

## Burlington Development Review Board

Department of Permitting & Inspections  
645 Pine Street  
Burlington, VT 05401  
[www.burlingtonvt.gov/DPI/DRB](http://www.burlingtonvt.gov/DPI/DRB)  
Telephone: (802) 865-7188  
Fax: (802) 863-0466

Brad Rabinowitz  
AJ LaRosa  
Geoff Hand  
Brooks McArthur  
Kieran Christianson  
Caitlin Halpert  
Chase Taylor  
Sean McKenzie, (Alternate)



### BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, October 19, 2021, 5:00 PM PUBLIC HEARING NOTICE

**Physical location: 645 Pine Street, Front Conference Room, Burlington VT 05401**  
and

**Zoom:** <https://us02web.zoom.us/j/84010525738?pwd=V0ZCK3pgM1VhbEoxMUZGYmhDVm0rQT09>

**Password:** 272000

**Webinar ID:** 840 1052 5738

**Telephone:** +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or  
+1 253 215 8782 or +1 346 248 7799

- 1. ZP-21-655; 162 North Champlain Street (RM, Ward 3C) Jessica Hyman**  
Demolish existing garage included in VT historic register and replace with larger garage.
- 2. ZAP-21-15; 227-235 Main Street (FD5, Ward 6S) Winkeldom, LLC / Mark Hall**  
Appeal notice of zoning violation regarding illuminated window graphics.

Plans may be viewed upon request by contacting the Department of Permitting & Inspections between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at [www.burlingtonvt.gov/dpi/dr/ agendas](http://www.burlingtonvt.gov/dpi/dr/ agendas) or the office notice board, one week before the hearing for the order in which items will be heard.

*The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.*

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

Printed on 100% Recycled Paper

## Burlington Development Review Board

Department of Permitting & Inspections  
645 Pine Street  
Burlington, VT 05401  
[www.burlingtonvt.gov/DPI/DRB](http://www.burlingtonvt.gov/DPI/DRB)  
Telephone: (802) 865-7188  
Fax (802) 863-0466

Brad Rabinowitz  
AJ LaRosa  
Geoff Hand  
Brooks McArthur  
Kieran Christianson  
Caitlin Halpert  
Chase Taylor  
Sean McKenzie, (Alternate)



### BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, October 19, 2021, 5:00 PM

#### AGENDA

**Physical location: 645 Pine Street, Front Conference Room, Burlington VT 05401**  
and

**Zoom: <https://us02web.zoom.us/j/84010525738?pwd=V0ZCK3pgM1VhbEoxMUZGYmhDVm0rQT09>**

**Password: 272000**

**Webinar ID: 840 1052 5738**

**Telephone: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or  
+1 253 215 8782 or +1 346 248 7799**

**I. Agenda**

**II. Communications**

**III. Minutes**

**IV. Consent**

- 1. ZP-21-655; 162 North Champlain Street (RM, Ward 3C) Jessica Hyman**  
Demolish existing garage included in VT historic register and replace with larger garage. (Project Manager, Scott Gustin)

**V. Public Hearing**

- 1. ZAP-21-15; 227-235 Main Street (FD5, Ward 6S) Winkeldom, LLC / Mark Hall**  
Appeal notice of zoning violation regarding illuminated window graphics. (Project Manager, Ted Miles)
- 2. ZP-21-577; 63 North Avenue (RM-W, Ward 3C) Joseph Piscotty**  
Variance request to place a garbage shed within required setbacks. *Continued hearing.* (Project Manager, Ryan Morrison).

**VI. Certificate of Appropriateness**

- 1. ZP-21-653; 105 Carrigan Drive (I, Ward 1E) University of Vermont**  
Proposed elevator addition, entrance improvements, and associated site improvements to the Hills Agricultural Sciences Building and its environs. (Project Manager: Ryan Morrison)

**VII. Adjournment**

Plans may be viewed upon request by contacting the Department of Permitting & Inspections between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at

*The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).*  
Printed on 100% Recycled Paper

[www.burlingtonvt.gov/dpi/drb/agendas](http://www.burlingtonvt.gov/dpi/drb/agendas) or the office notice board, one week before the hearing for the order in which items will be heard.

*The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.*

## Department of Permitting & Inspections

Zoning Division  
645 Pine Street  
Burlington, VT 05401  
Telephone: (802) 865-7188

William Ward, Director  
Scott Gustin, AICP, CFM, Principal Planner  
Mary O'Neil, AICP, Principal Planner  
Ryan Morrison, Associate Planner  
vacant, Permit Technician  
Ted Miles, Code Enforcement Officer  
Charlene Orton, Permitting & Inspections Administrator



**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** October 19, 2021  
**RE:** ZP-21-655; 162 North Champlain 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: RM                      Ward: 3C

Owner/Applicant: Jessica Hyman & Sean Melinn

**Request:** Demolish existing garage included in VT historic register and replace with larger garage.

### **Applicable Regulations:**

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

### **Background Information:**

The home at 162 North Champlain Street was constructed circa 1867 and is included in the Vermont Register of Historic Places. The detached garage, while built significantly later circa 1940, is also included in the listing. This application proposes to demolish the garage and to replace it with a larger detached garage. Demolition of historic structures requires Conditional Use Review, per Section 5.4.8 (d) of the Comprehensive Development Ordinance.

A very similar application was reviewed and approved by the Development Review Board in 2018. Demolition was approved along with a replacement garage. This zoning permit was not acted on in a timely manner and expired. This new application also includes demolition with a somewhat larger replacement garage (12' X 24') than previously approved (12' X 20').

Previous zoning actions for this property are noted below:

- 8/28/18, Approval to demolish garage and replace with new garage (*expired*)
- 6/20/18, Approve to reduce size of front porch and to add new open porch
- 2/9/17, Approval for exterior building renovations and fence work
- 11/5/09, Approval for roof work and to add shed, modify front porch, and replace windows

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

### **I. Findings**



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

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

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

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

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

Removal and replacement of the garage will have no effect on this criterion. **(Affirmative finding)**

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

This is a medium density residential district; the loss of a characteristically small “automobile shed” will not result in a loss of residential units or overall character of the zoning district.

**(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;*

Demolition and replacement of the garage is not expected to generate nuisance impacts from noise, odor, dust, and the like. **(Affirmative finding)**

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

There is no anticipated change to traffic. **(Affirmative finding)**

- 5. The utilization of renewable energy resources;*

No part of this application would prevent the use of wind, water, solar, or other renewable energy resources. **(Affirmative finding)**

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

None identified. **(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 demolition and replacement of the garage will not produce adverse effects in need of mitigation. **(Affirmative finding)**

*2. Time limits for construction.*

No construction timeline or phasing are included in this proposal. The standard 2-year timeframe for zoning permits will apply. **(Affirmative finding)**

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

Hours of operation are not applicable for use of the private accessory garage.

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

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

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

*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.*

Not applicable.

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

### ***Sec. 4.4.1, Downtown Mixed Use Districts:***

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

##### ***(3) Residential Medium Density (RM)***

The Residential Medium Density (RM) district is intended primarily for medium density residential development in the form of single family detached dwellings and attached multi-family apartments. In this case, the existing single family home use will not change. **(Affirmative finding)**

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

Residential density remains unchanged at 1 dwelling unit.

Lot coverage is presently 19.5%. As proposed, it will increase slightly to 21.1%. This increased lot coverage remains below the maximum permissible 40%.

The front yard setback will remain unchanged. The side yard setback will also remain unchanged, except that the proposed garage will have a larger footprint. The existing and proposed setback is 2' or 3' from the nearer side property line. This small setback is acceptable, as the average side yard setback based on the neighboring properties (2 on each side) is 0.' As an accessory structure of less than 15' in height, it may observe a 5' minimum rear yard setback. As proposed, the new garage is 68' from the rear property line.

Building height will increase slightly but remains below 15.’ **(Affirmative finding)**

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

The permitted single family home use remains unchanged. **(Affirmative finding)**

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

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

The proposed garage contains a single bay and has a footprint of 288 sf. The home contains 3 bedrooms and has a ~966 sf footprint. The number of garage bays is limited to the number of bedrooms in the home, and its footprint cannot exceed 75% of the home’s footprint. The proposed garage is compliant in both cases. **(Affirmative finding)**

**Article 5: Citywide General Regulations**

***Part 4: Special Use Regulations***

**Sec. 5.4.8 Historic Buildings and Sites**

***(d) Demolition of Historic Buildings:***

***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;*

*See criterion B below.*

*or,*

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

The existing structure, at 8’ 8” X 16’ is very small to serve as a garage. The owners evaluated rehabilitating the structure and have done some structural work to shore up the roof and walls. Work was also done to try correcting its tilt with limited success. Given the building’s small size, it may practically only function as a shed. The owners have opted for a larger accessory building that could function as either a garage or storage building. **(Affirmative finding)**

*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.*

**(Not applicable)**

*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;*

Demolition of the detached garage will not impact the historic home. The proposed garage will be of a similar, somewhat larger size in the same location behind the home. Configuration as a

single-bay detached garage will remain. Photo documentation prior to demolition would provide a minimal amount of mitigation. **(Affirmative finding as conditioned)**

*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;*

See D. above.

*and,*

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

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

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

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

The applicant proposes an immediate replacement structure to be used as a garage. As submitted, the new garage will complement the existing house and character of the area. The historically characteristic layout of a relatively small detached single bay garage set behind the primary residential structure will remain. **(Affirmative finding)**

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

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

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

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

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

## **II. Conditions of Approval** (Identical to 2018 approval)

1. Photo documentation submitted with the application of the existing building shall be included in the zoning permit file for future information and reference.
2. Sale, relocation, deconstruction for salvage or reuse is encouraged.
3. Standard Permit Conditions 1-15.

162 N. Champlin st  
044-1-149-000  
Rm / single family

Jessica Hyman  
Sean Melini  
598-9300

143'

Proposed outbuilding  
12' x 24'  
288 sqft

(140)  
8'8" x 16'2"

SHED  
10' x 11'  
III (2)

(144)  
OPEN  
Porch  
5' x 12'

FENCE

(400)

15'3"

HOUSE (644)  
23' x 28'

13'

(878)

DRIVEWAY  
8' x 51'

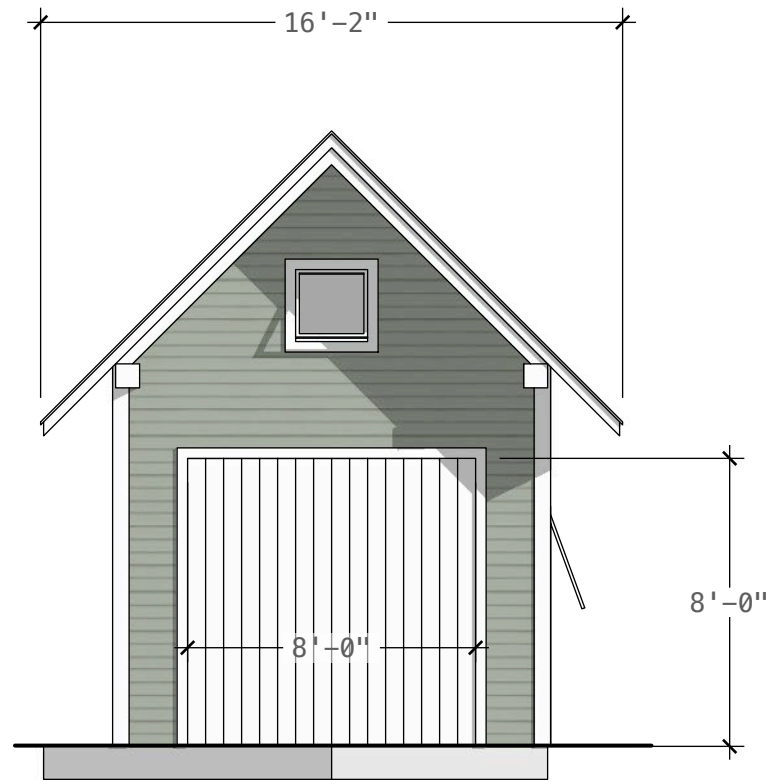
18' x 13'  
(234)

FENCE

10' 5'

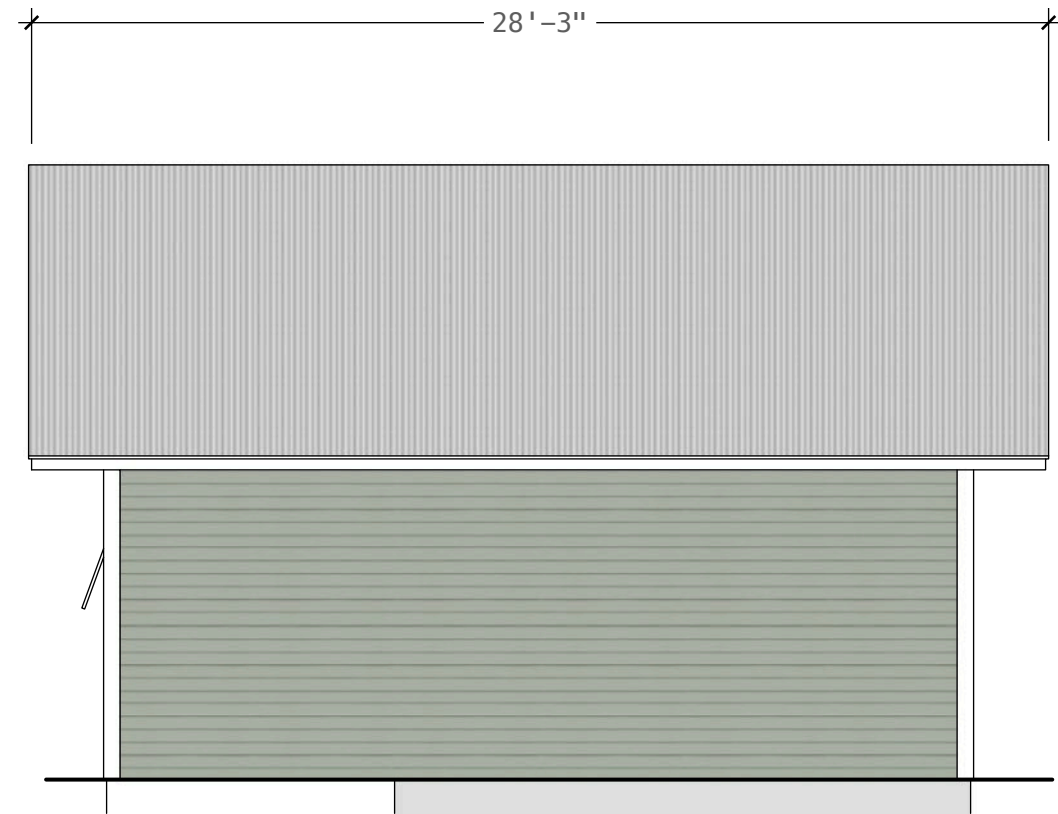
11'6"

