CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOICE
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov/dpw

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

M E M O R A N D U M

To: Amy Bovee, Clerks Office
From: Chapin Spencer, Director
Date: December 10, 2014
Re: Public Works Commission Agenda

Please find information below regarding the next Commission Meeting.

Date: **December 17, 2014**
Time: 6:30 – 9:00 p.m.
Place: 645 Pine Street – Main Conference Room

A G E N D A

ITEM		
1		Agenda
2	10 Min	Public Forum
3	5 Min	Consent Agenda 3.10 Summer Street Handicap Parking Space Addition 3.20 Kilburn Street Loading Zone Removal
4	25 Min	266 South Union Street Trades Appeal 4.10 Communication, N. Baldwin 4.20 Discussion 4.30 Decision

Non-Discrimination
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 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 865-7145.

5 10 Min Cliff Street Sidewalk Update & Resident Parking Removal
- 5.10 Communication, G. Gomez & D. Roy
- 5.20 Discussion
- 5.30 Decision

6 10 Min Large Water Meter Ordinance Change
- 6.10 Communication, L. Adams
- 6.20 Discussion
- 6.30 Decision

7 15 Min Snow Fighting Plan Update
- 7.10 Communication, R. Green
- 7.20 Discussion

8 5 Min Minutes of November 12, 2014

9 10 Min Director's Report

10 10 Min Commissioner Communications

11 15 Min Executive Session for Deliberation of Appeals

12 Adjournment & Next Meeting Date – January 21, 2015

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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

M E M O R A N D U M

TO: PUBLIC WORKS COMMISSION
FM: CHAPIN SPENCER, DIRECTOR
DATE: DECEMBER 10, 2014
RE: PUBLIC WORKS COMMISSION MEETING

Enclosed is the following information for the meeting on December 17, 2014 at 6:30 PM at 645 Pine St, Main Conference Room.

1. Agenda
2. Consent Agenda
3. 266 South Union Street Trades Appeal
4. Cliff Street Sidewalk Update & Resident Parking Removal
5. Large Water Meter Ordinance Change
6. Snow Fighting Plan Update
7. Minutes of 11-12-14

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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

M E M O R A N D U M

To: Amy Bovee, Clerks Office
From: Chapin Spencer, Director
Date: December 10, 2014
Re: Public Works Commission Agenda

Please find information below regarding the next Commission Meeting.

Date: **December 17, 2014**
Time: 6:30 – 9:00 p.m.
Place: 645 Pine Street – Main Conference Room

A G E N D A

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11 15 Min Executive Session for Deliberation of Appeals

12 Adjournment & Next Meeting Date – January 21, 2015

MEMORANDUM

December 1, 2014

TO: Public Works Commission

FROM: Damian Roy, DPW Engineer Technician

CC: Norm Baldwin, City Engineer

RE: Summer Street Handicap Parking Space Addition

Background:

Staff received a request from Mrs. Pauline Robar of 14 Summer Street for the installation of a Handicap Parking Space close to her house. Mrs. Robar is 80 years old, has Disabled Parking Identification number P17595, and says that when she returns from errands there is often no on-street parking available requiring her to walk a distance to her house and that this is a significant hardship for her. The residence of 14 Summer Street includes a driveway that is 7 foot - 3 inches in width from the corner of the building to the fence post. This narrow driveway and curb-cut along with the narrow street creates challenging geometry to safely navigate in and out of the driveway. Mrs. Robar has experienced some mishaps due to this geometry including possible property damage with neighbors and near miss accidents with pedestrians. Navigating in and out of this driveway has become too great a challenge for Mrs. Robar and coupled with the unavailable on-street parking she is requesting that a Handicap Parking Space be installed directly across the street from her residence.

Observations:

Summer Street is a twenty (20) foot residential two-way connector with a twelve (12) foot travel lane running west to east with no parking on the north side and unrestricted parking on the south side. There are approximately eleven (11) on-street parking spaces and eleven (11) off-street parking spaces serving seven (7) single and multi-unit residential buildings. Staff estimates fifteen (15) total single family units on Summer Street. Staff has recorded via plate counts that on-street parking usage typically falls between the 30% and 70% capacity range and is most heavily utilized by residents in the evening and nighttime hours. Off-street parking show

similar levels of usage. Attached is an Existing Conditions drawing of Mrs. Robar's driveway with a 90° Passenger Vehicle Turning Template overlay showing that when vehicles are parked on the south side of Summer Street that there is not enough room to maneuver into her driveway. Public outreach efforts have shown a mix of support and opposition for Mrs. Robar's request. The opposition mainly cite a lack of overall on-street parking on Summer Street as their main reason. Attached is a summary of telephone conversations with Summer Street residents detailing their position.

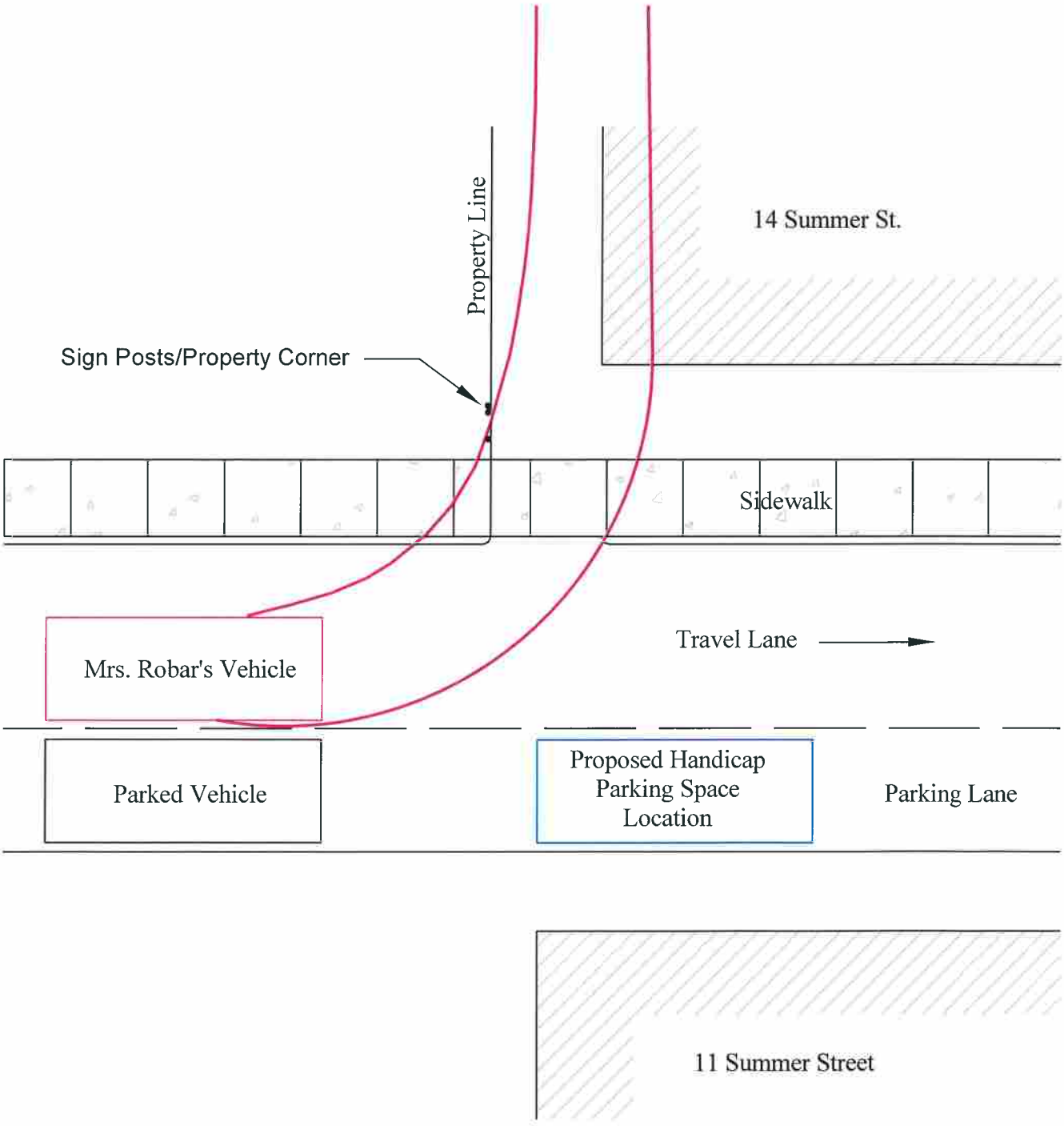
Conclusions:

Mrs. Robar is an elderly resident with a registered disability. Access to her available off-street parking is proven to be challenging under even ideal circumstance. While on-street parking shows heavy usage in the evenings, it does not show maximum capacity and the removal of one Unrestricted Parking Space in favor of one Handicap Accessible Parking Space is anticipated to have only a minor impact to the residents of Summer Street.

Recommendations:

Staff recommends that the Commission adopt:

- The addition of a new Handicapped Parking Sign on the south side of Summer Street directly across from 14 Summer Street.



North

14 Summer Street
Burlington, VT
Existing Conditions

BURLINGTON, VT

BURLINGTON PUBLIC WORKS ENGINEERING DIV.

645 PINE STREET
BURLINGTON, VT 05401

DESIGNED DRR	RFS # 554
DRAWN DRR	SCALE 1"=1
CHECKED NJB	DRAWING

TE COUNT

Location: Summer St.

Inspector: D. Roy

Date: 11/14/14			Date: 11/17/14			Date: 11/18/14		
7:00	10:00	13:00	7:00	10:00	13:00	7:00	10:00	13:00
	082 NZD	082 NZD		082 NZD	082 NZD		FCE 199	FCE 199
	851 YW5	851 YW5		FCE 199	851 YW5		851 YW5	851 YW5
	GGR 646	GGR 646		851 YW5	EBY 674		GGR 646	GGR 646
				GGR 646	224A673		224A673	224A673
				224A673				
On-Street Parking	11	11	11	11	11	11	11	11	11
% Spaces Used		27%	27%		45%	36%		36%	36%
Resident		2	2		3	2		3	3
Transient					2	1		1	1
Long Term		1	1			1			

TE COUNT

Location: Summer St.

Inspector: D. Roy

Date: 12/4/14			Date: 12/5/14			Date:		
7:00	10:00	13:00	7:00	10:00	13:00	7:00	10:00	13:00
FCE 199	FCE 199	180A872	FCE 199	082 NZD	FGD 243			
GCY 343	AMY 207		082 NZD	GGR 646	082 NZD			
204 YCC	122A854		GGR 646	AMY 207	GGR 646			
GGR 646			122A854	224A673	AMY 207			
AMY 207			AMY 207	1629531	224A673			
122A854			GBA 531					
GBA 531			V60					
			1629351					
Total Spaces	11	11	11	11	11	11	11	11
% Spaces Used	64%	27%	9%	73%	45%	45%		
Resident	7	3		6	4	5		
Transient			1	1				
Long Term				1	1			

RFS # 5548 Summer Street Handicap Parking Request Telephone Correspondence

By DPW Engineer Tech Damian Roy.

Dick Lafebvre – 64 Summer Street.

Mr. Lefebvre called to express his opposition to allowing for a Handicap Parking Sign to be placed on Summer Street. He cites that Mrs. Robar has off-street parking right next to her house that is actually closer for her use and that she is likely requesting the on-street Handicap Space because she feels that she owns that spot and doesn't want others to use it. He states that on-street parking is at full capacity every evening with resident parking and installing a handicapped space would in effect reduce the on-street parking available to residents by one. He feels a better solution would be to line stripe the parking spots to better enable people to park conscientiously and that people often do not park in such a way as to maximize parking capacity for the street. He states that he believes this request came about because of a dispute that Mrs. Robar had with a neighbor.

Leila Chammas – 111 Park Street.

Mrs. Chammas called to state that she has no issues with adding the handicap parking space for 14 Summer Street but wanted to know if the sign would be removed after the requestor's passing. She also feels that this request is born out of a dispute between the requestor and another neighbor over the parking situation on Summer Street.

Unknown Resident of Summer Street.

This resident left a message stating that she was a resident of Summer Street and that she opposes the addition of a handicap space. She feels that on-street parking is too scarce as it is and the only measure she would agree with would be to mark out each parking space to ensure more considerate parking.

Pauline Robar – 14 Summer Street.

Mrs. Robar called in this morning (11/19/14) to reiterate her need for a handicap parking space. She says that she has had disputes with her neighbors and that she knows that she can use inappropriate language when she is frustrated and that that is not acceptable. When asked about her available off-street parking she states that it is too narrow and difficult for her to maneuver in and out of and that she has had near misses with pedestrians when backing out.

Keller MacKenzie – 15 Summer Street.

Mrs. Mackenzie called (11/25/14) to ask a few questions about Mrs. Robar's request. She mainly wanted to know where the proposed handicap space would be and if it would be of standard size. We discussed that and also the alternative of widening Mrs. Robar's curb cut to her driveway to allow easier access. Mrs. Mackenzie was not opposed to granting Mrs. Robar her handicap space but expressed concern if in the event any other person, handicapped or otherwise, ever used her space, that it would create a bad situation for all involved.

Resident of 11 Summer Street.

Resident called (11/26/14) to say that she supports Mrs. Robar's request for a handicap parking space and that she is fine with that space being right in front of her house.

MEMORANDUM

December 2, 2014

TO: Public Works Commission

FROM: Damian Roy, DPW Engineering Technician

CC: Norman Baldwin, City Engineer

RE: Kilburn Street Loading Zone Removal

Background:

The Department of Public Works received a call from Susan Willard of Pomerleau Real Estate and Property Management representing J. Graham Goldsmith, owner of the properties on Kilburn Street, requesting the removal of a Loading/Unloading Zone on Kilburn Street. On the eastern end of the street within the parking lane is a forty (40) foot section running east to west designated for loading and unloading only at all times. Ms. Willard, on behalf of J. Graham Goldsmith, is requesting this loading zone be removed in favor of two (2) additional unrestricted parking spaces to better serve new and existing tenants.

Observations:

Kilburn Street is a commercial use, thirty (30) foot wide two-way connector running east to west with moderate to low through traffic and has an additional ten (10) foot wide parking lane on the south side. Staff has conducted a door to door outreach to the businesses on the south side of Kilburn Street directly affected by losing the loading zone. Of the ten (10) businesses contacted seven (7) have no issue with losing the loading zone, two (2) have concerns regarding their FedEx/UPS deliveries. One (1) business took issue with losing the loading zone but states that it is an internal Tenant/Landlord issue. Ms. Willard was informed of this and the property owners reiterated their need for additional parking and stated that the rear entrance to the building may be used as an alternative loading option for this business. Previously, there was a printing company that accepted a high volume of deliveries that actively used the loading zone. With that tenant's departure its intended use has diminished. Staff has observed on multiple occasions the loading zone being used for purposes other than loading and unloading.

Conclusion:

The majority of the businesses on Kilburn Street do not take issue with losing the loading zone. Two businesses are concerned with FedEx and UPS not making deliveries if a loading zone is not present. One business expressed concern over losing the loading zone but an alternative loading option has been proposed by the property owner. John King of the Burlington Police Department states that delivery trucks double parked in the travel lane will be ticketed just as passenger vehicles are, yet it is up to the officer's discretion and in practice delivery trucks stopped for short durations that are not causing an issue tend to not get ticketed. It is Staff's opinion that removing the loading zone will not dissuade FedEx or UPS from making deliveries on Kilburn Street and that there is little reason not to remove this loading zone in favor of additional unrestricted parking.

Recommendation:

Staff recommends that the commission adopt:

- The removal of the forty (40) foot Loading/Unloading Zone on Kilburn Street to be replaced with unrestricted parking.

CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

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645 PINE STREET, SUITE A
BURLINGTON, VT 05402
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WWW.BURLINGTONVT.GOV

CHAPIN SPENCER
DIRECTOR OF PUBLIC WORKS

NORMAN J. BALDWIN, P.E.
ASSISTANT DIRECTOR OF PUBLIC WORKS

Date: December 9, 2014

To: Public Works Commission

C.C. Erik Oliver and Theresa J. Stimson, Appellants
Brad Biggie, Building Inspector
Ned Holt, Building Inspector
Eugene Bergman, Assistant City Attorney

From: Norman J. Baldwin, P.E.
City Engineer/Ass't Director of Public Works

Subject: 266 South Union Street-Trades Inspection Appeal

On May 19, 2014 a building permit was issued to Gary Chagnon of GGC Custom Building on the behalf of the property owners of 266 South Union Street, Erik Oliver and Theresa Stimson. The description of the scope of work on the building permit reads " Respective of IBC & NFPA 101 establish accessory apartment in existing 17'x24' outbuilding. Replace roofing, siding, windows and doors on the outbuilding and construct 12'x16' addition on 4' frost walls of block construction." estimated cost of construction $30,000. The permit called for a series of inspections that included a foundation inspection, rough framing inspection and a final inspection.

Subsequent to issuing the permit the first call for inspection was on October 15, 2014 in which the contractor was calling for a rough framing inspection. At the time of inspection it was noted by Building Inspector Brad Biggie that there was a building code compliance issues identified. Mr.Biggie had determined that:

- the out building being redeveloped did not have an approved Fire Department Access Road(FDAR).
- In addition it was noted that the building under redevelopment; scope of work was inconsistent with the project described in both the building and zoning permits. The permits described a scope of work that called for the renovation of the existing one story building with a 12'x16' addition , however what was evident at the time of inspection was an a new building with a second floor.

Given the issue of increases in height and the full demolition and replacement of the existing structure are not the primary inspection focus of the Trades Inspection Program the issue was referred to the Code Enforcement Department as a potential Zoning Enforcement violation.

Subsequent to the framing inspection on October 15, 2104, Building Inspector Brad Biggie sent a certified letter dated October 27, 2014. Mr Biggie's letter attempted to brief the homeowner; that their project lacked a FDAR.

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With the understanding the financial and physical challenges of developing a FDAR, proactively Building Inspecto Brad Biggie prepared an equivalency plan for the homeowner's consideration.

In response to Mr.Biggie's offer of an equivalency the homeowner elected to offer an alternative equivalency for the department's consideration as the authority having jurisdiction (AHJ). The homeowner equivalency suggested

- the fire department consider a response plan that made use of the fire hydrant located on Champlain College property at 277 South Willard Street.
- installation of a ADT Security Fire Alarm System connected to the Fire Department.

The equivalency offered by the homeowner was rejected by the department. It was at this point that the homeowner elected to exercise his right to an appeal and had reserved his appeal rights early on in the process if neither party arrived at a mutually agreeable equivalency.

Given the overlapping/intersecting life safety enforcement responsibilities of the Trades Inspection Program(New Development) and Burlington Fire Marshals Office(existing), it is important there be harmony in our Trades Inspection decisions with the Fire Marshals Office. The Trades Inspectors have been working in close communication with Fire Marshal Barry Simays to have comfort in the equivalencies being offered. It is important that the decisions the department is making will be acceptable to the Fire Marshals Office and not place the homeowner in violation of existing life safety standards administered by the Fire Marshals Office.

You will hear testimony from both City Trades Inspectors and the appellant. The appellant has been properly notified of the appeal hearing and has affirmed his ability to attend and represent his appeal. Furthermore the appellant has been given instructions as to how the appeal process will proceed and how he can best deliver his most compelling case for consideration.

In addition to my effort to properly instruct and notify the appellant, I have requested the City attorney's office to make available to the commission legal representation to assist in your deliberations. Attached you will find the appeal hearing notice sent to the appellant that must be entered as a part of the formal appeal hearing record.

I will be present to support the commission and others, with the hope to find a mutually agreeable solution that protects future occupants of the building and is agreeable to the property owner. Thank you in advance for your thoughtful consideration in this matter.

CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

645 Pine Street
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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

Norman J. Baldwin, P.E.
ASSISTANT DIRECTOR OF PUBLIC WORKS
CITY ENGINEER

December 5, 2014

Erik Oliver &Theresa J. Stimson
266 South Union Street
Burlington, Vermont 05401

Sent: Certified Mail & Email

NOTICE OF HEARING

Pursuant to Burlington Code of Ordinances Chapter 8 Buildings, the **Public Works Commission** will hold a hearing related to an appeal of :

- the Building Inspector Brad Biggie's Order dated October 27, 2014 requiring a fire access road or the appropriate fire protection equivalencies,
- and the Inspectors Variance/Alternative Decision issued on November 18, 2014 by Building Inspector Ned Holt.

