

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Brad Rabinowitz

AJ LaRosa

Springer Harris

Geoff Hand

Zoraya Hightower

Brooks McArthur

Kienan Christianson

Sean McKenzie, (Alternate)

Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Wednesday November 6th, 2019, 5:00 PM

PUBLIC HEARING NOTICE

**The Burlington Development Review Board will hold a meeting on
Wednesday November 6th, 2019, at 5:00 PM in Contois Auditorium, City Hall.**

1. 18-1208CA/MA; 75 Briggs St (ELM, Ward 5S) Petra Cliffs

Time extension request for 18-1208CA/MA; Construct a new health club/climbing center. Includes a new building and site improvements (Project Manager: Scott Gustin)

2. 20-0166CA/VR; 15 Conger Ave (RL/W, Ward 5S) Patrice A. Stratmann

Demolish existing structure and construct new single family home and related site improvements (Project Manager: Scott Gustin)

3. 20-0350AP; 38 Greene St (RM, Ward 2C) Leon L Beliveau

Appeal of NOV 372003; Occupying structure with more than 4 unrelated adults in a Residential-Medium Density zone, inconsistent with the Family Definition of the Comprehensive Development Ordinance Article 13 (Project Manager: Ted Miles)

Plans may be viewed in the Zoning Division Office, (City Hall, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning Division office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drbb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
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DEPARTMENT OF
PLANNING & ZONING

Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

PROJECT LOCATION ADDRESS: 111 Intervale Road

PROPERTY
OWNER*: City of Burlington Electric Department

*If condominium unit, written approval from the Association is also required

POSTAL ADDRESS: 111 Intervale Road

CITY, ST, ZIP: Burlington, VT 05401

DAY PHONE: 802-865-7476

EMAIL: PPKENAD@BurlingtonElectric.com

SIGNATURE: Paul Pike

I am the owner. In addition, I duly authorize the applicant (if noted) to act on my behalf for all matters pertaining to this zoning permit application.

APPLICANT: Burlington Fire Department

POSTAL ADDRESS: 136 South Winooski Ave

CITY, ST, ZIP: Burlington, VT. 05401

DAY PHONE: 802-865-4554

EMAIL: slocke@burlingtonvt.gov

SIGNATURE: [Signature]

Description of Proposed Project: the locating of conex boxes to aid in the training of fire department personnel with wooden framed props to simulate roofs for purposes of hands on training. Training also include both theatrical smoke and the burning of pallets and hay to simulate fire conditions.

Existing Use of Property: ☐ Single Family ☐ Multi Family: #___ Units ☒ Other: open parking area

Proposed Use of Property: ☐ Single Family ☐ Multi Family: #___ Units ☒ Other: Fire training site

• Does your project involve new construction, addition, alteration, renovation, or repair to a structure that is heated or cooled? Yes ☐ No ☐

(If yes, the Vermont Residential/Commercial Building Energy Standards (VRBES/VCBES) apply. Please visit the following links for more information http://publicservice.vermont.gov/energy_efficiency/rbes or http://publicservice.vermont.gov/energy_efficiency/cbes)

• Will 400 sq ft or more of land be disturbed, exposed and/or developed? Yes ☒ No ☐

(If yes, you will need to submit the 'Erosion Prevention and Sediment Control Plan' questionnaire, with a site plan)

• For Single Family & Duplex, will total impervious area be 2500 sq ft or more? Yes ☐ No ☐

(If yes, you will need to submit the 'Stormwater Management Plan' questionnaire, with a site plan)

• Are you proposing any work within, below, or above the public right of way? Yes ☐ No ☐

(If yes, you will need to receive prior approval from the Department of Public Works)

• Are you proposing any onsite food or beverage production/manufacturing? Yes ☐ No ☐

(If yes, you will need to consult with Water Resources Division at the Department of Public Works: 863-4501)

Estimated Construction Cost (value)*: \$ 25,000.00

(*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days for administrative permit; 30 days for board permit). A building (and/or electrical, mechanical, plumbing, curbed cut) permit will also be required. Contact the Department of Public Works at 802-863-9094 to inquire. Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office in the lower level of City Hall, 149 Church Street.

Office Use Only: Zone: EAE Eligible for Design Review? Y Age of House 1900 Lot Size 19645

Type: SN___ AW___ FC___ BA___ COA 1 X COA 2___ COA 3___ CU___ MA___ VR___ HO___ SP___ DT___ MP___

Check No. ___ Amount Paid ___ Zoning Permit # 20-03600A

Zoning Permit Application

Supplemental information for Burlington Fire Department

McNeil Power Plant

111 Intervale Road

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**DEPARTMENT OF
PLANNING & ZONING**

The Burlington fire department proposes to place a series of conex container boxes in the yard of the McNeil Power plant. These boxes shall be located in a gravel open lot location currently being used by the Burlington fire department. The intent of these boxes is to provide a makeshift training prop for the fire department for purposes of training firefighters. The primary use shall include but not be limited to; Search & Rescue operations, ladder training, hose line operations, forcible entry skills, roof ventilation, firefighter safety & survival, aerial ladder training, sprinkler training and various other specialty disciplines. The boxes shall be placed and designed, to be the most effective for this purpose. Theatrical (Non Toxic) smoke will be used primarily within the props to create smoke conditions to simulate fire conditions, as well as smoke from dry hay and clean wood to also create a realistic environment. The particulate emissions we estimate to be negligible for the majority of our events, most of the sessions will be conducted with nontoxic theatrical smoke. The other smoke which will be created will be from clean wood and will be equivalent to the smoke generated from a wood stove or fire place. We have been unable to validate a specific particulate emissions that this will create.

The props will be used routinely by firefighters to maintain proficiency in their skills. We anticipate use of the prop to occur regularly during the week 3-4 times, however, will be sporadic based upon weather conditions and other activities and trainings within the city. Occasional evening and weekend use is also expected.

The ground area is to be prepped with crushed stone or gravel to create a level permeable surface we estimate to be 5000-7000 square feet. The conex boxes are approximately 8 feet wide x 40 feet long x 8-10 feet tall. We would like to put two side by side and two additional stacked on top to create additional height. In addition, we would place a wooden roof prop on top, made of normal wood construction material.

The fire department does not have any fixed training site and relies on various buildings around the city to train their members and maintain operational readiness. This proposed site is a short-term inexpensive plan to allow our members the much needed training, which is needed to keep our members safe and proficient. The use of these boxes is routine in many fire departments across the country as well as in other parts of Vermont. A couple examples of the conex boxes are attached.



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PLANNING & ZONING

RELEASE OF LIABILITY

WHEREAS the City of Burlington acting by and through the Burlington Electric Department (hereinafter "BED") Owns Property at 111 Intervale Avenue (specifically the McNeil Generating Station); and WHEREAS Customer (Burlington Fire Department) has a need for the temporary use of such property.

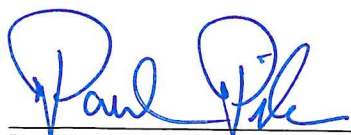
NOW THEREFORE in consideration of the mutual promises and covenants contained herein, it is agreed as follows:

1. BED shall allow access to 111 Intervale Avenue (McNeil Generating Station) to the Burlington Fire Department for the sole purpose of conducting the Fire Department's Training, at no cost to Customer.
2. The training is scheduled to begin on or around NOVEMBER 15, 2019 and will be ongoing until deemed unnecessary or terminated by either party. Customer shall supply their own tools and method of operation, and shall be under their own direct supervision.
3. BED MAKES NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, AND MAKES NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE IN CONNECTION WITH SUCH PROPERTY.
4. As a condition of this agreement, the Burlington Fire Department (B.F.D.) agrees to release BED from any and all potential liability that may arise from Customer's use of the property. If any occurrence results in a claim for injury or damages regarding the use of the property, Customer agrees that it will make no claim whatsoever against BED or any of its officers, employees, agents or representatives. Customer agrees to indemnify and hold BED, its officers, employees, agents or representatives harmless for all claims (including, but not limited to bodily/personal injury, property damage, loss of income, business interruption, or wrongful death) related to Customer's decision to use such property.

Dated at Burlington, this 24 day of September, 2019

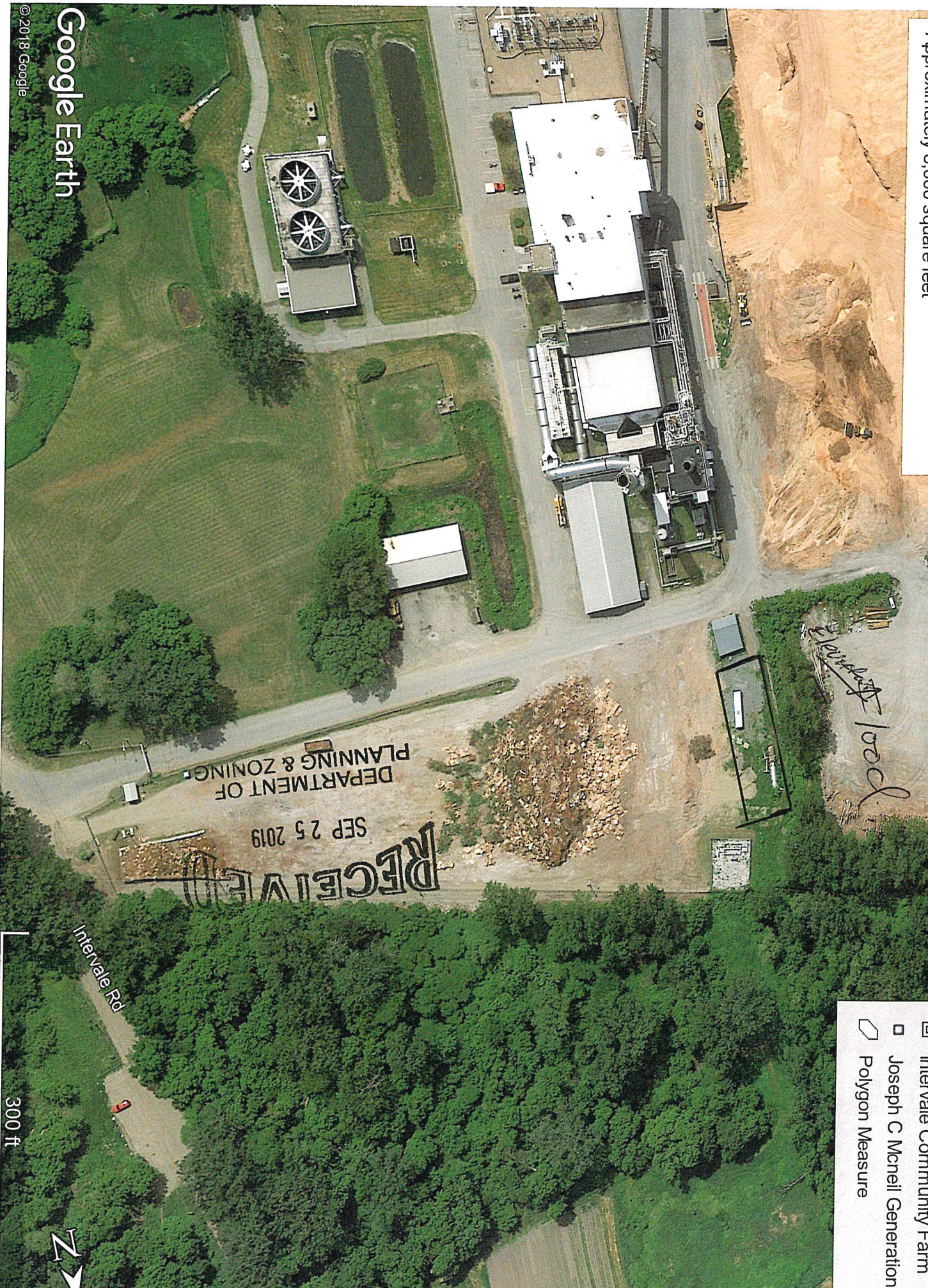

B.F.D.

9/24/19
DATE:


B.E.D. SIGNATURE

9/24/19
DATE:

Approximately 5,000 square feet



Google Earth

© 2018 Google

- ☒ Intervale Community Farm
- ☒ Joseph C Mcneil Generation
- ☐ Polygon Measure

- Chubby Muffin
- Feature 1
- Feature 2
- Feature 3
- Joseph C Mcneil Generation
- Joseph C. McNeil Generating Station
- Octavemode

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Joseph C. McNeil Generating Station

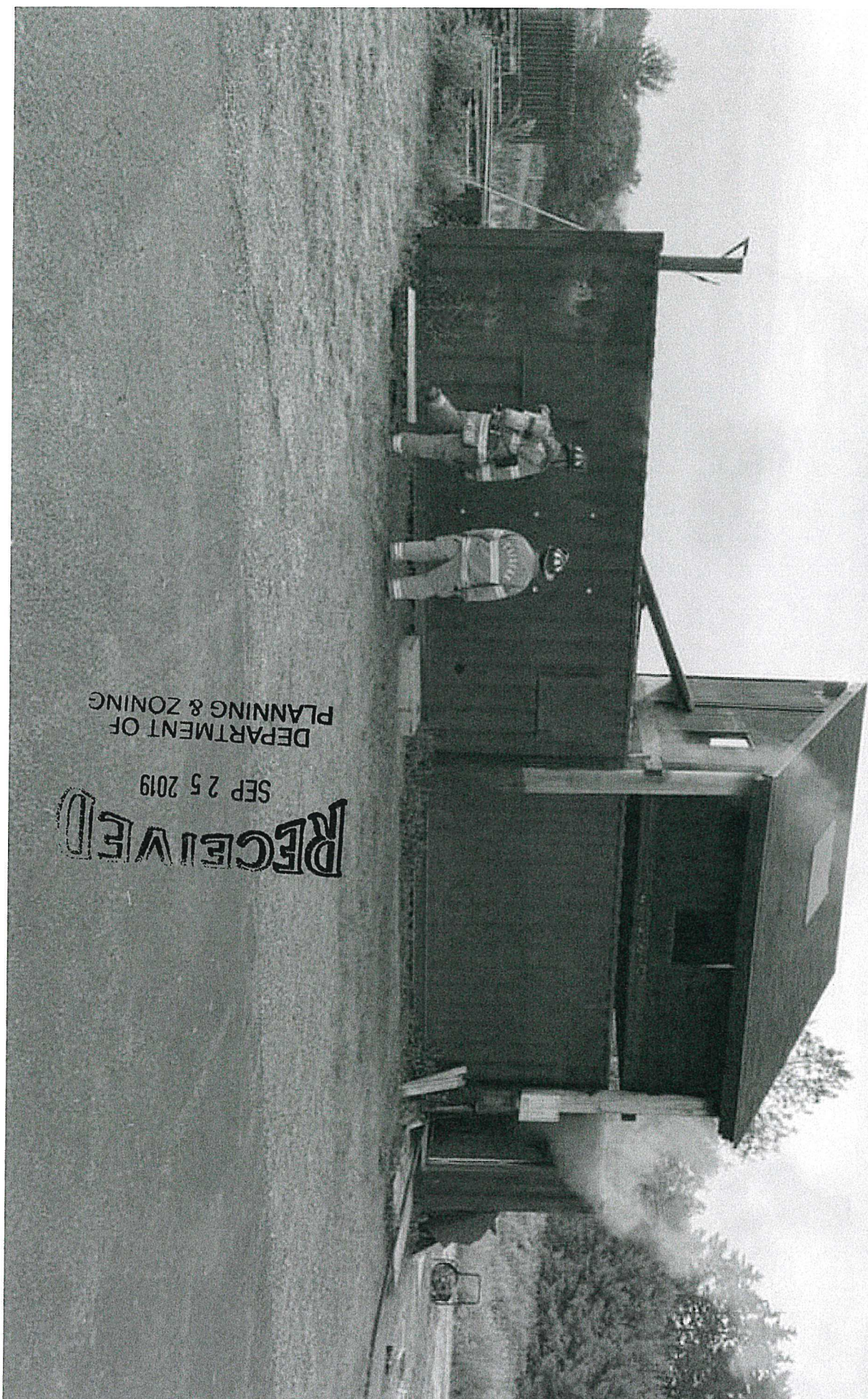
Google Earth

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600 ft



Intervale Rd



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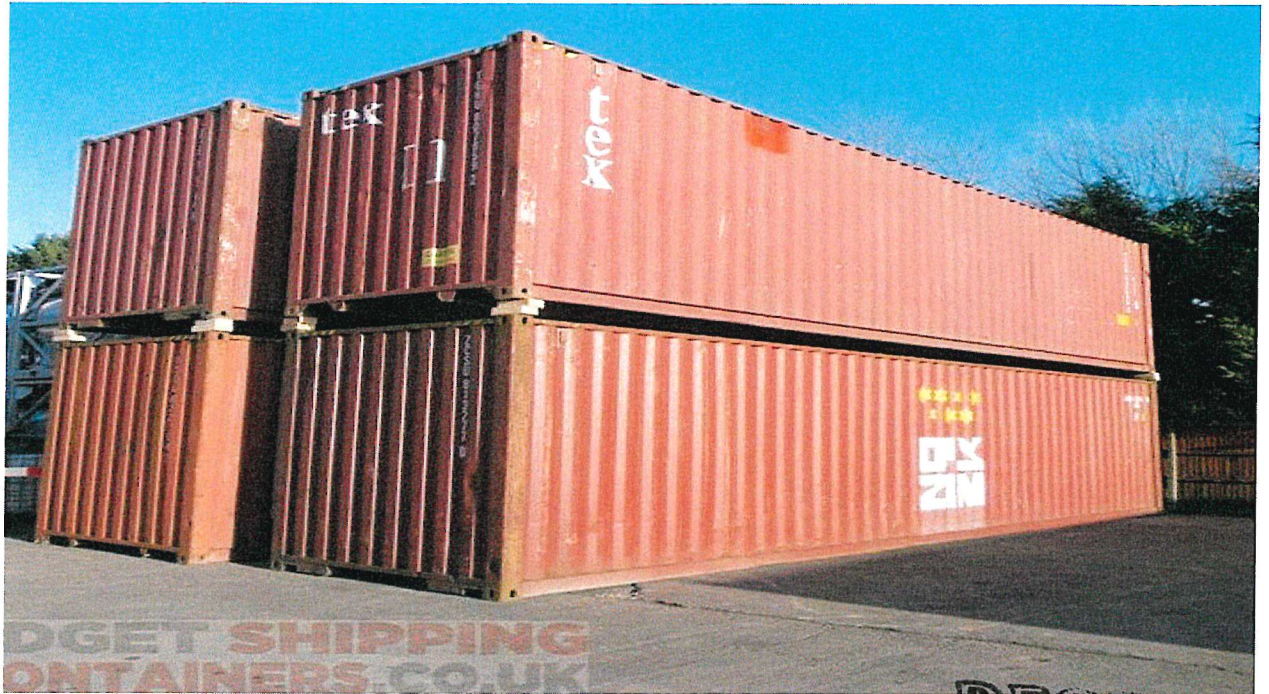


Figure 1 Stacked Conex Boxes

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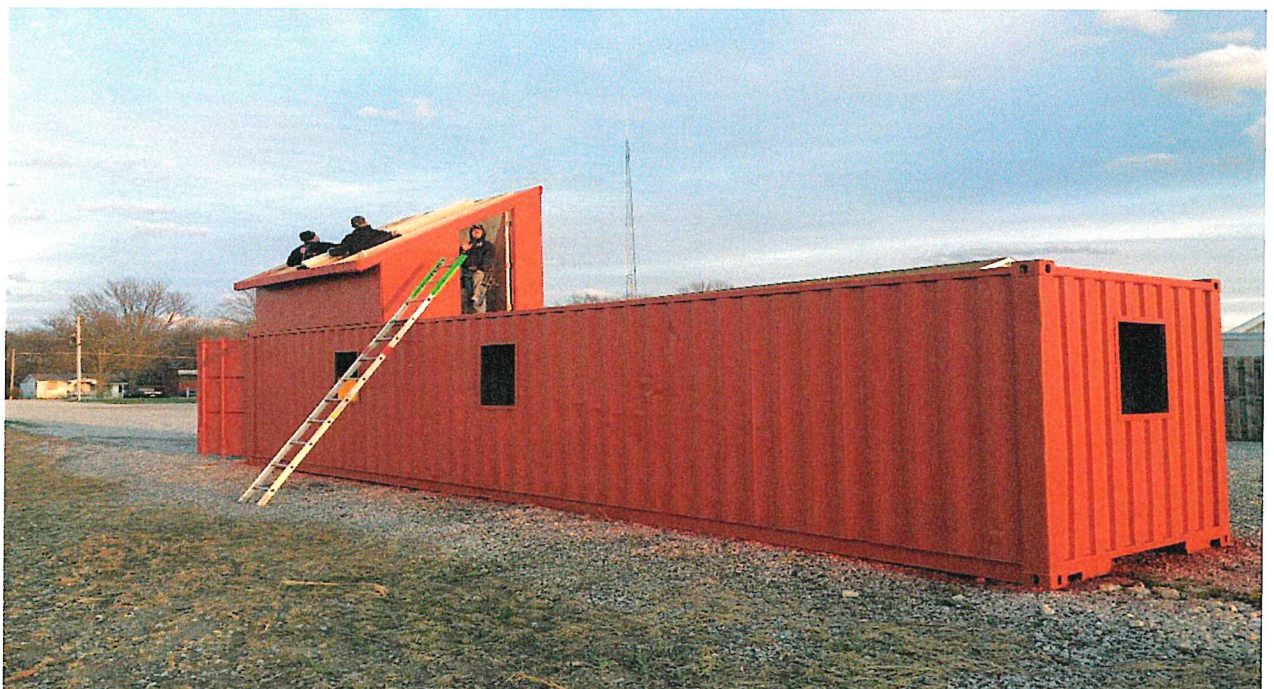


Figure 2 Roof Vent Prop

**Department of Permitting and Inspections
Zoning Division**

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(802) 865-7142 (TTY)

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



TO: Development Review Board
FROM: Mary O'Neil
DATE: November 6, 2019
RE: ZP20-0360CA; 111 Intervale Road

=====

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: E-AE **Ward:** 2C

Owner/Applicant: Burlington Electric Department / Burlington Fire Department

Request: Construct structure for fire training exercises.

Applicable Regulations:

Article 2 (Administrative Mechanisms); Article 4 (Zoning Maps and Districts); Article 5 (Citywide General Regulations), Article 8 (Parking.)

Background:

- **Non-Applicability of Zoning Permit Requirements 16-0173NA;** replacement of waste wood yard attendant shack. August 2015.
- **Non-Applicability of Zoning Permit Requirements 12-0766NA;** install test wells and permanent well for water supply for McNeil Generating Station. March 2012.
- **Zoning Permit 11-0594CA;** remove existing leaf bunker and replace with larger capacity bunker in same location. February 2011.
- **Zoning Permit 10-0042CA;** install 20 foot steel access walkway with safety handrails between McNeil Station and roof of NOx Reduction System. July 2009.
- **Non-Applicability of Zoning Permit Requirements 10-0252NA;** replace and repair rubber roof. September 2009.
- **Zoning Permit 06-847CA;** installation of telecommunications antennas and associated cables and equipment on existing smokestack at McNeil Station. June 2006.
- **Zoning Permit 06-490CA;** Boundary line adjustment between 99 Intervale Rd. and 111 Intervale Rd. February 2006.
- **Zoning Permit 01-084 / COA 01-002;** construction of a railroad trestle dust enclosure for the existing McNeil Generating Plant. August 2000.
- **Zoning Permit 97-582 / COA096-019A;** drill three water wells for the existing McNeil Generating Plant. June 1997.
- **Zoning Permit 96-148 / COA 096-019;** construction of a 50/ x 60/ addition to the existing McNeil Generating Plant for biomass gasification demonstrations. April 1994.
- **Zoning Permit 95-237;** replace existing attendant booth at the entrance to the McNeil Generating Plant. November 1994. Superseded by 16-0173NA.
- **Zoning Permit 094-063;** relocation of water well for McNeil. January 1994. Application withdrawn January 2010.

- **Zoning Permit 89-418 / COA S89-071**; preliminary and final plat approval to subdivide a parcel of land commonly known as the McNeil Woodchip Burning Plant site into two parcels under subdivision regulations. August 1989.
- **Zoning Permit 85-258 / COA 85-084**; construct one story pre-engineered ,city owned animal shelter on the west side of Intervale Road south of and adjacent to the Burlington Electric Office. June 1985.
- **Zoning Permit 86-087 / COA 86-024**; Disassemble 60' x 120' metal waterfront building and reassemble on the McNeil Plant side northeast of precipitator structures. To be used for storage. March 1986.

Recommendation: Certificate of Appropriateness Consent approval, per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8, Withhold Permit

The subject property has expired zoning permits (ZP89-418/S 89-071 and ZP10-0042CA) that have not received their required certificates of occupancy. These two permits must be closed out with certificates of occupancy (or relinquished or superseded) prior to issuance of a certificate of occupancy for any new zoning permit. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts

Section 4.4.3 Enterprise Districts

(a) Purpose

2. The Agricultural Processing and energy (E-AE_ district is intended primarily to accommodate enterprises engaged in the manufacturing, processing, and distribution of agricultural goods and products, and those related to the generation of energy from renewable sources. This district is intended to serve as a community of manufacturing and service businesses that work together to improve their environmental and economic performance.

The introduction of a fire training structure is an ancillary use; intended to be utilized for the short term to keep Burlington's firefighters safe and proficient in their duties. This location segregates the activities from residential neighborhoods and provides opportunities to create differing fire conditions. Although a Fire Station is a permitted use in the E-AE zoning district, this intended use is more specifically a short term training facility for firefighters to manage fire effects and train in best methods. As defined in Article 13, a Fire Station is *a building used to house fire fighting equipment and firefighters*. In this manner, the use is consistent with the zoning district.

Affirmative finding.

(b) Dimensional Standards and Density

Table 4.4.3-` Dimensional Standards and Density

E-AE	Max intensity .75 FAR	Max Lot Coverage 60%	Setbacks			Max. Height 45'
			Front 10' min.	Side 10' min.	Rear 10' min.	

111 Intervale Rd.	At .75, development would have to be less than 1,473,417 sf. With only the Generating Station and accessory structures, the FAR is far below .75 limitation.	ZP11-0594CA identified coverage at 38.6%. The new coverage (est. 7,000 sf new) will be 38.95%; under the 60% limitation.	The structures exceed 10' from any property line.	Two conex boxes totaling 20 feet with a wooden 12 foot roof prop placed on top of one side of the structure so on one side it would total 32 feet.
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Affirmative finding.

(c) Permitted and Conditional Uses

Fire Stations (structures that house firefighting equipment and firefighters) are a permitted use.

Affirmative finding.

(d) District Specific Regulations:

Not applicable.

Section 4.5.4 Natural Resource Protection Overlay (NR) District

The parcel itself is within the Intervale East Wetland, Special Flood Hazard area, and Riparian and Littoral zone. The specific project area as defined, however, is outside these overlays. These special review criteria do not apply. The applicant is advised to keep the structures outside the sensitive areas that will spur additional review and special conditions.



Affirmative finding.

Article 5: Citywide General Regulations

Sec. 5.2.3 Lot Coverage Requirements

See Table 4.4.3, above.

Section 5.2.4 Buildable Area Calculation

This standard does not apply to the E-AE zoning district. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.3, above.

Section 5.2.6 Building Height Limits

See Table 4.4.3, above.

Section 5.2.7 Density and Intensity of Development Calculations

See Table 4.4.3, above.

Sec. 5.4.8 Historic Buildings and Sites

Not applicable.

Section 5.5.1, Nuisance Regulations

Fire training will include the use of theatrical (non-toxic) smoke to replicate more realistic fire conditions. Particulate emissions will be negligible. Smoke derived from wood fire is expected to be no more extreme than that generated from a fireplace or woodstove. No adverse impacts are anticipated. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

No lighting is proposed within this application. **Not applicable.**

Section 5.5.3 Stormwater and Erosion Control

The activities are proposed for an existing gravel area at the BED/McNeil Power Generating Station. There will not be any paved/concrete area as the McNeil Environmental permit prohibits any increased non pervious area. The existing area will be graded to level with an added stone aggregate layer which would allow water to drain. No further ground disturbance is proposed.

Affirmative finding.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Section 6.2.2 Review Standards

(a) Protection of Important Natural Features:

The specific project area is outside the wetland, Special Flood Hazard Area and the Riparian and Littoral overlay. This is an existing graveled area. **Affirmative finding.**

(b) Topographical Alterations:

Modest grading is proposed to level the site for installation of the Conex containers. **Affirmative finding.**

(c) Protection of Important Public Views:

Not applicable.

(d) Protection of Important Cultural Resources:

Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

Not applicable.

(f) Brownfield Sites:

Not applicable.

(g) Provide for nature's events:

The application proposes modest grading to level the site, and adding stone aggregate to facilitate water drainage. **Affirmative finding.**

(h) Building Location and Orientation:

The structure will be located well within an existing parcel to facilitate firefighter activities. **Affirmative finding.**

(i) Vehicular Access:

Existing access from Intervale Road will be utilized. **Affirmative finding.**

(j) Pedestrian Access:

Not applicable.

(k) Accessibility for the Handicapped:

Not applicable.

(l) Parking and Circulation:

See Article 8, below. **Affirmative finding.**

(m) Landscaping and Fences:

Not applicable.

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

Not applicable.

(p) Integrate infrastructure into the design:

The top of the structure will afford an opportunity for firefighters to replicate structural fire on upper floors and in residential situations. **Affirmative finding.**

Part 3: Architectural Design Standards

Not applicable per §4413; *Limitations on Municipal Bylaws*.

Article 8: Parking

There is no specific parking requirement for a firefighting training facility; however Table 8.1.8-1 informs a Fire Station requires 2 parking spaces for every apparatus. As the training will involve the firefighting vehicles themselves, those will be utilized in proximity to the new drill structure. The location of the proposed facility is behind the general wood unloading area that has compacted gravel that can accommodate the fire fighting apparatus. Battalion Chief Terry Ruggles informs: “it will be for fire apparatus and department vehicles.” The general parking at the McNeil plant and the attendant’s structure could reasonably both provide ancillary parking during these scheduled drills.

Affirmative finding.

II. Conditions of Approval

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

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BURLINGTON DEVELOPMENT REVIEW BOARD **Wednesday Nov 6th 2019, 5:00 PM** **Contois Auditorium, City Hall, 149 Church St, Burlington, VT** **AGENDA**

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

- 1. 20-0360CA; 111 Intervale Rd (EAE, Ward 2C) City of Burlington Fire Department**
Installation of fire training structures (Project Manager: Mary O'Neil)
- 2. 20-0367CA; 27 Colchester Ave (I, Ward 1E) University of Vermont**
Addition to Torrey Hall for improved ADA accessibility. Landscaping, walkways, and replacement on site of 11 parking spaces that will be displaced as a result of project and reconfiguration of two additional parking spaces (Project Manager: Mary O'Neil)

V. Public Hearing

- 1. 18-1208CA/MA; 75 Briggs St (ELM, Ward 5S) Petra Cliffs**
Time extension request for 18-1208CA/MA; Construct a new health club/climbing center. Includes a new building and site improvements (Project Manager: Scott Gustin)
- 2. 20-0166CA/VR; 15 Conger Ave (RL/W, Ward 5S) Patrice A. Stratmann**
Demolish existing structure and construct new single family home and related site improvements (Project Manager: Scott Gustin)
- 3. 20-0350AP; 38 Greene St (RM, Ward 2C) Leon L Beliveau**
Appeal of NOV 372003; Occupying structure with more than 4 unrelated adults in a Residential-Medium Density zone, inconsistent with the Family Definition of the Comprehensive Development Ordinance Article 13 (Project Manager: Ted Miles)

VI. Adjournment

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Department of Permitting & Inspections

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TO: Development Review Board
FROM: Scott Gustin
DATE: November 6, 2019
RE: 20-0166CA/VR; 15 Conger Avenue

=====

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Zone: RL-W Ward: 5S

Owner/Applicant: Patrice A. Stratmann

Request: Demolish existing structure and construct new single family home and related site improvements.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 12 (Variances and Appeals)

Background Information:

The applicant is requesting approval to demolish an existing 4-bay garage and to replace it with a new single family home and attached carport. Related site improvements such as a driveway, walkway, and landscaping are also proposed. The applicant received approval for a similar application in 2015; however, that proposal was never constructed.

The subject property is very small at just 2,933 sf. It is smaller than even the 4,000 sf minimum noted in Sec. 5.2.1, *Existing Small Lots*. As a result, development will be contingent on receipt of a variance. Such request is included in this application. The prior approval noted above was granted following issuance of a variance (the variance has now expired and must be renewed).

Relief is sought from the buildable small lot provisions of Sec. 5.2.1, *Existing Small Lots* that requires at least 4,000 sf to build on a small lot (i.e. less than the 6,000 sf minimum lot size) existing as of April 26, 1973. This property appears to date to September 29, 1972 and is just 2,933 sf in area. It contains only a 4-bay, single story garage structure.

The Design Advisory Board reviewed this application September 24, 2019 and recommended approval subject to the following conditions:

1. Any exterior light fixture on the front elevation should be cutoff to prevent glare.
2. The Board accepts location of the carport with an 8 ft. front yard setback, as the carport is not a garage. It contains no doors and is recessed from the front plane of the house.

No revised light fixture specifications have yet been provided. This item will, therefore, be addressed as a zoning permit condition.

Previous zoning actions for this property are as follows:

- 1/20/15, Approval to replace garage with new single family dwelling
- 5/14/14, Variance from Sec. 5.2.1, *Existing Small Lots*, 4,000 sf minimum lot restriction
- 3/18/14, Adverse determination of existing buildable small lot

Recommendation: Certificate of Appropriateness and Variance approval as per, and subject to, the following findings and conditions.

I. Findings

Article 3: Applications, Permits, & Project Reviews

Part 3: Impact Fees

Sec. 3.3.2, Applicability

The proposed work will result in a new residential dwelling unit. Impact fees will be assessed on the new square footage of the home. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) Waterfront Residential Low Density (WRL)

The subject property is located in the WRL zone. This zone is intended primarily for single detached dwellings and duplexes. The proposed single family home is consistent with the intent of this zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

The property is undersized at just 2,933 sf. Buildability is contingent on a variance per Article 12.

The property as it currently exists exceeds the maximum allowable lot coverage of 35% in the WRL zone. Just the garage's 1,600 sf footprint results in 57% lot coverage. Parking/driveway area brings existing lot coverage to about 90%. The proposed construction will lessen the existing building footprint and narrow the driveway down to just 18' wide. The resultant lot coverage would be 53.6% -- still nonconforming but substantially less so.

The minimum required side yard setbacks are 10% of the width or the average of four adjacent properties' (two on each side) side yard setbacks. In this case, there's only one property upon which to base the average side yard setback (27 Conger Ave). It has 0 side yard setback on both side yards. As proposed, the new home will have a 2.5' setback on the north side and a 5.5' setback on the south side. The proposed house will be set back 5' from the front property line, whereas the existing garage is ~ 11.' The proposed attached carport is 8' from the front property line. The front yard setback for this property is 7.5' +/- 5' (based on the average of neighboring homes). The existing garage sits ~ 1' from the rear property line, whereas the proposed home will observe a 5' rear yard setback. At least a 20' rear yard setback is the minimum requirement. While 5' is nonconforming, the degree of nonconformity is lessened and is, therefore, acceptable.

The height of the existing garage is not noted; however, it is just 1 story. Building height is just 21' to the roof. Note that a rooftop access is depicted as well. This small feature extends to 29.' This height is less than the maximum permissible 35'. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The proposed single family home is a permitted use in the WRL zone. Note that the change in use and increased building size will require payment of impact fees per Article 3. **(Affirmative finding as conditioned)**

(d) District Specific Regulations

1. Setbacks

No setback encroachments under this provision are being sought. **(Not applicable)**

2. Height

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

3. Lot Coverage

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

4. Accessory Residential Structures and Uses

No accessory structures are proposed. **(Not applicable)**

5. Residential Density

The single family home is limited to occupancy by a family as defined in Article 13 of the Comprehensive Development Ordinance. **(Affirmative finding)**

6. Uses

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

7. Residential Development Bonuses

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

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

Outdoor lighting fixture cut sheets have been provided and depict typical residential lighting fixtures. Per the DAB's recommendation, the proposed fixture that is not cutoff must be replaced with a cutoff style fixture if it is to be used on the front elevation of the home. Fixture locations must be depicted on revised elevation drawings. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

Since the application includes removal of the existing garage and construction of a new home, a "small project erosion control" plan is required. This plan has been reviewed and approved by the Stormwater Program manager. **(Affirmative finding)**

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 subject property contains no significant natural features. **(Affirmative finding)**

(b) Topographical alterations

The lot is flat and will remain so. No significant topographical changes are proposed. **(Affirmative finding)**

(c) Protection of important public views

There are no important public views from or through the subject property. The property does not front any identified view corridor. **(Affirmative finding)**

(d) Protection of important cultural resources

The site itself is not historically significant, nor does it have any known archaeological significance. See Sec. 6.3.2 (b) below for historic significance the building itself. **(Affirmative finding)**

(e) Supporting the use of alternative energy

No alternative energy measures are included in the development proposal. The new structure will have no adverse impacts on alternative energy potential on the subject or neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

The property is not an identified brownfield. **(Not applicable)**

(g) Provide for nature's events

The project as proposed is not large enough to require a post-construction stormwater management plan. A construction site erosion control plan is required and has been approved by the city's stormwater program staff. **(Affirmative finding)**

(h) Building location and orientation

The new home will face Conger Avenue with a clearly identifiable primary entrance. The new structure will be shifted closer to the street than the existing garage. The house will be set back 6' from the front property line, whereas the existing garage is ~ 11.' The proposed attached carport is 8' from the front property line.

The carport is set behind the front plane of the home as required by this criterion. This criterion also specifies a minimum 25' front yard setback for street-facing garages. The DAB found that the open-air carport structure is not a garage and that its placement at 8' from the front property line is acceptable. **(Affirmative finding)**

(i) Vehicular access

The new home will be served by a private driveway to access the attached 2-car carport. The driveway appears to be 18,' the maximum width permissible. **(Affirmative finding)**

(j) Pedestrian access

This criterion requires that a walkway be provided between the building's primary entrance and the public sidewalk. The site plan depicts a concrete walkway out to the sidewalk. **(Affirmative finding)**

(k) Accessibility for the handicapped

No handicap accessibility is evident in this proposal, nor is it required. **(Not applicable)**

(l) Parking and circulation

A 2-car carport will provide space for the required off-street parking associated with the single family home. It will be accessed by a short driveway. **(Affirmative finding)**

(m) Landscaping, fences, and retaining walls

A landscaping plan has been provided and depicts species and placement. New plantings will be installed to define the property boundaries and to accentuate the street-facing façade of the home. While basic, the proposed landscaping plan is acceptable for this new single family dwelling. **(Affirmative finding)**

(n) Public plazas and open space

No public plazas or open space are included in this proposal. **(Not applicable)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

Any new utility lines must be buried. No ground-mounted mechanical equipment is noted on the site plan. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The massing of the proposed structure is driven in large part by preservation of existing setback nonconformity without increasing the degree of nonconformity. In particular, the minimum rear yard setback is 25,' whereas the existing structure is ~1' from the rear property line. The existing building volume within that setback is retained by swapping some of the ground level of the existing garage with a second story on the new home. Additional back yard green space will appear as a result.

Beyond retention of nonconformity, the massing of the structure is boxy in appearance. From the street, the building is perceived as three separate components – living quarters, central entry, and carport. While difficult to discern in the elevation drawings, the carport is open-air with an enclosed “shed” at the rear behind the parking spaces. The scale of the structure is fairly small given the significant constraints of this very small lot. Building height is just 21' to the roof with a rooftop access extending to 29.' Note that only two of the four elevation drawings depict the rooftop access. It must be included on all elevation drawings.

(Affirmative finding as conditioned)

2. Roofs and Rooflines

A flat roof is proposed. While uncommon for single family homes, there are several nearby residential structures with flat roofs. The three separate building components each has its own individual roof plane. **(Affirmative finding)**

3. Building Openings

The proposed fenestration is fairly basic and uniformly applied. Window size varies among the building levels, but they remain stylistically similar. **(Affirmative finding)**

(b) Protection of important architectural resources

The garage dates to 1900 but is not included in the State or National Register of Historic Places, nor does it appear to meet the eligibility criteria for review under Sec. 5.4.8, *Historic Buildings and Sites*. The proposed construction would not adversely impact Burlington's wealth of historically significant properties. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The project plans depict a primary entrance clearly visible from the street, and a walkway provides direct access to it from the public sidewalk. Fenestration and varying roof planes preclude uniform, blank expanses of building wall. **(Affirmative finding)**

(e) Quality of materials

The proposed structure will be clad in horizontal channel siding composite material by “Boral.” Trim is not noted and must be. Vertical cedar siding will be installed around the primary entrance. Clad wooden windows will be installed throughout. Membrane roofing will be installed. The rooftop access structure will be clad in cedar shingles with associated metal cable railings.

(Affirmative finding)

(f) Reduce energy utilization

The proposed construction must comply with the city's current energy efficiency requirements. Note also that the State of Vermont's new energy efficiency standards will apply to the new home.
(Affirmative finding as conditioned)

(g) Make advertising features complimentary to the site
Not applicable.

(h) Integrate infrastructure into the building design
The landscape and site plans depict a utility meter enclosure on the north side of the home. Such location is appropriate. It must be depicted on the corresponding elevation drawing. No exterior mechanical equipment is proposed. Trash should be stored inside the home or "shed" until curb side pick-up days. **(Affirmative finding as conditioned)**

(i) Make spaces safe and secure
The building will be subject to current egress requirements. Building entries will be illuminated.
(Affirmative finding as conditioned)

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the neighborhood parking district. The proposed single family dwelling requires 2 parking spaces. The carport contains room for 2 parking spaces.
(Affirmative finding)

Article 12: Variances and Appeals

Sec. 12.1.1 Variances

(a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located.

The subject property is small at just 2,933 sf. It is well under the minimum lot size of 6,000 sf that applies in the WRL zone. The lot was created in 1972 and pre-dates the minimum lot size presently in effect. It is also smaller than the minimum 4,000 sf lot size specified in Sec. 5.2.1 that is intended to enable development of pre-existing lots that are less than the district minimum lot size. While the property is less than 4,000 sf, there are three other properties within the same block that are also less than 4,000 sf. They are 45 Lakeside Avenue (3,400 sf with a duplex), 10 Central Avenue (3,900 sf with a duplex), and 70 Wright Avenue (2,250 sf with a single family home). As with these other properties, the subject property, while small, is sufficiently large to contain a small residence. **(Affirmative finding)**

(b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is, therefore, necessary to enable the reasonable use of property.

As the lot is only 2,933 sf, it plainly fails to conform to the 4,000 sf minimum lot size stipulated in Sec. 5.2.1. Development is impossible without a variance from this requirement. **(Affirmative finding)**

(c) The unnecessary hardship has not been created by the applicant.

The hardship relative to Sec. 5.2.1 is related to the pre-existing small lot size. It is not a lot newly created by the applicant. **(Affirmative finding)**

(d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare.

The variance from the limitations of Sec. 5.2.1 would not alter the essential character of the neighborhood or district in which the subject property is located. As noted previously, there are three other properties of less than 4,000 sf within the same block that contain residences and more within the greater neighborhood. **(Affirmative finding)**

(e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

The requested variance from Sec. 5.2.1 is not a matter of degree. It is a requested exception to the minimum 4,000 sf lot size. As noted above, the 2,933 sf lot size is sufficient to contain a residence consistent with the character of the surrounding built environment. **(Affirmative finding)**

(f) The variance, if granted, will not result in the extension of a non-complying situation or allow the initiation of a nonconforming use of land.

The requested variance would not result in the extension of a noncomplying situation or allow the initiation of a nonconforming use of land. The requested variance is sought in order to enable replacement of the existing nonconforming garage with a permitted residential use. **(Affirmative finding)**

II. Conditions of Approval

1. At least **seven days prior to issuance of a certificate of occupancy**, impact fees based on the square footage of the new residence shall be paid to the Department of Permitting & Inspections.
2. **Prior to release of the zoning permit**, revised plans addressing the following shall be submitted subject to staff review and approval:
 - a. Outdoor lighting fixture locations and revision to cutoff fixtures on the front elevation;
 - b. Rooftop access structure depicted on all elevation drawings;
 - c. Trim material noted on elevation drawings; and,
 - d. Utility meter enclosure depicted on the north elevation drawing.

3. A State of Vermont wastewater permit is required. It is the applicant's responsibility to inquire with the Vermont Department of Environmental Conservation, Wastewater Division as to the wastewater permit for the proposed use.
4. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other state or federal permit(s) as may be required, and shall meet all energy efficiency codes as required.
5. Standard permit conditions 1-15.

Patrice Stratmann
300 Swift St.
South Burlington, VT. 05403

Tel. 802 999 1866

August 2, 2019

Scott Gustin, Principal Planner
CITY OF BURLINGTON
Department of Planning and Zoning
City Hall
Burlington, VT 05401

RECEIVED
AUG 07 2019

Re: 15 Conger Ave.

Dear Scott:

Enclosed, please find the following documentation relating to our property at 15-19 Conger Avenue:

Zoning Permit Application (Modification/Amendment)

As you know, we are currently approved for the construction of a new single family house to replace an existing 4 bay garage structure under permit no. 15-0055CA. We are now requesting permission to modify that approval to allow a redesign of the proposed residential structure.

Variance Request

The property was also approved for a variance granted on May 14, 2014, by the DRB affecting Section 5.2.1 Existing Small Lots. Again, consistent with our request for permission to modify the building design, we would like to request an amendment/modification to the original variance approval to allow for these changes.

While we are hopeful that the city will approve these requested design changes, we do not want to inadvertently abandon or forfeit our rights under the existing approvals. We would appreciate receiving the department's guidance on how to best proceed to preserve those rights.

The changes are depicted on the following plans (two 11 x 17 sets are provided; please advise if additional copies are needed):

Plans

Site Plan: The property is currently occupied by a four bay one-story vehicle garage. Plan is to demolish that structure and construct a new two-story residence with an attached carport. The site plan shows the footprint of the existing structure (in red, crosshatched on the plan). The proposed new building (depicted in blue) is also shown on the plan. The new plan will reduce the level of rear (West) property line setback and South property line setback encroachment. The new building will be pulled further forward on the site but will be in compliance with the front yard setback requirements of the zoning

regulations. Total lot coverage (excluding existing driveways) will be reduced from 1650 s.f. to 1491 s.f. A copy of our survey is also provided for reference.

This design reconfiguration will allow the residence to enjoy a more usable backyard/side yard area than that which was originally planned under the 2015 DRB approval. The use of a carport instead of an enclosed garage will, we believe, result in a more open street façade, allowing light to come through the property from the West.

Elevations: Four elevations are provided showing the proposed new two-story residential structure with carport adjoining on the south side. The carport will have a storage shed structure built into the rear. The building would be clad in horizontal "channel" siding manufactured by Boral (see attached cut sheets with product specifications). Cedar v-groove siding would be installed vertically on the main entrance way. Casement windows are proposed (see attached specifications sheets).

Floor Plans: First and second floor plans are provided to help explain how the building design will work on the site.

Landscape Plan: A landscaping plan with a planting schedule is also provided. Focus is on hardy species located at the front of the building to help soften its presence on the street. A row of cedars is proposed for the South property line to help screen an adjoining parking lot located behind the building located to the south.

Rooftop Access

Additional front and north elevations are provided showing a possible roof top access that we would like to consider for this project. The roof top area would be located only on the "rear" (western half) of the roof area.

Stormwater

Pursuant to instructions stated on the DPW Stormwater Program Questionnaire, because the project will not have more than 2500 s.f. of impervious surface (project will result in a 22% decrease in impervious surface), it is our understanding that the questionnaire is not required. Nevertheless, we have completed the questionnaire and are prepared to submit it to DPW if required by the City.

Fees

A check for payment of fees is provided as follows:

Application fee	\$110
Construction fee	<u>\$200</u>
Total	\$310

Please let me know if there are any discrepancies in the above fee calculations. We will promptly remit whatever amount is required.

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DEPARTMENT
PLANNING & ZONING

15 Conger Ave.
Burlington Planning and Zoning
Page 3

Thank you for your help with this request. Please let me know if any additional information is needed or if any other submittals are required in order to process.

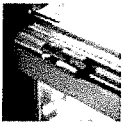
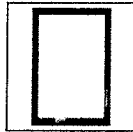
Sincerely,

A handwritten signature in black ink, appearing to read "Trice Stratmann", with a long horizontal flourish extending to the right.

Trice Stratmann

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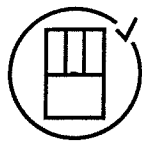
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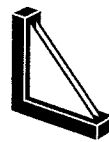
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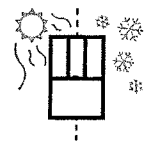
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Wood with a vinyl exterior to resist water and seal out the elements.

MATERIALS

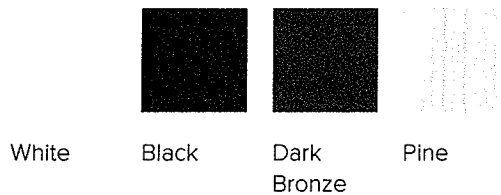


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COLORS	HARDWARE	GRILLES	GLASS	SIZE	INSECT SCREENS	SMART HOME
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Interior

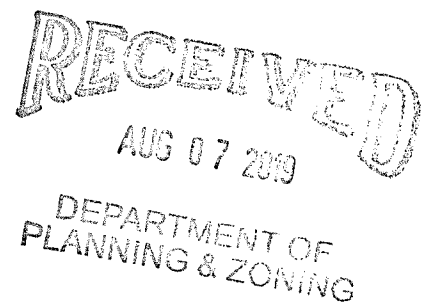


White

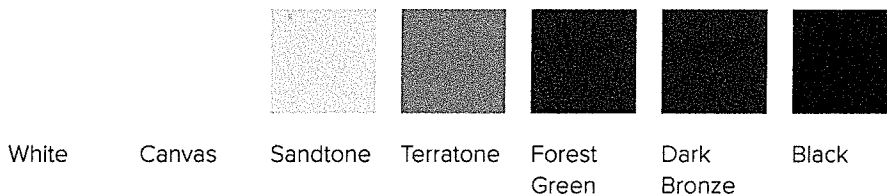
Black

Dark
Bronze

Pine



Exterior



White

Canvas

Sandtone

Terratone

Forest
Green

Dark
Bronze

Black

Units with Black, Dark Bronze and Sandtone interiors have matching exteriors

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18
Reviews

5
Questions

5
Answers



Reviews

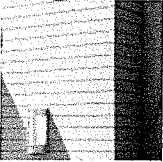
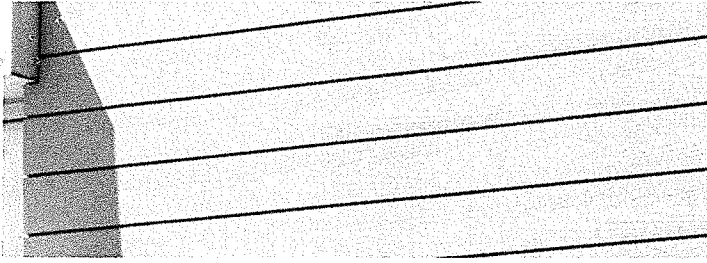
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TruExterior Channel Siding gives you rich shadow lines with its deep recessed groove. It's a great choice for an entire house or a interior or exterior accent wall.



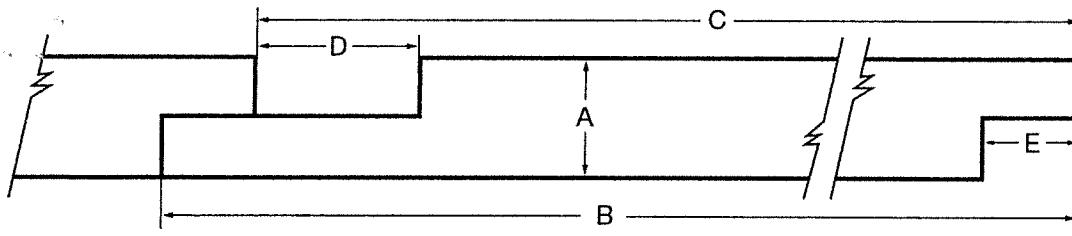
- Durable, poly-ash material resists moisture and bugs
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Nominal Size	Actual Thickness (A)	Actual Width (B)	Reveal (C)	Channel (D)	Tongue (E)
1 x 6	0.6875"	5.50"	4.969"	0.969"	0.531"
1 x 8	0.6875"	7.25"	6.719"	0.969"	0.531"
1 x 10	0.6875"	9.25"	8.719"	0.969"	0.531"



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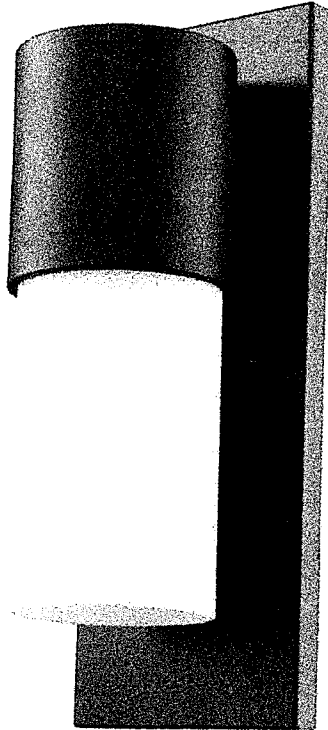
15 CONGER AVE: FRONT DOOR
WALL LIGHT

Stores 1-800-262-6612



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Home / OUTDOOR LIGHTS / Wall Lights / Wright Cylinder Outdoor Wall Light



WRIGHT CYLINDER OUTDOOR WALL LIGHT

SKU OL17106 BZ

\$132.00

Color: Bronze



Actual Size: 16"Hx6"Wx5.75"D

In stock and ready to ship

Qty 1

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Description

This durable outdoor scone features a modern design with echoes of Frank Lloyd Wright. A cylindrical opal glass shade is suspended from a wide metal band. Hand-finished steel in Matte Nickel, Raw Brass or deep Bronze.

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Light

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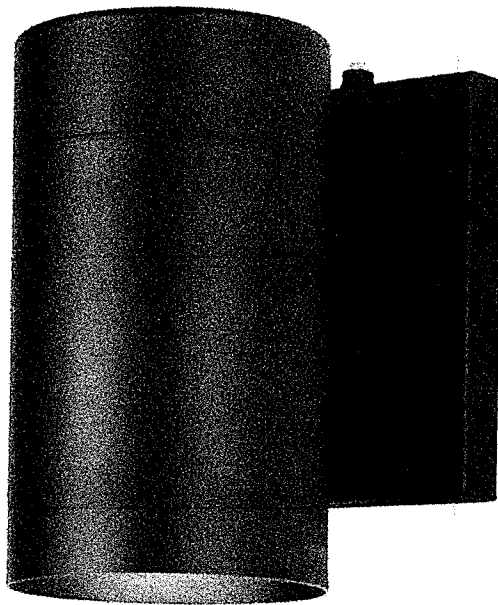
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RUGS

HOME
DECOR

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Home / OUTDOOR LIGHTS / All Outdoor Lights / Sleek Minimalist Outdoor Wall Sconce



SLEEK MINIMALIST OUTDOOR WALL SCONCE

SKU OL18089

\$51.00

Please call for availability.

Qty 1

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Description

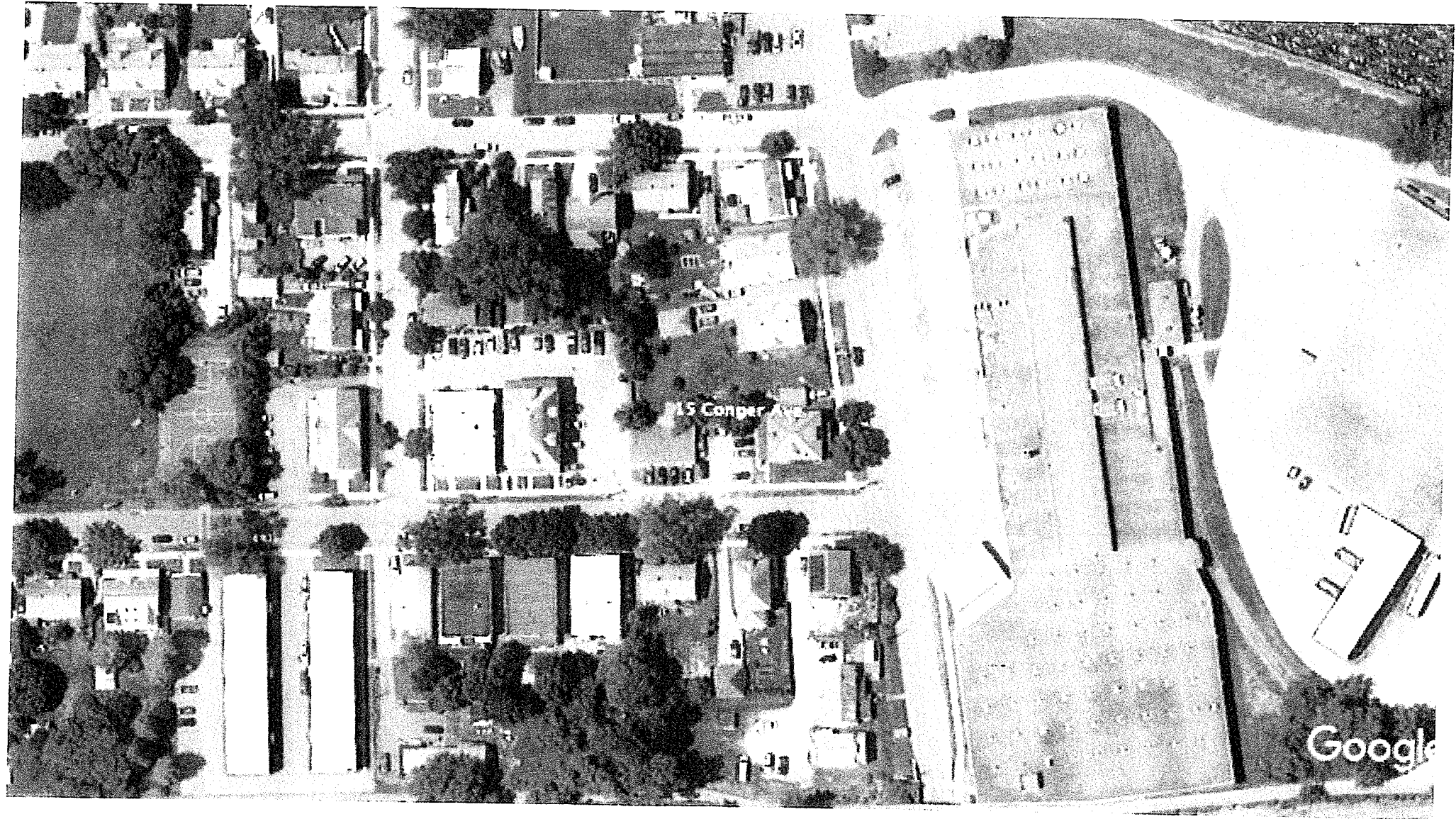
Sleek minimalism reigns in this trendy modern outdoor sconce. The simple cylindrical body contrasts with the rectangular back plate for a bold look. Fixture includes a dusk to dawn photo cell switch.

