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

AJ LaRosa
Caitlin Halpert
Geoff Hand
Brooks McArthur
Brad Rabinowitz
Leo Sprinzen
Chase Taylor
Sean McKenzie, (Alternate)

BURLINGTON DEVELOPMENT REVIEW BOARD
Tuesday, December 6, 2022, 5:00 PM
PUBLIC HEARING NOTICE

Remote Meeting

Zoom: https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09
Webinar ID: 832 2569 6227
Passcode: 969186
Telephone: US +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

1. **ZAP-22-5; 170 Park Street (RM, Ward 3C) Iryna Poberezhniuk**
   Appeal of zoning application denial ZP-22-505 to install gravel extension to existing driveway and rear parking lot.

Plans may be viewed upon request by contacting the Department of Permitting & Inspections between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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

The programs and services of the City of Burlington are accessible to people with disabilities.
Individuals who require special arrangements to participate are encouraged to contact the Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).
Printed on 100% Recycled Paper

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BURLINGTON DEVELOPMENT REVIEW BOARD
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AGENDA

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Webinar ID: 832 2569 6227
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Telephone: US +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

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

1. **ZPS-22-52; 328 North Avenue (RL, Ward 7N) Nova Enterprises, LC / Joe Realty, LC / David Simendinger**
   Replace existing nonconforming freestanding sign with new nonconforming freestanding sign. (Project Manager, Ryan Morrison)

V. Sketch Plan

1. **ZSP-22-10; 453 Pine Street (E-LM, Ward 5S) Derrick Davis / Kelley DesRoches**
   Sketch Plan Review for the construction of 26,000 square foot bowling alley, 4,000 square foot commercial building, and 20,000 square foot Nordic inspired bathhouse. (Project Manager, Mary O'Neil)

VI. Public Hearing

1. **ZAP-22-5; 170 Park Street (RM, Ward 3C) Iryna Poberezhniuk**
   Appeal of zoning application denial ZP-22-505 to install gravel extension to existing driveway and rear parking lot. (Project Manager, Scott Gustin)

2. **ZP-22-524; 87 Hungerford Terrace (RH, Ward 8E) James & Madeleine Posig / Chi Nguyen**
   Demolition of existing single-story garage for larger proposed two-story garage. (Project Manager, Ryan Morrison)

VII. Other Business

1. **Review and approve 2023 meeting schedule**

VIII. Adjournment

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Department of Permitting & Inspections
Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone:(802) 865-7188
(802) 865-7195 (FAX)

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

TO: Development Review Board
FROM: Scott Gustin
DATE: December 6, 2022
RE: ZAP-22-5; 170 Park Street

==========

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

Zone: RM Ward: 3C

Owner/Appellant: Iryna Poberezhniuk

Request: Appeal of zoning application denial ZP-22-505 to install gravel extension to existing driveway and rear parking lot.

Overview:
The subject property is a duplex in a residential neighborhood in the Old North End. The property is laid out similarly to adjacent properties in the neighborhood with homes set to one side of the lot and driveways to the other side with parking behind the residences.

On September 2, 2022, a complaint was filed as to unpermitted installation of gravel in the back yard of the subject property. Code Enforcement staff followed up and verified the gravel installation. Later that same day, the property owner (appellant) filed a zoning application for the gravel installation.

Prior to installation of the gravel, the property was near its lot coverage limit. Following installation of the gravel, the lot coverage limit was exceeded, and the zoning application was denied. The appellant is seeking reversal of that denial.

It bears mentioning that a substantial amount of gravel has also been laid along the northern property line, apparently as a landscape feature. Gravel is always counted as lot coverage. This installation is not included in the denied application and is not subject to this appeal.

Recommendation: <u>Uphold application denial</u> based on the following findings:

I. Findings:
Near the beginning of September 2022, about 700 sf of gravel was laid down at the end of the existing driveway. The work was done without a zoning permit. The additional gravel results in additional lot coverage. According to the zoning permit record, the most recent site plan approval depicts 43% lot coverage. Lot coverage limitations in the RM zone, wherein the property is located, are 40% for standard lot coverage and an allowance for an additional 10% for open air amenities like open porches, decks, and patios. The permitted 43% lot coverage includes 39.3%

standard lot coverage and 3.7% “bonus” coverage. The additional gravel is counted as standard lot coverage.

Following several iterations of a proposed site plan, including reductions in the gravel area and a slight correction to existing conditions, the application was denied October 31, 2022. Denial is per the following reason:

> The proposed work increases lot coverage beyond the permissible limit. The property is located within the Residential – Medium Density zone. Within that zone, up to 40% standard lot coverage is allowed. An additional 10% is allowed for open air amenities like open porches, decks, and patios. The most recent site plan approval for the property depicts 43% total lot coverage, including 39.3% standard lot coverage and 3.7% open air amenity coverage (front porch). As proposed, total lot coverage would increase to 46.7%.
>
> Assuming the new, adjusted site plan for this application depicting a smaller house footprint is correct, existing standard lot coverage is 36.8% and the porch remains 3.7% for a total of 40.5%. As proposed, standard lot coverage would increase to 43%. The porch brings total lot coverage to 46.7%. The proposed lot coverage exceeds the permissible limit and cannot be approved.

An appeal of this denial was filed November 1, 2022 and completed November 14, 2022, within the 15-day appeal period.

The appeal consists of a newly revised site plan depicting acceptable lot coverage or, alternatively, pursuit of a variance for excess lot coverage. The revised site plan depicts an additional 200 sf of standard lot coverage for the gravel and complies with setbacks. It is intended to enable 3 angled parking spaces. The space immediately behind the house is inaccessible if the adjacent space is occupied and does not comply with the standards of Table 8.1.11-1, *Minimum Parking Dimensions*, as to access aisle width. Note that the prior conditions also included room for 3 parking spaces. The appellant has submitted a separate variance request to pursue excess lot coverage.

While the site plan revised for this appeal remedies the excessive lot coverage, 1 of the 3 proposed parking spaces cannot actually be accessed and fails to meet the standards of Table 8.1.11-1, *Minimum Parking Dimensions.*

II. Recommended Motion:
Uphold the administrative denial.

If the denial is reversed based on the revised site plan, approval should include provision for borders to keep the gravel in place and barriers to prevent parking creep into the adjacent green spaces.

City of
Burlington, Vermont
645 Pine Street

Zoning Permit – Reasons for Denial

ZP #: 22-505 **Tax ID: 044-1-094-000**

Issue Date: October 31, 2022 **Decision: Denied**

Property Address: 170 Park Street

Description: Install gravel extension to existing driveway and rear parking area.

Reasons for Denial:

1. The proposed work increases lot coverage beyond the permissible limit. The property is located within the Residential – Medium Density zone. Within that zone, up to 40% standard lot coverage is allowed. An additional 10% is allowed for open air amenities like open porches, decks, and patios. The most recent site plan approval for the property depicts 43% total lot coverage, including 39.3% standard lot coverage and 3.7% open air amenity coverage (front porch). As proposed, total lot coverage would increase to 46.7%.

   Assuming the new, adjusted site plan for this application depicting a smaller house footprint is correct, existing standard lot coverage is 36.8% and the porch remains 3.7% for a total of 40.5%. As proposed standard lot coverage would increase to 43%. The porch brings total coverage to 46.7%. The proposed lot coverage exceeds the permissible limit and cannot be approved.

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

Home = (incl. 204 sf porch)

Shed = 96

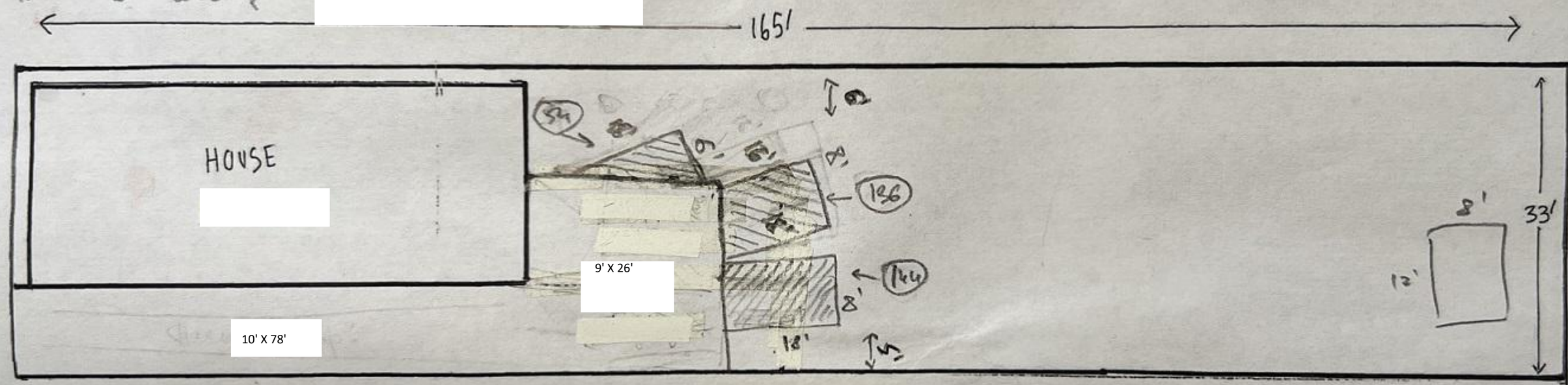
Driveway = 1,104 sf

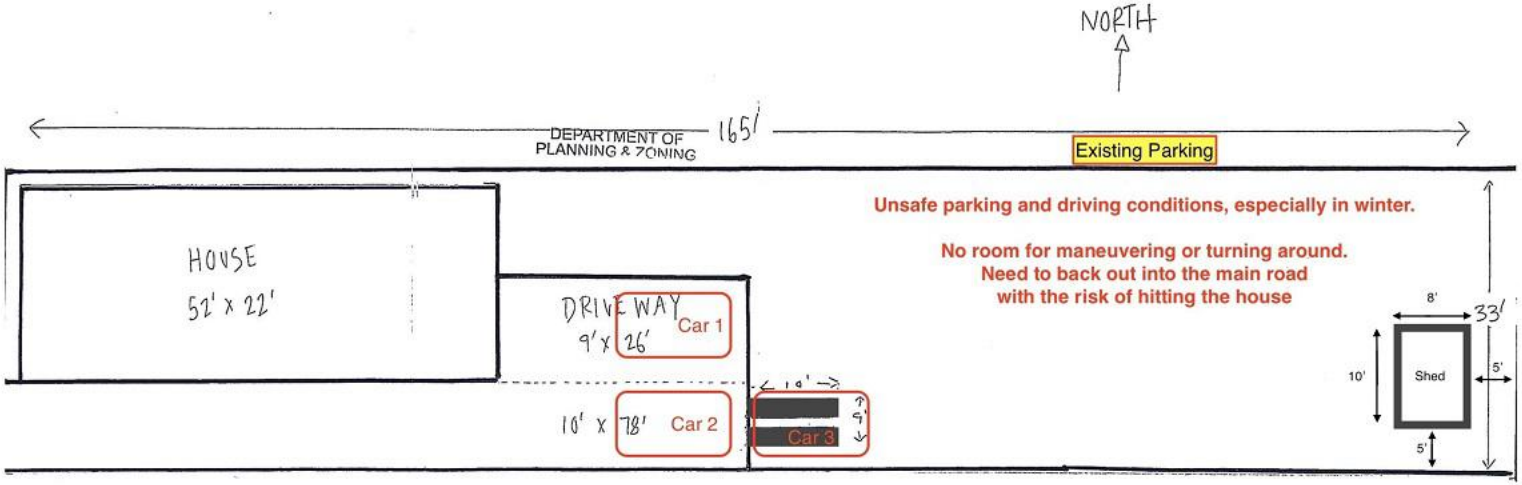
Pavement = - 90 sf paver

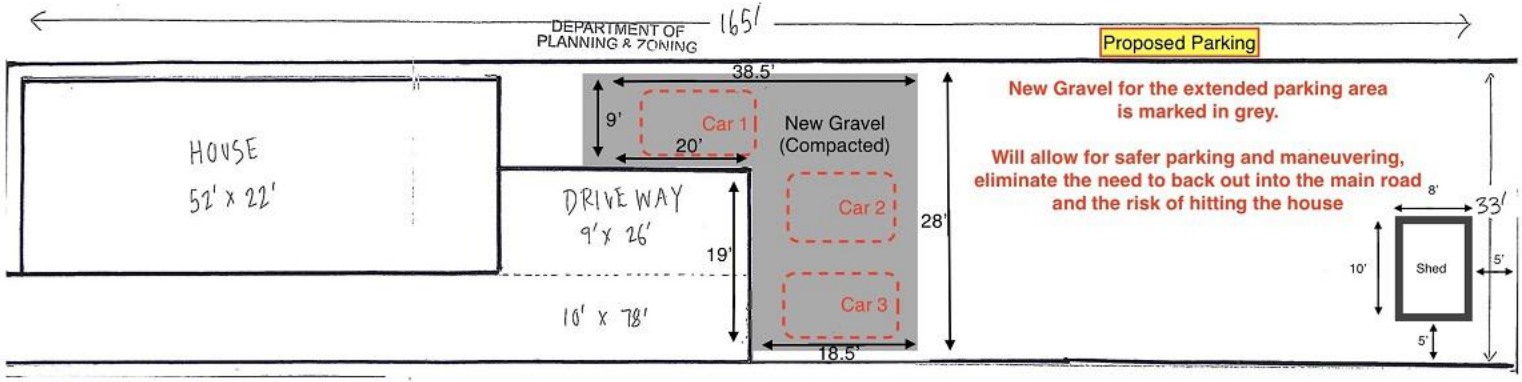
=1,014 sf

Proposed Gravel = 334 (144+136+54)

Total lot coverage =




NORTH
165'
DEPARTMENT OF PLANNING & ZONING
Existing Parking
Unsafe parking and driving conditions, especially in winter.
No room for maneuvering or turning around.
Need to back out into the main road
with the risk of hitting the house
HOUSE
52' x 22'
DRIVE WAY
9' x 26'
Car 1
10' x 78'
Car 2
10'
Car 3
8'
33'
10'
Shed
5'
5'

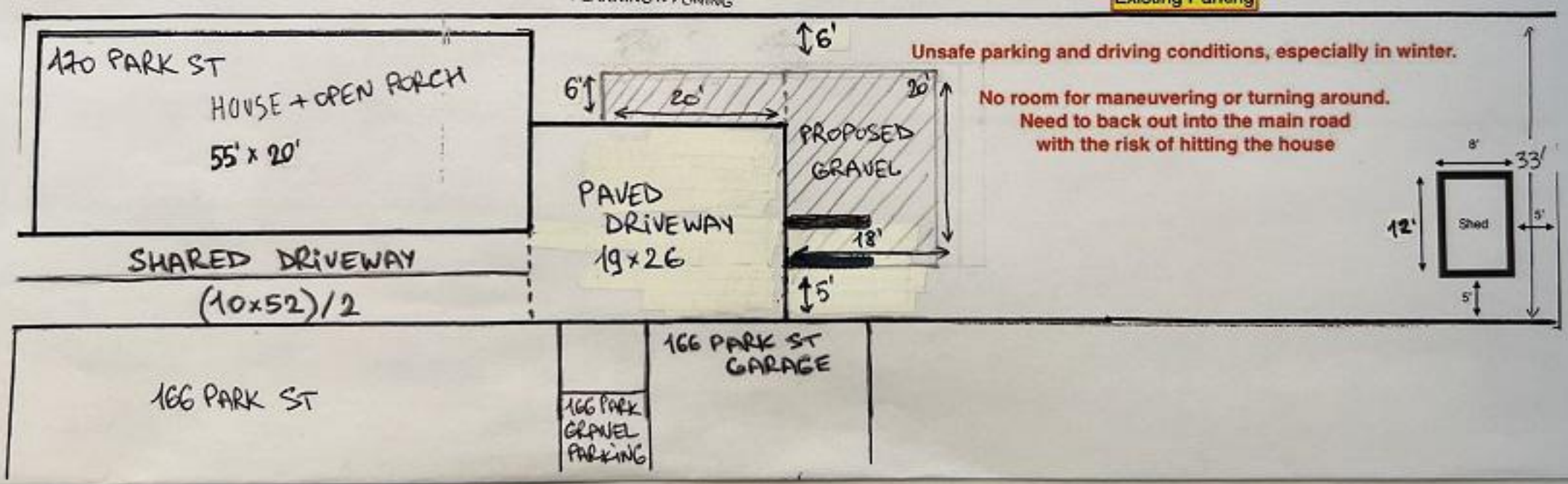

165'
DEPARTMENT OF PLANNING & ZONING
Proposed Parking
38.5'
9'
Car 1
20'
New Gravel
(Compacted)
New Gravel for the extended parking area
is marked in grey.
Will allow for safer parking and maneuvering,
eliminate the need to back out into the main road
and the risk of hitting the house
HOUSE
52' x 22'
DRIVE WAY
9' x 26'
19'
Car 2
28'
10' x 78'
Car 3
18.5'
8'
33'
10'
Shed
5'
5'

EXISTING LOT COVERAGE: 43%
PROPOSED LOT COVERAGE: 40.8 %

HOUSE = 896 SQFT (OPEN PORCH = 204 SQFT)
SHED = 96 SQFT
SHARED DRIVEWAY = 520/2 = 260 SQFT (SEE EASEMENT)
PAVED DRIVEWAY = 494 SQFT
PROPOSED GRAVEL = 480 SQFT

(2,226/5445) ×100 = 40.8%

NORTH



Iryna Poberezhniuk
170 Park St Apt 2
Burlington VT 05401

November 14, 2022

Development Review Board
Permitting & Inspections
645A Pine Street
Burlington, VT 05402-0849

Zoning Appeal to Development Review Board
ZAP-22-5

Dear Development Review Board,
Please see below the requested information.

Description of the decision under appeal

The proposed work increases lot coverage beyond the permissible limit. The property is located within the Residential – Medium Density zone. Within that zone, up to 40% standard lot coverage is allowed. An additional 10% is allowed for open air amenities like open porches, decks, and patios. The most recent site plan approval for the property depicts 43% total lot coverage, including 39.3% standard lot coverage and 3.7% open air amenity coverage (front porch). As proposed, total lot coverage would increase to 46.7%.

Assuming the new, adjusted site plan for this application depicting a smaller house footprint is correct, existing standard lot coverage is 36.8% and the porch remains 3.7% for a total of 40.5%. As proposed standard lot coverage would increase to 43%. The porch brings total coverage to 46.7%. The proposed lot coverage exceeds the permissible limit and cannot be approved.

Description of the property subject to the appeal

Four-bedroom duplex at 170 Park St.
Property Description from the Warranty Deed:

A lot of land with a building thereon situated on the easterly side of Park Street, the dwelling house thereon being known and designated as No. 170 Park Street, and said lot having a frontage thereon of about 2 rods and a depth of about 10 rods. Being Parcel No. 2 described in a Quitclaim Deed from Bernard Lisman to Anna E. Hennigan and Thomas M. Brennan, dated January 29, 1971, and recorded in Volume 203, Page 179, of the City of Burlington Land Records.

Property is subject to and benefits from a right of way over the shared drive lying between houses known as #166 Park Street and 170 Park Street, said driveway having a frontage on Park Street and extending easterly to said garage on the land herein conveyed, said driveway to be used in common by and between the owners of 166 Park Street and 170 Park Street.

Reference to the regulatory provisions applicable to the appeal

Sec. 5.2.3 Lot Coverage Requirements
Where a maximum lot coverage is specified pursuant to the requirements of Article 4, no building or part of a building or impervious surface or other form of coverage shall exceed such maximum allowable except as specifically authorized by this ordinance.

Relief requested by the appellant

Proposed plan has been adjusted to conform with the regulatory requirements. With the new proposed plan, total impervious lot coverage remains under 40%.

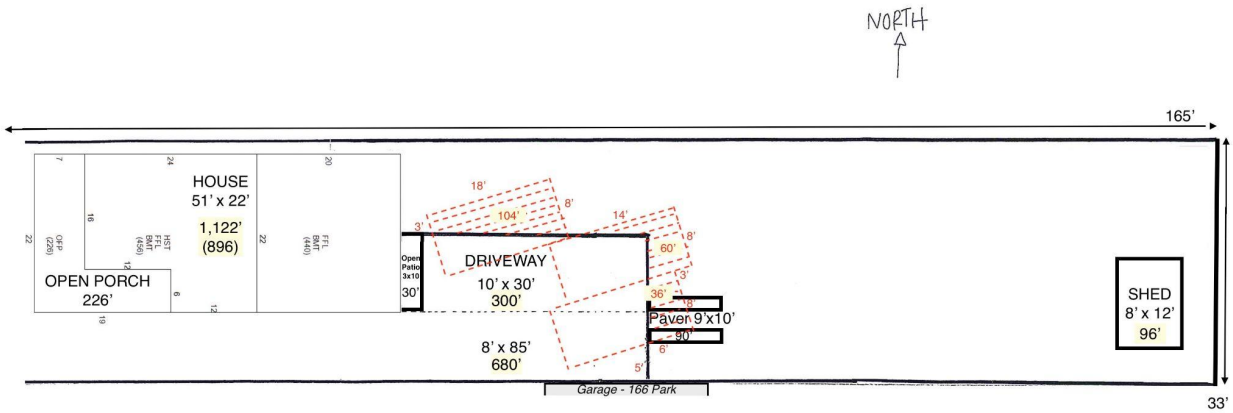
Consider Zoning Variance to Lot Coverage (see application ZP-22-596).

Alleged grounds why such requested relief is believed proper under the circumstances

New proposed plan meets all regulatory requirements. The proposed lot coverage does not exceed the permissible limit.

Thank you for your time and consideration.

Sincerely,
Iryna Poberezhniuk



Existing Impervious Lot Coverage:

House 896'
Shed 96'
Driveway 980'
Paver 90'

Total: 2,062 / 5445 = 37.8%

Existing Pervious Lot Coverage:

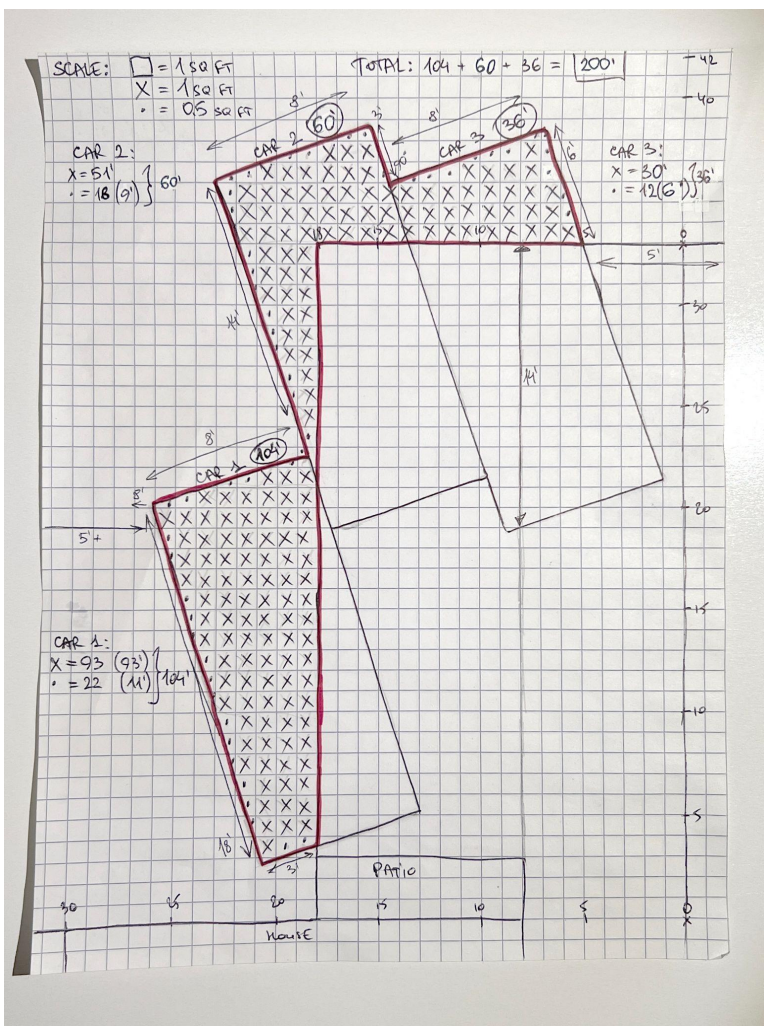
Open Porch 226'
Open Patio (House) 30'

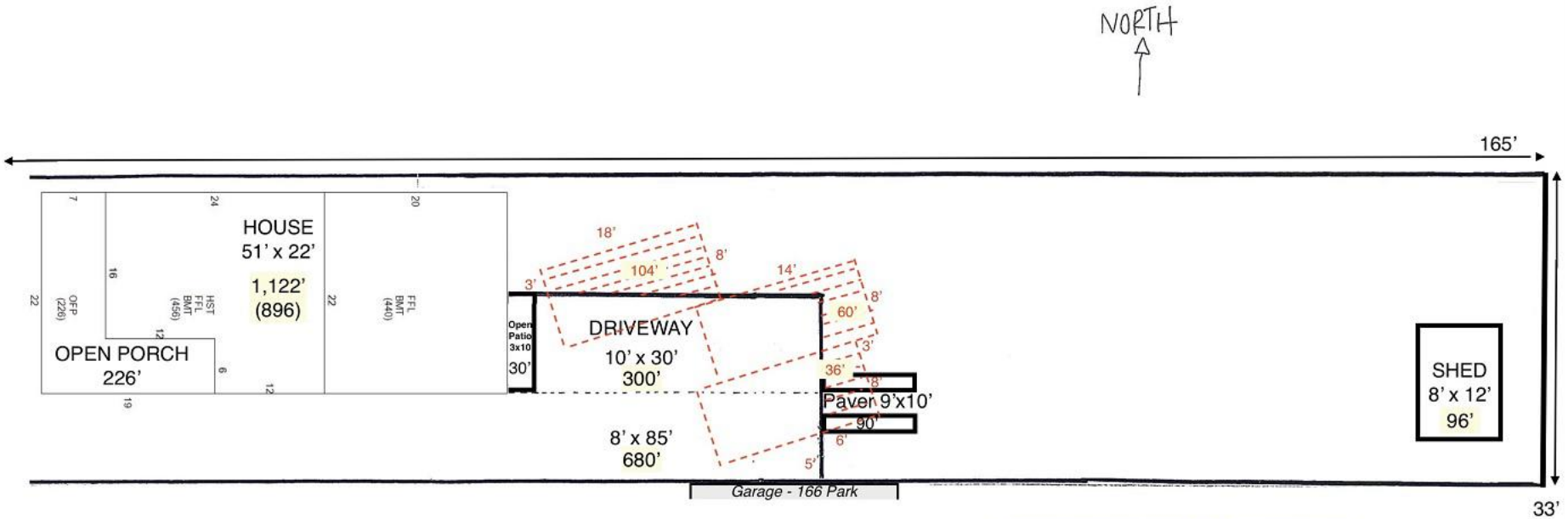
Total: 256 / 5445 = 4.7%

Proposed Impervious Lot Coverage:

Proposed Gravel 104' + 60' + 36' = 200'
House 896'
Shed 96'
Driveway 980'
(90' Paver to be removed)

Total: 2,172 / 5445 = 39.8%





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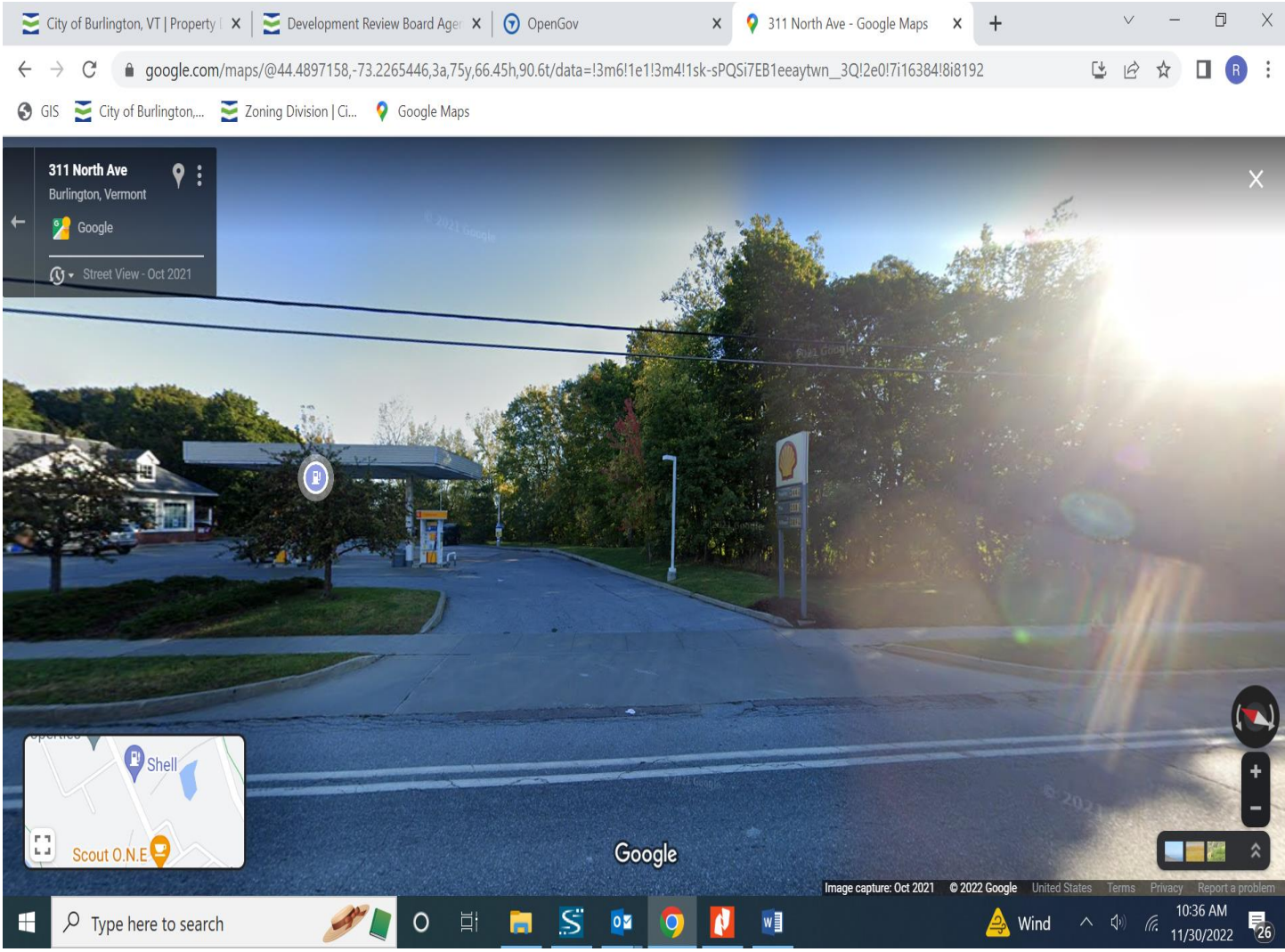
170 Park Street


