

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
Fax (802) 863-0466

AJ LaRosa
Caitlin Halpert
Geoff Hand
Sean McKenzie
Brad Rabinowitz
Leo Sprinzen
Miles Waite
Marina Campbell, (Alternate)
Evan Gould, (Alternate)



Development Review Board

Tuesday, January 7, 2025, 5:00 PM

645 Pine Street, Front Conference Room or Remote on Zoom:

Please click the link below to join the webinar:

Zoom: <https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09>

Webinar ID: 832 2569 6227

Passcode: 969186

**Telephone: US +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782
or +1 346 248 7799**

1. Agenda

2. Communications

3. Minutes

4. Public Hearing

5. Certificate of Appropriateness

5.1.

**ZP-24-526; 72 Temple Street (RL, Ward 7) Green Mountain Habitat for Humanity
Amend ZP-22-625 for additional after-the-fact tree removal and new plantings.
(Project Manager, Scott Gustin)**

5.2.

**ZP-24-533; 276 Ethan Allen Parkway (RL, Ward 7) Ann Lander / Joseph Lander
After-the-fact tree removal. (Project Manager, Garret King)**

5.3.

**ZP-24-545; 57 South Williams Street (RH, Ward 8) Vermont Organization for Jewish
Education Lubavitch / Eliyahu Junik
After-the-fact retaining wall installation. (Project Manager, Scott Gustin)**

6. Adjournment

7. Informational and Non-Discrimination Statements

7.1.

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.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

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, DPI Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: January 7, 2025
RE: ZP-24-526; 72 Temple 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: RL Ward: 7N

Owner/Applicant: Green Mountain Habitat for Humanity

Request: Amend ZP-24-526 for additional after-the-fact tree removal and new plantings.

Applicable Regulations:

Article 5 (Citywide General Regulations)

Background Information:

The applicant is seeking after-the-fact approval for tree clearing associated with construction of a new duplex home and related site improvements. A zoning permit for tree cutting was initially approved prior to any construction activity in February 2023. The approved duplex site plan depicted a building envelope within the approved extent of tree clearing. During construction, clearing extended beyond that originally approved along the western and eastern side property boundaries. New plantings are included in this application in order to mitigate loss of the previous vegetation.

Previous zoning actions for this property are noted below.

- 12/5/23, Approval to construct new duplex and associate site improvements
- 2/7/23, Approval for tree clearing
- 3/24/22, Approval of lot line adjustment with neighboring property
- 11/24/98, approval of lot line adjustment with neighboring property
- 7/16/85, Approval to construct new single family home (not built)

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

I. Findings

Article 5: Citywide General Regulations

Sec. 5.5.4, Tree Removal

(a) Review criteria for zoning permit requests for tree removal

(1) Grounds for approval

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be permitted for any of the following reasons:

A. Removal of dead, diseased, or infested trees;

Not applicable.

B. Thinning of trees for the health of remaining trees according to recognized accepted forestry practices;

Not applicable.

C. Removal of trees that are a danger to life or property; or,

Not applicable.

D. As part of a development with an approved zoning permit.

The original tree clearing permit was approved in preparation for development of the lot. As there was ledge present, the applicant needed to accomplish this preliminary work on the heavily wooded lot to best create a plan for the new development. The zoning application for construction of a duplex was received shortly after approval of the tree cutting permit. The additional cutting that occurred during construction was directly related to construction of the duplex, driveway, and related site work. Proposed plantings contain deciduous and coniferous trees of native species, along with several varieties of shrubbery and ground cover. **(Affirmative finding)**

(2) Grounds for denial

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be denied if existing healthy trees are known to be:

A. Providing a significant privacy or aesthetic buffer or barrier between properties;

The property to the west is vacant. The property to the east contains a home with a shared vegetated area along the boundary line. New plantings are proposed on the subject property to lessen the impact of the clearing. **(Affirmative finding)**

B. Providing stabilization on slopes vulnerable to erosion;

There is an approved erosion prevention and sediment control plan for the construction activity. **(Affirmative finding)**

C. Located within a riparian or littoral buffer;

72 Temple Street is not within the Natural Resource Protection Overlay zone; nor in the Riparian Littoral Overlay. **(Affirmative finding)**

D. Provide unique wildlife habitat;

The parcel does not fall within any of the Recreation, Conservation and Open Space Districts; or the Natural Resource Protection Overlay District. **(Affirmative finding)**

E. A rare northern Vermont tree species as listed by the Vermont Natural Heritage Program;

The original tree clearing application narrative defines poplar and pine trees onsite; neither of which are considered rare. **(Affirmative finding)**

or,

F. A significant element or, or significantly enhances, an historic site.

Not applicable.

II. Conditions of Approval

1. All plantings included in this permit shall be installed within one year of the date of permit approval.
2. Standard Conditions 1-15 (with zoning permit timeline limited to 1 year).

Aug 20, 2024 at 2:01:16 PM



Aug 20, 2024 at 2:00:16 PM



Aug 20, 2024 at 2:01:20 PM



Aug 20, 2024 at 2:00:07 PM



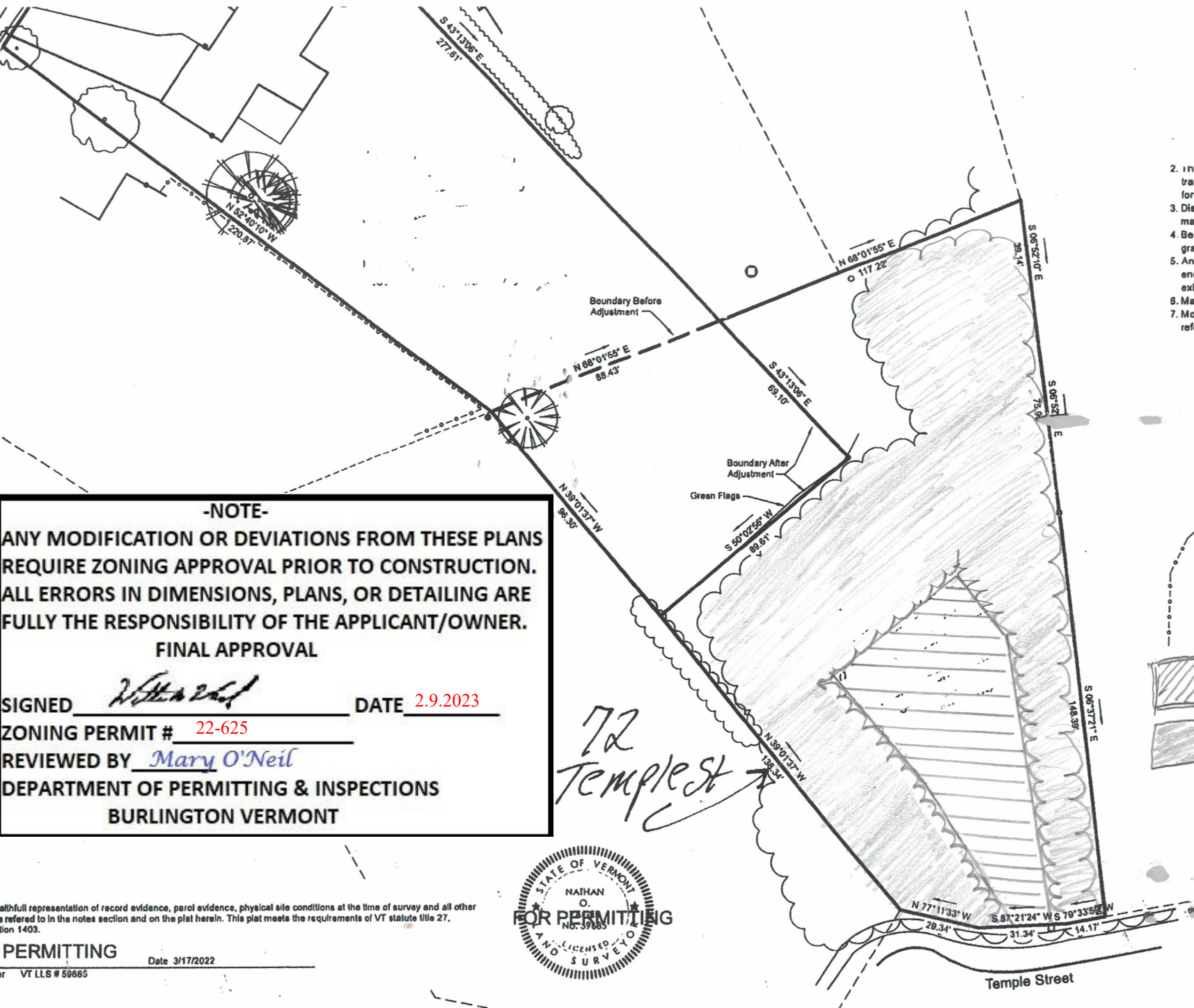
1. This plat is based on records researched in the city of Burlington using a total station completed on 3/16/2022. A traverse using a total station completed on 3/16/2022. A for an urban survey.
2. Distances are shown to the hundredth of a foot and bearing mathematical closure purposes only.
3. Bearings shown are in reference to Vermont State Plane 1 grade GPS observations on site.
4. An attempt has been made to identify or delineate easer encroachment, etc. observed in the field or found in the exist that are not shown on this plat.
5. Map References- Burlington land records map slides.
6. Monuments set are 5/8in rebar with aluminum caps "Lat reference to existing grade as noted on plat."

Legend

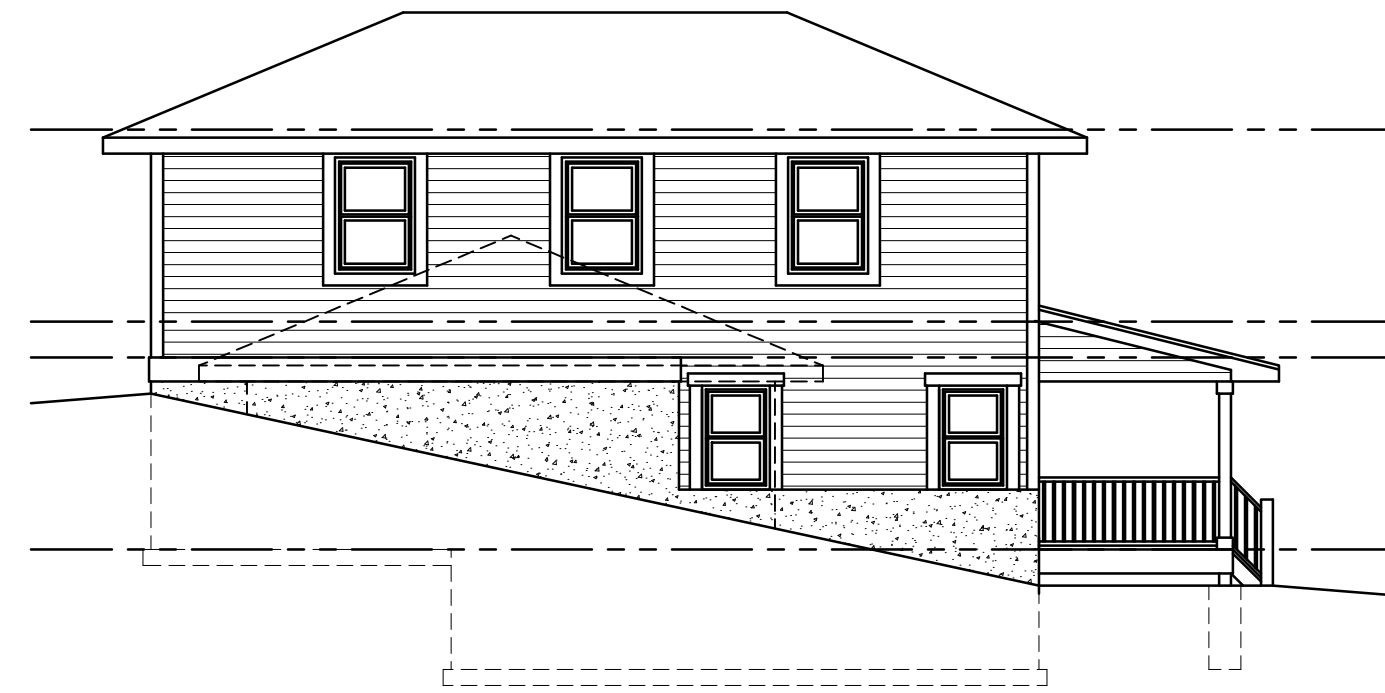
- Boundary Line After Adjustment
- - - Boundary Line Before Adjustment
- - - Abutter Line Not Surveyed
- - - Easement Line
- △ Calculated Point
- ⊙ Monument To Be Set
- Monument Found

Green Mountain
Habitat for Humanity

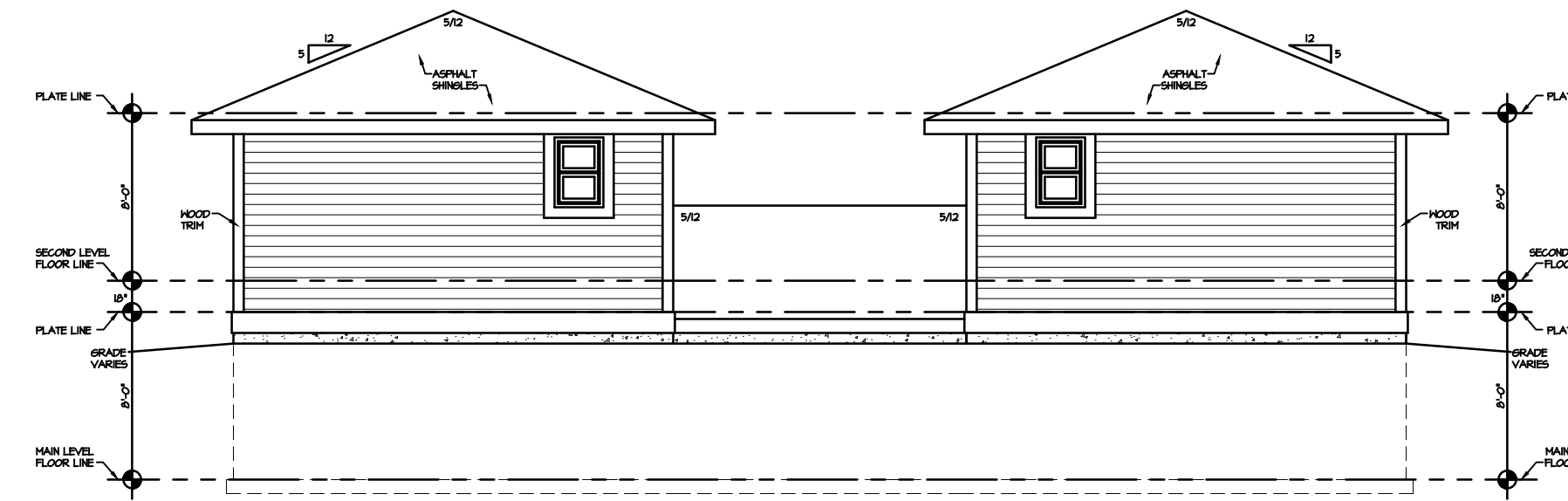
-  = Area to be cleared
-  = Area to remain wooded with
 - White Pine
 - Maple
 - Poplar



LATITUDES LAND
129B Spruce Street, B
latitudeslandsurvey



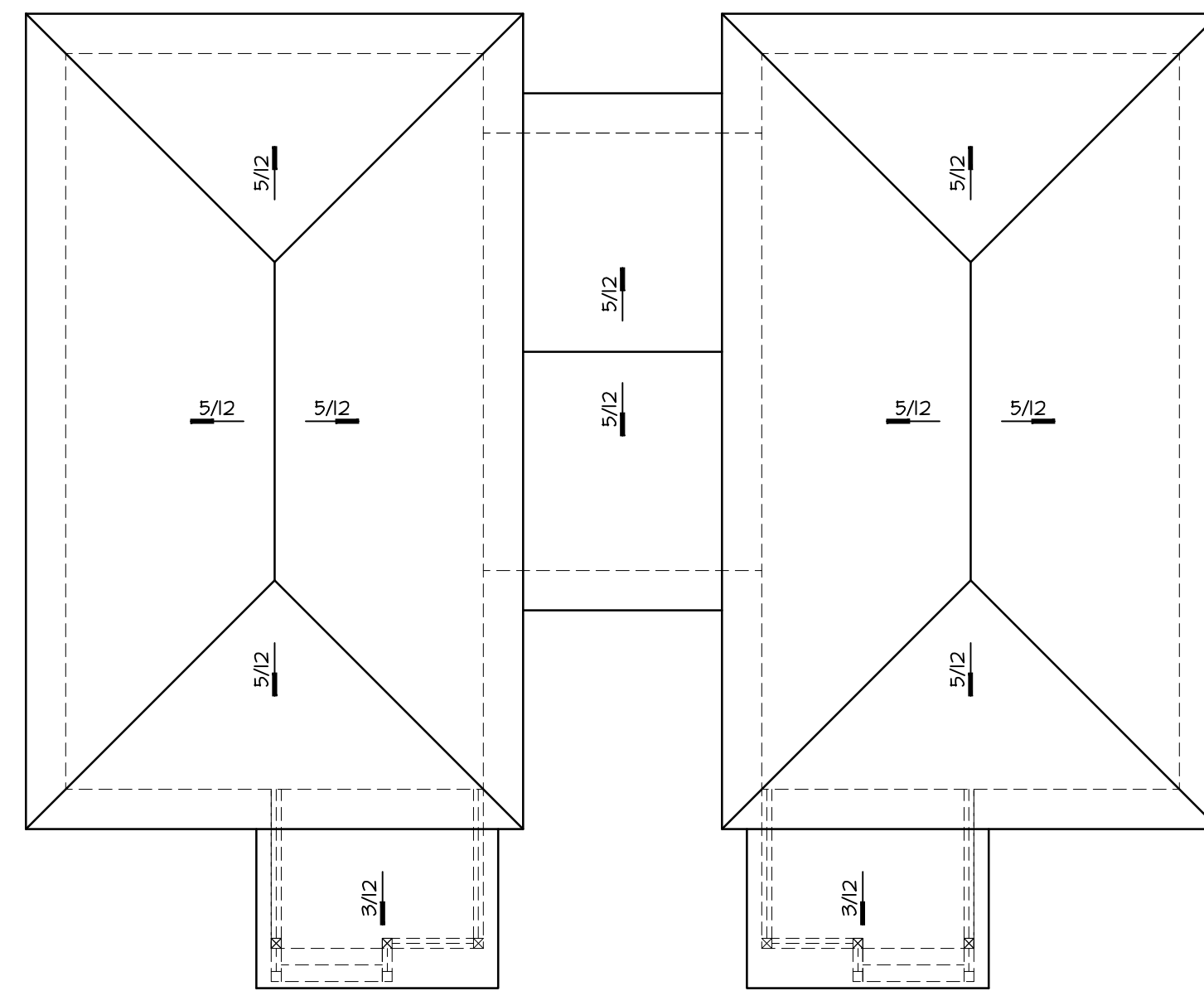
LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"



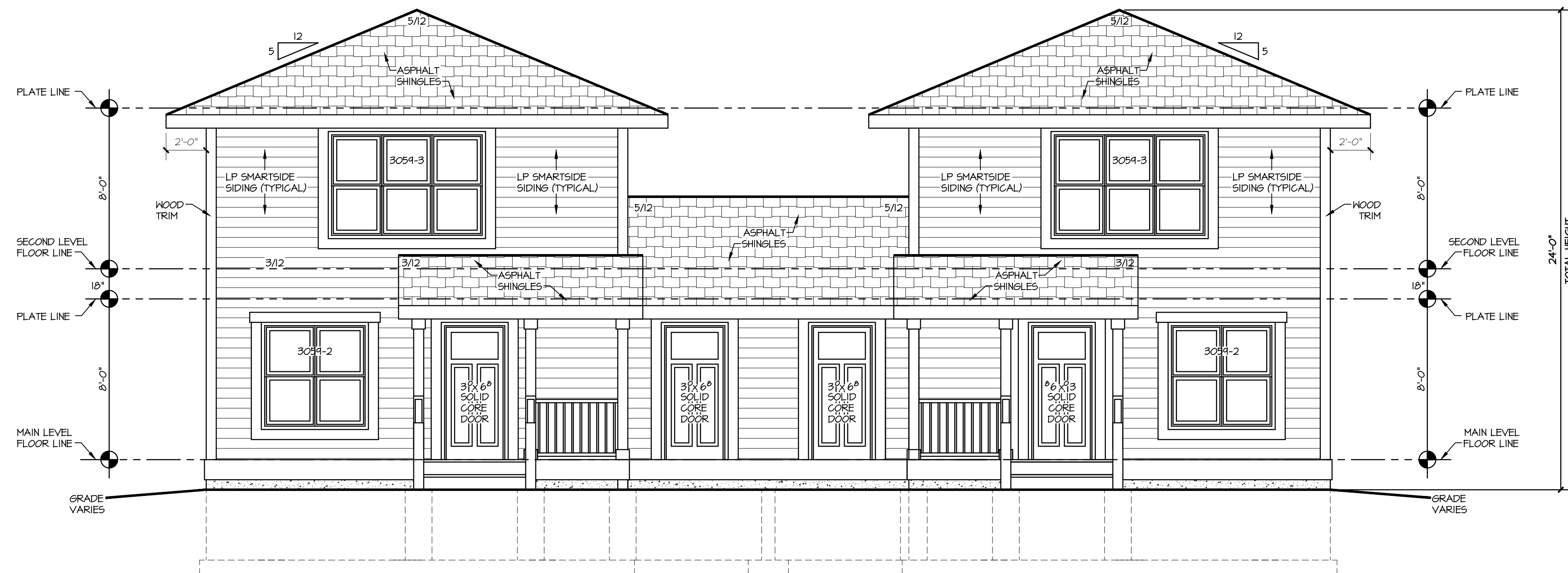
RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



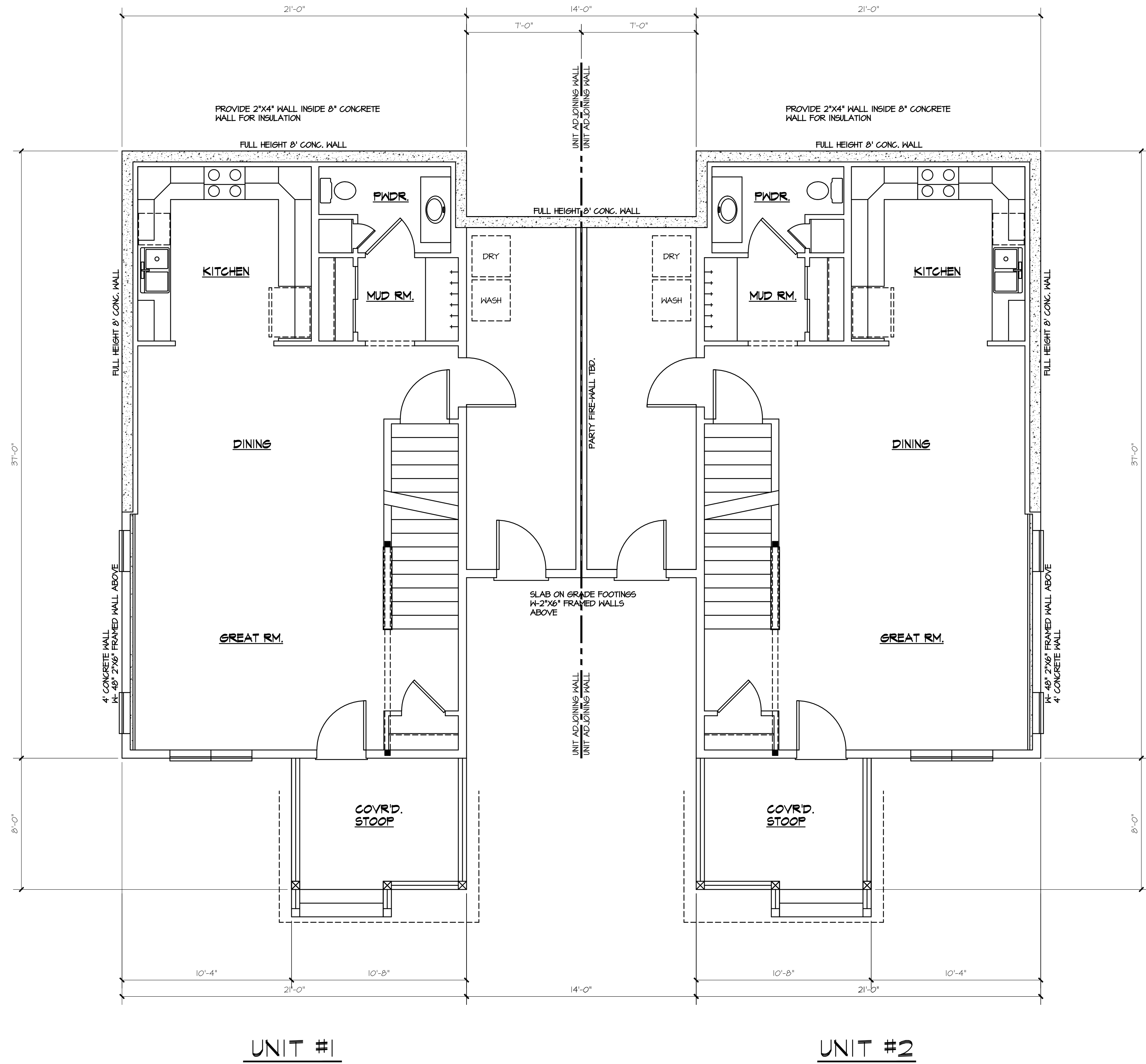
ROOF PLAN
SCALE: 1/8" = 1'-0"

-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 12/5/2023
ZONING PERMIT # ZP-23-331
REVIEWED BY DRB
DEPARTMENT OF PERMITTING & INSPECTIONS
BURLINGTON VERMONT

Build new Duplex and related site improvements



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



MAIN LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

MAIN LEVEL	777 SQ.FT.
SECOND LEVEL	724 SQ.FT.
TOTAL	1501 SQ.FT.

