

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday November 1, 2016, 5:00 PM Contois Auditorium, City Hall, 149 Church Street, Burlington, VT Amended Public Hearing Notice

- 1. 17-0267SD; 311-375 North Ave (RM-W, Ward 4N) BCCH**
Final plat review of 11-lot subdivision. No development included.
- 2. 17-0302CU; 702 Lake St (UR/DW-PT/RM-W, Ward 4N/3C) City of Burlington**
Renewal of winter snow storage on urban reserve parcel.
- 3. 17-0189CA; 28 Pine St (D, Ward 3C) Chris Khamnei**
Appeal of zoning permit denial to change use to single family residence.
- 4. 17-0427CA/CU; 3127 North Ave (RL-W, Ward 7N) Joseph Benoit III/Thomas Furland**
Remove existing garage and construct a new residence.

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

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

This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/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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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday November 1, 2016, 5:00 PM Contois Auditorium, City Hall, 149 Church Street, Burlington, VT AGENDA

- I. Agenda**
- II. Communications**
- III. Minutes**
- IV. Consent**
 - 1. 15-0129CA/CU; 1398 NORTH AVENUE (RL, Ward 7N) Peter and Mary Bessery**
Extension of time for demolition of existing building and construct new two story building with market on ground floor and two residential units on second floor.
(Project Manager, Scott Gustin)
- V. Public Hearing**
 - 1. 17-0267SD; 311-375 North Ave (RM-W, Ward 4N) BCCH**
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Appeal of zoning permit denial to change use to single family residence.
(Project Manager, Scott Gustin)
 - 4. 17-0427CA/CU; 3127 North Ave (RL-W, Ward 7N) Joseph Benoit III/Thomas Furland**
Remove existing garage and construct a new residence. (Project Manager, Scott Gustin)
- VI. Sketch Plan**
 - 1. 17-0432SP; 30-32 Howard St/400Pine St (ELM, Ward 5S) Howard Space Partnership**
Construction of multiuse building for studios, offices and replacement of two residential units.
(Project Manager, Mary O'Neil)
- VII. Other Business**
- VIII. Adjournment**

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Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: November 1, 2016
RE: 30-32 Howard / 400 Pine Street ZP17-0432SP

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: ZP17-0432SP

Location: 30-32 Howard Street, 400 Pine Street

Zone: ELM **Ward:** 5S

Date application accepted: October 3, 2016

Applicant/ Owner: GVV Architects / Unsworth Properties

Request: Demolition of 30-32 Howard Street duplex and 2 industrial buildings at 400 Pine Street; construction of mixed use building with office/art studios, replacement of two residential units.

Background:

30-32 Howard Street

- **Zoning Permit 09-523CA;** Fifteen new double hung clad wood windows in existing duplex. January 2009.
- **Zoning Permit 99-252;** Demolish deteriorated shed in rear yard of the existing duplex. Attached patio area to remain with the former foundation area returned to green space. November 1998.

400 Pine Street (Sometimes identified as 2 or 4 Howard Street)

- (Identified as 4 Howard Street) **Non-applicability of Zoning Permit Requirements 16-1082NA;** Changing tenants of existing artist studio. April 2016.
- **Zoning Permit 16-0944CA;** remove and replace two lower windows with larger windows. March 2016.
- **Zoning Permit 15-1226CA;** construction of permanent handicap accessible ramp at Speeder and Earl's. June 2015.
- **Non-Applicability of Zoning Permit Requirements 15-1225CA;** temporary permit, handicap ramp. May 2015.
- **Zoning Permit 14-0274CA;** change of use to woodworking shop in tenant spaces C 1, 2, &4. September 2013.

- **Zoning Permit 13-1187SN**; installation of 3 parallel signs for the Burlington Music Dojo. No illumination included. June 2013.
- **Zoning Permit 13-0828CA**; change of use to include art gallery and performing arts studio. Food processing to remain, and café to be reduced from 18 seats to 14 seats. Add rear entry, revise and add second front entry, replace existing entry ramp, and other associated modifications. March 2013.
- **Zoning Permit 12-0330CA**; placement of exhaust fan on clerestory area of roof for glass blowing furnace. September 2011.
- **Zoning Permit 11-0208SN**; replace existing sign with Davis Studio sign. No illumination. September 2010.
- **Zoning Permit 11-0077SN**; replace two existing signs. One parallel window sign and one projecting sign. August 2010.
- **Zoning Permit 10-0768CA**; replace 2700 sq ft of half lap roofing with new galvanized corrugated metal roofing. April 2010.
- **Zoning Permit 08-103CA**; exterior lighting to be installed on door/stairs and sign for Speeder and Earl's Coffee. August 2007.
- **Zoning Permit 06-384SN**; three signs for Pine Street Art Works. November 2005.
- **Zoning Permit 06-383CA**; change garage style overhead door to swinging doors with half-light windows. Same door location in rear alley of building. New light fixture over front entrance. November 2005.
- **Zoning Permit 06-198CA**; change from Burlington Futon Fabrics to retail art with accessory retail production space of 152 sf. September 2005.
- **Zoning Permit 01-507**; remove loading dock extension on the existing warehouse within the existing commercial complex. Area to be paved for additional parking and circulation areas. No change in use or other exterior changes included. June 2001.
- **Zoning Permit 00-097 / COA 099-006A**; Installation of two externally illuminated signs for the existing retail space (one parallel and one projecting.) August 1999.
- **Zoning Permit 99-045 / COA 099-006**; change of use from service (stained glass) to retail (fabric.) No exterior changes included. July 1998.
- **Zoning Permit 95-497**; installation of four awnings with lettering and illumination, two externally illuminated parallel signs and the relocation of the existing handicapped access ramp to the south entrance. The north entrance will then be made a large window with a planter in front of it. Use remains the Cheese Factory Outlet. June 1995.
- **Zoning Permit 91-277; COA 091 – 057**; installation of two parallel signs on front façade of building, store emblem over an announcement board. No illumination. March 1991.
- **Zoning Permit 85-494**; erect 2 parallel wood, non-illuminated signs, one on Howard Street and one on Pine Street side of extension in building. October 1985.

- **Zoning Permit 85-400**; remove dust collector, raise roof 3' to accommodate one overhead door to interior service yard. October 1985.
- **Zoning Permit 81-178**; replace metal roof, siding and floor. September 1980.
- **Zoning Permit 79-688**; to be used as work space consisting of ornamental iron work fabrication. Also to install two chimneys on the interior. December 1979.
- **Zoning Permit 79-653**; tear down existing stairs and replace exterior stairway. Emergency case. November 1979.
- **Zoning Permit 78-429**; the erection of a 28' x 29' two sided addition on the buildings in the rear. November 1977.
- **Zoning Permit** to use 6 Howard Street for a woodworking shop. Erect an overhanging sign. October 1977.
- **Zoning Permit** issued for a pole sign for Shelburne Spinners. January 1977.
- **Zoning Permit** to erect an overhanging sign within the property lines for Vermont Folk Furnishings. September 1975.
- **Zoning Permit** to remove one window and install one overhead door at 6 Howard Street. March 1974.
- **ZBA review**; to use the premises at 6 Howard Street for the sale and wholesaling of paint and building supplies. July 1972.
- **Zoning Permit** to use the premises for the storage and distribution of spaghetti products. Approved April 1972.
- **ZBA review**: Seeking a special exception under Title 27, Chapter 1, Section 6512-15A to use the masonry portion of the premises at 400 Pine Street for an auto repair garaged. Approved February 1972.
- **ZBA review**: Seeking a special exception under Title 27, Chapter 1, Section 6512-15B to use the premises at 400 Pine Street for the wholesaling and distribution of auto accessories. Approved November 1971.
- **ZBA review** to change a non-conforming use for a furniture stripping business. November 1971.

Overview:

400 Pine Street and 30-32 Howard Street are on different parcels; but both within the E-LM zoning district and under the same ownership. 400 Pine Street has a collection of buildings on the site. The project entails demolition of three buildings (one duplex, two industrial buildings), extinguishment of interior property lines between 30-32 Howard Street and 400 Pine, and construction of a 3 storey 8494 sf footprint mixed use building (offices, art studios) with underground parking. The two existing residential units are proposed to be replaced within the structure.

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 2: Applications and Permits

Section 3.2.1 Pre-application Conferences

(a) Administrative Conference

(b) Technical Review Committee

(c) Sketch Plan Review

(d) Pre-application Neighborhood Meeting

As a Major Impact project, review under all these categories is required (although Administrative Conference may be waived by the Administrative Officer if the project's potential impact is insignificant.)

Technical Review is scheduled for November 10, 2016.

Sketch Plan Review is the focus of this activity with the DRB.

The applicants will be required to demonstrate that the project has been presented at a Neighborhood Planning Assembly (with appropriate documentation) prior to submitting a zoning permit application.

Part 3: Impact Fees

Section 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in any new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.

Impact Fees will be applicable for new square footage, with credit given for the existing area.

Part 4: Site Plan and Design Review

See Section 3.5.6, below and Article 6.

Part 5: Conditional Use and Major Impact Review

As the proposal includes the construction of fifteen thousand sf or more of gross floor area of nonresidential development (8494 sf footprint, 3 floors = 25,482 sf.; approximately 2800 sq. ft. residential to be deducted), Major Impact and Conditional Use review applies.

Section 3.5.6 Review Criteria

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

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

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

A letter of capacity for water and sewer will be required from the Department of Public Works. A traffic study may be warranted, depending upon the intensity and number of uses proposed for the site.

- 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 South End has garnered a reputation as a creative nucleus for artists, makers, and innovators. The addition of art studio spaces will increase similar opportunity. From the Municipal Development Plan:

- *Support sustainable development activities in target areas of the city including the Enterprise Community...*
- *Strengthen the City's role as a cultural and arts center...* [MDP, Built Environment, Page III-2.]
- *Encourage new land uses and housing designs that serve changing demographics and benefit from new technologies where appropriate.* [MDP, Built Environment, Page III-1.]

However, some conflict is present:

- *Identify areas within the south end Enterprise Zoning District that remain viable for continued commercial-industrial use, and assess the fiscal impact to the tax base and ratepayers of any proposed conversion away from commercial-industrial uses.* [MDP, Land Use Plan, Page I-30.]
- *Retain and enhance Burlington's historic buildings and architectural features.* [MDP, Built Environment, Page III-1.]
- *Conserve the existing elements and design characteristics of its neighborhoods, and maintain neighborhood proportions of scale and mass.* [MDP, Built Environment, Page III-1.]

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 400 Pine Street parcel has a commercial/industrial character; the introduction of offices and studios should offer no incongruent impacts normally associated with the manufacturing character of the area. Identifying associated impacts may hinge on the type of manufacturing/art studios introduced, as some makers utilize furnaces (glass works) or mechanical equipment that may produce heat, noise and dust. Others are likely to offer no noticeable impacts.

30-32 Howard Street, while still within the E-LM district, is first among a string of residential structures. Its loss and replacement with a much larger building in close proximity to the activities of Pine Street will introduce characteristics much closer and atypical for the adjacent residential district.

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 parcel(s) are within the network of existing highway, streets and pedestrian paths. The GMT (formerly CCTA) Pine Street and Link bus routes are immediately available.
and

5. *The utilization of renewable energy resources;*
There is not enough detail at sketch plan review to determine the utilization of renewable energy resources.
and
6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*
As full application materials become available, a better determination of application bylaws and ordinances will be evident.

(b) Major Impact Review Standards

1. *Not result in undue water, air or noise pollution;*
The introduction of air, water or noise pollution may largely depend upon the type of art or materials created on site. The offices and residential uses should not generate any undue impacts noted.
2. *Have sufficient water available for its needs;*
A capacity letter will be required from the Department of Public Works that there is sufficient reserve for the proposed uses.
3. *Not unreasonably burden the city's present or future water supply or distribution system;*
As proposed, there is no anticipation that the city's water supply or distribution would be threatened by the proposed development.
4. *Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*
The applicants will be required to prepare a Stormwater Management Plan to be reviewed by the Stormwater Engineering team for compliance with Section 5.5.3 and Chapter 26.
5. *Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*
A traffic study may be warranted to determine if the greater activity is likely to generate more trip ends and increase congestion at this corner.
6. *Not cause an unreasonable burden on the city's ability to provide educational services;*
The project proposes to replace the two dwelling units lost with the demolition of 30-32 Howard Street. As no increase in the number of residential units is proposed, and the replacement units are relatively small, no increased demand on educational services is anticipated.
7. *Not place an unreasonable burden on the city's ability to provide municipal services;*
These are existing developed sites within the Enterprise zone. Redevelopment should not tax the existing infrastructure to a greater degree than what exists. Impact fees should ameliorate any new municipal demand.

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;*

The area is not identified as a significant natural area or one of scenic or natural beauty. 30-32 Howard Street is listed on the Vermont State Register of Historic Resources; and the buildings at 400 Pine Street are contributing resources within a nomination to the National Register as part of the Pine Street Historic District. That nomination is currently under review by the Vermont Division for Historic Preservation, to be referred to the Advisory Council for Historic Preservation in early 2017. See Section 5.4.8, below for further discussion.

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;*

This is an existing, developed area. The project is not anticipated to have a deleterious effect on Burlington's future growth patterns or fiscal ability to accommodate such growth.

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

See Section 3.5.6 (a) 2., above for evaluation with the Municipal Development Plan. Plan BTV South End, while as yet unadopted, offers a different perspective and set of ideals for the Pine Street corridor area. Among them, and specific to this corner of Pine and Howard Street:

- *Prioritize retention/expansion of existing buildings to support small artist/maker enterprises.* [Plan BTV South End; Page. 63.]

The project does not propose the retention and reuse of the characteristic industrial buildings, but replacement with new construction. The intended uses, however, are consistent with the artist/maker enterprises, and the building is located in a manner to help physically define the street.

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 development includes the replacement of 2 housing units with the loss of 30-32 Howard Street. Residential uses are not permitted within the Enterprise Zoning District, but the replacement of existing housing units will accommodate the required housing replacement and acceptable as restoring the non-conformity to the same extent as existing.

and/or

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

No adverse impact is anticipated; any effect should be off set with the payment of Impact Fees.

(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 vehicular path to the parking garage entrance is not completely defined. There are vehicular options through the existing buildings on Pine Street. It appears that cars may enter from Pine Street (between buildings), or from Howard Street west of the proposed new development. It is likely that some screening will be required to buffer the vehicular headlights as cars enter the garage, as headlight spill may adversely affect residential structures on Hayward Street. If active uses are proposed for the lawn and patio area east of the building (and in close proximity to neighboring residential yards), landscaping or a fence may be appropriate there as well.
2. *Time limits for construction.*
Unless a phasing schedule is requested, the zoning permit is valid for 2 years.
3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
Typically approved hours for construction are Monday-Friday 7:00 am – 6:00 pm. Saturday hours may be limited to interior work if nearby residential structures may be impacted by outdoor construction activities. No construction is permitted on Sundays.
4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*
The proposed offices and artist's studios are permitted uses in the E-LM Zoning District. Although residential uses are not, the proposal may include the replacement of 2 existing (non-conforming) residential uses. Any other enlargement or alteration of use will be evaluated under the regulations in effect at the time.
and
5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*
This is at the discretion of the DRB.

Article 4: Zoning Maps and Districts

Section 4.4.3 Enterprise Districts

(a) Purpose

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

industrial buildings, and reflect the industrial aesthetic of the district's past. Parking is intended to be hidden within, behind, or to the side of structures.

The project does intend to support the enterprises noted: creating, renovating, painting, assembling of goods, etc. The inclusion of residential units (2) is specifically to replace the (non-conforming) units to be lost at 30-32 Howard Street.

The development does not *respect the interspersed historic industrial buildings* by way of the proposed demolition of two of them. While the design suggests an industrial design aesthetic giving cursory acknowledgment to the district, its creation sacrifices historic fabric and authenticity.

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.3 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage ¹	Minimum Building Setbacks ¹ (feet)			Max. Height ¹ (feet)
			Front	Side	Rear ³	
Light Manufacturing	2.0 FAR	80%	5 min	0 ²	10% ²	45'
Proposed at 400 Pine / 30-32 Howard	Unknown at this time. Must be calculated across the entire site.	Not provided	5' minimum from Howard Street	25' on east (abuts residential district)	Not applicable. The parcel has 2 fronts, multiple sides.	39', south (front) façade. May measure differently if using average finished grade of all exterior walls.

1 – Floor area ratio is further described in Art 5. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.

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

3 – Percentage of the lot depth.

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Enterprise districts shall be as defined in Appendix A – Use Table.

Offices and art studios are both permitted uses in the E-LM zoning district per Appendix A. Residential uses are not permitted; however, the 2 units proposed for demolition at 30-32 Howard may be retained as non-conforming uses. See **Article 5, Non-Conformities** and **Article 9, Inclusionary and Replacement Housing**.

Article 5: Citywide General Regulations

Section 5.2.2 Required Frontage or Access

Access can be made from Howard Street; alternately there are vehicular access points from Pine Street. The applicant will need to define the intended access path to the new building. The driveway at 30-32 Howard Street will be forfeited as part of the overall development.

Section 5.2.3 Lot Coverage Requirements

The applicant will need to provide the existing coverage(s) for both lots, and an examination of the proposal to determine if there is an increase in lot coverage and whether coverage estimates exceed allowable limits of Table 4.4.3-1. That information has not yet been provided.

Section 5.2.4 Buildable Area Calculation

The property is not within the RCO, WRM, RM, WRL, or RL zoning district where this standard applies. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.3-1, above.

Section 5.2.6 Building Height Limits

Plan A2.1 illustrates a building height measured from the street front (south elevation) of 39'. If height is measured by the average finished grade of all exterior walls, that measurement may differ.

The applicant shall include any intended rooftop equipment or features in any future application, with a roof plan, to determine area and height of such features.

Section 5.2.7 Density and Intensity of Development Calculations

(b) Floor Area Ratio

The applicant will be required to analyze and provide the current Floor Area Ratio for both lots, and the anticipated FAR for the proposal. This information has not been included in the current submission.

Part 3: Non-Conformities

Section 5.3.3 Continuation

Except as otherwise specified in this Article, any nonconformity which lawfully existed at the time of passage of this or any prior ordinance or any amendment thereto may be continued subject to the provisions of this part.

The two residential units at 30-32 Howard Street are an existing non-conforming use which may be continued per this standard. They are proposed to be replaced within the new development.

Section 5.3.4 Nonconforming Uses

(a) Changes and Modifications:

2. Nonconforming Residential Use

A change or expansion of a non-conforming residential use may be allowed subject to conditional use approval pursuant to the provisions of Article 3, Part 5 by the DRB provided:

- A. Such an expansion does not add any additional dwelling units except as may be permitted for adaptive reuse or residential conversion bonuses approved per the provisions of Sec. 4.4.5(d)(7);*

Two units exist at 30-32 Howard; 2 units are proposed in the new development.

- B. Such an expansion does not increase the degree of non-conformity of any non-conforming structure;*

The structure at 30-32 Howard Street is not non-conforming; it is the residential use.

and,

- C. In such cases where the non-conforming residential use is located in a zoning district where residential uses are generally permitted, expansion of a non-conforming residential use into an existing and previously uninhabited attic or basement within the principle structure may be permitted subject to administrative review provided no additional dwelling units are created.*

Residential uses are not generally permitted in the E-LM Zoning District. This standard is not applicable.

Section 5.4.8 Historic Buildings and Sites

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

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

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

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

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

(a) Applicability:

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

30-32 Howard Street is listed on the Vermont State Register of Historic Places. 400 Pine Street is within a draft nomination to the National Register of Historic Places within the Pine Street

Historic District, currently under review at the Vermont Division for Historic Preservation. Within that nomination, buildings 20a and 20b are proposed for demolition. See attached documents for further information.

(b) Standards and Guidelines:

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

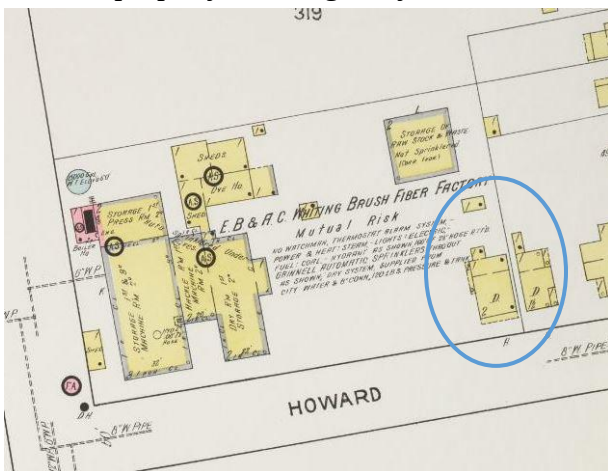
The two buildings at 400 Pine Street (20a and 20b) as well as 30-32 Howard Street are proposed for demolition, which is contrary to this standard.

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.*

Demolition is contrary to this standard.

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.*

30-32 Howard Street has an historic connection to 400 Pine Street; mapping demonstrating that this property was originally associated with the industrial activities of 400 Pine Street.



Sanborn Fire Insurance Map of Burlington, 1912, detail.

Note 30-32 Howard Street within the property boundaries of the E.b. & A. C. Whiting Brush Fiber Factory parcel.

“D” signifies “dwelling.”

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

Proposed building demolition is in conflict with this standard.

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

Proposed building demolition is in conflict with this standard.

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.*

Proposed building demolition is in conflict with this standard.

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.*

The historic industrial activities of the 400 Pine address, and by relationship 30-32 Howard Street create the historic sensitivity of the site(s). No archaeological resources have been specifically identified here, although the activities and their association with the railroad present the potential for discovery.

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 proposed redevelopment will alter features, spatial relationships, and materials that characterize the property, in conflict with this standard.

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.*

In the demolition of the buildings identified, the proposed alterations may be considered irreversible on their effects on historic resources.

As all three identified historic buildings are proposed for demolition, there is conflict with nearly all of the above standards.

(c) Demolition by Neglect:

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

1. *Deterioration of walls or other vertical supports; walls, partitions or vertical supports that split, lean, list, or buckle, thus jeopardizing structural integrity;*
2. *Deterioration or inadequate foundations that jeopardize structural integrity;*

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

There has been no assertion of neglect or structural instability with any or all of the buildings. The 2 industrial buildings (c. 1900 and 1915) retain their gritty industrial nature. The last rental / minimum housing inspection of 30-32 Howard Street found the building to be in compliance.

(d) Demolition of Historic Buildings:

The purpose of this subsection is:

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

1. Application for Demolition.

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

- A. A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;*
- B. A statement addressing compliance with each applicable review standard for demolition;*
- C. Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:

 - (i) the estimated market value of the property on which the structure lies, both before and after demolition or removal; and,*
 - (ii) the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;**
- D. A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites; and,*

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

All of the above submission materials will be required at the time of application. The following standards will be the basis for review of that application:

2. Standards for Review of Demolition.

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

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

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

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

And all of the following:

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

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

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

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

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

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

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

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

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise

the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

Section 5.4.9 Brownfield Remediation

The sites are not defined on the state Brownfield or Haz Sites list. As a former manufacturing facility, it would not be unexpected to find site conditions meriting investigation. If examination has not been previously made, a Phase I analysis is recommended prior to any ground disturbance.

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

Any application for a zoning permit is required to demonstrate compliance with applicable nuisance regulations and performance standards identified in the Burlington Code of Ordinances. Standards are required to be met as measured at the property line. The construction of a three story building that will, in great part, have industrial/maker spaces in close proximity to a residential district, may introduce some conflict. The nature of those artists' studios / maker spaces will need exploration to determine if that concern of conflict is warranted, particularly as it relates to noise, vibration, dust, or similar impact.

Part 5.5.2 Outdoor Lighting

An application must include fixture and illumination information, includes a site photometric to assure compliance with the standards within this section.

Section 5.5.3 Stormwater and Erosion Control

An application will be required to demonstrate compliance with Stormwater and Erosion Control of Chapter 26 of the City Code of Ordinances.

Section 5.5.4 Tree Removal

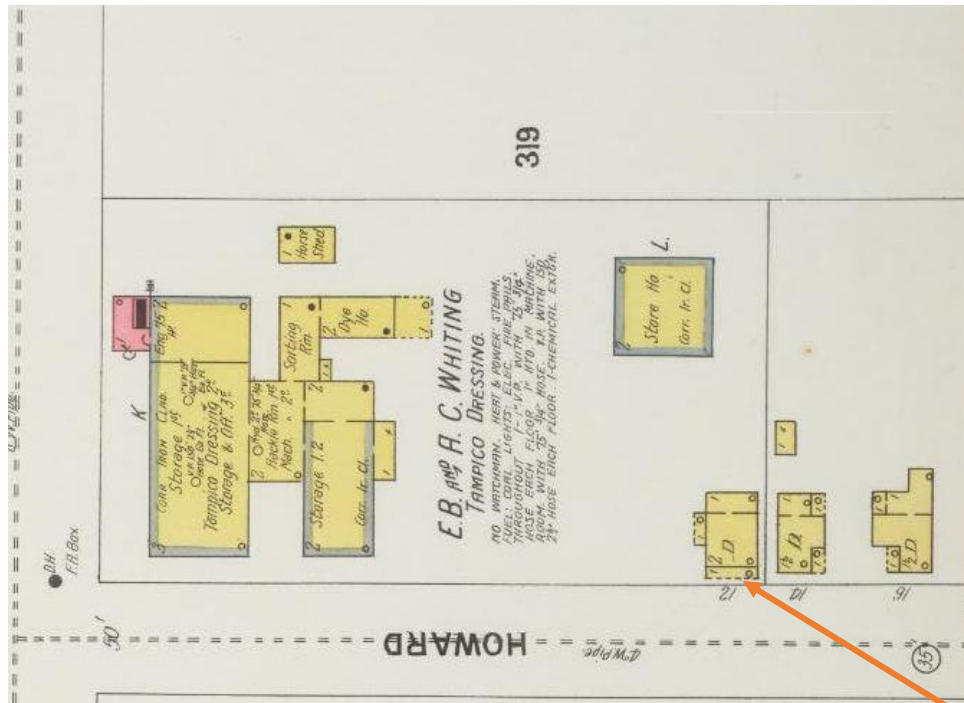
If removal involving six or more trees, each of 10" in caliper or removal of 10 or more trees each of which is 3" or greater in caliper will require review under this section. The level of review at Sketch Plan is typically more broad-based, and serves as a reminder to applicants to provide sufficient information at application.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

The proposal does not include the division of land; rather internal lot lines between 400 Pine Street and 30-32 Howard Street are proposed to be extinguished. The final application can include the suggested boundary line adjustment.

(Anecdotally, the residential structure was originally part of the 400 Pine Street collection of buildings, and supported the activities there. See images from Sanborn Maps, below.)



Sanborn Map of Burlington, 1900. 30-32 Howard Street is illustrated, right of center.



Sanborn Map of Burlington, 1919. Buildings 20a and 20b are on site; 30-32 Howard to the early.

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

(a) Protection of Important Natural Features:

There are no identified important natural features within the project area.

(b) Topographical Alterations:

As the grade increases going east, there are some grade changes that will provide some design opportunities within the development. As underground parking is proposed, excavation and grade alteration is anticipated. More information will be expected at the time of application.

(c) Protection of Important Public Views:

There are no protected important public views from or through the site.

(d) Protection of Important Cultural Resources:

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

See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

The utilization of renewable energy resources is not fully understood at this preliminary Sketch Plan Review.

(f) Brownfield Sites:

A search of the state Haz Sites and Brownfields did not turn up these addresses.

(g) Provide for nature's events:

A Stormwater Management Plan as well as a Small Project Sediment and Erosion Plan will be required as part of submission materials, to satisfy Section 5.5.3 and Chapter 26.

(h) Building Location and Orientation:

The proposed replacement building is oriented north/south and fronting Howard Street, helping to strengthen the street edge. The garage entry is on the north elevation.

(i) Vehicular Access:

The preferred method of vehicular entry is somewhat unclear. There are paved paths within the complex of buildings that may lead to the proposed parking level entry. On the other hand, pavement lies west of the proposed structure, with a 20' wide access from Pine Street. That drive narrows to 15' west of the building, and pinches to 12' at the northwestern corner of the

building, prior to garage ramp entry ramp. The wooden stairs on the westerly building should be evaluated for their value in retention, as they present a point of constriction.

(j) Pedestrian Access:

Access doors are provided on the west, south and north of the building. It appears that the southerly access/stairs are primarily dedicated to serve the 2 residential units.

(k) Accessibility for the Handicapped:

The parking level has identified one handicapped (h/c) parking space with loading area. An exterior ramp is illustrated on the westerly side of the building, terminating at the entrance door. An elevator will serve all three floors and the parking garage. The elevator structure should be illustrated on building elevations as it projects from the roof plane.

(l) Parking and Circulation:

The parking level has 25 parking spaces, one of those h/c accessible and adjacent to the elevator. Parking spaces are smaller than required; illustrated dividers are 18' in length while 20' is the defined standard. Required minimum backup length is 24' per Table 8.1.11-1. With two 20' long parking corridors, there remains only 20' backup space. These standards are a requirement except in situations where a lesser standard is deemed necessary by the DRB due to site topography, location of existing or proposed structures, lot configuration, and/or the need to preserve existing trees and mature vegetation. See Section 8.1.11 and Table 8.1.11-1, below. Vehicular access and parking rely heavily on constricted access. A plan for snow removal and/or storage should accompany any application.

(m) Landscaping and Fences:

The level of detail is usually insufficient at Sketch Plan to determine the adequacy of landscaping. Thought should be given to the impact of headlamp glare onto neighboring residential properties to the east.

A landscaping plan will be expected at the time of final application.

(m) Public Plazas and Open Space:

A large paved area is proposed east of the new structure, within 2' of a property line and zoning district boundary and 7' of a neighboring residential structure. Setback requirements between E-LM and neighboring residential zoning districts is 25' (which is met for the structure.) Given the proximity of a single family residence, the patio east of the building is strongly discouraged.

(o) Outdoor Lighting:

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

(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.

There is no identified location for trash and recycling facilities; both necessities for the new development. Unless there is a central location on the greater site to accommodate trash, the project should identify a location *within* the building for tenants to dispose of refuse and recycling.

Plans note that electrical service will be undergrounded. Water, sewer and electrical connections are identified within the parking garage floor.

If any mechanical equipment is proposed, either roof or ground mounted, it must be shown on plans to assess auditory and visual impact. A roof plan may be required.

A central location for mailboxes needs to be identified; presumably this might be on the interior of the building but should be identified in final application documents.

Part 3: Architectural Design Standards
Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

Three stories over a parking level are proposed. For context, the corner structure at 400 Pine Street is two stories at the (Pine) street front, but rises to three stories. Conversely, buildings north of the corner, and east up Howard Street are one+ stories. Additionally, the two buildings proposed for demolition are both one storey (although the northerly one is a greater volume, as intended for commercial storage.) The duplex to be demolished is two stories.

For context, see the photos (below.)



2. Roofs and Rooflines.

A flat roof is proposed. Many of the buildings within the complex and associated with industrial uses on Pine Street have flat roofs, as does 30-32 Howard Street.

3. Building Openings

Pedestrian doors are located on the south (for the residential units), east and west facades. Windows surrounding all elevations are predictably regular and symmetrically arranged.

(b) Protection of Important Architectural Resources:

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

See Section 5.4.8.

(c) Protection of Important Public Views:

There are no protected or important public views from this site.

(d) Provide an active and inviting street edge:

The Howard Street entrance is specifically for the 2 replacement residential units. The bifurcated entrance steps and parallel doors define individual identities for these units. The second floor has a small street front balcony to serve the residents.

Entrance for the studios and office space will occur from the access alley between buildings.

(e) Quality of materials:

Although sheathing materials are not specifically identified, siding appears to be variations of metal products. The applicant shall confirm.

(f) Reduce energy utilization:

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

(g) Make advertising features complementary to the site:

Any proposed signage will require a separate sign permit.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

All building and life safety code, as defined by the Building Inspector and Fire Marshal, shall be implemented. Appropriate lighting at entryways and within the parking garage shall be provided, meeting the specific requirements of Section 5.5.2, and provide for adequate and safe use. Intercom systems are recommended when possible to maximize personal safety.

Article 8: Parking

A breakdown of uses and their area will inform parking requirements for the structure. In the Shared Use parking district, the duplex will require 2 spaces per unit (4); Office will require 2 spaces per 1,000 sq. ft. ($13,000/1000 = 13 \times 2 = 26$ spaces); Art studio (parking requirements are not specified in Table 8.1.8-1. Will need to assess more appropriate category to

assign requirement for this use. If intended use is for a maker-space, manufacturing may be the closest “fit.” If so, at 5000 sq. ft., / 1000 = 5 spaces would be required.)

4 (residential, 2 units) + 26 (office) +? (artists’ studios) = ?

With only 25 parking spaces illustrated on the parking deck, it seems evident that the development will be deficient in required parking. Unless there is other available parking on-site, a parking waiver will be required.

Section 8.2.5 Bicycle Parking (Table based on 8.2.5-1)

Long Term Spaces	Residential Use, 1 per 4 units, 0	Office use 1/5000sf, or 3 spaces	Studio/Manufacturing 1/20,000, or 0	Total long term spaces based on use and area = 3
Short Term Spaces	Residential use, 1 per 10 units, or 0	Office use 1 per 10,000 sf, or 1 space	Studio/Manufacturing 1/50,000, or 0	Total short term spaces based on use and area = 1

Although the total calculation comes to 3 Long Term Bicycle Parking Spaces and 1 Short Term Bicycle Parking Space, the nature of the activities and the location in the South End suggest a higher than average bicycle use rate. The applicant is encouraged to provide secure bicycle parking, both within and outside the building.

A bike rack is illustrated just north of the building, adjacent to a walkway.

Article 9: Inclusionary and Replacement Housing

The loss of the two residential units will be replaced with two new residential units within the development. See Section 5.3.4 for a discussion of the continuation of Nonconforming uses.

Article 10: Subdivision Review

Section 10.1.5 Lot Line Adjustments

The intent of this section is to provide for an abbreviated review and approval process for the realignment of lot boundary lines between existing adjacent lots, including the merger of lots, where no additional lots are being created. A lot line adjustment shall not constitute a subdivision.

The proposed merger of 400 Pine Street and 30-32 Howard Street may be incorporated within this project review. The following are the submission requirements for consideration of the extinguishment of the interior property line:

(a) Lot Line Adjustment Submission Requirements:

An applicant requesting review of a lot line adjustment shall submit the following documentation to the administrative officer:

- (1) A complete application form pursuant to the provisions of Art. 3 and signed by the property owner;*
- (2) A letter requesting review and approval of a lot line adjustment, giving the names and address of property owners;*
- (3) The applicable application fee; and,*
- (4) Two (2) copies of a lot line adjustment plat which shall include the following:*

The plat shall be prepared by a Vermont licensed land surveyor and indicate all lots that are proposed to be modified as a result of the proposed lot line adjustment. The survey shall be sufficient to clearly indicate the area, metes, bounds, and ties of each of the affected lots.

The survey shall include all structures and site improvements and delineate all building/structure setbacks, lot coverage, parking spaces and any other details as may be specified by the Administrative Officer.

The following additional language shall be printed on the plat:

“Approval of this lot line adjustment plat does not constitute the creation of a separate parcel or lot. It adjusts the physical location of the common boundary of the adjoining parcels or lots. This lot line adjustment has been approved by:”

City of Burlington Administrative Officer/ Assistant Administrative Officer

Date: _____ Zoning Permit # _____

Section 10.1.11 Recording of Final Plat

(b) Recording within 180 days

The final plat...shall be recorded in the office of the chief administrative officer within 180 days of the DRB's approval. Failure to file all such materials within 180 days of the decision shall render the final plat approval void.

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

GUILLOT • VIVIAN • VIEHMANN Architects Inc.

30 September 2016

RECEIVED
OCT 03 2016

City of Burlington Development Review Board

DEPARTMENT OF
PLANNING & ZONING

To Board Members;

G•V•V Architects is working with Unsworth Properties designing a new building within the Enterprise Zone at the corner of Howard Street and Pine Street. We would like to have a Sketch plan review for this proposal to work through some questions that will assist us and the owner in making decisions which will benefit the project and the City.

We are scheduling a meeting with the Ward 5 NPA with the same goals.

The Site: Unsworth Properties owns and manages the entire block of properties within the Enterprise Zone on the east side of Pine Street between Howard Street and Marble Ave. There are at least seventeen distinct structures on this site, many of which are physically connected. The proposed building site is on the South East corner, abuts the residential neighborhood and faces the Dealer.com parking lot.

Some of the issues we would like to discuss are: HOUSING - There are three structures on the site that we plan to remove to make room for this new building. One of the structures is a duplex rental house that is fully with-in the enterprise zone. No housing is permitted in the zone, however replacement of these two units is required if they are removed. Our current thinking is that replacing the housing on this site will benefit the neighborhood and the enterprise zone.

PARKING and ACCESS – Underground parking is proposed for this project.

ARTIST COMMUNITY – The developer is planning on one floor of Artist Studios to be rented at similar rates to the existing studio spaces that will remain on this site. Two upper floors will be flexible space that can be rented to artists, as office space, or any use approved within the enterprise zone.

Thank you for taking the time to consider this project.