- **Actual Size:** 7.5"Hx4.37"Wx6.75"D
- **Backplate/Canopy Size:** 6"Hx4.25"W Rectangular
- **Bulb Base:** US Medium-E26
- **Color:** Matte Black
- **Indoor-Outdoor:** Yes

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Architectural Design Concept

15 Conger Avenue, Burlington, Vermont

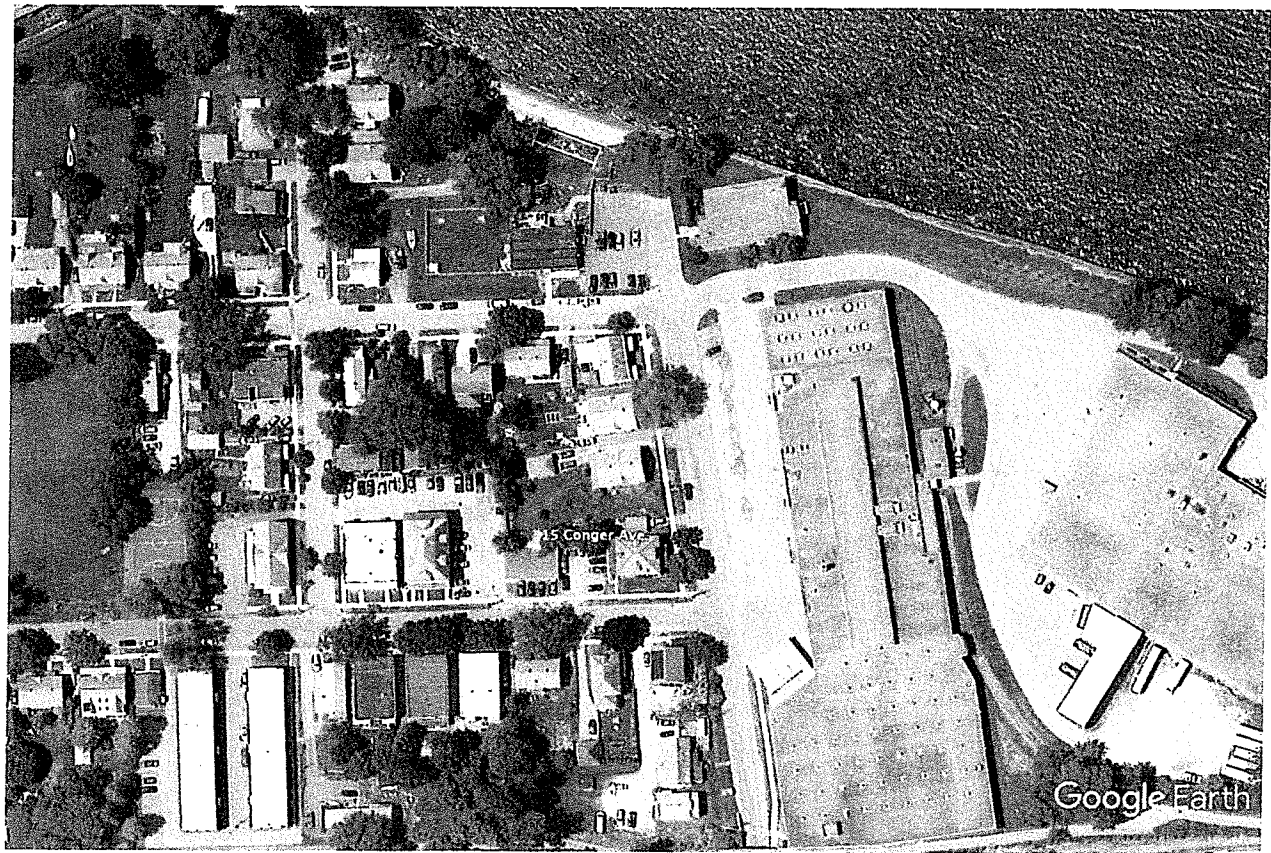


15 CONGER AVE., BURLINGTON, VERMONT
LOCATION

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ORIENTATION PHOTOS

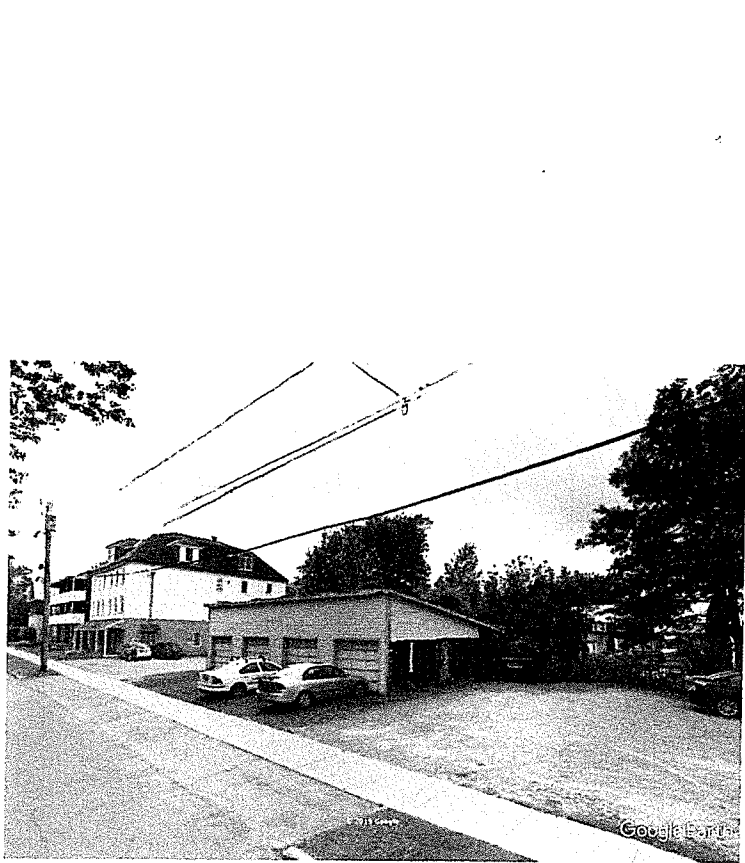
15-19 Conger Ave., Burlington, Vermont



Location Map



View to West

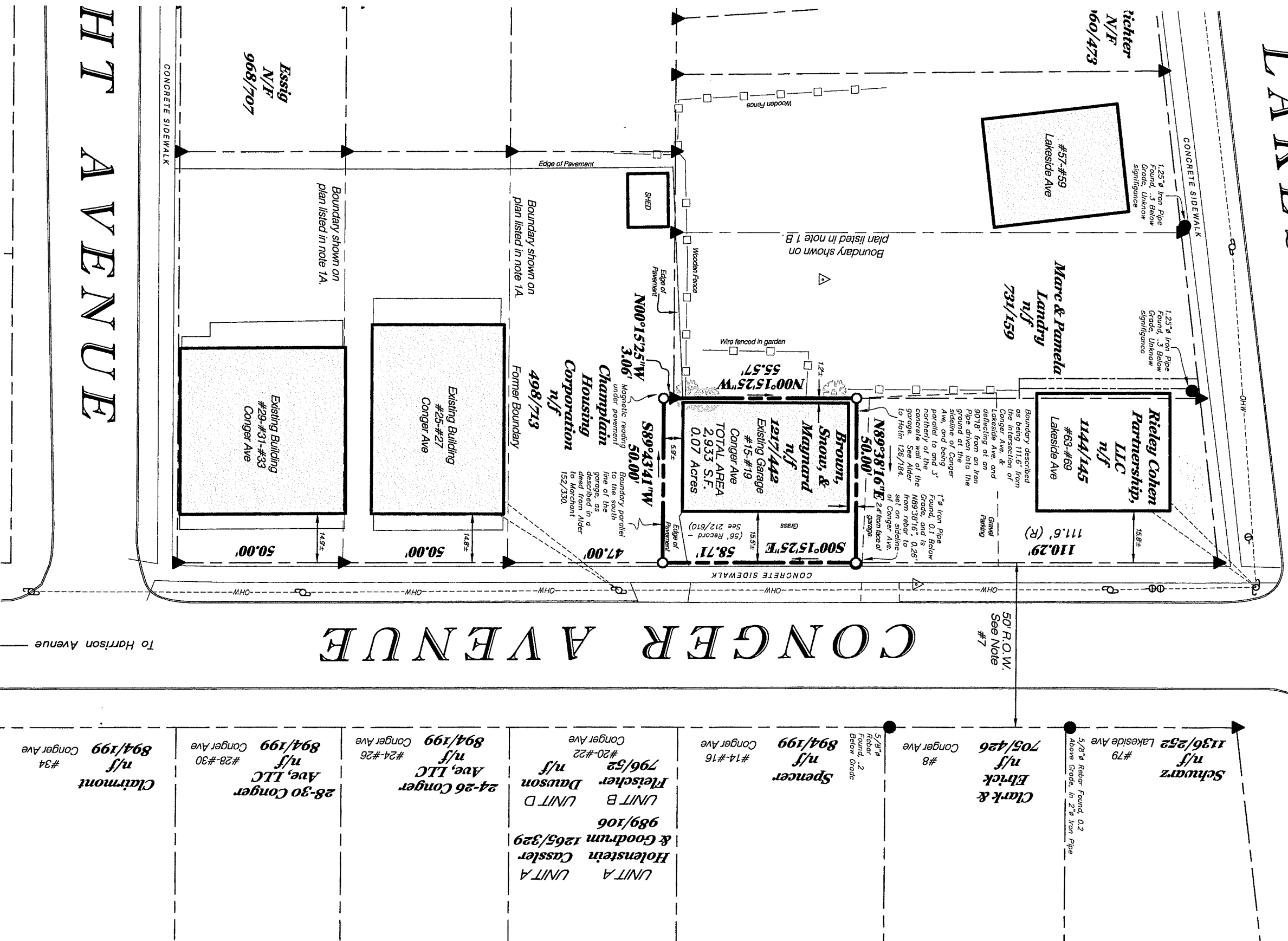


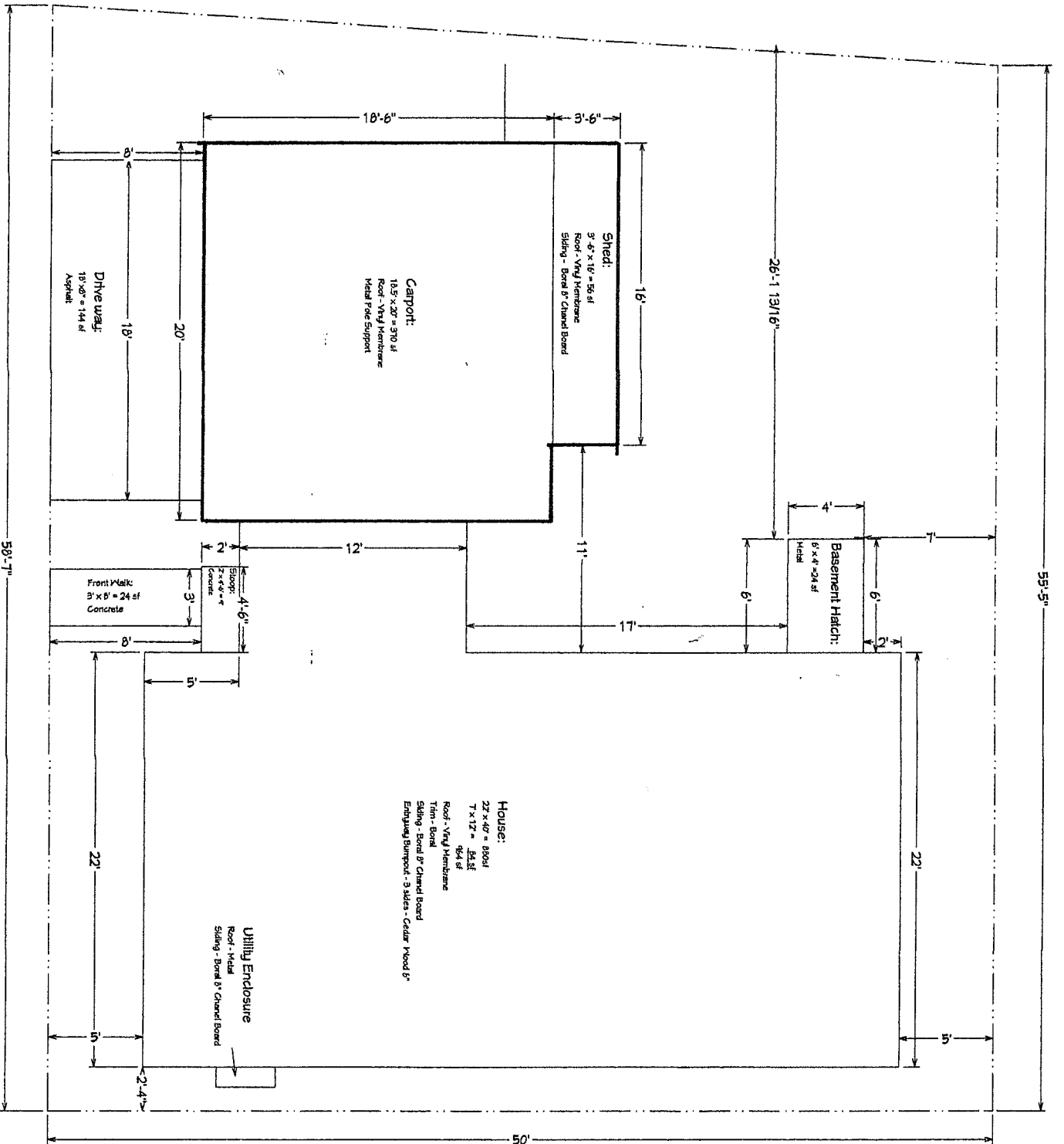
View to Southwest

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DEPARTMENT OF
PLANNING & ZONING

LAKESIDE AVENUE





Site Plan

15/19 Conger Ave., Burlington, VT

Lot Size: 2435.50 sq FT

Existing Garage Coverage: 1650 sf

Driveway: 465 sf

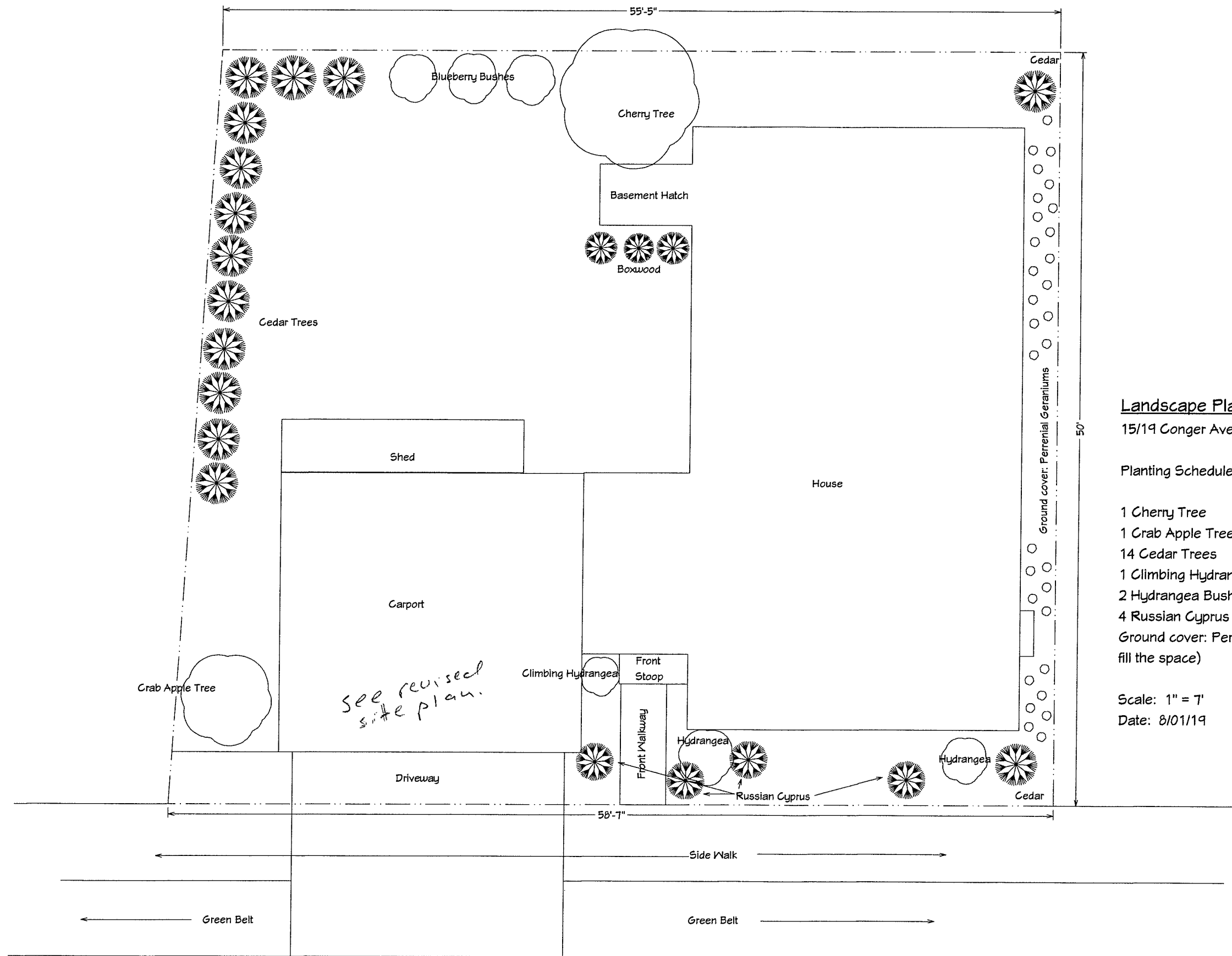
Total - 2115 sf

Proposed Coverage:

House -	946 sf
Basement Hatch -	24 sf
Shed -	56 sf
Carport -	370 sf
Sloop -	9 sf
Front Walk -	24 sf
Driveway -	144 sf (8')
Total -	1573 sf

Scale: 1" = 7'

Date: 9/19/19



Landscape Plan

15/19 Conger Ave., Burlington, VT

Planting Schedule

- 1 Cherry Tree
- 1 Crab Apple Tree
- 14 Cedar Trees
- 1 Climbing Hydrangea
- 2 Hydrangea Bush
- 4 Russian Cyprus
- Ground cover: Perennial Geraniums (enough to fill the space)

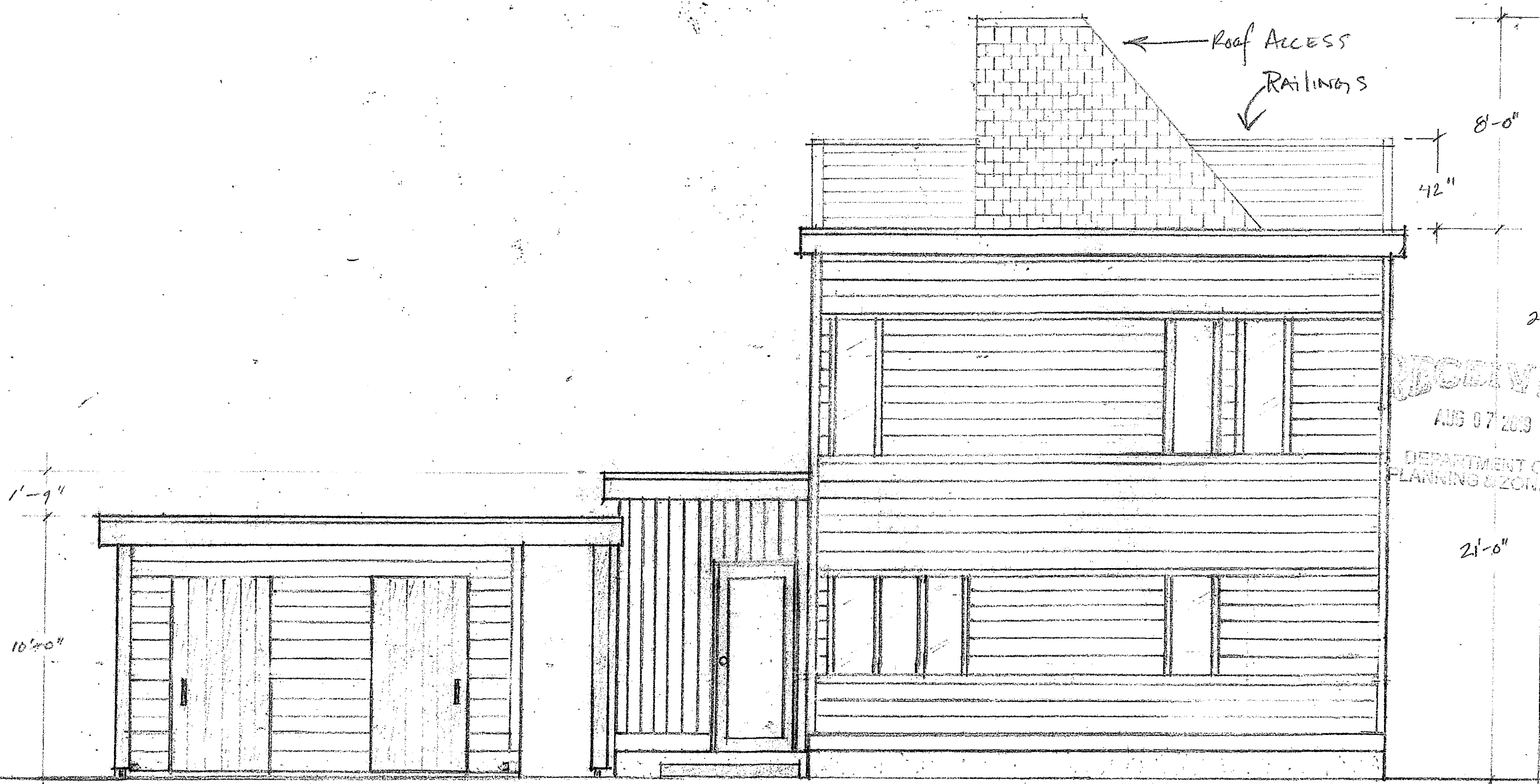
Scale: 1" = 7'

Date: 8/01/19

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AUG 07 2019
DEPARTMENT OF
PLANNING & ZONING

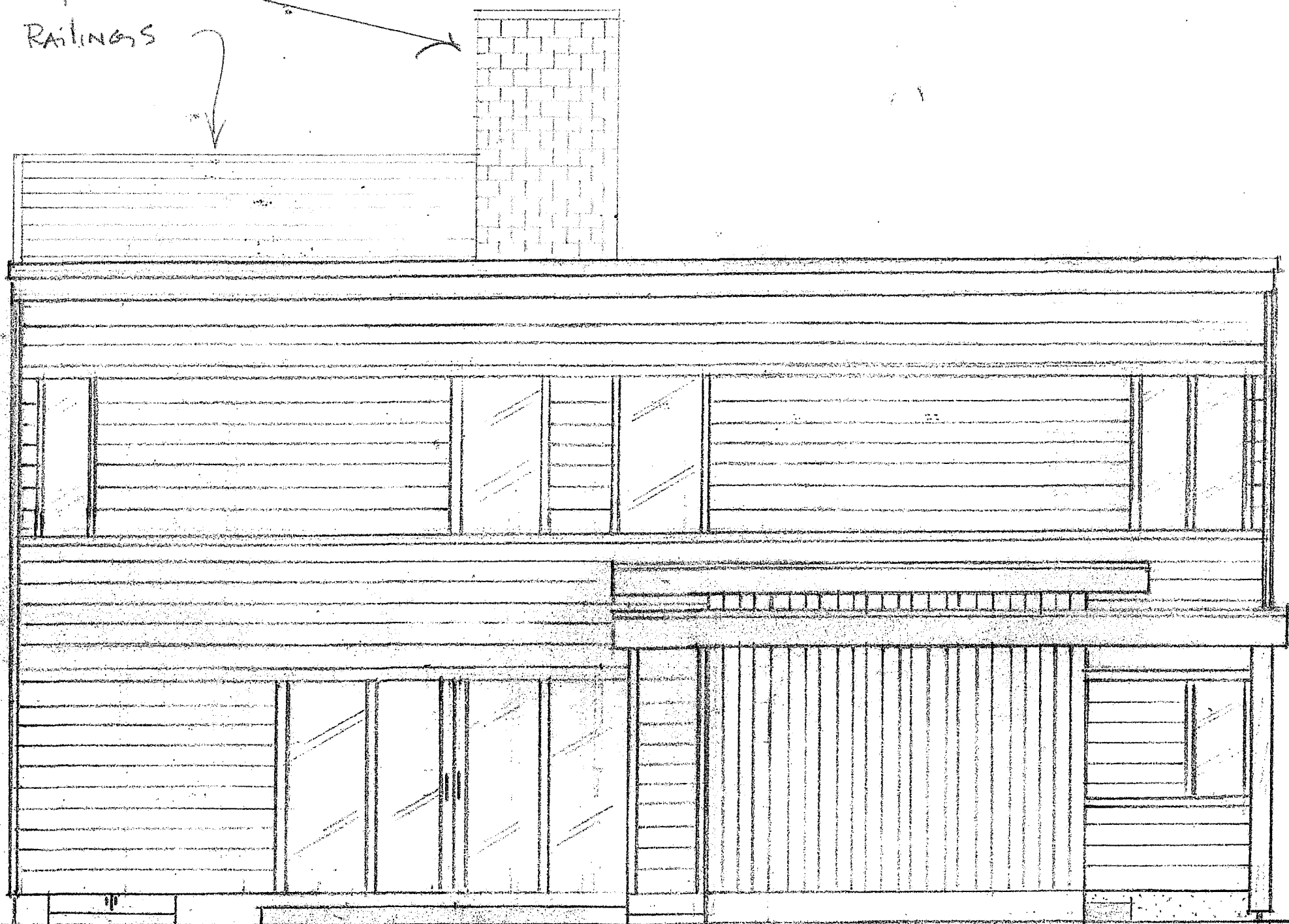
Roof Access

- * ACCESS STAIRS TO BE ENCLOSED IN SHINGLES (SHAKE)
- * RAILINGS TO BE WOOD (P.T.) STANCHIONS W/ SS CABLE



RESIDENCE 15/19 CONGER AVE., BURLINGTON, VT

Roof Access
Railings



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AUG 07 2009
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PLANNING & ZONING

RESIDENCE 15119 CONDER AVE., BURLINGTON, VT

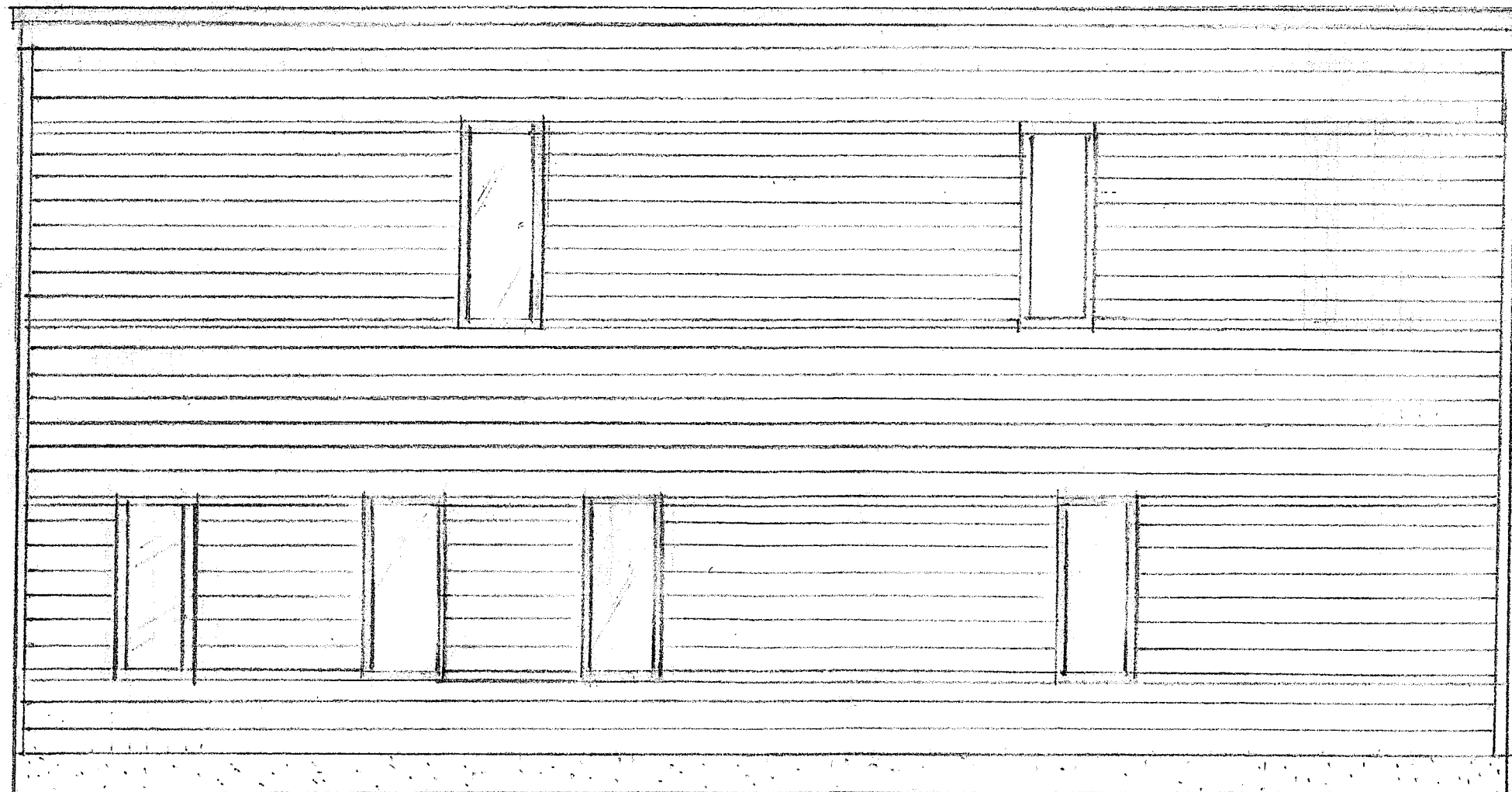


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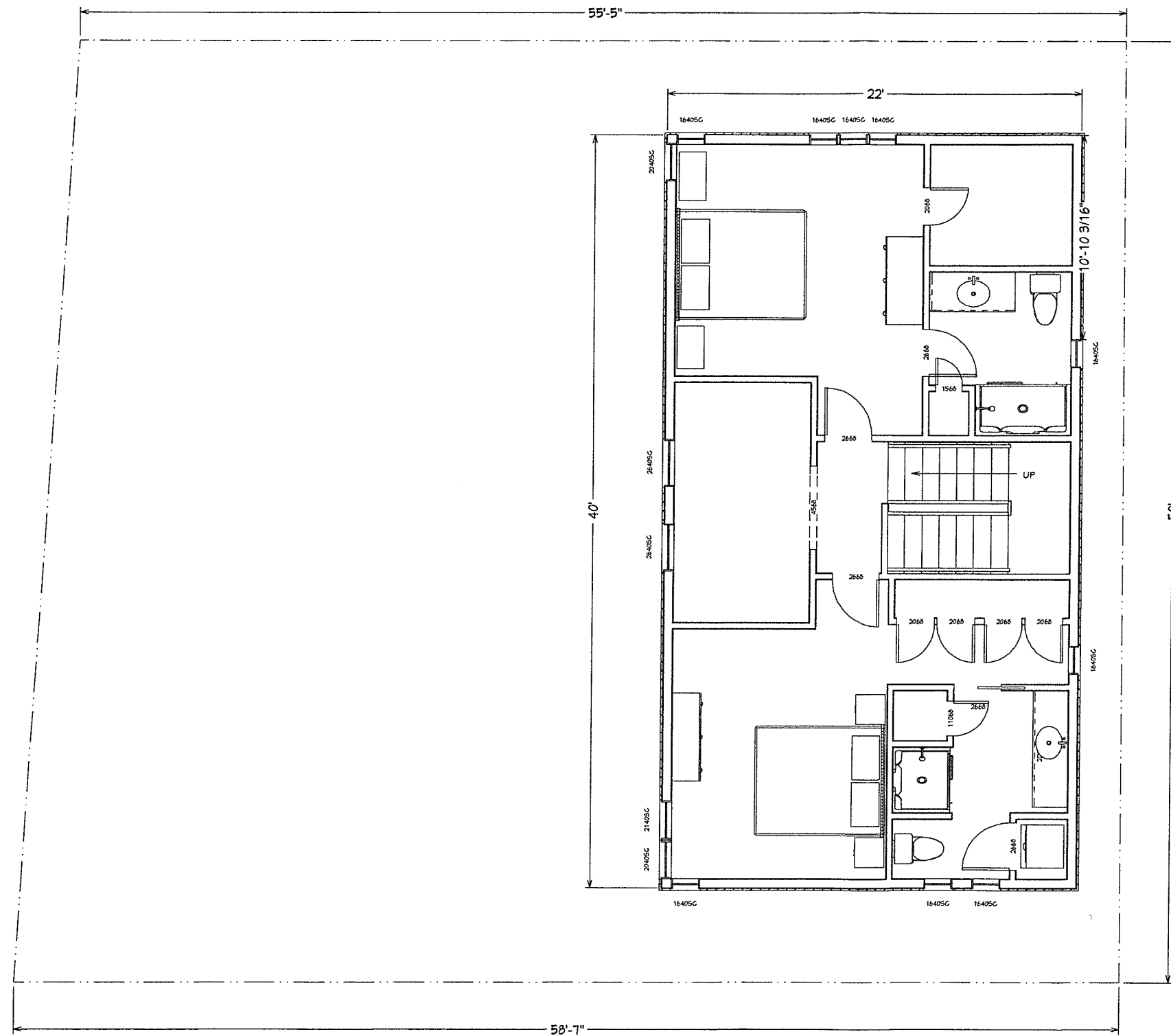
DEPARTMENT OF
PLANNING & ZONING

RESIDENCE 15/19 LONGIER AVE, BURLINGTON, VT



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DEPARTMENT OF
PLANNING & ZONING

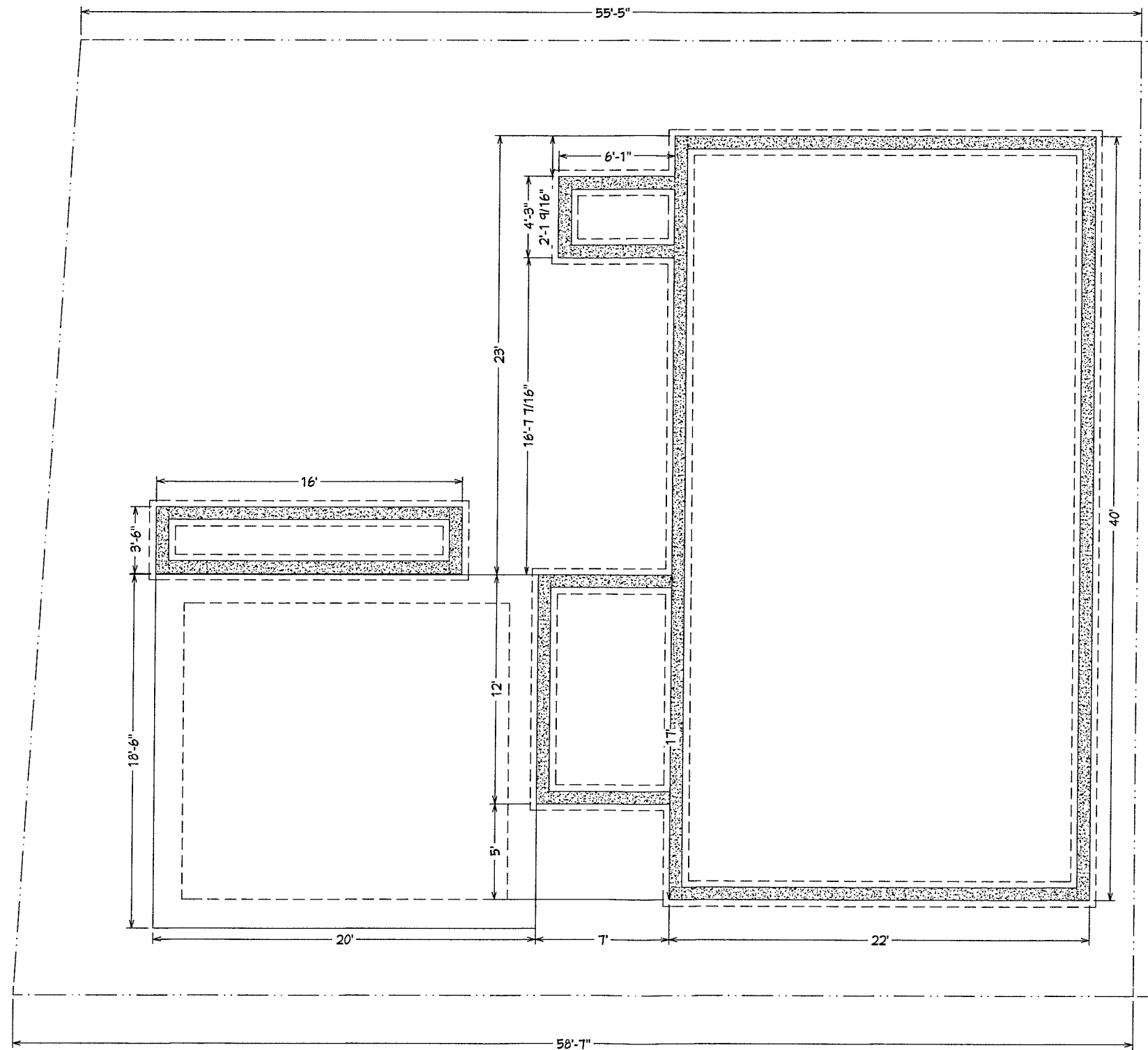
RESIDENCE 15/19 CONTER AVE., BURLINGTON, VT



Second Floor Plan
15/19 Conger Ave., Burlington, VT

Scale: 1"= 7'
Date: 8/01/19

RECEIVED
AUG 07 2019
DEPARTMENT OF
PLANNING & ZONING



RECEIVED
AUG 07 2019
DEPARTMENT OF
PLANNING & ZONING

Foundation Plan
15/19 Conger Ave., Burlington, VT
Scale: 1"= 7'
Date: 8/01/19

Department of Permitting & Inspections

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

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



TO: Development Review Board
FROM: Scott Gustin
DATE: November 6, 2019
RE: 18-1208CA/MA; 75 Briggs 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: ELM Ward: 5S

Owner/Representative: Meraki Realty Holdings, LLC/Andrea Charest

Request: Time extension request for zoning permit 18-1208CA/MA to construct a new health club/climbing center, including a new building and related site improvements.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews)

Background Information:

The applicant is seeking a time extension for a major impact and certificate of appropriateness zoning permit approved by the Development Review Board on September 12, 2018. The zoning permit enabled construction of a new building and related site work for a new health club/climbing facility on a largely vacant parcel next to the new City Market. Within the ELM zone, health club is a conditional use subject to public hearing.

No changes are included in this proposal. Only a time extension is sought.

Previous zoning actions for this property are as follows:

- 9/12/18, Approval to construct new building and related site improvements for a health club/climbing center
- 10/24/14, Approval of variance from front yard setback
- 12/18/97, Application for, and subsequent withdrawal of, permit to construct home

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

I. Findings

Article 3: Applications, Permits and Project Reviews

Section 3.2.9 Zoning Permits

(d) Time Limit on Zoning Permits

Notwithstanding (e) and (f) below, a zoning permit shall become invalid unless the work or action authorized commences within one (1) year after the date of final decision. All work or action authorized there under shall be completed, and a Final Zoning Certificate of Occupancy received, within three (3) years of the date of decision unless a written extension of time not to exceed one (1) year is grant in advance by the administrative officer. Extensions of time for a zoning permit issued in connection with a conditional use or variance shall require approval by the DRB after a public hearing. Extensions of time may be granted only when the work or action authorized under the zoning permit remains compliant with the current zoning regulations. Up to two (2) time extensions may be granted.

The application for a time extension is subject to review by the Development Review Board as a conditional use. The request for an extension was filed in a timely manner, and is eligible for consideration under this standard. Note that this criterion has been amended since the zoning permit was granted. Zoning permits now come with a 3-year timeframe as opposed to the 2-year period associated with this project's zoning permit. The initial 1-year timeframe to start construction remains. The start date of the zoning permit has been adjusted per subsection (f) below. The project remains permissible under the present zoning standards. As requested, a 1-year time extension may be granted. **(Affirmative finding)**

(f) Exceptions to Permit Time Limits

Except for projects subject to additional state or federal permitting jurisdiction, or which have been appealed to Vermont Environmental Court pursuant to the requirements of Article 12, there shall be no exceptions to the time limits specified in Sec. 3.2.9(d) and (e) unless longer or shorter time limits are specifically imposed as permit conditions of approval by the DRB at the time of approval.

For projects subject to additional state or federal permitting jurisdiction, the date of decision shall be deemed to be the latest date of decision of the state or federal permitting authority. For projects under appeal pursuant to the requirements of Article 12, the date of decision shall be deemed to be the date of the decision adjudicating such appeal.

Due to onsite soil contamination, this project required a Corrective Action Plan as issued by the VT Department of Environmental Conservation. This approval was issued by DEC on July 15, 2019. As a result, the effective date of the zoning permit is adjusted to this same date. The initial period to commence construction spans 1 year from this date. **(Affirmative finding)**

II. Conditions of Approval

1. Except as modified in this 1-year time extension, all conditions of approval of the original zoning permit shall remain in effect.
2. This 1-year time extension adjusts the permit expiration date to July 15, 2022.

State of Vermont
Department of Environmental Conservation
Waste Management & Prevention Division
1 National Life Drive – Davis 1
Montpelier, VT 05620-3704
(802) 828-1138
sarah.bartlett@vermont.gov

July 15, 2019

Steve and Andrea Charest
Charest Alpinism LLC
105 Briggs Street
Burlington, VT 05401

John Tashiro
Onion River Co-op DBA City Market
82 South Winooski Avenue
Burlington, VT 05401

**NOTICE OF APPROVED CORRECTIVE ACTION
75 BRIGGS STREET, BURLINGTON VT**

RE: Corrective Action Plan Approval, 75 Briggs Street (SMS Site #2017-4731)

Dear Mr. and Mrs. Charest, and Mr. Tashiro:

The Vermont Department of Environmental Conservation (DEC) Sites Management Section (SMS) has reviewed the Corrective Action Plan (CAP) prepared by KAS, Inc. and submitted on May 6, 2019, and has determined that the CAP meets all of the requirements presented in 10 V.S.A. §6648, as well as in §35-502, §35-505, and §35-506(a) of the January 8, 2019 *Investigation and Remediation of Contaminated Properties Rule*, which was the rule in effect at the time the public comment period was initiated. The draft document was available for public comment between June 6, 2019 and July 8, 2019; no comments were received.

Nature of Contamination and Corrective Action Components

The CAP addresses environmental and potential human health risks related to the presence of chlorinated volatile organic compounds (VOCs) in soil gas, as well as petroleum VOCs, polycyclic aromatic hydrocarbons (PAHs), metals, and total petroleum hydrocarbons (TPH) in soils.

Remedial activities to be conducted on the property include the following:

- Installation of a sub-slab depressurization (SSD) system in the proposed and existing on-site buildings, to mitigate potential impacts of chlorinated and petroleum volatile organic compounds (VOCs) to indoor air.
- Installation of physical barriers (including soil capping and paving) intended to eliminate direct contact to soils contaminated with petroleum VOCs, polycyclic aromatic hydrocarbons (PAHs), and heavy metals.
- Management of contaminated soils during site construction activities, as well as management of groundwater.

Land Use Restrictions

As part of CAP implementation, land use restrictions will be established for the property, including the following:



- A requirement to notify VT DEC prior to conducting any subsurface work or excavation in the vicinity or residual contamination.
- A requirement to ensure that the function and integrity of all remedial systems and engineered barriers are maintained through long-term site monitoring, maintenance, and reporting.

Based on the above, the CAP for the 75 Briggs Street property is approved for implementation. Please note that the CAP must be implemented within 90 days of this approval, or in accordance with an alternate schedule approved by VT DEC.

This site is subject to the requirements of the Brownfields Reuse and Environmental Liability Limitation Act (BRELLA), as identified in 10 V.S.A. §6641, and will receive a Certificate of Completion after the objectives of the CAP have been met and documented in a Corrective Action Completion Report, and following the investigation and, if necessary, remediation work related to potential off-site migration of chlorinated VOCs in soil gas.

You are required to file this *Notice of Approved Corrective Action Plan* for the 75 Briggs Street property in the City of Burlington land records within 15 days of receipt of this letter. Please confirm that the recording has been completed by providing VT DEC a copy of the filed noticed, including the book and page number indicating where the document was recorded.

Please do not hesitate to contact me should you have any questions. I may be reached by telephone at (802) 249-5641, or via email at sarah.bartlett@vermont.gov.

Sincerely,



Sarah Palmer Bartlett
Environmental Analyst
Brownfields Response Program

CC: Clare Santos – KAS (submitted electronically)

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/PZ/Boards/Development-Review-Board
Phone: (802) 865-7188
Fax: (802) 865-7195

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



Burlington Development Review Board

Findings of Fact

Deliberative Hearing: Tuesday, September 4, 2018

In RE: 18-1208CA/MA; 75 Briggs Street (Ward 5S, ELM) (Tax Lot No. 057-2-128-000)

Owner/Applicant: Onion River Cooperative, Inc. / Charest Alpinism, LLC

Request: Construct new health club/climbing center. Includes a new building and related site improvements.

Members Present:

Brad Rabinowitz
Austin Hart
Samantha Tilton
Springer Harris

Evidence Presented:

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

I. FINDINGS

Background Information:

The applicant is seeking approval to construct a new health club/climbing center and related site improvements at 75 Briggs Street. This parcel is presently vacant with one remaining building left over from the former railroad use of the property. This proposal is a comprehensive redevelopment of the site involving the new 13,450 sf building, retention of the existing 4,000 sf building, and new parking, landscaping, and stormwater management features. The climbing center is categorized as a health club in the Comprehensive Development Ordinance and is a conditional use in the E-LM zone. As the project entails a development footprint of > 40,000 sf, major impact review is also triggered.

This project was reviewed by the Technical Review Committee on February 8, 2018. Sketch plan review with the Conservation Board occurred April 2, 2018, with the Design Advisory Board on April 10, 2018, and with the Development Review Board on May 1, 2018.

The Conservation Board reviewed this application on July 2, 2018 and recommended approval as proposed. The Design Advisory Board reviewed it on July 24, 2018 and recommended approval with the following conditions:

1. Indicate Phase 2 work on the site plan, to be completed at a future date pending the construction of the Champlain Parkway improvements along Briggs Street, to include:
 - a. Additional shade trees planted within the bioswale
 - b. New walkway connecting the Briggs Street sidewalk to the entry door on the east elevation
2. Add visual interest to the north elevation by exploring the following:
 - a. Develop the proposed green wall / trellis structure on the north elevation
 - b. Expand the graphics on the north wall
 - c. Add a roof canopy/awning over the exterior door
3. Indicate location of electrical transformer or mechanical equipment and method of screening.
4. Solar ready construction, including conduit to the roof, is encouraged.

Revised project plans have been submitted to address the recommendation of the DAB.

The Development Review Board reviewed this application August 21, 2018. The public hearing was continued to September 4, 2018 to afford additional time for the applicant and the Department of Public Works to address outstanding traffic concerns. An updated traffic impact study has been provided, and comments have been issued by the Department of Public Works. In addition to resolving traffic matters, the applicant seeks approval to leave rooftop mechanical equipment as originally proposed without a screening enclosure. Perspective drawings and related plans have been provided for review.

Previous zoning actions for this property are noted below.

- 11/21/16, Approval to remove portion of gravel lot and convert to green space
- 10/4/16, Approval to construct new grocery store and subdivide the property in two (creating the present lot)

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

1. *Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*
 The proposed development will be served by municipal utilities. Sufficient water and sewer service are available. A State of Vermont wastewater permit will be required. A capacity letter issued by the Dept. of Public Works has been obtained. **(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 subject property is located within the Enterprise – Light Manufacturing zone. This zone is intended primarily for manufacturing, distribution, processing and the like; however, other commercial uses are allowed. The proposed health club is one of those allowed uses. It is situated in a location with ready access from other nearby commercial uses and a large residential neighborhood. **(Affirmative finding)**

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

The proposed health club is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. The proposed construction is set relatively far from homes in the adjacent neighborhood. **(Affirmative finding)**

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

The applicant has provided a traffic analysis outlining anticipated traffic impacts relative to the new facility. The analysis contains the standard items such as crash history, total trip generation, and intersection level of service. No high crash locations are nearby, and none are expected as a result of this development. The new building is expected to result in a net increase of 37 weekday PM peak hour trip ends over existing conditions with the present facility in operation. By way of comparison, the new City Market next door anticipated 320 weekday PM peak hour trip ends including 260 vehicular trips. The anticipated increase in traffic is modest and is expected to have minimal to moderate impacts on nearby intersection level of service (LOS). The LOS for the Briggs Street/Flynn Avenue intersection is expected to remain unchanged in 2024 whether the project is built or not. The Champlain Parkway/Flynn Avenue intersection; however, is expected to worsen from an LOS E to F under the 2024 “build” scenario. The traffic analysis includes several measures that may be implemented for mitigation of traffic impacts at this intersection. Changes to the proposed Parkway improvements now may trigger additional permitting review for that project. Therefore, any revisions such as traffic signal timing should take place after construction of the Parkway improvements. With that in mind, the Department of Public Works requests that the traffic impact fees associated with this project be available for a period of five years following completion of the Champlain Parkway. **(Affirmative finding as conditioned)**

and,

5. *The utilization of renewable energy resources;*

The project plans have been revised to depict rooftop location for a potential solar array. **(Affirmative finding)**

and,

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

Technical Review Committee comments relative to applicable City bylaws have been provided.

(b) Major Impact Review Standards

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

No significant air or noise pollution is anticipated as a result of this development. **(Affirmative finding)**

See Sec. 5.5.3 for stormwater management.

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;*

See Sec. 5.5.3.

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) 4.

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

No impacts on the city's educational system are anticipated as a result of this purely commercial development. **(Affirmative finding)**

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

The proposed development will generate additional impacts on city services; however, those impacts are expected to be relatively modest. Impacts will be mitigated by payment of impact fees following project completion. **(Affirmative finding as conditioned)**

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 Article 6 for effects on significant natural areas, historic buildings, and archaeological significance.

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 is located within the E-LM zone – an area of the city specifically zoned for a variety of commercial land uses. The project will not adversely impact the city's present or future growth patterns. The development is of a relatively moderate scale and is not

expected to have an undue adverse impact on the city's ability to accommodate growth.
(Affirmative finding)

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

Several provisions of the Municipal Development Plan target the Enterprise zones for new commercial investment and development (Land Use Policies, pg. I-2; Growth Areas, pg. I-22 {The Enterprise District}). Further, this project brings about new investment to a site with significant soil contaminants (Land Use Policies, pg. I-23 {Brownfields}). As required, the new building will comply with present energy efficiency standards of the city and state (Energy Plan, pg. VIII-1). **(Affirmative finding)**

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;

The proposed commercial development will have no impact on the present or projected housing needs of the city. **(Affirmative finding)**

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

Little impact on the city's park and recreation needs is expected as a result of this development. What impact there is will be mitigated by payment of impact fees. **(Affirmative finding as conditioned)**

(c) Conditions of Approval:

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

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

The proposed development will likely not generate offsite noise or glare substantial enough to require mitigation. Screening of the parking lot along Briggs Street is proposed in an effort to reduce the visual impact associated with the relatively large parking lot. **(Affirmative finding)**

2. Time limits for construction.

The application anticipates a 12-month construction timeline starting this coming winter. The standard 2-year timeframe for zoning permits will apply. The project plans have been revised to depict 2 phases. Phase 1 contains almost all of the project. Phase 2 contains work mostly within the street right-of-way along Briggs Street, including, but not limited to, walkways connecting to the future public sidewalk. The plans note that the phase 2 work will be done in conjunction with the Briggs Streets improvements associated with the Champlain Parkway. Conceptually, this arrangement may be acceptable; however, the zoning permit cannot last indefinitely. The project's work along Briggs Street should be done within five years or with the Champlain Parkway work, whichever comes first. If, perchance, an amendment is needed to enable better coordination of the street and site work, one may be sought. The walkways out to Briggs Street

must be installed with phase 1, but can be in temporary form (gravel). They must be in final form (concrete) upon completion of phase 2. **(Affirmative finding as conditioned)**

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

Hours of operation are noted as 10:00 AM – 10:00 PM, Monday – Friday; 10:00 AM – 8:00 PM Saturday, and 10:00 AM – 6:00 PM on Sunday. The application notes that morning hours at the new facility may be expanded. If so, they must be specified.

Construction hours are not noted in the application. Typical construction hours within or close to residential areas are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No work on Sunday. **(Affirmative finding as conditioned)**

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

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

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

See the recommended conditions.

Article 4: Maps & Districts

Sec. 4.4.3, Enterprise Districts:

(a) Purpose

(1) Light Manufacturing (E-LM)

The subject property is located in the E-LM zone which is intended as the primary commercial/industrial center of Burlington. The proposed health club is consistent with the array of commercial uses allowed in this zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

Proposed building area is 13,470 sf. Along with the existing 4,000 sf building to remain, FAR is 0.24 on the 1.68 acre lot. This FAR is well below the 2.0 FAR limit in this zone.

Proposed lot coverage will be 58.9%. This percentage is under the maximum allowable 80% coverage.

The proposed front yard setback is 20' along Briggs Street. The minimum required is 5'. Side yard setbacks are not applicable in the E-LM zone. The minimum required rear yard setback is 10% of the lot depth – in this case about 12.5,' although the rear lot line is somewhat angled. The building is set about 60' from the rear property line.

Maximum building height will be 44' to the midpoint of the sloped shed roof and is under the maximum permissible 45' height. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The proposed climbing center is a “health club” under Appendix A of the CDO and is a conditional use in the E-LM zone. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.3 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.3 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.3 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.5.3 (b) above.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

New outdoor lighting is included in the application and will include illumination of the parking area, walkways, and building entries. Fixture cut sheets and a photometric plan have been provided. Acceptable cutoff LED fixtures are proposed. Pole lamps illuminating the parking area are acceptable at 16’ tall. Acceptable illumination levels are depicted for the parking lot and roof deck. While illumination levels are depicted for the building entries and walkways, the summary table does not indicate average, maximum, and minimum illumination levels for these features. This information is needed in order to determine compliance with the applicable lighting standards of Sec. 5.5.2. Building entries are limited to 5.0 footcandle average, and walkways are limited to 0.5 footcandle average with no point to exceed 2.0 footcandles.

(Affirmative finding as conditioned)

Sec. 5.5.3, Stormwater and Erosion Control

Presently, there are no stormwater management features onsite. The proposed project design includes four bioretention areas. These areas will collect stormwater runoff from the parking area and building rooftop and will attenuate flows prior to discharge to the city’s combined sewer system. The contaminated soils onsite prevent utilizing infiltration, but post-development peak flows will be significantly reduced for the one year design storm. Both the stormwater management plan and the erosion control plan have been reviewed and approved by the city’s stormwater program manager. **(Affirmative finding)**

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 property does not contain any important natural features as identified in the Open Space Protection Plan or as outlined in Sec. 4.5.4, *Natural Resource Protection Overlay Districts*. In fact, the property is nearly devoid of any green space at all. It is a vacant former railroad property. The proposed construction will have no impact on Burlington's diversity of important natural features. **(Affirmative finding)**

(b) Topographical alterations

The existing property is essentially flat and will remain so. Proposed grading will direct stormwater runoff into newly proposed stormwater management measures. In an effort to retain as much soil onsite as possible (rather than landfill it), a berm will be created at the north end of the property. **(Affirmative finding)**

(c) Protection of important public views

There are no significant public views from or through the subject property. The proposed construction will not adversely impact any identified public view corridor. **(Affirmative finding)**

(d) Protection of important cultural resources

The property has no known archaeological significance. It contains no archaeological site points, nor is it located within an archaeologically sensitive area. **(Affirmative finding)**

(e) Supporting the use of alternative energy

See Sec. 6.3.2 (f).

(f) Brownfield sites

The Vermont DEC Hazardous Site List specifically lists this property as a contaminated site. The applicants are working on a corrective action plan (CAP) with VT DEC to address onsite contaminants. This CAP was addressed with the Conservation Board. Essentially, the contaminated soils will be capped onsite. Soils that cannot be retained onsite will be disposed of in a landfill. **(Affirmative finding)**

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management.

The main building entry will be sheltered. There is sufficient room onsite for snow storage during the winter months. **(Affirmative finding)**

(h) Building location and orientation

The proposed building will be set fairly close to the street, reflecting similar front yard setbacks at neighboring properties. As required, the new building presents an entryway facing Briggs Street. **(Affirmative finding)**

(i) Vehicular access

The property will be served by two driveways. The southern driveway will seemingly serve to access the existing outbuilding. The northern driveway will act as the primary vehicular access into the site for visitors. Sight triangles are clear for both driveways. **(Affirmative finding)**

(j) Pedestrian access

Pedestrian access to the property will be afforded by way of new onsite walkways. The site plan also notes a future new sidewalk within the Briggs Street right-of-way. The Department of Public Works requests that the applicants establish a financial surety to cover half the cost of construction of this new sidewalk. The site plan also depicts a new crosswalk across Briggs Street. DPW review and approval will be required for this feature. Work within the street ROW is to take place as part of phase 2 – built concurrently with the Briggs Street improvements related to construction of the Southern Connector. As noted above, at least temporary walkways connecting to Briggs Street will be required as part of phase 1. As required, pedestrian walkways are provided through the parking areas for access into the new building. **(Affirmative finding as conditioned)**

(k) Accessibility for the handicapped

Handicap parking spaces are depicted near the south-facing building entrance. Entries into the building appear to be at-grade. It is the applicant's responsibility to comply with all applicable ADA requirements. **(Affirmative finding)**

(l) Parking and circulation

Parking is set to the side and rear of the new building. Given the lengthwise orientation of the property along Briggs Street, the side parking lot also has frontage along the street. Following DAB review, screening of the parking has been fortified along that section of parking between the two driveways.

Parking spaces and circulation isles appear to be dimensionally compliant. Most parking spaces are 9' X 18', and circulation isles are 24' wide allowing for 10' wide travel lanes and compliant back-up space. The 18' parking space depth is acceptable given that all of the spaces are peripheral. Parking spaces along the rear of the property are a full 20' deep.

Curbing is evident along much of the parking lot's edge. There is no curbing along the western edge where stormwater runoff will sheetflow into the linear bioretention area. As recommended by this criterion, the parking area is divided into smaller components with peripheral landscaping to delineate the boundaries of the parking and circulation areas.

This criterion establishes a target of 30% shading of the parking area with new shade trees. At least 1 shade tree for every 5 parking spaces is required. The new parking lot contains 65 parking spaces and requires 13 shade trees. As proposed, 14 new shade trees will be planted within or around the parking lot (additional trees are proposed, but provide minimal, or no, shade

for the parking lot). The shade trees have been reviewed for acceptability by the city arborist. The shading plan demonstrates 45% shading of the parking lot.

