

## Burlington Development Review Board

149 Church Street, City Hall  
Burlington, VT 05401

[www.burlingtonvt.gov/pz/DRB](http://www.burlingtonvt.gov/pz/DRB)

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Brooks McArthur

Kienan Christianson

Sean McKenzie, (Alternate)

Ravi Venkataraman, (Alternate)



### BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday December 3rd, 2019, 5:00 PM

#### PUBLIC HEARING NOTICE

**The Burlington Development Review Board will hold a meeting on  
Tuesday December 3rd, 2019, at 5:00 PM in Contois Auditorium, City Hall.**

- 1. 20-0487CU; 351 Pine St (ELM, Ward 5S) Vermont Railway Inc.**  
Use of an existing gravel parking/storage lot owned by Vermont Railway for long term student parking
- 2. 20-0488SD; 95 Derway Dr (RL, Ward 7N) Larkin Realty**  
Preliminary plat review of subdivision of the Claire Ponte planned community into six (6) parcels. One each of Buildings A, B, C and D, one for the Northshore swimming pool and one common land parcel
- 3. 20-0491CU; 1 Woodridge Dr (RL, Ward 4N) Dawn M. Ellis**  
Establish two-bedroom bed and breakfast (short term rental) within single family home
- 4. 20-0482CA/CU; 28 Faith St (RL, Ward 7N) Mary L. Cunningham**  
Change of use from single family to duplex; renovation of lower level

Plans may be viewed in the Zoning Division Office, (City Hall, 149 Church Street, Burlington), 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 Division 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/pz/drdb/agendas](http://www.burlingtonvt.gov/pz/drdb/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 Department of Permitting and Inspections; Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).*

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## Department of Permitting & Inspections

Zoning Division  
149 Church Street  
Burlington, VT 05401  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)  
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William Ward, Director  
Scott Gustin, AICP, CFM, Principal Planner  
Mary O'Neil, AICP, Principal Planner  
Ryan Morrison, Associate Planner  
Layne Darfler, Planning Technician  
Ted Miles, Zoning Specialist  
Charlene Orton, Permitting & Inspections Administrator



**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** December 3, 2019  
**RE:** 20-0491CU; 1 Woodridge Drive

=====

**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: 4N

Owner/Applicant: Dawn Ellis

**Request:** Establish 2-bedroom bed and breakfast (short term rental) within single family home.

### **Applicable Regulations:**

Article 3 (Applications and Reviews), Article 8 (Parking)

### **Background Information:**

The applicant is seeking approval to establish a 2-bedroom short term rental associated with the existing residence. Short term rentals are presently treated as bed and breakfasts while the city works to codify standards expressly for short term rentals. A bed and breakfast is a conditional use in the RL zone, wherein the subject property is located. It is predicated on owner-occupancy of the property and is limited to 3 bedrooms.

The property is presently approved as a single family home. The owner lives onsite. This application seeks to convert two bedrooms within the home for short term rental use with related office amenities for guest use. Doing so is permissible, as the property will remain owner-occupied, and only 2 bedrooms will be let. No site or exterior building alterations are included in this application.

Previous zoning actions for the property:

- 11/20/90, Approval of removal and replacement of window
- 4/25/84, Approval to convert attached garage into living space and to construct detached garage
- 5/16/79, Approval to construct an enclosed porch

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

### **I. Findings**

## **Article 3: Applications and Reviews**

### **Part 5, Conditional Use & Major Impact Review:**

#### **Section 3.5.6 (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 property is served by municipal utilities. Sufficient water and sewer service are available. A State of Vermont wastewater permit may be required for the new use. A capacity letter issued by the Dept. of Public Works will be required prior to issuance if applicable. **(Affirmative finding as conditioned)**

- 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 located within an established residential neighborhood in the low density residential zoning (RL) district. The RL zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. The proposed bed and breakfast use is small – just 2 bedrooms – and is associated with an owner-occupied residence as required. The MDP does not address bed and breakfasts, but insofar as it will be associated with an owner-occupied residence in the RL zone, it can be found consistent with the intent of the district and municipal development plan. **(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;*

The proposed bed and breakfast is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. **(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;*

No traffic analysis has been provided or is required for this application. The proposed bed and breakfast is expected to generate modest additional traffic, primarily associated with guest turn-over. **(Affirmative finding)**

*and,*

- 5. The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the use. **(Affirmative finding)**

*and,*

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

With the change in use to a bed and breakfast, rooms and meals tax will be required. **(Affirmative finding as conditioned)**

(b) Major Impact Review Standards  
Not applicable.

(c) Conditions of Approval:

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

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

The proposed bed and breakfast is not expected to produce offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

*2. Time limits for construction.*

No construction timeline or phasing are included in this proposal. The standard 3-year timeframe for zoning permits will apply. **(Affirmative finding)**

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

Hours of operation need not apply to the proposed use. As a bed and breakfast, guests will stay overnight.

No construction is associated with this proposal. **(Affirmative finding)**

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

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

See the recommended conditions.

## **Article 8: Parking**

### **Sec. 8.1.8, Minimum Off-Street Parking Requirements**

Total onsite parking required is 4 spaces (2 for the residence and 2 for the bed and breakfast [1 per bedroom]). The driveway and detached garage contain more than enough room for the required 4 parking spaces. **(Affirmative finding)**



## **II. Conditions of Approval**

1. A State of Vermont wastewater permit may be required.
2. The short term rental use (bed and breakfast) is limited to 2 bedrooms and is contingent on continued owner occupancy of the residence.
3. The applicant is responsible for ensuring compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes.
4. Standard Conditions 1-15.





## 1 Woodridge Drive, BTV 05408 – Burlington, VT Planning & Zoning Permit Application

### Applicant: Dawn Ellis

Request for change of use of 5 bedroom single family home at 1 Woodridge Drive, Burlington, VT 05408 from single family to bed and breakfast with home office by converting 2 bedrooms to business use/ AirBnB short-term rental.

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BURLINGTON  
PERMITTING & INSPECTION

1 Woodridge Drive, Burlington, VT 05408



Date: November 6, 2019

To: City of Burlington, VT Planning and Zoning Department and Board

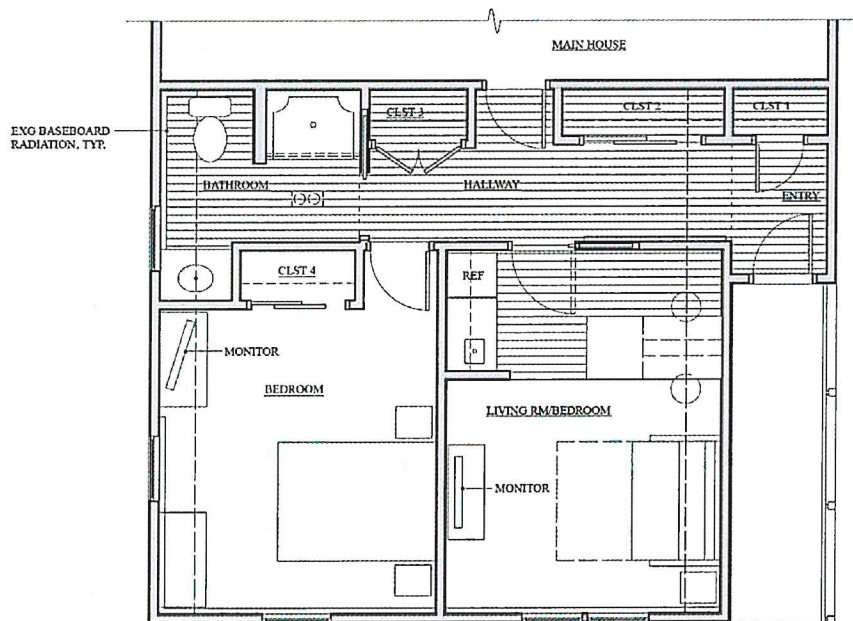
From: Owner/ Applicant, Dawn M. Ellis,  
1 Woodridge Drive, Burlington, VT 05408

RE: Change of Use Application

Parcel: 033-1-046-000, SPAN: 114-035-13349

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Please consider this application for change of use of my owner-occupied single family 5 bedroom home in the Lakewood neighborhood of the New North End, to permit converting 2 bedrooms of the residence into business use with 2 bedroom short-term rentals and home office resources. The proposed conversion bedrooms are attached to the main house in a wing, reside on the first floor, and have a separate entrance. They include access to a full bathroom and numerous closets, as noted in the below floor plan. The monitors can be used for computing stations, WIFI access for guests, and video conferencing and computing when not rented. The closets can be used for bedroom storage use, bed and breakfast needs, and office supply storage. My neighbors are helping us paint and prepare the rooms in hopes of this conversion and have expressed their support for the project to the family. <Floor plan, embedded is not to scale.>



PARTIAL 1ST FLOOR PLAN - PROPOSED AIRBNB

1/4" = 1'-0"

1 WOODRIDGE DRIVE, BURLINGTON, VT 05408

11/03/19

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PLANNING & INSPECTIONS

Related to the conditional use standards for review, please consider the following:

**Facilities/ utilities capable of supporting changes:**

The property is served by municipal utilities including water and sewer service.

**Character of area**

The zoning of the neighborhood is RL, and as the changes to incorporate this use are minimal impact. The property will remain owner-occupied and the proposed bed and breakfast/ short term rental use is small with 2 bedrooms with proposed home office components that are minimal with engagement of computer/ printer/ administration, so the character of the area should remain constant, and is consistent with current city plans.

**Proposed use effects**

This being a nonindustrial use, with rooms to rent and the use of computers and printers to administrate business, there would be low impact in noise, odor, dust, heat, or vibrations. As many neighbors are already helping spruce up the property, there does not seem to be a perception of nuisance in these changes.

**Transportation System**

The property is one block away from a bus stop, and walkable to groceries, the bike path, beaches, and many parks. Given the tourist aspect of the use, these climate friendly transportation systems will be advertised, encouraging people likely to see multimodal transport options. In addition, the property has ample parking to exceed the requirements for this change of use. The parking layout is such that each car has independent ingress and egress, thus shuffling of cars should not be required. The proposed changes would likely generate moderate amount of traffic increase as guests change.

**Renewable Energy**

No current site-specific renewable energy is used in the property, although there are climate friendly/ lake friendly property uses, including edible permaculture, hügelkultur, swains, and various rain catchment techniques within the grounds.

**Change of Use**

With the change of use, a rooms and meals tax will likely be required for collection from guests.

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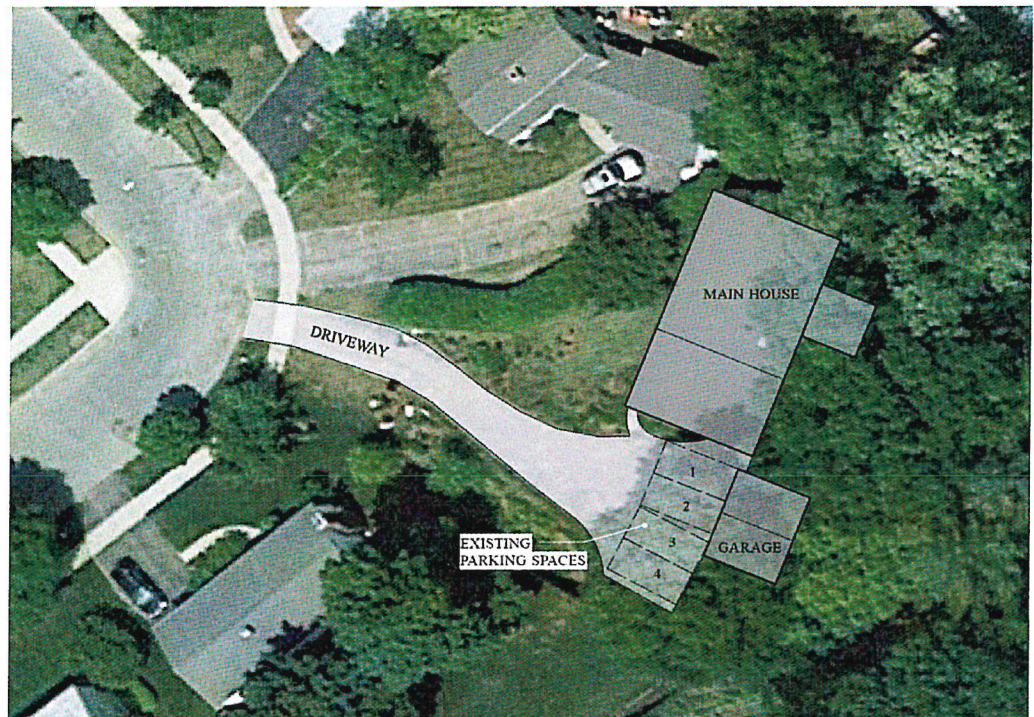
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### Site Plan/ Parking

As noted above, there is ample parking on the property to meet and exceed the requirement of two parking spaces for the owner-occupied family portion of the home and an additional parking space for each of the 2 bedrooms serving as short term rental rooms. Please see the below site plan for the property. <Site plan embedded is not to scale.>



SITE PLAN • PROPOSED

1/32" = 1'-0"

1 WOODRIDGE DRIVE, BURLINGTON, VT 05408

11/03/19

We imagine these short-term rentals will be a boon to neighbors with family visiting during the holidays, as well as tourists to our region. Thank you for your consideration; let us know if you have any questions.

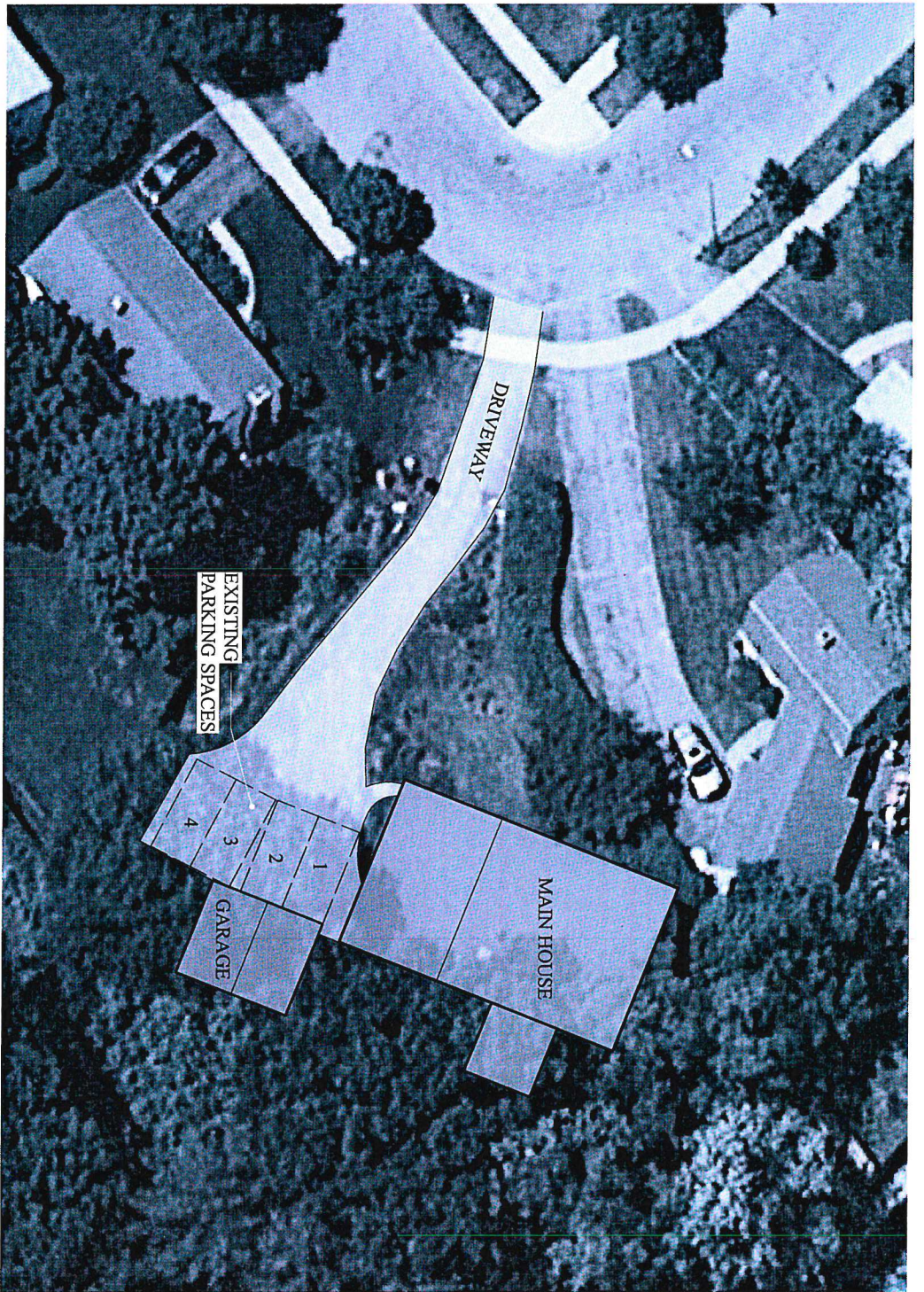
Attachments: Site Plan and Floor Plan to scale

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BURLINGTON  
PERMITTING & INSPECTION





# SITE PLAN • PROPOSED

1/32" = 1'-0"

1 WOODRIDGE DRIVE, BURLINGTON, VT 05408

11/03/19

RECEIVED

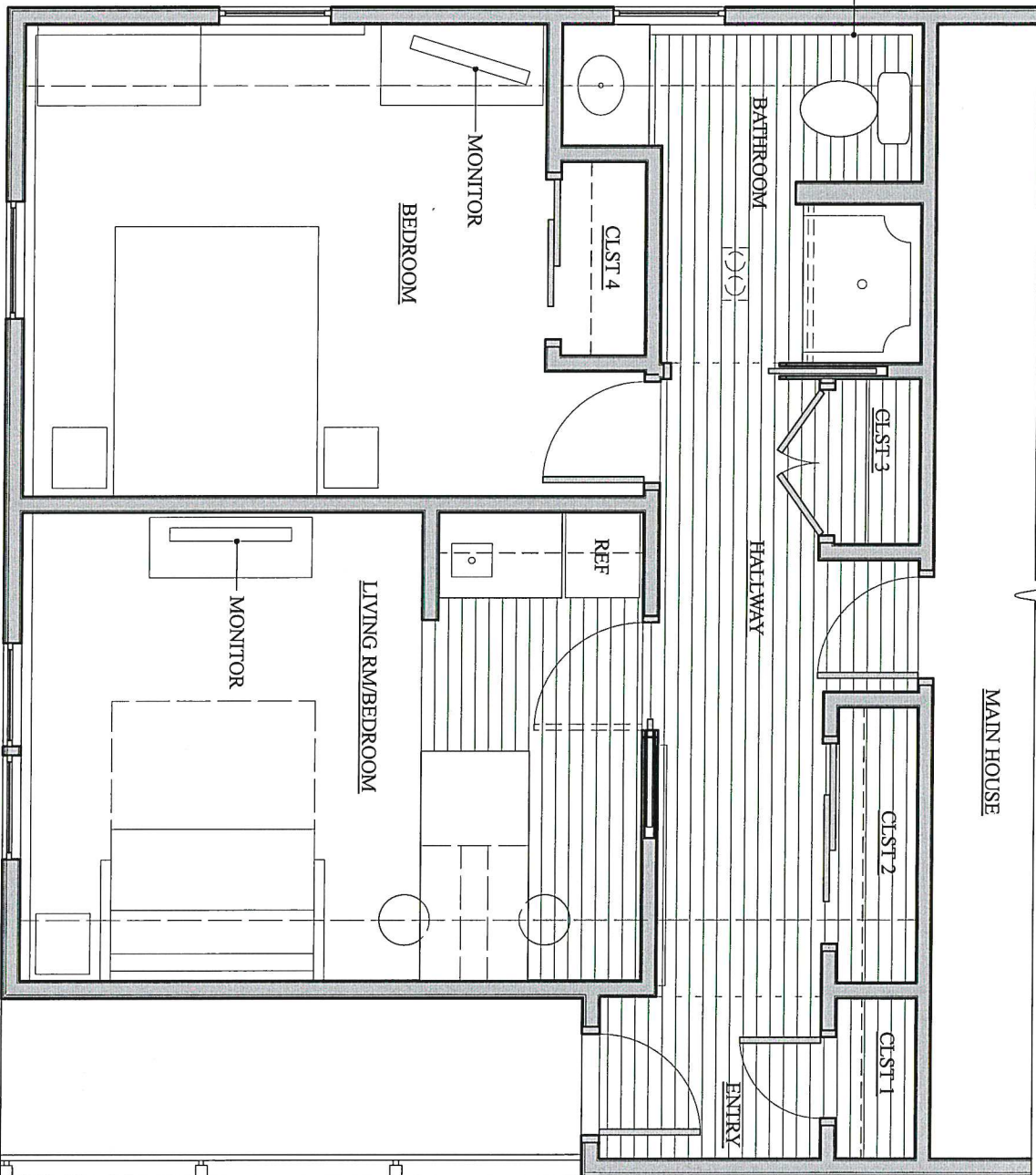
NOV 06 2019

BURLINGTON



MAIN HOUSE

EXG BASEBOARD  
RADIATION, TYP.