Sincerely;



Douglas R. Viehmann AIA





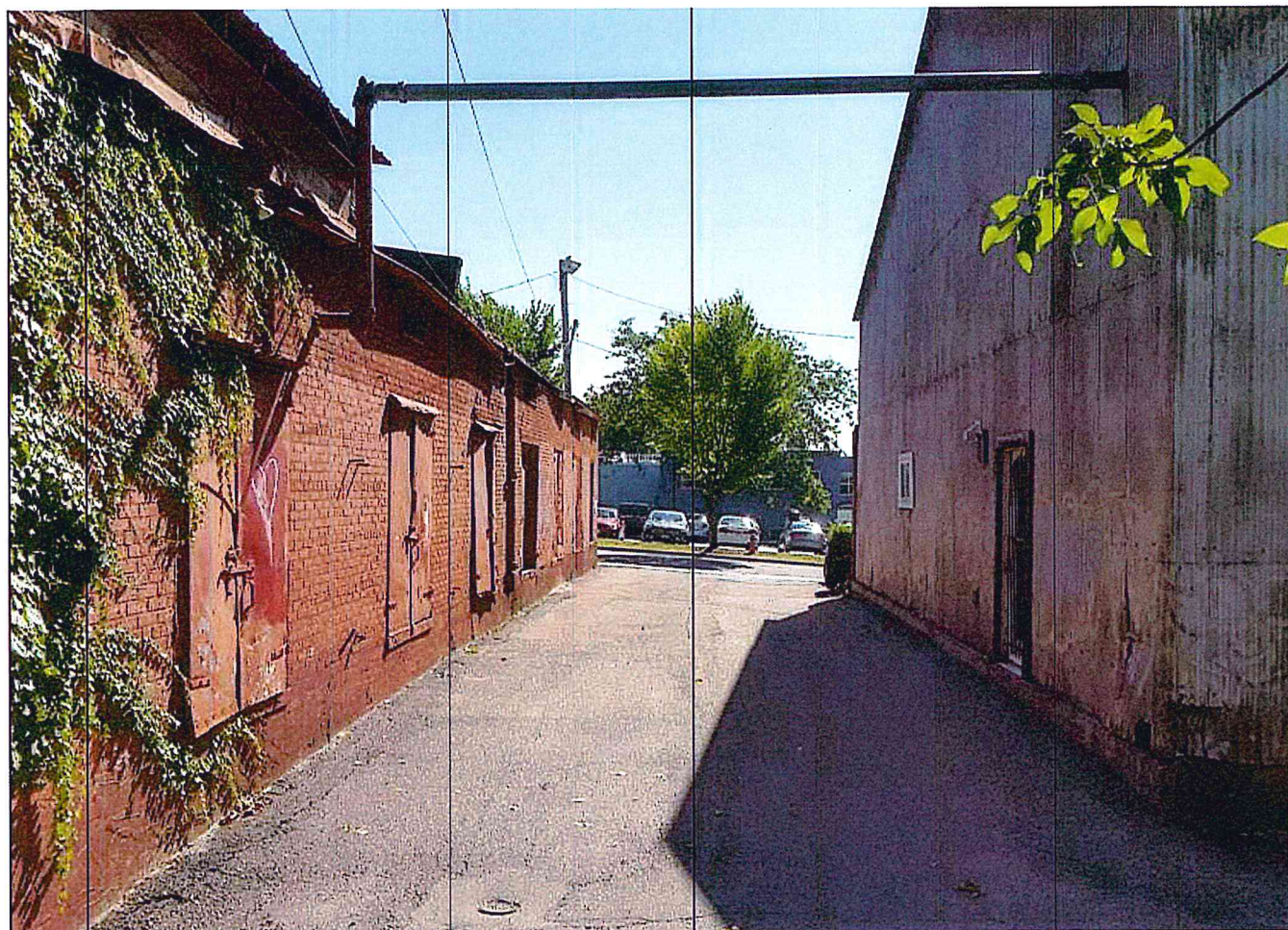
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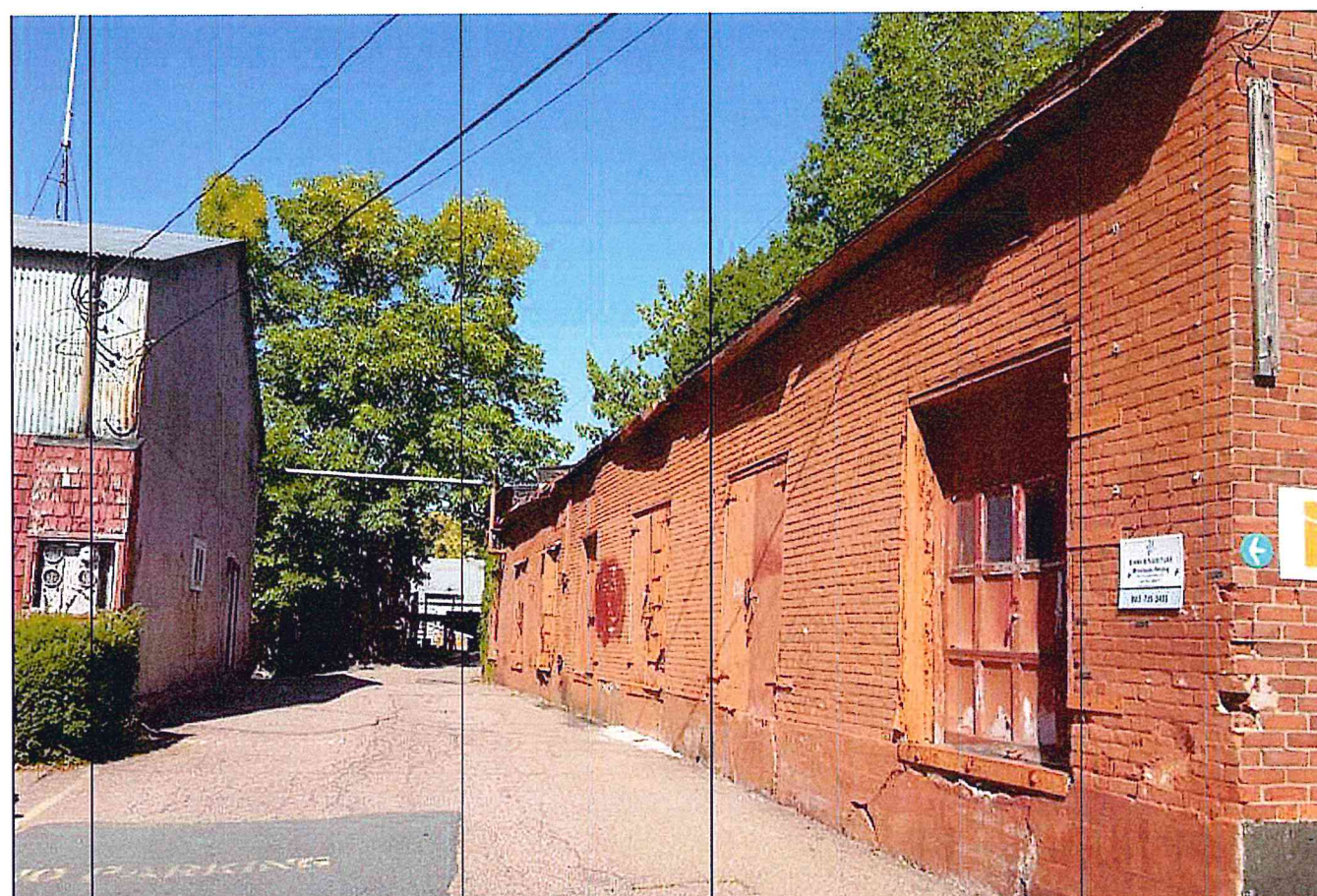


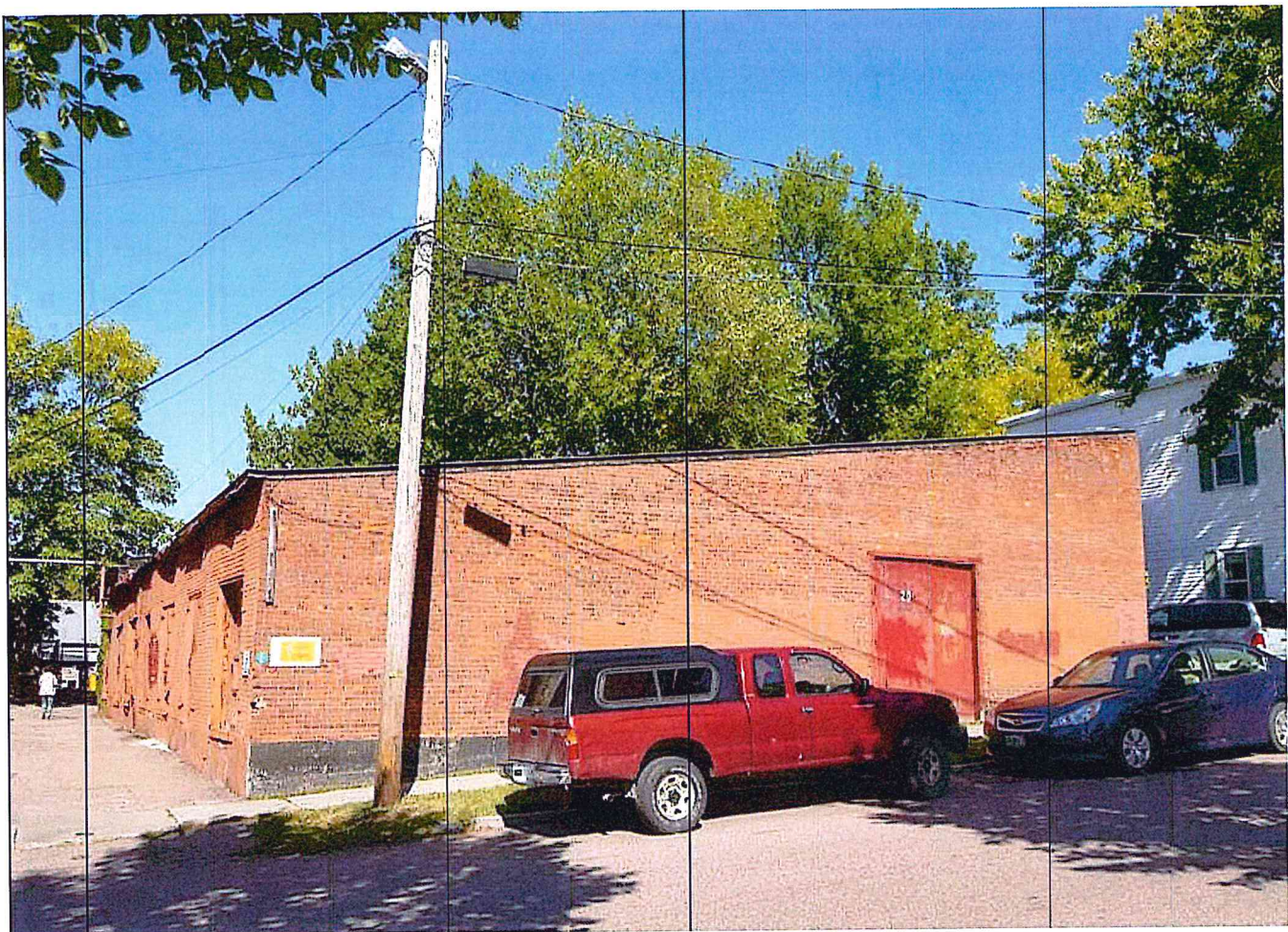
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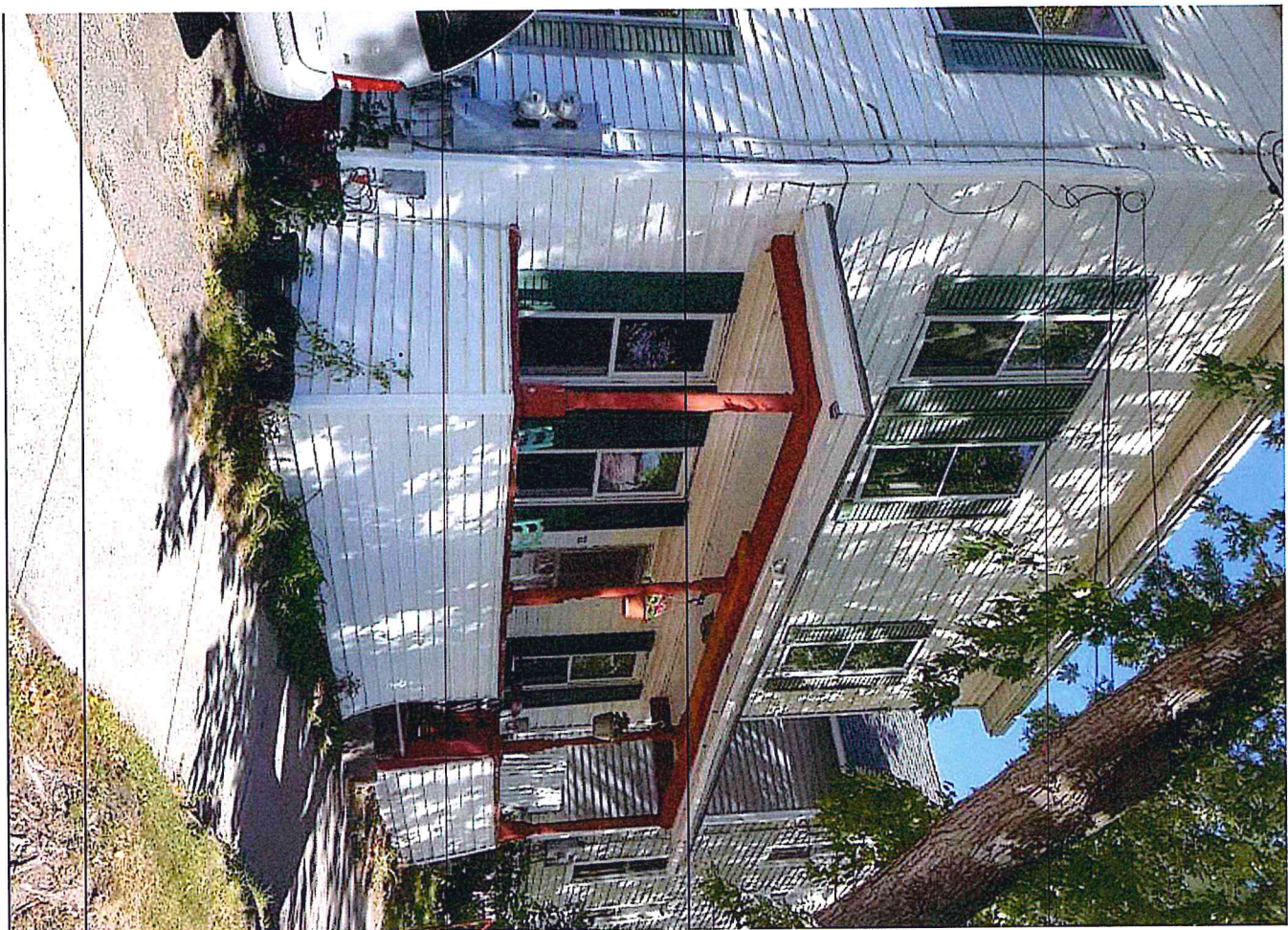




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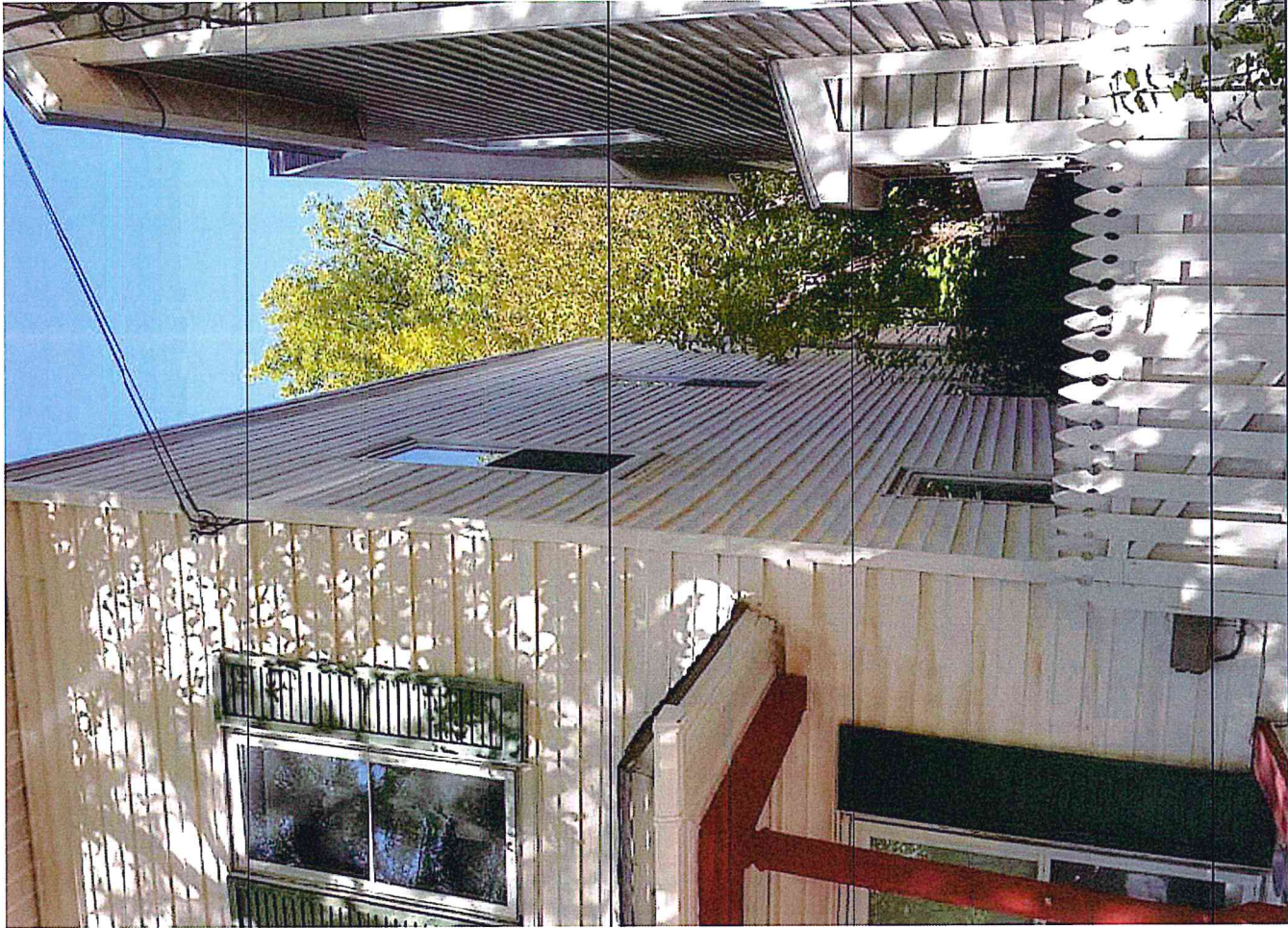
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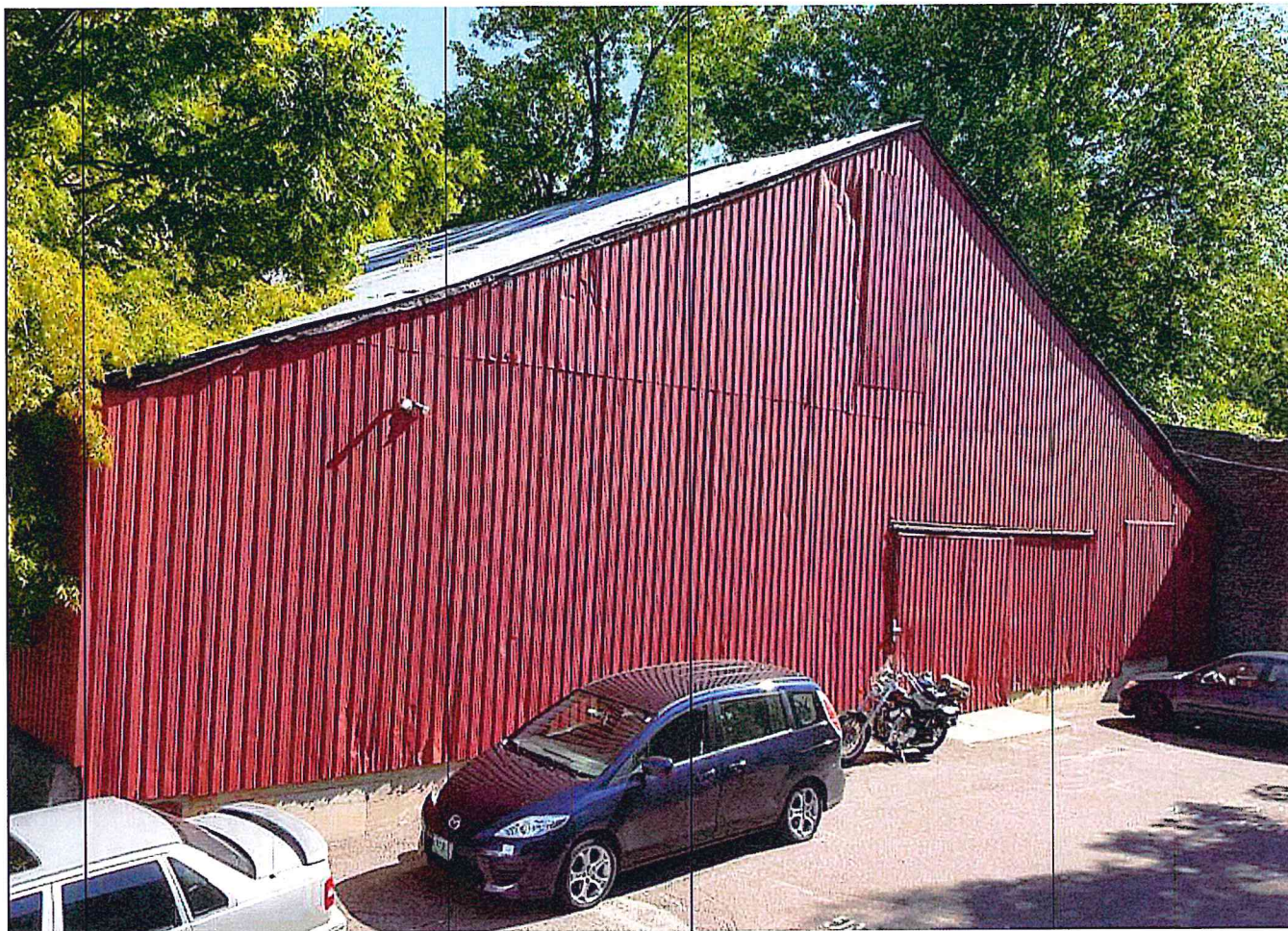


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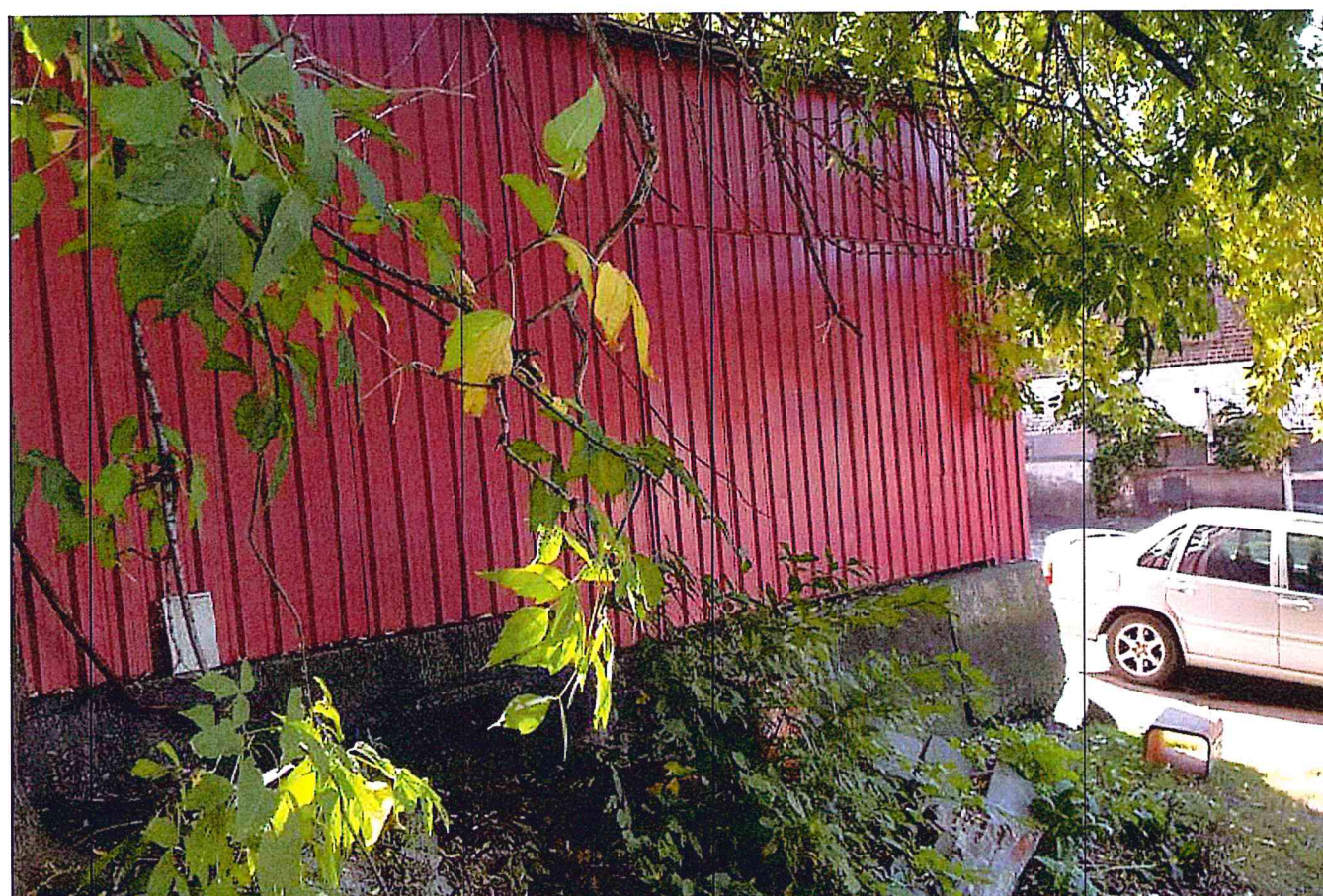


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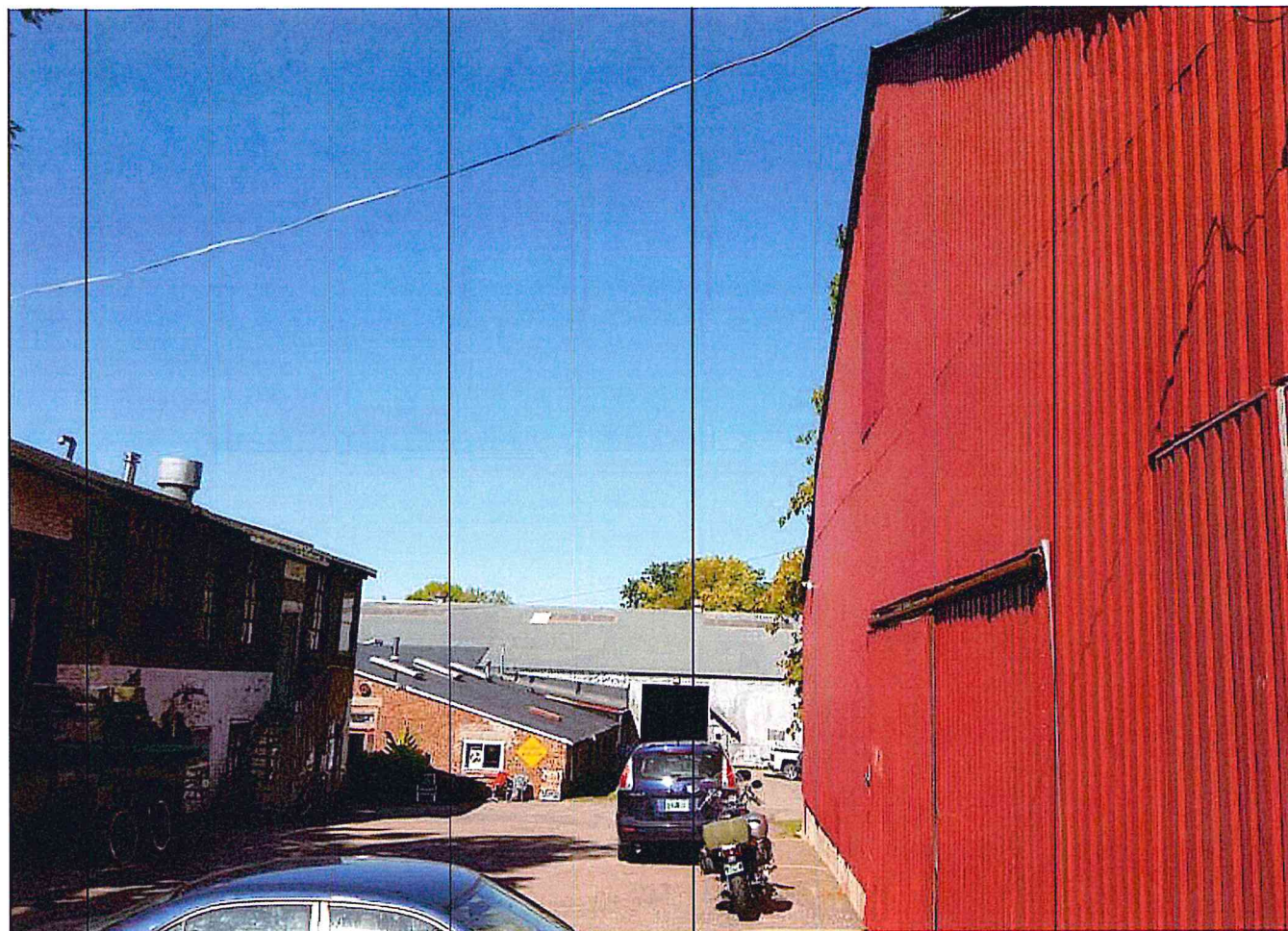




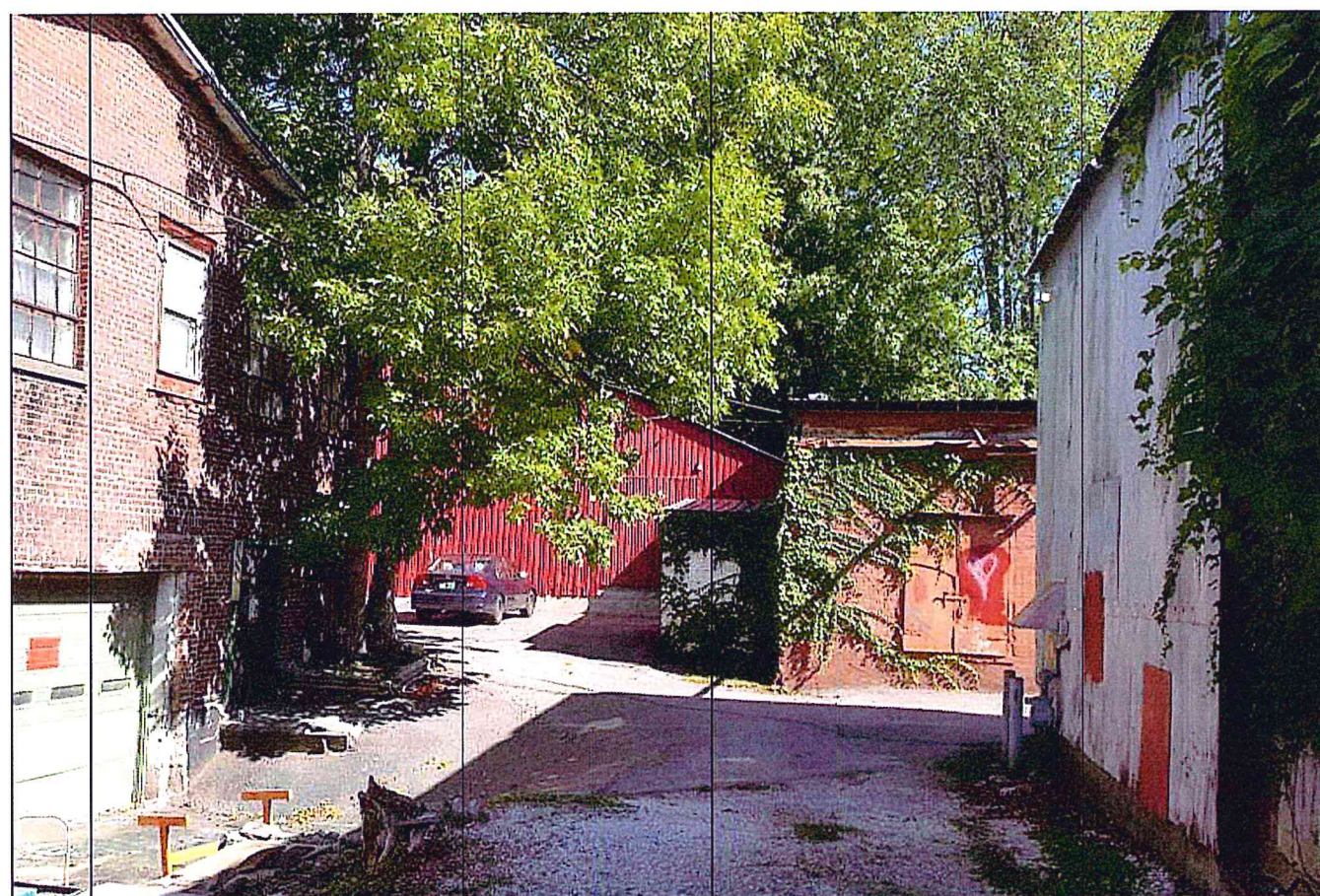
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HAYWARD

STREET

N/F DOUGLAS D. & TERRI STONE
PARCEL #053-3-090-000

N/F DAVID A. & BRANDI J. BARBEAU
PARCEL #053-3-089-000

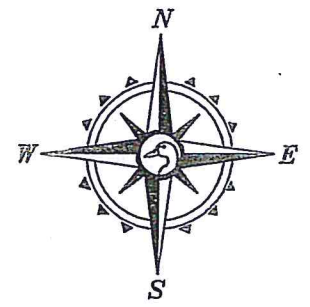
N/F DEBORAH A. LORING & JOHN MURRAY
PARCEL #053-3-088-100

N/F DEBORAH LASHMAN LIVING TRUST
PARCEL #053-3-087-000

N/F JAMES C. SULLIVAN
PARCEL #053-3-086-000

N/F MICHAEL G. & NATALIE D. DUANY
PARCEL #053-3-083-000

HOWARD SPACE PARTNERSHIP, LLP
VOL. 838, PG. 116
VOL. 616, PG. 547
PARCEL #053-1-015-100 &
PARCEL #053-3-082-000



RED SYMBOL INDICATES DIRECTION OF PHOTO
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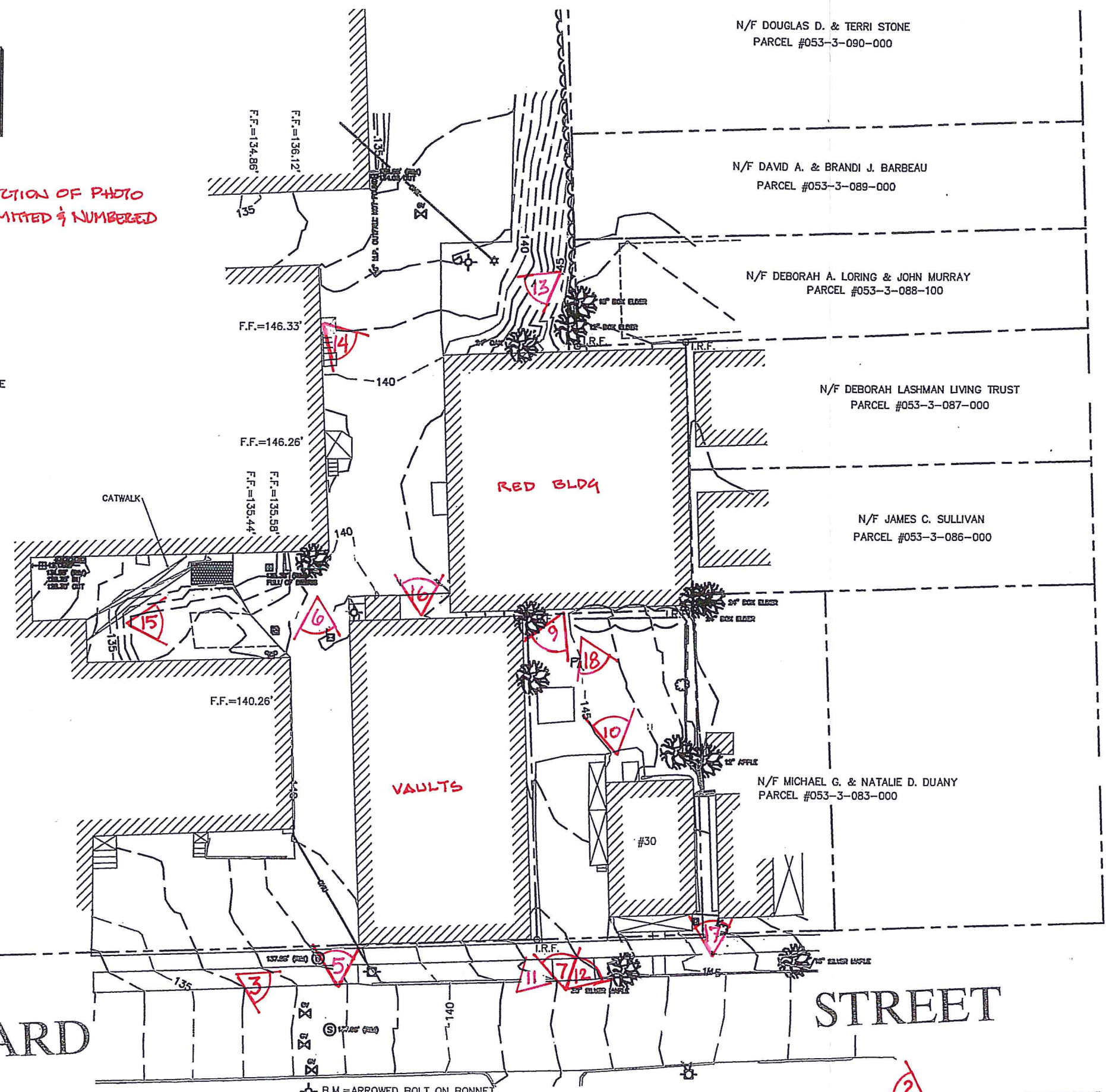
LEGEND

- PROPERTY LINE
- - - RIGHT OF WAY OR PARCEL LINE
- STONE WALL
- TREELINE
- WIRE FENCE
- WOOD FENCE
- DITCH
- UTILITY POLE
- HYDRANT
- LIGHT POLE
- I.R.F. IRON ROD FOUND
- I.P.F. IRON PIPE FOUND
- ⊗ CATCH BASIN
- ⊗ SEWER MANHOLE
- ⊗ DRAIN MANHOLE
- ⊗ GAS SHUT OFF
- ⊗ GATE VALVE
- ⊗ GAS METER
- 1' CONTOUR LINE
- 5' CONTOUR LINE
- TYPE DECIDUOUS TREE

PINE STREET

HOWARD

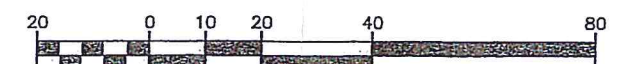
STREET



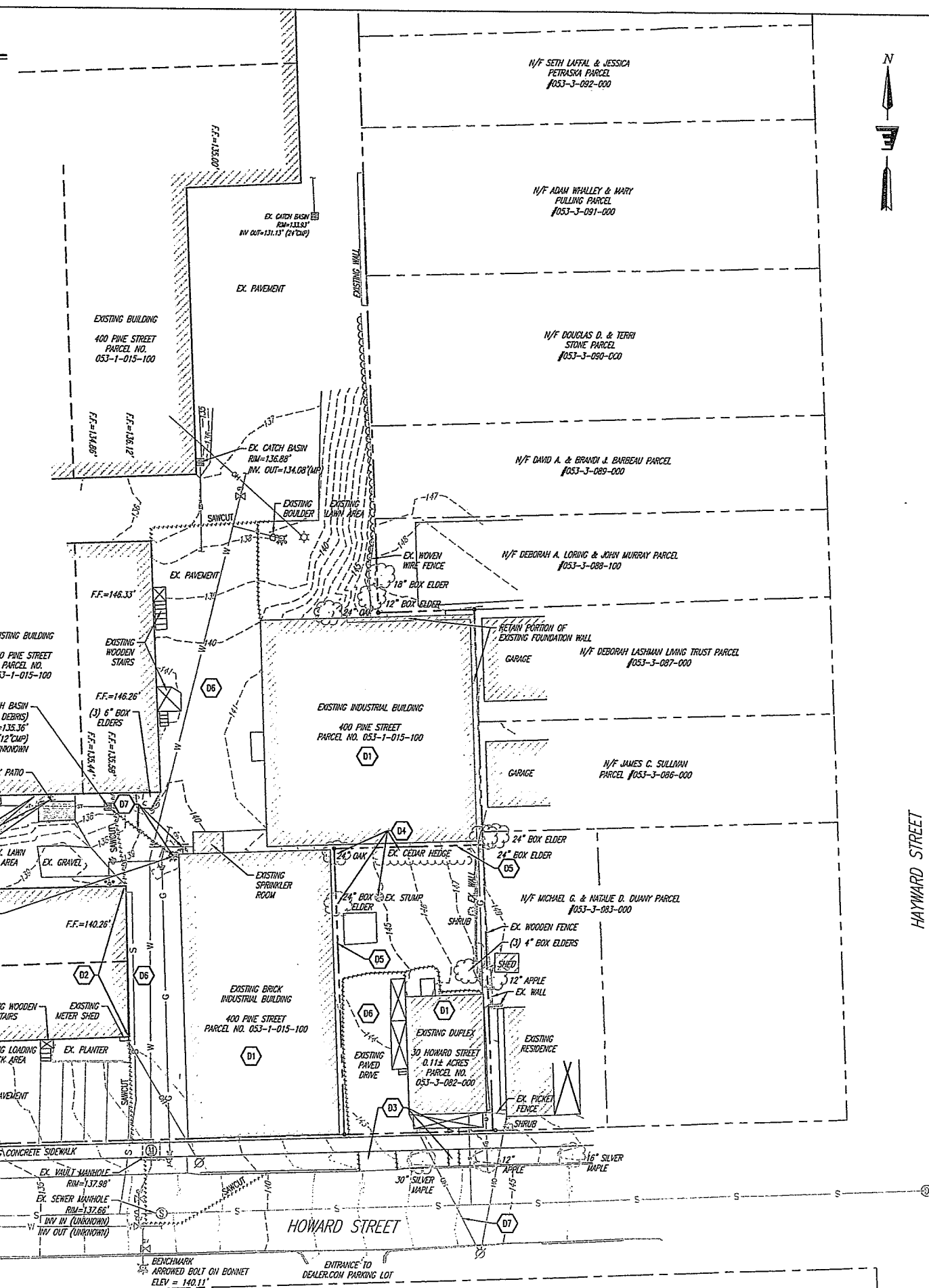
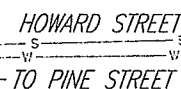
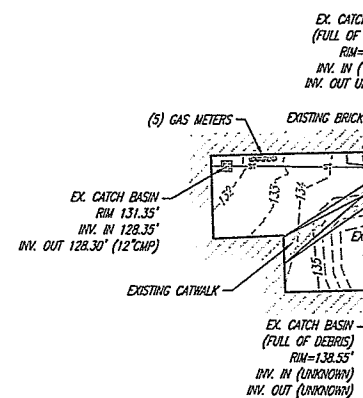
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ELEV. = 140.11'

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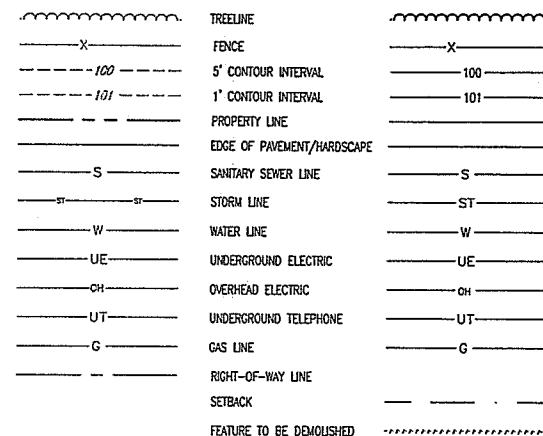
THE VAULTS PHOTO LOCATION PLAN UNSWORTH PROPERTIES



1. EXISTING OBJECT LOCATIONS MAY DIFFER FROM THAT AS SHOWN, AND ADDITIONAL SUB-SURFACE AND SURFACE UTILITIES AND STRUCTURES MAY EXIST. THE CONTRACTOR IS TO PROCEED WITH GREAT CARE IN EXECUTING ANY WORK AND TO CALL DIG SAFE 72 HOURS PRIOR TO ANY DIGGING, DRILLING OR BLASTING.
2. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY CONDITIONS THAT VARY FROM THOSE SHOWN ON THE PLANS. THE CONTRACTOR'S WORK SHALL NOT VARY FROM THE PLANS WITHOUT THE EXPRESSED APPROVAL FROM THE ENGINEER.
3. THE CONTRACTOR IS INSTRUCTED TO COOPERATE WITH ANY AND ALL OTHER CONTRACTORS PERFORMING WORK ON THIS JOB SITE DURING THE PERFORMANCE OF THIS CONTRACT.
4. THE CONTRACTOR SHALL RESTORE LAWNS, DRIVEWAYS, CULVERTS, SIGNS AND OTHER PUBLIC OR PRIVATE PROPERTY DAMAGED OR REMOVED TO EXISTING CONDITIONS OR BETTER AS DETERMINED BY THE ENGINEER. ANY DAMAGED TREES, SHRUBS AND/OR HEDGES SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE, UNLESS NOTED OTHERWISE.
5. THE CONTRACTOR SHALL COMPLY WITH ALL REQUIRED PERMITS.
6. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING, AND INCURRING THE COST OF ALL REQUIRED PERMITS, INSPECTIONS, AND CERTIFICATES.
7. THE CONTRACTOR WILL PROTECT EXISTING PROPERTY LINE MONUMENTATION. ANY MONUMENTATION DISTURBED OR DESTROYED, AS JUDGED BY THE ENGINEER OR OWNER SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE UNDER THE SUPERVISION OF A NEW HAMPSHIRE STATE LICENSED LAND SURVEYOR.
8. IT IS THE CONTRACTOR'S RESPONSIBILITY TO EXAMINE ALL PLAN SHEETS AND SPECIFICATIONS, AND COORDINATE WORK WITH ALL CONTRACTS FOR THE SITE.
9. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONDUCT EXPLORATORY TEST PITS AS MAY BE REQUIRED TO DETERMINE UNDERGROUND CONDITIONS.
10. ALL TRENCH EXCAVATION AND ANY REQUIRED SHEETING AND SHORING SHALL BE DONE IN ACCORDANCE WITH THE LATEST OSHA AND VIOSHA REGULATIONS FOR CONSTRUCTION.
11. CONTRACTOR SHALL BE RESPONSIBLE FOR DETAHERING AND THE MAINTENANCE OF SURFACE DRAINAGE DURING THE COURSE OF WORK.
12. MAINTAIN FLOW FOR ALL EXISTING UTILITIES, UNLESS NOTED OTHERWISE.
13. ALL SITE FILL SHALL MEET SELECTED FILL STANDARDS UNLESS NOTED OTHERWISE ON THE DRAWINGS.
14. CONTRACTOR TO GRADE ALL AREAS ON THE SITE TO PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS AND IMPERVIOUS SURFACES.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL FIELD LAYOUT. THE CONTRACTOR SHALL PROVIDE MARKED-UP AS-BUILT PLANS FOR ALL UTILITIES SHOWING CONNECTIONS, BENDS, VALVES, LENGTHS OF LINES AND INVERTS. AS-BUILT PLANS SHALL BE REVIEWED BY THE OWNER AND HIS REPRESENTATIVES BEFORE UTILITIES WILL BE ACCEPTED.
16. CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER INSTALLATION, MONITORING, MAINTENANCE AND REMOVAL OF ALL TEMPORARY EROSION CONTROL MEASURES AND TAKING PRECAUTIONARY STEPS TO AVOID ANY SEDIMENT TRANSFER TO NEIGHBORING SITES OR WATERS OF THE STATE.