SIDE WALK



**west elevation**

3/16th scale



**north elevation**

3/16th scale



**east elevation**

3/16th scale

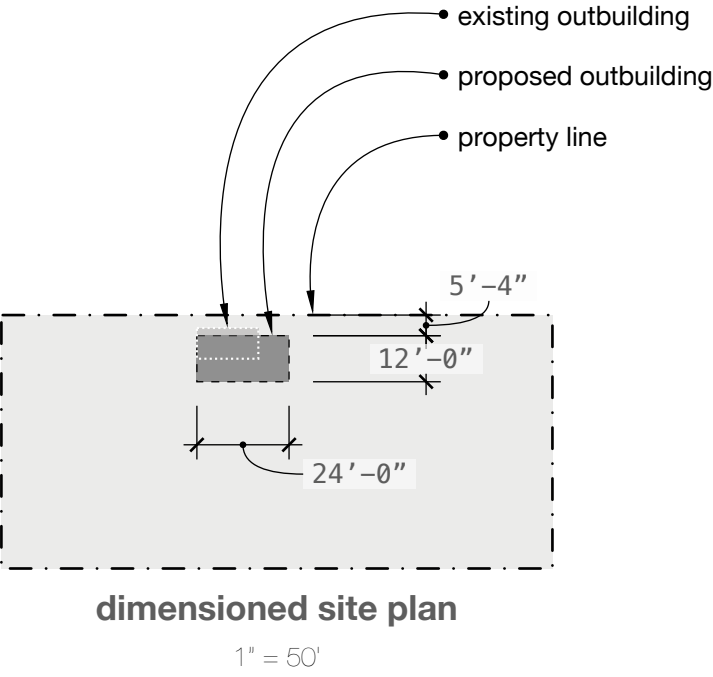


**south elevation**

3/16th scale



site plan  
1" = 50'







OF VERMONT  
on for Historic Preservation  
Montpelier, VT 05602

HISTORIC SITES & STRUCTURES SURVEY  
Individual Structure Survey Form

COUNTY: Chittenden  
TOWN: Burlington  
LOCATION: 88 North Winooski

COMMON NAME:

FUNCTIONAL TYPE: dwelling  
OWNER: Warren W., Maurice Parker  
ADDRESS: 88 North Winooski

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 ☐ Asbestos Shingle ☐ Sheet Metal ☐ Aluminum ☐ Asphalt Shingle ☐ Brick Veneer ☐ Stone Veneer ☐ Bonding Pattern: ☐ Other: ☐
4. Roof Structure
  - a. Truss: Wood ☒ Iron ☐ Steel ☐ Concrete ☐
  - b. Other: ☐
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 ☐ Chimneys ☐ Sheds ☐ Ells ☐ Wings ☐ Bay Window ☒ Other: oriel ☐

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 1/2

Number of Bays: \_\_\_\_\_

Approximate Dimensions: \_\_\_\_\_

SURVEY NUMBER:

NEGATIVE FILE NUMBER:

78-A-122

UTM REFERENCES:

Zone/Easting/Northing

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

PRESENT FORMAL NAME:

ORIGINAL FORMAL NAME:

PRESENT USE: apartment

ORIGINAL USE: residence

ARCHITECT/ENGINEER:

BUILDER/CONTRACTOR:

possibly W. O. Spear

PHYSICAL CONDITION OF STRUCTURE:

Excellent ☐ Good ☒

Fair ☐ Poor ☐

STYLE: Queen Anne

DATE BUILT:

c. 1

THREAT TO STRUCTURE:

No Threat ☐ Zoning ☐ Roads ☐ Development ☐ Deterioration ☐ Alteration ☐ Other: ☐

LOCAL ATTITUDES:

Positive ☐ Negative ☐ Mixed ☐ Other: ☐



ADDITIONAL ARCHITECTURAL OR STRUCTURAL DESCRIPTION:

Massing - Asymmetrical. Gable front orientation. 2 story pedimented bay on facade. Oriel on south elevation along with 2 story veranda. Gable on south elevation. 2 story porch in rear.

Fenestration - 1/1, Queen Anne sash.

Entrance - Porch with spindle valance. Queen Anne transom.

Enrichments - Fish scale, and sawtooth butt shingles, corner brackets, sunburst motif and turned posts. Corner brackets have drops.

RELATED STRUCTURES: (Describe)

Greek Revival carriage house in rear.

STATEMENT OF SIGNIFICANCE:

Originally built in the 1880's, the house was renovated to its present form between 1900 and 1906. The south elevation bay window was added between 1926 and 1942. A modest, though distinctively styled Queen Anne, this design was popular in Burlington. The house was probably renovated by Charles W. Spear, a building contractor who also used this as his residence.

The house was probably built by W. O. Spear, who worked for Roby Brothers, builders, before going into the construction business with his own brothers in the late 1880's. He probably built #90 next door in 1909 and moved there, retaining this house for rental income. The house fits in to the middle-class fabric of the neighborhood.

REFERENCES:

1890, 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:

C. Richard Morsbach

ORGANIZATION:

VT. Div. for Historic Preservation

**162 North Champlain Street**

Shed from front (attempted to straighten in fall 2017, but was only able to mildly correct tilt)



Shed from South side (temporary roofing added summer 2017 after leaking)





South side detail (deteriorating siding shifted during attempt to straighten structure)



Interior (2x4 studs are deteriorating on the bottom and simply attached to sandwiched 2x4s)





Secured existing ceiling joists and added additional joists in fall 2017



Reinforced corners in fall 2017



# H&D Contractors

54 Princeton St., Medford, Ma.

Aug. 11, 2018

Jessica Hyman,

After assessing the current condition of your shed and attempting to correct the extreme listing by releasing the collar ties and bottle jacking the structure to no avail I would recommend a complete tear down and rebuild.

If we had a solid platform such as a sidewalk or neighboring structure to sufficiently brace to we might be able to correct the sheds lean. However, due to the inability to sufficiently brace the structure and correct the tilt it is my opinion it would be cheaper and faster to remove the structure and build a new shed from scratch on the existing footprint.

John Nicholson  
General Contractor/Owner  
MA CSL # CS-101789  
MA HIC # 180444



# PROPOSED GARAGE - NOTE: 12' x 20'

ANY MODIFICATION 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: [Signature] DATE: 8-28-18  
Planning & Zoning Department  
Burlington, Vermont





Lot size  $66' \times 143' = 9,438 \text{ sq}$

$$\%b.b1 = 1999 \text{ sig} = 1999 \text{ sig}$$

front walk

$$\frac{\text{Proposed}}{\text{Actual}} = 195\% - 19.5\%$$

Front Walk 15

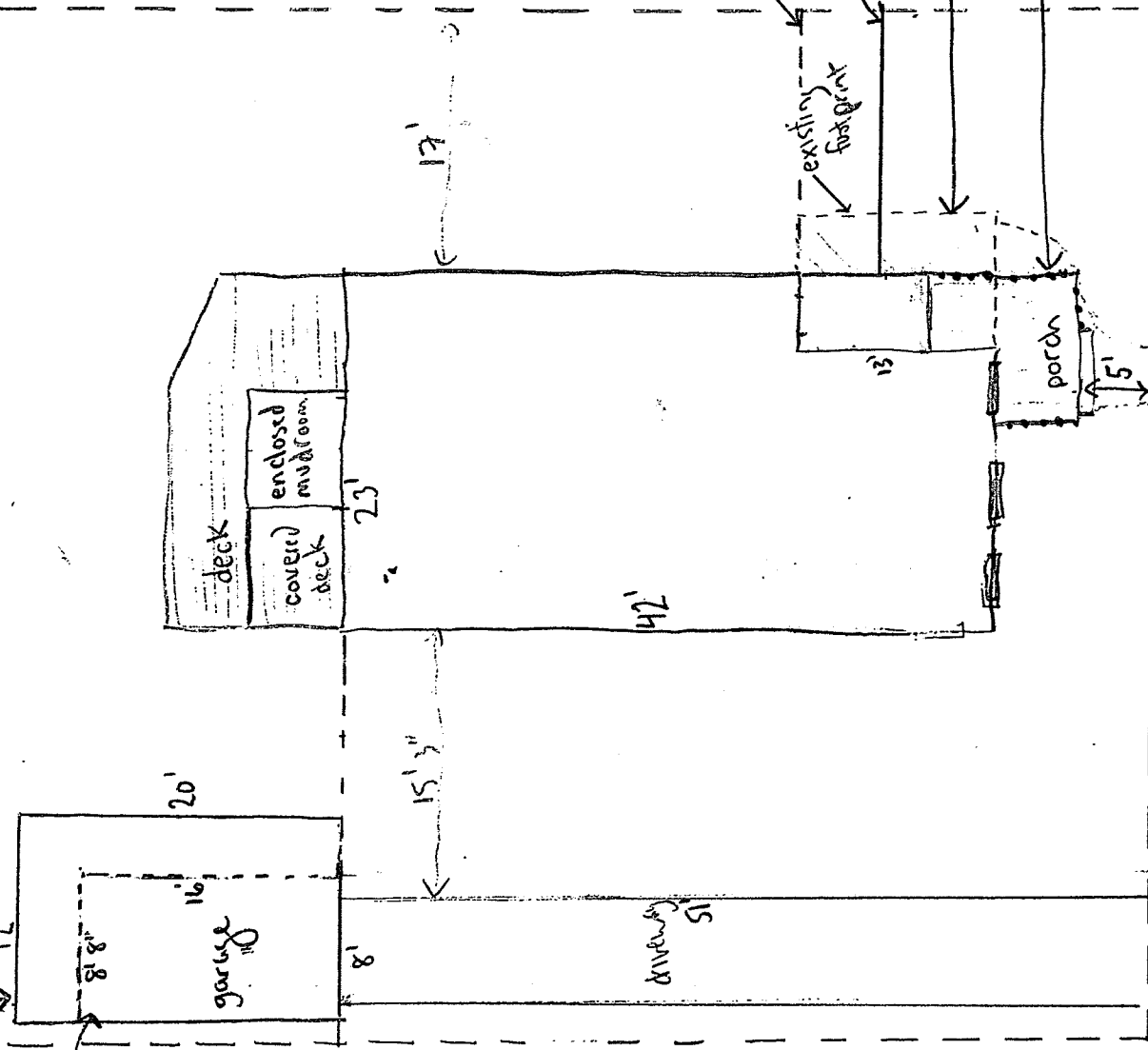
propyl congl = 20.6%

**NOTE**

**FINAL APPROVAL**

6-28-18

④ Replace gauge  
exit



North Champlain St.

## Department of Permitting & Inspections

Zoning Division  
645 Pine Street  
Burlington, VT 05401  
Telephone: (802) 865-7188

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



TO: Development Review Board  
FROM: Scott Gustin  
DATE: October 19, 2021  
RE: 227-235 Main Street

---

The appellant has requested deferral of the hearing for the pending zoning violation appeal in order to work with city staff to resolve the matter. Staff supports this request.

## Department of Permitting & Inspections

Zoning Division  
645 Pine Street  
Burlington, VT 05401  
Telephone: (802) 865-7188

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



**TO:** Development Review Board  
**FROM:** Ryan Morrison  
**DATE:** October 19, 2019  
**RE:** 21-653; 105 Carrigan Drive

=====

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

Zone: I            Ward: 1E

Owner/Applicant: University of Vermont & State Agricultural College / Lani Ravin

**Request:** Construct an elevator building section addition, entrance improvements and associated site improvements to the Hills Agricultural Sciences Building and its environs. Related parking changes.

### **Applicable Regulations:**

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

### **Background Information:**

The applicant is seeking approval to construct an elevator building addition, entrance and building connector improvements, and associated site improvements to the Hills Agricultural Sciences Building and its environs. Site improvements include walkway alterations, new bike racks, and the installation of a new generator. A minor parking reconfiguration will occur, that will see one additional parking space.

The University of Vermont is an educational institution and, therefore, is subject to only limited zoning review per 24 VSA, Sec. 4413, *Limitations on municipal bylaws*. This application may be reviewed only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements.

**Recommendation:** Certificate of appropriateness approval as per, and subject to, the following findings and conditions:

### **I. Findings**

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

#### **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 non-residential buildings square footage are subject to impact fees.*

Impact fees shall be calculated based on the total gross square footage of new non-residential square footage. Per the submitted plans, an estimate of the fees is:

SF of Project 6,408

| Department   | <u>Residential</u> |                     |
|--------------|--------------------|---------------------|
|              | Rate               | Fee                 |
| Traffic      | 0.717              | 4,594.54            |
| Fire         | 0.211              | 1,352.09            |
| Police       | 0.372              | 2,383.78            |
| Parks        | 0.445              | 2,851.56            |
| Library      | 0.000              | 0.00                |
| Schools      | 0.000              | 0.00                |
| <b>Total</b> | 1.745              | <b>\$ 11,181.97</b> |

The applicant shall pay these impact fees as outlined in Sec. 3.3.8 below. **Affirmative finding as conditioned**

#### **Section 3.3.8 Time and Place of Payment**

*Impact fees must be paid to the city's chief administrative officer / city treasurer according to the following schedule:*

- b) Existing buildings: Impact fees must be paid prior to issuance of a zoning permit, or if a building permit is required, within thirty (30) days of issuance of the building permit.*

**Affirmative finding as conditioned**

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

##### **Sec. 4.4.4, Institutional District:**

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

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

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

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

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

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

##### **Sec. 4.5.2, Institutional Core Campus Overlay Districts**

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

The Institutional Core Campus Overlay Districts are intended to provide for reasonable future growth for institutions within the core of their respective campuses without further intrusion into surrounding residential neighborhoods. It provides for increased development scale and intensity than would be found in adjacent residential areas and for a variety of uses associated with higher education, health care, and cultural and research centers. The proposed additions to the Hills Building is consistent with this intent. **Affirmative finding**

###### **(b) Areas Covered**



The Hills Building is located within the UVM Central Campus overlay (ICC-UVM). **Affirmative finding**

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

**1. Transitional Buffer**

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

Not applicable. The transitional buffer extends into the ICC-UVM district a distance of 150 ft from the centerlines of Colchester Avenue, East Avenue, Main Street, and South Prospect Street. The proposed development is located well outside the transitional buffer.

