

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
Brooks McArthur
Brad Rabinowitz
Leo Sprinzen
Chase Taylor
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, December 20, 2022, 5:00 PM

PUBLIC HEARING NOTICE

Remote Meeting

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. ZP-22-576; 20 Pine Street (FD6, Ward 3C) Cathedral Immaculate Conception, Parish Charitable Trust / Salvatore Matano / John Caulo**
Demolition and removal of existing church building, bell tower, parking lot, and impervious pathways. Planned landscape with trees will be retained.
- 2. ZAP-22-6; 47 Harrison Avenue (RL-W, Ward 5S) Timothy Ely**
Appeal of zoning denial (ZPW-22-148) to replace existing windows with vinyl units.
- 3. ZAP-22-8; 89 Chestnut Terrace (RL, Ward 6S) Janine Boix-Vives / Arline Duffy**
Appeal of zoning determination (ZP-22-503) recognizing 89 Chestnut Terrace as a separate lot from 41 South Street.

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/drbl/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.

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AGENDA

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- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Consent**

- 1. **ZP-22-590; 162 Cumberland Road (RL-W, Ward 4N) Kristen McBride / Jon McBride**
Convert existing 14' x 14' tool shed into home office/hobby space to teach and repair saxophone.
(Project Manager, Ryan Morrison)

V. **Public Hearing**

- 1. **ZAP-22-6; 47 Harrison Avenue (RL-W, Ward 5S) Timothy Ely**
Appeal of zoning denial (ZPW-22-148) to replace existing windows with vinyl units. (Project Manager, Mary O'Neil)
- 2. **ZAP-22-8; 89 Chestnut Terrace (RL, Ward 6S) Janine Boix-Vives / Arline Duffy**
Appeal of zoning determination (ZP-22-503) recognizing 89 Chestnut Terrace as a separate lot from 41 South Street. (Project Manager, Scott Gustin)
- 3. **ZP-22-576; 20 Pine Street (FD6, Ward 3C) Cathedral Immaculate Conception, Parish Charitable Trust / John Caulo**
Request for alternative compliance for the demolition and removal of existing church building, bell tower, parking lot, and impervious pathways. Planned landscape with trees will be retained. (Project Managers, Scott Gustin & Mary O'Neil)

VI. **Sketch Plan**

- 1. **ZSP-22-12; 284 Grove Street (RL, Ward 1E) Ireland Grove Street Properties, LLC / Nicholas Smith**
Sketch Plan Review for the demolition of 12 single-family modular homes and one 3-unit apartment building and construct 13 new duplex buildings (total 26 units) along existing looped driveway.
(Project Manager, Scott Gustin)

VII. **Other Business**

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

Printed on 100% Recycled Paper

1. Joint Institutional Parking Management Plan

Time extension request. (Project Manager, Scott Gustin)

VIII. Adjournment

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City of
Burlington, Vermont
645 Pine Street

Zoning Determination – Findings – Reconsideration

ZP #: 22-503

Tax ID: 058-1-115-000

Issue Date: November 2, 2022

Decision: Affirmative

Property Address:

Description: 89 Chestnut Terrace

This determination is in regard to the above-referenced property, specifically your request that the City of Burlington recognize that 89 Chestnut Terrace is a separate lot from that at 41 South Street. The City reviewed the following documents/evidence to form its determination:

- The City's zoning permit records
- The City's zoning and subdivision codes
- The City's tax parcel map
- The Sanborn maps
- The determination request by Zachary R. Berger

The foregoing items show conflicting evidence as to this matter. Specifically, the zoning permit records include a couple of surveys for boundary adjustments to the subject property. The surveys depict one lot, but the approved boundary adjustments did not include merger of 41 South Street and 89 Chestnut Terrace. The City's tax map depicts two separate lots (one for 89 Chestnut Terrace and another for 41 South Street). The property deeds and original subdivision plat for the south central section of Prospect Park depict two separate lots. The Sanborn maps depict two separate lots. There is nothing in the permit record indicating merger of the two lots. The noted boundary adjustment surveys appear to incorrectly depict two lots as one lot.

Based on review of these items, the Permitting & Inspections Department determines that 89 Chestnut Terrace and 41 South Street are two separate lots.

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board within 15 days after the decision date per Sec. 12.2.2, *Appeals of Administrative Officer Decisions*. Appeals may be filed online at [burlingtonvt.viewpointcloud.com/categories/1098](https://www.burlingtonvt.viewpointcloud.com/categories/1098) or in-person at 645 Pine Street, Burlington, Vermont. <https://www.burlingtonvt.gov/DPI/Appealing-a-Zoning-Decision>

September 1, 2022

Permitting & Inspections
645A Pine Street
P.O. Box 849
Burlington, VT 05402-0849

Re: Lot Boundary Determination Letter

Dear Zoning Office,

Our client (Jeannine Boix-Vives) is interested in selling some land she owns in Burlington, and we are now requesting a formal determination as to whether the land in question is one or two separate lots.

We are of the opinion that the lots are separate. Below is a more detailed explanation.

We are hoping to convey one lot — 89 Chestnut Terrace — and retain one lot — 41 South Street. Currently, the City identifies these as separate parcels on the Grand List, and our client receives two tax bills, one for 41 South Street and one for 89 Chestnut Terrace.

Mr. Boix-Vives (our client's late husband) acquired what is now 89 Chestnut Terrace and 41 South Street via Warranty Deed from John H. McDonald and Patricia D. McDonald dated April 4, 1975 and recorded in Volume 227 at Page 702 of the City of Burlington Land Records. (the "McDonald Deed"). A copy is attached hereto. The McDonald deed recites four parcels of land: Parcel 1, Parcel 2, Parcel 3, and Parcel 4. The attached map (entitled "Parcel 1-4 Map") roughly depicts Parcels 1-4.

Parcel 1 (Majority of 89 Chestnut Terrace)

Parcel 1 is a large, likely conforming, parcel of land that forms the majority of 89 Chestnut Terrace.

Parcel 2 (Majority of 41 South Street)

Parcel 2 is a large, likely conforming, parcel of land that forms the majority of 41 South Street.

Parcel 3 (41 South Street)

Parcel 3, described more substantially in the Quit Claim Deed to John H. McDonald and Catherine M. McDonald from Thomas A. Farrell, Kenneth S. Austin, Frederick Vaughn Burgess, and Margaret Burgess dated October 6, 1952 and recorded in Volume 130 at Page 427 of the City of Burlington (the “Farrell, Austin, Burgess Deed”), is a small non-conforming triangular parcel of about 690 Sq. Ft. The likely purpose of the Parcel 3 conveyance was to square the northern property line of 41 South Street with South Street.

Parcel 4

Parcel 4 is actually two smaller parcels of land — “Parcel 4.1” and “Parcel 4.2” — described more substantially in the Warranty Deed to John H. McDonald and Catherine M. McDonald from Floyd W. Moore and Mabel M. Moore dated September 6, 1962 and recorded in Volume 164 at Page 33 of the City of Burlington Land Records (the “Moore Deed”). Similar to Parcel 3, Parcel 4.1 is a small non-conforming triangular parcel of about 25 Sq. Ft. This parcel was conveyed to the McDonalds, along with a simultaneous conveyance of a small triangular parcel from the McDonalds to the Moores, to square the southern boundary of 41 South Street with South Street.

Parcel 4.2, another small and likely non-conforming parcel of land described in the Moore Deed, merged as a matter of law with Parcel 1 to form what is now known as 89 Chestnut Terrace.

So, in sum, the deed included two larger conforming parcels (Parcel 1 that makes up the majority of 89 Chestnut Terrace and Parcel 2 that makes up the majority of 41 South Street) and three smaller non-conforming parcels (Parcel 3 and Parcel 4.1 likely merged into 41 South Street and Parcel 4.2 that likely merged into 89 Chestnut Terrace).

We believe that the doctrine of automatic lot merger would not necessitate the merger of 41 South Street and 89 Chestnut Terrace, because they are both large parcels that conform with the City of Burlington’s minimum lot size requirements. Importantly, we are not aware of any municipal action that merged the lots and it appears that, based on the Grand List, the City considers these Lots as separate parcels.

Additionally, as Ryan Morrison had pointed out to us, two additional boundary line adjustments have taken place (one boundary line adjustment on the northern border of 89 Chestnut Terrace and one boundary line adjustment on the northern border of 41 South Street). While the maps for those adjustments do not show the internal boundary between 89 Chestnut Terrace and 41 South Street, these boundary line adjustments involved small slivers of land and had nothing to

Permitting & Inspections

September 1, 2022

Page 3

do with merging 41 South Street and 89 Chestnut Terrace. Because an internal lot boundary between two lots under common ownership was irrelevant for the purposes of these two boundary adjustments, it is understandable for the boundary line adjustment maps not to depict the internal lot boundary. We do not think that the lack of an internal lot boundary on these maps should be the basis for the merger of these two lots, particularly when the City has identified them as different parcels for several years.

Thank you for taking the time to review. Please reach out with any questions.

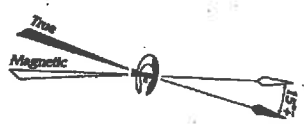
Very truly yours,

GRAVEL & SHEA PC

Zachary R. Berger

ZRB:kad

Enclosures



CURVE LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	75.43	42.00	102.54	05°
C2	14.00	42.00	18.05	35°
				13.94
				M181°54'W

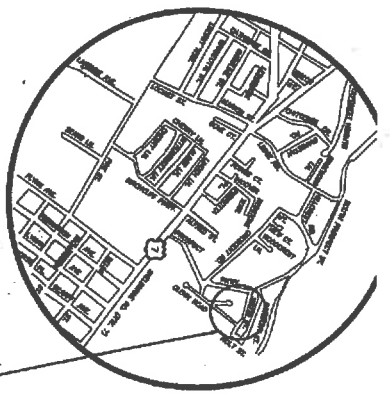
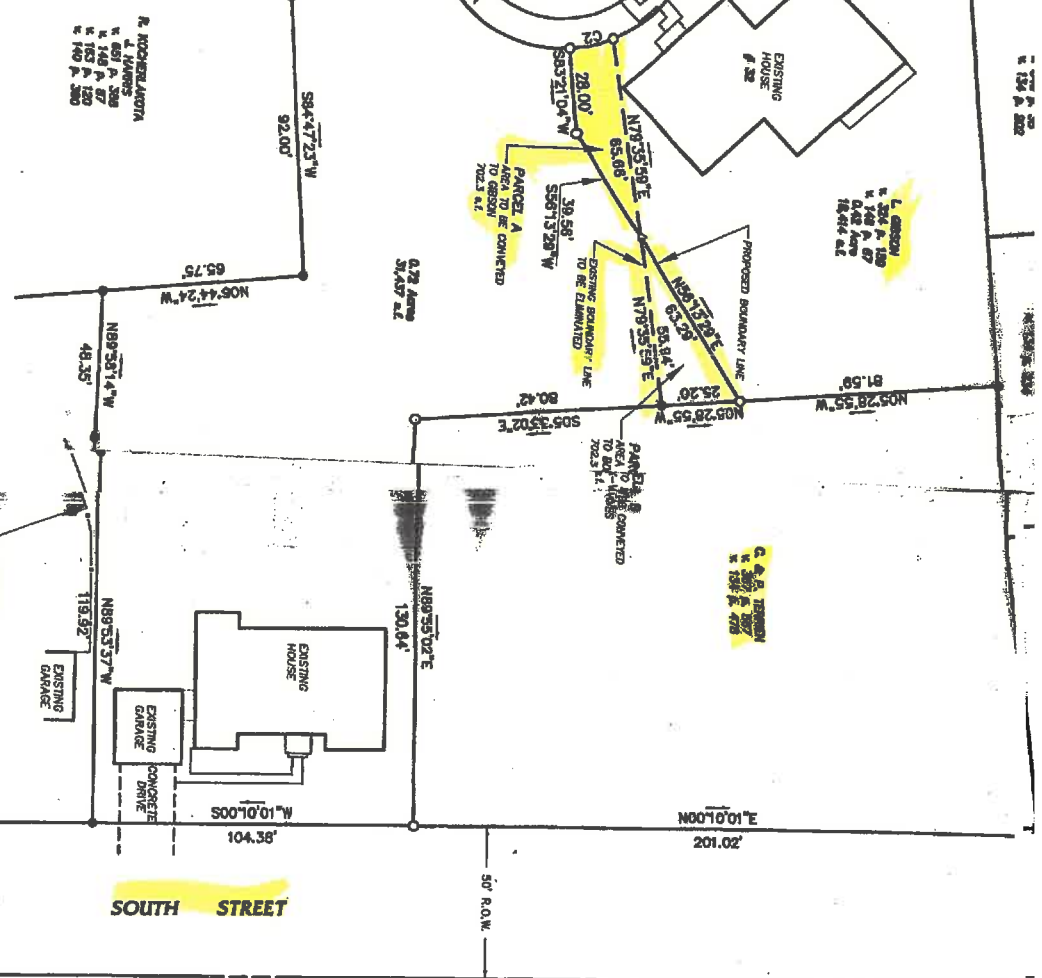
LEGEND

- REBAR (SET)
- IRON PIPE (FOUND)
- ▲ CONCRETE ANCHOR (FOUND)
- △ CALCULATED POINT

BURLINGTON CITY CLERK'S OFFICE
RECEIVED FOR RECORD

of _____ O'clock _____ minutes _____ m
and recorded in plot number # _____ City Clerk
A.D. 2002
Attest: _____

Graphic Scale

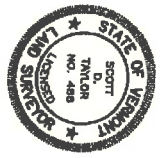


PROJECT LOCATION

ZONING DISTRICT - RL (RESIDENTIAL LOW DENSITY)

LOT COVERAGE	
EXISTING	24.0%
PROPOSED	24.0%
GIBSON	24.0%
BOIX-VIVES	11.5%
	11.5%

THIS PLAT IS BASED ON THE FOLLOWING:
 1) RECORD RECORDED ON 11/10/98 IN THE CITY OF BURLINGTON
 2) A CLOSED FIELD TRAVERSE CONDUCTED WITH A TOTAL
 STATION ON 11/19/98
 3) BEARINGS ARE BASED ON MAGNETIC NORTH TAKEN ALONG A LEG
 OF THE TRAVERSE.
 4) REBAR SET ARE NO. 5 REINFORCING BARS WITH ALUMINUM CAPS
 THIS PARCEL BEING THE LAND CONVEYED TO LAURENT BOIX-VIVES IN
 VOLUME 227 PAGE 702.
 5) AN ATTORNEY HAS BEEN MADE TO IDENTIFY OR DETERMINE
 EASEMENTS, RIGHTS OF WAY, LEASE LANDS, ENCROACHMENTS,
 ETC. OBSERVED IN THE FIELD OR READILY FOUND IN THE LAND
 RECORDS. ADDITIONAL ENCUMBRANCES MAY EXIST WHICH ARE
 NOT SHOWN ON THIS PLAT.



Boundary Line Adjustment

LAURENT BOIX-VIVES

41 South Street, Burlington, Vt.

TRUDELL CONSULTING ENGINEERS, INC.

Project number: 99079-41, Dwg. 1
 Project date: 3/07, Drawn: SUT
 Date: 12/04/09, Scale: 1"=30'
 Plot Book: 164, Date: 12/03/04/04

CITY CLERK'S OFFICE
 Noted and recorded in full records on 12/04/09 at 1:20 P.M.
 at Burlington Land Records Office
 In witness whereof, I, the City Clerk
 [Signature]
 do hereby certify, A.D. City Clerk

702

Know all Men by these Presents

That We, JOHN H. and PATRICIA D. McDONALD, husband and wife,

of Burlington in the County of Chittenden
and State of Vermont Grantors, in the consideration of

-----Ten or More----- Dollars

paid to our full satisfaction by LAURENT BOIX-VIVES

of Warren in the County of Washington
and State of Vermont Grantee, by these presents, do
freely Give, Grant, Sell, Convey and Confirm unto the said Grantee

LAURENT BOIX-VIVES

and his heirs and assigns forever, a
certain piece of land in Burlington in the
County of Chittenden and State of Vermont, described as
follows, viz:

Being four (4) contiguous and adjacent parcels of land with dwelling house and other structures thereon, the dwelling house known and designated as #41 South Street, so-called; said property being more particularly described as follows:

Parcel 1: Lot 86 as shown on a Revised Plan of East Central Section of Prospect Park, said Plan being of record in Volume 134, Page 234, of the Land Records of the City of Burlington. Beginning at a point in the west line of South Street, said point being the southeast corner of Lot 85 as shown on said Plan; thence, South 84° 13' W in the south line of said Lot 85 for a distance of 130 feet, more or less, to a point; said point being the southwest corner of Lot 85; thence, turning a deflection angle of 90° to the left for the distance of 100 feet to a point; thence, turning a deflection angle of 90° to the left for a distance of 120 feet, more or less, to a point in the west line of South Street; thence turning a deflection angle of 84° 13' in the west line of South Street 100.51 feet to the point or place of beginning. The last mentioned course is due north magnetically.

Excepted and excluded from the above description is a small parcel of land off the southwesterly corner of Lot 86 as conveyed by deed of John H. and Catherine McDonald to Floyd and Mabel Moore, said deed dated September 6, 1962, and recorded in Volume 164, Page 34, of said Land Records.

227/702
D: 4/4/75
RE: 4/4/75

PARCEL 2: Lot 89 as shown on a Plan of Portion of South Central Section of Prospect Park, Revised September 8, 1955, and recorded in Volume 48, Page 87, of the City of Burlington Land Records. Said Lot 89 has a south line of 140 feet; an east line of 113 feet; a north line of 120.2 feet; a west line of 89.43 feet following the curve of Chestnut Terrace, plus 55.55 feet that follows the frontage of an unnamed right-of-way as shown on said Plan.

703

Parcel 3: A triangular portion of Lot 85 as shown on a Revised Plan of the East Central Section of Prospect Park, said Plan of record at Volume 134, Page 234 of the Burlington Land Records. Beginning at a point in the west line of South Street, said point being the southeast corner of Lot 85 as shown on said Plan; thence running at right angles to said South Street westerly 138 feet, more or less, to the rear line of said Lot 85 as shown on said Plan; thence turning to the left at an approximate angle of 84° 13' and running southerly along the westerly line of Lot 85, a distance of 13.099 feet, more or less, to a point, which point is the northwest corner of said Lot 86 as shown on said Plan; thence turning left approximately at a right angle and running easterly along the northerly line of said Lot 86, said line being the southerly line of said Lot 85 as shown on said Plan, a distance of 130 feet, more or less, to the point or place of beginning.

PARCEL 4: Being Parcels 1 and 2 as described in a warranty deed from Floyd W. and Mabel M. Moore to John and Catherine McDonald, dated September 4, 1962 and of record in Volume 164, Page 33, of the City of Burlington Land Records.

This conveyance is subject to any and all easements, rights-of-way, protective covenants and any other burdens and benefits of record.

The above described parcels are all and the same land and

premises conveyed to the within grantors by quit-claim deed of Ruth G. Haselton, dated December 26, 1966, and recorded in Volume 181, Pages 365-67 of the Burlington Land Records.

To said deeds and plans, the records thereof, and to the deeds and records therein referred to, reference is hereby made in further aid of this description.

his heirs and assigns, to their own use and behoof forever;
And we the said Grantors, JOHN H. and PATRICIA D. McDONALD

for ourselves and our heirs,
executors and administrators, do covenant with the said Grantee

LAURENT BOIX-VIVES, his

heirs and assigns, that until the enrolling of these presents we are
the sole owners of the premises, and have good right and title to convey the
same in manner aforesaid, that they are **Free** from every encumbrance;
except as above stated

and we hereby engage to **Warrant and Defend** the same against all lawful claims whatever,

In Witness Whereof, we hereunto set our hands and seals
this 4th day of April A. D. 19 75

In Presence of

Stephen L. Crompton
John F. Ewing

John H. McDonald
JOHN H. McDONALD
Patricia D. McDonald
PATRICIA D. McDONALD



Vermont Property Transfer Tax
No. 8312005
dated 4-7-75
by *John H. McDonald*
Notary Public

State of Vermont, ss. At Burlington this
CHITTENDEN County 4th day of April A. D. 19 75

JOHN H. and PATRICIA D.
McDONALD

personally appeared, and they acknowledged this instrument, by
them sealed and subscribed, to be their free act and deed.

Before me *John F. Ewing*
Notary Public

Received for record April 4, 19 75, at 3:40 PM. and recorded.
Attest: *John F. Ewing*
City Clerk

130/427
STATE OF VERMONT,)
CHITTENDEN COUNTY,) ss.

Page 3

E: 10/9/52
10/6/52
At Burlington this 23rd day of September A. D. 1952, Barbara A. Foster, personally appeared, and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed.

Before me Adele B. Ramsey
Notary Public

Received for record October 7, 1952 at 2:25 P. M. and duly recorded.

Attest:

John H. McDonald
City Clerk.

Frederick V. and Margaret P. Burgess, et al

to

} R QUIT-CLAIM DEED

John H. and Catherine M. McDonald

Know all Men by these Presents That we, Thomas A. Farrell, of South Burlington, and Kenneth S. Austin, Frederick Vaughn Burgess and Margaret P. Burgess, husband and wife, of Burlington in the County of Chittenden and State of Vermont Grantors, in the consideration of One or more Dollars paid to our full satisfaction by John H. McDonald and Catherine M. McDonald, husband and wife of Burlington in the County of Chittenden and State of Vermont Grantees, have Remised, Released, and Forever Quit-claimed unto the said John H. McDonald and Catherine M. McDonald, husband and wife, as tenants by the entirety all right and title which we or our heirs have in, and to a certain piece of land in Burlington in the County of Chittenden and State of Vermont, described as follows, viz:

A triangular portion of lot #85 as shown on the revised plan of the East Central Section of Prospect Park of record in Volume 134, Page 234 of the Land Records of the City of Burlington and described as follows:

Beginning at a point in the west line of South Street, said point being the southeast corner of Lot #85 and the northeast corner of Lot #86 as shown on said plan, thence running at right angles to said South Street, westerly one hundred and thirty-eight feet (138'), more or less, to the rear line of said Lot #85 as shown on said plan, thence turning to the left an approximate angle of 84°13' and running southerly along the westerly line of Lot #85 a distance of thirteen and 99/1000 feet (13.099') more or less to a point, which point is the northwest corner of said lot #86 as shown on said plan, thence turning left approximately a right angle and running easterly along the northerly line of said lot #86, said line also being the southerly line of lot #85 as shown on said plan, a distance of one hundred thirty feet (130') more or less, to the point or place of beginning; being a portion of the premises conveyed to the grantors Frederick Vaughn Burgess and Margaret P. Burgess by the warranty deed of Kenneth S. Austin dated the 15th day of July, 1950 and of record in Volume 136, page 343 of the Land Records of the City of Burlington, to which plan and deed, and its record, and the deeds and their respective records therein referred to, reference is hereby made in further aid of this description.

The Grantors, Thomas A. Farrell and Kenneth S. Austin, join in this conveyance for the sole purpose of releasing a certain restriction and covenant prohibiting subdivision of the property described in the above deed all as set forth in said deed and in two certain other deeds dated July 6, 1950 and July 14, 1950 and of record in Volume 136, pages 318 and 323 respectively, from the said Thomas A. Farrell to the said Kenneth S. Austin so that the above described property may be conveyed by this deed, but without releasing said restriction or covenant to any other portion of the property of the said Frederick Vaughn Burgess and Margaret P. Burgess and for no other purpose whatsoever, and it is specifically provided that all other covenants and restrictions in said deeds above shall continue to run with the land as therein specified.

There is no consideration for this deed and for this reason no revenue stamps are attached.

To Have and to Hold all right and title in and to said quit-claimed premises, with the appurtenances thereof, to the said John H. McDonald and Catherine M. McDonald, husband and wife, as tenants by the entirety, and their heirs and assigns forever. And Furthermore we the said Thomas A. Farrell, Kenneth S. Austin, Frederick Vaughn Burgess and Margaret P. Burgess, do for ourselves, our heirs, executors and administrators, covenant with the said John H. McDonald and Catherine M. McDonald, husband and wife, their heirs and assigns, that from and after the ensembling of these presents the said Thomas A. Farrell, Kenneth S. Austin Frederick Vaughn Burgess and Margaret P. Burgess will have and claim no right, in, or to the said quit-claimed premises.

In Witness Whereof, I hereunto set my hand and seal this 6th day of October, A. D. 1952

In Presence of:

Thomas A. Farrell Seal
Thomas A. Farrell

LaForest E. Osborne, Jr.

Ruth B. Young

STATE OF VERMONT,)
CHITTENDEN COUNTY,) ss.

At Burlington this 6th day of October A. D. 1952 Thomas A. Farrell personally appeared, and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed.

Before me, LaForest E. Osborne, Jr.

In Witness Whereof, I hereunto set my hand and seal this 6th day of October, 1952.

In Presence of:

T. M. Adams

H. A. Allen, Jr.

Kenneth S. Austin Seal
Kenneth S. Austin

STATE OF VERMONT
CHITTENDEN COUNTY, ss.

At Burlington this 6th day of October, A. D. 1952 Kenneth S. Austin personally appeared and he acknowledged this instrument by him sealed and subscribed to be his free act and deed.

Before me, Richard H. Cowles, Notary Public

In Witness Whereof, we hereunto set our hands and seals this 6th day of October, 1952.

In Presence of:

R. O. Patno

Albert W. Coffrin

Frederick Vaughn Burgess Seal
Frederick Vaughn Burgess

Margaret P. Burgess Seal
Margaret P. Burgess

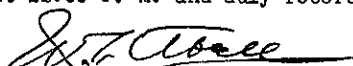
STATE OF VERMONT
CHITTENDEN COUNTY, ss.

At Burlington this 6th day of October, A. D. 1952 Frederick Vaughn Burgess and Margaret P. Burgess personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Before me, Albert W. Coffrin
Notary Public

Received for record October 9, 1952 at 12:50 P. M. and duly recorded.

Attest:


City Clerk.

Eleanor C. Dalton

to

QUIT-CLAIM DEED

Richard H. and Katherine V. Cowles

Know all Men by these Presents That I, Eleanor C. Dalton of Burlington in the County of Chittenden and State of Vermont Grantor, in the consideration of One and more Dollars paid to my full satisfaction by Richard H. Cowles and Katherine V. Cowles, husband and wife, of Burlington in the County of Chittenden and State of Vermont Grantees, have Remised, Released, and Fover Quit-claimed unto the said Richard H. Cowles and Katherine V. Cowles, husband and wife, as an estate by the entirety, all right and title which I, Eleanor C. Dalton or my heirs have in, and to a certain piece of land in Burlington in the County of Chittenden and State of Vermont, described as follows, viz:

A lot of land with dwelling house No. 104, situated on the northerly side of Ledge Road, and being all and the same land and premises which were conveyed to me, said Eleanor C. Dalton, by Warranty Deed of Richard H. and Katherine V. Cowles, of even date herewith and to be recorded herewith.

Reference is made to the deed aforesaid and to its record when recorded, and to the deeds and records therein mentioned, in aid of this description.

As the sole purpose of this deed and the one from the within Grantees to the within Grantor is to perfect title in the said Grantees as husband and wife, as an estate by the entirety, it is not taxable.

To Have and to Hold all right and title in and to said quit-claimed premises, with the appurtenances thereof, to the said Richard H. Cowles and Katherine V. Cowles, husband and wife, as an estate by the entirety, their heirs and assigns forever. And Furthermore I the said Eleanor C. Dalton do for myself and my heirs, executors and administrators, covenant with the said Richard H. Cowles and Katherine V. Cowles, their heirs and assigns, that from and after the ensembling of these presents I the said Eleanor C. Dalton will have and claim no right, in, or to the said quit-claimed premises.

In Witness Whereof, I hereunto set my hand and seal this 10th day of October, A. D. 1952.

In Presence of:

William C. Hill

Henry D. Hendee, Jr.

Eleanor C. Dalton Seal

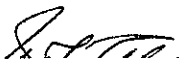
STATE OF VERMONT,)
CHITTENDEN COUNTY,) ss.

At Burlington this 10th day of October, A. D. 1952 Eleanor C. Dalton personally appeared, and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed.

Before me, William C. Hill
Notary Public

Received for record October 10, 1952 at 3:00 P. M. and duly recorded.

Attest:



164/33

Parcel 4

At Winooski this 6th day of September, 1962, personally appeared Thomas A. Farrell and he acknowledged the foregoing instrument by him executed to be his free act and deed.

Before me, R. Allan Paul
Notary Public

I hereby certify that U. S. Revenue Stamps in the amount of \$4.40 were affixed to the foregoing written instrument and were duly cancelled.

Received for record September 10, 1962, at 9:50 A. M. and duly recorded.

Attest



City Clerk.

Floyd W. and Mabel M. Moore

to

John H. and Catherine M. McDonald

WARRANTY DEED

D. 9/4/1962

RE: 9/10/1962

Know all Men by these Presents That We, Floyd W. Moore and Mabel M. Moore of Burlington in the County of Chittenden and State of Vermont Grantors, in the consideration of - - Ten and More - - Dollars paid to our full satisfaction by John H. McDonald and Catherine M. McDonald of Burlington in the County of Chittenden and State of Vermont Grantees, by these presents, do freely Give, Grant, Sell, Convey and Confirm unto the said Grantees John H. McDonald and Catherine M. McDonald, husband and wife, as tenants by the entirety, and their heirs and assigns forever, a certain piece of land in Burlington in the County of Chittenden and State of Vermont, described as follows, viz:

Parcel I: A triangular portion of lot No. 87 as shown on plans of the south central section of Prospect Park recorded in Vol. 140, at Page 360 and in Vol. 148, at Page 87 of the City of Burlington Land Records. Said land is more particularly described as follows:

Beginning at a point in the westerly line of South Street which is the northeasterly corner of said Lot No. 87; thence southerly along the westerly line of South Street a distance of 3.75 feet; thence westerly making an angle of 90° with South Street, a distance of 38.55 feet to a point; thence easterly along the original boundary line between lots 86 and 87 on said plan to the point of beginning.

The purpose of the conveyance of this parcel is to make the boundary line between Lots 86 and 87 form a right angle with the westerly line of South Street. The simultaneous conveyance by the within grantees to the within grantors of a corresponding triangular piece of land will complete the relocation of said boundary line.

Said land is a part of the land conveyed to the within grantors by warranty deed of Webster S. Thompson and Barbara E. Thompson, dated August 31, 1961, recorded in Vol. 162, at Page 154, of the Burlington Land Records.

Parcel II: A portion of Lot 88 as shown on the aforesaid plans. Said land is more particularly described as follows:

Beginning at a point in the easterly boundary line of said Lot No. 88, which is also the westerly boundary line of Lots 86 and 87, said point being the northeasterly corner of Lot No. 88; thence southerly in the easterly boundary line of Lot No. 88 a distance of 71.21 feet to a point; thence westerly, at an angle of 83°09', a distance of 48.27 feet to a point; thence northerly, at an angle of 96°51', a distance of 65.75 feet to the north boundary line of Lot No. 88; thence easterly at an angle of 90°, a distance of 48.0 feet to the point of beginning.

Said parcel of land is a part of the land conveyed to the within grantors by warranty deed of Ernest B. Smith dated August 9, 1962, recorded in Vol. 162, at Page 729 of the Burlington Land Records.

Both of the above parcels of land are subject to certain restrictive covenants which are more particularly referred to in the deeds to the within grantors, except as said restrictions are expressly waived by Thomas A. Farrell by waiver attached to this deed.

Both of the parcels hereby conveyed are shown on a plan entitled "Plot Plan, Lots 87 and 88 Prospect Park Development," recorded in Vol. 163 at Page 120 of the Burlington Land Records.

Reference is made to the above mentioned deeds and plans and to the records thereof, and to the deeds and records therein referred to, in aid of this description.

To Have and to Hold said granted premises, with all the privileges and appurtenances thereof, to the said Grantees John H. McDonald and Catherine M. McDonald, and their heirs and assigns, to their own use and behoof forever; And we the said Grantors Floyd W. Moore and Mabel M. Moore for ourselves and our heirs, executors and administrators, do covenant with the said Grantees John H. McDonald and Catherine M. McDonald, and their heirs and assigns, that until the ensembling of these presents we are the sole owners of the premises, and have good right and title to convey the same in manner aforesaid; that they are free from any encumbrances except as above stated.

We hereby engage to Warrant and Defend the same against all lawful claims whatever, except as above stated.

In Witness Whereof, we hereunto set our hands and seals this 4th. day of September A. D. 1962.

In Presence of

A. Pearley Feen

Floyd W. Moore

Seal

Dorothy Burns

Mabel M. Moore

Seal

STATE OF VERMONT)
CHITTENDEN COUNTY) ss.

At Burlington this 4th day of September A. D. 1962 Floyd W. Moore and Mabel M. Moore personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Before me, Dorothy Burns
Notary Public

CONSENT TO CONVEYANCE

The undersigned hereby consents to the conveyance made by the deed to which this consent is attached and waives the provision against subdivision imposed by him upon the land therein conveyed to the extent that said conveyance constitutes a subdivision of said land.

In Witness Whereof I hereunto set my hand and seal this 6th day of September, 1962.

In the Presence of:

R. Allan Paul

Thomas A. Farrell

Seal

Mildred E. Sargent

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

At Winooski this 6th day of September, 1962, personally appeared Thomas A. Farrell and he acknowledged the foregoing instrument to be his free act and deed.

Before me, R. Allan Paul
Notary Public

I hereby certify that U. S. Revenue Stamps in the amount of \$0.55 were affixed to the foregoing written instrument and were duly cancelled.

Received for record September 10, 1962, at 9:55 A. M. and duly recorded.

Attest:



City Clerk.

John H. and Catherine M. McDonald

to

WARRANTY DEED

Floyd W. and Mabel M. Moore

164/34 D: 9/6/1962
RE: 9/10/1962

Know all Men by these Presents That we, John H. McDonald and Catherine M. McDonald of Burlington in the County of Chittenden and State of Vermont Grantors, in the consideration of Ten and More Dollars paid to our full satisfaction by Floyd W. Moore and Mabel M. Moore of Burlington in the County of Chittenden and State of Vermont Grantees, by these presents, do freely Give, Grant, Sell, Convey and Confirm unto the said Grantees Floyd W. Moore and Mabel M. Moore, husband and wife, as tenants by the entirety, and their heirs and assigns forever, a certain piece of land in Burlington in the County of Chittenden and State of Vermont, described as follows, viz:

A triangular piece of land off the southwest corner of Lot No. 86 as shown on plans of the south central section of Prospect Park recorded in Vol. 140, at Page 360, and in Vol. 148, at Page 87 of the City of Burlington Land Records. Said parcel is more particularly described as follows:

Beginning at a point which is the southwest corner of said Lot No. 86; thence northerly along the westerly line of said Lot No. 86, a distance of 7.92 feet to a point; thence easterly, at an angle of 83°09', a distance of 81.43 feet to a point; thence westerly along the original boundary line between Lots 86 and 87 to the point of beginning.

The purpose of this conveyance is to make the boundary lines between Lot 86 and 87 form a right angle with the westerly line of South Street. The simultaneous conveyance by the within grantees to the within grantors of a corresponding triangular piece of land will complete the relocation of said boundary line.

Said land is a part of the land conveyed to the within grantors by warranty deed of Kenneth S. Austin dated July 29, 1950, recorded in Vol. 136, at Page 381 of the Burlington Land Records.

Reference is made to the above mentioned deed and plans and to the records thereof, and to the deeds and records therein referred to, in aid of this description.

The above parcel of land is subject to certain restrictive covenants which are more particularly referred to in the deed to the within grantors, except as said restrictions are expressly waived by Thomas A. Farrell by waiver attached to this deed.

To Have and to Hold said granted premises, with all the privileges and appurtenances thereof, to the said Grantees Floyd W. Moore and Mabel M. Moore, and their heirs and assigns, to their own use and behoof forever; And we the said Grantors John H. McDonald and Catherine M. McDonald for ourselves and our heirs, executors and administrators, do covenant with the said Grantees Floyd W. Moore and Mabel M. Moore, and their heirs and assigns, that until the ensembling of these presents we are the sole owners of the premises, and have good right and title to convey the same in manner aforesaid, that they are Free from every encumbrance; except as above stated. We hereby engage to Warrant and Defend the same against all lawful claims whatever, except as above stated.

In Witness Whereof, we hereunto set our hands and seals this 6th day of September A. D. 1962.

In Presence of: John H. McDonald Seal
A. Pearley Feen Catherine M. McDonald Seal
Dorothy Burns

STATE OF VERMONT,)
CHITTENDEN COUNTY) ss.

At Burlington this 6th day of September A. D. 1962 John H. McDonald and Catherine M. McDonald personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Before me, Dorothy Burns
Notary Public

CONSENT TO CONVEYANCE

The undersigned hereby consents to the conveyance made by the deed to which this consent is attached and waives the provision against subdivision imposed by him upon the land therein conveyed to the extent that said conveyance constitutes a subdivision of said land.

In Witness Whereof I hereunto set my hand and seal this 6th day of September, 1962.

In the Presence of:

R. Allan Paul Thomas A. Farrell Seal
Mildred E. Sargent

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

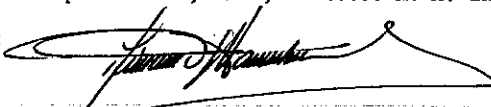
At Winooski this 6th day of September, 1962, personally appeared Thomas A. Farrell and he acknowledged the foregoing instrument to be his free act and deed.

Before me, R. Allan Paul
Notary Public

I hereby certify that U. S. Revenue Stamps in the amount of \$0.55 were affixed to the foregoing written instrument and were duly cancelled.

Received for record September 10, 1962, at 10:00 A. M. and duly recorded.

Attest:


City Clerk.

Thomas A. Farrell

to

WARRANTY DEED

David M. and Joan B. Boardman

WARRANTY DEED

Know All Men by These Presents that I, Thomas A. Farrell, of South Burlington, in the County of Chittenden and State of Vermont Grantor, in the consideration of Ten and More Dollars paid to my full satisfaction by David M. Boardman and Joan B. Boardman, husband and wife, of Burlington, in the County of Chittenden and State of Vermont Grantees, by these presents, do freely Give, Grant, Sell, Convey and Confirm unto the said Grantees David M. Boardman and Joan B. Boardman, husband and wife, as tenants by the entirety, and their heirs and assigns forever, a certain piece of land in Burlington, in the County of Chittenden and State of Vermont, described as follows, viz:

A certain piece or parcel of land 50 feet wide. more or less. in Prospect



Department of Permitting and Inspections

645 Pine Street
Burlington, VT 05401-8415
Phone: (802) 865-7188

www.burlingtonvt.gov/dpi

Zoning Permit Application - Owner's Signature & Consent

For use when the applicant is acting on behalf of the property owner.

PROJECT LOCATION ADDRESS: 89 Chestnut Terrace

PROPERTY OWNER*: Boix VIVES Jeannine

*If condominium unit, written approval from the Association is also required

APPLICANT: Zachary R. Berger

POSTAL ADDRESS: 41 South Street

POSTAL ADDRESS: P.O. Box 369

CITY, ST, ZIP: BURLINGTON VT 05401

CITY, ST, ZIP: Burlington, Vermont, 05401

DAY PHONE: 802 238-5691

DAY PHONE: (802) 264-3230

EMAIL: mornetd@comcast.net

EMAIL: zberger@gravelshea.com

SIGNATURE: [Signature]

SIGNATURE: [Signature]

Property owner signature authorizes the applicant (if noted) to act on owner's behalf for all matters pertaining to this zoning permit application. Signature also consents to the proposed work and to inspection by city zoning staff to close out the zoning permit upon project completion.

Description of Proposed Project: Determination that 89 Chestnut Ter. (Parcel ID: 058-1-115.000) is a separate lot 41 South St. (Parcel ID 058-3-042.000)

November 17, 2022

To the Development Review Board:

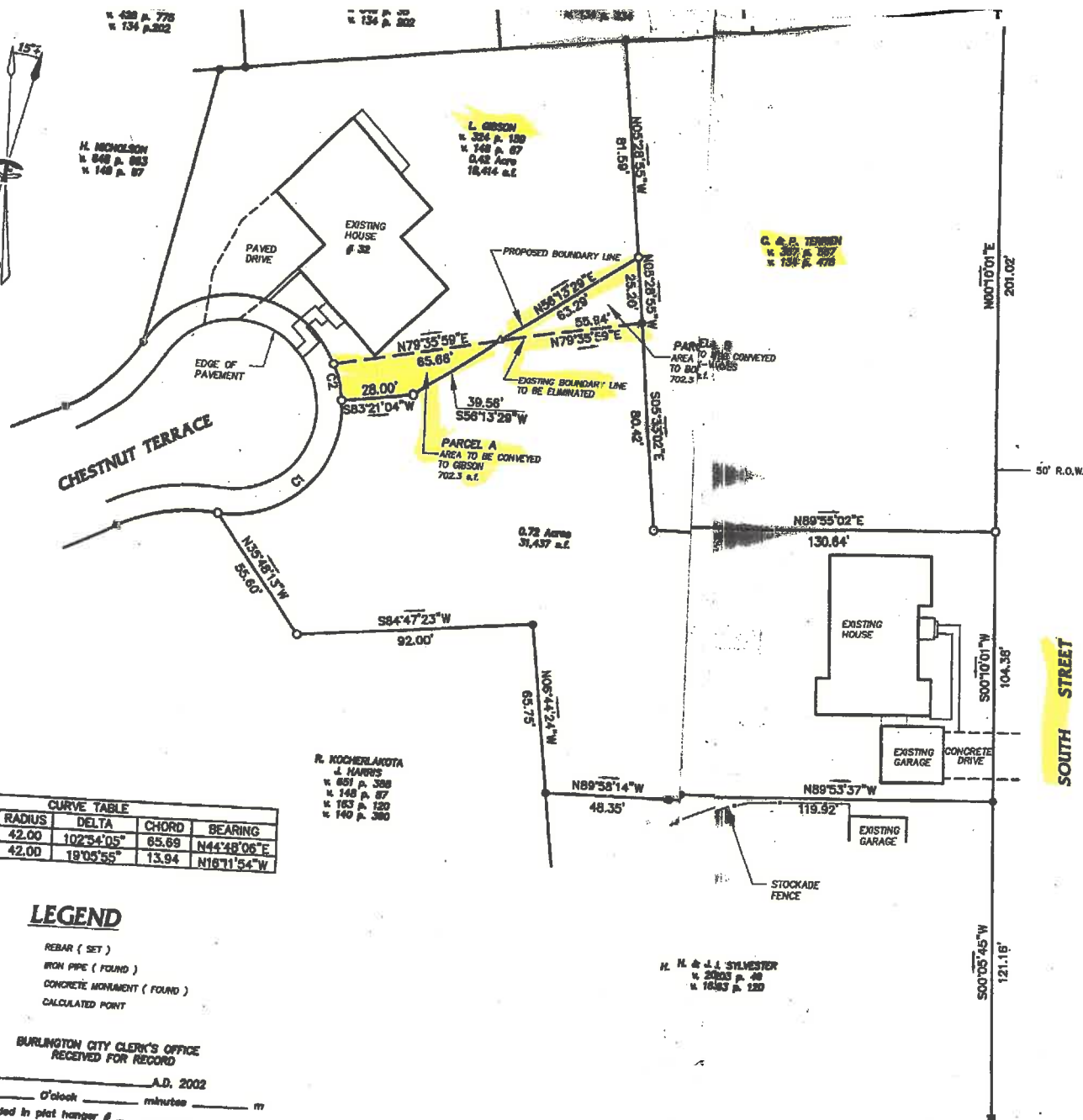
I am appealing the decision for Zoning Permit Application ZP #: 22-503. My filing fee of \$250 was paid on-line. The application #22-503 originally received an Adverse Determination that 89 Chestnut Terrace is a separate lot from 41 South Street, which was issued on September 16, 2022. The Applicant timely appealed the decision to the DRB on September 21, 2022. I am an abutter to the proposed separate lot at 89 Chestnut Terrace and received notice of the appeal and a scheduled hearing date of November 1, 2022. I then received a second notice with a new date of November 15 for the appeal. I spoke with staff in the Zoning Office to indicate that I would be submitting materials for the hearing. I then learned that the appeal had been withdrawn because, on November 2, 2022, the Zoning Administrator reversed their decision and issued a new decision. I appeal on the following grounds:

1. The Zoning Administrator lacked jurisdiction to issue a new decision on November 2, 2022 because there was a pending appeal before the Development Review Board. Jurisdiction of the matter had already been transferred to the DRB.
 - a. The exclusive remedy for a decision of the Zoning Administrator is to file an appeal. 24 V.S.A. § 4465; 4470.
 - b. When issuing a decision on a Zoning Permit, a town or city is acting as a quasi-judicial entity. *In re Freimour & Menard Conditional Use Permit*, No. 59411, 2012 WL 8898500, at *5 (Vt.Super. June 06, 2012). *See also, Chioffi v. Winooski Zoning Bd.*, 151 Vt. 9, 13 (1989).
 - c. “[W]hen a notice of appeal from a decision of an appropriate municipal panel is properly filed with the Environmental Division under the provisions in 24 V.S.A., Chapter 116 and V.R.E.C.P. 5, the municipal panel is divested of its jurisdiction over the matter on appeal and jurisdiction is conferred to the Environmental Division. *In re Freimour & Menard Conditional Use Permit*, No. 59411, 2012 WL 8898500, at *5 (Vt.Super. June 06, 2012).
2. The Applicant, through her attorney, Zachary Berger, was mailed a Z card on September 6, 2022 (according to Zoning and Planning staff) and failed to properly post the property during the pendency of the Zoning Permit application in violation of Section 3.2.4(b) of Burlington’s Zoning Ordinance. To this day, no notice has been posted at the property. No neighbor had any notice of the request for a determination until those immediate neighbors received the required DRB Appeal Notice by mail.

I respectfully request that the Development Review Board remand the matter to the Zoning Administrator with direction to reinstate its original decision dated September 16. I believe this relief is the only relief appropriate given the circumstances. The action of the Zoning Administrator on November 2 violated Vermont law and my due process and statutory rights to

participate in the original appeal. Applicant has also failed to adhere to the procedural rules requiring notice at the property. Applicant should be directed to properly post the property immediately so that other neighbors are aware of this proceeding and can exercise their rights if they so choose, in the event that Applicant again exercises her right to appeal the Adverse Determination.

1878 1879 1880 1881 1882 1883 1884 1885 1886 1887 1888 1889 1890 1891 1892 1893 1894 1895 1896 1897 1898 1899 1900 1901 1902 1903 1904 1905 1906 1907 1908 1909 1910 1911 1912 1913 1914 1915 1916 1917 1918 1919 1920 1921 1922 1923 1924 1925 1926 1927 1928 1929 1930 1931 1932 1933 1934 1935 1936 1937 1938 1939 1940 1941 1942 1943 1944 1945 1946 1947 1948 1949 1950 1951 1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2



LEGEND

- REBAR (SET)
- IRON PIPE (FOUND)
- CONCRETE MONUMENT (FOUND)
- △ CALCULATED POINT

BURLINGTON CITY CLERK'S OFFICE
RECEIVED FOR RECORD

_____ A.D. 2002
at _____ O'clock _____ minutes _____ m
and recorded in plot hanger # _____
Attest: _____ City Clerk



PROJECT LOCATION

CITY CLERK'S OFFICE
Received 5-1 20 08 at 4:30 P. M.
and recorded in plat hanging # 359-A
of Jurifaction Land Records, Atlas:
J. LaMarche
Jo LaMarche, Asst. City Clerk

ZONING DISTRICT - RL (RESIDENTIAL LOW DENSITY)

LOT COVERAGE		
	EXISTING	PROPOSED
GIBSON	24.0%	24.0%
BOIX-VIVES	11.5%	11.5%

THIS PLAT IS BASED ON THE FOLLOWING:

- 1) ITS BASED ON THE FOLLOWING:
- 1) DEEDS RESEARCHED ON 11/10/88 IN THE CITY OF BURLINGTON LAND RECORDS.
- 2) A CLOSED FIELD TRAVERSE CONDUCTED WITH A TOTAL STATION ON 11/10/88.
- 3) BEARINGS ARE BASED ON MAGNETIC NORTH TAKEN ALONG A LEG OF THE TRAVERSE.
- 4) REBAR SET AREA NO. 5 REINFORCING BAR WITH ALUMINUM CAPS. THIS PARCEL BEING THE LAND CONVEYED TO LAURENT BORI-WIVES IN VOLUME 227 PAGE 702.
- 5) AN ATTEMPT HAS BEEN MADE TO IDENTIFY OR DELINEATE EASEMENTS, RIGHTS OF WAY, LEASE LANDS, ENCROACHMENTS, ETC. OBSERVED IN THE FIELD OR READILY FOUND IN THE LAND RECORDS. ADDITIONAL ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN ON THIS PLAT.



State of Vermont

749 677

DOCUMENTS
for
RECORDING

SUBDIVISION PERMIT

LAW/REGULATIONS INVOLVED

Environmental Protection Rules

Effective August 8, 1996

Case Number: EC-4-2482

PIN: EJ02-0142

Landowner: Laurent Boix-vives and Linda Gibson

Address: c/o Rossignol Ski Co.

P.O. Box 298 4403 Northside Parkway #1330
Williston, VT 05495 Atlanta, GA 30327

This project, consisting of a minor boundary line adjustment by conveying Parcel A from Boix-vives to Gibson and conveying parcel B from Gibson to Boix-vives with the Gibson lot remaining 0.42 acre in size and the Boix-vives lot remaining 0.72 acre in size each served by municipal water and wastewater services located off Chestnut Terrace and South Street in the City of Burlington, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions.

GENERAL

1. This permit does not relieve the permittee from obtaining all other approvals and permits as may be required from local officials prior to proceeding with this project.
2. The project shall be completed as shown on the plans Project: 98076-41 "Boundary Line Adjustment Laurent Boix-vives" prepared by Trudell Consulting Engineers, Inc. which have been stamped "approved" by the Wastewater Management Division. The project shall not deviate from the approved plans without prior written approval from the Wastewater Management Division.
3. Each prospective purchaser of each lot shall be shown a copy of the approved plot plan and this Subdivision Permit prior to conveyance of the lot.
4. The conditions of this permit shall run with the land and will be binding upon and enforceable against the permittee and all assigns and successors in interest. The permittee shall be responsible for the recording of this permit and the "Notice of Permit Recording" in the Burlington Land Records within 30 days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
5. This permit is being issued pursuant to the Environmental Protection Rules, Chapter 1, Subchapter 2, Administration, Section 1-201(M)2. The project involves a minor property line change. Due to the negligible potential for adverse environmental impact, the Division is issuing the permit without requiring submission of detailed information on the water supply and wastewater disposal systems.

Recorded
CITY CLERK'S OFFICE
Received 9-5-2002 at 1:00 PM
and recorded in Vol. 749 on Page 677
of Burlington Land Records. Assist:

This had
been received
on July 18, 2002 @ 1:50 PM but not recorded

R. LaMarche, Asst. City Clerk

JB

749 678

DOCUMENTS
for
RECORDING

6. This project has been reviewed and is approved for the existing single family residence on each approved lot. Construction of other types of buildings or dwellings, including public buildings, commercial buildings, duplexes, and condominium units, is not allowed without prior review and approval by the Wastewater Management Division and such approval will not be granted unless the proposal conforms to the applicable laws and regulations.
7. By acceptance of this permit, the permittee agrees to allow representatives of the State of Vermont access to the property subject to this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental/health statutes and regulations.

WATER SUPPLY

8. Each lot is approved for water supply by connection to the municipal water system. No other means of obtaining potable water shall be allowed without prior review and approval by the Wastewater Management Division.

WASTEWATER DISPOSAL

9. Each lot is approved for connection to the municipal wastewater treatment facility. No other method of wastewater disposal shall be allowed without prior review and approval by the Wastewater Management Division, and such approval will not be granted unless the proposal conforms to the applicable laws and regulations.

Dated at Essex Junction, Vermont on July 8, 2002.

Christopher Recchia, Commissioner
Department of Environmental Conservation

By Ernest P. Christianson
Ernest P. Christianson
Regional Engineer

- c For the Record
Burlington Planning Commission & Select Board
Trudell Consulting Engineers, Inc.

749 679

STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WASTEWATER MANAGEMENT
18 VSA §1218-1220

DOCUMENTS
for
RECORDING

NOTICE OF PERMIT RECORDING

To: Municipal/City Clerk, City of Burlington
Subject: Subdivision Permit # EC-4-2482
Landowner: Laurent Boix-vives
Land Identification: Book 324, Page 159

As Municipal Clerk for the town/city, you are hereby notified that this Notice of Permit Recording and above-referenced Subdivision Permit are to be recorded in the Municipal Land Records under the authority of 27 VSA §603-605. The grantor(s) shall be the above-referenced landowner whose lands are identified in the Book(s) and Page(s) specified above and the grantee shall be the State of Vermont, Agency of Natural Resources. The grantor(s) and the grantee shall be listed in the general index for deeds.

The grantee's interest is limited to the lands of the grantor(s) identified in the Book(s) and Page(s) specified above as delineated in the above-referenced Subdivision Permit issued under the authority of 18 VSA §1218-1220 and the Environmental Protection Rules.

I swear that, to the best of my information and belief, the statements made above are true.
Dated at Essex Junction, Vermont, on July 8, 2002.

For the Wastewater Management Division

Irene L. Roberge

Irene L. Roberge

DEC Regional Office Coord.

#60 2017 00004178*



Inst: 00004178 BK: 1365 PG: 88 - 89

WARRANTY DEED

058-3-042-000

KNOW ALL PERSONS BY THESE PRESENTS THAT I, LAURENT BOIX-VIVES, of Grenoble, in the Country of France, Grantor, in consideration of -----TEN AND MORE----- Dollars paid to my full satisfaction by LAURENT BOIX-VIVES and JANINE LAURENT BOIX-VIVES of Grenoble, in the County of France, Grantees, by these presents, do freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said Grantees, LAURENT BOIX-VIVES and JANINE LAURENT BOIX-VIVES, husband and wife, as tenants by the entirety, and their heirs and assigns forever, a certain piece of land in the City of Burlington, in the County of Chittenden, and State of Vermont, described as follows, viz:

Being all and the same land and premises, together with improvements thereon and appurtenances thereto conveyed to Laurent Boix-Vives by Warranty Deed of John H. McDonald and Patricia D. McDonald dated April 4, 1975, and of record in Book 227, Pages 702-705 of the City of Burlington Land Records.

In addition, being all and the same land and premises conveyed to Laurent Boix-Vives by Quit Claim Deed of David J. Sylvester and Pietra P. Sylvester dated January 30, 2006, and of record in Book 950, Pages 432-433 of the City of Burlington Land Records, and subject to the conditions therein set forth.

Being four (4) contiguous and adjacent parcels of land with dwelling house and other structures thereon, the dwelling house known and designated as 41 South Street, Burlington, Vermont.

Reference is hereby made to the following instruments in further aid of the description herein:

- A. Quit Claim Deed of Laurent Boix-Vives to Linda Gibson dated October 25, 2002 and of record in Book 779, Pages 82-83 of the City of Burlington Land Records;
- B. Quit Claim Deed of Linda Gibson to Laurent Boix-Vives dated December 17, 2002 and of record in Book 779, Pages 84-85 of the aforesaid land records.

Meaning and intending to convey hereby all property owned by the Grantor herein located at 41 South Street, Burlington, Vermont.

JOSEPH D. FALLON
ATTORNEY AT LAW
P.O. BOX 257
10729 ROUTE 116
HINESBURG, VT 05461
(802) 482-2137

Vermont Property Transfer Tax

32 V.S.A. Chap 231

-ACKNOWLEDGEMENT-

Return Received This Even Date

Received for Record at City of Burlington, VT
On Oct 18, 2017 at 01:38P
Beth Anderson, Interim CAO

Reference is hereby made to the above-mentioned instruments, the records thereof, the references therein made, and their respective records and references, in further aid of this description.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said Grantees, LAURENT BOIX-VIVES and JANINE LAURENT BOIX-VIVES, husband and wife, as tenants by the entirety, and their heirs and assigns, to their own use and behoof forever; and I, the said Grantor, LAURENT BOIX-VIVES, for myself and my heirs, executors and administrators, do covenant with the said Grantees, LAURENT BOIX-VIVES and JANINE LAURENT BOIX-VIVES, and their heirs and assigns, that until the ensembling of these presents I am are the sole owner of the premises, and have good right and title to convey the same in manner aforesaid, that they are FREE FROM EVERY ENCUMBRANCE except as aforesaid and except for easements and rights-of-way of record, if any, and I hereby engage to WARRANT AND DEFEND the same against all lawful claims whatever, except as aforesaid.

IN WITNESS WHEREOF, I hereunto set my hand and seal this 2nd day of OCTOBER, 2017.

L. B. V.

LAURENT BOIX-VIVES

COUNTRY OF FRANCE
REPUBLIC OF FRANCE CITY OF LYON
CONSULATE OF THE UNITED STATES OF AMERICA

Before me, the undersigned authority, a Notary (Title of Foreign Service Officer) of the United States of America, duly commissioned and qualified, on this day personally appeared LAURENT BOIX-VIVES, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand this 2nd day of October, 2017.

Me Nadine MARCHAIS Simon

Nadine

Title or Capacity of Officer

JOSEPH D. FALLON
ATTORNEY AT LAW
P.O. BOX 257
10729 ROUTE 116
MILLSBURG, VT 05461
(802) 482-2137



702

227/702

Know all Men by these Presents

That We, JOHN H. and PATRICIA D. McDONALD, husband and wife,

of Burlington in the County of Chittenden
and State of Vermont Grantors, in the consideration of
-----Ten or More----- Dollars

paid to our full satisfaction by LAURENT BOIX-VIVES

of Warren in the County of Washington
and State of Vermont Grantee, by these presents, do
freely Give, Grant, Sell, Convey and Confirm unto the said Grantee
LAURENT BOIX-VIVES

and his heirs and assigns forever, a
certain piece of land in Burlington in the
County of Chittenden and State of Vermont, described as
follows, viz:

Being four (4) contiguous and adjacent parcels of land with dwelling house and other structures thereon, the dwelling house known and designated as #41 South Street, so-called; said property being more particularly described as follows:

Parcel 1: Lot 86 as shown on a Revised Plan of East Central Section of Prospect Park, said Plan being of record in Volume 134, Page 234, of the Land Records of the City of Burlington. Beginning at a point in the west line of South Street, said point being the southeast corner of Lot 85 as shown on said Plan; thence, South $84^{\circ} 13' W$ in the south line of said Lot 85 for a distance of 130 feet, more or less, to a point; said point being the southwest corner of Lot 85; thence, turning a deflection angle of 90° to the left for the distance of 100 feet to a point; thence, turning a deflection angle of 90° to the left for a distance of 120 feet, more or less, to a point in the west line of South Street; thence turning a deflection angle of $84^{\circ} 13'$ in the west line of South Street 100.51 feet to the point or place of beginning. The last mentioned course is due north magnetically.

Excepted and excluded from the above description is a small parcel of land off the southwesterly corner of Lot 86 as conveyed by deed of John H. and Catherine McDonald to Floyd and Mabel Moore, said deed dated September 6, 1962, and recorded in Volume 164, Page 34, of said Land Records.

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PARCEL 2: Lot 89 as shown on a Plan of Portion of South Central Section of Prospect Park, Revised September 8, 1955, and recorded in Volume 48, Page 87, of the City of Burlington Land Records. Said Lot 89 has a south line of 140 feet; an east line of 113 feet; a north line of 120.2 feet; a west line of 89.43 feet following the curve of Chestnut Terrace, plus 55.55 feet that follows the frontage of an unnamed right-of-way as shown on said Plan. 703

Parcel 3: A triangular portion of Lot 85 as shown on a Revised Plan of the East Central Section of Prospect Park, said Plan of record at Volume 134, Page 234 of the Burlington Land Records. Beginning at a point in the west line of South Street, said point being the southeast corner of Lot 85 as shown on said Plan; thence running at right angles to said South Street westerly 138 feet, more or less, to the rear line of said Lot 85 as shown on said Plan; thence turning to the left at an approximate angle of 84° 13' and running southerly along the westerly line of Lot 85, a distance of 13.099 feet, more or less, to a point, which point is the northwest corner of said Lot 86 as shown on said Plan; thence turning left approximately at a right angle and running easterly along the northerly line of said Lot 86, said line being the southerly line of said Lot 85 as shown on said Plan, a distance of 130 feet, more or less, to the point or place of beginning.

PARCEL 4: Being Parcels 1 and 2 as described in a warranty deed from Floyd W. and Mabel M. Moore to John and Catherine McDonald, dated September 4, 1962 and of record in Volume 164, Page 33, of the City of Burlington land Records.

This conveyance is subject to any and all easements, rights-of-way, protective covenants and any other burdens and benefits of record.

The above described parcels are all and the same land and

premises conveyed to the within grantors by quit-claim deed of Ruth G. Haselton, dated December 26, 1966, and recorded in Volume 181, Pages 365-67 of the Burlington Land Records.

To said deeds and plans, the records thereof, and to the deeds and records therein referred to, reference is hereby made in further aid of this description.

704

his heirs and assigns, to their own use and behoof forever;
And we the said Grantors, JOHN H. and PATRICIA D. McDONALD

for ourselves and our heirs,
executors and administrators, do covenant with the said Grantee

LAURENT BOIX-VIVES, his

heirs and assigns, that until the ensealing of these presents we are
the sole owners of the premises, and have good right and title to convey the
same in manner aforesaid, that they are **Free from every encumbrance;**
except as above stated

In Witness Whereof, we hereunto set our hands and seals
this 4th day of ~~March~~ ^{April} A. D. 19 75

In Presence of

Stephen L. Crompton
John F. Ewing

John H. McDonald
JOHN H. McDONALD
Patricia D. McDonald
PATRICIA D. McDONALD

Vermont Public & Transfer Tax
No. _____
- A -
and Rec'd.
and Use & Date of this Act Dec. 8.

Learn No. A312005

Signed J.W. Hendry Clerk

Date 4-7-75

State of Vermont, } ss. At Burlington this
CHITTENDEN County } 4th day of ~~March~~ APRIL A. D. 19 75

JOHN H. and PATRICIA D.
McDONALD

personally appeared, and they acknowledged this instrument, by

them sealed and subscribed, to be their free act and deed.

Before me John L. Carr
Notary Public

Received for record April 4, 19 75, at 3:40 PM. and recorded.
Attest: B. H. Hendry
City Clerk

December 11, 2022

Scott Gustin
Principal Planner & Asst. Administrative Officer
Dept. of Permitting & Inspections
645 Pine Street
Burlington, VT 05401

Re: ZAP-22-4; Appeal of Determination ZP-22-503 as to Separate Lot

Dear Mr. Gustin:

In my appeal of the above referenced permit application, I have requested that the original denial issued on September 21, 2022, be reinstated because the Zoning Administrator did not have jurisdiction to issue a revised decision on November 2, 2022, since the original decision was under appeal. However, in the event that the Development Review Board wishes to substantively consider the initial appeal that Mrs. Boix-Vives filed, I also submit the information below along with attachments to support a final determination that there are no longer two lots.

Introduction

As the Permitting and Inspections Department has communicated in its original and revised decisions, there were in fact two original lots when this neighborhood was created. I live next door to the lot known as Lot 89 which fronts on Chestnut Terrace at 32 Chestnut Terrace. After reviewing title for both Mrs. Boix-Vives' lot and my own, it appears that the lots were merged by actions of the previous owner, her late husband, the City of Burlington, and the State of Vermont during a boundary line adjustment in 2002. In addition, Mr. Boix-Vives took repeated actions after the 2002 boundary line adjustment, showing he understood that there was only one lot. There is now only one lot of .72 acres known as 41 South Street.

Relevant Facts

1. In 1975, Mr. Boix Vives got the property in one deed that described 4 separate parcels of land. Some of these parcels were quite small, but one was called Lot 89 from the original lot layout for this neighborhood. It fronted on Chestnut Terrace. Two of the "parcels" Mr. Boix-Vives acquired were quite small and were likely non-conforming lots and merged by operation of law because they could never have been conveyed by themselves under Burlington Zoning Rules. The fourth lot was identified in the deed as Lot 86 and is where the house with an address of 41 South Street sits today. **Attachment 1**, Warranty Deed from McDonald to Boix-Vives dated April 4, 1975, recorded at Book 227, Page 702 of the Burlington Land Records.
2. In 2002, Mr. Boix Vives and Linda Gibson (my predecessor in title) did a boundary line adjustment. As part of that adjustment, they obtained a Zoning Permit which requested a boundary line adjustment between 41 South Street and 32 Chestnut Terrace which was approved as Zoning Permit #02-448 and issued on April 19, 2002. There is no boundary line between 32

Chestnut Terrace and 41 South Street because the lots do not abut, unless there is only one Boix-Vives lot. The Zoning Administrator at the time would have noticed this immediately and would have denied the permit, unless there was 1) already a merger of all of Boix-Vives property into one lot, or 2) this boundary line adjustment was also merging the two 4 parcels, two conforming and two non-conforming, into one lot known as 41 South Street. Indeed, the map submitted and recorded with the boundary line adjustment shows one lot for 41 South Street, encompassing all of Mr. Boix-Vives land. In addition, using the same map that was used for the Zoning Permit, Mr. Boix-Vives and Ms. Gibson also obtained a state subdivision permit. The State permit conditions also recognize only one lot encompassing all of Mr. Boix-Vives' land, with only one residence is permitted on the lot. **See Attachment 2**, Condition 6, Subdivision Permit #EC-4-2482, dated July 8, 2002, and recorded at Book 749, Page 677 in the Burlington City Land Records September 5, 2002. A copy of this permit was also forwarded to the then Burlington Planning Commission.

3. In 2006, Mr. Boix Vives did another boundary line adjustment with his South Street neighbors David and Pietra Sylvester and recorded another survey showing all his property as one lot, consistent with the subdivision permit and the previous zoning permit.

4. In 2017, Mr. Boix Vives conveyed all his lands to himself and Mrs. Boix Vives as joint owners. In that deed, all the property that is part of 41 South Street (there is no mention of 89 Chestnut Terrace or Lot 89) was conveyed which includes everything in the maps described above as one lot. This is the deed by which Mrs. Boix-Vives obtained ownership of the property. **Attachment 3**, Warranty Deed from Laurent Boix-Vives to Laurent and Janine Boix-Vives, dated October 2, 2017, recorded at Book 1365, Page 88 of the Burlington Land Records.

Analysis

The November 2, 2022, Revised Determination of the Zoning Administrator references "a couple of surveys for boundary adjustments" but then dismisses them as being merely incorrect. The decision fails to acknowledge what should have been in the City's own files and is of record, which are an approved boundary line adjustment with merged lots and a state permit which clearly shows the same. If the City had not approved the merger of the lots, then the 2002 zoning permit application should have been rejected, since Lot 86 (41 South Street) shares no boundary with 32 Chestnut Terrace. Moreover, subsequent actions by Mr. Boix-Vives himself were consistent with the understanding that he owned one lot, including the Sylvester boundary line adjustment and his conveyance of the property to himself and Mrs. Boix-Vives, now the current owner.

Finally, while the City's tax map is a piece of evidence that is "conflicting," as the City's original zoning determination mentions, because it shows two separate lots owned by the Boix-Vives. Of course, it is black letter law in Vermont that municipal tax maps do not determine property rights or boundaries. After review, it appears that the City's tax map calls the lot "89 Chestnut Terrace" as its address because it is merely a mistaken reference to the original Lot number and not an actual address. The homes on Chestnut Terrace (there are only 4, including mine) are numbered for mailing/911 purposes much lower than the original lot numbers. My home at 32 Chestnut Terrace is the highest number on the street. My original lot number was

Lot 90. There is no relationship between the lot numbers and the physical address. In other words, it is not, as the Zoning Determination suggests, that the surveys and permits are in error; it is that the tax map contains the error. There never has been an address known as 89 Chestnut Terrace.

Conclusion

In conclusion, in the event the DRB decides to consider not only the appeal before it of the improper issuance of a reconsideration determination while an appeal was pending, but also considers the substantive question of whether or not there is one lot or two, I ask that this submission be considered in any deliberation. Based on the information I have shared in this correspondence, I support the Zoning Administrator's original determination that there is not a separate lot known as Lot 89 fronting on Chestnut Terrace. There is only one lot owned by Mrs. Boix-Vives, known as 41 South Street.

Sincerely,


Arline P. Duffy



CHESTNUT TERRACE

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	75.43	42.00	102°54'05"	65.69	N44°48'06"E

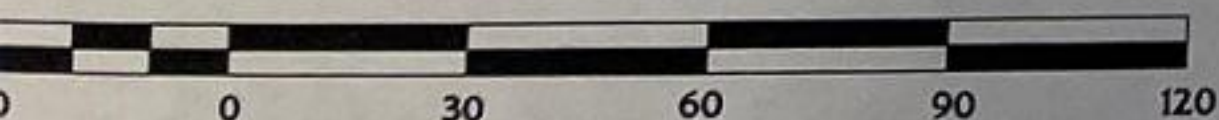
LEGEND

- REBAR (TO BE SET)
- ⊗ REBAR (SET)
- IRON PIPE (FOUND)
- CONCRETE MONUMENT (FOUND)
- △ CALCULATED POINT

BURLINGTON CITY CLERK'S OFFICE
RECEIVED FOR RECORD

at _____ A.D. 2005
at _____ O'clock _____ minutes _____ m
and recorded in plat hanger # _____
Attest: _____ City Clerk

Graphic Scale



L. GIBSON
v. 324 p. 150
v. 148 p. 87
0.42 Acres
18,414 s.f.

R. KOCHERLAKOTA
J. HARRIS
v. 651 p. 388
v. 148 p. 87
v. 163 p. 120
v. 140 p. 360

D. & P. SYLVESTER
v. 930 p. 382
v. 134 p. 478
0.58 Acres
25,208.2 s.f.

0.72 Acres
31,437 s.f.

H. & J. SYLVESTER
v. 203 p. 49
v. 163 p. 120

- △ ADD BOUNDARY ADJUSTMENT 9/20/05 SDT
- △ ADD BOUNDARY ADJUSTMENT 12/12/01 SDT

Revisions	Description	Date	By
-----------	-------------	------	----



Boundary Line Adjustment
LAURENT BOIX-VIVES
41 South Street, Burlington, Vt.

