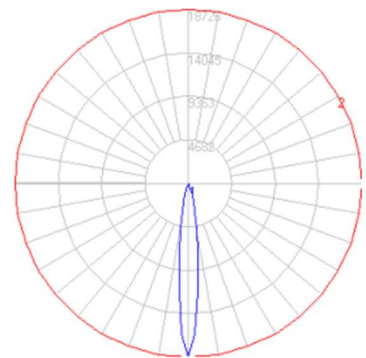
DOWNLIGHT IN CANOPY



BEGA

Photometric Filename: 55844.IES

TEST: BE_55844
TEST LAB: BEGA
DATE: 10/4/2017
LUMINAIRE: 55 844
LAMP: 17.2W LED



STAIRS AND RAILINGS

STAIRS

- All Stairs are to be concrete

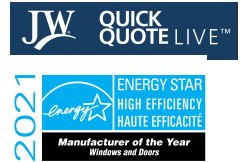
HANDRAILS and GUARDRAILS

- Galvanized handrails and guardrails
- Similar to:



-

Black Interior Option



Overhead Door Co. of Burlington
5375 Williston Rd.
Williston, VT 05495

QUOTE BY : Don Johnson
SOLD TO : Farrington Construction
PO# :

QUOTE # : JW240300GX3 - Version 1
SHIP TO :
PROJECT NAME: SOUTH UNION ST - BLACK INTERIOR

Ship Via : Ground

REFERENCE :

U-Factor Weighted Average: 0.27

SHGC Weighted Average: 0.45

LINE	LOCATION SIZE INFO	BOOK CODE DESCRIPTION	NET UNIT PRICE	QTY	EXTENDED PRICE
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Line 1 **A** Size: F.S. 59 X 168 : **R.S.O. 60 X 169**
(1499mm x 4267mm)
United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500
Fixed/Shapes ,
7 Boxes , Special Mull Configuration Stationary ,
Rectangle
Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet
Black - FiniShield
, Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) ,
Wall Depth (behind nailing flange): 4 9/16 " ,
Int Option: Drywall Adapter 3/4" , Loose Pre-drilled
Mixed Glass
Viewed from Exterior. Scale: 1/2" =1' Grille: No Grilles ,
Standard Hinge
Std Packaging
R/O: 60 x 169
See sub-lines for ENERGY STAR information.
NAFS: N/A N/A N/A N/A
Weight: 334.30 lb
PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF
Drawing Number: 7Z

5

Line 1-1(A1) Frame Size: 14 1/2 x 21
(368mm x 533mm)
United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500
Fixed/Shapes ,
1 Wide Stationary , Stationary
Rectangle
Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet
Black - FiniShield
, Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) ,
Wall Depth (behind nailing flange): 4 9/16 " ,
Int Option: Drywall Adapter 3/4" , Loose Pre-drilled
Dualpane SunFlow 1 Low-E Argon gas ,
L/a 1.11 sqft,
Anneal/ Anneal,
Grille: No Grilles ,
Std Packaging

cust-59988

Page 1 of 10 (Prices are subject to change.) JW240300GX3 (Ver:1)- 03/15/2024 1.12 PM

Quote Date: 03/14/2024

Drawings are for visual reference only and may not be to exact scale.
All orders are subject to review by JELD-WEN

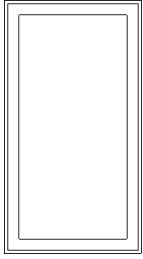
Last Modified: 03/14/2024

LINE	LOCATION SIZE INFO	BOOK CODE DESCRIPTION	NET UNIT PRICE	QTY	EXTENDED PRICE
		ENERGY STAR QUALIFIED,(NFRC CPD# JEL-M-HFF-00008-00001), ER: 36, U-Factor: 0.28, SHGC: 0.53 NAFS: CW-PG60 +2880/-2880 Pa 720 Pa A3 Weight: 10.14 lb PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF			
Line 1-2(C3)		Frame Size: 16 1/2 x 18 (419mm x 457mm) United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500 Fixed/Shapes , 1 Wide Stationary , Stationary Rectangle Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet Black - FiniShield , Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) , Wall Depth (behind nailing flange): 4 9/16 " , Int Option: Drywall Adapter 3/4" , Loose Pre-drilled Dualpane SunFlow 1 Low-E Argon gas , L/a 1.09 sqft, Anneal/ Anneal, Grille: No Grilles , Std Packaging ENERGY STAR QUALIFIED,(NFRC CPD# JEL-M-HFF-00008-00001), ER: 36, U-Factor: 0.28, SHGC: 0.53 NAFS: CW-PG60 +2880/-2880 Pa 720 Pa A3 Weight: 9.90 lb PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF			
Line 1-3(D1)		Frame Size: 12 1/2 x 63 (318mm x 1600mm) United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500 Fixed/Shapes , 1 Wide Stationary , Stationary Rectangle Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet Black - FiniShield , Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) , Wall Depth (behind nailing flange): 4 9/16 " , Int Option: Drywall Adapter 3/4" , Loose Pre-drilled Dualpane SunFlow 1 Low-E Argon gas , L/a 3.16 sqft, Anneal/ Anneal, Grille: No Grilles , Std Packaging ENERGY STAR QUALIFIED,(NFRC CPD# JEL-M-HFF-00040-00001), ER: 35, U-Factor: 0.28, SHGC: 0.52 NAFS: CW-PG60 +2880/-2880 Pa 720 Pa A3 Weight: 25.64 lb PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF			

LINE	LOCATION SIZE INFO	BOOK CODE DESCRIPTION	NET UNIT PRICE	QTY	EXTENDED PRICE
Line 1-4(C1)		Frame Size: 42 1/2 x 18 (1080mm x 457mm) United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500 Fixed/Shapes , 1 Wide Stationary , Stationary Rectangle Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet Black - FiniShield , Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) , Wall Depth (behind nailing flange): 4 9/16 " , Int Option: Drywall Adapter 3/4" , Loose Pre-drilled Dualpane SunFlow 1 Low-E Argon gas , L/a 3.5 sqft, Anneal/ Anneal, Grille: No Grilles , Std Packaging ENERGY STAR QUALIFIED,(NFRC CPD# JEL-M-HFF-00008-00001), ER: 36, U-Factor: 0.28, SHGC: 0.53 NAFS: CW-PG60 +2880/-2880 Pa 720 Pa A3 Weight: 24.36 lb PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF			
Line 1-5(D2)		Frame Size: 46 1/2 x 63 (1181mm x 1600mm) United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500 Fixed/Shapes , 1 Wide Stationary , Stationary Rectangle Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet Black - FiniShield , Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) , Wall Depth (behind nailing flange): 4 9/16 " , Int Option: Drywall Adapter 3/4" , Loose Pre-drilled Dualpane SunFlow 1 Low-E Argon gas , L/a 16.93 sqft, Anneal/ Anneal, Grille: No Grilles , Std Packaging ENERGY STAR QUALIFIED,(NFRC CPD# JEL-M-HFF-00040-00001), ER: 35, U-Factor: 0.28, SHGC: 0.52 NAFS: CW-PG60 +2880/-2880 Pa 720 Pa A3 Weight: 88.29 lb PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF			
Line 1-6(B1)		Frame Size: 59 x 66 (1499mm x 1676mm) United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500 Fixed/Shapes , 1 Wide Stationary , Stationary Rectangle Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet Black - FiniShield , Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) ,			
cust-59988		Page 3 of 10 (Prices are subject to change.) JW240300GX3 (Ver:1)- 03/15/2024 1.12 PM Quote Date: 03/14/2024 Drawings are for visual reference only and may not be to exact scale. Last Modified: 03/14/2024 All orders are subject to review by JELD-WEN			

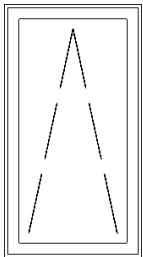
LINE	LOCATION SIZE INFO	BOOK CODE DESCRIPTION	NET UNIT PRICE	QTY	EXTENDED PRICE
		Wall Depth (behind nailing flange): 4 9/16 " , Int Option: Drywall Adapter 3/4" , Loose Pre-drilled Dualpane SunFlow 1 Low-E Argon gas , L/a 23.13 sqft, Anneal/ Anneal, Grille: No Grilles , Std Packaging ENERGY STAR QUALIFIED,(NFRC CPD# JEL-M-HFF-00104-00001), ER: 34, U-Factor: 0.28, SHGC: 0.51 NAFS: CW-PG60 +2880/-2880 Pa 720 Pa A3 Weight: 116.55 lb PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF			
Line 1-7(A2)		Frame Size: 44 1/2 x 21 (1130mm x 533mm) United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500 Fixed/Shapes , 1 Wide Stationary , Stationary Rectangle Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet Black - FiniShield , Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) , Wall Depth (behind nailing flange): 4 9/16 " , Int Option: Drywall Adapter 3/4" , Loose Pre-drilled Dualpane SunFlow 1 Low-E Argon gas , L/a 4.51 sqft, Anneal/ Anneal, Grille: No Grilles , Std Packaging ENERGY STAR QUALIFIED,(NFRC CPD# JEL-M-HFF-00008-00001), ER: 36, U-Factor: 0.28, SHGC: 0.53 NAFS: CW-PG60 +2880/-2880 Pa 720 Pa A3 Weight: 29.38 lb PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF			

LINE	LOCATION SIZE INFO	BOOK CODE DESCRIPTION	NET UNIT PRICE	QTY	EXTENDED PRICE
Line 2	B	Frame Size: 28 x 52 (711mm x 1321mm) United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500 Fixed/Shapes , 1 Wide Stationary , Stationary Rectangle Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet Black - FiniShield , Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) , Wall Depth (behind nailing flange): 4 9/16 " , Int Option: Drywall Adapter 3/4" , Loose Pre-drilled Dualpane SunStable 1 Low-E Argon gas , L/a 7.66 sqft, Anneal/ Anneal, Grille: No Grilles , Std Packaging R/O: 29 x 53 (NFRC CPD# JEL-M-HFF-00005-00001), ER: 26, U-Factor: 0.27, SHGC: 0.34 NAFS: CW-PG60 +2880/-2880 Pa 720 Pa A3 Weight: 55.51 lb PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF			
5					



Viewed from Exterior. Scale: 1/2" =1'

Line 3	B1	JWCAW-028052 Frame Size: 28 x 52 (711mm x 1321mm) United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500 Awning , 1 Wide Awning , Awning Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet Black - FiniShield , Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) , Wall Depth (behind nailing flange): 4 9/16 " , Int Option: Drywall Adapter 3/4" , Loose Pre-drilled Dualpane SunFlow 1 Low-E Argon gas , L/a 7.66 sqft, Anneal/ Anneal, Grille: No Grilles , Black hardware Contemporary Multipoint Hardware & Nesting Handle , Standard Hinge FLEXSCREEN, Screen Installed Std Packaging R/O: 29 x 53 (NFRC CPD# JEL-M-HAA-00008-00001), ER: 33, U-Factor: 0.27, SHGC: 0.47 NAFS: LC-PG70 +3360/-3360 Pa 720 Pa A3 Weight: 55.51 lb PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF			
5					

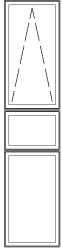


Viewed from Exterior. Scale: 1/2" =1'

LINE	LOCATION SIZE INFO	BOOK CODE DESCRIPTION	NET UNIT PRICE	QTY	EXTENDED PRICE
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Line 4 **C**

Size: F.S. 36 X 158 : **R.S.O. 37 X 159**
(914mm x 4014mm)
United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500
Awning ,
3 Boxes , 3 High(3B) Awning ,
Rectangle
Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet
Black - FiniShield
, Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) ,
Wall Depth (behind nailing flange): 4 9/16 " ,
Int Option: Drywall Adapter 3/4" , Loose Pre-drilled
Dualpane SunStable 1 Low-E Argon gas ,
Anneal/ Anneal,
Grille: No Grilles ,
Black hardware Contemporary Multipoint Hardware & Nesting Handle ,
Standard Hinge
Standard Screen - Black , Screen Installed
Std Packaging
R/O: 37 x 159 1/16
See sub-lines for ENERGY STAR information.
NAFS: N/A N/A N/A N/A
Weight: 199.26 lb
PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF



Viewed from Exterior. Scale: 1/2" =1'

5

Line 4-1(A1)

Frame Size: 36 x 70 1/2
(914mm x 1791mm)
United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500
Awning ,
1 Wide Awning , Awning
Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet
Black - FiniShield
, Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) ,
Wall Depth (behind nailing flange): 4 9/16 " ,
Int Option: Drywall Adapter 3/4" , Loose Pre-drilled
Dualpane SunStable 1 Low-E Argon gas ,
L/a 14.31 sqft,
Anneal/ Anneal,
Grille: No Grilles ,
Black hardware Contemporary Multipoint Hardware & Nesting Handle ,
Standard Hinge
Standard Screen - Black , Screen Installed
Std Packaging
(NFRC CPD# JEL-M-HAA-00037-00001), ER: 23, U-Factor: 0.27, SHGC:
0.3
NAFS: N/A N/A N/A N/A
Weight: 76.96 lb
PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF

LINE	LOCATION SIZE INFO	BOOK CODE DESCRIPTION	NET UNIT PRICE	QTY	EXTENDED PRICE
Line 4-2(B1)		Frame Size: 36 x 25 1/2 (914mm x 648mm) United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500 Fixed/Shapes , 1 Wide Stationary , Stationary Rectangle Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet Black - FiniShield , Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) , Wall Depth (behind nailing flange): 4 9/16 " , Int Option: Drywall Adapter 3/4" , Loose Pre-drilled Dualpane SunStable 1 Low-E Argon gas , L/a 4.53 sqft, Anneal/ Anneal, Grille: No Grilles , Std Packaging (NFRC CPD# JEL-M-HFF-00005-00001), ER: 26, U-Factor: 0.27, SHGC: 0.34 NAFS: CW-PG60 +2880/-2880 Pa 720 Pa A3 Weight: 28.77 lb PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF			
Line 4-3(C1)		Frame Size: 36 x 62 (914mm x 1575mm) United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500 Fixed/Shapes , 1 Wide Stationary , Stationary Rectangle Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet Black - FiniShield , Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) , Wall Depth (behind nailing flange): 4 9/16 " , Int Option: Drywall Adapter 3/4" , Loose Pre-drilled Dualpane SunStable 1 Low-E Argon gas , L/a 12.46 sqft, Anneal/ Anneal, Grille: No Grilles , Std Packaging (NFRC CPD# JEL-M-HFF-00005-00001), ER: 26, U-Factor: 0.27, SHGC: 0.34 NAFS: CW-PG60 +2880/-2880 Pa 720 Pa A3 Weight: 67.86 lb PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF			
Line 5		EXTRA FOR SPANDREL / BLACK WINDOW CLIST CHARGE			

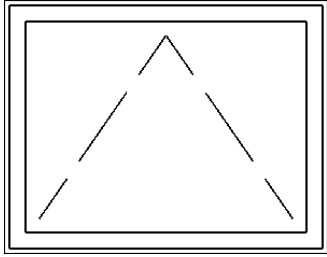
Line 6 SET UP FEE FOR SPANDRELNET COST

E



5

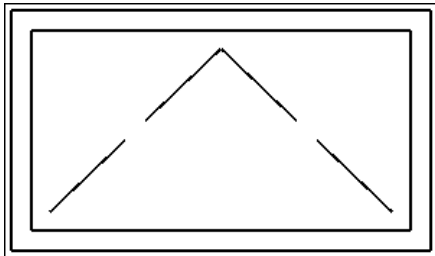
LINE	LOCATION SIZE INFO	BOOK CODE DESCRIPTION	NET UNIT PRICE	QTY	EXTENDED PRICE
Line 8	F	JWCAW-046036 Frame Size: 46 x 36 (1168mm x 914mm) United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500 Awning , 1 Wide Awning , Awning Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet Black - FiniShield , Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) , Wall Depth (behind nailing flange): 4 9/16 " , Int Option: Drywall Adapter 3/4" , Loose Pre-drilled Dualpane SunFlow 1 Low-E Argon gas , L/a 8.98 sqft, Anneal/ Anneal, Grille: No Grilles , Black hardware Contemporary Multipoint Hardware & Nesting Handle , Standard Hinge FLEXSCREEN, Screen Installed Std Packaging R/O: 47 x 37 (NFRC CPD# JEL-M-HAA-00008-00001), ER: 33, U-Factor: 0.27, SHGC: 0.47 NAFS: LC-PG40 +1920/-1920 Pa 720 Pa A3 Weight: 61.55 lb PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF			



Viewed from Exterior. Scale: 1/2" =1'

5

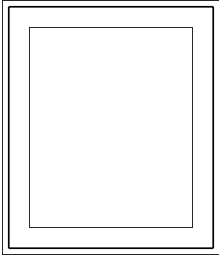
Line 9	G	JWCAW-048028 Frame Size: 48 x 28 (1219mm x 711mm) United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500 Awning , 1 Wide Awning , Awning Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet Black - FiniShield , Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) , Wall Depth (behind nailing flange): 4 9/16 " , Int Option: Drywall Adapter 3/4" , Loose Pre-drilled Dualpane SunFlow 1 Low-E Argon gas , L/a 7.01 sqft, Anneal/ Anneal, Grille: No Grilles , Black hardware Contemporary Multipoint Hardware & Nesting Handle , Standard Hinge FLEXSCREEN, Screen Installed Std Packaging R/O: 49 x 29 (NFRC CPD# JEL-M-HAA-00008-00001), ER: 33, U-Factor: 0.27, SHGC: 0.47 NAFS: LC-PG40 +1920/-1920 Pa 720 Pa A3 Weight: 51.60 lb PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF			
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Viewed from Exterior. Scale: 1/2" =1'

5

LINE	LOCATION SIZE INFO	BOOK CODE DESCRIPTION	NET UNIT PRICE	QTY	EXTENDED PRICE
Line 10	H	Frame Size: 24 x 28 (610mm x 711mm) United States compliance: DF Hybrid Vinyl/Aluminum clad , JWC8500 Fixed/Shapes , 1 Wide Stationary , Stationary Rectangle Ext Colour: Black Classic (C-08) , Material (interior) Vinyl Int Colour: Jet Black - FiniShield , Ext Options: Nailing Fin (4 9/16' behind, & 7 3/4" total) , Wall Depth (behind nailing flange): 4 9/16 " , Int Option: Drywall Adapter 3/4" , Loose Pre-drilled Dualpane SunFlow 1 Low-E Argon gas , L/a 3.13 sqft, Anneal/ Anneal, Grille: No Grilles , Std Packaging R/O: 25 x 29 ENERGY STAR QUALIFIED,(NFRC CPD# JEL-M-HFF-00008-00001), ER: 36, U-Factor: 0.28, SHGC: 0.53 NAFS: CW-PG60 +2880/-2880 Pa 720 Pa A3 Weight: 28.24 lb PEV 2024.1.0.4464/PDV 7.409 (02/28/24)DF			



Viewed from Exterior. Scale: 1/2" =1'



Existing Building – NE Corner



East Building Site – looking W from street



East Building Site – looking S



East Building Site – looking NW



West Building Site – Looking W



East & West Building Sites- Elevated
Looking West from Existing



West Building Site- From South
Driveway

- Outreach and Education
 - Tenants will be provided a copy of the TDM at lease signing.
 - The property manager will be the designated TDM coordinator. At the the time of drafting, the coordinator will be James Dufour. This document will be updated when the coordinator changes.
- TDM Strategies
 - Car Share Vermont memberships will be offered to all tenants at time of lease signing.
 - Memberships will be fully subsidized for the first two years and subsidized at 50% thereafter.
 - GMT Transit passes will be offered to all tenants at lease signing, during such periods as GMT Transit passes are available for purchase.
 - Passes will be fully subsidized for the first year and subsidized at 50% thereafter.
- Parking Management
 - Annual studies of parking utilization will be conducted.
 - Parking will be unbundled from rent and made available at market rate.
 - Priority parking spaces will be made available for bikes, scooters, and motorcycles.
 - Priority parking spaces will be made available as required for ADA accessible spaces and car share vehicles

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone:(802) 865-7188

*William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Garret King, Associate Planner
Joseph Cava, Permit Technician
Steve Cormier, Code Compliance Officer
Ted Boylan, Permitting & Inspections Administrator*



TO: Development Review Board
FROM: Scott Gustin
DATE: October 1, 2024
RE: ZAP-24-8; 0 Northshore Drive

=====

The appellant has requested deferral of this appeal hearing to allow more time to resolve the matter with zoning staff.

Department of Permitting and Inspections

Zoning Division

645 Pine Street

Burlington, VT 05401

<https://www.burlingtonvt.gov/DPI/Zoning-Permits>

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

William Ward, Director
Theodore Miles, Code Compliance Officer
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Garret King, Associate Planner
Joseph Cava, Planning Technician
Ted Boylan, Permit Administrator
Steven Cormier, Zoning Compliance Officer



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: October 1, 2024

RE: ZP-24-59; 44 Wright Avenue

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP-24-59

Location: 44 Wright Avenue

Zone: RM **Ward:** 5

Parking District: Neighborhood

Date application accepted: February 21, 2024; revised application June 12, 2024.

Applicant/ Owner: Arthur Chukhman, Duncan Wisniewski / Andrew McNealus, 44 Wright LLC

Request: Planned Unit Development; convert existing triplex to a quadplex, construct second principal structure with three residential units. Site modifications.

Background:

- **Zoning Permit 23-207;** seeking determination classifying property as a three-unit dwelling. Affirmative determination May 2023.
- **Zoning Permit 03-453;** install vinyl siding over existing asphalt siding. Vinyl cornerboards. Aluminum window trim and soffits. [Conditioned that existing wood cornerboard, window trim, soffits, and gable ends be maintained as wood is defining features of the building.] Property identified as a duplex. April 2003.
- **Zoning Permit 85-162;** Construct open deck to the rear of #46. Property identified as a duplex. May 1985.
- **Zoning Permit (82-illegible);** add an 8' x 14' open deck to the upstairs rear of the house. Changing present window to a door. No additional lot coverage. Property identified as 3 units. June 1982.



Overview: 44-46 Wright Avenue is an existing triplex within the Lakeside Historic District. As part of the Neighborhood Code, this neighborhood has been up-zoned to Residential-Medium (RM) from the previous Waterfront Low-Density zoning district. There is no minimum lot size for a PUD in the RM zoning district. This application proposes four units in the Principal building (with a full rehabilitation of the existing structure), and a new detached principal building with three additional residential units for a total of 7 on-site.

Plans have been revised since the March 12, 2024 DAB review.

The **Design Advisory Board** reviewed the application at their September 10, 2024 meeting and voted to recommend approval to the DRB.

Recommended motion: Certificate of Appropriateness Level II Approval of the Planned Unit Development, subject to the following Findings and Conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

For a building footprint of 900 sf., with three floors of residential use, the following calculation will inform Impact Fees:

SF of Project 2,700

Department	Residential	
	Rate	Fee
Traffic	0.231	623.55
Fire	0.261	704.28
Police	0.053	141.97
Parks	0.874	2,360.58
Library	0.541	1,461.44
Schools	1.129	3,048.15
Total	3.089	\$ 8,339.97

Section 3.3.8 Time and Place of Payment

Impact fees must be paid to the city's chief administrative officer / city treasurer according to the following schedule:

a) New Buildings: Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof.

Affirmative finding as conditioned.

Article 4: Zoning Maps and Districts

[This Section revised to reflect the adopted and/or warned Neighborhood Code Amendment]

Section 4.4.5 Residential Districts

(a) Purpose

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment, while enabling neighborhood to evolve to meet the changing needs of households and the economy, and as a result of the climate emergency. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and **new buildings are interspersed within a wide range of historic structures** and building facades designed for parking shall be secondary to the residential aspect of a structure.

2. The Residential Medium Intensity (**Residential Medium, RM**) district is intended for residential development that includes a mix of housing types such as single family detached dwellings, with or without accessory dwelling units, duplex, **triplex, quadplex**, and multi-stories, and development generally results in moderately higher lot coverage as compared to the RL district. Neighborhoods within this district are typically walkable to downtown or other mixed-use areas of the city, and commercial uses within the district take the form of home-based businesses and the adaptive reuse of historic buildings for neighborhood-serving uses.

The proposed conversion of the existing triplex to a quadplex, and the addition of a detached triplex interspersed within historic structures are consistent with the standards of this section.
Affirmative finding.

(b) Dimensional Standards

Table 4.4.5-1 Lot Size, Frontage, Setback, and Lot Coverage Standards in Residential Districts

RM District	Min. lot frontage 30'	Front setback Min avg. of front setback 2 adjacent lots on both sides +/- 5'	Side Setback 7 Min. 10% of lot width or avg. of side setback of 2 adjacent lots on both sides	Rear: 15'	Lot Coverage 9 55%
Proposed 44 Wright	No change	No change	10% lot width 5.5'	37.5'	51.2% base; 61.2% total (inc. allowable bonus)
7. A 75' setback shall be required from the ordinary high water mark of Lake Champlain and the Winooski River. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of Section 4.5.3 Riparian and Littoral Conservation Overlay Zone.					
9. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d) 2C below.					

Affirmative finding.

Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts

RM District	Max Height & Stories 35', 3 stories	Max dwelling units per structure: 2, 3, 4 4 in principal structure, 4 in	Max. Principal Structure Footprint 3 1800 sf.	Max Secondary Structure Footprint 3 900 sf	Max Building face before providing offset: 50'	Min. Distance between structures on same lot 15'
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		Secondary Structure.				
44 Wright proposed	Primary building as existing; Second principal building 35'	4 in Primary building, 3 in Secondary building.	Existing	Application is for a second <i>principal</i> structure under the PUD standards of Article 11.		

2. Minimum dwelling unit size is 350 sf.

3. Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Article 11. THIS PROVISION DOES NOT TAKE EFFECT UNTIL 11.1.2024 as warned by City Council, ZA 24-04, Neighborhood Code 2A, Part 1.

4. Within the RM district, a maximum of four (4) dwelling units are permitted in a Principal structure, and a maximum of four (4) units in a Secondary structure.

Affirmative finding.

(c) Permitted and Conditional Uses:

Residential use, as modified by district specific regulations in Section 4.4.5 (d) is a permitted use.

Affirmative finding.

(d) District Specific Regulations

1. Additional Residential Development – Permitted

In addition to any applicable development permitted according to Article 11 – Planned Unit Development, the following additional development types and intensities shall be allowed within the Residential Districts, subject to the following standards.

A. Reserved

Table 4.4.5-3 Reserved

B. Residential Development Bonuses

The following exceptions to maximum allowable residential standards in Tables 4.4.5-1 and 4.4.5-2 may be approved in any combination subject to maximum limits set forth in Table 4.4.5-6 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.

i. Senior Housing Bonus

Not applicable.

ii. Residential Conversion Bonus

Not applicable.

iii. Limitations on Residential Development Bonuses

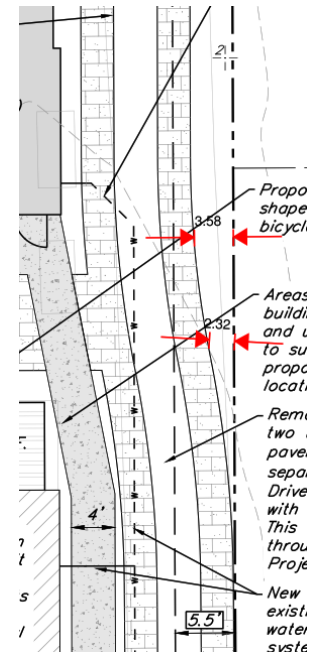
No residential bonuses are sought. Not applicable.

2. Exceptions to Dimensional Standards

A. Encroachment into Side Setback for Residential Driveways

For purposes of enabling narrow or flag lots to create a driveway to provide a maximum of two tandem parking spaces, **or to access a parking area behind a principal structure**, driveways may encroach into a required side setback up to the property line. The maximum waiver from the side setback shall be the minimum necessary for the purposes of creating such a driveway or access to parking spaces. Applications for such waiver shall demonstrate that there will be no undue adverse impact on drainage, safety, light, and air, nor encroachment into a neighboring side yard. With such approval, the lot shall not be considered nonconforming due to the decreased setback.

The driveway does not meet the required minimum 5' setback on the east property line; however the driveway is an existing feature that will be located in a similar orientation as existing. The access to the rear parking area introduces eligibility under this standard for a waiver from the required side setback. **Affirmative finding.**



B. Encroachment into the Waterfront Setback

The following exceptions to the required waterfront setback for Lake Champlain and the Winooski River established under Section 4.5.4:

i. Replacement of Existing Structure

Not applicable.

ii. Averaging of Setbacks of Existing Structures

If the setback from the waterfront of existing principal structures within one hundred and fifty (150) feet on either or both sides of a subject lot is less than the minimum required setback, the setback for the subject lot may be reduced to the average setback of such neighboring structures.

The application utilizes the averaging provision to establish an average waterfront setback of 61.5'. Reference is made to plan C-0.00.

- WATERFRONT SETBACK:
- DEFINED FROM THE ORDINARY HIGH WATER MARK ELEVATION 100' BY THE CITY OF BURLINGTON
 - AVERAGE OF THE WATERFRONT SETBACKS OF THE TWO ADJACENT PROPERTIES
 - 38 WRIGHT AVENUE = 46'
 - 56 WRIGHT AVENUE = 77'
- SETBACK = 61.5'

Correction: Instead of 56 Wright, it should be 9 Central Avenue. See Plan C 0.00.

C. Exceptions to Lot Coverage for Accessory Residential Features

In addition to lot coverage exemptions in Section 5.2.3 (b), within the RL and RM districts an additional ten (10) percent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such features shall at no time be enclosed:

- (i) Decks
- (ii) Patios
- (iii) Porches
- (iv) Terraces

- (v) *Tennis or other outdoor game courts*
- (vi) *Swimming Pool aprons*
- (vii) *Walkways*
- (viii) *Window wells and/or*
- (ix) *Pervious pavement designed and maintained to infiltrate the 1 year / 24 hour stormwater event onsite, subject to review and approval by the Stormwater Administrator.*

The proposal includes several features subject to the bonus provision of this section: Decks (356 sf), a front porch (77 sf), walks (64 + 250 sf) and pervious pavers. Using pervious pavers towards the bonus will require approval of the pervious pavers by the Stormwater Administrator.

Affirmative finding as conditioned.

3. *Exception for Neighborhood Commercial Uses*

Not applicable.

4. *Miscellaneous Standards*

A. *Additions to Existing Residential Structures*

Not applicable.

B. *Accessory Residential Structures, Buildings, and Uses*

Not applicable.

C. *Residential Occupancy Limits*

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Notwithstanding the following, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied.

Vermont statutory changes have eliminated provisions that restrict the number of people residing in a single dwelling unit. Not applicable.

Article 5: Citywide General Regulations

Part 1: *Uses and Structures*

Section 5.1.2 (a) *Preexisting Structures*

Not applicable.

Section 5.1.2 (b) *Pre-existing Non-conforming Structures*

Not applicable.

Section 5.1.2 (c) *Principal Structures* [Revised by Neighborhood Code]

More than one principal structure is permitted on a lot within a residential zoning district subject to the limits of Section 4.4.5 Residential Districts, or as otherwise authorized pursuant to the requirements of Article 11 – Planned Development. In all other districts, more than one principal structure may be permitted on any single lot.

More than one principal structure may be permitted subject to Article 11: Planned Unit Development. See Article 11, below.

Section 5.1.2 (d) Accessory Residential Structure or Buildings:

An accessory structure or building customarily incidental and subordinate to a principal residential use, structure, or building shall also be governed by the provisions of Section 4.4.5 (d) 4. B.

Not applicable.

Section 5.2.1 Reserved

Section 5.2.2 Required Frontage or Access

44 Wright Avenue has frontage on an accepted public street. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-1, above.

Section 5.2.4 Buildable Area Calculation and Steep Slopes Overlay

Buildable area does not apply as the property is not more than 2 acres.

(b) Steep Slopes Overlay District

This overlay district consists of all lands delineated in May 5.2.4-1 Steep Slopes Overlay District. The overlay district contains expanses of contiguous land with an average slope of 15% or greater over 50 ft intervals and adjacent lands within 50 feet of the top of the slope.



44 Wright is mapped within the Steep Slopes Overlay District. The site appears relatively flat, but falls away at the northwest corner. This is likely the basis for the lot being included within the Steep Slopes overlay district, which includes “adjacent lands within 50’ of the top of the slope.” Plan C-0.00 defines the limits of the Steep Slopes, which falls outside of the 44 Wright Avenue parcel; however the regulation includes *adjacent lands within 50 feet of the top of the slope*. The proposed secondary principal building is within that measurement; so standards apply.

Should the applicant team feel this attribution is incorrect, they shall provide corrected slope data. The boundaries on the Steep Slopes Overlay Map may be supplemented or modified by examination of one of more of the following sources by the Development Review Board whenever an application is submitted for

review.

- Contour Maps prepared from the most current orthophotography.

- On-site survey prepared by a registered professional engineer or surveyor.

The burden of proving the correct boundary shall be on the applicant, supported by engineering and/or surveying data or mapping. Absent correction, the Steep Slopes standards will apply.

1. District Specific Regulations

A. *The Steep Slope Overlay District shall be an overlay on all zoning districts. The regulations in the overlay are in addition to those regulations of the underlying zoning district.*

B. *These regulations apply to applications within the Overlay District that includes 400 sf. or more of earth disturbance.*

C. *Finished slopes of all cuts and fills shall not exceed 30% unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the ZAO or DRB in consultation with City Engineer.*

D. *Any fills placed on a steep slope shall be properly stabilized and, when necessary, supported by retaining walls or other appropriate measures as approved by the ZAO or DRB in consultation with the City Engineer.*

E. *Finished grades shall be reasonably safe from slide, collapse, or similar failure as determined by the ZAO or DRB in consultation with the City Engineer.*

Additional Application Requirements

A. *A site plan prepared by a registered professional engineer or surveyor that accurately depicts the proposed development and related land disturbance relative to the Steep Slope Overlay District boundaries, with all pertinent information describing the proposal, and a topographical survey depicting existing and proposed contour lines at no greater than 2 foot intervals. The plan shall depict all proposed cut, fill and grading.*

Reference is made to Plan C-0-00, with one foot topo lines illustrated as well as the extent of Steep Slopes greater than 15%. No cut and fill is proposed. The area of development, while within 50 of the top of the slope, does not propose any modification to the existing slope.

Affirmative finding.

B. *A plan depicting the extent of proposed vegetation clearing.*

The rear yard is flat, with only a few cedars at the northwest corner. The Conservation Board has recommended native plantings (shrubs and perennials) be installed in the northwest corner and along the western property boundary to function as a lakeshore buffer. Reference is made to the submitted landscaping plan, L-1.1 which responds to that recommendation. **Affirmative finding.**

3. Approval Condition

A. *Prior to construction, the applicant shall provide a geotechnical analysis prepared and stamped by a professional geotechnical engineer that determines the suitability of the steep slope for development.*

The burden for proving the correct boundary shall be on the applicant, supported by engineering and/or surveying data or mapping. If the Steep Slope overlay map is determined to be correct and inclusive of 44 Wright, the noted Approval Condition shall apply.

The provided plan has been completed by an engineering firm. The applicant will provide a letter from their engineer to confirm compliance. **Affirmative finding as conditioned.**

Section 5.2.5 Setbacks

(a) Setbacks required

See Table 4.4.5-1, above.

(b) Exceptions to Yard Setback Requirements:

The following projections into required yard setbacks may be permitted subject to the standards of Article 6 to ensure compatibility with neighboring properties:

1. Abutting Building with Doors or Windows

Not applicable.

2. Building and Site Features

An existing driveway (connecting to parking at the rear of the lot) is placed within the setback, as allowed within these exceptions. **Affirmative finding.**

3. Retaining Walls

Not applicable.

4. Historic Building Features

Not applicable.

5. Accessory Structures and Parking Areas. Accessory structures no more than fifteen (15) feet in height, parking areas, and driveways may project into a required side and rear yard setback provided they are no less than five (5) feet from a side or rear property line where such a setback is required.

The parking area meets the 5' minimum setback. **Affirmative finding.**

7. Driveways. Common or shared driveways and walkways along shared property lines and associated parking areas, including those to serve residential lots and developments per Section 4.4.5 (d) f. A and Section 5.2.2 do not have to meet setback requirements along the shared property line. Other driveway encroachments may be permitted subject to Section 4.4.5 (d) 1. A.

The driveway is an existing feature that will retain its non-conformity to setback; although it will not be considered non-conforming under these standards as it connects to a rear parking area. **Affirmative finding.**

8. Additional Exceptions for Non-conforming Structures under Section 5.3.5

Not applicable.

Section 5.2.6 Building Height Limits

See Table 4.4.5-2, above.

Section 5.2.7 Density and Intensity of Development Calculations

See footnote 4, Table 4.4.5-2.

Part 3: Non Conformities

The existing driveway alignment will be retained. See Section 5.2.5 b) 7, above.

Sec. 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;

To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;

To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,

To promote the adaptive re-use of historic buildings and sites.

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

44 Wright Avenue is a contributing resource to the Lakeside Historic District, listed on the National Register April 12, 1982. These standards apply ONLY to the existing structure at 44 Wright Avenue.

(13)
44-46 Wright Avenue. Dwelling Type D. Same as bldg. No. 5, 57-59 Lakeside Avenue. Variations: the entrance porch has a gable roof. Alterations: asphalt shingle siding (wood shingle siding in front gable and dormer peaks not covered.)

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

44 Wright Avenue was constructed as a residential duplex structure as company built housing to support the Queen City Cotton Mill. As a multi-unit building it will continue the residential use of the property.

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

When 44 Wright Avenue was listed on the National Register, the narrative described asphalt shingle siding, although the gable and dormers were shingled. A zoning permit in 2003 required the retention of cornerboards and shingle siding due to the historic listing of the property. This application proposes engineered wood siding, with a similar shingle style material in the dormers and at the principal gable end of the historic structure.

The removal and replacement of rear porches does not alter historic building features.

Window replacement will revert to the fenestration pattern visible in the historic district photograph: 6/6 visible in historic photos and the Assessor's aerial image of 1985. There are no permits on file for window replacement, other than replacement of a rear window with a door in 1982.



A ribbon of smaller windows is proposed under the eave line; although on the east and west elevations are less or invisible from the streetfront. The DAB offered no objection to this addition.

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

No conjectural features are proposed; however there is physical evidence to inform the original conditions of the building prior to earlier alteration, with or without zoning permits. Windows were historically 6/6 (probably as the construction date overlaps with the last building phase of the district, when Colonial Revival treatment was included) and the gable ends were shingled.

As noted, smaller windows under the eave line have been a common alteration to the Lakeside duplex models. The DAB asked about interior use in those locations, but offered no objection.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

None identified.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

44 Wright Avenue retains its relationship within the historic district due to its identical style and size to those other dwellings constructed by the Queen City Cotton Mill, however one of a handful that were oriented at right angles to the street rather than parallel. This massing and orientation, with dormer features follows the characteristic pattern of the neighborhood. Here is an opportunity to strengthen the commonalities with similar structures within the district.

Siding reveal should seek to match the historic dimension, and materials to follow suit. Fenestration patterns will reclaim the historic pattern rather than continue the unpermitted replacement design.



Assessor Reval photo 1984-85.
Window pattern 6/6 evident in upper floors.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

See comments above re: replacement windows.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No chemical treatments are proposed. Not applicable.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

No archaeological resources have been identified with this site. Not applicable.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials,*

features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.

See comments above re: replacement siding and windows.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

While unlikely, it is possible to consider removal of new siding, roofing and windows that would allow for the easy identification of the essential form and historic merit of the property. **Affirmative finding.**

Section 5.4.9 Brownfield Remediation

The applicants have conducted a Phase 2 study on the lot, with no concerning evidence. See attached report. **Affirmative finding.**

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

All applications for a zoning permit shall be required to demonstrate compliance with the applicable nuisance regulations and performance standards pursuant to the requirements of the Burlington Code of Ordinances. All such standards shall be met and maintained for all uses, except for agriculture and forestry, in all districts, as determined or measured at the property line. In determining ongoing compliance, the burden of proof shall fall on the applicant, property owner, and/or all successors and assigns.

With the warned Neighborhood Code zoning amendment, the increased residential units are consistent with the intent of the regulation. Within a residential area, new residential units with a compliant lighting plan, are not anticipated to introduce any new adverse impacts. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

A lighting plan/photometric has been provided which is compliant with the standards of this section. Any new pedestrian walkway shall be conditioned upon a lighting illumination not to exceed 2 footcandles. **Affirmative finding as conditioned.**

Section 5.5.3 Stormwater and Erosion Control

All new development and redevelopment projects that required a zoning permit shall be required to demonstrate compliance with the standards in Article 3, Stormwater and Erosion Control of Chapter 26 of the City Code of Ordinances: Wastewater, Stormwater, and Pollution Control.

Affirmative finding as conditioned.

Section 5.5.4 Tree Removal

Two Silver Maples west of the redevelopment (one is on 38 Wright lot) are proposed for removal. A lilac next to the front door will be removed for installation of the ramp, but an effort will be made to relocate it on-site. See Plan C-1.00. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.1 Applicability.

These standards shall be satisfied for the approval of all development subject to the provisions of this ordinance found in Article 3, Section 3.4.2(1) – Site Plan Review.