City of Burlington, VT | Property
Development Review Board Ager
OpenGov
311 North Ave - Google Maps
google.com/maps/@44.4897158,-73.2265446,3a,75y,66.45h,90.6t/data=!3m6!1e1!3m4!1sk-sPQSi7EB1eeaytwn_3Q!2e0!7i16384!8i8192
GIS
City of Burlington,...
Zoning Division | Ci...
Google Maps
311 North Ave
Burlington, Vermont
Google
Street View - Oct 2021
Shell
Scout O.N.E
Google
Image capture: Oct 2021
© 2022 Google
United States
Terms
Privacy
Report a problem
Type here to search
Wind
10:36 AM
11/30/2022

- NOTE -

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

FINAL APPROVAL

SIGNED [signature] DATE 7/21/20

ZONING PERMIT # 21-0044CA

REVIEWED BY: RM

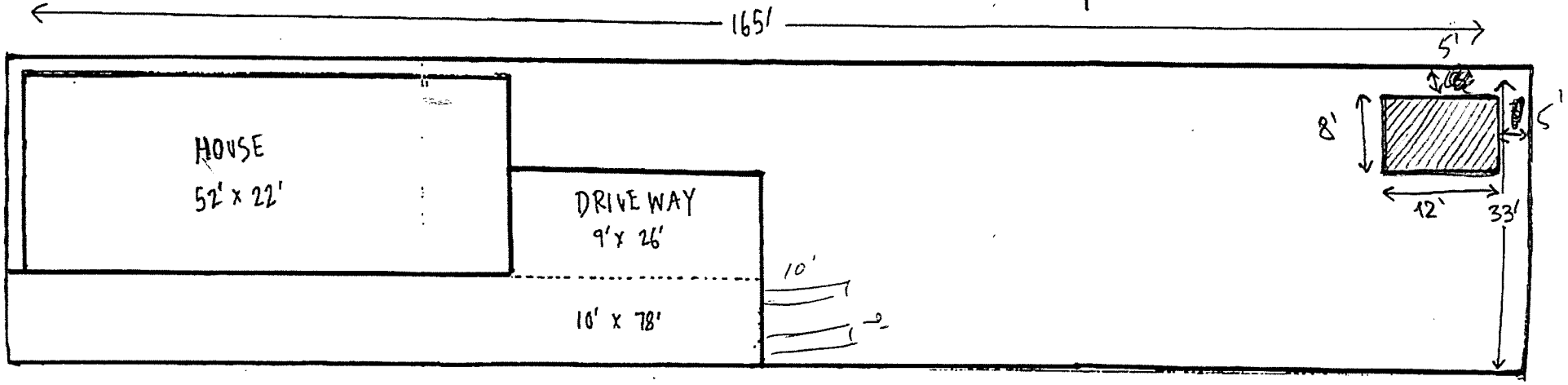
DEPARTMENT OF PERMITTING & INSPECTIONS
BURLINGTON VERMONT

RECEIVED

JUL 15 2020

BURLINGTON
PERMITTING & INSPECTIONS

NORTH



= PROPOSED SHED

8' x 12' = 96 SQ.FT.

170 PARK ST
BURLINGTON, VT
PROPOSED SHED
SCALE: 1" = 10'

EXISTING
HOUSE (940 SQ FT)
OPEN PORCH (204 SQ FT)
DRIVEWAY (234 + 780 = 1014 SQ.FT.)
Paver 90 sf (per ZP17-0423CA
TOTAL: ~~2158~~ 2248 SQ.FT.
LOT SIZE: 5445 SQ.FT.
EXISTING COVERAGE
(~~2158~~/5445) x 100 = ~~39.63%~~
41.3%

PROPOSED
PROPOSED SHED (96 SQ.FT.)
HOUSE (940 SQ.FT.)
OPEN PORCH (204 SQ.FT.)
DRIVEWAY (1014 SQ.FT.) Paver 90
TOTAL: ~~2254 SQ.FT.~~ 2344
LOT SIZE: 5445 SQ.FT.
PROPOSED COVERAGE
(~~2254~~/5445) x 100 = 41.39 %
43%

DEVELOPMENT REVIEW BOARD

January - December 2023

Adopted Jan 4, 2023

Regularly Scheduled Meetings - 1st and 3rd Tuesdays

Date of Meeting	Day of Week	Time	Location	PH Deadline - Wed 4pm	COA Deadline - Wed 4pm
January 3, 2023	Tuesday	5:00 PM	DPI Conference Room	December 7, 2022	December 14, 2022
January 17, 2023	Tuesday	5:00 PM	DPI Conference Room	December 21, 2022	December 28, 2022
February 7, 2023	Tuesday	5:00 PM	DPI Conference Room	January 11, 2023	January 18, 2023
February 21, 2023	Tuesday	5:00 PM	DPI Conference Room	January 25, 2023	February 1, 2023
March 8, 2023	Wednesday	5:00 PM	DPI Conference Room	February 9, 2023	February 16, 2023
March 21, 2023	Tuesday	5:00 PM	DPI Conference Room	February 22, 2023	March 1, 2023
April 4, 2023	Tuesday	5:00 PM	DPI Conference Room	March 8, 2023	March 15, 2023
April 18, 2023	Tuesday	5:00 PM	DPI Conference Room	March 22, 2023	March 29, 2023
May 2, 2023	Tuesday	5:00 PM	DPI Conference Room	April 5, 2023	April 12, 2023
May 16, 2023	Tuesday	5:00 PM	DPI Conference Room	April 19, 2023	April 26, 2023
June 6, 2023	Tuesday	5:00 PM	DPI Conference Room	May 10, 2023	May 17, 2023
June 20, 2023	Tuesday	5:00 PM	DPI Conference Room	May 24, 2023	May 31, 2023
July 5, 2023	Tuesday	5:00 PM	DPI Conference Room	June 8, 2023	June 15, 2023
July 18, 2023	Tuesday	5:00 PM	DPI Conference Room	June 21, 2023	June 28, 2023
August 1, 2023	Tuesday	5:00 PM	DPI Conference Room	July 5, 2023	July 12, 2023
August 15, 2023	Tuesday	5:00 PM	DPI Conference Room	July 19, 2023	July 26, 2023
September 5, 2023	Tuesday	5:00 PM	DPI Conference Room	August 9, 2023	August 17, 2023
September 19, 2023	Tuesday	5:00 PM	DPI Conference Room	August 23, 2023	August 30, 2023
October 3, 2023	Tuesday	5:00 PM	DPI Conference Room	September 6, 2023	September 13, 2023
October 17, 2023	Tuesday	5:00 PM	DPI Conference Room	September 20, 2023	September 27, 2023
November 8, 2023	Wednesday	5:00 PM	DPI Conference Room	October 12, 2023	October 19, 2023
November 21, 2023	Tuesday	5:00 PM	DPI Conference Room	October 25, 2023	November 1, 2023
December 5, 2023	Tuesday	5:00 PM	DPI Conference Room	November 8, 2023	November 15, 2023
December 19, 2023	Tuesday	5:00 PM	DPI Conference Room	November 22, 2023	November 29, 2023

Please note: The public hearing deadline and submission deadline are the last date that an appication can be received to be eligible for inclusion on the scheduled meeting, but inclusion is not guaranteed. If the application is deemed incomplete, it will not be scheduled for a DRB meeting unitl the application is complete.

If the DRB Meeting already has too many items it may be closed earlier than the public hearing or COA application deadlines and any items received will be scheduled for the following meeting. The final items for the meeting agenda may still be amended after the application date by Zoning staff.

Date adjustment for Town Meeting Day, Independence Day, and Vermont Election Day.

November 28, 2022

Dear City of Burlington Department of Zoning,

Myself, Aislinn O'Connor, and my two roommates, Tessa Davis and Jennifer Clemente, are writing on behalf of our landlord, Iryna Poberezhniuk, in support of extending the gravel in the parking area in the back of our apartment. We currently can only safely fit two cars in our parking lot, and even with two cars parked, there is little maneuvering room for the car parked closest to our neighbor's garage when trying to back out of the driveway into oncoming traffic. This parking situation is currently unsafe, and with winter approaching and anticipated snowbanks, it will further increase the likelihood of an accident occurring either to the other vehicle parked in the lot, the house, or the garage next to us. If the parking spaces are deeper in the back, toward the shed of our house and to the side, it would allow for much more room to maneuver safely in the parking area, especially when it starts to snow. With four tenants in one house, a third parking space is a necessity, given that we have more than enough room in the yard to accommodate another vehicle in the parking area in the back. Tessa, Jennifer, and I (Aislinn) are in support of application numbers ZAP-22-5 and ZP-22-596. However, the application we are in the most support of and that we think is most essential to vehicle and home safety is the approval of variance plan ZP-22-596. This plan allows three vehicles to backup and park with ample room to do so safely and prevent damage to our home and other vehicles.

Thank you so much for your time when considering the appeal of ZAP-22-5 and we look forward to meeting with you and discussing this further.

Warm regards,

Aislinn O'Connor, Tessa Davis, and Jennifer Clemente

Residents of 170 Park St. #1, Burlington, VT 05401

Michael Ross
166 Park St
Burlington VT 05401

November 27, 2022

Development Review Board
Permitting & Inspections
645A Pine Street
Burlington, VT 05402-0849

Comment in support of Zoning Applications ZAP-22-5 & ZP-22-596

I have looked at Iryna's plans, and I support it. I think it would be beneficial for making a safer space for all neighbors involved in our shared driveway.

Department of Permitting and Inspections
Zoning Division
645 Pine Street
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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: December 6, 2022
RE: ZSP-22-10; 453 Pine Street

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

File: ZSP-22-10
Location: 453 Pine Street
Zone: E-LM **Ward**: 5S
Parking District: MMMU (first 200'); Shared Use beyond that.
Date application accepted: September 26, 2022; deferral requested to December meeting.
Applicant/ Owner: Kelley Desroches/Jovial King
Request: New construction of a 26,000 sf bowling alley (Backside Bowl), 4,000 sf commercial building and 20,000 sf nordic-inspired bathhouse (Silt Botanica). The bathhouse is classified as a health club use which is conditional in the E-LM zone.

A bowling alley is a permitted use.

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Background:

- **Zoning Sketch Plan ZSP-21-10;** Sketch Plan Review, new construction of 15,000 sf Silt Bathhouse ("Health Club") *at 180 Flynn Avenue*. November 2021.
- **Zoning Permit 19-0605CA;** construct driveway, parking lot, and shared path. March 19, 2019. Application withdrawn.
- **Non-applicability of Zoning Permit Requirements;** brush clearing and removal; erection of two post to show front corners of proposed building. January 1999.

Overview:
In November 2021 the applicants came before the DRB to ascertain whether the proposed use (Nordic bathhouse) could be interpreted as a Health Club under the definitions of the Comprehensive Development Ordinance. Although the location was different (180 Flynn Avenue), this application assumes the acceptability of the bathhouse as a Health Club in the E-LM zoning district based on that earlier Sketch Plan. The zoning district in which the uses are proposed remains the same: Enterprise – Light Manufacturing.

This application is for a 26,000 sf bowling alley ("Backside Bowl") a 2,000 sf. commercial building, and 20,000 sf Nordic-inspried bathhouse (Silt Botanica.)

The DRB is alerted that a zoning amendment is working through the Planning Commission process that has the intent to create an overlay district: South End Innovation District. The timing of its review/adoption and/or rejection is at present unknown.

Recommendation: Not applicable for Sketch Plan review.

I. <u>Findings</u>

<u>Article 3: Applications, Permits and Project Reviews</u>
Part 3: Impact Fees
New uses will be assessed Impact Fees based on the net new area, reflecting the new use.
Affirmative finding as conditioned.

Part 5: Conditional Use and Major Impact
Sec. 3.5.6 Review Criteria
The application and supporting documentation submitted for proposed development involving Conditional Use and/or Major Impact Review, including the plans contained therein, shall indicate how the proposed use and associated development will comply with the review criteria specified below:

a) Conditional Use Review Standards:

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

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

A letter of adequate water and sewer capacity will be required from Water Resources. A State Wastewater permit will be required as well. Technical Review identified other infrastructure needs; their comments are attached. The site is accessed by a public road (Pine Street); sewer and electrical service is available. Water Resources provided an extensive list of needs/concerns about the project at Technical Committe Review in June 2022, and within an email November 23rd. Those comments are included below.

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

From Plan BTV:

- *Burlington will preserve and foster its distinctive identity by creating new opportunities for mixed-use infill and redevelopment in the most densely developed areas consistent with the city's scale and urban form, while conserving and strengthening adjacent residential neighborhoods.* (p. 37, Plan BTV.)
- *…Leveraging the city's unique characteristics, economic advantages, and core industries to further strengthen its economy.* (p. 37, Plan BTV.)
- *Evaluate changes to the one-size-fits-all approach to land use policy within the South End Enterprise Zone, in order to preserve and expand the unique and varied character of the district as an arts, innovation, and industrial distrit.* (p. 42, Plan BTV.)

And from Plan BTV South End: (March 2019):

- *Continue to provide a platform for innovation and enterprise to take root and grow through creativity and collaboration.* (p. 64; PlanBTV South End.)
- *Strategies for a Creative & Vibrant Economy: evaluate possible changes to the Enterprise Zoning District that will reflect and enhance the experiences created by the built environment and types of activities within and around the district.* (p. 65, PlanBTV South End.)

As noted, the office of City Planning is moving an amendment through the Planning Commission for significant changes, and a potential overlay district to be known as the South End Innovation District (SEID). This parcel is within the proposed overlay. Included in that purpose statement is:

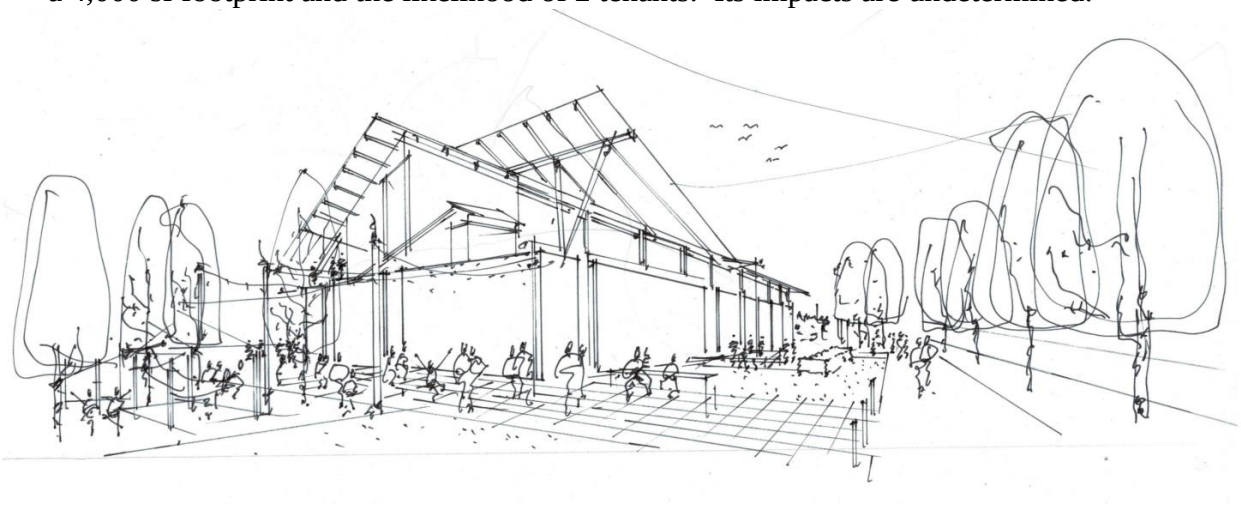
The overlay prioritizes arts and employment uses within an amenity-rich, convenient urban residential neighborhood, while permitting in a limited fashion non-residential uses that are secondary to, but supportive of those primary objectives.

This project, as defined, falls within that intention.

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

The only defined outdoor activities are saunas, hammocks, a botanical garden, a greenhouses and an outdoor patio associated with the bowling alley. None of the identified uses are likely to have nuisance impacts within this Enterprise zone.

The use of the 4,000 sf commercial building has been initially identified as general retail with a 4,000 sf footprint and the likelihood of 2 tenants. Its impacts are undetermined.



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

The chosen site is an empty parcel east of the Barge Canal, a federal Super Fund site. There are public sidewalks that run along the west side of Pine Street. This is a regular route of Green Mountain Transit. The parcel fronts Pine Street which is set to undergo major improvements associated with the Southern Connector/Champlain Parkway project. While the existing transportation infrastructure appears capable of supporting the proposed use, a traffic impact study may be required by DPW.

and,

5. *The utilization of renewable energy resources;*

The plan is not yet finely tuned to understand what renewable energy resources might be employed. These details will emerge in a final application, should the project be encouraged through Sketch Plan Review.

and,

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;*

The applicants will need to present before the Neighborhood Planning Assembly (NPA) prior to application, as the project will introduce more than 10,000 sf of non-residential development. Conservation Board review is required, as the corners of the site dip into a National Resource buffer zone. That review is scheduled for December 5th. A State

Wastewater permit will be required. Site disturbance will likely spur the need for an Erosion Prevention and Sediment Control Plan, as well as Stormwater review.
The applicant is obligated to secure any and all state and federal permits if the use and redevelopment occur.
The Stormwater Engineering program shared the following information:
It looks like the Applicant is aware of the Combined Sewer Offset Policy that will be an important factor for the Applicant to address moving forward.

Given the known contamination on site infiltrating treatment practices will not be available to the developers. Knowing this, the Stormwater Program will need to better understand how the site will manage the 1-yr, 24-hr storm even to ensure that the post-development peak flow hydrograph is equal to or less then the pre-development peak flow hydrograph. Essentially this means that the Applicant will need to ensure that the runoff leaving the site is no greater than current conditions following development.

While we don't yet know the total impervious proposed on site, it's safe to say that the value will be greater than 10,000 ft^2. Accordingly, the applicant will also need to document Treatment, Runoff reduction, and detention for 100% of the net new impervious surfaces (essentially all new impervious). What somewhat complicates this is the fact that runoff will likely both flow towards the street (which contributes to our combined system and flows to Main Plant) and back towards the Barge Canal (which would be considered a Lake Champlain Direct contribution). For flows to the combined sewer the CSOP will be applicable along with the 1-yr, 24-hr treatment requirement mentioned above. For the Lake Champlain direct flows we are less concerned about the peak hydrograph standard and more focused on water quality treatment as laid out in the Vermont Stormwater Manual.

Lastly, the Stormwater Program will look for documentation that the State/Feds overseeing the Pine Barge Canal Superfund Site are in support of any additional stormwater contributions to the Barge Canal. The State/Federal approval of any additional contributions will be a requirement for SW Program approval."

No finding possible.

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

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

The Conceptual plan illustrates extensive plantings/trees around the site, with significant planned areas behind the bathhouse for outdoor activities relating to the use. The parking for the silt bathhouse is placed south/next to the structure, which will require some screening from the public street. Alternately, another location (west of the greenhouses?) is encouraged to minimize the visual impacts and to limit curb cuts.
The rear (west) of the bowling alley is largely parking. With additional screening or relocation of parking, no identified negative impacts are anticipated. **Affirmative finding as conditioned.**

2. Time limits for construction.
A zoning permit has a three-year life. The project will be conditioned to be completed within that time frame, unless a phasing schedule is requested. **Affirmative finding as conditioned.**

3. Hours of operation and/or construction to reduce the impacts on surrounding properties.
Construction activities are limited to M-F 7:30 AM to 5:30 PM. Typically Saturday construction is limited to interior work; however in the Enterprise Zone there are at present no residential uses that may be impacted. No construction is allowed on Sunday. **Affirmative finding as conditioned.**

4. That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions;
Any alteration or enlargement will be reviewed under the regulations in effect at the time of application. **Affirmative finding.**

and,
5. Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.
Technical Review occurred June 2022. Review by the Conservation Board (December 5) and subsequent review by the Design Advisory Board and the Development Review Board will be scheduled which may define concerns not yet identified as the project advances. A scheduled NPA review is required prior to final application. **Affirmative finding as conditioned.**

<u>Article 4: Zoning Maps and Districts</u>
Section 4.4 3 Enterprise Districts

(a) Purpose

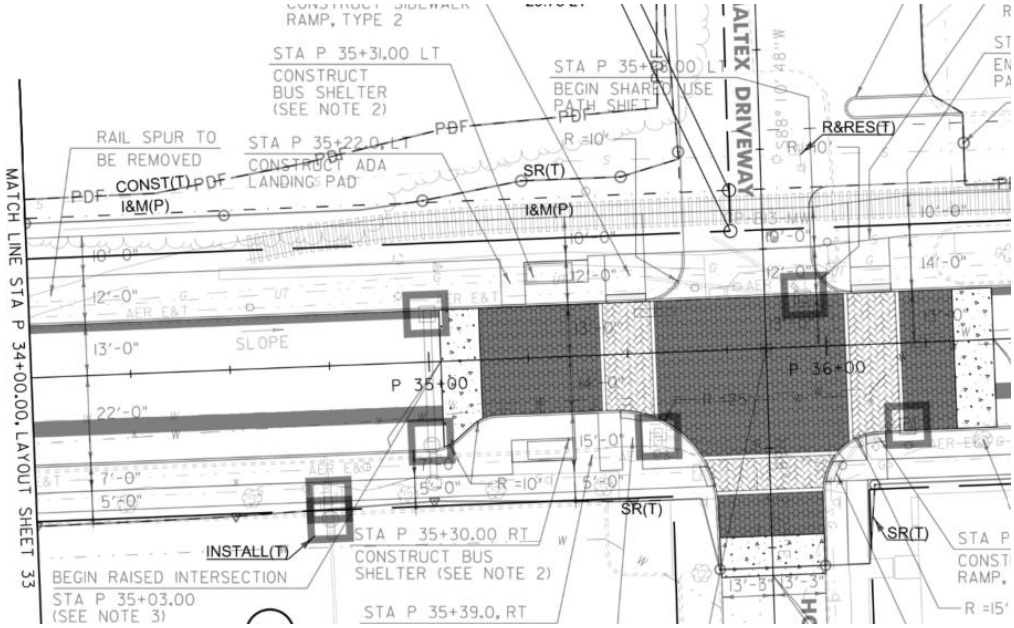
1. The Light Manufacturing (E-LM) district is the primary commercial/industrial center of Burlington, and is intended primarily to accommodate enterprises engaged in the manufacturing, processing, distribution, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment without potential conflicts from interspersed residential uses. Other accessory commercial uses are allowed to support a wide range of services and employment opportunities. This district is intended to ensure that sufficient land area is appropriately designated with the city to provide an adequate and diversified economic base that will facilitate high-density job creation and retention. This district is primarily intended to provide for industrial uses suitable for location in areas of proximity to residential development. Development is intended to respect interspersed historic industrial buildings, and reflect the industrial aesthetic of the district's past. Parking is intended to be hidden within, behind, or to the side of structures.

The proposed health/wellness bathhouse (a use not clearly identified within Appendix A) was positively reviewed by the DRB as a Health Club under the earlier Sketch Plan Review. This application is based on that encouragement.

(b) Dimensional Standards and Density

Table 4.4.3 -1 Dimensional Standards and Density

Districts	**Max. Intensity** (floor area ratio[1])	**Max. Lot Coverage**[1]	**Minimum Building Setbacks**[1] (feet) Front	Side	Rear[3]	**Max. Height**[1] (feet)
Light Manufacturing	2.0 FAR	80%	5 min	0[2]	10%[2]	45'
453 Pine Street	With an estimated building footprint of 50,000, FAR is .47; < 2.0 limitation.	Not provided, however visual examination reasonably assumes < 80%.	Buildings are set back 35' from the property line due to the expansion of City ROW for a Shared Use path along Pine Street.	55' south, 11'9" north	Lot depth varies, but development has avoided the westerly portion of the lot, meeting the required 10% rear setback.	Mid-rise of gabled roof on bathhouse is 34' 8"; but unknown flat roof portion not identified for height. Bowling alley is 2 stories and commercial building is one story.



MEGC M 5000 (l) detail of expanded ROW associated with Champlain Parkway

2 – Structures shall be setback a minimum of 25-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by enterprise and residential zones are exempt from this district boundary setback.
3 – Percentage of the lot depth.

No finding possible.

(c) Permitted and Conditional Uses:

Health Clubs and General Merchandise/Retail ≥ 4,000 sf are Conditional uses in the E-LM. See Section 3.5.6 (a), above.
Bowling Alleys are a permitted use.

(d) District Specific Regulations

1. *Convenience Stores*
   At present the 4000 sf commercial building is proposed as General Merchandise/Retail. If the intent is to create a convenience store, additional standards apply. More information will be required.
2. *Drive throughs* (Not applicable.)

No finding possible.

Section 4.5.4 Natural Resource Protection Overly (NR) District

453 Pine Street falls within the Natural Resource Protection Overlay District, and includes wetlands at both the northwest and southwest corners of the parcel. The Barge Canal, immediately west of this parcel is a Natural Resource Feature on Map 4.5.4-1. The project will be reviewed by the Conservation Board December 5, 2022.
Below are the District-Specific Regulations for the Wetland Conservation Zone:

Section 4.5.4 (d) Wetland Conservation Zone:

1. Additional Application Requirements

The following information shall be submitted in addition to the applicable requirements of Article 3 for any development involving a wetland or wetland buffer zone:

A. Boundary Determination: The boundaries of a wetland shall be determined in the field by a qualified professional with expertise in wetland delineation and surveyed by a licensed land surveyor or other qualified individual. The boundary between wetland and upland shall be delineated by the methodology set forth in the Vermont Wetland Rules. The identification and delineation of wetlands for a proposed project must be performed within a five-year period prior to submission and

acceptance of a complete zoning application;

B. *A report addressing the project's impact on the wetland functions and values, and the measures that the applicant has incorporated into the project to avoid and minimize wetland impacts shall be prepared by a qualified professional with expertise in wetland delineation and evaluation;*

C. *A site plan for a project that will impact a wetland or buffer zone shall include delineated wetland boundaries, buffer zone boundaries, erosion control measures, and all components of the proposed project, including, but not limited to all structures, driveways, parking areas, lawns, utilities, and the overall footprint of the construction area/zone of disturbance; and,*

D. *As part of their application, applicants must submit a complete stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3, and successfully demonstrate how the project will prevent adverse impacts to surface water and groundwater quality before, during, or after construction. At a minimum, an applicant should demonstrate how a project will meet the standards outlined in the latest edition of the Vermont Soil Erosion Handbook.*

2. Permitted Uses:

Except where otherwise noted herein, only the following uses are permitted within a wetland and its buffer zone subject to the requirements and limitations set forth below under Subpart 6.

A. *Normal maintenance of existing lawns and maintained grounds including mowing, trimming of vegetation and the removal of dead or diseased vegetation around a residence, decorative landscaping and planting, vegetable and flower gardens, and the repair of existing private landscaping structures such as walkways and walls;*

B. *"Accepted agricultural and silvicultural practices" as defined under 24 VSA Ch 117.*

C. *Normal maintenance of constructed wetlands and stormwater systems, provided that naturally occurring wetlands are not disturbed in conjunction with the maintenance;*

D. *Normal maintenance of existing roads, rail lines, bridges, and culverts provided that disturbance to naturally occurring wetlands and shorelands is minimized in conjunction with such maintenance;*

E. *Selective cutting of less than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle; and,*

F. *Recreational and educational activities such as fishing, walking, hiking, nature study, and bird watching.*

3. Prohibited Uses:

Except where noted herein, the following uses shall be prohibited within a wetland and its buffer zone.

A. The deposition or introduction of organic and inorganic chemicals, including pesticides, except when the application of pesticides is reviewed and approved by the BCB and DRB, and performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9); and,

B. The off-road use of any motorized vehicles including ATVs or dirt bikes (the temporary use of motorized construction vehicles used to construct permitted or regulated activities in the wetland are specifically exempted from this prohibition) ;

4. Regulated Uses:

Except where noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including the list of activities below, may be approved within a wetland and its buffer zone after review and approval pursuant to the requirements and limitations set forth below under Subpart 6 below.