This issue will be heard **6:30 p.m. on Wednesday, December 17, 2014 in the Front Conference Room of the Department of Public Works at 645 Pine Street** in Burlington, Vermont.

In order to expeditiously hear this appeal, the Commission needs and hereby notifies you as the appellant to provide it with a short and concise statement outlining the specific items to be heard and addressed by the Commission. This statement must also specific the factual or legal basis of the appeal.

Each party will be given the opportunity to present the facts, as they believe them to be, and to make legal arguments. The Commission will hear testimony and take documentary evidence in support of each party's position.

You are welcome to provide supporting documentary evidence in advance of the hearing. **Witnesses must be present**; the Commission will not accept written statements from absent witnesses, even in affidavit form. The Commission will resolve disputed questions of fact and apply the law governing the situation to those facts. If you intend to present documentary evidence, please bring 8 copies of each document to the hearing.

If you are the person who requested the hearing and you fail to appear, your case will be dismissed. If there are special circumstances as to why you cannot appear in person for a hearing, please call 863-9094. Postponement of your case will be permitted only for good cause. If settlement is reached, please notify the Commission immediately.

If you have any questions, please call 863-9094.

Sincerely,

Norman J. Baldwin, P.E.
Ass't Director/City Engineer

C.C Eugene Bergman, Assistant City Attorney
Kim Sturtevant, Assistant City Attorney
Chapin Spencer, Director of Public Works
Valerie Ducharme, Customer Service Representative
Ned Holt, Building Inspector
Brad Biggie, Building Inspector
William Ward, Director of Code Enforcement
David White. Director of Planning and Zoning
Scott Gustin, Zoning Administrator
Barry Simays, Fire Marshall

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12-5-14

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Sent To: Erik Oliver & Theresa Stimson
Street, Apt. No.; or PO Box No.: 266 South Union St
City, State, ZIP+4: Burlington VT 05401

PS Form 3800, August 2006 — See Reverse for Instructions

Brad Biggie

From:	Oliver, Erik <eoliver@champlain.edu>
Sent:	Wednesday, November 05, 2014 10:41 PM
To:	Ned Holt
Cc:	Brad Biggie
Subject:	Re: Letter from the City - urgent 266 South Union Street

266 South Union St
Burlington
VT 05401
Tel: (727) 543 3649
Wednesday November 5, 2014

Re: Carriage House, 266 South Union St.

Dear Mr Chapin and Mr Holt,

Please let this document stand as our appeal.

Further to the letter from your office dated October 27 2014 (received November 3), I wish to forma notify you that we will be appealing the City's decision.

While the safety of the occupants of the Carriage House is of primary importance to all of us, we wo respectfully argue that the requirements currently being demanded are excessive.

I should point out that the Carriage House is not a new build. The structure existed for many ye prior to our purchase of the property in January 2008, and was partially renovated by previous own in 2003.

Our own renovations to the Carriage House are now more than 80% completed. At every stage of t building process, all building and zoning permits have been obtained prior to work being carried o At no point was the issue of proximity to a Fire Department access road raised, even though the C had scale maps and drawings of the property and the location of the Carriage House relative to acce points. If the issue had been raised earlier, we would have been in a position either to incorporate t requirements into the initial building work, or to decide not to proceed at all.

The cost of the requirements as laid out in your letter are significant and cost-prohibitive at this sta of building, adding another $20,000-$25,000 to the construction costs.

However, since safety is uppermost in all our minds, we would like to work with you to find alternative solution that satisfies everyone's concerns. Having discussed it at length with Chief Ba Simays, the City Fire Marshall, we believe we can achieve this.

Firstly, there is a fire hydrant at 277 South Willard Street, at the edge of the parking lot for the Ro Annex (part of Champlain College). A fire truck in the parking lot would be within the 150 feet maxim required distance from the Carriage House, meeting the primary argument of the Fire Departmen terms of accessing water at a reasonable distance from the structure.

Secondly, it is our intention to install an ADT security/fire alarm system directly connected to the F Department. An ADT representative will meet with the Fire Marshall and formulate a planned respo in the event of an emergency using the parking lot as described above, and this plan will be lodg with the Fire Department. Should an alarm go off, the Fire Department will have immediate access the planned escape response, and will know precisely where to go.

It is our hope that this will meet all the city's concerns, and allow us to move forward with complet of the building project without financially punitive alterations.

We look forward to hearing from you.

Yours sincerely,

Erik C Oliver

Erik C. Oliver
Champlain College
163 South Willard St.
P.O. Box 670
Burlington, VT 05402-0670
www.champlain.edu/donate
Hire at Champlain

On Tue, Nov 4, 2014 at 11:33 AM, Ned Holt <NHolt@burlingtonvt.gov> wrote:

> Erik!
>
> If I have misinformed you over the phone that other documents were attached to the letter I apologize. What was referring too was the last section of the letter titled; "Appeal From Order, Statement of Procedural Rights'
>
> Respective to the time line provided (within 10 days from the date of this letter) and cited in the section of "Appeals From..." we will accept your email below as notification to this office that you will be exercising your right to appeal. What is needed to memorialize the appeal is have in writing; *what order or decision being appeled and provide legal argument or bases of appeal*. With that in hand we can move forward.
>
> Our position is to honor your right to appeal and place it on the Public Works Agenda to be heard. Please provide this office with all your evidence of appeal for distribution to the Public Works Commission and your

Brad Biggie

From: Oliver, Erik <eoliver@champlain.edu>
Sent: Friday, November 28, 2014 2:08 PM
To: Ned Holt
Cc: Gary Chag; Brad Biggie; Norm Baldwin; Tim Hennessey; Eugene Bergman
Subject: Re: 266 South Union Street Burlington

Good afternoon, Ned,

Further to the letter from your office dated October 27 2014 (received November 3) and the Variance letter recei November 20th , I wish to formally notify you, with this email, that we are appealing the City's decision.

While the safety of the occupants of the Carriage House is of primary importance to all of us, we would respectfully ar that the requirements currently being demanded are excessive and not in compliance with the codes cited.

Our renovations to the Carriage House are now more than 80% completed. At every stage of the building process building and zoning permits have been obtained prior to work being carried out. The City declined to inspect the prop in person prior to construction, and requested photographs instead. At no point was the issue of proximity to a Department access road raised, even though the City had scale maps and drawings of the property and the location of Carriage House relative to access points. If the issue had been raised earlier, we would have been in a position eithe incorporate the requirements into the initial building work, or to decide not to proceed at all.

However, since safety is uppermost in all our minds, we would like to work with you to find an alternative solution t satisfies everyone's concerns. Having discussed it at length with Chief Barry Simays, the City Fire Marshall, we believe can achieve this.

Firstly, there is a fire hydrant at 277 South Willard Street, at the edge of the parking lot for the Rowel Annex (par Champlain College). A fire truck in the parking lot would be within reasonable distance from the property, meeting on your primary arguments of accessing water at a reasonable distance from the structure. We will clear out the brush curre obstructing the route, and maintain a clear path in all seasons between the lot and our adjacent property to further ens unencumbered access. We will also formally obtain permission from Champlain College to have access and easement f the parking lot to the Carriage House.

Secondly, it is our intention to install an interconnected ADT security/smoke/CO alarm system directly connected to the Department as requested. An ADT representative will meet with the Fire Marshall and formulate a planned response in event of an emergency using the parking lot as described above, and this plan will be lodged with the Fire Departm Should an alarm go off, the Fire Department will have immediate access to the planned escape response, and will k precisely where to go. In addition, we will erect signage as requested along the driveway from South Union street to Carriage House.

Thirdly, we will install a domestic sprinkler head adjacent to the heating source using the current 3/4" service, and additional heads in the kitchen if required. We are advised by architect Colin Lindberg that this will be more than suffic given that the Carriage House is a single occupancy and the structure is well away from any existing building.

It is our hope that this will meet all the city's concerns, and allow us to move forward with completion of the building pro without financially punitive alterations.

We look forward to hearing from you.

Yours sincerely,

Erik C Oliver

Hire at Champlain

On Fri, Nov 28, 2014 at 2:07 PM, Oliver, Erik <eoliver@champlain.edu> wrote:

Good afternoon, Ned,

Further to the letter from your office dated October 27 2014 (received November 3) and the Variance letter received November 20th , I wish to formally notify you, with this email, that we are appealing the City's decision.

While the safety of the occupants of the Carriage House is of primary importance to all of us, we would respectfully argue that the requirements currently being demanded are excessive and not in compliance with the codes cited.

Our renovations to the Carriage House are now more than 80% completed. At every stage of the building process, all building and zoning permits have been obtained prior to work being carried out. The City declined to inspect the property in person prior to construction, and requested photographs instead. At no point was the issue of proximity to a Fire Department access road raised, even though the City had scale maps and drawings of the property and the location of the Carriage House relative to access points. If the issue had been raised earlier, we would have been in a position either to incorporate the requirements into the initial building work, or to decide not to proceed at all.

However, since safety is uppermost in all our minds, we would like to work with you to find an alternative solution that satisfies everyone's concerns. Having discussed it at length with Chief Barry Simays, the City Fire Marshall, we believe we can achieve this.

Firstly, there is a fire hydrant at 277 South Willard Street, at the edge of the parking lot for the Rowel Annex (part of Champlain College). A fire truck in the parking lot would be within reasonable distance from the property, meeting one of your primary arguments of accessing water at a reasonable distance from the structure. We will clear out the brush currently obstructing the route, and maintain a clear path in all seasons between the lot and our adjacent property to further ensure unencumbered access. We will also formally obtain permission from Champlain College to have access and easement from the parking lot to the Carriage House.

Secondly, it is our intention to install an interconnected ADT security/smoke/CO alarm system directly connected to the Fire Department as requested. An ADT representative will meet with the Fire Marshall and formulate a planned response in the event of an emergency using the parking lot as described above, and this plan will be lodged with the Fire Department. Should an alarm go off, the Fire Department will have immediate access to the planned escape response, and will know precisely where to go. In addition, we will erect signage as requested along the driveway from South Union street to the Carriage House.

Thirdly, we will install a domestic sprinkler head adjacent to the heating source using the current 3/4" service, and add additional heads in the kitchen if required. We are advised by architect Colin Lindberg that this will be more than sufficient given that the Carriage House is a single occupancy and the structure is well away from any existing building.

It is our hope that this will meet all the city's concerns, and allow us to move forward with completion of the building project without financially punitive alterations.

We look forward to hearing from you.

Yours sincerely,

Norm Baldwin

From: Oliver, Erik <eoliver@champlain.edu>
Sent: Monday, December 08, 2014 12:24 PM
To: Norm Baldwin
Cc: Tess J. Stimson
Subject: Re: 266 South Union Street Burlington

Good afternoon, Norm,

Sorry to bother, but after reviewing your email, I have a few process related questions. I am very new to working within this city appeals program. As I work for Champlain College in fundraising and my wife is a journalist we have never had cause to work with a city appeals process and I don't wa to make any missteps or not seem prepared for the meeting.

I tried to reach you via phone - 316-6254, unfortunately, your mailbox is full and I was unable to leave a message. If possible could we take a moment to talk sometime today.
Best number to reach me is my cell 727-543-3649.
Thank you kindly for your time and efforts.
Best,
Erik

Erik C. Oliver
Champlain College
163 South Willard St.
P.O. Box 670
Burlington, VT 05402-0670
(O) 802-383-6662
(C) 727-543-3649
www.champlain.edu/donate
Hire at Champlain

On Fri, Dec 5, 2014 at 3:00 PM, Norm Baldwin <nbaldwin@burlingtonvt.gov> wrote:

Mr.Oliver,

As Ned has expressed to you in the previous email we have scheduled your appeal Hearing for Wednesday, December 17, 2014, 6:30 p.m., Front Conference Room, 645 Pine Street in Burlington. Attached is the notice of your hearing as well as the instructions to you as the appellant to properly prepare you for the process for presenting your appeal. Hard copy will follow via certified mail.

The Public Works Commission is the appeal board for Trades Inspection appeals. Both yourself as the appellant, as we as the Trades Inspectors will have an opportunity to speak and provide documentary evidence to be considered in the Commissions deliberations. The commission packet is scheduled to go out Wednesday, December 10, 2014. If you

would like information included in the packet in advance of the hearing I will need your documents to our office no la than Tuesday, December 9, 2014, 12:00 p.m..

Please confirm with me in writing your ability to attend and please do not hesitate to give me a call if you have any follow up questions.

Thank you.

From: Ned Holt
Sent: Wednesday, December 03, 2014 12:34 PM
To: Oliver, Erik
Cc: Norm Baldwin; Eugene Bergman
Subject: Re: 266 South Union Street Burlington

Erik,

Please accept this reply as confirmation that your appeal has been scheduled to be heard by the DPW/ISD Commission on December 17, 2014. Times and place will soon follow by way of email and from Mr. Baldwi

Thank you!

Sincerely,

Ned Holt, Building Inspector

City of Burlington

T (802) 865-7559

F (802) 863-0466

nholt@burlingtonvt.gov

www.burlingtonvt.gov/dpw

"Oliver, Erik" <eoliver@champlain.edu> wrote:

Good afternoon, Ned,

Just checking in to see about the receipt of our intentions to appeal and the date and time of the meeting with City.

Thank you for your help and support in this matter.

Erik C. Oliver

Champlain College

163 South Willard St.

P.O. Box 670

Burlington, VT 05402-0670

(O) 802-383-6662

(C) 727-543-3649

www.champlain.edu/donate

Hire at Champlain

On Fri, Nov 28, 2014 at 2:07 PM, Oliver, Erik <eoliver@champlain.edu> wrote:

Good afternoon, Ned,

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November 20th , I wish to formally notify you, with this email, that we are appealing the City's decision.

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Department access road raised, even though the City had scale maps and drawings of the property and the locatio the Carriage House relative to access points. If the issue had been raised earlier, we would have been in a position ei to incorporate the requirements into the initial building work, or to decide not to proceed at all.

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We look forward to hearing from you.

Yours sincerely,

Erik C Oliver

Erik C. Oliver

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P.O. Box 670

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Hire at Champlain

On Thu, Nov 20, 2014 at 10:34 AM, Ned Holt <NHolt@burlingtonvt.gov> wrote:

FILE 266 SOUTH UNION STREET OUTBUILDING

Gary,

I hope this finds you well and hope you find the following helpful in answering your views. Other committed parties directly connected to this property have been added for record keeping principles.

Concerning the values attached to the inspection process and procedures in the City of Burlington, it is the inter to cover all structural and life safety elements and components in and around the structures. This being the cas "rough" building inspections take into consideration notching, cutting, boring, etc.; (2012 International Building Code, Chapter 23, Subsection 2308 Conventional Light-Weight Construction) made to the structural componer to accept the systems; (i.e., electrical, plumbing, heating, sprinkler, fire alarm, etc.) to identify structural integrity before covering.

Regarding the "foundation inspection" and the whereabouts of the email and photos, unfortunately, this correspondence exchange between you and Mr. Biggie cannot be located in the city's archive database. If you have any record of this communication supporting your claim / request during that time, we welcome a copy for our files. Thank you!

Please "**Reply to All**" when replying to my emails for record preserving principles. Thank you!

Sincerely,

Ned H Holt, Building Inspector

Burlington Public Works Inspection Services

645 Pine Street Suite A

Burlington, VT 05401

T- Direct 802-865-7559

T- DPW/ISD Customer Service 802-863-9094

F- 802-863-0466

E- NHolt@burlingtonvt.gov

Web: www.burlingtonvt.gov/dpw

"We cannot direct the wind, but we can adjust our sails" unknown

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****

From: Gary Chag [mailto:vermontggc@gmail.com]
Sent: Thursday, November 20, 2014 8:01 AM
To: Ned Holt
Subject: 266 South Union Street Burlington

Nad in response to your letter that you sent the homeowners I did ask for a foundation inspection I was told b brad to take pictures and send them to him I did take the pictures and email the pictures to brad in as far as the rough in inspection I requested that a month prior to him inspection I was told by brad that he'll do the rough i when the electrical and plumbing is in all at the same time

CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

645 Pine Street, Suite A
Burlington, VT 05401
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY

Chapin Spencer
DIRECTOR OF PUBLIC WORKS
Norman Baldwin
Assistant Director, City Engineer, DPW/ISD

DPW/ISD
Inspection Services *Division*

Date: December 10, 2014

To: Public Works Commission

C.C.: Erik Oliver and Theresa J. Stimpson, Appellants
Ned Holt, Building Inspector
Barry Simays, Fire Marshall
Eugene Bergman, Assistant City Attorney

From: Brad Biggie, City Building Inspector

Subject: 266 South Union St. Teresa Stimson & Erik Oliver

The details of this memo are in reference to a decision made by the office of the City Building Inspector regarding the issue of the absence of an approved Fire Department Access Road (FDAR) to a single family dwelling owned by Teresa Stimson and Erik Oliver.

- On 5-19-14 permits were issued to convert an existing outbuilding into a single family dwelling and adding a 12'x16' addition. Conditions for the Building Permit included inspections for the addition foundation, rough framing and final inspections to verify all elements of Life Safety are in place.

  Foundation Inspection: Identifies footing size, wall placement on footing and concrete quality.

  Rough Framing Inspection: Structural inspection on floor joists, walls and rafters before insulation and drywall to identify notching and cutting post sub-trades.

  Final Inspection: Verification all system are complete, life safety elements are in place and ready for occupancy.

- 10-15-14 the rough framing inspection (first inspection requested) disclosed the new structure is well outside of the approved distance from a FDAR, in this case South Union St.

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- Respective to NFPA 1, Chapter 18, section 18.2.3.4.1.1, "Fire Department Access Roads shall have an unobstructed width of not less than 20' " and section 18.2.3.4.1.2 "Fire Department Access Roads shall have an unobstructed vertical clearance of not less than 13'6"."

  The existing driveway, shared by 260 & 266 South Union St., measures 10' in width.

- Respective to NFPA 1, Chapter 18, section 18.2.3.2.1 "A fire department access road shall extend to within 50' of at least one exterior door that can be opened from the outside and that provides access to the interior of the building." and section 18.2.3.2.1.1 "Where a one- or two-family dwelling, or townhouse, is protected with an approved automatic sprinkler system that is installed in accordance with NFPA 13D or NFPA 13R, as applicable, the distance in 18.2.3.2.1 shall be permitted to be increased to 150'." A copy of these codes has been included in the packet before you.

- Location of the new structure sits approximately 365' from the approved FDAR, South Union St., putting it well outside the distance of 150' respective to section 18.2.3.2.1.1.

- Respective to NFAP 1, section 1.4.1 thru 1.4.4 a meeting between DPW/ISD and BFD Fire Marshall was conducted to resolve this issue by providing equivalencies/alternatives which would provide equal or greater protection provided by the code. A letter to the appellant was drafted and sent out detailing those equivalencies/alternatives. A copy of that letter is included in the packet before you.

- The appellant applied for a variance/alterative which was rejected as it did not provide for equal or greater protection as prescribe by the code. A copy of this request is included in the packet before you.

- The appellant has exercised their Procedural Right to Appeal the decision of the Building Inspector in reference to the equivalencies/alternatives provide to them.

Sincerely,

Bradley M. Biggie
Building Inspector
City of Burlington

184

Permit No: 20 14 188194 00000 BP

Department of Public Works

BUILDING PERMIT

645 Pine Street, Suite A
P.O. Box 849, Burlington, VT 05402
Telephone (802) 863-9094/ Fax (802) 863-0466
Working Together for Burlington - Preserving, Improving our Community

Fees	
	$255.00
Admin Fees	$.00
Recording Fees	$20.00
	$275.00

Date: 5/19/2014

Street Address: 266 SOUTH UNION STREET

Estimated Cost $ 30,000 Construction Starting Date: 5/19/2014

Owner

Theresa J Stimson
266 SOUTH UNION ST
St Petersburgh, FL 33705

Tel No: (802) 000-0000

General Contractor

GGC Custom Builders
91 MANSEAU ST
Winooski, VT 05404

Tel No: (802) 655-0890

DESCRIPTION OF WORK CODE ID: Remodeling

Respective to IBC & NFPA 101 establish accessory apartment in existing 17'x24'outbuilding. Replace roofing, siding, windows and doors on the outbuilding and construct 12'x16' addition on 4' frost walls of block construction.