Bike racks are depicted on the site plan. They are appropriately located near the building's southern entry. **(Affirmative finding)**

(m) Landscaping, fences, and retaining walls

The project plans include a landscaping plan that encompasses a variety of plantings. As noted above, shade trees will be planted in and around the parking lot. Additional plantings will accent the building and site features. As previously noted, additional screening of the parking between the two driveways has been incorporated into the revised project plans.

Three new trees straddle the front property line along Briggs Street. In consultation with the city arborist, these trees will be planted in concurrence with the Briggs Street improvements associated with the Champlain Parkway. **(Affirmative finding)**

(n) Public plazas and open space

No public plazas or open space are included in this proposal. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

The site plans depict a trash/recycling/compost area behind the building to be screened with 6' tall slatted wooden fencing. An electrical transformer box is depicted next to the trash/recycling/compost area and is screened. All new utility lines must be buried. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The proposed building contains 13,450 sf GFA with a 9,000 sf footprint. The massing of the structure is broken into distinct building components as required by this criterion. Varying roof forms and materials reinforce the perception of separate building components. Its height, as measured to the midpoint of the sloped roof, is within the 45' height limit in the ELM zone. Overall building scale fits within the context of the built environment. The newly constructed City Market next door is ~ 30,000 sf, while the remaining building on the subject site is 4,000 sf. Significantly larger commercial buildings exist to the north, while significantly smaller residential structures are to the east.

Much of the DAB discussion of the new building centered on the north elevation. While it is not the primary façade, it will be readily visible from the street and from the neighboring City Market property. The DAB was concerned with the relatively large expanse of uniform exterior wall. As noted below, the interior function of the space as an indoor climbing center limits the amount of functional glazing that can be installed. With that in mind, the DAB

recommended integration of a green wall or trellis, expansion of the proposed graphics, and installation of a canopy over the exterior door. The elevation plans have been revised to incorporate all three elements. **(Affirmative finding)**

2. Roofs and Rooflines

As noted above, the proposed building incorporates multiple roof lines. The primary roof structure is a simple sloped shed roof. Other roof sections are flat or nearly so. These roof forms are common in the ELM zone. Part of the roof area will be activated with programmatic uses. **(Affirmative finding)**

3. Building Openings

The primary building entrance is sheltered and oriented towards Briggs Street. It is also accessible from the parking area to the south. This primary entrance clearly reads as such. The fenestration is consistent with the angular, boxy appearance of the building. The function of the building's interior as a climbing center limits the placement and extent of fenestration. With that said, additional fenestration has been incorporated into the building's design since sketch plan review and is placed proportionately throughout. Further revision has taken place since DAB review. **(Affirmative finding)**

(b) Protection of important architectural resources

This new construction will not affect existing historic buildings in the area. No building demolition is included in this application. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The building is set relatively close to the street and presents a clearly defined sheltered entrance easily accessible from the newly constructed sidewalk. The outdoor patio area and adjacent walkways further improve the perceived sense of invitation into the building. Ample street level glazing affords visual access into the building by patrons and passersby. **(Affirmative finding)**

(e) Quality of materials

The building will be clad in metal siding. Texture and finish will vary to limit the monotony of a singular siding type. Aluminum frame windows will be installed throughout. Wooden accents will be incorporated into the entry canopy. The proposed materials are of acceptable quality and durability for this new construction. **(Affirmative finding)**

(f) Reduce energy utilization

Inclusion of rooftop solar is being considered but not yet confirmed. Installation is encouraged. The new building must comply with the current energy efficiency requirements of the city and state. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

Exterior signs are depicted on the elevation plans. Sign location and area appear to be acceptable. Exterior signage is handled by way of separate zoning permit in any event. **(Affirmative finding as conditioned)**

(h) Integrate infrastructure into the building design

The latest project plans depict rooftop mechanical equipment. The equipment is set midway down the back of the sloping shed roof. In this location, the roof itself provides screening of the equipment as viewed from the public street. **(Affirmative finding)**

(i) Make spaces safe and secure

Entryways will be illuminated. Egress and fire safety standards will apply as administered through the offices of the fire marshal and of the building inspector. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The proposed health club is located in the Shared Use Parking District. The minimum onsite parking requirement is 2 spaces per 1,000 sf. At 17,450 sf, the combined building area of the health club will require 35 spaces. As proposed, 64 parking spaces will be constructed, including ADA spaces and an alternative fuel vehicle parking space. **(Affirmative finding)**

Sec. 8.1.9, Maximum Parking Spaces

This section limits surface parking to 125% of the Neighborhood Parking District minimum parking requirement. The alternative fuel vehicle parking space provided is exempt from this provision. The Neighborhood Parking District requirement is 3 spaces per 1,000 sf for the health club (52 spaces in this case). The maximum limitation is 125% of this minimum (65 spaces in this case). **(Affirmative finding)**

Sec. 8.1.10, Off-Street Loading Requirements

The existing 4,000 sf building will use an existing loading bay. A loading area will be provided to the rear of the new building and is noted on the site and elevation plans. **(Affirmative finding)**

Sec. 8.1.11, Parking Dimensional Requirements

See Sec. 6.2.2 (l).

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Offsite parking facilities

(Not applicable)

(b) Downtown street level setback

(Not applicable)

(c) Front yard parking restricted

(Not applicable)

(d) Shared parking in the Neighborhood Parking Districts

(Not applicable)

(e) Single story structures in Shared Use Districts

See Sec. 8.1.8.

(f) Joint use of facilities

As enabled by this section, parking for all of the uses onsite will be provided in a single parking facility. **(Affirmative finding)**

(g) Availability of facilities

None of the proposed parking will be used for the storage or display of vehicles or materials by offsite users. Parking will be for clients and employees only. **(Affirmative finding)**

(h) Compact car parking

(Not applicable) This limitation applies only to structured parking.

Sec. 8.1.13, Parking for Disabled Persons

The site plans depict several handicap parking spaces in close proximity to pathways and the building's main entrance. Associated striping is also shown. ADA compliance is administered via the city's building permit process. **(Affirmative finding)**

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

Table 8.2.5-1, *Bicycle Parking Standards*, does not include health club as a use. The most recent new health club approved by the Development Review Board used the community center standard as a "best fit." Under that standard, the bike parking requirement for the 17,450 sf health club amounts to 10 short term spaces (3 per 5,000 sf) and 1 long term space (1 per 20,000 sf). As proposed, 10 short term spaces will be provided along with 1 long term space. Locations and details for the short term bike parking spaces are provided. The long term space will be provided within the employee breakroom. **(Affirmative finding)**

II. MINUTES

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

III. MOTION

Motion: Austin Hart

I move that the Board grant certificate of appropriateness and major impact approval for construction of a new health club/climbing center with a new building and related site improvements at 75 Briggs Street based on the findings in Section I above and subject to the following conditions:

1. **Prior to release of the zoning permit**, revised project plans depicting average, maximum, and minimum illumination levels for the building entries and walkways shall be submitted, subject to staff review and approval.
2. The proposed crosswalk within the public street right-of-way is **subject to review and approval by the Dept. of Public Works**. *All other construction within the public street right-of-way is subject to an encumbrance permit issued by the City Council in conjunction with the Dept. of Public Works.*
3. The applicant shall provide a financial surety for half the cost of the new public sidewalk along Briggs Street. The surety shall be in a form and amount acceptable to the City Attorney and the City Engineer.
4. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development. The traffic impact fee shall be made available for a period of five years following completion of the Flynn Avenue / Champlain Parkway intersection.
5. This project contains two phases. Phase 1 is to be completed within 2 years of the date of approval. Phase 2 is to be completed within 5 years of the date of approval or in concurrence with the Champlain Parkways improvements to Briggs Street, whichever comes first. Phase 1 must include at least temporary (gravel) walkways out to Briggs Street. They must be in final form (concrete) upon completion of phase 2.
6. Days and hours of operation are limited to 10:00 AM – 10:00 PM, Monday – Friday; 10:00 AM – 8:00 PM Saturday, and 10:00 AM – 6:00 PM on Sunday. Any expansion of these hours of operation will require conditional use review and approval by the DRB.
7. Days and hours of construction are limited to Monday – Friday 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.
8. A State of Vermont wastewater permit is required.
9. All new utility lines shall be buried.
10. It is the applicant's responsibility to comply with all applicable ADA requirements.
11. Incorporation of solar energy devices is encouraged.
12. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
13. Any outdoor signage will require a separate sign permit.
14. Standard Conditions 1-15.

Seconded: Springer Harris

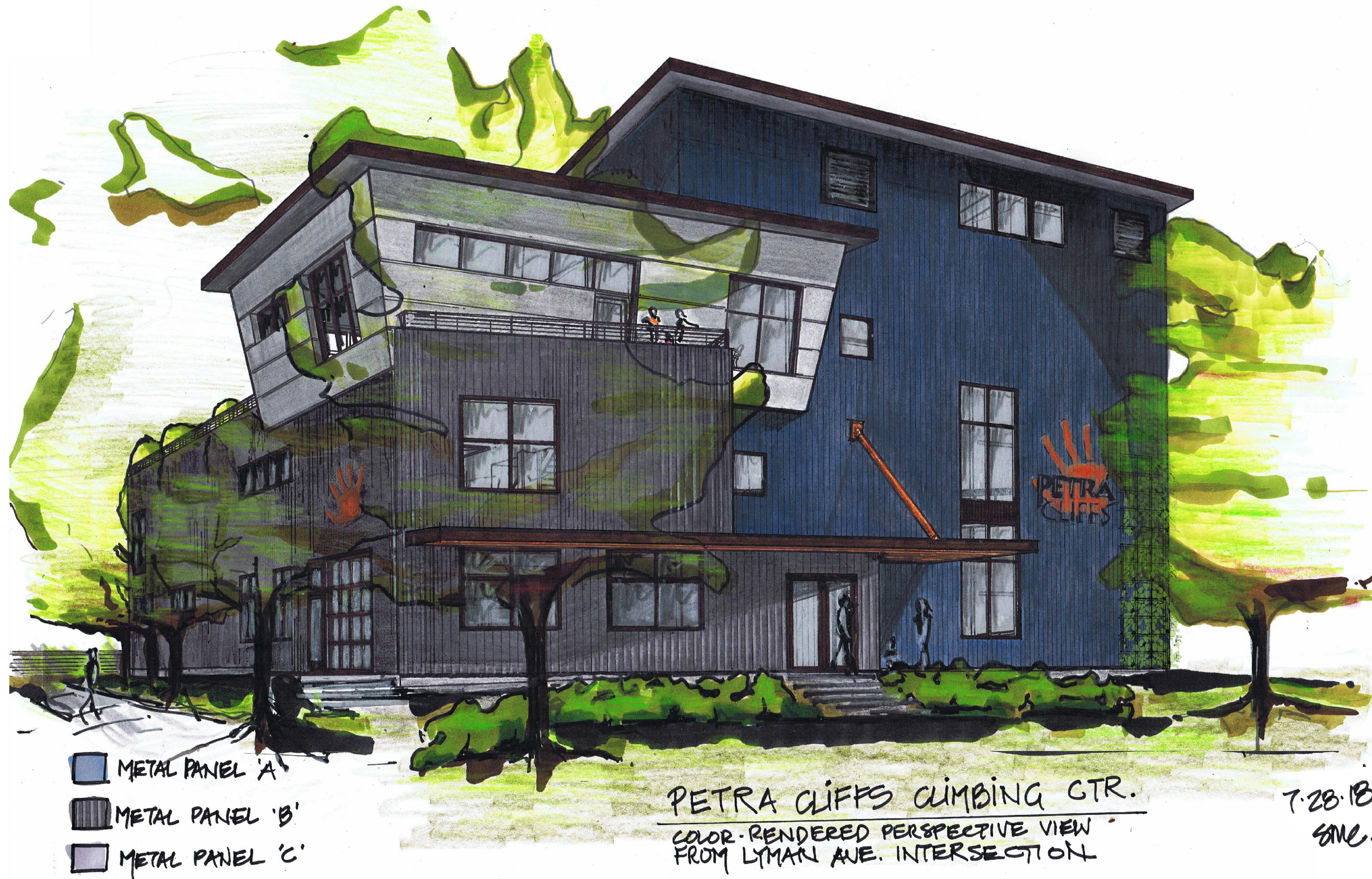
Vote: 4-0-0, motion carried.

Dated at Burlington, Vermont, this ____ day of September, 2018.

Respectfully Submitted,

Brad Rabinowitz, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.



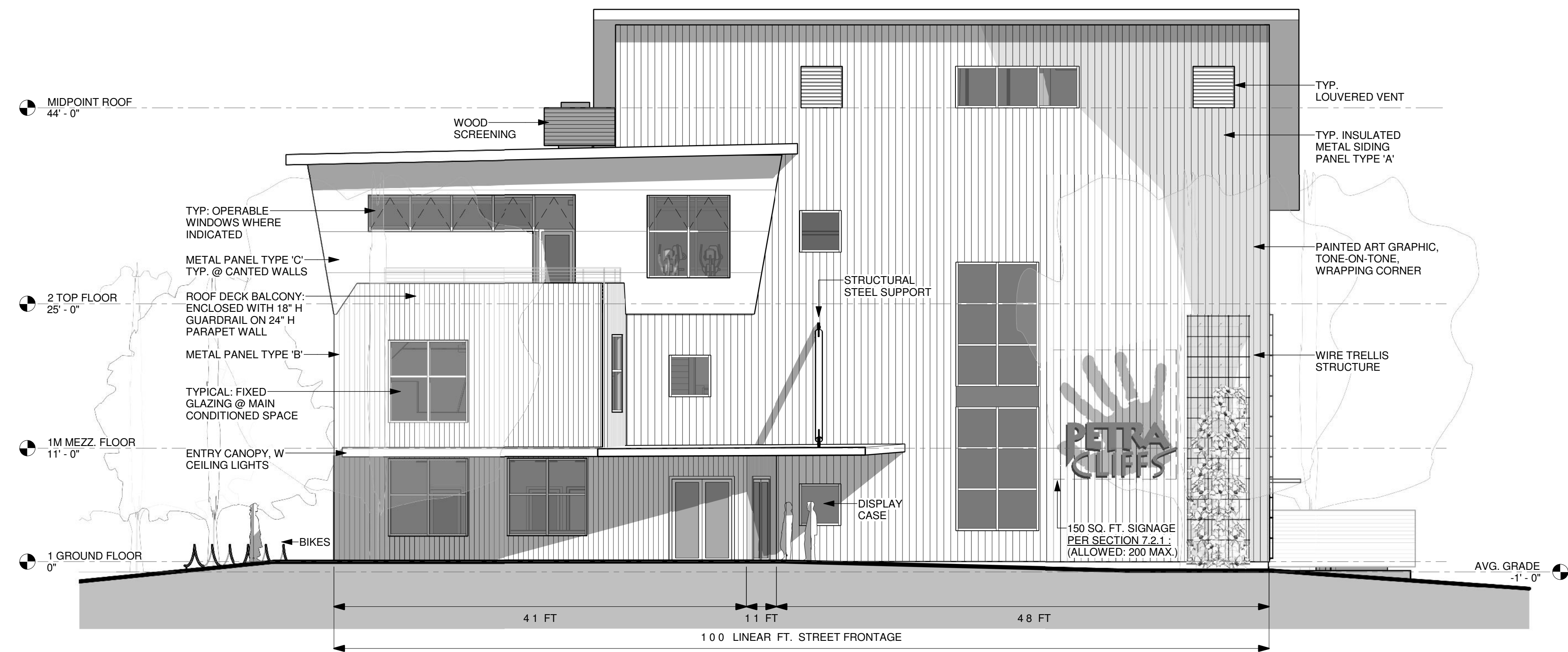
PETRA CLIFFS CLIMBING CENTER
75 BRIGGS STREET
BURLINGTON, VERMONT

CLIENT:
CHAREST ALPINISM LLC
DESIGN PHASE:
PERMIT
DRAWINGS

PERMIT
DRAWINGS
SCALE: 1/2" = 1'-0"

A2.0

DATE: AUGUST 6, 2018
Copyright © 2018 Susan M. Codraro
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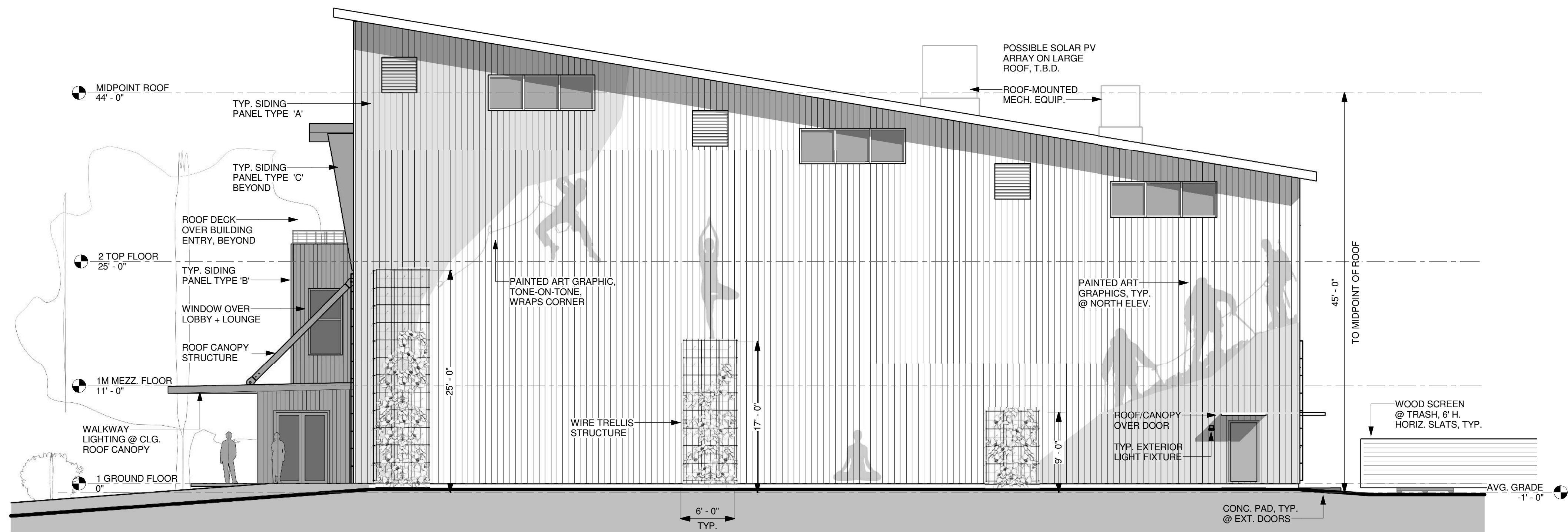
1 BRIGGS STREET ELEVATION
1/8" = 1'-0"

PETRA C CLIFFS CLIMBING CENTER
75 BRIGGS STREET
BURLINGTON, VERMONT

CLIENT:
CHAREST ALPINISM LLC
DESIGN PHASE:
PERMIT
DRAWINGS

EAST
BUILDING
ELEVATION
SCALE: 1/8" = 1'-0"

A2.1



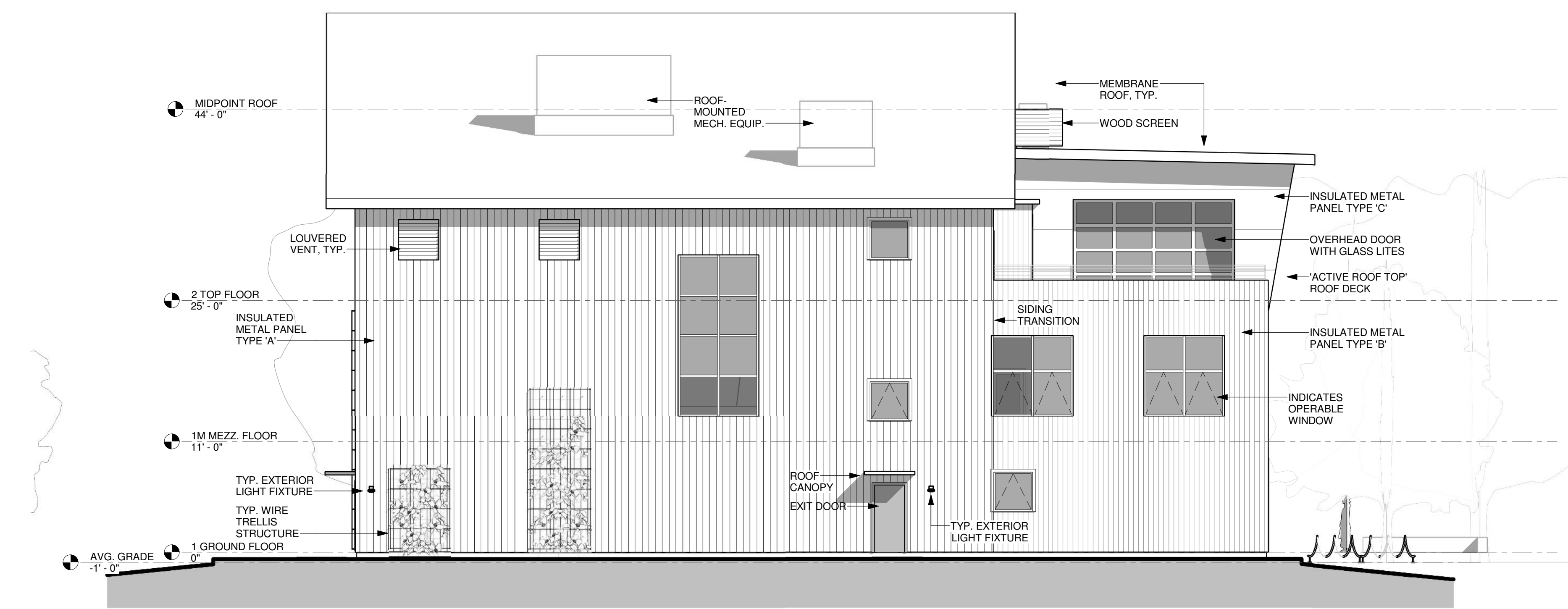
① NORTH FACING ELEVATION
1/8" = 1'-0"

PETRA C CLIFFS CLIMBING CENTER
75 BRIGGS STREET
BURLINGTON, VERMONT

CLIENT:
CHAREST ALPINISM LLC
DESIGN PHASE:
**PERMIT
DRAWINGS**

NORTH
BUILDING
ELEVATION
SCALE: 1/8" = 1'-0"

A2.2



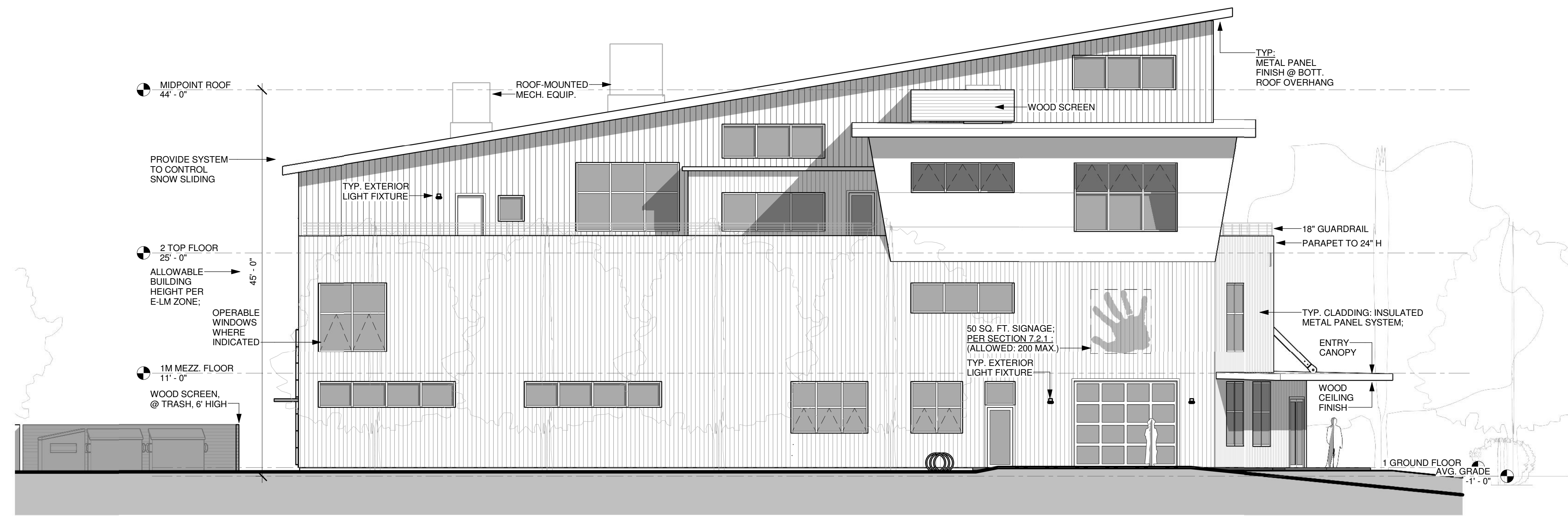
① WEST FACING ELEVATION
1/8" = 1'-0"

PETRA C CLIFFS CLIMBING CENTER
75 BRIGGS STREET
BURLINGTON, VERMONT

CLIENT:
CHAREST ALPINISM LLC
DESIGN PHASE:
**PERMIT
DRAWINGS**

WEST
BUILDING
ELEVATION
SCALE: 1/8" = 1'-0"

A2.3



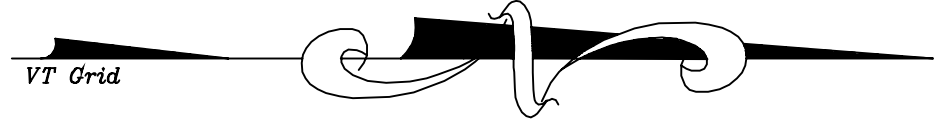
① SOUTH FACING ELEVATION
1/8" = 1'-0"

PETRA C CLIFFS CLIMBING CENTER
75 BRIGGS STREET
BURLINGTON, VERMONT

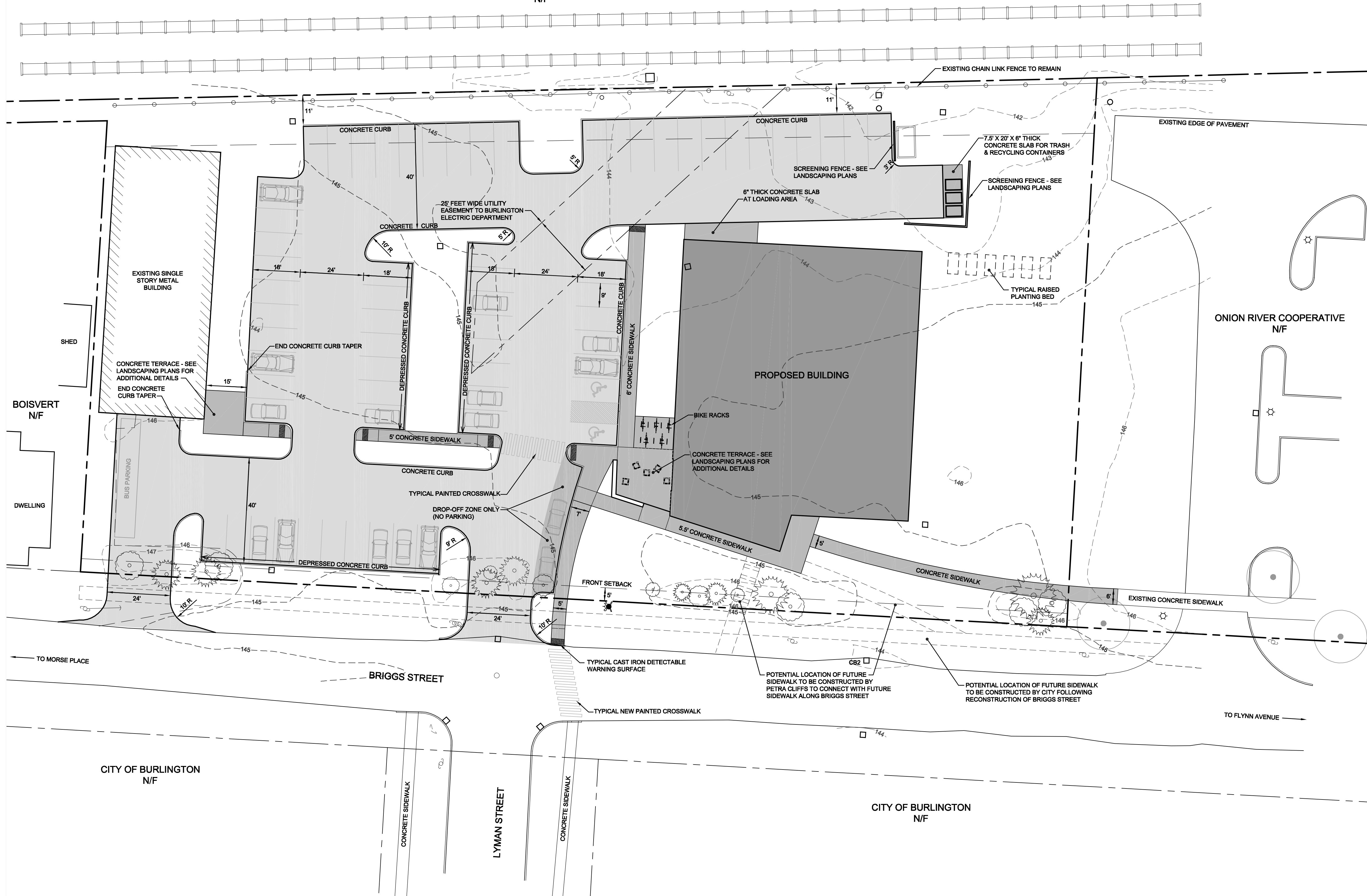
CLIENT:
CHAREST ALPINISM LLC
DESIGN PHASE:
**PERMIT
DRAWINGS**

**SOUTH
BUILDING
ELEVATION**
SCALE: 1/8" = 1'-0"

A2.4



STATE OF VERMONT LANDOWNER
VERMONT RAILWAY LESSEE
N/F



LOCATION MAP
N.T.S.

LEGEND

- EXISTING PROJECT BOUNDARY
- ABUTTING PROPERTY LINE
- BUILDING SETBACK
- EXISTING WATER LINE
- EXISTING STORM & CATCHBASIN
- EXISTING COMBINED SEWER & MANHOLE
- EXISTING UTILITY POLE AND OVERHEAD WIRE
- EXISTING TREES

PROJECT STATISTICS:

ZONING DISTRICT: ENTERPRISE-LIGHT MANUFACTURING (E-LM)

ZONING OVERLAY: DESIGN REVIEW OVERLAY DISTRICT

SHARED USE PARKING DISTRICT

DIMENSIONAL STANDARDS:
MAXIMUM INTENSITY = 2.0 FLOOR AREA RATIO
MAXIMUM BUILDING HEIGHT = 45 FEET
MAXIMUM LOT COVERAGE = 80%

MINIMUM BUILDING SETBACKS
FRONT = 5 FEET
SIDE = 0 FEET (NON-RESIDENTIAL DISTRICT ABUTTING)
REAR = VARIES (10% OF LOT DEPTH)

PER SECTION 5.2.5(b)(4).
PARKING AREAS AND DRIVEWAYS MAY PROJECT INTO
REQUIRED SIDE AND REAR YARD SETBACKS PROVIDED
THEY ARE NO LESS THAN 5 FEET FROM THE SIDE OR
REAR PROPERTY LINE.

OFF-STREET PARKING STANDARDS:
MINIMUM OFF-STREET PARKING REQUIREMENTS:
HEALTH CLUB USE:
3 SPACES / 1000 SF GFA (NEIGHBORHOOD DISTRICT)
2 SPACES / 1000 SF GFA (SHARED USE DISTRICTS)

THE MAXIMUM NUMBER OF PARKING SPACES IN ALL PARKING DISTRICTS
SHALL NOT BE MORE THAN 125% OF THE MINIMUM NUMBER OF SPACES
REQUIRED FOR THE NEIGHBORHOOD PARKING DISTRICT FOR AN GIVEN USE

MAXIMUM PARKING ALLOWED = 64 SPACES
(3 SPACES/1000 SF GFA X 13,000 SF + 4,000 SF) X 125%

PROPOSED PARKING = 64 SPACES

BICYCLE PARKING STANDARDS:
SHORT TERM BICYCLE SPACES REQUIRED = 6% OF OCCUPANCY

LONG TERM BICYCLE SPACES REQUIRED = 1 SPACE
(1 SPACE PER 10 EMPLOYEES)

LOT COVERAGE		REVISED 07-19-20	
BUILDING	TOTAL		
EXISTING	4,046 SF 5.5%	68,491 SF 93.4%	
PROPOSED	13,650 SF 18.6%	43,233 SF 58.9%	
TOTAL LOT AREA = 73,348 SF (1.68 ACRE)			

SHEET INDEX

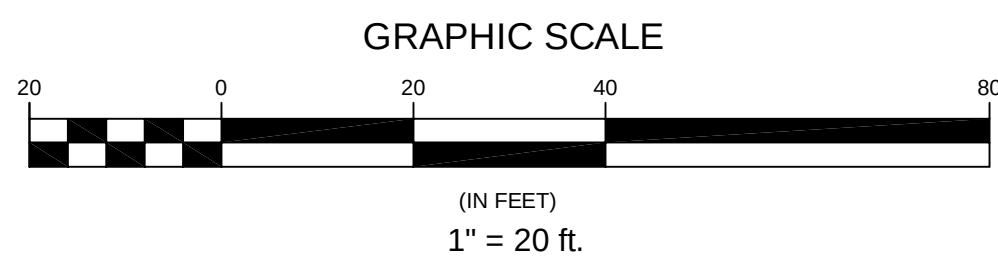
- SHEET C1 SITE PLAN
- SHEET C2 UTILITY & GRADING PLAN
- SHEET C3 EROSION PREVENTION & SEDIMENT CONTROL PLAN
- SHEET C4 EXISTING CONDITIONS & DEMOLITION PLAN
- SHEET C5 SITEWORK & WATER DETAILS & SPECIFICATIONS
- SHEET C6 WATER DETAILS & SPECIFICATIONS
- SHEET C7 STORM, SEWER, & EPSC DETAILS & SPECIFICATIONS
- SHEET C8 STORMWATER DETAILS & SPECIFICATIONS

APPLICANT

PETRA CLIFFS
CHAREST ALPINISM, LLC
105 BRIGGS STREET
BURLINGTON, VT 05401

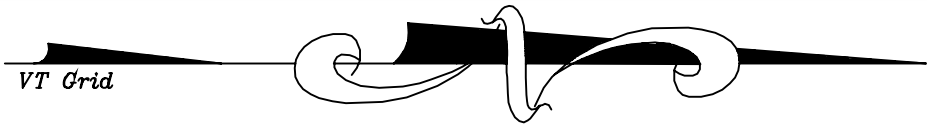
LANDOWNER

ONION RIVER COOPERATIVE, INC.
82 SOUTH WINOOSKI AVENUE
BURLINGTON, VT 05401



07-13-18	ADD TRANSFORMER, ELIM PARKING SPACE	ABR
Date	Revision	By
These plans shall only be used for the purpose shown below:		
☐ Sketch/Concept	☐ Act 250 Review	
☐ Preliminary	☐ Construction	
☒ Final Local Review	☐ Record Drawing	
PETRA CLIFFS		Project No. 17023
75 BRIGGS STREET BURLINGTON, VT 05401		Survey L&D
SITE PLAN		Design ABR
		Drawn L&D
		Checked DJG
		Date 06-21-18
		Scale AS NOTED
		Sheet num C1

Lamoureux & Dickinson
Consulting Engineers, Inc.
14 Morse Drive, Essex, VT 05452
802-878-4450
www.LDengineering.com



STATE OF VERMONT LANDOWNER
VERMONT RAILWAY LESSEE
N/F



THE CONTRACTOR SHALL
NOTIFY DIG SAFE@ 811
PRIOR TO ANY EXCAVATION.

LEGEND

	EXISTING PROJECT BOUNDARY
	ABUTTING PROPERTY LINE
	BUILDING SETBACK
	EXISTING WATER LINE
	EXISTING STORM & CATCHBASIN
	EXISTING COMBINED SEWER & MANHOLE
	EXISTING UTILITY POLE AND OVERHEAD WIRE
	PROPOSED FINISH GRADE CONTOUR
	PROPOSED WATER LINE, GATE VALVE & HYDRANT
	PROPOSED STORM PIPE AND CATCHBASIN
	PROPOSED SEWER PIPE AND CLEANOUT
	PROPOSED UNDERDRAIN AND CLEANOUT
	PROPOSED ELECTRIC CONDUIT(S)
	PROPOSED POLE MOUNTED LIGHT
	EXISTING TREES

NOTES:

- PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS AND THE LOCATION AND ELEVATION OF ALL ENTRANCES AND UTILITY SERVICES WITH THE ARCHITECTURAL & MECHANICAL PLANS.
- SEE ARCHITECTURAL PLANS FOR BUILDING CONSTRUCTION DETAILS, INCLUDING WALKWAY AND PAVEMENT FROST HEAVE PREVENTION MEASURES AT BUILDING ENTRANCES.
- SEE OTHER SHEETS OF THESE PLANS FOR ADDITIONAL SITE IMPROVEMENTS, DETAILS AND SPECIFICATIONS. SEE PLANS BY OTHERS FOR RAILING, STEPS, RETAINING WALL, LIGHTING, AND CONCRETE PATIOWALK DETAILS.
- ALL WORK WITHIN THE CITY RIGHT OF WAY AND WORK ON THE EXISTING WATER AND SEWER SERVICES SHALL BE COORDINATED WITH THE CITY PUBLIC WORKS DEPARTMENT.
- AT THE END OF ALL NEW SIDEWALKS AND RAMPS, CAST IRON DETECTABLE WARNING PLATES SHALL BE INSTALLED THE FULL WIDTH OF THE SIDEWALK.
- SEE LIGHTING PLAN (BY OTHERS) FOR LIGHT FIXTURE AND POLE DESIGN DETAILS. SEE ELECTRICAL DESIGN PLAN (BY OTHERS) FOR ELECTRICAL DISTRIBUTION AND CONDUIT REQUIREMENTS FOR NEW LIGHTING.
- PIPE SLOPES ARE IN FEET PER FEET UNLESS OTHERWISE NOTED.

CONSTRUCTION NOTES:

- UNLESS OTHERWISE NOTED, A MINIMUM 5 FT BY 5 FT LANDING AREA SHALL BE PROVIDED AT EACH BUILDING ENTRY WITH A MAXIMUM SLOPE OF 1:50.
- A MINIMUM 5 FT BY 5 FT LANDING AREA SHALL BE PROVIDED AT EACH TURN AND AT THE BOTTOM OF EACH SIDEWALK RAMP. THE CROSS SLOPE OF THE LANDING AREA SHALL HAVE A MAXIMUM SLOPE OF 1:50.
- THE PREFERRED MAXIMUM SLOPE OF ALL NEW WALKS IS 5% (1:20). THE MAXIMUM CROSS SLOPE OF NEW WALKS SHALL BE 1:50. THE MAXIMUM SLOPE OF ANY NEW WALK OR RAMP SHALL BE 1:12 (8%). EXCEPT FOR CURB RAMPS, WHERE RAMPS EXCEED 5% WITH A RISE GREATER THAN 6", A COMPLIANT HANDRAIL IS REQUIRED ALONG THE RAMP.
- ALL TRANSITIONS BETWEEN EXISTING PAVEMENT OR CONCRETE AND NEW WALKS SHALL BE SMOOTH. IN NO CASE SHALL THERE BE A TRANSITION WITH A VERTICAL EDGE GREATER THAN 1/4".
- ALL GRASS AND LANDSCAPED AREAS ADJACENT TO THE NEW WALKS AND BUILDINGS SHALL BE GRADED TO MAINTAIN POSITIVE DRAINAGE AWAY FROM THE BUILDING OR WALK. LOW AREAS SHALL BE FILLED WITH TOPSOIL, SEEDED AND MULCHED AS REQUIRED.
- SEE OTHER SHEETS OF THESE PLANS FOR ADDITIONAL SITE IMPROVEMENTS, DETAILS AND SPECIFICATIONS.

COMBINED SEWER DATA

EXIST. MH MY3.42
RIM = 144.66
NEW 6" IN = 136.9
12" CLAY OUT = 136.6

STORM DATA

EXIST. CB 1
RIM = 144.32
10" PVC OUT = 141.23
RESET EXIST. FRAME & GRATE

EXIST. CB 2
RIM = 143.76
15" OUT = 141.4

EXIST. STMH 3
RIM = 143.87
24" OUT = 135.87

EXIST. CB 4
EXIST RIM = 140.43
NEW RIM = 143.00
24" IN = 134.67 (N)
15" CMP IN = 129.7 (S)
TO BE REMOVED
15" IN = 138.0 (E)
TO BE REMOVED
NEW 18" IN = 138.0
OUT = 129.9

EXIST. CB 5
RIM = 143.16
8" OUT = 141.6
STRUCTURE TO BE REMOVED

NEW CB6
RIM = 146.30
15" IN = 141.13
15" OUT = 141.08

NEW CB7
RIM = 143.25
6" UD IN = 139.17
15" IN = 140.30
15" OUT = 139.10

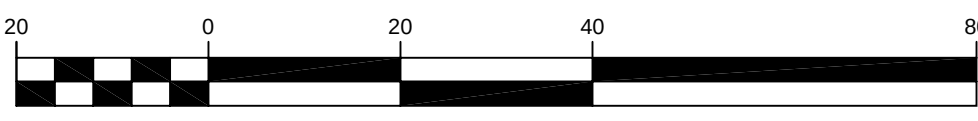
NEW STMH8
RIM = 145.50
15" IN = 138.95 (N)
15" IN = 139.10 (S)
18" OUT = 138.30

NEW CB9
RIM = 144.5
6" UD IN = 141.17
12" OUT = 141.10

NEW CB10
RIM = 145.5
6" UD IN = 141.67
12" OUT = 141.60

NEW CB11
RIM = 144.75
6" UD IN = 141.17
12" IN = 140.25
12" IN = 140.25
15" OUT = 140.20

GRAPHIC SCALE



(IN FEET)
1" = 20 ft.

07-13-18	ADD ELEC TRANSFORMER, ELIM PARKING SPACE, ADJUST CB7	ABR
07-12-18	ADD 6" GATE VALVE ON WATER SERVICE	ABR

Date	Revision	By

These plans shall only be used for the purpose shown below:

☐ Sketch/Concept	☐ Act 250 Review
☐ Preliminary	☐ Construction
☒ Final Local Review	☐ Record Drawing

Project No. 17023	Survey L&D
Design ABR	Drawn L&D
Checked DJG	Date 06-21-18

Scale AS NOTED	Sheet number C2
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Lamoureux & Dickinson
Consulting Engineers, Inc.
14 Morse Drive, Essex, VT 05452
802-878-4450
www.LDengineering.com

STANDARD EPSC PLAN REQUIREMENTS

THIS SECTION CONTAINS THE MINIMUM REQUIRED ELEMENTS FOR THE EROSION PREVENTION AND SEDIMENT CONTROL PLAN. THESE ELEMENTS ARE IN ADDITION TO THE SITE SPECIFIC EROSION PREVENTION AND SEDIMENT CONTROL PRACTICES SHOWN ON THE PLANS.

EROSION PREVENTION

- THROUGHOUT CONSTRUCTION, THE AREA OF SOIL DISTURBANCE SHALL BE LIMITED TO THOSE AREA(S) THAT CAN BE ACTIVELY WORKED AND MANAGED WITH THE FORCES AVAILABLE. AREAS THAT ARE NOT ACTIVELY BEING WORKED FOR A PERIOD OF 5 DAYS OR MORE, SHALL BE TEMPORARILY STABILIZED.
- THE MAXIMUM AREA OF SOIL DISTURBANCE AT ANY ONE TIME ON THE ENTIRE PROJECT PARCEL SHALL BE 1.0 ACRE.
- SEDIMENT BASINS, SEDIMENT TRAPS, PERIMETER DIKES, SEDIMENT BARRIERS, AND OTHER MEASURES INTENDED TO TRAP SEDIMENT SHALL BE CONSTRUCTED AS A FIRST STEP IN ANY LAND DISTURBING ACTIVITY AND SHALL BE MADE FUNCTIONAL BEFORE UPSLOPE LAND DISTURBANCE TAKES PLACE.
- CONCENTRATED RUNOFF SHALL NOT FLOW DOWN CUT OR FILL SLOPES UNLESS CONTAINED WITHIN AN ADEQUATE TEMPORARY OR PERMANENT CHANNEL, FLUME, OR SLOPE DRAIN STRUCTURE.
- WHENEVER WATER SEEPS FROM A SLOPE FACE, ADEQUATE DRAINAGE OR OTHER PROTECTION SHALL BE PROVIDED.
- BEFORE NEWLY CONSTRUCTED STORMWATER CONVEYANCE CHANNELS OR PIPES ARE MADE OPERATIONAL, ADEQUATE OUTLET PROTECTION AND ANY REQUIRED TEMPORARY OR PERMANENT CHANNEL LINING SHALL BE INSTALLED IN BOTH THE CONVEYANCE CHANNEL AND THE RECEIVING CHANNEL.
- UNDERGROUND UTILITY LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING STANDARDS IN ADDITION TO OTHER APPLICABLE CRITERIA:
 - NO MORE THAN 200 LINEAR FEET OF TRENCH MAY BE OPENED AT ONE TIME.
 - EXCAVATED MATERIAL SHALL BE PLACED ON THE UPHILL SIDE OF TRENCHES.
- ALL SEDIMENT REMOVED FROM SEDIMENT CONTROL PRACTICES AS A PART OF MAINTENANCE SHALL BE DISPOSED OF IN AN AREA THAT IS:
 - LESS THAN 5% IN SLOPE.
 - AT LEAST 100 FT. FROM ANY DOWNSLOPE WATER BODY OR CONVEYANCE TO A WATER BODY (INCLUDING STORM DRAIN INLET OR DITCH).
 - VEGETATED.PERMANENT STABILIZATION OF SEDIMENT SHALL BE IMMEDIATELY IMPLEMENTED FOLLOWING DISPOSAL.
- FOR ANY AREA TO BE STABILIZED FOR WINTER BY VEGETATIVE COVER, SEEDING MUST BE COMPLETED NO LATER THAN SEPTEMBER 15.
- ANY AREA TO BE STABILIZED FOR WINTER THAT DOES NOT HAVE ESTABLISHED VEGETATION BY OCTOBER 15 MUST BE STABILIZED BY ANCHORED MULCH AT THE WINTER APPLICATION RATE OF 4 TONS PER ACRE, OR OTHER APPROVED STABILIZATION MEASURES (E.G. ROLLED EROSION CONTROL PRODUCT). DORMANT SEEDING (E.G. WITH WINTER TIE) IS RECOMMENDED.
- DISTURBED AREAS BORDERING AND DRAINING TO THE STREET MUST HAVE AN APPROPRIATE SEDIMENT BARRIER SPANNING THE EDGE OF THE DISTURBANCE TO PREVENT WASHING OF SEDIMENT ONTO SIDEWALKS OR STREETS AND GUTTERS.
- HAY MULCH SHALL BE APPLIED AT A MINIMUM RATE OF 2 TONS PER ACRE. HAY MULCH APPLICATION DURING WINTER CONSTRUCTION SHALL BE AT A RATE OF 4 TONS PER ACRE. WHERE SUBJECT TO BLOWING, MULCH SHALL SECURED IN PLACE BY TRACKING WITH EQUIPMENT (WITH TRACK RUNNING PARALLEL TO SLOPE), A TACKIFIER, NETTING, OR COVERED/REPLACED WITH PROPERLY ANCHORED EROSION MATTING.
- PLACEMENT OF SEED AND MULCH SHALL OCCUR WITHIN 48 HOURS OF PLACEMENT OF TOPSOIL AND COMPLETION OF FINAL GRADING (NOT WITHSTANDING STABILIZATION REQUIREMENTS ELSEWHERE IN THIS PLAN).
- ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED WITHIN 30 DAYS AFTER FINAL SITE STABILIZATION OR AFTER THE TEMPORARY MEASURES ARE NO LONGER NEEDED, UNLESS OTHERWISE AUTHORIZED.

STABILIZATION

- ALL AREAS OF DISTURBANCE MUST HAVE TEMPORARY OR PERMANENT STABILIZATION WITHIN 14 CALENDAR DAYS. AFTER THIS TIME, ANY DISTURBANCE IN THE AREA MUST BE STABILIZED AT THE END OF EACH WORK DAY.

THE FOLLOWING EXCEPTIONS APPLY:

- STABILIZATION IS NOT REQUIRED IF WORK IS TO CONTINUE IN THE AREA WITHIN THE NEXT 24 HOURS AND THERE IS NO PRECIPITATION FORECAST FOR THE NEXT 24 HOURS.
- STABILIZATION IS NOT REQUIRED IF THE WORK IS OCCURRING IN A SELF-CONTAINED EXCAVATION (I.E. NO OUTLET) WITH A DEPTH OF 2 FEET OR GREATER (E.G. BUILDING FOUNDATION EXCAVATION, UTILITY TRENCHES).
- MAINTENANCE MUST BE PERFORMED AS NECESSARY TO ENSURE CONTINUED STABILIZATION. EXCEPT AS NOTED BELOW, ALL SITES SHALL BE SEEDED AND STABILIZED WITH EROSION CONTROL MATERIALS, SUCH AS MULCH OR ROLLED EROSION CONTROL PRODUCTS, INCLUDING AREAS WHERE CONSTRUCTION HAS BEEN SUSPENDED OR SECTIONS COMPLETED.
 - ON THE CUT SIDE OF STREETS/DRIVES, DITCHES SHALL BE STABILIZED IMMEDIATELY WITH ROCK RIP-RAP OR OTHER NON-ERODIBLE LINERS (E.G. RECP), OR WHERE APPROPRIATE, VEGETATIVE MEASURES SUCH AS SOD.
 - FOR ACTIVE CONSTRUCTION AREAS SUCH AS BORROW OR STOCKPILE AREAS, STREET IMPROVEMENTS AND AREAS WITHIN 50 FT. OF A BUILDING UNDER CONSTRUCTION, A DOWNSLOPE PERIMETER SEDIMENT CONTROL SYSTEM CONSISTING, FOR EXAMPLE, OF SILT FENCE, SHALL BE INSTALLED AND MAINTAINED TO CONTAIN SOIL. EXPOSED DISTURBED AREAS ADJACENT TO A CONVEYANCE THAT PROVIDES RAPID OFFSITE DISCHARGE OF SEDIMENT, SUCH AS A CUT SLOPE AT AN ENTRANCE, SHALL BE COVERED WITH PLASTIC OR GEOTEXTILE TO PREVENT SOIL LOSS UNTIL IT CAN BE STABILIZED. STABILIZED CONSTRUCTION ENTRANCES WILL BE MAINTAINED TO CONTROL VEHICLE TRACKING MATERIAL OFF SITE.
 - TEMPORARY SEDIMENT TRAPPING DEVICES SHALL NOT BE REMOVED UNTIL PERMANENT STABILIZATION IS ESTABLISHED IN ALL CONTRIBUTING DRAINAGE AREAS. SIMILARLY, STABILIZATION SHALL BE ESTABLISHED PRIOR TO CONVERTING SEDIMENT TRAPS/BASINS INTO PERMANENT (POST-CONSTRUCTION) STORMWATER MANAGEMENT PRACTICES.
 - STABILIZATION MEASURES SHALL BE APPLIED TO EARTHEN STRUCTURES SUCH AS DAMS, DIKES, AND DIVERSIONS IMMEDIATELY AFTER INSTALLATION.
 - ALL SLOPES STEEPER THAN 3:1 (H:V), OR 33.3%, AS WELL AS PERIMETER DIKES, SEDIMENT BASINS OR TRAPS, AND EMBANKMENTS SHALL, UPON COMPLETION, BE IMMEDIATELY STABILIZED WITH SOD, SEED AND ANCHORED STRAW MULCH, OR OTHER APPROVED STABILIZATION MEASURES (RECP). AREAS OUTSIDE OF THE PERIMETER SEDIMENT CONTROL SYSTEM SHALL NOT BE DISTURBED.

WINTER CONSTRUCTION REQUIREMENTS

THE FOLLOWING REQUIREMENTS APPLY DURING THE WINTER CONSTRUCTION PERIOD, WHICH IS FROM OCTOBER 15 TO APRIL 15.

- ALL AREAS OF DISTURBANCE MUST HAVE TEMPORARY OR PERMANENT STABILIZATION AT THE END OF EACH WORK DAY.

THE FOLLOWING EXCEPTIONS APPLY:

- STABILIZATION IS NOT REQUIRED IF WORK IS TO CONTINUE IN THE AREA WITHIN THE NEXT 24 HOURS AND THERE IS NO PRECIPITATION FORECAST FOR THE NEXT 24 HOURS.
- STABILIZATION IS NOT REQUIRED IF THE WORK IS OCCURRING IN A SELF-CONTAINED EXCAVATION (I.E. NO OUTLET) WITH A DEPTH OF 2 FEET OR GREATER (E.G. BUILDING FOUNDATION EXCAVATION, UTILITY TRENCHES).
- STABILIZED ACCESS POINTS SHALL BE ENLARGED TO PROVIDE FOR SNOW STOCKPILING WHILE STILL MAINTAINING EFFECTIVE SEDIMENT CONTROL. PACKED SNOW AND ICE MAY NEED TO BE REMOVED AND ADDITIONAL STONE PLACED TO MAINTAIN THE LOOSE STONE SURFACE AT STABILIZED CONSTRUCTION EXITS.
- THE LIMITS OF DISTURBANCE MAY NEED TO BE REPLACED OR DRAWN IN TO REFLECT THE BOUNDARY OF WINTER WORK. THE LIMITS OF DISTURBANCE SHALL BE DRAWN IN TO EXCLUDE ALL AREAS TEMPORARILY STABILIZED FOR THE WINTER, AND AREAS WHERE DISTURBANCE DURING THE WINTER IS NOT PLANNED.
- BASED UPON THE WINTER ACTIVITIES PROPOSED, THE ON-SITE PLAN COORDINATOR SHALL DEVELOP A SNOW MANAGEMENT PLAN THAT SHALL INCLUDE AT A MINIMUM:
 - ADEQUATE SIZE FOR SNOW STORAGE AREAS.
 - SNOW STORAGE AREAS LOCATED DOWN GRADIENT OF AREAS OF PLANNED DISTURBANCE.
 - CONTROL OF SNOWMELT RUNOFF.
 - PROHIBITING STORAGE OF SNOW IN STORMWATER TREATMENT STRUCTURES.
 - A MINIMUM 25 FOOT BUFFER BETWEEN PERIMETER CONTROLS (SUCH AS SILT FENCE) TO ALLOW FOR SNOW CLEARING AND MAINTENANCE.
- SILT FENCE SHALL BE REINFORCED OR REPLACED WITH PERIMETER DIKES, SWALES, OR OTHER PRACTICES RESISTANT TO THE FORCES OF SNOW LOADS.
- THE ON-SITE PLAN COORDINATOR INSPECTIONS SHALL INCLUDE MAINTENANCE OF DRAINAGE STRUCTURES TO INSURE THAT THEY ARE OPEN AND FREE OF SNOW AND ICE DAMS.
- SILT FENCE AND OTHER PRACTICES REQUIRING EARTH DISTURBANCE SHALL BE INSTALLED AHEAD OF GROUND FREEZING. IF PRACTICES MUST BE INSTALLED OR MAINTAINED AFTER GROUND FREEZING, NO FROZEN MATERIAL SHALL BE USED IN THE CONSTRUCTION OF BERMS OR DIKES, OR INSTALLATION OF SILT FENCE.

INSPECTION & MONITORING

- THE ON-SITE COORDINATOR IS _____ TO BE DETERMINED.

- THE PERIMETER OF THE SITE AND ALL EROSION PREVENTION AND SEDIMENT CONTROL MEASURES SHALL BE INSPECTED AT THE END OF EACH WORKDAY. IF SEDIMENT HAS TRAVELLED BEYOND THE SITE BOUNDARY, IT SHALL BE SWEEPED UP OR OTHERWISE REMOVED AND DEPOSITED ONSITE IN AN UPGRADIENT AREA AT THE END OF EACH WORK DAY.

THE ON-SITE COORDINATOR SHALL INSPECT, AND DOCUMENT IN WRITING, THE STATUS OF CONSTRUCTION ON THE PROJECT SITE AND EROSION AND SEDIMENT CONTROL STRUCTURES AND MEASURES AT THE END OF EACH WORK DAY. INSPECTIONS SHALL ALSO BE CONDUCTED PRIOR TO PREDICTED STORM EVENTS, AND AS SOON AS POSSIBLE, BUT NO LATER THAN 24 HOURS AFTER ANY STORM EVENT WHICH GENERATES A DISCHARGE OF STORMWATER FROM THE CONSTRUCTION SITE.

- THE OWNER, THE SITE CONTRACTOR / PRINCIPAL OPERATOR, AND THEIR REPRESENTATIVES SHALL ABIDE BY THE BEST MANAGEMENT PRACTICES PRESENTED ON THESE PLANS, REQUIRED BY THE PERMIT CONDITIONS, AND PRESENTED IN THE VT DEC LOW RISK SITE HANDBOOK FOR EROSION PREVENTION AND SEDIMENT CONTROL.

- DURING EACH INSPECTION, THE ON-SITE COORDINATOR SHALL VISUALLY MONITOR AND RECORD THE TURBIDITY OF ALL STORMWATER RUNOFF FROM THE CONSTRUCTION SITE IN ACCORDANCE WITH THE SAMPLING & TESTING REQUIREMENTS AND PROTOCOL OF THE VERMONT GENERAL PERMIT.

- INSPECTION FREQUENCY MAY BE REDUCED TO NOT LESS THAN ONE PER WEEK IF THE ENTIRE SITE IS TEMPORARILY STABILIZED AND ALL CONSTRUCTION ACTIVITY HAS BEEN SUSPENDED. INSPECTIONS SHALL RESUME PRIOR TO RESUMING CONSTRUCTION ACTIVITY IN ACCORDANCE WITH THE REQUIREMENTS LISTED ABOVE.

- IN ADVANCE OF A PREDICTED RAINFALL OR SNOWMELT EVENT, ALL MANAGEMENT PRACTICES APPROPRIATE TO CURRENT AREAS OF DISTURBANCE MUST BE CHECKED AND REPAIRED AS NECESSARY TO ENSURE PROPER OPERATING CONDITION. IF NECESSARY TO PREVENT SEDIMENT DISCHARGE FROM THE CONSTRUCTION SITE, THIS WILL INCLUDE THE TEMPORARY STABILIZATION OF ALL DISTURBED SOILS ON THE SITE IN ADVANCE OF THE ANTICIPATED RUNOFF PERIOD.