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

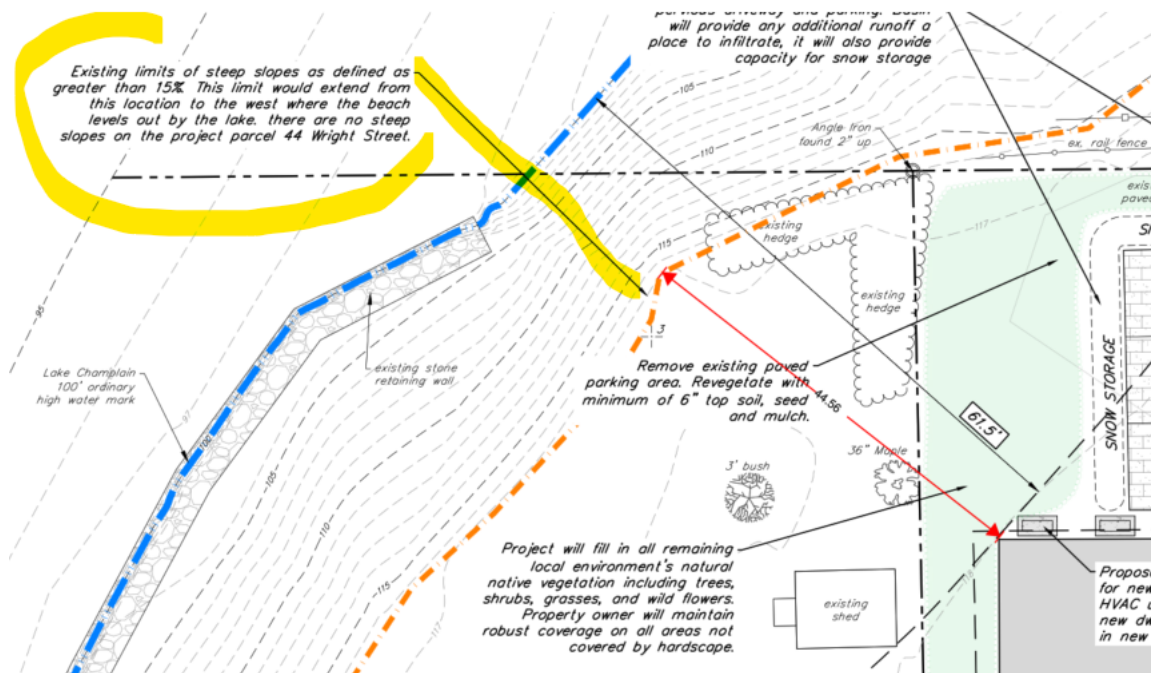
The landscape, existing terrain and any significant trees and vegetation shall be preserved in their natural state insofar as practicable in keeping with the objectives of the underlying zoning district. Development and site disturbance shall preserve watercourses, wetlands, steep slopes, flood-prone areas, rock outcroppings, wildlife habitat and travel corridors, specimen trees and contiguous stands of forest, and other sensitive ecological and geological areas insofar as practicable in keeping with the objectives of the underlying zoning district. Site plans shall provide suitable buffers from any proposed site improvements, and maintain continuity and contiguousness of greenspace while allowing reasonable development in support of the overall intent of the zoning district. Where any natural features are proposed to be removed or the topography altered, special attention shall be given to replace or mitigate the loss of such features. Any development occurring on parcels containing significant natural areas identified in the city's Open Space Protection Plan shall avoid disturbance to these natural areas and establish appropriate buffers that protect their natural functions.

The site appears relatively flat, but falls away at the northwest corner. This is likely the basis for the lot being included within the Steep Slopes overlay district, which includes “adjacent lands within 50’ of the top of the slopes.” The burden of proving the correct boundary has been on the applicant, supported by engineering and/or surveying data or mapping.

The revised application materials provided by Krebs and Lansing defines the limit of slopes of 15% or greater, which falls outside of the 44 Wright Avenue parcel. The proposed development area, however falls within the scope of “adjacent lands within 50’ of the top of the slope” (see red measurement) and will be subject to the Steep Slopes Review Standards unless the top of the slope is reidentified or the plan is revised to eliminate redevelopment within that 50’ measurement. **Affirmative finding as conditioned.**

(b) Topographical Alterations:

Alteration to the natural contour of the site shall minimize grading, cut, and fill, and shall take necessary measures to protect against erosion and future instability. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.



In areas where more intense levels of development are encouraged, development should seek to take advantage of topographical changes to hide and/or blend new construction into the landscape. Proposed design and construction details for any cut and fill, or retaining walls over 3-feet in height, or any height along the lakeshore, shall be subject to review and approval by the city engineer before receiving approval of the site plan.

The project intends to provide a shallow basin around the pervious driveway and parking area to provide additional area for stormwater infiltration. **Affirmative finding.**

(c) Protection of Important Public Views:

Distant terminal views of Lake Champlain and the mountains to the east and west, and important public and cultural landmarks, framed by public rights-of-way or viewed from public spaces shall be maintained through sensitive siting and design to the extent practicable. This shall not be construed to include views from exclusively private property.

There are no protected public views from or through this property. Views from exclusively private property are not protected. **Affirmative finding.**

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

Where feasible, the site plan should be so designed as to take advantage of the site's inherent potential to utilize sources of renewable energy including direct sunlight, wind, or running water. The site plan should also incorporate site planning and landscaping decisions intended to minimize energy demand such as siting buildings to maximize solar access or the use of deciduous and coniferous trees to create shade and windbreak.

Buildings should, where appropriate within the context of the neighborhood development pattern, maximize their solar exposure by being oriented to maximize natural light and heat gain during winter months, and to minimize casting shadows into ground floor living space of a building on an adjacent property.

Any new construction after January 1, 2024 triggers compliance requirements with the City's new Thermal Energy Systems ordinance. The applicant is encouraged to connect with Chris Burns (cburns@burlingtonelectric.com) to begin a conversation towards compliance.

Affirmative finding.

(f) Brownfield Sites:

Where a proposed development involves a known or suspected brownfield, the site plan shall indicate areas of known or suspected contamination, and the applicant shall identify completed or planned remediation necessary to support the intended use(s).

The property is not listed on the Department of Environmental Conservation's Brownfield indicator map. PES performed a Phase II Environmental Site Assessment with the following results:

- ◆ The laboratory results indicated no TPH GRO or DRO concentrations above the VT DEC guidelines were detected in the soil sample.
- ◆ The results of the metals analysis indicated no metal concentrations above the VTDEC guidelines in the soil sample.

Affirmative finding.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

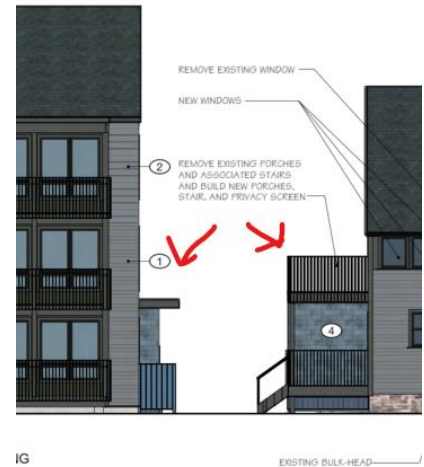
The site plan includes a proposal for a shallow basin to direct stormwater away from the parking and drive area. The Stormwater engineer will review the EPSC and Stormwater as a condition of approval.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

The existing multi-unit structure will retain the front covered porch, and provide shelter at rear entry. The proposed triplex includes a southerly entry under a modified canopy.

Snow storage is located at the north/rear of the parking area.

Affirmative finding as conditioned.



(h) Building Location and Orientation:

The introduction of new buildings and additions shall be consistent with the intent of the district. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes.

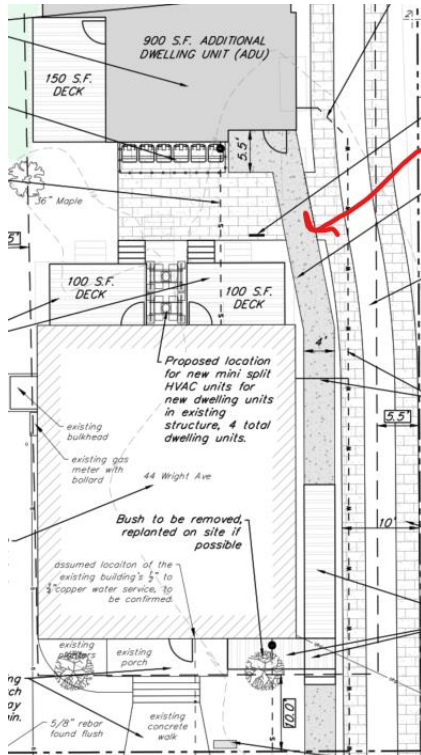
Principal buildings shall have their main entrance facing and clearly identifiable from the public street. The development of corner lots shall be subject to review by the city engineer regarding the adequacy of sight distances along the approaches to the intersection.

44 Wright will retain the same orientation as existing; gable front to the street. The proposed new triplex will be placed behind the existing building at the center of the lot. The main entrance is facing and clearly identifiable from the public street. **Affirmative finding.**

(i) Vehicular Access:

Curb cuts shall be arranged and limited in number to reduce congestion and improve traffic safety. A secondary access point from side roads is encouraged where possible to improve traffic flow and safety along major streets. The width and radius of curb cuts should be kept to the minimum width necessary, and sight triangles and sufficient turnarounds for vehicles shall be provided to reduce the potential for accidents at points of egress.

Whether commercial or residential, shared driveways are encouraged, where possible and appropriate.



finding.

Vehicular access will remain as existing, with a single access driveway off Wright Avenue. Standards allow for driveway encroachment into a required setback if it accesses parking in the rear of the lot. (Section 5.2.5 (b) 7.) **Affirmative finding.**

(j) Pedestrian Access:

Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.

The existing concrete walk to the front building will be retained for access to those units.

A second walk, with an accessible ramp, will run parallel to the driveway and connect to the building in the rear. **Affirmative**

(k) Accessibility for the Handicapped:

Special attention shall be given to the location and integration of accessible routes, parking spaces, and ramps for the disabled. Special attention shall also be given to identifying accessible access points between buildings and parking areas, public streets and sidewalks. The federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) shall be used as a guide in determining the adequacy of the proposed development in addressing the needs of the disabled.

Building Code typically requires the creation of one accessible unit when the new unit count ≥ 4 . The building official will provide guidance on requirements for providing any accessible units. A ramp has been included on the principal building. See plans A 2-1 and C-1.00. The units will be constructed to Vermont Visitability standards.

All other ADA compliance is under the jurisdiction of the building official. **Affirmative finding.**

(l) Parking and Circulation:

To the extent possible, parking should be placed at the side or rear of the lot and screened from view from surrounding properties and adjacent public rights of ways. Any off-street parking occupying street level frontage in a Downtown Mixed Use District shall be setback from the edge of the front property line in order to provide space for active

pedestrian-oriented uses. Where street-level parking is provided within an existing structure, the cars shall be screened from the sidewalk and the area shall be activated with landscaping, public art, or other design amenities. Parking areas of more than 20 spaces should be broken into smaller areas separated by landscaping.

Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets. Dimensions of spaces shall at a minimum meet the requirements as provided in Article 8. The perimeter of all parking areas shall be designed with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.

Surface parking and maneuvering areas should be shaded in an effort to reduce their effect on the local microclimate, air quality, and stormwater runoff with an objective of shading at least 30% of the parking lot. Shading should be distributed throughout the parking area to the greatest extent practical, including within the interior depending on the configuration.

All parking areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to building entrance(s) or a public sidewalk.

There is an existing extended driveway in place since 2000 leading to a parking area in the rear. This application proposes retention of existing conditions, with removal of the gravel and installation of 1,890 of pervious pavers.

Three parking spaces are illustrated behind the new triplex. Parking spaces are compliant to Table 8.1.11-1. The parking area meets the minimum 5' property line setback requirement. The project is not large enough to require a Transportation Demand Management Plan per Table 8.1.16-1.

The applicant has offered to lease additional parking spaces from Ride Your Bike LLC.

Where bicycle parking is provided, access shall be provided along vehicular driveways or separate paths, with clearly marked signs indicating the location of parking areas.

Where bicycle parking is located proximate to a building entrance, all shared walkways shall be of sufficient width to separate bicycles and pedestrians, and be clearly marked to avoid conflicts. All bicycle parking areas shall link directly to a pedestrian route to a building entrance. All bicycle parking shall be in conformance with applicable design & construction details as provided by the dept. of public works.

Bicycle parking requirements for household living is 1 per 2 bedrooms (long term) and 1/10 units (short term.) The overall bicycle parking requirement, for 10 bedrooms is **5 long term bike parking spaces**. The plan provides on "u" shaped bike parking rack between the buildings. The remainder of bike parking will be provided in the basement of the new building.

Affirmative finding.

(m) Landscaping, Fences and Retaining Walls:

Landscaping shall be used to beautify the development site and to provide specific functions and benefits to the uses and buildings on the site. These include but are not limited to stormwater retention and erosion control, winter windbreaks and summer shade, recreational and habitat corridors, buffers and screening of parking areas, and creating privacy for and from adjacent property.

Existing trees shall be retained and incorporated into a landscape plan to the extent possible, and existing trees to be retained shall be protected during construction in accordance with specifications provided by the city arborist. Contiguous green space, both within the site and with adjacent properties, should be provided on a site whenever possible and be designed to provide wildlife travel corridors and habitat preservation, as well as enabling recreational access. If open space is intended to be publicly accessible, it shall be designed to maximize accessibility for all individuals including the disabled, encourage social interaction, and facilitate ease of maintenance. Along the street edge, landscaping shall be used to provide a visual buffer into parking areas from the public street and reinforce the streetscape.

*The selection of plant materials and planting sites should create a sustainable landscape, and consideration shall be given to factors such as hardiness, salt tolerance, disease resistance, invasiveness, root and canopy spread, underground and overhead utilities, soil conditions, and microclimates. The use of native plant materials is encouraged, and the use of plants considered invasive by VT Agency of Agriculture shall be prohibited. For more information on sustainable landscapes, applicants are encouraged to consult *Planting Sustainable Landscapes: A Guide for Plan Reviewers* prepared for the Vermont Department of Forests Parks and Recreation by the Vermont Chapter of the American Society of Landscape Architects.*

Reference is made to Plan L1.1. A robust planting plan has been provided, and follows the recommendations from the Conservation Board for native plantings along the westerly boundary.

This permit will not permit the removal of any landscaping from abutting properties. Plan L 1.1 indicates the intent to remove a Silver Maple from 38 Wright Avenue. This review is limited to 44 Wright. **Affirmative finding.**

(n) Public Plazas and Open Space:

Where public open space is provided as an amenity to the site plan, it should be sited on the parcel to maximize solar exposure, with landscaping and hardscape (including fountains, sitting walls, public art, and street furniture) to encourage its use by the public in all seasons. Public plazas should be visually and physically accessible from public rights-of-ways and building entrances where appropriate and shall be designed to maximize accessibility for all individuals, including the disabled and encourage social interaction.

Public space should be coordinated with the surrounding buildings without compromising safety and visibility. Public spaces should be surrounded by active uses

that generate pedestrian traffic, and connect the space to major activity centers, streets, or corridors.

While no public plazas are required, there is a small “plaza” between buildings where residents may gather, or smaller areas on the west side of the lot that can provide an area for recreation, gathering, gardening, or other common outdoor enjoyment. As both structures feature significant porches/decks, there is ample area for residents to enjoy the outdoors. **Affirmative finding.**

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

A lighting plan and photometric have been provided (page 3 of the permit set), and are acceptable to the standards of Section 5.5.2. **Affirmative finding.**

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Condensing units have been relocated to the north (rear) of the existing building and placed between the residential decks. Compressors for HVAC for the rear building have been added to the north elevation of that structure. A concrete pad is shown on plans next to the entry walkway, as a base for a mailbox location.

A gas meter and telecom box is currently on the west elevation of the existing building, with another gas meter on the east elevation.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 5 Performance Standards.

Refuse, recycling and composting bins are provided on the south side of the second principle structure. Condensing units have been relocated to the area between the rear porches, which should be effective in limiting auditory and visual impact to the street and neighboring structures. **Affirmative finding.**

Part 3: Architectural Design Standards

Sec. 6.3.1 Applicability.

These standards are enacted and shall be satisfied for the approval of all development subject to the provisions of this ordinance found in Article 3, Section 3.4.2(b) – Design Review.

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to the purpose of the zoning district. They should integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity; however, such consideration shall not require building height to be more limited than otherwise allowed within an applicable zoning district or overlay zone per Article 4.

The following shall be considered:

1. Massing, Height and Scale:

While architectural styles or materials may vary within a streetscape, proposed development should maintain an overall scale similar to that of surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.

*In low and medium residential districts, the height and massing of existing residential buildings should be carefully considered when evaluating the compatibility of additions and infill development; however, **no modifications by the DRB shall be made to projects which otherwise limit the allowable Principal Structure footprint, height, and number of units per building otherwise permitted by Tables 4.4.5-1 and 4.4.5-2.** Where the zoning encourages greater intensity and larger scale buildings in high density residential and non-residential zoning districts, buildings that are over 3-stories should provide a transition by employing design elements that reduce the apparent building mass from the street level. Taller buildings and elements are most appropriate where they provide a focal point of a terminal view, anchor a street corner, frame view corridors, or relate to larger scaled structures*

Buildings should maintain consistent massing and perceived building height at the street level, regardless of the overall bulk or height of the building. Buildings should maintain a relationship to the human scale through the use of architectural elements, variations of proportions and materials, and surface articulations. Large expanses of undifferentiated building wall along the public street or sidewalk shall be avoided. The apparent mass and scale of buildings shall be broken into smaller parts by articulating separate volumes reflecting existing patterns in the streetscape, and should be proportioned to appear more vertical than horizontal in order to avoid monotonous repetition. (See also (d) Provide an active and inviting street edge below.)

The rear building is consistent with **Table 4.4.5-2, Principal & Secondary Structures Massing and Placement Standards in Residential Districts**. At a 900 sf footprint, it is substantially less than the 1,800 sq. ft. allowance for principal structure footprint in the RM zoning district. With a proposed building height of the second principal structure at 35', it is commensurate with other buildings within the district (specifically 14 Central Avenue, 29 Conger Avenue, 23-33 Conger Avenue and the newly built 15 Conger Avenue) and compliant with the ordinance. **Affirmative finding.**



2. Roofs and Rooflines.

New buildings should incorporate predominant roof forms and pitches within the existing neighborhood and appropriate to the context. Large expanses of undifferentiated roof forms shall be avoided. This can be achieved by incorporating dormers or some variation in the roof form to lessen the impact of the massing against the sky. While flat roofs can be a reasonable architectural solution, pitched roof forms and architectural elements that enhance the city's skyline are strongly encouraged. Roof eaves, parapets, and cornices should be articulated as an architectural detail. Roof-top mechanicals shall be screened from view from the public street, and should be incorporated into and hidden within the roof structure whenever possible.

Dormers shall not exceed the height of the ridgeline of the roof to which they are attached, and shall be set back a minimum of 1-foot from the edges of the underlying roofline. Individual dog house dormers shall be limited to 33% of the horizontal eave length of the principal roofline.

Solar panels, light colored ballast or roof membranes, split roof clerestories, planted or "green" roof technologies (with a clearly articulated maintenance plan) and "gray water" collection are encouraged. Active rooftop uses are also encouraged to

add to the visual complexity and activity of the city's skyline, and afford public access to otherwise unseen views of the city and surrounding landscape.

The existing structure will retain its gable roof with a dormer in the wall plane, while the second principal structure features a gable-front orientation. Both buildings will have decorative shingles within the gable-ends, with matching gable-end windows. **Affirmative finding.**

3. Building Openings

Principal entrances shall be clearly defined and readily identifiable from a public street whether by a door, a canopy, porch, or other prominent architectural or landscape features. People with physical challenges should be able to use the same entrance as everyone-else and shall be provided an “accessible route” to the building. Attention shall also be accorded to design features which provide protection from the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage.

Window openings shall maintain consistent patterns and proportions appropriate to the use. The window pattern should add variety and interest to the architecture, and be proportioned to appear more vertical than horizontal. Where awnings over windows or doors are used, the lowest edge of the awning shall be at least eight (8) feet above any pedestrian way, and shall not encroach into the public right-of-way without an encroachment permit issued by the dept. of public works.

Replacement windows are proposed for the existing structure, with some variation in window arrangement on the north (rear) and west 2nd story. Several of the duplex-style homes within the Lakeside Historic District have been modified to include small windows under the eave-line; the proposal here springs from that pattern; introducing a ribbon of smaller windows under the eave line on the east and west elevations.



The new triplex is generously glazed, with a clear arrangement both horizontally and vertically. There is increased attention to the westerly elevation to maximize resident lake views. A main

entry is provided on the south/1st floor elevation, with additional doors at unit decks. Doors are full light. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8.

(c) Protection of Important Public Views:

Development shall preserve distant terminal views of Lake Champlain and the Adirondack Mountains and important public and cultural landmarks from public places and along east-west public rights-of-way to the extent practicable. This shall not be construed to include similar views from exclusively private property.

There are no protected public views from public places or through this site. Not applicable.

(d) Provide an active and inviting street edge:

Building facades shall be varied along the street edge by the integration of architectural features, building materials, or physical step-backs of the façade along its length. Large expanses of undifferentiated building wall shall be avoided. This may be accomplished by incorporating fenestration patterns, bays, horizontal and vertical façade articulations, the rhythm of openings and prominent architectural features such as porches, patios, bays, articulated bases, stepping back an elevation relative to surrounding structures, and other street level details. The use of traditional facade components such as parapet caps, cornices, storefronts, awnings, canopies, transoms, kick plates, and recessed entries are highly encouraged.

The existing triplex (to be converted to a quadplex) will receive new windows, siding, and a handicap access ramp. The front porch, a welcome amenity, will be retained.

The second principal building will have limited visibility from the street; however the principal entrance will face Wright Avenue. The structure is clearly articulated in a more modern vocabulary, yet references the historic building in artful gestures as matching the clapboard reveal pattern on the first two floors; duplicating siding and trim colors, gable shingle treatment, and continuing the rhythmic placement of building openings. Decks at the first and second floors match the height of the proposed new balconies at the secondary structure. **Affirmative finding.**

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

Windows are proposed to be fiberglass; siding for the both structures is an engineered wood product (“Smart Side”) with a proprietary combination of zinc borate, resins, and waxes. A similar shingle product is proposed for the gable dormers and principal gable of the original structure. **Affirmative finding.**



(f) Reduce energy utilization:

New structures should incorporate the best available technologies and materials in order to maximize energy efficient design. All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.

The placement of the new principal structure, north of the existing and significantly distanced from other neighboring structures will not introduce adverse shadow cast. The new construction will be required to meet the new Thermal Energy Ordinance, in effect since January 1, 2024. The illustrated compressor units suggest the compliance path. **Affirmative finding.**

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

Exterior machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory features shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties.

Rooftop mechanicals, including heating and cooling devices and elevator equipment, should be incorporated into the structure's design, and shall be arranged to minimize their visibility from the street level. Such features, in excess of one foot in height, shall be either enclosed within the roof structure, outer building walls, or parapets, or designed so that they are integrated into the overall design and materials of the building. Where such rooftop features do not exceed ten percent (10%) of the total roof area, they may be considered "ornamental and symbolic features" pursuant to Sec. 5.2.7 for the purposes of measuring building height.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 5 Performance Standards.

See Section 6.2.2 (p), above.

(i) Make spaces secure and safe:

Spaces shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure visibility for persons using and observing such spaces. Building entrances/entry points shall be visible and adequately lit, and intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety.

All building and life safety code as defined by the building official and the fire marshal will be applicable. **Affirmative finding as conditioned.**

Article 8: Parking

There are no minimum parking standards with the adoption of ZA-22-07. The driveway and rear parking area are existing features. The addition of 4 new residential units does not cross the threshold for a Transportation Demand Management Plan (Section 8.1.16 (c)).

The applicant team has offered to lease additional parking spaces from Ride Your Bike LLC; but the application, as proposed, is compliant with Article 8 Part 1.

Affirmative finding.

Part 2: Bicycle Parking

Table 8.2.4-1 Bicycle Parking Requirements

Requirement, multi-unit: Long Term spaces: 1 per 2 bedrooms

Short Term spaces: 1 per 10 units.

For the Secondary building, the following bike parking is required:

Existing building, 4 bedrooms = 2 required Long Term bike parking spaces.

Secondary building, 6 bedrooms = 3 required Long Term bike parking spaces. Total LT spaces=5. No short term spaces are required.

At the Conservation Board, the applicants gave testimony that bicycle storage will be provided inside; within locked cages behind a locked building door. **Affirmative finding as conditioned.**

Article 11: Planned Unit Development

Section 11.1.1 Intent.

The intent of this Article is to:

- (a) Promote the most appropriate use of land through flexibility of design and development of land;*
- (b) Facilitate the adequate and economical provision of streets and utilities;*
- (c) Preserve the natural and scenic qualities of open space;*
- (d) Provide for a variety of housing types;*
- (e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and*
- (f) Achieve a high level of design quality and amenities.*

Section 11.1.2 Authority.

These regulations are enacted under the provisions of 24 V.S.A. Section 4417.

Section 11.1.3 General Requirements and Applicability.

*With the exception of development subject to the requirements of Art 14, any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or **seeking***

to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.

A planned unit development may be permitted subject to minimum project size as follows in the following districts:

Districts	Minimum Project Size
RH, RM, Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, E-LM	No minimum project size.
RL, RCO-R/G	2 acres or more

Affirmative finding.

Section 11.1.4 Modification of Regulations.

With the approval of the DRB after a public hearing, the following modifications of the requirements of the underlying zoning may be altered within a planned unit development:

- minimum lot size, frontage, lot coverage, and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis; See Table 4.4.5-1.*
- required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis; Proposal satisfies setbacks for the 44 Wright Avenue lot.*
- more than one principal use and more than one principal structure may be permitted on a single lot; More than one principal structure is proposed.*
- one or more residential uses not otherwise permitted may be permitted; Triplex and Quadplex are permitted residential uses within the RM District; See Appendix A.*
and,
- buildings may be of varied types including single detached, attached, duplex or apartment construction. Triplex and Quadplex are allowable residential uses within the RM Zoning district. See Appendix A.*

Affirmative finding.

Any proposed modifications of regulations shall be listed in a statement accompanying the application submission and such modifications shall be subject to the provisions of Sec. 11.1.5 and Sec. 11.1.6.

Section 11.1.5 Approval Requirements.

The following requirements shall be met for the DRB to approve a planned unit development:

(a) The minimum project size requirements of Sec. 11.1.3 shall be met;

RM has no minimum project size. See **Section 11.1.3**, above.

(b) The minimum setbacks required for the district have been met at the periphery of the project;

See **Table 4.4.5-1**.

(c) The project shall be subject to design review and site plan review of Article 3, Part 4;

See Articles 4, and 6, above.

(d) The project shall meet the requirements of Article 10 for subdivision review where applicable;

Not applicable.

(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project;

See **Tables 4.4.5-1** and **4.4.5-2**, above.

(f) All other requirements of the underlying zoning district have been met as calculated across the entire project;

Reference is made to Article 4, **Section 4.4.5 Residential Districts**.

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB;

See Article 6, **Section 6.2.2 (n)**, above.

(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development;

No requested phasing schedule has been requested. The permit will have a three year life, and construction must commence within 1 year of decision.

(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests;

The application fulfills the intent of the Neighborhood Code in the creation of opportunities to create new housing. The Neighborhood Code Part 1 was adopted March 25, 2024.

and,

(j) The proposed development shall be consistent with the municipal development plan.

From 2019 planBTV: Burlington's Comprehensive Plan:

- ◆ *Re-evaluate zoning for RL and RM to ensure preservation of development patterns and design character, while enabling some evolution based on changing household needs. (3.2, Burlington as a Distinctive city.)*
- ◆ *Remove barriers and disincentives to housing production, and encourage infill/redevelopment of underutilized sites (8.1, Burlington as a Dynamic City)*
- ◆ *Expand stormwater management measures in new and existing development (1.3, Burlington as a Distinctive city.)*
- ◆ *Identify tools to support preservation and rehab of substandard housing units. (12.1, Burlington as in Inclusive city.)*

(k) *Any proposed accessory uses and facilities shall meet the requirements of Sec. 11.1.6 below.*

No accessory uses and/or facilities are proposed. Not applicable.

Affirmative finding.

Sec. 11.1.6 Non-Residential Facilities.

None are proposed. Not applicable.

II. Conditions of Approval

1. The following Impact Fees shall be paid to the city's Chief Administrative Officer / City treasurer at least 7 days prior to occupancy of the new building:

SF of Project 2,700

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.231	623.55
Fire	0.261	704.28
Police	0.053	141.97
Parks	0.874	2,360.58
Library	0.541	1,461.44
Schools	1.129	3,048.15
Total	3.089	\$ 8,339.97

2. Inclusion of pervious pavement towards the bonus lot coverage provision is conditioned upon design and maintenance to infiltrate the 1 year / 24 hour storm event onsite, and is subject to review and approval by the Stormwater Administrator. (Section 4.4.5 (d) 2. C. (ix))
3. An Erosion Prevention and Sediment Control Plan, and a Stormwater Plan shall be submitted to Water Resources for review and approval **prior to release of the zoning permit.**

4. **Prior to construction**, the applicant shall provide a geotechnical analysis prepared and stamped by a professional geotechnical engineer that determines the suitability of the steep slope for development.
5. Conditions from the Conservation Board review:
 - a. The project shall receive all necessary city stormwater approvals; and
 - b. Native plantings (shrubs and perennials) be installed in the northwest corner and along the western property boundary to function as a lakeshore buffer.
6. Plans note the likely insufficiency of water and sewer service (C-1.00). Any water or sewer upgrades shall be coordinated with Water Resources Division.
7. New electric must be undergrounded.
8. Vermont Residential Building Energy Standards apply to this project. Compliance with the standards is the Owner's responsibility. Prior to requesting a Certificate of Occupancy, a copy of a completed Vermont Residential Building Energy Standards Certificate shall be submitted with a Certificate of Occupancy (final or temporary) request, and filed in the Land Records located at the Clerk/Treasurers office in City Hall (149 Church Street). For more information, see http://publicservice.vermont.gov/energy_efficiency.
9. **Prior to release of the zoning permit**, a letter of adequate water and sewer capacity shall be secured from Burlington's Water Resources Division.
10. It is the applicant's responsibility to secure a State Wastewater Permit.
11. The applicant has been alerted that new construction is required to meet the new Thermal Energy Ordinance, in effect since January 1, 2024.
12. The applicant shall provide 5 Long Term bicycle parking spaces.
13. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.

Burlington, Vermont



44 Wright LLC
688 Pine Street, Unit 2D
Burlington, Vermont 05401

Address: 44 Wright Avenue, Burlington Vermont
Parcel ID:052-4-003.000
SPAN: 114-035-18307
Area: 0.19 Acres (±8,430 s.f.)
Zoning: Residential - Medium Intensity (RM)

FRONT YARD SETBACK: 10.0'

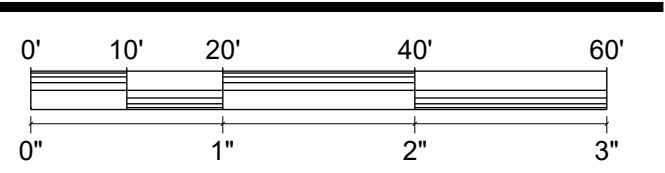
SIDE YARD SETBACK: 5.5'

REAR YARD SETBACK: 15'

LAKE SHORE SETBACK: 61.5'

MAX LOT COVERAGE: 60%

STAMP:

DRAWING TITLE:

OVERALL PROPERTY PLAN EXISTING CONDITIONS

DATE ISSUED: 02/21/24

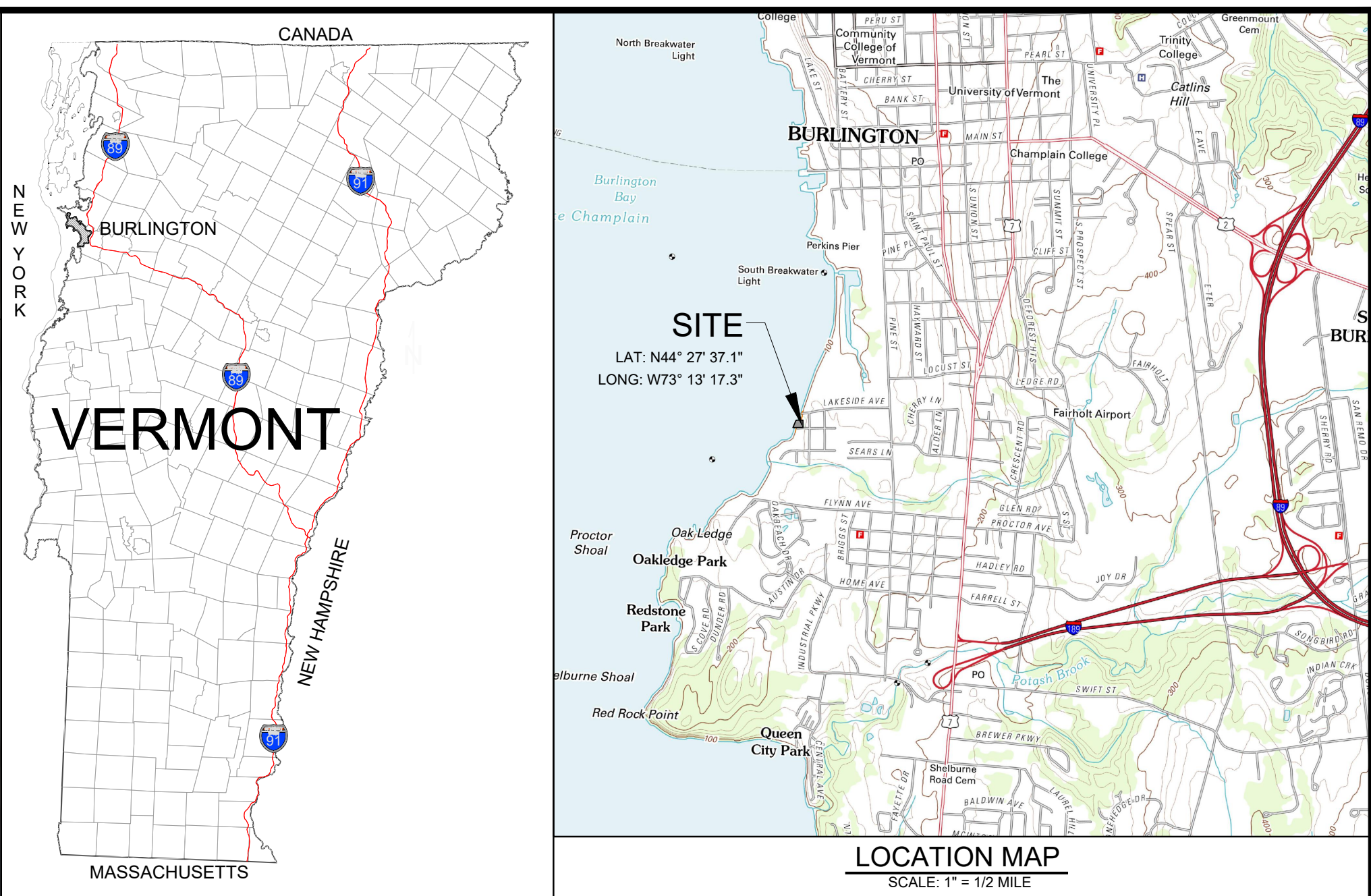
DRAWN BY: CPG/JBC CHECKED BY: GTD

PROJECT NO.: 23236 SCALE: 1" = 20'

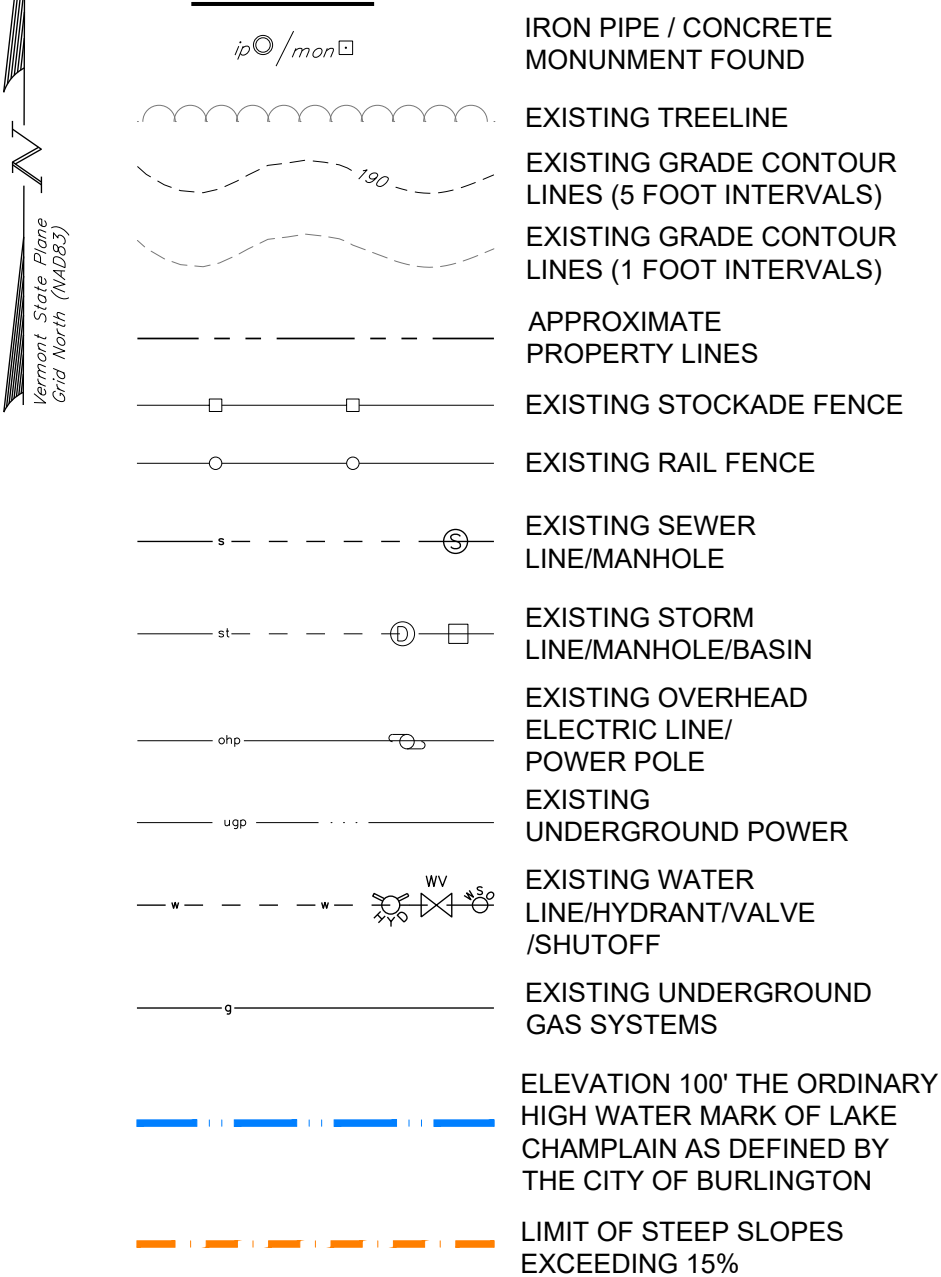
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C-0.00

3



LEGEND



NOTES:

1. ASPECTS OF PLAN ARE APPROXIMATE AND DERIVED FROM AERIAL PHOTOGRAPHY.
2. THIS PLAN IS NOT INTENDED TO BE A BOUNDARY SURVEY. PROPERTY LINES SHOWN ON THIS PLAN ARE BASED ON EXISTING EVIDENCE LOCATED IN THE FIELD AND TAX MAP INFORMATION FROM THE CITY OF BURLINGTON.
3. THE HORIZONTAL COORDINATE SYSTEM IS BASED ON NAD83 VERMONT STATE PLANE 4400 (US SURVEY FEET). ELEVATIONS ARE BASED ON NAVD88 (US SURVEY FEET).
4. EXISTING CONDITIONS ARE BASED ON A TOPOGRAPHIC SURVEY COMPLETED BY KREBS & LANSING ON AUGUST 17, 2023.
5. UTILITIES ARE BASED ON VISIBLE STRUCTURES LOCATED DURING THE TOPOGRAPHIC SURVEY AND ARE NOT WARRANTED TO EXIST OR COMPLETE. CONTRACTOR SHALL CONTACT DIG SAFE, AND OTHER NON-MEMBER UTILITIES PRIOR TO BEGINNING ANY EXCAVATION.
6. SETBACKS SHOWN ARE BASED ON CITY OF BURLINGTON ZONING REGULATIONS, PG. 4-34.
7. THE 100' LAKE CHAMPLAIN ORDINARY HIGH WATER MARK SHOWN WITHIN THE PROPERTY LINE OF WRIGHT AVENUE IS BASED ON A TOPOGRAPHIC SURVEY BY KREBS & LANSING CONSULTING ENGINEERS ON AUGUST 17, 2023. THE 100' HIGH WATER MARK SHOWN BEYOND THE PROPERTY LINES IS BASED ON LIDAR DATA FROM VERMONT CENTER FOR GEOGRAPHIC INFORMATION (VCGI).

SETBACK INFORMATION AND CALCULATIONS:

BASED ON P.4-34 OF ARTICLE 4: ZONING MAPS AND DISTRICTS
OF THE BURLINGTON COMPREHENSIVE DEVELOPMENT
ORDINANCE LAST UPDATED APRIL 29, 2020.