CONDITIONS OF PERMIT: All work performed by the applicant shall comply with the codes and ordinances of the City of Burlington. This permit authorizes the applicant to proceed with the work described above in accordance with these codes. This permit shall not be construed as authority to violate, cancel or set aside any of the provisions of the codes. The applicant must contact the department to schedule inspections of the work and obtain final project approval.

APPLICANT SIGNATURE: _____ **LICENSE #:** _____

- [x] CALL FOR FOUNDATION INSPECTION
- [x] CALL FOR ROUGH FRAMING OR ROUGH-IN INSPECTION
- [x] CALL FOR FINAL INSPECTION
- [x] A BUILDING CERTIFICATE OF OCCUPANCY IS REQUIRED
- [x] A ZONING CERTIFICATE OF OCCUPANCY IS REQUIRED
- [ ] LEAD SAFE PRACTICES REQUIRED

_____
Inspector

5/19/14
Date

shall be permitted to apply retroactively any portions of the current referenced standards deemed appropriate.

1.3.3 Conflicts.

1.3.3.1 When a requirement differs between this *Code* and a referenced document, the requirement of this *Code* shall apply.

1.3.3.2 When a conflict between a general requirement and a specific requirement occurs, the specific requirement shall apply.

1.3.4 Multiple Occupancies. Where two or more classes of occupancy occur in the same building or structure and are so intermingled that separate safeguards are impractical, means of egress facilities, construction, protection, and other safeguards shall comply with the most restrictive fire safety requirements of the occupancies involved.

1.3.5 Vehicles and Vessels. Vehicles, vessels, or other similar conveyances, when in fixed locations and occupied as buildings, as described by Section 11.6 of NFPA *101, Life Safety Code*, shall be treated as buildings and comply with this *Code*.

1.3.6 Buildings.

1.3.6.1 Buildings permitted for construction after the adoption of this *Code* shall comply with the provisions stated herein for new buildings.

1.3.6.2* Buildings in existence or permitted for construction prior to the adoption of this *Code* shall comply with the provisions stated herein or referenced for existing buildings *(see 10.3.2)*.

1.3.6.3 Repairs, renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform to this *Code*, NFPA *101*, and the building code.

1.3.6.4 Newly introduced equipment, materials, and operations regulated by this *Code* shall comply with the requirements for new construction or processes.

1.3.7 Severability. If any provision of this *Code* or the application thereof to any person or circumstance is held invalid, the remainder of the *Code* and the application of such provision to other persons or circumstances shall not be affected thereby.

1.4 Equivalencies, Alternatives, and Modifications.

1.4.1 Equivalencies. Nothing in this *Code* is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by this *Code*, provided technical documentation is submitted to the AHJ to demonstrate equivalency and the system, method, or device is approved for the intended purpose.

1.4.2 Alternatives. The specific requirements of this *Code* shall be permitted to be altered by the AHJ to allow alternative methods that will secure equivalent fire safety, but in no case shall the alternative afford less fire safety than, in the judgment of the AHJ, that which would be provided by compliance with the provisions contained in this *Code*.

1.4.3 Modifications. The AHJ is authorized to modify any of the provisions of this *Code* upon application in writing by the owner, a lessee, or a duly authorized representative where there are practical difficulties in the way of carrying out the provisions of the *Code*, provided that the intent of the *Code* shall be complied with, public safety secured, and substantial justice done.

1.4.4 Buildings with equivalency, alternatives, or modifications approved by the AHJ shall be considered as conforming with this *Code*.

1.4.5 Each application for an alternative fire protection feature shall be filed with the AHJ and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required to justify the request. The AHJ shall keep a record of actions on such applications, and a signed copy of the AHJ's decision shall be provided for the applicant.

1.4.6 Approval. The AHJ shall approve such alternative construction systems, materials, or methods of design when it is substantiated that the standards of this *Code* are at least equaled. If, in the opinion of the AHJ, the standards of this *Code* shall not be equaled by the alternative requested, approval for permanent work shall be refused. Consideration shall be given to test or prototype installations.

1.4.7 Tests.

1.4.7.1 Whenever evidence of compliance with the requirements of this *Code* is insufficient or evidence that any material or method of construction does not conform to the requirements of this *Code*, or to substantiate claims for alternative construction systems, materials, or methods of construction, the AHJ shall be permitted to require tests for proof of compliance to be made by an approved agency at the expense of the owner or his/her agent.

1.4.7.2 Test methods shall be as specified by this *Code* for the material in question. If appropriate test methods are not specified in this *Code*, the AHJ is authorized to accept an applicable test procedure from another recognized source.

1.4.7.3 Copies of the results of all such tests shall be retained in accordance with Section 1.11.

1.5 Units.

1.5.1 International System of Units. Metric units of measurement in this *Code* are in accordance with the modernized metric system known as the International System of Units (SI).

1.5.2 Primary and Equivalent Values. If a value for a measurement as given in this *Code* is followed by an equivalent value in other units, the first stated value shall be regarded as the requirement. A given equivalent value could be approximate.

1.6 Enforcement. This *Code* shall be administered and enforced by the AHJ designated by the governing authority. *(See Annex C for sample wording for enabling legislation.)*

1.7 Authority.

1.7.1 Administration. The provisions of this *Code* shall apply without restriction, unless specifically exempted.

1.7.2* Minimum Qualifications to Enforce this *Code*. The AHJ shall establish minimum qualifications for all persons assigned the responsibility of enforcing this *Code*.

1.7.3 Interpretations.

1.7.3.1 The AHJ is authorized to render interpretations of this *Code* and to make and enforce rules and supplemental regulations in order to carry out the application and intent of its provisions.

1.7.3.2 Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of this *Code* and shall be available to the public during normal business hours.

17.3.8 Tampering with Fire Safety Equipment. See Section 10.8 for requirements on tampering with fire safety equipment.

17.3.9 Maintenance. See Section 10.4 for requirements on maintenance.

Chapter 18 Fire Department Access and Water Supply

18.1 General. Fire department access and water supplies shall comply with this chapter.

18.1.1 Application.

18.1.1.1 This chapter shall apply to public and privately owned fire apparatus access roads.

18.1.1.2 This chapter shall apply to public and privately owned fire hydrant systems.

18.1.2 Permits. Permits, where required, shall comply with Section 1.12.

18.1.3 Plans.

18.1.3.1 Fire Apparatus Access. Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

18.1.3.2 Fire Hydrant Systems. Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

18.2 Fire Department Access.

18.2.1 Fire department access and fire department access roads shall be provided and maintained in accordance with Section 18.2.

18.2.2* Access to Structures or Areas.

18.2.2.1 Access Box(es). The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security. The access box(es) shall be of an approved type listed in accordance with UL 1037.

18.2.2.2 Access to Gated Subdivisions or Developments. The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system.

18.2.2.3 Access Maintenance. The owner or occupant of a structure or area, with required fire department access as specified in 18.2.2.1 or 18.2.2.2, shall notify the AHJ when the access is modified in a manner that could prevent fire department access.

18.2.3 Fire Department Access Roads.

18.2.3.1 Required Access.

18.2.3.1.1 Approved fire department access roads shall be provided for every facility, building, or portion of a building hereafter constructed or relocated.

18.2.3.1.2 Fire department access roads shall consist of roadways, fire lanes, parking lot lanes, or a combination thereof.

18.2.3.1.3* The provisions of 18.2.3.1 through 18.2.3.2.2.1 shall be permitted to be modified by the AHJ where any of the following conditions exists:

(1) One- and two-family dwellings protected by an approved automatic sprinkler system in accordance with Section 13.1
(2) Existing one- and two-family dwellings
(3) Private garages having an area not exceeding 400 ft^2
(4) Carports having an area not exceeding 400 ft^2
(5) Agricultural buildings having an area not exceeding 400 ft^2
(6) Sheds and other detached buildings having an area not exceeding 400 ft^2

18.2.3.1.4 When fire department access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the AHJ shall be authorized to require additional fire protection features.

18.2.3.2 Access to Building.

18.2.3.2.1 A fire department access road shall extend to within 50 ft (15 m) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.

18.2.3.2.1.1 Where a one- or two-family dwelling, or townhouse, is protected with an approved automatic sprinkler system that is installed in accordance with NFPA 13D or NFPA 13R, as applicable, the distance in 18.2.3.2.1 shall be permitted to be increased to 150 ft (46 m).

18.2.3.2.2 Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility.

18.2.3.2.2.1 When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.2 shall be permitted to be increased to 450 ft (137 m).

18.2.3.3 Multiple Access Roads. More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

18.2.3.4 Specifications.

18.2.3.4.1 Dimensions.

18.2.3.4.1.1 Fire department access roads shall have an unobstructed width of not less than 20 ft (6.1 m).

18.2.3.4.1.2 Fire department access roads shall have an unobstructed vertical clearance of not less than 13 ft 6 in. (4.1 m).

18.2.3.4.1.2.1 Vertical clearance shall be permitted to be reduced, provided such reduction does not impair access by fire apparatus, and approved signs are installed and maintained indicating the established vertical clearance when approved.

18.2.3.4.1.2.2 Vertical clearances or widths shall be increased when vertical clearances or widths are not adequate to accommodate fire apparatus.

18.2.3.4.2 Surface. Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

18.2.3.4.3 Turning Radius.

18.2.3.4.3.1 The turning radius of a fire department access road shall be as approved by the AHJ.

CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

645 Pine Street, Suite A
Burlington, VT 05401
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY

Chapin Spencer
DIRECTOR OF PUBLIC WORKS
Norman Baldwin
Assistant Director, City Engineer, DPW/ISD

DPW/ISD
Inspection Services *Division*

Certified

October 27, 2014

Theresa J. Stimson
266 South Union St.
Burlington, VT 05401

Dear Ms. Stimson,

During an October 15, 2014 Building Permit inspection at your property located at 266 South Union St. in Burlington, VT for an accessory apartment it was discovered that there is an issue with the proximity of the structure to the Fire Department access road.

This is truly a rare situation as this has not been seen previously in the City of Burlington. Respective to NFPA 1, 18.2.3.2.1 "A fire department access road shall extend to within 50' of at least one exterior door that can be opened from the outside and that provides access to the interior of the building." In regards to the access road, NFPA 1 18.2.3.4.1.1 "Fire department access roads shall have an unobstructed width of not less than 20'" and NFPA 1 18.2.3.4.1.2 "Fire department access roads shall have an unobstructed vertical clearance of not less than 13'6"." Currently, these requirements do not exist and based on the site visit do not look like they can be achieved.

In the absence of an approved access road NFPA 1 18.2.3.1.4 states "When a fire department access road cannot be installed due to location on property, topography, waterways, non-negotiable grades, or other similar conditions, the Authority Having Jurisdiction shall be authorized to require additional fire protection features. After exhaustive research by this office and consultation with the Burlington Fire Department a plan must be submitted to this office regarding the implementation of the following requirements before approval to move forward will be granted.

1) A sprinkler system with a hard piped water line for unlimited water supply for fire suppression to afford occupants time to vacate the structure. To include, but not limited to, an interior/exterior horn and strobe in accordance with Vermont Fire and Building Safety Code 2012/NFPA 101 2012, to alert occupants and those at adjacent properties. As well as interconnected smoke/CO detectors.

2) Clear vegetation of a distance to be determined to limit fire jump to adjacent structures and properties.

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3) Emergency Forces Notification to a listed 3rd party station, then to the BFD dispatch center decreasing total response time between alarm time and BFD arriving on scene.

4) Sign at street level and extending intermittently along the path of travel from South Union St. along the path of travel to the structure to indicate address and location to assist emergency responders to locate the structure at the rear of the property.

In summary, the above listed equivalencies are going to be acceptable by this office. Please provide this office with a detailed plan on how these equivalencies will be met, for review. Until such time approval to proceed will not be issued.

APPEAL FROM ORDER, STATEMENT OF PROCEDURAL RIGHTS

Pursuant to the City of Burlington City Code of Ordinances § 8-8, any owner of a building or structure, or any other interested person aggrieved by an Inspectors directive respective to the BCO and life safety codes, may appeal to the Public Works Board of Appeals by requesting such appeal in writing to the Director of Public Works, 645 A Pine St., Burlington VT to include the following;

Submittals for appeals need to in a timely manner and within 10 days of the issued date of this letter citing the violation(s), define what order or decision being appealed and provide legal argument or bases of the appeal.

The Public Works Commission acts as the Board of Appeals and as a rule meet every third Wednesday of the month. This office will be in contact with the appellant to confirm dates, times and location where the case will be held and heard upon receipt and review of the appellant's documentation supporting their appeal.

Should you have any questions concerning the above please contact this office directly.

Thank you for your attention to this matter.

Sincerely,

Bradley Biggie, Building Inspector

Cc: Ned Holt, Building Inspector
Eugene Bergman, City Attorney
Barry Simays, City Fire Marshall
Norm Baldwin, City Engineer
File

CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

CUSTOMER SERVICE
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INSPECTION SERVICES DIVISION
TRADE INSPECTORS

Ned H. Holt
City Building Official
(802) 865-7559

Burlington, Vermont 05401

RE 266 South Union Street

INSPECTOR'S VARIANCE / ALTERNATIVE DECISION

This matter came before the Department of Public Works Inspection Services Division on November 12, 2014, on a Variance /Alternative request by Erik Oliver, owner of the property located at 266 South Union Street.

The building permit

Appellant's general contractor (GGC Custom Builders) received a building permit (#14-188194) on May 19, 2014 to establish an accessory apartment in an existing 17 x 24 out-building. The work to be performed under the permit included roofing, siding, windows and doors on the outbuilding and the construction of a 12 x 16 addition on a 4 foot frost wall of block construction.

The building permit (at the bottom left hand corner) required the following inspections: foundation, rough framing and a final inspection; all were to be conducted prior to occupancy. The following plans were attached to the permit application given to the Building Inspector (Bradley Biggie): the site plan, building elevations, window and door cut sheets and floor plans. The conversation that took place between the general contractor and Mr. Biggie at the time the building permit was issued was all about the construction codes and standards directly attached to the listed renovations and addition to the existing structure.

The code provision at issue

The variance / alternative is needed to bring the structure into compliance with 2012 NFPA 1 Chapter 18's requirement that all structures have a twenty (20) foot wide fire access road at a minimum of fifty (50) feet (without a fully sprinkler system) to a maximum of one hundred fifty (150) feet (full sprinkler system) from a fire access road.

Discovery of the compliance problem

The Building Inspector discovered the structures' location during a "rough" inspection on October 19, 2014 at or about 11:30 AM. At that time, the inspector found that the only road meeting the minimum width for access is South Union Street. The subject

structure sits at the easterly part of the lot, approximately three hundred ninety-five (395) feet away from South Union Street and is accessible by a shared drive with 260 South Union Street that measures approx. ten (10) feet wide.

Mr. Oliver completed the Variance /Alternative Form and provided Reasons for the Request and Proposed Alternative Solutions

Request and Proposed Alternative Solutions.

A) Reasons for Request:

1) The Carriage House is not a new Building and renovations to the existing structure have been made in 2003.

2) The new renovations are at 80% completion based on all permits being obtained and at no time was there a discussion on the location of the Fire Access Road requirement for the Carriage House.

3) Respective to Mr. Biggies' letter on an equivalency, the equivalency offered is not acceptable because it is cost prohibitive to add an independent sprinkler system, interior / exterior horn and strobe, and interconnected smoke/CO detectors, and to clear vegetation to a distance to be determined in order to limit a fire jump. It is also unreasonable to require emergency forces notification to a listed 3rd party station that then dispatches BFD so that there is a decrease in the total response time between alarm and BFD arrival or to require a sign at street level and extending intermittently along the path from South Union Street to the structure.

B) Proposed Alterative Solutions by Mr. Oliver:

1) Use the fire hydrant located on Champlain College property at 277 South Willard Street

2) Install ADT Security/Fire Alarm System directly connected to the Fire Department.

INSPECTOR'S DECISION

Variances /Alternatives are heard by the City of Burlington Department of Public Works Inspection Services Division in order to provide the enforcement of the codes and standards consistent with BCO 8-2. The issues presented by this Variance /Alternative are primarily governed by the applicable provisions of the State of Vermont Fire & Building Safety Rules as set forth below.

Volume 1 of the National Fire Protection Association (NFPA 1) Chapter 18 requires Fire Department Access Roads (FDAR) to be within fifty (50) feet from one exterior door of unprotected structures and within one hundred-fifty (150) feet from an exterior door when a structure is protected by an automatic sprinkler system.

NFPA 1 Chapter 18 Sections 18.2 thru 18.2.3.4.2 states:

- Fire Department access roads shall have an unobstructed width of not less than 20 ft.
- Fire Department access roads shall have an unobstructed vertical clearance of not less than 13 ft. 6 inches.
- More than one FDAR shall be provided when it is determined by the AHJ that the access by a single road could be impaired by vehicle congestion, condition of terrain, climate conditions, or other factors that could limit access.

Definition of "Equivalency" as defined in NFPA 101

- Equivalency is an alternative means of providing an equal or greater degree of safety than that afforded by strict conformance with the codes and standards.

Decision: Requested Alternative is Rejected

• As an initial matter, the Inspector's decision to bring the FDAR to the attention of the owner was reasonable and timely given that it was the first opportunity provided by the contractor to have the building department make its initial onsite inspection. Had the contractor notified the department for the footing / foundation inspection called for on the issued permit, the likelihood is good that this FDAR finding would have been identified at an earlier point in the construction.

• Respective to the argument that the renovations were made to an "existing" structure, the evidence in the possession of the inspector is that the structure that exists today replaced any existing structure that once existed there.

• The proposed alternative, which is based on the location of the fire hydrant on South Willard Street, cannot support the definition or intent and sprit of "equivalency."

- Measurements taken by this office to the corner of the parking lot find the distance to be one hundred ninety eight (198) feet.
- From the corner of the parking lot to the exterior front door is approximately two hundred five (205) feet.
- The combined distance from the hydrant to the exterior of the front door of the structure adds up to be four hundred five (405) feet. This exceeds the maximum distance permitted for an access road to be from the exterior door of a building protected with a sprinkler system.
- An easement through adjoining neighboring property does not exist.
- Brush of unknown depth exists on the adjoining property, adding fuel to any fire jump.

This department's decision is to deny the Appellants Variance /Alternative Request and continue supporting the equivalencies listed in the October 27th 2014 letter, with one exception that was presented to and approved by the City Fire Marshal: in place of a hard piped independent sprinkler system, an approved 13D Sprinkler System with a pump and tank will be permitted with the exterior horn and strobe.

This 13D Sprinkler System with pump & tank must be in addition to the other requirements set forth in the October 27th letter: interconnected smoke/CO detectors, clear vegetation of a distance to be determined to limit fire jump, emergency forces notification to a listed 3rd party station then dispatches BFD and Sign at street level and extending intermittently along the path from South Union Street to the structure.

Procedural Rights

Reconsideration:

This department may reconsider an interpretation or decision pursuant to the variance /alternative process & procedures. To request reconsideration, the owner or designated representative shall submit a written request including;

1) Evidence, letters, statements, test results, construction documents or other supporting information as required for justifying the request.

2) Evidence that the true intent of the code has been incorrectly interpreted, or provisions of the code do not fully apply; or the decision is unreasonable or arbitrary as it applies to the alternatives or new materials.

The request for reconsideration shall be submitted to The Department of Public Works Inspection Services Division, to the attention of the City Engineer, no later than 30 days after receiving the inspector's decision.

Statement of procedural rights:

Pursuant to BCO § 8-8, if an Owner is aggrieved by this decision, he or she may appeal to the Public Works Board of Appeals by asking for an appeal in writing, addressing the request to the Director of Public Works, 645 A Pine St., Burlington VT.

- ⇨ Submittals for appeals must be filed within 10 days of the date this order was issued. The appeal must state what order or decision is being appealed and provide the legal argument or basis for the appeal.