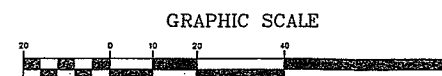


EXISTING FEATURES		PROPOSED FEATURES
C/O	CLEAN OUT	C/O
S	SEWER MANHOLE	S
B	CATCH BASIN	B
D	STORM MANHOLE	D
W	TAPPING SLEEVE AND VALVE	W
B	BOLLARD	B
V	GATE VALVE	V
H	HYDRANT	H
P	POST INDICATOR VALVE	P
S	WATER SHUT OFF	S
G	GAS SHUT OFF	G
M	GAS METER	M
L	LIGHT POLE	L
P	UTILITY POWER POLE	P
B	SOIL BORING	B
S	SIGN	S
+ 100.00	SPOT ELEVATION	+ 100.5
	TREE	



D1	EXISTING BUILDING	D5	EXISTING PROPERTY LINE (TO BE DISSOLVED)
D2	EXISTING SIDING	D6	EXISTING PAVEMENT
D3	EXISTING CONCRETE	D7	EXISTING UTILITY LINE/STRUCTURE
D4	EXISTING TREES/SHRUBS		

1. EXISTING PHYSICAL FEATURES AND TOPOGRAPHY SHOWN HERE ARE BASED ON A PLAN ENTITLED "SITE PLAN OF LANDS OF HOWARD SPACE PARTNERSHIP, LLP, 30 HOWARD ST & 400 PINE ST, BURLINGTON, VERMONT", PREPARED BY TERRY W. WILSON, VERMONT LICENSED LAND SURVEYOR AND DATED JULY 2016.
2. PROPERTY LINES DEPICTED HERE ARE TAKEN FROM A PLAT ENTITLED "PLAT OF A PORTION OF LANDS OF HOWARD SPACE PARTNERSHIP, LLP, 30 HOWARD ST & 400 PINE ST, BURLINGTON, VERMONT", PREPARED BY VERMONT MAPPING AND SURVEY CO., LLC, DATED JULY, 2016. THE PURPOSE OF SAID PLAT IS TO DEPICT LOT #053-3-082-000 AND THE EASTERLY LINE OF LOT #053-1-015-100. REFER TO PLAT FOR ADDITIONAL NOTES AND REFERENCES.
3. UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITIES SHOWN ON PLANS WERE TAKEN FROM THE ABOVE REFERENCED PLAN AND ARE NOT GUARANTEED TO BE ACCURATE OR COMPLETE. CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFICATION. UTILITY LOCATIONS PRIOR TO COMMENCING WORK, NOTIFY ENGINEER OF ANY DISCREPANCY BETWEEN UTILITIES AS SHOWN AND AS FOUND. THE CONTRACTOR SHALL CONTACT DIG SITE (811 or 888-344-7233) A MINIMUM OF 72 HOURS, BUT NOT INCLUDING SATURDAYS, SUNDAYS AND LEGAL HOLIDAYS, PRIOR TO ANY CONSTRUCTION.
4. NORTH ORIENTATION IS REFERENCED TO VERMONT GRID NORTH & ELEVATIONS ARE REFERENCED TO NAVD 88.



SKETCH PLAN REVIEW
-CONCEPTUAL-
10/03/16

[illegible]

**ENGINEERING
VENTURES PC**

208 Flynn Avenue, Suite 2A Burlington, VT 05401
tel. 802.863.6225 • fax 802.863.6306
85 Mechanic Street, Suite 350A, Lebanon, NH 03766
tel. 603.442.9333 • fax 603.442.9331
www.engineeringventures.com

Unsworth Properties, LLC
26 Railroad Avenue
Essex Junction, Vermont
(802) 879-4504

**Existing Conditions
& Demolition Plan**

Project Title: The Vaults Redevelopment Project
400 Pine Street & 30 Howard Street
Burlington, Vermont

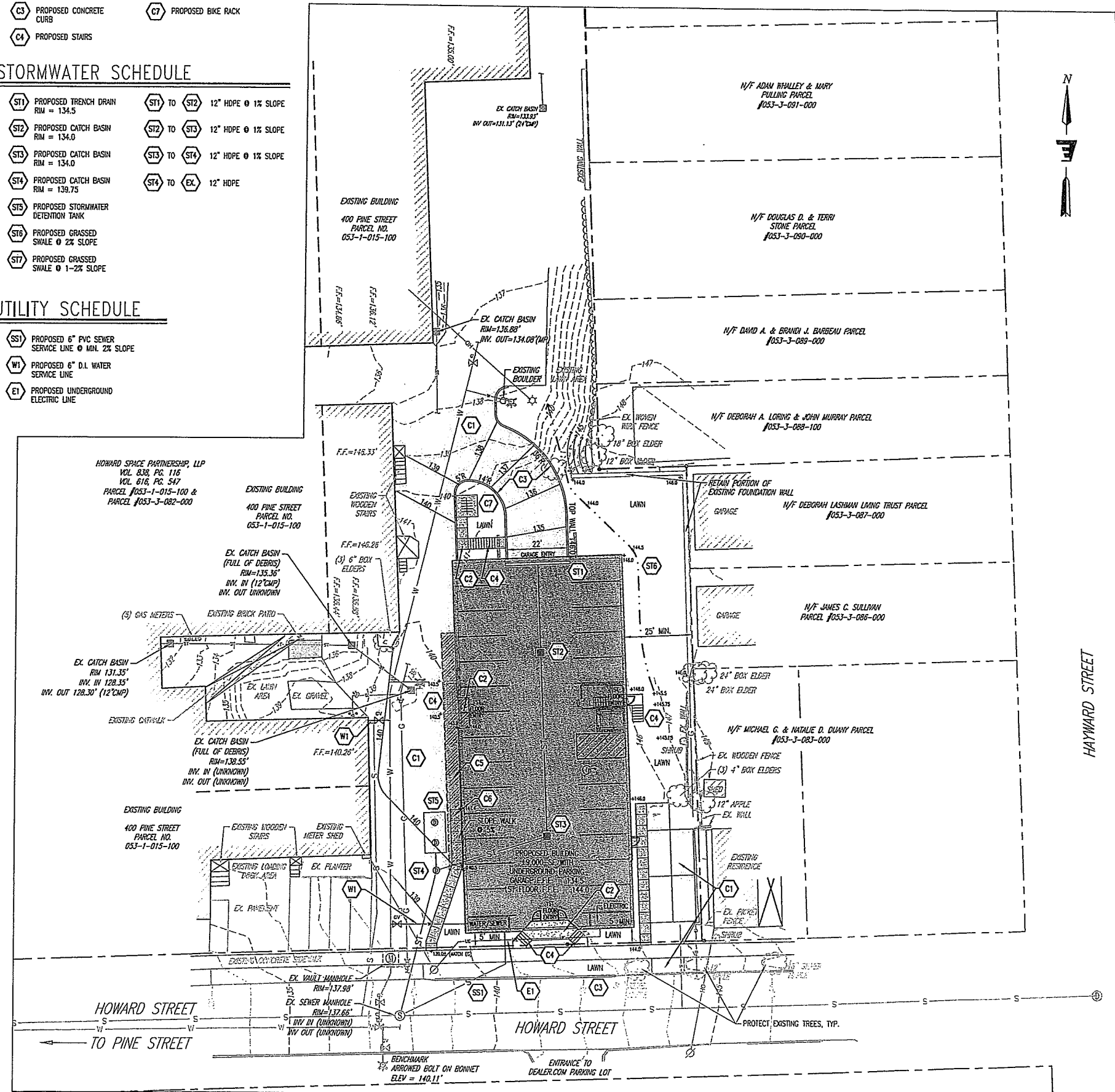
Designed By:	KW/HKW
Checked By:	KW
Drawn By:	HKW
Scale:	1" = 20'
Date:	10/03/16

C101

C1	PROPOSED PAVEMENT	C5	PROPOSED 30' LONG RAMP @ MAX. 1:12 SLOPE
C2	PROPOSED CONCRETE	C6	PROPOSED LANDING
C3	PROPOSED CONCRETE CURB	C7	PROPOSED BIKE RACK
C4	PROPOSED STAIRS		

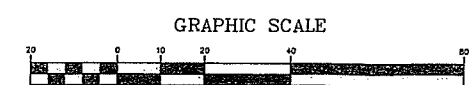
ST1	PROPOSED TRENCH DRAIN RIM = 134.5	ST1	TO	ST2	12" HDPE @ 1% SLOPE
ST2	PROPOSED CATCH BASIN RIM = 134.0	ST2	TO	ST3	12" HDPE @ 1% SLOPE
ST3	PROPOSED CATCH BASIN RIM = 134.0	ST3	TO	ST4	12" HDPE @ 1% SLOPE
ST4	PROPOSED CATCH BASIN RIM = 139.75	ST4	TO	EX	12" HDPE
ST5	PROPOSED STORMWATER DETENTION TANK				
ST6	PROPOSED GRASSED SWALE @ 2% SLOPE				
ST7	PROPOSED GRASSED SWALE @ 1-2% SLOPE				

SS1	PROPOSED 6" PVC SEWER SERVICE LINE @ MIN. 2% SLOPE
W1	PROPOSED 6" D.I. WATER SERVICE LINE
E1	PROPOSED UNDERGROUND ELECTRIC LINE



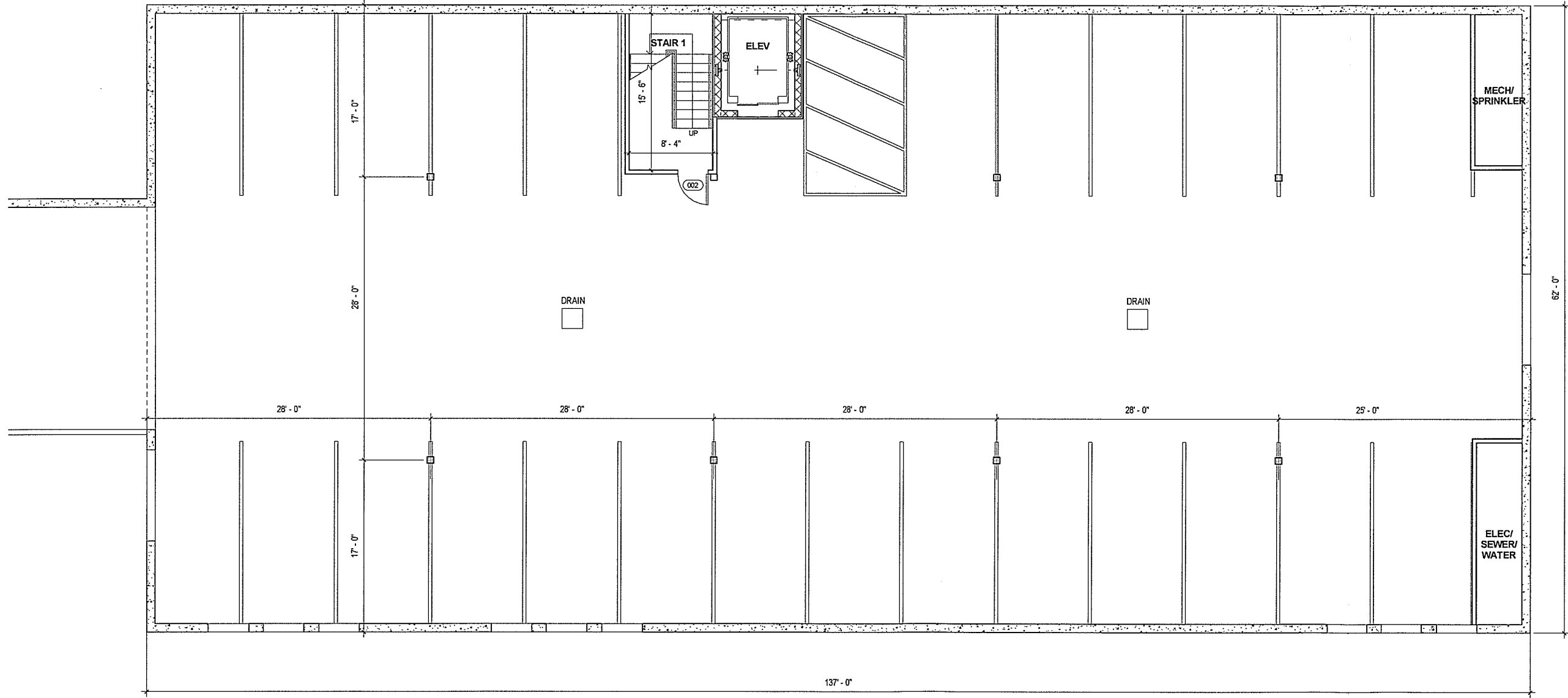
EXISTING FEATURES		PROPOSED FEATURES
	CLEAN OUT	
	SEWER MANHOLE	
	CATCH BASIN	
	STORM MANHOLE	
	TAPPING SLEEVE AND VALVE	
	BOLLARD	
	GATE VALVE	
	HYDRANT	
	POST INDICATOR VALVE	
	WATER SHUT OFF	
	GAS SHUT OFF	
	GAS METER	
	LIGHT POLE	
	UTILITY POWER POLE	
	SOIL BORING	
	SIGN	
	SPOT ELEVATION	
	TREE	
	HANDICAP SYMBOL	
	TREELINE	
	FENCE	
	5' CONTOUR INTERVAL	
	1' CONTOUR INTERVAL	
	PROPERTY LINE	
	EDGE OF PAVEMENT/HARDSCAPE	
	SANITARY SEWER LINE	
	STORM LINE	
	WATER LINE	
	UNDERGROUND ELECTRIC	
	OVERHEAD ELECTRIC	
	UNDERGROUND TELEPHONE	
	GAS LINE	
	RIGHT-OF-WAY LINE	
	SETBACK	

 PROPOSED BUILDING
 PROPOSED PAVEMENT
 PROPOSED CONCRETE



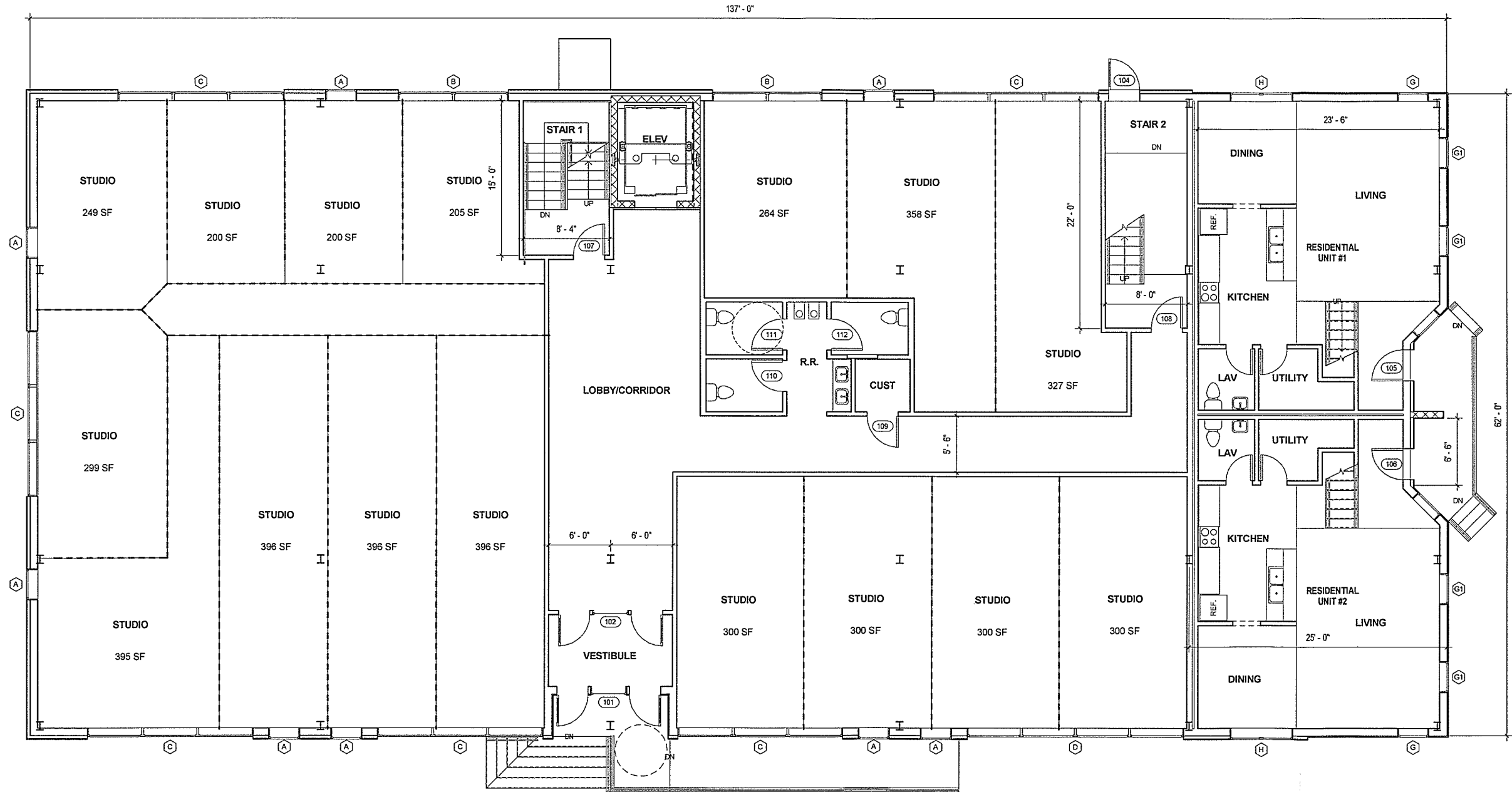
SKETCH PLAN REVIEW
-CONCEPTUAL-

[illegible]



1 GARAGE PLAN
3/16" = 1'-0"

GENERAL NOTES
1 DIMENSIONS ARE FROM FRAMING-TO-FRAMING, UNLESS NOTED OTHERWISE.



1 FIRST FLOOR PLAN
3/16" = 1'-0"

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CONSULTANTS:
CIVIL ENGINEER
Address

STRUCTURAL ENGINEER
Address

MEP ENGINEER
Address

OTHER
Address

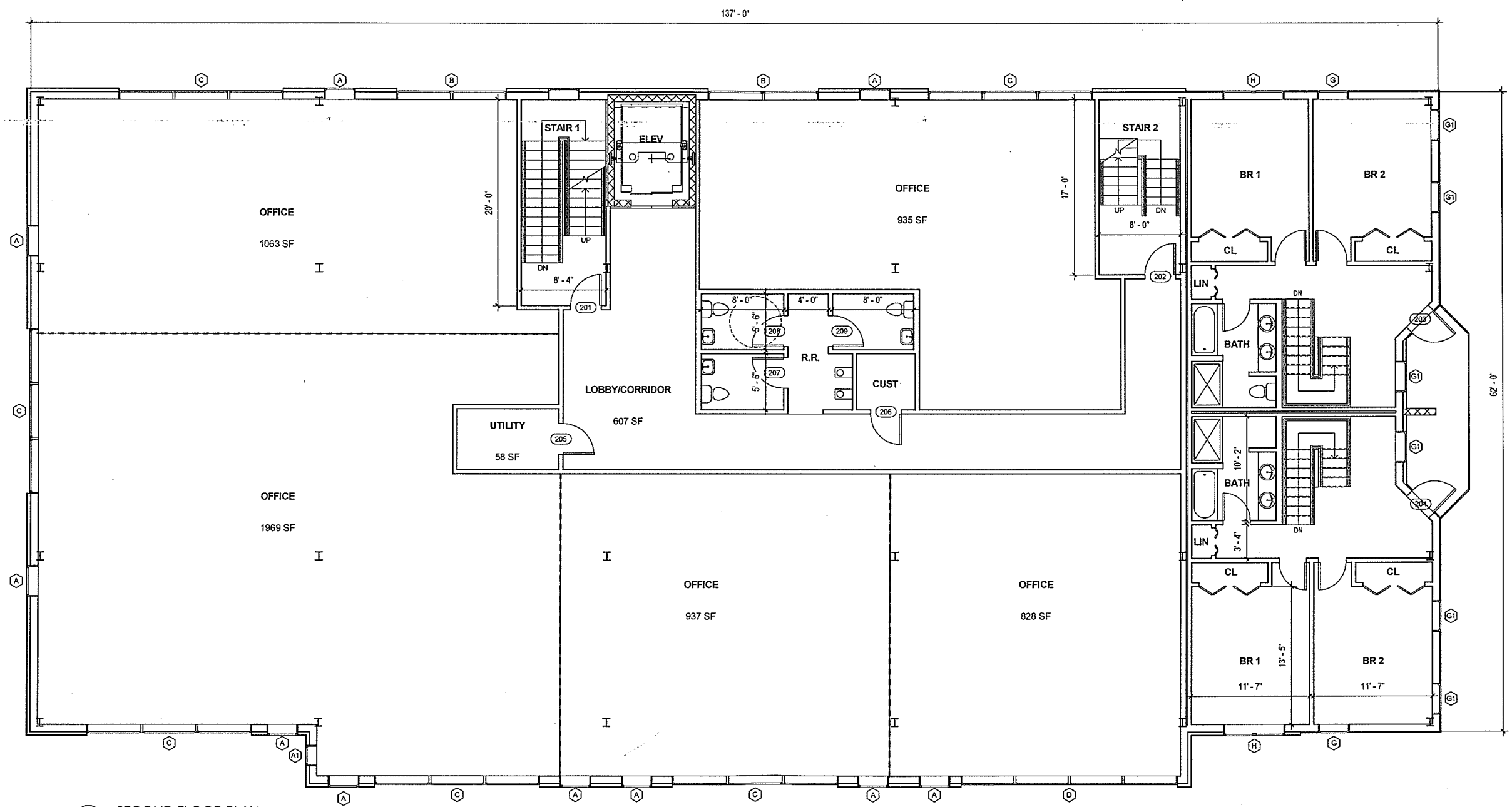
THE VAULTS
30 HOWARD STREET, BURLINGTON, VT

DATE: 10/03/16
REVISED:

SCALE:
3/16" = 1'-0"

DRAWING:
SECOND
FLOOR PLAN

SHEET:
A1.3



1 SECOND FLOOR PLAN
3/16" = 1'-0"

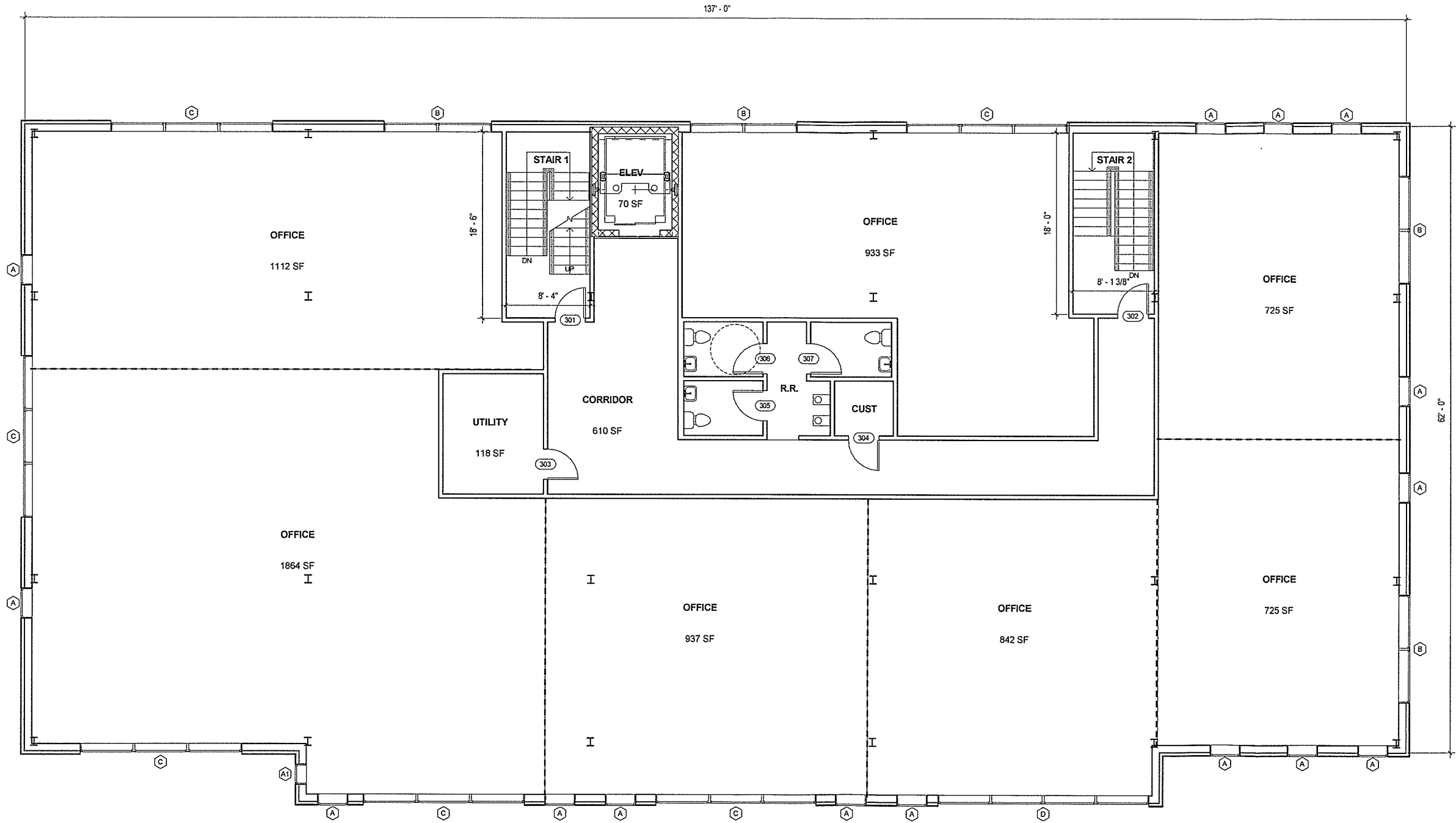
CONSULTANTS	
CIVIL ENGINEER	Address
STRUCTURAL ENGINEER	Address
MEP ENGINEER	Address
OTHER	Address

--

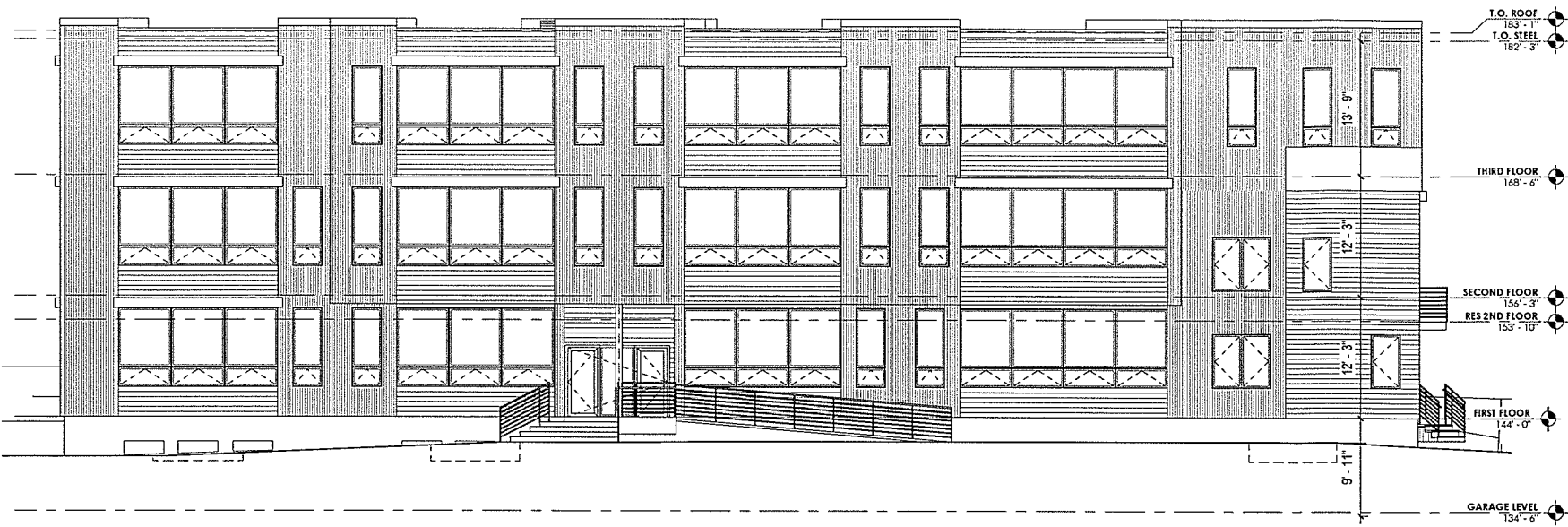
THE VAULTS
30 HOWARD STREET, BURLINGTON, VT

DATE:	10/03/
REVISED:	
SCALE:	3/16" = 1'-0"
DRAWING:	THIRD FLOOR PL
SHEET:	A1

PROGRESS SET



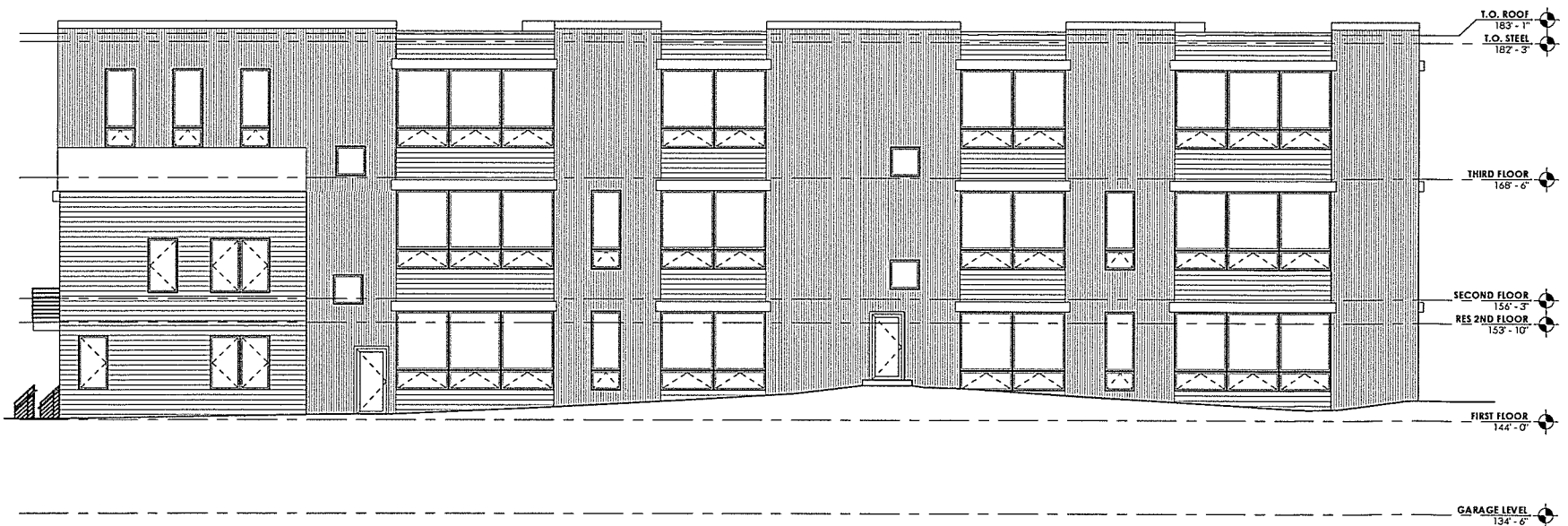
1 THIRD FLOOR PLAN
3/16" = 1'-0"



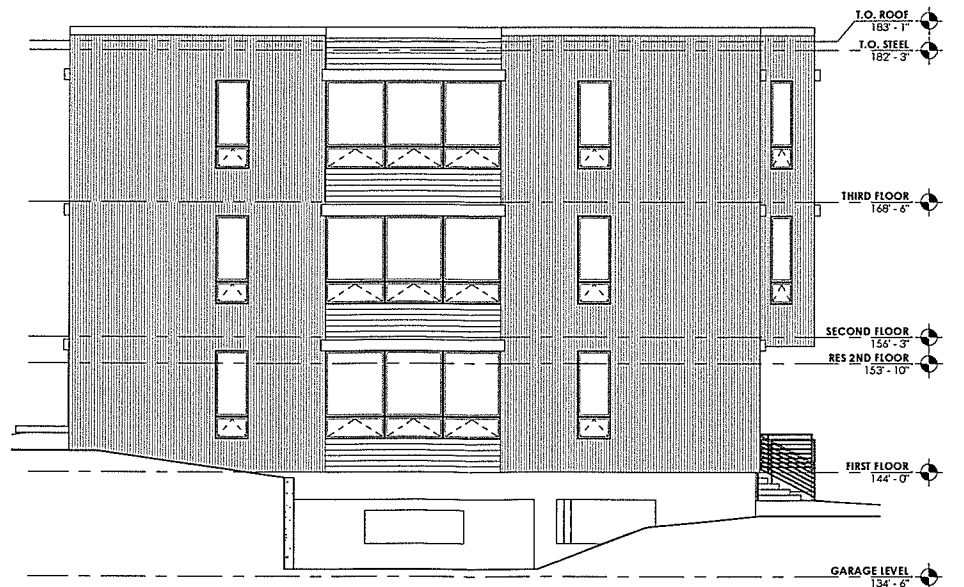
1 WEST ELEVATION
1/8" = 1'-0"



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



3 EAST ELEVATION
1/8" = 1'-0"



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

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project without the written author-

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CIVIL ENGINEER
Address

STRUCTURAL ENGINEER
Address

MEP ENGINEER
Address

OTHER
Address

THE VAULTS
30 HOWARD STREET, BURLINGTON, VT

DATE: 10/03/15
REVISED:

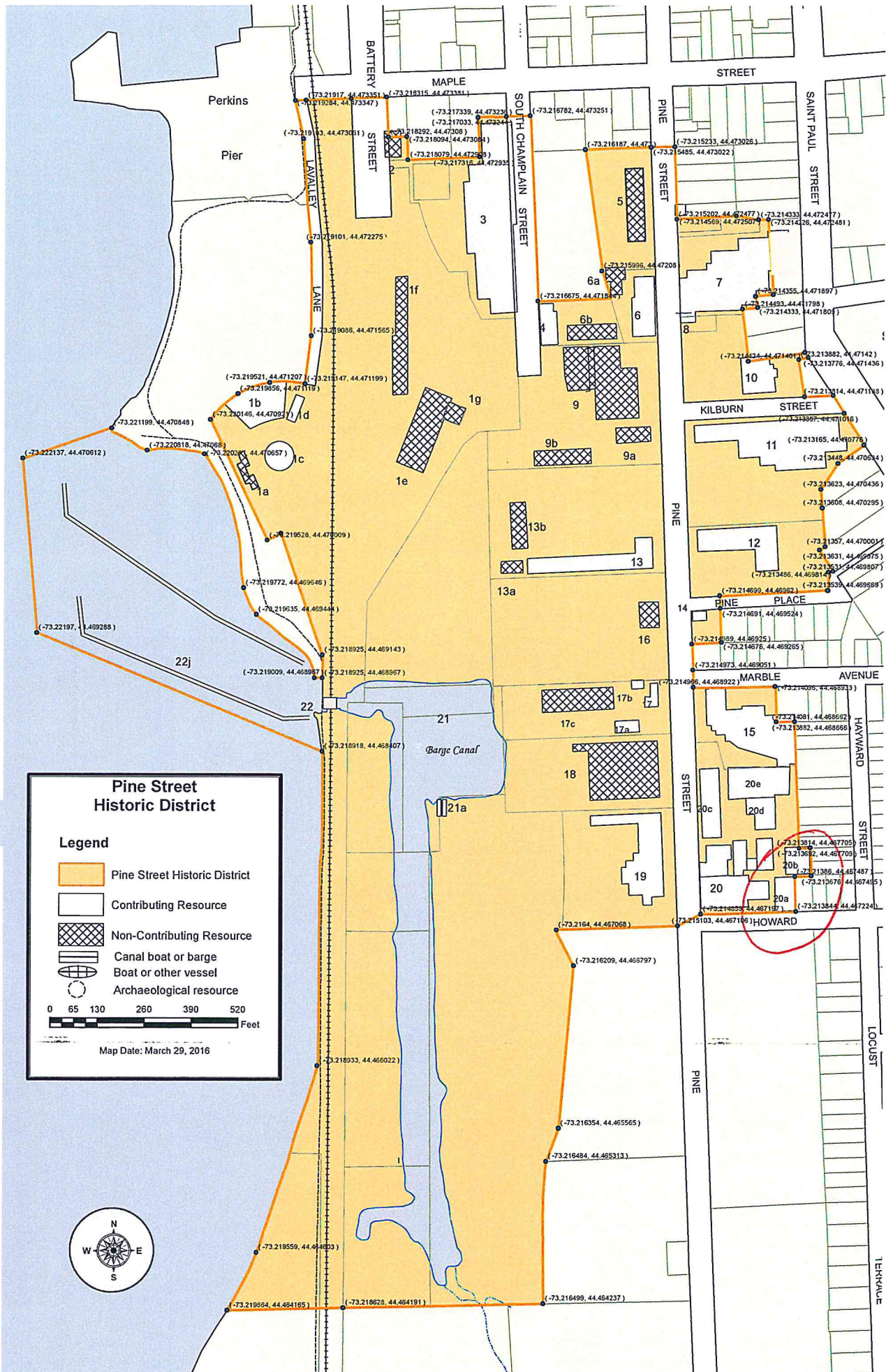
SCALE:
1/8" = 1'-0"

DRAWING:
BUILDING
ELEVATION

SHEET:

A2





Pine Street Historic District

Chittenden County,
County and State

Name of Property

The southern façade has the same double hung two/two windows with round arched lintels and granite sills – five windows on the third floor and three on second and first floors and in the raised redstone foundation. The remaining two windows are covered by a one-story, flat-roofed, brick addition (ca 1960) with a wooden deck and stair to an entry door.

20. E.B. and A.C. Whiting Company, 400 Pine 1902/1915, Contributing

The first structure in this varied industrial complex dates to 1902, when the large main block on the corner of Pine and Howard was rebuilt following a fire. It was enlarged and most of the other buildings were constructed between 1912 and 1919. One storehouse from 1900 remains, and a final large addition was built ca 1960.

The three-story frame structure with a shallow gable roof has two-story shed-roofed wing along the full length of the west wall. It rests on a concrete foundation. A large bay projecting diagonally from the southwest corner of the third floor has two/two sash and is a prominent feature.

The two-story section of the west wall has been recovered with metal sheathing, but it appears the original iron cladding remains beneath. The second floor has five pairs of twelve/eight double hung windows, then a single one/one, then two eight/eight windows. The first floor has bands of windows, originally consisting of three eighteen-light sash.

The first band has replacement one/one sash, the next band has new five-light wooden windows. A loading door separates the second band from the third, which has the same five-light replacement sash. A final window like the five-light bands has only two lights. The third story of the main structure is visible above the shed roof and appears to retain its iron cladding. It has ten two/two double hung windows evenly spaced along the entire length. The south wall of the main block is sheathed in aluminum clapboard siding. The two-story section has eight/eight double hung windows in bays one to three and bay five on the second floor. Windows on the first floor are all replacements and two are on each side of an entry door. The three-story main block has three two/two double hung windows evenly spaced on the third floor and smaller windows between them. One sixteen-light metal window remains on the second floor along with an eight/eight double hung. What was a large opening with a sliding door on the first floor has been filled in and contains a sixteen-light metal window and a twelve-light wooden window to the east of an entry door.

A two-story shed-roofed section extends to the east of and is set back from the main block. It has a mixture of vertical board, shingle, and aluminum clapboard siding and irregularly placed window openings with a one/one double hung window, two sixteen-light metal windows, and a nine-light window. The variety of siding materials and windows makes it impossible to discern the original fenestration.

Another extension to the east, dating from 1942, is a one-and-a-half story structure with a shallow gable roof and corrugated metal siding on a concrete block foundation. A loading dock runs the length of the south side; a pent roof shelters an entry door, two loading entries with garage doors, another entry door and a bank of three modern vinyl one/one windows. The east

Pine Street Historic District

Chittenden County,
County and State

Name of Property

four now have a large entry with a garage door, and an entry door opens in bay five. The east façade first floor has sixteen-light metal windows with concrete sills in bays one to four, six to nine, and eleven and twelve (sash replaced); a large entry with a garage door opens in bay five and an entry door in bay ten. Twelve-light metal windows with splayed brick lintels and concrete sills were originally in all bays on the second story; they have been covered over in bays three to six, nine and ten, and the sash replaced in bays eleven and twelve.

