

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

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Jim Drummond (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday December 2, 2014

PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on **Tuesday December 2, 2014 at 5:00 p.m. in Contois Auditorium, Second Floor, City Hall.**

1. 15-0479CA/CU: 511 NORTH STREET (RL, Ward 1) Ethan & Gretchen Platt

Conditional use to demolish historic barn structure at rear, construct two story addition to existing house with new single car garage.

2. 15-0568CU: 30 DANS COURT (RL, Ward 1) David Zuckerman

Conditional use to add one unit to existing duplex.

3. 15-0579CU: 28 EAST VILLAGE DRIVE (I/RL/RCO-R, Ward 1) Cheryl Herrick

Conditional use home occupation for food processing. Using condo association communal kitchen for portion of process.

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 Planning and 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 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 Department of Planning & Zoning 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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Tuesday, December 2 2014, 5:00 p.m.

Contois Auditorium, City Hall, 149 Church Street, Burlington, VT

AGENDA

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Public Hearing**
 1. **15-0568CU: 30 DANS COURT (RL, Ward 1) David E. Zuckerman**
Conditional use to add one unit to existing duplex. (Project Manager: Ken Lerner)
 2. **15-0579CU: 28 EAST VILLAGE DRIVE (I/RL/RCO-R, Ward 1) Cheryl Herrick**
Conditional use home occupation for food processing. Using condo association communal kitchen for portion of process. (Project Manager: Scott Gustin)
 3. **15-0479CA/CU: 511 NORTH STREET (RL, Ward 1) Ethan & Gretchen Platt**
Conditional use to demolish historic barn structure at rear, construct two story addition to existing house with new single car garage. (Project Manager: Mary O'Neil)
- V. **Certificate of Appropriateness**
 1. **14-0884CA/MA: 247-249 PEARL STREET (RH, Ward 2) Pearl Lake, LLP**
Amendment to ZP#14-0884CA/MA to reconfigure retaining walls to be higher due to less excavation. (Project Manager: Mary O'Neil)
- VI. **Other Business**
 1. **14-0280CU: 80 AUSTIN DRIVE UNIT 124 (RL-W, Ward 5) Bradley Mahan**
Follow up review per condition of approval for conditional use home occupation for food processing. (Project Manager: Mary O'Neil)
 2. **Schedule Work Sessions**
- VII. **Adjournment**

Applications and Plans may be viewed in the Planning and Zoning office, (City Hall, First Floor, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m.

All staff comments, plans and supporting documents will be available on the Planning and Zoning website at: www.burlingtonvt.gov/pz/drbb/agendas approximately one week before the hearing.

Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office and Development Review Board is considered public and cannot be kept confidential.

This agenda is distributed to: adjacent property owners of projects before the Development Review Board, Neighborhood Planning Assemblies, City Councilors, City Departments and interested parties. You may direct written comments to the Planning and Zoning Department, at the above address. Inquiries may be made by calling 865-7188. Oral comments may be given at the meeting by any persons on any project listed on the Agenda.

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401

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

Telephone: (802) 865-7188

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David E. White, AICP, Director
Ken Lerner, Assistant Director
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Scott Gustin, AICP, CFM, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Senior Planner

Date: December 2, 2014

RE: ZP15-0479CA/CU; 511 North 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: ZP15-0479CA/CU

Location: 511 North Street

Zone: RL **Ward:** 1

Date application accepted: October 8, 2014 (incomplete). Additional materials received October 27, 2014.

Applicant/ Owner: Ethan and Gretchen Platt

Request: Demolish barn, construct two storey rear addition and single car garage at single family residence.



Background:

- Zoning Permit 14-1301CA; replace nine windows. July 2014.

- Multiple trades permits for kitchen and bath rehab, heating replacement, electrical, etc.

Overview: The Platts purchased 511 North Street, a single family home, in June 2014 understanding that the failing condition of the barn, which is listed on the Vermont State Register of Historic Resources, was a concern. The applicants wish to redevelop the site, demolishing the barn and adding a two storey addition with single car garage. As the barn is identified as a historic resource, listed on the Vermont State Register, demolition requires Conditional Review per Section 5.4.8.

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

Recommendation: **Consent approval** per the following findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 (a) Conditional Use Standards

1. The capacity of existing or planned community facilities;

The removal of a failed accessory structure and construction of a new two story addition and garage will have no impact on the capacity of existing or planned community facilities. **Affirmative finding.**

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

The proposed development is consistent and compatible with the low density residential district in which it is located.

The Municipal Development Plan identifies the problem of Demolition by Neglect:

In addition to clarifying what historic resources are protected under local regulation, two other issues that must be considered are the review of proposals for the demolition of historic buildings, and cases of demolition by neglect. Demolition by Neglect is the case where a building has not been adequately maintained by the owner and it has deteriorated to a point where it's historic character and integrity has been lost and can not longer be restored, or the building has become a public hazard and must be moved.

DBN has been a persistent problem, and difficult to arrest. The applicants purchased the property in the condition in which the board reviews it. While troubling in its neglect, and without addressing failures caused in whole or in part by previous owners, the applicants' request to redevelop the property and to remove the failed structure will ameliorate the immediate concern of building collapse. See Section 5.4.8 for further discussion.

Affirmative finding as conditioned if redevelopment approved.

3. Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;

No additional traffic impacts are anticipated. The driveway and property will continue to serve a single residential unit. **Affirmative finding.**

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

Approval has been issued for the submitted Small Project Sediment and Erosion Control form. The property will be subject to the limitations of the Functional Family provisions of the CDO. No other deficiencies are identified. **Affirmative finding as conditioned.**

5. The utilization of renewable energy resources;

No part of this application prevents the use of wind, water, geothermal, or solar energy opportunities. **Affirmative finding.**
and,

In addition to the General Standards specified above, the DRB;

6. shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;

As residential, cumulative impact is negligible. **Affirmative finding.**

7. in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM, and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.

The application does not request exceeding the number of unrelated individuals as allowed by ordinance. Not applicable.

8. may control the location and number of vehicular access points to the property, including the erection of parking barriers.

An existing driveway access will continue to be used. The drive area will be limited by the construction of a new garage. **Affirmative finding.**

9. may limit the number, location and size of signs.

No signs are proposed. Not applicable.

10. may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

Headlamp glare is not anticipated to be a problem, as the proposed garage will capture any overlighting. No other nuisance areas are identified. **Affirmative finding.**

11. may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.

The Conditional Use portion of this review is the removal of the historic barn. The demolition is anticipated as soon as approved by the DRB. No further time limitations are identified. **Affirmative finding.**

12. may specify hours of operation and/or construction to reduce the impact on surrounding properties.

Typical construction limitations are Monday through Friday, 7:00 am to 5:30 pm. Saturday hours should be limited to interior work only. **Affirmative finding as conditioned.**

13. may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.

The Conditional Use portion of this review is for the demolition of the historic barn, and is not related to the use of the property as a single family home. Not applicable.

14. may consider performance standards, should the proposed use merit such review.

Any specific standards will be addressed in Conditions of Approval, if appropriate. **Affirmative finding as conditioned.**

15. may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

In addition to recommended Conditions of Approval, the DRB may add other conditions as appropriate. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts

Table 4.4.5 -3, Residential District Dimensional Standards

RL Zoning District	Maximum Coverage 35% ¹	Setbacks ^{1, 3, 4, 5, 6}			Max Height 35'
		Front Ave. of 2 adjacent lots on both sides +/- 5'	Side 10% of lot width or ave. of side yard setback of 2 adjacent lots on both sides	Rear Min 25% of lot depth, not less than 20'.	
	Existing 40%, proposed 40.14% Acceptable with a breakdown of bonus components.	No change	5' west, 5' east for addition, new vertical expansion above existing finished space at primary structure on east. Allowable under Sec. 5.3.5 1. See below.	32' 9 ¾", or 25% of lot depth.	Does not exceed existing height of primary structure.

Affirmative finding.

¹ An additional ten per cent lot coverage may be permitted for accessory residential features per (d) 3A.

Article 5: Citywide General Regulations

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

The lot is not more than 2 acres. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.5 Exceptions to Yard Setback Requirements

See provision under Section 5.3.5 (a), below.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7 Density and Intensity of Development Calculations

No change is proposed to the intensity of development. The property will remain a single family home. **Affirmative finding.**

Section 5.3.5 Non Conforming Structures

(a) Changes and Modifications

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

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

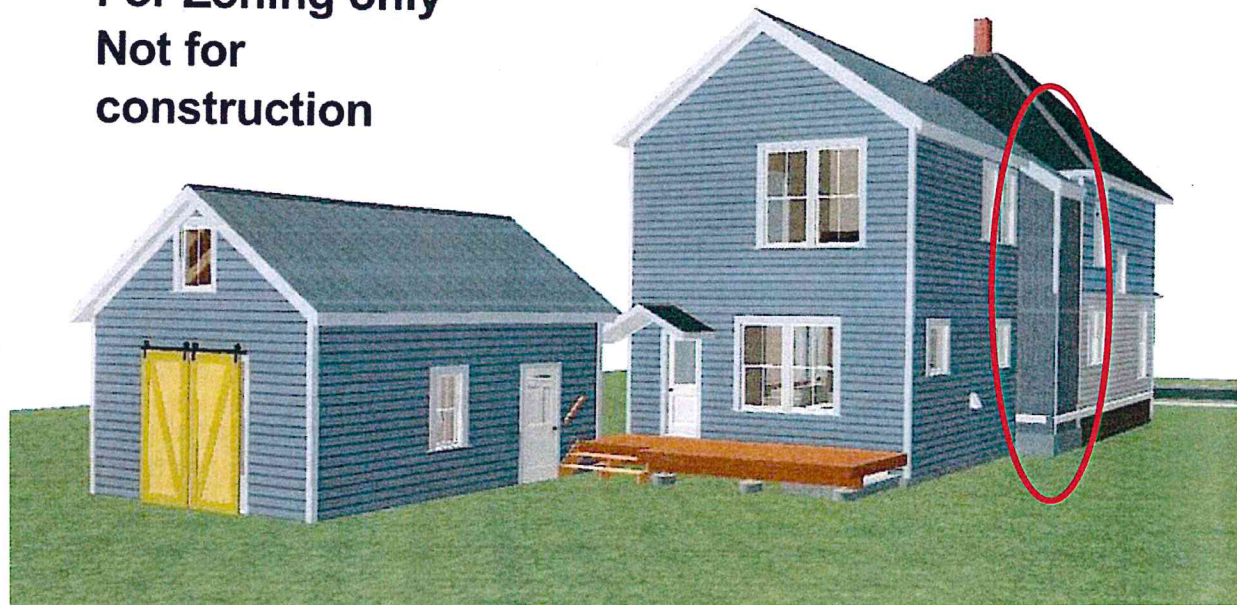
- i) Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development);*
- ii) Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,*
- iii) Be compatible with the character and scale of surrounding structures.*

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

2. *Such a change or modification shall not create any new nonconformity; and,*
3. *Such a change or modification shall be subject to review and approval under the Design Review provisions of Article 3, Part 4.*

There is a small area of non-conformity (one story, enclosed rear addition; encroaches into easterly side yard setback) that is proposed to be expended vertically to two stories. The

**For Zoning only
Not for
construction**



remainder of the development is proposed to meet coverage, setback, and intensity limitations. The allowance will be an enhancement of the building's function, and should not unreasonably affect the adjoining property or any public interest. The materials chosen for the sheathing are intended to meet fire safety requirements of building code. No new non-conformity will be created.

Affirmative finding.

Part 4: Special Use Regulations

Sec. 5.4.8 Historic Buildings and Sites

(d) Demolition of Historic Buildings:

The purpose of this subsection is:

- . To discourage the demolition of a historic building, and allow full consideration of alternatives to demolition, including rehabilitation, adaptive reuse, resale, or relocation;*
- . Provide a procedure and criteria regarding the consideration of a proposal for the demolition of a historic building; and,*
- . To ensure that the community is compensated for the permanent loss of a historic resource by a redevelopment of clear and substantial benefit to the community, region or state.*

1. Application for Demolition.

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

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

The applicant included a letter from Sellers Treybal Structural Engineers, as well as an opinion of a preservation consultant. See attached.

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

Standards are addressed within the narrative of the submission and supporting documents.

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;

No claim of economic hardship has been raised.

Given the specific structure (accessory barn) it would not appear that estimates for market value would be required. None have been submitted.

The Assessor's office valued the accessory structure at \$25,000 in 2005. The structural value at present is dubious, given the roof and material failure.

and,

(ii) the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;

The engineer's report states: "It is my opinion that it would not be economically feasible to restore this barn given the myriad structural issues." See engineer's report for additional comment and recommendations.

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

The applicant proposes construction of a new residential addition, deck, and single car garage. The existing barn footprint will be returned to green space.

and,

E. Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.

Plans are enclosed. See attached. **Affirmative finding as conditioned.**

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;

There is little doubt, from information received from the building inspector, a structural engineer and preservation contractor that the building is structurally unsound. Neglect cannot be attributed to this new owner, however, but to at least one if not more previous owners. The reality of deferred maintenance, specifically for the barn, is reflected in the diminished sale price (which was lower than the previous sale of 2005.) The new owners can be credited with removing a structurally unsound building and making a significant investment in a residential neighborhood; both appreciable.

However the root of the problem remains, and the City is challenged with arresting such behavior and providing dis-incentives to land owners who allow their properties to fall into such a state of disrepair and failure, especially while reaping income.

In short, there is no evidence that any structural repairs or regular maintenance have been exercised on this accessory structure.



or,

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

The engineer's report provides a summary of the building's condition and advanced state of failure. There is no identified or likely reuse of this accessory building.

or,

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

Removal of a failed building and structural addition to a residence that provide an enhancement to Burlington's neighborhoods and increase the grand list are all notable community benefits. The number of these rear accessory structures, iconic in their simple regional design but highly functional when maintained, is diminishing at a rapid rate. The style (flat roof, 2 storey, and loft door) is distinctive for its signature representation of early 20th century; that span between rural agricultural buildings and automobile garages. This barn was constructed between 1918 and 1926 (appears on the latter Sanborn Map) and, with proactive maintenance, should have had a much longer lifespan.

While an unsatisfactory substitute for retention of the original, photos of the structure kept in the zoning file will provide a photographic record for future reference.

Certainly the construction of a new addition will be useful to the property owners, and remove a failing building on-site. In that manner, there can be imagined a greater and long lasting community-wide benefit.

Affirmative finding as conditioned.

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;

Photo documentation would provide a minimal amount of mitigation. No other properties in the immediate area will be adversely affected by the removal of the structure.

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;

Neither the building’s association nor its merit and integrity elevate its value to the requirement for HABS documentation. Photographs, submitted to the zoning file, will suffice for the record.

Affirmative finding.

and,

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

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

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

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

The applicant proposes an immediate development that includes an addition to the principal residence and a new garage. As submitted, the new addition will complement the existing house and character of the area. **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.

There has been no such deed restriction proffered; nor does it appear warranted. **Affirmative finding.**

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

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

The applicant shall be encouraged to deconstruct using the safest method possible, minimizing exposure to lead paint and any other potential public safety issue. What material may be salvaged is encouraged for sale or reuse, as appropriate. **Affirmative finding as conditioned.**



Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not Applicable.

PART 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a)Protection of Important Natural Features:

There are no natural watercourses or significant natural features in the rear yard. This property appears to benefit from the mature trees of neighboring properties. **Affirmative finding.**

(b) Topographical Alterations:

None proposed. **Affirmative finding.**

(c)Protection of Important Public Views:

There are no protected views from this private parcel. **Affirmative finding.**

(d) Protection of Important Cultural Resources:

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

See Section 5.4.8, above.

(e)Supporting the Use of Renewable Energy Resources:

The plan does not prohibit the use of wind, solar, geothermal or water as alternative energy resources. There are opportunities to passively capture solar gain with new windows.

The small rear addition does not suggest adverse shade impact to any abutting properties.

Affirmative finding.

(f) Brownfield Sites:

None identified. The removal of the building will require special consideration to avoid lead, asbestos, or any other exposure to this or other neighboring properties. The applicant is advised

to work with appropriate authorities to determine the best course of action. **Affirmative finding as conditioned.**

(g)Provide for nature's events:

All development and site disturbance is required to follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3. The applicant has received approval of the submitted Erosion Prevention and Sediment Control Plan.

A small canopy is proposed over the rear door, which will provide shelter from inclement weather for building residents. Snow storage will likely be west of the driveway. **Affirmative finding.**

(h) Building Location and Orientation:

As an addition to an existing single family residence, the addition as proposed is appropriate and consistent with traditional building patterns. As a detached garage, it is suitably situated behind the principal structure and at the terminus of an access drive. **Affirmative finding.**

(i)Vehicular Access:

Residential driveways shall be a minimum of 7 feet in width or consist of two 1.5' driveway strips. Driveway strips shall be accompanied by a paved area for the parking and/or storage of motor vehicles. The maximum width for single or shared access driveways shall be 18'. In a residential district, driveways and parking areas shall be set back a minimum of 5' from side and rear property lines.

To minimize coverage, the driveway is proposed to be minimized to two driveway strips, 73'x 4' (two 2' strips.) The second parking space is not within the drive access lane, and perhaps in conflict with Section 8.1.12 (see below.) However, driveway access and the plan to a paved parking area (within the new garage) meet this standard. **Affirmative finding as conditioned.**

(j) Pedestrian Access:

The existing front walkway will remain. A new paved area near the garage will lead residents up the stairs onto a new rear deck as well. **Affirmative finding.**

(k) Accessibility for the Handicapped:

This is not a requirement for a single family home, but highly recommended. **Affirmative finding.**

(l) Parking and Circulation:

The existing asphalt driveway is proposed to be replaced with two tire strips (each 2' wide) to minimize coverage and to allow for greater site infiltration. Two parking spaces are offered in the plan, which meets Article 8 requirements. The problem with the parking arrangement, however, is that the second parking space is not within the access lane and does not appear to have a clear method of entry (no apron or paving). Circulation is thwarted and unfeasible.

No evidence is provided to establish a front yard setback based upon neighboring properties, so there is the potential that this parking space may fall within the front yard setback.

While conceivable to have a second parking space adjacent to the proposed access tracks, coverage limitations and setback requirements are not likely to permit it.

The site plan must be revised to show the 2nd parking space in tandem (behind) the first; that is, abutting the garage. Conversely, another location may be identified if access, setbacks and coverage limitations are met. **Affirmative finding as conditioned.**

(m) Landscaping and Fences:

A new fence is proposed to be appended to an existing fence on the west property line. An existing fence is illustrated offset from property line for clarity on the plan; however the factual location of the fence is not defined. The applicant should define the specific location of the existing fence, and the type and extent of fence proposed prior to release of any zoning permit. **Affirmative finding as conditioned.**

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

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

Submission materials include a lighting spec sheet for a fixture that is of residential character, is shielded so as to illuminate downward and meets Dark Sky standards. It appears to be proposed for the garage entrance and the rear entry. The applicant shall confirm. **Affirmative finding as conditioned.**

(p) Integrate infrastructure into the design:

It is assumed that the mailbox location will not be altered. The building’s numeric address should be clearly visible from the public ROW. The location of meters, mechanical equipment, and any other utility connections must be identified to determine the appropriateness of location and any needed screening. **Affirmative finding as conditioned.**

PART 3: ARCHITECTURAL DESIGN STANDARDS

Sec. 6.3.2 Review Standards

(a)Relate development to its environment:

1. Massing, Height and Scale:

The addition is set behind and slightly below the roofline of the existing principal structure. The garage is appropriately scaled for the residential character of the property. **Affirmative finding.**

2. *Roofs and Rooflines.*

The proposed gable and eaves rooflines are consistent with those existing on the site and on neighboring properties. **Affirmative finding.**

3. *Building Openings*

The existing front entry is not proposed to be changed. A rear entrance via a new deck into the addition is proposed. The garage will have an easterly pedestrian entrance.

Windows in the addition are rhythmic and logically placed for interior function. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

See Section 5.4.8, above.

(c) Protection of Important Public Views:

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

(d) Provide an active and inviting street edge:

The addition and garage provide a traditional and evolutionary growth pattern for residential construction. As designed and articulated, the development will provide a pleasing enhancement to the neighborhood. **Affirmative finding.**

(e) Quality of materials:

Clapboard siding (exposure to match existing house) and metal standing seam roofing are proposed. The material shall be defined. The small vertical expansion on the eastern elevation will be sheathed in metal; in part, to meet building code. A fiberglass entry door and insulated wood garage door are proposed. Marvin window spec sheets have been provided for the residential addition. The barn door is proposed to be re-used on the garage. **Affirmative finding as conditioned.**

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

See Section 6.2.2 (e) for discussion of energy, solar, and alternatives. **Affirmative finding.**

(g) Make advertising features complementary to the site:

No signage is proposed. Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p). **Affirmative finding as conditioned.**

(i) Make spaces secure and safe:

All required building and life safety code shall be observed and as defined by Burlington’s building inspector and fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

Table 8.1.11 requires 2 parking spaces for each residential unit in the Neighborhood Parking District. Two spaces are illustrated on the submitted site plan; however circulation pattern does not work for the 2nd one, with no clear method to access that space without levitation. Unless definition is given as to the front yard setback established by neighboring properties, the second parking space is potentially within the front yard setback and not part of the access lane. If the plan is revised to provide two parking spaces in tandem, the parking arrangement is acceptable. **Affirmative finding as conditioned.**

II. Conditions of Approval

1. No change in use. The property remains a single family residence.
2. All limitations of the Functional Family provision of the Comprehensive Development Ordinance shall apply. No more than four unrelated adults shall inhabit the residential unit, until such time as regulations may change.
3. The removal of the building will require special consideration to avoid lead, asbestos, or any other contaminant exposure to this or other neighboring properties. The applicant is advised to work with appropriate authorities to determine the best methods for deconstruction, salvage (if appropriate), transport and disposal.
4. The applicant should define the specific location of the existing fence, and the type and extent of fence proposed **prior to release of any zoning permit.**
5. The applicant shall confirm the location of lighting fixtures **prior to release of the zoning permit.**
6. The location of meters, mechanical equipment, and any other utility connections must be identified **prior to release of any zoning permit** to determine the appropriateness of location and any needed screening.
7. The material for the clapboard siding shall be defined **prior to release of the zoning permit.**
8. Construction hours are limited to Monday through Friday, 7:00 am to 5:30 pm. Saturday hours are restricted to interior work only.
9. **Prior to release of the zoning permit**, the site plan must be revised to illustrate two parking spaces in tandem. As submitted, circulation does not work for the 2nd parking space which is potentially in the front yard setback, and therefore contradictory to Section.8.1.12 (c). Revised coverage calculations may be appropriate.
10. 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.