FRONT YARD SETBACK:

- AVERAGE OF THE FRONT YARD SETBACKS OF THE TWO ADJACENT PROPERTIES
- 38 WRIGHT AVENUE = 6'
- 56 WRIGHT AVENUE = 14'
- SETBACK = 10.0'

SIDE YARD SETBACK:

- 10% OF THE LOT WIDTH
- 44 WRIGHT AVE IS $\pm 55'$ IN WIDTH
- SETBACK = 5.5'

REAR YARD SETBACK:

- 15'

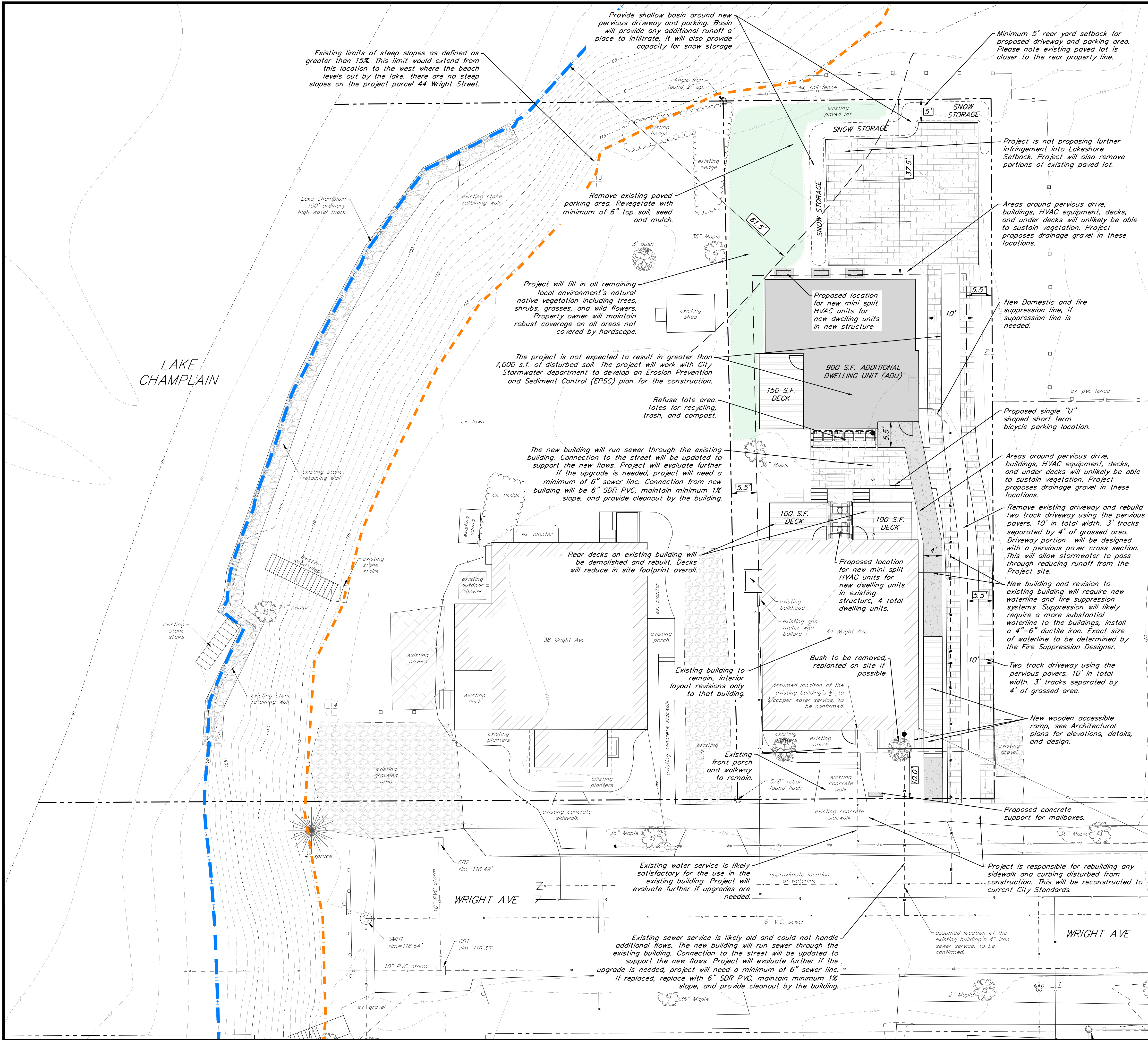
WATERFRONT SETBACK:

- DEFINED FROM THE ORDINARY HIGH WATER MARK ELEVATION 100' BY THE CITY OF BURLINGTON
 - AVERAGE OF THE WATERFRONT SETBACKS OF THE TWO ADJACENT PROPERTIES
 - 38 WRIGHT AVENUE = 46'
 - 56 WRIGHT AVENUE = 77'
- SETBACK = 61.5'

CALCULATIONS:

EXISTING CONDITIONS:

- PARCEL AREA FOR 44 WRIGHT AVE. = ±8,430 S.F.
- BUILDING COVERAGE: ±1,388 S.F. (17.4%)
- NON-CONCRETE DECKS AND STAIRS: ±392 S.F.
- CONCRETE STAIRS: ±30 S.F.
- CONCRETE SIDEWALK: ±64 S.F.
- PAVED DRIVEWAY: ±2,222 S.F.
- OVERALL IMPERVIOUS: ±4,096 S.F.
- PERCENT COVERAGE: 48.6%



LEGEND

IRON PIPE / CONCRETE MONUMENT FOUND

EXISTING TREELINE

EXISTING GRADE CONTOUR LINES (5 FOOT INTERVALS)

EXISTING GRADE CONTOUR LINES (1 FOOT INTERVALS)

APPROXIMATE PROPERTY LINES

EXISTING STOCKADE FENCE

EXISTING RAIL FENCE

EXISTING SEWER LINE/MANHOLE

EXISTING STORM LINE/MANHOLE/BASIN

EXISTING OVERHEAD ELECTRIC LINE/ POWER POLE

EXISTING UNDERGROUND POWER

EXISTING WATER LINE/HYDRANT/VALVE /SHUTOFF

EXISTING UNDERGROUND GAS SYSTEMS

ELEVATION 100' THE ORDINARY HIGH WATER MARK OF LAKE CHAMPLAIN AS DEFINED BY THE CITY OF BURLINGTON

LIMIT OF STEEP SLOPES EXCEEDING 15%

PROPOSED PERVIOUS PAVERS DRIVES AND WALKWAYS

PROPOSED CONCRETE WALKWAYS AND UTILITY SUPPORTS

PROPOSED DECKING AND STAIRS FOR DECKS - NON-CONCRETE

CALCULATIONS:

EXISTING CONDITIONS:

- PARCEL AREA FOR 44 WRIGHT AVE. = ±8,430 S.F.
- BUILDING COVERAGE: ±1,388 S.F. (17.4%)
- NON-CONCRETE DECKS AND STAIRS: ±392 S.F.
- CONCRETE STAIRS: ±30 S.F.
- CONCRETE SIDEWALK: ±64 S.F.
- PAVED DRIVEWAY: ±2,222 S.F.
- OVERALL IMPERVIOUS: ±4,096 S.F.
- PERCENT COVERAGE: 48.8%

PROPOSED CONDITIONS:

- PARCEL AREA FOR 44 WRIGHT AVE. = ±8,430 S.F.
- (A) BUILDING COVERAGE: ±2,288 S.F. (29.9%)
- (B) NON-CONCRETE DECKS AND STAIRS: ±598 S.F.
- (C) CONCRETE STAIRS: ±30 S.F.
- (D) CONCRETE SIDEWALK: ±314 S.F.
- (E) CONCRETE UTILITY & MAILBOX SUPPORTS: ±37 S.F.
- (F) PERVIOUS DRIVEWAY: ±1,890 S.F.

PROPOSED COVERAGE:

- OVERALL IMPERVIOUS (A+C+D+E): ±2,669 S.F.
- PERCENT IMPERVIOUS COVERAGE: 31.7%
- TOTAL LOT COVERAGE (A+B+C+D+E+F): ±5,157 S.F.
- PERCENT TOTAL LOT COVERAGE: 61.2%

CALCULATION OF BONUS FEATURES: ALLOWABLE 10% (843 S.F.)

- (A) PROPOSED DECKS (THREE): ±356 S.F.
- (B) EXISTING FRONT PORCH: ±77 S.F.
- (C) EXISTING FRONT CONCRETE WALK: ±64 S.F.
- (D) PROPOSED CONCRETE WALK: ±250 S.F.
- (E) REMAINDER TAKEN UP BY PERVIOUS PAVERS: 96 S.F.

PROPOSED COVERAGE PER CITY OF BURLINGTON REGULATIONS:

- TOTAL LOT COVERAGE - BONUS FEATURES
- 5,157 S.F. - 843 S.F. = 4,314 S.F.
- PERCENTAGE = 51.2%

NOTES:

- ASPECTS OF PLAN ARE APPROXIMATE AND DERIVED FROM AERIAL PHOTOGRAPHY.
- THIS PLAN IS NOT INTENDED TO BE A BOUNDARY SURVEY. PROPERTY LINES SHOWN ON THIS PLAN ARE BASED ON EXISTING EVIDENCE LOCATED IN THE FIELD AND TAX MAP INFORMATION FROM THE CITY OF BURLINGTON.
- THE HORIZONTAL COORDINATE SYSTEM IS BASED ON NAD83 VERMONT STATE PLANE 4400 (US SURVEY FEET). ELEVATIONS ARE BASED ON NAVD88 (US SURVEY FEET).
- EXISTING CONDITIONS ARE BASED ON A TOPOGRAPHIC SURVEY COMPLETED BY KREBS & LANSING ON AUGUST 17, 2023.
- UTILITIES ARE BASED ON VISIBLE STRUCTURES LOCATED DURING THE TOPOGRAPHIC SURVEY AND ARE NOT WARRANTED TO EXACT OR COMPLETE. CONTRACTOR SHALL CONTACT DIG SAFE AND OTHER NON-MEMBER UTILITIES PRIOR TO BEGINNING ANY EXCAVATION.
- SETBACKS SHOWN ARE BASED ON CITY OF BURLINGTON ZONING REGULATIONS, PG. 4-34.
- THE 100' LAKE CHAMPLAIN ORDINARY HIGH WATER MARK SHOWN WITHIN THE PROPERTY LINES OF 38 WRIGHT AVENUE IS BASED ON A TOPOGRAPHIC SURVEY BY KREBS & LANSING CONSULTING ENGINEERS ON AUGUST 17, 2023. THE 100' HIGH WATER MARK SHOWN BEYOND THE PROPERTY LINES IS BASED ON LIDAR DATA FROM VERMONT CENTER FOR GEOGRAPHIC INFORMATION (VCGI).

44 WRIGHT AVENUE

Burlington, Vermont

KREBS & LANSING CONSULTING ENGINEERS
164 Main Street, Suite 201
Colchester, Vermont 05446
P: (802) 878-0375
www.krebsandlansing.com

**ISSUED FOR PERMIT REVIEW
NOT FOR CONSTRUCTION**

OWNER/APPLICANT:
44 Wright LLC
688 Pine Street, Unit 2D
Burlington, Vermont 05401

PROPERTY INFORMATION:
Address: 44 Wright Avenue, Burlington Vermont
Parcel ID: 052-4-003.000
SPAN: 114-035-18307
Area: 0.19 Acres (±8,430 s.f.)
Zoning: Residential - Medium Intensity (RM)

SETBACKS & COVERAGE:
FRONT YARD SETBACK: 10.0'
SIDE YARD SETBACK: 5.5'
REAR YARD SETBACK: 15'
LAKESHORE SETBACK: 61.5'
MAX LOT COVERAGE: 60%

STAMP:

0' 5' 10' 20' 30'
0' 1" 2" 3"

STANDARD GRAPHIC SCALE (1" = 10')
VALID WHEN PLOTTED ON 24" BY 36" MEDIA

REV. NO.	REVISIONS/COMMENTS	DATE
1.	Add steep slopes to the plans	02/23/24
2.	Update coverage calculations and add additional revisions requested by City	02/29/24
3.	Update coverage calculations and add additional revisions requested by City	03/12/24
3.	Update coverage calculations for the two track driveway revision	06/27/24

DRAWING TITLE:

PROPOSED SITE PLAN

DATE ISSUED: 02/21/24
DRAWN BY: CP6/JBC
CHECKED BY: GTD
PROJECT NO.: 23236
SCALE: 1" = 10'
DRAWING NO.:
REV. NO.:

C-1.00

3

Page 104 of 233



EXISTING BUILDING STREET VIEW



EXISTING BUILDING WEST ELEVATION (RIGHT) • STREET VIEW.



EXISTING BUILDING EAST ELEVATION



EXISTING BUILDING NORTH ELEVATION

44-46 WRIGHT AVE.
BURLINGTON, VERMONT

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A Professional Corporation

PERMIT SET

Duncan
Wisniewski
ARCHITECTURE



255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

DATE: 08.13.2024
DRAWN: ABC

A0-0





EXISTING BUILDING VIEW FROM SOUTH EAST

44-46 WRIGHT AVE.
BURLINGTON, VERMONT

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	DATE: 08.13.2024 DRAWN: ABC A0-1
--	--



PROPOSED RETROFIT AND SECOND PRIMARY STRUCTURE BEHIND. VIEW FROM SOUTH EAST

44-46 WRIGHT AVE.

BURLINGTON, VERMONT

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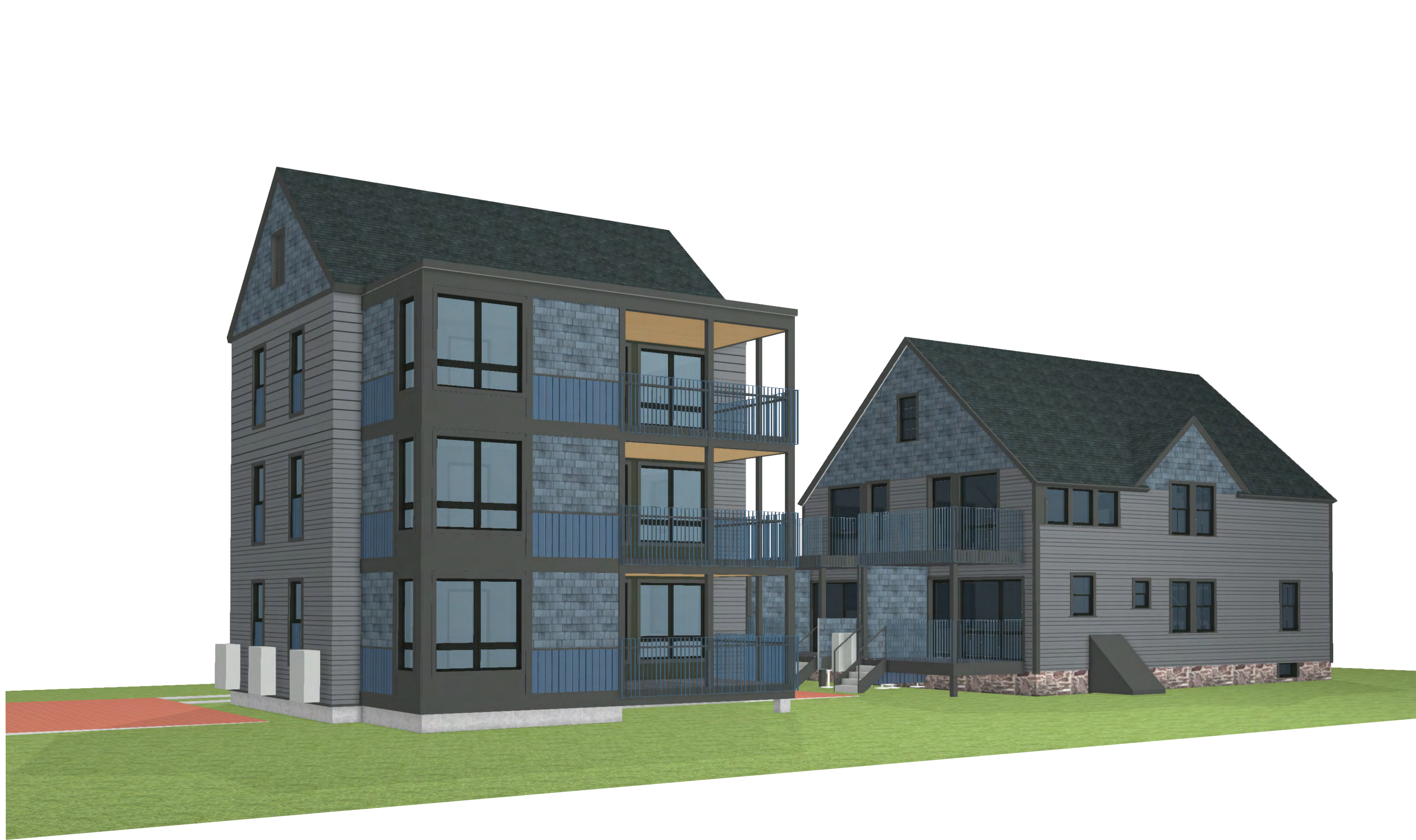
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T: 802.864.6693

DATE: 08.13.2024
DRAWN: ABC

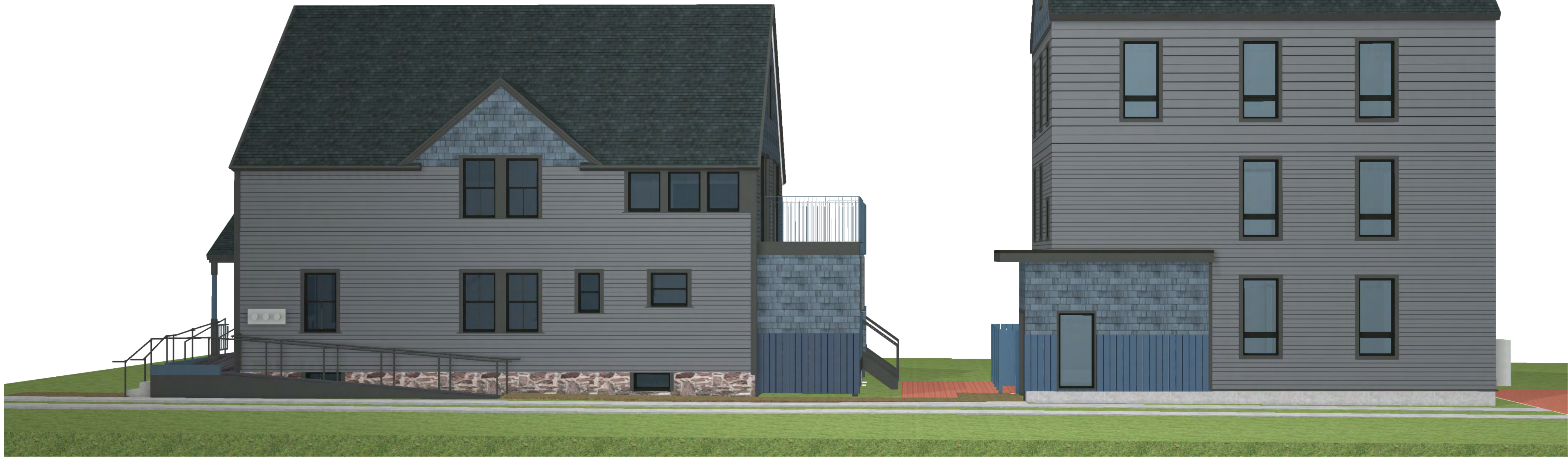
A0-2



VIEW FROM NORTH WEST



VIEW FROM NORTH EAST



VIEW FROM EAST

VIEW FROM SOUTH EAST (STREET VIEW)

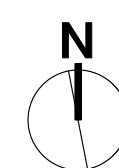
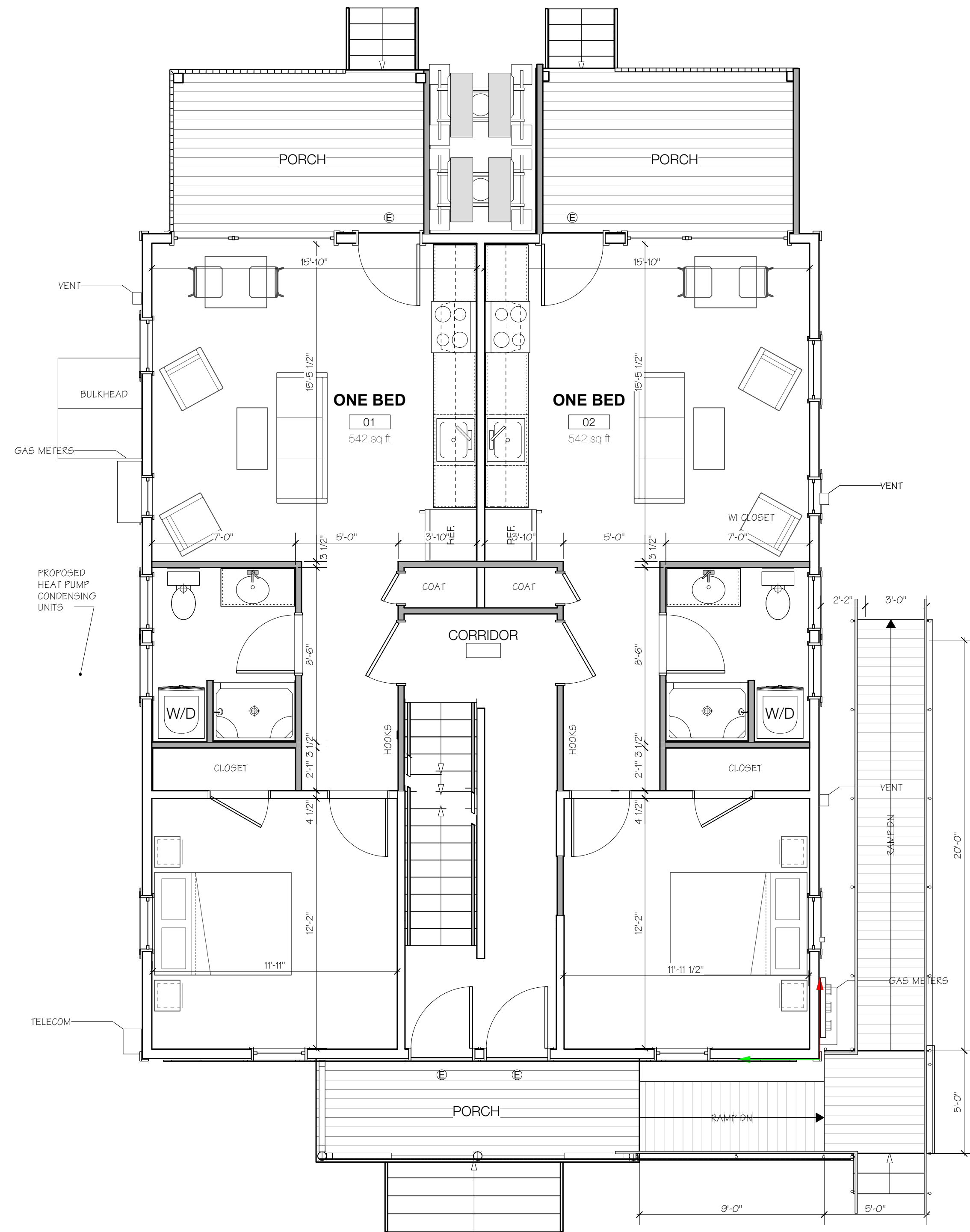
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BURLINGTON, VERMONT

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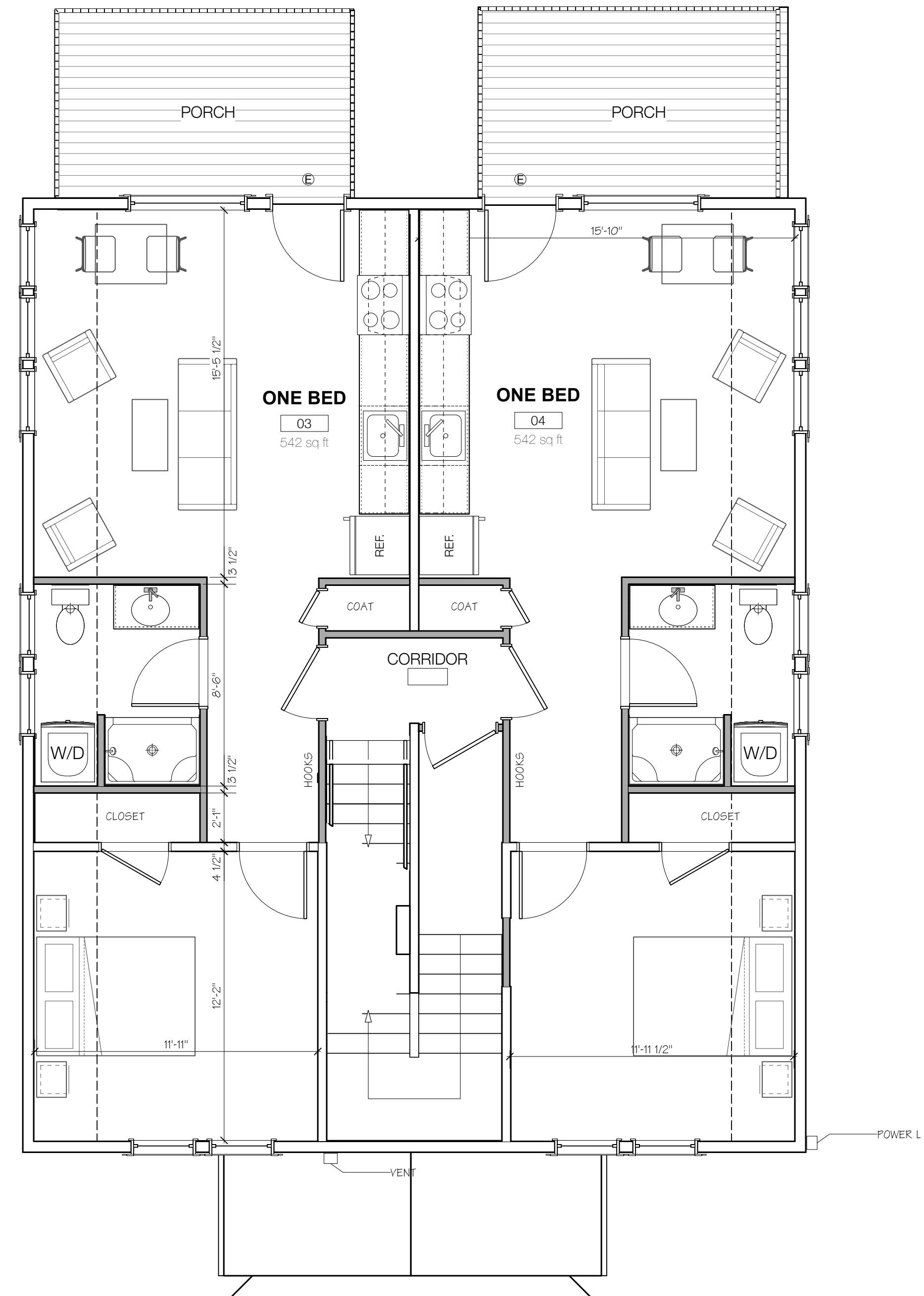
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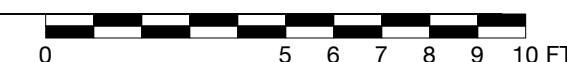
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	A0-3



FIRST FLOOR PLAN • EXISTING BUILDING
Scale: 1/4" = 1'-0"



SECOND FLOOR PLAN • EXISTING BUILDING
Scale: 1/4" = 1'-0"



44-46 WRIGHT AVE.

BURLINGTON, VERMONT

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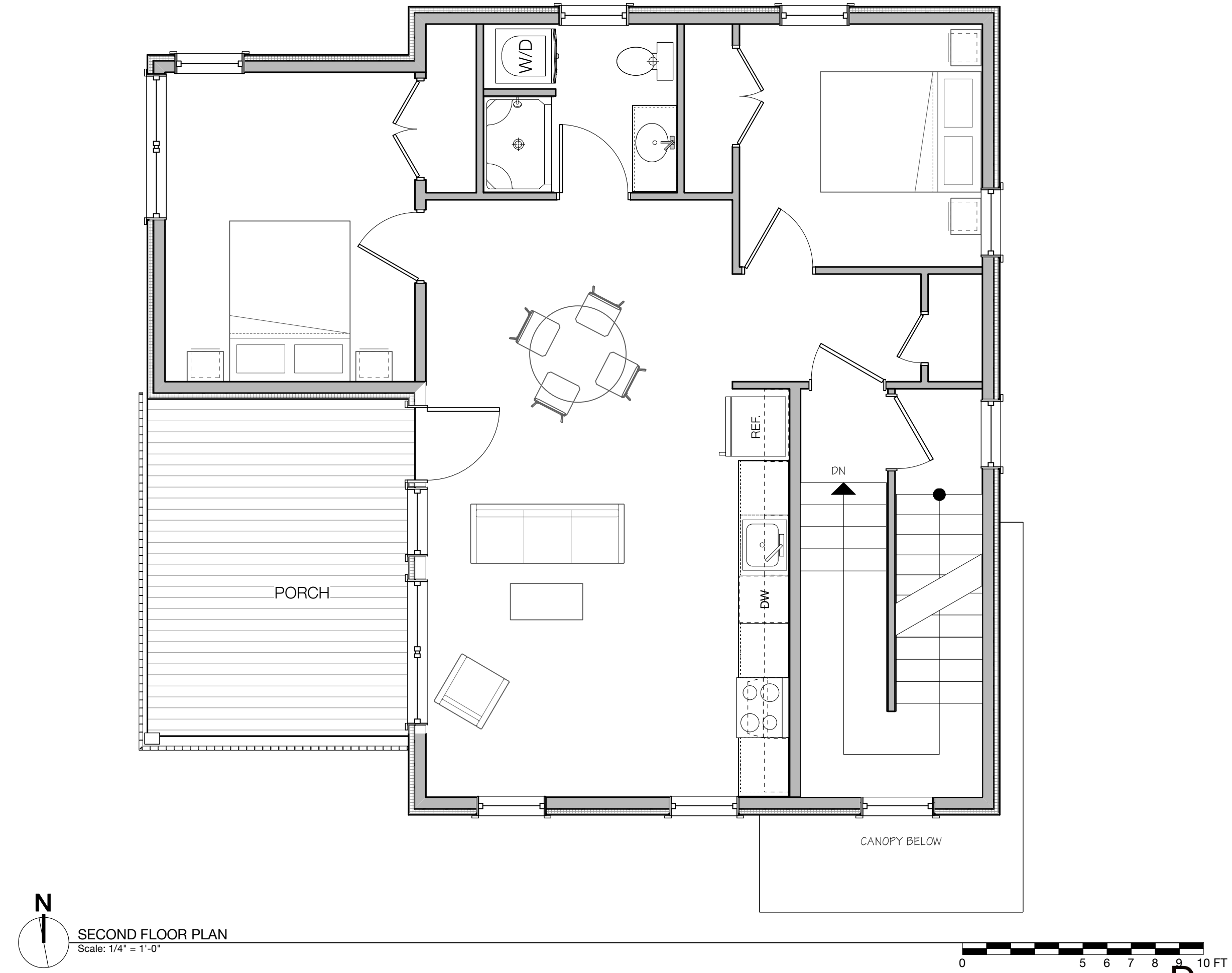
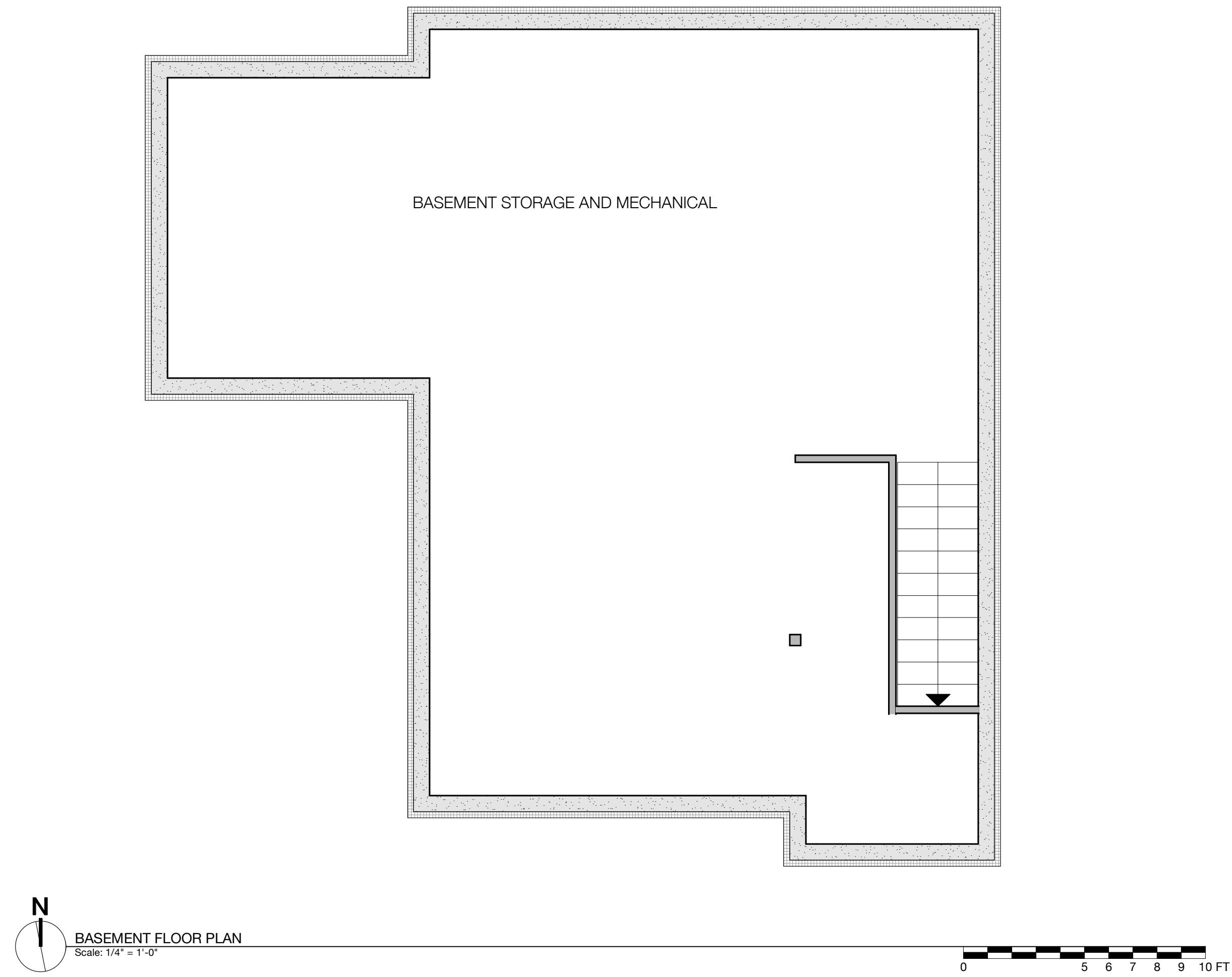
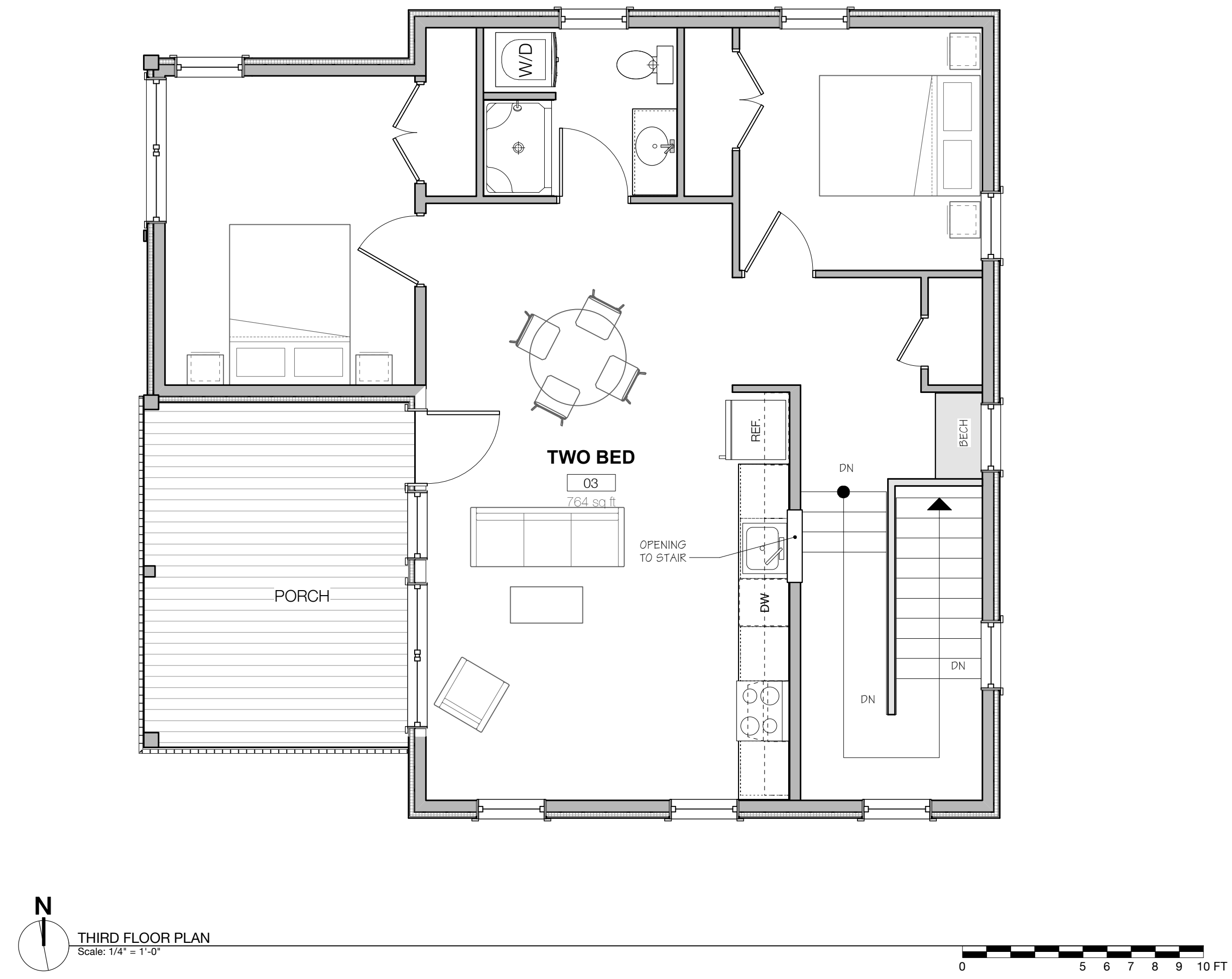
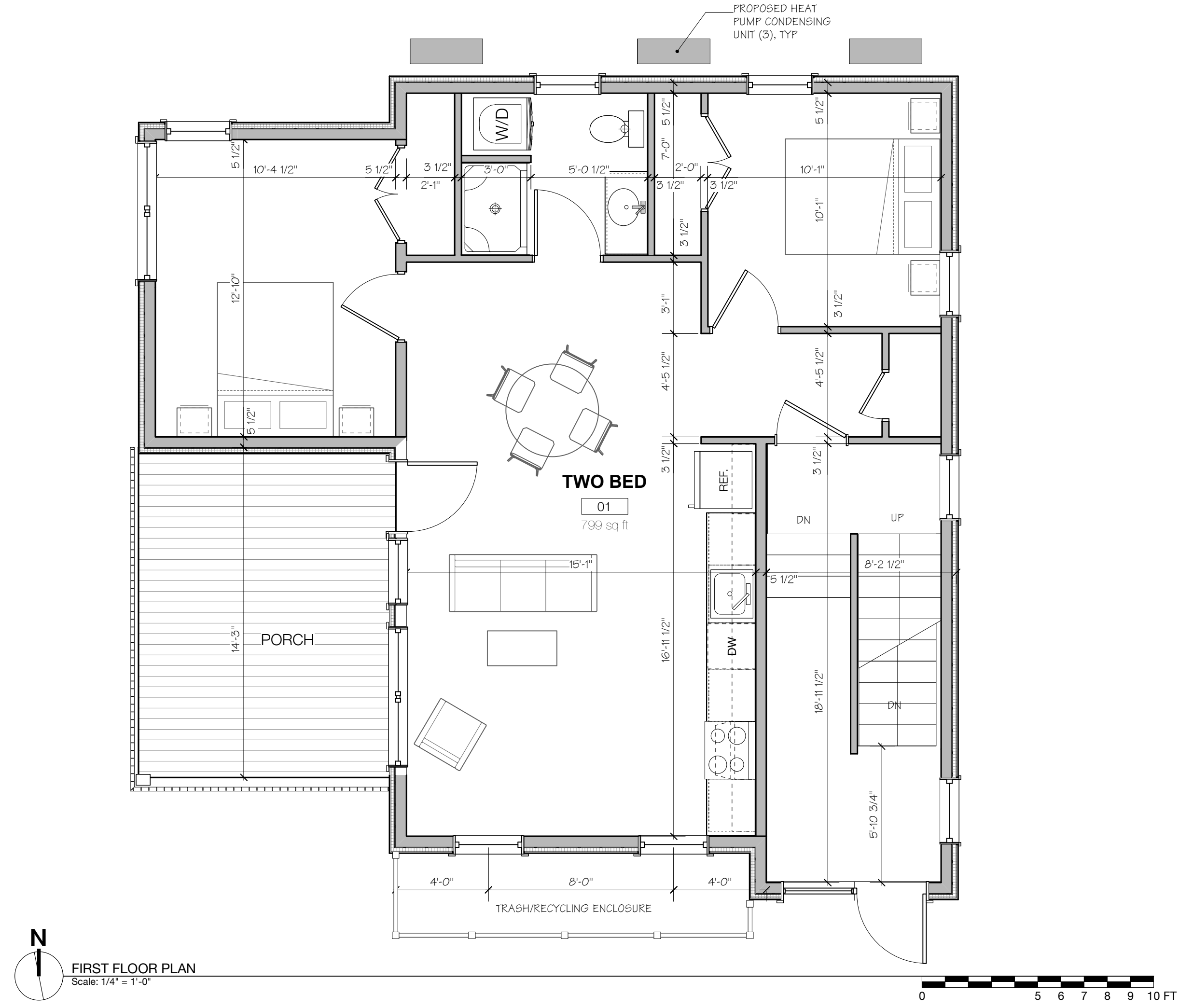
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A1-1