CREATIVE DRAFTING & DESIGN INC.
QUALITY • INTEGRITY • HONESTY
1-802-585-1808

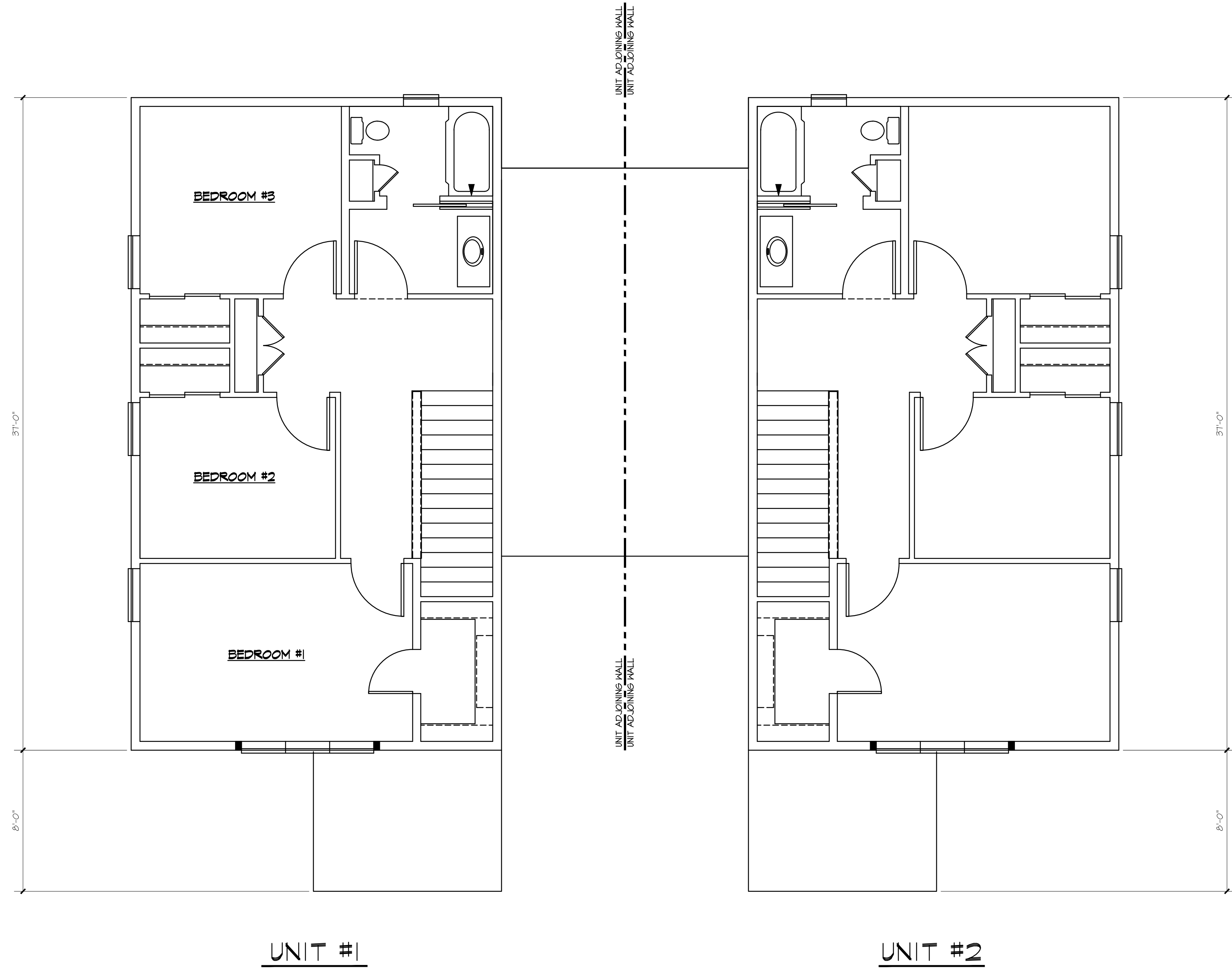
GREEN MOUNTAIN HABITAT FOR HUMANITY

SHEET TITLE
UNIT FLOOR PLANS

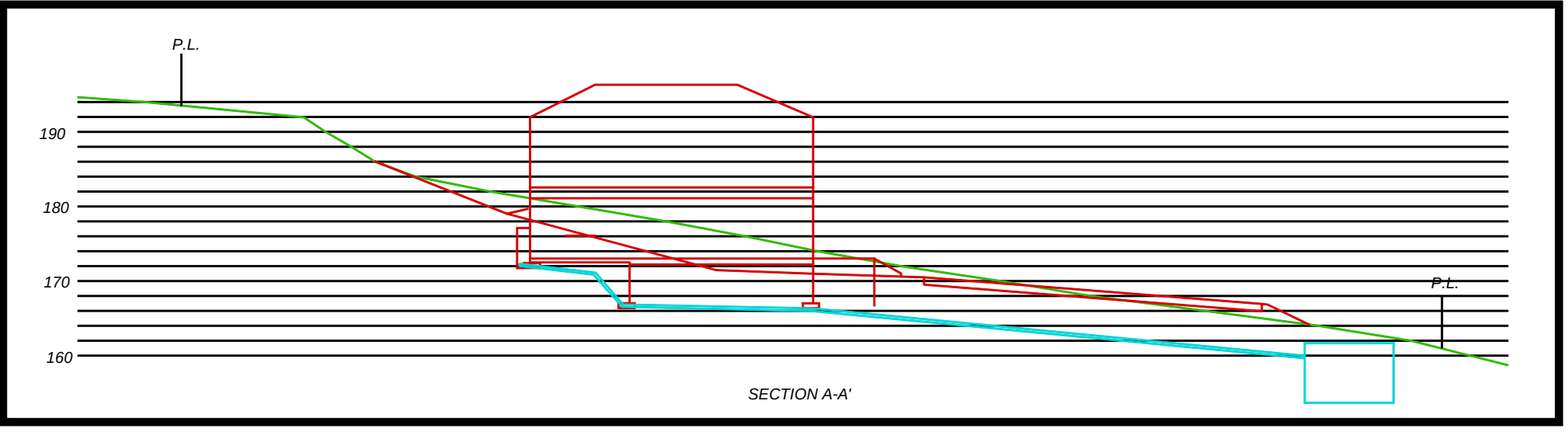
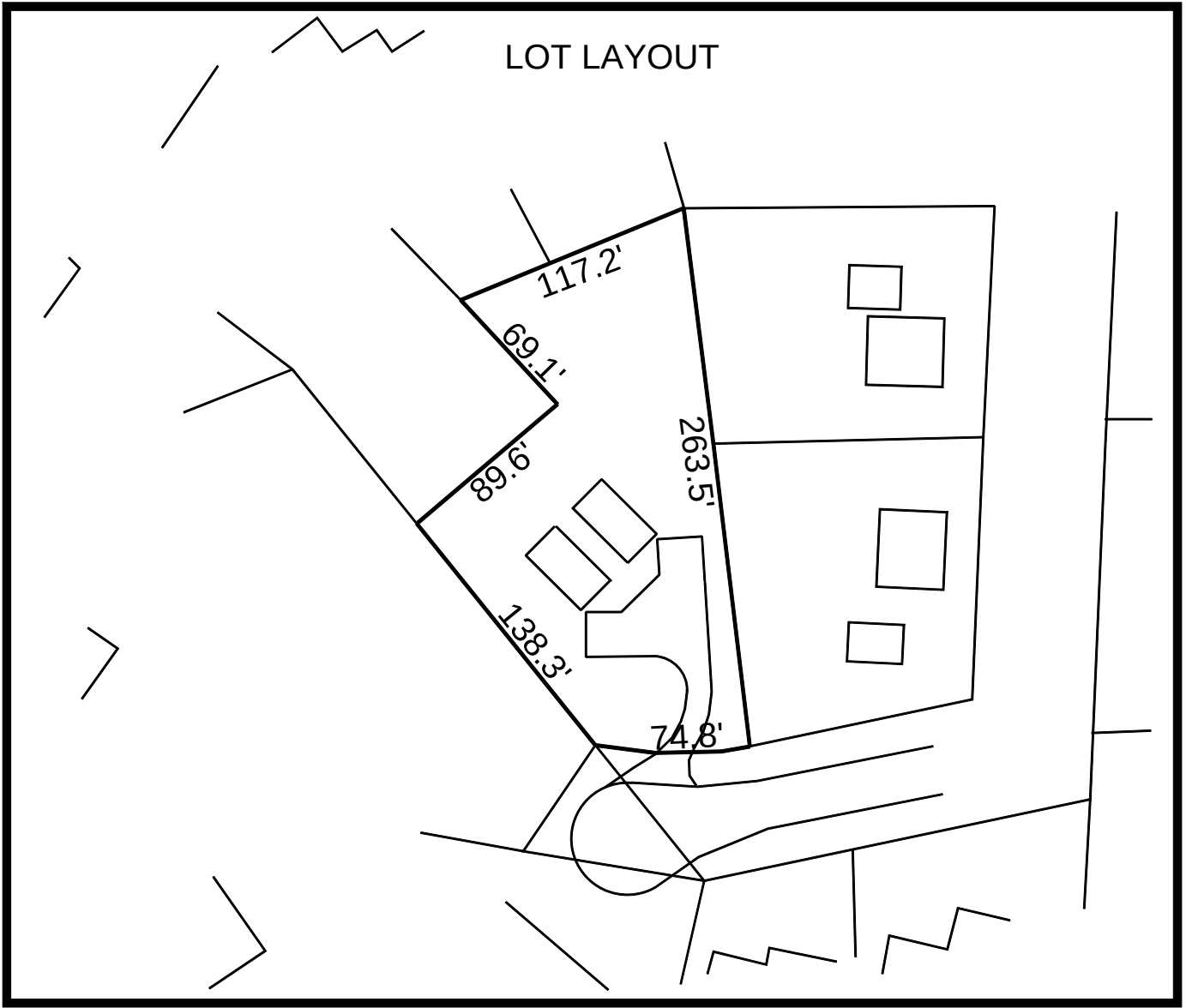
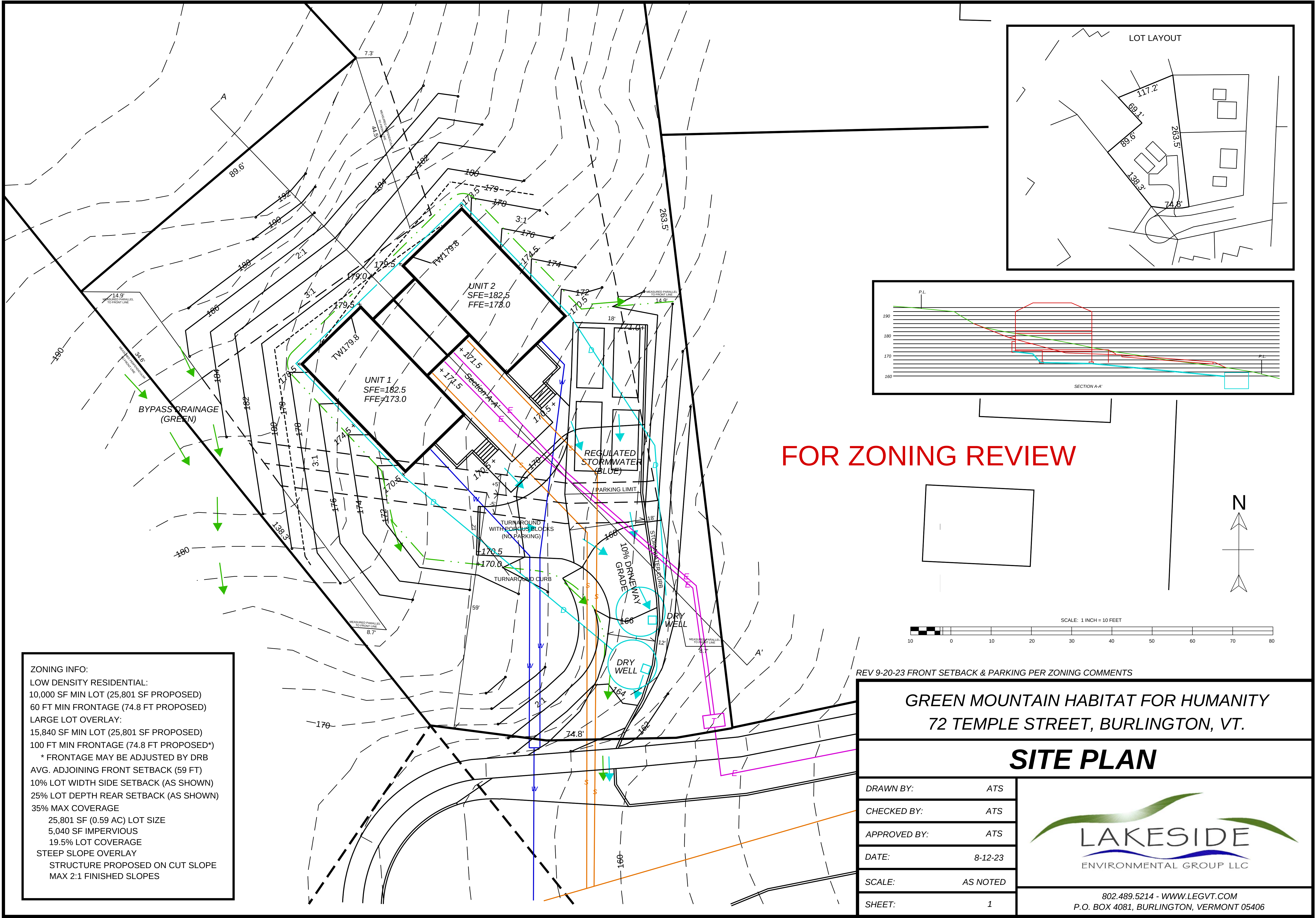
PROJECT NO. .
DATE: 06/21/2023
REV. DATE:

SHEET NO. 4 OF 8
SCALE: 1/4" = 1'-0"

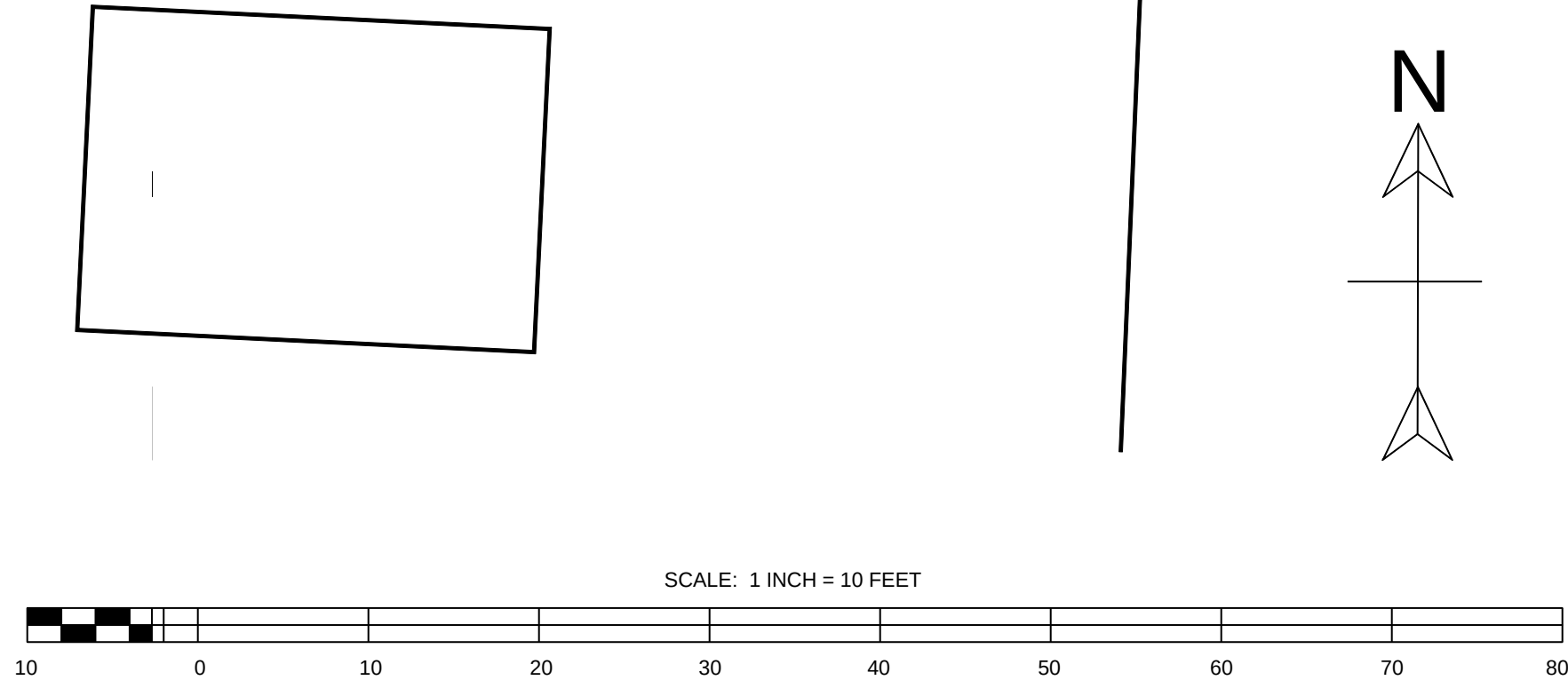
GREEN MOUNTAIN HABITAT-2PLEX.DWG



SECOND LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"



FOR ZONING REVIEW



ZONING INFO:
LOW DENSITY RESIDENTIAL:
10,000 SF MIN LOT (25,801 SF PROPOSED)
60 FT MIN FRONTAGE (74.8 FT PROPOSED)
LARGE LOT OVERLAY:
15,840 SF MIN LOT (25,801 SF PROPOSED)
100 FT MIN FRONTAGE (74.8 FT PROPOSED*)
* FRONTAGE MAY BE ADJUSTED BY DRB
AVG. ADJOINING FRONT SETBACK (59 FT)
10% LOT WIDTH SIDE SETBACK (AS SHOWN)
25% LOT DEPTH REAR SETBACK (AS SHOWN)
35% MAX COVERAGE
25,801 SF (0.59 AC) LOT SIZE
5,040 SF IMPERVIOUS
19.5% LOT COVERAGE
STEEP SLOPE OVERLAY
STRUCTURE PROPOSED ON CUT SLOPE
MAX 2:1 FINISHED SLOPES

REV 9-20-23 FRONT SETBACK & PARKING PER ZONING COMMENTS

GREEN MOUNTAIN HABITAT FOR HUMANITY
72 TEMPLE STREET, BURLINGTON, VT.

SITE PLAN

DRAWN BY:	ATS
CHECKED BY:	ATS
APPROVED BY:	ATS
DATE:	8-12-23
SCALE:	AS NOTED
SHEET:	1

802.489.5214 - WWW.LEGVT.COM
P.O. BOX 4081, BURLINGTON, VERMONT 05406



BILL TO:

LANSING BURLINGTON VT
PO BOX 6649
PO BOX 6649

SHIP TO:

LANSING WILLISTON VT
71 LEROY RD

WILLISTON VT 05495-8917

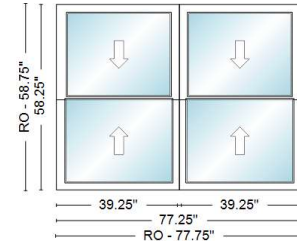
Phone: 804-266-8893 Fax: 8042616743

Phone: 802-660-8111 Fax:

QUOTE NBR	CUST NBR	CUSTOMER PO	DATE CREATED	DATE ORDERED	ORDER TYPE
5616186	1141340	1046188	6/6/2023	7/17/2023 1:05:36 PM	Charge
ORDERED BY	STATUS	SHIP VIA	DELIVERY AREA		
Dick	Ordered	Whse Delivery	Unknown Area		
CLERK		JOB NAME	MESSAGE		
sac	- Steven Chagnon	102 CANYON WINDOWS			

LINE #	DESCRIPTION	QTY	UNIT PRICE	EXTENDED
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10000-1 Classic DH , Unit Size 77.25 x 58.25, RO 77.75 x 58.75
Unit 1, 2: U-Factor = 0.27, SHGC = 0.29, VT = 0.49, HII-M-48-00941-00001, Size Options = Custom Size, New Construction, Inside Extension Jamb Receiver Pocket = Yes, Fully Welded
Frame Width (Inches) = 39.25, Frame Height (Inches) = 58.25
Double Glazed, Double Low E, Argon Filled
Unit Color = White
Program = None, Label Name = Harvey, Double, Sash Limit Devices = Night Latch
Full Screen, Full Screen Mullion, Fiberglass Mesh, Screen Shipping Separate
Integral J Fin, Inside Extension Jamb Receiver Pocket = Yes, Foam Wrap (Pre-Applied) = No
Overall Frame Width (Inches) = 77.25, Overall Frame Height (Inches) = 58.25, Overall Rough Opening Width (Inches) = 77.75, Overall Rough Opening Height (Inches) = 58.75
Clear Opening Width = 34.25, Clear Opening Height = 24, Clear Opening Square Footage = 5.71
E.Star Zone:North=Yes, E.Star Zone:North-Central=Yes
Vertical Common Frame 0" thick, 58.25" length

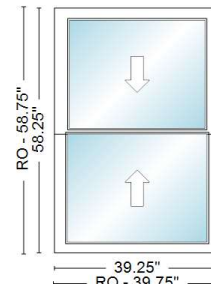


Room Location: LR/ BR

QUOTE NBR	CUST NBR	CUSTOMER PO	DATE CREATED	DATE ORDERED	ORDER TYPE
5616186	1141340	1046188	6/6/2023	7/17/2023 1:05:36 PM	Charge
ORDERED BY	STATUS	SHIP VIA	DELIVERY AREA		
Dick	Ordered	Whse Delivery	Unknown Area		
CLERK		JOB NAME	MESSAGE		
sac - Steven Chagnon		102 CANYON WINDOWS			

LINE #	DESCRIPTION	QTY	UNIT PRICE	EXTENDED
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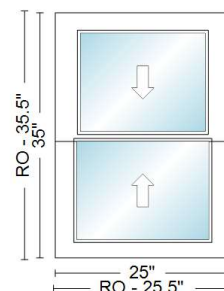
11000-1	Classic DH , Unit Size 39.25 x 58.25, RO 39.75 x 58.75 Unit 1: U-Factor = 0.27, SHGC = 0.29, VT = 0.49, HII-M-48-00941-00001, Size Options = Custom Size, New Construction, Inside Extension Jamb Receiver Pocket = Yes, Fully Welded Frame Width (Inches) = 39.25, Frame Height (Inches) = 58.25 Double Glazed, Double Low E, Argon Filled Unit Color = White Program = None, Label Name = Harvey, Double, Sash Limit Devices = Night Latch Full Screen, Full Screen Mullion, Fiberglass Mesh, Screen Shipping Separate Integral J Fin, Inside Extension Jamb Receiver Pocket = Yes, Foam Wrap (Pre-Applied) = No Overall Frame Width (Inches) = 39.25, Overall Frame Height (Inches) = 58.25, Overall Rough Opening Width (Inches) = 39.75, Overall Rough Opening Height (Inches) = 58.75 Clear Opening Width = 34.25, Clear Opening Height = 24, Clear Opening Square Footage = 5.71 E.Star Zone:North=Yes, E.Star Zone:North-Central=Yes	3	\$349.00	\$1,046.99
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Room Location: BR/ DR

LINE #	DESCRIPTION	QTY	UNIT PRICE	EXTENDED
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12000-1	Classic DH , Unit Size 25 x 35, RO 25.5 x 35.5 Unit 1: U-Factor = 0.27, SHGC = 0.29, VT = 0.49, HII-M-48-00129-00001, Size Options = Custom Size, New Construction, Inside Extension Jamb Receiver Pocket = Yes, Fully Welded Frame Width (Inches) = 25, Frame Height (Inches) = 35 Double Glazed, Double Low E, Argon Filled Unit Color = White Program = None, Label Name = Harvey, Double, Sash Limit Devices = Night Latch Full Screen, Full Screen Mullion, Fiberglass Mesh, Screen Shipping Separate Integral J Fin, Inside Extension Jamb Receiver Pocket = Yes, Foam Wrap (Pre-Applied) = No Overall Frame Width (Inches) = 25, Overall Frame Height (Inches) = 35, Overall Rough Opening Width (Inches) = 25.5, Overall Rough Opening Height (Inches) = 35.5 Clear Opening Width = 20, Clear Opening Height = 12.375, Clear Opening Square Footage = 1.72 E.Star Zone:North=Yes, E.Star Zone:North-Central=Yes	1	\$316.61	\$316.61
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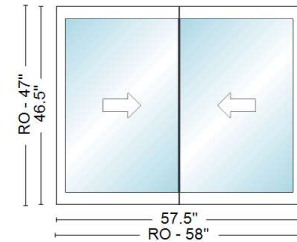


Room Location: BATH

QUOTE NBR	CUST NBR	CUSTOMER PO	DATE CREATED	DATE ORDERED	ORDER TYPE
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ORDERED BY	STATUS	SHIP VIA	DELIVERY AREA		
Dick	Ordered	Whse Delivery	Unknown Area		
CLERK	JOB NAME		MESSAGE		
sac	- Steven Chagnon		102 CANYON WINDOWS		

LINE #	DESCRIPTION	QTY	UNIT PRICE	EXTENDED
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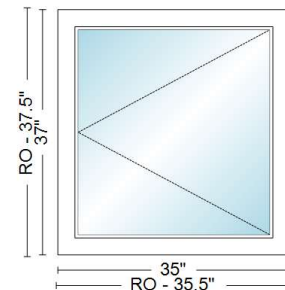
13000-1	Welded Vinyl RW 2-Lite , Unit Size 57.5 x 46.5, RO 58 x 47 Unit 1: U-Factor = 0.26, SHGC = 0.30, VT = 0.55, HII-M-47-00910-00001, Size Options = Custom Size, New Construction, Reverse Sash Pattern = NoUnit 1 Left Glass, 1 Right Glass: HII-M-47-00910-00001 Frame Width (Inches) = 57.5, Frame Height (Inches) = 46.5 Double Glazed, Double Low-E RS, Argon Filled Unit Color = White Program = None, Label Name = Harvey, Double, Pin Exterior Sash = No, Adjust Sash Lock Height = No Full Screen, Fiberglass Mesh, Screen Shipping Separate Integral J Fin, Inside Extension Jamb Receiver Pocket = Yes, Foam Wrap (Pre-Applied) = No Overall Frame Width (Inches) = 57.5, Overall Frame Height (Inches) = 46.5, Overall Rough Opening Width (Inches) = 58, Overall Rough Opening Height (Inches) = 47 Clear Opening Width = 23.5625, Clear Opening Height = 41.875, Clear Opening Square Footage = 6.85 E.Star Zone:North=Yes, E.Star Zone:North-Central=Yes	1	\$476.86	\$476.86
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Room Location: BASEMENT

LINE #	DESCRIPTION	QTY	UNIT PRICE	EXTENDED
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14000-1	Vinyl Casement , Unit Size 35 x 37, RO 35.5 x 37.5 Unit 1: U-Factor = 0.27, SHGC = 0.23, VT = 0.39, HII-M-38-03185-00001, Size Options = Custom Size, New Construction, Inside Extension Jamb Receiver Pocket = Yes, Hinge Left Frame Width (Inches) = 35, Frame Height (Inches) = 37 Double Glazed, Double Low E, Argon Filled None Unit Color = White Program = None, Label Name = Harvey, Standard Fiberglass Mesh, Screen Shipping Separate Integral J Fin, Inside Extension Jamb Receiver Pocket = Yes, Foam Wrap (Pre-Applied) = No Overall Frame Width (Inches) = 35, Overall Frame Height (Inches) = 37, Overall Rough Opening Width (Inches) = 35.5, Overall Rough Opening Height (Inches) = 37.5 Clear Opening Width = 23.5, Clear Opening Height = 31.25, Clear Opening Square Footage = 5.1 E.Star Zone:North=Yes, E.Star Zone:North-Central=Yes, E.Star Zone:South=Yes, E.Star Zone:South-Central=Yes	1	\$427.13	\$427.13
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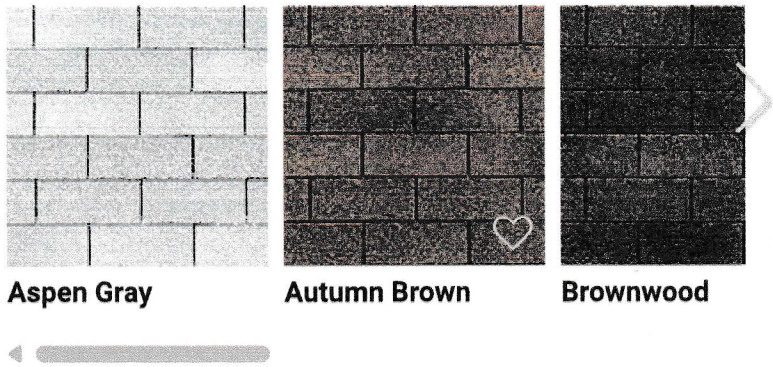
Room Location: KITCHEN

QUOTE NBR	CUST NBR	CUSTOMER PO	DATE CREATED	DATE ORDERED	ORDER TYPE
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ORDERED BY	STATUS	SHIP VIA	DELIVERY AREA		
Dick	Ordered	Whse Delivery	Unknown Area		
CLERK		JOB NAME	MESSAGE		
sac - Steven Chagnon		102 CANYON WINDOWS			

This quotation is based on our interpretation of the information provided. All quantities, sizes, extensions, grand totals, and specifications should be verified by the contractor prior to his/her bidding or ordering of materials. The manufacturer is responsible only for the items as quoted above. Any changes or addendums will be subject to a requote. We propose to supply the materials as described above, subject to terms and conditions. The prices are guaranteed for 30 days from the date of quotation unless otherwise noted. Delivery charges may apply and are not reflected on this quote. We appreciate the opportunity to quote this job.