A. The construction of buildings or other structures, and roads, parking areas or other impervious surface;

B. Any form of drainage, dredging, excavation, or removal of material either directly or indirectly;

C. Alteration or modification of natural drainage patterns, natural features and contours;

D. Installation of docks, rip-rap or other shoreline stabilization features;

E. Installation of utility poles or utility service lines, underground pipes or cable conduits, and wells;

F. Cutting of greater than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle;

G. Construction, expansion or placement of any structure;

H. Construction or expansion of roads, rail lines parking areas, trails, and sidewalks;

I. Introduction of any form of pollution, including but not limited to the installation of a septic tank, the running of a sewer outfall, or the discharge of sewage treatment effluent or other liquid wastes into or so as to drain into a wetland;

J. The construction of a stormwater outfall as part of a stormwater management plan approved by the city engineer. In making determinations and decisions

required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater and prevent erosion and control sediment and the city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules; and,

K. *Application of pesticides performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9). In no other cases shall pesticides be applied.*

5. Prohibited activities in a vernal pool and buffer zone:

Except where noted herein, the following uses shall be prohibited within a vernal pool and its respective buffer.

A. *Any activities which disturb the area within 100 feet of a vernal pool, including, but not limited to timber harvesting, disturbance of the understory vegetation, pesticide or herbicide application, the erection of fences or other barriers to amphibian dispersal, barriers and any other type of human activities that disturb the vegetation or water quality in the pool and buffer.*

6. Criteria for Review

In granting, denying, or conditioning any permit involving a wetland, vernal pool or respective buffer zone, the DRB, in consultation with the conservation board, will consider the project's impact on the functions and values of the wetland, and the measures that the applicant has incorporated into the project to avoid and minimize impacts. The DRB shall only approve a project having an impact on a wetland or wetland buffer zone if an applicant can demonstrate that any adverse impact is de minimus on the significant functions and values of the wetland including:

A. *Water storage for floodwater and stormwater;*

B. *Erosion and sedimentation control through binding and stabilizing the soil or shoreline;*

C. *Surface water and groundwater protection, including sediment and toxicant retention, nutrient retention and transformation, and groundwater discharge and recharge;*

D. *Fisheries habitat;*

E. *Wildlife habitat;*

F. *Examples of natural community types that are exemplary, rare, or make an important contribution to the natural heritage of Burlington and Vermont;*

G. Habitat for rare, threatened and endangered species;

H. Education and research in natural sciences;

I. Recreational and economic benefits; and,

J. Open space and aesthetics.

In addition, the review of a project having involving a wetland or wetland buffer zone shall also be subject to the following requirements and limitations:

K. Any land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) shall include a stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3 to be reviewed by the conservation board and approved by the city engineer;

L. No new stormwater outfall shall directly discharge into surface water without approval and implementation of a stormwater management plan approved by the city engineer;

M. No installation of docks, rip-rap or other shoreline stabilization features shall be installed without review approval by the city engineer;

N. Agricultural and silvicultural activities shall follow Best Management Practices for the Protection of Water Quality; and,

O. Stormwater management, erosion, and sedimentation control plans shall be submitted for review by the conservation board who shall consult with the development review board and city engineer prior to issuance of a recommendation to the city engineer who shall render a final decision on such plans.

In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater and control erosion and sedimentation and the city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules.

As noted, the project will be reviewed by the Conservation Board December 5, 2022. Any recommendations or conditions imposed by that body will be incorporated into future review.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.
Not applicable.

Section 5.2.2 Required Frontage or Access

The parcel has access onto Pine Street, an accepted city street.

Section 5.2.3 Lot Coverage Requirements
See Table 4.4.3-1, above.

Section 5.2.4 Buildable Area Calculation
E-LM is not subject to this regulation. Not applicable.

Section 5.2.5 Setbacks
See Table 4.4.3-1, above.

Section 5.2.6 Building Height Limits
See Table 4.4.3-1, above.

Section 5.2.7 Density and Intensity of Development Calculations
See Table 4.4.3-1, above.

Part 3: Non Conformities
There are no identified non-conformities on this (vacant) parcel.
Affirmative finding.

Section 5.4.8 Historic Buildings and Sites
Not applicable.

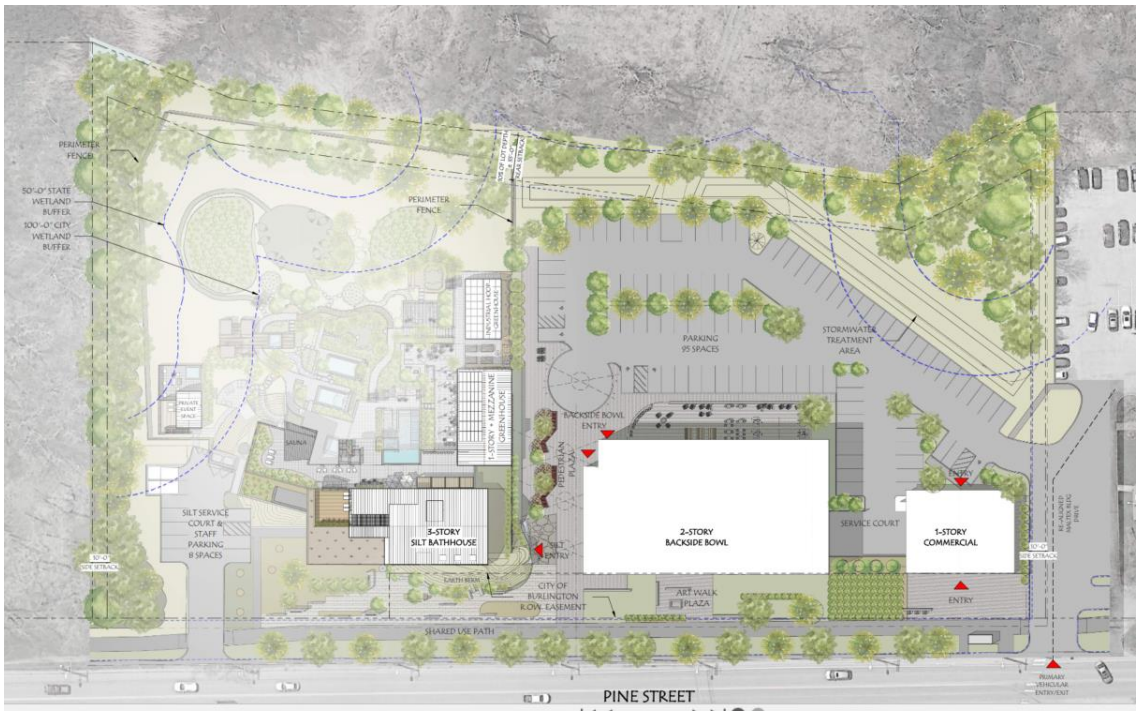
Section 5.5.1 Nuisance Regulations
Nothing in the proposal appears to constitute a nuisance under this criterion.
Affirmative finding.

Section 5.5.2 Outdoor Lighting
No outdoor lighting information has been provided. Details as to fixture types, placement, and illumination levels (photometric plan) will be required upon zoning permit application.
Affirmative finding as conditioned.

Section 5.5.3 Stormwater and Erosion Control
No stormwater or erosion control details have been provided. See comments under Conditional Use Review Criteria, Section 3.5.6, above. Comprehensive stormwater management and erosion prevention and sediment control plans will be required upon zoning permit application.

<u>Article 6: Development Review Standards</u>

Part 1: Land Division Design Standards
Althought the site is designed to segregate the bathhouse from the bowling alley, no subdivision is proposed. Not applicable.



Part 2: Site Plan Design Standards
Sec. 6.2.2 Review Standards

(a)Protection of Important Natural Features:

The west of the lot falls within a natural resource overlay and wetland buffers (state and local). The submitted site design shows extensive landscaping interspersed among pathways (south, bathhouse use) and around the parking areas (north, bowling alley.) West of this site is proposed conservation land and the barge canal. A fourth structure identified as "private event space" is illustrated within a city 100' wetland buffer zone, as well as other structures (3 saunas, a stormwater treatment area, and something south of the bathhouse staff parking area.) Stormwater systems are permitted uses within the Wetland conservation zone and its buffer. (Sec. 4.5.4 (d) 2. C.) The construction of buildings or other structures and parking areas, including any impervious surface (concrete slabs) are regulated uses.

Development on this SuperFund site will require specific and exacting restrictions to prevent exacerbation of contaminent spread and to work within DEC and/or federal guidelines.
Affirmative finding as conditioned.

(b) Topographical Alterations:

Although a plan with contours has not been provided, the conceptual plan places the bathhouse atop an earthern berm with site retaining walls. The site appears to be "sculpted" to

accommodate both the buildings and proposed activities. More information is requested to further understand the topo changes. **No finding possible.**

(c) Protection of Important Public Views:

Not applicable.

(d) Protection of Important Cultural Resources:

There are currently no structures on 453 Pine Street. The Barge Canal is noted within the Pine Street Industrial District, listed on the National Register in 2018. No part of this project has been identified to alter those characteristics and features that contribute to the Barge Canal's historic significance.
Affirmative finding.

(e) Supporting the Use of Renewable Energy Resources:

The south elevation of the bathhouse courtyard is illustrated with a solar array**. Affirmative finding.**

(f) Brownfield Sites:

453 Pine Street is part of a Federal SuperFund site. The applicant has been long engaged with officials relative to their proposed project(s) and required actions to develop the site.
Any state or federal requirements imposed through Corrective Action or other remediation measures shall be incorporated into any permit conditions. **Affirmative finding as conditioned.**

(g) Provide for nature's events:

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

The conceptual site plan includes a "Stormwater Treatment Area" on the north/west of the parcel. A Stormwater Management plan and Erosion Prevention and Sediment Control plan will both be requirements of any application review. (See Section 4.5.4 (d) 1. D.)

See Stormwater comments under Section 3.5.6 (a) 6., above.

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

Various canopies and building entry shelters are included within the conceptual plan.

A plan for snow removal/storage shall be included with a final application, particularly to assure that emergency vehicle access remains unhindered.

Affirmative finding as conditioned.

(h) Building Location and Orientation:

The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing "street edge" or where necessary, located in such a way that complements existing natural features and landscapes.

All three principal buildings are positioned with their street front attendant to Pine Street, and aligned with the Maltex Building to the north.

Buildings placed in mixed-use areas where high volume of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curbline and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

The easterly edge of 453 Pine Street offers plazas in front of the commercial building and the bowling alley. An extended pedestrian plaza is proposed to run between the bowling alley and the bathhouse, offering access to both buildings as well as providing access for emergency vehicles.

Principal buildings shall have their main entrance facing and clearly identifiable from the public street.

Both the bathhouse and the bowling alley fail on this standard: Their streetfronts are devoid of identifiable access points, and the entries are designed to be from the side (bathhouse, north) or the rear (bowling alley. To provide a sense of "calm, mystery and excitement", the bathhouse entry is from within an earthen berm, completely hidden from street view. Only the commercial building proposes an entry point compliant with this standard. **Adverse finding**.

East elevation of Backside Bowl

(i) Vehicular Access:

The principal vehicular access point is through a re-aligned Maltex driveway north of the parcel. A bathhouse driveway for service and staff parking is proposed at the south of the site. Screening will be provided, and the narrative assures that it is intended. This would be much better situated on the west of the site, connected to or part of the bowling alley parking area, or removed altogether. It will be difficult to minimize vehicular parking to staff alone, and it adds an additional curb cut to Pine Street where other access options (at the Maltex drive) are available. As proposed, parking numbers exceed allowable maximum limits. Staff should be encouraged to walk a little to parking (if they need vehicular parking at all) to support the holistic aims of a health club.

Affirmative finding as conditioned.

East elevation (Pine Street) of Nordic Bathhouse

(j) Pedestrian Access:

A public sidewalk runs directly in front of the parcel; a pedestrian entry to the bathhouse is located between the bowling alley and the bathhouse. This same walkway leads to the rear of the bowling alley, where the principal entry for that building is identified.
A small plaza sits in front of the bowling alley but does not provide an entry point.
Entry to the commercial structure is gained through a broad plaza direction in front of the building. As noted, main entrances must be facing and clearly identifiable from the public street. **Adverse finding for location of access.**

(k) Accessibility for the Handicapped:

ADA is under the jurisdiction of the building inspector. Early interaction and guidance with the offices of the building inspector is recommended. **Affirmative finding as conditioned.**

(l)Parking and Circulation:

Access to the site is proposed through a newly oriented shared drive from the Maltex site, re-arranged as part of the Parkway improvements along Pine Street. A secondary lot for service and staff is illustrated south of the bathhouse, providing an additional 8 parking spaces.
The maximum parking allowance for *Health Club* is 2 parking spaces per 1,000 sf. For a 20,000 sf building, **40** parking spaces are the maximum parking count. The bowling alley has a maximum allowance of 2 per lane, or (20 lanes x 2) **40** maximum parking count. (Accessory uses do not contribute to additional parking maximum.) The commercial building, at 4,000 sf of General Merchandise/retail would have a maximum of 2 per 1,000 sf, or **8** spaces maximum. That collectively caps the parking for the proposed uses at **88 parking spaces**. This exceeds the 103 spaces proposed. **Adverse finding.**

(m) Landscaping and Fences:

The submission narrative defines a requirement for installation of a perimeter fence, which is proposed within the 50' state-mandated wetland buffer. As helical piles are suggested as support, disturbance of sub-terrain contaminants is a concern. No trees will be removed for the fence installation.
Invasive species (? Must be identified within a landscaping plan) are proposed for removal. Native plants are offered as a replacement.
Any application must include a complete landscaping plan. **No finding possible.**

(n) Public Plazas and Open Space:

There are significant plazas and open space offered along Pine Street, between the bathhouse and the bowling alley, and in the rear of the buildings where decks, patios and facilities for the bathhouse are provided. **Affirmative finding.**

(o) Outdoor Lighting:

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

No outdoor lighting information has been provided. Details as to fixture types, placement, and illumination levels (photometric plan) will be required upon zoning permit application. **No finding possible.**

(p) Integrate infrastructure into the design:

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

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

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

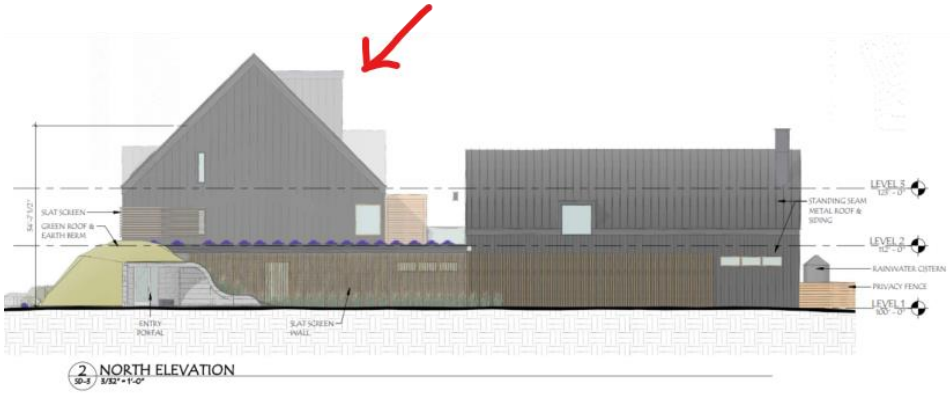
All mechanical equipment, meters, utility connections and accessory structures shall be identified on the site plan and/or building elevations as appropriate. Screening may be required. Dumpsters require an enclosure on all four sides. These appear to be located within the service/staff parking area south of the bathhouse, are are far too prominent within viewshed of the public right-of-way.
All new electric service shall be undergrounded, unless the Corrective Action Plan advises otherwise.
No finding possible.

Part 3: Architectural Design Standards
Sec. 6.3.2 Review Standards

(a)Relate development to its environment:

1. Massing, Height and Scale:

The proposed bathhouse is a connected gable-roofed structure, 34’8” high. There is a dark, flat-roofed appendage in the building elevations that appears to exceed the mid-line of the gable roof height. Confirmation is needed for height calculation to assure compliance.



2. Roofs and Rooflines.

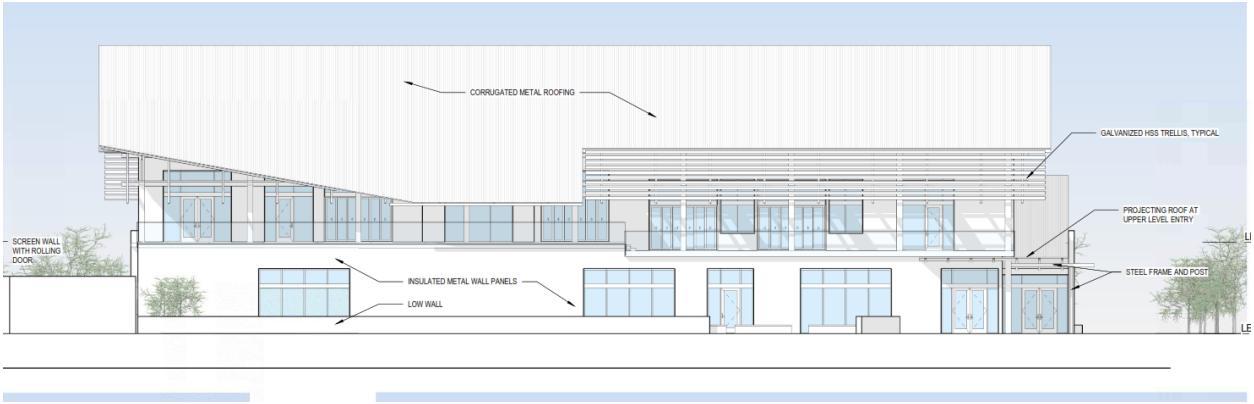
The bathhouse design is a connect-gable structure, eaves-front to Pine Street. A greenhouse in the rear is also gabled, with a second, hoop greenhouse.

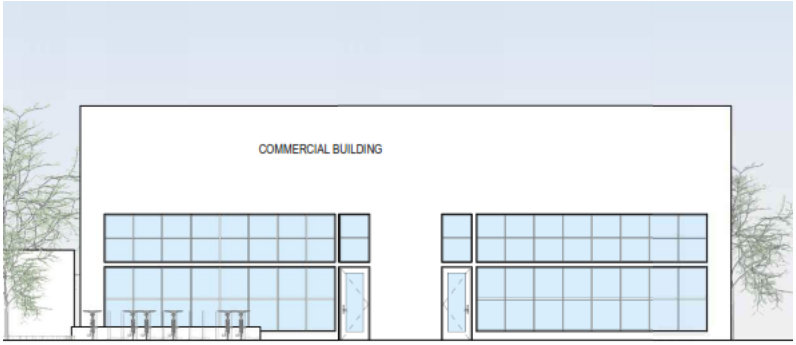
The bowling alley as proposed is also a gabled-roof building, with irregular eaves lines and gabled extensions on the north and south. The commercial building is a one story flat roof structure. All reflect a mix of the industrial/commercial buildings along Pine Street.

3. Building Openings

The bathhouse features small, rectangular openings facing Pine Street (several of them screened) with larger windows on the second floor/east. Few windows puncture the north elevation as well. The entry door is hidden within an earthern berm on the north elevation. Garage-door type entries are also on this elevation. The bathhouse appears to focus on the west elevation, where the facilities and activities are focused.

The bowling alley, too, was a west-facing presence. The better part of the east elevation (Pine Street) is blocked by a 16' "art wall" which wraps around the south elevation. The west elevation (toward the lake) is punctured with regularly-spaced openings.





Backside Bowl west elevation (above)
Commercial building east elevation, left.

The commercial building features large storefront-type glazing along the east (Pine Street) façade. Additional building elevations have not been provided. **No finding possible.**

(b) Protection of Important Architectural Resources:

Not applicable.

(c) Protection of Important Public Views:

Not applicable.

(e) Provide an active and inviting street edge:

Both the bathhouse and bowling alley provide interesting, designed structures which fail to address the streetfront with a prominent, identified entry. The bathhouse is placed atop a partial berm, lifting it vertically off the streetscape (which may be related to the site conditions), while the bowling alley is physically blocked by a 16' art wall. Stimulating in design yet both spatially removed from the street, they entice curiosity yet lack a welcoming and open street presence. **Adverse finding.**

(e) Quality of materials:

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

The bowling alley is largely metal panel/roofing. Building materials for the bathhouse and commercial building are not defined. **No finding possible.**

(f) Reduce energy utilization:

All construction is required to meet the guidelines for Energy Efficient construction pursuant to the requirements of Article VI. Energy conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

Any signage will require a separate permit.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

Development shall adhered to all applicable building and life safety code as defined by the building inspector. **Affirmative finding as conditioned.**

Article 7: Signs
Any signage will require separate permitting. For three or more separate uses, a Master Sign Plan is encouraged. **Affirmative finding as conditioned.**

Article 8: Parking
Zoning Amendment 22-07 was warned July 27, 2022 and is currently in effect. It diverges from the adopted ordinance in that it eliminates minimum parking standards in favor of maximum allowances. As noted in Section 6.2.2.(l) above, here are the maximum parking counts permissible:
Health Club is 2 parking spaces per 1,000 sf. For a 20,000 sf building, **40** parking spaces are the maximum parking count.
The bowling alley has a maximum allowance of 2 per lane, or (20 lanes x 2) **40** maximum parking count. (Accessory uses do not contribute to additional parking maximum.)
The commercial building, at 4,000 sf of General Merchandise/retail would have a maximum of 2 per 1,000 sf, or **8** spaces maximum. That collectively caps the parking for the proposed uses at **88 parking spaces**. This exceeds the 103 spaces proposed. **Adverse finding.**

Article 13: Definitions

Health Club: An indoor facility, between 5,000 and 20,000 square feet in size, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, laser tag, paint ball, miniature golf, or handball. Such facility may also provide other regular organized or franchised events, health and fitness club facilities, swimming pool, climbing wall, snack bar, restaurant, retail sales of related sports, health or fitness items, and other support facilities. Said establishment may or may not include membership. (See also Health Studio and Indoor Recreational Facility.)

Items for additional consideration:

1. Impact Fees will be assessed based on the new building square footage based on use.
2. The application will be required to meet all requirement of Chapter 26: Burlington's Wastewater, Stormwater and Pollution control ordinance. The sewer off-set policy must be addressed in final application materials.
3. The Stormwater Program will look for documentation that the State/Federal agencies overseeing the Pine Barge Canal Superfund Site are in support of any additional stormwater contributions to the Barge Canal. The State/Federal approval of any additional contributions will be a requirement for SW Program approval.
4. A full submission response to the requirements of Section 4.5.4. (d), Wetland Conservation Zone shall be required at final application. The boundaries of the wetland shall be determined in the field by a qualified professional with expertise in wetland delineation and surveyed by a licensed land surveyor or other qualified individual.

5. A letter of sufficient water and sewer capacity will be required prior to issuance of the zoning permit. A State Wastewater permit will also be required; it is the applicants' responsibility to secure said permit.
6. Any state or federal requirements imposed through Corrective Action or other remediation measures shall be incorporated into any permit conditions.
7. ADA access is under the jurisdiction of the building official(s).
8. Parking south of the Bathhouse, if retained, must be screened from view from the public right-of-way.
9. A plan for snow removal/storage shall be included with a final application, particularly to assure that emergency vehicle access remains unhindered.
10. Principal buildings shall have their main entrance facing and clearly identifiable from the public street.
11. All exterior material shall be defined.
12. Lighting information, including fixtures, locations, and illumination levels shall be submitted in a final application.
13. A traffic study will be required.
14. Confirmation shall be provided as to the height of the bathhouse, including the flat-roofed section.
15. Parking shall be limited to 88 spaces per ZA 22-07 per the uses described.
16. Signage will require separate permitting.
17. All construction is required to meet the guidelines for Energy Efficient construction pursuant to the requirements of Article VI. Energy conservation, Section 8 of the City of Burlington Code of Ordinances.
18. A landscaping plan shall be required. The Conservation Board may opine on the installation method of the perimeter fence and whether helical piles may induce contaminant migration.
19. All new electric service shall be undergrounded, unless the Corrective Action Plan advises otherwise.
20. Any conditions imposed by the Conservation Board shall be incorporated into a final decision.
21. All mechanical equipment, meters, utility connections and accessory structures shall be identified on the site plan and/or building elevations as appropriate. Screening may be required.
22. Standard Permit Conditions 1-15.

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

11/22/22

<u>453 Pine St – Burlington, VT</u>
Sketch Plan Review – Narrative

We're excited to present schematic design plans for a proposed project at 453 Pine Street. The proposed development includes three separate business entities, Silt Botanica Bathhouse, Backside Bowl and a commercial building. The site is 4.8 acres and is currently enrolled in the State's Brownfields Economic Revitalization Alliance (BERA) Program. The developers and design team have been working with the Vermont Department of Environmental Conservation, Civil, Environmental and Geotech Engineers on an Evaluation of Corrective Action Alternatives (ECAA) which evaluates the existing site conditions and studies alternative options for remediation and development. Once the ECAA is complete, the project will move into the Corrective Action Plan (CAP) phase.

The site is within the Enterprise – Light Manufacturing (E-LM) District, Design Review District, Natural Resource Protection District, Shared Use Parking District and Multi-Modal Mixed-Use Corridor. The commercial building does not have an intended use at this time but will be classified as General Merchandise/Retail which is allowed in the E-LM District. The Bowling Alley is an allowed use and the Bathhouse which is being classified as a Health Club is a conditional use. The Silt Botanica Bathhouse project was presented at DRB Sketch Plan in November of 2021 for a different location of which the DRB had agreed at the time on the Health Club interpretation since the building use didn't fall under one specific category within the Use Table.

The total site area is 4.8 acres or 209,088 sf with a FAR of 2.0 in the E-LM district which means the total buildable area allowed is 418,176 sf. The proposed project is a total of 50,000 sf amongst the buildings, far under the allowed. Front yard setback requirement is 5'-0" and the buildings are setback 35'-0" from the property line, mainly due to the 35'-0" City of Burlington Right-Of-Way along Pine Street. Allowable side yard setback is 10'-0" and the southern side of the site, the actual setback is 55'-0" while along the north it's 11'-9". Rear setback is 10% of the site depth.

The buildings are oriented along Pine Street with primary vehicular access from the current Maltex Drive which will be moved to align with Howard Street during the forthcoming Champlain Parkway work. There is a shared use path for pedestrian and bicycles along Pine Street and a pedestrian plaza between Silt Botanica Bathhouse and Backside Bowl. There is currently a bus stop at the corner of the Maltex Drive and Pine Street that is proposed to incorporate a bus shelter within the Champlain Parkway work. There is a secondary curb cut to the south of Silt Botanica which will be for Silt Botanica service and staff parking. The side yard parking will be screened and signage will aid in discouraging public at this parking area and moving visitors in vehicles to the main entrance at the Maltex Drive. The landscape along Pine Street is in the early design phase but the project's intent is to provide a pedestrian activated streetscape with art walk, plazas, sculpture, and seating that celebrates the spirit of the South End. The pedestrian plaza will also allow emergency vehicle

access between the two buildings. In addition, there is a 35'-0" City of Burlington Right-Of-Way/Easement for three-quarters of the northern edge of the site along Pine Street. The development team will work with the Department of Public Works for design features within this space once the design has been further developed.

There is a total of 103 parking space between 95 parking spaces at the rear lot and 8 spaces at the Silt service court & staff side parking lot. Table 8.1.9-1 Maximum Off-Street Parking Requirements lists the following for the Shared Use and Multimodal Mixed-Use District in the applicable use categories for this Project.

Use	**Shared Use District**	**Multimodal Mixed-Use District**
Bowling Alley (per lane)	3	2
Health Club	3/1,000 sf of gfa	2
Restaurant	4/1,000 sf of gfa	3
General Merchandise/Retail	3/1,000 sf of gfa	2

The three buildings fall within 200'-0" of Pine Street putting them into the Multimodal Mixed-Use District. The bowling alley has 20 lanes therefore at 2 per lane maximum parking is 40 spaces for this use. The bowling alley has a number of building areas that are customary accessory uses for a bowling alley such as an eating establishment, private rooms, and an arcade area. The food and drink areas are approximately 6,250 gsf and, at 3 per 1,000 sf, maximum parking spaces for this use are 19. Health Club at 20,000 gsf therefore at 2 per 1,000 sf, maximum parking is 40 spaces for this use. And the commercial building at 4,000 sf at 2 per 1,000 sf, maximum parking is 8 spaces for this use. This totals 107 maximum parking spaces.

Table 8.2.4.1-1 Bicycle Parking Requirements requires the following for the applicable uses:

Use	**Long Term Spaces**	**Short Term Spaces**
Office	1/5,000 sf	1/10,000 sf
Retail sales and service	1/12,000 sf	1/2,000 sf
Restaurants, bars, taverns	1/1,000 sf	Per 500 sf of seating space

As the design progresses, the project will meet these requirements.

We have engaged the services of Arrowwood Environmental (AE) to identify and map the natural resources on the site. AE has conducted that work and identified Class II wetlands on the subject parcel and adjoining site at 0 Pine Street, therefore a 50' State wetland's buffer and 100' City Wetland Conservation Zone apply at the 453 Pine Street site. The project is not proposing any uses within the 50' State buffer, and no landscape features will be installed here. However, the project is required to have a perimeter fence, and it will be installed outside of the woods edge with helical piles to minimize impacts within the 50' State buffer. There will be no trees cut for the installation of the fence.

There are currently invasive species within the 50' buffer to the wetland and the intention is to remove the invasives and replace them with native plants and vegetative cover indigenous to the

conditions of the upland environments on the site. The long term 'maintenance' that will be prescribed for the 50' buffer inside the fence will be 'Low-Mow' or Naturalization as is the current management regime. The buffer will not be cut more than one time per year, allowing the new vegetation to grow and mature.