**2. Lot Coverage**

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

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

Within this overlay district, a maximum aggregate lot coverage of 65% is allowed. Lot coverage will increase from an existing 51.09% to 51.29%. **Affirmative finding**

**3. Setbacks**

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

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

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

**4. Surface Parking**

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

The proposal involves two different parking aspects: 1) the 8 space parking lot at the north end of the Hills Building and 2) 3 parallel spaces to the east of the Hills Building along Carrigan Drive. This development will remove 2 spaces from the 8-space parking lot to accommodate a generator, and reconfigure the 3 parallel spaces along Carrigan Drive into 6 head-in parking spaces; thus an

increase of 1 parking space in the immediate area. However, given two recent permit approvals from the DRB, a much larger removal of outdoor surface parking spaces allows for this 1 additional space to be permitted. Specifically, ZP20-0203CA for a 62,250 sf addition to the Health Science Research Facility (HSRF) at 149 Beaumont Avenue saw the removal of 121 surface parking spaces, and ZP20-0353CA approved a new 67-space parking lot at 10 University Place. As a result of those two permits, parking in the ICC-UVM district saw a loss of 54 parking spaces. ZP20-0367CA, for an addition to Torrey Hall, approved 1 additional parking space, which brings the offset parking count to 53 spaces. And these 53 offset spaces can accommodate the 1 additional parking space created as a result of this permit – bringing the total number of offset parking spaces in the ICC-UVM district that have existed as of January 1, 2007 down to 52.

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

#### *5. Building Height*

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

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

The proposed addition is located within the ICC-UVM Central Campus Height Overlay. Within this overlay, building height is limited to 140'. The total height, including rooftop mechanical units, is approx. 49 ½', well below the 140' limit. **Affirmative finding**

#### *6. Density*

*In the ICC -UVM District, density restrictions set forth in Article 4, Sec. 4.4.4 shall not apply to dormitories and rooming houses as defined in Chapter 18 of the Burlington Code of Ordinances. The restrictions on the non-residential equivalent set forth in Art. 5, Sec. 5.2.7 (a) 2 shall not apply in the ICC -UVM District.*

Not applicable.

#### *7. Uses*

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

Within the ICC-UVM district, post-secondary schools shall be treated as permitted uses. The project is part of the university, and the post-secondary school use will remain unchanged.

**Affirmative finding**

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

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

See Sec. 4.5.2 above.

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

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

#### **Sec. 5.2.5, Setbacks**

See Sec. 4.5.2 above.

**Sec. 5.2.6, Building Height Limits**

See Sec. 4.5.2 above.

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

See Sec. 4.5.2 above.

**Sec. 5.5.1, Nuisance Regulations**

Nothing in this proposal appears to have any bearing on the city's nuisance regulations.

**Affirmative finding**

**Sec. 5.5.2, Outdoor Lighting**

New outdoor lighting will consist of ground mounted bollard and pole lighting, as well as wall-mounted and recessed lighting above the new building entrances. The mix of light fixtures will illuminate walkways and entrances. The 'Walkway Lighting' requirements of Sec. 5.5.2 (f)(2) require walkway lights to not exceed an average illumination level of 0.5 footcandles, and maximum lighting levels to not exceed 2 footcandles, over the walkway surface and up to 5 feet on either side of the walkway. The plans indicate compliance with the illumination level requirements. **Affirmative finding**

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

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

**Article 6: Development Review Standards**

**Part 1, Land Division Design Standards**

Not applicable.

**Part 2, Site Plan Design Standards**

**Sec. 6.2.2, Review Standards**

*(a) Protection of important natural features*

No important natural features exist in this area. Surrounding the building is lawn space and walkways. The additions will result in little increase to lot coverage. **Affirmative finding**

*(b) Topographical alterations*

Not applicable per 24 VSA, Sec. 4413.

*(c) Protection of important public views*

Not applicable per 24 VSA, Sec. 4413.

*(d) Protection of important cultural resources*

Not applicable per 24 VSA, Sec. 4413.

*(e) Supporting the use of alternative energy*

Not applicable per 24 VSA, Sec. 4413.

*(f) Brownfield sites*

Not applicable per 24 VSA, Sec. 4413.

*(g) Provide for nature's events*

See Sec. 5.5.3 above.

*(h) Building location and orientation*

Not applicable per 24 VSA, Sec. 4413.

*(i) Vehicular access*

Not applicable per 24 VSA, Sec. 4413.

*(j) Pedestrian access*

Not applicable per 24 VSA, Sec. 4413.

*(k) Accessibility for the handicapped*

Not applicable per 24 VSA, Sec. 4413. Applicable accessibility requirements under the City's building code continue to apply.

*(l) Parking and circulation*

Two changes are proposed with regard to vehicular parking and circulation: 1) reducing the 8-space parking lot to the north of the Halls building to a 6-space lot to accommodate placement of a new generator, and 2) reconfigure the 3 parallel spaces along Carrigan Drive into 6 head-in parking spaces (3 of which will be handicap accessible spaces).

This project is not addressed in the Updated 2019-2024 Joint Institutional Parking Management Plan. The applicant states that it will be included in a 2022 update.

As there will be no increase in building users, no traffic analysis has been provided or is required for this application. **Affirmative finding**

*(m) Landscaping, fences, and retaining walls*

A planting plan is included which identifies up to 12 new maple trees, 17 shrubs, and a variety of ornamental grasses and perennials. Much of the existing trees around the site will remain. A retaining wall is shown along two sides of the new entrance area between the Halls Building and Benedict Auditorium. The plans do not indicate new fencing. **Affirmative finding**

*(n) Public plazas and open space*

No public plaza or open space is included or required in this proposal. However, the surrounding lawn space will continue to provide outdoor enjoyment for students and staff. **Affirmative finding**

*(o) Outdoor lighting*

See Sec. 5.5.2 above.

*(p) Integrate infrastructure into the design*

The elevation plans indicate rooftop mechanical units, which will be visible from occupants of the upper levels of surrounding buildings. These rooftop units appear on the elevation plans but do not seem to currently exist per aerial imagery. As such, additional information will be needed that



addresses the type of units and the measure of screening. The applicant notes that the diesel powered generator will be housed within a sound attenuating enclosure, and located at the north wall of the Halls Building, within the existing parking area. This parking area slopes downward to the building and goes below grade – meaning the back few parking spaces are screened from view from the east and west. There is no indication of utility lines being added. Should new utility lines be installed, they will need to be buried. **Affirmative finding as conditioned**

### ***Part 3, Architectural Design Standards***

#### ***Sec. 6.3.2, Review Standards***

##### ***(a) Relate development to its environment***

###### ***1. Massing, Height, and Scale***

The proposed additions increase the footprint of the existing structure slightly, but will not increase the overall height. Overall, the proposal will maintain consistency with the massing, height and scale of the surrounding buildings. **Affirmative finding**

###### ***2. Roofs and Rooflines***

Not applicable per 24 VSA, Sec. 4413.

###### ***3. Building Openings***

Not applicable per 24 VSA, Sec. 4413.

##### ***(b) Protection of important architectural resources***

Not applicable per 24 VSA, Sec. 4413.

##### ***(c) Protection of important public views***

Not applicable per 24 VSA, Sec. 4413.

##### ***(d) Provide an active and inviting street edge***

Not applicable per 24 VSA, Sec. 4413.

##### ***(e) Quality of materials***

Not applicable per 24 VSA, Sec. 4413.

##### ***(f) Reduce energy utilization***

Not applicable per 24 VSA, Sec. 4413.

##### ***(g) Make advertising features complimentary to the site***

No new advertising features are proposed. However, if in the future additional signage is proposed, it will be subject to review and approval under separate zoning permit. **Affirmative finding as conditioned**

##### ***(h) Integrate infrastructure into the building design***

See Sec. 6.2.2 (p) above.

##### ***(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 as conditioned**

## Article 8: Parking

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

This project was not incorporated into the 2019-2024 Update: Joint Institutional Parking Management Plan, and as such, the applicant typically must meet parking demand on a project-by-project basis. However, circulation additions (elevator tower, pedestrian entrances and building connectors) do not spur a requirement to provide any new parking spaces – so no new parking is required for this proposal. Overall, the project does add one additional parking space in the immediate area within the 6 head-in spaces along Carrigan Drive. **Affirmative finding**

### Sec. 8.2.4 Bicycle Parking Requirements

The proposal does not spur a requirement to provide any new bicycle parking spaces. The plan does, however, provide 10 outdoor bicycle parking spaces in 2 bike racks, and 4 indoor bicycle parking spaces in a gated enclosure adjacent to the new northeast entrance. **Affirmative finding**

## II. Conditions of Approval

1. **Within 30 days of issuance of the associated building permit**, the applicant shall pay to the City Treasurer's Office or Permitting and Inspections Department impact fees as calculated by staff based on the net new square footage of the proposed development.

SF of Project 6,408

| Department   | <u>Residential</u> |                     |
|--------------|--------------------|---------------------|
|              | Rate               | Fee                 |
| Traffic      | 0.717              | 4,594.54            |
| Fire         | 0.211              | 1,352.09            |
| Police       | 0.372              | 2,383.78            |
| Parks        | 0.445              | 2,851.56            |
| Library      | 0.000              | 0.00                |
| Schools      | 0.000              | 0.00                |
| <b>Total</b> | <b>1.745</b>       | <b>\$ 11,181.97</b> |

2. **Prior to the release of the zoning permit**, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
3. **Prior to issuance of a certificate of occupancy**, additional information pertaining to rooftop mechanical units and appropriate screening shall be provided to staff for review and approval
4. Project identification, parking count and arrangement of spaces shall be appropriately incorporated into the University of Vermont's submission of the Joint Institutional Parking Management Plan as next provided.
5. Any new utility lines shall be buried.
6. Any new outdoor signage will require separate zoning permits.
7. 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.
8. Standard permit conditions 1-15.

## PART 1. VARIANCES

### Sec.12.1.1 Variance

As stated in other documents, the Breakwater Condo Association would like to locate our garbage shed to a place that would not be in compliance with the city setback ordinance. To be clear, where the shed is now located is in noncompliance. After a complaint by one of the condo owners, we asked Ted Miles who has worked with us before, to instruct us where we could put the shed. Unfortunately, the ONLY place we could legally put the shed would make it very difficult for one of the owners to exit his garage. We're at an impasse.

a) The Breakwater Condos (BWC) were built in 1983. The lot plan was designed by Krebs and Lansing Consulting Engineers, Inc. It was submitted to and approved by the City of Burlington as certified by Robert C. Krebs #3379. It was built by the Larkin Construction Company. As seen from the aerial site map provided to us by Ryan Morrison, the south side of the BWC and the north side of Star Press are about a foot apart. Also, the property line in the northwest corner cuts into the building about a foot. So to conform to the zoning requirement there, we would have to cut into the foundation to be in compliance. Of course that is absurd, but fortunately not an issue, but it could be.

Therefore, we believe there are unique physical circumstances and conditions, including irregularity and narrowness of the lot size and shape peculiar to our property. This has been true from the beginning, and we feel this is an unnecessary hardship and not circumstances created by the provisions of the zoning regulations in our neighborhood.

b) The shed was located for many years partially on the slope leading down to Depot Street. It was buttressed by 4x4s and blew down at least three times because of the wind off the lake. It's important to note that even then, it still did not meet the setback requirement because of the odd lot line. We feel that because of these physical circumstances we cannot place the garbage shed in strict conformity with the zoning regulations, so the variance is essential to our reasonable use of the property.

c) It's a city regulation that we need to have a garbage shed. This problem was created when the building was built and not any fault of ours.

d) We have worked with the owner of the Star Press in the past. He has told our Secretary that he has no problem placing the shed anywhere we want. If you authorize the variance, in our opinion it definitely will not alter the essential character of the neighborhood in which it is located or permanently impair the appropriate use or development on the adjacent property, Star Press. As stated above, the owner is in compliance with the agreement. Actually, the shed and its garbage cans will be less noticeable from Depot Street which should be a plus for everyone.

e) Yes, the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible. We would gladly welcome Ted Miles or another inspector from the Zoning Division to be there to insure that this is true while allowing the one owner to access to his garage without impediment.

f) If the variance is granted, we feel it will not result in either the extension of a non-complying situation or allow the initiation of a nonconforming use of land.

\*\*\*Joe Piscotty, Vice-president, and Ken Axelson, Board member, were appointed by the Breakwater Condo Association to present the request for a variance.

This is the current shed location without a five foot setback. Please notice that the “setback” between The Star Press building on the right is less than one foot from the Breakwater Condo Association building.

Hello, My name is Ken Axelson and I am an owner and a board member at the Breakwater Condo Association

I would like to call to your attention a difficult situation that our association is dealing with regards the location of our trash shed.

There is extreme constraint in finding a suitable location that meets the city setback ordinance of five feet from the property lines.

We met with Ted Miles from the city's code enforcement office on July 6th with Joe Piscotty, Ken Axelson and Joe Mitros attending. Mr. Miles determined that there were only two possible locations for the shed on the entire property and that was in the south west corner of the lot and neither of these locations were acceptable to Joe Mitros who stated that locating the shed there would impede his access to his garage.

In order to resolve this impasse the association requests a variance to locate the shed next to and along the the southern property line. The shed would be facing toward the north.

I would like to make a few statements in support of this request.

The Breakwater condos were built back in 1983 on what was throwaway land used as a trash dump. Since then there have been tremendous changes in the old north end. The city has closed Depot street to through traffic turning the street into a pedestrian walkway accessing the waterfront park and bike path. The entire old north end the "ONE" has gained substantial value as residential real estate has greatly appreciated due in no small part to the Depot Street waterfront corridor. The Moran plant which shed a pall over the entire waterfront and the properties to the east of it has finally been closed and a plan is being executed to bring the site in line with the cities ambitious plans to develop the waterfront as a beautiful recreation area. As these plans have evolved the value of the Breakwater condos have appreciated and the new owners have set upon a plan to enhance the beauty of their property. We have partnered with the city and negotiated the use of the right of way along the eastern side of Depot street which the association shares with the city. We have begun work in the side garden to the north of the condos with a walkway and plantings and pruning of older and dying shrubbery. We have a plan which we will be presenting to the planning and zoning department in the near future to upgrade the western facing balconies with more attractive and modern railings. We have begun work on the garden area along the southern area siding on Depot street.

The board has given much thought to the location of the shed and we feel that the best location for all concerned from the consideration of convenience of access for the members to their garages, for the aesthetic consideration both for the members and there enjoyment of the magnificent view and from the pedestrians accessing the waterfront corridor sense of the attractiveness of the Depot street corridor

Thank you for your consideration,

Ken Axelson on behalf of the members of the Breakwater Condo Association



The secretary of the Breakwater Condo Association, Carol Maulhardt, spoke with the owner of The Star Press, Simon George on July 8, 2021. The building is located at 57 North Ave and is adjacent to our condos which are at 63/83 North Ave. He stated he has no problem with our putting the shed anywhere on our property and is not concerned about the five foot setback. We can get this in writing if necessary.

