

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/PZ/DRB

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Austin Hart, Chair
Brad Rabinowitz
Jonathan Stevens
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A.J. LaRosa
Alexandra Zipparo
Geoff Hand
Jim Drummond (Alt)
Wayne Senville (Alt)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday December 1, 2015 PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on **Tuesday December 1, 2015 at 5:00 p.m. in Contois Auditorium, City Hall.**

- 1. 16-0499HO; 29 Home Ave (RL, Ward 5) Roger Lewis**
Home occupation office for tours.

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/drdb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the 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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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday December 1, 2015, 5:00 PM Contois Auditorium, City Hall, 149 Church Street, Burlington, VT AGENDA

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

- VI. **Public Hearing**
 - 1. **16-0499HO; 29 Home Avenue (RL, Ward 5) Roger Lewis**
Home occupation office for tours. (Project Manager, Mary O'Neil)

 - 2. **16-0325CU; 34 Spring Street (RM, Ward 2C) Christopher Valin**
Establish boarding house within existing home. (Project Manager, Scott Gustin)

- V. **Certificate of Appropriateness**
 - 1. **16-0463CA; 203 Elmwood Ave (RM, Ward 3C) Shannon H. Reilly**
Remodel existing house with expansion of 2nd floor and 17 ft. x 21 ft. addition to west elevation. (Project Manager, Mary O'Neill)

- VI. **Sketch Plan**
 - 1. **16-0507SP; 475 Lake St, New Moran (UR/DW-PT) City of Burlington**
Renovation of, and addition to, vacant Moran plant with associated site improvements.
(Project Manager, Scott Gustin)

 - 2. **16-0581SP; 85 North Ave (NMU, Ward 3C) Catamount/Lakeview LLC**
Proposed four story, 56-unit apartment building with associated parking garage.
(Project Manager, Scott Gustin)

- VII. **Other Business**
- VIII. **Adjournment**

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Meagan Tuttle, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Interim Chief Administrative Officer
Mary O'Neil, AICP, Senior Planner
Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Senior Planner
Date: December 1, 2015
RE: 29 Home Avenue, ZP16-0499HO

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: ZP16-0499HO

Location: 29 Home Avenue

Zone: RL **Ward:** 5S

Date application accepted: October 16, 2015

Applicant/ Owner: Roger and Dorothy Lewis

Request: Home Occupation for Ghostwalk Tours and Tarot reading business.

Background:

- Zoning Permit 16-0430CA, replace front steps, no change to footprint. October 2015.

- Non-Applicability of Zoning Permit Requirements, replace asphalt shingle roof. August 2010.
- Zoning Permit 97-209, Construction of a 16' x 22' single story outbuilding/shed for the existing single family home. November 1996.
- Zoning Permit 96-007, shed. July 1995.
- Zoning Permit 93-419; Installation of 2 sqft nonilluminated freestanding sign for home occupation ("A Woodworking Shop"). May 1993.
- ZBA HO-93-055, Home Occupation – Woodworking Shop within garage and garage extension. April 1993.
- Zoning Permit 92-338; Construction of 12' x 14' single story rear addition to existing single family home. May 1992.
- Zoning Permit 89-246; construct rear addition to existing single family home. Addition will be single story. June 1989.

Overview: The resident owners of 29 Home Avenue seek Conditional Use approval for their existing Ghostwalk Tours home occupation. The tours have apparently been organized and occurring since 2002. As the activity has a vehicle with the commercial name of the business on it, conditional use review is required.

While under review, it has become apparent that another activity is associated with this owner and address: Tarot Card reading.

<http://www.queencitytarot.com/Booking.html>.

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

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 5 Conditional Use & Major Impact Review

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards (as adopted by City Council 8.10.2015)

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

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

The proposed home occupation for ghost walk tours and tarot card reading off-site will have no perceptible impacts on 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 ghost walk tours home occupation is within a low density residential neighborhood. As defined, it will not entail any site or exterior building changes and will not adversely impact the character of the area. If the tarot reading activity attracts dozens of

people to the residence, it has the potential to alter the character of the area. The applicant has defined that none of the readings are done in the home; they occur off-site at businesses or at other people's residences. **Affirmative finding.**

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

As presented, the activities of the ghost walk tours portion of the home occupation are generally office-related; computer use and document printing. Similarly, web site management of the tarot card reading business occurs in the home office. There are no identified impacts that require mitigation. **Affirmative finding.**

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

29 Home Avenue is within a neighbor with associated network of transportation systems.

Sidewalks and paved roads currently serve all homes and businesses in the immediate area.

No customers will come to the residence for the tours or tarot card reading. The principle and dominant use will be that of a single family residence. **Affirmative finding.**

and

5. *The utilization of renewable energy resources;*

There is nothing within the application that would prevent the use of solar, wind, water, geothermal or other renewable energy resource. **Affirmative finding.**

and

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

The applicant is cautioned against off-premises signs for the Home Occupation, which is specifically prohibited by Section 7.1.4, except where allowed by Section 7.1.7. (b):

Sec. 7.1.7 Off-Premise Signs

Off-premise signs shall not be permitted with the following exceptions:

*(b) Temporary non-illuminated signs directing persons to **temporary** exhibits, shows or **events** provided:* 1. *The size of such sign does not exceed twelve (12) square feet in area; and,*
2. *Such signs are not posted earlier than two (2) weeks prior to the event and are removed within three (3) days after the event. **Affirmative finding as conditioned.***

(c) Conditions of Approval

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

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

None identified. **Affirmative finding.**

2. *Time limits for construction.*

No construction is proposed. Not applicable.

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

The home occupation will largely be limited to office type activities within the dwelling. The Ghost Tours and card reading are conducted off-site and seasonally. **Affirmative finding.**



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

If there is an expansion in the Conditional Use, the applicant will be required to turn to the DRB for further review under the regulations in effect at that time. **Affirmative finding as conditioned.**

and

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

Web information for the ghostwalk tours includes information about ghost rides in Winooski and Burlington. It is not clear if additional review may be required for the hire of a vehicle for commercial purposes.

Any and all additional performance measures are at the discretion of the DRB. **Affirmative finding if conditioned.**

Article 4: Maps & Districts

Sec. 4.4.5, Residential District

(a) Purpose

(1.) Residential Low Density (RL)

The proposed home occupation will take place within the RL zone. This zone is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. The Home Occupation, as proposed, will not change the character of the area as activities within the residence are office-like in nature. Tours and card readings will be conducted off-site and around various parts of the city. **Affirmative finding.**

(b) Dimensional Standards & Density

Not applicable.

(c) Permitted & Conditional Uses

The Home Occupation, with a vehicle with commercial identification, requires conditional use review. See Section 3.5.6, above.

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Section 5.4.6, Home Occupations

(b) Conditional Use Review:

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

The home occupation will be conducted by two resident occupants. The only portion of the home occupation that occurs on-site is office associated; website maintenance and occasional printing of materials. The minimal amount of related administrative work will take place within a family room of the existing dwelling. **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 office area of the home occupation is estimated to be approximately 5' x 8' (40 sf); far less than the 35% floor area maximum within the 1864 sf. single family residence which would be 652 sf. . **Affirmative finding.**

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

The home occupation does not result in a change to the fire rating of the structure. No modifications to the existing single family home are proposed. **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. A commercially painted vehicle parks in the driveway, however, which requires the Conditional Use review. **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.

No customers will come to the residence for the ghostwalk tours or for tarot card reading. The Home Occupation will largely be conducted off-site, as the focus is on leading ghostwalks around the city, with a seasonal change to the card reading activity. **Affirmative finding.**

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. All skeletons will remain in closets. **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. The only evidence of the home occupation will be the commercially painted private vehicle in the driveway. **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 either 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.

Ticket sales are arranged through FlynnTix. No customers will come to the residence, and the home occupation will not include the sale of any goods. **Affirmative finding.**

Article 8: Parking

There is adequate parking for the existing single family residence. The Home Occupation, as proposed, will not generate any additional traffic to the premises, so no additional parking spaces are required for this application. **Affirmative finding.**

II. Conditions of Approval

- 1) If there is an expansion or alteration to the home occupation, the applicant will be required to return to the DRB for further review under the regulations in effect at that time.
- 2) Off-site signage shall be prohibited, unless meeting the following exemption:

Section 7.1.7 Off-Premise Signs

Off-premise signs shall not be permitted with the following exceptions:

*(b) Temporary non-illuminated signs directing persons to **temporary** exhibits, shows or **events** provided: 1. The size of such sign does not exceed twelve (12) square feet in area; and, 2. Such signs are not posted earlier than two (2) weeks prior to the event and are removed within three (3) days after the event.*

- 3) The applicant is responsible for complying with all representations disclosed on the Home Occupation Questionnaire.
- 4) The applicant is required to determine if the transport of customers in a personal vehicle for commercial purposes requires any additional licensing or approval.
- 5) Standard permit conditions 1-15.

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



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OCT 16 2015

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: Queen City Ghostwalk

Type of Business Proposed: Tour Business

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: 2 Others 0 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:
Our business is a walking tour, so the only business conducted in the home is website maintenance and occasional printing of materials.
3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation:
No alterations are necessary to the home for this business.
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).
A portion of the family room with a desk, computer and printer are used for the business. The floor area used for this set-up is 5' x 8'.
5. Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activity:
Computer and printer are the only equipment needed.
6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored:
There are no displays. The only materials stored are printer paper and a box of buttons used for admission to the walks. These all fit in the desk.

PLEASE TURN OVER

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OCT 16 2015

DEPARTMENT OF
PLANNING & ZONING

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: _____
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?
1 Company car will be parked in the driveway.
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? None, just driveway
Where will they be located? Indicate parking spaces on a site plan of this property as part of your application submission.
12. Is your proposed Home Occupation in conformance with the conditions, covenants and restrictions pertaining to your property? Yes ☒ 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: Rogin Northey Lewis

Date: 10/12/15

Property Owner's Signature: Rogin Northey Lewis

Date: 10/12/15

Department of Planning and Zoning : Home Office

ACTIVITIES INVOLVED:

Script writing, tour scheduling, ad planning, and reservation coordination
(Reservations are handled directly in the form of ticket sales through the Flynn Theater, they report to us. NO ONSITE TICKET SALES.)

Location of workspace and supplies:

In the downstairs room indicated in site records as 4th bedroom:

Desk and one desktop computer

File storage cabinet

Ink jet Printer

Storage racks for portable audio equipment and printer paper, mailing supplies, buttons for tour guests, and costume hats.

Area used: Approximately 48 square feet of floor space

In garage:

Two garment racks holding costumes. Two skeletons.

Area used: Approximately 35 square feet of floor space

ADDITIONAL EQUIPMENT

There is no special or unusual equipment necessary for this business.

SIGNAGE: There are no signs on our residence, only a house number.

PARKING:

No customers seen in home office, no products or services provided as part of Home Occupation activities. Home office only.

There are two vehicles parked in our driveway. One has our business logo on the doors. The vehicle, a 2009 Toyota Matrix, is used for picking up office supplies like paper and ink cartridges, but is primarily a family vehicle.

Mary O'Neil

From: Queen City Ghostwalk <queencityghostwalk@gmail.com>
Sent: Tuesday, November 17, 2015 1:53 PM
To: Mary O'Neil
Subject: Re: zoning application for home occupation

Mary,
Queen City Tarot is under the umbrella of Queen City Ghostwalk, just a winter offering we provide.
None of the readings are done in our home. They are done off site at businesses or other people's homes, or venues they arrange.
We just use a different site and Facebook page for advertising.
There is a folder on my computer allocated to the few sessions I do a year.
Please let me know if you need any more information.
Thank you!
Thea
Sent from my iPhone

On Nov 17, 2015, at 11:31 AM, Mary O'Neil <MCOneil@burlingtonvt.gov> wrote:

Good morning,
I am the project manager assigned to your application for a home occupation for the ghostwalk tours at 29 Home Avenue.
While doing review, it has become apparent that there is a secondary activity:
See:
<http://www.queencitytarot.com/Booking.html>.

Can you tell me please is the tarot reading occurring at the 29 Home Avenue location, or off-site? The web site says participants number "from twenty to two thousand." Where are these events held? Is there any other portion of the residence that is dedicated to this activity, other than the desk/computer area?

Thanks for your assistance.

<image001.png>

Mary O'Neil, AICP
Senior Planner
Coordinator, Certified Local Government Program
mconeil@burlingtonvt.gov
802.865.7188 office
802.865.7556 direct
802.865.7195 fax

**** Please note that this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act.**

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Senior Planner
Date: December 1, 2015
RE: ZP16-0463CA, 203 Elmwood Avenue

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File: ZP16-0463CA

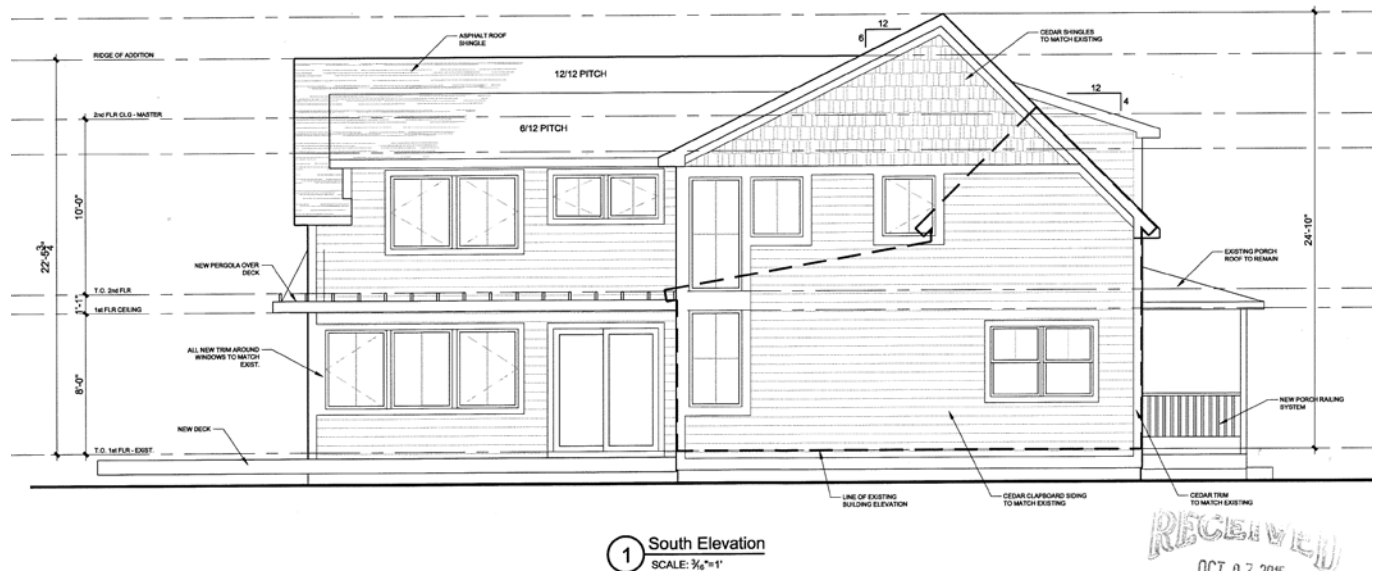
Location: 203 Elmwood Avenue

Zone: RM **Ward:** 3C

Date application accepted: October 7, 2015

Applicant/ Owner: Griffin Allen, designer / Shannon Reilly

Request: 17' x 21' rear addition, expansion of 2nd floor of existing single family house.



Background:

- o Non-Applicability of Zoning Permit Requirements 16-0211NA, remodel bathroom, add bathroom, open up walls in downstairs and upstairs. August 2015.
- o Zoning Permit 06-448CA; Add second floor bedroom and bathroom addition and gable dormer to front of house. Denied, May 2006. (Heard by the Design Advisory Board January 31, 2006. Proposal was tabled for applicant to submit revised plans.

Applicant indicated he would not continue to pursue any zoning permit application. No written withdrawal letter was submitted, project was denied.)

- o Non-Applicability of Zoning Permit Requirements, repairing plywood underlay under porch roof, composition shingle, replacing with same materials. April 2005.
- o Zoning Permit 99-501; enlarge rear deck to an overall size of 10' x 22'. May 1999.
- o Zoning Permit 98-024; reside existing single family home with 5" reveal cedar shingles, includes in-kind trim repair. July 1997.

Overview: The applicant wishes to substantially enlarge the existing single family home on a lot 3689 sf. in size. Work had commenced without permits; the interior has been gutted and the front porch removed.

The **Design Advisory Board** reviewed the application at their October 27, 2015 meeting, and voted 3-1 to recommend approval, noting that it is not likely that the current building would meet life safety requirements. The DAB did not make a determination about historic eligibility.

Recommendation: If it is determined that the development is not subject to the standards of Section 5.4.8, than **approval** is recommended. If Section 5.4.8 applies due to historic eligibility, than a recommendation for **denial** follows.

I. Findings

Article 4: Zoning Maps and Districts

Section 4.4.5

(a) 1. Residential Medium Density (RM) district *is intended primarily for medium density residential development in the form of single detached dwellings and attached multi-family apartments.*

A single detached dwelling is proposed. **Affirmative finding.**

(a) Dimensional Standards and Density

Table 4.4.5-1 Minimum Lot Size and Frontage

203 Elmwood Avenue has a lot size of 3,689 sf and street frontage of 34'. There is no minimum lot size in RM; the minimum required frontage is 30'. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

Medium density 20 units/acre. Proposed units: $1 / (3689 \text{ lot size} / 43560 \text{ acre})$ or $1 / .0846 = 11.82$, which is < 20 unit per acre limitation. The proposal complies with base residential density of the zoning district. Please note that under this ordinance, the property cannot be a duplex. $(2/.0846 = 23.64)$, which is $>$ than the 20 unit per acre limitation. **Affirmative finding.**

Table 4.4.5-3 Residential District Dimensional Standards

Zoning District	Max. Lot Coverage	Setbacks		
		Front	Side	Rear

RM	40%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20'	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Height: 35-feet
203 Elmwood	34.5% existing; 47.70% proposed. Utilizes 10% bonus provision.	Same as existing.	Close to 0 at north setback, 5' at addition.	37', greater than required 25% lot depth of 27'1.5"	Approx.. 25' to midline of the rise of the ridge.

Affirmative finding.

(b) Permitted and Conditional Uses

A single family detached dwelling is a permitted use in the RM zoning district. **Affirmative finding.**

(c) District Specific Regulations

1. *Setbacks*

No setback encroachment for a residential driveway or any encroachment into the waterfront setback is sought. Not applicable.

2. *Height*

No height exception is proposed or sought. Not applicable.

3. *Lot Coverage*

With the inclusion of 2 open porches and a rear deck, the coverage increases to 47.7%; allowable under the 10% bonus provision for open amenities within this standard. **Affirmative finding.**

4. *Accessory Residential Structures and Uses*

No accessory structures or uses are proposed. Not applicable.

5. *Residential Density*

B. Additions to Existing Residential Structures

No request for an addition to an existing structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form.

The applicant has not requested an additional residential unit; as noted above the small lot size will not support another residential unit per residential density standards. **Affirmative finding as conditioned.**

C. Residential Occupancy Limits

The occupancy of the dwelling unit is limited to members of a family as defined in Article 13. Any divergence from the limitations of functional family and occupancy of more than four unrelated adults is subject to Conditional Use Review and approval by the DRB.

Affirmative finding as conditioned.

6. *Uses*

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

7. *Residential Development Bonuses*

No development bonuses are included or sought. Not applicable.

Article 5: Citywide General Standards

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

The parcel is not greater than 2 acres. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7 Density and Intensity of Development Calculations

See Section 4.4.5-2, above. **Affirmative finding.**

Sec. 5.4.8 Historic Buildings and Sites

(a) Applicability:

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

As such, a building or site may be found to be eligible for listing on the state or national register of historic places and subject to the provisions of this section if all of the following conditions are present:

1. *The building is 50 years old or older;*

203 Elmwood appears on the 1912 Sanborn Fire Insurance Map of Burlington; therefore greater than 50 years old.

2. *The building or site is deemed to possess significance in illustrating or interpreting the heritage of the City, state or nation in history, architecture, archeology, technology and culture because one or more of the following conditions is present:*

- A. *Association with events that have made a significant contribution to the broad patterns of history; or,*

- B. *Association with the lives of persons significant in the past; or,*

- C. *Embodiment of distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant or distinguishable entity whose components may lack individual distinction; or,*

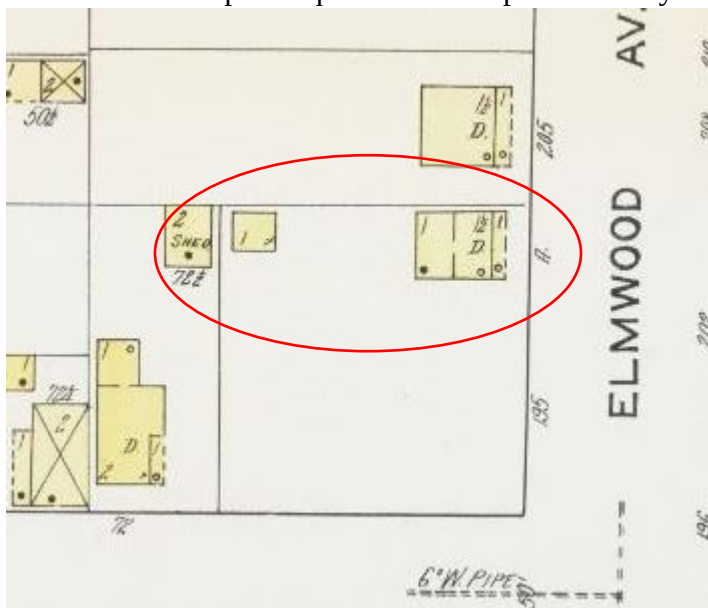
D. Maintenance of an exceptionally high degree of integrity, original site orientation and virtually all character defining elements intact; or,

E. Yielding, or may be likely to yield, information important to prehistory; and,

3. The building or site possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association

203 Elmwood Avenue is not listed on the state or National Register of Historic Places. The DRB is invited to assess its eligibility, as the standards apply to those buildings eligible for historic designation equally.

203 Elmwood Avenue first appears on the Sanborn Maps of Burlington in 1912; a single family home with a footprint equal to what is present today. The one story accessory building on the



Sanborn Insurance Map of Burlington, 1912 (detail)

west of the lot is no longer present. As the building is greater than 50 years old, it retains its integrity of location, materials, design, setting, workmanship, feeling, and association. Consistent with criterion “C” and reflecting the broader patterns of development in the North End, the building embodies distinctive characteristics of a type, period or method of construction and represents a significant and distinguishable entity whose components may lack individual distinction.

The DAB did not find agreement on whether 203 Elmwood Avenue is eligible for historic designation, but offered a recommendation based on a

standard of assumed noncompliance of current building code. **If the DRB finds the building eligible for historic designation consistent with the above standards, then the following apply:**

(b) *Standards and Guidelines:*

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

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

The property was and continues to be residential. **Affirmative finding.**

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

The proposal is to significantly alter the massing and spatial relationships that characterize the property. If approved, the character of the property relative to its modest size and scale will be irreparably altered. **Adverse finding.**

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

If determined to be of some historic merit, the raised roof, shed dormer, corner windows on the main structure and larger massing will be inconsistent with its existing character. **Adverse finding.**

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

None identified. The site and building are historically intact, with the exception of the lost accessory building. **Affirmative finding.**

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

The building retains its very unassuming character with wood clapboard, entry porch with turned posts and balustered porch railings, and steeply pitched eaves front gable roof. A zoning application in 2006 to alter the roofline with the addition of a front dormer was discouraged by the Design Advisory Board recommending a redesign. The applicant chose not to continue the review.

While very understated, the simply plan is proposed to be significantly altered so as to completely eliminate the character of the original. **Adverse finding.**

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

New siding is proposed to match existing clapboards; accent shingle siding is suggested for the rear addition. The plan for the replacement front porch suggests square posts with no balusters. This is inconsistent with existing, but may not reflect fully developed plans. If there is documentary evidence that demonstrates the abbreviated porch features, the porch may be so designed. As the building design has little retention of the existing features and materials, an **Adverse Finding** is found.

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

The front porch has been removed prior to application. The owner has been advised to seek required zoning and trades permits before continuing with any additional work. **Adverse finding.**

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

None identified. If any archaeological resources are discovered during construction, authorities shall be contacted for appropriate disposition. **Affirmative finding as conditioned.**

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

If 203 Elmwood Avenue is determined to be historically eligible, then the addition proposed will significantly alter the original character of the structure; destroying spatial relationships with an addition that raises the main roof, changes the roof pitch, adds a shed dormer to the primary façade, rearranges fenestration, and adds a front porch abbreviated in design and inconsistent with the existing plan. Without question, the integrity of the scale, design, and character of 203 will be irreversibly altered. **Adverse finding.**

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

As the primary endeavor in the addition is to raise and alter the roof of the principle structure, the development may be determined to be irreversible. The plan will impair the existing character and feeling of 203 Elmwood Avenue, removing the historic integrity of the structure. **Adverse finding.**

Section 5.4.9 Brownfield Remediation

Not applicable.

Section 5.5.1 Nuisance Regulations

None identified. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

Plans indicate six small LED wall lanterns at building entrances. As proposed, they are residential in scale and illumination. **Affirmative finding.**

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control plan has not been prepared and submitted for review by the Stormwater Engineering team. Although the addition itself is less than the 400 sf. threshold (16' x 21' = 336 sf.), the likelihood of removing the existing single story rear addition

and the need for heavy equipment on site during construction would push the area of disturbance over that benchmark. The Stormwater engineering team has requested an EPSC.

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 at least two large trees in the backyard, identified for retention. Another is proposed to be relocated, another next to the driveway removed. **Affirmative finding.**

(b) Topographical Alterations:

The submission does not include any site modification. The yard is flat. The proposed addition is partly located where a deck is now located. **Affirmative finding.**

(c) Protection of Important Public Views:

There are no protected public views from this private parcel. Not applicable.

(d) Protection of Important Cultural Resources:

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

203 Elmwood Avenue is not listed on the state or National Register of Historic Places; however The DRB is invited to consider its eligibility. See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

No information has been submitted about the potential use of wind, water, solar, geothermal or other renewable energy resource. No part of the application would preclude such utility.

Affirmative finding.

(f) Brownfield Sites:

None identified. Not applicable.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site

disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

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

As more than 400 sq. feet of earth will be disturbed between the new rear addition and the likely removal of the existing single story addition, an Erosion Prevention and Sediment Control Plan (EPSC) will be required, with approval by the stormwater engineer.