SUBTOTAL:	\$3,694.41
LABOR:	\$0.00
TAX:	\$0.00
ORDER TOTAL:	\$3,694.41

CUSTOMER SIGNATURE _____ DATE _____



Aspen Gray

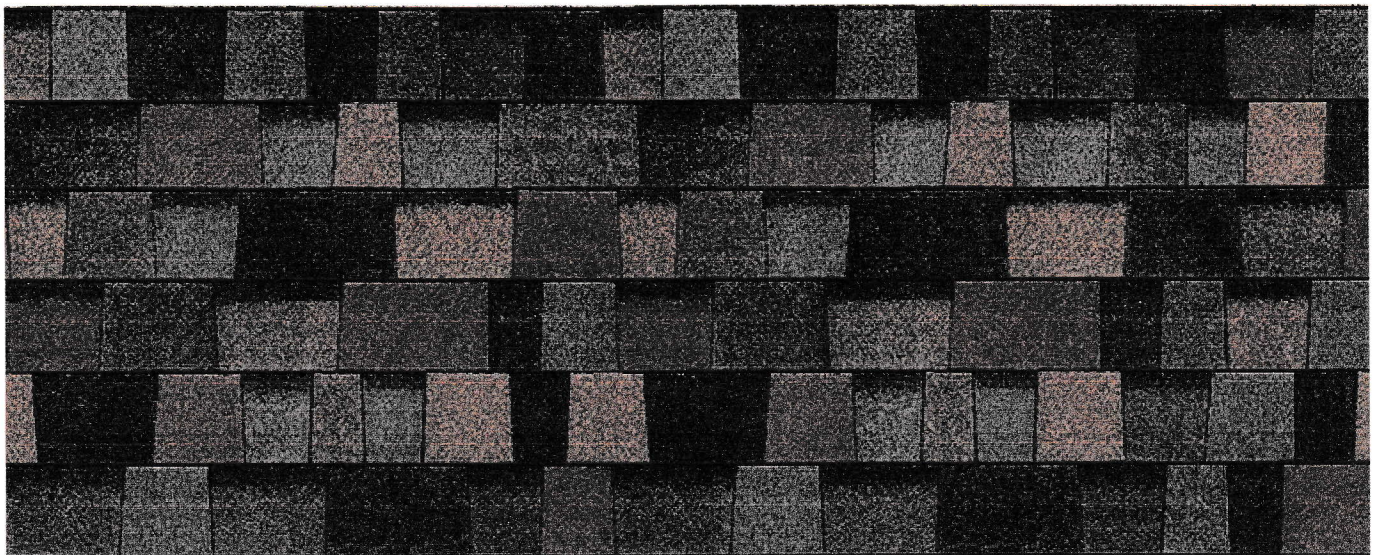
Autumn Brown

Brownwood



AMERICA'S MOST RECOMMENDED™ ROOFING PRODUCTS

Owens Corning® is honored to have earned the 2018-2023 Women's Choice Award® as America's Most Recommended™ Roofing Products. This award is given by women for women. It is based on a national survey that measures brand preference by female consumers.



COLOR ACCURACY

As color experts, we know getting the shingle color right is a big part of any roofing purchase. We recommend you start online to research and narrow down your shingle color options. Due to

TruDefinition®
DURATION® DESIGNER \$\$\$\$



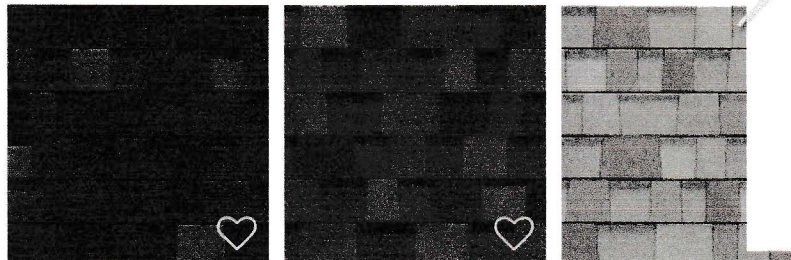
Bright, bold and brilliant colors for spectacular curb appeal, with the high performance of SureNail® Technology.



TruDefinition®
DURATION FLEX® \$\$\$\$



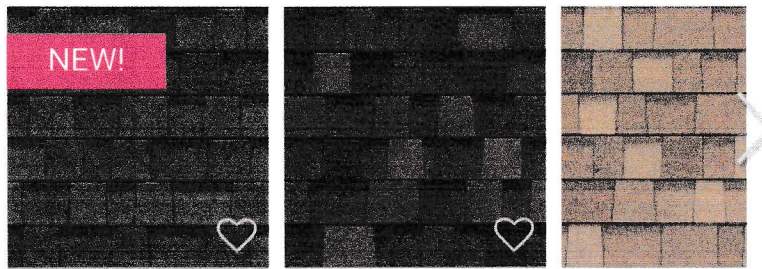
SBS polymer modified shingle that meets the highest impact rating possible, UL2218 Class 4 with SureNail® Technology



OAKRIDGE® \$\$\$\$



A step-up from three-tab shingles, these architectural shingles provide long-lasting performance and striking beauty.



Teak

Brownwood

Desert Tan

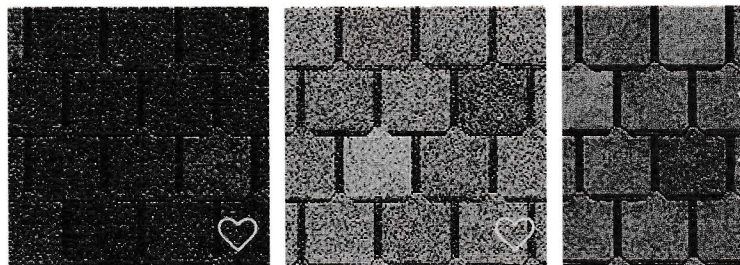


BERKSHIRE® \$\$\$\$



Architectural shingles resemble natural slate & feature large tab and unique shadow lines for an added look of dimension

⚠ This product has limited availability: Continue to check this page for updates. | [Explore Duration Series Shingles](#)



Canterbury Black

Colonial

Concord



SUPREME® \$\$\$\$



Traditional, non-dimensional three-tab shingles balance weather resistance and value.



S11801

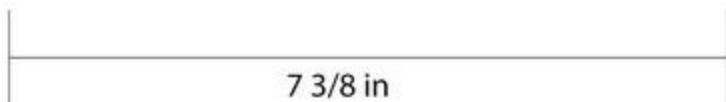
LED

Color Changeable – 5 color settings

65W
EQUIVALENT
EQUIVALENT
EQUIVALENT**9W
DOWNLIGHT
RETROFIT**LUMINARIA DE
EMPOTRABLELUMINAIRE
POUR LA
RENOVATION

90° BEAM

DIMMABLE*Se puede usar
con atenuadoresPeut être utilisé
avec gradateurs**5 YEAR WARRANTY****Brightness**800**
lumensEstimated
Energy Cost**\$1.08**
per yearEfficiency Standards**T20**California
Title 20
Residential
Compliant**50,000 HOURS**
HORAS/HEURES



The perfect accent makes the perfect home.

As one of North America’s largest manufacturers of siding profiles and accessories, Kaycan is renowned for offering a vast array of innovative, long-lasting and low maintenance products. Our accessories, accent products and trims offer the perfect finishing touch for the look you’ve always imagined.

Kaycan... Building Lasting Impressions.

Built on more than 40 years of experience, all our Kaycan vinyl siding and accessories are designed to last for decades. Kaycan has got you covered as all our products are backed by a limited lifetime warranty.



KAYCAN

All Kaycan vinyl sidings and accessories are backed by a lifetime limited warranty.



VERONA
EXTERIOR COLOR INSPIRATION

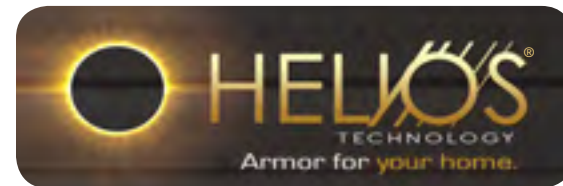


KAYCAN

VERONA

Exterior Color Inspiration

The VERONA COLLECTION, featuring our Helios® Technology, combines the perfect choice of bright, vivid colors and a unique woodgrain, creating a breathtaking effect. This stunning, vibrant color palette, was carefully selected by our design team alongside architects; these bold colors will be trending throughout the year. The pop of color offered by our Verona Collection will surely grab attention! Illuminate your home with extraordinary color!

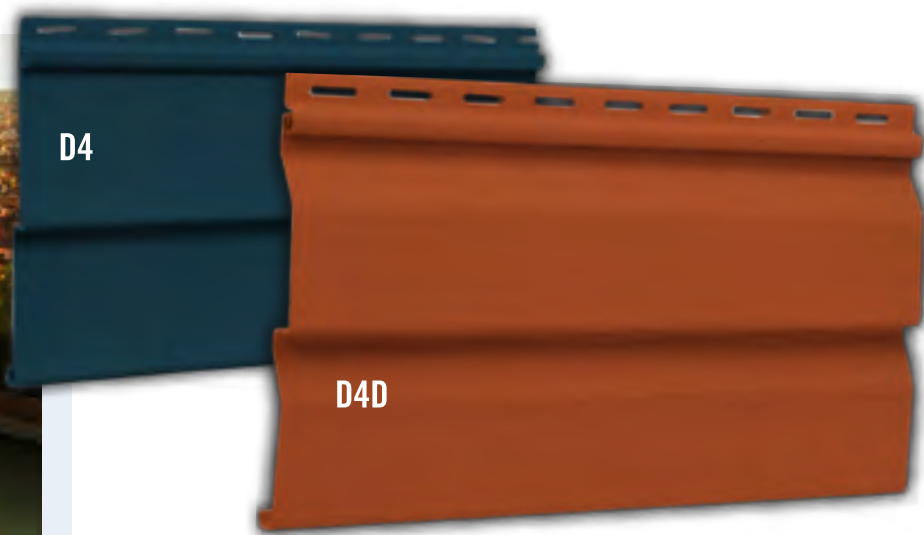
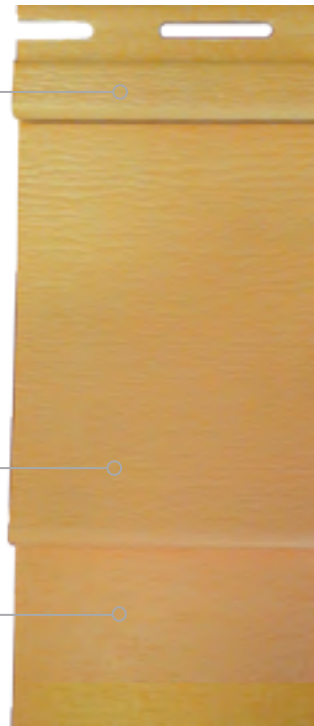


Intense heat from the sun's rays can take a toll on the exterior of your home. Dark colored siding creates an even bigger challenge. **HELIOS® Technology** provides unique properties and heat resistance capabilities that are ideal for these beautifully vivid colors. **HELIOS® Technology** protects your home's beauty for years to come.

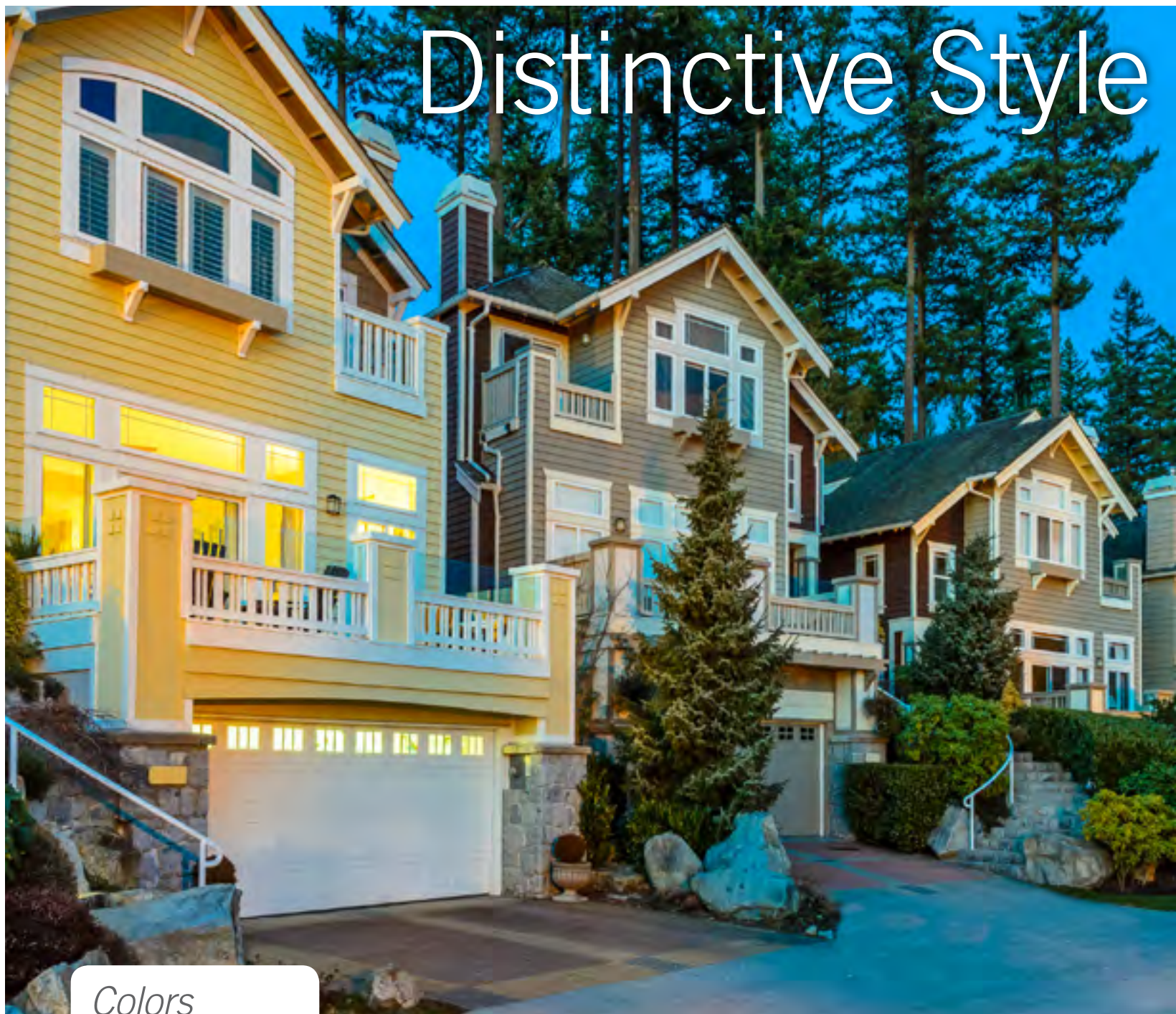
Premium thickness
for added impact resistance

New Technology
Manufactured with our Colorfast™ and Helios® technologies providing a 25-year fade resistance warranty

We've Got You Covered!
Limited lifetime warranty



Distinctive Style



Colors

Golden Honey	Autumn Harvest	Urban Blue
Boulder Gray	Java Brown	Tundra



BILL TO:

 LANSING BURLINGTON VT
 PO BOX 6649
 PO BOX 6649

SHIP TO:

 LANSING WILLISTON VT
 71 LEROY RD

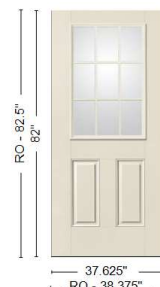
WILLISTON VT 05495-8917

Phone: 804-266-8893 Fax: 8042616743

Phone: 802-660-8111 Fax:

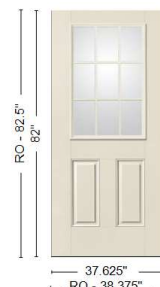
QUOTE NBR	CUST NBR	CUSTOMER PO	DATE CREATED	DATE ORDERED	ORDER TYPE
5624747	1141340	1046188	6/15/2023	Quote Not Ordered	Charge
ORDERED BY		STATUS	SHIP VIA	DELIVERY AREA	
Dick		None	Whse Delivery	LONDONDERRY MANUFACTURING	
CLERK		JOB NAME		MESSAGE	
sac - Steven Chagnon		102 Canyon Estates			

LINE #	DESCRIPTION	QTY	UNIT PRICE	EXTENDED
10000-1	Smooth-Star , Unit Size 37.625 x 82, RO 38.375 x 82.5 Call Width = 30, Call Height = 68, Frame Width (Inches) = 37.625, Frame Height (Inches) = 82 Clear, Flush-Glazed = No, Standard Program = None Overall Frame Width (Inches) = 37.625, Overall Frame Height (Inches) = 82 S262 Door Grille Options = White Contour In-Glass Grille Hinge Direction (As Viewed From the Outside) = Hinge Right, In-Swing Duraplast Composite Vinyl, 6 9/16", Mill Composite Adjustable Sill, Sill Pan (Recommended for Proper Installation) = No Bore Lockset & Deadbolt, Door Sleeve Type = Harvey Logo, Brush Nickel Ball Bearing Fast Track = Yes Primed Finger Jointed Brickmold	1	\$895.00	\$895.00



Room Location: None Assigned

LINE #	DESCRIPTION	QTY	UNIT PRICE	EXTENDED
11000-1	Smooth-Star , Unit Size 37.625 x 82, RO 38.375 x 82.5 Call Width = 30, Call Height = 68, Frame Width (Inches) = 37.625, Frame Height (Inches) = 82 Clear, Flush-Glazed = No, Standard Program = None Overall Frame Width (Inches) = 37.625, Overall Frame Height (Inches) = 82 S262 Door Grille Options = White Contour In-Glass Grille Hinge Direction (As Viewed From the Outside) = Hinge Left, In-Swing Duraplast Composite Vinyl, 6 9/16", Mill Composite Adjustable Sill, Sill Pan (Recommended for Proper Installation) = No Bore Lockset & Deadbolt, Door Sleeve Type = Harvey Logo, Brush Nickel Ball Bearing Fast Track = Yes Primed Finger Jointed Brickmold	1	\$895.00	\$895.00



Room Location: None Assigned

QUOTE NBR	CUST NBR	CUSTOMER PO	DATE CREATED	DATE ORDERED	ORDER TYPE
5624747	1141340	1046188	6/15/2023	Quote Not Ordered	Charge
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Dick	None	Whse Delivery	LONDONDERRY MANUFACTURING		
CLERK		JOB NAME	MESSAGE		
sac - Steven Chagnon		102 Canyon Estates			

****Note: Delivery charges may apply and are not included on this quote.**

This quotation is based on our interpretation of the information provided. All quantities, sizes, extensions, grand totals, and specifications should be verified by the contractor prior to his/her bidding or ordering of materials. The manufacturer is responsible only for the items as quoted above. Any changes or addendums will be subject to a requote. We propose to supply the materials as described above, subject to terms and conditions. The prices are guaranteed for 30 days from the date of quotation unless otherwise noted. Delivery charges may apply and are not reflected on this quote. We appreciate the opportunity to quote this job.

SUBTOTAL:	\$1,790.01
LABOR:	\$0.00
TAX:	\$125.30
ORDER TOTAL:	\$1,915.31

CUSTOMER SIGNATURE _____ DATE _____

Photos re: Rockland Condomiums residents' issues with & concerns about Green Mt. Habitat for Humanity's activities at 72 Temple St.



Photo 1: Green Mt. Habitat for Humanity contracted "excavator" Ray Piche and unidentified worker trespassing on the roof of our home (Rockland Condomiums, 3 Rockland St.), hurriedly attempting to remove the tree they felled onto it. July 22, 24, approximately 2:30PM



Photo 2: Green Mt. Habitat for Humanity contracted "excavator" Ray Piche and inidentified worker trespassing on the roof of our home (Rockland Condomiums, 3 Rockland St.), hurriedly attempting to remove the tree they felled onto it. July 22, 24, approximately 2:30PM



Photo 3: Structural roof damage caused by July 22, 2024 GMHFH tree felling incident, interior view, Rockland Condominiums, unit A.



Photo 4: Structural roof damage caused by July 22, 2024 GMHFH tree felling incident, interior view Rockland Condominiums, unit B.

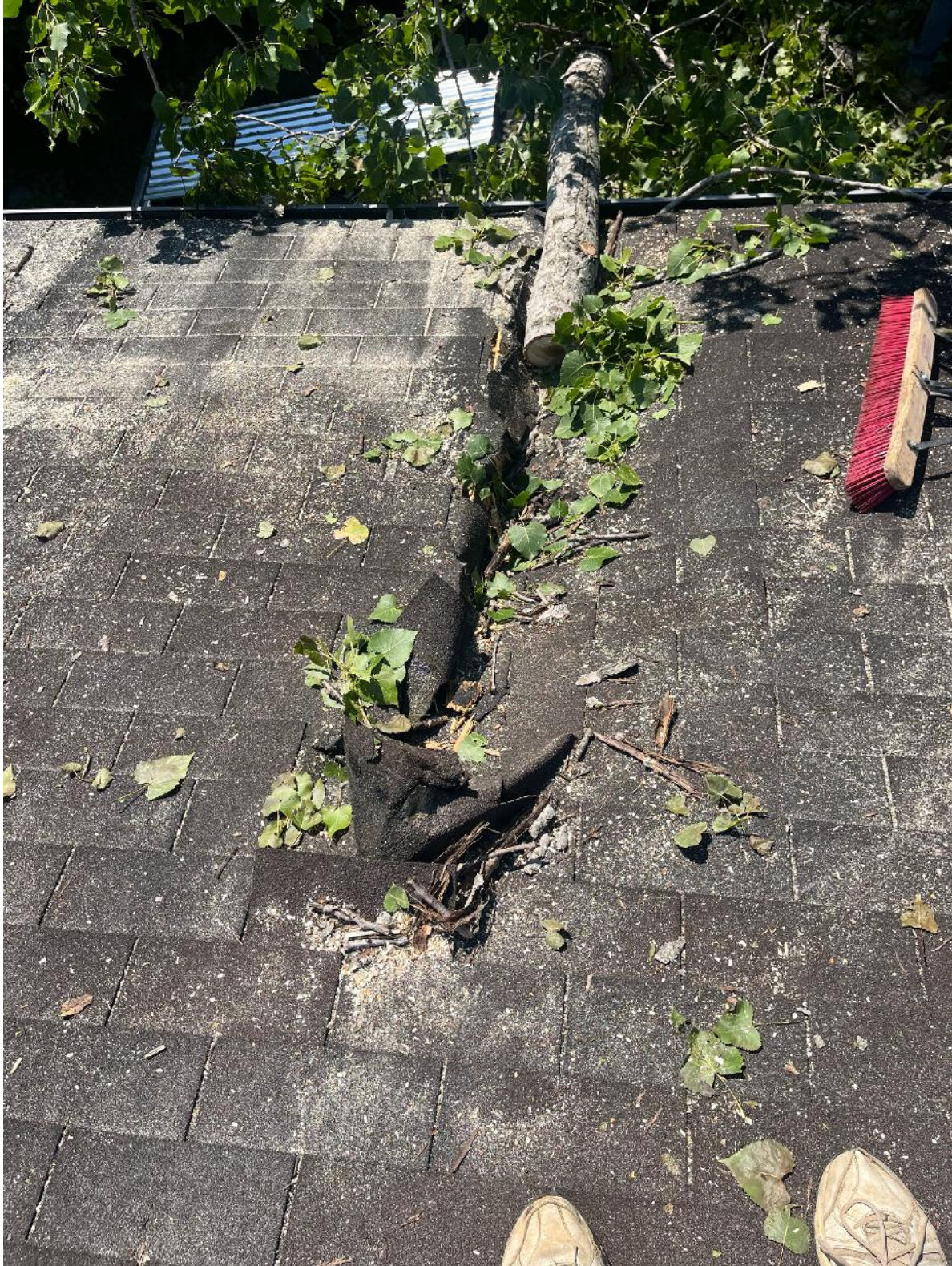


Photo 5: Roof damage caused by GMHFH tree felling incident, exterior view. July 22, 2024.



Photo 6: Damage caused by GMHFH tree felling incident, exterior view. July 22, 2024.

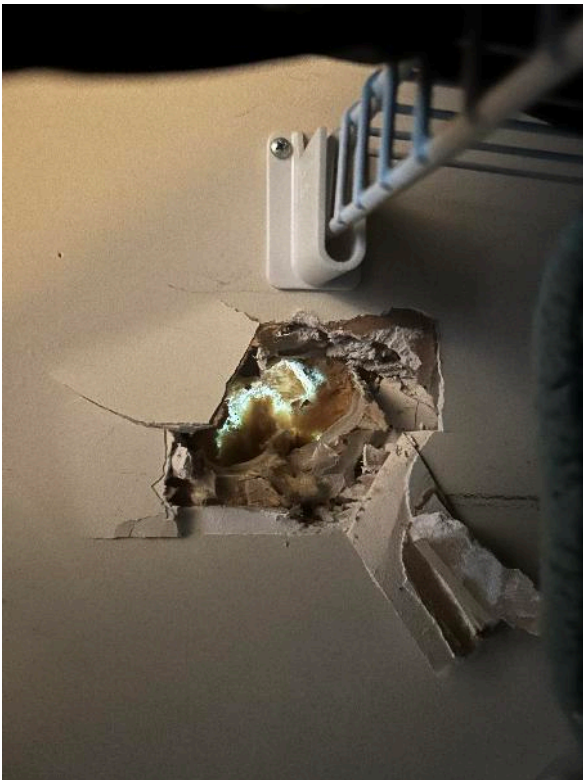


Photo 7: More damage caused by July 22, 2024 GMHFH tree felling incident, interior view.



Photo 8: Retaining wall and man-made hill constructed along property line by GMHFH. Photo taken Aug. 28, 10:54AM. Stakes indicate property line; Rockland Condominiums property to the right of stakes.