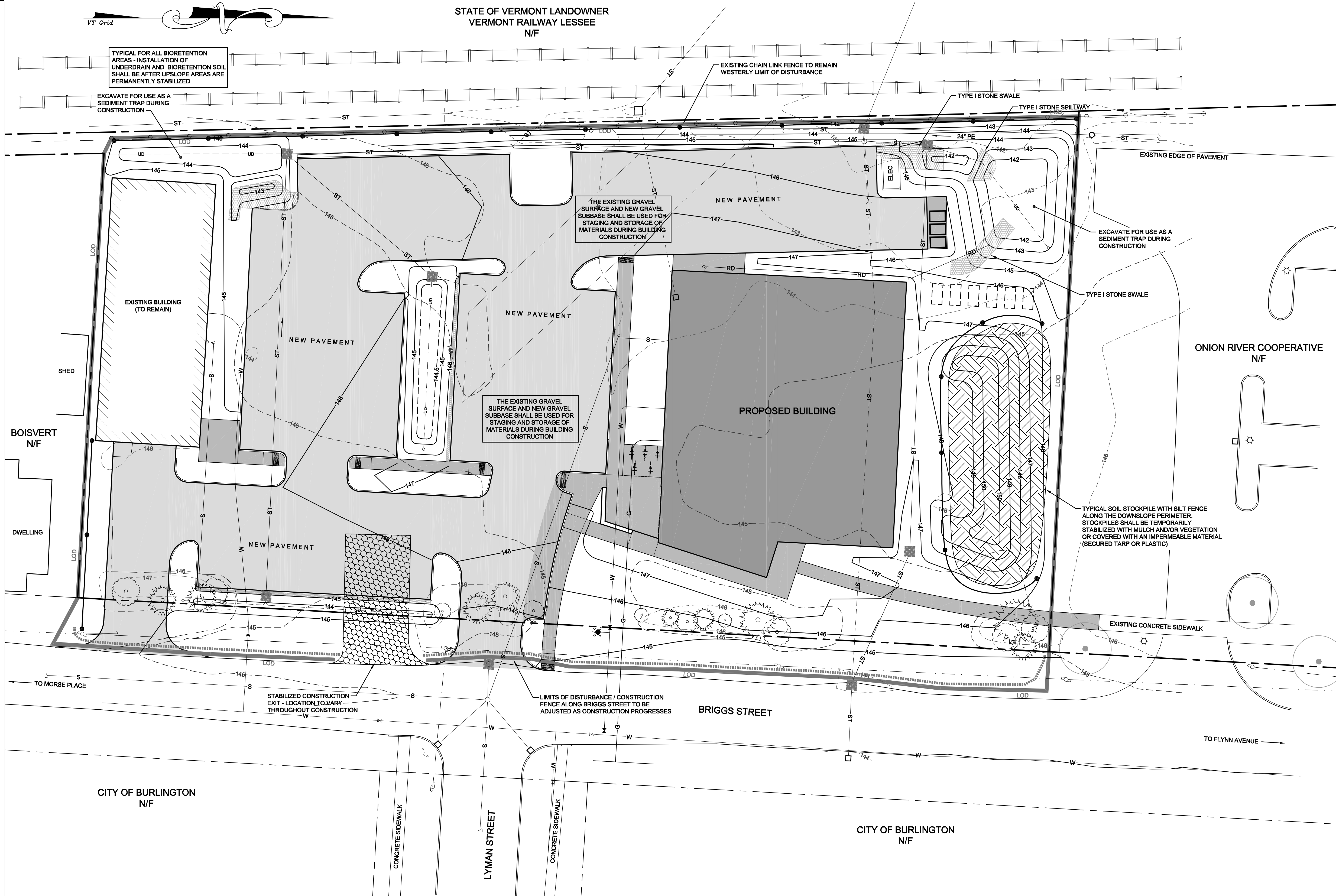
PUBLIC NOTICE AND DPW COORDINATION

- A COPY OF THE CITY EPSC PLAN APPROVAL, THE STATE DISCHARGE PERMIT AND THE AUTHORIZATION TO DISCHARGE, A BRIEF DESCRIPTION OF THE PROJECT, AND THE LOCATION WHERE THE EROSION PREVENTION AND SEDIMENT CONTROL PLAN IS AVAILABLE SHALL BE POSTED AT A LOCATION ON THE PROJECT SITE THAT IS VISIBLE TO THE PUBLIC.

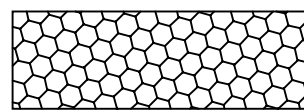
- THE LANDOWNER OR SITE CONTRACTOR SHALL CONTACT THE CITY STORMWATER ADMINISTRATOR AT 540-1748 OR GJOHNSON@BURLINGTONVT.GOV AT LEAST 24 HOURS PRIOR TO ANY EARTH DISTURBANCE, AND SHALL PROVIDE THE NAME AND CONTACT INFORMATION FOR THE ON-SITE PLAN COORDINATOR.

- THE ON-SITE PLAN COORDINATOR SHALL NOTIFY THE CITY STORMWATER ADMINISTRATOR PRIOR TO OCTOBER 15 IF THE SITE WILL NOT BE STABILIZED BY NOVEMBER 1 OR ADDITIONAL WORK IS PROPOSED DURING THE WINTER CONSTRUCTION PERIOD.

- THE LANDOWNER OR ON-SITE PLAN COORDINATOR SHALL CONTACT THE CITY STORMWATER ADMINISTRATOR TO SCHEDULE A STABILIZATION INSPECTION WHEN SITE WORK IS FINISHED AND STABILIZATION MEASURES HAVE BEEN INSTALLED.



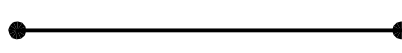
LEGEND



STABILIZED CONSTRUCTION EXIT



CONSTRUCTION FENCE / LIMIT OF DISTURBANCE



TEMPORARY SILT FENCE



EROSION LOG (MIN 9'Ø)



INLET PROTECTION

GRAPHIC SCALE



(IN FEET)

1" = 20 ft.

07-13-18	REVISE PARKING & CB7	ABR
Date	Revision	By
These plans shall only be used for the purpose shown below:		
☐ Sketch/Concept	☐ Act 250 Review	
☐ Preliminary	☐ Construction	
☒ Final Final Review	☐ Record Drawing	
Project No. 17023		Survey L&D
75 BRIGGS STREET BURLINGTON, VT 05401		Design ABR
		Drawn L&D
		Checked DJG
		Date 06-21-18
		Scale AS NOTED
		Sheet number
		C3

Lamoureux & Dickinson
Consulting Engineers, Inc.
14 Morse Drive, Essex, VT 05452
802-878-4450
www.LDEngineering.com

September 23, 2019

Burlington Development Review Board
149 Church Street
Burlington Vermont, 05401
C/o The Burlington zoning office.

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SEP 23 2019

**DEPARTMENT OF
PLANNING & ZONING**

Re: Appeal of the Code Enforcement Office September 9, 2019 decision that a zoning violation exists at 38 Greene Street. See attached.

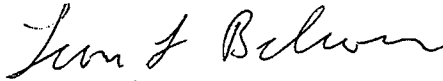
Dear Development Review Board,

- Description of the property subject to the appeal: A single family dwelling or a single non-family dwelling containing 7 bedrooms, 2 bathrooms, kitchen, living room, full basement, situated on a .043 acre lot.
- On October 16, 1999, the Burlington City Council amended the not more than four unrelated adult zoning ordinance to Section 3.1.4, Residential Districts Established, Subsections a and b of the then Burlington Zoning Ordinance. See attached Zone Amendment document the Burlington City Council approved on October 16, 1999.
- On April 17, 1962 the City Planning Commission, on May 22, 1962 the Burlington City Council (Board of Alderman) and then on March 3rd, 1964 the Burlington Legal Voters adopted the 1961 Comprehensive Plan Report for the future development of the City of Burlington contract which established residential neighborhood zoning districts as places in which to live, raise a family or do business. See highlighted language in the first paragraph of page 9 of the attached 1961 Comprehensive Plan Report for the future development of the City of Burlington contract and additional exhibits.
- Since the Burlington City Council unilaterally amended the not more than four unrelated adult zoning ordinance on October 16, 1999 to the 1961 Comprehensive Plan Report for the future development of the City of Burlington contract without the approval of the City Planning Commission and the Burlington Legal Voters, Appellant alleges the City of Burlington does not have the legal authority to enforce the not more than four unrelated adult zoning ordinance and that it is unenforceable.
- Appellant seeks relief in the form of a determination by the Burlington Development Review Board that the not more than four unrelated adult zoning ordinance is unenforceable.

- Appellant request that Burlington Development Review Board have the Code Enforcement Office provide to Appellant all evidence it has which supports it's allegation that in May of 2019, the 7 persons occupying the dwelling unit at 38 Greene Street were not living as a single non-profit housekeeping unit.
- If the evidence provided to Appellant supports the allegation that in May of 2019, the 7 Persons occupying the dwelling unit at 38 Greene Street were not living as a single non-profit housekeeping unit, Appellant request that the Burlington Development Review Board define the 7 persons occupying the dwelling unit there as a non-family and define the dwelling unit there as a Single "Non-Family" Dwelling. Then Appellant can provide a complete and accurate description of the property subject to the appeal as required by Appellant's Appeal of the Administrative Decision Request form dated September 23rd, 2019. See attached.

Also, I will be out of the Country from December 7, 2019 – January 15, 2020.

Sincerely,



Leon Beliveau
1166 Main Street
Fairfax Vermont, 05454
802-238-0922

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PLANNING & ZONING



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PERMITTING & INSPECTION

645 Pine Street, Ste. A | PO Box 8
Burlington, VT 05402-08

Housing: (802) 863-04
Trades: (802) 863-90
Zoning: (802) 865-71

**DEPARTMENT OF
PLANNING & ZONING**

NOTICE OF ZONING VIOLATION (NOV 372003)

September 9, 2019

LEON BELIVEAU
1166 MAIN STREET
FAIRFAX, VT 05454

Mailed Certified Mail # 70173380000051248478
And FIRST CLASS MAIL

NOTICE OF VIOLATION AT:
38 GREENE STREET, BURLINGTON, VT
TAX LOT #045-2-087-000

Zoning Violation# 372003

Dear Owners,

It has come to the attention of this office that a zoning violation exists at 38 Greene Street.

Description of Violation: Occupying structure with more than four unrelated adults in an RM zone, inconsistent with the Family Definition of the Comprehensive Development Ordinance Article 13.

Burlington Comprehensive Development Ordinance (CDO) Article(s): 2, 3, 5, 8, 12, and 24 VSA §4451.

Please be advised that violations of the CDO are subject to fines of up to two hundred dollars (\$200.00) for each day that a violation continues. You may submit an application to attempt correction of the violation, however, advised application and filing fees are subject to a fee increase for permits required to correct a violation.

This correspondence serves as a formal notice of a zoning violation pursuant to 24 V.S.A §4451. You have seven (7) days from receipt of this notice to cure the referenced violation. Additional warnings for the violation are not required and will not be forthcoming. In the event that the violation is not cured or remedied as provided for in this notice, the City will pursue enforcement of the violation as provided for by law.

This Notice of Violation (NOV) may be appealed to the Burlington Development Review Board in accordance with the provisions of CDO Sections 2.7.12 and 12.2.2 provided that such appeal is filed within fifteen (15) days of the date of this NOV September 9, 2019, and accompanied by the appropriate fee in accordance with Section 3.2.4(a) of the CDO. Appeal fee and complete application shall be filed with the City's Zoning Office (City Hall 149 Church Street) by **4 pm on September 25, 2019**; an appeal shall not be perfected until the fee is received.

If you have any questions, please call Ted Miles or William Ward at (802) 863-0442.

Sincerely,

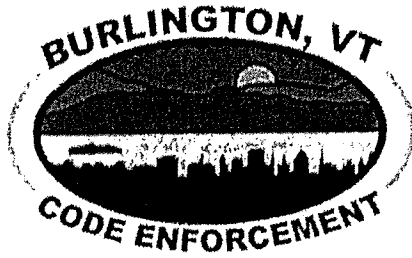
William Ward
Zoning Administrative Officer

Sincerely,

Theodore Miles
Code Compliance Officer

Enclosures: Violation Details

Cc: Land Records for Tax Lot # 045-2-087-000



CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 840
Burlington, VT 05402-0840

VOICE (802) 863-0442

FAX: (802) 652-4221

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DEPARTMENT OF
PLANNING & ZONING

May 2, 2019

LEON BELIVEAU
1166 MAIN STREET
FAIRFAX, VT 05454

RE: 38 Greene Street Burlington, Vermont

Dear Owners,

According to our records, you are the owner of record of the above-referenced property. This letter is to inform you that the Code Enforcement Office has received the following complaint(s) regarding this property:

- **Occupying structure with more than four unrelated adults in an RM zone, inconsistent with the Family Definition of the Comprehensive Development Ordinance Article 13**

Our office has initiated an investigation regarding the complaint(s), however, as of this date, a final determination has not been made. Should you have any information or explanation that you believe will be useful to us during our investigation, please submit it to the Code Enforcement Office, in written form, within the next ten (10) business days.

Please note, while any information from you as the property owner is useful, the investigation will occur with or without the information. This letter is intended to give you notice of the alleged complaint(s) against your property and provide you an opportunity to explain the condition and/or refute the allegation prior to a formal determination being issued.

Should you have questions, please do not hesitate to call me at 863-0442.

Sincerely,

William Ward
Assistant Zoning Administrative Officer
Code Compliance and Enforcement

Property of John Williams
Exp Director
Urban Renewal

16 St Paul St

PC 4-
City 5-
Voter 3-

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1961

Comprehensive Plan For The City Of Burlington, Vermont

Contract

10-14-1961

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The preparation of this report was financed
in part through an Urban Planning Grant
from the Housing and Home Finance Agency
under the provisions of the Housing Act of
1954, as amended.
The preparation of this report was administered
through the Vermont Development Department
Paul R. Andrews, Director of Planning

701 Project Vt. P-10
City Planning Commission
1961

City of Burlington, Vermont

City Planning Commission

Robert G. Sidle, Chairman

Mayor James E. Fitzpatrick*

Mayor Robert K. Bing**

Frank A. Balch, Jr.

George V. Kidder

Clarence S. Ward, Secretary

Served to June, 1961*

Since June, 1961**

Board Of Aldermen

Clarence G. LeClair, President

Henry J. Allard

C. Douglas Cairns

Henry M. Farmer

George K. Hauck*

Edward A. Keenan

Kenneth H. McGrath*

Joseph C. McNeil

Gordon H. Paquette

Raymond A. Wheel

J. Boone Wilson

William L. Wright

George E. Little, Jr.**

John C. Lynch**

Resigned, 1961*

Since September, 1961**

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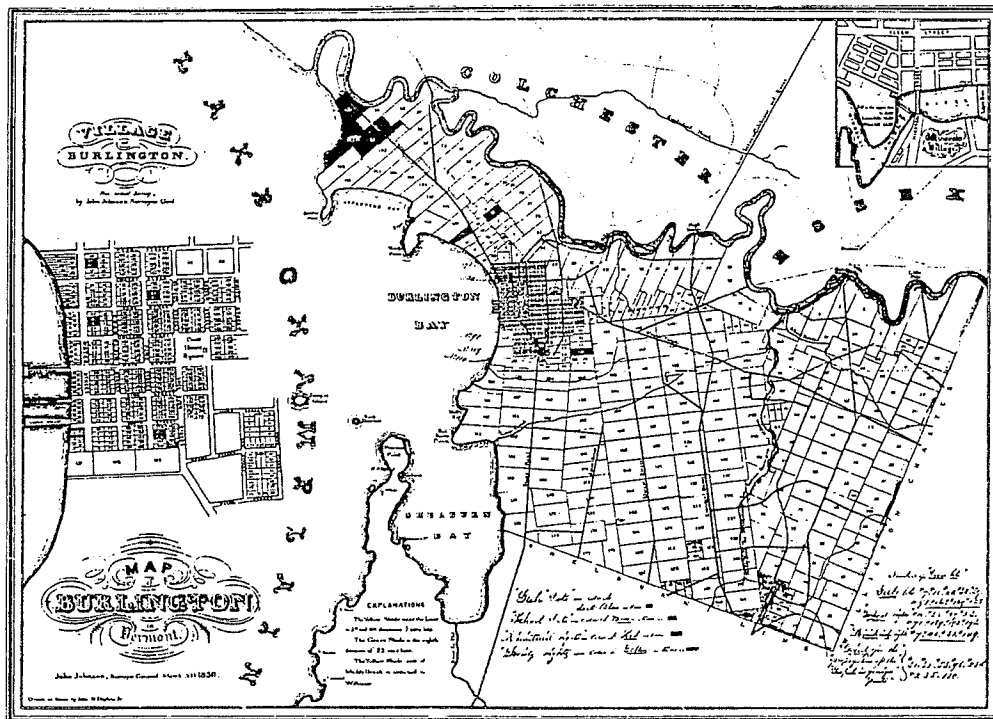
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PLANNING & ZONING

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From Logs To Missiles

1 - Late in the Eighteenth Century, a number of small English trading villages were established along the shores of Lake Champlain to exploit the furs and fish that abounded in the area. Before long, the settlers began to log the region, sending quantities of pine and oak to Canada for shipment to England. The settlement at the junction of the Winooski River and the Lake spread southward and soon a cluster of buildings was formed at what is now King Street.

2 - *Burlington was chartered in 1763, settled in 1773 and*
3 - *the* almost continuous growth of the "village" since 1790 can be attributed, at least in part, to three important natural features. First, a beautiful site: overlooking the lake with a view of Vermont's Green Mountains to the east and New York's Adirondacks to the west, ~~Burlington has historically been referred to as "the jewel of Vermont"~~. Second, the finest natural harbor on the eastern shore of Lake Champlain, and finally the Winooski River Valley, offering the most convenient passage from the Champlain Valley to the east through the Green Mountains.

3 The admission of Vermont to the Union in 1791 and the growing public awareness of the fertility of Chittenden County gave impetus to Burlington's early development. Shipbuilding, accomplished with lumber cut from the forests near what is now Colchester Avenue became big business in Burlington. Commerce improved and exports soon included products from the local textile mills, foundries and farms. Schooner, steamboat and eventually barge traffic on the Lake, tied the Champlain Valley into a larger economic region.

4 By 1850, Burlington had become an important merchandising and distribution center. The advent of the railroads in 1850 secured its position as a regional center. Within a decade, the lumber business and manufacturing industries expanded to unprecedented heights, and, with local forests depleted, Burlington lumbermen began importing Canadian lumber in rough form for processing and redistribution. The Town's burgeoning population expanded west to Prospect Street and south along St. Paul Street.

Concurrently with the early development of the city was the founding and growth of the University of Vermont. Chartered in 1791, it graduated its first students shortly after 1800. The Agricultural College was added to the University in 1864, and the Medical College made a full partner in 1908, after beginning separately in 1822.

After the Civil War, the town instituted many civic improvements, including a complete water, light and sewer system, police and fire departments, hospital facilities and high school. Carefully maintained and expanded through the years, these prudently conceived improvements now satisfy much of Burlington's current public needs.

5 In this century, what is now often regarded as the state's largest "industry" got underway with the arrival of large numbers of vacation and summer residents. Winter sports also began to draw enthusiasts. The city began to develop a diversified economic base and its commercial center served and attracted people from a large area that reached into Canada. The city's expanding population having gone as far east as it could now moved north along

2

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PLANNING & ZONING

5- Cont'd

North Avenue, overleaping the marshy Intervale, and south along either side of Shelburne Road, creating the city as we know it today.

Today, the city is strongly influenced by the expanded University which, in 1961, had 3,672 students and a faculty of over 295. The University adds much to the attractiveness of the community through its sponsorship of musical and other activities.

Burlington is now in the jet, missile and space age and participates in the manufacture of products to serve this era. The physical structure of the city, however, remains largely that of the nineteenth century and early twentieth. Some of today's needs are hard to meet because of a backlog of old street patterns, old buildings, and obsolescent designs. The principal purpose of a comprehensive plan for Burlington must be guidance of new building and replacement building into a pattern that will make the best of today's methods, and anticipate the requirements of tomorrow.

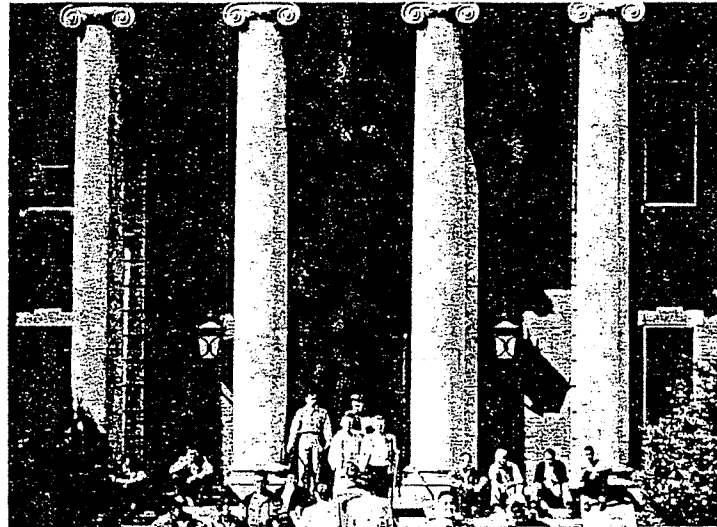
The plan presented in this report is designed to assist private development in its role as the principal city builder; to guide public development in a manner to maximize the beneficial effect of improvements; and to stimulate all citizens into thinking of the broad horizon of opportunity before the city and its region.

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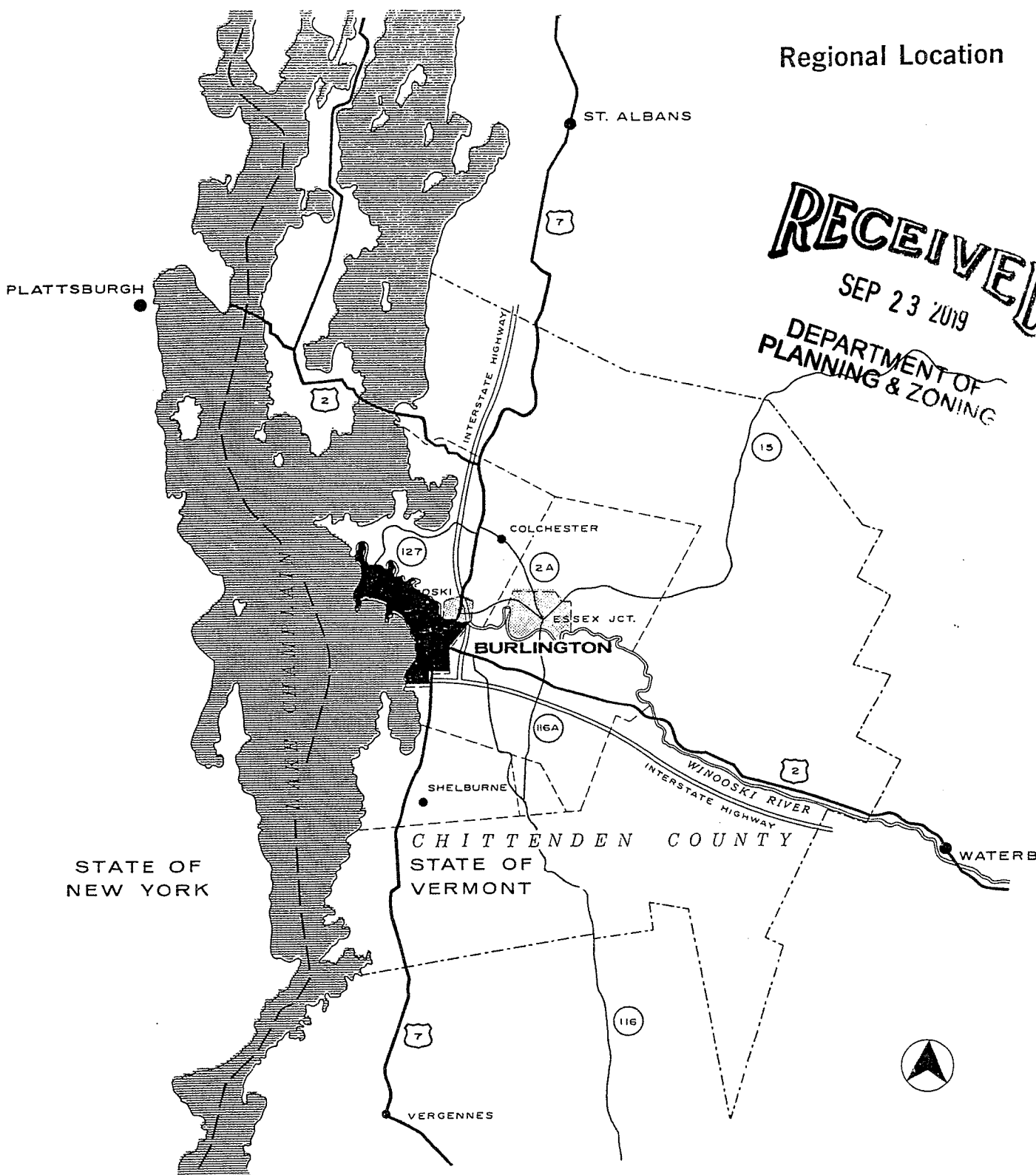
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University of Vermont Campus



Regional Location



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History Of Planning In Burlington

At the Annual City Meeting held on March 3, 1925, the voters authorized "the creation of a Municipal Planning Commission in accordance with Act No. 107 of the Laws of Vermont of 1921". The Commission's subsequent activity was of a minor nature until 1938, when consultants were hired to prepare background studies and the draft of a zoning ordinance. These consultants completed the work in time for a vote on zoning in 1940 but the voters rejected the ordinance.

In 1947, zoning was accepted and the Board of Adjustment created. In 1948, a housing survey was undertaken. In 1952, the consulting firm of Technical Planning Associates was retained to prepare additional studies which resulted in a series of reports on various aspects of the City's development.

In 1955, subdivision control over new street layouts was initiated and additional technical work done as the Commission began its analysis of urban renewal possibilities and the rebuilding of the downtown area.

This report is the result of the need for a comprehensive survey of city needs and an up-to-date City Plan. The 1961 Plan will provide the basic framework around which both the City Government and private enterprise can build and rebuild to make the Burlington of the future.

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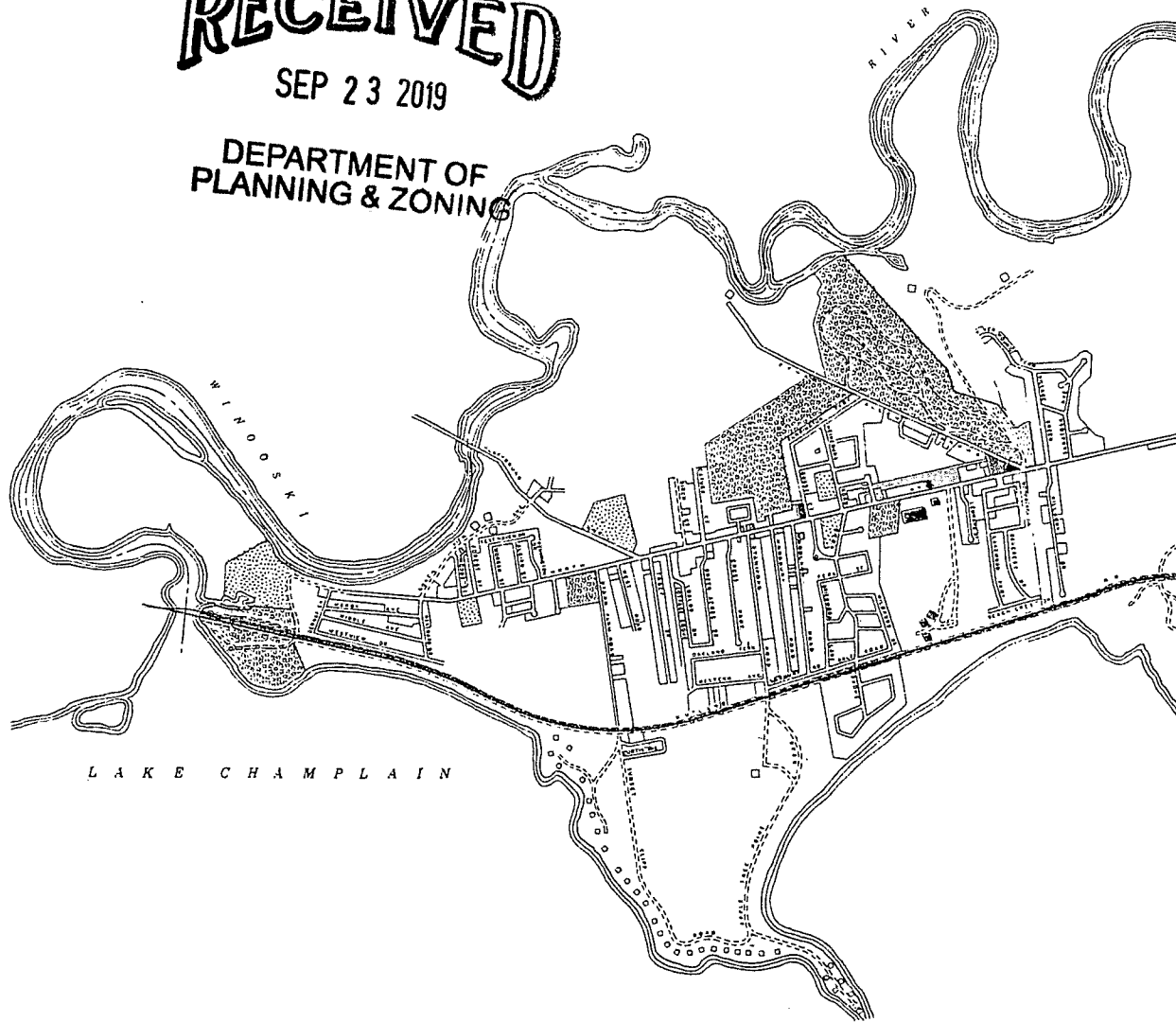
Present Land Use

Excluding water area in Lake Champlain, the city covers 6,912 acres — almost eleven square miles. About one-half of the land area is "vacant" or not developed for an urban use. This undeveloped land is one-third in the Intervale, one-third in the North End, and the remaining third in other locations. Despite the fact that some of the vacant land is marshy, or otherwise unsuitable for immediate use, enough good land remains to provide home

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sites for at least another 20 years at the city's current rate of population growth.

Table 1 Existing Land Use

	Area in Acres	Percent of Total
Residence	964.82	15.0
Residence mixed with other uses	20.53	0.3
Public and semi-public	1,107.10	17.1
Commercial	215.70	3.3
Industrial and railroad	269.96	4.2
Streets	579.46	9.0
Vacant	3,301.71	51.1
Total	6,459.28	100.0
Water	452.82	
Total	6,912.10	

The relatively high share of land use in the "semi-public" category is accounted for by the University and the low share in streets by the large areas of undeveloped land. A comparison of today's land use pattern and the tax assessment pattern shows that almost one-half of the assessment base is residential, although this use covers only 15 per cent of the city. Even more striking is the one-quarter of the assessment base from commercial property — only 3.3 per cent of the city's land area. If the one-quarter of the assessment base, which is now tax-exempt, is removed from these figures, residential use pays 63 per cent of the tax bill, commercial use 29 per cent. Industry's share of the tax bill is 8 per cent. While an increase in commercial and industrial values could reduce the share of taxes paid by residential properties, the role of residential use is so vital to a stable tax base that protecting its value is a matter of paramount concern. This is one good reason for insisting on a high standard of new residential development, using urban renewal to eliminate blighting and deteriorating influences, and strictly enforcing the building code and the new housing code.

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Neighborhood Conditions

One of the factors determining the attractiveness and value of the city in the future is the quality of its several local neighborhoods as places in which to live, raise a family, or do business.

Older developments tend to become obsolete and encourage a lowered standard of maintenance. Inappropriate land use also is a blighting influence, and heavy traffic on a residential street can seriously affect residential values. The Neighborhood Analysis map lists certain aspects of the present development of eight neighborhoods which tend to produce lower values.

The 1960 U. S. Census included reports on the condition of housing. The City had 1,096 dwellings with deficiencies out of a total of 10,684. Some neighborhoods had more problems than others. When detailed inspections are made for urban renewal purposes, as has been done in the "GNRP" of the downtown area, a rate of deficiencies about twice that reported by the Census is usually found. This indicates that a lot of Burlington's housing needs remodelling, repair or replacement.

Table 2 Deficient Dwellings By Neighborhood, 1960, As Reported By U.S. Census

Neighborhood	Number of Dwellings	Number with Deficiencies	Percent of city total
North End	1,699	64	5.9
Intervale	—	—	—
North Central	3,849	483	44.3
GNRP Area	1,100	244	22.3
Hill	1,606	106	9.7
University	578	22	2.0
South Central	1,149	146	13.4
South End	703	31	0.3
City Total	10,684	1,096	

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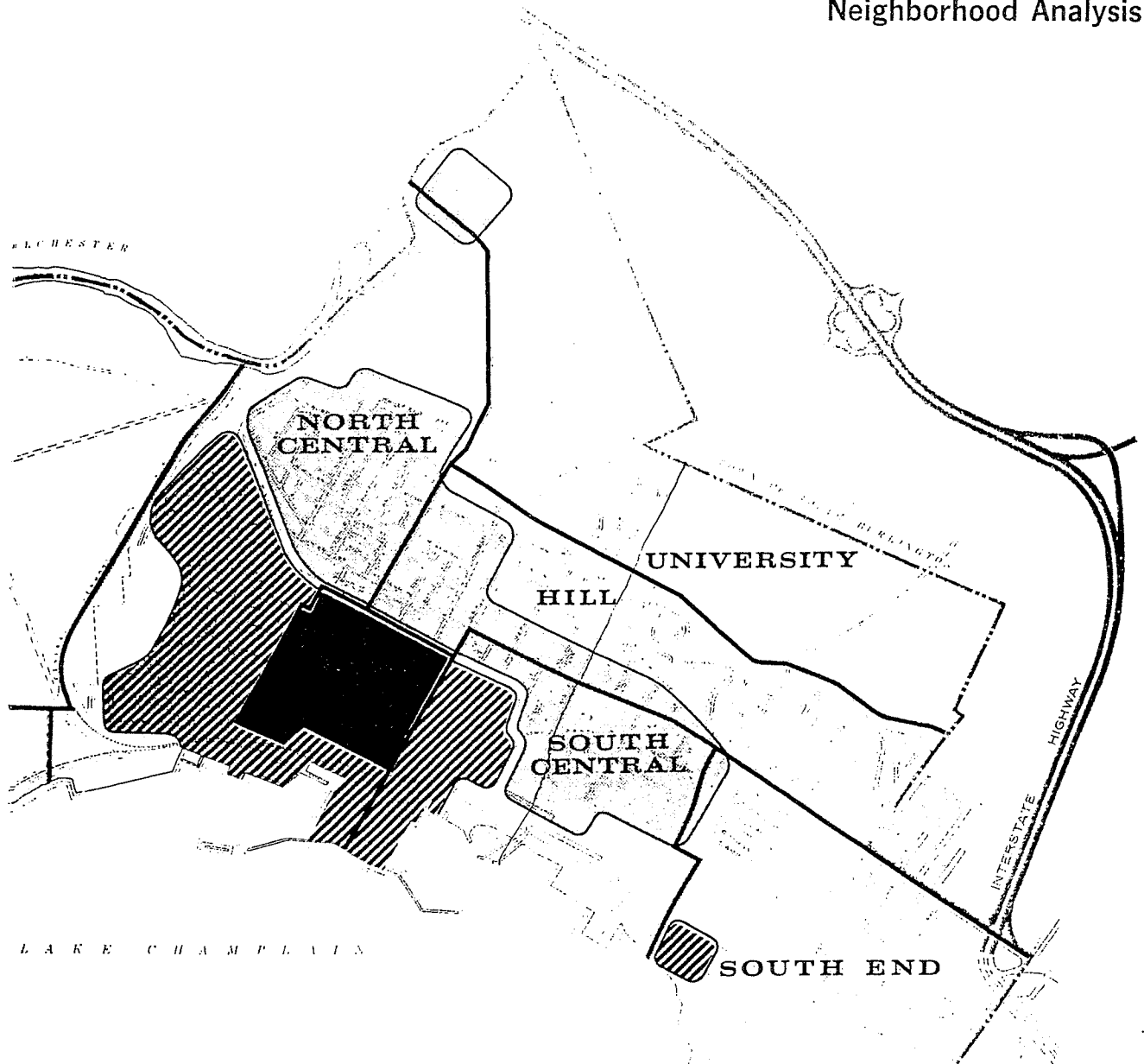


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Neighborhood Analysis



- CLEARANCE AND/OR REHABILITATION 
- REHABILITATION AND/OR CONSERVATION 
- CONSERVATION AND CODE ENFORCEMENT 
- EXISTING GENERAL NEIGHBORHOOD RENEWAL PLAN AREA 
- PLANNING DISTRICT BOUNDARY 

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The figures show that the City's "blight" elimination problem is centered in the older sections between the Intervale and the South End. The recently-adopted Housing Code is one potent tool to keep the blight from spreading. Another is the channeling of heavy traffic to a few major streets, thereby reducing the harmful effect of heavy traffic on local housing streets. For example: the lakefront highway would go a long way toward achieving this and be more than a traffic convenience; it would also be a renewal tool for the congested older areas. Provision of better recreation areas and school sites and buildings as indicated in the Community Facilities Plan would also help revive the value of the older sections.

The City cannot afford to continue to rely on new single-family home developments to create good residential environments. It must now start a comprehensive program to improve the older residential areas. The federally-assisted "Community Renewal Program" should be added to the present GNRP effort so that all blighting factors can be identified and eligible future city improvements keyed into non-cash "credits" for urban renewal.

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Future Population and Land Development

In 1960 — 10,686 "households" reported a City population of 35,531 persons. The average number of persons per household was 3.35 — a figure that is gradually dropping as the number of older persons in the City increases. Since the City is definitely "exporting" part of its population, particularly the young-married group, the average size of households can be expected to continue to drop, even as the total City population grows, and a normal rate of new house construction continues. It is estimated that the average household size will be down to 3.20 in 1980.

New home construction, conversion of existing older large homes into apartments, and some new apartment development, should add about 1800 new households by 1980. This would mean a 1980 population of about 40,000 persons. Such an estimate must be re-studied yearly to determine whether the rate of new home construction is increasing or decreasing, new jobs are encouraging a higher rate of in-migration, or some other factor is influencing the City's growth.

An important trend in population growth that affects the City is the rapid increase in population of the area outside of the City in recent years. Two communities added more population in the decade 1950-1960 than the City itself, and the area of the County outside of Burlington increased its younger age population at a faster rate, and its older age population at a much slower rate than the City. These trends indicate that the City's future population will tend to have an increasing proportion of older persons — persons desiring relatively modest dwellings relatively convenient to shops, churches and other City services.

The economic trends in the area point up the fact that an increasing proportion of jobs are in service rather than manufacturing industries. This reflects both a rational trend toward job diversification in the older cities and Burlington's increasingly important

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role as a shopping, wholesaling, service, educational and financial center. More manufacturing industry will continue to be the best source of new jobs for many years, but the importance of service industry may well be greater in the long run. Burlington is Vermont's "capital" in all phases except government. Its future economic life will reflect this vital fact.

THE FUTURE LAND USE IMPLICATIONS OF THESE POPULATION AND ECONOMIC TRENDS CAN BE SUMMARIZED AS FOLLOWS:

1. There will be a relatively constant demand for new single-family home construction. With water and sewer service available, the City will continue to receive a large share of the new home construction in the area.
2. There will be a growing demand for apartment units in the City, particularly in the central areas. All rent levels will be required, but the middle and lower rents will predominate.
3. There will be a fairly steady demand for commercial store and office space in the region. The proportion of this that Burlington can expect to receive will depend on the speed with which it can modernize its downtown area to compete with other locations.
4. The availability of good industrial sites and buildings that have water and sewer service, room for expansion and parking, and good road access will be important in attracting and holding industrial jobs. The present policy of making these available on a civic-interest basis ("GBIC" and "Cynosure") is sound and should continue.
5. The completion of the Interstate highway system in the area will re-shuffle land values. If downtown Burlington is to maintain its pre-eminent place as the region's center, it too will need the easy traffic access other locations will soon have. A system of good major streets is a "must".

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Table 3 Recent Population Trends

Area	Population		Increase	
	1950	1960	Number	Percent
City of Burlington	33,155	35,531	2,376	7.2
Chittenden County	62,570	74,425	11,855	18.9
County outside of Burlington	29,415	38,894	9,479	32.2

Table 4 Population Migration 1950-1960

Item	City of Burlington	Rest of Chittenden County
1950 Population	33,155	29,415
1960 Population	35,531	38,894
Increase	2,376	9,479
Excess of Births over		
Deaths, 1950-1960*	6,231	6,621
Net In-Migration, 1950-1960	—	2,858
Net Out-Migration, 1950-1960	3,855	—

*Based on place of residence of parents or deceased individual.

The Future Land Use Plan

Residential Areas

The largest part of the land area of the City now undeveloped (with the notable exception of the "Intervale" area) is proposed for new one-family residence use. Most of this will be found in the North End, with some filling in and expansion of existing developed areas in the rest of the City. At the present standard of new home design, the estimated 900 acres of land in the North End suitable for such use would provide room for over 3,700

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homes — enough to add almost 12,000 persons to the City's population. If the pattern of new development should change to larger-sized lots, or a zoning restriction were imposed to require a larger lot, this potential would be correspondingly reduced.

It is to be kept in mind that an increase of 12,000 more persons in the North End represents the saturation point when all building sites are used. It is very unlikely that any such figure would be reached in the next 20 years. An additional 5,000 persons would be a realistic high estimate. Even this increase would call for an increase of school, park and other facilities of a major nature.

Other sections proposed for new one-family residences include the southwest corner of the City along the South Burlington Town line, the southeast corner (if and when the golf course should be developed), land north of Colchester Avenue and vacant areas in the southern section of the City.

Areas shown as suitable for new apartment construction are concentrated near the City center. An increase of population density here would aid downtown commercial areas by increasing purchasing power, make full use of the many churches and public facilities already there, and encourage the replacement of old residential buildings with new ones. Every effort should be made to encourage this re-use of land, particularly in the area just north and east of downtown and along North Avenue as far north as the Intervale. It is likely that urban renewal can do much to carry out this program. A variety of housing types, row houses, flats, or even six and seven story elevator apartments, might be considered. Adequate off-street parking, open space, landscaping and convenience to shops should be stressed. The area also is very appropriate for apartments designed exclusively for elderly persons. The density of development in this area should AVERAGE about 25 dwelling units per acre (streets excluded). This intensity of use is often seen in the "garden" apartment style of development. However, a lower intensity, perhaps ten units per acre, in duplex row houses could be balanced with more intense use in elevator apartments where 40 units per acre would be appropriate. For the higher elevator buildings, a fairly low coverage of land by build-

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ings should be required in order to provide adequate open space near buildings for parking, recreation area and appropriate landscaping.

In every neighborhood, regardless of size or population, appropriate space should be set aside for playground and recreation use, and where this is now inadequate, additional space should be obtained either through direct purchase or as part of a renewal program. A Community Renewal Program study will indicate more precisely just how the improvements shown in the Community Facilities Plan map can be financed and about when they can be scheduled for accomplishment.

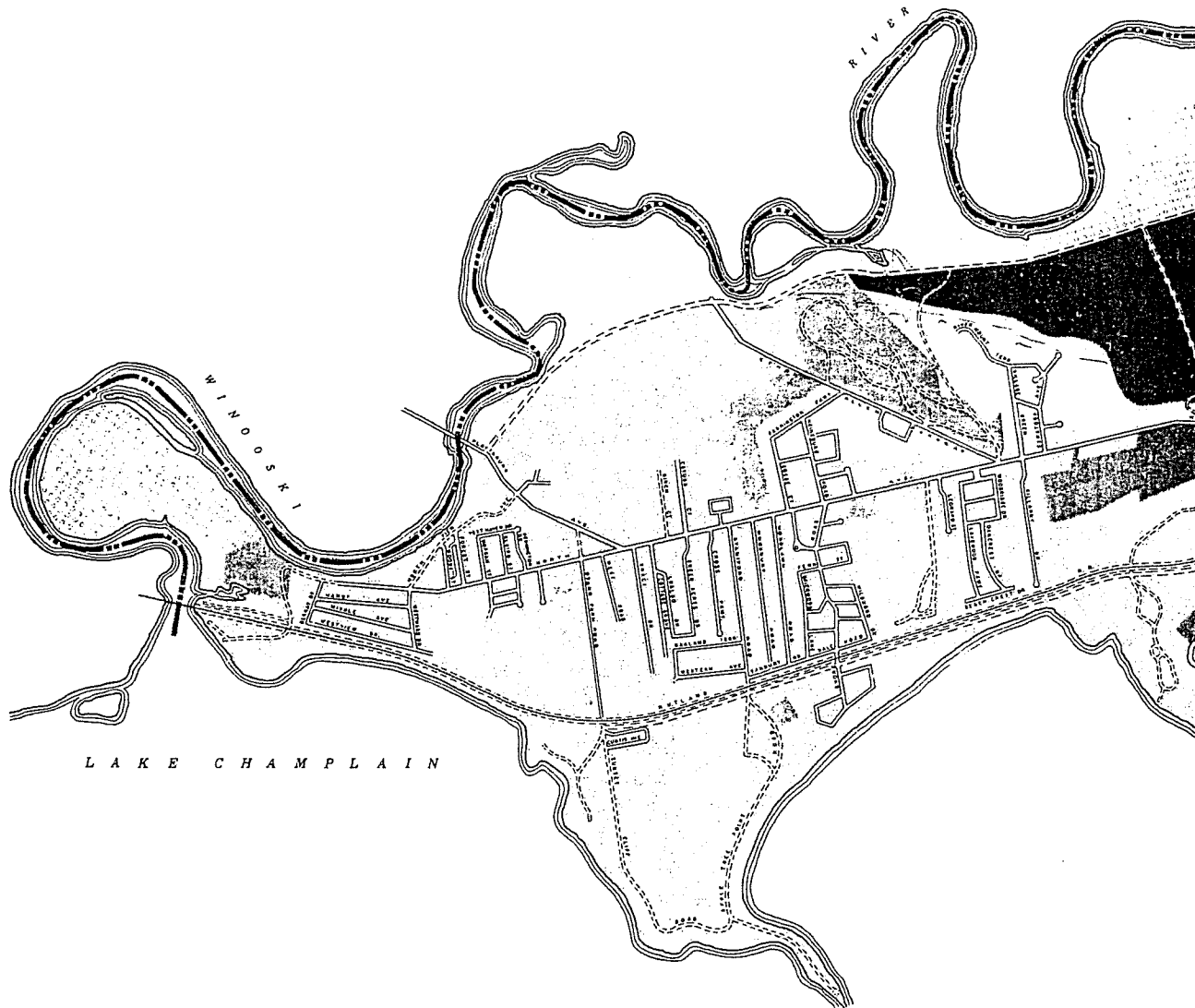
Showing areas on a map for new homes or apartments does not create new or better neighborhoods. Good zoning, good subdivision regulation, strict code enforcement and the full use of renewal opportunities can translate these ideas on a map to the reality of bricks and mortar.

Industrial Areas

Areas of the City now primarily industrial in character would remain so in the future and improved road access would be provided where feasible.

The waterfront industrial use — now mainly fuel storage — could be maintained without harming the potential for added recreational boating or bathing. The area occupied by railroad tracks and old industrial buildings between the lakefront and the high ground of the City center near the north side is now developed in a manner far below its true potential. With a new lakefront highway and consolidation and relocation of rail trackage, it should be possible to provide several modest-sized commercial and industrial sites particularly well suited to warehousing, storage, and possibly small boat manufacture, servicing and winter storage.

South of King Street between the lake and Pine Street, running south to Flynn Avenue, is a large belt of land now either occupied by commercial, railroad, or industrial uses, or vacant. The Land Use Plan shows this area for industrial purposes, and, in the area now vacant, several good sites for buildings exist or could be developed by filling old waterways used in the lumbering days.

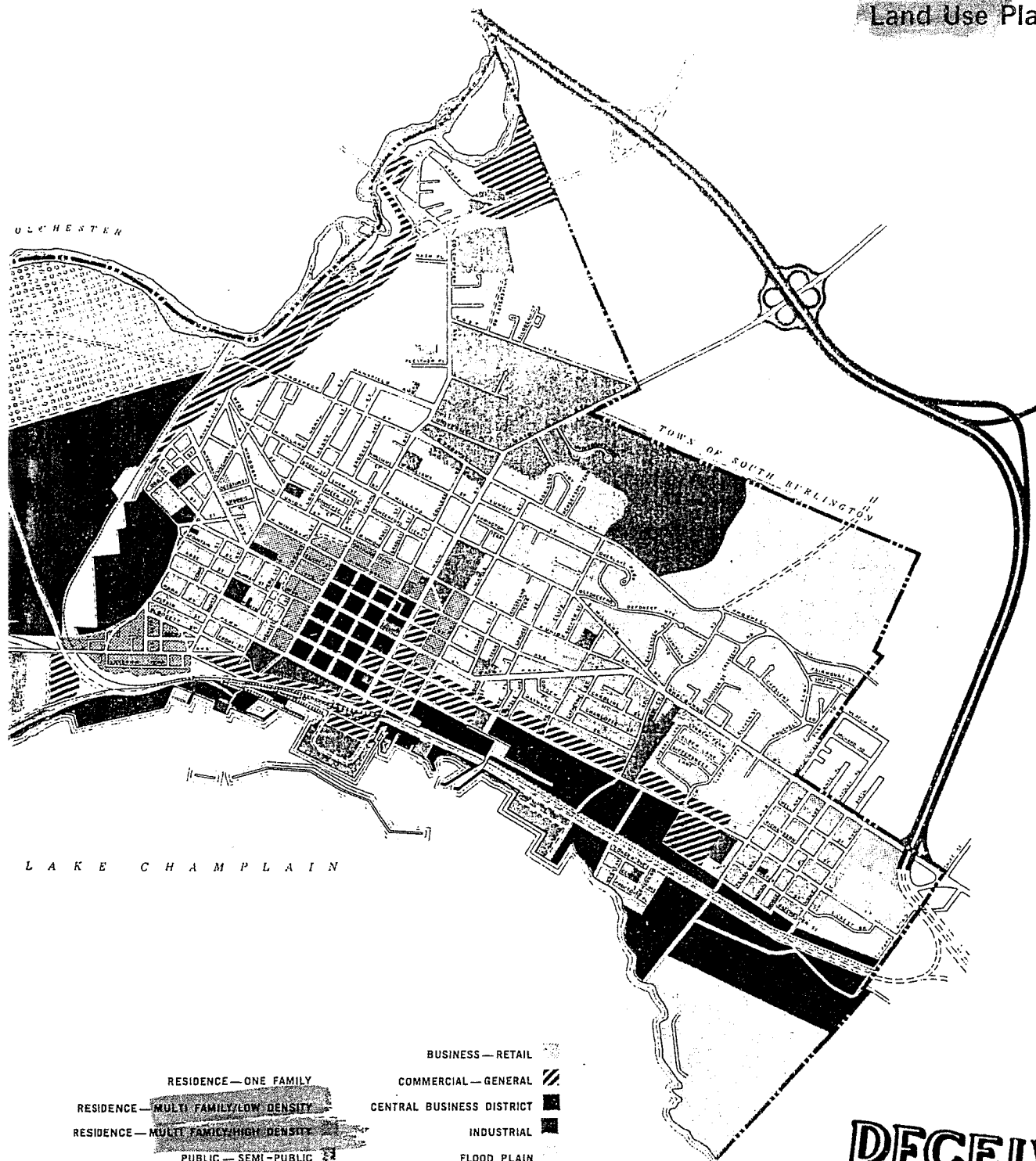


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Land Use Plan



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A new lakefront highway along the Rutland Railroad would improve the accessibility of this land for industry and also greatly improve the waterfront in this area, creating some opportunity to develop industry along the waterfront.

South of Flynn Avenue, in the Industrial Park section, additional sites can be developed if an access road from Flynn Avenue to Home Avenue Extension (west of the railroad) is built. This area will have good access to the Interstate system if the lakefront highway is extended southward and southeasterly to a junction with Shelburne Road near the City line. The potential of this area appears to be good.

If a second interchange with the Interstate highway is obtained at Grove Street (also called Patchen Road), the area between Schmanska Park and the City line, now unused, would be a suitable site for small industry with excellent highway access.

A special study has been made of the possible future development of the 1,000 acre Intervale and another section of this report discusses its potential in some detail. It represents the City's greatest single vacant land asset and will undoubtedly increase in value as an industrial site in the future. It will be located close to business services and residential areas; it has railroad service; it is in a city with good water and sewage disposal service; it will enjoy favorable electric rates as does the entire city; and it will have excellent highway service if the roads proposed for it are developed.

Business Areas

Business activity in a city as large as Burlington naturally gravitates into at least three categories. Downtown business is based on a central location where large numbers of persons can be served with shopping goods, professional and other services, restaurants, banks, and a wide variety of commercial activities. Local business areas develop in or near residential neighborhoods to serve the immediate needs of local residents or may partly serve the needs of the traveling public as is the case of a gasoline station or

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Downtown Burlington

restaurant. Heavy commercial uses, such as warehousing, storage yards, heating and plumbing contractors, and truck terminals, tend to locate along major streets or near the downtown area and often are mixed in with industrial plants. The Land Use Plan shows these three categories of business use in a pattern that will provide each a suitable location to serve its customers and minimize its unfavorable impact on any adjoining area.

Downtown

Downtown Burlington — the "Central Business District" — has been carefully analyzed as part of an urban renewal study which has resulted in a "General Neighborhood Renewal Plan". This plan indicates where new business uses, parking areas and street changes are needed. Most of the business uses of the City's Central Business District are covered. Additional area to the south, as far as Maple Street, and to the east, as far as Union Street, should be included in the Central Business District. In these boundary blocks will be found some public buildings, a hotel, and other uses necessary for the proper functioning of the City's center. No new retail store development should be encouraged beyond this area (the GNRP and the boundary blocks on the south and east) in order to maintain the compactness required to revitalize downtown Burlington as a shopping center, except where a store is added to a local neighborhood business area.

Local Business

For residents living near the central area, that area serves them as their local business section. Further out, groups of local stores are shown along major streets as follows:

North Street — Intervale Avenue	Riverside Avenue
North Avenue (present shopping center)	Pine Street
North Avenue at Plattsburgh Avenue	Shelburne Street

Businesses now located in other areas will, of course, be permitted to continue under the appropriate provisions of the City's Zoning Laws. The purpose of showing a fairly limited amount of local business area is three-fold: (1) to encourage a compact development of business in order to enhance business values; (2) to limit

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roadside business to a few main roads where road widths are capable of carrying this type of traffic, and (3) to discourage new business development in residential areas or on streets more appropriately used solely for access to housing.

The North Street — Intervale Avenue site includes a mixture of many types of business, but it is a good location to serve the north end of the central City.

The North Avenue area is now the site of a modern "shopping center" and is well situated to serve the North End in the future. The North Avenue — Plattsburgh Avenue location is shown as a future small shopping center to serve the northernmost section as it develops and that part of the Town of Colchester accessible from Plattsburgh Avenue.

Riverside Avenue business will continue to be primarily of a "roadside" character as at present — automotive service, restaurants and businesses not needing adjacent housing for customers.

The Pine Street business area will serve the near South End on a purely local basis.

The Shelburne Street business area, including the proposed group of stores near Home Avenue, will serve the South End and nearby South Burlington customers since the interchange here will provide the area with good access from the east as well as the south.

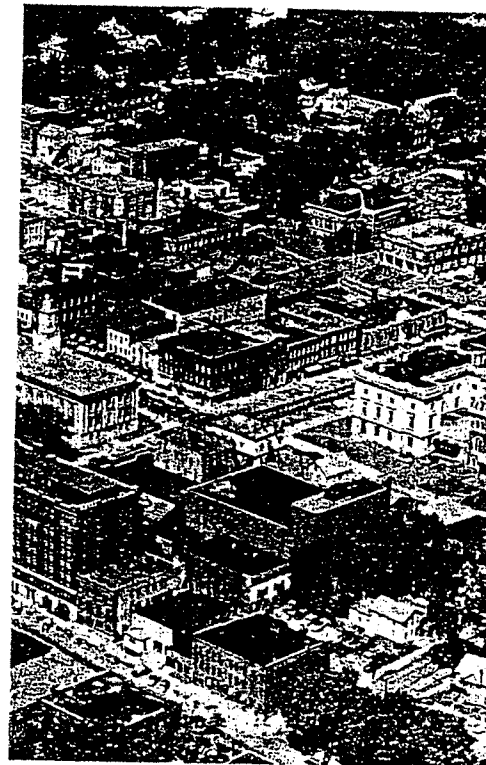
The present motel developments here are appropriate.

A local business area should be protected against development that breaks up the compactness of the store group or detracts from customer appeal. Control of signs, adequate parking and traffic control will all help to improve these areas. As off-street parking is developed, on-street parking should be prohibited during heavy traffic hours.

General Commercial Use

Non-industrial commercial uses are shown on the Plan along the lakefront west of the Central Business District and along Pine Street. Through urban renewal, much of the lakefront area could be laid out in a new pattern, providing good building sites with

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Aerial View of Downtown Burlington



off-street parking and loading space. Much of the railroad trackage here could be consolidated and thus open up additional land. With the lakefront arterial road in place, the area will also be valuable as a place for a truck terminal. Its waterfront location also will provide an incentive for the development of small boat servicing businesses as the marina in the area is expanded.