Joe Piscotty vice-president

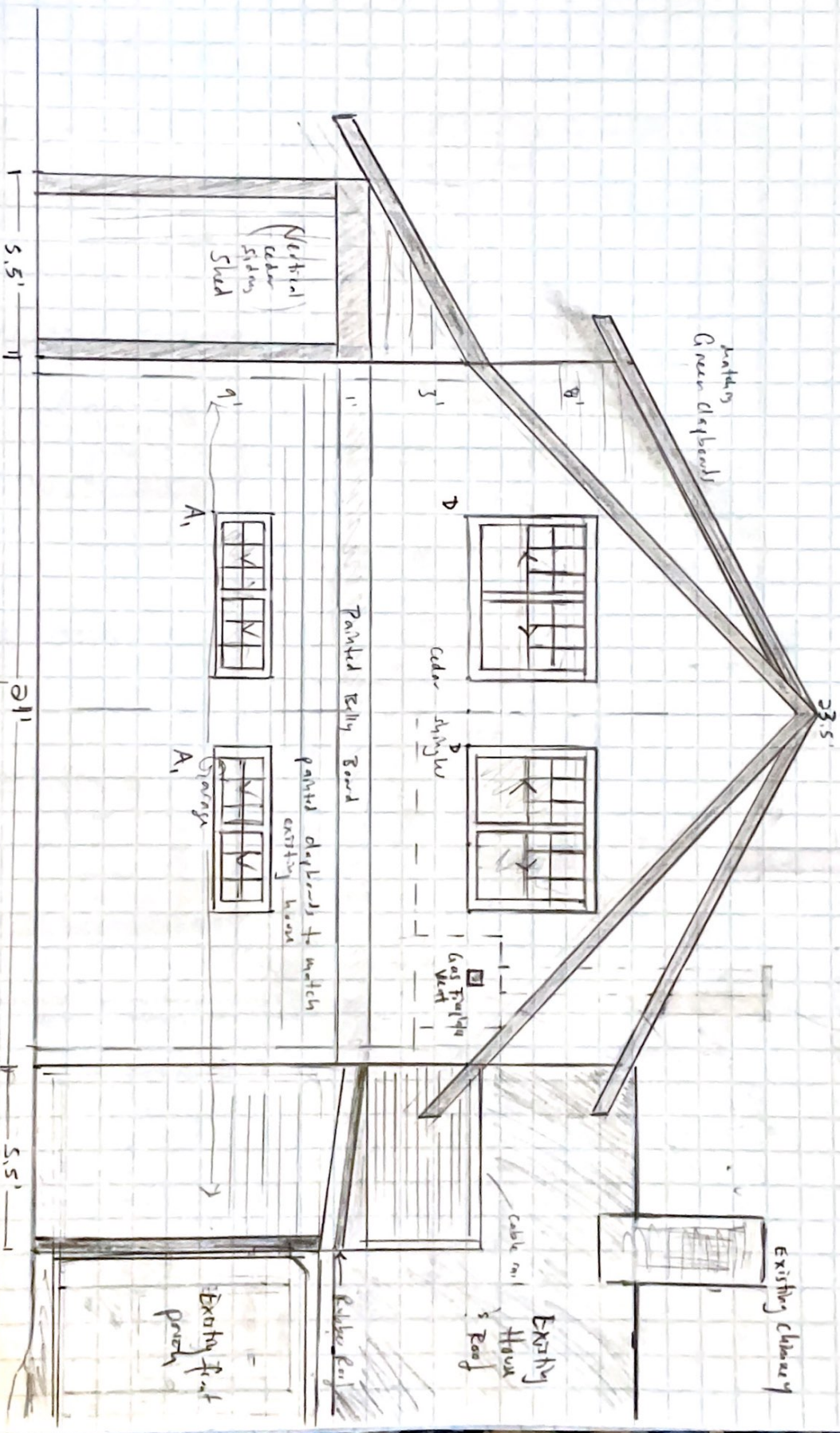
802-310-7878

joexcaryl@gmail.com

Carol Maulhardt secretary

carolmaulhardt@gmail.com

802-310-7878

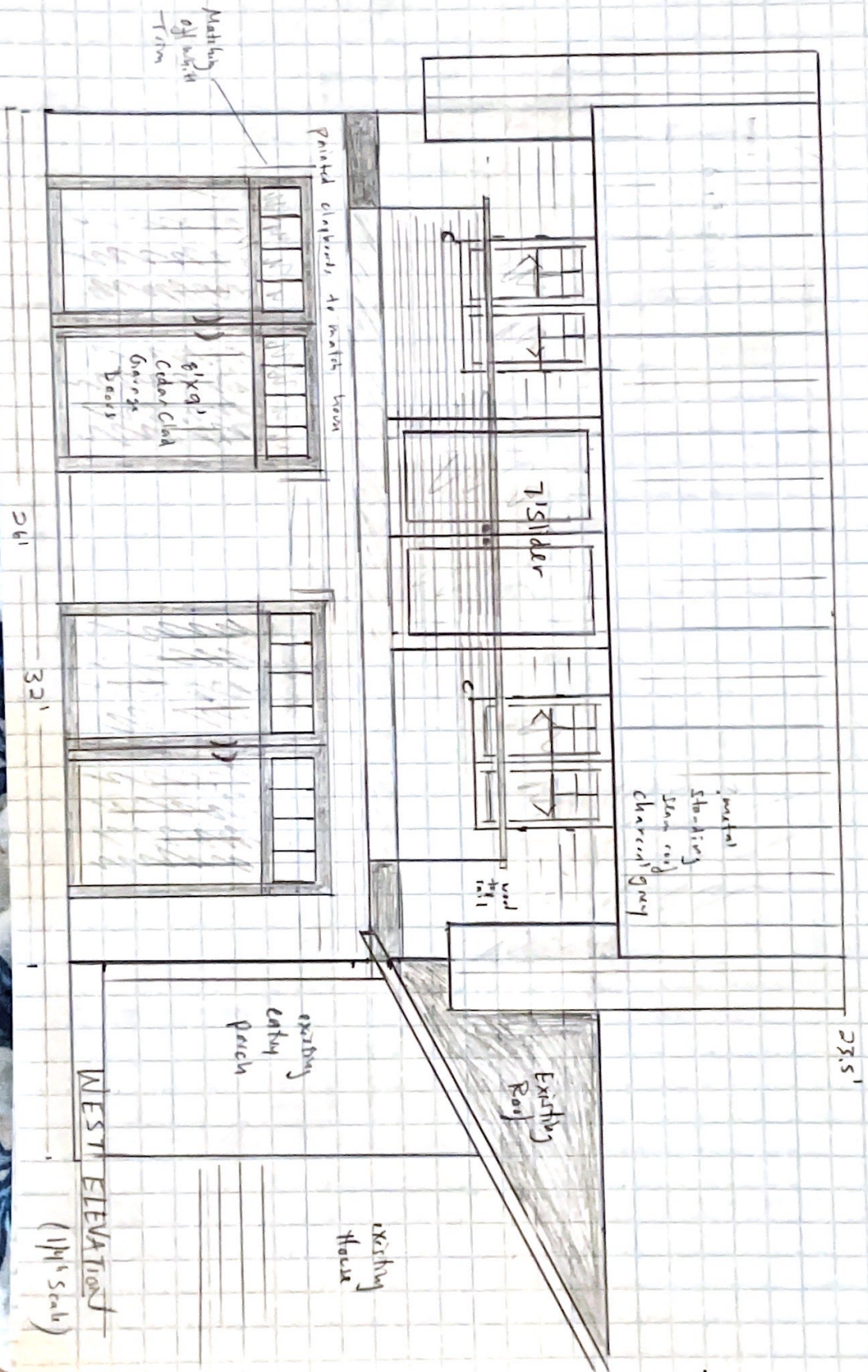


NORTH STREET ELEVATION

(1/4" Scale)



10" Eucal Green siding to match existing  
Stamlin Cedar Rail w/ top wood rail





Exterior  
House

17' x 11' x 10' x 10'

Clothing  
Storage

Medium

Shower  
Room  
A  
Staircase

Bedroom

Closet

SHED/BIKE STORAGE

Vertical  
Cedar  
Large  
Barn  
Doors

9'

1'

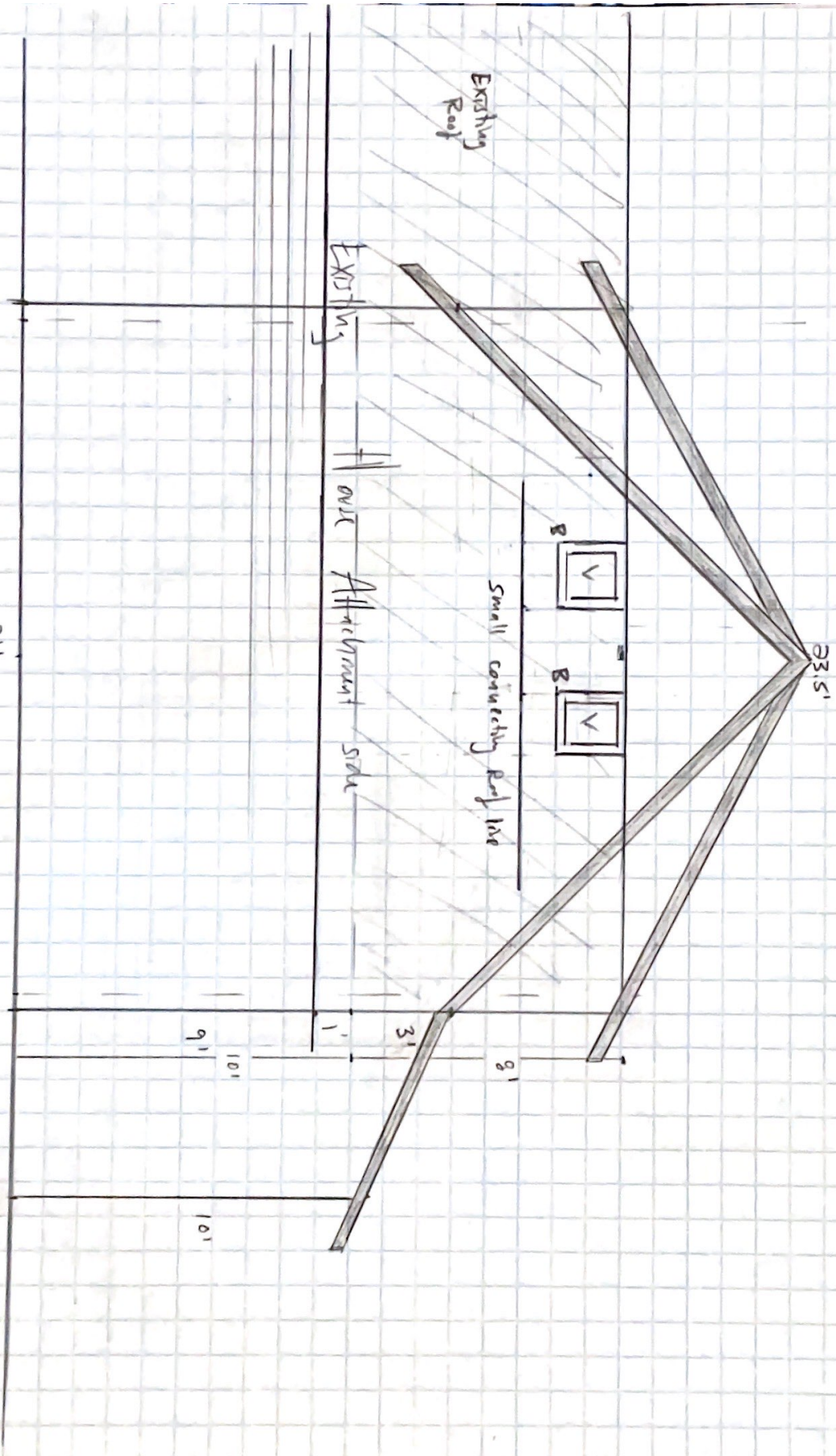
East  
Elevation  
(1/4" Scale)

14'

32'

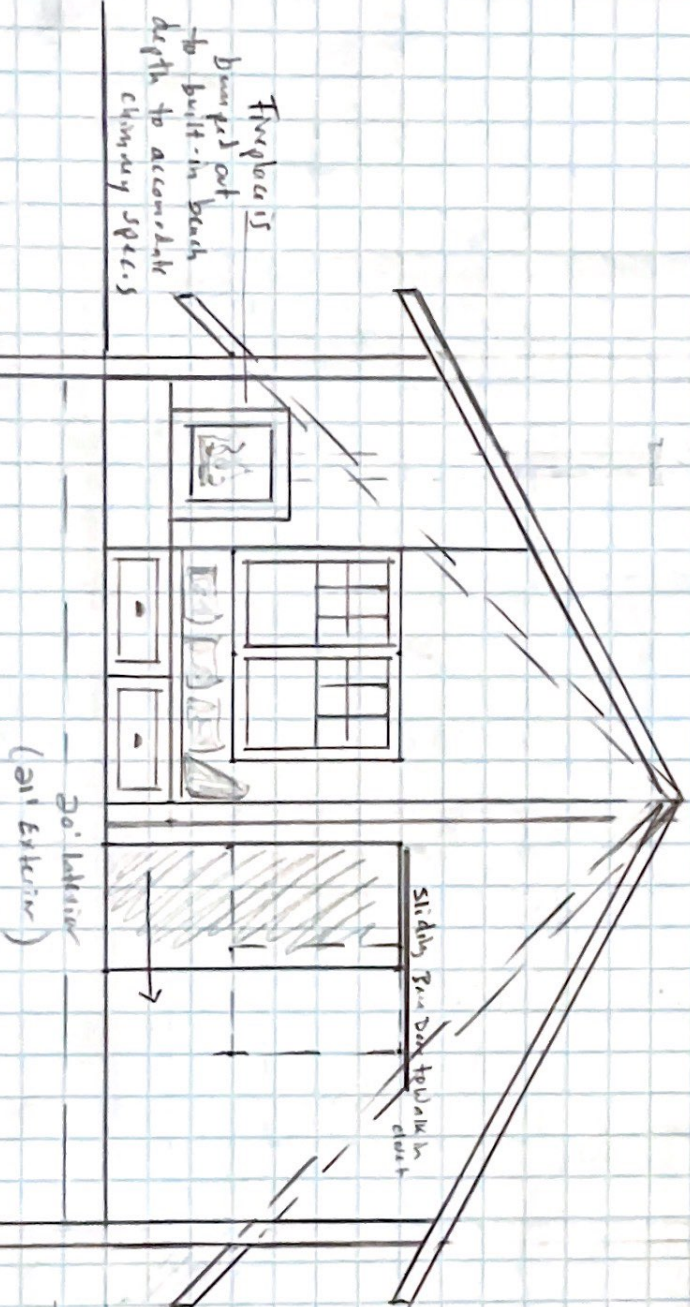
14'