Photo 9: Retaining hill constructed along property line during August, September, October by Green Mt. Habitat for Humanity. Natural grade visible to the right; constructed, steep grade on the left. Photo taken 12/31/24



Photo 10: Retaining hill constructed by Green Mt. Habitat for Humanity. Natural grade visible to the right; constructed, steep grade to the left. Photo taken 12/31/24



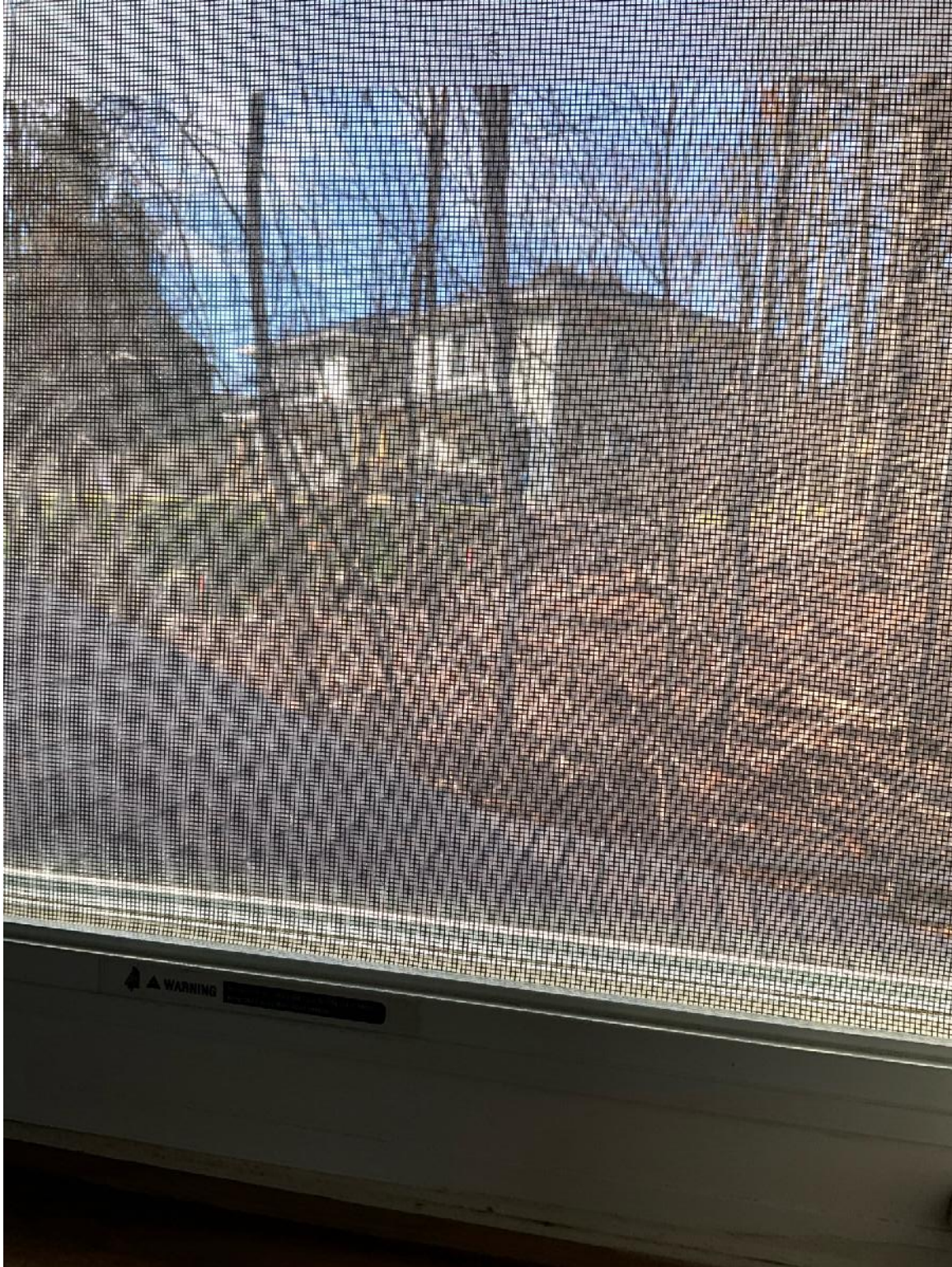


Photo 11: Near full loss of privacy between homes and destruction of late-day shade by Green Mt. Habitat for Humanity's permit violation (see Zoning Complaint Investigation ZCPT-24-21, removal of originally permitted "tree buffer" between properties). Photos taken 12/31/24.



Photo 12: Green hill shown between trees indicates the permit violation area that was cleared instead of left as a "tree buffer" between properties. Trees on said hill were the same mix and maturity as adjacent trees on 3 Rockland St. property.



Photo 13: Interior view, Rockland Condominiums. Cleared hill and resulting loss of privacy and shade.

Statement re: 72 Temple St. permits & violations - by Ali Lanzetta of Rockland Condominiums

12/31/24

I have many notes about my experience with this project and my concerns regarding its associated permit applications. I live in Rockland Condominiums at 3 Rockland St., which directly abuts 72 Temple St. and has been dramatically affected by the activities on this site since clearing and building began over a year and a half ago.

1. REMOVAL OF TREE BUFFER / PERMIT VIOLATION, re: ZP-24-526 "Amend ZP-22-625 for additional construction-related tree removal and new plantings."

I don't see any specific plan in the application materials submitted by Green Mt. Habitat for Humanity (GMHFH/the applicant) for the DRB's review re: property line erosion mitigation. I looked over the landscaping illustration/plan and materials carefully and my initial feeling is that it does next to nothing to address the damage caused by the permit violation (GMHFH's complete destruction of permitted "tree buffer" along the eastern property line that abuts the 3 Rockland St./Rockland Condominiums (RC) property). "SEED NATIVE PERENNIAL WOOD/SHRUBS + LIVE DOGWOOD STAKES" is a grossly insufficient plan to remedy the damage and hazard created by having unlawfully removed the 8+-foot wide swath of mature hardwoods that provided both privacy and erosion control along the shared property line. It does next to nothing to address the severe loss of privacy and the dramatically exacerbated erosion hazard, and its language is extremely vague. What does it actually mean GMHFH will do? From the wording, it seems to me that, if this "plan" were approved, the applicant could plant one seed and two dogwood stakes and be in compliance. And why aren't any evergreens planned for this exposed area? Evergreens would, at the very least, eventually make up for some of the lost privacy on our property and in our home, as well as provide some measure of privacy for the occupants of the new home on Temple St.

2. EROSION PREVENTION

I don't see anything in the March 26 "Erosion Prevention and Sediment Control" permit ([EPSC-24-20](#)) that details how GMHFH was initially planning to address the erosion hazard they created with the project - this permit is still active and hasn't been resolved. Why? GMHFH has now created a much more extreme erosion danger by removing the tree buffer and building a retaining wall and dramatically graded hill on our property line, but the language in this entry is very vague and doesn't have any specifics that make sense to me re: initial plans for erosion control. What exactly is the current plan to mitigate threat of erosion and resulting potential damage to the abutting downhill property (3 Rockland St.)?

In the supplemental materials I submitted, there are photos that illustrates what we can clearly see at our property, which is the natural grade of the hill that slopes up to the Temple St. property from our home vs. the new extreme grade (a cliff) the applicant created with the constructed wall and all the extra material they brought in (boulders, dirt, etc.) to backfill it. It's obviously that this creates a whole new/additional erosion problem.

3. TREE DAMAGE AND RESULTING DAMAGE TO ABUTTING PROPERTIES AND MATURE TREES

There are photos and videos in my submitted media packet that show the damage caused when GMHFH felled a large tree onto our home on July 22 of this year, collapsing part of our roof. I understand that this hearing is to address permitting and violation remedies and is unrelated to this specific incident, but **the incident is important to note for two reasons.**

- Reason #1: the mature cottonwood GMHFH dropped on our house was leaning downhill so dramatically **as a result of their permit violation** (tree buffer removal / clearing of mature trees abutting ours) that it eventually would have fallen on its own and likely caused the same damage that the applicant's reckless felling of it caused. It is unfortunate that when GMHFH tried to take the tree down to prevent it from coming down itself onto our home, they dropped it directly onto our home, but the very fact of the way it fell illustrates a critical point: if GMHFH doesn't come up with a better plan to manage the now more-drastic threat of erosion along our property line they created by removing the planned tree buffer and subsequently adding a retaining hill, it's probable that more of our mature trees will fail and fall in the future, resulting in similar (or even more drastic) damage to our property and our home.
- Reason #2: ALL of the now-compromised trees on our (RC's) side of the line technically "belong" to us (RC), so their very failure, *regardless of additional property damage*, is and will be technically destruction of our property.

The DRB should take both of these points into account when considering GMHFH's application and lack of sufficient plan for damage mitigation because a) mature tree failure is a very real and immediate threat caused by this project, its builders, and their recklessness and specific noncompliance with the approved permit(s) that could result in additional loss of property and threats to the safety of nearby residents, and b) the DRB knowingly approving any activities or project that clearly endanger its residents and their property is, to put it plainly, unacceptable.

4. VIOLATION AREA, PROPOSED PLAN, AND OUTDATED PHOTOS/MISREPRESENTATION

The photos included in the application ([ZP-24-526](#)) "to amend ZP-22-625 for additional construction-related tree removal and new plantings" are from **August 20**, before the driveway was prepared, before the wall and retaining hill were built, and well before the driveway and walkway were fully paved. That seems misleading to me. The area to be "amended" not only looks completely different now, but is structurally altered pretty drastically from when these photos and application materials were submitted to the city for review. My media packet submitted for the DRB's review contains photos of the area as it looks right now. The green visible on the hill in the photos is purportedly rye, which was planted after many truckloads of rocks, boulders, and dirt were piled on the eastern (RC) side of the concrete retaining wall. Much of it slide down the hill, over the line and onto our property.

5. ACCOUNTABILITY

I would like to know how exactly the city has held or is holding GMHFH accountable for their multiple permit violations on this site and all the issues those violations and this project have created for neighboring properties and residents over the past couple of years.

Letter sent via email by Ali Lanzetta of Rockland Condominiums to David Mullin of Green Mt. Habitat for Humanity, on August 28, 2024. CC'd: Steve Cormier, William Ward, Mary O'Neil, Garret King, and other interested parties, summarizing issues with and concerns about 72 Temple St. project.

August 28, 2024

Attn: David Mullin, CEO Green Mountain Habitat for Humanity (GMHFH)

The 72 Temple Street Burlington GMHFH building site has now officially been found to be in violation of its building permit on several counts.

Marked lack of reasonable supervision on this site—as well as gross disregard of several basic safety standards for construction and site preparation—resulted in a tree being felled directly onto my home at Rockland Street / Rockland Condominiums on July 23, 2024 by the contractor hired by GMHFH to direct and execute this project, Ray Piche. The tree was very large and hit our ridge pole when it fell, partially collapsing our roof and causing other structural damage throughout our home. Piche was directed, we assume, by the individuals overseeing and managing of this project and, as such, directing their workers to carry it out according to the city-approved permit, which makes both Piche *and* the project's supervisors (David Mullin, Dick Shasteen) liable for the resulting damages to the surrounding properties, including ours.

Our complaints and ongoing concerns about the activity on this site are valid: we currently have multiple broken rafters, cracked and fully punctured interior walls, and a 12' hole in the roof of our home as a result of the tree-felling incident, not to mention many damaged and destroyed mature trees on our property as well as other damage to the exterior of our home such as smaller holes in the roof, broken shutters, and a broken fence. This project has now officially failed at least two city permit inspections, having been found to be in non-compliance with the approved building permit, multiple violations noted.

Our home and property has already been seriously compromised by the permit violations on this site, notably the removal of the planned and approved tree "buffer" which was reportedly an important part of the project's erosion control plan. The tree that was removed from the site because it was leaning dangerously toward our home likely would not have had to be removed at all if the permit's approved "buffer" was left in place, and the approved plan complied with as was supposed to be required by the permit.

Not only did this particular permit violation occasion the need to remove the tree that ultimately collapsed our roof and damaged and destroyed mature trees on our property when felled recklessly, but it's also compromised the health and stability of many other standing mature trees on our land, which could—and likely will—lead to their eventual failing and falling, causing further damage our home and property. The mature trees that were damaged and destroyed on our side of the property line belong(ed) to us and cannot be replaced, and their loss will further contribute to the serious erosion hazard created by this project.

The trees (on both sides of the line) also provided some measure of privacy between our home and the new house site, and that privacy has now been compromised dramatically. We've lived here for a long time and we are shocked and disgusted at the agency's flagrant disregard for neighbors. Especially for a humanitarian organization with a purportedly altruistic mission, this total lack of consideration for the people who already live here is truly disgraceful. We're also surprised and dismayed by the city's general dismissiveness and lack of timely, meaningful action to address the unsafe and unapproved activity on this construction site.

The list of incidents over the past several months that have resulted from negligence and recklessness at this job site is long and continues to grow. The July 23 incident was the most dramatic, but there have been many others, including:

- A streetlight (standard, 25' tall or so) was knocked over by a worker's truck, blocking a neighbor's driveway and nearly landing on their car.
- The internet cable was cut multiple times, knocking out the internet in the surrounding homes. Burlington Telecom has had to come out to replace the cable at least twice since this project began.
- Very large trees have been repeatedly felled without the use of any standard mature tree work equipment to direct the fall (as was the case with the tree felled onto our home), resulting in mature trees belonging to at least 3 separate abutting properties being damaged and destroyed by contracted workers felling trees directly onto neighboring landscapes.
- Abutting properties have been repeatedly trespassed upon by felled trees, building equipment, and construction materials, as well as by the workers themselves.
- As recently as last week, one abutting neighbor couldn't get a medical delivery because of vehicles blocking her driveway.

Additionally, as the city permitting officials have now verified the unauthorized removal of the permitted tree buffer between the property line and the proposed parking area, it's clear that the prepared parking area, sidewalk, and driveway are now in violation of the permit specifications as well because they've been relocated and are now significantly closer to the property line than originally planned. A retaining wall has also recently been installed in this area near the eastern property line, and we see no evidence of any permit for this addition. Separate complaints have been filed today regarding each of these issues, both include photographs taken within the last several hours.

The proposed tree buffer, driveway, and parking area are directly uphill from our abutting property line and their placement on the site, as such, were reportedly determined within a broader drainage and erosion control plan. The relocation of these areas and all corresponding excavation, removal of natural material, addition of different material, etc., will affect that plan significantly, directly impacting the abutting property at 3 Rockland Street which, again, is directly (and very closely) downhill from this area.

The unsupervised, inconsiderate, disrespectful, and reckless activity on this building site has seriously endangered the residents (tax paying citizens of Burlington, just trying to live their lives and get by like everyone else) of the surrounding homes, and has repeatedly threatened, damaged, and in some cases destroyed our property, and it's inconceivable to us that nobody with any authority over this site, permit, or project seems to care whatsoever.

The violations detailed here—especially in relation to erosion control, tree clearing, and drainage—have endangered and will continue to endanger residents on the abutting properties, and compromise the integrity of our homes and our land. We are asking you, as the de facto owner of this property, and director of the project and the individuals hired to carry it out, to please step in and address these violations before more damage is done. The tree that was felled onto our home could have easily killed someone. Same with the streetlight.

We want to know what GMHFH's plans are for remediation and compensation to the affected parties. We would also like to know how the city of Burlington intends to hold the owner of this property accountable for these violations.

We expect a meaningful response by the end of this week (Friday, August 30).

Thank you in advance for prioritizing this.

Ali Lanzetta and co-owners, Rockland Condominiums
3 Rockland St., Burlington VT
(603) 781-9177

from: **ali lanzetta** <[REDACTED]>
to: David Mullin <[REDACTED]>,
Steve Cormier <[REDACTED]>,
William Ward <[REDACTED]>
cc: John Summa <[REDACTED]>,
Lisa Hardy <[REDACTED]>,
Josh Lanzetta <[REDACTED]>,
Patrick Lanzetta <[REDACTED]>,
Mary O'Neil <[REDACTED]>,
Garret King <[REDACTED]>,
BARRY DELIDUKA <[REDACTED]>
bcc: Marion Lanzetta <[REDACTED]>
date: Aug 28, 2024, 1:38 PM
subject: Inquiry into plans to address 72 Temple St. permit
violations affecting surrounding properties
mailed-by: gmail.com

From: **John Summa** <[REDACTED]>
Date: Tue, Dec 31, 2024, 11:38 PM
Subject: Evidence of reckless tree removal
To: John Summa [REDACTED]>

See attached video: R.J. Piche knocks a large white pine onto neighboring property causing damage to neighbor trees with clear awareness of the damages being caused. This is direct evidence of a criminal and civil offense (VT Statute 3606) and city permit for tree clearing at 72 Temple. See audio file of promises made the day before by David Mullin of Habitat to not allow this excavator to continue to knock trees down. The day before Habitat CEO Mullin stated that only a certified arborist would remove trees going forward, this Habitat contracted excavator reckless knocked a large cottonwood on our home at 3 Rockland St, doing at least \$30,000 in damages, only part of which has been fixed, paid for by 3 Rockland St's insurance company due to delays by R.J. Piche's insurance company in providing reasonable compensation for damages. With no offer of help from Habitat.

From: John Summa [REDACTED] >
Sent: Wednesday, January 1, 2025 12:29 AM
To: Joseph Cava [REDACTED] >
Subject: Illegally placed wall, ongoing damages

The picture attached shows the Habitat built wall in the tree buffer zone, mandated by a city permit but which was recklessly and arguably willfully violated by Habitat and its contracted excavator R.J. Piche. Habitat was supervising all activity and permitted, we argue, ongoing violations. The 60 degree slope will accelerate storm water run-off and erode our ground stability, threatening propane tanks, trees, gardens and other adjacent yard area. The proposed plan to address these facts fall short of a viable remedy. The base of the wall, moreover, trespasses onto 3 Rockland St property and has already undermined existing tree roots integrity. Property lines are clearly violated. The wall also presents a serious fall hazard for anybody walking along the edge atop, where cars will be parked. Due to reckless tree buffer zone destruction by Habitat and its contracted agents, reduced shade and privacy and increased storm water runoff represent current and ongoing damages to 3 Rockland St. Planting shrubs is not a solution.



From: John Summa [REDACTED] >
Sent: Wednesday, January 1, 2025 3:57 PM
To: John Summa [REDACTED] >
Cc: Joseph Cava [REDACTED] >
Subject: Re: Evidence of reckless tree removal

[WARNING]: This email was sent from someone outside of the City of Burlington.

See link to audio file below re using only certified arborist going forward.

<https://drive.google.com/file/d/1a-xlcb2oBJW82KNXttJ3jNwVwupLXb2z/view?usp=drivesdk>

See time code 46:20 through 49:50

Note about audio clip:

Habitat CEO Mullin and Dick Shasteen Habitat board member and project supervisor agree ("we are in agreement") that only a certified arborist will be used to do tree removal after reckless behavior of excavator crashed a tree on 3 Rockland St roof. See video of same excavator knocking the white pine down on abutting property. Shasteen later told me with witnesses present that he "forgot" to the the excavator not to remove that tree. Forgot? Is this believable? More failure to supervise or willful complicity. Both are wrong.

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, DPI Administrator



TO: Development Review Board
FROM: Garret King
DATE: January 7th, 2025
RE: ZP-24-533; 276 Ethan Allen Parkway

=====

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: RL Ward: 7

Owner/Applicant: Joseph Lander

Request: (After-The-Fact) Removal of trees.

Applicable Regulations:

Article 5 (Citywide General Regulations)

Background Information:

Applicant wants after-the-fact approval for the removal of 39 trees ranging from 2.5" to 39" wide in diameter. This permit is in response to a complaint that was filed, and no plan for replanting any trees is proposed.

There are no previous prior zoning permit actions for this address.

This address is on the same parcel as 87 Arlington Court and was permitted under ZP-90-238 after a court order dated 12/3/98.

The applicant notes that some of the trees were a safety risk and removing them was necessary. Other trees were seemingly removed just to make additional usable yard space.

Recommendation: Continuance of Review as per, and subject to, the following findings and conditions:

I. Findings

Article 5: Citywide General Standards

Section 5.5.4 Tree Removal

(a) *Review criteria for zoning permit requests for tree removal.*

1. Grounds for Approval

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper

during any consecutive twelve (12) month period may be permitted for any of the following reasons:

A. Removal of dead, diseased, or infested trees

According to the applicant the trees were removed due to several reasons. Trees were removed to prevent the dying trees from dropping branches or falling onto the house and neighbors` property, to remove invasive vines, and to combat moisture issues that are occurring on the property. Dying and infested trees would be approved for removal.

(Affirmative Finding)

B. Thinning of trees for the health of remaining trees according to recognized accepted forestry practices

Not applicable.

C. Removal of trees that are a danger to life or property

The removed trees ranged in size and location, with a history of the trees causing damage to the property. Removal of the trees that posed risk in order to prevent further damage is allowed. **(Affirmative Finding)**

D. As part of a development with an approved zoning permit

Not applicable.

2. Grounds for Denial

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be denied if existing healthy trees are known to be:

A. Providing a significant privacy or aesthetic buffer or barrier between properties

Many of the trees that were removed from the property were on the periphery of the property and likely acted as aesthetic buffer to adjacent properties. With the subject residential property having no known exterior mechanical or parking areas that require screening removing the trees would not be considered removing required screening. **(Affirmative Finding)**

B. Providing stabilization on slopes vulnerable to erosion

This property does not have any steep slopes. The trees are not providing stabilization on slopes vulnerable to erosion. **(Affirmative Finding)**

C. Located within a riparian or littoral buffer

The property is not located in a riparian or littoral buffer. **(Affirmative Finding)**

D. Provide unique wildlife habitat

This property does not fall within any of the Recreation, Conservation and Open Space Districts; or the Natural Resource Protection Overlay District. **(Affirmative Finding)**

E. A rare northern Vermont tree species as listed by the Vermont Natural Heritage Program
The species of trees that were removed are not specified. **(No Finding Possible)**

F. A significant element of, or significantly enhances, an historic site
The property is not listed as an historic property and is not part of a historic district. Removal of the trees will not affect any historical elements of the city or property. **(Affirmative Finding)**

Joseph and Ann Lander
276 Ethan Allen Parkway
Burlington, VT 05408
josephblander@yahoo.com
802-999-5371
December 30, 2024

City of Burlington
645 Pine Street
Burlington, VT 05401

Dear Development Review Board,

We hope this letter finds you well. We are writing to inform you about the recent removal of several trees from our property located at 276 Ethan Allen Parkway, Burlington, VT 05408. We wanted to provide you with an explanation regarding the reasons behind this decision and assure you that it was made after careful consideration. We did not realize that a permit was needed to remove trees from our property and apologize for not going through proper changes to start.

Firstly, some of the trees posed a significant safety risk. Several of the trees hung over our house and shed. During storms falling branches constantly hit our house and shed. A tree did fall and hit the chimney on our shed which needs repair. We were in fear that a tree would fall on our house and shed causing major damage. Given the potential danger to our family, neighbors, and property, the removal of these trees was necessary to ensure the safety of everyone involved.

Secondly, we have invasive vines that were wrapping themselves around the trees killing them. Several of the trees that were taken down were damaged and had a blue color in the core. Our top lot was so overgrown that we could not see that our neighbors were dumping their trash in our yard. A few years back a neighbor's tree fell landing in our yard, which was never removed until now. The south side of our house was not getting sun causing damage to the siding of our house. We have moss growing on that side of the house! By removing these trees, we aim to prevent future issues and maintain a safe and well-kept environment.

Furthermore, there is a swale and leach basin next to our property that does not appear to be working properly. The swale is located at the end of the private road on the side of 260 Ethan Allen Parkway. Another storm drain in front of 282 Ethan Allen Parkway appeared to be covered with a burlap bag with hay, it is no longer there. The sand around the house has moss and is extremely damp all the time. This was not an issue 5 years ago.

We understand that the removal of trees can be a sensitive matter, and we want to emphasize our commitment to responsible and considerate property management. If you have any questions or concerns regarding this matter, please do not hesitate to contact us at 802-999-5371, or josephblander@yahoo.com. We would be happy to discuss this further and provide any additional information you may need.

Thank you for your understanding and cooperation.

Sincerely,

Joseph and Ann Lander



Tree #	Diameter
1	21"
2	15"
3	2.5"
4	6"
5	39"
6	5"
7	34"
8	13"
9	30"
10	22"
11	32"
12	17"
13	25"
14	6"
15	15"
16	15"
17	36"
18	16"
19	32"
20	16"
21	27"
22	23"
23	32"
24	23"
25	11"
26	23"
27	8"
28	5"
29	13"
30	27"
31	13"
32	18"
33	17"
34	34"
35	16"
36	18"
37	19"
38	30"
39	18"



BEFORE



AFTER



Nov 18, 2024 at 9:31:36 AM
282 Ethan Allen Pkwy
Burlington VT 05408
United States



Nov 18, 2024 at 9:30:46 AM
282 Ethan Allen Pkwy
Burlington VT 05408
United States



Nov 18, 2024 at 9:31:38 AM
282 Ethan Allen Pkwy
Burlington VT 05408
United States



Nov 18, 2024 at 9:31:01 AM
276 Ethan Allen Pkwy
Burlington VT 05408
United States



**Greg Davis
44 Roseade Parkway
Burlington VT 05408
USA**

gregorytylerdavis@gmail.com

December 31, 2024

City of Burlington
645 Pine Street
Burlington, VT 05401

Re: ZP-24-533

To the Development Review Board,
I am unable to attend the DRB meeting on January 7th so I am submitting this letter to the DRB for consideration in the case of ZP-24-533.

I live at 44 Roseade Pkwy which shares a property border along the backyard fence line with 276 Ethan Allen Pkwy (***see attached photos***). I initially filed the zoning violation complaint (CPLT-24-161) with the zoning board after the Lander's had completely clear cut all of the trees from their property (***39 trees in all - please see attached Aerial Tree Locations & Tree Diameters***) over the course of a few weeks this fall. I never received any notice or communication from the Lander's that they were going to cut down all of the trees along our shared property border / fence line. The reason I filed the complaint is that they clearly violated City Ordinance 5.5.4 Tree Removal (a) Review criteria for zoning permit requests for tree removal - 2. Grounds for Denial (2A): which states:

“Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be denied if existing healthy trees are known to be:

A. Providing a significant privacy or aesthetic buffer or barrier between properties”

I spoke with Ted Boylan & Steve Cormier and they couldn't find a permit for this tree removal so Steve Cormier inspected the property in mid-November and determined that they had in fact violated / failed this city ordinance (5.5.4 - 2A) and that determination set this process in motion towards compliance.

The privacy / aesthetic buffer between our properties has been completely removed. It is a drastic difference (***please see the attached before and after photo***). This has dramatically altered my backyard space & views. All privacy has been pretty much removed (there are a few trees left on my side). It has destroyed the wooded / natural

aesthetic behind my house in my backyard as well. It was quite disturbing, to say the least, to see so many big, beautiful old trees get cut down in such a short period of time. One of the main reasons I moved to the New North End and specifically this house was for the wooded location aesthetic and the privacy.