The proposed project does have encroachments into the 100' City Wetland Conservation Zone and these items are within the regulated uses in Article 4.d. The features proposed within the 50'-100' area of the zone are stormwater treatment areas, some of which will include the installation of plants native to an upland buffer, an earthen berm with conditioned space inside, (3) 1-story small sauna structures, and some landscape structures. The sauna structures may require a concrete foundation and the surrounding deck will require concrete piers. The patio connected to the earthen berm feature will require a concrete slab. Plants for the earthen berm will be native. There is also a Phase 2 being proposed which is a private rental building and associated outdoor space that is within the 100' City Wetland Conservation Zone. The development team is currently looking at what can be done to the site to move this as far away from the 50' wetland buffer as possible. Due to poor soil conditions on the site there is limited development use to the west therefore why the Phase 2 building is proposed in the southeast corner, where there are better soils and less impact to the current site conditions.

AE will be preparing a report documenting their work and assessing any project impacts on the functions and values of the wetlands and overall natural area at the site.

Silt Botanica Bathhouse Narrative

Silt Botanica is a Nordic bathhouse, offering indoor & outdoor heated pools, cold plunges, steam rooms, saunas, relaxation areas, expansive outdoor botanical gardens, and a four-season greenhouse.

All over the world bathhouses are used as community hubs, bringing people together across boundaries of age, gender, politics, and socioeconomics. They are a place to relax, catch up with your neighbors and get the news of the day. Our goal is to create an immersive wellness destination for the Burlington community and the many visitors that enjoy Burlington on an annual basis. This will be a state-of-the-art health club offering a place to unwind, focus on self-care and build individual and community health and well-being.

The approximately 20,000 sq. ft. building's exterior design is made up of two simple gable forms hugging the southwest outdoor programmed, landscaped space. The main entry is off the pedestrian plaza which is easily accessible and visible from both the shared use path and western parking lot. The journey to the bathhouse is meant to start at the procession to entry with a sense of calm, mystery, excitement therefore why the entry is setback within an earthen berm. The main building fronting Pine St houses lobby, locker rooms, treatment spaces and back of house spaces. The secondary form facing the parking lot is the four-season greenhouse which acts as relaxation space and a café for bathhouse visitors. Earthen berms are an exterior feature that provide a transition from the landscape to the built form. The rear portion of the building to the west has expansive outdoor botanical gardens, hot and cold pools, saunas, and relaxation space within the

landscape. The principal building height of the main building is approximately 34'-8" high, under the 45' maximum as stated in Table 4.4.3-1.

Backside Bowl Narrative

Backside Bowl is proposed as a new (and only) bowling alley in Burlington. It will serve as a venue that combines traditional bowling, duckpin bowling, arcade games, a food and drink establishment, private room spaces, and outdoor games.

The two-story building is approximately 23,750 sq. ft. with 3,000 sq. ft of west facing exterior space at the upper level. It will consist of an industrial type structure with large spans to accommodate the bowling lanes. The simple form is accentuated by a 16'-0" high Art Wall that fronts Pine Street. The Art Wall runs the entire length of the east façade and turns into the pedestrian alley, leading users to the entries of the grouped buildings. The plaza will provide access to pedestrians, bicyclists, and those who have parked in the west side parking area to these entry nodes; and be activated by users going to and from the buildings from both the east and west. It is intended that the plaza be a focal point of the project as an inviting spot during all seasons.

The Bowling Alley will have a number of traditional lanes as well as duck pin lanes. Customary accessory uses will include private party rooms, an arcade game area, and an eating and drinking establishment. A west facing deck will take advantage of views of Lake Champlain.

Commercial Building Narrative

The commercial building at the north end of the site will serve as retail or mercantile space. The footprint of the building is 4,000 sq. ft. and it is expected that it will be subdivided into two discrete tenant spaces.

The building is to be situated 35' west of the property line and 31' feet west of the pedestrian sidewalk. Bicycle parking will be provided at the Pine Street entrance. Two main entries at the east face will serve the building. Secondary entries will be provided at the structure's west face. Mezzanines will be provided within each of the tenant spaces. The character of the exterior will be industrial and will complement the existing collection of buildings found along Pine Street. It will be a simple rectilinear form with a low slope roof. Large storefront type windows will face Pine Street in order to complement the activity found along Pine Street – both by pedestrians and vehicles of all sorts.

Instruments of Service
Instruments of Service shall remain the property of the Consultant. The Consultant shall retain all common law, statutory and other reserved rights, including the copyright thereto.
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453 PINE

453 PINE ST, BURLINGTON, VT

N

1:30 SCALE

453 PINE

453 PINE ST, BURLINGTON, VT

CONCEPTUAL SITE PLAN

gbA ARCHITECTURE & PLANNING

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SILT BOTANICA BATHHOUSE

453 PINE ST, BURLINGTON, VT

3D View @ Pine St Alt

November 18, 2022

Wiemann Lamphere ARCHITECTS

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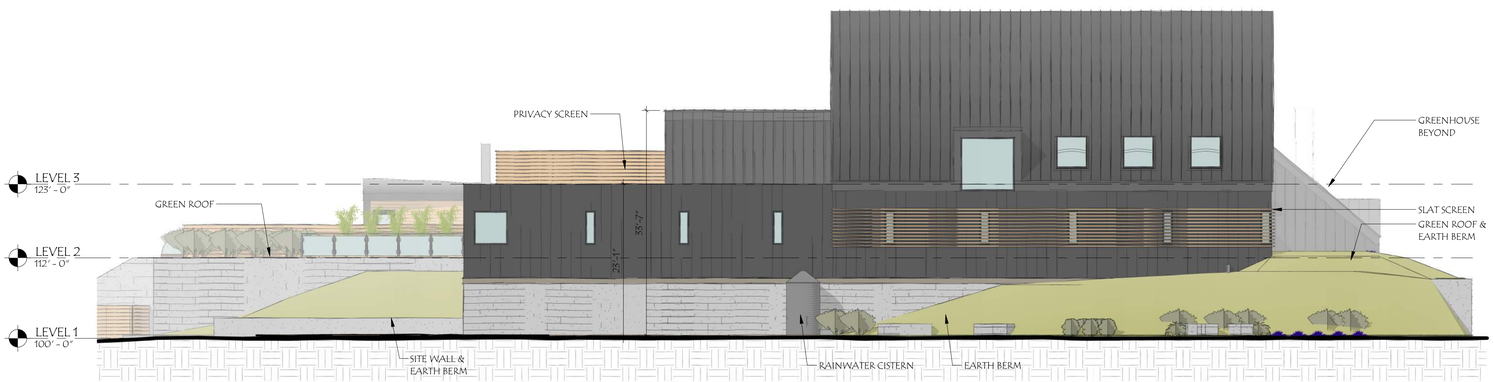
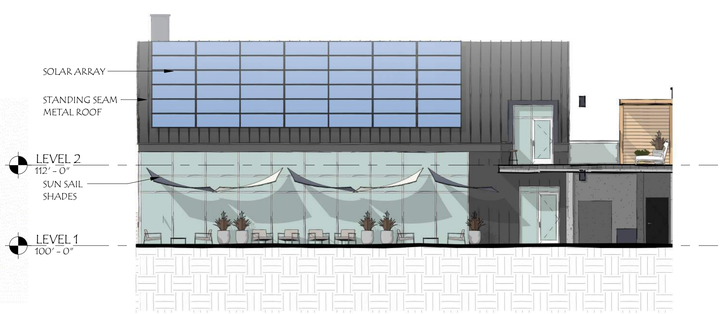
1 SD-3 SOUTH ELEVATION
3/32" = 1'-0"

2 SD-3 NORTH ELEVATION
3/32" = 1'-0"



3 SD-3 EAST ELEVATION
3/32" = 1'-0"

4 SD-3 WEST ELEVATION - WEST ELEVATION
3/32" = 1'-0"



5 SD-3 COURTYARD SOUTH
3/32" = 1'-0"

6 SD-3 WEST ELEVATION
3/32" = 1'-0"

SILT BOTANICA BATHHOUSE

453 PINE ST, BURLINGTON, VT

SCHEMATIC ELEVATIONS

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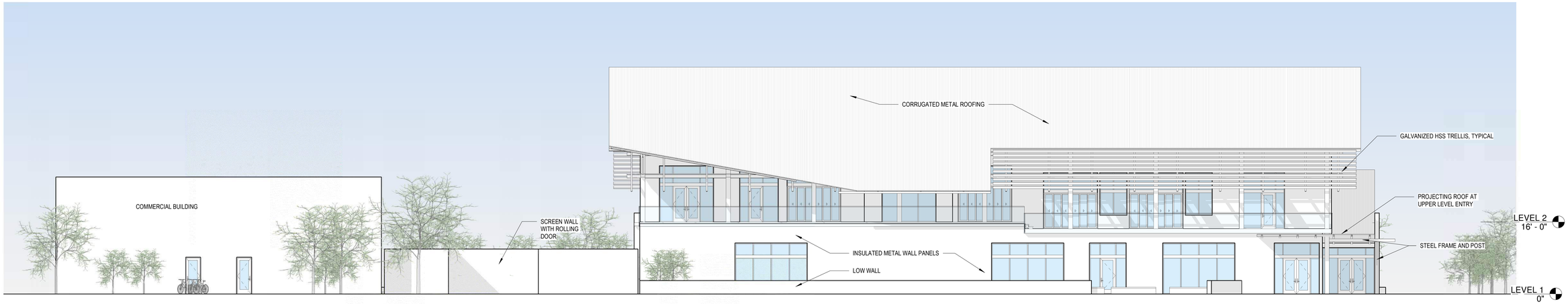

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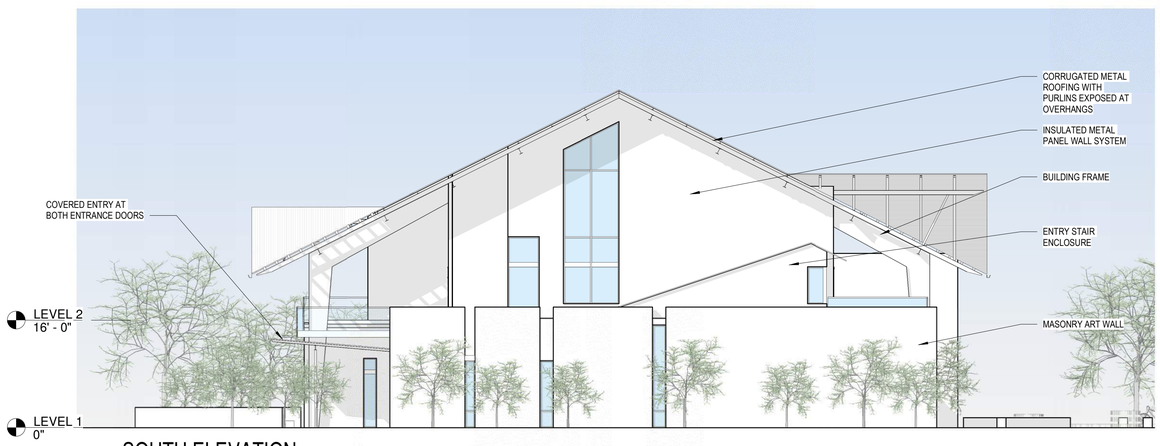

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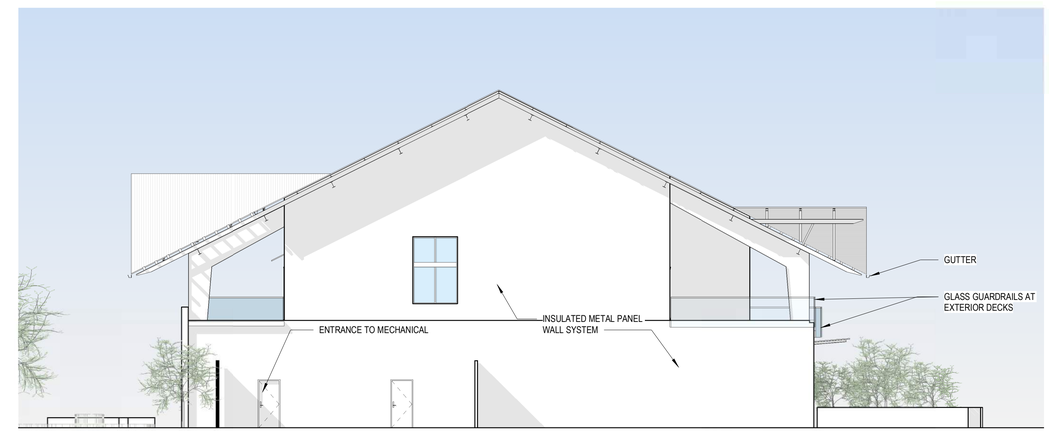
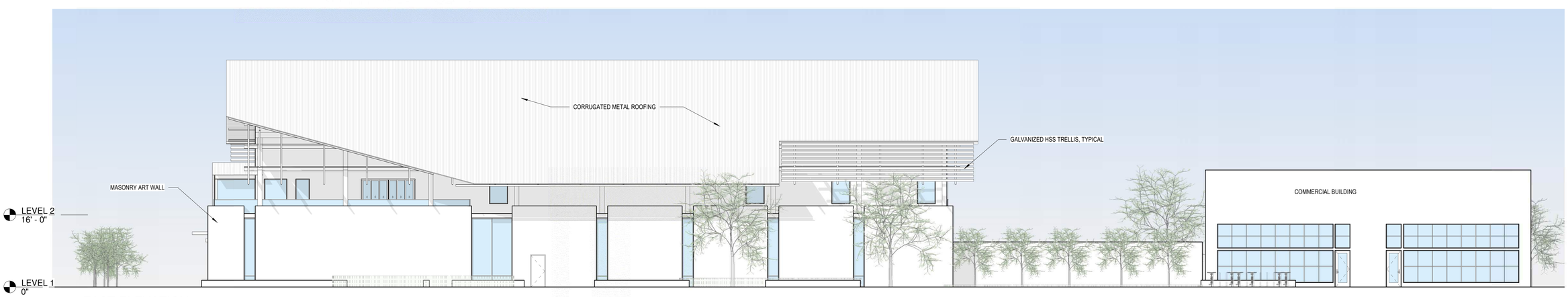


NORTH ELEVATION



EAST ELEVATION

ARCHITECTURE & PLANNING

BACKSIDE BOWL

453 PINE STREET

BUILDING ELEVATIONS

3/32" = 1'-0"

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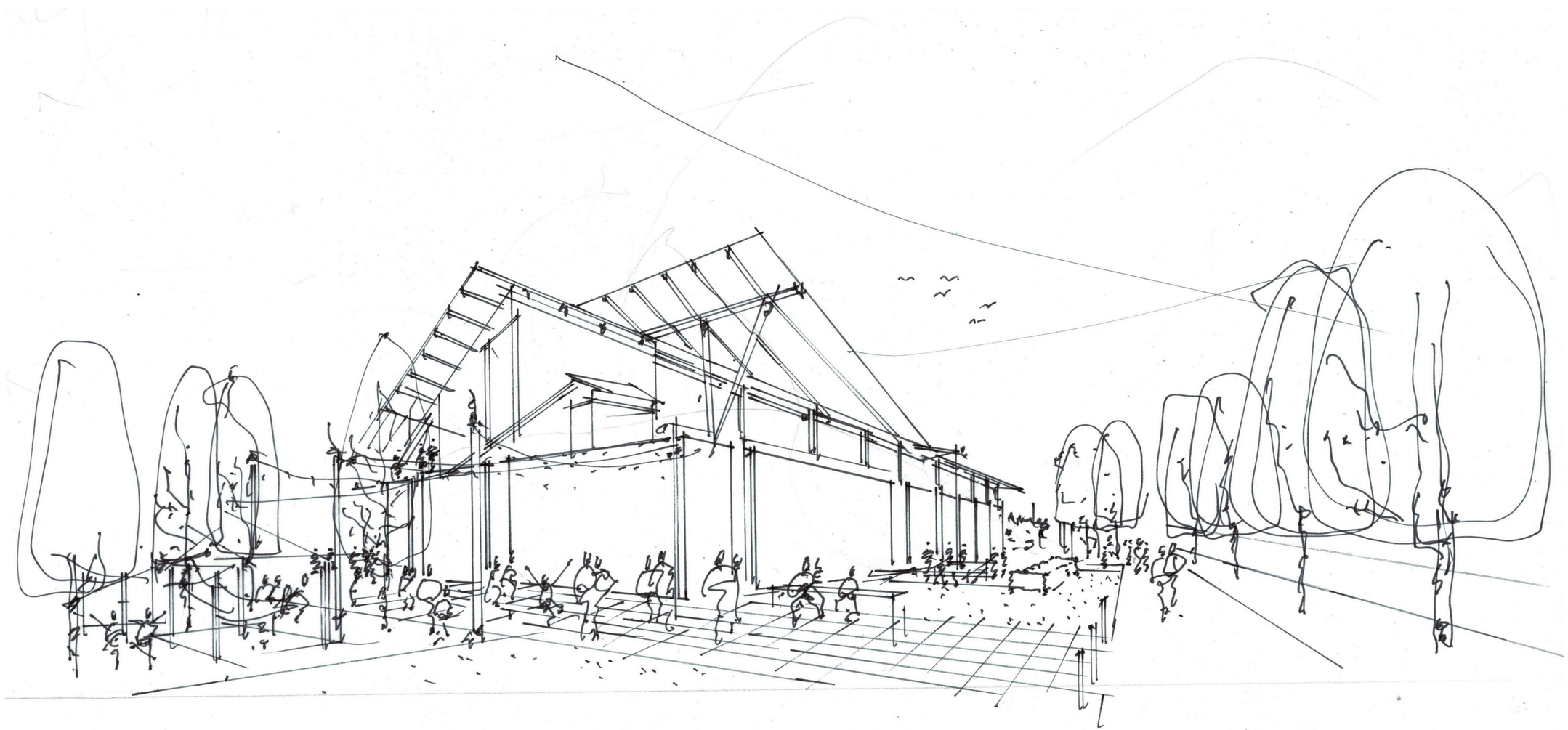

gbA
ARCHITECTURE & PLANNING

BACKSIDE BOWL

453 PINE STREET

BUILDING SKETCH

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Department of Permitting & Inspections
Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone:(802) 865-7188

William Ward, Director
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To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: December 6, 2022
RE: ZP-22-524; 87 Hungerford Terrace
==========

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

File: ZP-22-524
Location: 87 Hungerford Terrace
Zone: RH **Ward**: 8E
Owner / Applicant: James & Madeleine Posig / Chi Nguyen
Request: The applicant seeks approval to demolish an existing historic garage and replace it with a two-story garage with finished office space in the second floor.

Applicable Regulations:
Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking)

Background:
- **Zoning Permit 87-246**; rear addition to single family home. Approved 6/12/86
- **Zoning Permit 85-027**; construct two dormers. Approved 3/28/85.

Overview:
The applicant proposes to demolish and replace a historic garage with a new, 2-story garage that will include finished office space in the second story. The garage will also have an attached second story deck at the front.

The existing garage and home (Alfred Larsen House, c. 1920) are included in the property's listing in the Buell St. / Bradley St. Historic District (national registry), and also the State of Vermont Historic Register. The National listing includes the following garage description:

The rear two-thirds of this one bay, 1 story garage, built at the same time as the house, are covered in novelty siding while the front third is covered by wider clapboards. This indicates that the garage was enlarged by adding a section on the front at a later date. The edges of the garage are defined by corner boards. Asphalt covers the gable front roof. The overhead garage door is divided into four rows of six panels each, the uppermost being glazed. No other windows light the structure. The garage rests on a concrete block foundation.

The State listing includes the following garage description:

1 car garage, with gable, novelty siding.

Because of the historic nature of the garage, the Historic Buildings and Sites standards of Sec. 5.4.8 CDO apply, as well as the conditional use standards of Article 3. The applicant has provided a brief analysis describing the condition of the garage, including photos.

Recommendation: **Certificate of Appropriateness and Conditional Use Approval**, per the following findings and conditions:

I. <u>Findings</u>

<u>Article 3: Applications, Permits and Project Reviews</u>
Part 5: Conditional Use and Major Impact Review
Section 3.5.6 Review Criteria
(a) Conditional Use Review Standards

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

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

The proposal will have no impact on public utilities, facilities and services. **Affirmative finding.**

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

The property is within an established residential neighborhood, and the garage is an associated structure to the existing residential use. The second floor office space will be used by residents of the property. **Affirmative finding.**

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

No greater impacts are anticipated than other residential uses in the area. **Affirmative finding.**

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

This property is located along Hungerford Terrace, which runs perpendicular between College Street and Bradley Street, a highly developed residential area. The new YMCA abuts the property to the rear. The property's existing driveway and parking will remain as-is. Transit stops exist along College Street, which is well within walking distance from the property, and sidewalks exist on both sides of the street. The proposal is not expected to create adverse impacts on the existing transportation system. **Affirmative finding.**

5. *The utilization of renewable energy resources;*

Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**
and;

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*

The replacement garage will be subject to all applicable life safety and building standards. **Affirmative finding as conditioned.**

(c) Conditions of Approval

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

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

The replacement garage, located behind the primary residential structure, will be relatively difficult to see from the street. No new landscaping or screening is proposed. Given the garage's close placement to the south property line, room for new landscaping and/or screening is not possible. An existing fence runs along this property line, however, and will remain. This side abuts the back yard of 308 College Street, which has been an attorney's office for a number of years. And as noted above, the new YMCA abuts the subject property to the west, and it stands out as a nonresidential development in a residential zone. **Affirmative finding.**

2. *Time limits for construction.*

Standard time limits for construction are normally as follows: construction must commence within one year from the date of zoning permit issuance, and after that, an additional two years is available to finish the project. However, since the proposal involves the demolition of a historic structure and retention of an existing nonconformity, tighter time limits apply per Sec. 5.4.8 (d) and Sec. 5.3.5 (b). See below. **Affirmative finding.**

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

Standard construction hours are 7:00 AM to 5:30 PM, Monday – Friday. Saturday construction hours may be allowed upon request to the Development Review Board. No work on Sunday. **Affirmative finding as conditioned.**

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

Should the applicant wish to alter the use or structure(s), such alteration will require review and permitting under regulations in effect at that time. **Affirmative finding as conditioned.**
and

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

None identified.

<u>Article 4: Zoning Maps and Districts</u>
Section 4.4.5 Residential Districts

(a) 5. *The **Residential High Density (RH)** district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. Parking is intended to be hidden either behind or underneath structures.*
The existing single-family residential use of the property will not change as a result of this permit. **Affirmative finding.**

(b) Dimensional Standards and Density
Table 4.4.5-1 Minimum Lot Size and Frontage: RL, RL-W, RM, RM-W
Not applicable.

Table 4.4.5-2 Base Residential Density
No change in density or the number of dwelling units on the property are proposed. **Not applicable.**

Table 4.4.5-3 Residential District Dimensional Standards

Zoning District	**Max. Lot Coverage** [1]	**Setbacks** [1, 3, 4, 5, 6]			
		Front	**Side**	**Rear**	**Height**
RH	80%	**Min/Max:** Ave. of 2 adjacent lots on both sides +/- 5-feet	**Min:** 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides **Max required**: 20'	**Min:** 25% of lot depth but in no event less than 20' **Max required**: 75-feet	35-feet
87 Hungerford Terrace	Existing: 44.27% Proposed: 45.4%	Not applicable.	Lot width is 50' = 5' min. side yard setback. Per Sec. 5.2.5 (b) (5), accessory structures less than 15 ft in height may have a min. 5' side yard setback. The existing garage has a 21" side yard setback. The proposal is to maintain the existing 21" setback within the existing garage footprint. Additional garage footprint will comply with the 5' side yard setback. See also Sec. 5.3.5 below.	Lot depth is 120' = 30' min. rear yard setback. For accessory structures 15' or less in height, a rear yard setback of no less than 5' is allowable per Sec. 5.2.5 (b) (5). See below. Rear yard setback will be approx. 12'.	15'

Affirmative finding.

(c) Permitted and Conditional Uses
New single family residences are not permitted uses in the RH zoning district. However, Footnote 30 of Appendix A – Use Table – All Zoning Districts, reads: *New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.* The Alfred Larsen House was originally constructed as such, and the use will continue

as-is. There is no permit evidence that would suggest that it was used as anything else. The garage rebuild, with second floor office space, does not change the use of the property. **Affirmative finding.**

(d) District Specific Regulations

1. *Setbacks*
   No encroachments for driveways or waterfront setbacks are proposed or sought. **Not applicable.**

2. *Lot Coverage*
   A. Exceptions for Accessory Residential Features
   This only applies to properties within the RL, RL-W, RM, RM-W zones. Lot coverage for this project is not an issue. **Not applicable.**

3. *Accessory Residential Structures and Uses*
   The existing garage will be replaced with a slightly larger, two-story garage. **Affirmative finding.**

4. *Residential Density*
   No change in density is proposed. **Not applicable.**

5. *Uses*
   There is no Neighborhood Commercial Use at this location. **Not applicable.**

6. *Residential Development Bonuses*
   No development bonuses are included or sought. **Not applicable.**

<u>Article 5: Citywide General Regulations</u>
Part 2: Dimensional Requirements
Section 5.2.3 Lot Coverage Requirements
See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation & Steep Slopes Overlay District
This provision only applies to properties 2-acres or greater in size, and in the RCO, WRM, RM, WRL, and RL zoning districts. No steep slopes exist on the property. **Not applicable.**

Section 5.2.5 Setbacks
See Table 4.4.5-3 above and Sec. 5.3.5 below. The existing garage encroaches into the side yard setback – with a 21" setback. The replacement garage is proposed to occupy the same footprint within this required setback – thus no increase to the nonconformity. For portions of the new garage outside the existing garage footprint, compliance with minimum setback requirements will be met.

Sec. 5.2.5 (b) Exceptions to Yard Setback Requirements
5. Accessory Structures and Parking Areas
Accessory structures no more than fifteen (15) feet in height, parking areas, and driveways may project into a required side and rear yard setback provided they are no less than five (5) feet from a side or rear yard property line where such a setback is required.

The existing driveway will remain as-is. The replacement garage will be setback over 5 ft from the rear property line and will maintain the existing 21" setback from the side yard property line as permitted under Sec. 5.3.5 *Nonconforming Structures*. See below. **Affirmative finding.**

Section 5.2.6 Building Height Limits
(a) Height Measurement
The new garage will have a height of 15 feet, as measured to the midpoint of the gable roof-rise.

Roofs with Dormers: Building height will be calculated to the midpoint of the rise of dormers that either individually or collectively exceed 50% of the width of the horizontal eave length of the roof. Dormers less than this width do not affect height calculation noted in A – C and E of this subsection.
The dormers on both sides of the garage are 13' wide, which is less than 50% of the horizontal eave length (26' 3"). Measuring to the midpoint of the gable roof is acceptable. **Affirmative finding.**

Section 5.2.7 Density Calculations
No change to the density of the property is proposed. **Not applicable.**

Part 3: Non-Conformities

Sec. 5.3.5 Nonconforming Structures

(a) Changes and Modifications

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

1. *Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.*

   Within the residential districts, and subject to Development Review Board approval, existing nonconforming single family homes and community centers (existing enclosed spaces only) that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

   i) Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development);

   ii) Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,

   iii) Be compatible with the character and scale of surrounding structures.

   <u>Existing accessory buildings of 15 feet in height or less shall not exceed 15 feet tall as expanded.</u>

   Within all districts, and subject to the Development Review Board approval, structures for the purpose of creating an ADU may be constructed on lots with legally non-conforming lot coverage per Sec.5.2.3 (b) 10.

2. *Such a change or modification shall not create any new nonconformity; and,*

3. *Such a change or modification shall be subject to review and approval under the Design Review provisions of Article 3, Part 4.*

The existing garage is nonconforming with regard to the side yard setback. The replacement garage will be taller, but no taller than 15 ft, and will maintain the same level of nonconformity as the existing garage – a 21" side yard setback. **Affirmative finding.**

(b) Demolition:

A nonconforming structure may be replaced by a new structure retaining the same degree of nonconformity as the original structure. This provision is limited to the existing dimensional nonconformity (i.e. setback, lot coverage, or height), and shall not expand the degree of nonconformity except as provided for in (a) above. The new structure shall be subject to conformance with all other dimensional requirements (i.e. setback, lot coverage, and height). Zoning permit application for the replacement structure shall be completed within 1 year of demolition of the nonconforming structure; failure to do so shall result in the loss of the ability to retain the nonconformity.
The existing garage has a nonconforming side yard setback of 21". The replacement garage will maintain the same degree of nonconformity. Portions of the replacement garage located outside the existing garage footprint will comply with the minimum setback requirements.

As required under the historic demolition standards of Sec. 5.4.8 (d) below, construction of the replacement structure will need to commence within 6 months from time of demolition. **Affirmative finding as conditioned**.

Part 4: Special Use Regulations

Sec. 5.4.8 Historic Buildings and Sites

(d) Demolition of Historic Buildings:

The purpose of this subsection is:

. *To discourage the demolition of a historic building, and allow full consideration of alternatives to demolition, including rehabilitation, adaptive reuse, resale, or relocation;*

. *Provide a procedure and criteria regarding the consideration of a proposal for the demolition of a historic building; and,*

. *To ensure that the community is compensated for the permanent loss of a historic resource by a redevelopment of clear and substantial benefit to the community, region or state.*

1. Application for Demolition.

For demolition applications involving a historic building, the applicant shall submit the following materials in addition to the submission requirements specified in Art. 3:

A. A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;

The application includes a brief report from architect Chi Nguyen relative to the condition and structural stability of the garage. The general conclusion is that the structure has deteriorated due to the lack of a structural foundation and the building's direct contact with the grade. Water and moisture damage is prevalent. Rehabilitation, it seems, is not an option available to the applicant.