Traffic Plan

More Vehicles On The Streets

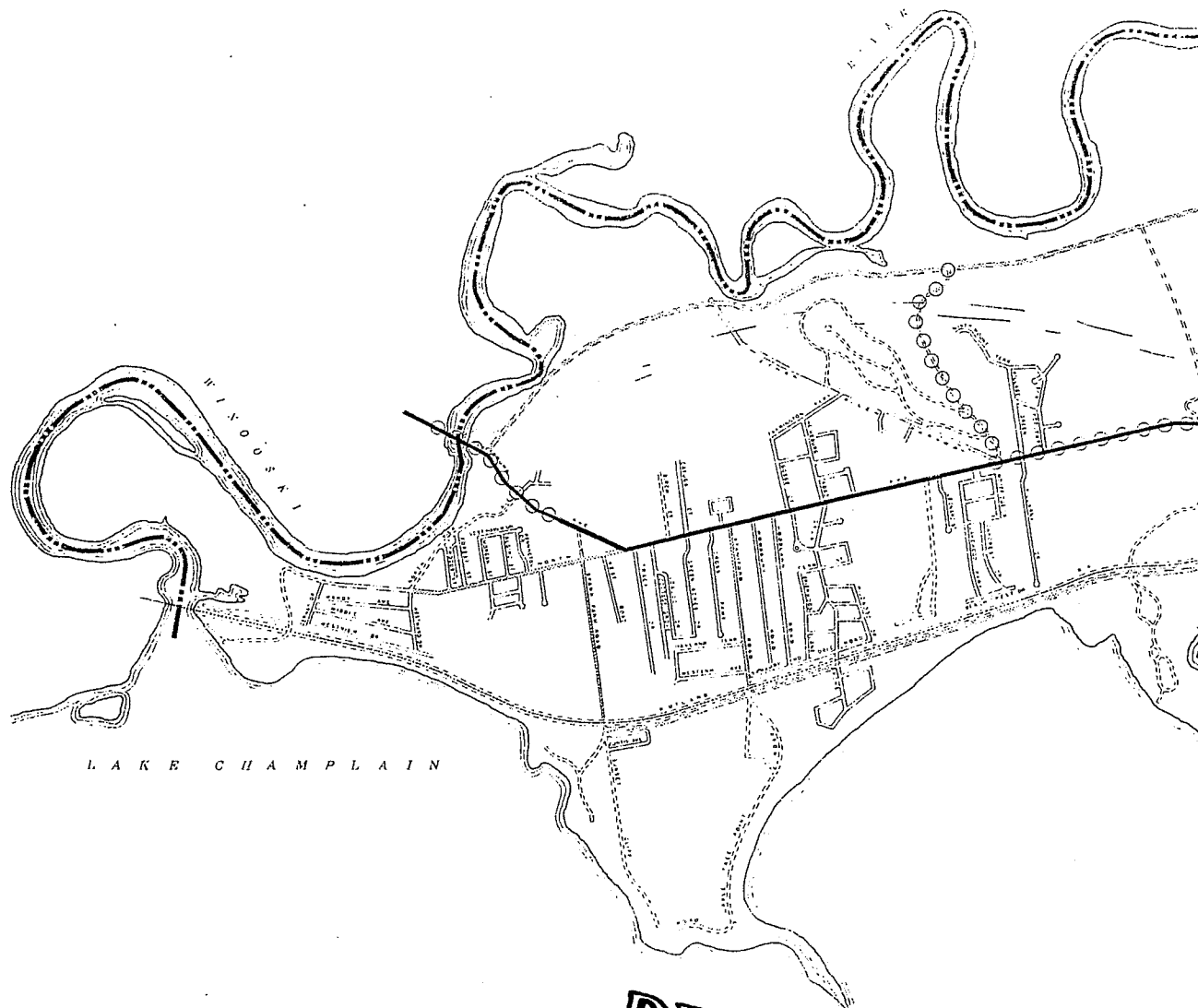
One of the most striking features of today's urban life is the ever-increasing use of the automobile. In Burlington, the rapid development of the North End can be directly attributed to the use of the automobile for transportation to work, and the growing suburban areas outside of the City are also tied in with this trend. At the same time, the resident of the City's older section now has a car to use in getting to work, rather than walking or using public transit, and for social and recreational use after work. Both of these factors mean more cars in the City and an increasing traffic volume on all principal streets.

Coping with increased traffic now and in the future is a task shared by the City and State. State responsibilities are now generally limited to the provision of the interstate routes in cooperation with the federal Bureau of Public Roads, and in cooperation with the same agency, the building of "Federal-Aid Primary" and "Federal-Aid Secondary" roads. Since the interstate route has been laid out for the area and is now under construction — with no improved connection into the downtown area — any new major road construction in the City will necessarily need to be on the "Primary" or "Secondary" system. If State policy toward local improvement is changed to include a straight local-state financing arrangement (as is common in many states), another source of funds might be available. In addition to improved or new main roads, several secondary and local street connections are needed now or in the future. The Traffic Plan indicates where these road improvements are required.

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LAKE CHAMPLAIN

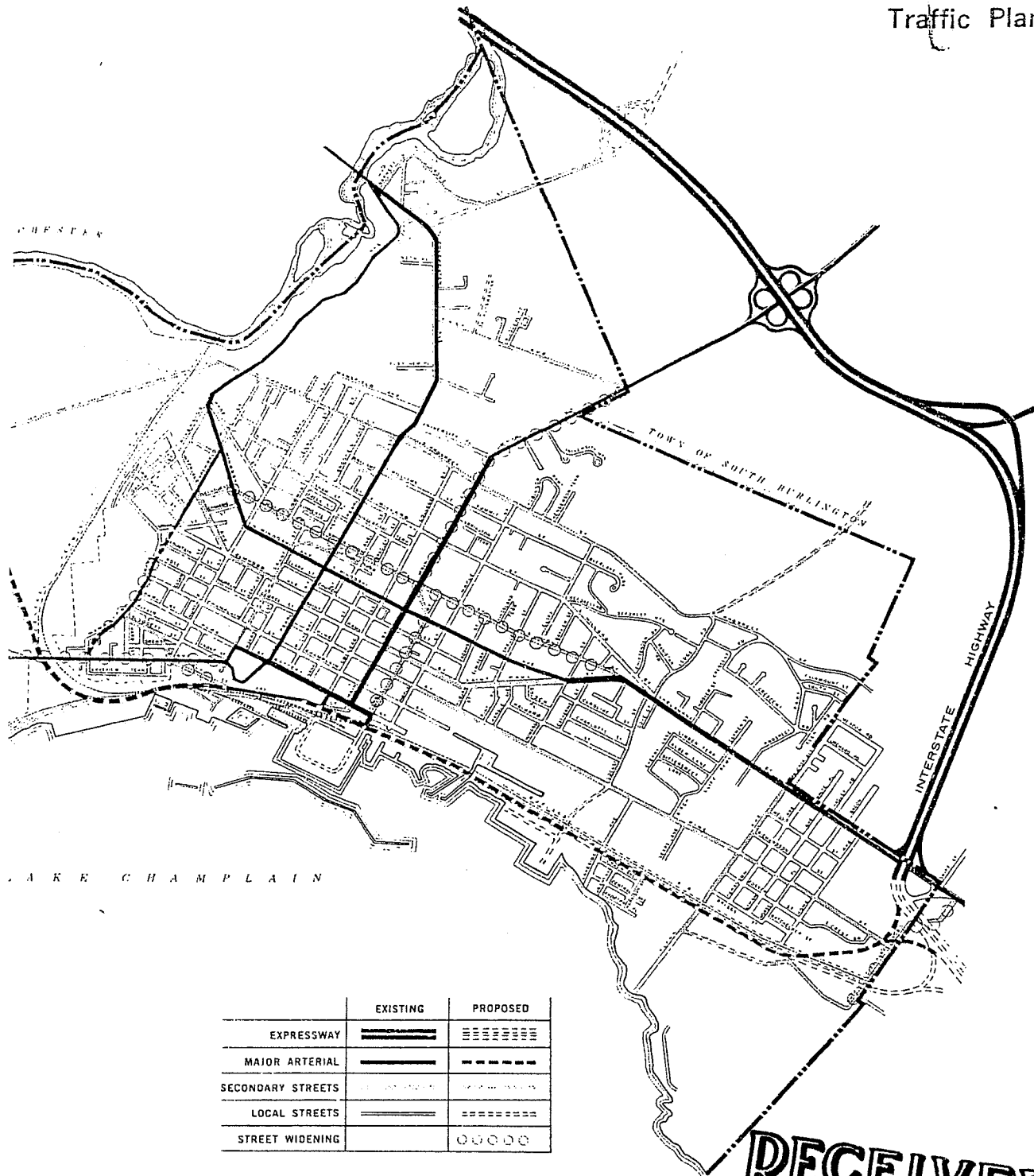
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Traffic Plan



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Major Arterials

With the Interstate Highway soon to be finished outside of the City, increased pressure on the roads leading into the City from the expressway is inevitable. State figures indicate that by 1980 volumes will have increased as follows:

Average Daily Traffic

	1957	1980	% Increase
Main Street at City Line	9,750	14,500	49
Shelburne Street at Locust Street	4,900	15,800	222
Shelburne Street at Home Avenue	9,280	10,600	14

Streets are not directly connected with the Interstate are estimated to have increases as follows:

Average Daily Traffic

	1957	1980	% Increase
Plattsburgh Avenue at River	3,800	6,300	66
North Avenue at Railroad Tunnel	8,600	13,800	60
Riverside Avenue near Colchester Avenue	11,000	9,500	-14
Colchester Avenue near Nash Place	9,600	9,500	-1

To cope with this situation, it appears unsatisfactory to attempt to continue to rely on Riverside, Colchester, Main and Shelburne as principal accesses to the center of the City, since these also serve as local access routes to abutting properties and are needed for circulation of traffic in local neighborhoods. Increased volumes will adversely affect abutting uses, particularly in the case of the University of Vermont where the campus is bisected by Main Street. The proper solution is a high-capacity artery serving the downtown area. The most appropriate route would be a connection from the Interstate on Shelburne Road westward and northward along the lakefront with connections to the central business district on King and Main Streets, then northward into the Intervale,

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across the river and back to the Interstate north of the City of Winooski. This would provide a loop highway around the highly urbanized area. Such a loop could be developed in sections: the first being the part from Shelburne Road to the downtown area (and this itself could be done in sections), the second being a connection along Depot Street to Manhattan Drive and thence to Riverside Avenue (which will be an arterial requirement in any case), and the third being the connection across the Intervale to the north.

In addition to this major construction, a certain amount of relief to Main Street and the Winooski River bridge would be obtained if an additional interchange with the Interstate were built on Patchen Road (Grove Street), with a ramp connection from Grove Street to both Colchester and Riverside Avenues. This improvement would also reduce traffic on Pearl Street, which has been estimated by the State to be about 8,500 vehicles in 1980 without this new interchange connection.

ADDITIONAL ARTERIAL STREET IMPROVEMENTS ARE SHOWN,
AS FOLLOWS:

1. Widening of North Avenue from Killarney Drive southward to Battery Park.
2. Widening of Manhattan Drive between Washington and La-fountain Street, with a new alignment connecting into North Avenue.
3. Widening of Archibald Street between Spring Street and North Winooski Avenue and a new alignment into Manhattan Drive.
4. Widening of Winooski Avenue from North Street to Main Street.
5. Widening of Pearl Street and Colchester Avenue from Winooski Avenue to the Winooski River bridge.

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6. Widening of Main Street between South Winooski Avenue and the City line at East Avenue.

7. Widening of Plattsburgh Avenue at its northern end.

A major arterial street should have a right-of-way and pavement width sufficient to accommodate four moving lanes (two in each direction) during rush hours. With parking on both sides, a major arterial street would need a pavement width of 60 feet, and a right-of-way of 80 feet.

Secondary Routes

The Traffic Plan indicates several streets as of more than local importance. These are shown in three categories — existing streets adequate to serve as secondary routes, existing streets needing widening, and new locations. The streets involved are as follows:

EXISTING STREETS ADEQUATE TO SERVE AS SECONDARY ROUTES

1. North Avenue (beyond Plattsburgh Avenue)
2. Starr Farm Road
3. Staniford Road
4. Intervale Avenue
5. Elmwood Avenue
6. Grove Street (part)
7. East Avenue
8. Ledge Road
9. Pine Street
10. Locust Street
11. Flynn Avenue

EXISTING STREETS REQUIRING WIDENING TO SERVE AS A SECONDARY STREET

1. King Street
2. Queen City Park Road
3. North Union Street — South Union Street
4. North Prospect Street — South Prospect Street

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NEW SECONDARY STREETS REQUIRED TO COMPLETE CIRCULATION SYSTEM

1. Along Rutland Railroad from Starr Farm Road to lakefront arterial
2. Institute Road Extension (or alternatively, a new road south of it between North Avenue and the Railroad)
3. Winooski River — Intervale Road from Plattsburgh Avenue to Riverside Avenue
4. Through Ethan Allen Park from North Avenue to riverfront road
5. Into Intervale from North Avenue near Institute Road to riverfront road (or to the south on a new alignment)
6. New alignment of Blodgett Street and Depot Street connecting Manhattan Drive with lakefront arterial
7. North of and parallel to Pearl Street (in GNRP area)
8. From Ledge Road eastward to Spear Street (if and when golf course is further developed)
9. From Locust Street to lakefront arterial
10. From Home Avenue Extension to Flynn Avenue
11. Several streets in the central business district

A secondary road should provide for two moving lanes and, where parking is permitted, a parking lane on each side. This indicates a pavement width of 40 feet. A right-of-way width of 60 feet (minimum) should be obtained where possible.

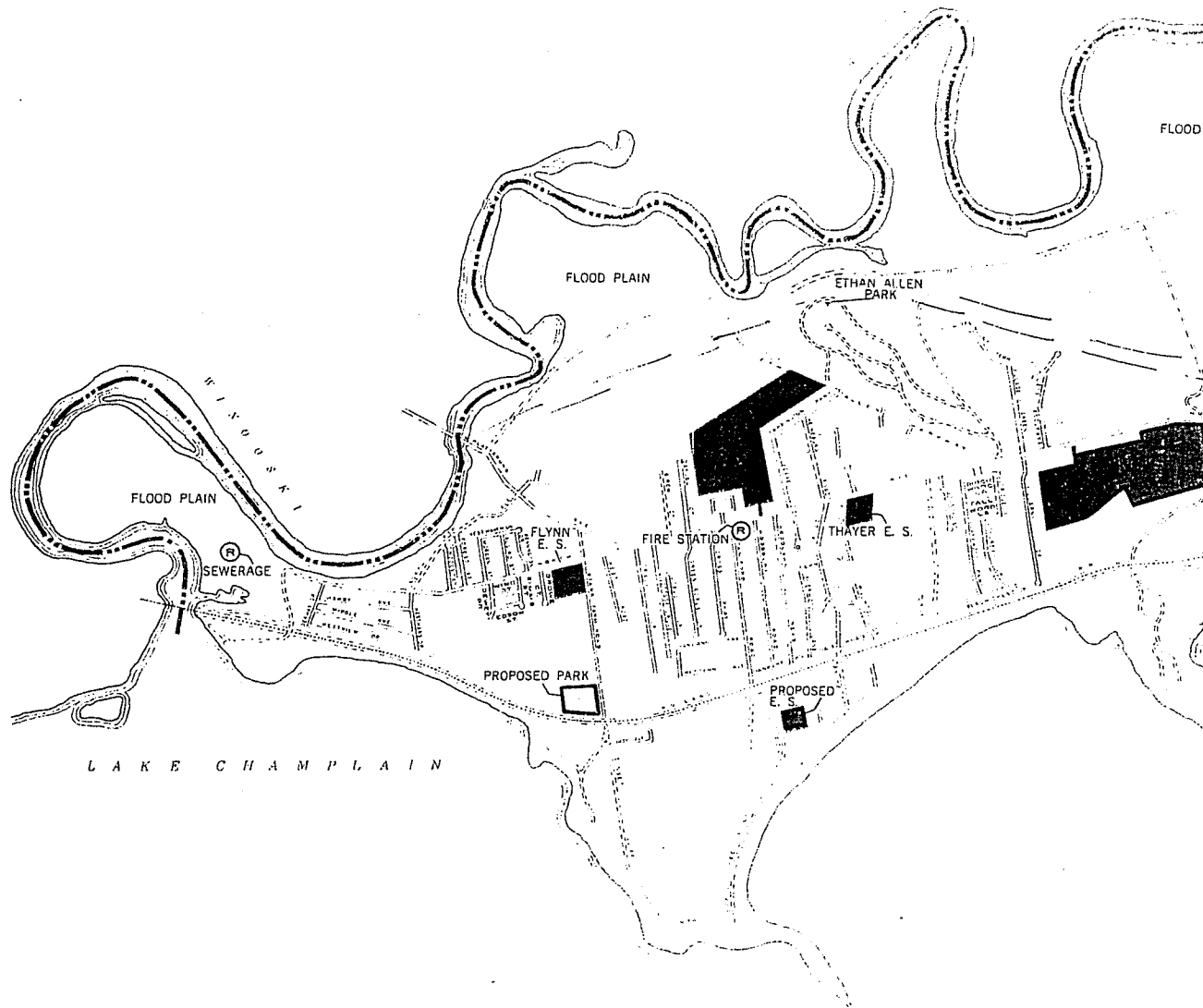
Community Facilities Plan

Serving Tomorrow's City

Community facilities are the public service uses needed to support residential neighborhoods, businesses and industries, and to maintain the proper level of City government activity. They range from the elementary school in its local neighborhood to a city-wide system, such as water service.

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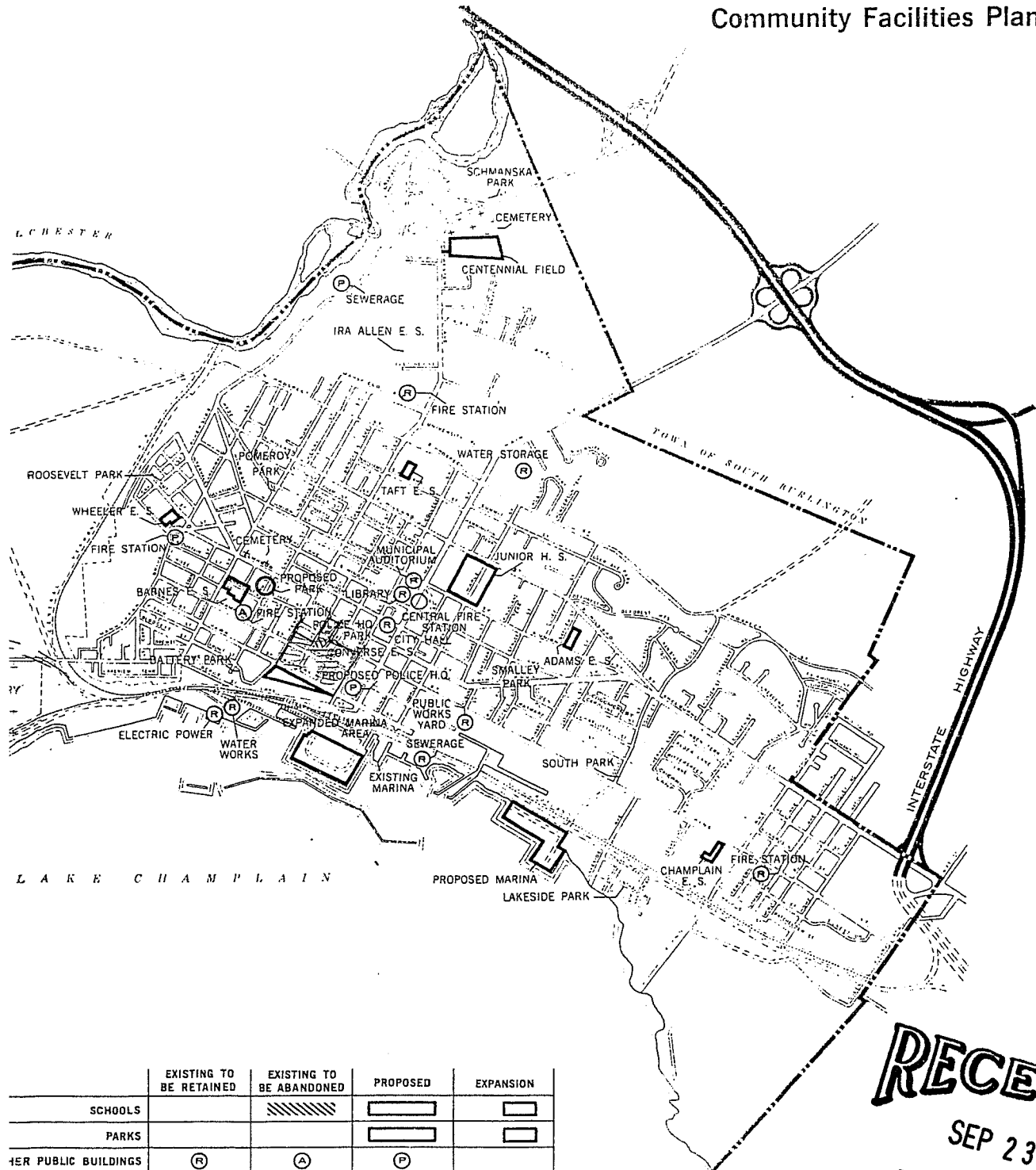
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Community Facilities Plan



	EXISTING TO BE RETAINED	EXISTING TO BE ABANDONED	PROPOSED	EXPANSION
SCHOOLS		////	☐	☐
PARKS			☐	☐
OTHER PUBLIC BUILDINGS	(R)	(A)	(P)	

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community facilities in residential areas in the immediate future. Improved schools and parks will tend to maintain or enhance real estate values and discourage the spread of blight.

The Public School System

The pupil population in public schools has increased steadily in recent years and can be expected to rise for at least another decade. In addition to a larger total student body, there will be shifts in the place of residence of pupils to be accommodated as well.

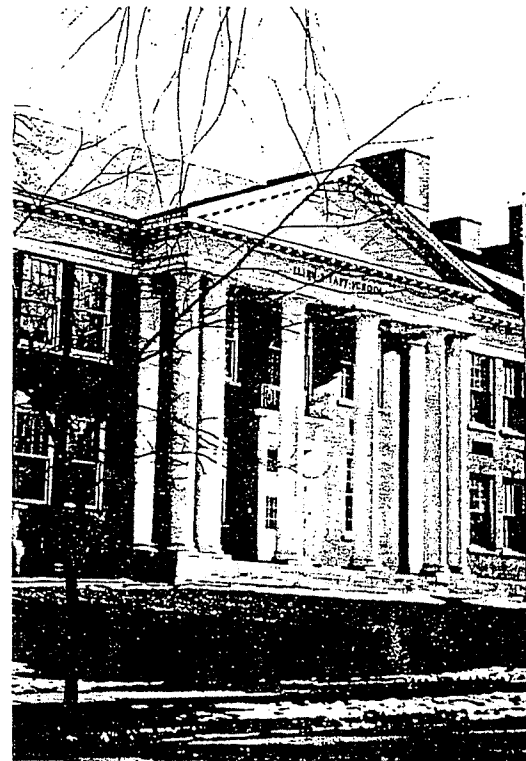
Table 5 Estimates Of The Public School Population in Burlington, 1970 and 1980

	1960	1970	1980
Total Population	35,531	37,200	39,600
School-Age Population	7,960	8,600	7,950
Public School Enrollment (Burlington pupils only)	4,820	5,170	4,860

The increase from 1960 to 1970 is less than normal as the opening of the South Burlington High School in 1961-62 has relieved the city of this obligation. In 1960-61, 417 non-resident pupils attended the Burlington schools.

The decline from 1970-1980 results from an increase of older persons in the population still occupying dwellings, coupled with a continued trend for families with school-age children to locate in the County outside of the City as in the past. There will, however, be a temporary "bulge" of students passing through the system, resulting in an estimated high school enrollment of 1,375 pupils in 1970. This figure includes an estimated 200 pupils from other communities, principally vocational students.

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Taft Elementary School

High School

Estimates of future high school enrollments in 1980 range from a low of 1,200 to a high of 1,600. (The October, 1961 enrollment was 917.) There is no doubt that the present high school buildings will be badly crowded if better accommodations are not provided. One solution would be rebuilding the present plant and moving the junior high classes there to a new site; a second would be building a new senior high on a new site with the existing plant continuing in use as an enlarged junior high school. The first solution appears to be unacceptable to the school authorities due to the relatively small site that could be made available at low cost.

The School Board has recently proposed the development of a large area west of North Avenue as the new Senior high school. Their plans indicate that over 50 acres of currently vacant land between Killarney Drive and Institute Road, plus about 26 acres of park land south of Institute Road are to be used. This is a suitable site and large enough to meet all current and future needs. An access way for pedestrians from Killarney Drive would be helpful. The secondary road shown in the plan along Institute Road could be shifted southward to the south border of the park land to avoid having traffic bisect the site.

Junior High Schools

The Plan shows two junior high schools, as at present — the Hunt School in the North End and an improved junior high at the present site on Main Street after the senior high has been moved to a new location. No additional land acquisition is required.

Elementary Schools

Where possible, an elementary school should be located in the center of the area it is to serve so that all or most of its pupils can walk to it. It should be on a site of five acres plus one acre for each 100 pupils with an outdoor recreation area designed to be available also as a neighborhood playground for children. Some of the City's schools meet these requirements; others do not. A pro-

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gram of site enlargement (in conjunction with urban renewal activity where possible) should be started, with priority given to the Adams, Ira Allen, Champlain and Wheeler Schools. (The Converse School is scheduled to be retired, as part of the Renewal Plan for the central part of the City.)

Several of the school buildings are now old and need replacement or renovation. The four elementary schools listed above should also be considered from this point of view as well.

The Plan shows one new elementary school for the North End on Apple Tree Point Road west of the Rutland Railroad. This school will be needed as the North End reaches its full development and it would be wise to obtain the land for it fairly soon to assure a good location. The following table summarizes the requirements needed in the City's elementary schools:

Table 6 Elementary School System

School	Number of Pupils October, 1961	Size of Site acres	Recommendation
ADAMS	317	1.64	RENOVATE, ENLARGE SITE
IRA ALLEN	194	2.00	ENLARGE SITE
BARNES	438	1.61	ENLARGE SITE
CHAMPLAIN	253	2.98	RENOVATE, ENLARGE SITE
CONVERSE	183	0.87	RETIRE
FLYNN	453	10.00	RETAIN AS IT IS
SMITH	472	27.00	RETAIN AS IT IS
TAFT	286	1.32	RENOVATE, ENLARGE SITE
THAYER	199	2.61	RENOVATE
WHEELER	367	1.46	RENOVATE, ENLARGE SITE
NEW SCHOOL	—	10.00	ACQUIRE SITE

Parks and Recreation

Today's city requires a comprehensive system of parks and recreation facilities to maintain its value as a place in which to live.

Even with the wonderful resources of Lake Champlain and the

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Municipal Beach

nearby Green Mountains, Burlington must have its own facilities to meet the day-to-day needs of its growing population, particularly since the open spaces at the City's boundaries are gradually being developed as parts of suburban towns. Some excellent facilities are already available, notably the Municipal Beach, South Park and Ethan Allen Park. These accommodate many activities, but the smaller recreation space close to each neighborhood is lacking in many cases. The Plan recommends that for each neighborhood now lacking a good sized play area, either as a park or a school yard, one be provided in the future. Such a park should be at least three acres in size and preferably about eight acres. The recreation plan shows the following for these neighborhood facilities:

Park and Recreation Spaces

Name	Recommended Action
LAKESIDE PARK	PROVIDE MORE EQUIPMENT
SOUTH PARK	RETAIN AS IT IS AND DEVELOP CHAMPLAIN SCHOOL SITE TO SERVE AREA ALSO
SMALLEY PARK	ENLARGE
HIGH SCHOOL	ADAPT PRESENT SITE AS A JUNIOR HIGH SCHOOL WITH PLAY AREA FOR NEIGHBORHOOD
BATTERY PARK	ENLARGE (IN ACCORDANCE WITH GNRP PLANS) PROVIDE SOME EQUIPMENT
POMEROY PARK	ENLARGE
SCHMANSKA PARK	ENLARGE, PROVIDE EQUIPMENT
BARNES SCHOOL	ENLARGE SITE WITH PLAY AREA FOR NEIGHBORHOOD (ADD AT LEAST 2 ACRES)
ROOSEVELT PARK	LANDSCAPE, PROVIDE EQUIPMENT
ETHAN ALLEN PARK	PROVIDE NEIGHBORHOOD PLAYGROUND, OR ALTERNATIVELY USE HUNT JUNIOR HIGH SCHOOL
NEW AREA	ON STARR FARM ROAD; 10 ACRES NEEDED
NEW AREA	IN CONJUNCTION WITH NEW ELEMENTARY SCHOOL ON APPLE TREE POINT ROAD

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Special Purpose Recreation Facilities

Several specialized recreation areas now exist, and more of these will be needed. The City's marina at the foot of King Street should be expanded, and a new one developed to the south about opposite Locust Street when the lakefront arterial road is built. The Municipal Beach should be enlarged by extending it southward and a new service building built, making it more attractive to customers. A small boat area at the foot of North Avenue on the Winooski River is also recommended.

If and when Centennial Field is no longer used by the University, it should be incorporated into the City's park system as the city-wide sports activities center. If this is done, additional parking area will be required.

If the privately owned recreation area on the waterfront off Flynn Avenue should become available, all or part of it might be developed as a city-owned park.

In order to achieve the goal of a good recreation area in each neighborhood, the school and recreation departments will need to continue their close cooperation.

City Offices

The City Hall is now inadequate to house all of the City departments needing a downtown location for the efficient operation of their activities. One solution, good for the immediate future at least, would be the conversion of the auditorium in City Hall into two floors of offices. Eventually, it would be desirable to arrange for a new building, perhaps in cooperation with the County and State, to serve as a second office location. A good location would be the old post-office building and County Court Building area.

Police

Today's police work requires a suitably large and well equipped building as a headquarters. The Police Department's present quarters on Church Street are inadequate. The Plan shows a new

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headquarters in the State Armory on lower Main Street. This appears to be the best solution; however, if this building proves unavailable, a comparable site near the downtown area should be selected.

Fire Stations

Some of the present fire stations are badly in need of repair or replacement. The following schedule indicates the recommended plan:

Location	Recommendation
HEADQUARTERS WINOOSKI AVENUE	RETAIN AS IS
NORTH AVENUE	ENLARGE SITE FOR POSSIBLE FUTURE ADDITION TO BUILDING
CHAMPLAIN STREET	REPLACE, IN SAME LOCATION OR NEARBY, OR AS AN ALTERNATE ERECT NEW STATION ON ARCHIBALD STREET
MANSFIELD AVENUE	REPLACE OR RENOVATE AT THIS LOCATION, ENLARGE SITE
FERGUSON AVENUE	RETAIN AS IS

A fire-fighting system for the waterfront should be considered and it is recommended that the City's marina, in its extension, provide space for a fire emergency boat and possibly one piece of shore-based equipment.

Other City Buildings

The Library needs further renovation and improved storage and work space. There is enough area on the site for a modest addition. Serving the North End of the City is a problem which could be met through a small branch in rented quarters or possibly by means of a "bookmobile".

The Municipal Auditorium across from the High School requires additional renovation, particularly if the City Hall Auditorium is retired.

The City's public works yard on Pine Street is large enough, but some renovation of the structures is needed.

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Water Service

The City's capacity to pump and filter water from the lake is currently satisfactory. However, additional capacity should be installed in the near future and more high level storage provided to assure a good pressure reserve in case of any pumping difficulty and to make possible additional use of City water by neighboring communities. The cost of these improvements probably can be met by water sales revenues as in the past. A water tower or standpipe on the present reservoir property is one possible solution.

Electric Service

This department appears to be in a very healthy condition and should be able to meet all foreseeable electric service needs of the City in the future. No new land area is needed.

Sewerage

The City is fortunate to have two modern sewerage plants in operation. With the addition of a third plant on the Winooski River near Riverside Avenue, it will be possible to collect and treat sewage from all parts of the City. With this "complete" treatment, two important objectives will have been reached: (1) the City will not be causing any pollution to its waterfront and beach, and (2) the City's water supply will not be in danger of any immediate pollution by sewage.

Neither of the above objectives can be fully reached until neighboring communities also fully treat their wastes. The City's treatment plants could become part of a regional system in the future, a prospect worthy of serious study by all concerned.

In the City's central area, a combined sanitary and storm water sewer — the Ravine Sewer — needs to be rebuilt. It runs from the area of Pearl Street southwesterly to Maple Street and then into the lakefront treatment plant.

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Storm Water Drainage

The elevation of most of the City's land above the lake and the Winooski River provides good natural drainage into water bodies that can receive, without serious flooding, all the run-off involved. The Intervale and the immediate lakeshore do tend to flood at high water periods, but no serious hazard is involved, and if the grade of the Intervale is raised by filling, the flooding conditions there can be removed.

Some of the local drainage channels need to be rebuilt or improved to avoid temporary back-ups after storms or thaws. One of these drains is the "Ravine Sewer" mentioned above. In addition, as main and local streets are resurfaced or rebuilt in the future, storm water drainage — curbing, catch basins, piping, etc., should be installed or renovated to handle the flow of storm water.



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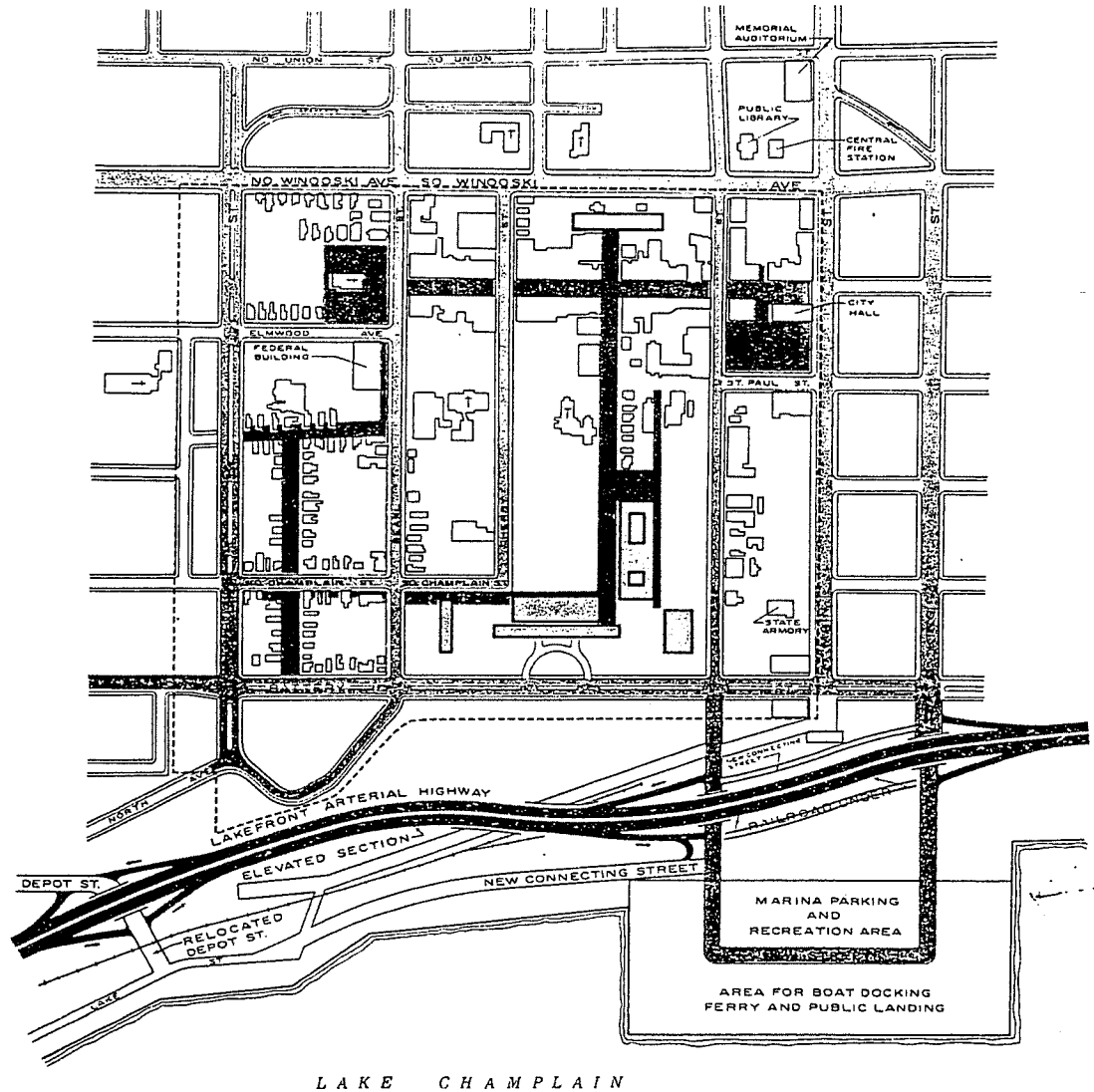
Rebuilding Downtown Burlington

The City's role as the "capital" of its region — the leader in retail, wholesale, industrial employment, services and institutions — requires a suitable physical expression downtown. Many excellent facilities are now here, and the churches and most public buildings are particularly well situated and maintained. The office and retail store community, however, is generally housed in older buildings, many of which are not fully utilized because their original design or some other factor creates obsolescence. As competing shopping facilities spring up in the suburban towns, and the trend continues for the scattering of central City functions into outlying areas, the City's center must be redesigned to maintain its share of these activities. The recently completed General Neighborhood Renewal Plan study is the first step toward this renewal. The detailed planning of the first project area is now underway and is scheduled to be completed by the spring of 1962.

The City's Comprehensive Plan relates the "GNRP" work to city-wide requirements. The Central Area Plan shown in this report indicates how the GNRP layout fits into the surrounding neighborhoods. The principal features are:

- ☐ A new lakefront arterial road connecting the downtown area to the north by the use of Depot Street, and eventually to the North End along the Rutland Railroad and also to the northeast across the Intervale; also connecting downtown to the south and the Interstate route at Shelburne Road. Local connections downtown would be by ramps at College Street and King Street where the arterial would be elevated over the railroad and local streets.
- ☐ Street widenings (King Street and South Winooski Avenue) and a new connection parallel to Pearl Street to provide a complete loop around the central core area. This would allow vehicles to circulate around the business center without entering into its local streets until they had reached the area closest to their destination. The loop would be: King Street on the south with a one-way

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- EXISTING BUILDINGS ☐
- PROPOSED BUILDINGS* ☐
- PROPOSED PEDESTRIAN WALKS AND OPEN AREAS* ☒
- PROPOSED PARKING AREAS* ☐
- PROPOSED TRAFFIC CIRCULATION SYSTEM ☐
- ONE WAY TRAFFIC FLOW ☐
- GENERAL NEIGHBORHOOD RENEWAL PLAN BOUNDARY ☐
- *ALL PROPOSALS ARE TAKEN FROM THE GENERAL NEIGHBORHOOD RENEWAL PLAN

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roadway to Main Street east of South Winooski Avenue; South Union Street on the east; a new roadway in the north parallel to and north of Pearl Street with a one-way roadway from Pearl Street in the vicinity of Lafayette Place; Battery Street on the west.

- ☐ A rebuilt Depot Street from North Avenue down to the new arterial to provide a better connection for traffic wishing to by-pass the central core.
- ☐ A rearrangement of local streets at the lakefront (principally Lake Street) with two new roadways parallel to and on either side of the new arterial between College and King Streets.
- ☐ An enlarged marina and ferry area created by extending College and King Streets and filling land between them.

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The Future Of The Intervale

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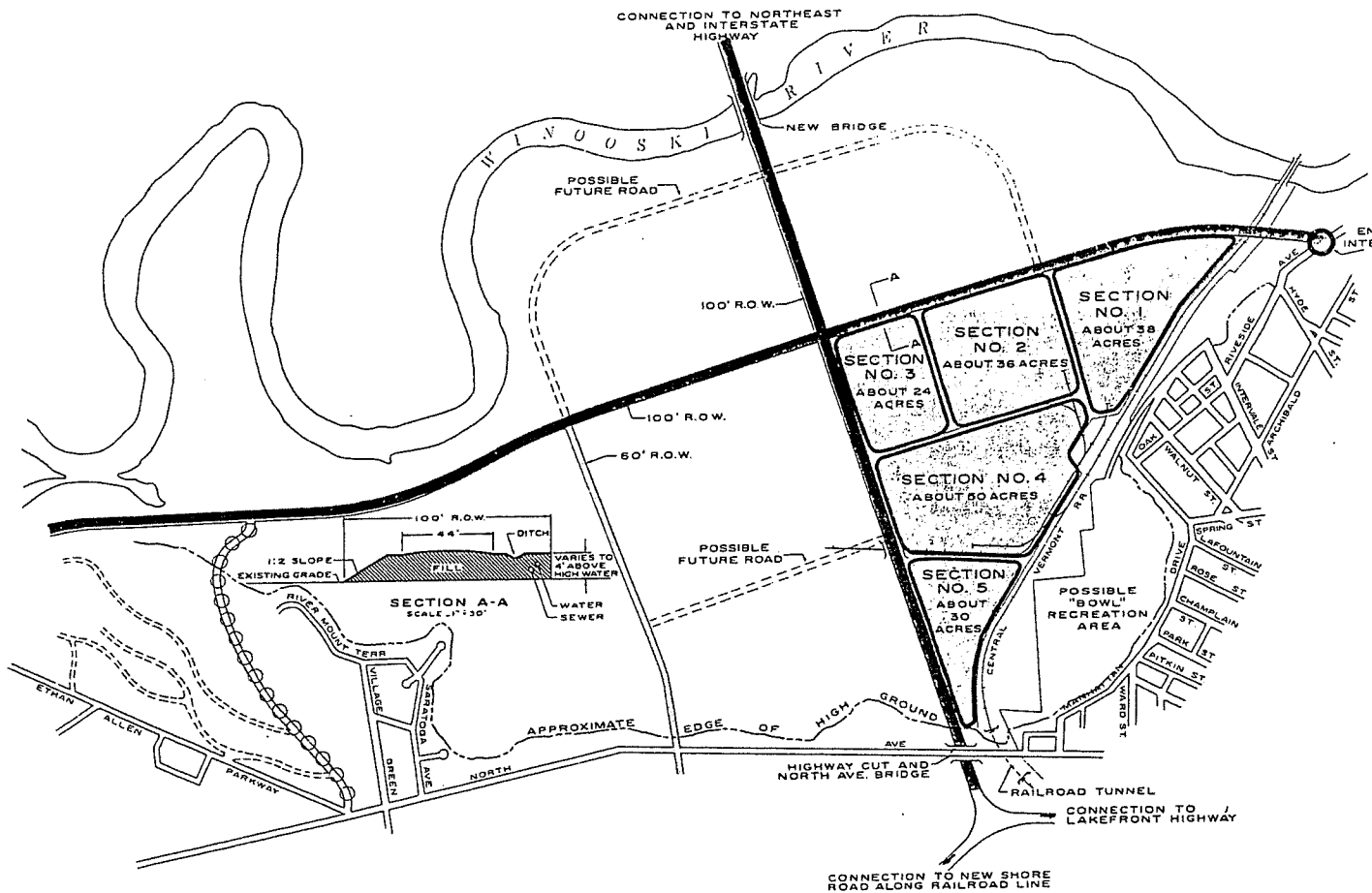
For decades, the undeveloped Intervale — about 1,000 acres of practically level land — has been a challenge to the City. Can it be developed? If so, is it practical to do so?

DEVELOPMENT HERE WOULD BE ADVANTAGEOUS TO THE CITY FOR THE FOLLOWING REASONS:

1. The area is now in seven parcels and lends itself to the contemporary need for large building sites for industry or commerce.
2. The area can be served by rail from the present Central Vermont Railroad track running through it.
3. Being inside the City, the area can be served by water, sewerage and electric service without the provision of any new facilities beyond extension of today's connections and would need no new governmental apparatus to do so.
4. The area is topographically separated from nearby development, creating a buffer effect.
5. The area is close to the local labor supply.
6. The area can be connected into existing or proposed arterial roads without excessively long extensions.
7. The area between the railroad and Manhattan Drive is a good recreational site.



Intervale Area Today



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GRAPHIC SCALE



0 750 1500

PROPOSED MAJOR ROADS (100 FT. R.O.W.) 1980

PROPOSED SECONDARY ROADS (60 FT. R.O.W.)

PROPOSED DEVELOPMENT AREAS 

PROPOSED STREET WIDENING 00

FACTORS TENDING TO DISCOURAGE DEVELOPMENT HERE ARE AS FOLLOWS:

1. The water table is high and at times of high water in the lake and river some of the land is under water. Basically, raising the grade through filling is required for any substantial development.
2. Access to the area now is by means of narrow, steep roads available only at the southern end at Riverside Avenue.
3. Any substantial development would require at least one, and perhaps two, new rebuilt roads for access.
4. Part of the edge of the area is residential and houses here would directly overlook new development.

The Intervale Plan shown suggests a staged development. At the beginning, an area just north of the railroad and to the west of the existing local road would be filled. At the same time, the right-of-way for the new road shown (running in a north-south direction) would be filled in the same area and a minimum surface provided. When this first site was occupied, a second area north of it would be filled and so on, with the roads going in at the same time. When two or three sites had been occupied, an improved road from Riverside Avenue across the railroad should be provided and the right-of-way for the extension of it northward toward Plattsburgh Avenue obtained.

It is likely that over a period of years, eight or ten sites of about 30 acres each could be developed. They would be suitable for light industry or possibly public use, such as an incinerator.

The Intervale area east of the proposed north-south road is shown as remaining in its present condition — open or farm land along the river. However, it too could be an industrial site if the grade were raised by filling.

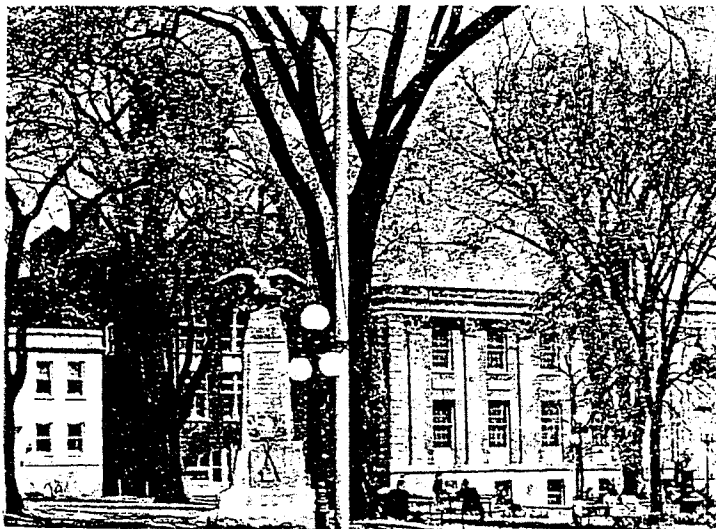
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Financing City Improvements

The Future Land Use Plan, Traffic Circulation Plan and Community Facilities Plan have shown how the City might look in 20 years. Some of the improvements and changes suggested will be carried out by private developers, others will need to be publicly financed. Examples of the latter are roads, bridges, schools, and parks. Not all the public improvements shown will be needed at once, and some do not need to be started until close to the end of the 20 years ahead. In order to determine what projects are most needed now and how they can be paid for, a special "capital improvements" analysis is helpful. This is the financial planning that must go with physical planning.

Financial planning attempts to take the physical plans of the Comprehensive Plan and present a practical program for carrying them out. It involves three judgments: (1) an estimate of the future tax base, and from this the amount of tax revenue available to finance improvements, (2) a judgment of the temper of the citizens in the future in approving financing programs, and (3) a judgment on which improvement projects are most important and which should be delayed.



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The Tax Base

In order to project future sources of revenue, the City's taxable real property has been analyzed in the past and estimates were made of its value in the future. The trend of the last 21 years is shown below.

**Table 7 Taxable Assessed Valuation^a
1940-1961**

Year ^b	Taxable Assessed Valuation	Increase
1940	22,888,317	— — — —
1945	23,695,252	806,935
1950	31,848,367	8,153,115
1955	44,605,650	12,757,283
1956	45,500,000	894,350
1957	46,167,800	667,800
1958	47,119,500	951,700
1959	49,755,920	2,636,420
1960	51,546,170	1,790,250
1961	52,140,350	594,180

CHANGE 1940 - 1950: \$ 8,960,050 - 39% INCREASE

CHANGE 1950 - 1961: \$20,291,983 - 64% INCREASE

AVERAGE ANNUAL INCREASE: 1955 - 1961: \$1,076,000

a. Includes real property only, less veterans and other exemptions.

b. As of April 1 of the year.

An annual increase of over one million dollars occurred in 1959 and 1960. In 1961, this advance slowed down, and the trend should be watched carefully. If an annual increment of one million dollars cannot be achieved, on the average, in the future, there will need to be a sharp cut in City expenses, or an increased tax burden, or new sources of revenue.

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AN ESTIMATE OF THE 1970 TAXABLE REAL PROPERTY FOL-
LWS (NOTE THE KEY ROLE OF URBAN RENEWAL):

1. 1961	\$52,140,350
2. VARIOUS DECLINES 1961-1970	
URBAN RENEWAL CLEARANCE	\$2,000,000
OTHER	250,000
	2,250,000
3. GENERAL PRICE RISE 1961-1970	5,000,000
4. NEW CONSTRUCTION	
URBAN RENEWAL	\$4,000,000
INDUSTRY	1,000,000
OTHER	1,000,000
	6,000,000
5. ESTIMATED 1970 VALUE	<u><u>\$60,890,000</u></u>

AN ESTIMATE OF THE 1980 TAXABLE REAL PROPERTY FOL-
LWS:

1. 1970	\$61,000,000
2. VARIOUS DECLINES 1970-1980	
RENEWAL	\$3,000,000
OTHER	250,000
	3,250,000
3. GENERAL PRICE RISE 1970-1980	6,000,000
4. NEW CONSTRUCTION	
URBAN RENEWAL	\$5,000,000
INDUSTRY	1,500,000
OTHER	1,000,000
	7,500,000
48 5. ESTIMATED 1980 VALUE	<u><u>\$71,150,000</u></u>

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This works out to an increase of one million dollars of taxable valuation each year, or about \$2.250,000 of new construction yearly, based on current assessment practice.

Current Expenditures For Capital Improvements

In the 1960-1961 fiscal year, the City spent \$430,820 for the principal payments and interest on outstanding bonds. (In addition, payments were made on bonds issued to finance water, sewer and electric service improvements: Since these are basically "self-liquidating" through charges to customers, they can be omitted from an analysis of debt costs with the understanding that this does not mean that such bonds can be issued for an unlimited amount without affecting City finances — its credit or the burden on taxpayers.) As principal payments are made on the existing debt, the total debt service charge declines. In the 1967-1968 year, existing debt will call for a \$374,830 payment — a reduction of 13% from 1960-1961.

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Future Debt Service Capacity

In 1960-61, the City's debt service payment was 0.83% of its taxable valuation. If we assume this was somewhat "low" (as earlier years indicate) and use a figure of 0.85 as an annual debt service cost, using the estimates of future taxable valuation above, we see that this percentage would yield a \$501,000 figure for 1967, or \$126,000 more than existing debt requires. This is one standard to use in estimating the new debt incurring "capacity" at that date. In the City's case, however, it appears necessary to exceed this standard temporarily in order to get some high-priority projects underway.

Table 8 Existing General Debt Service And Possible Additional "Capacity" 1960-61 to 1967-68

Fiscal Year	Existing Debt Service	Assessment Base	Assumed Debt Ratio	Excess Capacity
1960-61	\$430,820	\$52,140,350	0.0085	\$ 12,000
62	420,543	53,000,000	0.0085	30,000
63	409,933	54,000,000	0.0085	50,000
64	391,875	55,000,000	0.0085	76,000
65	391,050	56,000,000	0.0085	85,000
66	379,570	57,000,000	0.0085	105,000
67	398,678	58,000,000	0.0085	94,000
68	374,830	59,000,000	0.0085	126,000

This type of analysis — using the assumptions above — leads to figures which indicate how much money can be spent on new projects.

As of today, the bond terms and interest rates given the City are favorable and the City's credit excellent. This means that additional debt can be assumed without incurring penalties in interest charges.

Two of the City's departments, Water and Electric Light, have been receiving in revenues more than expenditures. Currently this is averaging about \$200,000 each year. This money goes into the City's general budget to defray other expenses, and can be viewed as an offset to capital expenditure.

Which Projects Should Be Started Soon?

The normal practice in laying out a financial plan is to make a detailed capital improvements program for six years in advance. All projects that can be fitted into this six year period, i.e. can be started in this period, can be considered to be "high priority".

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Those that have to be postponed and started later can be considered "low priority" projects. Since the list of desirable public improvements is long, most of them must necessarily fall in the low priority classification. At this time, the next six years of capital expenditures could probably start fifteen projects. These are listed below with estimates of cost.

Self-Liquidating Projects

Water System

Improvements and enlargement of intake and filtering equipment at present plant. Estimated to cost \$200,000. Start in 1966-67.

Third Sewage Disposal Plant

As planned on site between Riverside Avenue and the Winooski River. Needed to complete service to City. Current cost estimate \$390,000. Start in 1963-64.

Incinerator

Construction of modern refuse disposal plant, probably in Intervale north of the railroad. A "land fill" method is an alternate, but not as satisfactory in most cases, and would not result in good foundation fill if the Intervale was so used.

Tax Base Improvement Through Urban Renewal

These are direct investments to obtain an improved tax base. The current General Neighborhood Renewal Plan has been divided into three steps — each a separate project. The estimates of gross city cost and timing are as follows:

FIRST PROJECT	- \$800,000	START: 1962-63
SECOND PROJECT	- \$285,000	START: 1964-65
THIRD PROJECT	- \$295,000	START: 1967-68

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Revenue Producing Improvements

Municipal Beach

Two projects would be involved, the first the acquisition of additional beach frontage from the south end of the existing beach to the area now used for oil storage. This is estimated to cost \$50,000 and should be carried out in 1964-65. The second project is the rebuilding of the locker and service facilities to make the beach more attractive. Cost estimated at \$125,000. Start in 1966-67.

Marina Enlargements

Acquisition of rights and plans for a future marina expansion north of the existing "salt dock" area between King and College Streets. No firm estimate available, but \$10,000 should cover planning costs. Start these plans in 1964-65.

Other Improvements Enhancing Neighborhood Or City-Wide Values

High School Improvement

A \$3,000,000 project to provide new high school accommodations. Should be started in 1962-63 because of the present overcrowded situation.

Arterial Street Program

A start should be made on the improved major arterial system shown on the Plan. (A widened North Avenue is a specific project listed below.) About \$200,000 estimated as the city's 25 per cent share of the first stage to be started in 1963-64. The first section might be either the overhead section from Depot Street to south of Maple Street or an improved link between North Winooski Avenue and North Avenue along Archibald Street and Manhattan Drive.

Various Street And Storm Drainage Improvements

Repaving or reconstruction of various streets; paving of streets now unpaved; storm drainage improvements in several locations.

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Estimated cost \$300,000 should start in 1963-64 and should be looked on as a first stage in a long-range street improvement program. Work can be done through city forces or by contract.

New Police Headquarters

Conversion of Armory on Main Street to a new police building. Cost estimated at \$50,000. (Transfer from state to City ownership assumed at no cost.)

Some off-setting revenue if present site on Church Street is sold. Start in 1963-64.

Widening Of North Avenue

Wider pavement from Washington Street to Killarney Drive. Estimated cost \$300,000. Needed to relieve serious current traffic congestion. Should start no later than 1966-67. State aid a possibility.

New Fire Station

Replacement or rebuilding of Champlain Street Station. Possibly moving it northward to Archibald Street as shown on the Plan. Cost estimate — \$70,000, start in 1967-68.

New Aerial Fire Truck

Cost estimated at \$55,000. Purchase in 1967-68. Needed to protect new construction in the downtown area as urban renewal proceeds.

Lower Priority Projects

The following list indicates the variety of desirable improvements that will claim the attention of City administrations in future years. Some of these will need to be placed in the capital improvements schedule at an early date, others may be postponed to the end of the 20-year planning period. These are not listed in any order

54 of priority.

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- ☐ RENOVATE, REPLACE OR ENLARGE THE SITE OF SEVEN ELEMENTARY SCHOOLS — ADAMS, IRA ALLEN, BARNES, CHAMPLAIN, TAFT, THAYER AND WHEELER.
- ☐ RENOVATE OR BUILD A SOUTH JUNIOR HIGH SCHOOL.
- ☐ ACQUIRE LAND AND BUILD A NEW SCHOOL IN THE VICINITY OF APPLE TREE POINT ROAD.
- ☐ RENOVATE OR REPLACE THE MANSFIELD AVENUE FIRE STATION.
- ☐ ACQUIRE CENTENNIAL FIELD AS A CITY FACILITY.
- ☐ PROVIDE NEW PARK ON STARR FARM ROAD.
- ☐ ENLARGE SMALLEY PARK.
- ☐ ENLARGE POMEROY PARK.
- ☐ NEW PARK NEAR ELMWOOD AVENUE.
- ☐ RENOVATE MAIN LIBRARY.
- ☐ CITY'S SHARE OF ADDITIONAL PARTS OF ARTERIAL STREET SYSTEM.
- ☐ ADDITIONAL CITY OFFICE SPACE.
- ☐ INTERVALE DEVELOPMENT — ROADS AND FILL.

The Capital Improvements Schedule

The following tables indicate one pattern of financing the high priority improvements over the next six years, and illustrates that financial planning is essential to assure the city it will get these improvements in the future. It also points up the need for a continually improving tax base, and the fact that many useful and desirable projects must be postponed or financed outside of public funds. These schedules also point out that a substantial increase in annual capital improvement expense will be required if progress is to be made on important projects. The exact figures shown can be increased or decreased by modification in bond issue terms, interest rates and the possible use of cash instead of bonds.

The City spends money each year on capital improvement; the schedules are an attempt to program this expenditure far enough in advance to eliminate emergency situations.

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Schedule No. 1 "Self Liquidating" Water, Sewer And Electric Service Debt Payments*

	Current Year 1961-62	1962-63	1963-64	Future Fiscal Year		1966-67	1967-
EXISTING OBLIGATIONS	1964-65	1965-66					
WATER	\$ 33,375	\$ 32,700	\$ 32,025	\$ 32,025	\$ 30,675	\$ —	\$ —
SEWER (1975)*	74,321	73,061	71,801	70,541	69,281	68,021	66,7
ELECTRIC SERVICE (1983*)	355,280	350,080	354,880	349,420	353,960	358,240	293,5
TOTAL	\$462,976	\$455,841	\$458,706	\$452,311	\$453,916	\$426,261	\$360,2

*Retirement date of Obligations.

PROPOSED NEW OBLIGATIONS

INTEREST RATE 3.5%

20 YEAR LEVEL PAYMENT

1. WATER SYSTEM

IMPROVEMENTS (\$200,000) — — — — — \$ 17,000 \$ 16,6

2. THIRD SEWAGE DISPOSAL

PLANT (\$390,000) — — \$ 32,150 \$ 31,503 \$ 30,855 \$ 30,208 \$ 29,6

TOTAL

— — \$ 32,150 \$ 31,503 \$ 30,855 \$ 47,208 \$ 46,2

3. INCINERATOR (NO ESTIMATE)

— — — — — — —

PROPOSED TOTAL ANNUAL

PAYMENTS \$462,976 \$455,841 \$490,856 \$483,814 \$487,771 \$473,469 \$406,4

*(These costs do not appear as charges on the taxpayer's bill as they are met solely through rate charges.)

Schedule No. 2 Urban Renewal Debt Payments*

CITY'S SHARE ONLY	Current Year 1961-62	1962-63	1963-64	1964-65	1965-66	1966-67	1967-
INTEREST RATE 3.5%							
20 YEAR LEVEL PAYMENT							
FIRST PROJECT (\$800,000)	—	\$68,000	\$66,600	\$65,200	\$63,800	\$62,400	\$ 61,0
SECOND PROJECT (\$285,000)	—	—	—	24,235	23,726	23,228	22,7
THIRD PROJECT (\$295,000)	—	—	—	—	—	—	25,0
TOTAL	—	\$68,000	\$66,600	\$89,435	\$87,526	\$85,628	\$108,8

(City's share to be repaid from increased tax valuations in the area.)