TRUDELL CONSULTING ENGINEERS, INC.
14 Blair Park Road Box 308 Williston, Vermont 05495 879-6331



PROJECT LOCATION

--NOTE--

ANY MODIFICATIONS OR DEVIATIONS FROM THE PLAT REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION. ALL ERRORS IN DIMENSIONS, PLANS OR DETAILS ARE FULLY THE RESPONSIBILITY OF THE APPLICANT.

FINAL APPROVAL

SIGNED _____ DATE 12/1/05
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

ZONING DISTRICT - RL (RESIDENTIAL LOW DENSITY)

LOT COVERAGE

	EXISTING	PROPOSED
SYLVESTER	24.0%	26.7%
BOIX-VIVES	11.5%	10.5%

THIS PLAT IS BASED ON THE FOLLOWING:

- 1) DEEDS RESEARCHED IN THE CITY OF BURLINGTON LAND RECORDS.
- 2) A CLOSED FIELD TRAVERSE CONDUCTED WITH A TOTAL STATION ON 11/18/98.
- 3) BEARINGS ARE BASED ON MAGNETIC NORTH TAKEN ALONG A LEG OF THE TRAVERSE.
- 3) REBAR SET ARE NO. 5 REINFORCING BAR WITH ALUMINIUM CAPS.
- 4) THIS PARCEL BEING THE LAND CONVEYED TO LAURENT BOIX-VIVE VOLUME 227 PAGE 702 AND VOLUME 779 PAGE 84.
- 5) AN ATTEMPT HAS BEEN MADE TO IDENTIFY OR DELINEATE EASEMENTS, RIGHTS OF WAY, LEASE LANDS, ENCROACHMENTS, ETC. OBSERVED IN THE FIELD OR READILY FOUND IN THE LAND RECORDS. ADDITIONAL ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN ON THIS PLAT.

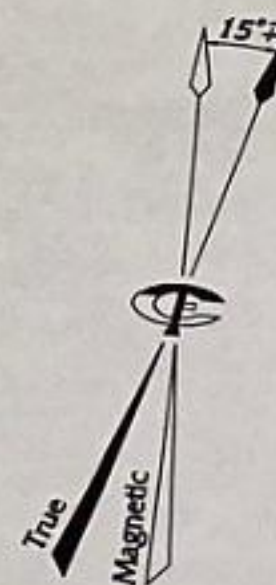
RECEIVED
NOV 16 2005

DEPT. OF PLANNING
Project number 98076-42

Project mgr. SDT Drawn

Date 12/4/98 Scale

Field Book 164 Disk



C. McLEAN
v. 428 p. 775
v. 134 p. 202

H. NICHOLSON
v. 648 p. 663
v. 148 p. 87

T. CROSS
v. 548 p. 35
v. 134 p. 202

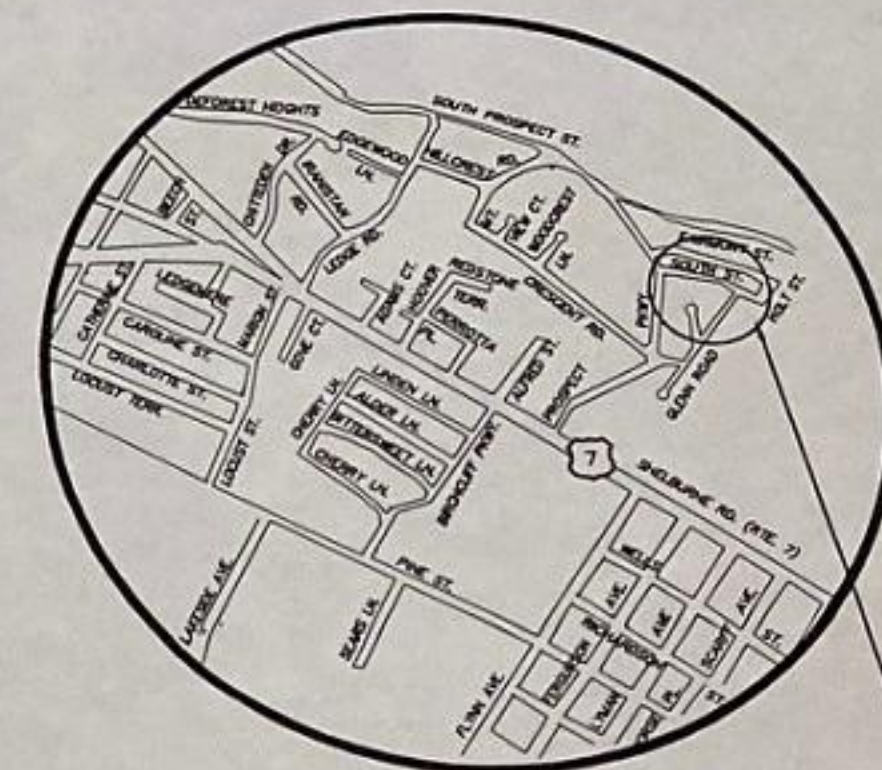
G. & E. LITTLE
v. 217 p. 478
v. 134 p. 234

L. GIBSON
v. 324 p. 159
v. 148 p. 87
0.42 Acres
18,414 s.f.

C. & P. TERRIEN
v. 367 p. 567
v. 134 p. 478

R. KOCHERLAKOTA
J. HARRIS
v. 651 p. 388
v. 148 p. 87
v. 163 p. 120
v. 140 p. 360

H. & J. SYLVESTER
v. 203 p. 49
v. 163 p. 120



PROJECT LOCATION

CHESTNUT TERRACE

SOUTH STREET

- NOTE -

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 HDW DATE 4-19-02
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	75.43	42.00	102°54'05"	65.69	N44°48'06"E
C2	14.00	42.00	19°05'55"	13.94	N16°11'54"W

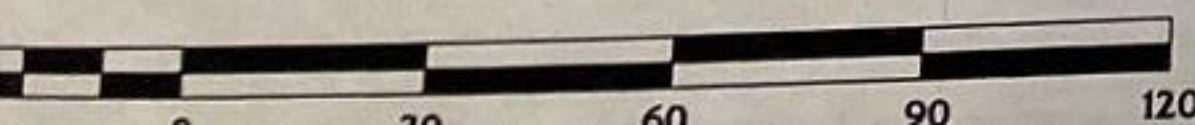
LEGEND

- REBAR (SET)
- IRON PIPE (FOUND)
- CONCRETE MONUMENT (FOUND)
- △ CALCULATED POINT

BURLINGTON CITY CLERK'S OFFICE
RECEIVED FOR RECORD

at _____ A.D. 19 _____
O'clock _____ minutes _____ m
and recorded in plat hanger # _____
Attest: _____ City Clerk

Graphic Scale



ADD BOUNDARY ADJUSTMENT 12/12/01 SDT

Revisions	Description	Date	By
-----------	-------------	------	----



Boundary Line Adjustment
LAURENT BOIX-VIVES
41 South Street, Burlington, Vt.

TRUDELL CONSULTING ENGINEERS, INC.
14 Blair Park Road Box 308 Williston, Vermont 05495 879-6331

ZONING DISTRICT - RL (RESIDENTIAL LOW DENSITY)

LOT COVERAGE

	EXISTING	PROPOSED
GIBSON	24.0%	24.0%
BOIX-VIVES	11.5%	11.5%

- THIS PLAT IS BASED ON THE FOLLOWING:
- 1) DEEDS RESEARCHED ON 11/10/98 IN THE CITY OF BURLINGTON LAND RECORDS.
 - 2) A CLOSED FIELD TRAVERSE CONDUCTED WITH A TOTAL STATION ON 11/18/98.
 - 3) BEARINGS ARE BASED ON MAGNETIC NORTH TAKEN ALONG A LINE OF THE TRAVERSE.
 - 4) REBAR SET ARE NO. 5 REINFORCING BAR WITH ALUMINUM CAPS.
 - 5) THIS PARCEL BEING THE LAND CONVEYED TO LAURENT BOIX-VIVES VOLUME 227 PAGE 702.
 - 6) AN ATTEMPT HAS BEEN MADE TO IDENTIFY OR DELINEATE EASEMENTS, RIGHTS OF WAY, LEASE LANDS, ENCROACHMENT ETC. OBSERVED IN THE FIELD OR READILY FOUND IN THE LAND RECORDS. ADDITIONAL ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN ON THIS PLAT.

RECEIVED

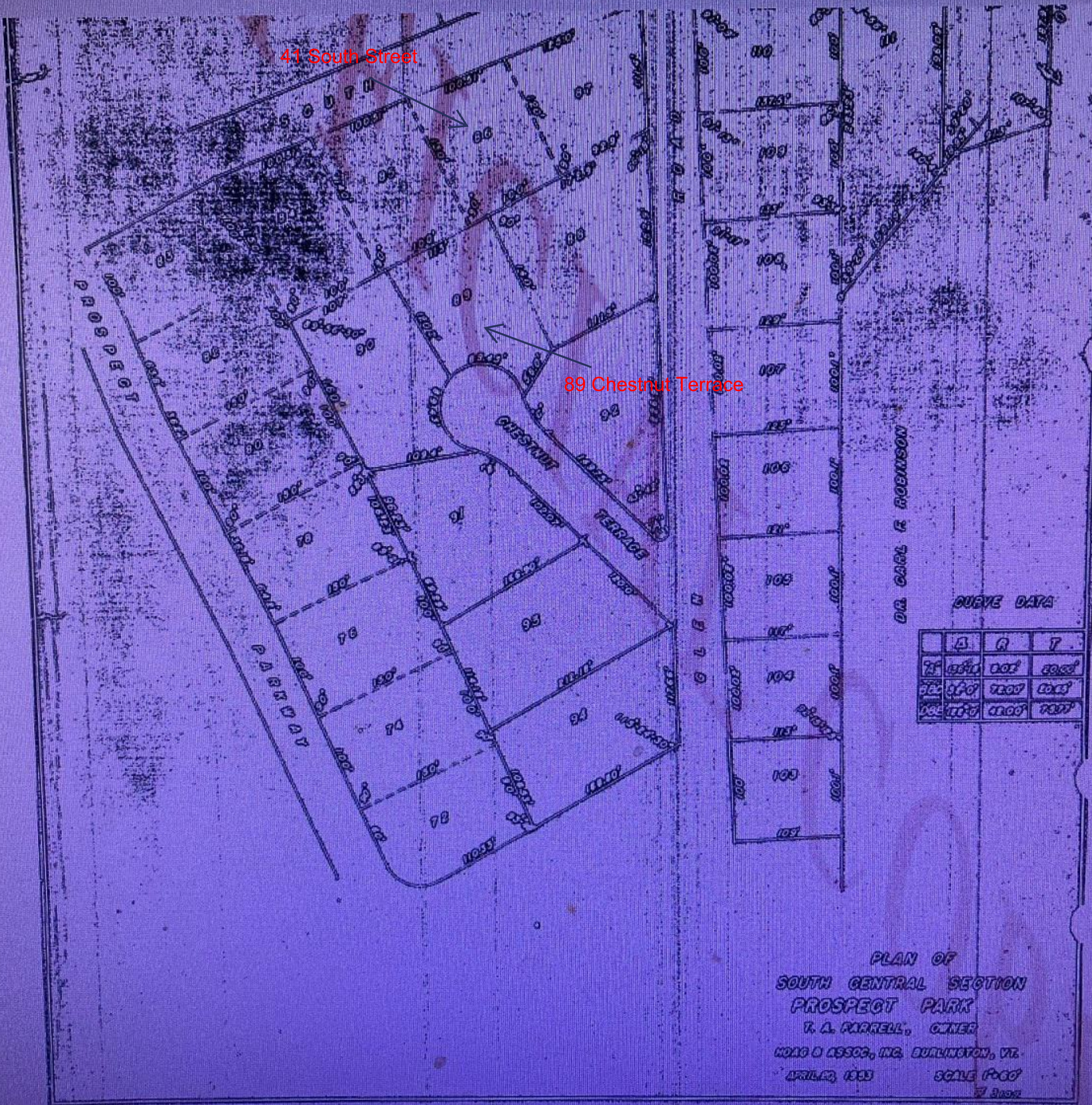
APR 17 2002

DEPT. OF PLANNING & ZONING Project number 98076

Project mgr. SDT

Date 12/04/98

Field Book 164



PROSPECT PARKWAY
SUB-DIVISION "A"

SCALE: 1" = 50'

ASSESSORS' OFFICE: J. ALLARD

AUGUST 1957

41 South Street



89 Chestnut Terrace





A satellite map of a residential neighborhood. The map shows several houses with grey roofs, surrounded by green trees. Purple lines delineate property boundaries. Two specific locations are highlighted with red text and blue arrows. A road runs vertically on the right side of the image.

41 South Street

89 Chestnut Terrace

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Joseph Cava, Permit Technician
Ted Miles, Code Compliance Officer
vacant, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: December 20, 2022
RE: ZAP-22-8; 89 Chestnut Terrace

=====

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: 6S

Owner/Appellant: Janine Boix-Vives / Arline Duffy

Request: Appeal of zoning determination ZP-22-503 recognizing 89 Chestnut Terrace as a separate lot from 41 South Street.

Overview:

The subject property is located within the Residential – Low Density zone at the southeastern corner of the city. It is among a suburban style residential neighborhood originally subdivided in the 1950's. Detached single family homes predominate. The subject property includes two addresses. 41 South Street contains the owner's residence. 89 Chestnut Terrace is contiguous but vacant.

The property owner sought a determination recognizing the subject property as two distinct lots. Initially, it appeared that the property was a single lot; however, in the end, an affirmative determination was issued recognizing the property as two separate lots. That determination has been appealed by a neighbor, Arline Duffy.

Recommendation: Uphold affirmative determination based on the following findings:

I. Findings:

The applicant submitted the determination request to recognize two separate lots on September 6, 2022. A red Z-Card was prepared and mailed later that same day. The Z-Card is to be posted on the subject property to provide notice of the pending zoning application. The Z-Card was not posted in a timely manner but was posted belatedly as addressed further below.

The application was reviewed, and the zoning permit files and other city records were researched in considering the determination request. An adverse determination was issued September 16, 2022 based in large part on two boundary line adjustment permits in the zoning files depicting the property as one lot. Relatively minor boundary adjustments with neighboring properties were depicted and approved as part of the two boundary line adjustment zoning permits.

That initial adverse determination was appealed by the applicant and scheduled for public hearing with the Development Review Board on November 15, 2022. In researching the property history further in preparation for the appeal hearing, zoning staff found additional evidence in the land records and Sanborn maps supporting the presence of two separate lots. A revised determination was issued in the affirmative recognizing two separate lots, and the pending appeal was withdrawn.

The revised determination was issued November 2, 2022.

This determination is in regard to the above-referenced property, specifically your request that the City of Burlington recognize that 89 Chestnut Terrace is a separate lot from that at 41 South Street. The City reviewed the following documents/evidence to form its determination:

- The City's zoning permit records
- The City's zoning and subdivision codes
- The City's tax parcel map
- The Sanborn maps
- The determination request for Zachary R. Berger

The foregoing items show conflicting evidence as to this matter. Specifically, the zoning permit records include a couple of surveys for boundary adjustments to the subject property. The surveys depict one lot, but the approved boundary adjustments did not include merger of 41 South Street and 89 Chestnut Terrace. The City's tax map depicts two separate lots (one for 89 Chestnut Terrace and another for 41 South Street). The property deeds and original subdivision plat for the south central section of Prospect Park depict two separate lots. The Sanborn maps depict two separate lots. There is nothing in the permit record indicating merger of the two lots. The noted boundary adjustment surveys appear to incorrectly depict two lots as one lot.

Based on review of these items, the Permitting & Inspections Department determines that 89 Chestnut Terrace and 41 South Street are two separate lots.

An appeal of this affirmative determination was filed by a neighboring property owner, Arline Duffy, on November 14, 2022. The appeal was made complete on November 17 – within the 15-day appeal period. The appeal asserts, among other things, that the Z-Card notice was never posted on the property. The applicant confirmed this lack of posting. A new Z-Card providing notice of the application and accompanying 15-day appeal period was issued and posted onsite as photographically confirmed by the applicant on November 17, 2022. The lack of notice was remedied. No additional appeals were filed during the restarted 15-day appeal period.

The appeal asserts that the Zoning Administrator lacks the authority to resolve an appeal outside of a public hearing with the Development Review Board. The original adverse determination was scheduled for hearing on appeal with the DRB. The appeal asserts that hearing should have occurred, and the DRB should have rendered a decision based on the original determination. This assertion is incorrect. If the Zoning Administrator issues a decision in error, and that decision is appealed to the DRB, the Zoning Administrator is able to correct that error with a revised decision

and render the appeal moot. Matters pending before the courts are routinely settled prior to trial. Something similar happened in this case. Additional evidence in support of the applicant's request to recognize the property as two separate lots was uncovered while preparing for appeal. A revised affirmative determination was issued, and the applicant withdrew the appeal. There was a glitch with posting of the property; however, that problem was resolved with a newly posted Z-Card and associated 15-day appeal period.

More substantively, the appeal asserts that the two separate lots were merged as part of the two boundary line adjustment permits for the property. Indeed, both boundary line adjustment permits include a boundary survey depicting the property as one lot (inclusive of 41 South Street and 89 Chestnut Terrace). Zoning permit 02-449, approved April 19, 2002 for 41 South Street, enabled 702.3 sf to be conveyed from 32 Chestnut Terrace to 41 South Street and vice versa. The boundary survey associated with this permit shows the land swap between these two properties and also depicts 41 South Street as one large lot. A subsequent zoning permit for 41 South Street, 06-367CA, approved December 1, 2005, enabled conveyance of 1,966 sf from 25 South Street to 41 South Street. The boundary survey depicts this conveyance and also shows 41 South Street as one large lot. As a matter of practice, boundary surveys are relied upon for the most accurate lot data. As noted above, the initial determination was adverse, based on the boundary survey with these two lot line adjustments. The determination was revised and made affirmative due to the following evidence in support of the property as two separate lots:

- The land records consistently refer to multiple lots.
- The original subdivision contained two separate lots.
- The Sanborn maps consistently depict two separate lots.
- The tax map depicts the property as two separate lots.
- No lot merger has ever specifically been requested or approved.

The boundary survey associated with the two lot line adjustments makes a general reference to deed research in the City of Burlington land records but lacks specifics. As noted above, the deed language in the land records consistently refers to multiple lots. Both lot line adjustment permits specify and approve conveyance of land between properties – not merger of multiple lots into one. All of the evidence except for this boundary survey points to separate lots.

This appeal can be argued both ways, with reasonable arguments on both sides. Insofar as ambiguity is decided in favor of the property owner, a revised determination recognizing two separate lots at 41 South Street and 89 Chestnut Terrace was issued based on the preponderance of the evidence.

II. Recommended Motion:

Uphold the administrative determination.



2020 - 2025

Joint Institutional Parking Management Plan



Submitted on: October 13, 2020

Prepared for: City of Burlington
Planning Commission

Submitted by: Chittenden Area
Transportation Management
Association

In Cooperation with: Champlain
College, University of Vermont,
and University of Vermont Medical
Center

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I. Introduction

The Chittenden Area Transportation Management Association (aka CATMA) has been submitting a 5-year Joint Institutional Parking Management Plan (JIPMP) to the City of Burlington since 2009, along with annual updates under [Article 8 of the Burlington Comprehensive Development Ordinance \(CDO\)](#). This report allows the institutions to demonstrate parking demand and, when lower than parking requirements outlined in Article 8 of the CDO, receive what amounts to a parking waiver from those standards when applying for zoning permits for projects listed in this report. This report may be approved by Burlington's Planning Commission and Development Review Board (DRB) for a period of up to five years with annual updates reported to the City's Planning and Zoning office. This Plan is submitted by CATMA on behalf of its founding institutional members: Champlain College, University of Vermont, and the University of Vermont Medical Center.

Joint Institutional Parking Management Plan

Purpose

The 5-Year JIPMP and its annual updates are intended to:

- Recognize the need to manage parking demand and resources holistically and creatively, employing transportation demand management (TDM) practices as well as supplying adequate parking facilities
- Recognize the efficiencies gained when several neighboring institutions share resources and collaboratively participate in parking and TDM programs
- Ensure that city streets in nearby neighborhoods are not unfairly burdened by parking demands from post-secondary education or medical institutions.

In addition to the requirements of Burlington ordinance Article 8 Section 8.1.15 Waivers from Parking Requirements, an Institutional Parking Management Plan shall include the following:

- a) Information specifying the proposed number of students (full-time, part-time, commuter, on campus, off campus, and continued education), faculty and staff (full time and part time), patients and visitors being served by the institution and anticipated over the ensuing five year period;
- b) An analysis of the anticipated parking demand by user group, time of day and / or demand by use;
- c) Information specifying the number and composition of the institution's vehicle fleet, where these vehicles are regularly kept, and designated "service vehicle only" parking;
- d) Programs, policies or incentives used to reduce or manage the demand for parking which may include but are not limited to:
 - policies which restrict and/or prohibit the bringing of vehicles to the institution for various users or groups of users
 - transportation demand management programs to encourage the use of public transit, walking, bicycling, carpooling, vanpooling and telecommuting
 - implementation of a parking permit system to allocate parking throughout the system;
- e) Implementation of a monitoring, compliance, and enforcement system to measure and ensure compliance with the plan.

Content

The 2020-2025 JIPMP contains a collective summary chapter which highlights the current and future parking conditions of each institution, on-street parking trends, collective transportation trends, and collective TDM strategies in place for all of the institutions.

Each institution (Champlain College, University of Vermont (UVM), and University of Vermont Medical Center (UVM Medical Center) have their own chapter which contains the following information:

- Current parking requirements per Burlington's Comprehensive Development Ordinance (CDO)
- Updates on construction projects reported in the previous [2014-2019 JIPMP](#)
- Current parking demand estimates and on-street parking
- Planned construction projects for the next five years
- Future parking demand estimates
- Institutional mode trends reported from the 2019 CATMA Employee and Student Transportation Surveys
- Update on status of institution-specific TDM strategies

The data provided in the 2020-2025 JIPMP has been streamlined from previous versions to only include the most relevant information.

A new Supplement document was created for reasons of space and is not essential for inclusion in the full text of this report but might benefit the reader for further detail.

About CATMA

CATMA was established in April 1992 by the three "Hill" institutions in Burlington: Champlain College, University of Vermont, and the University of Vermont Medical Center. In January 2015, CATMA expanded to a regional TMA serving Chittenden County with transportation demand management services, incentives, and programs. Its mission is to work with members and community partners to plan and manage safe, convenient, and economical transportation and parking options in ways that better coordinate land use and reduce environmental impacts. In addition to collective parking management among the Hill institutions, they have also invested and committed to TDM strategies for over 27 years. An overview and information on CATMA can be found at catmavt.org.

Transportation Management Associations (TMA)

TMA's are associations, organizations, or cooperatives that provide transportation services and education to businesses, property owners, residents, and employees in a defined geographic area, combining their efforts to expand transportation options and reduce program costs. They are not-for-profit collaborations of private and public sector entities working together towards common goals, such as congestion mitigation, transportation services and pollution reduction.

Transportation Demand Management (TDM)

Transportation Demand Management is defined as, "the acts of creating a most efficient multimodal transportation system that moves people with the goal of reducing congestion, improving air quality, and stimulating economic activity."¹ It is the use of planning, programs, policy,

¹ Association for Commuter Transportation. 2020. "Benefits of TDM."
<https://www.actweb.org/i4a/pages/index.cfm?pageID=3473>

marketing, communications, incentives, pricing and technology to shift travel mode, routes used, departure times, number of trips and location and design work space or public attractions.”

2. Collective Summary

Collective Institutional Results

The findings below provide an overview of the parking supply and demand data collection and analysis effort conducted by CATMA with guidance from the UVM Transportation Research Center. Parking demand is calculated by determining the peak proportion of automobile users that park on campus using data from CATMA's 2019 Employee and Student Transportation Surveys. For the purpose of this report, demand is defined as the number of automobile users who park on campus at the peak time. A more detailed explanation of the demand calculation can be found in [Appendix A](#). Detailed findings can be found in the individual institutional sections.

Each institution's employment and enrollment numbers refer to employees working on the "Hill" and students who attend classes within the City of Burlington.

Table 2-1 is a summary of all information required to apply for a parking waiver per the Burlington Comprehensive Development Ordinances, which will be referred to as CDO throughout this document. The CDO outlines both the minimum required number and maximum allowed number of parking spaces any development can have based on size and use, but because the institutions are uniquely positioned to manage their parking demands in collective and creative ways, they can request a parking waiver from the City of Burlington if they demonstrate their ability to manage parking demand. **The waiver requested will be the minimum parking required per CDO minus the institution's parking supply.**

As seen in Table 2-1, there is often a discrepancy between the maximum utilization recorded and the estimated demand. The discrepancy between utilization and demand simply means that all people who may want to park on campus at a given time did not park on campus when counts were conducted. These individuals may find alternative locations (such as the street or a non-campus parking lot) to park their vehicle or may utilize other transportation modes during peak time. For a more in-depth explanation of this, please see [Appendix B](#).

It should be noted that all information in this report reflects data predating the COVID-19 crisis. All Hill institutions foresee changes in future policies and trends, which may reduce users and parking demand. Champlain College and UVM enrollment numbers may change. Over the past four months, the Hill institutions have expanded telework, online learning, and telehealth options. It is also likely for at least the next year, large events typically hosted on campus by the institutions will not be possible due to physical distancing guidelines which will reduce demand for visitor parking. The impacts of these conditions will be addressed in 2021 Annual JIPMP Update.

Table 2-1. Summary of current parking conditions and CDO requirements.

	Champlain College	UVM	UVM Medical Center
Current Conditions			
Current Potential Users¹	2,967	17,468	6,197
Current Demand²	612	4,754	2,330
Current Maximum Parking Utilization³	599	3,958	2,408
Minimum Parking Required by CDO⁴	1,677	11,159	3,284

Current Parking Supply	710	4,939	2,509
-------------------------------	-----	-------	-------

¹Current users includes students and employees. Due to insufficient mode data for patients/visitors, demand created by them is added to the demand calculation based on institutional estimates.

²Determined using CATMA 2019 Employee and Student Transportation Survey.

³This is the maximum count recorded between 10 AM and 2 PM on Oct. 22-24, 2019 or Feb. 18-20, 2020.

⁴Requirements based on gross square footage (GSF) calculations found in Burlington CDO.

Table 2-2. Summary of future (2025) parking conditions, CDO requirements, and requested parking waiver.

	Champlain College	UVM	UVM Medical Center
Future Conditions			
Future Potential Users¹	2,910	17,931	6,197
Future Demand²	591	4,867	2,330
Minimum Parking Required by CDO³	1,754	11,313	3,284
Net Impact of Planned Projects (2020-2025)	-	128	-
Future Parking Supply	660	5,045	2,509
Waiver Request⁴	1,094	6,268	775

¹Future users includes students, employees in Burlington and visitor/patient estimates.

²Determined using CATMA 2019 Employee and Student Transportation Survey.

³Requirements based on gross square footage (GSF) calculations found in Burlington CDO.

⁴The waiver request is equal to the minimum parking required by the CDO minus the future parking supply.

On-Street Parking Adjacent to Institutions

For the first time in CATMA's history, the 2019 Employee and Student Transportation Surveys attempted to understand who from the three institutions parks on city streets adjacent to the campuses. There are 283 institutional affiliates who may park on-street during peak time (Table 2-3). This estimation is most likely higher than actual use for two reasons: 1) off-campus students may have said they park off-campus but their car is parked by their residences and 2) it is unlikely every single day each of these people are parking on the street due to nearby street parking availability and restrictions.

Table 2-3. Institutional on-street parking demand at peak time¹.

	Champlain College	UVM	UVM Medical Center	All
Students				
<i>On-Campus</i>	6	13	N/A	19
<i>Off-Campus</i>	12	99	N/A	111
Employees	22	80	51	153
Total	40	192	51	283

¹Peak time for each institution can be found in Appendix A, Table A-2.

Collective Trends

The 2019 CATMA Employee Transportation Survey saw an increase in drive alone rates not only for employees of the three Hill institutions, but for all of CATMA membership. This collective increase is most likely due to a combination of factors such as lower gas prices and more affordable housing outside of Burlington. It is also consistent with a gradual increase in single-occupancy vehicle commuting that has been documented at the state level². The 2019 CATMA Student Transportation Survey showed that for students living within a half mile of their respective campus, drive alone rates decreased. Because housing distance remained constant, existing TDM strategies could continue to decrease the drive alone rate amongst this group.

Collective TDM Strategies/Highlights

CATMA offers its members a comprehensive suite of TDM incentives, programs and services that are essential to support and encourage sustainable mobility options rather than driving alone.

A comprehensive suite of TDM programs is essential to provide a commuter with connectivity options. The following is a list of TDM programs available to CATMA members:

- Transit Discounts and Subsidies
 - Unlimited Access: Applicable for UVM and Champlain College
 - Discount Passes : Applicable for UVM Medical Center
 - Employee Transit Pass Program: Applicable for CATMA members
CATMA's Unlimited Access Program is GMT's second largest customer.
- [CATMA Bike/Walk Rewards Program](#)
- [Greenride Bikeshare System Access/Member Discounts](#)
- [Carpool/Vanpool Services](#)
- [CarShare Vermont System Access/Campus Discounts](#)
- [Guaranteed Ride Home](#)
- Education, Outreach and Awareness

The following demonstrates the collective efforts of the Hill institutions to share parking and TDM resources. In addition, each institution has individual TDM and Parking initiatives in place which are described in their respective chapters.

- Off-Site Parking and Shuttles: CATMA, on behalf of its members, contracts with Ride Your Bike, LLC for 403 spaces at 115 Lakeside Avenue lot. Of these, UVM Medical Center leases 252 spaces, Champlain College leases 150 spaces although Champlain will reduce to 100 effective 9/1/20. Each member operates their own shuttles in order to provide direct and efficient service and meet employees work schedules.
- Campus Shuttles: Each institution has its own self-operated or contracted shuttle service. These shuttles are used on/around campus and also between campus and off-site lots. Employees of all Hill institutions can ride any of the shuttles, if needed. However, for UVM Medical Center shuttles, there must be capacity for its employees before allowing other riders to board. UVM allows Ruggles House constituents to ride the CATS shuttle as a good neighbor gesture.
- Shared Campus Parking and Shuttles: UVM Medical Center leases parking from UVM (South Lot of Jeffords).

² Vermont Agency of Transportation. 2019. "The Vermont Transportation Energy Profile."
https://vtrans.vermont.gov/sites/aot/files/planning/documents/planning/The%20Vermont%20Transportation%20Energy%20Profile_2019_Final.pdf

- Green Mountain Bike/Walkway: There are numerous pedestrian and bikeways throughout the UVM Medical Center and UVM medical and academic campuses which their constituents, visitors, neighbors and general public utilize. The Green Mountain Bike/Walkway represents a new active transportation project that was constructed in collaboration with both institutions and has created a thoroughfare through UVM's main campus, across a portion of UVM Medical Center's campus to Colchester Avenue, giving users a safe and clear north/south route through the campuses.
- Real-Time Shuttle App:
 - In Winter 2019-2020, Champlain College joined the TransLoc Real-Time Shuttle App contracted by UVM.
 - UVM Medical Center contracts with Premier Bus Company for its employee intra-campus shuttles effective 1/1/2020. A real-time shuttle app locator is available for employees, and this shuttle info is on display screens in key shuttle pick up and drop off locations.

3. Champlain College

Founded in 1878, Champlain College is a small, not-for-profit, private college overlooking Lake Champlain and Burlington with additional campuses in Montreal, Canada and Dublin, Ireland. Their career driven approach to higher education prepares students for their professional life from their very first semester.

For the fifth year in a row, Champlain was named a “Most Innovative School” in the North by *U.S. News & World Reports* “America’s Best Colleges” 2020 regional rankings and listed among The Princeton Review’s “The Best 385 Colleges” in 2020. Champlain is also featured in the 2020 Fiske Guide to Colleges as one of the “best and most interesting schools” in the United States, Canada and Great Britain as well as recognized as a 2020 College of Distinction for its “Engagement, Teaching, Community and Outcomes”.

Current Conditions

Users (Students, Employees, & Visitors)

Champlain College is a small college with 4,419 current enrollments. Only 2,087 students are based on the Burlington campus, with over half of Champlain’s total enrollment based abroad or online. Of the Burlington students there are 2,078 undergraduate students and 9 graduate students. Champlain employs 1,194 staff members, but only 880 are based on the Burlington campus. Champlain has 377 full-time employees, 415 part-time employees, and 88 contracted employees.

GSF Requirements and Parking Supply

Champlain College is in the Shared Use Parking District and the Downtown Parking District. Champlain has a total of 47 buildings that influence the parking inventory. The gross square footage (GSF), associated required parking, and the current parking supply are included in Table 3-1 with further details in Supplement. Both Champlain College’s on-site and offsite parking supply contribute to the parking supply discussed in this JIPMP. Champlain’s current parking supply of 710 spaces is 967 spaces below the minimum parking required per Burlington’s CDO and 1,387 below the maximum.

Table 3-1. Current GSF, parking requirements, and parking supply for Champlain College.

	Champlain College
GSF	838,191
Minimum CDO Parking Requirement	1,677
Current Parking Supply	710
<i>On-Site</i>	560
<i>Leased Offsite Parking Supply</i>	150

Table 3-2. List and completion status of all projects mentioned in the 2014-2019 JIPMP.

Building Project	Completion Status
Butler Hall (ResTri)	Completed
Valcour Hall (Res-Tri)	
194 St Paul St	

CCM Project	
Miller Information Commons Addition	Carried forward to 2020-2025 JIPMP
Foster Hall Addition	
Information Technology & Sciences Building	
Ethan Allen Center	No longer planned
Summit & Maple Res Hall	
West Hall/Perry Lawn Res Hall	
Career Center/Durick Hall Addition	
IDX Student Life Addition	

Demand

Using data collected from the 2019 CATMA Transportation Surveys, Champlain College's current estimated peak parking demand is 612 spaces (margin of error ± 60 spaces) which is 98 spaces under their parking supply (see Table 3-3). During peak time, it is estimated 40 on-street parking spaces are occupied by Champlain College affiliates (see Table 3-4).

To complement the peak demand estimate from the 2019 CATMA Transportation Survey, Champlain College conducted parking lot utilization counts at 10 AM, 12PM, and 2 PM one week in October 2019 (12PM counts were not conducted in October) and a week in February 2020. Champlain's highest parking utilization was on Tuesday, October 22, 2019 at 2:00 PM with 599 occupied spaces, equating to an 84% utilization rate. This is very close to the peak demand (85% utilization) estimated from the survey data. Champlain College averaged a 73% utilization rate (517 spaces) for the 13 counts conducted. Figure 3-1 shows the average utilization by lot.

Table 3-3. Current parking demand calculation for Champlain College.

Champlain College			
User Group	Number of Potential Users	Peak Parking Demand ¹	
		% of Users	Spaces
Employees	880	40%	352
On-Campus Students	1479	14%	208
Off-Campus Students	608	5%	31
Visitors			15
Fleet ²			6
Total Peak Parking Demand³			612
Total Parking Supply			710
Net Spaces			98

¹Peak parking demand is calculated from data collected in the 2019 CATMA Employee and Student Transportation Survey using the methodology described in Appendix A. "% of Users" consists only of car users who are on campus at peak time.

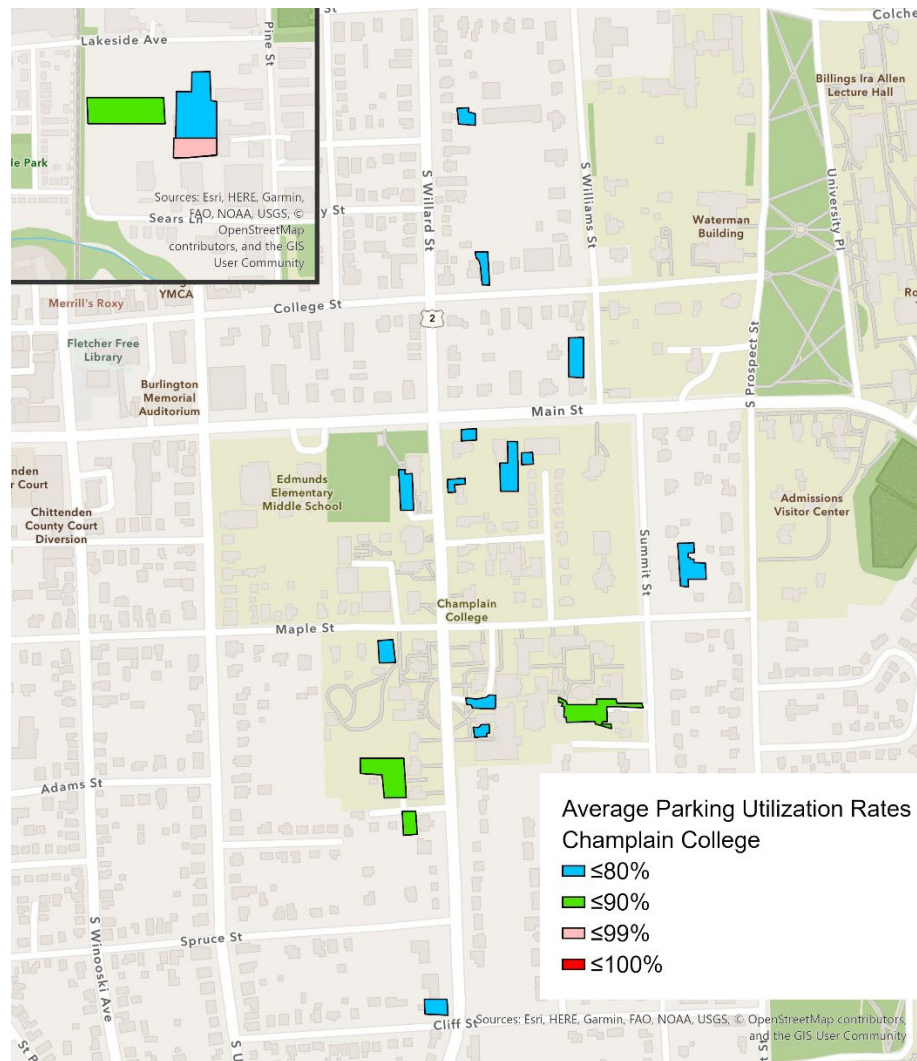
²Champlain has 16 fleet vehicles but estimates only 40% would attempt to park on campus at peak time. However, this estimation is not included as a peak parking demand percentage because it was not calculated from 2019 CATMA Employee Transportation Survey data.

³Total peak parking demand has a margin of error of ± 60 spaces.

Table 3-4. Champlain College survey respondents reporting on-street parking at peak hours.

	Within 2 Blocks of Campus	More Than 2 Blocks of Campus	Total
On-Campus Students	4	2	6
Off-Campus Students	6	6	12
Employees			22
Total			40

Figure 3-1. Map of average parking utilization rates by lot on Champlain College campus.



Future Conditions

Users (Students, Employees, & Visitors)

Champlain College expects a slight increase in enrollment and slight decrease in employment in the coming years. Total enrollment will increase to 4,430, but enrollment on the Burlington

campus will decrease slightly to 2,080 due to a lack of in-person graduate students. Full-time employment will remain at 380, part-time employment will decrease to 350 employees, and contracted employees will increase to 100.

GSF Requirements and Parking Supply

Champlain intends to complete the following projects by 2025 (Table 3-5). These projects are all academic buildings and thus no new residential beds will be added.

Table 3-5. Future construction plans for Champlain College.

Project Name	Change in Building Area	Associated Change in Parking Requirements	Est. Completion
MIC Addition	8,000	0	2025
Foster Hall Addition	3,500	0	
New ITS Building	27,000	0	

Champlain's GSF is expected to increase because of the new construction (Table 3-5). The maximum parking allowed would be 2,192 spaces. Champlain's inventory of 660 spaces is 1,094 spaces below the CDO required minimum and 1,532 below the maximum.

Table 3-6. Future GSF, parking requirements, and parking supply for Champlain College.

	Champlain College
GSF	876,691
Future CDO Required Parking	1,754
Future Parking Supply	660
<i>On-Site</i>	560
<i>Leased Offsite Parking Supply</i>	100

Estimated Demand

Using the same demand generator calculated by the 2019 CATMA Transportation Surveys for Champlain College, it is expected overall parking demand will decrease by 2025 (see Table 3-7). This decrease is mostly due to reduction of employees from 880 in 2020 to a projected 830 in 2025. Champlain, in collaboration with the City of Burlington, CATMA, Gotcha Bike, and others is bringing 200 electric-assist bikes to the regional bikeshare program and adding two bikeshare hubs to Champlain's campus (totaling seven campus bikeshare hubs which are conveniently accessible to all members regardless of campus affiliation). E-bike use has been shown to decrease drive alone rates year round by 10%³.

Table 3-7. Estimated future parking demand for Champlain College.

Champlain College			
User Group	Number of Potential Users	Peak Parking Demand ¹	
		% of Users	Spaces

³ McQueen, Michael, John MacArthur, and Christopher Cherry, PhD. 2019. "The E-Bike Potential: Estimating the Effect of E-bikes on Person Miles Travelled and Greenhouse Gas Emissions." Portland State University and University of Tennessee, Knoxville. https://wsd-pfb-sparkinfluence.s3.amazonaws.com/uploads/2019/05/E-bike-Potential-Paper-05_15_19-Final.pdf

Employees	830	40%	332
On-Campus Students	1474	14%	207
Off-Campus Students	606	5%	31
Visitors			15
Fleet ²			6
Total Peak Parking Demand³			591
Total Parking Supply			660
Estimated TDM Effects⁴			-25
Net Spaces			94

¹Peak parking demand is calculated from data collected in the 2019 CATAMA Employee and Student Transportation Survey using the methodology described in Appendix A. "% of Users" consists only of car users who are on campus at peak time.

² Champlain has 16 fleet vehicles but estimates only 40% would attempt to park on campus at peak time. However, this estimation is not included as a peak parking demand percentage because it was not calculated from 2019 CATMA Employee Transportation Survey data.

³ Total peak parking demand has a margin of error of ± 58 spaces.

⁴This value is only representative of new TDM strategies that have not yet affected current demand. The explanation of how this value was determined can be found in the narrative above.

Unique Trends & TDM Strategies

Trends

Employees and students at Champlain College are both more likely to drive alone than carpool as their primary mode to campus. Just over 40% of employees drive alone as their primary commute, though 68% report driving alone to campus sometimes. All user groups at Champlain have low use of carpool as a primary mode, though students are much more likely than employees to sometimes carpool to campus. Students within a half-mile of campus report a very low drive alone rate of only 4% (Figure 3-2). There are 39% of Champlain students and employees who choose an active mode of transportation as their primary mode and 24% who choose the public bus or campus shuttle instead of relying on an automobile (Figure 3-3).

Figure 3-2. Mode split (2019) for Champlain employees and off-campus students (by distance of home from campus).

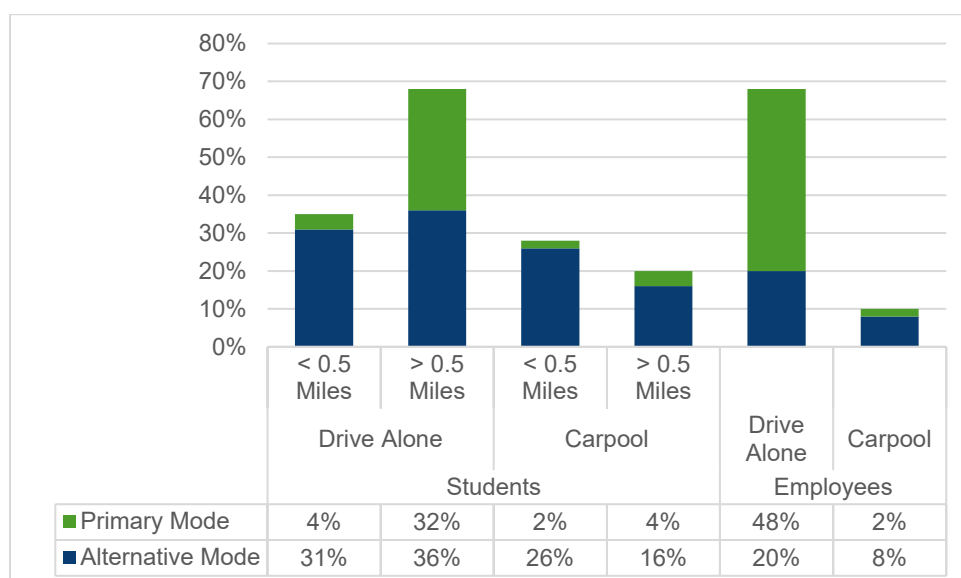
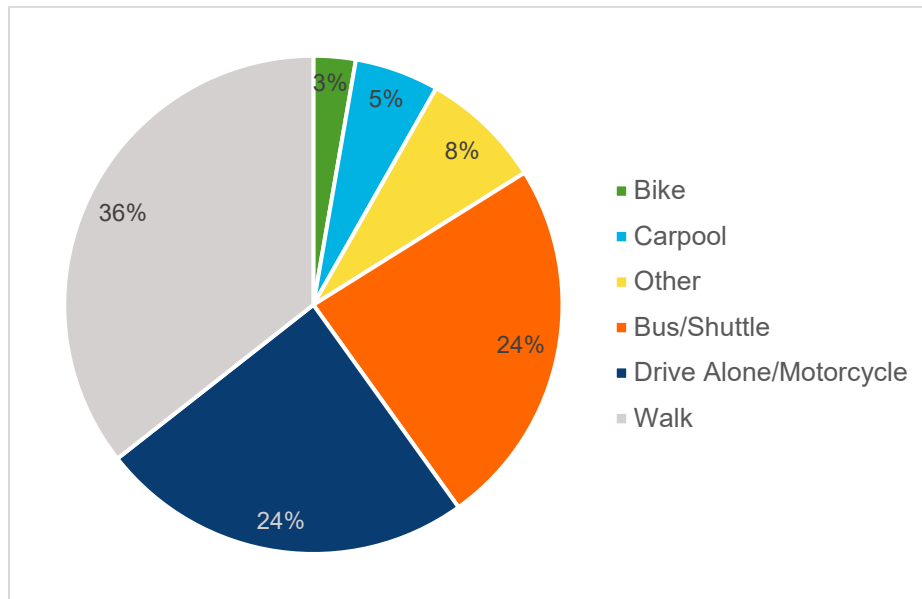


Figure 3-3. Collective mode split (2019) (including sustainable modes) for Champlain College employees and students.



Over time, students, regardless of their distance from campus, have relied on automobiles less and less, with 2019 seeing the lowest drive alone rate yet. The drive alone rate for employees raised slightly from the 2016 CATMA survey, but it has remained relatively stagnant for the past decade (Figure 3-4). Similarly to off-campus students, automobile reliance for on-campus students (as measured by vehicle ownership) has continued to decline, reaching an all-time low in 2019 (Figure 3-5). This new low can be attributed to Champlain's Fall 2018 policy prohibiting first years from bringing a car to campus (though some exceptions are allowed).

Figure 3-4. Drive alone rate for Champlain College employees and off-campus students (by distance of home from campus) (2001 – 2019).

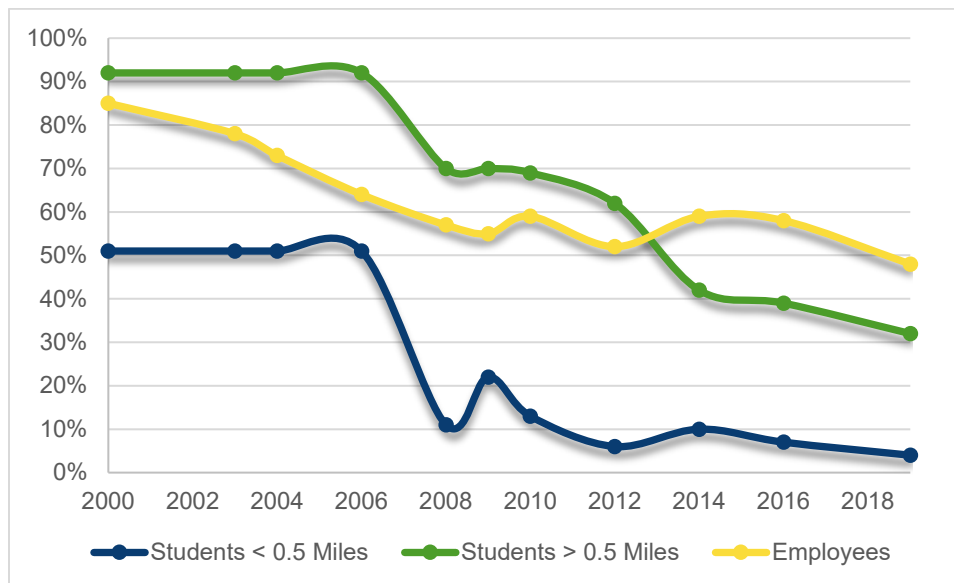
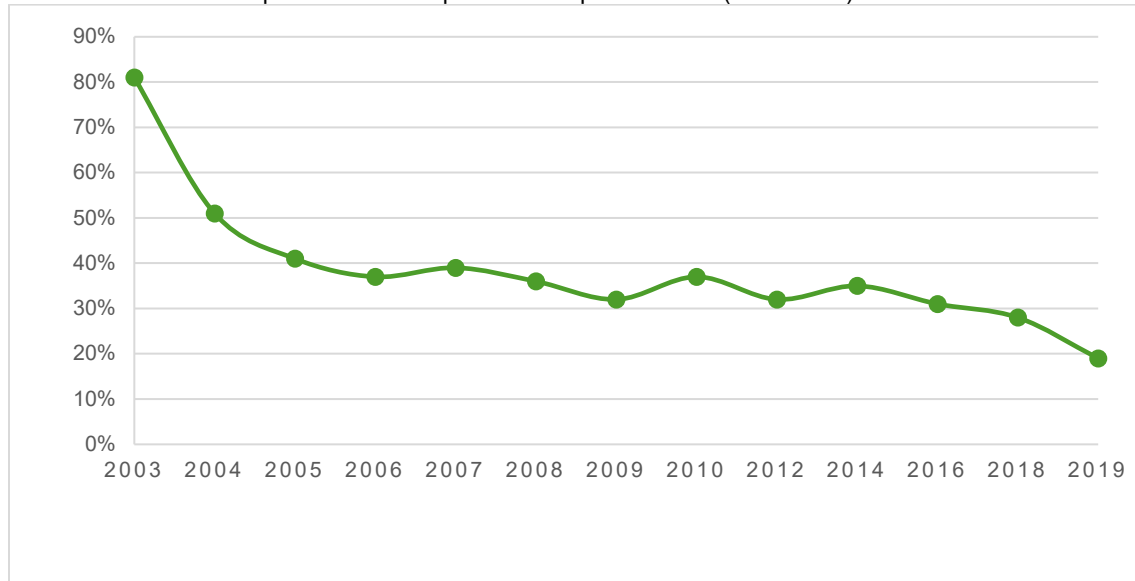


Figure 3-5. Vehicle ownership trend for Champlain on-campus students (2003-2019).



TDM Strategies

Permits & Other Regulated Uses

All vehicles parked on Champlain's campus must be permitted. Commuter students and employees have access to a free Zone 1 permit (located off-site at Champlain's 175 Lakeside Avenue campus). Employees can receive one permit per semester which can have two associated vehicles. Residential students can purchase a permit to park in the off-site lot at 115 Lakeside Avenue. All other permits allow users to park at the main Burlington campus have an associated fee ranging from \$90 - \$225 per semester. As of December 2019, Champlain College has issued 858 active permits.

Champlain Transportation's Parking Coordinator conducts daily counts and monitors lots. Individuals found in violation of parking rules will be given a citation with fines ranging from \$10 - \$100. Certain citations have a higher fee associated with them if it is not a user's first offense. City streets surrounding Champlain are also monitored by college staff as per an agreement made between Champlain and the City of Burlington. Cars parked on street without proper permitting and who are suspected of being Champlain College affiliates are issued a citation from the college. Tickets are issued via a commonly used ticketing management company, IPARQ.

On-Campus Shuttles

The Champlain campus shuttle system runs between the CCM Center on Main Campus, 194 Saint Paul Street Apartments, the Miller Center at 175 Lakeside Avenue, and the 115 Lakeside Avenue resident student parking lot. The shuttle system is operated in conjunction with Mountain Transit.

Table 3-8. Champlain campus shuttle schedule.

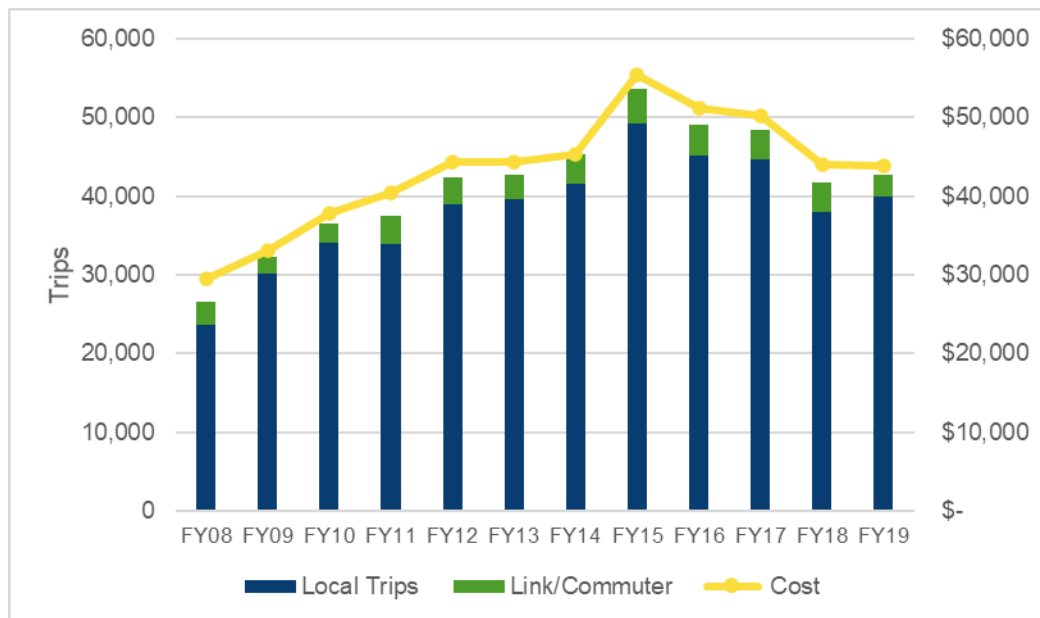
Routes	Days	Times	Runs Every (Minutes)	Buses Running
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Weekday	Mon - Fri	6:30am - 11pm	8-10	2
Weekend	Sat - Sun	10am - 9pm	15-17	1

Transit

In 2006, Champlain College joined the CATMA Unlimited Access Program, which provides unlimited free access on existing GMT public transit services to staff, faculty, and students. Champlain receives a 28% discount per ride from GMT by being a part of this program. Ridership and associated costs are displayed in Figure 3-6.

Figure 3-6. UA Trips by Champlain students, faculty, and staff with associated cost (2008 -2019).



Bicycle Infrastructure & Parking

Champlain College is nationally recognized as a Silver-level Bicycle Friendly Campus as of 2015. Champlain employees and students have access to bike racks throughout campus as well as covered bike storage in the CCM building. There are accessible showers on campus for those who bike. Bicycle pumps and other tools are located throughout campus. Champlain affiliates are eligible for a 50% discount on annual Greenride Bikeshare Membership through CATMA.

Car Sharing

Champlain College has a partnership with CarShare Vermont via CATMA's Campus Programs Contract. Champlain contributes between \$7,500 and \$10,000 annually to CarShare Vermont so that students and employees without long-term parking permits can receive a subsidized membership to CarShare services. The Campus Programs Contract accounts for about 30% of CarShare Vermont's total membership. There are two pods on Champlain's campus: 194 St. Paul Street and West Hall Lot.

NOTE: The Supplement provides more detailed data referred to in this report.

4. University of Vermont

Since 1791 the University of Vermont has worked to move humankind forward. Today, UVM is a Public Ivy and top research university of a perfect size, large enough to offer a breadth of ideas, resources and opportunities, yet small enough to enable close faculty-student mentorship across all levels of study, from bachelor's to M.D. programs. Students' educational experience and activities are enriched by its location- from the energy and innovation of Burlington to the forests, farms and independent spirit of Vermont. UVM provides students endless ways to explore the world, challenge ideas and dig in on the most pressing issues of our time.

Current Conditions

Users (Students, Employees, & Visitors)

The University of Vermont is the largest academic institution in the state with 13,548 total enrollments. In Fall 2019, UVM had 10,700 undergraduate students, 1,627 graduate/certificate students, 478 medical students, and 743 non-degree continuing education students. Employment at UVM currently in Fall 2019 was 4,139 faculty and staff. There were 3,570 full-time employees and 569 part-time employees. Excluding non-Burlington employees, UVM's total current employment is 3,920.

GSF Requirements and Parking Supply

The University of Vermont is in the Shared Use Parking District. UVM has a total of 232 buildings and accessory buildings. Sites UVM ground-leases (and their associated parking spaces), such as Redstone Lofts, Redstone Student Apartments, and Centennial Court Faculty/Staff Apartments are not included in this total. The gross square footage (GSF), associated required parking, and the current parking supply are included in Table 4-1. For the purposes of the JIPMP, all UVM's parking (on and off-site), except for parking it leases to the UVM Medical Center, count towards its current parking supply. UVM's current parking supply of 4,939 spaces is 6,220 below the CDO minimum and 9,009 below the maximum.

Table 4-1. Current GSF, parking requirements, and parking supply available at UVM.

	UVM
GSF	5,579,076
Minimum Parking Requirement	11,159
Current Available Parking Supply¹	4,939
<i>On-Site</i>	5,351
<i>Off-Site²</i>	200
<i>Leased Parking</i>	-612

¹On-site, off-site, and leased parking are used to calculate the current available parking supply.

²Off-Site parking is located at 351 Pine Street and is used for long term parking.

Table 4-2. List and completion status of all projects mentioned in the 2014-2019 JIPMP.

Building Project	Completion Status
STEM	Yes
Kalkin Addition (Ifshin Hall)	

61 Summit (Alumni House & Silver Pavilion)	Carried forward to 2020-2025 JIPMP
UVM Rescue Building	
Billings	
Housing Master Plan - Phase 1	
Virtue Field Outdoor Seating - Phases 1 & 2	
Virtue Field Outdoor Seating - Phase 3	
Multi-Purpose Event Center	
Athletic Recreation Center	

Table 4-3. List of projects completed in past year that were not included in 2014-2019 JIPMP.

Building Project	Associated Change in Parking
Cohen Hall	10
Library Addition	1
439 College Street	19
Pine Street Parking Lot	200

Demand

Using the Fall 2019 CATMA Employee and Student Surveys, along with the information above, it was determined the current parking demand for the University of Vermont is 4754, putting it at a 185-space surplus (margin of error ± 210 spaces)(Table 4-4). This estimated demand is higher than the recorded maximum parking utilization rate (observed on Thursday, February 20, 2020 at 12:00 PM) which was 83%. UVM averaged an 80% utilization rate for the counts conducted. Figure 4-1 shows the average utilization by lot. 80 employees and 112 students indicated they prefer to park on the street during peak time when driving to campus (Table 4-5).

Figure 4-1. Map of average parking utilizations rates by lot on University of Vermont campus.

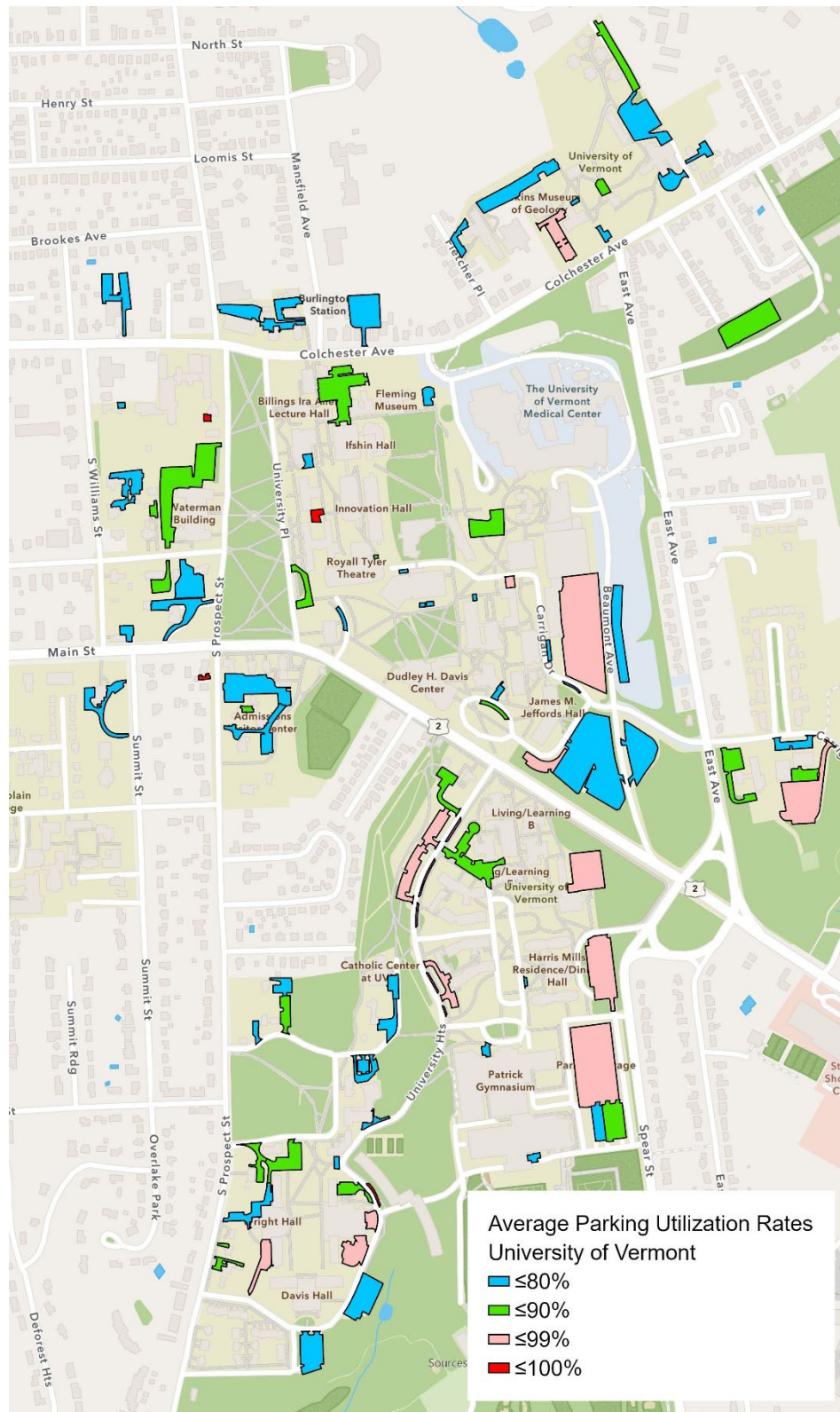


Table 4-4. Current demand calculation for UVM.

University of Vermont			
User Group	Number of Potential Users	Peak Parking Demand ¹	
		% of Users	Spaces
Employees ²	3,920	60.6%	2,376
On-Campus Students	5,366	13.3%	714
Off-Campus Students	8,182	15.4%	1,261
Visitors			185
Fleet			218
Total Peak Parking Demand³			4,754
Total Parking Supply			4,939
Net Spaces			185

¹Peak parking demand is calculated from data collected in the 2019 CATMA Employee and Student Transportation Survey using the methodology described in Appendix A. "% of Users" consists only of car users who are on campus at peak time.

²Employees not located on Main Campus are not included in this count.

³Total peak parking demand has a margin of error of ± 210 spaces.

Table 4-5. UVM survey respondents reporting parking on-street at peak time.

	Within 2 Blocks of Campus	More Than 2 Blocks of Campus	Total
On-Campus Students	6	7	13
Off-Campus Students	59	40	99
Employees			80
Total			192

Future Conditions

Users (Employees, Patients, & Visitors)

UVM expects a slight increase in both employment and enrollment by 2025. Projected enrollment is 13,850, a 302-student increase from 2020. This increase is expected to occur equally among all student groups. Projected employment is 4,081 for UVM's Burlington sites.

GSF Requirements and Parking Supply

UVM intends to complete the following projects by 2025 (Table 4-6). These projects will grow the university by over 35,000 GSF and 128 parking spaces.

Table 4-6. Future construction plans for UVM with associated changes of building area and parking requirements.

Project Name	Change in Building Area	Associated Change in Parking	Est. Completion
Music Building Recital Hall Addition	4,544	3	2022

New Research Facility for COM ¹	75,000	-121	
Jeffords East Lower Lot	0	67	
University Road (East Ave to Compound)	0	15	
University Heights Road (Southwick)	0	7	
Pomeroy Barn & 172 South Prospect	-6,067	15	
Virtue Field Phase 2	5,000	0	
ADA Code Compliance	0	-20	
Blundell	0	5	
Fleming Museum	0	20	2024
Outing Club Relocation	13,250	5	
Southwick Hall	0	3	
Tarrant (Multi-Purpose) Event Center	119,099	0	
Interfaith Center Parking Lot	0	40	2025
Torrey Hall Addition	2,860	0	
Miscellaneous Parking Adjustments ²		25	
Bioresearch Complex	0	200	
Future Structured Parking	0	TBD	
Coolidge Hall	-30,510	-10	
Colchester Ave/Dewey	-82,622	-83	Unknown
Back 5 & Cottages (Trinity Campus)	-64,907	-243	
Colchester Research Facility ³	0	200	
Total	35,647	128	

¹New Research Facility for COM has a separate Parking Plan which has been approved by the DRB in 2019. It is included in this project list to provide an accurate list of expected changes to UVM's parking supply.

²Wherever possible UVM will attempt to reallocate space to create more parking. It is estimated this will result in ~25 spaces over 5-years based on previous experience.

³This facility is estimated to house between 200 and 400 parking spaces. Though it is off-site it will impact on-campus demand depending on UVM policy.

The future parking inventory for UVM is provided in Table 4-7. UVM plans to continue leasing a portion of its parking supply to other institutions for revenue. UVM's future parking supply of 5,045 is 6,268 spaces below the CDO minimum and 8,705 spaces below the maximum.

Table 4-7. Future GSF, parking requirements, and parking supply for UVM.

	Main Campus
GSF	5,656,447
Minimum Parking Requirement	11,313

Future Available Parking Supply¹	5,045
<i>On-Site</i>	5,257
<i>Off-Site²</i>	400
<i>Leased Parking</i>	-612

¹On-site, off-site, and leased parking are used to calculate Future Available Parking Supply.

²The 200 off-site parking spaces located at 351 Pine St and the Colchester Research Facility are used for long term parking.

Estimated Demand

Assuming constant commute trends between 2020 and 2025, the estimated future demand for UVM will rise. However, this increased demand will be met with an increased parking supply and a reduction in fleet vehicles, which will increase UVM's estimated future parking surplus to 255 (margin of error $\pm$ 204 spaces)(Table 4-8). To reduce this demand, UVM will employ the following strategies:

UVM, in collaboration with the City of Burlington, CATMA, Gotcha Bike, and others is bringing 200 electric-assist bikes to the regional bikeshare program and adding five bikeshare hubs to UVM's campus (totaling seven campus bikeshare hubs which are accessible to all members regardless of campus affiliation). E-bike use has been shown to decrease drive alone rates year round by 10%⁴. UVM will be adding MDC (Motor Drive Cycles) parking options in safe, non-vehicle spaces. This will free up parking currently being occupied by MDCs for conventional vehicles. UVM estimates this will add 27 SOV spaces. Finally, in the 2019-2020 academic year, the Center for Research on Vermont launched an initiative which incentivizes UVM employees to turn in their parking permit. This pilot project resulted in 30 permits being turned in. If these three strategies continue in the future, this will reduce UVM's parking demand by 77 spaces giving UVM a 255-space surplus.

In addition, the potential post-COVID impacts on telework and online courses would reduce demand.

Table 4-8. Estimated future parking demand for UVM

University of Vermont			
User Group	Number of Potential Users	Peak Parking Demand¹	
		% of Users	Spaces
Employees ²	4,081	60.6%	2,474
On-Campus Students	5,516	13.3%	734
Off-Campus Students	8,334	15.4%	1,284
Visitors			185
Fleet			190
Total Peak Parking Demand³			4,867
Total Parking Supply			5,045

⁴ McQueen, Michael, John MacArthur, and Christopher Cherry, PhD. 2019. "The E-Bike Potential: Estimating the Effect of E-bikes on Person Miles Travelled and Greenhouse Gas Emissions." Portland State University and University of Tennessee, Knoxville. https://wsd-pfb-sparkinfluence.s3.amazonaws.com/uploads/2019/05/E-bike-Potential-Paper-05_15_19-Final.pdf

Estimated TDM Effects⁴	-77
Net Spaces	255

¹Peak parking demand is calculated from data collected in the 2019 CATMA Employee and Student Transportation Survey using the methodology described in Appendix A. "% of Users" consists only of car users who are on campus at peak time.

²Employees not located on Main Campus are not included in this count.

³Total peak parking demand has a margin of error of ± 204 spaces.

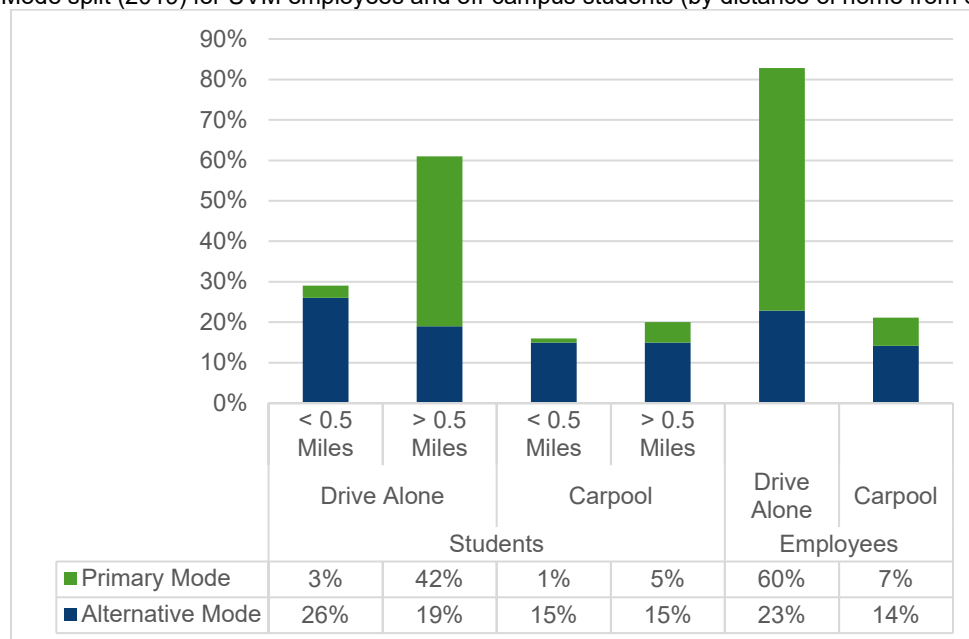
⁴This value is only representative of new TDM strategies that have not yet affected current demand. The explanation of how this value was determined can be found in the narrative above.