# PARTIAL 1ST FLOOR PLAN - PROPOSED AIRBNB

1/4" = 1'-0"

1 WOODRIDGE DRIVE, BURLINGTON, VT 05408

11/03/19

RECEIVED

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BURLINGTON

## Department of Permitting & Inspections

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



### MEMORANDUM

**TO:** Development Review Board  
**FROM:** Ryan Morrison, Associate Planner  
**DATE:** December 3, 2019  
**RE:** 20-0488SD; 95 Derway Drive

=====N  
**ote: 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: Claire Pointe Owners Association, Inc. / John Larkin, Inc.

**Request:** Preliminary plat application for the subdivision of the Claire Pointe planned community into five (5) parcels. One lot each for Buildings A, B, C and D, and one for the common land parcel. No new development is proposed.

#### **Applicable Regulations:**

Article 2 (Administrative Mechanisms), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 10 (Subdivision Review), Article 11 (Planned Development)

#### **Background Information:**

The applicant has applied for preliminary plat approval to subdivide five lots within the Claire Pointe planned community. The planned community, originally named 'The Bluffs at Northshore', received final Planned Residential Development (PRD) approval in 1999, and currently contains 4 buildings containing a total of 56 residential units, and associated surface parking. The 434,655 sf property will be subdivided as follows: Buildings A-C (Lots 1-3 respectively) will each be 9875 sf; Building D (Lot 4) will be 12,180 sf, and the common land lot (Lot 5) will be 392,850 sf. No new development is proposed in conjunction with this subdivision request.

The proposal has been forwarded to the City Engineer's office, to the Burlington Fire Marshal, to the Director of the Parks & Recreation Department, to Burlington Electric, and to the Burlington School District as required. At the time of staff report preparation, no comments have been received. Should comments be received prior to DRB action, they will be considered as necessary.

Previous zoning actions for this property are noted below.

- **Zoning Permit 98-240;** preliminary plat to construct three 4-story structures containing a total of 60 residential units. Approved November 13, 1997.



- **Zoning Permit 00-245**; final plat review to construct four residential structures, each with under-building parking, for a total of 56 units. Approved October 28, 1999.
- **Zoning Permit 01-462**; amend approved buildings by adding gas meters, vents and hose bibs, smaller light fixtures, add a hip roof above garage exit, add dormers to the buildings, and add roofs over entryways. Approved May 24, 2001.
- **Zoning Permit 02-216**; amend approved building elevations as follows: replace roof with decks; and add skylight windows. Approved November 6, 2001.
- **Zoning Permit 02-339**; amend the building design of the PRD to enclose a deck on buildings B, C, and D only. Approved February 5, 2002.
- **Zoning Permit 03-606**; install a new privacy fence. Approved June 12, 2003.
- **Zoning Permit 04-027**; zoning permit extension request to complete previously approved construction. Approved July 21, 2003.
- **Zoning Permit 07-699CA**; relocation of 5 parking spaces adjacent to building D, including minor site changes (grading, sidewalks). Approved May 18, 2007.
- **Zoning Permit 08-637CA**; construct 14 new parking spaces. Approved April 11, 2008.
- **Zoning Permit 10-0956CA**; replace broken dumpster enclosure with new fence. Approved May 28, 2010.

**Recommendation:** **Preliminary Subdivision Approval** as per the following findings:

## **I. Findings**

### **Article 2: Administrative Mechanisms**

#### **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. Immediate review indicates ZP10-0956CA has not been issued a Certificate of Occupancy.

**Affirmative finding as conditioned.**

### **Article 4: Zoning Maps & Districts**

#### **Sec. 4.4.5, Residential Districts:**

##### **(a) Purpose**

##### **(1) Residential Low Density (RL)**

*The RL district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. The district is typically characterized by a compact and cohesive residential development pattern of the respective neighborhood's development history.*

The property is located in the RL zone. The subdivision will result in new lots within the PRD for each of the four existing buildings, with the remaining lot encompassing all remaining common space. Because the property was approved as a Planned Residential Development, lot size requirements, in terms of density allowance, is not a factor here since it is calculated across the entire PUS itself, rather than for each lot itself. Article 11 (Planned Development) requires no setbacks for internal lots within a PUD (or similarly, the existing PRD). The only setback concerns for such developments exist for the peripheral lot lines of the PUD itself. Since the proposal simply involves placing each existing building onto their own lot, no changes to the existing setbacks to the peripheral development boundary will occur. See Article 11 below.

**Affirmative finding**

***(b) Dimensional Standards & Density***

Because of the PUD status, dimensional requirements apply to the property as a whole, not as individual parcels. Multi-family attached dwellings are also permissible. So technically, the density, lot frontage, lot coverage, and setback requirements of this section do not apply in respect to the placement of the new lots. **Affirmative finding**

***(c) Permitted & Conditional Uses***

No new construction is included in this proposal. Single family dwellings are permitted uses in the RL zone, while duplexes are conditional uses. Multifamily uses are not permitted in the underlying zone. However, multifamily uses can be permitted within a PUD development. See Article 11 below. No changes are proposed to any existing use. **Affirmative finding**

***(d) District Specific Regulations***

***1. Setbacks***

**A. Encroachment for Residential Driveways**

Not applicable.

**B. Encroachment into the Waterfront Setback**

Not applicable.

***2. Height***

**A. Exceptions in the Waterfront RM District**

Not applicable.

***3. Lot Coverage***

**A. Exceptions for Accessory Residential Features**

Not applicable.

***4. Accessory Residential Structures and Uses***

Not applicable.

***5. Residential Density***

Not applicable.

***6. Uses***

Not applicable.

***7. Residential Development Bonuses***

Not applicable.

**Article 5: Citywide General Regulations**

***Sec. 5.2.2, Required Frontage of Access***

Not applicable for the new lots within the PUD. As per Sec. 11.1.4 CDO, frontage requirements apply to the entire project rather than on an individual lot-by-lot basis.

***Sec. 5.2.3, Lot Coverage Requirements***

See Sec. 4.4.5 (b) above.

**Sec. 5.2.4, Buildable Area Calculation**

Not applicable. No new development is proposed.

**Sec. 5.2.5, Setbacks**

See Sec. 4.4.5 (b) above.

**Sec. 5.2.6, Building Height Limits**

See Sec. 4.4.5 (b) above.

**Sec. 5.2.7, Density and Intensity of Development Calculations**

See Sec. 4.4.5 (b) above.

**Sec. 5.5.1, Nuisance Regulations**

Nothing in the proposal appears to constitute a nuisance under this criterion. **Affirmative finding**

**Sec. 5.5.2, Outdoor Lighting**

Not applicable.

**Sec. 5.5.3, Stormwater and Erosion Control**

Not applicable.

**Article 6: Development Review Standards:**

**Part 1, Land Division Design Standards**

**Sec. 6.1.2, Review Standards**

*(a) Protection of important natural features*

The subdivision itself will have no impact on important natural features. **Affirmative finding**

*(b) Block size and arrangement*

Not applicable.

*(c) Arrangement of Lots*

The property, and the adjacent Village at Northshore, are unique in that they were developed as Planned Residential Developments, and do not reflect nearby lot arrangements of those along North Avenue and Hardy Avenue. Since the property is tucked away from other nearby development, there is no standard lot arrangement for the proposed lots to conform with.

*Interior lot lines extending from a street should be perpendicular or radial to the street right-of-way line to the greatest extent possible.*

Not applicable. While Derway Drive is a private street, none of the proposed lots will have frontage on it.

*(d) Connectivity of streets within the city street grid*

Not applicable.

*(e) Connectivity of sidewalks, trails, and natural systems*

Not applicable.



## **Article 10: Subdivision Review**

### **Sec. 10.1.7, Combined Preliminary and Final Plat**

*For subdivisions that will create fewer than five (5) lots or dwelling units, and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11, the applicant may request, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.*

*In such cases, the submission requirements for final subdivision plats pursuant to Sec. 10.1.9 shall be met at the time of application, and decisions by the DRB shall be based on the project's conformance with the review criteria for both preliminary (Sec. 10.1.8(d)) and final plats (Sec. 10.1.9(d)).*

The proposed subdivision is for five lots and cannot be considered for a combined hearing. The applicant will have to submit for final plat separately. **Affirmative finding as conditioned**

### **Sec. 10.1.8, Preliminary Plat Review**

#### **(g) Time Limits for a Preliminary Plat**

The approved preliminary plat will be valid for a period of one year post DRB decision. A separate final plat application will have to be submitted for review and approval by the DRB.

**Affirmative finding as conditioned**

### **Sec. 10.1.9, Final Plat Approval Process**

A final plat application that includes all submittal requirements provided under this section must be submitted, and a public hearing with the DRB will be required. **Affirmative finding as conditioned**

## **Article 11: Planned Development**

### **Part 1 – Planned Unit Development**

#### **Sec. 11.1.4 Modification of Regulations**

*With the approval of the DRB after a public hearing, the following modifications of the requirements of the underlying zoning may be altered within a planned unit development:*

- density, frontage, lot coverage, and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis;*
- required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;*
- more than one principal use and more than one principal structure may be permitted on a single lot; and*
- buildings may be of varied types including single detached, attached, duplex or apartment construction.*

As noted above, the density, frontage, lot coverage, and setback requirements of Sec. 4.4.5 (b) do not apply. The density, frontage, lot coverage and setbacks will all remain as existing.

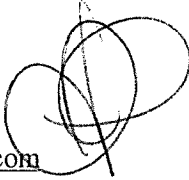
**Affirmative finding**

## **II. Conditions of Approval**

1. **Within one (1) year of the date of preliminary approval**, a final plat application shall be submitted for review and approval in accordance with Sec. 10.1.9 of the Comprehensive Development Ordinance. Failure to do so shall render void the preliminary plat approval.
2. No new construction is included in this preliminary subdivision approval.
3. Per **Section 2.7.8, Withhold Permit**, all zoning permits issued after July 13, 1989 must be closed out (issued a Certificate of Occupancy) prior to issuance of a Final Certificate of Occupancy for the final plat permit. See attached permit list. Upon expiration of this new zoning permit, no additional zoning permits may be issued until it, and all prior zoning permits, have been closed out with final certificate(s) of occupancy. It is recommended that certificates of occupancy for the old zoning permits be sought prior to seeking a certificate of occupancy for the new zoning permit.
4. Standard permit conditions 1-15.

## LISMAN LECKERLING, P.C.

84 Pine Street, Burlington, VT 05402-0728  
Phone: (802) 864-5756  
Facsimile: (802) 864-3629  
[www.lisman.com](http://www.lisman.com)

**From:** Carl H. Lisman  
Direct dial: 802 657-7225  
E-mail: [clisman@lisman.com](mailto:clisman@lisman.com)  
  
**To:** Scott Gustin  
Burlington Planning & Zoning Department  
**Date:** November 5, 2019  
**Subject:** Claire Pointe

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The Claire Pointe planned community is the subject of Zoning Permit No. 99-633, dated July 22, 1999. The permit authorized four multi-family buildings with associated infrastructure and amenities. A subsequent permit (Zoning Permit/Certificate of Appropriateness No. ZP01-462/COA 980009G, dated May 24, 2001) was issued to allow for modification of Building D.

All four buildings (identified as Buildings A, B, C and D) have been constructed and are occupied. All infrastructure (including the access road) and amenities have been completed and are in use.

The developer is John Larkin, Inc. The owners of units are members of the Claire Pointe Owners Association. The developer and the Association have agreed that their respective best interests will be better served by subdividing the property into six parcels. Four of the parcels will be slightly larger than the footprints of the buildings, the fifth parcel is the swimming pool previously deeded to the Northshore Association and the sixth is the remaining lands of the planned community, including the access road.

No construction or change in use is contemplated.

I am enclosing an application to subdivide the lands. When final approval is given, the developer and the Association will enter into an agreement relating to a number of matters, including responsibility for maintaining the common lands, including the access road.

Based on our prior conversation, we understand that a hearing will be scheduled for preliminary plat approval, following by the next available hearing date for final plat approval.



**LAW OFFICES OF  
LISMAN LECKERLING, P.C.**

Scott Gustin  
November 5, 2019  
Page 2

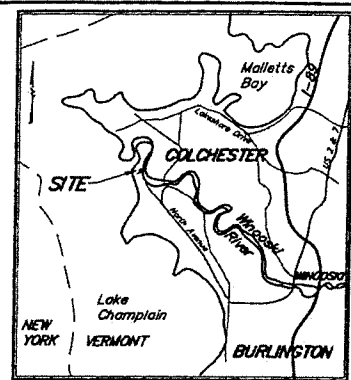
I am also enclosing 10 24" x 36" paper copies of site plan and one 11" x 17" paper copy of the site plan. A digital version of the plan can be found at <https://lisman.sharefile.com/d-s44562743c014151b>.

Our check, in the amount of \$1,810 (\$10 plus \$300 x six) in payment of the fee for both preliminary and final approval, is enclosed.

Let me know if addition information is required. Most of the information on the checklists seems inapplicable given the nature of the application for subdivision approval.

16833\010

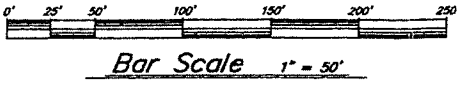
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NOV 05 2019  
BURLINGTON  
PERMITTING & INSPECTIONS



Location Map  
n.t.s.

Legend

- Calculated point
- Survey Control Point
- Concrete monument found
- Future concrete monument to be set (as directed by owner)
- Iron pin / pipe found
- Future iron pin to be set (as directed by owner)
- Utility Pole
- Property Line / Right of Way
- Lease Limit
- Zoning boundary



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BURLINGTON  
PERMITTING INSPECTIONS

Deed References

| Grantor                                            | Grantee                       | Volume/Page | Date               |
|----------------------------------------------------|-------------------------------|-------------|--------------------|
| Walter and Mira Griffith                           | to Rutland Railroad Company   | 70 476      | April 11, 1917     |
| Joseph and Fannie Derway                           | to Rutland Canadian Railroad  | 44 413      | November 14, 1900  |
| Univ. of Vermont and<br>State Agricultural College | to Rutland Canadian Railroad  | 44 353      | July 13, 1900      |
| Rutland Canadian Railroad                          | to Joseph and Fannie Derway   | 46 229      | September 26, 1899 |
| John S. Derway                                     | to Lizzie Chambers            | 37 80       | January 14, 1895   |
| Fannie Derway                                      | to Jennie Derway              | 48 559      | January 6, 1906    |
| Estate of John Derway, Sr.                         | to Joseph and Fannie Derway   | 46 216      | August 28, 1899    |
| City of Burlington                                 | to The Northshore Partnership | 328 458     | January 6, 1906    |
| City of Burlington                                 | to The Northshore Partnership | 328 463     | January 2, 1906    |
| Ruth Millington                                    | to The Northshore Partnership | 324 219     | September 23, 1905 |
| John Derway                                        | to The Northshore Partnership | 324 211     | September 6, 1905  |

Survey Notes

- All bearings are calculated and referenced to Astronomic North. Magnetic North was observed to be approximately 14° 20' west of Astronomic North.
- Topographic survey was completed in April 1997 and December 1998 by Krebs and Lansing Consulting Engineers. Horizontal control and vertical limits were established by reference to the original location of the corner monument. The corner monument was found to be approximately 0.91 feet higher than U.S.G.S. datum.
- The common line between Brown and Starnad on the north and John Larkin, Inc. on the south was created in January of 1905. This line represents the subdivision of the John Larkin property in which 26 acres were sold to Lizzie Chambers. The line was resurveyed by H. M. McIntosh as part of the taking for the Rutland - Canadian Railroad.
- The Derway - Chambers line was resurveyed again in 1950 by A. Hoag, Jr. Hoag converted the original astronomic azimuth established by the railroad to a magnetic bearing (1950) and ran this line based on the original location of the corner monument. Monumentation noted as C11 and C12 were set by A. Hoag.
- This same line was retraced by Henry Smider in 1983. Monumentation noted as IP2 and IP3 were set by Smider. The right of way returned to Lizzie Chambers in Volume 37 Page 80 extends only to the limits of the original parcel, not as shown on Smider's survey.
- The lots along North Avenue Extension were conveyed by Howard and Ruth Millington in the early 1890's. Prior to these conveyances, in 1858, the Millington's conveyed land to the City of Burlington for a wastewater treatment plant. The conveyance descriptions to the lot owners (3047 North Ave. to 3073 North Ave.) recite and call for the west line of the land of the City of Burlington as the beginning point. Some of these lots are located on the west line of the City of Burlington. The lots were calculated based on the full deeded depths from the west line of the City of Burlington.
- RECORDS marks the approximate location of the Maple tree called for in the first Derway subdivision to Lizzie Chambers in 1895 (see Vol. 37 Page 8). The location of this tree was shown to Arthur Hoag in 1950 by Mr. Raymond Derway. Mr. Hoag recovered an old stump below the road and set an iron pipe in that location. In 1956 the Burlington Water Dept. removed the pipe. Hoag set a new pipe November 29, 1956.

Map References

- North Avenue Sewage Disposal Plant 1985
- City of Burlington from Howard and Ruth Millington
- Plot of Survey - Nature Conservancy - North Avenue Extension - Burlington, Vermont by Trudell Consulting Engineers #91052-40 dated July 10, 1991
- Sketch - Lots 205-209 Sold to New England Buildings by Howard Millington dated May 1, 1983
- Plot of Survey for The Village of North Shore by Trudell Consulting Engineers #84049 dated January 1985
- Plan showing Drawing of the Estate of John S. Derway, Burlington, Vermont by H.M. McIntosh 1905
- The Village of Northshore I by Trudell Consulting Engineers #84049 J sheets
- Right-of-Way and Track Map - Rutland Railroad Company, Vacation Sections 2 Sheets 126, 126, 127 dated June 30, 1917 recorded January 1, 1964
- Sketch of Mill-Hard Plot - Proposed Layout North Half of lot 40 by Howard Millington October 1896
- Property Plan - Azaruk and Sylvia Broadbent - North Avenue Extension by William Robinson #538-58 June 17, 1989
- Starnad Easement - Burlington Storm Extension - North Avenue Extension by William Robinson #538-58 June 17, 1989
- North Avenue Extension - Sewer Separation Job - Burlington Electric Department #8-441 revised March 8, 1987
- Rutland Canadian Railroad Location Maps sheets 9, 10 and 11
- Property Survey for Lawrence and Michelle Brown, Burlington Vermont by Henry Smider December 1983
- Plan of Line Surveyed for Raymond Derway by Hoag and Associates, Inc. #888 dated September 1990 revised November 29, 1990
- Plot of Survey of Riverside Park - January 12, 1895
- Plan of "The Bluffs of Northshore R.O.W. and easements" dated 5/17/01, recorded in V. 730, P. 247-8
- Final Plot of "The Bluffs of Northshore" by Krebs and Lansing Consulting Engineers, dated Sept. 2, 1988, last revised June 1, 2004.

Boundary Notes

- The descriptions controlling the locations of the boundaries of the land surveyed and the physical evidence located and existing on the ground were compared and analyzed to provide boundary locations that are most indicative of the original intent of the deeds and is harmonious with existing monumentation. Where conflicts between physical evidence and written evidence exist, the physical evidence shall prevail unless it is shown to be erroneous or the written evidence is more reliable.
- This plot of survey depicts boundary location of lands under the title of John Larkin, Inc. and also the limits, where known, of easements, licenses, and rights that may encumber or benefit the surveyed premises.
- Monuments have been set in and on the ground where shown on the plot of survey where, in the opinion of the surveyor, it was necessary to perpetuate a corner not otherwise monumented. Monuments shown as "to be set" will be set at the title holder's direction.
- Any boundary line location, shown on deeds or documents recorded in the public records by which title or rights were conveyed to John Larkin, Inc. or title or rights in lands of John Larkin, Inc. were otherwise delineated, is subject to accuracy and legality of those deeds or documents. Where those deeds or documents are in conflict with the physical evidence, the physical evidence shall prevail unless it is shown to be erroneous or the written evidence is more reliable.
- The boundary line locations shown are also subject to accuracy and legality or lack of authority of any grantor or grantee who professed the right or ability to convey, release or condemn property or rights in the surveyed property.
- Any depiction on the plots of survey of boundary lines or other structures, easements or boundary lines other than those of John Larkin, Inc. are not warranted and of boundary lines depicted are subject to the accuracy and completeness of the public record.
- This plot of survey is for the sole use of John Larkin, Inc. and the use by other property owners, private or municipal, is specifically unauthorized.
- In addition to this survey plot, a surveyor's abstract and surveyor's report were prepared. This surveyor's abstract includes the chronological chain of title for the lands of John Larkin, Inc. the chronological chain of title for the lands of John Larkin, Inc. and other documents and deeds related to the lands of John Larkin, Inc. and other documents and deeds related to the lands of John Larkin, Inc. The surveyor's report provides the analysis and evaluation, logic, and conclusions used to locate the boundaries depicted on this plot of survey. The surveyor's abstract and report are part of this survey.