511 North Street

Article 5.4.8 (d) 1.B

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PLANNING & ZONING

- A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure; or,
B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district; or,
C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.

A: See email dated 10/10/14 from Ned Holt, City of Burlington Building Inspector and copied to Norm Baldwin, City Engineer, stating that "The structure "is in a state of failure" and my position is supporting the fact that it can withstand the length of time to go through the process without further delay means: the process needs to start now to remove and not risk allowing more time for additional elements (i.e., snow, ice, etc.) to accumulate and take away what strength left. Time is of the essence before the structure does become more of a hazard then it already exists. It will get worst rather than better. Please keep the area secured while you proceed to get it removed." This is corroborated by are report (attached) from John Treybal, structural engineer.

B: As the structure is not connected to a driveway (and thus cannot be used as a garage) and as the zoning regulations do not allow for it to be developed into a stand-alone residential structure, there is no conceivable economically beneficial result of rehabilitation based on the structure's current condition. Furthermore, Jim Curran of Resource has examined the structure and indicated that it contains very few reusable materials that his organization would be interested in, largely due to the rot and presence of significant mold. We will be salvaging some original materials, such as the sliding barn door, and incorporating them into our proposed garage.

C: We will be submitting a report from an expert in historical preservation regarding the historical significance of the structure. Once our application is formally accepted, we will be presenting our plans to all abutting neighbors.

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;

N/A

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,

Photos of the existing structure have been taken and given to the City's office of Planning and Zoning.

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

- (i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;
- (ii) Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,
- (iii) The time between demolition and commencement of new construction generally shall not exceed six (6) months.

See proposed plan for redevelopment.

Mary O'Neil

From: Ethan Platt <ethan@americanmeadows.com>
Sent: Wednesday, November 05, 2014 9:33 AM
To: Mary O'Neil
Cc: 'Gretchen Shuman'
Subject: 511 North Barn

Mary,

Can you please add this to our supporting documentation?

I'm not sure if you know Jeff, but he has an advanced degree in historic preservation from UVM and makes his living in that capacity. See <http://wstraditions.weebly.com/about-us.html> He's done a lot of work in Burlington, most recently on his own property at 169/171 North Willard.

Please let me know if there are any other materials that you feel we should prepare for the DRB on 12/2.

Thank You,
Ethan & Gretchen

----- Forwarded message -----

From: Jeff Fellingner <jeff.felli@gmail.com>
Date: Tue, Nov 4, 2014 at 7:47 PM
Subject: 511 North Barn
To: Ethan Platt

To Whom it May Concern;

In my capacity as a restoration carpenter, I have been asked to conduct an assessment of an outbuilding located at 511 North Street in Burlington, VT.

I first examined this structure when the current owners, Gretchen & Ethan Platt, were contemplating the purchase of the property in May, 2014. At the time, the Platts had concerns about the state of the structure and the potential liability that they could inherit with the purchase of the property. Subsequent to their purchase, I have had the opportunity to further examine the structure and offer the following observations.

This rectangular, 2-story, shed-roof, shingle-facade carriage barn has been allowed to fall into a considerable state of disrepair over the past decades. The design of the structure includes a very low-pitched roof (roughly 1/12). Snow loading and poor roofing maintenance have caused incrementally worsening water entry through the center and back edge of the roof. The presence of this moisture entry over the years has caused significant rot in the sheathing, rafters, floor joists, back wall, sills, and central interior walls. The building has been rotting from the inside out and is fraught with unsafe conditions (I could barely examine the second floor due to staircase and floor framing degradation). Much of the framing is infested with white mold, as well. The sills basically sit at grade and are now more compost than wood, the foundation having been covered up to the level of the sills by years of soil and yard litter.

This barn may or may not be original to the property. Given the more simple dentil detailing at the soffits than those on the main house, and the shingle siding it is my belief that the structure was built in the later 1920s. Although all older buildings offer a window into the past, there are a number of structures similar in era and design in Burlington - behind 132 N. Willard Street, for example - that offer fine examples of this style of architecture and have been far better cared for. It's a shame that such neglect was allowed upon this once-useful, old place, but so it goes when owners are of modest means.

It is my opinion that in order for this building to be rehabilitated, it would need to be totally deconstructed and rebuilt. There would be minimal (less than 10%) original materials suitable for reuse. I do not see any means of economically rehabilitating this structure.

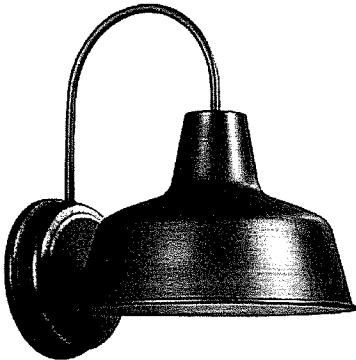
Sincerely,

Jeffery Fellingner

Willard Street Traditions, LLC

Your Store:
Essex, VT

Your Store: **Essex Junction, VT**



Portfolio Ellicott 13.12-in H Galvanized Dark Sky Outdoor Wall Light

Item #: 337508 | Model #: FS130125-30

☆☆☆☆☆

\$39.98

Light bulb(s) not included

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Portfolio Ellicott 13.12-in H Galvanized Dark Sky Outdoor Wall Light

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Description

Ellicott 13.12-in H Galvanized Dark Sky Outdoor Wall Light

- Light up your home's exterior
- Dark Sky
- Metal shade
- Reduce light pollution

Specifications

Type	Outdoor wall-mount light	Hardware Included	Yes
Motion Activated	No	Glass Color	No glass
Manufacturer Color/Finish	Galvanized	Glass Style	No glass
Fixture Height (Inches)	13.12	Power Source	Hardwired
Fixture Width (Inches)	10.5	Style	Traditional
Fixture Depth (Inches)	12.62	ENERGY STAR Qualified	No
Weather Resistant/Weatherproof	Weather resistant	Package Quantity	1
Maximum Bulb Wattage	60	Material	Steel
Bulbs Included	No	Color/Finish Family	Other
Number of Bulbs Required	1	Dark Sky	Yes
UL Safety Listing	No	Collection Name	Ellicott
CSA Safety Listing	No	Light Bulb Base Type	Medium base (E-26)
ETL Safety Listing	Yes	Recommended Light Bulb Shape	A19
		Size Classification	Large (9.1-in and above)

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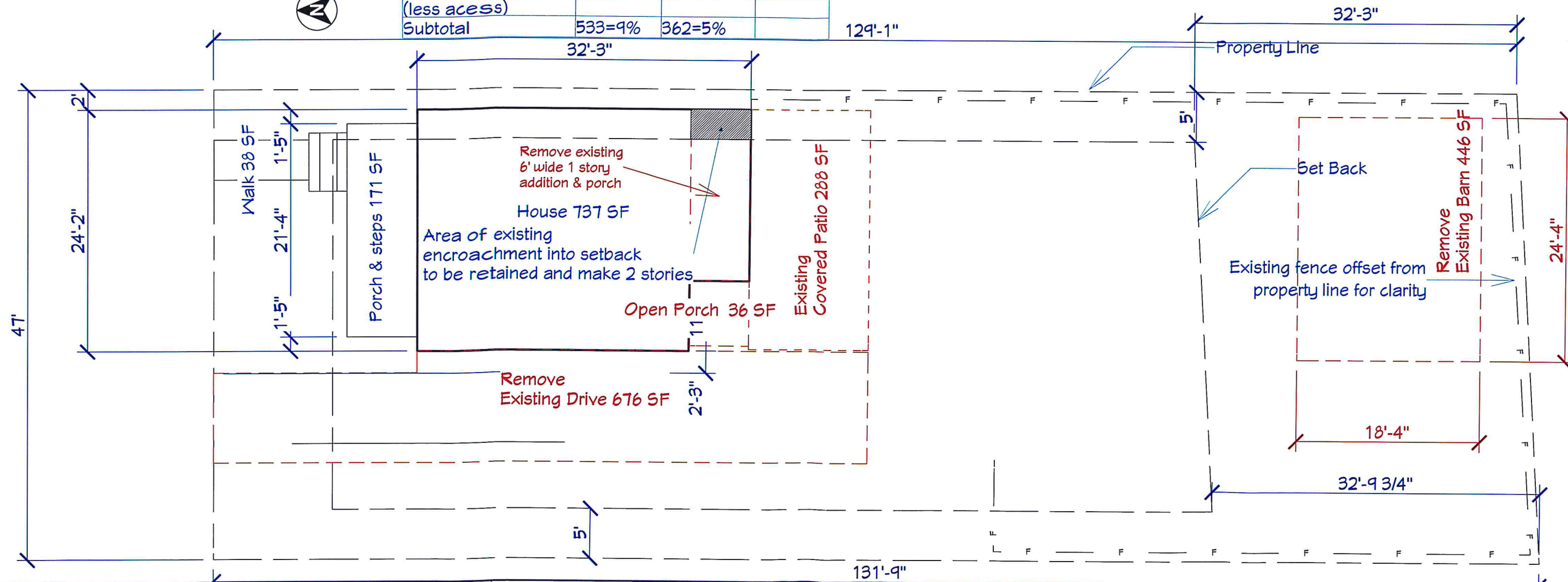
**For Zoning only
Not for
construction**

Lot Coverage			
	Existing	New	Change
House	737	737	
Barn	446	0	
Drive	676	548	
Conv porch		36	
Addition		406	
Bsmnt access		27	
New garage		374	
Subtotal	1897=31%	2128=34.7%	
Walk	38	38	
Patio	288	0	
Front Porch	171	171	
Back Porch	36	0	
New back Deck (less access)		126	
Subtotal	533=9%	362=5%	

lot size 6135

Lot	SF	
Max Building Coverage 35%	2145	
10% Porches/ Patios/walks	613	
Front Set back	No change	
Side Yard Setback 10%	4'-8"	
Rear Setback 25%		

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A2

Print Date: 10/7/2014
Sketch Plans:
Pricing Plans:
Zoning Plans: 10/6/14
Revision
Construction Plans

**Existing Lot
Coverage**
scale: 1"=10'

**Gretchen & Ethan
Platt**

511 North St

REDWORKS

Donal Dugan

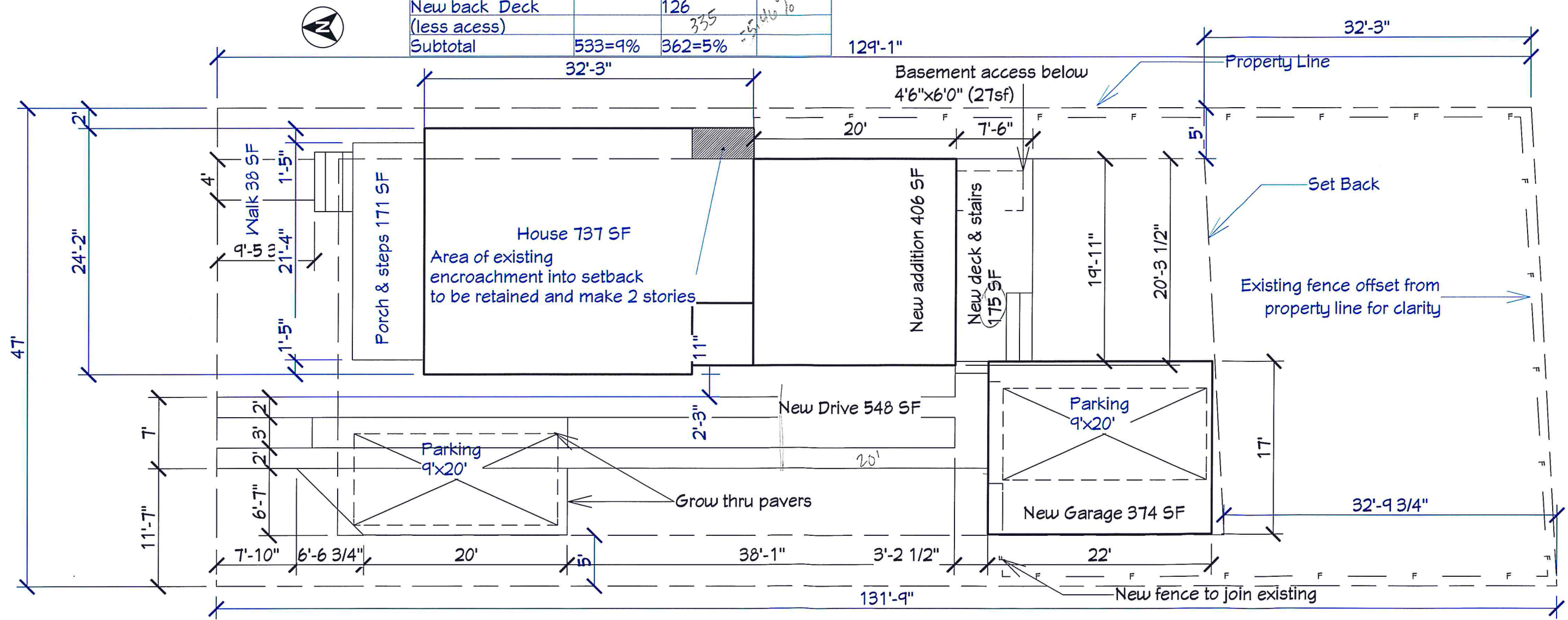
For Zoning only
Not for
construction

Lot Coverage	Existing	New	Change
House	737	737	
Barn	446	0	
Drive	676	548	
Conv porch		36	
Addition		406	
Bsmnt access		27	
New garage		374	
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Patio	288	0	
Front Porch	171	171	
Back Porch	36	0	
New back Deck (less access)		126	
Subtotal	533=9%	362=5%	

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	SF	
Lot	6130	
Max Building Coverage 35%	2145	
10% Porches/ Patios/walks	613	
Front Set back	No change	
Side Yard Setback 10%	4'-8"	
Rear Setback 25%		



A3

Print Date: 10/7/2014
Sketch Plans:
Pricing Plans:
Zoning Plans: 10/6/14
Revision
Constrution Plans

New Lot coverage
Site Plan

scale: 1"=10'

Gretchen & Ethan
Platt

511 North St

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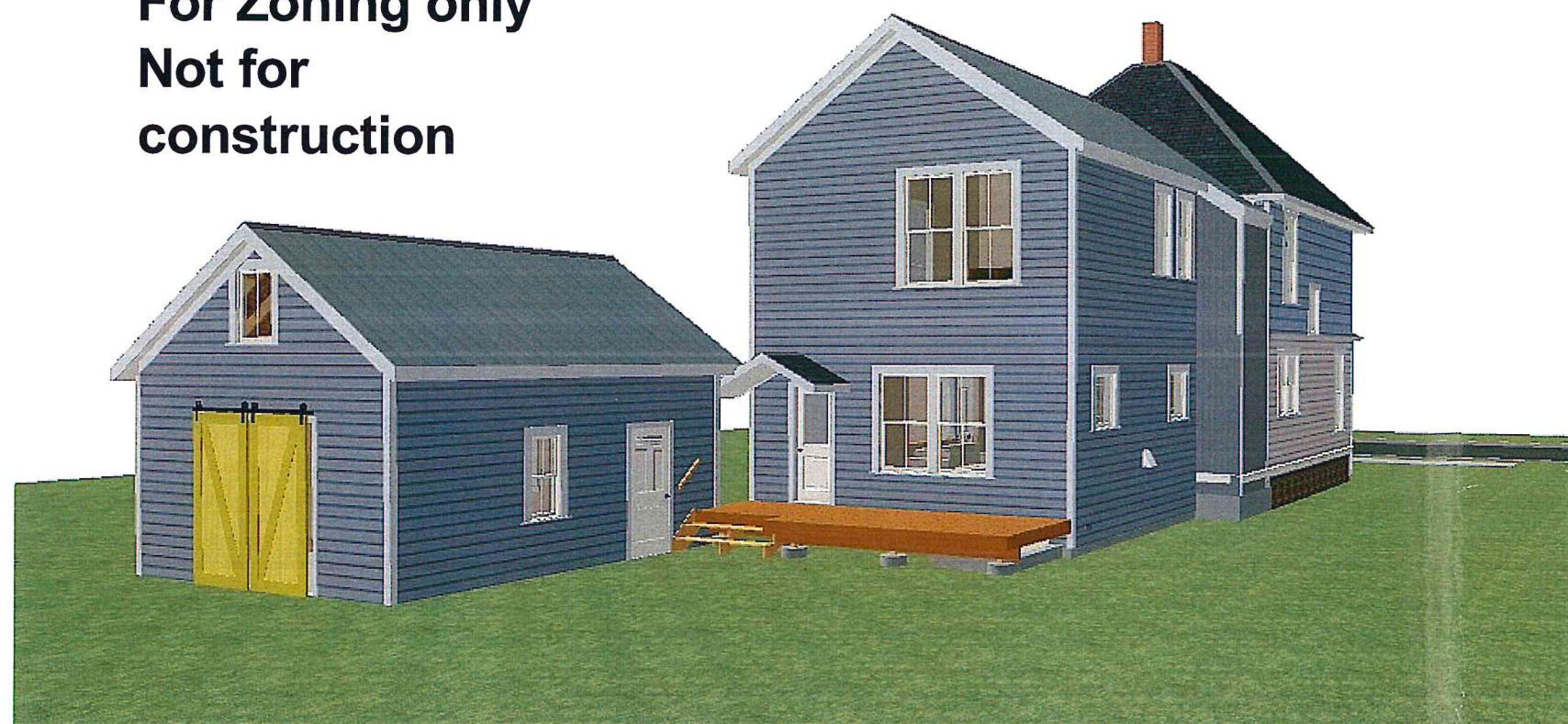
c.802

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PLANNING & ZONING



A1

Print Date:	10/7/2014
Sketch Plans:	
Pricing Plans:	
Zoning Plans:	10/6/14
Revision	
Constrution Plans	

Perspectives

**Gretchen & Ethan
Platt**

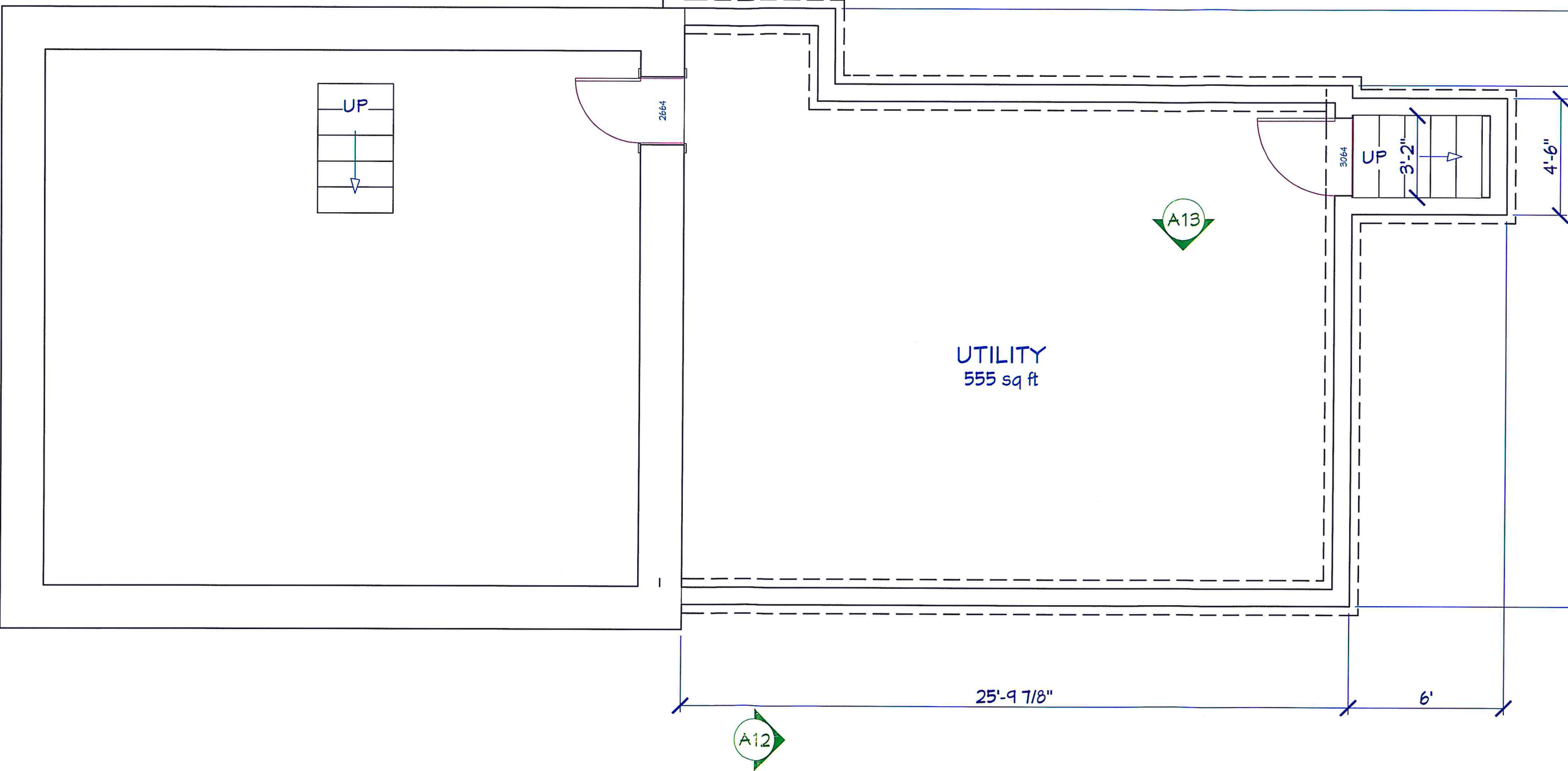
511 North St

REDWORKS

Donal Dugan

c.802.3

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construction



A4

Print Date:	10/7/2014
Sketch Plans:	
Pricing Plans:	
Zoning Plans:	10/6/14
Revision	
Constrution Plans	