Unique Trends & TDM Strategies

Trends

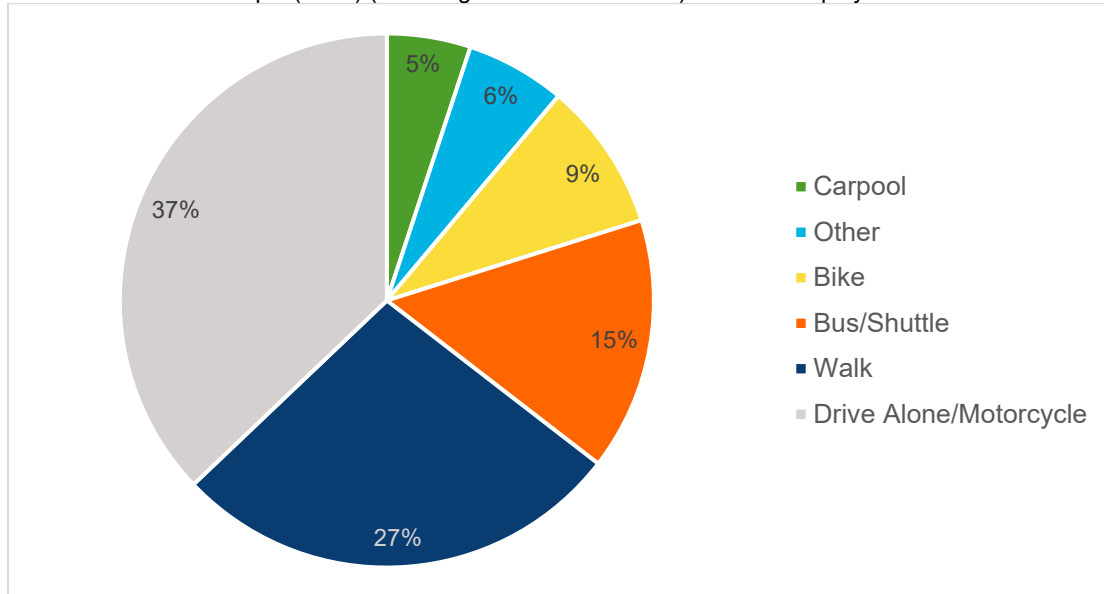
Although UVM's employee drive alone rate is much lower than the state average of 82%⁵, it is the main mode for 60% of employees and 42% of off-campus students who live farther than a half-mile from campus. Off-campus students within a half-mile of campus prefer other commute modes, with only 3% of those students reporting drive alone as their primary mode (Figure 4-2).

Figure 4-2. Mode split (2019) for UVM employees and off-campus students (by distance of home from campus).



⁵ Vermont Agency of Transportation. 2019. "The Vermont Transportation Energy Profile." https://vtrans.vermont.gov/sites/aot/files/planning/documents/planning/The%20Vermont%20Transportation%20Energy%20Profile_2019_Final.pdf

Figure 4-3. Collective mode split (2019) (including sustainable modes) for UVM employees and students.



Over the past four years, the drive alone rate for employees and off-campus students living farther than a half-mile from campus has increased, but both remain lower than the first recorded rate (Figure 4-4). Students living within a half-mile of campus have returned to their lowest drive alone rate. For on-campus students, automobile-reliance is measured by vehicle ownership, which has risen 6% since the previous year's survey (Figure 4-5). However, this number remains much lower than the first recorded ownership statistic.

Figure 4-4. Drive alone rate trend for UVM employees and off-campus students (by distance of home from campus) (2001 – 2019).

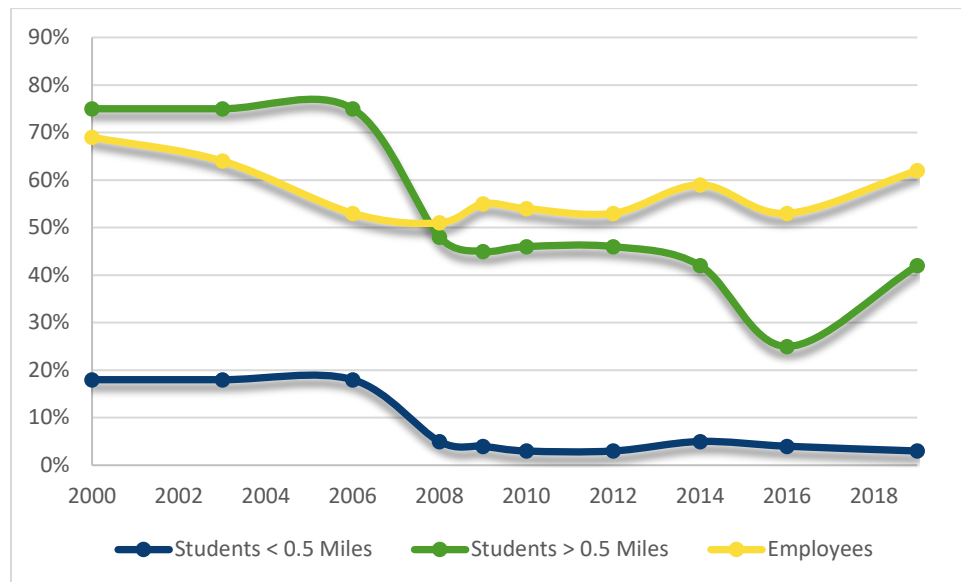
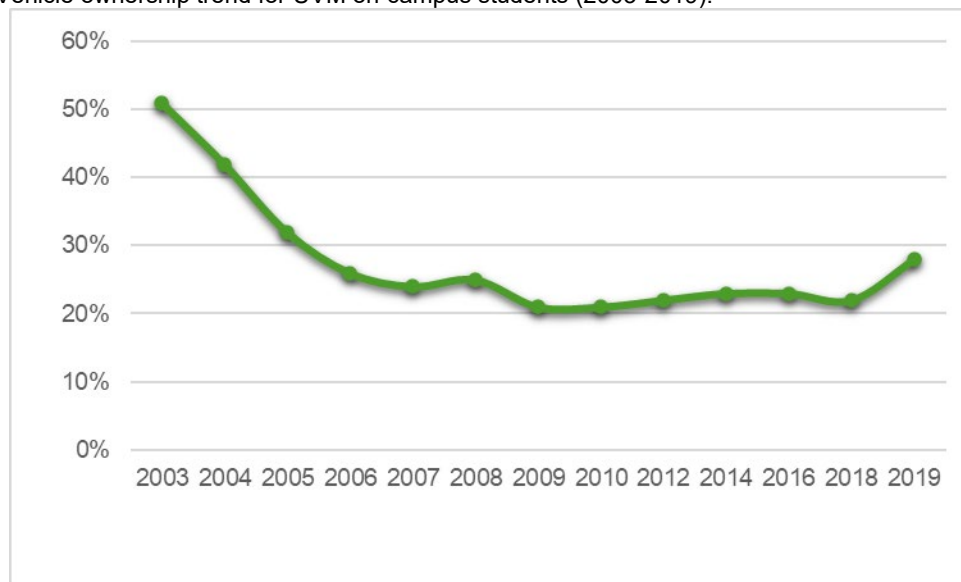


Figure 4-5. Vehicle ownership trend for UVM on-campus students (2003-2019).



TDM Strategies

Permits & Other Regulated Uses

UVM uses a permit allocation system designed to regulate demand in core areas. As of December 2019, UVM issued 6,953 permits for single occupancy vehicles (3,720 for employees, 3,233 for students). UVM also issued 36 carpool permits, with 75 total participants. Employee permits within the core campus are more expensive than permits for outer areas and are assigned based on seniority. Cost of employee permits is progressive, meaning higher paid

employees pay a higher cost for their parking permit (up to a certain point). All on-campus students are discouraged from bringing cars to campus and first-year students are prohibited from bringing cars to campus unless the student can prove a need such as work or medical reasons. Resident student permits are priced higher than commuter student permits. Only students living farther than a half-mile of CATS shuttle stops are eligible for a commuter permit. Off-campus students within a half-mile of CATS shuttle stops may be eligible for an evening commuter permit.

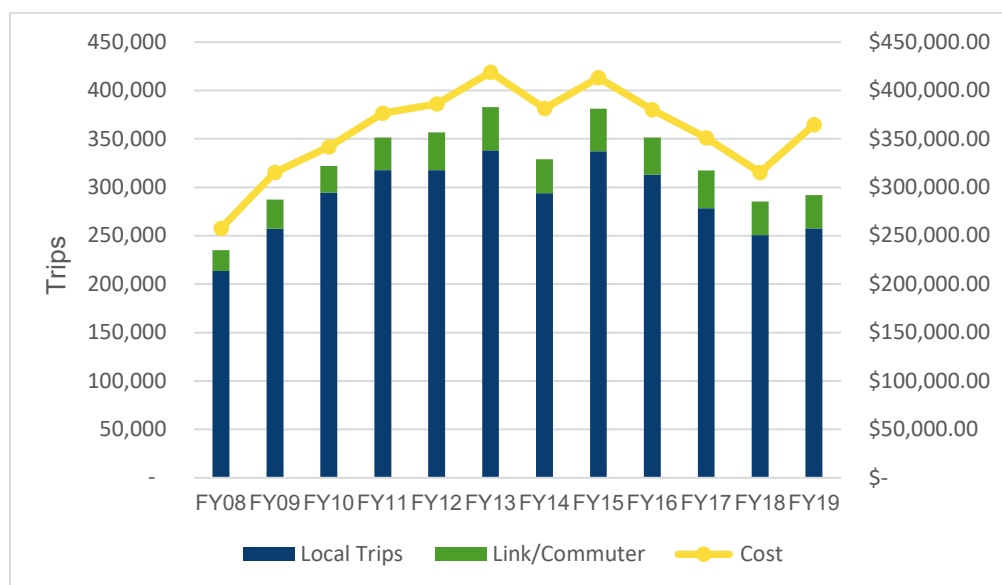
Starting in Fall 2020, anyone requesting a permit will be required to complete a TDM module, which outlines all possible alternative modes available to university affiliates. The intention of this module is to educate those driving about other transportation options that reduce parking demand. The impact of this module will be assessed in the 2021 JIPMP Annual Update. Throughout UVM's campus there are visitor parking lots that are paid for via the ParkMobile app. UVM students are prohibited from parking in these spaces during metered hours. All parking lots are monitored by UVM Transportation and Parking Services and citations are issued for vehicles found incompliant with regulation.

Currently, UVM has 218 fleet vehicles. These vehicles are identifiable by parking stickers and are kept at their respective department location. Temporary business placards are provided to other service/vendor vehicles as needed during the day. Over time, UVM has reduced their fleet, and projects this trend to continue into 2025.

Transit

In 2003, UVM joined the CATMA Unlimited Access Program, which provides unlimited free access on existing GMT public transit services to staff, faculty, and students. UVM receives a 28% discount per ride from GMT by being a part of this program. Ridership and associated cost to the university are displayed in Figure 4-6.

Figure 4-6. UA Trips by UVM students, faculty, and staff with associated cost (2008 -2019).



On-Campus Shuttles

UVM also provides free access to the CATS campus shuttle system to all university affiliates to promote safety and more energy-efficient transportation. The CATS service schedule is depicted in Table 4-9.

Table 4-9. CATS Shuttle Schedule.

Routes	Days	Times	Runs Every (Minutes)	Buses Running
Redstone Express	Mon - Fri	7:45am - 4:45pm	15	1-2
Daytime	Mon - Fri	7:30am - 6:30pm	10	3
Evening	Mon - Thurs	6:15pm - 11:45pm	30	1
Weekend	Sat - Sun	11:30am - 6:30pm	30	1
Off-Campus	Sun - Thurs	6:30pm - Midnight	30	1
Off-Campus (Weekend)	Fri - Sat	6:30 pm - 10:00pm	15	2
Off-Campus (Late-Night)	Fri - Sat	10:00pm - 3:00am	10	3

Bicycle Infrastructure & Parking

UVM is one of only 25 universities nationally recognized as a Gold-level Bicycle Friendly University as of November 2018. UVM has bike racks located throughout campus, indoor bicycle parking and pumps in most residence halls, and three fix-it stations. UVM Bikes, a student club, operates a bike co-op on campus overseen by TPS advisors. The co-op leases bikes and offers bike mechanic services to UVM students and employees.

Car Sharing Service

UVM has a partnership with CarShare Vermont via CATMA's Campus Programs Contract. UVM contributes \$20,000 annually to CarShare Vermont so that students and employees without long-term parking permits can receive a subsidized membership to CarShare services. The Campus Programs Contract is responsible for about 30% of CarShare Vermont's total membership. There are two CarShare hubs located on UVM's campus at the Royal Tyler Theater and the Redstone Lofts.

Parking Cash Out

During the 2019-2020 academic year, the Center for Research on Vermont ran the Give Up Your Permit Program, which encouraged 30 UVM employees to give up their parking permit in exchange for a \$75 gift card and a parking pass allowing for 12 uses for emergencies/occasional use. There are plans to continue and expand this program in the future.

Planning Studies

The University of Vermont has a dedicated commitment to sustainably and creatively planning transportation for the campus. Over recent years, UVM has undergone multiple planning studies

which all have a goal of reducing the number of SOVs on campus. The following are the most recent and relevant studies:

- [UVM Active Transportation Plan](#)
- Nelson Nygaard Parking & Transportation Plan

NOTE: The Supplement provides more detailed data referred to in this report.

5. University of Vermont Medical Center

The UVM Medical Center is an academic medical center providing high quality care and regional referral services for patients throughout Vermont and Northern New York. UVM Medical Center is a member of the UVM Health Network, which includes facilities in Burlington, as well as other communities in Chittenden, Addison, Fairfax, Washington and Orleans Counties, the Central Vermont Medical Center, Champlain Valley Physicians Hospital, Elizabethtown Community Hospital, Alice Hyde Medical Center, Canton-Potsdam Hospital, Inter-Lakes Health, Home, Health & Hospice (formerly Visiting Nurses Association of Chittenden and Grand Isle Counties), and the UVM Health Network Medical Group. The UVM Medical Center consists of approximately 50 patient care and administrative support sites and 100 outreach clinics, employs over 8,000 people, serves a population of over a million people, and conducts around 1.4 million out-patient procedures every year.

Current Conditions

Users (Employees, Patients, & Visitors)

UVM Medical Center employs a total of 6,338 individuals in Burlington. 6,197 of these employees are assigned to the Medical Center Campus or 1 South Prospect Street. On any given day, 50 Community Based Members, 1-2 Honorary Members and 25-35 Volunteers are on campus. For the purposes of estimating parking demand, institutional staff expect that non-paid staff demand no more than 100 parking spaces on any given day.

In 2019, UVM Medical Center Campus performed approximately 627,777 outpatient procedures, and 1 South Prospect performed approximately 92,917 outpatient procedures. This equates to approximately 2,511 outpatient procedures per day at the Medical Center Campus and 372 outpatient procedures per day at 1 South Prospect.

These requirements will be considered during the planning and design of individual projects. UVM Medical Center provides an optional valet parking service for its Medical Center Campus patients and visitors. This service is available at the patient and visitor entrance Monday thru Friday from 6:00am to 5:00pm. Cars can be retrieved with the valet until 9:00pm.

GSF Requirements and Parking Supply

The Medical Center Campus and 1 South Prospect are in the Shared Used Parking District.

The Medical Center Campus is currently licensed for 580 patient beds or bassinets. Since the number of staffed or occupied beds may vary, the number of licensed beds is used as the basis for this Plan as it is a maximum and invariable number that leads to a conservative estimate. To account for the diverse healthcare functions provided by UVM Medical Center, an effort has been made to distinguish between hospital/ in-patient uses, educational uses, and other uses (e.g. cafeteria, medical office, administrative office, support space, common areas). While there is not a precise method to distinguish between these uses and the square footage associated with each, a reasonable estimate was produced. The GSF, associated required parking, and the current parking supply of both Medical Center Campus and 1 South Prospect are included in Table 5-1. Though UVM Medical Center has a total parking supply of 3,746 spaces, only 2,509 of those spaces are located on-site at the Medical Center Campus and 1 South Prospect. For the purposes of the JIPMP only the on-site supply will be referenced when estimating demand for the UVM Medical Center because it is where there is most concern for parking management.

UVM Medical Center's current on-site parking supply is 2,509 which is 775 spaces less than the minimum required by the CDO and 1,596 spaces less than the maximum allowed.

Table 5-1. Current GSF, parking requirements, and parking supply available at UVM Medical Center (Medical Center Campus and 1 South Prospect).

	Medical Center Campus	1 South Prospect	Total
GSF¹	1,698,739	149,404	1,848,143
In-Patient Beds	580	-	580
Minimum Parking Required	2,985	299	3,284
Current Parking Supply			
On-Site²	2,052	457	2,509
Leased/Offsite Parking Supply	-	-	1,237

¹For Medical Center Campus, only 912,682 GSF counts towards calculating CDO parking requirements because the rest of the GSF accounts for in-patient uses.

²Only on-site parking is counted towards the parking supply.

Demand

Using data collected in the 2019 CATMA Employee Survey and requirements above, it was determined the current parking demand for the UVM Medical Center and 1 South Prospect campuses is 2,330 spaces putting it at a 179-space surplus (margin of error ± 42 spaces)(Table 5-2). The aggregate average of parking counts for UVM Medical Center and 1 South Prospect lots from October 2019 and February 2020 show utilization at 81% (Supplement Figure 4-1) with a maximum utilization rate of 96%. Employees without permits for on-site lots, must park in one of the off-site parking lots, which provide UVM Medical Center employees with an additional 1,237 parking spaces. UVM Medical Center's off-site parking lots average an 84% utilization with a maximum 89%. These off-site lots are a crucial tool through which the UVM Medical Center manages parking demand. It should be noted, UVM Medical Center's satellite lots did not undergo the same lot count process as its on-site lots, but from November 2019 to February 2020, UVM Medical Center's off-site lots were counted at least weekly to get the above utilization rate. The 2019 CATMA Employee Survey asked employees where they prefer to park, and 51 UVM Medical Center employees reported parking on the street.

Table 5-2. Current demand calculation for UVM Medical Center (Medical Center Campus and 1 South Prospect).

UVM Medical Center			
User Group	Number of Potential Users	Peak Parking Demand ¹	
		% of Users	Spaces
Medical Center Campus			
Employees	5,567	17.8%	991
Out-Patients			708
In-Patients			75
Visitors ²			250
Fleet			38
Subtotal/			2,062

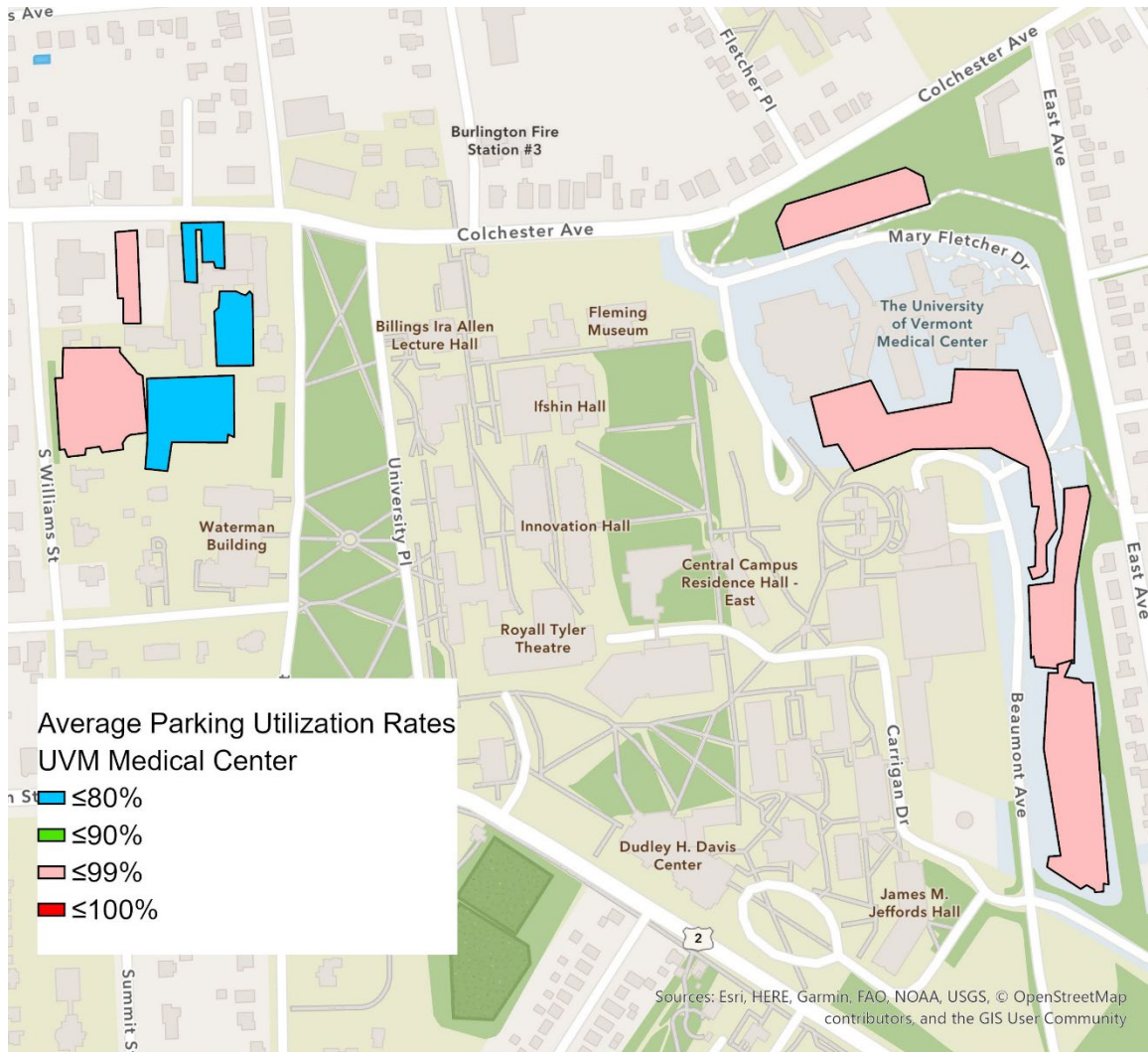
1 South Prospect			
Employees	630	3.7%	24
Out-Patients			236
Fleet			8
<i>Subtotal</i>			268
Total Peak Parking Demand³			2,330
Total Parking Supply			2,509
Net Spaces			179

¹Peak parking demand is calculated from data collected in the 2019 CATMA Employee and Student Transportation Survey using the methodology described in Appendix A. "% of Users" consists only of car users who are on campus at peak time.

²UVM Medical Center volunteers are included in visitor parking demand, because in the 2019 CATMA Employee Survey, volunteers identified they park in the ACC Garage and get a voucher to avoid paying upon their departure.

³Total peak parking demand has a margin of error of ± 42 spaces.

Figure 5-1. Map of average parking utilization rates by lot on UVM Medical Center campus.



Future Conditions

Users (Employees, Patients, & Visitors)

UVM Medical Center expects there to be no significant change in employees, patients, or visitors. As new space needs on the Medical Center Campus are identified, that need is offset by moving existing space users to a satellite location that have a lower need for proximity to the Medical Center Campus. A total of 6,338 full-time, part-time, and per diem UVM Medical Center employees are expected to work across the Medical Center Campus, 1 South Prospect, and other Burlington sites through 2025. There are no expected changes for in-patient and out-patient numbers at any of the UVM Medical Center sites.

GSF Requirements and Parking Supply

UVM Medical Center does not intend to complete any construction projects that would add to the Burlington facilities for the next five years. Employment and procedures are expected to remain at the current conditions.

The future parking inventory for UVM Medical Center across Burlington sites is provided in Table 5-3. UVM Medical Center's future on-site parking inventory of 2,509 is 775 spaces less than the CDO minimum required and 3,067 spaces less than the maximum allowed.

Table 5-3. Future GSF, parking requirements, and parking supply for UVM Medical Center (Medical Center Campus and 1 South Prospect).

	Medical Center Campus	1 South Prospect	Total
GSF	1,698,739	149,404	1,848,143
In-Patient Beds	580	-	580
Minimum Parking Required	2,985	299	3,284
Future Parking Supply			
On-Site¹	2,052	457	2,509
Leased/Offsite Parking Supply	-	-	1,237

¹For Medical Center Campus, only 912,682 GSF counts towards calculating CDO parking requirements.

²Future parking supply is the sum of on-site parking and leased/offsite parking

Estimated Demand

Assuming commute trends stay constant between 2020 and 2025, the estimated future demand for the UVM Medical Center will remain as it is in 2020. It is estimated the Medical Center will have a surplus of 179 parking spaces by 2025 (margin of error of ± 42 spaces) (Table 5-4).

Table 5-4. Estimated future parking demand for UVM Medical Center (Medical Center Campus and 1 South Prospect).

UVM Medical Center			
User Group	Number of Potential Users	Peak Parking Demand ¹	
		% of Users	Spaces
Medical Center Campus			
Employees	5,567	17.8%	991
Out-Patients			708

In-Patients			75
Visitors ²			250
Fleet			38
<i>Subtotal</i>			<i>2,062</i>
1 South Prospect			
Employees	630	3.7%	24
Out-Patients			236
Fleet			8
<i>Subtotal</i>			<i>268</i>
Total Peak Parking Demand³			2,330
Total Parking Supply			2,509
Net Spaces			179

¹Peak parking demand is calculated from data collected in the 2019 CATMA Employee and Student Transportation Survey using the methodology described in Appendix A. "% of Users" consists only of car users who are on campus at peak time.

²UVM Medical Center volunteers are included in visitor parking demand, because in the 2019 CATMA Employee Survey, volunteers identified they park in the ACC Garage and get a voucher to avoid paying upon their departure.

³Total peak parking demand has a margin of error of ± 42 spaces.

Unique Trends & TDM Strategies

Trends

Driving alone continues to be the primary mode of the majority of UVM Medical Center employees at both the Medical Center Campus and 1 South Prospect (Figure 5-3). Medical Center Campus employees are more likely to use UVM Medical Center shuttles from satellite lots than their colleagues at 1 South Prospect. Carpooling is not a highly utilized mode, but over 10% of employees at both locations are carpooling sometimes, which would be an easy population to work with to increase carpooling as primary mode. Unfortunately, the drive alone rate continues to rise following an all-time low in 2010 (Figure 5-4). This rise can be explained by a multitude of factors including lower gas prices and more affordable housing outside of Burlington.

Figure 5-2. Mode Split (2019) for UVM Medical Center Employees by Campus.

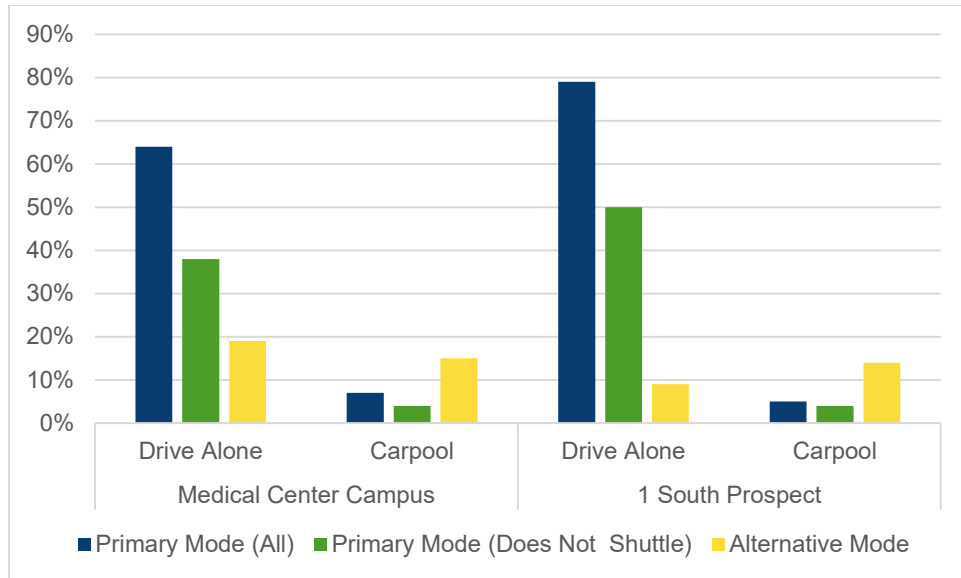


Figure 5-3. Collective mode split (2019) (including sustainable modes) for UVM Medical Center employees.

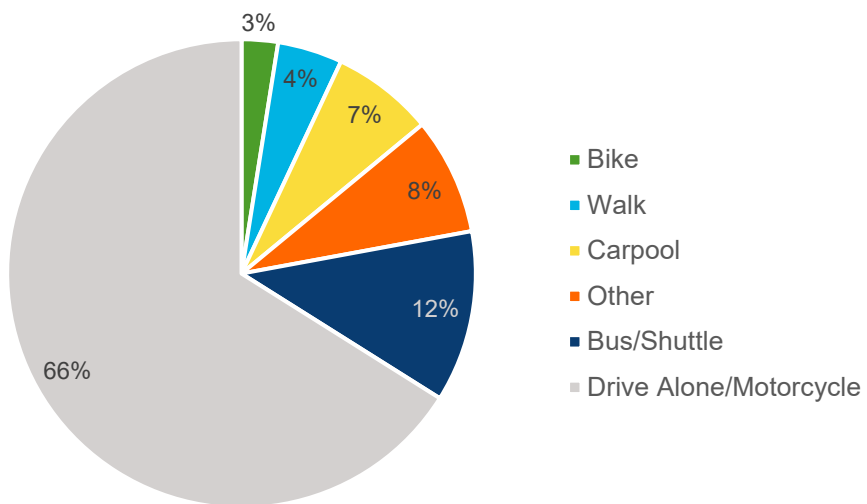
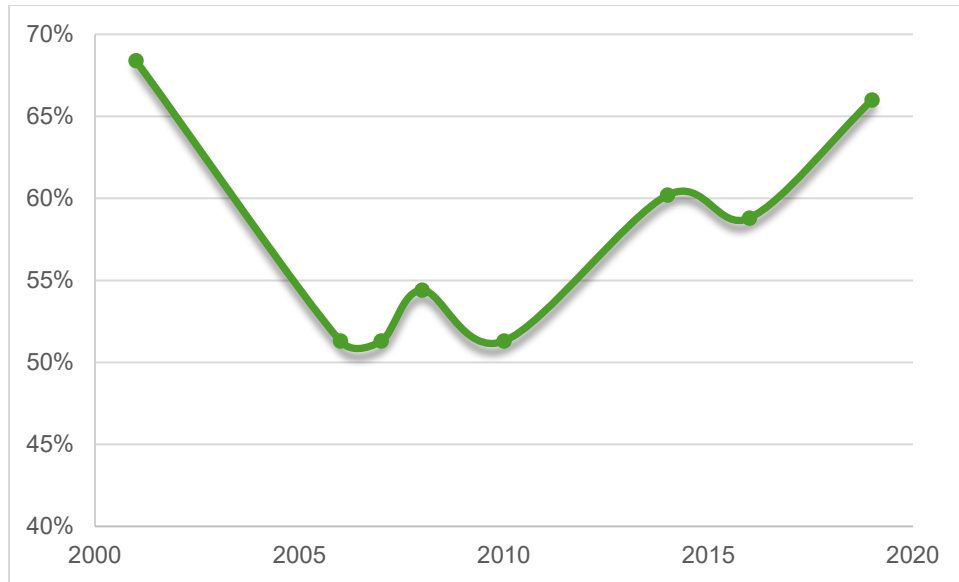


Figure 5-4. Drive Alone rate trend for UVM Medical Center Employees (2001-2019).



TDM Strategies

Permits

During peak demand periods, convenient onsite parking assignments are limited to senior staff, physicians, residents, and those with “business needs” or “medical needs” permits.

Shuttles & Remote Off-Site Lots

UVM Medical Center also uses off-site lots and an effective shuttle system to manage on-site parking demand. Staff without on-site parking permits are required to park in a satellite lot served by a shuttle or use an alternate transportation mode. UVM Medical Center provides off-site parking at Fanny Allen (Colchester), 115 Lakeside Avenue (Burlington), and Technology Park (South Burlington) with regular service direct to the Medical Center Campus. The shuttles summarized in Table 5-6 result in a combined 254 shuttles that operate 254 days per year that equal 74,676 shuttle trips per year.

Table 5-5. UVM Medical Center shuttle schedule.

Shuttle Locations	AM Runs	Midday Runs	PM Runs	Total Runs/Day
Tech Park/Medical Center	21	11	28	60
Lakeside/Medical Center	21	11	28	60
Fanny Allen/Medical Center	21	11	28	60
Catamount/Medical Center	16	14	14	44
Centennial/1 South Prospect	15	0	15	30

Transit

UVM Medical Center has offered a discount on GMT local (50%), commuter and LINK passes (25%) since 1995 (Table 5-7). Employees can purchase these passes via a payroll deduction. Since the early 1980s, GMT buses have served UVM Medical Center well with the Burlington/Essex route, and most recently GMT implemented its Next Gen Plan which included direct service from key originations and destinations in the region. There are 10 GMT transit routes that stop at the Medical Center Campus.

A 25% discount on ferry tickets for employees who live in New York is also provided by UVM Medical Center.

Table 5-6. Average number of transit passes sold monthly by UVM Medical Center for selected years (2014 & 2019).

	2019	2014
GMT Monthly		
Local	93	34
Local ADA	0	9
LINK Express	3	8
LINK Express/Commuter	3	3
GMT 10 Ride Pass		
Local	36	98
Local ADA	0	15
LINK Express	72	74
LINK Express/Commuter	34	27
Champlain Ferry		
Car & Driver Monthly Pass	121	110
Passenger 10 Ride Pass	23	28
Motorcycle 10 Ride Pass	0	5

Bike Infrastructure & Parking

UVM Medical Center supports bicycle travel by investing in local and regional bicycle networks. It is recognized as a Bicycle Friendly Employer by the League of American Bicyclists. For example, UVM Medical Center widened the sidewalk along Colchester Avenue between East Avenue and Mansfield Avenue to interconnect with UVM bike paths. The sidewalk along Beaumont Drive is 10 feet wide to function as a shared use path. UVM Medical Center provides on-site shower facilities and over 100-spaces of bicycle parking (covered and uncovered) for its cyclists.

A bikeshare hub is located at the ACC Circle, adjacent to transit stop on main campus, and there is a hub at Waterman Building nearby 1 South Prospect Street.

Carpool Incentive

A carpool parking incentive (on campus parking permit) is available to employees at the Medical Center Campus, Fanny Allen Campus and 1 South Prospect who have two or more employees who commute to work together. There are approximately 1,000 UVM Medical Center employees registered with CATMA as carpoolers.

NOTE: The Supplement provides more detailed data referred to in this report.

6. Conclusion

This JIPMP demonstrates the Hill institutions' ability to actively and collaboratively manage the demand for parking for each of their campuses. All three institutions are well equipped with various TDM strategies provided through CATMA and individually to mitigate changes in demand and mode use.

The projects included in the 2020-2025 JIPMP are likely to be over-estimating parking demand now that policy shifts are occurring as a result of the COVID-19 crisis. All of the institutions will be implementing firmer telework policies for their employees. UVM and Champlain may see a decline in students coming to campus in Fall 2020 with potentially more online courses offered. As employees and students gain the skills to work and learn remotely, the demand for on-campus parking is likely to decrease. At this point, the impact of COVID-19 on parking demand is unknown, but it will be acknowledged further in the Spring 2021 JIPMP Update.

Appendix A: Methodology

Lot Counts

In the data collection process of the 2020-2025 JIPMP, CATMA and the institutions defined a lot count inventory process. In October 2019, the institutions agreed to conduct counts on the same days and times (Tuesday and Thursday at 10:00 AM and 2:00 PM), to control for regular variation in day-to-day travel habits. Following a winter meeting of the institutions and CATMA, these counts were extended for three days (Tuesday, Wednesday, and Thursday) and three times (10:00 AM, 12:00 PM, 2:00 PM). These adjustments were made as a reflection of peak time determined by the CATMA survey data. Moving forward, the institutions will each conduct counts quarterly on these three days and times so that CATMA can have a growing log of utilization rates. This constant and consistent data collection will strengthen our demand estimations in future JIPMPs.

There are advantages and drawbacks to using lot counts or survey data to estimate demand. Though lot counts are an inexpensive method to calculate parking demand, they are also usually only representative of a limited time frame. This limitation means typical peak demand may not be captured due to variability (i.e. seasonal mode change, time-off, etc.), and may underestimate demand. Survey data may overestimate demand because it fails to capture daily variation seen in lot counts. However, survey data can break down demand by user group, understand different mode trends, and can easily forecast future demand patterns. For more information about the advantages and drawbacks of lot counts and survey data for estimating demand, please see Appendix B which was provided by Jonathan Dowds with UVM's Transportation Research Center.

Survey Administration

The 2019 CATMA Student Transportation Survey was launched on October 28, 2019. The 2019 CATMA Employee Transportation Survey was launched on October 29 and October 30, 2019. Direct solicitation emails were sent to employees and students. Table A-1 describes the solicitation process in more detail.

Table A-1. Overview of CATMA's 2019 Transportation Survey solicitation and responses.

	Launch Date	Population Total	Solicitation Total	Total Responses	Margin of Error
Student Survey					
Champlain	10/28/2019	2087	2059	515	4%
UVM	10/28/2019	13850	13960	2892	2%
Employee Survey					
Champlain	10/29/2019	880	705	190	6%
UVM	10/30/2019	4205	4289	1299	2%
UVM Medical Center	10/29/2019	4670	8631	2678	1%

Survey Weighting

With guidance from UVM's Transportation Research Center, the results of CATMA's 2019 surveys were weighted using population parameters provided by the institutions. Survey weighting is intended to weight survey responses in a way that is reflective of the actual

population. This process corrects for segments in population who are either under or overrepresented by those who answered the survey.

Demand Calculation

The demand estimation calculation used in the 2020-2025 JIPMP is very different from that used in previous JIPMPs. This modified calculation was provided by UVM's Transportation Research Center. Rather than finding the peak time on campus for all users and the demand for parking of all users, this modified calculation relies on the peak time on campus for auto-users. This adjustment is reflected by the **peak parking demand percent** listed in each demand calculation (see Table A-2). By making this slight distinction, some overestimation of demand is reduced as well as a reduction in the margin of error.

Peak parking demand percent is calculated by first finding the time the most auto users are on each campus. For employees and off-campus students, auto users are either those who drive alone and half of those carpool as their main mode. For on-campus students, auto users are all individuals who own a car. Then, a proportion is created for each user group (employees, on-campus students, and off-campus students) by taking the number of auto users on campus at peak time and dividing it by the total number of individuals in that user group in the survey. That percentage (which is the peak parking demand percentage) is multiplied by the total number of users in that group given by the institution which results in demand (see Figure A-1 for formulas).

Table A-2. Summary of peak parking demand on each campus as identified by the 2019 CATMA Employee and Student Transportation Surveys.

Champlain College	Wednesday	11:30 - 1:30 PM
UVM	Tuesday	11:30 - 1:30 PM
UVM Medical Center	Monday	12:00 -1:00 PM

Figure A-1. Top: Formula for calculating peak parking demand percent for employees and off-campus students. Bottom: Formula for calculating peak parking demand percent for on-campus students.

Peak Parking Demand % =	$\frac{\text{Drive Alone at Peak Time} + \frac{1}{2}(\text{Carpool at Peak Time})}{\text{All Users}}$
Peak Parking Demand % =	$\frac{\text{Own Vehicle}}{\text{All Users}}$

Margin of Error

The margin of error is the range within which a true value may be found given a certain confidence interval. All margins of error reported in the 2020-2025 JIPMP are within a 95% confidence interval. The margins of error were calculated using the Complex Samples modules in SPSS and were found for the peak parking demand percent for each user group. For each of the institution, the composite margin of error was found by summing the squares of each user

group's margin of error and taking the square of root of the sum. Knowing the margin of error is useful, because within a 95% confidence interval, we can know the total parking demand for any institution is above or below a certain percentage of the estimated demand given.

Appendix B: Parking Demand Estimation Overview

Jonathan Dowds
6/1/2020

Parking Demand Overview

Parking demand is a measure of the number of parking spaces required to serve all vehicle trips ending at a given destination over a given period of time, typically measured in space-hours. The parking demand associated with a specific destination depends on a variety of factors, including the number of people traveling to that destination at a given point in time, the modes of travel that are available for travel to that destination, parking prices and other variables that influence the relative attractiveness of available modes. Mode choices are influenced by travel time, cost, reliability, and parking availability among other factors. Thus, parking demand is not static and can increase or decrease with changing circumstances. Deliberate Transportation Demand Management (TDM) policies, utilizing incentives, education and other strategies to alter travel behavior, are one method for reducing parking demand.

Current parking demand can be estimated using parking lot counts or user surveys that collect mode share data.⁶ The Metropolitan Area Planning Council, the regional planning agency serving the Boston Metropolitan area, provides a toolkit for member cities to conduct count-based parking studies for the purpose of determining parking utilization rates and whether demand exceeds supply (MAPC 2019). Both parking counts and user surveys can be used to calculate a per-user parking demand ratio – the ratio of the number of parking spaces used to the total number of users of a destination. Using parking counts to estimate demand becomes less accurate as parking utilization approaches the effective parking capacity. Depending on how the data are collected, the parking demand ratio may be further broken out by sub-groups such as faculty, staff, and students. Future demand can be forecasted by applying these demand ratios to a projection of the future user base (potentially with adjustments for planned changes that are expected to impact the demand rate such as new transit or bike options). For planning purposes, parking demand has frequently been estimated using parking generation factors from the Institute of Transportation Engineers (ITE) and Urban Land Institute (ULI) but these figures have been criticized for their lack of geographic specificity and tendency to over-estimate parking needs (Litman 2016; Kimberly-Horn 2016). Other methods for forecasting parking demand include the use of land use or gravity models.

Parking Demand Concepts and Terminology

Capacity/Supply: The capacity, or supply, of parking is equal to the number of parking spaces within a lot or study area.

Effective capacity: A parking lot's effective capacity is the number of vehicles that can practically be expected to park at that lot. It is lower than the raw number of spaces in a lot to account for spaces that are blocked by other vehicles or obstacles and for users' finite willingness to search for a free parking space. Estimates for "effective capacity" vary but several sources consider 85-90% to be the highest practical utilization rate (MAPC 2019; UVA 2019).

⁶ Note that the terms "parking counts" and "parking surveys" are often used interchangeably to refer to a tally of the number of vehicles parked within a specific study area. To avoid confusion with respect to the CATMA Student and Employee Transportation Surveys, this memo will refer to counts of parked vehicles as "parking counts" or "lot counts" and reserve the word "survey" for user surveys similar to the 2019 CATMA student and employee survey efforts.

Latent parking demand: Latent parking demand refers to the additional number of parking spaces that would be utilized if the price were lower or if more parking capacity was available. Waitlists for permits and on-street parking or illegal parking in nearby neighborhoods are two indicators of latent demand. Latent demand can be reduced by TDM measures that increase the attractiveness of modes that do not require parking.

Parking demand ratio: The parking demand ratio is equal to the proportion of users of a destination that utilize parking. It can be used to forecast future parking demand in conjunction with estimates of the number of users that will travel to a destination.

Parking utilization/occupancy rate: The parking utilization rate is the percentage of parking spaces that are being used at a particular time.

State of Practice for Institutional Parking Plans in Higher Education

There is no single standard for parking demand estimation used by institutions of higher education. For university parking plans, lot counts appear to be the most common method for estimating current parking utilization but user survey are also used for this purpose. Examples of different approaches to developing institutional parking plans are described below.

The University of Virginia (UVA) completed a parking master plan in July of 2019 that utilizes a similar set of methodologies to the JIPMP (UVA 2019). The UVA parking plan covers the UVA student body, faculty and staff and UVA Health. Primary modes share usage for faculty and staff were collected with a survey conducted by the UVA Center for Survey Research and were used to calculate parking demand ratios for these user groups. Student parking demand ratios were calculated based on vehicle counts. These parking demand ratios were applied to population projections developed by the University based on historical trends and other factors. For additional context, parking occupancy rates for individual lots and across the UVA campus are also reported. The plan includes 18 strategies for addressing expected parking shortfalls. Salem State University (SSU) also completed a campus parking study in 2018 (Salem State University 2018). This study used lot counts as the basis for estimating current and future parking demand. It complemented these data with an online survey for the SSU community and surrounding neighborhoods to collect mode choice data as well as feedback on parking problem areas. Parking counts were conducted for two days in September of 2017 and included a count of the type of permit displayed by each vehicle. Parking counts were also conducted on a section of adjacent roadway, with all vehicles parked on-street assumed to be associated with SSU. Future parking demand was forecasted by applying a 2% annual growth rate (the projected rate of growth in enrollment) to the peak demand seen in the lot counts. The University of Rhode Island's (URI) "Transportation and Parking Master Plan" for its Kingston Campus, completed in 2018 (VHB 2018), and Michigan Tech's "Campus Transportation & Parking Plan," completed in 2011 (Carl Walker, Inc. 2011), are additional examples of parking plans created primarily using lot count data but neither includes a strong demand forecast element. In addition to on-campus lots, 159 on-street parking spaces in the immediate vicinity of campus are included in the parking inventory and parking counts in the Michigan Tech study.

Colorado State University and North Carolina State University both utilized a parking gravity model, Park+, developed by the consulting firm Kimberly-Horn (Kimberly-Horn 2014; 2017). Park+ uses parking occupancy data collected via lot counts to calibrate a model that estimates the parking demand associated with each building on campus.

Advantages and Drawbacks of Lot Counts

Lot counts are a relatively straightforward and inexpensive method for collecting data about parking demand. Counts are suitable for the direct calculation of the average parking demand ratio across all users when the utilization is below effective capacity. When lots are limited to a single user group or when permit type information is also collected, demand ratios may be calculated separately for different user sub-groups. It is likely that the comparatively low cost of collecting this data contributes to its widespread use in parking planning.

There are a number of drawbacks to using lot counts as the sole sources of parking demand data, however. Lot counts tend to be collected over a limited time frame (one to two days in the examples above). Because of daily, weekly, and seasonal variability in travel behavior, the peak demand recorded in one or two days of observations may not be representative of typical peak demand. Seasonal impacts are likely to be particularly important in Vermont with users whose primary commute mode is a SOV are more likely to opt to use secondary modes such as walking and biking when the weather is favorable. Additionally, lot counts have a limited capacity to accurately capture circumstances where demand approaches or exceeds supply. Vehicle queuing, snow buildup, poorly parked vehicles, and vehicles parked illegally reduce the amount of parking capacity that is available at a given time, creating a reduced *effective* parking capacity. Therefore, parking counts that result in a utilization of 85-95% may indicate that supply is insufficient and latent demand exists. Counts that do not account for parking on surrounding streets or users who chose not to park due to capacity issues will fail to fully capture the entire demand for parking.

This combination of factors suggests that short duration lot counts will tend to under-estimate parking demand. Over time, continuing lot counting programs, such as the one implemented by the Hill Institutions, are less likely to suffer from these short-comings than one-off lot counts and will more accurately reflect parking demand.

Finally, lot counts also fail to provide information about mode splits, latent parking demand, and users perceptions of their transportation options. While this information may not be essential to estimate current parking demand, it is very valuable for understanding and managing future parking demand.

Advantages and Drawbacks of User Surveys

As with parking lot counts, user surveys offer both advantages and drawbacks for estimating current and future parking demand. Advantages to user surveys include improved ability to differentiate between the parking demand for different user groups and to capture on-street parking as well as to collect information on user satisfaction and latent parking demand. For calculating current total parking demand, surveys are especially valuable because they can easily and comprehensively be used to estimate the parking demand that is being met using parking spaces outside of the count area. While lot counts are highly effective at capturing the total demand for parking at isolated lots and lots that are far below capacity, they are less effective when the area of study is embedded within an environment that includes other parking options, such as on-street parking or parking lots for unaffiliated entities. In these circumstances, especially when parking utilization is high, parking prices are high, or the effective capacity is reduced by something like snow buildup, lot counts will miss users who opt to park on nearby streets rather than within institutionally provided parking areas or who choose not to park at all due to the capacity issues. While it is possible to conduct parking counts on nearby streets, in a setting like Burlington it would difficult to determine with certainty what vehicles are affiliated with one of the Hill institutions. By contrast, a user survey such as that

conducted by CATMA can ask directly about parking at locations other than institutionally provided parking lots, enabling a direct estimation of the entire parking demand.

Surveys also offer advantages for forecasting future parking demand because demand can be tracked by user group with greater specificity that can be achieved with most lot counts. Within the university context, for example, the percentage of users that require parking is likely to vary among faculty, staff and students. When parking lots are not restricted to a single user group, a simple lot count will only produce a single, overall estimate of the percentage of users that require parking but will not capture difference in parking demand between different user groups. If these different user groups are projected to increase at different rates, using this overall parking demand ratio to estimate future parking demand will be less accurate than applying user-group specific parking demand ratios.

Conversely, because the CATMA Survey asks respondents about their *typical* travel/parking behavior, it does not fully capture the day-to-day variations in behavior that impact total parking demand.⁷ For example, on any specific day, some employees/student will be sick or traveling and will not be on campus or need parking. Users whose primary mode is driving alone will sometime use other modes (decreasing the need for parking) and users whose primary mode is not driving will sometimes drive (increasing the need for parking). The net effect is that this survey method may overstate parking demand.

Finally, survey offer the advantage of providing information about user satisfaction and latent parking demand as well as the modes share data used to collect parking demand. While this information may not be essential to estimate current parking demand, it is very valuable for understanding and managing future parking demand.

Conclusions

Both parking counts and survey data have advantages and disadvantages for estimating parking demand and there is a degree of uncertainty associated with each. Under these circumstances, it is highly desirable to be able to present parking demand estimates using both methodologies. Demand estimated by the user survey captures parking usage that is met in the surrounding neighborhoods and does not reduce demand to account for share users who are not on campus due illness, vacation or other occasional telecommuting. Consequently, it will provide an estimate of the highest, annual peak parking demand. Overtime, on-going lot counts will provide an increasingly accurate representation of peaking parking utilization but will not capture parking in the surrounding neighborhoods so will provide a lower bound estimate of parking demand.

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⁷ Other travel surveys, such as the National Household Travel Survey, ask respondents about their behavior on a specific day (e.g. "how did you get to work on XX/YY?"). With a sufficiently large sample, this approach would capture day-to-day variation.

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Burlington Development Review Board

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Brad Rabinowitz
AJ LaRosa
Geoffrey Hand
Springer Harris
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Kienan Christianson
Caitlin Halpert
Ravi Venkataraman (Alt)
Sean McKenzie (Alt.)



Burlington Development Review Board

Findings of Fact

Deliberative Hearing Tuesday, December 1, 2020

In RE: 2020-2025 Joint Institutional Parking Management Plan

Members Present:

Brad Rabinowitz
AJ LaRosa
Geoff Hand
Springer Harris
Brooks McArthur
Caitlin Halpert

Evidence Presented:

The Board examined the materials submitted in support of this request.

Motion: Geoff Hand

I move that the DRB approve the 2020 JIPMP for 2 years. Pursuant to Article 8.1.15.3.vi the DRB requests the following analysis be provided with the next Joint Institutional Parking Management Plan:

- Anticipated impact of COVID-19 on short- and long-term parking demand.
- Available Parking Spaces on UVM campus. Please respond to concerns about available spaces on the UVM campus, including whether UVM's current parking demand exceeds UVM's effective available parking taking into account unmet/unfulfilled demand. Please respond to claimed discrepancies in actual parking limitations in approvals for individual projects on UVM campus.
- Pursuant to Article 8.3.3.b, an analysis of parking demand outside of designated peak hours including during daytime and evening events. Please provide an evaluation of how parking required for future large events will impact surrounding neighborhoods. What is the baseline for parking at the times of day when these events would occur, is there enough capacity to handle the size of proposed events, and if not, how frequently will available parking be exceeded per month? If space is not available on the UVM campus how will this need be met and will it result in increased on-street parking during events?
- Additional data, analysis, and enforcement plans for city street parking in nearby neighborhoods that may be burdened by institutional parking demands. Specifically, please provide numbers from Champlain college monitoring of off-street parking violations - how do these numbers compare to survey data in the report?

- TDM plans. Please provide additional information on what new measures are proposed by each institution as part of the JIPMP to reduce single occupancy vehicle trips and encourage greater public transportation/biking/walking/carpooling. What are the specific proposals to address existing increasing trends in single occupancy trips - particularly for UVM and UVM Medical. This should include a discussion of the effectiveness of prior TDM efforts and steps that can be taken to improve effectiveness as well as plans to mitigate any noted adverse trends such as increased drive-alone rates.
- Recommend TDM as a component of each institutions' Climate Initiatives. Please provide additional information whether each institutions' proposed TDM plans, programs, and efforts are consistent with the carbon emission reductions targets set by each organization. Please clarify how are the respective institutions' Climate initiatives integrated into the TDM in terms of parking demand, VMT and level-of-service goals, transit usage goals and public outreach.

It is the board's intention to return to a 5-year approval timeline with the additional requested information.

Seconded: Caitlin Halpert

Vote: 6-0-0, motion carried

Dated at Burlington, Vermont, this ____ day of December, 2020

Respectfully Submitted,

Brad Rabinowitz, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.



MEMORANDUM

November 4, 2022

To: Scott Gustin and Burlington Development Review Board

From: Sandy Thibault, Executive Director, CATMA

Subj: Request for Extension of 2020-2022 Joint Institution Parking Management Plan

CATMA, in partnership with VHB, is in the process of producing the 2023-2028 Joint Institution Parking Management Plan (aka JIPMP) 5-Year Update, which is expected to be complete in Spring 2023. This has been the traditional timeline for the JIPMP 5-year and annual updates, which is primarily due to the availability of data needed for the report and City meeting schedule. This timeline results in a gap of an approved JIPMP from year end until Spring when it is presented to the Burlington Planning Commission followed by Burlington Development Review Board approval.

With that said, and in accordance with Section 8.3.4 of the City of Burlington's Comprehensive Development Ordinance, I am writing to request a 6-month extension of CATMA's current 2020-2022 JIPMP in order to enable the institutions to continue routine maintenance and projects as reported in the JIPMP.

Please let me know if you need anything further, and the process for acceptance of this request.

Thank you.

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

William Ward, Director
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TO: Development Review Board
FROM: Scott Gustin
DATE: December 20, 2022
RE: 2020-2022 Joint Institutional Parking Management Plan extension request

CATMA is requesting a 6-month extension of the current Joint Institutional Parking Management Plan (JIPMP). The JIPMP was approved December 1, 2020 for 2 years. Typically, the plans are valid for 5 years; however, a number of concerns were identified in review of the JIPMP at that time. CATMA is currently working on a new JIPMP, but it will not be complete until spring of 2023. As a result, a 6-month extension for the current JIPMP is requested so that there is no lapse.

The version of Article 8: *Parking* that is currently effective and warned for public hearing and adoption by the City Council in January 2023 specifically enables the DRB to approve one JIPMP extension of up to six months, so long as the request is made prior to expiration of the plan. Such is the case here. The extension request was made November 4, 2022 prior to the December 1 expiration of the plan.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor(s): Councilor Hanson,
Ordinance Committee
Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

CDO—PARKING

Minimum and Maximum Parking Requirements and
Transportation Demand Management
ZA# 22-07

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington, Article 4: Zoning Maps and Districts, Part 4: Base Zoning District Regulations, be and hereby is amended by amending Sections 4.4.1 (d) 5, Development Bonuses/Additional Allowances; 4.4.5 (d) 4. C., Residential Occupancy Limits; 4.5.3 (c) 6, Parking Requirements; 4.5.6 (c), District Specific Regulations: Mouth of the River Overlay; 5.1.1 (c), Permitted Uses; 5.1.1 (d), Conditional Uses; 5.3.6 (c), Changes to a Nonconforming Lot; 5.3.8, Rebuilding After a Catastrophe; 5.4.12 (a), Mobile Home Parks; and Article 8: Parking, Part 1: General Requirements; 8.1.3, Parking Districts, Parking Districts, 8.1.6, Existing Structures: Exemption in Downtown District, 8.1.8, Minimum Off-Street Parking Requirements, Table 8.1.8-1 Maximum Off-Street Parking Requirements, 8.1.9, Maximum Parking Spaces, 8.1.12 Limitations, Location, Use of Facilities, 8.1.15 Waivers from Parking Requirements/Parking Management Plans, and adding Section 8.1.16 Transportation Demand Management; and Article 8: Parking, Part 3: Institutional Parking Plans be and hereby is amended by amending Section 8.3.3 Institutional Parking Management Plans thereto to read as follows:

Sec. 4.4.1 Downtown Mixed Use Districts

(a) – (c) As written.

(d) District Specific Regulations

1-4 As written

5. Development Bonuses/Additional Allowances

The following exceptions to the allowable base building height and FAR as provided in Table 4.4.1-1 above may be approved in any combination subject to the maximum limits set forth in Table 4.4.1-2 below at the discretion of the DRB. The additional FAR allowed shall correspond to the proportion of the additional building height granted to the maximum available.

A. Public Parking

A bonus in excess of the base height and FAR allowance in Downtown Waterfront – Public Trust District may be permitted at the discretion of the DRB for the provision of public parking as follows:

(i) As written.

(ii) 10-feet of additional building height and corresponding FAR may also be permitted, independent of subsection (i) above, where no less than 25 parking spaces ~~or an additional ten percent (10%) above the minimum spaces required pursuant to Sec. 8.1.8, whichever is greater,~~ are made available to the general public at all times.

(iii) – (iv) As written.

B. – F. As written.

Sec. 4.4.5 Residential Districts

(a) – (c) As written.

(d) District Specific Regulations

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above.

1. -3. As written.

4. Residential Density

A. –B. As written.

C. Residential Occupancy Limits

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

Subject to Conditional Use approval by the DRB, a dwelling unit may be occupied by more than four (4) unrelated adults if it contains at least twenty-five hundred (2,500) square feet excluding its attic and basement pursuant to the following:

(i) If in a RL district, the dwelling unit also contains at least an additional two hundred fifty (250) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4); or,

(ii) If in a RM district, the dwelling unit also contains at least an additional two hundred (200) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4).

(iii) If in a RH district, the dwelling unit also contains at least an additional 150 square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4).

In considering a request relating to permitting a greater number of unrelated individuals residing in a dwelling unit within a residential zoning district, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet.

5. -6. As written.

Sec. 4.5.3 RH- Density Bonus Overlay District

(a)-(b) As written.

(c) District Specific Regulations: RH- Density Bonus Overlay:

1.-5. As written.

6. Parking *Standards Requirements*

In addition to the parking ~~standards requirements~~ found in Article 8, the following shall also apply within this Overlay:

~~There shall be at least one parking space per residential unit (exceptions for senior and affordable housing, as outlined in Article 8, shall apply). There shall be an affirmative finding by the DRB that the proposed development provides adequate parking for its residents and non-residential uses.~~ At least seventy-five (75%) of the parking spaces ~~required after any waiver~~ shall be provided onsite as structured parking spaces. Any structured parking shall be concealed by the structure or the building so that it is not visible from the street (the entrance and exit may be visible).

7.-9. As written.

Sec 4.5.6 Mouth of the River Overlay District

(a)-(b) As written.

(c) District Specific Regulations: Mouth of the River Overlay:

1. Uses

A. Exception for Non-Residential Marine and Recreational Uses

Small-scale non-residential marine and recreational uses in the Mouth of the River Overlay shall be allowed as follows:

(i)-(viii) As written.

(ix) To the extent that ~~additional~~ parking is ~~provided required~~, the parking standards for Shared-Use Districts shall apply pursuant to Article 8;

(x)-(xi) As written.

Sec. 5.1.1 Uses

Except as otherwise provided by law or by this ordinance, no land or structure in any district shall be used or occupied except as specified under the provisions of this ordinance and the requirements of the zoning district in which such land or structure is located as specified in Article 4 and in Appendix A-Use Table.

(a)-(b) As written.

(c) Permitted Uses

A permitted use is allowed as of right in any district under which it is denoted by the letter "Y" in Appendix ~~A-~~Use Table. Permitted uses are subject to such requirements as may be further specified in this ordinance such as but not limited to dimensional and intensity limitations, performance and design standards, and parking ~~requirements~~standards.

(d) Conditional Uses

A conditional use is listed in any district where denoted by the letters "CU" in Appendix A - Use Table. Such uses may be permitted by the DRB only after review under the conditional use provisions provided in Article

3, Part 5, such further restrictions as the DRB may establish and such additional requirements as may be established by this ordinance such as but not limited to dimensional and intensity limitations, performance and design standards, and parking ~~requirements~~standards.

(e)-(i) As written.

Sec. 5.3.6 Nonconforming Lots

Development may occur on a non-conforming lot only in the following manner:

(a)-(b) As written.

(c) Changes to a Nonconforming Lot

No change shall be permitted to any nonconforming lot which would have the effect of increasing the density at which the property is being used, or increasing the structure located upon such lot, if the dimensional requirements and standards, ~~including parking~~, of the underlying zoning district are not met as a result thereof. Allowance of adaptive reuse and residential conversion bonuses shall be an exception to the foregoing standards. ~~A lot shall be considered nonconforming if there is not sufficient parking, as determined by the standards provided in Article 8.~~ In such cases where a parking waiver or waivers may be or have been legally granted, such a waiver shall be considered superseded by the standards provided in Article 8. ~~not be considered to increase the degree of non-conformity.~~

Sec 5.3.8 Rebuilding After Catastrophe

If the structure housing a nonconforming use or a nonconforming structure is damaged by fire, explosion, or other catastrophe, and no government investigation determines that the damage resulted from the owner's intentional conduct or gross negligence the use may be restored or the structure rebuilt subject to the following provisions:

(a)-(c) As written.

(d) Noncompliance, in terms of dimensional regulations ~~or parking requirements~~, shall not be increased beyond what existed prior to the catastrophe and, where physically possible, shall come into compliance;

(e)-(f) As written.

Sec 5.4.12 Mobile Home Parks

In addition to the applicable provisions of Site Plan Design Standards in Art 6, Part 2, and Article 10 Subdivision Review (if applicable), the following additional regulations shall be applicable to any application involving a Mobile Home Park. The provisions of Art 3, Part 5 for Conditional Uses shall also apply to applications involving new or expanded Mobile Home Parks.

(a) Mobile Home Parks

Regarding the establishment and operation of a Mobile Home Park:

1-5. As written.

~~6. One (1) on-site parking space shall be required per individual Mobile Home.~~

7-9. As written with renumbering.

(b) As written.

Sec. 8.1.3 Parking Districts

The demand for parking is highly dependent on the context within which a given use or structure is located. Factors such as proximity to other related uses, availability of public transportation and alternative forms of and supports for transportation, the density of land uses, and the ability to share parking with nearby uses are all factors which influence the demand for individual and dedicated off-site parking. For the purposes of this Article, the following three (3) Parking Districts as illustrated in Map 8.1.3-1 are hereby created:

(a) Neighborhood Parking District:

This parking district ~~establishes the baseline of parking requirements throughout the city encompasses the primarily residential neighborhoods of the city~~ where the demand for off-site parking is largely dependent on the needs and characteristics of and transportation resources available to an individual site or land use.

(b) Shared Use Parking District:

This parking district ~~reduces the requirements from the baseline standards recognizing~~ recognizes that opportunities exist to share parking demand between related nearby land uses, and that travel to and between these uses may not be strictly automobile dependent.

(c) Multimodal Mixed-Use Parking District:

This parking district ~~recognizes that eliminates the minimum on-site parking requirements of Sec. 8.1.8 recognizing~~ the opportunity for extensive sharing of parking demand between nearby mixed land uses makes travel to and between proximate land uses largely independent from an automobile; and that an array of non-vehicular transportation modes, public parking facilities, and frequent transit service greatly reduces the need for independent on-site parking for individual land uses.

This Parking District includes all properties in the following Zoning Districts:

- (a) Downtown Core (FD6)
- (b) Downtown Center (FD5)
- (c) Downtown Waterfront – Public Trust (DW-PT)
- (d) Neighborhood Activity Center (NAC)
- (e) Neighborhood Mixed Use (NMU)
- (f) NAC – Riverside (NAC-R)
- (g) NAC – Cambrian Rise (NAC-CR)

With the exception of those properties subject to Part 3 - Institutional Parking Management Plans, this Parking District also includes all properties with street frontage on the following major thoroughfares to a maximum depth of 200-ft.:

- (a) North Avenue from Battery Park to Plattsburg Avenue
- (b) Colchester Avenue
- (c) Pearl Street
- (d) North Winooski Avenue
- (e) Riverside Avenue from N. Winooski Ave to Colchester Ave
- (f) Battery Street
- (g) Main Street
- (h) College Street to South Williams Street
- (i) Pine Street
- (j) Saint Paul Street
- (k) Shelburne Street

~~With respect to permits issued with parking requirements in this Parking District prior to the effective date of the amendment to eliminate minimum onsite parking, an administrative permit amendment may be requested to remove the parking requirement based upon the change in regulation. This does not apply to permits containing public parking provided in exchange for an Article 4 Development Bonus (See Sec. 4.4.1(d)(5)(A)). For those permits, the public parking provided shall be maintained.~~

Map 8.1.3-1 Parking Districts As written.

Sec. 8.1.4 Existing Structures

Any structure or land use lawfully in existence prior to the adoption of this ordinance shall not be subject to the requirements of this Article as long as the kind or extent of use is not changed, and provided further that any parking facilities now serving such structures shall not in the future be ~~reduced below such requirements~~altered.

Within the Multimodal Mixed-Use Parking District, an administrative permit may be requested to remove the minimum off-street parking requirements associated with permits issued prior to December 16, 2020. This provision does not apply to permits containing public parking provided in exchange for an Article 4 Development Bonus (See Sec. 4.4.1 (d) (5) (A)). For those permits, the public parking provided shall be maintained. This provision does not apply within the Neighborhood or Shared Use Parking Districts.

Sec. 8.1.5 Existing Structures - Change or Expansion of Use

Whenever there is an alteration or conversion of a structure or a change or expansion of a use which does not involve complete redevelopment or substantial rehabilitation of the structures on a lot; ~~increases the parking requirements~~

- ~~the parking and TDM requirements of this Article shall apply only to the new use or net new area of the expanded use, and total additional parking requirements for the alteration, conversion, change, or expansion shall be provided in accordance with the requirements of this Article. A waiver may be requested pursuant to the provisions of Sec. 8.1.15.~~
- existing parking may exceed the maximum limits per Table 8.1.9-1 as a result of a change of use or change in the intensity of a use(s) on a lot, and
- changes to existing parking in Shared Use and Neighborhood Parking districts is not precluded by Sec. 8.1.4.

Sec. 8.1.6 Affordable Housing and Historic Buildings Exemption (Reserved)

~~Regardless of location, the Minimum Off-Street Parking Requirements found under Sec. 8.1.8 below shall not apply to any of the following:~~

- ~~(a) The creation of permanently affordable inclusionary housing units satisfying the applicable provisions of Article 9 Part 1—Inclusionary Housing (see Sec. 9.1.10 Income Eligibility and Sec. 9.1.11 Calculating Rents and Selling Prices);~~
- ~~(b) The adaptive reuse and/or substantial rehabilitation of a building listed on the State or National Register of Historic Places; and,~~
- ~~(c) The creation of an Accessory Dwelling Unit subject to the provisions of Sec. 5.4.5.~~

Sec. 8.1.7 Non-Conforming Residential Structure (Reserved)

~~Where additions or conversions to existing residential structures within a Neighborhood or Shared Use Parking District add living space but do not add dwelling units, and such sites do not currently meet the parking standards of Sec. 8.1.8, one (1) parking space shall be provided for each additional room. Single detached dwellings shall be exempt from this requirement.~~

Sec. 8.1.8 Minimum Off-Street Parking Requirements

Requirements for a minimum number of off-street parking spaces have been recognized as an impediment to building housing and other desired uses, inhibit the expansion of alternative transportation and transportation demand management, and act as an instrument to overbuild parking and incentivize single occupancy automobile use. Therefore, minimum off-street spaces are eliminated in all parking districts for all uses except for applications seeking to exceed occupancy of a dwelling unit by more than four (4) unrelated adults. Such applications are subject to the parking requirements of Sec. 4.4.5 (d), 4, C, Residential Occupancy Limits.

A minimum number of off-street parking spaces for all uses and structures shall be provided in accordance with Table 8.1.8-1 below.

(a) Where a use is not listed, the minimum parking requirements shall be determined by the administrative officer based upon a determination that the use is substantially equivalent in use, nature, and impact to a listed use.

(b) When the calculation yields a fractional number of required spaces, the number of spaces shall be rounded to the nearest whole number.

(c) The minimum off-street parking requirement for a development with inclusionary housing units provided on site shall be reduced by the percentage of inclusionary units required by Article 9.

(Example: A 100-unit residential development with a requirement of 15% inclusionary units shall provide minimum off-street parking based on 85 dwelling units.)