Engineer's Certification

It is hereby certified that, to the best of my knowledge, this plot fully complies with all engineering requirements set forth in the subdivision regulations of the City of Burlington and of other published engineering requirements of Burlington, Vermont.

William H. Nadeau, Jr. P.E. #703

Surveyor's Certification

It is hereby certified that this plot is true and correct and was prepared from an actual survey of the property by me or persons under my supervision, that all monuments shown hereon actually exist or are marked as "future" and their location, size, type and materials are correctly shown. No additional survey boundary work has been completed since 9/2/99.

Jon A. Jenkins, L.L.S. #639



This survey is based on physical evidence found in the field and information abstracted from deeds and other pertinent records and this survey is consistent with that evidence. This plot conforms to 27 V.S.A. section 1403. No additional survey boundary work has been completed since 9/2/99.

| Date               | Revised | Description                                                |
|--------------------|---------|------------------------------------------------------------|
| 10/1/19            |         | Add bldg subdivision lines, update areas, update eblatters |
| November 5, 2006   |         | New Building D                                             |
| June 1, 2004       |         | New Building D                                             |
| September 26, 2003 |         | notes                                                      |
| July 15, 2001      |         | Final Plot Amendment Application                           |
| March 22, 2001     |         |                                                            |

| Date     | Revised | Description | Checked | Date    |
|----------|---------|-------------|---------|---------|
| 10/1/19  |         |             | whn     | 10/1/19 |
| 11/06/06 |         |             | whn     | 6/07/04 |
| 6/07/04  |         |             | whn     | 6/29/03 |
| 7/16/01  |         |             | whn     | 7/16/01 |
| 3/22/01  |         |             | whn     | 3/22/01 |

Final Plot

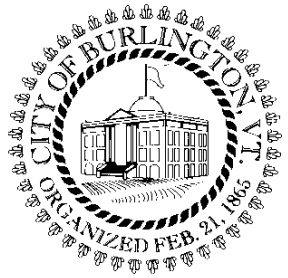
CLAIRE POINT

Project 99141/19173 North Avenue & Derway Drive Burlington, Vermont  
KREBS & LANSING Consulting Engineers, Inc.

## Department of Permitting and Inspections

Zoning Division  
149 Church Street  
Burlington, VT 05401  
<http://www.burlingtonvt.gov/PZ/>  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)

William Ward, Director  
Charlene Orton, Code Compliance Officer  
Theodore Miles, Interim Code Compliance Officer  
Scott Gustin, AICP, CFM, Principal Planner  
Mary O'Neil, AICP, Principal Planner  
Ryan Morrison, Associate Planner  
Layne Darfler, Planning Technician  
Alison Davis, Zoning Clerk



### MEMORANDUM

To: Development Review Board  
From: Mary O'Neil, AICP, Principal Planner  
Date: December 3, 2019  
RE: 351 Pine Street; Zoning Permit 20-0487CA/CU

**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 Number:** ZP20-0487CA/CU

**Zone:** E-LM **Ward:** 5S

**Date application accepted:** November 5, 2019

**Applicant/ Owner:** University of Vermont State Agricultural College / Vermont Railway Inc.

**Request:** Use existing gravel parking/storage lot owned by Vermont Railway for 200 space long term UVM student parking. The proposed lot is intended to satisfy Condition #1 of the 149 Beaumont Avenue Health Sciences Research Facility addition application (ZP20-0203CA), approved October 2, 2019.

#### **Background:**

- **Zoning Permit 13-0795SD;** Two lot subdivision. No development proposed. April 2013. Plat recorded April 2103.
- (Early permitting associated with parcel 345 Pine Street, former Vermont Transit building.) **Zoning Permit n.n.;** above ground storage tank facilities for flammable fuels (gasoline, fuel oil, kerosene) on property fronting Pine Street now owned by Champlain Oil Co. Inc. **and on property now owned by Samuelson Scrap Yard**, which lies southerly of the southerly end of South Champlain Street. June 1962.

#### **Overview:**

The University of Vermont State Agricultural College has entered into a lease agreement with Vermont Railway to utilize an existing parking/storage lot at 351 Pine Street for the purposes of long term student parking. The site is currently graveled and enclosed within a chain link fence.

**Recommended motion: Conditional Use and Certificate of Occupancy approval**, per the following findings and conditions:

#### **I. Findings**

#### **Appendix A: Use Table**

Parking Lots are a Conditional Use in the E-LM zoning District. See Section 3.5.6, below.

## **Article 3: Applications, Permits and Project Reviews**

### **Part 5: Conditional Use**

#### **Section 3.5.6 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 project will not require water or sewer service, and the parking lot lights will be solar powered. There will be no undue adverse effect on public utilities, facilities or 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 state policies and standards of the municipal development plan;*

The area proposed for the project is currently used as a railroad parking lot and railyard transload area; surrounded by railroad/industrial and other parking uses. A gravel parking lot to the east is used by Dealer.com for employee parking. The continued use of the gravel lot for long-term parking is consistent with the character of the area.

**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.*

The long term nature of the proposed parking lot will result in minimal parking turnover. No nuisance impacts are anticipated. **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;*

Access to the project site will continue from Pine Street via an existing curb cut and shared access right-of-way over the Dealer.com parking lot property. Access to and from parked vehicles will be provided by public transit (GMT) and UVM will run a shuttle to the lot during school semesters. Every student who parks in the lot will be eligible for a limited number of free rides at night using the new Safe Ride Program organized by the UVM Student Government Association. No undue or adverse effect on the transportation system is projected. The University will be required to include this parking facility within their transportation plan (Joint Institutional Parking Management Plan) as part of their TDM efforts. **Affirmative finding as conditioned.**

*and,*



5. *The utilization of renewable energy resources;*

The proposed lighting (to be mounted on concrete waste blocks around the perimeter of the parking area) will be solar powered. **Affirmative finding.**

*and*

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

The railroad is exempt from local zoning for railroad activities. The proposed parking lot use by the University of Vermont moves the project review back under the City's regulatory authority.

The parcel falls within the lakeshore Special Flood Hazard Area. Although no construction is proposed and no ground disturbance included, any changes to the lot would be subject to FHRC flood regulations by the City, and may be subject to review under the state Flood Hazard Area and River Corridor (FHARC) rule. The applicant is advised to consult with the Vermont DEC Watershed Management Division for any further review and permitting that may be required. **Affirmative finding as conditioned.**

*(c) Conditions of Approval*

*In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) 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 character in keeping with the surrounding area.*

The surrounding area includes industrial/railyard uses and parking. As proposed, the lot is in keeping with the character of the immediate area. **Affirmative finding.**

2. *Time limits for construction.*

No ground disturbance or penetration is proposed, and construction is limited to installation of pole mounted solar lighting. **Affirmative finding.**

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

The submission materials indicate that the lot will be accessed only sporadically (anticipated around school breaks) but available to students via UVM transport or GMT. Free rides will be available to students at night. With the limited use of the lot as a long-term parking facility, no undue adverse impacts to the surrounding properties are projected. **Affirmative finding.**

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

Any requests for enlargement or alteration will be reviewed under the regulations in effect at the time of application. **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.*

This is at the discretion of the Development Review Board.

## **Article 4: Zoning Maps and Districts**

### **Section 4.4.3 Enterprise Districts**

#### ***(a) Purpose***

1. *The Light manufacturing 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. ...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.*

This is a former salvage yard / railyard/ storage area. Parking is consistent with previous uses and the industrial nature of the zoning district. As parking, it is located behind (to the west) of structures and parking that front the street at 345 Pine St. **Affirmative finding.**

#### ***(b) Dimensional Standards and Density***

Lot coverage is limited to 80% in E-LM; 66.9% is existing and proposed. No development is included with the application. The lot has no streetfrontage, and does not abut a residential district requiring setbacks. No changes are proposed to the existing site conditions. **Affirmative finding.**

#### ***(c) Permitted and Conditional Uses***

Parking lots are a Conditional use in the E-LM. See Section 3.5.6 (a), above.

#### ***(d) District Specific Regulations***

1. *Convenience Stores* Not applicable.
2. *Drive Thrus* Not applicable.

### **Section 4.5.4 Natural Resource Protection Overlay (NR) District**

#### ***(b) Areas Affected***

1. Riparian and Littoral Conservation Zone
2. Wetland conservation Zone
4. Special Flood Hazard Area

The parcel falls within the Barge Canal Wetland, the Special Flood Hazard Area, and Riparian and Littoral Conservation Zone. No site disturbance, ground penetration or development are proposed. Any alteration effected by the railroad may be subject to DEC review.

**Affirmative finding as conditioned.**

## **Article 5: Citywide General Regulations**

### **Section 5.2.1 Existing Small Lots.**

Not applicable.

### **Section 5.2.2 Required Frontage or Access**

This is an existing lot, with deeded right-of-way access to a public road (Pine Street.)

**Affirmative finding.**

### **Section 5.2.3 Lot Coverage Requirements**

See 4.4.3, (b), above.

### **Section 5.2.4 Buildable Area Calculation**

This is not within the RCO, WRM, RM, WRL or RL zoning district; and no development is proposed. Not applicable.

### **Section 5.2.5 Setbacks**

See 4.4.3, (b), above.

### **Section 5.2.6 Building Height Limits**

No development is proposed. Not applicable.

### **Section 5.5.2 Outdoor Lighting**

The plan proposes solar lighting (no ground disturbance; poles to be supported by concrete waste blocks around the perimeter of the parking area.) A blue light will be installed for safety purposes. **Affirmative finding.**

### **Section 5.4.9 Brownfield Remediation**

The project site are subject to a Corrective Action Plan (CAP) approved by the Vermont Department of Environmental Conservation. Approved remedial activities include installation of engineered barriers including a gravel parking lot, installation of a fence to restrict access to certain areas, and a long-term groundwater monitoring program. Land use restrictions have been established for the property. The CAP specifically allows the property to be used as a parking lot without requiring further approval by DEC. (SMS Site #20124348.) **Affirmative finding as conditioned.**

## **Article 6: Development Review Standards**

### **Part 1: Land Division Design Standards**

Not applicable.

### **Part 2: Site Plan Design Standards**

#### **(a)Protection of Important Natural Features:**

There are no natural features. The site is currently graveled. **Affirmative finding.**

#### **(b) Topographical Alterations:**

No grading or changes to the topography are proposed. **Affirmative finding.**

#### **(c)Protection of Important Public Views:**

There are no protected public views from the parcel. Not applicable.

**(d) Protection of Important Cultural Resources:**

Although the Barge Canal is identified within the Pine Street Industrial Historic District, the application for use of this parcel as a parking lot does not have an impact on the overall historic district. **Affirmative finding.**

**(e) Supporting the Use of Renewable Energy Resources:**

The project will utilize solar powered lighting. **Affirmative finding.**

**(f) Brownfield Sites:**

See Section 5.4.9, above.

**(g) Provide for nature's events:**

The project does not involve any grading to conversion of pervious area to impervious area. No change is proposed to existing conditions. **Affirmative finding.**

**(h) Building Location and Orientation:**

Not applicable.

**(i) Vehicular Access:**

No change to existing. **Affirmative finding.**

**(j) Pedestrian Access:**

Pedestrians may access the lot from the Dealer.com lot, and utilize public sidewalks and pedestrian crosswalks existing on Pine Street. **Affirmative finding.**

**(k) Accessibility for the Handicapped:**

As this is proposed to be a remote, long-term student parking lot, no handicap parking spaces will be identified. The University provides ADA parking close to institutional buildings, and access to this lot via shuttle transit. **Affirmative finding.**

**(l) Parking and Circulation:**

This is an existing graveled lot to continue to provide vehicular parking. Circulation shall remain as existing, with access from Pine Street. The lot will be lined to identify parking spaces. This is likely seasonally required to be refreshed, given the gravel base. **Affirmative finding.**

**(m) Landscaping and Fences:**

There is an existing, chain link fence around the parcel; installed by the railroad (which is exempt from zoning review for alterations associated with railroad use.) **Affirmative finding.**

**(n) Public Plazas and Open Space:**

Not applicable.



**(o) Outdoor Lighting:**

The project will include 12 solar powered light fixtures mounted on poles at 17'. The light fixtures are LED Solar. The submitted photometric confirms compliance with lighting standards for parking lots. **Affirmative finding.**

**(p) Integrate infrastructure into the design:**

No development is included. Not applicable.

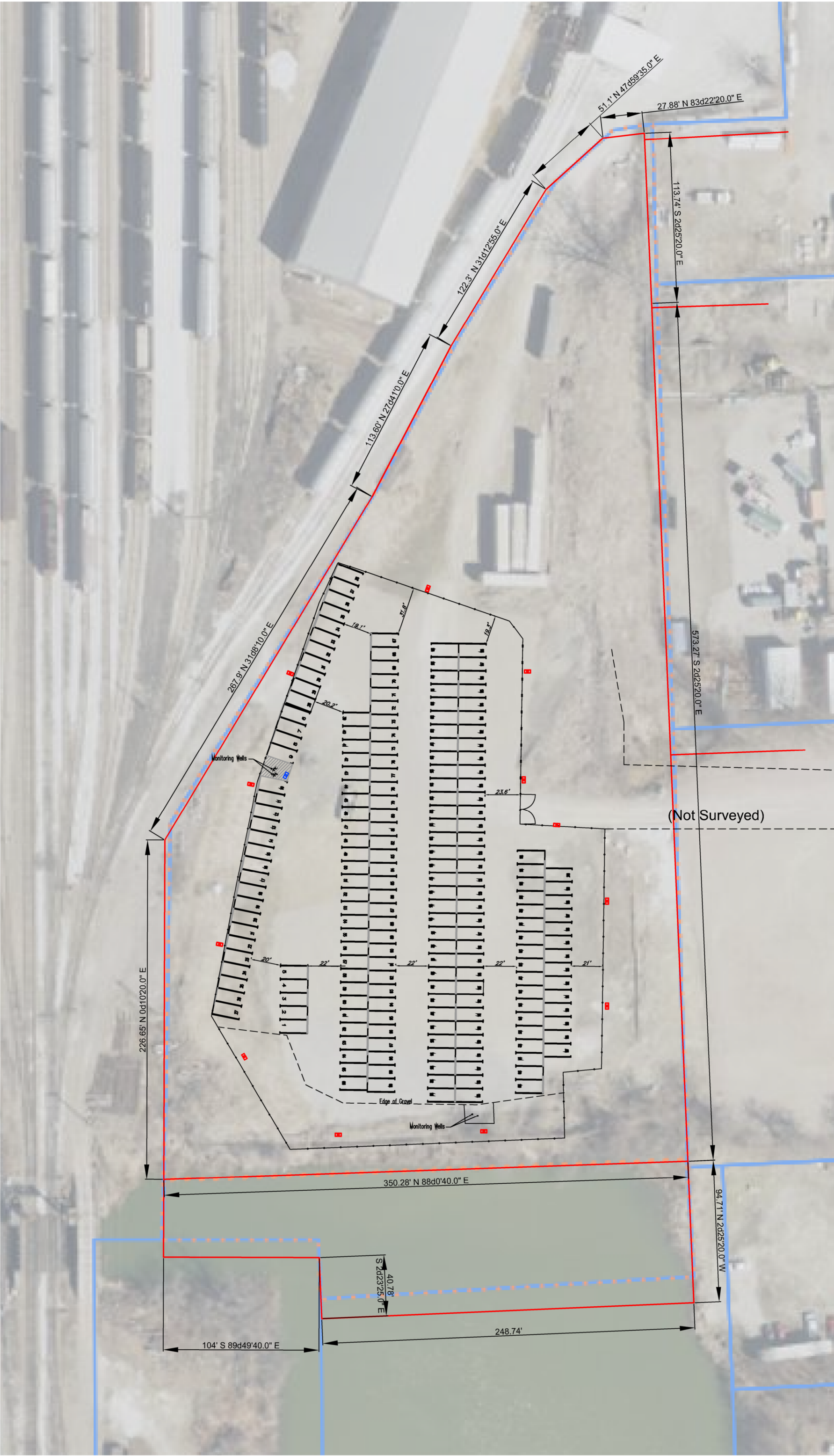
**Part 3: Architectural Design Standards**

Not applicable.

**II. Conditions of Approval**

1. The applicant is advised to consult with the Vermont DEC Watershed Management Division for any further review and permitting that may be required.
2. Any requests for enlargement or modification of this Conditional Use permit will be reviewed under the regulations in effect at the time of application.
3. No activities, development, disturbance or changes in use that are in conflict with the Corrective Action Plan approved by the Vermont Department of Environmental Conservation shall be undertaken.
4. This new parking facility shall be included within any University of Vermont Joint Institutional Parking Management Plan as part of a portfolio of parking supply.
5. Approval of this lot specifically to meet Condition #1 of ZP20-0203CA (149 Beaumont Avenue) is conditioned upon a long term, renewable lease with the property owner. Failure to maintain such lease for the duration of the use will invalidate this approval toward meeting that Condition.
6. 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.**



## LEASE AGREEMENT

351 Pine Street, Burlington, Vermont

*Vermont Railway, Inc.*

to

*University of Vermont and State Agricultural College*

THIS LEASE AGREEMENT (this "Lease") is effective as of the 11<sup>th</sup> day of October, 2019 (the "Effective Date") and is between **VERMONT RAILWAY, INC.**, a Vermont corporation, whose address is One Railway Lane, Burlington, Vermont ("Landlord"), and the **UNIVERSITY OF VERMONT AND STATE AGRICULTURAL COLLEGE** whose address is 109 So. Prospect St., Burlington, Vermont ("Tenant").

### WITNESSETH:

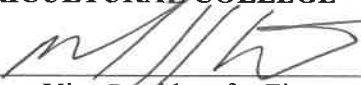
1. Premises/Access. Landlord, in consideration of the sums herein agreed to be paid by Tenant and the other agreements herein contained hereby leases to Tenant a portion of that certain property known as 351 Pine Street, Burlington, Vermont. Landlord will provide a level and graded surface suitable for parking 200 cars (6"-8" of sure-pack gravel over road fabric), with a 6' chain-link fence separating parking area from railroad track and rail yard perimeter with pre-existing security lighting, all as more particularly to be depicted on Exhibit A (the "Premises"), in accordance with the terms of this Lease. In addition, Landlord will facilitate Tenant installation of a hinged gate, to be installed with chain-link fence noted above, at Tenant's specification and cost. Tenant shall be permitted to utilize the Premises 24 hours a day, 7 days a week, during the Term and Landlord shall allow Tenant unimpeded non-exclusive access from the nearest public right of way (Pine Street) to the Premises as depicted on Exhibit A, or as otherwise reasonably required by Tenant to provide such ongoing access. Landlord warrants Tenant's use of the right of way for pedestrian and vehicular traffic ingress and egress to the Premises is a permitted use and Landlord will maintain such access in good order and repair at no cost to Tenant. Tenant acknowledges that Landlord is an operating railroad and that the access from Pine Street is used by Landlord in connection with railroad operations, and railroad use may occasionally interfere with routine Tenant access to the Premises. Landlord will provide Tenant reasonable advance notice of any expected heavy vehicle traffic. Tenant acknowledges that such temporary interference with vehicle access shall not be considered a breach of the Lease, and that Tenant shall not impede or obstruct access to, over and upon the Premises when necessary to railroad operations.

2. Term. The term of this Lease (the "Term") shall be for five (5) years and shall commence on the earlier of (i) October 1, 2019 or (ii) Landlord delivering Premises to Tenant (the "Commencement Date"). Future renewals of this Lease shall be negotiated by the parties. Notwithstanding the foregoing, Tenant specifically acknowledges that Landlord is an operating railroad and agrees that should Landlord reasonably determine that some or all of the Premises are required for railroad purposes the Landlord shall have the right to terminate this with ninety (90) days prior written notice to Tenant but no earlier than the end of the 24<sup>th</sup> month, in which case all of Tenant's rent obligations shall cease. Tenant may terminate this Lease with or without cause, at any time after October 1, 2021 upon ninety (90) days prior written notice to Landlord.

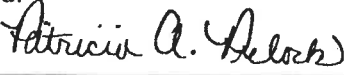
3. Use. The Premises shall only be used by Tenant for Tenant-related vehicle parking (collectively, "Tenant's Use"). Tenant may sublease parking spaces upon prior written consent of the Landlord, at Landlord's sole discretion. At no time may Tenant's Use impede or obstruct vehicle access between the Railyard and Pine Street.

WITNESS WHEREOF, the parties have executed this Lease effective as of the day and year first stated above.

**TENANT: UNIVERSITY OF VERMONT AND  
STATE AGRICULTURAL COLLEGE**

By:   
Richard H. Cate, Vice President for Finance and Treasurer

Acknowledged:

By:   
Patricia Prelock, Senior Vice President and Interim Provost

**LANDLORD: VERMONT RAILWAY, INC.**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Its: \_\_\_\_\_

WITNESS WHEREOF, the parties have executed this Lease effective as of the day and year first stated above.