A front porch is proposed to be rebuilt, and the southerly entrance will have a partial (pergola) cover to provide shade. Both will offer a welcoming entry with some shelter from sun, rain and snow. **Affirmative finding as conditioned.**

(h) Building Location and Orientation:

The building will continue to front the public street; the addition is placed in a typical arrangement behind the existing structure. **Affirmative finding.**

(i) Vehicular Access:

Vehicular access will remain as existing; south of the structure and parallel to the south property line. **Affirmative finding.**

(j) Pedestrian Access:

A small walkway leads from the public sidewalk to the principle entry. The south porch will be accessed from the driveway. The DAB reasoned that the close proximity to the driveway precluded the need for a walkway between driveway and south porch. **Affirmative finding.**

(k) Accessibility for the Handicapped:

Handicap access is not a requirement for a single family residence; Vermont “visitability” standards may apply. The building inspector has jurisdiction for ADA standards. **Affirmative finding.**

(l) Parking and Circulation:

Two parking spaces are required for the single family home in the Shared Use parking district. The parking plan as illustrated would provide those 2 spaces (although the scale appears to be incorrect in plan A1.0, or the cars undersized.) The coverage must reflect the dimensions of a parking space, however; not just the “tire tracks”. **Affirmative finding as conditioned.**

(m) Landscaping and Fences:

An abbreviated landscaping plan has been provided, indicating retention of some backyard trees and some unidentified shrubs. If a stone bed is proposed for the front landscaped area, a revision of the coverage calculation will be necessary to include new coverage. **Affirmative finding as conditioned.**

(n) Public Plazas and Open Space:

No public plazas or open space are required for expansion of a single family home. Not applicable.

(o) Outdoor Lighting:

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

The application includes a spec sheet for a residential LED wall lantern, to be installed at building entrances. As proposed, it is residential in illumination. **Affirmative finding.**

(p) Integrate infrastructure into the design:

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

Utility meters, HVAC equipment, mailboxes, and similar structures will need to be illustrated on elevations and/or site plans as appropriate to determine the need for screening.

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

The applicant has suggested locating trash containers near the back porch, providing easy access for rolling to the curb on recycling day. As there are no outbuildings on the property, and this location would not be visible from the street, it may be acceptable if trash is contained and not open to blowing. The location should be identified on a revised site plan. **Affirmative finding as conditioned.**

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

No external HVAC or other machinery has been identified within the submission materials. If proposed, they will need to be included on plans to assess for appropriateness and the need for any 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:

While architectural styles or materials may vary within a streetscape, proposed development shall maintain an overall scale similar to that of surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.

In low and medium density residential districts, the height and massing of existing residential buildings is the most important consideration when evaluating the compatibility of additions and infill development.

Buildings should maintain consistent massing and perceived building height at the street level, regardless of the overall bulk or height of the building. Buildings should maintain a relationship to the human scale through the use of architectural elements, variations of proportions and materials, and surface articulations. Large expanses of undifferentiated building wall along the public street or sidewalk shall be avoided. The apparent mass and scale of buildings shall be broken into smaller parts by articulating separate volumes reflecting existing patterns in the streetscape, and should be proportioned to appear more vertical than horizontal in order to avoid monotonous repetition. (See also (d) Provide an active and inviting street edge below.)

203 Elmwood Avenue is an extremely modest structure, barely 12' x' 23' at its core footprint with a rear one floor addition of 14' x 23'. Elmwood Avenue has a range of building mass, from the one story 222 Elmwood Avenue (Gadue's building) to the four story residential structure at 184 Elmwood. (This example is the outlier, as it was moved to the site to allow construction of the H.O. Wheeler School.) 203 Elmwood is similar in scale to a handful of neighboring properties (211, 212, 225 Elmwood) that present a very low profile on the street, and among a group of residences 1 ½ -2 ½ stories along this block. This application proposes both to raise the roof of the original structure, alter the roof pitch, and to add a 2 story addition out the rear. In massing, height and scale, it proposes to be significantly enlarged from its present condition, but not inconsistent with other examples on the street. **Affirmative finding.**

2. Roofs and Rooflines.

A steeply pitched eaves front gable roof exists; the proposal will introduce a shed dormer on a front façade. The roof pitch will be altered accommodating the larger building volume. The compound shed/hip porch roof is proposed to be retained on the front. The porch is proposed to be rebuilt. **Affirmative finding.**

3. Building Openings

Single and paired double hung windows are evident on proposed elevations, with casements or sliders illustrated on corner locations and the rear addition. Window arrangement and style reflect a more modern aesthetic in the rear; a trend typical of new residential additions.

The south elevation drawing (A2.2) does not match the floor plan for the 2nd floor; plans need to be consistent. **Affirmative finding as conditioned.**

(b) Protection of Important Architectural Resources:

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

If determined to be eligible for historic designation, refer to Section 5.4.8.

(c) Protection of Important Public Views:

There are no protected public views from this private parcel. Not applicable.

(d) Provide an active and inviting street edge:

The replacement porch (and southerly rear pergola entrance) will provide respite from sun, rain and snow as well as a welcoming entry to the residence. **Affirmative finding.**

(e) Quality of materials:

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

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

Spec sheets for wood tilt-wash double hung and casement windows have been submitted. Entry doors are proposed to be fiberglass, with a patio slider of vinyl on the rear addition. Cedar clapboard and shingles are proposed for the body of the building, asphalt shingles for the roof. All sheathing materials considered to be reasonably durable. **Affirmative finding.**

(f) Reduce energy utilization:

The building will be required to meet all Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

No signs are proposed. Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

The building will be required to meet all energy efficiency standards, and any applicable building and life safety code as required by the building inspector. **Affirmative finding as conditioned.**

Article 8: Parking

Per Table 8.1.8-1, single family dwellings require 2 parking spaces in the Neighborhood Parking District. The integrated garage and driveway will provide all required parking for the use.

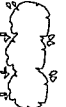
Affirmative finding.

II. Conditions of Approval

1. An EPSC and Stormwater Plan specific to this development will be required, subject to review and approval of the stormwater engineering staff.
2. Hours of construction are limited to Monday-Friday 7:30 am to 5:30 pm; Saturday construction hours are limited to interior work unless specific allowances are granted by the DRB.
Construction is not permitted on Sundays.
3. The location for snow storage will need to be identified.
4. Elevations and floor plans shall be consistent.
5. Utility connections, meters, HVAC equipment, mailboxes and similar accessory structures shall be illustrated on building elevations and/or site plan as appropriate to ascertain the need for screening.
6. Coverage calculations shall include parking for full size cars over the tire tracks. [Reflected on Plan A1.0, dated 10.16.2015.]
7. The location of trash and recycling facilities will need to be identified on revised plans.
8. If the structure is not determined to be eligible for historic designation, Section 5.4.8 (b) shall not apply.
9. If stones are proposed for the landscaped area in the front between the house and the sidewalk, this area shall now be calculated as coverage requiring a revised coverage calculation to be submitted.
10. Any approval for an addition does not imply or confirm any new residential units. The property remains a single family residence.
11. The occupancy of the dwelling unit is limited to members of a family as defined in Article 13. Any divergence from the limitations of functional family and occupancy of more than four unrelated adults is subject to Conditional Use Review and approval by the DRB.
12. The building will be required to meet all Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
13. Standard Permit Conditions 1-15.

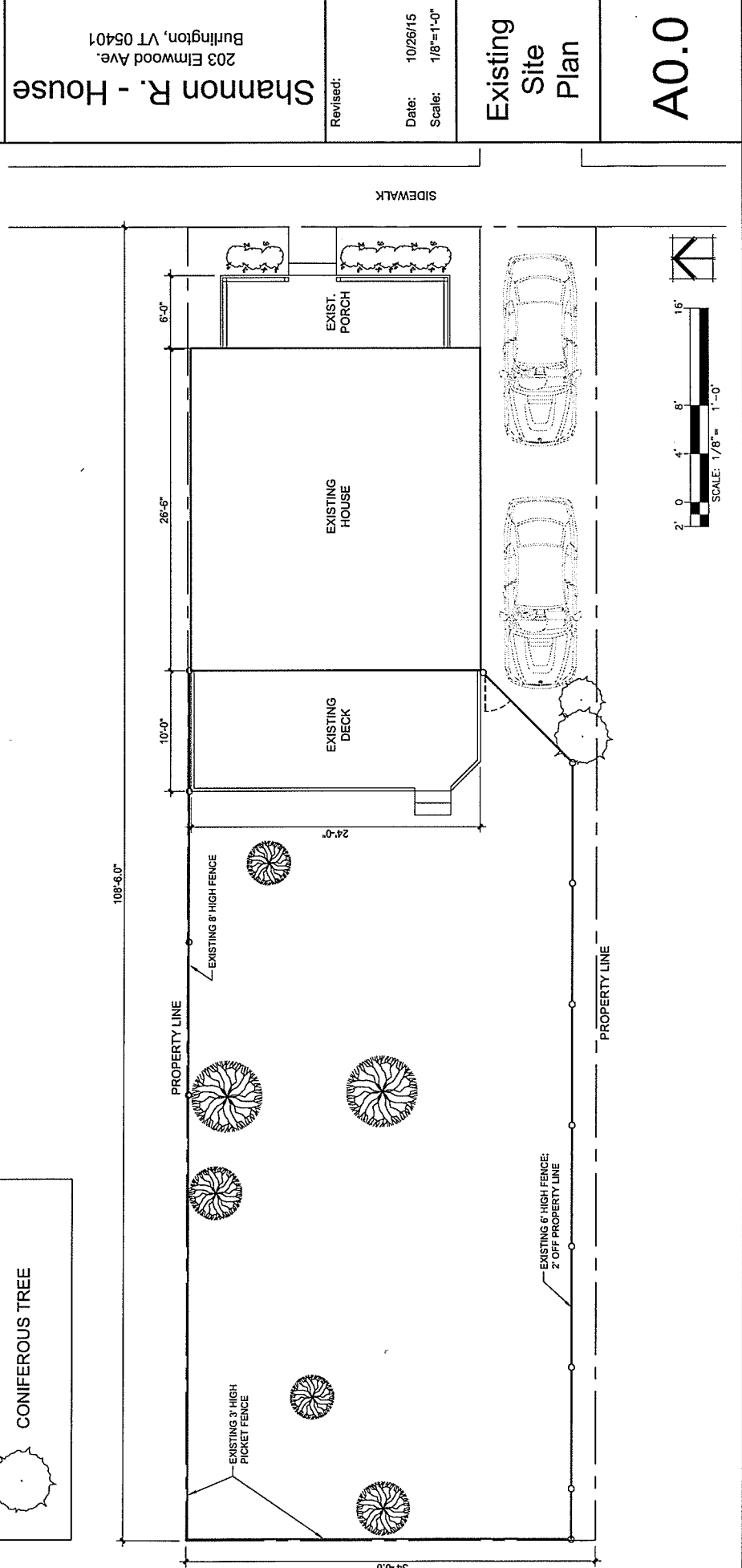
NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.

LEGEND:

SHRUB

DECIDUOUS TREE

CONIFEROUS TREE





LOCATION MAP: 203 ELMWOOD AVENUE

LOT COVERAGE CALCULATIONS:

ZONING: RM
LOT SIZE: 3,689 SF

ALLOWABLE:
LOT COVERAGE = 40% (1,476 SF)

PLUS ADDIT'L LOT COVERAGE* = 10% (369 SF)

TOTAL LOT COVERAGE ALLOWABLE = 1,845 SF

*ALLOWED PER SEC. 5.3.4 (b)

EXISTING:
HOUSE: 640 SF
GARAGE: N/A
DRIVEWAY: 264 SF
FRONT WALK: 16 SF

TOTAL: 920 SF

LOT COVERAGE = 24.9%

(FRONT PORCH: 113 SF
DECK: 240 SF)

PLUS ADDIT'L LOT COVERAGE* = 9.6%

PROPOSED:
HOUSE: 640 SF
HOUSE ADDITION: 336 SF
GARAGE: N/A
DRIVEWAY: 400 SF
FRONT WALK: 16 SF

TOTAL: 1392 SF

LOT COVERAGE = 37.7%

(FRONT PORCH: 113 SF
DECK: 255 SF)

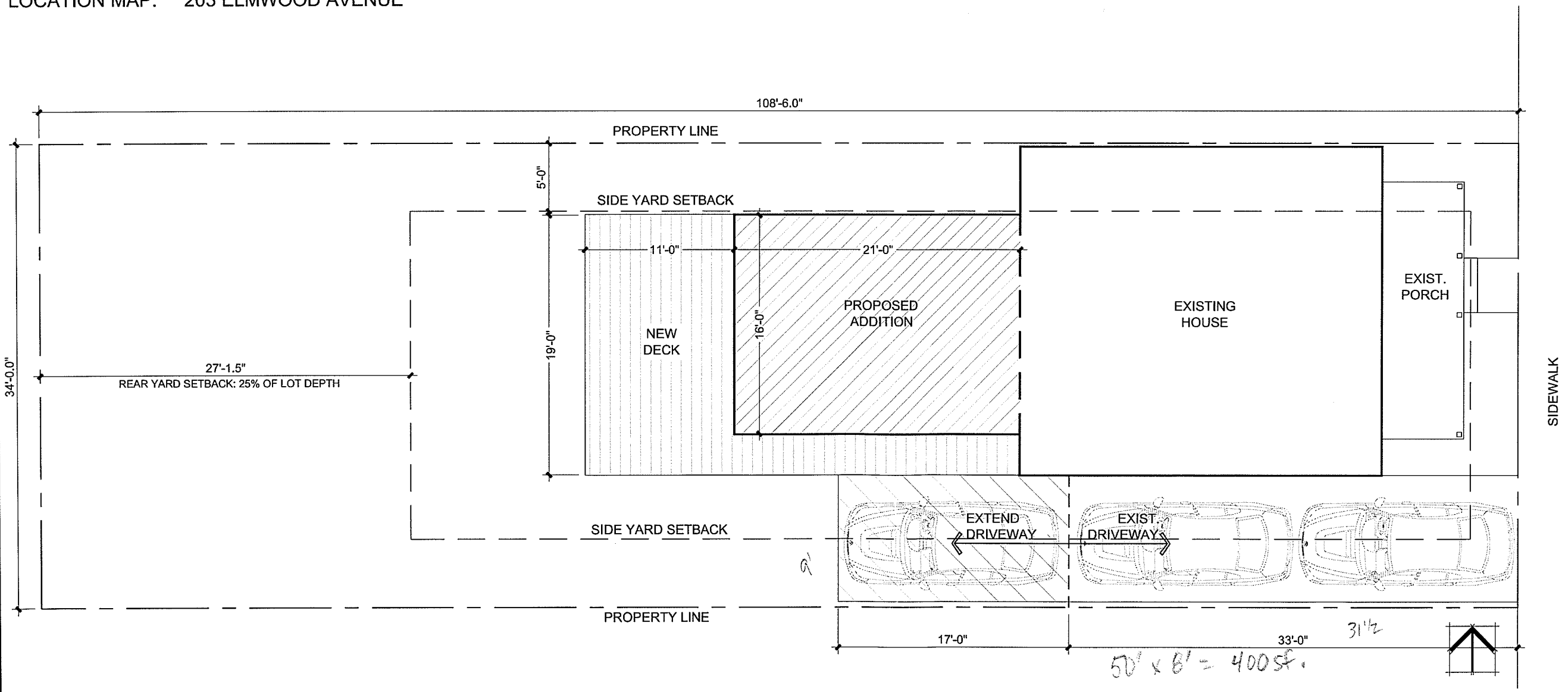
PLUS ADDIT'L LOT COVERAGE* = 10.0%

TOTAL LOT COVERAGE: 47.7%

RM

33' x 8'

1273 = 34.59%



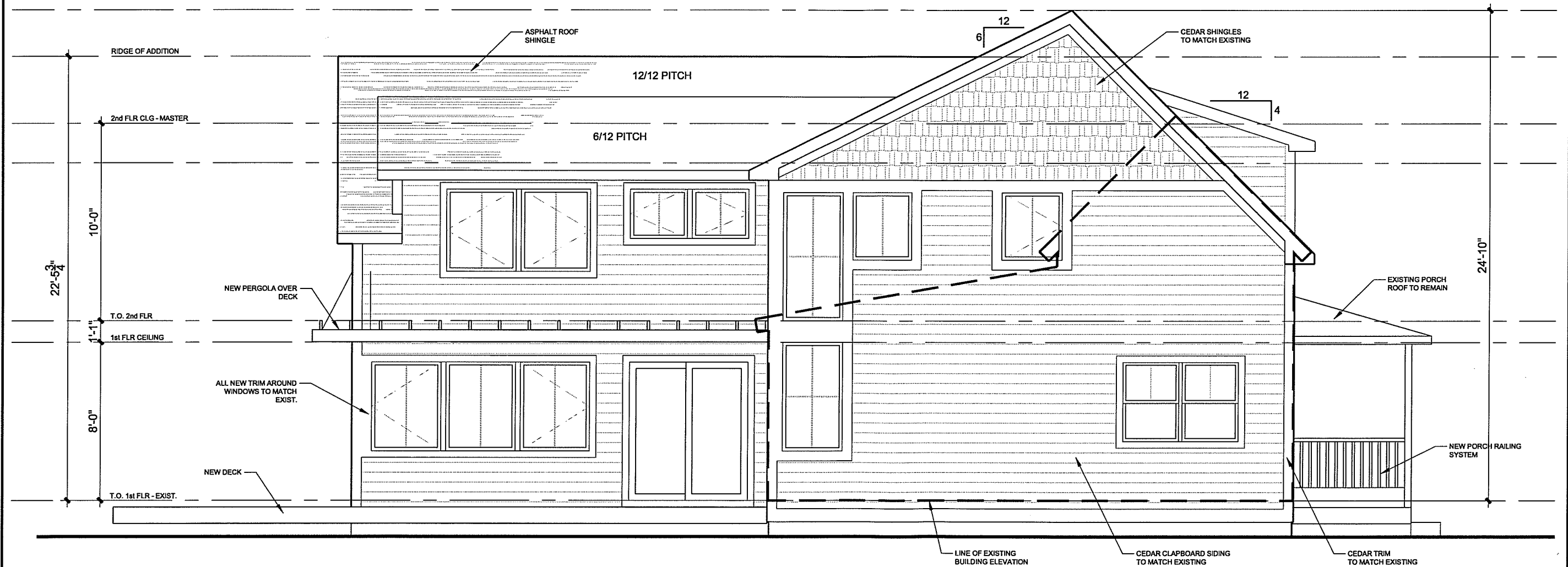
Shannon R. - House
203 Elmwood Ave.
Burlington, VT 05401

Revised:

Date: 10/16/15
Scale: 1/8"=1'-0"

Site Plan

A1.0



1 South Elevation
SCALE: $\frac{3}{16}$ "=1'

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NOT FOR CONSTRUCTION

Shannon R. - House

203 Elmwood Ave.
Burlington, VT 05404

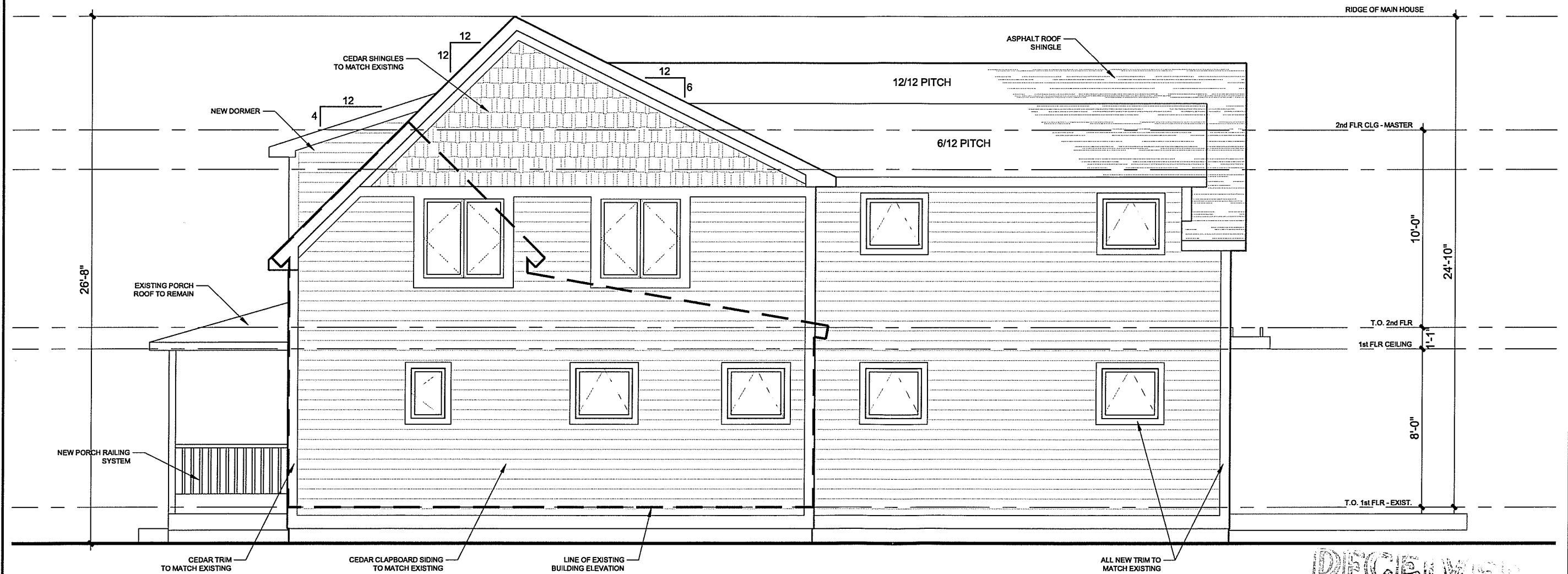
Revised:

Date: 10/

Scale: 3/16"

South
Elevation

A4.



1 North Elevation
SCALE: $\frac{3}{16}"=1'$

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Shannon R. - House

203 Elmwood Ave.
Burlington, VT 05404

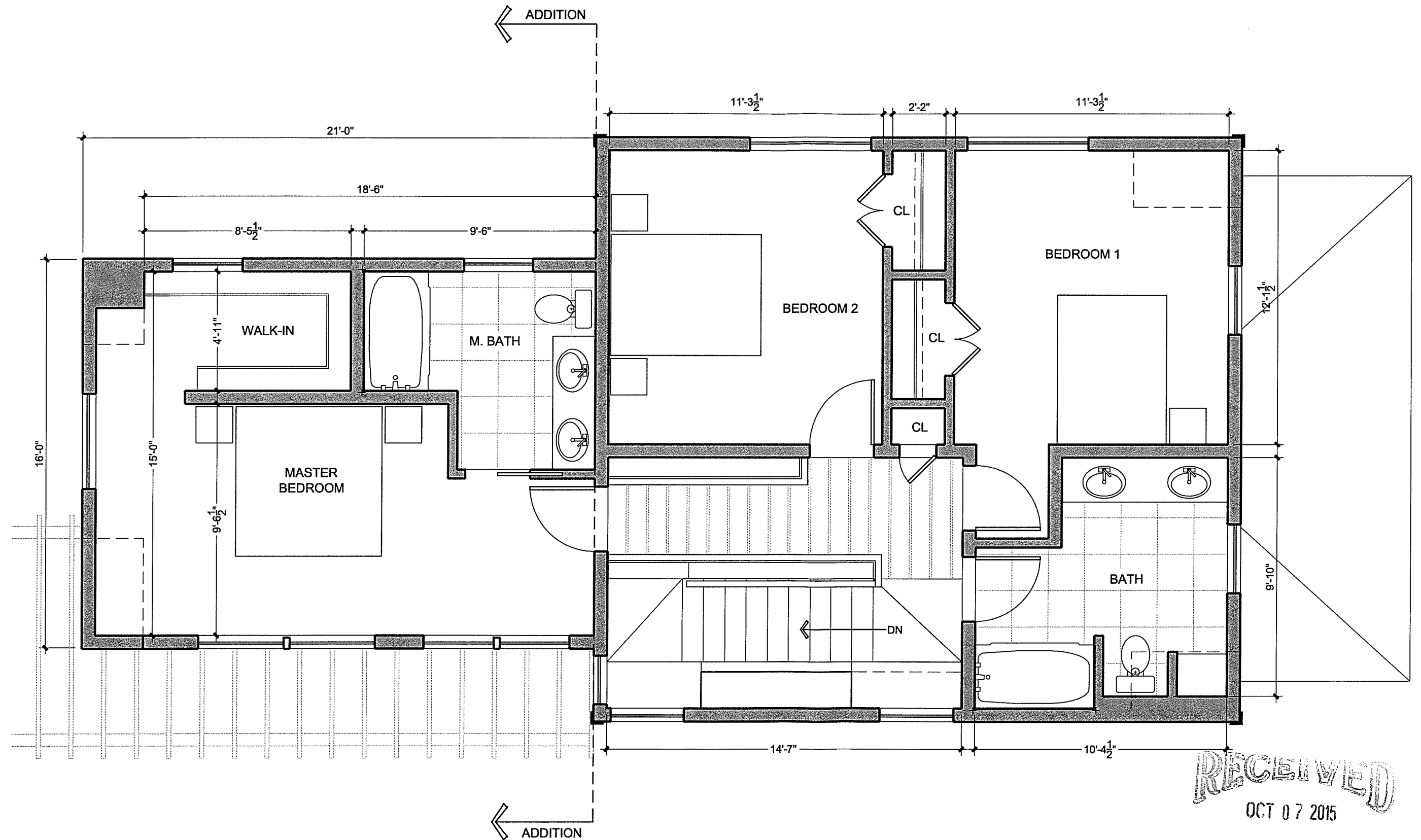
Revised:

Date: 10/

Scale: 3/16"

North
Elevation

A4.



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Shannon R. - House

203 Elmwood Ave.
Dunstable, VT 05834

Revised:

Date: 10/

Scale: 1/4" =

2nd Floor
Plan

A2.