While I understand the Lander's concerns in their letter (***Tree Memo 1230 Mon Dec 30 2024 14-57-51***), I don't believe it justifies cutting down 39 trees on their property all at once. Regarding their first point, from what I could see, yes, there were a couple larger branches hanging over their house, those trees could've been trimmed back, there wasn't a need to remove the whole tree and all of the trees along the fence line. I did have a quick chat with the tree service guy when they were cutting down the trees and I specifically asked them if any of the trees along the back fence line were diseased / damaged and he said they were all totally healthy and when I asked why they were being cut down, he gave no reason. So their second point doesn't really hold up about diseased or damaged trees, as far as the trees along the shared property border / fence line are concerned. Also just because you have a little moss growing on the side of the house, in my opinion, I don't think it warrants cutting down all of the trees on your property or all of the trees along the fence line, this was a drastic action. Some branch removal or thinning or general tree maintenance over the years would've made more sense in this situation rather than cutting down many very large, old, tall trees.

All in all, there were about 16 trees cut down along our shared property border / fence line (***again see the attached Aerial Tree Locations***). My main concern in all of this is the restoration of the privacy / aesthetic buffer / barrier between our properties. I would ask that if the "after the fact" permit is actually granted that there is a concrete plan to restore the entire privacy / aesthetic buffer / barrier that was removed along the shared property border / fence line by the Lander's. I would request a full row of taller, fast growing cedars planted along the fence line on their property to re-establish the privacy / aesthetic buffer or some similar course of action. Obviously you can't undo large, old, tall trees being cut down but I would like to see a plan to restore what was lost there. As far as the rest of their property, that doesn't concern me. My other big concern is that I do not want to have to spend thousands of dollars planting new trees on my side of the fence just because of the drastic un-permitted tree removal actions by the Lander's. This should be their responsibility now. Had they applied for a tree removal permit in the first place it would've been denied based on all of the evidence provided here, but since that they have gone ahead and done it anyway, there must be steps by the Lander's & the city to remedy the violation of the city ordinance and re-establish a proper privacy / aesthetic buffer between our properties. Thank you for your time and consideration.

Sincerely,

Greg Davis
44 Roseade Pkwy



44 Roseade Pkwy backyard property / fence line looking towards 276 Ethan Allen Pkwy
before and after backyard view



Aerial Tree Locations

with property line / border sketched in
(Aerial 39 Tree App Loc 12052024.jpg)



39 trees cut down over the course of 2-3 weeks in Fall 2024

Number of trees cut down and their diameters:

(Tree_Diameters_Data_Thu_Dec_5_2024_15-14-25)

Tree # Diameter

1 21"
2 15"
3 2.5"
4 6"
5 39"
6 5"
7 34"
8 13"
9 30"
10 22"
11 32"
12 17"
13 25"
14 6"
15 15"
16 15"
17 36"
18 16"
19 32"
20 16"
21 27"
22 23"
23 32"
24 23"
25 11"
26 23"
27 8"
28 5"
29 13"
30 27"
31 13"
32 18"
33 17"
34 34"
35 16"
36 18"
37 19"
38 30"
39 18"

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, DPI Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: January 7, 2025
RE: ZP-24-545; 57 South Williams 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: RH Ward: 8

Owner/Applicant: Vermont Organization for Jewish Education Lubavitch/ Eliyahu Junik

Request: After-the-fact retaining wall construction.

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards)

Background Information:

The applicant is seeking after-the-fact approval for a concrete block retaining wall. The applicant received zoning approval for a rear building addition, parking expansion, and related site improvements in December 2016. That zoning approval was renewed December 15, 2020. The approved work has been constructed; however, at the southwest corner of the expanded parking lot, a concrete block retaining wall that was not included in the prior zoning approvals was installed. A notice of zoning violation has been issued for the wall, and the applicant is seeking to come into compliance with this permit application. Note also that at the western end of the expanded parking lot, the slope is rip rap rather than graded and grassed earth. This change is also included in this application.

Previous zoning actions for this property are noted below.

- **Zoning Permit 91-407;** Installation of sorority letters as signage on front façade of structure. Letters to measure 3'x6' overall. To be placed no higher than 12' above grade or the ceiling of the first floor, whichever is less. Approved June 5, 1991.
- **Zoning Permit 94-219;** Change of use from a 44 bed sorority to a membership club/church house. No exterior changes or signage included in this proposal. Approved November 9, 1993.
- **Zoning Permit 96-019;** Installation of a non-illuminated parallel sign, measuring 2.5H x 5.5L, for the existing fraternity. Approved July 18, 1995.
- **Zoning Permit 97-598;** Construction of a rear addition behind the rehabilitated former fraternity for a total of 26 residential units. Approved July 10, 1997.

- **Zoning Permit 97-071MA**; Review under Major Impact Development and Inclusionary Housing for a residential project consisting of 26 units. Approved June 16, 1997.
- **Zoning Permit 99-008CU**; Conditional use to convert an existing non-conforming use into a dormitory. Approved November 16, 1998.
- **Zoning Permit 99-046**; Conversion of the existing fraternity into a dormitory with a religious component. Proposal includes renovations to the existing structure. Any additions to the structure are under a separate permit. Approved July 23, 1998.
- **Zoning Permit 99-008A-CU**; Amend conditions of approval of November 2, 1998 to allow for an expanded parking area for the approved uses. Approved September 11, 2000.
- **Zoning Permit 00-656**; Amend previously approved phase 1 site plan to include construction of a handicapped access ramp on the south side of the existing dormitory with a religious component. Approved June 27, 2000.
- **Zoning Permit 09-573CA**; Rebuild entry railing, steps and porch floor, to amend previous permit. Approved June 4, 2009.
- **Non-Applicability of Zoning Permit 10-0298NA**; Interior work, no change of use. Approved September 23, 2009.
- **Zoning Permit 10-0306CA**; Replace existing sidewalk and railings, add lighting. Approved October 21, 2009.
- **Zoning Permit 10-1016CA**; Convert some dorm space to an apartment. Also install dryer and hood vents on outside wall. No site changes proposed. Approved June 11, 2010.
- **Non-Applicability of Zoning Permit 13-0931NA**; Addition of three bathrooms, interior work only. Approved April 11, 2013.
- **Zoning Permit 17-0455CA**; Two level addition, new off-street parking, landscaping and erosion prevention. Approved December 15, 2016 (subject of this re-application)
- **Zoning Permit 20-0136CA**; Addition of deck, new door, revisions to previously approved window fenestration. Approved August 26, 2019.
- **Zoning Permit 21-0255CA**; Ramp and deck alteration. Approved September 11, 2020.
- **Zoning Permit 21-0424CA**; Temporary tent. Approved November 6, 2020.
- **Zoning Permit 20-760**; Re-approval of 17-0455CA for a 2-level rear building addition and related site improvements. Approved December 15, 2020.

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

I. Findings

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential High Intensity (RH)

The subject property is located within the Residential – High Intensity zone. The retaining wall is an accessory feature on the property and does not affect the primary religious use. **(Affirmative finding)**

(b) Dimensional Standards

Not applicable except for setbacks and lot coverage. The rip rap at the western end of the parking lot is ~ 15' to the nearer side property line and complies with the 5' minimum setback. See Sec.

5.2.5 for setback findings as to the retaining wall. Lot coverage will increase, as the retaining wall is ~ 75' long by 2' wide and includes ~210 sf of rip rap at its base. The rip rap at the western end of the parking lot is ~ 2,440 sf in area. Previous lot coverage was 38.9%. Inclusion of the retaining wall and associated rip rap will increase lot coverage to 43.24%. Resultant lot coverage remains well below the 80% maximum permissible. The rip rap at the western end of the parking lot is not depicted on project plans and must be. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

No changes to use are proposed. **(Not applicable)**

(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. 5.2.5, Setbacks

(6) Exceptions to Yard Setback Requirements

(3) Retaining walls

Retaining walls no greater than 5' tall may project into a required yard setback, but retaining walls should be set back a minimum of 2' from a property boundary. Retaining walls projecting into a required setback and exceed 5' tall and/or come within 2' of a property boundary shall be subject to Development Review Board review per Article 6. These provisions shall not apply to retaining walls acting as seawalls and constructed along, and parallel to, the banks of any river, stream, or brook or constructed in whole or in part below the 102' elevation along the Lake Champlain Shoreline.

The subject property tapers slightly and is ~ 170' wide in the vicinity of the retaining wall. The minimum required side yard setback is 17' (10% of the width). There is apparently a property line dispute with the neighbor to the south. Based on the more conservative property line depicted in the project plans, the retaining wall is between 7.25' and 10.5' from the shared side property line. Rip rap is proposed at the base of the retaining wall, apparently for stability. It is ~3.5' to ~6' from the shared property line. As part of the retaining wall system, the rip rap can be considered under the retaining wall standards. Height of the retaining wall varies depending on grade but is up to ~9.5' tall. Given its height and proximity to the side property line, Development Review Board approval is required. **(Affirmative finding)**

Article 6: Development Review Standards:

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(m) Landscaping, fences, and retaining walls

...Retaining walls greater than 5 feet tall shall incorporate textured surfaces, terracing, and/or vegetation to avoid long monotonous unarticulated expanses and to minimize adverse visual impacts to neighboring properties. As with fences, retaining wall styles, materials, and dimensions shall be compatible with the context of the neighborhood and use of the property.

The retaining wall is not particularly massive and does not overwhelm the site. Its exposed side faces south, toward the neighboring property. It is set behind several immature trees and a chain link fence. As a bare concrete block wall, compliance with this criterion requires more robust screening such as climbing vines.

Along similar lines, the rip rap at the western end of the parking lot is substantial in area. Climbing vines planted here too is warranted. A revised landscaping plan depicting additional landscaping as noted is required. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised plans shall be submitted, subject to staff review and approval. The revised plans shall depict additional plantings, such as climbing vines, along the base of the retaining wall to better screen it from the neighboring property to the south. The revised plans shall also depict the rip rap and associated new plantings, such as climbing vines, at the western end of the parking lot.
2. Standard Conditions 1-15 (with zoning permit timeline limited to 1 year).

Use of Engineers Documents:
These documents prepared by Artisan Engineering are instruments of professional service for use solely with respect to this project, and shall remain the property of Artisan Engineering. Artisan Engineering shall retain all common law, statutory and other reserved rights including the copyright(s). The owner shall not reuse or permit the reuse of these documents, in whole or in part, including any design & construction development, changes or alterations to these documents, without the written acknowledgement and authorization of Artisan Engineering. Any unauthorized use, reuse, modification or alteration, including automated conversion of this document shall be at the user's sole risk without liability or legal exposure to Artisan Engineering.



REVISION SCHEDULE		
No.	DESCRIPTION	DATE

Chabad of Vermont - Site Wall

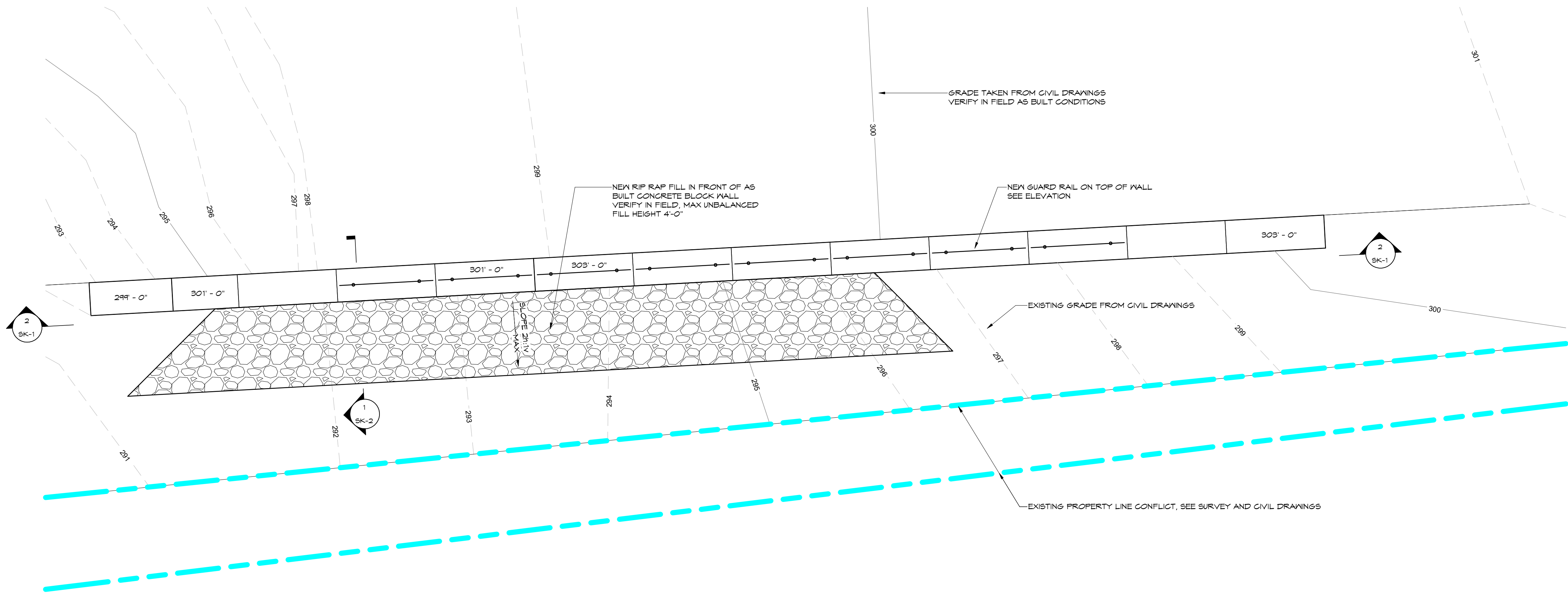
57 S Williams St
Burlington, VT

WALL PLAN AND
ELEVATION

Project Number:	19296
Date:	12/10/2024
Drawn By:	Artisan
Checked By:	Higgins
Project Phase:	For Permit

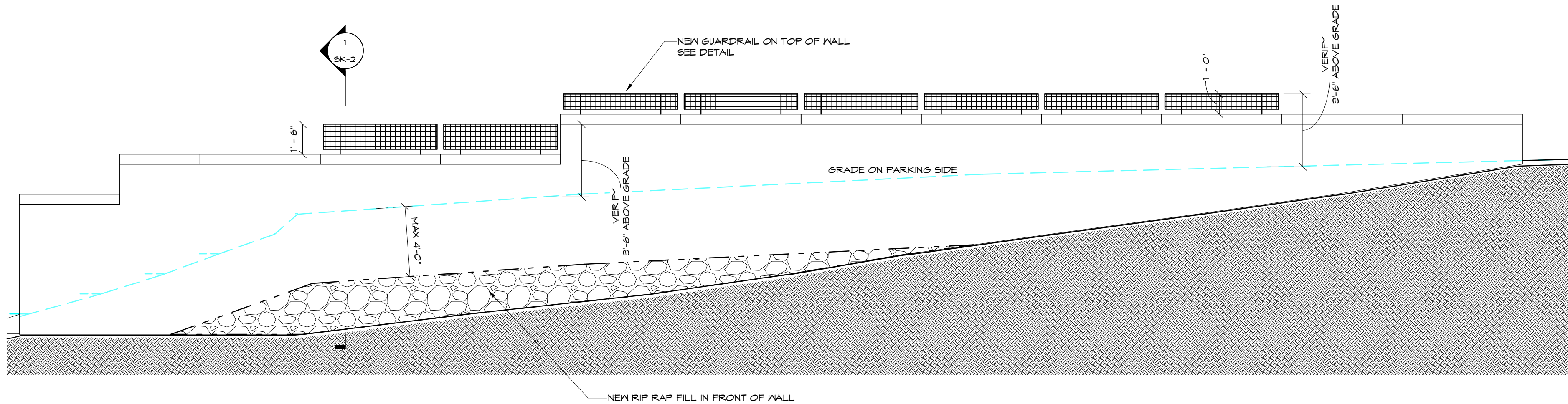
SK-1

Scale: 1/4" = 1'-0"



1 PRECAST CONCRETE BLOCK WALL PLAN

Scale: 1/4" = 1'-0"



2 WALL ELEVATION

Scale: 1/4" = 1'-0"

STRUCTURAL STEEL NOTES:

1. FABRICATE STRUCTURAL STEEL MEMBERS IN ACCORDANCE WITH AISC CODE OF STANDARD PRACTICE.
2. MATERIALS
- A. PIPE: ASTM A53, GRADE B.
- B. WELDING MATERIALS: AWS D1.1; TYPE REQUIRED FOR MATERIALS BEING WELDED.
- C. GROUT: NON-SHRINK TYPE, PRE-MIXED COMPOUND CONSISTING OF NON-METALLIC AGGREGATE, CEMENT, WATER REDUCING AND PLASTICIZING ADDITIVES, CAPABLE OF DEVELOPING A MINIMUM COMPRESSIVE STRENGTH OF 7,000 PSI AT 28 DAYS AS MANUFACTURED BY FIVE STAR PRODUCTS, INC., FAIRFIELD, CT, OR APPROVED EQUIVALENT.
- D. SHOP AND TOUCH-UP PRIMER: TENNEC SERIES 80HS GREY OR APPROVED EQUIVALENT.
3. FABRICATION
- A. CONTINUOUSLY SEAL EXPOSED STEEL MEMBERS BY CONTINUOUS WELDS.
- B. GRIND EXPOSED WELDS SMOOTH.
- C. PREPARE STRUCTURAL COMPONENT SURFACES IN ACCORDANCE WITH SSPC SP-2 FOR ENCLOSED STEEL TO RECEIVE STANDARD PRIMER AND SSPC SP-6 FOR STEEL TO RECEIVE ZINC-RICH PRIMER.
- D. SHOP PRIME STRUCTURAL STEEL MEMBERS OR STRUCTURAL STEEL MEMBERS ARE TO BE GALVANIZED IN ACCORDANCE WITH ASTM A123. PROVIDE MINIMUM 1.25OZ/FT² GALVANIZED COATING. **CONFIRM WITH OWNER.**
4. EXECUTION
- A. VERIFY OF EXISTING CONDITIONS PRIOR TO BEGINNING WORK. BEGINNING WORK INDICATES ACCEPTANCE OF EXISTING CONDITIONS.
- B. DO NOT FIELD CUT OR ALTER STRUCTURAL MEMBERS WITHOUT APPROVAL OF ARCHITECT/ENGINEER.
- C. AFTER ERECTION, PRIME WELDS, ABRASIONS, AND SURFACES NOT SHOP PRIMED, EXCEPT SURFACES TO BE IN CONTACT WITH CONCRETE.

FOUNDATION RELATED EARTHWORK:

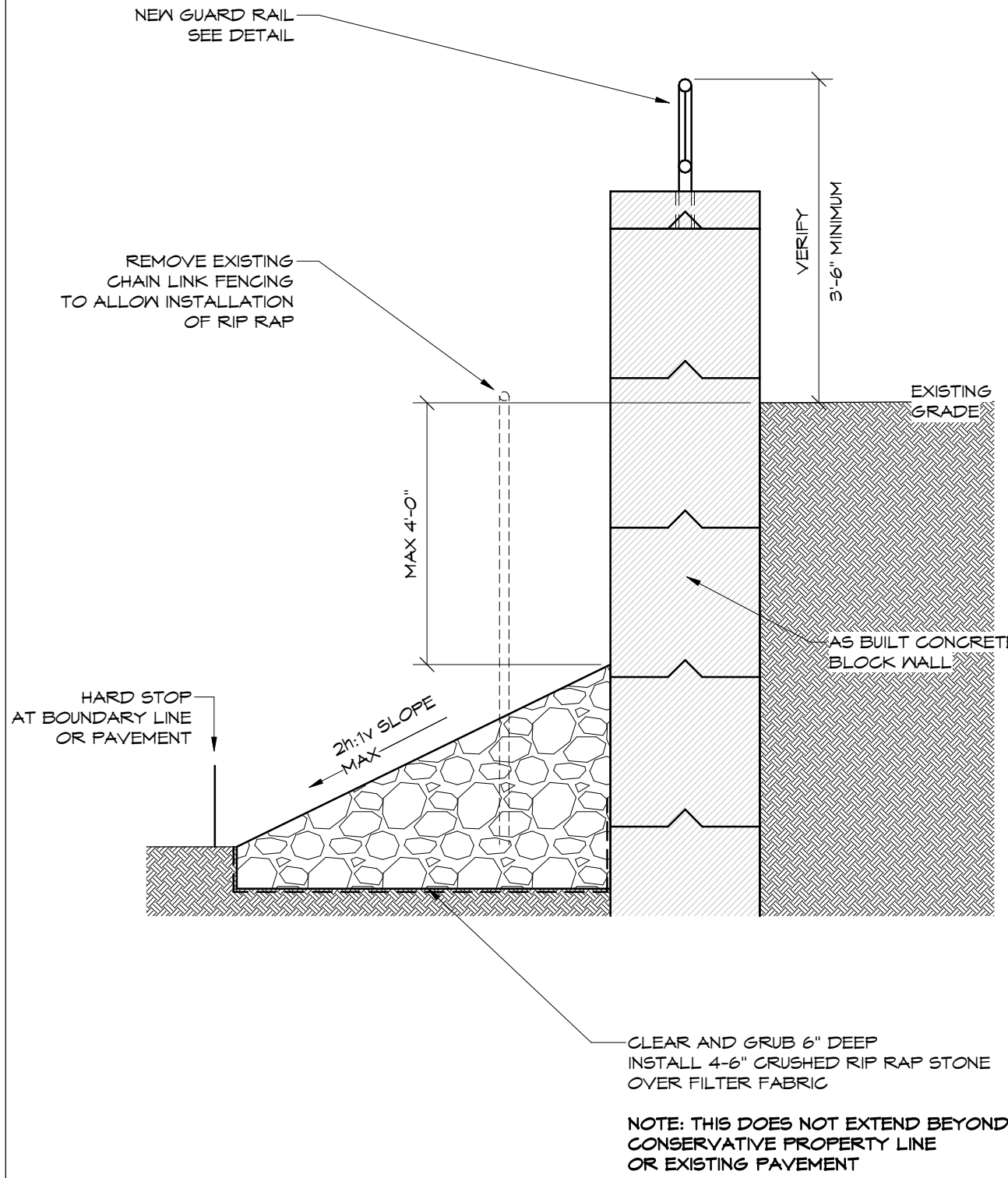
1. ALL MATERIAL SHALL BE REASONABLY FREE FROM SILT, LOAM, CLAY, OR ORGANIC MATTER. HARD, SOUND MATERIALS, FREE OF EXPANSIVE AGGREGATES OR SHALES MEETING THE FOLLOWING REQUIREMENTS:
- A. RIP RAP CRUSHED STONE
- a. 6 INCH: 90 - 100 % BY WEIGHT PASSING SIEVE
- b. 4 INCH: 0 - 10 % BY WEIGHT PASSING SIEVE
- c. 1/2 INCH: 0 - 6 % BY WEIGHT PASSING SIEVE
2. EXCAVATE SUBSOIL TO ACCOMMODATE EXCAVATIONS. REMOVE LOOSE MATERIAL.
3. PLACE FILTER FABRIC.
4. SET CRUSHED STONE WITH HANDHELD VIBRATORY COMPACTION EQUIPMENT.

ABBREVIATIONS and LEGEND

- BRG BEARING
- CFA COLUMN FROM ABOVE
- CIP CAST IN PLACE
- CJ CONSTRUCTION/ CONTROL JOINT
- CL or CL CENTERLINE
- DIA DIAMETER
- ELEV ELEVATION
- EF EACH FACE
- ELEV ELEVATION
- EDG EDGE OF DECK
- EP EMBEDDED PLATE
- EQ EQUAL
- EN EACH WAY
- EX or (X) EXISTING
- FX-X FOOTING CALLOUT
- FS FOOTING STEP
- FTS FOOTING
- GALV GALVANIZED
- LVL LAMINATED STRAND LUMBER
- LVL LAMINATED VENEER LUMBER
- NTS NOT TO SCALE
- OC ON CENTER
- PAF POWER ACTUATED FASTENER
- PX-X PIER CALLOUT
- PL PLATE
- PPT PRESERVATIVE PRESSURE TREATED
- PSL PARALLEL STRAND LUMBER
- RTN RETAINING
- SP SOUTHERN YELLOW PINE
- SFF SPRUCE PINE FIR
- STD STANDARD
- T&G TONGUE AND GROOVE
- T.O.M. TOP OF MALL
- TYP TYPICAL
- UNO. UNLESS NOTED OTHERWISE
- VIF VERIFY IN FIELD
- WP WORKING POINT
- WS WALL STEP
- WWF WELDED WIRE FABRIC
- NORTH ARROW
- ELEVATION CALLOUT
- FOOTING ELEVATION
- SLOPE DIRECTION AND PITCH
- ROOF PITCH
- DECK SPAN or GRATING SPAN
- BEAM/COLUMN SPLICE
- BEAM PENETRATION
- SCHEDULE MARKER
- SECTION NUMBER
- SHEET NUMBER
- CONCRETE
- CMU
- RIGID INSULATION
- CRUSHED STONE
- GRATING
- OPENING
- UNDISTURBED SUBGRADE
- COMPACTED GRANULAR FILL

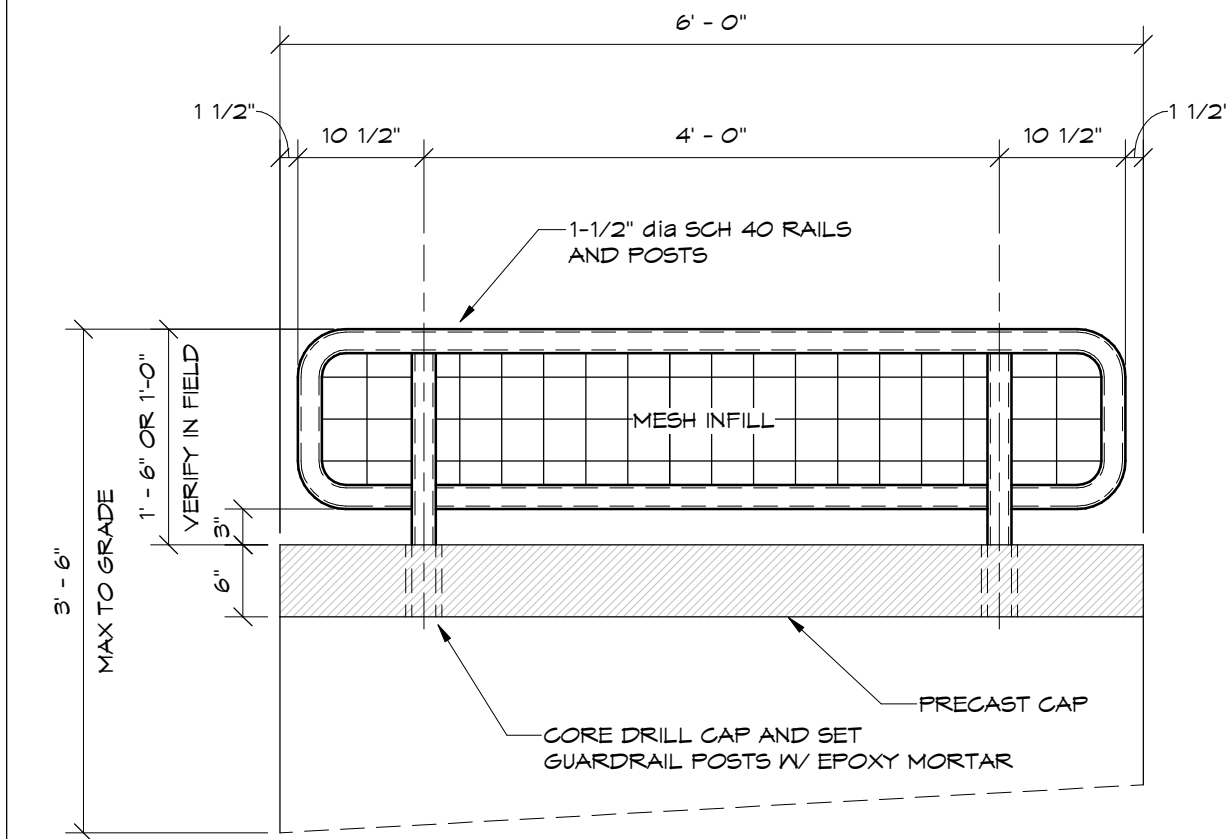
BASIS OF DESIGN:

1. DESIGN CODES
- A. VERMONT FIRE AND SAFETY CODE 2015
- B. IBC (INTERNATIONAL BUILDING CODE) 2015
- C. ASCE 7-10 (MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES)
2. DESIGN DEAD LOADS
- A. SELF WEIGHT OF PRECAST CONCRETE BLOCKS
- B. 120 psf - COMPACTED BACKFILL BEHIND WALL
3. DESIGN LIVE LOADS
- A. 250 psf - VEHICLE LOAD BEHIND WALL - 3 FT BACK TO TIRES
4. SNOW LOAD
- A. GROUND SNOW LOAD - 40 psf
- B. PLUS DRIFTING AS APPLICABLE
5. FOUNDATION BEARING CAPACITY - 2,000 psf ASSUMED FROM ORIGINAL BUILDING DESIGN



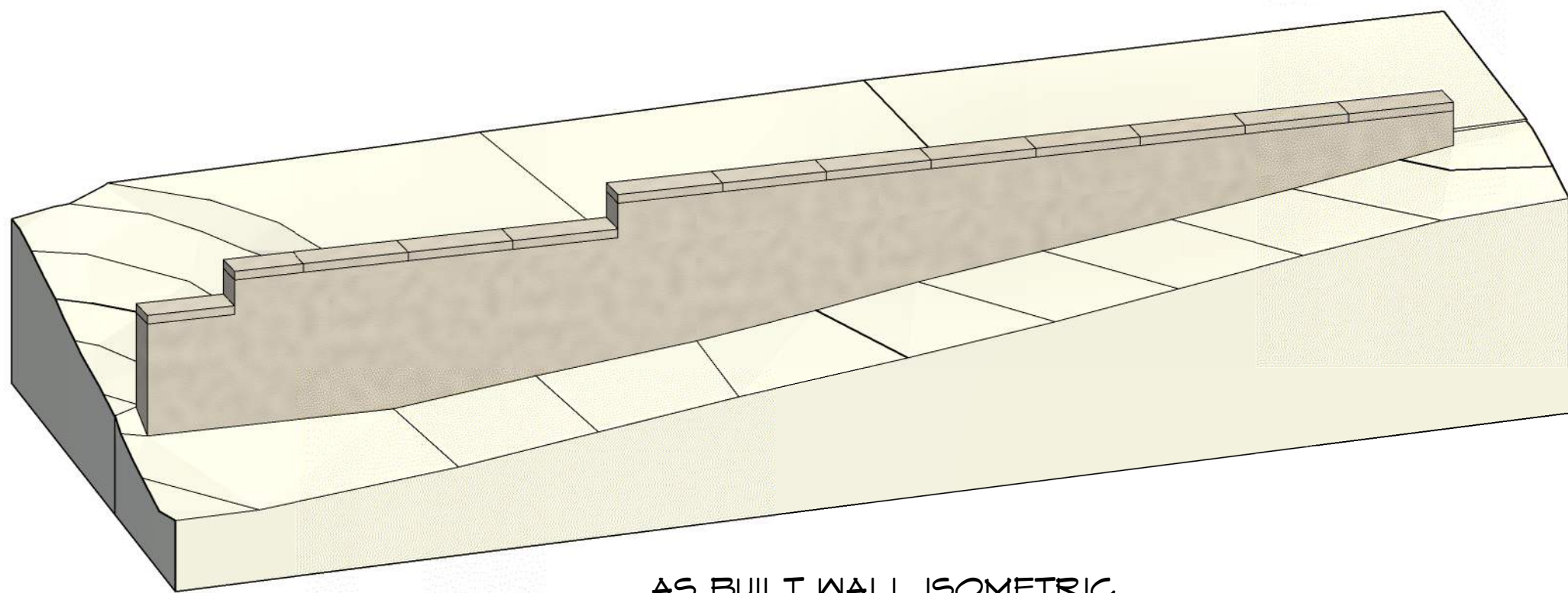
1 TYPICAL WALL SECTION

Scale: 1/2" = 1'-0"

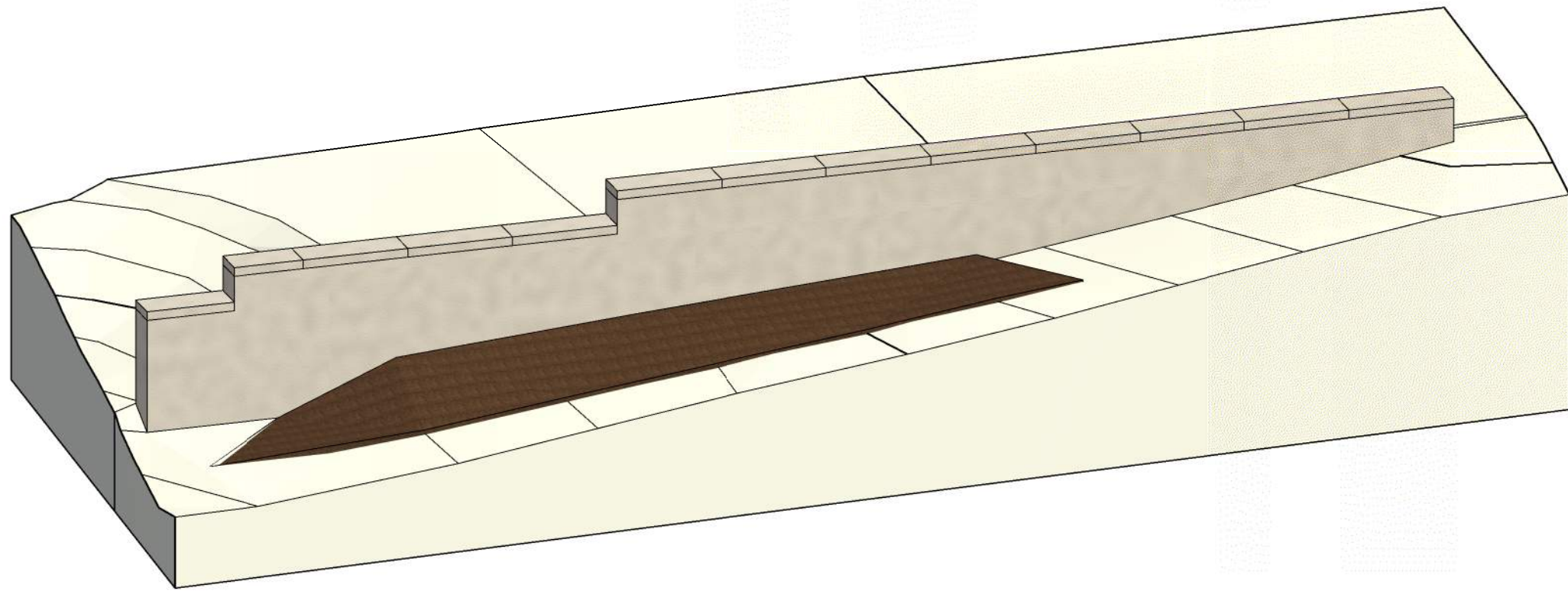


2 GUARDRAIL DETAIL

Scale: 3/4" = 1'-0"



AS BUILT WALL ISOMETRIC



WALL WITH RIP RAP ISOMETRIC

Chabad of Vermont

57 S Williams St
Burlington, VT

Artisan
ENGINEERING

STRUCTURAL
ENGINEERING
CONSULTANTS

120 Graham Way, Suite 124
Shelburne VT 05482
tel 802 497 3531
www.ArtisanEng.com

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REVISION SCHEDULE		
No.	DESCRIPTION	DATE

Chabad of Vermont - Site Wall

57 S Williams St
Burlington, VT

SECTIONS AND NOTES

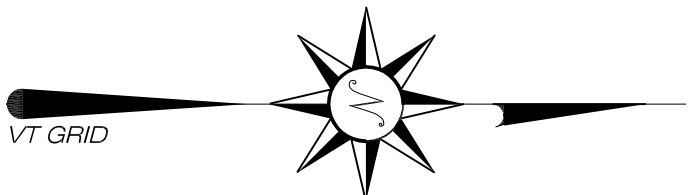
Project Number:	19296
Date:	12/10/2024
Drawn By:	Artisan
Checked By:	Higgins
Project Phase:	For Permit

SK-2

Scale: As indicated

SURVEY NOTES

1. This boundary retracement survey has been compiled from field surveys and record evidence including the following plots recorded in the Town of Burlington Land Records:
- A) Property of Douglas & Carol Behnenburg #43 South Williams St., by Palmer Company, LTD, dated Sep. 28, 1976, and last revised 3/21/1977, and recorded in Hanger 98/60 in the City of Burlington Land Records.
 - B) Plot of Land of Hill Gardens, by Intel Consulting Engineers, Inc., dated 5/8/81, last revised 3/19/1992 and recorded in Hanger 126/30 in the City of Burlington Land Records.
 - C) Part of Survey, David Desautels Property, by Warren Robertson, dated April 28, and recorded in Hanger 101/86 in the City of Burlington Land Records.
 - D) Boundary and Topographic Survey, 81 South Williams Street, prepared by Dubois & King, dated Sep. 28, 1920/2004, plan not recorded in the City of Burlington Land Records.
 - E) Subdivision, 81 South Williams Street, prepared by Dubois & King, dated Sep. 28, 1920/2004, plan not recorded in the City of Burlington Land Records.
 - F) Property of Mrs. Lilian Norfield, 68 South Willard Street, by Civil Engineering Associates, INC., dated Sept. 1963, and recorded in Hanger 144/44 in the City of Burlington Land Records.
 - G) Plan Showing Proposed Common Driveway at 78-80 South Willard Street, prepared by McIntosh & Reed, C.E., dated Nov 17/1927, and recorded in Misc. Volume 91, Page 559 in the City of Burlington Land Records.
 - H) 2. North orientation is based on survey grade static GPS observations made on July 07, 2016 utilizing a Trimble R-8 GNSS receiver, post-processed using Trimble Business Center software. The resultant horizontal datum is NAD 83 (2011). The vertical datum is based on NAVD 88 using the geoid model G12xUS.
 - I) The improvements shown herein were located by a survey on the ground completed during July 7 - 10, 2016.
 - J) 3. 2016 methods employed and the resulting error of closure/fraction ratio, meet or exceed the minimum precision requirements for urban surveys as outlined in "Standards for the Practice of Land Surveying" adopted by the Vermont Board of Land Surveyors effective 1/7/2013.
 - K) 4. Survey methods employed and the resulting error of closure/fraction ratio, meet or exceed the minimum precision requirements for urban surveys as outlined in "Standards for the Practice of Land Surveying" adopted by the Vermont Board of Land Surveyors effective 1/7/2013.
 - L) 5. The measurements and information produced by this survey and shown herein may conflict from recorded survey information due to differences in orientation, declination, or methods of measurement.



6. The premises shown and described herein make subject to existing buried utilities, easements, rights-of-way, restrictions, covenants, permits, regulations, and/or setback lines which may not be recorded in the Town of Burlington Land Records have been reviewed, examined and utilized for the purpose of this survey. Clear evidence from an assessment or restriction of record or evidence of easements and structures, which are readily apparent from a casual oblique view, are delineated herein. No liability is assumed by the undersigned for the use of the property, which are not shown of record or are not readily apparent, or restriction on the use of the property.
7. This plot shows the public right of way of South Williams Street to be 3 rods (49.5 ft) as documented in Volume 1, Page 42 of the Streets and Highways Book, in the City of Burlington Land Records.
8. This property may be benefited with the right to connect to a sewer line crossing the lands of 68 Willard Street, Newcastle on Willard (Lillian Norfield), in a Warranty Deed of Horatio Loomis to Annette Loveland, dated 10/1/1927, and recorded in Hanger 126/30 in the City of Burlington Land Records.
9. The present or future owners of the said premises desire to use and maintain said sewer. Said sewer was not laid located and registered is required to verify status and easement.
10. The color boundary markers shown herein as "SET" or "to be SET" are 5/8" diameter reinforcing steel, 40" long, crowned with an aluminum surveyor's cap set by a Vermont licensed land surveyor at the discretion of the property owner / developer.
11. This survey is certified to Vermont Organization For Jewish Education-Lubavitch for the singular purpose of retracing the location of the property boundary of the subject tract of land. No liability is assumed for the undersigned for any loss that may be associated with the use of this survey other than the said purpose.
12. Reproductions of this sketch are not valid unless signed and sealed with a red-inked surveyor's seal.
13. Acceptance of this survey plot or use of the corner monuments found or set during the performance of the field survey hereby limit the undersigned liability related to professional negligent acts, errors, omissions, or breaches of contract to an amount not to exceed the fee charged.
14. The undersigned surveyor assumes no responsibility for any use of this survey for purposes not intended in the course of preparing a survey shall remain the property of the surveyor or his successors or assigns.

15. The attention of boundary survey maps by anyone other than the original preparer is misleading, confusing, and not in the general welfare and benefit of the public. This survey map and/or survey plan shall not be altered or added to by any person(s) in any way that would change the original intent of the preparer and in harmony with existing physical boundary evidence. Where conflicts between physical boundary evidence and written record evidence are substantial, deeds and/or documents should be executed to eliminate any color of title or conflict. No boundary determination is determined to be a legal boundary with authority to do so. Evidence which could be determined to be a potential adverse possession and/or indicate a prescriptive right, if reasonably apparent, is shown herein. To that extent, this plot of land and any other are indicated on this plot of survey.
16. The descriptions of these lands and the physical evidence located and existing on the original intent of the preparer and in harmony with existing physical boundary evidence. Where conflicts between physical boundary evidence and written record evidence are substantial, deeds and/or documents should be executed to eliminate any color of title or conflict. No boundary determination is determined to be a legal boundary with authority to do so. Evidence which could be determined to be a potential adverse possession and/or indicate a prescriptive right, if reasonably apparent, is shown herein. To that extent, this plot of land and any other are indicated on this plot of survey.
17. This is an ORIGINAL Map.

Howard Center for Human Services, Inc. "Tallman House"

#50 South Willard Street Parcel ID: 045-2-237-000

#54 South Willard Street Parcel ID: 045-2-238-000

62 Willard Street LLC Parcel ID: 045-2-239-000

Willard 74 Investment, LLC Parcel ID: 045-2-241-000

#47 South Williams Street Parcel ID: 045-2-034-000

"Hill Gardens" n/f 328/532

"Beacon House Lot" Hanger 126/30

TOTAL AREA 57,731 S.F. 1.33 Acres

Vermont Organization For Jewish Education-Lubavitch

See 25/58, Maria Loomis to Horatio Loomis

#57 South Williams Street Parcel ID: 045-2-033-000

Stonehenge Investment Corporation "Chelsea Mews Condos"

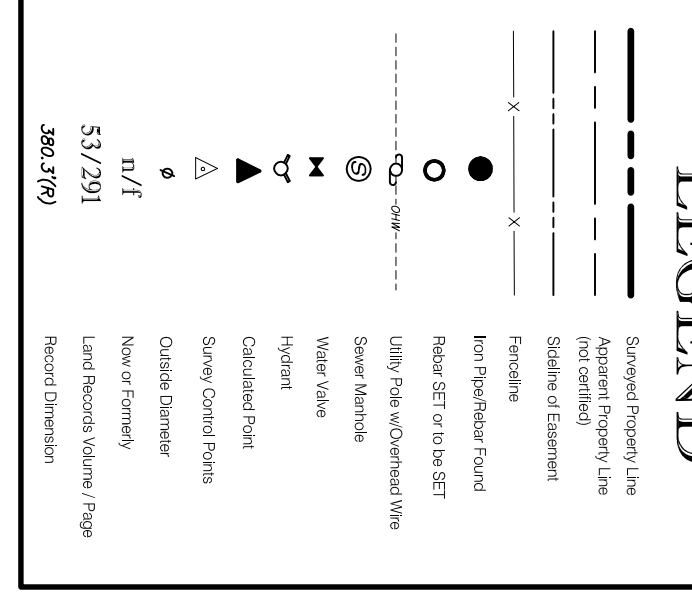
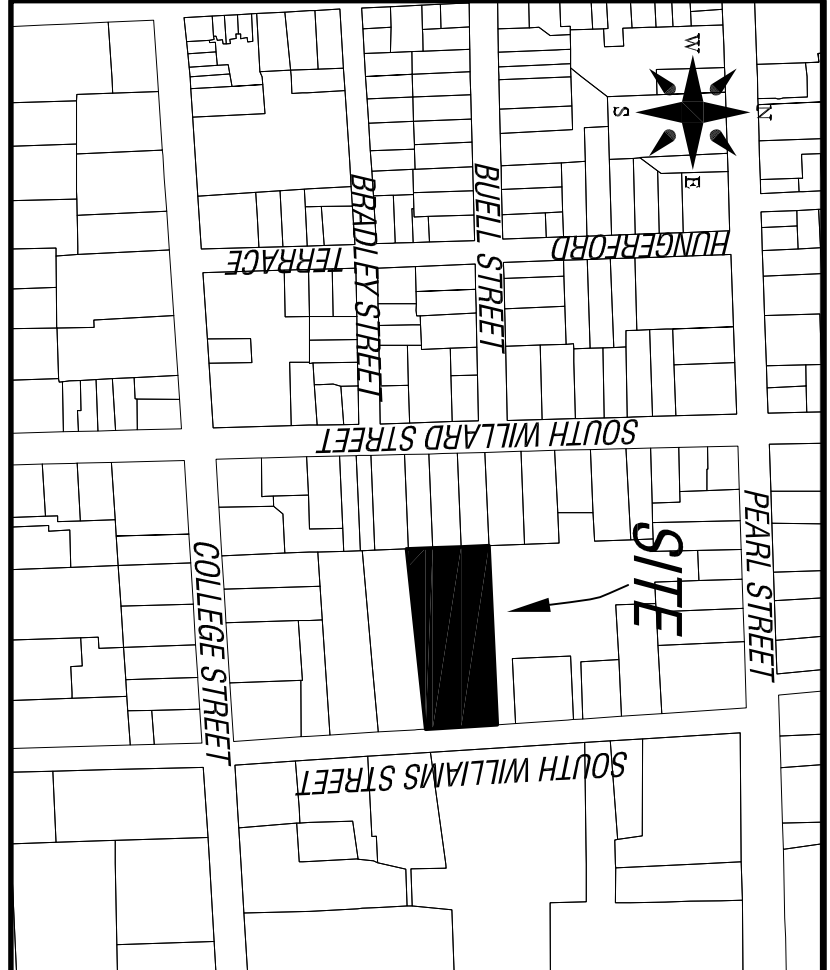
#71 South Williams Street Parcel ID: 045-2-032-000

EXISTING BUILDING "CHABAD OF VERMONT"

SOUTH WILLIAMS STREET

#52 South Williams Street Parcel ID: 045-2-034-000

LOCATION PLAN



City of Burlington, VT Received for Record at _____ o'clock _____ minutes _____ M and recorded in _____ attest: _____ Town Clerk

DATE	REASON	PRELIMINARY	DATE OF PLOT
July-August 2016	☐ RECORD DRAFTING	☐ SKETCH/CONCEPT	8/29/2016
SURVEYORS	☐ FINAL		
LA GRANSJUP			
DRAWN			
GK/LHA			
CHECKED			
Closure			
LHA			
SCALE			
1"=30'			

Leonard H. Ambio, Professional Land Surveyor, PC
20 Fitchell Ave, Suite 102
St. Albans, VT 05485
802-863-1812
www.lshps.com

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PLAT OF BOUNDARY RETRACEMENT SHOWING LANDS OF

VERMONT ORGANIZATION FOR JEWISH EDUCATION-LUBAVITCH

1 of 1

NOT FOR RECORDING

Information shown on this property plot is a faithful portrayal of circumstances pertinent to the subject property. A collaboration of field, parcel and pertinent record evidence was used in the analysis of boundary conclusions shown herein. This property plot complies with the requirements of Vermont Statute Title 27, Chapter 17, Section 1405. (A) through (E), to the best of my knowledge and belief.

Leonard H. Ambio, L.S. VT #693

Dated 08-04-2016

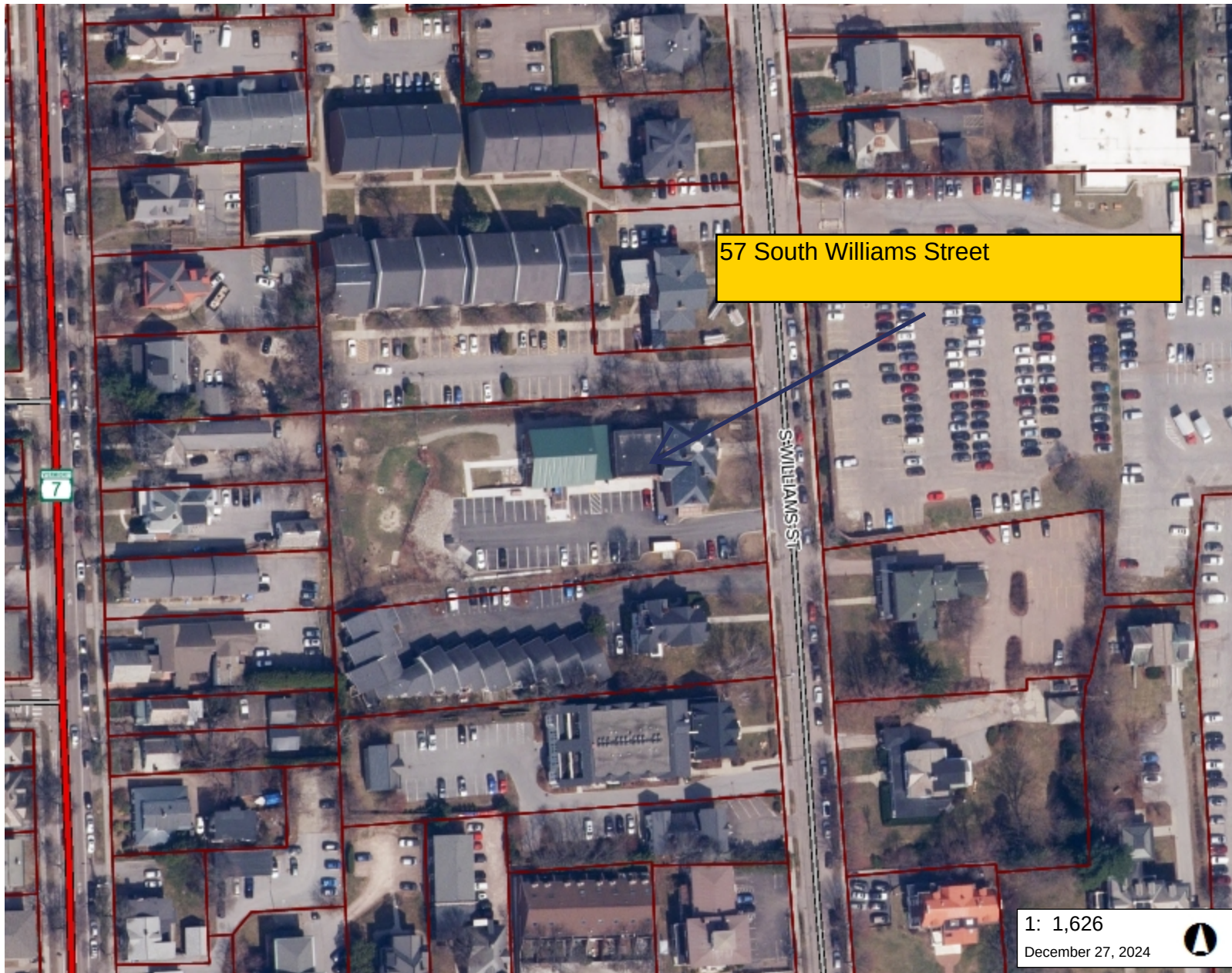
DRAFT





LEGEND

-  Parcels (standardized)
- Roads**
 -  Interstate
 -  US Highway; 1
 -  State Highway
 -  Town Highway (Class 1)
 -  Town Highway (Class 2,3)
 -  Town Highway (Class 4)
 -  State Forest Trail
 -  National Forest Trail
 -  Legal Trail
 -  Private Road/Driveway
 -  Proposed Roads
-  Town Boundary



1: 1,626

December 27, 2024



NOTES

Map created using ANR's Natural Resources Atlas

83.0 0 42.00 83.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Vermont Agency of Natural Resources

1" = 136 Ft. 1cm = 16 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.