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DATE: 02.27.2024
DRAWN: ABC

A1-2



1 NORTH ELEVATION • PROPOSED BUILDING
Scale: 1/8" = 1'-0"



2 WEST ELEVATION • EXISTING AND PROPOSED BUILDING
Scale: 1/8" = 1'-0"



3 SOUTH ELEVATION • PROPOSED BUILDING
Scale: 1/8" = 1'-0"

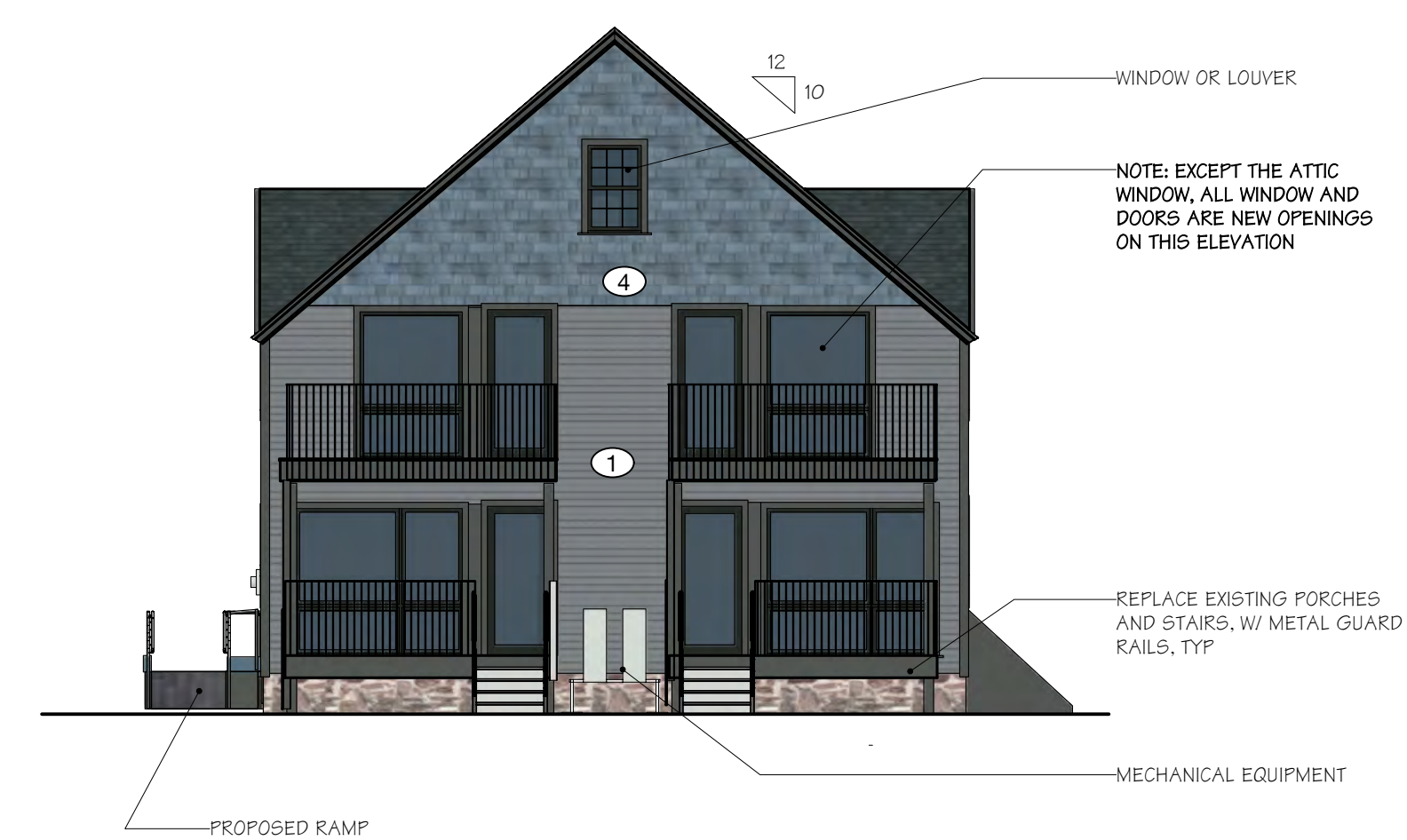
EXTERIOR SIDING KEY	
①	4" LP SMART SIDE CLAPBOARD SIDING (TO WEATHER DIM. MATCH EXISTING)
②	8" LP SMART SIDE CLAPBOARD SIDING
③	VERTICAL SHIP LAP SIDING
④	SHINGLE SIDING



4 SOUTH ELEVATION • EXISTING BUILDING
Scale: 1/8" = 1'-0"



5 EAST ELEVATION • EXISTING AND PROPOSED BUILDINGS
Scale: 1/8" = 1'-0"



6 NORTH ELEVATION • EXISTING BUILDING
Scale: 1/8" = 1'-0"

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BURLINGTON, VERMONT

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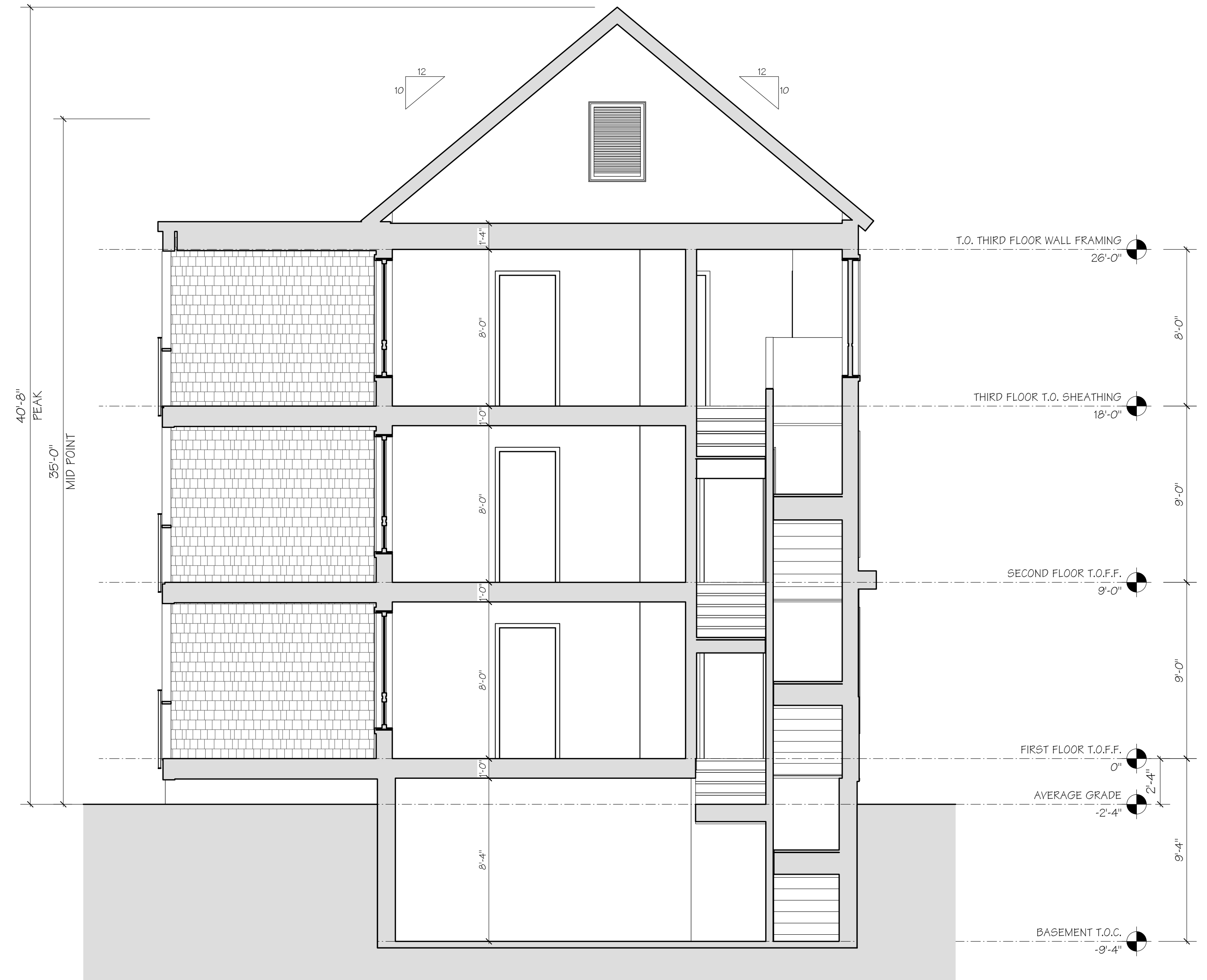
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ARCHITECTURE
255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

DATE: 08.13.2024
DRAWN: XXX, XXX

A2-1



1 SECTION • EXISTING BUILDING
Scale: 1/4" = 1'-0"



2 SECTION • NEW BUILDING
Scale: 1/4" = 1'-0"

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BURLINGTON, VERMONT

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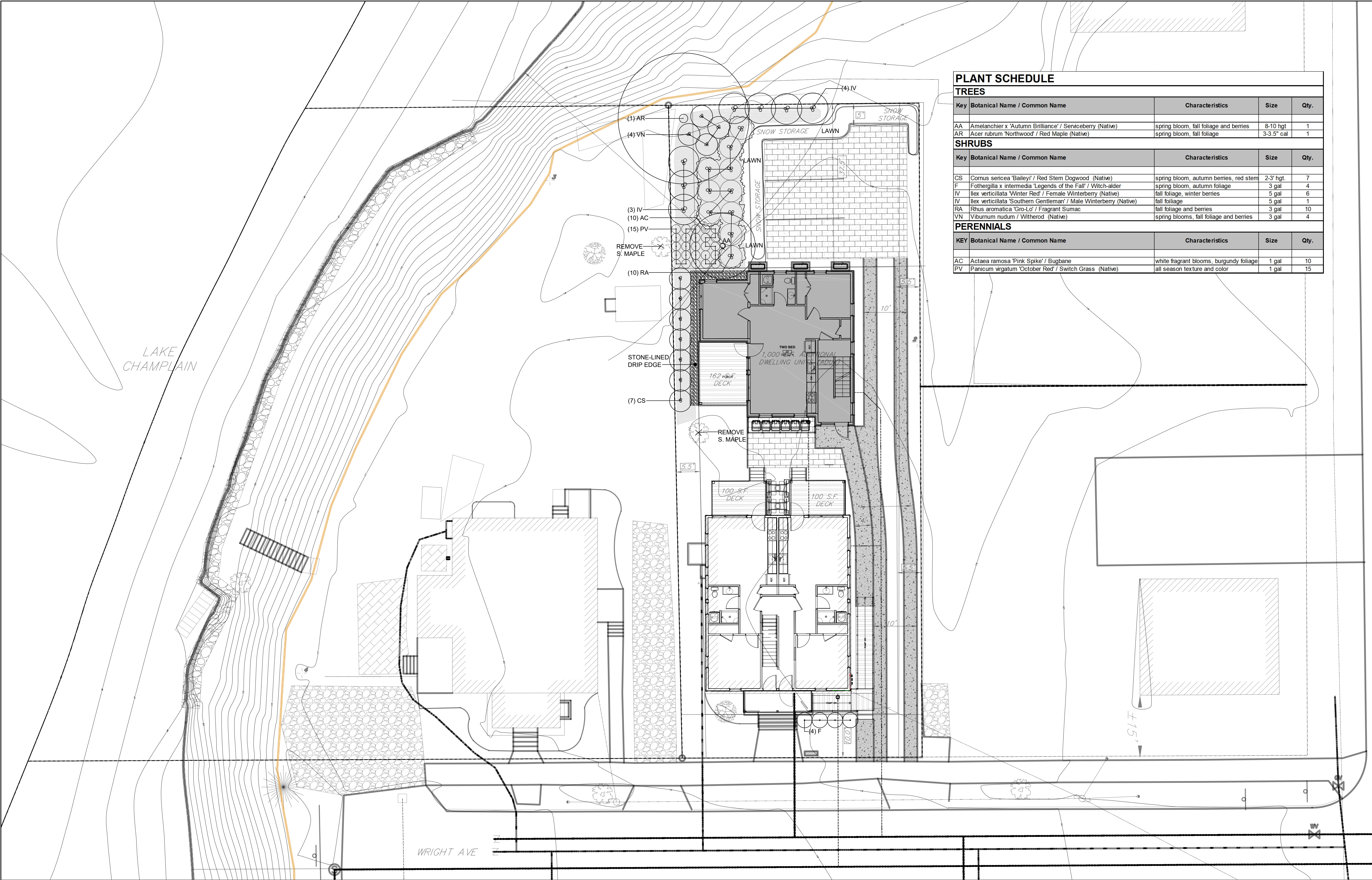
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DATE: 08.13.2024
DRAWN: ABC

A3-1



PLANT SCHEDULE				
TREES				
Key	Botanical Name / Common Name	Characteristics	Size	Qty.
AA	Amelanchier x 'Autumn Brilliance' / Serviceberry (Native)	spring bloom, fall foliage and berries	8-10 hgt	1
AR	Acer rubrum 'Northwood' / Red Maple (Native)	spring bloom, fall foliage	3-3.5" cal	1
SHRUBS				
Key	Botanical Name / Common Name	Characteristics	Size	Qty.
CS	Cornus sericea 'Baileyi' / Red Stem Dogwood (Native)	spring bloom, autumn berries, red stem	2-3' hgt.	7
F	Fothergilla x intermedia 'Legends of the Fall' / Witch-aider	spring bloom, autumn foliage	3 gal	4
IV	Ilex verticillata 'Winter Red' / Female Winterberry (Native)	fall foliage, winter berries	5 gal	6
IV	Ilex verticillata 'Southern Gentleman' / Male Winterberry (Native)	fall foliage	5 gal	1
RA	Rhus aromatica 'Gro-Ld' / Fragrant Sumac	fall foliage and berries	3 gal	10
VN	Viburnum nudum / Witherod (Native)	spring blooms, fall foliage and berries	3 gal	4
PERENNIALS				
KEY	Botanical Name / Common Name	Characteristics	Size	Qty.
AC	Actaea racemosa 'Pink Spike' / Bugbane	white fragrant blooms, burgundy foliage	1 gal	10
PV	Panicum virgatum 'October Red' / Switch Grass (Native)	all season texture and color	1 gal	15

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PRELIMINARY - NOT FOR CONSTRUCTION

38 EASTWOOD DRIVE
SUITE 301
SOUTH BURLINGTON, VT 05403
802.522.0676
CYNTHIA@CYNTHIAKNAUF.COM
CYNTHIAKNAUF.COM



PROJECT NAME

44-46 Wright Ave

Wright Avenue

Burlington, Vermont

SHEET TITLE

Landscape Plan

REVISIONS:

DATE: 08.14.24
SCALE: As Indicated
DRAWN BY: FRC

SHEET

L1.1

LIMITED PHASE 2 SITE ASSESSMENT

RESIDENTIAL PROPERTY

44 WRIGHT AVE

BURLINGTON, VERMONT 05401

REPORT DATE: MARCH 27, 2024

PREPARED FOR

**Delta Properties LLC
688 Pine Street
Burlington, VT 05401**

PREPARED BY



**Mark Larocque
President**

TABLE OF CONTENTS

1.0	EXECUTIVE SUMMARY.....	1
2.0	INTRODUCTION	2
2.1	Purpose.....	2
2.2	Scope of Services	2
3.0	SITE INVESTIGATION.....	3
4.0	INVESTIGATION RESULTS.....	4
5.0	CONCLUSIONS/RECOMMENDATIONS.....	5

FIGURES & TABLES

Figure 1	Topo Map
Figure 2	Street Map
Figure 3	Soil Boring Location
Figure 4	VT DEC Map
Table 1	Analytical Data Summary

APPENDIX

Appendix A	Analytical Results
Appendix B	Site Photographs
Appendix C	Boring Log

1.0 EXECUTIVE SUMMARY

Practical Environmental Solutions LLC (PES) was authorized by Delta Properties LLC (Delta) to conduct a Phase II Site Assessment (ESA) of the property located at 44 Wright Avenue in Burlington, VT ("the Site").

The Site consists a grassy yard on a residential lot. Based upon topographic map interpretation and site observations, groundwater flow beneath the Site is inferred to be in a west-northwesterly direction.

The scope of the Phase II Environmental Site Assessment consisted of the following:

- Installation of one soil boring (SS-1) in the grassy backyard of the parcel, to a depth of 15 feet below surface grade.
- Soils consisted of fill material to a depth of approximately 2 feet bsg, a brown loose clay from 2 feet to 14 feet bsg, and then a tight gray clay from 14-15 feet bsg. Ground water was detected in the soil boring at a depth of 9.5-10 feet bsg.
- The soil sample from the boring was sent to the lab for analysis of total petroleum hydrocarbons (TPH) for gasoline range organics (GRO) and diesel range organics (DRO) by EPA Method 8015 and for eight RCRA metals analysis by SW-846. The soil sample was collected at a depths of 9-10 feet bsg from the boring.

The results of the soil sampling indicated the following:

- The laboratory results indicated no TPH GRO or DRO in the soils above the analytical method detection limits in the sample.
- The results of the metals analysis indicated no metals concentrations above the VTDEC guidelines in the sample.

2.0 INTRODUCTION

Practical Environmental Solutions LLC (PES) was retained by Delta to conduct a Phase II Site Assessment of the property located at 44 Wright Avenue in Burlington, VT (the Site).

Purpose

The purpose of this Phase II Environmental Site Assessment was to further identify subsurface conditions based upon the VT DEC site cleanup properties in the general area of the site.

Scope of Services

The scope of the Phase II Environmental Site Assessment consisted of the following:

- Installation of one soil boring (SS-1) in the grassy backyard of the parcel, to a depth of 15 feet below surface grade.
- The soil sample from the boring was sent to the lab for analysis of total petroleum hydrocarbons (TPH) for gasoline range organics (GRO) and diesel range organics (DRO) by EPA Method 8015 and for eight RCRA metals analysis by SW-846. The soil sample was collected at a depths of 9-10 feet bsg from the boring.

3.0 SITE INVESTIGATION

Soil Boring

On March 21, 2024, PES installed one soil boring at the site (SS-1). SS-1 was installed at the north side of the parcel in the grassy back yard.

SS-1 was installed to a depth of 15 ft bsg. Soil samples were continuously collected at 5 ft intervals from the boring. Soils consisted of fill material to a depth of approximately 2 feet bsg, a brown loose clay from 2 feet to 14 feet bsg, and then a tight gray clay from 14-15 feet bsg. Ground water was detected in the soil boring at a depth of 9.5-10 feet bsg.

The soil sample was collected at the 9-10 foot interval in the boring (at the water table). The soil sample was sent to Eastern Analytical Labs in Concord, NH for analysis of total petroleum hydrocarbons (TPH) for gasoline range organics (GRO) and diesel range organics (DRO) by EPA Method 8015 and for eight RCRA metals analysis by SW-846.

4.0 INVESTIGATION RESULTS

Soil Sample Analytical Results

The results of the soil sampling indicated the following:

- The laboratory results indicated no TPH GRO or DRO concentrations above the VT DEC guidelines were detected in the soil sample.
- The results of the metals analysis indicated no metals concentrations above the VTDEC guidelines in the sample.

The laboratory results are presented in Appendix A.

5.0 CONCLUSIONS/RECOMMENDATIONS

Conclusions

PES has performed a Phase II Environmental Site Assessment at the site located at 44 Wright Avenue in Burlington, VT. The results indicated the following:

- The laboratory results indicated no TPH GRO or DRO concentrations above the VT DEC guidelines were detected in the soil sample.
- The results of the metals analysis indicated no metals concentrations above the VTDEC guidelines in the soil sample.

Recommendations

The Site soils do not appear to have been impacted by historical fill or the listed VT DEC sites in the general area of the subject property. Based on the findings of this Phase II Assessment, PES recommends no further soil investigations for the site.

FIGURES

Figure 1 - Topo

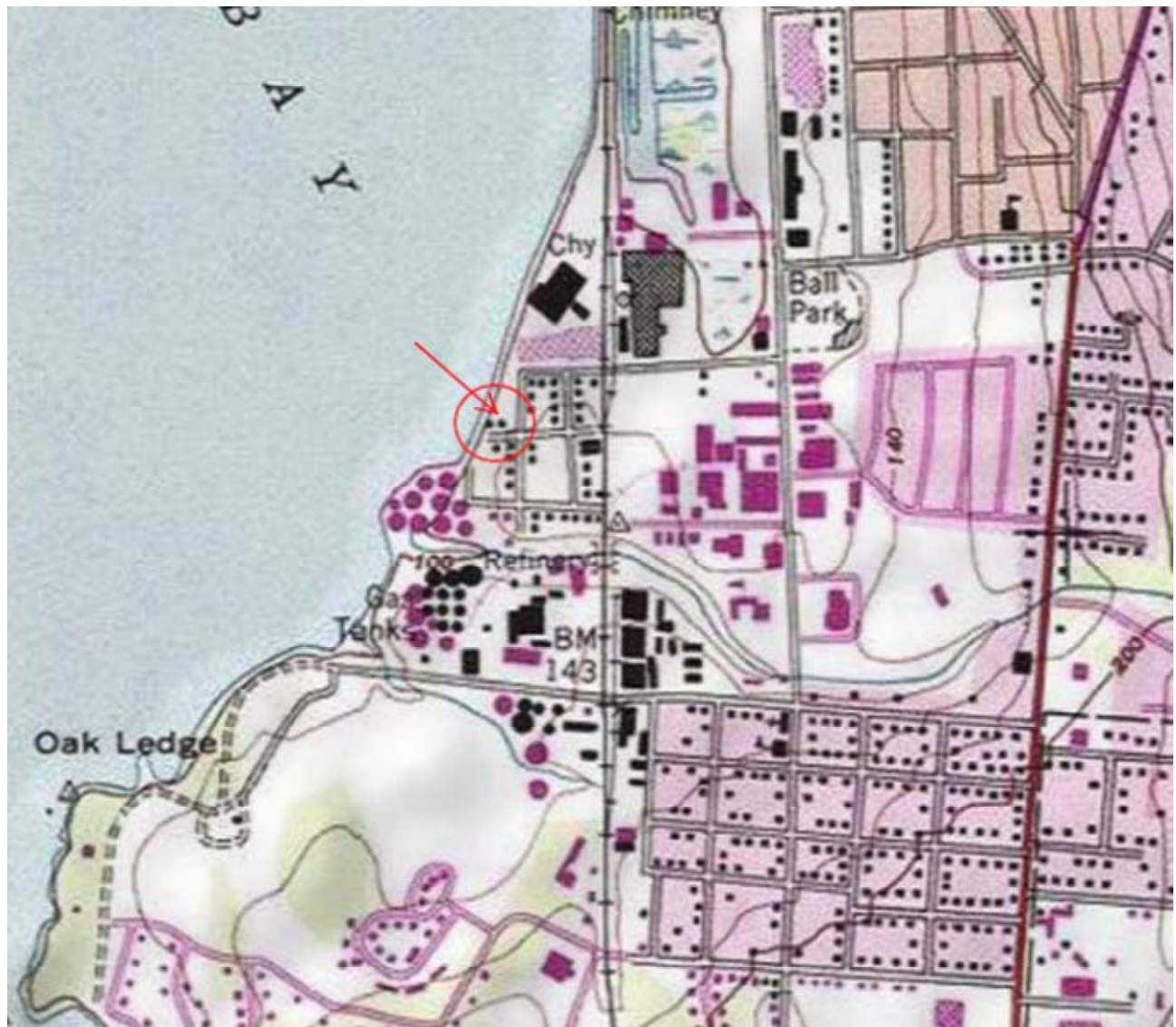


Figure 2 - Site Location

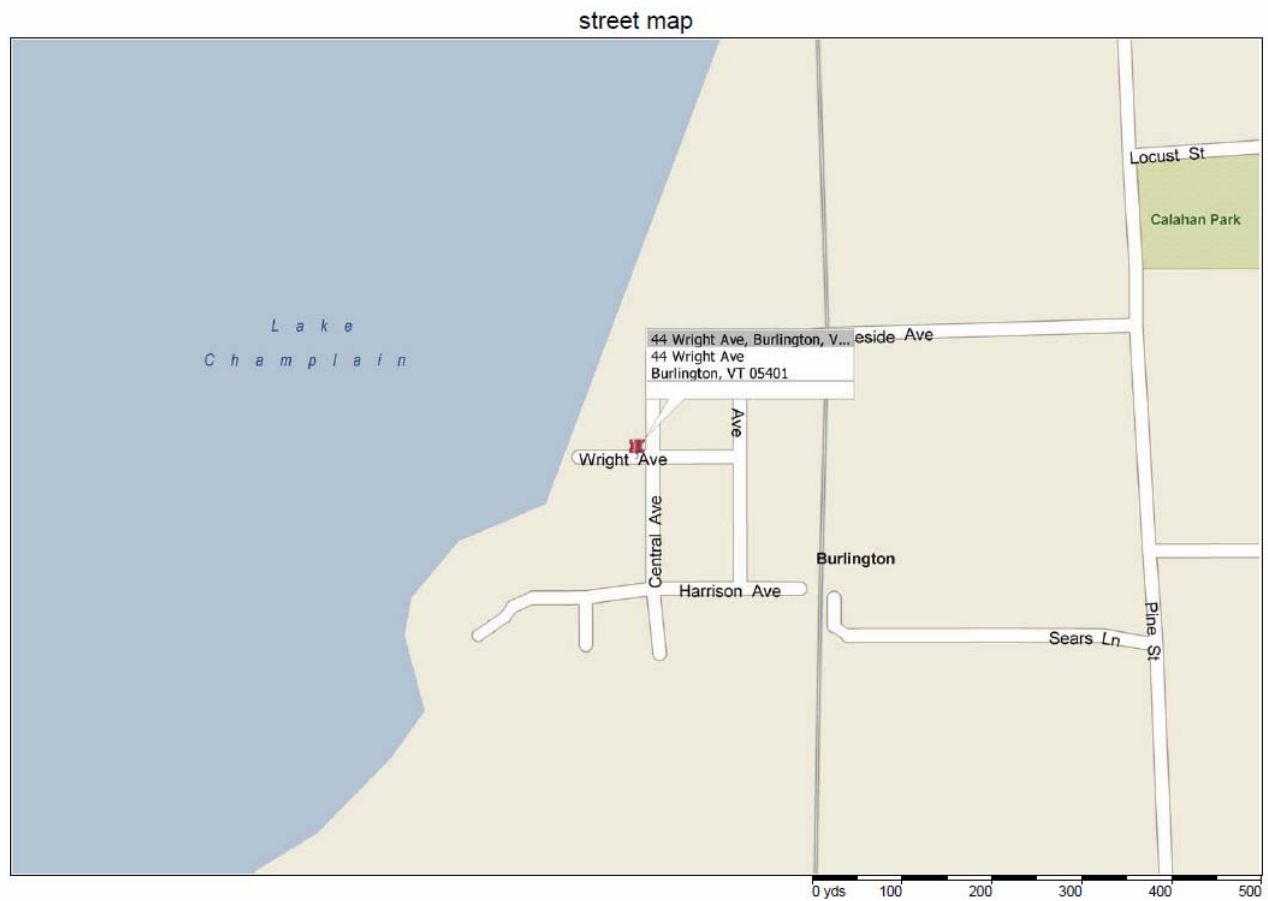


Figure 3 - Soil Boring Location

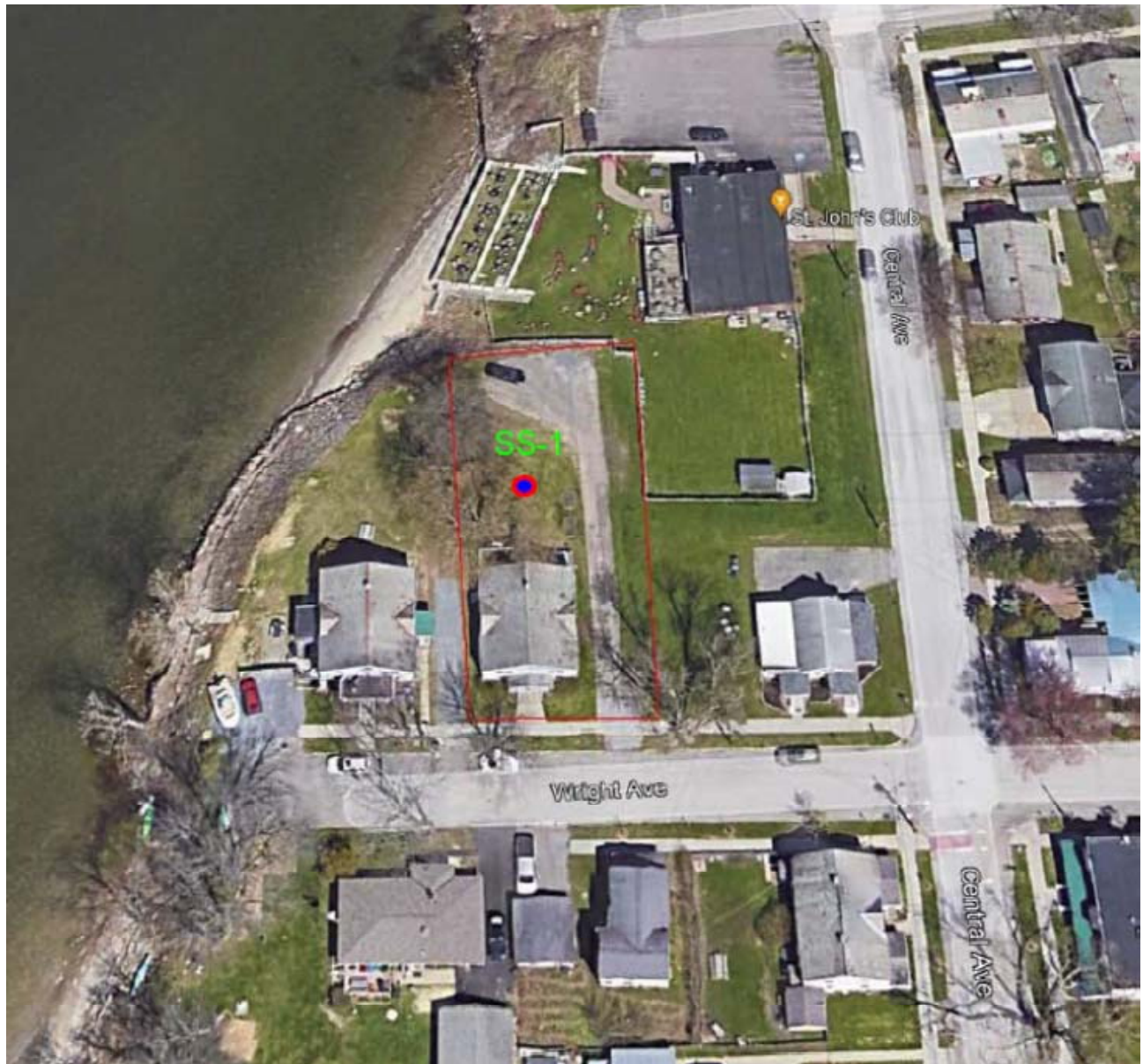


Figure 4 - VT DEC - Hazardous Waste Cleanup Site Map

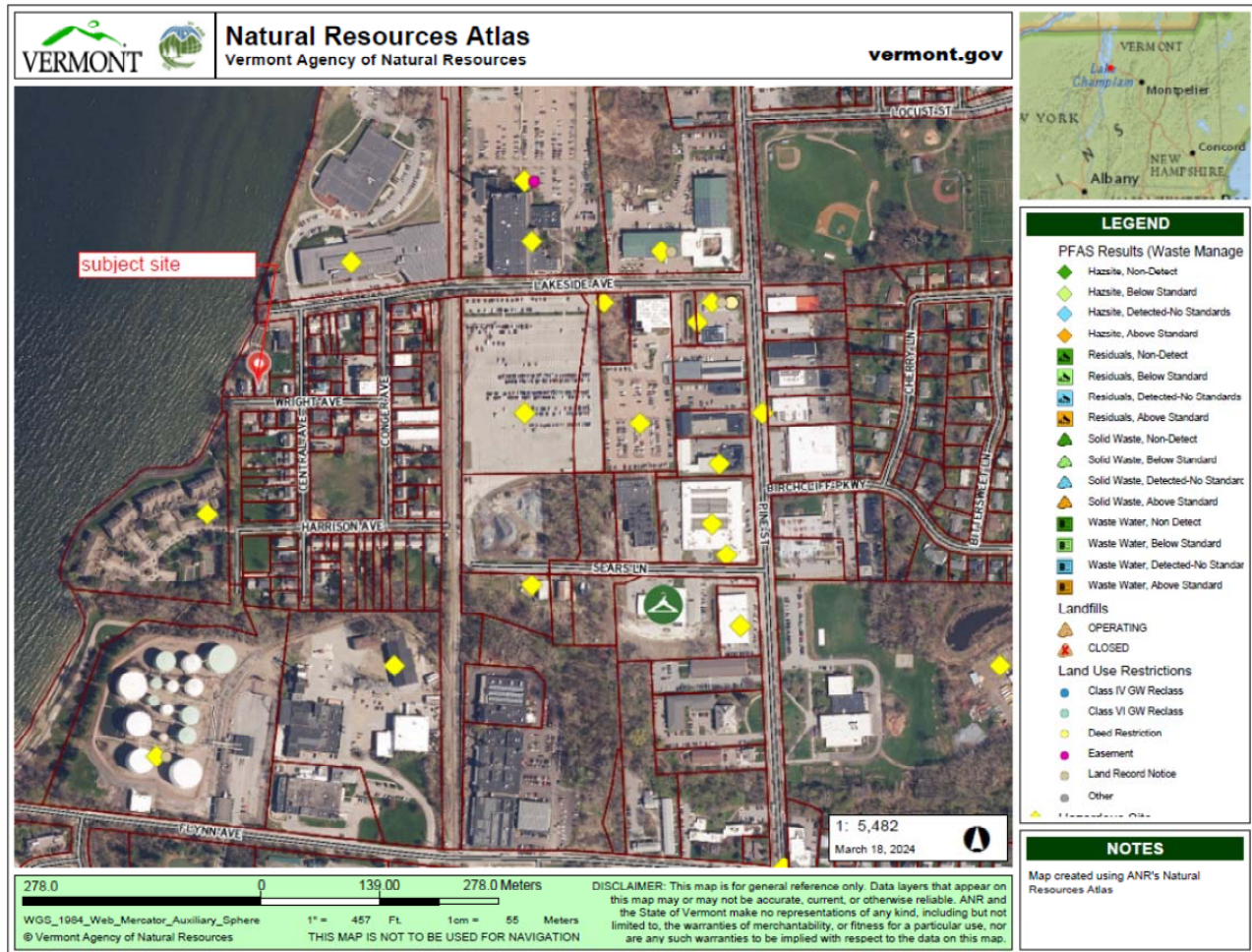
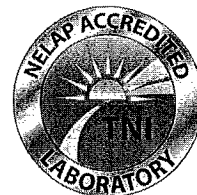


Table 1 Laboratory Analytical Results 44 Wright Ave, Burlington, VT 3/21/2024		
Parameter	VT DEC Residential Soils Guideline	Lab Result
TPH GRO	82	<2
TPH DRO	96	<40
Arsenic	16	9.9
Lead	41	10
Mercury	3.13	<0.1
Barium	11,274	59
Cadmium	6.86	<0.5
Chromium	40,223	36
Selenium	366	<0.5
Silver	237	<0.5
All results reported in parts per million - mg/kg < - not detected DEC Guidelines based on dermal contact, inhalation or ingestion VTDEC has adopted 16 ppm as the statewide arsenic background threshold value		

APPENDIX A

ANALYTICAL RESULTS

Mark Larocque
Practical Environmental Solutions
PO Box 7402
Gilford, NH 03247-7402



Laboratory Report for:

Eastern Analytical, Inc. ID: 275638
Client Identification: 44 Wright
Date Received: 3/21/2024

Enclosed are the analytical results per the Chain of Custody for sample(s) in the referenced project. All analyses were performed in accordance with our QA/QC Program, NELAP and other applicable state requirements. All quality control criteria was within acceptance criteria unless noted on the report pages. Results are for the exclusive use of the client named on this report and will not be released to a third party without consent.

The following information is contained within this report: Sample Conditions summary, Analytical Results/Data, Quality Control data (if requested) and copies of the Chain of Custody. This report may not be reproduced except in full, without the written approval of the laboratory.

The following standard abbreviations and conventions apply to all EAI reports:

- < : "less than" followed by the reporting limit
- > : "greater than" followed by the reporting limit
- %R : % Recovery

Certifications:

Eastern Analytical, Inc. maintains certification in the following states: Connecticut (PH-0492), Maine (NH005), Massachusetts (M-NH005), New Hampshire/NELAP (1012), Rhode Island (269), Vermont (VT1012), New York (12072) and West Virginia (9910C). Please refer to our website at www.easternanalytical.com for a copy of our certificates and accredited parameters.

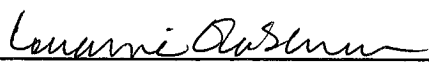
References:

- EPA 600/4-79-020, 1983
- Standard Methods for Examination of Water and Wastewater, 20th, 21st, 22nd & 23rd edition or noted revision year.
- Test Methods for Evaluating Solid Waste SW 846 3rd Edition including updates IVA and IVB
- Hach Water Analysis Handbook, 4th edition, 1992
- ASTM International

If you have any questions regarding the results contained within, please feel free to contact customer service. Unless otherwise requested, we will dispose of the sample(s) 6 weeks from the sample receipt date.

We appreciate this opportunity to be of service and look forward to your continued patronage.

Sincerely,


Lorraine Olashaw, Lab Director

3.27.24
Date



SAMPLE CONDITIONS PAGE

EAI ID#: 275638

Client: **Practical Environmental Solutions**

Client Designation: **44 Wright**

Temperature upon receipt (°C): **5.9**

Acceptable temperature range (°C): 0-6

Received on ice or cold packs (Yes/No): **Y**

Lab ID	Sample ID	Date Received	Date/Time Sampled	Sample Matrix	% Dry Weight	Exceptions/Comments (other than thermal preservation)
275638.01	SS-1	3/21/24	3/21/24 10:30	soil	76.9	Adheres to Sample Acceptance Policy

All results contained in this report relate only to the above listed samples.

Unless otherwise noted:

- Hold times, preservation, container types, and sample conditions adhered to EPA Protocol.
- Solid samples are reported on a dry weight basis, unless otherwise noted. pH/Corrosivity, Flashpoint, Ignitability, Paint Filter, Conductivity and Specific Gravity are always reported on an "as received" basis.
- Analysis of pH, Total Residual Chlorine, Dissolved Oxygen and Sulfite were performed at the laboratory outside of the recommended 15 minute hold time.
- Samples collected by Eastern Analytical, Inc. (EAI) were collected in accordance with approved EPA procedures.



LABORATORY REPORT

EAI ID#: 275638

Client: **Practical Environmental Solutions**

Client Designation: **44 Wright**

Sample ID: SS-1

Lab Sample ID: 275638.01
Matrix: soil
Date Sampled: 3/21/24
Date Received: 3/21/24
Units: mg/kg
Date of Analysis: 3/25/24
Analyst: JAK
Method: 8015Cmod
Dilution Factor: 1
TPH (Gasoline Range C6-C10) < 2
FID 2,5-Dibromotoluene (surr) **149 %R**

The surrogate 2,5-Dibromotoluene (surr) deviated outside the QC limits within the sample. The recovery of this surrogate is dependent on the quality of sample collection and/or matrix effect.



LABORATORY REPORT

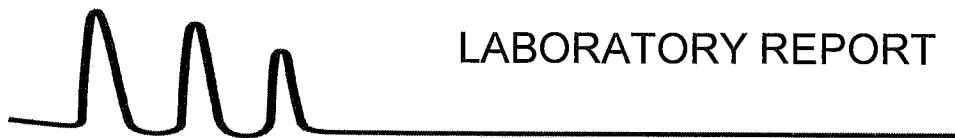
EAI ID#: 275638

Client: **Practical Environmental Solutions**
Client Designation: **44 Wright**

Sample ID: SS-1

Lab Sample ID: 275638.01
Matrix: soil
Date Sampled: 3/21/24
Date Received: 3/21/24
Units: mg/kg
Date of Extraction/Prep: 3/22/24
Date of Analysis: 3/22/24
Analyst: JMR
Method: 8015CDRO
Dilution Factor: 1

DRO (Diesel Range C10-C28) < 40
p-Terphenyl-D14 (surr) 70 %R



LABORATORY REPORT

EAI ID#: 275638

Client: **Practical Environmental Solutions**

Client Designation: **44 Wright**

Sample ID: SS-1

Lab Sample ID: 275638.01

Matrix: soil

Date Sampled: 3/21/24

Date Received: 3/21/24

Arsenic	9.9
Barium	59
Cadmium	< 0.5
Chromium	36
Lead	10
Mercury	< 0.1
Selenium	< 0.5
Silver	< 0.5

Analytical Matrix	Units	Date of Analysis	Method	Analyst
SolTotDry	mg/kg	3/26/24	6020A	DS
SolTotDry	mg/kg	3/26/24	6020A	DS
SolTotDry	mg/kg	3/26/24	6020A	DS
SolTotDry	mg/kg	3/26/24	6020A	DS
SolTotDry	mg/kg	3/26/24	6020A	DS
SolTotDry	mg/kg	3/26/24	6020A	DS
SolTotDry	mg/kg	3/26/24	6020A	DS
SolTotDry	mg/kg	3/26/24	6020A	DS

CHAIN-OF-CUSTODY RECORD

6 of 6
of 239

				VOC	SVOC	TCLP	INORGANICS	MICRO	METALS	OTHER
SAMPLE I.D.	SAMPLING DATE / TIME	*IF COMPOSITE, INDICATE BOTH START & FINISH DATE / TIME	MATRIX (SEE BELOW)							
			GRAB/*COMPOSITE							
			524.2 524.2 MTBE ONLY 8260 624 VTICS I, 4 DIOXANE 8021							
			(8015 GRO) MAVPH	X						
			8270 625 ABN PAH EDB DBCP TPH8100 LI L2							
			(8015 DRO) MAEPH	X						
			PEST 608 PCB 608 PEST 8081 PCB 8082 OIL & GREASE 1664 TPH 1664							
			TCLP 1311 ABN METALS VOC PEST HERB							
			BOD CBOD TS TSS TDS Br Cl F SO ₄ NO ₂ NO ₃ NO ₂ /NO ₃							
			TKN NH ₃ TN T. PHOS. O. PHOS.							
			pH T. RES. CHLORINE SPEC. CON. T. ALK.							
			COD PHENOLS TOC DOC							
			TOTAL CYANIDE TOTAL SULFIDE							
			REACTIVE CYANIDE REACTIVE SULFIDE FLASHPOINT IGNITABILITY							
			TOTAL COLIFORM E. COLI FECAL COLIFORM							
			ENTEROCOCCI HETEROTROPHIC PLATE COUNT							
			DISSOLVED METALS (LIST BELOW)							
			TOTAL METALS (LIST BELOW)							
			X 8 RCRA Metals							
			# OF CONTAINERS	4						
			NOTES METH VIAL #							

Page 6 of 6
Page 134 of 239

Eastern Analytical, Inc.
professional laboratory and drilling services

51 Antrim Avenue

CONCORD, NH 03301
(WHITE: Lab

TEL: 603.228.0525 | 1.800.287.0525

E-MAIL: CUSTOMERSERVICE@EASTERNANALYTICAL.COM

www.EASTERNANALYTICAL.COM

PROJECT MANAGER: Mark Larocque
 COMPANY: Practical Environmental Solutions LLC
 ADDRESS: Po Box 7402
 CITY: Gilford STATE: NH ZIP: 03047
 PHONE: 603-857-1414 EXT: _____
 E-MAIL: psllc@netcast.net
 SITE NAME: 44 Wright
 PROJECT #: _____
 STATE: NH MA ME ☒ VT OTHER: _____
 REGULATORY PROGRAM: NPDES: RGP POTW STORMWATER OR
 GWP, OIL FUND, BROWNFIELD OR OTHER: _____
 PO #: _____

QA/QC REPORTING

A
B
C

MA MCP

TEMP. 5.9 °C

YES

ELECTRONIC OPTIONS
 **EXCEL**
EQUIS
OTHER

TURN AROUND TIME

24hr*	48hr*
3-4 Days*	
5 Day	7 Day
10 Day	

*Pre-approval Required

***Pre-approval Required**

Project #: _____

STATE: NH MA ME VT OTHER: _____

REGULATORY PROGRAM: NPDES: RGP POTW STORMWATER OR
GMP, OIL FUND, BROWNFIELD OR OTHER:

QUOTE #:

P0 #:

SAMPLER(S): Mark Lawrence

RELINQUISHED BY:  DATE: 3/24/24 TIME: 11:00

REINVOUSHED BY: DATE: TIME: RECEIVED BY:

RECEIVED BY _____
DATE: _____
BY: BEINLIJSHEN

SITE HISTORY:

SUSPECTED CONTAMINATION:

FIELD READINGS

METALS: 8 RCRA 13 PP FE, MN PB, CU

SAMPLES FIELD FILTERED? ☐ YES ☐ NO

NOTES: (1E: SPECIAL DETECTION LIMITS, BILLING INFO, IF DIFFERENT.