Foundation Plan

scale:1/4"=1'-0"

Gretchen & Ethan
Platt

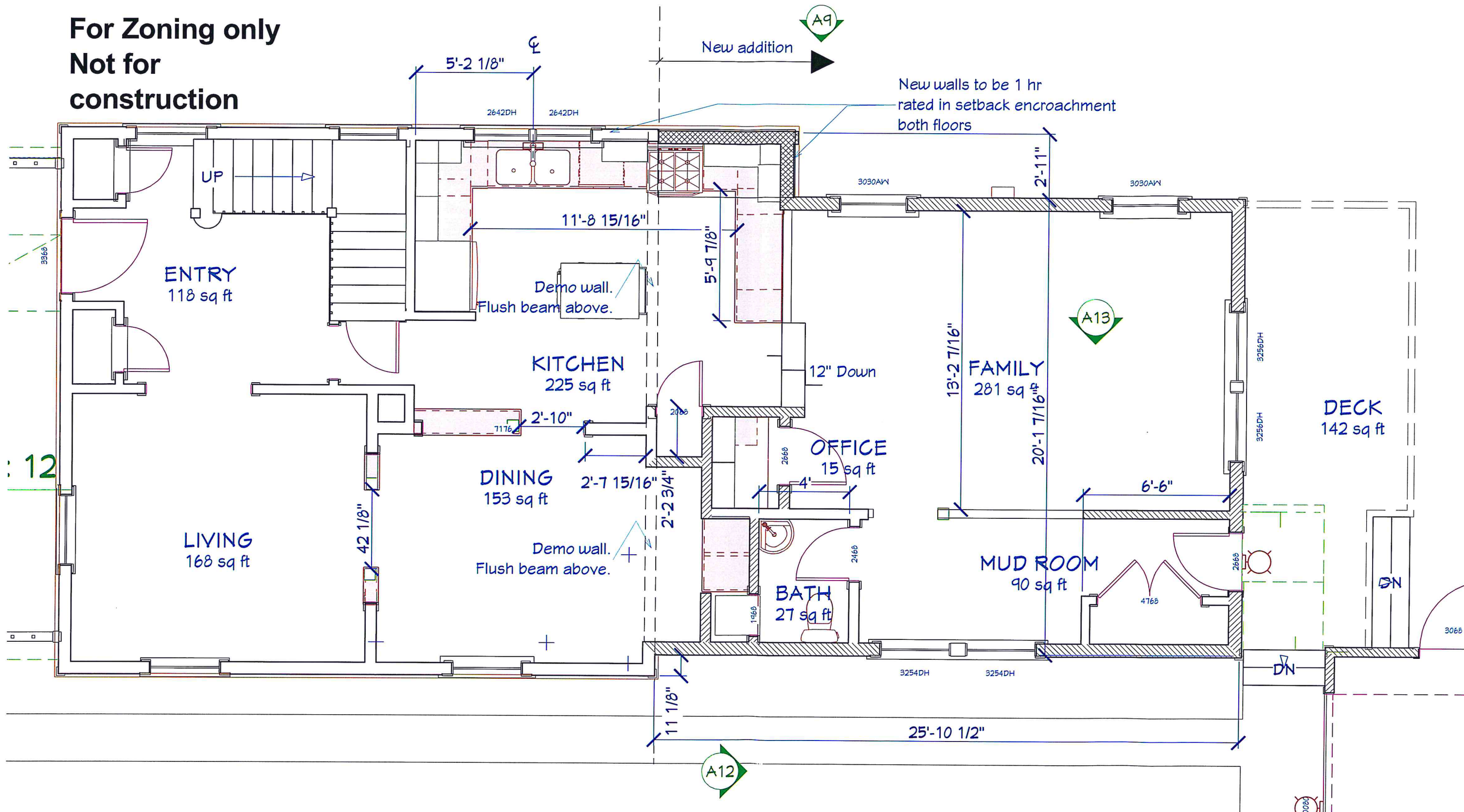
511 North St
Burlington, VT 05401

REDWORKS

Donal Dugan

c.802.3
donal.dugan@redworks.com

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construction**



A5

Print Date:	10/7/2014
Sketch Plans:	
Pricing Plans:	
Zoning Plans:	10/6/14
Revision	
Constrution Plans	

1st Floor

Scale: 1/4"=1'-0"

**Gretchen & Ethan
Platt**

511 North St
 Lincoln, NE 68501

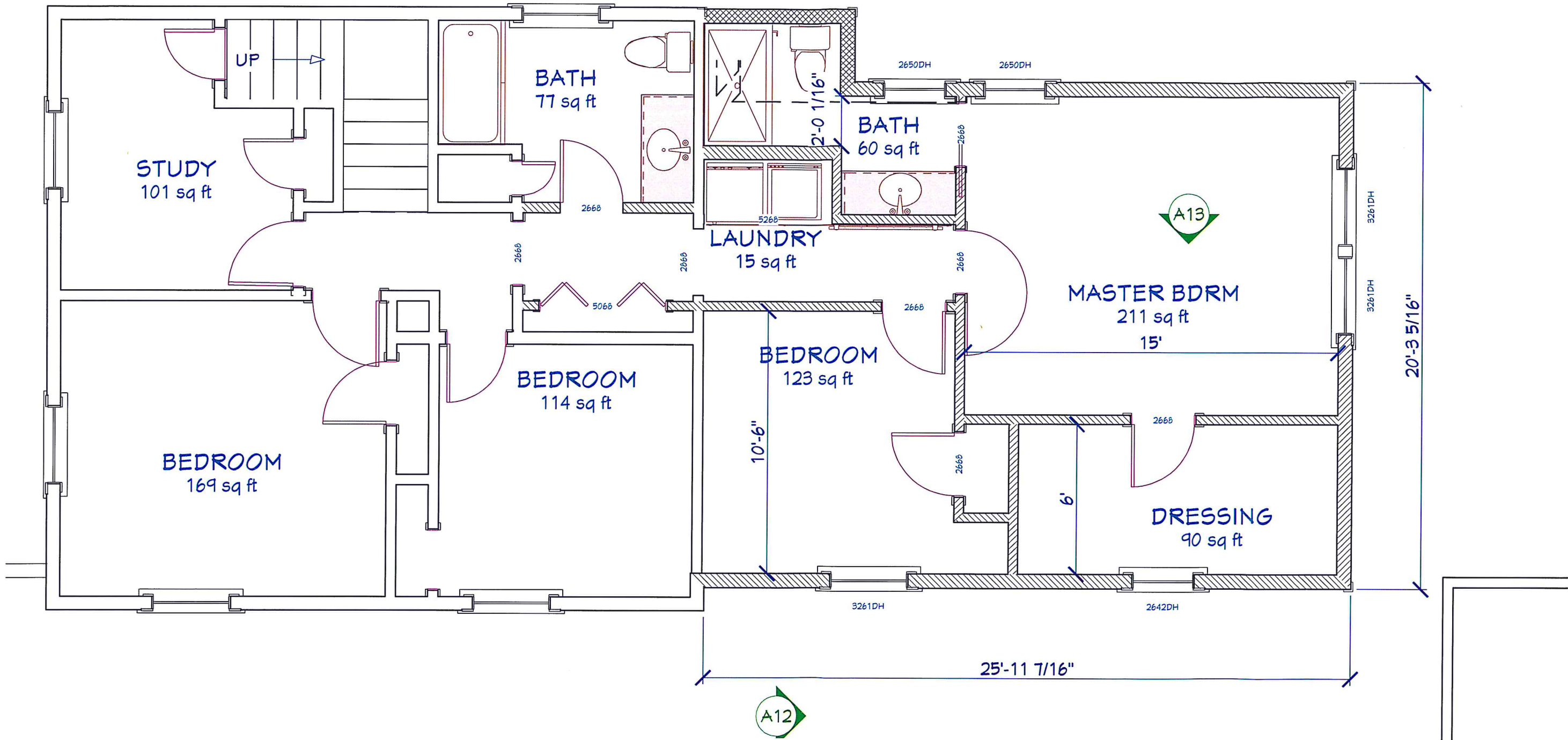
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A6

Print Date: 10/7/2014
Sketch Plans:
Pricing Plans:
Zoning Plans: 10/6/14
Revision
Constrution Plans

Second Floor

Scale:1/4"=1'-0"

Gretchen & Ethan
Platt

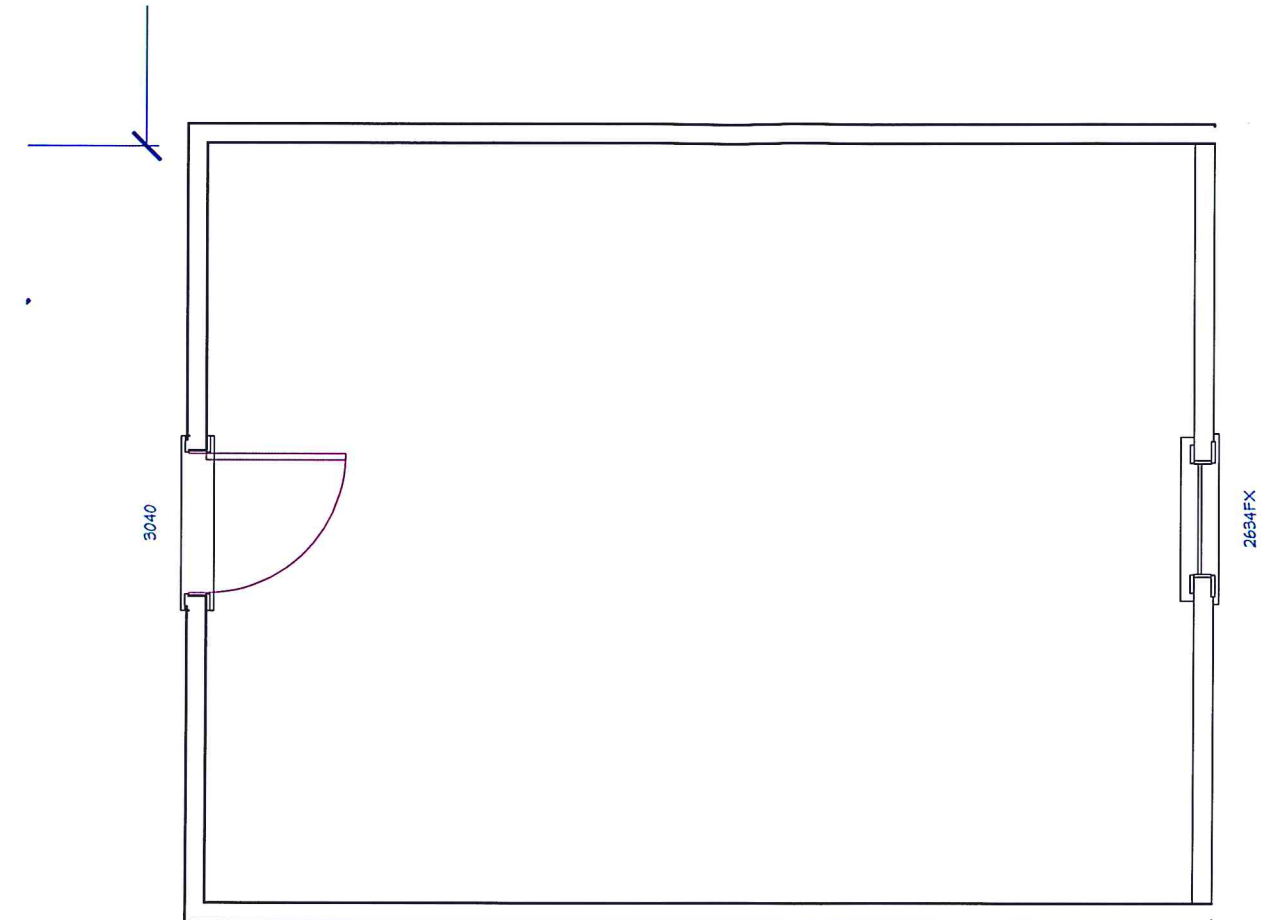
511 North St
Burlington, VT 05401

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donal.dugan@g...

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Sketch Plans:	
Pricing Plans:	
Zoning Plans:	10/6/14
Revision	
Constrution Plans	

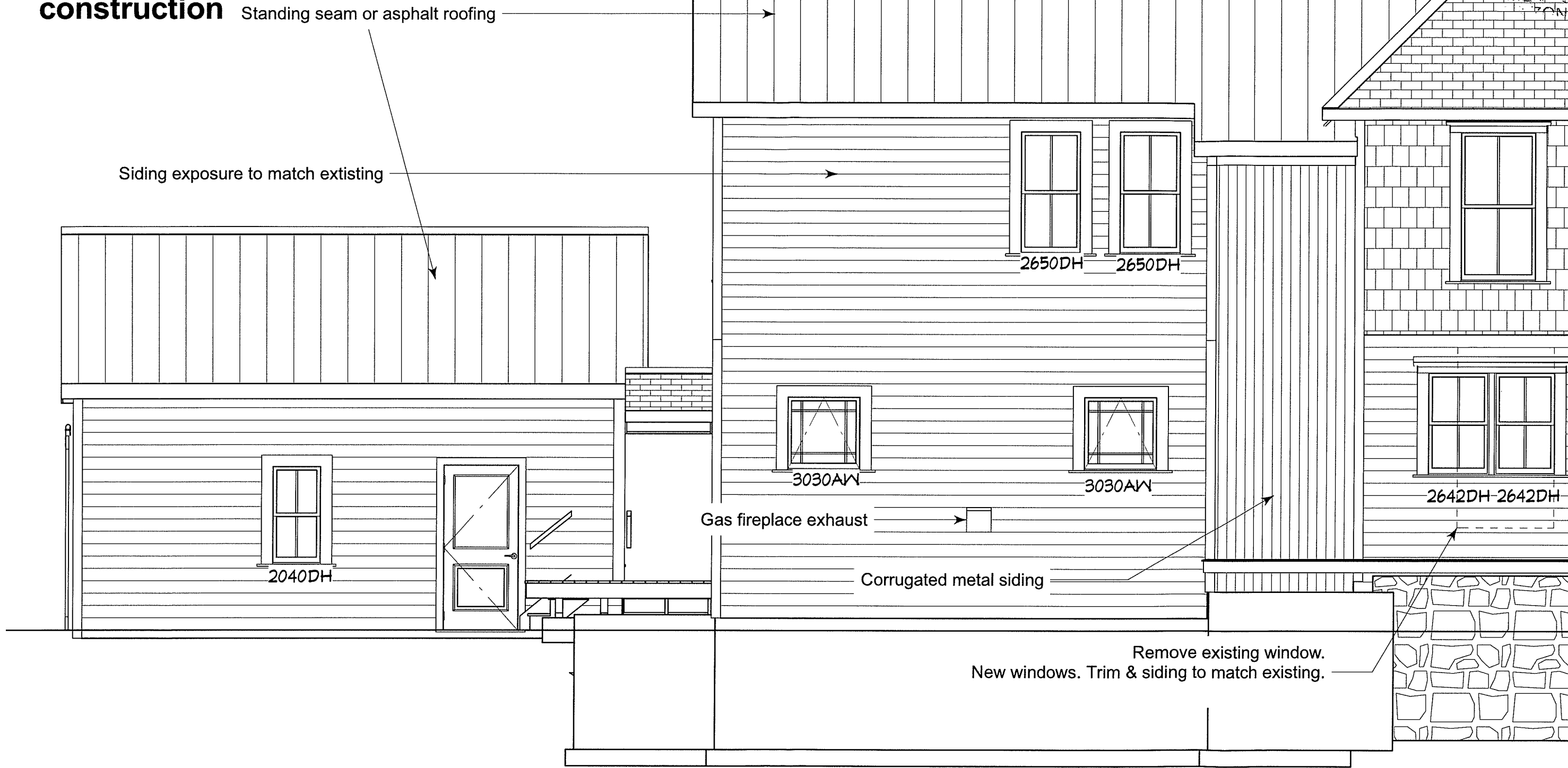
Scale: 1/4"=1'-0"

511 North St
Burlington VT 05401

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c.802.3
donal.dugan@gmail.com

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A9

Print Date:	10/7/2014
Sketch Plans:	
Pricing Plans:	
Zoning Plans:	10/6/14
Revision	
Constrution Plans	

East
Elevation

Scale:1/4"=1-0"

Gretchen & Ethan
Platt

511 North St
Burlington VT 05401

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c.802.3
donal.dugan@redworks.com



A10

Print Date:	10/7/2014
Sketch Plans:	
Pricing Plans:	
Zoning Plans:	10/6/14
Revision	
Constrution Plans	

West Elevation

1/4"=1'-0"

Gretchen & Ethan
Platt

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A11	Print Date:	10/7/2014	South Elevation	Gretchen & Ethan Platt	REDWORKS
	Sketch Plans:				
	Pricing Plans:				
	Zoning Plans:	10/6/14			
	Revision				
	Constrution Plans				
			1/4"=1'-0"	511 North St	Donal Dugan
c.802.3					

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A12

Print Date:	10/7/2014
Sketch Plans:	
Pricing Plans:	
Zoning Plans:	10/6/14
Revision	
Constrution Plans	

North
Section/
Elevation

1/4"=1'-0"

Gretchen & Ethan
Platt

511 North St

REDWORKS

Donal Dugan

c.802.

Department of Planning and Zoning

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

David E. White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Senior Planner
Mary O'Neil, AICP, Senior Planner
vacant, Zoning Clerk
Elsie Tillotson, Department Secretary



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Senior Planner
Date: December 2, 2014
RE: 247-249 Pearl 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: ZP14--0884CA/MA

Location: 247-249 Pearl Street

Zone: RH **Ward:** 2

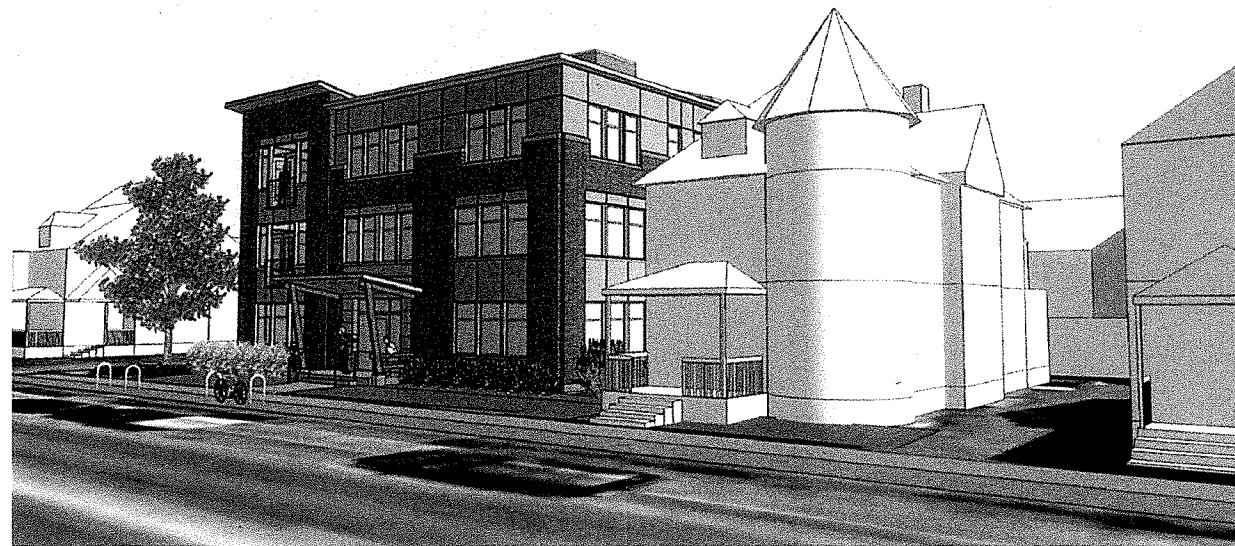
Date application accepted: November 5, 2014

Applicant/ Owner: Redstone Commercial Group / Dr. Brian Shuman

Permit as approved: Conditional Use/Major Impact review of proposed redevelopment to include three story residential building with 29 residential units and surface parking to the east and south.

Approval date: June 18, 2014

Request: Amendment to site and grading plans to allow for residential development and preparation of a Corrective Action Plan (CAP) that avoids removal and disposal of 7,660 tons (approximate grade cut of 7') of contaminated soil. Extend retaining wall around site.



Background:

- **Zoning Permit 15-0257CA**; Modification of parking plan requesting recalculation for 29 residential units under ZA 14-07, allowing provision to allocate 2 parking spaces for 253 Pearl Street. Approved September 2014.
- **Zoning Permit for 253-255 Pearl Street, 15-0096CA** (this was Condition #1 for ZP14-0884CA/MA); Minor grading, paving and curb adjustments, small section of concrete retaining wall. Net reduction of impervious surface. Improvements associated with ZP 14-0884CA/MA, 247 Pearl Street redevelopment. Recalculation of required parking under ZA 14-07. Approved September 2014.
- **Zoning Permit 14-0884CA/MA**; Construct new three storey, 29 unit residential building with associated site improvements. Approved June 18, 2014.
- **Zoning Permit 14-0784SP**; Sketch Plan review of proposed redevelopment to include three story residential building with 29 residential units and surface parking to the east and south. March-April, 2014.
- **Zoning Permit 12-0663CA**; Construct new dental office to replace building lost to fire. Approved March, 2012. Amendment approved August, 2012. **Permit expired**. Time extension request, withdrawn by property owners. September, 2013.
- **Zoning Permit 12-0557SP** (Sketch Plan Review), November-December, 2011.
- **Non-applicability of Zoning Permit Requirements**; Install new slate roof on front of building. September, 2009.
- **Zoning Permit 09-322CA**; construction of a handicap access ramp up to the front door. Approved October 2008 (never constructed.)
- **Zoning Permit 09-051CA**; Rebuild rear upstairs porch using solid beadboard panel, reside half of rear portion of building with cedar clapboard 4.5 inch reveal, rebuild stairs. Approved July 2008.
- **Zoning Permit 91-111**, (see COA 87-005); Remove front entry and replace with 12' x 8' entry porch. Approved September 1990.
- **Zoning Permit 87-042 / COA 87-005**; To construct a 15' x 33' second story addition on the east elevation; materials to be wood frame/siding. Remove existing entry porch and replace with a 12' x 6' wood entry porch.
 - **COA 87-005**; Conditional Use Review to expand the existing non-conforming commercial office use by up to 25% of existing floor area; side yard setback does not meet proposed change to setbacks (Amendment #86-11 Aldermanic Approval required if approved by Zoning Board of Adjustment.) 39 Parking spaces provided. Approved February 1987.
- **Zoning Permit 84-031 / COA 84-010**; to place fill and expand parking area in the rear of the property. No additional use. Approved February 1984.
- **Zoning Permit 82-21 / COA 82-097**; install solar collectors on the back roof of the building. Approved March, 1982.