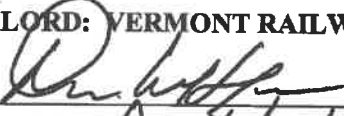
**TENANT: UNIVERSITY OF VERMONT AND  
STATE AGRICULTURAL COLLEGE**

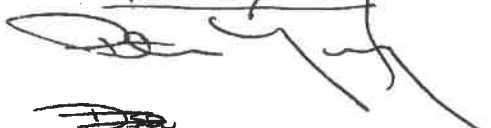
By: \_\_\_\_\_  
Richard H. Cate, Vice President for Finance and Treasurer

Acknowledged:

By: \_\_\_\_\_  
Patricia Prelock, Senior Vice President and Interim Provost

**LANDLORD: VERMONT RAILWAY, INC.**

By:   
Print Name: David Wilson  
Its: President.

ACK: TERE Young  
  




## EXHIBIT A PREMISES

Landlord to provide graded surface suitable for parking with 6' chain-link fencing surrounding the Premises. Tenant will provide, coordinate and install of any additional fencing, a swing-gate, lighting, cameras, and other safety measures.



**UVM Leased Lot at 351 Pine Street**

 = VRS Fence

 = UVM Gate

 = Shared Access Road

# UVM Long Term Parking Lot Project

## Lot Coverage Calculations\*

| Parcel Size (SF) | Existing Lot Coverage |                  | Proposed Lot Coverage |                  |
|------------------|-----------------------|------------------|-----------------------|------------------|
|                  | Square Feet           | % of Lot Covered | Square Feet           | % of Lot Covered |
| 165,964          | 111,000               | 66.9%            | 111,000               | 66.9%            |

\* Note: Lot coverage calculations are estimates only as the property was not surveyed. Lot coverage estimates are based on City parcel data, aerial photography, the proposed site plan and visual inspections of the property.

Updated 11.25.19





Looking west from Dealer.com parking lot

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Looking southwest from access drive

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Looking northwest from access drive

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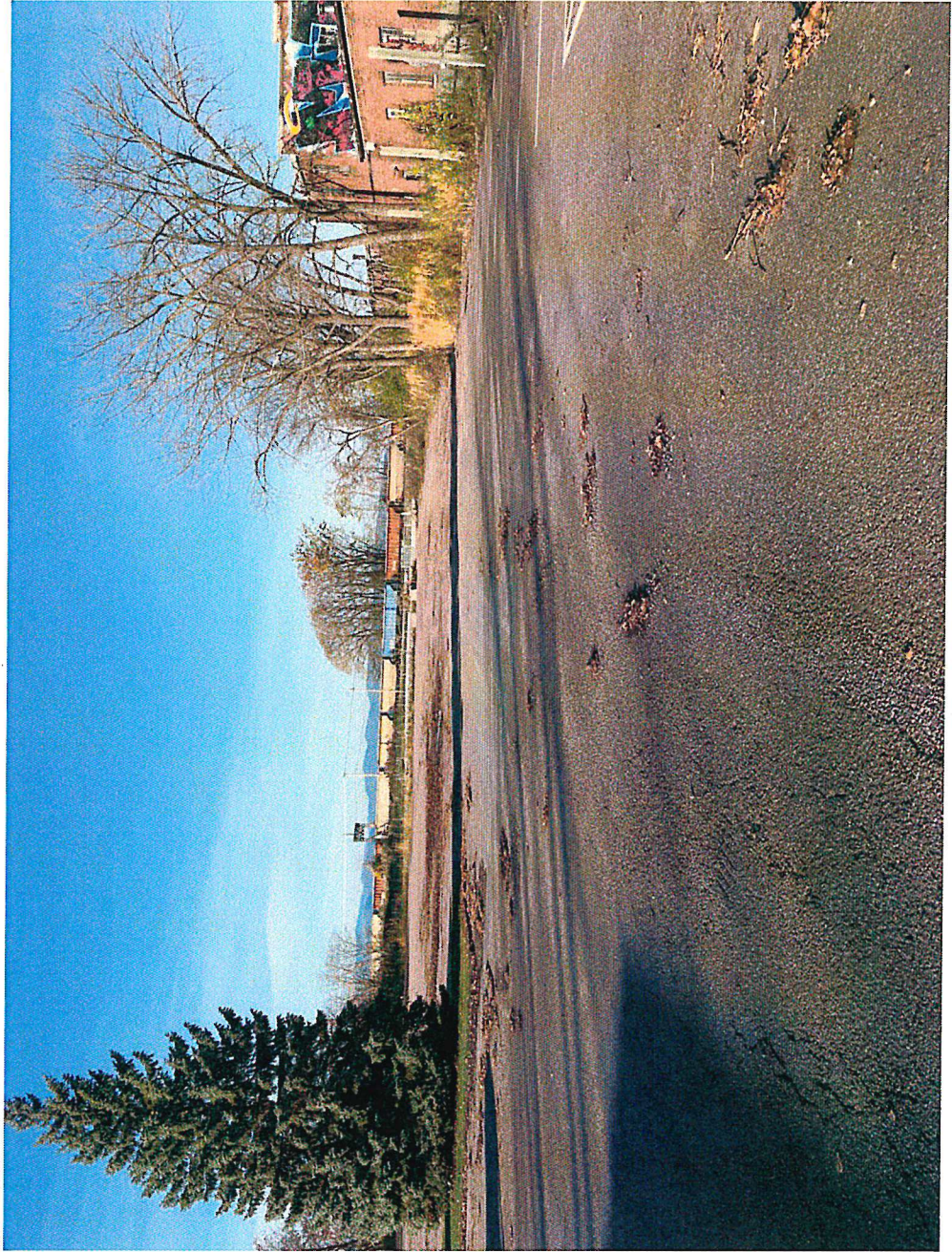
Looking northwest at remaining Vermont Railway property

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Access – Looking west from Pine Street

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Access – Looking east toward Pine Street

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Adjacent DPW property – looking northeast from project site

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# Code Blue

THE CONFIGURATOR IS NOT TO  
BE USED AS THE ORDER FORM

CB 2-e

Configurator

## DEALER INFORMATION

|                                            |       |        |       |       |
|--------------------------------------------|-------|--------|-------|-------|
| Dealer:                                    | City: | State: | PO:   | Date: |
| End User<br>(required for<br>valid order): | City: | State: | Type: |       |

## STANDARD FEATURES



### Basic Unit Configuration

☒ Code Blue 2-elite (CB 2-e), wall mount enclosure

### Color and Graphics Options

☒ STANDARD (choose below) ☐ CUSTOM (call)

#### Finish Color (choose one)

#### Standard Color:

☐ 4B Brushed Stainless Steel

#### Optional Colors:

☐ Safety Blue ☐ Safety Yellow ☐ Safety Red ☐ Gloss White ☐ Bright Silver ☐ Tiger Orange ☐ Midnight Blue

☐ Gloss Black ☐ Dark Bronze ☐ Cardinal Red ☐ Medium Bronze ☒ British Racing Green

☐ Custom Color\*

\*A physical color sample must be sent to Code Blue for matching. It must be painted or professionally printed and be at least 2x2" in size.

☒ Clear Coat enclosure (painted units only) (for additional protection-recommended for saltwater regions)

#### Graphics Text (choose one) (2-sided only)

☒ Emergency ☐ Assistance ☐ Help Point ☐ Police ☐ Courtesy ☐ Security ☐ Information ☐ [None]

#### Graphics Color (choose one)

☐ Reflective White ☒ Reflective Black ☐ Reflective Blue ☐ Reflective Red

☐ Reflective Green ☒ Reflective Yellow ☐ [None]

## OPTIONAL FEATURES

### Faceplate Opening Options

#### First Opening (Bottom)

Speakerphone - IA4100 (analog) ☐ 1 Button ☐ 2 Button ☒ 2 Button with Keypad

Speakerphone - IP5000 (IP) ☐ 1 Button ☐ 2 Button ☐ 2 Button with Keypad

☐ No Phone - blank Lexan plate (units ordered w/o phone will not contain surge suppression)

☒ IP5000 Battery Back-Up

☒ Clear Coat faceplate (for additional protection - recommended for saltwater regions)

#### Main Bezel

☒ PUSH FOR HELP (standard) ☐ EMERGENCY (raised letters w/ Braille)

☐ EMERGENCY/EMERGENCIA (raised letters w/ Braille) ☐ Custom / Silkscreen (call)

#### Camera Options (Top)

☐ Camera Enclosure w/ Color IP Camera (must purchase 120V AC/250V A transformer or PoE extractor)

### Power

☒ Line Power (standard)

☐ Power over Ethernet (PoE) Extractor (powers auxillary Code Blue equipment)

#### Voltage (Select the voltage that will be available at the installation site)

☐ 24V AC (standard) ☒ 120V AC 40VA (cannot power accessories) ☐ 120V AC 250VA

☐ 240V AC 250VA ☐ 277V AC 250VA ☐ 347V AC 250VA

### Mounting Options

☐ Wall Mount (standard)

☒ Pole Mount Hardware Kit (see Parts Order Form, part no. 40133)

NOTES: Due to size and weight, pole mount kit is not available for AED units.

Banding tool sold separately. See Parts Order Form, part no. 41441.

Product details: [www.codeblue.com/2-series](http://www.codeblue.com/2-series)

SEE PAGE 2 FOR ADDITIONAL FEATURES

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# LEDSAL LED SOLAR AREA LIGHT | ALL-IN-ONE DESIGN



WARRANTY



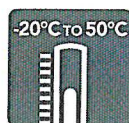
CHARGE TIME



BATTERY LIFE



EFFICACY



OPERATING TEMP



BATTERY SAFETY



WIND CERT.



CRI



RATED

## go completely off-grid



- 8W replaces up to 70W MH, 30W replaces up to 250W MH
- All-in-one design, the solar panel and battery are built right in the LED fixture
- No need for trenching or wiring, this fixture does not connect to any power feed
- Perfect for greenspace and greenway lighting, parks, parking lots, transit shelters and stops
- Long life battery lasts three nights with a one day charge
- Advanced new LiFePO4 battery lasts at least 2000 charge cycles
- Fixture turns on at night automatically and can be set to either stay at 100% light output or dim down if there is no motion (to extend battery life)

adjustable  
light angle  
+40°  
-40°

adjust solar panel angle  
to maximize sunlight &  
allow snow to slide off



motion sensor  
and time control  
are programmable  
via remote

| PART #                  | UPC          | REPLACES       | W  | LUMENS | LPW | CCT (K) |
|-------------------------|--------------|----------------|----|--------|-----|---------|
| RP-SAL-8W-50K-SF-GY-G1  | 844006011277 | UP TO 70W HID  | 8  | 1600   | 200 | 5000    |
| RP-SAL-30W-50K-SF-GY-G1 | 844006011260 | UP TO 250W HID | 30 | 6000   | 200 | 5000    |

\*See page 2 configurable specification sheet for additional styles, lumen packages, color temperatures and options.

**RemPhos** by Light Efficient Design  
lighting on target

FOR LIGHT EFFICIENT DESIGN PRODUCT INFO CALL Light Efficient Design • 188 S. Northwest Highway • Cary, IL 60013 • 847.380.3540 • led-llc.  
FOR REMPHOS PRODUCT INFO CALL RemPhos by Light Efficient Design • 30 Log Bridge Road, Building 200 • Middleton, MA 01949 • 877.997.3674 • remphos.

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# LEDSAL LED SOLAR AREA LIGHT | ALL-IN-ONE DESIGN

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## PART NUMBER BUILDER

| MFR | PRODUCT | WATTAGE | COLOR | BRACKET | HOUSING COLOR | GEN |
|-----|---------|---------|-------|---------|---------------|-----|
| RP  | SAL     |         | 50K   | SF      | GY            | G1  |

8W  
30W

SF=adjustable slip-fitter bracket GY=Grey  
See ordering guide for  
optional brackets purchased  
as separate line items

## ORDERING EXAMPLE

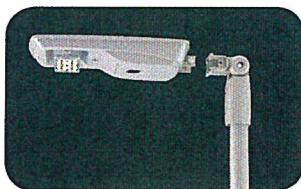
RP-SAL-8W-50K-SF-GY-G1

## ORDERING GUIDE

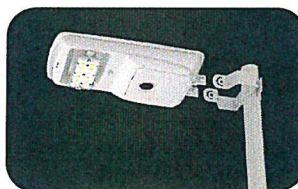
| CASE QTY | QUICK SHIP | DLC | REMPHOS PART #          | QUICK SHIP UPC CODE | LUMEN OUTPUT (LM) | WATTAGE (W) | LPW | WARRANTY (YRS) | RECOMMENDED MOUNTING HEIGHT |
|----------|------------|-----|-------------------------|---------------------|-------------------|-------------|-----|----------------|-----------------------------|
| 1        | ●          | N/A | RP-SAL-8W-50K-SF-GY-G1  | 844006011277        | 1600              | 8           | 200 | 5              | UP TO 10'                   |
| 1        | ●          | N/A | RP-SAL-30W-50K-SF-GY-G1 | 844006011260        | 6000              | 30          | 200 | 5              | UP TO 30'                   |

## ACCESSORIES

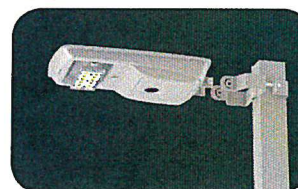
| REMPHOS PART #       | DESCRIPTION                                                              |
|----------------------|--------------------------------------------------------------------------|
| RP-SAL-BKT-8W-RP-G1  | Round pole bracket for 8W                                                |
| RP-SAL-BKT-8W-SP-G1  | Square pole bracket for 8W                                               |
| RP-SAL-BKT-8W-TN-G1  | Trunnion bracket for 8W                                                  |
| RP-SAL-BKT-30W-RP-G1 | Round pole bracket for 30W                                               |
| RP-SAL-BKT-30W-SP-G1 | Square pole bracket for 30W                                              |
| RP-SAL-BKT-30W-TN-G1 | Trunnion bracket for 30W                                                 |
| RP-SAL-REMOTE-G1     | RP-SAL-REMOTE-G1 (remote is included standard with each fixture ordered) |



Adjustable Slip-Fitter Bracket (SF)  
(included w/quick ship models)



Round Pole Bracket (RP)

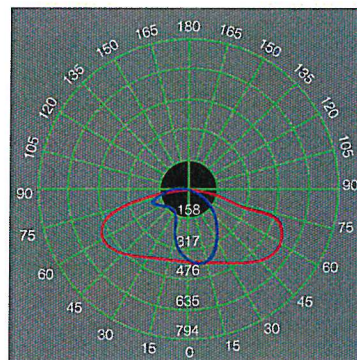


Square Pole Bracket (SP)



Trunnion Bracket (TN)

## PHOTOMETRICS



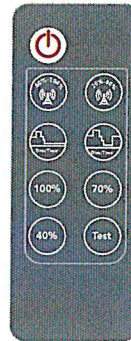
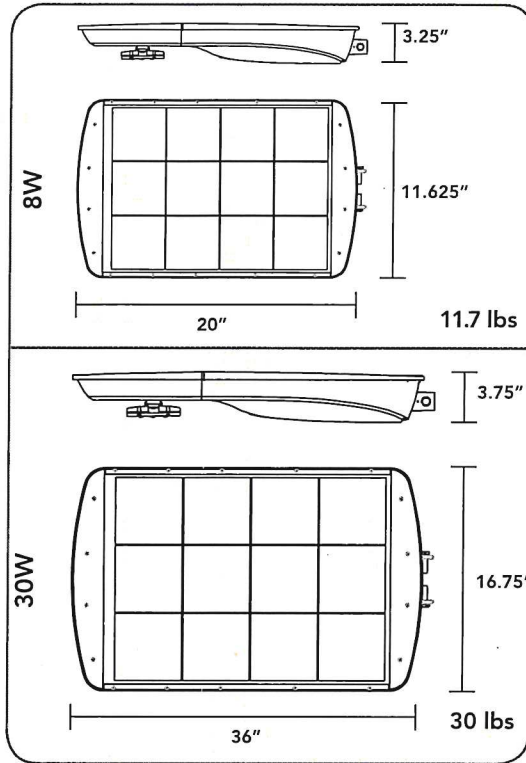


# LEDSAL LED SOLAR AREA LIGHT | ALL-IN-ONE DESIGN

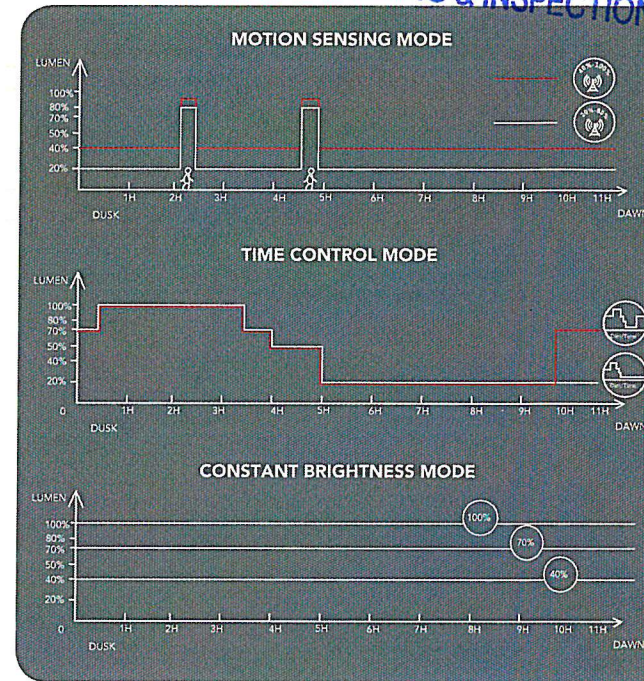
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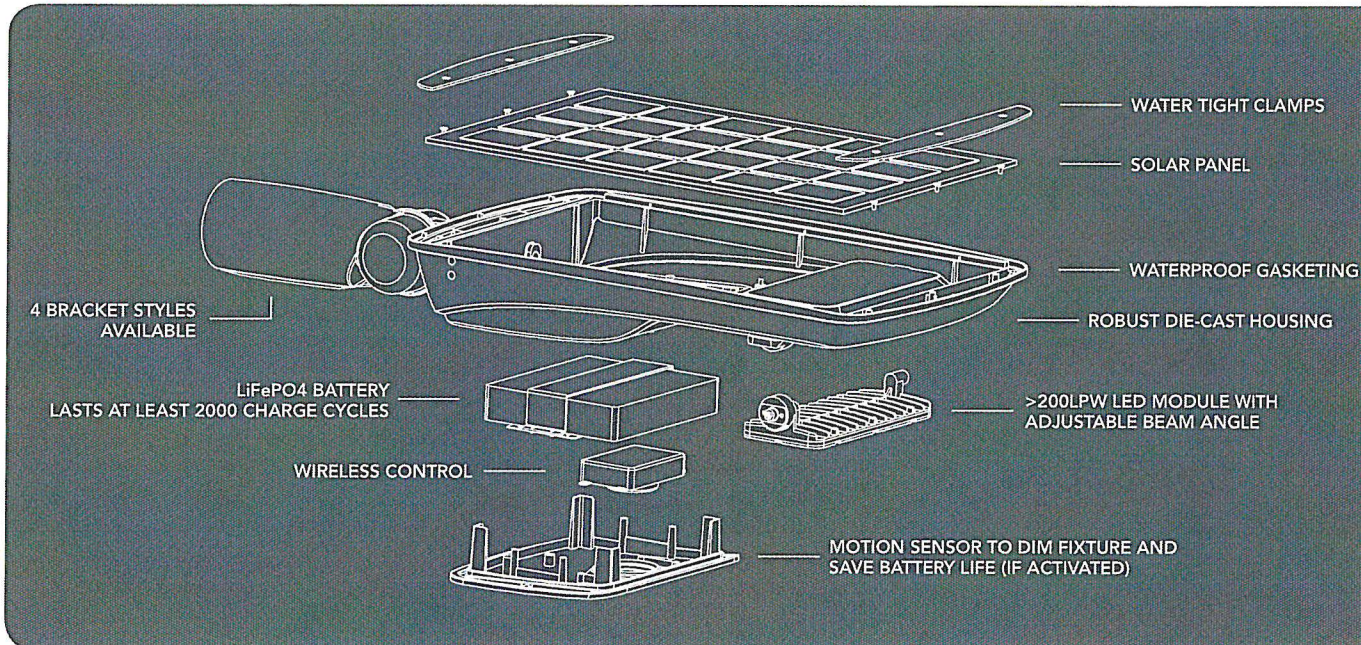
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SELECT OPERATING MODE VIA REMOTE



SEE INSTRUCTION MANUAL FOR MORE DETAILS ON THE AVAILABLE PROGRAM



**IMPORTANT OPERATING TEMPERATURE INFORMATION** The working temperature of the solar fixture is -4°F (-20°C) to +122°F (+50°C). When operating in an environment with a temperature lower than 32°F (0°C) or >149°F (65°C) the battery will stop charging, even if there is sunlight. In that temperature range the battery self protects and will not be damaged. The solar area light will still light even in those extreme temperatures until the battery is depleted.