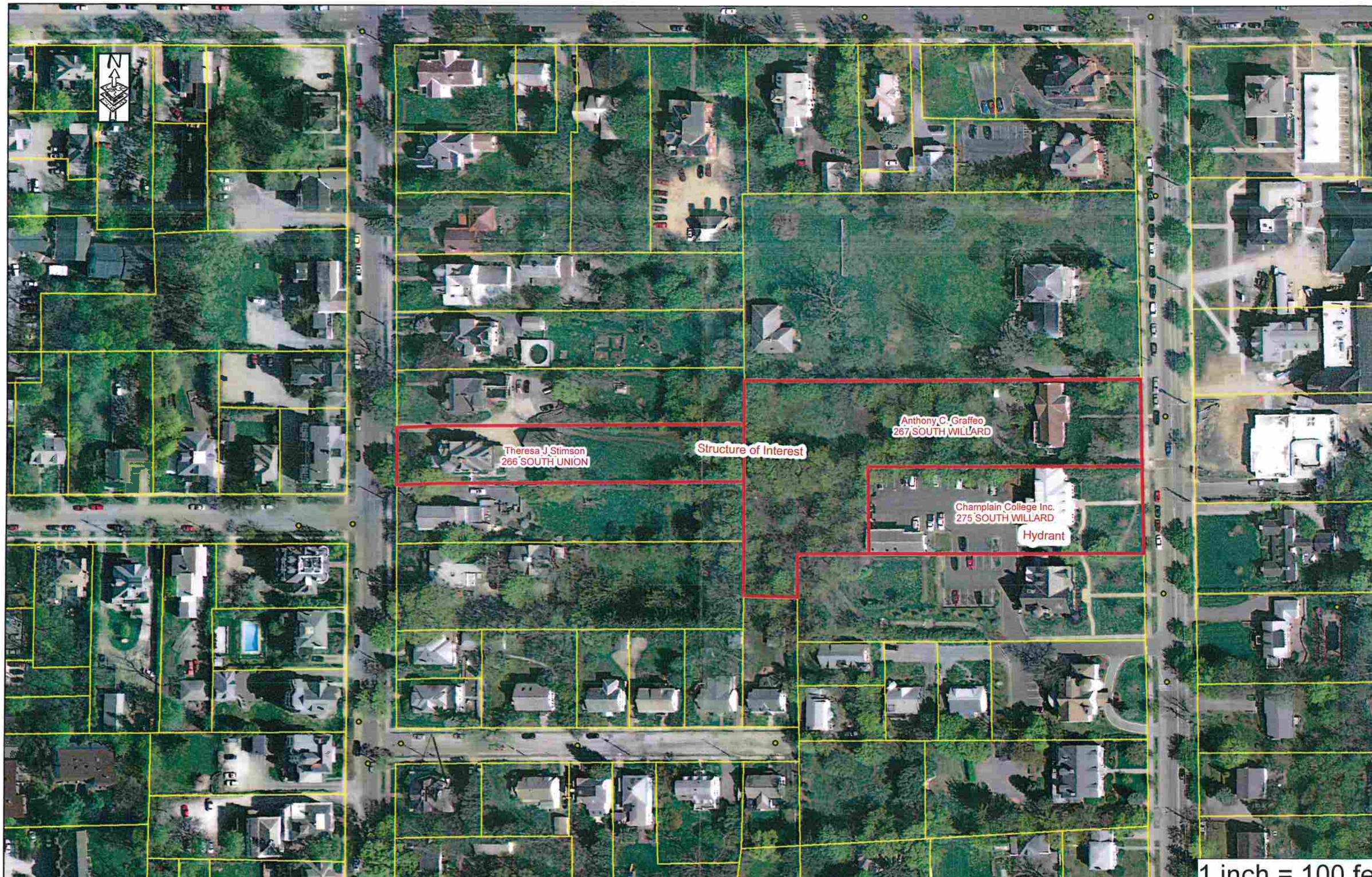
⇨ The Public Works Commission acts as the Board of Appeals and as a rule meet every third Wednesday of the month. Appellants will be contacted by commission staff to confirm the date, time and location where the case will be held and heard and to provide information regarding the process.

Approved this 18th day of November, 2014
Department of Public Works inspection Services

By: _____ Authority Having Jurisdiction

Ned H. Holt, City Building Inspector

CC:
Eugene Bergman, Assistant City Attorney
Norm Baldwin, P.E., City Engineer
Bradley Biggie, Building Inspector
Barry Simays, City Fire Marshall
File: 266 South Union Street


Theresa J Stimson
266 SOUTH UNION
Structure of Interest
Anthony C Graffeo
267 SOUTH WILLARD
Champlain College Inc.
275 SOUTH WILLARD
Hydrant
1 inch = 100 fe

MEMORANDUM

December 9, 2014

TO: Public Works Commission

FROM: Guillermo Gomez, DPW Engineer

CC: Norman Baldwin, City Engineer

RE: Cliff Street

An update on the Cliff Street project was presented during the November Public Works Commission meeting. The update included a presentation of the Final Plans, and comments and questions from the Commission and members of the Public. During the project update, DPW staff was asked to investigate whether the Public Works Commission needed to weigh in on the elimination of on-street parking on Cliff Street between Summit Ridge and Summit Street, and the reduction of on-street parking spaces on Cliff Street, between South Willard and Summit Ridge. Additionally, some questions were asked about the process that DPW has been followed to bring the project to where it is at the time. To get some clarity on these issues, below is a summarized version of the history of the project.

PROJECT HISTORY

The Cliff Street Mobility study was completed in 2008 as a joint effort between the Department of Public Works, the Chittenden County Regional Planning Commission (CCRPC) and local residents. The study evaluated different alternatives that would improve pedestrian access and calm traffic. The study included site investigation, analysis, design, and outreach efforts in the Cliff Street neighborhood. This study was done after many years of petitions from local citizens to pursue sidewalk construction along Cliff Street, between South Willard and South Prospect Streets. Three meetings were held prior to obtaining the grant that financed the mobility study.

The following meetings were held during the Mobility Study:

- Kickoff Meeting
- Preliminary concepts and identified issues. Formal listening session
- Findings of listening session
- Steering Committee Meeting
- Alternatives Presentation Meeting

The following alternatives were developed during the Cliff Street Mobility Study:

- Alternative 1: No Build/No Change
- Alternative 2: Maintain 2-way traffic, on-street parking, and existing curb line, adding a sidewalk in the greenbelt on the north side.
- Alternative 3: Close Cliff Street to motor vehicles between South Willard and Summit Ridge; maintain 2-way traffic but remove on-street parking between Summit Ridge and Summit Street, and move the northern curb line south into the existing street to add a new sidewalk and expanded greenbelt; maintain 2-way traffic, on-street parking, and the existing curb line to add a sidewalk in the greenbelt on the north side between Summit Street and South Prospect.
- Alternative 4: Convert Cliff Street to 1-way uphill between South Willard and Summit Ridge, move the northern curb line south into the existing street to add a new sidewalk and expanded greenbelt, and accommodate limited on-street parking; maintain 2-way traffic but remove on-street parking between Summit Ridge and Summit Street, and move the northern curb line to the south to add a sidewalk in the new greenbelt; maintain 2-way traffic, on-street parking, and the existing curb line to add a sidewalk in the greenbelt on the north side between Summit Street and South Prospect
- Alternative 5: Convert Cliff Street to 1-way uphill between South Willard and Summit Ridge, move the northern curb line south into the existing street to add a new sidewalk and expanded greenbelt, and accommodate limited on-street parking; maintain 2-way traffic, on-street parking, and existing curb line between Summit Ridge and Summit Street, adding a sidewalk in the greenbelt on the north side; maintain 2-way traffic, on-street parking, and the existing curb line to add a sidewalk in the greenbelt on the north side between Summit Street and South Prospect.

During the final public meeting for the study, the alternatives were presented and residents were asked to vote on the preferred alternative. Alternative 4 narrowly won over Alternative 2, as the preferred alternative by residents. Alternative 2 was the preferred alternative by DPW staff, as there were concerns about east-west connectivity and the changes in traffic circulation patterns that would result in Alternative 4. Given the narrow vote difference between alternatives and the concerns from staff, the Public Works Commission was asked to weigh in, as a third party that could provide feedback and help mediate in making this difficult decision of selecting a preferred alternative. During a Public Works Commission on March 11, 2009, the commission listened to both sides and voted for a preferred alternative that was a compromise between Alternative 2 and Alternative 4, maintaining traffic in both directions, but eliminating on-street parking between Summit Ridge and Summit Street This is the alternative that moved forward to design.

DPW was later awarded a grant to construct the sidewalk. DPW retained the services from Aldrich & Elliott to provide engineering services for the project. Throughout the design process, the project has been presented to the Public at the following meetings:

- Ward 6 NPA (March, 2013) – Presented preliminary design
- Ward 6 NPA (March, 2014) – Project Progress
- Public Works Commission Meeting (March, 2014) – Present design update
- Public Meeting (September, 2014) – Public Meeting to review final plans
- Public Works Commission (November, 2014) – Present design update

The meetings were either advertised through Front Porch Forum, through the Ward 6 NPA, or as part of agenda items in the Public Works Commission. During these public engagements, residents have made comments. Changes were made in response to the input received from residents, wherever it was feasible. This public input has been very valuable in bringing the design to where it currently stands, in its final stages.

There has been some confusion about the process we are following to develop this project. The grant that is financing this project has Federal Funds that are managed through the Vermont Agency of Transportation's Local Transportation Facilities Office. There is a predetermined process that we need to follow for this project. This process requires developing plans to a conceptual phase, then through preliminary and final phases before approving the project for construction. Throughout design, we are required to seek public input, with a minimum of two public meetings. As it can be seen from the project history, the level of public engagement has far exceeded the minimum required. Throughout this process, VTrans gets the opportunity to review the plans at different levels of completion, before final approval. Typically, the Public Works Commission is not required to approve plans for individual projects at any of these phases. However, staff often updates the Commission on the status of projects or seeks input from the commission on some instances. Where involvement from the Public Works Commission is required, is in reviewing and approving any regulatory changes needed or resulting from a project.

CONCLUSION

The Public Works Commission voted in favor of a preferred alternative in a meeting on March 11, 2009 (see item 4 in the attached meeting minutes). This alternative consists of a compromise between Alternative 2 (staff's recommendation) and Alternative 4 (majority vote). This alternative is the alternative that DPW has moved forward through design, with some changes based input from members of the Public and the Commission. There have been opportunities for public input during the planning and design phases of the project, and the City has followed VTrans' LTF process, as required by the grant funding the project.

DPW staff approached the commission in November to seek approval for on-street parking on Summit Ridge for residents of Cliff Street between Summit Ridge and Summit Street. The Commission voted in favor of these changes. After reviewing the history of the project, it has been determined that the Public Works Commission also needs to vote on the elimination of on-street parking along Cliff Street, between Summit Ridge and Summit Streets, and the reduction in the number of on-street parking between South Willard and Summit Ridge. We are seeking decision from the Commission on this item, which is addressed in further detail in a separate memo.

BURLINGTON PUBLIC WORKS COMMISSION MEETING
645 Pine Street
Minutes – March 11, 2009

Commissioners Present:
Ackerson, John
Alberry, Robert
Dugan, Donald
Gundersen, Margaret
Marshall, Roger
Sherman, Marc
Wood, Jared

Commissioners Absent:

Time is 6:20 p.m. call the meeting of the Burlington Public Works Commission to order.

1 AGENDA

Commissioner Alberry asked if there any changes to the Agenda.
Commissioner Gundersen makes a motion to accept the agenda but ask to move the Cherry Street bicycle parking from #8 to #4.5.
Commissioner Dugan seconds.
All were in favor.

2 PUBLIC FORUM

Commissioner Alberry asks if there is anyone in the room that wants to speak of something that is not on the agenda. There were none.
Commissioner Wood asked to address the commission as he had to leave early and was given permission.
Commissioner Wood stated that a substantial amount of money was passed for bringing the streets in Burlington to better conditions. He was wondering what would be done about the drainage problems on Colchester Avenue. Steve stated that as we work on the roadways we will check and fix the drainage problems as well.

3 CONSENT AGENDA

Commissioner Sherman made a motion to accept the consent agenda. There was a second.

Commissioner Gundersen asked about where the buses were going to be to in front of the Hilton Hotel. Steve stated it was still unsure but some were going around the back entrance of College Street by the parking garage.

Commissioner Alberry asked if all were in favor.
All were in favor of accepting the consent agenda.

4. CLIFF STREET SIDEWALK

Nicole Losch explained that she had received a request for a sidewalk to be put in on Cliff Street between So. Willard Street and So. Prospect Streets; So. Willard between Deforest Road and Cliff Street. We applied for and were awarded a Transportation For Livable Communities Grant. A study of the neighborhood was done and a steering committee was formed. The concept is that shall be constructed and will be safe and efficient for pedestrian, bicycle and vehicle mobility as well as meet all applicable design standards. This plan will enhance the Cliff Street nature and reflect the rural characteristic while maintaining importance of an east/west connection. There were several designs presented to the steering committee and we narrowed it down to four which will be presented to the public.

1- No build design
2- Build sidewalk into existing greenbelt within right of way, flat footpath in trees (Several slides were shown)
3- Close the westernmost section of Cliff Street, park like setting – similar to alternative 2
4- Convert section of Cliff Street between So. Willard and Summit Ridge one way eastbound, new curb line and sidewalk into the streets. There will be a gap in the greenbelt to accommodate parking. Curb line parking will be removed off the street.

Staff recommends alternative 2. Nicole explained that in alternative 2 there was no change in the traffic flow or parking situation. In Alternative 4 a change to the traffic one way uphill eastbound between So. Willard and Summit Ridge, remove on street parking between Summit Ridge and Summit Street to accommodate the greenbelt.
Commissioner Wood asked that with the water run off coming down Cliff Street if there was any plan to increase the drainage so that the run off coming down Cliff Street will be taking care of. Nicole explained that with alternative 4 they would put in new curbs and that would require a change in the drainage system. Alternative 2 there is no work directly in the roadway except for curb ramps for the new sidewalks and most likely wouldn't change much with storm water flow.

Mr. Higgins stated that Alternative 2 proposes to cut down 13 mature trees which is too much clear cutting within the right of way on north side of Cliff Street. If you cut down the trees there will be more run off. He also feels that the property values will be lowered with no trees there. He stated that

there were more votes for Alternative 4 than 2 from the neighborhood. He votes no on the staff recommendation of alternative 2.
The resident that lives at 99 Cliff Street stated that Alternative 4 was the assuming approval the project for the sidewalk plan with possible funding by the city.
Mrs. Wallace stated that people avoid Cliff Street because there is no sidewalk and will make pedestrian activity safer. The low count for pedestrian on that street is because there are no sidewalks. Through Locomotion work has been done with Edmunds School on safe routes to school and parents of Edmunds children would like to see a sidewalk for the kids to have safer travel on the street. They do support the tree canopy to be preserved as well as can be.
Mrs. Cass stated that in terms of the east/west outlet that this is an important thing. Cliff Street is a half mile from Ledge Road and is a significant way to get to the university from south end of Burlington. This is another reason to have sidewalks from Deforest to Overlake is a way to go to school for Edmunds. I support staff's recommendation for Alternative 2. Mrs. Cass was asked if she would support Alternative 4 if the sidewalk met the needs of the Cliff Street residence. Mrs. Cass stated that any sidewalk is better than none.
Commissioner Alberry wants to know if there can be a compromised situation – staff recommending alternative 2 from Summit Ridge up to Summit Street all the way up and save some trees and lawns. This meets with everybody's favor a combination of alternative 2 and 4. This does not include the one way traffic.

Commissioner Marshall makes a motion that we request staff to come up with a new alternative in combining alternative 2 on the lower section and alternative 4 on the upper section and alternate surface water runoff.

After more discussion Commissioner Alberry asks if you're accepting staff's recommendation on the lower side from Willard up to Summit Ridge alternative 2 of the proposal, Summit up the rest of Phase 4 including the draining motion to that. Second?

Commissioner Wood seconds. No more discussion. All are in favor.

4.5 Cherry Street Bicycle Parking

Nicole stated that she has received a request to install in street bike parking between South Winooski Avenue and Church Street. I have communicated with the businesses on Church Street which are located close to this section of Cherry Street, CEDO, The Burlington Business Association, and Church Street Marketplace. We have three different types of parking: short term which would use the u-racks; medium term which would have a shelter built over the parking area to keep bikes out of the elements and a long term parking area. There is limited room on the sidewalk to install bike racks to accommodate a large number of bicycles in one location. I am proposing to reduce the size of the loading zone on the south side of Cherry Street. We want to shift around the street parking and put a metered parking spot where the loading zone is, install a bicycle parking area in the street where a metered spot already exists. There will be no loss of metered parking but will reduce the loading zone area from three spaces to two. The businesses do support this action; however the Burlington Business Association and the Marketplace do not as they feel the streets are for cars and parking.
Charlene Wallace from Locomotion stated that more parking for the cyclist would be good as they are spending as much as shoppers do. Wallace stated that Locomotion just received a grant to teach bicycle safety education for eighteen months.
Commissioner Sherman stated that he supports this both as a commissioner and a store owner o he feels there is a commitment in transportation plan to support both bikers and pedestrians. Commissioner Sherman also stated that putting a bike park in the street will be helping as it will be getting the bikes off the sidewalk which will clear the street up for pedestrian traffic to flow easier.
There was a question of if the demand is so heavy in that area where are they parking. Nicole stated there was a spot next to the entrance to the parking garage we are looking at that spot and also putting a bike rack in the northeastern corner – replace and add a bike locker just outside the garage. There was a question on what a bike locker is and Nicole gave an explanation of what one was. There was a question of having some type of physical barrier to prevent automobile and motorcycle usage. Nicole explained that it would be a marked out area with something that could be moved and relocate to clarify the actual parking restriction would be to prohibit parking with the exception of bicycles.

There was a person from the public who lived on Thibault Parkway that spoke trying to encourage a more efficient use of space downtown and a healthier lifestyle. If we can get people who live two to three miles out of Burlington area it is a good bike ride and will also help the businesses in the downtown area; there will be fewer people using cars. I am encouraging the commission to approve this project.

Commissioner Marshall made a move that we approve staff's recommendation for a Cherry Street bicycle parking area. There was also a second. Commissioner Wood stated that he would like some system set up for protection and that this should be part of the motion. Commissioner Alberry asked if that was accepted by Commissioner who did accept it.
All were in favor.

5 Update On No Idling Policy

Jennifer Green is the co-coordinator of the Legacy Project – to ensure cleaner air. I am requesting support in the no idling ordinance – in particular changing wording from five minutes to three minutes. This is a public health concern Benzene in which the Burlington air exceeds Vermont standards by twenty times. This is harmful for children. Awareness has been raised about the idling. We are working with the police department, criminal justice students at Champlain College to ticket idling cars especially in front of Echo and Memorial Auditorium. There was a question on how many idling tickets were issued. John King stated that last summer a lot were issues. There were more warning tickets issues. The hospital has called and wanted to look at our policy.
Commissioner Alberry stated that he will not support those Champlain College students to be out issuing tickets for the no idling as they do not work with the city. Ms. Green stated that she had spoken with the Champlain College Administrator and the Idling Committee is not necessary on board with the students issuing the tickets but thought it to be an interesting possibility. Deputy Chief Decker was also at the meeting and he stated that the Parks Patrol is our employees who are trained by us and who do write parking tickets. Commissioner Ackerson stated that municipal vehicles are exempt from the ordinance and DC Decker stated that the vehicle has to be run for equipment use.

Commissioner Sherman made a motion to accept this as presented. Commissioner Ackerson seconded.
Commissioner Gundersen also made a motion to accept his with a notation of changes for lower price.
All were in favor of acceptance with the except of Commissioner Wood who is undecided.

6 Parking Fines

John King stated that there was a request from the Treasurer's Office, Jonathan Leopold, to review the different parts of the department and the fine structures. Less than three years ago the fines were evaluated, meters have changed and this recommendation was forwarded and we are looking for input. Mr. Leopold supports a second penalty fee if the ticket is not paid within 90 days. The amount of increase on meter tickets is from $10.00 to $12.00.

Commissioner Ackerson made a motion to accept the penalties for parking offenses as outlined in the letter for Section 20.66. Commissioner Sherman seconded. He did state he was not comfortable setting up a fee schedule that allows cars to be towed and getting additional fees. If a car gets a ticket and then get another one he has no problem with car being towed but if for some reason they don't pay their bill within 90 days the car could get towed.
John King stated the ticket on the car at the end of 30 days will receive a notice after a first penalty is added, 50 days to pay the ticket. It because scoff law after two letters were sent out. Commissioner Marshall says there should be a change in the number or combination of numbers to get to $49. Mr. King stated that they could reduce the second penalty from 25 to 20 to make it below the scoff law amount.