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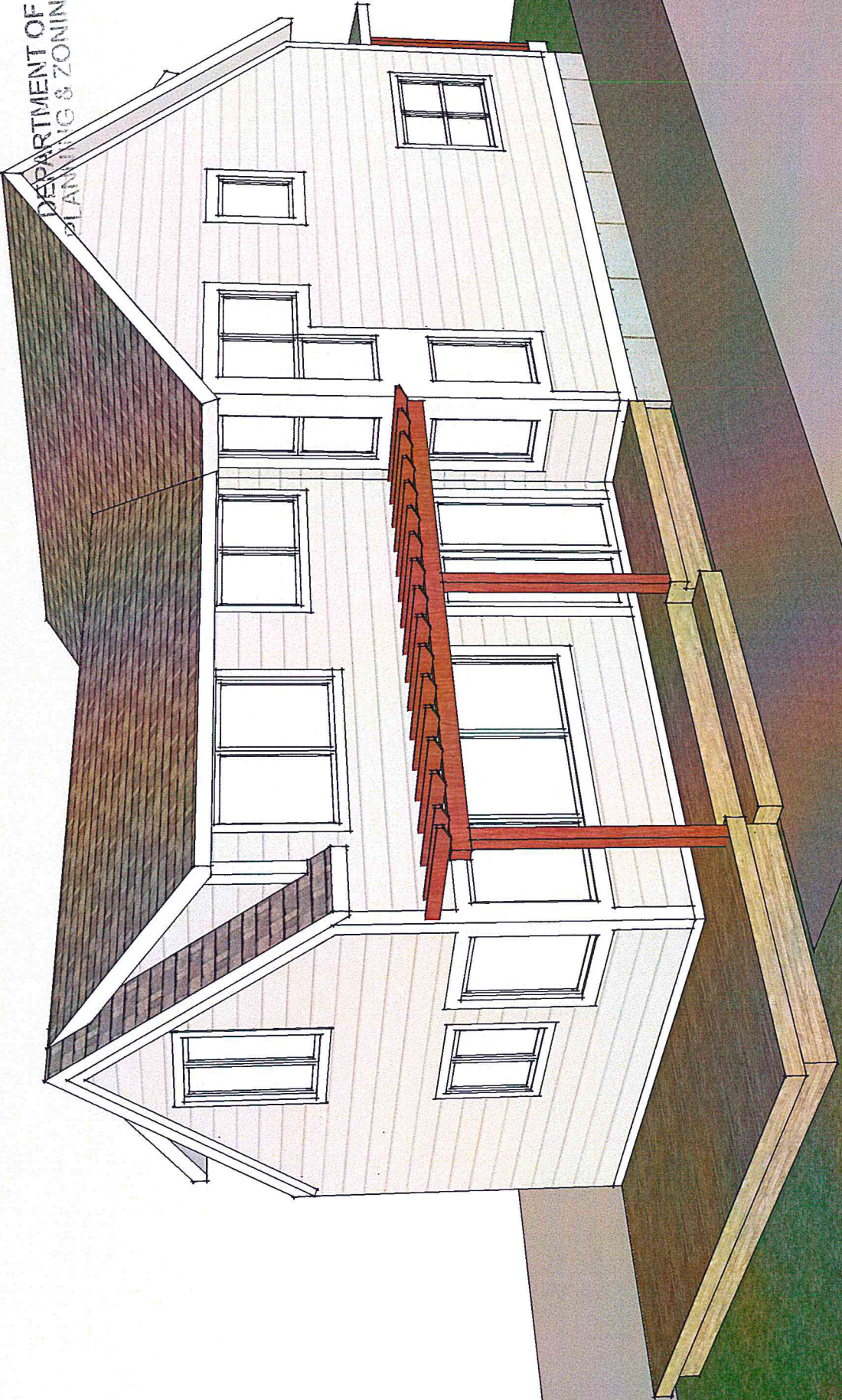
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10/10/2010

ACCENT GABLE
SHINGLES TO
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NEW TRIM TO MATCH HERE IN
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EXISTING HOUSE

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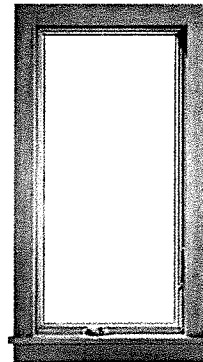
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[INTERIOR VIEW](#)[INTERIOR FINISH](#)[HARDWARE FINISH](#)[EXTERIOR COLOR](#)[EXTERIOR TRIM COLOR](#)[EXTERIOR TRIM PROFILE](#)

MAKE IT YOUR OWN

Your home is unique and deserves customized windows and doors to match. Share your vision using this easy step-by-step process, and together we'll design the perfect solution.

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[REQUEST A BROCHURE](#)[SHARE](#)[DESIGN A WINDOW](#)[OVERVIEW](#)[SIZES &
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ACCESSORIES](#)[PERFORMANCE](#)[INSTALLATION
& WARRANTY](#)[TECHNICAL
DOCUMENTS](#)

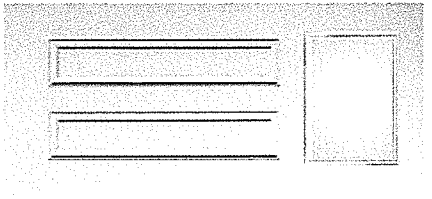
OVERVIEW

Casement windows are hinged on the side and open outward to the left or right, allowing you to catch breezes and direct the flow of fresh air into your home. Usually taller than they are wide, their entire sash opens to provide top-to-bottom ventilation. This also makes them a frequent choice for use as egress windows—ones that can be used as an emergency exit.

Andersen® 400 Series casement windows start with a design that is extremely energy efficient. Add to that a solid-wood sash covered inside and out by low maintenance Perma-Shield® cladding to protect against water damage. Then give them rich, natural pine interiors that create a perfect frame for art glass or grille patterns. It's easy to see why they have become our best-selling casement window of all time.

- Maximizes unobstructed view
- Seven exterior colors
- Natural pine or white interiors
- Energy efficient
- Dual-layer, compressible bulb weatherstripping seals out dust, wind and water
- Extensive hardware selection
- Single-actuation handle releases or secures all locking points with one easy motion
- Custom sizing available

Door Details



Get the look of fine painted wood and the strength of steel with a front door from the Smooth-Star® Entry Door Collection. It's an excellent value in a fiberglass entry door, made of rugged compression-molded fiberglass with deep detailed panels. This design creates beautiful shadows and contours on your door's surface.

This perfectly stylish yet rugged fiberglass front door resists the dents and dings from day-to-day traffic, and will never rust or corrode.

Fiberglass Entry Door Systems: Smooth-Star

About this entry door system

This entry door system is available with different features. The table below breaks down the various product options by size and available features. You should work with an authorized Thermo-Tru dealer and/or your builder to determine the best option for your home based on environment and region of the country.

Door

Craftsman Lite 2 Panel Style IDs	Available Sizes	Available Options
S601	2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	

Finish Option: Paintable

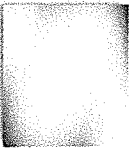


Installation
INSTRUCTIONS



Where to buy
Click to locate an authorized
Thermo-Tru dealer near you.

Clear Glass



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Clear Features
Our insulated clear glass doorlites are tempered and double-paned.
Grille:

Privacy Scale Rating *

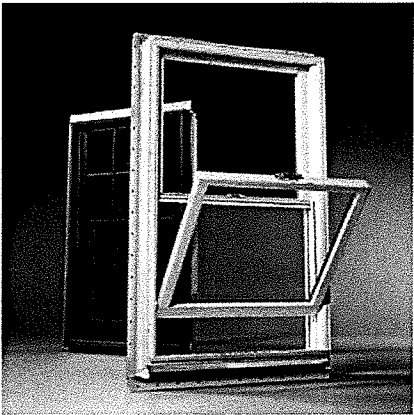


Simulated Divided Lites

*Note: Glass privacy ratings are determined by the 1/2 lite size glass. As a result, the amount of privacy/glass transparency may be more or less than indicated by the privacy rating, based on glass design and the size of the glass that's inserted into the door, side lite or transom. Glass design may differ from depiction due to size of glass. Please consult your Thermo-Tru dealer for more details.

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OCT 07 2015
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PLANNING & ZONING

400 SERIES TILT-WASH DOUBLE-HUNG WINDOW



- INTERIOR V
- INTERIOR F
- HARDWARE FI
- EXTERIOR CO
- EXTERIOR TRIM CO
- EXTERIOR TRIM PROF

MAKE IT YOUR OWN

Your home is unique and deserves customized windows and doors to match. Share your vision using this easy step-by-step process, and together we'll design the perfect solution.
START DESIGNING



REQUEST A BROCHURE SHARE + DESIGN A W

- OVERVIEW
- SIZES & SHAPES
- GLASS
- GRILLES
- HARDWARE & ACCESSORIES
- PERFORMANCE
- INSTALLATION & WARRANTY
- TECHNICAL DOCUMENTS

OVERVIEW

Double-hung windows have two sash in a single frame which slide up or down to provide ventilation. Because their sash remain flush with the wall while the window is open, they are a good choice for placement adjacent to patios, decks and walkways.

Our best-selling double-hung window, the Andersen® 400 Series tilt-wash double-hung window is extremely energy efficient and gives you a wide array of decorative and performance options, including Stormwatch® protection.

- Seven exterior colors
- Natural pine or white interiors
- Energy efficient
- Dual-layer, compressible bulb weatherstripping seals out dust, wind and water
- Variety of hardware styles and finishes
- Custom sizing available on replacement versions
- Tilting sash allows for easy cleaning

SLIDING DECK DOOR

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PREMIUM VINYL SLIDING PATIO DOOR

Like { 8 } **Pin It** **Share** **PRINT**

Price Range: \$ \$

Options
Model **All** ▼

Model **Exterior Sliding**

Grille Designs

No Grilles

Exterior Color Options

Options **Build & Installation** **Tech Documents**

Multiple colors and interior woodgrain finishes. Options include decorative grilles in stylish designs, textured, tinted or ENERGY STAR® qualified glass.

FEATURES

- **Color Options:** 10 exterior colors, 3 interior colors
- **Woodgrain Options:** cherry, light oak, dark oak interior
- **Glass Options:** energy efficient, protective, textured, tinted
- **Divided Lites:** simulated divided lites, grilles between the glass, blinds between the glass, 3 grille designs
- **Maintenance Level:** minimal
- **Project Type:** new construction and replacement



HAVE A QUESTION?
Our customer service team is happy to assist you

CONTACT US

- ENERGY STAR® Qualified Options: yes
- Warranty: limited lifetime

BROCHURES

 Brickmould Vinyl Windows & Patio Doors Features Sell Sheet

 Premium Vinyl Windows and Patio Doors

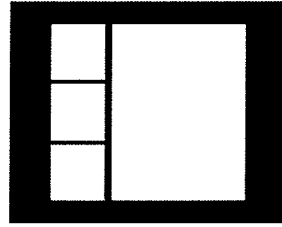
CARE & MAINTENANCE

 Care / Maintenance for Vinyl Windows & Patio Doors

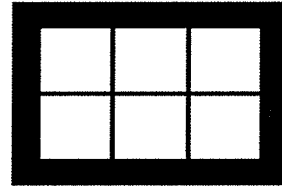
More Technical Documents

[BACK TO TOP](#)

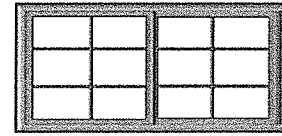
RELATED PRODUCTS



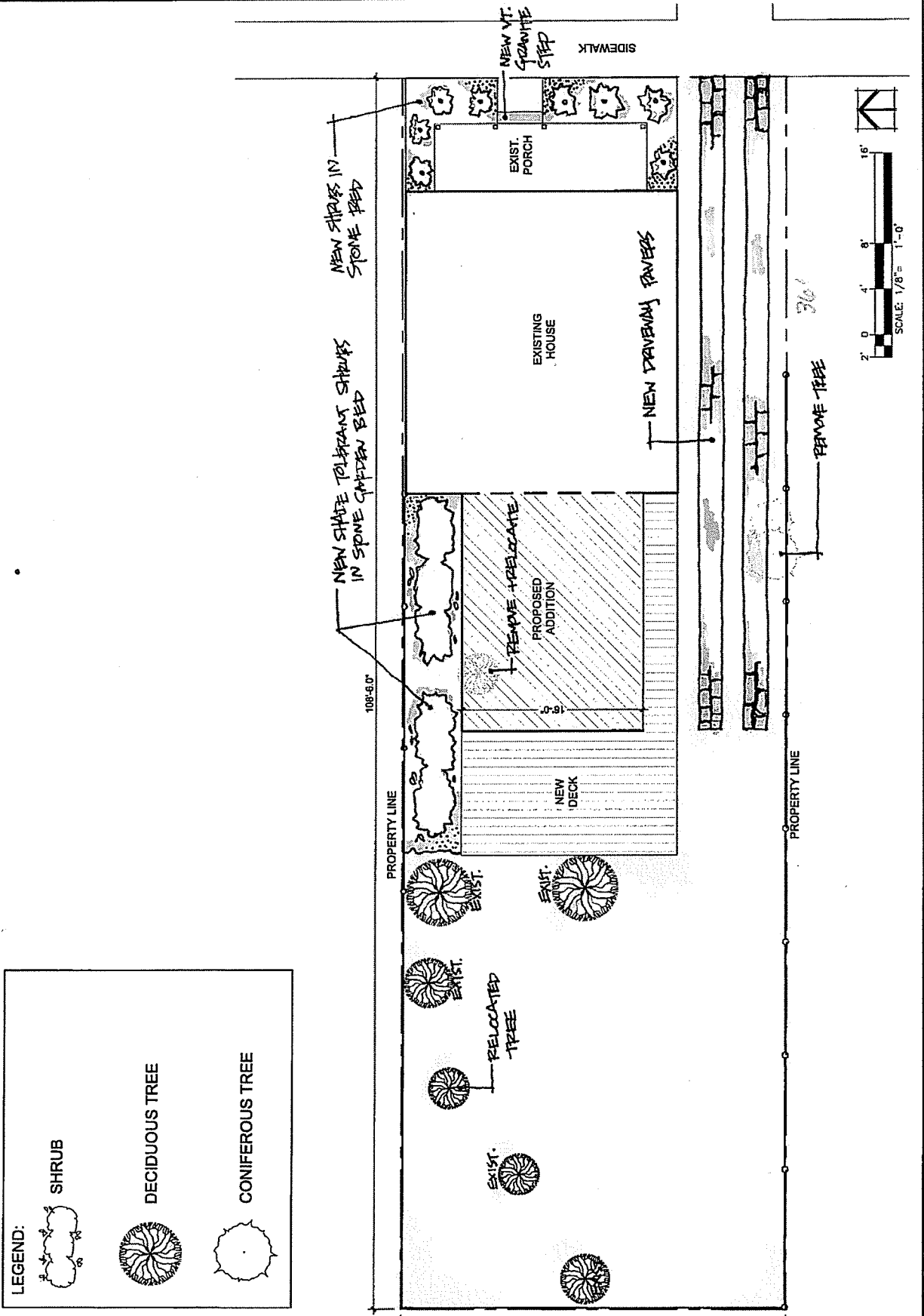
Premium Vinyl Awning Window



Premium Vinyl Casement Window

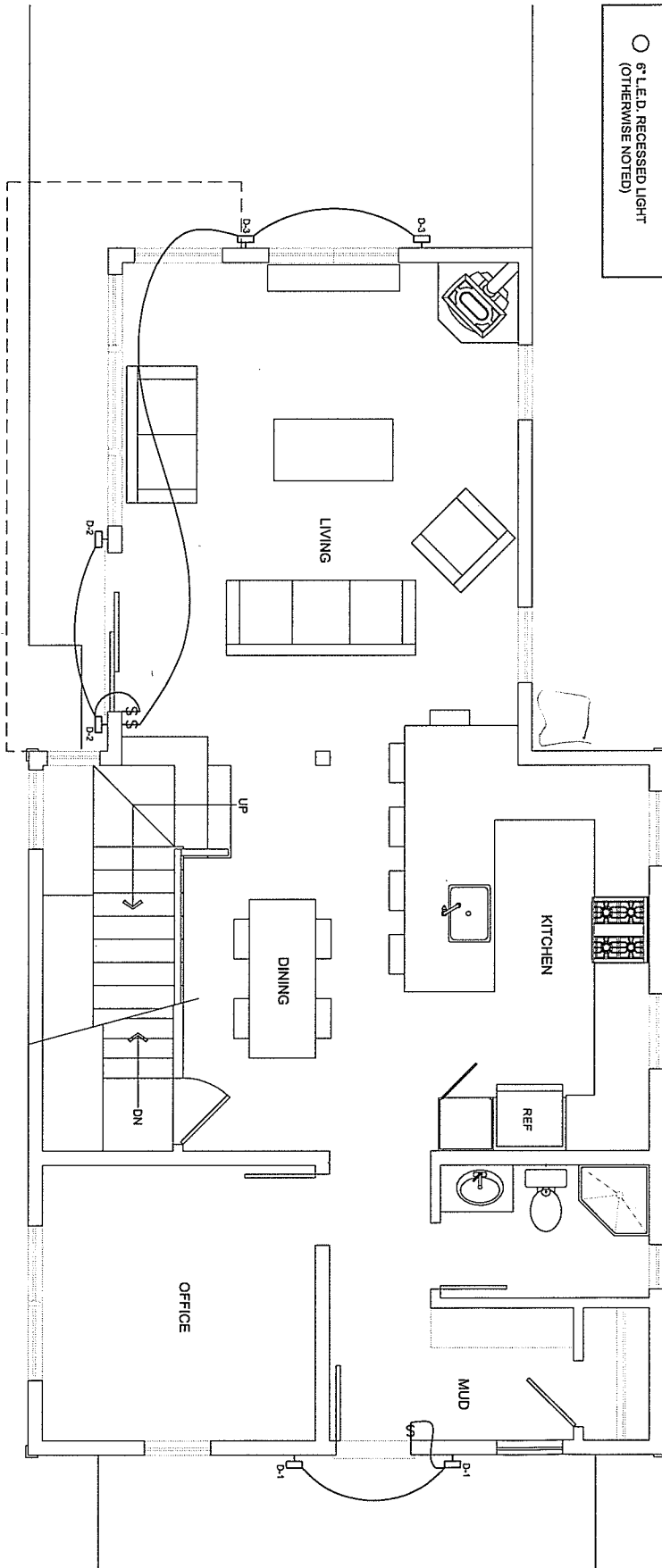


Premium Vinyl Double-Hung Window



ELECTRICAL SYMBOLS

- \$ SWITCH - TOGGLE STYLE
- \$^E SWITCH - EXISTING
- \$³ SWITCH - THREE WAY
- \$D SWITCH - w/ DIMMER
- DECORATIVE WALL FIXTURE (INSTALLATION)
- DECORATIVE CEILING FIXTURE (INSTALLATION)
- ⊕ DECORATIVE PENDANT (INSTALLATION)
- 6" L.E.D. RECESSED LIGHT (OTHERWISE NOTED)



NOT FOR CONSTRUCTION



Shannon R. - House

203 Elmwood Ave.
Burlington, VT 05401

Revised:

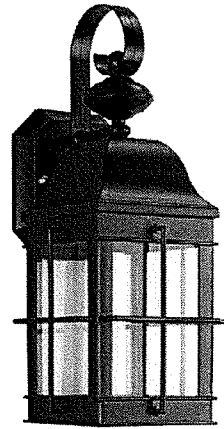
Date: 10/26/15
Scale: 1/4"=1'-0"

Exterior
Electrical
Plan

E2.1



8505891S-10: Small LED Wall Lantern



Dimensions:

Length:	6"	Bulb Type:	Array
Width:	6 3/4"	Watts:	12
Height:	15"	Watts Consumed:	12
		Lumens:	325
		Bulb Temp:	3000 °K
		CRI:	80

Features:

- This advanced LED technology is carefully designed and selected to consist of the highest quality LED chipsets for superior performance and reliability.

Material List:

1 Housing - Polycarbonate - Bronze

Safety Listing:

cUL Listed for Wet Locations

Collection: LED Wall Lanterns

UPC #:785652260636

Finish: Bronze (10)

Shipping Information:

Package Type	Product #	Quantity	UPC	Length	Width	Height	Cube	Weight	Frt. Class	UPS Ship
Individual	8505891S-10	1	785652260636	15.25	6.75	6.5	0.387	1.9	150	Yes
Master Pack		2	10785652260633	15.75	13.75	7.25	0.909	4.6	150	Yes
NJ Pallet		162		48	40	70.25	78.056	372.6		No
NV Pallet		162		48	40	70.25	78.056	372.6		No

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
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Senior Programmer
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary*



TO: Development Review Board
FROM: Scott Gustin
DATE: December 1, 2015
RE: 16-0325CU; 34 Spring Street

The applicant for this pending boarding house request has withdrawn the zoning permit application.

Department of Planning and Zoning

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Mary O'Neil, AICP, Principal Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin
DATE: December 1, 2015
RE: 16-0581SP; 85 North Avenue

=====

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

Zone: NMU Ward: 3C

Owner/Applicant: Catamount/Lakeview, LLC

Request: Sketch plan review of proposed four story, 56-unit residential building with associated parking garage.

Applicable Regulations:

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

Background Information:

The applicant is requesting sketch plan review of a 56-unit residential structure with an associated underground garage and site improvements. The parcel presently consists of a parking lot at the bottom of Lakeview Terrace and a vegetated bluff with steep slopes to the south and west. As proposed, the building would be set into the hillside with parking underneath and residences above. The existing surface parking lot would be partially reconfigured as well.

The Design Advisory Board will review this sketch plan November 24, 2015. Comments from that review will be forwarded to the Development Review Board.

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards (as adopted by City Council 8.10.2015.)

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

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

The proposed residential building will be served by the municipal water and wastewater systems. Adequate reserve capacity is available; however, written confirmation from the Department of Public Works is required before a state wastewater permit can be issued.

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 subject property is part of the Neighborhood Mixed Use (NMU) zone that extends eastward up much of North Street and along North Winooski Avenue. This zone is intended primarily to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns of the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods. The proposed development is exclusively residential but sits within close proximity to commercial uses within the NMU zone. Residents of the would-be building will live within easy walking distance of a variety commercial uses. The proposed residential structure fits within the scale and mixed use context of the NMU zone.

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

The proposed construction is wholly residential. It is not expected to generate exceptional noise, odor, dust, heat, or vibrations.

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

No traffic information is included in the sketch plans. Given the 56-unit size of the project, a traffic analysis will be required with the permit application. The analysis must address average daily trip ends, AM and PM peak hours, and nearby intersection impacts (especially North Ave/North St/Depot St).

and,

5. *The utilization of renewable energy resources;*

No utilization of renewable energy resources is evident in the sketch plans. Given the site's significant southern exposure, consideration should be given to solar energy.

and,

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

No identified conflicts. Required building and/or life safety codes will be under the review of the building inspector.

(b) Major Impact Review Standards

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

The proposed construction is not expected to result in undue water, air, or noise pollution. Stormwater is addressed under Sec. 5.5.3.

2. Have sufficient water available for its needs;

See Sec. 3.5.6 (a) 1.

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

See Sec. 3.5.6 (a) 1.

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;

No erosion control plans are included in the sketch plans. The permit application must include a comprehensive erosion prevention and sediment control plan, subject to the standards of Chapter 26.

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

See Sec. 3.5.6 (a) 3 for traffic impacts. The project is not expected to cause exceptional congestion or unsafe conditions on nearby sidewalks, streets, bikeways or other means of transportation.

Given the project's location, multiple forms of transportation will be readily available: pedestrian, bike, personal vehicle, and city bus. No one mode of transportation is expected to generate unreasonable impacts to existing infrastructure.

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

This new residential building may contain families with school age children; however, the sketch plans contain no information relative to anticipated numbers of school age children. The permit application must contain such an estimate and reference to the information on which the estimate is based.

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

The sketch plan materials contain no articulation of anticipated impacts on city services. Review by the Technical Review Committee will take place December 10, 2015. Subsequent meetings with pertinent city departments are anticipated. The permit application must address questions and concerns raised during the technical review process.

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

See Sec. 6.2.2 (a) & 6.3.2 (b).

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

The proposed development will transform an underutilized site with just a surface parking lot into a significant residential structure with improved surface parking and circulation. The project will take place within a zoning district that enables development at a higher density than nearby residential zones. It will have no adverse impact on the city's present or future growth patterns.

10. Be in substantial conformance with the city's municipal development plan;

The sketch plans lack much in the way of detail. Conceptually, the project appears to be consistent with a number of provisions within the MDP.

The proposed development is within an identified Neighborhood Activity Center, wherein new and higher density development is to be targeted (Land Use Policies, pg. I-2 & Neighborhood Activity Centers, pg. I-20).

The property is located at the western end of the North Street Commercial District. While not commercial in nature, the proposed development will provide 56 units of housing in close proximity to the diverse mix of uses within this district (North Street Commercial District, pg. I-21). The property is also contained within the Old North End Enterprise Community, an area of the city where redevelopment is actively promoted (Old North End Enterprise Community, pg. I-27).

The subject property is located in immediate proximity to a variety of transportation options, including the city's street network, sidewalks, bikeways, and bus routes (Stressing Other Modes of Travel, pg. V-12).

The new housing in this proposal will add to the city's housing stock and will do so in an area targeted for higher density development (City Policies, pg. IX-1).

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;

This project will bring about 56 units of new housing of varying unit size within an area targeted for redevelopment. It will have no adverse impact on the present or projected housing needs of the city.

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

Residents of the project will likely utilize the city's parks and recreation resources; however, impacts are expected to be moderate and typical of new residential development.

Article 4: Maps & Districts

Sec. 4.4.2, Neighborhood Mixed Use Districts:

(a) Purpose

(2) Neighborhood Mixed Use (NMU)

The Neighborhood Mixed Use District is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods. As noted previously, residents of the would-be building will live within easy walking distance of a variety commercial uses. The proposed residential structure fits within the scale and mixed use context of the NMU zone.

(b) Dimensional Standards & Density

FAR in the NMU zone is limited to 2.0. An addition 0.5 FAR is allowable in exchange for inclusionary housing (Table 9.1.13-1, *Density/Intensity Allowance Table*). No FAR numbers are evident in the sketch plans and must be included in the permit application.

Maximum standard lot coverage is 80% in the NMU zone. That maximum may be increased up to 92% for inclusionary housing per Table 9.1.13-2, *Lot Coverage Allowance Table*. No lot coverage numbers are provided in the sketch plans and must be included in the permit application.

The subject property has two road frontages. It, therefore, contains two front yards and two side yards. There is no rear yard for the purposes of setback requirements. Setbacks are noted on the sketch plans.

A 15' setback is required along NMU property lines that abut a residential district (i.e. Lakeview Terrace). The proposed building observes this setback.

Within the NMU zone, the standard building height limit is 35', and the minimum is 20'. Buildings shall be at least 2 stories. With the required inclusionary housing, the maximum height may increase an additional 10' (Table 9.1.13-1, *Density/Intensity Allowance Table*). The sketch plans contain some height information, but the overall height is not specified. Due to the sloping grades, height of the east-facing street front is considerably less than that facing west (downslope). Height may be measured from the street front only but is predicated on the extended sidewalk being public (see Sec. 5.2.6 {a} 1).

(c) Permitted & Conditional Uses

Multifamily residential development is a permitted use in the NMU zone.

(d) District Specific Regulations

The proposed development must include inclusionary housing units and is, therefore, allowed additional intensity per Sec. 9.1.13, *Additional Density and other Development Allowances*). The allowances for increased lot coverage, building height, and FAR specifically allowed for the NMU zone (and other zones) within this section are not specified within Table 4.4.2-2, *Maximum FAR and Building Heights with Bonuses*. This omission is seemingly an oversight but should be addressed by the applicant and Development Review Board as part of this sketch plan review, prior to submission of a permit application.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.1 (b).

Sec. 5.2.4, Buildable Area Calculation

See Sec. 4.4.1 (b).

Sec. 5.2.5, Setbacks

See Sec. 4.4.1 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.1 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.1 (b).

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

Little outdoor lighting information is included in the sketch plans. The permit application must include a photometric plan of the site delineating separate lighting environments (parking & circulation, walkways, and building entries) and fixture cutsheets.

Sec. 5.5.3, Stormwater and Erosion Control

The sketch plans do not address stormwater management. Redevelopment of this site will require implementation of stormwater measures sufficient to address the city's present stormwater standards.

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

The site contains no significant natural areas as identified in the Open Space Protection Plan.

The slope is vegetated with a variety of vegetation, including trees, shrubs, and ground cover. The extent of clearing is not clearly depicted and will need to be upon permit application.

(b) Topographical alterations

The existing surface parking lot is flat. The slope precipitously drops away to the south and west beyond the edges of the existing asphalt. The proposed construction will be built into the slope and will require excavation and grading work. A detailed topographic plan will be required as part of the permit application.