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Schedule No. 3 Revenue Producing Projects-Debt Payments*

	Current Year 1961-62	1962-63	1963-64	1964-65	1965-66	1966-67	1967-68
1. MUNICIPAL BEACH							
ACQUIRE LAND (\$50,000)	—	—	—	\$ 4,250	\$ 4,163	\$ 4,075	\$ 3,988
2. MUNICIPAL BEACH							
IMPROVEMENTS (\$125,000)	—	—	—	—	—	10,625	10,406
3. MARINA EXPANSION							
PLANS ONLY** (10,000)	—	—	—	5,000	5,000	—	—
TOTAL	—	—	—	\$ 9,250	\$ 9,163	\$14,700	\$14,394

*20 year bond issue, 3.5% interest

**two annual cash payments

Schedule No. 4 General Obligation Debt Payments For High Priority Projects

	Current Year 1961-62	1962-63	1963-64	1964-65	1965-66	1966-67	1967-68
EXISTING OBLIGATIONS (EXCLUDING WATER, SEWER AND ELECTRIC SERVICE)	\$420,543	\$409,933	\$391,875	\$391,050	\$379,570	\$398,678	\$374,830
PROPOSED NEW OBLIGATIONS (20 YEAR BONDS, 3.5% INTEREST)							
1. NEW HIGH SCHOOL (\$3,000,000)	—	255,000	249,750	244,500	239,250	234,000	228,750
2. ARTERIAL STREET PROGRAM (\$200,000)	—	—	25,500	24,450	23,925	23,400	22,875
3. NEW POLICE HEADQUARTERS (\$50,000)	—	—	4,250	4,163	4,075	3,988	3,900
4. WIDEN NORTH AVENUE (\$300,000)	—	—	—	—	—	25,500	24,450
5. NEW CHAMPLAIN ST. FIRE STATION (\$70,000)	—	—	—	—	—	—	5,960
6. AERIAL FIRE TRUCK (\$55,000)	—	—	—	—	—	—	4,675
TOTAL	\$ —	255,000	\$279,500	\$273,113	\$267,250	\$286,888	\$290,610
TOTAL EXISTING AND PROPOSED OBLIGATIONS	\$420,543	\$664,933	\$671,375	\$664,163	\$646,820	\$685,566	\$665,440

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Land Use Control Through Zoning

The City's Comprehensive Plan includes many suggestions about the future use of land, some as publicly-owned facilities, but most of it as privately-owned property. Through the Zoning Ordinance, the Board of Alderman — with the advice of the Planning Commission — can control the future use of private land. If these zoning controls are closely tied in with the land use proposals of the City's Plan, much of the Plan can be carried out as time goes by.

The present zoning ordinance provides for Residence, Commercial, Modified Commercial and Industrial use districts. These are generally adequate to guide new development with two exceptions:

THERE IS NO PROVISION FOR A "ONE-FAMILY" RESIDENCE DISTRICT.

THERE IS NO SPECIFIC CONTROL OVER THE FUTURE USE OF FLOOD-PRONE AREAS.

Since the Plan shows areas for future use as one-family residence and flood plain, it is appropriate to consider specific rezoning amendments as soon as the Plan is agreed on.

A One-Family District

The existing "Zone 1" excludes from a residential district all industrial and commercial uses and provides for home occupations, school, church and governmental uses as may be needed in a neighborhood. It also permits, as a matter of right, after approval by the Board of Adjustment, hotels, motels, tourist homes and apartments. There is no "one-family district". Since much of the new subdivision development in the City is for the single home, it would seem appropriate to provide a separate district for such uses. The suggested standards for this district follow:

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Permitted Uses:

- A. Single family dwellings.
- B. Farm or garden, provided such use shall not be injurious, noxious, detrimental or offensive to the neighborhood.
- C. Church use, educational use, municipal recreational use.
- D. Any of the following uses, when authorized as a special exception by the Zoning Board of Adjustment:
 - 1. Customary home occupations, as required in Section 4, subsection E-3 for Zone 1.
 - 2. Greenhouses or nurseries.
 - 3. Hospitals, sanitoriums, or buildings used for charitable purposes.
 - 4. Golf courses.

Minimum Rear Yard: 20 feet.

Minimum Side Yards: 8 feet

Minimum Front Yard: 20 feet, with provisions for an average setback as in Zone 1.

Minimum Lot Size: 8,500 square feet.

Appurtenant Open Space: Same as Zone 1.

Maximum Height: 2½ stories or 35 feet.

It is recommended that this new district be placed on the Zoning Map to cover all of the area shown on the Master Plan for future one-family residence use.

A Flood Plain District

Large areas in the City are presently affected by high water in the Lake or the Winooski River. On the Comprehensive Plan, parts of these areas are shown for future development, while other parts are designated "Flood Plain — Agriculture". It is recommended that the City's Zoning Ordinance include provisions that will restrict, in a flood-prone area, the type of new development to those uses that will not increase the flooding hazard or endanger life

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A New Subdivision

LOCAL STREETS IN THE SUBDIVIDER'S LAYOUT CAN BE RELATED TO THE PROPOSED ROADS SHOWN ON PLAN.

In order to carry out this procedure effectively, it is recommended that the Subdivision Control Ordinance be amended by adding a new section specifically including the proper relation of a subdivision to the Plan as one of the City's requirements.

The Comprehensive Plan

When the City Planning Commission has reached agreement on the provisions in the Plan, it may formally adopt it as its guide, at which time (under State law) it becomes the City's "Comprehensive Plan". This document is advisory only and places no restrictions on the activities of City Departments and the Board of Aldermen. Such a Plan will, however, be useful to the Planning Commission as it reviews zoning changes, subdivision layouts, or gives its opinion on development matters to City officials. This Plan will also serve as a guide in future urban renewal activities.

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The Official Plan

When the Commission's "Comprehensive Plan" or parts of it are presented to the voters at a referendum and approved, the document approved becomes the City's "Official Plan". As such, it places certain restrictions on future actions of City Officials and the Board of Aldermen in that no City facility requiring land can be located that is not in conformity with the Official Plan without the Planning Commission having the opportunity to file an official report on the proposal.

The advantages of having an Official Plan include that of greater predictability of City actions as an ill-advised choice or an emergency situation can probably be prevented. Where a new situation arises, it can be anticipated by advance analysis and planning and the official plan amended as necessary.

Organization For Planning

Making the best use of the Comprehensive Plan will require technical help for the City Planning Commission in order that decisions are made after a careful analysis. In addition, each year brings new factors or changed factors into the economy and organization of the City; this may mean a revision of the Plan to take advantage of an unforeseen opportunity or to adjust to a changed situation. A good current example of this is the possibility of modification of the State's highway aid program in the City. This is also a good example where technical staff is important in order to obtain the best presentation of the City's point of view.

Planning Objectives

Before the citizens are asked to approve the "Official Plan," it will be necessary to gain their understanding of the Plan's objectives. The following is a brief summary of the objectives of the Plan that have been presented in this report.

1. Residence Areas

62 All housing areas in the City should be maintained in good condition in order to provide continuing attractiveness for all kinds of

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people — manufacturing and service employees, professionals, managers — young people, old people — modest incomes and high incomes.

To do this, areas that are now in good condition should be given adequate protection against blight through proper zoning, the housing code, a good standard of street and utility maintenance, and convenient schools and recreation areas. Where the area is beginning to "go downhill," a vigorous application of zoning and housing codes to eliminate violations and hazards should be persistently carried out; defective streets and utilities brought up to standard, and needed school or recreation areas provided, and through traffic should be channeled out of local residential streets.

Where the housing area is now blighted, rehabilitation and clearance should be scheduled. Urban renewal activity of all types — private, city or federal — should be encouraged and carried through. Street patterns, land uses and public facilities should be relocated, rebuilt or refurbished in accordance with the Plan. Better housing accommodations should be provided where needed.

2. Downtown Burlington

Maintenance and enhancement of the downtown section is a major goal of the Plan in keeping with the City's role as the central urban area of a large region. This calls for good vehicular access, ample parking, elimination of obsolete buildings and uses, and continual construction of modern facilities for government, schooling, shopping and meeting places.

The urban renewal program now underway is the first step toward enhancement of the value of downtown Burlington. This must be supported by new arterial highway construction as soon as possible.

3. Industrial Development

The City's industrial development program has already very wisely set aside a new industrial park section. Through renewal and other means, the older areas should also be enhanced and rebuilt. This appears possible because the City offers water, sewer and electric service of high quality and relatively low cost.

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The vast Intervale area is the City's great reservoir of open land. It should be laid out for future non-residential uses and a long-term program for raising its grade above high water initiated.

4. Lakefront

The City's long water boundary is perhaps its greatest over-all asset. In addition to providing access to water-borne commerce, recreational boating and bathing, it gives the City a magnificent setting for residence use and a national reputation for attractiveness. A proper next step would be a thorough engineering and planning study of this area which covered boating, commerce, industry, highway, railroad and other uses and related them to an overall program.

5. Schools

The City is fortunate in having started an extensive school plant modernization program. With respect to the physical layout of the school system, the most basic standard should be an elementary school convenient to each neighborhood. Where an existing school is replaced, it should be done in a manner to maintain or improve the location.

6. Parks And Recreation

The quality of parks and recreation is fast becoming a major factor in determining the value of a neighborhood as a place of residence, particularly for families with children. Parks are no longer ornamental frills, they are community investments.

Each planning area or neighborhood should have at least one centrally located recreation field. This could be in conjunction with a school site. Where such an area does not now exist, it should be created by purchase or urban renewal as necessary.

City-wide parks will also be needed for boating, bathing and major athletic events.

7. Other Public Facilities

64 A new police headquarters should be provided near the downtown area. It should have adequate parking space and be capable of

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housing an up-to-date police operation.

All sewage should be treated to prevent possible pollution of the lakefront. Water supply should be improved sufficiently in advance of actual need to maintain a reserve to serve new industry.

Library facilities should be expanded, either through a branch location, "bookmobile," or school libraries.

Fire stations should be replaced and relocated where they are over-age or not situated for maximum utility.

8. Financial Planning

A long-range capital improvements program should be adopted and annually reviewed. It should be developed from realistic estimates of the future tax base and debt service costs so that all high-priority projects can eventually be obtained without any emergency expenditures or severe tax rate fluctuations. An attitude of community INVESTMENT rather than budget juggling should be continually fostered.



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Looking Toward The Future

The Comprehensive Master Plan for the future development of the City of Burlington represents an important step towards a better Burlington.

Primarily, the plan contains general concepts directed toward guiding the city's growth in the future. At the same time, the plan also recommends several specific improvements and immediate action programs which should be undertaken shortly.

The combination of both long-range and immediate action programs gives the planning commission and the city officials an opportunity to carry on the high level of planning activities generated during the plan development period. As the city's needs change so too must the plans and programs be reviewed and necessary modifications to the plan made.

66 The effectiveness of the plan lies in its use as a guide and background material for intelligent public and private action resulting in a physical development of Burlington benefiting the whole community. Only through a comprehensive approach to development problems by both public officials and individual developers will the City of Burlington attain the potentialities outlined in this plan.

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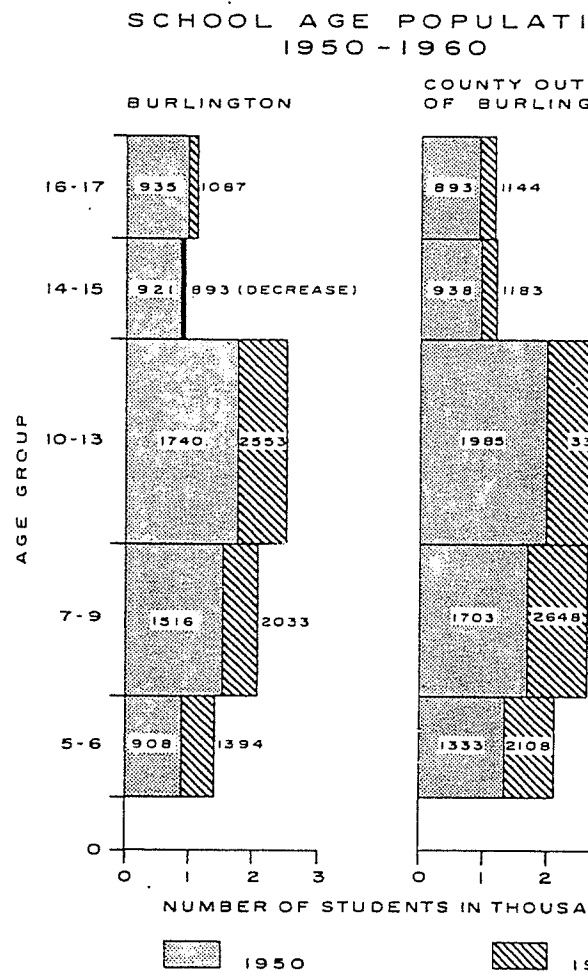
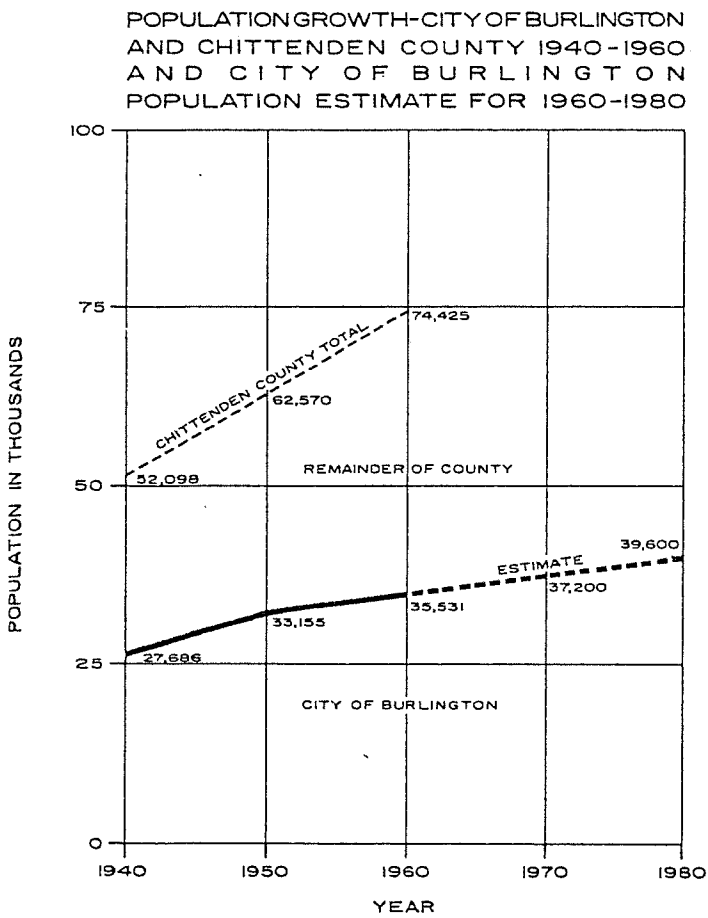
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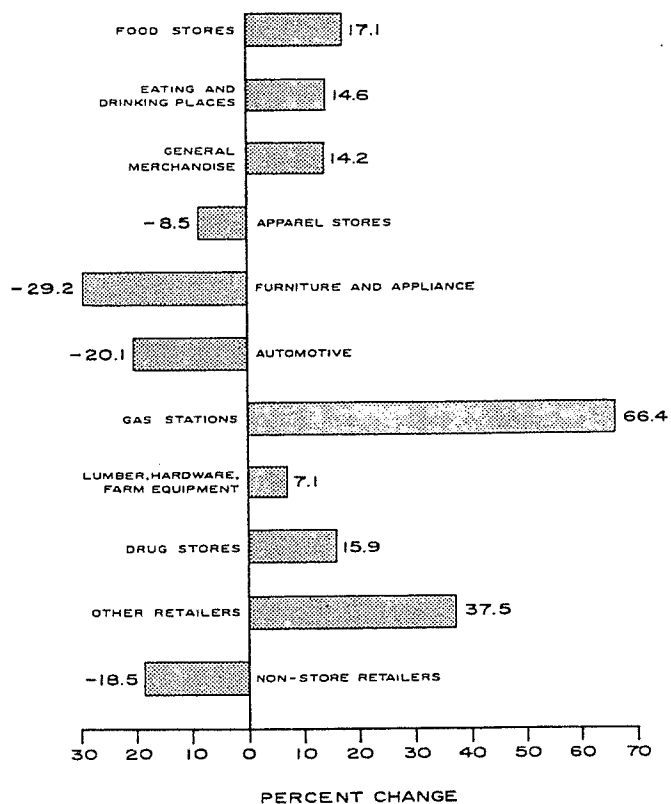


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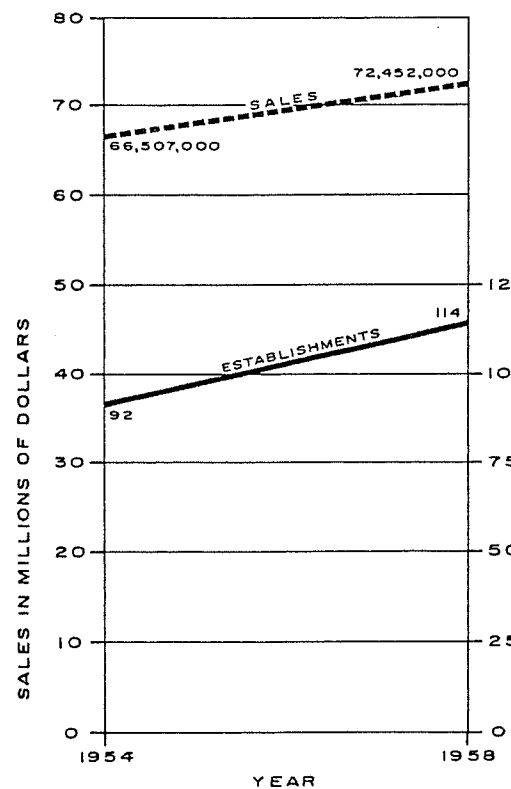
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TREND IN RETAIL TRADE 1954 - 1958
CITY OF BURLINGTON



SOURCE: U.S. CENSUS OF BUSINESS. FIGURES ADJUSTED TO CONSTANT DOLLARS.

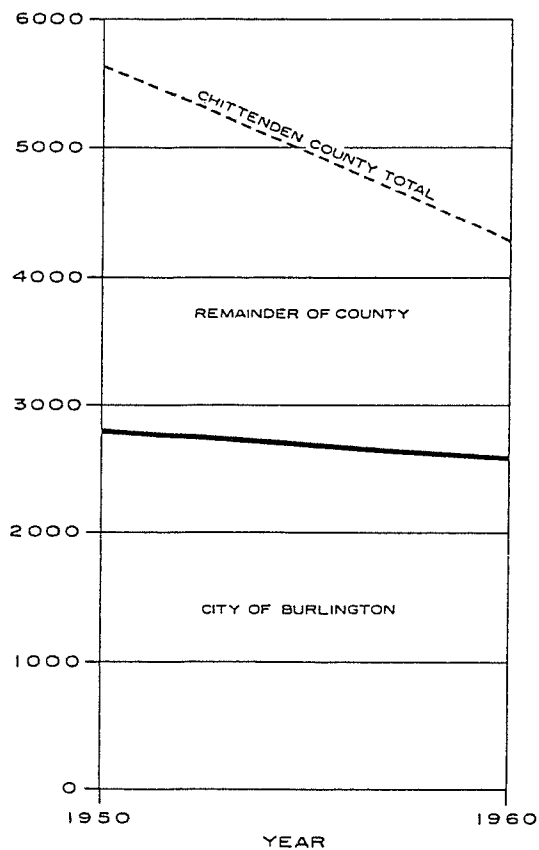
TREND IN WHOLESALE TRADE
1954 AND 1958
CITY OF BURLINGTON



SOURCE: U.S. CENSUS OF BUSINESS

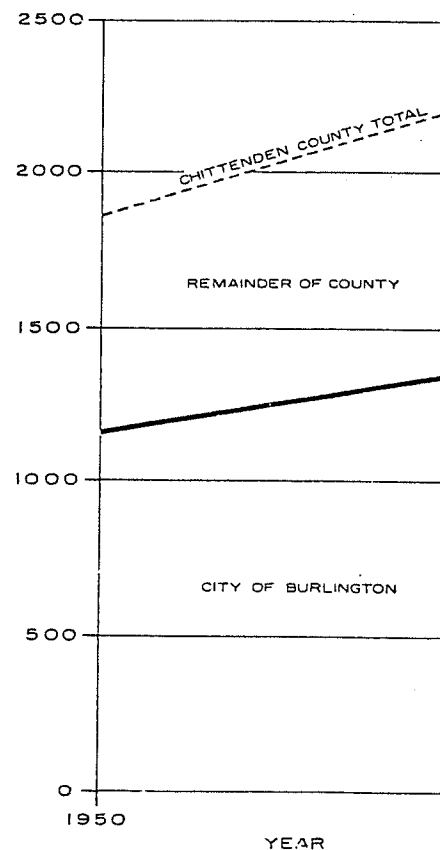
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MANUFACTURING EMPLOYMENT,
1950 AND 1960
BURLINGTON & CHITTENDEN COUNTY



SOURCE: VERMONT DEPARTMENT OF EMPLOYMENT SECURITY,
U.S. DEPARTMENT OF COMMERCE, ADJUSTED

TOTAL EMPLOYMENT
1950 AND 1960
BURLINGTON & CHITTENDEN COUNTY



SOURCE: VERMONT DEPARTMENT OF EMPLOYMENT SECURITY,
U.S. DEPARTMENT OF COMMERCE, ADJUSTED

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BURLINGTON, VERMONT 1961 — EXISTING LAND USE BY NEIGHBORHOOD (in Acres)

LAND USE	NEIGHBORHOODS								TOTAL
	UNIVER- SITY	INTERVALE	NORTH END	SOUTH END	NORTH CENTRAL	SOUTH CENTRAL	HILL	GNRP	
R-1	40.72	7.61	321.48	97.44	10.15	45.67	154.79	12.70	690.56
R-2	8.02	1.03	4.06	15.22	83.74	17.76	16.74	12.70	159.27
R-3	8.12	.29	4.56	3.04	33.00	20.30	27.91	17.77	114.99
MIXED	—	—	2.03	2.03	12.70	2.04	.20	1.53	20.53
VACANT	170.00	984.23	1,393.38	341.04	278.10	30.92	98.96	5.08	3,301.71
PUBLIC	380.13	22.84	261.87	35.52	17.76	7.61	16.75	12.70	755.18
SEMI-PUBLIC	73.29	2.03	59.88	103.53	68.52	7.62	32.99	4.06	351.92
COMMERCIAL	1.01	—	3.04	50.75	27.92	93.89	7.61	31.48	215.70
INDUSTRIAL	—	4.06	40.60	72.06	101.97	48.22	—	3.05	269.96
STREETS AND ROADS	39.46	1.03	137.02	78.15	139.57	68.51	77.65	38.07	579.46
TOTAL LAND AREA	720.75	1,023.12	2,227.92	798.78	773.43	342.54	433.60	139.14	6,459.28
WATER AREA									452.82
TOTAL AREA	720.75	1,023.12	2,227.92	798.78	773.43	342.54	433.60	139.14	6,912.10

Source: Consultant's Survey, 1961.

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Planning Consultants:

**Candeub, Fleissig and Associates
211 Congress Street, Boston, Mass.**

**Robert Charles Associates
73 Tremont Street, Boston, Mass.**

Principal Planner: Ralph M. Barnes

Resident Planner: Lloyd P. Presseau

Chief Of Graphics: Roland Zunde

Report Design: Robert P. Gersin

Photographs: Vermont Development Commission; Bert Bach; James V. Detore; Conant.

**BACKGROUND REPORTS, Submitted during the
course of the work, covered the following
subjects in more detail:**

Existing Land Use and Population

School Age Population

Planning Goals

Financial Planning

Subdivision Regulation

Zoning Ordinance

Organization for City Planning

Economic Background for Planning

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Filed at Burlington this 17th day
of February, 1964.
LOREN PALMER
ROBERT GELNEAU
Feb. 26-March 4-11 Commissioners

EXHIBIT 10

Judge

It's So Easy To Use
Free Press Want Ads.
2-Bene-Mell-Or Bring In

LEGAL

WARNING

ANNUAL CITY MEETING

AND

FREEMEN'S MEETING

Tuesday
February 26, 1964
Page 18
The Burlington
Free Press

The legal voters of the City of Burlington, Vermont, are hereby notified and warned to meet in Annual City Meeting on TUESDAY, THE THIRD DAY OF MARCH, A.D., 1964 at 7 o'clock in the forenoon in their respective wards, at the several voting places herein-after named, for the purpose of electing officers required by law, as follows, in

WARD ONE

—One Alderman for the term of two years from the first Monday in June, 1964, and Ward Officers, and in

WARD TWO

—One Alderman for the term of two years from the first Monday in June, 1964, and Ward Officers, and in

WARD THREE

—One Alderman for the balance of the two year term ending June 1, 1964, and one Alderman for the term of two years from the first Monday in June, 1964, and Ward Officers, and in

WARD FOUR

—One Alderman for the term of two years from the first Monday in June, 1964, and in Precinct One of said ward, precinct Officers, and in Precinct Two of said ward, precinct Officers, and in

WARD FIVE

—One Alderman for the term of two years from the first Monday in June, 1964, and one School Commissioner for the term beginning July 1, 1964, and Ward Officers, and in

WARD SIX

—One Alderman for the term of two years from the first Monday in June, 1964, one School Commissioner for the term beginning July 1, 1964, and in Precinct One of said ward, precinct officers, and in Precinct Two of said ward, precinct officers.

Also, to vote upon certain special articles, the first two of said articles being inserted herein by requirement of the Vermont Statutes, and the remainder of said articles being inserted herein by request of the Board of Aldermen by Resolutions duly adopted and approved, said special articles being as follows:

1. Shall licenses for the sale of malt and vinous beverages be granted in this City?
2. Shall spirituous liquors be sold in this City?

3. Do you favor the adoption of the plan for the future development of the City of Burlington as prepared and approved by the City Planning Commission on April 17, 1963, and approved by the Board of Aldermen on May 21, 1963, and as filed in the office of the City Planner, as the official plan of the City of Burlington?

4. Shall the City Council be authorized to assess upon the property

next, for example account of Co- ministratrix of deceased and residue of said claimants of the that public notice to all persons to be published by publishing three successive days assigned, in Press, a new Burlington in a THEREFORE, filed to appear in the office in Burlington on the day assigned in the afternoon contest the allowance if you see cause your right as lawful claimant. Given Under day of February 12-19-64

ESTATE OF WALTER I. STATE OF District of Chitt The Honorable the District At To all persons Estate of Walter of New York, N

Whereas, said the 23rd day of next, for example account of Co- ministratrix of deceased, and residue of said claimants of the that public notice to all persons Estate of Walter of New York, N three weeks successive day assigned, in Free Press, a at Burlington. THEREFORE, filed to appear in the office in Burlington on the day assigned in the afternoon contest the allowance if you see cause your right as lawful claimant. Given Under day of February 12-19-64

ESTATE OF HELEN P. STATE OF District of Chitt To all persons Estate of Helen Burlington in said

Whereas, said the 23rd day of next, for example account of ministratrix of the

ESTATE OF HELEN P. STATE OF District of Chitt To all persons Estate of Helen Burlington in said

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Burlington Free Press

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Burlington, Vermont, On Beautiful Lake Champlain

WEDNESDAY, MARCH 4, 1964

At Vermont Town Meetings

Voters Back Zoning Raise School Taxes



Sweet Time Again

Lori Gleason, 7, samples maple sap as brother Brad, 10, holds cover of bucket, in Middlebury Tuesday. Brad and friend Roy Lapell, 11, maintain small-scale sugaring operation which involves seven trees, 24 buckets and outdoor arch in backyard.

Jury Completed For Ruby's Trial

DALLAS (AP)—A new judge works for the telephone com-

School budget increases and zoning plans generally won voter support, but school bond issue projects didn't fare so well in most Vermont communities during Tuesday's traditional town meeting sessions.

Barre has a new mayor, but Waterbury has no high school project as a result of the local elections.

Balmy temperatures and bright sunshine brought Vermonters to the polls in bigger-than-expected crowds in most places for the annual scrutiny of the affairs of local government.

Rep. C. O. Granai was elected mayor of Barre Tuesday, Granai defeating Alderman Wilfred J. Fisher by nearly 300 votes. He served one term as mayor six years ago.

In the only other contest for mayor, Republican James B. Pignona was re-elected to a second term as mayor of St. Albans by more than 200 votes over Democrat Raymond E. Prior, a former alderman. St. Albans voters also approved a zoning ordinance.

Mayors E. W. Logan of Newport and Manuel Canas Jr. of Montpelier were re-elected without opposition. It was an off-year for election of mayors in Burlington, Rutland, Winooski and Vergennes.

Winooski voters rejected a \$999,500 bond issue proposal for

Burlington voters rejected a \$76,000 school bond issue and a special 20-cent school tax but they passed spending measures for streets, industrial develop

Salisbury and Johnson passed zoning measures, and Burlington voters approved a massive Master Plan that will be used to update that city's zoning ordinance.

Montpelier voters decided to buy an armory, but Barre voters rejected the proposal to buy the state armory in that city. Island Pond voters passed a \$50,000 bond issue for a sewage treatment plant.

In Vergennes, three incumbent aldermen won re-election in the "smallest city" in the nation.

One Montpelier voter decided to brighten up things. He cast a write-in ballot for "Lyndon B. Johnson" for mayor. Johnson didn't make it, though.

Many communities reported "exceptionally high" turnouts during the spring-like day, despite a general shortage of controversial issues.

But, there was controversy in spots like Starksboro, where the chairman of the Board of Selectmen was ousted and some tempers flared over the issue of location of an access road.

School Change

In Vermont's

Constitution OK'd

DEPARTMENT OF
PLANNING & ZONING

SEP 23 2013

Amount

200.00

200.00

20.00

200.00

200.00

100.00

200.00

10.00

200.00

20.00

200.00

200.00

200.00

6,870.00

104

6

1

111

15

23

49

72

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REPORT OF THE

CITY PLANNING COMMISSION

To the Honorable City Council of the City of Burlington, Vt.:

Gentlemen: We respectfully submit the annual report of the Burlington City Planning Commission and the Burlington Urban Renewal Agency for the fiscal year ending June 30, 1964.

During this past year, the Burlington Planning Commission was involved in a great number of varied problems of overall City planning. Serving as the coordinating body for local commissions, agencies and interested citizens, the Planning Commission and the State Highway Planning Department, arrived at an agreeable solution as to the route of the proposed west side highway that will relieve a great traffic problem to North Burlington, in addition to the possibility of opening up the long dormant interval.

The Planning Commission, through the City Planner, has cooperated with several City departments and agencies, with plans and suggestions in regard to traffic and parking problems, proposed marinas, and sites for proposed new buildings.

Recently the Planning Commission was involved in several new developments where the developer was not fulfilling all the requirements of the Sub-division ordinance. It is the feeling of this Commission that all provisions of this ordinance be fulfilled, thus relieving taxpayers of spending money for these provisions in future years to come.

On Tuesday March 3, 1964, the Master Plan was approved by the City voters by a large majority vote. The Planning Commission wishes to thank all citizens of Burlington who put their trust in this plan, as a guide for future City planning and expansion. It will be updated and revised to match the City's growing needs.

In other areas the Commission, acting as the City Urban Renewal Agency, has been engaged in the detailed preparations necessary to get into the execution stage of the Champlain Street Project. The scope of these preparations has been in Relocation, Financing, Accounting, Land Acquisition, Land Disposition, Property Management, Legal, Engineering and other related fields. The apex of this year's activity has been the signing of a Loan and Capital Grant Contract with the Federal Government.

The Commission advertised for, and received proposals on the redevelopment of the project area. After a review by two Citizens Advisory Committees and the Commission, a Burlington firm (Horizon Incorporated) was given a letter of intent to enter into contract, subject to final approval subsequent to receipt of additional information and supporting documentations.

The Planning Commission is appreciative of the cooperation received from all City Departments, Officials, and Citizens of Burlington.

Respectfully submitted,

LLOYD P. PRESEAU, *City Planner,*
ARTHUR R. HOGAN, JR., *Executive Director,*
Urban Renewal Agency.

RECEIVED
SEP 23 2019

DEPARTMENT OF
PLANNING & ZONING

October 30, 2019

Burlington Development Review Board
149 Church Street
Burlington Vermont, 05401
c/o Alison Davis

Re: Case # 20-0350AP, Motion requesting that the Burlington Development Review Board provide to Appellant a definition for "Building".

Dear Alison,

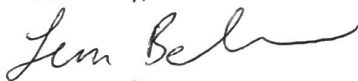
The Public Hearing Notice you emailed me says, "Appeal of Nov 372003; Occupying structure with more than 4 unrelated adults in a Residential-Medium Density zone, inconsistent with the Family Definition of the Comprehensive Development Ordinance Article 13 (Project Manager: Ted Miles).

The Burlington Zoning Ordinance defines "Structure" as, "Any construction, erection, assemblage or other combination of materials to form a construction that is stable, including but not limited to, buildings,". See attached.

The Burlington Zoning Ordinance definitions section does not provide a definition for "building".

Appellant requests that the Burlington Development Review Board provide him a definition for "building".

Sincerely,



Leon Beliveau
1166 Main Street
Fairfax Vermont, 05454
802-238-0922

Cc: Ted Miles, Mailed certified mail and first class mail.

- (c) **Minor Collectors:** Gather traffic from local streets and feed it to major collectors.
- (d) **Local Streets:** Streets used primarily for direct access to individual properties.
- (e) **Alleys:** Ways which provide access to the back or side of properties abutting on a street and used primarily for providing services to such properties.
- (f) **Cul-de-sac:** The turn around at the dead end of a local street.

Street Classification: Hierarchy of streets based on use and connectivity.

Streetscape: The physical elements that combine to create a public street and together define its character, including but not limited to, building frontages, landscaping, signs, and lighting.

Structure: Any construction, erection, assemblage or other combination of materials to form a construction that is stable, including but not limited to **buildings, stadiums,** reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, bridges, piers, bulkheads, wharves, sheds, coal bins, shelters, fences, and display signs visible or intended to be visible from a public way, footings or a foundation attachment to the land and swimming pools necessitating pilings. The term "structure" shall be construed as if followed by the words: "or part thereof."

Subdivision: A division of a parcel of land into two (2) or more lots, or other divisions. (Also see Lot Merger and Lot Line Adjustment.)

Substantial Rehabilitation: For the purposes of this ordinance any rehabilitation of an existing structure that requires an investment equal to at least fifty percent (50%) of the structure's total replacement cost as approved by the City.

Surface parking: See Parking, Surface.

T

Tailor Shop: An establishment for the repair, alteration, and/or custom making of garments such as suits, coats, and dresses.

Temporary structures: A building or structure intended for removal or demolition within a prescribed time. See Article 5.

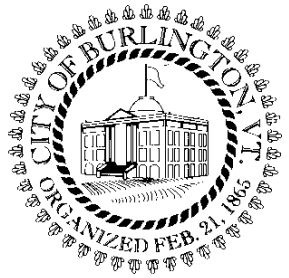
Department of Planning and Zoning

149 Church Street
Burlington, VT 05401

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Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: November 6, 2019
RE: ZP20-0367CA; 27 Colchester 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.

File Number: ZP20-0367CA

Zone: ICC-UVM **Ward:** IE

Date application accepted: September 27, 2019

Applicant/ Owner: University of Vermont State Agricultural College

Request: 2,860 sf addition to Torrey Hall for improved ADA accessibility, to include stairs and elevator for all three stories and basement. Associated landscaping, walkways and relocation and rearrangement of 22 existing parking spaces. Request for extended permit life of 5 years within two phases. Request for specific days and hours of construction.



Background:

- **Zoning Permit 17-0968CA**, replace asphalt mansard roof with slate. Return to original roof angle and shape. May 2017.
- **Zoning Permit 15-1194CA**, replace/rebuild exterior stairs, replace guardrails, replace sidewalk with concrete. June 2015.
- **Zoning Permit 86-430 / COA 86-023**, construct 40,000 sf. building to house School of Business with classrooms, offices and support functions. To relocate entrance drive from Colchester Avenue and develop new 45 car parking area. May 1986.

Overview: UVM proposes a building addition to Torrey Hall to create a new stair tower and elevator with a building footprint of 600-800 sf on each of four levels. Site work will include sidewalks, main entrance ramp, seat walls, bike racks, and new utilities to the building. Eleven parking spaces will be relocated to the northeast, with 12 others being adjusted in location or orientation. The applicant requests an extended permit timeline (2 phases) that will allow for the interior renovation of the existing building, damaged in a fire August 2017. See attached narrative for further details.

Recommended motion: Certificate of Appropriateness Consent Approval, per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. Immediate review indicates ZP15-1194CA and ZP17-0968C have not been issued Certificates of Occupancy. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

Article 3: Applications, Permits, and Project Reviews:

Section 3.2.9 Zoning Permits

(f) Exceptions to Permit time Limits

Except for projects subject to additional state or federal permitting jurisdiction, or which have been appealed to Vermont Environmental Court pursuant to the requirements of Article 12, there shall be no exceptions to the time limits specified in Sec. 3.2.9(d) and (e)

unless longer or shorter time limits are specifically imposed as permit conditions of approval by the DRB at the time of approval.

As the application is inclusive of a greater post-fire restoration project that includes funding constraints, insurance requirements and logical progression of rehabilitation, the applicant requests a 5-year permit life in 2 phases:

Phase I: Begin in the second quarter of 2020, consisting of construction of the tower addition and installation of sprinkler coverage to the historic structure.

Phase II: Renovation of the existing building and associated site work.

The comprehensiveness of the renovation and the order of project goals render the request reasonable. The applicant shall define the parameters of the requested phases. **Affirmative finding** as conditioned upon concurrence of the DRB.

Part 3: Impact Fees

Section 3.3.3 Exemptions and Waivers

(a) Exemptions:

4. Additions to existing buildings for which the sole purpose is to provide additional means of egress (e.g. stair towers, elevators, etc.)

As the proposal is to augment and enhance ADA access, the project is exempt from Impact Fees.

Affirmative finding.

Article 4: Maps & Districts

Section 4.4.4, Institutional District

(a) Purpose

See Sec. 4.5.2 (d) *District Specific Regulations: Institutional Core Campus Overlay, UVM Central Campus ICC-UVM.*

(b) Dimensional Standards & Density

See Sec. 4.5.2 (d) *District Specific Regulations: UVM Central Campus ICC-UVM.*

(c) Permitted & Conditional Uses

See Sec. 4.5.2 (d) *District Specific Regulations: UVM Central Campus ICC-UVM.*

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Sec. 4.5.2 Institutional Core Campus Overlay Districts

(a) Purpose

The Institutional Core Campus Overlay Districts are intended to provide for reasonable future growth for institutions within the core of their respective campuses without further intrusion into surrounding residential neighborhoods. This overlay allows increased development than would typically be found in the underlying districts. Development is intended to be more intense than the surrounding neighborhoods with higher lot coverage and larger buildings. New development should provide sensitive transitions to the historic development pattern and scale of the surrounding campus. Buildings both large and small should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Circulation should largely emphasize the needs of pedestrians and bicycles, and parking should

be very limited and generally provided offsite. Where parking is provided, it should be hidden either within or underneath structures.

The proposed construction of a new stair tower/elevator at Torrey Hall is consistent with the purpose of the overlay district. The modifications to parking (in location and arrangement) relocate existing surface parking spaces around the development site to accommodate the access tower and result in net one new parking space; negligible under these standards.

Affirmative finding.

(b) Areas Covered

2. UVM Central Campus (ICC_UVM) allows for an increased development scale and intensity than would typically be found in the adjoining and underlying districts to support continued growth and expansion of the state's flagship academic institution. In contrast to the ICC-UVMMC, this core campus would be expected to be dominantly pedestrian oriented, with all but the most essential parking provided off-site. Development within this core campus should reflect the institution's core educational values in both design and quality.

The stair / elevator tower is highly articulated, reflecting thoughtful, contextual design with manufacture in quality materials. The project will include pedestrian amenities, like improved walkways, bicycle racks and planting beds. The relocation of existing surface parking nearby results in the net increase of one parking space. See Section 4.5.2 (d) 4. below. **Affirmative finding.**

(d) District Specific Regulations: UVM Central Campus ICC-UVM.

1. Transitional Buffer:

- A. *The Transitional Buffer shall include all property within the area as measured from the centerlines of Colchester Avenue, East Avenue, Main Street, and South Prospect Street and extending 150 feet into the ICC-UVM District as delineated on Map 4.5.2-2 UVM/UVMMC ICC Transitional Buffer above.*
- B. *Lot coverage shall not exceed 40% for the aggregate of all land owned by an institution and located within the Transitional Buffer.*
- C. *Unless replaced on site, no housing unit in a residential structure located within the Transitional Buffer shall be demolished or converted to a nonresidential use, except for housing units which are exempt from the provisions of Article 9. Housing Replacement standards of this ordinance shall apply to any such*



activity.

The development area is not within the Transitional Buffer of the ICC-UVM overlay.
Not applicable.

2. Lot coverage

Maximum lot coverage shall be applied to the aggregate of all lots owned by the institution and located within the ICC -UVM District. Lot coverage shall not exceed 65% except as provided below.

The maximum lot coverage within the ICC -UVM District may be increased by one percent for each one percent that the Transitional Buffer coverage is less than 40%, up to a maximum of 70%.

As provided by the applicant for the 149 Beaumont Avenue application, existing lot coverage in ICC Main Street North is 50.5032%. This application would result in lot coverage of 51.16%,
Affirmative finding.

3. Setbacks

Minimum side and rear yard setbacks in the underlying zoning district shall not be applicable within the ICC -UVM District.

Front setbacks shall be fifteen (15') feet measured only along any street defining the Transitional Buffer.

The development area is outside the Transitional Buffer. **Affirmative finding.**

4. Surface Parking

No new outdoor surface parking spaces shall be permitted unless the number of the new outdoor surface parking spaces is offset by a corresponding removal of outdoor surface parking spaces existing as of January 1, 2007, and upon the approval by the DRB. [This was modified by the DRB in June 2019, and allowed delegation for administrative review under a change to DRB By-Laws.]



The area of the proposed access tower addition will spur the relocation of 11 parking spaces to the northeast, and re-arrangement of another 12 to facilitate the development location. There is net new of one surface parking space onsite in the rearrangement. Given the recently approved 149 Beaumont Avenue / Addition to HSRF building that included the removal of 121 surface parking spaces, the addition of a single surface space is negligible under this overlay-specific standard.

The applicant is advised to incorporate these parking alterations and overall parking count within the next Joint Institutional Parking Management Plan. **Affirmative finding as conditioned.**

5. Building Height

Building height shall be measured under the provisions of Art. 5 except that the Measurement Interval method specified in Sec. 5.2.5(a)(3) shall not apply.

For the sole purpose of regulating building height, the ICC-UVM District shall include an ICC-UVM Central Campus Height Overlay as delineated on Map 4.5.2-4. Building height within the ICC-UVM Central Campus Height Overlay shall not exceed 140-feet.

The proposed tower addition does not exceed the limitation of Map 4.5.2-4. **Affirmative finding.**

Map 4.5.2-4 ICC-UVM Central Campus and Height Overlay

For all other areas within the ICC-UVM District, except for ornamental and symbolic architectural features, additions and new construction may be built to a height that does not exceed the lesser of:

- A. The actual height of the tallest existing structure as of January 1, 2008 and located within the core campus district; or,*
- B. The elevation of a plane running parallel to sea level from a point defined by the roof of the tallest structure at the highest elevation within the parcel as depicted as of January 1, 2008.*



The proposed stair/elevator tower is not within the UVM Central Campus Height Overlay (see image.) It does not exceed the height of the tallest existing structure within the core campus, or the elevation of a plane running parallel to sea level from the point defined above. **Affirmative finding.**

6. Density

In the ICC -UVM District, density restrictions set forth in Article 4, Sec. 4.4.4 shall not apply to dormitories and rooming houses as defined in Chapter 18 of the Burlington Code of Ordinances.

The restrictions on the non-residential equivalent set forth in Art. 5, Sec. 5.2.7 (a) 2 shall not apply in the ICC -UVM District. Not applicable.

7. Uses:

Within the ICC-UVM District, Schools - Post-secondary and Schools -Community Colleges shall be treated as permitted uses.

The proposal is an addition to an addition structure/use, conforming to the district. **Affirmative finding.**

Article 5: Citywide General Regulations

Section 5.2.3 Lot Coverage Requirements

See Section 4.5.2, above.

Section 5.2.4 Buildable Area Calculation

This criterion does not apply to properties in the Institutional zone. Not applicable.

Section 5.2.5 Setbacks

See Section 4.5.2, above.

Section 5.2.6 Building Height Limits

See Section 4.5.2, above.

Section 5.2.7 Density and Intensity of Development Calculations

See Section 4.5.2, above.

Section 5.4.8 Historic Buildings and Sites



Originally constructed in 1862 as a 2 story brick square facing University Green, a third floor with Mansard roof was added in 1874. The building was moved to its current site in 1895, being rotated 90° so it now faces south rather than its westerly orientation. An easterly addition was added shortly thereafter, followed by a single story to the west. See [University Green Area Heritage Study](#) for further description. The building, identified as the “Old Art Building” in the original **University Green Historic District** nomination (Section 7, p. 3.) As

such, it is listed on the **National Register of Historic Places** within the **University Green Historic District**, and the following standards 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 University erected the building as a museum and library for the purposeful use. Extraordinarily, it continues as a repository with lab for UVM's Natural History Museum, and Pringle Herbarium. **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 original building mass with appendages will remain. The addition of a stair tower/elevator on the north (rear) of the building's orientation will have limited influence on the character of the building. **Affirmative finding.**

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

The addition does not create a conjectural element of any other property, but serves as a stand-alone, readable component to enhance building access. **Affirmative finding.**

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

The building has undergone several periods of alteration, the most recent in 1974. None of the most recent changes have secured merit for retention. The easterly and westerly 19th century additions will remain. The slate roof has been restored. **Affirmative finding.**

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

Reference is made to Plans A-3.0-A-3.4 for details of new work. **Affirmative 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.*

The application intends to append an access tower to the existing building, and does not intend replacement of deteriorated historic features. Not applicable.

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

Not applicable.

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

There have been no identified archaeological resources on this site, and given the building relocation, it is probable that the site has experienced significant disturbance. If the project presents new discovery, it shall be immediately reported to the Vermont Division for Historic Preservation for identification, analysis and determination of appropriate management.

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.*

The stair/elevator tower is sensitively designed to be compatible with the existing historic structure. A minor “link” (roofed and sheathed in copper) connects the tower to Torrey Hall. Minor fabric loss is limited to the point of connection. The addition stands both separated (in massing) and attached (at connection) to Torrey, replicating historic materials and arrangement. The plan successfully achieves this standard. **Affirmative finding.**

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

It is entirely possible to sever this addition at some future date without affecting the character and integrity of the historic structure. **Affirmative finding.**

Section 5.5.1 Nuisance Regulations

The applicant has requested hours of construction outside the typical parameter of permitting. Usually considered under Conditional Use regulations, this project does not rise to that level of review, so the request is taken in conjunction with the overall permit application.

Requested hours of construction are:

Monday-Friday 7:00 am – 6:00 pm

Saturday 8:00 am – 4:30 pm.

Sunday construction is limited to interior work.

Nothing additional in this proposal is identified under the city’s nuisance regulations.

Affirmative finding, if altered construction hours are acceptable to DRB.

Section 5.5.2 Outdoor Lighting

No additional exterior lighting is proposed. Not applicable.

Section 5.5.3 Stormwater and Erosion Control

As required, plans for erosion prevention and sediment control and for post construction stormwater management have been provided to the city's stormwater program staff. Final review and approval by the city's stormwater program staff is required. **Affirmative finding as conditioned.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a)Protection of Important Natural Features:

The tower project site is currently a surface parking lot. The relocation of parking is already impervious. There are no identified important natural features. **Affirmative finding.**

(b) Topographical Alterations:

No topographical changes are identified. **Affirmative finding.**

(c)Protection of Important Public Views:

There are no protected views from or through this site. Not applicable.

(d) Protection of Important Cultural Resources:

See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

Nothing within the application impedes the potential use of wind, water, solar, geothermal or other alternative renewable energy resource. **Affirmative finding.**

(f) Brownfield Sites:

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.

The west elevation of the tower opens onto a concrete vertical access ramp. The entrance itself will have a canopy to protect entrants from inclement weather.

The applicant has provided EPSC and Stormwater Discharge plan for review by the Stormwater Engineering team. Their written approval will be a condition of any permit.

Affirmative finding as conditioned.

(h) Building Location and Orientation:

The proposed addition is appended to the north elevation of Torrey Hall. Its location and orientation are consistent with the arrangement of existing buildings and access within the larger parcel area. **Affirmative finding.**

(i) Vehicular Access:

Vehicular access will continue as existing, utilizing the interior web of vehicular access paths. **Affirmative finding.**

(j) Pedestrian Access:

Pedestrian access will continue as existing, with the enhancement of improved walkways and landscaped areas. **Affirmative finding.**

(k) Accessibility for the Handicapped:

The focused intent of the application is improved access. Two handicap access parking spaces are identified east of the building. **Affirmative finding.**

(l) Parking and Circulation:

22 existing surface parking spaces, disturbed by the tower addition, are proposed to be relocated or rearranged. 11 will be moved northeast of the project site on an improved paved area. 7 will be identified immediately east of the building, 2 on the west, and the remainder in the existing perpendicular spaces north of the building. Circulation will continue in the same manner. See Section 4.5.2 (a) and (b), above, for a discussion of the addition of new parking. **Affirmative finding.**

(m) Landscaping and Fences:

Reference is made to Plan A-1.0 for landscaping scheme. **Affirmative finding.**

(n) Public Plazas and Open Space:

The newly planted green space will provide enhanced walkways, seat walls and associated bike parking. Refer to Plan A-1.0. **Affirmative finding.**

(o) Outdoor Lighting:

No new lighting is proposed. Not applicable.

(p) Integrate infrastructure into the design:

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

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be 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.

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.

A steam vault is identified below grade, with only an access cover noted. Any new utilities must be undergrounded. **Affirmative finding.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

As an educational institution, this permit application has limited municipal review per Vermont State Statute §4413. **Limitations on municipal bylaws.**

(a) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use.

(a) Relate development to its environment:

1. Massing, Height and Scale:

The proposed addition is consistent with the massing, height and scale of the existing Torrey Hall to which it is appended. **Affirmative finding.**

2. Roofs and Rooflines.

A compound bracketed hipped roof is proposed for the addition; a comfortable relationship with the roof styles present of Torrey and its ancillary wings. The connector will feature a soldered copper barrel roof to successfully join the two building masses while staying beneath roof eaves. **Affirmative finding.**

3. Building Openings

No review per §4413. Limitations on municipal bylaws.

(b) Protection of Important Architectural Resources:

See Section 5.4.8.

(c) Protection of Important Public Views:

There are no protected views from or through this site. Not applicable.

(d) Provide an active and inviting street edge:

No review per §4413. Limitations on municipal bylaws.

(e) Quality of materials:

No review per §4413. Limitations on municipal bylaws.

(f) Reduce energy utilization:

No review per §4413. Limitations on municipal bylaws.

(g) Make advertising features complementary to the site:

Any signage will be subject to separate review under UVM's adopted Master Sign Plan.
Affirmative finding as conditioned.

(h) Integrate infrastructure into the building design:

See Section 6.2.2 (p), above.

(i) Make spaces secure and safe:

Any development is required to meet all building and life safety code as defined by the building inspector and fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

The addition of a stair/elevator tower does not spur a requirement to provide any new parking spaces. The site redevelopment will result in the addition of one new surface parking space. See Plan C-1.0. The university remains obligated to update its submission to the Joint Institutional Parking Management Plan; this new development and parking count will need to be incorporated into that plan.

Affirmative finding as conditioned.

Section 8.2.5 Bicycle Parking Requirements

The construction of an access entry/tower does not spur a requirement to provide any new bicycling parking spaces. The plan does, however, provide six inverted U bike racks on the west side of the structure, adjacent to the entrance ramp. **Affirmative finding.**

II. Conditions of Approval:

1. If the project presents archaeological discovery, it shall be immediately reported to the Vermont Division for Historic Preservation for identification, analysis and determination of appropriate management.
2. Final review and approval of the Erosion Prevention and Sediment Control Plan and Stormwater Discharge plan by the city's stormwater program staff are required as a condition of this permit.
3. All permits issued after July 13, 1989 shall be closed out with issuance of Final Certificates of Occupancy prior to request for a FCO for this development. See attached list for guidance on open permits.
4. This approval includes 2 phases with an extended permit life for a total of 5 years. The applicant shall define the length and likely termination of each phase so appropriately scheduled availability of Certificates of occupancy may be observed.
5. Any signage will require a separate permit and be subject to review under UVM's adopted Master Sign Plan.
6. Project identification, parking count and arrangement of spaces shall be appropriately incorporated into the University of Vermont's submission of the Joint Institutional Parking Management Plan as next provided.
7. If approved by the DRB, Hours of construction, as requested by the applicant shall be:
Monday - Friday 7:00 am – 6:00 pm;
Saturday 8:00 am-4:30 pm, and
Sunday: Indoor work only.
8. 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.



The University of Vermont

To: Scott Gustin, Principal Planner
Burlington Department of Permitting & Inspections
149 Church Street
Burlington, VT 05401

RECEIVED
SEP 27 2019

DEPAR
PLANNING

September 27, 2019

Dear Scott,

Re: Zoning Permit Application for the University of Vermont Elevator/Stair Addition to Torrey Hall, 27 Colchester Avenue, Burlington

This is a COA Level II application for the University of Vermont (UVM) to construct an elevator and stair addition to Torrey Hall, at 27 Colchester Avenue. Landscape and walkway improvements are also part of the design.

The building addition will consist of a new elevator and stair tower, which will connect to all four stories of the building. This building experienced a fire in August 2017, and as a result extensive interior renovation is required.

Torrey Hall will be renovated to allow for the relocation of the UVM Natural History Museum, the Pringle Herbarium (botanical collections) and Thompson Zoological Collection (vertebrate and invertebrate collections), which was displaced after the fire. The interior renovation will include envelope upgrades, new mechanical and electrical systems, and climate control for the collections. An addition is proposed that will house an egress stair and elevator as well as providing a new ADA accessible main entrance. Site work will include sidewalks, main entrance ramp, seat walls, bike racks, and new utilities to the building.

The existing building and the proposed addition are both three story structures with basements. The proposed addition will have a footprint of approximately 600-800 gsf on each of four levels bringing the total new addition to 2,860 gsf.

The University intends to complete this work in two phases. The first phase, to begin in the second quarter of 2020, will consist of construction of the addition and installation of sprinkler coverage to the existing historic structure. Phase two will include the renovation of the existing building and associated site work.

Permit Extension: Due to funding constraints and insurance requirements, we estimate that the total work for both phases will take five years to complete. We are requesting a zoning permit for five years, in order to complete both phases. The building will not be habitable prior to the completion of both phases of work.

Parking: The building addition purpose is for accessibility only, and will not add classroom or office space. We understand that no new parking will be required, due to the new space. However the addition will displace 11 spaces. We are replacing these spaces near Perkins Hall, and reconfiguring two



The University of Vermont

additional existing spaces, to accommodate the new addition. This project will be taken into account in the upcoming Joint Institutional Parking Management Plan, scheduled to be released in January 2020.

Bike Parking: This project will include six inverted U bike racks on the west side of Torrey. In addition there are a row of inverted U's across the walkway, that were installed as part of ZP 19-0816CA. Two or more of these can be used for this project, as needed.

Lot coverage: The existing lot coverage, prior to this project but assuming all existing UVM zoning permit applications are approved, is 51.16% for the 10 University Place parcel (UVM overlay north of Main Street). Because we will be removing pavement and putting the replacement parking on existing impervious gravel, this project will bring the lot coverage down to 51.10 %.

Lighting: This is a well-lit area, and no additional outdoor lighting is needed or proposed.

Stormwater and Erosion Control: See attached Erosion Prevention & Sediment Control Narrative and permit application, as well as the Stormwater Discharge Narrative.

We request construction hours, as follows:

Monday through Friday: 7:00 AM – 6:00 PM

Saturday: 8:00 AM – 4:30 PM

Sunday: Indoor activities only, no significant noise: 8:00 AM – 4:30 PM.

The project construction cost is \$5,800,000. Construction is scheduled to start in the spring of 2020 and be completed by summer 2025.

Please contact me if you have any further questions or would like more information.

Sincerely,

Lani Ravin, AICP,

Associate Planner

Campus Planning Services, UVM

cc: Lisa Kingsbury, Interim Co-Director, and Planning Relations Manager, Campus Planning Services
Joanna Birbeck, Interim Co-Director, and Campus Space Manager, Campus Planning Services
Robert Vaughan, Director, Capital Planning & Management
Paula Carlaccini, Director, Facilities Design & Construction
Kate Coffey, Project Manager, Facilities Design & Construction

Mary O'Neil

From: Lisa Kingsbury <Lisa.Kingsbury@uvm.edu>
Sent: Wednesday, October 16, 2019 4:59 PM
To: Mary O'Neil
Cc: C. Ravin; Gail Henderson-King
Subject: RE: 27 Colchester Avenue

[WARNING]: External Message

Hi Mary,

Thanks for your patience while I looked into the lot coverage question. Here are the answers to your question:

1. As provided by the applicant for the 149 Beaumont Avenue application, existing lot coverage in ICC Main Street North was 50.5032%. This application defines 51.16% existing, with a reduction in coverage to 51.10%. Are we talking about the same area; and which is correct?

I think there may be a mix up in numbers here. In looking back at the documents, existing lot coverage at the time of the 149 Beaumont application is 50.5059%. The proposed lot coverage for that project is 50.5032%. When the lot coverage for the 10 University Place new parking lot is added, **the proposed lot coverage after those two projects are constructed is 51.16%**. It appears when Lani drafted the application, she included those two projects in the existing lot coverage, though they have not yet been constructed.

2. The specific standards for Institutional, and then ICC-UVM dissuades from any new parking spaces (as we know, unless other spaces have been removed); but additionally no new parking spaces onsite. The language is: **...all but the most essential parking provided off-site**. The relocation of the existing 11 may require less scrutiny because they are already there, but the addition of 2 new spaces, no matter how inconsequential, will require DRB discretion to ascertain whether they are essential.

There is no new parking associated with this project. We are replacing the 11 existing spaces that were displaced by the new building addition and reconfiguring the 2 parking spaces on the northwest side of the site from parallel to perpendicular.

3. Will the new addition be constructed to any specific energy standard? (LEED, etc.)

The intent is to design, construct and certify the work at Torrey at or above LEED Silver. ✓

I hope that clarifies your questions. I am about to leave for vacation and will return on 10/28. In the meantime, if you have additional questions, please reach out to Gail Henderson-King and she can get the answers for you. She is assisting us with our permitting needs while Lani is on medical leave.