- **Zoning Permit 82-001**; put a 10' x 11' entry way on rear of building as specified on permit 80-1032 and to remodel interior space. Approved January 1982.
- **Zoning Permit 80-1032**; put an addition (15' x 33') on existing building and add a rear (9' x 12') entrance. Approved June 1980.
- **Zoning Permit 80-708**; construct interior walls, sheet rocking and insulation, replace decayed supports. Approved January, 1980.
- **Zoning Permit 79-512**; take a window out and replace with a door to make an entrance to the basement. Stairs to be built for access to cellar door. Finishing exterior with brick for a lab and storage. Approved October, 1979.
- **Zoning Permit 73-1083**; convert the two apartments and two dental offices at 247 Pearl Street into six doctors' offices **and using the basement area**. Garage to be torn down, parking expanded (29 spaces), new entrance installed. Approved November 1972.
- **Zoning Permit 69-900**; convert the first floor at 247 Pearl Street into two apartments and to convert the second floor into a dental office and possibly one medical office. **Eight** parking spaces provided. Approved and issued January 1969.

Overview: 247-249 Pearl Street, known as the Benjamin Bailey House (c. 1820), was destroyed by fire September 5, 2011. The owners received approval to reconstruct an approximately 10,133 gross floor area replacement building to reclaim the non-conforming dental office use. The parking arrangement remained the same at 50 parking spaces. The project was amended in 2012, but **the permit expired** without exercise. A subsequent application for a connected residential building with 29 units, surface parking, regrading and retaining walls was approved in June of this year.

In pursuit of developing the site and meeting the directives of VT DEC regulations in preparation of a Corrective Action Plan (CAP), the applicants are requesting to modify the approved site and grading plans. Significantly more soil contamination was discovered in subsequent borings, in concentrations and vertical presence of PAH contamination that would require removal of approximately 7' of soil (7660 tons). An extension of the retaining wall and limited yet targeted soil removal will permit the proposed redevelopment of the site per the attached study. Cost estimates for soil removal and disposal would render site development financially unfeasible.

The approved building, use (29 residential units) and parking count remain constant.

Condition #20 of the permit stated:

If studies indicate compromised soils, appropriate site mitigation and consultation with ANR will be required.

See attached narrative for a description of Phse 2 Environmental soil borings, findings and conclusions.

Recommendation: Consent approval, per the following findings and conditions. The Findings are specifically directed at this requested amendment.

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 4: Site Plan and Design Review

Part 5: Conditional Use and Major Impact Review

Sec. 3.5.6 (a) Conditional Use Review Standards

1. Capacity of existing or planned community facilities.

No change from previous approval.

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.

This is a residential high-density zoning district, intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. Parking is intended to be hidden either behind or underneath structures.

The Municipal Development Plan cites:

- *Burlington has begun to investigate opportunities to remediate these [Brownfield] properties in order to bring them back into useful economic service. Once the degree of contamination is better understood, options for clean up and redevelopment can be investigated.*
(MDP, Economic Development Plan, Page VI-12.)
- *Continue the cleanup and redevelopment of Brownfields, a high priority to improve the environment, increase the tax base, create and retain jobs, and curb sprawl.*
(MDP, Land Use Plan, Page I-30.)

Affirmative finding.

3. Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;

No change from previous approval.

4. Any standards or factors set forth in existing City bylaws and city and state ordinances;
The attached analysis defines significant contamination that would require removal of more than 7000 tons of soil. The applicants offer a plan that minimizes removal, and would ring the site with a retaining wall. As proposed, this will physically and economically allow the redevelopment to occur as part of a plan to address the present contamination. **Affirmative finding as conditioned.**

5. The utilization of renewable energy resources;

No change from previous approval.

and,

In addition to the General Standards specified above, the DRB;

6. shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;

No change from previous approval.

7. in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit

may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.

No change from previous approval.

8. may control the location and number of vehicular access points to the property, including the erection of parking barriers.

No change from previous approval.

9. may limit the number, location and size of signs.

No change from previous approval.

10. may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

A Planting plan was submitted (L1.0) that defines new landscaping along portions of the westerly property line, as well as 5 White Pine and an elm tree along the southerly portion of the lot. Two specimen trees are articulated along the walkway (Princeton American Elm.) The approved planting plan will remain in effect, especially in light of the extended retaining wall proposed as new plantings will help screen visual impact.

Affirmative finding as conditioned.

11. may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.

No additional construction time beyond the standard 2-year time frame has been suggested. Therefore, the project must be completed within 2 years of the date of permit approval.

Affirmative finding as conditioned.

12. may specify hours of operation and/or construction to reduce the impact on surrounding properties.

No change from previous approval.

13. may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.

This is a statutory requirement. **Affirmative finding as conditioned.**

14. may consider performance standards, should the proposed use merit such review.

This is at the discretion of the DRB. **Affirmative finding.**

15. may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

Also at the discretion of the DRB. **Affirmative finding.**

(b) Major Impact Review Standards:

Before a major impact development may receive approval, the DRB must be satisfied, based on documentation provided by appropriate city agencies, experts, interested parties and/or the applicant that the proposed development, in addition to meeting the review standards for conditional use review above, shall:

- 1. Not result in undue water, air or noise pollution;*

The City Stormwater Administrator will be asked to review and approve the revised site plan prior to release of the permit. **Affirmative finding as conditioned.**

- 2. Have sufficient water available for its needs;*

The applicant will be required to submit a letter from the Department of Public Works confirming the availability of adequate water and sewer service for the proposed development. **Affirmative finding as conditioned.**

- 3. Not unreasonably burden the city's present or future water supply or distribution system;*

See above.

- 4. Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

An Erosion Prevention and Sediment Control Plan, as well as a Stormwater Management Plan has been submitted for review. Approval by the City Stormwater Administrator will be a condition of approval. **Affirmative finding as conditioned.**

- 5. Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*

No change from previous approval.

- 6. Not cause an unreasonable burden on the city's ability to provide educational services;*

No change from previous approval.

- 7. Not place an unreasonable burden on the city's ability to provide municipal services;*

No change from previous approval.

- 8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;*

No change from previous approval.

- 9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;*

No change from previous approval.

10. Be in substantial conformance with the city's municipal development plan and all incorporated plans;

See Conditional Use review criteria, above.

11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location; and/or

No change from previous approval.

12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.

No change from previous approval.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

Table 4.4.5-2 Base Residential Density

High Density (RH) – 40 units/acre

No change from previous approval.

Table 4.4.5-3 Residential District Dimensional Standards and Density

RH	Max. Lot Coverage 80%	Minimum Building Setbacks 1,3,4, 5,6			Height Maximum 35' ¹
		Front ²	Side ³	Rear	
Existing	58.4%				
Proposed	64.9%	7.4'	8.9' (14.9' at east boundary where property widens)	75'	Same as original approval.

No change from previous approval. Retaining walls may project into setbacks per Sec. 5.2.5 (b) 2.

¹ An additional ten per cent lot coverage may be permitted for accessory residential features per (d) 3A. (Only RL, RL-W, RM and RM-w districts.)

² Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4.

³ In no event shall the side yard setback be required to exceed 20 feet, or the rear yard setback be required to exceed 75 feet.

5. The Side Yard setback shall be calculated based on the four adjacent properties (2 on each side of the subject property.) The right side yard setback is the average of the right side yard setback of the principal structures on these four properties. The left yard setback is the average of the left side yard setback of the principal structures on these four properties. The adjacent properties shall be within the same block having the same street frontage as the subject property.

6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the setback shall be 10% of the lot width.

Article 5: Citywide General Regulations

Part 2: Dimensional Requirements

Section 5.2.3, Lot Coverage Requirements

See Table 4.4.5-3, above.

Sec. 5.2.4 Buildable Area Calculation

Not in the RCO, WRM, RM, WRL, or RL zone, and not greater than 2 acres. Not applicable.

Section 5.2.5 Setbacks

As noted, walls may project into required setbacks per Section 5.2.5. (b) 2. **Affirmative finding.**

Sec. 5.2.6, Building Height Limits

No change to previous approval.

Sec. 5.2.7, Density and Intensity of Development Calculations

No change to previous approval.

Part 3: Non-conformities

Sec. 5.3.4 Nonconforming Uses

No change to previous approval.

Section 5.4.8 Historic Buildings and Sites

The historic structure was lost to fire, and is no longer extant. Not applicable.

Section 5.4.9 Brownfield Remediation

There is now identified site contamination at 247-249 Pearl Street. Additional testing under extended Phase 2 studies have confirmed depth, breadth and identity of contaminants. One method to address the issue is to remove and dispose of approximately 7660 tons of soil, which would cost about \$400,000, making redevelopment economically unattainable. To limit the scope of soil removal and revise the site grading, with an extended retaining wall would allow the development to proceed. **Affirmative finding.**

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

No change from previous approval.

Section 5.5.2 Outdoor Lighting

No change to previous approval.

Section 5.5.3 Stormwater and Erosion Control

Final approval of the revised site and drainage plans from the Stormwater Administrator is required. **Affirmative finding as conditioned.**

Article 6: Development Review Standards

PART 1: LAND DIVISION DESIGN STANDARDS

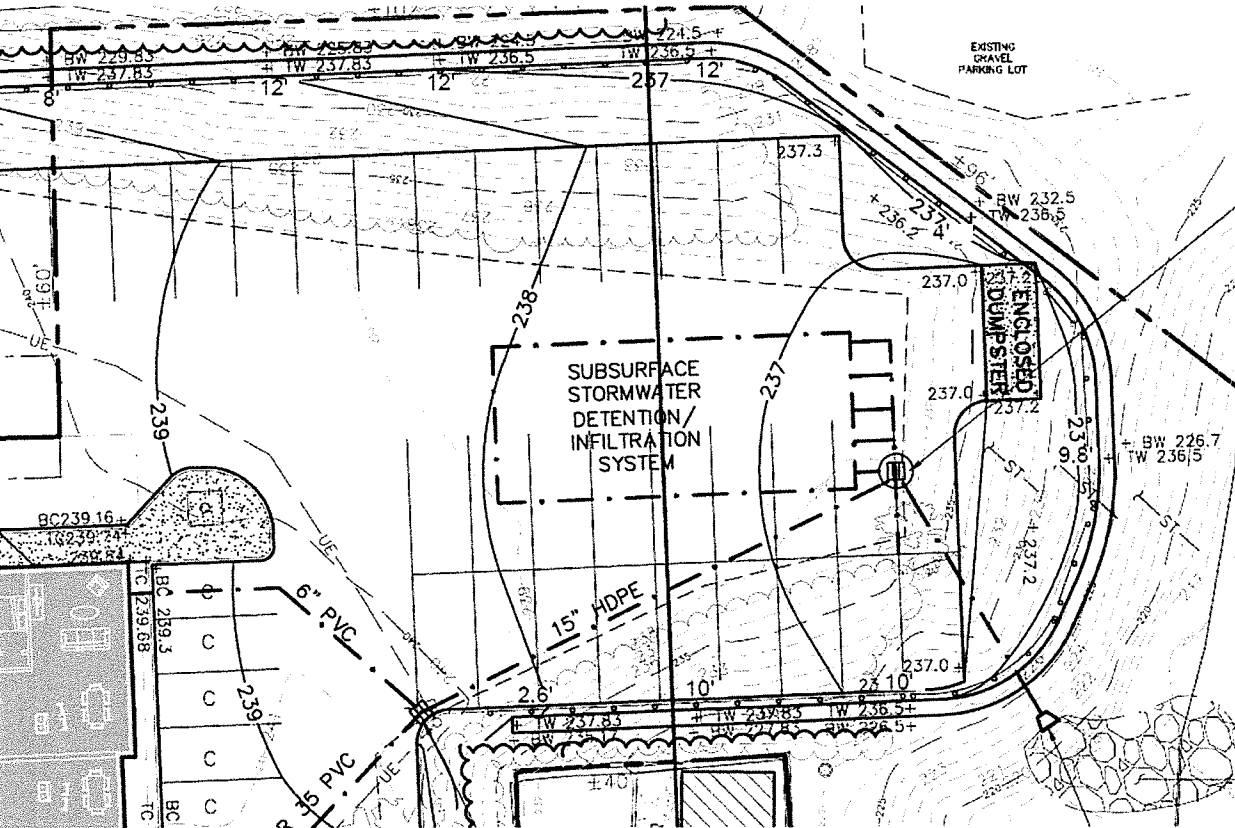
Not applicable.

PART 2: SITE PLAN DESIGN STANDARDS

Sec. 6.2.2 Review Standards

(a)Protection of Important Natural Features:

This site is one of the more dramatic examples of extant Burlington ravine: Relatively at grade with the street on the north of the parcel, the land falls precipitously away to the south. The grade change is significant; more than 26’ grade change from front to back. The proposal seeks to amend the original approval, altering the grade into more of a “bowl” with installation of retaining walls that would rim the east, south and west of the lot. The grade changes will be less gradual and made clearly distinct by the proposed retaining walls, but will allow site redevelopment without the costly expense of the removal of most of the contaminated soils. The wall, itself, will be required to meet Design Review standards and approval of the City Engineer. **Affirmative finding as conditioned.**



design and construction details for any cut and fill, or retaining walls over 3-feet in height, or any height along the lakeshore, shall be subject to review and approval by the city engineer before receiving approval of the site plan.

Grading changes will require installation of a continuous retaining wall from the east, to the south, to the west; creating somewhat of a basin. The wall will be required to meet the approval of the city engineer per this standard. The applicant had previously suggested a “redi-rock” product may be utilized, with railings around the taller sections. Confirmation will be required. The height of the wall at any given location has been annotated (see above image) and ranges in height from 2.6’ on the west to 12’ in height along the east where there has existed some heavy scrub growth; however the likelihood of site development may require the wall construction nonetheless.

Affirmative finding as conditioned.

(c) Protection of Important Public Views:

Distant terminal views of Lake Champlain and the mountains to the east and west, and important public and cultural landmarks, framed by public rights-of-way or viewed from public spaces shall be maintained through sensitive siting and design to the extent practicable. This shall not be construed to include views from exclusively private property.

No change to previous approval.

(d) Protection of Important Cultural Resources:

No change to previous approval.

(e) Supporting the Use of Renewable Energy Resources:

Where feasible, the site plan should be so designed as to take advantage of the site’s inherent potential to utilize sources of renewable energy including direct sunlight, wind, or running water. The site plan should also incorporate site planning and landscaping decisions intended to minimize energy demand such as siting buildings to maximize solar access or the use of deciduous and coniferous trees to create shade and windbreak.

Buildings should, where appropriate within the context of the neighborhood development pattern, maximize their solar exposure by being oriented to maximize natural light and heat gain during winter months, and to minimize casting shadows into ground floor living space of a building on an adjacent property.

No change to previous approval.

(f) Brownfield Sites:

Where a proposed development involves a known or suspected brownfield, the site plan shall indicate areas of known or suspected contamination, and the applicant shall identify completed or planned remediation necessary to support the intended use(s).

The site is not listed on Vermont’s Hazardous Waste sites; however contamination has now been verified. See Section 5.4.9 above.

(g) Provide for nature's events:

The site grading and drainage plan must be approved by the City Stormwater Administrator.

Affirmative finding as conditioned.

(h) Building Location and Orientation:

No change to previous approval.

(i) Vehicular Access:

No change to previous approval.

(j) Pedestrian Access:

No change to previous approval.

(k) Accessibility for the Handicapped:

No change to previous approval.

(l) Parking and Circulation:

The same number of parking spaces will be provided (43 on-site) with the same layout. While the site grading is proposed to change, the number of parking spaces is not. **Affirmative finding.**

(m) Landscaping and Fences:

Landscaping shall be used to beautify the development site and to provide specific functions and benefits to the uses and buildings on the site. These include but are not limited to stormwater retention and erosion control, winter windbreaks and summer shade, recreational and habitat corridors, buffers and screening of parking areas, and creating privacy for and from adjacent property.

An articulated landscaping plan was included within the original approval, and will be required to be implemented unless the applicant provides reasoning to the DRB why that is no longer feasible. All other conditions inherent with the original approval remain.

Fences may be placed within the required setback along a property line, but shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street. Fences placed within a clear sight triangle along driveways and at street intersections, or between an existing building and the front property line, whichever is less, shall be limited to 3-feet in height above the curb in order to provide safe sight distances for pedestrians and vehicles. Styles, materials, and dimensions of the proposed fence shall be compatible with the context of the neighborhood and the use of the property.

A site section has been provided to understand the proposed terrain, retaining wall and parking barriers. Quite simply, redevelopment of the site with removal of contaminated fill will prove to be too costly. This amendment asks to revise the site grading and drainage plans to allow for redevelopment in a prudent yet economically practical manner. That plan includes more extensive retaining walls, which must be approved by the city engineer for acceptability.

Affirmative finding as conditioned.

(n) Public Plazas and Open Space:

No change from previous approval.

(o) Outdoor Lighting:

No change from previous approval.

(p) Integrate infrastructure into the design:

No change to previous approval.

PART 3: ARCHITECTURAL DESIGN STANDARDS

No change to previous approval.

Article 8: Parking

No change to previously approved permit(s) for this site or 253 Pearl Street.

II. Conditions of Approval

1. All conditions of approval of ZP14-0884CA/MA not herein altered remain in effect.
2. The Planting Plan approved under ZP14-0884CA/MA will be instituted as approved, unless the applicant defines an obstruction that would prevent its implementation with DRB concurrence.
3. Written approval of the revised plan shall be received from the Stormwater Engineer **prior to release of the zoning permit.**
4. The retaining wall must be reviewed and found acceptable by the city engineer.
5. The proposed height of the retaining wall shall be defined at the various locations around the site **prior to review** by the Development Review Board. [Plan received 11/25/2014.]
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.

247 Pearl Street Site Plan Amendment Application 11/5/14

Subsequent to DRB approval of the 247 Pearl Street project, additional soil borings to characterize the extent of PAH (poly aromatic hydrocarbon) contamination were completed by Lincoln Applied Geology as part of their Phase 2 Environmental Site Assessment (see attached report). Because of the extent of grading to remove soils across the rear of the site, the originally approved site plan would have required approximately 7,660 tons of soil to be removed from the site.

Given the depth at which PAH impacted soils were discovered, disposing of this large a quantity of soil at an approved landfill per VT DEC regulations would present a significant impediment to the feasibility of redeveloping the site. The amended site plan now being proposed has reconfigured the concrete retaining walls to reduce the amount of soil that would have to leave the site to approximately 2,850 tons, while creating some additional level green space along the east and south edges of the parking area in the process.

Care was taken to minimize the increase in height of the retaining wall along the west property boundary line, where the wall extends north behind a neighbor's garage as it tapers back to grade along the existing dirt embankment. The retaining walls along the eastern and south-eastern edge of the parking lot are now proposed to be taller and placed farther down-slope on the existing embankment, but in this location a higher wall serves to discourage pedestrian cut-through traffic which was raised by those neighbors as problem inherent to those existing embankments.

The attached plan sheets illustrate the revised site plan, a detailed grading plan with spot elevations and wall heights, and an updated wall detail sheet which includes an updated section (profile view) of the retaining wall. This wall section is in the same location as the previous illustration reviewed by the DRB for the originally permitted plan and was selected to show the highest point where the wall extends beyond the north edge of the neighbor's garage (south of which the wall becomes hidden by the garage structure).

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Soil Delineation Summary Report

Undeveloped Lot
247 Pearl Street
Burlington, Vermont

LAG Project #14023

August 29, 2014

Prepared for:

Mr. Justin Dextradeur
Development Manager
Redstone
210 College Street, Suite 201
Burlington, Vermont 05401

Prepared by:

Lincoln Applied Geology, Inc.
163 Revell Drive
Lincoln, Vermont 05443

David Donahue
Project Manager
Ddonahue@lagvt.com



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- Figure 1 Soil Boring Location Map
- Figure 2 Geologic Cross-Section (A-A')
- Figure 3 Benzo(a)pyrene Concentration Map (0-1')
- Figure 4 Benzo(a)pyrene Concentration Map (1-3')
- Figure 5 Benzo(a)pyrene Concentration Map (3-5')
- Figure 6 Benzo(a)pyrene Concentration Map (5-7')

Appendixes

- Appendix A Soil Boring Logs
- Appendix B Laboratory Analytical Reports – July 24 & 31, 2014

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1.0 INTRODUCTION

A soil boring investigation was performed at an undeveloped lot located at 247 Pearl Street in Burlington, Vermont after polyaromatic hydrocarbon (PAH) soil contamination was reported during a Phase II Environmental Site Assessment (ESA). The Phase II ESA was performed after several recognized environmental conditions (RECs) were identified associated with the subject property during a Phase I ESA performed in April 2014. A work plan and cost estimate outlining the soil boring investigation was submitted to Redstone and the Vermont Department of Environmental Conservation (VTDEC) on May 12, 2014. Mr. Justin Dextradeur of Redstone and Mr. Brian Woods of the VTDEC approved the work proposed scope in July 2014. This report documents the findings of this investigation.