SOUTH ELEVATION (1/4" Scale)  
 (w/ Existing house looking view of addition)  
 21'  
 10'  
 3'  
 8'  
 5.5'





Interior North Elevation

2nd Level

1/4" Scale



Single story  
over  
bathroom  
(No 2nd Floor)

Single story  
over  
bathroom  
(No 2nd Floor)

Math  
B-7

Master  
Client

počet domů

Plan View  
2nd Floor  
(1/4" Scale)

BoH in beach  
w/ under book shelf

7/5/20

25.5'

Deck over Gary

Ruby

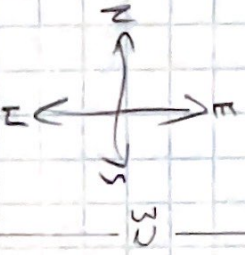
| heat pump location | 180 |
|--------------------|-----|
| Rubber             | 180 |

P. bbe  
P. bbe

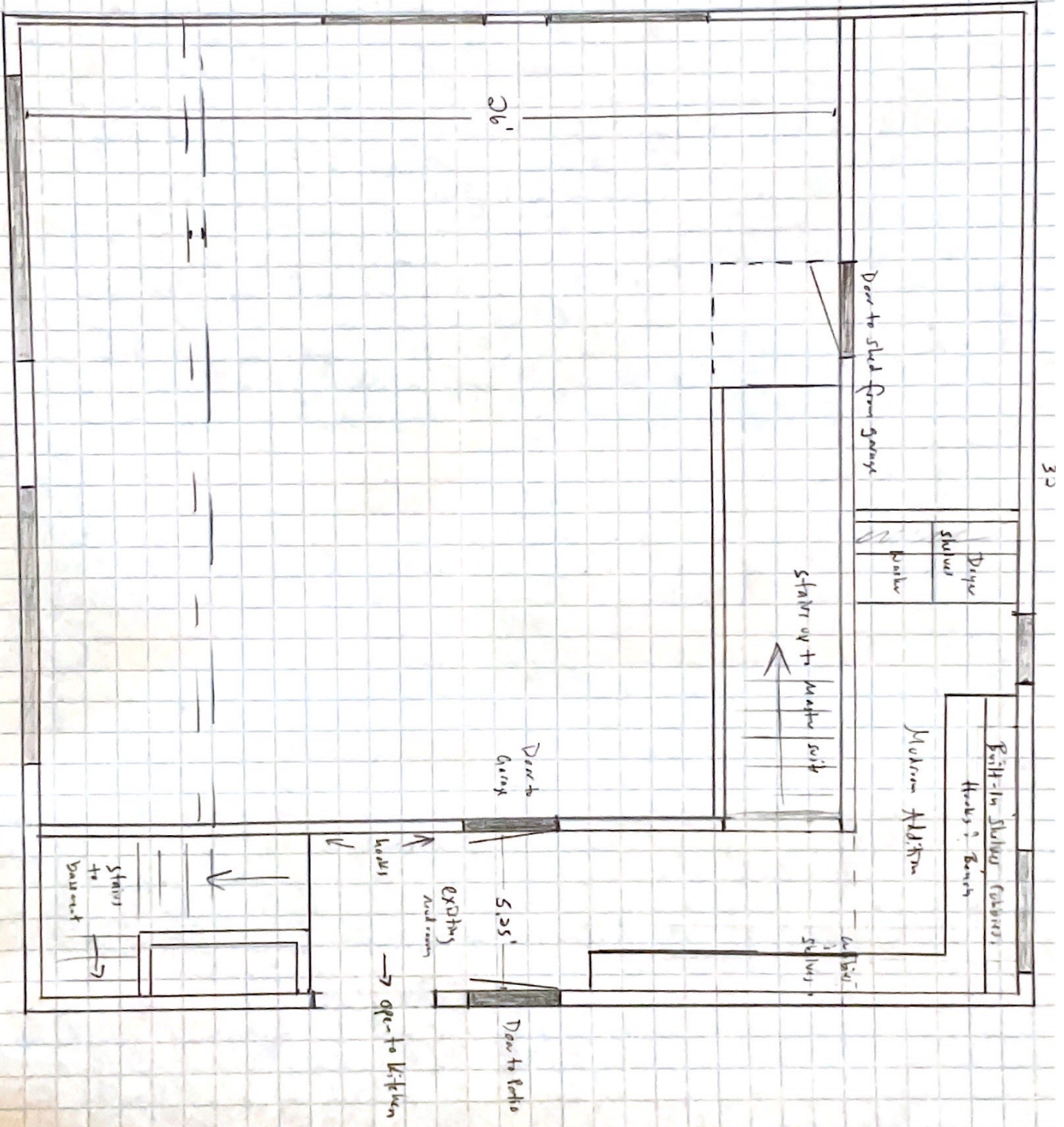
323

exit by Pond





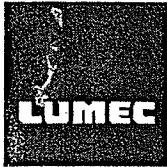
Plan View  
1st Level  
Garage, Bedroom  
(1/4" Scale)





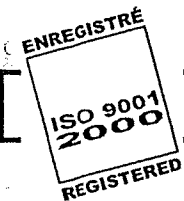
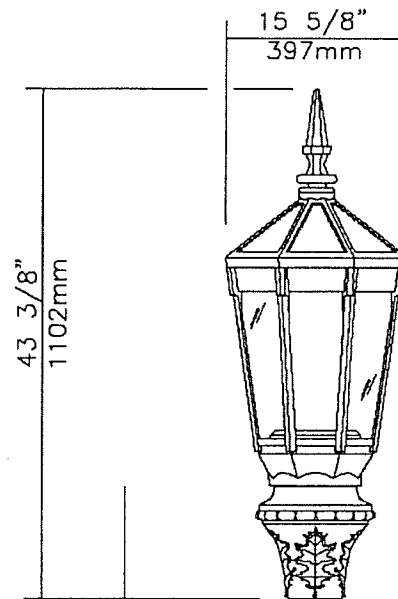






640, Curé-Boivin  
Boisbriand (Québec)  
Canada, J7G 2A7

## Burlington U V M Agreement



Luminaire L70- 40watt LED -QTA/208-SFO-GN8TX-LMS12030I

### Description of Components:

**Finial:** Decorative cast 356 aluminum, mechanically assembled.

**Hood:** In an octagonal tapered shape, this hood is made of an one-piece cast 356 aluminum mechanically assembled to the luminaire.

**Guard:** In an octagonal tapered shape, this guard is a one-piece cast 356 aluminum mechanically assembled to the finial.

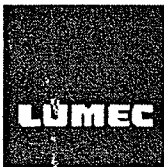
**Lens:** Made of frosted clear polycarbonate assembled on the guard with brackets.

**Optical System:** (SE5 , I.E.S. type V (symmetrical) Cutoff optical system. Multi-faceted hydroformed aluminum mechanically assembled, brightened and anodized, mechanically assembled on the luminaire.

**Ballast:** High power factor of 90%. Primary voltage 120/208/240/277 volts, connected to 208 volts. Pulse Start Type. Operating temperature range -20°F(-30°C) degrees. Assembled on a unitized removable tray with quick disconnect plug.

**Access-Mechanism:** Two-integrated hinges on hood with stopper and a captive screw shall offer access to the inside of the luminaire and to the lamp. An embedded memory-retentive gasket shall ensure weatherproofing.

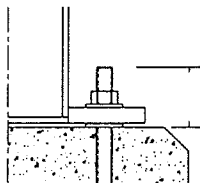
**Fitter:** (SFO), Cast 356 aluminum c/w 4 set screws 3/8-16 UNC. Slip-fits on a 4"(102mm) outside diameter x 4" (102mm) long tenon.



64, Curé-Boivin  
Boisbriand (Québec)  
Canada, J7G 2A7

## Burlington U V M University Heights Students Re (24583)

### Base & Bolts Information



Anchor bolts, not included. Important  
Do not obstruct space between  
anchor plate and concrete base.

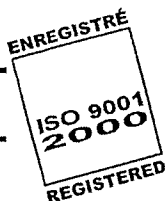
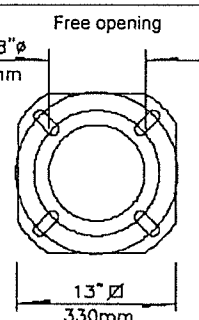
### Anchor Plate

-B.C.:

$8 \frac{1}{8}" \phi$   
206mm

- Material:  
Cast Aluminum

- NOTE:  
Bolts Circle Allowed:  
11  $\frac{1}{4}"$  @ 13"  
286mm @ 330mm



AMT8V- 10- -VPA-GN8TX-LMS12029A

### Description of Components:

**Pole Shaft:** Shall be made from a aluminum tapered shaft 5  $\frac{9}{16}"$  (141mm) to 4" (102mm), having a 0.250" (6.4mm) wall thickness, welded to the pole base/w a wire retainer inside top of pole.

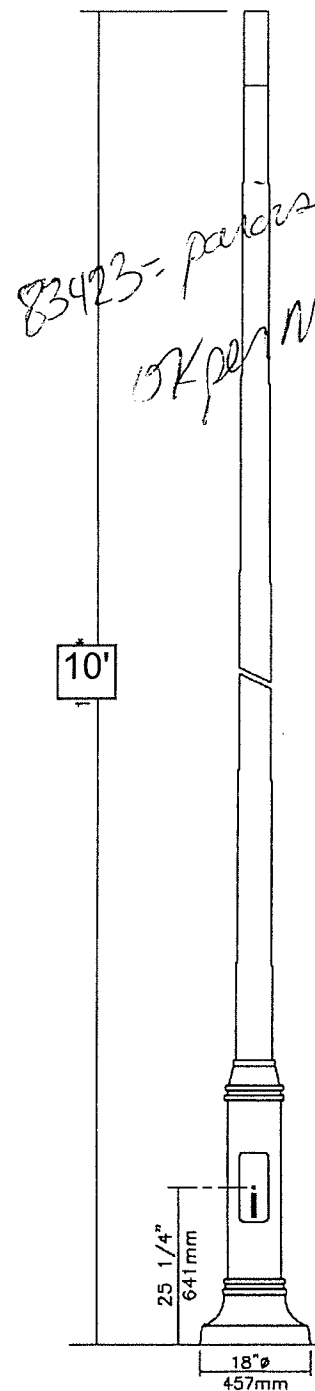
**Joint Cover:** One-piece round joint cover made from cast 356 aluminum, welded to the pole shaft and to the base.

**Pole Base:** Shall be made from a 8  $\frac{5}{8}"$  (218mm) round extruded 6061-T6 aluminum tubing base having a 0.148" (3.8mm) wall thickness, welded to both the bottom and top of the anchor plate.

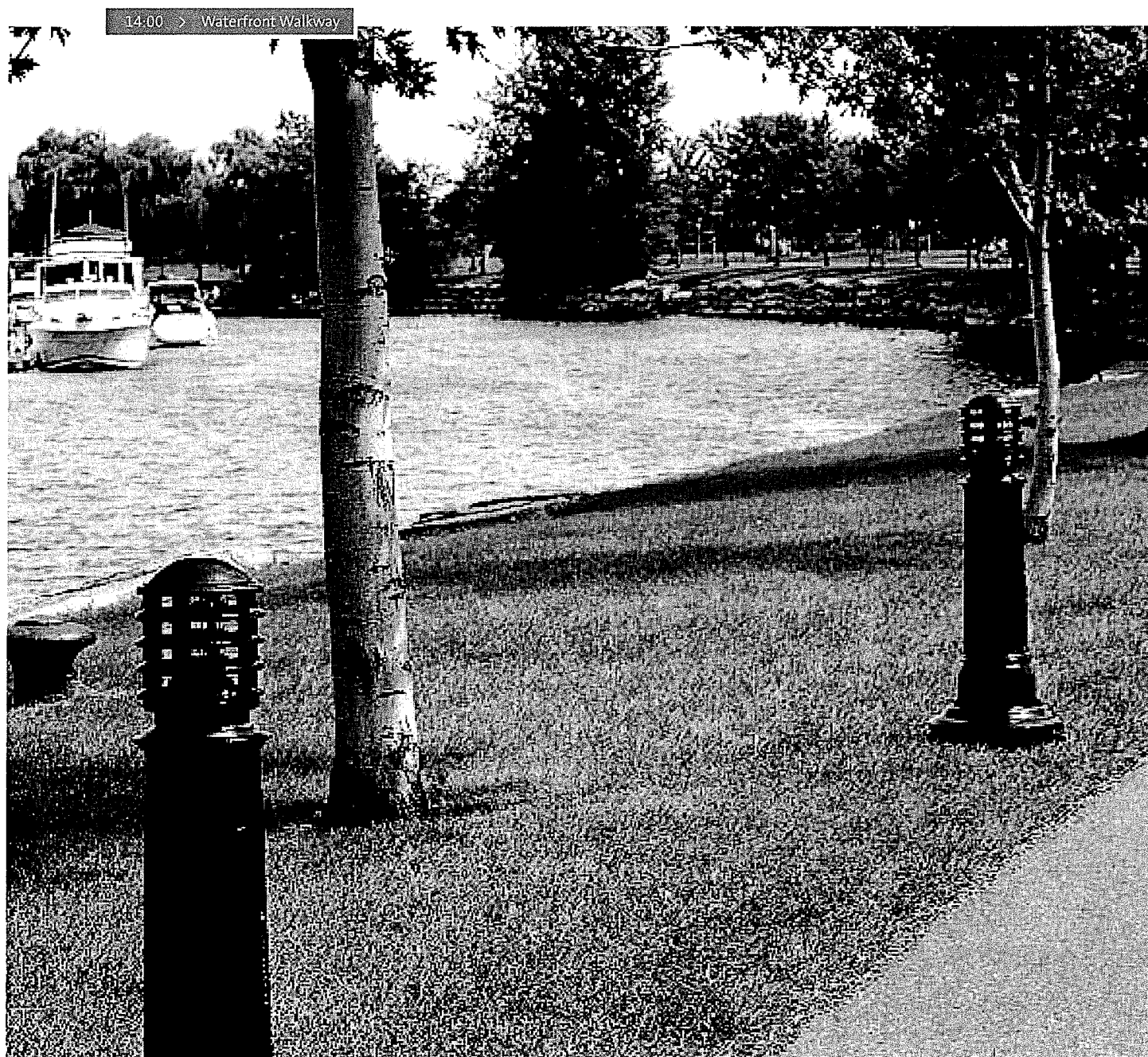
**Maintenance Opening:** The pole shall have a 4" x 10" (102mm x 254mm) maintenance opening centered 25  $\frac{1}{4}"$  (641mm) from the bottom of the anchor plate, complete with a weatherproof cast 356 aluminum cover and a copper ground lug.