Thanks,
Lisa

Lisa Kingsbury
Associate Director of Planning
University of Vermont - Planning, Design and Construction
16 Colchester Ave, Burlington, VT 05405
(802) 656-1059

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DEPARTMENT OF
PLANNING & ZONING



TORREY HALL

ADDITION & INTERIOR RENOVATION

UNIVERSITY OF VERMONT
27 COLCHESTER AVENUE
BURLINGTON, VT 05405

PERMIT SET
SEPTEMBER 16, 2019

DRAWING LIST

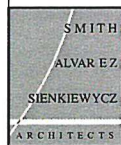
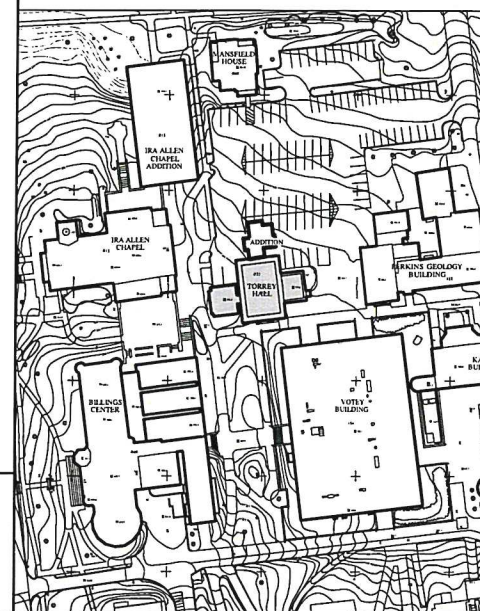
CIVIL DRAWINGS

C-1.0 OVERALL SITE PLAN
C-1.1 SITE & UTILITY PLAN
C-2.0 EXISTING CONDITION PLAN
C-3.0 CIVIL SITE DEMOLITION PLAN
C-4.0 EROSION PREVENTION & SEDIMENT CONTROL PLAN PRECONSTRUCTION
C-4.1 EROSION PREVENTION & SEDIMENT CONTROL PLAN AND STABILIZATION
C-6.1 CIVIL DETAILS
C-6.2 CIVIL DETAILS
C-6.3 CIVIL DETAILS

ARCHITECTURAL DRAWINGS

A-1.0 LANDSCAPE & 1ST FLOOR PLN • PROPOSED
A-2.0 ROOF PLANS • EXISTING & PROPOSED
X-3.0 NORTH ELEVATION • EXISTING CONDITIONS
X-3.1 EAST ELEVATION • EXISTING CONDITIONS
X-3.2 SOUTH ELEVATION • EXISTING CONDITIONS
X-3.3 WEST ELEVATION • EXISTING CONDITIONS
A-3.0 NORTH ELEVATION • PROPOSED
A-3.1 EAST ELEVATION • PROPOSED
A-3.2 SOUTH ELEVATION • PROPOSED
A-3.3 WEST ELEVATION • PROPOSED
A-4.0 BIRDSEYE ENTRANCE RENDERING • PROPOSED
A-4.1 EAST ELEVATION RENDERING • PROPOSED
A-4.2 NORTHEAST ELEVATION RENDERING • PROPOSED
A-4.3 EAST ELEVATION RENDERING • PROPOSED
A-5.0 BUILDING SECTION A-A
A-5.1 BUILDING SECTION B-B
A-5.2 BUILDING SECTION C-C
A-5.3 BUILDING SECTION D-D

LOCATION PLAN



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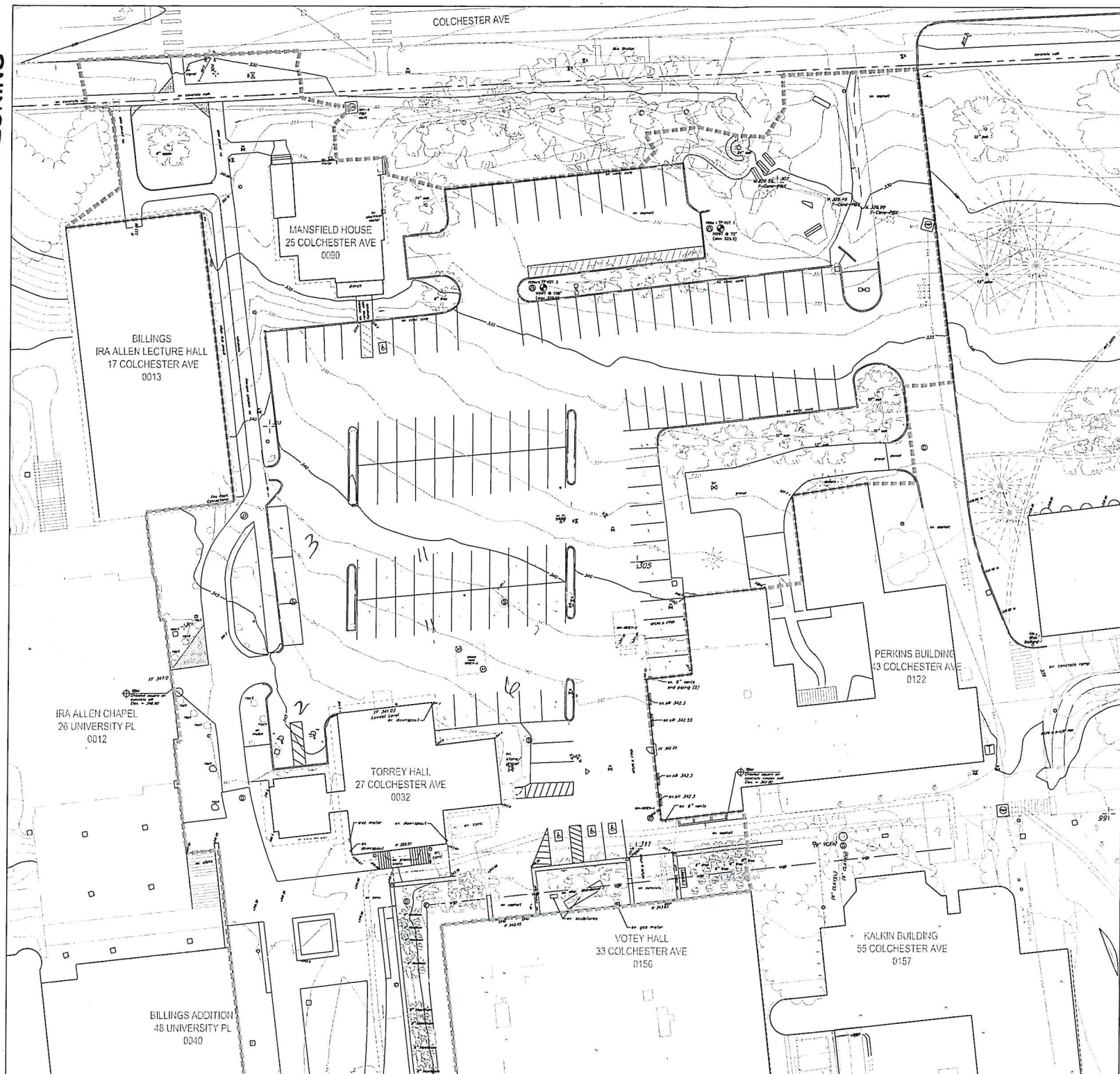
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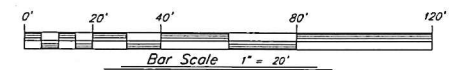


LEGEND

12	Survey Control Point
1	Existing Sign
1	Existing Light Pole
1	Existing Deciduous Tree
1	Existing Evergreen Tree
314.7	Existing Spot Grade Elevation
1	Existing pipe bollard
1	Existing cleanouts
1	Existing Boulder
BL	Blue Light Emergency Phone
1	Existing Contour
1	Existing Gas Line/Valve
1	Existing Sewer Line/Manhole
1	Existing Storm Line/Manhole/Basin
1	Existing Overhead Electric Line/Power Pole
1	Existing Overhead Utility
1	Existing Communications Line
1	Existing PBX Line
1	Existing Underground Electric & Telephone Line
1	Existing Site Life Line
1	Existing Tree Line
1	Existing Underground Power
1	Existing Water Line/Hydrant/Valve/Shutoff
1	Approximate Property Line
1	Existing steam line
1	Existing Low Pressure Steam & Condensate
1	Limits of Topographic Survey

Notes:

1. This plan is not a boundary survey. Property lines are based on mapping provided by UVM Campus Planning Services and is to be considered approximate.
2. The underground utilities shown on this plan are based on visible utilities located during a topographic survey performed by Krebs & Lansing in January, February, March, and April 2018, UVM Utility Master Plan mapping, and design information from the Votey Utility & Sidewalk Improvements Project. Underground utilities are approximate and not warranted to be exact or complete. Dig Safe shall be contacted prior to any excavation.
3. Elevations are based on GPS observations that reference the NAVD 88 vertical datum measured in U.S. Survey feet.
4. Project Horizontal Coordinates derived from GPS observation using reference frame NAD83 (2011) 2010.00 epoch. Project vertical datum based on NAVD 88 (Geoid 12A).
5. The location of underground electrical lines which service the site lights may not all be shown on this plan. Other electrical lines may also exist which are not shown on this plan.



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KAL PROJECT NO. 1732

PROJECT

TORREY
HALL
ADDITION
&
RENOVATION
UNIVERSITY
OF
VERMONT
27 COLCHESTER AVE
BURLINGTON, VT

DATE: September 23, 2019
SCALE: 1" = 20'
DRAWN: TJB, DMR
CHECKED:

REVISIONS

PERMIT SET

EXISTING
CONDITIONS
PLAN

C-2.0

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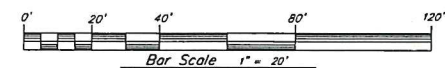


NOTES

1. The Contractor shall be responsible for repairing all disturbed areas back to original condition, including but not limited to curbing, sidewalks, road, parking areas, landscaping, site lighting, electrical, and etc. All asphalt shall be sawcut prior to paving.
2. All stumps, rock, and other non-approved trench backfill material discovered during construction is the exclusive property of the Contractor and shall be removed from UVM property and disposed of in a State approved disposal location. All existing soils reused for fill shall conform to all applicable sections of VTRANS Specifications Section 203-Excavation & Embankments. Contractor shall review soil investigation report and soils logs prior to bid. Any soil reused as fill under roads and applicable concrete sidewalks shall pass a subgrade proof roll with a loaded tandem. Fill soils that do not pass a subgrade proof roll shall be removed and replaced at the Contractor's expense.
3. All passing sieve, proctor, and compaction testing expenses shall be paid by Owner. Testing coordination, all other required testing, and expenses for failed tests shall be the Contractor's responsibility.
4. The Contractor shall contact the Burlington Electric Department prior to any work in the vicinity of the existing electric conduits.
5. This project requires coverage under an Individual Construction Stormwater Discharge Permit and the City of Burlington Standard Erosion Prevention & Sediment Control Permit. The Contractor shall be the On-site Coordinator for the project and shall be responsible for all required inspections (minimum weekly and after any storm event that produces a discharge), turbidity readings, maintenance, and reporting. The On-Site Plan Coordinator shall be required to provide a turbidity meter for the project. The Contractor shall be responsible for installing, maintaining and removing all erosion and sediment control devices shown on the plans or details and, to the maximum extent practical, to minimize potential contamination of stormwater runoff from the construction activities.
6. Contractor shall be responsible for all "As-Built" measurement and drafting requirements as outlined on the Detail Sheets. All trench excavations shall remain open until all as-built survey shots have been taken. Progress Record Drawings shall be submitted to the Engineer as indicated in the Record Drawing specifications.
7. See Erosion Control Plans for locations of staging / storage areas.
8. The Contractor shall be responsible for all signage and fencing necessary to providing safe vehicular and pedestrian access through or around the site during construction.
9. Definition of "Preconstruction Excavation" for these contract documents shall be: The contractor shall expose utilities and obtain all necessary information, including but not limited to, invert elevation, size, depth, pipe type, joint location, etc. Contractor shall transcribe the location and elevations of the utility. Contractor shall provide the engineer with sketches indicating horizontal and vertical information of pipe or conduit type and size, cross-section information, concrete encasement information (top and bottom elevations, width, etc.), joint location, etc. of each required existing underground utility. Accuracy of horizontal location is within 1 foot, and accuracy of vertical elevation is within 0.02 ft. (1/4"). Coordinate all excavation with City, Owner, and Engineer. Preconstruction excavations shall occur prior to ordering structures and prior to utility construction to facilitate redesign and/or design confirmation.
10. The location of the preconstruction excavation symbols does not necessarily indicate the location of the buried utility. It is the responsibility of the Contractor to find and expose the utility.
11. Contractor shall be responsible for importing topsoil as required to complete the project. Refer to Post Construction Soil Depth and Quality Notes.
12. All sewer and storm pipes shall be PVC SDR 35 unless otherwise noted.
13. Core and boot all existing structures unless otherwise noted.
14. All new catch basins and sanitary sewer manhole must have one precast concrete grade ring as close to 6" thickness as possible.
15. Contractor shall contact UVM Risk Management Training and Compliance office for any work involving contact with asbestos cement pipe.
16. Temporary groundwater, stormwater, and sewer by-pass pumping and/or diversion is the responsibility of the Contractor. The Contractor is responsible for providing all necessary pumps and equipment to perform the work. Overnight pumping is not allowed.
17. All sidewalks shall have 2% maximum cross slope.
18. Contractor to pin concrete sidewalk/slabs to all contact points with stairs, building, bike slab, retaining walls, etc.
19. Contractor shall maintain full occupancy and fire department access to all surrounding buildings. Coordinate all temporary access with the University representative.
20. Where plans indicate "RESTORE" to vegetation, Contractor shall remove and dispose of impervious surface and subbase (12" depth min). For lawn areas, fill to within 4" of finish grade, place 4" topsoil, and hydroseed. For planting bed areas, install 12" of planting soil. Refer to Landscaping Plans for proposed planting soil.
21. Removal of all erosion control matting and inlet protection is the responsibility of the Contractor.
22. At the end of the project, clean the sumps of all new and existing catch basins and storm manholes within the project limits.
23. Electrical, lighting and PBX lines are shown for illustrative/coordination purposes only. Refer to Electrical plans and specifications for design.
24. Refer to Plumbing plans for sewer and storm design within five feet of the building.
25. Refer to Plumbing and/or Fire Protection plans for waterline design within five feet of building.

Legend

- New Curb
- New Building
- New Multi-Use Concrete Walk
- New Concrete Walk
- New Structural Concrete (See Structural plans)
- New Pavement



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PROJECT

TORREY HALL
ADDITION & RENOVATION
UNIVERSITY OF VERMONT
27 COLCHESTER AVE
BURLINGTON, VT

DATE: September 23, 2019
SCALE: 1" = 20'
DRAWN: TJB, DMR
CHECKED:

REVISIONS

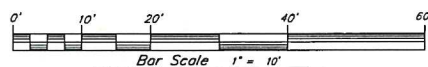
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OVERALL SITE PLAN

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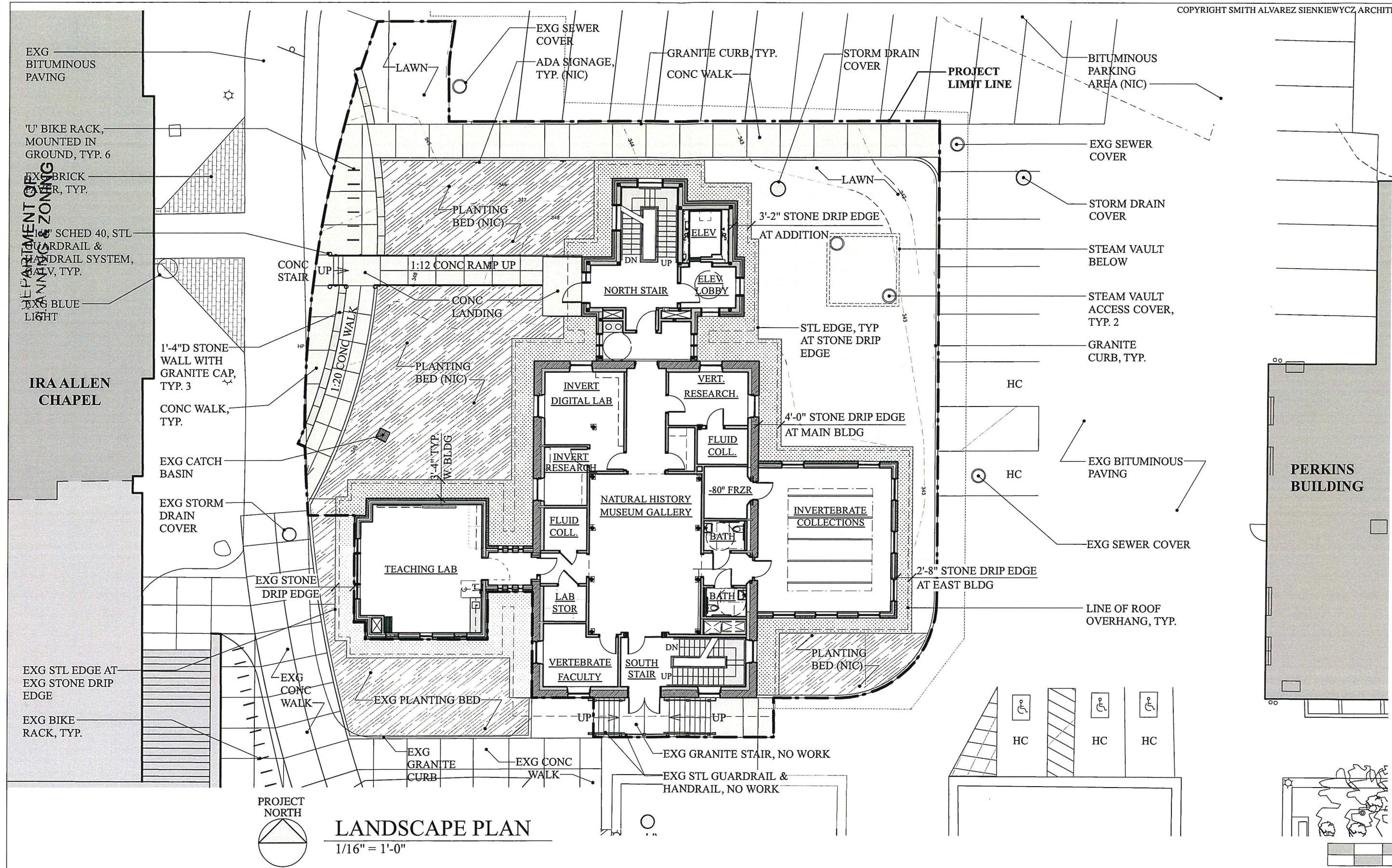
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LANDSCAPE PLAN
1/16" = 1'-0"

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PROJECT:
TORREY HALL • ADDITION & RENOVATION
UNIVERSITY OF VERMONT
109 SOUTH PROSPECT STREET
BURLINGTON, VERMONT 05405

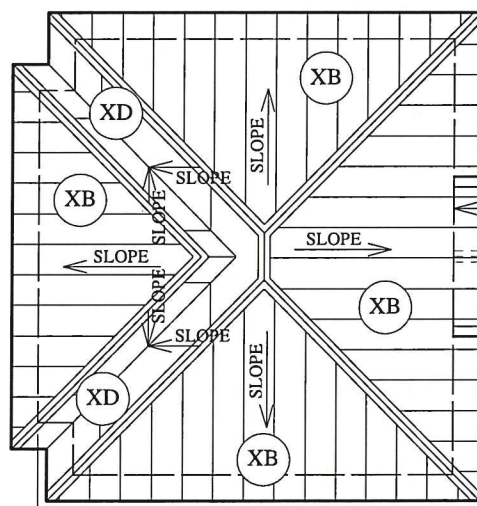
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PROJECT NO.: 0842

DRAWING:
LANDSCAPE & 1ST FLR
PLAN • PROPOSED

SCALE:
AS NOTED
DATE:
09/16/2019

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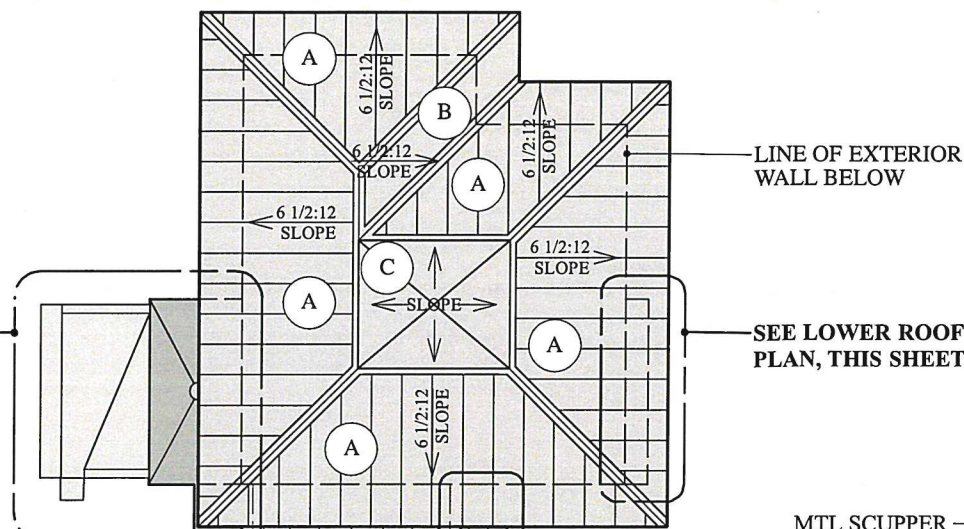


ROOF PLAN
3/32" = 1'-0"

SEE LOWER ROOF
PLAN, THIS SHEET

EXG FLATLOCK COPPER
CRICKET, TYPICAL 4
LOCATIONS

EXISTING BRICK
CHIMNEY WITH
COPPER CAP, TYPICAL
4 LOCATIONS



LINE OF EXTERIOR
WALL BELOW

SEE LOWER ROOF
PLAN, THIS SHEET

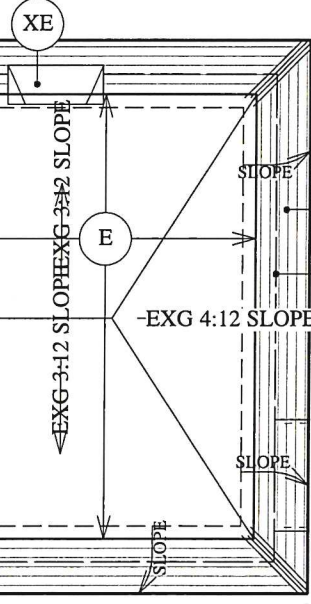
MTL SCUPPER



LOWER ROOF PLAN
3/32" = 1'-0"

SEE LOWER
ROOF PLAN,
THIS SHEET

EXG DIVERTER.
TYPICAL FOR (2).



PERIMETER OF
BUILDING,
TYPICAL

ENTRY VESTIBULE
ENCLOSURE
SCHEDULED TO BE
REMOVED IN ITS
ENTIRETY

EAST BUILDING

EXG 6" COPPER
DOWNSPOUT,
4 LOCATIONS TYPICAL

MAIN BUILDING

ROOF LEGEND

	SBS MODIFIED BITUMINOUS ROOFING SYSTEM
	STANDING SEAM COPPER ROOFING SYSTEM
	SLATE SHINGLE ROOFING SYSTEM
	FLAT LOCK COPPER ROOFING SYSTEM
	DIRECTION OF ROOF SLOPE

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ROOF SYSTEMS

- | | |
|------|---|
| (XA) | • EXG SLATE SHINGLES
• EXG BREATHABLE UNDERLAYMENT
• EXG ICE & WATER SHIELD
• EXG BOARD SHEATHING |
| (XB) | • EXG 20 OZ. STANDING SEAM COPPER ROOFING SYSTEM
• EXG ICE & WATER SHIELD
• EXG 5/8" PLYWOOD SHEATHING
• EXG BOARD SHEATHING |
| (XC) | • EXG URETHANE MODIFIED BITUMINOUS ROOFING SYSTEM WITH MINERAL CAP
• EXG 1/2" GYPSUM COVER BOARD
• EXG 7" POLYISO RIGID INSULATION
• EXG 1/2" GYPSUM COVER BOARD
• EXG WOOD STRUCTURE
• EXG ICE & WATER SHIELD
• EXG WOOD BOARD SHEATHING
• EXG BEADBOARD |
| (XD) | • EXG 20 OZ. FLAT LOCK, SOLDERED, COPPER ROOFING SYSTEM
• EXG ICE & WATER SHIELD
• EXG 5/8" PWD SHEATHING
• EXG BOARD SHEATHING |
| (XE) | • EXG 16 OZ. FLAT LOCK, SOLDERED, COPPER ROOFING SYSTEM
• EXG ICE & WATER SHIELD
• EXG BOARD SHEATHING |
| (A) | • 20 OZ. STANDING SEAM COPPER ROOFING SYSTEM
• SELF ADHERED UNDERLAYMENT
• 5/8" PLYWOOD SHEATHING
• 7" POLYISO INSULATION
• VAPOR BARRIER
• 1/2" SUBSTRATE BOARD
• METAL DECK
• STEEL STRUCTURE |
| (B) | • 20 OZ. FLAT LOCK COPPER ROOFING SYSTEM, CURVED
• SELF ADHERED UNDERLAYMENT
• 5/8" PWD SHEATHING
• (2) 3/4"x7" PWD FRAMING RIBS @24"O.C.
• 7" SPRAY URETHANE INSULATION
• VAPOR BARRIER
• 1/2" SUBSTRATE BOARD
• METAL DECK
• STEEL STRUCTURE |
| (C) | • 90 MIL EPDM MEMBRANE ROOFING SYSTEM
• TAPERED POLYISO INSULATION
• 10 1/2" POLYISO INSULATION
• VAPOR BARRIER
• 1/2" SUBSTRATE BOARD
• METAL DECK
• STEEL STRUCTURE |
| (D) | • 90 MIL EPDM MEMBRANE ROOFING SYSTEM
• TAPERED POLYISO INSULATION
• VAPOR BARRIER
• 1/2" SUBSTRATE BOARD
• METAL DECK
• STEEL STRUCTURE |
| (E) | • EXG URETHANE MODIFIED BITUMINOUS ROOFING SYSTEM WITH MINERAL CAP
• EXG 1/2" GYPSUM COVER BOARD
• EXG 2" POLYISO RIGID INSULATION
• ICE & WATER SHIELD
• EXG WOOD BOARD SHEATHING
• EXG WOOD FRAMING
• 7" SPRAY URETHANE INSULATION
• 1x3 WD STRAPPING @16"O.C.
• 1/2" GWB, FC |
| (F) | • EXG 20 OZ. FLAT LOCK, SOLDERED, COPPER ROOFING SYSTEM
• EXG ICE & WATER SHIELD
• EXG 5/8" PWD SHEATHING
• EXG BOARD SHEATHING
• 8" SPRAY URETHANE INSULATION
• 1/2" GWB, FC |
| (G) | • 90 MIL EPDM MEMBRANE ROOFING SYSTEM
• TAPERED POLYISO INSULATION
• 7" POLYISO INSULATION
• VAPOR BARRIER
• 1/2" SUBSTRATE BOARD
• METAL DECK
• STEEL STRUCTURE |
| (H) | • 20 OZ. FLAT LOCK COPPER ROOFING SYSTEM
• SELF ADHERED UNDERLAYMENT
• 5/8" PWD SHEATHING
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PERMIT SET

PROJECT NO.: 0842

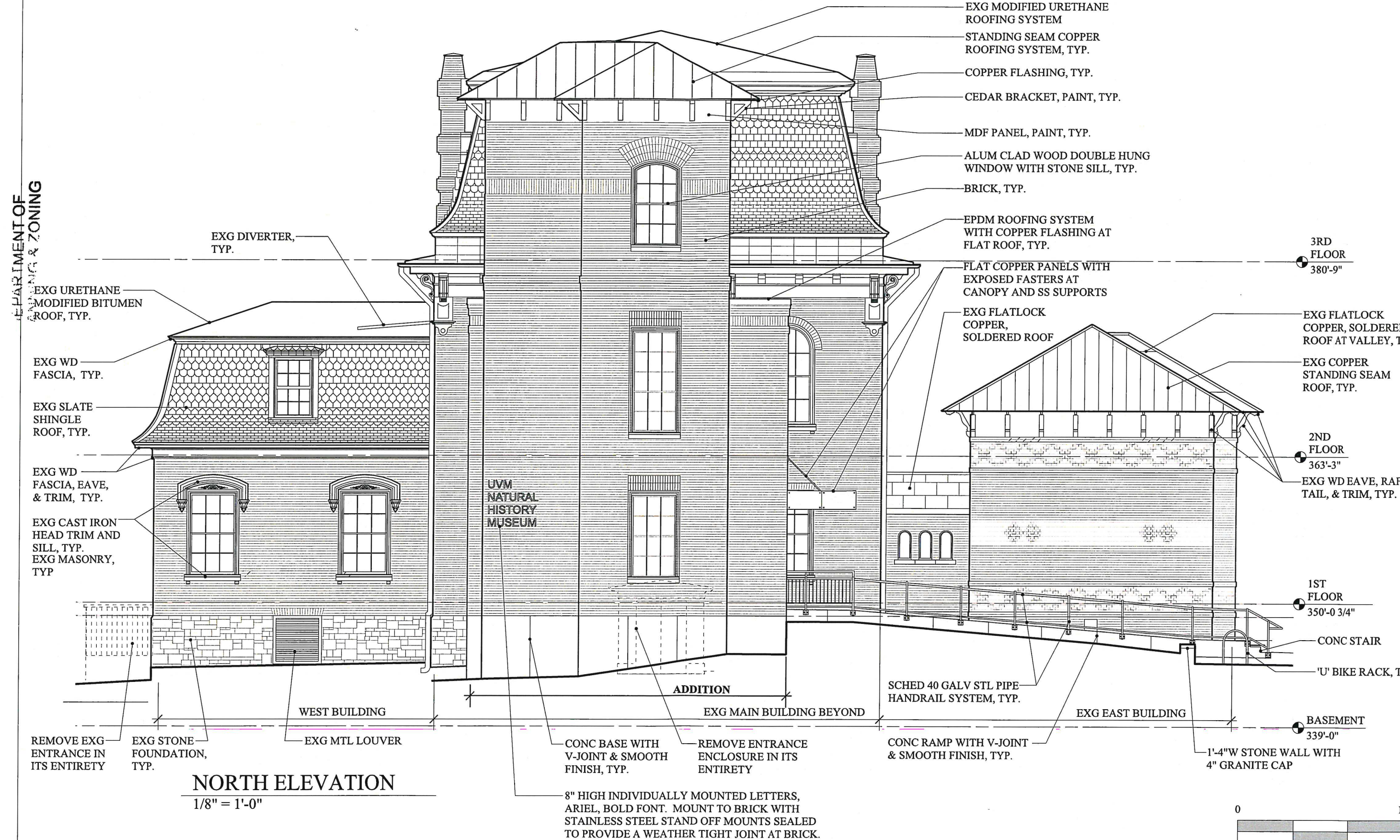
DRAWING:
ROOF PLANS •
EXISTING & PROPOSED

SCALE:
AS NOTED

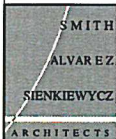
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A.2

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NORTH ELEVATION
1/8" = 1'-0"



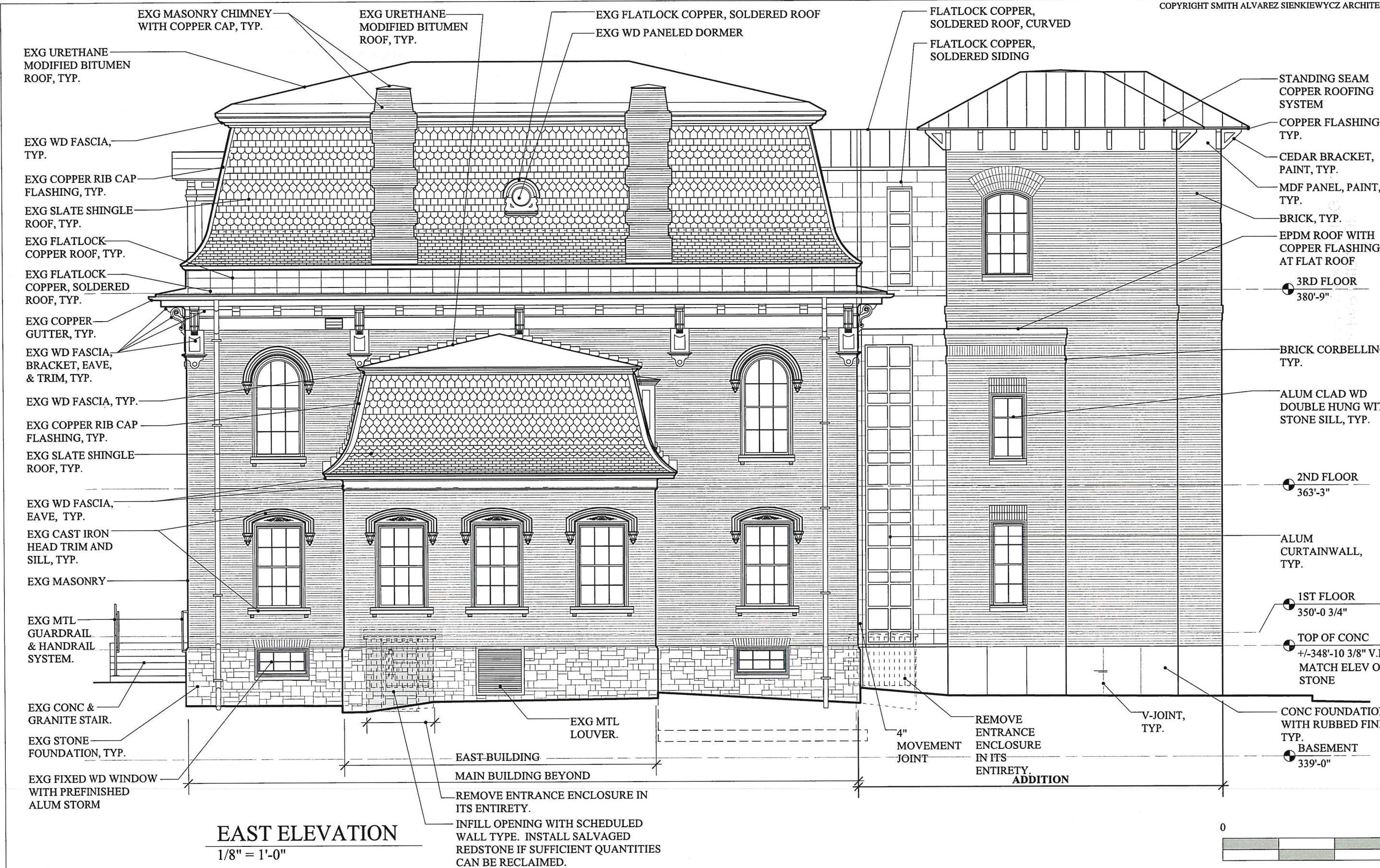
117 St. Paul Street
3rd Floor
Burlington, VT
05401
P: 802 • 863 • 2227
F: 802 • 863 • 0093

PROJECT:
TORREY HALL • ADDITION & RENOVATION
UNIVERSITY OF VERMONT
109 SOUTH PROSPECT STREET
BURLINGTON, VERMONT 05405

PERMIT SET
PROJECT NO.: 0842

DRAWING:
NORTH ELEVATION •
PROPOSED

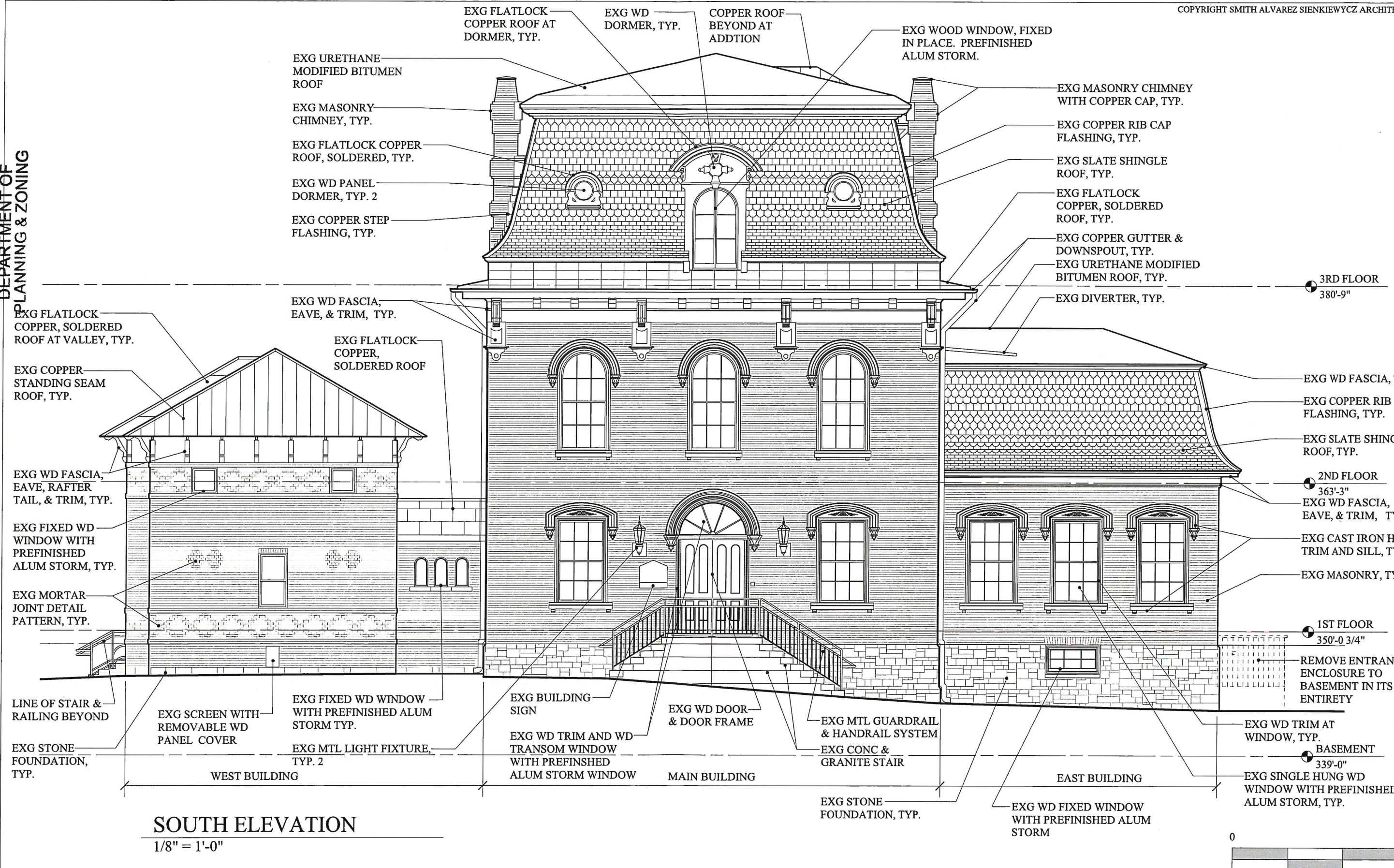
SCALE:
AS NOTED
DATE:
09/16/2019

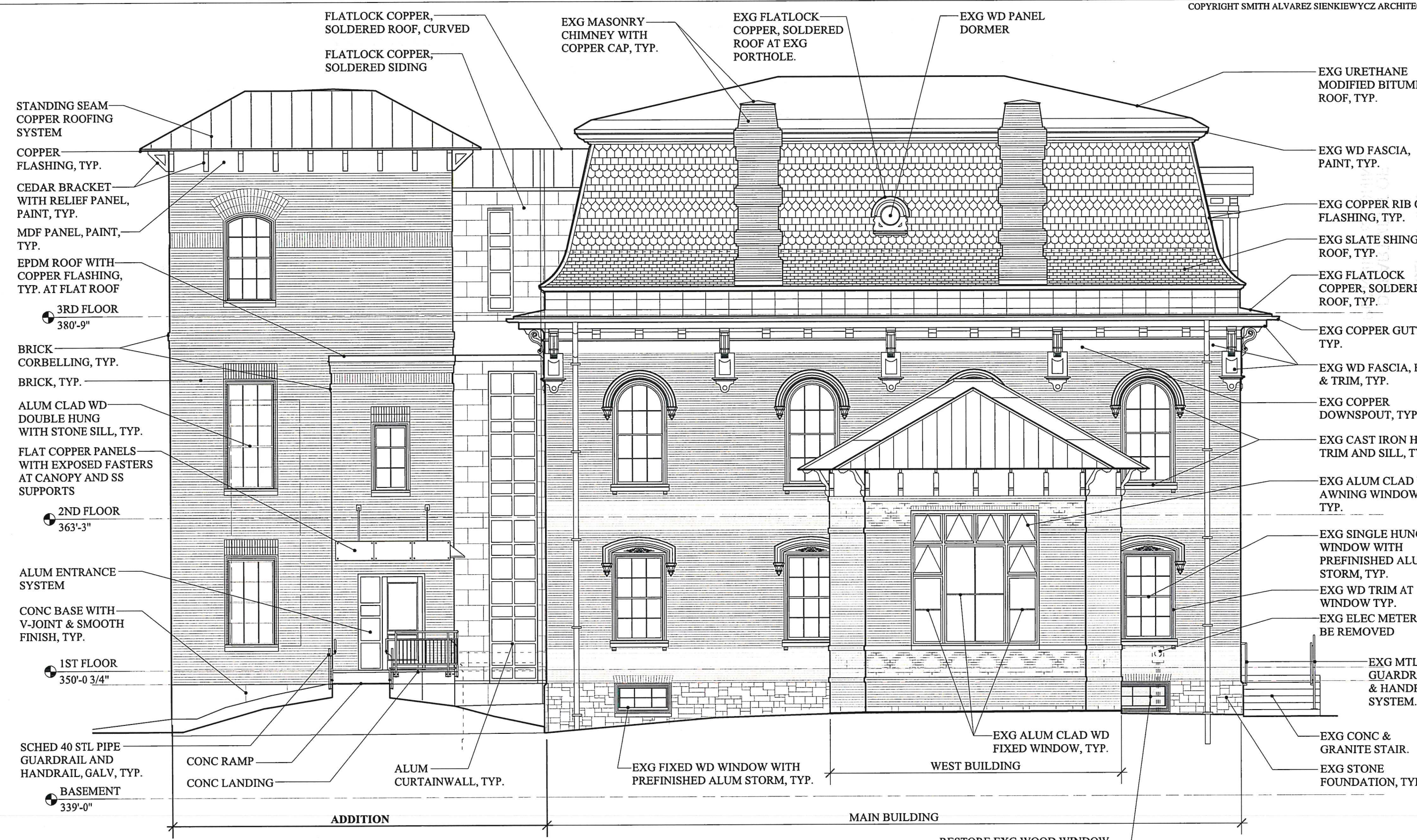


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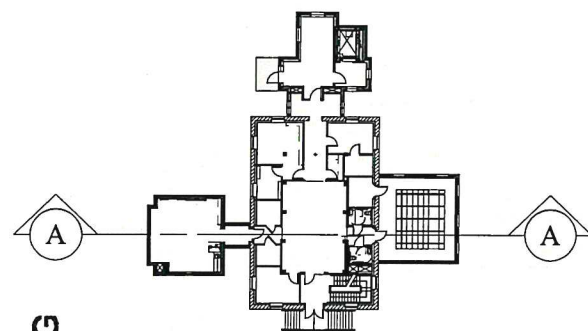


WEST ELEVATION

1/8" = 1'-0"

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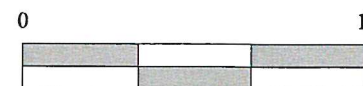


PLAN KEY
1:700



BUILDING SECTION A-A

1/8" = 1'-0"



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Burlington, VT
05401

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PROJECT:
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109 SOUTH PROSPECT STREET
BURLINGTON, VERMONT 05405

PERMIT SET

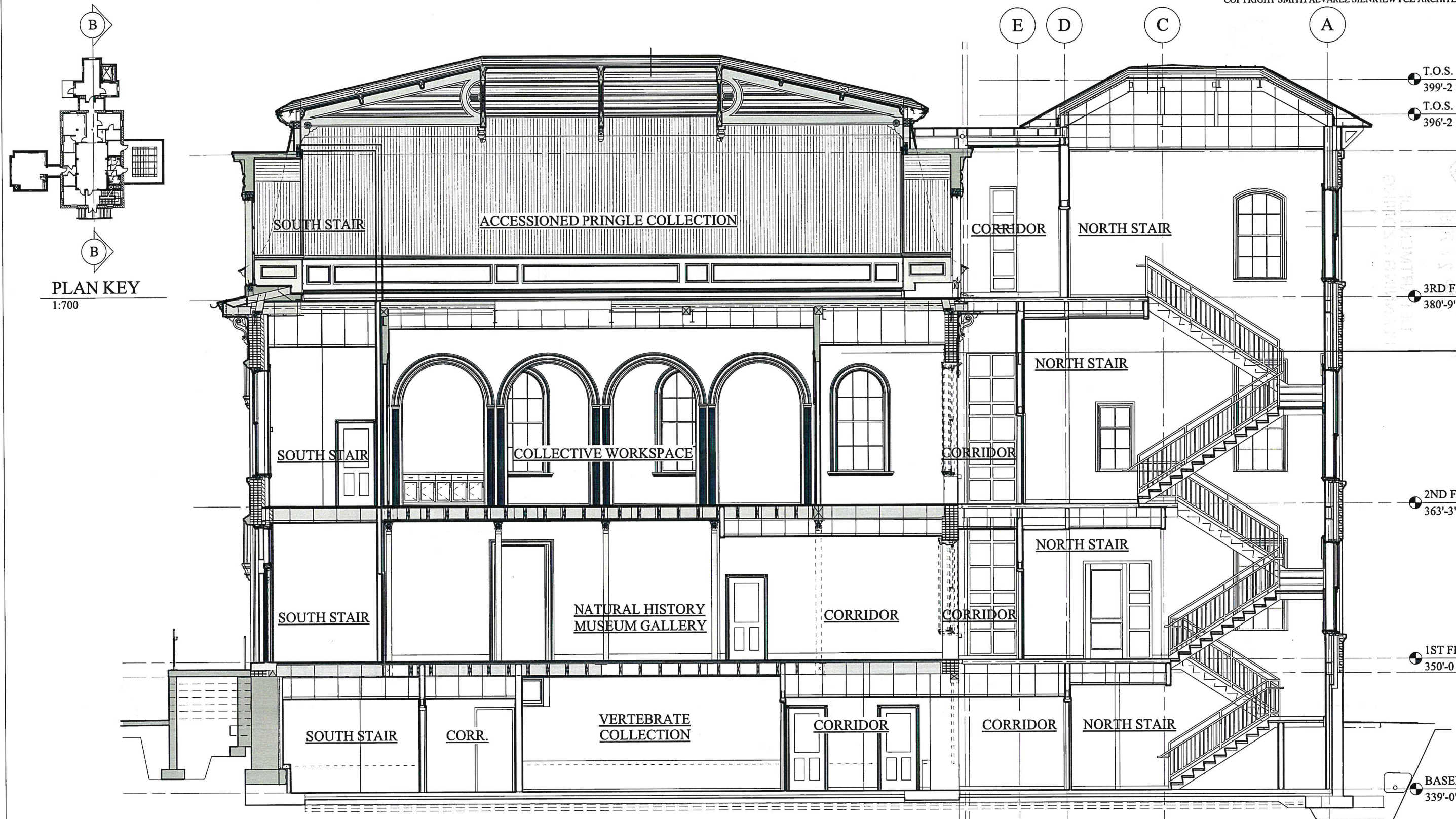
PROJECT NO.: 0842

DRAWING:
BUILDING SECTION A-A

SCALE:
AS NOTED

DATE:
09/16/2019

A-5



BUILDING SECTION B-B
1/8" = 1'-0"

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PROJECT:
TORREY HALL • ADDITION & RENOVATION
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BURLINGTON, VERMONT 05405

PERMIT SET
PROJECT NO.: 0842

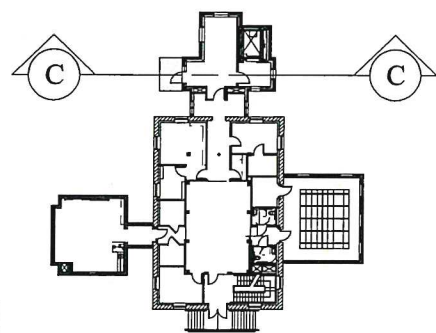
DRAWING:
BUILDING SECTION B-B

SCALE:
AS NOTED
DATE:
09/16/2019

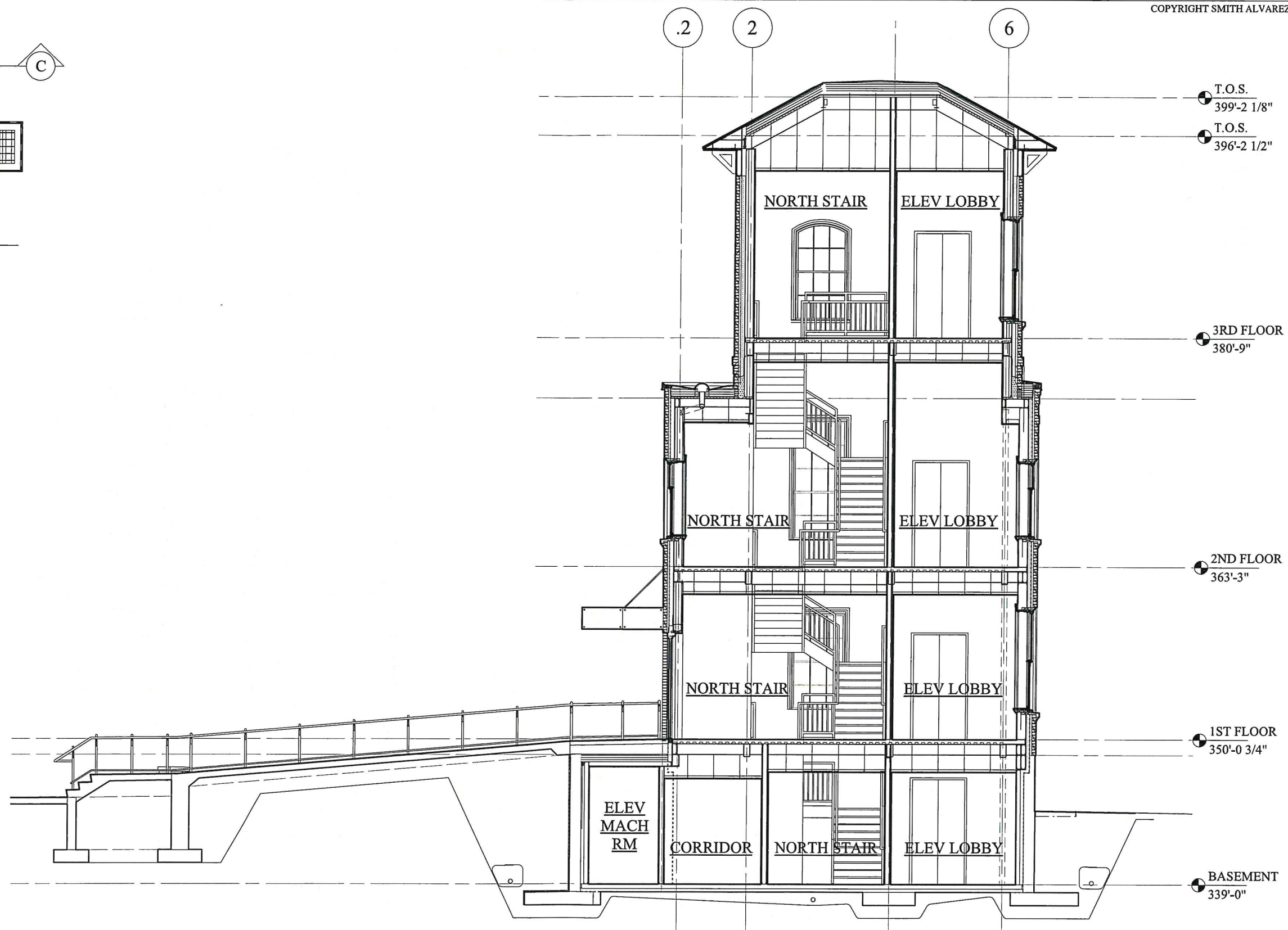
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PLAN KEY
1:700



BUILDING SECTION C-C

1/8" = 1'-0"

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Burlington, VT
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PROJECT:
TORREY HALL • ADDITION & RENOVATION
UNIVERSITY OF VERMONT
109 SOUTH PROSPECT STREET
BURLINGTON, VERMONT 05405

PERMIT SET

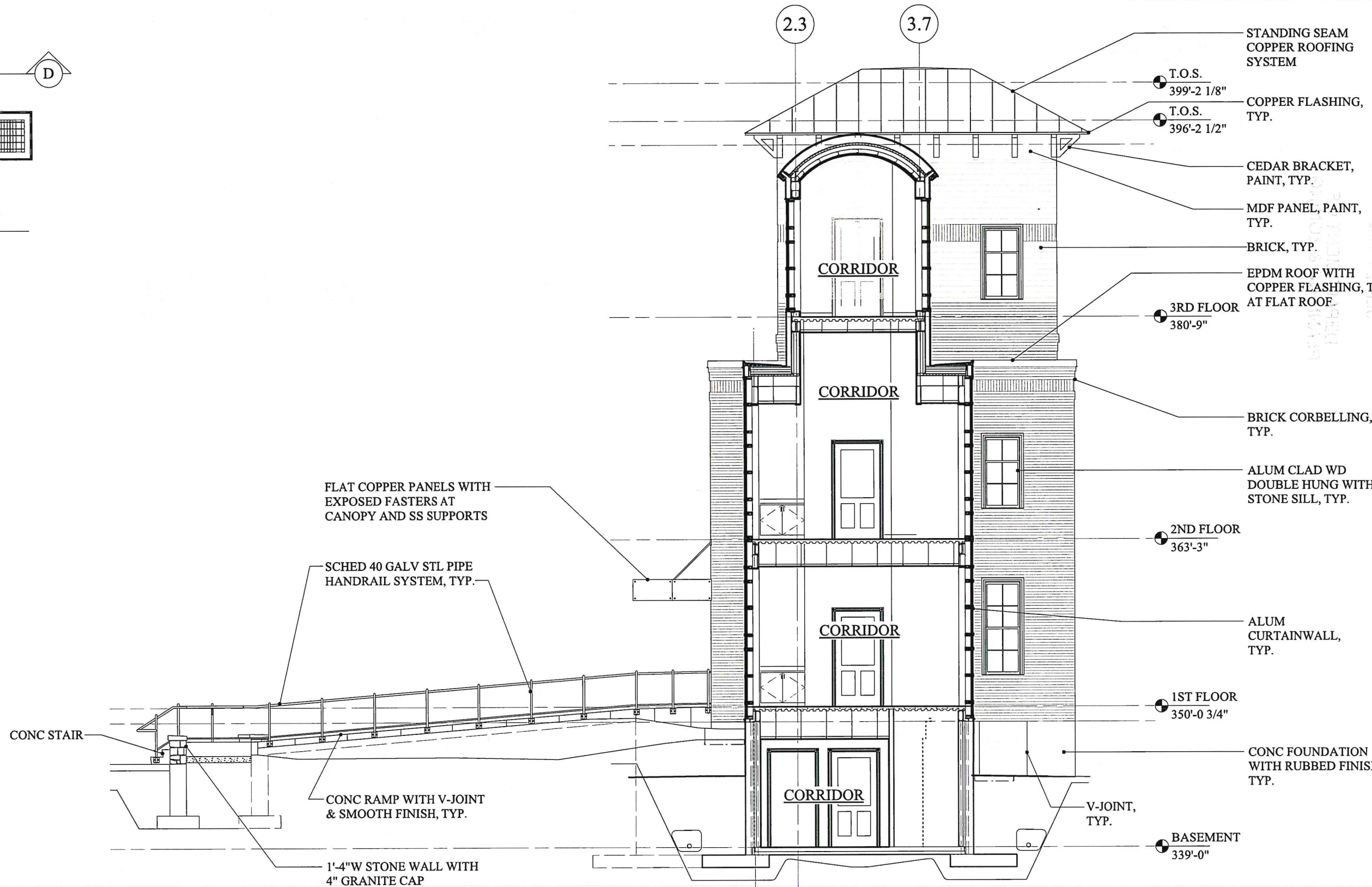
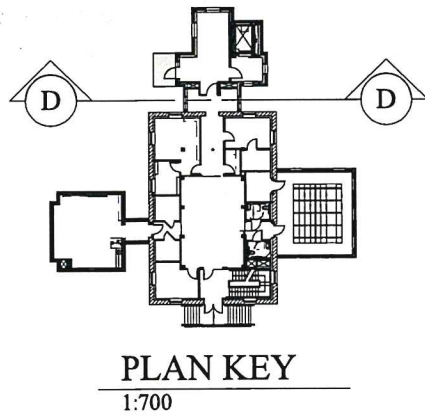
PROJECT NO.: 0842

DRAWING:
BUILDING SECTION C-C

SCALE:
AS NOTED

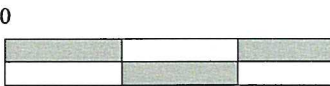
DATE:
09/16/2019

A-5



BUILDING SECTION D-D • SOUTH ELEV OF ADDITION

1/8" = 1'-0"



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SEP 27 2019

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PLANNING & ZONING



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ARCHITECTS

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PROJECT:
TORREY HALL • ADDITION & RENOVATION
UNIVERSITY OF VERMONT
109 SOUTH PROSPECT STREET
BURLINGTON, VERMONT 05405

PERMIT SET

PROJECT NO.: 0842

DRAWING:
BIRDSEYE ENTRANCE
RENDERING • PROPOSED

SCALE:
AS NOTED

DATE:
09/16/2019

A-4



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ARCHITECTS

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Burlington, VT
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PROJECT:
TORREY HALL • ADDITION & RENOVATION
UNIVERSITY OF VERMONT
109 SOUTH PROSPECT STREET
BURLINGTON, VERMONT 05405

PERMIT SET

PROJECT NO.: 0842

DRAWING:
WEST ELEVATION
RENDERING • PROPOSED

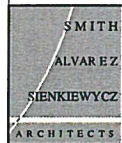
SCALE:
AS NOTED

DATE:
09/16/2019

A-

RECEIVED
SEP 27 2019

DEPARTMENT OF
PLANNING & ZONING



117 St. Paul Street
3rd Floor
Burlington, VT
05401

P: 802 • 863 • 2227
F: 802 • 863 • 0093

PROJECT:
TORREY HALL • ADDITION & RENOVATION
UNIVERSITY OF VERMONT
109 SOUTH PROSPECT STREET
BURLINGTON, VERMONT 05405

PERMIT SET

PROJECT NO.: 0842

DRAWING:
NORTHWEST ELEVATION
RENDERING • PROPOSED

SCALE:
AS NOTED

DATE:
09/16/2019

A-4



SMITH
ALVAREZ
SIENKIEWYCZ
ARCHITECTS

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3rd Floor
Burlington, VT
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P: 802 • 863 • 2227
F: 802 • 863 • 0093

PROJECT:
TORREY HALL • ADDITION & RENOVATION
UNIVERSITY OF VERMONT
109 SOUTH PROSPECT STREET
BURLINGTON, VERMONT 05405

PERMIT SET
PROJECT NO.: 0842

DRAWING:
EAST ELEVATION
RENDERING • PROPOSED

SCALE:
AS NOTED
DATE:
09/16/2019

October 31, 2019

Burlington Development Review Board
149 Church Street
Burlington Vermont, 05401
c/o Alison Davis

Re: Case # 20-0350AP, Motion # 2) Request the Burlington Development Review Board correct it's November 6th public hearing notice.

Dear Alison,

The November 6th, 2019 public hearing notice you emailed me says, "Appeal of Nov 372003; Occupying structure with more than 4 unrelated adults in a Residential-Medium Density zone, inconsistent with the Family Definition of the Comprehensive Development Ordinance Article 13 (Project Manager: Ted Miles).

Appellant requests that the Burlington Development Review Board correct it's November 6th, public hearing notice to read, "Appeal of Nov 372003; Occupying building with more than 4 unrelated adults in a Residential-Medium Density zone, inconsistent with the Family Definition of the Comprehensive Development Ordinance Article 13 (Project Manager: Ted Miles)."