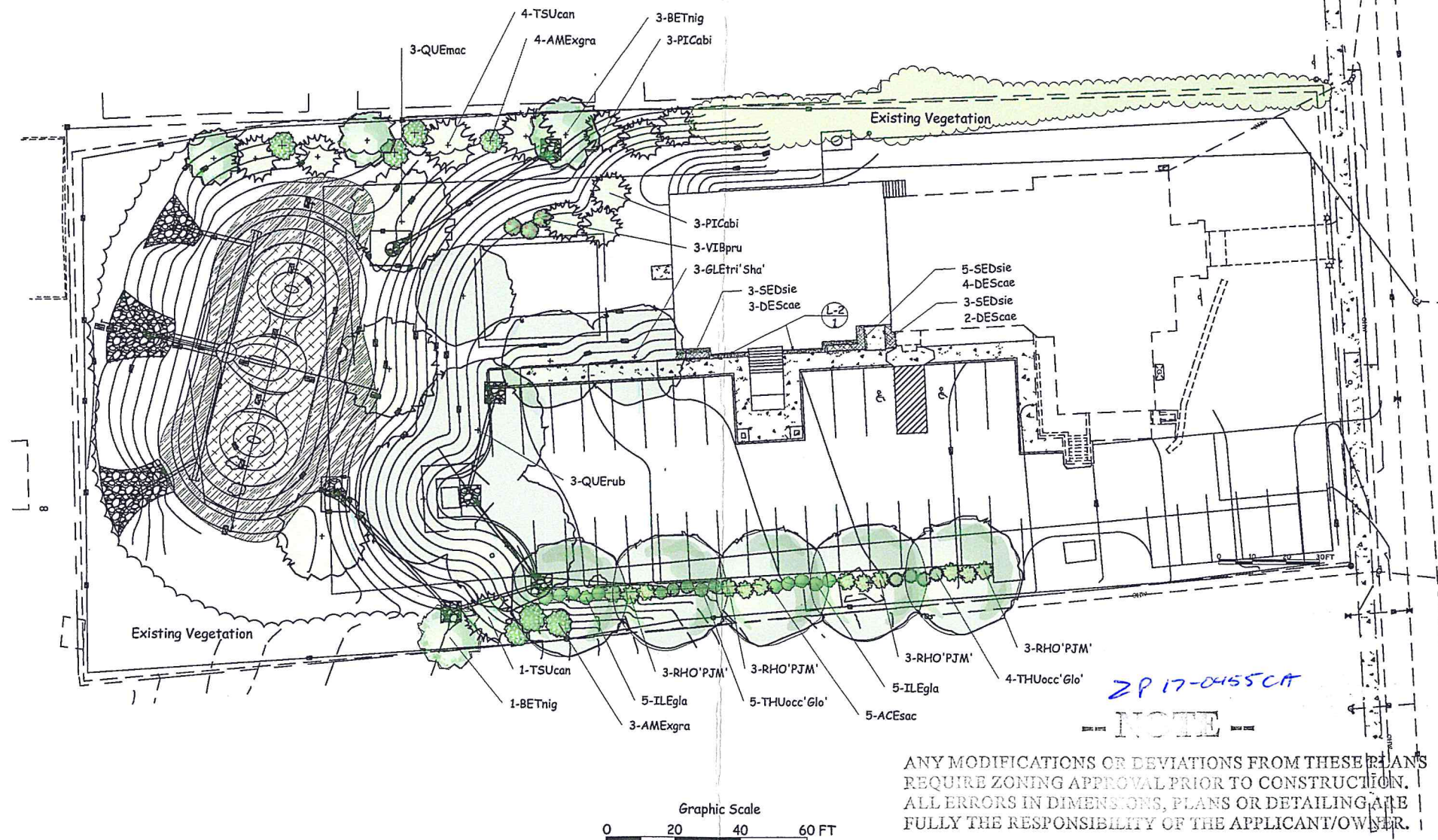




DEPARTMENT OF
PLANNING & ZONING

This sustainable landscape plan will be achieved by using native plant species appropriately spaced to allow for healthy growth to maturity. The landscape plan will also provide the following functions and benefits:

-  **ZONE A**
Detention Basin Seed Mix
-  **ZONE B**
Rain Garden Seed Mix



ANY MODIFICATIONS 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 12/15/16
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT R

Planting Schedule						
Count	ID	Common Name	Scientific Name	Unit	Mature Height	Mature Spread
			Trees			
5	ACEsac	Sugar Maple	Acer saccharum	2.5-3"	35 - 50 ft	20 - 35 ft
7	AMExgra	Apple Serviceberry	Amelanchier x grandiflora	5'-6"	10 - 15 ft	7 - 12 ft
4	BETnig	River Birch Multi	Betula nigra	10-12"	35 - 50 ft	20 - 35 ft
3	GLEtr'Sha'	Shademaker Honeylocust	Gleditsia triacanthos inermis 'Shademaker'	2.5-3"	50 - 80 ft	> 35 ft
6	PICabi	Norway Spruce	Picea abies	6-7"	35 - 50 ft	20 - 35 ft
3	QUEmac	Burr Oak	Quercus macrocarpa	2.5-3"	80 - 100 ft	> 35 ft
3	QUERub	Northern Red Oak	Quercus rubra	2.5-3"	50 - 80 ft	> 35 ft
5	TSUcan	Canadian Hemlock	Tsuga canadensis	8'-10'	35 - 50 ft	20 - 35 ft
			Shrubs			
10	ILEgla	Shamrock Holly	Ilex glabra 'Shamrock'	3 gal	3 - 5 ft	4 - 7 ft
12	RHO'PJM'	PJM Rhododendron	Rhododendron 'PJM'	5 gal	3 - 5 ft	4 - 7 ft
9	THUocc'Glo'	Globe Arborvitae	Thuja occidentalis 'Globosa'	3 gal	3 - 5 ft	4 - 7 ft
3	VIBpru	Black Haw Stagbrush	Viburnum prunifolium	7 gal	10 - 15 ft	7 - 12 ft
			Herbaceous			
9	DEScaes	Golden Tufted Hair Grass	Deschampsia caespitosa 'Goldtau'	#1	12 - 18 in	12 - 24 in
11	SEDSie	October Daphne	Sedum sieboldii	4"	<= 12 in	<= 12 in

Landscape Plan
Chabad of Vermont
57 South Williams Street
Burlington, VT 05401

Sheet Title	Client / Project
-------------	------------------

Ginkgo Design
Smart Landscape Solutions

PO Box 8262
Essex, VT 05451
(802) 857-5104

www.GinkgoDesignVT.com



Design	DEB
Drawn	DEB
Checked	

Revision Description and Date:
11/7/2016
12/2/2016

Scale: 1"=20'
Date: 10/03/2016

From: [REDACTED] t>

Sent: Wednesday, January 1, 2025 6:52 PM

To: [REDACTED]
[REDACTED] >

Cc: [REDACTED]
[REDACTED] >

Subject: Regarding DRB meeting on January 7, 2025

Importance: High

Dear Mr. Gustin, Mr. Cormier and Mr. King,

My name is Barbara Mines and I am the current president of the Townhouse Association at Chelsea Mews.

I have received the meeting notice regarding Chabad, located at 57 South Williams St, and Chelsea Mews, located at 71 South Williams St, scheduled for January 7, 2025.

Another board member, Joyce Oetjen, and I met with Mr. Cormier and Mr. King a few months ago. I thought sending a photo that clearly shows the retaining wall and parked cars in the Chabad parking lot might be helpful. The photo was taken in December 2024 from my townhouse. The headlights, when turned on, glare into several units at Chelsea Mews, even in the daytime.



Thank you for looking at this email and photo.

Best,
Barbara Mines



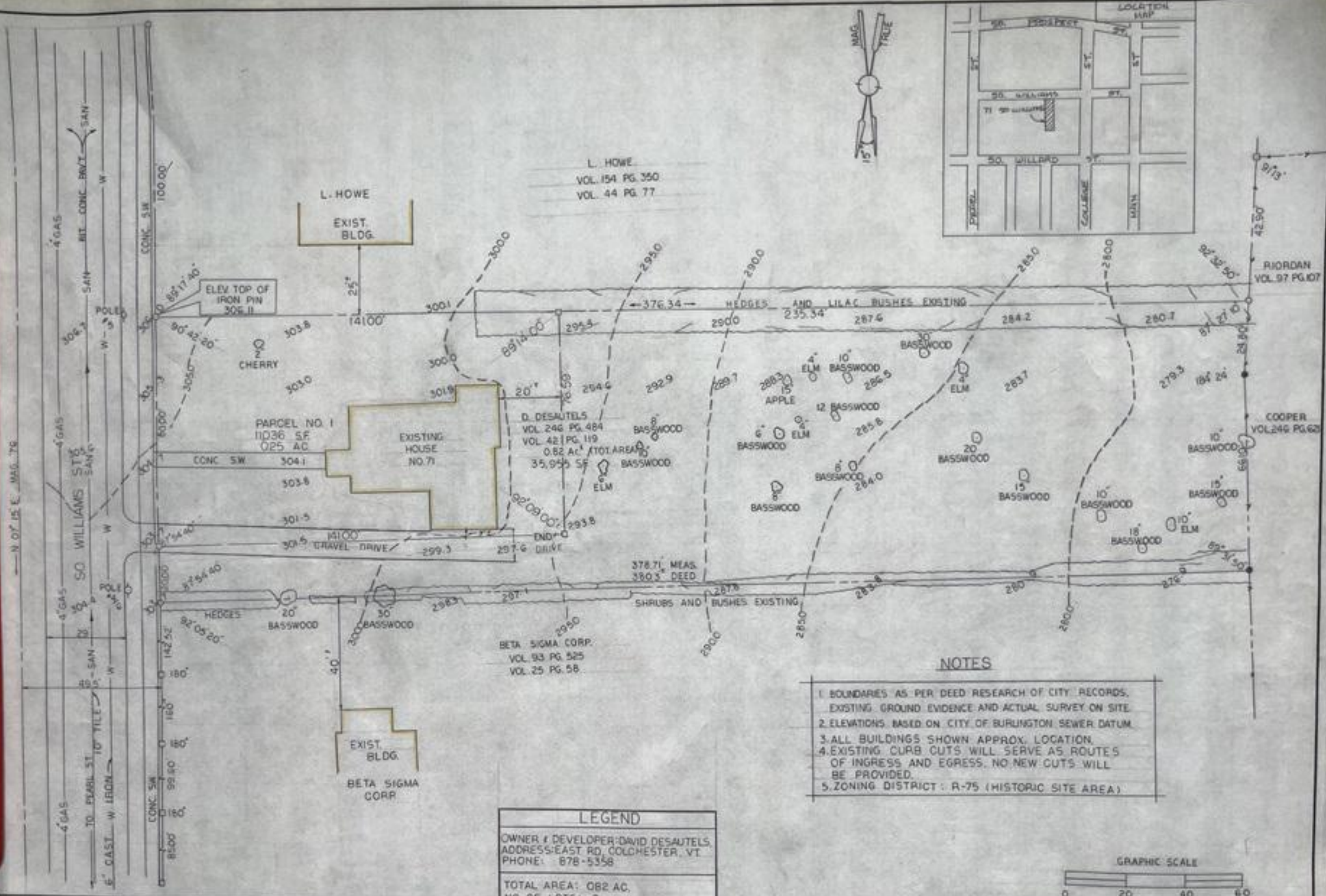
71 S Williams St

Joyce: Note the location of the existing playground and parking for our discussion today at 4:30.



Imagery ©2016 Google, Map data ©2016 Google 50 ft

N 07° 15' E MAG. 76



NOTES

1. BOUNDARIES AS PER DEED RESEARCH OF CITY RECORDS, EXISTING GROUND EVIDENCE AND ACTUAL SURVEY ON SITE.
2. ELEVATIONS BASED ON CITY OF BURLINGTON SEWER DATUM.
3. ALL BUILDINGS SHOWN APPROX. LOCATION.
4. EXISTING CURB CUTS WILL SERVE AS ROUTES OF INGRESS AND EGRESS. NO NEW CUTS WILL BE PROVIDED.
5. ZONING DISTRICT: R-75 (HISTORIC SITE AREA)

LEGEND

OWNER & DEVELOPER: DAVID DESAUTELS
ADDRESS: EAST RD, COLCHESTER, VT.
PHONE: 878-5358

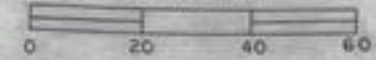
TOTAL AREA: 0.82 AC.
NO. OF LOTS: 2

- STREET LINE
- IRON PIPE
- UTILITY POLE
- PROPOSED CONC. MON.
- EXIST. TREE
- PERIMETER BOUNDARY
- SUBDIVISION BOUNDARY



I HEREBY CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE BASED ON GROUND EVIDENCE AND RECORDED DEEDS AND/OR DOCUMENTS.

GRAPHIC SCALE



APPROVED BY RESOLUTION OF THE CITY OF BURLINGTON PLANNING COMMISSION, VERMONT ON THE ____ DAY OF ____, 19__ BY: _____

WITNESS _____ CHAIRMAN _____

REVISIONS			PLAT OF SURVEY: DAVID DESAUTELS, PROP. 71 SOUTH WILLIAMS ST., BURLINGTON, VT.
NO.	DATE	BY	
1			WARREN A. ROBERTSON VT. REG. L.S. #48
2			
3			
4			
5			
6			
7			
8			
9			
10			



Imagery ©2023 Maxar Technologies, Map data ©2023 Google 50 ft

W N
S E



Imagery ©2023 Maxar Technologies, Map data ©2023 Google 50 ft

W N
S E

To: Chelsea Mews Condominium Association Board Members

Ref: Chabad building project

Date: 26 March 2023

Chelsea Mews Board Members:

Over the last few days we have worked to resolve inconsistencies between the Chabad Center's plan for landscaping along our lot line. The plan for the landscaping for the Chabad's construction included a "park-like" landscaping plan with trees, shrubs, and a guardrail around the parking lot, including the chain link fence that now stands between our parcels.

We previously thought that we may have done an "adverse possession" when Chelsea Mews was built. Chabad's surveyors previously told us (informally) before they broke ground that we had encroached on their land when we built Chelsea mews. The GIS maps indicate that our parking lot is partially on land owned by 57 S Williams St.

Over the weekend, we overlaid a satellite image of the GIS map with the Chabad's construction plan that was approved by Burlington for their development project. It is clear from this overlaid image that Chabad's plan encroaches on our property. We know that due to the following data:

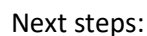
1. Last Fall, Steph worked to hire the original surveyor who had performed the survey when Chelsea Mews was built. The surveyor verified our lot line on both the North and South sides of our property and set survey markers indicating the extent of our line.
2. The survey markers which were set by the surveyor last Fall, which correspond to a survey of our land by a licensed VT surveyor, show that Chelsea Mews was built on our own land, so there is no need to file a new survey for an adverse possession.
3. The survey marks indicate that both the chain link fence and the stockade fences on the North side of the property are within the bounds of our parcel.

Therefore, the Chabad's plan submitted to and on file with the City of Burlington encroaches on Chelsea Mews property by approximately 10-15 feet in some places. Because of the encroachment in the plan and that the parking lot was constructed exactly where planned, it is not possible for them to make the nicely landscaped slope that was supposed to be next to our parking lot. Instead they have constructed an unattractive concrete block wall that faces our property.

We have a number of actions that could be considered at this time:

1. Hire an attorney to help resolve the lot line issue. (Steph has attorneys familiar with this parcel that could be hired, Garrett Property's also has attorneys that they work with).
2. Officially file the survey with the City of Burlington, if it is not there already from the 1978 – 1981 time period. We could likely do this ourselves, or the attorney could do it.
3. Inform Chabad they should not proceed with their current plan for completing the landscaping, due to the lot line issue (the attorney would know the best way to do this.)
4. Decide what mitigation we prefer, as Chabad has created an eyesore on the lot line, damaged our chain link fence, and will not be completing the plan currently on file. Some actions that we

- Requiring the Wall already built to be modified or partially removed (it is ugly and poorly constructed).
- Installing new fencing and privacy landscaping along the entire length our mutual boundary.
- Monetary compensation, so we can do the work to our own specification ourselves.



1. I will tell Jordan of our property management company that we DO NOT need a survey at this time.
2. Chelsea Mews should hire an attorney to handle this. (We should have a call together, Martin, to decide whom we hire for this).

Personally, I am relieved that we have the documentation and the survey work completed that we did not do an adverse possession. The only moves required here are to defend our lot lines and to ensure that Chelsea Mews is an attractive place to live and that we do not have to pay for repairing the appearance of the North lot line, which Chabad has turned from a naturally wooded area to an eyesore.

Sincerely,

Lynn Faust
President, Chelsea Mews
508-736-5229; faustburger@gmail.com

BACKGROUND: To attempt to agree on a mutually suitable site plan going forward along the boundary that 57 and 71 S. Williams St. share, Chabad of Vermont at 57 S. William St. and Chelsea Mews Condominium Association at 71 S. Williams St. hope to revise a portion of Chabad's existing approved site plan from 12/15/16.

The revision to the site plan became necessary after Chabad disclosed that the approved plans were based on a GIS map and not on an actual survey. A survey from 1978 shows that documented lot line. The landscaping plan that was approved by the City of Burlington would encroach on 71 S. Williams St parcel if implemented.

Chelsea Mews Proposal to Chabad

The existing plot plan stated that the landscaping would have a "park-like feel" upon completion and included dozens trees and shrubs to be planted. Chelsea Mews asks that as much of the approved landscaping plan should be implemented as possible, and additionally to hide a retaining wall with a hedge.

PREPARATION for proceeding accurately with the implementation of the site plan along this lot line requires that the lot line shall be marked in (at least) 25' intervals by a licensed surveyor using the 1978 survey, for the full length of the shared lot line. Markers were placed by the surveyor on 11/2023, paid for by Chelsea Mews, however markers have been removed.

Chelsea Mews proposes that Chabad and Chelsea Mews share the cost of marking the lot line between the parcels.

REMOVAL OF OLD VEGETATION: Chabad will remove locusts, Norway maples, bittersweet, barberry, Japanese knotweed, and other invasive or aggressive dying plants. In particular, the dying Norway maple at the end (West end) of the parking lot will be removed.

INSTALLATION OF NEW LANDSCAPING: It is expected that the landscaping plan submitted to the City of Burlington will be implemented on Chabad's own parcel. In addition, an arborvitae hedge that will be installed as close to the retaining wall as possible, and in line with the new fence to be installed, on land that in part may belong to Chelsea Mews.

Arborvitae hedge: To screen the retaining wall, a hedge of evergreen arborvitae (Emerald Green Thuja Smaragd) will be planted, at least 6-8' tall when planted, 3.5' – 4' apart (markers were placed 7/9/23 and are indicated on the attached map). This hedge will be professionally planted. The newly planted hedge will be mulched and staked as required. Chabad will replace any Thuja that may die within one year of planting. The estimated length of the hedge is 180 feet, some of which will be planted on Chelsea Mews land and some on Chabad land. The exact location of the plants (north and south) will be agreed upon after the fencing is in place, by Chelsea Mews.

FENCING: The original plan called for removing and replacing fencing for the entire length of the lot line. The existing fencing is a mixture of 6' chain link and 6' stockade fencing. All fencing is in very poor condition, and located on Chelsea Mews property, (from what Chelsea Mews can tell without the lot line being pegged by a licensed surveyor.)

All fencing will be removed by Chabad, and parts of the fence will be replaced as noted below. All new fencing will be placed on Chabad land and will be maintained by Chabad. Stockade fencing 6' tall of the

style in the attached photo is desired. Where a tall arborvitae hedge is installed, only 6' chain link fencing is required.

The location of the new fence is as follows: from the East, beginning at approximately the first parking spot, a stockade fence will be installed until approximately the beginning of the retaining wall. The location where the fence should end is indicated on the map and with red tape attached to the existing chain link fence.

For the length of the wall, there will be no fencing.

After the wall ends, until the end of the border to the West, a solid stockade 6' fence will be installed.

From East to West, there will be 105' of solid fence before the arborvitae hedge begins, then about 76' of solid fence after the arborvitae end to the West corner. Behind the arborvitae, there will be two sections of chain link fencing, one section 64' long and the westerly section 43' long.

MAINTENANCE: After installation, landscaping will be maintained by the respective landowners.

After
build

This drawing is an accurate copy of portions of the plans of the building as filed with and approved by the municipal or other governmental subdivision having jurisdiction over the issuance of permits for the construction of buildings.

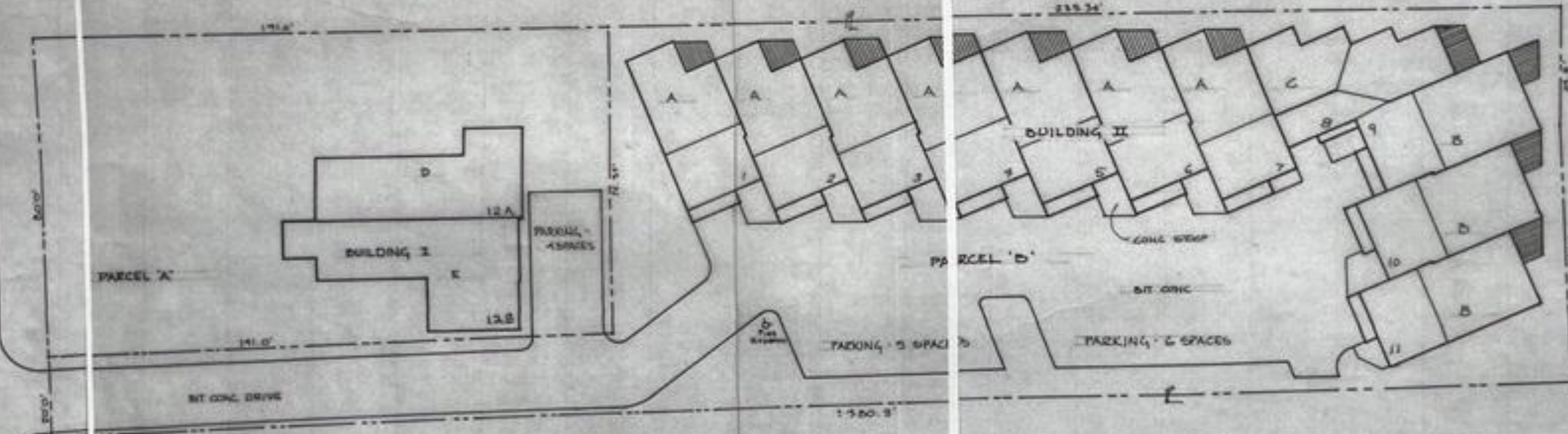
6 July 1981

ADAMS/ GUILLOT Architects Ltd., Burlington, Vermont

These plans fully and accurately depict the layout, location, unit numbers, and dimensions as built.



SOUTH WILLIAMS STREET



SITE PLAN
SCALE: 1" = 20' 0"

DATE: 7/6/81

CHELSEA MEWS CONDOMINIUMS
174 SOUTH WILLIAMS STREET
BURLINGTON, VERMONT
STONEHEDGE INVESTMENT CORP

EXHIBIT "A"

Property boundary information from plat of survey by Warren A. Robenstein (Vt. Reg. L.S. #48) dated April 1978

dated July 3, 1981, at 2:00 P. M. and recorded
ADAMS: *OT Wagner*

COMPROMISE AND AGREEMENT

7.12.23 DRAFT

THIS AGREEMENT ("Agreement") is made and effective on the last date set forth below ("Effective Date") by and between Chelsea Mews Homeowner's Association ("Chelsea Mews"), and Vermont Organization for Jewish Education Lubavitch ("Chabad").

R E C I T A L S

WHEREAS, Chabad has applied for and received numerous permits from the City of Burlington, including but not limited to a zoning permit for the construction of a two-level addition, new off-street parking, landscaping and erosion prevention. As part of the permit approval process, a "Landscape Plan" dated December 15, 2016, was reviewed and incorporated by the City zoning office into Zoning Permit 17-0455CA, as renewed. Said approval required "any modification or deviations from these plans require zoning approval prior to construction".

WHEREAS the Landscape Plan adjacent to Chelsea Mews was modified during construction by Chabad without zoning approval or review.

WHEREAS ~~The~~the existing plot plan stated that the landscaping would have a "park-like feel" upon completion and included dozens trees and shrubs to be planted.

WHEREAS the project as built does not follow the landscaping plan but includes deviations such as a retaining wall.

NOW THEREFORE, for and in consideration of the promises, covenants, and reciprocal releases made herein, the parties agree as follows:

SUMMARY OF AGREEMENT: Chabad shall implement as much of the originally approved landscaping plan as possible, and additionally will hide a retaining wall with a hedge. The parties agree that this agreement shall incorporate the attached "Landscaping Plan – With Notes" as a visual design plan.

1. PREPARATION for proceeding accurately with the implementation of the site plan along this lot line requires that the parties shall use the existing boundary line between their properties, as defined by the existing fence. The northeasterly corner of Chelsea Mews land shall be determined by measuring 100 feet from the existing boundary marker on the southeast corner of Chelsea Mews land.

2. REMOVAL OF OLD VEGETATION: Chabad will remove locusts, Norway maples, bittersweet, barberry, Japanese knotweed, and other invasive or aggressive dying plants. In particular, the dying Norway maple at the end (West end) of the parking lot will be removed.

3. **INSTALLATION OF NEW LANDSCAPING:** It is expected that the landscaping plan submitted to the City of Burlington will be implemented on Chabad's own parcel. In addition, an arborvitae hedge ~~that~~ will be installed as close to the retaining wall as possible, and in line with the new fence to be installed, on land that in part may belong to Chelsea Mews.

4. Arborvitae hedge: To screen the retaining wall, a hedge of evergreen arborvitae (Emerald Green Thuja Smaragd) will be planted, at least 6-8' tall when planted, 3.5' – 4' apart (markers were placed 7/9/23 and are indicated on the attached map). This hedge will be professionally planted. The newly planted hedge will be mulched and staked as required. Chabad will replace any Thuja that may die within one year of planting. The estimated length of the hedge is 180 feet, some of which will be planted on Chelsea Mews land and some on Chabad land. The exact location of the plants (north and south) will be agreed upon after the fencing is in place, by Chelsea Mews.

5. **FENCING:** The original plan called for removing and replacing fencing for the entire length of the lot line. The existing fencing is a mixture of 6' chain link and 6' ~~solid~~ stockade fencing. All fencing is in very poor condition, and located on Chelsea Mews property, (from what Chelsea Mews can tell without the lot line being pegged by a licensed surveyor.)

6. All fencing will be removed by Chabad, and parts of the fence will be replaced as noted below. All new fencing will be placed on Chabad land and will be maintained by Chabad. Stockade fencing 6' tall of the style in the attached photo is desired. Where a tall arborvitae hedge is installed, only 6' chain link fencing is required.

7. The location of the new fence is as follows: from the East, beginning at approximately the first parking spot, a ~~stockade~~ fence will be installed until approximately the beginning of the retaining wall. The location where the fence should end is indicated on the map and with red tape attached to the existing chain link fence. Solid stockade fencing will be placed in this area except behind the arborvitae hedge, where chain link fencing is acceptable.

8. For the length of the wall, there will be no fencing.

9. After the wall ends, until the end of the border to the West, a ~~solid stockade~~ 6' fence will be installed. This fence will be solid stockade fencing except behind the arborvitae hedge, where chain link fencing is acceptable.

10. From East to West, there will be 105' of solid fence before the arborvitae hedge begins, then about 76' of solid fence after the arborvitae end to the West corner. Behind the arborvitae, there will be two sections of chain link fencing, one section 64' long and the westerly section 43' long.

11. **MAINTENANCE:** After installation, landscaping will be maintained by the respective landowners.

12. Chabad retains full responsibility for maintaining the retaining wall it installed. Chabad shall cause it to be inspected yearly for weaknesses or cracks and shall promptly take such actions to repair or replace as necessary. Chabad shall be responsible for any damage occurring to the property of Chelsea Mews occasioned by failure or partial failure of the retaining wall.

13. Upon satisfactory completion of the landscaping set out in this Agreement, Chelsea Mews agrees that it, its members and officers, will not object to Chabad's request to the City of Burlington for an amended Landscape Plan, nor to any request for a final Certificate of Occupancy, relating to said landscaping.

14. For substantive breach of this Agreement satisfactorily proven in a court of competent jurisdiction, the breaching party shall be liable for costs and fees, including reasonable attorney fees, incurred by the non-breaching party in bringing and prosecuting an action hereon.

15. The Agreement may be executed in counterparts and all so executed shall constitute one agreement binding on the parties hereto even though all the parties are not signatories to the original or the same counterpart.

IN WITNESS WHEREOF, we have set our hands below on the date set forth. By his signature, each party acknowledges receipt of a fully executed copy hereof.

Dated:_____

Chelsea Mews

Dated:_____

Vermont Organization for Jewish Education Lubavitch
("Chabad")

COMPROMISE AND AGREEMENT

7.12.23 DRAFT

THIS AGREEMENT ("Agreement") is made and effective on the last date set forth below ("Effective Date") by and between Chelsea Mews Homeowner's Association ("Chelsea Mews"), and Vermont Organization for Jewish Education Lubavitch ("Chabad").

R E C I T A L S

WHEREAS, Chabad has applied for and received numerous permits from the City of Burlington, including but not limited to a zoning permit for the construction of a two-level addition, new off-street parking, landscaping and erosion prevention. As part of the permit approval process, a "Landscape Plan" dated December 15, 2016, was reviewed and incorporated by the City zoning office into Zoning Permit 17-0455CA, as renewed. Said approval required "any modification or deviations from these plans require zoning approval prior to construction".