Table 8.1.8 Minimum Off-Street Parking Requirements

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared-Use Districts	Multimodal Mixed-Use Districts
RESIDENTIAL USES¹	Per Dwelling Unit except as noted		
Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.	2	1	0
Single Family detached and Duplex	2	2	0
1. — Adjusted for development with inclusionary housing units per Sec. 8.1.8(c)			
RESIDENTIAL USES—SPECIAL¹	Per Dwelling Unit except as noted		
Assisted Living	0.5	0.5	0
Bed and Breakfast (per room, in addition to single-family residence)	1	0.75	0
Boarding House (per two (2) beds)	1	0.75	0
Community House	1	0.75	0
Convalescent Home (per four (4) beds)	1	1	0
Dormitory (per two (2) beds)	1	1	0
Emergency Shelter	0	0	0

Table 8.1.8-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared-Use Districts	<u>Multimodal Mixed-Use Districts</u>
Group Home (per two (2) beds)	1	1	0
Historic Inn (per room, in addition to single-family residence)	1	0.75	0
Sorority & Fraternity (per two (2) beds)	1	1	0
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
Adult Day Care (per two (2) employees)	1	1	0
Agricultural Use	0	0	0
Amusement Arcade	2	1	0
Animal Boarding/Kennel/Shelter	2.5	1.5	0
Animal Grooming (per grooming station)	1	1	0
Animal Hospitals/Veterinarian Office	3	2	0
Appliance & Furniture Sales/Service	2.5	1	0
Aquarium	1.3	1	0
Art Gallery/Studio	3.3	2.5	0
Auction Houses	3.3	2.5	0
Automobile & Marine Parts Sales	2.5	1.5	0
Automobile Body Shop	2 plus 1/bay	2 plus 1/bay	0
Automobile Repair/Service	2 plus 1/bay	2 plus 1/bay	0
Automobile Sales—New & Used	2	2	0
Bakery	2.5	2.5	0
Bank, Credit Union	2.5	2	0
Bar/Tavern	4	3	0
Beauty/Barber Shop (per station/chair)	1	1	0
Bicycle Sales/Repair	2.5	1	0
Billiard Parlor (per game table)	1	1	0
Boat Repair/Service	2	2	0
Boat Sales/Rental	2	2	0

Table 8.1.8-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared-Use Districts	<u>Multimodal Mixed-Use Districts</u>
Boat Storage	3	2	<u>0</u>
Bowling Alley (per lane)	3	2	<u>0</u>
Building Material Sales	3.3	2.5	<u>0</u>
Café (per four (4) seats)	1	<u>0</u>	<u>0</u>
Camp Ground (per camping space)	1	1	<u>0</u>
Car Wash (stacking spaces per wash bay)	4	4	<u>0</u>
Cemetery	<u>0</u>	<u>0</u>	<u>0</u>
Cinema (per four (4) seats)	1	1	<u>0</u>
Club, Membership	3.3	2.5	<u>0</u>
Community Center	3.3	2.5	<u>0</u>
Community Garden (per ten (10) plots)	1	1	<u>0</u>
Conference Center	3	2	<u>0</u>
Contractor Yard (per 1,000 gfa of office space)	2.5	2	<u>0</u>
Convenience Store	3	2	<u>0</u>
Convention Center	n/a	3	<u>0</u>
Courthouse	n/a	3.3	<u>0</u>
Crematory (per FTE employee)	1	1	<u>0</u>
Crisis Counseling Center	4	3	<u>0</u>
Daycare—Home (6 children or less)	<u>None (0)</u>	<u>None (0)</u>	<u>0</u>
Daycare—Large (Over 20 children) (per two (2) employees)	1 plus 1 <u>drop-off</u> per 5 children	1 plus 1 <u>drop-off</u> per 5 children	<u>0</u>
Daycare—Small (20 children or less) (per two (2) employees)	1 plus 1 <u>drop-off</u> per 5 children	1 plus 1 <u>drop-off</u> per 5 children	<u>0</u>
Dental Lab	2	1	<u>0</u>
Distribution Center (per 3,000 gfa)	1	0.75	<u>0</u>
Dry Cleaning Plant	1.3	1	<u>0</u>
Dry Cleaning Service	2.5	2	<u>0</u>

Table 8.1.8-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared-Use Districts	<u>Multimodal Mixed-Use Districts</u>
Film Studio	3.3	2.5	<u>0</u>
Fire Station (per apparatus)	2	2	<u>0</u>
Food & Beverage Processing	1.3, plus 3 per 1,000 gfa devoted to patron use	1, plus 2 per 1,000 gfa devoted to patron use	<u>0</u>
Fuel Service Station (per employee/shift)	1	1	<u>0</u>
Funeral Home (per four (4) seats)	1	1	<u>0</u>
Garden Supply Store (per 1,000 gfa of retail area.)	3	2	<u>0</u>
General Merchandise/Retail	3	2	<u>0</u>
Grocery Store	3	2	<u>0</u>
Hazardous Waste Collection/Disposal (per two (2) employees on the largest shift)	1	1	<u>0</u>
Health Club	3	2	<u>0</u>
Health Studio	2	1	<u>0</u>
Hospitals (per patient bed)	2	2	<u>0</u>
Hostel (per two (2) beds)	0.5	0.5	<u>0</u>
Hotel/Motel (per room)	1	0.75	0
Laundromats (per washing machine)	1	1	<u>0</u>
Library	1.3	1	<u>0</u>
Lumber Yard (per 1,000 gfa of retail area.)	3	2	<u>0</u>
Manufacturing Light	1.3, plus 3 per 1,000 gfa devoted to patron use.	1.3, plus 2 per 1,000 gfa devoted to patron use.	<u>0</u>
Manufacturing	1.3, plus 3 per 1,000 gfa devoted to patron use.	1.3, plus 2 per 1,000 gfa devoted to patron use.	<u>0</u>
Marina (per berth)	0.5	0.5	0
Medical Lab	2	1	<u>0</u>

Table 8.1.8-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared-Use Districts	<u>Multimodal Mixed-Use Districts</u>
Museum	1.3	1	0
Office—General	2	2	0
Office—Medical, Dental	3	2	0
Office—Technical	2	2	0
Open-Air Markets	0	0	0
Operations Center—Taxi (per three (3) employees)	1	1	0
Operations Center—Truck/Bus (per 3,000 gfa)	1	0.75	0
Park (per playing area)	5	0	0
Parking Garage—Private	0	0	0
Parking Lot—Private	0	0	0
Performing Arts Center (per four (4) seats)	1	1	0
Performing Arts Studio	1	0	0
Pet Store	2.5	1	0
Pharmacy	3	2	0
Photo Studio	2.5	1	0
Photography Lab	1	1	0
Police Station	2.5	2	0
Post Office	1.3	1	0
Post Office—Local	2	2	0
Printing Plant	1.3	1	0
Printing Shop	2	2	0
Public Transit Terminal	1 per 200 gfa of public waiting space	1 per 200 gfa of public waiting space	0
Public Works Yard/Garage	0	0	0
Radio & TV Studio	2	2	0
Rail Equip. Storage & Repair	0	0	0
Recording Studio	1.3	1	0

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared-Use Districts	<u>Multimodal Mixed-Use Districts</u>
Recreational Facility—Indoor (per four (4) seats)	1	1	0
Recreational Facility—Outdoor (per playing field)	15	10	0
Recreational Facility—Outdoor Commercial	Larger of 1 per 4 seats or 15 per playing field	Larger of 1 per 4 seats or 10 per playing field	0
Recreational Vehicle Sales—New and Used	2	2	0
Recycling Center—Large above 2,000 gfa	0	0	0
Recycling Center—Small 2,000 gfa or less	0	0	0
Research Lab	2.5	2	0
Restaurant	4	3	0
Restaurant—Take Out	4	3	0
Salon/Spa	4	4	0
School—Secondary (per Classroom)	7	5	0
School—Primary (per Classroom)	1.5	1.5	0
School—Preschool (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	0
School—Trade/Professional	5	3	0
School, Post-Secondary	2	2	0
Solid Waste Facility—Incinerator, Landfill, Transfer Station	0	0	0
Tailor Shop	2	1	0
Vehicle Salvage	0	0	0
Warehouse	0.5	0.35	0
Warehouse—Self Storage Facility	1 per resident manager, plus 1 per 100	1 per resident manager, plus 1 per 100 leasable	0

Table 8.1.8-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared-Use Districts	Multimodal Mixed-Use Districts
	leasable storage spaces	storage spaces	
Warehouse—Retail	3.3	2.5	0
Wholesale Sales	1.3	1	0
Worship, Place of (per four (4) seats)	1	1	0

Sec. 8.1.9 Maximum On-Site Parking Spaces

The total number of off-street parking spaces provided in any parking district shall not be more than as allowed required in Table 8.1.9-1 below:

- (a) Where a use is not listed, the maximum parking requirements shall be determined by the administrative officer based upon a determination that the use is substantially equivalent in use, nature, and impact to a listed use.
- (b) When the calculation yields a fractional number of maximum spaces, the number of spaces shall be rounded to the nearest whole.

Table 8.1.9-1 Maximum Off-Street Parking Requirements

Neighborhood District	Shared-Use District	Multimodal Mixed-Use District
125% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1	100% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1	100% of the minimum number of spaces required for the Shared Parking District for any given use as required in Table 8.1.8-1

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Districts
<u>RESIDENTIAL USES¹</u>	<u>Per Dwelling Unit except as noted</u>		
<u>Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Single Family detached and Duplex</u>	<u>3</u>	<u>2</u>	<u>2</u>
1. <u>Adjusted for development with inclusionary housing units per Sec. 8.1.8(c)</u>			
<u>RESIDENTIAL USES - SPECIAL¹</u>	<u>Per Dwelling Unit except as noted</u>		

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	<u>Neighborhood Districts</u>	<u>Shared Use Districts</u>	<u>Multimodal Mixed-Use Districts</u>
<u>Assisted Living</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Bed and Breakfast (per room, in addition to single-family residence)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Boarding House (per two (2) beds)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Community House</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Convalescent Home (per four (4) beds)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Dormitory (per two (2) beds)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Emergency Shelter</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Group Home (per two (2) beds)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Historic Inn (per room, in addition to single- family residence)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Sorority & Fraternity (per two (2) beds)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>NON-RESIDENTIAL USES</u>	<u>Per 1,000 square feet of gross floor area (gfa) except as noted</u>		
<u>Adult Day Care (per two (2) employees)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Agricultural Use</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Amusement Arcade</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Animal Boarding/Kennel/Shelter</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Animal Grooming (per grooming station)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Animal Hospitals/Veterinarian Office</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Appliance & Furniture Sales/Service</u>	<u>3</u>	<u>3</u>	<u>1</u>
<u>Aquarium</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Art Gallery/Studio</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Auction Houses</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Automobile & Marine Parts Sales</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Automobile Body Shop</u>	<u>3 plus 1/bay</u>	<u>3-plus 1/bay</u>	<u>2 plus 1/bay</u>
<u>Automobile Repair/Service</u>	<u>3 plus 2/bay</u>	<u>3 plus 2/bay</u>	<u>2 plus 1/bay</u>

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	<u>Neighborhood Districts</u>	<u>Shared Use Districts</u>	<u>Multimodal Mixed-Use Districts</u>
<u>Automobile Sales – New & Used (for public and employee parking only; unregistered for-sale vehicles exempt from limits)</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Bakery</u>	<u>3</u>	<u>3</u>	<u>3</u>
<u>Bank, Credit Union</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Bar/Tavern</u>	<u>5</u>	<u>4</u>	<u>3</u>
<u>Beauty/Barber Shop (per station/chair)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Bicycle Sales/Repair</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Billiard Parlor (per game table)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Boat Repair/Service</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Boat Sales/Rental</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Boat Storage</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Bowling Alley (per lane)</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Building Material Sales</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Café (per four (4) seats)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Camp Ground (per camping space)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Car Wash (stacking spaces per wash bay)</u>	<u>5</u>	<u>4</u>	<u>4</u>
<u>Cemetery</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Cinema (per four (4) seats)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Club, Membership</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Community Center</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Community Garden (per ten (10) plots)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Conference Center</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Contractor Yard (per 1,000 gfa of office space)</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Convenience Store</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Convention Center</u>	<u>n/a</u>	<u>n/a</u>	<u>3</u>
<u>Courthouse</u>	<u>n/a</u>	<u>n/a</u>	<u>3</u>
<u>Crematory (per FTE employee)</u>	<u>1</u>	<u>1</u>	<u>1</u>

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	<u>Neighborhood Districts</u>	<u>Shared Use Districts</u>	<u>Multimodal Mixed-Use Districts</u>
<u>Crisis Counseling Center</u>	<u>5</u>	<u>4</u>	<u>3</u>
<u>Daycare - Home (6 children or less)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Daycare - Large (Over 20 children) (per two (2) employees)</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>
<u>Daycare - Small (20 children or less) (per two (2) employees)</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>
<u>Dental Lab</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Distribution Center (per 3,000 gfa)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Dry Cleaning Plant</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Dry Cleaning Service</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Film Studio</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Fire Station (per apparatus)</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>Food & Beverage Processing</u>	<u>2, plus 4 per 1,000 gfa devoted to patron use</u>	<u>1, plus 3 per 1,000 gfa devoted to patron use</u>	<u>1, plus 2 per 1,000 gfa devoted to patron use</u>
<u>Fuel Service Station (per employee/shift)</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Funeral Home (per four (4) seats)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Garden Supply Store (per 1,000 gfa of retail area.)</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>General Merchandise/Retail</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Grocery Store</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Hazardous Waste Collection/Disposal (per two (2) employees on the largest shift)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Health Club</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Health Studio</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Hospitals (per patient bed)</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Hostel (per two (2) beds)</u>	<u>0.6</u>	<u>0.5</u>	<u>0.5</u>
<u>Hotel/Motel (per room)</u>	<u>1</u>	<u>1</u>	<u>1</u>

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	<u>Neighborhood Districts</u>	<u>Shared Use Districts</u>	<u>Multimodal Mixed-Use Districts</u>
<u>Laundromats (per washing machine)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Library</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Lumber Yard (per 1,000 gfa of retail area.)</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Manufacturing-Light</u>	<u>2, plus 4 per 1,000 gfa devoted to patron use.</u>	<u>1, plus 3 per 1,000 gfa devoted to patron use.</u>	<u>1, plus 2 per 1,000 gfa devoted to patron use.</u>
<u>Manufacturing</u>	<u>2, plus 4 per 1,000 gfa devoted to patron use.</u>	<u>1, plus 3 per 1,000 gfa devoted to patron use.</u>	<u>1, plus 2 per 1,000 gfa devoted to patron use.</u>
<u>Marina (per berth)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Medical Lab</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Museum</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Office - General</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Office - Medical, Dental</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Office – Technical</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Open Air Markets</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Operations Center - Taxi (per three (3) employees)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Operations Center - Truck/Bus (per 31,000 gfa) (registered transit vehicles exempt from limits)</u>	<u>1, plus 1 per 1 employee</u>	<u>1, plus 1 per 1 employee</u>	<u>1, plus 1 per 1 employee</u>
<u>Park (per playing area)</u>	<u>6</u>	<u>5</u>	<u>1</u>
<u>Parking Garage – Private</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Parking Lot – Private</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Performing Arts Center (per four (4) seats)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Performing Arts Studio</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Pet Store</u>	<u>3</u>	<u>3</u>	<u>1</u>
<u>Pharmacy</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Photo Studio</u>	<u>3</u>	<u>3</u>	<u>1</u>

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	<u>Neighborhood Districts</u>	<u>Shared Use Districts</u>	<u>Multimodal Mixed-Use Districts</u>
<u>Photography Lab</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Police Station</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>Post Office</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Post Office - Local</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Printing Plant</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Printing Shop</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Public Transit Terminal</u>	<u>1 per 200 gfa of public waiting space</u>	<u>1 per 200 gfa of public waiting space</u>	<u>1 per 200 gfa of public waiting space</u>
<u>Public Works Yard/Garage (for public and employee parking only; fleet parking exempt from limits)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Radio & TV Studio</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Rail Equip. Storage & Repair</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Recording Studio</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Recreational Facility - Indoor (per four (4) seats)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Recreational Facility - Outdoor (per playing field)</u>	<u>19</u>	<u>15</u>	<u>10</u>
<u>Recreational Facility - Outdoor Commercial</u>	<u>Larger of 1per 4 seats or 19 per playing field</u>	<u>Larger of 1 per 4 seats or 15 per playing field</u>	<u>Larger of 1 per 4 seats or 10 per playing field</u>
<u>Recreational Vehicle Sales – New and Used</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Recycling Center - Large above 2,000 gfa</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Recycling Center - Small 2,000 gfa or less</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Research Lab</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Restaurant</u>	<u>5</u>	<u>4</u>	<u>3</u>
<u>Restaurant – Take-Out</u>	<u>5</u>	<u>4</u>	<u>3</u>
<u>Salon/Spa</u>	<u>5</u>	<u>4</u>	<u>4</u>
<u>School - Secondary (per Classroom)</u>	<u>9</u>	<u>7</u>	<u>5</u>

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	<u>Neighborhood Districts</u>	<u>Shared Use Districts</u>	<u>Multimodal Mixed-Use Districts</u>
<u>School - Primary (per Classroom)</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>School – Preschool Large (per two (2) employees)</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>
<u>School – Preschool Small (up to 20 children) (per two (2) employees)</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>
<u>School - Trade/Professional</u>	<u>6</u>	<u>5</u>	<u>3</u>
<u>School, - Post-Secondary</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Solid Waste Facility - Incinerator, Landfill, Transfer Station</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Tailor Shop</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Vehicle Salvage</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Warehouse</u>	<u>1</u>	<u>1</u>	<u>0</u>
<u>Warehouse - Self Storage Facility</u>	<u>1 per resident manager, plus 1 per 100 leasable storage spaces</u>	<u>1 per resident manager, plus 1 per 100 leasable storage spaces</u>	<u>1 per resident manager, plus 1 per 100 leasable storage spaces</u>
<u>Warehouse - Retail</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Wholesale Sales</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Worship, Place of (per four (4) seats)</u>	<u>1</u>	<u>1</u>	<u>1</u>

(a) **Exemptions:** The following shall not be included in the maximum number of allowable spaces required by this section:

- 1. Public Parking:** Spaces provided and available for use by the public shall not be counted towards the maximum. Such spaces shall be available to the public at a minimum of nights and weekends, and be signed or marked accordingly;
- 2. Carpool, Vanpool, and Car-Share Parking:** Spaces dedicated for vehicles participating in a carpool, vanpool, or car-share program shall not be counted towards the maximum. Such spaces shall be reserved for such use, and be signed or marked accordingly; and,
- 3. Alternative Fueled Vehicle Parking:** Parking spaces dedicated for vehicles operating on primarily alternative fuels including but not limited to electric, natural gas, and hydrogen shall not be counted towards the maximum. Such spaces shall be reserved for such use, and be signed and/or the space painted with the words “Alternative Fueled Vehicles Only.”

4. ADA Accessible Parking: Parking spaces specifically designed, located and reserved by persons according to the standards in the Federal Americans with Disabilities Act (ADA) as administered by the Dept. of Public Works.

5. Institutional Parking: Parking spaces, provided by institutions, that have been approved as part of a plan per the standards of Article 8, Part 3: Institutional Parking Plans

46. Waiver of Maximum Parking Limitations. Parking in excess of the maximum parking limitation of this section, ~~or a request for one parking space where none would otherwise be permitted,~~ may be waived by the DRB pursuant to the ~~provisions of Sec 8.1.15 with the~~ following additional requirements:

A. The applicant requesting the waiver shall also provide:

- (i) a peak demand parking study for two similar uses in the area; and,
- (ii) a TDM Plan pursuant to the requirements of Sec. 8.1.16

B. The following additional review criteria shall be addressed regarding how:

- (i) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;
- (ii) The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity; and,
- (iii) The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.

Secs. 8.1.10 – 8.1.11 As written.

Sec. 8.1.12 Limitations, Location, Use of Facilities

(a) ~~Off-Site parking facilities~~ Shared Parking for Off-Site Use:

~~Parking may be used by onsite or offsite users. Parking may not be the primary use of any property unless it is approved as such with a zoning permit where allowed. Except for single and two-family dwellings, required parking facilities may be located on another parcel of land. The off-site parking area shall be within the same zoning district as the use it serves or in a zoning district that allows parking lots or parking garages as Principal uses. Parking that serves any use located outside a residential zoning district shall not be located within a residential zoning district. Off-site parking facilities shall be as follows:~~

1. Neighborhood Parking District: ~~No more than 50% of the total required offstreet parking from Table 8.1.8-1 shall be provided at a distance greater than 600 feet from the use it is intended to serve.~~

2. Shared Use Parking District: ~~Any off-site parking shall be provided within 1,000 feet of the use it is intended to serve unless such parking is provided as part of a Parking Management Plan pursuant to Sec. 8.1.15 approved by the DRB.~~

3. ~~The distance from the off-site parking to the associated use shall be measured in walking distance along a sidewalk or other pedestrian path separated from street traffic from the nearest parking space to the principle pedestrian entrance to the building housing the use. Such off-site parking shall not reduce the required parking for any other use utilizing the property on which it is located unless such shared use is approved by the development review board per Sec. 8.1.15 (b). The right to use the off-site parking to meet the minimum parking requirements of Sec. 8.1.8 must be guaranteed for the duration of the use as evidenced by a deed, easement, lease, or similar written instrument as approved by the City Attorney and recorded in the Burlington land records.~~

~~(b)–(f)~~ As written.

~~(c)–~~ **Shared Parking:**

~~In the event that a mix of uses occupy a single structure or parcel of land located in a Neighborhood or Shared Use Parking District, the total requirement for off-street parking shall be the sum for all individual uses unless it can be shown that the peak parking demands are offset and spaces can be shared (for example: retail and residential, or theater and office uses) as evidenced by a shared parking analysis utilizing the most current edition of the Urban Land Institute’s Shared Parking Report, the ITE’s Shared Parking Guidelines, or other comparable and industry recognized publications.~~

~~(d)–~~ **Single Story Structures in Shared Use Districts:**

~~In the event that a single story structure is proposed to be located in a Shared Use District, the total requirements for off-street parking shall be calculated as for a Neighborhood Parking District. This provision does not apply to single story structures existing and occupied as of the effective date of this ordinance.~~

~~(e)–~~ **Joint Use of Facilities:**

~~The required parking for two (2) or more uses, structures, or parcels may be combined in a single parking facility if it can be shown by the applicant to the satisfaction of the DRB that the use of the joint facility does not materially overlap with other dedicated parking in such facility, and provided that the proposed use is evidenced by a deed, lease, contract, reciprocal easement, or similar written instrument establishing the joint use acceptable to the city attorney.~~

~~(f) (c)~~ As written.

Secs. 8.1.13 – 8.1.14 As written.

Sec. 8.1.15 Waivers from Parking Requirements/ Parking Management Plans (Reserved)

~~(a) Parking Waivers The total number of parking spaces required pursuant to this Article may be modified to the extent that the applicant can demonstrate that the proposed development can be adequately served by a more efficient approach that more effectively satisfies the intent of this Article and the goals of the municipal development plan to reduce dependence on the single-passenger automobile.~~

~~Any waiver granted for a residential use shall not exceed fifty percent (50%) of the required number of parking spaces. Any waiver granted for a non-residential use may be as much as ninety percent (90%). Waivers shall only be granted by the DRB, or by the administrative officer pursuant to the provisions of Sec. 3.2.7 (a)7.~~

~~In order to be considered for a waiver, the applicant shall submit a Parking Management Plan that specifies why the parking requirements of Sec. 8.1.8 or Sec. 8.1.9 are not applicable or appropriate for the proposed development, and proposes an alternative that more effectively meets the intent of this Article. A Parking Management Plan shall include, but not be limited to:~~

~~(1) A calculation of the parking spaces required pursuant to Table 8.1.89-1, and Sec. 8.1.9 regarding parking maximums where applicable.~~

~~(2) A narrative that outlines how the proposed parking management plan addresses the specific needs of the proposed development, and more effectively satisfies the intent of this Article and the goals of the Municipal Development Plan.~~

~~(3) An analysis of the anticipated parking demand for the proposed development. Such an analysis shall include, but is not limited to:~~

- ~~i. Information specifying the proposed number of employees, customers, visitors, clients, shifts, and deliveries;~~
- ~~ii. Anticipated parking demand by time of day and/or demand by use;~~
- ~~iii. Anticipated parking utilizing shared spaces or dual use based on a shared parking analysis utilizing current industry publications;~~
- ~~iv. Availability and frequency of public transit service within a distance of 800 feet.~~
- ~~v. A reduction in vehicle ownership in connection with housing occupancy, ownership, or type; and,~~
- ~~vi. Any other information established by the administrative officer as may be necessary to understand the current and projected parking demand.~~

~~(4) Such a plan shall identify strategies that the applicant will use to reduce or manage the demand for parking into the future which may include but are not limited to:~~

- ~~i. A telecommuting program;~~
- ~~ii. Participation in a Transportation Management Association including methods to increase the use of mass transit, car pool, van pool, or non-auto modes of travel;~~
- ~~iii. Implementation of a car-share program;~~
- ~~iv. Development or use of a system using offsite parking and/or shuttles; and,~~
- ~~v. Implementation of public transit subscriptions for employees.~~

~~(5) An analysis and narrative pursuant to Sec. 8.1.9 regarding waivers of parking maximums where applicable. Prior to any approval by the DRB pursuant to this section, the means by which the parking management plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.~~

~~(b) Shared Parking for Off-Site Use~~

~~Onsite parking spaces may be made available for use by off-site users subject to review and approval of a Parking Management Plan by the DRB.~~

~~A Parking Management Plan for Shared Parking for Off-Site Use must include the following:~~

- ~~1. A calculation of the parking spaces required pursuant to Table 8.1.8-1 and a calculation of those parking spaces to be shared for off-site parking use.~~
- ~~2. Information specifying the actual onsite demand for required parking by day, time of day, and by use and also information specifying when and how much parking would be made available to off-site users.~~
- ~~3. A narrative that outlines how the proposed parking management plan will allow for shared use of required parking spaces with off-site users; how it will enable continued availability of required parking spaces pursuant to Table 8.1.8-1 while also affording off-site parking use of those spaces.~~

~~The Parking Management Plan must demonstrate to the satisfaction of the DRB that making spaces available to off-site users does not negatively affect their ability for onsite users to park due to either:~~

- ~~1. There being an excess of onsite spaces beyond that necessary to satisfy the requirements of Sec. 8.1.8; and/or,~~
 - ~~2. The spaces are to be made available during off-peak hours of the onsite and/or required users.~~
- ~~Parking spaces being made available to off-site users may be made available:~~

- ~~• Either with or without a fee;~~
- ~~• For transient use by the general public; and/or,~~
- ~~• By lease, provided the term of any lease does not exceed one (1) year.~~

~~Prior to any approval by the DRB pursuant to this section, the means by which the parking management plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.~~

Sec. 8.1.16 Transportation Demand Management

(a) **Purpose:** This section requires the implementation of a Transportation Demand Management (TDM) Program for certain projects for the purpose of advancing the goals of the City's land use and transportation plans, and promoting public health, safety, welfare, and protection of the environment by:

- Reducing parking demand;
- Reducing car ownership;
- Reducing vehicle miles traveled (VMT) and congestion; and,
- Increasing transit use and non-motorized travel;

(b) Applicability:

(1) A Transportation Demand Management Program meeting the requirements outlined in 8.1.16 (c) shall be required for all projects located in the Multimodal Mixed Use Parking District (see Sec. 8.1.3(e)), and involving any one or more of the following:

Dwelling Units	Creation of ten (10) or more dwelling units
Non-residential or Mixed Use Development	A building footprint of eight thousand (8,000) s.f. or more; or, the creation of fifteen thousand (15,000) s.f. or more of gross floor area.

(2) Projects involving the creation of five (5) to nine (9) dwelling units shall be required to meet only the requirements in Sec. 8.1.16 (c) c. ii.

(c) **Transportation Demand Management (TDM) Program:** A TDM Program shall include each of the following elements at a minimum:

a. Outreach and Education:

- i. Designation of a Transportation Coordinator who directly, or indirectly through membership in a Transportation Management Association, shall be responsible for each of the following:
 1. Prepare and present informational and educational materials regarding available TDM strategies to all ~~tenants-residents~~ and employees;
 2. Organize and host an annual meeting for all ~~tenants-residents~~ and employees to present and discuss available TDM strategies, and opportunities for increased use and participation;
 3. Preparation and dissemination of an annual travel survey of all ~~tenants-residents~~ and employees; and,
 4. Record-keeping and annual reporting to City of all TDM activities offered and rates of participation (including parking utilization if applicable).

b. **TDM Strategies:** In addition to compliance with the on-site Bicycle Parking requirements found in Article 8, Part 2, the following TDM strategies shall also be included at a minimum for a period of 10 years from receipt of a Certificate of Occupancy as follows:

- i. GMT Transit passes shall be provided to all ~~tenants-residents~~ and employees for free for the first year of occupancy or employment, and at a minimum discount of 50% for every year thereafter; and,
- ii. A car share membership shall be offered to all ~~tenants-residents~~ and employees for free for the first two years of occupancy or employment, and at a minimum discount of 50% for every year thereafter; or,
- iii. In lieu of i and ii above, maintain an ongoing and active membership in a Transportation Management Association (TMA) that offers equivalent TDM strategies or better.

c. **Parking Management:** Where on-site or off-site parking is also made available:

- i. Conduct parking utilization studies at least annually for a period of 10 years from receipt of a Certificate of Occupancy;
- ii. With the exception of permanently affordable housing units, the cost of parking shall be un-bundled from all residential and nonresidential leases and deeds and made available at a market rate;
- iii. Where parking spaces are made available to off-site users, parking spaces may be made available by a renewable lease, provided the term of any lease does not exceed one (1) year; and,
- iv. Priority parking spaces - located in closest proximity to a primary building entrance and/or public street frontage - shall be made available for each of the following:
 1. ~~Handicapped-ADA Accessible~~ spaces;
 2. Bicycles, scooters, and motorcycles spaces;
 3. Car-share: where 1 space must be offered for every 20 residential units, not to exceed a total of 5 spaces, subject to an agreement with a car-share provider; and,
 4. Carpool and/or Vanpool vehicles: where more than 20 spaces are available for non-residential uses. In such cases, 5 spaces or 5% of the parking spaces on site, whichever is less, must be reserved for carpool/vanpool use before 9:00 AM on weekdays.

d. **TDM Agreement:** Each TDM Plan shall include a signed commitment to and acknowledgement of each of the following on a form provided by the Administrative Officer:

- i. Commitment to ongoing implementation of the TDM requirements as set forth above;
- ii. Acknowledgement that the project has no claim to the ongoing availability of nearby on-street public parking, and that, as is the case with other on-street public parking, the City retains the right to charge for or remove such on-street parking at any time;
- iii. Acknowledgement that failure to maintain transportation demand management as required above is a violation of this ordinance, and understanding that, pursuant to Sec. 2.7.8 of this ordinance, no zoning permit or certificate of occupancy may be granted until any such violation has been remedied; and,
- iv. Commitment to notify any subsequent owners and tenants in writing of their obligations under this section as part of any purchase and sale and/or lease agreements.

Review and Enforcement: The Administrative Officer shall be responsible for determining compliance with the TDM Program requirements as set forth above, and ongoing implementation shall be included as a condition of any discretionary or administrative permit required for development subject to the conditions of this Section.

Failure to maintain a TDM Program as required above shall be a violation of this ordinance, and pursuant to Sec. 2.7.8 of this ordinance no zoning permit or certificate of occupancy may be granted without a TDM Program in effect.

Guidelines regarding compliance with these TDM requirements shall be developed and provided to applicants by the Administrative Officer.

PART 3: INSTITUTIONAL PARKING PLANS

Sec. 8.3.1 Intent

As written.

Sec. 8.3.2 Applicability

As written.

Sec. 8.3.3 Institutional Parking Management Plans

~~In addition to the requirements of Sec. 8.1.15 above, A~~an Institutional Parking Management Plan shall include the following:

~~(a) A narrative that outlines how the proposed parking management plan addresses the specific needs of existing and anticipated development and effectively satisfies the intent of this Article and the goals of the Municipal Development Plan.~~

~~(b)~~~~(c)~~ Information specifying the ~~current and proposed anticipated numbers over the ensuing 5 year period for:~~ number of students ~~of all academic programs~~ (full-time, part-time, commuter, on-campus, off-campus, and continuing education), faculty and staff (full-time and part-time), patients and visitors being served by the institution ~~and anticipated over the ensuing five year period.~~

~~(b)~~~~(c)~~ An analysis of the anticipated parking demand by user group, time of day and/or demand by use ~~and parking provided to meet that demand currently and anticipated over the ensuing five-year period;~~

~~(e)~~~~(d)~~ Information specifying the number and composition of the institution's vehicle fleet, where these vehicles are regularly kept, and designated "service vehicle-only" parking;

~~(d)~~~~(e)~~ ~~Programs, policies, or incentives~~Strategies used to reduce or manage the demand for parking which may include but are not limited to:

1. Policies which restrict and/or prohibit the bringing of vehicles to the institution for various users or groups of users;

2. A telecommuting program;

2.3. Programs and employee and student subsidies to encourage the use of public transit, car-share, walking, and bicycling;

4. Implementation of a shuttle service system serving off-site parking;

3.5. Implementation of a parking permit system to allocate parking throughout the system; and,

~~(e)~~~~(f)~~ Implementation of a monitoring, compliance and enforcement system to measure and ensure compliance with the plan.

Sec. 8.3.4 Review and Approval of Institutional Parking Management Plans**(a) Plan Approval**

Such a plan shall require review and approval by the DRB, after consultation with the planning commission, and after a public hearing. In order to approve a proposed Institutional Parking Plan, the DRB shall find:

- a. the proposed Institutional Parking Plan adequately serves existing and proposed development and user groups by the institution(s);
- b. the proposed Institutional Parking Plan ~~more~~ effectively meets the intent of this Article and the goals of the municipal development plan ~~than would strict adherence to the underlying requirements of this Article.~~

Such a plan, if approved by the DRB, shall be applicable for a period not to exceed five (5) years, and may be amended as necessary pursuant to the requirements of this Part. The DRB may approve one extension of up to six (6) months so long as the extension is requested prior to the Plan's expiration.

(b) Annual Reporting

The institution shall provide a report annually to the administrative officer regarding the implementation and performance of the approved plan and any significant changes in the size or makeup of user groups, parking supply, travel by mode for user groups, availability and utilization of parking management strategies, anticipated development activity, and any other conditions impacting supply and/or demand.

Failure to submit such annual report shall be a violation of this ordinance.

Sec. 8.3.5 Review and Approval of Applications for Future Development

Pursuant to Sec. 2.7.8 of this ordinance, no zoning permit or certificate of occupancy may be granted for projects which will impact the supply of or demand for parking without an approved or amended plan. Projects such as routine maintenance, repair, equipment installation, walkways, landscaping, installation of public art, and the like are exempt from this requirement so long as they do not result in a change of use, habitable area, or parking facilities upon which a plan's supply and demand calculations are based.

- (a) In reviewing any application for development from a post-secondary educational or medical institution within the Institutional district, the DRB shall find that the proposal is included and addressed consistent ~~with~~ in an approved Institutional Parking Plan and that the proposal is consistent with the approved Plan.

- (b) Any development proposed by a post-secondary educational or medical institution within the Institutional ~~Campus~~ district that is ~~found not to be consistent~~ not included and addressed with in an approved Institutional Parking Plan shall only be approved pursuant to the underlying parking requirements of Parts 1 and 2 of this Article and upon approval of an amendment to an approved plan.

and In addition to application requirements specified in Article 3 and this Part, the Institutions(s) shall submit an amendment to an approved plan that addresses how the development is consistent with or modifies supply and demand calculations and applicable TDM strategies contained in the approved Plan. Amendments may be in the form of an addendum that addresses any relevant sections of an approved Plan. The amendment shall be approved by either the administrative officer or DRB based on the underlying application type. Such developments shall be reflected in subsequent annual reports submitted to the administrative officer, and future plan updates.

Memorandum

Prepared by: Nicholas Smith, P.E.
SD Ireland Companies

Date: 11/1/2022

Subject: **284 Grove Street – Apple Grove**
Sketch Plan Review
Project Narrative

Overview:

The applicant/owner, Ireland Grove Street Properties, LLC, is proposing redevelopment of the existing Planned Unit Development at 284 Grove Street, known as Apple Grove. The project is located in the Residential Low (RL) Zoning District outside of the Design Review Overlay District. The project site currently consists of 15 residential units located along an existing private, looped drive. The current buildings are falling into disrepair due to age and building material degradation. This project proposed the demolition of the existing units and construction of 13 new duplex buildings (total of 26 units) along the existing private drive. Duplexes on the outside of the loop will have attached garages and will face the private drive while duplexes on the inside of the loop will have detached centrally located garages and will face Grove Street. A central one-way drive will serve the units facing Grove Street for parking purposes and will provide access to the central detached garage buildings.

General Site Information:

The subject parcel is located at 284 Grove Street, on the north side of Grove Street, and is 5.08 acres in area, with portion of the parcel located in both the City of Burlington and South Burlington. The project currently consists of 12 existing modular homes and a 3-unit apartment building in the RL District. The apartment building is listed on the State's Historic Register under project number CH-86-0384.

The project site is served by a private drive off Grove Street that loops around the development and includes a sidewalk serving each building along with street trees and streetlights.

Along the eastern portion of the property is an existing 150' VELCO right-of-way. The VELCO right-of-way makes nearly all of the parcel's lands within South Burlington undevelopable. To the east of the project, beyond the VELCO right-of-way is the Valley Ridge Subdivision (South Burlington), and beyond that is I-89. To the south of the project is an undeveloped parcel also owned by Ireland Grove Street Properties, LLC, a single-family home, and lands owned by UVM that are within conservation. To the west of the project is the Bayberry PUD.

Density/Affordability:

The project site contains 4.82 acres of land within the City of Burlington, and 0.26 acres within the City of South Burlington. Only the land within the City of Burlington is used in calculating the maximum density of the PUD.

Buildable Area Calculations (from Sec. 5.2.4 Zoning and Subdivision Ordinance)

Total Project Parcel Area:	4.82 acres
Wetland Exclusion:	0.26 acres
Remaining Area:	4.56 acres

Slope Analysis on Remaining Area:

Under 15%	2.67 acres
15-30%	0.57 acres (X 50%) = 0.29 acres
Over 30%	1.32 acres
Total	2.96 acres

We are requesting that under Conditional Use the slopes between 15-30% be included in density calculation per Sec. 5.2.4 of the Zoning and Subdivision Ordinance.

With the Inclusionary Housing Bonus the density can be increased from 7 units/acre to 8.75 units/acre; therefore, the 2.96 acres of buildable area equates to 26 unit (8.75 units/acre x 2.96 acres = 25.9 units).

To meet the Inclusionary Housing Bonus requirements 4 units will need to be inclusionary housing (15% x 26 units = 3.9 units).

Topography:

The site slopes from east to west within the development area at an average rate of $\pm 6\%$. The east drive access onto Grove Street is approximately 10' higher in elevation than the west access. Along the rear of the existing homes on the outside of the loop is a steep embankment ($\pm 60'$ in elevation difference) that slopes down toward the Winooski River to the north. There is a Class 2 Wetland located at the toe of the embankment that was delineated in 2012, all proposed development is greater than 150' away from the wetland.

Utilities:

The project is currently served by water from Champlain Water District via an existing 8" line from South Burlington. The project proposes to utilize the existing water lines within the development and provide new service taps for the proposed units. CWD has confirmed that they can serve this redevelopment and we will continue to coordinate with them concerning flows and pressures.

Sewer is currently served by the gravity system along the private drive that connects to the existing City of Burlington sewer system on Grove Street. The project will continue to utilize the existing sewer system along the private drive and will provide new service connections for the increase in units.

Currently stormwater is collected via a series of catch basins along the private driveway and conveyed to an outfall in the woods to the west. There is currently no treatment or detention of stormwater on the site. We are proposing to manage stormwater by treating a portion of the new impervious surface, redeveloped surface, and existing surfaces via two new subsurface infiltration systems. Stormwater runoff for up to the 10-year storm event will be managed and treated meeting the requirements of the 2017 Vermont Stormwater Management Manual.

Traffic/Parking:

Vehicle access will continue to be provided by the two private drive access points along Grove Street. Utilizing the Institute of Traffic Engineers Trip Generation Manual (11th Edition), the trip generation as estimated for this facility under the existing and proposed conditions:

Existing Conditions					
<u>Land Use Description</u>	<u>LUC</u>	<u>Units</u>	<u>Average Weekday</u>	<u>AM Peak</u>	<u>PM Peak</u>
Single-Family Detached Housing	210	12	143 VTE/Day	11 VTE/Hour	14 VTE/Hour
Single-Family Attached Housing	215	3	22 VTE/Day	1 VTE/Hour	2 VTE/Hour
Total			165 VTE/Day	12 VTE/Hour	16 VTE/Hour

Proposed Conditions					
<u>Land Use Description</u>	<u>LUC</u>	<u>Units</u>	<u>Average Weekday</u>	<u>AM Peak</u>	<u>PM Peak</u>
Single-Family Attached Housing	215	26	187 VTE/Day	12 VTE/Hour	15 VTE/Hour
Total			187 VTE/Day	12 VTE/Hour	15 VTE/Hour

Therefore, there is no increase in vehicle trip ends in the AM peak hour and a net increase of 1 vehicle trip end in the PM peak hour.

All sidewalks and ramps will be ADA accessible and detectible warning plates will be provided at the reconstructed crossings along Grove Street.

The project is located within the Neighborhood Parking District and proposes to have 2 spaces per duplex unit for a total of 52 parking spaces. Half (26) of these will be provided within garages and the remaining half will be provided via driveway surface parking.

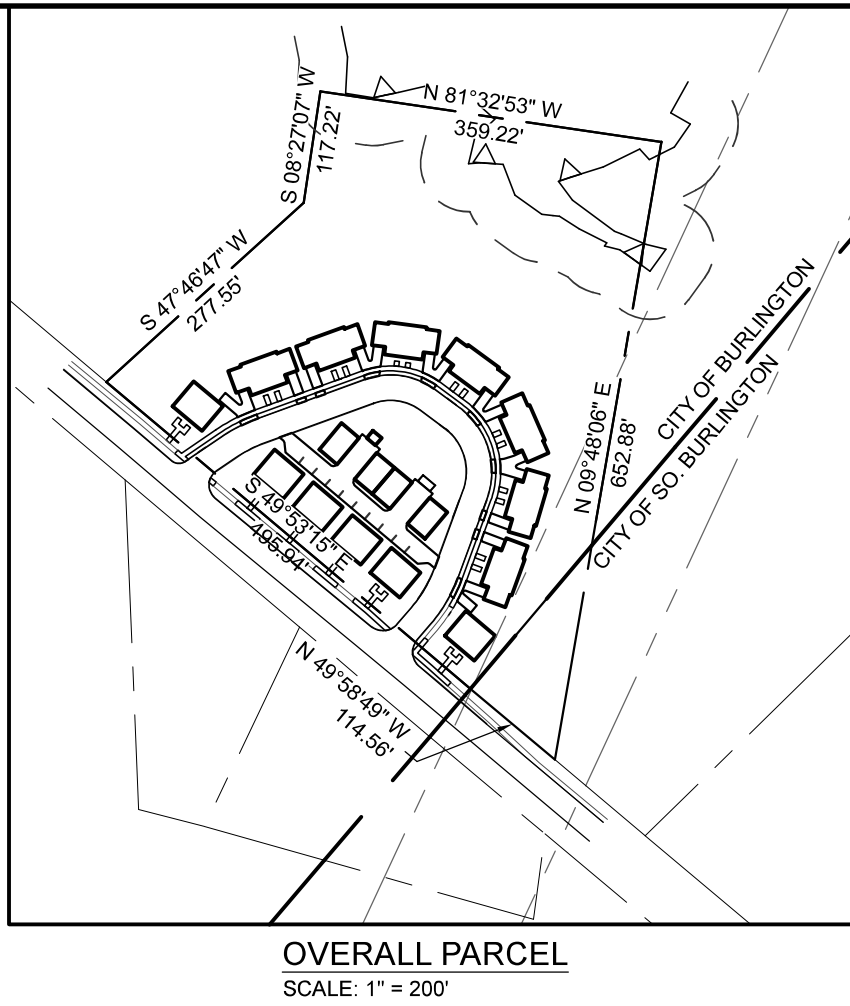
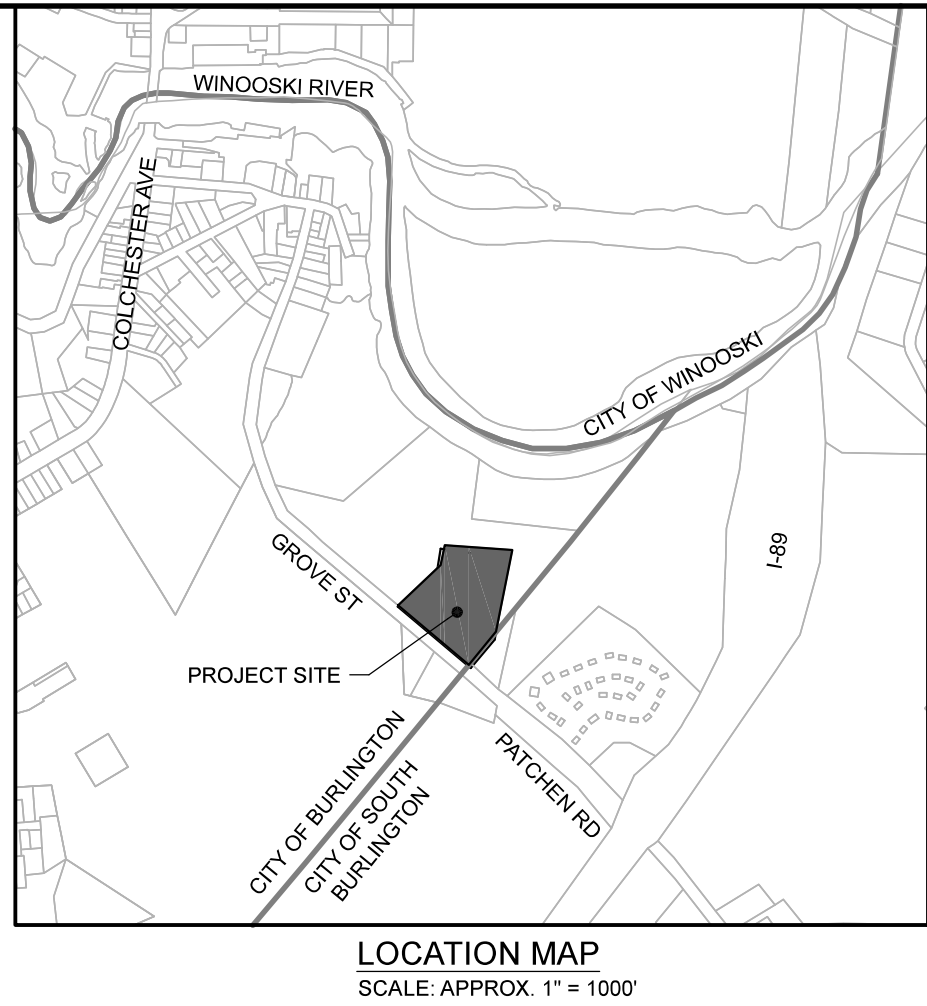
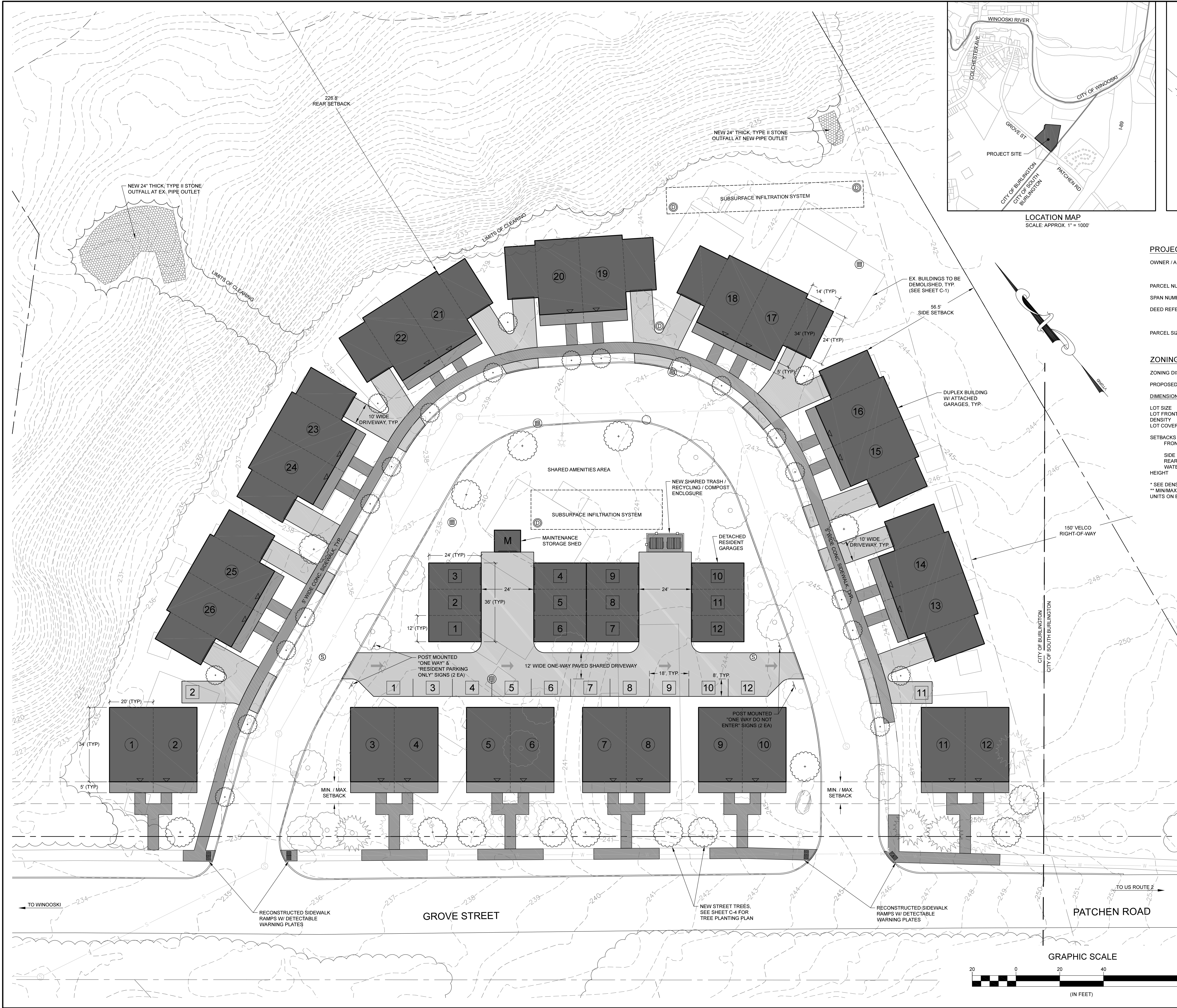
Under zoning amendment ZA-22-07 a Transportation Demand Management plan is required for this project and will be developed prior to Preliminary Plat.

**Anticipated Permits:**

We anticipate the following permits will be required for development of this project and will be provide to the City upon receipt:

- Wastewater System and Potable Water Supply Permit
- Stormwater Operation Discharge Permit
- Stormwater Construction General Permit
- Act 250 Land Use Permit

If additional permits are required notification will be provided to the City and copies of the permit will also be provided.



PROJECT DATA

OWNER / APPLICANT: IRELAND GROVE STREET PROPERTIES, LLC
193 INDUSTRIAL AVENUE
WILLISTON, VT 05495

PARCEL NUMBER: 047-2-001-000

SPAN NUMBER: 114-035-16905

DEED REFERENCE: VOL 1311, PG 573 (BURLINGTON)
VOL 661, PG 55 (BURLINGTON)
VOL 488, PG 551 (SO. BURLINGTON)

PARCEL SIZE: 7.11 ACRES TOTAL
6.32 ACRES (BURLINGTON)
0.79 ACRES (SO. BURLINGTON)

ZONING DATA

ZONING DISTRICT: RESIDENTIAL - LOW DENSITY (RL)

PROPOSED USE: RESIDENTIAL PLANNED UNIT DEVELOPMENT

DIMENSIONAL STANDARDS:			
	REQUIRED	EXISTING	PROPOSED
LOT SIZE	10,000 SF	PUD	PUD
LOT FRONTAGE	60 FT (MIN)	495.94 FT	495.94 FT
DENSITY	7 UNITS/ACRE (MAX)		
LOT COVERAGE	35% (MAX)	22.8%	26.5%
		50,536 SF	58,812 SF
SETBACKS			
FRONT**	15 FT (MIN)	±11 FT	20.0 FT
	25 FT (MAX)		
SIDE (10% WIDTH)	20 FT	±32 FT	56.5 FT
REAR (25% DEPTH)	75 FT	±222 FT	226.8 FT
WATERFRONT	75 FT (MIN)	N/A	N/A
HEIGHT	35 FT (MAX)	<35 FT	<35 FT

* SEE DENSITY CALCULATIONS BELOW
** MIN/MAX IS 5 FT +/- AVERAGE OF 2 ADJACENT LOTS; ±20' SETBACK FROM DUPLEX UNITS ON BAYBERRY PROPERTY TO GROVE STREET

PARKING DATA

REQUIRED: 26 UNITS X 2 SPACES / UNIT = 52 SPACES

PROPOSED:

- 14 ATTACHED GARAGES
- 13 DETACHED GARAGES
- 10 PARALLEL PARKING SPACES
- 15 DRIVEWAY PARKING SPACES

TOTAL: 53 SPACES

DENSITY CALCULATIONS

BUILDABLE AREA CALCULATIONS:

TOTAL PROJECT AREA	4.82 ACRES
WETLAND EXCLUSION	0.26 ACRES
REMAINING AREA	4.56 ACRES

SLOPE ANALYSIS

UNDER 15%	2.67 ACRES
15-30%	0.57 ACRES (X 50%*) = 0.29 ACRES
OVER 30%	1.32 ACRES
TOTAL BUILDABLE AREA	2.96 ACRES

DENSITY CALCULATIONS W/ INCLUSIONARY HOUSING BONUS:
2.96 ACRES X 8.75 UNITS / ACRE = 25.9 UNITS = 26 UNITS ALLOWED
26 UNITS X 0.15 = 3.9 = 4 INCLUSIONARY UNITS REQUIRED

TOTAL UNITS PROPOSED: 13 DUPLEX UNITS = 26 RESIDENTIAL UNITS

* PER SEC. § 2.4 THE DRB MAY UNDER CONDITIONAL USE CRITERIA ALLOW UP TO 50% OF THE MAXIMUM BUILDING DENSITY OR LOT COVERAGE TO BE CALCULATED ON LANDS WITH A SLOPE BETWEEN 15-30%. IF THE APPLICANT CAN DEMONSTRATE THAT THE ADDITIONAL DENSITY OR LOT COVERAGE WILL BE COMPATIBLE WITH THE EXISTING SCALE, INTENSITY OF THE SURROUNDING NEIGHBORHOOD, AND NOT HAVE AN UNDUE NEGATIVE IMPACT ON SENSITIVE NATURAL FEATURES.

THE CONTRACTOR SHALL NOTIFY & OBTAIN A TICKET FROM DIGSAFE AT 811 PRIOR TO ANY EXCAVATION



193 INDUSTRIAL AVENUE
WILLISTON, VT 05495
PHONE: 802-863-6222
FAX: 802-860-1528

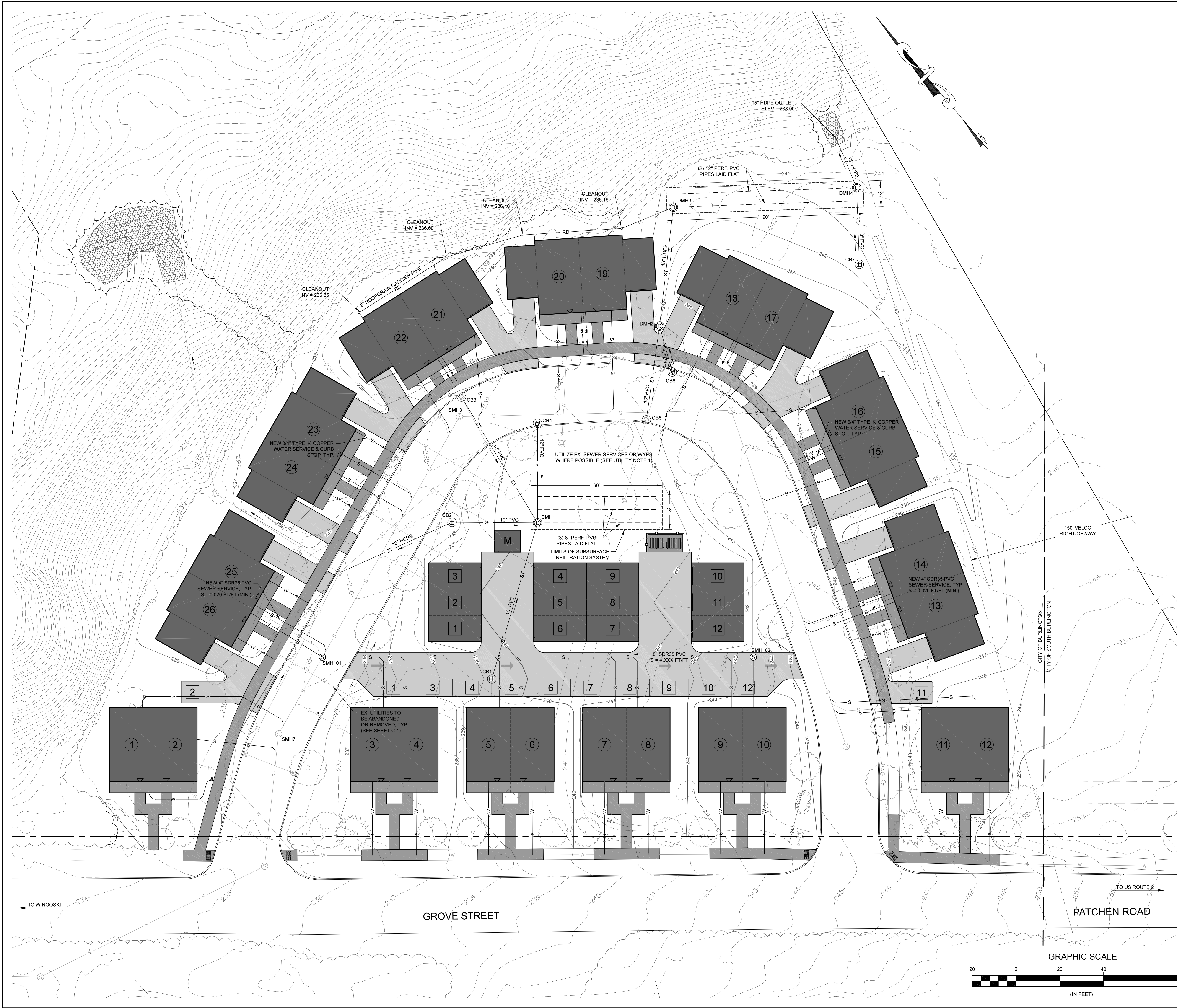
PROJECT: APPLE GROVE
PLANNED UNIT DEVELOPMENT

284 GROVE STREET
BURLINGTON, VT

TITLE:

SITE PLAN

SCALE: 1" = 20'	DATE: 10/26/22	DESIGNED BY: NDS	CHECKED BY: PJO
PROJECT NO: 22001		SHEET NO: C-2	



THE CONTRACTOR SHALL NOTIFY & OBTAIN A TICKET FROM DIGSAFE AT 811 PRIOR TO ANY EXCAVATION

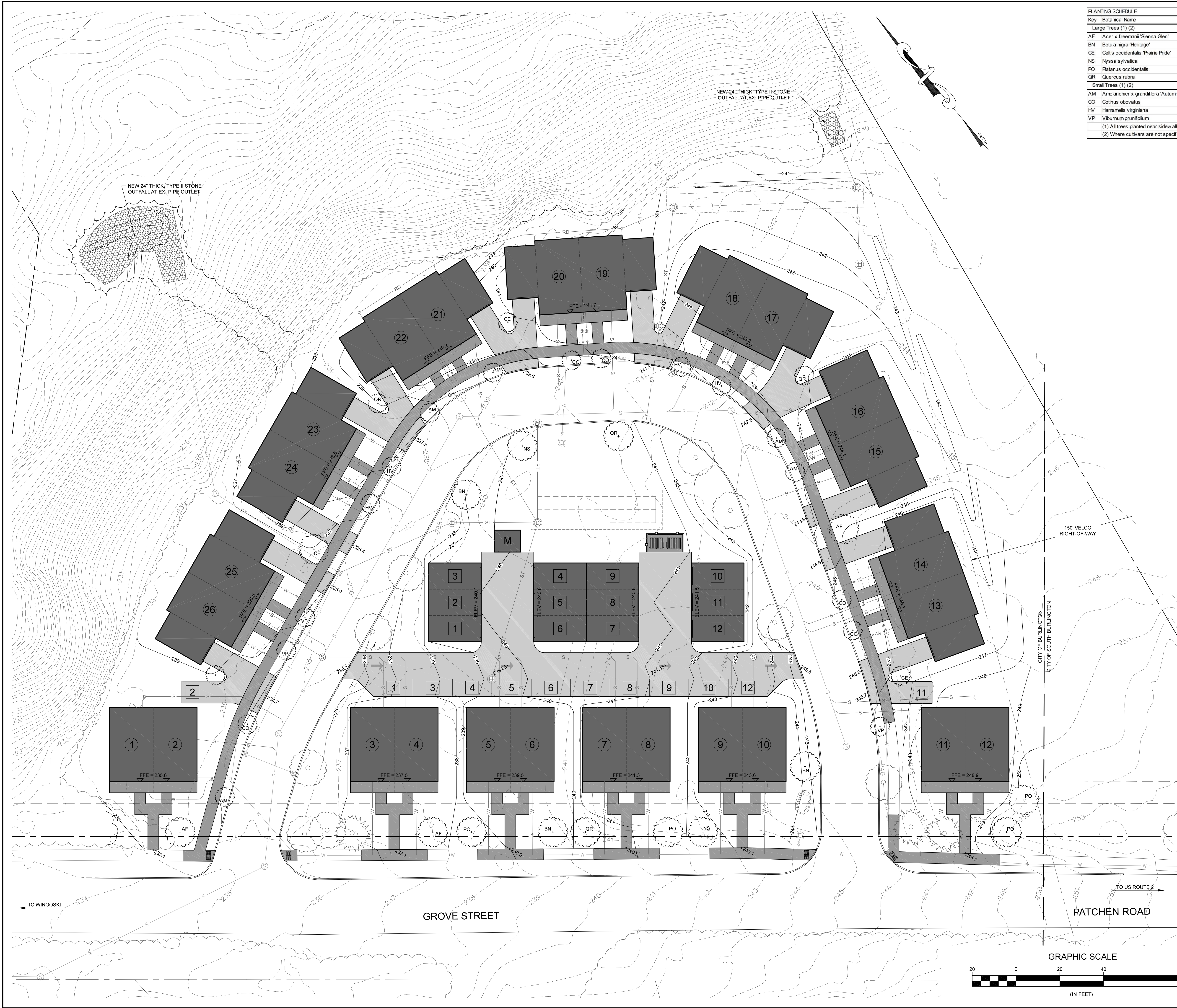
- NOTES**
- EXISTING SEWER SERVICES OR WYES SHALL BE INSPECTED BY THE ENGINEER PRIOR TO CONNECTION OF NEW SERVICES.
 - THE CONTRACTOR SHALL COORDINATE THE HORIZONTAL LOCATION OF THE WATER, SEWER, ROOF DRAIN, AND FOOTING DRAIN SERVICES CONNECTIONS TO THE BUILDING WITH THE ARCHITECTURAL PLANS.
 - PRIOR TO CONSTRUCTION, THE ELEVATIONS OF THE SEWER, WATER, ROOF DRAIN, AND FOOTING DRAIN SERVICES FROM THE ARCHITECTURAL PLANS SHALL BE COMPARED TO THE ELEVATION OF THE COLLECTION MAINS AND THE SERVICES SHOWN ON THESE PLANS. REPORT ANY DISCREPANCIES TO THE ENGINEER.
 - THE MAXIMUM SLOPE ON ANY SIDEWALK SHALL BE LESS THAN 5%. THE MAXIMUM SLOPE ON ANY RAMP SHALL BE LESS THAN 1:12.
 - CAST IRON DETECTABLE WARNING PLATES SHALL BE INSTALLED AT ALL SIDEWALK RAMP.
 - SEE SHEET C-1 FOR BOUNDARY, PARCEL, AND ZONING INFORMATION.
 - ALL PIPE SLOPES ARE IN FEET / FEET.

- ELECTRIC & TELECOM CONSTRUCTION NOTES**
- SEE DESIGN PLANS BY OTHERS FOR ELECTRIC AND TELECOMMUNICATION SERVICES.
 - THE CONCEPTUAL LAYOUT OF THE ELECTRIC AND TELECOMMUNICATION CONDUITS ON THIS PLAN IS SUBJECT OF FINAL DESIGN TO BE PERFORMED BY ELECTRICAL / MECHANICAL ENGINEER AND THE RESPECTIVE PROVIDER / UTILITY COMPANY.
 - PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONFIRM THE SERVICE REQUIREMENTS AND CONDUIT SIZE WITH EACH UTILITY COMPANY AND ELECTRICIAN / INSTALLER. UTILITY PEDESTALS AND / OR VAULTS NOT SHOWN ON THIS PLAN MAY BE REQUIRED TO PROVIDE THE NECESSARY SERVICE.
 - THE CONTRACTOR SHALL FOLLOW EACH UTILITY'S CONSTRUCTION SPECIFICATIONS AND INSTALLATION REQUIREMENTS.

STORM SYSTEM DATA
ALL CATCH BASINS ARE DEEP SUMP (SEE DETAIL) UNLESS OTHERWISE NOTED*

CB1 RIM = 239.10 10" PVC OUT = 235.60	CB7 RIM = 241.50 8" PVC OUT = 237.00
CB2 RIM = 237.75 10" PVC OUT = 235.25	DMH1 RIM = 240.50 (3) 10" PVC IN = 235.00 12" PVC OUT = 238.00 (HEADER PIPE)
CB3 RIM = 238.40 10" PVC IN = 237.50 10" PVC OUT = 235.40	DMH2 RIM = 241.95 10" PVC IN = 237.50 10" PVC IN = 236.50 15" HDPE OUT = 236.50
CB4 RIM = 239.30 12" PVC OUT = 236.30	DMH3 RIM = 241.40 15" HDPE IN = 236.00 (2) 8" PVC OUT = 236.00 (PERF. PIPES)
CB5 RIM = 240.90 10" PVC OUT = 237.00	DMH4 RIM = 241.50 (2) 8" PVC IN = 236.00 15" HDPE OUT = 238.50
CB6 RIM = 241.00 10" PVC OUT = 238.00	

REV	DESCRIPTION	BY	DATE
			
193 INDUSTRIAL AVENUE WILLISTON, VT 05495 PHONE: 802-863-6222 FAX: 802-860-1528			
PROJECT			
APPLE GROVE PLANNED UNIT DEVELOPMENT			
284 GROVE STREET BURLINGTON, VT			
TITLE			
UTILITY PLAN			
SCALE	DATE	DESIGNED BY	CHECKED BY
1" = 20'	10/26/22	NDS	PJO
PROJECT NO.		SHEET NO.	
22001		C-3	



PLANTING SCHEDULE				
Key	Botanical Name	Common Name	Size	Remarks
Large Trees (1) (2)				
AF	Acer x freemanii 'Senna Glen'	Freeman Maple	2 1/2" to 3" Cal.	B&B (1)
BN	Betula nigra 'Heritage'	River Birch	2" to 2 1/2" Cal.	B&B (1)
CE	Celtis occidentalis 'Prairie Pride'	Common Hackberry	2 1/2" to 3" Cal.	B&B (1)
NS	Nyssa sylvatica	Black Tupelo	2 1/2" to 3" Cal.	B&B (1)
PO	Platanus occidentalis	American Sycamore	2 1/2" to 3" Cal.	B&B (1)
QR	Quercus rubra	Northern Red Oak	2 1/2" to 3" Cal.	B&B (1)
Small Trees (1) (2)				
AM	Amelanchier x grandiflora 'Autumn Brilliance'	Apple Serviceberry	2" Cal.	B&B or container
CO	Cotinus obovatus	American Smoketree	2" Cal.	B&B or container
HV	Hamelis virginiana	Common Witchhazel	1" Cal.	Container
VP	Viburnum prunifolium	Blackhaw	2" Cal.	B&B or container
(1) All trees planted near sidewalks and roads shall have a 6-foot minimum branching height.				
(2) Where cultivars are not specified, use the species.				