Sincerely,



Leon Beliveau
1166 Main Street
Fairfax Vermont, 05454
802-238-0922

Cc: Ted Miles, Mailed certified mail and first class mail.

Easement: An acquired right of or upon the property of another for a specified purpose.

Elderly Housing: See Housing, Senior.

Electronic Message Display: A sign in which one or more illuminated characters in a display may be changed by electronic means.

Emergency Shelter: Overnight shelter with supportive services for homeless persons that is limited to temporary occupancy, typically 180 consecutive nights or less, by a homeless person. Provide shelter only overnight.

Environmentally Sensitive Area(s): Land that contains physical environmental characteristics including but not limited to the following: wetlands; streams and riparian areas; floodplains; slopes 30 percent or greater; landslide hazard areas and other geological hazards and critical fish and wildlife habitat. These areas typically either present a constraint to development or are extremely susceptible to development impacts.

Estimated Development Cost: Cost calculated based upon building construction, alteration, and/or structural site improvement expenses including but not limited to fill, grading, cutting, etc. Not included in this figure is the purchase price of the land and the final interior finishes relative to a specific tenant, i.e. specialized equipment, finishes, furniture, drapes, etc. See [Article 3](#).

Exterior Features: The architectural style, design, and general arrangement of the exterior of a structure, including the type and texture of building materials, and the type, arrangement, and style of all windows, doors, light fixtures, signs, or similar items found on or affixed to the exterior of a structure.

F

Family: One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit, but not including group quarters such as dormitories, sororities, fraternities, convents, and communes. Occupancy by any of the following shall be deemed to constitute a family:

- (a) Members of a single family, all of whom are related within the second degree of kinship (by blood, adoption, marriage or civil union).
- (b) A “functional family unit” as defined below.
- (c) Persons with disabilities as so defined in Title VII of the Civil Rights Act of 1968, as amended by the “Fair Housing Amendments Act of 1988”.
- (d) A state registered or licensed day care facility serving six or fewer children as required by 24 V.S.A. 4412(5), as the same may be amended from time to time.
- (e) No more than four unrelated adults and their minor children.

Provided that a dwelling unit in which the various occupants are treated as separate roomers cannot be deemed to be occupied by a family.

For purposes of this definition of family, a group of adults living together in a single dwelling unit and functioning as a family with respect to those characteristics that are consistent with the purposes of zoning restrictions in residential neighborhoods shall be regarded as a “functional family unit” and shall also qualify as a family hereunder.

- 1) In determining whether or not a group of unrelated adults is a “functional family unit”, under the standard set forth above, the following criteria must be present:
 - a. The occupants must share the entire dwelling unit. A unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a functional family unit.
 - b. The household must have stability with respect to the purpose of this chapter. Evidence of such stability may include but not be limited to, the following:
 - i. Minor dependent children regularly residing in the household, and school age children are enrolled in local schools.
 - ii. Proof of the sharing of expenses for food, rent, or ownership costs, utilities and other household expenses and sharing in the preparation, storage and consumption of food.
 - iii. Whether or not different members of the household have the same address for purposes of:
 - 1. Voter registration
 - 2. Drivers’ licenses
 - 3. Motor vehicle registration
 - 4. Summer or other residences
 - 5. The filing of taxes
 - c. Common ownership of furniture and appliances among the members of the household.
 - d. Employment of householders in the local area.

- e. A showing that the household has been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units.
 - f. Any other factor reasonably related to whether or not the group or persons is the functional equivalent of a family.
- 2) The initial determination of whether a “functional family unit” status exists shall be made by the Code Enforcement Office (“CEO”). The burden will rest upon the individuals claiming “functional family status” to submit information to the CEO to substantiate their claim. Some of the information provided to the CEO as part of a “functional family unit” status request, as well as the CEO’s initial determination, may be highly confidential, and, thus, will be maintained in a separate “red envelope” in the property file. It will be left to the CEO to determine whether the information is sensitive enough to be retained in the “red envelope.” Information maintained in the “red envelope” will be considered confidential and thus used only by the CEO. Access to the “red envelope” by persons outside of the CEO will only be allowed under court order or during litigation regarding said property.

Farm(ing): The use of land and/or structures for agricultural purposes. (See Agriculture and Urban Agriculture)

Farm Structure: A building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in 10 V.S.A. subsection 6001(22), but excludes a dwelling for human habitation.

Fence: A structure serving as an enclosure, a barrier, or a boundary usually made of posts or stakes joined by boards, wire or rails.

Film Studio: An establishment for movie production.

Finished Grade: The final elevation of the ground surface after all man-made alterations, such as grading, grubbing, filling, or excavating, have been made.

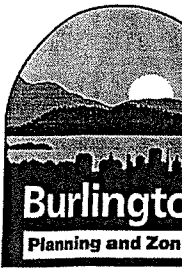
Fire Station: A building used to house fire fighting equipment and firefighters.

Flood Hazard Area - *See Article 13, Part 2 below for all Flood Hazard Definitions.*

Department of Planning and Zoning

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

Mark Eldridge, AICP, Director
Ken Lerner, Assistant Director
David White, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Glynis Jordan, AICP, Associate Planner
Lisa Chicoine, Zoning Clerk
Jeanne Francis, Department Secretary



MEMORANDUM

TO: Burlington Free Press Classified
FROM: Ken Lerner, Zoning Administrator
DATE: June 26, 2000
RE: Public Hearing Notice

PUBLIC HEARING NOTICE

Please warn the following public hearing notice in your June 28, 2000 edition:

Pursuant to 24 VSA Section 3207 (b), the Burlington Planning Commission will hold a public hearing on Thursday, July 13, 2000 at 7:30 p.m. in Contois Auditorium, City Hall, to hear public comments on the following proposed zoning amendment:

ZONING AMENDMENT 2000-01

That the Code of Ordinances of the City of Burlington be and hereby is amended by amending Appendix A, Zoning, Sec. 3.1.4, Residential Districts Established, subsections (a) and (b);

Sec. 30.1.2, Definitions (Dwelling Unit and Family); and Sec. 17.1.5, Conditional Uses to add a new subsection (d), to read as follows:

Sec. 3.1.4 Residential Districts Established. The following residential districts are established:

Residential-low density (RL), waterfront residential-low density (WRL), residential-medium density (RM and WRM) and residential-high density (RH). Each of these districts is intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Certain nonresidential uses, including public and semi-public uses and neighborhood-oriented commercial and service uses, are permitted in certain residential districts upon conditional use approval.



(a) The RL and WRL districts are intended primarily for low density residential development in the form of single detached dwellings, and/or planned residential developments. In such RL and WRL districts, occupation of a dwelling unit is limited to members of a family as defined in Article 30, Section 30.1.2. If the dwelling unit contains at least twenty-five hundred (2500) square feet excluding its attic and basement, it may be occupied by more than four (4) unrelated adults if the building also contains at least an additional two hundred fifty (250) square feet per adult occupant in excess of four (4) and if the proposed use is also approved as a conditional use by the Zoning Board of Adjustment. Notwithstanding the forgoing, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied. Except as otherwise provided for by this ordinance, density is limited to 4.4 dwelling units per acre.

(b) The RM district is intended primarily for medium density residential development in the form of single detached dwellings, duplexes, apartments, and/or planned residential developments. The waterfront medium density district (WRM) is intended to establish a neighborhood which provides open space and convenient lake access. In such RM and WRM districts, occupation of a dwelling unit is limited to members of family as defined in Article 30, Section 30.1.2. If the dwelling unit contains at least twenty-five hundred (2500) square feet excluding its attic and basement and if it also contains at least an additional two hundred (200) square feet per adult occupant in excess of four (4), a proposed use of more than four (4) unrelated adults may be approved as a conditional use by the Zoning Board of Adjustment. Notwithstanding the forgoing, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied. Except as otherwise provided for by this ordinance, density is limited to twenty (20) units per acre. ~~The waterfront medium density district (WRM) is intended to establish a neighborhood which provides open space and convenient lake access;~~

(c) As written.

Sec. 30.1.2 Definitions.

Family: One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit, but not including group quarters such as dormitories, sororities, fraternities, convents and communes. Occupancy by any of the following shall be deemed to constitute a family:

1. Members of a single family, all of whom are related within the second degree of kinship (by blood, adoption, marriage or civil union).
2. A "functional family unit" as defined in Art. 30, Sec. 30.1.2(1).
3. Persons with disabilities as so defined in Title VII of the Civil rights Act of 1968, as amended by the "Fair Housing Amendments Act of 1988".
4. A state registered or licensed day care facility serving six or fewer children as required by 24 V.S.A. 4409(2), as the same may be amended from time to time.
5. No more than four unrelated adults and their minor children.

Provided, that a dwelling unit in which the various occupants are treated as separate roomers cannot be deemed to be occupied by a family.

For purposes of this definition of family, a group of adults living together in a single dwelling unit and functioning as a family with respect to those characteristics that are consistent with the purposes

of zoning restrictions in residential neighborhoods shall be regarded as a "functional family unit" and shall also qualify as a family hereunder.

(1) In determining whether or not a group of unrelated adults is a "functional family unit", under the standard set forth above, the following criteria must be present:

(a) The occupants must share the entire dwelling unit. A unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a functional family unit.

(b) The household must have stability with respect to the purpose of this chapter. Evidence of such stability may include but not be limited to, the following:

[1] Minor dependent children regularly residing in the household, and school-age children are enrolled in local schools.

[2] Proof of the sharing of expenses for food, rent or ownership costs, utilities and other household expenses and sharing in the preparation, storage and consumption of food.

[3] Whether or not different members of the household have the same address for purposes of:

[a] Voter registration.

[b] Drivers' licenses.

[c] Motor vehicle registration.

[d] Summer or other residences.

[e] The filing of taxes.

[4] Common ownership of furniture and appliances among the members of the household.

[5] Employment of householders in the local area.

[6] A showing that the household has been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units.

[7] Any other factor reasonably related to whether or not the group or persons is the functional equivalent of a family.

(2) The initial determination of whether a "functional family unit" status exists shall be made by the Code Enforcement Office ("CEO"). The burden will rest upon the individuals claiming "functional family status" to submit information to the CEO to substantiate their claim. Some of the information provided to the CEO as part of a "functional family unit" status request, as well as the CEO's initial determination, may be highly confidential and, thus, will be maintained in a separate "red envelope" in the property file. It will be left to the CEO to determine whether the information is sensitive enough to be retained in the "red envelope". Information maintained in the "red envelope" will be considered confidential and thus used only by the CEO. Access to the "red envelope" by persons outside of the CEO will only be allowed under court order or during litigation regarding said property.

Dwelling unit: A room or set of rooms fitted with a private bath, and kitchen, and living facilities comprising an independent, self-contained dwelling space occupied by a family, and where rooms are not let to individuals. Bathroom, kitchen and living facilities must be separate and distinct from bedroom facilities. Each bedroom must contain a minimum square footage consistent with the current minimum housing standards. Separate bathroom facilities will be deemed to exist only when it is possible to access such bathroom facilities without passing through a room which is designated as a bedroom. If there is more than one meter for any utility, address to the property, or kitchen; or if there are separate entrances to rooms which could be used as separate dwelling units; or if there is a lockable,

physical separation between rooms in the dwelling unit such that a room or rooms on each side of the separation could be used as a dwelling unit, multiple dwelling units are presumed to exist; but this presumption may be rebutted by evidence that the residents of the dwelling share utilities and keys to all entrances to the property and that they (A) share a single common bathroom as the primary bathroom or (B) share a single common kitchen as the primary kitchen. Each dwelling unit must have a minimum of one hundred eighty (180) square feet of parking space on the premises for every two occupants thereof, such parking area may not be in the front yard.

Sorority/Fraternity: A multiple dwelling used and occupied by a cooperating group of university or college students and containing and providing domestic and social facilities and services thereto.

2. Sec. 17.1.5 Conditional Uses.

(a) through (c) As written.

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

Mark T. Eldridge
Director of Planning and Zoning

To run one day: Wednesday, June 28, 2000

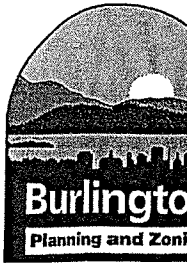
POC: Ken Lerner. Please call our office if you have any questions. 865-7190.

Please bill Office of the Mayor, Burlington City Hall, Burlington, VT 05401

Burlington Planning Commission

135 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

Richard Lang, Jr., Chair
Scott Baldwin
Elizabeth Humstone
Thomas Nuovo
Zander Ponzo
Kathleen Ryan
Annmarie Deitrich



Burlington Planning Commission
Thursday, July 13, 2000, 6:00 P.M.
Contois Auditorium, City Hall

AGENDA

Staff will be available at 5:45 p.m. to meet informally with Commissioners to answer questions and review project files. Note: times given are approximate only.

- I. Organizational Meeting
- II. Agenda
- III. Committee Reports (6:15)
- IV. Report of the Chair
- V. Report of the Director
- VI. Minutes of 6/22/00
- VII. Public Forum (6:30)
- VIII. New Business

Agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance special arrangements to participate in programs and activities Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (865-7144 TTY). EO 11915

IX. Certificate of Appropriateness Level II (6:45)

COA 00-051A; 31 Willow Street (RM, Ward 2) J. Porati

Construction of a duplex on an existing vacant lot located at the corner of Saint Louis and Willow streets.

X. Public Hearing (7:30 p.m.; approximately 60 minutes)

Zoning amendment 2000-01; "Functional Family Definition"

XI. Certificate of Appropriateness Level II (8:45)

COA 00-038; 111 Colchester Avenue (UC, Ward 1) D. White & Associates

Fletcher Allen Health Care / UVM Ambulatory Care addition with underground parking garage.

Continued from the June 22nd meeting.

XII. Old Business (10:30)

XIII. Communications (10:40)

XIV. Meeting Evaluation (10:50)

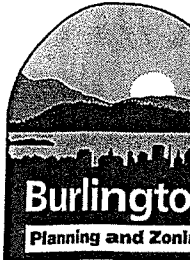
XV. Adjournment (11:00)

NOTE: Depending on the length of the meeting, agenda, and the number of people desiring to speak, the Planning Commission reserves the right to limit comments to 3 minutes each. Except for particularly complex projects, applicants are advised to limit their presentations to a maximum of 10 minutes.

This agenda is distributed to adjacent property owners of projects before the Planning Commission, NPA Steering Committee chairs, City Councilors, City Departments, and interested parties. You may direct written comments to the Planning Commission at 135 Church Street, Burlington, VT 05401. Inquiries may be made by calling 865-7188.

Burlington Planning Commission
135 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

Richard Lang, Jr., Chair
Scott Baldwin
Elizabeth Humstone
Thomas Nuovo
Zander Ponzo
Kathleen Ryan
Annmarie Deitrich



Burlington Planning Commission
Thursday, August 10, 2000, 6:00 P.M.
Contois Auditorium, City Hall

AGENDA

*Staff will be available at 5:45 pm to meet informally with Commissioners to answer questions and review project files. **Note: times given are approximate only.***

- I. **Agenda**
- II. **Committee Reports (6:05 p.m.)**
 - A. **Long Range Planning; Harbor Plan Recommendations**
 - B. **Ordinance Committee; Convenience Stores in E Zone**
- III. **Report of the Chair (6:30)**
- IV. **Report of the Director**
- V. **Minutes of 7/20/00**
- VI. **Public Forum (6:40 p.m.)**
- VII. **New Business**
- VIII. **Old Business (6:45 p.m.)**
 - A. **COA 00-058; 82-92 South Winooski Avenue**
 - B. **COA 00-034; 113 Elmwood Avenue**
- IX. **Consent Agenda Level I & II (approx. 6:50 p.m.)**
 - A. **COA 00-040; 235 College St. (RH, Ward 3) Fletcher Free Library**
Installation of a nonilluminated parallel sign for the Library (4443.d required)
 - B. **COA 00-066; 68 Sunset Cliff Road (WRL, Ward 4) E. Richards**
Demolish existing single family home, rebuilding with larger structure.
- X. **Action on Public Hearing (6:55 p.m.)**
ZA 2000-01; "Functional Family Definition"
- XI. **Public Hearing (7:30 – 8:30 p.m.)**
COA S97-057A; 140 Venus Avenue (RL Dist., Ward 7) Habitat for Humanity
Preliminary Plat approval for 8 (2 duplex, 4 single family) Residential Units.
- XII. **Certificate of Appropriateness Level II (8:45 p.m.)**
 - A. **COA 01-002; 111 Intervale Road (E, Ward 2) Burlington Electric**
Construction of an enclosure of the existing railroad unloading trestle at the McNeil Generating Station.
 - B. **COA 00-003C; 645 Pine Street (E, Ward 5) DPW (9:15 p.m.)**
Review and approval of the parking lot screening as required in the conditions of approval granted 7-6-00.
 - C. **COA 00-042A; 50 Lake Street (WFCE, Ward 3) Main St. Landing (9:45 p.m.)**
Amend previously approved east elevation of the proposed retail structure located at northeast corner of College and Lake streets. Originally approved 4-27-00.

Agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (865-7144 TTY). EO 12813

This agenda is distributed to adjacent property owners of projects before the Planning Commission, NPA Steering Committee chairs, City Councilors, City Departments, and interested parties. You may direct written comments to the Planning Commission at 135 Church Street, Burlington, VT 05401. Inquiries may be made by calling 865-7188.

OVER →

XIII. Sketch Plan (approx. 10:15 p.m.)

501 - 543 Pine Street (E, Ward 5) Redstone Commercial

Construction of 147,500 SF Office/Retail building with associated site improvements.

XIV. Communications (10:45 p.m.)

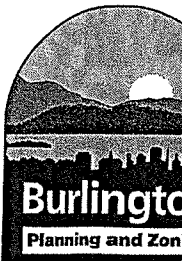
XV. Meeting Evaluation (10:50 p.m.)

XVI. Adjournment (11:00 p.m.)

NOTE: Depending on the length of the meeting, agenda, and the number of people desiring to speak, the Planning Commission reserves the right to limit comments to 3 minutes each. Except for particularly complex projects, applicants are advised to limit their presentations to a maximum of 10 minutes.

Burlington Planning Commission
135 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

Richard Lang, Jr., Chair
Annmarie Deitrich
Elizabeth Humstone
Thomas Nuovo
Zander Ponzo
Kathleen Ryan



Burlington Planning Commission
Thursday, August 24, 2000, 6:30 P.M.
Contois Auditorium, City Hall

AGENDA

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*Staff will be available at 6:15 p.m. to meet informally with Commissioners to answer questions and review project files. **Note: times given are approximate only.***

- I. **Agenda**
- II. **Committee Reports (6:35 p.m.)**
Ordinance Committee; Convenience Stores in E Zone
- III. **Consent Agenda: Certificate of Appropriateness Level I**
COA 01-004; 50 – 52 North Avenue (RM, Ward 3) R. Donaldson
Enlargement of the existing front porch for the duplex.
- IV. **Report of the Chair (7:15 p.m.)**
- V. **Minutes from 7.13.00, 7.20.00, 7.26.00 and 8.10.00**
- VI. **Public Forum (7:20 p.m.)**
- VII. **Public Hearing (7:30 p.m.)**
 - A. Zoning Amendment 95-05A; Intervale Enterprise Agricultural District
 - B. Zoning Amendment 99-03A; Sign Heights in Commercial Districts
 - C. Zoning Amendment 2000-05; Adaptive Reuse Bonus
 - D. Zoning Amendment 2000-06; Accessory Uses in PRD's
- VIII. **Certificate of Appropriateness Level II (8:30 p.m.)**
 - A. COA 01-003; 20 Fletcher Place (UC, Ward 1) M. Lang
Change of use from single family home to a duplex with parking lot improvements.
 - B. COA 01-002; 138 Colchester Avenue (UC, Ward 1) M. Lang
Change of use from single family home to duplex.

This agenda is distributed to adjacent property owners of projects before the Planning Commission, NPA Steering Committee chairs, City Councilors, City Departments, and interested parties. You may direct written comments to the Planning Commission at 135 Church Street, Burlington, VT 05401. Inquiries may be made by calling 865-7188.

IX. Action on Public Hearing (9:15 p.m.)

A. COA S97-057A; 140 Venus Avenue (RL, Ward 7) Habitat for Humanity Preliminary Plat approval to construct eight (8) residential units (4 single family homes and 2 duplexes).

B. ZA 2000-01; "Functional Family Definition"

X. Old Business (10:30 p.m.)

COA 00-058; 82 – 92 South Winooski Avenue (Central Market)

XI. New Business

XII. Communications (10:45 p.m.)

XIII. Meeting Evaluation (10:50 p.m.)

XIV. Adjournment (11:00 p.m.)

NOTE: Depending on the length of the meeting, agenda, and the number of people desiring to speak, the Planning Commission reserves the right to limit comments to 3 minutes each. Except for particularly complex projects, applicants are advised to limit their presentations to a maximum of 10 minutes.

Mover: **B. Humstone**
Action: Accept communications
Vote: 7-0-0

Second: **S. Baldwin**

Meeting Dates

M. Eldridge suggested scheduling next meeting for July 20th to discuss FAHC so all members can participate. Staff will get their recommendations out as soon as possible. Possibly substitute for July 27th meeting.

Z. Ponzo asked whether FAHC would have comments ahead of time. M. Eldridge stated Planning to provide comments with enough lead time to respond. Asked Planning Commission members to let staff know their schedules. M. Eldridge feels that the bulk of the evening should be devoted to the decision making process.

S. Baldwin out 7/27 thru 8/1

Z. Ponzo out 7/28/ thru 8/14

A. Deitrich out 7/28

R. Lang suggested the commission start on July 20th and not adjourn but continue.

K. Ryan suggested that the meeting times should be set now, as it may be more difficult later.

R. Lang canvassed dates 7-26 at 7:30 p.m. and on the 24th also a bit later, possibly 6:30 p.m.

XI. PUBLIC HEARING

Zoning Amendment 2000-01; "Functional Family Definition"

Leon Beliveau: Asked which Quality of Life Purpose Statements improve quality of life. Initial determination is not described. Asked how this will be handled by code enforcement.

Stuart Bennett: Represents apartment owners. Referred to police log as to types of issues they responded to. Also a letter by adjacent property owner as to problem, the residents referred to are a mother & 2 children. This is not a group of students. This amendment was originally for single family homes, now expanded to apartments. He feels that even if you break up bad groups into smaller groups you still have the same issues. Feels number of people have nothing to do with the real issues.

Denise Colpins: 447 Main St – has different opinion than Mr. Bennett. Lives NEXT door to house with students. Complained to landlord regarding drugs, cutting down trees, shooting BB guns in front of children and flour being thrown



Department of Permitting and Inspections

645A Pine St, PO Box 849

Burlington, VT 05402-0849

VOICE (802) 863-0442

FAX: (802) 652-4221

TO: Development Review Board

From: Ted Miles,
Department of Permitting and Inspections

Date: Nov 6, 2019

RE: Report on **Appeal #20-0350AP**; Appeal of an Administrative Officer's Zoning Notice of Violation (ZV #372003) issued on September 9, 2019, for more than four (4) unrelated adults living at the property at 38 Greene St, Burlington, Vermont.

Note: This is the Administrative Officer's report; decisions are made by the Development Review Board, which may overturn or uphold the Zoning Administrator's Decision. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Location: 38 Greene St, Burlington, Vermont

Tax Lot # 045-2-087-000

Appellant: Leon Beliveau

Representative: Leon Beliveau

Applicable Regulations: CDO Articles 2, 3, 4, 5, 12 and 24 VSA §4451

Appeal # 20-0350AP filed on September 23, 2019.

Violation:

- **More than four unrelated in a Residential Medium density zone**

This property is in a Residential- Medium density zoning district. The building is a single family home that is currently occupied by seven unrelated adults in violation of Comprehensive Development Ordinance (CDO) Section 4.4.5 (d)(5)(c) Residential Density.

Pursuant to CDO §4.4.5(d)(5)(c), "[i]n all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13." Family is defined as:

“[o]ne or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit, but not including group quarters such as dormitories, sororities, fraternities, convents, and communes. Occupancy by any of the following shall be deemed to constitute a family:

- (a) Members of a single family, all of whom are related within the second degree of kinship (by blood, adoption, marriage or civil union).
- (b) A “functional family unit” as defined below.
- (c) Persons with disabilities as so defined in Title VII of the Civil Rights Act of 1968, as amended by the “Fair Housing Amendments Act of 1988”.
- (d) A state registered or licensed day care facility serving six or fewer children as required by 24 V.S.A. 4412(5), as the same may be amended from time to time.
- (e) No more than four unrelated adults and their minor children.

Provided that a dwelling unit in which the various occupants are treated as separate roomers cannot be deemed to be occupied by a family....” CDO Sec. 13.1.2. *See full “family” definition attached.*

Appellant does not dispute occupancy of the property by 7 unrelated adults. Appellant has not demonstrated or even claimed that the occupancy at 38 Greene Street meets any of the identified family definition statuses, (a) – (e) above, therefore, the notice of violation was proper and should be upheld.

Enforcement Timeline

1. January 9, 2015. Zoning complaint initialized from a former zoning enforcement officer stemming from a conversation with the owner about six people living at 38 Greene St and shared parking with 52 Hickok Place. NO Actions taken on this complaint.
2. May 2, 2019. Complaint followed up since no action was taken previously. Warning letter sent to owner about complaint of more than four unrelated living at the property. No response from owner.
3. August 30, 2019. Code Enforcement staff visited the property and noted there were seven names listed on the mail box on the front of the house.

4. September 4, 2019. Code Enforcement staff did a follow up at the property and spoke with one of the tenants at the property who confirmed that there were seven people living at the property and that the names on the mail box were correct.
5. September 9, 2019. A notice of Violation was mailed to the owner of the property noting the violation of more than four unrelated adults living at the property.
6. September 23, 2019. Received appeal of Notice of Violation of more than four unrelated adults living at the property.

Background Information:

- Built circa 1910 as a single family home. Building is listed on State historic registry.
- Zoning permit obtained October 9, 2002 to replace a window on the third floor level.
- Mr. Leon Beliveau purchased the property in May 1997.
- Property listed in Assessor's Records as a single family home with a 1,880 sf lot.
- RM Zone, Ward 2E

Response To Appellant's Claims:

Adoption process—

Appellant claims that zoning amendment (ZA) #2000-01 was not properly adopted as it was “unilaterally” amended by the City Council without the Planning Commission or the Burlington Legal Voters. The process for zoning bylaw amendments in Burlington is set forth in State Statute. The general process includes public hearings by both the Planning Commission and then the City Council, it does not require a vote of the Burlington Legal Voters. 24 V.S.A. §§4441-2. ZA #2000-01 had a public hearing before the Planning Commission on July 13, 2000. It was further discussed at the Planning Commission on August 10, 2000 and then passed out to the City Council on August 24, 2000. It is noted in the July 13, 2000 minutes that Leon Beliveau spoke during the public hearing. *See attached public hearing notice, agendas and excerpt from the July 13, 2000 minutes.* The amendment was adopted over 19 years ago. It has been and continues to be enforceable.

Single Non-Family Dwelling—Appellant requests that if the property is not a single non-profit housekeeping unit that the Board identify it as a Single “Non-Family” Dwelling. Appellant's requests are misplaced. If the occupants do not meet one of the 5 statuses listed in the family definition, then they do not qualify as a family and are in violation of the ordinance. Appellant's appeal does not demonstrate compliance with any of the 5 statuses. If Appellant was asserting a “functional family” status, that requires approval from the City, there has been no application for “functional family” status at this property.

Summary:

It has been undisputed that the Property is currently occupied by 7 unrelated adults. Pursuant to the definition of family the maximum occupancy is 4 unrelated adults unless another family status is met. Appellant has no other zoning determinations or approvals for the occupancy of this property. The notice of violation was proper and should be upheld.

Conclusion:

The Assistant Zoning Administrative Officer for Code Compliance/Enforcement hereby requests the Development Review Board uphold ZV #372003 as valid. The following stipulations are recommended:

1. Within 30 calendar days from date of DRB decision, Appellant shall request an agreement from the Zoning Administrator (to be executed within forty-five [45] calendar days from date of DRB decision) that includes reasonable timelines in which to cure the violation noted in ZV #372003.

November 4, 2019

Burlington Development Review Board
149 Church Street
Burlington Vermont, 05401
c/o Alison Davis

Re: Case # 20-0350AP, see motions # 3, 4, 5, 6, 7 and 8 below and see interrogatories 1, 2 and 3 below.

Dear Alison,

Ted Miles' November 1, 2019 report on appeal says, "The building is a single family home that is currently occupied by seven unrelated adults". See yellow highlighted language attached page 4.

The Burlington Zoning Ordinance definitions section does not provide a definition for building or single family home.

Motion # 3; Appellant requests that the Burlington Development Review Board provide him a definition for building and single family home.

Ted Miles' report says, "Appellant does not dispute occupancy of the property by 7 unrelated adults." See yellow highlighted language on attached page 5. Also, appellant's September 23rd, 2019 Department of Planning and Zoning Appeal of an administrative Decision Request form says, "All of the following **must** be provided, as applicable: Description of the property subject to the appeal".

The Burlington Zoning Ordinance definitions section does not provide a definition for property.

Motion # 4; Appellant requests that the Burlington Development Review Board provide him a definition for property.

Ted Mile's report says, "[in] all residential districts the occupancy of any dwelling unit is limited to members of a family as defined....." See orange highlighted phrase on attached page 4.

Motion # 5; Appellant requests the Burlington Development Review Board make a determination as to when residential districts were established in the City of Burlington and who established them?

Ted Miles' report says, "The process for zoning bylaw amendments in Burlington is set forth in State Statute". See yellow highlighted language on attached page 6. He also says, "More than four unrelated in a Residential Medium density zone." See green highlighted language on attached page 4.

Interrogatory # 1; Is the medium density zoning limitation noted in subsection b of Section 3.1.4. Residential Districts Established of the Zone Amendment document that was approved by the City Council on October 16, 1999 a density zoning bylaw or a density zoning law? See attached pages 10, 11 and blue highlighted language on attached page 12.

Interrogatory # 2; Is the process for density zoning law amendments in Burlington set forth in State Statute?

Interrogatory # 3; Are the seven unrelated adults who are currently occupying the dwelling unit or the structure or the building or the single family home or the property at 38 Greene Street located in the Residential Neighborhood Medium density zoning law zone living or not living as a single nonprofit housekeeping unit?

The Burlington Zoning Ordinance definitions section does not provide a definition for single nonprofit housekeeping.

Motion # 6; Appellant requests that the Burlington Development Review Board provide him a definition for single nonprofit housekeeping.

Ted Miles's report says, "Appellant claims that zoning amendment (ZA) # 2000-01 was not properly adopted as it was "unilaterally" amended by the City Council without the Planning Commission or the Burlington Legal Voters." See orange highlighted language on attached page 6.

My September 23rd, 2019 notice of appeal letter does not claim that zoning amendment (ZA) #2000-01 was not properly adopted as it was "unilaterally" amended by the City Council without the Planning Commission or the Burlington Legal Voters", it says, "Since the Burlington City Council unilaterally amended the not more than four unrelated adult zoning ordinance on October 16, 1999 to the 1961 Comprehensive Plan Report for the future development of the City of Burlington contract without the approval of the City Planning Commission and the Burlington Legal voters, Appellant alleges the City of Burlington does not have the legal authority to enforce the not more than four unrelated adult zoning ordinance and that it is unenforceable. See yellow highlighted language on attached page 8.

Appellant amends the above mentioned language in his September 23, 2019 notice of appeal letter to read, "Since on October 16, 1999 the Burlington City Council unilaterally amended the not more than four unrelated adult zoning bylaw to the density zoning law noted in the 1961 Comprehensive Plan Report for the future development of the City of Burlington contract without the approval of the City Planning Commission and the Burlington Legal voters, Appellant alleges the City of Burlington does not have the legal authority to enforce the not more than four unrelated adult zoning bylaw and that it is unenforceable.

Motion #7; Appellant requests that the Burlington Development Review Board have Ted Miles correct his November 1, 2019 report to reflect that Appellant said, "Since on October 16, 1999 the Burlington City Council unilaterally amended the not more than four unrelated adult zoning bylaw to the density zoning law noted in the 1961 Comprehensive Plan Report for the future development of the City of Burlington contract without the approval of the City Planning Commission and the Burlington Legal voters, Appellant alleges the City of Burlington does not have the legal authority to enforce the not more than four unrelated adult zoning bylaw and that it is unenforceable.

Ted Miles's report says, "Appellant requests that if the property is not a single non-profit housekeeping unit that the Board identify it as a Single "Non-Family" Dwelling." See green highlighted language on attached page 6.

My September 23rd, 2019 notice of appeal letter does not say, "Appellant requests that if the property is not a single non-profit housekeeping unit that the Board identify it as a Single "Non-Family" Dwelling.", it says, "If the evidence provided to Appellant supports the allegation that in May of 2019,

the 7 Persons occupying the dwelling unit at 38 Greene Street were not living as a single non-profit housekeeping unit, Appellant request that the Burlington Development Review Board define the 7 persons occupying the dwelling unit there as a non-family and define the dwelling unit there as a Single "Non-Family" Dwelling". See yellow highlighted language on attached page 9.

Appellant amends the above mentioned language in his September 23, 2019 notice of appeal letter to read, "If the evidence provided to Appellant supports the allegation that in May of 2019, the 7 Persons occupying the dwelling unit or structure or building or single family home or property at 38 Greene Street were not living as a single non-profit housekeeping unit, Appellant request that the Burlington Development Review Board define the 7 persons occupying the dwelling unit or structure or building or single family home or property there as a non-family and define the dwelling unit or structure or building or single family home or property there as a Single "Non-Family" Dwelling".

Motion # 8; Appellant requests that the Burlington Development Review Board have Ted Miles correct his statement in his report that, "Appellant requests that if the property is not a single non-profit housekeeping unit that the Board identify it as a Single "Non-Family" Dwelling." to read, "If the evidence provided to Appellant supports the allegation that in May of 2019, the 7 Persons occupying the dwelling unit or structure or building or single family home or property at 38 Greene Street were not living as a single non-profit housekeeping unit, Appellant request that the Burlington Development Review Board define the 7 persons occupying the dwelling unit or structure or building or single family home or property there as a non-family and define the dwelling unit or structure or building or single family home or property there as a Single "Non-Family" Dwelling".

Sincerely,



Leon Beliveau
1166 Main Street
Fairfax Vermont, 05454
802-238-0922

Cc: Ted Miles, Mailed certified mail and first class mail.



Department of Permitting and Inspections

645A Pine St, PO Box 849
Burlington, VT 05402-0849

VOICE (802) 863-0442

FAX: (802) 652-4221

TO: Development Review Board

From: Ted Miles,
Department of Permitting and Inspections

Date: Nov 6, 2019

RE: Report on **Appeal #20-0350AP**; Appeal of an Administrative Officer's Zoning Notice of Violation (ZV #372003) issued on September 9, 2019, for more than four (4) unrelated adults living at the property at 38 Greene St, Burlington, Vermont.

Note: This is the Administrative Officer's report; decisions are made by the Development Review Board, which may overturn or uphold the Zoning Administrator's Decision. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Location: 38 Greene St, Burlington, Vermont

Tax Lot # 045-2-087-000

Appellant: Leon Beliveau

Representative: Leon Beliveau

Applicable Regulations: CDO Articles 2, 3, 4, 5, 12 and 24 VSA §4451

Appeal # 20-0350AP filed on September 23, 2019.

Violation:

- **More than four unrelated in a Residential Medium density zone**

This property is in a Residential- Medium density zoning district. The building is a single family home that is currently occupied by seven unrelated adults in violation of Comprehensive Development Ordinance (CDO) Section 4.4.5 (d)(5)(c) Residential Density.

Pursuant to CDO §4.4.5(d)(5)(c), "[i]n all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13." Family is defined as:

“[o]ne or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit, but not including group quarters such as dormitories, sororities, fraternities, convents, and communes. Occupancy by any of the following shall be deemed to constitute a family:

- (a) Members of a single family, all of whom are related within the second degree of kinship (by blood, adoption, marriage or civil union).
- (b) A “functional family unit” as defined below.
- (c) Persons with disabilities as so defined in Title VII of the Civil Rights Act of 1968, as amended by the “Fair Housing Amendments Act of 1988”.
- (d) A state registered or licensed day care facility serving six or fewer children as required by 24 V.S.A. 4412(5), as the same may be amended from time to time.
- (e) No more than four unrelated adults and their minor children.

Provided that a dwelling unit in which the various occupants are treated as separate roomers cannot be deemed to be occupied by a family....” CDO Sec. 13.1.2. *See full “family” definition attached.*

Appellant does not dispute occupancy of the property by 7 unrelated adults. Appellant has not demonstrated or even claimed that the occupancy at 38 Greene Street meets any of the identified family definition statuses, (a) – (e) above, therefore, the notice of violation was proper and should be upheld.

Enforcement Timeline

1. January 9, 2015. Zoning complaint initialized from a former zoning enforcement officer stemming from a conversation with the owner about six people living at 38 Greene St and shared parking with 52 Hickok Place. NO Actions taken on this complaint.
2. May 2, 2019. Complaint followed up since no action was taken previously. Warning letter sent to owner about complaint of more than four unrelated living at the property. No response from owner.
3. August 30, 2019. Code Enforcement staff visited the property and noted there were seven names listed on the mail box on the front of the house.

4. September 4, 2019. Code Enforcement staff did a follow up at the property and spoke with one of the tenants at the property who confirmed that there were seven people living at the property and that the names on the mail box were correct.
5. September 9, 2019. A notice of Violation was mailed to the owner of the property noting the violation of more than four unrelated adults living at the property.
6. September 23, 2019. Received appeal of Notice of Violation of more than four unrelated adults living at the property.

Background Information:

- Built circa 1910 as a single family home. Building is listed on State historic registry.
- Zoning permit obtained October 9, 2002 to replace a window on the third floor level.
- Mr. Leon Beliveau purchased the property in May 1997.
- Property listed in Assessor's Records as a single family home with a 1,880 sf lot.
- RM Zone, Ward 2E

Response To Appellant's Claims:

Adoption process—

Appellant claims that zoning amendment (ZA) #2000-01 was not properly adopted as it was "unilaterally" amended by the City Council without the Planning Commission or the Burlington Legal Voters. The process for zoning bylaw amendments in Burlington is set forth in State Statute. The general process includes public hearings by both the Planning Commission and then the City Council, it does not require a vote of the Burlington Legal Voters. 24 V.S.A. §§4441-2. ZA #2000-01 had a public hearing before the Planning Commission on July 13, 2000. It was further discussed at the Planning Commission on August 10, 2000 and then passed out to the City Council on August 24, 2000. It is noted in the July 13, 2000 minutes that Leon Beliveau spoke during the public hearing. *See attached public hearing notice, agendas and excerpt from the July 13, 2000 minutes.* The amendment was adopted over 19 years ago. It has been and continues to be enforceable.

Single Non-Family Dwelling—Appellant requests that if the property is not a single non-profit housekeeping unit that the Board identify it as a Single "Non-Family" Dwelling. Appellant's requests are misplaced. If the occupants do not meet one of the 5 statuses listed in the family definition, then they do not qualify as a family and are in violation of the ordinance. Appellant's appeal does not demonstrate compliance with any of the 5 statuses. If Appellant was asserting a "functional family" status, that requires approval from the City, there has been no application for "functional family" status at this property.

Summary:

It has been undisputed that the Property is currently occupied by 7 unrelated adults. Pursuant to the definition of family the maximum occupancy is 4 unrelated adults unless another family status is met. Appellant has no other zoning determinations or approvals for the occupancy of this property. The notice of violation was proper and should be upheld.

Conclusion:

The Assistant Zoning Administrative Officer for Code Compliance/Enforcement hereby requests the Development Review Board uphold ZV #372003 as valid. The following stipulations are recommended:

1. Within 30 calendar days from date of DRB decision, Appellant shall request an agreement from the Zoning Administrator (to be executed within forty-five [45] calendar days from date of DRB decision) that includes reasonable timelines in which to cure the violation noted in ZV #372003.

September 23, 2019

Burlington Development Review Board
149 Church Street
Burlington Vermont, 05401
C/o The Burlington zoning office.

Re: Appeal of the Code Enforcement Office September 9, 2019 decision that a zoning violation exists at 38 Greene Street. See attached.

Dear Development Review Board,

- Description of the property subject to the appeal: A single family dwelling or a single non-family dwelling containing 7 bedrooms, 2 bathrooms, kitchen, living room, full basement, situated on a .043 acre lot.
- On October 16, 1999, the Burlington City Council amended the not more than four unrelated adult zoning ordinance to Section 3.1.4, Residential Districts Established, Subsections a and b of the then Burlington Zoning Ordinance. See attached Zone Amendment document the Burlington City Council approved on October 16, 1999.
- On April 17, 1962 the City Planning Commission, on May 22, 1962 the Burlington City Council (Board of Alderman) and then on March 3rd, 1964 the Burlington Legal Voters adopted the 1961 Comprehensive Plan Report for the future development of the City of Burlington contract which established residential neighborhood zoning districts as places in which to live, raise a family or do business. See highlighted language in the first paragraph of page 9 of the attached 1961 Comprehensive Plan Report for the future development of the City of Burlington contract and additional exhibits.
- Since the Burlington City Council unilaterally amended the not more than four unrelated adult zoning ordinance on October 16, 1999 to the 1961 Comprehensive Plan Report for the future development of the City of Burlington contract without the approval of the City Planning Commission and the Burlington Legal Voters, Appellant alleges the City of Burlington does not have the legal authority to enforce the not more than four unrelated adult zoning ordinance and that it is unenforceable.
- Appellant seeks relief in the form of a determination by the Burlington Development Review Board that the not more than four unrelated adult zoning ordinance is unenforceable.

- Appellant request that Burlington Development Review Board have the Code Enforcement Office provide to Appellant all evidence it has which supports it's allegation that in May of 2019, the 7 persons occupying the dwelling unit at 38 Greene Street were not living as a single non-profit housekeeping unit.
- If the evidence provided to Appellant supports the allegation that in May of 2019, the 7 Persons occupying the dwelling unit at 38 Greene Street were not living as a single non-profit housekeeping unit, Appellant request that the Burlington Development Review Board define the 7 persons occupying the dwelling unit there as a non-family and define the dwelling unit there as a Single "Non-Family" Dwelling. Then Appellant can provide a complete and accurate description of the property subject to the appeal as required by Appellant's Appeal of the Administrative Decision Request form dated September 23rd, 2019. See attached.

Also, I will be out of the Country from December 7, 2019 – January 15, 2020.

Sincerely,



Leon Beliveau
1166 Main Street
Fairfax Vermont, 05454
802-238-0922

ERIE
COUNTY



DEPARTMENT OF PLANNING
RALPH M. BARNES, A.I.P.—COMMISSIONER
ARTHUR G. WINGERTER, R.L.A.—CHIEF PLANNER
2201 CITY HALL BUFFALO 2, N. Y. TL 3-7772

November 21, 1963

Mr. John F. Fitzpatrick
Assessor, City of Burlington
City Hall
Burlington, Vermont

Dear John:

In response to your telephone inquiry of November 20, 1963, I would like to amplify the text of the 1961 Comprehensive Plan Report as follows:

The colored map titled "Land Use Plan," following page 17, indicates the general residential densities proposed. In the buff color two categories are shown: buff with a dotted over-print - "multi-family/high density" and plain buff - "multi-family/low density." The high density area, as noted in the text, would average about 25 apartment units per net acre of land [public streets excluded]. The low density is not specified numerically, but is designed to be in the density range of a "garden apartment" - from 12 to 16 apartment units per net acre.

If all apartment units in a specific project were one-bedroom units, the density might be increased about one-third as the average number of occupants per unit would be less than in a project with a spread of unit sizes - one, two and three bedrooms.

It would be unwise, however, to go to densities much over 16 units per net acre as traffic requirements would then greatly exceed existing street capacities and open space and other facilities would be greatly over-extended.

10

PLANNING ADVISORY BOARD

CHAIRMAN—MRS. FREDERICK T. SHERWOOD, 82 LONG AVENUE, HAMBURG, N. Y.

MEMBERS—EDWARD A. BRAND, GEORGE A. BURY, CHARLES C. CRANSTON, SHERIDAN CREEKMORE, ROBERT F. DAUER, WALTER E. DONOWICK, EUGENE W. FITZGERALD, MRS. ROGER W. GRATWICK, ROBERT C. KUSTER, LEE MCNEELY, JR., LOUIS H. MUSCATO, EARL R. NUNEMAKER, GEORGE F. RAND, MRS. FREDERICK T. SHERWOOD, PAUL J. SPEYSER, JR.

EX-OFFICIO MEMBERS—H. DALE BOSSERT, P.E., COMMISSIONER OF PUBLIC WORKS; FRANK A. GAWRONSKI, COMMISSIONER OF FINANCE

Mr. John F. Fitzpatrick

November 21, 1963

Page 2

The high density areas were predicated on a general re-building of a large area through renewal, which would allow street, sewer, storm drainage and open-space uses to be re-designed to meet the new conditions.

I trust these comments will be of assistance to you and the Planning Commissioner.

Please give my best regards to Lloyd and my other friends.

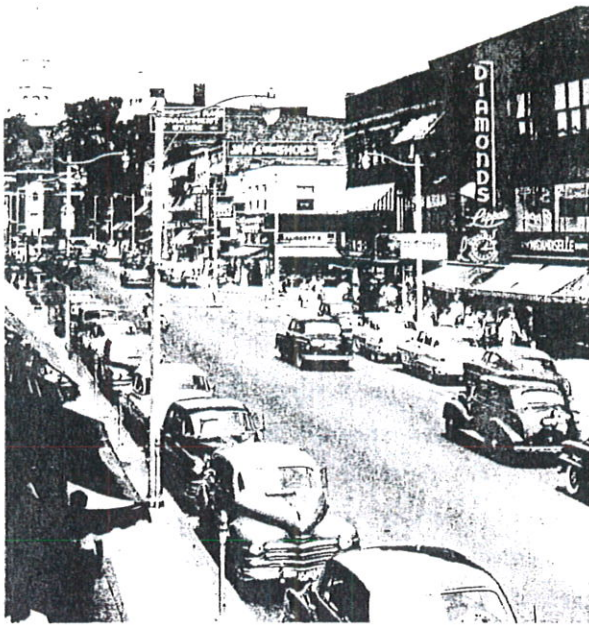
Sincerely,



RALPH M. BARNES, A.I.P.
Commissioner

(11)

(6)



Downtown Burlington

Page 9 of The
1961 Comprehensive Plan
Report for the Future
Development of the
City of Burlington
Contract

restaurant. Heavy commercial uses, such as warehousing, storage yards, heating and plumbing contractors, and truck terminals, tend to locate along major streets or near the downtown area and often are mixed in with industrial plants. The Land Use Plan shows these three categories of business use in a pattern that will provide each a suitable location to serve its customers and minimize its unfavorable impact on any adjoining area.

Downtown

Downtown Burlington — the "Central Business District" — has been carefully analyzed as part of an urban renewal study which has resulted in a "General Neighborhood Renewal Plan". This plan indicates where new business uses, parking areas and street changes are needed. Most of the business uses of the City's Central Business District are covered. Additional area to the south, as far as Maple Street, and to the east, as far as Union Street, should be included in the Central Business District. In these boundary blocks will be found some public buildings, a hotel, and other uses necessary for the proper functioning of the City's center. No new retail store development should be encouraged beyond this area (the GNRP and the boundary blocks on the south and east) in order to maintain the compactness required to revitalize downtown Burlington as a shopping center, except where a store is added to a local neighborhood business area.

Local Business

For residents living near the central area, that area serves them as their local business section. Further out, groups of local stores are shown along major streets as follows:

North Street — Intervale Avenue	Riverside Avenue
North Avenue (present shopping center)	Pine Street
North Avenue at Plattsburgh Avenue	Shelburne Street

Businesses now located in other areas will, of course, be permitted to continue under the appropriate provisions of the City's Zoning Laws. The purpose of showing a fairly limited amount of local business area is three-fold: (1) to encourage a compact development of business in order to enhance business values; (2) to limit

Burlington Development Review Board

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



BURLINGTON DEVELOPMENT REVIEW BOARD **Tuesday November 6th 2019, 5:00 PM** **Contois Auditorium, City Hall, 149 Church St, Burlington, VT** **Draft Minutes**

Board Members Present: Brad Rabinowitz, Geoff Hand, AJ LaRosa, Kienan Christianson, Brooks McArthur, Sean McKenzie (Alt.)

Board Members Absent: Springer Harris, Ravi Venkataraman (Alt.)

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

I. Agenda

B. Rabinowitz: Asks if any changes are needed for the agenda.

S. Gustin: Confirms no changes to agenda, and adds 75 Briggs project is recommended for consent.

II. Communications

B. Rabinowitz: Clarifies Board has received updated parts of Comprehensive Development Ordinance that has been adopted by City Council.

S. Gustin: Confirms that these updates are from early as June, and some updates from October. There will be an agenda item soon to provide an overview of what the updates include.

III. Minutes

B. Rabinowitz: Have minutes from October 15th to review, asks anyone who has comments or corrections to please let him know.

IV. Consent

1. 20-0360CA; 111 Intervale Rd (EAE, Ward 2C) City of Burlington Fire Department Installation of fire training structures (Project Manager: Mary O'Neil)

Troy Ruggles and Aaron Collette appeared on behalf of project

No one from public provided testimony

G. Hand not present

B. Rabinowitz: Asks if applicants have reviewed staff recommendations and if any members on Board if they object to the item being on the consent agenda.

T. Ruggles: Accepts staff comments and recommendations.

B. Rabinowitz: Recommends Board makes motion to approve.

K. Christianson: Motion.

Z. Hightower: Seconds motion.

6-0-0

2. 20-0367CA; 27 Colchester Ave (I, Ward 1E) University of Vermont

Addition to Torrey Hall for improved ADA accessibility. Landscaping, walkways, and replacement on site of 11 parking spaces that will be displaced as a result of project and reconfiguration of two additional parking spaces (Project Manager: Mary O'Neil)

Gail Henderson King appeared on behalf of project
No public provided testimony
G. Hand not present

B. Rabinowitz: Asks if applicants have reviewed staff recommendations and if any members on Board if they object to the item being on the consent agenda.
G. Henderson King: Accepts staff comments and recommendations.
B. Rabinowitz: Recommends Board makes motion to approve.

A. LaRosa: Motion
B. McArthur: Seconds motion
6-0-0

V. Public Hearing

1. 18-1208CA/MA; 75 Briggs St (ELM, Ward 5S) Petra Cliffs

Time extension request for 18-1208CA/MA; Construct a new health club/climbing center. Includes a new building and site improvements (Project Manager: Scott Gustin)

Stephen Charest appeared on behalf of project
No one provided public testimony
G. Hand not present

B. Rabinowitz: Explains item is recommended for staff approval. Asks if applicants have seen the staff report and if it is acceptable for applicants.
S. Charest: Asks about expiration date of permit
S. Gustin: Explains the date that applicant is referring to pushes the date out by one year
S. Charest: Understands and accepts staff recommendations.
B. Rabinowitz: Asks members of Board if anyone is opposed to item being treated as consent. Recommends Board makes motion for approval.

Z. Hightower: Motion to approve and adopt staff findings and recommendations.
A. LaRosa: Seconds motion
6-0-0

2. 20-0166CA/VR; 15 Conger Ave (RL/W, Ward 5S) Patrice A. Stratmann

Demolish existing structure and construct new single family home and related site improvements (Project Manager: Scott Gustin)

Patrice Stratmann appeared on behalf of project
No public provided testimony

P. Stratmann: Provides board with three items and documents that include updated information about project; architectural design concept, site plan and elevation drawings, spec sheet for light, updated site plan
B. Rabinowitz: Asks what information is updated.
P. Stratmann: Explains that one is a smaller version of the original plan that was approved but is now expired or soon-to-be expired. Explains documents have been updated per DAB recommendations for light fixture and exit for rooftop plan. Explains original plan represented a design for a building that was significantly large for a single family home, but the plans have changed over the years, want smaller sq footage. Thought about redesigning, another buyer came along and had their own

design. Applicants started to work with interested buyers late last year into 2019, and then by early summer the interested buyers decided that they could not go forward. Applicants submitted a redesigned plan, and that is what they are here now tonight.

B. Rabinowitz: Confirms that applicant submitted old site plan so Board can compare with updated plan when reviewing.

P. Stratmann: Explains that new plan does not increase non conformities but decreases the overall non conformity. Now there will be small backyard.

A. LaRosa: Confirms the reconfiguration of property and asks about the sq footage difference of the new and original plans.

P. Stratmann: Previous plan was 4,000 and the proposed is 1,800.

A. LaRosa: Asks if carport is open or closed.

P. Stratmann: Open carport.

Z. Hightower: Asks about new 2nd floorplans, asks if plan is still 2 bedroom-2 bath.

P. Stratmann: Confirms.

B. Rabinowitz: Question about proposed plan overlaid on the existing plan and parking location.

P. Stratmann: Explains it was gravel belt across front of the building.

B. Rabinowitz: Asks about sidewalk and greenbelt location, explains site plan is not very sufficient.

B. Rabinowitz: Refers to comment in staff reports about color and natural cedar.

P. Stratmann: Explains cedar location and reason.

B. Rabinowitz: Explains he asked about color because he is curious.

Asks Board if there are any remaining questions.

A. LaRosa: Likes that it is smaller.

B. Rabinowitz: Nice to see the site repurposed.

P. Stratmann: Asks for time extension to get this done because of the weather and worried about time.

S. Gustin: It is a new application so you will have a new three-year time frame.

P. Stratmann: Good, wanted to confirm.

S. Gustin: You have a year to start.

B. Rabinowitz: Worried about when you are able to start or able to finish?

P. Stratmann: Both, but really worried if had to start next week.

B. Rabinowitz: Closes public hearing

3. 20-0350AP; 38 Greene St (RM, Ward 2C) Leon L Beliveau

Appeal of NOV 372003; Occupying structure with more than 4 unrelated adults in a Residential-Medium Density zone, inconsistent with the Family Definition of the Comprehensive Development Ordinance Article 13 (Project Manager: Ted Miles)

Ted Miles and Kim Sturtevant appeared on behalf of the City
No public provided testimony

T. Miles: Explains violation and history of property relationship with Department of Permitting and Inspections. Explains there were 7 unrelated adults living on the property. Revisited in May because of turnover of tenants. L. Beliveau does not deny the fact that there are 7 unrelated adults living at this property. Requests that the Board upholds violation with the condition that they uphold what the City is requesting.
K. Sturtevant: Adds that this property is not in compliance with the occupancy requirements, and have been cited so City is requesting for violation to be upheld.

A. LaRosa: Asks why situation is not talking about the last 15 years/statute of limitations and enforcement.

T. Miles: That was given as an option with the notice of violation which was sent to the owner but appellee did not seek that route, and decided to go this route.

K. Sturtevant: Has been no claim or request for determinations 15 years or grandfathering or anything of the sort.

B. Rabinowitz: Clarifies that no action was taken with the last notice of violation.

T. Miles: Explains that there was no notice of violation before the one they are addressing, but it was a zoning complaint in 2015 with no action taken on it.

B. Rabinowitz: Welcomes appellee to come up.

Leon Beliveau appeared on behalf of appeal

L. Beliveau: Introduces himself and explains that he is questioning the City's authority to enforce the no more than four unrelated adults zoning bylaw. Explains was watching it get approved back in 1999. Done a lot of research and documents. Explains he can only find so much information and has limited research.

B. Rabinowitz: Explains that appellee has an advantage over the Board because the Board looks at items that come before them in light of the (Comprehensive Development Ordinance) CDO. Explains that is appellee has a problem with the CDO, he is not sure that is something that Board has ability and jurisdiction to evaluate.

Asks if appellee believes the City is at fault.

L. Beliveau: Asks if there is any evidence that the renters are unrelated.

Z. Hightower: Number of names is an indicator although is not proof.

L. Beliveau: Has the City submitted the lease as proof to show the names?

S. Gustin: You would need to seek approval of functional family status through Department of Permitting and Inspections.

A. LaRosa: Asks if renters are related. You have the information so you should be able to tell us if they are related.

L. Beliveau: It is up to the tenants to present.

A. LaRosa: No, it is not.

L. Beliveau: Explains he is not expecting to win and is planning on appealing decision.

A. LaRosa: It is a fair question, are they related or not?

L. Beliveau: They are not living as a single non-profit housekeeping unit.

K. Christianson: Are any of the renters here in the audience?

L. Beliveau: Does not know if renters are in audience. Says Code Enforcement has copy of lease. Does not know why they are not presenting it as evidence.

A. LaRosa: So you do not know if they are related or not.

L. Beliveau: I do know.

A. LaRosa: Asks if renters are related or not.

L. Beliveau: No, they are not.

A. LaRosa: Asks about argument and validity of the four unrelated adult provision in the statute.

L. Beliveau: The statute calls it a bylaw.

A. LaRosa: Asks why appellee thinks it is unenforceable.

L. Beliveau: That answer is in the documents that I presented to you.

A. LaRosa: Understands, but wants appellee to explain it to him.

L. Beliveau: Explains he deals with contracts and is in real estate. Purchase sale contract, two people sign it, buyer-seller can only sign that contract and amend it. 1961 Comprehensive Report for the Future of Burlington Contract, which was agreed to by the Planning Commission and City Council and Legal Board, why is the City Council uni-laterally amending the no more than four unrelated bylaw to that?

A. LaRosa: Your argument is that when City Council amended the bylaws in 1999, they did not follow proper procedure.

L. Beliveau: They amended it to a zoning law, not a zoning bylaw.
A. LaRosa: Confirms he is saying that every other amendment after 1999 would also be invalid.
L. Beliveau: The contract is valid, what are they doing amending it when they say the contract is not valid, they amended to it.
B. Rabinowitz: Clarifies that appellee is referring to the CDO as a contract.
L. Beliveau: Referring to the 1961 Comprehensive Plan Report for the Future Development for the City of Burlington contract.
B. McArthur: Clarifies that appellees position is that he understands the CDO and that you have to comply with that, you anticipate losing and then you are going to appeal the Boards' decision and take it to the next level.
L. Beliveau: Explains he is presenting what his research is showing.
B. McArthur: Clarifies that his goal is to ultimately get in front of a judge with the case.
K. Christianson: Clarifies that tenants are not related and that appellee is not claiming functional family status.
L. Beliveau: Not related and not claiming functional family status.
B. Rabinowitz: Clarifies that appellee is claiming that the CDO is not valid.
L. Beliveau: If presented information is correct, then yes, CDO is not valid.
L. Beliveau: Asks when residential districts were established.
S. Gustin: Clarifies that 1947 code (City's first Zoning Code) included residential districts.
L. Beliveau: Asks if 1947 mentions zoning laws.
S. Gustin: Confirms.
L. Beliveau: Asks if there were density zoning laws included.
S. Gustin: Just included a residential zone, no medium vs low vs high.
B. Rabinowitz: Invites City back to testify.
T. Miles: Clarifies that Code Enforcement has not seen copy of lease.
B. McArthur: Asks if the City Attorney has a problem with the legitimacy of the Comprehensive Development Ordinance.
K. Sturtevant: No, City feels confident it has been adopted through the planning process for a number of years, my research shows they followed the correct process.
B. Rabinowitz: Closes public hearing.

VI. Adjournment

The meeting was adjourned at 5:40 PM.

Bradford L. Rabinowitz, Chair of Development Review Board

Date

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

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