The west façade second story has the same fenestration, flashing and shadow of the demolished section as seen on the east side of the drying room. The second floor has sixteen-light metal windows with concrete sills in bays one to five, then openings get smaller in bay six and smaller again, to accommodate the sloping roof of the structure that once joined the combing room to its twin; the flashing and shadow of the building are visible on this wall. The first floor had the same windows in bays one to three and an entry door in bay four.

The north wall has sixteen-light metal windows with splayed brick lintels and concrete sills in all six bays on the second floor; sash has been replaced in bays one, two, and four. The first floor has the same windows, lintels, and sills in bays one to three and five and six, but all sash have been replaced; an entry door opens in bay four.

20a. Storage, ca 1915, Contributing

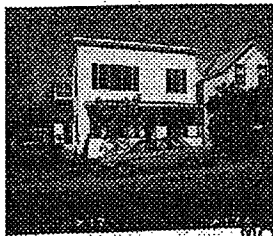
A one-story, shed-roofed structure of brick set in common bond rests on a raised concrete foundation. It is divided into seven sections, each with its own metal double-door loading dock entry with ventilator window above on the west façade. A firewall rises above the roof between the fifth and sixth bays, and the seventh bay is slightly taller. Most of the north façade is obscured because of the proximity of 20b, but a stepped parapet wall is partly visible. The south wall has one double entry door near the west end, and the east wall has no openings.

20b. Storage, 1900, Contributing

This large, two-and-a-half story, frame building is sheathed in corrugated metal and rests on a raised concrete foundation. The very wide gable roof extends to the top of first story level. A vehicle entry with sliding doors and smaller entry door provide access on the west side. The north and east façades have no openings and it nearly touches 20a on the south.

20c. Fiber Machine Shop, ca 1915, Contributing

This long rectangular, four- by one-bay, one-story, common bond brick building is divided into four sections by brick firewalls. It has a low-pitched gable roof with two skylights in each section and rests on a concrete foundation. The west-facing front façade has four double entry doors topped by segmental brick arches and flanked by twelve-light metal windows with splayed brick lintels and brick sills. The door in bay one has been glassed in to create a large shop window; the right-side window in bay two has replacement sash, the left-hand window in the third bay has been enlarged. Both windows in the fourth bay have been altered; the left-hand has replacement sash and the right has been enlarged. The east façade provides service entry to the retail businesses inside and has a shed-roofed wood lean-to section running from the third bay nearly to the north end. The first bay has a window, loading dock, and a window with



STATE OF VERMONT
Division for Historic Preservation
Montpelier, VT 05602

HISTORIC SITES & STRUCTURES SURVEY
Individual Structure Survey Form

SURVEY NUMBER:

32 Howard

NEGATIVE FILE NUMBER:

77-A-276

UTM REFERENCES:

Zone/Easting/Northing

U.S.G.S. QUAD. MAP:

PRESENT FORMAL NAME:

ORIGINAL FORMAL NAME:

PRESENT USE: 2-family

ORIGINAL USE: same

ARCHITECT/ENGINEER:

BUILDER/CONTRACTOR:

PHYSICAL CONDITION OF STRUCTURE

Excellent ☐ Good ☒

Fair ☐ Poor ☐

THEME:

STYLE:

DATE BUILT:

COUNTY:

TOWN:

LOCATION:

COMMON NAME:

FUNCTIONAL TYPE:

OWNER: Antoinette Fay & Benoit

ADDRESS: 32 Howard St.

ACCESSIBILITY TO PUBLIC:

Yes ☐ No ☒ Restricted ☐

LEVEL OF SIGNIFICANCE:

Local ☒ State ☐ National ☐

GENERAL DESCRIPTION:

Structural System

1. Foundation: Stone ☒ Brick ☐ Concrete ☐ Concrete Block ☐
2. Wall Structure
 - a. Wood Frame: Post & Beam ☐ Balloon ☐
 - b. Load Bearing Masonry: Brick ☐ Stone ☐ Concrete ☐ Concrete Block ☐
 - c. Iron ☐ d. Steel ☐ e. Other: ☐
3. Wall Covering: Clapboard ☐ Board & Batten ☐ Wood Shingle ☐ Shiplap ☐ Novelty ☐ Stucco ☐ Sheet Metal ☐ Aluminum ☐ Asphalt Shingle ☐ Brick Veneer ☐ Stone Veneer ☐ Bonding Pattern: ☐ Other: ☐
4. Roof Structure
 - a. Truss: Wood ☐ Iron ☐ Steel ☐ Concrete ☐
 - b. Other: rafter ☐
5. Roof Covering: Slate ☐ Wood Shingle ☐ Asphalt Shingle ☐ Sheet Metal ☐ Built Up ☐ Rolled ☐ Tile ☐ Other: ☐
6. Engineering Structure: ☐
7. Other: ☐

Appendages: Porches ☒ Towers ☐ Cupolas ☐ Dormers ☐ Chimney

Sheds ☐ Ells ☐ Wings ☐ Other: ☐

Roof Style: Gable ☐ Hip ☐ Shed ☐ Flat ☒ Mansard ☐ Gambrel

Jerkinhead ☐ Saw Tooth ☐ With Monitor ☐ With Bellcast ☐

With Parapet ☐ With False Front ☐ Other: ☐

Number of Stories: 2

Number of Bays: 4 x 2

Entrance Location: 3rd bay

Approximate Dimensions:

THREAT TO STRUCTURE:

No Threat ☐ Zoning ☐ Roads ☐

Development ☐ Deterioration ☐

Alteration ☐ Other: ☐

LOCAL ATTITUDES:

Positive ☐ Negative ☐

Mixed ☐ Other: ☐

ADDITIONAL ARCHITECTURAL OR STRUCTURAL DESCRIPTION:

Massing - rectangular block with front porch, 1-story rear wing & side stairway which is enclosed.

Fenestration - modern, aluminum 1 over 1 sashes.

Door - glass - upper portion, horizontal and vertical molded panels below.

RELATED STRUCTURES: (Describe)

STATEMENT OF SIGNIFICANCE:

REFERENCES:

MAP: (Indicate North In Circle)



SURROUNDING ENVIRONMENT:

Open Land ☐ Woodland ☐
Scattered Buildings ☐
Moderately Built Up ☐
Densely Built Up ☒
Residential ☒ Commercial ☐
Agricultural ☐ Industrial ☐
Roadside Strip Development ☐
Other:

RECORDED BY:

Adela Gramer

ORGANIZATION:

VT Division for Historic Preservation

DATE RECORDED:

10/18/77

Department of Planning and Zoning

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

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
vacant, Department Secretary



TO: Development Review Board
FROM: Scott Gustin *JD*
DATE: November 1, 2016
RE: 15-0129CA/CU; 1398 North Avenue

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

Zone: RL Ward: 7

Owner/Applicant: Michael Bessery

Request: Time extension of project to demolish existing building and construct new 2-story building with market on ground floor and 2 residential units on 2nd floor.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Review)

Background Information:

The applicant is seeking approval for a 1-year time extension for the zoning permit allowing demolition of the market building and construction of a new market and residential building and related site improvements. No project changes are included in this extension request.

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

I. Findings

Article 3: Applications and Reviews

Sec. 3.2.9, Zoning Permits

(d) Time Limit on Zoning Permits:

Construction activity associated with this zoning permit commenced within 1 year of the October 27, 2014 approval as required. Construction activity has continued through to the present; however, it is not yet complete. The extension request indicates that curb cut and landscaping work remains to be completed.

The extension request was submitted October 5, 2016, prior to expiration of the original zoning permit approval. Insofar as construction activity commenced within 1 year of the effective date of the zoning permit, and the extension request has been filed prior to expiration of the permit, the requested 1 year extension may be approved. Construction must be complete by October 27, 2017.
(Affirmative finding as conditioned)

II. Conditions of Approval

1. Except as specifically modified in this approval, all conditions of the original zoning permit (15-0129CA/CU) shall remain in effect.
2. Standard permit conditions 1 -15 (including construction completion date no later than October 27, 2017).

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

Austin Hart
Michael Long
Jonathan Stevens
Brad Rabinowitz
Missa Aloisi
Israel Smith
AJ LaRosa
Alexandra Zipparo (Alt.)



Burlington Development Review Board

Minutes/Findings of Fact
October 27, 2014

In RE: 15-0129CA/CU; 1398 North Ave. (Ward 7, RL) (Tax Lot No. 028-3-087-000)

Owner/Representative: Bessery Real Estate / G4 Design Studios

Request: Demolish existing building with a nonconforming use and construct new two story building with neighborhood commercial food store/market with takeout prepared food and an office on ground floor and two residential units on second floor.

Members Present:

Austin Hart
Jonathan Stevens
Michael Long
Brad Rabinowitz
Israel Smith
AJ LaRosa

Evidence Presented:

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

I. FINDINGS

- This existing building was constructed around 1947 and the current owners have operated a butcher/grocery store at this site since 1967.
- April 1976 and May 1976 zoning permits approved for additions to rear of the existing store.
- September 2, 2014 DRB continued project hearing to October 7 due to a number of issues that needed to be addressed prior to the Board taking action.

Overview:

The subject site is 0.2583 acres = 11,252 sq. ft. The proposal is for a duplex with a neighborhood commercial use – butcher shop/convenience store with a take-out restaurant, the office use has been deleted from the proposal. Duplexes are a conditional use in the RL on lots of a minimum size of 10,000 sq. ft. Note that neighborhood commercial uses do not count toward residential density.

Article 13 Definitions

Neighborhood Commercial Uses: Non-residential establishments intended to serve or accommodate the needs of a limited geographic segment of a community or area. Such uses include: banks, places of worship, neighborhood convenience stores, day cares, cleaners & laundromats, fire & police stations, beauty salons and barbers, hardware and general merchandise; libraries, medical/dental offices, parks, pharmacies, post offices, cafes, schools, community centers, and health studios.

The existing use, meat market/convenience store, clearly is a neighborhood commercial use. The proposed use will continue at 1000 sq. ft. and add a takeout food service of 420 sq. ft. These are consistent with the definition. **Affirmative finding.**

Article 3, Part 5 Conditional Use

Sec. 3.5.6 Review Criteria

(a) Conditional Use Review Standards

1. The capacity of existing or planned community facilities;

As a replacement building this new structure would not add any undue burden to community facilities. The additional residential square footage is required to pay impact fees to offset any impacts associated with this additional use. **Affirmative finding as conditioned.**

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

The use of the property as a butcher shop with takeout food is a neighborhood commercial use that has and will continue to serve the surrounding neighborhood. **Affirmative finding.**

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

The amount of traffic should increase to an extent due to the addition of the take-out food service and the two residential units. Sufficient parking, i.e. seven spaces, is provided as required. The parking area is decreasing somewhat and given the amount of traffic and the need for pedestrian and handicapped access must be paved and striped to accommodate the flow and accessibility. **Affirmative finding as conditioned.**

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

As a food business all state health related permits would be needed. In addition, minimum housing including the limitations on non-related residential occupants must be complied with. Energy efficiency standards must be met as well as the need to restore city ROW that has been encroached upon by vehicles coming to the site.

The applicant shall be aware that due to the age of the building hazardous material such as lead paint and asbestos may be present. Thus, all materials removed shall be handled and disposed of in a safe and legal manner. **Affirmative finding as conditioned.**

5. *The utilization of renewable energy resources;*

Nothing within the application will prohibit the use of alternative or renewable energy resources. New construction will be required to meet all current energy efficiency standards.

Affirmative finding as conditioned.

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

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

As the project includes two residential units within a residential district, the cumulative effect is negligible. **Affirmative finding.**

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

The residential units are approximately 700 and 730 sq. ft. in size, each with two bedrooms. Occupancy is limited to a family or no more than four unrelated individuals. **Affirmative finding as conditioned.**

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

The existing curb cut once reduced will continue to provide access to the parking lot at the rear that will continue to be utilized for parking in support of the proposed uses. As discussed in Section 6.2.2 (i) and (m) above, the unapproved curb cut and resulting encroachment into the public ROW must be rectified. **Affirmative finding as conditioned.**

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

Any signage will require a separate permit. **Affirmative finding as conditioned.**

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

Noise, glare, or other auditory or visual nuisances are not anticipated. Conceptually as proposed, the use itself should not change the character of the surrounding area. **Affirmative finding.**

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

New construction will require building and trades permits. The zoning permit will require commencement of the work within one year and completion within two years. **Affirmative finding as conditioned.**

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

Construction shall be limited to standard hours of 7:00 am – 6:00 pm Monday-Friday, with Saturday morning hours of construction limited to interior work. **Affirmative finding as conditioned.**

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

This is a statutory requirement for any conditional use. **Affirmative finding as conditioned.**

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

No specific standards are necessary given the nature of the proposal as it's located on a major street. **Affirmative finding.**

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

As discussed there are several items that need to be addressed. Most importantly are the restoration of the greenbelt and the use of quality materials for this situation and insuring that the building meets all life safety and fire code requirements. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts, Table 4.4.5-3, Residential District Dimensional Standards limits lot coverage to 35% in the RL. As is an existing commercial building established in 1967 and a review of past aerial photography has confirmed the existence of a large parking area behind the store, resulting in 68% of lot coverage. The proposed redevelopment of the site will reduce lot coverage to 60%. Neighborhood commercial uses allows a maximum lot coverage of 60%. Thus, the proposal will bring the property into compliance with lot coverage.

The proposed height of the new structure is 29 feet to the peak of the pitched roof, well below the RL 35 foot height limit. **Affirmative finding.**

(d) District Specific Regulations, 7. Residential Development Bonuses,

D. Residential Conversion Bonus.

Development in excess of the limits set forth in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use not involving a historic building to a conforming residential use subject to all of the following conditions:

- (i) Any structure proposed for demolition shall not be listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places; and,*

- (ii) *Lot coverage and residential density shall not exceed:*

Table 4.4.5-7: Residential Conversion Bonus

<i>District</i>	<i>Maximum Lot Coverage</i>	<i>Maximum Density (dwelling unit/acre)</i>
<i>RL, RL-W</i>	50%	8 du/ac

The existing structure is not listed on either the state or national register of historic places and, while more than 50 years old was not deemed eligible as it was not included when North Avenue was surveyed.

As discussed below the current use is a non-conforming neighborhood commercial use that is proposed to become conforming – as a residential use and as a conforming neighborhood commercial use. The rebuilding of the non-conforming store with a neighborhood commercial use is not counted against density, and proposed addition of a residential use to the neighborhood commercial use on the subject site allows for two residential units ($0.2583 \times 8 \text{ units} = 2$), as proposed. This density is verified using the density calculation method in Sec. 2.2.7 (a) 1: $2 \text{ units} / 0.2583 \text{ acres} = 7.74 \text{ units per acre}$; therefore complying with the density of 8 units/acre. **Affirmative finding.**

A. *Exception for Existing Neighborhood Commercial Uses.*

Neighborhood commercial uses as defined in Article 13 and intended to primarily serve the nearby residential area shall be considered permitted uses in all residential districts subject to the following:

- (i) *This exemption shall only apply to:*

- 1) *Historic neighborhood commercial buildings that are listed or eligible for listing on the state or national register and originally designed and constructed for such purpose(s); or,*
- 2) *A street level neighborhood commercial use as defined in Article 13 in lawful existence as of January 1, 2007.*

- (ii) *Neighborhood commercial uses shall be limited to a single story on the street level of any structure.*

- (iii) *Neighborhood commercial uses less than 2,000 sqft shall be treated as a permitted use. Neighborhood commercial uses greater than or equal to 2,000 sqft but less than 4,000 sqft shall be treated as a conditional use. Neighborhood commercial uses occupying 4,000 sqft or more shall not be permitted.*

- (iv) *The neighborhood commercial use shall not be counted against the property's allowable residential density.*

- (v) *The sale of fuel for motor vehicles, or new or expanded gas station canopies, shall be prohibited.*

- (vi) *Hours of operation shall be limited to 6:00am to 11:00pm seven days per*

week. Any expansion in the hours of operation of an existing neighborhood commercial use shall require conditional use review by the DRB.

- (vii) All building height and setback requirements for the underlying residential district shall apply, and the lot coverage shall not exceed 60%.*
- (viii) Any exterior changes to the building(s) or changes to the site plan shall be subject to the design review requirements of Article 6.*
- (ix) To the extent that additional parking is necessary, the parking standards for Shared-Use Districts shall apply pursuant to Article 8.*
- (x) The conversion of a residential use to a neighborhood commercial use within a historic neighborhood commercial building more than 50 years old and originally designed and constructed for such purpose shall be exempt from the housing replacement requirements of Article 9, Part 2.*
- (xi) Home occupations as defined and regulated under this article are not restricted by the provisions of this section.*
- (xii) Any aspect of a neighborhood commercial use in lawful existence as of January 1, 2007 not in strict conformance with any of the above standards shall be considered non-conforming and be subject to the provisions of Article 5, Part 3.*

At present the store is a non-conforming neighborhood commercial use. The current use was recognized as non-conforming in a 1976 zoning permit. The proposal is to demolish the building with this non-conforming use and re-establish it under current regulations as a neighborhood commercial use as per the 2008 ordinance under Sec. 4.4.5 (d) 6.

While existing neighborhood commercial uses are considered non-conforming under Sec. 5.3.4 (a) 2 B the current use is non-conforming as it does not meet the requirements of Sec. 4.4.5 (d) 6 regarding lot coverage as lot coverage exists at 68% with 60% as the standard. Thus the present use is non-conforming. As a non-conforming use being converted to a residential use the allowable density is increased to 8 units/acre as discussed above.

The proposed use clearly is a neighborhood commercial use serving the New North End as a meat market and convenience store. It is on the street level. It is a permitted use being less than 2000 sq. ft. at 1848 sq. ft. and that use, as noted above, is not counted against the residential density. The new building is the same square foot footprint as the existing building only moved eastward and with a second story added above to accommodate the allowed residential use. It will now become conforming once the lot coverage is reduced to 60% maximum. **Affirmative finding.**

Article 6: Development Review Standards

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

- (a) *Protection of Important Natural Features* The rear parking lot and open space to the east of the parking area will remain. **Not applicable.**
- (b) *Topographical Alterations* Only minimal site work will occur. **Affirmative finding.**
- (c) *Protection of Important Public Views:* There are no public views. **Not applicable.**
- (d) *Protection of Important Cultural Resources* The existing building was passed over when North Avenue was surveyed. Thus, the demolition and replacement will not affect historic resources. **Affirmative finding.**
- (e) *Supporting the Use of Renewable Energy Resources* Where feasible, the applicant should consider taking advantage of the potential to utilize sources of renewable energy including direct sunlight. In addition, the new construction will have to comply with the "Vermont Residential; Building Energy Code" as adopted by the State. **Affirmative finding as conditioned.**
- (f) *Brownfield Sites* Not a brownfield site based on DEC list; thus no known contamination. **Not applicable.**
- (g) *Provide for nature's events* The proposed building has a direct front entrance into the portion of the store where takeout food is available. A secondary entrance to the store is on the east side directly accessible from the rear parking area although without a covered entrance. There is a canopy over the rear stairs that access the second floor units; it is open on the north.

An EPSC plan has been provided and will need to be approved by the stormwater administrative staff prior to release of a zoning permit. **Affirmative finding as conditioned**

- (h) *Building Location and Orientation* The building is proposed to be constructed to front on North Avenue moved eastward to better align with the adjacent buildings thereby maintaining the existing development pattern along the streetscape. **Affirmative finding.**
- (i) *Vehicular Access* A single curb cut exists along the entire frontage of the property, utilizing the "greenbelt". This cannot continue and the greenbelt must be restored to city standards precluding parking on the sidewalk and in front of the store. The south part of the curb cut can continue to be utilized for access to the rear parking area to serve the store and residential units. **Affirmative finding as conditioned.**
- (j) *Pedestrian Access* Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Access to site for pedestrians is from both the street frontage and from the rear parking lot directly into the building. **Affirmative finding.**

- (k) *Accessibility for the Handicapped* Special attention shall be given to the location and integration of accessible routes, parking spaces, and ramps for the disabled. Special attention shall also be given to identifying accessible access points between buildings and parking areas, public streets and sidewalks. The federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) shall be used as a guide in determining the adequacy of the proposed development in addressing the needs of the disabled.

The first floor commercial use from both the front and rear are handicapped accessible. One handicapped parking space is indicated on the submitted site plan. **Affirmative finding.**

(l) *Parking and Circulation*

Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets. Dimensions of spaces shall at a minimum meet the requirements as provided in Article 8. The perimeter of all parking areas shall be designed with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.

All parking areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to building entrance(s) or a public sidewalk.

The parking is located at rear of the lot and thus not visible from the adjacent public rights of way. This parking area extends the entire width of the lot and provides wheel stops but they are too close to the north property line and would result in vehicles over hanging the adjacent property. They must be moved back (south) by at least two feet to prevent encroachment beyond the parking area. In addition, they need to be secured in the ground to prevent their movement by vehicles. The applicant needs to indicate the details for securing.

Landscaping also is necessary to be added to the parking area between the parking spaces and the north property line to prevent headlights from disturbing the adjacent residential property.

A bike rack is provided in the front of the building; the details are not included and should be provided. **Affirmative finding as conditioned.**

(m) *Landscaping and Fences* The site plan submitted shows no new landscaping except for some grass in the front of the building on which is a seating area. A concern is the ability of the grass to withstand the use by customers using this seating area. Thus, it would make sense to have an attractive hard surface such as pavers for this area and to include some plantings although additional lot coverage resulting from the pavers must remain below 60% lot coverage as required to make the neighborhood commercial use conforming.

In front of the store there is encroachment into the public ROW that has become a de facto parking area. It is accessed by a curb cut that runs the full width of the property that is not city installed or approved. This is unsightly and an unsafe situation as vehicles cross and park over the sidewalk. The plan submitted attempts to rectify this encroachment. This work within the public ROW must obtain approval from the

Department of Public Works and/or Parks and Recreation as required. **Affirmative finding as conditioned.**

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

There is no actual public plaza although as discussed above there is a front seating area apparently for customer use. **Affirmative finding.**

(o) ***Outdoor Lighting*** *Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.* There is an existing pole light along the south property line illuminating the rear parking area. As this appears to be an outdated street light it should be either removed or replaced with a more energy efficient non-glare fixture.

Canister down lights are proposed under the front entrance canopies. Not clear if they are included under the rear entry canopy that accesses the second floor residential units. Two motion sensor fixtures each with two lamps are proposed along the south building elevation to light the access drive and another one at the rear of the building.

A goose neck light that is down lit is proposed for the front to illuminate a sign (not included in this application). **Affirmative finding as conditioned.**

(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.

Freestanding HVAC and cooling equipment are located under the stairs to the second floor residential units at the rear of the building.

Electric meters are located at the rear. Gas meters are on the north side elevation. Gas vent for is shown on north side elevation as well as the exhaust hood for food cooking. Locating this exhaust equipment vent in close proximity to the adjacent house is a concern. It should be designed and buffered in such a manner that prevents it from becoming a nuisance or potentially a fire hazard at this location.

Utilities exist above and below grade and as this is new construction in a highly visible location all new utility lines will need to be underground. There is no specific design or dimensional details of the proposed dumpster enclosure other than it will have a vinyl fence enclosure.

No information has been provided as to how trucks bringing inventory to the site will be unloaded. **Affirmative finding as conditioned.**

Part 3: Architectural Design Standards

(a) Relate development to its environment

2. Massing, Height and Scale

The original building was constructed as a one story building, probably residential, with a roof pitched and to scale with residential buildings found along North Avenue. While buildings along North Avenue in the vicinity predominately are one to one and a half stories, there are some full two story buildings – two of which are directly across North Avenue from the subject property, most notably Fire Station No. 4. The proposed building thus is not out of scale with other buildings particularly as it is only 24 feet wide thereby presenting a residential scale front. **Affirmative finding.**

3. Roofs and rooflines

As noted above the building propose is reasonably scaled and with a pitched gable roof fits into the character of the neighborhood. **Affirmative finding.**

3. Building Openings

A front entrance is provided on North Avenue with canopy over the entranceway. A number of windows are on all elevations. **Affirmative finding as conditioned.**

(b) Protection of Important Architectural Resources

As noted, when this area was surveyed to determine historic importance this building was not identified. While over 50 years old it has been modified to accommodate the butcher shop use including an addition to the front façade that totally covered the original face of the structure. **Affirmative finding.**

(c) Protection of Important Public Views

There are no public views affected by this project. **Not applicable.**

(d) Provide and active and inviting street edge

The proposed building provides a pleasant and inviting element on the streetscape with a patio to be used by customers. The detail of the treatment for the grassed area as noted in Sec. 6.2.2 (m) needs to be provided. **Affirmative finding as conditioned.**

(e) Quality of Materials

The new construction is proposed to have vinyl siding. While vinyl siding has been deemed acceptable for new residential construction, it is not as appropriate adjacent to a heavily used commercial a two way access driveway as the vinyl becomes dirty and could easily crack at this location. A more durable material is needed. **Affirmative finding as conditioned.**

(f) Reduce energy utilization

No energy specific reduction technology is provided, however, the new construction must meet current city and state building energy codes. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site

The front elevation plan indicates the location for a future sign. This location and area appear to be able to meet the sign standards. Any signs are required to obtain approval of a separate zoning permit. **Affirmative finding as conditioned.**

(h) Integrate infrastructure into the building design

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe

Adequate building exits appear to exist on the first floor. The second floor residential use (two two-bedroom units) indicate a single stairway access – if a second means of egress is required the plans will need to be amended to assure provision of this safety measure. Alternatively, it is recommended that the building be sprinklered. **Affirmative finding as conditioned.**

Article 8: Parking

Table 8.1.8-1, Minimum Off-Street Parking Requirements

Parking calculations are based upon this being within a Neighborhood Parking District for the residential use and on Shared Use for Neighborhood Commercial uses as follows:

Residential: two units x 2 = 4

Butcher shop/convenience store: 1000 sq. ft. 2 spaces/1000 sq. ft. = 2

Take out restaurant: 420 sq. ft. 3 spaces/1000 sq. ft. = 1.26

7.26 spaces = 7

Provided = 7 spaces..

Affirmative finding.

II. MINUTES

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

III. MOTION

Motion: Brad Rabinowitz

I move that the Board grant approval of a variance from the front yard setback on the existing vacant lot at 31 North Avenue in the RM-W zone in accordance with Article 12. Approval is subject to the following conditions:

*Rec'd
approved
12/15/14*

1. **Prior to release of the zoning permit**, written approval of the Erosion Prevention and Sediment Control (EPSC) Plan shall be obtained from the City Stormwater Administrator.

2. **Prior to release of the zoning permit**, A new site/landscaping plan shall be provided that does not exceed 60% lot coverage to staff for their review and acceptance. This plan shall address the following:

- Plan 12/10/14*
- a. The parking area wheel stops shall be moved back (south) by 4 feet to allow 5' width for landscaping in front of the projecting vehicles. In addition, they need to be secured in the ground to prevent their movement by vehicles. The applicant shall indicate the details for securing subject to staff review and acceptance.
- plan 12/17/14*
- b. Landscaping of the parking area between the parking spaces and the north property line shall be extended to the street to prevent headlights from disturbing the adjacent residential property. The green strip shall extend to the sidewalk with plantings in the area north of the seating. The resulting parking area shall contain 18' deep spaces and 22' back-up distance with wheel stops modified as noted in 2 a above.
- plan 12/10/14*
- c. The grassed area in the front of the building on which there is a seating area needs to be redesigned as there is a concern for the grass to withstand the use by customers using this seating area. The revised plan is to have an attractive hard surface such as concrete pavers for this area and to include planting islands or boxes.

3. The greenbelt and curbing restoration shall be restored at the expense of the owner. It shall be constructed to city standards and must obtain approval from the Department of Public Works and/or Parks and Recreation as required. The south part of the curb cut can continue to be utilized for access to the rear parking area to serve the store and residential units.

cut sheet

4. **Prior to release of the zoning permit** details of the bike racks shall be provided subject to review and acceptance by staff.

5. The applicant shall be aware that due to the age of the building hazardous material such as lead paint and asbestos may be present. All materials removed shall be handled and disposed of in a safe and legal manner.

6. At least seven days prior to issuance of a certificate of occupancy,, the owner shall pay to the City of Burlington (paid at the Planning and Zoning Office) the impact fee as set forth in the Impact Fee Administrative Regulations established by resolution of the City Council pursuant to the CDO, as shown in the table below:

Department	1430 Sq. ft. Residential	
	Rate	Fee
Traffic	0.188	268.84
Fire	0.215	307.45
Police	0.044	62.92
Parks	0.718	1,026.74
Library	0.445	636.35
Schools	0.929	1,328.47
Total	2.539	\$ 3,630.77

7. **Prior to release of the zoning permit** a lighting plan meeting the performance standards as per Sec 5.5.2 must be provided.

8. **Prior to release of the zoning permit** Information must be provided as to how trucks bringing inventory to the site will be unloaded. The applicant will need to provide details.

Plan - with Rev on rear of the house

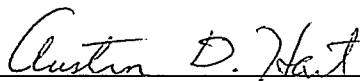
9. Sound information shall be provided, subject to review and acceptance by staff, for the food preparation exhaust hood on north side elevation to insure that it is adequately buffered in such a manner that minimizes any noise relative to the residential house to the north.
10. All new utility lines shall be placed underground. *- See plan date 12/30/14*
11. **Prior to release of the zoning permit** Details of the design or dimensions of the proposed dumpster enclosure shall be provided and subject to review and acceptance by staff. *Wood fencing - board on board.*
12. The new construction is proposed to have vinyl siding. Vinyl siding may be considered for the upper portion of the building but is not as appropriate for the area directly adjacent to a two way access driveway, a heavily used access. **Prior to release of the zoning permit** a more durable material is needed and must be specified and identified on building elevations. *8' top portion - board on board - plan 12/10/14*
13. Occupancy of the residential units is limited to family or no more than four unrelated individuals as per Section 4.4.5 (d) 5.
14. As new construction, the project is required to meet all current city and state energy efficiency standards. In addition the applicant should consider taking advantage of the potential to utilize sources of renewable energy including direct sunlight.
15. No signs are proposed or included with this request. Any new signs will require a separate permit.
16. Exterior construction shall be limited Monday-Friday 7:00 am – 6:00 pm. Saturday morning hours of construction shall be limited to interior work only.
17. Standard Permit Conditions 1-15.

Seconded: Michael Long

Vote: 6-0-0, motion carried

Dated at Burlington, Vermont, this 27th day of October 2014

Respectfully Submitted,


Austin D. Hart, 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.



Department of Planning and Zoning

149 Church Street, City Hall

Burlington, VT 05401-8415

Phone: (802) 865-7188

Fax: (802) 865-7195

www.burlingtonvt.gov/pz

RECEIVED
OCT 05 2016

DEPARTMENT OF
PLANNING & ZONING

Time Extension Request

Use this form to request a one year time extension on any valid zoning permit.

Permits that were administratively approved can have time extension requests administratively reviewed and there is no fee.

Permits that were reviewed by the Development Review Board, require a public meeting and there is a \$150 fee for the request to cover time and expenses for public notices.

PROJECT LOCATION ADDRESS: 1398 North Ave

PROPERTY

OWNER*:

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

OWNER'S

REPRESENTATIVE:

POSTAL ADDRESS: 151 Cumberland Rd

CITY, ST, ZIP: Burl, VT 05408

DAY PHONE: 802-363-0713

EMAIL: mpBessery@yahoo.com

SIGNATURE: [Signature]

I am the owner and I duly authorize the owner's representative (if applicable) to act on my behalf for all matters pertaining to this zoning permit application.

POSTAL ADDRESS:

CITY, ST, ZIP:

DAY PHONE:

EMAIL:

SIGNATURE:

Zoning Permit Number: 15-0129CA/CU

Summary of Approved Permit Description:

Summary of current status of project: Need to get curb cut down, Fence and
Waiting to hear from curb guy and shrubs should be in next week
Fence should be right after that

- Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or the office in the lower level of City Hall, 149 Church Street.

Office Use Only:

Check No. 204

Amount Paid 150.00

Zoning Permit # 15-0129CA/CU

Anita Wade

From: MICHAEL BESSERY <mpbessery@yahoo.com>
Sent: Monday, October 03, 2016 3:39 PM
To: Anita Wade
Subject: Re: zoning permit extension

RECEIVED
OCT 03 2016

Follow Up Flag: Follow up
Flag Status: Flagged

DEPARTMENT OF
PLANNING & ZONING

My next day off is Wednesday, I will run this down to you on pine street with a check , thanks

Sent from Yahoo Mail for iPhone

On Monday, October 3, 2016, 3:34 PM, Anita Wade <awade@burlingtonvt.gov> wrote:

Michael,
I have not received your extension request. Please let me know if you still intend to submit an extension for 1398 North Ave, 15-0129CA/CU. Thank you.
Anita

From: MICHAEL BESSERY [mailto:mpbessery@yahoo.com]
Sent: Thursday, September 29, 2016 6:20 PM
To: Anita Wade <awade@burlingtonvt.gov>
Subject: zoning permit extension

The Five B's located at 1398 north Ave. permit number 15-0129ca/cu expires 10/27/2016 , we are waiting to hear from John Roberts about the curb cut and the people for the bushes. We are still trying to reach an agreement with Blackrock so our funds have been tied up since June. I 'm hoping to finish this fall but cold weather is coming up fast. If we could get till spring to finish that would be great.

THANKS;

FIVE B'S

BELSON
OUTDOORS

Your Outdoor Superstore

1-800-323-5664

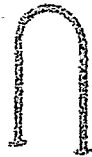
M-F 8:00am - 4:30pm CST

Home | Free Catalog | About Us | Contact Us | FAQs | Site Map

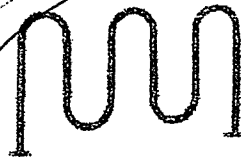
Bike Racks | Bike Parking

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Featured Bike Racks



'U' Rack
Bicycle Storage Rack



Heavy-Duty Challenger
Wave Bike Racks



Classic Bollard
Bike Rack
with Flat Post Cap

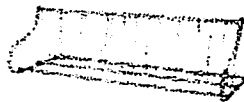
Triton™
Bicycle Racks

Bike Racks | Bicycle Racks | Bike Storage

Belson Outdoors, a premier provider of high-quality commercial outdoor bike racks that are innovative, practical, and aesthetically pleasing. *Your Outdoor Superstore®* provides a wide variety of bicycle racks, bike parking, and bike storage racks to help any facility utilize the best bike rack to satisfy parking requirements. Whether it's a 2 bike rack, 3 bike rack or 21 bike rack, Belson Outdoor products are versatile and long-lasting to ensure the bicycle rack is exactly what people need for as long as they need it.

-- NOTE --

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Traditional
Bike Rack

FINAL APPROVAL

SIGNED Grid Style DATE 1/13/15
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT



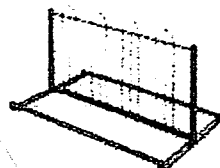
Space Saver
Bike Rack



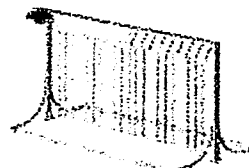
Recycled Plastic
Bicycle Storage Rack



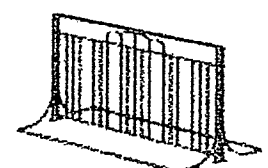
Recycled Plastic
Bike Rack



Uptown™
Bike Rack



Sunrise Series
Bike Rack



Windsor Series
Bike Rack

Home About Contact Us Blog My Account View Cart

SEARCH

13 Watt LED Gooseneck Arm Style 1

13 Watt LED Gooseneck Arm Style 1

\$276.00

LED Gooseneck Arm Style 1. This LED Gooseneck Arm Style 1 is a 13 Watt LED Gooseneck Arm Style 1. It is designed to be used in a variety of applications. It is a great way to save energy and reduce your carbon footprint. It is a great way to save energy and reduce your carbon footprint. It is a great way to save energy and reduce your carbon footprint.

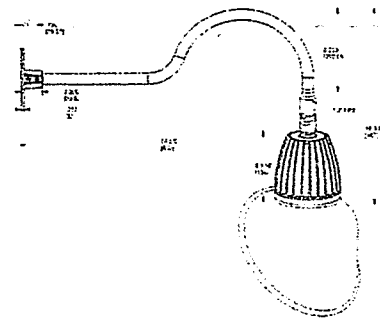
Google + 0

Contact Us

Name
Email
Comments
4d110e8
Enter security code
Send

Products

- 13 Watt LED Gooseneck Arm Style 1
- 13 Watt LED Gooseneck Arm Style 2
- 13 Watt LED Gooseneck Arm Style 3
- 13 Watt LED Gooseneck Arm Style 4
- 13 Watt LED Gooseneck Arm Style 5
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- 13 Watt LED Gooseneck Arm Style 100



Print Size

UL U.L. Listed for wet location EISA Compliant

Available Options:
Color Temp: 2700K (Warm White)
Reflector: Flood
Color: Black

This product was added to our catalog on Thursday 12 December, 2013



Quantity: 1

Articles

- 13 Watt LED Gooseneck Arm Style 1
- 13 Watt LED Gooseneck Arm Style 2
- 13 Watt LED Gooseneck Arm Style 3
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http://www.exclusivelycommercial.com/watt-led-gooseneck-arm-style-p-329.html

9/19/2014

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FINAL APPROVAL

SIGNED [Signature] DATE 1/28/15
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LED26

26W Wallpacks. Patent Pending thermal management system.
100,000 hour L70 lifespan. 6 Year Warranty.

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LED Info

Watts: 26W
Color Temp: 5000K (Cool)
Color Accuracy: 70
L70 Lifespan: 100000
LM79 Lumens: 2,862
Efficacy: 90 LPW

Driver Info

Type: Constant Current
120V: 0.26A
208V: 0.16A
240V: 0.14A
277V: 0.12A
Input Watts: 30W
Efficiency: 88%

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Technical Specifications

UL Listing:

Suitable for wet locations. Suitable for mounting within
1.2m (4ft) of the ground.

Lifespan:

100,000-hour LED lifespan based on IES LM-80 results
and TM-21 calculations.

IP Rating:

Ingress Protection rating of IP68 for dust and water.

Finish:

Our environmentally friendly polyester powder coatings
are formulated for high-durability and long-lasting color,
and contains no VOC or toxic heavy metals.

Color Consistency:

7-step MacAdam Ellipse binning to achieve consistent
fixture-to-fixture color.

Color Stability:

LED color temperature is warranted to shift no more
than 200K in CCT over a 5 year period.

Color Uniformity:

LAB's range of CCT (Correlated color temperature)
follows the guidelines of the American National
Standard for Specifications for the Chromaticity of Solid
State Lighting (SSL) Products, ANSI C78.377-2008.

Ambient Temperature:

Suitable for use in 40°C ambient temperatures.

Driver:

High chip 26W high output long life LED Driver
Instant Current, 720mA, Class 2, 6kV Surge
Protection, 100V-277V, 50-60 Hz, 100-240V.4 Amps.

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SIGNED

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BURLINGTON, VERMONT
7.5% at 120V, 11% at 277V

Cold Weather Starting:

The minimum starting temperature is -40°C.

Thermal Management:

Cast aluminum Thermal Management system for
optimal heat sinking. The LPACK is designed for cool
operation, most efficient output and maximum LED life
by minimizing LED junction temperature.

California Title 24:

WPLED complies with California Title 24 building and
electrical codes.

Equivalency:

The WPLED26 is Equivalent in delivered lumens to a
175W Metal Halide Wallpack.

HID Replacement Range:

The WPLED26 can be used to replace 150 - 200W
Metal Halide Wallpacks based on delivered lumens.

Green Technology:

RAB LEDs are Mercury, Arsenic and UV free.

Patents:

The WPLED design is protected by U.S. Pat. D634878,
Canada Pat 134878, China Pat. CN301649064S.

For use on LEED Buildings:

IDA Dark Sky Approval means that this fixture can be
used to achieve LEED Credits for Light Pollution
Reduction.

Dark Sky Approved:

The International Dark Sky Association has approved
this product as a full cutoff, fully shielded luminaire.

RAB
LIGHTING

Nitro PDF Software
100 Portable Document



TCE-Logo

Bessery Market & Deli
1394 North Avenue
Burlington, Vermont

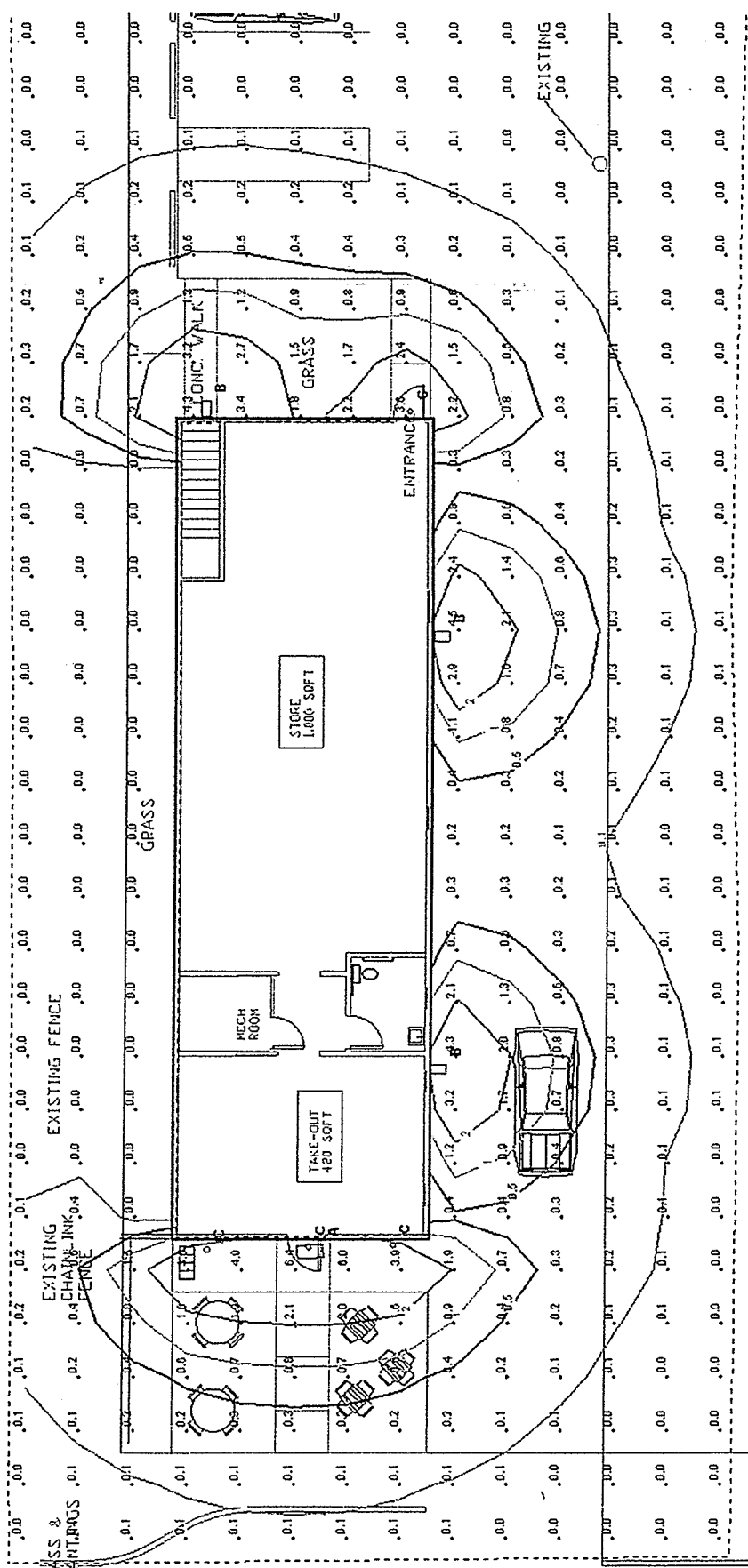
Designer
AAB

Date
1/23/2014

Not to Scale
Drawing No.
L1 - Lighting Plan
Summary

1 of 1

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Note

1. Building-mounted fixtures to be installed per Exterior Elevations.
2. Discrepancy between Lighting Plan and Building Elevations shall be brought to the attention of the architect.