THE CONTRACTOR SHALL NOTIFY & OBTAIN A TICKET FROM DIGSAFE AT 811 PRIOR TO ANY EXCAVATION



193 INDUSTRIAL AVENUE
WILLISTON, VT 05495
PHONE: 802-863-6222
FAX: 802-860-1528

PROJECT
APPLE GROVE
PLANNED UNIT DEVELOPMENT
284 GROVE STREET
BURLINGTON, VT

TITLE
GRADING & TREE PLANTING PLAN

SCALE: 1" = 20'
DATE: 10/26/22
DESIGNED BY: NDS
CHECKED BY: PJO

PROJECT NO: 22001
SHEET NO: C-4



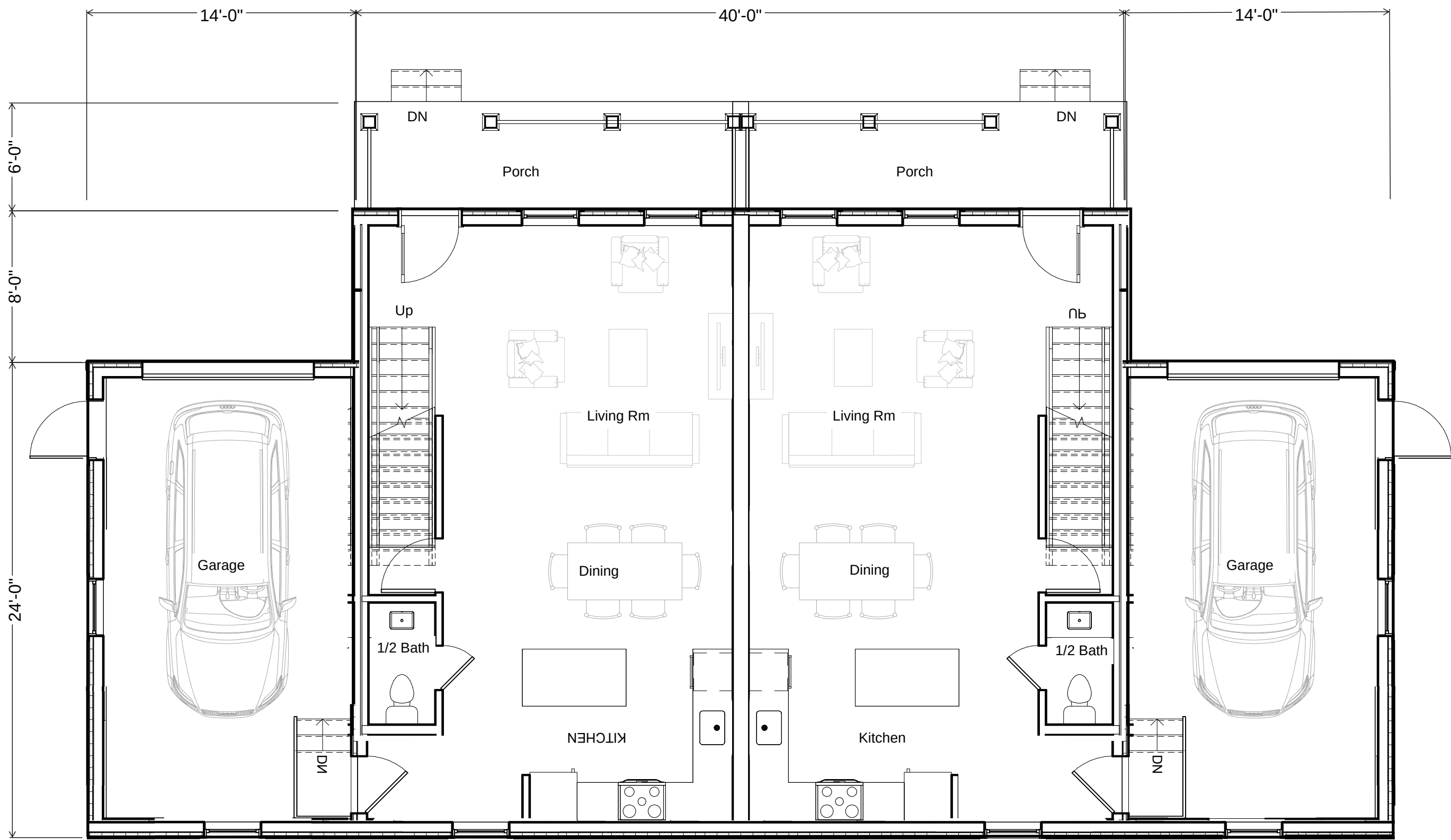
Bayberry Commons Apartments
INTERIOR LIKENESS



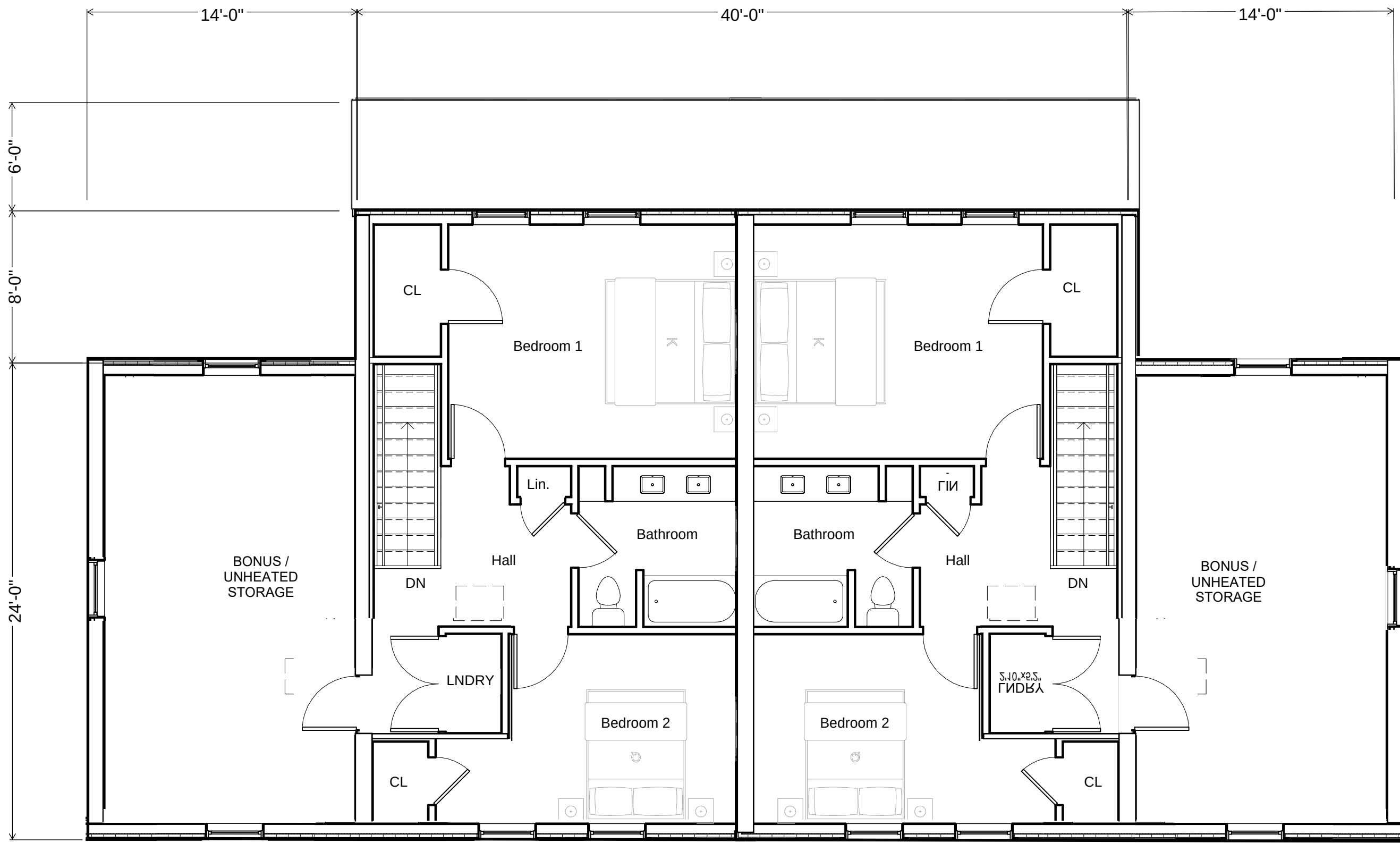


Bayberry Commons Apartments

EXTERIOR LIKENESS

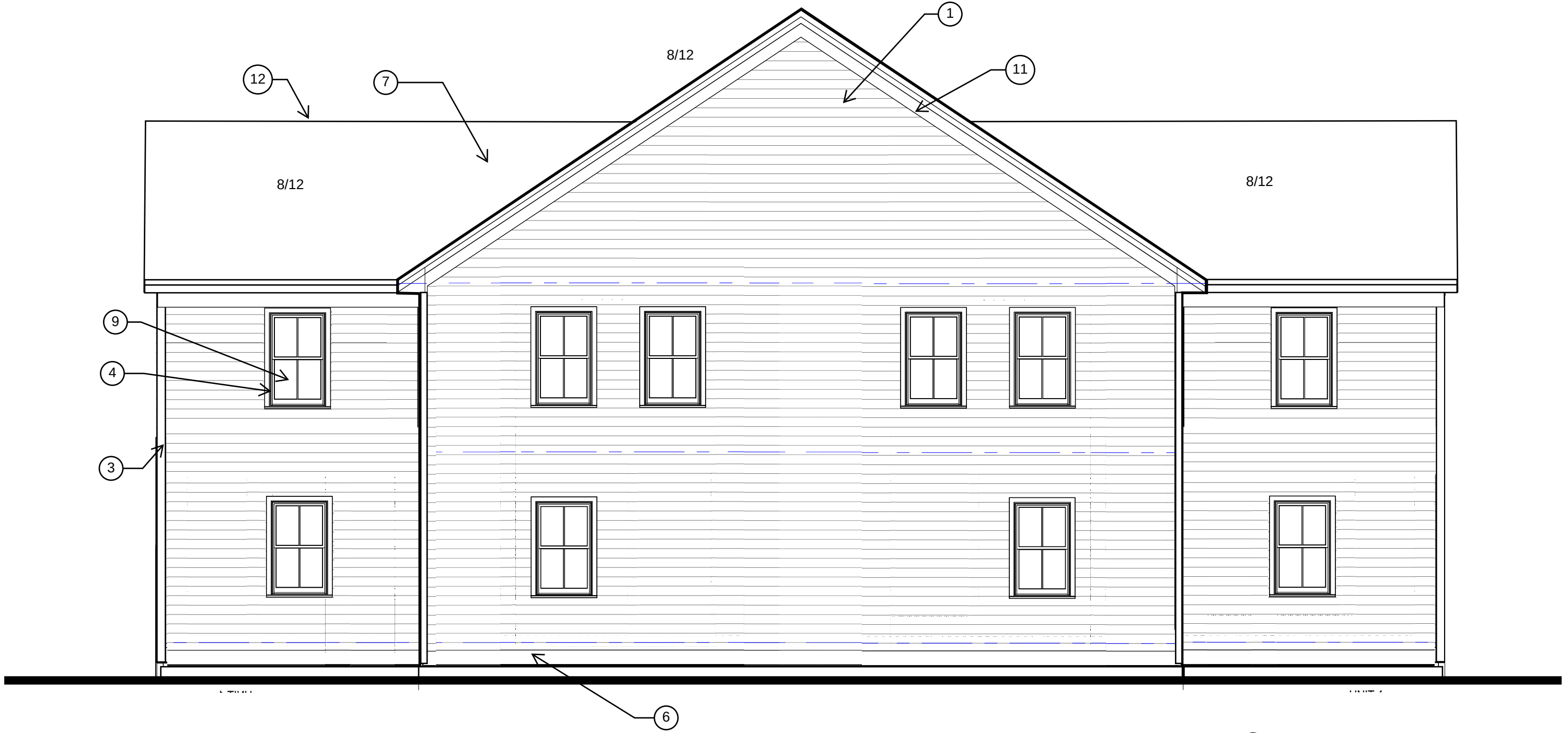


1 First Floor Plan
A1 3/16"=1'-0"



2 Second Floor Plan
A1 3/16"=1'-0"

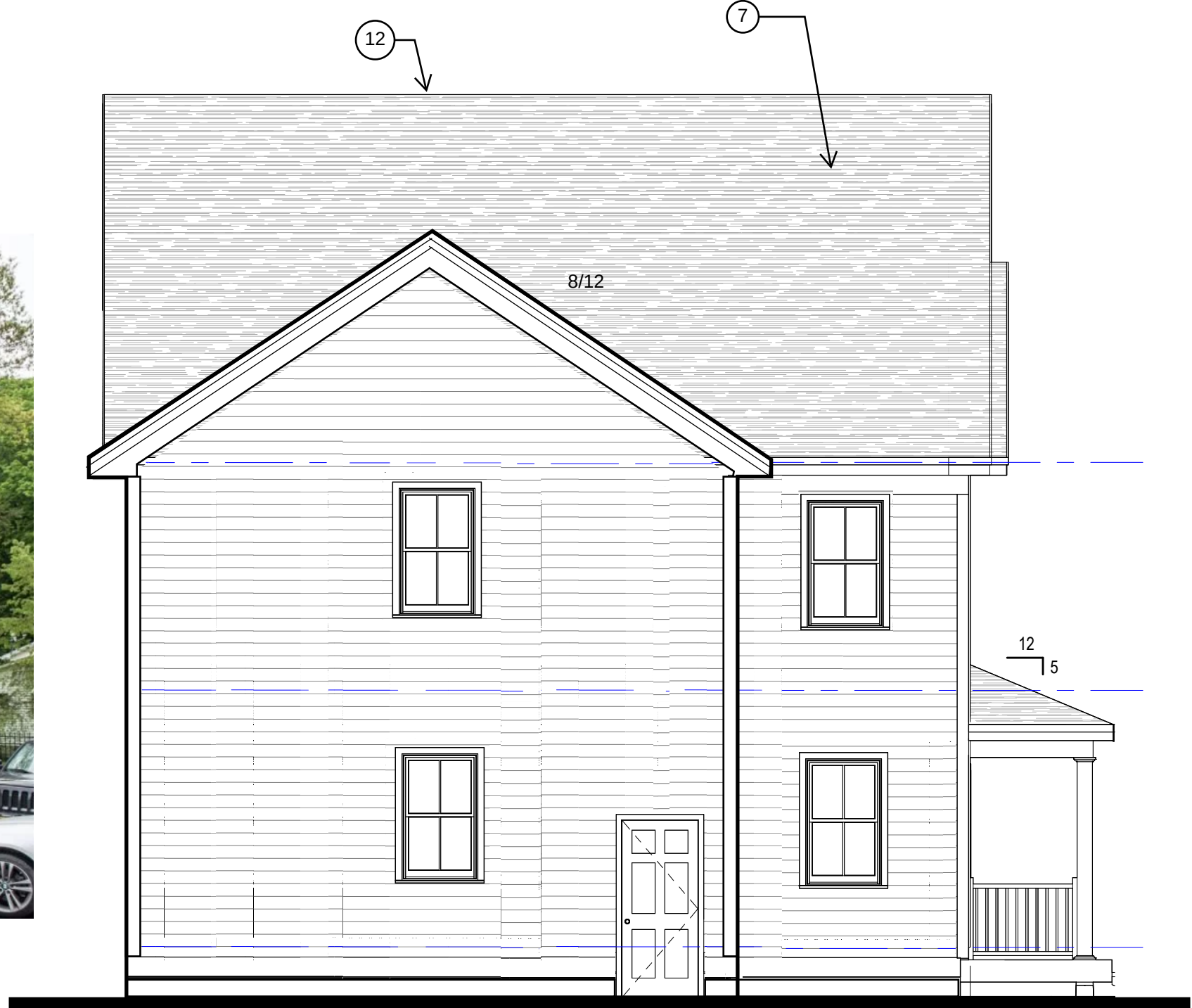
LEGEND	
1.	VINYL LAP SIDING - 4 1/2' EXPOSURE
2.	1x10 PVC FRIEZE
3.	1x6 PVC TRIM
4.	1x4 PVC WINDOW TRIM
5.	8" SQUARE STRUCTURAL COLUMN
6.	1x10 PVC WATERTABLE TRIM
7.	30-YR ARCHITECTURAL ASPHALT SHINGLES
8.	ALUMINUM RAILING SYSTEM
9.	VINYL WINDOW w/ INSULATED GLASS
10.	FIBERGLASS INSULATED EXTERIOR DOOR
11.	1x8 PVC FRIEZE
12.	CONTINUOUS RIDGE VENT



3 East Elevation
A1 3/16"=1'-0"



Detached Garage - Likeness Only
(Image (c) Sheds Unlimited, LLC)



4 North / South Elevation
A1 3/16"=1'-0"



6 West Elevation
A1 3/16"=1'-0"

Final Report

To: Nick D. Smith PE
SD Ireland Companies

For: Historic Significance Evaluation
284 Grove Street, Burlington VT



Submitted to: Nick D. Smith PE
SD Ireland Companies
By email

Submit Date: December 13, 2022

Submitted by: 106 Associates
11 Ward Street
Burlington, VT 05401
scottnewman@106associates.com
802-777-1572

106
ASSOCIATES

1. INTRODUCTION

This report details 106 Associates' initial findings regarding the historic significance and State Register eligibility of the brick house located at 284 Grove Street in Burlington. The significance evaluation was requested by Nick Smith PE of SD Ireland Companies as part of developing a proposed housing project on the property by Ireland Grove Street Properties LLC. Currently on the property are 12 single family modular homes and three units of housing in the brick building and addition, totaling 15 units of housing. That existing development was permitted for Act 250 under LUP 4C0970 and its Certificate of Occupancy was granted in 2002. Proposed, is to remove the existing brick house and modular homes and construct 13 duplex buildings on the site totaling 26 units of housing.

In reviewing the previous housing development for effects to historic properties, the Division for Historic Preservation (VDHP) made a preliminary determination in 1995 that the brick building at 284 Grove Street appeared eligible for the State Register of Historic Places. As the building was not being considered for removal at the time, the determination was made based on limited documentation and a formal Determination of Eligibility was not prepared. This report reevaluates the eligibility of the building 27 years after VDHP's 1995 evaluation, in the building's current configuration and setting, and based on additional research and consultation. After evaluation of the building exterior and interior, archival research, and discussion with the Vermont State Architectural Historian, it is our recommendation that the building is not individually eligible for the State Register of Historic Places due to alteration of the building and its setting. However, it is possible that the building could be determined marginally eligible for the State Register by the State Advisory Council (see next paragraph).

Regardless of preliminary opinions, if a new or amended Act 250 land use permit is required, a formal Determination of Eligibility (DOE) will need to be prepared by a qualified consultant and evaluated by the Vermont State Advisory Council at one of their monthly meetings. The only circumstances in which the building would be required to remain, as far as Act 250 is concerned, is where its removal would be considered an Undo Adverse Effect, which we consider to be very unlikely in this case based on the condition of the building.

2. BUILDING DESCRIPTION

The property at 284 Grove Street is a ca. 1840, two-story, 3 x 4 bay, rectangular plan, gable-front house resting on a low, fieldstone foundation, with brick walls and an asphalt shingle-covered gable roof. An older wing extending from the rear elevation has been incorporated into a modern, two-story, 2 x 5 bay wing with vinyl-sided walls and asphalt shingle covered gable roof with dormers. A half enclosed covered porch spans the west elevation with plain wood posts and wood deck in the open section.

Grove Street extends southwest from Barrett Street at the northwest corner of Burlington, just south of the Winooski Falls, to I-89 where it becomes Patchen Road in South Burlington. To the north of Grove Street is the Winooski River, and to the south is the 70-acre, UVM-owned Centennial Woods natural area. Between Grove Street and the Winooski River are three modern residential developments containing clusters of closely spaced single and multifamily homes. The subject property at 284 Grove Street is located in the center development immediately west of the Burlington/South Burlington line. Once the Simon Willard homestead surrounded by woods and farmland, the setting has been dramatically altered by the construction of a loop road around the west, north, and east sides of the

house lined on the outside perimeter with closely spaced rental modular homes. Three additional modular homes were built directly west of the house on the inside of the loop road, the closest of them 20-feet away.

In addition to its altered setting, there have been numerous physical changes to the house. Main block windows and doors are all replacements, some in altered openings. Windows are uniformly 6/6 vinyl replacements inserted inside original frames with a resulting reduction in glass sightlines. Brick molds have been removed and flat casings now extend to the brick openings and rest on new projecting sills. Non operable, modern shutters flank the window openings and are screwed into the brick. Jackarch lintels in various conditions cap the openings. There are two exterior doors to the main block, both fiberglass replacements and both sheltered by the west elevation porch. The south door is a half-light over paneled fiberglass configuration and has been shifted approximately 18" to the south evidenced by the infill brick and off-center lintel. The north door is full paneled fiberglass construction with modern, flat stock casings. Boxed eaves have been wrapped in vinyl and therefore impossible to determine what historic trim, if any, is extant behind the vinyl.

What appears to have been a historic wing based on extant sections of stone foundation visible in the basement has been incorporated into a larger, two-story, vinyl sided addition dating to the 1990s. The addition extends the full width of the main block 5 bays to the north. The shallow pitched gable roof has three, one-bay roof dormers on the west and east elevations. There are two, grade level entrances into the addition: a recessed entrance on the east elevation shelters a half-light, modern fiberglass door, and a pair of sliding glass doors are accessing the west elevation from a modern wood porch. A second modern porch is raised on posts at the west elevation's second story.

The main block interior has seen several layers of renovations over the years, the last in the early 1990s. The first floor is divided into four spaces, a sidehall with an older staircase in the southeast corner, a living room to the east, and a kitchen and dining room to the north. Walls and ceilings are sheetrocked, exterior walls window trim has been removed and not replaced, presumably when the window inserts were installed, and interior doors are modern. Floors are strip hardwood. The basement is unfinished and exposed to the ca. 2000 concrete floor and concrete foundation walls, and the first-floor framing overhead. The sole access is via a bulkhead at the north elevation of the addition. Previous access from the house main block has been removed.

3. HISTORY AND SIGNIFICANCE

3.1 Historic Status

The house at 284 Grove Street is not included in the State Register of Historic Places for Burlington, nor is it listed either individually or as part of a historic district in the National Register of Historic Places. The only reference to its historic significance is as part of a 1995 review by the Division for Historic Preservation of a proposed housing development, subsequently built, that now surrounds the subject property on the west, north, and east sides. As part of its review, the Division wrote in its 3/22/1995 letter that the property "appears eligible for the State Register of Historic Places". A 1995 photo of the property included in the Division's review is attached to this report as Figure 04. It shows a plywood clad structure where the vinyl clad addition is now. All windows and a section of the brick wall on the east

elevation are missing. Based on available documentation, it appears the determination of SR-eligibility was preliminary, for the purposes of project review as the building was not scheduled for removal at that time.

3.2 Summary History

The Division's files state that the property was built ca. 1840. Research by 106 Associates suggests it was built by Simon Willard and remained in the Willard Family into the 1940s. Simon Willard is noted in newspaper articles in the 1820s and 1830s to have been a sleigh and wagon maker and he established his homestead on Grove Street. His will probate documents reference the construction of a brick house which is likely the subject house on Grove Street. Simon Willard died in 1851 and left the house to his son, Simon Willard Jr. who is listed in city directories as a carpenter. Newspaper accounts in 1917 report Simon Willard "cultivating an enviable garden on Grove Street at 87 years old". After the death of Mr. Willard in 1921, the house passed on to Simon Willard's only son Leonard, who live in the house until his death in 1943. In 1967, Mr. and Mrs. Romeo Desautels were living in the house; in 1979 a company called Pine Valley Stables was offering riding lessons on the property; and in 1988 Richard Schuler and Diane Gallup owned the house.

In 1994 the Vermont Federal Bank sold the house to Scott Mansfield who sought to develop the property. The Burlington Planning Commission reviewed a sketch plan from Mr. Mansfield for development in 1994. The project progressed slowly until running into financial difficulties where in 1999 the house was listed as one of several vacant and deteriorating buildings in a Burlington Free Press article. S.D. Ireland owned the property in October of 2000 following a foreclosure and completed the development with a Certificate of Occupancy granted in 2002. SD Ireland owns the housing development to the west, Bayberry Commons, where they previously operated a batch plant.

3.3 Statement of Significance

284 Grove Street was built ca. 1840 in the Greek Revival style, a style popularized throughout Vermont and New England for houses, churches, and a variety of civic buildings. The style is well known for its temple-front design, prominent entrances with sidelights, and robust trim. Architecturally, there is value in the subject building's front block massing and arrangement of window openings on the façade, and in the extant brickwork taking advantage of local brick yards. The location of the building, near the industrial nexus of commerce and industry at the Winooski Falls, testifies to the importance of that community in the development of the area.

4. INTEGRITY / ELIGIBILITY FOR THE STATE & NATIONAL REGISTERS

Most obvious in terms of integrity are the severe changes to the setting. Once an isolated homestead on several acres of cleared land, the building is now located within a modern housing development, surrounded by 12 modular homes, the closest of them about 20 feet away. To the rear of the building is attached a modern, vinyl clad addition that is larger than the main block, typically identifies as an adverse effect when proposed in a project.

The building itself lacks the Greek Revival style entrance considered a character defining feature of the Greek Revival style. Based on the lack of windows on the south end of the west elevation second floor, and the current location of the stairs along that wall, it appears the house was originally a sidehall plan. It is typical for this house configuration to have a gable entrance fronting to the stairs, though no such entrance exists on this building. Instead, there is a side entrance on the west side, that was relocated closer to the façade so as not to interfere with the interior stairs, which one can presume were replaced to meet building code. The side entrance, before the relocation, would have been highly unusual for a sidehall building plan, particularly where historic aerial images show the driveway on the opposite side of the building.

On the east side of the building where the driveway was located there remains no evidence of a principal entrance to the main block. The only current entrance accesses the addition, recessed behind the main block. It is possible, perhaps likely that the entrance was historically located in the gap between the windows on the east elevation, but there is no obvious evidence that this was the case. The lack of evidence may be explained by the amount of new brickwork evident on the building. The lack of a prominent principal entrance to the building, particularly where these entrances are distinguishing features, substantially degrades the historic integrity of this building.

In addition to the lack on entrance, there have been several changes to exterior walls based on new brickwork. The half-enclosed porch on the east side is one such alteration, with a conjectural, one-story brick addition sheltered under the north half of the shed roof, the remainder supported on square wood posts. The door into the addition abuts the brick wall and would not have been installed at that location but for convenience at a later date. The east side entrance – recessed into the rear addition, also appears to have been altered within reworked brick. Some portions of the original wing are incorporated withing the vinyl clad addition.

The altered entrance locations are now filled with modern fiberglass doors. The windows have also all been replaced, with 6/6 vinyl inserts that don't fit the openings and have significantly altered the geometry and reduced the glass sightlines. The eaves and associated trim have been clad in vinyl throughout; it is unclear what remains underneath the synthetic covering. The interior of the building has been reconfigured from the original layout. Floors have newer hardwood flooring, walls and ceilings have been sheetrocked, and the trim has been removed from around the windows in place of squared off, sheetrocked perimeters. The only interior feature that appears to have some historical significance is the stair railing, but it is known to have been reconfigured or replaced because the earlier door would have opened into the front step before being relocated.

The sum of the changes to the setting, the out-of-scale vinyl-clad addition, the alteration (removal) of the principal entrance, the modern, half-enclosed porch, the incompatible insert windows, the fiberglass doors, the synthetic cladding over all trim, and the modernized interior have degraded the integrity of this building to the point where it no longer has the capacity to convey its historic significance. As such, it is our opinion that 284 Grove Street property does not meet the criteria for individual listing in the State or National Registers of Historic Places.



Figure 01: Winooski Falls area in 1857, Simon Willard Jr. property indicated at 284 Grove St. Simon Pierce Sr. built the house and died in 1851.

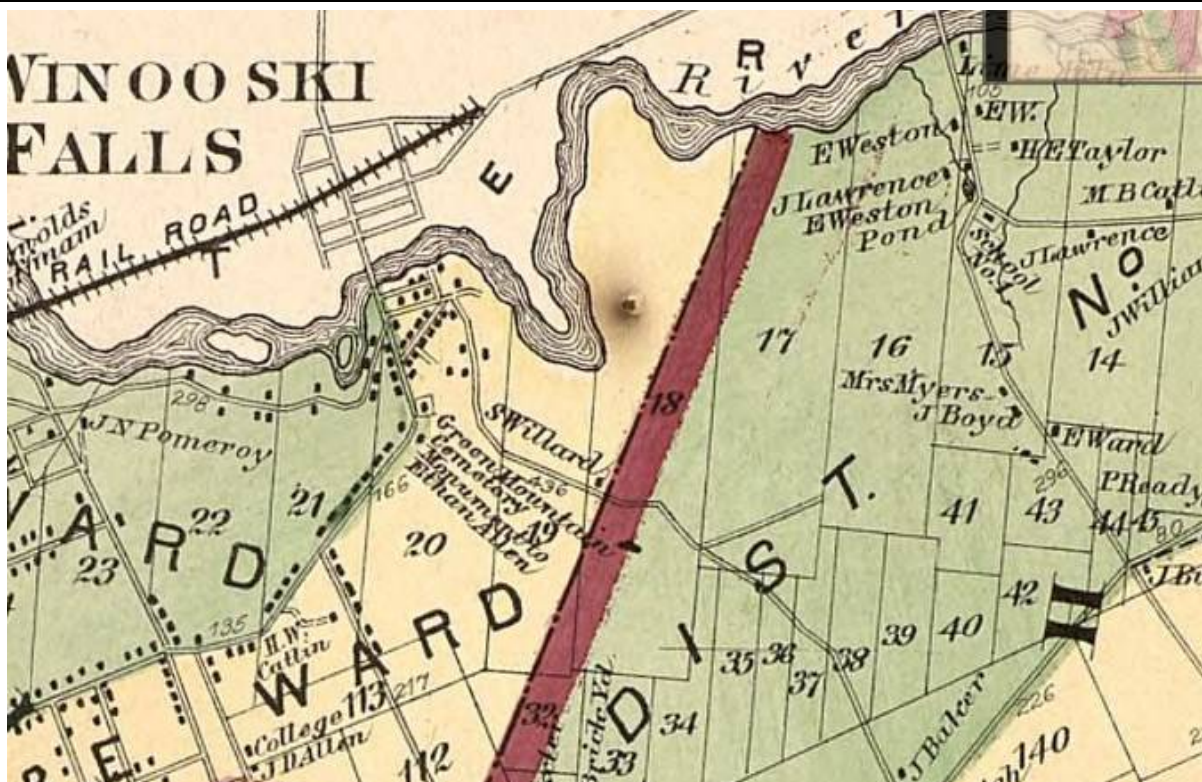


Figure 02: Burlington in 1869, Simon Pierce Jr. house in map that shows increased development from lumber and trade at the Burlington waterfront.



Figure 03: 1890 map indicates Simon Willard house and outbuilding

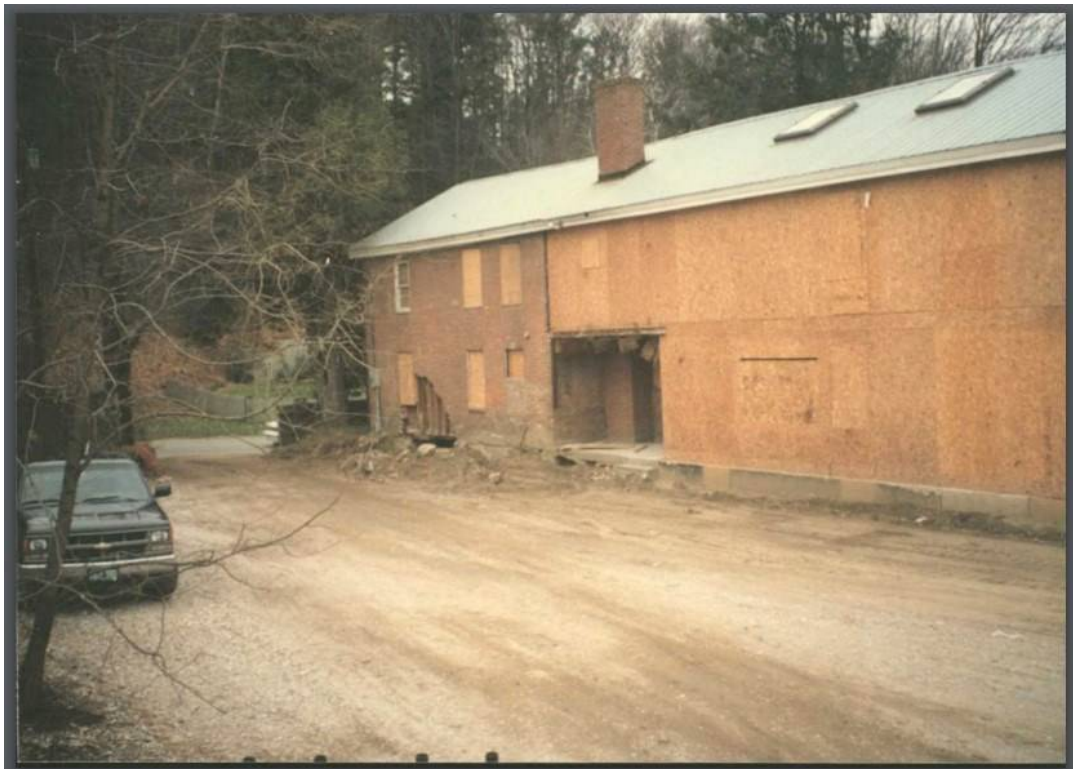


Figure 04: Looking south, view shows the Willard House ca. 1995, photo from VDHP files. Note larger plywood covered addition (since reconfigured), brick chimney (since removed), covered window openings (now vinyl inserts), and collapsed wall section where original main entrance may have been located



Figure 05: Location Map—Google Earth



Figure 06: Location Map—Google Earth

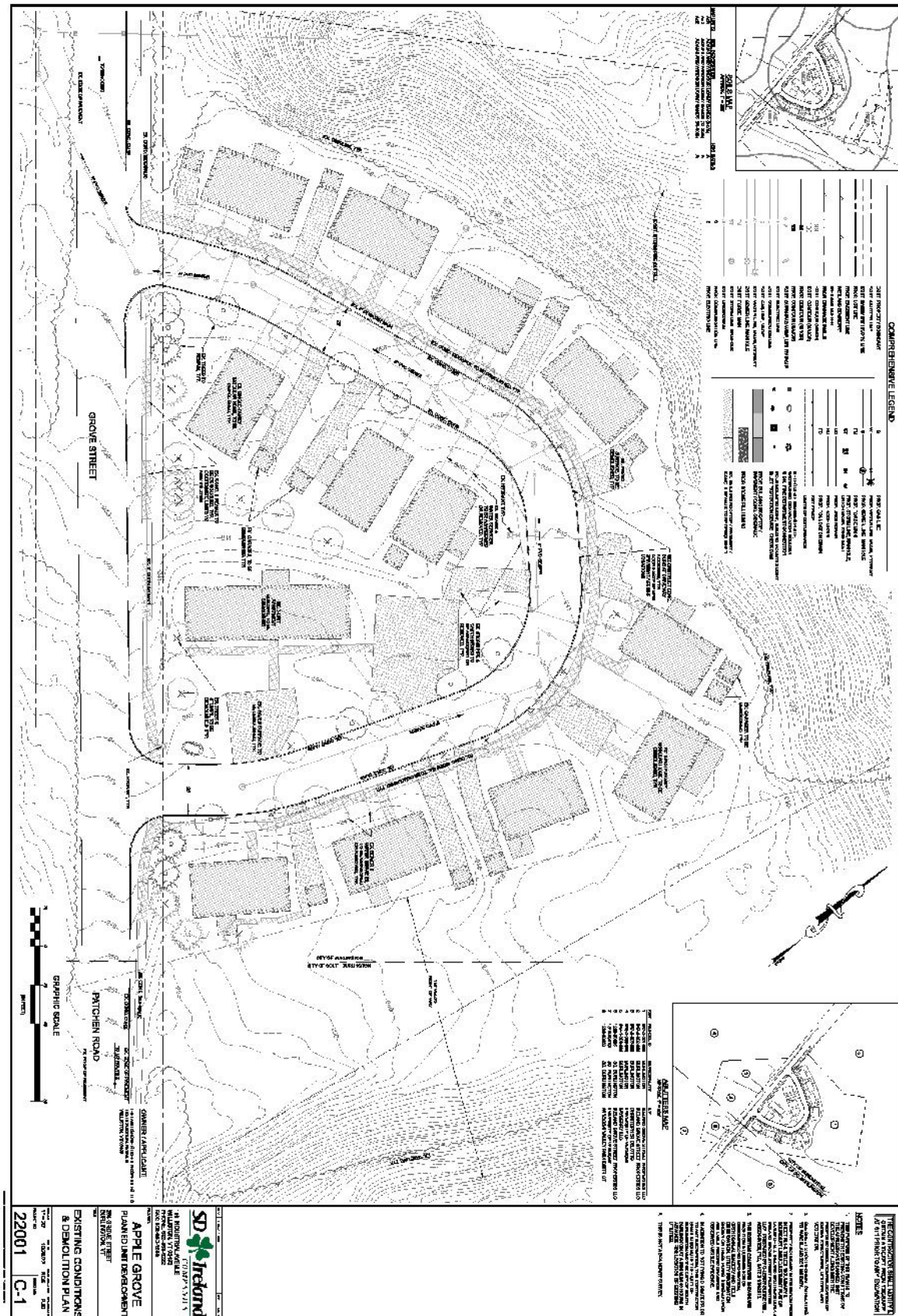


Figure 07: View shows existing condition property map and boundary



Figure 08: Looking northwest, aerial image shows 284 Grove Street and surrounding modular home development



Figure 09: Looking east along Grove Street with #284 in frame center



Figure 10: Looking west along Grove Street with #284 in frame center



Figure 11: Looking north from the south side of Grove Street



Figure 12: Looking northwest from the development loop road, view shows large addition attached to 284 Grove Street



Figure 13: Looking south, view shows 284 Grove Street facade



Figure 14: Looking northeast, view shows west elevation (left) and façade (right).



Figure 15: Looking east, view shows main block west elevation, formerly an open porch



Figure 16: Looking east, view shows main block and addition west elevations



Figure 17: Looking southeast, view shows modern rear addition



Figure 18: Looking southwest, view shows rear addition



Figure 19: Looking west, view shows east elevation of main block and addition



Figure 20: Looking northwest, view shows main block façade and east elevation



Figure 21: Looking west, view shows recessed entrance at south end of addition. This is on the footprint of an early addition but has been rebricked. See photo # XX for the brick chimney previously at this location.



Figure 22: Looking northeast in main block west elevation entrance porch



Figure 23: Looking northeast in main block west elevation entrance porch



Figure 24: Looking east at main block west elevation fiberglass entrance door, note relocation of the door to the south

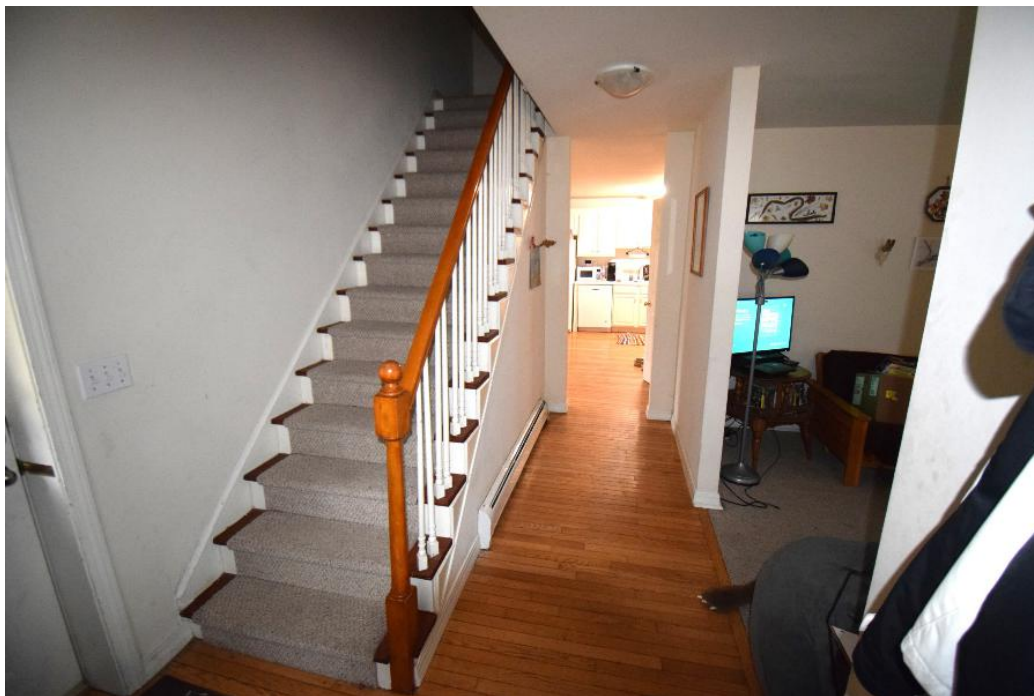


Figure 25: Looking north in first floor west side entrance hall: the door in the above photo is shown at left which was relocated to accommodate stairs likely reconfigured to meet code.



Figure 26: View shows example of widespread structural problems with the brickwork



Figure 27: View shows example of widespread structural problems with the brickwork



Figure 28: View shows example of widespread structural problems with the brickwork



Figure 29: View shows example of widespread structural problems with the brickwork



Figure 30: View shows what appears to be a closed in window, rebricking of the wall at right, and new door and window



Figure 31: View shows example of widespread structural problems with the brickwork, and vinyl window inserts which don't fit (fill) the openings.



Figure 32: Looking north, view shows altered, half-enclosed porch with trim clad in vinyl



Figure 33: Looking southwest, view shows vinyl clad gable on main block where the plywood covered addition previously attached to the main block



Figure 34: View shows typical treatment of trim, uniformly clad in vinyl

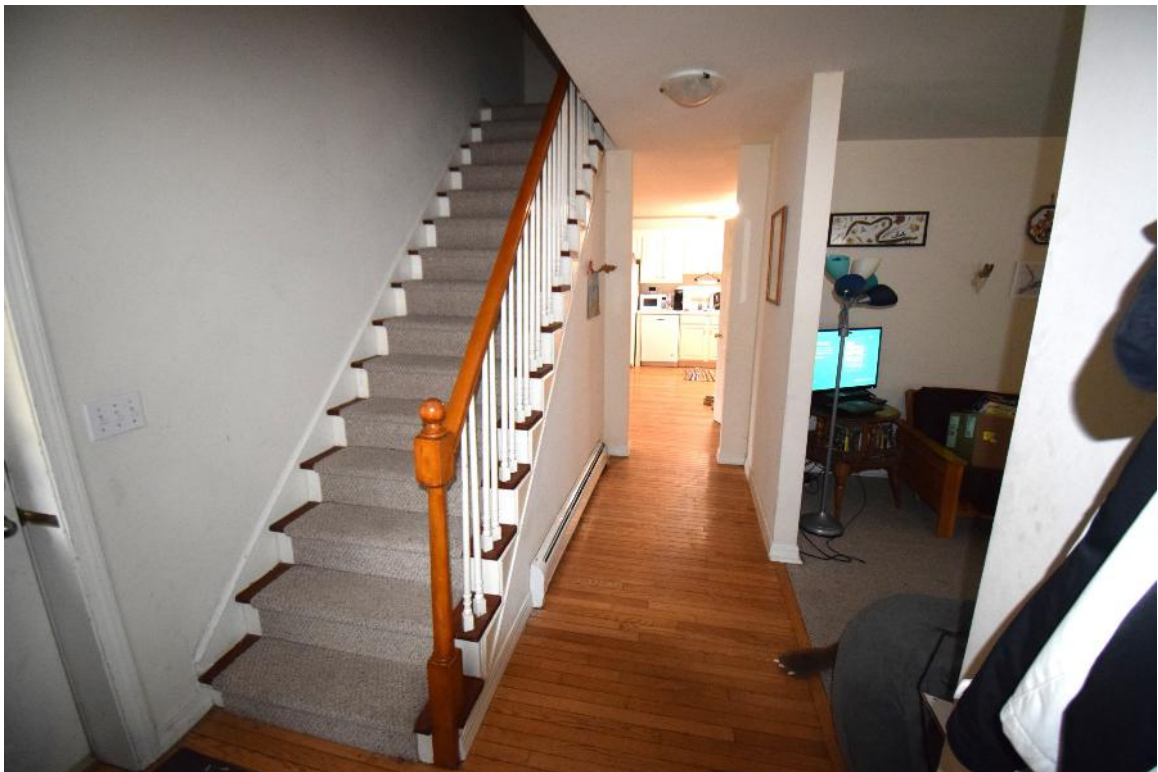


Figure 35: Looking north in first floor: the stairs have been altered and no original fabric remains



Figure 36: Looking south in the first floor: the interior was gutted and remodeled including removal of all interior trim

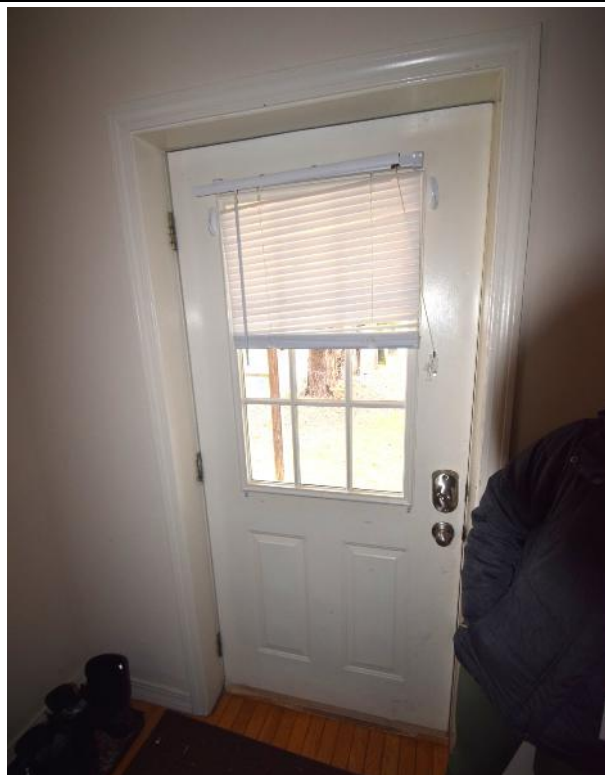


Figure 37: Looking west in first floor, view shows west elevation fiberglass entrance door



Figure 38: Looking north in first floor interior



Figure 39: Looking south in first floor interior which has been reconfigured, sheetrocked, and remodeled with new floors, fiberglass doors, and trim.



Figure 40: View shows typical remodeled, modern conditions of the second floor

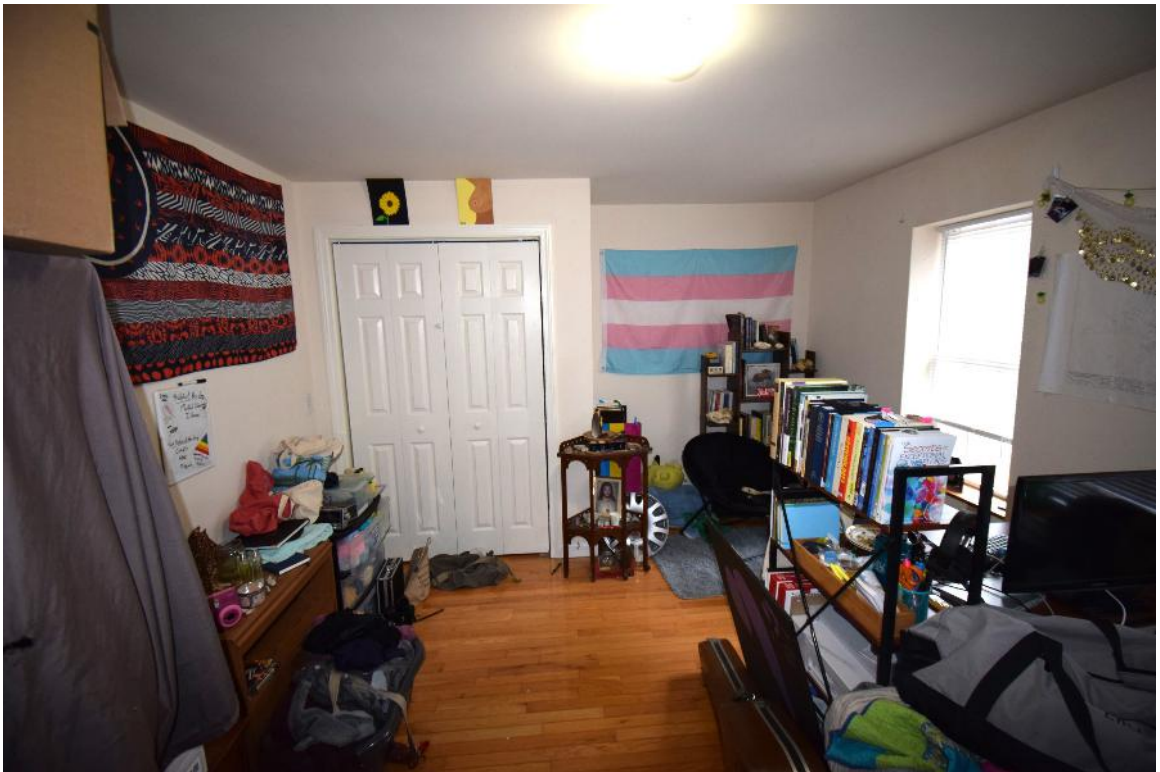


Figure 41: View shows typical remodeled, modern conditions of the second floor



Photo XX: Looking south in main block basement, the stone foundation has been covered with a full height concrete wall



Photo XX: Looking north in the addition basement which has a poured concrete foundation

Department of Permitting and Inspections

Zoning Division

645 Pine Street

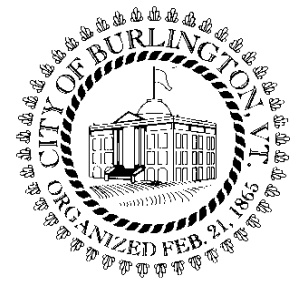
Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

William Ward, Director
Theodore Miles, Code Compliance Officer
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Vacant, Associate Planner
Joseph Cava, Planning Technician
Celeste Crowley, Permit Administrator



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: December 20, 2022

RE: ZAP-22-6; 47 Harrison Avenue

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

File: ZAP-22-06; Appeal of Administrative Denial ZPW-148

Location: 47 Harrison Avenue

Zone: RL-W **Ward:** 5S

Parking District: Neighborhood

Date application accepted: November 6, 2022



Applicant/ Owner: Tim Ely

Request: Appeal of administrative denial to replace windows with vinyl. (After the fact)

Background:

- **Zoning Permit ZPR-22-29.** Replace vinyl siding at 47 Harrison Avenue with fiber cement board. November 2022.
- **Building Permit** issued 1989, vinyl siding. (No zoning permit)
- **Zoning Permit 77-48;** enclose the rear porch into a dining area. July, 1976.

Overview:

47 Harrison Avenue is the westerly half of an existing, single structure; each unit independently owned. The structure is included within the Lakeside Historic District, listed on the National Register of Historic Places in April 1982.

The zoning record is skimpy for this property. A search of historic *building* permits turns up but one – 1989 for vinyl siding. Although a zoning permit was not sought or issued for the siding, it is current staff practice to acknowledge the issuance of a building permit to satisfy permit requirements for that time period as the building official did not demand companion zoning permits for work.

There is no building permit for vinyl windows.

The owner of 47 Harrison Avenue applied September 22, 2022 to replace 10 existing vinyl windows with new vinyl windows. Estimated construction cost was provided as \$500. 47-49 Harrison Avenue is listed within the Lakeside Historic District on the National Register of Historic Places.

The applicant asserts the installation occurred in the 1980s. As the vinyl windows have been in place more than 15 years, they are considered an “unenforceable violation” and the owner may retain them, without alteration and without any enforcement action. Their existence, however, cannot be used toward future recognition as they never received zoning approval. Vinyl windows are not acceptable as replacement sash on historic structures per the *Guidelines for Replacement Windows* adopted in April 2022, and the Standards of Review of Section 5.4.8. New window replacement must meet the regulations in effect at the time of application.

The decision for the window replacement was issued November 1, 2022; the appeal was filed November 6, 2022 and is therefore timely.

DPI staff spoke with a man on site while work was underway, with removal of siding, windows and trim while no building or zoning permit notices were displayed on site. The man approached staff and animatedly informed her that he was making repairs and no permit was required.

The building official subsequently issued a stop-work order.

Recommended motion: Deny appeal and Uphold staff denial, per the following Findings:

I. Findings

Article 3: Applications, Permits and Project Reviews

Section 3.1.2 Zoning Permit Required

(a) Exterior Work

2. Alterations to building elevations/appearances, including but not limited to re-siding or window replacement (or addition) or other changes that alter trim details or otherwise change the exterior appearance.

No zoning permit was ever issued for replacement windows at 47 Harrison Avenue. Although vinyl windows were installed in the 1980s, they did not have the benefit of a building or zoning permit, and may be considered an “unenforceable violation” under the zoning code.

Replacement requires review under the standards in place at the time of application. The proposed (and already installed windows) do not meet the *Guidelines for Window Replacement* adopted in April 2022. **Adverse finding.**

Article 5: Citywide General Regulations

Sec. 5.4.8 Historic Buildings and Sites

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

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

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

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

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

(a) Applicability:

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

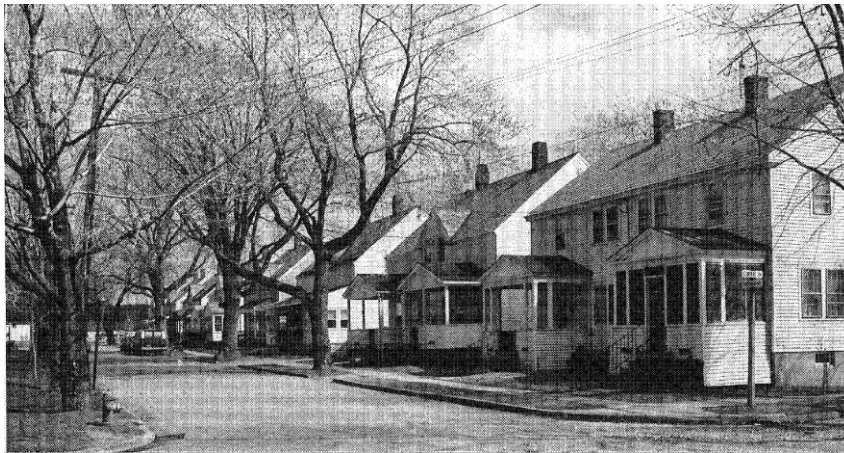
47 Harrison Avenue was listed (as 47-49 Harrison Avenue) on the National Register of Historic Places within the Lakeside Historic District in 1982. Here is the specific narrative, with a reference to a similar property of the same Dwelling Type within the district:

(36)

47-49 Harrison Avenue. Dwelling Type C. Same as No. 17. Variations: the entrance porches are two bays wide with half-length posts, sheathed railings, and gable roofs.

(17)

31-33 Central Avenue. Circa 1899-1900. Dwelling Type C. One and one-half story, plus attic, symmetrical wood frame duplex with a fieldstone foundation, clapboard siding, and a slate-shingle gable roof. The building measures approximately 42 by 22 feet, or six by two bays, across the front and side elevations, respectively. The entrance doors are located on the front elevation in the second and fifth bays and are sheltered by separate porches. A gable wall dormer with paired windows and a pediment projects through the eaves in the center of the front elevation. All of the windows are double hung sash. The ridge of the roof is trisected by two interior, brick chimney stacks. Variations: the gabled entrance porches are two bays wide and now have decorative aluminum posts.



Harrison Avenue, looking east from the intersection with Central Avenue. 47 Harrison is the second house from the right; center of photo.

(b) Standards and Guidelines:

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

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

The use remains consistent with the original residential use.

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

The character of the property has been altered with the replacement of the double hung window sash; typically in a 4/2 fenestration pattern during this period of construction. Many examples still exist or have been replaced to match utilizing that pattern.



TYPICAL VIEW OF LAKESIDE DWELLINGS
Quelques unes des maisons de la Compagnie
Coin des Avenues Conger et Harrison

Image taken from a handout distributed in Canada
In an effort to entice workers to come work at the Queen City Cotton Mill
Some of the houses of the company
At the corner of Conger and Harrison Avenues

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

The applicant has identified other structures within the neighborhood with vinyl windows. In some cases, the windows received zoning permits for the replacement (56 Central Avenue); and in other instances work was done without any permits, as in this case.

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

None identified.

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

Although modest, the original plan included simple window casings, with an extended architrave casing and drip cap above and sill below. All have been removed in favor of the vinyl window sash replacement; flattening the wall plane and diminishing the original character of the building. Staff noted to the workman on site that removal of the window casings alone would require a zoning permit; an assertion he rejected.

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

The installed vinyl windows do not replicate the appearance of the original wood double hung windows.



1984-85 Assessor Revaluation photograph
Note window casing details

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

The removal of the casings without re-installation diminishes the historic character of the building.

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

None are identified.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

While clearly differentiated from the old, the installation of vinyl window sash and removal of the window trim diminishes the historic building fabric and character of the structure.

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

With each alteration, the building steps further away from those identifying features that cumulatively and collectively define the overall character of the worker-housing neighborhood.

Adverse finding.

Article 6: Development Review Standards

Part 2: Site Plan Design Standards

Section 6.2.2

(d) Protection of Important Cultural Resources:

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

See Section 5.4.8, above. **Adverse finding.**

Part 3: Architectural Design Standards

Section 6.3.2

(b) Protection of Important Architectural Resources:

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

See Section 5.4.8, above. **Adverse finding.**

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



City of
Burlington, Vermont
645 Pine Street

Zoning Permit – Reasons for Denial

ZP W#: 22-148

Tax ID:

Issue Date: November 1, 2022

Decision: Denied

Property Address: 47 Harrison Avenue

Description: After-the-fact permit; replace unpermitted vinyl windows with new vinyl windows.

Reasons for Denial:

There are no building or zoning permits on file for installation of vinyl windows in 47 Harrison Avenue. The property is listed within the **Lakeside Historic District** as a contributing resource (listed April 12, 1982.) Replacement materials would require both a zoning permit and a building permit. Although the vinyl windows have been in place since approximately 1989, it was an unenforceable violation as 15 years had passed without issuance of a violation. The applicant could retain those windows, but could not utilize their existence toward any future redevelopment. The windows have now been replaced again, but are not compliant with existing standards.

Section 5.4.8. (b) Standards and Guidelines

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.* The original wood windows had a fenestration pattern of 4/2. The replacement 1/1 vinyl windows is a removal of distinctive materials and alternation of features. **Adverse finding.**

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.* Original windows in Lakeside homes have a 4/2 fenestration pattern. The applicant changed the windows from wood 4/2 double hung to vinyl without permits (c. 1989) and have now replaced the windows again with 1/1 vinyl. **Adverse finding.**

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use.* The replacement 1/1 vinyl windows do not match the materials or design of the original 4/2 windows. **Adverse finding.**

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property.* The replacement vinyl windows do not retain the same appearance or pattern as the historic window sash. **Adverse finding.**

Section 6.2.2(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill... Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Section 5.4.8.(b)

See above. **Adverse finding.**

Section 6.3.2 (b) Protection of Important Architectural Resources

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Section 5.4.8.

See above. **Adverse finding.**

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board within 15 days after the decision date per Sec. 12.2.2, *Appeals of Administrative Officer Decisions*. Appeals may be filed online at [burlingtonvt.viewpointcloud.com/categories/1098](https://www.burlingtonvt.viewpointcloud.com/categories/1098) or in-person at 645 Pine Street, Burlington, Vermont. <https://www.burlingtonvt.gov/DPI/Appealing-a-Zoning-Decision>

Timothy Ely

47 Harrison Ave

Burlington VT 05401

RE: zoning permit 2pa-

Decision on Vinyl windows

Hi

I would like to appeal the decision by zoning board for denial of Vinyl windows.

First, my son was giving bad advice, that he could repair the rot, without a permit.

All the windows were badly rotted, He fixed the rot and replaced ~~the~~ the old Vinyl windows with new Vinyl windows. (I do have pictures of the rot)

I have counted 7 House's in Lakeside with Vinyl windows this includes the other half of my house, That I do not own. If I went through Lakeside I would find more houses with Vinyl windows.

The rot if allowed to continue, would cause unsafe conditions for my children. I have 5 children who are under the age 16. My son was trying to make it safe for them and myself.

I'm 66 years old and plan on working until I'm 70. If I had waited I would not have been able to do the repairs.

I would like to attend the meeting

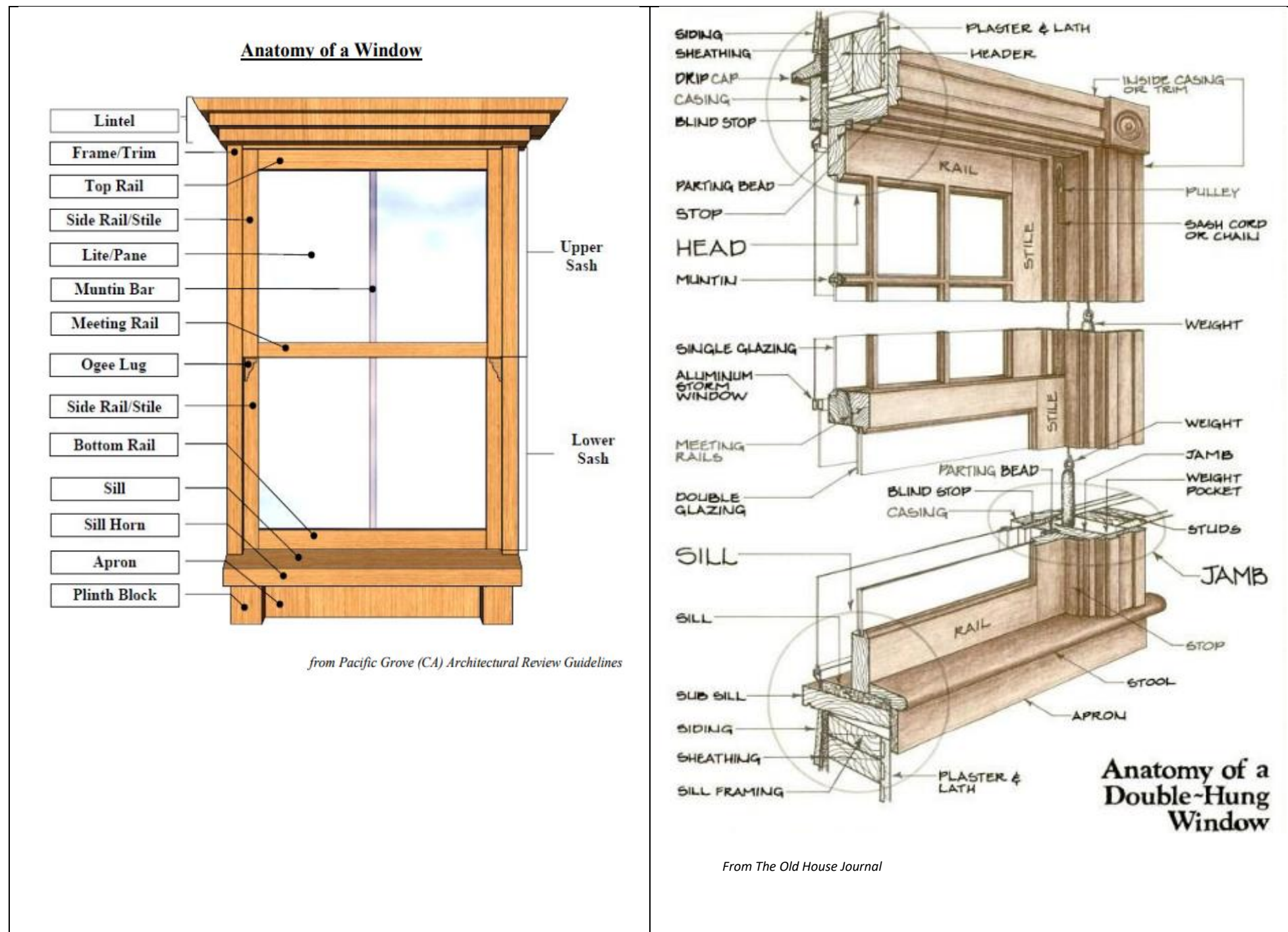
phone 802-999-4729.

Replacement Window Guidelines for Historic Buildings

For historic wood windows, the following shall be undertaken prior to consideration of replacement:

1. **First, Maintain** distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property;
2. **Then, Repair** in kind deteriorated historic features rather than replace them whenever possible; and
3. **Finally, Replace** only what is beyond repair and where the severity of deterioration requires replacement.

Typical Historic Wood Window Details



When these alternatives have been considered, the following steps will guide the choice of replacement windows:

- Limited extent. Wholesale replacement of windows should only be considered in cases of failure.
- Match dimension and design, including profile, muntin/mullion pattern, size, stile and rail dimensions. Unusual or ornamental windows shall be retained. If not true divided light, factory-adhered muntins on the exterior are acceptable. Between-the-glass grilles are not acceptable.
- Retain or replicate exterior framing and trim.
- Match existing window style (i.e. double hung, awning, transom, etc). Replacement casement windows are acceptable with a factory-adhered dividing bar (and muntins pattern, as appropriate) to visually replicate the appearance of a double-hung window.

Replacement windows shall be of durable materials. Typically, wooden, clad wooden, and fiberglass windows meet this standard. Typically, vinyl windows do not meet this standard.

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
Joseph Cava, Planning Technician
Ted Miles, Code Compliance Officer
vacant, DPI Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: December 20, 2022
RE: ZP-22-576; 20 Pine 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: FD6 Ward: 3C

Applicant/Owner: John Caulo, LandPlan / Cathedral of the Immaculate Conception Charitable Trust; Monsignor Peter Routhier

Request: Demolition and removal of existing church building, bell tower, parking lot, and impervious pathways. Foundation hole to be filled and site will be graded and seeded. Planned landscape with trees will be retained.

Applicable Regulations:

Article 14 (PlanBTV Downtown Code)

Background Information:

The applicants are seeking approval to demolish the building and all site improvements (parking area, walkways, and bell tower). The trees and lawn would remain. No development would remain on the lot, nor would there be any use.

20 Pine Street is a significant property within the city's downtown. It was identified within a 2010 *Survey of Modern Architecture in Burlington* funded with grant funds from the National Park Service through the Vermont Division for Historic Preservation and awarded to Burlington's Certified Government Program.

There is also a substantial body of evidence, including articles in national publications attesting to the importance of the structure and its companion landscape, in part due to the association with the specific design professionals (Edward Larrabee Barnes and Dan Kiley) and the notable architectural style and siting of the building within the landscape.¹

Neither the building nor the landscape have been listed on the state or National Register of Historic Resources. Both, however, were determined eligible for listing during the Consultation Process for the Transit Center project on St. Paul Street in 2013. The Vermont Division for Historic Preservation resolutely defined both the building and landscape design as eligible under Criteria Consideration G (Properties That Have Achieved Significance Within the Last Fifty Years.) A revised agreement between Federal Highway Administration, Vermont Agency of Transportation,

¹ See *Architectural Record*, January 1979 and *Architecture + Urbanism*, June 1981.

and the Vermont Division for Historic Preservation incorporated acknowledgement of the eligibility of these properties within the Area of Potential Effect (APE).

The subject property is permitted as a place of worship and continues to be owned by a religious institution. Although worship services have ceased, no change in use of the property has been sought or permitted. A place of worship is a permitted use in the Comprehensive Development Ordinance. As such, it does not expire after a year of discontinuance like nonconforming uses do.

Vermont Statute limits municipal review under 24 V.S.A. §4413 in the following circumstances:

- (a) (1) *The following uses may be regulated only 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:*
 - (C) *churches and other places of worship, convents, and parish houses.*

The property is located within the city's downtown, in the FD6 form code district. The application review standards of Article 14: *PlanBTV Downtown Code* apply. The statutory limitations noted in 24 V.S.A. §4413 substantially limit those review standards. Similarly, the standards for review of changes to historic structures under CDO Sec. 5.4.8, *Historic Buildings & Sites*, do not apply.

Application review process and criteria are two different things. Application review process is either administrative or Board review. The Comprehensive Development Ordinance specifics review process for all application types. Alternative compliance requires Board review. Application review criteria pertain regardless of review process. In this case, the application requires Board review. The applicable review criteria in this case are substantially limited by 24 V.S.A. §4413.

Sec. 14.2.2- *Applicability of the PlanBTV Downtown Code* states that all development comply with the standards of the code. Removal of the building and site improvements does not comply with the application review standards of Article 14. Sec. 14.7.3-*Variation from the Form: Administrative Relief, DRB Alternative Compliance, and Variances*, articulates several alternative paths for work not in compliance with the review standards of Article 14. The proposed work does not fall within the limits afforded by administrative or board relief and likely does not satisfy variance criteria. Alternative compliance is applicable for this application and requires review by the Development Review Board in consultation with the Design Advisory Board.

The Design Advisory Board reviewed this application December 13, 2022 and unanimously recommended denial per the following motion:

The applicant should reconsider demolition and consider ways to keep the building and its landscape intact. We request that the City Attorney confirm whether Sec. 5.4.8 applies or not. There are other resources, like Patricia O'Donnel, that might provide leeway in the interpretation of standards to consider preservation. The DRB should review the full application packet to get a sense of the importance of this property to the community.

There is no question that the property is significant. The limited review under 24 V.S.A. §4413; however, precludes consideration of that significance under CDO Sec. 5.4.8, *Historic Buildings &*

Sites and much of Article 14: *PlanBTV Downtown Code*. These findings reflect the input of the City Attorney. A written opinion has been requested.

Prior zoning actions for the property.

- **Zoning Permit 20-0810FC**; fence installation. April 2020. (20 Pine Street)
- **Zoning Permit 00-611**; demolish two unit residential structure for additional open space for the existing Catholic Church on the same parcel. (76 Cherry Street). Permit **Denied**, June 2000.
- **Zoning Permit 76-477 / Certificate of Appropriateness 75-48**; Erect a 105' 1 3/4" x 162'6" Church on the premises at 84 Cherry Street, with boundaries [sic] on St. Paul and Pine Streets. Also to create a 26 car off street parking area and landscape. October 22, 1975.

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

I. Findings

Article 14: PlanBTV Downtown Code

Section 14.7.2 Non-Conformities

In addition to that as specified in Article 5, Part 3 Non-Conformities of the Burlington Comprehensive Development Ordinance, any Building, Structure, Frontage, Development, Site, Improvement, or other appurtenance thereto which lawfully existed at the time of adoption of the applicable provision of this Article or any amendment thereto may be continued subject to the following provisions:

- a) Nothing in these regulations are intended to prevent normal repair and maintenance necessary to keep a Building, Structure, Site, Improvement or other appurtenance thereto in a safe and sound condition;*
- b) Any Building, Structure, Frontage, Development, Site, Improvement, or other appurtenance thereto which legally existed on the effective date of this Article that does not conform to the requirements of this Article may continue until a Substantial Modification is requested or Abandonment occurs.*
- c) Any nonconforming structure may be enlarged, maintained, repaired or altered, provided, however, that no enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part.*
- d) At such time when a Substantial Modification is requested or Abandonment occurs, only the affected portions(s) of the Building, Structure, Frontage, Development, Site, Improvement, or other appurtenance thereto shall be required to comply with the applicable provisions of this Article and to the greatest extent practicable in the determination of the Administrative Officer or unless relief is provided by the DRB pursuant to Sec. 14.7.3 below;*

and

- d) *Buildings listed or eligible for listing on the State or National Register of Historic Places shall not be required to make any modifications under this section that would threaten their historic integrity.*

The property, in its existing developed conditions, is nonconforming. The proposed demolition removes that nonconformity and replaces it with no development or use. The demolition is not a “substantial modification” as defined in Sec. 14.8-Glossary and, therefore, does not require that the property be brought into compliance with the standards of Article 14. Lacking applicability of Sec. 5.4.8, *Historic Buildings & Sites*, redevelopment is not a requirement of demolition.