(c) Protection of important public views

There are significant views from the project site across the lake and towards the Adirondacks.

These views, however, are not part of any defined view corridor (such as those along Main, College, Pearl, and Cherry Streets) and are not protected under this criterion.

(d) Protection of important cultural resources

The project site consists of a surface parking lot and steep slopes. The site has no known archaeological significance. It contains no archaeological site points, nor is it located within an archaeologically sensitive area.

(e) Supporting the use of alternative energy

See Sec. 6.3.2 (f).

(f) Brownfield sites

The site is included on the Vermont DEC Hazardous Site List. Contaminants related to fill and dumping include asbestos, coal tar, lead, and PAH. A corrective action plan with VT DEC will likely be required prior to construction and must be addressed as part of the permit application.

(g) Provide for nature's events

Stormwater management is not addressed in the sketch plans. The applicants are advised to work with the Burlington Stormwater Program to work out proposed stormwater improvements prior to permit application.

(h) Building location and orientation

The proposed building will take advantage of the expansive southerly and westerly views and will be set into the top of the bluff, set back from North Avenue. The Depot Street right-of-way effectively precludes setting the building up along North Avenue. As proposed, the building will continue the street edge set by existing homes along Lakeview Terrace. The east-facing front entry reinforces the continuation of that established street edge. The front entry is centrally located and clearly identifiable from the public street.

(i) Vehicular access

Vehicles may access the site from Lakeview Terrace or from North Avenue. Two-way circulation is depicted within the revamped surface parking lot. The underground garage entrance is located close to Lakeview Terrace and will provide two-way circulation in and out of the garage.

(j) Pedestrian access

The project includes an apparent continuation of the sidewalk from Lakeview Terrace across the front of the proposed building. A bike lane runs along the edge of the parking lot and out to the top of Depot Street. A central front walkway and ramp will connect the primary entrance to this new sidewalk. The sidewalk and bike lane as proposed define the perimeter of the surface parking area and afford pedestrians a route separate from vehicular circulation.

(k) Accessibility for the handicapped

ADA details are not noted in the sketch plans. It is the applicant's responsibility to comply with all applicable ADA requirements.

(l) Parking and circulation

This criterion calls for placement of new buildings in front, or to the side, of parking areas. The idea is to avoid parking in front of structures. In this case, the parking lot is already in place. As noted previously, the Depot Street right-of-way effectively precludes construction of a building along North Avenue (with parking behind). As proposed, the building will be set towards the western end of the property and will continue the street edge established along Lakeview Terrace.

The existing parking area will apparently be reconstructed or at least revamped with new striping and a central landscaping island. No parking lot shading analysis is included in the sketch plans. This criterion establishes a target of 30% shading of the parking areas with new shade trees. At least 1 shade tree for every 5 parking spaces is required. Minimum caliper size at the time of planting is 2.5" – 3.5" and a mature canopy diameter of 35' is expected. Such details will be required with the permit application.

(m) Landscaping and fences

Some general landscaping information has been provided in the sketch plans. It appears that new trees will be planted to the west and downslope of the proposed building. New trees are also apparent in the proposed parking lot landscaping island and around a trash enclosure. A detailed landscaping plan will be required as part of the permit application.

(n) Public plazas and open space

No public plazas or open space are included in this proposal.

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No new outdoor mechanical equipment is apparent in the sketch plans. A trash enclosure is set to the side of the proposed building at the eastern end of the site. Enclosure details will be needed with the permit application. Any new utility lines must be buried.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The proposed building is large, seemingly the largest at this end of Lakeview Terrace. The sketch plans are basic but depict a structure that incorporates distinct building elements defined by varying materials, planes, and sections. The “L” shape of the building further offsets the perceived mass of the structure. Specific height information is not included in the sketch plans. Set into the hillside as it is, perceived height from the west is considerably taller than that as perceived from street grade to the east. From street grade, building height appears to be reasonably close to that of other nearby structures along North Avenue and Lakeview Terrace.

2. Roofs and Rooflines

The proposed building will include angular shed roofs and flat roof components. Flat and pitched roofs are common in the neighborhood.

3. Building Openings

Only fenestration on the eastern elevations is shown in the sketch plans. That depicted consists of boxy windows in a pattern consistent with the boxy geometry of the proposed building.

(b) Protection of important architectural resources

There are no structures onsite. Other structures nearby are historically significant. The proposed building is offset from these existing buildings and will have no direct impacts on their historic significance.

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

Lakeview Terrace ends at the northern end of the site. Depot Street and North Avenue lie to the east. The proposed development aims to continue the street edge from Lakeview Terrace out towards North Avenue. In doing so, it continues the Lakeview Terrace sidewalk across the front

of the building. The central building entry is well defined and connects directly to this sidewalk and adjacent bikeway and vehicular circulation. There are no blank stretches of building wall facing the street. Ample glazing, projections and recesses, and a projecting front entry are employed to provide an active and inviting street presence.

(e) Quality of materials

The sketch plans note no building materials. The permit application must specify all exterior building materials.

(f) Reduce energy utilization

Energy information is not included in the sketch plans. The new building must comply with the current energy efficiency requirements of the city and state.

(g) Make advertising features complimentary to the site

No signs are depicted in the sketch plans.

(h) Integrate infrastructure into the building design

No rooftop or other exterior mechanical equipment is depicted in the sketch plans. The floor plans note a “mechanical storage” room. Perhaps all mechanical equipment will be interior. If any outdoor mechanical equipment is proposed, it must be depicted and screened as part of the permit application.

(i) Make spaces safe and secure

The proposed building appears to be accessible by emergency service vehicles. The project will undergo technical review by Police, Fire, Building, etc. on December 10, 2015. Building entries will presumably be illuminated. An intercom system connecting individual dwelling units with the front entry is recommended.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the Shared Use parking district. As such, it requires 1 parking space per dwelling unit. As proposed, 79 parking spaces are proposed for the 56 dwelling units. Sufficient parking will be provided.

Sec. 8.1.10, Off-Street Loading Requirements

Not applicable.

Sec. 8.1.11, Parking Dimensional Requirements

The floor plans depict the garage parking and circulation areas. The plans, however, are reduced-size. They are not true to scale. An assessment of dimensional adequacy cannot be made. Full size project plans will be required with the permit application.

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Off-Site Parking Facilities

None proposed.

(b) Downtown Street Level Setback

Not applicable.

(c) Front Yard Parking Restricted
Not applicable.

(d) Shared Parking in Neighborhood Parking Districts
Not applicable.

(e) Single Story Structures in Shared Use Districts
Not applicable.

(f) Joint Use of Facilities
The proposed garage parking will presumably be for the exclusive use of residents. Use of the revamped surface parking lot is not addressed in the sketch plans. Most of all of the existing surface parking serves offsite uses. Whether and how those offsite uses will continue to use the surface parking must be addressed as part of the permit application.

(g) Availability of Facilities
The parking to be constructed as part of this development must be for the exclusive use of employees and visitors or shared per item (f) above. It may not be used for the storage or display of vehicles or materials.

(h) Compact Car Parking
It is unclear within the sketch plans whether compact parking spaces are included or not. Compact spaces, if any, must be noted in the permit application.

Sec. 8.1.13, Parking for Disabled Persons

A number of handicap parking spaces are depicted within the garage and on the surface parking lot. Dimensional adequacy cannot yet be assessed. These spaces shall be marked and signed as required for handicap spaces.

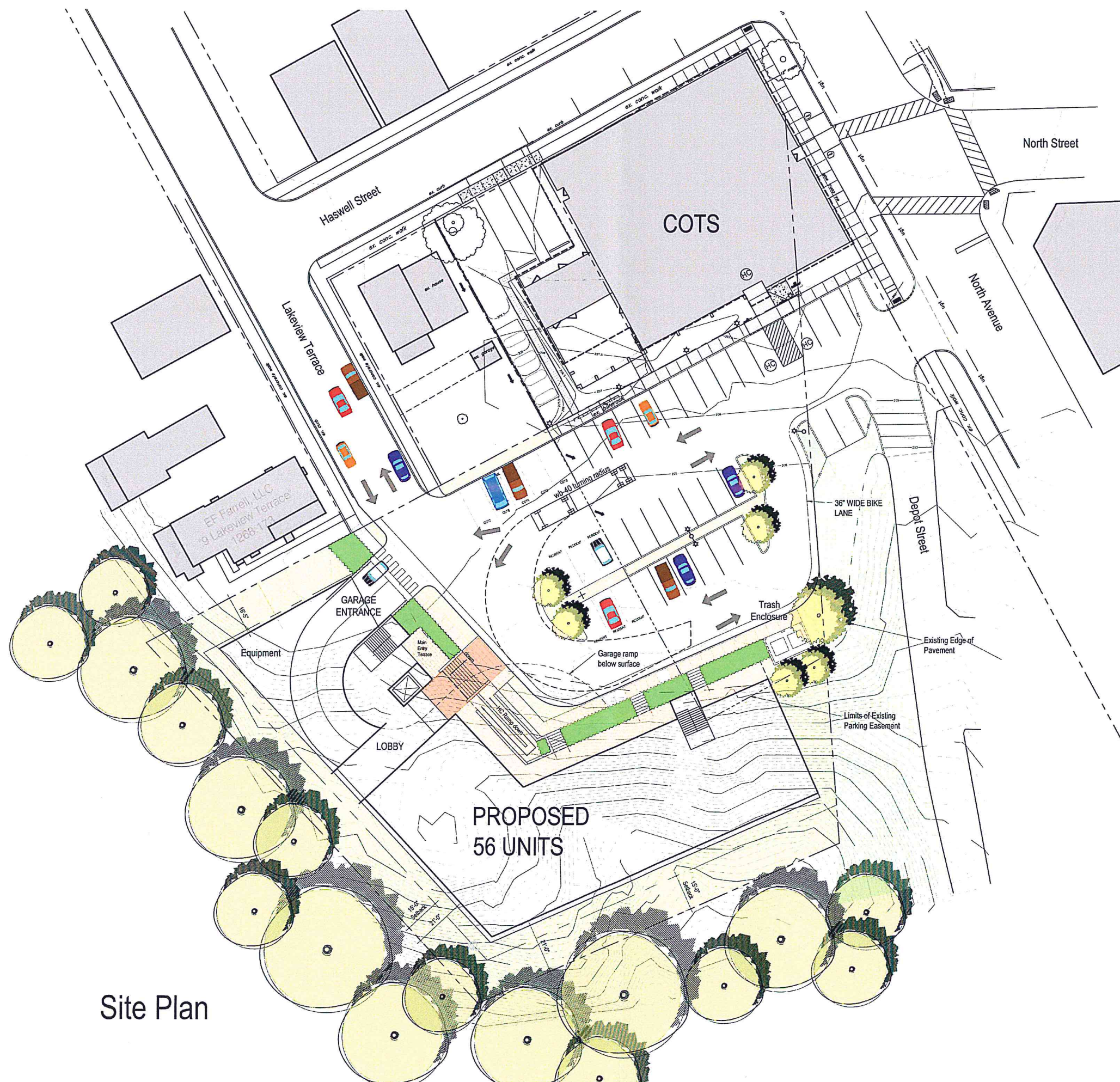
Sec. 8.1.14, Stacked and Tandem Parking Restrictions
Not applicable.

Sec. 8.1.15, Waivers from Parking Requirements/Parking Management Plans
Not applicable.

Sec. 8.2.5, Bicycle Parking Requirements

Both short term and long term bicycle parking will be required. The sketch plans contain nothing in the way of bike parking details. The 56 dwelling units will require at least 14 long term bike parking spaces and 6 short term bike parking spaces. Bike parking details will be required as part of the permit application.

II. Conditions of Approval
None for sketch plan review.



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gb
 gossens.bachman.Architect
 85 granite shed lane
 montpelier, vt 05602
 802.229.1664
 802.229.4822 FAX
 www.gbarchitecture.com

Redston

85
 North Avenue
 Burlington, Vermont

Revisions:	
Job Number:	000
File Name:	Siteplan-3
Scale:	1"=5'
Date:	October 30,

SIT
 DIAGRA

SD10

Site Plan

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www.gbarchitecture.com

Redston

85 North
Avenue
Burlington, Vermont

Revisions:

Job Number: 00

File Name: rendersheet

Scale: 3/32"

Date: October 30,

PROPOSED
EAS
SECTION
ELEVATION

A2

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View from North Avenue

gb

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Redston

85 North
Avenue

Burlington, Vermont

Revisions:

Job Number: 00

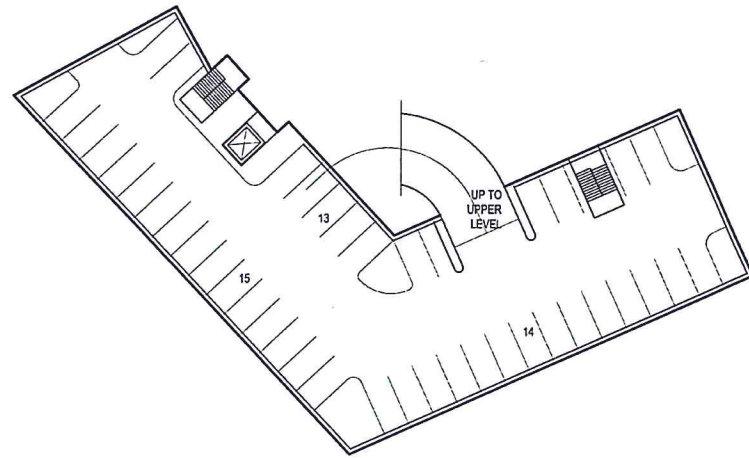
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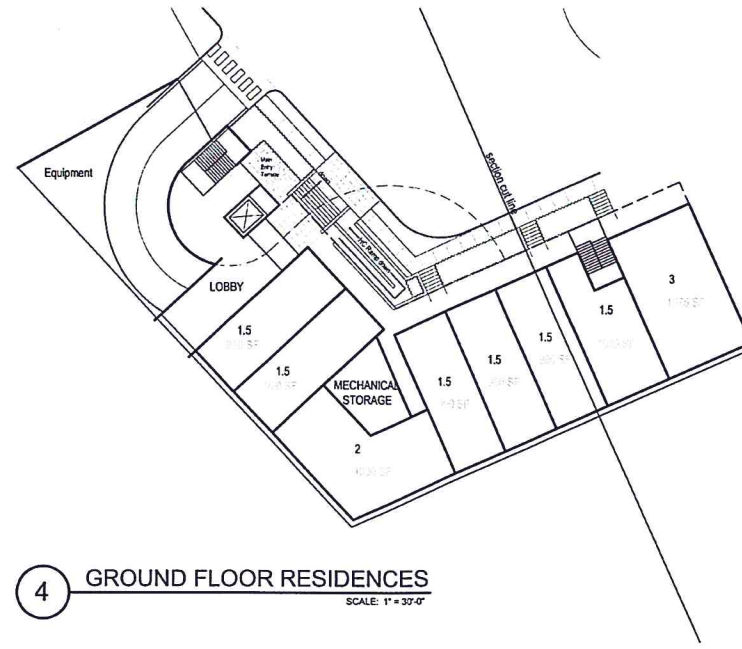
Date: October 30

PERSPECTIVE
VIEW FROM
NORTH AV

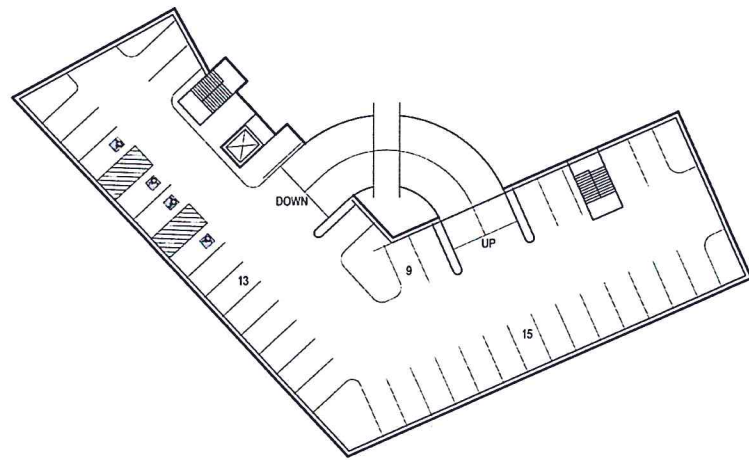
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1 LOWER LEVEL PARKING
SCALE: 1" = 30'-0"



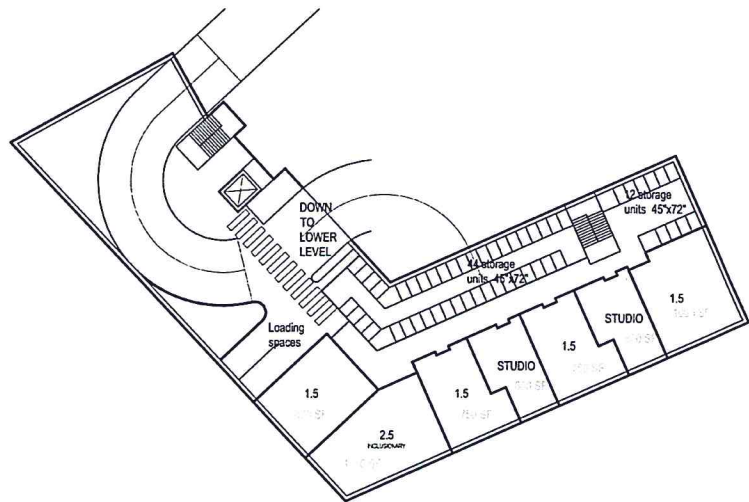
4 GROUND FLOOR RESIDENCES
SCALE: 1" = 30'-0"



2 UPPER LEVEL PARKING
SCALE: 1" = 30'-0"



5 2nd FLOOR RESIDENCES
SCALE: 1" = 30'-0"



3 LOWER LEVEL RESIDENCES
SCALE: 1" = 30'-0"



6 3rd FLOOR RESIDENCES
SCALE: 1" = 30'-0"



7 4th FLOOR RESIDENCES
SCALE: 1" = 30'-0"

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gb
gossens.bachman.Architects
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montpelier, vt 05602
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Redston

85
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Avenue
Burlington, Vermont

Revisions:

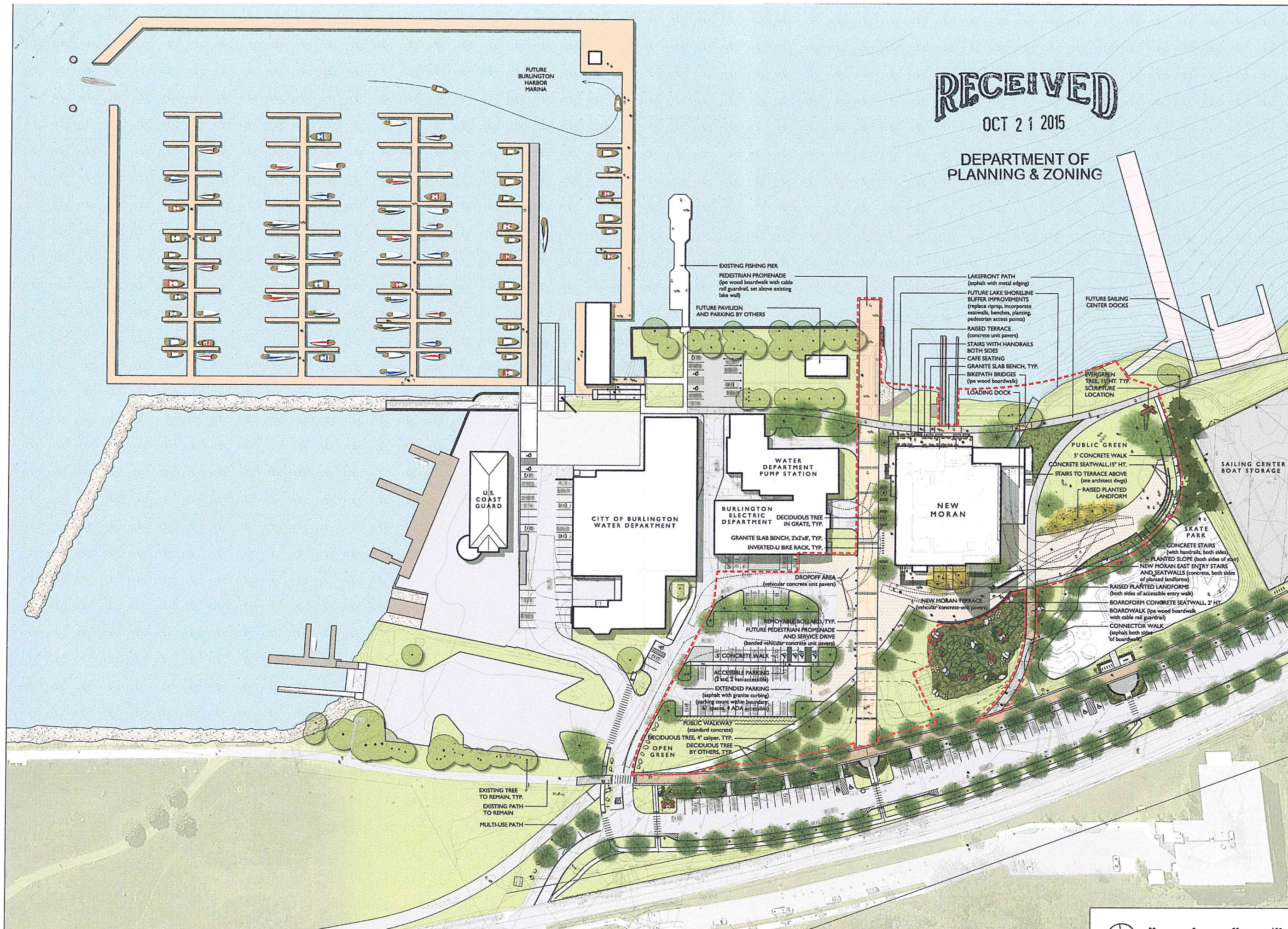
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File Name: Siteplan-
Scale: AS N
Date: October 30,

FLOOR PLAN
DIAGRAM

A10

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OCT 21 2015

DEPARTMENT OF
PLANNING & ZONING



NEW MO

ILLUSTRATION
PLAN

REVISIONS

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JOB NO. 459

SCALE 1" = 50'-0"



PAVING
 Banded concrete unit paving - promenade between Burlington Electric and New Moran
 (smaller pavers) and plaza (larger pavers)



TREE IN GRATE and BOARDFORM CONCRETE SEATWALL
 Trees surrounding New Moran in round tree grates; curving boardform concrete seatwall
 separating stormwater area from plaza



GRANITE SLAB BENCHES
 Granite slab benches along south edge of New Moran



BOARDWALK and CABLE HANDRAILS
 Boardwalk crossing stormwater area, connecting parking and greenspace north of New
 Moran



**STAINLESS STEEL BIKE RACKS, CAFE SITE FURNITURE, BOLLARDS, AND ASPHALT
 PAVING WITH METAL EDGING**



TREE - *Gleditsia triacanthos* 'Shademaster'
Trees in grates along the perimeter of New Moran building and parking lot to east of Burlington Electric (same species as pedestrian allee along west side of Battery St between Pearl and College Sts)



TREE - *Acer rubrum* / *Acer freemanii* 'Autumn Blaze'
Trees along curving walkway from Battery Park toward New Moran



TREE - *Betula papyrifera*
Trees at raised oblong areas at New Moran entrance and eastern edge of open lawn space, shown in yellow on plan



TREE - *Ulmus americana*
Single, large trees in front of sculpture newar waterfront path, in front of water department pump station



SHRUBS - *Clethra alnifolia* 'Crystalina'



SHRUBS - *Cornus alba* 'Ivory Halo'



SHRUBS - *Rhus aromatica* 'Gro-Low'



SHRUBS - *Ilex glabra* 'Shamrock'



SHRUBS - *Syringa patula* 'Miss Kim'



VIEW FROM SOUTHWEST



VIEW FROM SOUTHEAST



WEST ELEVATION



EAST ELEVATION

OWNER:
CITY OF BURLINGTON / NEW MORAN INC.