The applicant notes that attempts to repair the structure and garage door over the course of ownership (40 years) have been unsuccessful. A receipt for roof repair items is included in the application, demonstrating that some effort has been made to maintain the structure. **Affirmative finding.**

B. A statement addressing compliance with each applicable review standard for demolition;
The architect report addresses each demolition standard. See below. **Affirmative finding.**

C. Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:
There is no claim of economic hardship. **Not applicable.**

D. A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites;
The applicant has included a redevelopment plan which includes a two-story replacement garage. **Affirmative finding.**

and,
E. Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.
Photos of the existing garage and a site plan identifying the garage to be removed have been provided. The redevelopment plans include a site plan, elevation drawings, and floor plans. **Affirmative finding.**

2. Standards for Review of Demolition.

Demolition of a historic structure shall only be approved by the DRB *pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review and in accordance with the following standards:*

A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure;
The architect's report states that the garage has continued to deteriorate over the decades due to the lack of structural foundation and the building's direct contact with the grade. Areas of gravel have washed away and exposed the sill plates of the walls. Two corners of the building have no support and float above grade. There is visible water and moisture damage on sills, walls, and on the roof.

The report also states that the owners have attempted to repair the structure and garage door a number of times during their ownership (40 years). They have been unable to find the needed parts to fix the garage door in recent years. While not required for in-kind repairs/replacements, there is no evidence of zoning permits, or building permits for that matter, ever issued or sought for work on the garage, dating as far back as the 1960s. One receipt for roof repair materials has been provided by the applicant, indicating that some effort has been made to maintain the structure. **Affirmative finding.**

or,

B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district;

Not applicable.

or,

C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.

Since the existing garage is tucked into the rear of the property and difficult to see, the amount of community-wide benefit that it provides is minor. The applicant believes that the space could be converted to rental housing for the neighborhood in the future, which would have community-wide benefit. Whether or not that will be possible is unknown at this time. However, the replacement garage will provide the same, plus additional, function to the property. **Affirmative finding.**

*And **all** of the following:*

D. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;

The proposal will not have a negative impact to the existing historic home on the property. There are many other historically documented homes and garages in the immediate area as well, but again, the proposal will not create a negative impact on those. **Affirmative finding.**

E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history;

If demolition is approved, photo documentation of the structure will be retained. **Affirmative finding.**

and,

F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).

(i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;

(ii) Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,

(iii) The time between demolition and commencement of new construction generally shall not exceed six (6) months.

Work for the replacement garage will need to commence within 6 months from the time of the existing garage's demolition. The applicant notes that construction will commence immediately after demolition. **Affirmative finding as conditioned.**

This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.

Not applicable.

3. Deconstruction: Salvage and Reuse of Historic Building Materials.

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.
If approved, the applicant is encouraged to offer the building for relocation; absent that, deconstruction using the safest method possible, minimizing exposure to lead paint and any other potential public safety issue shall be conducted. What material may be salvaged is encouraged for sale or reuse. **Affirmative finding as conditioned.**

Part 5: Performance Standards
Section 5.5.1 Nuisance Regulations
Nothing within the application suggests non-compliance with applicable nuisance regulations and performance standards per the requirement of the Burlington Code of Ordinances. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting
The applicant proposes a downcast and shielded double spot light under the gable roof eave, and a ceiling mounted light under the deck at the entrance of the garage. Lighting fixture spec sheets have been provided which demonstrate compliance with these lighting standards. **Affirmative finding.**

Section 5.5.3 Stormwater and Erosion Control
If ground disturbance is 400 sf or more, an Erosion Prevention and Sediment Control (EPSC) Plan and stormwater plan will be required. The plans indicate a garage footprint of 333.75 sf. If any additional disturbance occurs during construction, an EPSC plan and stormwater plan will be required. **Affirmative finding as conditioned.**

Section 5.5.4 Tree Removal
The plans do not identify any trees to be removed. **Affirmative finding.**

<u>Article 6: Development Review Standards</u>
Part 1: Land Division Design Standards
No land division is proposed as part of this application. **Not applicable.**

Part 2: Site Plan Design Standards
Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:
There are no important natural features on the property. **Not applicable.**

(b) Topographical Alterations:
No topographical alterations are defined within the project application. **Not applicable.**

(c) Protection of Important Public Views:
There are no protected important views from or through this property. **Not applicable.**

(d) Protection of Important Cultural Resources:

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

See Section 5.4.8, above. **Affirmative finding.**

(e) Supporting the Use of Renewable Energy Resources:

No part of this application precludes the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**

(f) Brownfield Sites:

This address is not listed on the Vermont DEC website for identified Brownfields. **Not applicable.**

(g) Provide for nature's events:

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

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

If ground disturbance is 400 sf or greater, the applicant will be required to submit an Erosion Prevention and Sediment Control Plan, and Stormwater Plan, for review and approval by the Stormwater engineering program. Their review and written approval will be a condition of any permit.

A second story deck is proposed above the garage entrance that will provide cover from the elements. **Affirmative finding as conditioned.**

(h) Building Location and Orientation:

The existing and replacement garage is located at the rear of the property, behind the single family residence. Given this location, it will be difficult to see from the street. No changes are proposed at the front of the property. **Affirmative finding.**

(i) Vehicular Access:

Access will remain as existing off Hungerford Terrace with the driveway extending to the garage. **Affirmative finding.**

(j) Pedestrian Access:

Pedestrian access between the garage and the home will remain as existing. **Affirmative finding.**

(k) Accessibility for the Handicapped:

The building inspector has jurisdiction over ADA requirements. Any special requirements will be identified during the building permit stage. **Affirmative finding.**

(l) Parking and Circulation:

The property will maintain 2 tandem parking spaces in the single width driveway/garage. **Affirmative finding.**

(m) Landscaping and Fences:

The plans do not indicate new fencing or landscaping. An existing chain link fence runs across the width of the property behind the garage, and a wood fence runs along the side property line, between the garage and neighboring property. Existing trees occupy the rear property line, and those have not been identified for removal. **Affirmative finding.**

(n) Public Plazas and Open Space:

There are no public plazas required. **Not applicable.**

(o) Outdoor Lighting:

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

Lighting spec sheets have been provided and they indicate compliance with Sec. 5.5.2, *Outdoor Lighting* above. **Affirmative finding.**

(p) Integrate infrastructure into the design:

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

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

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

The plans do not identify any exterior mechanical units and they should if any are proposed. **Affirmative finding as conditioned.**

Part 3: Architectural Design Standards
Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The new garage will have a height of 15 ft, which is common for accessory structures in residential zones. **Affirmative finding.**

2. Roofs and Rooflines.

The new garage will have a gable roof, which is very common within the residential districts. **Affirmative finding.**

3. Building Openings

The front elevation will see a single garage door and man-door at the ground level, and a door accessing the upper deck. At the ground level, three windows line the north façade. The upper level will see three windows on both sides within the dormers, and one window on the rear elevation. There may be however, building limitations on windows in the south facing dormer since they will be so close to the property line. The building inspector will evaluate this at the building permit review stage. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

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

See Section 5.4.8, above.

(c) Protection of Important Public Views:

There are no protected important views from this property. **Not applicable.**

(d) Provide an active and inviting street edge:

No changes are proposed at the front of the property, nor on the principal, single family residence. **Not applicable.**

(e) Quality of materials:

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

The new garage will be sided with wooden lap siding. Double-hung wood windows are proposed. The garage door will be galvanized steel with a woodgrain finish. Specs on the man doors have not been submitted and need to be. Asphalt shingles will be used for roofing material. The deck will be a composite material, with wood railings and metal balusters. **Affirmative finding as conditioned.**

(f) Reduce energy utilization:

All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

No signage is proposed. **Not applicable.**

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

Redevelopment is subject to all applicable building and life safety codes as defined by the Burlington's Building Inspector and the Fire Marshal. **Affirmative finding as conditioned.**

<u>Article 8: Parking</u>

Table 8.1.8-1 Minimum Off-Street Parking Requirements

The Neighborhood Parking District requires 2 parking spaces for single family residences. The property has two tandem parking spaces in the driveway. With the replacement garage and existing driveway, sufficient parking will remain. **Affirmative finding.**

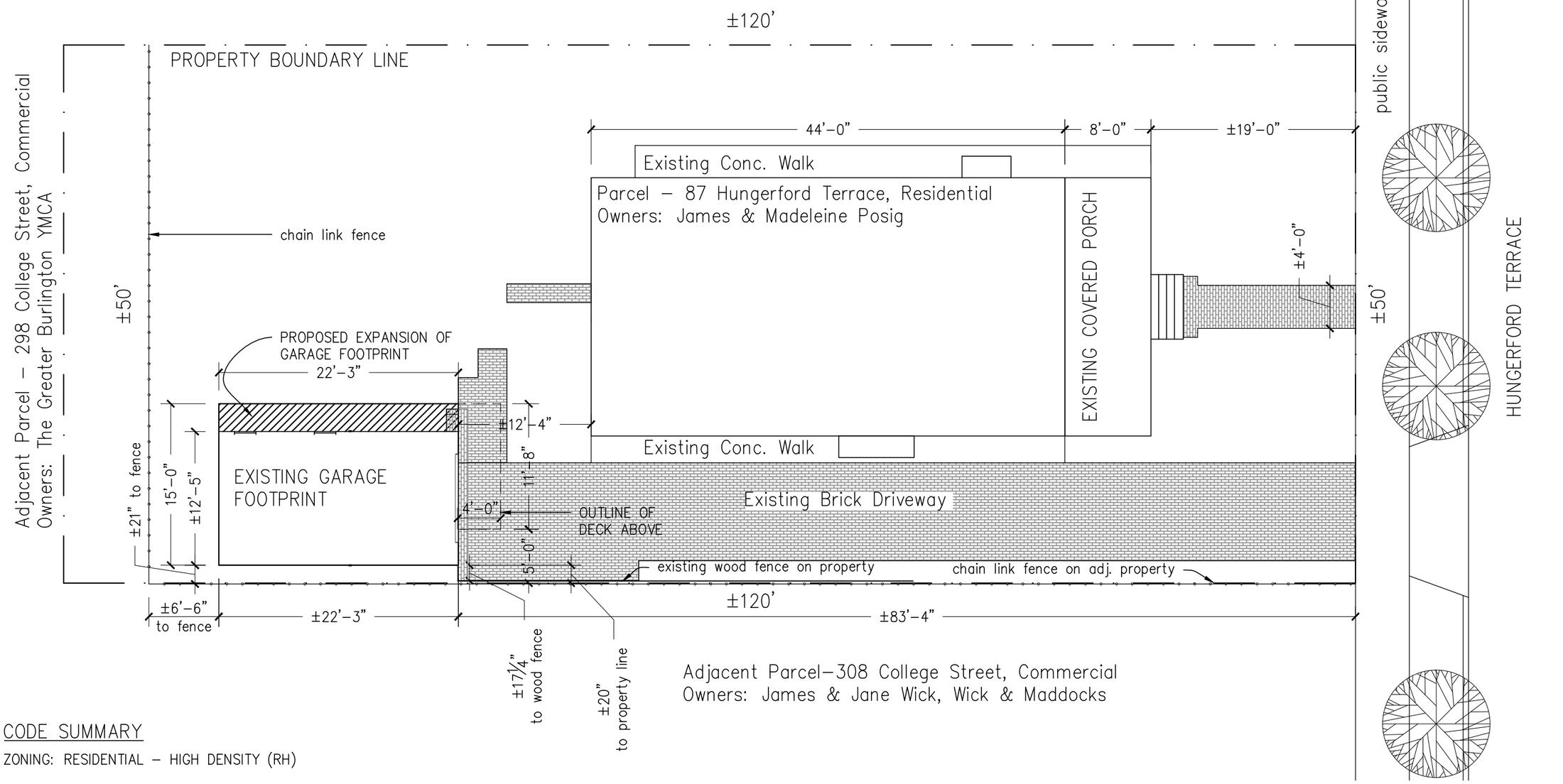
II. <u>Conditions of Approval</u>

1. **Prior to the release of the zoning permit**, the application shall be updated to include the following, subject to staff approval:
    - the location of any new mechanical units, utilities, etc. on the plans;
    - manufacturer's spec sheets for the man doors and composite decking.
2. **Prior to the release of the zoning permit**, the applicant shall provide a final determination as to the amount of ground disturbance that will occur. If it is 400 sf or greater, then an Erosion Prevention and Sediment Control plan and Stormwater plan shall be submitted to the Stormwater Program Manager for review and approval.
3. **Prior to the release of the zoning permit,** the applicant shall provide to staff a plan detailing an acceptable timetable for demolition and completion of the project, subject to staff review and approval. At a minimum, construction of the replacement garage shall commence within 6 months from the time of the existing garage's demolition.
4. Standard construction hours are 7:00 AM to 5:30 PM, Monday – Friday. Saturday construction hours may be allowed upon request to the Development Review Board. No work on Sunday.
5. The applicant is encouraged to offer the building for relocation; absent that, demolition shall be conducted using the safest method possible, minimizing exposure to lead paint and any other potential public safety issue. What material may be salvaged is encouraged for sale or reuse. It is the applicant's responsibility to contact the VT Dept. of Health regarding lead and asbestos prior to demolition.
6. Should the applicant wish to alter the use of the property or structures, such alterations will require review and permitting under regulations in effect at that time.
7. The applicant/property owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.

8. All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
9. Standard Permit Conditions 1-15.

PROJECT DESCRIPTION:
Demolition of existing single story, 1 bay garage and replace with 2 story, 1 bay garage.

Adjacent Parcel – 83 Hungerford Terrace, Residential
Owners: Robert Foley & Jon Guyette



CODE SUMMARY

ZONING: RESIDENTIAL – HIGH DENSITY (RH)

LOT COVERAGE:

EXISTING		PROPOSED	
HOUSE	1,248 SF	HOUSE	1,248 SF
FRONT WALK & STEP	76 SF	FRONT WALK & STEP	76 SF
BACK WALKS	60 SF	BACK WALKS	58 SF
SIDE WALKS	230 SF	SIDE WALKS	230 SF
DRIVEWAY	778 SF	DRIVEWAY	778 SF
GARAGE	264 SF	GARAGE	382 SF (333.75SF FOOTPRINT + 48SF DECK)
TOTAL	2,656 SF	TOTAL	2,772 SF

LOT SIZE: 50'x120' = 6000 SF
EXISTING COVERAGE = (2656/6000) x 100 = 44.27%

PROPOSED COVERAGE = (2772/6000) x 100 = 46.2%

GRAPHIC SCALE
0 10 20 40

REVISION #3

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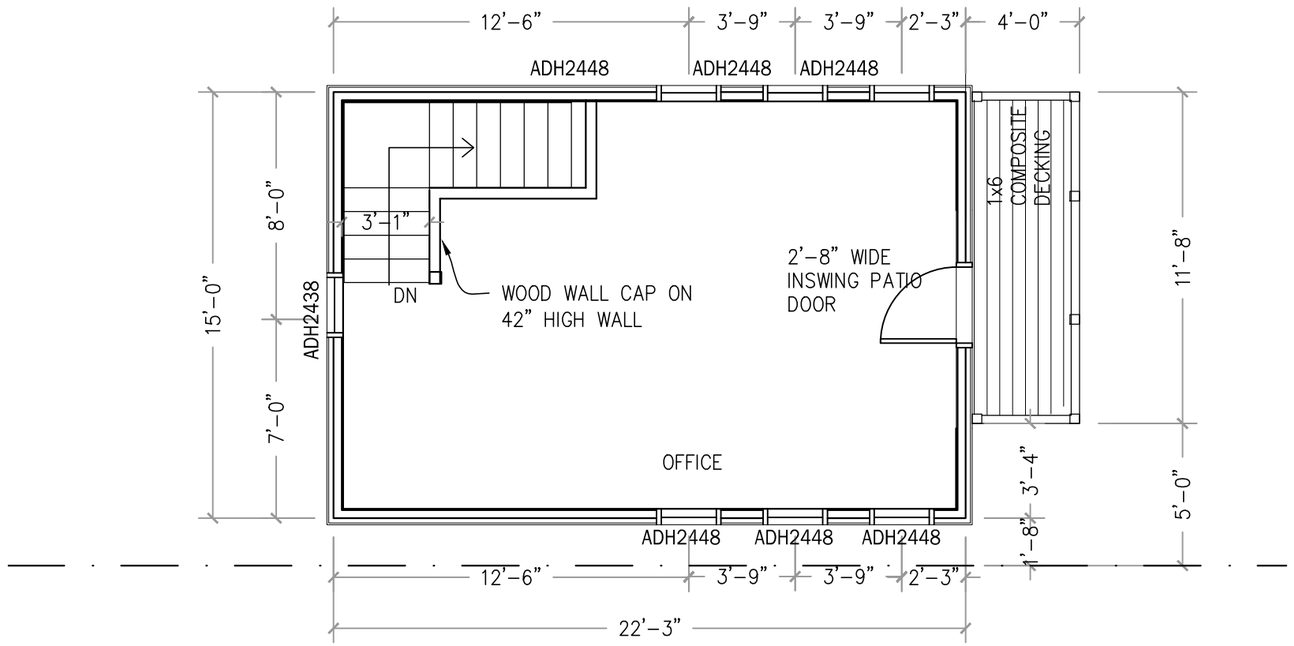
NOTES:

87 Hungerford Terrace
Burlington, Vermont

GUILLOT VIVIAN VIEHMANN ARCHITECTS, INC. Burlington, VT 802.862.9631

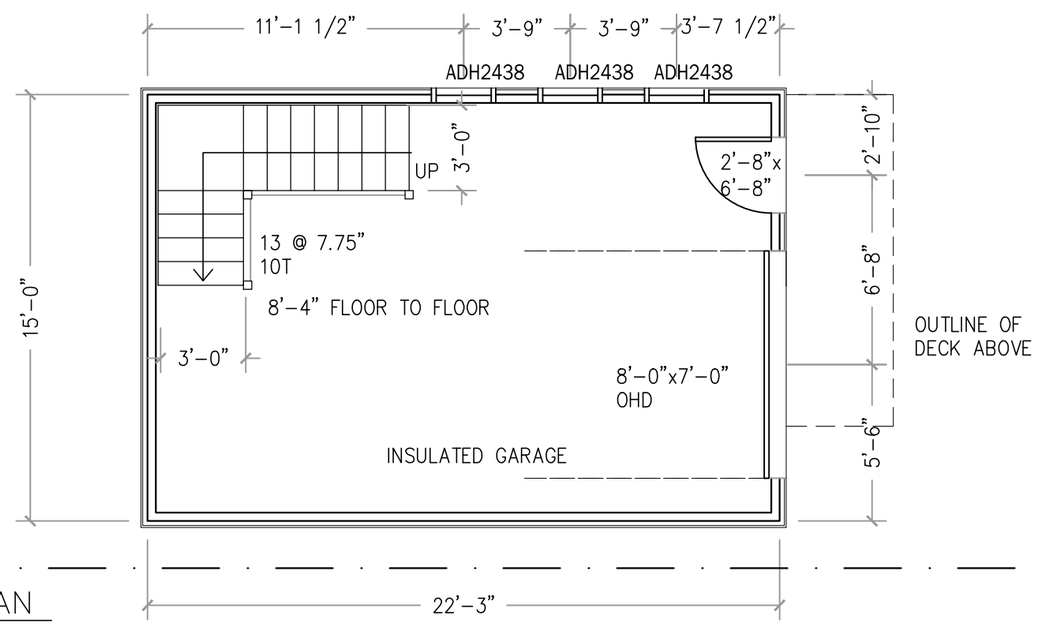
DATE: 12 SEP 22
REVISED: 25 OCT 22, 04 NOV 22, 21 NOV 22
SCALE: 1" = 10'-0"
DRAWING: SITE PLAN
SHEET: SP1



NORTH

SECOND FLOOR PLAN

3/16" = 1'-0"



NORTH

FIRST FLOOR PLAN

3/16" = 1'-0"

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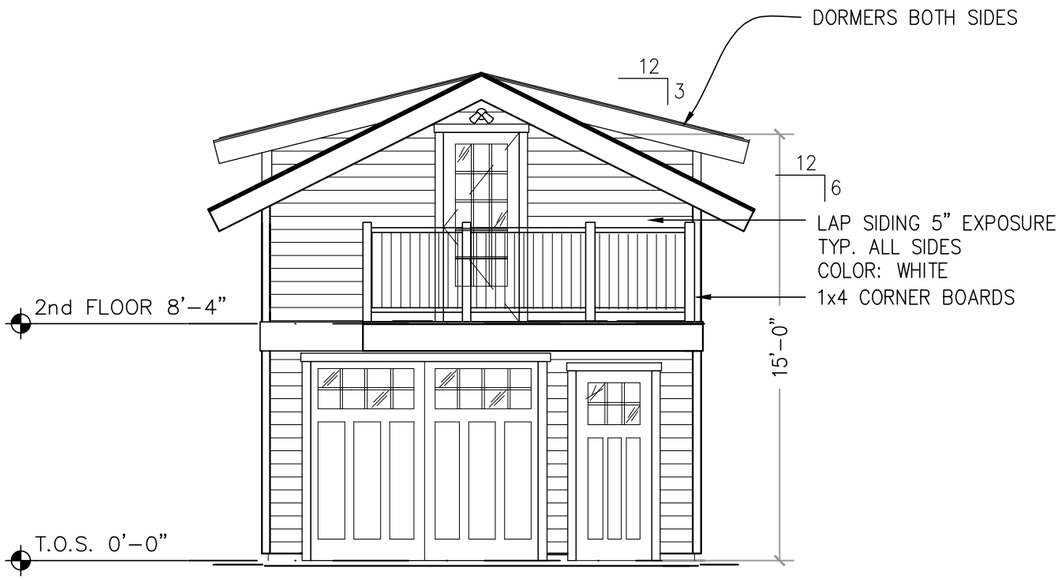
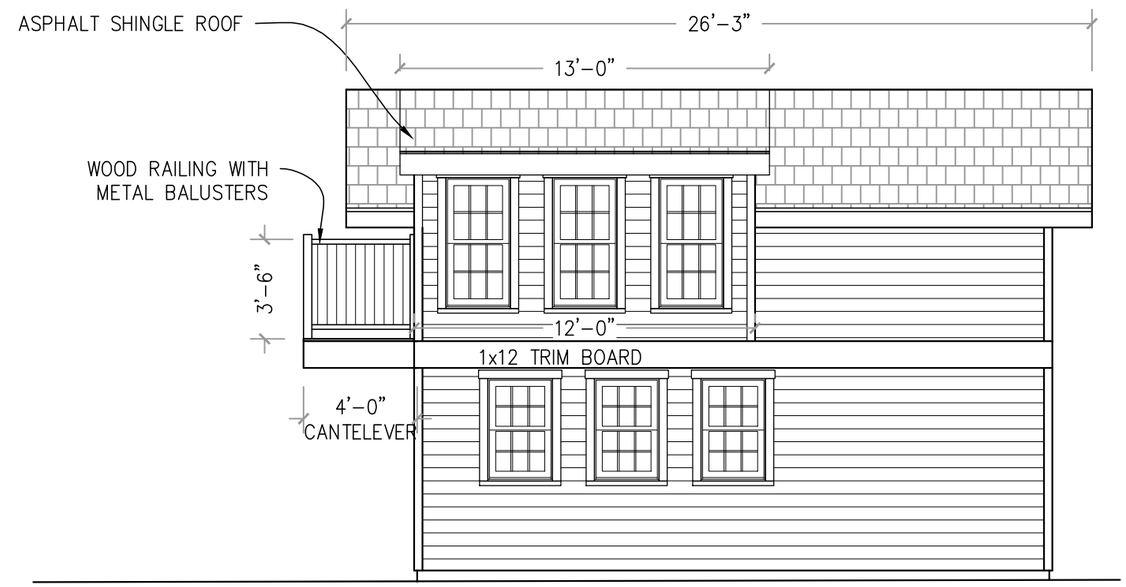
REVISION #3

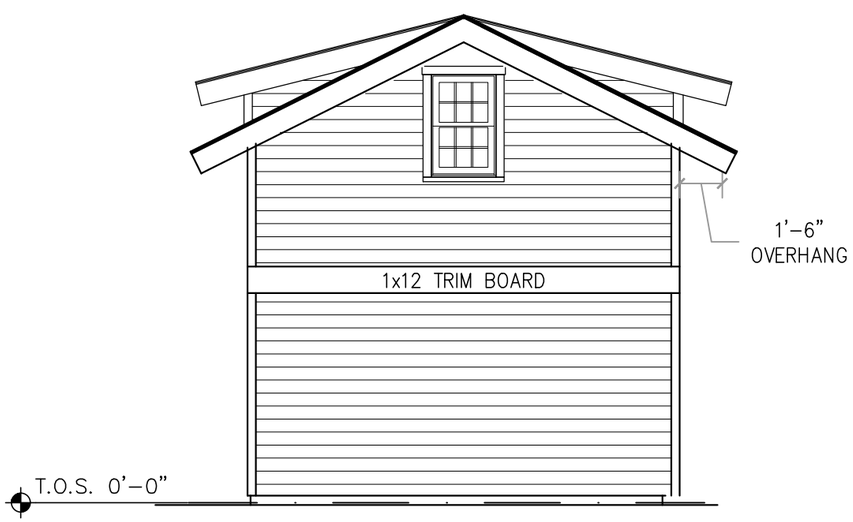
DATE: 12 SEP 22
REVISED:
21 SEP 22
25 OCT 22
04 NOV 22
SCALE:
3/16" = 1'-0"
DRAWING:
FLOOR PLANS
SHEET:
A1.1



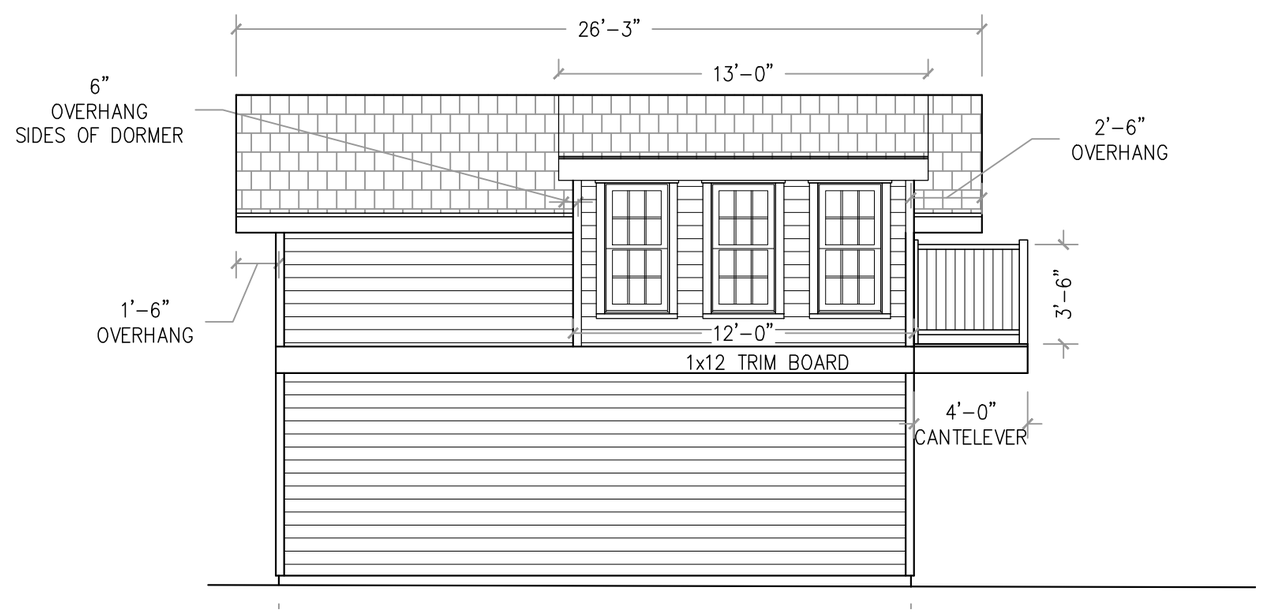
E EAST ELEVATION
3/16" = 1'-0"



N NORTH ELEVATION
3/16" = 1'-0"



W WEST ELEVATION
3/16" = 1'-0"



S SOUTH ELEVATION
3/16" = 1'-0"

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87 Hungerford Terrace
Burlington, Vermont

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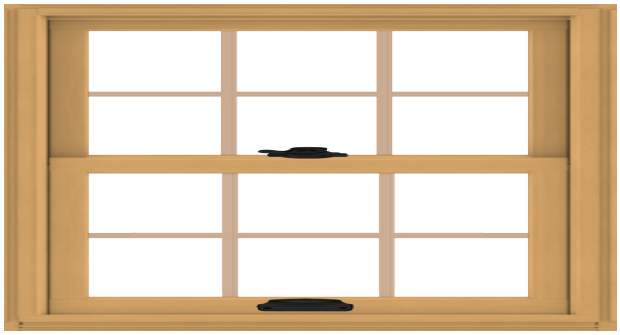
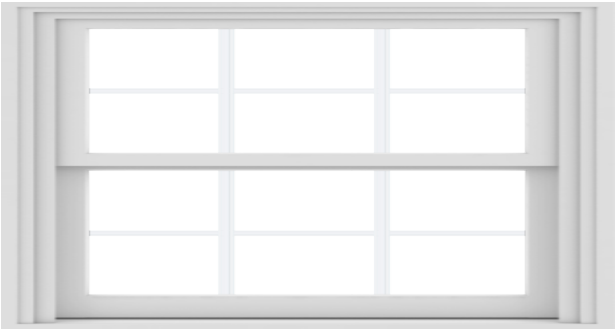
REVISION #3