(Affirmative finding)

Article 14.7.3 Variation from the Form: Administrative Relief, DRB Alternative Compliance, and Variances

The planBTV Downtown Code is intended to result in By-Right approval where development occurs strictly in conformance with the requirements of the applicable Form District. In some instances, however, it may be necessary to vary the prescribed form in order to accommodate unique site and/or building circumstances in order to promote context-sensitive development. In such instances, an applicant may seek Administrative or Development Review Board approval for relief from the requirements as set forth below. Any and all relief from the prescribed standards shall run with the land and be binding on the Property Owner and its/their successor and assigns. Applications requesting relief shall be made in writing and in the form as determined by the Department.

Demolition is not expressly enabled or prohibited by Article 14. Demolition alone is not addressed at all. Even under the statutory limitations of 4413, form code standards as to building bulk, height, setbacks, etc. apply; however, in this case, the end result lacks anything to comply. A currently developed site is being converted to an entirely undeveloped site with no use at all.

The act of demolition requires a zoning permit. The proposed work does not comply with the standards of Article 14 and, therefore, requires review under Alternative Compliance. The review criteria of Alternative Compliance are substantially limited by 24 V.S.A. §4413, and the complete demolition of the building and all site improvements leaves nothing to comply. **(Affirmative finding)**

(b) Alternative Compliance Granted by the Development Review Board

Additional relief from the prescribed standards may be granted by the Development Review as provided below:

- i. *DRB Alternative Compliance: Relief from any non-numerical standard, and any numerical standard by no more than 20% of such requirement or an additional 10% beyond any Administrative Relief permitted above, may be granted by the Development Review Board after review and recommendation by the Design Advisory Board and a Public Hearing. Decisions by the DRB regarding any Alternative Compliance granted shall be made in writing and upon affirmative findings that:*

- A. *the relief sought is necessary in order to accommodate unique site and/or Building circumstances or opportunities;*
Necessity of relief is beyond the scope of review enabled by 24 V.S.A. §4413.

- B. the relief if granted is the minimum necessary to achieve the desired result;*
Whether the relief granted is the minimum necessary is beyond the scope of review enabled by 24 V.S.A. §4413.
- C. the property will otherwise be developed consistent the purpose of this ordinance, the intent of the Form District, the intent and purpose of the section that the relief is being sought, and all other applicable standards;*
How the property will otherwise be developed is beyond the scope of review enabled by 24 V.S.A. §4413.
- D. the relief if granted will not impose an undue adverse burden on existing or future development of adjacent properties;*
Burden on the development of adjacent properties is beyond the scope of review enabled by 24 V.S.A. §4413.
- E. the relief if granted will yield a result equal to or better than strict compliance with the standard being relieved.*
Determination or equal or better end result is beyond the scope of review enabled by 24 V.S.A. §4413.

II. Conditions of Approval

1. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required.
2. Standard Conditions 1-15.



20 PINE STREET – BTV
Proposed Scope of Work
Demolition Permit Application
4 November 2022

Scope:

1. Demolish and remove existing Church structure and adjacent pedestrian sidewalks
 2. Demolish and remove existing parking lot
 3. Demolish and remove existing bell tower
-

Memorandum

To: Scott Gustin, Zoning Division Manager, Burlington Permitting and Inspections

From: James P. Langan, Esq.

Date: October 27, 2022

Subject: Zoning Permit for The Cathedral of the Immaculate Conception Parish Charitable Trust (the “Parish”) to Demolish the Immaculate Conception Church (the “Church”)

Summary:

- **The Church is not subject to Section 5.4.8 (Historic Buildings and Sites) (“Section 5.4.8”) of Burlington’s Comprehensive Development Ordinance (“CDO”).**
 - Burlington (the “City”) buildings are subject to Section 5.4.8 only if they are listed on a historic registry or if they are eligible for listing on a historic registry. The Church is not listed on a historic registry. Section 5.4.8 states that a building must be at least 50 years old, among other attributes, to be considered eligible for listing on a historic registry. The Church is not yet 50 years old and so does not satisfy a necessary attribute under the CDO to be considered eligible for historic registry listing.
 - The determination of eligibility (“DOE”) placed into the file of the Parish’s previous application (the “2013 DOE”) is a Consensus DOE resulting from the National Historic Preservation Act review process (“Section 106 Review”) required for projects receiving federal funding. Per the federal regulations authorizing the use of a Consensus DOE process, a Consensus DOE only determines historic registry eligibility for Section 106 Review purposes and so the 2013 DOE may not be used to establish historic registry eligibility as part of a local zoning review.
- **Even if the Church satisfied all of the CDO’s required elements to be considered eligible for historic registry listing for Section 5.4.8 purposes, 24 V.S.A. § 4413 (“Section 4413”) prevents the City from considering the Church’s historic value.**
 - The City may only regulate church buildings with respect to specific attributes listed in Section 4413. These specific attributes do not include historic attributes. Thus, the City may not assess the Church’s historic value nor impose any Section 5.4.8 requirements.
 - The only Vermont court precedent interpreting Section 4413 with respect to the demolition of a vacant church building finds that a city lacks the authority to assess the historic value of the building during the city’s review of a demolition permit application.
 - The amount of activity on a property makes no difference to the applicability of Section 4413. The Church does not fall out of Section 4413’s protection until it is sold or its zoning permit is amended.

- Even if the Church were not permitted as a place of worship, the demolition of the Church is church use under both Section 4413 and the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C.A. Section 2000cc(a) (“RLUIPA”).

Background:

The Parish submitted an application in December of 2021 seeking a zoning permit to demolish the Church. The application was deemed incomplete by City Zoning Division staff because they deemed Section 5.4.8 to apply to the application and Section 5.4.8 requires additional submittals and subjects applications to conditional use review. The Parish did not provide the additional submittals required by Section 5.4.8 and decided to withdraw its application. The Parish is now submitting another application (the “Application”), again seeking a zoning permit to demolish the Church. As detailed below, the Application is complete without the submittals required by Section 5.4.8 because the Church does not meet the CDO’s criteria for subjecting a building to Section 5.4.8 and because the City’s authority over the Application is limited by Section 4413.

The Church Is Not a Historic Building for Purposes of Section 5.4.8:

Pursuant to the clear language of the CDO, the Church does not qualify as a historic structure subject to Section 5.4.8. Section 5.4.8(a) of the CDO states that Section 5.4.8 “shall apply to all buildings and sites in the City that are listed, or eligible for listing, on the State or National Register of Historic Places. As such, a building or site may be found to be eligible for listing on the state or national register of historic places and subject to the provisions of this section if all of the following conditions are present: 1. The building is 50 years old or older.... (emphasis added).” The Church is not listed on any historic registry. The Church is also not yet 50 years old. Consequently, the City may not subject the Application to Section 5.4.8. Historic preservation scholars may consider that the Church is eligible for historic registry listing. However, for purposes of deciding whether Section 5.4.8 is applicable to the Church, the opinions of scholars is not definitive. The CDO expressly defines the conditions a building must satisfy to be considered “eligible” in the context of the City’s zoning regulations and hence subject to Section 5.4.8. Without question, the Church does not satisfy all of these conditions because it is not yet 50 years old. Consequently, the City should not subject the Parish’s application to Section 5.4.8.

Even if the City ignores the plain language of Section 5.4.8 and contends that a building that is not yet 50 years old may be deemed eligible for historic registry listing for zoning purposes, the City may not use a Consensus DOE to establish the eligibility. In its response to the Parish’s previous permit application, the City submitted a 2013 DOE stating that the Church was eligible for historic registry listing. The City appeared to be taking the position that the Church was already determined to be eligible for historic registry listing and so it did not matter that Section 5.4.8(a) states that, unless it is already listed on a historic registry, a building needs to be at least 50 years old in order to be subject to Section 5.4.8. The 2013 DOE was the result of the Section 106 Review required for Green Mountain Transit’s (then CCTA) downtown transit center abutting the Church, as a project utilizing federal funding. The 2013 DOE was the result of a Consensus DOE process authorized by the Advisory Council on Historic Preservation’s regulations (36 C.F.R. Sections 800.3 and 800.4). However, the regulations that allow for the use of a Consensus DOE make it clear that a Consensus DOE is a narrow and limited determination. 36 C.F.R.

Section 800.4(c)(2) states that a property receiving a Consensus DOE “shall be considered eligible for the National Register **for section 106 purposes** (emphasis added).” Thus, there is no authority for a Consensus DOE to be used outside of the Section 106 Review context. The proposed demolition of the Church does not utilize federal funding and so Section 106 Review is not implicated. Therefore, the City should not attempt to expand the scope of the 2013 DOE and use it for purposes for which it is not authorized.

The City’s Authority Is Limited by Section 4413:

Even if the express terms of Section 5.4.8 didn’t prevent its application to buildings that are not yet 50 years old, the City’s authority is limited by Vermont law so as to prevent the City from regulating any historical attributes of the Application and hence applying Section 5.4.8. Specifically, under Section 4413, a city may *only* regulate churches and other places of worship with respect to specific attributes, namely: “location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements.” A church building’s historic status is not among the attributes that a city is authorized to regulate.

The structure of the statute further demonstrates this limitation on the City. 24 V.S.A. § 4411 (“Section 4411”) specifically authorizes regulation of the “razing” and “removal” of buildings, while a historic preservation regulation is permitted if desired under § 4414(1)(F) (“Section 4414”). Both land regulations are reflected in Section 5.4.8. However, Section 4413 expressly withdraws the general grant of zoning authority derived from its neighboring provisions for razing buildings under Section 4411 and historic preservation under Section 4414 with respect to churches and other places of worship. Instead, under Section 4413, church buildings “may be regulated *only* with respect to” the attributes listed above (location, size, height, etc.). Therefore, the delegation of statutory authority to a municipality to regulate the razing of a church building under Section 4411, or to impose historic preservation restrictions under Section 4414, is effectively subtracted from a municipality’s zoning authority by Section 4413. *Flanders Lumber & Building Supply Co., Inc. v. Town of Milton*, 128 Vt. 38, 45, 258 A.2d 804 (1969).

The only court decision assessing the applicability of Section 4413 to the demolition of a vacant church property clearly concludes that a city lacks the authority to assess the historic value of a building during its review of a demolition permit application. When analyzing the impact of Section 4413 on the planned demolition of a former convent building, the Vermont Environmental Court determined that Section 4413 does not “allow the Court to assess the proposal’s own inherent historic, architectural or aesthetic values, whatever they may be.” *In re Valsangiacomo*, No. 130-8-03 Vtec, Decision on Applicable Review Criteria, 2004 WL 5232367 (Vt.Env’tl.Ct. Dec. 21, 2004). Consequently, the City does not have the authority to assess the historic status of the Church in its review of the Application and so it may not subject the Application to Section 5.4.8 and conditional use review.

The Use of the Parish’s Property is Determined by Its Zoning Permit:

In response to the Parish’s first demolition permit application, the City uploaded documents to the application portal, including a letter from the President of Preservation Burlington, raising questions about the applicability of Section 4413 given the Parish’s recent limited use and presence at the property. However, the amount of activity on a properly permitted property makes no difference to the applicability of Section 4413. Title 24 is implemented exclusively through a permitting system, in which

municipalities grant permits for uses and structures. 24 V.S.A. § 4449. Those permits are subject to change only on the occurrence of either of two events: (1) a permit amendment; or (2) the approved use becomes non-conforming and is abandoned. 24 V.S.A. § 4412(7). There is nothing in Title 24 to suggest that an allowed and permitted use is somehow transformed or ceases to exist within the closed regulatory universe of Title 24 so long as the permit is not amended. It is clear the Church is an allowed use under the CDO and it has been permitted and used for religious purposes for decades. The Church does not fall out of the protection of Section 4413 until the property is sold or its zoning permit is amended. *See In re Agency of Administration*, 141 Vt. 68, 83-94 (Vt. 1982) (demolition of a building, in itself, does not trigger jurisdiction in Act 250).

Under Title 24's statutory scheme, the zoning permit, once issued, designates the use of a structure, which does not change so long as the use is allowed in the zoning district. So far as zoning is concerned, a structure approved as a church does not stop being a church for zoning purposes merely because it is closed or used only in a limited capacity. Approved zoning uses are not considered to be abandoned simply by non-use unless the use is nonconforming. 24 V.S.A. § 4412(7). The Church has not been transformed into a mere building owned by the Parish to be regulated like any other. Preservation Burlington's letter cites *Vermont Baptist Convention v. Burlington Zoning Bd.*, 159 Vt. 28 (1992) to make the mistaken assertion that the current actual use is somehow a definitive factor in Section 4413 analysis. However, the case does not even consider Section 4413, and if anything, supports the Parish's position.

Vermont Baptist involved a zoning decision that a building was a "semi-public" use, mainly because it was owned by a nonprofit religious organization. The organization complained when it could not sell to a commercial buyer due to zoning restrictions on changing the use from nonprofit to commercial. The court overturned the zoning decision because the building had *never* been used for religious purposes, but instead had always been just an office. The court ultimately decided, *based on the ordinance and the historic use of the property*, that an office is an office, even if it is owned by a religious entity. *Id.* at 29-30. The court refused to consider extraneous matters such as the identity of the owner, instead focusing on how the property had been used, the nature of the property, and the bylaw. In the present case, the Church is approved under the CDO as a place of worship. It was built and used as a church, and really has had no other function. That the Church is not currently active does not change its zoning permit nor transform the use to something else. Unlike *Vermont Baptist*, in which the court had to decide what a use was under the ordinance, the Church's use has long been set by the original zoning permit, which establishes it as a place of worship.

The Demolition of the Church is Religious Use Under Section 4413 and RLUIPA:

Even if a property's use were not determined by the use approved in its zoning permit, the Parish's act of demolishing the Church would be religious use of its property as an important step in fulfilling the deconsecration of the property. *See Episcopal Student Foundation v. City of Ann Arbor*, 341 F. Supp. 2d 691 (E.D. Mich. 2004) (decision to demolish a church building is a religious exercise under RLUIPA). As further detailed in the letter from Monsignor Routhier accompanying the Application, the Parish wants to take this property out of liturgical use and change it from a sacred space to a secular space. The deconsecration of the site will serve to help the Parish members cope with the loss of this Parish, cleanse the site, and prevent any future non-sacred use of the building. The demolition of a church is recognized by canon law as a method to formally deconsecrate a property and is the clearest indication of the reduction of a property's sacredness. A denial of the Parish's demolition permit application would

interfere with the Parish's exercise of its religion because the Parish would be unable to use its chosen method, authorized by canon law, to complete the deconsecration process and because the Parish would be unable to focus its resources on the upkeep of the nearby Cathedral of Saint Joseph and the multitude of charitable endeavors based there.

It is also instructive for the City to recognize that Section 4413 is the vehicle by which Vermont ensures compliance with RLUIPA and RLUIPA has a broad definition of what constitutes religious use of a property. *Appeals of Valsangiacomo, et al.*, Nos. 130-8-03 Vtec, 64-4-04 Vtec., Decision and Order on Motion for Summary Judgment, 2004 WL 5232368 (Vt.Env'tl.Ct. Oct. 5, 2004) (stating that Section 4413 "ensures that municipal zoning ordinances in Vermont will be applied so as to comply with...RLUIPA...by limiting the attributes of the religious land use that may be regulated by a municipality.") In addition to defining religious use broadly, RLUIPA bestows religious organizations – and not the government – with the ability to declare what constitutes their religious use of a property. It is clear from the text of RLUIPA and the caselaw interpreting it, that a city does not get to decide what constitutes religious use of a property for RLUIPA purposes – the sincerely held beliefs of the religious entity is what controls.¹ Under RLUIPA, a city "cannot avoid the force of RLUIPA by asserting that a particular religious activity is something that a religious group merely wants to do rather than something that it must do." See Statement of the Department of Justice on the Land Use Provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA), available at <https://www.justice.gov/crt/page/file/1071251/download>.

Put simply, the City has no grounds for telling the Parish that the razing of the Church would not be for religious purposes and not constitute a church use or religious exercise under Section 4413 and RLUIPA. As detailed above and in Monsignor Routhier's letter, the Parish is seeking the demolition permit to complete the deconsecration of the property and allow the Parish to further its religious activities at the nearby St. Joseph Cathedral. By denying the Application, the City would not only be violating Section 5.4.8 and Section 4413, but may also violate RLUIPA. RLUIPA's equal terms provision prohibits a municipality from implementing land use regulations in a manner that treats a religious institution on less than equal terms as non-religious institutions. The City may not treat the Parish's demolition permit application differently than an application from a similarly situated non-religious entity and it's not evident that the City has ever denied a demolition permit application to a non-religious institution seeking to demolish a building under 50 years of age on the basis that the building qualified as eligible for historic registry listing under the CDO. In addition, RLUIPA's free exercise provision prohibits a municipality from implementing land use regulations in a manner that imposes a substantial burden on the religious exercise of a religious institution (unless the municipality is furthering a compelling governmental interest by the least restrictive means). As detailed in Monsignor Routhier's letter, the denial of the Application would impose a substantial burden on the religious exercise of the Parish by preventing it from completing the deconsecration of the Church as well as significantly impeding the religious work at St. Joseph's.

¹ Under RLUIPA, "religious exercise" includes "any exercise of religion, whether or not compelled by, or central to a system of religious belief." 42 U.S.C. § 2000cc-5(7)(A); see also *Hernandez v. Commissioner*, 490 U.S. 680, 699, 109 S.Ct. 2136, 104 L.Ed.2d 766 (1989) (holding "it is not within the judicial ken to question the centrality of particular beliefs or practices to a faith, or the validity of particular litigants' interpretations of those creeds.").

CATHEDRAL OF ST. JOSEPH

113 Elmwood Avenue Burlington, Vermont 05401

(802) 658-4333

Email: sjvt@comcast.net

Website: www.stjosephcathedralvt.org

+ + +

October 27, 2022

Mr. Scott Gustin, City of Burlington Zoning Administrator
Office of Permitting and Inspections – Zoning Division
645A Pine Street – PO Box 849
Burlington, Vermont 05401

RE: 20 Pine Street
Demolition Permit Application

Dear Mr. Gustin:

Please accept this letter and other supporting documentation as The Cathedral of the Immaculate Conception Parish Charitable Trust's (the "Parish") formal filing of a demolition permit application to remove the Church of the Immaculate Conception (the "Church"), free-standing bell tower, and surrounding grove of trees from 20 Pine Street in Burlington. In addition to the online application form, the following documents are included in support of the application:

1. Existing Site Plan with Lot Coverage Calculation prepared by Freeman French Freeman
2. Proposed Site Plan with *Google Earth* aerial imagery depicting open space conditions after the removal of the Church and surrounding grove of trees.
3. Site Photographs:
 - Building Corner – East
 - Building Corner – Southwest
 - Building Entry – North
 - Building Corner – Northwest
4. Legal Memorandum from James P. Langan, Esq., dated October 27, 2022.

As you are aware, the Parish initiated this permit process in December 2021 with a prior application. That application was withdrawn in early February 2022 after your office determined it would be subject to the full provisions of Section 5.4.8 of Burlington's Comprehensive Development Ordinance addressing the demolition of historic structures. We continue to believe Section 5.4.8 does not apply to this application for many reasons, as detailed in Mr. Langan's memo. Among the reasons are that the Church does not meet the criteria listed in Section 5.4.8 for a building to be

eligible for historic registry listing because the Church is not yet 50 years old and that the City's authority to regulate the historic attributes of a church is restricted by State and Federal statutes.

The Parish wants to desanctify the Church and take this property out of liturgical use. One of the methods of completing the deconsecration of a sacred space recognized by canon law is the demolition of a church. The Parish has chosen demolition because it is the clearest way to show the reduction of a property's sacredness. The Parish believes that the razing of the Church is the best way to help our parishioners cope with the loss of this parish, cleanse the site, and prevent any future non-sacred use of the property. A denial of the Parish's demolition permit application would mean that the Parish is unable to desanctify the Church and its property in the way the Parish believes would best serve the Parish and its parishioners. In addition, a denial of the application would mean that the Parish is unable to focus its resources on the religious mission and charitable work at the neighboring Cathedral of Saint Joseph.

The Parish is contemplating a sale of 20 Pine Street and has the property under contract. After the property has been cleared and the transaction successfully executed, I expect the proposed buyer will, in a reasonable time period, submit an application to the City for the redevelopment of the property in accordance with the new form-based code provisions of the Ordinance. Until that time, it is the intention of the Parish to continue to maintain and use the property.

Thank you for your attention to this application. If additional information is required, please advise.

Sincerely,

A handwritten signature in black ink that reads "Monsignor Peter A. Routhier". The signature is written in a cursive, flowing style.

Monsignor Peter A. Routhier









From: Carole Stoneking <neaj52@yahoo.com>
Sent: Friday, October 21, 2022 1:44 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Save 20 Pine Street

[You don't often get email from neaj52@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

Dear Ms. O'Neil and Mr. Gustin,

The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it.

Let's keep cost down and reuse what is already in our possession. The beautiful building should be retained and modified. Awareness of the housing shortage should prompt a modification of the building to be used to create apartments. Let's not add more rubbish to the overflowing landfill.

Thank you.

From: Kate Hanenberg <katehanenberg@gmail.com>
Sent: Monday, October 17, 2022 9:57 PM
To: Kate Hanenberg <katehanenberg@gmail.com>
Subject: 20 pine street corrected version

You don't often get email from katehanenberg@gmail.com. [Learn why this is important](#)

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

To those involved with 20 Pine Street:

I am writing to you to express my hope that a solution can be found to preserve Burlington's Cathedral of the Immaculate Conception, designed in 1974 by the architect Edward Larrabee Barnes and landscape architect Dan Kiley of Vermont. The aim of the project was to create a sanctuary within the urban grid, as well as a gathering place that could accommodate a wide range of religious and secular activities. The project is a testament to the humanist modernism that valued the experience of the individual over a showstopping approach to building. Those of us who were lucky enough to work in the Barnes office have come to appreciate even more the innate modesty of his approach, as well as the attention to detail, and the recognition of history- as expressed by the freestanding bell tower marking the location of the original building. Barnes' projects were simple and strong; materials included both tangible elements, such as the installation of Vermont slate floors, and the use of light itself as an

element of building.

We all know by now that it is unlikely that any structure erected on this site can duplicate the thoughtfulness and integrity that Barnes and Kiley contributed to the City of Burlington, as well as to the practice of architecture and landscape architecture. Edward Barnes trained a generation of younger architects, including Toshiko Mori, who was responsible for the interiors and furnishings of the Cathedral; his generosity, and that of Mary Barnes, led many of us to support the posthumous - and successful - bid for the 2007 AIA Gold Medal.

It would be good to think that Burlington might appreciate and keep what is unique to its history and to find ways to use this building, rooted in discipline and inspired by faith, to help shape a new experience for its citizens.

Please let me know if there is any further way to support this effort. Thanks so much.

Kate Hanenberg, IIDA

Perkins Eastman Architects

115 Fifth Avenue

New York, NY 10003

From: David Holmes <davidrhomes24@gmail.com>

Sent: Monday, October 17, 2022 6:25 PM

To: sjvt@comcast.net; jmcdermott@vermontcatholic.org; Mayor's Office <mayor@burlingtonvt.gov>; Joseph Magee <jmagee@burlingtonvt.gov>; Perri Freeman <pfreeman@burlingtonvt.gov>; Brian Pine <bpine@burlingtonvt.gov>; Samantha Dunn <sdunn@burlingtonvt.gov>; Scott Gustin <SGustin@burlingtonvt.gov>; Mary O'Neil <MCOneil@burlingtonvt.gov>; Devin Colman <devincolman@mac.com>

Subject: Preserving Iconic Cathedral

Some people who received this message don't often get email from davidrhomes24@gmail.com. [Learn why this is important](#)

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

Greetings, all,

I am writing about the apparent possibility that the Ed Barnes-Dan Kiley iconic design of our cathedral may be demolished or otherwise emasculated. I am not sure where the ownership is headed, but I believe we have an opportunity to preserve and, in fact, elevate a building and landscape that is a part of Vermont and American architectural history. And it is in our state of Vermont!

Full disclosure: I am writing a biography of Dan Kiley and am his son-in-law. I am married to his daughter, Antonia, and knew Dan well before his passing. Kiley is probably the preeminent American landscape architect after Olmstead and did more than 30 projects in Vermont, some of which are an important part of the history of modernist design in America.

I have thought about potential uses of the space -- e.g., a museum of Vermont architecture and/or a museum of American landscape design -- but I believe we can make the building and its use a part of the new Burlington, the one that emerges after the "hole" is filled in and Burlington heads into a new, hopeful future. Let's make the building and the space something that attracts people to Burlington and its important history. This is part, I believe, of the optimistic spirit that we need if we are to "restore" Burlington to its rightful place...recognizing, of course, that our state and city have changed (more diverse; new forms of poverty; etc.).

If I can help in any way, please let me know.

Sincerely,

David

David Holmes

86 Lake Road

Panton, Vt 05491

From: Kate Hanenberg <katehanenberg@gmail.com>

Sent: Monday, October 17, 2022 4:36 PM

To: Kate Hanenberg <katehanenberg@gmail.com>

Subject: 20 Pine Street

You don't often get email from katehanenberg@gmail.com. [Learn why this is important](#)

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

To those involved with 20 Pine Street:

I am writing to you to express my hope that a solution can be found to preserve Burlington's Cathedral of the Immaculate Conception, designed in 1974 by the architect Edward Larrabee Barnes and landscape architect Dan Kiley of Vermont. The aim of the project was to create a sanctuary within the urban grid, as well as a gathering place that could accommodate a wide range of religious and secular activities. The project is a testament to the humanist modernism that valued the experience of the individual over a showstopping approach to building. Those of us who were lucky enough to work in the Barnes office have come to appreciate even more the innate modesty of his approach, as well as the attention to detail, and the recognition of history- as expressed by the freestanding bell tower marking the location of the original building. Barnes' projects were simple and strong; materials included both tangible elements, such as the installation of Vermont slate floors, and the use of light itself as an element of building.

We all know by now that it is unlikely that any structure erected on this site is unlikely to duplicate the thoughtfulness and integrity that Barnes and Kiley contributed to the City of Burlington, as well as to the

practice of architecture and landscape architecture. Edward Barnes trained a generation of younger architects, including Toshiko Mori, who was responsible for the interiors and furnishings of the Cathedral;

his generosity, and that of Mary Barnes, led many of us to support the posthumous - and successful-bid for the 2007 AIA Gold Medal.

It would be good to think that Burlington might appreciate and keep what is unique to its history and to find ways to use this building, rooted in discipline and inspired by faith, to help shape a new experience for its citizens.

Please let me know if there is any further way to support this effort. Thanks so much.

Kate Hanenberg, IIDA

Perkins Eastman Architects

115 Fifth Avenue

New York, NY 10003

From: Carolyn Bates <cbatesbt@gmail.com>
Sent: Monday, October 17, 2022 11:22 AM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Save 20 Pine Street

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

Dear Ms. O'Neil and Mr. Gustin,

The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it.

Visit www.divine20pine.com for information about why this property is worthy of preservation.

Thank you.

Carolyn

Sent from my iPhone

Carolyn L. Bates Photography

[\(802\) 238-4213](tel:8022384213)

cbatesbt@gmail.com

ADDRESS:

[PO Box 1205, Burlington, VT 05402](#)

From: Wendy Bratt <wbratt@gmavt.net>
Sent: Sunday, October 16, 2022 9:43 AM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Save 20 Pine Street

[You don't often get email from wbratt@gmavt.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

Dear Ms. O'Neil and Mr. Gustin,

I have been a 40 year resident and have always admired the landscape on 20 Pine St. It would be sad to see it become just another building. There are so many opportunities to keep this one and create a win-win situation where there may be housing and public park opportunity on the land.

(The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it.)

Visit www.divine20pine.com for information about why this property is worthy of preservation.

Thank you.

Wendy

From: Tana Paddock <tanapaddock@gmail.com>

Sent: Sunday, October 16, 2022 9:35 AM

To: Mary O'Neil <MCOneil@burlingtonvt.gov>; Scott Gustin <SGustin@burlingtonvt.gov>

Subject: Reimagining Pine Street Cathedral and grounds

Some people who received this message don't often get email from tanapaddock@gmail.com. [Learn why this is important](#)

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

Good morning ☀,

I am writing to express my support for the creative redevelopment of the former cathedral at 20 Pine Street. As a neighbor to the site, I've been wondering why such a beautiful and architecturally significant landmark has been laying dormant and concerned that it would be demolished. Given its unique beauty, prime location in the city, and park-like features, it would be such a shame not to find a way to adapt it for a new use that would serve our community.

Thank you for considering my thoughts and the thoughts of the wider community in your decision making.

Warmly,

Tana

From: Ethan Herrick <ethanherrick827@gmail.com>

Sent: Saturday, October 15, 2022 11:50 AM

To: Scott Gustin <SGustin@burlingtonvt.gov>

Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>

Subject: Save 20 Pine Street

Some people who received this message don't often get email from ethanherrick827@gmail.com. [Learn why this is important](#)

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

Dear Ms. O'Neil and Mr. Gustin,

The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it.

Visit www.divine20pine.com for information about why this property is worthy of preservation.

Thank you.

Ethan Herrick

From: Rita Clark <rsclark48@gmail.com>

Sent: Saturday, October 15, 2022 10:43 AM

To: Scott Gustin <SGustin@burlingtonvt.gov>

Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>

Subject: Save 20 Pine Street

Some people who received this message don't often get email from rsclark48@gmail.com. [Learn why this is important](#)

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

Dear Ms. O'Neil and Mr. Gustin,

The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it.

Visit www.divine20pine.com for information about why this property is worthy of preservation.

Thank you.

From: Laura Benis <aurielee3@gmail.com>
Sent: Friday, October 14, 2022 10:44 AM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Save 20 Pine Street

Some people who received this message don't often get email from aurielee3@gmail.com. [Learn why this is important](#)

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

Dear Ms. O'Neil and Mr. Gustin,

The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it.

Visit www.divine20pine.com for information about why this property is worthy of preservation.

Thank you.

From: JOHN BARNES <johncbarnes@comcast.net>
Sent: Wednesday, October 12, 2022 2:31 PM
To: sjvt@comcast.net; jmcdermott@vermontcatholic.org; Mayor's Office <mayor@burlingtonvt.gov>; Joseph Magee <jmagee@burlingtonvt.gov>; Perri Freeman <pfreeman@burlingtonvt.gov>; Brian Pine <bpine@burlingtonvt.gov>; Samantha Dunn <sdunn@burlingtonvt.gov>; Scott Gustin <SGustin@burlingtonvt.gov>; Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Save 20 Pine Street

You don't often get email from johncbarnes@comcast.net. [Learn why this is important](#)

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

Dear Monsignors, Mayor of the City of Burlington, City Council Members, and City Staff,

I am writing to urge you to save the building and landscape located at 20 Pine Street. This property which incorporates design by Edward Larrabee Barnes, Dan Kiley, and others encompasses significant cultural, historic, and architectural resources that should not be lost to demolition. As an architect and planner who has been involved with several historic preservation projects including buildings and cultural landscapes, I am keenly aware of the importance of protecting buildings and places of merit. Putting old buildings to creative new uses is a time honored tradition that enriches the fabric of a community.

As Edward Larrabee Barnes' son, I have clear memories of my father (and mother) working on the design of the Cathedral along side their dear friend Dan Kiley. Please give serious consideration to adaptive reuse of this landmark property and do not destroy it.

Thank you.

John Barnes

From: sjfisher <sjfisher17@gmail.com>

Sent: Sunday, October 9, 2022 4:16 AM

To: Scott Gustin <SGustin@burlingtonvt.gov>

Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>

Subject: Save 20 Pine Street

Some people who received this message don't often get email from sjfisher17@gmail.com. [Learn why this is important](#)

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

Dear Ms. O'Neil and Mr. Gustin,

The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it.

Visit www.divine20pine.com for information about why this property is worthy of preservation.

Thank you.

Sent from [Mail](#) for Windows

From: Anne Wattenberg <anne.wattenberg@gmail.com>

Sent: Thursday, October 6, 2022 4:55 PM

To: sjvt@comcast.net; jmcdermott@vermontcatholic.org; Mayor's Office <mayor@burlingtonvt.gov>; Joseph Magee <jmagee@burlingtonvt.gov>; Perri Freeman <pfreeman@burlingtonvt.gov>; Brian Pine <bpine@burlingtonvt.gov>; Samantha Dunn <sdunn@burlingtonvt.gov>; Scott Gustin <SGustin@burlingtonvt.gov>; Mary O'Neil <MCOneil@burlingtonvt.gov>

Subject: 20 Pine Street, Burlington Cathedral Proposed Demolition

Some people who received this message don't often get email from anne.wattenberg@gmail.com. [Learn why this is important](#)

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

To Whom it May Concern;

I am writing to express my opposition to the proposed demolition of 20 Pine Street, formerly the Burlington Cathedral. I have familiarity with Mr. Barnes' architecture, I worked in his office for 15 years and was part of the team that successfully placed his name into nomination for the 2007 AIA Gold Medal Award, an honor befitting an architect of Mr. Barnes' stature. Comments in that application included: "His buildings are simple yet thoughtfully conceived and have strong geometric presence in urban and rural landscapes." (Toshiko Mori FAIA). "Ed Barnes was an exemplary architect – totally committed, totally absorbed and totally dedicated to creating the finest, most responsible and beautiful work." (Kevin Roche, FAIA), "Edward Barnes had a strong and unwavering sense of social responsibility, and a keen appreciation of the forces that shape everyday life." (cover letter Mark Strauss, FAIA, Marvin Manlove, AIA, Peter Schlossman, AIA.)

I write with appreciation for the difficulty in opposing an owner's demolition request as I am currently in my fourth year as a commissioner on Denver's Landmark Preservation Commission, having been appointed twice to the A.I.A. position by Denver's Mayor. In my experience, finding an equitable solution to adaptive reuse requires the cooperation, good will and imagination of many parties, however I would urge everyone to exercise all possible options to find such a solution as the demolition of an inspirational gathering place of the quality of the Burlington Chapel would truly be an irreversible tragedy.

Please let me know if I can supply additional information. Thank you for your consideration,

Sincerely,

Anne Wattenberg, A.I.A.

618 South Monroe Way, Denver CO

312-316-5645

From: Mary Kadish <mkadish@swbell.net>

Sent: Wednesday, September 28, 2022 11:31 AM

To: sjvt@comcast.net; Mayor's Office <mayor@burlingtonvt.gov>; Joseph Magee <jmagee@burlingtonvt.gov>; Brian Pine <bpine@burlingtonvt.gov>; Scott Gustin <SGustin@burlingtonvt.gov>; jmcdermott@vermontcatholic.org

Cc: devincolman@me.com

Subject: Cathedral of Immaculate Conception

[You don't often get email from mkadish@swbell.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

Dear City and Church Officials,

I write today to express my support for preserving the Cathedral of Immaculate Conception and the landscape that surrounds it.

Designed by internationally-acclaimed architect, Edward Larrabee Barnes, this stellar Modernist structure is on land that has been dedicated as a religious space for over a century. Though it is now surrounded by a more active, diverse city, it's unique landscape, designed by Dan Kiley, a Vermonter also internationally known, provides a welcome respite from bustling Burlington. Seen from a distance, the top of the church, a tiny church-like model, seems to hover over a canopy of green. The glazed green and brown ceramic lower walls of the cathedral echo the colors and design of the surrounding landscape of locust trees. One could go on and on extolling it's beauty, but dozens of articles and loads of memorable photographs enforce my comments.

What a shame if this unique building and landscape were destroyed! But, one should ask, to what end? Another apartment or condo building? Retail space? Surely those needs could be met in nearby already empty land.

Undoubtably, destruction of the cathedral and its surrounding landscape would be met with international rebuke to the city of Burlington. Hopefully our informed community will not let this occur.

Sincerely,

Mary Kadish
193 St. Paul
Burlington

From: Ron Wanamaker <restore@burlingtontelecom.net>
Sent: Sunday, September 25, 2022 8:11 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Save 20 Pine Street

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

Dear Ms. O'Neil and Mr. Gustin,

Yes this is a patent email, but I think Burlington is squandering an opportunity to lead and provide an amazing architectural green space in the face of overcrowding/development Hey, I know you're probably on board with this one, just doing do diligence.

The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it.

Visit www.divine20pine.com for information about why this property is worthy of preservation.

Thank you.

Ron Wanamaker
Wanamaker Restoration

From: David Wilson <dwblitz41@gmail.com>
Sent: Friday, September 23, 2022 11:36 AM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Save 20 Pine Street

Some people who received this message don't often get email from dwblitz41@gmail.com. [Learn why this is important](#)

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

Dear Ms. O'Neil and Mr. Gustin,

The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it.

It was my privilege to work with Ed Barnes and his office to provide the ten stained glass windows in the sanctuary and has always been a project I remember with great affection. The Cathedral and grounds as completed were, and still can be, a compelling and peaceful sanctuary within the city. It is an architectural gem and it's demolition will be a loss which will ultimately be regretted by future generations. I believe it will be a huge mistake not to find a way to repurpose the building with it's unique environment.

Visit www.divine20pine.com for information about why this property is worthy of preservation.

Thank you.

David Wilson

DAVID WILSON DESIGN

202 Darby Road

South New Berlin NY 13843 2212

Phone: 607 334 3015

Cell: 607 316 1720

dwblitz41@gmail.com

www.davidwilsondesign.com

From: Andrea Rogers <andrea.rogers740@gmail.com>

Sent: Monday, September 19, 2022 10:15 PM

To: Scott Gustin <SGustin@burlingtonvt.gov>

Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>

Subject: Save 20 Pine Street

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

Dear Ms. O'Neil and Mr. Gustin,

The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it.

Visit www.divine20pine.com for information about why this property is worthy of preservation.

Thank you.

Andrea Rogers

From: Mariah <riahreed90@yahoo.com>
Sent: Monday, September 19, 2022 8:53 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Save 20 Pine Street

You don't often get email from riahreed90@yahoo.com. [Learn why this is important](#)

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

Dear Ms. O'Neil and Mr. Gustin, The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it. Visit www.divine20pine.com for information about why this property is worthy of preservation. Thank you.

From: Andrew Simon <sanschagrins@gmail.com>
Sent: Monday, September 19, 2022 8:10 PM
To: sjvt@comcast.net; Mayor's Office <mayor@burlingtonvt.gov>; Joseph Magee <jmagee@burlingtonvt.gov>; Brian Pine <bpine@burlingtonvt.gov>; Scott Gustin <SGustin@burlingtonvt.gov>; Benjamin Traverse <btraverse@burlingtonvt.gov>; Gene Bergman <gbergman@burlingtonvt.gov>
Cc: mlviens@comcast.net; Ronald Wanamaker <restorevt@icloud.com>
Subject: Save the Cathedral!

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

I am writing to you all, as Diocese and City decision makers and policy thinkers, about the Cathedral in downtown Burlington. Preservation Burlington has alerted me (reminded me, really, since I've heard about this now for years) that there is serious consideration about

demolishing the Cathedral downtown to make way for other forms of development. This is just a terrible idea.

I am not Catholic and do not have a sentimental or spiritual attachment to the Cathedral as a religious edifice. I do, however, recognize its value as an architectural and landscape design gem. It's one thing to demolish the downtown shopping mall which was something of an urban renewal abomination in the first place. But the Cathedral has history and power and beauty. There are certainly creative and beautiful options for reuse of this building and grounds without destroying it.

In this era of climate catastrophe, we need to recycle everything, including buildings. And this isn't just any building. Please work to save the Cathedral.

Andy Simon

54 Locust Street

Burlington, VT

From: Emma W Kouri <ewkouri@gmail.com>
Sent: Monday, September 19, 2022 11:13 AM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Save 20 Pine Street

[Some people who received this message don't often get email from ewkouri@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

Dear Ms. O'Neil and Mr. Gustin,

The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it.

Visit www.divine20pine.com for information about why this property is worthy of preservation.

Thank you.

Emma

From: Hannah Wall <hannah.wall@hotmail.com>
Sent: Monday, September 19, 2022 11:12 AM

To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Save 20 Pine Street

[Some people who received this message don't often get email from hannah.wall@hotmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

Dear Ms. O'Neil and Mr. Gustin,

The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it.

Visit www.divine20pine.com for information about why this property is worthy of preservation.

Thank you.

From: Penelope Wall <p.lopee@gmail.com>
Sent: Monday, September 19, 2022 9:58 AM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Save 20 Pine Street

Some people who received this message don't often get email from p.lopee@gmail.com. [Learn why this is important](#)

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

Dear Ms. O'Neil and Mr. Gustin, The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it. Visit www.divine20pine.com for information about why this property is worthy of preservation. Thank you.

Penelope Wall

Burlington, VT

From: Taylor Ralph <mary.taylor.ralph@gmail.com>
Sent: Monday, September 19, 2022 9:44 AM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Save 20 Pine Street

[Some people who received this message don't often get email from mary.taylor.ralph@gmail.com.
Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

Dear Ms. O'Neil and Mr. Gustin,

The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it.

Visit www.divine20pine.com for information about why this property is worthy of preservation.

Thank you.

From: Patrick Crane <patrickcrane2020@gmail.com>
Sent: Monday, September 19, 2022 1:39 AM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Save 20 Pine Street

Some people who received this message don't often get email from patrickcrane2020@gmail.com. [Learn why this is important](#)

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

Dear Ms. O'Neil and Mr. Gustin,

The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it.

Visit www.divine20pine.com for information about why this property is worthy of preservation.

Thank you.

From: Ann Goering <anngoering7@gmail.com>
Sent: Sunday, September 18, 2022 10:26 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Save 20 Pine Street

[Some people who received this message don't often get email from anngoering7@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

Dear Ms. O'Neil and Mr. Gustin,

The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it.

Visit www.divine20pine.com for information about why this property is worthy of preservation.

Thank you.

Dr Ann Goering

From: David Wallance <dwallance@dw-arch.com>

Sent: Monday, October 17, 2022 3:04 PM

To: Scott Gustin <SGustin@burlingtonvt.gov>; Mary O'Neil <MCOneil@burlingtonvt.gov>

Subject: 20 Pine Street

Some people who received this message don't often get email from dwallance@dw-arch.com. [Learn why this is important](#)

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

Dear Ms. O'Neil and Mr. Gustin,

The building and landscape at 20 Pine Street, designed by acclaimed American architect Edward Larrabee Barnes and landscape architect Dan Kiley, are significant cultural, historic, and architectural resources that must not be demolished. I urge you to use your influence and encourage the owner of this property to find an alternative to demolition. Surely the building can be preserved and given new life by adaptive reuse. This is not only the culturally responsible thing to do, but also the essence of sustainable stewardship of our built environment.

Visit www.divine20pine.com for information about why this property is worthy of preservation.

Thank you.



design research architecture wallance

david wallance faia
principal

109 gold street 5a
brooklyn ny 11201
646 707 5087

From: margeall9@aol.com <margeall9@aol.com>

Sent: Sunday, October 16, 2022 7:05 PM

To: sjvt@comcast.net; jmcdermott@vermontcatholic.org; Mayor's Office <mayor@burlingtonvt.gov>; Joseph Magee <jmagee@burlingtonvt.gov>; Perri Freeman <pfreeman@burlingtonvt.gov>; Brian Pine <bpine@burlingtonvt.gov>; Samantha Dunn <sdunn@burlingtonvt.gov>; Scott Gustin <SGustin@burlingtonvt.gov>; Mary O'Neil <MCOneil@burlingtonvt.gov>

Subject: The fate of 20 Pine Street

You don't often get email from margeall9@aol.com. [Learn why this is important](#)

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

I am a former Cathedral parishioner from 1947, as a student at UVM,, and for most of the intervening years until the parish was terminated. I think this place is now a site that can continue to be a blessing for the city. The building is too special to be destroyed, and could well be repurposed. The grove of trees could be a place of rest and refreshment. It is wrong to destroy a place of this value because it failed as a parish. It still can be a benefit, too valuable to waste.

Please visit <http://www.divine20pine.com> for information about why this property is worthy of preservation.

Thanks.

Marjorie Allard

From: Chris <cherrickvt@gmail.com>

Sent: Saturday, October 15, 2022 11:46 AM

To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Save 20 Pine Street

Some people who received this message don't often get email from cherrickvt@gmail.com. [Learn why this is important](#)

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

Dear Ms. O'Neil and Mr. Gustin,

The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it.

Visit www.divine20pine.com for information about why this property is worthy of preservation.

Thank you.

Christian Herrick

From: Mariah <riahreed90@yahoo.com>
Sent: Monday, September 19, 2022 8:53 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Save 20 Pine Street

You don't often get email from riahreed90@yahoo.com. [Learn why this is important](#)

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

Dear Ms. O'Neil and Mr. Gustin, The building and landscape at 20 Pine Street are significant cultural, historic, and architectural resources that should not be demolished. Please encourage the owner of this property to give serious consideration to adaptive reuse and not destroy it. Visit www.divine20pine.com for information about why this property is worthy of preservation. Thank you.

October 14, 2022

Permitting & Inspections
645A Pine Street
P.O. Box 849
Burlington, VT 05402-0849

Re: ZAP-22-4

Dear Zoning Office/Development Review Board,

On behalf of our client, Jeannine Boix-Vives, we write this letter to describe our appeal of the Adverse Zoning Determination issued in ZP #: 22-503 on September 16, 2022 (the “Adverse Determination”). We filed our appeal (ZAP-22-4) through the online permitting system on September 26, 2022.

Executive Summary

Our client acquired what is now 89 Chestnut Terrace and 41 South Street (collectively, the “Lots”) on April 4, 1975. At that time, 89 Chestnut Terrace and 41 South Street were each separate, adjacent lots. Since 1975, these two lots have remained conforming, and there has been no municipal action that explicitly merged the lots. The City recognized these parcels as separate lots on the grand list and has issued separate tax bills for each parcel.

The Adverse Determination found that, because the lot line between 89 Chestnut Terrace and 41 South Street was omitted in two surveys recorded in the land records, the Lots merged. However, both of those surveys were completed for the purposes of completing boundary adjustments that were unrelated to the lot line between 89 Chestnut Terrace and 41 South Street. The permit applications at the time said nothing of merging the Lots, and the permit decisions said nothing of the merging of the Lots.

We do not think that the lack of an internal lot boundary on these external boundary adjustment surveys should be the basis for the merger of the Lots, particularly when the City has identified them as different parcels for several years, the boundary line adjustment surveys clearly demonstrate the intent to adjust the external lot boundary, and no record of any municipal action attempting to merge the Lots exists.

This is particularly true because our client never received notice that the Lots were merged and never had an opportunity to appeal such a decision. Therefore, we request that the Development Review Board find that the Lots have not merged and remain separate parcels.

Background

Our client (Jeannine Boix-Vives) is interested in selling some land she owns in Burlington. She is hoping to convey one lot — 89 Chestnut Terrace — and retain one lot — 41 South Street.

We had requested a formal determination from the Department of Permitting & Inspections (the “Department”) that the Lots are indeed separate lots.

In the Adverse Determination, the Department concluded that the Lots were one lot. The Department recognized that the record contains conflicting information — namely the City’s tax parcel map and two boundary line adjustment surveys. The Department determined that the City’s tax parcel map does list the Lots as two separate lots. Our client does indeed receive two separate tax bills for the Lots. The Department also recognized that the surveys attached to two previous boundary line adjustments (both dealing with the adjustment of external lot lines as opposed to the boundary line between the Lots) depicted our client’s property as one lot. The Department concluded that the Lots are one lot, because it must defer to what is depicted on a survey when lot information differs from what is in the City’s tax parcel map.

Discussion

While we understand the Department’s argument, we disagree with their conclusion as it does not take into account the full record and deed information — which demonstrate the Lots are indeed two separate lots.

Regarding the surveys, both were created to depict external boundary line adjustments (one boundary line adjustment on the northern border of 89 Chestnut Terrace and one boundary line adjustment on the northern border of 41 South Street). While the boundary line adjustment surveys do not show the internal boundary between 89 Chestnut Terrace and 41 South Street, these boundary line adjustments involved minor adjustments to external lot boundaries and had nothing to do with merging 41 South Street and 89 Chestnut Terrace.

The lack of an internal lot boundary on these external boundary line adjustment surveys should not be the basis for the merger of the Lots. The internal lot boundary between 41 South Street and 89 Chestnut Terrace was irrelevant for the purposes of these two boundary adjustments. And so, it is understandable for the boundary line adjustment surveys not to depict the internal lot boundary.

Permitting & Inspections

October 14, 2022

Page 3

Section 10.1.5 of the Zoning Ordinance contains a provision governing lot line adjustments. The provision specifically requires a boundary line adjustment survey to include the words “[a]pproval of this lot line adjustment plat does not constitute the creation of a separate parcel or lot. It adjusts the physical location of the common boundary of the adjoining parcels or lots.” The “common boundary of the adjoining parcels or lots” in each boundary line survey was the external boundary line — which is clear on each survey.

This language further demonstrates that a boundary line adjustment survey is only meant to modify the boundary line in question, as opposed to all boundary lines depicted or not depicted on the survey.

In addition, the doctrine of automatic lot merger would not necessitate the merger of 41 South Street and 89 Chestnut Terrace, because they are both large parcels that conform with the City of Burlington’s minimum lot size requirements. Importantly, we are not aware of any municipal action that merged the lots and it appears that, based on the Grand List, the City considers these Lots as separate parcels.

For all of the reasons stated above, we respectfully request the Development Review Board vacate the Department’s Adverse Zoning Determination and direct the Department to instead issue a Zoning Determination concluding that 89 Chestnut Terrace and 41 South Street are indeed two separate lots.

Thank you for taking the time to review.

Very truly yours,

GRAVEL & SHEA PC

Zachary R. Berger

ZRB:kad

December 13, 2022

Permitting & Inspections
645A Pine Street
P.O. Box 849
Burlington, VT 05402-0849

Re: ZAP-22-503/ZAP-22-8

Dear Zoning Office/Development Review Board,

On behalf of our client, Jeannine Boix-Vives, we write this letter in support of the Affirmative Zoning Determination issued in ZAP-22-503 on November 2, 2022 (the “Affirmative Determination”)

Executive Summary

Our client acquired what is now 89 Chestnut Terrace and 41 South Street (collectively, the “Lots”) on April 4, 1975. At that time, 89 Chestnut Terrace and 41 South Street were each separate, adjacent lots. Since 1975, these two lots have remained conforming, and there has been no municipal action to explicitly merge the lots. The City recognizes these parcels as separate lots on the grand list and issues separate tax bills for each parcel.

As the Department of Permitting & Inspections (the “Department”) noted in its Affirmative Determination, the deed history and original subdivision plat depict two separate lots. The two boundary line surveys referenced in the original Adverse Zoning Deamination incorrectly depict the two Lots as one. Nothing in the permit record indicates the merger of the Lots, and Ms. Boix-Vives has taken no action to merge the Lots.

We support the Department’s conclusion that 89 Chestnut Terrace and 41 South Street are two separate lots. The deed history, initial subdivision plats, tax maps, and the lack of any municipal action to merge the Lots demonstrate the Department is correct in its analysis and conclusion.

Therefore, we respectfully request that the Development Review Board uphold the Affirmative Zoning Determination concluding that 89 Chestnut Terrace and 41 South Street are two separate lots.

Background

Our client (Jeannine Boix-Vives) is interested in selling 89 Chestnut Terrace. She is hoping to convey 89 Chestnut Terrace and retain 41 South Street. We had requested a formal determination from the Department that the Lots are indeed two separate lots.

On September 16, 2022 the Department issued an Adverse Zoning Determination (the “Initial Determination”). We filed an appeal (ZAP-22-4) through the online permitting system on September 26, 2022 (the “Initial Appeal”). Shortly thereafter, the Department reconsidered the matter and issued the Affirmative Determination, which Ms. Duffy has now appealed (the “Current Appeal”). We revoked our Initial Appeal upon the issuance of the Affirmative Determination.

Discussion

The Department’s analysis and conclusion in the Affirmative Determination is overwhelming supported by the deed history, zoning record, and tax maps. In its Initial Determination, the Department relied on the two boundary line adjustment surveys. The Department’s analysis in the Initial Determination was understandable but incorrect. The Department recognized its misstep and rectified the situation by reconsidering its determination and issuing the Affirmative Determination.

In its Initial Determination, the Department recognized that the record contains conflicting information — namely the City’s tax parcel map and two boundary line adjustment surveys. The Department determined that the City’s tax parcel map does list the Lots as two separate lots. Ms. Boix-Vives receives two separate tax bills for the Lots. The Department also recognized that the surveys attached to two previous boundary line adjustments (both dealing with the adjustment of external lot lines as opposed to the boundary line between the Lots) depicted the Lots as one lot. The Department expressed and relied upon its general policy to defer to a survey when lot information differs from what the City’s tax parcel map depicts. While this is an understandable general policy, it does not take into account the full record and deed information — which demonstrate that the Lots are indeed two separate lots.

The Department’s general policy to defer to a survey was problematic in this instance because the two boundary line adjustment surveys incorrectly omit an internal lot line. As we described in our initial application, in our Initial Appeal, and as recognized by the Department in its Affirmative Determination, the deed history and original subdivision plat demonstrate that 89 Chestnut Terrace and 41 South Street are separate lots. The two boundary line adjustment surveys incorrectly omit the internal lot line. Both surveys were created to depict external boundary line adjustments (one boundary line adjustment on the northern border of 89 Chestnut Terrace and one

boundary line adjustment on the northern border of 41 South Street). These boundary line adjustments involved minor adjustments to external lot boundaries, had nothing to do with merging the Lots, and the internal lot boundary between 41 South Street and 89 Chestnut Terrace was irrelevant for the purposes of these two boundary adjustments.

As we explained in our Initial Appeal, the lack of an internal lot boundary on these external boundary line adjustment surveys should not be the basis for the merger of the Lots. The City has identified the Lots as different parcels for several years, the boundary line adjustment surveys clearly demonstrate the intent to adjust the external lot boundary, and no record of any municipal action attempting to merge the Lots exists. This is particularly true because Ms. Boix-Vives never received notice that the Lots were merged and never had an opportunity to appeal such a decision.

The Department recognized its initial reliance upon the two boundary line adjustment surveys was mistaken given the circumstances. Upon reconsideration, the Department issued the Affirmative Determination, which is supported by all of the information discussed here.

December 11, 2022 Letter

We also reviewed the letter to Scott Gustin from Arline Duffy dated December 11, 2022 in connection with this matter (the “December 11 Letter”). Arline Duffy owns property adjacent to the 89 Chestnut Street parcel. The December 11 Letter makes a number of arguments that the 41 South Street and 89 Chestnut Terrace were merged.

The December 11 Letter incorrectly asserts that the two boundary line adjustment surveys merged the Lots. As we pointed out in our Initial Appeal, both the 2002 and the 2005 boundary line adjustment surveys clearly label the boundary line subject to the adjustment, which, in both cases, is the external lot boundary. The State permit involved in the 2002 boundary line adjustment also refers to the “minor boundary line adjustment” as an adjustment to the external boundary line depicted on the survey. Subdivision Permit #EC-4-2482, dated July 8, 2002, and recorded at Book 749, Page 677 in the Burlington City Land Records. The boundary line adjustment materials do not contain any discussion of or even mention the merger of 41 South Street and 89 Chestnut Terrace. The failure of the surveyor to include the internal lot boundary should not be the basis of any lot merger.

The December 11 Letter also refers to the 2017 Quitclaim Deed (the “2017 Deed”) from Mr. Boix-Vives to himself and Ms. Boix-Vives as joint owners. The 2017 Deed references all four parcels as originally conveyed to Mr. Boix-Vives, the two boundary-line adjustment quitclaim deeds, and includes no language whatsoever demonstrating an intent to merge the parcels. The deed simply demonstrates an intent to create a joint ownership interest with his wife in the Lots.

Permitting & Inspections

December 13, 2022

Page 4

The deed history and original subdivision plat clearly depict two separate lots, no municipal action has been taken to erase the internal lot line and merge the lots. Even if the boundary line adjustments or 2017 Deed create ambiguity, that ambiguity must be “resolved in favor of the landowner.” *In re Application of Lathrop Ltd. P'ship I*, 2015 VT 49, ¶ 29, 199 Vt. 19, 35, 121 A.3d 630, 642 (2015) (internal quotation omitted).

Finally, both procedural concerns raised in the December 11 Letter are moot. Nothing in the Burlington Comprehensive Development Ordinance prohibits the issuance of a redetermination. In fact, we had already appealed the Initial Decision and Ms. Duffy has asserted that she intended to participate in the Initial Appeal. Any reinstatement of that decision would create an identical outcome — an appeal before the Development Review Board. Notice was posted, the appeal period was reopened, and the appeal period has run its course. All interested parties have had an opportunity to raise their concerns.¹

For all of the reasons stated above, we respectfully request that the Development Review Board uphold the Department’s Affirmative Zoning Determination concluding that 89 Chestnut Terrace and 41 South Street are separate lots.

Thank you for taking the time to review.

Very truly yours,

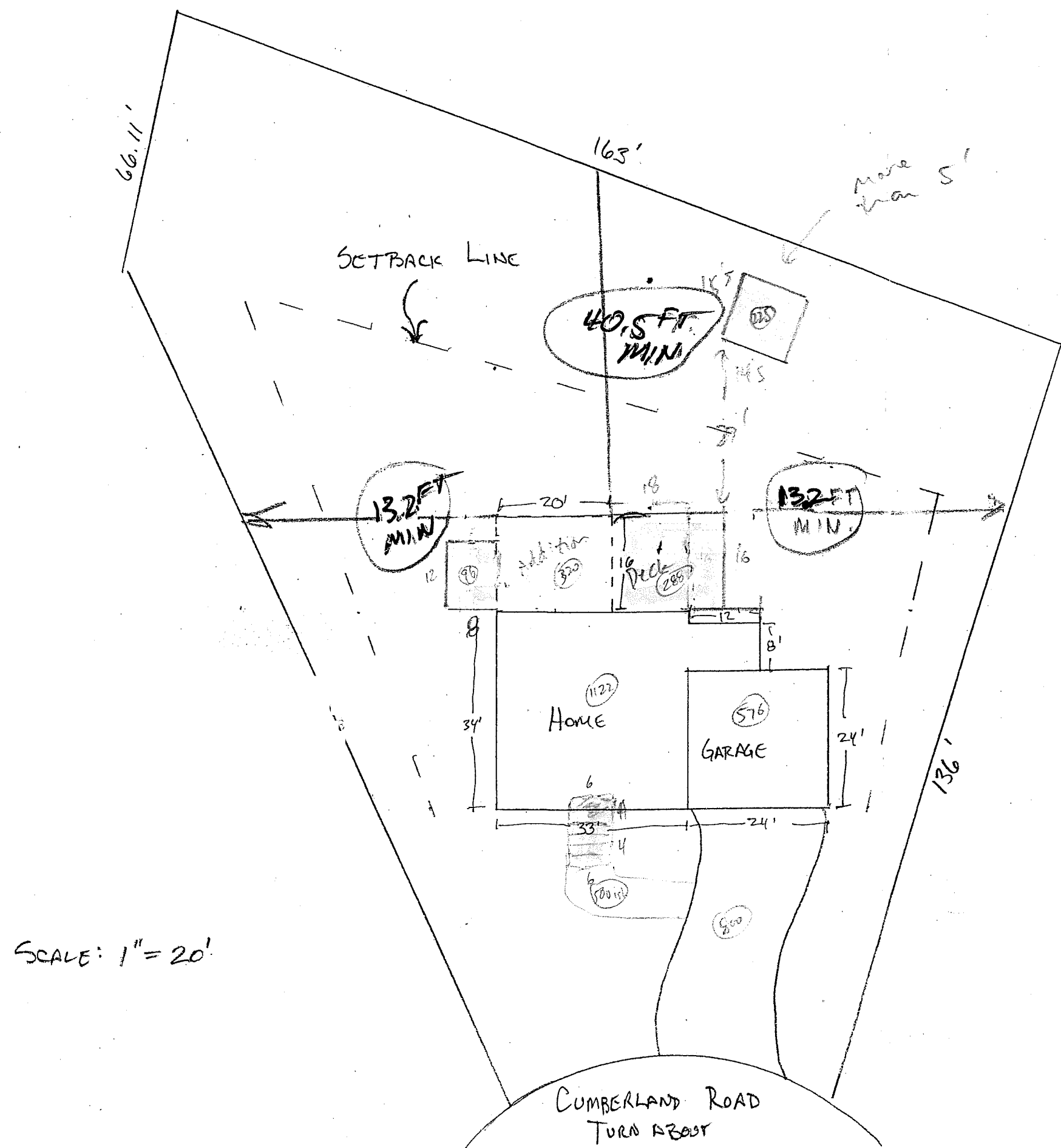
GRAVEL & SHEA PC

Zachary R. Berger

ZRB:kad

¹ While the failure to timely post notice was not intentional, it is worth noting that the administrative action at hand is a Determination of Non-Applicability — which does not contain a notice requirement. See *Burlington Comprehensive Development Ordinance* § 3.1.2(d).

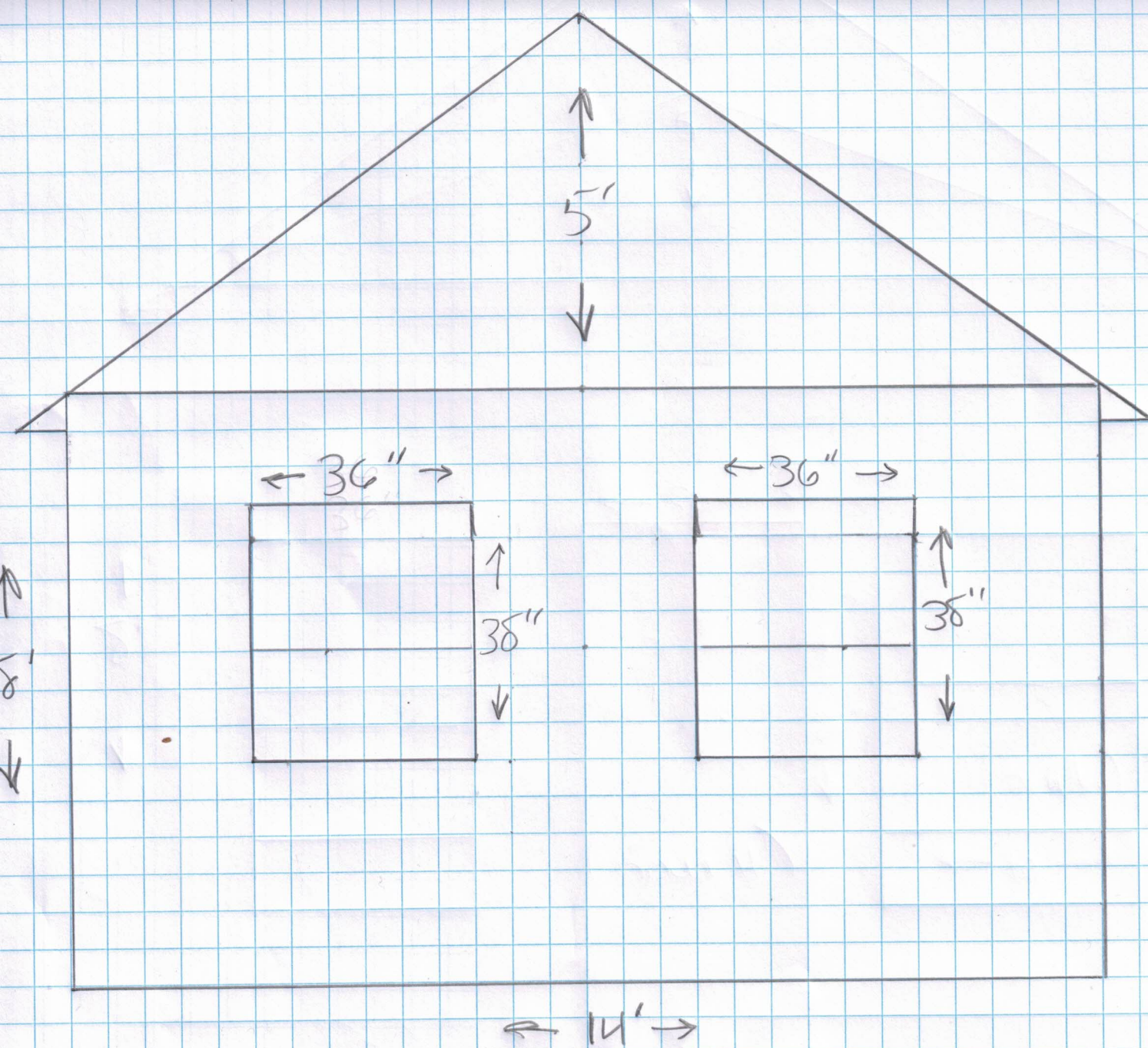
19,729



SCALE: 1" = 20'

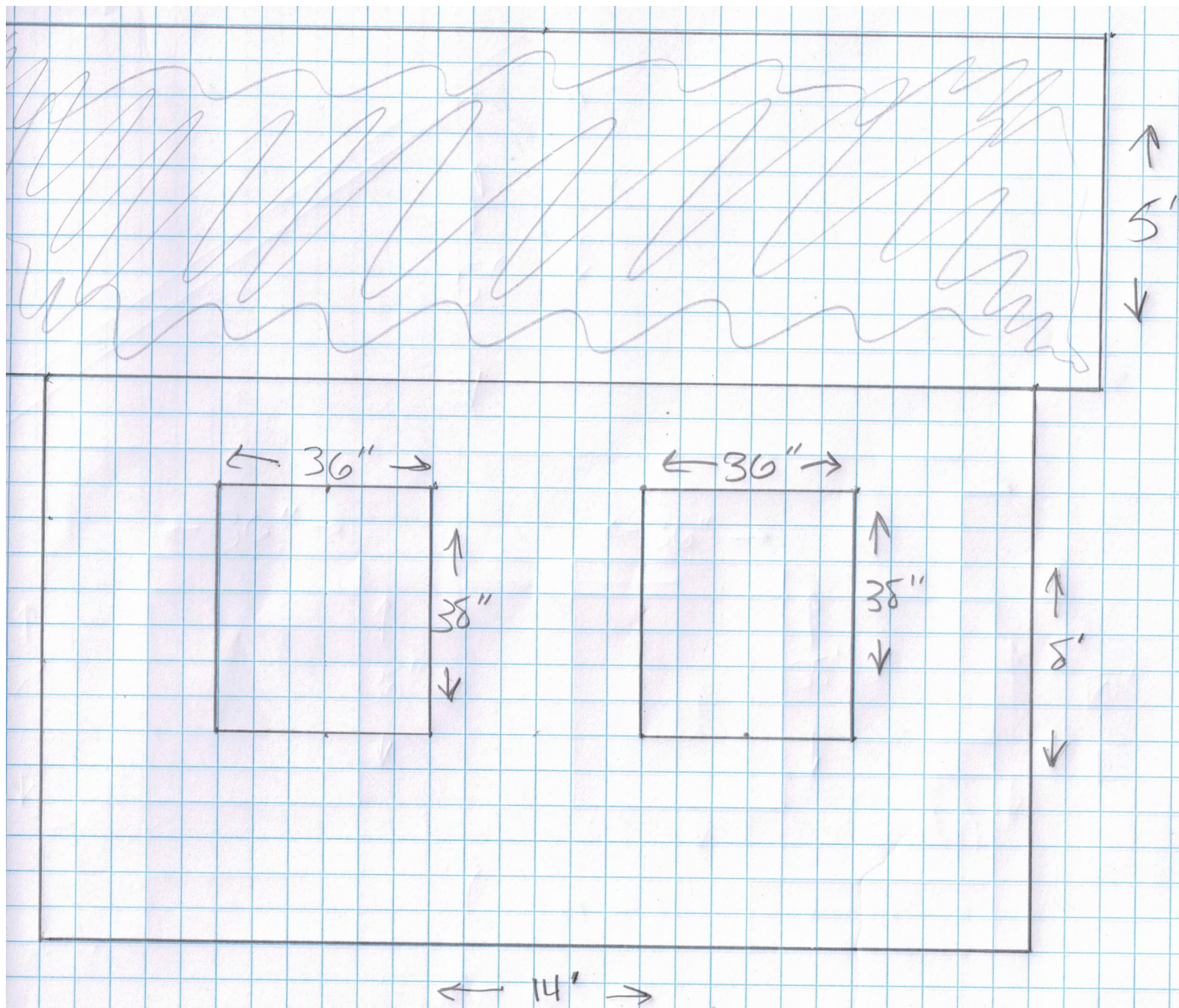
House	1122
Garage	576
mudroom	96
Deck	142
Driveway (?)	800
	2,786
Steps, walks, etc.	? ~ 500
	3,286
Addition 20x16	320
	3,414 =
	17.39%

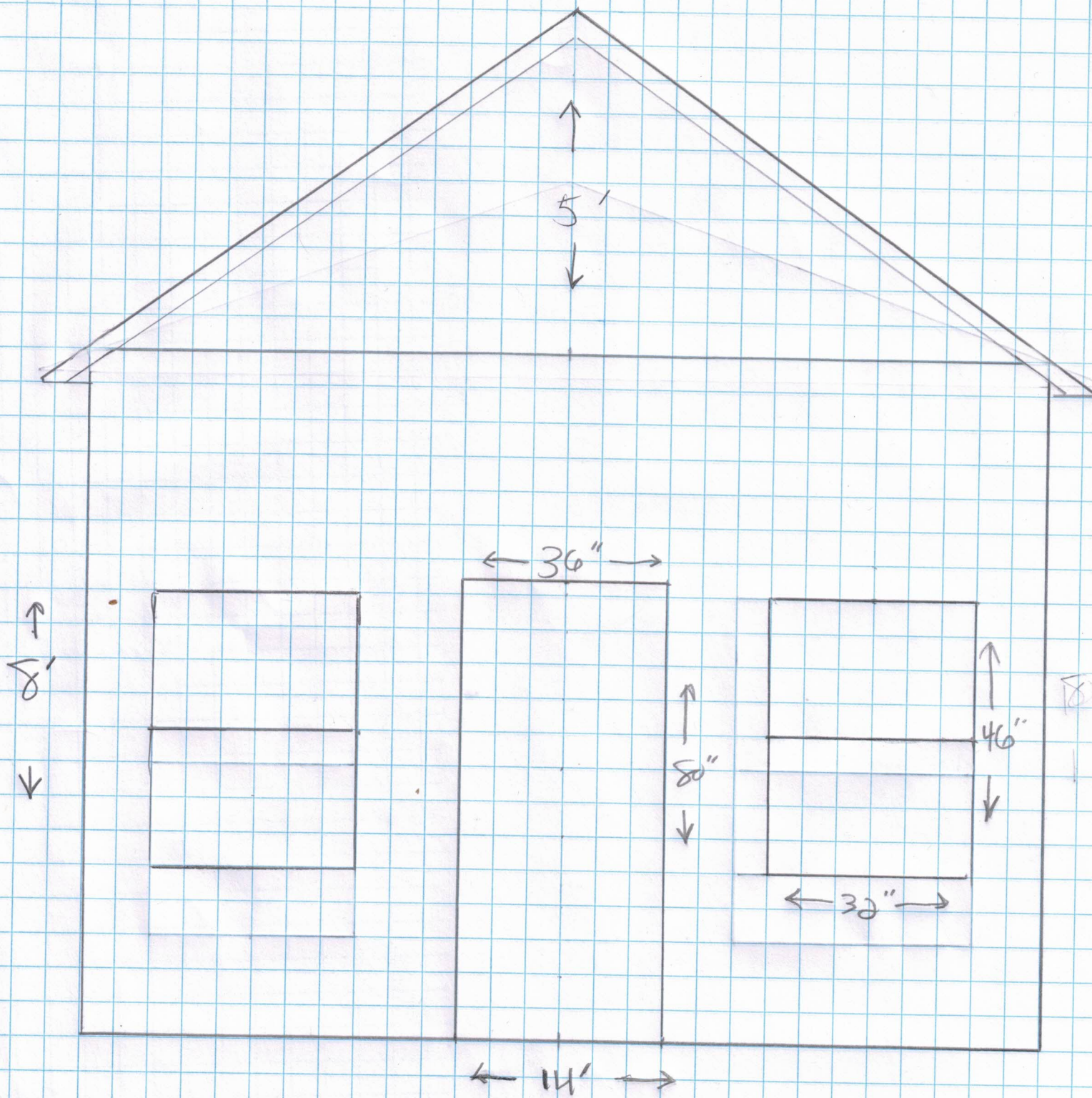
Proposed 4023 = 20.4%



0.5" = 1'

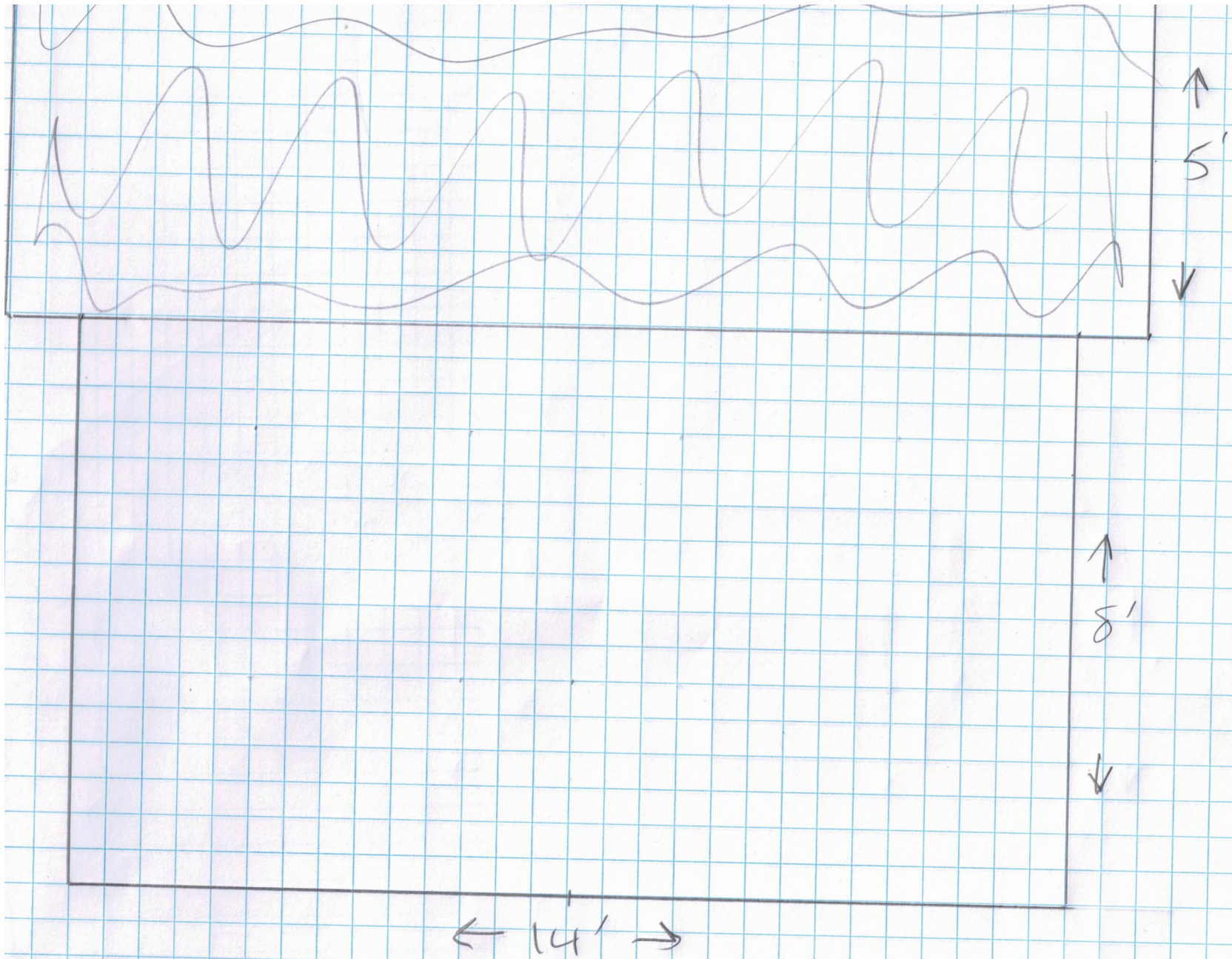
BACK ELEVATION
(NORTH)





5" = 1'

FRONT ELEVATION (South)
(South)



= 1'

LEFT-SIDE ELEVATION

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
Joseph Cava, Permit Technician
Ted Miles, Zoning Specialist
Vacant, Permitting & Inspections Administrator



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: December 20, 2022
RE: ZP-22-590; 162 Cumberland Road

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

File: ZP-22-590

Location: 162 Cumberland Road

Zone: RL-W **Ward:** 4N

Applicants/ Owners: Jonathan & Kristen McBride

Request: Establish home occupation (musical lessons & instrument repair) within a refurbished tool shed.