Commissioner Alberry stated that there was a motion made, seconded, discussion to reduce to 24. There was unanimous approval for this.

7 Implementation of Chapter 26

Laurie stated the effective date is April 1st and we have established the fees. The fee for single, duplexes and triplexes is a flat fee. The actual cost for impervious surface units is recommended and will start with the May bills, the fee is $18.50 per year cost for impervious surface is $7.00. These will stay until March 2010, will go up next April. There will be award credits for recipients of bills based on square footage. No fee could be reduced by more than fifty percent in total. The Engineering is working on the job description for the storm water administrator and a grant will be obtained by Steve Roy for us to here a consultant. The payment will be in the monthly bill and will be about $3.00 a month, commercial will be $327 for industries of 1800 square feet.
There were two people from UVM at this meeting and were asking for the 50% credit for MS4 related activities and properties. They advised UVM has invested millions of dollars to comply with the latest state standards, even treats storm water flowing from certain city streets and private properties. We are asking for MS4 permits credit for storm water facilities and best management practices that it builds and maintains. Lori did state that UVM

is different and there have been meeting with them. A task force is needed to work as Department of Public Works to implement ordinances. We are trying to do something that is done in South Burlington which will limit the credit of 50% for a building of MS4.
UVM explained there are three storm water facilities in compliance with the State 2002 standards. Commissioner Alberry stated that there needs to be final discussion with public works and then come back with final recommendation to this commission.

8 Recycling

Pat Buteau stated that there is a bid out there for a new recycling truck. The trucks make 400 stops a day and we burn a lot of diesel. There are three vendors that we are looking at. The tanks are mounted vertically between the cab and packer. We need to get our fleet up to being cleaner environmentally. The downside is that there is a $50,000.00 charge rather than going out and getting another diesel truck. Pat stated that the prices that we were quoted in September will be held for us.

Commissioner Marshall makes a motion to accept staff's recommendation.
Commissioner Dugan seconds.
Commissioner Gundersen wanted staff to go back and see if they would sweeten the deal since there is nothing selling. Pat stated that we have gone back and did not get any better deals.

Commissioner Alberry asked if we can make this issue not to exceed.
There was a motion made by Commissioner Marshall, seconded by Commissioner Dugan, discuss. Is there anymore discussion? None. There was a unanimous decision.

9

Dan Bradley stated that signage is a priority for the past yes. We can add pedestrian and focus on parking. (There were slides presented). These signs will be more informational as people get closer to the downtown area and where they are going. Pedestrian signs will also be present. There was discussion to have the signs in both English and French because of all people who come down from Canada. If the garage is full there will be another sign directing the driver to the next garage. We have picked out several locations within the city to place signs, got a cost estimate. We are in the process of permitting for these signs with VTRANS.

10 Transportation Update

Car Share has been operating since December with plans to expand. We would like to do some small changes with the parking ordinance we developed for them. We want to provide an opportunity for them to expand into neighborhoods. We are drafting an ordinance next month, petition process with the neighborhood for support, identify the location and notify neighbors when the actual ordinance goes into effect. Staff is working with the City Attorney and Car Share Operators.
Commissioner Alberry asked if Car Share had free metered parking and was informed that Car Share vehicles did pay the meter. There was some discussion about Car Share paying for metered parking. Commissioner Alberry feels that it is wrong to give certain organizations free parking. Commissioner Sherman brought up if it was possible for Car Share to pay an extra fee to park their cars at metered spots and not have to put money in the meter. Car Share cars do parking in the resident only spaces as it is part of the ordinance. Car Share people park their cars designated spots in Burlington right now.

Dan then talked about the extension of the Lake Street to the edge of the Urban Reserve which would expand parking, more access to the fishing pier with the remainder of the earmarked funds ($800,000). We want to create access for deliveries, pedestrian walkway to be lined up with the fishing pier. The skate park would also move to the other side of the road and there would be on street parking.
Commissioner Gundersen stated that she wished there was a way for the College Street shuttle to run on weekends, it is critical to the city. Dan stated that the cost was a big factor in that they didn't run it on the weekends.
Commissioner Alberry asked if the transit center was at the old unemployment center and was informed that it was. The site at the Department of Labor on Pearl Street. CCTA is taking over that project, which there is still a couple years of work still to do.
There were questions about Cherry Street and St. Paul Street parking and buses and cars don't stop for pedestrians. It was brought up if the buses could use the pull off where the old bank drive up tellers were to get off the street and make it safer for pedestrians.

11 December and January Minutes

Commissioner Marshall made a move to accept the minutes.
Commissioner Ackerson seconded.
All were in favor.

12 Budget

Steve stated it we were not in bad shape. There was a challenge with the snow but hope to correct in the spring. 2010 budget proposals are being done.

13 Chair's Report

None

14 Director's Report

We are opening bids on the street maintenance program. We are hoping to get favorable bids within the budget. If under budget we might come back and add more streets to the plan. If it comes high we might have to delete a couple roads.

15 Commissioner Report

None

16 Committee Reports

None

17 Adjournment

Commissioner Marshall made a motion for adjournment
This was seconded.
There was unanimous approval

MEMORANDUM

December 3, 2014

TO: Public Works Commission

FROM: Guillermo Gomez, DPW Engineer
Damian Roy, DPW Engineer Technician

CC: Norman Baldwin, City Engineer

RE: Cliff Street Resident Parking Removal

Background:

Planning efforts for the Cliff Street Sidewalk started with the Cliff Street Mobility Study (completed in 2008). This study included site investigation, analysis, alternatives development, and public outreach efforts (see the attached document for a detailed summary). During the final public meeting of the study, multiple alternatives were presented by the study team. Alternative 4 narrowly won over Alternative 2 (two vote difference). Alternative 2 consisted of construction of the sidewalk with no changes to the paved surface, traffic flow or on-street parking. Alternative 4 consisted of converting Cliff Street to one-way traffic and removing on-street parking. The results from the Study were presented to the Public Works Commission on March 11, 2009. A preferred alternative was approved by the Public Works Commission, which consisted of a compromise between the preferred alternative by residents (Alternative 4) and the alternative recommended by staff (Alternative 2).

The alternative approved by the Public Works Commission was then developed through design. The City retained Aldrich & Elliot Engineering to provide design services for the project. The design was shared at different stages of development with the public and the Public Works Commission. Modifications were made to the design initially presented to address issues and concerns from members of the Public and the Commission. Once these changes were implemented, the final design was presented at a Public Meeting in September. The design was also discussed at the last Public Works Commission Meeting in November. The plans have also been available to the Public on the City Website (http://www.burlingtonvt.gov/DPW/Transportation/Projects/New-Sidewalks). The final design will result in some parking changes along Cliff Street, which are explained in detail below.

Observations:

The portion of Cliff Street between South Willard Street and Summit Street is a two-way residential use street with Resident Only parking along the south side. Of the six (6) houses along this section of Cliff Street five (5) houses have driveways and rely on the on-street parking to supplement their parking needs. One (1) house has no driveway and relies solely on on-street parking for all if it's parking needs. The Cliff Street Sidewalk Project will eliminate this on-street parking for these residents. For the five (5) houses with driveways, the DPW Commission has procured Residential Parking Permits for Summit Ridge to supplement their loss of on-street parking on Cliff Street. The south side of the lower portion of Cliff Street has been designed to include a Pull-Off with three (3) designated Resident Only Parking spaces to further serve the residents of Cliff Street. Public outreach has been conducted via flyers to the six (6) households on Cliff Street stating the loss of on-street parking on Cliff Street with no negative feedback received.

Conclusion:

The removal of the Resident Only Parking on the south side of Cliff Street will enable the Cliff Street Sidewalk Project to proceed as designed. All affected residents along Cliff Street have been given alternative means of parking due to this loss of on-street parking with no negative public responses recorded by DPW.

Recommendation:

Staff recommends that the commission adopt:

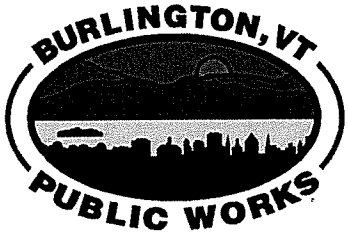
- The removal of Resident Only Parking on the south side of Cliff Street between South Willard Street and Summit Street in favor of the Cliff Street Sidewalk Project.
- The designation as Resident Only Parking of the three spaces in the vehicle pull-off in the lower block of Cliff Street.

The following alternatives were developed during the Cliff Street Mobility Study:

- Alternative 1: No Build/No Change
- Alternative 2: Maintain 2-way traffic, on-street parking, and existing curb line, adding a sidewalk in the greenbelt on the north side.
- Alternative 3: Close Cliff Street to motor vehicles between South Willard and Summit Ridge; maintain 2-way traffic but remove on-street parking between Summit Ridge and Summit Street, and move the northern curb line south into the existing street to add a new sidewalk and expanded greenbelt; maintain 2-way traffic, on-street parking, and the existing curb line to add a sidewalk in the greenbelt on the north side between Summit Street and South Prospect.
- Alternative 4: Convert Cliff Street to 1-way uphill between South Willard and Summit Ridge, move the northern curb line south into the existing street to add a new sidewalk and expanded greenbelt, and accommodate limited on-street parking; maintain 2-way traffic but remove on-street parking between Summit Ridge and Summit Street, and move the northern curb line to the south to add a sidewalk in the new greenbelt; maintain 2-way traffic, on-street parking, and the existing curb line to add a sidewalk in the greenbelt on the north side between Summit Street and South Prospect
- Alternative 5: Convert Cliff Street to 1-way uphill between South Willard and Summit Ridge, move the northern curb line south into the existing street to add a new sidewalk and expanded greenbelt, and accommodate limited on-street parking; maintain 2-way traffic, on-street parking, and existing curb line between Summit Ridge and Summit Street, adding a sidewalk in the greenbelt on the north side; maintain 2-way traffic, on-street parking, and the existing curb line to add a sidewalk in the greenbelt on the north side between Summit Street and South Prospect.

S. Chapin Spencer
Public Works Director

Laurie Adams
Assistant Director



P.O. Box 878
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MEMO

To: DPW Commission
From: Laurie Adams, Assistant Director DPW Water Quality
Date: December 8, 2014

Re: Water Meter Proposed Ordinance Change

Proposal:

Revise City Ordinance to require that all initial new meters regardless of size would be paid for by the property owner and all replacement meters would be paid for by the Water Division.

Background:

According to the American Water Works Association, "accurate water measurement is the means but which water utilities produce revenue to cover expenses, charge each customer equitably, prevent waste of water, and minimize the load on wastewater facilities."

The Water Division has approximately 10,000 accounts that are billed monthly for water and wastewater charges. The water meter is the means of measurement and our system has a range of meter sizes from 5/8 - 4 inch. Most residential users have meters in the 5/8-3/4 inch size. Commercial, industrial and larger housing complexes typically have meters sizes in the 1- 4 inch range.

Based on the annual budget needs of the department the meters track consumption and this in large part translates into the rate structure. The top 25 users are composed of 692 different meters ranging in size from 5/8 - 4 inch and represent 37% of the revenue collected.

The primary reason for meter tests is to ensure that the cost of water service is equitably distributed among all customers. Many states have public service commission regulations for periodic testing of water meters. Although Vermont is not one of them, the standard in the US ranges from 4-10 years between test intervals for 5/8 - 4 inch meters.

Meter age for our larger meters can be as old as 72 years, and with that it is expected that accuracy has diminished leading to under-registration of consumption. It is therefore incumbent upon us to test, and depending on the results, replace these large meters.

As we embarked on the need to test our older larger meters, we ran into complications with the lead law requiring reduced lead concentrations in meter construction. The manufacturer of our meters started producing "no-lead" meters in 2001. The weighted average is 0.25% which brings them in compliance with the 2010 law. All meters before 2001 had approximately 7 % lead content. Given that our larger meters all contain the higher amount of lead, we will not be able to remove the meters for testing and then put them back in. A new meter would have to be put in regardless of how it tested out, so this voids the rationale to test the older meters. This is according to Assistant Attorney General Robert McDougall in an email from 2012 whereby he wrote "This Office has consistently held that non-compliant plumbing cannot be removed from a plumbing system and then re-installed."

Without being able to test and reinstall the large meters, we must then embark on a comprehensive replacement program. And while some larger water customers may still have functioning and accurate meters, current city ordinance requires us to pass along the entire cost of the meter replacement to those individual customers. Burlington's Water ordinance Chapter 31-43 reads as follows:

> ***Service and meters larger than standard to be furnished at owner's expense.*** *Any applicant desiring a meter of larger than 5/8 inch delivery may secure the same on the payment of a sum representing the extra cost of the larger meter as the public works commissioners may determine. In no case will the division bear the expense of furnishing or setting a larger meter.*

It is common for public and private utilities to fund meter replacements – as there are circumstances (such as in this instance) where it is beneficial to the utility overall to replace certain customers' meters – even if the meters may still be serving the customers' needs.

As the Water Division looks to the future, we seek to invest in ways that will best respond to evolving regulations, standards and technologies in municipal water systems. Having an ordinance that is consistent, straightforward, and gives the Water Division complete control over removing, testing and replacing meters will enable us to make optimal future investments.

To address the issues above, we have rewritten "Article II Meters" to propose that all initial new meters regardless of size would be paid by the property owner and all replacement meters would be paid for by the Water Division. The proposed revisions are attached.

In sum, we believe that these ordinance changes are beneficial in that they:

- Help ensure equity among rate payers
- Simplify and make consistent our policy on meter replacement
- Give DPW's Water Division complete control over its meters so that the Division can make investments that are most beneficial to the utility overall

Action Requested:

Staff requests DPW Commission support of the meter ordinance rewrite. This action would then trigger a similar communication to the City Council and referral to the Council's Ordinance Committee for further consideration. Once voted out of committee, it would return to the full Council for adoption.

ARTICLE II. METERS

31-39 Water not to be furnished until meter set.

Water shall not be furnished to any house or premises for use ~~by meter rates~~ until a suitable place has been prepared for a meter to be set in accordance with the requirements of this chapter and the regulations of the Wwater ~~department~~ Division of the Department of Public Works

(Rev. Ords. 1962, § 6004)

31-40 Meters and settings to satisfy public works director or his/her designee.

All meters and the setting of the same shall be satisfactory to the public works director or his/her designee.

The Water Division shall be responsible for specifying type, size, installation, and periodic testing of all water meters. Meter size will be determined based on flow information supplied to them by the owner, developer or engineer, as applicable and be guided by the standards currently in use by the American Water Works Association.

(Rev. Ords. 1962, § 6018; Ord. of 10-22-90)

31-41 Placement of meters.

Meters shall be placed as near as possible to an outside wall facing the main, and in such manner that a difference of one (1) inch in length of the meter will not necessitate a change in the piping. All ~~new or renewed~~ service installations shall have a meter reading device which shall be placed on the outside of the building and which shall be easily accessible year-round.

(Rev. Ords. 1962, § 6018; Ord. of 10-22-90)

31-42 ~~Regular meters to be furnished at department's expense.~~ Reserved

~~Meters with 5/8-inch delivery shall be furnished a property owner complying with this chapter and the regulations of the public works department, and may be installed at the expense of the public works department.~~

(Rev. Ords. 1962, § 6019; Ord. of 10-22-90)

31-43 ~~Service and~~ mMeters ~~larger than standard~~ to be furnished at owner's expense.

~~Any applicant desiring a meter of larger than 5/8-inch delivery may secure the same on the payment of a sum representing the extra cost of the larger meter as the public works commissioners may determine. In no case will the division bear the expense of furnishing or setting a larger meter.~~

In the circumstance where city water service does not exist and no meter is present or in the circumstances specified in section 31-49, the property owner shall be responsible for paying the cost of the new meters and their installation. Except for those circumstances specified in section 31-49, the Department of Public Works Water Division shall be responsible for the cost of maintenance and replacement of a meter.

(Rev. Ords. 1962, §§ 6020, 6024; Ord. of 10-22-90)

31-44 Connections to meter required.

~~Every person using a meter shall connect with the meter all fixtures supplied with water on his/her premises in such manner that all water used will be measured and all water passing through a meter in such a manner that the meter will not, in the opinion of the public works commissioners, accurately measure the water actually passing through such meter shall not be allowed, and in such case the public works commissioners shall cause said meter to be placed on such service as will, in their opinion, accurately register the amount of water passing through such service, upon the terms mentioned in section 31-43.~~

All fixtures supplied with water on the premises shall be connected to the meter in a manner that insures that all the water that is used is accurately measured by the meter. Meters that, in the opinion of the Department of Public Works do not accurately measure the water used are prohibited and in the event the department determines that such a meter is installed, it shall be replaced at the cost of the department unless the department determines that the circumstances specified in section 31-49 are the cause of the inaccuracy.

(Rev. Ords. 1962, § 6026; Ord. of 10-22-90)

31-45 Two or more meters.

Water used through two (2) or more meters upon the same premises, for the same business, and to supply the same pipes used for a common supply shall be rated as passing through one (1) meter, but if used through separate pipes or for different kinds of business, each meter shall be rated separately. In no case, however, shall water be furnished to a meter for less than the established minimum meter rate.

(Rev. Ords. 1962, § 6021)

~~31-46 Premises of different persons.~~

~~Premises of different persons shall not be supplied through one (1) meter.~~

(Rev. Ords. 1962, § 6022)

31-47 Faulty meter.

If from any cause a meter fails to register the amount of water passing through it, the owner shall be charged at the average daily rate as shown by the meter when in order.

(Rev. Ords. 1962, § 6023)

31-48 Monthly ~~Quarterly~~ charge.

The monthly ~~quarterly~~ charge for water shall not be less than ~~one-fourth of~~ the minimum monthly ~~annual~~ charge for furnishing water to ~~a~~ meters subject to the minimum.

(Rev. Ords. 1962, § 6025)

31-49 Costs of repairing damages to meters.

The cost of repairing any damages to meters caused by frost, hot water or improper usage shall be paid by the property owner.

(Rev. Ords. 1962, § 6019)

31-50 Restriction on furnishing water.

The water department shall not furnish water through any meter over which it does not have exclusive control.

(Rev. Ords. 1962, § 6020)

31-51—31-61 Reserved.

BURLINGTON PUBLIC WORKS

SNOW AND ICE CONTROL PLAN

SNOW AND ICE CONTROL PLAN

The purpose of this plan is to define the operational procedures and best management practices (BMP's) for storing and utilizing snow and ice control materials, and for performing winter maintenance activities. It defines the level of service that Burlington Public Works will strive to provide on our 95 miles of streets and 127 miles of sidewalks.

Since storms vary dramatically and occur during a variety of traffic conditions, this Snow and Ice Control Plan is intended to be flexible. It is a guide structured to fit average conditions, but able to accommodate the wide variety of conditions that will be encountered by maintenance crews who are working to maintain safe roads and conditions.

STORM WARNING NOTIFICATION

The Department of Public Works Right of Way uses the online weather service MxVision Weather Sentry Online. The service provides up to the hour weather predications and forecasts up to 15 days out. The program is password protected and available to all supervisors.

DPW will issue storm related public service announcements via the local media, Facebook, Twitter and Front Porch Forum. Additionally, anyone can sign up for an e-mail or text alert by going to the govdelivery icon on the City of Burlington website, http://www.burlingtonvt.gov/

PERSONNEL SCHEDULING

Our Right of Way crew of (18) full time Street Maintenance and (2) seasonal employees maintain the streets and sidewalks. Large storms may require around the clock coverage. This will require help from outside work groups and departments. The Street Maintenance Foreman will find volunteers during the normal workday and create a plan based on the available manpower and weather conditions. The plan will be reviewed by the Assistant Director of Right of Way before implementing.

MOBILIZATION

When the decision has been made to react to a storm, the Right of Way Foreman will mobilize the crew. Since all trucks, tractors and routes are assigned, all the employees need is the call to deploy. If a storm event is predicted after normal business hours, the personnel will be put "on-call" per the union contract. All on-call employees will make themselves available by telephone.