NOTE

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Fixture Schedule				Manufacturer Catalog Number			
Symbol	Label	Quantity	Description	Manufacturer	Quantity	Description	Manufacturer
A		1	RAB LIGHTING, INC.	GNLED13WACB	1	13W LED Angled Sign Light	13W LED
B		3	RAB LIGHTING	WPLED20	3	20W LED Wallpack	20W LED
C		4	USHIO America		4		

FINAL APPROVAL DATE 1/23/15

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1394 North Ave

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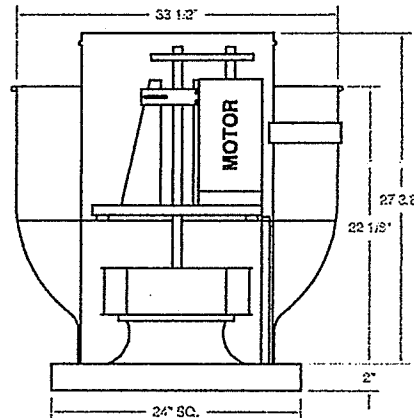
JAN 21 2015

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HOODMART

YOUR ONE STOP HOOD SHOP

**UL762 UPBLAST EXHAUST FAN
BELT DRIVE**



MODEL# **HMEX28-B**

DIMENSIONAL DATA
23" SQ. CURB

PERFORMANCE DATA

PHASE	1	VOLTS	115/230
AMPS	10.3/5.1	HP	3/4

RPM	.000" S.P.		.250" S.P.		.50" S.P.		.75" S.P.		1.00" S.P.		1.25" S.P.		1.50" S.P.		1.50" S.P.		2.00" S.P.	
	CFM	Sone	CFM	Sone	CFM	Sone	CFM	Sone	CFM	Sone	CFM	Sone	CFM	Sone	CFM	Sone	CFM	Sone
1551	2228	16.3	2016	16.2	1788	15.4	1577	13.7	1333	13.2	-	-	-	-	-	-	-	-
1785	2565	19.6	2381	17.8	2187	18.6	1993	17.6	1810	16.8	1599	16.1	1320	14.7	-	-	-	-
2055	2853	25.0	2793	21.0	2630	23.0	2457	22.0	2291	21.0	2132	19.5	1957	18.9	1772	18.3	1507	18.3

STANDARD FEATURES

HEAVY GAUGE ALUMINUM HOUSING
90 DAY LIMITED WARRANTY ON ALL ELECTRIC MOTORS
FACTORY SET DRIVE
BELT DRIVEN MOTORS ARE ENCLOSED IN WEATHER-TIGHT COMPARTMENTS
AVERAGE UNIT WEIGHT: 101 LBS
AVERAGE SHIPPING WEIGHT: 137 LBS



FANS
UL 762

HOOD MART, INC. P.O. BOX 96 GRAFTON, OHIO 44044 800-715-1014

NOTE

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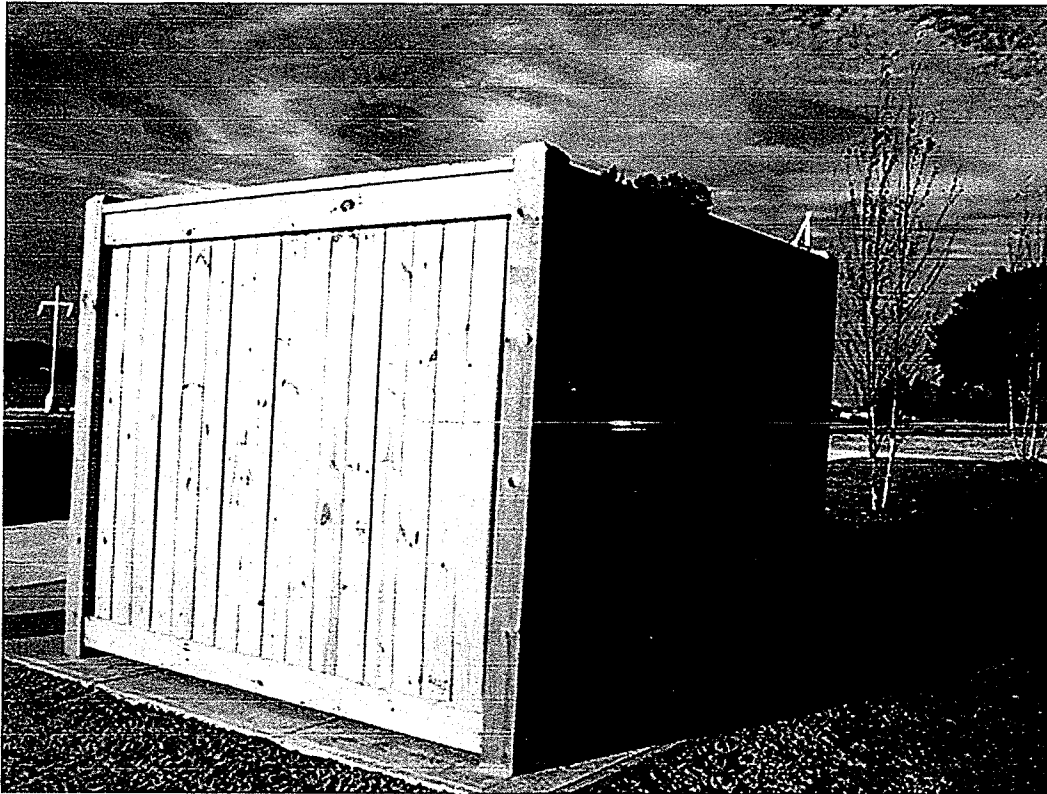
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DATE

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BURLINGTON, VERMONT

1394 North Ave



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Dumpster Enclosure
Re card # 11

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BURLINGTON, VERMONT



Design Studios
77 College Street, Ste. 2A, Burlington, VT 05401
Phone: 802.555.5555 Fax: 802.555.5555
www.designstudios.com

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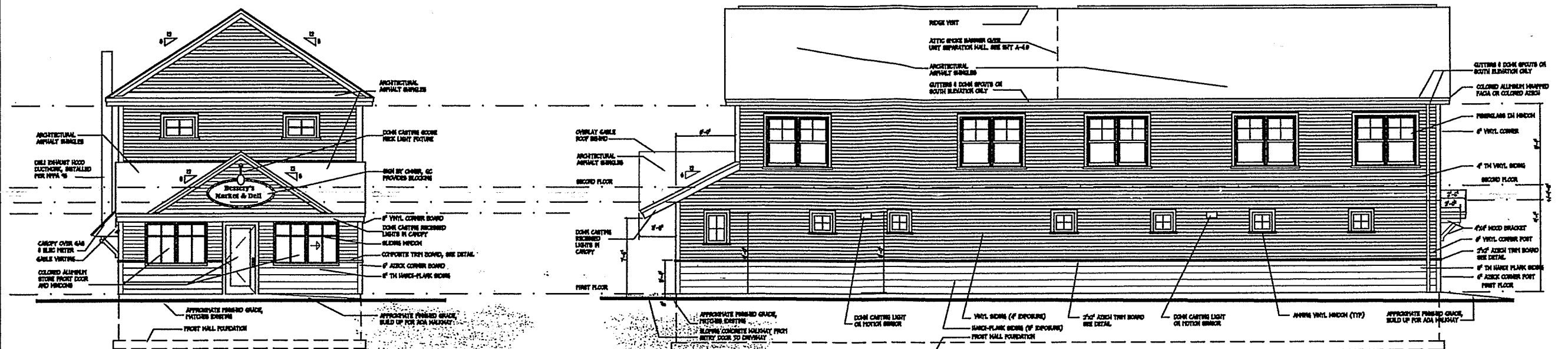
NO.	DATE	REVISION

1398 NORTH AVE
NEW STORE WITH APARTMENTS ABOVE
BURLINGTON, VERMONT

SCALE: 3/16" = 1'-0"
DATE: 11/10/14
DRAWN BY: FRN
CHECKED BY: SCG
PROJECT: BESSERY

SHEET TITLE:
EXTERIOR ELEVATIONS

DRAWING NO. 10



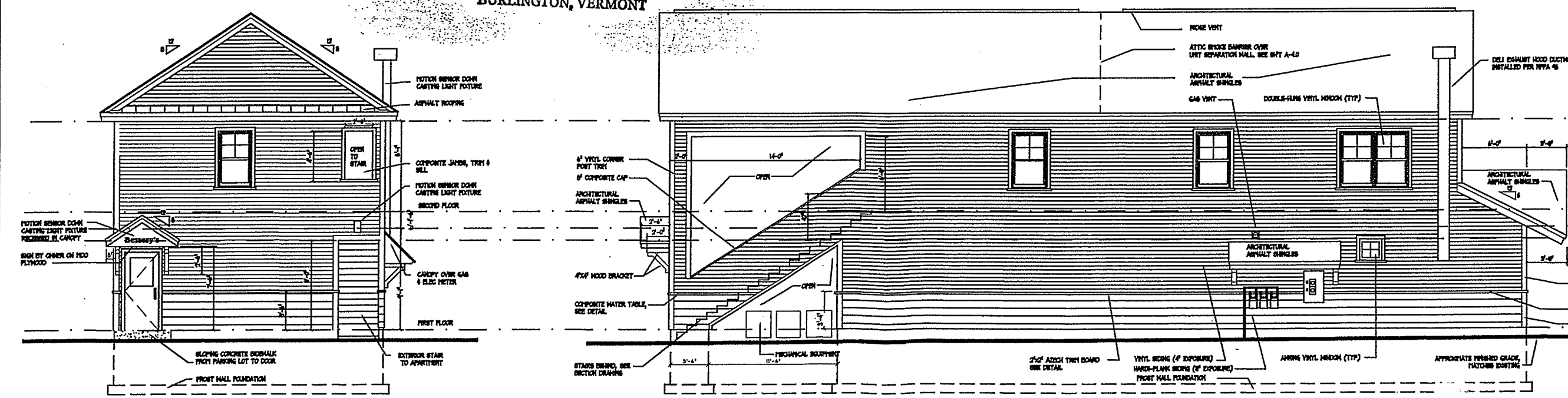
1 WEST ELEVATION
3/16" = 1'-0"

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

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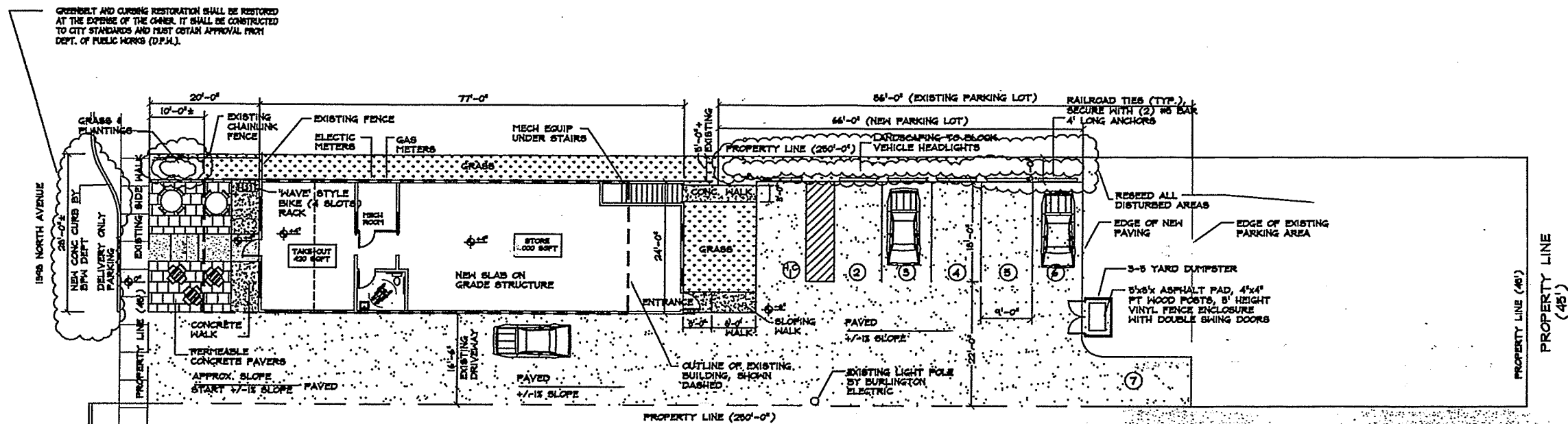
FINAL APPROVAL
SIGNED *[Signature]* DATE 11/28/14
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT



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

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

FINAL CONSTRUCTION SET



SITE INFORMATION	
LOT SIZE	11,250 S.F.
EXISTING BUILDINGS COVERAGE (TO BE DEVELOPED)	1,848 S.F.
EXISTING LOT COVERAGE (DRIVES & WALKS)	6,500 S.F.
EXISTING TOTAL LOT COVERAGE	8,348 S.F. = 8,250 S.F. =
EXISTING LOT 3 COVERAGE	7,448 S.F. / 11,250 S.F. =
NEW BUILDING COVERAGE	1,848 S.F.
NEW LOT COVERAGE (DRIVES & WALKS)	4,400 S.F.
NEW TOTAL LOT COVERAGE	4,400 S.F. + 1,848 S.F. = 6,248 S.F.
NEW TOTAL 3 COVERAGE	6,248 S.F. / 11,250 S.F. =

GENERAL NOTES

SITE PLAN IS BASED ON HAND MEASUREMENTS TAKEN ON SITE & CITY RECORDS.

LOCATIONS OF OBJECTS, PROPERTY LINES & DRIVES ARE APPROXIMATE. ALL UTILITIES AT AREA OF PROPOSED CONSTRUCTION SHOULD BE LOCATED AND CRITICAL DEVIATIONS VERIFIED BEFORE CONSTRUCTION BEGINS.

EXISTING UTILITIES, ABOVE GROUND OR BELOW GROUND, ARE NOT LOCATED.

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FINAL CONSTRUCTION SET
12/10/2014

G4 Design Studios
77 College Street, Ste. 2A Burlington, VT 05401
(802) 497-0895 (F) 802-881-3110 G4designstudios.com

NO.	DATE	REVISION

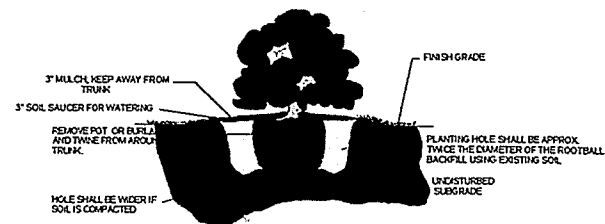
1398 NORTH AVE

NEW STORE WITH APARTMENTS ABOVE
BURLINGTON, VERMONT

SCALE:	AS NOTED
DATE:	
DRAWN BY:	FRN
CHECKED BY:	SOG
PROJECT:	
SHEET TITLE:	
SITE PLAN	
DRAWING NO.	
S1	

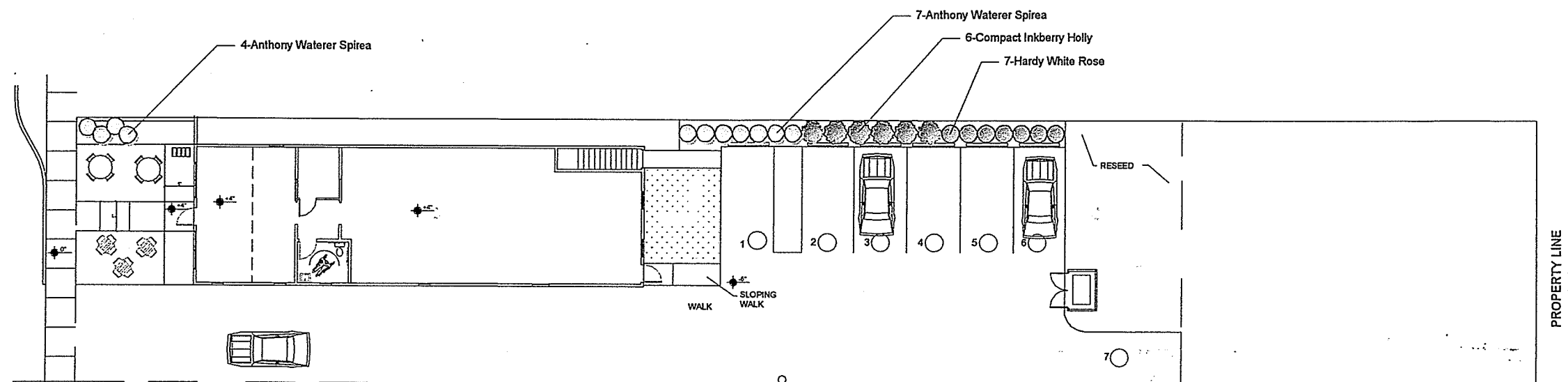
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SHRUB PLANTING DETAIL
NOT TO SCALE

Planting Schedule			
Qty	Latin Name	Common Name	Scheduled Size
6	Ilex glabra 'Compacta'	Compact Inkberry Holly	3 gal
11	Spiraea x bumalda 'Anthony Waterer'	Anthony Waterer Spiraea	2 gal
7	Rosa rugosa 'Alba'	Hardy White Rose	2 gal



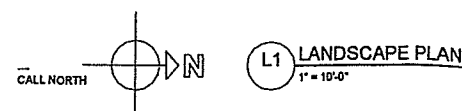
SITE INFORMATION:
LOT SIZE: 11,250 S.F.
EXISTING BUILDINGS COVERAGE
(TO BE DEMOLISHED) 1,848 S.F.
EXISTING LOT COVERAGE
(DRIVES & WALKS) 5,800 S.F.
EXISTING TOTAL LOT COVERAGE
5,800 S.F. / 11,250 S.F. = 7,648 S.F.
EXISTING LOT % COVERAGE=
7,648 S.F. / 11,250 S.F. = 68%
NEW BUILDING COVERAGE 1,848 S.F.
NEW LOT COVERAGE
(DRIVES & WALKS) 4,955 S.F.
NEW TOTAL LOT COVERAGE
4,460 S.F. + 1,848 S.F. 6,803 S.F.
NEW TOTAL % COVERAGE
6,803 S.F. / 11,250 S.F. = 60%

GENERAL NOTES
SITE PLAN IS BASED ON HAND
MEASUREMENTS TAKEN ON SITE &
CITY RECORDS.
LOCATIONS OF OBJECTS, PROPERTY
LINES & DRIVES ARE APPROXIMATE.
ALL UTILITIES AT AREA OF PROPOSED
CONSTRUCTION SHOULD BE LOCATED
AND CRITICAL DIMENSIONS VERIFIED
BEFORE CONSTRUCTION BEGINS.
EXISTING UTILITIES, ABOVE GROUND
OR BELOW GROUND, ARE NOT
LOCATED.

-- NOTE --

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

FINAL APPROVAL
SIGNED DATE 1/28/15
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT



Ginkgo Design
Smart Landscape
22 Fern Street
Burlington, VT 05401
(802) 857-5104
www.GinkgoDesignVT.com

NO.	DATE	REVISION

1398 NORTH AVE
NEW STORE WITH APARTMENTS ABOVE
BURLINGTON, VERMONT

SCALE: AS NOTED
DATE: 12-17-2014
DRAWN BY: DEB
CHECKED BY:
PROJECT:

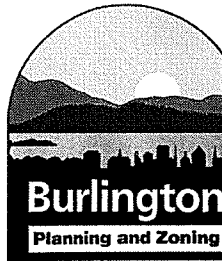
SHEET TITLE:
LANDSCAPE
PLAN

DRAWING NO.
L1

Department of Planning and Zoning

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

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
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Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
Vacant, Department Secretary



TO: Development Review Board
FROM: Scott Gustin
DATE: November 1, 2016
RE: 17-0302CU; 702 Lake Street

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

Zone: UR Ward: 3C

Owner/Applicant: City of Burlington / Dept. of Public Works

Request: Biennial review of winter snow storage for the city

Applicable Regulations:

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

Background Information:

The applicant is seeking renewed approval to use a portion of the urban reserve to store snow removed from city streets and the Church Street Marketplace during winter months. No construction is included in this proposal. This activity was originally permitted January 19, 2010. It was again permitted June 27, 2012 and September 24, 2015. The first two approvals were valid for 2 years each. The most recent approval was valid only for one year. Conditions of that approval are noted below:

1. In the spring, after snow in the storage facility has melted, all debris, sand, trash, and the like shall be removed from the site, and the site shall be returned to its original condition.
2. **This permit approval is valid for 1 year only.** Continued use of the site for snow storage beyond 1 year will require a new zoning permit per Sec. 4.4.7(d), *District Specific Regulations*, of the Comprehensive Development Ordinance.
3. Future permit applications for this use at this site shall require review by the Conservation Board, an articulation of the total number of days used within a season and by what entities, and an identification of means employed to mitigate noise (particularly as related to truck tailgate slamming).
4. Standard conditions 1-15.

This new permit application is for another 2 year approval of the same activity with no changes except that now it expressly includes snow storage for the Church Street Marketplace.

The Conservation Board reviewed this latest permit application October 3, 2016. The Board unanimously recommended approval of the snow storage activity for another 2 years.

There are no previous zoning permit actions for this site except for the previous snow storage permits noted above.

Recommendation: **Conditional Use approval** as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Sec. 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 seasonal storage of snow from city streets on this site will have no impact on existing or planned community facilities. It will assist Public Works crews in keeping city streets clear during large snow storms and will provide the Church Street Marketplace a place to store snow removed from the Marketplace. **(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 site is bordered to the east by railroad tracks and to the west by the bike path. The surrounding land is vacant former industrial land. No site alterations or structures are proposed for this seasonal use. The snow storage use is consistent with the character of the area. **(Affirmative finding)**

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

The snow storage use will generate no glare other than that from truck headlights. Noise from the dump trucks unloading snow can be substantial if done carelessly. Done carefully so as to avoid slamming truck tailgates, noise levels can be substantially reduced. See Sec. 3.5.6 (c) 1 below for mitigation measures. **(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;*

Traffic associated with the seasonal snow storage use depends on the frequency and amount of snowfall. While the Church Street Marketplace clears snow from nearly every snow event, the Department of Public Works stores snow on the site only in the event of large snow storms, typically 4-6 times per winter.

The traffic activity that has the greatest impact on adjacent neighborhoods generally occurs between 3:00 AM and 7:00 AM. In general, traffic impacts, with the exception of truck noise, are modest. **(Affirmative finding)**

and,

5. The utilization of renewable energy resources;

No information has been provided with respect to the use of alternative energies. As no site changes or structures are proposed, the proposed use will not unreasonably deter the actual or potential use of renewable energies by the subject or neighboring properties. **(Affirmative finding)**

and,

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

As conditioned, the snow storage use complies with all applicable zoning bylaws. **(Affirmative finding)**

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

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

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

The snow storage use will generate no glare other than that from truck headlights. Noise from the dump trucks unloading snow can be substantial. Although this may have an impact on residential properties in the vicinity of the snow dump, this relatively convenient location close to the areas where snow is being removed means that trucks will not have to make longer early morning trips through more dense residential areas. Applications for this snow storage have consistently noted that truck drivers are instructed to pull away slowly and to avoid slamming their tailgates. This method of dumping snow limits potential noise impacts associated with the activity. Contradictory testimony was provided to the Development Review Board while considering the prior snow storage application. Assertions were made that trucks frequently slam their tailgates and that not all truck drivers are instructed to avoid such slamming. This current application reiterates that special instructions will be provided to all workers (DPW employees and the Marketplace contractor) dumping the snow to not slam their tailgates and to drive slowly. **(Affirmative finding as conditioned)**

2. Time limits for construction.

No construction is included. **(Not applicable)**

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

As noted previously, the facility is used seasonally. Early morning snow dumping activities are generally limited to the period between 3:00 AM and 7:00 AM. Information provided states that Public Works' operations at the snow storage facility take place approximately 4-6 times per

winter, sometimes several days at a time. The Church Street Marketplace may use the site for storage of nearly every snowfall. As noted above, noise impacts can be reduced by dumping snow slowly and not slamming the tailgates. **(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 alterations of the snow storage facility will require additional permit review in accordance with the 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.

As conditioned, the proposed snow storage facility complies with the applicable requirements of the Comprehensive Development Ordinance. **(Affirmative finding)**

Article 4: Maps & Districts

Sec. 4.4.7, Urban Reserve District:

(a) Purpose

The snow storage use is seasonal in nature and involves no site alterations or structures. It is identified as one of several uses that may be allowed in the urban reserve. **(Affirmative finding)**

(b) Dimensional Standards & Density

The snow storage use involves no structures, lot coverage, or residential units. **(Affirmative finding)**

(c) Permitted & Conditional Uses

Seasonal snow storage by the city is a conditional use in the urban reserve and is reviewed under the applicable criteria of these findings. **(Affirmative finding)**

(d) District Specific Regulations

1. Any and all improvements in this district shall be consistent with any and all development and use restrictions and easements as may otherwise be applicable to the property.

As part of the original zoning permit for this snow storage activity, the City Attorney's Office submitted a memo indicating that the snow storage activity is consistent with applicable regulations. Except for the express inclusion of the Church Street Marketplace, no changes to the snow storage operation are proposed in this new application. **(Affirmative finding)**

2. Any authorization granted by the DRB shall include a prescribed duration for the activity after which such authority and all related permits shall expire. The DRB may consider an extension of this time period if such a request has been made prior to expiration. No permit should remain in effect for more than 2 years without reapplication and review pursuant to this section.

The original zoning permit approval was valid for 2 years. An additional 2 years are sought with this application. **(Affirmative finding as conditioned)**

3. As a condition of any approval by the DRB for projects involving temporary construction staging or seasonal snow storage, the site shall be restored to its prior condition once the temporary activity has been completed for which the DRB may require a bond or other necessary surety in a form satisfactory to the city attorney.

In the spring, after the snow has melted, the site must be cleaned of any trash or debris that was contained in the snow. No financial surety is required. **(Affirmative finding as conditioned)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

(Not applicable)

Sec. 5.2.4, Buildable Area Calculation

(Not applicable)

Sec. 5.2.5, Setbacks

(Not applicable)

Sec. 5.2.6, Building Height Limits

(Not applicable)

Sec. 5.2.7, Density and Intensity of Development Calculations

(Not applicable)

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. See Sec. 3.5.6 (c) 1 above relative to noise mitigation. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

(Not applicable)

Sec. 5.5.3, Stormwater and Erosion Control

The Conservation Board reviewed this latest application and specifically addressed potential water quality impacts from the melting snow and its proximity to Lake Champlain. The site is contained within an existing berm, and melt water typically infiltrates into the ground or evaporates. The Board unanimously recommended approval for another 2 years. **(Affirmative finding)**

II. Conditions of Approval

1. Every spring, after snow in the storage facility has melted, all debris, sand, trash and the like shall be removed from the site, and the site shall be returned to its original condition.
2. All truck drivers dumping snow on the site shall be instructed by the Department of Public Works and/or the Church Street Marketplace to drive slowly at the site and to not slam their trucks' tailgates.
3. **This permit approval is valid for 2 years only.** Continued use of the site for snow storage beyond 2 years will require a new zoning permit per Sec. 4.4.7 (d), *District Specific Regulations*, of the Comprehensive Development Ordinance.
4. Standard conditions 1-15.



Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
Phone: (802) 865-7188
Fax: (802) 865-7195

www.burlingtonvt.gov/pz

RECEIVED
AUG 24 2016

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: 702 LAKE ST

PROPERTY OWNER*: CITY OF BURLINGTON DPW

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

APPLICANT: ROB GREEN

POSTAL ADDRESS: 645 PINE ST

POSTAL ADDRESS: _____

CITY, ST, ZIP: BURLINGTON VT 05401

CITY, ST, ZIP: _____

DAY PHONE: 865-7200

DAY PHONE: _____

EMAIL: rgreen@burlingtonvt.gov

EMAIL: _____

SIGNATURE: [Signature]

SIGNATURE: _____

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.

Description of Proposed Project: RENEWAL OF WINTER SNOW STORAGE ON URBAN RESERVE PARCEL

Existing Use of Property: ☐ Single Family ☐ Multi Family: # _____ Units ☒ Other: SNOW STORAGE

Proposed Use of Property: ☐ Single Family ☐ Multi Family: # _____ Units ☒ Other: SNOW STORAGE

- 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 Building Energy Standards (VRBES) apply. Visit the P&Z Office, Public Service Board or PSB website for details)
- 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 or above the public right of way? Yes ☐ No ☒
(If yes, you will need to receive prior approval from the Department of Public Works)

Estimated Construction Cost (value)*: \$ 0

(*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, curb 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: UR (WRM) Eligible for Design Review? 4 Age of House _____ Lot Size 538202
Type: SN _____ AW _____ FC _____ BA _____ COA 1 _____ COA 2 _____ COA 3 _____ CU ☒ MA _____ VR _____ HO _____ SP _____ DT _____ MP _____
Check No. _____ Amount Paid 0 Zoning Permit # 17-0302CU



RECEIVED

AUG 24 2016

DEPARTMENT OF
PLANNING & ZONING

CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

645 Pine St. Suite A
Burlington, VT 05401
802.865.7200 VOX
802.863.0466 FAX
802.863.0450 TTY

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

Rob Green
*ASSISTANT DIRECTOR
RIGHT OF WAY*

Memo

To: Burlington Planning and Zoning
Burlington Conservation Board

From: Rob Green

Date: August 24, 2016

Re: 702 Lake St (Urban Reserve Snow Storage)

Burlington Public Works and the Church Street Marketplace use the site at 702 Lake Street as a snow storage area for snow removed from the marketplace and streets of Burlington.

A nighttime operation of snow removal from the downtown happens approximately 4-6 times per winter and snow is removed from the Marketplace after every storm.

Noise in the area will be reduced with special instructions to the employees and the Marketplace contractor not to slam tailgates of dump trucks and driving slowly.

The area is clean every spring after the snow melts of any trash and debris.

An Equal Opportunity Employer

This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.9094 (voice) or 802.863.0450 (TTY).

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NOV 2 2009

DEPARTMENT OF
PLANNING & ZONING

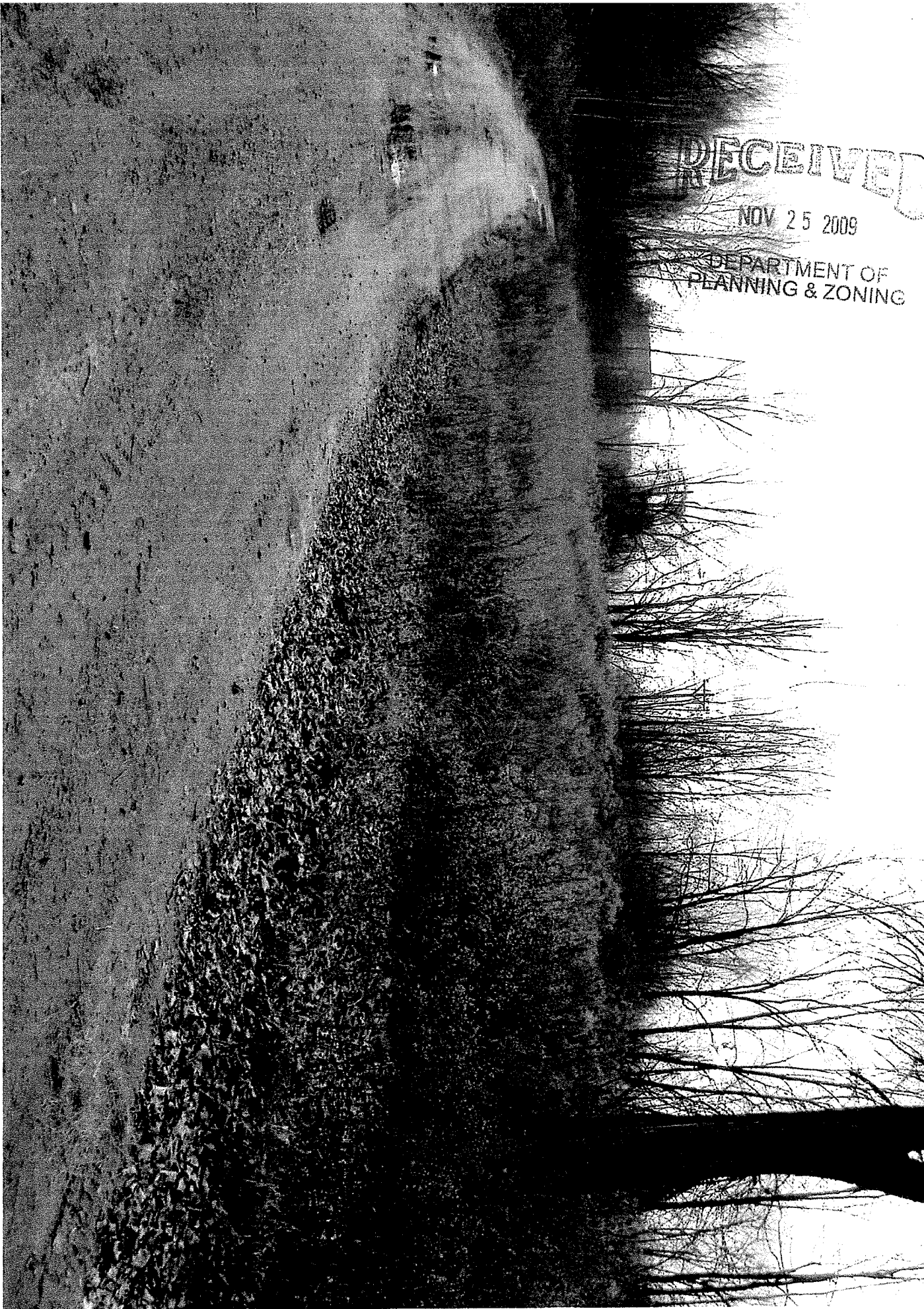




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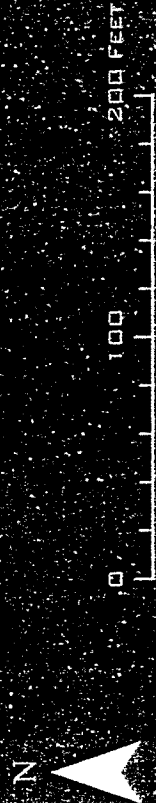
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DEPARTMENT OF
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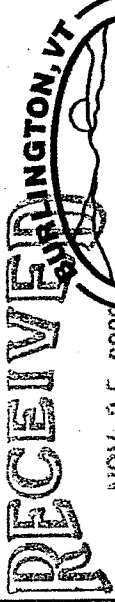
Parcel owned by City of Burlington

Snow Storage Area



NOT
ANY OTHER REGION OR JURISDICTION
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT
SIGNED
FINAL APPROVAL
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

CITY OF BURLINGTON
SNOW STORAGE AREA



DEPARTMENT OF
Created on: 11/23/09

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
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Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
vacant, Department Secretary



TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: November 1, 2016
RE: 17-0267SD; 311-375 North Avenue

The applicant has requested deferral of the final plat application for this 11-lot subdivision. Date to be determined.

Scott Gustin

Subject: FW: 12.20.16 DRB Agenda?

From: Owiso Makuku [mailto:omakuku@farrellrealestatevt.com]

Sent: Friday, October 21, 2016 12:06 PM

To: Scott Gustin <SGustin@burlingtonvt.gov>

Subject: RE: 12.20.16 DRB Agenda?

Hi Scott,

We will need to come off of the November 1 DRB agenda. I just checked in with our team and decided that we should wait until we have the site plan finalized before we go on to Final Plat review, to minimize any need to further revise plat after it has been submitted (or approved).

Thanks for your help on this,

Owiso

Owiso Makuku

Farrell Real Estate

875 Roosevelt Highway

Colchester, VT 05446

omakuku@farrellrealestatevt.com

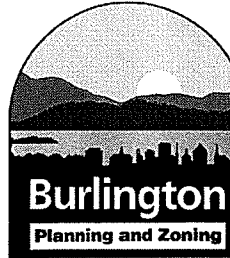
Landline: 802.861.3000 x13

Fax: 802.861.3003

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vacant, Department Secretary*



TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: November 1, 2016
RE: 17-0189CA; 28 Pine Street

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

Zone: D Ward: 3C

Owner/Appellant: Chris Khamnei

Request: Appeal of zoning permit denial to change use to single family residence.

Overview:

The appellant is seeking approval to convert a mixed use building in the Downtown zone to a detached single family dwelling. The subject property is currently permitted for a mixed use residential/office building. *Appendix A – Use Table – All Districts* notes that single detached dwellings are prohibited in the Downtown zone. The zoning permit application was denied and is now under appeal.

Recommendation: **Uphold zoning permit denial** based on the following findings and conditions:

I. Findings:

The subject property has been permitted for commercial use since at least 1983. Most recently, it was approved for mixed office/residential use in October 2012 (zoning permit 13-0393CA). The original use of the structure, which dates to circa 1870, was seemingly residential. The historic listing for the property states that its history was not noted until 1900 when it was used as a rental property for tenants working on the waterfront or downtown. Single or multi-unit is not noted.

August 15, 2016, an application was filed to convert from the present mixed use to a single family residence.

Following review of the application, staff contacted the applicant to inform him that single family homes are not permitted in the Downtown zone. Following an email exchange, the applicant elected to keep the application as is.

The zoning permit application was denied September 12, 2016. Reasons for denial are noted below:

The subject property has most recently been permitted (zoning permit 13-0393CA) and used as a mixed use commercial/residential building. The proposed conversion to a single detached dwelling unit cannot be approved. *Appendix A – Use Table – All Districts* of the Comprehensive Development Ordinance notes that single detached dwellings are not allowed in the D zone, wherein the subject property is located.

An appeal of the denial was filed September 27, 2016, within the 15-day appeal period.

The appeal is founded largely on Sec. 4.4.1, (d) 1 A, *Ground Floor Residential Uses Restricted*. This section prohibits ground-floor residential uses within Downtown and related districts. It provides an exemption from this prohibition for “historic buildings originally designed and constructed for residential use...” The appeal asserts that this exemption relative to ground-floor residential uses somehow also allows creation of single family homes in the Downtown zone.

The central argument of the appeal is misplaced. Sec. 4.4.1, (d) 1 A pertains only to residential use of the ground floor and refers to residential use generally. It does not distinguish between single, duplex, or multi-family residential use. The effect of this section is to prevent creation of residential uses, whatever their type, within the ground floor of downtown buildings. The exception that the appeal hinges on simply allows creation of residential uses on the ground floor of buildings originally designed and constructed for residential use. Under this provision, the subject property could have an apartment on the ground floor so long as it contains commercial space and/or at least 2 additional dwelling units elsewhere in the building.

Sec. 4.4.1 (c) *Permitted and Conditional Uses* refers to *Appendix A – Use Table* for uses that may be permitted or conditionally permitted in the Downtown Mixed Use Districts. Within *Appendix A – Use Table*, single detached dwellings are listed as “N” (not allowed) in the “D” (Downtown) zone.

The creation of a single detached dwelling within the Downtown zone is not allowed under the provisions of the Comprehensive Development Ordinance. The request to allow creation of a single detached dwelling at 28 Pine Street cannot be approved.

II. Recommended Motion:

Uphold zoning permit denial 17-0189CA.

Burlington Design Advisory Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/PZ/DAB

Phone: (802) 865-7188

Fax: (802) 865-7195

*Matthew Bushey
Ron Wanamaker
Sean McKenzie
Steven Offenhart
Chris Alley
Philip Hammerslough, Alt.
Jeremy Gates, Alt.*



DESIGN ADVISORY BOARD Wednesday November 9, 2016 at 3:00 PM Conference Room 12, City Hall, Burlington, VT Agenda

Session I - 3:00pm – 3:30pm

- 1. 17-0479CA; 79 Lakeside Ave (RL-W, Ward 5S) Rebecca A. Schwarz**
Renovation and expansion of second story. (Project Manager, Mary O'Neil)

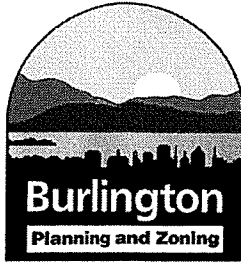
Session II – 3:30pm – 4:00pm

- 2. 17-0455CA; 57 South Williams (RH, Ward 1E) Vermont Organization for Jewish Education - Lubavitch**
Two level addition, 5500 sq. ft. to west side of existing building. New worship sanctuary on upper level with supporting spaces on lower level; new off street parking, landscaping and erosion prevention. (Project Manager, Ryan Morrison)

Burlington Design Advisory Board

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Burlington, VT 05401
www.burlingtonvt.gov/PZ/DAB
Phone: (802) 865-7188
Fax: (802) 865-7195

Matthew Bushey
Ron Wanamaker
Sean McKenzie
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Jeremy Gates, Alt.