2.0 SUBSURFACE INVESTIGATION ACTIVITIES

2.1 Soil Boring Installation

On July 24 and 31, 2014, LAG, in conjunction with T&K Drilling of Troy, New Hampshire installed twelve (12) soil borings at the Site (SB-1 through SB-12). The borings were installed in a grid pattern across the property to effectively evaluate PAH distribution at the Site. Soil boring locations are depicted on the Site Map presented as Figure 1.

The soil borings were advanced using a Geoprobe® drill rig to a desired depth of 7 feet below grade (bg). Soil samples were collected using a 3-foot stainless steel macro core sample tube and logged according to the Unified Soil Classification System (USCS). Soil samples were obtained and screened for volatile organic compounds (VOCs) with a properly calibrated photoionization detector (PID) throughout the drilling process. The soil headspace samples were transferred directly into new zip-lock bags to minimize contact with any external sources. VOCs were not reported (0.0 parts per million [ppm]) in any of the soil samples screened with a PID.

Soils encountered at the Site generally consisted of poorly graded fine sand with gravel from grade to 7 feet bg. Silt content increased in the soil borings surrounding the foundation of the former on-site building on the northern portion of the property. A geologic cross-section (A-A') between soil borings SB-1 and SB-12 is included as Figure 2. Groundwater was only identified in soil boring SB-12 at 5.5 feet bg likely associated with a perched water table occurring along a silty fine sand permeability boundary. Based on previous Site characterization groundwater is expected to be at much greater depths (+/-20 feet bg).

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2.2 PAH Soil Quality Results

Composited soil samples were collected from each soil boring at targeted depth horizons of 0 to 1, 1 to 3, 3 to 5, and 5 to 7 feet bg. PAHs were reported above VTDEC Residential Soil Screening Values (SSVs) at varying depths in all soil borings associated with this investigation. PAHs were not reported above residential SSVs in SB-6 below 5 feet bg, in SB-8 between 3 and 5 feet bg, and in SB-11 and SB-12 below 1 foot bg.

Benzo(a)pyrene was used to evaluate PAH contamination levels and distribution as this compound has the most stringent residential SSV of 10 parts per billion (ppb). The Geologic Cross-Section between SB-1 and SB-12 displays the vertical distribution of PAH contamination at the Site. Figures 3 through 6 display Benzo(a)pyrene concentrations from each boring at the targeted sampling intervals. Benzo(a)pyrene was reported above its industrial SSV of 210 ppb at varying depths in several soil borings. Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Dibenzo(a,h)anthracene, and Indeno(1,2,3-cd)pyrene were also reported above their respective SSVs in many of the composite soil samples collected during this subsurface investigation.

Based on the soil quality compiled during the Phase II ESA and this most recent soil boring investigation, limited PAH concentrations exist in and around the filled foundation of the former on-site structure. Concentrations and vertical presence of PAH contamination increases south of the former building footprint and extends southerly toward the property boundary.

3.0 SOIL MANAGEMENT EVALUATION

Depending on final Site plans for the property a significant amount of soil will likely have to be removed and properly disposed of due to PAH concentrations above residential SSVs. If soils were removed to a depth of 7 feet bg for structural development at the Site approximately 5,105 cubic yards of contaminated soil will be removed. Assuming a conversion rate of 1.5 tons/cubic yard, approximately 7,660 tons of contaminated soils would be targeted for removal and disposal. Soil will be loaded into tri-axle dump trailers with a load capacity of 22 tons and transported to the Morrisonville, New York landfill to be used as daily cover. Casella Waste Services has quoted transportation and disposal of contaminated soil to be \$44.00 per ton and a Burlington solid waste district fee of \$6.75 per ton for a total of \$50.75 per ton. Based on initial projections, contaminated soil transportation and disposal would cost \$388,745.

4.0 CONCLUSIONS

Based on the results presented herein, LAG provides the following conclusions:

- Composite soil samples were collected from all twelve soil borings at targeted depth horizons of 0 to 1, 1 to 3, 3 to 5, and 5 to 7 feet bg.
- PAH contamination was reported above residential SSVs at varying depths in every soil boring. The only sampled depth intervals where Benzo(a)pyrene was not reported above its respective residential SSV was in SB-6 below 5 feet bg, in SB-8 between 3 and 5 feet bg, and in SB-11 and SB-12 below 1 foot bg.
- Minor PAH contamination appears to exist within and around the foundation of the former on-site structure. PAH concentrations and distribution increase south of the foundation.
- Approximately 7,660 tons of contaminated soil is expected to be generated and disposed assuming a grade down cut at 7 feet.
- Transportation, disposal, and district fee of contaminated soil was quoted at \$50.75 per ton. Based on the calculated tonnage, the total cost for disposal is estimated at \$388,745.

4.0 RECOMMENDATIONS

Based on the above conclusions, the following recommendations are offered:

- LAG recommends preparing a Corrective Action Plan (CAP) for future development on the property utilizing cumulative soil quality data and comments from the VTDEC to direct work at the Site moving forward.

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EXISTING CONTOUR	335
PROPOSED CONTOUR	336
APPROXIMATE PROPERTY LINE	
APPROXIMATE SETBACK LINE	
IRON PIN FOUND	○
CONCRETE MONUMENT FOUND	□
GRAVITY SEWER LINE	SS
FORCE MAIN	FM
WATER LINE	W
OVERHEAD ELECTRIC	OE
UNDERGROUND ELECTRIC	UE
GAS LINE	G
STORM DRAINAGE LINE	ST
SEWER MANHOLE	⊙
STORM MANHOLE	Ⓓ
SHUT-OFF	⊗
POWER POLE	⌚
CATCH BASIN	⊕
LIGHT POLE	□-○
SIGN	⌒
DECIDUOUS TREE	⊗
CONIFEROUS TREE	⊗
EDGE OF BRUSH/WOODS	~~~~~
CHAIN LINK FENCE	—○—○—
BARBED WIRE FENCE	—x—x—
STOCKADE FENCE	—○—○—

1. Utilities shown do not purport to constitute or represent all utilities located upon or adjacent to the surveyed premises. Existing utility locations are approximate only. The Contractor shall field verify all utility conflicts. All discrepancies shall be reported to the Engineer. The Contractor shall contact Dig Safe (888-344-7233) prior to any construction.
2. All existing utilities not incorporated into the final design shall be removed or abandoned as indicated on the plans or directed by the Engineer.
3. The Contractor shall maintain as-built plans (with ties) for all underground utilities. Those plans shall be submitted to the Owner at the completion of the project.
4. The Contractor shall repair/restore all disturbed areas (on or off the site) as a direct or indirect result of the construction.
5. All grassed areas shall be maintained until full vegetation is established.
6. Maintain all trees outside of construction limits.
7. The Contractor shall be responsible for all work necessary for complete and operable facilities and utilities.
8. If the building is to be sprinklered, backflow prevention shall be provided in accordance with AWWA M14. The Site Contractor shall construct the water line to two feet above the finished floor. See mechanical plans for riser detail.
9. The Contractor shall submit shop drawings for all items and materials incorporated into the site work. Work shall not begin on any item until shop drawing approval is granted.
10. In addition to the requirements set in these plans and specifications, the Contractor shall complete the work in accordance with all permit conditions and any local Public Works Standards.
11. The tolerance for finish grades for all pavement, walkways and lawn areas shall be 0.1 feet.
12. Any dewatering necessary for the completion of the sitework shall be considered as part of the contract and shall be the Contractor's responsibility.
13. The Contractor shall coordinate all work within Town Road R.O.W. with Town authorities.
14. The Contractor shall install the electrical, cable and telephone services in accordance with the utility companies requirements.
15. Existing pavement and tree stumps to be removed shall be disposed of at an approved off-site location. All pavement cuts shall be made with a pavement saw.
16. If there are any conflicts or inconsistencies with the plans or specifications, the Contractor shall contact the Engineer for verification before work continues on the item in question.
17. Property line information is based upon a plan entitled "Subdivision of Single Lot at 253-255 Pearl St., Burlington, VT", dated Aug. 31, 1984, prepared by Knight Consulting Engineers, Inc. and recorded in the City of Burlington Land Records. This plan is not a boundary survey and is not intended to be used as one.
18. The project benchmark, of 500.0', is a spike set in power pole GMP #22. Vertical datum based on a scaled elevation from a UGSG Quad Topo map. Horizontal datum based on a magnetic reading taken at the time of survey.

Existing Building Coverage = $\pm 10.1\%$
Proposed Building Coverage = $\pm 23.7\%$

Existing Lot Coverage = $\pm 58.4\%$
Proposed Lot Coverage = $\pm 64.9\%$

Existing Building Coverage = $\pm 19.8\%$
Proposed Building Coverage = $\pm 19.8\%$

Existing Lot Coverage = $\pm 50.3\%$
Proposed Lot Coverage = $\pm 49.8\%$

PEARL STREET

SOUTH UNION STREET

GRAPHIC SCALE

1103 01

LEGEND

---	EXISTING CONTOUR
---	PROPOSED CONTOUR
---	APPROXIMATE PROPERTY LINE
---	APPROXIMATE SETBACK LINE
○	IRON PIN FOUND
□	CONCRETE MONUMENT FOUND
---	GRAVITY SEWER LINE
---	FORCE MAIN
---	WATER LINE
---	OVERHEAD ELECTRIC
---	UNDERGROUND ELECTRIC
---	GAS LINE
---	STORM DRAINAGE LINE
⊙	SEWER MANHOLE
⊙	STORM MANHOLE
●	SHUT-OFF
⊙	POWER POLE
⊙	CATCH BASIN
⊙	LIGHT POLE
+	SIGN
⊙	DECIDUOUS TREE
⊙	CONIFEROUS TREE
---	EDGE OF BRUSH/WOODS
---	CHAIN LINK FENCE
---	BARBED WIRE FENCE
---	STOCKADE FENCE

SAW-CUT PAVEMENT (TYP.)

INSTALL NEW 6" SEWER SERVICE CONNECTION. VERIFY LOCATION AND DEPTH OF EXISTING SERVICE PRIOR TO CONSTRUCTION. COORDINATE WORK WITH THE CITY OF BURLINGTON PUBLIC WORKS. INV. = ±223.3'

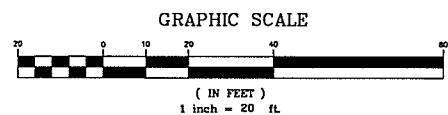
NEW 6" TAPPING SLEEVE AND GATE VALVE. VERIFY LOCATION AND DEPTH OF EXISTING SERVICE PRIOR TO CONSTRUCTION. COORDINATE WORK WITH THE CITY OF BURLINGTON PUBLIC WORKS.

NEW 6" C900. WATER SERVICE. REPAIR PAVEMENT AND CURBING AS NECESSARY.

PROPOSED GAS SERVICE LOCATION. COORDINATE W/ SERVICE PROVIDER

PEARL STREET

SOUTH UNION STREET



SITE ENGINEER:



CIVIL ENGINEERING ASSOCIATES, INC.
10 MAINSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
802-864-2223 FAX: 802-864-2271 web: www.cca-vt.com

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DRAWN

ACL

CHECKED

PBS

APPROVED

PBS

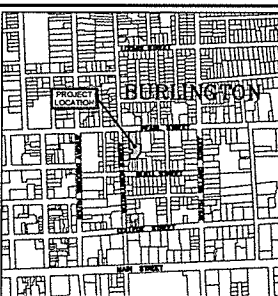
OWNER:

PEARL LAKE LLP
247 PEARL STREET
BURLINGTON VERMONT 05401

PROJECT:

PROPOSED RESIDENTIAL BUILDING

247 PEARL STREET
BURLINGTON VERMONT 05401



LOCATION MAP

1" = 100'

DATE	CHECKED	REVISION
4.8.14	PBS	LOCAL SUBMITTAL
8.20.14	PBS	FW APPLICATION SUBMITTAL
10.23.14	PBS/ACL	REVISED PARKING, GUARD RAIL & RETAINING WALL

GRADING, DRAINAGE & UTILITY PLAN

DATE

FEB., 2014

SCALE

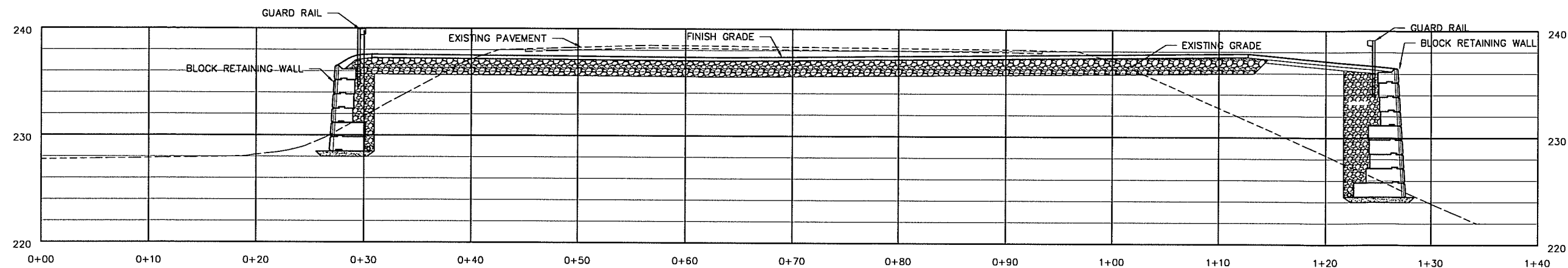
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PROJ. NO.

14103.01

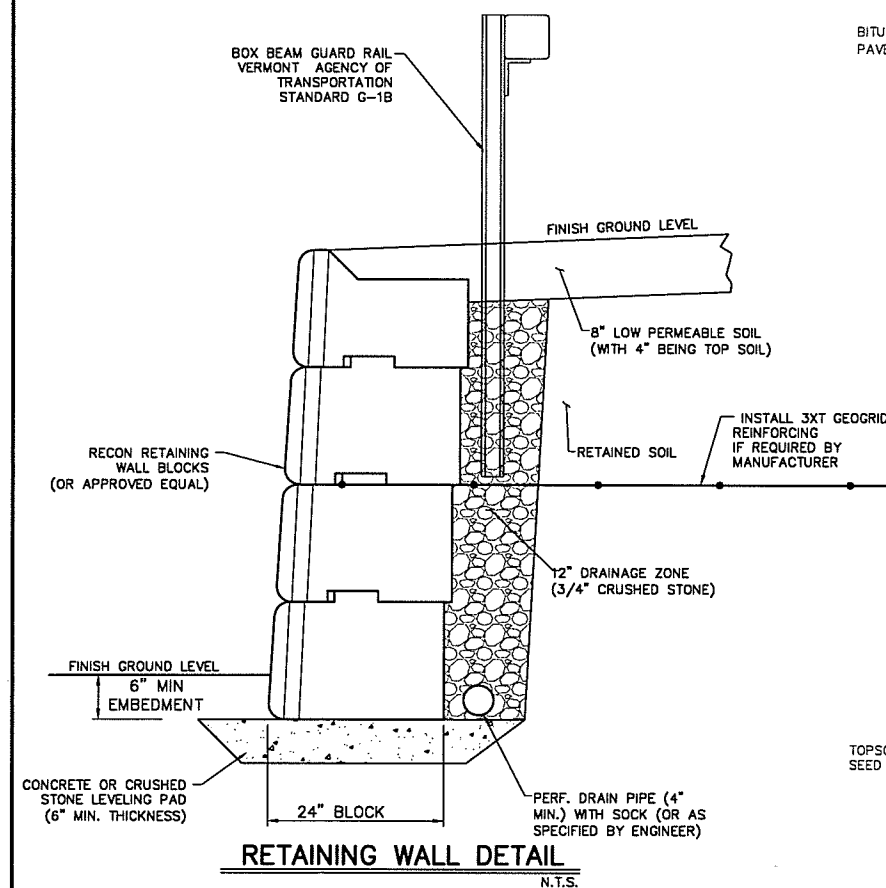
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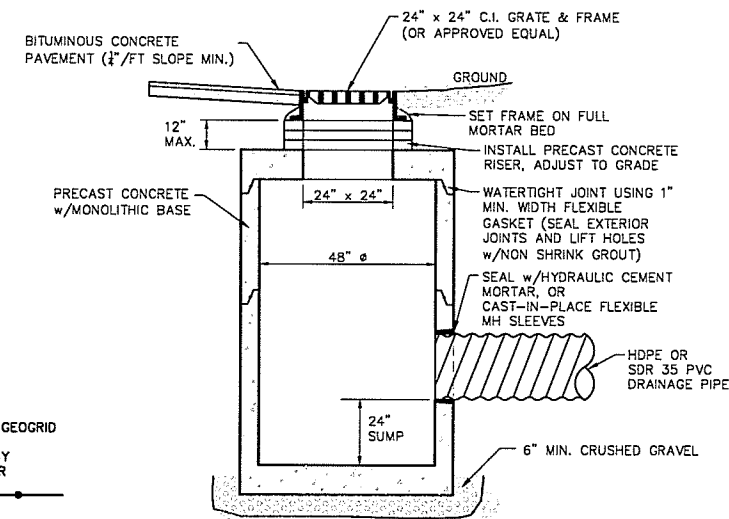
SECTION A-A

SCALE: 1"=5'



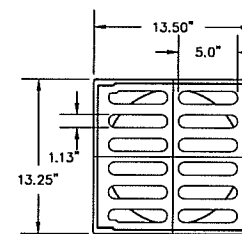
RETAINING WALL DETAIL

N.T.S.

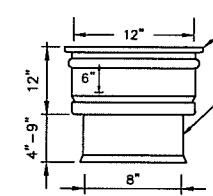


TYPICAL CATCH BASIN

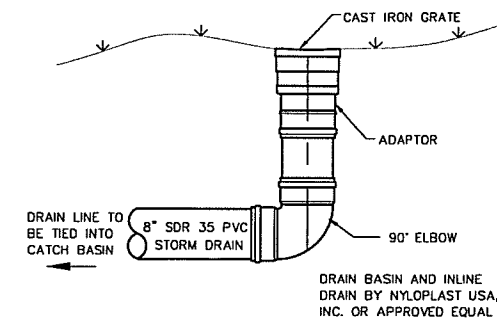
N.T.S.



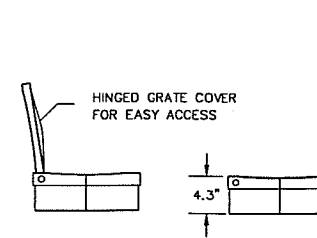
8" INLINE DRAIN



12" CAST IRON GRATE

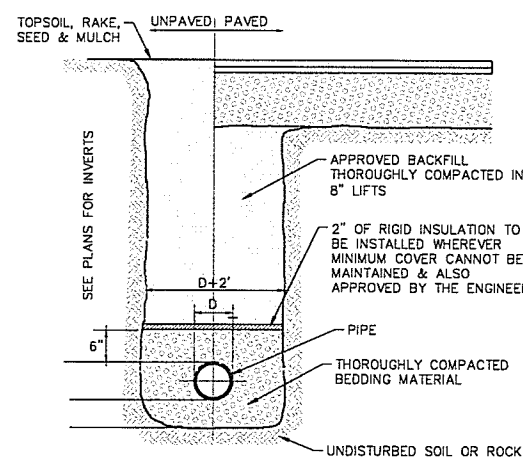


INLINE DRAIN SECTION



YARD DRAIN DETAILS

N.T.S.



GRASS LINED SWALE

N.T.S.

NOTES:

1. Compaction of backfill and bedding shall be a minimum of 90% (95% under roadway surfaces) of maximum dry density determined in the standard proctor test (ASTM D698).
2. Bedding material shall not be placed on frozen subgrade.
3. Approved backfill shall not contain any stones more than 6" in largest dimension, 2" maximum diameter within 2' of the outside of the pipe, or any frozen, or organic material.
4. Trenches shall be completely dewatered prior to placing of pipe bedding material and kept dewatered during installation of pipe and backfill.
5. In trenches with unstable materials, trench bottom shall first be stabilized by placement of filter fabric then crushed stone (3/4" maximum).
6. The sides of trenches 4' or more in depth entered by personnel shall be sheeted or sloped to the angle of repose as defined by O.S.H.A. standards.
7. Bedding material shall consist of crushed stone or gravel with maximum size of 3/4". Submit a sample to the Engineer for approval.

SITE ENGINEER:



CIVIL ENGINEERING ASSOCIATES, INC.
100 WINDFALL DRIVE, SOUTH BURLINGTON, VT 05403
PHONE: (802) 251-1111 FAX: (802) 251-1112 WWW.CEA-VT.COM

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ACL
CHECKED
PBS
APPROVED
NOV 05 2014

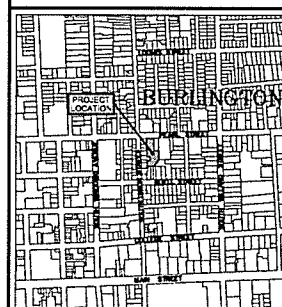
DEPARTMENT OF
PLANNING & ZONING
PEARL
LAKE LLP

247 PEARL
STREET
BURLINGTON
VERMONT 05401

PROJECT:

PROPOSED
RESIDENTIAL
BUILDING

247 PEARL
STREET
BURLINGTON
VERMONT 05401



LOCATION MAP

1" = 10'

DATE	CHECKED	REVISION
4.8.14	PBS	LOCAL SUBMITTAL
10.23.14	PBS/ACL	REVISED SECTION AND DETAIL

SITE SECTIONS
AND DETAILS
PLAN

DATE
FEB., 2014

SCALE
1" = 20'

PROJ. NO.
14103.01

DRAWING NUMBER

C2.1

Department of Planning and Zoning

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

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Vacant, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Ken Lerner
DATE: December 2, 2014
RE: 15-0568CU; 30 Dan's Court

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:** 1
Owner/Applicant: David Zuckerman/J. Ladd
Request: Conditional use to add one unit to existing duplex.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background Information:

The applicant is seeking approval to divide a four bedroom apartment into two units, one with two bedrooms and the second with one bedroom. The additional unit is allowable, as a conditional use, under Section 4.4.5 (d) 5. A. No site work or exterior modifications are included with this proposal.