APPENDIX B

PHOTOGRAPHS



view of boring location



overall soil samples



samples 0-5, 5-10, 10-15 ft



samples 0-5, 5-10, 10-15 ft

APPENDIX C

BORING LOG

BORING SB-1

Project No. 1	Sample Date: 3-21-24
Project Name: Delta Properties	Field Professional: Mark Larocque
Site Location 44 Wright Ave, Burlington	Drilling Contractor: NE Geotech
Client: Delta Properties	Drill Method: Direct Push

Total Depth: 15 feet

Observed Depth to GW: 9.5-10

Depth of Refusal: n/a

Sample Interval	Core Recovery	Sample Depth	Soil Description	USCS	PID (ppm)
0-5	100%		0-2 ft – loam and fill, brick, cinder 2-5 feet – Light brown clay, low plasticity	GM	n/a
5-10	100%	9	Light brown clay, low plasticity - moist at 10 ft	GM	n/a
10-15	100%		10-14 ft Light brown clay, low plasticity - wet 14-15 ft gray tight clay, medium plasticity - wet	GM	n/a

NOTES:

- Soil samples collected from 9.5 and 10 ft
- Ground Water at 9.5-10 ft



Miscellaneous Appeal - Enforcement – DRB Staff Comments

ZP #: ZAP-24-10

Tax ID: 045-1-090-000

**City of
Burlington, Vermont
149 Church Street**

Application Date: August 24, 2024

Property Address: 172 N WILLARD ST

Description: Appeal of two decisions by Code Compliance Officer as to alleged zoning violations.

To: Development Review Board

From: Steve Cormier
Code Compliance Officer

Date: October 1, 2024

RE: Report on **Appeal record ZAP-24-10:** Appeal of Code Compliance Officer's decisions under CPLT-24-103 & CPLT-24-104 issued on August 9, 2024.

Note: This is the Administrative Officer's report; decisions are made by the Development Review Board, which may overturn or uphold the Zoning Administrator's Decision. **THE APPELLANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Location: 172 N Willard St, Burlington, Vermont

Tax Lot #045-1-090-000

Appellant: Luke Purvis

Representative: Luke Purvis

Applicable Regulations: CDO Articles 2, 3, 12, and 24 VSA §4451

Appeal: ZAP-24-10 filed on August, 24 2024

Background Information:

Two final decisions of the Code Compliance Officer (CPLT-24-103 and CPLT-24-104) are subject to this appeal. The two decisions found that complaints by the appellant as to shed foundations and fence placement on the neighboring property were unfounded. The appeal contains a variety of other accusations and requests, but per Sec. 12.2.2, *Appeals of Administrative Officer Decisions*, of the Comprehensive Development Ordinance, only the two final decisions by the Code Compliance Officer are subject to appeal to the Development Review Board.

Appellant resides at 164 North Willard Street and is a neighbor of the subject property, 172 North Willard Street.

Prior to submitting Housing/Zoning Complaint records CPLT-24-103 and CPLT-24-104, appellant previously submitted Housing/Zoning Complaint record CPLT-24-68 on May 15, 2024 for, “Shed installed over property boundary.” A decision for this matter was rendered on July 18, 2024 that, “All sheds at the property conform with approved Zoning Permits,” and said decision was not appealed.

CPLT-24-103 asserts that the foundations of the neighbors’ two sheds are located within a setback. The shed foundation located at the northeast corner of the property (permitted under Zoning Permit ZP-23-533) was found to be in compliance with the zoning permit on December 19, 2023 by the previous Code Compliance Officer, and their decision was not appealed within 15 days. ZP-23-533 includes an approved site plan depicting the shed compliant with setbacks but also contains reference to a gravel pad of larger dimensions not included in the site plan. The gravel pad extends into the setback. The permit was approved without catching this discrepancy. It was un-appealed, closed out with a certificate of occupancy, and is final. The shed foundation located at the north side of the property (permitted under Zoning Permit ZP-23-560) was found to be in compliance with the zoning permit on July 17, 2024 by the current Code Compliance Officer. A stepping stone walkway along the north side of said shed encroaches into the setback as permitted and as allowed by Sec. 5.2.5 (b), *Exceptions to Yard Setback Requirements*.

CPLT-24-104 asserts that the neighbors’ fence crosses the property line onto 164 North Willard Street property. The fence at the eastern end of the subject property’s driveway (permitted under Zoning Permit record ZP-23-560) was found to be in compliance on July 17, 2024 by current Code Compliance Officer. The fence as installed was permitted to project into the setback on the south side of the property (CDO 5.2.5 (b)) with its southernmost post installed on the 172 N Willard St property (as determined by a stamped survey attached to Zoning Permit record ZP-23-560 indicating the southern property boundary of 172 N Willard St corresponding to the northern edge of the primary structure at 164 N Willard St).

Zoning permit ZP-23-560, issued for work including the shed foundation and fence subject to the complaints and this appeal, was un-appealed and closed out with a certificate of occupancy following a compliance inspection July 17, 2024.

CDO Article 12. Appeals, Conditional Uses, Variances:

Appellant filed a complete appeal as outlined under CDO Article 12 Sec. 12.2.2

Decision:

Shed foundations at the property conform with approved Zoning Permits; fence at the property conforms with an approved Zoning Permit.

Shed foundation located at the northeast corner of the property installed in conformance with approved plans under Zoning Permit record ZP-23-533; shed foundation at the north side of the property installed in conformance with approved plans under Zoning Permit record ZP-23-560; fence at the eastern end of the property’s driveway installed in conformance with approved plans under Zoning Permit record ZP-23-560.

CDO Article 2. Decision Timeline:

1. Zoning Permit record ZP-23-533 submitted on November 19, 2023 for, “Proposed installation of shed.”
2. Above referenced Zoning Permit inspected for, and found to be in compliance with the permit, on December 19, 2023.
3. Zoning Permit record ZP-23-560 submitted on December 18, 2023 for, “Proposed installation of a new shed, fence, rear door, and changes to the driveway and walkways.”
4. Above referenced Zoning Permit inspected for, and found to be in compliance with the permit, on July 17, 2024.
5. Complaint records CPLT-24-103 and CPLT 24-104 submitted on July 18, 2024. CPLT-24-103 states: “CPLT-24-68 resulted in a decision that the sheds were not installed over a boundary line. this is a complaint about those same shed foundations being installed within a setback. setbacks are not the same as boundaries so this is not a duplicate. i hope the remediation these neighbors took yields and unfounded complaint. I ask the city to document the method it uses to reach its conclusion to ensure neighbors under complaints similar to this one are treated fairly.” CPLT-24-104 states: “Fence installed on neighbors property against siding without permission. Site plans must contain all built elements. The window wells of 164 north Willard are not depicted in the approved site plan yet the fence extends beyond where these elements are constructed and is placed against the siding of 164 north Willard preventing maintenance to siding.”
6. Decisions as to the above-referenced complaints were rendered by the Code Compliance Officer on August 9, 2024 that, “Shed foundations at the property conform with approved Zoning Permits,” for record CPLT-24-103 and, “fence at the property conforms with an approved Zoning Permit,” for record CPLT-24-104.
7. Appeal of above referenced decisions received on August 24, 2024 within the 15 day appeal period.

Summary:

The appeal claims that final decisions rendered by the Code Compliance Officer on August 9, 2024 were incorrectly rendered. Evaluation by the Code Compliance Officer of the complaints and zoning permits, including onsite assessment, finds that the appellant’s complaints are unsubstantiated.

Conclusion:

The Code Compliance Officer requests the Development Review Board uphold the decisions rendered under CPLT-24-103 and CPLT-24-104 as valid and that both alleged violations in the complaints are unfounded.

From: Luke Purvis lpurvis78@yahoo.com
Subject: Re: 172 north Willard appeal -submitted
Date: Aug 24, 2024 at 11:17:41AM
To: Luke Purvis lpurvis78@yahoo.com

Appellant : Luke Purvis and Christina Lauterbach

Address: 164 North Willard St. Apt. 1 Burlington VT

Description: this is an appeal about multiple permits, applications and or complaints regarding both 164 North Willard St and 172 North Willard St with comparisons to outcomes at both properties as well as adjacent property 158 North Willard St. There are multiple application numbers listed under this appeal.

164 North Willard is an owner occupied multifamily property and 172 North Willard is a single family with accessory unit. 164 North Willard was the original property which spanned a single double lot that. This double lot was split into two in the mid 1940s when the original owning family, The Gills, split the lot for two brothers and created 172 North Willard. 164 North Willard was constructed in 1884, any decades before zoning was implemented while 172 North Willard was constructed after the advent of zoning.

Reference to regulatory provisions:

- The provision describing setbacks.
- The provision disallowing any alteration to a non conformity except to conformity.
- The provision where a neighbor can't use a zoning permit to interact with an others property.
- The provision where the City does not determine boundary lines.
- Policies regarding expectations for staff communication standards with residents.
- Policies related to documenting how a decision was reached.
- Policies requiring the City Staff to ingest and address known non

conformity inaccurately documented in city records.

Relief:

1. Remove the fence post placed against the home of 164 North Willard and concrete that it has been placed in also against the siding and foundation of 164 North Willard and require it to be moved to the location depicted in the approved 172 North Willard site plan.
2. Require the process/method used by the code enforcement officer to determine the sheds or their foundations at 172 North Willard are not within a setback to be published in order to provide a universal method for all residents to be assessed. (I will demonstrate there has been and continues to be substantial variation in the way in which these matters are addressed and remediated amongst the adjacent properties in this neighborhood). Method means the process which city staff uses to ensure the same inputs generate the same output to ensure fairness.
3. Disallow expansion and alteration of non conformity unless first brought to conformity.
4. Reverse the preliminary decision which is not concordant with the approved site plans by the code enforcement officer in zcp-24-2. Rescind the preliminary decision in which city staff have ignored the built elements on approved site plans and instead improperly determined boundary lines. Require the code enforcement officer to assess the complaint of the gravel within the setback following the same method as used in zcp-24-103.
5. Review the lack of communication by city staff and city leadership in the appealed permits and publish a finding that requires city staff to respond to valid zoning questions to better serve its residents and ensure fairness

of process. All residents deserve to have their valid zoning questions answered. Specifically require the department of permitting and inspections to provide enforceable violations about lot coverage in the parts that comprise the gravel nonconformity spanning 164 north Willard and 158 North Willard.

6. Publish a finding that city staff can not ignore known non conformity inaccurately documented in city records
7. Review and approve the request for extension in zp-21-275.
8. Require city staff to adjudicate all applications about the same topic/ dispute at the same time, in this case zcp-24-2, zcp-24-103, zcp-24-104.

Grounds:

- Site plans do not require surveys but they do require all built elements to be included. Instead decisions are being made on incomplete and one side surveys instead of already approved site plans. The 172 applicants and city staff have not acted concordantly to these fundamentals.
- Publishing of process/methods is necessary for fairness, given disparity of outcome in the examples provided.
- The CDO does not allow alteration of non-conformity except to conformity.
- The preliminary zcp-24-2 decision is discordant from the approved site plans and from the city policy of adjudicating private land matters.
- Requiring timely communication is necessary for fair application of the ordinance and to minimize incessant waste of resources in the form of fees, staff and applicant time and other resources.
- It is unfair and a dereliction of the zoning managers duties when requests

for extensions are ignored.

- It is unfair and a dereliction of the code enforcement officer, the zoning managers and the city attorney's duties when they apply invalid standards, without critical and exonerating evidence and when they meet behind closed doors and refuse to provide the discussions and notes that occurred to residents wondering how a certain decision was reached.
- Consistency in outcome is a necessary component of allowing for positive neighborly relationships.
- Ignoring known non conformity creates timeline issues where one outcome winds up being discordant to another outcome about the same non-conformity.

Description of Violation*

CPLT-24-68 resulted in a decision that the sheds were not installed over a boundary line. this is a complaint about those same shed foundations being installed within a setback. setbacks are not the same as boundaries so this is not a duplicate. i hope the remediation these neighbors took yields and unfounded complaint. I ask the city to document the method it uses to reach its conclusion to ensure neighbors under complaints similar to this one are treated fairly.

Primary Contact Information

Name *

Luke purvis

Phone*

[REDACTED]

Email*

[REDACTED]

🏠 Number of Residential Units

—

Description of Violation*

Fence installed on neighbors property against siding without permission. Site plans must contain all built elements. The window wells of 164 north Willard are not depicted in the approved site plan yet the fence extends beyond where these elements are constructed and is placed against the siding of 164 north Willard preventing maintenance to siding

Primary Contact Information

Name *

Luke purvis

Phone*

[REDACTED]

Email*

[REDACTED]

🏠 Number of Residential Units

—



PERMITTING & INSPECTIONS

645 Pine Street, Ste. A | PO Box 849
Burlington, VT 05402-0849

Housing: (802) 863-0442
Trades: (802) 863-9094
Zoning: (802) 865-7188

August 9, 2024

Decision Date: August 9, 2024

Luke Purvis
164 N Willard St
Burlington, VT 05401

RE: 172 N Willard St, Burlington, VT
TAX LOT #045-1-090-000
CPLT#: CPLT-24-103

Dear Mr. Purvis,

On July 18, 2024 you submitted a complaint to our office for the above property. Your complaint concerned the following: "CPLT-24-68 resulted in a decision that the sheds were not installed over a boundary line. this is a complaint about those same shed foundations being installed within a setback. setbacks are not the same as boundaries so this is not a duplicate. i hope the remediation these neighbors took yields and unfounded complaint. I ask the city to document the method it uses to reach its conclusion to ensure neighbors under complaints similar to this one are treated fairly." After this office's investigation in July 2024 – August 2024 was completed, it has been determined that the complaint was unfounded and thus the matter has been closed. No further action will be taken.

Description of Complaint: CPLT-24-68 resulted in a decision that the sheds were not installed over a boundary line. this is a complaint about those same shed foundations being installed within a setback. setbacks are not the same as boundaries so this is not a duplicate. i hope the remediation these neighbors took yields and unfounded complaint. I ask the city to document the method it uses to reach its conclusion to ensure neighbors under complaints similar to this one are treated fairly.

Investigation Included:

Review of permits and related documentation for the property
Site visit to the property.

You have the right to appeal the decision that, as of today's date, the shed foundations at the property conform with approved Zoning Permits, to the Development Review Board in accordance with the provisions of Articles 2.7.12 and 12.2.2 of the CDO, within fifteen (15) days from the date of decision.

The deadline for filing an appeal is 4 pm on August 24, 2024. An appeal is not perfected until you submit a complete application online at <https://burlingtonvt.viewpointcloud.com/categories/1098> accompanied by the appropriate fee, (\$250), in accordance with Sec. 3.2.4(a) of the CDO. Or the complete appeal application and fee shall be filed with the City's Department of Permitting & Inspections located at 645 Pine Street, Burlington, VT. The appeal and fee shall be accompanied by a memo including the ZV#, your name and address, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to the appeal, the relief you are requesting, and the alleged grounds why such relief is believed proper under the circumstances. *Failure to appeal constitutes admission that no violation exists – the decision shall be binding 24 V.S.A §4472(d).*

If you have any questions, please call me at (802) 863-0442 or contact me via email at scormier@burlingtonvt.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cormier". The signature is fluid and cursive, with the first name "Steve" and last name "Cormier" clearly distinguishable.

Steve Cormier
Code Compliance Officer



PERMITTING & INSPECTIONS

645 Pine Street, Ste. A | PO Box 849
Burlington, VT 05402-0849

Housing: (802) 863-0442
Trades: (802) 863-9094
Zoning: (802) 865-7188

August 9, 2024

Decision Date: August 9, 2024

Luke Purvis
164 N Willard St
Burlington, VT 05401

RE: 172 N Willard St, Burlington, VT
TAX LOT #045-1-090-000
CPLT#: CPLT-24-104

Dear Mr. Purvis,

On July 18, 2024 you submitted a complaint to our office for the above property. Your complaint concerned the following: "Fence installed on neighbors property against siding without permission. Site plans must contain all built elements. The window wells of 164 north Willard are not depicted in the approved site plan yet the fence extends beyond where these elements are constructed and is placed against the siding of 164 north Willard preventing maintenance to siding." After this office's investigation in July 2024 – August 2024 was completed, it has been determined that the complaint was unfounded and thus the matter has been closed. No further action will be taken.

Description of Complaint: Fence installed on neighbors property against siding without permission. Site plans must contain all built elements. The window wells of 164 north Willard are not depicted in the approved site plan yet the fence extends beyond where these elements are constructed and is placed against the siding of 164 north Willard preventing maintenance to siding.

Investigation Included:

Review of permits and related documentation for the property
Site visit to the property.

You have the right to appeal the decision that, as of today's date, the fence at the property conforms with an approved Zoning Permit, to the Development Review Board in accordance with the provisions of Articles 2.7.12 and 12.2.2 of the CDO, within fifteen (15) days from the date of decision. **The deadline for filing an appeal is 4 pm on August 24, 2024.** An appeal is not perfected until you submit a complete application online at <https://burlingtonvt.viewpointcloud.com/categories/1098> accompanied by the appropriate fee, (\$250), in accordance with Sec. 3.2.4(a) of the CDO. Or the complete appeal application and fee shall be filed with the City's Department of Permitting & Inspections located at 645 Pine Street, Burlington, VT. The appeal and fee shall be accompanied by a memo including the ZV#, your name and address, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to the appeal, the relief you are requesting, and the alleged grounds why such relief is believed proper under the circumstances. *Failure to appeal constitutes admission that no violation exists – the decision shall be binding 24 V.S.A §4472(d).*

If you have any questions, please call me at (802) 863-0442 or contact me via email at scormier@burlingtonvt.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cormier". The signature is fluid and cursive, with the first name "Steve" and last name "Cormier" clearly distinguishable.

Steve Cormier
Code Compliance Officer



ZONING PERMIT
City of Burlington, Vermont
Department of Permitting and Inspections

Application Date: December 18, 2023

Permit Expiration Date January 5, 2027
Construction Start by Date January 5, 2025

Project Location: 172 North Willard Street

District:

Owner: TAMULONIS, MARGARET
Address: 172 NORTH WILLARD ST
BURLINGTON, VT 05401

Tax ID: 045-1-090-000

Project Type: Residential - New Construction

Project Description: Proposed installation of a new shed, fence, rear door, and changes to the driveway and walkways.

Construction Cost:	\$22,000	Lot Size (Sq Ft):	7,050
Net New Habitable Sq Ft:	0	Net New Number of Residential Units:	
Existing % Lot Coverage:	33.8	Existing Number of Parking Spaces:	
Proposed % Lot Coverage:	38.92	Proposed Number of Parking Spaces:	
Net New % Lot Coverage:	5.12	Required Number of Parking Spaces:	

Zoning Permit #: ZP-23-560
Level of Review: Basic

Decision By: Administrative
Decision: Approved

A handwritten signature in blue ink, likely of the Zoning Administrative Officer.

Zoning Administrative Officer

Decision Date: January 5, 2024

An administrative decision may be appealed by an interested person within 15 days from the Decision Date.

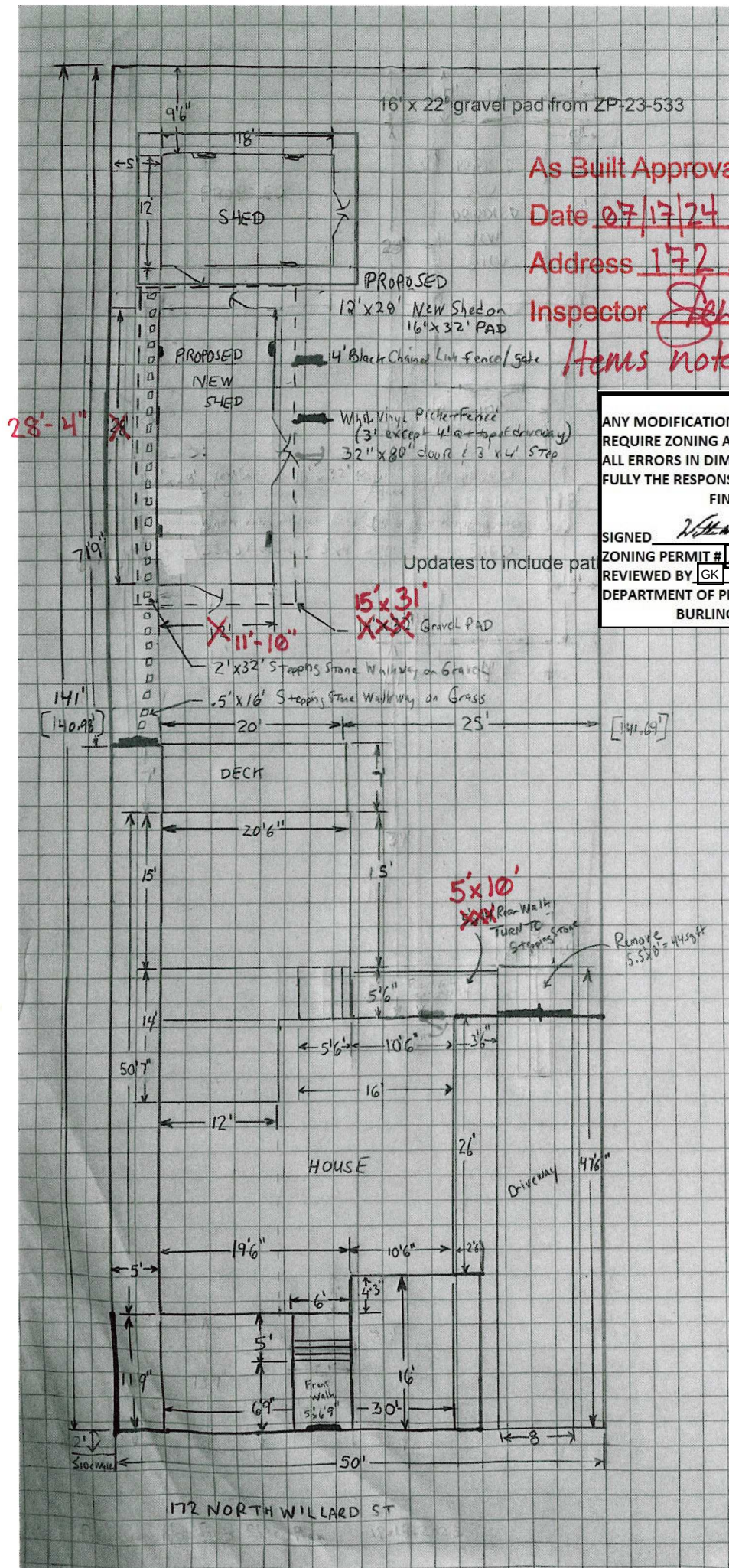
A DRB decision may be appealed within 30 days.

Please contact the Zoning Division for more information.

Amount Paid: \$122.00

Date: January 30, 2024

645 Pine Street Burlington, Vermont 05401



-NOTE-
ANY MODIFICATION OR DEVIATIONS FROM THESE PLANS REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION. ALL ERRORS IN DIMENSIONS, PLANS, OR DETAILING ARE FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

SIGNED Steven M. Cam DATE _____

ZONING PERMIT # ZP-23-560

REVIEWED BY GK

DEPARTMENT OF PERMITTING & INSPECTIONS
BURLINGTON VERMONT



ZONING CERTIFICATE OF OCCUPANCY

City of Burlington Department of Permitting and
Inspections



This Certificate of Occupancy is issued pursuant to Sec. 3.1.11 of the Comprehensive Development Ordinance.

Permit Description: Proposed installation of a new shed, fence, rear door, and changes to the driveway and walkways.

Address 172 North Willard Street

Permit No. ZP-23-560

Owner TAMULONIS, MARGARET

Owner's Address 172 NORTH WILLARD ST BURLINGTON VT
05401

Date July 17, 2024

Zoning Administrative Officer

POST IN A CONSPICUOUS PLACE

Dear Neighbors, Residents in my Community, and Members of this DRB,

Introduction

The complaints under appeal are based upon determinations of property ownership originating with a decision by Ted Miles, Code Compliance Officer. Mr. Miles does not have jurisdiction or authority to determine ownership. The unintended consequences of the City's determinations affect the Appellant's property ownership interests. By improperly and inconsistently determining property ownership, he has created a cloud on Appellant's title. Forcing the Appellant to defend their property interests premised upon these Zoning decisions and prior to any Civil Decision determining boundary is a deprivation of Appellant's property and civil rights without due process.

This appeal falls into two categories: disputes between neighbors and the disputes with the processes and practices of the City. The neighbor issues in this appeal concern multiple complaints from dueling neighbors about boundary line encroachments and associated appropriate setbacks; enflamed by inconsistent City treatments. The City issues in this appeal concern Zoning Division actions and inactions, inconsistencies within and between Zoning Department and Code Enforcement and what is or can be part of an appeal.

Your agenda shows two complaints on appeal; actually, there are *three* existing complaints between the City and this Appellant regarding the City's handling and processing of the neighbor cases. This appeal includes matters originating in CDO 12.2.4, Exclusivity of Remedy. This appeal is about dissimilar processing therefore treatments of neighbor complaints. Due to the three complaints progressing along different timelines, decisions are being issued before the underlying dispute is addressed, thereby giving rise to more ongoing disputes and appeals.

This Board needs to adjudicate whether ZCPT-24-2 is properly included in this appeal. This is where change in the handling of the boundary originates. It is Appellant's position that ZCPT-24-2 has been improperly excluded. Additionally, there are two instances of the City's failure to Act under appeal here today. These matters represent appealable circumstances under CDO 12.2.4 but their inclusion is also endangered by Zoning Managers decision to exclude them without notice to Appellants.

In one case the decision below was based upon a determination of property ownership which is disputed. The Zoning Division Manager does not have the jurisdiction or authority to determine property ownership. I ask the board to overturn individual decisions that are mistaken, while remanding other matters until the City is provided with valid determination of title from a Court.

History/Background of the Properties Involved:

164 North Willard Street was built in 1884, about 60 years before zoning began on a double lot. In 1949, the lot was subdivided, creating 172 North Willard, making two properties from one for two brothers returning from the War. Both 164 and 172 North Willard exist on a block that the

Plan BTV upzoning documented as containing the highest rates of inherent non-conformity in Burlington. The 164 North Willard original dwelling became non-conforming by the subdivision because its foundation sits either on or adjacent to a lot line. At the time of the subdivision, an easement was recorded in both deeds to allow 164 North Willard perpetual permission to maintain the northern side of the dwelling. In 2013, Appellants, became the third family who has owned 164 North Willard. The current owner of 172 North Willard has owned her property since 2002.

In terms of the built elements, there is a concrete pad in 164 North Willard's property* that is central to this dispute. Appellant's family BBQ grill has sat on that concrete pad since purchasing the property. An old metal fence sat about 8-10 inches north of the pad, parallel to the tax map lot line. The fence that surrounded the other two sides of 172 North Willard is/was distinctively different than the fence that separated our properties. The fence has been the de facto boundary line, until the city's recent change in the way it treats this boundary.

In 2016, during the construction of the ADU for the 172 North Willard property, Miss Tamulonis, raised the metal fence encroachment matter between our property with Appellants. Her contractors had identified the fence as encroaching over the lot line, about 2'. Miss Tamulonis stated the fence was there when she moved in while we were discussing the fences long term history. We also spoke of the concrete pad used to grill. Appellants thought parties agreed that there wasn't much to do given that the fence and concrete pad had been there for more than 15 years and there wasn't much room to move the fence because of the concrete pad.

In dispute here today, both the 164 and 172 North Willard properties have filed complaints about each other's approved permits. You can see these properties and their permits are entangled, mostly by events that happened long ago. The dispute is exacerbated by the inconsistent code enforcement processing of the complaints.

Requests/Arguments:

1. Allow ZCPT-24-2 to be part of this appeal*

You will find that if measured today, and in like manner* CPLT-24-103, there is not a patio setback violation. If there is no setback violation, there is no need to expend further municipal resources until there is a civil decision about the boundary.

The decision in this permit undermines the signed settlement agreement* from April 2022 which precipitated the release of fence permit, subject of this complaint. It also contradicts the approved site plans.

2. In CPLT -24-103, Require the method by which an unfounded setback violation decision was reached be published; for transparency to all.*

The approved site plan has no setback assessment despite the complaint. The problem is the gravel base to the shed was incorrectly approved to extend 2' beyond the shed wall and into the northern boundary setback. The 172 North Willard property owners have remediated the violation which was mistakenly approved via a City approved remediation method. Appellant request that the record accurately reflect the error and subsequent remediation. Please require Code Enforcement to document its method it used to assess setback, as requested in the complaint description. Ensure the record reflects the actual events that transpired. Prevent one hand of the department from washing away errors created by the other hand of the same department.

3. Require the fence post in CPLT-24-104 to be moved off from my property like the approved site plan*.

The installation of a fence post against my dwelling is in error to the approved plans. A fence post installed by 172 North Willard encroaches on my property because it is installed directly against the siding of my dwelling. The 172 Applicants installed their fence post without my consent, while my family was away for a weekend. Zoning permits never allow for an applicant to interact with another's property. I cannot access or maintain my siding underneath the fence post because the Applicants placed a concrete footing and fence post against my home.

A cursory review of both approved site plans and the 172 North Willard commissioned survey show that my dwelling is not on their property or a part of the approved development. I am requesting that the Board require the 172 North Willard Applicants to relocate their fence.

4. Uphold Appellant's rights to appeal failures to act pursuant to CDO 12.2.4

12.2.4 States: *"Except as otherwise provided by state statute, the exclusive remedy of an interested person with respect to any decision or act taken, or any failure to act, under this ordinance or any one or more of its provisions shall be the appeal to the DRB, and the appeal to Vermont environmental court from an adverse decision upon such appeal."*

At what point can an applicant utilize an appeal about decisions and questions that Zoning Administrators are failing to act on? 12.2.4 states that 'any decision' can be appealed in contrast of the city's interpretation about final decisions in 12.2.2. In the matters before you that point came when two other complaints had decisions issued starting their 15-day interval and separating other related matters from the same appeal.

- 1) Include ZCPT-24-2 in the appeal here today under 12.2.4, appeal of 'any decision' and because of the Zoning Managers failure to act in answering tagging request.*
- 2) Require the zoning manager to approve the request for extension In ZP-21-275*.

This is the zoning permit for 164 North Willard to install its fence which is subject to ZCPT-24-2. I requested an extension of the permit because we are unable to

complete the zoning action of remove the concrete pad until the boundary dispute was resolved. The Zoning Manager has failed to act on that request, and I seek intervention from this Board to ensure the safety and legitimacy of the subject permit while the boundary line matter is resolved.

- 3) Require the zoning manager to provide the City decisions, if they exist,* that determined the nature of the lot coverage on the areas the City knows as the 'The Easement', 'The 1968 Parcel' and the "2 Foot Strip". This failure to act originates from a 2014 written complaint spanning two properties. No decision has ever been issued at this second property. By this time, there is a clear failure to act under 12.2.4. Without that decision, I am unable to access CDO 5.3.2 which allows for reconstruction of non-conformity when an event destroys only a minority.

This long-term unresolved dispute was in fact just re-energized by the 172 Property Owner in her report to the SeeClickFix portal on 9/28/2024. Her report is now the 5th time this matter was submitted* to the city requesting it be dealt with since 12/14/2022. In one instance a parking ticket was issued and dismissed on my appeal leaving the zoning matter unresolved. The lack of decisions about lot coverage in these areas represents a failure to act and address this matter. This long-term failure to act in conjunction with the 172 the Property Owner's interest in seeing this matter resolved provides a clear demonstration as to why this matter is attached in this appeal.

Conclusion:

From the above examples, I hope this board can see the tremendous influence the zoning manager and Code Enforcement staff possess to affect dispute resolution. Their authority to reduce an appeal and make it less than the dispute remains unchecked. I ask the board in today's appeal and future appeals to protect vigorously residents who are inappropriately being ignored or where the City is failing to act. Allow property owners to achieve resolutions to zoning disagreements the zoning manager otherwise decides to ignore. I only need to look to my own experience to know how important it is for the record to reflect an error when it occurs rather than imply the City is without error. I have experienced the City choosing not to act for over a decade. That causes devastating prolonged dispute. It creates excessive complexity. Failing to act disorders decisions that inherently depend on ordering.

We as a community must be vigilant to City Staff's ceaseless attempts to make their goals easier to achieve. Lowering the bar comes with a cost, visible at properties like mine. We must uphold the principle that it is the City Staff's responsibility to use the entire ordinance to bring a property to conformance and minimize disruption. Protect appellants rights to holistically shape dispute resolution arising from the inconsistent treatments and processes inherent to Burlington's Permitting and Inspections Division.

We ask the Board to rule in conformity to the issues we raise.

Hello,

Please use the below as a guide containing some additional evidence and supporting documentation to the 164 North Willard St. Appeal. You will find each page below corresponds to the appeal by section name and then by the specific sentence which contains the * in the appeal.

We appreciate the Boards attention to this complex matter.

Thank you,

Luke Purvis

Christina Lauterbach

History/Background of the Properties Involved: - there is a concrete pad in 164 North Willard's property*

Below on the left is a photo of the grill on the concrete pad from summer 2019. The old metal fence is visible underneath the side burner, about 8-10" to the north of the concrete. To right below is from Summer 2014. The old metal fence is visible. Zoom in a little and you will see posts and the corner of that fence extending a little over 2' to the north of 164 North Willard St, like the new wooden fence. I still have sections of the old metal fence. So its possible to count the patterns visible in the higher resolution photo to know exatly where the corner of the old metal fence was.



1. Allow ZCPT-24-2 to be part of this appeal*

Please notice the consistency in both paragraphs below. Both contain the language “Any Decision” in contradiction to the city’s interpretation of 12.2.2 in their staff report that appeals are limited to final decisions. Failure to act include decisions to ignore legitimate zoning questions by Administrative staff.

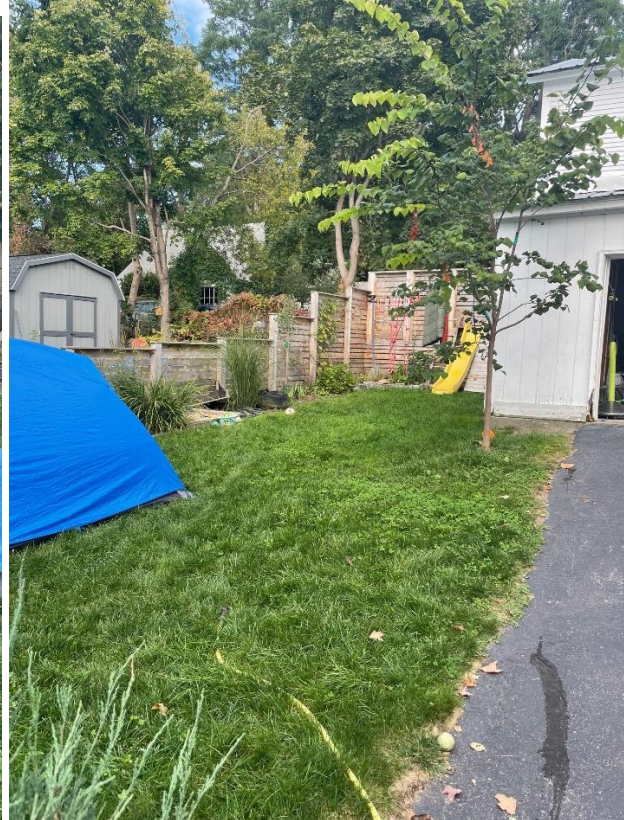
Sec. 12.2.4 Exclusivity of Remedy

Except as otherwise provided by state statute, the exclusive remedy of an interested person with respect to any decision or act taken, or any failure to act, under this ordinance or any one or more of its provisions shall be the appeal to the DRB, and the appeal to Vermont environmental court from an adverse decision upon such appeal.

Except as otherwise specified by statute, the exclusive remedy of an interested person with respect to any decision or act taken, or any failure to act, under this chapter or with respect to any one or more of the provisions of any plan or bylaw shall be an appeal to the DRB, and the appeal to the environmental court from an adverse decision upon such appeal. The appeal to the environmental court, if not on the record, as allowed under 24 VSA Section 4471, shall be governed by the Vermont Rules of Civil Procedure and such interested person shall be entitled to a de novo trial in the environmental court. If the appeal to the environmental court is on the record, according to the provisions of 24 VSA Section 4471, it shall be governed by the Vermont Rules of Civil Procedure. Whether proceeding on the record or de novo, the court shall have and may exercise all powers and authorities of a superior court.

1. You will find that if measured today, and in like manner *

These next two photos show the current state of 164 North Willard patio and fence under dispute. There is 5' setback from the boundary of the original fence to the patio. The outdoor furniture sits on that green space.



1. The decision in this permit undermines the signed settlement agreement*

The City's change in assessing the boundary implies the concrete pad discussed in Signed Settlement Agreement 9). The city new interpretation would imply the concrete pad is in part owned by 172 North Willard. This pad has exists entirely on 164 North Willard's side of that old metal fence. Point 6) below is in reference to the subject permit to ZCPT-24-2 which is ZP-21-275.

- 6) Upon execution of this Agreement, the City shall issue Owner's pending fence permit conditioned upon the on-going good faith compliance with this Agreement.
 - 7) Upon execution, Owners shall immediately withdraw the two appeals currently pending at the DRB.
 - 8) Upon execution, Owners shall withdraw all pending public records requests with the City.
 - 9) Owners' existing patio shall be treated as an allowed, as built, structure so long as it does not extend into the 5-foot side setback along the northern boundary of the property, Owners shall remove the identified 5-foot by 6-foot concrete slab and submit a detailed and accurate site plan of the entire property capturing the changes made under this Agreement and demonstrating that the net lot coverage will not increase as a result of the patio.
 - 10) This Agreement shall be binding on both Parties and their Successors and Assigns. Owners shall provide a copy of this Agreement and the January 4, 2021 Stipulated Order to any potential purchasers of 164 North Willard Street as an exhibit to any purchase and sale agreement that Owners execute.
 - 11) So long as this Agreement is in effect and the Parties are in compliance with the terms herein, Owners shall bring no further public records requests (concerning their property or zoning enforcement), litigation or appeals against the City, and the City shall take no further zoning enforcement action against either the multi-family issue, remediation of the area adjacent to the parking area, or the patio. Nothing in this agreement shall prevent the
-

1. It also contradicts the approved site plans.*

The center bullet of the installation plan represents the intent to replace the old fence with the new fence. All permits are appealable by interested parties. The owners of 172 North Willard had opportunity to appeal this plan if they disputed and did not. By changing the treatment to the boundary in ZCPT-24-2 the city undermines its own approved plan of the subject permit.

164 North Willard St. - Proposed Fence Project

Installation Plan and Materials

Install an 8' foot tall horizontal cedar fence on the eastern boundary along Dans Court. Good side will face Dans Ct. The bottom of the fence panel will begin at the curb height of Dans Ct. There will be a gate on the south side of the barn to allow continued access to Dans Court.

- 6"x6" and 4"x6" pressure treated posts
- 1x3, 1x6 Eastern White Cedar for horizontals
- Concrete footings
- Gate – to the south of the barn

Install horizontal cedar fence along the current fence line between 164 and 172 North Willard St. This fence will be good both sides. The Fence will have 8' height where it meets Dans Ct. and taper down to 4' height for most of the run and then increase up to 8' at the house for privacy entering and exiting back doors.

- 4"x4" pressure treated posts, cedar clad
- 1x3 and 1x6 Eastern White Cedar for horizontals
- Compact gravel footings

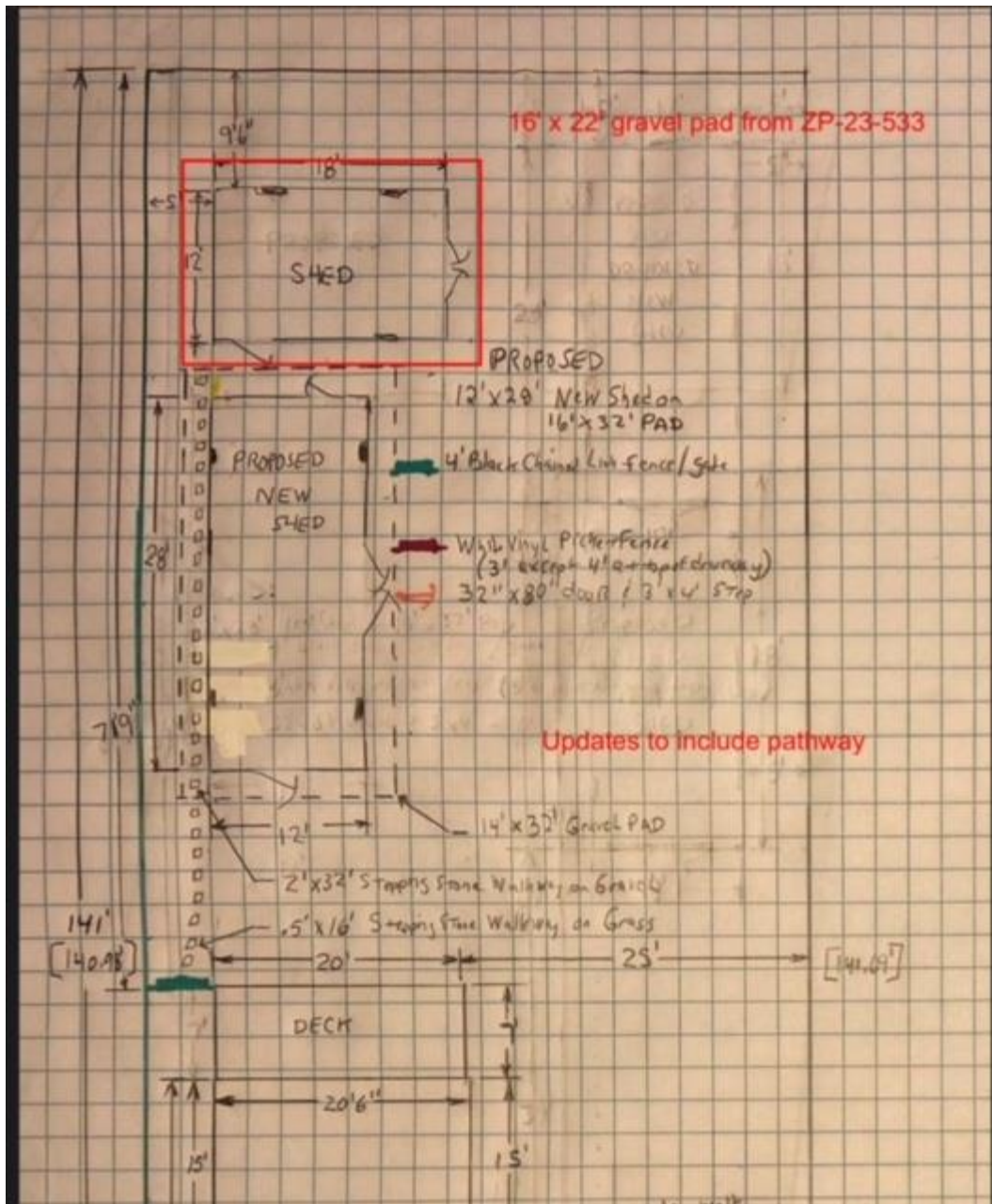
Install perpendicular fence spur from the 158 North Willard border with horizontal cedar planks, 6' tall, with driveway gate at the easterly line of the main 164 North Willard house to complete a fenced enclosure for 164 North Willard back yard.