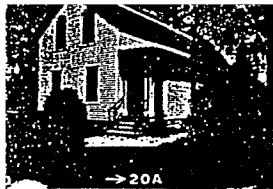
DESIGN ADVISORY BOARD Wednesday November 9, 2016 at 3:00 PM Conference Room 12, City Hall, Burlington, VT Agenda

Session I - 3:00pm – 3:30pm

1. **17-0479CA; 79 Lakeside Ave (RL-W, Ward 5S) Rebecca A. Schwarz**
Renovation and expansion of second story. (Project Manager, Mary O'Neil)

Session II – 3:30pm – 4:00pm

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Two level addition, 5500 sq. ft. to west side of existing building. New worship sanctuary on upper level with supporting spaces on lower level; new off street parking, landscaping and erosion prevention. (Project Manager, Ryan Morrison)



STATE OF VERMONT
Division for Historic Preservation
Montpelier, VT 05602

HISTORIC SITES & STRUCTURES SURVEY
Individual Structure Survey Form

SURVEY NUMBER:

28 Pine

NEGATIVE FILE NUMBER:

77-A-199

UTM REFERENCES:

Zone/Easting/Northing

U.S.G.S. QUAD. MAP:

PRESENT FORMAL NAME:

ORIGINAL FORMAL NAME:

PRESENT USE: dwelling

ORIGINAL USE: dwelling

ARCHITECT/ENGINEER:

BUILDER/CONTRACTOR:

PHYSICAL CONDITION OF STRUCTURE

Excellent ☐ Good ☒

Fair ☐ Poor ☐

THEME:

STYLE: Italianate

DATE BUILT: ca. 1870

COUNTY: Chittenden

TOWN: Burlington

LOCATION:

28 Pine St.

COMMON NAME:

FUNCTIONAL TYPE: dwelling

OWNER: Dorothy L. Ploff

ADDRESS: 198 N. Winooski Ave., Burl.

ACCESSIBILITY TO PUBLIC:

Yes ☐ No ☒ Restricted ☐

LEVEL OF SIGNIFICANCE:

Local ☒ State ☒ National ☐

GENERAL DESCRIPTION:

Structural System

1. Foundation: Stone ☒ Brick ☐ Concrete ☐ Concrete Bl

2. Wall Structure

a. Wood Frame: Post & Beam ☐ Balloon ☐

b. Load Bearing Masonry: Brick ☐ Stone ☐ Concrete
Concrete Block ☐

c. Iron ☐ d. Steel ☐ e. Other:

3. Wall Covering: Clapboard ☐ Board & Batten ☐ Wood Sh.

Shiplap ☐ Novelty ☐ Stucco ☐ Sheet Metal ☐ Alu

Asphalt Shingle ☐ Brick Veneer ☐ Stone Veneer ☐

Bonding Pattern: Other:

4. Roof Structure

a. Truss: Wood ☐ Iron ☐ Steel ☐ Concrete ☐

b. Other: rafter

5. Roof Covering: Slate ☒ Wood Shingle ☐ Asphalt Shing

Sheet Metal ☐ Built Up ☐ Rolled ☐ Tile ☐ Other

6. Engineering Structure:

7. Other:

Appendages: Porches ☒ Towers ☐ Cupolas ☐ Dormers ☐ Chimn

Sheds ☐ Ells ☐ Wings ☒ Other:

Roof Style: Gable ☒ Hip ☐ Shed ☒ Flat ☐ Mansard ☐ Gam

Jerkinhead ☐ Saw Tooth ☐ With Monitor ☐ With Bellcast ☐

With Parapet ☐ With False Front ☐ Other:

Number of Stories: 1 1/2

Number of Bays: 3 x 3

Entrance Location: side

Approximate Dimensions: 16 x 20 (without side wing)

THREAT TO STRUCTURE:

No Threat ☐ Zoning ☐ Roads ☐

Development ☐ Deterioration ☐

Alteration ☐ Other:

LOCAL ATTITUDES:

Positive ☐ Negative ☐

Mixed Other:

ADDITIONAL ARCHITECTURAL OR STRUCTURAL DESCRIPTION:

House is oriented with gable end to street. 2nd floor gable windows are round arched. Door contains lights with round arches and etched glass.

RELATED STRUCTURES: (Describe)

STATEMENT OF SIGNIFICANCE:

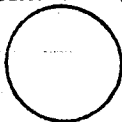
This modest Italianate house is noteworthy for its contribution to the cohesive nature of this residential street.

This house does not appear on the 1869 Beers map, but is shown in the 1877 Birdseye. Its history is not recorded until 1900, when it was a rental property; a high turnover of tenants worked on the waterfront or downtown is the same pattern which the surrounding houses went through as well.

REFERENCES:

Sanborns, directories

MAP: (Indicate North In Circle)



SURROUNDING ENVIRONMENT:

Open Land ☐ Woodland ☐
Scattered Buildings ☐
Moderately Built Up ☒
Densely Built Up ☐
Residential ☒ Commercial ☐
Agricultural ☐ Industrial ☐
Roadside Strip Development ☐
Other:

RECORDED BY:

Adele Cramer

ORGANIZATION:

VT Division for Historic Preservation

DATE RECORDED:

6/26/78



Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
Phone: (802) 865-7188
Fax: (802) 865-7195

www.burlingtonvt.gov/pz

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DEPARTMENT OF
PLANNING & ZONING

Appeal of an Administrative Decision Request

Use this form to appeal any Administrative Decision or Notice of Violation - See Sec. 12.2.2 of the Zoning Ordinance

SUBJECT LOCATION ADDRESS: 28 Pine Street

Subject Property Owner: Chris Khamnei

Appellant: Chris Khamnei

Agent/Representative: _____

Mailing Address: 82 Overlake PK.

City, St, Zip: Burlington, VT 05401

Day Phone: 802-777-6007 Email: chris@centinvt.com

Appellant Signature: _____

Date: 09-26-16

In order for your request to be considered complete, ALL of the following information must be provided, as applicable:

- ☐ The Appeal fee of \$250;
- ☐ Description of the decision under appeal;
- ☐ Description of the property subject to the appeal;
- ☐ Reference to the regulatory provisions applicable to the appeal;
- ☐ Relief requested by the appellant;
- ☐ Alleged grounds why such requested relief is believed proper under the circumstances.

Office Use Only:

Check No. 6648 Amount Paid \$250. Zoning Permit # 17-0189CA

Appeal of Zoning Permit Application

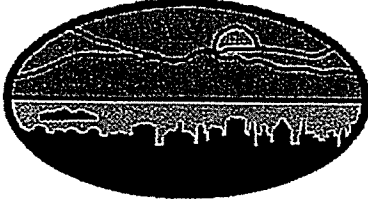
- 1) Subject property owner is appealing the denial of his zoning permit request to change the use of single-family residence located at 28 Pine Street from "mixed-use" (residential and commercial) to residential only.
- 2) The property is a 4-bedroom single-family detached residence.
- 3) The applicable regulatory provisions are the Comprehensive Development Ordinance, Article 10, Section D (District Specific Regulations) and Comprehensive Development Ordinance Appendix B, Use Table. The Ordinance specifically says "Historic buildings originally designed and constructed for residential use shall be exempt from these use restrictions." We believe there is also statutory support for the proposition that a historic structure can be at least minimally used for its original constructed purpose. There is also a large body of case law governing zoning ordinances, conforming uses, and unconstitutionally depriving an owner of use of their property.
- 4) The relief requested is to approve the permit application to change the use of 28 Pine Street to single-family detached residence.
- 5) There is a provision in the zoning code which states "Historic buildings originally designed and constructed for residential use shall be exempt from these use restrictions." 28 Pine Street was clearly historically designed and used as a single detached residence. Its designated "use" was changed from that to an office in 1983, but it underwent no significant structural changes that would prevent it from being used again as a single-family. In every construction respect, the building is a single-family residence.

The building was a failure previously as "commercial only" and now also currently as "mixed use". The designated commercial portion (essentially the 4th bedroom) has sat vacant and unwanted for at least 4 years now. We've not found any residential tenant keen on the idea of sharing the building so closely with a commercial tenant, nor vice versa (noise issues, pedestrian traffic and visitor issues, personal expression, pets, etc. being incompatible between residential and commercial use).

Considering the City's residential housing crisis... taking the position that a 4th bedroom in a single-family residence *must* be converted to and used as commercial space and that the building is not allowed to exist in its historical, intended, and natural state is producing an unjust and absurd result. I doubt the public at-large or a court of law would take the City's side here (and other than your "Appendix A - Use Table" which gives no context to its intent, there is nothing in the code or statute to support the absurd result the City is creating at this property). We're prepared to appeal the denial of our zoning application to the Vermont Superior Court, and beyond, if needed.

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DEPARTMENT OF
PLANNING & ZONING



**ZONING REQUEST DENIAL
CERTIFICATE OF APPROPRIATENESS**

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 08/15/2016

Appeal Expiration Date: 09/27/2016

Project Location: 28 PINE STREET

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District: D

Owner: 28 Pine Street LLC

SEP 27 2016

Ward: 3C

Address: 82 OVERLAKE PARK
BURLINGTON VT 05401

DEPARTMENT OF
PLANNING & ZONING

Tax ID: 044-2-011-000

Project Type: Mixed Use - Change of Use

Project Description: Change of use to single family residence.

Construction Cost:	\$0	Lot Size (Sq Ft):	1,442
Net New Habitable Sq Ft:	0.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	78.70	Existing # of Parking Spaces:	2
Proposed % Lot Coverage:	78.70	Proposed # of Parking Spaces:	2
Net New % Lot Coverage:	0.00	Required # of Parking Spaces:	2

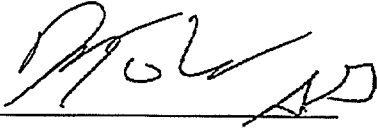
Zoning Permit #: 17-0189CA
Level of Review: 1

Decision By: Administrative
Decision: Denied

See Reasons for Denial

Decision Date: September 12, 2016

Project File: NA


Zoning Administrative Officer

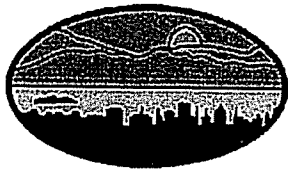
An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on September 27, 2016.

Fee Type	Amount	Paid in Full	Balance Due: \$0.00
Application Fee:	\$80.00	Yes	Date Paid: _____
Development Review Fee:	\$0.00	NA	Check # _____
Impact Fee:	Not Applicable		

Building Permit Required: Not Applicable

Received by: _____

Date: _____



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Reasons for Denial

ZP #: 17-0189CA

Tax ID: 044-2-011-000

Issue Date: September 12, 2016

Decision: Denied

Property Address: 28 PINE STREET

Description: Change of use to single family residence.

Reasons for Denial:

The subject property has most recently been permitted (zoning permit 13-0393CA) and used as a mixed use commercial/residential building. The proposed conversion to a single detached dwelling unit cannot be approved. *Appendix A – Use Table – All Districts* of the Comprehensive Development Ordinance notes that single detached dwellings are not allowed in the D zone, wherein the subject property is located.

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SEP 27 2016

DEPARTMENT OF
PLANNING & ZONING



Department of Planning and Zoning

149 Church Street, City Hall

Burlington, VT 05401-8415

Phone: (802) 865-7188

Fax: (802) 865-7195

www.burlingtonvt.gov/pz

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SEP 27 2016

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: 28 Pine Street

PROPERTY

OWNER*: Chris Khamnei

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

POSTAL ADDRESS: 82 Overlake Park

CITY, ST, ZIP: Burlington, VT 05401

DAY PHONE: 802-222-6080

EMAIL: david@rentinvt.com

SIGNATURE:

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:

POSTAL ADDRESS:

CITY, ST, ZIP:

DAY PHONE:

EMAIL:

SIGNATURE:

Description of Proposed Project: Convert from present mixed use (3-bedroom residential apt and 1 room office) and return to building's original historic designation and use as a 4-bedroom single-family residence.

No changes to structure. No additional lot coverage. Parking garage will be used for parking until ZP #14-0195C is completed by Aug. 19, 2017.

Existing Use of Property: ☐ Single Family ☒ Multi Family: # 1 Units ☒ Other: 1 room office

Proposed Use of Property: ☒ Single Family ☐ Multi Family: # Units ☐ Other:

• 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 Building Energy Standards (VRBES) apply. Visit the P&Z Office, Public Service Board or PSB website for details)

• 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 or above the public right of way? Yes ☐ No ☒

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

Estimated Construction Cost (value)*: \$ 0.00

(*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, curb 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: Eligible for Design Review? Age of House Lot Size

Type: SN AW FC BA COA 1 COA 2 COA 3 CU MA VR HO SP DT MP

Check No. Amount Paid Zoning Permit #

Article 4: Zoning Maps and Districts

- 1 Floor area ratio is defined and described in Art 5. Bonuses for additional FAR where available are described in section (d)6 below. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.
- 2 Structures shall be setback along any property line that abuts a residential zoning district pursuant to the requirements of (d)6 below.
- 3 Minimum building height shall be 30-feet and 3 stories. Measurement of and exceptions to height standards are found in Art 5. Bonuses for additional building height where available are described in section (d)6 below. Any portion of a building over 45-feet in height shall be setback from the front property line pursuant to the requirements of (d)4 below.
- 4 All structures shall be setback a minimum of 50-feet from the shoreline of Lake Champlain unless an encroachment is authorized under (d)5 below.
- 5 All structures shall be setback 12-feet from the curb on a public street except as otherwise allowed by the DRB for development along the following streets: both sides of Center Street; both sides of Pine Street between Cherry and Pearl Streets; the east side of Pine Street between Bank and Main Streets; the west side of Pine Street between College and Main Streets; and South Winooski Avenue between Bank and College Streets. The DRB may order a wider setback in any case under its review if it should determine that the application cannot be approved under applicable criteria without such additional setback.

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Downtown Mixed Use districts shall be as defined in Appendix A – Use Table.

Further limitations regarding permitted, or conditionally permitted uses within the Downtown Waterfront – Public Trust District are defined under (d)(2) below.

(d) District Specific Regulations

1. Use Restrictions

The following restrictions regarding the location and overall percentage of residential and nonresidential uses within the Downtown Mixed Use districts shall be as follows:

A. Ground Floor Residential Uses Restricted:

In order to maintain an active streetscape for pedestrians and pedestrian-oriented businesses and activities, residential uses shall not be permitted on the ground floor of any structure as follows:

- i) in the Downtown (D) and Downtown Waterfront (DW) districts.
- ii) any structure fronting on Pearl, So. Winooski and Main streets in the Downtown Transition (DT) district.
- iii) any structure fronting on Battery Street in the Battery Street Transition (BST) district.

Historic buildings originally designed and constructed for residential use shall be exempt from these use restrictions.

2. Public Trust Restrictions:

These regulations set forth the permitted uses, identified by the Vermont General Assembly, associated with those parcels within the Downtown Waterfront – Public Trust District (DW-PT), and designated as “filled lands” along the

ZONING PERMIT
Burlington, Vermont

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Permit # 33-21

SEP 27 2016

PROJECT LOCALE 23 Pine Street

ZONE CRD

Applicant/owner L. Randolph Amis
Address P.O. Box 1335

DEPARTMENT OF
PLANNING & ZONING

Existing use of property single family

Telephone No. 658-0888

Estimated Cost \$5,000.00

DESCRIPTION To convert existing single family home to professional office.
No exterior modifications except for the addition of an exterior
fire escape and a sign. No additional lot coverage.

TECHNICAL	lot size	sq. ft	bldg. size	sq. ft	% lot coverage
PARKING	exist		proposed	required	N/A X
YARDS	front		side	rear	N/A X
SIGNS	type		height	area	N/A
	linear frontage			illuminated	N/A
DECISION	approved		denied		referred to ZBA
	denial reason				

APPEALS An interested person may appeal the decision of the Zoning Administrator within 15 days of final action.

APPLICATION DATE 6/10/93

APPEAL EXP. DATE 6/25/93

SIGNATURES APPLICANT L. Randolph Amis

ZONING ADMINISTRATOR [Signature]

CERTIFICATE OF APPROPRIATENESS

LEVEL OF REVIEW I X

II

III

TYPE OF REVIEW siteplan

design

X

subdivision

COMPLETE APPLICATION June 2, 1992

fee N/A

DISTRICT historic

innercity

regional core

waterfront

DECISION DATE June 9, 1993

DENIED

APPROVED

APPROVED WITH CONDITION that applicant use the parking garage for parking.

APPEALS An interested person may appeal a decision of The Planning Commission to the Superior Court of the County in which is located the property at issue in the decision.

SIGNATURE Planning Director [Signature]

OFFICE COPY

Department of Planning and Zoning

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

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Senior Planner
Mary O'Neil, AICP, Senior Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
vacant, Department Secretary



TO: Development Review Board
FROM: Scott Gustin *[Signature]*
DATE: November 1, 2016
RE: 17-0427CA/CU; 3127 North Avenue

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

Zone: WRL Ward: 7N

Owner/Representative: Joseph Benoit III / Tom & Karen Furland

Request: Remove existing garage and construct a new residence.

Applicable Regulations:

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

Background Information:

The applicant is seeking approval to build a new single family home with an accessory apartment and related site improvements. An existing 2-bay garage on the property will be demolished. The garage is presently nonconforming with respect to side and rear yard setbacks. The new construction will retain a lessened degree of rear yard setback nonconformity. Side yards will be brought into conformance. This property is one of very few at the end of North Avenue that is not within the lakeshore flood zone. The property's location within the Riparian & Littoral Conservation Overlay requires conditional use review.

Previous zoning actions for this property are as follows:

- 12/4/12, Affirmative zoning determination of buildable lot
- 2/13/12, Approval to remove shed
- 2/8/12, Approval to replace garage roofing
- 10/6/09, Approval to combine 2 parcels into 1 parcel
- 6/18/91, Approval to place fill on site and reconstruct 2 storage sheds

Recommendation: Initial review and continue hearing until problems with the accessory apartment are resolved:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Sec. 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 new residence will place modest demand on municipal utilities and services. A wastewater capacity letter from the Department of Public Works has been obtained. Impact fees will be paid to help offset what impacts there are on municipal facilities. **(Affirmative finding as conditioned)**

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

The property is located within the Waterfront Low Density Residential (WRL) zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes with consideration given to design review. The neighborhood reflects this intent. The proposed single family home with accessory apartment is consistent with this purpose. **(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 residence will have no greater impacts than those associated with other permitted uses within this zoning district. **(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 new home will generate minimal vehicular traffic. It's very close proximity to the bike path will facilitate use of bicycle transportation. Nothing in the application indicates that the existing transportation system is incapable of handling the proposed construction. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

Rooftop solar panels are included in the project design. **(Affirmative finding)**

and,

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

As conditioned, the project complies with all applicable zoning bylaws. **(Affirmative finding)**

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

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

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

The proposed residence does not warrant implementation of mitigation measures to reduce noise and glare. **(Affirmative finding)**

2. Time limits for construction.

No construction schedule is included in the permit application. The standard time frame for a zoning permit applies. It is 2 years (start within 1 year of approval and complete within 2 years). **(Affirmative finding as conditioned)**

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

Hours of operation do not pertain to the proposed residence.

Given the project's neighborhood location, typical residential construction days and hours will apply. These are Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request. 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 alterations of the residence will require additional permit review in accordance with the 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.

It is the applicant's responsibility to comply with all applicable city and state regulations pertaining to the proposed development. **(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 low density residential development in the form of single detached dwellings and duplexes with consideration given to design review. The proposed single family home with accessory apartment is consistent with this purpose. **(Affirmative finding)**

(b) Dimensional Standards & Density

Although the 4,263 sf lot is substandard in size (6,000 sf is the minimum lot size), Sec. 5.2.1, *Existing Small Lots*, enables development for the purposes permitted within the district. A single detached dwelling unit with an accessory apartment is allowable.

Existing lot coverage is not specified in the project plans but appears to be about 60%. As proposed, lot coverage will drop to 44%. This percentage includes 34.9% standard lot coverage

and an additional 9.1% lot coverage for the front and rear decks and porch. These percentages are within the 35% standard lot coverage limit with additional 10% for accessory features allowed in the WRL zone.

The existing garage sits within the rear and southern side yard setbacks. As proposed, the new home will comply with both side yard setbacks of just over 5' (10% of 48' wide lot). The proposed rear yard setback is 19' 9". The lot is slightly irregular with a depth of 84' – 88' with a corresponding minimum rear yard setback of 21' – 22'. The proposed 19' 9" rear yard setback is substantially more compliant than the existing 2' 10" rear yard setback and is acceptable per 5.3.5, *Nonconforming Structures, (a) Changes and Modifications*. The proposed front yard setback of 30' is acceptable. The one neighboring primary structure with the same road frontage is set back 35' from the front boundary.

The proposed residence is 34' 8" tall to the midpoint of the gable roof rise. This height is slightly below the 35' maximum permissible height in the WRL zone. The rooftop cupula exceeds this height but may be permissible under Sec. 5.2.6 (b) *Exceptions to Height Limits*, as an ornamental feature so long as it does not exceed 10% of the total roof area. The 10' X 10' cupula is just 8.4% of the 1,189.5 sf roof area. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The proposed single family home with accessory apartment is a permitted use in the WRL zone. Its location within the Riparian & Littoral Conservation Overlay zone triggers conditional use review. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No encroachments are sought under this criterion. **(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

See Sec. 5.4.5, *Accessory Dwelling Units*, for evaluation of the accessory apartment.

5. Residential Density

The new home is subject to the functional family provisions of the Comprehensive Development Ordinance. The accessory apartment is limited to occupancy by just 2 adults and their minor children. **(Affirmative finding as conditioned)**

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)**

Sec. 4.5.4, Natural Resource Protection Overlay (NR) District

(c) District Specific Regulations: Riparian and Littoral Conservation Zone

The subject property is affected by the Riparian and Littoral Conservation Overlay zone (250' width from the 95.5' lakeshore elevation). The application notes some 66% of the property is affected, but GIS depicts a more modest extent of 25%-30%. In any event, the proposed construction will replace existing construction and is set inland of existing homes along the lakeshore. As a result, review by the Conservation Board is not required. The property is mostly open, and existing trees will be retained. See Sec. 5.5.3 for stormwater and erosion control.

(Affirmative finding)

Sec. 4.5.6, Mouth of the River Overlay District

The subject property is wholly included in the Mouth of the River Overlay District; however, the proposal is not reliant on any of the special use provisions associated with this overlay. The proposed single family dwelling with accessory apartment is permissible with, or without, this overlay. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.2.1, Existing Small Lots

The subject property is just 4,263 sf, less than the 6,000 sf minimum lot size in the WRL zone. This section allows construction on small lots of record existing as of April 26, 1973 so long as they are at least 4,000 sf in size with a minimum width and depth of 40'. The subject property meets the standards of this criterion and may be developed. It predates 1973 and is 48' wide by 84' – 88' deep. **(Affirmative finding)**

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.4.5, Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses:

Where there is a primary structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means an efficiency or one bedroom apartment that is clearly subordinate to the primary dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. No accessory unit shall be inhabited by more than 2

adult occupants. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation. Additionally, there must be compliance with all the following:

1. *The property has sufficient wastewater capacity as certified by the department of public works;*

A wastewater capacity letter has been obtained from the Department of Public Works. Note, however, that the capacity letter is predicated on a 3-bedroom single family home. There is no mention of the accessory apartment in the capacity letter. While the floor plans depict just 3 bedrooms in total, the apartment may affect anticipated wastewater demands. The applicant is advised to clarify with the Department of Public Works. **(Affirmative finding as conditioned)**

2. *The unit does not consist of more than 30 percent of the total habitable floor area of the building, inclusive of the accessory dwelling unit;*

The floor plans depict a 403 sf apartment on the 2nd floor. This area is 26.8% of the total habitable area of 1,501 sf for the entire structure, less than the 30% maximum permissible. The floor plans; however, are problematic. They depict an apartment with access to the 305 sf “attic.” Including that area results in an apartment of up to 708 sf (47.2% of the total habitable area). The total area of the apartment must be less than 30% of the total habitable area of the building. The floor plans also depict an apartment with access into the rest of the residence. This layout essentially removes any size limitation outside of the total area of the residence. As depicted in the floor plans, the accessory apartment is unacceptable. **(Adverse finding)**

3. *Applicable setback and coverage requirements are met;*
See Sec. 4.4.5 (b).

4. *One additional parking space which may be legally allocated to the accessory unit must be provided for the accessory unit; and,*

The 2-bay garage will include 1 parking space for the accessory apartment.
(Affirmative finding)

5. *A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.*

This provision will be included as a condition of approval if the permit is issued.
(Affirmative finding as conditioned)

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

Elevation drawings indicate locations of outdoor lamps to illuminate building entries. Fixture cutsheets depict what appear to be cutoff fixtures. No illumination levels are noted either as

footcandles or lumens. Illumination levels are needed in order to determine compliance with this criterion. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

As more than 400 sf of earth disturbance is proposed, a “small project erosion control plan” is required. The application includes an erosion control plan; however, the accompanying form has not yet been provided. Review and approval by the Stormwater Administrator is required prior to construction. Resultant lot coverage of less than 2,500 sf precludes the need for post-construction stormwater management review. **(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 rear portion of the property is affected by the Riparian and Littoral Conservation Overlay zone. As noted above, the proposed residence will replace an existing structure and is located on the inland side of existing homes along the lakeshore. No tree clearing is proposed. **(Affirmative finding)**

(b) Topographical alterations

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

(c) Protection of important public views

There are no important public views from or through this property. **(Affirmative finding)**

(d) Protection of important cultural resources

There are no known archaeological resources on the property. The property is not located within an archaeologically sensitive area. **(Affirmative finding)**

(e) Supporting the use of alternative energy

The project plans call for installation of rooftop solar panels on the building’s southern exposure. **(Affirmative finding)**

(f) Brownfield sites

The property is not an identified brownfield. **(Affirmative finding)**

(g) Provide for nature’s events

There is ample room onsite for winter snow storage. As noted above, an erosion prevention and sediment control plan is required. **(Affirmative finding)**

(h) Building location and orientation

There is little cohesiveness to the streetscape along this section of North Avenue. Insofar as the proposed building lines up with the single neighboring building to its south, it reflects the existing development pattern. The residence is oriented towards the street with a front-facing principal

entry and garage doors. Given the narrowness of the lot, the garage is integrated into the singular building form and takes up most of the 1st floor. Item 4 of this criterion allows for a garage entry to exceed 50% of the façade width where it is wholly integrated into the overall design of the front façade, and the primary pedestrian entrance offers a clear and welcoming entrance from the street. Such is the case here. **(Affirmative finding)**

(i) Vehicular access

Given the small size of the lot and the need to keep lot coverage down, two strip driveways are proposed. Each one will access a garage door. Vehicles will have to back out. While not ideal, backing out onto this lightly traveled portion of North Avenue is acceptable. **(Affirmative finding)**

(j) Pedestrian access

There is no public sidewalk along this portion of North Avenue, therefore a walkway from the front entrance to the public sidewalk is not required. If one can be provided within the lot coverage limits, installation of a front walkway is recommended. **(Affirmative finding as conditioned)**

(k) Accessibility for the handicapped

No handicap accessibility is evident or required with this proposal. **(Affirmative finding)**

(l) Parking and circulation

The garage will contain 2 parking spaces, and a 3rd space will be provided in a driveway. As noted above, vehicles will have to back out onto the street. Doing so is acceptable on this last stretch of North Avenue. **(Affirmative finding)**

(m) Landscaping and fences

A rudimentary landscaping plan has been provided. It notes retention of two oak trees and establishment of lawn. The landscaping plan also notes plantings for some minimal screening, but details are not provided. Additional landscaping such as foundation plantings and entry accents are recommended but not required. **(Affirmative finding as conditioned)**

(n) Public plazas and open space

No public plaza or open space is included or required in this proposal.

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

New utility lines will be buried. Electric utility meters are depicted on the side elevation in an acceptable location. A ground-mounted HVAC unit is located behind the building and screened. **(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 proposed home is relatively tall at 34' 8" to the midpoint of the roof rise and is 3.5 stories tall. Homes in this neighborhood are generally 1 – 2.5 stories tall. The proposed residence is situated next to a full 2 story "colonial" house to the south and vacant parcels to its north. While the proposed home appears to be the tallest in this neighborhood, the structure remains within the permissible height limit. Its height as compared to the 2 story homes is similar to that of the 2 story homes compared to the 1 story homes in the neighborhood. While tall, the proposed residence may reasonably fit within the diversity of heights in this neighborhood.

Its overall scale is similar to that of other larger homes in the neighborhood. Its massing, while simple, delineates separate ground, middle, and upper floors. Doing so lends visual interest to the building and also serves to break up its perceived mass. **(Affirmative finding)**

2. Roofs and Rooflines

A gable roof is proposed. Gable roofs are common in the neighborhood and typical for residential construction. **(Affirmative finding)**

3. Building Openings

Fenestration is appropriately scaled and placed in consistent rhythm throughout the building. Windows tend to be single-pane awning or casement units. Glass doors reflect this basic window design. **(Affirmative finding)**

(b) Protection of important architectural resources

There are no historic structures on or near the subject property. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The proposed residence clearly faces the street. Its front façade is varied between the ground, middle, and upper floors. A projecting shed roof covers the front entrance with a porch-like element and extends across the 1st garage door. Balconies are a relatively unique feature and add interest to the primary façade. The building contains no blank walls. **(Affirmative finding)**

(e) Quality of materials

The proposed residence will be clad largely in vinyl clapboard and shingle siding. Vinyl and/or composite trim material will be used. The ground floor of the east (street-facing) elevation will be clad in vertical cedar siding. Roofing is to be shingle or standing seam metal. Both are acceptable, but one needs to be selected. Vinyl windows and doors are proposed. The front porch will utilize PT decking. Posts will be wrapped and trim will be stained. Presumably the rear decks will be similar, but specification is needed. Metal railings will be used for the front balconies. The proposed materials are acceptable, but clarification is needed where noted. **(Affirmative finding as conditioned)**

(f) Reduce energy utilization

The proposed building must comply with the current energy efficiency standards of the city and state. The application acknowledges as much. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

No advertising is included in this proposal.

(h) Integrate infrastructure into the building design

As noted above, electrical meters are depicted at an acceptable location on the north side of the building. **(Affirmative finding)**

(i) Make spaces safe and secure

The proposed building must comply with the city's current egress requirements. Building entries will be illuminated. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the neighborhood parking district. As such, the single family home requires 2 parking spaces. The accessory apartment requires 1 parking space. Two tandem spaces for the single family home are provided in the southern garage bay and driveway. An additional parking space for the apartment is provided in the northern garage bay. **(Affirmative finding)**

II. Conditions of Approval

In the event that the proposed accessory apartment is brought into compliance, the following conditions are recommended.

1. **Prior to release of the zoning permit**, the following items shall be addressed, subject to staff review and approval:
 - a. Confirmation with the Department of Public Works that the accessory apartment has been addressed in the wastewater capacity letter. If need be, a new wastewater capacity letter shall be obtained.
 - b. Provide illumination levels of the outside lighting fixtures.
 - c. Provide a completed "Small Project Erosion Prevention & Sediment Control" form to the city's stormwater program staff.
 - d. A roofing material must be selected, and rear deck materials must be specified.
2. Additional landscaping is recommended as is a front walkway to the street if compliance with lot coverage can be retained.
3. Days and hours of construction shall be limited to Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request. No construction activity on Sunday.
4. Occupancy of the primary dwelling unit shall be limited to a "family" as defined in Article 13 of the Comprehensive Development Ordinance. The accessory apartment shall be occupied by no more than 2 adult occupants and their minor children.
5. The accessory apartment shall not exceed 30% of the habitable area of the entire building.
6. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.
7. All new utility lines must be buried.
8. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as

may be required, and shall meet all energy efficiency codes of the city and state as required.

9. Vermont Residential Building Energy Standards apply to this project. Compliance with the standards is the Owner's responsibility. Prior to requesting a Certificate of Occupancy, a copy of a completed Vermont Residential Building Energy Standards Certificate shall be submitted with a Certificate of Occupancy (final or temporary) request, and filed in the Land Records located at the Clerk/Treasurers office in City Hall (149 Church Street). For more information, see http://publicservice.vermont.gov/topics/energy_efficiency.
10. 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 residence.
11. Standard permit conditions 1-15.

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OCT 13 2016

DEPARTMENT OF
PLANNING & ZONING

**Project
Narrative**

Location: 3127 North Ave ext.

Zone: RL/W **Ward:** 7

Date application accepted:

Applicant/ Owner: Tom and Karen Furland / Joseph Benoit III

Parking District: Neighborhood

Request: Remove existing garage, construct home with accessory apartment.

Overview: The existing lot presently has a garage that does not conform to the following current zoning requirements; the rear setback (currently 2' rear setback, 20' required), south side setback (currently 4.5' south side setback, 4.9' required) or lot coverage (currently 39% impervious, 35% max allowed). The applicants propose to remove the existing garage, slab and drive and replace it with a residential structure that conforms to the side setback, lot coverage and height restrictions.

Plans:

The following documents are included in this package:

- Sheet A0.1 "Topographic / Location plan." prepared by the applicant, dated September 16, 2016.
- Sheet A0.2 "Site Plan," prepared by the applicant, dated September 16, 2016.
- Sheet A0.3 "Existing Conditions Plan," prepared by the applicant, dated September 16, 2016.
- Sheet A0.4 "Shoreline Delineation Plan," prepared by the applicant, dated September 16, 2016.
- Sheet A0.5 "Erosion Control Plan," prepared by the applicant, dated September 16, 2016.
- Sheet A0.6 "Landscape Plan," prepared by the applicant, dated September 16, 2016.
- Sheet A2.1, "Face Elevations," prepared by Alpine Architects, dated
- Sheet A2.2, "Side Elevations," prepared by Alpine Architects, dated
- Sheet A3.1, "Sections," prepared by Alpine Architects, dated September 12, 2016.
- Sheet A4.0, "Color Rendering - Front," prepared by the applicant, dated September 16, 2016.
- Sheet A4.1, "Color Rendering - Rear," prepared by the applicant, dated

September 16, 2016.

- Ability to serve letter from public works, dated July 29, 2016.
- Cut sheets for: mini-split, lights, windows, doors.
- Photos of the property.

Applicable Regulations:

Article 3 (Applications, Permit and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), and Article 11 (Planned Unit Development)

Article 3: Applications and Reviews

Part 3: Impact Fees

Article 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.

The applicants understand that they will be required to provide the gross area (living area plus stairwells) to staff for a calculation of appropriate Impact Fees.

Part 4: Site Plan and Design Review

Section 3.4.2 Applicability

(b) Design Review

Section 4.5.1 b.1.B RL/W zone is subject to design review.

Article 4: Maps & Districts

Section 4.4.5 Residential Districts

(a) Purpose

3. The Waterfront Residential Low Density (RL-W) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.

The proposal conforms to the purpose of the zoning district in providing both a single family and an accessory unit on the parcel.

(b) Dimensional Standards and Density

Table 4.4.5-1 Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W

Minimum lot frontage is 60' in the RL-W zoning district; 3127 North Ave has a frontage of 50.87' but is an existing small lot.

The minimum lot size in RL-W is 6000 square feet; 3127 North Ave has a lot size of 4263 square feet.

Table 4.4.5-2 Base Residential Density

7 units / acre is the maximum number of dwelling units in the RL-W zoning district.

Table 4.4.5-3 Dimensional Standards and Density

WRL District	Max. Lot Coverage 35%	Building setbacks				Max. Height 35'
		Front Ave. of 2 adjacent lots on both sides +/- 5'.	Side ³ Min: 10% of lot width, or average of 2 adjacent lots on both sides. Max 20'.	Rear Min: 25% lot depth, min. 20', max 75'	Waterfro nt: Min: 75' feet from the ordinary high	
Proposed development	34.4%	30' proposed. Neighboring property is 35'. May be +/- 5'.	5.1' proposed on north & south. Meets 10% of lot width of 49.3'.	Rear setback of 19' 9" exceeds the existing rear setback of 2' 10"	Lot is over 75' from MHW.	Approx. 34' 8".

Section 4.4.5 (c) Permitted and Conditional Uses

Single Detached Dwelling and Accessory Dwelling Unit are permitted uses in the RL/W zoning district, per Appendix A.

Section 4.4.5 (d) District Specific Regulations

1. Setbacks

A. Encroachment for Residential Driveways

None existing or proposed. Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

See Table 4.4.5 -3,
above.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

The site plan includes features allowable under this section within the 10% bonus provision: open porch and walkways. See Table 4.4.5-3, above.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential density

A. Additional Unit to Multi-family

Not applicable.

B. Additions to Existing Residential Structures

Not applicable.

C. Residential occupancy limits

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

The proposed residence will be owner occupied.

6. Uses

This is not a neighborhood commercial use. Not applicable.

7. Residential Development Bonuses

No development bonuses are sought. Not applicable.

Section 4.5.4 b Riparian and Littoral Conservation Zone

About 66% of the lot is within the Riparian and Littoral Conservation Zone requiring conditional use approval. A stormwater management, erosion prevention and sediment control plan will be submitted to City stormwater staff. Since there are existing homes and an access drive between 3127 North Ave and the lake (and the nearby Northshore wetland) a Conservation Board review should not be required. (There is an existing encroachment already and this proposal will not extend that encroachment.)

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 lot has existing access to power, water and nearby sewer.*
- 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 neighboring uses are all one or two family residential, similar to this application.*
- 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 neighboring uses are all one or two family residential, similar to this application.*
- 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; and, The proposed residential*

structure is replacing a commercial garage so traffic load should be similar. The bike path is also very convenient.

5. The utilization of renewable energy resources; and, The proposed residence will have rooftop solar panels.

6. Any standards or factors set forth in existing City bylaws and city and state ordinances; None identified.

Section 4.5.6 Mouth of the River Overlay District

The lot is entirely within the Mouth of the River Overlay District but the applicant is not requesting any special uses allowed in this district.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots

This lot meets the criteria of an existing small lot (Zoning Review #13-0552DT) since it exceeds 4000 square feet in area and the length and width are both greater than 40’.

Section 5.2.2 Required Frontage or Access

3127 North Ave has 50.87’ frontage on a public street. There is an existing driveway.

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

The lot does not exceed the 2 acres threshold. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7. Density and Intensity of Development Calculations

See Table 4.4.5-2, above.

Part 3: Non-Conformities

Section 5.3.5 Nonconforming Structures

The existing garage at 3127 North Ave does not conform to the rear or south side setback requirements. The new structure will comply with the side setback and substantially improve the rear setback.

Section 5.3.6 c) Changes to a Nonconforming Lot:

No change shall be permitted to any nonconforming lot which would have the effect of increasing the density at which the property is being used, or increasing the structure located upon such lot, if the dimensional requirements and standards, including parking, of the underlying zoning district are not met as a result thereof. Any changes proposed on a non-conforming lot are subject to conditional use review. The proposed home will conform to the district dimensional requirements and standards including parking.

Section 5.4.5 Accessory Dwelling Units:

- 1. The property has sufficient wastewater capacity as certified by the department of public works;*
- 2. The unit does not consist of more than 30 percent of the total habitable floor area of the building, inclusive of the accessory dwelling unit;*
- 3. Applicable setback and coverage requirements are met;*
- 4. One additional parking space which may be legally allocated to the accessory unit must be provided for the accessory unit; and,*
- 5. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.*

The proposed residence contains an accessory apartment that meets the requirements in section 5.4.5. There is an ability to serve letter from the department of public works. The total habitable floor area of the proposed building is 1496 square feet and the area of the proposed accessory apartment is 403 square feet (27%). There is an additional parking space provided for the apartment. The deed will be recorded after the applicant purchases the property (potentially after the zoning permit is issued).

Section 5.4.8 Historic Buildings and Sites

3127 North Ave is not listed on the State or National Register of Historic Places. Not applicable.

Section 5.5.1 Nuisance Regulations

There are no proposed uses other than as a residence.

Section 5.5.2 Outdoor Lighting

Fully shielded lights are proposed over each garage door, entry door and on each deck. Lights over the garage doors will be activated with a single motion detector. Spec sheets have been included in the application.

No lighting is proposed for the parking area.

Section 5.5.3 Stormwater and Erosion Control

The lot is flat and VT GIS data lists the soil type as Limerick silt loam. A stormwater management plan, and Erosion Prevention and Sediment Control Plan will be submitted to the City Stormwater staff.

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

There are no identified significant natural features.

(b) Topographical alterations

The site is flat with a slight grade away from the existing structure. The new structure will have a slight grade away from the foundation.

(c) Protection of important public views

There are no important public views from or through the property.

(d) Protection of important cultural resources

None - See Section 5.4.8 (b).

(e) Supporting the use of alternative energy

The proposal includes rooftop photovoltaic solar collectors.

(f) Brownfield sites

The property is not listed on the Vermont DEC Hazardous Waste Site.

(g) Provide for nature's events

A Small Project Erosion and Sediment Control Plan will be developed.

Snow storage areas have been identified on the landscaping plan.

(h) Building location and orientation

The proposed new structure has the same orientation as the neighboring duplex to the south. The lot to the north is empty. The main entrance is visible and clearly discernible from the public street. Each bay of the garage has a separate 9' door and is wholly integrated into the design with living areas above and a clear primary entrance porch covered by a roof.

(i) Vehicular access

There is an existing driveway to the property which will be replaced by ribbon drives and a 9'x20' slab to be used for parking one vehicle. North Avenue is a dirt road with no curbs at this point.

(j) Pedestrian access

Front steps will provide access to a front porch entrance to the new structure. There is no public sidewalk but any future landscaping will allow for pedestrians to use the front of the lot when cars are passing.

(k) Accessibility for the handicapped

Provision for future accessibility features is to be included in the design.

(l) Parking and circulation

In the Neighborhood Parking District, 2 parking spaces are required for each dwelling unit and 1 for the accessory apartment. 2 spaces are provided in garage bays and one on a 9'x20' space in the driveway. Bicycle parking for each unit will be in the garage.