DEVELOPER:

STRUCTURAL & CIVIL ENGINEER:

ENGINEERING VENTURES, PC
208 FLYNN AVE #2
BURLINGTON, VT 05401
P 802 863 6225

MECHANICAL & PLUMBING ENGINEER:

LIH CONSULTING
69 UNION ST
WINDSOR, VT 05404
P 802 655 1753

REQUEST CLARIFICATIONS AHEAD OF TIME
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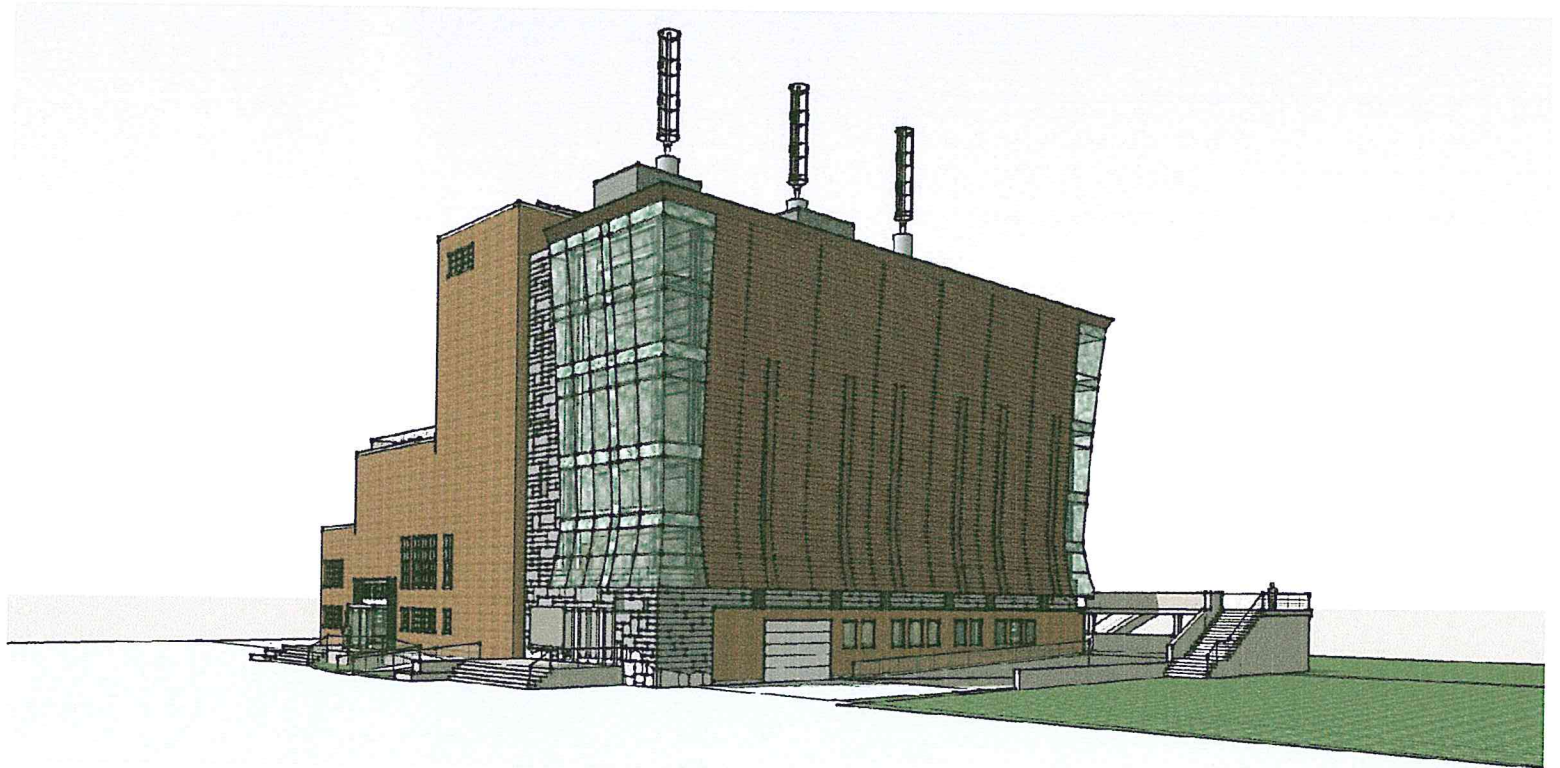
NEW MORAN
475 LAKE ST
BURLINGTON, VT 05401

ISSUED: 10/12/2015
STATUS: SKETCH PLAN

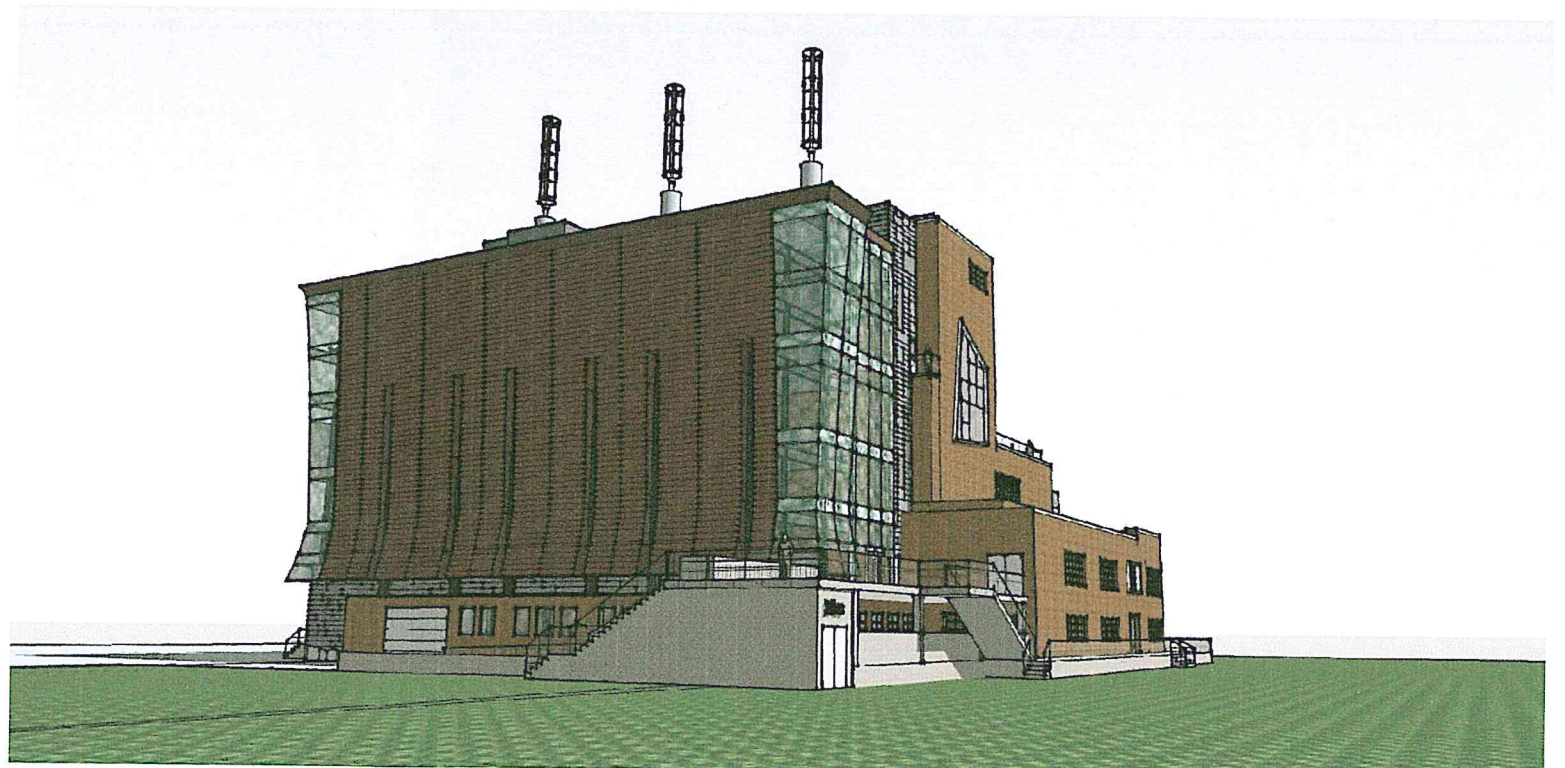
REV DESCRIPTION REV DATE

RENDERINGS

SCALE:



VIEW FROM NORTHEAST



VIEW FROM NORTHWEST

OWNER:

CITY OF BURLINGTON / NEW MORAN INC.

DEVELOPER:

STRUCTURAL & CIVIL ENGINEER:

ENGINEERING VENTURES, PC
208 FLYING AVE #2
BURLINGTON, VT 05401
P 802 863 6225

MECHANICAL & PLUMBING ENGINEER:

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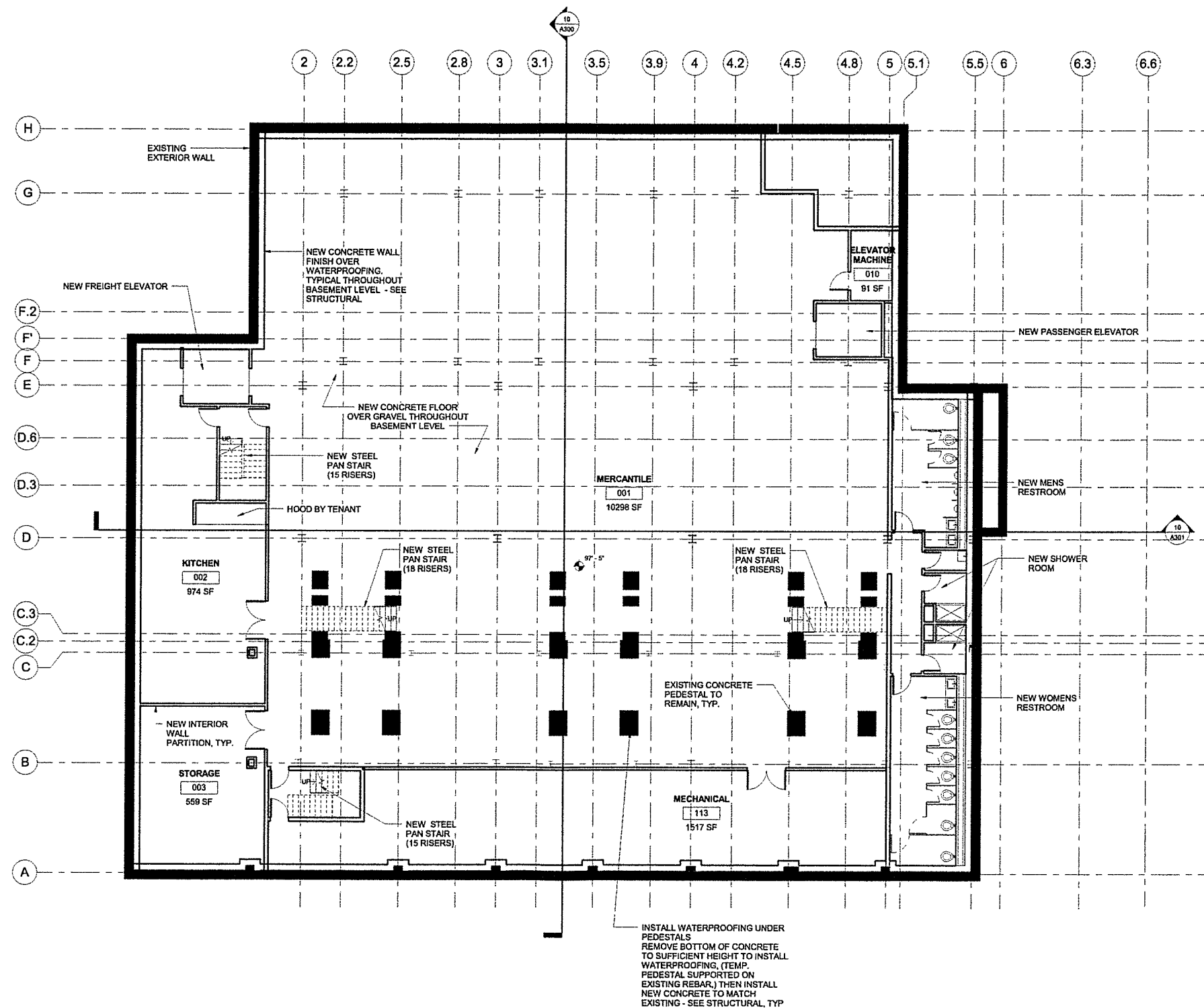
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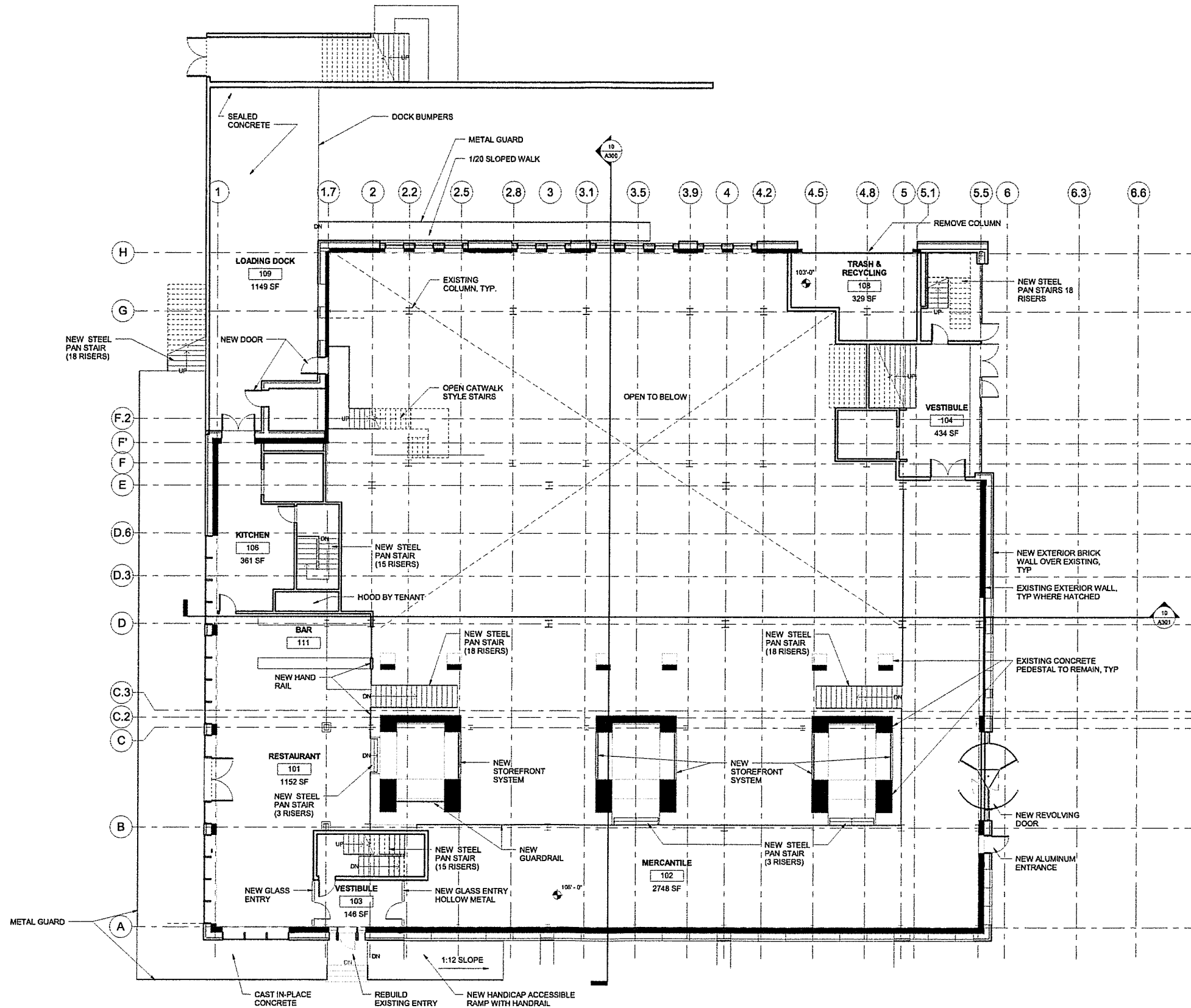
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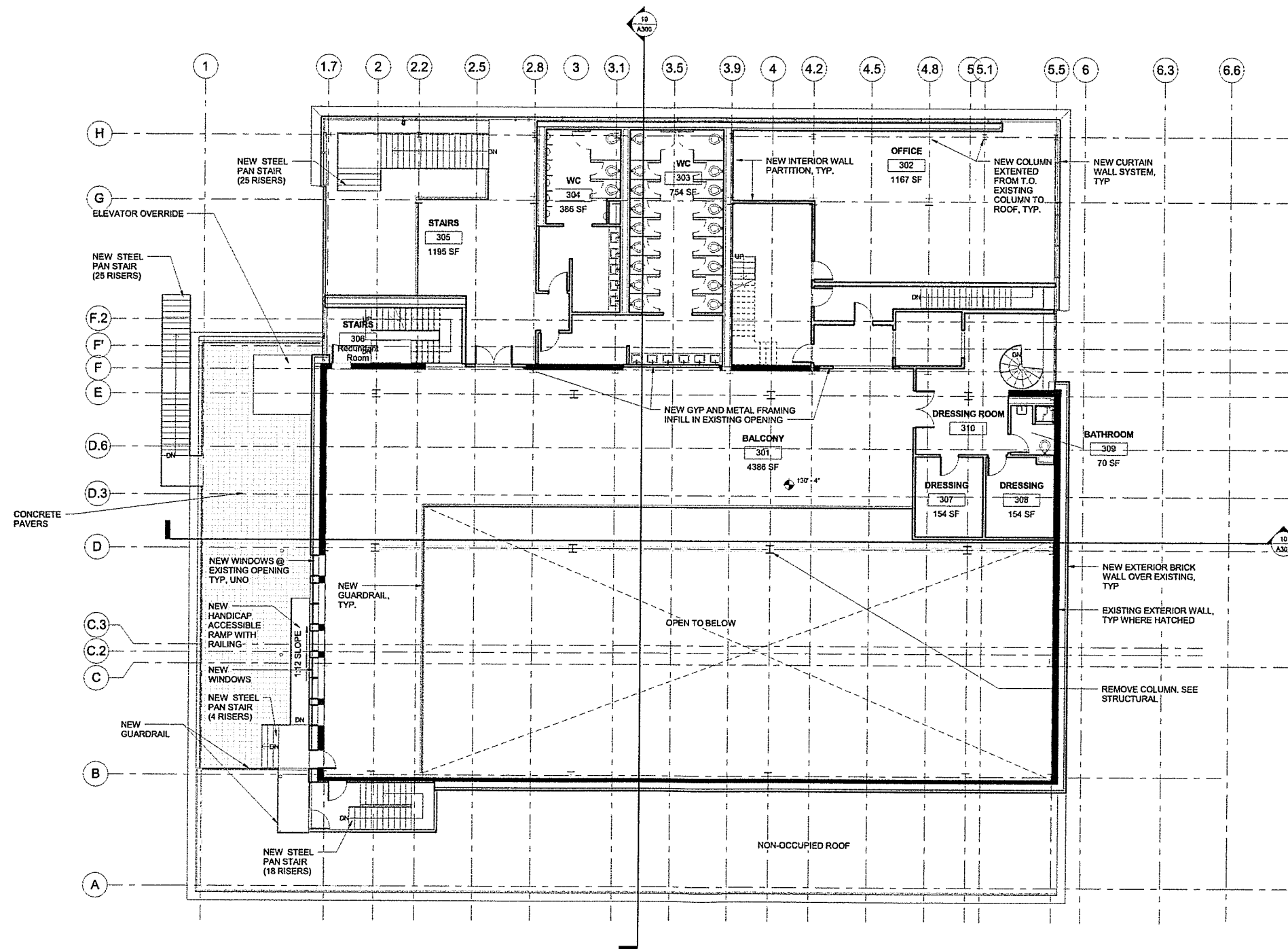
RENDERINGS

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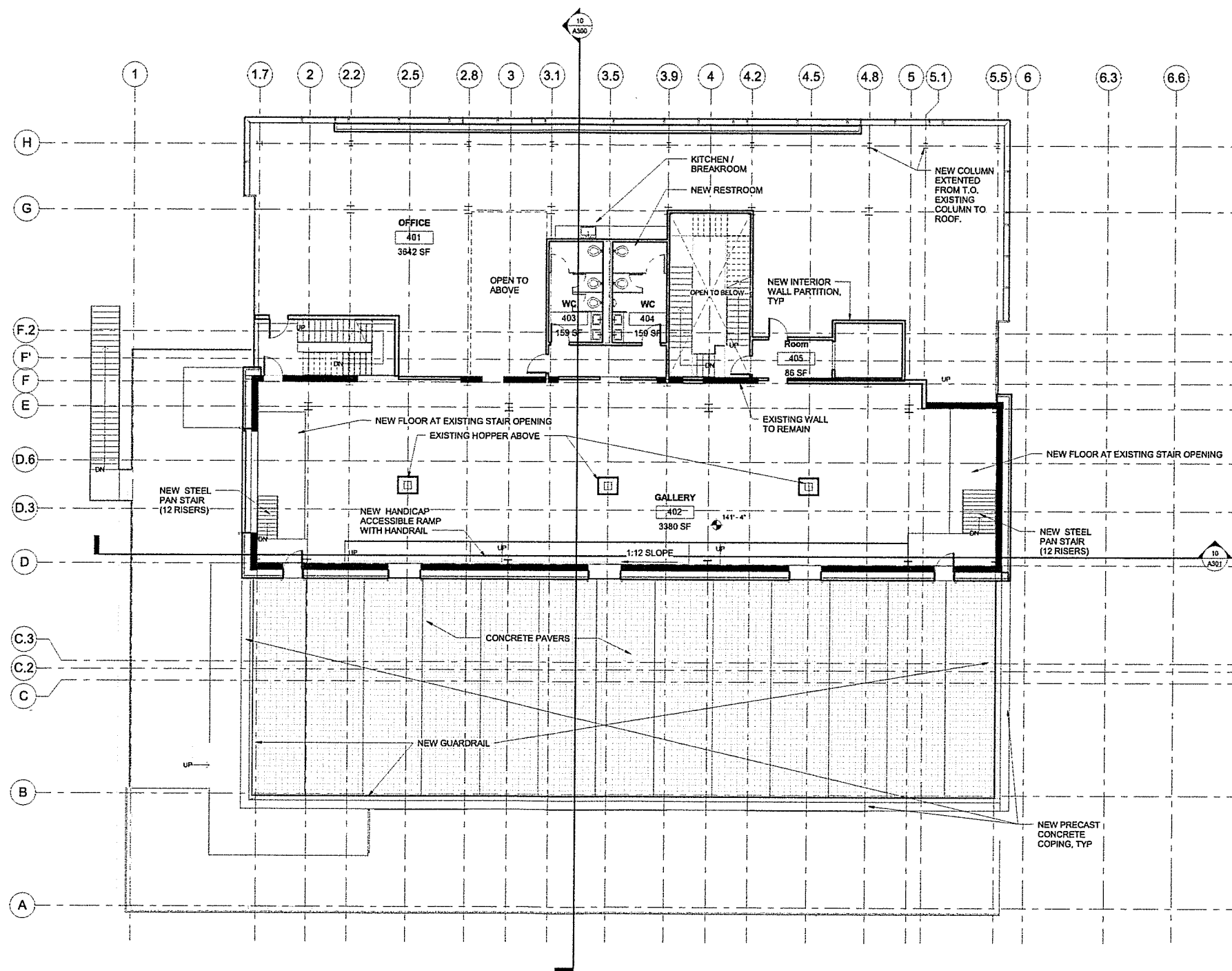


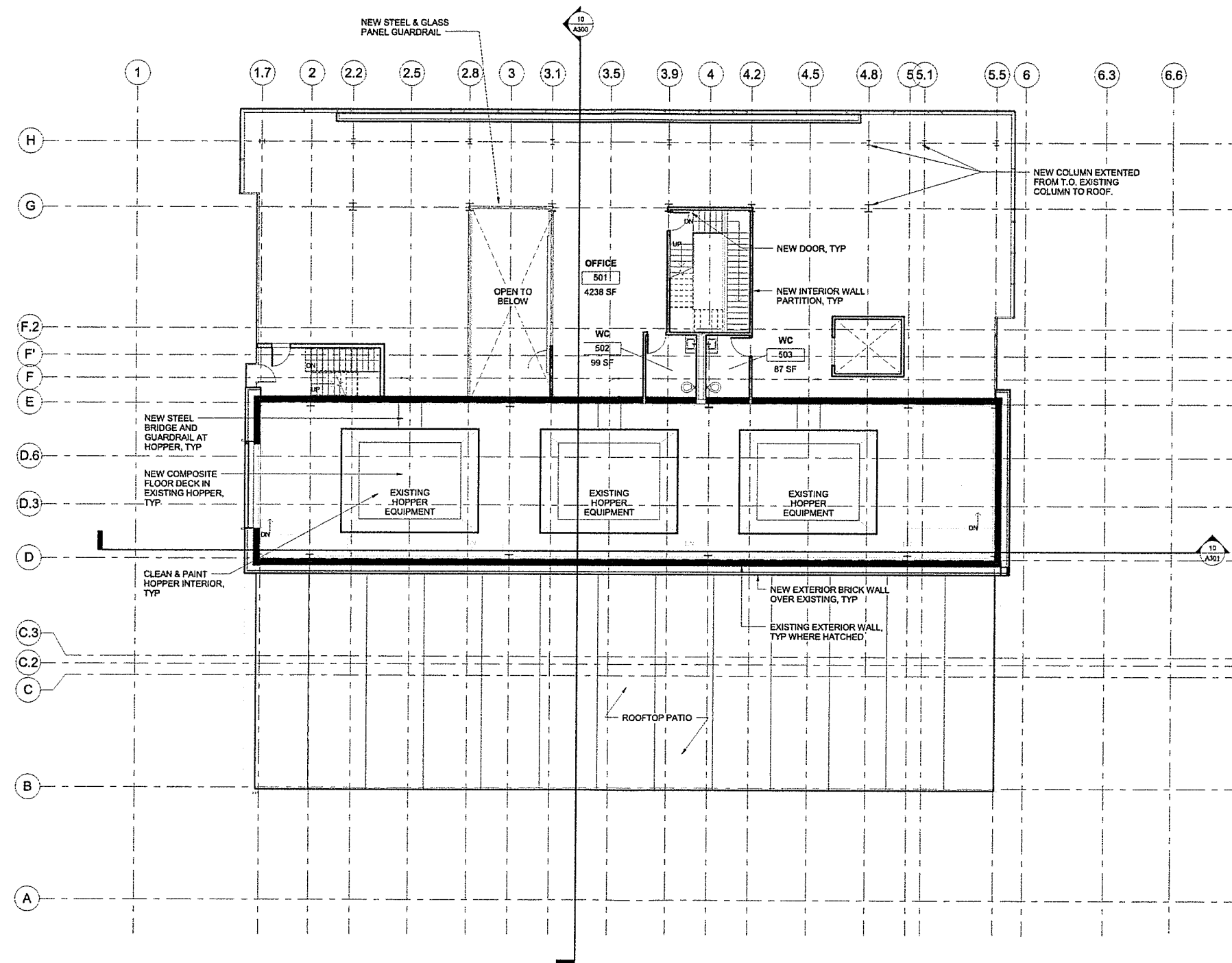






10 BALCONY LEVEL
Scale: 1/8" = 1'-0"





10 LEVEL 5
Scale: 1/8" = 1'-0"

OWNER:
CITY OF BURLINGTON / NEW MORAN INC.
DEVELOPER:
STRUCTURAL & CIVIL ENGINEER:
ENGINEERING VENTURES, PC
208 FLYNN AVE #2
BURLINGTON, VT 05401
P 802 863 6225
MECHANICAL & PLUMBING ENGINEER:
LN CONSULTING
69 UNION ST.
WINDSOR, VT 05404
P 802 655 1753