While DPW Right of Way is tasked specifically with the staffing snow and ice control operations, the employees of the Equipment Maintenance group have a responsibility to assist with equipment repairs. Once the decision has been made to respond to a storm event, during normal working hours the Right of Way Foreman will notify the Fleet Manager. The Fleet Manager will then schedule his employees to provide maintenance assistance. After normal working hours the foreman in charge will call the "on-call" maintenance team.

SNOW AND ICE CONTROL MATERIALS

Road salt (NaCl) is the primary snow and ice control material. The salt is purchased under the State of Vermont contract. FY15 the contract was awarded to Cargill, the local distributor is Barrett's Trucking in Burlington @ 863-1311. DPW uses approximately 3500 tons of road salt per year. The Street Maintenance Foreman is responsible for the ordering and inventory of the salt. The entire salt inventory is stored at 645 Pine Street. Liquids like magnesium chloride are being used on a small scale until we further understand their benefits.

EQUIPMENT INSPECTION

All City equipment; to include all plow trucks, loaders, and sidewalk tractors will be operator level inspected before any snow operations. Immediately following a storm on the next regular business day, all equipment will be cleaned, greased, fluids levels checked, and a proper preventive maintenance check per the manufactures operator manual. All deficiencies will be reported immediately to DPW Fleet Services.

EQUIPMENT CALIBRATION

Every November, all truck spreaders and computerized spreader controls will be calibrated with salt (NaCl) per the manufactures operation manual. After every storm event, each truck will have the mileage and pounds per lane mile recorded. This task will be assigned to a working foreman and one other street maintenance worker.

SNOW ROUTE ASSIGNMENT

All operators will be assigned a route, whether it is in a truck or a sidewalk tractor. Continuity is important in assigning routes and equipment. Operators will learn the best way to battle snow and ice if they are doing the same streets every storm and will know areas that need special attention such as bridges, on and off ramps, hills, curves, and school zones. The same with the equipment, the operators in the same truck or tractor will know how it handles and what the vehicles limits are.

The sizes of the routes are designed for the City's fleet of trucks and tractors. There are 10 large trucks, 1 small truck for dead ends and narrow streets, and 11 tractors. Of the 10 large trucks, 1 is a spare in case of a break down. With the 11 tractors, 2 are spares. It takes an operator with a large truck approximately 5 hours to plow their route once. An operator on a sidewalk route will take approximately 6 hours to plow their route, if they are salting at the same time it will take 8-9 hours to complete once.

LOADING PROCEDURES

The loading of salt in all trucks will be by the oldest loader in the fleet. The operation will be conducted by qualified City employees only. The trucks will be loaded to their max GVWR and not overloaded. A scale is located in the loader and will be calibrated before the winter season. The loader will have operator level preventive maintenance after every storm event and all loading procedures will be supervised by an assigned working foreman.

SPREADING AND PLOWING PROCEDURES

Salting Operations

Streets will be salted during light storms where minor accumulations of snow are expected. This requires the use of 6 large trucks that will salt the primary streets with priorities going to the routes coming into and exiting the City, primary roads leading into neighborhoods, school zones, downtown, and intersections. Not every street is salted unless there is a prediction of ice.

Plowing Operations

Plowing of the streets is the same regardless of the amount of snow predicted. The City owns (10) large plow trucks with (1) being used as a spare in case of break down and (1) small truck for dead ends and narrow streets. We can add plows to our (2) front end loaders for additional help in major storms.

The (9) large plow trucks are assigned a route and each route starts with its primary street, leading to its secondary main, and then into the neighborhood streets. The (1) small plow truck is assigned a list of narrow and dead end streets.

Sidewalk Plowing and salting

There are (9) sidewalk routes and are plowed during the day concurrently with street plowing. Extra attention is given to the downtown, Old North End, areas around schools and school crossing guard locations.

During a night time snow push back or any night time plowing operation, sidewalk plowing usually starts around 4 a.m. so that the sidewalks are open when school begins. This time could vary depending on the size of the storm.

If the storm exceeds 12" of snow and there are snow banks along the sidewalk, we will have to snow blow every sidewalk. This will take considerable time and manpower. This operation could take up to 24 hours or more. Again the priorities are downtown, Old North End, and school zones. We normally have many equipment failures while snow blowing, so having fleet services available is key.

We routinely plow, scrape, and sometimes salt the sidewalks during the day to maintain a safe environment.

Performance Capabilities

As stated earlier, Burlington has 95 miles of roads and 127 miles of sidewalks. During the average year we receive 80 inches of snow. Of course this is only an average and what really matters is when it falls, and how many snow events we have to deal with. Generally speaking, the length of the storm rather than the amount of snow determines how we deal with it. Our plans are built around these capabilities.

Street plowing routes	**10**
Hours to plow every street once	**5 to 7**
Hours to salt all streets @ 500 lbs. mile	**4**
Sidewalk plow routes	**9**
Hours to plow every sidewalk once	**8**
Hours to snow blow every sidewalk once	**24**
Hours to salt every sidewalk	**12**

SNOW STORAGE

Snow removed from the City streets, greenbelts, parking lots, and parking meter spaces will be stored at 702 Lake Street in Burlington. This area is for the storage of City removed snow and not for any private contractor, unless contracted by a City department. This site is a former oil tank farm near the waterfront and has been an ideal storage area as the berm keeps contaminants from reaching the lake. This storage area will be cleaned of any trash and debris every spring.

SNOW OPERATION DAMAGES

1. **Mailboxes and other structures within the Right-of-Way**
   Occasionally mailboxes and other property may be damaged by snow plowing operations due to poor visibility, the mailbox being buried in a snow bank or the weight /volume of snow being plowed. The damage is not deliberate and in most cases unavoidable. Burlington Public Works is not responsible for damage and does not repair, replace or re-erect mailboxes that are located within the right-of-way unless physically struck by a DPW plow truck. In these cases, the property owner shall submit a claim to the City for reimbursement. All mailboxes must be installed to the USPS standards.

   Many residents have basketball nets in the right of way, these not only interfere with plowing to the curb, but during inclement weather the plow operator may not see the basketball net and damage City equipment. If any basketball nets are found in the right of way, the DPW Right of Way inspector will be notified and will have it removed.

2. **Accident Protocol**
   Plowing snow in a large truck with a wing plow takes a special skill. Public Works employees are highly skilled and properly trained before they operate any commercial vehicle. Vehicle accidents will happen, and when they do, the following must happen:
   a. Stop vehicle in a safe area.
   b. Check all people involved for injuries. Call 911 if needed.
   c. The DPW employee will call their supervisor either by cell phone or by 2-way radio and inform him of the situation.
   d. Supervisor will call the Burlington Police Department. A police report will be taken, the DPW employee will receive a copy of the report, if the report is not available, you are required to obtain the incident number.

e. If the vehicle is able to be driven, it must report to DPW Fleet Services for an evaluation before continuing on with snow plow operations.
f. All accidents must be reported to the Right of Way Assistant Director and the insurance company. The Foreman or Assistant Director will report all the proper information on the Travelers Insurance Portal.

3. Plantings in the right of way

Snow removal from the sidewalks is a challenging task and there are many obstacles that the operators have to maneuver around, and the major items being trees and shrubs. While great care is taken not to damage the tree or shrubbery, the property owner must maintain the vegetation so it does not impeded the sidewalk. While the tractor may damage the vegetation, the trees and shrubbery may also damage the tractor. The department will not be responsible for any damage to any plantings encroaching on the right of way.

PARKING LIMITATIONS

Burlington does not have a seasonal parking ban like most towns in our region. It is the responsibility of the Public Works Director to declare a winter parking ban. Parking bans are declared on a case by case basis. Criteria for a parking ban include length of storm, amount of snow during the storm and how much snow is already on the streets and has not been plowed to the curb. By City ordinance **20-56** the ban must be declared by 3p.m. in order to be in effect by 10 p.m. that evening until 7 a.m. the following morning.

Parking Ban Notification

Parking bans are warned in the following manner:

1. Using the City maintenance light system

2. Sending a press release to all local radio and television stations, and the Burlington Free Press

3. Posting alerts on social media, such as Facebook, Twitter, and Front Porch Forum.

4. Sending out text messages and e-mails via GovDelivery

5. An up to date recording on 658-SNOW

Once the Director calls a ban, the street maintenance foreman will notify the parking enforcement supervisor, who is responsible for the enforcement of the winter parking ban. Second, he will activate up to 90 plus flashing parking ban lights. These lights are located at the entrances of the City, important intersections, and throughout the City's neighborhoods. They are a visual warning to the residents that a parking ban is in effect.

The DPW foreman in charge of the plowing crew will meet with the parking enforcement crew at 9:30 p.m. at the police department to review and cover any last details.

Vehicles must be off of the streets during these hours if a ban is declared or they will be towed. While parking bans make it easier to plow snow, it is difficult for some people to find alternative parking. DPW does offer free parking in the City owned parking garages as an option. Parking is available in the Marketplace Garage and the Macy's Garage on the lower decks only. Vehicles must be removed by 7:30 am or they will be charged the full day's rate**.** Additional information can be found at http://www.burlingtonvt.gov/.

While a winter parking ban is not called for every storm, if residents have access to off street parking, we urge them to use it. Additional information can be found at http://www.burlingtonvt.gov/Police/Winter-Parking.

The City has 4 designated tow areas.

Lake St. boat launch: Vehicles towed from the Old North End and west of Willard St. from Pearl St. to Maple St.

Grove St. Shamanski Park parking lot: Vehicles towed east of Willard St. from Maple St. to the New North End.

Gosse Court, North Ave to the end: Vehicles towed from the New North End.

Oakledge Park parking lot: Vehicles towed from the south end and west of Willard St. from Maple St. south.

When the lots are full, vehicles found on the street could also be towed to the nearest street the Public Works Department designates as a drop-off point. This would be a street that has been cleared of snow. For car owners to find their vehicle, please call (802) 540-2380.

SNOW RELATED CITY ORDINANCES

27-84 Throwing snow into street prohibited.

No person shall throw or put, or cause to be thrown or put, snow or ice in the part of the street known as the travel portion nor on a sidewalk of a street.

(Rev. Ords. 1962, § 4303; 1969 Cum. Supp., § 4303)

27-2 Enclosing highway; erecting fence or encroachment; nuisance.

No person shall enclose a part of the highway or street, or erect a fence, building or other encroachment, or make obstructions, or create a nuisance on a highway or street, or continue such enclosure, fence, building, encroachment or nuisance on a highway or street.

(Rev. Ords. 1962, § 4209)

BURLINGTON DEPARTMENT OF PUBLIC WORKS COMMISSION
SPECIAL MEETING
DRAFT MINUTES, November 12, 2014
645 Pine Street
(DVD of meeting may be on file at DPW)

COMMISSIONERS PRESENT: Bob Alberry, Tiki Archambeau, Jim Barr, Asa Hopkins, Solveig Overby and Jeffrey Padgett

Director Spencer called the meeting to order at 6:30 p.m.

ITEM 1 – AGENDA

- Commissioner Alberry: Add "Election of Vice Chair" (Item 2.5), if needed. Commissioner Padgett: Add Item 4.5 – "Revisit Agenda." Unanimous.

ITEM 2 – ELECTION OF NEW COMMISSION CHAIR

Director Spencer invited nominations for Chair. **Commissioner Alberry nominated** Commissioner Hopkins; Commissioner Barr seconded. Unanimous.
Newly-elected Chair Hopkins invited nominations for Vice-Chair (the position which Commissioner Hopkins just left). **Commissioner Alberry nominated** Commissioner Padgett; Commissioner Archambeau seconded. Unanimous.

ITEM 3 – RECOGNITION OF OUTGOING CHAIR NATHAN LAVERY

Former Commissioner/Chair Lavery was present and accepted a plaque and grateful thanks for his Commission work.

ITEM 4 – PUBLIC FORUM

Martha Lang asked for the Commission's support in her request for residential parking permits for 132 Colchester Ave (Item 5.10 on Consent Agenda).
Phil Merrick, Main St business owner, asked that some of the long-term (brown) meters along the block between Battery and So Champlain St be replaced by shorter-term (blue) meters to accommodate the customers of the expanding retail businesses.
Peggy O'Neill Vivanco, resident of Overlake Pk, requests that no parking be allowed in cul-de-sac, and that signage along the street should be for residents *only*, from the hours of 8am-4pm.
Dan Cunningham, resident of Overlake Pk, requests that the signs be left as they are ("No Parking 8-4, Mon-Fri").
Meg Huffman, resident of Overlake Pk, concurs with Mr. Cunningham.

ITEM 4.50 – REVISITATION OF AGENDA

Commissioner Padgett moved to pull Items 5.10 (Residential Parking Permits for Fletcher Pl) and 5.30 (Overlake Park Parking Restrictions) from the Consent Agenda. Unanimous.

ITEM 5 - CONSENT AGENDA, revised on Item 4.50 (Refer to Packet)

5.20 Summit Ridge Resident Parking for Cliff St Residents
(Staff recommends that the Commission adopt: The granting of Resident Only Parking Permits on Summit Ridge to residents of 125, 133, 144, 145 and 155 Cliff St)

5.40 49 Curtis Ave Trades Appeal – Continuance
(Staff and Mr. Adam Holt are seeking a continuance to the December Commission meeting)

Commissioner Alberry moved to approve the Consent Agenda; Commissioner Barr seconded. Unanimous.

ITEM 5.10 – RESIDENTIAL PARKING PERMITS FOR FLETCHER PLACE (Refer to Packet)
(Mr. Damian Roy, Engineer in Training)
Mr. Roy explained staff's review of Ms. Lang's request. After much discussion (including Ms. Lang's offer to compromise by asking for less permits; suggestions of a temporary allowance until the Parking Study completion in April '15; creating a regulation that sunsets after a given time; Commissioner Padgett's perception of inequity
Recommendation: Staff recommends that the Commission deny Ms. Lang's request for eligibility of Resident Only Parking Permits on Fletcher Place for her tenants of 132, 140 and 146 Colchester Ave.
Commissioner Overby moved to accept staff recommendations; Commissioner Archambeau seconded. Commissioners Alberry, Archambeau, Barr, Overby voted in favor (4); Commissioner Hopkins and Padgett voted against (2). The motion carries.

ITEM 5.30 – OVERLAKE PARK PARKING RESTRICTIONS (Refer to Packet)
(Communication, Damian Roy, Engineer in Training)
Solicitation of residents' input reached no consensus. Dan Cunningham, Overlake Pk resident, reiterated his Public Forum comments. **Commissioner Overby moved** to accept staff's recommendation: To maintain the existing parking restrictions on Overlake Pk. Commissioner Alberry seconded; unanimous. Residents were advised to attend next Wednesday's (11/19, 7 – 9:30pm) public meeting at Contois Auditorium on the downtown and residential parking initiative and, if residents want to pursue "resident-only" parking they can contact DPW staff to get that process started.

ITEM 6 – REVIEW OPEN MEETING LAW REQUIREMENTS (Refer to Packet)
(Gene Bergman, Sr. Asst. City Attorney) (Self-explanatory)

ITEM 7 – NORTH CHAMPLAIN ST SPEED BUMP UPDATE
(Distributed at meeting, Memorandum dated 11/07/14, from Laura Wheelock to Public Works Commission, City Councilors and Residents)
Based on staff research and CCRPC speed study and traffic volume count, DPW does not believe any changes or modifications are needed to the speed humps for their functionality or management of vehicular speeds along No Champlain St. Director Spencer advised requesting future traffic calming if they find the speed humps do not appear to be enough.

ITEM 8 – MUNICIPAL GARAGE USE AUTHORIZATION (Refer to Packet)
(Communication, Pat Buteau, Assistant Director)
Mr. Buteau is asking for the Commission for approval of the current identified uses with the understanding that future uses will be brought to the Commission for approval. **Commissioner Padgett moved** to accept the current identified uses as recorded in the packet's Memorandum to the Public Works Commission from Mr. Buteau, dated 11/01/14. Commissioner Alberry seconded. Commissioner Padgett makes a friendly amendment to codify this document in a general book of processes and procedures, readily accessible. The motion carries with five (5) for, and one (1) – Commissioner Archambeau - against.

ITEM 9 – CLIFF ST SIDEWALK UPDATE
(Oral Communication, Mr. Guillermo Gomez, Engineer)
Mr. Gomez gave an update and explained that, now that Item 5.20 (Summit Ridge Resident Parking for Cliff St Residents) has been voted on, the next steps are: complete the sidewalk plans; meet with the neighbors about trees to be planted; send the concept out to bid; and, weather permitting, start on construction.
Bryan Higgins, Cliff St resident involved with the Cliff Street project since 2006, came forward to speak after distributing a two-sided handout addressed to the DPW Commission, dated 11/12/14. Main points: 1) Increase in storm water runoff; 2) Gaps in the public Planning and meetings process; and 3) The one-

way option for lower Cliff St is preferred by residents and reduces costs substantially. Director Spencer and staff will review the Local Transportation Facilities (LTF) process to ensure that staff has been following the proper process. Mr. Gomez will confirm the storm water capacity with Storm Water Administrator Megan Moir. He is limited by the terms of the grant as far as storm water improvements. Commissioner Hopkins asked Director Spencer and Mr. Gomez to not only check the public process but also points where, if there are changes that result in something needing to come back for the Commission's jurisdiction about creating or destroying parking, is that something the Commission would need to visit in terms of ordinance setting as part of this and if so, figure out what those pieces are and bring them back to the Commission.

ITEM 10 - MINUTES OF OCTOBER 15, 2014 (revised 10/31/14)
(Refer to Commission packet)
Commissioner Barr moved to accept the minutes; Commissioner Archambeau seconded. Unanimous.

ITEM 11 – DIRECTOR'S REPORT (Chapin Spencer) (Refer to Commission packet)

- Introduced the new Commissioner, Tom Simon (Ward 6) who replaces Nathan Lavery. Mr. Simon was appointed at the 11/10/14 City Council meeting.
- See hard copy of the Press Release dated 10/30/14 (Burlington Steps It Up to Improve Walkability), distributed to the commissioners.
- The *smart* meters currently in use are the pre-generation of the actual meters ordered (untimely delivery). The models that were ordered are expected to arrive as early as 11/13/14.
- Public meeting on the downtown and residential parking initiative set for: Wednesday, November 19th, 7–9:30 pm, Contois Auditorium.
- Resolution to open up DPW's gas pumps to the public was defeated 7 – 3.

ITEM 12 – COMMISSIONER COMMUNICATIONS
Commissioner Archambeau: Fence on Manhattan Dr bordering the Intervale, near where the slope gave way around the south entrance to Rte 127: There is a huge opening needing to be repaired, as people use it as an opening and it has become full of metal, broken glass and other debris.
Barrels on South Winooski Ave: Director Spencer explained that repairs are pending on the traffic light mast arm and the barrels remain in place for driver safety.
Commissioner Overby: Called attention to the very informative card explaining changes to parking in Burlington. Also suggests educating Cliff St residents about proactive approaches to possible sewer back-ups, possibly on the DPW Website.

ITEM 13 – NEXT MEETING DATE & ADJOURNMENT
The next regular DPW Commission meeting is scheduled for Wednesday, December 17, 2014 at 6:30pm.
Commissioner Alberry moved to adjourn at approximately 9:40pm; Commissioner Barr seconded. Unanimous.

Non-Discrimination
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 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 865-7145.

CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

To: DPW Commissioners
Fr: Chapin Spencer, Director
Re: **Director's Report**
Date: December 9, 2014

Happy Holidays! As this is the holiday season, I will keep this month's Director's Report brief.

Progress on FY'15 Commission Workplan

The Commission adopted a FY'14-'15 workplan at its March 2014 meeting. Now that we are halfway to the end of FY'15, it is a good time to review progress on the Commission's workplan. Together, we are making good progress on accomplishing the objectives. My updates are in italics below.