- Except for a “non-applicability determination” there are no zoning permits on file for this property.

Recommendation: 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:

(a) Conditional Use Review Standards

(1) The capacity of existing or planned community facilities;

The proposed additional dwelling unit will be served by municipal water and sewer service. Adequate capacity is available; however, a wastewater permit from the State of Vermont may be required. **(Affirmative finding as conditioned)**

(2) The character of the area affected;

This property lies at the north end of Dan's Court, an unaccepted street north of North Street and east of North Willard. The neighborhood is defined by detached single family and multi-family homes, with a cemetery directly north of the site. The proposal while adding a unit likely will result in fewer occupants as four bedroom unit will be converted into two units with a total of three bedrooms. **(Affirmative finding)**

(3) Traffic on roads and highways in the vicinity;

No traffic information has been provided; however, anticipated traffic impacts are nil as there is an expected decrease in occupancy. **(Affirmative finding)**

(4) Bylaws then in effect;

As conditioned, the conversion to an additional unit complies with all applicable zoning bylaws. **(Affirmative finding as conditioned)**

(5) Utilization of renewable energy resources;

No interior changes to the structure itself are proposed. **(Affirmative finding)**

(6) Cumulative impacts of the proposed use;

The subject property is located in the RL zone wherein residential use is permitted. Per this criterion, cumulative impacts are deemed negligible. **(Affirmative finding)**

(7) Functional family;

Apartment units in the RL zone are limited to occupancy by a family or functional family that is a maximum of four unrelated residents. The new unit will have to adhere to this standard.

(Affirmative finding as conditioned)

(8) Vehicular access points;

Parking areas serving the property exist to the east and south of the building. There are three spaces. No access changes to the lot are proposed. **(Affirmative finding)**

(9) Signs;

No signage is included in this proposal. **(Not applicable)**

(10) Mitigation measures;

The proposed additional dwelling unit will not produce noise or glare sufficient to warrant mitigation measures. **(Affirmative finding)**

(11) Time limits for construction;

The zoning permit is valid for 2 years; 1 year to start construction and another to finish. No additional time is being sought by the applicant. **(Affirmative finding)**

(12) Hours of operation and construction;

Hours of operation do not apply to the proposed residential use. While the project location is in a residential neighborhood, hours of construction need not be limited as the work is in the interior. **(Affirmative finding)**

(13) Future enlargement or alterations;

Any future enlargement or alterations will require additional permit review in accordance with the regulations in effect at that time. **(Affirmative finding)**

(14) Performance standards;

No additional performance standards would apply to this interior change for an additional residential unit. **(Affirmative finding)**

(15) Conditions and safeguards;

As conditioned, the proposed use complies with the applicable requirements of the Comprehensive Development Ordinance. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the RL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes. **(Affirmative finding)**

(b) Dimensional Standards & Density

Lot coverage will not increase. Density is not considered as Section 4.4.5 (d) 5. A. allows an additional unit to be added to a structure that contains two or more dwelling units as of January 1, 2007 as a conditional use. This existing building clearly had more than two units. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The additional dwelling unit may be permitted under a conditional use review pursuant to Section 4.4.5 (d) 5 A. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No changes to the existing structures or to the site are proposed. **(Not applicable)**

2. Height

No changes to the existing structures are proposed. **(Not applicable)**

3. Lot Coverage

No changes to the existing lot are proposed. **(Affirmative finding)**

4. Accessory Residential Structures and Uses (Not applicable)

5. Residential Density

The additional dwelling unit may be permitted under a conditional use review pursuant to this subsection. **(Affirmative finding)**

6. Uses

One additional residential unit is request to replace four boarding rooms. **(Affirmative finding)**

7. Residential Development Bonuses

None requested. **(Not applicable)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) 5 above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to result in creating a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

No new proposed outdoor lighting. **(Not Applicable)**

Sec. 5.5.3, Stormwater and Erosion Control

No land disturbance proposed. **(Not Applicable)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

Situated in a Neighborhood Parking District parking requirements are calculated are as follows:

Existing (based on current requirements):

Four Bedroom unit	=	2 spaces
One bedroom unit	=	<u>2</u>
Total	=	4 spaces

Proposed (based on zoning amendment 14-07 warned by City Council June 2014):

New two bedroom unit	=	2 spaces
----------------------	---	----------

New one bedroom unit	=	1
Existing one bedroom unit		<u>1</u>
Total =		4 spaces

Three parking spaces are provided. Based on the four space parking requirement in effect for the existing conditions under the 2008 CDO, and the four spaces required under the current pending, but applicable regulations, there is no net increase in required parking.. **(Affirmative finding)**

II. Conditions of Approval

1. Occupancy of the new residential unit is limited to family or no more than four unrelated individuals as per Section 4.4.5 (d) 5.
2. The Applicant/Property Owner is responsible for obtaining all necessary Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.
3. A State of Vermont wastewater permit if required for the new dwelling unit shall be obtained.
4. Any new utility meters and screening (if proposed) shall be identified on the building and is subject to review and approval by staff.
5. Standard permit conditions 1-15.

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Description of Proposed Use For 30 Dans Court

DEPARTMENT OF
PLANNING & ZONING

The owners of 30 Dans Court propose to divide the existing 4-bedroom apartment on the first floor into two apartments. One apartment will have 2 bedrooms and the other will have 1 bedroom. The goal of this modification is to improve the quality and marketability of the rental apartments.

No change is proposed for the 1- bedroom apartment on the second floor.

Currently, there are 6 parking spaces available for the apartments on the property. No change in parking spaces is proposed.
No landscape changes are proposed.

No changes to the exterior of the building are proposed.

**Traffic Generation / Parking Analysis
for Proposed Modification at 30 Dans Court**

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DEPARTMENT OF
PLANNING & ZONING

The proposed modification of 30 Dans Court entails a reduction in bedrooms from 4 to 3.

We intend that the traffic generation will be 75% of the current use.

By the same token, tenant parking needs will be 75% of the current use.

Currently, there are 6 paved parking spaces on the property. Although one paved parking lot accommodates 4 cars currently we recognize that the Burlington regulations do not allow 'double loading' when more than 2 apartments exist. The existing paved parking will accommodate 4 cars, not double loaded. In fact, we anticipate a tenant parking need for 3 cars.

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PLANNING & ZONING



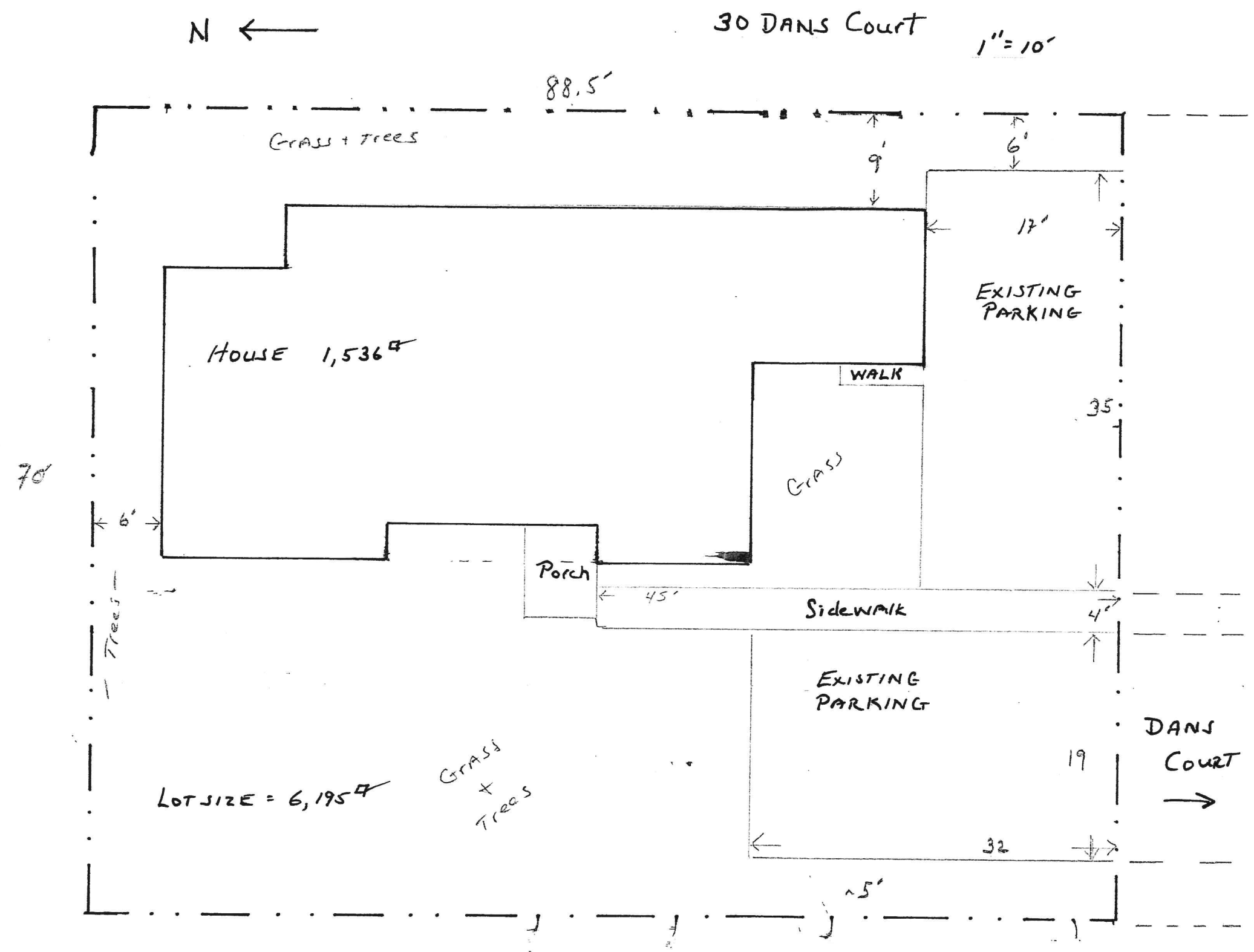
Lot Coverage at 30 Dans

Existing:		
House	1,536	
Paved parking	595	
	608	
Porch	48	
Sidewalk	180	
	<u>2967</u>	

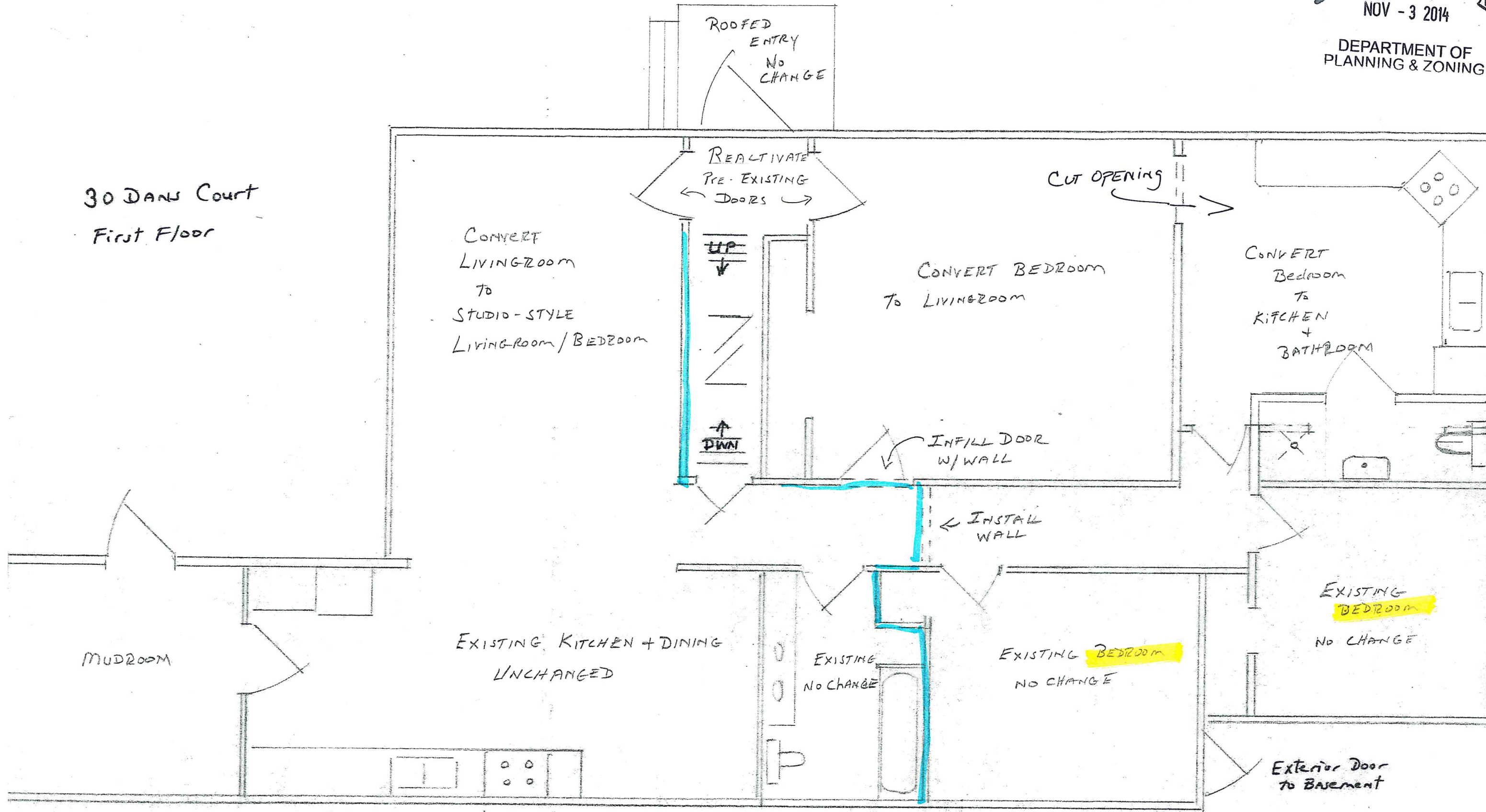
Lot Size: 70x88.5 **6195**

Existing Coverage: 48%

Proposed: No Change **2967**
6195
48%



30 DANE Court
First Floor

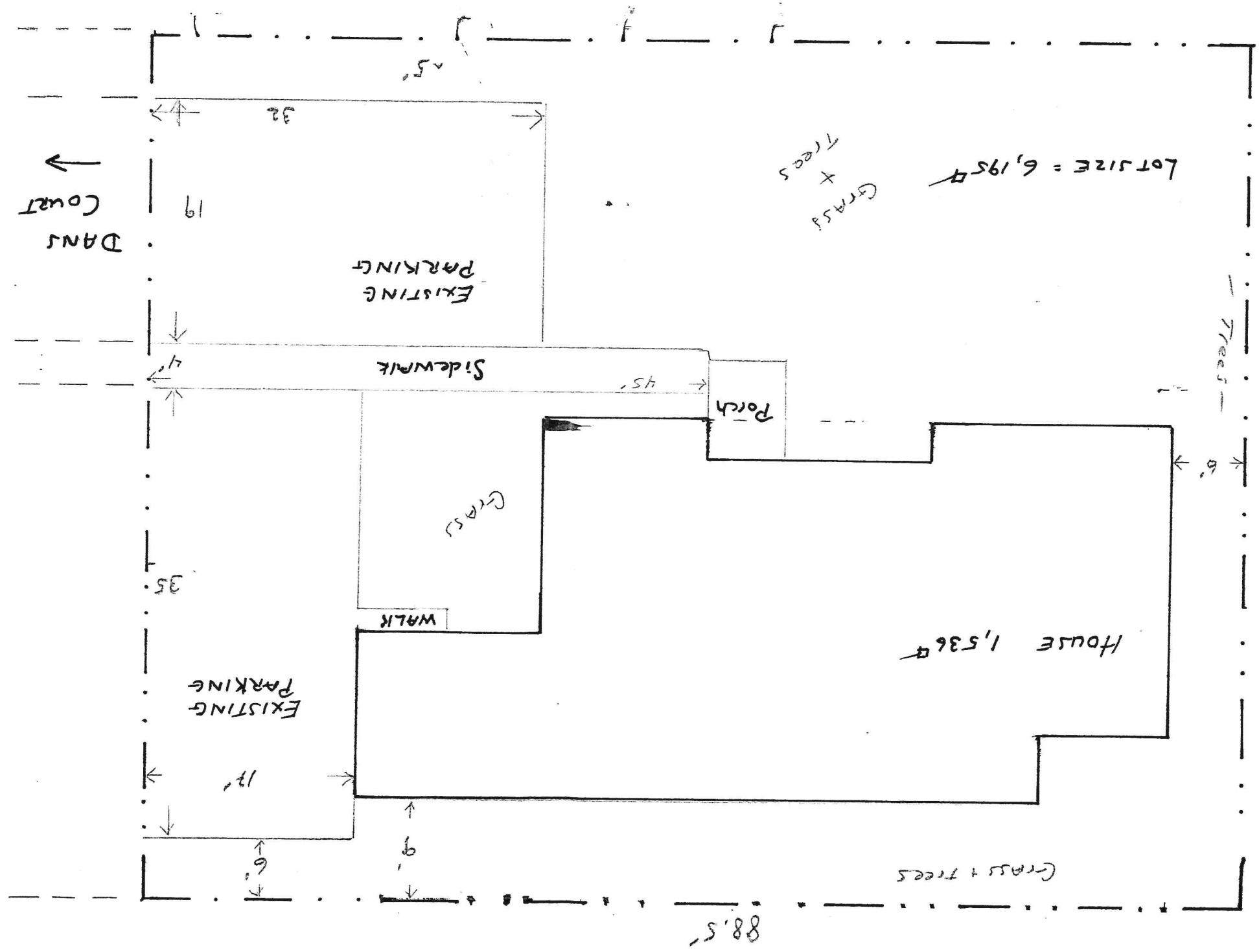


NOV - 3 2014

DEPARTMENT OF
PLANNING & ZONING

Lot Coverage at 30 Dans Court.

Existing:	
House	1,536
Paved parking	595
Porch	48
Sidewalk	180
Lot Size: 70x88.5	6195
Existing Coverage:	48%
Proposed: No Change	2967
	6195
	48%



1" = 10'

Department of Planning and Zoning

149 Church Street
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Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin *SR*
DATE: December 2, 2014
RE: 15-0597CU/HO; 28 East Village 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: I Ward: 7

Owner/Representative: Burlington Cohousing at East Village / Cheryl Herrick

Request: Establish food processing home occupation. Using condo association communal kitchen for portion of process.

Applicable Regulations: Article 3 (Applications and Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), and Article 8 (Parking)

Background Information:

The applicant is seeking approval to establish a home occupation for creating specialty sauces. No site or exterior building construction is included in this application. This home occupation request is unusual in that it involves use of the cohousing community kitchen rather than one within the applicant's dwelling unit. However, the nature and effect of the proposed home occupation remain consistent with home occupations generally. The primary use remains residential.

There are no previous zoning permits on file for the subject dwelling unit except for the cohousing subdivision approval granted on 1/10/06.

Recommendation: Conditional use 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:

(1) *The capacity of existing or planned community facilities;*

The proposed home occupation will have no perceptible impacts on existing or planned community facilities. **(Affirmative finding)**

(2) *The character of the area affected;*

The subject property is split among three zoning districts: RL along East Avenue, Institutional further behind, and RCO-RG at the rear of the property. Most of the cohousing units, including

the applicant's dwelling and communal kitchen, are located in the Institutional portion of the property. This zone is intended primarily for use by the city's major health care and educational institutions but allows related and other uses, including multi-family dwellings. Cohousing is an allowed use and will remain unchanged. Home occupations are allowed in this zone, subject to the restrictions of Section 5.4.6 of the CDO as noted in these findings. The proposed home occupation will not entail any site or exterior building changes and will not adversely impact the character of the area. **(Affirmative finding)**

(3) Traffic on roads and highways in the vicinity;

Traffic impacts associated with the proposed home occupation are expected to be minimal. Sauce production will take place once per month. The only traffic related to the proposed home occupation will occur when customers come to the premises to purchase and pick up sauces. **(Affirmative finding)**

(4) Bylaws then in effect;

As conditioned, the application is consistent with applicable bylaws. **(Affirmative finding)**

(5) Utilization of renewable energy resources;

Not applicable.

(6) Cumulative impacts of the proposed use;

The proposed home occupation is not expected to generate any significant impacts, cumulative or otherwise. **(Affirmative finding)**

(7) Functional family;

Not applicable.

(8) Vehicular access points;

The subject property is served by a private driveway. The home occupation does not require any change to this access point. **(Affirmative finding)**

(9) Signs;

No exterior signs are proposed for the home occupation. **(Affirmative finding)**

(10) Mitigation measures;

The proposed home occupation does not result in impacts warranting mitigation measures. **(Affirmative finding)**

(11) Time limits for construction;

No construction schedule is needed for this proposal. **(Affirmative finding)**

(12) Hours of operation and construction;

Days and hours of operation are not specified. As proposed, sauce production will be limited to just once per month. In light of the communal nature of the kitchen, scheduling ahead will be required. As proposed, at least 1 week's notice to residents will be provided ahead of sauce production. **(Affirmative finding)**

(13) Future enlargement or alterations;

Any future enlargement or alterations of the home occupation will require additional permit review per the regulations in effect at that time.

(14) Performance standards;
Not applicable.

(15) Conditions and safeguards;
See proposed conditions of approval.

Article 4: Maps & Districts

Sec. 4.4.4, Institutional District:

(a) Purpose

(1) Institutional (I)

The proposed home occupation will take place within the I zone. This zone is intended primarily for the city's major health care and educational institutions. Related and other uses, such as multi-family dwellings, are allowed. The existing cohousing development will remain. **(Affirmative finding)**

(b) Dimensional Standards & Density
Not applicable.

(c) Permitted & Conditional Uses

The existing cohousing multi-family development is a conditional use in the I zone. The proposed home occupation may also be conditionally allowed. **(Affirmative finding)**

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Sec. 5.4.6, Home Occupations

1. A home occupation shall be conducted solely by resident occupants plus no more than one additional full-time equivalent employee in RL and WRL districts and no more than two (2) full-time equivalent employees in other districts. The home occupation shall be conducted entirely within an existing dwelling unit and/or one enclosed accessory structure.