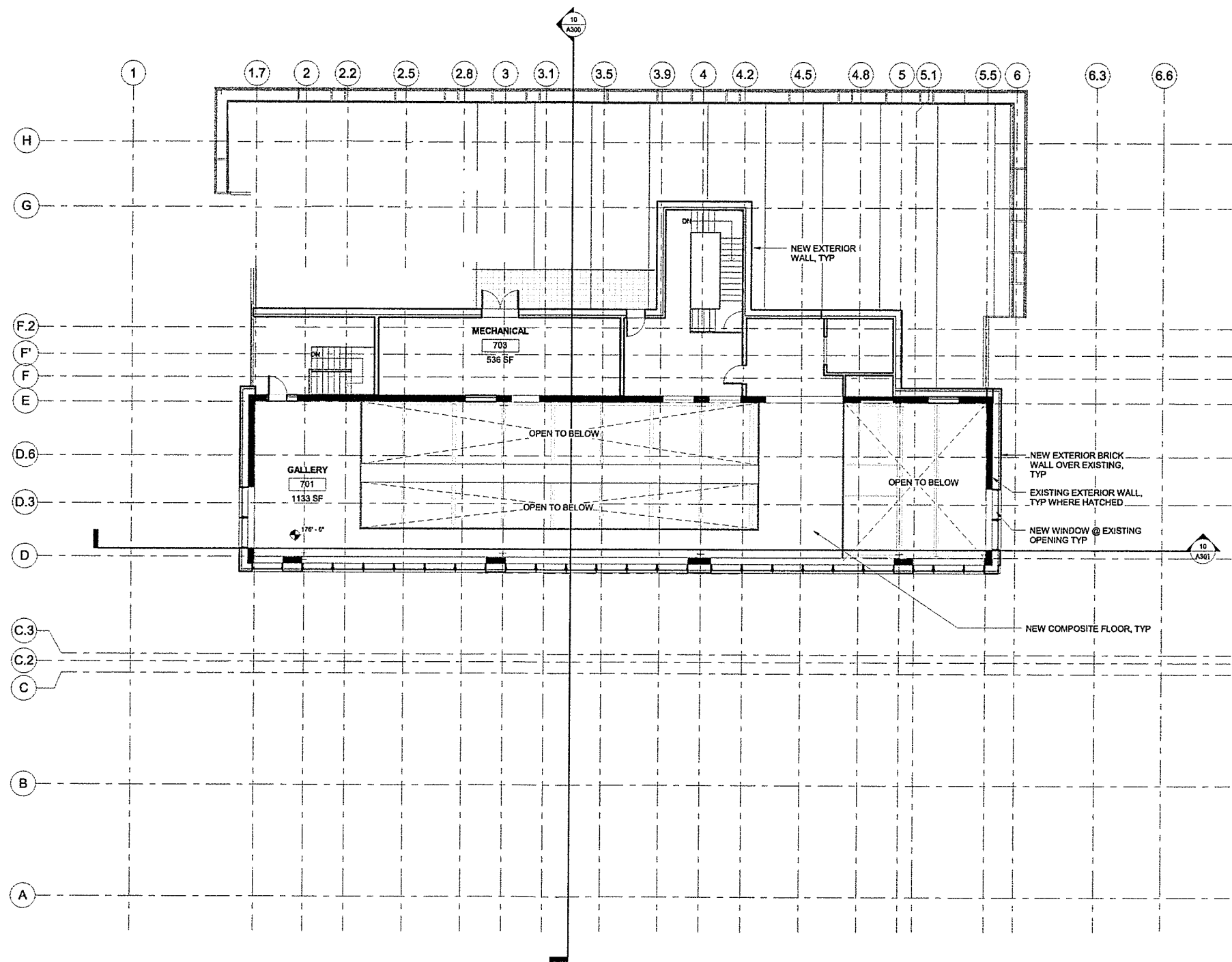
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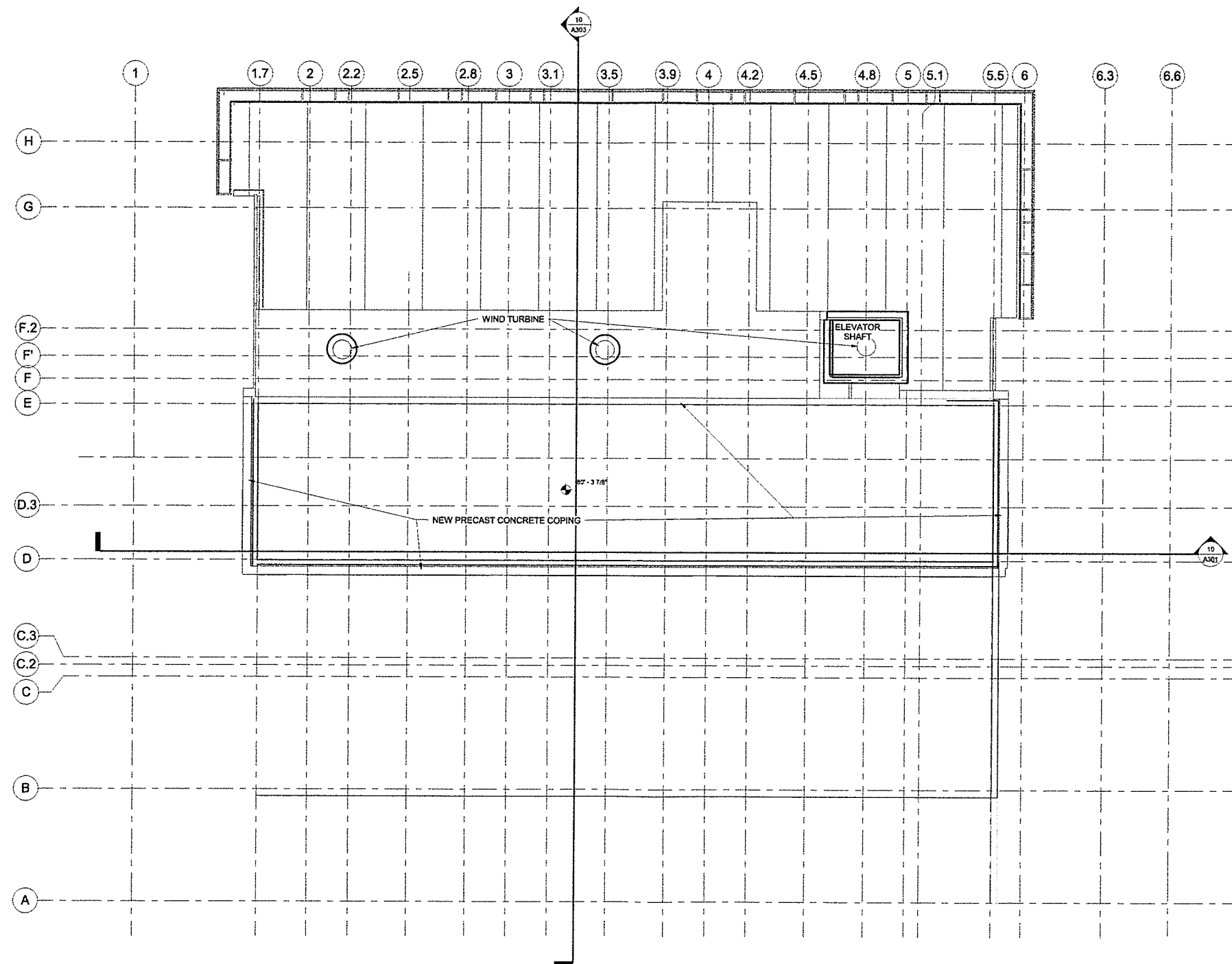
NEW MORAN
475 LAKE ST
BURLINGTON, VT 05401

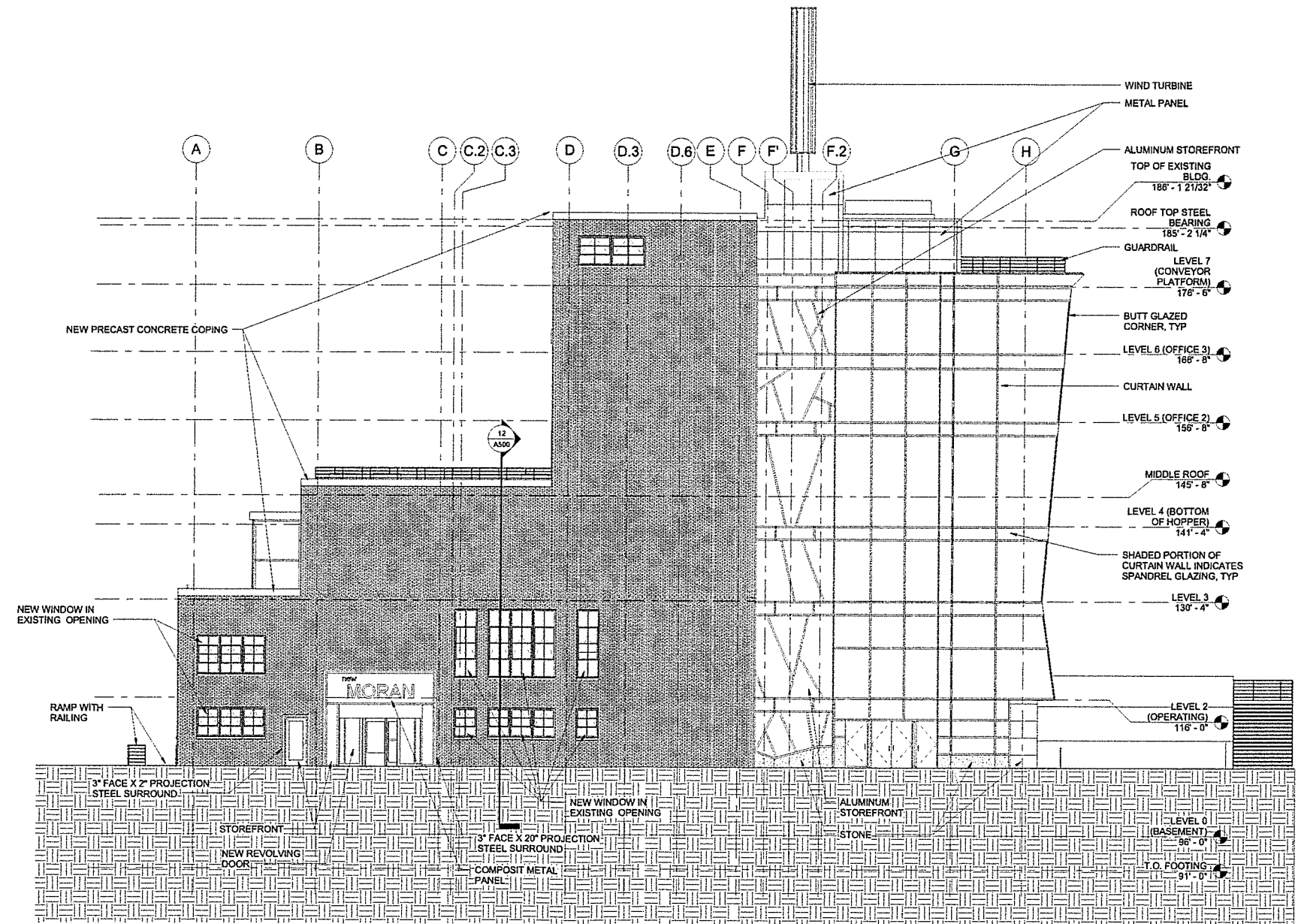
ISSUED: 10/12/2015
STATUS: SKETCH PLAN
REV DESCRIPTION REV DATE

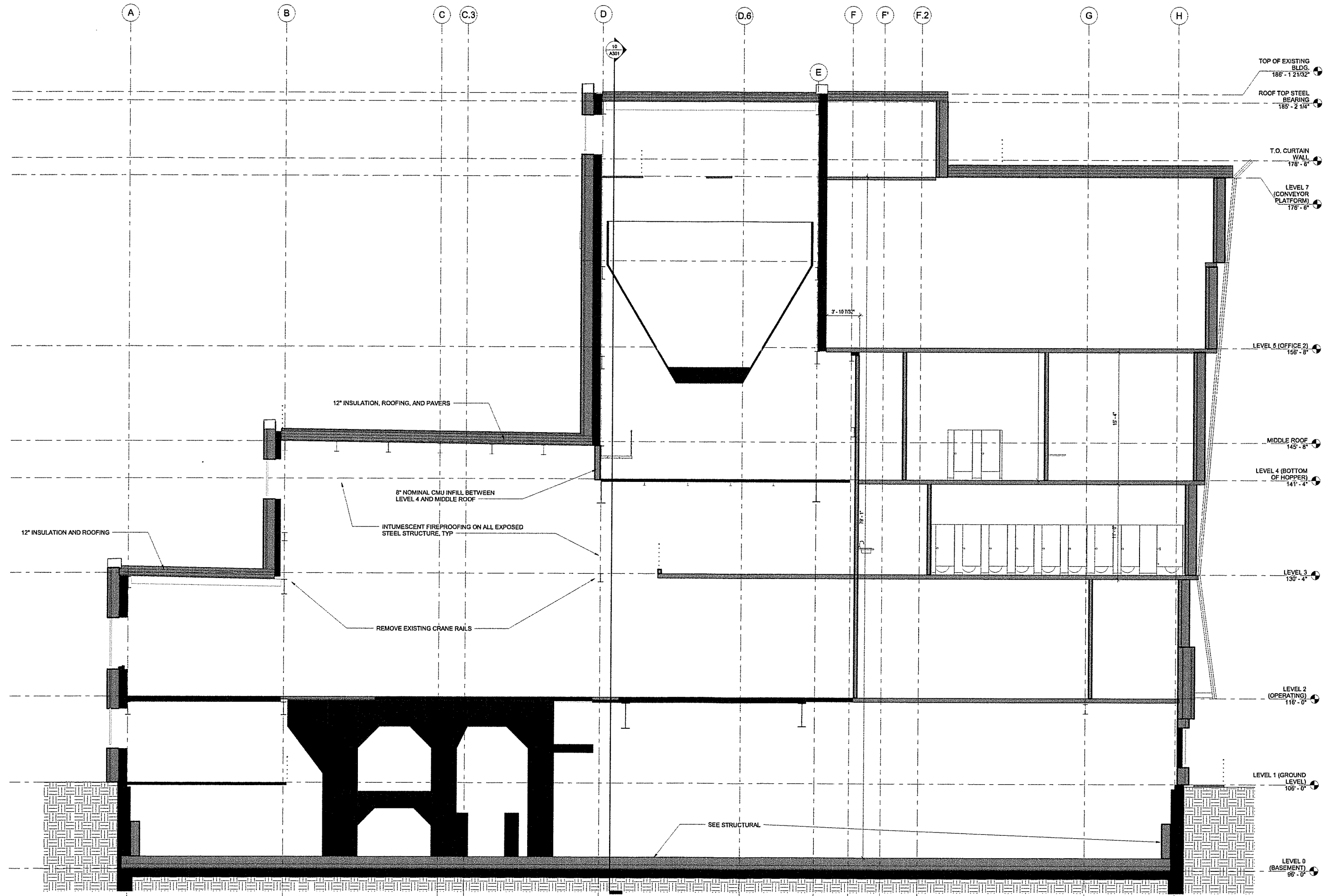
LEVEL 5

SCALE: 1/8" = 1'-0"









OWNER:
CITY OF BURLINGTON / NEW MORAN INC.
DEVELOPER:
STRUCTURAL & CIVIL ENGINEER:
ENGINEERING VENTURES, PC
208 FLYING AVE #2
BURLINGTON, VT 05401
P 802 863 6225
MECHANICAL & PLUMBING ENGINEER:
LH CONSULTING
69 LINCOLN ST.
WINDSOR, VT 05404
P 802 655 1753

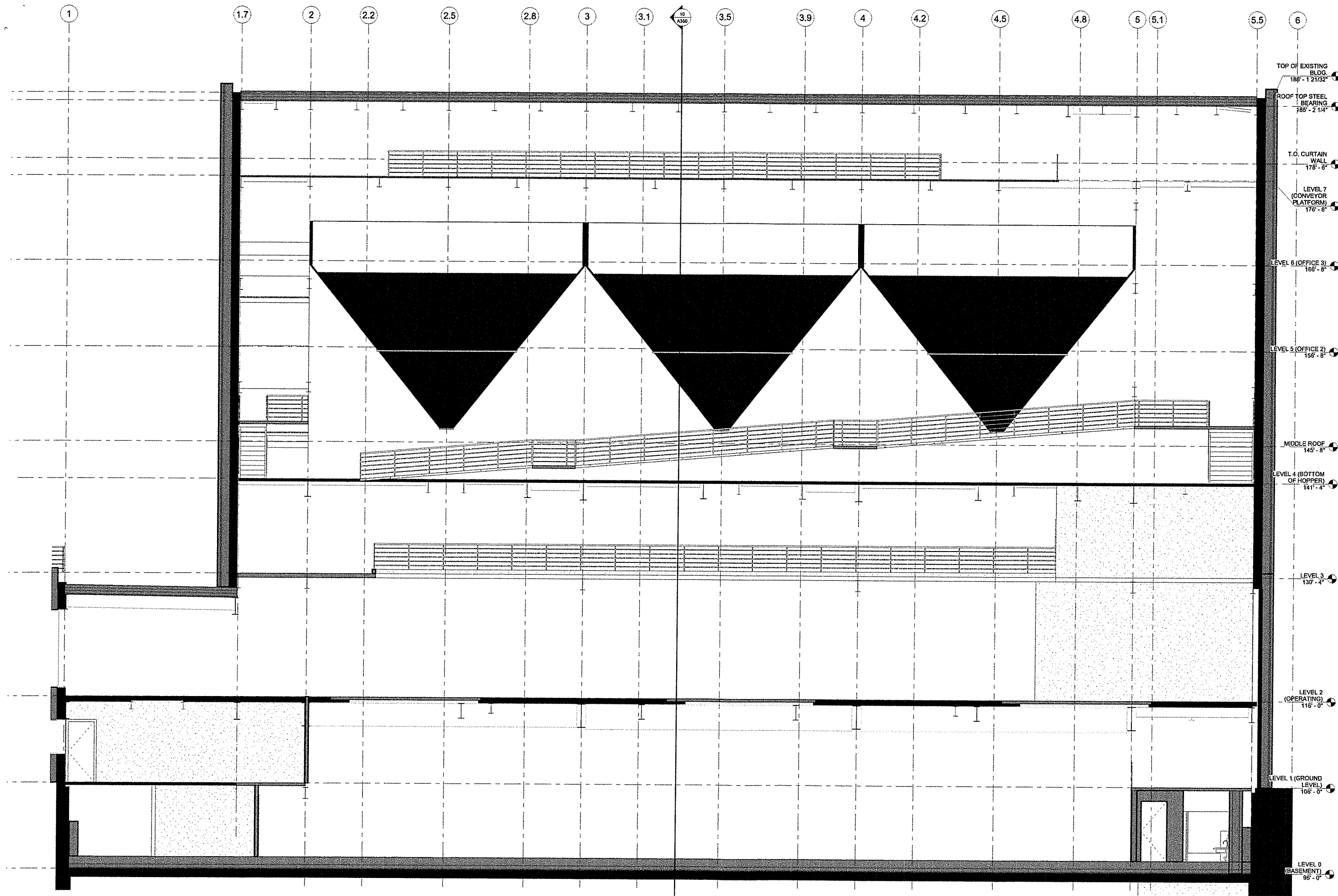
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NEW MORAN
475 LAKE ST
BURLINGTON, VT 05401

ISSUED: 10/12/2015
STATUS: SKETCH PLAN
REV DESCRIPTION REV DATE

BUILDING SECTION

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



SBA

SMITH BUCKLEY ARCHITECTS

431 PINE ST. STE 210 BURLINGTON VT 05401

802 540 0323 www.sbavt.com

OWNER:

CITY OF BURLINGTON / NEW MORAN INC.

DEVELOPER:

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NEW MORAN

475 LAKE ST.

BURLINGTON, VT 05401

ISSUED: 10/12/2015

STATUS: SKETCH PLAN

REV DESCRIPTION REV DATE

BUILDING SECTION

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

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
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Principal Planner
Mary O'Neil, AICP, Principal Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin
DATE: December 1, 2015
RE: 16-0507SP; 475 Lake Street

=====

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

Zone: DW-PT Ward: 3C

Owner/Applicant: City of Burlington / New Moran, Inc.

Request: Sketch plan review of renovations to the vacant Moran power generating plant with north side addition. Proposal to include a market space, event/concert hall, co-working spaces, and historic displays.

Applicable Regulations:

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

Background Information:

The applicant is seeking sketch plan review of proposed renovations to the vacant Moran plant. The existing building is to be fitted up for a variety of interior uses, the steel latticework on the building's north side is to be enclosed, and a new loading dock is to be constructed next to it. Site work includes new surface parking and circulation, pedestrian improvements such as walkways, sitting areas, and a new center promenade, and shoreline improvements. Note that the "illustrative plan" depicts Waterfront Access North improvements and the new skate park already under construction via separate permit. A would-be marina is also depicted. This marina, if proposed, would be under separate future permit.

The Moran renovations and site work included in this proposal would largely be in place of the previously approved renovations and site work. Only the Waterfront Access North and skate park work approved under the prior permit have been constructed. Community Sailing Center work is also previously permitted, but work has not yet commenced.

The Design Advisory Board reviewed this sketch plan November 10, 2015 and supported the project. They felt that the proposed renovations were sympathetic to the existing structure, and they encouraged use of rooftop solar panels.

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards (as adopted by City Council 8.10.2015.)

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

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

The renovated Moran building will be served by the municipal water and wastewater systems. Adequate reserve capacity is available; however, written confirmation from the Department of Public Works is required before a state wastewater permit can be issued.

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 project site is located at the northern end of the Downtown Waterfront within the Public Trust District and adjacent to, and just south of, the Urban Reserve. This zone is intended to enhance and diversify commercial and residential development in the downtown waterfront area, and to increase access, utilization, and enjoyment of the lakeshore by the community. Strong emphasis is placed public access to the lakeshore.

The immediate surroundings contain the Coast Guard facility, BED and Water Department buildings, a public boat launch, fishing pier, the skate park, and the current sailing center. Waterfront Park is located just to the south of the subject site. The proposed site renovations are consistent with the intent of this district and make significant provision for passive recreational use and for public access to the water's edge. The project is heavily geared towards public access and serves to strengthen this end of the Downtown Waterfront.

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

Specific uses and parameters thereof are not articulated in the sketch plans. Generally, however, a mix of uses is proposed within the building. None of them are expected to generate exceptional noise, odor, dust, heat, or vibrations.

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

No traffic information is included in the sketch plans. As with the prior Moran project, a traffic analysis will be required with the permit application. The analysis must address average daily trip ends, AM and PM peak hours, and nearby intersection impacts (College St/Lake St, Battery St/College St, and Battery St / Main St).

and,

5. *The utilization of renewable energy resources;*

Some of the project plans depict rooftop solar panels, while others do not. The project plans consistently depict the three rooftop wind turbines. As recommended by the DAB, the applicant is encouraged to install the rooftop solar panels.

and,

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

No identified conflicts. Required building and/or life safety codes will be under the review of the building inspector.

(b) Major Impact Review Standards

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

Onsite stormwater management measures have been constructed as part of the prior Moran zoning approval. The sketch plans do not address whether the proposed site changes will require modifications thereto. Air and noise pollution are expected to be unexceptional.

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

See Sec. 3.5.6 (a) 1.

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

See Sec. 3.5.6 (a) 1.

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;*

The sketch plans do not contain anything relative to construction site erosion control. The permit application must include a comprehensive erosion prevention and sediment control plan, subject to the standards of Chapter 26.

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

See Sec. 3.5.6 (a) 3 for traffic impacts. The project is not expected to cause unreasonable congestion or unsafe conditions on nearby sidewalks or the newly revamped bike path. Pedestrian access throughout the site will be upgraded substantially. Vehicular access to the Moran building is limited to service vehicles, thereby limiting potential vehicle/pedestrian circulation conflicts.

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

This mixed use project contains no residential component and will have no adverse impact on the city's ability to provide educational services.

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

The project is, in part, an expansion and enhancement of city recreational facilities. Demands on municipal services are expected to be relatively moderate and will not be unreasonably burdensome. Impact fees will be paid to help offset what impacts there are on municipal services.

8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;
See Sec. 6.2.2 (a) & 6.3.2 (b).

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

The project constitutes redevelopment of a vacant municipal power plant into a mixed use community facility. It will serve to substantially strengthen this portion of the Downtown Waterfront. The project will have no adverse impact on the city's present or future growth patterns.

10. Be in substantial conformance with the city's municipal development plan;

Although the sketch plans lack the details of an actual permit application, conceptually the proposed development can be found to be in substantial conformance with the MDP, as per the following:

The proposed development will transform a vacant municipal power plant into a mixed use community facility within the city's Downtown Improvement District (pg. I-10, Downtown Improvement District).

The Moran building is historically significant and will be renovated in such a way as to protect the existing form and features of the building (pg. IV-1, City Policies).

Renovation of the vacant Moran building and establishment of the proposed uses will contribute to Burlington's status as a regional growth center and will bring additional jobs and economic vitality into Burlington's downtown waterfront (pg. VI-3, Regional Growth Center & pg. VI-5, Creating New Jobs).

Redevelopment of the Moran is cited in the Economic Development Action Plan (pg. VI-13, Economic Development Action Plan) and is specifically called for in PlanBTV: Downtown & Waterfront (pg. 122, Moran Center).

The renovated building included in this proposal will meet or exceed the city's current energy efficiency standards. As proposed, it will incorporate wind and possibly solar energy (pg. VIII-1, City Policies).

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;

This project contains no residential component and will have no adverse impact on the present or projected housing needs of the city.

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

Much of the proposal constitutes an expansion and upgrade of community facilities. No undue adverse impacts on city parkland are anticipated as a result of this project. Parks impact fees may be waived for this project based on the value of proposed capital improvements associated with this project.

Article 4: Maps & Districts

Sec. 4.4.1, Downtown Mixed Use Districts:

(a) Purpose

(4) Downtown Waterfront – Public Trust District (DW-PT)

The subject property is located in the Downtown Waterfront – Public Trust District. This zone is intended to enhance and diversify commercial and residential development in the downtown waterfront area with an emphasis on enhanced community access to the lakeshore. This project will enhance access to the waterfront and will incorporate a variety of uses for community benefit. The project appropriately relates to the intent of this district.

(b) Dimensional Standards & Density

No FAR or dimensional information is included in the sketch plans. All of these standards must be addressed in the permit application.

(c) Permitted & Conditional Uses

See Sec. 4.4.1 (d) 2, *Public Trust Restrictions, A, Permitted Uses: North of Main Street.*

(d) District Specific Regulations

1. Use Restrictions

A. Ground Floor Residential Uses Restricted

No residential use is included in this proposal.

2. Public Trust Restrictions

A. Permitted Uses: North of Main Street

The sketch plans do not specify exact uses. The floor plans note general uses in sections of the building, including office, restaurant, and mercantile. The permit application will need to articulate exactly what uses are proposed and how they comply with the public trust use restrictions of this criterion.

3. Facades and Setbacks on Side and Rear Property Lines

Not applicable.

4. Building Height Setbacks

Not applicable.

5. Lake Champlain Waterfront Setbacks

The Moran building sits within the waterfront setback. It is unclear in the sketch plans whether additional encroachment is proposed. No additional building encroachment can be allowed. Site improvements such as walkways, patios, benches, etc. associated with the project are permitted encroachments per criterion C of this section.

6. Development Bonuses/Additional Allowances

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.1 (b).

Sec. 5.2.4, Buildable Area Calculation

See Sec. 4.4.1 (b).

Sec. 5.2.5, Setbacks

See Sec. 4.4.1 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.1 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.1 (b).

Sec. 5.4.8, Historic Buildings and Sites**(a) Applicability:**

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

The Moran was listed on the National Register of Historic Places in 2010. Alterations and additions are, therefore, subject to review under Sec. 5.4.8.

(b) Standards and Guidelines:

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

The application, while proposing new use, strives to maintain those building details, massing, and materials that are characteristic of the power generating facility.

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

Significant effort has been made to retain massing, spatial relationships, and materials associated with the Moran building. While alterations are proposed, they are consistent with the defining characteristics of the building.

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

Alterations proposed for the Moran building are distinctly identifiable, and distinguishable from the original structure. No conjectural features are proposed.

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

Significant effort has been made to assure the retention of important and character defining features of the Moran building in order to allow reasonable interpretation of the structure by the public in its proposed new use.

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

See above.

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

Existing windows have been badly damaged, as has some of the brick work. The original building superstructure will be clearly evident in project implementation. New brick work and window replacement will be consistent with existing characteristics.

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

Abatement of asbestos and lead paint as well as other hazardous materials has required significant attention, but no actions are proposed that will affect the integrity of the building mass.

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

None identified.

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

The plan reflects considerable and attentive analysis of the qualities of the existing vacant electric generating facility and the thoughtful re-use of the structure. There is clear discernment between the original building mass and details and the proposed alterations such as the steel latticework enclosure and the west-facing center window. This discernment will both inform the public of what is old and new and present a pleasing and highly functional new structure.

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

While the proposed alterations are effectively permanent, the proposed work leaves the essential form and integrity of the building intact.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. Potential for noise impacts should be addressed in the permit application.