Background:

- **Zoning Permit 91-250;** construct new house and attached garage. Approved March 1991.
- **Zoning Permit 97-182;** construct rear addition. Approved October 1996.
- **Zoning Permit 04-149;** remove rear deck, build 2-story addition. Approved September 2003.
- **Zoning Permit 15-0413CA;** construct 2 decks, install shed, and replace brick entry. Approved October 2014.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 5 (Citywide General Regulations), Article 8 (Parking)

Overview: The applicant seeks approval to conduct a home occupation (musical instruction and instrument repair) within a refurbished shed in the rear yard. The shed will be converted to habitable space. The owner/applicant resides on the property and will operate the home occupation.

The shed will remain in its current location and will be refurbished with new windows and a door. The existing siding and roofing will remain as-is. New interior framed walls will be installed, and heating/cooling will be achieved with a mini-split system.

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

I. Findings

Article 3: Applications, Permits, and Project Reviews

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

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

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

The utilization of an existing shed as a home occupation studio will have no impact on existing or planned public utilities, facilities or services in the city. **Affirmative finding.**

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

The proposed home occupation is accessory to a residential use within a residential zoning district. The home occupation is not anticipated to have any impacts on the character of the area. From the Comprehensive Plan:

- *Explore and expand approaches to promote and support locally-owned and controlled small businesses, including home occupations and social entrepreneurs, that serve both city-wide needs and surrounding neighborhoods. [planBTV: Comprehensive Plan, P. 48, 5.8]* **Affirmative finding.**

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

According to the applicant, the refurbished shed will have 10-12 inches of insulation, meaning noise impacts will be considerably minor, if any at all. Additionally, there will be no perceptible odor, dust, heat or vibrations associated with the home occupation.

Affirmative finding.

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

The location is within a residential zoning district, connected within an established network of streets, sidewalks, and near the Burlington Greenway Bike Path. No adverse impacts, unreasonable demand of services or dearth of transportation modes are identified.

Affirmative finding.

5. *The utilization of renewable energy resources;*

The proposal will not prohibit the use of alternative or renewable energy resources.

Affirmative finding.

and

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*

None identified. It is the applicant's obligation to secure any additional permits (from state or federal offices) as required. **Affirmative finding as conditioned.**

(c) Conditions of Approval

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

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

No requirements for screening are identified. **Affirmative finding.**

2. *Time limits for construction.*

Work on the shed will have to commence within one-year from the date of permit approval. The applicant will have an additional two years to complete the work. Two 1-year permit extensions are possible if needed. **Affirmative finding.**

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

The applicant states that the home occupation will be appointment based, and that there will be no more than one client at the property at a time. Standard construction hours are 7:00 AM to 5:30 PM, Monday – Friday. Saturday construction hours may be allowed upon request to the Development Review Board. No work on Sunday. **Affirmative finding.**

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

Any request for enlargement or alteration of the Home Occupation will be reviewed under the standards in effect at the time of application. **Affirmative finding.**

And

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

None are identified; however, the DRB may add conditions at their discretion.

Article 5: Citywide General Regulations

Section 5.4.6 Home Occupations

Pursuant to the requirements of 24 VSA 4412(4), it is the intent of these regulations to provide for the use of a minor portion of a dwelling unit for a home occupation and to ensure compatibility with other permitted uses and with the residential character of the neighborhood. Such a home occupation must clearly be secondary or incidental to the principal residential use, and so located and conducted that the average neighbor, under normal circumstances, would not otherwise be aware of its existence.

(b) Conditional Use Review:

All home occupations not otherwise eligible for administrative approval above shall require review and approval by the DRB pursuant to the requirements of Art. 3, Part 5. In addition to the conditional use criteria, the following criteria must be met for any home occupation:

1. *A home occupation shall be conducted solely by resident occupants plus no more than one additional full-time equivalent employee in RL districts, and no more than two (2) full-time equivalent employees in other districts. The home occupation shall be conducted entirely within an existing dwelling unit and/or one enclosed accessory structure;*

The applicant is a resident of the property and will be the sole employee of the business.

Affirmative finding as conditioned.

2. *No more than thirty-five per cent (35%) of the floor area of said residence, including accessory structures, up to a maximum of seven hundred fifty (750) square feet, whichever is less, shall be used for such purpose;*

The floor area of the residence, garage and shed totals 4,576 sf. 35% of that is 1,601 sf. The applicant proposes to only use the 196 sf shed for the home occupation, which is well below the 750 sf limit for a home occupation. **Affirmative finding.**

3. *No home occupation shall require alterations, construction or equipment that would change the fire rating of the structure or the fire district in which the structure is located;*

No alterations, construction, or equipment is proposed that would change the structure's fire rating. There are a few things that would change the fire rating, one of which being if it were to be used as sleeping space. Sleeping space is not proposed, nor allowed, as part of this permit. **Affirmative finding as conditioned.**

4. *There shall be no outside storage of any kind related to the home occupation;*

None proposed. **Affirmative finding.**

5. *There shall be no exterior evidence of the conduct of a home occupation except for:*

- A. *Occasional garage/lawn/yard type sales (up to twice a year not to exceed two (2) days each);*

Not proposed. **Affirmative finding.**

and

- B. *One non-illuminated attached parallel sign that shall not exceed two (2) square feet. No other signs shall be permitted.*

No exterior signage is proposed. **Affirmative finding.**

6. *No home occupation may increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries. All parking shall be located off-street and shall maintain the required front yard setback;*

Scheduling is on an appointment basis. The applicant notes that there will be no more than one customer/client at a time. This section requires that home occupation parking be limited to one additional vehicle at a time for customers or deliveries, and that parking for the home occupation be off-street. The existing driveway/garage combo allows for 2 side-by-side rows of tandem parking (4 spaces) that will satisfy the requirement for one off-street parking space for customers/clients, as well as three spaces for personal use. **Affirmative finding as conditioned.**

7. *No home occupation shall create sounds, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard or any other hazard, nuisance or unsightliness which is discernible from any adjacent dwelling unit;*

No defined nuisances are anticipated from the proposed home occupation. **Affirmative finding.**

8. *The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.*

The home occupation will present no exterior evidence of its presence, and it is not anticipated to change the character of the dwelling unit or the residential district within which it is located. **Affirmative finding.**

9. *Delivery of products and materials related to the home occupation by vehicles other than automobiles shall occur no more than once per day;*

No such deliveries are proposed. **Affirmative finding.**

10. *With the exception of one delivery per day, as specified in subparagraph (9), no more than one (1) commercial vehicle shall be allowed on the premises at any one time;*

No commercial vehicles are associated with the proposed home occupation. **Affirmative finding.**

and

11. *There shall be no sale of goods except for goods fabricated on the premises as part of an approved home occupation.*

There is no sale of goods proposed with the home occupation. **Affirmative finding.**

(c) Exclusions:

Home occupations shall not include commercial stables or kennels, veterinary clinics, or similar establishments.

The home occupation does not involve commercial stables, kennels, veterinary clinics or similar. **Affirmative finding.**

(d) Revocation:

Approval of a home occupation may be revoked by the DRB in accordance with the following provisions:

1. *Noncompliance. Upon receipt of notification or evidence of noncompliance with conditions of approval or evidence of error or misrepresentation, the DRB may schedule a public hearing to consider the revocation or modification of approval for a home occupation;*
2. *Notice. The administrative officer shall duly warn such public hearing and give notice to the applicant, abutters, and other interested parties;*
3. *Public Hearing. The DRB shall hold a public hearing to hear cause as to why the approval of the home occupation should not be revoked. The DRB shall render its decision in accordance with the conditional use time limitations set forth in Article 3, Part 5; and*
4. *Errors. The burden of providing complete and accurate information shall be the sole responsibility of the applicant. Any error or misrepresentation may result in voiding or modification of the approval for a home occupation.*

The standards of revocation of a home occupation are provided to the applicant for informational purposes. Noncompliance with the conditions of the approval or errors in information may result in revocation of the home occupation approval. **Affirmative finding as conditioned.**

Article 8: Parking

Table 8.1.8-1 Minimum Off Street Parking Requirements

The property is located in the Neighborhood Parking District, where single family residences require two parking spaces. The home occupation triggers an additional space requirement. As noted above, the driveway/garage combination accommodates four parking spaces. **Affirmative finding.**

II. Conditions of Approval:

1. Any expansion of the home occupation or alteration or construction to conduct the home occupation shall require the applicant to return to the DRB for review under the standards in effect at that time.
2. The home occupation shall be conducted solely by resident occupants. The proposal does not include additional, non-resident employees.
3. The shed is not permitted for sleeping purposes.
4. There shall be no outside storage of any kind related to the home occupation.
5. No exterior signage is included with this approval.
6. One off-street parking space shall be provided for clients. There shall be no overlap in client scheduling so as to require more than one parking space at a time.
7. Delivery of products and materials related to the home occupation by vehicles other than automobiles shall occur no more than once per day.
8. Standard construction hours are 7:00 AM to 5:30 PM, Monday – Friday. Saturday construction hours may be allowed upon request to the Development Review Board. No work on Sunday.
9. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.
10. Any noncompliance with the conditions of this approval or errors in information shall be the burden of the applicant and may be subject to revocation per Section 5.4.6 (d), above.
11. Standard Permit Conditions 1-15.



Department of Permitting and Inspections

645 Pine Street
Burlington, VT 05401-8415
Phone: (802) 865-7188
www.burlingtonvt.gov/dpi

Home Occupation Application Questionnaire

Use this checklist for all applications for a home occupation - See Sec. 5.4.6 of the Zoning Ordinance. This questionnaire is provided to summarize details and is required to accompany a zoning permit application form and required fee (for either administrative approval or conditional use review).

Please note:

1. The specific requirements for home occupations can be found in Section 5.4.6 of the Comprehensive Development Ordinance which is available in its entirety on our website at www.burlingtonvt.gov/PZ
2. A 'Business Personal Property Registration Form' may be required to be submitted to the Assessors Office. This form is available at www.burlingtonvt.gov/assessor/businesses

Name of Business Proposed: First Chair Woodwind & Brasswind

Type of Business Proposed: music lessons and instrument repair

Provide a detailed description of the proposed Home Occupation such as: activities involved; materials and equipment used; quantities of materials and equipment stored on-site; methods of operation; hours of operation.

This may be done on a separate piece of paper and attached.

Please respond to the following:

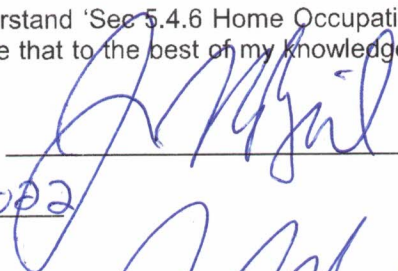
1. How many persons will be involved or employed in the conduct of the proposed Home Occupation:
Residents of premises: 1 Others 0 Total Number 1
2. What type of product will be produced, serviced, or repaired in the conduct of your Home Occupation? (For example: repair of clocks or watches, making jewelry, etc.). Explain:
teach saxophone lessons and repair woodwind and brasswind instruments (saxophones, clarinets, flutes, trumpets, trombones)
3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation:
add electricity, windows, insulation, etc. to upgrade tool shed.
4. Describe what rooms will be used in the conduct of the Home Occupation and how these rooms will be used. (For example: garage will be used to store supplies; or den will contain desk and file cabinets, etc.). Indicate the gross floor area(s) that will be used in the conduct of the Home Occupation. Indicate the total gross floor areas of your house and include any accessory structure(s) to be used for the Home Occupation, (Ex. Garage).
all aspects of the business will be stored and executed in the proposed 14' x 14' tool shed retrofit.
5. Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activity:
mostly hand tools. Also a bench motor, ultrasonic cleaner, dremel, various light sources.
6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored:
all materials and instruments will be stored in the proposed tool shed space.

PLEASE TURN OVER

7. Will people come to your home to obtain any product or utilize any service connected with the proposed Home Occupation activity? Yes X No
If yes, please explain in detail:
Students will come to the proposed location. People will also come to pick up and drop off instruments for repair. All by appointment. No more than one at a time.
8. Are any signs necessary or proposed relative to the Home Occupation?
Yes No X
If yes, you are required to file for a Sign Permit. An application form can be obtained at the Planning and Zoning Department or on our website.
9. If trucks or other equipment will be used in your Home Occupation, where will they be parked or stored?
no commercial vehicles necessary
10. Will the Home Occupation involve the use of commercial vehicles for delivery of materials to or from the premises? Yes No X
If yes, please explain:

11. How many parking spaces will be provided for the home occupation? parking in driveway
Where will they be located? Indicate parking spaces on a site plan of this property as part of your application submission.
12. Is your proposed Home Occupation in conformance with the conditions, covenants and restrictions pertaining to your property? Yes X No
We suggest checking your deed for conditions, covenants and restrictions.

I have read and understand 'Sec 5.4.6 Home Occupations' under the City of Burlington Comprehensive Development Ordinance and believe that to the best of my knowledge my proposed Home Occupation would not violate any portion of said Ordinance:

Applicant's Signature: 

Date: 11/14/2022

Property Owner's Signature: 

Date: 11/14/2022

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
Joseph Cava, Planning Technician
Ted Miles, Code Compliance Officer
vacant, DPI Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: December 20, 2022
RE: ZSP-22-12; 284 Grove 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: 1E

Owner/Applicant: Ireland Grove Street Properties, LLC / Nicholas Smith

Request: Sketch plan review for demolition of 12 single-family modular homes and one 3-unit apartment building and construction of 13 new duplex buildings (total 26 units) along the existing looped driveway.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 9 (Inclusionary & Replacement Housing), Article 11 (Planned Unit Development)

Background Information:

The applicant is requesting sketch plan review of a proposed Planned Unit Development (PUD) that includes demolition of the existing residences approved as a PUD in the 1990's and replacement with 13 new duplexes. Unit density would approximately double. The existing private drive and other infrastructure would serve the new residences. One of the existing buildings to be demolished is a state-register historic resource and requires review under Sec. 5.4.8 *Historic Buildings and Sites* and conditional use.

The net increase in dwelling units of 5 or more triggers "major impact" review. Inclusionary housing will be provided. A pre-application presentation to the local NPA is necessary.

The Conservation Board reviewed this sketch plan on December 5, 2022 and expressed no concerns. The Design Advisory Board reviewed it December 13, 2022 and recommended retaining the original brick portion of the historic building on the property.

Previous zoning actions for this property:

- 1/9/2005, Approval to construct two decks
- 2/23/1998, Extension of PUD approval
- 4/13/1995, Approval of PUD with 12 single family homes and a triplex.

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Sec. 3.5.6, Review Criteria

(a) Conditional Use Review Standards

See Sec. 5.2.4 relative to steep slopes and Sec. 5.4.8 relative to historic preservation standards.

(b) Major Impact Review Standards

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

The property is currently developed as a small residential neighborhood. The development footprint will remain largely unchanged; however, the unit count will about double. No undue air, noise, or water pollution impacts are expected. Stormwater management will improve as noted below.

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

The property is served by the Champlain Water District with a line coming from the City of South Burlington. The Champlain Water District has confirmed that capacity is available to serve the proposed redevelopment.

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

The property is not served by Burlington's water supply or distribution system. As noted above, the Champlain Water District serves the property and has available capacity to serve the redevelopment.

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

An erosion prevention and sediment control plan will be required upon permit application. This plan will be reviewed by the Conservation Board and the Stormwater Administrator.

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

Some basic traffic information has been provided with the sketch plans. Not surprisingly, the increase in dwelling units is projected to increase traffic generation from around 165 trip ends per day to 187 trip ends per day. Trip ends during the AM and PM peak hours are projected to stay virtually unchanged. Impacts on transportation infrastructure are expected to be modest. Payment of impact fees will help offset additional traffic-related impacts.

6. *Not cause an unreasonable burden on the city's ability to provide educational services;*

The additional residences may host families with school-age children. The modest increase of 11 new dwelling units will not cause an unreasonable burden on the city's ability to provide educational services. Impact fees will help offset what impacts there are.

7. *Not place an unreasonable burden on the city's ability to provide municipal services;*

The proposed development will generate minimal additional impacts on city services. As noted above, payment of impact fees will help mitigate what additional impacts there are.

8. *Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;*

See Sec. 6.2.2.

9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;

The proposed redevelopment will increase residential density on a parcel with the capacity to support it. While not within an identified growth center, the area is zoned residential and allows for greater intensity of development than presently exists, particularly as a planned unit development.

10. Be in substantial conformance with the city's municipal development plan;

Although much remains to be provided in the way of details, the sketch plans depict a development that is consistent with the intent of the district and with the city's housing goals. Conformance with specifics of the municipal development plan will be articulated with the permit application.

11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;

The proposed development will not adversely impact the housing needs of the city. In fact, it will result in a net gain of 11 dwelling units. Inclusionary housing units will be provided, and the duplex style homes will add diversity to housing stock in the residential-low density zone.

12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.

Minimal impacts to the city's park and recreation needs are anticipated. Nearby Schmanska Park will likely be utilized by project residents. Payment of impact fees will help offset park impacts.

(c) Conditions of Approval:

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

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

The proposed residential development is not expected to generate offsite noise or glare substantial enough to require mitigation.

2. Time limits for construction.

No construction schedule is included in the sketch plans. The standard time frame is 3 years (1 year to start and 2 more to finish) with one phase. The applicant may wish to include a phasing schedule with the permit application so that individual duplexes may be occupied while others remain under construction.

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

Hours of operation do not pertain to the proposed residential development.

No days or hours of construction are noted in the sketch plans. Typical days and hours of construction within residential neighborhoods are Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request. No work on Sunday. Unless the applicants request different construction days and hours, these typical standards will apply.

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

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

To be addressed in conditions of approval.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the RL zone. This zone is primarily intended for low density residential development in the form of single family homes and duplexes. Duplexes have long been allowed in the RL zone but were recently made a permitted (rather than conditional) use. As a PUD, the proposed duplexes may be constructed together on a shared property.

(b) Dimensional Standards & Density

The proposed development contains 26 dwelling units on 5.08 acres (4.82 in Burlington and the rest in South Burlington). The sketch plans provide density calculations that account for the wetlands and steep slopes on the property. 0.26 Acre is deducted for wetlands, and 1.61 acres are deducted for steep slopes. Note that the civil plans cite a different overall lot size (7.11 acres). Clarification is needed, although it may be a moot point if buildable area amounts to 2.95 acres in any event. The 26 dwelling units on 2.95 acres is acceptable based on the allowed density of 8.75 units/acre with inclusionary housing in the RL zone.

As inclusionary housing will be provided, lot coverage is limited to 44% of the buildable area. As proposed, lot coverage within the buildable area is 26.5%.

The sketch plans note a front yard setback minimum and maximum of 15' and 25,' respectively. A 20' front yard setback is proposed. Front yard setbacks are based on the average of neighboring properties along the same street. +/- 5.' In this case, the duplexes along Grove Street in Bayberry Commons establish the front yard setback average. They are about 20' from the front property line. Side yard setbacks are 10% of the lot width, up to 20.' Side yard setbacks are well over 20.' The rear yard setback is 25% of the lot depth, up to a maximum of 75.' As proposed, the closest building to the rear property line is about 230' away.

To the midpoint of the gabled roofs, building height is about 25' for the duplexes without attached garages and about 30' for those with attached garages. These heights are below the 35' height limit.

(c) Permitted & Conditional Uses

The proposed duplexes are a permitted use in the RL zone.

(d) District Specific Regulations

1. Setbacks

No setback encroachments are sought.

2. Height

Not applicable in RL.

3. Lot Coverage

No lot coverage exceptions are sought.

4. Accessory Residential Structures and Uses

Accessory structures are limited to the detached garages behind the front row of duplexes. The proposed garages are modest in size and appearance and comply with the applicable standards of this criterion.

5. Residential Density

All of the proposed residential units are subject an occupancy limit of 4 unrelated adults or a family as defined in the CDO.

6. Uses

Not applicable.

7. Residential Development Bonuses

No bonuses are sought. Provision of inclusionary housing brings with it by-right additional allowed density and intensity of development as noted above.

Sec. 4.5.4, Natural Resource Protection Overlay (NR) District

(d) District Specific Regulations: Wetland Conservation Zone

Wetlands are present on the property; however, they are located far away from the proposed development at the bottom of the slope. None of the proposed construction encroaches into the wetland or its 100' wide buffer.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Article 4 above.

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

As noted above, the applicant has accounted for steep slopes' impacts on allowable density and intensity of development. The proposed density relies on 50% inclusion of land with 15% - 30% slopes as allowed upon conditional use approval if the applicant can demonstrate that the additional density will be compatible with the existing scale and intensity of the surrounding neighborhood, and not have an undue negative impact on sensitive natural features. The proposed redevelopment largely fits within the footprint of the existing development. It is of a scale appropriate for this low density residential zone. The onsite natural areas are located far from the development activity and will not be adversely affected by the proposed intensity of development.

Existing and proposed development remains out of the steep slopes; however, it does extend into the 50' wide buffer at the top of the slope and is affected by the Steep Slopes Overlay District. The civil plans will need to reflect this 50' wide top-of-slope buffer. Construction here may be acceptable but requires geotechnical analysis.

Sec. 5.2.5, Setbacks

See Article 4 above.

Sec. 5.2.6, Building Height Limits

See Article 4 above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Article 4 above.

Part 4: Special Use Regulations

Sec. 5.4.8 Historic Buildings and Sites

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

- *To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;*
- *To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;*
- *To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,*
- *To promote the adaptive re-use of historic buildings and sites.*

(a) Applicability:

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

The brick residence at 284 Grove Street has been determined to be eligible for listing on the State of Vermont Historic Sites & Structures Register by the Vermont Division for Historic Preservation and dates to circa 1840. It was renovated into a triplex as part of the 1995 PUD project approval. The applicant seeks to demolish this building as part of this project.

(d) Demolition of Historic Buildings:

The purpose of this subsection is:

- *To discourage the demolition of a historic building, and allow full consideration of alternatives to demolition, including rehabilitation, adaptive reuse, resale, or relocation;*
- *Provide a procedure and criteria regarding the consideration of a proposal for the demolition of a historic building; and,*
- *To ensure that the community is compensated for the permanent loss of a historic resource by a redevelopment of clear and substantial benefit to the community, region or state.*

1. Application for Demolition.

For demolition applications involving a historic building, the applicant shall submit the following materials in addition to the submission requirements specified in Art. 3:

A. A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;

B. A statement addressing compliance with each applicable review standard for demolition;

C. Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:

D. A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites;

and,

E. Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.

An assessment of the historic integrity and significance of the building has been provided. It addresses some, but not all, of the above criteria. A number of alterations have been pointed out as to the rear addition, the windows, and entryway. All of these alterations are reversible. Some problems with exterior cracking of the brickwork has been pointed out as well. Permit application must include information to address each of the above criteria.

2. Standards for Review of Demolition.

Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review and in accordance with the following standards:

A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure;

or,

B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district;

or,

C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.

And all of the following:

D. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;

E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history;

and,

F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).

- (i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;*
- (ii) Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,*
- (iii) The time between demolition and commencement of new construction generally shall not exceed six (6) months.*

This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.

The above-referenced assessment of the building generally makes the case that the building is no longer eligible for inclusion on the Vermont historic register and points to a number of alterations. A determination of ineligibility must come from the Vermont Division for Historic Preservation. Application for demolition will require conditional use review and must contain detailed information to address the above criteria as required.

As moved by the Design Advisory Board, the applicant is encouraged to retain this building as part of the proposed redevelopment. The "historic building rehabilitation bonus" in subsection (e) of 5.4.8 allows for additional density beyond that otherwise possible under the district standards, even when accounting for inclusionary housing. A number of "micro" units could be created within the building and possible 25% addition without affecting the overall residential density limit.

3. Deconstruction: Salvage and Reuse of Historic Building Materials.

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

The sketch plans do not contain any information as to these criteria. Such information will be required upon permit application.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion.

Sec. 5.5.3, Stormwater and Erosion Control

Earthwork associated with construction will require review and approval of an erosion prevention and sediment control plan by the city's stormwater program. Likewise, proposed stormwater improvements will require review and approval by the city's stormwater program and Conservation Board.

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

No land division is proposed.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

A wetland buffer extends into the northern portion of the property. All of the proposed development stays outside of this wetland buffer. No important natural features identified in the Open Space Protection Plan will be impacted by this development.

(b) Topographical alterations

The developed portion of the property slopes gently from east to west. To the north, it falls off steeply down an embankment towards the Winooski River. See Sec. 5.2.4 as to steep slopes.

(c) Protection of important public views

There are no identified public view corridors from or through the subject property.

(d) Protection of important cultural resources

See Sec. 5.4.8.

(e) Supporting the use of alternative energy

No part of the application will preclude the use of wind, water, solar, geothermal or other renewable energy resource.

(f) Brownfield sites

The property is not listed as a Brownfield Site.

(g) Provide for nature's events

The proposed redevelopment includes new stormwater management measures not included in the existing development.

Front and rear entries into the new residences are sheltered within open porches or simple roof structures.

Ample room remains available onsite to handle snow storage.

(h) Building location and orientation

Building location and orientation outside of the loop will remain largely as is with new residences facing the private interior road. Within the loop, the new duplexes will be lined up along Grove Street with front entries facing this public way. They will extend and reinforce the streetscape established by the recently completed duplexes at the adjacent Bayberry Commons development. Garages for these front units will be set behind and screened from the public street.

(i) Vehicular access

As the private loop road will be retained, there will be no significant change to existing vehicular access. A new rear drive will serve the front duplexes facing Grove Street.

(j) Pedestrian access

The front entries of each new duplex will be served by a walkway connecting to the sidewalk, both along Grove Street and within the interior loop road. Construction within the public street right-

of-way will require review and approval by the Dept. of Public Works and the City Council for encumbrance. The project plans depict the sidewalks crossing each driveway as required.

(k) Accessibility for the handicapped

The sketch plans do not depict any ADA parking or accessibility features. Whether and to what degree ADA standards pertain to this development will need to be worked out with the Building Inspector prior to construction.

(l) Parking and circulation

Duplexes around the interior loop road will have attached garages and will be served by private driveways. Those duplexes facing Grove Street will have a shared driveway and parking behind them.

(m) Landscaping, fences, & retaining walls

The sketch plans include details for a number of new street trees, both along Grove Street and along the interior private street. City Arborist approval of the Grove Street trees will be required. No landscaping details around the dwelling units are included in the sketch plans. No fencing or retaining walls are evident in the project plans.

(n) Public plazas and open space

There is no requirement within the ordinance to provide a public plaza. There is opportunity and sufficient space to create a shared open space for residents of the development behind the parking for the front duplexes. The sketch plans note “shared amenities area” but lack details. Such information should be included with the zoning permit application.

(o) Outdoor lighting

No outdoor lighting information is included in the sketch plans. Information including fixture types, location, and illumination levels will be required with the zoning permit application.

(p) Integrate infrastructure into the design

The sketch plans include a trash enclosure at the rear edge of the parking area. Enclosure details are not provided with the sketch plans and must be with the permit application. Details as to mailboxes and mechanical units will also be required upon submission of a permit application.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The proposed duplexes without attached garage appear to match those constructed at the adjacent Bayberry Commons development. The duplexes with attached garages are similar in appearance but obviously larger and contain living space above the garages. All of the buildings are appropriately scaled for this residential area and present a clean and uniform massing to the street, gable ends facing front. Each structure is 2.5 stories.

2. Roofs and Rooflines

The duplexes incorporate gable roofs, a common and acceptable roof form in residential areas.

3. Building Openings

Proposed fenestration is appropriately scaled and symmetrical. It is laid out in a pattern typical of new home construction and appears to be uniform among the duplexes with, and without, attached garages.

(b) Protection of important architectural resources

See Sec. 5.4.8 above.

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

All of the duplexes are oriented toward the street – whether Grove Street or the interior street. Prominent front entries are reinforced by open porches and connect to the sidewalk with individual front walkways. Additional details such as varying materials, corner boards, and gable vents strengthen the duplexes’ street presence and visual interest.

(e) Quality of materials

The duplexes will be clad in vinyl clapboard and shingle siding and composite trim material. Vinyl windows and fiberglass doors will be installed. Roofing will be asphalt shingles. The materials proposed are common for new construction and are of acceptable quality and durability for these buildings.

(f) Reduce energy utilization

The proposed building must comply with the current energy efficiency standards of Burlington and the State of Vermont.

(g) Make advertising features complimentary to the site

No advertising is included in this proposal.

(h) Integrate infrastructure into the building design

No rooftop or other exterior mechanical equipment is included in the project plans. If any building-mounted mechanical equipment is proposed, it must be included in the project plans and screened.

(i) Make spaces safe and secure

The proposed building must comply with the city’s current egress requirements. Building entries will likely be illuminated, but details are needed as noted above.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the neighborhood parking district. The presently effective Article 8 amendment eliminates minimum parking requirements citywide. As a pending amendment, it may (or may not) change prior to submission of a permit application for this project.

Sec. 8.1.9, Maximum On-Site Parking Spaces

Each duplex has 4 parking spaces (2 for each dwelling unit). The maximum permissible is 3 per unit.

Sec. 8.1.10, Off-Street Loading Requirements

Not applicable.

Sec. 8.1.11, Parking Dimensional Requirements

The proposed parking spaces and circulation aisles are compliant with the standards of Table 8.1.11-1.

Sec. 8.1.12, Shared Parking for Off-Site Use

This criterion enables shared use of the proposed parking by onsite and offsite users. Given the location of the property and the residential use, shared use is unlikely but allowable.

Sec. 8.1.13, Parking for Disabled Persons

No ADA parking spaces are depicted on the sketch plans. If such spaces are required, they must be depicted on application site plans. The applicant is advised to consult with the building inspector as to ADA requirements for this development.

Sec. 8.1.14, Stacked and Tandem Parking Restrictions

Not applicable.

Sec. 8.1.15, (Reserved)

Sec. 8.1.16, Transportation Demand Management

(b) Applicability

As the project is located within the neighborhood parking district and includes more than 10 new dwelling units, it is subject to the standards of this section.

(c) Transportation Demand Management Program

The applicant acknowledges the need for a TDM plan upon permit application. The sketch plans lack TDM details. The TDM requirements presently in effect require a plan that addresses each of the following items.

- a. Outreach and Education:*
- b. TDM Strategies:*
- c. Parking Management:*
- d. TDM Agreement:*

TDM requirements remain in place for 10 years, as presently proposed in the Article 8 amendment.

Sec. 8.2.5, Bicycle Parking Requirements

The sketch plans lack bike parking details. Required long term bike parking is 1 per 2 bedrooms. The number of bedrooms is not yet known but will need to be specified. Long term bike parking in similar developments is generally included within the dwelling units. Short term bike parking is required at a rate of 1 space per 10 units, with a minimum of 2. Given the net increase of 11 units, 2 short term bike parking spaces will be needed. Application plans will need to include bike parking details.

Article 9: Inclusionary and Replacement Housing

Sec. 9.1.5, Applicability

Each duplex contains two dwelling units. Inclusionary housing is required for buildings of 5 or more dwelling units. As a result, inclusionary housing is not required; however, the applicant may elect to provide it and, in doing so, benefit from the additional development density and intensity allowed for inclusionary housing projects. As presented, the project plans reflect this additional density and intensity of development. Details as to the number and degree of affordability of the inclusionary units will be subject to review and approval by the manager of the city's housing trust fund.

Article 11: Planned Unit Development

Sec. 11.1.6, Approval Requirements

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

The property is more than 2 acres in size. PUD requires at least 2 acres of land within the RL zone.

(b) The minimum setbacks required for the district have been met at the periphery of the project
As noted previously, front, side and rear setbacks are compliant.

(c) The project shall be subject to design review and site plan review of Article 3, Part 4
See Article 6 above.

(d) The project shall meet the requirements of Article 10 for subdivision review were applicable
As no subdivision is included in this proposal, the requirements of Article 10 do not apply.

(e) Density, frontage, and lot coverage requirements of the underlying zoning district shall have been met as calculated across the entire project
See Article 4 above.

(f) All other requirements of the underlying zoning district shall have been met as calculated across the entire project
Addressed in the findings above in Articles 3 – 9.

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB
Most open space on the property is on the steep slopes. There is space within the loop road as noted above that is intended for use by residents. As noted in Sec. 6.2.2 (n) above, additional details for this space will be required upon permit application.

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

No phasing plan is included in the sketch plans. The applicant may wish to consider such a plan to allow for occupancy of individual duplexes as they are completed while others remain under construction.

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

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

The PUD process enables multiple residences to be constructed on this relatively large lot much more efficiently than through a subdivision with each residence on its own lot. Given the residential zoning district and the allowable density and type of development, the project is an appropriate use of this land.

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

The proposed homes will be served, in large part, by existing infrastructure. The loop road will be retained. A new interior drive will provide access to the rear entries of the Grove Street-facing duplexes. PUD allows for more compact development with greater economy of services and utilities than detached homes on individual lots.

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

Open space will remain. Much of it is on steep slopes or at the bottom of those slopes. As noted previously, the wetlands at the bottom of the slope will remain untouched.

(d) Provide for a variety of housing types;

All of the proposed homes are duplexes. Within the context of the RL zone, this development will add diversity to the largely detached single family housing stock. There is opportunity to provide multiple units within the existing historic structure. The applicant is encouraged to consider renovation and reuse of this building.

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

The property does not need to be developed as a PUD; however, as noted above, doing so allows for much greater efficiency and intensity of development than would be possible with a traditional subdivision.

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

The sketch plans provide a general sense of the proposed development. Additional detail will need to be fleshed out upon permit application. There is opportunity here to build a project that incorporates a high level of design quality and amenity as anticipated by this criterion.

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

(k) Any proposed accessory uses and facilities shall meet the requirements of Sec. 11.1.6 below.
There are no non-residential facilities included in the proposal.

II. Conditions of Approval

Not applicable for sketch plan review.

**SOCIETY OF
ARCHITECTURAL
HISTORIANS**

New England Chapter

NE/SAH
New England Chapter of the Society of Architectural Historians
www.nesah.org

November 21, 2022

Msgr. Peter Routhier
Cathedral of St. Joseph
113 Elmwood Avenue
Burlington, VT 05401

Dear Monsignor Routhier,

On behalf of the New England Chapter of the Society of Architectural Historians, I am writing to express our concern about the proposed demolition of the former Cathedral of the Immaculate Conception. This property is featured in the Society of Architectural Historians' 2014 publication *Buildings of Vermont* and is described, in part, as follows:

From a field of fifty-four architects, the diocese selected [Edward Larrabee] Barnes and his frequent collaborator, Vermont-based landscape architect [Dan] Kiley, to design a replacement [cathedral] that eschewed the assertive monumentality of the lost building in favor of greenery and retreat...the new building is set back in the center of its block, surrounded by lawns and a grove of one hundred and twenty-three locust trees. Small in scale, it is nonetheless a significant presence, borrowing from the rounded arches and rich colorism of H. Richardson's Billing's Library.

This is a highly significant work of architecture and landscape design, and it is the type of urban space that most cities are trying to create, not destroy. It provides a vast greenspace full of mature trees, and a building of exquisite design and construction by one of the leading architects of the 20th century. These are assets to be treasured and protected, not scraped away by a bulldozer.

Because of the quality and significance of this site's architecture and landscape design, as well as its association with a very important architect and landscape architect, NE/SAH strongly advocates for the preservation of this valuable historic resource. We highly encourage consideration of the adaptive reuse of the building and exploration of the manner in which a sensitive addition could be designed to add more square footage to the existing building.

Sincerely,



Jennifer Gaugler
President
New England Chapter, Society of Architectural Historians



December 8, 2022

Ms. Mary O'Neil, AICP
Principal Planner for Development Review
Zoning Division of the Department of Permitting and Inspection
City of Burlington
149 Church Street
Burlington, VT 05401

Re: ZP-22-576 / Demolition Permit Application for Burlington Cathedral

Dear Ms. O'Neil,

The Cathedral of the Immaculate Conception is a significant collaboration between two extremely important and influential postwar designers: Edward Larrabee Barnes (architect) and Daniel Urban Kiley (landscape architect). Moreover, it is a rare extant Vermont commission by Kiley, an internationally revered practitioner, who lived and worked in Charlotte, VT. The Cathedral is also a memorial of sorts as it was built on the site of the original 1860s gothic Cathedral, which was lost to an arsonist's fire in 1972.

In 2012 The Cultural Landscape Foundation (TCLF) included the Cathedral in the report and digital exhibition [Landscape and Patronage](#), which focused "on visionary patrons and organizations and the sites they helped create." The report cited the Diocese's "bold choice to construct the new, modern cathedral and Modernist landscape" on the site of the former Cathedral. It added: "Instead of relocating to a suburban location or settling for an uninspired replacement building, the Diocese remained committed to serving the downtown area and enhancing the urban environment with its new facility."

Of the collaboration between Kiley and Barnes, and as context for the Burlington commission, the report states: "The two had a long-standing working relationship, having collaborated previously on several projects, among them the Osborne House, Vermont (1954) and the W.D. Richards Elementary School, Columbus, Indiana (1965). Kiley and Barnes would later go on to produce several significant designs, including that for the Dallas Museum of Art, Texas (1983) and housing for the Christian Theological Seminary, Indianapolis, Indiana (1984)."

Barnes and Kiley's close collaboration can be seen, in part, in the interplay between color and form - the cathedral's low, dark green glazed brick walls and soaring copper roof juxtaposed against the light green foliage and dark trunks of the locust trees. Viewed together, the structure and landscape blend harmoniously to create a peaceful and inviting public space that anchors the center of downtown Burlington. Moreover, Kiley's design is reminiscent of his work at the Miller House and Garden in Columbus, IN, his widely acclaimed residential masterpiece and international Modernist icon now owned by the Indianapolis Museum of Art. The report notes: "the placement of trees in the cathedral's landscape creates a unique spatial experience for visitors, elongating and extending the viewer's sense of boundary yielding a site that feels distinctly removed from its urban setting despite being situated at a busy intersection."

Given the history and significance of the Cathedral, it is unfortunate that the Diocese is contemplating its demolition. Doing so would erase an important chapter not just in the history of

the Catholic church, but in the city of Burlington as a whole. We understand that the needs of the Catholic church in Burlington are evolving, and the Diocese considers this property redundant. But we urge the Diocese to instead find a way to adapt it for a new use that would serve the community in the 21st century and to let it continue to function as a vital piece of Burlington's varied and unique downtown fabric. Demolition now would eliminate any possibility of adaptive reuse, and this is too important a property to risk losing.

Sincerely,

A handwritten signature in dark ink, consisting of a large, stylized 'C' followed by a smaller 'B' and a long, horizontal flourish extending to the right.

Charles A. Birnbaum, FASLA, FAAR
President and CEO

cc: Msgr. Peter Routhier
Rev. Msgr. John McDermott



ASLA
VERMONT

December 12, 2022

Ms. Mary O'Neil
Principal Planner for Development Review
City of Burlington
mconeil@burlingtonvt.gov

Re: Application to Demolish former Burlington Cathedral / ZP-22-576

Dear Ms. O'Neil,

The following comments are submitted for consideration by the Burlington Design Advisory and Development Review Boards at their upcoming hearings on the request for a demolition permit to remove the former Cathedral of the Immaculate Conception building in downtown Burlington. Founded in 1998, the Vermont Chapter of the American Society of Landscape Architects (VTASLA) is a not-for-profit organization representing more than 50 members and licensed landscape architects within Vermont. VTASLA promotes the landscape architecture profession and advances the practice through advocacy, education, communication, and fellowship.

We are aware of the permit application to demolish the former Cathedral of the Immaculate Conception on Pine Street in Burlington. The cathedral was designed by architect Edward Larrabee Barnes and completed in 1977 as a geometric mid-century Modernist design. The potential demolition of the cathedral is of concern to VTASLA because the building constitutes one half of the comprehensive plan for this property, the other half including the landscape site plan designed by the Charlotte-based firm Kiley-Tyndall-Walker. Landscape architect and Partner Dan Kiley was a frequent collaborator with Barnes and was described by the *New York Times* as "a seminal landscape architect who combined modernist functionalism with classical design principles," and he ranks among the most influential landscape architects of the 20th century. Works by the Kiley office can be found at landmark sites around the world, including the Gateway Arch in St. Louis, the Ford Foundation Headquarters in Manhattan, and La Défense in Paris. Kiley is of such importance that in 2019 VTASLA sponsored an exhibition and lecture series in Middlebury about Kiley's life and work. The cathedral landscape is one of the few designed landscape projects undertaken by the Kiley office in Vermont and it warrants very careful consideration before any changes are made.

What makes this property unique is the manner in which the landscape and the building support each other aesthetically and physically. The grove of honey locusts embraces the building to provide a simple buffer from the surrounding city, while the angles of the building are reflected in the axial walkways and provide the grid upon which the grove is based. These simple yet powerful moves with the landscape are representative of Kiley's modernist style. The loss of either half of this intentional composition would irreversibly alter the integrity of the site and lose an important combined architectural and



ASLA
VERMONT

landscape precedent in Vermont and New England. The Cultural Landscape Foundation credits the grounds at the cathedral as one of Kiley's only built public works in Vermont.

Additionally, the honey locust grove recently underwent a substantial care and revitalization initiative following the completion of the bus terminal on St. Paul Street. Recommendations for revitalizing the bosque came from Kiley's former partner Peter Ker Walker who recommended tree pruning, soil aeration and root pruning, and replacing trees that were missing from the grid. This effort has resulted in a mature grove of honey locust trees that provide respite and shade in the heart of Burlington.

On behalf of the entire Executive Committee, VTASLA encourages the preservation of the former cathedral and its associated landscape. We ask that the Burlington DAB and DRB give serious consideration to the importance of this site within Burlington and the potential for adaptive reuse. Redevelopment proposals that do not require the removal of the building or the landscape and instead incorporate these existing resources into a development plan that celebrates the building and landscape should be considered. The urban greenspace like the one that presently exists on this property is an asset that most cities would strive to protect and promote as an example of the community's commitment to mitigating the effects of climate change, promoting clean and healthy cities for residents, and encouraging thoughtful redevelopment practices. Adaptive reuse is a tried-and-true means of sustainable and environmentally sensitive urban redevelopment, and we hope it can be applied to this important historic site in downtown Burlington.

Sincerely,

Tom Hand, ASLA, PLA
VTASLA Chapter President

Harvard Design School



Mary O'Neil
City of Burlington
Principal Planner for Development Review

December 5th, 2022

I am writing to strongly object against approving ZP-22-576 / Demolition Permit Application for Burlington Cathedral. The building is designed by AIA Gold Medalist architect Edward Larrabee Barnes, and is exemplary of the design qualities that earned Barnes his status as among the most influential American architects of the 20th century. I myself worked with the project architect Alastair Bevington and Mary Barnes in designing the interior and furnishings of the cathedral.

Conceived in response to Burlington's history and identity, the building employs unique typologies for a cathedral inspired by meeting houses typical of New England townships. The resulting design creates new spaces that engage the community at large. The building is home to important art in its stained-glass windows and utilizes local materials such as Vermont slate and oak. Barnes's cathedral is integrated into Burlington's cultural fabric, and can easily be adapted to the community's current needs through creative adaptive reuse strategies.

The demolition of a soundly built and well-crafted building is not only environmentally unsound, but by destroying this master piece, Burlington will also lose the opportunity to retain and reinvent a piece of architecture with great potential to become a new asset and attraction for the town. Ed Barnes is an alumni of our school Harvard GSD and the school is home to his archives. A loss of one of his buildings through thoughtless development will rob academic opportunities for the study and enlightenment of students and scholars.

Please reconsider the application for demolition, and instead engage architects and the surrounding community to develop a plan for its adaptive reuse.

Sincerely,

Toshiko Mori FAIA
Toshiko Mori Architect
Robert P. Hubbard Professor in the Practice of Architecture
Harvard University Graduate School of Design
2019 AIA/ACSA Topaz Medallion Laureate

*Toshiko Mori
Robert P. Hubbard Professor
in the Practice
of Architecture*

Department of Architecture
tel 617 496 1234
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Harvard University
Graduate School of Design
George Gund Hall
48 Quincy Street
Cambridge, MA 02138
www.gsd.harvard.edu

12 December 2022

Mary O'Neil, Principal Planner, AICP
Office of Permitting & Inspections
City of Burlington, Vermont

RE: Preservation of the Cathedral of the Immaculate Conception, Burlington, Vermont

Dear Ms. O'Neil:

Please pass along this letter to the Members of the City of Burlington Development Review Board and Design Advisory Board.

I am writing to urge you to save the building and surrounding landscape located at 20 Pine Street. This property, which incorporates design by Edward Larrabee Barnes, Dan Kiley, and others, encompasses significant cultural, historic, and architectural resources that should not be lost to demolition. Both Barnes and Kiley were noteworthy twentieth century designers and it would be shame for Burlington to lose this outstanding example of collaborative modern design and the most significant work in Vermont of one of its "native sons." The building and landscape embody a rare form of modest modernism that is difficult to find in today's designs.

Do not be deceived by simplicity into thinking this is an insignificant Barnes building, or that the Kiley landscape is dispensable. They are not. Burlington is fortunate to have a major commission designed jointly by these two significant designers. The building is one of several religious structures designed by Barnes, including the Christian Theological Seminary in Indiana and the Unitarian Universalist Church in New York. Edward Larrabee Barnes grew up as part of a deeply religious family and was named after Edward Larrabee, a Bishop in the Anglican Church. Given his background, the opportunity for him to design this Cathedral was particularly important and the project received his personal attention. While the building has the formality of a church, its modest simplicity allows it to be easily converted to community uses. Reuse of the building and Dan Kiley's grove of trees offers Burlington an opportunity to create something truly unique.

As an architect and planner who has been involved with several historic preservation projects including buildings and cultural landscapes, I am keenly aware of the importance of protecting buildings and places of merit. Putting this building and landscape to creative new uses is a time-honored tradition that would enrich the fabric of Burlington while preserving the past for future generations. I urge you to pursue a creative solution to preserve this place as a reinvigorated and integral part of the city that accommodates a wide range of activities.

As Ed Barnes' son, I have clear memories of my father (and mother) working on the design of the Cathedral along side their dear friend Dan Kiley. Please give serious consideration to adaptive reuse of this landmark property and do not destroy it.

Thank you.
John Barnes

John Barnes

BARD

A College of the Liberal Arts and Sciences

Division of the Arts

Fisher Studio Arts 156
Bard College
Annandale-on-Hudson

December 12, 2022

Ms. Mary O'Neil
Office of Permitting & Inspections
City of Burlington
PO Box 849
Burlington, VT 05402-0849

Re: ZP-22-576 / Demolition Permit Application for Burlington Cathedral

Dear Ms. O'Neil:

I write in support of the adaptive re-use of the former Cathedral of the Immaculate Conception, along with its landscape and bell tower in Burlington, VT. Since 2021, I have been evaluating and preparing the papers and drawings of Alistair Bevington, who was in charge of the project. In my position as an historian of architecture, I can attest to the value that the Cathedral and the grounds bear not only for Burlington Vermont, but US architecture at large.

Designed to replace the older church, the Cathedral is the result of a very productive collaboration between two major figures in American modernist architecture: Edward Larrabee Barnes and pioneering landscape architect Daniel Urban Kiley. Barnes conceived of the Cathedral as a roof in the middle of an open landscape that Kiley structured with a grid of locust trees. The result of the collaboration delivered to Burlington a public space and a dynamic environment, intended to foster community and to create connections between the Church and the city. The Cathedral also features significant stained glass installations by artists Robert Sowers and David Wilson, .

Most importantly, however, the Cathedral of the Immaculate Conception constitutes an important and rare surviving example of a historical moment in the reformation of the Catholic Church. After the Second Ecumenical Council of the Vatican (also known as Vatican II, 1962-65), architects revisited ecclesiastical architecture in response to the proposed liturgical reforms. The idea was to bring the congregation closer to the altar, with little visual or other obstruction. The reform challenged architects of the period to reconsider the architectural form of spirituality, resulting in new ecclesiastical types. The

architecture of the Cathedral reflects those attempts to democratize the liturgical space and to encourage the active participation of the parishioners during Mass.

The proposed demolition threatens with extinction an important part of our cultural heritage, significant for both Vermont and the US. Following other examples of adaptive-reuse, the Cathedral offers an opportunity to rethink and redefine what this space could mean and provide for the community of Burlington and beyond. The Estate of Alistair Bevington holds the full series of construction documents and would be happy to share for consultation regarding its adaptive reuse.

Sincerely,

A handwritten signature in black ink, appearing to read 'Olga Touloumi', is written on a light-colored, slightly textured rectangular background.

Olga Touloumi
Assistant Professor of Architectural History, Bard College
Archivist of the Estate of Alistair Bevington
PhD, Harvard University
MSc, MIT

cc: The Estate of Alistair Bevington

do.co.mo.mo_
New England Chapter

Wednesday, December 7, 2022

Mary O'Neil
Principal Planner for Development Review
City of Burlington
Office of Permitting & Inspections
745A Pine Street
PO Box 849
Burlington, VT 05402-0849

Re: Burlington Cathedral

Dear Ms. O'Neal,

We are writing to express our concerns regarding the fate of one of America's great mid-Century modern religious properties, the former Cathedral of the Immaculate Conception in downtown Burlington, VT. This property is exceptional in several respects, being a rare collaboration among several internationally prominent designers, an imaginative architectural response to changes in liturgical doctrine, a contribution to international debates about church architecture, and an inspired response to its urban setting. It is therefore of the utmost importance that the building and landscape be retained and incorporated into a new use for the property and not destroyed. With serious thought and consideration, a creative solution for how to adapt this property for new use can be identified. We strongly encourage you to pursue a path of sensible redevelopment of this important property in a manner that retains and celebrates the existing building and landscape. The property can be relegated to profane use by the church, and deed restrictions can ensure that it is only used for appropriate and respectful activities in the future.

The Cathedral replaced an important Gothic Revival predecessor of 1864 by prolific church architect Patrick Keely, which had been destroyed by an arsonist's fire in 1972. The new building was created by Edward Larrabee Barnes (1915-2004) and lead designer Alistair Bevington in 1974 and opened in 1977. Barnes combined elements of modern and vernacular architecture and his understated designs profited from his fine sensibility for space light and materials. Prominent landscape designer and Vermont resident Dan Kiley created the park-like setting with its grid of 123 honey locust trees, and renowned stained-glass artists Robert Sowers and David Wilson were responsible for the windows. Architect Toshiko Mori, who was just starting her career at the time, worked on the interior design and furnishings. She then went on to establish her own firm and teach at the Harvard Graduate School of Design, becoming the first female faculty member to earn tenure in the program. As such, the Cathedral is a collaboration between three major figures in American Architecture. While Barnes and Kiley have passed, Toshiko Mori runs a very successful practice in New York City.

The Cathedral is also an important example of the changes and innovations in Catholic church architecture following the 2nd Vatican Council (1962 to 1965). Its fan shaped seating enables the “full and active participation” of the congregation, which the Council had encouraged. While the five-sided sanctuary with seating for 450 in a half circle took some inspiration from H.H. Richardson’s Billings Library at the University of Vermont, many details, such as the copper roof and clerestory, hint at international influences, such as Jørn Utzon’s Bagsværd Church in Copenhagen, built at the same time.

The building’s urban context could hardly be more prominent. It is only one block away from Burlington’s urban core, the pedestrian zone on Church Street, and three blocks from the waterfront. In an area disfigured by large *urban renewal* in the 1960s and 1970s, its central location on its urban plot, and the surrounding grove of locust trees provides coherence and a calm respite from the visual unrest surrounding it. The church’s traditional east-west orientation allows for western access from a parking area, but also provides for two pedestrian routes, crossing through Kiley’s locust grove towards its side entrances. The free-standing bell tower commemorates the location of the previous church at the plot’s corner and carries its bell, rescued from the ruins of the destroyed cathedral.

Modern Architecture has produced only a very limited number of important ecclesiastical structures. The Cathedral in Burlington is one of them. Its demolition would represent a significant loss for American and International Mid-Century Modernism. It would also represent a significant loss to the urban fabric of downtown Burlington, eroding the very qualities that make Burlington unique.

With best regards,

A handwritten signature in black ink, appearing to read "Dietrich Neumann". The script is fluid and cursive, with the first name "Dietrich" written in a larger, more prominent hand than the last name "Neumann".

Dietrich Neumann

Professor of the History of Art and Architecture

Director, John Nicholas Brown Center for Public Humanities and Cultural Heritage

President, Docomomo New England



College of Environmental Design
Department of Architecture

12 December 2022

Mary O'Neil, Principal Planner, AICP
Office of Permitting & Inspections
City of Burlington, Vermont

RE: Preservation of the Cathedral of the Immaculate Conception, 20 Pine Street, Burlington, Vermont

Dear Ms. O'Neil:

This letter is written in response to the proposed demolition of the Cathedral of the Immaculate Conception (1974-77), designed by architect Edward Larrabee Barnes and sited within a grove of honey-locusts designed by landscape architect Dan Kiley. Barnes and Kiley collaborated frequently during their professional lives – especially on publicly accessible spaces. They shared a strong design aesthetic characterized by clarity and simplicity of form and composition, and a commitment to the communities being served by their projects. Centrally located in downtown Burlington, the Cathedral and its setting epitomize these values.

The Cathedral and its grove occupy most of a city block. Its iconic verticality – that one associates with religious architecture is expressed directly through its a sharply pitched metal-sheathed roof and cross. Its form, as well as the grove planted in a strict grid, visually connect and expand the historic downtown core, mitigating the impact of urban renewal west and southwest of downtown. Access to the church interior is from a parking lot located west of the church and from two diagonal pathways that cut across the grove, creating three points of entry to the generous narthex. Upon entry, the visitor is drawn toward the sanctuary through a combination of design strategies. These include the contrast of somewhat compressed space of the standard height narthex, office, meeting, rehearsal rooms and expansion created by the soaring ca. 50-foot-high sanctuary space. The latter results from the verticality of the sanctuary space – where pitched, white walls reflect brilliant light from a skylight, embracing the semi-circular seating – designed to bring the worshipers close to the service taking place on the chancel. Ceremonial attributes adorn the interior: a cross filled with dark blue stained glass, the baptismal font, a tabernacle, and the organ – all beautiful in their simplicity.

The church and its grove are important, brilliantly conceived spaces, that expand the humanistic quality of the historic downtown through their form and plan. The loss of these spaces goes far beyond the serious, and significant loss of important works of architecture and landscape. Their loss will be a loss to the City of Burlington where aerial photographs reveal a dearth of park space. Burlington is a city with many handsome nineteenth century buildings but few distinguished works of **modernism**.

Today, the preservation of buildings and cultural landscapes is recognized as an act of sustainability. We recognize the embodied energy in existing building, as well as the importance of conserving construction materials. Global warming and other indicators of the fragility of the planet must be considered when demolishing existing structures. Landscaped spaces planted with trees, grass and other vegetation makes a positive contribution to our environment. Projecting future uses of the Cathedral and grove – these are spaces easily adapted other denominations or faiths, or as a community center for secular use.

With my deepest conviction, I strongly urge you to preserve the Cathedral of the Immaculate Conception and its grove. These are significant cultural resources; the Cathedral has already been determined eligible for listing in the National Register of Historic Places. It should be noted that such eligibility considers the National Register's Criteria Consideration A which allows for religious properties that derive their primary significance from architectural or artistic distinction or historical importance, and Criteria Consideration G for properties achieving significance within the past 50 years if they are of exceptional importance.

I would be happy to discuss any aspect of this letter with you. I can be reached at lwbricker@cpp.edu or 909.241.3021. Thank you for this opportunity to express my views on the importance of preserving these resources.

Sincerely yours,

Lauren Bricker

Lauren Weiss Bricker, Ph.D.
Professor of Architecture
Redlands, California Historic Resources Commission
Former Chair and Architectural Historian California State Historic Resources Commission



November 21, 2022

Scott Gustin
Dept. of Permitting & Inspections
PO Box 849
Burlington, VT 05402-0849

**Re: 20 Pine Street/Former Cathedral of the Immaculate Conception
ZP-22-576**

Dear Mr. Gustin:

On October 27, 2022, John Caulo submitted an application for a demolition permit on behalf of the Parish of St. Joseph for the following work: "Demolition and removal of existing church building, bell tower, parking lot, and impervious pathways. Foundation hole to be filled and site will be graded and seeded. Planned landscape with trees will be retained."

A nearly identical request was submitted on December 17, 2021, by Meg McGovern on behalf of the Parish of St. Joseph: "Demolition of building and site clearing. To be replaced by open lawn and existing parking."

The December 2021 application was deemed incomplete because it did not contain a redevelopment plan for the property. Likewise, the October 2022 application does not contain a redevelopment plan for the property.

There have been no recent changes in the Burlington Comprehensive Development Ordinance regarding the treatment of historic properties. Absent a redevelopment plan for the property, we expect the 2022 application from Mr. Caulo will also be deemed incomplete.

Sincerely,

A blue ink handwritten signature, appearing to be "Ron Wanamaker", is written over the word "Sincerely," and extends downwards and to the right.

Ron Wanamaker
Vice President
Preservation Burlington

Alexander J. LaRosa
Burlington Development Review Board
Dept. of Permitting & Inspections
645 Pine Street
Burlington, VT 05401

December 15, 2022

Re: ZP-22-576: Application To Demolish Former Cathedral And Bell Tower

Dear Mr. LaRosa and Members of the Development Review Board,

We are writing to oppose the application by the Cathedral of the Immaculate Conception Parish Charitable Trust dated October 27, 2022, to demolish the former Cathedral of the Immaculate Conception, including its bell tower, at 20 Pine Street. The application should be rejected under the Comprehensive Development Ordinance ("CDO") for at least three reasons. First, it fails to include the material required by section 5.4.8(d)(1). Nor does it meet, or even attempt to meet, any of the standards for demolition of an historic structure under section 5.4.8(d)(2). Finally, the Parish is not entitled to "alternative compliance" section 14.7.3(b) of the CDO, because it has not demonstrated that demolition is necessary or that it is consistent with the purposes of the ordinance, the intent of the Form Based Code District, and the intent and purpose of the section from which relief is being sought. The application is also deficient as a matter of state law, because it fails to address the requirements of 24 V.S.A. § 4414(1)(F)(ii).

We respectfully but firmly disagree that the demolition application is exempt from the requirements of the zoning ordinance or state law under 24 V.S.A. § 4413, on the grounds that the structure once served as a church. There has been no religious use of any kind for more than four years, and none is planned in the future. Section 4413, and the federal Religious Land Use and Institutionalized Persons Act ("RLUIPA") which it implements, is designed to prevent interference with the free exercise of religion, in accordance with the First Amendment. It is not intended to prevent the regulation of non-religious uses. Indeed, giving the Parish special privileges not enjoyed by secular property owners would itself violate the First Amendment. If the Parish were intending to construct another church, or a convent, religious school, or monastery on the property, this would be a different case. But demolishing an historic structure in order to sell a vacant lot to a developer is in no way a religious use.

Architecture and History. The structure proposed to be demolished is the premier example of modern architecture in the City of Burlington. It was designed by the leading landscape architect of post-World War II America, Dan Kiley, who was a Vermont resident, in collaboration with an eminent New York architect, Edward Larrabee Barnes. We are submitting written statements by well-known contemporary

architects and architectural organizations attesting to the building's significance. We also attach a special edition of *The Sentinel*, published by Preservation Burlington in 2019, which discusses the structure and its history. See:

<http://www.preservationburlington.org/wp-content/uploads/2019/04/preservation-burlington-sentinel-spring-2019.pdf>

As explained more fully in *The Sentinel*, the former cathedral is not only architecturally renowned but also historically notable. It replaced a prior cathedral of the same name, a Gothic Revival structure built in 1867 but destroyed by fire in 1972. As detailed in "A Cathedral for Burlington" by David Blow, construction of the original building was overseen by Bishop Louis De Goesbriand, a central figure in the city's history.

The architecture of the former cathedral reflects its era, particularly the influence of the Second Vatican Council. The circular layout of the pews, with the altar in the center, breaks sharply with the nave-and-transept model which had dominated church architecture since the Middle Ages, just as the use of vernacular languages rather than Latin in the Mass broke with many centuries of tradition. Similarly reflecting Vatican II reforms, the former cathedral contains a minimum of statuary and ornamentation. The interior focus is squarely on the altar, without side chapels or large stained glass windows depicting biblical scenes.

Review Under Section 5.4.8(d). As the CDO states, "The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit." According to the ordinance, preservation is important "[t]o promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources," among other things. In light of these goals, section 5.4.8 is designed "[t]o promote the adaptive re-use of historic buildings and sites."

Demolition is, of course, the exact opposite of preservation, maintenance, enhancement, protection, and adaptive re-use. It is strictly limited. To begin with, under section 5.4.8(d)(1) any property owner seeking to demolish an historic structure must submit a report from a licensed engineer or architect regarding the soundness of the structure and its suitability for rehabilitation; a statement addressing compliance with each review standard; a redevelopment plan for the site; and elevations, drawings and plans for the replacement structure. The Parish has not submitted any of these materials. Its application should be rejected on this ground alone.¹

¹ The Parish says it has no plan for re-developing the site, but this is an end-run around the ordinance. Its cover letter acknowledges that the property is under contract to be sold. It begs common sense to believe that the purchaser does not have a redevelopment plan for the site. The Parish and/or its broker either know what the plan is or could easily find out—especially if the Board required it before it would consider the demolition application. We would ask the Board to consider what the result would be if the

The Parish also cannot succeed on the merits under section 5.4.8(d) without a redevelopment plan. That is because, unless an historic structure is unsound and cannot be rehabilitated (which the Parish does not claim), it may not be demolished unless “[t]he proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.” Without a redevelopment plan, there is simply no way for this Board to evaluate that criterion.²

“Alternative Compliance” Review, Section 4413, and RLUIPA. We are surprised and dismayed by the Board’s intention to review the demolition application under the recently-enacted “alternative compliance” provisions of section 14.7.3(b), rather than section 5.4.8(d), which governs the demolition of historic buildings. As the Board well understands, the choice of review standards may often determine the outcome. The decision to proceed under section 14.7.3 was made behind closed doors, by persons unknown, and without any notice or opportunity for public input. This is the opposite of public transparency.

Moreover, the circumstances are troubling. The Board’s agenda states that the Parish “request[ed] alternative compliance,” but no such request appears in its application or cover letter. In addition, neither the application, cover letter, nor legal opinion submitted by the Diocese even addresses the five requirements for “alternative compliance” listed in section 14.7.3(b)(i). Finally, department staff did in fact apply section 5.4.8(d) to an application submitted just last year seeking to demolish the exact same structure. Staff determined then that the application was incomplete, because it failed to specify how the property would be used following demolition. This year’s application similarly fails to specify any post-demolition use, yet now review is to proceed.

The staff memorandum states that, under 24 V.S.A. § 4413 and RLUIPA, only very limited review under section 14.7.3(b) is permissible. We disagree with this conclusion. 24 V.S.A. § 4413 does restrict the regulation of certain *uses*, including the *use* of a structure as a church. As we stated at the outset, however, the building at 20 Pine Street is *not* being used as a church, and it has not been so used for more than four years. An article on the Cathedral of St. Joseph website quotes Father Lance Harlow, rector and celebrant of the final Mass on December 8, 2018: “It seemed only fitting that the second Cathedral of the Immaculate Conception...should be decommissioned on its

Parish had already sold the property, and the purchaser submitted an application for demolition. Surely, the Board would then require compliance with section 5.4.8(d)(1) before considering the application. The Parish and purchaser should not be able to circumvent that result by the simple ruse of demolishing the structure right before the closing takes place.

² It seems safe to assume that the Parish and its purchaser are not confident that the proposed redevelopment would not provide “a substantial community-wide benefit” sufficient to justify demolition. Luxury condominiums seem a distinct possibility.

patronal feast as a church building.”³ As reported on the Roman Catholic Diocese website, a portion of the confessional as well as the tabernacle lamp from the former Cathedral building have been removed and installed at St. Mark’s Parish Church.⁴ Most significantly, by March 2019 the altar had been physically removed from the building. Absent an altar for the celebration of the Sacrifice of the Mass, this building is not being used for religious purposes.