WHEREAS the Landscape Plan adjacent to Chelsea Mews was modified during construction by Chabad without zoning approval or review.

WHEREAS ~~The~~the existing plot plan stated that the landscaping would have a "park-like feel" upon completion and included dozens trees and shrubs to be planted.

WHEREAS the project as built does not follow the landscaping plan but includes deviations such as a retaining wall.

NOW THEREFORE, for and in consideration of the promises, covenants, and reciprocal releases made herein, the parties agree as follows:

SUMMARY OF AGREEMENT: Chabad shall implement as much of the originally approved landscaping plan as possible, and additionally will hide a retaining wall with a hedge. The parties agree that this agreement shall incorporate the attached "Landscaping Plan – With Notes" as a visual design plan.

1. PREPARATION for proceeding accurately with the implementation of the site plan along this lot line requires that the parties shall use the existing boundary line between their properties, as defined by the existing fence. The northeasterly corner of Chelsea Mews land shall be determined by measuring 100 feet from the existing boundary marker on the southeast corner of Chelsea Mews land.

2. REMOVAL OF OLD VEGETATION: Chabad will remove locusts, Norway maples, bittersweet, barberry, Japanese knotweed, and other invasive or aggressive dying plants. In particular, the dying Norway maple at the end (West end) of the parking lot will be removed.

3. **INSTALLATION OF NEW LANDSCAPING:** It is expected that the landscaping plan submitted to the City of Burlington will be implemented on Chabad's own parcel. In addition, an arborvitae hedge ~~that~~ will be installed as close to the retaining wall as possible, and in line with the new fence to be installed, on land that in part may belong to Chelsea Mews.

4. Arborvitae hedge: To screen the retaining wall, a hedge of evergreen arborvitae (Emerald Green Thuja Smaragd) will be planted, at least 6-8' tall when planted, 3.5' – 4' apart (markers were placed 7/9/23 and are indicated on the attached map). This hedge will be professionally planted. The newly planted hedge will be mulched and staked as required. Chabad will replace any Thuja that may die within one year of planting. The estimated length of the hedge is 180 feet, some of which will be planted on Chelsea Mews land and some on Chabad land. The exact location of the plants (north and south) will be agreed upon after the fencing is in place, by Chelsea Mews.

5. **FENCING:** The original plan called for removing and replacing fencing for the entire length of the lot line. The existing fencing is a mixture of 6' chain link and 6' ~~solid~~ stockade fencing. All fencing is in very poor condition, and located on Chelsea Mews property, (from what Chelsea Mews can tell without the lot line being pegged by a licensed surveyor.)

6. All fencing will be removed by Chabad, and parts of the fence will be replaced as noted below. All new fencing will be placed on Chabad land and will be maintained by Chabad. Stockade fencing 6' tall of the style in the attached photo is desired. Where a tall arborvitae hedge is installed, only 6' chain link fencing is required.

7. The location of the new fence is as follows: from the East, beginning at approximately the first parking spot, a ~~stockade~~ fence will be installed until approximately the beginning of the retaining wall. The location where the fence should end is indicated on the map and with red tape attached to the existing chain link fence. Solid stockade fencing will be placed in this area except behind the arborvitae hedge, where chain link fencing is acceptable.

8. For the length of the wall, there will be no fencing.

9. After the wall ends, until the end of the border to the West, a ~~solid stockade~~ 6' fence will be installed. This fence will be solid stockade fencing except behind the arborvitae hedge, where chain link fencing is acceptable.

10. From East to West, there will be 105' of solid fence before the arborvitae hedge begins, then about 76' of solid fence after the arborvitae end to the West corner. Behind the arborvitae, there will be two sections of chain link fencing, one section 64' long and the westerly section 43' long.

11. **MAINTENANCE:** After installation, landscaping will be maintained by the respective landowners.

12. Chabad retains full responsibility for maintaining the retaining wall it installed. Chabad shall cause it to be inspected yearly for weaknesses or cracks and shall promptly take such actions to repair or replace as necessary. Chabad shall be responsible for any damage occurring to the property of Chelsea Mews occasioned by failure or partial failure of the retaining wall.

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15. The Agreement may be executed in counterparts and all so executed shall constitute one agreement binding on the parties hereto even though all the parties are not signatories to the original or the same counterpart.

IN WITNESS WHEREOF, we have set our hands below on the date set forth. By his signature, each party acknowledges receipt of a fully executed copy hereof.

Dated:_____

Chelsea Mews

Dated:_____

Vermont Organization for Jewish Education Lubavitch
("Chabad")

CLARKE DEMAS & BAKER, PLLC
Attorneys at Law

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Burlington, VT 05406-4484

Gerald R. Berger
Ashley L. Post

April 7, 2023

Lynn Faust, President
Chelsea Mews Condominium Association
71 South Williams Street
Burlington Vermont 05401

Faustburger@gmail.com

Der Lynn,

This letter is to confirm that you have retained this firm to represent the homeowners of Chelsea Mews regarding a possible planned encroachment on the Association's property by your neighbor, the Vermont Center for Jewish Education Lubavitch /Rabbi Yitzchok Raskin. I have received copies from you for review of the documents submitted to Burlington's Design Review Board, plus a survey and site plan for Chelsea Mews.

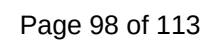
Our fees are \$250 per hour for my time, and \$100.00 for paralegal time. We will utilize paralegals wherever possible. We bill monthly for time and out of pocket expenses.

I look forward to working with you. Feel free to contact me with any questions you may have.

Sincerely,



Elizabeth Demas, Esq.





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
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Planning & Zoning Clerk
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: December 15, 2020
RE: 21-0462CA; 57 South Williams 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: RH Ward: 1E

Owner/Applicant: Vermont Organization for Jewish Education Lubavitch / Rabbi Yitzchok Raskin

Request: Re-application for a two-level addition of approximately 5,600 sf (3,074 sf footprint) to the west side of the existing building, to provide a new worship sanctuary on the upper level, with supporting spaces on the lower level, with new off-street parking, landscaping, and erosion prevention. Project also proposes a parking waiver.

Applicable Regulations:

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

Background Information:

The applicant is requesting re-approval of a previously approved, but expired, zoning permit (ZP17-0455CA) for a two-level building addition to the existing Chabad Jewish Community Center, with associated off-street parking, landscaping, and erosion prevention. ZP17-0455CA was approved by the DRB on December 15, 2016, and no changes to that permit are proposed. The supporting facilities on the lower level will include a library room, a small chapel, and offices. Washrooms will be included on both levels and be handicap accessible.

The projected occupancy of the new addition is to be 100 occupants, with moveable seating and tables. 25 additional parking spaces will be added to the existing parking lot. Included among the existing uses are 8 residential units.

The existing building, constructed in 1884, is listed in both the State and National Register of Historic Places. It is listed as a contributing resource in the Main Street – College Street Historic District (National Register).

The Design Advisory Board reviewed this application on November 9, 2016 and unanimously recommended the following:

1. The mechanical unit on the north side of the addition be indicated on the site plan, and that it be adequately screened with existing or proposed landscaping or screening; and
2. That approval be given to share parking off-site on neighboring property(s) in order to increase green space on-site.

Previous zoning actions for this property are noted below.

- **Zoning Permit 91-407;** Installation of sorority letters as signage on front façade of structure. Letters to measure 3'x6' overall. To be placed no higher than 12' above grade or the ceiling of the first floor, whichever is less. Approved June 5, 1991.
- **Zoning Permit 94-219;** Change of use from a 44 bed sorority to a membership club/church house. No exterior changes or signage included in this proposal. Approved November 9, 1993.
- **Zoning Permit 96-019;** Installation of a non-illuminated parallel sign, measuring 2.5H x 5.5L, for the existing fraternity. Approved July 18, 1995.
- **Zoning Permit 97-598;** Construction of a rear addition behind the rehabilitated former fraternity for a total of 26 residential units. Approved July 10, 1997.
- **Zoning Permit 97-071MA;** Review under Major Impact Development and Inclusionary Housing for a residential project consisting of 26 units. Approved June 16, 1997.
- **Zoning Permit 99-008CU;** Conditional use to convert an existing non-conforming use into a dormitory. Approved November 16, 1998.
- **Zoning Permit 99-046;** Conversion of the existing fraternity into a dormitory with a religious component. Proposal includes renovations to the existing structure. Any additions to the structure are under a separate permit. Approved July 23, 1998.
- **Zoning Permit 99-008A-CU;** Amend conditions of approval of November 2, 1998 to allow for an expanded parking area for the approved uses. Approved September 11, 2000.
- **Zoning Permit 00-656;** Amend previously approved phase 1 site plan to include construction of a handicapped access ramp on the south side of the existing dormitory with a religious component. Approved June 27, 2000.
- **Zoning Permit 09-573CA;** Rebuild entry railing, steps and porch floor, to amend previous permit. Approved June 4, 2009.
- **Non-Applicability of Zoning Permit 10-0298NA;** Interior work, no change of use. Approved September 23, 2009.
- **Zoning Permit 10-0306CA;** Replace existing sidewalk and railings, add lighting. Approved October 21, 2009.
- **Zoning Permit 10-1016CA;** Convert some dorm space to an apartment. Also install dryer and hood vents on outside wall. No site changes proposed. Approved June 11, 2010.
- **Non-Applicability of Zoning Permit 13-0931NA;** Addition of three bathrooms, interior work only. Approved April 11, 2013.
- **Zoning Permit 17-0455CA;** Two level addition, new off-street parking, landscaping and erosion prevention. Approved December 15, 2016 (subject of this re-application)
- **Zoning Permit 20-0136CA;** Addition of deck, new door, revisions to previously approved window fenestration. Approved August 26, 2019.
- **Zoning Permit 21-0255CA;** Ramp and deck alteration. Approved September 11, 2020.
- **Zoning Permit 21-0424CA;** Temporary tent. Approved November 6, 2020.

Recommendation: Consent Approval as per, and subject to, the following findings and conditions.

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 3, Impact Fees

Section 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.

Impact fees were assessed during the first review, but were not paid. Impact fees apply to this permit. From information submitted by the applicant, the following draft calculation is offered:

SF of Project	5,644	
	<u>Offices & Other</u>	
Department	Rate	Fee
Traffic	0.690	3,894.36
Fire	0.203	1,145.73
Police	0.358	2,020.55
Parks	0.428	2,415.63
Library	0.000	0.00
Schools	0.000	0.00
Total	1.679	\$ 9,476.27

Section 3.3.8 Time and Place of Payment

(b) Existing Buildings: *Impact fees must be paid... if a building permit is required, within thirty (30) days of issuance of the building permit.* **Affirmative finding as conditioned.**

Article 4: Zoning Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(5) Residential High Density (RH)

The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings located close together. Parking is intended to be hidden either behind or underneath structures.

The subject property is located in the RH zone. A 'Place of Worship' in the RH zone is listed as a permitted use in Appendix A – Use Table – All Zoning Districts. **Affirmative finding.**

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the height of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.5-1 Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W

Footnote 2: *There are no minimum lot size or frontage requirements in the RH District.*

Not applicable.

Table 4.4.5-2 Base Residential Density

High Density: RH 40 units/acre

59,626 / 43,560 (acre) = 1.368 acres.

8 units / 1.368 = 5.85 units per acre; well below the 40 unit/acre requirement. See additional non-residential density equivalent application in Sec. 5.2.7 below. **Affirmative finding.**

Table 4.4.5-3 Residential District Dimensional Standards

Maximum Lot Coverage – 80%

Setbacks: Front – Average of 2 adjacent lots on both sides +/- 5 feet; Side – 10% of lot width or ave. of side yard setback of 2 adjacent lots on both sides, maximum of 20'; Rear – 25% of lot depth but in no event less than 20', maximum of 75'.

Maximum Height – 35 feet

The finished project will result in 38.9% in total lot coverage. No change to the front setback is proposed. The 143' wide lot results in a minimum side yard setback requirement of 14.3'. The smallest side yard setback for both the existing building and proposed addition is 24'. The 372' deep lot results in a minimum rear yard setback of 93'; however it will be the maximum setback requirement of 75' that will apply. The addition will be setback approximately 176' from the rear property line. Maximum building height of the addition will be 28' 3 ½". **Affirmative finding.**

(c) Permitted & Conditional Uses

'Place of Worship' is listed as a permitted use in the RH zoning district. **Affirmative finding.**

(d) District Specific Regulations

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

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

(a) Dwelling Units per Acre

In accordance with the district-specific provisions of Article 4, the calculation of density shall be measured as follows in such cases where the density is measured on a dwelling unit per acre basis:

1. ***Density Calculation:** The total number of dwelling units provided on a lot or lots, or portion of the lot(s) where split by a zoning district boundary, shall be divided by the net area expressed in acres calculated to the nearest fractional tenth (i.e. to a single decimal point). The net area of the lot(s) shall account for buildable area where applicable (see Sec. 5.2.4). In calculating the number of dwelling units permitted, fractional units of less than five-tenths (0.5) shall be rounded down to the nearest whole number and fractional units of five-tenths (0.5) or greater shall be rounded up to the nearest whole number. Any rounding of fractional units shall be limited to a single final calculation.*

For purposes of the 8 residential units, see Sec. 4.4.5 (b) above.

2. ***Density Equivalent, Nonresidential Uses:** For purposes of density calculations, each one thousand, five hundred (1,500) square feet of nonresidential gross floor area shall be counted as one dwelling unit.*

With approximately 13,750 sf of nonresidential floor area, the equivalent density is 9 dwelling units. Combining that with the 8 existing residential units, there is a total of 17 dwelling units. As noted in Sec. 4.4.5 (b) above, the following calculation demonstrates compliance with the maximum density allowance for the RH zoning district:

$59,626 / 43,560 \text{ (acre)} = 1.368 \text{ acres.}$

$17 \text{ units} / 1.368 = 12.43 \text{ units per acre; well below the 40 unit/acre requirement. Affirmative finding.}$

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

Lighting spec sheets have been submitted and comply with the lighting standards of this section. **Affirmative finding.**

Sec. 5.5.3, Stormwater and Erosion Control

The proposal will see an increase of approx. 7,500 sf in impervious surfaces. The applicant proposes to construct a stormwater detention basin on the western edge of the property to reduce runoff. Catch basins will be located in the rear of the parking area, and to the north of the proposed playground location, and will route stormwater to the stormwater detention pond in the rear of the property.

An erosion prevention and sedimentation control plan and stormwater plan have been reviewed and approved by the Stormwater Program Manager. **Affirmative finding.**

Article 6: Development Review Standards:

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

In accordance with 24 VSA § 4413, much of Article 6 is exempt from these standards, specifically with *'respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the*

intended functional use – Churches and other places of worship, convents, and parish houses.’ However, staff addresses the below to demonstrate compliance nonetheless.

(a) Protection of important natural features

The property does not contain any important natural features as identified in the Open Space Protection Plan or as outlined in Sec. 4.5.4, *Natural Resource Protection Overlay Districts*.

Affirmative finding.

(b) Topographical alterations

The site has a steady east-to-west downslope, with an elevation ranging from 308’ to 280’ above sea level. The project will see an excavated area for the new building addition’s footprint. Expansion of the existing parking area, to accommodate a total of 36 onsite parking spaces, is also proposed. Overall, the entire parking area will be paved with asphalt. Additional grading will occur immediately to the west of the expanded parking area to create a smoother downslope to the future stormwater detention basin/pond. **Affirmative finding.**

(c) Protection of important public views

There are no significant public views from or through the subject property. The proposed construction will not adversely impact any identified public view corridor. **Affirmative finding**

(d) Protection of important cultural resources

The existing building is listed on both the National and State Registers of Historic Places, and is a contributing resource in the Main Street – College Street Historic District. Under Sec. 5.4.8, new additions to historic buildings are to be constructed in a manner that will preserve historic materials, features, and spatial relationships that characterize the property. The new work will differentiate from the historic building, and be compatible with the historic materials, features, size, scale, proportion, and massing. See Sec. 5.4.8 above. **Affirmative finding.**

(e) Supporting the use of alternative energy

The applicant proposes to place photovoltaic panels on the addition’s south-facing rooftop. **Affirmative finding.**

(f) Brownfield sites

The property is not an identified brownfield. **Affirmative finding.**

(g) Provide for nature’s events

Overall, the project will see a total lot coverage of 21,704 sf, a 5,704 sf increase to the existing 16,000 sf of lot coverage (from 26.8% to 36.4% - now up to 38.9% after the recent approval of ZP21-0255CA for a deck). Currently, stormwater runoff at the eastern portion of the lot drains to the property lines, all other runoff drains to the backyard where there is room for infiltration. With the proposed building addition and expanded parking area, impervious area will increase. The applicant proposes to construct a stormwater detention basin on the western edge of the property to reduce runoff.

On the addition’s south side, facing the parking area, the main entrance vestibule will provide a sheltered entrance. Two secondary entrances, one each on the north and south sides of the upper level are also proposed. The only shelter for the lower, ground level entrance is the roof overhang,

approximately 23 ft above. Ample room remains onsite for seasonal snow storage. **Affirmative finding.**

(h) Building location and orientation

The new addition will locate on the rear of the existing building. It will be difficult to see from South Williams Street. The main entrance to the addition will face the parking area to the south. Also on the south wall of the addition is an ADA accessible entrance door that provides direct access to an internal elevator. **Affirmative finding.**

(i) Vehicular access

As with existing conditions, vehicular access will be provided from South Williams Street. The site currently has a driveway that wraps around the existing building, with two access curb cuts onto South Williams Street. The proposal will see the removal of the northernmost driveway, which is currently only used for exit purposes. The southernmost driveway entrance will continue to serve the property. Parking spaces line the south side of the driveway. Additional parking spaces will locate on the opposite side of the driveway, adjacent to the existing building and proposed addition. A distance of 20 ft separates these parking rows. Turnaround space will be provided at the rear of the driveway/parking area. **Affirmative finding.**

(j) Pedestrian access

Pedestrian access to the existing, primary building is provided via a walkway from the public sidewalk to the front entrance. The existing building has additional accesses on the south side that are accessed by pedestrians from the driveway/parking area. The current proposal will see a new walkway between the driveway/parking area and the existing/new building. The new walkway will be elevated above the driving surface. **Affirmative finding.**

(k) Accessibility for the handicapped

A pair of handicap parking spaces is depicted near the addition's entrance. Entries into the building appear to be at-grade. It is the applicant's responsibility to comply with all applicable ADA requirements. **Affirmative finding.**

(l) Parking and circulation

Parking spaces and circulation aisles are dimensionally compliant. Parking spaces are 9' X 20', and circulation isles are 20' wide allowing for 10' wide travel lanes.

Curbing is proposed along all edges of the parking area. Landscaping along the periphery also serves to delineate the boundaries of the parking and circulation area.

The proposed parking lot will require shade trees. This criterion establishes a target of 30% shading of the parking area with new shade trees. At least 1 shade tree for every 5 parking spaces is required. Overall the parking lot will contain 36 parking spaces and will require 8 shade trees. As proposed, 10 new trees will be planted around the parking lot. Minimum caliper size at the time of planting must be 2.5" – 3.5." As proposed, caliper size is compliant. A mature canopy diameter of at least 25' is needed. Canopy information provided denotes compliance, and the applicant has provided a parking lot shading analysis, depicting 31% shading at maturity.

Bike parking information has been provided. A 12-space bike rack will be provided amid the southern row of vehicular parking, across from the existing building's side entrance. Enclosed

long term bike parking facilities will need to be provided, along with associated shower and locker facilities. **Affirmative finding.**

(m) Landscaping and fences

A comprehensive landscaping plan has been submitted and encompasses a diversity of plantings. Some vegetation will be removed as a result of this proposal. However, the applicant has submitted a landscape plan intended to create a continuous green space that stretches across the west side of the property and wraps to the north and south to connect neighboring green spaces. New plantings will help to screen surface parking from the neighboring property. It will also be used to create a “park like feel” to the property. Species and planting size information have been provided. **Affirmative finding.**

(n) Public plazas and open space

No public plazas or open spaces are included in this proposal. **Affirmative finding.**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

All new utility lines must be buried. A heat-pump system is proposed that will have an outdoor mechanical unit. Mitigating and screening measures must be taken to minimize auditory and visual impacts from the public street and adjacent properties, which the application provides. A screened trash/recycling area is identified on the site plan at the rear of the parking area.

Affirmative finding.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The proposed addition is approximately a 1/3 of the size of the existing building. Additionally, because it will be attached to the rear of the existing 2 ½ story, 96’ deep structure, it will be difficult to view from the public street. The proposed scale of the overall structure, including the proposed addition, will be within the context of other existing buildings in the area, particularly the multifamily buildings located on either side of the subject property. At a height of 28’ 3 ½” above the south side grade, the 2-story addition will be approximately half the height of the existing structure. The overall building, including the proposed addition, is quite small in size when compared to the nearby apartment complexes. **Affirmative finding.**

2. Roofs and Rooflines

The addition will have a gable roof, topped with standing seam metal roofing. The proposed gable roof differs from the double peaked, hip roof of the existing structure. Photovoltaic panels are also proposed to locate on the southern roof face. **Affirmative finding.**

3. Building Openings

The proposed addition exhibits two fenestration patterns. The upper level fenestration includes tall casement/awning window styles in a manner consistent with that of a community gathering space or place of worship. The lower level fenestration includes a mix of awning and double-hung windows in a manner consistent with that of a daylight basement mixed-use space.

Fenestration throughout is appropriately scaled and suited to its intended purpose. The addition's front entry is a projecting, non-insulated vestibule, walled with ¼ inch glazing, and aluminum clad doors. A split staircase inside the vestibule will provide access to both levels.

Affirmative finding.

(b) Protection of important architectural resources

See 6.2.2 (d) above. The existing building is listed on both the National and State Registers of Historic places, and is a contributing resource in the Main Street – College Street Historic District. No alterations will occur to the existing historic structure by way of this permit. Under Sec. 5.4.8, new additions to historic buildings are to be constructed in a manner to preserve historic materials, features, and spatial relationships that characterize the property. The new work will differentiate from the historic building, and be compatible with the historic materials, features, size, scale, proportion, and massing. See Sec. 5.4.8 above. **Affirmative finding.**

(c) Protection of important public views

See 6.2.2 (c) above. **Affirmative finding.**

(d) Provide an active and inviting street edge

The addition is locating at the rear of the existing building. No changes to the street edge are proposed. **Not applicable.**

(e) Quality of materials

Exterior cladding will consist of common bond brick rainscreen on the south and west facades of the upper level, and color metal rainscreen siding on the north façade. Cladding on the lower level will consist of a lightweight concrete finish. The roof will be a standing seam metal roof. The application does not specify the type of exterior cladding that will be used above the secondary entrances on the upper level. It appears that it will be color metal rainscreen. The applicant proposes aluminum clad wood awning windows on the upper floor, and a mix of aluminum clad wood awning and double-hung windows on the lower floor. The proposed materials are acceptable for new construction. **Affirmative finding.**

(f) Reduce energy utilization

As noted previously, the applicants are seeking to utilize energy efficient technologies for heating and cooling. A heat pump is included in the proposal. Additionally, the applicant proposes to install photovoltaic panels on the south-facing rooftop. Current city and state energy efficiency standards must be adhered to. **Affirmative finding as conditioned.**

(g) Make advertising features complimentary to the site

The elevation drawing depicts a sign over the main entrance vestibule. It is noted on the plans that this sign will require a separate zoning permit. The sign appears to comply with signage regulations of Article 7. **Affirmative finding as conditioned.**

(h) Integrate infrastructure into the building design

The project plans depict mechanical unit locations and spec sheets. All new utility lines will have to be buried. **Affirmative finding as conditioned.**

(i) Make spaces safe and secure

All building entries will be illuminated. Adherence to applicable building codes will be required.
Affirmative finding as conditioned

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The property is located in the Neighborhood Parking District. The applicant has provided a parking management plan that tallies the total number of spaces needed based on the various uses within the property.

Use	Number/size	Spaces Required / Use	Total Spaces Req'd
Apartments	8 units	2	16
Office Space	956 sf	2 / 1,000 sf	2
Preschool > 20 children (per 2 employees)	33 children / 10 staff	1 plus 1 per 5 children	12
Synagogue	80 seats	1 / 4 seats	20
Library	485 sf	1.3 / 1,000 sf	1
Total new parking spaces required			51

While parking requirements apply to the main overall use(s) of a property, there are several aspects of the synagogue itself that do not and cannot warrant a parking calculation based strictly on the number of seats. The applicant has provided a breakdown of the various uses of the property. In 2016 when this application was first approved, these calculations were admitted for consideration of parking demand, and for the parking waiver granted. The proposed site plan includes 36 parking spaces. The applicant is requesting again under this new permit that the DRB consider a parking waiver, as allowed under Sec. 8.1.15 (below). **Affirmative finding.**

Sec. 8.1.15, Waivers from Parking Requirements/Parking Management Plans

Parking waivers cannot exceed 90% of the required number of parking spaces. The applicant has provided a parking management plan in support of a 15-space parking waiver. This plan relies on shared parking spaces, the fact that Orthodox Sabbath Laws generally preclude members of the synagogue from driving on the Sabbath, and the availability of off-site parking across South Williams Street. A CCTA bus stop is located approximately 600 feet from the property, making public transportation another option for access to the property. Required onsite bike parking facilities will be provided.

The parking management plan asserts that the apartments require their parking spaces (16) to be available at all times. Other business and events occur at specific times. The preschool operates weekdays from 8am to 5pm. The Rabbi and his staff have weekday hours from 9am to 4pm. The weekly Sabbath brings the whole congregation together for worship. However, the members of the synagogue walk to the building rather than drive their cars. Other events, such as adult education classes, are held in the afternoons or evenings, generally from 7pm to 8:30pm. When considering shared parking, the parking management plan reasonably demonstrates how the various uses can effectively use the 36 parking spaces.

As for all parking waivers, the applicant should be prepared to report back to the Department of Planning & Zoning every year for 3 years following construction with a summary of actual parking demands. **Affirmative finding as conditioned.**

Sec. 8.2.5, Bicycle Parking Requirements

A bike rack will be provided along the south property line, near the existing building's side entry. The rack can hold 12 bikes. The minimum number of short term bike parking spaces required is just 4. Enclosed long term bike parking facilities will have to be provided as part of the development (1/20,000 sf of floor area), with associated shower and locker facilities (1). The final approved plans of Z17-0455CA confirmed the availability of all bike and shower/locker facilities.

Affirmative finding.

II. Conditions of Approval

1. **Within 30 days of issuance of the building permit**, impact fees based on the net new building square footage shall be paid to the Department of Planning & Zoning or to the Clerk / Treasurer's Office.
2. **Report back every year for the next 3 years with information on parking demand/data.**
3. Final approval of the post-construction stormwater management system and the erosion prevention and sediment control plan by the city's stormwater program staff is required.
4. A State of Vermont wastewater permit may be required.
5. All new utility lines shall be buried.
6. It is the applicant's responsibility to comply with all applicable ADA requirements.
7. 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.
8. Any signage will require a separate sign permit.
9. Standard Conditions 1-15.

From: Eliyahu Junik [REDACTED] >
Sent: Monday, January 6, 2025 10:02 PM
To: Scott Gustin <[REDACTED]>
Subject: Re: Re:

[WARNING]: This email was sent from someone outside of the City of Burlington.

The blue ribbon is the line of the warren survey
That was used for our permits
The orange is t survey for non surveys which shows that they built the house on some of our
land