The home occupation will be conducted by one resident occupant and one non-resident. The sauce-making will take place entirely within the communal kitchen. The minimal amount of related administrative work will take place at a desk in the applicant's dwelling unit. **(Affirmative finding)**

2. No more than thirty-five percent (35%) of the floor area of said residence, including accessory structures, up to a maximum of seven hundred fifty (750) square feet, whichever is less, shall be used for such purpose.

The common dwelling area within the common house condo building amounts to 2,616 sf. The kitchen comprises 420 sf (16.1%) of this area. Within the applicant's dwelling unit, only a desk area of ~ 5 sf will be used. No size information for the dwelling is provided. Presumably, 5 sf is within the size limit for a home occupation. A total square footage of the subject dwelling unit is needed for confirmation. **(Affirmative finding as conditioned)**

3. No home occupation shall require alterations, construction or equipment that would change the fire rating of the structure or the fire district in which the structure is located.

The home occupation does not result in a change to the fire rating of the structure. No modifications to the existing kitchen are needed. The application materials reflect consultation with the city Fire Marshal. **(Affirmative finding)**

4. There shall be no outside storage of any kind related to the home occupation.

No outside storage is proposed. **(Affirmative finding)**

5. There shall be no exterior evidence of the conduct of a home occupation except for: Occasional garage/lawn/yard type sales (up to twice a year not to exceed two (2) days each); and One non-illuminated attached parallel sign that shall not exceed two (2) square feet. No other signs shall be permitted.

No garage/lawn/yard type sales are included in this proposal. No outdoor sign is proposed. **(Affirmative finding)**

6. No home occupation may increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries. All parking shall be located off-street and shall maintain the required front yard setback per Article 5.

Traffic generation related to the home occupation is limited to customer pick-ups. Adequate off-street visitor parking is available. The application makes no provision for limiting customer pick-ups to one-at-a-time. While groups of customers arriving all at once is unlikely, provision must be made to ensure that only one customer at a time is onsite. Scheduling ahead for each customer pick-up could adequately address this criterion. **(Affirmative finding as conditioned)**

7. No home occupation shall create sounds, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard or any other hazard, nuisance or unsightliness which is discernible from any adjacent dwelling unit.

The home occupation as proposed will not generate any nuisance or unsightliness discernible from the exterior. **(Affirmative finding)**

8. The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.

The proposed home occupation is clearly incidental to the primary residential use of the property. Onsite work is limited to sauce production and related administrative work. There will be little evidence of the home occupation as perceived from outside. **(Affirmative finding)**

9. Delivery of products and materials related to the home occupation by vehicles other than automobiles shall occur no more than once per day.

No commercial delivery vehicles will serve the home occupation. **(Affirmative finding)**

10. With the exception of one delivery per day, as specified in subparagraph (9), no more than one commercial vehicle shall be allowed on the premises at any one time; and

No commercial vehicles are associated with the proposed home occupation. **(Affirmative finding)**

11. There shall be no sale of goods except for goods fabricated on the premises as part of an approved home occupation.

Only the specialty sauces created as part of this home occupation will be for sale. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The 32-unit cohousing development requires 34 parking spaces under current parking standards (2 each for the 2 single family homes, and 30 for the 30 multi-family dwelling units). As approved, the project contains 51 parking spaces. There is no specific parking requirement for the proposed home occupation; however, per criterion 5.4.6, 6 above, 1 space for customers coming to pick up sauces is needed. The existing parking is sufficient to provide this space. **(Affirmative finding)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, the applicant shall indicate the total square footage of her individual dwelling unit to confirm compliance with the home occupation size limitation of 35%.
2. The applicant shall schedule customer pick-ups to ensure that only 1 customer vehicle is onsite at a time (not including customers who are residents of the cohousing development).
3. The Applicant/Property Owner is responsible for obtaining all necessary permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.
4. Any changes to the home occupation as proposed shall require an amendment to the home occupation permit approval.
5. The applicant is responsible for complying with all representations disclosed on the Home Occupation Questionnaire.
6. Standard permit conditions 1-15.

Scott Gustin

From: Cheryl Herrick <herrickvt@gmail.com>
Sent: Monday, November 17, 2014 11:54 AM
To: Scott Gustin; Cheryl Herrick
Subject: Fwd: square feet

Hi Scott,

My neighbor (and Owners Association president Peter Lackowski) very kindly provided this just now. Would it help to also have the floor plan? I'm glad to dig that out if so.

Cheryl

----- Forwarded message -----

From: Peter Lackowski <petervt3@gmail.com>
Date: Mon, Nov 17, 2014 at 11:48 AM
Subject: square feet
To: Cheryl Herrick <herrickvt@gmail.com>

Dear Cheryl,

I was marooned in the dining room while the crew stripped our hallway, so I took a few minutes to measure space. My results are below, along with a brief explanation of the what our common space is.

The common dwelling area consists of two floors; 50 X 50 each, plus a room of 161 sq ft. This adds up to 2 square feet.

This area includes a kitchen, living room, dining room, guest rooms, bathrooms, a multipurpose recreation room, a laundry, an office, a mail room, a pantry, halls and closets. This area is owned in common, and it functions as an extension of our living areas.

The kitchen is $20 \times 21 = 420$ square feet.

The kitchen occupies 16 % of the common area.



Department of Planning and Zoning

149 Church Street, City Hall

Burlington, VT 05401-8415

Phone: (802) 865-7188

Fax: (802) 865-7195

www.burlingtonvt.gov/pz

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DEPARTMENT OF
PLANNING & ZONING

Home Occupation Application Questionnaire

Use this checklist for all applications for a home occupation - See Sec. 5.4.6 of the Zoning Ordinance. This questionnaire is provided to summarize details and is required to accompany a zoning permit application form and required fee (for either administrative approval or conditional use review).

Please note:

1. The specific requirements for home occupations can be found in Section 5.4.6 of the Comprehensive Development Ordinance which is available in its entirety on our website at www.ci.burlington.vt.us/planning
2. A 'Business Personal Property Registration Form' may be required to be submitted to the Assessors Office. This form is available at www.ci.burlington.vt.us/assessor/businesses

Name of Business Proposed:

DRAGON + DAUGHTER SAUCES

Type of Business Proposed:

SPECIALTY SAUCES

Provide a detailed description of the proposed Home Occupation such as: activities involved; materials and equipment used; quantities of materials and equipment stored on-site; methods of operation; hours of operation. This may be done on a separate piece of paper and attached.

Please respond to the following:

1. How many persons will be involved or employed in the conduct of the proposed Home Occupation:
Residents of premises: 1 Others 1 Total Number 2
2. What type of product will be produced, serviced, or repaired in the conduct of your Home Occupation? (For example: repair of clocks or watches, making jewelry, etc.). Explain:
SPECIALTY SAUCES
3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation:
NONE
4. Describe what rooms will be used in the conduct of the Home Occupation and how these rooms will be used (For example: garage will be used to store supplies; or den will contain desk and file cabinets, etc.). Indicate the gross floor area(s) that will be used in the conduct of the Home Occupation. Indicate the total gross floor areas of your house and include any accessory structure(s) to be used for the Home Occupation, (Ex. Garage):
COOKING KITCHEN (~200 sq ft) FOR COOKING SAUCES, AND HOME OFFICE FOR ADMINISTRATION
5. Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activity:
NONE
6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored:
2-3 CASES OF 12 OZ. SAUCE JARS WAIT IN MY REFRIGERATOR UNTIL THEY GO TO CUSTOMERS.

PLEASE TURN OVER

7. Will people come to your home to obtain any product or utilize any service connected with the proposed Home Occupation activity? Yes ☒ No ☐
If yes, please explain in detail:
THEY COME TO PICK UP SAUCES.
8. Are any signs necessary or proposed relative to the Home Occupation?
Yes ☐ No ☒
If yes, you are required to file for a Sign Permit. An application form can be obtained at the Planning and Zoning Department or on our website.
9. If trucks or other equipment will be used in your Home Occupation, where will they be parked or stored?
N/A
10. Will the Home Occupation involve the use of commercial vehicles for delivery of materials to or from the premises? Yes ☐ No ☒
If yes, please explain:
11. How many parking spaces will be provided for the home occupation? EXISTING VISITOR PARK
Where will they be located? Indicate parking spaces on a site plan of this property as part of your application submission.
12. Is your proposed Home Occupation in conformance with the conditions, covenants and restrictions pertaining to your property? Yes ☒ No ☐
We suggest checking your deed for conditions, covenants and restrictions.

I have read and understand 'Sec 5.4.6 Home Occupations' under the City of Burlington Comprehensive Development Ordinance and believe that to the best of my knowledge my proposed Home Occupation would not violate any portion of said Ordinance:

Applicant's Signature: Cheryl Herlihy

Date: 10/31/14

Property Owner's Signature: Peter Zuckowski, PRESIDENT, BCEVDA

Date: Nov 1, 2014.

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BURLINGTON COHOUSING EAST VILLAGE OWNERS ASSOCIATION

04/13/14 DRAFT 522014

Members Present: Doris Bedinger, Joan Knight, Don Schramm, Govinda Serchan, Charlotte Norris-Brown (late), Ginni Reeves (late), Clara Bond, John Patterson, Barbara Grant, Jean Hopkins (late), Sally Abruzzi, Melinda Lee, Kate Bove, Gail Holmes, Linda Cooper (late), Loretta Johnson, Joanna Runkin, Cheryl Herrick, Lesley Becker, Dorothy Weicker, Brian Tremback, Anke Tremback, Chet Bielawski, Janet Hicks (late).

Members Absent: Barbro Thelemarck, Barbara Nolfi, Sharyl Green, Peter Lackowski, Nina Parris, Fiona Patterson, Bijaya Serchan, Charles Norris-Brown, Kate Bove, Kate Westdijk, Bart Westdijk, Ming Sherpa, Pemba Sherpa, Audrey Winograd, Kurt Mehta, Mary Fillmore, Serrill Flash, Barbara Bielawski, Kiley Donlan-Kite, Kim Kite. Danny Albert, Susan Linsky,

Special Roles: Facilitator: Brian Tremback, Time Keeper: Janet Hicks, Minutes: Joan Knight, Process reporter: Clara

Minutes: 03/06/14 and 03/16/14 minutes - approved w/ minor changes

Delay while waiting for a quorum: Procedure for election of ExCom: We discussed our memories from the past that included signup sheet and recruitment, indicating that this will appear on our next agenda

Executive Committee Report: (Brian)

Under consideration: Lowering taxes on Southern Lands, Guidelines for ExCom in relation to proposals (See attachment), Committee guidelines (will bring to OA as a proposal).

Supplemental Fair Share (SFS): Joanna reminded us that the process for choice making took a very long time. Only 2 items rose to the top - Multipurpose room (MPR) floor and Shade on the patio. We still have \$5,000 for the shade project. There is about \$7,600 remaining (from sale of Mary Marshall's items and the \$5 per month payments that are now part of our condo fees. Assuming we will need more to finish both projects, there will be fundraising efforts. In that event, Clara will submit a proposal. If we end up having unspent funds, some expressed a desire to carry them forward into next year. Joan said that we may not be able to do that legally; the ExCom is looking into that.

Proposal by Cheryl Herrick and the Home Committee for Use of Common Kitchen and own unit for business: (See attached.)

Communications Committee's Proposal on sharing committee documents. In reviewing the proposal we suggested a few minor changes: It would not be a mandate; guidelines would be a good term. When a committee has a document (agenda or minutes), someone (Gail at first) will do the distribution. Agendas, when a committee has prepared them, will be distributed ASAP. Draft minutes will be distributed within 2 weeks. Decision: proposal was not approved. Loretta, a member of the ComCom will revise the proposal accordingly and plans to bring it back to the OA.

Shade on the Patio: Brian reminded us of the history ending in a stalemate and a request that, in the future, a group might find agreement on a design and prepare a proposal. There are 3 structure designs; one has a flat roof, one a slightly domed roof, and a 3rd conceived of by Ken (Kate's Dad) that is wider in proportion. Brian will post all three for us to ponder. Brian will schedule a forum to discuss this again. Many expressed appreciation for the design work that Brian and others have done.

Announcements:

Don said there will be a breakfast next Saturday - before the work day. Please sign up. Joanna said that she and Mary are planning an Easter morning brunch.

Process report Clara said: We ran way over on time and the degree of concern shown by one presenter was unusual.

Respectfully submitted, Joan Knight

Attached:

Proposal to the Owners' Association

Title: Dragon & Daughter Interim Sauce Making Date: April 20, 2014

Sponsor: Home Committee

Decision: Approval for Cheryl Herrick to use the common house kitchen once each month to make and package small batches of specialty sauces for sale.

Brief History: In fall 2013, Cheryl wanted to find a hobby and outlet for her retired and isolated father. Together, they began making sauces using the recipes from her parents' former restaurant and offered them to sale to a few friends and former staff. As word gets out, without any

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advertising or outreach, requests for the sauce continue to arrive. Cheryl has formed the Dragon & Daughter LLC and purchased a liability policy through Co-op Insurance to allow her to explore the potential to build this new hobby into a business.

Justification: BCOHO has a history of support for activities of its residents. Precedent for use of the common kitchen for private enterprise includes Christi Champagne's bread-making business, and Don and Barbara's maple syrup bottling. The Serchans also have a home cooking business, although it doesn't involve use of the common kitchen.

David Holton of the Essex Agency was consulted about insurance repercussions for the O.A. and saw no problem with this proposal. The Fire Marshall was also consulted, and said that nothing that contains fat can be cooked on the stovetop because of fire hazard; warming sauces in the oven is fine.

The Declaration states:

5.5 Use of Units. Except as hereinafter provided, Units shall be occupied solely for residential purposes, and no Unit shall be used for any commercial or business purpose... The foregoing notwithstanding, ... (ii) with the prior written consent of the Association, a Unit Owner may conduct a home-business if (a) such home business use is on compliance with all applicable laws and regulations, including the Permits and Approvals, (b) such use does not impose a burden on the Cohousing Village by creating any material increase in traffic, parking needs, or create any noxious odors or noise, and (c) such home business use does not include any on-site advertising. Therefore, Cheryl hereby requests written approval for her project and agrees not to use any on-site advertising.

This is an opportunity to support the Herricks and to make use of the QM kitchen at a time when this resource is available. Currently, the sauces are earning in the neighborhood of \$250 (net) per month. If sales grow to meet or exceed \$10,000 per year (about \$800 per month), operations will have to move to a Certified Kitchen facility in order to comply with Health Code. Because of this, and because it is likely that that threshold will be reached within about a year, the use of the QM is an interim solution. The Home Com will be the the contact group for Cheryl, and have responsibility for oversight.

Recommended Action: Upon receipt of proof of insurance coverage and permitting by the town of Burlington, the O.A. should adopt the proposal and supply the necessary written approval for Dragon & Daughter use of the common kitchen.

Costs: Minimal additional water and electricity costs. Cheryl will pay \$10 for each use of the kitchen.

Pros: Supports Cheryl and her family. Makes sauces available for EV'ers, which Cheryl is glad to do at a special neighbor discount.

Cons: Scheduling conflicts could arise. To avoid conflict with common meals or potlucks, Cheryl will only use the kitchen on odd-numbered weekend days. She will also post the times of use on the calendar in the Mail Room at least 1 week in advance.

Cleanliness and orderliness of the kitchen could be an issue. To avoid these issues Cheryl will assure that countertops and floor are clean and neat. If compost buckets used she will empty them in the compost bins in the garden. If common cloths or dishes are used they will be washed and put away. Within 6 hours of completion of sauce making the kitchen will be neat and clean and ready for use.

If the business involves buyers or others parking in our lot, the parking policy would apply.

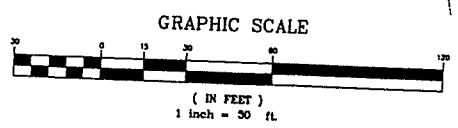
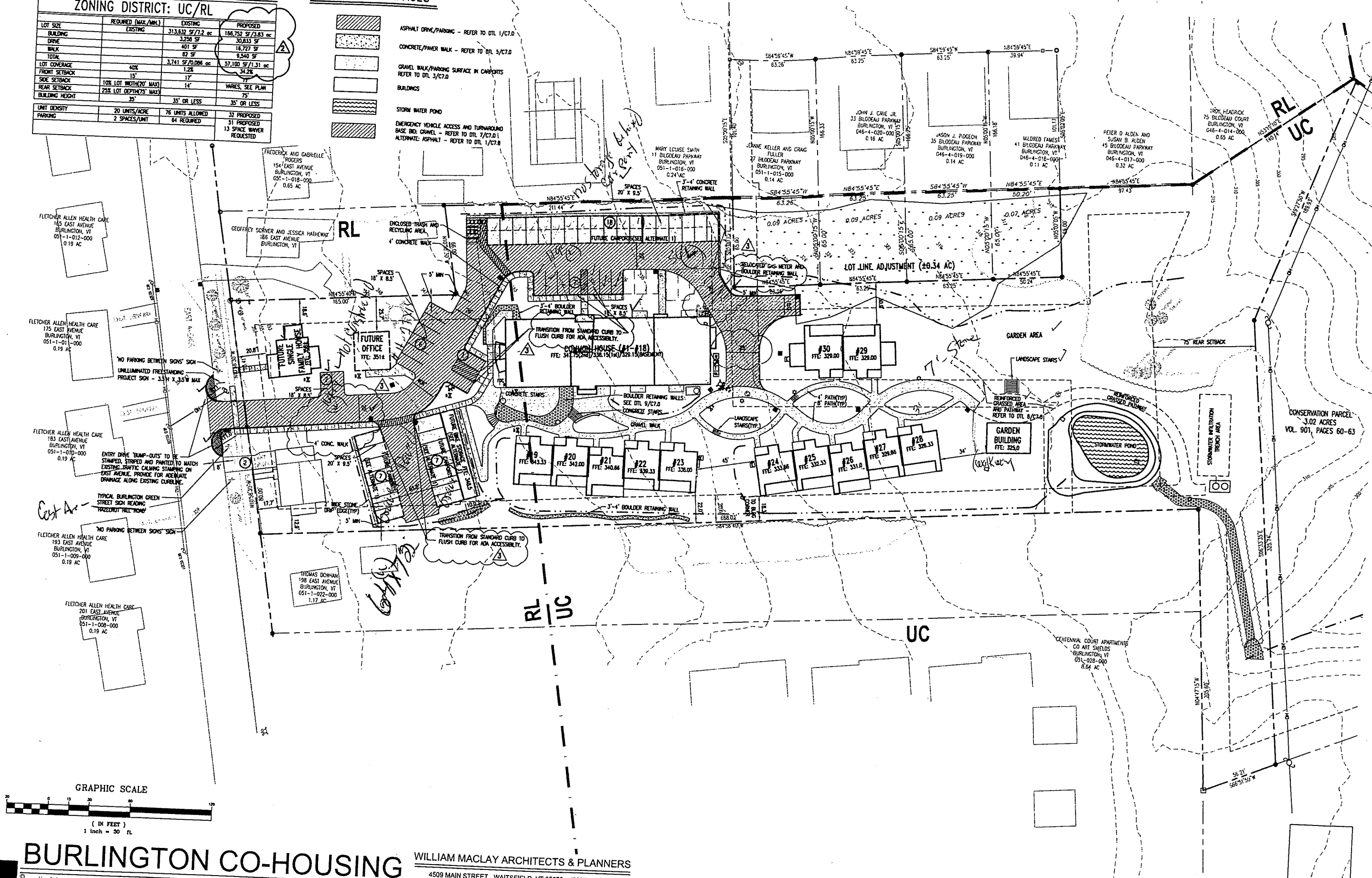
Alternatives: Miss the opportunity to support a neighbor who is attempting to grow a new business. For Cheryl to take on the additional cost of a professional kitchen at this stage would be an unsustainable financial cost and would end the sauce production.

ZONING SUMMARY

ZONING DISTRICT: UC/RL			
LOT SIZE	REQUIRED (MAX./MIN.)	EXISTING	PROPOSED
BUILDING		313,632 SF/7.2 ac	166,752 SF/3.83 ac
DRIVE		3,250 SF	30,813 SF
WALK		401 SF	16,727 SF
TOTAL		82 SF	9,540 SF
LOT COVERAGE	40%	3,741 SF/0.086 ac	57,100 SF/1.31 ac
FRONT SETBACK	15'	17'	17'
SIDE SETBACK	15'	17'	17'
REAR SETBACK	15'	17'	17'
BUILDING HEIGHT	35' OR LESS	35' OR LESS	35' OR LESS
UNIT DENSITY	20 UNITS/ACRE	76 UNITS ALLOWED	37 PROPOSED
PARKING	2 SPACES/UNIT	64 REQUIRED	51 PROPOSED 13 SPACE WAIVER REQUESTED

PROPOSED SURFACES

- ASPHALT DRIVE/PARKING - REFER TO DTL 1/C7.0
- CONCRETE/PAVED WALK - REFER TO DTL 5/C7.0
- GRAVEL WALK/PARKING SURFACE IN CARPORTS REFER TO DTL 3/C7.0
- BUILDINGS
- STORM WATER POND
- EMERGENCY VEHICLE ACCESS AND TURNAROUND BASE BID: GRAVEL - REFER TO DTL 7/C7.0 ALTERNATE: ASPHALT - REFER TO DTL 1/C7.0



Burlington Development Review Board

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Austin Hart
Michael Long
Jonathan Stevens
Brad Rabinowitz
Missa Aloisi
Israel Smith
A. J. LaRosa
Alexandra Zipparo (Alt.)
Jim Drummond (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, November 18, 2014, 5:00 p.m. Contois Auditorium, City Hall, 149 Church Street, Burlington, VT MINUTES

Present: Austin Hart (Chair), Jonathan Stevens, Alexander LaRosa, Michael Long, Brad Rabinowitz, Missa Aloisi, Israel Smith, Alexandra Zipparo.

Staff: Ken Lerner, Mary O'Neil.

Absent: Jim Drummond, alternate.

I. Agenda

No changes as published.

II. Communications

One communication re: 15-0422, 188-190 North Union Street. Accepted into the record.