We would note that the structure also has not been treated as sacred space since it was decommissioned. Various artifacts, including light fixtures, interior doors, and furnishings have been removed and turned up for sale in local salvage shops. The landscape is unkempt, there is graffiti on the building, and the entire site is surrounded by a chain link fence. It is now simply a vacant building owned by the Parish of St. Joseph.⁵

The staff memo attempts to get around this issue by saying that the structure is being used as a church because it is zoned and permitted for use as a church. Not only does this conclusion defy common sense, it completely overlooks the legislative intent behind section 4413. As the Environmental Court explained in *In re Valsangiacomo*, No. 130-8-03 Vtec (Vt. Env. Dec. 21, 2004), section 4413 is designed to “ensure[] that municipal zoning ordinances in Vermont will be applied so as to comply with... RLUIPA” and will “not have the effect of interfering with the *intended functional use*” of a building as a church or place of worship. The emphasis is on actual and intended religious use. It is not on a former use or a past zoning permit. The fact that the property *could* be used for a religious purpose does not call section 4413 into play when there is no intention of doing so. In that circumstance, the municipality and state are entitled to regulate the use of the property in the same way they regulate others.

The case law under RLUIPA reinforces the point. That statute prohibits municipalities from enacting or enforcing zoning regulations which discriminate against religious institutions and, in doing so, impose a “substantial burden” on them. Consistent with the First Amendment, however, RLUIPA does not forbid government regulations which are neutral on their face and which are not enforced with any

³ <https://stjoseph.vermontcatholic.org/final-mass-at-cathedral-of-immaculate-conception>

⁴ <https://www.vermontcatholic.org/vermont/pieces-from-former-cathedral-have-new-home-at-st-marks/>

⁵ In his cover letter, Monsignor Routhier states that, under canon law, demolition is one of the methods of completing the deconsecration of a sacred space. He fails to mention that canon law also recognizes that deconsecration can occur by turning a church over “to profane use by decree of the competent ordinary or in fact.” Can. 1222. Indeed, such conversions are common in Vermont. They include:

- St. Margaret Mary Church in Arlington, now The Arlington Common, a community-based arts and wellness center.
- St. John the Apostle in Johnson, now Jenna’s House, a community and recovery center
- Our Lady of Lourdes in Pownal, sold to a private owner for use as a workshop and residence
- St. Sylvester Church in Graniteville, sold to a private owner for use as a martial arts workshop and residence.

religious animus. These principles are explained in *Roman Catholic Bishop of Springfield v. City of Springfield*, 724 F.3d 78 (1st Cir. 2013) (upholding city's enactment of single parcel historic district on property with cathedral, thereby making demolition or modification more difficult, because no substantial burden imposed). Because section 5.4.8(d) applies to all historic properties in the City, it is neutral on its face. Nor does it impose a "substantial burden," since there are many alternative uses for the former cathedral, including, for example, a theater, gallery, counseling center, medical facility, or spiritual center.⁶

In any event, unless and until the Diocese or purchaser reveals the post-demolition plans for the property, the Diocese is no more entitled to a demolition permit under section 14.7.3(b) than it would be under section 5.4.8(d). In order to obtain relief under section 14.7.3(b), the applicant must show that the relief sought: "is necessary to accommodate unique site and/or Building circumstances or opportunities"; "is the minimum necessary to achieve the desired result"; "will not impose an undue adverse burden on existing or future development of adjacent properties"; and, "if granted, will yield a result equal to or better than strict compliance with the standard being relieved." Finally, the applicant must show that "the property will otherwise be developed consistent with the purpose of this ordinance, the intent of the Form District, the intent and purpose of the section that the relief is being sought, and all other applicable standards."

Each of these criteria plainly requires the disclosure of a post-demolition development plan before it can be evaluated. While such a disclosure hardly guarantees that a demolition permit will be granted, it is the essential first step in the process. We submit that the Department correctly rejected the demolition application submitted last year as incomplete because it failed to submit such a plan, and that it should do so again for the same reason.

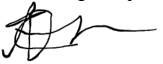
Very Truly Yours,

The Undersigned Individuals

⁶ The Parish has refused to consider alternative uses. We are aware that a local real estate agent approached the Parish on behalf of a client interested in an alternative use, but that it refused even to show her the property.

Signature Page

Re: ZP-22-576: Application To Demolish Former Cathedral And Bell Tower

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12/15/2022

Amy E. Ment
462 South Willard Street, Burlington

Signature Page

Re: ZP-22-576: Application To Demolish Former Cathedral And Bell Tower

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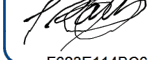
Robert Devino

545 South Prospect Street Unit 28

Signature Page

Re: ZP-22-576: Application To Demolish Former Cathedral And Bell Tower

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12/14/2022

Carolyn Bates

20 Caroline Street, Burlington

Signature Page

Re: ZP-22-576: Application To Demolish Former Cathedral And Bell Tower



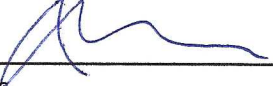
12-14-2022

Devin A. Colman

191 Prospect Parkway, Burlington

Signature Page

Re: ZP-22-576: Application To Demolish Former Cathedral And Bell Tower

 12/14/22

Jack Mentès
462 South Willard Street, Burlington

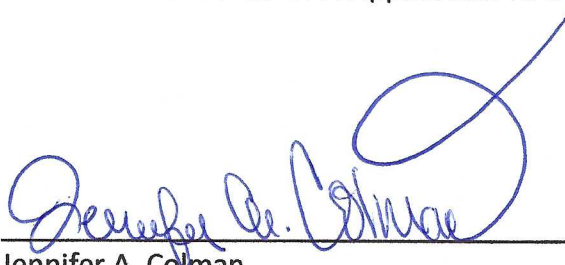
Signature Page

Re: ZP-22-576: Application To Demolish Former Cathedral And Bell Tower


Margaret Mentas 12/14/2022
Margaret Mentas
462 South Willard Street, Burlington

Signature Page

Re: ZP-22-576: Application To Demolish Former Cathedral And Bell Tower

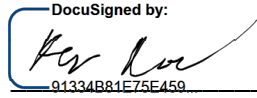
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Jennifer A. Colman

191 Prospect Parkway, Burlington

Signature Page

Re: ZP-22-576: Application To Demolish Former Cathedral And Bell Tower

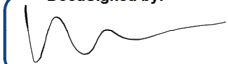
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Karyn Norwood
204 North Willard Street, Burlington

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Re: ZP-22-576: Application To Demolish Former Cathedral And Bell Tower

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12/15/2022

Liisa Reimann
24 Marshall Drive, Burlington

Signature Page

Re: ZP-22-576: Application To Demolish Former Cathedral And Bell Tower

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Mannie Lionni

12/15/2022

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Louis M. Lionni

63 Lakeview Terrace, Burlington

Signature Page

Re: ZP-22-576: Application To Demolish Former Cathedral And Bell Tower

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Matthew Shoen
60 Grove Street, Apt. 2, Burlington

Signature Page

Re: ZP-22-576: Application To Demolish Former Cathedral And Bell Tower

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Pauline Kehoe

12/15/2022

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Pauline Kehoe

545 South Prospect Street Unit 28

Signature Page

Re: ZP-22-576: Application To Demolish Former Cathedral And Bell Tower

DocuSigned by:

Ronald L. Wanamaker

12/14/2022

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Ronald L. Wanamaker

462 South Willard Street, Burlington

Good morning, I am a Vermonter who values our amazing structures and their history. I find the thoughts of demolishing the Cathedral appalling. It is such a unique structure. Created by amazing architects and it needs to be repurposed rather than demolished. It was built in my lifetime thus I admire, appreciate and enjoy this church.

It would be a wonderful art center or even a smaller version of a community gathering space.

Please, please do not destroy this church.
Barbara Forauer, Hinesburg

Members of the Development Review Board :

We are all justifiably appalled by the demolition of sacred and secular artifacts, for religious and ideological reasons at the hands of Al-Qaeda, Isis and Russia in Ukraine, , to name just three examples. Do we really want to tolerate the same destructive behavior for pereonal profit in our own city ? The Development Review Board is being asked to approve the demolition of the Cathedral of the Immaculate Conception. But that's just for starters. If they approve the demolition of this important religious artifact, are they prepared to approve the demolition of Saint Paul's when its congregation decides it's time to sell and move on, or of the Unitarian Church at the head of Church Street, when their congregation decides to do the same, and all of the churches between South Winooski and South Union St.? And then of course, Memorial Auditorium ? Does the selling of City Hall sound improbable? All of these buildings are familiar to us. They are part of our family. They are our grandparents and our parents and our aunts and uncles and cousins and siblings and children and nephews and grandchildren. They constitute our cultural infrastructures, sacred and secular. These buildings belong to us. Think of them, think of the Cathedral of the Immaculate Conception ,as if it were *your* house. Would you approve a request to demolish *your* house ? Or would you, regardless of the law--there are unjust laws--fight to protect it, to preserve it, to save it? If you would, do the same for the Cathedral. Don't approve the demolition. Please. Don't.

Louis Mannie Lionni,
publisher and editor, **05401**.
Mannie Lionni lml@05401.com

Dear Ms. O'Neil,

I am writing to express my concern regarding the proposed demolition of the Cathedral of the Immaculate Conception.

I urge that this significant Burlington architectural landmark be preserved. Not only is the design is by an important figure of the modernist architectural genre, but also offers a very unique combination of materials and landscape design. It would not be difficult to repurpose this building by means of an architecturally sensitive addition, much as did Champlain College with its addition to Perry Hall, now the admissions building.

It might be a good moment to reflect on another modernist structure, which was saved in the early '90s. It was proposed that the glass facade of Freeman French Freeman's Merchant's Bank building on Bank Street be replaced by a more traditional brick facade. The reaction by the architectural community to the potential loss of this iconic and beautiful example of modernism (with touches of art moderne) reversed that decision, and instead the building was renewed to the original beautiful green glass and

metal facade that we enjoy today. The loss of that original version of that building would have been tragic, and indeed has proven to be a mistake in judgment, and the same holds true for the current plan to demolish the Cathedral of the Immaculate Conception by Barnes with landscape by Kiley.

I realize that the easy decision would be to demolish and build new to create a profitable project, however the little greater effort to modify the current structure and site would significantly enhance the goals achieved—not only to create a functional and profitable structure and site, but also to maintain an important piece of Burlington's history.

Thank you for your attention to my remarks.

Respectfully,

A handwritten signature in black ink, appearing to read 'David A. Lustgarten', with a large, stylized flourish extending from the end.

David A. Lustgarten MFA
Associate Professor of Art & Design Emeritus, Champlain College
Program Director, Graphic Design, Champlain College (ex officio)

Here's a note to various interested friends on the issue

Friends Could spend all day on this issue I think the church is of sufficient merit to be retained and utilized for other uses To be determined but there are numerous functions that could fill the space and the open/treed space encircling it.

Retention of the church need not preclude added housing Numerous "guild" style housing neighborhoods encircle churches or some community purposed structure ... have a look at the "Begijnhof" in Amsterdam which is a housing refuge in the middle of urban Amsterdam ... built in the 1600's it's emblematic of a population caring for its aged and more vulnerable neighbors.

https://en.wikipedia.org/wiki/Begijnhof,_Amsterdam.

Ironically the trees planted on the site had little to do with Dan Kiley. His partner at the time, Peter Walker actually did the design and yet the site is held up as one of Kiley's exemplary works ... Kiley and Barnes did not get along apparently.

This is a tragic circumstance Do what you can.

In 1980 I spent time with 9 students at the Wheeler School (now the integrated arts academy) The kids ranged in age from 6 to 12 and I was to conduct a focused week on the architecture of Burlington ... freewheeling, chaotic and fun ... an education for me and my esteem for the teaching profession rose dramatically.

Our focus for my two weeks spent in the school, was to construe a building tour of structures that the kids collectively admired or thought highly of ... for whatever reason. Together we walked about town ... each child picked a building that they admired and then wrote a brief description accompanied by a drawing of "their" building. In the end we collected their stories and drawings and "published" a work we called "A Kid's Tour of Beautiful Burlington Buildings". A good little tour and fun for all A little education for kids and architect alike.

One kid in the group was , a fourth grader named Joey. Joey's building was the Cathedral of the Immaculate Conception. Joey's "analysis" explained the merits of the design and his primary focus was on the building's fit with the setting He pointed out that the glazed brick and copper roof where a lot like the trees and grass that surrounded it He thought that the building was a part of nature and that it perfectly copied the natural aspects of its open surroundings. Two courses of green glazed brick mimicked the grass on the ground Then a wide band of brown glazed brick were like the brown trunks of the trees. The upper glazed brick, and ultimately the copper roof would be like the bushy upper part of a tree. At age 10, Joey had seen the merits of this fine work and interpreted the building perfectly.

I was in awe.

And then, just to cap it all off Joey produced a drawing utilizing similar principles in what he called ... "Joey's Perfect House" (see attached). This kid had it together.

I should go back to architecture school I thought.

A bit of history.
Rolf

PS See my essay attached on use of the old And this article from a friend and landscape architect in Canada ...

<https://www.tclf.org/help-prevent-demolition-kiley-barnes-designed-cathedral-immaculate-conception>

ROLF KIELMAN, AIA, LEED AP, PARTNER

truexcullins ARCHITECTURE

Hello,

So, so much of the historical fabric of downtown Burlington has been lost to too many fires, urban renewal, and lack of thought.

When the row of trees was removed to accommodate the bus station, I comforted myself with: "Dan Kiley would understand this." I don't think he'd be so forgiving of the prospect of demolishing the cathedral and ... most likely ... also seeing the trees sacrificed for "progress."

During the planning for, construction of, and eventual coming-to-life of the Church Street Marketplace we were ever-mindful of the question, "Is this adding to the fabric of the heart of Burlington? Will next generation(s) profit from our doing this?"

Demolishing the cathedral will not add to the city's fabric; it will deny future generations stories surrounding it and its trees and – likely – remove a "place of calm" from the downtown.

Penrose

(Director of the Church Marketplace from 1978 – 1991)

Penrose Jackson jacksonhouse@gmavt.net

Hi Mary.

Just want to voice my opposition to demolishing this building and site. I understand the development pressures on a prime downtown site with currently very low density. Perhaps a design competition to re-purpose this site could result in a miraculous breakthrough that satisfies everyone, and solves some of the housing problems we all face. Plenty of design professionals are motivated to explore alternatives.

Thanks for your consideration,

Anne Connell

Anne Connell altc11@gmail.com

Dear Ms. O'Neil,

Charles A. Birnbaum, President and CEO of The Cultural Landscape Foundation, a national education and advocacy organization based in Washington, D.C., asked me to send you the attached letter concerning the Cathedral of the Immaculate Conception, an important collaboration between the influential postwar designers Edward Larrabee Barnes (architect) and Daniel Urban Kiley (landscape architect), which is the subject of a demolition permit application.

Feel free to contact us with any questions.

Sincerely,

Nord Wennerstrom

Nord Wennerstrom

Director of Communications

The Cultural Landscape Foundation

1711 Connecticut Avenue NW, Suite 200

Washington, DC 20009

Dear Ms. O'Neil,
please find attached a letter from Docomomo New England regarding the fate of Burlington Cathedral. We would like to ask that it be included as a submittal for the upcoming hearings.
With kind regards,
Dietrich Neumann

Dietrich C Neumann
Professor of the History of Modern Architecture and Urbanism
Director, John Nicholas Brown Center for Public Humanities and Cultural Heritage
Brown University
357 Benefit Street
Providence, RI 02912 - 1855
401-863-3254
cell: 312-576-3557
Office Hours Fall 2022: Tuesday 4:00-5:00 at List 412, Thursday 5:00-6:00 at JNBC, 357 Benefit St. (entrance 50 Williams)

Mary,

Cities are measured by the quality of their built environment which comes down to the buildings and spaces therein. Unlike the great cities of Europe or North America, Vermont cities do not have a lot of great architecture. Our small, rural towns often have the makings of the classic New England village, but what architectural landmarks come to mind for Rutland, Bennington or Burlington? Furthermore, there is that period of time between when a building is new and exciting and old and historic that it is just oldish. That is a critical time when many buildings are demolished, before they are appreciated. When I was first becoming involved in historic preservation, "Victorian" was bad word, but only a few years later Victorian architecture was discovered and appreciated. However, not before many great buildings were lost. To allow the demolition of the Burlington Cathedral would be to fall into a similar trap and once it's gone, it's gone. The building's time as a Roman Catholic church may have passed, but it is still an important architectural treasure for Burlington and there are always uses for public gathering spaces. Please don't allow it to be demolished on your watch.

Bill

William C. Badger, AIA

Principal
Badger and Associates, Inc.
99 Sleepy Hollow Dr (mail)
Manchester Center, VT 05255
802-362-2301
www.badgerandassociates.com
William C Badger AIA wcbadger@badgerandassociates.com

Mary,
I'm writing in regard to the property, both the building and the landscape, at 20 Pine Street – the location of the Cathedral of the Immaculate Conception, and to encourage the denial of any application for the demolition of the Barnes' Church and/or the Kiley trees. This property should be cherished and

is one of the best pieces of architecture in our city. Its demolition would be a terrible loss for all of us – historically, architecturally, and culturally.

To have a Dan Kiley and Edward Larrabee Barnes project in our city is an absolute treasure – a truly modernist landscape and building that marries community and urban life with solitude and reflection within. Again, its loss would be tragic. Please ask the petitioners to strongly consider not destroying this and instead consider it for a new use serving the Catholic Church or others.

Sincerely,
Steve

Stephen Kredell, AIA

gbArchitecture

85 Granite Shed Lane | Montpelier VT 05602
Office: 802-229-1664 x4 | Direct: 802-613-3701
www.gbArchitecture.com

Mary,

I am writing in concern of the property at 20 Pine Street – the location of the Cathedral of the Immaculate Conception. I understand that there is a pending demolition permit for this property and its' trees. Such an outcome for this property would be a travesty. The existing Edward Larrabee Barnes and Dan Kiley collaboration is an iconic treasure for this City and for the State of Vermont. This building and its trees were literal inspirations for me and my decision to change careers in my 30s and to go back to school to become an architect. This site makes me proud to practice in Vermont, as I can not think of a more significant example of world class landscape architecture and architecture within this State. Please convey to the applicants that this property is a part of Vermont's cultural heritage, and that finding a path to adaptive reuse of this property would benefit all current and future Vermonters.

Sincerely,
Dan Wheeler

Dan Wheeler, AIA Assoc.

gbArchitecture

85 Granite Shed | Montpelier VT 05602
Office: 802-229-1664 x5 | Direct: 802-613-3708
www.gbArchitecture.com

Mary –

I wanted to be sure to add my voice to those advocating for the denial of the application for the demolition of any structures or landscaping at 20 Pine St. / Cathedral of the Immaculate Conception.

This significant work should be preserved and re-use should be encouraged..

Thank you,

Chris Balzano, AIA (he/him)

gbArchitecture

85 Granite Shed Lane | Montpelier VT 05602

Office: 802-229-1664 x6 | Direct: 802-613-3706

www.gbArchitecture.com <<http://www.gbarchitecture.com/>>

CATHEDRAL OF ST. JOSEPH

113 Elmwood Avenue Burlington, Vermont 05401

(802) 658-4333

Email: sjvt@comcast.net

Website: www.stjosephcathedralvt.org

+ + +

October 28, 2022

Preservation Burlington

RE: 20 Pine Street

Ladies and Gentlemen:

On behalf of the Parishioners of Saint Joseph's Cathedral, I want to thank you for taking interest in our Cathedral of the Immaculate Conception property located at 20 Pine Street in Burlington. I am writing to share with the members of Preservation Burlington our perspective on the future of 20 Pine Street so that you may better understand our intentions and wishes.

As a house of worship, this property designed by Edward Larrabee Barnes and Daniel Urban Kiley has served our community well. We have deep respect for the architecture and history of the property, but the Parish's primary goal at this time is to desanctify the Church and take this property out of liturgical use.

One of the methods of completing the deconsecration of a sacred space, recognized by canon law is the demolition of a Church. This Roman Catholic traditional act is what's best for our Parish because it is the clearest way to complete the reduction of the property's sacredness. The Parish believes that the razing of the Church is the best way to help our parishioners cope with the loss of this parish, cleanse the site, and prevent any future non-sacred use of the property.

A denial of our demolition permit application would mean the Parish is unable to traditionally desanctify the Church and its property in the way we believe would best serve our community of parishioners. Moreover, transitioning a sacred building of worship into a new, non-sacred use runs afoul of our religious traditions and our community's wishes. This building has hosted baptisms, confirmations, weddings, and funerals, and to have the space be used for anything other than sacred acts will cause pain for members of the Parish. The goal of this tradition is to reduce such pain.

I understand the mission of Preservation Burlington is to advocate for "an appropriate adaptive reuse solution for 20 Pine Street." I hope that this letter has helped express how your mission is in conflict with our religious practices and how "reuse" of this property would cause harm to our Parish community. We appreciate your right to appeal any decisions made by the City of Burlington, but respectfully request that Preservation Burlington reconsider your advocacy efforts and respect the religious practices that underpin our decision to move forward with the demolition of the property at 20 Pine Street.

Furthermore, I would like to extend to you and all your members an invitation to visit Saint Joseph's Cathedral. This would give us an opportunity to discuss the topic more and for you to see the many items from the Immaculate Conception Parish we have preserved, and how we plan to honor and remember the 20 Pine Street property.

Respectfully,



Monsignor Peter A. Routhier

Memorandum

To: Burlington Development Review Board

From: James P. Langan, Esq.

Date: December 16, 2022

Subject: Response to Memorandum to the Development Review Board regarding ZP-22-576

The applicant and I have reviewed the Memorandum to the Development Review Board from Scott Gustin submitted on December 14, 2022 and dated December 20, 2022 regarding ZP-22-576 (the “Memorandum”).¹ We agree with the Memorandum’s conclusions that the scope of the City’s review of the Parish’s demolition permit application (the “Application”) is limited by 24 V.S.A. Section 4413 (“Section 4413”) and that the Application accordingly should be approved. I write to clarify for the City and the Development Review Board our view on how the review process should proceed in light of Section 4413. While we acknowledge and appreciate that the approach laid out in the Memorandum ultimately reaches the same end, we submit that a more direct path is warranted.

Alternative Compliance:

The Memorandum suggests that the proposed “[r]emoval of the building and site improvements does not comply with the application review standards of Article 14” of the City’s Comprehensive Development Ordinance (“CDO”) and thus “[a]lternative compliance is applicable for this application and requires review by the Development Review Board in consultation with the Design Advisory Board.” See Memorandum at 2. We respectfully disagree that the application falls under the alternative compliance process—and, indeed, the Parish has not requested or otherwise sought DRB relief pursuant to CDO § 14.7.3(b) (Alternative Compliance Granted by the Development Review Board).

Section 14.7.1(e)(i) of the CDO provides that an application that satisfies “all standards *applicable* to such application . . . without the necessity of any additional approval by the Development Review Board . . . , shall be entitled to administrative review and approval By Right by the Department.” (Emphasis added.) The standards “applicable” to the Parish’s application are necessarily limited by Section 4413, as the Memorandum acknowledges.² See Memorandum at 2 (observing that “[t]he application review standards of Article 14: PlanBTV Downtown Code apply” and “[t]he statutory limitations noted in 24 V.S.A. § 4413 substantially limit those review standards”). However, the

¹ We also have reviewed a prior, December 13, 2022 memorandum from Mr. Gustin and Mary O’Neil to the Design Advisory Board, which reflects substantially the same analysis.

² The Memorandum includes discussion relevant to CDO § 5.4.8 (Historic Buildings & Sites). While we agree that Section 4413 makes that section inapplicable to the Application, we note that, even absent Section 4413, the plain language of § 5.4.8 does not apply to a building that is less than 50 years old. The 2013 determination of eligibility for historic registry listing referenced in the Memorandum was made for a limited purpose and does not alter the criteria established in § 5.4.8 as to when a building may be subject to § 5.4.8.

approach reflected in the Memorandum effectively ignores Section 4413 in determining whether administrative review and approval is justified under CDO § 14.7.1(e)(1), and goes on to apply Section 4413 in the context of the alternative compliance analysis.

Applying Section 4413 to the Application up front, the Application is entitled to administrative review per CDO § 14.7.1(e)(i) because the Application conforms to all applicable review standards, as those standards are limited by Section 4413. The Administrative Officer is empowered by CDO § 14.7.1(d) to modify any submission requirement of Article 14, and, in compliance with Section 4413, the Administrative Officer must modify any requirement that is beyond the scope of review a municipality may apply to a church, place of worship, parish house, or convent.

Review of the Application by the Design Advisory Board (“DAB”):

Consistent with the Memorandum’s conclusion that “[a]lternative compliance is applicable for this application and requires review by the Development Review Board in consultation with the Design Advisory Board,” the Administrative Officer referred the Application to the DAB for review. The DAB’s hearing on the Application took place on December 13, 2022. Notwithstanding staff’s recommendation that the DAB simply forward the Application to the DRB in light of the application of Section 4413, the DAB recommended denial. Respectfully, the DRB should disregard the DAB’s recommendation, as the matter did not and does not require the DAB’s input.

Review of the Application by the DAB was not required by the terms of the CDO, as the Parish has not requested or otherwise sought relief under CDO § 14.7.3(b). The Administrative Officer has discretion in some circumstances to request input from the DAB on the review standards within the DAB’s purview that are contained in Article 6 and other sections of the CDO. However, in this instance, any review standards that might fall within the DAB’s purview are beyond the scope of review afforded by Section 4413. As such, there is no role for the DAB in the review of the Application and the DAB’s recommendation to the DRB is beyond the scope of the DAB’s authority. As recommended by staff, the proper action of the DAB would have been to forward the Application to the DRB as submitted.

Colin P Lindberg. Architect AIA

802 864 4950 colin@colinlindberg.com 208 Flynn Ave. Burlington, VT 05401

To: The Burlington Development Review Board

I wish to support the preservation of the Cathedral of the Immaculate Conception.

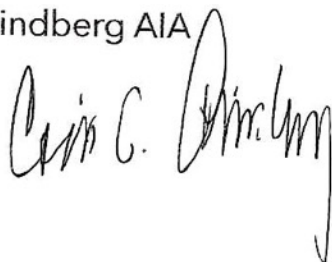
The architecture designed by Edward Larrabee Barnes, a nationally recognized architect, contains a beautifully detailed sanctuary that is one of the most important spaces for worship in the city of Burlington. Every effort should be made to help save and develop this inner city site and building.

It is understood that the Church of Saint Joseph has been selected as the main Cathedral, and that the burden on the parish to support the attendant costs is overwhelming. But the Barnes Concept was that the surrounding block should have outstanding residential development that relates to the scale and the texture of the Cathedral. Daniel Urban Kiley, world renowned landscape architect designed the grove to enhance the architecture.

The City needs to be proactive in support of this goal and to seek funds to save the architecture of this important design.

Thank you for your consideration,

Colin P. Lindberg AIA

A handwritten signature in dark ink, appearing to read "Colin C. Lindberg". The signature is fluid and cursive, with the first name "Colin" and last name "Lindberg" clearly distinguishable.



November 16, 2022

Monsignor Peter A. Routhier
Cathedral of St. Joseph
113 Elmwood Avenue
Burlington, VT 05401

Re: 20 Pine Street, Burlington

Dear Monsignor Routhier:

I am writing on behalf of the board members of Preservation Burlington to whom you sent letters last month. Thank you for reaching out and sharing your thoughts on the former cathedral property. It is heartening to hear you say that this property has served the Catholic community well. There are many within the Catholic community for whom the property continues to hold great significance. They have attended and participated in weddings, baptisms, and funerals in this building, and their memories and personal connections to the building itself should not be taken lightly.

From our perspective this property has also served the Burlington community well, regardless of religious affiliation. What happens to this property will have an impact on all citizens of Burlington, not just Catholic parishioners. That is why we are interested in seeing this property adapted for continued use and not demolished: it is part of the urban fabric of downtown Burlington, it is architecturally significant, and its landscape provides a distinctive counterpoint to the surrounding density of urban development. The significance of this property extends far beyond the Catholic community.

Your letter states that one of the methods of "completing the deconsecration of a sacred space, recognized by canon law is the demolition of a Church." But Can. 1212 also provides an alternative to demolition: "Sacred places lose their dedication or blessing if they have been ...turned over permanently to profane use by decree of the competent ordinary or in fact." This is further supported by Can. 1222 §1: "If a church cannot be used in any way for divine worship and there is no possibility of repairing it, the diocesan bishop can relegate it to profane but not sordid use."

What is the bishop's position on the proposed demolition of the building? Have you explored the option of converting the property from sacred to profane, but not sordid, use? What efforts

have been made to that effect? Such conversions are common, as evidenced by these recent examples in Vermont, all within the past few years:

- St. Margaret Mary Church in Arlington, now The Arlington Common, a community-based arts and wellness center
- St. John the Apostle Church in Johnson, now Jenna's House, a community and recovery center
- Our Lady of Lourdes in Pownal, sold to a private owner for use as a workshop and residence
- St. Sylvester Church in Graniteville, sold to a private owner for use as a martial arts workshop and residence

We welcome the opportunity to meet with you in person to continue this discussion. Instead of meeting at St. Joseph's Cathedral, however, our preference is to meet at 20 Pine Street as that is the subject of our interest and concern. Please suggest some dates and times for a meeting and we will see what works best for our board members.

Sincerely,

Ron Wanamaker
Vice President
Preservation Burlington

Hi Mary,

The materials uploaded for review by the DRB include a document titled "20 Pine Street Supplemental Applicant Letter." This letter, dated October 28, 2022, was sent by Msgr. Routhier to the personal home addresses of all members of the Preservation Burlington Board of Directors. Although our organization has a public email address and a P.O. Box, Msgr. Routhier felt the need to target us individually at our homes.

Regardless, it only seems appropriate that Preservation Burlington's response to Msgr. Routhier should be included with the materials presented to the DRB for consideration. A copy of our letter, dated November 16, 2022, is attached.

In our letter we accepted Msgr. Routhier's offer to meet and discuss the project. As of today, there has been no further communication from or effort by Msgr. Routhier to arrange the meeting he offered to host. We remain open to a meeting.

Please include this email as a preamble to the PDF of our letter when it is uploaded for DRB review.

Thank you,
Devin

Peter Ker Walker

From: Peter Ker Walker <pkwalkerla@gmail.com>
Sent: Monday, December 12, 2022 2:25 PM
To: Devin Colman
Cc: lml@05401.com
Subject: Cathedral, BTV

10 Dec 2022

We live at a moment of heightened awareness of global warming changes and its impact on our environment, our way of life and our very survival.

In Vermont there is recognition of the urgency of the concerns for the wellbeing of the region and the need for a greater in safeguarding global priorities.

I propose the creation of a Vermont Center for the Environment, to serve as a Forum for discussion, analysis and the determination for action in the global crisis, to be housed in the saved former Cathedral of the Immaculate Conception, Burlington, VT. In terms of retrofit the former Cathedral contains a superb congregation, auditorium space together with ample basement space for mixed use and offices space. Further the location is ideal, centered in downtown Burlington, within its Park and adjacent to the Transit Center.

It is recognized that purchase costs are to be addressed and that State wide support be engendered and engaged and participation made by the State of Vermont, educational, environmental, conservation communities and the business and private sectors. In concept the building and grounds would be under Burlington City ownership with running costs shared by the various interested parties, listed above.

This project is a demonstration of an optimum retrofit of the former Cathedral, revitalized for a noble agenda which befits Vermont and contributes significantly to global issues beyond Vermont.

Vermont, a place blest with a superb scenic landscape and possessing a balanced intrusion by human settlement. What better place from which to lead the Nation in response to Global changes?

Peter Ker Walker

Feb 18, 2019

The Cathedral of the Immaculate Conception,
Burlington, Vermont

Architect: Edward L. Barnes, New York, NY

Landscape Architect: Kiley Walker, Charlotte, VT

05401 04.19

LETTERS

I was a Principal in the Landscape Architectural firm of Kiley Walker. Alistair Bevington—Architect Edward L. Barnes' former Partner—and I are very concerned about the fate of the Cathedral of the Immaculate Conception and its landscape. All too often the removal of a significant piece of the urban fabric is a drastic mistake in the continuum of the historic growth of our urban environment. The urban landscape is our greatest collective and cultural achievement.

The desire for the good life, at home, at work and opportunities for the pursuit of happiness, particularly for the enjoyment of the outdoors, have motivated people to come together and stay together. Such a sense of place is provided by the uniquely situated City of Burlington. The basic character of the "Queen City" derives from its site, at the edge of a historically important body of water. Consistent with its siting is the recognition of enhanced buildings and the provision of delightful outdoor spaces. Within the economic-political climate there must be a balance inclusive of the values of outdoor landscape spaces, established in an age of growth. The form of constructive environmental design cannot proceed by increasing development density at the expense of open space. The character of our age, the mood of urban life recognizes that an important, essential ingredient is that open landscape spaces be available and maintained, in the words of Olmsted, "for the enjoyment of scenery employs the mind without fatigue and yet exercises it; tranquilizes it and yet enlivens it."

The critical consideration, at this moment, is to save the Cathedral and its Park, from destruction by demolition or destruction by inappropriate development. Change in the use from the original function of the building does not necessitate its removal and the Townscape is enriched by retrofit, in which a building, having outlived its initial program is given new vitality. The Park can be retained as a simple retreat, open lawn, with places to sit under a canopy of mature trees.

There will be public debate about Cathedral/ Park and that should be encouraged, but the principle must be maintained that the City cannot afford the loss of this hallowed ground, a significant historical feature in the urban center of Downtown Burlington.

PETER KER WALKER



December 20, 2022

Mary O'Neil, AICP
Principal Planner for Development Review
City of Burlington
149 Church Street
Burlington, VT 05401

RE: Preservation of the Cathedral of the Immaculate Conception, Burlington, Vermont

Dear Ms. O'Neil,

The prominence of religious architecture elevates how communities around the world are identified and the Cathedral of the Immaculate Conception is representative of how to successfully create an inspirational experience that is a centerpiece within our built environment. There is great care taken by professionals at all levels in the design and execution of this building and landscape, with its significance including and extending beyond the religious experience. The success of the design evokes inclusivity, marking a meaningful transition from outside to inside while accentuating awe through scale, light, detail, and materiality.

The legacy of this building and its landscape extends beyond its conception: we should not, and we cannot erase the impact of this landmark from our community. We have the Catholic Church to thank for its historical significance as they sought a new language for this building and landscape by commissioning premier designers Edward Larrabee Barnes and Dan Kiley to honor the legacy of the past while forward thinking to the future. Their vision was extraordinary, inspirational, and evocative, signifying their commitment to elevating their services and responsibilities to institution, the environment, and the community.

As stewards, Architects, Landscape Architects, Planners, and Builders, we are responsible for creating and maintaining the time, space, and existence of our history through the evolution of our built environment. When prominent architecture and landscape sustains, the fabric of our communities will continue to grow and become more identifiable and unique. Successful projects such as the Cathedral of the Immaculate Conception must endure for generations to come.

Sincerely,

Brian J. Mac, FAIA
Principal Architect
Birdseye

With support from: Andrew Chardain, AIA; Mike Casey, AIA; Peter Abiles, AIA, Jeff Kamuda, AIA; Tyler Whalen, Assoc. AIA; Brennen Donnelly, Assoc. AIA; Will Lones, Assoc. AIA

12/20/2022

Scott Gustin

Principal Planner for Development Review

Development Review and Permitting, Conservation Board Staff

sgustin@burlingtonvt.gov

City of Burlington

149 Church Street

Burlington, VT 05401

Re: Application to Demolish former Burlington Cathedral ZP-22-576

I am writing to oppose the application to demolish the former Cathedral of the Immaculate Conception. I support the preservation of the building and surrounding landscape. The significance of the building and landscape has been documented by numerous experts in the fields of architecture, landscape architecture, and historic preservation, who cite the influential designers and the specific design elements. The building was designed by the influential American architect Edward Larrabee Barnes in collaboration with structural engineer Robert Silman, the founder of Silman.

The mid-century modern building is unique in how it combines elements of modern design that was pushing boundaries in the 1970s. While the innovative architecture used space and light to engage the congregation, a complicated concealed steel structure made the soaring space above the fan shaped seating

There is no going back from demolition and the building and site has amazing opportunities to move forward through thoughtful and innovative design.

Please do not approve the application for demolition.

Sincerely,



Nancy Hudson
Principal



NORWICH UNIVERSITY™

Expect Challenge. Achieve Distinction.

12 19 2022

Mary O'Neil
Department of Permitting & Inspections
City of Burlington

DO NOT DEMOLISH THE BURLINGTON CATHOLIC CATHEDRAL OF THE IMMACULATE CONCEPTION, 1977 BY EDWARD LARRABEE BARNES AND DAN KILEY

The impactful transitional architectural movement of Mid-Century Modernism is being erased across our country. Do not let this happen in Burlington, Vermont. Differing eras of architecture are what enliven the character of our urban experiences.

Please **DO NOT LET THE DEVELOPERS DEMOLISH THIS
ICONIC AND CHERISHED PIECE OF IMPORTANT
ARCHITECTURAL HISTORY.**

Professor Wendy Cox, Architect
School of Architecture + Art
Norwich University

SCHOOL OF ARCHITECTURE AND ART

158 HARMON DRIVE NORTHFIELD, VT 05663-1035 T 802.485.2620 F 802.485.2623 WWW.NORWICH.EDU

Dear Ms. O'Neil,

I am writing to express my strong support for the preservation of 20 Pine Street, Burlington VT and to urge you to do everything in your power to prevent its demolition.

As you may be aware from my social media posts and conversations with Samantha Dunn and others in the Burlington City Hall; I am a real estate broker, who had a qualified buyer a year ago, before the property went under contract, but was denied access. My Buyer literally wrote a letter of intent and was ready to submit his offer, but needed access to understand the condition and amount of work the property needed since he plans to SAVE the property as a community asset NOT demolish the property. To add insult to the situation, I had a very difficult time getting my phone calls returned by the listing broker. I have a timeline and I am happy to submit it with email documentation, but the bottom line is I had a willing, able and eager buyer, but was denied the opportunity to sell the property. I have no idea how many other brokers attempted to show and sell the property, but I can tell you from a real estate brokerage business perspective that if we have a client who wants information and access to a property and we cannot even get the broker to return our phone calls or give us access to the property it makes us all look very bad and it looks to the Buyer that something is amiss. Another colleague called the brokerage and was told not to make any noise and to try to ignore it and keep the sale quiet so the demolition would go through. I know others tried to reach the Parish directly and were shut down. Clearly, **the actions of the owner and realtor when the property was on the market made it impossible for interested parties to submit an offer that contemplated adaptive reuse.** I am particularly frustrated because I had a multi-solving solution for the Parish, which included a sale of some of their other properties that they are trying to sell along with this one and could have been a major win for both the Seller and the City — I am happy to explain in more detail.

And as a 3rd + generation Vermonter and concerned citizen, I am deeply troubled by the prospect of losing this important architectural landmark. The Cultural Landscape Foundation has an [excellent article](#) full of letters of support describing why this is such a significant property and must be saved. I have written several social media posts celebrating this masterpiece including [this blog](#), which elicited interest from Palm Springs, California, Berlin, Germany and other parts of the world. I know my friends in Palm Springs brag about the amount of tourism dollars their modern architecture generates to the tune of \$50M per week. I know there is another adaptive reuse of this building that can be a win for all parties.

I urge you to do everything in your power to save the 20 Pine from demolition. It is a vital part of our city's history and its future, and it deserves to be protected and preserved for generations to come.

Thank You,

Celina Barton
Cell: 802-291-4106

Mary O'Neil
City of Burlington
Principal Planner for Development Review

Re: Demolition Permit/Cathedral of the Immaculate Conception, BTV

I write in support of the recommendation from the DAB that the demolition permit application be denied.

Enclosed are copies of two letters regarding my attitude that the Cathedral not be demolished.

- a. Letter, published in the Magazine 05401 on 19th April 2019.
- b. Recent letter to Devin Colman on 12th December 2022.

Sincerely,
Peter Ker Walker,
19th January 2022

Good Afternoon,

Looking at this question from the outside, I wonder first how this property could be any less important than the Moran Plant?

In municipalities outside the US, such as France, the Church has lost parishioners and the ability to maintain alone a church or chapel and the open space around it. Very often, the government, local, regional or national, has stepped up to keep such places in the public realm. They still represent open gathering places for the community. They still inspire with beauty, or calm. They still provide an essential amenity to urban life.

As the 'Pit' becomes a new residential and retail area, this small oasis will no longer be isolated, but will be more visible and connected to a new community, I hope that the gracious local group who have intervened to complete that project are also in favor of the adaptive reuse of this property.

Toulouse, France is a city graced by its proximity to water, a long boundary with its river, the Garone. But its glory, on a human level, are the plethora of small parks throughout the old city, providing a place to rest, to play, to visit, to take a break. Burlington has public parks, but could certainly benefit from more.

The continued presence of this place presents an opportunity, not an obstacle. It may not be able to serve its original purpose, it may not even be everyone's favorite design, but it can still provide a substantial public benefit for generations to come.

Respectfully,

Robert S. Bast, AIA
Bast & Rood Architects
PO Box 220, Hinesburg, Vermont 05461
o. 802.482.5200
m. 802.363.0871

Dear Ms O'Neil.

I am writing to express my dismay at the proposed demolition of the Cathedral of the Immaculate Conception in Burlington designed by Edward Larabee Barnes. Barnes was part of the first generation of American modernists to study under Walter Gropius at Harvard in the 1940's. Barnes went on to

greatness and built many monuments of mid century importance. We are lucky to have an example of the work of this important architect in our state. As a professor of architecture at Norwich university, I have taken students to visit this building many times. It would be a great loss to our design community, to our students, studying architecture in Vermont, and to the larger community of people who love the fabric of the city of Burlington. This building should be preserved as an example of what human beings will do in order to create sacred space that is lasting and meaningful. Please feel free to share my thoughts at the meeting on December 20.

Sincerely,

Danny Sagan AIA
Norwich University.

Hello Mary,

Please accept the attached letter in support of the adaptive reuse of the former Burlington Cathedral.

From my perspective as a practicing architect, founder of Birdseye Architecture in Richmond, Vermont 26 years ago, and as a 2018 Fellow in the American Institute of Architects, The Catholic church should be leaning hard into preserving this beautiful project. Although it may not ever function as a church again, it is a standing testament to the power of inspiration through design. Rather than demolish the project and wipe away the energy of it's past, it should be repurposed and reinvigorated with new life. All great projects have extraordinary clients. The original clients can reach into inspiration once again and creatively collaborate with the City of Burlington to reimagine a new use for The Church of the Immaculate Conception and continue the remarkable legacy of the building and it's provenance.

Thank you for reviewing our thoughts and passion for saving this landmark project. As a show of good will and our strong commitment to preservation of the project, Birdseye will commit time into developing schematic design drawings, pro-bono, for adaptive reuse concepts for the existing church and landscape.

With great hope and love,
Brian



Brian J. Mac, FAIA

Principal Architect

www.birdseyevt.com

802 434 3106

Dear All,

Here's a suggestion for repurposing the cathedral -

The building could function as a sanctuary for recently-arrived immigrants. If the interior were reconfigured, it could provide temporary housing, dispense food, clothing, counseling and language

classes to the immigrants. Also the building could be a gathering space for immigrant events. Various churches and philanthropic organizations throughout Vermont have already provided some of these services, but the cathedral could act as immigrant headquarters central for the entire state. This would be appropriate since Burlington has been declared a sanctuary city.

As far as who ends up owning the cathedral, (possibly the city of Burlington, aided by a sort of Go Fund Me site to purchase it?), I think the city should lease the building to whomever they choose, such as the immigrant organization I suggested above.

Thanks for considering these ideas.

Mary Kadish
193 St. Paul, no. 305
Burlington

Dear Mrs. O'Neil,
Good afternoon. I hope that you are doing well. I would like to respectfully request that you consider voting against the demolition of the former Catherine of the Immaculate Conception in downtown Burlington. The preservation of the historic building is important to our heritage and Catholic community.

Kind regards,
Nicole

--

Nicole Ortloff, MBA, DBA



JoAnne Dennee <joannedennee@gmail.com>

■ Mary O'Neil

Please save the Immaculate Conception Cathedral

[You don't often get email from joannedennee@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

Thank you for conserving VT architectural history!!

JoAnne Dennee

Sent from my iPhone



NORWICH UNIVERSITY™

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20 December 2022

Mary O'Neil
Department of Permitting & Inspections
City of Burlington

Dear Ms. O'Neil,

I am writing to urge caution considering the demolition permit for the former Cathedral of the Immaculate Conception, located at 20 Pine Street, which at this stage should mean denying the request for alternative compliance.

I am an architectural historian whose primary scholarly expertise is in modern religious architecture and sacred space. I understand and support the general arguments against demolition in this case: the historic significance of the building and its landscape, the inherent sustainability of adaptive reuse strategies, and the value of the "breathing space" this site provides in the midst of a downtown becoming more dense with recent and ongoing development.

But I write specifically because I take just as seriously the debates over the many things — actions, objects, texts, sites, buildings, and places — that humans call sacred. It is in light of these matters that I urge caution and advocate denial of the request before you.

Monsignor Peter Routhier emphasizes the preference for demolition as the means for completing the process of deconsecration (letter to Scott Gustin, 27 October 2022; letter to Preservation Burlington, 28 October 2022). But he also acknowledges that it is not the only method recognized by Roman Catholic canon law. Indeed, it could be effected simply by decree of the bishop of the diocese, though congregations often desire something more as an aid in coping with the loss and transition typically involved in deconsecration. Nevertheless, the historical and contemporary practice of deconsecration is complicated, and no single method is standard (see, e.g., Kim de Wildt, "Ritual Void or Ritual Muddle? Deconsecration Rites of Roman Catholic Church Buildings," *Religions* 2020, 11, 517; doi:10.3390/rel11100517).

SCHOOL OF ARCHITECTURE AND ART

I will not argue here that the congregation's preference is somehow incorrect. I honor their concerns. I will be so bold as to suggest, however, that the experience of sacredness — including qualities of a specific space, building, or site designed to serve a specific liturgical life — are not in fact limited to any religious tradition as such. Many former churches are repurposed after non-destructive deconsecration precisely because there is something special about the atmosphere they provided, something recognized, appreciated, and deemed worth preserving by the broader public.

The groundswell of opposition to demolition in the case of Immaculate Conception suggests precisely this to me. We should pause, therefore, and provide time to determine just what is at risk of being lost, time to consider the potential for adaptive reuse that honors the qualities of this treasured site. Such a development could become a legacy rooted in the very best of the Roman Catholic Church: its proclamation of catholicity and the universal values of faith, hope, and love. The prospects of cooperation on this front across all parties is unknown, but granting a demolition permit would foreclose the very possibility.

Best regards,

A handwritten signature in black ink, appearing to read 'Tim Parker', with a stylized flourish at the end.

Timothy Parker, PhD

Graduate Program Director

Associate Professor, History & Theory of Architecture & Art

School of Architecture + Art, Norwich University

SCHOOL OF ARCHITECTURE AND ART



December 20, 2022

Dear Members of the Burlington Development Review Board,

We are writing to support the redevelopment of the property at 20 Pine Street in Burlington's downtown to provide critical housing opportunities in the core of the State's largest population center.

Recent graduates and seasoned professionals alike are deterred from working in Vermont due to the statewide supply shortage of suitable housing. Vermonters agree on the need to create more housing and doing so means allowing for dense and infill development. It is a critical step to address Vermont's workforce shortage and in the revitalization of downtowns and neighborhoods. Additionally, properties like 20 Pine Street in Burlington are surrounded by the public infrastructure that taxpayers in Vermont have invested in and which directly support this needed housing development. Water, sewer, roadways, social services, and public transit options make this currently underutilized parcel an ideal location to envision a place for the current and future workforce in Vermont to call home.

We encourage the Development Review Board and other relevant City authorities to support the application for revisioning of this property to be used to its full potential in support of housing.

Thank you,

A handwritten signature in black ink that reads "Megan Sullivan".

Megan Sullivan

Vice President, Government Affairs



29 Church Street, Suite 3-5
Burlington, Vermont 05401
802-863-1175

December 20, 2022

The Burlington Business Association, founded in 1978, is a non-profit, non-political membership organization with over 200 business and non-profit members.

Board of Directors:

Chelsea Condos, Chair
Christian Kuzia, Vice Chair
Shireen Hart, Secretary
Michele Asch
Donna Austin-Hawley
Michael Casella
Richard Deane
Peter Dysart
John George Wheeler
Lisa Kingsbury
Leslee MacKenzie
Ryan Nick
Jack Wallace

Staff:

Kelly Devine
Executive Director

Colin Hilliard
Deputy Director

Lexie Wheeler
Program Coordinator

RE: Public Hearing #1 ZP-22-576; 20 Pine Street

On behalf of the 250+ businesses and nonprofits represented by the Burlington Business Association (BBA), please accept the following comments regarding ZP-22-576, Cathedral of Immaculate Conception Demolition Permit.

We urge the Development Review Board to approve this request in line with staff recommendations. Approval of this permit will allow for redevelopment which will include critically needed housing for our downtown.

Burlington has a housing crisis. First called out in the 2014 Downtown Housing Strategy Report, the crisis was more recently highlighted in Building Homes Together 2.0 Campaign's October report that found Chittenden Co. is trailing behind the target of 5,000 new homes by 2025. The December Allen, Brooks & Minor report also found that vacancy rates continue to be historically low at less than 1%. A healthy vacancy rate is at least 400+ times that, between 4-8%.

PlanBTV Downtown & Waterfront specifically calls out this parcel as follows: this "quadrant of the downtown is well suited for larger residential structures." and suggests "the addition of larger residential, mixed-use buildings by redeveloping underutilized parcels, essential for addressing citywide housing needs, reducing traffic congestion and parking demand, and supporting the continued vitality of our downtown economy."

Some have called for the preservation of this parcel's green space. It is important to note that in Burlington, city and regional parkland add up to 23.5 acres per resident—almost double the national standard for cities of our size. Burlington does not have a greenspace crisis. We have a housing crisis. There can be no doubt that infill redevelopment on a parcel in the downtown core of Burlington will yield stormwater, transit, green building, and density benefits.

Please vote yes to approve this application, ZP-22-576; 20 Pine Street.

Sincerely,

Kelly Devine
(802) 863-1175
director@bbavt.org

December 20, 2022

Dear Members of the Burlington Development Review Board,

I'm writing to support the proposed demolition and eventual redevelopment of the property at 20 Pine Street in Burlington's downtown.

Burlington's downtown core cannot afford dead space, and dense redevelopment allowable by zoning is a critical step for its revitalization. Luckily, we have an opportunity to activate this property and bring much needed economic and social vitality to the downtown core. Specifically, the opportunity to create more housing is essential given our community's chronically low vacancy rate and high costs of living. Furthermore, densely built housing in downtown's is the green alternative to sprawl. Lastly, the property's proximity to transit makes it a perfect location for residents seeking a living situation without the need for a personal vehicle.

I encourage the Development Review Board and other relevant City authorities to support the application for demolition of this property and to do so enthusiastically.

Thank you,

Ben Traverse
Ward 5 City Councilor

December 20, 2022

Dear Members of the Burlington Development Review Board,

I'm writing to support the proposed demolition and eventual redevelopment of the property at 20 Pine Street in Burlington's downtown.

Burlington's downtown core cannot afford dead space, and dense redevelopment allowable by zoning is a critical step for its revitalization. Luckily, we have an opportunity to activate this property and bring much needed economic and social vitality to the downtown core. Specifically, the opportunity to create more housing is essential given our community's chronically low vacancy rate and high costs of living. Furthermore, densely built housing in downtown's is the green alternative to sprawl. Lastly, the property's proximity to transit makes it a perfect location for residents seeking a living situation without the need for a personal vehicle.

I encourage the Development Review Board and other relevant City authorities to support the application for demolition of this property and to do so enthusiastically.

Thank you,

Ed Adrian
Former City Councilor

December 20, 2022

Dear Members of the Burlington Development Review Board,

I'm writing to support the proposed demolition and eventual redevelopment of the property at 20 Pine Street in Burlington's downtown.

Burlington's downtown core cannot afford dead space, and dense redevelopment allowable by zoning is a critical step for its revitalization. Luckily, we have an opportunity to activate this property and bring much needed economic and social vitality to the downtown core. Specifically, the opportunity to create more housing is essential given our community's chronically low vacancy rate and high costs of living. Furthermore, densely built housing in downtown's is the green alternative to sprawl. Lastly, the property's proximity to transit makes it a perfect location for residents seeking a living situation without the need for a personal vehicle.

I encourage the Development Review Board and other relevant City authorities to support the application for demolition of this property and to do so enthusiastically.

Thank you,

Ernie Pomerleau

Pomerleau Real Estate

December 20, 2022

Dear Members of the Burlington Development Review Board,

I'm writing to support the proposed demolition and eventual redevelopment of the property at 20 Pine Street in Burlington's downtown.

Burlington's downtown core cannot afford dead space, and dense redevelopment allowable by zoning is a critical step for its revitalization. Luckily, we have an opportunity to activate this property and bring much needed economic and social vitality to the downtown core. Specifically, the opportunity to create more housing is essential given our community's chronically low vacancy rate and high costs of living. Furthermore, densely built housing in downtown's is the green alternative to sprawl. Lastly, the property's proximity to transit makes it a perfect location for residents seeking a living situation without the need for a personal vehicle.

I encourage the Development Review Board and other relevant City authorities to support the application for demolition of this property and to do so enthusiastically.

Thank you,

Luke Clavelle

Burlington Resident

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
Brooks McArthur
Brad Rabinowitz
Leo Sprinzen
Chase Taylor
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, December 20, 2022, 5:00 PM

AGENDA

Remote Meeting

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

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Consent**

1. **ZP-22-590; 162 Cumberland Road (RL-W, Ward 4N) Kristen McBride / Jon McBride**
Convert existing 14' x 14' tool shed into home office/hobby space to teach and repair saxophone.
(Project Manager, Scott Gustin)

Approve

V. **Public Hearing**

1. **ZAP-22-6; 47 Harrison Avenue (RL-W, Ward 5S) Timothy Ely**
Appeal of zoning denial (ZPW-22-148) to replace existing windows with vinyl units. (Project Manager, Mary O'Neil)

Deny
2. **ZAP-22-8; 89 Chestnut Terrace (RL, Ward 6S) Janine Boix-Vives / Arline Duffy**
Appeal of zoning determination (ZP-22-503) recognizing 89 Chestnut Terrace as a separate lot from 41 South Street. (Project Manager, Scott Gustin)

Deny
3. **ZP-22-576; 20 Pine Street (FD6, Ward 3C) Cathedral Immaculate Conception, Parish Charitable Trust / John Caulo**
Request for alternative compliance for the demolition and removal of existing church building, bell tower, parking lot, and impervious pathways. Planned landscape with trees will be retained. (Project Managers, Scott Gustin & Mary O'Neil)

Continued until January 11, 2023

VI. **Sketch Plan**

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

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1. **ZSP-22-12; 284 Grove Street (RL, Ward 1E) Ireland Grove Street Properties, LLC / Nicholas Smith**
Sketch Plan Review for the demolition of 12 single-family modular homes and one 3-unit apartment building and construct 13 new duplex buildings (total 26 units) along existing looped driveway.
(Project Manager, Scott Gustin)

VII. Other Business

1. **Joint Institutional Parking Management Plan**
Time extension request. (Project Manager, Scott Gustin)

Approve

VIII. Adjournment

Plans may be viewed upon request by contacting the Department of Permitting & Inspections between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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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
Brooks McArthur
Brad Rabinowitz
Leo Sprinzen
Chase Taylor
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, December 20, 2022, 5:00 PM

MINUTES

Remote Meeting

Board Members Present: All members were remote. AJ LaRosa, Caitlin Halpert, Geoff Hand, Brooks McArthur, Sean McKenzie, Brad Rabinowitz, Leo Sprinzen, and Chase Taylor

Board Members Absent: None

Staff Members Present: Scott Gustin, Mary O'Neil, and Joseph Cava

- I. Agenda**
- II. Communications**
- III. Minutes**
- IV. Consent**

- 1. ZP-22-590; 162 Cumberland Road (RL-W, Ward 4N) Kristen McBride / Jon McBride**
Convert existing 14' x 14' tool shed into home office/hobby space to teach and repair saxophone.
(Project Manager, Scott Gustin)

Jon McBride: Sworn in

AJ LaRosa: This agenda item is recommended for consent. Have you read the staff report?

Jon McBride: I have, and I don't have any issues.

AJ LaRosa: Motioned to approve and adopt staff recommendations, Brad Rabinowitz 2nd. Vote 7-0.
Motion carries.

V. Public Hearing

- 1. ZP-22-576; 20 Pine Street (FD6, Ward 3C) Cathedral Immaculate Conception, Parish Charitable Trust / John Caulo**
Request for alternative compliance for the demolition and removal of existing church building, bell tower, parking lot, and impervious pathways. Planned landscape with trees will be retained. (Project Managers, Scott Gustin & Mary O'Neil)

John Caulo, Jim Langan, Reverend Monsignor Peter Routhier: Sworn in.

AJ LaRosa: I would like to propose a revision to the agenda and give this item its own special meeting in January 2023.

Geoff Hand: AJ, I am recused on this.

Brooks McArthur: I think it would make sense to give this item its own special hearing. This is an important issue, and everyone's voice should be heard.

Brad Rabinowitz: It could be possible that this item will require multiple board meetings to address.

AJ LaRosa: One of the considerations is for this item to be heard in person once we're back in person in January.

John Caulo: We are prepared to move forward with this application tonight. The details of this case are straightforward.

Jim Langan: The legality of this issue is not a hang up on this application.

AJ LaRosa: I would disagree, my inclination is to allow the applicant to give a 30-minute presentation, and schedule a special meeting on Wednesday, January 11, 2023.

John Caulo: I am representing the owner of 20 Pine Street. The scope of the project proposes the removal of the existing church building, parking lot, hardscaped sidewalk surfaces, and bell tower. An updated legal memo was uploaded to the application attachments. This is a complicated issue encompassing zoning current use and historical integrity of the property.

AJ LaRosa: This is just for the demolition of the existing church building?

John Caulo: Incorrect, number one on the site plan identifies the church building and sidewalks, number two encompasses the adjoining parking lot, and number three encompasses the bell tower. All these listed features are proposed for demolition and removal. The zoning administrator pointed out the application process implications of removing the trees, so the grove of honey locusts is excluded from the demolition plan as presented.

Brad Rabinowitz: What will be left after the demolition is completed?

John Caulo: The site will be loamed and seeded.

AJ LaRosa: Is there a plan for redevelopment?

John Caulo: No.

Brad Rabinowitz: Why not wait to demolish until the site is ready to be redeveloped?

John Caulo: The redevelopment is outside the scope of this project's proposal.

AJ LaRosa: Hearing no additional questions, we'll turn it over to Jim Langan.

Jim Langan: As John mentioned, we've submitted two legal memos in regard to this project. There is no genuine question applying Section 4413 to the parish's application to demolish this religious site. Section 4413 guarantees the religious exercise of demolishing church buildings without interference from zoning administration staff.

AJ LaRosa: In the first legal memo, what was the referenced case of a church demolition?

Brad Rabinowitz: This property has significance in the City beyond its religious affiliation. Why are you choosing this approach to deconsecrate this building?

Jim Langan: This decision is up to the religious institution by which it is governed.

AJ LaRosa: Even though this property will cease to be a church, Vermont Statute under 4413 V.S.A. still protects the right to demolish this church?

Jim Langan: Correct, the property is permitted as a religious site and right to demolish it is protected by RLUIPA. The zoning ordinance is clear on what constitutes a historical building in Burlington. Part of this threshold is the building reaching an age of 50 years for inclusion on the historical register, which this building has not.

AJ LaRosa: Can you explain the historical review arguments if they were to apply under the age category under Section 5.4.8?

Jim Langan: The first memo specifies the building's age and listing requirements to qualify for the registry of historical places. The building was constructed in 1977 and hasn't reached that 50-year mark.

AJ LaRosa: So beyond religious affiliation, the building wouldn't be listed on the basis of architectural integrity?

Jim Langan: Correct, beyond age, the building doesn't fit the criteria for historical ordinances. The question could be whether the building continues to serve a religious function according to previous cases.

AJ LaRosa: Are there additional questions from the board?

Brad Rabinowitz: I would like to hear feedback from the City Attorney.

Peter Routhier: I am current rector of the Cathedral of St. Joseph and I have been part of the parish of the Cathedral of the Immaculate Conception. The parish does not take this decision lightly, but the removal of the building would help to bring closure to the events of the distant past like the fire that destroyed the original cathedral. The existing building must be removed so healing can occur. I am aware of the emotions and connections made with the current building and now it needs to be demolished for the good of the community.

AJ LaRosa: Thank you, I appreciate your feedback. We would like to get this right.

AJ LaRosa: Motioned to call a special meeting scheduled for 5:00 PM on Wednesday, January 11, 2023 at 645 Pine Street, Brad Rabinowitz 2nd. Vote 6-0. Motion carries.

2. **ZAP-22-6; 47 Harrison Avenue (RL-W, Ward 5S) Timothy Ely**
Appeal of zoning denial (ZPW-22-148) to replace existing windows with vinyl units. (Project Manager, Mary O'Neil)

Timothy Ely: Sworn in

AJ LaRosa: Mary, can you please give us your feedback on the denial of this application?

Mary O'Neil: The building official issued a stop work order on the basis that no permits were pulled for this project. Two permits were subsequently pulled for the vinyl siding and windows. We do have a record that the vinyl siding was approved on the opposite side of the duplex and has been there for over fifteen years. We don't recognize the vinyl windows as an appropriate finish on a structure listed within a national register district.

AJ LaRosa: Correct me, but after a period of fifteen years the existing materials can remain as installed?

Mary O'Neil: Yes, the windows on the opposite side of the duplex have been in place since the 1980s and were unpermitted. However, any replacements would need to adhere to the existing ordinance.

AJ LaRosa: Any additional questions?

Brad Rabinowitz: Just a comment, the other half of the building has vinyl siding and vinyl windows and would create a mismatch if vinyl wasn't approved.

Caitlin Halpert: In 1987 there was an ordinance addressing replacement of windows for historic buildings and districts.

Mary O'Neil: I make no determination on the length of time the replacements have been in place,

Brad Rabinowitz: Are clad windows acceptable?

Mary O'Neil: Vinyl is an inappropriate substitute. Wood, wood clad, and fiberglass are the acceptable replacement materials.

Geoff Hand: Was vinyl ever approved on historic structures?

Mary O'Neil: Only on newer additions, not the historic structure itself.

AJ LaRosa: Are historic windows specifically addressed in the zoning ordinance?

Mary O'Neil: This window document was specifically addressed and adopted by the Design Advisory Board. This document articulates the modern replacement materials which are acceptable.

Sean McKenzie: Vinyl windows are meant to be installed on a flat surface and doesn't address the sills and window surrounds that are characteristic of historic buildings.

Mary O'Neil: Some clad windows still utilize vinyl and this is the caveat of acceptable replacement materials. At this stage of the project, the historic window features have been removed. The siding permit substitutes fiber cement board, which has been upheld by the courts.

Leo Sprinzen: It sounds like the variation of the proposed window pattern changes the existing window pattern.

Mary O'Neil: The four-over-two pattern proposed replicates the historic window pattern that these structures originally had.

Timothy Ely: My son does contracting for a living. It was determined that the scope of the project was not feasible to fix the existing rot. The existing windows were screwed to the wall to hold them in place.

AJ LaRosa: Did you look into the cost of what it would be to replace the vinyl windows with period appropriate windows?

Timothy Ely: I did, and it would be hard to financially replicate the windows. I plan on retiring in a couple of years, and it is not financially feasible.

Brad Rabinowitz: Is this clear glass or does it have muntins separating the pattern?

Timothy Ely: It is clear glass, and my neighbor has the same exact windows installed in their half of the duplex.

AJ LaRosa: Are there any members of the public here to speak on this item? Seeing none, I move we close the public testimony on this item.

3. **ZAP-22-8; 89 Chestnut Terrace (RL, Ward 6S) Janine Boix-Vives / Arline Duffy**
Appeal of zoning determination (ZP-22-503) recognizing 89 Chestnut Terrace as a separate lot from 41 South Street. (Project Manager, Scott Gustin)

Janine Boix-Vives, Arline Duffy, Zachary Berger, Kim Sturtevant: Sworn in.

Brooks McArthur: A reminder to people in the waiting room that 20 Pine Street has been scheduled to 5:00 PM on Wednesday, January 11, 2023. I am recused on this matter.

AJ LaRosa: Can people who wish to speak on this item raise their right hand? This is an appeal of a zoning determination, and I have a question for staff. This determination seems to go outside the scope of our authority including work with deeds which is outside of zoning.

Scott Gustin: The determination request to recognize a separate lot does include some land records to address this matter. The zoning implications are whether there is a separate building lot or not. The owner of 41 South Street abuts the property located at 89 Chestnut Terrace. I issued an adverse determination initially due to the survey associated with two boundary line adjustments. In preparation for the appeal of that initial decision, further research was done. This area was originally subdivided as two lots, The Sanborn maps depict two lots, and the deed language refers to multiple lots. The boundary line adjustment survey creates ambiguity. Ambiguity is usually found in favor of the property owner. Beyond the survey, all the other data points to this being two separate lots.

Kim Sturtevant: From a zoning perspective, the jurisdiction and context of deeds and surveys is within the scope of your review of this appeal.

Geoff Hand: Can you elaborate on the reversal of the adverse determination with an affirmative determination?

Kim Sturtevant: When new evidence comes to light, then reconsideration is allowable if the evidence changes the outcome.

AJ LaRosa: Who do we have on behalf of the appellant?

Arline Duffy: I would like to follow up on the jurisdiction of this appeal. Once the appeal is filed there is constitutional due process to hear it out and participate in the proceedings. Scott and Mary were aware that I wanted to participate as an adjoining land owner. The zoning application permitted the boundary line adjustment unless 89 Chestnut Terrace is encompassed by the parcel of 41 South Street. There is no individual E911 address for 89 Chestnut Terrace, and the permit from 2002 does not show any ambiguities in the survey.

Geoff Hand: The survey prepared suggests that this is one lot.

Caitlin Halpert: Are there any additional questions for Arline? We should hear from Zachary Berger from Gravel & Shea.

Zachary Berger: I would like to address the legal authority of 89 Chestnut Terrace being its own separate lot. The procedural issues asserted by the appellant are moot as we are here at an appeal hearing. The insurance company recognizes this as a separate lot from 41 South Street. This is

supported by land records and assessor's office with no intention of merging the two lot lines. There has been no municipal action to merge these two lots. The ambiguity caused by the mistake made on the survey should not impact the appellant and the determination should be upheld.

Geoff Hand: The survey, though not containing a dividing line, does change the back corner pins which would impact the surrounding lots. This creates a difference in the ambiguity between the survey and the documents contained within land records.

Zachary Berger: The ambiguity should not require a subdivision to remediate the error on the survey. Both of these lots, 89 Chestnut Terrace and 41 South Street, are conforming lots according to the assessment and insurance of these parcels.

AJ LaRosa: Are there members of the audience who wish to speak on this?

Arline Duffy: I'd like to point out that the boundary line adjustment was not called into question by the zoning office. There is a non-conforming lot between 89 Chestnut Terrace and 41 South Street that divides the two lots. It doesn't seem equitable to neighbors to change the position because they want to. My title relies on this being recognized as one lot, not two.

Brad Rabinowitz: What do you mean about this one lot?

Arline Duffy: My lot is based upon 41 Chestnut Terrace, not 89 Chestnut Terrace.

Zachary Berger: There has been no action to merge these lots, and it would be improper to base this upon a survey that clearly doesn't articulate a merger.

Geoff Hand: Does the owner receive two separate tax bills?

Zachary Berger: Yes, my client receives two separate tax bills for two separate lots. My client has paid these bills based upon the assessment without question.

AJ LaRosa: Hearing no additional questions, we will close the public hearing on this item.

VI. Sketch Plan

1. ZSP-22-12; 284 Grove Street (RL, Ward 1E) Ireland Grove Street Properties, LLC / Nicholas Smith

Sketch Plan Review for the demolition of 12 single-family modular homes and one 3-unit apartment building and construct 13 new duplex buildings (total 26 units) along existing looped driveway.
(Project Manager, Scott Gustin)

Nicholas Smith: Sworn in.

AJ LaRosa: This proposal is to demolish the existing modular buildings and historically registered building to construct duplexes in their place.

Brad Rabinowitz: I am recused on this.

Nicholas Smith: This is south to Bayberry, and would be 13 duplexes, with a total of 26 units. The layout of Grove Street is conforming to the setup of the Bayberry development. We would like to make use of the existing stormwater and sewer system with upgrades to support the new development.

AJ LaRosa: This is sketch plan, so this is feedback only. Can you discuss the existing historically registered brick building?

Nicholas Smith: The existing brick building was reviewed in 1998, and has been altered too much to qualify for the State Register of Historical Places anymore. The Design Advisory Board has not thoroughly reviewed the report supporting its lack of architectural integrity.

AJ LaRosa: We've reviewed a lot of demolition by neglect cases, and this will definitely come up in our review.

Geoff Hand: How long have you owned the property?

Nicholas Smith: The parcel was acquired by SD Ireland in the early-2000s. Since that time, SD Ireland has made steps to shore up the building.

AJ LaRosa: This is a good project for the housing density that is needed. Are there any additional questions from the board?

Nicholas Smith: I'd like to add that the grades created by the existing building combined with the condition of the existing modular units create the conditions needed to demolish and rebuild which would vastly improve the site.

AJ LaRosa: I move we close this sketch plan review.

VII. Other Business

1. Joint Institutional Parking Management Plan

Time extension request. (Project Manager, Scott Gustin)

AJ LaRosa: This seems relatively straight forward.

Sandy Thibault: We have a request for an extension on the joint institutional parking management plan that was approved in December 2021. We are requesting a six month extension to address factors created by a COVID-19 and post-COVID-19 environment.

Caitlin Halpert: I have a question about the approval time frame being up to five years.

AJ LaRosa: This doesn't impact the requested six month extensions. Are there any additional questions or comments from the board? Hearing none, would someone like to make a motion?

AJ LaRosa: Motioned to approve the time extension request, Geoff Hand 2nd. Vote 7-0. Motion carries.

VIII. Adjournment

Hearing closed at 7:05 PM.



Alexander J. LaRosa, Chair of Development Review Board

1/5/23

Date

Joseph H. Cava

1-5-23

Joseph H. Cava, Permitting & Inspections Permit Technician

Date

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