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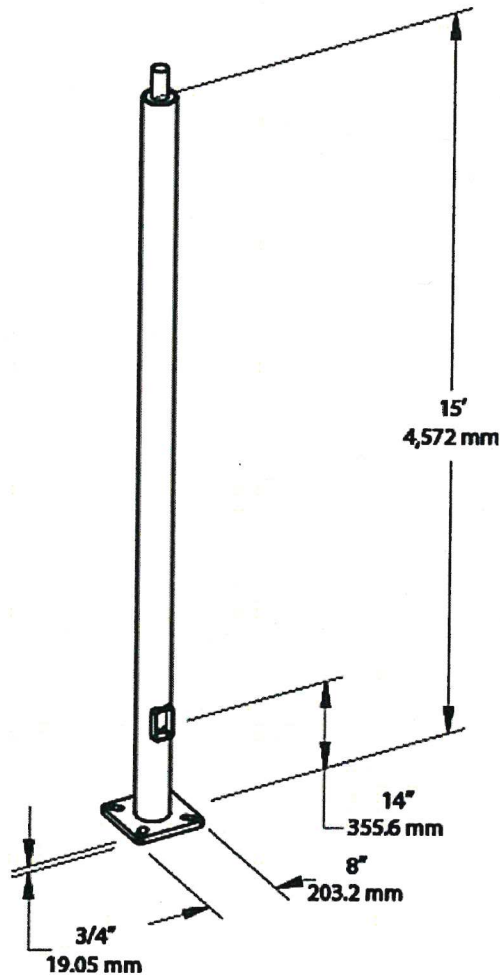
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# PR4-11-15WT

RAB Outdoor

## Dimensions



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## Ordering Matrix

| Family | Shape            | Size   | Gauge   | Height   | Drilled/Welded Tenon |
|--------|------------------|--------|---------|----------|----------------------|
| P      | R                | 4      | 11      | 15       | WT                   |
|        | R = Round        | 4 = 4" | 7 = 7   | 10 = 10' | D2 = Drilled         |
|        | TR = Taped Round | 5 = 5" | 11 = 11 | 15 = 15' | WT = Welded Tenon    |
|        |                  | 6 = 6" |         | 20 = 20' |                      |
|        |                  | 7 = 7" |         | 25 = 25' |                      |
|        |                  | 8 = 8" |         | 30 = 30' |                      |

# PR4-11-15WT

RAB | Outdoor



Color: Bronze

Weight: 93.3 lbs

Project:

Type:

Prepared By:

Date:

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## Technical Specifications

### Listings

#### CSA Listed:

Suitable for wet locations

### Construction

#### Description:

Steel pole 4" round 11 gauge 15 foot welded tenon square base

#### Shaft:

46,000 p.s.i. minimum yield.

#### Hand Holes:

Reinforced with grounding lug and removable cover

#### Base Plates:

Slotted base plates 36,000 p.s.i.

#### Color:

Bronze powder coating

#### Tenon:

Welded 2 3/8" tenon included

#### Height:

15 FT

#### Gauge:

11

#### Wall Thickness:

1/8"

#### Shaft Size:

4"

#### Anchor Bolt Templates:

WARNING Template must be printed on 11" x 17" sheet for actual size. CHECK SCALE BEFORE USING. Templates shipped with anchor bolts and available [online](#).

#### Maximum EPAs/Maximum Weights:

70MPH: 11.7 ft./650 lb.  
80MPH: 8.5 ft./595 lb.  
90MPH: 6.2 ft./530 lb.  
100MPH: 4.6 ft./430 lb.  
110MPH: 3.4 ft./325 lb.  
120MPH: 2.5 ft./295 lb.  
130MPH: 1.8 ft./220 lb.  
140MPH: 1.3 ft./200 lb.  
150MPH: 0.8 ft./165 lb.

#### Accessories:

Base/Cap: [BASE-R4](#)

Anchor Bolts: [BOLT4/11](#)

#### Other

#### Terms of Sale:

Pole Terms of Sale is available [online](#).

#### Buy American Act Compliance:

RAB values USA manufacturing! Upon request, RAB may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.





**University of Vermont & State Agricultural College**  
**Pine Street Long-Term Parking Project**  
**City Zoning Permit Application**

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**Project Narrative**  
November 4, 2019

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**I. Overview and Background**

The University of Vermont & State Agricultural College ("UVM"), in accordance with its ongoing efforts to manage parking for students and employees, is proposing to provide a 200 space long-term parking lot for its students on property currently owned by Vermont Railway. The property is located west of Pine Street behind the Dealer.com/Burlington Farmer's Market parking lot and is surrounded by Vermont Railway property to the west and north, a large gravel parking lot to the east (used by Dealer.com and the Burlington Farmer's Market), and the Pine Street Canal to the south. The property currently contains a large gravel lot which is used by Vermont Railway for occasional parking and railyard transload activities. UVM will lease the existing gravel lot from Vermont Railway for its 200 space long-term parking lot. Access to the lot is provided from Pine Street via a shared right of way over the Dealer.com parking lot.

This proposed parking lot addresses parking needs identified with the UVM 149 Beaumont Avenue Health Sciences Research Facility addition project that received DRB approval on October 2, 2019.

This City Zoning Permit application is for use of the existing Vermont Railway gravel lot for a 200 space long-term parking lot for UVM students. The provision of this long-term parking lot will free up parking spaces on the University's Main Campus and Redstone Campus.

**II. Project**

UVM is proposing to lease an existing gravel lot owned by Vermont Railway for use as a 200 space long-term student parking lot. The term of the lease shall be for five (5) years. The specifications of the project are as follows:

- The parking lot will utilize an existing gravel lot, therefore, there will be no increase in lot coverage.
- The parking spaces will be delineated with railroad ties on the surface of the gravel lot.
- Each space will be 9' x 18' with initial paint striping to delineate each space. Circulation aisle widths will range from 19.1' to 31.8'.
- The parking lot will be enclosed by a 6 foot high chain link fence along the perimeter with a 16 foot double swing gate at the entrance.

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- Lighting will be provided utilizing solar powered lights mounted at a height of 17 feet. The light poles will be mounted on concrete waste blocks around the perimeter of the parking area.
- One or two security cameras and a code blue light will be installed for safety.
- The lot will be open and accessible to students from 7 AM until 8 PM daily.
- There will be no underground disturbance on the property.

The property is setback approximately 525 feet from Pine Street. The lot will not be readily visible from Pine Street or any residential uses. Traffic generated by the lot is expected to be minimal as this will be a long-term parking lot for students living on campus which will be accessed only on an as-needed basis. As such, there will be very little turnover throughout the day. The parking lot will utilize an existing gravel lot resulting in no increase in lot coverage, no regrading, and no underground disturbance.

**III. City Development Review**

The property is located within the Enterprise – Light Manufacturing zoning district and the Design Review Overlay District. Portions of the property are also located within the Natural Resources Overlay District.

Provided below is a summary of the project's compliance with the City's Development Review Standards.

**Conditional Use Review Standards (Section 3.5.6(a))**

*1. Existing or planned public utilities:*

The project will not require water or sewer service, and the parking lot lights will be solar powered. Therefore, the long term parking lot will not result in an undue adverse effect on any public utilities, facilities or services.

*2. Character of the area:*

The area proposed for the project is currently used as a railroad parking lot and railyard transload activities, and is surrounded by railroad/industrial uses, a large gravel parking lot for Dealer.com and the undeveloped Pine Street Canal. Therefore, continued use of the gravel lot for long term parking is consistent with the character of the area.

*3. Nuisance impacts from noise, odor, dust, heat, and vibrations:*

The long term nature of the proposed parking lot will result in minimal parking turnover. Therefore, the proposed use will not result in undue nuisance impacts.

*4. Transportation system:*

Access to the project site will be from Pine Street via an existing curb cut and shared access right-of-way over the Dealer.com parking lot property. Access to and from parked vehicles will

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be provided by public transit (GMT) and UVM will run a shuttle to the lot during school semesters. Every student who parks in the lot will be eligible for a limited number of free rides at night using the new Safe Ride Program organized by the UVM Student Government Association. Since this will be long term parking for UVM students living on campus, traffic generation is expected to be minimal. Therefore, the proposed use will not result in an undue adverse effect on the transportation system.

*5. Utilization of renewable energy resources*

The long term parking lot will not impede the potential use of wind, water, solar, geothermal or other alternative renewable energy resources.

*6. Standards or factors set forth in existing City bylaws and city and state ordinances:*

UVM's proposed use for the long term parking will comply with City bylaws and city and state ordinances.

**Site Plan Review Standards (Section 6.1.2)**

*(a) Protection of Important Natural Features:*

The project will utilize an existing gravel parking/railyard transload area and will not result in any increase in lot coverage or encroachment into nearby natural areas. Existing terrain, trees and vegetation will be preserved in its existing natural state.

*(b) Topographical Alterations:*

Not applicable – there will be no construction or regrading.

*(c) Protection of Important Public Views:*

Not applicable – the project will utilize an existing gravel parking/railyard transload area and there will be no construction of new buildings or structures.

*(d) Protection of Important Cultural Resources:*

The project will not involve physical changes to the site or underground disturbance, and therefore will not impact important cultural resources.

*(e) Supporting the Use of Renewable Energy Resources:*

There will be no physical changes that will affect the use of renewable energy resources as a result of this project.

*(f) Brownfield Sites:*

The property and project site are subject to a Corrective Action Plan (CAP) approved by the Vermont Department of Environmental Conservation (VDEC). As indicated in the attached CAP notice of approval (SMS Site #20124348), approved remedial activities include installation of engineered barriers including a gravel parking lot and stormwater infrastructure, installation of a fence to restrict access to certain areas, and a long-term groundwater monitoring program. Land use restrictions have also been established for the property. The CAP specifically allows the property to be used as a parking lot without requiring further approval by the VDEC.





The project will not involve any ground disturbance and will comply with the CAP's land use restrictions, which specifically allows the property to be used as a parking lot.

*(g) Provide for nature's events:*

The subject property and project site are relatively flat with small, discontinuous berms along the southern and western property lines. Stormwater tends to collect in a swale-like feature and depression along the east property line, and eventually drains into the Pine Street Canal via a culvert at the southern end of the property. The project will not involve any regrading or conversion of pervious area to impervious area, therefore, there will be no change to the existing stormwater runoff.

While not directly connected to this UVM long term parking lot project, Vermont Railway will be implementing stormwater infrastructure improvements in summer 2020 as part of its VDEC approved CAP for the property. These improvements will include construction of a stormwater retention basin immediately southwest of the project site and a vegetated channel immediately east and south of the project site which will direct stormwater into the new basin. All stormwater improvements will take place on property owned by Vermont Railway outside the limits of the UVM project site.

*(h) Building Location and Orientation:*

Not applicable.

*(i) Vehicular Access:*

Access will be provided by an existing curb cut on Pine Street and a shared access right-of-way over the Dealer.com parking lot. Traffic generation will be minimal considering this lot is for long term parking and therefore will have very little turnover throughout the day.

*(j) Pedestrian Access:*

Pedestrian access will be through the Dealer.com gravel parking lot to the sidewalks and signalized crosswalks along Pine Street.

*(k) Accessibility for the Handicapped:*

Not applicable – the long term parking lot will not provide handicap parking spaces. Alternative handicap parking arrangements and accessibility for students is provided on campus.

*(l) Parking and Circulation:*

The project will consist of 200 parking spaces with dimensions of 9' X 18' and circulation aisles ranging from 19.1 feet to 31.8 in width. Access to Pine Street will be provided by a shared access right-of-way through the Dealer.com parking lot. UVM requests approval for parking space dimensions of 9' X 18' and minimum aisle widths of 19.1 feet, which is slightly below standard. The smaller size will allow for more spaces to be provided inside the existing fenced gravel lot area and will not pose a circulation and parking problem since this will be for long term parking only with minimal parking turnover.

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*(m) Landscaping, Fences and Retaining Walls:*

No new landscaping is proposed as the project site is not readily visible from Pine Street and is surrounded by railroad/industrial uses, a large gravel parking lot and the undeveloped Pine Street Canal. The long term parking lot is surrounded by an existing 6 foot high chain link fence.

*(n) Public Plazas and Open Space:*

No public plazas or new open space is proposed as part of the project.

*(o) Outdoor Lighting:*

The project will include twelve (12) solar powered light fixtures mounted on poles at 17 feet high. The light fixtures are LED Solar Area Light manufactured by Remphos by Light Efficient Design (see attached lighting cut sheet). The enclosed point-by-point lighting plans shows a maximum of 2.0 foot-candles and a maximum/minimum ratio of 20:1.

*(p) Integrate infrastructure into the design:*

Not applicable – the project will not include any underground or above ground utilities, utility meters or structures, or other infrastructure equipment, other than the solar powered light fixtures.

**Architectural Design Standards (Section 6.3.2)**

Not applicable – This project does not involve construction or erection of any buildings or structures.

**Natural Resource Protection Overlay (NR) District (Section 4.5.4)**

Portions of the project site are located within the City's NR Overlay District. As discussed further below, since no land disturbing activities or increase in lot coverage is proposed, the project will have no negative impact on these natural resources.

*Riparian and Littoral Conservation Zone:*

The southwest portion of the project site appears to be within 250 feet of the Lake Champlain lakeshore. It should be noted that there is an active railroad line and City recreation path located between the project site and lakeshore. The project will not involve any land disturbing activities and will not increase the degree of encroachment into this conservation zone.

*Wetland Conservation Zone:*

The southern portion of the project site appears to be within 100 feet of a wetland on the adjacent Pine Street Canal property as shown on the State wetland maps. The project does not involve any new construction, conversion of pervious area to impervious area, or drainage changes, therefore, it will not increase or impact the degree of encroachment into this conservation zone.

 white+burke  
REAL ESTATE ADVISORS

*Special Flood Hazard Area:*

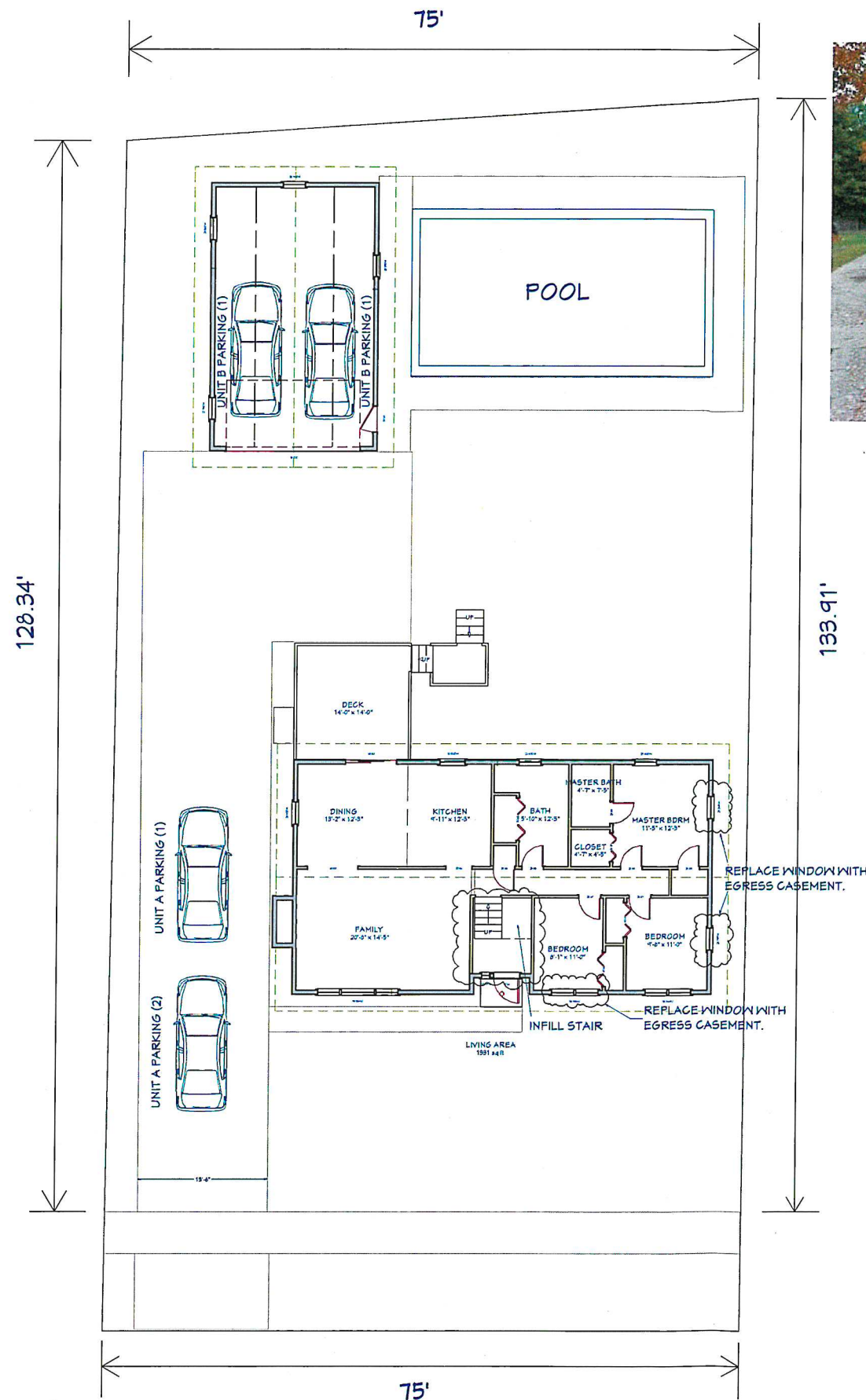
A portion of the site appears to be within a Special Flood Hazard Area. The project does not involve any construction, land disturbing activities, regrading of the site, changes to drainage, or increase in lot coverage, therefore it will not negatively impact this conservation zone.

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| EXISTING COVERAGE |          |
|-------------------|----------|
| HOUSE:            | 1,300 SF |
| GARAGE:           | 640 SF   |
| DRIVEWAY:         | 1,450 SF |
| WALKWAY:          | 105 SF   |
| DECK:             | 169 SF   |
| POOL APRON:       | 480 SF   |
| TOTAL:            | 4,144 SF |

— Bonus  
— Bonus  
— Bonus

| 28 FAITH STREET LOT COVERAGE |           |
|------------------------------|-----------|
| LOT SIZE:                    | 10,438 SF |
| LOT COVERAGE:                | 4,144 SF  |
| EXISTING COVERAGE:           | 39.70%    |

## SITE PLAN

SCALE: 1" = 10'

Prop coverage 3390 = 32.47%



FAITH STREET

| REVISION TABLE | DESCRIPTION | FOR APPROVAL |
|----------------|-------------|--------------|
| NUMBER         | DATE        | REVISOR      |
| 1              | 11/14/19    | NC           |

STEVE CUNNINGHAM  
28 FAITH STREET  
BURLINGTON VT

SITE PLAN

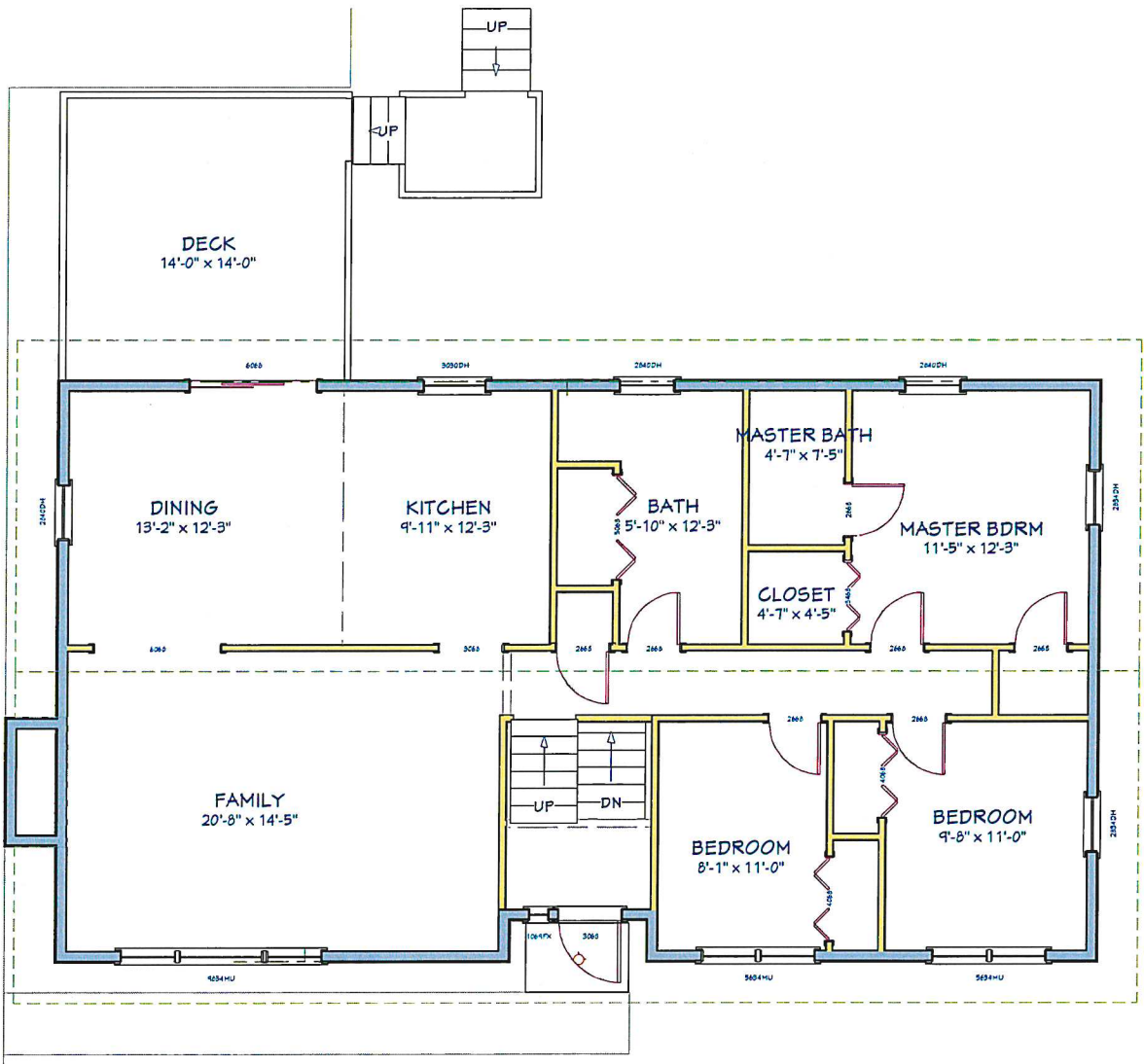
DRAWINGS PROVIDED BY:  
NIC CUNNINGHAM

DATE:  
11/20/2019  
SCALE:  
AS SHOWN  
SHEET:

A1

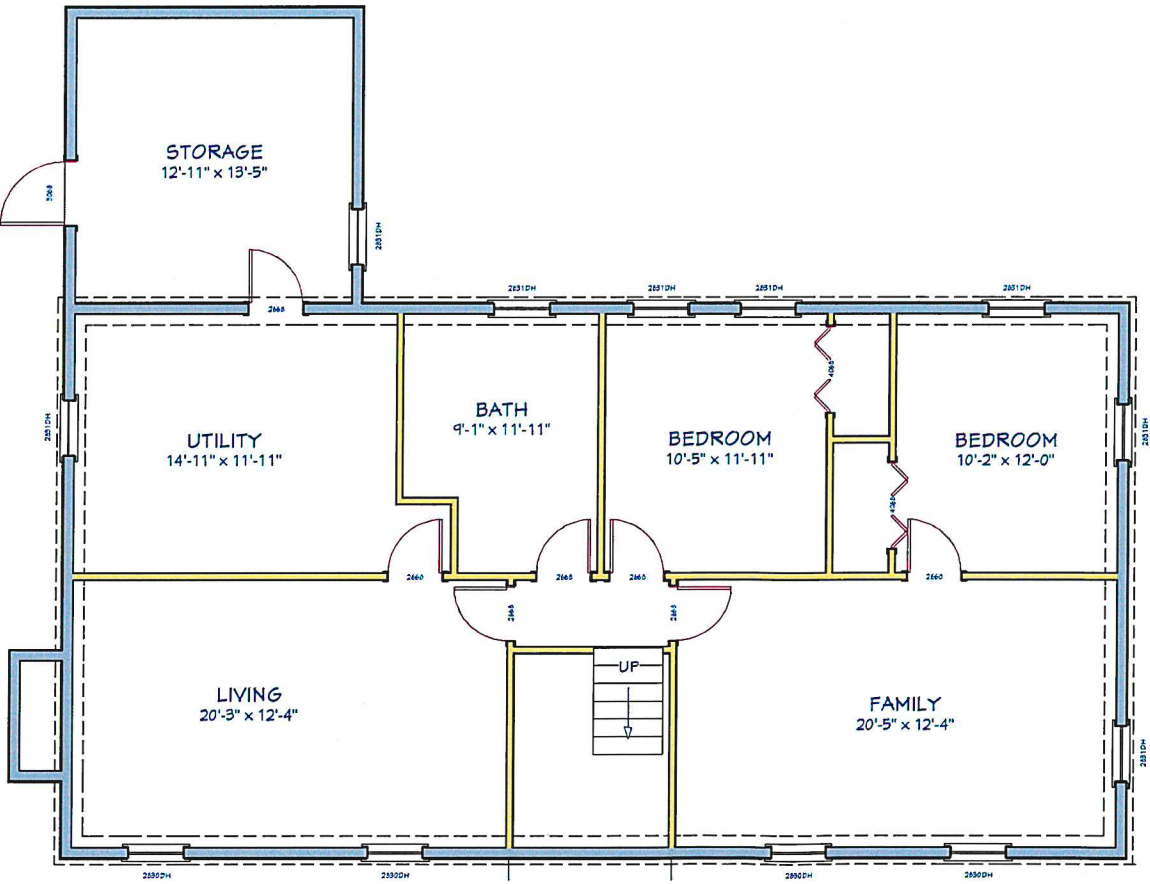
FLOOR PLANS- EXISTING

MAIN FLOOR



1st Floor

LOWER LEVEL



Foundation

| REVISION TABLE |          | DESCRIPTION |
|----------------|----------|-------------|
| NUMBER         | DATE     | REVISOR     |
| 1              | 11/14/19 | NC          |

STEVE CUNNINGHAM  
28 FAITH STREET  
BURLINGTON, VT

EXISTING FLOOR PLANS

DRAWINGS PROVIDED BY:  
NIC CUNNINGHAM

DATE:

11/20/2019

SCALE:

AS SHOWN

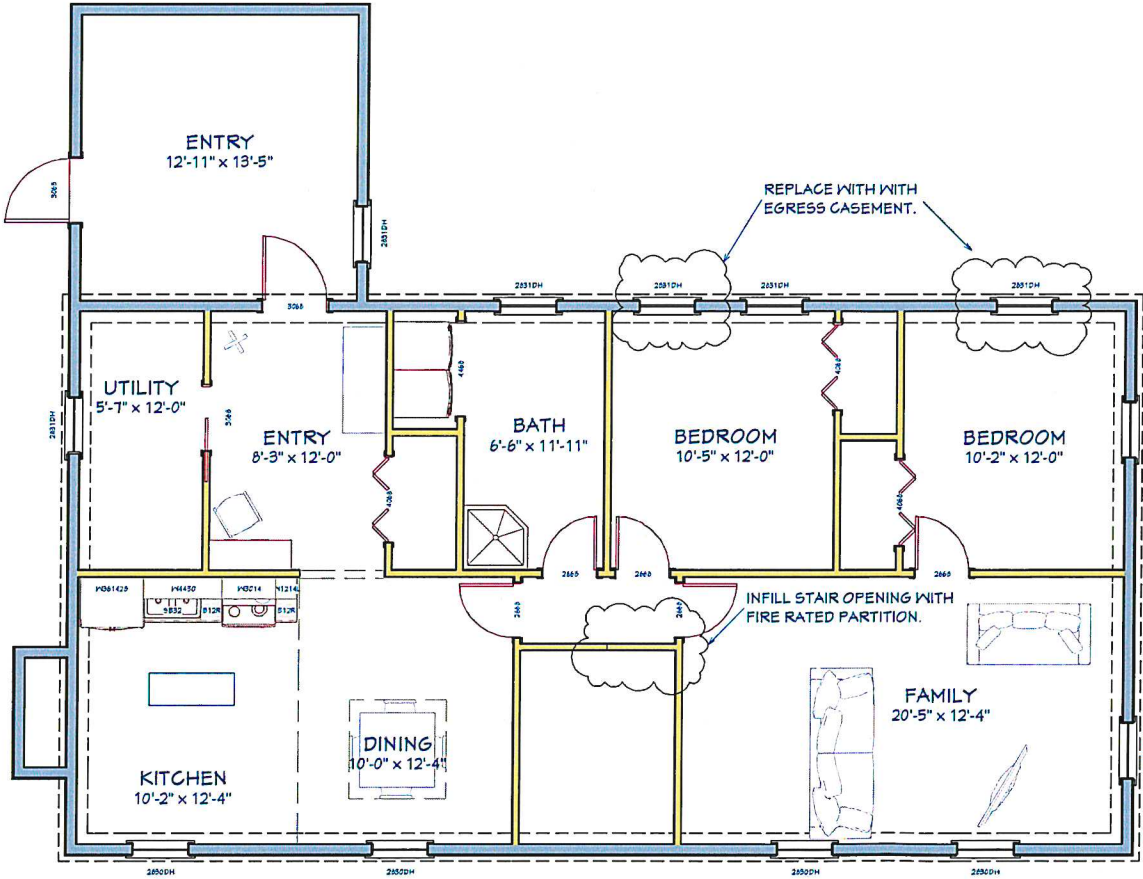
SHEET:

A2



FLOOR PLANS- RENOVATED

LOWER LEVEL



LIVING AREA  
1508 sq ft

Foundation

RENOVATION NOTES

- MODIFY UTILITY ROOM AS SHOWN TO ACCOMMODATE NEW KITCHEN. MODIFY PLUMBING/ELECTRICAL AS NECESSARY.
- RENOVATE STORAGE ROOM INTO "APARTMENT B" ENTRY.
- REMOVE STAIRS FROM BASEMENT TO EXISTING FRONT ENTRY, INFILL FLOOR, AND ADD FIRE RATED PARTITION AT LOWER LEVEL.
- ADD (1) LAYER OF 5/8" DRYWALL OVERTOP OF EXISTING DRYWALL CEILING FOR FIRE SEPARATION.
- REMOVE (1) EXISTING WINDOW AT EACH BEDROOM AND REPLACE WITH EGRESS CASEMENT.
- RENOVATE EXISTING BATHROOM WITH NEW FINISHES.

| REVISION TABLE |          |              |
|----------------|----------|--------------|
| NUMBER         | DATE     | DESCRIPTION  |
| 1              | 11/14/19 | FOR APPROVAL |
|                |          |              |
|                |          |              |
|                |          |              |
|                |          |              |

STEVE CUNNINGHAM  
28 FAITH STREET  
BURLINGTON, VT

PROPOSED FLOOR  
PLANS

DRAWINGS PROVIDED BY:  
NIG CUNNINGHAM

|            |
|------------|
| DATE:      |
| 11/20/2019 |
| SCALE:     |
| AS SHOWN   |
| SHEET:     |



## Department of Permitting and Inspections

### Zoning division

149 Church Street/645 Pine Street as of 12.2.2019

Burlington, VT 05401

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

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

William Ward, Director  
Theodore Miles, Interim Code Compliance Officer  
Charlene Orton, Code Compliance Officer  
Scott Gustin, AICP, CFM, Principal Planner  
Mary O'Neil, AICP, Principal Planner  
Ryan Morrison, Associate Planner  
Layne Darfler, Planning Technician  
Alison Davis, Zoning Clerk



## MEMORANDUM

To: Development Review Board  
From: Mary O'Neil, AICP, Principal Planner  
Date: December 3, 2019  
RE: ZP20-0482CU 28 Faith 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 Number:** Zoning Permit 20-0482CA/CU

**Zone:** RL **Ward:** 7N

**Date application accepted:**  
November 4, 2019

**Applicant/ Owner:** Cunningham Contractors LLC / Mary & Stephen Cunningham

**Request:** Convert single-family residence to duplex; interior renovation of lower level.

### **Background:**

- **Zoning Permit 97-144;** installation of vinyl siding and associated trim on existing single family home with garage. Reroofing. October 1996.
- **Zoning Permit 76-39;** install a 16' x 36' inground swimming pool. June 1975.



**Recommended motion: Conditional Use and Certificate of Appropriateness Consent Approval** per the following findings and conditions:

### **I. Findings**

#### **Article 2: Administrative Mechanisms**

##### **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. Zoning Permit 97-144 requires a Certificate of Occupancy, which must be secured prior to issuance of a Certificate of Occupancy for this approval. **Affirmative finding as conditioned.**

## **Article 3: Applications, Permits and Project Reviews**

### **Part 5 Conditional Use & 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;*

This is an existing residential neighborhood fully served by municipal utilities. The applicant will be required to obtain a letter of adequate capacity from DPW for water and sewer services. A State of Vermont wastewater permit will be required. **Affirmative finding as conditioned.**

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 located within an established residential neighborhood in the low density residential zoning (RL) district. The RL zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. The proposed duplex is consistent with this intent. planBTV: Comprehensive Plan 2019 Update provides the following support:

- Re-evaluate zoning for RL and RM to ensure preservation of development patterns and design character, while enabling some evolution based on changing household need. (3.2)
- Remove barriers and disincentives to housing production, and encourage infill/redevelopment of underutilized sites. (8.1) **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;*

The proposed duplex is not expected to generate nuisance impacts from noise, odor, or dust, heat and vibration greater than typically generated by other residences 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;*

The proposed duplex is expected to generate minimal additional traffic. The existing home is within a residential neighborhood served by public sidewalks, with direct connection to Ethan Allen Parkway to North Avenue. Green Mountain Transit's Red Line serves the Avenue.

**Affirmative finding**

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the proposal. **Affirmative finding.**

*and,*

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;* The applicant will be required to secure a state wastewater permit for the change of use, and must proffer a Capacity to Serve letter from Burlington's Water Engineering division. All open permits issued after July 13, 1989 must receive Certificates of Occupancy. City building and energy efficiency codes will apply. **Affirmative finding as conditioned.**

### **(b) Major Impact Review Standards**

Not applicable.

### **(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.*

Under typical use, a proposed duplex will not produce noise or glare requiring mitigation.

**Affirmative finding.**

2. *Time limits for construction.*

Construction is proposed for interior work only. The standard 3-year timeframe for zoning permits will apply. **Affirmative finding.**

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

Hours of operation are not applicable to residential use.

No exterior construction is noted. Typical construction hours are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity 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; and,*

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **Affirmative finding as conditioned.**

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.*

See the recommended conditions.

### **Article 4: Zoning Maps & Districts**

#### **Sec. 4.4.5 Residential Districts**



**(a) Purpose**

**(1) Residential Low Density (RL)**

The Residential Low Density (RL) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. The district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhood's development history. As noted previously, the duplex is proposed within an existing structure, and is consistent with this intent. **Affirmative finding.**

**(b) Dimensional Standards and Density**

The subject parcel of land is 10,438 sq ft in size, above the 10,000 sq ft minimum size required for duplexes.

Lot frontage along Faith Street is 75', more than the 60' minimum lot frontage required.

The proposal will not change the existing lot coverage. Lot coverage is noted at 39.7%, reflecting bonus coverage allowable under Section 4.4.5 (d) 3.. Absent those items, the base coverage is 32.47%; below the 35% maximum lot coverage allowance.

Since no exterior construction is proposed, setbacks and height restrictions will not be affected. **Affirmative finding.**

**(c) Permitted and Conditional Uses**

Per Appendix A, duplex use is a conditional use in the RL zone. **Affirmative finding.**

**(d) District Specific Regulations**

Not applicable.

**Article 5: Citywide General Regulations**

**Section 5.1.1 Uses**

**(d) Conditional Uses**

Duplex Use is a Conditional Use within the RL zoning district per appendix A. See Section 3.5.6 (a), above.

**Part 2 Dimensional Requirements**

28 Faith Street has adequate lot size, frontage and coverage allowances. See Article 4, Tables 4.4.5-1 and 4.4.5-3, above.

**Section 5.2.7 Density Calculations**

**(a) Dwelling Units per Acre**

**1. Density Calculation**

$10,438 \text{ sf} = .239 \text{ acres} \times 7 \text{ units per acre (allowable in RL)} = 1.67 \text{ units, rounded to 2 units.}$

**Affirmative finding.**

**Article 6: Development Review Standards**

Typically, changes to a single-family home in the RL, Non-Design Control district would not require zoning review. Conversion to a duplex spurs zoning review. Exterior modifications are limited to new egress windows; acceptable for purposes of this application if they meet life safety standards as defined by the building inspector. **Affirmative finding as conditioned.**

## **Article 8: Parking**

### **Sec. 8.1.8, Minimum Off-Street Parking Requirements**

The subject property is located in the Neighborhood Parking District. As such, the duplex requires 4 parking spaces (2 per dwelling unit). The parcel has an existing 2 car garage, and a driveway capable of accommodating 2 additional parking spaces. The driveway is of double width that would allow vehicles to bypass for ingress/egress. **Affirmative finding.**

## **II. Recommended Conditions of Approval**

1. **Prior to release of the zoning permit**, the applicant shall secure a letter of adequate capacity from DPW for water and sewer services.
2. Days and hours of construction shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.
3. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
4. 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.
5. 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.**

## Department of Permitting & Inspections

Zoning Division  
149 Church Street  
Burlington, VT 05401  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)  
(802) 865-7142 (TTY)

William Ward, Director  
Scott Gustin, AICP, CFM, Principal Planner  
Mary O'Neil, AICP, Principal Planner  
Ryan Morrison, Associate Planner  
Layne Darfler, Planning Technician  
Ali Davis, Zoning Clerk  
Ted Miles, Zoning Specialist  
Charlene Orton, Permitting & Inspections Administrator



**TO:** Development Review Board  
**FROM:** Ryan Morrison  
**DATE:** December 3, 2019  
**RE:** 19-0001CA/CU; 50 Clymer Street

=====

Zoning permit 19-0001CA/CU for the demolition of a fire damaged historic garage structure was approved by the DRB October 9, 2018. It contained the following 2 conditions, based on the applicant's assertion that they would reconstruct the garage:

1. ***Prior to the issuance of a certificate of occupancy, a zoning permit application for a replacement garage shall be submitted and approved by staff of the Planning and Zoning Department.***
2. *Construction of the replacement structure shall commence by June, 2019.*

With the irreparable damage to the historic garage, the structure was considered lost. Unlike Sec. 5.4.8 (C) *Demolition by Neglect*, the CDO does not require reconstruction of such lost historic structures. While the applicants originally proposed rebuilding the garage in a similar fashion and location, they are re-evaluating their building options, and may construct a replacement structure. Or they simply may not rebuild. That choice is theirs. However, they are aiming to close out this demolition permit, and cannot do so with conditions 1 & 2 still unmet.



November 18, 2019

Ryan Morrison  
Department of Planning & Zoning  
City Hall  
149 Church Street  
Burlington, Vermont 05401

RE: Approval #19-0001CA/CU for 50 Clymer Street Garage Demolition

Dear Ryan,

We respectfully request that the Burlington Development Review Board (DRB) removes Condition ##1 and 2 for the garage demolition approval referenced above.

On October 9, 2018 we received DRB approval to demolish the historic garage at our 50 Clymer Street home that had been damaged by fire beyond repair. At the time we expected to replace the garage with a new structure shortly after demolition and the DRB findings reflected this intention, resulting in the following conditions of approval that are no longer applicable:

1. Prior to issuance of a certificate of occupancy, a zoning permit application for a replacement garage shall be submitted and approved by staff of the Planning and Zoning Department.
2. Construction of the replacement structure shall commence by June 2019.

We demolished and removed the garage this past spring. However, we are reevaluating our building plan and are not yet sure what the replacement structure will look like. Consequently we have not sought approval for a replacement structure on the timeline we initially anticipated.

We now need to obtain a certificate of occupancy to close out the demolition permit but cannot do so unless the two conditions of approval are removed or altered to allow us to move forward without proposing and building a new structure.

If we decide to construct a replacement structure in the future, we will obtain the necessary approvals and reference any applicable concerns in the findings and conditions of the approval referenced above.

Please convey this request to the DRB and let me know if you have any questions or need additional information. Thank you for your assistance.