- 4"x4" pressure treated posts
- 1x3 and 1x6 Eastern White Cedar for horizontals
- Concrete footings
- Gate to cross driveway

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PERMITTING & INSPECTIONS

2. In CPLT -24-103, Require the method by which an unfounded setback violation decision was reached be published; for transparency to all.*

This is an approved site plan for the 172 North Willard Project. It depicts the walkway within the setback described in the staff report. It shows the gravel pad underneath the walkway in the setback. This approved plan predates the approved "as built" plan provided by the City. It demonstrates that both shed bases have been installed within setback.



3. Require the fence post in CPLT-24-104 to be moved off from my property like the approved site plan.*

This is a comparison of fence posts installed by 172 North Willard. On the left, you can see the fence post depressed against the siding of 164 North Willard dwelling. There is a concrete footing against the 164 North Willard Foundation. While on the right, you can see the gap for maintenance between post and siding that the 172 North Willard St. owners afforded themselves.



View from 164 North Willard St bedroom and northern boundary of solid waste containers now against our home under our dripline.



4.1) the Zoning Managers failure to act in answering tagging request.*

Failure of Zoning Division staff to respond to repeated tagging by Code Enforcement staff has delayed processing of ZCPT-24-2; the complaint where the city changed its decision making. Below demonstrates real world scenario presenting failure to act or decisions to ignore present by City Staff. Below, I present Steve Cormier tagging leaders Scott Gustin and Bill Ward 3 separate times. These leaders never responded on these requests. These comments are from ZCPT-24-2, the complaint that the City is wanting to exclude from this appeal. This particular screen of the permitting system does not lend well to print out.

My Account Search LP Luk

My Account Search LP Luke

**Steve Cormier**

June 26, 2024 at 10:20 am

Hi Luke,

I cannot answer to what another (former) employee did but feel free to contact Department Director [@William Ward](#) or Zoning Division Manager [@Scott Gustin](#). Both can be reached by phone by calling (802) 863-0442, ext. 1 and asking for them or via email at wward@burlingtonvt.gov or sgustin@burlingtonvt.gov respectively.

**Luke Purvis**

June 26, 2024 at 5:57 pm

Hi Steve,
Please attach the city staff necessary to address the issues of this complaint to this complaint. There is no reason for me to take the issues of this complaint outside of this complaint.

**Steve Cormier**

June 27, 2024 at 1:21 pm

Hi Luke,

Both Director [@William Ward](#) & Division Manager [@Scott Gustin](#) were attached to this record in my last comment and I am doing so here again, per your above request.

I am uncertain why you are unable to see the On Hold status of this complaint. I have attached a screen shot of this record to this record's Attachments titled "ZCPT-24-2 Record - On Hold Status" showing the Zoning Complaint Investigation as being On Hold at the top right corner of the page, the top center of the page, and the bottom left corner of the page. I hope this helps.

***CONT on next page**

4.1) the Zoning Managers failure to act in answering tagging* request.*

 My Account Search  Luke

**Luke Purvis** June 27, 2024 at 1:51 pm

Hi Steve, this looks to be yet another defect I have identified in this system... impacting the residents who use this system. Will you be submitting this defect for correction?

Please also address why this permit has progressed to the warning letter while the permit remains in process?

**Steve Cormier** June 27, 2024 at 3:42 pm

Hi Luke,

I have brought your above comments/concerns to the attention of Director [@William Ward](#) & Division Manager [@Scott Gustin](#).

**Luke** June 27,

4.2) Require the zoning manager to approve the request for extension In ZP-21-275*.

This Is the request for extension that I submitted in ZP-21-275 which remains unaddressed. Scott Gustin is the administrative officer to this appeal.

4:46 PM Sun Sep 29

burlingtonvt.portal.opengov.com

59%

City of Burlington, VT

My Account

Search

LP

Luke

Project_400466

Zoning Permit

ZP-21-275

Your Submission

Attachments

Guests (0)

✔ Issue Permit

✔ Application Complete

✔ Administrative Decision

✔ Administrative Appeal

✔ Appeal Process

✔ Zoning Permit

⏸ Compliance Inspection

⏸ Close Permit

Compliance Inspection

⏸ On Hold. This step is on hold.

LP

Luke Purvis

Jun 21, 2024 at 8:09 am

I request an extension until the boundary dispute is resolved..the neighbor still has not opened a case to resolve the boundary, and seems to want to use city zoning to resolve this private matter.

LP

Luke Purvis

Jun 20, 2024 at 10:57 pm

This work is complete.
I will not be removing the concrete pad until after the boundary line dispute is settled.

Message the reviewer

Send Message

City of

Your Profile

Resources

Page 169 of 239

4.3) Require the zoning manager to provide the City decisions, if they exist*

There is no decision about the gravel non-conformity on the easement. This Email was part of a written complaint that the city issued a decision. To date, the city has failed to act to issue a decision about the second property in the email, in the area known as the "The Easement." It is the city failure to issues a decision about The Easement, despite the written complaint, provides the basis for its inclusion within this appeal under CDO 12.2.4

From: Joseph Campanella Cleary [REDACTED]
Sent: Monday, August 11, 2014 11:16 AM EDT
To: Jeanne Francis <JFrancis@burlingtonvt.gov>
Subject: Re: ***IMPORTANT***164 North Willard St.***

You mentioned this on the phone, but there is a basic problem in that we cannot control Mr. Purvis, his tenants, or their cars. We do recognize that Mr. Purvis has rights of ingress and Egress on the easement, but the activity of parking is his. We own the property which forms the easement, but it is the current use, by Mr. Purvis, which we disagree with. It would be extremely unhelpful if WE were cited for this issue, as we cannot control his cars or parking activity. In any case, the parking crosses the property boundary, and is not solely on our property and is CLEARLY not our responsibility in that WE are not parking the cars. The fact that there is an easement obviously blurs these lines.

Can you suggest a way in which we could even stop him or his tenants from this behavior? To cite us would put us in an absurd catch-22, and would not help with the actual problem at hand. In fact, using your logic, Mr. Purvis could punish or retaliate against us by continuing the activity. Would you really give him such a weapon to use against us, to compound the damage caused by the parking with such action? I would hope not. We are asking for your help in solving an actual problem.

We are hoping that you can help Mr. Purvis make his parking legal, while respecting our rights. Please help to solve the problem, not further complicate it. The parking that is OK with us is when there is ONE CAR, more or less PARALLEL to the driveway, with at least a 6' setback from the fence. If you can help establish some basic rules that Mr. Purvis can follow. we can agree to go along, and not continue the process ad infinitum.

We don't want to go to court, and spending even more money on this issue is problematic for our budget.

Please help to solve the problem, this is all we ask.

thanks,
Joe

Joseph Cleary

On Aug 11, 2014, at 10:27 AM, Jeanne Francis wrote:

Mr. Cleary, you do realize if I find there has been parking "on your property" it is your responsibility, not Mr. Purvis. Any illegal parking or increasing of parking area on Mr. Purvis's property will be his responsibility. Each property owner is responsibility for their own property.

I have a meeting today with Mr. Purvis as the investigation continues.

Thanks for sharing your concerns and I will try to keep you abreast of the situation but if you don't hear from me soon, e-mail me.

4.3) Her report is now the 5^h time this matter was submitted*

This is a SeeClickFix showing that I have reported this issue to the city. This ticket was closed without a response. It demonstrates why I continue to ask for the lot coverage decision regarding the Easement.

Gravel  **Archived**

158 N Willard St Burlington, Vermont, 05401 - [Show on Map](#)



Issue ID: 14410033

Submitted To: [Burlington, VT](#)

Category: Other

Viewed: 86 times

Neighborhood: [Burlington Electric](#)

Reported: on 04/23/2023

Duplicate of: [13814865](#)

REPORTER

Luke P 

DESCRIPTION

The city has spent 10 years litigating and enforcing the gravel on the left side of this photo which exists at 164 north Willard. The city has not enforced the gravel on the right side of the photo which exists on 158 north willard. When will the city apply its standards equitably? Why has only one property received enforcement about non conformity? Are lot coverage standards optional? Do site plans need to match the conditions on the ground? Why does the city have a site plan that represents this area as green space despite it being gravel. Why is the city not doing anything to address the discrepancy? I am looking for the city to apply its zoning standards fairly.

I have submitted the same issue in the past. Ted miles, made the issue not viewable to the public to hide the city double standards on this matter. Ted miles is ignoring that issue like it doesn't exist and hasn't update that issue for over 120 days.

Ted Miles/ City staff please leave this issue open and viewable and available for all to comment so there is public transparency on fair application of zoning standards.

CONT

4.3) Her report is now the 5^h time this matter was submitted*



Luke P (Registered User)
Hello DPW, are lot coverage standards universally applicable. Why does the city continue to act like this coverage is not a violation but treat the adjacent property like there is a violation? When will the city assess if this gravel has been here for 15 years?
06/23/2023 · Flag



Luke P (Registered User)
Hello, can someone from the city get in touch with me to let me know the plan?
07/24/2023 · Flag



Luke P (Registered User)
I'm looking for an update and why this remains without acknowledgement
08/13/2023 · Flag

This is the ticket recently opened by the owners of 172 North Willard, demonstrating why it is important to resolve this matter in this appeal.

Parking on lawns or yards Open

164 N Willard St Burlington VT 05401, United States · [Show on Map](#)



Issue ID: 17600021

Submitted To: [Burlington, VT](#)

Category: Parking on lawns or yards

Viewed: 13 times

Neighborhood: [Burlington Electric](#)

Reported: on 09/28/2024

REPORTER

[Margaret T](#)



DESCRIPTION

Continued parking on green space One vehicle has apparently not moved for months

I, Margaret Harrington Tamulonis, am a resident for several years at 172 North Willard Street. I live in this one family home with my husband, Leonard, our daughter, Margaret, and her partner, Melanie.

I am a writer and in my personal diary there is information regarding the neighbors on our south side at 164 North Willard Street.

In December 2022 I wrote about the constant noise of power tools, sawing and hammering, from next door at any hour, any day, and into the night. At this point some of the intrusive fence had been put up on our property. The neighbor, Mr. Purvis, had removed all the berry and bird bushes there in an intrusive way.

Having been a good neighbor to these people next door, giving presents to their daughters on holidays and birthdays, and being friendly as I had learned from my parents, I was distressed because of their negative and aggressive behavior.

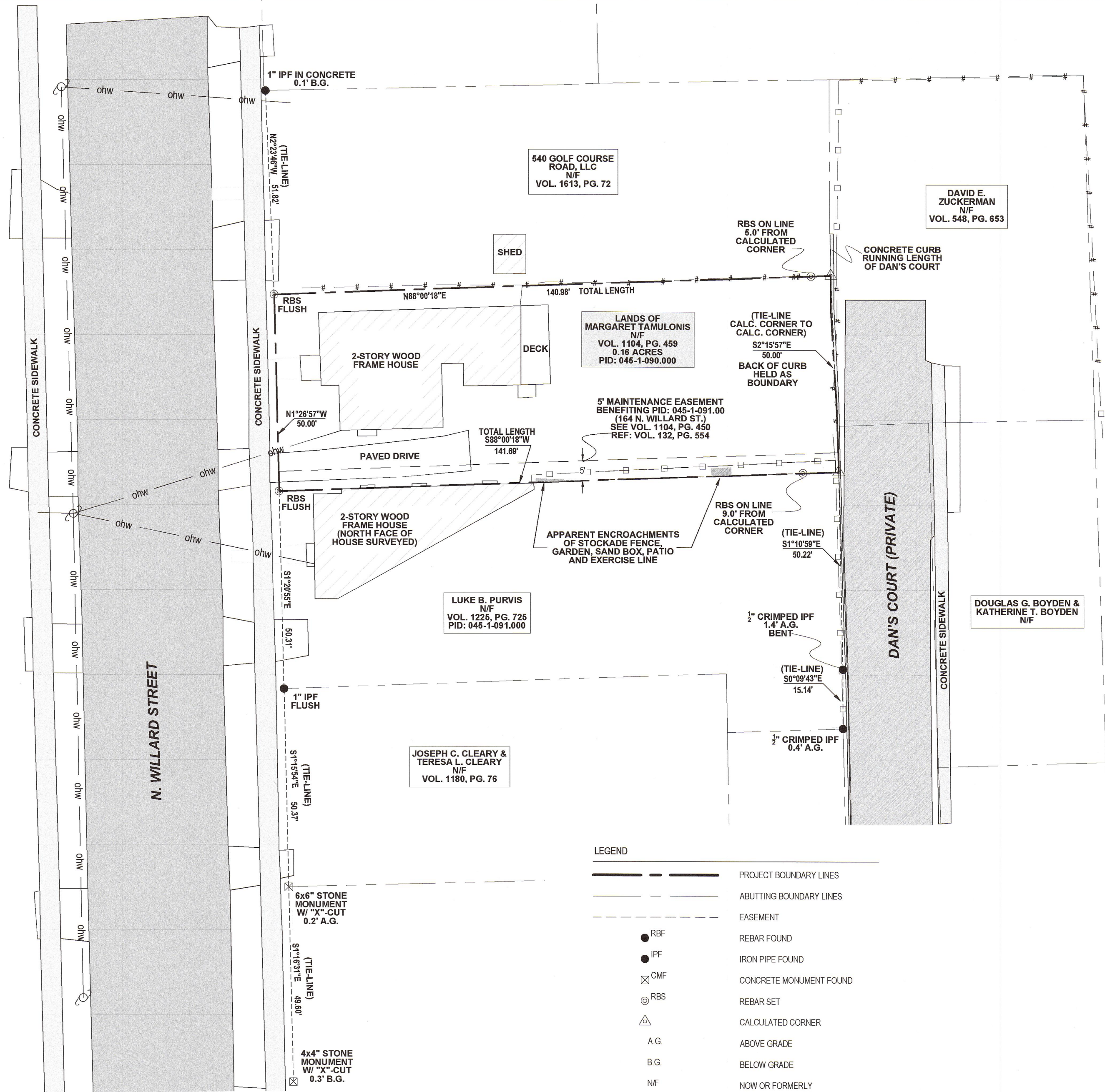
Since then I suffered a stroke, am recovering, and my daughter has not burdened me with all the harassment that has come from the couple next door.

I make this statement in the hope that they will cease and desist.

Margaret Harrington Tamulonis

Margaret Harrington Tamulonis
Sept, 29, 2024

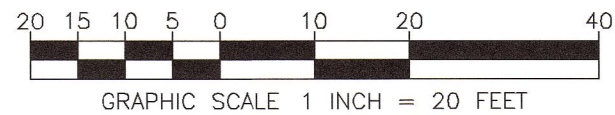
THIS IS ORIGINAL LINK ON MYLAR



ZONING DATA
DISTRICT: (RL) RESIDENTIAL LOW DENSITY

MINIMUM DISTRICT STANDARDS:
LOT SIZE = MINIMUM 6,000 SQ. FT.
FRONTAGE = AVERAGE OF 2 ADJACENT LOTS
± 5 FT.

SETBACKS:
SIDE = MINIMUM 10% OF LOT WIDTH OR
AVERAGE OF SIDE YARD SETBACKS OF 2
ADJACENT LOTS
REAR = MINIMUM 25% OF LOT DEPTH BUT IN NO
EVENT LESS THAN 20'
MAX HEIGHT = 35'



SURVEY REFERENCES:
1. AN UNRECORDED SURVEY TITLED "PLAT OF SURVEY OF LANDS OF LUKE B. PURVIS - 164 NORTH WILLARD STREET, BURLINGTON, VERMONT" DATED AUGUST 22, 2016 BY HARRIS SURVEYING AND LAND DISPUTE EVALUATION AND PROVIDED TO MARGARET TAMULONIS BY LUKE B. PURVIS.

LEGEND	
	PROJECT BOUNDARY LINES
	ABUTTING BOUNDARY LINES
	EASEMENT
	RBF
	IPF
	CMF
	RBS
	REBAR FOUND
	IRON PIPE FOUND
	CONCRETE MONUMENT FOUND
	REBAR SET
	CALCULATED CORNER
	ABOVE GRADE
	BELOW GRADE
	NOW OR FORMERLY
	UTILITY POLE & OVERHEAD WIRES
	WOVEN WIRE FENCE
	WOODEN FENCE

I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, THIS PLAN IS BASED ON INFORMATION ABSTRACTED FROM PERTINENT DEEDS AND/OR OTHER OFFICIAL RECORDS AND CONFORMS TO THE REQUIREMENTS OF 27 VSA § 1403.

DATED THIS 17th DAY OF November, 2023

Michael C. Gaines L.S. 024.0132673

PARCEL INFORMATION
OWNER: MARGARET TAMULONIS
VOL. 1104, PG. 459
SPAN: 114-035-15644
PARCEL ID: 045-1-090.000



- SURVEY NOTES:**
1. BEARINGS SHOWN HEREON WERE GENERATED FROM SURVEY GRADE GPS READINGS COLLECTED WITH A TRIMBLE R12 GPS RECEIVER ON RANDOM CONTROL POINTS AND ADJUSTED TO VT GRID NAD83(2011) USING REAL TIME KINEMATIC CORRECTIONS FROM A VIRTUAL REFERENCE STATION GENERATED BY THE VERMONT CORS NETWORK.
 2. NO ATTEMPT HAS BEEN MADE TO LOCATE OR IDENTIFY ANY EASEMENTS OR RIGHTS OF WAYS UNLESS OTHERWISE SHOWN ON THIS PLAN.
 3. A CLOSED TRAVERSE SURVEY WAS COMPLETED IN OCTOBER, 2023 USING A LEICA TOTAL STATION. THE RESULTING ERROR MEETS OR EXCEEDS THE MINIMUM REQUIRED STANDARDS FOR A SUBURBAN SURVEY AS ESTABLISHED BY THE VERMONT BOARD OF LAND SURVEYORS.
 4. ALL EVIDENCE OF MONUMENTATION FOUND ON THE SURVEYED PREMISES IS SHOWN HEREON. MONUMENTATION FOUND IS CONSIDERED TO BE IN GOOD AND STABLE CONDITION UNLESS OTHERWISE NOTED. ALL IRON PIPE DIMENSIONS PERTAIN TO INSIDE DIAMETER UNLESS OTHERWISE NOTED.
 5. THE RIGHT OF WAY WIDTH FOR NORTH WILLARD STREET, OF 4 RODS (66') IS BASED ON PREVIOUS SURVEYS OF RECORD AT CITY VOLUME 6, PAGE 508, MONUMENTATION FOUND, THE TRAVELED WAY, AND VERMONT STATE STATUTE.
 6. ALL AREA CALCULATIONS ARE BASED ON THE EDGE OF THE RIGHTS OF WAY OF SAID ROAD AND NOT THE CENTERLINE THEREOF.
 7. ALL REBARS SET ARE 5/8" WITH A CAP STAMPED M.C. GAINES VTLS 024.0132673 AND ALL MONUMENTATION FOUND IS AS NOTED.
 8. UNAUTHORIZED ALTERATIONS AND/OR MODIFICATIONS TO THIS PLAN SHALL INVALIDATE ANY AND ALL CERTIFICATIONS MADE BY BARNARD & GERVAIS, LLC AND FURTHER ANY PARTIES INVOLVED IN SAID ALTERATIONS AND/OR MODIFICATIONS SHALL BE HELD LIABLE AND MAY BE PROSECUTED IN A COURT OF LAW.
 9. BARNARD AND GERVAIS, LLC MAKES NO WARRANTIES THAT ALL ENCUMBRANCES THAT EXIST FOR THE SUBJECT PARCEL ARE SHOWN HEREON. ADDITIONAL ENCUMBRANCES THAT MAY EXIST INCLUDE, BUT ARE NOT LIMITED TO, WETLANDS, WELL AND SEPTIC ISOLATION ZONES, HAZARDOUS WASTE SITES AND/OR BROWNFIELDS WITH ASSOCIATED ISOLATION ZONES.
 10. THIS BOUNDARY RETRACEMENT PLAT IS NOT INTENDING TO CREATE ANY EASEMENTS OTHER THAN THOSE SPECIFICALLY LISTED AND DESCRIBED HEREON. ANY DRIVES, PATHS, TRAILS OR OTHER AMENITIES SHOWN HEREON ARE CONSIDERED PRIVATE UNLESS OTHERWISE NOTED.
 11. THE DEEDED DIMENSIONS FOR THE SURVEYED PARCEL AS REFERENCED IN KEY DEED VOL. 132, PG. 554 AND RECORDED 9/30/1949, DESCRIBE A FRONTAGE OF 50' AND A DEPTH OF 165' MORE OR LESS. RECORDS FOUND ON FILE WITH THE BURLINGTON DEPARTMENT OF PUBLIC WORKS PERTAINING TO DAN'S COURT REFER TO ITS STATUS AS A PRIVATE ROAD AS EARLY AS 4/19/1948. IT IS THE OPINION OF BARNARD & GERVAIS, LLC THAT THE SUBJECT PARCEL'S EAST OR BACK BOUNDARY LINE HAS ACQUIRED TO THE BACK OF THE WESTERLY CURB OF DAN'S COURT.

RECEIVED FOR RECORD IN THE CITY OF BURLINGTON THIS _____

DAY OF _____, 20____

MAP BOOK# _____, PAGE# _____, SLIDE# _____

AT _____ O'CLOCK _____ MINUTES _____ M

AND RECORDED IN BURLINGTON, VERMONT

ATTEST _____ TOWN CLERK

DATE	DESCRIPTION	BY
REVISIONS		
BARNARD & GERVAIS, LLC Land Surveying Water & Wastewater Environmental Consulting 167 Main Street, P.O. Box 820 Burlington, VT 05401 Telephone: (802) 933-5168 10523 VT Route 116, P.O. Box 133 Hinesburg, VT 05641 Telephone: (802) 482-2567		
LANDS OF		PROJECT NO. 23362
DATE: 11-16-2023		SCALE: 1" = 20'
MARGARET TAMULONIS		SURVEY: AW, JG
172 NORTH WILLARD STREET, BURLINGTON, VERMONT		DRAWN: MCG
BOUNDARY RETRACEMENT SURVEY PLAT		CHECKED: MCG
THESE PLANS WITH LATEST REVISIONS SHOULD ONLY BE USED FOR THE PURPOSE SHOWN BELOW:		DRAWING NO. PL-1
☐ SKETCH/CONCEPT ☐ PRELIMINARY ☒ FINAL LOCAL REVIEW		SHEET 1 OF 1

Development Review Board 1 October 2024 ZAP-24-10

Margaret Tamulonis and Melanie Jannery, life partners, co-own 172 North Willard Street. Margaret has been the homeowner for the last 22 years (2002) with Margaret's parents moving in 2016. Melanie came onto the deed earlier this year, transferred her part-time home based occupation (virtual psychotherapy practice), and has been a part of the ongoing activities of this property for the last six years (2018), including being involved in the recent permitted work. Luke Purvis purchased 164 North Willard Street July 17, 2013. Throughout this write up we will use our/we, and so on. We have included many visuals for full transparency in this PDF and please be aware that you can Zoom in to any area of the file to clearly see details described throughout.

We reviewed Steve Cormier's report and found it to be accurate. We are uncertain what will be brought into the Development Review Board meeting and are touching upon Appellants, Luke Purvis and Christina Lauterbach, complaints of our permitted work and the request to extend their fence permit and related concerns. We are aware that Purvis has recently started calling parts of our property his and we will touch upon that throughout to give history and confirmation of our completed permitted work.

All of our work has been done according to the approved permits and on our own property. Shed 1 (12' x 18' on 16' x 22' gravel pad) was installed according to the approved permit ZP-23-533. We received Certificate of Occupancy (December 19, 2023) after the work was completed and inspected and the required appeal period ended. Around this time we were approved for another permit (ZP-23-560) to install Shed 2 (12' x 28' on 16' x 32' gravel pad), fence, rear door, and changes to the driveway and walkways. We uploaded our stamped survey to the permit application for city staff's reference, in addition to our site plan and other required details. City staff were incredibly helpful for both permits, as this has been such a learning process, especially when dealing with incredibly difficult neighbors.

Two days after the gravel for Shed 2 was placed by the contractor we hired, we received a call from Garret King stating that we would need to place the gravel pad out of the setback (due to Complaint from Purvis), but said that the first Shed (permit ZP-23-533) was fine since it was already closed out. In our communication, we learned that by adding in a stepping stone path on the gravel this area we would be in compliance with the zoning ordinance that was in question. He explained more helpful details about lot coverage related to this and how our site plan would need to be adjusted. Wanting to be certain of steps for remediation, we communicated also with Steve Cormier who shared the same solution as well as others. We adjusted our plan adding in a stepping stone path along the side yard from the side gate. The stepping stone path runs in grass until it approaches Shed 2 where it lies on gravel running along the backside of Shed 2 to the single door of Shed 1. Shortly after the work for ZP-23-560 was completed and inspected we received a Certificate of Occupancy (July 17, 2024) once the appeal period closed out on August 4, 2024. We learned from staff communications after this permitted work was well beyond closed out that we need to include 164 window wells that sit in our property in all future site plans (Window wells of 164 North Willard Street are also identified on our survey).

As homeowners together, we appreciate the city staff's guidance as there is a lot of material to process through during this needlessly stressful time. We believe that their approach is reasonable and understand the difficult positions they are in and have experienced a multilayer staff approach taken towards guidance and final approvals.

Our Stepping Stone Path and gravel areas are currently disrupted due to wires needing to be placed in piping and buried in trench for electrical work, outlined in open approved permit (CEP-24-1106). We have communicated this disruption of our completed permitted work area to city staff with our intended plan to put back the area as it was and re-seed as soon as possible.



CITY OF BURLINGTON, VERMONT
Department of Permitting and Inspections
ELECTRICAL PERMIT
645 Pine Street
PO Box 849, Burlington, VT 05402
Phone (802) 863-9094 / Fax: (802) 863-0466



Permit No. CEP-24-1106
Amount Paid: \$70.25

Working Together for Burlington - Preserving, Improving Our Community

Property Address: 172 North Willard Street
Estimated Construction Cost: 6,500

Issue Date: September 25, 2024
Construction Starting Date: September 16, 2024
Permit Expiration Date: September 25, 2027

Owner
TAMULONIS, MARGARET / JANNERY, MELANIE
172 NORTH WILLARD STREET
BURLINGTON, VT 05401

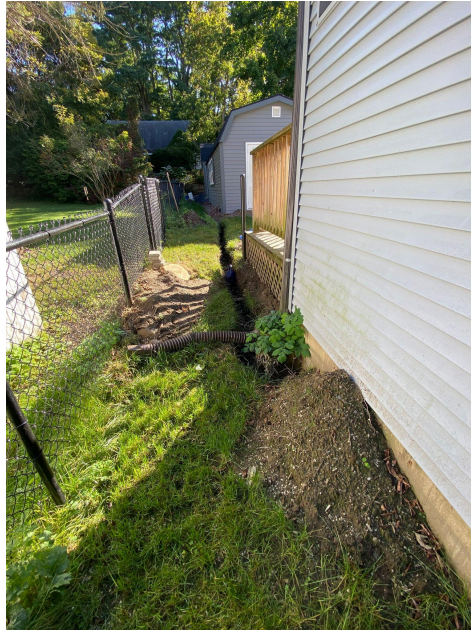
Licensed Electrician Norton electric inc (Adam Norton) 1-802-373-0229
47 ponderosa dr
Colchester VT 05446

Description of Work: Wire 2 sheds add sub panel in one of them run power wire to 1st shed
Work Type: Service Upgrade
Upgrade service to 200 amp
Single family home owner occupied

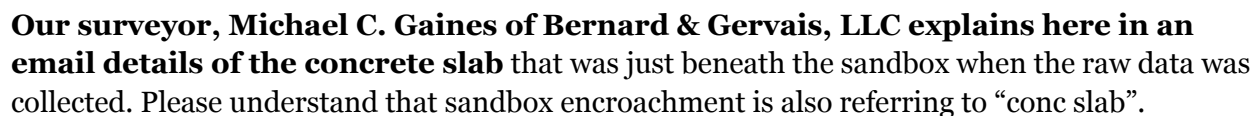
Visit <https://www.burlingtonvt.gov/DPI/OnlinePermitInspectionScheduling> to schedule your inspection

☒	UNDERGROUND INSPECTION
☒	ROUGH INSPECTION
☒	FINAL INSPECTION

Tim Hennessey
City of Burlington
Electrical Inspector



By Michael C. Gaines of Bernard & Gervais, LLC 11/17/2023 Our survey was recorded with Burlington Land Records, and we provided a copy to Planning and Zoning as part of our application for Shed 2 and fence for lot coverage and professional detail outlining measurement, encroachments, and all built elements. (Also uploaded in a separate file).





Mike Gaines

to me, Meg, Jason ▾

8:19 AM (24 minutes ago)



Good morning Melanie and Meg.

I looked back at the raw data for your survey. The crew coded the shots in the data collector where we depict the sandbox as encroaching as "cncpad or sandbx". Though we labeled it as a sandbox on the plat, as that was its apparent purpose at the time, the shots are where the conc slab under it is located, if the sandbox above it has now been removed.

Michael C. Gaines, L.S.

Barnard & Gervais, LLC.

10523 VT Route 116

P.O. Box 133

Hinesburg, VT 05461

(802) 482-2597



Luke Purvis, owner of 164 North Willard Street is requesting an extension of the existing fence permit. **We request that you revoke this permit and require him to IMMEDIATELY remove the portion of his fence in question in response to revoking the permit, as outlined in #4, #8 and #12 of the conditions of his permit**, as well as not being in compliance with the signed 2022 Settlement Agreement with the City (more on this in another area).

4. Project Modifications. The project shall be completed as shown on the plans, which have been stamped "approved" and dated by the administrative officer. The project shall not deviate from the approved plans or conditions of approval without prior written approval from the administrative officer. (Also clearly restated in stamped, signed area of open approved permit)

*8. Errors. The owner is solely responsible for the accuracy of all information contained in the Zoning Permit application. **Any errors contained therein may invalidate the Zoning Permit and may result in enforcement action by the City.***

*12. For Properties Involved in Boundary Disputes. Boundary disputes are not within the jurisdiction of the administrative officer or the Development Review Board. When an application is submitted and the boundary of the subject property is called into question, the boundary will be determined based upon the best evidence available, for instance a survey or other official document. **If a permit is issued and contrary evidence is presented to the City after the fact, such as a survey or Superior Court ruling with respect to the boundary lines, the permit may be amended or revoked by the City.** If the*

permit is amended or revoked, owner shall bear all costs to remedy the situation, including removal of the structure(s) if necessary, that is if the structure(s) is/are unable to meet the requirements of the CDO and receive an amended permit in light of the actual boundary line.

https://upc3uploadedfiles.blob.core.windows.net/upc3-files/burlingtonvt/North_Willard_St_164_zp_21_275_permit_conditions_Thu_May_26_2022_14-45-15.pdf?sp=r&sv=2017-11-09&sr=b&st=2024-09-19T22%3A02%3A07Z&se=2024-09-19T23%3A02%3A07Z&sig=XVziVHEhSgoBzGgqifTMs%2FcRGwrwNpROXU8xdTCdOFg%3D

We make this request with newly discovered information (not yet connected to his fence permit) from his 2016 Plat Survey (Previously submitted to the Development Review Board on October 16, 2018 regarding a conflict with former property owners of 158 North Willard Street <https://burlingtonvt.portal.civicclerk.com/event/3185/files/agenda/4194> page 146) that reflects his property of 50 feet wide plus 15.05 feet wide rectangular patch, totalling 65.05 feet. Please note that even if he built it exactly at 66 feet, he would be knowingly creating an encroachment at either property up nearly by a foot. On our side, this would create, approximately, an additional 74 square feet (78' * .95' over property boundary = 74.1) to benefit 164 North Willard Street with the City of Burlington's approval (which could be 23 feet of a future and likely needed Accessible path of ADA Design). We communicated this information to city staff beginning on September 20, 2024.

We request that the 164 fence permit is revoked with presenting this contrary evidence and errors in permit dimensions (and lack of compliance of 2022 Settlement Agreement described later).

Furthermore, we do not believe there are any grounds to extend his permit. In fact, per the April 4, 2022 Signed Settlement Agreement with the City, the neighbor continues to be out of compliance with this Agreement, giving the City further grounds to revoke his fence permit. We have observed that he has not made any noticeable effort since 2023 to complete the unfinished areas of his fence while other areas of his large lot and the interior of the dwelling house have continued to be developed on an ongoing basis with non-residents doing much of the ongoing work. Additionally, 164 North Willard Street has made no effort to correct the unwelcome new encroachment since we requested (and continue to request) well over a year ago that this fence be moved off our property. He had mentioned a couple years ago needing to break apart the cement slab and we have seen no effort towards this. We have seen that demolishing this is required for his fence permit and is noted in his April 4, 2022 Signed Settlement Agreement with the City "Owners shall remove the identified 5-foot by 6-foot concrete slab"(9b, page 5).

Settlement also states his property's "turn around area is for turning around, not parking...parking (defined as the act of stopping and disengaging a vehicle and leaving it unoccupied for approximately fifteen minutes or more)." (4f, page 3) The Settlement states "Owner agrees that the parking and/or storing of vehicles by himself, his partner, his tenants, any visitors to the property will only occur on the currently established and recognized, paved portions of the property's driveway or in the garage." (3, pages 3-4). Settlement also states that the owner is responsible for holding this, noting anything parked over 15 minutes. From our

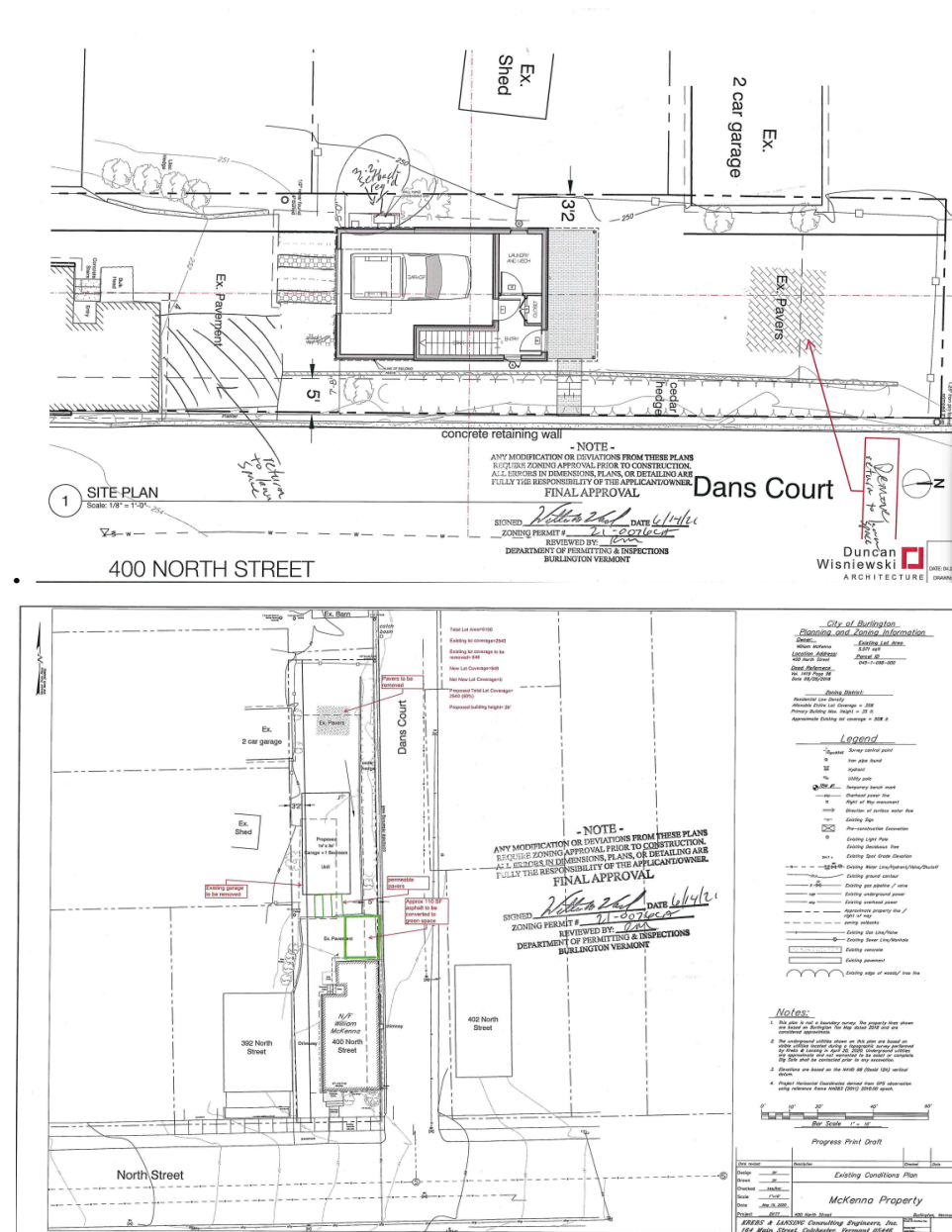
observations, neighbors have continued to park over time in the area mentioned for the past couple of years (often forcing the driveway to be used as the area for turning cars around). In regards to 164s patio “9) Owners’ existing patio shall be treated as an allowed, as built, structure so long as it does not extend into the 5-foot side setback along the northern boundary of the property”, 164 is noticeably out of compliance with Settlement in this regard. While Purvis states the patio is five feet from the “fence line” he created, the “fence line” encroaches onto property of 172 North Willard Street 2’4” to 3’1”.

Claiming another’s property as theirs and shifting rules of a Settlement Agreement with the City is not, by any means, “on-going good faith compliance.” Further, in order for Purvis to be in compliance with the Settlement Agreement as it’s written with where he built his fence, the Patio would need to be at least 7’4” in from the current outer “fence line” at the corner and an amount somewhat greater than 7’4” at the other corner of the patio along that side in order to “not extend into the 5-foot side setback along the northern boundary of the property” as outlined in the Settlement. Please refer to General Permit Conditions as stated “*the boundary will be determined based upon the best evidence available, for instance a survey or other official document*”.

From our understanding, Purvis signed the Settlement Agreement with the City, making certain agreements with the City “to resolve on-going permit, enforcement, and zoning issues pending between the Parties concerning the historic and on-going use of” 164 North Willard Street, Burlington, Vermont and to allow him to build his fence under certain conditions pertaining to the fence and, ultimately, his behaviors and actions We believe this was put in place to help and would appreciate it if the City would enforce it.

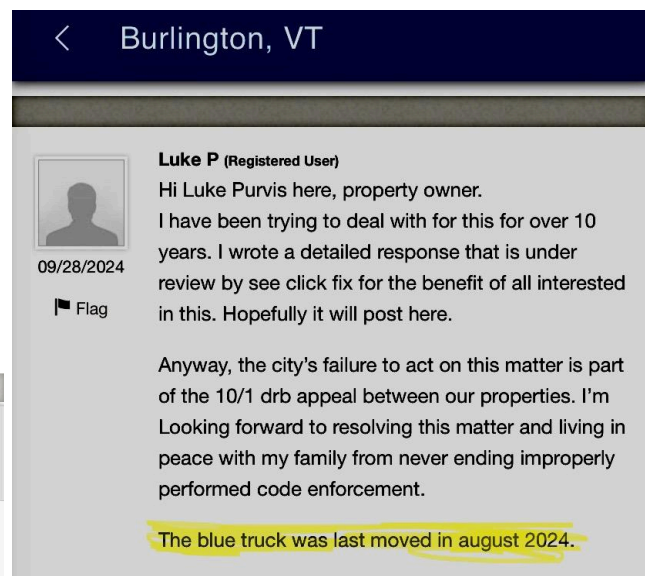
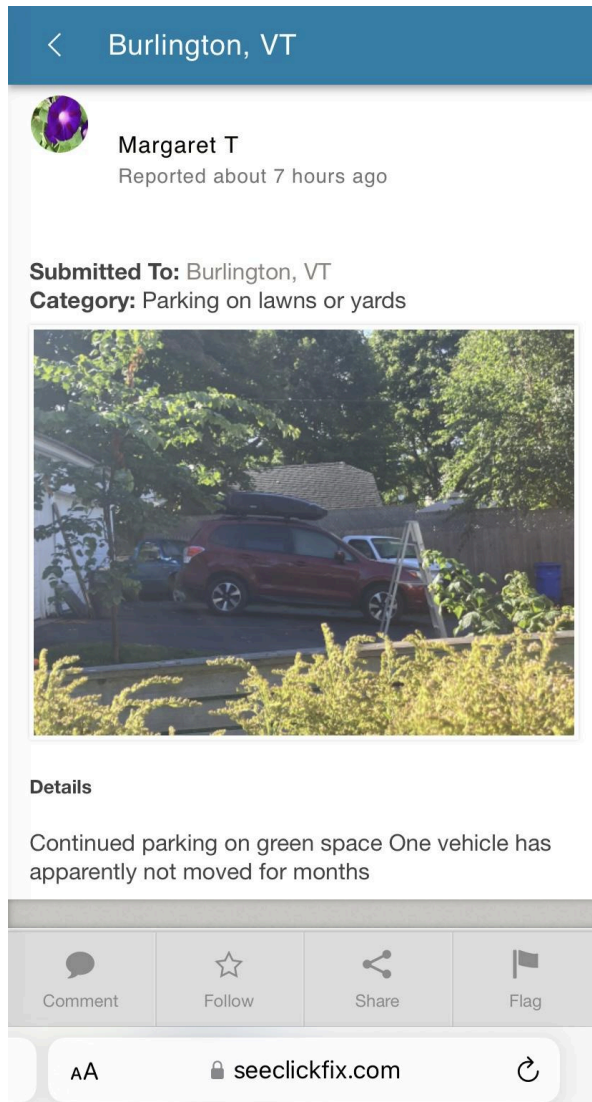
In consideration how Purvis appreciates consistency, please refer to Property at 400 North Street where he once referenced to us *“That 400 north street plat was part of an approved accessory dwelling unit permit that applies set backs for the new building to the boundary line from the deed, not the fence line which is in a different location.”* and require immediate action for his patio’s setback to be set back 5 feet from the boundary line as outlined on our Deed and Surveys. He is currently setting it 5 feet from his new fence line, thus contributing to the inconsistency he is striving to correct broadly.