(m) Landscaping and fences

Two existing trees will be retained as shown on the landscaping plan.

(n) Public plazas and open space

There are no public spaces planned.

(o) Outdoor lighting

See Section 5.5.2.

(p) Integrate infrastructure into the design

Electric, phone and data cables will be underground. Electric meters are illustrated on the north elevation. Propane tanks and heat pump condensers will be under an overhang at the rear of the building. These may require screening to reduce visibility, noise and wind driven snow.

Trash and recycling containers will be stored in the garage.

Part 3, Architectural Design Standards

Section 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

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

The duplex to the south is two stories high with a peaked roof, the proposed structure will be similar in height but slightly taller.

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

The new building is proposed to have a long porch roof and small deck over the garage doors which will break up the east wall. The bottom floor of the east side will have cedar siding to further differentiate this wall. To the west there are large decks on each floor with large windows and sliding glass doors to break up the mass. The proportion of the building will be more vertical with the cupola. In addition two styles and colors of siding will be used on the east and west walls to avoid the appearance of a large undifferentiated building wall. Supporting porch posts will have braces to provide interest.

2. Roofs and Rooflines.

New buildings should incorporate predominant roof forms and pitches within the existing neighborhood and appropriate to the context. Large expanses of undifferentiated roof forms shall be avoided. This can be achieved by incorporating dormers or some variation in the roof form to lessen the impact of the massing against the sky. While flat roofs can be a reasonable architectural solution, pitched roof forms and architectural elements that enhance the city's skyline are strongly encouraged. Roof eaves, parapets, and cornices should be articulated as an architectural detail. Roof-top mechanicals shall be screened from view from the public street, and should be incorporated into and hidden within the roof structure whenever possible.

A cupola on a peaked roof is proposed.

Solar panels, light colored ballast or roof membranes, split roof clerestories, planted or “green” roof technologies (with a clearly articulated maintenance plan) and “gray water” collection are encouraged. Active rooftop uses are also encouraged to add to the visual complexity and activity of the city's skyline, and afford public access to otherwise unseen views of the city and surrounding landscape.

Solar panels are proposed.

3. Building Openings

The front door is clearly defined and readily identifiable from the public street under a small porch.

People with physical challenges should be able to use the same entrance as everyone-else and shall be provided an “accessible route” to the building.

The front door is not currently accessible to those with mobility challenges. Ramps can replace stairs to the porch or inside the garage if needed. The second floor will have wide doorways and the stair will be wired for a future stair lift.

Attention shall also be accorded to design features which provide protection from the affects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or

storage.

The front porch will provide shelter from inclement weather. The garage will have a small 'eyebrow' deck protecting the doors. The orientation of the roof will shed most snow and rain to the sides of the house. Snow storage is identified on the landscape plan.

Window openings shall maintain consistent patterns and proportions appropriate to the use. The window pattern should add variety and interest to the architecture, and be proportioned to appear more vertical than horizontal. Where awnings over windows or doors are used, the lowest edge of the awning shall be at least eight (8) feet above any pedestrian way, and shall not encroach into the public right-of-way without an encroachment permit issued by the dept. of public works.

Consideration is given toward function in the proposed window arrangement. The building, which will face east, will have varying window openings on each floor due to differing room functions and emergency egress requirements. Each bedroom will have a window on the west or east side. The living room and family rooms will have large windows on the west side. Most windows are more vertical than horizontal and an ellipse window on the west will add interest.

(b) Protection of Important Architectural Resources:

See Section 5.4.8.

(c) Protection of Important Public Views:

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

(d) Provide an active and inviting street edge:

A mix of siding types and colors along with a porch and small deck will break the front facade.

(e) Quality of materials:

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

Proposed building materials are vinyl siding, cedar siding, cellular PVC trim (white), pressure treated wood decking, asphalt shingle or standing seam metal roof, aluminum deck posts and rails. External doors are fiberglass with a simulated wood look and glass sliding patio doors. Insulation will be dense packed cellulous and in some locations closed cell foam where it is required. Windows will be a mix of vinyl styles from PVC Industries or equivalent.

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

Not applicable.

(f) Reduce energy utilization:

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

New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.

The proposed home will have solar panels on the south facing roof. Passive solar gain is not possible due to the size and position of the neighboring building. The building will exceed the Base requirements of the Vermont Residential Building Energy Code.

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

See 6.2.2. (p).

(i) Make spaces secure and safe:

All requirements for building and life safety code as defined by the building inspector and fire marshal shall be implemented.

Article 8: Parking

Table 8.1.8-1 Minimum Off Street Parking Requirements

Single family detached and duplex requires 2 parking spaces per unit in the Neighborhood parking district. For the proposed home and accessory apartment 3 onsite parking spaces are required. Two are provided in the garage and one on a 9'x20' driveway pad.

Section 8.2.5 Bicycle Parking Requirements

Table 8.2.5-1 defines the bicycle parking requirement a 1 long term bike parking space per 4 units and 1/10 units short term. Bicycle parking is provided in the garage.

Article 9: Inclusionary and Replacement Housing

Section 9.1.5 Applicability (As amended by the City Council 8/10/2015.)

As the proposed development does not include more than 5 new dwelling units, it is not subject to the inclusionary housing provisions of this Article.

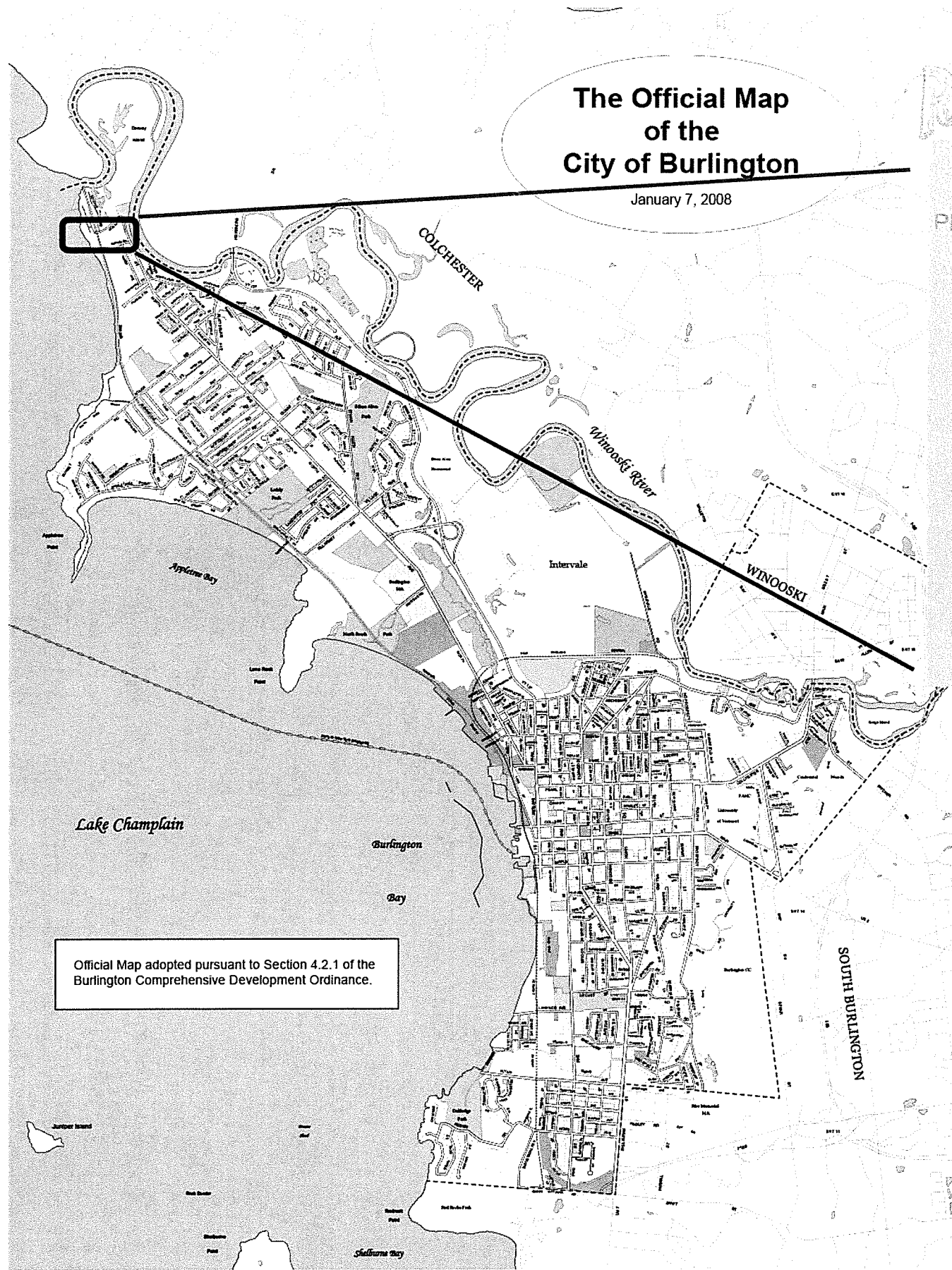
Article 11: Planned Unit Development

Section 11.1.3 General Requirements and Applicability (As adopted by City Council 8.10.2015.)

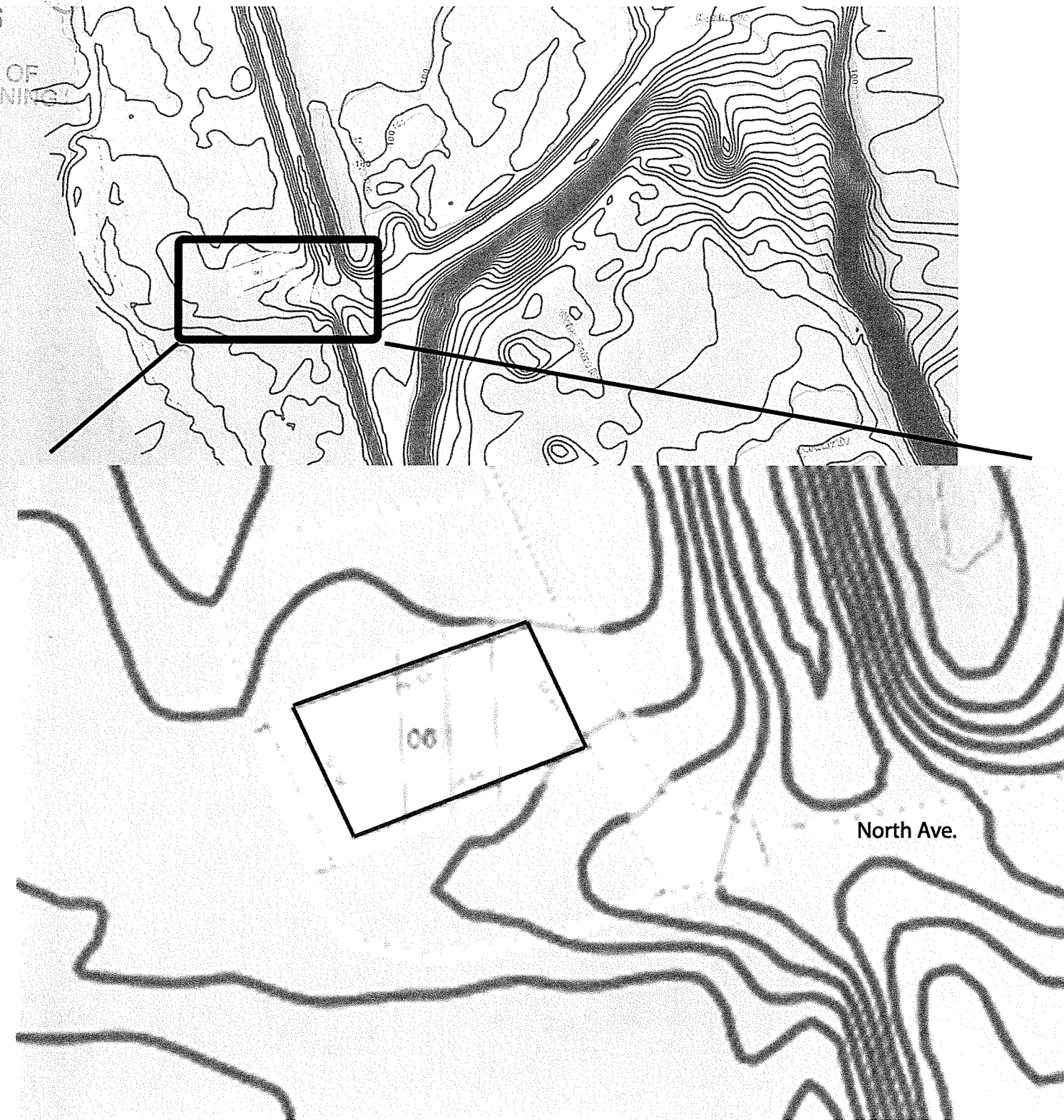
*Any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or seeking to place **multiple structures and/or uses on a single lot where not otherwise permitted**, may be permitted as a PUD subject to the provisions of this Article. A Planned Unit Development may be permitted subject to minimum project size as follows in the following districts:*

Table 11.1.3 *RL-W – 2 acres.*

The proposed project does not meet the minimum project size for a PUD.

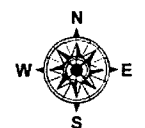


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Location map with 2 foot contours.
(LIDAR data from Vermont Center for Geographic Informaion)

— Property Line
— 2' Contour line



2,000 1,000 0 2,000 4,000 6,000 Feet

Existing City Property:

- Parks and Recreation (37)
- Department of Public Works (25)
- School Department (11)
- Electric Department (8)
- Fire Department (5)
- Other Departments (39)

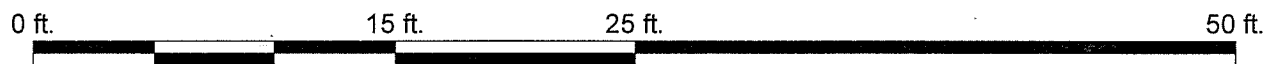


Applicant: Tom and
Karen Furland
Owner: Joseph Benoit

Topographic / Location Plan
3127 North Avenue Extension



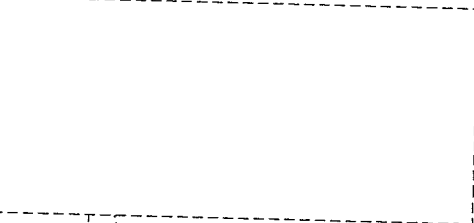
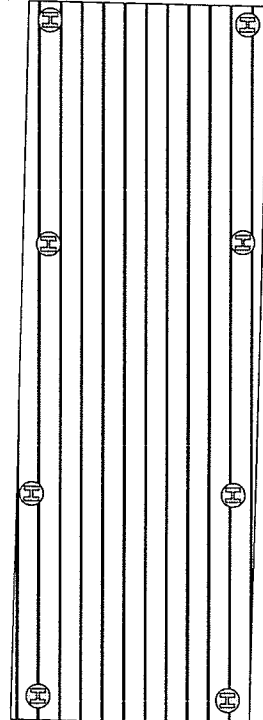
φ



2

N 88° 36' 44" W 84 3.600

N 8° 3' 40" W 50



N 88° 36' 44" W 88 7.200

North Ave Extension
12° 48' 25" E 51 7.948

Legend

Overh

Pow

Water

φ

Utility

W

Water

2-2

Boundary of

Riparian and

Conservation

Lo

Boun

Zoning

Zone	
RL-W	1
Riparian and Littoral Conservation Zone	6
Mouth of the River Overlay District	1
Design Review Overlay District	1

Impervious Area Calculation				
	Area	L Feet	L inch	W Feet
lab	1111.5	28	6	39
rive 1a	62.2	31	1	2
rive 1b	64.8	32	5	2
rive 2a	28.8	14	5	2
rive 2b	31.3	15	8	2
rive slab	180.0	20	0	9
IP footings	0.8	4		0.5
deck footings	6.3	8		1
total	1485.7			
ot Size	4263.0			

Accessory Residential Features				
	Area	L Feet	L inch	W
Front Deck	30.0	7	6	4
Porch	60.0	15	0	4
Rear Deck	300.0	30		10
Total	390.0			
Lot Size	4263.0			
Coverage %	9.1%			

Applicant: Tom and Karen Furland

Owner: Joseph Benoit

Site Plan

3127 North Avenue Extension

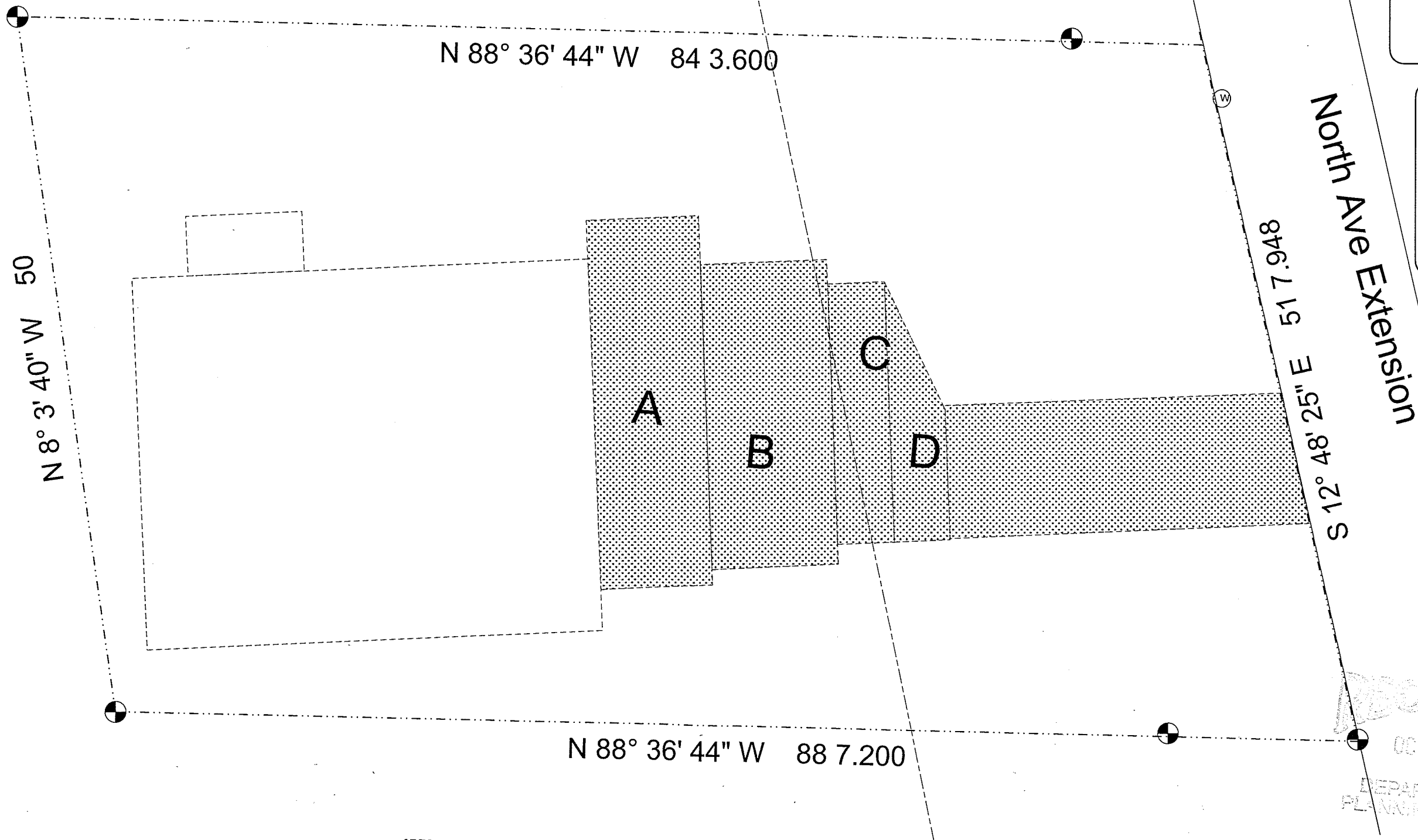
SIZE FSCM NO DWG NO

A0.2

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Φ



Legend

- Overlaid Power
- Water
- Utility
- Water
- Boundary of Riparian and Conservation
- Local Boundary

Zoning

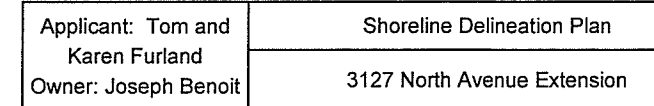
Zone	
RL-W	
Riparian and Littoral Conservation Zone	
Mouth of the River Overlay District	
Design Review Overlay District	

Applicant: Tom and
Karen Furland
Owner: Joseph Benoit

Existing Conditions Plan
3127 North Avenue Extension

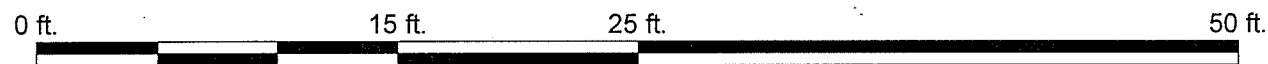
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---	Water
	Utility
	Water
 ---	Boundary of
	Riparian and
	Conservation
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Zone	
RL-W	1
Riparian and Littoral Conservation Zone	6
Mouth of the River Overlay District	1
Design Review Overlay District	1

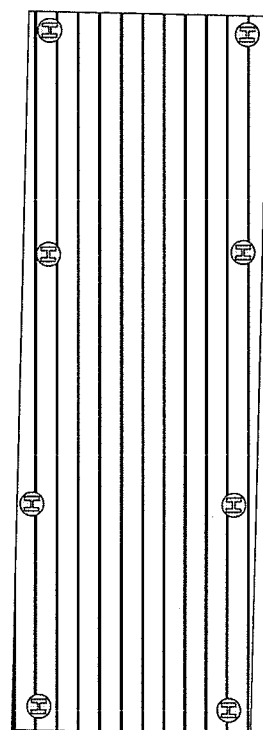




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N 8° 3' 40" W 50



N 88° 36' 44" W 84 3.600

2

Trench

Trench

Soil stockpile

N 88° 36' 44" W 88 7.200

North Ave Extension
51° 48' 25" E 51 7.948
12° 48' 21" S

Legend

- Overhead Power
- Water
- Utility
- Water
- Boundary of Riparian and Conservation
- Local Boundary

Zoning

Zone	
RL-W	1
Riparian and Littoral Conservation Zone	6
Mouth of the River Overlay District	1
Design Review Overlay District	1

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OCT 13 2015

Applicant: Tom and Karen Furland		Erosion Control Plan	
Owner: Joseph Benoit		3127 North Avenue Extension	
SIZE	FSCM NO	DWG NO	



0 ft. 15 ft. 25 ft. 50 ft.

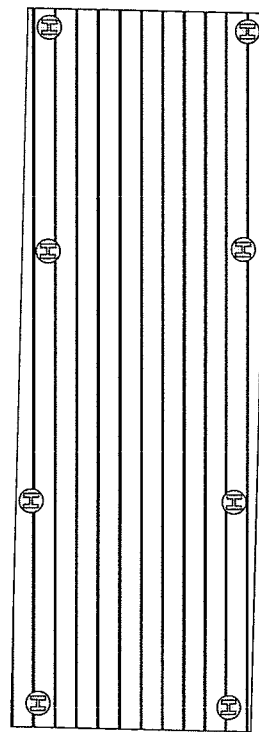
N 88° 36' 44" W 84 3.600

2

50

N
N

Quercus Rubra 2
Existing Northern Red Oak



Snow Storage

Snow Storage

Quercus Rubra 1
Existing Northern Red Oak

N 88° 36' 44" W 88 7.200

North Ave Extension
51° 7' 9.48" E 51 7.948
12° 48' 25" E 12 48.25

Legend

- Overl
- Pov
- Water
- Utility
- Water
- Boundary of
- Riparian and
- Conservation
- L
- Bour

Zoning

Zone	
RL-W	
Riparian and Littoral	
Conservation Zone	
Mouth of the River Overlay	
District	
Design Review Overlay	
District	

The Landscaping will be similar to neighboring properties (mostly lawn and minimal screening). Garbage containers will be stored in the

Applicant: Tom and
Karen Furland
Owner: Joseph Benoit

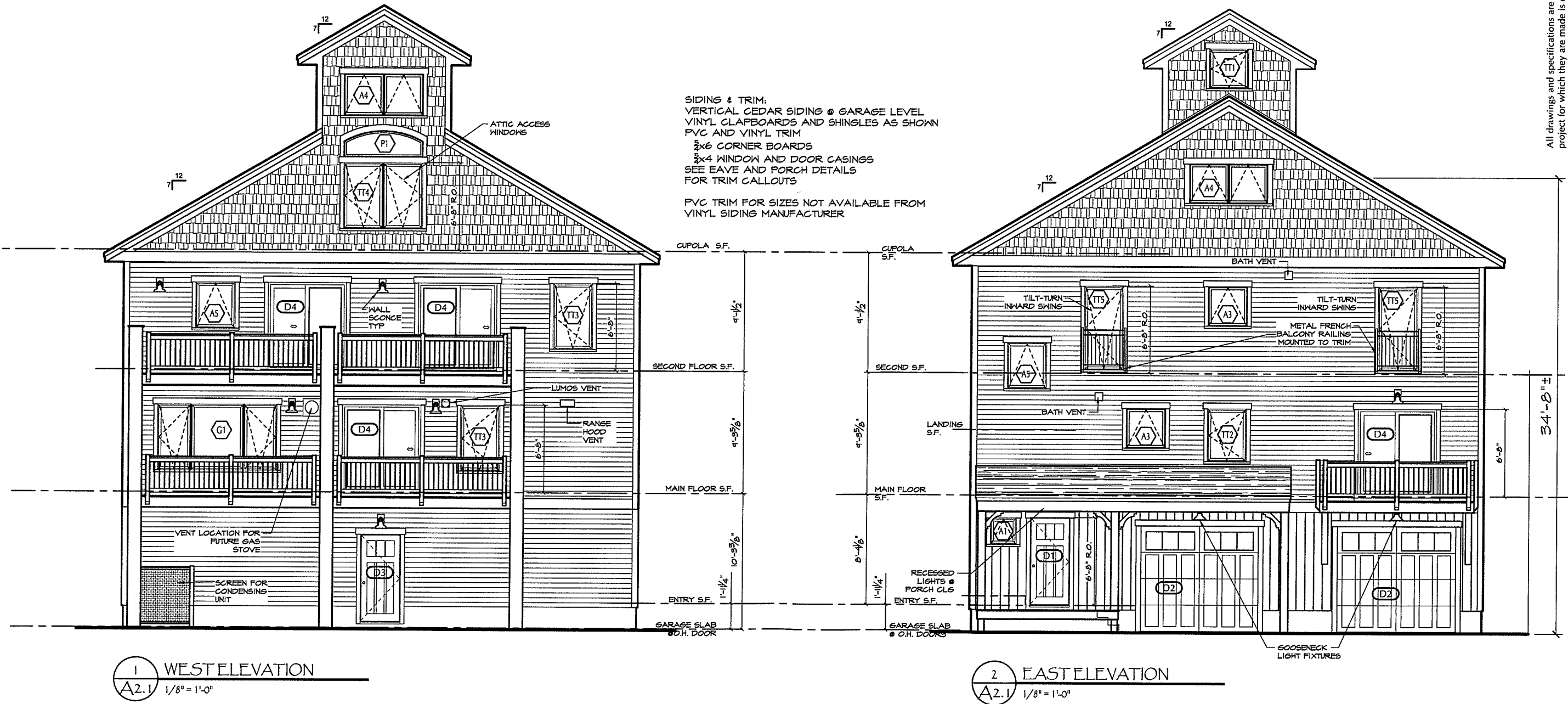
Landscape Plan

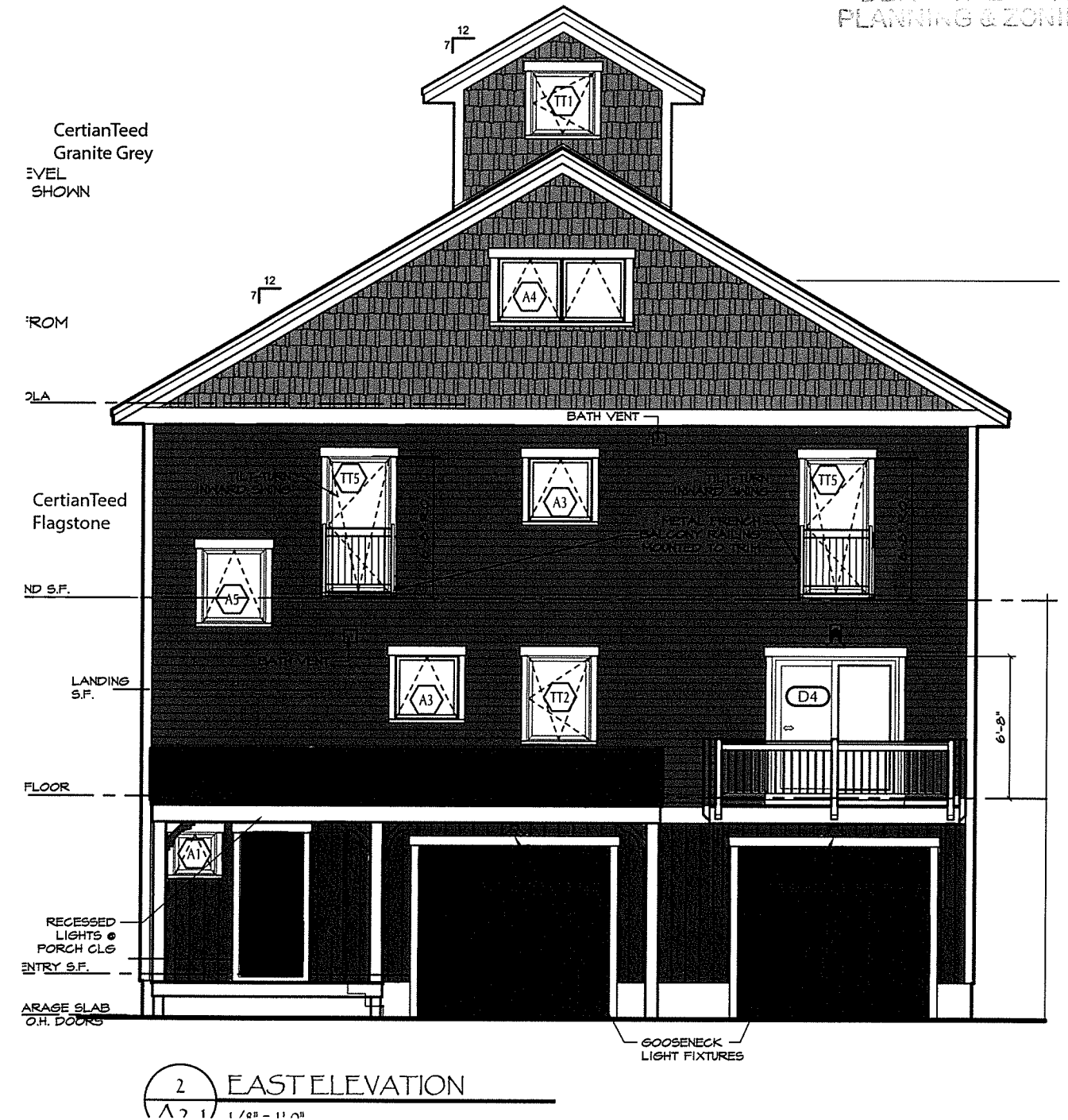
3127 North Avenue Extension

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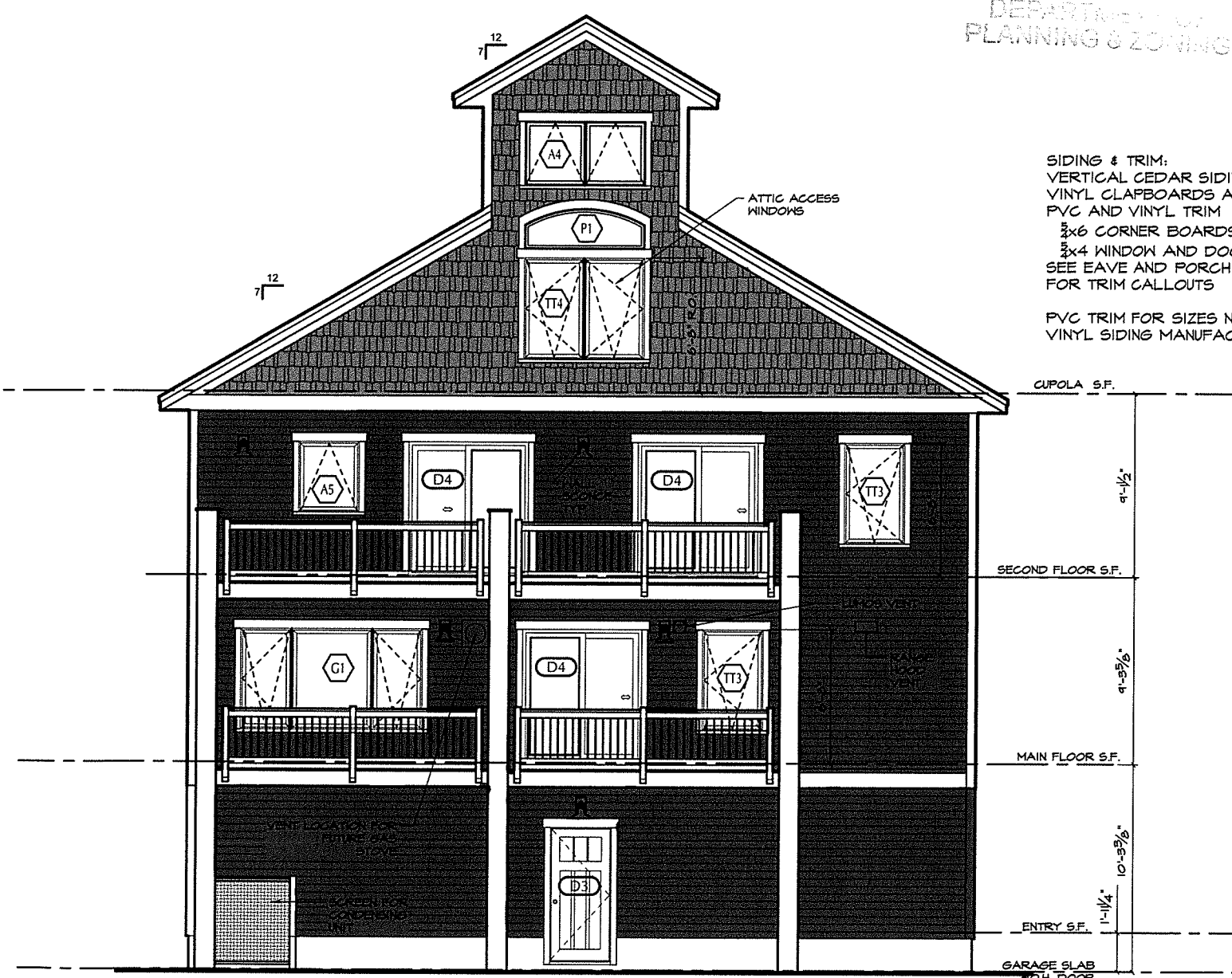




Applicant: Tom and Karen Furland		Color Rendering - Front	
Owner: Joseph Benoit		3127 North Avenue Extension	
SIZE	FSCM NO	DWG NO	
September 16, 2016	SCALE	A4.0	
		PROJECT	

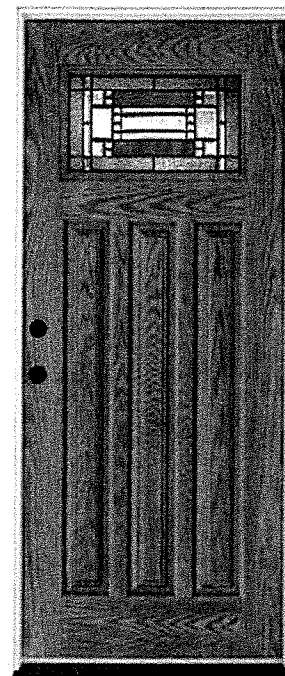
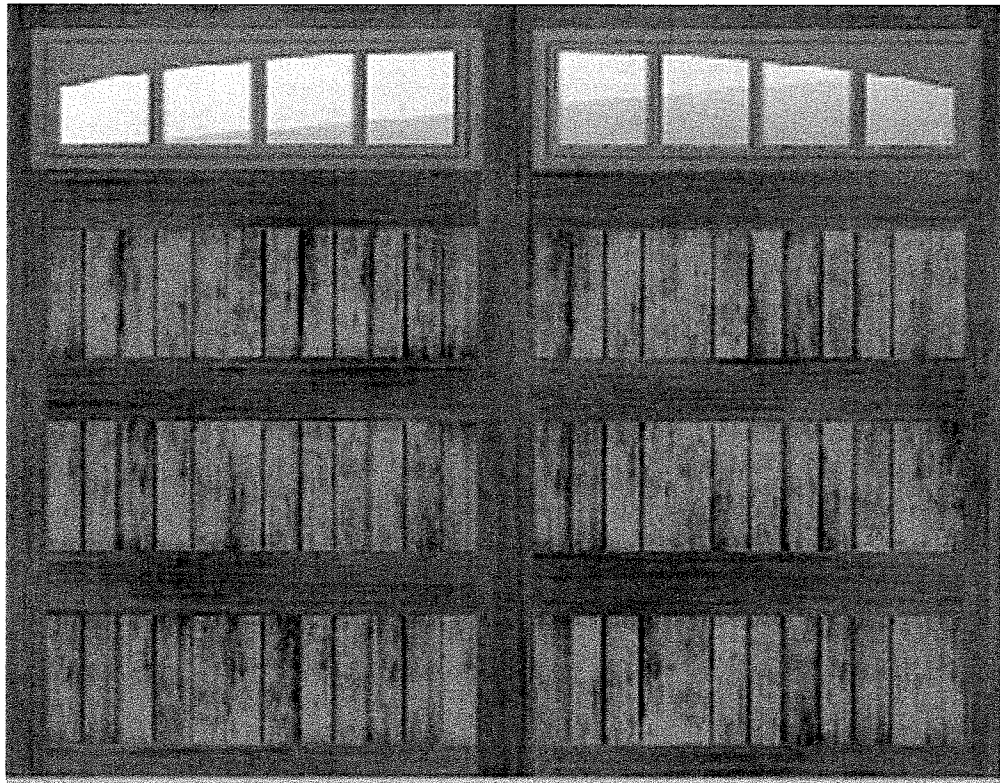


1 WEST ELEVATION
A2.1 1/8" = 1'-0"

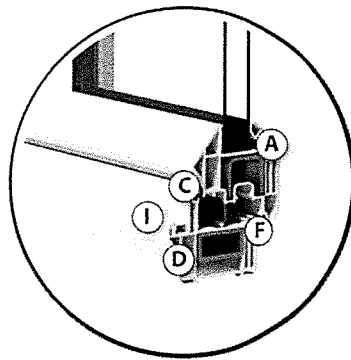
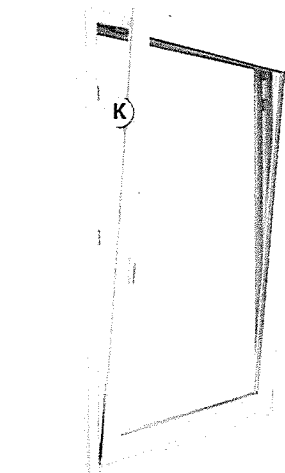
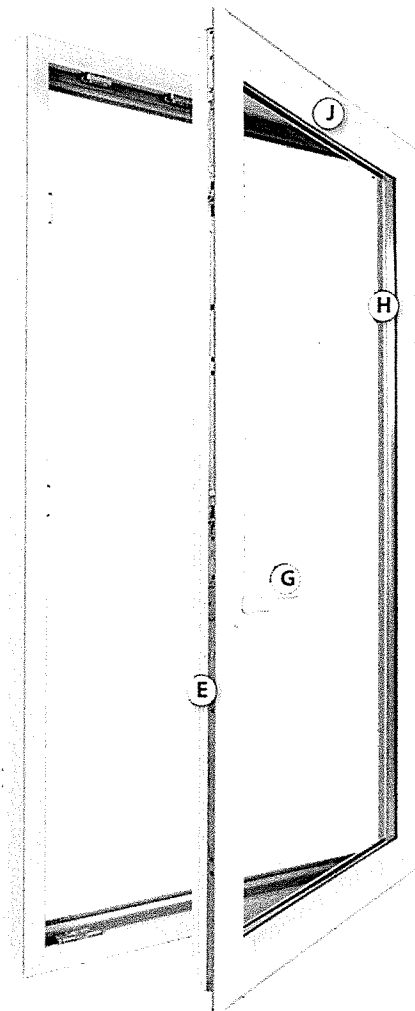


1 WEST ELEVATION
A2.1 1/8" = 1'-0"

Applicant: Tom and Karen Furland		Color Rendering - Rear			
Owner: Joseph Benoit		3127 North Avenue Extension			
	SIZE	FSCM NO	DWG NO		
			A4.1		
September 16, 2016	SCALE		SHEET	11 OF 1	



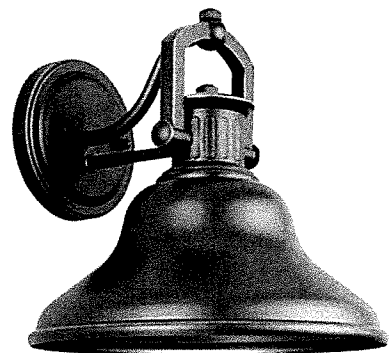
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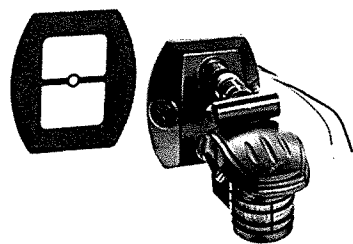
Equinox Features & Benefits