Sec. 5.5.2, Outdoor Lighting

No outdoor lighting information is included in the sketch plans. The permit application must include a photometric plan of the site delineating separate lighting environments (parking & circulation, walkways, and building entries) and fixture cutsheets.

Sec. 5.5.3, Stormwater and Erosion Control

The sketch plans do not address whether any new or modified stormwater management measures are proposed. An assessment of whether changes to the existing stormwater facilities are needed must accompany the permit application. If changes are needed, they must be incorporated into the project plans.

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

The site contains no significant natural areas as identified in the Open Space Protection Plan. While the site is along the Lake Champlain waterfront, it (and the rest of the downtown waterfront) is not included in the Riparian and Littoral Conservation Zone.

Some existing trees and associated scrub growth along the immediate shoreline will be removed as part of the proposed shoreline improvements. New rip rap, seawalls, and plantings will be installed.

(b) Topographical alterations

The existing site is generally flat and will remain so. The site plan depicts general topographic information but is not especially detailed. Upon permit application, a separate topographic plan is recommended.

(c) Protection of important public views

There are significant public views from the project site across the lake and towards the Adirondacks. There are also significant public views across the site from Battery Park. Existing public views will not be adversely impacted by the renovated Moran or by the new sailing center building. Insofar as the proposed work includes improved pedestrian access to the waterfront, these important views will be more readily available to the public.

(d) Protection of important cultural resources

The project site is located on fill soils. The site has no archaeological significance. The Moran building is historically significant as noted under Sec. 5.4.8 (above) and 6.3.2 (b) below.

(e) Supporting the use of alternative energy

See Sec. 6.3.2 (f).

(f) Brownfield sites

The site is included on the Vermont DEC Hazardous Site List. No information relative to this item is included in the sketch plans; however, as part of the prior permit approval, a corrective action plan (CAP) had been established for the building and the site.

(g) Provide for nature's events

Stormwater management is not addressed in the sketch plans. Whether any new or upgraded stormwater management measures are proposed will need to be addressed in the formal permit application.

(h) Building location and orientation

The location of the Moran building will not change. What is effectively a rear entryway facing Lake Street will be revamped as one of two primary entrances into the structure. The proposed changes result in a clearly articulated main entrance facing the public street.

(i) Vehicular access

Only limited vehicular access is proposed right up to the Moran building. It appears that vehicular access to the building is limited to service vehicles and trucks coming to the new loading dock. Most vehicles will be directed to a new surface parking area to the southeast of the building or to the on-street parking located along Lake Street extension.

(j) Pedestrian access

Much of the proposed hardscaping is pedestrian-related. New concrete walkways are proposed in several locations. In the center, a new pedestrian promenade reaching from Lake Street out into the lake will be installed. Wide swaths of pavers are proposed around the building and through the site to provide ease of movement for pedestrians as well as limited vehicular access to the building. Well defined pedestrian routes will provide access from parking areas to the building, the lakeshore, and the nearby bike path.

(k) Accessibility for the handicapped

Several handicap parking spaces are depicted on the plans. They are located with ready access to pedestrian circulation areas and the Moran. It is the applicant's responsibility to comply with all applicable ADA requirements.

(l) Parking and circulation

All of the new parking included in this proposal is located to the southeast of the Moran building. The sketch plans submitted are reduced-size, and so are not true-to-scale. Therefore, dimensional adequacy of the parking and circulation cannot be assessed. Full size, true-to-scale project plans will be required with the formal permit application.

The proposed parking is broken into distinct components and includes new landscaping, apparently consisting of trees and shrubs within the landscaping islands and peripheral green spaces. The parking areas incorporate direct, well-defined pedestrian routes into the rest of the site.

No parking lot shading analysis is included in the sketch plans. This criterion establishes a target of 30% shading of the parking areas with new shade trees. At least 1 shade tree for every 5 parking spaces is required. Minimum caliper size at the time of planting is 2.5" – 3.5" and a mature canopy diameter of 35' is expected. Such details will be required with the formal permit application.

While not part of Design Advisory Board's purview, it bears mentioning that an updated parking analysis will be required as part of the formal permit application. The parking now proposed is similar to that included in the prior permit approval; however, the mix of uses is different.

(m) Landscaping and fences

General landscaping information has been provided in the sketch plans. New trees will line some portions of the interior pedestrian walkways. As noted above, some new trees will screen and shade the new parking area. A new public green is proposed to the north of the building and will be defined, at least in part, by new landscaping. A detailed landscaping plan will be required as part of the formal permit application.

(n) Public plazas and open space

Much of the proposed site work is aimed at creating a pleasant pedestrian environment. The layout of the site invites pedestrian access into the building and to the lakeshore. Ample opportunity for exploring the building, the site, and the lakeshore is afforded. A large paver area with associated seating walls will hug the new public green, and new terraces are proposed on both the east and west sides of the building. Rooftop public access will be provided.

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No new outdoor mechanical equipment is apparent. Judging from the floor plans, all of the mechanical equipment will be contained indoors. The dumpster and recycling facilities are also contained indoors. Any new utility lines must be buried.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The massing, height, and scale of the existing structure will remain essentially unchanged. The enclosure of the steel latticework on the north will add to the overall scale of the building but reads as a distinct component. The new loading bay to the north of that will result in minimal additional building mass. While there are significant expanses of featureless brick wall due to the Moran's history as an industrial power plant, both the original building and addition thereto read as an agglomeration of distinct components that effectively break up the building's perceived mass. Proposed entry level terraces bring about an inviting new street level presence for pedestrians that was previously lacking.

2. Roofs and Rooflines

The existing building is a multi-level flat roof structure. The proposed addition will reflect this appearance with flat roofs on varying planes.

3. Building Openings

Most of the windows in the existing structure are broken or boarded-up. All windows will be replaced within the existing window openings. A new window, in a shape reminiscent of a sail, will be inserted in the building's western elevation. The addition to the north will stand in contrast to the original structure. The east and west elevations will be nearly all glass with

some metal paneling. As noted previously, new entries will be constructed on the building's eastern and western elevations. These proposed entries are well articulated and easily identifiable.

(b) Protection of important architectural resources

The Moran is included within the National Register of Historic Places. The building is clearly industrial in appearance. The proposed renovations respect the essential form and appearance of the structure. Additions to the structure are clearly not part of the original building but are stylistically sympathetic. See also Sec. 5.4.8.

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The existing building was constructed as a power plant standing alone at the northern end of the downtown waterfront. It was not constructed as an active, pedestrian oriented facility. The proposed renovations do much to improve the attractiveness and pedestrian-friendliness of the building. Site work draws people into the building and associated site amenities. The eastern elevation will be transformed from a rather bleak, faceless façade into the primary entrance.

(e) Quality of materials

The brick sheathing on the existing building will remain. New precast concrete coping will be installed, as will replacement windows throughout. Window materials are not noted and must be as part of the formal permit application. The addition will be clad in metal paneling and glass. Some stone accents will be installed along the ground level. The noted materials are durable and of acceptable quality.

(f) Reduce energy utilization

The sketch plans depict solar panels on the lower roof deck facing south. The upper roof contains 3 columnar wind turbines reminiscent of the long-ago smoke stacks. In addition to these renewable energy features, the renovated building will comply with the current energy efficiency requirements of the city and state.

(g) Make advertising features complimentary to the site

Two parallel building signs are included in the sketch plans. The smaller of the two, a "Moran" sign on the ground level facing east, appears to be in an acceptable location and of an acceptable size. Dimensions will be needed upon formal permit application to confirm. The larger of the two, a "Moran Plant City of Burlington" sign on the upper level facing south, appears too large and too high up the building. The maximum sign size is 200 sf, regardless of how large the building is. Sign placement on the building is limited to 14' or the ceiling height of the 1st floor. There is an existing "City of Burlington" sign in this area that could be retained or replaced in-kind as a legitimate nonconformity, but it cannot be made more nonconforming. As with the smaller sign, dimensions will be needed upon formal permit application.

(h) Integrate infrastructure into the building design

No rooftop mechanical equipment is evident in the sketch plans. The top of the elevator shaft will project as will the proposed wind turbines. As noted before, solar panels are proposed on a lower roof deck. An interior mechanical room will house all building mechanicals.

(i) Make spaces safe and secure

Revamped building entrances are clearly visible and will presumably be illuminated. The dual-purpose pavers surrounding much of the building appear to enable access by emergency vehicles. Written approval of the Fire Marshal regarding the building's accessibility by emergency service vehicles will be required upon formal permit application.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the Downtown parking district. The sketch plans depict a new parking area in the area previously approved for parking (as part of the prior Moran approval), located to the southeast of the Moran building. Without a specific articulation of the proposed uses and associated square footages, an evaluation of parking adequacy cannot be made. An assessment of required versus proposed parking will be needed as part of the permit application.

Sec. 8.1.10, Off-Street Loading Requirements

A new loading area on the north side of Moran is proposed.

Sec. 8.1.11, Parking Dimensional Requirements

The sketch plans are reduced-size and are, therefore, not true to scale. An assessment of dimensional adequacy cannot be made. Full size project plans will be required with the permit application.

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Off-Site Parking Facilities

None proposed.

(b) Downtown Street Level Setback

Parking will be placed to the side of Moran. No parking is proposed immediately between the building and the street. As proposed, the parking will be set back somewhat from the front property line and the street.

(c) Front Yard Parking Restricted

Not applicable.

(d) Shared Parking in Neighborhood Parking Districts

Not applicable.

(e) Single Story Structures in Shared Use Districts

Not applicable.

(f) Joint Use of Facilities

The proposed parking will serve all uses onsite.

(g) Availability of Facilities

The parking to be constructed as part of this development must be for the exclusive use of employees and visitors. It may not be used for the storage or display of vehicles or materials.

(h) Compact Car Parking

Not applicable.

Sec. 8.1.13, Parking for Disabled Persons

Several handicap parking spaces are depicted on the sketch plans. Dimensional adequacy cannot yet be assessed. These spaces shall be marked and signed as required for handicap spaces.

Sec. 8.1.14, Stacked and Tandem Parking Restrictions

Not applicable.

Sec. 8.1.15, Waivers from Parking Requirements/Parking Management Plans

Not applicable.

Sec. 8.2.5, Bicycle Parking Requirements

Both short term and long term bicycle parking will be required. The required bike parking will be based on the uses within the project and the sizes thereof. Bike parking details will be required as part of the permit application.

II. Conditions of Approval

None for sketch plan review.

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MORAN INC.

DEVELOPER:

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ENGINEER:

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MECHANICAL & PLUMBING
ENGINEER:

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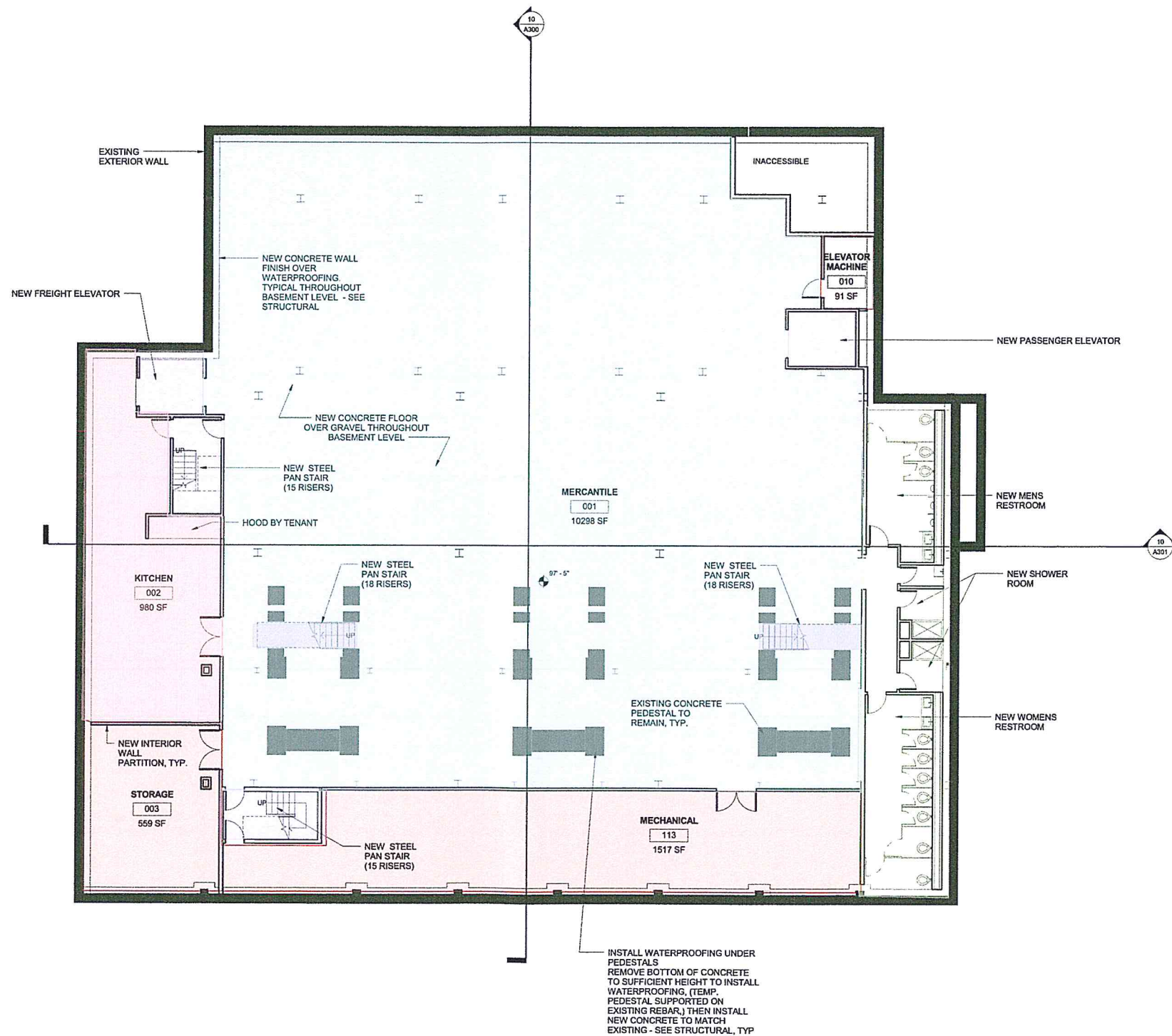
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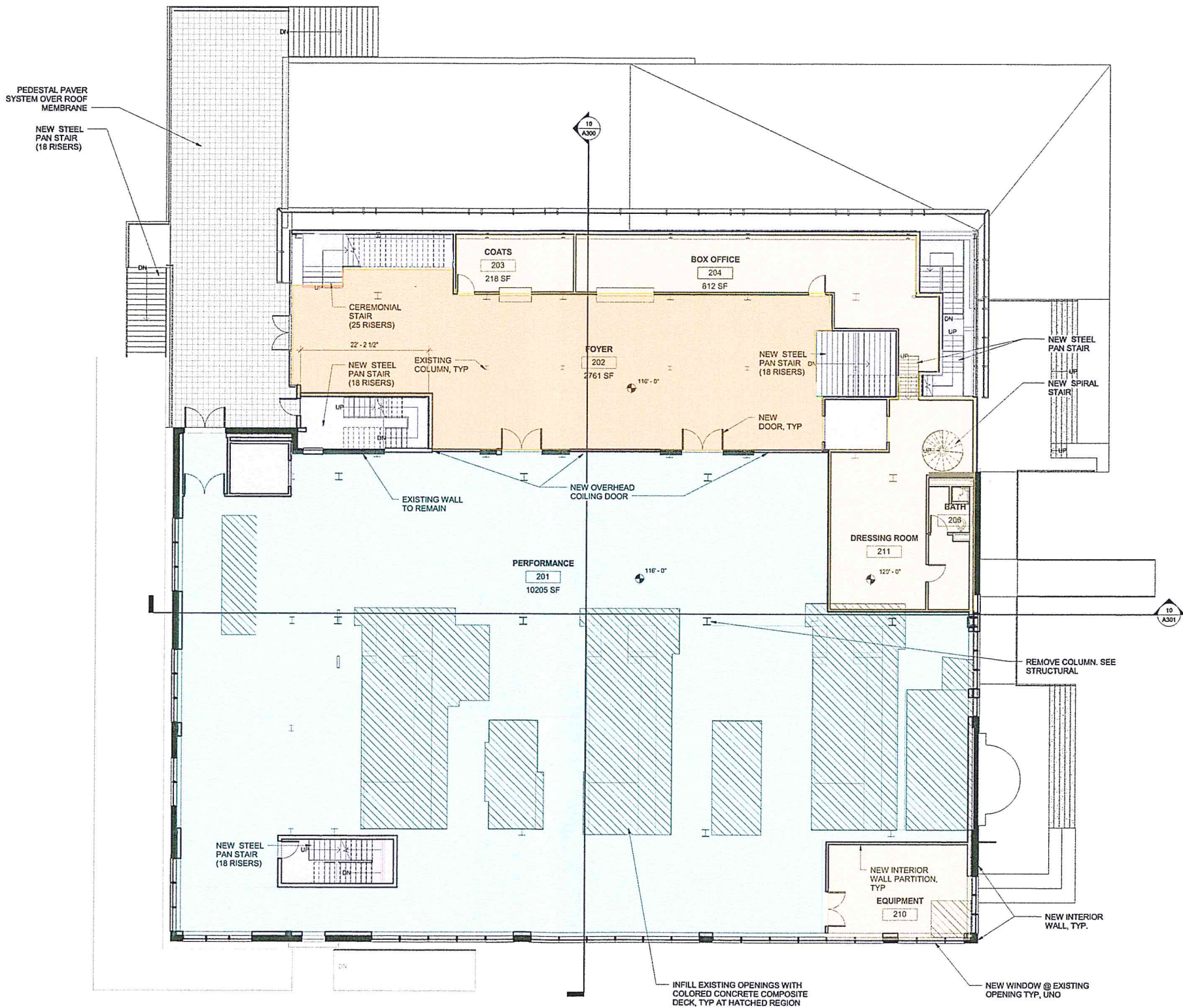
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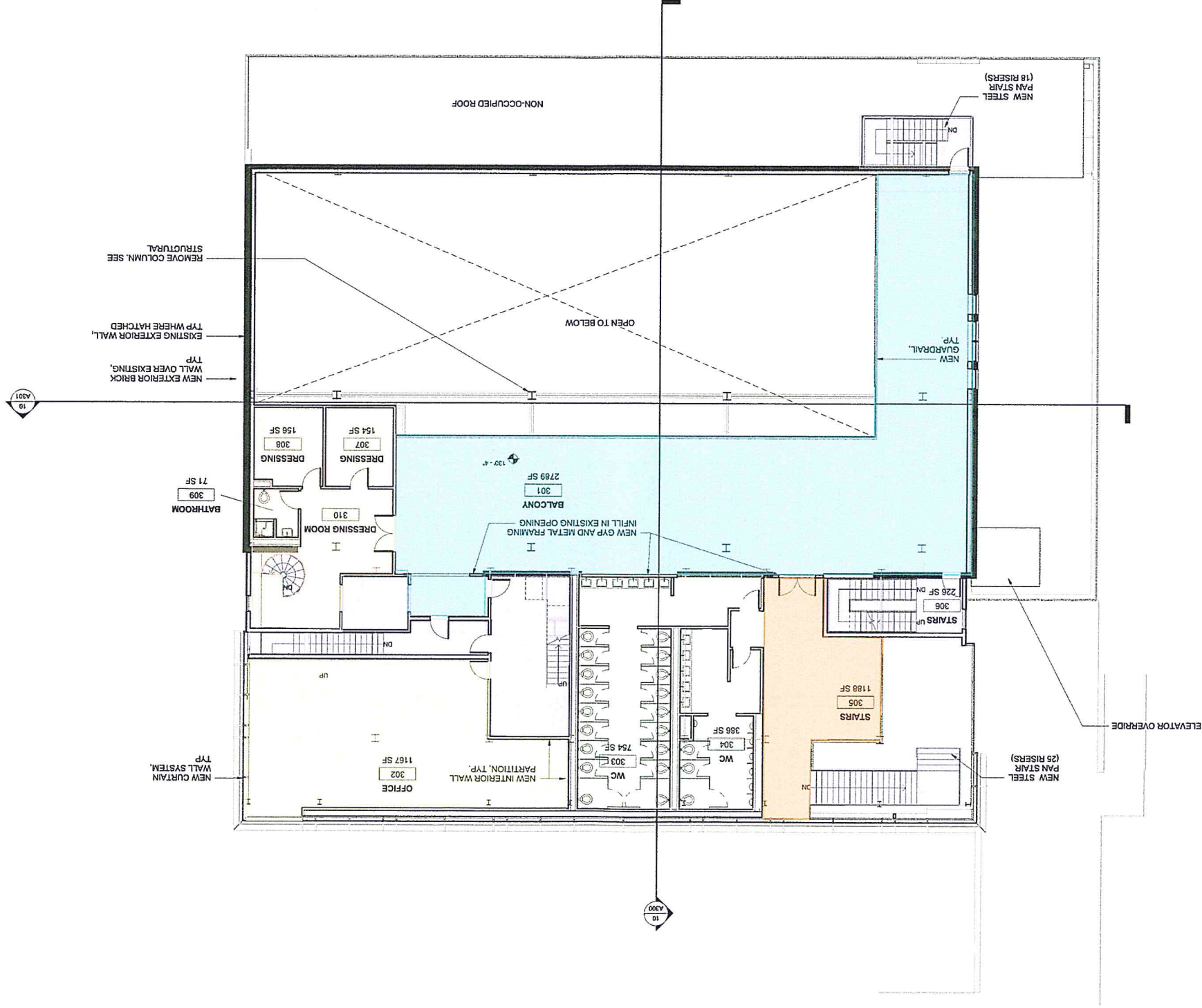
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A103

SCALE: 1/8" = 1'-0"

BALCONY

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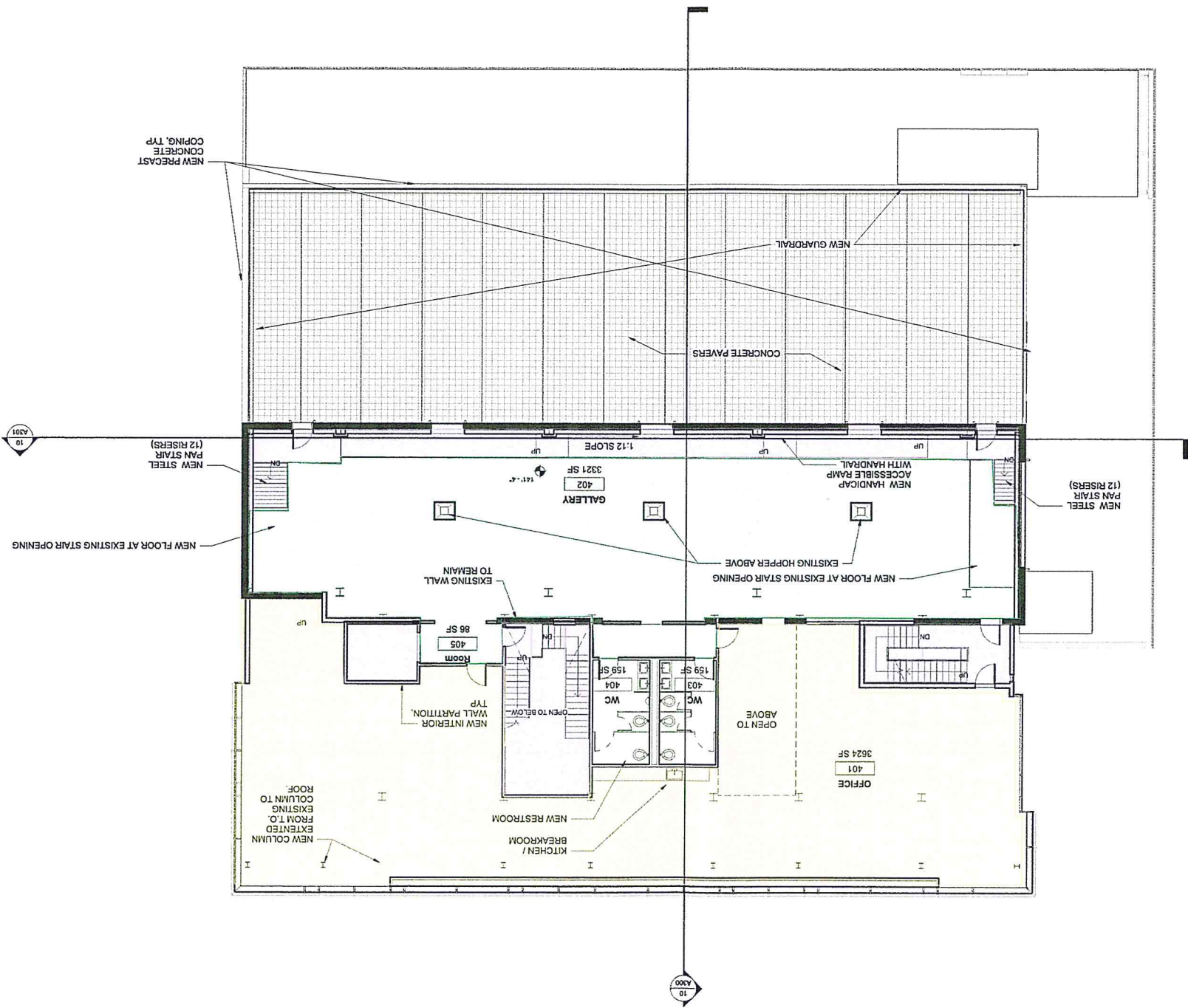
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10 LEVEL 4 - BOTTOM OF HOPPER
Scale: 1/8" = 1'-0"



A104

SCALE: 1/8" = 1'-0"