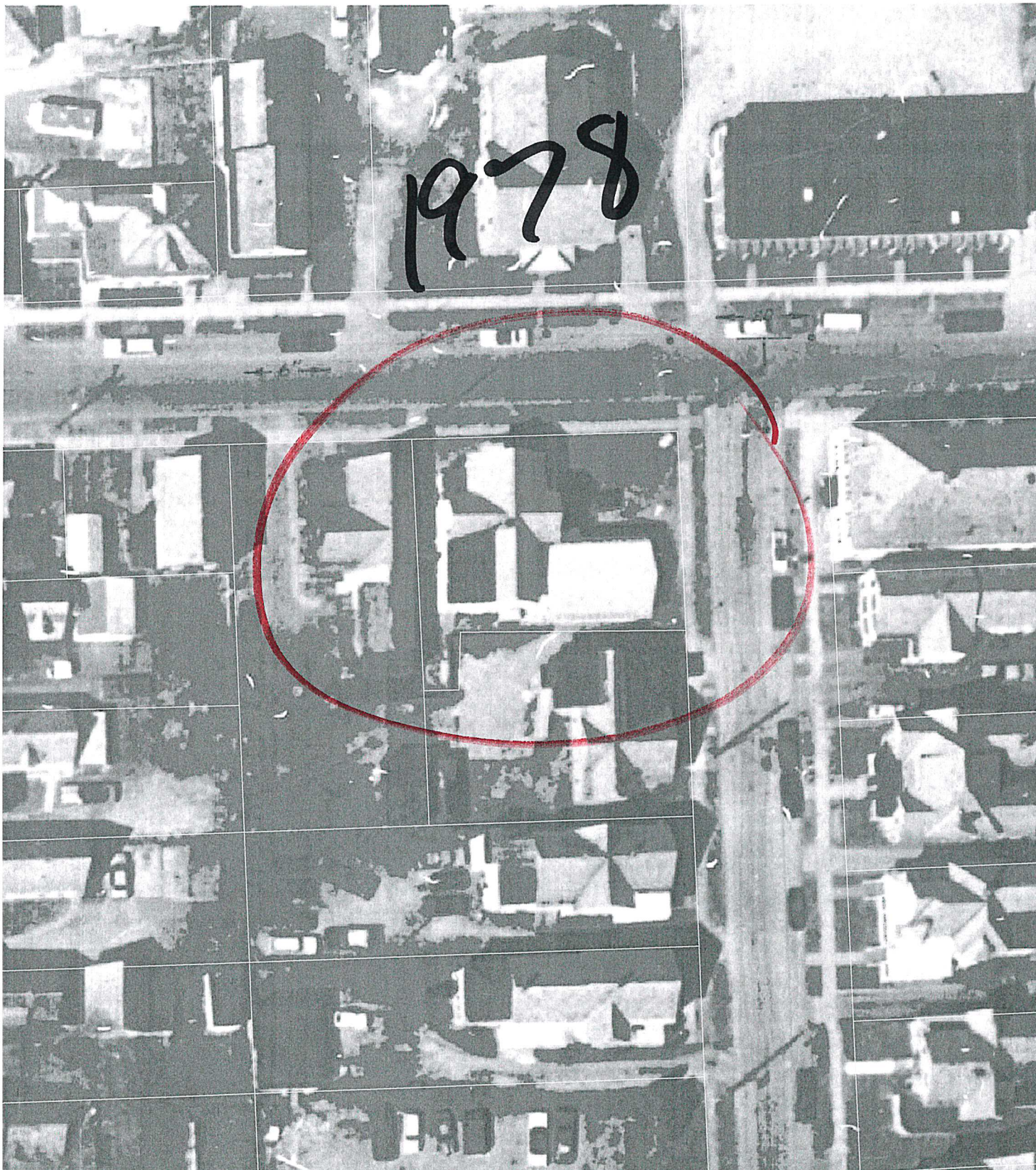
Sincerely,

Faith Ingulsrud – 802-839-0964  
Eric Avildsen – 802-839-0964  
50 Clymer Street, Burlington, VT 05401





1978





1980

00

007040

13





059

060

33'

51.33'

51.33'

(16)

(24)

GRANT

2019

(19)

(21)

60'

87'

150

66.25'

77'

128'

18'

149

151

62.5'

(49)

60'

44.25'd

87'



1/30/2020

55 Clarke St - Google Maps

Google Maps 55 Clarke St

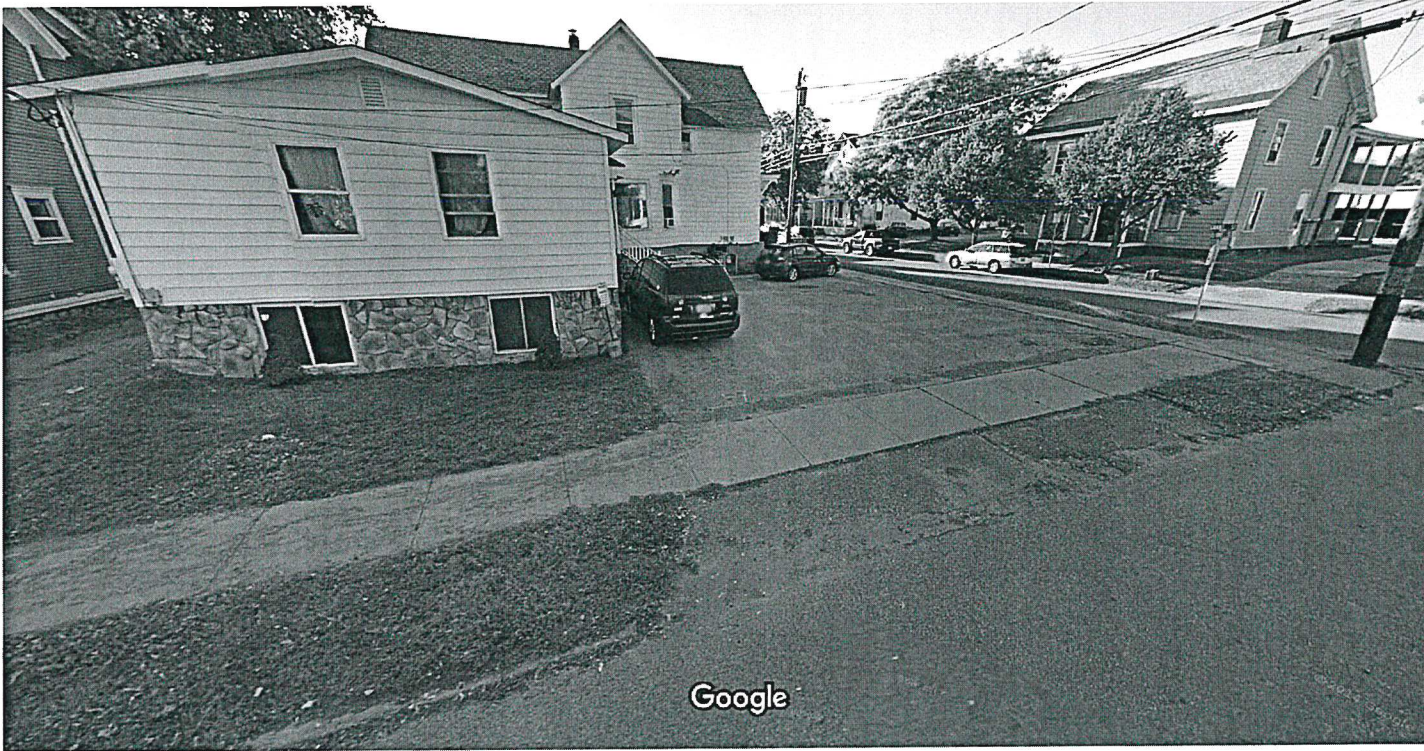
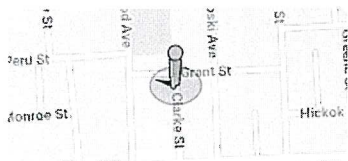


Image capture: Oct 2014 © 2020 Google

Burlington, Vermont



Street View



## Burlington Development Review Board

149 Church Street, City Hall  
Burlington, VT 05401

[www.burlingtonvt.gov/PZ/Boards/Development-Review-Board](http://www.burlingtonvt.gov/PZ/Boards/Development-Review-Board)

Phone: (802) 865-7188

Fax (802) 865-7195

Brad Rabinowitz  
AJ LaRosa  
Austin Hart  
Alexandra Zipparo  
Geoffrey Hand  
Springer Harris  
Samantha Tilton  
Jim Drummond (Alt.)  
Zoraya Hightower (Alt.)



## Burlington Development Review Board

### Findings of Fact Deliberative Hearing Tuesday, October 2, 2018

---

**In RE:** 19-0001CA/CU; 50 Clymer Street (Ward 6S, RL) (Tax Lot No. 058-1-032-000)

**Owner/Applicant:** Eric Avildsen & Faith Ingulsrud

**Request:** Demolish a fire damaged garage.

**Members Present:**

Brad Rabinowitz  
AJ LaRosa  
Alexandra Zipparo  
Springer Harris  
Samantha Tilton  
Jim Drummond

**Evidence Presented:**

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

## I. FINDINGS

**Background Information:**

The garage at 50 Clymer Street suffered severe fire damage in May, 2018. The 11,000 sf property is developed residentially with a single family residence. The detached 2 car garage is included in the State Register of Historic Structures, noted for its *'single story, two bay hipped roof structure with hinged wooden doors and clapboards'*. The City's building inspector visited the property in June and determined that while the damaged garage did not appear to be at the level of a 'dangerous building requiring immediate removal', it did need to be secured to prevent unauthorized persons from entering it. Photo evidence of the damaged structure make it quite clear that the structure is beyond reparation.

Previous zoning actions for this property are listed below:

- July 20, 2017 – ZP18-0029CA, approval to remove the existing back porch and replace with a one-story addition; add 220 sf open porch to the west wall of the house with a roof connected to the kitchen addition; new deck.
- April 20, 2018 – ZP18-0919CA, approval to add a window to the 2<sup>nd</sup> story of the north elevation; add larger deck approved under ZP18-0029CA.



## I. Findings

### Article 3: Applications, Permits and Project Reviews

#### Part 5, Conditional Use & 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 garage is not connected to municipal utilities, and there will be no changes to the property's existing utility services as a result of garage demolition. **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 located within an established residential neighborhood in the low density residential (RL) zoning district. The RL zone is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. The demolition of the garage will not conflict with the purpose of the underlying zone, nor the character of the neighborhood. In fact, removing the fire damaged structure will improve the property's appearance in the neighborhood. The applicant intends to replace the garage in the near future under separate permit. **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;*

It is expected that there will be some impacts from noise, odor and vibrations during the short demolition process. However, the end result will be void of these impacts. **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;*

There will be no impacts to the transportation system as a result of this proposal. **Affirmative finding**

5. *The utilization of renewable energy resources;*

This proposal has no impact on utilization of renewable energy resources. **Affirmative finding**

*and,*

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

City building codes will apply as conditioned. **Affirmative finding as conditioned**

***(b) Major Impact Review Standards***

Not applicable.

***(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.*

Garage demolition will not require these mitigation measures. **Affirmative finding**

*2. Time limits for construction.*

The applicant notes that demolition is anticipated this fall. Plans are still in the conceptual mode for the replacement structure, and the applicant expects to commence construction of the replacement garage in the next building season. **Affirmative finding**

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

**Not applicable.** Hours of operation are not applicable to this residential use.

Demolition hours are not noted in the application. Typical work construction hours are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity 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; and,*

**Not applicable**

*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.*

See the recommended conditions. **Affirmative finding**

**Article 4: Zoning Maps & Districts**

***Sec. 4.4.5, Residential Districts:***

***(a) Purpose***

***(3) Residential Low Density (RL)***

The subject property is located in the RL zone. This zone is intended primarily for low density residential development in the form of single family detached dwellings and duplexes. The proposal entails removing a freestanding, fire damaged garage. The single family residence will still remain on the property. Consistency with the intent of the zone will continue after the garage is demolished and after its replacement is constructed. **Affirmative finding**

***(b) Dimensional Standards & Density***

The existing lot coverage is 23.8%. After removal of the garage, lot coverage will decrease to 20.2%, well below the 35% maximum allowance for the zone. Setbacks and building height do not pertain to the proposed demolition. **Affirmative finding**

***(c) Permitted & Conditional Uses***

Accessory structures are permitted uses within the RL zone. This one will be demolished. **Affirmative finding**

***(d) District Specific Regulations***

***1. Setbacks***

No setback encroachments are sought. **Not applicable**

***2. Height***

No height bonuses are being sought. **Not applicable**

***3. Lot Coverage***

No lot coverage bonuses are being sought. **Not applicable**

***4. Accessory Residential Structures and Uses***

The existing accessory structure will be removed. **Not applicable**

***5. Residential Density***

***A. Additional Unit to multi-family***

**Not applicable**

***B. Additions to Existing Residential Structures***

No additions are proposed. **Not applicable**

***C. Residential Occupancy Limits***

*In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.*

**Not applicable**

***6. Uses***

No neighborhood commercial use is included in this proposal. **Not applicable**

***7. Residential Development Bonuses***

No development bonuses are being sought. **Not applicable**

**Article 5: Citywide General Regulations**

***Sec. 5.2.3, Lot Coverage Requirements***

See Sec. 4.4.5 (b) above.

***Sec. 5.2.4, Buildable Area Calculation***

**Not applicable**



***Sec. 5.2.5, Setbacks***

See Sec. 4.4.5 (b) above.

***Sec. 5.2.6, Building Height Limits***

See Sec. 4.4.5 (b) above.

***Sec. 5.2.7, Density and Intensity of Development Calculations***

See Sec. 4.4.5 (b) above.

***Sec. 5.4.8 Historic Buildings and Sites***

*The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:*

*To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;*

*To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;*

*To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,*

*To promote the adaptive re-use of historic buildings and sites.*

***(a) Applicability:***

*These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.*

The garage at 50 Clymer Street, built ca. 1910, is listed on the State of Vermont Register of Historic Structures. These standards, therefore, apply. **Affirmative finding**

***(b) Standards and Guidelines:***

*The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.*

*1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The garage was constructed c. 1910, and the home was constructed ca. 1930. The garage remained from an earlier structure that was replaced by the current dwelling. The applicant proposes no changes to the home. Due to the extensive fire damage to the garage, the applicant is proposing to demolish it, and rebuild in the next building season – spring 2019. Photographs,

as well as correspondence between the applicant and the city's building inspector, provide adequate evidence that the structure is in need of full replacement. Under Sec. 5.4.8 (d) 2 F, the applicant is tasked with agreeing to redevelop the site after demolition pursuant to an approved redevelopment plan. The applicant notes, however, that they are not yet ready with redevelopment plans, but are eager to remove the charred structure from their property. For the time between demolition and redevelopment, they plan to grade and grass the site. In order to ensure that the structure is replaced, issuance of a certificate of occupancy for this permit should be dependent upon the redevelopment of the garage. **Affirmative finding as conditioned**

*2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The only way to preserve the property is to demolish the fire damaged garage and rebuild in a manner consistent with the historic characteristics of the property. **Affirmative finding**

*3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The garage is unsalvageable and should be removed from the property. There is no need to try to replicate it with the new garage. **Affirmative finding**

*4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

**Not applicable**

*5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

**Not applicable**

*6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

Given the current state of the garage, complete demolition is warranted. **Affirmative finding**

*7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

**Not applicable**

*8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

No archaeological resources have been identified at this address. If any work associated with the project uncovers any archaeological remains or resources, proper authorities shall be contacted for appropriate recovery, assessment and disposition. **Affirmative finding**

*9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

The historic materials and features of the garage have already been destroyed by the fire. Demolition is warranted. **Affirmative finding**

*10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The proposal involves the full demolition of the historic structure. **Affirmative finding**

**(c) Demolition by Neglect:**

*No owner of a historic building, or lessee who is obligated by lease to maintain and repair such a structure (other than the interior), shall allow, cause, or permit the structure to suffer or experience demolition by neglect. Examples of such disrepair and deterioration include, but are not limited to, the following:*

- 1. Deterioration of walls or other vertical supports; walls, partitions or vertical supports that split, lean, list, or buckle, thus jeopardizing structural integrity;*
- 2. Deterioration or inadequate foundations that jeopardize structural integrity;*
- 3. Deterioration of roofs, ceilings, or other horizontal members;*
- 4. Deterioration of fireplaces or chimneys;*
- 5. Deterioration or crumbling exterior stucco or mortar;*
- 6. Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors;*
- 7. Lack of weather protection that jeopardizes the structural integrity of walls, roofs, plumbing, electricity, or overall structural integrity, including lack of paint, lack of adequate heating, and lack of adequate ventilation;*
- 8. Vandalism caused by lack of reasonable security precautions; and/or*
- 9. Deterioration of any feature so as to create a hazardous condition that could require demolition for public safety.*

*In such cases, the building inspector shall notify the property owner of any violation of this section. Such person shall have sixty (60) days to remedy any such violation. In the event the violation is not corrected within sixty (60) days of notification, the city shall be authorized to perform all repairs necessary to correct the violation and to place a lien on the property for the costs of such repairs and reasonable administrative and legal fees incurred.*



There is no reason to suspect that the garage was the subject of neglect. **Affirmative finding**

***(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;*

See the email correspondence between Brad Biggie (City Building Inspector and the applicant). While the garage was not considered to be at the level of a dangerous building requiring an order for immediate removal, the damage was significant enough to warrant Mr. Biggie's request that the garage be secured to prevent unauthorized persons from entering. He was of the impression that the garage would be removed and replaced. The damage to the garage is quite evident, and requiring the applicants to hire an engineer or architect to confirm the damage would be excessive. **Affirmative finding**

- B. A statement addressing compliance with each applicable review standard for demolition;*

The applicants are still in the planning phase for the replacement structure. The new design will be subject to design review upon submittal of a zoning permit application. **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:*

- (i) the estimated market value of the property on which the structure lies, both before and after demolition or removal; and,*
- (ii) the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;*

**Not applicable.** There is no claim for economic hardship.

- D. A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites; and,*

The applicants are currently exploring redevelopment plans. In the meantime, they would like to remove the burnt garage from the property. Sec. 5.4.8 (d) 2 F (iii) places a general timeframe of 6 months between demolition and redevelopment. The applicants are currently exploring redevelopment plans, but in the meantime, they would like to remove the burnt garage from the property as it is an eyesore. **Affirmative finding**

- 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.*

**Not applicable.** Plans for the replacement garage have not yet been furnished.

## **2. Standards for Review of Demolition:**

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

- A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure; or,*

There is no reason to suggest that the garage was not sound prior to the fire. Now, after the damage, the garage is unsound. **Affirmative finding**

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

Photographs of the damage show extensive fire damage to the roof, the upper clapboards, and the doors. The City's building inspector confirmed that structure needed to be secured, and understood that it would be removed and replaced. **Affirmative finding**

- 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.*

Redevelopment of the structure would provide a community wide benefit. The structure is clearly of no use any longer, and given its charred remains, it could be considered an eyesore within the neighborhood. **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;*

While the applicants have no redevelopment proposal yet, they confirmed that they will rebuild a garage in the near future (in Spring 2019). **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; and,*

The existing structure is documented in the State Register of Historic Structures as a '1 story, 2 bay hipped roof garage with original hinged wooden doors and clapboards. Garage/shed remained from an earlier structure that was replaced by the present dwelling.' Photos of the garage are also included with this application. **Affirmative finding**

- 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;*

The applicants acknowledge that they will have to replace the structure. The architectural character of the neighborhood will need to be retained with the new construction. **Affirmative finding**

- (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,*

The applicants note that they expect to rebuild in the next building season (Spring 2019). **Affirmative finding**

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

As noted above, the applicants are still in the planning stages for the replacement structure. They are proposing demolition prior to a finalized redevelopment plan to remove the charred structure. With the building season coming to an end soon, they are planning to construct the replacement garage in the next building season (spring, 2019). **Affirmative finding**

*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**

**Article 8: Parking**

***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

The parking requirement for a single family residential use in the Neighborhood Parking District is 2 spaces. The driveway is 74 ft deep before it reaches the garage, and is long enough to adequately handle 2 tandem parking spaces. **Affirmative finding**

**II. MINUTES**

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

**III. MOTION**

**Motion: Alexandra Zipparo**

I move that the Board approve the request to demolish the fire damaged garage as proposed and adopt staff findings and recommendations for 50 Clymer Street, based on the findings in Section I above and subject to the following conditions:

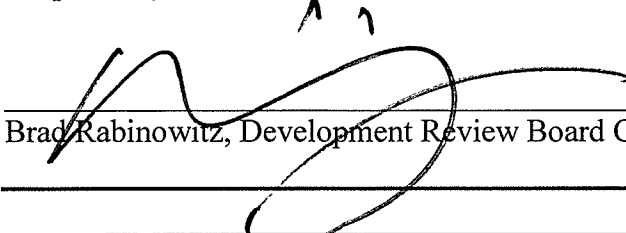
1. **Prior to issuance of a certificate of occupancy**, a zoning permit application for a replacement garage shall be submitted and approved by staff of the Planning and Zoning Department.
2. Construction of the replacement structure shall commence by June, 2019.
3. Construction hours shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. No construction activity on Saturday or Sunday.
4. 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.
5. Standard Permit Conditions 1-15 shall apply.

**Seconded: AJ LaRosa**

**Vote: 6-0-0, motion carried**

Dated at Burlington, Vermont, this 9<sup>th</sup> day of October, 2018.