Plans at Address of 400 North Street that Purvis referred to in an earlier email on setbacks.



Signed Settlement Agreement with the City states “Upon execution of this Agreement and receipt of a site plan per section 9(c) below, the City shall issue Owner’s pending fence permit conditioned upon the on-going good faith compliance with this Agreement” (6, page 4). Neighbor is NOT in compliance with Signed Settlement as our recent SeeClickFix thread reflects, noting Purvis publicly wrote on September 28, 2024 “The blue truck was last moved in august 2024” <in defense to the See Click Fix post stating “Continued parking on green spaces One vehicle has apparently not moved for months.” We also observed 7 hours later that the two trucks were still parked off of the asphalt and out of compliance with the Settlement and continuing to be at the time of this writing. Furthermore, his patio is out of compliance as stated above. Both of our surveys reflect the same boundary line for which he is aware. Please hold Purvis to this. Please refer to General Permit Conditions as stated “*the boundary will be determined based upon the best evidence available, for instance a survey or other official document*”.

September 28, 2024 See Click Fix Regarding 164 continuing to park on areas of his yard, putting him out of compliance with Signed 2022 Settlement Agreement with City.



In the approved fence permit, Purvis claimed his property is 66 feet wide (please see the magnified portion of his approved fence permit). Current measurement of built structures post to post is 68 feet 2 inches wide with the longest board protruding to 69 feet 9 inches with all of the rest of the boards over 69 feet 2 inches (at this stage since Summer 2023). This new encroachment leaves property at 172 North Willard Street only 46 feet 11 inches in the back of our 50 foot lot. Please consider with the rear post to post measurement of 164 fence at 68 feet 2 inches post to post, the length cannot be adjusted simply by squaring up the boards. We have included photos later in this document to capture a visual of this for you.

Property at 172 North Willard Street is 50 feet wide as noted on our survey, as stated consistently in our chain of title, and as written in a typed and signed historical letter by

property owner of 164 to “Board of Adjustment” in 1949 (more on this further down). The footprint of 164 North Willard Street is at 50 feet and the boundary line where the foundation meets the ground. The window wells of 164 North Willard Street are on the property of 172 North Willard Street, as outlined on the survey. Our surveyor, Michael C. Gaines of Barnard & Gervais, LLC communicated to us that he never considers window wells or roof overhangs as encroachments. He also communicated to us *“the line I held between the two of you is the same determination as the Harris survey he commissioned and I referenced on the survey. The common corner evidence we found and measured all checks between the two surveys.”* **Our fence post that 164 would like removed is on OUR property.** Our 2023 survey aligns with an earlier 2016 survey of 164 North Willard Street (on file with Planning and Zoning since 2018 as mentioned earlier). Both surveys have all common corners, ours showing window wells of 164 North Willard Street. We are including a screenshot of email correspondence from our surveyor.

surveyor access to my property

Mike Gaines <mcgaines@barnardandgervais.com>

Thu, Nov 2, 2023 at 10:34 AM

To: Meg Tamulonis <mtlorena@gmail.com>, Melanie Jannery <meljannery@gmail.com>, Jason Barnard <jason@barnardandgervais.com>

I can go over everything with you in person or feel free to call me at the office this afternoon. If you or your lawyer would like to set up a conference call, I can join that as well. Just let me know. Since we'll have access to behind the fence, I'll want to locate anything that looks like a possible encroachment and depict it on the plat.

I can go over the basis and specifics of the determination. Long story short, 172 and 164 N. Willard were originally a single 100' x 165' lot. In 1949, Fredrick E. & Lillian Z. Gill conveyed the northerly half of their lot (50' x 165') to their son and daughter-in-law William E. & Constance M. Gill (Vol. 132, Pg. 554- your parcel's "key" or creating deed). That deed includes a 5' maintenance ROW benefitting the 164 N. Willard parcel for purposes of maintaining the house (Purvis's, which predates yours). I, and Albert Harris who performed Purvis's 2016 survey, interpreted that easement language as holding the northerly face of the house the basis and bearing of your common boundary. This is shown on both our plats and confirmed with the tie distances to other corners that each of us found and have shown on both surveys. Both of us show the same boundary for Purvis. Harris's survey was more focused on the easement area on the south side of the Purvis lot.

He didn't do much with your common boundary except hold the northerly face of the house from the N. Willard road ROW to the concrete curb in the back. I did the same, based on our field measurements. He didn't survey any features or encroachments in the vicinity of that line.

Michael C. Gaines, L.S.
Barnard & Gervais, LLC.
10523 VT Route 116
P.O. Box 133
Hinesburg, VT 05461
(802) 482-2597

Our four foot tall picket fence was placed in a way that would ensure siding replacement and at a slight angle across the top of our driveway to ensure future house maintenance such as window replacement with respect to the 5 foot easement benefiting 164 North Willard Street to maintain the dwelling house. Had we installed the fence perpendicular to the driveway, we would have interfered with maintaining the home and prevented air conditioner installation. When the neighbor expressed his concerns about our fence post to us via email, we consulted with two individuals that work in the field who both confirmed that the siding could be easily replaced with the way that we installed our fence. Melanie also has experience taking down, putting up, removing, and washing siding and does not see our post installation on either side as a factor that would prevent this sort of maintenance. We installed a fence post next to our corner, similarly and will be able to maintain our home without issue as is. These were the first two we installed.

Fence post of 172 North Willard and neighbor's Window wells on our property (also shown on our survey). Please notice the ease one would have in replacing siding. Second photo shows both posts. Third shows just the post against our home.



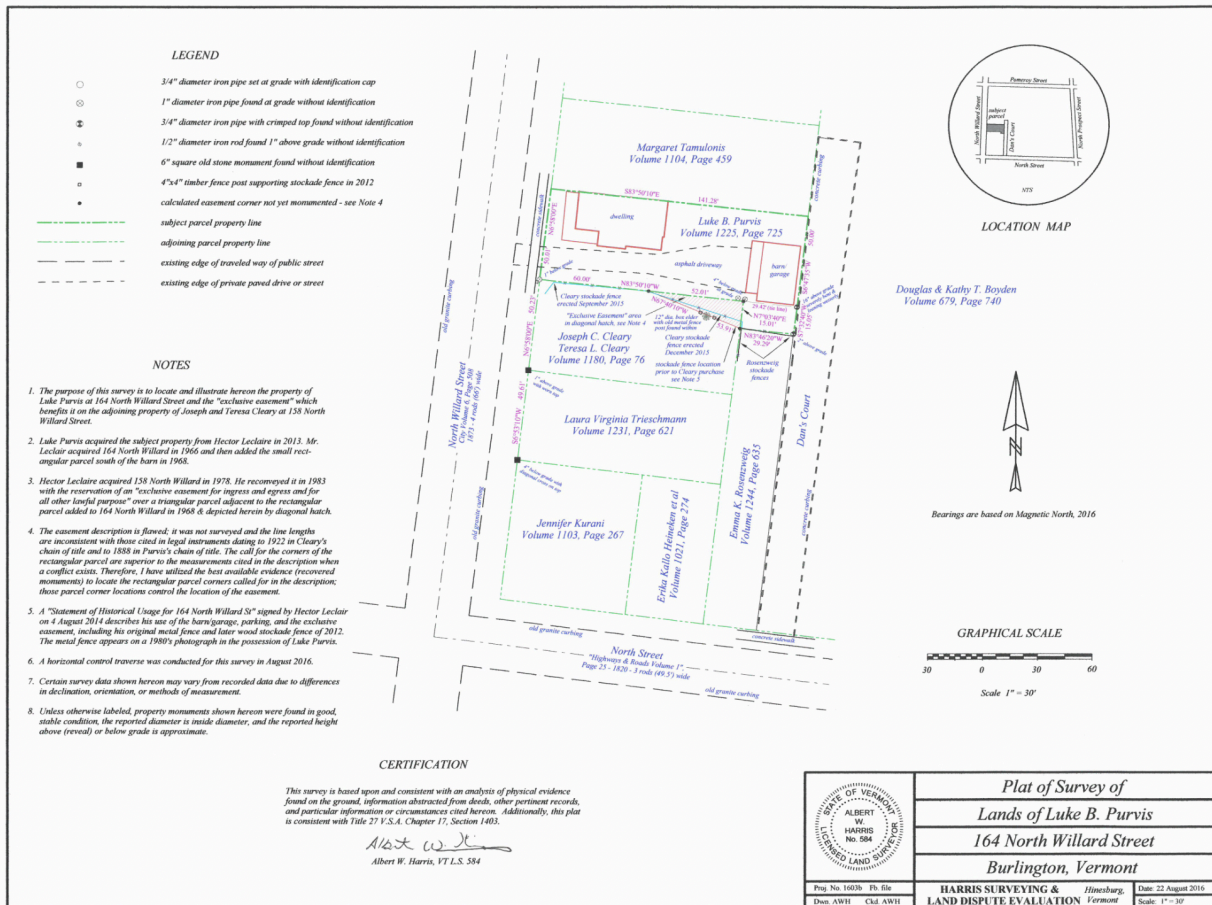
Challenging and Final Area:

The last post installed we had a more challenging time setting in that area due to needing to hand dig with vacuum by the gas line as well as tree roots that could not be sawn through like in other areas due to the gas line. We had to shift the path as a result and direct the path straight back to the house corner from the front yard by the sidewalk. In this last area, we were working against concrete setting, leveling out posts and aligning the final horizontal pieces for installation. It came close to measurement here with the panels being altered slightly to align with the corners and center. When dry setting in the final post against the house, something was hitting as we continued to hand dig and vacuum out the dirt, possibly related to the 10 foot electrical ground in that corner or something dropped in by our foundation. Needing to be cautious with the gas line in that area, we ultimately cut an area out of the vinyl post so it would set in. Everything involved made it difficult to get it as close to the house corner as we wanted, thus leaving a little gap with yet, very level and even posts and a completed fence!



164 North Willard Street Plat Survey

by Albert W. Harris of Harris Surveying & Land Dispute Evaluation



In future fence permits where fence installation occurs from the 164 North Willard's side, **we request that it is required to have a mandatory two foot setback from our boundary line for his fence line** to be installed in order to ensure the neighbors ease of maintenance without disrupting their neighbor's property. This is very clearly outlined online in the Burlington Planning and Zoning Design Review Guide on Fences, the Development Review Standards, and General Permit Conditions.

Burlington Planning and Zoning Design Review Guide on Fences

I NEED TO SET MY FENCE BACK FROM THE BOUNDARY? Yes. Fences are required under the CDO to be set back from the boundary enough to be able to maintain the fence without having to go onto the neighbors property. There is no magic distance to this setback, and it is based on the style of fence proposed. Some fences may not require as much maintenance or can be removed, maintained and reinstalled without having to go on 'the other side'. The typical rule of thumb is that a larger wooden fence would need a setback of at least 2ft from the boundary to be able to paint, stain or replace boards.

<https://www.burlingtonvt.gov/sites/default/files/PZ/Design-Guides/DG-Fences.pdf>

Development Review Standards

Fences may be placed within the required setback along a property line, but shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street.

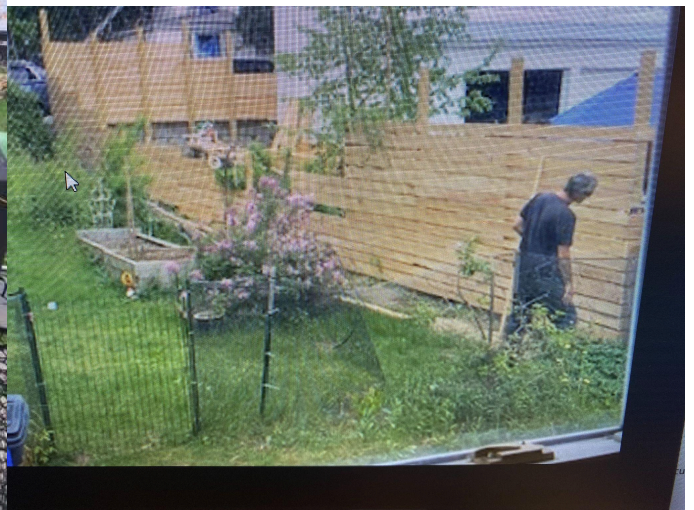
<https://www.burlingtonvt.gov/sites/default/files/20240604%20ARTo6-DevelStandards.pdf>

This guidance was further outlined in the permit conditions for his fence permit.

Why City Requires Fence Maintenance from One's Own Property

Please notice the condition of our property from during the fence installation by 164 North Willard Street. You will see from our photos when the fence posts were installed in 2022 four to five feet of our landscape was removed in that area. Furthermore, when the horizontal boards were installed in 2023 the landscape of 164 North Willard Street was completely untouched where this installation work totally wrecked everything several feet on our side. We hope that this visual of his past work on his fence clearly demonstrates why this rule exists for Burlingtonians and why we ask for the two feet from property line to be included in future permits for a similar fence, specifically with this neighbor.

2022 and 2023 Fence Installation (please note four to five feet on side of 172 were disturbed each time the fence was worked on thus far).



Close up of 164 North Willard Street fence from 172 North Willard Street (please note - fence as constructed must be repaired and maintained from 172 North Willard Street as star head screws were sunken in from our side)



164 North Willard Street approved site plan/fence (Please note: slab needs to be removed, back measurement is 66 feet (larger than actual lot per Purvis 2016 Survey, and signed stamp, stating accuracy is owner's responsibility and any modification/deviations need to be approved first).

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1			Coverage Offset by modifying patio, adding turnaround spot, removing slab, removing 2' strip												
2	Coverage	Add/Subtract	Calculation	Coverage Multiplier	SQFT										
3	Description				Coverage										
4															
5	Slab	-	5'x6'		30										
6	2' Strip	-	(47'x4') + (.5'x4'x47')		282										
7	Patio w/in Setback	-	5'x16'		80										
8					392	Total Sqft Removed									
9															
10	Reconfiguration of Patio:	+	7'x18'		136										
11	Turnaround Spot	+	7.5'x8'		30										
12					166	Total Sqft added									
13															
14															
15						226	Net SQFT removed								
16															
17															
18															

Purple lines denote proposed fence locations.

Area in Redbox of patio is the additional coverage from the Patio ReConfig



164 166 North Willard St

Site plan including utility easement to north, and/or use easement to south

Prepared By Luke Purvis
on 5/18/23 for Fence Permit
Per Settlement

-NOTE-
ANY MODIFICATION OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
ALL ERRORS IN DIMENSIONS, PLANS, OR DETAILING ARE
FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

SIGNED *[Signature]* DATE 5/26/2023

ZONING PERMIT # 23-21-275

REVIEWED BY [Signature]

DEPARTMENT OF PERMITTING & INSPECTIONS
BURLINGTON VERMONT

For fence location, patio, and green space & vehicle turn-around at 164 North Willard St only.

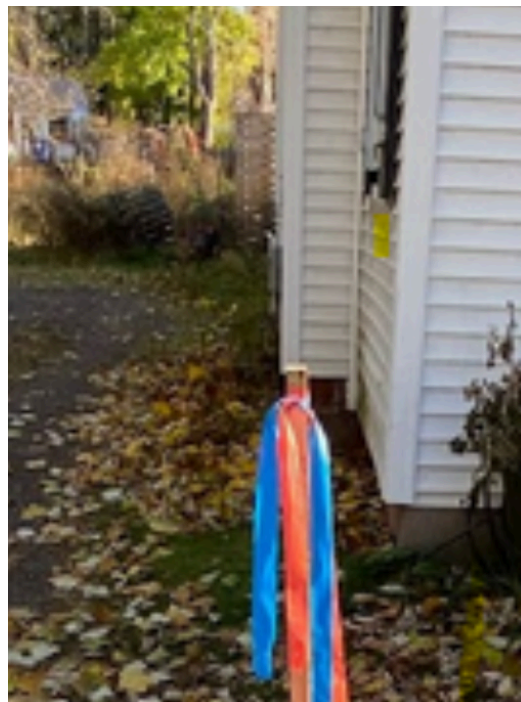
Survey plat map showing a barn/garage, driveway, and various boundary measurements and bearings.

Key features and measurements:

- Property:** Luke B. Purvis, Volume 1225, Page 725
- Driveway:** Asphalt driveway, 52.01' wide.
- Barn/Garage:** 29.42' (tie line) wide.
- Boundaries:**
 - North: 50.00' (dashed line)
 - East: 50.00' (dashed line)
 - South: 15.05' (dashed line)
 - West: 15.01' (dashed line)
- Angles and Bearings:**
 - N7°03'40"E 15.01'
 - N83°46'20"W 29.29'
 - S7°32'40"W 16' above
 - S6°47'35"W 15.05' (above)
- Other Notes:**
 - 4" below grade
 - at grade
 - stockade erected
 - elder al fence within



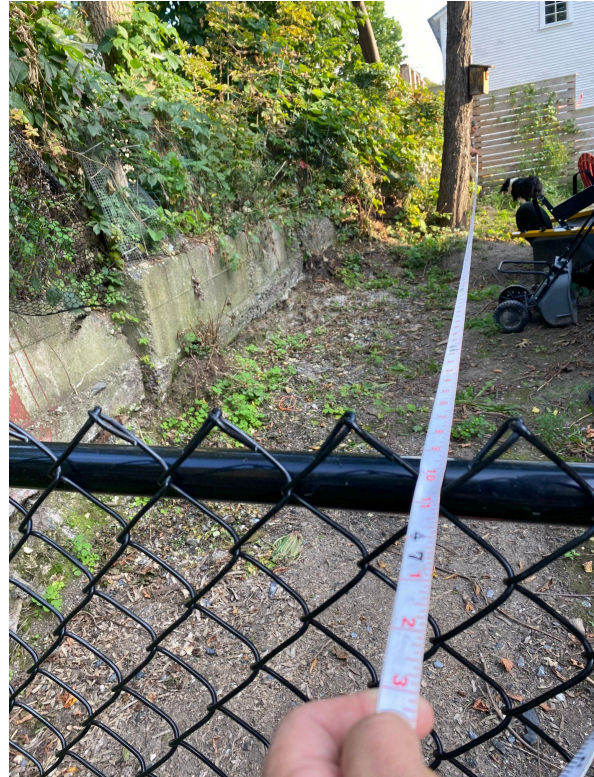
Front survey pin post Please note this aligns with foundation of 164 North Willard and note Purvis's new fence at back end of his house protrudes well beyond this). Our survey post has since been removed by the neighbor.



Rear survey post (please note that the fence as built extends well over property line onto 172 North Willard Street, an unwelcome new encroachment - this post is 3-4 feet tall for perspective). Our survey post has since been removed by the neighbor.



Visual of how we have been impacted by neighbors actions (Please note: neighbor's new encroachment has reduced our physical access to 46'11" across <to Survey pin slightly beyond our black chain link fence>. This new encroachment causes us to lose nearly 234 square feet of physical access to our own property, equalling approximately 78 feet of a 3 foot ADA Accessible path. We learned through a recent permit application process, that in order to make our sheds fully accessible that an ADA design path would be required by the City under current zoning rules in order to make our sheds fully accessible (although ADA ramps do not consume Lot coverage, the required ADA paths do). We anticipate needing this for continued longevity and independence, throughout our property with intermittently declining health and the aging process.



Unwelcomed, new fence encroachment from 164 North Willard and our previous fence post location set in by neighbor in 2022 when he moved it back from corner to install his fence (Please note encroachment is 2'4" beginning at the house's corner - encroachment steadily increases to 3'1" in back and photos of back survey pins reflect this)



Burlington Planning and Zoning Design Review Guide on Fences (Please note highlighted area: *The typical rule of thumb is that a larger wooden fence would need a setback of at least 2ft from the boundary* to be able to paint, stain or replace boards.)



DESIGN REVIEW GUIDE

Fences

Burlington is well known as a community with a high quality of life, small and cohesive neighborhoods, a vibrant downtown and waterfront – all within a spectacular setting on the shores of Lake Champlain. This deserving reputation is due in part to the City's small size, entrepreneurial spirit, civic-minded citizens and activist government. One of the many factors that makes Burlington such a great place to live, work and visit is the community's attention to detail, and respect for its setting, heritage and quality urban design.

Burlington's Design Review process strives to protect the city's unique qualities and strong sense of place by carrying out citywide development and design objectives. The purpose of this *Fences Guide* is to help applicants in preparing an application for a fence permit. Through materials such as this, the Department of Planning & Zoning seeks to make common sense information available to help inform and provide clear expectations of the submission requirements and process, which in turn helps save the applicant, and the city, time and money.

DO I NEED A PERMIT TO REPLACE MY OLD FENCE OR INSTALL A NEW ONE?

Yes! ALL fences, whether there is an existing fence already located on the property that you wish to replace with a better fence or if you want to install a brand new fence, require a fence permit from the Department of Planning and Zoning, and building permit from the Department of Public Works.

The only time a fence permit is not required is when the existing fence (which was installed with a valid, existing fence permit) is being replaced in the EXACT same size, location, materials and design. A building permit is still required.

HOW LONG DOES THE APPROVAL PROCESS TAKE AND WHAT SHOULD I EXPECT?

A fence permit process typically takes 3-4 weeks depending on the time of year (summer being the busiest for permitting). There are specific requirements for what information needs to be submitted with a fence permit application. These requirements are detailed in the Fence Permit Checklist available online and from our office.

The submission material needed helps us determine:

- what the area looks like today (a photo),
- the location of the proposed fence (a site plan), and
- what the new fence will look like (a specification sheet or photo example).

The review and approval is typically done within a week or two and immediately following the approval is a 15 day waiting period (called an appeal period) before the permit can be picked up and the building permit applied for. These two timeframes are what make up the 3-4 weeks total process.

WHAT ARE THE RULES FOR FENCES?

Section 6.2.2(m) Landscaping and Fences: of the Comprehensive Development Ordinance (CDO) states:

Fences may be placed within the required setback along a property line, but shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street.

Fences placed within a clear sight triangle along driveways and at street intersections, or between an existing building and the front property line, whichever is less, shall be limited to 3-feet in height above the curb in order to provide safe sight distances for pedestrians and vehicles.

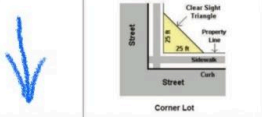
Styles, materials, and dimensions of the proposed fence shall be compatible with the context of the neighborhood and the use of the property.



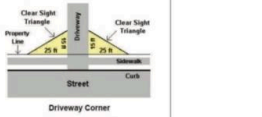
Fence compatible with context? Clear sight triangle?

WHAT IS THE REASON FOR REQUIRING A "CLEAR SIGHT TRIANGLE"?

The clear sight triangle is an area in relation to a corner lot or driveway where the height of fences are limited to no more than 3ft above the height of the curb. This requirement was put in place to ensure safety for pedestrians and road users from vehicles exiting a property and having clear visibility in both directions without a large fence in the way. By having lower fences in these areas, a small child riding along the sidewalk may be seen before it's too late! The clear sight triangle relates to all types of fences, whether or not they are "see-through".



Corner Lot



Driveway Corner

I NEED TO SET MY FENCE BACK FROM THE BOUNDARY?

Yes. Fences are required under the CDO to be set back from the boundary enough to be able to maintain the fence without having to go onto the neighbors property. There is no magic distance to this setback, and it is based on the style of fence proposed. Some fences may not require as much maintenance or can be removed, maintained and re-installed without having to go on 'the other side'. *The typical rule of thumb is that a larger wooden fence would need a setback of at least 2ft from the boundary to be able to paint, stain or replace boards.*

IS A BUILDING PERMIT REQUIRED?

Yes. You need to contact the Building Inspector's office for all construction. Open fences (such as picket or chain link) where wind and snow can pass through may not need a building permit, but this is determined by of the Building Inspector depending on the location and the proposed fence.

DO I HAVE TO GET A CERTIFICATE OF OCCUPANCY FOR MY FENCE? (I'M NOT GOING TO OCCUPY IT!)

Yes! A Unified Certificate of Occupancy (UCO) is the generic term for confirming the project has been completed and built exactly as approved on the fence permit and approved plans and that all conditions have been met. Think of this UCO as simply a 'Certificate of Completion'.

This process is unified with the Building permit, so make sure you have had your final inspection on the building permit first by the building inspector.

The Code Enforcement Office manages the UCO process on behalf of the Planning and Zoning Department (they have the cars and inspectors). You request the UCO once you are done, by submitting the zoning permit paperwork you received when you picked up your permit (this includes the permit, conditions and all approved plans) to the Code Enforcement Office. This process can typically take 10-15 days depending on workload so make sure you request it as soon as possible, don't wait until the last minute before you sell the property or refinance!

ONCE YOU REQUEST THE UCO (note: there is a fee for this final inspection), the Code Enforcement Office will do a site visit (yes another inspection, but looking at different criteria than the building inspector) with the plans to confirm all conditions have been met (if any) and that it is in the same location and of the same design as approved. Once all items are satisfied, the UCO will be issued and a copy will be sent to you to put in your records. This makes all permits for this project officially 'closed'.

ADDITIONAL INFORMATION

city zoning permits & general information
Burlington Department of Planning & Zoning
 149 Church St, Burlington, VT 05401
 802.865.7188
www.burlingtonvt.gov/pz

city building permits & general information
Burlington Department of Public Works
 645 Pine St, Burlington, VT 05401
 802.863.9094
www.burlingtonvt.gov/dpw

Certificates of Occupancy
Code Enforcement Office
 645 Pine St, Burlington, VT 05401
 802.863.0442
www.burlingtonvt.gov/codeenforcement



Decorative fence compliant with the clear sight triangle

Prepared by the Burlington Department of Planning & Zoning

172 North Willard Street front corner post at 176 North Willard Street (Please note we are submitting this image of this fence corner of a 3 foot vinyl picket fence that can be maintained from within our property, as needed without disrupting property that is not ours. We hold integrity in our work and submit this as evidence how easy and simple it can be with the City when work is done to compliance and within City Ordinance needs. Note: property corner pin and fence post is within this boundary).



History

Included here is some historical information that represents a clear understanding of how the 50 foot division occurred and maintained as reflected in both of our recent surveys, holding the line at the footprint of the house of 164 North Willard Street.

Prior to 1946, 164 North Willard Street measured “a frontage thereon of 100 feet”. The owners who purchased it in 1946 divided it up, and by 1949 a lot was created and approved to be built on that, as stated by owner of 164 North Willard Street at the time, Frederick E. Gill, “This lot measures fifty feet in width and one hundred and sixty-five feet in depth. The average lots in this neighborhood are arranged at forty feet to fifty feet frontage.” This request was approved without issue, and 172 North Willard Street (our property) was developed as.

The original deed of this property reflects “a frontage thereon of 50 feet” in 1949 and continues through our chain of title as stated in our 2024 Warranty Deed “a frontage on said Street 50 feet”. This is further stated in the partial discharge of mortgage in 1949 when the division occurred, when the owners of 164 were released of “a frontage of 50 feet thereon”. This 50 feet was held, as reflected on our 2023 survey. Included are screenshots of “unofficial” versions of the document we refer to and are available for anyone to view in the City’s land records.

164 North Willard Street
Burlington, Vermont
August 22, 1949

Board of Adjustment
Room 31, City Hall
Burlington, Vermont

Gentlemen:

It is requested that the lot which is adjacent to the north side of the residence at 164-166 North Willard Street be classified as a building lot so that a one-family house may be erected on it.

This lot measures fifty feet in width and one hundred and sixty-five feet in depth.

The average lots in this neighborhood are arranged at forty feet to fifty feet frontage.

Respectfully yours,

Frederick E. Gill

Frederick E. Gill

Hearing

172 North Willard
copy for 1949

September 7, 1949.

Mr. Frederick E. Gill
164 North Willard St.
Burlington, Vermont.

Dear Sir:

Your petition of August 22nd, 1949, was considered
at a public hearing before this Board September 6th, 1949.

Your are advised that this petition is granted,
subject to all building regulations in effect in Zone I,
and building permit is required before any construction
is started.

Very truly yours,
BOARD OF ADJUSTMENT

RLS:me

By: H. L. Soule
Acting Clerk.

August 25, 1949.

Mr. Frederick E. Gill
164 North Willard Street
Burlington, Vermont.

Dear Sir:

Your petition of August 22nd was considered
by this Board, and public hearing on same ordered
for September 6th, 1949 at 4:00 P.M., Room 31,
City Hall.

Very truly yours,
BOARD OF ADJUSTMENT

RLS:me

By: H. L. Soule
Acting Clerk.



Test: 00043120 BK: 1740 PG: 191 - 192

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS THAT I, MARGARET TAMULONIS, of the City of Burlington, County of Chittenden and State of Vermont, Grantor, in consideration of ten dollars and other good and valuable consideration paid to my full satisfaction by **MARGARET TAMULONIS and MELANIE JANNERY**, of the City of Burlington, County of Chittenden and State of Vermont, Grantees, by these presents do freely GIVE, GRANT, SELL, CONVEY and CONFIRM unto the said Grantees, **MARGARET TAMULONIS and MELANIE JANNERY**, as joint tenants with rights of survivorship, and their heirs and assigns, forever, a certain parcel of land situated in the City of Burlington, County of Chittenden and State of Vermont described as follows, viz:

Being all and the same land and premises conveyed to Margaret Tamulonis by Quit Claim Deed of Kathleen Richey dated April 29, 2010 and recorded in Volume 1104, Page 459 of the City of Burlington Land Records, and being more particularly described therein, in part, as follows:

"Being all and the same land and premises conveyed to Kathleen A. Richey and Margaret Tamulonis, by Warranty Deed of Ralph M. Sumner II dated August 16, 2002 and of record in Volume 748 at Pages 225-226 of the City of Burlington Land Records.

"Being all and the same land and premises conveyed to Ralph M. Sumner II by Warranty Deed of Jean B. Marceau, dated June 17, 2002 and recorded in Volume 738, Page 509 of the City of Burlington Land Records and being more particularly described therein as follows:

"A lot of land with all buildings thereon, situated on the easterly side of North Willard Street, the dwelling house thereon being known and designated as No. 172 North Willard Street, said lot having a frontage on said Street of 50 feet and a depth of 165 feet, more or less. Being the northerly half of land conveyed by Warranty Deed dated April 1, 1946 and recorded in Volume 124, Page 632 of the City of Burlington Land Records.

"Said premises are subject to an easement or right-of-way over the southerly 5 feet to repair dwelling known as 164 North Willard Street. Said lot is subject to the condition that no building will be built within 15 feet of the south line of conveyed premises.

"Said land and premises are commonly known and designated 172 North Willard Street, Burlington, Vermont."

L. Frances Gill
 TO
 Frederick E. Gill and
 Lillian Z. Gill

WARRANTY DEED

Know All Men by These Presents That

I, L. Frances Gill, a single person

of Burlington in the County of Chittenden and State of Vermont Grantor,
 in the consideration of Ten and no/100 - - - - - Dollars paid to my full satisfaction by
 Frederick E. Gill and Lillian Z. Gill, husband and wife,
 of Burlington in the County of Chittenden and State of Vermont Grantee s by these presents
 do freely Give, Grant, Sell, Convey and Confirm unto the said Grantee s, Frederick E. Gill and Lillian Z. Gill, husband and
 wife, as an estate by the ^{entirety} and their heirs and assigns forever, a certain piece of land in
 Burlington, in the County of Chittenden and State of Vermont, described as follows, viz.:

A lot of land with buildings thereon situated on the east-
 erly side of North Willard Street, the dwelling house being
 known and designated as No. 164 and #166 North Willard Street,
 having a frontage thereon of one hundred (100) feet and a depth
 of one hundred sixty-five (165) feet, more or less, and being
 all and the same land and premises conveyed to me, said L.
 Frances Gill, by Warranty Deed of Fred E. and Lillian A. Gill
 dated July 14, A. D. 1893 and recorded in Vol. 104, Page 66,
 of the Land Records of said Burlington. The said Fred E. and
 Lillian A. Gill are now deceased, and the conditions mentioned
 in said deed have been fulfilled.

Reference is made to said deed and its record and to the
 deeds therein mentioned in aid of this description.

Frederick E. and Lillian Z. Gill

to

WARRANTY DEED

William A. and Constance M. Gill

Know all Men by these Presents That We, Frederick E. Gill and Lillian Z. Gill of Burlington in the County of Chittenden and State of Vermont Grantors, in the consideration of Two and more Dollars paid to our full satisfaction by William A. Gill and Constance M. Gill of Burlington in the County of Chittenden and State of Vermont Grantees, by these presents, do freely Give, Grant, Sell, Convey and Confirm unto the said Grantees William A. Gill and Constance M. Gill, husband and wife, and their heirs and assigns forever, a certain piece of land in Burlington in the County of Chittenden and State of Vermont, described as follows, viz:

A vacant lot of land situated on the east side of North Willard Street having a frontage of 50 feet thereon and a depth of 165 feet more or less. Being the northerly half of the land conveyed to said Frederick E. and Lillian Z. Gill by Warranty Deed from L. Frances Gill dated April 4, 1946 and recorded in Vol. 124, Page 652 of the City of Burlington Land Records.

The grantors herein reserve for themselves, and their heirs and assigns an easement over the southerly five feet of the herein conveyed premises for the purpose of going upon said southerly five feet for the maintenance and repair of the dwelling house known as No. 164 North Willard Street.

It is a condition of this deed that no buildings will be erected on the herein conveyed premises within 15 feet of the south line of said herein conveyed premises.

To Have and to Hold said granted premises, with all the privileges and appurtenances there- of, to the said Grantees William A. Gill and Constance M. Gill, husband and wife, their heirs and assigns, to their own use and behoof forever; And we the said Grantors Frederick E. Gill and Lillian Z. Gill for ourselves and our heirs, executors and administrators, do covenant with the said Grantees William A. Gill and Constance M. Gill, their heirs and assigns, that until the sealing of these presents we are the sole owners of the premises, and have good right and title to convey the same in manner aforesaid, that they are Free From Every Encumbrance; and we hereby engage to Warrant and Defend the same against all lawful claims whatever.

In Witness Whereof, we hereunto set our hands and seals this 30th day of September A.D. 1949.

In Presence of:
H. M. Baldwin
Ruth Cunningham

Frederick E. Gill
Lillian Z. Gill

Seal
Seal

STATE OF VERMONT)
CHITTENDEN COUNTY) ss. At Burlington this 30th day of September A. D. 1949 Frederick E. Gill and Lillian Z. Gill personally appeared, and they acknowledged this instrument, by them sealed and subscribed to be their free act and deed.

PARTIAL DISCHARGE OF MORTGAGE RECORDED ON PAGE 712 OF VOLUME 121

PARTIAL DISCHARGE

Know All Men by These Presents that the Burlington Federal Savings and Loan Association a corporation organized and existing under the laws of the United States of America, with principal place of business at Burlington, Vermont, in consideration of ten and more dollars, the receipt of which is hereby acknowledged, does hereby release and discharge from the operation of the mortgage from Frederick E. Gill and Lillian Z. Gill, which is dated April 4, 1946 and recorded at Vol. 121, Page 712 of the City of Burlington Land Records, and described as follows, to wit:

A vacant lot of land situated on the east side of North Willard Street having a frontage of 50 feet thereon and a depth of 165 feet more or less. Being the northerly half of the land conveyed to said Frederick E. and Lillian Z. Gill by Warranty Deed from L. Frances Gill dated April 4, 1946 and recorded in Vol. 124, Page 652 of the City of Burlington Land Records. Said lot was deeded to William A. and Constance M. Gill September 30, 1949.

It is hereby intended to release from the operation of the above described mortgage only the premises herein above described said mortgage to remain in full force and effect as to the remainder thereof.

In Witness Whereof said Burlington Federal Savings and Loan Association sets its hand and seal this 30th day of September, 1949.

In the Presence of:
Ruth Cunningham
Virginia Riggs

Burlington Federal Savings and Loan Association
By H. M. Baldwin
Vice-President and Agent

SEAL

STATE OF VERMONT)
CHITTENDEN COUNTY, ss.

At Burlington in said County on this 30th day of September, 1949, the Burlington Federal Savings and Loan Association personally appeared by H. M. Baldwin its Vice-President and executed the above instrument and acknowledged the same to be his free act and deed and the free act and deed of said Burlington Federal Savings and Loan Association.

Before me, Ruth Cunningham
Notary Public

Received for record September 30, 1949 at 3:30 P. M. and duly recorded.

Attest:

H. M. Baldwin
City Clerk.

Our family is very hurt by what the neighbors have chosen to do. Neither of us feel comfortable engaging with Purvis or Lauterbach, verbally or in any extensive written communication, as they have been threatening and combative in person and on emails and texts, which they are both well aware of as it has been over two years. Here you will see a small sample of what comes to us through email. Here there is bartering their fence for our gravel and later referring to where he built his fence as “your property”. The emails continue to be expanded upon and change as they decide to make claims of our property with no basis. We have no desire to give our neighbor any of our property or let him keep his fence or other belongings on our property or come onto our property for any other reason than to maintain the dwelling at scheduled times.

From: Luke Purvis <lpurvis78@yahoo.com>
Date: Thu, Dec 7, 2023 at 9:03 AM
Subject: Re: Shed
To: Margaret Tamulonis <mtlorena@gmail.com>
Cc: Christina <page38@hotmail.com>

Meg,
We are unsure why conversation is not occurring.
We have a concern with the site plan.
1) the gravel pad is within the setback.

We don't want to make problems out of this....but the lack of communication is concerning. We don't want bigger problems to crop up down the road, so it would to confirm the fence can stay and the gravel pad can remain where planned.

Thanks,
Luke

Sent from my iPad

From: Luke Purvis <lpurvis78@yahoo.com>
Date: February 11, 2024 at 5:31:55 PM EST
To: Meg Tamulonis <mtlorena@gmail.com>
Cc: Christina <page38@hotmail.com>
Subject: Followup from Today

Hi Meg,

Henry ran down the driveway to say hello to Tilly. Having received a notice regarding a written complaint submitted by your property, I thought it would be a good time to acknowledge it in person and reiterate the confusion I had expressed in emails previously. You said you felt threatened and that I have acted in a threatening manner to you. I want you to know that I disagree with that. I never want you to feel that way. You are a tremendous advocate and friend. Our entire family wants to maintain and continue to reciprocate that relationship.

To that end, I can see that you didn't like the impromptu conversation about this topic out front. We have learned that neighborly communication and compassion are really important during this kind of process. Would you prefer to speak with Christina? Is there anything that you want or need from us to help maintain our dialogue as we resolve this matter?

We can see there is a boundary disagreement here. But we are confused as to why you submitted a zoning complaint. We know that zoning does not deal with boundary line problems. I think you have seen firsthand how much more difficult this process can be when private matters are entangled with zoning.

To complain about our patio's setback and place the gravel pad of your shed in a setback does not seem equitable. I was hoping to talk to you about this today. We have many questions. The last we understood was that you would not be able to get city permits if you acknowledged the new fence. But you have received the zoning permits. Despite the fences location, we have never used your property in our zoning lot coverage calculations.

June 20, 2024 Purvis wrote in City Portal

“This work is complete” (please see “completed work” next page)

 City of Burlington, VT

My Account Search 

Project_400466

Zoning Permit

ZP-21-275

Your Submission

Attachments

Guests (0)

✔ Issue Permit

✔ Application Complete

✔ Administrative Decision

✔ Administrative Appeal

✔ Appeal Process

✔ Zoning Permit

🔴 **Compliance Inspection**

🔴 Close Permit

Compliance Inspection

🔴 **On Hold.** This step is on hold.

 **Luke Purvis**

Jun 21, 2024 at 8:09 am

I request an extension until the boundary dispute is resolved...the neighbor still has not opened a case to resolve the boundary, and seems to want to use city zoning to resolve this private matter.

 **Luke Purvis**

Jun 20, 2024 at 10:57 pm

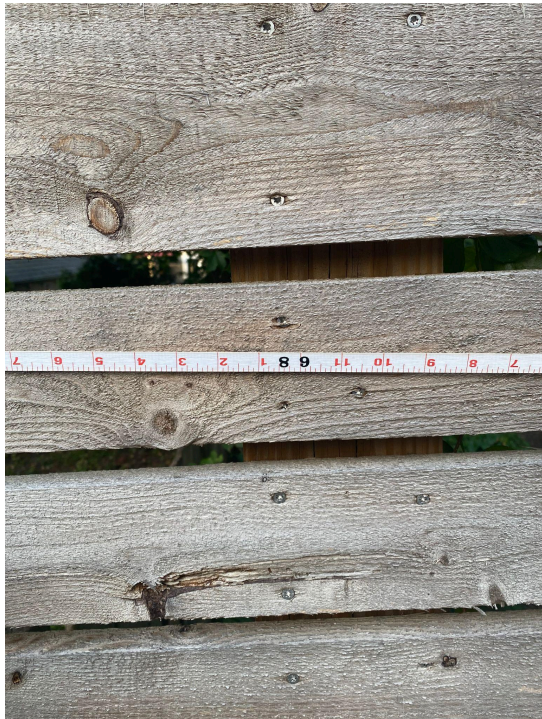
This work is complete.
I will not be removing the concrete pad until after the boundary line dispute is settled.

September 2024 - Does This Work Look Complete?

Visual of 164 North Willard Street Fence Back property line (Please note, longest board protrudes 69' 9" with all boards over 69' 2" and post to post measurement Open Approved Permit measures 66' and post to post measurement is 68' 2" <of a 66' measurement on open approved permit>. This has been like this since 2023, and is noticeably quite dangerous for the passerby, similar to the inconsiderate AC extensions that protrude into our walking path).