**Base Cover:** Two pieces round base cover made from cast 356 aluminum, mechanically fastened with stainless steel screws.

**Pole Options:** (VPA) Vandalproof screw(s), Allen-type vandalproof screw(s), with pin-in-socket tamper-resistant head.



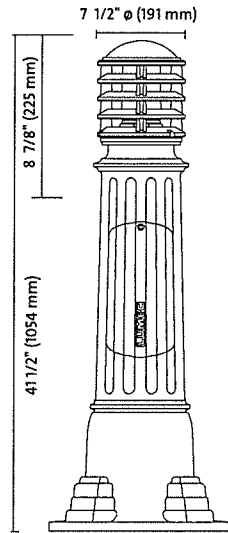
## Light fixture B



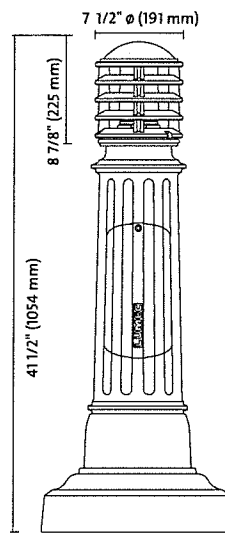


## > BOR80 / BOR80-W Technical Information

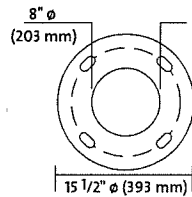
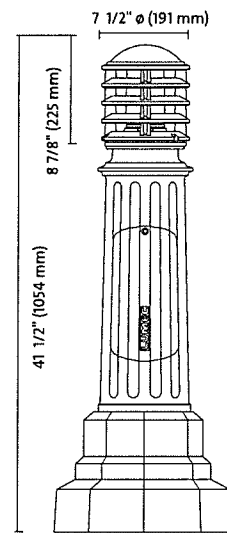
**BOR80**



**BOR80-TBC1**



**BOR80-TBC2**



Bolt circle  
12 1/2" (318 mm)

### Mounting details

Comes with 4 steel anchor bolts,  
3/8" x 12", 4 nuts and 4 washers

**Important:** Do not obstruct space  
between anchor plate and concrete  
base

## > Ordering Information

| BOR80<br>BOR80-W | 50 MH, medium<br>70 MH, medium<br>100 MH, medium                                                          | 120<br>208<br>240<br>277<br>347 | BCH1 ○ 1 chain handle<br>BCH2 ○ 2 chain handles at 180°<br>BCH2A ○ 2 chain handles at 90°<br>BCH3 △ 3 chain handles at 120°<br>BCH3B △ 3 chain handles at 90°<br>BCH4 ◇ 4 chain handles<br><br>TBC1<br>TBC2<br>DR<br>FS<br>GFI<br>PH7<br>VPA | BE2/TX<br>BE6/TX<br>BE8/TX<br>BG2/TX<br>BK/TX<br>BR/TX<br>GN/TX<br>GN4/TX<br>GN6/TX<br>GN8/TX<br>GY3/TX<br>RD2/TX<br>RD4/TX<br>WH/TX<br>NP<br>TG<br>TS |
|------------------|-----------------------------------------------------------------------------------------------------------|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
|                  | 35 HPS, medium<br>50 HPS, medium<br>70 HPS, medium<br>100 HPS, medium<br><br>18FC<br>26FC<br>32FC<br>42FC |                                 |                                                                                                                                                                                                                                              |                                                                                                                                                        |
| Product          | Lamp                                                                                                      | Voltage                         | options                                                                                                                                                                                                                                      | Finish                                                                                                                                                 |
| BOR80            | 70 MH                                                                                                     | 240                             | FS-TBC1                                                                                                                                                                                                                                      | BK-TX                                                                                                                                                  |

\* Consult Lumec's color chart.

> Socket: GX24Q-2 (18W), GX24Q-3 (26 or 32W), GX24Q-4 (42W),  
triple tube compact fluorescent (lamp not included)

> TBC1 and TBC2: Decorative Cover

> DR: Duplex receptacle (120 V only)

> FS: Fuse (Contact Lumec)

> GFI: Duplex receptacle, ground fault interruptor (120 V only)

> PH7: Photoelectric cell

> VPA: Vandal proof screw

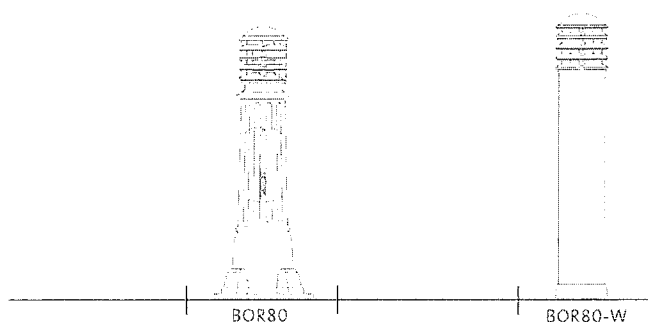
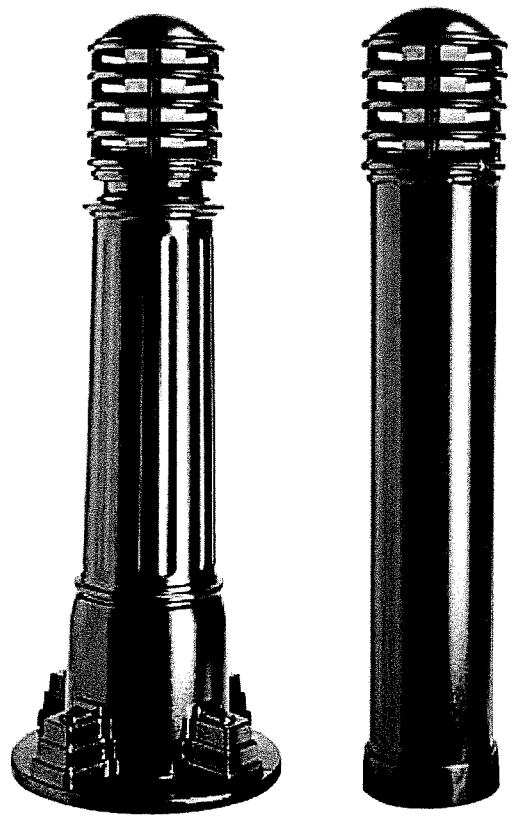
> H: Variable height, from 15" (380 mm) to 48" (1220 mm), in 1" (25 mm)

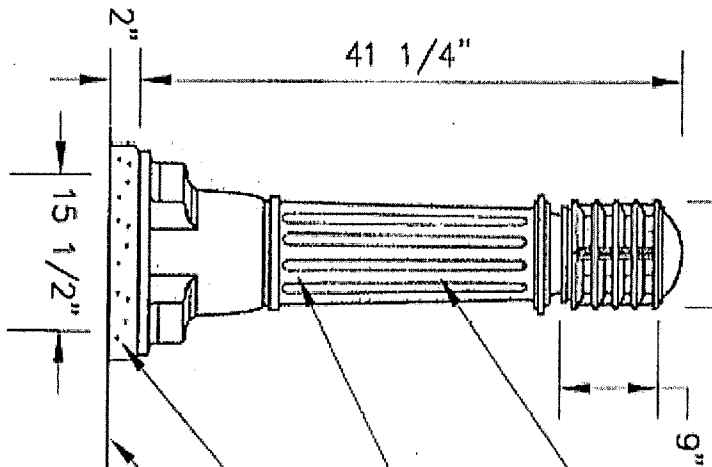
## BOR80 Bollards

### BOR80 - BOR80-W

#### Characteristics

- > Pedestrian scale
- > Complements traditional style product families
- > Tempered glass lens
- > Diffusing louvers
- > Manufactured from cast aluminum components
- > Removable Ballast tray with quick disconnect plug
- > Ease of maintenance
- > Available with metal halide (MH), high pressure sodium (HPS) and compact fluorescent (CF) lamps



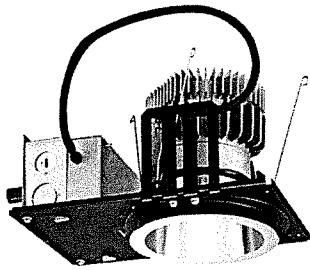


LUMEC  
BOR80 BOLLARD  
MODEL #:  
70MH-BOR80-240V-GN8TX-FS-GR-VP-TBC1

COLOR: UVM STANDARD (DARK GREEN)  
COLOR #GN8TX

CONCRETE BASE  
FINISH GRADE

4 LIGHT BOLLARD  
NOT TO SCALE



Luminaire Type:  
Catalog Number  
(autopopulated):

Gotham Architectural Downlighting  
LED Downlights

## 4" Incito® Downlight

Solid-State Lighting  
(US and International Patents Pending)

### FEATURES

#### INTENDED USE

Achieve the lowest installed power density and operating costs while achieving every layer of light via the optimized general illumination distributions from the EVO family, and the high centerbeam accent layers from the highly flexible Incito family. The EVO and Incito families maintain consistent luminous apertures, dimming characteristics, and color quality to ensure the blending of families in common spaces renders an unparalleled, tailored visual experience.

#### OPTICAL SYSTEM

- Eleven optimized distribution patterns allow designers to achieve tailored effects.
- Self-flanged semi-specular or matte-diffuse, metal-clad lower reflector utilized in combination with a highly transmissive lens.
- Patented Bounding Ray™ Optical Principle design (U.S. Patent No. 5,800,050) provides smooth and continuous transition from lensed source to the top of the reflector down to the bottom of the reflector.
- Field interchangeable optics.

#### MECHANICAL SYSTEM

- Light engine and driver are accessible from above or below ceiling.
- 16-gauge black painted steel mounting frame with mounting bars included. Post-installation adjustment possible from above or below ceiling.
- Galvanized steel junction box with hinged access covers and spring latch. Three combination 1/2"-3/4" and one 1/2" knockout for straight-through conduit runs. Capacity: 8 (4 in, 4 out) No. 12 AWG conductors rated for 90°C.
- Accommodates up to 1 1/2"-thick ceilings.

- Flangeless trim option includes proprietary Gotham mud ring enabling integration into drywall applications. Mud ring ships separately.

#### ELECTRICAL SYSTEM

- IC-rated up to 1000 lumens
- Solid-state LED light engine available in 2700 K, 3000 K, 3500 K color temperatures. CRI: 85 typical
- eldoLED ecoDrive 0-10V driver available with 10% dimming level.
- eldoLED ecoDrive 0-10V driver available with 1% dimming level.
- eldoLED SOLOdrive 0-10V driver available with <1% dimming level.
- eldoLED SOLOdrive DALI driver available with <1% dimming level.
- eldoLED POWERdrive DMX with RDM (remote device management) with <1% dimming level.
- >70% lumen maintenance at 60,000 hours.
- Tested in accordance with LM-79 and LM-80 standards.
- Emergency battery pack with remote test switch available.

#### LISTINGS

- Fixtures are CSA certified to meet US and Canadian standards; wet location covered ceiling.

#### WARRANTY

- 5-year limited warranty. Complete warranty terms located at: [www.acuitybrands.com/CustomerResources/Terms\\_and\\_conditions.aspx](http://www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx)

Note: Actual performance may differ as a result of end user environment and installation. All values are design or typical values, measured under laboratory conditions.



A+ Capable options indicated  
by this color background.

EXAMPLE: IC0 30/20 4AR LD 20D 120 EZB

| Series | Color temperature | Nominal delivered lumen values |             | Aperture/<br>Trim color | Trim Style  |                  | Finish |                                       | Beam                                  |                  |                |     |                |
|--------|-------------------|--------------------------------|-------------|-------------------------|-------------|------------------|--------|---------------------------------------|---------------------------------------|------------------|----------------|-----|----------------|
| IC0    | 27/ 2700 K        | 05                             | 500 lumens  | 25                      | 2500 lumens | 4AR              | Clear  | (blank) Self-flanged<br>FL Flangeless | LSS Semi-specular<br>LD Matte diffuse | 10D <sup>2</sup> | 10° beam angle | 40D | 40° beam angle |
|        | 30/ 3000 K        | 07                             | 750 lumens  | 30                      | 3000 lumens | 4PR              | Pewter |                                       |                                       | 15D              | 15° beam angle | 45D | 45° beam angle |
|        | 35/ 3500 K        | 10                             | 1000 lumens | 35                      | 3500 lumens | 4WTR             | Wheat  |                                       |                                       | 20D              | 20° beam angle | 50D | 50° beam angle |
|        | 40/ 4000 K        | 12                             | 1250 lumens | 40                      | 4000 lumens | 4WR <sup>1</sup> | White  |                                       |                                       | 25D              | 25° beam angle | 60D | 60° beam angle |
|        |                   | 15                             | 1500 lumens | 45                      | 4500 lumens | 4BR <sup>1</sup> | Black  |                                       |                                       | 30D              | 30° beam angle | 65D | 65° beam angle |
|        |                   | 20                             | 2000 lumens |                         |             |                  |        |                                       |                                       | 35D              | 35° beam angle |     |                |

| Voltage          | Driver                                                                                                                                                        | Options           |                                                |                        |                                                                                                                                                       |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------------------------------------------|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| 120              | EZ10 eldoLED 0-10V EC0drive. Linear dimming to 10% min.                                                                                                       | SF                | Single fuse                                    | NPS80EZ                | nLight® dimming pack controls 0-10V eldoLED.                                                                                                          |
| 277              | EZ1 eldoLED 0-10V EC0drive. Linear dimming to 1% min.                                                                                                         | TRW <sup>5</sup>  | White painted flange                           | NPS80EZER <sup>9</sup> | nLight® dimming pack controls 0-10V eldoLED.                                                                                                          |
| 347 <sup>3</sup> | EZB eldoLED 0-10V SOLOdrive. Logarithmic dimming to <1%.                                                                                                      | TRBL <sup>6</sup> | Black painted flange                           | LTVI <sup>10</sup>     | ER controls fixtures on emergency circuit.                                                                                                            |
|                  |                                                                                                                                                               | ELR <sup>7</sup>  | Emergency battery pack with remote test switch | RRL <sup>11</sup>      | Lutron EC0system interface for compatibility with 0-10V EZ10, EZ1 or EZB.                                                                             |
|                  | EDAB eldoLED SOLOdrive DALI. Logarithmic dimming to <1%.                                                                                                      |                   |                                                |                        | RELOC®-ready luminaire connectors enable and consistent factory installed option across ABL luminaire brands. Refer to RRL for complete nomenclature. |
|                  | EDXB <sup>4</sup> eldoLED POWERdrive DMX with RDM (remote device management). Square Law dimming to <1%. Includes termination resistor. Refer to DMXR Manual. | CP <sup>8</sup>   | Chicago plenum                                 |                        |                                                                                                                                                       |
|                  |                                                                                                                                                               | CRI90             | High CRI (90+)                                 |                        |                                                                                                                                                       |

ACCESSORIES order as separate catalog numbers (shipped separately)

OPTC4<sup>11</sup> Additional optics for field installation.