Goal #1: Operational Excellence

Objective 1-A: Finalize Commission workplan for FY'14 – FY'15

- *Done*

Objective 1-B: Establish department-wide key performance indicators

- *Developing key initiatives as part of the FY'16 budget process.*
- *Staff will propose metrics for the Commission's consideration in 2015.*

Objective 1-C: Develop sustainable capital plans for at least one asset group

- *Actively developing capital assessments of 1) city buildings and 2) sidewalk infrastructure.*
- *Drafting city-wide 10-year capital plan for Commission review in early 2015*
- *Will make funding recommendations from the results of our assessments and the capital plan*
- *Beginning the development of an asset management plan – initially focused on the Water Division.*

Objective 1-D: Oversee development of an annual performance report

- *Will develop an annual performance report for FY'15 at the end of the fiscal year.*
- *It will rely on the metrics that staff and the Commission develop (Objective 1-B).*

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Goal #2: Exemplary Customer Service

Objective 2-A: Establish key performance indicators for customer service

- *Will be undertaken in 2015.*

Objective 2-B: Ensure high degree of public access to the Commission and its work

- *Provided GovDelivery email/text notification service for Commission meetings.*
- *Now posting minutes soon after Commission meetings.*

Goal #3: Forge a Culture of Innovation

Objective 3-A: Partner with staff in vetting and advancing new ways of delivering our services

- *Reviewing policy on water meters at December 2014 meeting to give Water Division greater flexibility with managing assets.*
- *Approved parking changes that allow credit card payments at street meters and upcoming 24/6 operation of the Marketplace garage.*

Objective 3-B: Offer each Commissioner an opportunity to learn about policy and governance issues related to our mission

- *Nothing done yet – this would be a good agenda item for upcoming meeting.*

Objective 3-C: Implement downtown parking pilot projects

- *Implemented initial parking changes on November 1.*
- *Downtown Parking Study underway and will be completed by April 2015.*

Objective 3-D: Vet and advance adoption of new transportation design guides

- *Commission reviewed and recommended Council adoption of the NACTO Urban Streets Design Guide at its November 2014 meeting.*
- *Staff currently developing scope of work to develop Burlington specific engineering standards and street design guidelines.*

Champlain Parkway Update

Since the City secured the Act 250 permit for the Champlain Parkway in late August, there has been increased community interest in understanding the status of the project. In response to this interest, we have updated the www.ChamplainParkway.com website, developed a written status update, and made presentations to the City Council (November 17th), the Ward 5 Neighborhood Planning Assembly (November 20) and the Ward 2/3 Neighborhood Planning Assembly (November 13). The written status update is attached. Any questions on the project can be sent to me or project manager David Allerton (dallerton@burlingtonvt.gov).

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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

To: Burlington City Council
Fr: Chapin Spencer, Director
Re: Briefing on Champlain Parkway Project
Date: November 13, 2014

At the request of Council President Shannon, I will be providing a briefing on the Champlain Parkway at the November 17th City Council meeting.

The Champlain Parkway project is a proposed transportation link located in the southwestern quadrant of the City of Burlington, Vermont providing access between I-189, U.S Route 7 (Shelburne Street) and downtown Burlington. Since 1998, the City of Burlington has led the development of the Champlain Parkway project in cooperation with the Federal Highway Administration and the Vermont Agency of Transportation (VTrans). The Champlain Parkway will improve traffic circulation, improve safety on local streets, and provide more of a street grid in the southwestern quadrant of the City.

The project was originally conceived in the mid-1960's as a four lane highway traversing the Pine Street Barge Canal. The project's design today is far different. Community and partner input, environmental constraints, and evolving urban design standards have shaped the project along the way. Today the corridor is designed as a two-lane roadway with extensive multimodal accommodations – and is routed away from the Barge Canal.

Due to a funding split developed with Federal Highway and VTrans many decades ago, the costs for this project are split -- 95% Federal, 3% State and 2% City. Project development costs have amounted to $7.3M thus far. These costs include the relocation of DPW facilities from 339 Pine Street to 645 Pine Street in 2001. Construction costs will continue to be refined as the project's design and engineering advances, and unforeseen issues may still arise, but we are currently estimating future construction costs of roughly $30M. The City's portion of these estimated construction costs would be $600,000. The City is appreciative our federal and state partners' commitment to continue this funding arrangement. It is fair to say that for this continued commitment, our partners expect this project to advance quickly and finally be constructed.

A project history has been attached to this packet for additional background. In addition, the project's website is a good resource (www.champlainparkway.org).

DESIGN FEATURES

An overview map of the project corridor is attached along with a couple renderings to show the current alignment and design of the facility. Here are some of the design highlights:

MOTOR VEHICLES

- 2 lanes of traffic, with turning lanes at some intersections
- Lanes minimum of 11' wide to conform to state and federal standards for arterial roadway
- Installation of traffic signals at Parkway-Home, Parkway-Flynn, Parkway-Sears, Parkway-Lakeside, Lakeside-Pine, Pine-Maple, Pine-King, and Pine-Main intersections.
- Installation of traffic signals at Pine-Maple and Pine-King intersections for more efficient traffic movement (significant reduction in Vehicle Hours of Delay at these intersections)
- Curb radii designed to accommodate truck turning movements along the Parkway and discourage truck use on residential side roads.

BICYCLES

- New shared-use path from Shelburne Street to Pine Street cul-de-sac
- Connection of existing bicycle path to Queen City Park Road and Home Avenue
- New shared-use path from Home Avenue to Pine Street at approximately Kilburn Street
- Pavement markings and signage indicating shared roadway on Pine Street
- Bicycle lane at Pine-Lakeside intersection for on-street cyclists continuing south on Pine Street

PEDESTRIANS

- Continuous sidewalk and/or shared-use path along entire alignment
- Continuous sidewalk and/or shared-use path along western side of Pine Street from Main Street to Lakeside Avenue
- Pedestrian-activated signals throughout alignment
- Access from shared-use path to streets at Home Avenue, Lyman Avenue, Ferguson Avenue, Flynn Avenue, Sears Lane, Morse Place/Batchelder Street
- Pocket parks and landscaping throughout new roadway and shared-use path from Interchange to Lakeside Avenue

STORMWATER

- New collection, conveyance, treatment systems from Interchange to Pine Street
- Net reduction in stormwater pollutants loading to streams and Lake Champlain compared to existing conditions

PERMITS/APPROVALS OBTAINED FOR PROJECT

- Final Supplemental EIS (FSEIS) and Record of Decision (ROD)
- Operational Stormwater Discharge Permit
- Individual Construction Stormwater Permit
- Vermont General Permit (Army Corps Wetlands)
- Conditional Use Determination (State Wetlands)
- Wastewater System & Potable Water Supply Permit
- Public Water Supply Permit to Construct
- Act 250 Land Use Permit

CURRENT ACTIVITIES AND NEXT STEPS

- Review preliminary plans for Section C-6 (from Lakeside & Parkway intersection north to Pine & Main intersection).
- Review, approval, refinement of project engineering plans to finalize areas necessary for permanent and temporary right-of-way
- Acquisition of any additional areas needed for right-of-way
- FSEIS re-evaluation
- Refinement of project plans to construction level of detail
- Permit extensions/amendments
- Bid project
- Project construction (currently estimated duration is 2 construction seasons; currently estimated start of construction is 2017)

STATUS AND TIMING OF ACT 250 APPEAL

- Written briefing expected to be complete by early 2015
- Oral argument expected to be scheduled by Spring 2015
- Vermont Supreme Court decision expected to be issued 6-12 months after oral argument
- Unless Fortieth Burlington obtains a stay on the permit pending this appeal, there is no legal reason that construction could not commence while the appeal is pending

FUTURE PROJECT UPDATES

We have received requests for additional project updates from community members and other stakeholders. Now that the project has received its Act 250 permit, albeit currently under appeal, there is a public understanding that the Champlain Parkway has achieved a major milestone and is proceeding towards construction. To ensure that the community is well informed as this project progresses, we are working to identify resources to increase our communications through the project website, NPA meetings and other forums.

Since the City Council's October 2012 resolution "approv[ing] the City's continuing work to advance the Champlain Parkway," the City has redoubled efforts to get this project built. Consistent with the resolution, we have also been advancing the Railyard Enterprise Project – a related but distinct project seeking to develop a network of multi-modal transportation infrastructure in the Pine Street and Battery Street area to enhance livability, spur economic development, improve access to the railyard, and strengthen multimodal connectivity. I would be happy to provide a more detailed update on this project at a future meeting. In addition, we are also advancing a traffic calming and neighborhood enhancement process for the King and Maple neighborhoods as required by a settlement of an Act 250 appeal. The first neighborhood kick-off meeting will take place by the end of the year.

Don't hesitate to contact me should you request additional information. Thank you for the opportunity to offer this briefing at the upcoming Council meeting.

CHAMPLAIN PARKWAY PROJECT HISTORY

1960s-70s – Initial City planning for roadway; project becomes a federally-funded highway project with State holding primary responsibility

1979 – First Environmental Impact Statement (EIS) completed for a four-lane highway between I-189 and Battery Street, on newly constructed roadway, traversing the Pine Street Barge Canal

1981 – First Act 250 permit for project chosen in the 1979 EIS

1980s – Construction of roadway from I-189 to Home Avenue, planning for construction from Home Avenue to Lakeside Avenue, and related amendments to Act 250 permit; classification of Barge Canal as a Superfund site; roadway construction put on hold

1990s – Alternative interim routes evaluated to avoid Superfund site; Supplemental EIS completed for an interim route around the Barge Canal, planned to be interim until Barge Canal remediation completed

1998 – State and City enter Cooperative Agreement to transfer primary responsibilities for the project to the City

2002-2006 - City formalized efforts to modify the 1979 selected alternative and the 1997 selected interim alternative in response to public comments seeking to blend the Project with the existing communities, and based on studies indicating that the remediation efforts for the Barge Canal would delay the Project several more years. Development of the Draft Supplemental Environmental Impact Statement (DSEIS) identifying the City's preferred alternative.

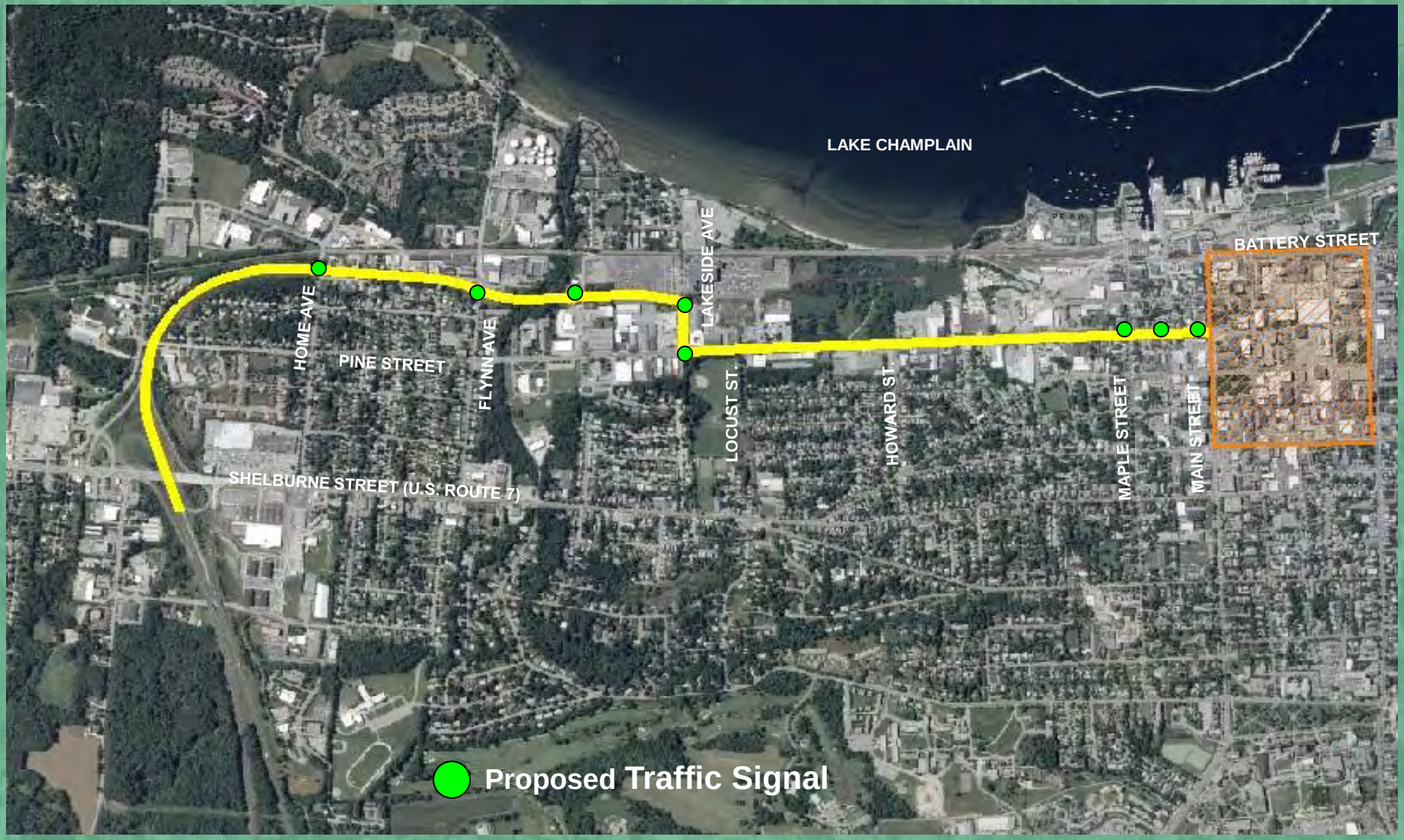
2007-10 – Preparation of Final Supplemental EIS (FSEIS) for a new design, which reduced the roadway from four to two lanes and abandoned the section that would have cut through the Barge Canal; new design adopts previously-built section from I-189 to Home Avenue, continues on new roadway in previously-acquired right-of-way to Lakeside Avenue, follows Lakeside Avenue and Pine Street to Main Street; modified route renamed the Champlain Parkway; approved in a Federal Highway Administration (FHWA) Record of Decision (ROD); concurrent applications for permits and governmental approvals under various other environmental laws

2011-2012 – Application, hearings, and approval of comprehensive amendment to Act 250 permit for entire alignment

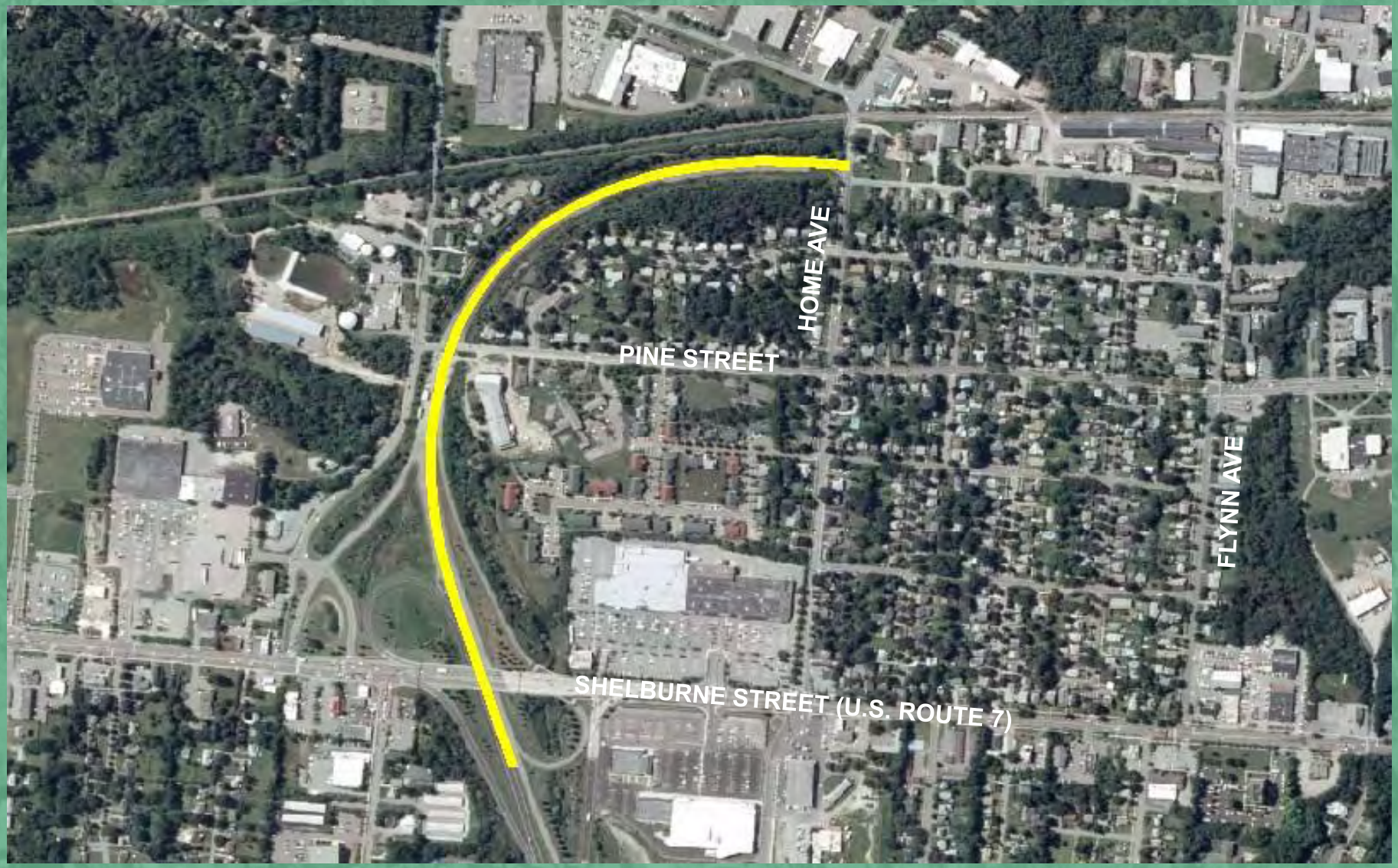
2012-2013 – Appeals by several parties of Act 250 approval; settlement achieved with all but one party, Fortieth Burlington, LLC (owner of Innovation Center on Lakeside Avenue)

2014 – de novo trial on Fortieth Burlington's appeal at Environmental Court; Environmental Court decision in favor of Project; issuance of final Act 250 permit amendment; Fortieth Burlington appeal of Environmental Court's decision to Vermont Supreme Court; application and permit issued for construction-phase stormwater permit

Champlain Parkway



Route 7 Interchange to Home Avenue



Route 7 Interchange to Home Avenue with the Champlain Parkway

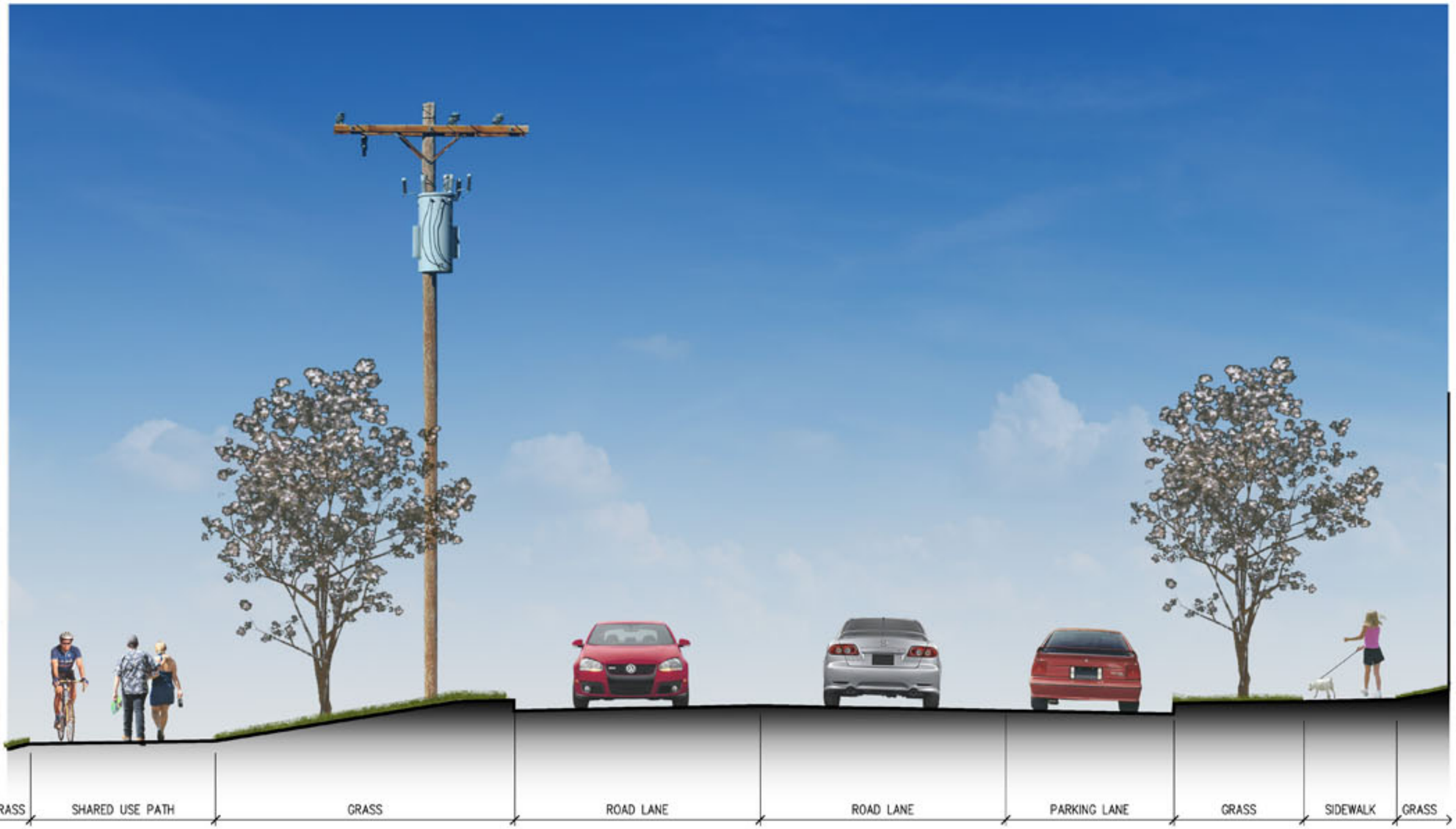
Home Avenue to Lakeside Avenue

Champlain Parkway
View Looking North from Home Avenue Intersection

Lakeside Avenue to Main Street

Champlain Parkway

Pine Street



PINE STREET
BURLINGTON, VT

STATION 37.00
LOOKING NORTH

Champlain Parkway

Pine Street

BURLINGTON, VT
PUBLIC WORKS

VERMONT

State of Vermont
Office of the Secretary
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Agency of Transportat

August 9, 2012

The Honorable Miro Weinberger, Mayor
City of Burlington
149 Church Street
Burlington, VT 05401

Dear Mayor Weinberger:

Thank you for your letter of July 11, 2012 requesting information on various aspects of the Champlain Parkway and the new Rail-Yard Enterprise District project that the City has initiated through the Chittenden County Regional Planning Commission (CCRPC).

