



CHURCH STREET
M A R K E T P L A C E

To: Church Street Marketplace Commission
From: Andrew Bacher, Marketplace Coordinator
cc: Kara Alnasrawi, Director
Samantha McGinnis, Assistant Director
Date: March 19, 2025

Re: Mathew's Montreal's Famous Cart Menu Change

Background:

Earlier this year, Church Street staff launched the 2025 Church Street Cart Vendor Program application. The application was open Wednesday, January 15, 2025 through Sunday, February 9, 2025 at 11:59pm. Mathew's Montreal's Famous Cart, a returning vendor from the 2024 season, proposed a menu change for the upcoming season. They requested to have Maharaja Spice, a local Indian food truck, manage their cart and serve food from Maharaja Spice's menu. This change raised concerns with the Church Street Cart Vendor Committee due to a potential non-compete issue with Lalguras, a brick-and-mortar Indian Restaurant on the City Hall Block of Church Street, the same block as Mathew's Montreal's Famous's previously designated location. The non-compete agreement for the cart vendor program states that products or services offered by carts are distinct and do not overlap with those provided by permanent storefronts in the area.

There were also concerns raised regarding the new management and menu change of this cart, and whether this was a violation of the sublease clause of the cart vendor program. The sublease clause of the Cart Vendor Program states that a vendor may sublease their location for thirty days to another duly qualified vendor approved by the Marketplace Commission.

Current Status:

During the Church Street Marketplace Commission Meeting on Wednesday, February 19th, commissioners moved to table the vote on the Montreal's Famous / Maharaja Spice food cart until March's meeting. Commission instructed Church Street staff to contact the owners of Lalguras to hear their opinion on the new management and menu change of Montreal's Famous food cart.

Church Street Staff met with Lalguras owners and explained how the Maharaja Spice menu carried similar items to their restaurant. Lalguras expressed they were not comfortable with having any Indian food cart on the Marketplace as it would compete with their restaurant. They worried that the extra competition would drive customers away from their business in favor of the grab-and-go option. They explained that between marketplace fees, rent, and decreased



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foot traffic downtown, a competing Indian food cart would place more financial burden on them.

Staff Recommendation:

Due to the non-compete clause and the explicit concerns expressed by Laliguras, the Church Street staff recommends that the Commission votes to reject the menu change of the Mathew's Montreal's Famous cart and allow Mathew Panetta to resume using his original menu of Greek inspired gyros and rice plates for the 2025-2026 season.



To: Church Street Marketplace Commission

From: Kara Alnasrawi, Director

Date: March 14th, 2025

Re: Re-evaluation of Ground Floor Square Footage – 49 Church St. (mall property)

Background:

Ground Floor Square Footage: The Church Street Marketplace Common Area Fees are calculated based on ground floor square footage for each property. This methodology for calculating common area fees was set by Council resolution in 1992 and has not materially changed since then.

Anchor Exemption: However, in recognition of the financial relationship between large marketplace properties and the funding of the District, the City has approved and implemented a slightly modified methodology for properties in excess of 20,000 ground floor square feet, known as the so-called ‘anchor exemption’. Under this exception, properties meeting the requirements are only charged on the first 20,000 ground floor square feet of their eligible space to be assessed.

Current Circumstances:

Mall Fee & Reduction Request:

In the case of the Burlington Town Center property, the entire property located at 47-55 Church Street and known as Parcels 4 and 5 are considered within the Church Street Marketplace District, and thus, are subject to assessment of the fees. **This fee is currently calculated based on 24,904 square feet.** This calculation assumes levying fees based on both parcels and applying the anchor exemption, save for 4,904 square feet historically found ineligible for the exception, to reduce the total ground floor square footage on which the fees are assessed.

The owner of Devonwood, Donald Sinex, has requested to have his applicable fees reduced to include only Parcel 5. This property has approximately 10,000 square feet of ground floor space. However, the entire mall property encompasses both Parcels 4 and 5, which consists of approximately 48,630 ground floor square feet in total. His request was transmitted to both the City Attorney’s Office and the Marketplace offices.

City Response:

In response to Mr. Sinex’s request, the Marketplace Department initiated a legal review by the City Attorney’s Office and a parcel review by the City Assessor’s Office. This review resulted in the following findings, which were communicated to Mr. Sinex by the City Attorney managing the request:

The lots are contiguous and both owned by Devonwood; therefore, they are assessed and billed as one parcel for property tax purposes (see 32 VSA 4152(3)). By way of analogy, both lots make up one property for the purposes of determining if it has frontage on Church Street, and are thus, within the District per City Charter. Since the parcels are contiguous, and because the front portion of the entire property known as lot 5 directly abuts Church Street, the entire property, including lot 4, is within the District. As a result, both lots receive the benefit of maintenance and improvements to the common areas within the District. Moreover, they have historically been billed as one property for both tax and fee purposes.

Although the total ground square footage of the lots is in excess of 48,000 square feet, the City has historically applied the anchor exception to the Burlington Town Center property, resulting in only assessing fees on the first 20,000 ground floor square feet of the total property. The additional 4,904 square feet that the property was assessed is attributable to a small portion of the property historically found ineligible for the exception. This exception has been in place since the implementation of the overall methodology in 1992.

City Attorney & Staff Recommendation:

Based on the findings of the City Attorney, the City Assessor, and the Marketplace Team, it is suggested that the Church Street Marketplace Commission vote to honor the original anchor exemption and adjust the applicable square footage for the purposes of calculating the Common Area Fee from 24,904 to 20,000 for the upcoming fiscal year.

Based on the City Attorney's assessment, there is no legal cause to reduce the applicable square footage further to 10,000 square feet.

Summary:

Current Square Footage: 24,904	Current Annual Fee: \$75,106.52	
Proposed Square Footage: 20,000	Proposed Annual Fee: \$60,400	<i>Reduction in Marketplace Revenue for FY26 = \$14,706.52</i>
Devonwood's Desired Square Footage: 10,000	Desired Annual Fee: \$30,200	