### ORDERING INFORMATION

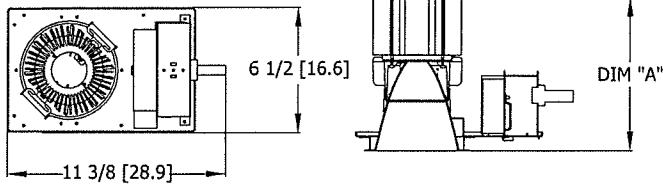


**4" INCITO**  
**Open Reflector**  
Solid-State Lighting



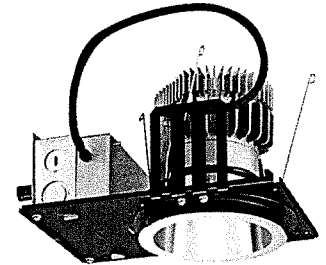
**DIMENSIONAL DATA**

All dimensions are inches (centimeters) unless otherwise noted.

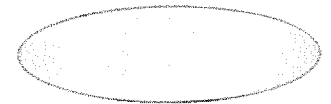


Aperture: 4-5/16 [11]  
Ceiling Opening: 5-1/8 [13] self-flanged  
Overlap Trim: 5-7/16 [13.8] self-flanged  
4-5/8 [11.7] flangeless

| LUMENS     | A        |
|------------|----------|
| Up to 1000 | 6 [15.2] |
| Up to 1500 | 7 [17.8] |
| Above 1500 | 8 [20.3] |



Incito 4" Round Downlight - Flanged



Incito 4" Round Downlight - Flangeless (FL)

**ELECTRICAL**

| WATTAGE CONSUMPTION MATRIX |         |
|----------------------------|---------|
| NOMINAL DELIVERED LUMENS   | Wattage |
| 4500                       | 50 W    |
| 4000                       | 43 W    |
| 3500                       | 36 W    |
| 3000                       | 39 W    |
| 2500                       | 33 W    |
| 2000                       | 23 W    |
| 1500                       | 17 W    |
| 1250                       | 12 W    |
| 1000                       | 10 W    |
| 750                        | 7 W     |
| 500                        | 6 W     |

| EL/ELR AVAILABILITY / COMPATIBILITY – Initial Lumens |          |       |                |       |
|------------------------------------------------------|----------|-------|----------------|-------|
| LED                                                  |          |       | Initial Lumens |       |
| Product                                              | Lumens   | Watts | EL/ELR         | ELRHL |
| ICO 4"                                               | 500-4500 | 6-50  | 530            | N/A   |

| nLight® Control Accessories:                                                                                                                                                             |                     |                                              |                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------------------------|---------------------|
| Order as separate catalog number. Visit <a href="http://www.acuitybrands.com/products/controls/nlight">www.acuitybrands.com/products/controls/nlight</a> for complete listing of nLight® |                     |                                              |                     |
| <b>WallPod stations</b>                                                                                                                                                                  | <b>Model number</b> | <b>Occupancy sensors</b>                     | <b>Model number</b> |
| On/Off                                                                                                                                                                                   | nPODM [color]       | Small motion 360°, ceiling (PIR / dual tech) | nCM 9 / nCM PDT     |
| On/Off & Raise/Lower                                                                                                                                                                     | nPODM DX [color]    | Large motion 360°, ceiling (PIR / dual tech) | nCM 10 / nCM PDT    |
| Graphic Touchscreen                                                                                                                                                                      | nPOD GFX [color]    | Wide view (PIR / dual tech)                  | nWV 16 / nWV PDT    |
| <b>Photocell controls</b>                                                                                                                                                                | <b>Model number</b> | Wall Switch w/ Raise/Lower (PIR / dual tech) | nWSX LV DX / nWS    |
| On/Off & Dimming                                                                                                                                                                         | nCM ADCX            | <b>Cat-5 cables (plenum rated)</b>           | <b>Model number</b> |
|                                                                                                                                                                                          |                     | 10', CAT5 10FT                               | CAT5 10FT J1        |
|                                                                                                                                                                                          |                     | 15', CAT5 15FT                               | CAT5 15FT J1        |

**NOTES**

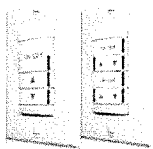
**ORDERING NOTES**

- Not available with finishes.
- Only available 1500lm and below.
- Not available with ELR emergency option.
- 1500lm and above only.
- Not required for WR reflector. Not applicable with FL option.
- Not required for BR reflector. Not applicable with FL option.
- Must specify 120 or 277V. Not available with 347V.
- Above ceiling access required for use with ELR option
- For use with generator supply EM power. Will require an emergency h and normal hot feed
- Shipped installed from the factory.
- Must specify desired optical distribution from available options in "B option column in the ordering tree. i.e. OPTC4 20D.

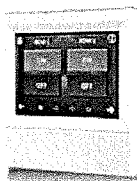
CONSULT [WWW.GOTHAMLIGHTING.COM](http://WWW.GOTHAMLIGHTING.COM) FOR PHOTOMETRY

### Choose Wall Controls.

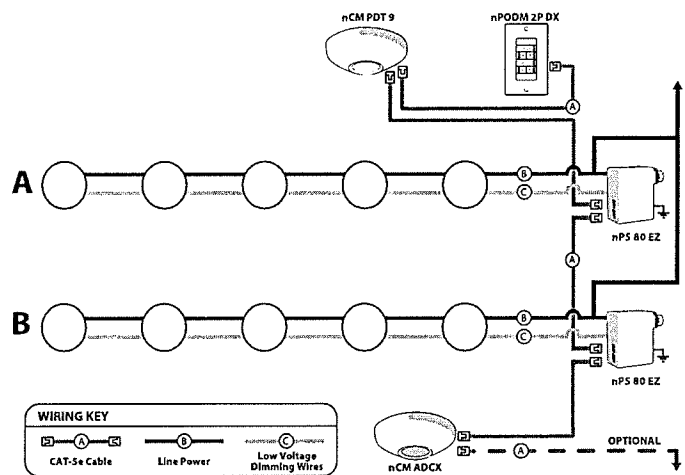
nLIGHT offers multiple styles of wall controls – each with varying features and user experience.



**Push-Button WallPod**  
Traditional tactile buttons  
and LED user feedback



**Graphic WallPod**  
Full color touch screen  
provides a sophisticated  
look and feel



### EXAMPLE

#### Group Fixture Control\*

\*Application diagram applies for fixtures with eldoLED drivers only.

- nPS 80 EZ Dimming/Control Pack (qty 2 required)
- nPODM 2P DX Dual On/Off/Dim Push-Button WallPod
- nCM ADCX Daylight Sensor with Automatic Dimming Control
- nCM PDT 9 Dual Technology Occupancy Sensor

**Description:** This design provides a dual on/off/dim wall station that enables manual control of the fixtures in Row A and Row B separately. Additionally, a daylight harvesting sensor is provided so the lights in row B can be configured to dim automatically when daylight is available. An occupancy sensor turns off all lights when the space is vacant.

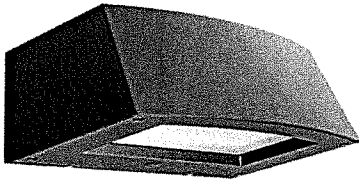
### A+ Capable Luminaire

This item is an A+ capable luminaire, which has been designed and tested to provide consistent color appearance and out-of-the-box control compatibility with simple commissioning.

- All configurations of this luminaire meet the Acuity Brands' specification for chromatic consistency
- This luminaire is part of an A+ Certified solution for nLight® control networks when ordered with drivers marked by a shaded background\*
- This luminaire is part of an A+ Certified solution for nLight control networks, providing advanced control functionality at the luminaire level, when selection includes driver and control options marked by a shaded background\*

To learn more about A+, visit [www.acuitybrands.com/aplus](http://www.acuitybrands.com/aplus).

\*See ordering tree for details



# ARC2 LED

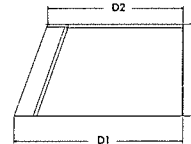
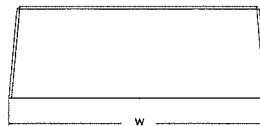
## Architectural Wall Luminaire



### Light fixture D

### Specifications

|                                     |        |
|-------------------------------------|--------|
| <b>Depth (D1):</b>                  | 9.25"  |
| <b>Depth (D2):</b>                  | 7.5"   |
| <b>Height:</b>                      | 5"     |
| <b>Width:</b>                       | 14"    |
| <b>Weight:</b><br>(without options) | 11 lbs |



Catalog  
Number

Notes

Type

For this table only or mouse click the page to see all alternative dimensions

### Introduction

The Lithonia Lighting ARC LED wall-mount luminaires provide both architectural styling visually comfortable illumination while providing the high energy savings and low initial cost quick financial payback.

ARC2 delivers up to 6,500 lumens with a so non-pixelated light source, creating a visually comfortable environment. It offers integrated emergency battery backup options, including an 8W cold temperature option, making it suitable for pedestrian scale applications in environment.

### ARC LED Family Overview

| Luminaire | Standard EM, 0°C | Cold EM, -20°C | Approximate Lumens (4000K) |       |       |       |       |
|-----------|------------------|----------------|----------------------------|-------|-------|-------|-------|
|           |                  |                | P1                         | P2    | P3    | P4    | P5    |
| ARC1 LED  | 4W               | --             | 1,500                      | 2,000 | 3,000 | --    | --    |
| ARC2 LED  | 4W               | 8W             | 1,500                      | 2,000 | 3,000 | 4,000 | 6,500 |

### Ordering Information

EXAMPLE: ARC2 LED P2 40K MVOLT PE D

| Series   | Package         | Color Temperature | Voltage                   | Options                                                                                                                         | Finish                           |
|----------|-----------------|-------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| ARC2 LED | P1 1,500 Lumens | 30K 3000K         | MVOLT<br>347 <sup>1</sup> | E4WH Emergency battery backup, CEC compliant (4W, 0°C min) <sup>1</sup>                                                         | DDBXD Dark bronze                |
|          | P2 2,000 Lumens | 40K 4000K         |                           | E8WC Emergency battery backup, CEC compliant (8W, -20°C min) <sup>1</sup>                                                       | DBLXD Black                      |
|          | P3 3,000 Lumens | 50K 5000K         |                           | PE Button type photocell for dusk-to-dawn operation                                                                             | DNAXD Natural aluminum           |
|          | P4 4,000 Lumens |                   |                           | DMG 0-10V dimming wires pulled outside fixture (for use with an external control, ordered separately) <sup>2</sup>              | DWHXD White                      |
|          | P5 6,500 Lumens |                   |                           | SPD6KV 6kV surge protection <sup>1</sup>                                                                                        | DSSXD Sandstone                  |
|          |                 |                   |                           | FAO Field adjustable light output device. Allows for easy adjustment to the desired light levels, from 20% to 100% <sup>2</sup> | DBTDX Textured dark bronze       |
|          |                 |                   |                           |                                                                                                                                 | DBLBD Textured black             |
|          |                 |                   |                           |                                                                                                                                 | DNATXD Textured natural aluminum |
|          |                 |                   |                           |                                                                                                                                 | DWHGXD Textured white            |
|          |                 |                   |                           |                                                                                                                                 | DSSTXD Textured sandstone        |

### Accessories

Ordered and shipped separately.

WSBBW DDBXD U

Surface - mounted back box (specify finish)

### NOTES

- 1 347V not available with E8WC and SPD6KV.
- 2 FAO not available with

## Performance Data

### Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts Act. Contact factory for performance data on any configurations not shown here.

| Performance Package | System Watts | 30K (3000K, 80 CRI) |     |   |   |   | 40K (4000K, 80 CRI) |     |   |   |   | 50K (5000K, 80 CRI) |     |   |   |
|---------------------|--------------|---------------------|-----|---|---|---|---------------------|-----|---|---|---|---------------------|-----|---|---|
|                     |              | Lumens              | LPW | B | U | G | Lumens              | LPW | B | U | G | Lumens              | LPW | B | U |
| P1                  | 11W          | 1,502               | 142 | 0 | 0 | 1 | 1,587               | 150 | 0 | 0 | 1 | 1,598               | 151 | 0 | 0 |
| P2                  | 16W          | 2,250               | 140 | 0 | 0 | 1 | 2,377               | 147 | 0 | 0 | 1 | 2,393               | 148 | 0 | 0 |
| P3                  | 24W          | 3,206               | 135 | 0 | 0 | 1 | 3,387               | 143 | 0 | 0 | 1 | 3,410               | 144 | 0 | 0 |
| P4                  | 30W          | 3,903               | 128 | 1 | 0 | 1 | 4,124               | 136 | 1 | 0 | 1 | 4,152               | 136 | 1 | 0 |
| P5                  | 51W          | 6,260               | 122 | 1 | 0 | 1 | 6,615               | 129 | 1 | 0 | 1 | 6,659               | 130 | 1 | 0 |

### Electrical Load

| Performance Package | System Watts | Current (A) |       |       |       |       |
|---------------------|--------------|-------------|-------|-------|-------|-------|
|                     |              | 120V        | 208V  | 240V  | 277V  | 347V  |
| P1                  | 11W          | 0.090       | 0.055 | 0.049 | 0.046 | 0.045 |
| P2                  | 16W          | 0.141       | 0.081 | 0.072 | 0.064 | 0.059 |
| P3                  | 24W          | 0.202       | 0.117 | 0.103 | 0.091 | 0.079 |
| P4                  | 30W          | 0.280       | 0.162 | 0.144 | 0.128 | 0.095 |
| P5                  | 51W          | 0.471       | 0.272 | 0.239 | 0.212 | 0.158 |

### Lumen Output in Emergency Mode (4000K, 80 CRI)

| Option | Lumens |
|--------|--------|
| E4WH   | 693    |
| E8WC   | 1,413  |

### Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

| Ambient |       | Lumen Multiplier |
|---------|-------|------------------|
| 0°C     | 32°F  | 1.04             |
| 10°C    | 50°F  | 1.03             |
| 20°C    | 68°F  | 1.01             |
| 25°C    | 77°F  | 1.00             |
| 30°C    | 86°F  | 0.99             |
| 40°C    | 104°F | 0.97             |

### Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the platforms noted in a 25°C ambient based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-10). To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

| Operating Hours          | 0   | 25,000 | 50,000 | 100,000 |
|--------------------------|-----|--------|--------|---------|
| Lumen Maintenance Factor | 1.0 | >0.96  | >0.93  | >0.88   |

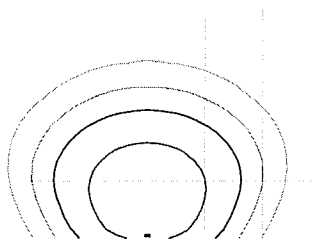
## Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit the Lithonia Lighting ARC LED homepage. Tested in accordance with IESNA LM-79 and LM-80 standards.