Respectfully Submitted,

  
\_\_\_\_\_  
Brad Rabinowitz, Development Review Board Chair

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**Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person**

**may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.**

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JUL 02 2018

DEPARTMENT OF  
PLANNING & ZONING

**- NOTE -**

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

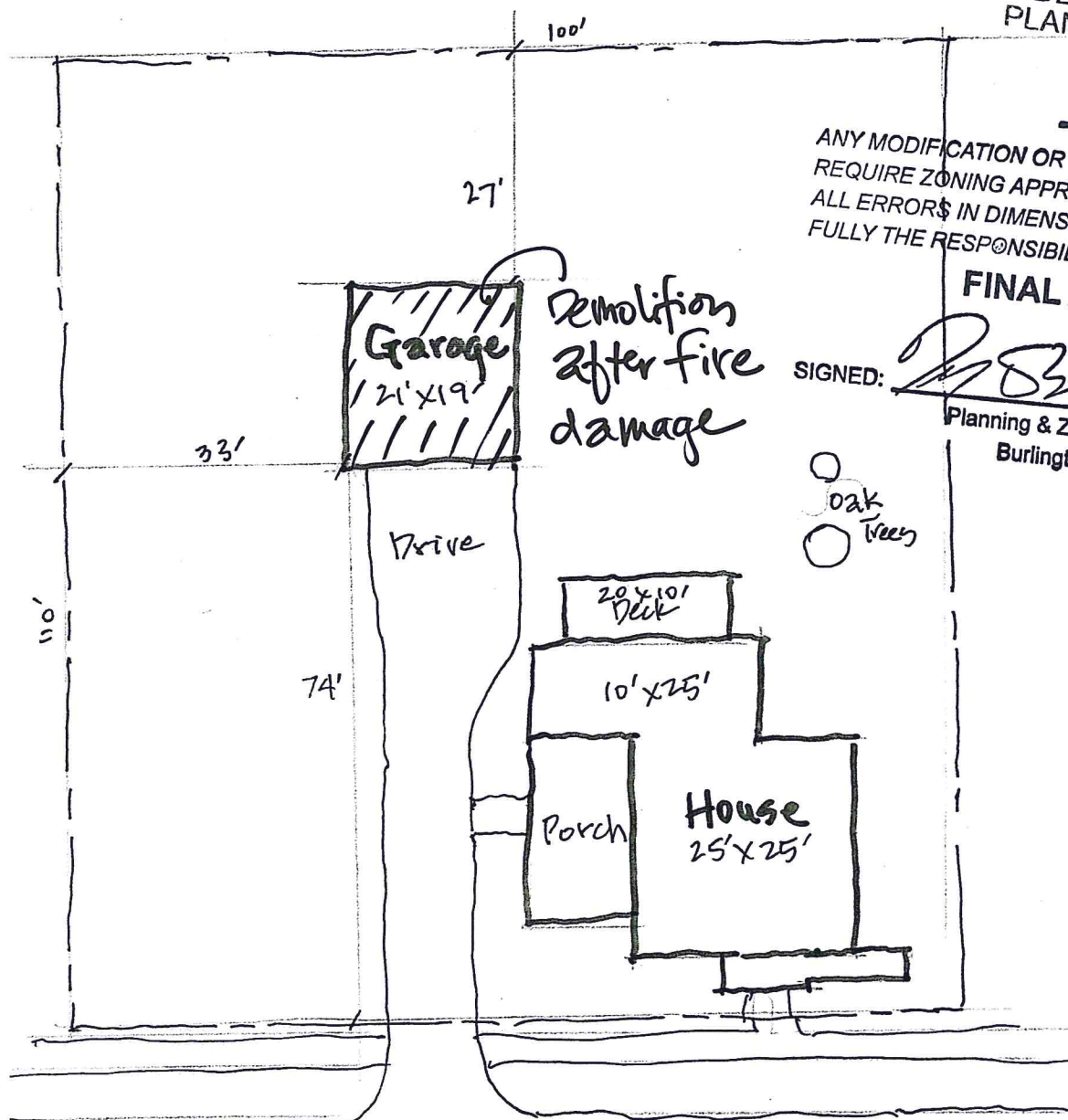
**FINAL APPROVAL**

SIGNED:

*[Signature]*

DATE:

Planning & Zoning Department  
Burlington, Vermont



Clymer Street

North

2018

Ingulorud / Avildsen

**SITE PLAN**

50 Clymer St.

1" = 20'



# Lot Coverage - 50 Clymer Street Proposed Addition 2018

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DEPARTMENT OF  
PLANNING & ZONING

| Existing               | Feet                | Square Feet   |
|------------------------|---------------------|---------------|
| House                  | 25 X 25'            | 625           |
| Garage                 | 21 X 19             | 399           |
| Driveway               | 18 X 22 + 42 X 10   | 816           |
| Front Stoop            | 4 X 10 + 3 X 6      | 58            |
| Ramp to Front Stoop    | 11 X 3              | 33            |
| Back Porch             | 25 X 10 + 11 X 2    | 272           |
| Back Stoop             | 4 X 6 + 2 X 3       | 30            |
| Back Entry to Basement | 5 X 3               | 15            |
| Asphalt Walkway        | 31 X 2.5 + 2.5 x 12 | 107.5         |
| <b>TOTAL</b>           |                     | <b>2355.5</b> |

|                              |           |            |
|------------------------------|-----------|------------|
| LOT SIZE                     | 100 X 110 | 11,000     |
| <b>Existing lot Coverage</b> |           | <b>21%</b> |

| Proposed            | Feet              | Square Feet  |
|---------------------|-------------------|--------------|
| House               | 25 X 25'          | 625          |
| Garage              | 21 X 19           | 399 Demolish |
| Driveway            | 18 X 22 + 42 X 10 | 816          |
| Front Stoop         | 4 X 10 + 3 X 6    | 58           |
| Ramp to Front Stoop | 11 X 3            | 33           |
| Proposed Addition   | 25 X 10           | 250          |
| Proposed Porch      | 11 X 20           | 220          |
| Proposed Deck       | 10 X 20           | 200          |
| Walkway             | 3 x 6             | 18           |
| <b>TOTAL</b>        |                   | <b>2619</b>  |

|                                                     |  |            |
|-----------------------------------------------------|--|------------|
| <del>Existing</del><br><b>Proposed Lot Coverage</b> |  | <b>24%</b> |
|-----------------------------------------------------|--|------------|

Remove 399 sf garage = 2220 sf/11

20.2%

Google Maps 45 Clymer St



Image capture: Oct 2014 © 2018 Google

Burlington, Vermont

Google, Inc.

Street View - Oct 2014



41 Clymer Street, c. 1926

A 2 ½-story, gable roof Colonial Revival house with cornice returns and a one-story hip porch on the front (north) facade. The primary entrance is located in the sidehall of the eaves side. A one-story, partially enclosed shed roof porch extends across the rear facade. The fenestration is 4/1 wood sash with a decorative leaded window on the lower level of the west facade. The building is clad in original wood clapboards and sits on a concrete foundation.

a. Garage, c. 1926

A 1-story, 1 bay gable roof garage with wood clapboards and an overhead door.

45 Clymer Street, c. 1926

A 2-story, Colonial Revival style jerkinhead roof house with cornice returns and a one-story enclosed flat roof porch with flared kneewall spanning the front (north) facade. The building is clad in wood shingles on the upper level and porch, with wood clapboards on the lower level. The fenestration is 4/1 wood sash on the main block and 1/1 sash within the enclosed porch.

a. Garage, c. 1980

A 1-story, 2 bay gambrel roof garage with modern overhead doors and a large rectangular opening in the gambrel end.

50 Clymer Street, c. 1930

A large, 2 ½-story Colonial Revival style house with eaves front (south) entrance and a one-story shed roof sunroom addition to the west. The primary entrance is sheltered beneath a small gable roof supported by plain squared columns. The fenestration is 1/1 replacement sash throughout and the building is clad in vinyl siding.

a. Garage, c. 1910

1 story, 2 bay hipped roof garage with original hinged wooden doors and clapboards. Garage/shed remained from an earlier structure that was replaced by the present dwelling.



## Burlington Development Review Board

149 Church Street, City Hall  
Burlington, VT 05401

[www.burlingtonvt.gov/pz/DRB](http://www.burlingtonvt.gov/pz/DRB)

Telephone: (802) 865-7188

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Brad Rabinowitz  
AJ LaRosa  
Springer Harris  
Geoff Hand  
Zoraya Hightower  
Brooks McArthur  
Kienan Christianson  
Sean McKenzie, (Alternate)  
Ravi Venkataraman, (Alternate)



### **BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday December 3rd 2019, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT Amended AGENDA**

#### **I. Agenda**

#### **II. Communications**

#### **III. Minutes**

#### **IV. Consent**

- 1. 20-0491CU; 1 Woodridge Dr (RL, Ward 4N) Dawn M. Ellis**  
Establish 2-bedroom bed and breakfast (short term rental) within single family home  
(Project Manager: Scott Gustin)

#### **V. Public Hearing**

- 1. 20-0487CA/CU; 351 Pine St (ELM, Ward 5S) Vermont Railway Inc., and the University of Vermont Agricultural College**  
Use of an existing gravel parking/storage lot owned by Vermont Railway for long term student parking (Project Manager: Mary O'Neil)
- 2. 20-0488SD; 95 Derway Dr (RL, Ward 7N) Larkin Realty**  
Preliminary plat application for subdivision of the Claire Ponte planned community into six (6) parcels. One each of Buildings A, B, C and D, one for the Northshore swimming pool and one common land parcel (Project Manager: Ryan Morrison)
- 3. 20-0482CA/CU; 28 Faith St (RL, Ward 7N) Mary L. Cunningham**  
Change of use from single family to duplex; renovation of lower level (Project Manager: Mary O'Neil)

#### **VI. Other Business**

- 1. 19-0355CA; 441 Shelburne St (RM, Ward 5S) 441 Shelburne Road, LLC**  
Project status update (Project Manager: Scott Gustin)
- 2. 19-0001CA/CU: 50 Clymer St (RL, Ward 6S) Faith Ingulsrud and Eric Avildsen**  
To amend conditions 1 and 2 of DRB approval (Project Manager: Ryan Morrison)

#### **VII. Adjournment**

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), 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/pz/drdb/agendas](http://www.burlingtonvt.gov/pz/drdb/agendas) or the office notice board, one week before the hearing for the order in which items will be heard.

*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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Ravi Venkataraman, (Alternate)



### **BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday December 3rd 2019, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT Minutes**

**Board Members Present:** Brad Rabinowitz, AJ LaRosa, Kienan Christianson, Brooks McArthur, Springer Harris, Zoraya Hightower

**Board Members Absent:** Sean McKenzie, Ravi Venkataraman, Geoff Hand

**Staff Present:** Scott Gustin, Mary O'Neil, Ryan Morrison, Alison Davis

#### **I. Agenda**

B. Rabinowitz: 28 Faith St requested deferral to January 22. Will discuss when Board gets to that agenda item

#### **II. Communications**

B. Rabinowitz: Additional communications from 441 Shelburne St were received

#### **III. Minutes**

B. Rabinowitz: Minutes from November 19<sup>th</sup> will be reviewed during deliberation

#### **IV. Consent**

##### **1. 20-0491CU; 1 Woodridge Dr (RL, Ward 4N) Dawn M. Ellis**

Establish 2-bedroom bed and breakfast (short term rental) within single family home  
(Project Manager: Scott Gustin)

Dawn Ellis appeared on behalf of project

B. Rabinowitz: Asks if applicant has reviewed staff report and recommendations

D. Ellis: Informs Board she has not received them, has not reviewed them

S. Gustin: Informs Board and applicant he sent those documents in an email

Applicant is given copy of staff report, recommendations and conditions.

B. Rabinowitz: Explains this is recommended for consent so applicant has to review conditions. Asks if conditions are acceptable with applicant.

D. Ellis: Accepts

B. McArthur: Motion to approve and adopt staff findings and recommendations

AJ LaRosa: Seconds motion

5-0-0

#### **V. Public Hearing**

##### **1. 20-0487CA/CU; 351 Pine St (ELM, Ward 5S) Vermont Railway Inc., and the University of Vermont Agricultural College**

Use of an existing gravel parking/storage lot owned by Vermont Railway for long term student parking (Project Manager: Mary O'Neil)

Jim Barr and Joe Weith appeared on behalf of project



B. Rabinowitz: Staff report was supportive of this

J. Weith: Informs Board there are inconsistencies in narrative that they submitted. Corrects that open hours of parking lot will be Monday through Friday 7 AM- 8 PM. Lot will be closed and locked during weekends. Students who want to use cars on the weekends will have to arrange to do so before lot closes for the weekend. Can make temporary parking on campus for the weekend an option. Can use Green Mountain Transit and Champlain College Shuttle to get back and forth from lot to campus. Safe ride passes are no longer an option

B. Rabinowitz: Confirms with application that this is part of the joint institutional parking management plan. Confirms that this is parking for a project that was approved in October

J. Barr: Correct

M. O'Neil: Explains that project located at 149 Beaumont requested a 200-space parking waiver to absorb student long-term parking located at a satellite lot

B. Rabinowitz: Asks where are students parking now that would be parking on satellite campus

Applicant: Explains UVM has given students off-site parking permits, we have put them in a "holding lot" on campus for now

Z. Hightower: Asks how the project will be effected by the South End Connector/Amtrak plans

J. Barr: Right now is a 5-year lease and will have option to extend, but this is short-term solution for now. Inconsistency with shuttles in narrative that was submitted. Shuttles used are for break times only. Explains current transportation options for students.

B. Rabinowitz: Asks if the submitted site plan is piece of a property plan

M. O'Neil: Parcel was identified through a required subdivision by the Railroad because of environmental concerns and is in its own zoning district

B. Rabinowitz: Asks about lot coverage. Asks plan for how UVM is going to mark spaces

J. Barr: Line marking and railroad ties anchored to each other, not anchored to the ground

S. Gustin: Informs applicant ties need to be anchored to the ground for secureness from plows, etc.

S. Harris: Asks about patrol access and safety measures

J. Barr: Explains safety measures that are going to be taken

K. Christianson: Asks what measures are going to be used to reduce environmental impact from cars/parking lot/oil leaks

J. Barr: Explains things Vermont Railway did to build parking lot. If there is an oil leak, we will respond the same way we would on campus

J. Weith: Adding swales and retention basins on the property next year

B. Rabinowitz: Closes public hearing

## **2. 20-0488SD; 95 Derway Dr (RL, Ward 7N) Larkin Realty**

Preliminary plat application for subdivision of the Claire Ponte planned community into six (6) parcels. One each of Buildings A, B, C and D, one for the Northshore swimming pool and one common land parcel (Project Manager: Ryan Morrison)

Carl Lisman appeared on behalf of John Larkin, Inc. for the agenda item

No public provided testimony

C. Lisman: Introduction of preliminary plat application for subdivision  
 B. Rabinowitz: Asks if lot lines are based on the footprint of ground or overhangs  
 C. Lisman: Explains lot lines are based on the outside physical walls of building. Wanted to make sure shrubs were included in the lot lines  
 B. Rabinowitz: Clarifies that lot lines were determined so construction for that would fit within that lot  
 C. Lisman: Yes  
 AJ LaRosa: Asks if access to buildings will be via easement  
 C. Lisman: Yes  
 AJ LaRosa: Asks who would own the pool  
 C. Lisman: Northshore, the community  
 B. Rabinowitz: Asks what prompts the subdivision  
 C. Lisman: Explains that two buildings are substantially owned by third party homeowners are on one side of the property, and two buildings that are primarily rented on the other side of the property. Decision was made that homeowners should have their own association and renters should be separate  
 B. Rabinowitz: Asks if the subdivision will end up with four (4) homeowner associations  
 C. Lisman: Will end up with possibly three (3) homeowners associations. A & B will be one, which they already are. C & D can be one or two.  
 B. Rabinowitz: Any questions from Board? Have to come back for final plat review showing right of way access  
 S. Gustin: Informs Chair that Board needs to take action to approve or deny the preliminary plat. If approved, applicant have a year to come back for final plat review  
 B. Rabinowitz: Closes public hearing

**3. 20-0482CA/CU; 28 Faith St (RL, Ward 7N) Mary L. Cunningham**

Change of use from single family to duplex; renovation of lower level (Project Manager: Mary O'Neil)

Request to defer item to January 22<sup>nd</sup> meeting  
 AJ LaRosa: Motion to defer item to January 22<sup>nd</sup>  
 K. Christianson: Seconds motion  
 5-0-0

**VI. Other Business**

**1. 19-0355CA; 441 Shelburne St (RM, Ward 5S) 441 Shelburne Road, LLC**

Project status update (Project Manager: Scott Gustin)

Anna Thelemark and Mitchel Richardson appeared on behalf of project

Jeff Govoni provided public testimony

M. Richardson: Here for a status update. Moving forward with project. Explains they have now had one workday with five-man crew compared to three. Will continue with five-man crew for rest of project. Request to amend permit to have until April 1<sup>st</sup> to have project update.

AJ LaRosa: Asks S. Gustin to remind us of past decisions and updates to project

S. Gustin: The applicable permit condition says that siding was to start in April 2019 and finished in September 2019, if not done by September 2019, the applicant will

come to the Board for a status update. When October came, contacted Mitchel for a status update. Board heard update and wanted another update in December.

AJ LaRosa: Looks like siding progress being made. Asks what else is there to be done

M. Richardson: Explains structural problems that are issues holding up the siding progress. Cannot continue siding until the structure is done

B. Rabinowitz: Asks about progress about exterior sides of building

M. Richardson: Responds with siding status on sides of building

AJ LaRosa: Asks architect what structural issues are present

A. Thelemark: Rot was uncovered. Rot was in greater area than anticipated. Instead of putting on a band-aid, he went and put in a solid structure

AJ LaRosa: Why are there continually unforeseen structural issues that we are running into? We have given applicant lots of time. Asks how much more time is necessary.

M. Richardson: More things need to happen before the siding goes up

B. Rabinowitz: Asks about material handicap ramp

M. Richardson: Concrete and wood

B. Rabinowitz: Asks about timeline for pouring concrete

M. Richardson: Pouring concrete come spring

B. Rabinowitz: Asks if ramp will impact the siding

AJ LaRosa: Asks if there is any action to take on this item

S. Gustin: No action tonight. Application was approved in March of 2019, have two years to complete project

K. Christianson: Asks about relationship of crew

M. Richardson: Addition to crew just started yesterday (three-man to five-man crew)

A Thelemark: Explains more about crew dynamic and issues like weather impacts. Everything is linked to other things. Not just a simple siding project.

S. Harris: Asks for update about financing of project. Is there a point where the project has become too big?

M. Richardson: Have financing in place now. Collapse was that "too big" point for me. Now on the downward side. 90% done with structural work and that was the most challenging.

S. Harris: Asks how neighbors might feel with work that has been going on

M. Richardson: One neighbor has concerns, we are in contact with other neighbor whom has no negativity towards our work

S. Harris: How have updates been with Code Enforcement Office/Bill Ward

M. Richardson: Has not shown up. Wanted to bring Anna to bring some other evidence of what has been happening

B. Rabinowitz: Asks about previous permit

S. Gustin: Two-year time frame that expired before Mitchel requested an extension

B. Rabinowitz: Clarifies that this project has started over two years ago, before March

S. Gustin: Correct

B. Rabinowitz: Putting into context, you keep telling us you have been doing everything your best, but you have been behind the whole process, including now when we asked a few months ago to have the siding completed. It does not work out the way you said it will when you come to the meetings. It takes longer. You are in a two-year window for a second permit, the first permit having expired and not completed



M. Richardson: Never agreed or accepted September as a date for the siding. I said I don't know. Now this is the first time I am saying that in April it will be done. I never accepted the date.

B. Rabinowitz: Don't know if it was something for you to accept if it was a part of the conditions. The terms of the permit were specific to what your dates were. Invites public to provide testimony.

J. Govoni: Neighbor to the West. Best outcome would be a project that is complete in accordance with permits. That outcome is elusive. Not good relationships with neighbors. Neighborhood is suffering. Has a lot of issues with Mitchel and the damage he has done to his property. Financing is finally in place. Do not ever know what is happening with project. Wants the right thing to be done. Going to protect my property, which is being impacted every day

B. McArthur: Asks applicant how they feel about what they heard their neighbor say and how his work is impacting their daily lives. I've driven by, it is impactful for what's going on, and I don't even have to live next to the project. What is the plan to make it happen. You say April but how do we know that is going to happen?

M. Richardson: I have financing in place. A huge developer, City of Burlington, is running into problems with a larger pocket book than I would imagine having

AJ LaRosa: They would get the same stuff that we're giving you. Says siding will be done in April, let's have you back in April. Requests pictures of project

**2. 19-0001CA/CU: 50 Clymer St (RL, Ward 6S) Faith Ingulsrud and Eric Avildsen**  
To amend conditions 1 and 2 of DRB approval (Project Manager: Ryan Morrison)

Eric Avildsen appeared on behalf of the project

S. Gustin: This is an action item to amend permit conditions

B. Rabinowitz: Reviews item, explains there are no lot coverage issues and photographs show that it was burned

E. Avildsen: Explains they thought they would quickly put a garage back up, but as the winter came, they thought about it more. Thought about plans to put garage back up and put ADU

Rethought plans of rebuilding a simple garage and thought about ADU, heard City talking about changing ADU regulations so they wanted to wait to build something. Want to close construction permit so we can have a clean slate, but cannot do that with the conditions that we have originally agreed to.

B. Rabinowitz: Compliments garage

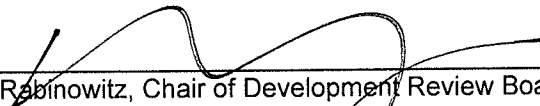
E. Avildsen: Describes garage and garage door characteristics

No questions from Board

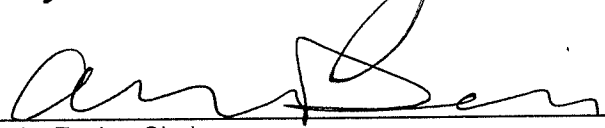
**VII. Adjournment**

S. Gustin: Informs Board they are receiving updated printed copies of the Comprehensive Development Ordinance. There is the annual Joint Meeting with DRB, Advisory Boards, and Planning Commission on January 7. Board is receiving tablets to use for meetings instead of printed copies of packets to reduce paper, starting sometime soon.

Meeting adjourned at 6:00 PM

  
Bradford L. Rabinowitz, Chair of Development Review Board

12/16/19  
Date

  
Alison Davis, Zoning Clerk

12/18/19  
Date

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), 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/pz/drb/agendas](http://www.burlingtonvt.gov/pz/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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