DATE: 12 SEP 22
REVISED:
21 SEP 22
25 OCT 22
04 NOV 22
SCALE:
3/16" = 1'-0"
DRAWING:
EXTERIOR ELEVATIONS
SHEET:
A2.1

A-SERIES DOUBLE-HUNG WINDOW



Interior



Exterior

Summary

Product ID#	ADH2440
Unit Width	27 1/4"
Unit Height	47 1/4"
Interior Color	Pine
Interior Stain	Clear Coat
Glass	Low-E4® Glass with HeatLock® Coating
Hardware	Lock and Keeper, Black
Optional Hardware	Traditional Hand Lift, Black
Grille Pattern	Colonial
Grille Width	3/4"
Exterior Color	White
Exterior Trim Profile	None
Exterior Trim Color	White

Feedback

SOLD BY:

Andersen Order Center - Bayport Oak
Park Heights

,

SOLD TO:

,

CREATED DATE
9/19/2022

LATEST UPDATE
9/19/2022

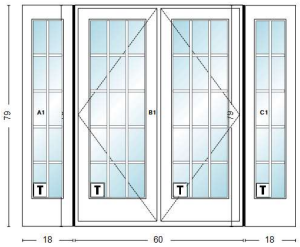
OWNER
Alexandra Howell

Abbreviated Quote Report

QUOTE NAME	PROJECT NAME	QUOTE NUMBER	CUSTOMER PO#	TRADE ID
Unassigned Quote	Unassigned Project	2955230		

ORDER NOTES:	DELIVERY NOTES:

Item	Qty	Operation	Location
100	1	Fixed - Active Left-Passive Right - Fixed	None Assigned



RO Size = 98 1/4" x 79 1/2" **Unit Size = 97 1/2" x 79"**

Mull: Job Site Mulled, Field Ribbon Mull, 3/4" 4 9/16 Fiberglass Reinforced Joining Material
FWSLD 1' 6"X6' 7" - FWHID 5'X6' 7" - FWSLD 1' 6"X6' 7", Unit, Unit 1, 3: A Series Patio Doors Sidelight-FWH, Unit 2: A Series Patio Doors 2 Panel-FWH, Standard Product Performance, 4 9/16" Frame Depth, Factory Assembled, White Exterior Frame, White Exterior Sash/Panel, Pine w/Unfinished Interior Frame, Pine w/Unfinished Interior Sash/Panel, Gray Appearance, Unit 1, 3: Fixed, Unit 2: Active Left-Passive Right, Dual Pane Low-E4 HeatLock Tempered Argon Fill Full Divided Light (FDL) Unit 1 Glass, 3: 2 Wide, Unit 2 Glass 1, 2 Glass 2: 3 Wide, 5 High, Specified Equal Light Pattern, White, Pine w/Unfinished, 3/4" Grille Bar, Stainless Glass / Grille Spacer, Albany, Black, Black

FWSLD 1' 6"X6' 7" - FWHID 5'X6' 7" - FWSLD 1' 6"X6' 7", Unit, A Series Patio Doors Sidelight-FWH, Standard Product Performance, 4 9/16" Frame Depth, White Exterior Frame, White Exterior Sash/Panel, Pine w/Unfinished Interior Frame, Gray Appearance, Fixed, Dual Pane Low-E4 HeatLock Tempered Argon Fill Full Divided Light (FDL) 2 Wide, 5 High, Specified Equal Light Pattern, White, Pine w/Unfinished, 3/4" Grille Bar, Stainless Glass / Grille Spacer

FWSLD 1' 6"X6' 7" - FWHID 5'X6' 7" - FWSLD 1' 6"X6' 7", Unit, A Series Patio Doors 2 Panel-FWH, Standard Product Performance, 4 9/16" Frame Depth, Factory Assembled, White Exterior Frame, White Exterior Sash/Panel, Pine w/Unfinished Interior Frame, Pine w/Unfinished Interior Sash/Panel, Gray Appearance, Active Left-Passive Right, Dual Pane Low-E4 HeatLock Tempered Argon Fill Full Divided Light (FDL) 3 Wide, 5 High, Specified Equal Light Pattern, White, Pine w/Unfinished, 3/4" Grille Bar, Stainless Glass / Grille Spacer, Albany, Black, Black

FWSLD 1' 6"X6' 7" - FWHID 5'X6' 7" - FWSLD 1' 6"X6' 7", Unit, A Series Patio Doors Sidelight-FWH, Standard Product Performance, 4 9/16" Frame Depth, White Exterior Frame, White Exterior Sash/Panel, Pine w/Unfinished Interior Frame, Gray Appearance, Fixed, Dual Pane Low-E4 HeatLock Tempered Argon Fill Full Divided Light (FDL) 2 Wide, 5 High, Specified Equal Light Pattern, White, Pine w/Unfinished, 3/4" Grille Bar, Stainless Glass / Grille Spacer

Trim Set 1: FWHID Active Left-Passive Right Albany Black PN:9007553

Drip Cap: 97.5" White QTY 1

Join Mull Material: A-Series Patio Doors FWSLD, 80, Vertical 3/4" 4 9/16 Fiberglass Reinforced Joining White, Pine, Unfinished, PN:9179840

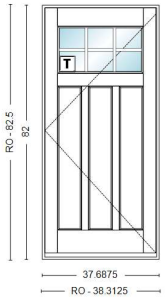
Mull Casing: FWSLD, 96, Vertical, 3/4" 4 9/16 Fiberglass Reinforced Joining, Pine, Unfinished, In Side, PN:9067316

Join Mull Material: A-Series Patio Doors FWHID, 80, Vertical 3/4" 4 9/16 Fiberglass Reinforced Joining White, Pine, Unfinished, PN:9179840

Mull Casing: FWHID, 96, Vertical, 3/4" 4 9/16 Fiberglass Reinforced Joining, Pine, Unfinished, In Side, PN:9067316

Unit #	U-Factor	SHGC	ENERGY STAR
A1	0.28	0.2	NO
B1	0.3	0.2	
C1	0.28	0.2	

Comments:



Item	Qty	Operation	Location
200	**1**	**Left**	**None Assigned**

RO Size = 38 5/16" x 82 1/2" **Unit Size = 37 11/16" x 82"**

AEHID3068, Unit, Architectural Entry Doors 1 Panel Residential Inswing, 404 Panel, 4 9/16" Frame Depth, Gray - Painted On-Floor Drainage Sill, White Exterior Frame, White Exterior Sash/Panel, Pine w/Unfinished Interior Frame, Pine w/Unfinished Interior Sash/Panel, Left, Dual Pane Low-E4 HeatLock Tempered Argon Fill Full Divided Light (FDL) 3 Wide, 2 High, Colonial Pattern, White, Pine w/Unfinished, Chamfer Exterior Grille Bar/ Chamfer Interior Grille Bar, 3/4" Grille Bar, Stainless Glass / Grille Spacer, Multi-Point - Installed, Albany, Black, Oil Rubbed Bronze

Trim Set 1: AEHID Left Albany Black PN:9007549

Unit #	U-Factor	SHGC	ENERGY STAR	Clear Opening/Unit #	Width	Height	Area (Sq. Ft)	**Comments:**
A1	---	---	NO	A1	32.8235	79.0660	18.0224	

CUSTOMER SIGNATURE_____DATE_____

* All graphics as viewed from the exterior. ** Rough opening dimensions are minimums and may need to be increased to allow for use of building wraps or flashings or sill panning or brackets or fasteners or other items.

Thank you for choosing Andersen Windows & Doors

DOUBLE SPOT Endurance

WP-LED430

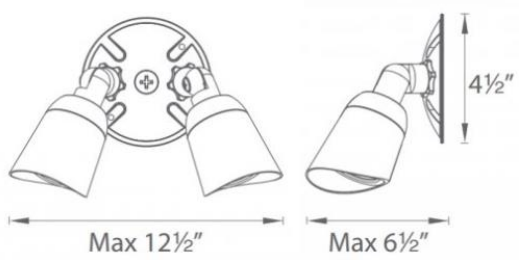
WAC LIGHTING

Fixture Type:

Catalog Number:

Project:

Location:



PRODUCT DESCRIPTION

Die cast aluminum factory sealed housings with patent pending design for a water and dust proof IP66 rated outdoor luminaire

FEATURES

- Factory-Sealed LED Light Engine
- Die-cast aluminum construction
- Photo/Motion Sensor Compatible (Sold Separately)
- 120V Direct Wire - No Driver Needed
- 85 CRI
- 39,000 hour rated life

SPECIFICATIONS

Construction: Die-cast aluminum

Power: Line Voltage input (120V)

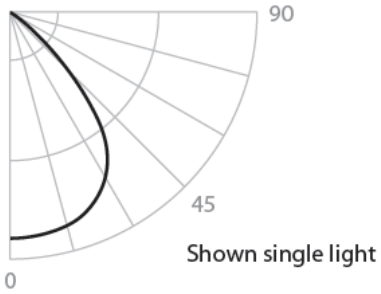
Dimming: 100% - 10% with Electronic Low Voltage (ELV) dimmer

Finish: Architectural Black, Bronze, White and Graphite

Standards: IP66, Wet Location, ETL & cETL Listed

Operating Temperature: -40°C (-40°F) to 40°C (104°F)

PHOTOMETRY



ORDER NUMBER

Model		Wattage	Comparable	Color temp		Delivered Lumens	Finish		
WP-LED430	*Double Spot*	*30W*	*2 x 75W*	**30** **50**	*3000K* *5000K*	*965 x 2* *1030 x 2*	**aBK** **aBZ** **aGH** **aWT**	*Architectural Black* *Architectural Bronze* *Architectural graphite* *Architectural White*	

Example: **WP-LED430-50-aBK**

waclighting.com
Phone (800) 526.2588
Fax (800) 526.2585

Headquarters/Eastern Distribution Center
44 Harbor Park Drive
Port Washington, NY 11050

Central Distribution Center
1600 Distribution Ct
Lithia Springs, GA 30122

Western Distribution Center
1750 Archibald Avenue
Ontario, CA 91760

WAC LIGHTING retains the right to modify the design of our products at any time as part of the company's continuous improvement program. Feb 2018

WAC LIGHTING

Fixture Type:

Catalog Number:

Project:

Location:

Dot

Ceiling Mount

Model & Size	Color Temp & CRI	Finish	Watt	LED Lumens	Delivered Lumens
FM-W57809 9"	3000K 90 3500K 90	BK Black SS Stainless Steel	16.5W 16.5W	1542 1674	939 1019

Example: **FM-W57809-35-SS**

•For 277V special order, add an "F" before the finish: FM-W57809F-35-SS

For custom requests please contact customs@waclighting.com

DESCRIPTION

Optimal diffuser amplifies the rightness on this durable waterproof outdoor flush mount.

FEATURES

• Lightweight, injection-molded, UV-rated acrylic diffuser enhances brightness, safety lock prevents slippage
• 277V option available for 9", 12" & 15" sizes (special order)
• ACLED driverless technology
• 5 year warranty

SPECIFICATIONS

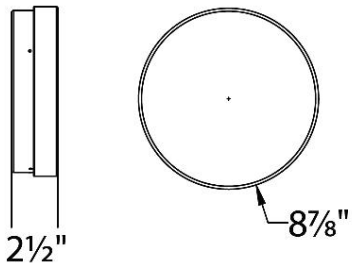
Color Temp:	3500K,3000K
Input:	120 VAC,50/60Hz
CRI:	90
Dimming:	ELV: 100-10%
Rated Life:	50000 Hours
Mounting:	Can be mounted on ceiling or wall in all orientations
Standards:	ETL, cETL,IP65,Title 24 JA8-2019 Compliant,Energy Star 2.0 Wet Location Listed
Construction:	Weather-resistant 316 stainless steel body with thick acrylic shade

FINISHES:

Black

Stainless Steel

LINE DRAWING:



FM-W57809

QUOTE

4182 Highbridge Road
Georgia, Vermont 05454
802-524-7595
www.champlaindoor.com

CHAMPLAIN DOOR SYSTEMS

The Garage Door Specialists

Made in NORTH AMERICA

Customer
GVV ARCHITECTS
284 South Union Street
Burlington, VT, 05401

Phone:
Cell: 802-862-9631

Email: chi@gvvarchitects.com
Project: HUNGERFORD PROJECT

Quotation no.: **2958987-1**
Prepared by: Phil Bechard
Phone: (802) 524-7595

Email: philb@champlaindoor.com
Description: Eastman E-13 ice white (windows : panora
Date: 2022/09/15 **Expires on:** 2022/09/22

Model: **Eastman E-13**
Quantity: 1
Size: 8' 0" x 7' 0" (width x height)
Sections: 1¾"-thick galvanized steel + 5/8" overlays, insulation R-16

26-gauge galvanized steel, woodgrain finish; Each section is built with solid mechanical interlocking joint using triple contact InterLok weatherstripping. Pressure-injected polyurethane foam insulation.

Color: Ice White, Overlays: Ice White
Options: End cap pvc 1 3/4" 24" (pair) (PR)

Windows: Thermopane - Panoramic section 8 lites
Grids: White

Full vision window sections (service-station type) (total thickness: 7/8") are composed of glass sections, inserted into aluminum extrusion.

IMPORTANT - Note the Townships Collection's Panoramic sections are made of non-insulated aluminum extrusions which are always white. From the outside, the decorative overlays cover the extrusions and the PVC retainer is of the same color as those. From the inside, the Panoramic section is white.

PVC Black complete 2 3/8" Bottom Weatherstrip

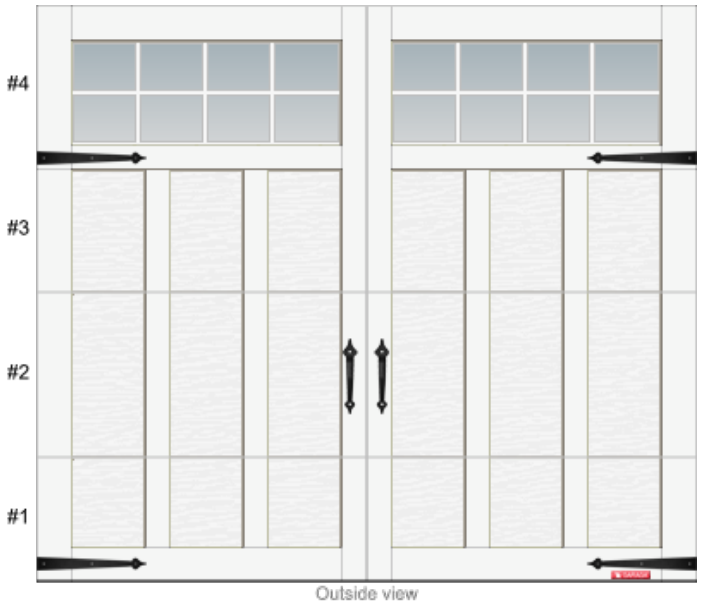
It's "U"-shaped rubber weatherstripping remains flexible during cold weather.

White Dual Flap Nail On Complete Frame Weatherstrip

Options:
- Standard decorative hard. overlay door

Hardware: Dura+, 2" residential torsion

- Standard lift
- Prepared for wood frame
- White nylon roller (short)
- Side lock
- Weight (Hrdw) : 19 lb.
- Struts quantity : 1
- Single hinges
- 12 inch radius
- 10,000 cycle torsion spring(s)
- Weight (Door + Hrdw) : 160 lb.
- Minimum headroom required: 14 in.
- Angle perforated 10' 14g



Outside view

Operator(s): **LIFTMASTER PREMIUM 84501**
Description: 84501 7' DC LED Belt MyQ (Qty:1)

- Drive system : belt
- Power DC
- Motor warranty : lifetime
- 2 led lights width adjustable light time delay
- MyQ® technology
- Multi-Function Control Panel
- 3-Button Remote Control
- WIFI and Bluetooth integrated

GARAGE EXPERTS
Network of Certified Specialists

... Continue on next page

Alfred Larson House, Garage 1920

Location: 87 Hungerford Terrace, Burlington, Vermont 05401
Building site located on the West side of Hungerford Terrace between Bradley Street and College Street. Garage located on the Southwest corner of the property.

The garage is listed on the VDHP State Register of Historic Places, State Report 1 as a related structure to the Alfred Larson residence. The garage is also listed on the National Register of Historic Places Buell St./Bradley St. Historic District Burlington, Chittenden Co., Vermont as its own historic structure labeled 97A.

Demolition of Historic Building

1. Application for Demolition.
   A. The structure has continued to deteriorate over the decades due to the lack of structural foundation and the building's direct contact with the grade. Areas of gravel have washed away and exposed the sill plates of the walls. The corners of the building, specifically the Northwest and Northeast corners have no support and float above grade. There is visible water and moisture damage at all sills, all walls and on the roof as can be seen from interior images. Additional areas of concern are documented in the photos following.
   B. Compliance with Standards for Review of Demolition as outlined in the following section.
   C. No economic hardship claimed.
   D. Redevelopment plan attached.
   E. Plans and elevation drawings attached.

2. Standards for Review of Demolition.
   A. The property was purchased by James & Madeleine Posig in September of 1980. In the past 40 years, the Owners have attempted to repair the structure and the garage door a number of times. They have been unable to find the needed parts to fix the garage door in recent years. Documentation can be provided upon request.
   B. The structure does not currently sit on a foundation and has direct contact with the ground. It shows signs of water and moisture damage at grade as well as on all walls and the roof. The Owners would like to replace it with a structure that is structurally sound and creates less of a hazard on the property.
   C. Owner proposes to replace the one story garage with a two story garage with second floor deck. The second story will be used as an office. We believe that a future property owner could convert the space into rental housing for the neighborhood. Plumbing is not proposed at this time.
   D. The new structure will occupy the same corner of the lot as the original garage. The garage sits about 84' from the sidewalk and is only seen when looking directly down the driveway. The design of the new garage will be visually subordinate in size and materials to the historic residence. The height of the new structure will be below the 35' height limit for this zoning district. Landscaping and tall plantings surround the site and minimize the garage's visibility from neighbors to the North. The garage sits next to the neighbors' garage to the South. To the West, the property abuts the parking lot of the YMCA.
   E. The historic garage is documented in the VDHP State Register of Historic Places, State Report 1 and the National Register of Historic Places Buell St./Bradley St. Historic District Burlington, Chittenden Co., Vermont. There are a number of discrepancies in the historic description that are not accurate as to how the building stands today. See attachment "BuellBradleyStHD_excerpt_INCONSISTENCIES"
   F. Plans and elevations for a new two story garage attached. Construction of new structure to begin immediately following demolition.

The following images highlight the current conditions of the structure as of September 2022:

Garage door with wooden rod to keep closed.

Deteriorated trim at roof eaves.

Deteriorating seam that separates the historic structure and the later addition.

Back side of the siding bows outward.

Two windows at rear (historic) section of structure & seam connecting historic to later addition.

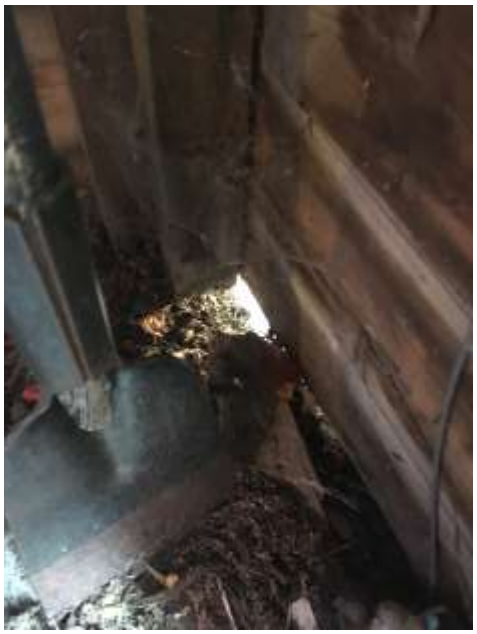
Deteriorating rafters & roof sheathing at South eaves.

Northwest corner of structure floats above grade.

Northwest corner not setting on structural foundation. Gravel has washed out.

Southwest wall – previous concrete pour has pushed out the siding board at grade.

Gap between concrete slab and structure = structure sitting on grade with no structural support. Water damage at siding and framing.



Northeast corner of structure sits above grade = no structural support.

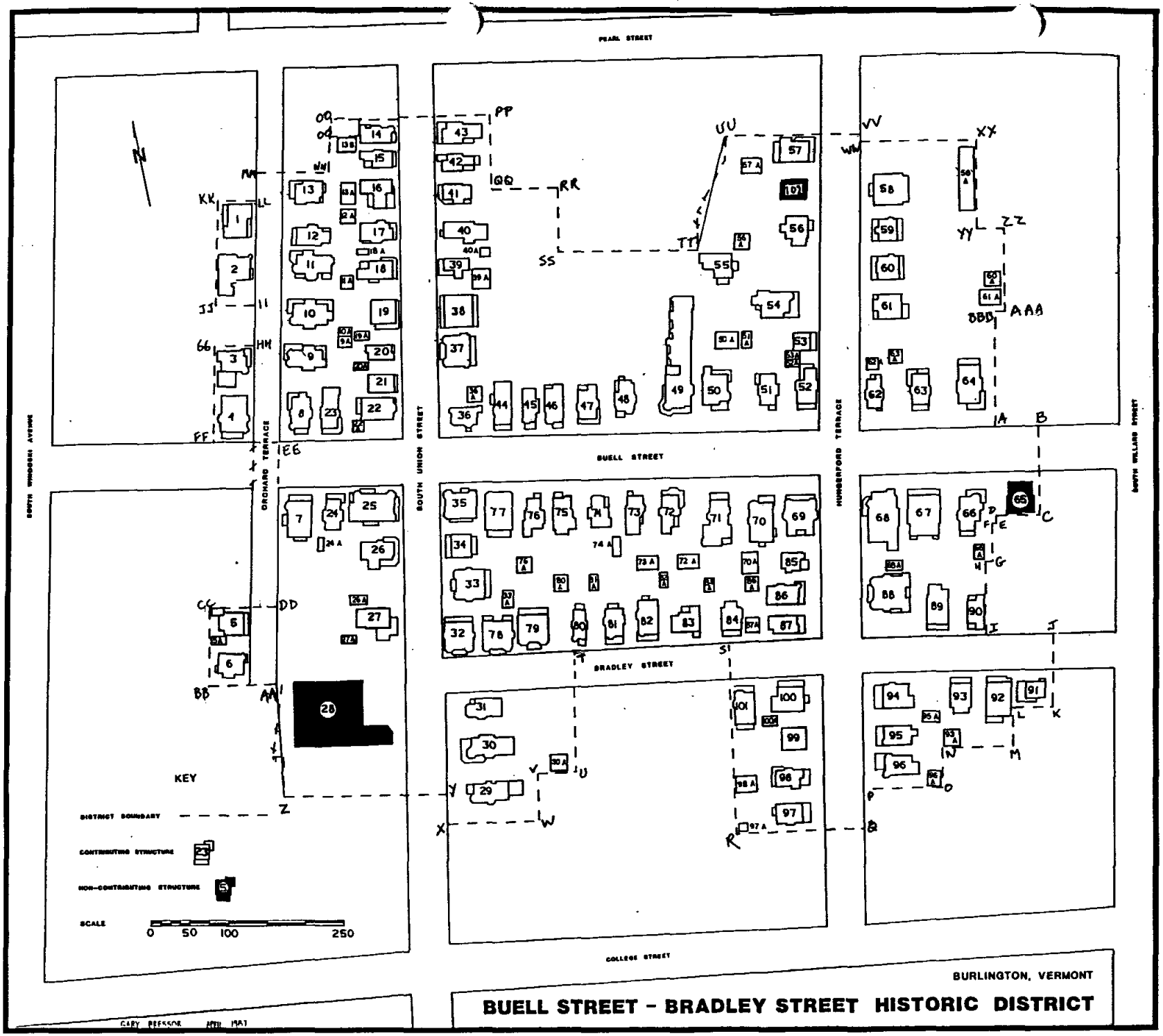
Deteriorated interior slab. Concrete appears to be a topping slab on gravel with no structural slab.

Moisture damage at siding- South wall.

Moisture damage at roof and siding. Broken OHD track.

Moisture damage at roof and framing.

Moisture damage at window.


PEARL STREET
BUELL STREET
BRADLEY STREET
COLLEGE STREET
SOUTH WINOOSKI AVENUE
ORCHARD TERRACE
SOUTH UNION STREET
HUNGERFORD TERRACE
SOUTH WILLARD STREET
KEY
DISTRICT BOUNDARY
CONTRIBUTING STRUCTURE
NON-CONTRIBUTING STRUCTURE
SCALE
0 50 100 250
BURLINGTON, VERMONT
BUELL STREET - BRADLEY STREET HISTORIC DISTRICT
GARY BRESSOR APRIL 1987

gable tympanum is lit by a pair of windows.

A polygonal tower occupies the front right (southwest) corner of the house. Its gable roof sits at a 45 degree angle to the main roof ridge. A cornice encloses this gable, again forming a pediment. At the lower corners of the pediment, which overhang the canted corners of the tower, barge boards with ball pendants hang from the eaves. Windows light three sides of both tower stories.

Shingles cover the continuous battered apron and skirt of a Colonial Revival porch that extends from the left corner of the house to the tower. Doric columns support a blank frieze below the boxed cornice eaves of the hip roof. A triangular pediment marks the central entrance bay leading to a 2/3 glazed wooden door.

A 1-story bay window on the left bay of the front angles around the northwest corner to meet a second 1-story bay window on the right bay of the north facade. Vertical mullions divide the upper sash of all windows into three vertical panes. Flat arches cap the windows of the first (brick) story while slender cap moldings top the windows of the second story. A gable roofed, pedimented wall dormer occupies the second bay of the south facade and is lit by a trio of windows. A triple window composed of a center fixed sash with a transom divided into five square panes and flanked by two narrower windows lights the first floor beneath the wall dormer. An exterior shouldered brick chimney rises directly to the left of the wall dormer. An interior brick chimney is located halfway back along the roof ridge.

Doors also provide access to the second bay of the north facade and the rear of the building. A sunporch occupies the second floor at the rear of the building.

The Burlington City Directories list the first occupant of the house as George Lessor, a musician.

96A. Garage, c.1920

This hip-roofed, novelty-sided, two bay garage features rafter tails beneath the eaves. The overhead garage door, found in the right bay, is divided into four rows of five panels each, the uppermost row being glazed. A half-glazed, four-paneled entry door is located on the left. There are no other windows on the structure. Asphalt shingles cover the roof. The building rests on a redstone foundation.

97. Alfred Larsen House (87 Hungerford Terrace), 1920

A low-pitched gable front, asphalt-shingled roof with large overhanging eaves characterizes this 1 1/2 story, 3 bay wooden Craftsman style house. Exposed rafter tails can be seen beneath the horizontal eaves while the raking eaves are embellished by a plain bargeboard. Simple triangular knee braces support both the horizontal and raking eaves. The entire

building is sheathed in shingles.

A recessed porch stretches across the entire width of the first story of the front facade. Clusters of three boxed battered posts support a fascia board beneath the corners of the porch and rest on battered brick piers that project from the porch apron. Shorter similar piers support singular boxed posts to either side of the central entrance to the porch. The center door has twelve glass panes. Large fixed sash windows decorated by colored and patterned transom-motifs lie to either side of the door. The upper sash of the windows on both the left and right sides of the house are divided by black mullions into six or ten panes depending on the size of the window.

The triplet window of the gable is covered by a shed roofed hood showing exposed rafter tails and supported by two triangular knee braces. A large sheet of metal with spike-like upward projections lies on the shed roof to ward off pigeons. The side panes are narrower than the central pane of this window.

Large shed roof dormers covering almost the entire length of the roof sit on both slopes of the roof. The dormers have large overhangs and, similar to the main roof, show exposed rafter tails. One/one windows light the dormers. A shouldered exterior brick chimney pierces the overhangs of both the main roof and the dormer roof of the north facade. The brick of the chimney above the main roof is lighter than that below. This change and the lack of mullions in the upper sash of the dormer windows indicate the dormers to be a later addition.

The first story of the center bay projects from the 3-bay south facade of the house. A gabled roof incorporating large overhangs and decorated by a plain bargeboard breaks the horizontal eaves. This roof is supported by two triangular knee braces. Directly beneath this a shed roof supported by smaller triangular knee braces protects a pair of 1/1 windows.

A 1-story shed roofed entrance porch added between 1938 and 1942 (as determined by Sanborn Insurance Maps) protects the rear entrance to the building, allowing the basement to be exposed under this addition. A door centered in the basement wall allows outside access. The foundation, possibly of redstone, appears to be covered with concrete.

Alfred Larsen, a music teacher, gave lessons in this house when he moved here in 1921.

97A. Garage, 1920

The rear two-thirds of this one bay, 1 story garage, built at the same time as the house, are covered in novelty siding while the front third is covered by wider clapboards. This indicates that the garage was enlarged by adding a section on the front at a later date. The edges of the garage are defined by cornerboards. Asphalt covers the gable front roof. The overhead garage door is divided into four rows of six panels each, the uppermost being

glazed. No other windows light the structure. The garage rests on a concrete block foundation.

98. Frederick Prunier House (83-85 Hungerford Terrace), 1896

This Queen Anne house faces east onto Hungerford Terrace. The 2x3 bay wood frame is covered by clapboard in all areas except two: the gables and a band between the first and second floor windows of the bay window on the right (north) side. In these areas wood shingles are laid in a staggered butt pattern except the first course, which is in a saw-tooth design. The projecting gable on the front has a window capped by a slight bowing of the shingles above it. All cornice returns are shingled. Vinyl siding was added c.1990 and covers the decorative siding described here. The house sits on a stone foundation laid with red tinted mortar on a lot that slopes to the rear (west).