Please recall from previous page Purvis's Statement June 20, 2024

(3 months prior to us taking these photos Purvis wrote "This work is complete")



I (Melanie) have been subjected to constant awareness that I am being watched for over a year. During my efforts to prepare for the approved permitted work (Stump removal) and coordinating and engaging in every step of the work I became uncomfortably aware how much our neighbor was obsessively watching me and detailing my every action from within his yard, home, and when he would run out past our house to inspect/take photos. When I was removing the asphalt at the top of our driveway Purvis thrust his entire torso outside the window, took photos of me and my friend, and rudely yelled at me about what I was working on. It was a very uncomfortable and quite disturbing and embarrassing time to subject myself and my kind friend to this shocking moment. In fact, their young daughter yelled to me out the same window *"Melanie, can I tell you something?...My parents think your shed is ugly!"* - which is incredibly concerning. Personally, in response to the ongoing stress of these harassing behaviors, I have had multiple health issues worsen, requiring increased medical care, day long Emergency Department visits, costly medical testing, and reduced work duties. I find myself living in a state of hypervigilance, uncomfortable in my own yard, never knowing when we might be yelled at, taken photos of, or approached and confronted aggressively again by Purvis like when I was forced to get into my car and my sweet, kind partner was chased down our driveway in a confrontational and threatening way after our initial complaint to the City about his fence on our property.

Often, minutes after we would shift something in the yard or have a contractor leave, we would receive an email or later learn of a complaint that was made. One night at 10pm Purvis was loudly pounding on our door in a rainstorm. We had simply gone out into our yard at 9:30pm in the rain before bed to move all our bins and temporary fence for early morning dirt delivery. When we finally reached out to Pride Center's SafeSpace AntiViolence Program about the ongoing harassment and stalking behaviors we were being impacted by, we were educated on some options to help us feel safer and more aware. Their program provided us with several Ring Camera options and we immediately felt more comfortable. In less than 24 hours after installing a small rectangular device by our back door for safety (we have also had our cars broken into 3 times), the neighbor sent us an email which only affirmed our need to be protected by cameras as we were being stalked, having just received needed support from an anti-violence program targeted to support Lesbian, Gay, Bisexual, Transgender, Queer Vermonters. Although we had no view of what Purvis claimed in his email, to ease our own comfort in preventing future senseless conflict, we moved the doorbell's placement.

I, Margaret, have been dealing with these challenging neighbors for years, and several years ago began to dread going into my own back yard because I knew they would want to complain about their neighbors and various property disputes with them. Now I FEAR going into my own backyard because Lauterbach and Purvis have made it clear that they will pursue me down the driveway, unexpectedly move our recycling bins and erect odd plywood barriers, and pound on our door late at night while their child shouts at us from the window. I have loved living in the Old North End and just want to have a safe, tranquil and healthy space for my family.

A lawyer once communicated to us that *"the encroaching party continues to encroach, almost banking on the rightful property owner's reluctance to expend the money it would take to*

enforce the property boundaries". As neighbors to 164 North Willard Street who have been and continue to be negatively impacted by the work of 164 Open Permit, we ask for IMMEDIATE action. While we understand the City does not get involved in boundary disputes, 2 Surveys have been provided, reflecting ERROR in an Open Approved Permit. Please refer to General Permit Conditions as stated *"the boundary will be determined based upon the best evidence available, for instance a survey or other official document"*. Purvis has built his fence larger than the dimensions listed in his open approved permit which is a permit with now known errors, and has not been in compliance with the 2022 Settlement Agreement with City.

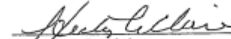


Please notice in this side by side comparison image that Purvis and Lauterbach's new 8' "privacy fence" is NOT where the old fence line was. We have always contributed to maintaining and adding to the stability of the old falling down fence. In fact, Purvis would often point to areas where we needed to repair the shared fence so our dog's wouldn't get hurt. So, it is difficult to know whose fence it originally was. From our side, the good side was out. This is a trend and now required when building a fence on one's own property. The original fence did not match the other side or the back. The posts between 164 and 172 were different from those which were installed between 164 and 158 as part of the Easement 1983. We noticed in Hector Leclair's earlier affidavit, he wrote that he installed a fence on the 158 and 164 boundary with no mention of installing a fence between 164 and 172 for which Purvis claims to have a receipt from Hector Leclair "for the wire fence he surrounded the property with".

This property has always had high usage needs due to mechanics and contractors visiting the barn, business associates meeting in my home office, and tenant parking. The north east lot was never able to accommodate the off street parking needs of the property. In 1983, an easement was created to address the parking shortage. This easement was intended for and has been used as parking for 164 North Willard since its creation. Up to 4 cars are able to park on this easement. I installed a metal fence and planted trees along the easement line as part of this easement's creation. The metal fence stayed in existence, uninterrupted, without complaint from owners of 158 North Willard as a boundary line until it was removed and replaced by a wooden stockade fence in 2012, prior to the sale of 158 North Willard. I agreed to the replacement of the metal fence line to wooden stockade because of the improvement to privacy. The wooden fence was intended to be the boundary line replacement of the metal fence. Maintenance of this easement area, since its creation, included weeding, mowing, adding gravel and dirt as needed and snow removal, which I performed.

Finally, I parked trailered equipment on the rectangular parcel that was transferred in 1968 as needed.

Dated at Burlington, Vermont this 4th day of August, 2014.


Hector J. Leclair

Purvis's newly built 164 fence extends from their house into our yard by 2' 4" at the corner of the house where there was no fence prior as shown in the photo. (note: the tall item is a metal garden item with character that suits the energy in the Old North End that had annually grown Morning Glories and other summer plant material around that has been, and still is on our side). The temporary plastic fence was installed years ago by us as a barrier for dogs out back and improved upon as needed for security and stability. Our fence post was moved back and placed against siding by Purvis himself in 2022 in order to build his fence nearly two and a half feet at that point onto our property. The post remained (without issue) until it was removed this year when we installed our fence, a nice neighborhood improvement (for which we have received many positive comments about from other neighbors) and that Purvis and Lauterbach are complaining about.

Please notice photos of our properties and fence location prior to Purvis's tenure and constant disruption of this land prior to tree removal/fence adjustment, garden boxes, patio, large wooden fence. These were previously submitted to the Development Review Board emphasizing gravel usage concerns. **We have anticipated Purvis and Lauterbach submitting contrasting captures of their property to only outline the onset of the ongoing encroachment efforts to our property at 172 North Willard Street. So, we will, too, for full transparency and viewing all in one document.**

164 North Willard & 172 North Willard Fence Line in March 2013 (Please notice tree several feet from house, 4 months prior to Purvis's purchase. This is from a prior submission from Purvis on their gravel issue).

March 2013 – The gravel maintenance to the south of the driveway has occurred.



mar 10, 2013

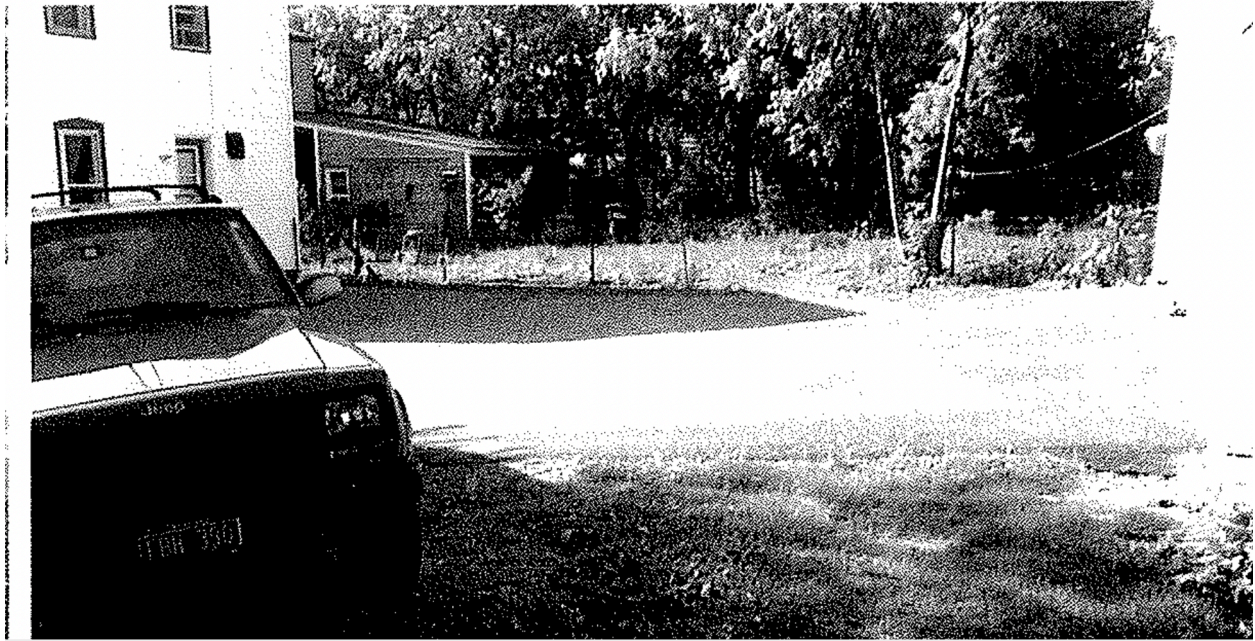
Now

~ 11 years ago

This shows the gravel to the south of the driveway directly after the maintenance occurred. This photo was submitted by 58 North Willard. The 10th is an approximate date of when this photo was taken.



2013/2014 Photo taken shortly after Purvis and Lauterbach moved in in July 2013
(Please note, this was Summer/Fall 2013 or Spring/Early Summer 2014 <leaves on trees> one section of trees that appeared in the March 2013 photo were removed, please note the fence post at front is consistent with March 2013 photo).



Addition of Garden Boxes Summer 2014 (next photo will reveal “new” corner” as corner post is blocked in this photo by same Jeep in previous photo)



Garden Boxes Summer 2014 (Onset of Purvis and Lauterbach's encroachment is revealed!)



2013 Fence Post is AT Corner of House through the end of Hector Leclair's tenure
Gravel Installation



September 2024 Encroachment onto 172 North Willard Street (Please notice this is **not** where the fence line was in 2013 shortly before or shortly after the onset of Lauterbach and Purvis Tenure. - Note: the two large fence posts near the house extend perpendicular from 164 house encroaching into our property, also seen from the outer view of the fence).



In 2015, the contractor discussed encroachment of fences on both sides of 172 into the property, expanding neighbors property and cutting into 172. Margaret and Purvis had a few conversations about it and figured we'd "fix" that one day when the old fence was ever replaced. Margaret continued to patch the old fence as needed and Melanie joined. We would often use various street finds we kept around the yard for this purpose. Both of us would receive continual suggestions from Purvis the areas we needed to repair as there were noticeably sharp points and large gaps from tree growth and removal that could potentially injure our dogs. As long time homeowners in Burlington, we recognize the liability that homeowners can face when someone is injured while on your property. Purvis never presented to us with this sort of ongoing awareness the element of responsibility and awareness of the liability a homeowner would face if someone were injured by a sharp protrusion from the fence, for instance. Instead, he continually, out of care and concern, pushed the responsibility onto us over the years by pointing out where we needed to repair the fence. Purvis also contributed in cutting wires when removing trees and patching areas when the dog would get onto our side.

2015 Photo of other side of 172 “encroachment” at 176 North Willard Street, as often seen in the Old North End, an area of falling apart fence needing TLC (vs. a strategic attempt to take another's property).



Beyond this, we have multiple pictures of the shifting fenceline, where the photos above represent a certain timeline of the fenceline shift and who made it happen. **Please formulate your beliefs through the information and “evidence” that is being provided to determine where the truth is being shaped and shifted in one area, it is often being done similarly in others, likely in multiple other areas with a fair amount of inaccuracies and claims across the board.** The facts are consistent and what can truly be measured here. We have Commissioned Surveys from each property.

The basis of 164s complaints is unfounded and is, in fact, the fulfillment of a threat made by them in emails to us in spring of this year when they offered again to purchase our property that their fence had enclosed and stated that if we did not accept that they would make the complaint. **It is not about fairness or equitable enforcement of zoning, it is about their attempts to gain property and not having to backtrack on and become accountable for their very unfortunate errors. We have fully cooperated with the City and followed regulations while engaging in work on our own property with a high level of integrity while balancing the ongoing issues with our hostile, watchful neighbors and managing our own health <a difficult way to live>.**

Appealants, Christina Lauterbach and Luke Purvis continue to obsessively examine all of our work and activities on our own property and communicate with us and the City about it in negative ways. We feel it would be best for everyone’s health and wellbeing, as well as the time and financial resources of the City and all involved if the City could find a way to move forward with resolving this with the removal of their fence off of our property (Grounds for immediate removal would be permit dimensions are larger than survey/errors, non compliance with 2022 Settlement Agreement with City) with costly daily penalties attached to ensure taking actions that are effective. We believe that the fence could be removed from our property in under a day.

We understand the history of 164 North Willard expanded in both size and usage twice through communication and collaboration with neighbors in 1968, acquiring the large rectangular area, and in 1983 Easement of the triangular area. We are witnesses to Purvis' constant efforts to continue to expand his property as he expressed incredible interest in our own backyard for years and as he constantly complained and then attempted to purchase the rear. As he strategized to gain empathy for all he was dealing with at 164 regarding parking in his attempt to purchase the rear part of the 172 lot, he offered for us to continue using it under his ownership. Margaret refused. The efforts continued as Purvis and Lauterbach offered to purchase the land they encroached upon after we complained to them about the fence installation - again declined.

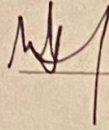
Purvis has now been regularly and actively trespassing onto our driveway and into our backyard by traveling through our continually latched four foot tall backyard fence to erect what he calls "barriers" to block our blue bins that we fill with shipping cardboard, paper, and brown paper bags (but these actually only block Margaret's mother, who uses a cane and walker, from getting in and out of the car - thus, ultimately moving them out of our way). We directly asked Purvis and Lauterbach to not go up and down our driveway without advance notice (as understood from the need to maintain the north side of 164 house) but they have ignored this request, making us feel violated and threatened and unsure when things would be shifted around unexpectedly.

After all 164 has been through with their constant and disturbing conflicts with former neighbors and the City (with years of support and empathetic listening from Margaret), it makes zero sense to us that the fence was built so large onto our property and is not as shown in their drawings for the fence permit, 2.25 - 3 feet over. In fact, over the years, the neighbors have been threatening and unapproachable as soon as we have brought up any issues, making it very difficult to push back or communicate our concerns with any great success.

We submitted Zoning Complaint CPLT-24-150 with hopes to put an end to this, due to the stress this is continually causing all of us. We are happy to withdraw this if what is touched upon in this write up regarding revoking the permit that Purvis has requested an extension on results in immediate removal of the neighbor's fence from our property. Boundary line is outlined in Our 2023 Commissioned Survey and Purvis 2016 Commissioned Survey. Ours shows his new encroachment and the window wells of his house on our property.

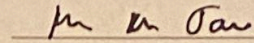
We are confident that we completed our fence and shed installations according to our closed approved permits on our own property in a way that will not interfere with maintenance of 164 house dwelling and our own house maintenance. Thank you for your time and consideration in reviewing our public submission. We would appreciate the Development Review Board's assistance in putting an end to this situation following this evening's meeting as it's been continually harassing and has negatively impacted our health and well being.

Respectfully submitted to Development Review Board 1 October 2024 ZAP-24-10

 10.1.2024

Melanie Jannery

and

 10.1.24

Margaret Tamulonis

172 North Willard Street
Burlington, Vermont

April 4, 2022 Purvis Settlement Agreement with City of Burlington

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION
DOCKET NO. 88-7-19 Vtec

In Re:)
PURVIS NORTH WILLARD STREET)

REVISED SETTLEMENT AGREEMENT

NOW COMES the City of Burlington ("City"), by and through its attorneys, and Luke Purvis ("Owner"), the owner of 164 North Willard Street, Burlington, Vermont, self-represented, who agree to the following terms to resolve on-going permit, enforcement, and zoning issues pending between the Parties concerning the historic and on-going use of the property known as 164 North Willard Street, Burlington, Vermont.

RECITALS

WHEREAS, Owner purchased the property known as 164 North Willard Street in 2013 and at the time of purchase, the prior owner had modified the property in three significant ways for purposes of zoning without proper permits or permissions from the City. Specifically, the prior owner had: (1) converted the primary residential structure from a duplex to a three unit multi-family, (2) laid gravel to the north of the driveway for a parking area, and (3) laid gravel alongside the south side of the driveway in an area adjacent to what Owner purports to be an easement across their southern neighbor's lot and where prior owner had been parking or allowing tenant cars to park; and

WHEREAS, there is no evidence that Owner had direct knowledge that these alterations were out of compliance with zoning at the time of purchase; and

WHEREAS, the City and Owner have attempted through multiple years of permitting hearings, litigation, and legal process to resolve the matter; and

WHEREAS, despite the parties efforts these issues have persisted and have caused a substantial investment of resources by both Parties; and

WHEREAS, the City has begun enforcement action in regard to the driveway issue and has been in communication with the Owner in regard to the multi-family unit; and

WHEREAS, Owner has pursued various remedies to their situation and are prepared to file new zoning permit applications, as well as pursuing various public records requests with the City; and

WHEREAS, the City recognizes that there is a housing shortage in the City of Burlington and the historic, although unpermitted, conversion of a duplex to a multi-family presents a

substantial policy dilemma between increasing housing and enforcing the City's zoning ordinances; and

WHEREAS, the City is not aware of any specific harm, nuisance, injury, or problem to the neighborhood or neighboring properties stemming from Owner having a third housing unit on their property; and

WHEREAS, the City Administration intends in the next two years to alter the regulations regarding multifamily units and that these alterations are expected, if approved, to give Owner the ability to apply for a zoning permit that will cure the current violation regarding Owner's property; and

WHEREAS, the City has a substantial interest in enforcing its zoning regulations not only in a fair and impartial manner but in a manner that is sensible and consistent with the City's policies and efforts to promote the full and fair use of private property; and

WHEREAS, the Parties have already entered into a settlement and temporary abatement agreement and over the course of this prior agreement, the City has not received any complaints or identified any additional issues regarding the third unit; and

NOW THEREFORE, the Parties agree to the following terms:

- 1) The Parties incorporate the earlier Stipulated Order adopted by the Environmental Division on January 4, 2021 into the present Agreement, except as modified below.
- 2) The Parties agree to extend Paragraph 3 of the January 4, 2021 Stipulated Order for an additional two years, giving Owner the right to continue as a multi-family (triplex) use until May 31, 2024 with the following conditions:
 - a. City anticipates that it will, prior to this deadline, be pursuing revisions to its zoning ordinances, which it anticipates will remove the non-conformance issues that the City has raised with regard to the existence of a third unit, in which case, the City shall notify Owner that his use is permissible and that this term of the Agreement is of no further effect, although Owner may still be required to apply for a permit to ratify the permission for this use; and
 - b. If the City does not amend its ordinance, or if such amendments do not permit Owner to continue his third unit, then Owner shall have the vested right to apply for a zoning permit either under the zoning ordinances in effect as of the date of this Agreement or an then-existing zoning ordinance, and the Parties shall treat the question of applicable zoning ordinance as a matter akin to vested rights and a matter of estoppel because Owner is expressly relying on this as part of the consideration for this Agreement.
- 3) For the limited purposes of zoning and compliance with the City's currently understood permit status for the property, Owner agrees that the parking and/or storing of vehicles by

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION
DOCKET NO. 88-7-19 Vtec

In Re:)
PURVIS NORTH WILLARD STREET)

REVISED SETTLEMENT AGREEMENT

NOW COMES the City of Burlington ("City"), by and through its attorneys, and Luke Purvis ("Owner"), the owner of 164 North Willard Street, Burlington, Vermont, self-represented, who agree to the following terms to resolve on-going permit, enforcement, and zoning issues pending between the Parties concerning the historic and on-going use of the property known as 164 North Willard Street, Burlington, Vermont.

RECITALS

WHEREAS, Owner purchased the property known as 164 North Willard Street in 2013 and at the time of purchase, the prior owner had modified the property in three significant ways for purposes of zoning without proper permits or permissions from the City. Specifically, the prior owner had: (1) converted the primary residential structure from a duplex to a three unit multi-family, (2) laid gravel to the north of the driveway for a parking area, and (3) laid gravel alongside the south side of the driveway in an area adjacent to what Owner purports to be an easement across their southern neighbor's lot and where prior owner had been parking or allowing tenant cars to park; and

WHEREAS, there this no evidence that Owner had direct knowledge that these alterations were out of compliance with zoning at the time of purchase; and

WHEREAS, the City and Owner have attempted through multiple years of permitting hearings, litigation, and legal process to resolve the matter; and

WHEREAS, despite the parties efforts these issues have persisted and have caused a substantial investment of resources by both Parties; and

WHEREAS, the City has begun enforcement action in regard to the driveway issue and has been in communication with the Owner in regard to the multi-family unit; and

WHEREAS, Owner has pursued various remedies to their situation and are prepared to file new zoning permit applications, as well as pursuing various public records requests with the City; and

WHEREAS, the City recognizes that there is a housing shortage in the City of Burlington and the historic, although unpermitted, conversion of a duplex to a multi-family presents a

himself, his partner, his tenants, and any visitors to the property will only occur on the currently established and recognized, paved portions of the property's driveway or in the garage. Owner further agrees that he will immediately cease and will actively prevent any tenants, guests, invitees, or licensees visiting the property from parking or storing vehicles on any other portions of the property, specifically including, but not limited to, the area directly south of the existing driveway pavement where Owner will be installing a turnaround and restoring the remaining sections to grass as described in more detail below.

Owner shall have until 5pm, Monday, May 9, 2022 to remove any vehicle presently in this location that is currently disabled and unable to be moved without towing. Nothing in this Agreement shall be interpreted as limiting or affecting Owner's private easement and rights therein.

- 4) Owner shall be permitted to install a turnaround adjacent to the driveway within the portion of their property immediately south of the driveway under the following conditions:
 - a. Owner shall use grass block pavers (also known as turf block pavers) for the turnaround;
 - b. Owner shall regularly maintain the turf within the grass block pavers such that the turnaround has a seasonably appropriate green and/or vegetative appearance;
 - c. The Turnaround shall not exceed a maximum length of 7.5 feet and shall not exceed 7 feet in width;
 - d. Owner shall be free to situate the turnaround at any spot along the southern edge of the driveway so long as it is situated no less than five feet behind a line extending from the rear of their primary residence and contained fully within the 164 North Willard Street property boundaries;
 - e. Owner shall install and maintain landscaping sufficient to contain the turn-around area to the dimensions above and prevent enlargement;
 - f. The turn-around area is for turning around, not parking. It shall be the Owner's responsibility to prevent parking in the area. If the Owner cannot prevent parking to occur, and there are 3 or more instances within a calendar-year period when it is used for parking (defined as the act of stopping and disengaging a vehicle and leaving it unoccupied for approximately fifteen minutes or more), Owner shall remove the turn-around area and plant and maintain grass in the turn-around area with a landscape barrier to prevent further use of it for parking or turning around.
- 5) Owner shall removal all gravel and shall plant grass along the remainder of the portion of his property south of the driveway by no later than August 1, 2022 as follows:
 - a. Owner shall plant grass in the area between the southern edge of the paved driveway and Owner's southern boundary line from a point even

with the rear corner of their residence to the start of Owner's garage, except where the turnaround discussed above is to be installed.

- b. In instances where the soil has been compacted and cannot sustain new grass, the soil shall be amended as follows Sub-soils below new topsoil layer (i.e. existing compacted soils) scarified/tilled at least 4", with incorporation of upper material (so total depth of final un-compacted material is equal to 8" in depth. The entire surface should be scarified/loosened, except within drip line of trees (to protect root systems).
 - i. Topsoil specifications:
 - i. Minimum 4" of un-compacted topsoil, except where tree roots limit amendment incorporation;
 - ii. Topsoil shall be consistent with landscape quality topsoil and shall be appropriate to foster the growth of grass;
 - iii. Water or roll to 85% compaction; and
 - iv. Rake to level.
 - ii. Seed and protect with erosion control matting (staked according to manufacturer's specifications).
 - c. These specifications may be modified if a landscaping professional determines it necessary to prevent undermining the adjacent driveway and to prevent interference with underground utilities or lines.
 - d. Grass shall be maintained to have a seasonably appropriate green and/or vegetative appearance throughout the area. Owner may, but shall not be required, to plant shrubs or other vegetation in this area.
- 6) Upon execution of this Agreement and receipt of a site plan per section 9(c) below, the City shall issue Owner's pending fence permit conditioned upon the on-going good faith compliance with this Agreement.
 - 7) Upon execution, Owner shall immediately withdraw the two appeals currently pending at the DRB.
 - 8) Upon execution, Owner shall withdraw all pending public records requests with the City.
 - 9) Owner's existing patio shall be treated as an allowed, as built, structure with the following conditions:

- a. Owner shall move any portion of the patio within the five-feet side setback outside of the setback;
- b. Owners shall remove the identified 5-foot by 6-foot concrete slab; and
- c. Owner shall submit a detailed and accurate site plan of the entire property capturing the changes made under this Agreement and demonstrating that the net lot coverage will not increase as a result of the patio.

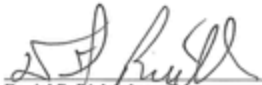
- 10) This Agreement shall be binding on both Parties and their Successors and Assigns. Owner shall provide a copy of this Agreement and the January 4, 2021 Stipulated Order to any potential purchasers of 164 North Willard Street as an exhibit to any purchase and sale agreement that Owner executes.
- 11) So long as this Agreement is in effect and the Parties are in compliance with the terms herein, Owner and his partner shall bring no further public records requests (concerning their property or zoning enforcement), litigation or appeals against the City, and the City shall take no further zoning enforcement action against either the multi-family issue, remediation of the area adjacent to the parking area, or the patio. Nothing in this agreement shall prevent the City from enforcing its zoning ordinances or pursuing enforcement actions unrelated to this Agreement.
- 12) The purpose of this Agreement is to resolve the dispute and allow the Parties to move forward in a productive and cooperative manner. Nothing in this Agreement shall be interpreted as an admission by either Party to their underlying legal positions.
- 13) The Parties further agree that if any issue under this agreement arises, they shall communicate and attempt to work out the dispute in good faith. Failing such, the Parties shall have recourse to the Chittenden County Superior Court for resolution, of any dispute, claim of damages or injunctive relief, or specific performance of this Agreement or any term therein.
- 14) Each party shall bear their own costs in this matter and no monetary payment is envisioned as part of this Agreement.

Dated in Burlington, Vermont this 4th day of April 2022.

CITY OF BURLINGTON

LUKE PURVIS

By:

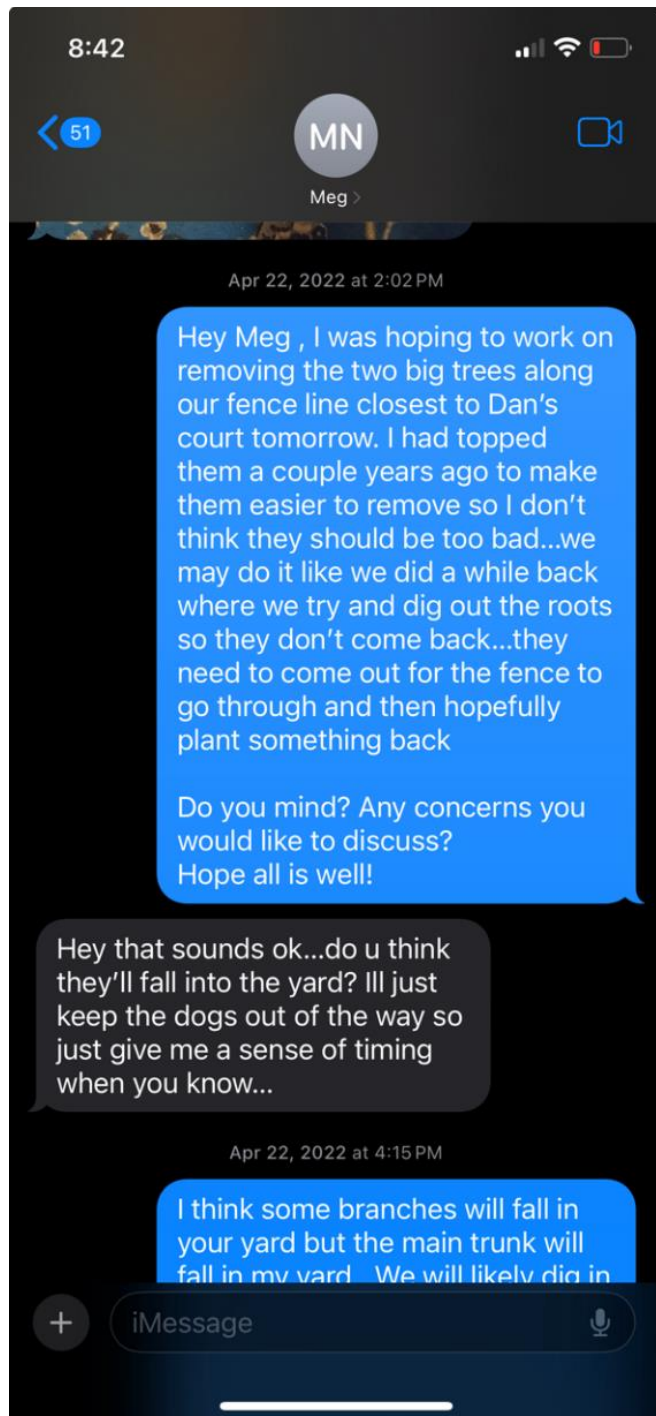

Daniel P. Richardson, Esq.
City Attorney



2016 172 north Willard approved plans



These screenshots demonstrate some of the permission we received from 172 Property Owner around the long term project to remove trees for the new fence. Because the trees were dug out, there is was some minimal disturbance, but from the text messages, that was at the time but now it is being used against us.



8:43



< 51



Meg >



I think some branches will fall in your yard but the main trunk will fall in my yard. We will likely dig in your yard around the tree to sever the roots and prevent them from growing back, but I'll rake the soil back out. I'm hoping to start in the morning and hopefully finish in the afternoon. I'll confirm and send you a more exact time. If you want to let the dogs out feel free anytime! I'll probably need a break!

Ha sounds good!!

So Adam, my helper said around 11 for him, but I will probably start earlier

Cool thx!!

Apr 24, 2022 at 9:59 AM

Hey Meg, sorry I didn't text last night, but the fence should be all patched up for the dogs

Oh great thx! Hope u can rest today 😊😊



iMessage



8:44



< 51

MN



Meg >

Apr 29, 2022 at 12:26 PM

Hey Meg, fyi, I'm planning to remove that last tree tomorrow to clear/prep the fence line. Any objections? It should go like the last time. Thanks

Wow great! Should b fine thx for checking

You welcome ! Thank you!

May 1, 2022 at 8:30 AM

Hey Meg, fence should be patched...soil is a little low for now. Thank you

May 1, 2022 at 12:56 PM

Great!!!

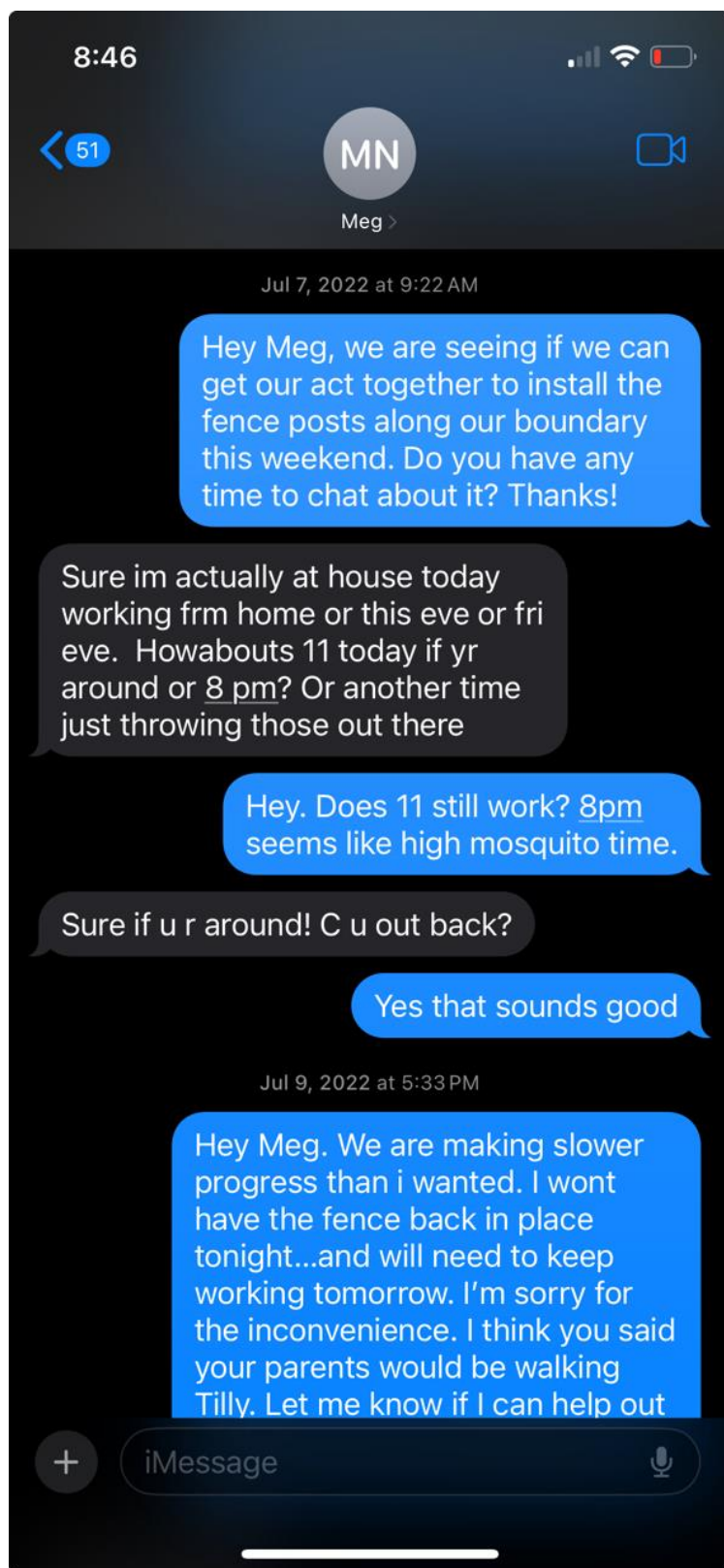
May 1, 2022 at 3:58 PM



iMessage







8:47



< 51

MN



Meg >

Yes that sounds good

Jul 9, 2022 at 5:33 PM

Hey Meg. We are making slower progress than i wanted. I wont have the fence back in place tonight...and will need to keep working tomorrow. I'm sorry for the inconvenience. I think you said your parents would be walking Tilly. Let me know if I can help out at all. I'm sorry it's been tough going

Ok no worries!

Aug 4, 2022 at 8:46 PM



While the 172 Owners are very vocal about my lack of ability to maintain my fence, they too have installed their fence without the recommended space. This is a picture of their new fence along the northern side of 172 North Willard St. There is about 2" from pin to fence. Please ensure consistency. It is important to note, that the prior boundary fence between 172 and 164 North Willard was also not able to be maintained

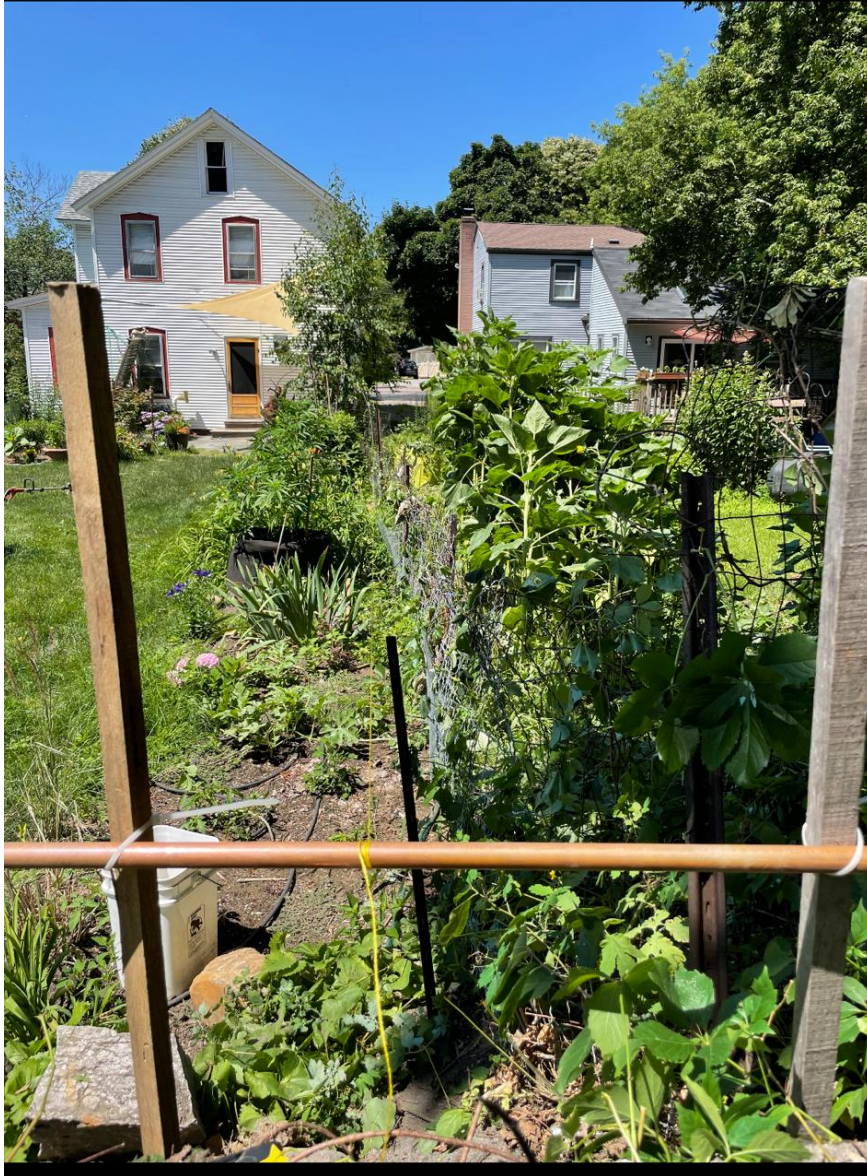


This is a phot of 2013, when we moved in. Visible in this photo is the just out from 164 North Willard St house that is now disputed in 2024. We have worked for over 10 years to dig out the large box elders. Meg Tamulonis, regularly expressed her appreciation for this work. Before I started removing these trees, her yard was mostly shaded out.

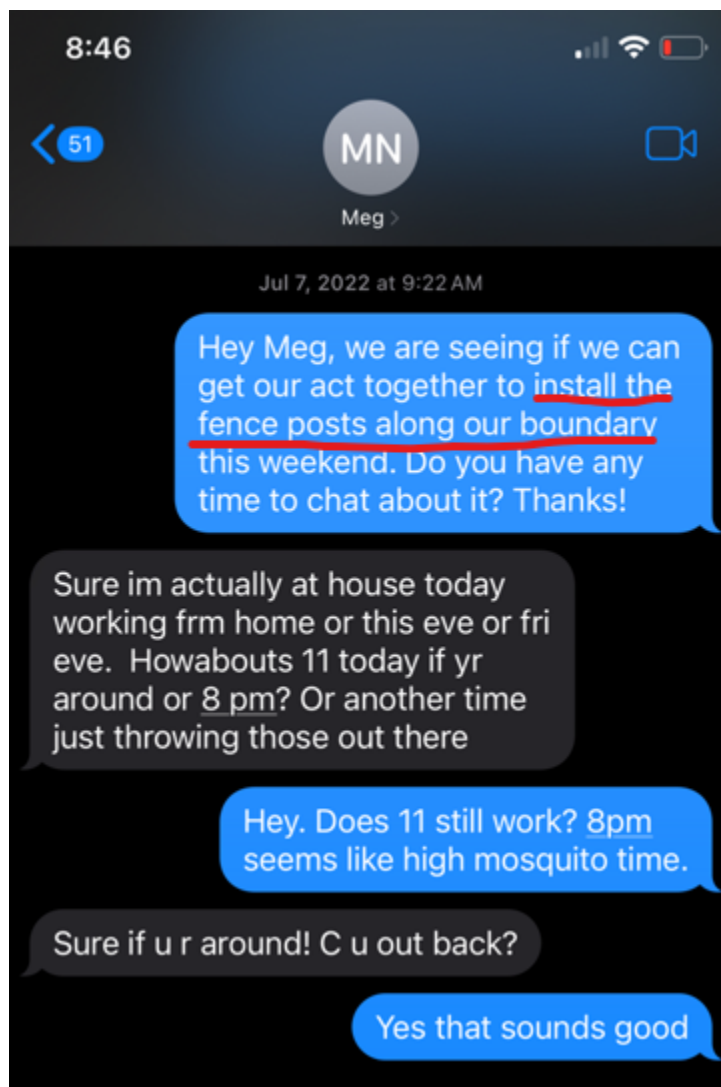




This is a picture of the old fence when I was setting the string line for the new fence. You can see, I have the string to 164 Side of the old fence, thereby returning more space to 172 North Willard than the old fence allowed. You can see a variety of markers back here and the new line is the 164 side of all of them.



July 7, 2022 - Communication between Purvis and Margaret “install the fence posts along our boundary”



May 16, 2024 - Early Stages of 4' Chain Link Fence Installation between 172 & 176.

(Please note: As we removed plant matter from the fence line, we very easily were able to move the fence over and keep it upright and in place in order to install the new fence in this area where we wanted. We kept the old fence up until we put up the chain. The property managers communicated with us along the way and disposed of the old fence when we were ready to remove it with installation of our fabric. Unlike a tall wooden fence, a 4 foot chain link and 3 foot tall vinyl fence can be easily maintained, repaired, and replaced from within one's own land leaving minimal space on the other side. Our work was approved without issue and our neighbors were pleased with the improvement.



We share this photo to contrast Purvis' submission of his plumb line claiming he moved the fence line back. Please review our 2023 survey fence line on that side to see where the fence was prior to any work on the 176 side of our property (labeled "540 Golf Course Road LLC) on Survey. We hope that the above image reflects how we were encroached upon so easily and so much as the fenceline was worked.