III. Minutes

No new minutes to act on, or in packets.

IV. Public Hearing

1. 15-0506CU: 37 NORTH PROSPECT STREET UNIT A (RL, Ward 1) Wilbur Shriner
Conditional use review to create one additional residential unit out of portion of existing boarding house. Boarding house, with reduced number of rooms, to remain. (Project Manager: Ken Lerner)

Austin Hart recused from this review. Jonathan chairs item. Applicant sworn in.

Jonathan Stevens - asks Ken if parking lot should be paved.

Ken Lerner - no delineation where parking lot is. Recommends paving.

Mr. Shriner - no mentioned in staff notes. Paving is not recommended due to lack of permeability to rainwater. I have heard people have been denied paving due to rainwater. Anyone else have info on that?

Michael Long - Yes, have heard that. Two thoughts on that.

Mr. Shriner - no problem over the last 30 years. Maybe we could do that if this goes ahead, and monitor it.

Jonathan Stevens - Staff recommends that parking spaces be assigned. I want you to be aware of that, as we will be discussing at deliberation. Invites applicant to discuss project.

Mr. Shriner – unit on first floor a boarding house. Has not worked out for at least 10 years. The boarding house concept is pretty archaic itself, harkens back a century. People come in as individuals, never as a community. I get drug addicts. I end up being a social worker. Never a good feeling there. There is already a sink and counter from its first zoning addition, designed to be a doctor's office. I want to reduce it to a three person apartment; have a kitchen, take out a bedroom. One less car, one less person. The third floor is zoned for four; I have only rented it to three people. Less impact that the zoning permit suggests.

Michael Long – currently there are 2 units in the house and 2 in the smaller place in the back?

Mr. Shriner – the place in the back is a single family home. There is a two bedroom on the 2nd floor, another 2 bedroom on 2nd floor.

Michael – asks for clarification –

Mr. Shriner – Four room boarding house.

Ken Lerner – 8 room boarding house – separated by 2nd floor.

Michael Long – Disconnect here. Where is actually there? Is the whole structure a boarding house?

Ken Lerner – no, top floor and first floor are boarding house. The 2nd floor is residential. There will be only four boarders, owner occupied on top floor.

Brad – how many bedrooms now?

Ken Lerner – Ask Bud (applicant.)

Brad – a lot of beds.

Mr. Shriner – effectively 3 on the third floor. Four on the 2nd floor. 1st floor, four bedrooms. A total of ten people in the house with this permit. Reduce bedroom count by one on first floor.

Michael – how many cars associated with the property and various tenants?

Mr. Shriner – I allow one per person. 10 is what I would like to allow for the front house.

Jonathan to Ken – were you including the single family residence in back with the parking count?

Ken Lerner – yes.

Mr. Shriner – that doesn't jive with my math. Basically, this is a PRD. Exclusive use for the house. In the parking lot, three spaces with dots, there are four spots. The easterly most portion of that house is a two car garage; two spaces in front of that. Two spaces to the east of that. Those spots are not numbered. If you look at the numbering, 10 spots numbered. Just east of #10, there is another spot.

Brad Rabinowitz – Space #6 is north of what you call the condo space.

Mr. Shriner – west ofyes, number 1 is west of that line.

Brad Rabinowitz – so #6 is the only one shown on that separate area.

Mr. Shriner - #1 is there also.

Brad Rabinowitz – what line are you talking about.

Missa Aloisi – There is no north arrow on plan. Can't tell.

Jonathan Stevens – What does the line denote?

Mr. Shriner – each of these buildings is a condo association. Each has exclusive use. I don't know where that line goes.

Brad Rabinowitz – The people that live in the front house don't have permission to park in those spaces for the rear?

Mr. Shriner – I own both buildings, so people park wherever there is an available space. I should probably draw a better map.

Brad Rabinowitz – It is likely that we will be making conditions based upon parking requirements.

Missa Aloisi – Are there 2 parking spaces in the garage?

Mr. Shriner – yes.

Missa Aloisi – So you can count those 2 spaces.

Mr. Shriner – I allow 4 for the rear, 10 for the front.

Missa Aloisi – to Ken Lerner – you are requiring 11. We would need a site plan that shows 14 parking spaces.

Brad Rabinowitz – Can you do that before Monday?

Mr. Shriner – Yep.

Ken Lerner – You are allowed to have more than the requirement. You don't count the interior spaces as part of a maximum parking calculation.

Missa Aloisi – showing tandem.

Alexandra Zipparo – four bedroom on first floor

Mr. Shriner – Want to change to three bedrooms.

Alexandra Zipparo – Four on the 2nd floor, 3 on the third floor?

Mr. Shriner – Yes.

Jonathan Stevens – will need to expand footprint of the parking lot?

Mr. Shriner – No.

Jonathan Stevens – are we up against any coverage issues?

Ken Lerner – approved as a PRD. We have a survey showing us what is there.

Mr. Shriner – Ken, parking space is 9 x 20?

Ken Lerner – Can do 9 x 18, with backup space.

No one from public to participate. Jonathan Stevens closes the public hearing at 5:21 pm.

2. 15-0422FC: 188-190 NORTH UNION STREET (RM, Ward 2) Eric Hathaway

Appeal of administrative permit approval to installation of eight sections of wooden fencing along boundary line. (Project Manager: Ken Lerner)

Austin Hart returns to participate.

Mr. Arnold King is present. A property management representative (Barbara Sweeney) is present.

Austin Hart – Why are you appealing the permit?

Jonathan Stevens to Chair – our procedure is to allow the city to first present their case for issuing the permit.

Austin Hart – as opposed to an enforcement action?

Austin Hart to Ken Lerner – could you give a summary of the application and action taken?

Ken Lerner – It was to install 8 sections....

Austin Hart – swears in all those who may give testimony.

Ken Lerner continues – basic permit. Replacing a wooden fence. Site plan shows where the fence was going. It was an administrative permit. There is no specific reason or intention on why it should not have been approved.

Austin Hart to appellant – “Does not want fencing removed from this property. Chain link belongs to Arnold King, who does not want it removed.”

Mr. King – I am against the stockade fence.

Austin Hart – How come?

Mr. King – It is a junkyard there now. Look around the city. I have some pictures of what this yard looks like. (submits to staff.)

Austin Hart – It does raise the question about why you wouldn’t want to block the view of the yard.

[Lady shouts about him paying property taxes; they are only students.]

Austin Hart – the only thing before us is the issuance of the fence permit.

Mr. King – it is on MY property. I don’t want it on my property. Have you seen stockade fences here in the city? They are falling over, leaning against trees.

Austin Hart – We cannot permit anybody to do anything on your property. Second issue of chain link fence.

Mr. King – buildings are not 2 foot apart. Cannizarros owned it at one time. Cannizarro needed to work on the buildings. He wanted it brought over to his building to stop traffic. About a foot and a half.

Brad Rabinowitz – Fence moved?

Mr. King – Yes, to work on the building.

Austin Hart – the fence permitted is not to go between the buildings. Only the back of the lot.

Asks board if they have any other questions. None. Invites property owner to respond.

Barbara Sweeney - I own the property management company that manages the property for Eric Hathaway. Everything is in the pictures. The fence will be on our side of the yard, just where the chain link fence is.

Austin Hart – Are you moving the chain link fence?

Barbara Sweeney – absolutely not. In-between the buildings.

Alex Zipparo – how far?

Barbara Sweeney – about 1 ½ foot.

Brad – We have a photograph.

Barbara Sweeney – on our side.

Brad Rabinowitz – This fence is on your property.

Barbara Sweeney – there is an argument that the fence is already on our property. We are not going to go there. Going to move the raised bed gardens, what he is referring to as a junk yard. That and a chicken coop. We really need this fence. They don’t get along.

[Shouting. WE GET ALONG. Something about rabbits]

Barbara Sweeney – the tenants have been harassed; yelled and screamed at. They just want to enjoy their gardens and privacy.

Jonathan Stevens – we have a google earth image. Who submitted it?

Barbara Sweeney – that is you guys. Old image.

A. J. LaRosa – structure?

Barbara Sweeney – chicken coop.

Austin Hart – limited review for a fence. Invites Mr. King to reply.

Mr. King - My biggest reason, when they passed out this deal, everyone in the neighborhood got a letter. When it came to making that into a frat house, nobody get a letter. There are probably 14 in there; a trailer in the yard with somebody living in it. I called Code Enforcement. They told me why don't I move. I will move when I go to the grave, and I will be taking somebody with me.

Laura (daughter of owner- lives at the house.) We have pet rabbits, they got into their property and ate some of their vegetables. I got a letter from the state about lung infections from the chickens. Why should my father have to leave his property that he owned for more than 50 years, because of the bunch of college students?

Austin Hart – Why wouldn't the fence solve the problem that you mention, about the rabbits?

Laura – because it looks like shit. I have caught them urinating on my property.

Charging people a cover charge to get in the building to party.

Mr. King – owned that property 55 years. This is the first time I have had a problem here.

Laura – girls having sex on the porch. I have a 16 year old son.

Mr. King – that fence will only allow them to do more of what they want to do.

Austin Hart – closes public hearing.

[Laura curses at property owners as she exits the auditorium.]

V. Sketch Plan

1. 15-0549SP: 316-322 FLYNN AVENUE (NMU, Ward 5) G AND C PROPERTIES LLC

Sketch Plan review to remove existing building and construct new mixed use building for deli, office space and nine residential units. (Project Manager: Scott Gustin)

Michael Alvanos presents.

Picked up the property in 2006. Been running the store for 8 years; very successful.

Ran into a hiccup with zoning. Zoning change for Neighborhood Mixed Use. Allows us to expand the store.

Explains programmatic intent.

The South End is in need of new housing stock. The deli has been there since the 60s. We could commercial /retail as well.

One of the first iterations, the building was bigger. Parking was tight. What you have before you, the parking exists. We are in a shared use parking district. Will provide approximately 24 spaces.

All Stormwater will be captured; discharged appropriately.

Our old building is not energy efficient. That is one of the biggest reasons we are coming in. Need a building to meet the current energy efficiency codes. This building has met its life span.

Discussion of intersection, parking.

That bottle return, especially on weekends, generated a lot of traffic. That program is proposed to be eliminated.

Jonathan Stevens asks Ken about IZ requirements.

Brad Rabinowitz comments on the “nicer presence” on the corner. Asks about green belt, requirement for new street trees?

Michael Alvanos – discussed at Technical Review. Have discussed adding to the green belt on Pine Street, going north. Will include in plans.

Brad Rabinowitz – It is a challenge to make parking on the north end of the building, walking to the entrance to the deli, could use some enhancement or recognition. Asks about materials for the exterior.

Michael Alvanos – conceptualizing masonry on first floor, fiber cement on top floors, probably red. The Howard Center is red. Church is red. Fire escapes, considering increasing fenestration, galvanized aluminum going up.

Brad Rabinowitz – Parking for 3 unit building on the site?

Michael Alvanos, yes.

Missa Aloisi asks about calculations.

Ken Lerner – reads from staff report. Café requires 8, office component....

Brad Rabinowitz – There is an opportunity for residential component to have site access.

Michael Alvanos– will ask stormwater administrator....

Brad Rabinowitz – There is a buffer-

Michael Alvanos– comes way out there; top of the slope. As we currently have NO stormwater management plan, we will be able to take the majority of our stormwater and treat it. I haven’t designed it yet.

Austin Hart to Ken Lerner – is encroachment into buffer grandfathered?

Ken Lerner –actual paving as well as the gravel parking lot goes into encroachment. As noted, there is no management now. Under requirements, something will have to be improved.

One member of the audience wishes to speak.

Lawrence Ribbecke, owns the corner house across the street at 317 Flynn Avenue. Extremely concerned about the size of the last plan. Are plans for the current iteration online?

Ken Lerner – we usually post them on-line.

Austin Hart – I got mine on line.

Lawrence Ribbecke – concerned about height. Average roof height is 22’.

Austin Hart – objections to current design, or prior design?

Lawrence Ribbecke – haven’t seen current plan.

Austin Hart – 35’ flat roof. This is Sketch Plan. You will have an opportunity to review more fully developed plans before this comes before us again.

Lawrence Ribbecke – 2nd concern is traffic. Have lived here since 1984. We have seen 2 fatalities, and at least one serious accident every year. We see hundreds of children go by to school every day. I would have to reserve my opinion until I see more. It is a very serious concern. Parents dropping their children off at Champlain School jockey for parking spaces; line up on the east side of Pine Street. Parking lot jammed up. It is a serious concern. I wonder what the impact of these 9 new residential impacts will be. Can there not be something to help those parents at Champlain School for better traffic flow?

Third objection – comparables. I haven’t decided whether to withdraw my objections to this project. What is the process?

Austin Hart explains Sketch Plan, application, public hearing.

Lawrence Ribbecke – what would the purpose of the public hearing be?

Austin Hart – for staff to review, public to participate. Application will have to be filed.

Michael Alvanos re-approaches the table.

Austin Hart – Concerns about screening of parking areas, protection of Englesby Ravine. I see painted CMU block on first floor. I know people are doing all kinds of interesting things with materials now. This is a high visibility corner. I want this to be an attractive building. In terms of greater density, more residential units, it seems like a great use for this spot.

Missa Aloisi – Have you thought about bike parking; exterior and interior storage?

Michael Alvanos – I missed this initially. We will probably have 2 spaces. I don't know about interior storage.

Ken Lerner – We would encourage at least one per unit. Whenever I had a bike, I would take it inside to my apartment.

Michael Alvanos – the units are pretty generous inside. I will look specifically at bike storage.

Ken Lerner states bike parking requirements.

Israel Smith– Painted CMU – I want to second my reservations for CMU, and painting it. Durability wise, you would want something more durable. There are other options you might consider.

Michael Alvanos – I am not thinking school cafeteria style. Something finished. I will provide more details.

Israel Smith – maybe something with a glaze...

Missa Aloisi – Something to work well with graffiti.

Michael Alvanos – Also thought about doing wood cedar, something more natural or earth toned at entrance. Landscaping will be important. Around the deli, outdoor seating to activate the area.

Alexandra Zipparo – traffic and visibility. That intersection is really bad. You can see a little more right now because the building is set back. Increased danger – work with public works or planning on that. The café – what is your vision – sit down, hours, or like the tasting room at Citizen Cider or Arts Riot? Outside the concept on which they were planned.

Michael Alvanos – the current deli opens at 6:00 am, closes at 9:00 pm. We won't be doing that. We are looking at something more like 6 am – 6 pm. Flipping the location of the deli from the south corner to the north, or be closer to parking.

Alexandra Zipparo – a great project.

Michael Alvanos -we are looking at the entrance ON Flynn avenue to be one way.

Brought up at Technical Review.

Michael Long – Are you adding 9 residential units to the three existing? 12 total, plus commercial?

Michael Alvanos – yes.

Michael Long – are all units one bedroom?

Michael Alvanos – a mix. 2 bedrooms, 900-1200 sf. Not for folks to come in and leave in a couple of months. They are in the rental, condo size.

Sketch Plan review closed 6:15.

2. 15-0539SP: 289 COLLEGE STREET (RH, Ward 2) 289 College Street Associates

Sketch plan review of new building addition for twelve residential units with associated modifications to existing building. (Project Manager: Mary O'Neil)

Bruce Baker, Greg Doremus, and Bob Duncan present.

Bruce Baker presents plan. 5800 sq. ft. existing office, 1 residential unit, historic structure.

Bob Duncan goes over plan. Existing 5800 sq. ft. office, one residential unit on the rear, 2nd floor. None of the office space is h/c accessible.

Proposed: 12 apartments on 3 floors. Access via rear. Proposes 20 parking spaces; this may shift as we develop stormwater management and paving. First floor office space will be accessible. One h/c unit will be provided per Vermont Law, all will be visitable per Vermont requirements. Discussion about rear stair, conflict with vehicles. Although appears as one building, will be two separate by code, one stair requirement, sprinklered. Rated wall between them. Client wants to sprinkler both. Does have the kind of accessibility as a new build. Wants a safer building.

Haven't developed landscaping plan yet as this is only Sketch Plan. Will address headlamp glare. Most of the parking is daytime parking. There will be more use of the parking with new residential use, and agree that something will need to be done relative to headlights.

[Austin leaves at 6:30 pm.]

Brad Rabinowitz – is that an entrance off College Street/?

Bob Duncan – There is a door adjacent, back. Part of a connector. There will be a re-configured stair to serve a second floor apartment. Will correct insufficient head room.

Alexandra Zipparo – How many bedrooms?

Bob Duncan – 13, including existing one bedroom apartment. All one bedroom apartments.

Jonathan Stevens – What is the basis for your decision to have all one bedroom apartments?

Bruce Baker – It is an economic challenge to build one bedroom units. In talking to David White, there are less than 16 one bedroom units built in the last few years. You have to build it first. My wife works in Human Resources at Champlain College, and people looking to work and live here could not find any suitable housing. We think this creates something that zoning should create – a work/live environment. Something to change the neighborhood in a positive direction. We have been dreaming about this for a while, and could not find a property where it would work.

Jonathan Stevens – you are suggesting that this is expressly designed for people who work at home?

Bruce Baker – or for people who could walk downtown to work.

Michael Long – asks about existing parking. Seems crowded.

Bruce Baker – Synergy. At my visits, there is usually one car there at night. Full during the day. Seven are leased to Langrock Sperry. The parking would stay at, essentially, 20.

Israel Smith – I am wondering what the flat roof scheme looked like. (Bob Duncan says doesn't have a copy of that image.)

Israel Smith – do I do something sympathetic, or something in contrast to the artifact. A flat roof connector, in a different language. Making a separation between the old use and the new “addition.” The wing references the old building – no matter what you do, you will fall short of the original. The original will be impacted in some way. I don’t know this building. I had to look at your site plans to see what you were doing. I know you met with staff; I’m not sure I am comfortable with this approach. I would prefer something that is sympathetic in scale, massing, but not the same roofline.

Brad Rabinowitz – I would agree with Israel. The window patterning takes away from the power of the building. The extra floor is challenged. I don’t know where it is going to go. When this thing is built, the existing building should come alive.

Missa Aloisi – I would agree. I note this is National Register.

Israel Smith asks about listing.

Mary O’Neil – Main Street College Street Historic District, National Register of Historic Resources.

Missa Aloisi – Materials?

Bob Duncan – fiber cement.

Jonathan Stevens – I am enthusiastic about the residential component. I echo the concerns about the architecture given by my colleagues. I look forward to the next step.

Alexandra Zipparo – I look forward to a new design, especially within the downtown core to maintain that historic precedent.

Michael Long – do you have any concern about fiber cement siding in conflict with historic content, with the conflict with historic materials? Seems incompatible.

Bob – No.

Jonathan Stevens – your next door neighbor has such a conflict of styles – the Fletcher Free Library. Those two styles live comfortably side by side.

Michael Long – do you envision 12 one bedroom units with 12-24 residents, with no cars?

Bruce Baker – Hard to tell how many cars. 6-12 is what you would expect. I anticipate it will be singles living there.

Michael Long – I have some experience. I would expect more parking.

Alexandra Zipparo – One bedrooms are typically off-the- wall expensive. Paring is always a consideration that we look at parking.

Mary O’Neil discusses staff meetings with applicants. There may be different responses to this challenge. Advises board to review another nearly identical to this further east up College Street. Not extremely well received, negative comments.

Israel Smith– not about flat roof or sloped roof. Not in favor of this plan, as illustrated.

Liam Murphy – Murphy, Sullivan Kronk, tenant at 275 College Street. The solution seems to be what is reflected in staff notes: If you strip off all the details, you get a boring idea of what this building is. This is what has happened to College Street. Not about distinguishing between old and new. What has happened is that the building that is proposed here, just because you have stripped down to the mass and windows, it’s okay. Not a great concept. Either match the building that is there and put a sign on it defining it as new, or make something new. There have been great additions of what you have approved, in the back yard, on the south of Willard, looks great. Modern. Totally different style. People will walk by in 50 years and think both are great buildings. I encourage you to have the discussion, have the developers get their pens out and

make something worthy 50 years from now. The two here are both Peck buildings. The drawings put the massing of 289 together. They don't incorporate 275. The buildings have to be read together. Show 275, 285, and the building being built in-between. Show them all. The parking issue is always a challenge. This many units, people may start parking in our parking lot. Instead of just waiving it, maybe we should be providing it. Instead, let's put money into a transportation fund. There was a development conference, a gentleman from Portland Oregon. They committed to a strong downtown transportation system to allow people to not have cars. The bigger picture, if we are going to eliminate parking, we need to fund with impact fees. Need landscaping plan. Alexandra Zipparo – thanks for input. There is a downtown parking hearing tomorrow night here at city hall. Can you tell me what your issue is with this particular development parking?

Mr. Murphy – 12 units. Daytime parking for offices. Is there enough parking? I'm not sure. It is a judgment call. If they are walking to work, they will be leaving their cars here, and not opening those spaces up for the office use during the day.

Missa Aloisi – mentions Montpelier parking management.

Liam Murphy – I don't know what Burlington did with the funds raised for parking.

Mary O'Neil – mentions no parking waiver needed, due to zoning amendment in effect.

Michael Long – was this adopted?

Mary O'Neil – not adopted, not rejected. Active until either action taken, or amendment will die next week.

Michael Long – sounds like a tactic.

Mary O'Neil – nonetheless, in effect.

Jonathan Stevens – opines about architecture. There are no Penn Stations any more.

Liam Murphy – There is some great architecture; Champlain College, Lakeview Terrace. We need to push it.

VI. Other Business

Mary reminds board of parking waiver study. Austin asked for a reminder to decide if further discussion is desired. Board does not remember topic and asks for email copy of previous study. They will then decide whether to take up in future meeting. Brad says they were only presented a hard copy, not in an email.

Mary will ask Scott to send copies of the study.

Ken brings up Austin's desire for work sessions, planning forums.

VII. Adjournment 7:02 pm.

Deliberative scheduled for Monday, November 24, 2014 at 5:00 pm, Planning and Zoning office.

Austin Hart, Development Review Board Chair

Date

Mary O'Neil AICP, Senior Planner