For several reasons the house appears to have been built as a single family home and later the second floor was converted to an apartment. The two story front porch was not all built at the same time. The lower portion has four turned porch posts with the entrance steps in the left front opening between posts. The balustrade is supported by plain square balusters. A small fan shaped bracket attaches to two sides of each post. The second floor porch consists of a closed clapboard apron with three square posts rising through them.

A porch on the right (north) side repeats this difference with the lower section having two turned posts and similar details as the lower portion of the front porch. Over this is a screened porch with square posts on a closed clapboard apron with stairs off the back.

The third indication of the apartment being added later is the entrance to the apartment, which projects from the left (south) side of the house, having a different roof shape and material, and being supported by two pipes.

Windows are 1/1. The front door consists of a horizontal wood panel over two vertical panels and topped by a nearly square glass light. The wood storm door has a winter multi-light insert. A single-flue brick chimney sits atop the ridge at about the center of the gray and red slate roof.

This house was built in 1896 and lived in by Frederick Prunier, who was a nurse. By 1910 it had had several tenants and was lived in by Foster Whiting, employee at 81 Church Street. In the latter part of 1910 Bradley Street was cut through this property to join South Willard Street. At this point the house was moved south to its present location.

98A. Garage, c.1938-1942

A gravel driveway leads to a three bay garage, built on a concrete foundation, which faces right (north) from the rear left (south) side of the lot. The garage, sheathed in novelty

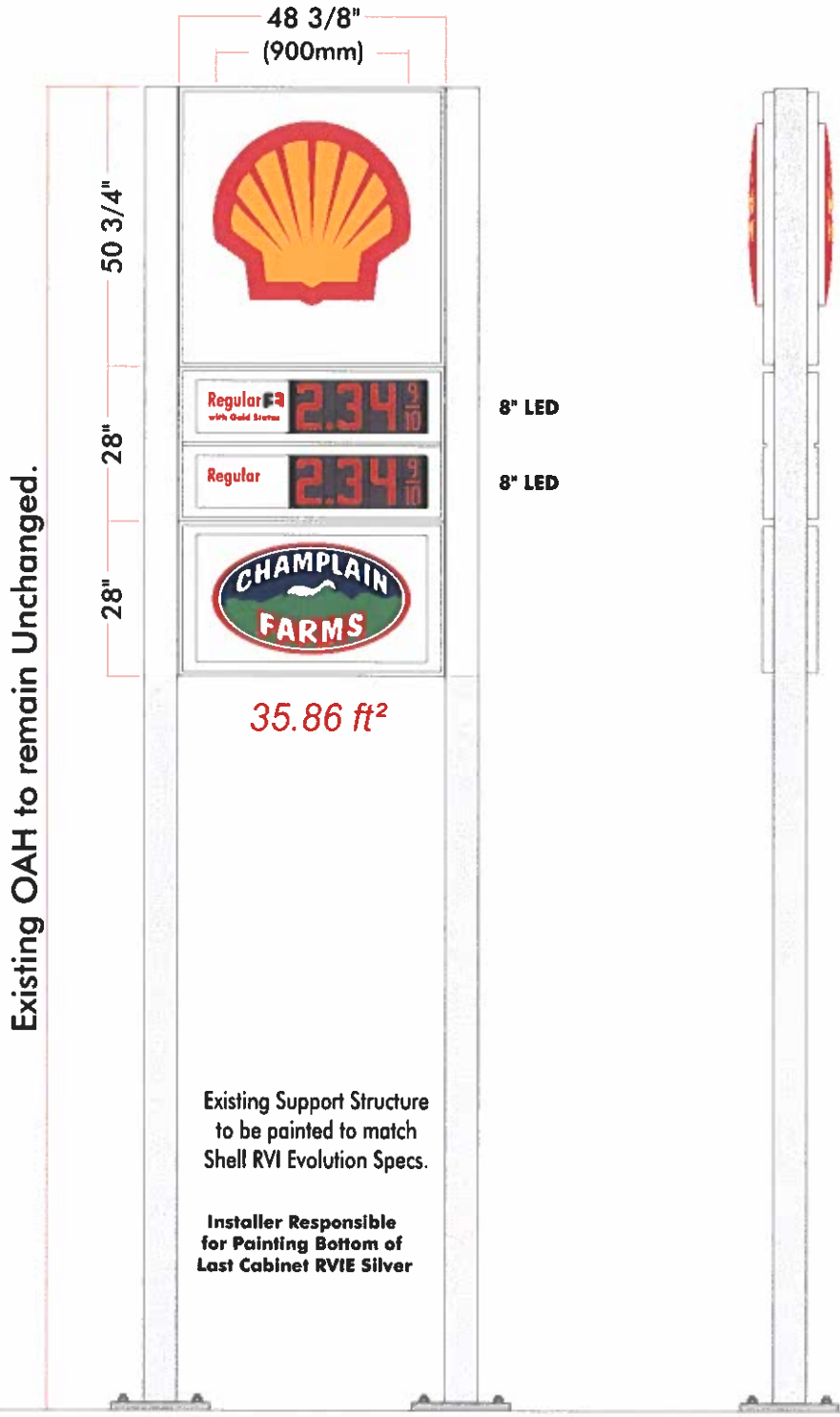
453 Pine Street

1. General understanding of project scope: 100 to 150 people occupancy, ~19,000 sq ft, outdoor pools and saunas, restaurant, goal is to start construction next spring.
2. We need water and sewer flow estimates. A water and sewer allocation will be required. The development team shall assist as needed to assess existing water mains and sewer mains serving the project to ensure they are adequate for the proposed development without placing an undue burden on the system. For water flows we want the peak fire demand to simulate in our distribution system model.
3. If flows are over 1000 gpd for sewer our draft CSO offset policy will apply. We have a draft final combined sewer offset policy that in summary requires customers contributing more than 1,000 gpd to our CSS to either 1) remove stormwater input from their site to offset increased wastewater baseflow or if not demonstrated to be feasible, then 2) pay a fee to Water Resources so we can construct a stormwater project within the same sewershed to mitigate your increased input to our system. We will be happy to provide more direction to you regarding our draft offset policy. Applicants that request new or additional wastewater capacity of less than 3,000 gpd shall have the option to pay the applicable CSOM Fee without completion of an Engineering Feasibility Assessment.
4. The 12" water main was relined in 2018 so it's not quite as simple as doing a wet tap. This main will need to be shut down for a few hours so that the liner gets sealed at the tap as recommended by the water liner manufacturer.
5. GIS shows two existing manholes (SM—2824 & SM-2845) within this property and our notes say that SM-2845 about halfway along Pine Street could not be found. If there isn't one already, we need to have a maintenance easement (10' on either side) for this 21" AC pipe which conveys wastewater from a huge area of the south end.
6. Barge Canal requirements will need to be considered when doing stormwater design. Infiltration is most likely not an option so sheet flow to the west may be an option if the adjacent abutter (City of Burlington) allows it. Coordinate with Burlington's Stormwater Coordinator regarding stormwater management requirements. We will at a minimum look for hydrologic/hydraulic modeling showing that the 1-yr post development storm is equal to or lesser than the pre-development storm.
7. See attached design checklist for Burlington's Water Resources infrastructure
8. We will want to ensure discharge of flows are controlled and the wastewater is within typical wastewater range (ie. strength, chemicals, pH)
9. Corrective action plan requirements need to be considered even when digging on Pine Street
10. A grease trap is required for a restaurant
11. See attached design checklist for Burlington's Water Resources infrastructure
12. Final plans, including mechanical drawings related to metering, shall be reviewed and approved by Water Resources prior to construction.
13. Our current preference is to have a separate domestic water service tee off of the fire service line to enter the building. The tee should occur in the city ROW close to the ROW line. At the domestic service tee, a curb stop shall be installed.
14. Water meter shall be sized appropriately for the proposed building and the meter shall be installed in strict accordance with the manufacturer's guidelines to ensure accuracy. The project

must submit fixture counts to Water Resources engineering and mechanical drawings showing the location, layout of metering.

15. A testable backflow preventer appropriate for the level of risk based on the proposed use of the building shall be installed for the water service
16. The following link has additional information about water connections in Burlington: https://www.burlingtonvt.gov/DPW/Connection-Requirements
17. Record Drawings stamped by a PE shall be provided that accurately depict all water resources infrastructure. The record drawings shall include all infrastructure in the right of way as well as infrastructure on the property. The record drawings shall include detailed mechanical drawings.
18. Further Water Resources review will be needed as the project moves ahead with design.

NEW RVI Evolution
4' Mod Cabinets between
Existing Poles.



Proposed Elevation
Scale: 3/8" = 1'

Side View

FEDE
HEAT

VISUAL COMMUNI
www.FederalHeat

1500 North Bolton • Jacksonvill
(903) 589-2100 • Fax (903)

Manufacturing Facili
Oceanside - Euless - Jacksonvill

Office Locations:
Oceanside - Las Vegas - Laughli
Euless - Jacksonville - Houston -
Corpus Christi - Grafton - M
Willowbrook - Louisville - Indianap
Cincinnati - Westerville - Knoxv
Atlanta - Tampa - Daytona Beac

Building Quality Signage

Revisions:

1 R1: Change 2x pricer to 2 1x pricer

2

3

4

5

6

Account Rep: Dan Hu

Project Manager: A. You

Drawn By: M. San

Project / Location:

She

RVI Evolu
GLOBA

Underwriters Laboratories Inc.

ALL ELECTRICAL SIGNS ARE TO COMPLY
ARTICLE 600 OF THE N.E.C. STANDA
THE PROPER GROUNDING AND BONDIN

Client Approval/Date:

Landlord Approval/Date:

This original drawing is provided
planned project and is not to be exh
reproduced without the written
Federal Heath Sign Compan
authorized agent. © 2008
Colors Depicted In This Rendering
Actual Material Finishes. Refer To P
For Exact Color Match.

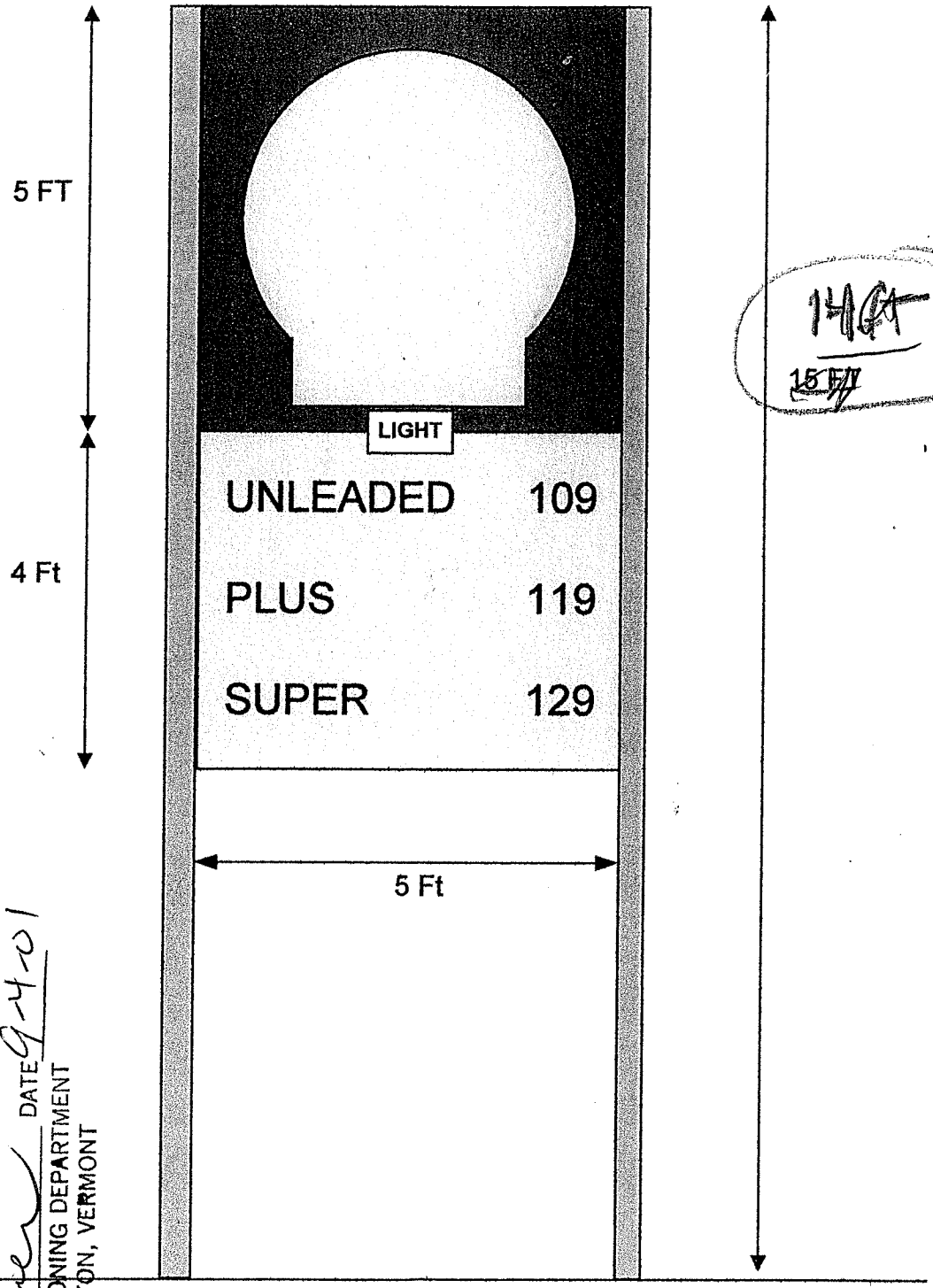
Job Number: 214851

Date: 07.29.2

File Name: SG2148

Sheet Number: 1 O

Design Number:



— NOTE —

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

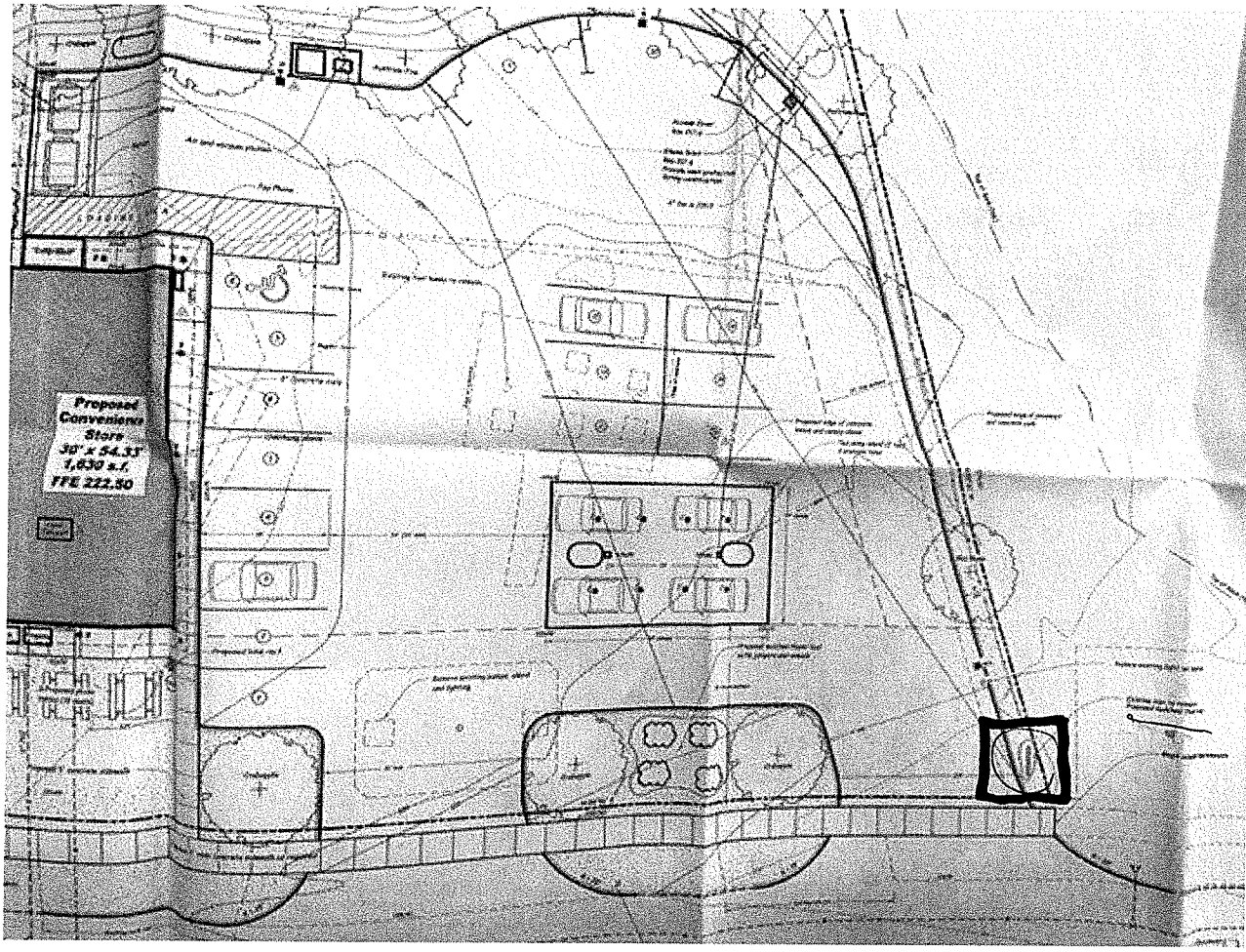
FINAL APPROVAL

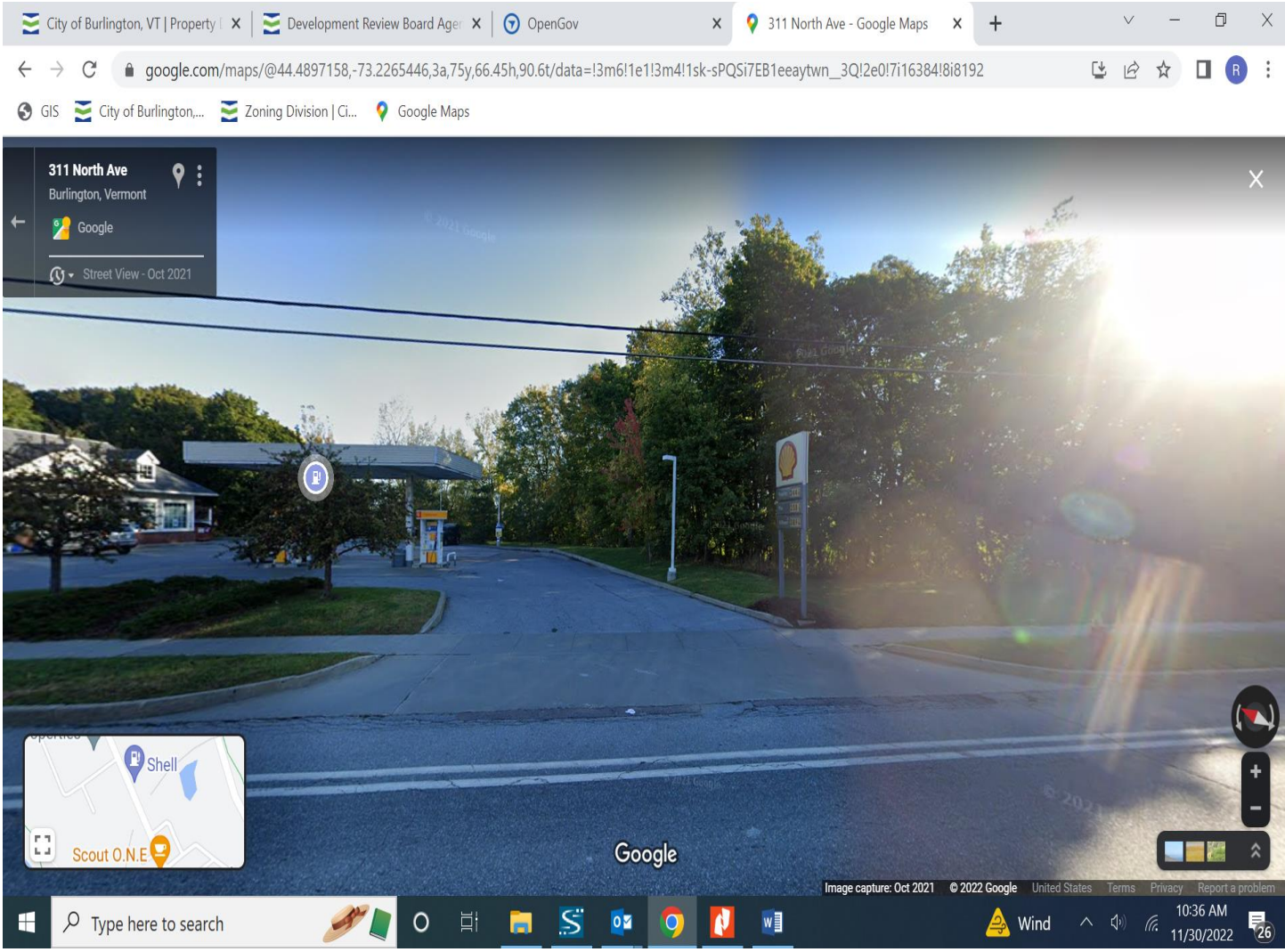
SIGNED [signature] DATE 9-4-01

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

8/20/01
Shell Sign
Proposal for Burlington, VT
328 No. Ave.
219 Main St.

ID sign is internally illuminated
Price sign is externally illuminated


Proposed
Convenience
Store
30' x 54.33'
1,630 s.f.
FFE 222.50


City of Burlington, VT | Property
Development Review Board Ager
OpenGov
311 North Ave - Google Maps
google.com/maps/@44.4897158,-73.2265446,3a,75y,66.45h,90.6t/data=!3m6!1e1!3m4!1sk-sPQSi7EB1eeaytwn_3Q!2e0!7i16384!8i8192
GIS
City of Burlington,...
Zoning Division | Ci...
Google Maps
311 North Ave
Burlington, Vermont
Google
Street View - Oct 2021
Shell
Scout O.N.E
Google
Image capture: Oct 2021
© 2022 Google
United States
Terms
Privacy
Report a problem
Type here to search
Wind
10:36 AM
11/30/2022

Department of Permitting & Inspections
Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone:(802) 865-7188

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Joseph Cava, Permit Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator

MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: December 6, 2022
RE: ZPS-22-52; 328 North Avenue

==========

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

Zone: RL Ward: 7N

Owner/Applicant: Nova Enterprises LC, Joe Realty LC / David Simendinger

Request: Replace existing nonconforming freestanding sign with new nonconforming freestanding sign.

Applicable Regulations:
Article 2 (Administrative Mechanisms), Article 7 (Signs)

Overview:
328 North Avenue is within the RL (Low Density) zoning district. The freestanding sign on the property proposed for replacement is noncompliant with regard to sign type in a Residential zoning district (RL), setbacks (front and side yard), size, and its location in a clear sight triangle. The applicant proposes to replace the existing signage with a smaller sign that occupies the same location. The new sign will also be internally illuminated and have a changeable electronic message display. The smaller replacement sign will lessen the degree of the existing nonconformity. Replacement of a nonconforming sign is subject to Section 7.1.6 CDO, requiring DRB review.

Background:
Previous zoning permits:

- **Zoning Permit**; construct a gas filling station. Approved October 1956.
- **Zoning Permit**; exterior building alterations, install stockade and rail fencing, sign enhancements, repave the lot, and install underground gas storage tanks. Approved January 1975.
- **Zoning Permit 84-389**; install three underground gasoline storage tanks, replacing three existing tanks. Approved August 1984.
- **Zoning Permit 87-624**; construct a 1'/10' pitch roof over existing flat roof. Approved December 1987.
- **Zoning Permit 99-154**; replace four-pump island with a two-pump island in same location. Approved September 1998.

- **Zoning Permit 99-333**; install new face on freestanding sign. Approved February 1999.
- **Zoning Permit 99-502**; façade improvements to the gas station, add canopy over existing pump island. Denied May 1999.
- **Zoning Permit 00-160**; reface existing gas station with brick. Approved September 1999.
- **Zoning Permit 00-236**; replace existing noncomplying freestanding sign. Denied October 1999.
- **Zoning Permit 01-031**; reface the freestanding sign. Approved August 2000.
- **Zoning Permit 02-096**; replacement freestanding sign. Approved September 2001.
- **Zoning Permit 06-088CA/CU**; demolish service/gasoline station and replace with new convenience store/gasoline station. Approved May 2006.
- **Zoning Permit 07-813CA**; addition of fourth dormer, convers outdoor lighting to LED fixtures, install clapboard on dormers, and install a hood vent. Approved July 2007.
- **Zoning Permit 08-086SN**; install parallel sign. Approved August 2007.
- **Zoning Permit 08-358CA**; raise gasoline pump canopy. Approved February 2008.

Recommendation: <u>Sign Permit approval</u> as per the following findings and conditions:

I. Findings

<u>Article 2: Administrative Mechanisms</u>

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. The following zoning permits remain open: 99-154, 06-088CA/CU, and 08-358CA. **Affirmative finding as conditioned.**

<u>Article 7: Signs</u>

Sec. 7.1.6 Non-Conforming Signs

Any legally pre-existing Sign or other advertising device which does not conform to the current provisions of this Article shall be deemed a non-conforming Sign. Non- conforming Signs may remain in use at the same location, and ordinary maintenance and repair of such Signs shall be permitted.

A non-conforming Sign shall not be relocated, enlarged, replaced, redesigned, or altered in any way (except for repainting, refacing, repair or a change of lettering, logo, or colors using the same materials within the existing Sign frame) ***except to bring the Sign into complete or substantially greater compliance with this Article. In such cases, the DRB may allow a new Sign to be in substantially greater compliance than the existing nonconforming Sign subject to the applicable requirements of this Article****. Nonconforming signs that are destroyed or damaged by 50% or more of their value shall not be rebuilt or repaired after one (1) year except in full conformance with this Article.*

The existing the freestanding sign is noncompliant with regard to setbacks, area, location within a clear sight triangle, and actual type. The applicant proposes to replace this sign with one that will be closer to, but not complete, compliance. The replacement sign will maintain the same location and height by using the existing sign poles. What differs between the new and the old sign is the reduced size and addition of a changeable electronic message display. Under Sec. 7.2.6 CDO below, *Freestanding signs associated with a Fuel Service Station may include an electronic changeable message only for the display of numerals.*

Table 7.2.1-B – Sign Types Permitted by Form/Zoning District
This table lists *Freestanding Sign* as 'not permitted' in the RL zoning district. Evidence of a freestanding sign in this location dates back to the zoning permit issued in 1975 (see list above). The most recent iteration of this sign was approved under ZP 02-096 to *'Replace existing freestanding sign with new freestanding sign'*. This sign totals 14 ft in height, with an area of 45 sf, and sits within a foot of the front and side yard property lines. Additionally, the sign has both internal and external illumination. The current proposal replaces the existing sign with one that is smaller, has internal illumination and a changeable electronic message display. The height and location will remain the same. **Affirmative finding.**

Sec. 7.2.6 Freestanding Sign

While this type of sign is not permitted in the RL zoning district, the following applies to freestanding signs:

Specifications

Quantity (max)	*1 per primary street frontage*
Width (max)	*8-ft (not including supports)*
Height	*10-ft (not including supports)*
Depth (face-to-face) (max)	*1-ft*
Sign Area (max)	*60 sf. (not including supports) or 0.5 sf per linear foot of street facing building frontage whichever is less.*
Setback (min)	*The lesser of 3-ft from the front properly line or in-line with the building façade, and 5-ft from any side properly line*
Height, Overall (max)	*14-ft above the finished grade (including supports).*

Miscellaneous

No part of a Freestanding Sign may encroach or overhang upon a public right-of-way, clear sight triangle, driveway, parking area, or walkway.

Freestanding Signs associated with a Fuel Service Station may include an electronic changeable message only for the display of numerals.

Freestanding Signs may only be internally or externally illuminated or backlit.

Street facing building frontage totals 30, which results in a maximum sign area allowance of 15 sf. The current sign has an area of 45 sf. The proposed replacement sign will be reduced in size to 35.86 sf. As noted above, the nonconforming front and side yard setback will remain as is. Its location is also within a clear sight triangle, but the reduced sign area should improve sight lines with the slight increase of height at the bottom of the sign.

The proposed replacement sign does not meet the standard of "*bring the Sign into complete… compliance*". That leaves an analysis of *substantially greater compliance*. There is one aspect of the replacement freestanding sign which is clearly more conforming than existing – the size, and others that maintain the same level of nonconformity (type & location). The reduction in size is substantially more compliant that the existing size. **Affirmative finding**

II. Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations.
2. Standard Permit Conditions 1-15.

11/30/22

453 Pine St – Burlington, VT
Natural Resource Protection Overlay (NR) District - Summary

The Project falls within the Natural Resource Protection Overlay (NR) District and the following address the criteria under the Wetlands Conservation and Natural Area Zones.

(d) Wetlands Conservation Zone

1. Additional Application Requirements:
   A. Boundary Determination:
      - Arrowwood Environmental (AE) has completed an updated wetland delineation for 0 Pine and 453 Pine St as depicted in the attached resource maps. Ms. Tina Heath from the Vermont Wetlands Office visited the site on 11/29/2022 to review and approve the delineation boundaries. The boundaries have been flagged and surveyed via submeter GPS.

   B. Report addressing wetland functions and values:
      - AE will be preparing a report documenting their work and assessing any project impacts on the functions and values of the wetlands and overall natural area at the site following this initial sketch plan review with the DRB and the Conservation Board.