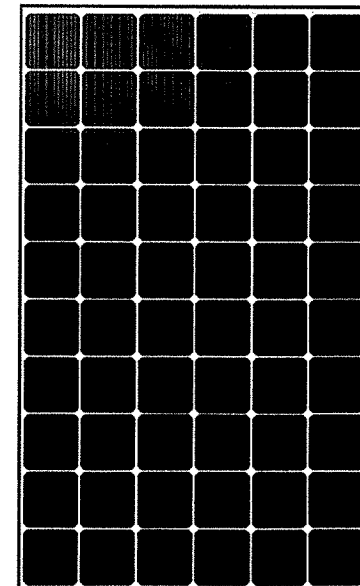
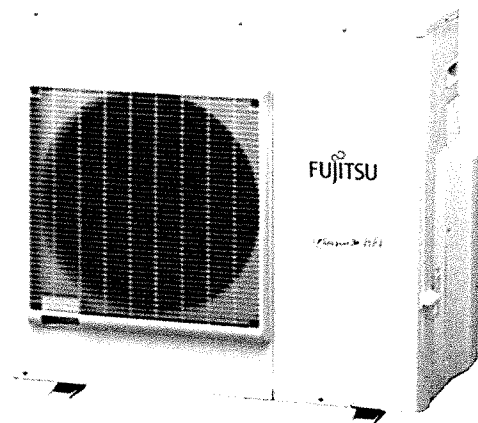
Garage light



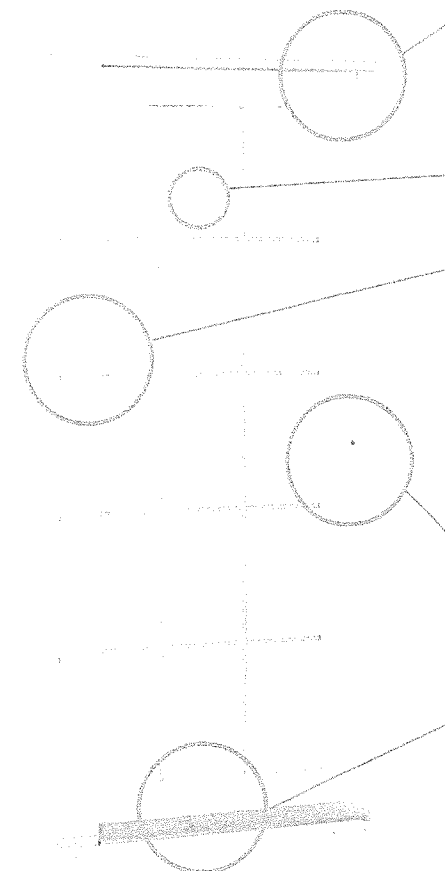
Deck Light



Motion detector

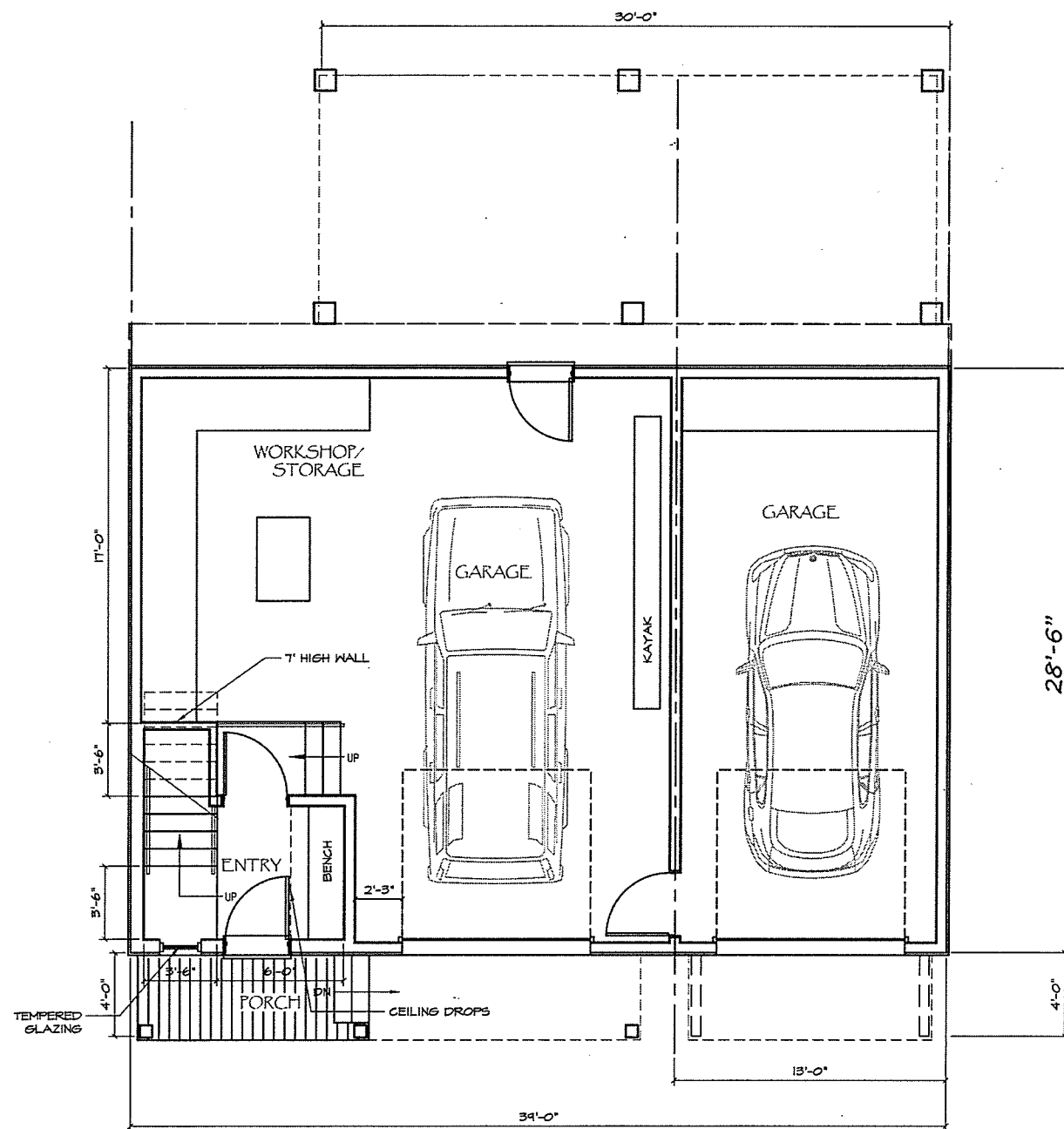


LG NeON™ 2

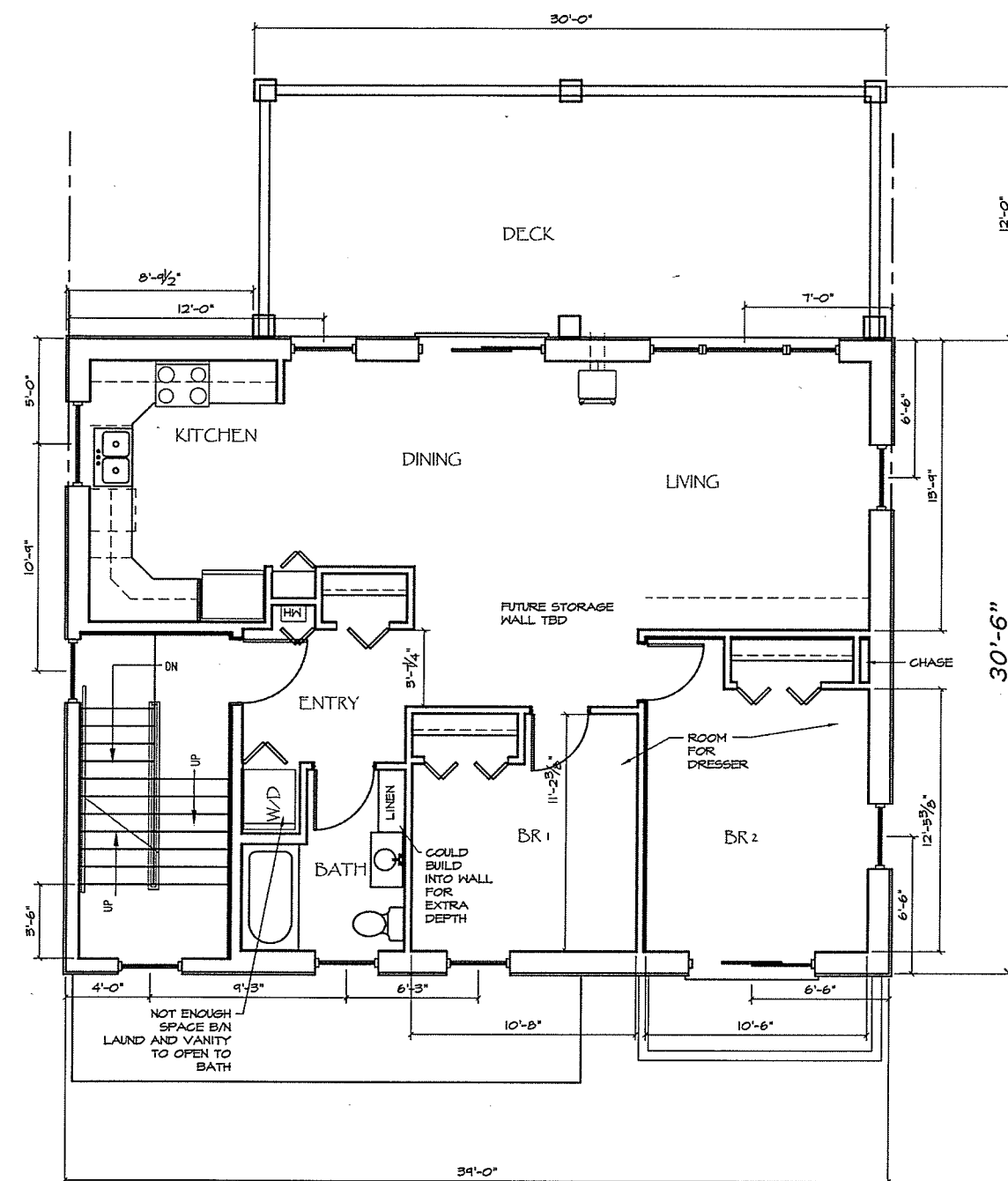








1 GROUND FLOOR PLAN
A1.1 1/8" = 1'-0"



2 MAIN FLOOR PLAN
A1.1 1/8" = 1'-0"

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0 4' 8' 16'



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

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ALPINE ARCHITECTS

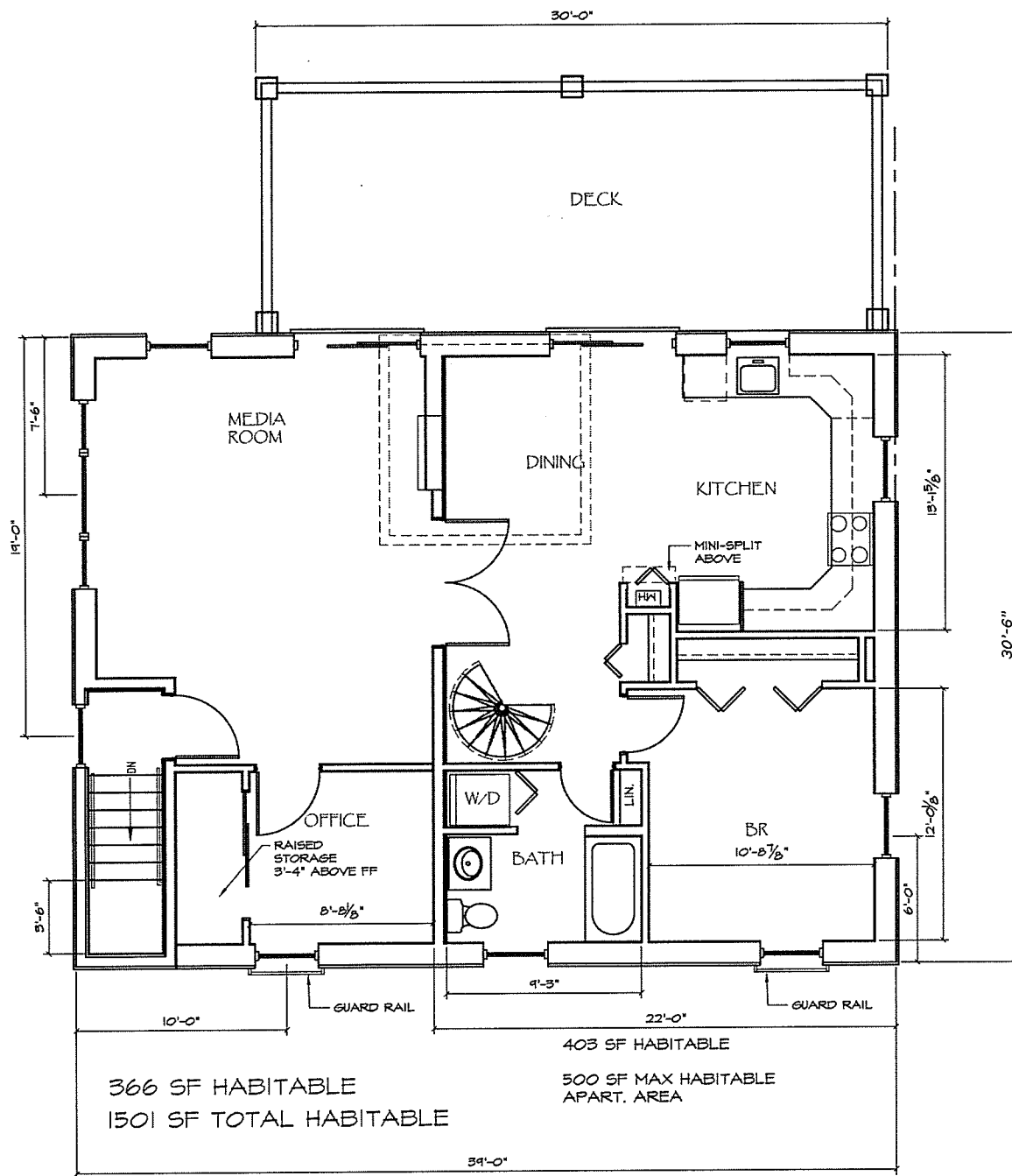
REVISION:

DATE:

PLAN

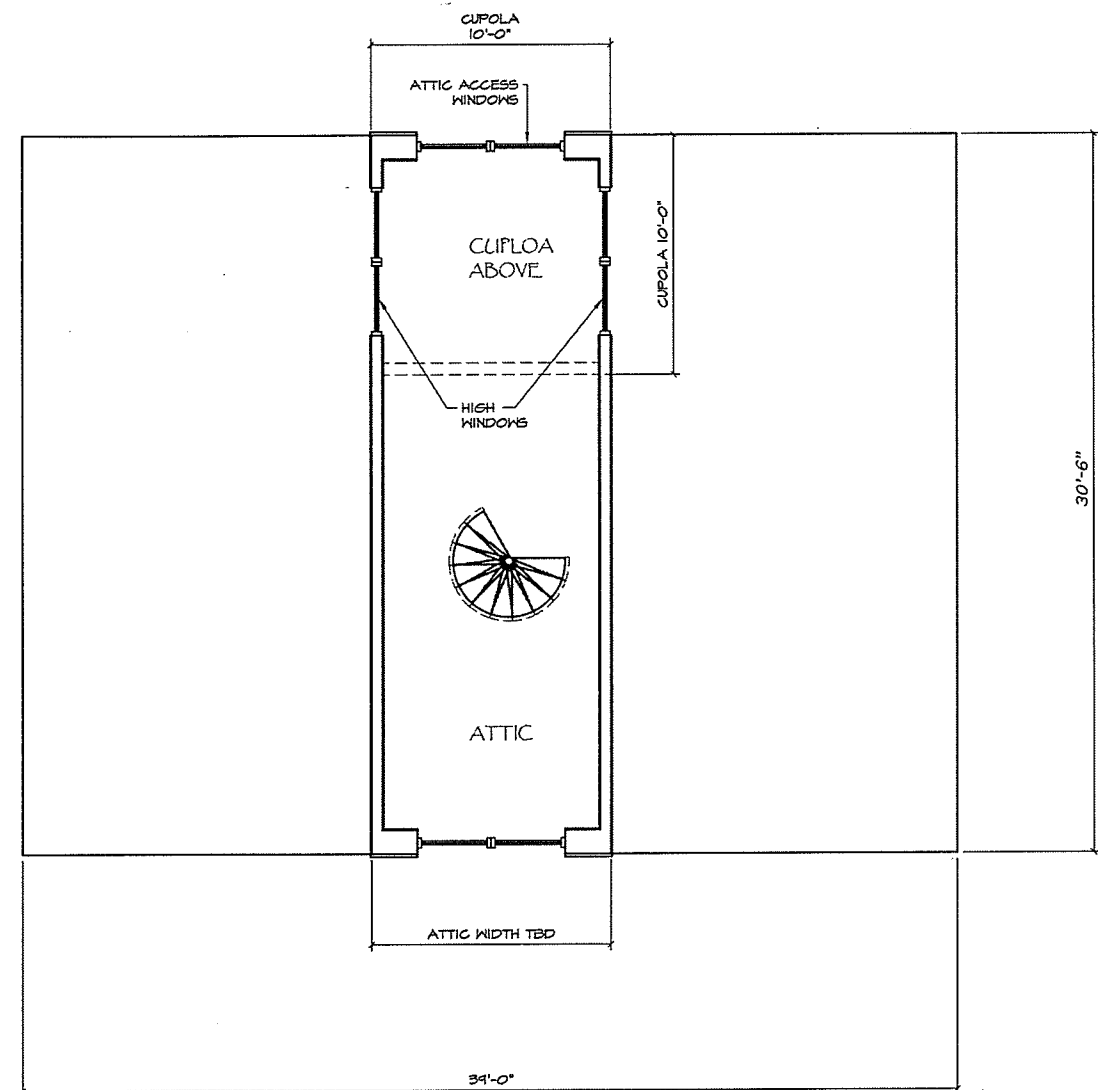
Residence

PERMIT PLANS

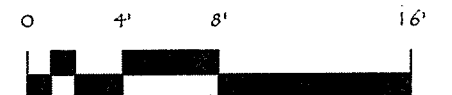


1170 GROSS SF
3432 TOTAL GROSS SF

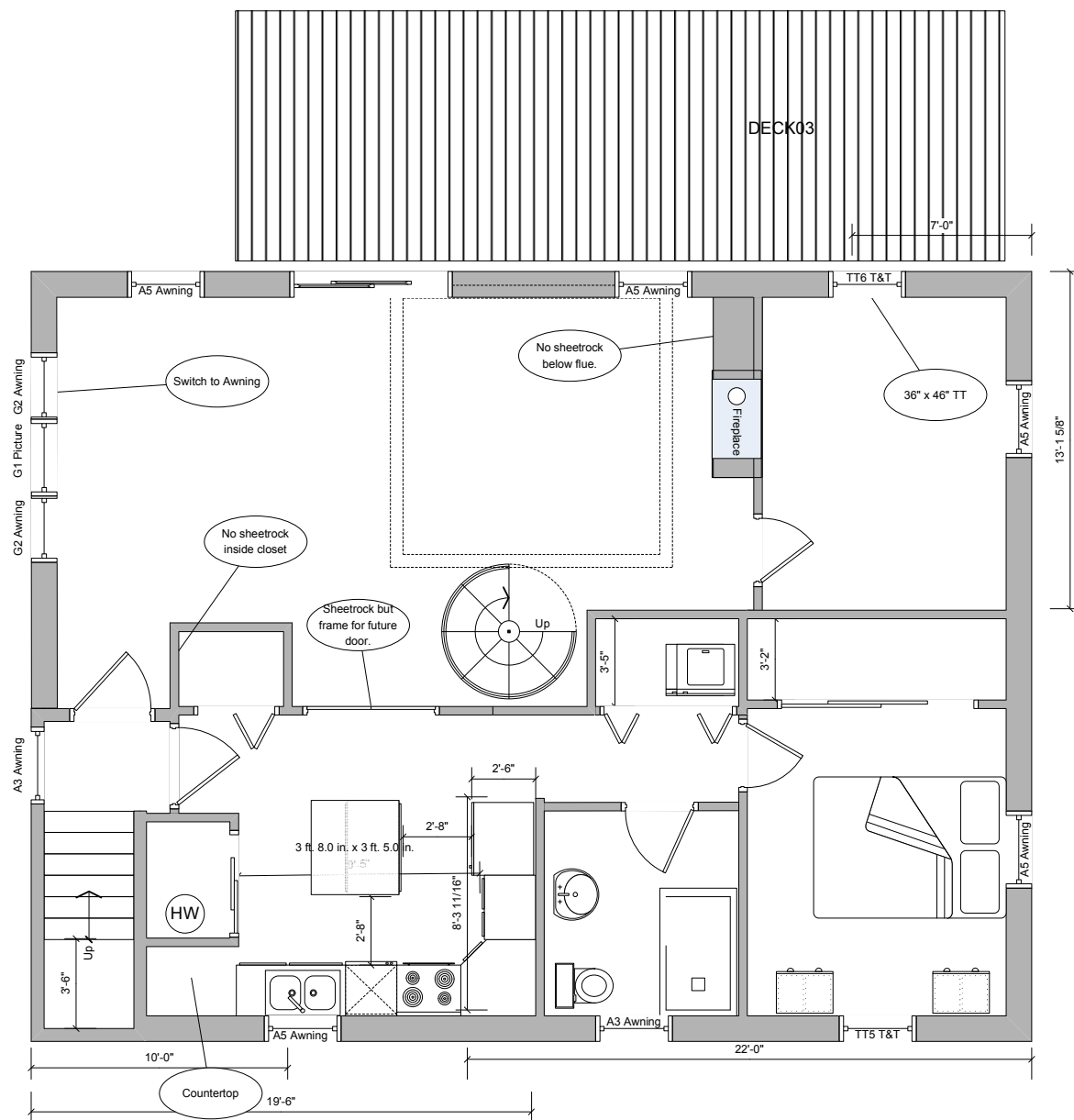
1 UPPER FLOOR PLAN
A1.2 1/8" = 1'-0"



2 ATTIC PLAN
A1.2 1/8" = 1'-0"



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Chapin Spencer
PUBLIC WORKS DIRECTOR

Norman J. Baldwin, P.E.
CITY ENGINEER



P.O. Box 849
BURLINGTON, VT
05402
(802) 863-9094 P
(802) 863-0466 F

October 28, 2016

Tom Furland
3 Tanglewood Drive
Essex Junction, VT 05452

Re: Water/Sewer Capacity for Single Family Home at 3127 North Avenue Extension

Dear Mr. Furland,

This letter is to inform you, the State of Vermont Environmental District and other interested parties that the City of Burlington's water and wastewater facilities have sufficient capacity to handle flows associated with a new home at the above address. Using the State Environmental Protection Rules, we have calculated the water and sewer demands to be 405 gpd and 210 gpd (gals/day), respectively. This based on a total of three bedrooms (2 plus 1 accessory apartment bedroom) at 135 gpd each for water and a fixed residential wastewater rate for connections to a large municipal system.

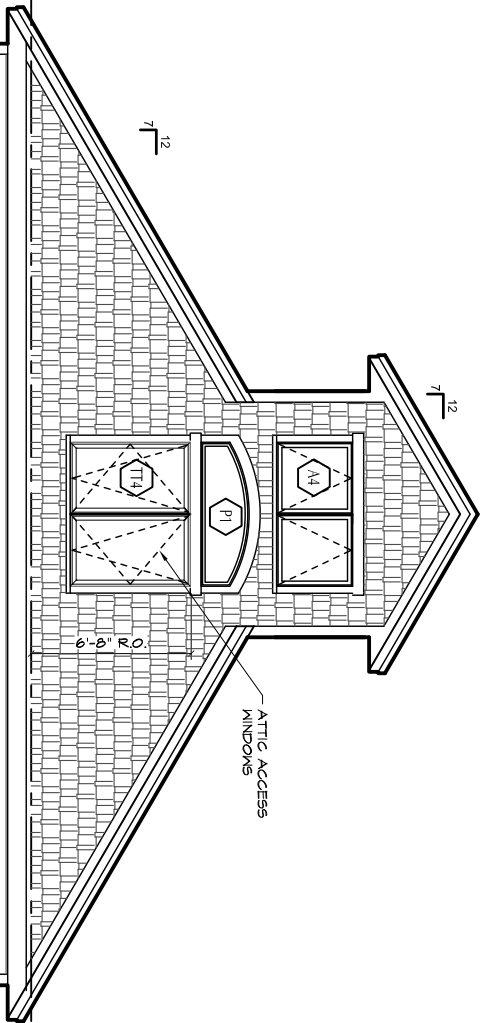
Flow from this area is treated at our North Wastewater Plant on North Avenue. It is important to note that this letter only addresses treatment plant and not distribution or collection system capacities.

This letter is good for one (1) year from the date of writing. If this letter is not filed with the proper offices, or if the proper permits are not obtained within that year, you will need to reapply. Any changes in flow estimates or property usage also requires reapplication. Please feel free to call me at 865-7258 if you have any questions.

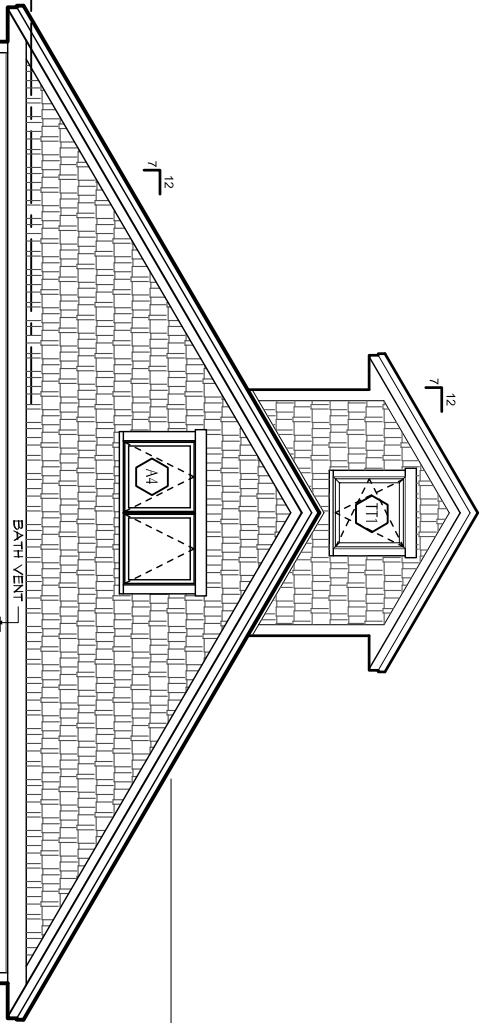
Sincerely,

A handwritten signature in black ink, appearing to read "Steve Roy".

Steve Roy, P.E.
Water Resources Engineer



SIDING & TRIM:
VERTICAL CEDAR SIDING @ GARAGE LEVEL
VINYL CLAPBOARDS AND SHINGLES AS SHOWN
PVC AND VINYL TRIM
3/4\"/>



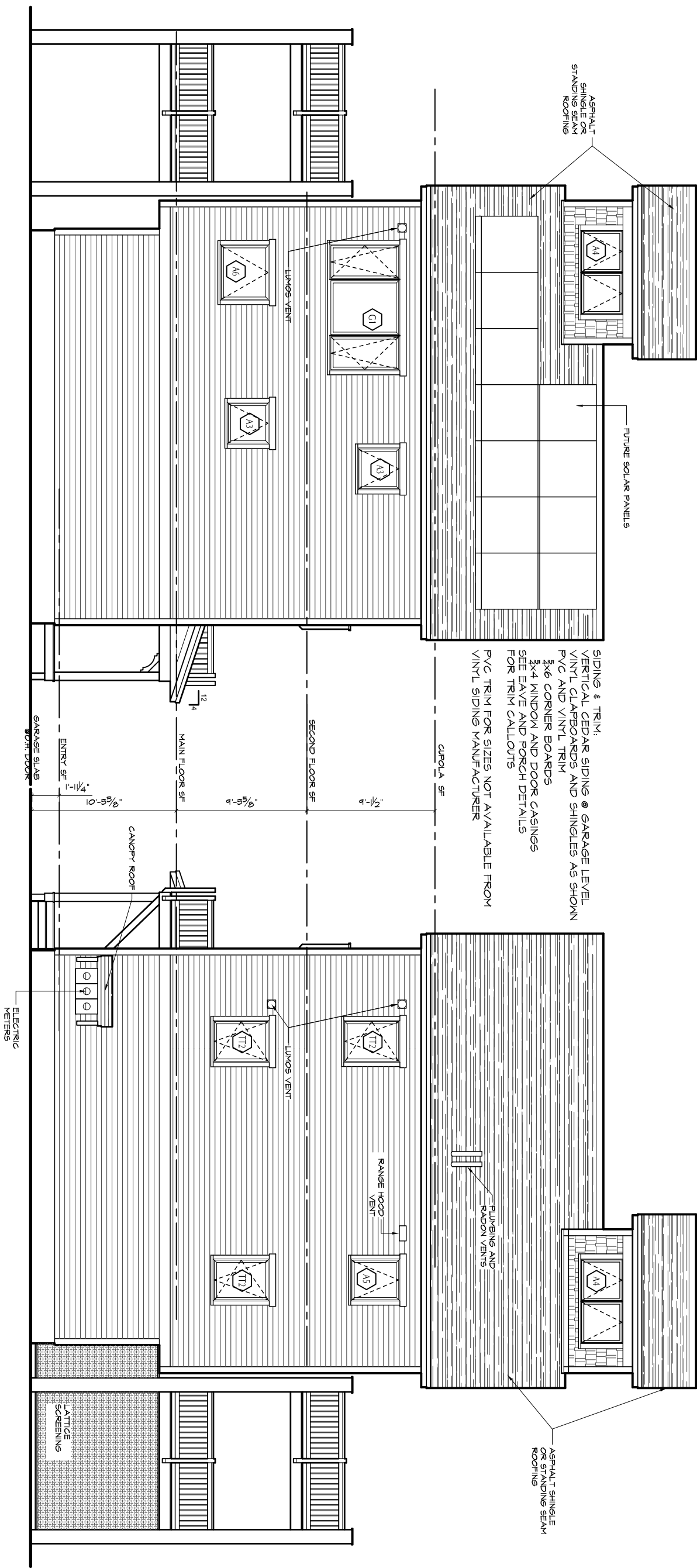
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1 WEST ELEVATION
A2.1 1/8" = 1'-0"

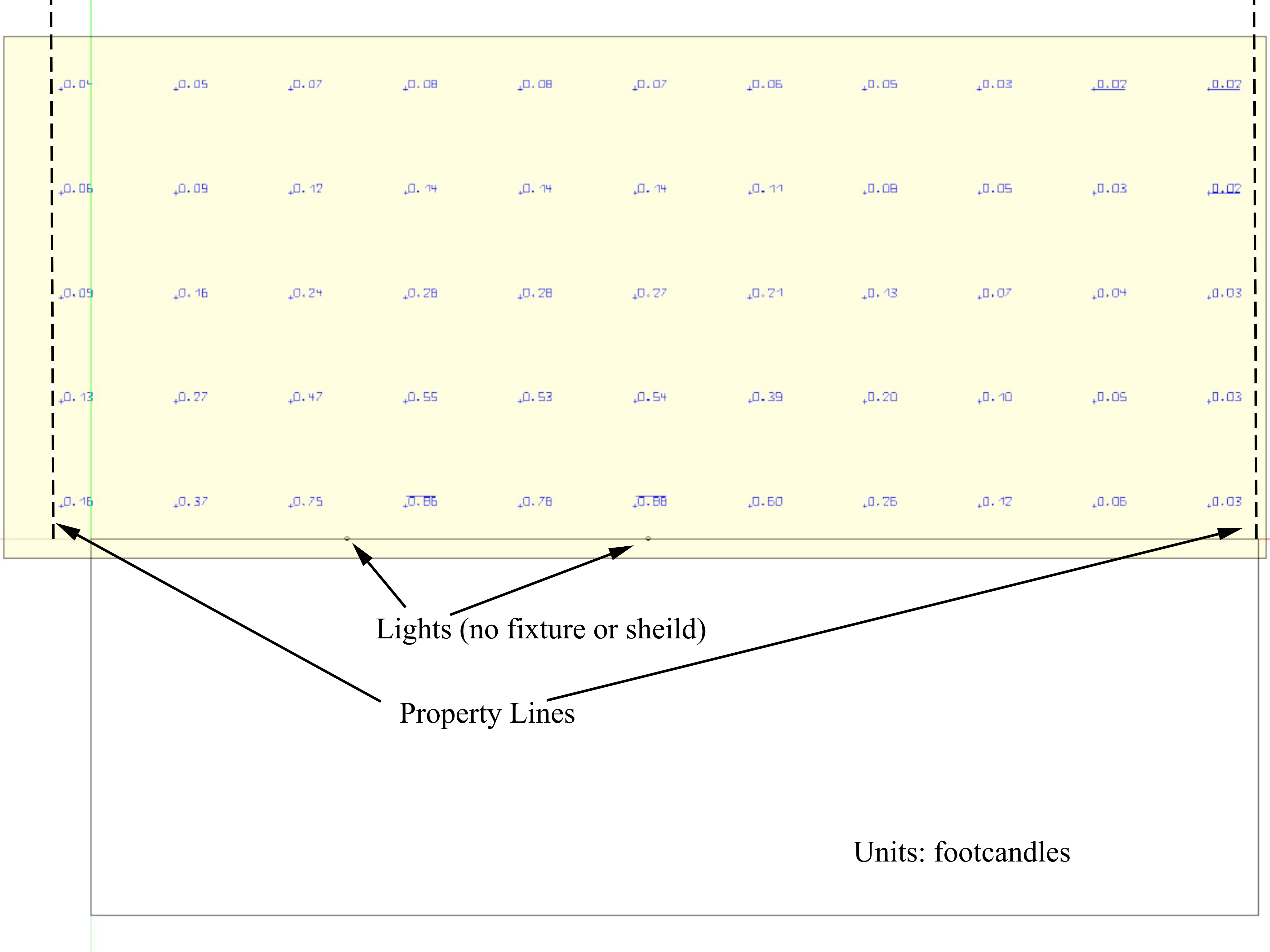
2 EAST ELEVATION
A2.1 1/8" = 1'-0"



Figure 1 shows a grayscale image of the galaxy cluster with a color bar on the right. The color bar is labeled "SCALE: 1/8'' = 1^{-0.0''}". The color bar has a scale from 0 to 16, with major ticks at 0, 4, 8, and 16. The image shows a central bright region with a complex, irregular shape, surrounded by a diffuse, elongated structure. The color bar indicates that the intensity scale is in units of 1/8'' = 1^{-0.0''}.



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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

Austin Hart
Brad Rabinowitz
Israel Smith
AJ LaRosa
Geoff Hand
Alexandra Zipparo
Wayne Senville
Jim Drummond, (Alternate)
Robert Purvee, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday November 1, 2016, 5:00 PM

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

Minutes

Board Members Present: Austin Hart, Brad Rabinowitz, Geoff Hand, Israel Smith, Alexandra Zipparo, A.J.LaRosa, Wayne Senville, Jim Drummond, Robert Purvee

Board Members Absent:

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

I. Agenda

II. Communications

Supplemental communications on two items accepted for 3127 North Ave and 702 Lake St

III. Minutes

IV. Consent

1. 15-0129CA/CU; 1398 NORTH AVENUE (RL, Ward 7N) Peter and Mary Bessery

Extension of time for demolition of existing building and construct new two story building with market on ground floor and two residential units on second floor.

(Project Manager, Scott Gustin)

AHart: applicant not in attendance and no interested parties.

B.Rabinowitz: motion to approve staff conditions and recommendations.

I.Smith: seconds the motion.

A.Zipparo: asks if applicant needs to be present.

AHart: no further discussion.

Board Vote: 7-0-0. Motion approved.

V. Public Hearing

1. 17-0267SD; 311-375 North Ave (RM-W, Ward 4N) BCCH

Final plat review of 11-lot subdivision. No development included.

(Project Manager, Scott Gustin)

A.Hart: applicant not present and asked for a deferral and not considered tonight.

Will consider when applicant is ready.

Interested party wants to submit a letter to Planning and Zoning.

2. 17-0302CU; 702 Lake St (UR/DW-PT/RM-W, Ward 4N/3C) City of Burlington

Renewal of winter snow storage on urban reserve parcel. (Project Manager, Scott Gustin)

G.Hand recused.

AHart; no interested parties; swears in applicant

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

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R.Green: requesting extension for two years for storage of snow; location is old fuel tanks area; Changes over last year with development and asking to store snow.
 A.Hart: went through conservation board and pleased to have their comments. The only issue is the noise issue. Occasionally, the market place uses area for snow removal. Question if DPW will have control over removal and the noise of slamming of trucks
 R.Green: need to make sure piling snow is done properly. Will monitor and maintain piles of snow, the slamming of tail gates is a problem when snow sticks with the noise and echo. Will educate employees.
 A.Hart: does DPW have review over marketplace operations
 R.Green: will discuss issues and be point of contact
 B.Rabinowitz: hours of removal from Church St
 R.Green: DPW does removal after hours; marketplace can be anytime
 B.Rabinowitz: asks for after 9am
 A.Hart: preference for one year extension. No interested parties
 Public hearing was closed.

3. 17-0189CA; 28 Pine St (D, Ward 3C) Chris Khamnei

Appeal of zoning permit denial to change use to single family residence.
 (Project Manager, Scott Gustin)

R.Purvee: recused.
 A.Hart: no appellant and will skip and come back
 A.Hart: reopens hearing. The city will go first and appellant can reply. Swears in applicant and staff
 S.Gustin: property is mixed community. Applied for residential SF, but ordinance denies this.
 B.Rabinowitz: are 4 or 5 buildings grandfathered?
 S.Gustin: would have to look into this further
 B.Rabinowitz: asks if this is a change of use
 C.Khamnei: assistant filed this since he cannot rent this space. Any lot can have 6 units
 Commercial use is on ground level
 A.Hart: not used as SF since 1983
 C.Khamnei: discontinuance laws do not apply
 A.Hart: asks for interested parties. Closed public hearing.

4. 17-0427CA/CU; 3127 North Ave (RL-W, Ward 7N) Joseph Benoit III/Thomas Furland
 Remove existing garage and construct a new residence. (Project Manager, Scott Gustin)

A.Hart: swears in applicant and interested parties
 T.Furland: owner of property has seen staff conditions and mentions items 6 and 2
 A.Hart: old plans didn't distinguish size restrictions and spaces. Asks staff for comments
 S.Gustin: revised floor plan does comply
 T.Furland: landscape plan not specific yet
 B.Rabinowitz: suggest a plan
 S.Gustin: recommendation but Board can require it
 W.Senville: staff recommendations about attic changed
 T.Furland: yes the new plan has changed
 B.Rabinowitz: site plans have existing photos
 A.Hart: are there staff concerns
 S.Gustin: the issues of accessory apartment have been addressed
 A.Hart: asks applicant if landscaping plan will be deferred
 T.Furland: staff is recommending a landscaping plan, but not requiring it. Want to put off for now
 A.Hart: asks for interested parties to speak.

T.Ducek: resides directly behind house and excited about project. Wants protection of important views. Some confusion over boundaries in this area. Structure may be bigger than what it was before, which is part of reason we live here. Need landscape protection
 A.Hart: ordinance asks for protection of public views, setbacks and building heights are not defined. Asks where is house going to be and would be helpful to know what they plan to do
 W.Senville: asks staff to explain setback
 S.Gustin: exception for rear yard setback. Nonconformities allowed as long as they reduce it.
 T.Furland: will talk to neighbors about landscape plan
 J.Drummond: existing plan paved the area parking
 A.Hart: closed public hearing

VI. Sketch Plan

- 1. 17-0432SP; 30-32 Howard St/400Pine St (ELM, Ward 5S) Howard Space Partnership**
 Construction of multiuse building for studios, offices and replacement of two residential units.
 (Project Manager, Mary O'Neil)

J.Unsworth: 4th generation owner of Howard Center. Went over history of property and relationship to family. Proposing higher density with an artist studio and commercial space. Lower floor for artists' studios and upper floors for office with higher rents.
 D.Vaneman: architect for the project spoke about going before the Technical Review Board
 B.Rabinowitz: asks about property lines
 A.Zipparo: asks about an aerial orientation of Pine St and Howard St and removal of buildings
 D.Vaneman: Removal of three buildings providing extra clearance for the existing building to open up area. Parking spaces from the north side will have 25 under the building and 4 surface spaces
 G.Hand: questions access to parking
 D.Vaneman: easy access on Pine St
 K.Worden: described parking and turning radius.
 D.Vaneman: discussed the parking waiver, possibly eliminating some parking
 J.Unsworth: adding 17 studios
 A.Hart: provide a report for the buildings being taken down. Want to take a long at the demolition and how it relates to historic structures
 B.Rabinowitz: the elevation is not easy to judge and need more context
 D.Vaneman: spoke of materials list and elevation
 J.Drummond: asked about raising floor level on first floor relative to the elevation of nearby houses and grade change.
 A.Zipparo: the parking has to be better than it is now. It will be hard to convince me that you will be responsible with expansion of the parking waiver. There was a violation all summer long
 A.Hart: definitely an opportunity to understand parking on the entire block
 B.Rabinowitz: need to look at how pairing works with other studios and provide the data
 J.Unsworth: happy to get data on parking
 A.Hart: great project and novel issue of replacing housing
 B.Rabinowitz: questions on setbacks
 J.Drummond: questions about the housing being torn down
 W.Senville: spoke about staff concerns with historic structures and demolition
 D.Vaneman: thought about using aspects of the building
 G.Hand: vault building is intriguing and gives historic context and massing and scale and would like to see the context. The barn is less significant than the vault structure
 I.Smith: said this is a site where buildings evolved over time having a rich environment. Taking down and putting up something that's different but what is being replaced should reinforce overall site. Building aspects that don't fit need to get more expressive and unique to the site
 A.Hart: demolishing the historic building will provide substantial contribution. It is halfway there, but the design and aesthetics may need attention.
 B.Rabinowitz: questions the scale and pricing
 J.Unsworth: new building will be higher. We are trying to keep the historic nature and have it compliment some historic aspects.

VII. Other Business

VIII. Adjournment

Meeting adjourned at 6:23pm.

Deliberative session held after meeting.

Austin D. Hart, Chairperson Development Review Board

Date

A.Wade, Planning & Zoning Clerk

Date

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

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

This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.