BOTTOM OF
HOPPER

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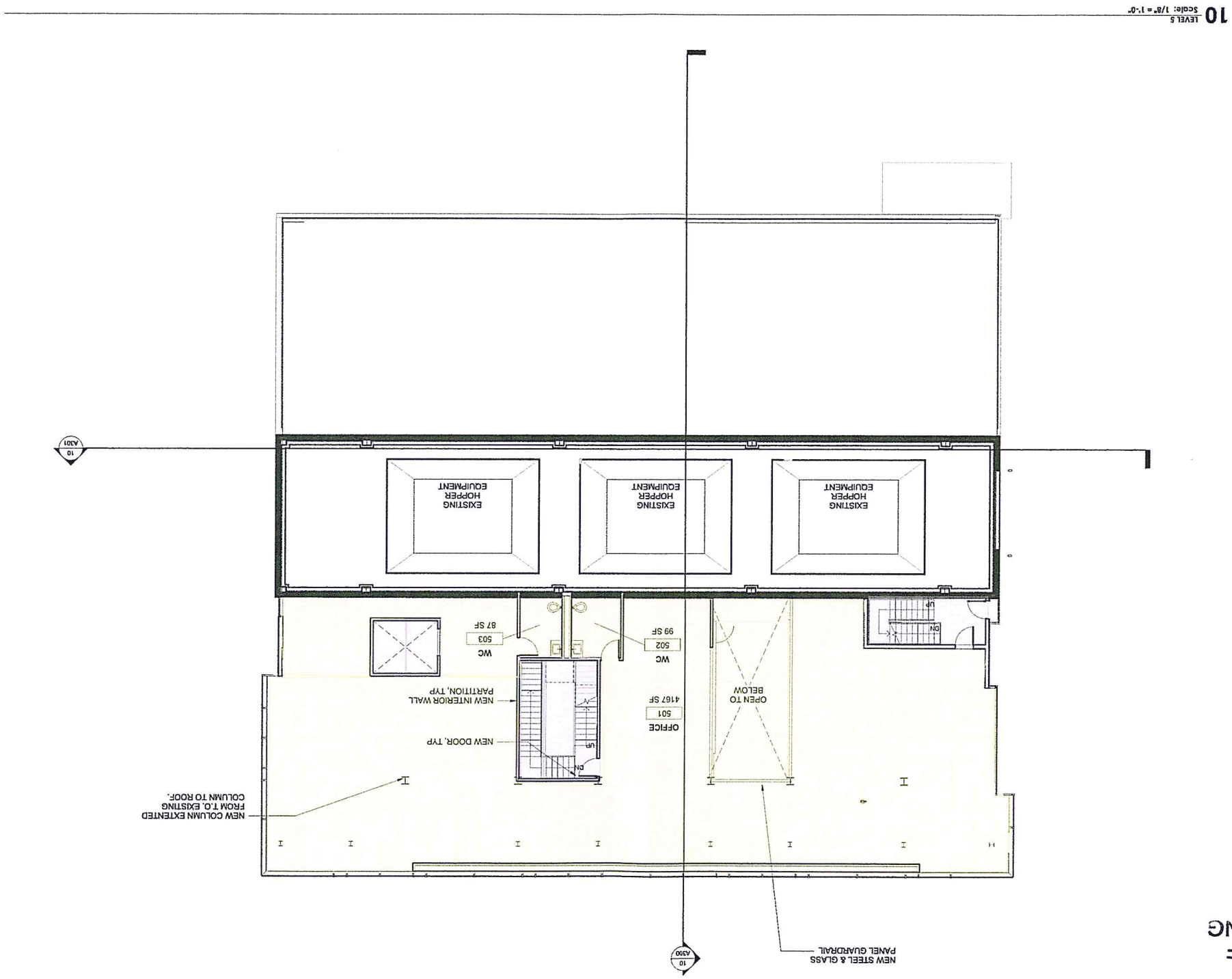
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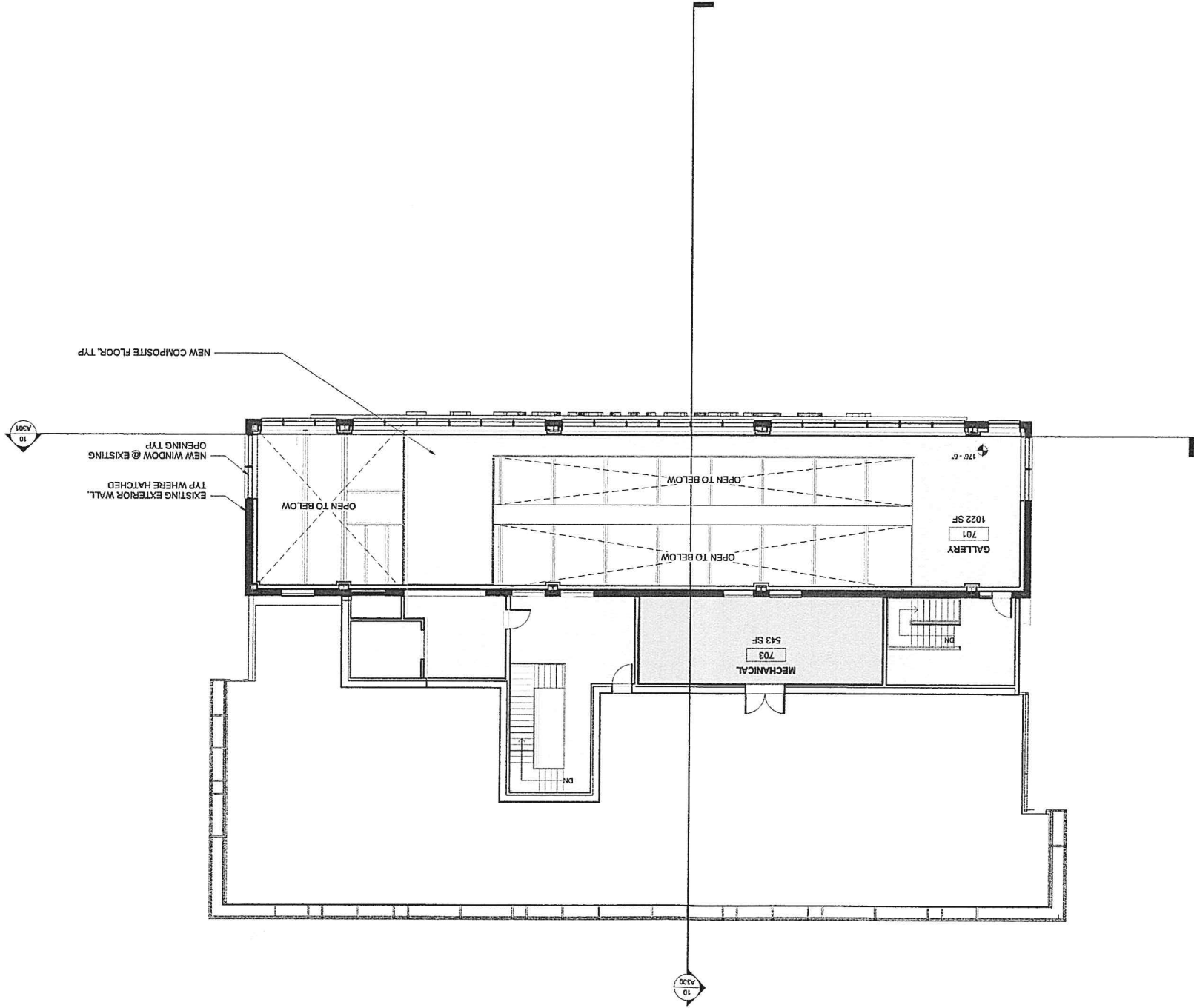
LEVEL 5

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A105

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10 LEVEL 6 - CONVEYOR PLATFORM
Scale: 1/8" = 1'-0"



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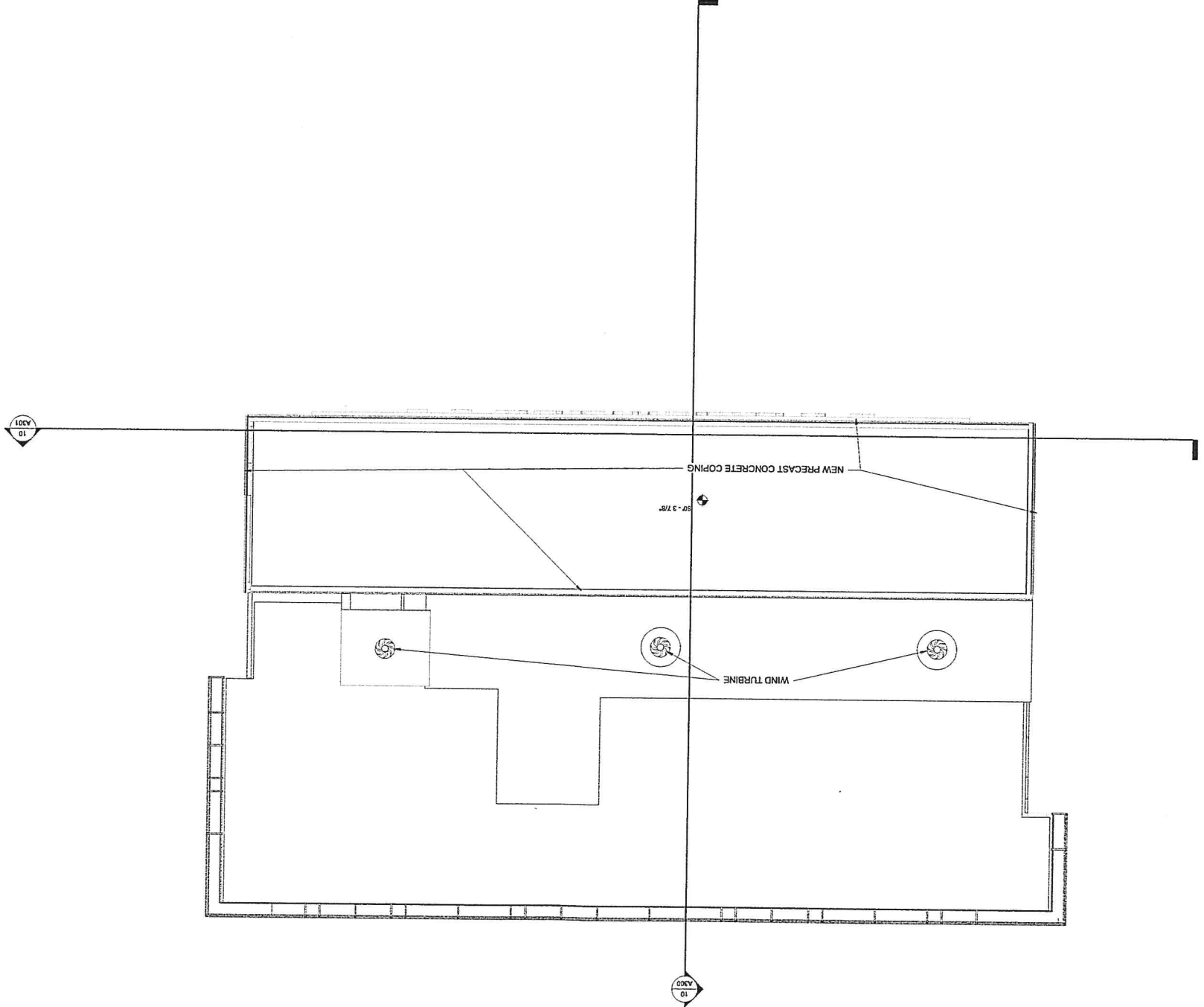
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CONVEYOR PLATFORM

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A107



Mary O'Neil

From: ccrehan@ekit.com
Sent: Monday, November 02, 2015 9:40 AM
To: Mary O'Neil
Subject: 203-205 Elmwood Ave concerns
Attachments: 203_205_Elmwood.jpg; 203_205_Elmwood_a.jpg; 203_205_Elmwood_b.jpg

Hi Mary,

My family and I live at 205 Elmwood Ave. We are next door to 203 Elmwood Ave. Shannon Reilly is proposing major renovation and expansion to 203 Elmwood Ave. I have a few concerns I would like to share, and I have attached a few photos of the space between our two houses. Perhaps you will consider this information in your report to the DRB. I plan to attend the meeting on Dec. 1st.

1. There is a distance of only 11 feet between the side of his house and the side of our house. This side of our house includes our side porch and back door entrance into our kitchen, as well as the only window in our daughter's bedroom. This is our only access from the house to the backyard. The expansion he is proposing will greatly alter the atmosphere on this side of our house (see photos).

2. The lot at 203 Elmwood is a small lot. We do not believe the expansion he is proposing suits the size of his lot. In the past, a request to turn the house into a duplex was denied. Why would the City now consider allowing him to more than double the house size?

I would be interested in hearing your thoughts. Does the historic value of his home come into play?

Please feel free to contact me by this email or at my home phone, 658-0928. Thank you very much for your consideration.

Sincerely,
Colby Crehan
205 Elmwood Ave.
802-658-0928

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Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

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Telephone: (802) 865-7188

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Austin Hart
Brad Rabinowitz
Jonathan Stevens
Alexandra Zipparo
Israel Smith
AJ LaRosa
Geoff Hand

Wayne Senville, (Alternate)
Jim Drummond, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday November 17, 2015, 5:00 PM Contois Auditorium, City Hall, 149 Church Street, Burlington, VT Minutes

Board Members Present: Austin Hart, Jonathan Stevens, Brad Rabinowitz, Alexandra Zipparo,
Wayne Senville, A.J. LaRosa

Board Member Absent: Israel Smith, Geoff Hand

Staff Present: Scott Gustin, Mary O'Neil, Anita Wade

I. Agenda

Changes: 99 Loomis St and request to postpone public hearing.
34 Spring St applicants could not make meeting and request to be rescheduled to December 1st.

II. Communications

Two project deferrals Requests.
Updated 2016 DRB meeting schedule.

III. Minutes

IV. Consent

1. 16-0406CA/CU; 69 Scarff Avenue (RL, Ward, 5S) Matthew H. Leach

Construction of new single family dwelling with attached garage.
(Project Manager, Mary O'Neil)

M.O'Neil - staff has received landscaping plan for the project which was a condition of the permit.
Board keeps this as a consent item.

A.Hart - questioned if applicant was satisfied with review of staff recommendations and approval.

M.Leach – applicant said this information was sent to architect. Applicant is fine with the single car
garage door being 10 foot or less.

B.Rabinowitz - motioned to approve application adopting staff findings and recommendations.

J.Stevens - seconds the motion.

A.Zipparo – questions the process, asking if DRB approval should be based upon the review the
landscaping plans.

M.O'Neil – landscaping plans have been submitted. Board may choose to look at these plans
singularly or review within the entire submission.

J.Stevens – may be sensible to defer this item until the deliberative session.

B.Rabinowitz – the landscape plan can be reviewed by staff.

A.J.LaRosa – agrees to have it reviewed by staff.

J.Stevens – seconds the motion to have the permit approved based on staff review and findings of the
landscaping plan.

A.Hart – the motion is approved upon staff findings and conditions and the additional review of the
landscaping plan.

Board Vote: 6-0-0

V. Public Hearing

1. 16-0477AP; 99 Loomis Street (RL, Ward 1E) Jonathan Lubis

Appeal of Zoning Violation #291859 relative to occupancy by unrelated adults.
(Project Manager, Jeanne Francis)

A.J.LaRosa recused from item.

A.Hart – the party has asked for a deferral.

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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J.Stevens – asks a procedural question on how the request for a deferral was made.
S.Gustin – request was received as a written record through email.
K.Sturtevant - confirms a deferral and continuance.
A.Hart – makes a motion for deferral for date to be determined no later than three months.
B.Rabinowitz – seconds the motion.
Board Vote: 5-0-1

2. 16-0239CA; 18 Adsit Court (RL, Ward 1E) Eugene Day III

Appeal of zoning permit denial to replace main and center wooden porch posts with PT lumber, also replace railings/cross bars with PT lumber. Replace wooden porch ceiling in-kind. Replace wooden flooring with composite material. (Project Manager, Scott Gustin)

G.Day applicant is sworn in.

J.Stevens – mentions the burden of proof is on the administrator.

A.Hart - swears in staff and applicant, asking staff to present first.

S.Gustin - applicant submitted an application and was denied accord to sec 5.4.8 based on materials being used in a historic designated area. Listing shows in pristine condition, with front porch as the primary façade, which is where porch floor is being replaced. Sec 5.4.8 calls for retention and denial.

A.Hart – are there other objections besides flooring materials.

B.Rabinowitz – questions on pressure treated materials.

S.Gustin - permit was denied for it's entirely.

G.Day - I bought the house in 2001 when it was not in pristine condition and spent the last 15 years doing work. The porch was beyond repair and was not holding paint. I researched a lot of different material over the course of a year. Applicant passed samples of the materials to the Board for their review. Explained how the material look and sound like wood and holds up better without losing the adhesion of paint. Appreciates the city wanting to maintain the historic aspect keeping a distinctive features, but feels there are better materials that present the same appearance offering good wear.

A.Hart – questions the claim that the material has been approved in 48 states and with national historic places. How do you know this is fact?

G.Day – this claim is through Aeratis Traditions and their manufacturer's website.

A.J.LaRosa - what is the cost difference, (\$18 a board) and long-time maintenance?

A.Hart - is paint warranted by manufacturer.

J.Stevens – questions about types of floor materials, composition and placement and paint retention.

A.Zipparo - some materials won't hold up in cold weather.

A.J.LaRosa - questions about type of wood.

G.Day – very little water absorption with this material.

S.Gustin - distinction of wood is not specified; criteria does not distinguish type of wood.

W.Senville - staff recommends in kind materials; is there any example where the DRB allowed other materials.

S.Gustin - do not recall a case that came before the Board.

W.Senville – question on how many permits are in kind?

G.Day - easier to maintain and painted wood floors with this material.

B.Rabinowitz - wood available today is not the same quality as old growth and not exactly in kind wood. Other consideration is pressure treated wood posts tend to twist.

A.Hart – some accept fiber board for historic appearance is close why wouldn't same rationale apply.

S.Gustin - precedent set for fiber cement. Staff review is limited.

M.O'Neil – building was permitted for trial in 2005. Understood by property owner and permit office to determine how long it will last. Clearly a trial only, since product has failed the test.

G.Day – cannot see why new material for the porch flooring wouldn't be approved.

J.Stevens – accepts applicant intention to paint rails and posts.

Public hearing was closed.

3. 16-0325CU; 34 Spring Street (RM, Ward 2C) Christopher Valin

Establish bed and breakfast utilizing back yard cottage and also establish boarding house within existing home. (Project Manager, Scott Gustin) *Applicant has requested deferral to future date.*

A.Hart – applicant has requested deferral for future date. There is no enforcement action. Makes a motion for deferral and to move item to Dec 1st.

J.Stevens – asks how the request for deferral was made.

S.Gustin – request made by email for a date certain on Dec 1st.

J.Stevens - seconds the motion.

Board Vote: 6-0-0

4. 16-0151DT; 2-8 Hickok Place (RM, Ward 2C) Diemer Apartments, LLC

Appeal of an adverse determination relative to grandfathering of five and six bedroom usage of four living units. (Project Manager, Scott Gustin)

A.Hart - asks the city to give presentation first. Swears in applicants and staff.

K.Sturtevant – as assistant city attorney, I am representing staff in addressing the appeal of an administrative decision to the Board. This application request was for a pre-existing, non-confirming use status which questions whether that use was legal prior to the current zoning ordinance and if it can continue in a nonconforming status. The test dates back to 1970 and with the Montes decision in 2001. Student living quarters was considered group quarters going back to 1970. City records have been reviewed pertaining to this issue. There is not enough evidence to support this request, since records do not go back far enough. The evidence is not there. As strictly construed, the goal of zoning is to phase out non-conforming uses. Court case defines the property as group quarters going back to 1970. The burden of proof is on the owner. Staff reports lay out more specific details.

B.Rabinowitz – review for zoning related issues and maybe data from housing that may carry weight. There should be a zoning trail. Facts are not supportive?

K.Sturtevant - looked at all sources with greater weight is given to zoning files. There's not a lot of evidence for occupancy in the zoning files. Looked at all the City records but since not a lot of evidence from the files does not go back far enough. Needs to be a zoning trail.

A.Hart – understand this is not about how many bedrooms but about who is living in them and their relationship?

K.Sturtevant – this is correct.

W.Senville – are you expecting the applicant to go back 45 years and provide records continuously from 1970?

K.Sturtevant - yes, the burden is to show a legal existing use prior to the change in zoning ordinance if that was discontinued for a year the property would lose its legal status. They submitted an affidavit from the City on a multiple 8 units building.

K.Sturtevant – the question of on how many units was not part of the application. More about the number of occupants in the 4 units. Code enforcement received a request for determination. The statement from Jeanne Francis notes though city records were reviewed not all issues were addressed as was mentioned on the lower portion of her letter.

B.Rabinowitz – is this about searching for any legal proof during that 45 yr. period of time?

K.Sturtevant – if approval was given during that time frame for occupancy, it might not have been a legal nonconforming use. It could be an approved use. Need to start at a date and go forward to determine this.

J.Stevens – if applicant abandoned the use then they would lose right to the nonconforming use.

A.Hart – asks appellant to speak to the Board.

J.Dreimer – appellant hands out a document to the Board.

J.Dreimer - explains that she and husband have been landlords since 1996 and lived there for 11 years restoring another house. Purchased property in 2003. Have been good stewards of their properties. Has been a landlord liaison for UVM for 14 years. Always believed this building was grandfathered and purchased in good faith checking with all authorities and receiving clearance from City departments. Would not have paid this price if something was illegal at property. Shocked to learn it was not grandfathered. Do not feel it is necessary to go back to 1973 since they owned it from 2003.

A.J.LaRosa - questioned the number of units

J.Dreimer – notice of decision dates back to 1965. Records indicated 8 units.

A.Hart – the number of units is not before us. Only reviewing 4 units. Have proof of housing registration forms. Bill and staff tried to research this. In 1996, there were no records for number of occupants. Certified documents are from 1983 to 2003 which does not show violations. Can you provide information back to 1970?

J.Dreimer – the city doesn't have these records or they are incomplete or inaccurate. This was built prior to 1984 and has been apartment house since 1984, when Michael Watson was preservation specialist for Burlington for historic properties. The goal was to bring in single families and send Scott a release. Not pending for building code or having clear title.

A.J.LaRosa - do you have historic floor plans?

J.Dreimer – we have the original floor plans.

A.Hart – this is more about the number of bedrooms. The question is whether or not it has it always been 5 or more unrelated adults.

J.Dreimer – description presents as an 1894 fine example of Queen Anne building as one of the earliest residences for tenants.

J.Stevens - what happened about the alleged violation over a number of years?

A.Hart - asks about a possible violation.

J.Dreimer - putting the building on market and finding out what to do about the right way. I brought up the issue since we had it on the market when a buyer said they learned the property was not grandfathered. Called Bill Ward and decided to get it taken care of. Important point is that for the last 45 years was not in compliance and never told things were done incorrect.

D.O'Rourke – speaks about the letter from Jeanne Francis stating the document was read in the affirmative. Realizes that greater weight is given to the zoning files even though record keeping was not up to same standard as today. City's determination on the Mentes decision shows important distinctions for a single dwelling unit that may trigger the Court's examination.

A.J.LaRosa - questions if relevant since the case examined a single family unit.

D.O'Rourke – Need to separate use of apartment house and the definition of family. Board found property wasn't a group home. Today there's a pre-existing use which needs more than one definition. The best evidence are permits going back to 1985. The Court in Mentes relied on documents and information from 1999 with different definitions and categories from that period of time. What was the City's intent and meaning in interpreting the ordinance and issuing a permit for 5 and 6 bedrooms?

A.Hart – questions whether this is a pre-existing or conforming use and who has this burden of proof?

D.O'Rourke - my clients have the burden of proof

A.L.Rosa – asks for definition of an apartment house

D.O'Rourke – there is no definition of family or apartment house. The permit was approved in 1986.

W.Senville - would it be possible to submit a summary of your oral response?

A.Hart – this may be filed with Scott

A.Hart - there is no enforcement action but this a complicated situation. This should come back again perhaps Dec 19th. This might be best we can do.

J.Dreimer - want to get this resolved in the best way with all the necessary information.

J.Stevens – this feels very open ended to close public hearing and have a deliberation session. Need opportunity to discuss to see if all information is available to resolve the issue.

A.Zipparo - would like to hear from the staff attorney.

A.Hart – Board has option of requesting the city to provide council since Kim cannot serve this capacity. Let us put this on hold to hear from the City so the Board has the opportunity to ask questions.

B.Ward – the appellant's statements is correct. She thought it was grandfathered but did not find anything. This should come from the zoning administrator. She came back and brought a rental registration document, rental bill and statement about the property with questions about the form. Found this the same as previous years when they reported 5 and 6 unrelated occupants. This number goes back goes back to 2000. Earliest leases in June, 2000 to May, 2001 state 6 and 5 unrelated occupants.

A.Hart - during period of Mentes did you consider this pre-existing property?

B.Ward - this comes from the zoning administrator.

A.Hart - is there disparity during that period of time?

A.J.LaRosa - in 1962 there is no definition of family. In 1970, it was an approved use and then the question was whether it was grandfathered. How does 1962 analysis affect the present situation?

K.Sturveant - haven't demonstrated what that use was. May have to get back to you on this.

W.Senville – Ms. Deimer listed variety of city documents she obtained before purchasing the property. Is there something she missed?

K.Sturveant – the City does not do title searches. The letter from Jeanne Francis mainly refers to parking. We are not aware of any violation on this property. We do not do site visits and title searches, since we don't have the capacity or staff to do that.

K.Sturveant - there are no supporting documents for or against regarding the occupancy issue.

B.Rabinowitz - is there some burden on city to have these documents for properties?

K.Sturveant - not necessarily.

S.Gustin - this is not an enforcement action. Documentation is in response to the grandfathering request. The document trail has to be consistent. There is no intention to file a violation.

K.Sturveant - nonconforming is a legal status stated in the ordinance. It is the intent of state statute and the burden is on the appellant to provide this information.

A.Zipparo – would like to address the Mentes case regarding family dwelling units.

K.Sturveant - will be addressing this and the 1970 memo.

A.Hart - two possible ways to proceed: use Dec 19th as a continuation of the public hearing or the deliberative session. Board may have additional questions.

S.Lipman – resident asked when ordinance went into effect to establish this use.

A.Hart - that was discussed previously. Board looks at what the evidence shows and dates.

S.Gustin - Mentes case provides a starting point in 1999 about a functional family and then adjudicated in 2001 and in 2002.

S.Lipman – has anyone brought up the Jean Birdman memo on grandfathering being protected by law? Whether or not it is legal at time is at the discretion of the zoning administrator.

A.J.LaRosa – the memo is a very general statement on grandfathering.

S.Lipman - a lot of people relied on this though.

A.Hart - we understand about this. The question is how the facts fit in this instance.

A.J.LaRosa – motions to continue public hearing for Jan 19th receiving attorney's comments to be submitted within 30 days to be able to incorporate into Board's decisions and hearings on Jan 19th.

A.Zipparo – seconds the motion.

Discussion among the Board.

S.Bushor – questions the procedure. If the Board receives information and then deliberates, then no one can make comments, which is inconsistent with the process.

A.J.LaRosa – questions if the public hearing is closed whether the Board may still accept materials?

S.Gustin – the practice of accepting new information after the close of the public hearing is not okay.

Board votes to continue public hearing on January 19, 2016.

Board Vote: 4-2-0

VI. Certificate of Appropriateness

1. 16-0375CA; 311-329 North Ave (RM, Ward 7) BC Community Housing LLC

Continued review of five year tree maintenance plan for 311 and 329 North Avenue. (Project Manager, Scott Gustin)

A.Hart - asked if Board they want to reopen public hearing. Swears in applicant.

E.Farrell – applicant said he walked site with Conservation Board who unanimously voted in support of the tree maintenance plan.

A.Hart – asks applicant if he has responded to Board comments?

E.Farrell – answers, yes.

A.Zipparo - don't remember if state shoreline protection law involved with this project.

S.Gustin – the City has reviewed under an existing regulation. The local ordinance is stricter than the State.

Public hearing was closed.

VII. Other Business

Deliberative session set for Monday December 30th at 5:00pm.

Development Review Board approves the 2016 DRB Schedule at the Deliberative Session on Monday November 30, 2015.

VIII. Adjournment

A.Hart, Chair of Development Review Board

Date

A.Wade, Planning and Zoning Clerk

Date

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

Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the 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/dr/ agendas or the office notice board, one week before the hearing for the order in which items will be heard.