   C. Project Site Plan:
      - Submitted site plan is currently conceptual in nature as the project has been working with Vermont Department of Environmental Conservation, Civil, Environmental and Geotech Engineers on the Evaluation of Corrective Action Alternatives (ECAA) through the State's Brownfields Economic Revitalization Alliance (BERA) program. Once the existing site conditions have been evaluated a more formal Site Plan developed by a Civil Engineer will be developed.

   D. Stormwater Management, Erosion Prevention and Sediment Control Plan:
      - As the project is in the initial design phase, the actual stormwater treatment practices have not been designed. The designs will be submitted at the time of the Zoning Application.

2. Permitted Uses:
   A. Normal maintenance of existing lawns and maintained grounds including mowing, trimming of vegetation and the removal of dead or diseased vegetation around a residence, decorative landscaping and planting, vegetable and flower gardens, and the repair of existing private landscaping structures such as walkways and walls;
      - Normal maintenance is proposed.

   B. "Accepted agricultural and silvicultural practices" as defined under 24 VSA Ch 117.
      - No agricultural and silvicultural practices proposed.

   C. Normal maintenance of constructed wetlands and stormwater systems, provided that naturally occurring wetlands are not disturbed in conjunction with the maintenance;

- The proposed stormwater system is not located within naturally occurring wetlands.

D. Normal maintenance of existing roads, rail lines, bridges, and culverts provided that disturbance to naturally occurring wetlands and shorelands is minimized in conjunction with such maintenance;
    - There is an existing access road to 0 Pine St which is required to be maintained in place by the EPA ROD Institutional Controls.

E. Selective cutting of less than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle; and,
    - A calculation has not yet been completed to determine the proposed cutting within the wetland buffer. This will also be addressed under section 5.4.9 Brownfield Remediation and 5.5.4 Tree Removal (a)1.D. as part of an approval from DRB for more tree cutting as being a "regulated" activity per 4.F. below.

F. Recreational and educational activities such as fishing, walking, hiking, nature study, and bird watching
    - There are no proposed recreational activities within the 50'-0" wetland buffer. However, there are limited recreational activities proposed within the 50'-0" to 100'-0" wetland conservation zone including a mowed walking path and hammock area that supports the Silt Botanica Bathhouse outdoor programming.

3. Prohibited Uses:

A. The deposition or introduction of organic and inorganic chemicals, including pesticides, except when the application of pesticides is reviewed and approved by the BCB and DRB, and performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9); and,
    - There are currently invasive species on the property that will need to be eradicated or controlled to support the development. The means and methods for control are under development in light of City and State restrictions on the use of herbicides.

B. The off-road use of any motorized vehicles including ATVs or dirt bikes (the temporary use of motorized construction vehicles used to construct permitted or regulated activities in the wetland are specifically exempted from this prohibition);
    - None are proposed.

4. Regulated Uses:

A. The construction of buildings or other structures, and roads, parking areas or other impervious surface;
    - Within the 50'-0" to 100'-0" wetlands conservation zone there are a few of these uses proposed. At the northwestern portion of the site the parking lot encroaches into the 100'-0" zone. At the Silt or southern portion of the site, the following items are within the 100'-0" zone; two-story building for private event

space with a 400 sf footprint, a portion of an earthen berm that transitions the landscape to the southwest building corner of Silt, (3) small sauna buildings, and a portion of the southeast Silt service court & staff parking. The project team is exploring whether it's feasible to shift a portion of the development 15'-0" north to move these items, further minimizing the impact on the 50'-0" to 100'-0" zone. These uses are crucial to the success of the project and are difficult to locate in other locations outside of the 100'-0" zone due to poor soil conditions as well as clearances from the NAPL on adjacent 0 Pine St site.

-

B. Any form of drainage, dredging, excavation, or removal of material either directly or indirectly
    - There are stormwater treatment areas within the 100' wetland's conservation zone which will require these actions to occur for construction of these items in addition to maintaining grades while providing adequate protection from contaminated soils.
C. Alteration or modification of natural drainage patterns, natural features and contours;
    - While site grading and certain modifications will occur to create the stormwater management systems, the intent is for post construction stormwater management systems to mimic natural drainage patterns.
D. Installation of docks, rip-rap or other shoreline stabilization features
    - None proposed.
E. Installation of utility poles or utility service lines, underground pipes or cable conduits, and wells;
    - Aside for some already in place and yet to be installed ground monitoring wells, no other utility features except for stormwater management system components are envisioned to be located within the buffer.
F. Cutting of greater than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle;
    - This will be addressed under section 5.4.9 Brownfield Remediation and 5.5.4 Tree Removal (a)1.D. as part of an approval from DRB for more tree cutting.
G. Construction, expansion or placement of any structure;
    - Refer to (d)4.A. above.
H. Construction or expansion of roads, rail lines parking areas, trails, and sidewalks;
    - Minimal walking paths are proposed at Silt but will be pervious surfaces.
I. Introduction of any form of pollution, including but not limited to the installation of a septic tank, the running of a sewer outfall, or the discharge of sewage treatment effluent or other liquid wastes into or so as to drain into a wetland;
    - None are proposed.
J. The construction of a stormwater outfall as part of a stormwater management plan approved by the city engineer. In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall

require the best practicable means be used to manage stormwater and prevent erosion and control sediment and the city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules; and,

- There will be stormwater treatment areas within the 100' wetland's conservation zone of which will be designed to meet the requirements of the state stormwater management rules and in consultation with the City Engineer as needed.

K. Application of pesticides performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9). In no other cases shall pesticides be applied.

- There are currently invasive species on the property that will need to be eradicated or controlled to support the development. The means and methods for control are under development in light of City and State restrictions on the use of herbicides.

5. Prohibited activities in a vernal pool and buffer zone:
   A. Any activities which disturb the area within 100 feet of a vernal pool, including, but not limited to timber harvesting, disturbance of the understory vegetation, pesticide or herbicide application, the erection of fences or other barriers to amphibian dispersal, barriers and any other type of human activities that disturb the vegetation or water quality in the pool and buffer.
   - There are no vernal pools on or adjacent to the subject property.

6. Criteria for Review:
   The project has been designed to avoid direct impacts to wetland resources and adjoining 50' buffer area. The project as proposed will have no adverse impact on wetland resources. Project components occur within the 50'-100' buffer area which is characterized as a disturbed landscape dominated by non-native invasive plant species. A summary analysis of the functions and values of this 50' area is provided.
   A. Water storage for floodwater and stormwater;
      - The project area, including the wetland buffer have the potential to provide water storage for floodwater although contiguity with Lake Champlain significantly diminishes this function. The control of stormwater will be addressed by design of a site specific Erosion Prevention and Sediment Control (EPSC) and Post-Construction Stormwater Management System to comply with City Ordinance Chapter 26, the State of Vermont Stormwater Management Rules and Guidance documents as well as the EPA ROD Institutional Controls.
   B. Erosion and sedimentation control through binding and stabilizing the soil or shoreline;
      - The project area, including wetland buffer, are not in close proximity to high velocity currents with the closest shoreline approximately 350' to the west.
   C. Surface water and groundwater protection, including sediment and toxicant retention, nutrient retention and transformation, and groundwater discharge and recharge;

- The wetland buffer provides water quality protection which the applicant intends to address by designing its Erosion Prevention and Sediment Control (EPSC) and Post-Construction Stormwater Management Systems to comply with City Ordinance Chapter 26, the State of Vermont Stormwater Management Rules and Guidance documents as well as the EPA ROD Institutional Controls. By doing so the project will result in no reduction in water quality to the wetland and will possibly provide an improvement to current runoff conditions.

D. Fisheries habitat;
    - There are no streams or open water within the project area. The closest open water with the potential to support fish is approximately 350' to the west. The wetland buffer in the project area does not provide, support, or protect fisheries habitat.

E. Wildlife habitat;
    - The project area, including wetland buffer from 50'-100', does not contain significant wildlife features due to the dominance of non-native invasive species and existing vegetation management.

F. Examples of natural community types that are exemplary, rare, or make an important contribution to the natural heritage of Burlington and Vermont;
    - The project area is highly disturbed, dominated by non-native invasive species. The site, including the wetland buffer, is not an example of an exemplary or rare natural community type and does not contribute toward the overall natural heritage of Burlington.

G. Habitat for rare, threatened and endangered species;
    - The project area, including the wetland buffer, may provide summer habitat for RTE bat species. The project team will work with Vermont Fish and Wildlife to develop appropriate conservation measures to ensure the protection of these species.

H. Education and research in natural sciences;
    - The project area is highly disturbed, including the wetland buffer, and does not contain elements that contribute toward the study of natural sciences. The overall wetland provides an outdoor classroom for the study of impacts from the super fund site.

I. Recreational and economic benefits; and,
    - The project site, including the wetland buffer, does not provide opportunity for wetland dependent recreation and economic benefits. The development of 453 Pine St does open up the opportunity to create a conservation area at 0 Pine St with the donation of adjacent property 501 Pine St which will allow more public accessibility to the future conservation area.

J. Open space and aesthetics.
    - The project site, including the wetland buffer, does not possess special or unique aesthetic qualities due to the past disturbance and dominance by non-native invasive species. The site does provide open space in an urban landscape,

however, this is not a wetland or wetland buffer function in this context. The development of 453 Pine St does open up the opportunity to create a conservation area at 0 Pine St with the donation of adjacent property 501 Pine St which will allow more public accessibility to the future conservation area.

K. Any land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) shall include a stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3 to be reviewed by the conservation board and approved by the city engineer;

L. No new stormwater outfall shall directly discharge into surface water without approval and implementation of a stormwater management plan approved by the city engineer;
   - The new stormwater outfall will not directly discharge into the wetland.

M. No installation of docks, rip-rap or other shoreline stabilization features shall be installed without review approval by the city engineer;
   - None proposed.

N. Agricultural and silvicultural activities shall follow Best Management Practices for the Protection of Water Quality; and,
   - Not applicable.

O. Stormwater management, erosion, and sedimentation control plans shall be submitted for review by the conservation board who shall consult with the development review board and city engineer prior to issuance of a recommendation to the city engineer who shall render a final decision on such plans.
   - As the project is in the initial design phase, the actual stormwater treatment practices have not been designed. The designs will be submitted at the time of the Zoning Application. See A. B. and C. for more information.

<u>(e) Natural Areas Zone</u>

1. Additional Application Requirements:
   - Refer to Items A, B & C under (d)1. Above

2. Permitted Uses:

   A. Normal maintenance of constructed wetlands and stormwater systems, provided that naturally occurring wetlands are not disturbed in conjunction with the maintenance;
      - Refer to (d)2.C. above.

   B. Normal maintenance of existing roads, bridges, and culverts provided that disturbance to naturally occurring wetlands and shorelands is minimized in conjunction with such maintenance;
      - Refer to (d)2.D. above.

   C. Selective cutting of less than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle; and,
      - Refer to (d)2.E. above.

D. Recreational and educational activities such as fishing, walking, hiking, nature study, and bird watching.
    - Refer to (d)2.F. above.

3. Prohibited Uses
    A. The deposition or introduction of organic and inorganic chemicals, including pesticides, except when the application of pesticides is reviewed and approved by the BCB and DRB, and performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9); and,
        - Refer to (d)3.A. above.
    B. The off-road use of any motorized vehicles including ATVs or dirt bikes (the temporary use of motorized construction vehicles used to construct permitted or regulated activities in the wetland are specifically exempted from this prohibition) ;
        - Refer to (d)3.B. above.

4. Regulated Uses:
    A. The construction of buildings or other structures, and roads, parking areas and any other impervious surfaces;
        - Refer to (d)4.A. above.
    B. Land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) not associated with a permitted or conditionally permitted use. Land disturbing activities which expose 5,000 or more square feet of soil (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) are prohibited except where a stormwater management, erosion prevention and sediment control plan has been reviewed by the Burlington Conservation Board and approved by the city engineer;
    C. Any form of drainage, dredging, excavation, or removal of material either directly or indirectly;
        - Refer to (d)4.B. above.
    D. Alteration or modification of natural drainage patterns, natural features and contours;
        - Refer to (d)4.C. above.
    E. Installation of docks, rip-rap or other shoreline stabilization features;
        - Refer to (d)4.D. above.
    F. Installation of utility poles or utility service lines, underground pipes or cable conduits, and wells;
        - Refer to (d)4.E. above.
    G. Cutting of greater than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle;
        - Refer to (d)4.F. above.
    H. Construction, expansion or placement of any structure;
        - Refer to (d)4.G. above.

I. Construction or expansion of existing roads, parking areas, trails, and sidewalks;
    - Refer to (d)4.H. above.

J. Introduction of any form of pollution, including but not limited to the installation of a septic tank, the running of a sewer outfall, or the discharge of sewage treatment effluent or other liquid wastes into or so as to drain into a wetland;
    - Refer to (d)4.I. above

K. The construction of a stormwater outfall as part of a stormwater management plan approved by the city engineer. In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater and prevent erosion and control sediment and the city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules;
    - Refer to (d)4.J. above.

L. Application of pesticides performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9). In no other cases shall pesticides be applied; and,
    - Refer to (d)4.K. above.

M. Agricultural and silvicultural activities following Best Management Practices for the Protection of Water Quality including but not limited to housing of livestock, manure storage, pasturing livestock, growing crops, and compost storage, but excluding residential backyard compost storage.
    - None proposed.

5. Criteria for Review:
   The wetlands to the west of the project have been identified as a significant natural area. The project has been designed to avoid direct impacts to wetland resources and adjoining 50' buffer area. The project as proposed will have no adverse impact on wetland resources. Project components occur within the 50'-100' buffer area which is characterized as a disturbed landscape dominated by non-native invasive plant species. A summary analysis of the functions and values of this 50' area is provided.
    - See list above under (d)6.A through J.

Daisy Vaughn & Joshua Dillon
Owners of the property at
166 Park St Burlington VT 05401

November 29, 2022

Development Review Board
Permitting & Inspections
645A Pine Street
Burlington, VT 05402-0849

Comment in support of Zoning Applications ZAP-22-5 & ZP-22-596

We support the additional parking spaces for 170 Park Street.

Pine Street Barge Canal Parcels

12/21/2021, 8:05:04 AM

VT Parcels

VCGI Color Imagery Service

Red: Band_1

Green: Band_2

Blue: Band_3

1:9,028

0 0.07 0.15 0.3 mi

0 0.1 0.2 0.4 km

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Web AppBuilder for ArcGIS

Esri Community Maps Contributors, Chittenden County RPC, VCGI, © OpenStreetMap, Microsoft, Esri Canada, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau,

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

AJ LaRosa
Caitlin Halpert
Geoff Hand
Brooks McArthur
Brad Rabinowitz
Leo Sprinzen
Chase Taylor
Sean McKenzie, (Alternate)

BURLINGTON DEVELOPMENT REVIEW BOARD
Tuesday, December 6, 2022, 5:00 PM
AGENDA

Remote Meeting

Zoom: https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09
Webinar ID: 832 2569 6227
Passcode: 969186
Telephone: US +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

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

1. **ZPS-22-52; 328 North Avenue (RL, Ward 7N) Nova Enterprises, LC / Joe Realty, LC / David Simendinger**
   Replace existing nonconforming freestanding sign with new nonconforming freestanding sign. (Project Manager, Ryan Morrison)

   Deferred until February 7, 2023

V. Sketch Plan

1. **ZSP-22-10; 453 Pine Street (E-LM, Ward 5S) Derrick Davis / Kelley DesRoches**
   Sketch Plan Review for the construction of 26,000 square foot bowling alley, 4,000 square foot commercial building, and 20,000 square foot Nordic inspired bathhouse. (Project Manager, Mary O'Neil)

VI. Public Hearing

1. **ZAP-22-5; 170 Park Street (RM, Ward 3C) Iryna Poberezhniuk**
   Appeal of zoning application denial ZP-22-505 to install gravel extension to existing driveway and rear parking lot. (Project Manager, Scott Gustin)

   Deferred until January 3, 2023

2. **ZP-22-524; 87 Hungerford Terrace (RH, Ward 8E) James & Madeleine Posig / Chi Nguyen**
   Demolition of existing single-story garage for larger proposed two-story garage. (Project Manager, Ryan Morrison)

   Approved

VII. Other Business

The programs and services of the City of Burlington are accessible to people with disabilities.
Individuals who require special arrangements to participate are encouraged to contact the Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).
Printed on 100% Recycled Paper

1. **Review and approve 2023 meeting schedule**

   Approved

VIII. Adjournment

Plans may be viewed upon request by contacting the Department of Permitting & Inspections between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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

Burlington Development Review Board
Department of Permitting & Inspections
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Burlington, VT 05401
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AJ LaRosa
Caitlin Halpert
Geoff Hand
Brooks McArthur
Brad Rabinowitz
Leo Sprinzen
Chase Taylor
Sean McKenzie, (Alternate)

BURLINGTON DEVELOPMENT REVIEW BOARD
Tuesday, December 6, 2022, 5:00 PM
MINUTES

Remote Meeting

Board Members Present: All members were remote. AJ LaRosa, Geoff Hand, Brooks McArthur, Sean McKenzie, Brad Rabinowitz, and Leo Sprinzen

Board Members Absent: Caitlin Halpert and Chase Taylor

Staff Members Present: Scott Gustin, Mary O'Neil, Ryan Morrison, and Joseph Cava

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

1. **ZPS-22-52; 328 North Avenue (RL, Ward 7N) Nova Enterprises, LC / Joe Realty, LC / David Simendinger**
Replace existing nonconforming freestanding sign with new nonconforming freestanding sign. (Project Manager, Ryan Morrison)

Brooks McArthur: I am recused on this project.

AJ LaRosa: This agenda item is recommended for consent. Is the applicant here?

Scott Gustin: No, the applicant is not on the Zoom call.

AJ LaRosa: Would we like to defer this item to the end of the meeting agenda?

Brad Rabinowitz: Yes, I prefer we defer.

AJ LaRosa: Motioned to defer to the end of meeting agenda, Geoff Hand 2nd. Vote 5-0. Motion carries.

Ryan: The applicant has not responded to the calls or emails reminding them of this application's meeting.

AJ LaRosa: Motioned to defer to February 7, 2023, Leo Sprinzen 2nd. Vote 5-0. Motion carries.

V. **Sketch Plan**

1. **ZSP-22-10; 453 Pine Street (E-LM, Ward 5S) Derrick Davis / Kelley DesRoches**

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Individuals who require special arrangements to participate are encouraged to contact the Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).
Printed on 100% Recycled Paper

Sketch Plan Review for the construction of 26,000 square foot bowling alley, 4,000 square foot commercial building, and 20,000 square foot Nordic inspired bathhouse. (Project Manager, Mary O'Neil)
Sworn in: Kelley DesRoches, Jovial King, Larry Williams, and Dori Barton: present: Scott Michael Mapes, Daniel Voisin, Peter Lazorchak, David Roy, Cynthia Knauf, Alex Crothers

Geoff Hand: I am recused on this item.

AJ LaRosa: Can you walk us through this project?

Jovial King: Scott, can you please pull up the map that was sent through email? This is a Brownfield superfund site abutting the Pine Street Barge Canal. We are closely working with the Mayor's office to gift some of the acreage to the City as an access point as part of the larger goal to create a public conservation park. There are three buildings proposed, a Nordic inspired bathhouse, a boutique, and bowling alley. There are two floors of small event spaces and a private pool available on the south of the site within a buffer, Many of the proposed facilities are on the exterior of the building promoting healthy and active lifestyles for families of all ages.

Kelley DesRoches: I am on the Wiemann/Lamphere Design Team working on the bathhouse. The driveway accessing this site will utilize the existing Maltex drive, but long-term project planning will realign this drive with Howard Street. We are proposing 107 parking spaces, but the staff report caps the parking at 88 spaces. Our business plan is for 150 occupants within the bathhouse at any given time, and we would like the parking to reflect our business plan. Currently, we are proposing low impact uses within the wetland buffer zones which are an approved use, but require DRB approval. As proposed, the project will have no adverse impacts within the wetland buffer zones.

Larry Williams: The backside bowl facility places pedestrian access points along pedestrian walkways along Pine Street to promote walkability year round. We have incorporated sculpture gardens and a glass wall to operate as a water collection feature.

Kelley DesRoches: The bathhouse facilities are designed with an emphasis on the rear of the building to create an air of mystery for occupants entering from Pine Street.

Brad Rabinowitz: I'm not sure what the materials are for the building's design, but the building elevation renderings seems standoffish.

AJ LaRosa: The front of the building needs a more activated design.

Kelley DesRoches: Can you expand?

AJ LaRosa: The ordinance articulates the entrance being inviting as your entering from Pine Street. The proposed plans make it seem like the back of the building is facing Pine Street.

Brad Rabinowitz: Adding onto AJ's point, the presentation of the building itself as it exists in the plans would be disappointing as viewed from Pine Street.

Sean McKenzie: Can you expand on the decision making for your design?

Larry Williams: The intent for this project was only for the backside bowl, but the bathhouse and commercial building help to frame the site. The service court proposed helps to service the one story commercial building and backside bowl.

AJ LaRosa: I appreciate the design as thought out, but can you expand on the commercial function of the one-story building?

Larry Williams: It would be retail.

AJ LaRosa: Can you expand upon the shared use path that currently exists along Pine Street and what will exist?

Jovial King: That is part of the Pine Street connector project.

AJ LaRosa: Has a traffic study been completed?

Kelley DesRoches: We have asked the Roger Dickerson, whom is doing the traffic study, to incorporate the traffic lanes proposed as part of the larger project.

AJ LaRosa: Where would you like to take us next?

Kelley DesRoches: We've discussed the flow of traffic, but would you like us to discuss the proposed parking, wetlands impacts, and elevation designs?

AJ LaRosa: I would like to know more about the uses are for the event spaces proposed.

Brad Rabinowitz: I would like to know more about the exterior uses of the backside bowl facility where an outdoor patio/event space is proposed.

Jovial King: The bathhouse can be used for small private events with upwards capacity of ten people including a private pool.

Kelley DesRoches: The bathhouse site isn't meant to be used for large scale events, and is intended to be used as a quiet contemplative retreat space.

Larry Williams: The back entry of backside bowl is meant to be a food and drink venue that has access to the outdoor patio area for seating and small yard games like cornhole. It will be a social zone for family oriented activities only.

Brad Rabinowitz: Will there be concert venues?

Larry Williams: No, this isn't part of the scope of our business plan.

AJ LaRosa: On the parking issue, I think the expanded parking needs justification from the applicant.

Larry Williams: The maximum parking is a reflection of facility uses like bowling alley lanes and bathhouse occupancy. The backside bowl creates accessory uses with the restaurant and bar that is included with the plan. Rick Davis, who owns the Maltex building has granted the use of metered parking spaces in the Maltex parking lot.

Kelley DesRoches: There is also a turn around available for dropping off guests.

Leo Sprinzen: Will the activities move indoors during the winter?

Jovial King: The Nordic portion of the bathhouse is inspired by the environment that this facility will be located. The peak tourism times are during the summer months.

AJ LaRosa: Dori, can you expand on the wetlands?

Dori Barton: Yes, we have been assessing this area for years including working with Tina Heath on the recent wetlands delineation. This project will not initiate a state wetlands permit, but there is encroachment on the right side of the plan. Our goal is to not decrease water quality, but improve it without diminishing the quality by disturbing invasive species in the area. We would also like to improve the buffer for the conservation of wetlands, wildlife and water quality.

AJ LaRosa: Any additional questions of feedback from the board?

Brad Rabinowitz: What will be the access to the proposed city owned property be?

Larry Williams: The intent of 501 Pine St. is to connect to City owned land and dedicate a right-of-way to the City for conservation/park use through the City's Park and Recreation Department for long-term planning.

Jovial King: The area outlined in blue surrounding the site will be conservation land.

Brad Rabinowitz: Mary, can you expand on the zoning amendment?

Mary O'Neil: I wrote the staff report based on the existing regulations because of the complexity of the proposed regulations which have not been adopted by the City Council yet.

AJ LaRosa: Hearing no additional questions or comments, I motion to close sketch plan hearing on this item.

VI. Public Hearing

1. ZAP-22-5; 170 Park Street (RM, Ward 3C) Iryna Poberezhniuk

Appeal of zoning application denial ZP-22-505 to install gravel extension to existing driveway and rear parking lot. (Project Manager, Scott Gustin)
Iryna Poberezhniuk: Sworn in.

AJ LaRosa: This is an appeal for the denial. Scott, can you please give us a summary of the appeal?

Scott Gustin: This appeal is based upon accessible lot coverage for a dwelling located in the residential medium density district. The City received a complaint of gravel being dumped on the property to expand parking which was over lot coverage. The previously proposed parking encroached on setbacks and was not functional for parking standards. The appeal brought the lot coverage down, but created a difficult parking situation. The parking spot located closest to the house isn't accessible for the movement of vehicles entering and exiting the property.

AJ LaRosa: Scott, can you bring up the revised site plan? So the previous site plan was over lot coverage, and the new site plan creates a difficult parking situation?

Scott Gustin: Correct, the long strip of gravel encroaching on the property line would need to be removed.

Sean McKenzie: It appears the configuration is proposing three spaces?

Scott Gustin: Correct, but if two spots in the middle and right are occupied, the spot one the left could not be occupied.

Iryna Poberezhniuk: My interpretation is if the spots was gravel it would not require a permit, but if it were paved, it would require a permit. The landscaping company assured me in writing that I could pave the entire backyard for parking. I understand that the additional parking does require a

permit. Bill Ward gave me good advice on using Table 8.1.11 for my parking requirements to fit the 40% maximum lot coverage.

AJ LaRosa: Scott, have you reviewed the revised site plan?

Scott Gustin: I have not.

AJ LaRosa: The best solution would be to defer this item for time to review the revised site plan.

Brad Rabinowitz: I concur.

Scott Gustin: If the revised site plan is compliant, I can review it administratively.

AJ LaRosa: Motioned to defer to January 3, 2023, Geoff Hand 2nd. Vote 6-0. Motion carries.

2. **ZP-22-524; 87 Hungerford Terrace (RH, Ward 8E) James & Madeleine Posig / Chi Nguyen**
Demolition of existing single-story garage for larger proposed two-story garage. (Project Manager, Ryan Morrison)
Chi Nguyen, Madeleine Posig, James Posig, and Sharon Bushor: Sworn in.

AJ LaRosa: Can you tell us about this project?

Chi Nguyen: There is an existing accessory structure listed on the State Register of Historical Places and is in poor condition. The homeowners would like to demolish it and replace it with a larger accessory structure.

AJ LaRosa: The request to demolish a historic structure is based on the justification of long-term neglect.

Chi Nguyen: The owners haven't neglected the structure, and have taken temporary measures like installing framing to hold up the deteriorated roof and door. The parts to repair the door are no longer available and the structure does not sit on a foundation which has led to structural failure over time.

AJ LaRosa: Is there anything else we should know?

Chi Nguyen: There was an addition added to the front of the structure so the structure that is viewed from Hungerford Terrace is not the original structure.

Brad Rabinowitz: It is my interpretation that the applicant can increase the height vertically in response to the setback non-conformity.

Ryan Morrison: The structure is confined to a 15-foot height limitation, with the only non-conformity being the setback.

Brad Rabinowitz: I am confused about this considering previous DRB projects for proposed accessory dwelling units.

Scott Gustin: The vertical expansion has a 15-foot maximum cap without increasing the non-conformity of the setback.

Geoff Hand: Can you tell us about the fence abutting the old Y property?

Chi Nguyen: It is a wider type fence with a four-foot height against the grade going to the Y's parking lot. Moving the garage away from the existing footprint would make it difficult for accessing the garage from the driveway.

Madeleine Posig: We've lived here for the past forty years. We've tried to rehabilitate the garage, but it is beyond its useful lifespan being bult in the 1920s. If we were to move it, it wouldn't be aligned with the existing driveway which is narrowly situated between the existing residence and the abutting neighbor.

AJ LaRosa: Are there any additional questions?

Sharon Bushor: I am concerned with the demolition by neglect of historic structures, particularly as they relate to accessory structures. I have a garage attached to my house with a garage that is impossible to find replacement parts for, so I understand the difficult place upon the property owners. My understanding from reading the staff report is these structures were placed on cinderblocks, and over time the cinderblocks have deteriorated leaving little to support them. This could explain the discrepancies in the staff report versus the historic registry listing description.

James Posig: The garage was built around the same time as the house. The house was built very well, but the garage is a mishmash of leftover materials. The existing garage is not functional for today's use, and I'm not understanding why it is difficult to create a new accessory dwelling. Why is the garage confined to 15-foot width?

AJ LaRosa: The width is dictated by the existing zoning ordinance.

Geoff Hand: I understand your point James, but we have to apply the zoning ordinance retroactively.

James Posig: Why does the dormer have to be half the roof space, when dormers on other buildings occupy more if not all of the roof space?

AJ LaRosa: It is part of the existing zoning ordinance. Those other dormers you are referring to were approved under previous ordinances.

Madeleine Posig: What happens next?

AJ LaRosa: We will deliberate on this during executive session and you'll receive the findings-of-fact following the board's decision. Hearing no additional comments or questions, I move we close the public hearing on this item.

VII. Other Business

1. Review and approve 2023 meeting schedule

The DRB approved and adopted, with the correction to July 5th as a Wednesday meeting date. All meetings will now be in person at 645 Pine Street.

VIII. Adjournment

Hearing closed at 6:35 PM.

1/5/23

Alexander J. LaRosa, Chair of Development Review Board — Date

Joseph H. Cava

12-12-22

Joseph H. Cava, Permitting & Inspections Permit Technician — Date

Plans may be viewed upon request by contacting the Department of Permitting & Inspections between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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