For purposes of review, the legal status of the Champlain Parkway is that it has received conditional approval of the Act 250 Commission and is awaiting storm water permits. The National Environmental Protection Act (NEPA) process is complete and a Record of Decision approval from the Federal Highway Administration (FHWA) has been issued. Under the NEPA process, once the project has cleared NEPA and received a Record of Decision from the FHWA, the project cannot be amended to include other significant elements such as new streets that were not included in the original design. Thus, the Champlain Parkway as currently conceived must either be built as designed or not built at all.

If the City desired to add the Rail-Yard Enterprise District project into the current designed Champlain Parkway, the entire federal process would start over again, including Act 250, and it is doubtful whether the FHWA would participate financially. Moreover, to not move forward on the project as currently permitted would result in forgoing the funding ratio that currently exists at 95/3/2, federal/state/local.

The best way for the City to achieve construction of the Champlain Parkway and the Rail-Yard Enterprise District project would be to pursue them as separate projects. The FHWA has agreed that the Rail-Yard Enterprise District project would be eligible for federal participation on an 80/20 basis which the State agrees could be an 80/10/10, federal/state/local split.

If the City of Burlington were to choose not to build the Champlain Parkway at this stage in the process, there would be payback requirements under FHWA regulations. The FHWA has informed me that the minimum payback for the Champlain Parkway would be approximately $5 million and the cooperative agreement that the City has with the State would require the City to be responsible for such payments.

VTrans Working to

You had asked about the consequences if the City wished to revisit the 4f determination in the NEPA process regarding the rail spur alternative of the Champlain Parkway. In discussions with FHWA, there doesn't seem to be an opportunity to revisit the 4f decision concerning the route through the rail yard which has been designated by the City as an historic district. As you may be aware, land which has a 4f designation cannot be utilized for transportation infrastructure projects if there is an alternative route which satisfies the purpose and need of the project. Even if the City were to change the designation of the historic district, the 4f issues would remain with this project.

The Rail-Yard Enterprise District appears to be a project that this Administration would support as it promotes economic development and has the potential to improve access to the rail yard for the movement of freight in and out of Burlington. The State would have a significant interest in seeing that rail operations along the State-owned rail line are not severely impacted by this project.

As you are aware, local transportation projects must be supported first locally and then regionally through the Chittenden County Regional Planning Commission – Metropolitan Planning Organization (MPO) process through inclusion in their Transportation Improvement Program (TIP). Once that has occurred, the project must also receive approval at the Vermont General Assembly by inclusion in the State Transportation Capital program. I can offer VTrans support through this process to better define the project, identify impacts that may need to be mitigated and include the project in our recommended program to the Legislature.

Should you require any additional information regarding the City's options as they relate to the Champlain parkway, please do not hesitate to call.

Sincerely,

Brian R. Searles
Secretary of Transportation

Resolution Relating to

RESOLUTION 8.

Sponsor(s): Councilors Paul, Blais, Mason, Shannon, Aubin, Harnett

Introduced: 10/15/12

Referred to:

Action: adopted

Date: 10/15/12

Signed by Mayor: 10/23/12

ACCEPTING REPORT ON EXPLORATION OF ROUTES BETWEEN THE CHAMPLAIN PARKWAY AND KING STREET NEIGHBORHOOD AND AUTHORIZING SCOPING ON RAILYARD ENTERPRISE PROJECT

CITY OF BURLINGTON

In the year Two Thousand Twelve.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, in response to a June 18 Resolution by the Council on this matter, the Mayor and CEDO staff have met with Vermont Secretary of Transportation Brian Searles and his staff to explore alternatives to the proposed route of the Champlain Parkway as it affects the King Street neighborhood; and

WHEREAS, the Secretary reported back in a letter dated August 9, 2012, that the Champlain Parkway project "cannot be amended to include other significant elements such as new streets that were not included in the original design;" and

WHEREAS, the Secretary also reported that the federally-required historic resources evaluation, known as the 4(f) determination, which prevented the Champlain Parkway from running through the Burlington Railyard, cannot be revisited for the Champlain Parkway; and

WHEREAS, the Secretary also reported that if the Champlain Parkway were not built at this stage based on a City decision, the City would be responsible for a minimum payback of $5 million to the Federal Highway Administration pursuant to the City's Cooperative Agreement with the Agency of Transportation (VTrans), state law, and federal law; and

WHEREAS, the Mayor and his staff have identified an independent project to be known as the Railyard Enterprise Project that had its basis in the Final Report of the Waterfront South Access Project in June, 2010; and

WHEREAS, the Secretary also reported that the best way for the City to achieve construction of the Champlain Parkway and the Railyard Enterprise Project is to pursue them as separate projects; and

WHEREAS, the Secretary also reported that the Federal Highway Administration has agreed that the Railyard Enterprise Project "would be eligible for federal participation on an 80/20 basis which the State agrees could be an 80/10/10 federal/state/local split;" and

WHEREAS, the Secretary has reported that the Railyard Enterprise Project "appears to be a project that this Administration would support as it promotes economic development," although the State

* * * * * * * * * * * * *

ORIGINAL

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

RESOLUTION RELATING TO

.....

.....

.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

Attest:

..... Mayor

Vol. ..... Page .....

* * * * * * * * * * * * *

would have significant interest in ensuring that rail operations were not severely impacted by the project; and

WHEREAS, the next step of the process would be for the project to be supported by the Metropolitan Planning Organization (MPO) of the Chittenden County Regional Planning Commission through inclusion in its Transportation Improvement Program (TIP); and

WHEREAS, the project would then have to be included in the State Transportation Capital program and be approved by the Vermont General Assembly; and

WHEREAS, the Mayor and CEDO staff met with members of the community, including representatives of Champlain Housing Trust, Preservation Burlington, Vermont-AARP, Community Health Center of Burlington, King Street Youth Center, Vermont Affordable Housing Coalition, Conservation Law Foundation, and King Street Neighborhood Revitalization Board, and with Neil Mickenberg; and

WHEREAS, the Mayor and CEDO staff had several meetings with Vermont Railway; and

WHEREAS, the Mayor and CEDO staff met with the other appellants in the Act 250 appeal, including Allan Hunt and representatives from GP Burlington South, LLC and Fortieth Burlington, LLC; and

WHEREAS, those individuals and organizations generally reported they were favorably encouraged by the potential of the Railyard Enterprise Project to address the widespread concerns about effects of the Champlain Parkway on the King Street neighborhood; and

WHEREAS, the Mayor has now reported back to the Council on these events;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby accepts the Mayor's report on these events and approves the City's continuing work to advance the Champlain Parkway; and

BE IT FURTHER RESOLVED that the Council expresses its full support for the new Railyard Enterprise Project and authorizes the Mayor and CEDO staff to commence work with the MPO on scoping for the project; and

BE IT FURTHER RESOLVED that the Council requests quarterly communications from the Administration on the progress that is being made along with a timeline that is updated quarterly so the Council and the community know where this project stands.

* * * * * * * * * * * * *

ORIGINAL

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Mayor's Office

RESOLUTION RELATING TO

Accepting Report on Exploration of Routes Between The Champlain Parkway and King Street Neighborhood and Authorizing Scoping on Railyard Enterprise Project

Adopted by the City Council

October 15, 2012

..... Clerk

Approved October 23, 2012

..... Mayor

Vol. ..... Page .....

Attest:

Lori Olberg
Licensing, Voting and Records Coordinator

* * * * * * * * * * * * *

BURLINGTON DEPARTMENT OF PUBLIC WORKS COMMISSION MEETING
DRAFT MINUTES, December 17, 2014
645 Pine Street
(DVD of meeting may be on file at DPW)

COMMISSIONERS PRESENT: Bob Alberry, Tiki Archambeau (via conference phone), Jim Barr, Asa Hopkins, Solveig Overby, Jeffrey Padgett and Tom Simon

Commissioner Hopkins called the meeting to order at 6:30 p.m.

ITEM 1 – AGENDA
Commissioner Hopkins - Item 4, 4.30 Decision: Strike from the Agenda; to be discussed during deliberative session immediately following tonight's regular Commission meeting. **Commissioner Alberry moved** to in favor of striking the Item; Commissioner Padgett seconded. Unanimous.

ITEM 2 – PUBLIC FORUM
James Elsman: Summer St resident, supports Item 3, 3.10 Summer St Accessible Parking Space Addition.
Caryn Long: Henry St resident, requests more parking spaces on Main St for Edmunds students drop-off and pick-up (possibly 30-minute spaces). Also requests clarification of parking signs in the Champlain College area (those signs indicate spaces that are open to the general public and Champlain College affiliates). In both cases, Ms. Long requested a quicker response from DPW.
Director Spencer offered to include Ms. Long's latter request for consideration as part of the overall parking study for resident parking.
Assistant Director Norman Baldwin explained the petition process (beneficial to have signatures of 1/3 of residents whose streets would be impacted by a request) and advised Ms. Long to contact Damian Roy, Engineering Technician.

ITEM 3 – CONSENT AGENDA (Refer to Packet)
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  - Staff recommendation: The addition of a new Handicapped Parking Sign on the south side of Summer St directly across from 14 Summer St.
- 3.20 Kilburn St Loading Zone Removal
  - Staff recommendation: The removal of the forty (40) foot Loading/Unloading Zone on Kilburn St to be replaced with unrestricted parking.

Commissioner Alberry moved to adopt staff recommendations; Commissioner Barr seconded. All Commissioners responded with "ayes."

ITEM 4 – 266 SO UNION ST TRADES APPEAL
(Communication, Norman Baldwin, City Engineer, Assistant Director of Public Works) (Refer to Packet)

Present: Appellants Erik Oliver and Theresa J. Stimson; Gary Chagnon, GGC Custom Building (Appellants' contractor); Bradley Biggie and Ned Holt, City Building Inspectors; Kimberlee Sturtevant, City Attorneys' Office (representing the City of Burlington); Andy MacIlwaine (representing the Commission); Assistant Director Baldwin, supporting both parties; Barry Simays, Burlington Fire Marshall.
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Commissioner Hopkins closed the evidence gathering at 8:00. The Commission will meet in deliberative session after the Commission meeting and work with counsel to try to come up with a conclusion. **Commissioner Padgett formally moved** to close the evidence gathering; Commissioner Alberry seconded. Unanimous.

ITEM 5 – CLIFF ST SIDEWALK UPDATE & RESIDENT PARKING REMOVAL
(Communication, Mr. Guillermo Gomez and Mr. Damian Roy, Engineering Division) (Refer to Packet)

Mr. Gomez reported on the questions posed at the November Commission meeting (procedures, storm water capacity, etc).
Mr. Roy asked the Commission to adopt staff recommendations: 1) The removal of Resident Only Parking on the south side of Cliff St between So Willard St and Summit St in favor of the Cliff St Sidewalk Project; and 2) The designation as Resident Only Parking of the three spaces in the vehicle pull-off in the lower block of Cliff St. **Commissioner Padgett moved** in favor of staff recommendations; Commissioner Alberry seconded. All Commissioners voted "aye."

ITEM 6 – LARGE WATER METER ORDINANCE CHANGE
(Communication, Laurie Adams, Assistant Director of Public Works) (Refer to Packet)

Assistant Director Adams explained the proposed Ordinance change: To revise City Ordinance to require that all initial new meters regardless of size would be paid for by the property owner and all replacement meters would be paid for by the Water Division. **Commissioner Alberry moved** in favor of the proposed City Ordinance change; Commissioner Barr seconded. All Commissioners voted "aye." The proposal will now go to the City Council for approval.

ITEM 7 – SNOW FIGHTING PLAN UPDATE
(Communication, Rob Green, Assistant Director of Public Works) (Refer to Packet; self-explanatory)

Assistant Director Green outlined the Plan: Preparation, staffing, routes, priorities, equipment, material used for icy conditions, snow storage, means of Snow Ban alerts, etc. Mr. Green will put this on the DPW Web site.
The commissioners asked Mr. Green to add the following: A route map; training procedures for new operators; and the process of what the end of a storm is like/what the public can expect in the 72 hrs. following a snow event. Also requested: Attention to bike lanes during and after a snow event.
Nic Anderson, "Bikeable Burlington Now," supports the prioritization of bike lane maintenance, an additional section in the Snow Fighting Plan to address bike lanes, and plowing bike lanes to the curb.
NOTE: Commissioner Alberry excused himself from the remainder of the meeting.

ITEM 8 – MINUTES OF SPECIAL MEETING, NOVEMBER 12, 2014 (Refer to Packet)
Commissioner Barr moved to accept the Minutes as written; Commissioner Simon seconded. The six remaining commissioners all voted "aye."

ITEM 9 – DIRECTOR'S REPORT
(Director Chapin Spencer) (Refer to Packet)

Director Spencer offered to arrange to hold future Commission meetings at other City facilities.

A subgroup of the commissioners (Commissioners Archambeau, Barr and Overby) will meet separately in January to review the remaining goals on the FY'15 Commission Workplan and come up with suggestions on: 1) Determining priorities; 2) How to tackle the professional development piece, and 3) Come up with suggestions on how to best implement the last key items. Commissioners Archambeau, Barr and Overby will choose a January date and notify the other commissioners in case others are able to attend.
Director Spencer offered to do some homework and get some materials out to the Commission so that the workgroup can choose the strategic ones that will indicate what they want to see DPW managing towards.
Director Spencer included in the Packet a brief on the Champlain Parkway which he presented at the November 17th City Council meeting. Clarification, 2nd page under "BICYCLES": The shared use path will run continuously from Home Ave along the alignment of the connector to Kilburn St. (i.e., it parallels the Champlain Parkway).

ITEM 10 – COMMISSIONER COMMUNICATIONS
Commissioner Padgett: Highlight customer service as one of the goals in the FY'15 Commission Workplan (e.g., quicker response times to inquiries).
Commissioner Overby: Expressed appreciation for adding a fact sheet on back water valves to the Web site.
Commissioner Hopkins: Questioning responsibility of East Ave/Spear St/Main St and synchronization with the area intersections in South Burlington. Is it a capacity (e.g., 5pm) or synchronization issue? Commissioner Barr added that there is a problem just above it at University Heights where it enters Main St. and he (in his role at UVM) has been talking with DPW about a study. Director Spencer will ask the Traffic Signal Technicians to look at that area for a short-term solution.

ITEM 11 – EXECUTIVE SESSION FOR DELIBERATION OF APPEALS
At 9:25 pm, Commissioner Barr moved to go into executive session to discuss Item 4; Commissioner Padgett seconded. Unanimous.

ITEM 12 – NEXT MEETING DATE AND ADJOURNMENT
The next meeting is scheduled for January 21, 2015. Immediately following deliberative session, the Commission will adjourn.

Non-Discrimination
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BURLINGTON DEPARTMENT OF PUBLIC WORKS COMMISSION MEETING
DRAFT MINUTES (version 2), December 17, 2014
645 Pine Street
(DVD of meeting may be on file at DPW)

COMMISSIONERS PRESENT: Bob Alberry, Tiki Archambeau (via conference phone), Jim Barr, Asa Hopkins, Solveig Overby, Jeffrey Padgett and Tom Simon

Commissioner Hopkins called the meeting to order at 6:30 p.m.

ITEM 1 – AGENDA
Commissioner Hopkins - Item 4, 4.30 Decision: Strike from the Agenda; to be discussed during deliberative session immediately following tonight's regular Commission meeting. **Commissioner Alberry moved** to in favor of striking the Item; Commissioner Padgett seconded. Unanimous.

ITEM 2 – PUBLIC FORUM
James Elsman: Summer St resident, supports Item 3, 3.10 Summer St Accessible Parking Space Addition.
Caryn Long: Henry St resident, requests more parking spaces on Main St for Edmunds students drop-off and pick-up (possibly 30-minute spaces). Also requests clarification of parking signs in the Champlain College area (those signs indicate spaces that are open to the general public and Champlain College affiliates). In both cases, Ms. Long requested a quicker response from DPW.
Director Spencer offered to include Ms. Long's latter request for consideration as part of the overall parking study for resident parking.
Assistant Director Norman Baldwin explained the petition process (beneficial to have signatures of 1/3 of residents whose streets would be impacted by a request) and advised Ms. Long to contact Damian Roy, Engineering Technician.

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  - Staff recommendation: The removal of the forty (40) foot Loading/Unloading Zone on Kilburn St to be replaced with unrestricted parking.

Commissioner Alberry moved to adopt staff recommendations; Commissioner Barr seconded. All Commissioners responded with "ayes."

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Commissioner Hopkins closed the evidence gathering at 8:00. The Commission will meet in deliberative session after the Commission meeting and work with counsel to try to come up with a conclusion. **Commissioner Padgett formally moved** to close the evidence gathering; Commissioner Alberry seconded. Unanimous.

ITEM 5 – CLIFF ST SIDEWALK UPDATE & RESIDENT PARKING REMOVAL
(Communication, Mr. Guillermo Gomez and Mr. Damian Roy, Engineering Division) (Refer to Packet)

Mr. Gomez reported on the questions posed at the November Commission meeting (procedures, storm water capacity, etc).
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ITEM 6 – LARGE WATER METER ORDINANCE CHANGE
(Communication, Laurie Adams, Assistant Director of Public Works) (Refer to Packet)

Assistant Director Adams explained the proposed Ordinance change: To revise City Ordinance to require that all initial new meters regardless of size would be paid for by the property owner and all replacement meters would be paid for by the Water Division. **Commissioner Alberry moved** in favor of the proposed City Ordinance change; Commissioner Barr seconded. All Commissioners voted "aye." The proposal will now go to the City Council for approval.

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Assistant Director Green outlined the Plan: Preparation, staffing, routes, priorities, equipment, material used for icy conditions, snow storage, means of Snow Ban alerts, etc. Mr. Green will put this on the DPW Web site. He also mentioned revisiting the 4:00 am start time for sidewalk plows.
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