#### LEGEND

|         |
|---------|
| 0.25 fc |
| 0.5 fc  |
| 1.0 fc  |
| 3.0 fc  |

MH = 15ft  
Grid = 15ft x 15ft



ARC2 LED P3 40K



## Emergency Egress Options

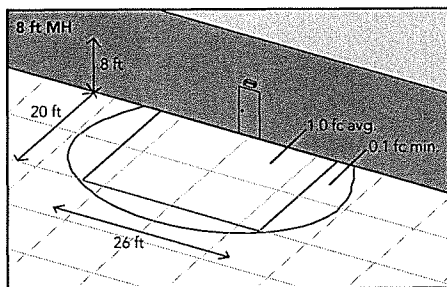
### Emergency Battery Backup

The emergency battery backup is integral to the luminaire — no external housing required! This design provides reliable emergency operation while maintaining the aesthetics of the product. All emergency battery backup configurations include an independent secondary driver with an integral microcontroller that immediately detect loss of normal power and automatically energize the luminaire. The emergency battery will power the luminaire for a minimum of 90 minutes (maximum duration of three hours) from the time normal power is lost and maintain a minimum of 60% of the light output at the end of 90 minutes.

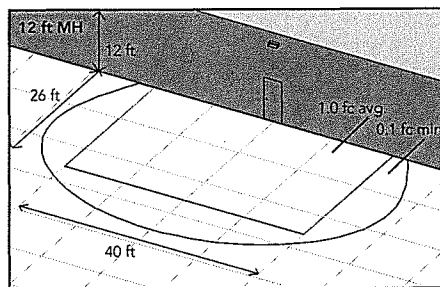
Applicable codes: NFPA 70/NEC – section 700.16, NFPA 101 Life Safety Code Section 7.9

The example below shows illuminance of 1 fc average and 0.1 fc minimum in emergency mode.

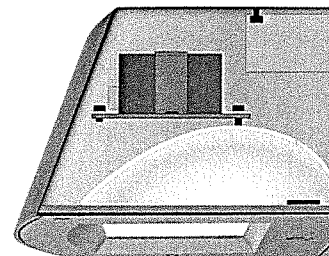
Grid = 10ft x 10ft



ARC2 LED 40K MVOLT E4WH

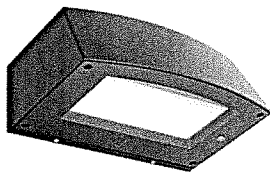


ARC2 LED 40K MVOLT E8WC



Self-contained solution for clean air

## Mounting, Options & Accessories

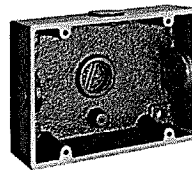


E4WH and E8WC – Emergency Battery Backup

D = 6.5"

H = 5"

W = 11"



BBW – Standard Back Box

D = 1.5"

H = 4"

W = 5.5"

For surface conduit applications.  
3/4" conduit entry holes.

## FEATURES & SPECIFICATIONS

### INTENDED USE

The clean architectural shape of the ARC LED was designed for applications such as hospitals, schools, malls, restaurants, and commercial buildings. The long-life LEDs and driver make this luminaire nearly maintenance-free.

### CONSTRUCTION

The die-cast aluminum housing and door act as heat sinks to optimize thermal transfer from the light engine and driver to promote long-life. The die-cast door frame is fully gasketed with a one-piece solid silicone gasket to keep out moisture and dust, providing an IP65 rating for the luminaire.

### FINISH

Exterior painted parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Standard Super Durable colors include dark bronze, black, natural aluminum, sandstone and white. Available in textured and non-textured finishes.

### OPTICS

Recessed lens to cut off high angle light and reduce glare. Combination of diffused lens and reflector design has low surface brightness creating a visually comfortable environment with great distribution. LEDs are fully hidden from view to eliminate pixelization and harsh glare. The ARC LED has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight.

### ELECTRICAL

Light engine consists of high-efficacy LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long-life (up to L88/100,000 hours at 25°C). The electronic driver has a power factor of >90%, THD <20%. Luminaire is 0-10V dimmable.

### INSTALLATION

The universal wall plate, supplied with the luminaire, fits multiple size junction boxes and supports it during wiring for easy installation. Built-in wet location wiring compartment allows the luminaire to accommodate wiring connections for applications with no junction box. Design can withstand up to a 1.5 G vibration load rating per ANSI C136.31.

### LISTINGS

CSA certified to U.S. and Canadian standards. Luminaire is IP65 rated. DesignLight Consortium® (DLC) Premium qualified product and DLC qualified product. Not a listing of this product may be DLC Premium qualified or DLC qualified. Please check the Qualified Products List at [www.designlights.org/QPL](http://www.designlights.org/QPL) to confirm which versions are qualified. International DarkSky Association (IDA) Fixture Seal of approval (FSA) is for all products on this page utilizing 3000K color temperature only. Rated for 40% minimum ambient.

### WARRANTY

5-year limited warranty. Complete warranty terms located at: [www.acltybros.com/support/warranty/terms-and-conditions](http://www.acltybros.com/support/warranty/terms-and-conditions)

**Note:** Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25°C. Specifications subject to change without notice.

## Department of Permitting & Inspections

Zoning Division  
645 Pine Street  
Burlington, VT 05401  
Telephone: (802) 865-7188

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



### MEMORANDUM

**TO:** Development Review Board  
**FROM:** Ryan Morrison, Associate Planner  
**DATE:** October 19, 2021  
**RE:** ZP-21-577; 63 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: RM-W Ward: 3C

Owner/Applicant: Joseph Piscotty

**Request:** Construct a garbage shed within required setbacks. Applicant requests a variance from required front and side yard setbacks.

#### **Applicable Regulations:**

Article 2 (Administrative Mechanisms), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 12 (Variances and Appeals)

#### **Background Information:**

The applicant is requesting a front and side yard setback variance to place a garbage shed on a portion of the rear driveway. The construction/placement of the shed is also included in this application. The property is developed with a 6-unit multi-family residential structure, with ground level interior parking. 2 exterior parking spaces used to exist but are no longer used nor required. The new shed will be placed within those previous parking spaces. Based on dimensional limitations of the rear driveway, and a suitable location to place the shed, the applicant proposes to place the shed within required front and side yard property line setback areas.

The subject property is relatively small at just 4,455 sf, and has two frontages: North Avenue and Depot Street. Although public, Depot Street is closed to vehicular traffic with the exception of traffic generated for property access, as is the case with the subject property.

Relief is sought from the setback requirements of Table 4.4.5-3, *Residential District Dimensional Standards* and Section 5.2.5 (b), *Exceptions to Yard Setback Requirements*. Given the existing development layout of the property, and the front yard setbacks, there is no available location to place the shed where setback compliance can be met.

Previous zoning actions for this property are as follows:

- 5/7/76, Approval for alterations to porches, entrance doorways, and stairs.

- 5/13/82, Approval to construct 6 attached dwelling units – fire rebuild utilizing existing footprint.
- 2/18/00, Approval to install vinyl siding.
- 2/18/04, Approval to replace windows and doors.
- 9/7/13, Approval to replace windows and a sliding door.
- 1/14/16, Approval to replace windows and a sliding door.
- 1/25/16, Approval to replace windows.

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

## **I. Findings**

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

#### **Part 7: Enforcement**

##### **Section 2.7.8 Withhold Permit**

There is one permit associated with the property that has never been closed out, and remains ‘permit indeterminate’. The applicant is tasked with closing this permit before being able to obtain any future certificates of occupancy. **(Affirmative finding as conditioned)**

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

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

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

##### **(4) Residential Medium Density (RM)**

The subject property is located in the RM zone. This zone is intended primarily for single detached dwellings and attached multi-family apartments. The existing multi-family condo building complies with the intent of the zone. **(Affirmative finding)**

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

**Table 4.4.5-3: Residential District Dimensional Standards**

| <b>Zoning District</b>          | <b>Max. Lot Coverage<sup>1</sup></b> | <b>Setbacks<sup>1, 3, 4, 5, 6</sup></b>                               |                                                                                                                                         |                                                                                                      |                                                                                                    | <b>Max. Height<sup>1</sup></b> |
|---------------------------------|--------------------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|--------------------------------|
|                                 |                                      | <b>Front<sup>2</sup></b>                                              | <b>Side<sup>3</sup></b>                                                                                                                 | <b>Rear</b>                                                                                          | <b>Waterfront</b>                                                                                  |                                |
| <b>RM</b>                       | 40%                                  | <b>Min/Max:</b><br>Ave of 2 adjacent lots on both sides<br>+/- 5-feet | <b>Min:</b><br>10% of lot width Or<br>ave. of side yard setback of 2 adjacent lots on both sides<br><br><b>Max required:</b><br>20-feet | <b>Min:</b><br>25% of lot depth but in no event less than 20’<br><br><b>Max required:</b><br>75-feet | <b>Min:</b><br>75’ feet from the ordinary high water mark of Lake Champlain and the Winooski River | 35-feet                        |
| <b>63 North Ave Prop’d shed</b> | N/A – shed will                      | Ave. to Depot St. –                                                   | See Sec. 5.2.5 (b)                                                                                                                      | N/A                                                                                                  | N/A                                                                                                | 8 ft                           |

**Table 4.4.5-3: Residential District Dimensional Standards**

| Zoning District | Max. Lot Coverage <sub>1</sub>      | Setbacks <sup>1, 3, 4, 5, 6</sup>         |                                                                              |      |            | Max. Height <sup>1</sup> |
|-----------------|-------------------------------------|-------------------------------------------|------------------------------------------------------------------------------|------|------------|--------------------------|
|                 |                                     | Front <sup>2</sup>                        | Side <sup>3</sup>                                                            | Rear | Waterfront |                          |
|                 | be placed on existing lot coverage. | 45 ft.<br>Proposed shed setback of 13 ft. | below. 5 ft setback req'd for the shed.<br>Proposal asks for a 1 ft setback. |      |            |                          |

The neighboring two properties along Depot Street (55 & 57 North Ave) have an average setback of 45 ft, meaning the minimum setback from Depot Street for the subject property is 40 ft (ave. setback +/- 5 ft). When applying a 40 ft setback off Depot Street, there is no available building space due to the existence of the multi-family building. Also worth noting – while average front yard setbacks are based off primary structures, 55 North Ave has a detached garage that is setback 6 ft from Depot Street. The applicant proposes a 13 ft front yard (Depot St) setback and a 1 ft side yard setback for the garbage shed. In order to be approved, the Development Review Board must approve this variance request. See Article 12 below.

The shed is able to take advantage of yard setback exceptions, as outlined in Sec. 5.2.5 (b) below, but will still require a variance to this standard as well. **(Affirmative finding if the DRB grants the variance request)**

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

### **Sec. 5.2.5, Setbacks**

#### **(b) Exceptions to Yard Setback Requirements**

*5. Accessory Structures and Parking Areas. Accessory structures no more than fifteen (15) feet in height, parking areas, and driveways may project into a required side and rear yard setback provided they are no less than five (5) feet from a side or rear property line where such a setback is required.*

The applicant proposes a setback of 1 ft from the side yard property line. Such a request is subject to variance approval through the Development Review Board. See Article 12 below. **(Affirmative finding if the DRB grants the variance request)**

## **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**

##### *(h) Building location and orientation*

*The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes.*



Little development exists along Depot Street. The lots in this area stretch between North Ave and Depot Street, and the Depot Street frontages actually have more of a rear yard feel to them. As noted above, 55 North Ave has a detached garage that is setback 6 ft from Depot Street. There appear to be no other accessory structures on the few developed lots along this frontage. The applicant proposes a slightly deeper setback compared to that of the detached garage on 55 Depot Street.

*In residential areas, accessory buildings shall be located in such a way so as to be secondary and subordinate in scale and design to the principal structure. A parking structure – either attached or detached – shall be setback from the longest street-facing wall of the principal structure and be deferential yet consistent in character and design. Where a front yard setback is required, any street-facing garage wall containing garage doors shall be set back a minimum of 25' from the front property line to prevent parked vehicles from blocking the public sidewalk. Where a garage is not oriented towards the street (i.e. the garage doors face the rear or side yard), the street-facing garage wall shall have windows or doors or other features that break-up the mass into smaller elements, and be blended with the character of the residential portion of the structure* Given the unique lot layout and existing development thereon, there appear to be no areas on the lot where such a shed could locate and comply with setback requirements. In fact, the front setback lines only allow for a small building envelope which is currently occupied by the existing multi-family building. Garbage containment is a basic need for any developed property, and the applicant is proposing to place the shed in a location that will be the least noticeable, and won't create an obstruction for vehicular travel onsite. **(Affirmative finding)**

*(p) Integrate infrastructure into the design*

*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.*

63 North Ave has two street frontages, North Ave and Depot Street. As mentioned above, Depot Street is closed to general vehicular traffic, with an exception made for residents of the street. One might find that the Depot Street frontage acts almost like a rear yard. Given the topography, pedestrians on Depot Street would have to look uphill and through oftentimes thick vegetation to even be able to see the shed. The shed has one open side for easy access to trash/recycling bins. **(Affirmative finding)**

### **Part 3, Architectural Design Standards**

#### **Sec. 6.3.2, Review Standards**

Not applicable.

### **Article 12: Variances and Appeals**

#### **Sec. 12.1.1 Variances**

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

The subject property is small at just 4,455 sf. Given its triangular shape and frontage on 2 streets, minimum setback requirements render new, compliant development on the property impossible. Due to the diagonal nature of Depot Street in relation to existing development on the neighboring two lots (55 & 57 North Ave), there is actually no area on the subject property that would allow for

the proposed shed to be placed in a setback-compliant location. The applicant believes that the property has unique physical circumstances and conditions, including irregularity and narrowness. And given the existing multi-family building, there is no other suitable location to place the garbage shed. **(Affirmative finding)**

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

The applicant states that there was shed located partially on the slope leading down to Depot Street for many years which didn't comply with setback requirements. While there is no zoning or building permit evidence showing this old shed as having been permitted, historic aerial photos show it to be in place as far back as 2004. Still, the current request is for a new shed.

Reasonable use of the property has already been achieved by way of the existing 6-unit multi-family development. However, even though the shed is not a major new development, Sec. 6.2.2 (p) does want to see trash/recycling containment within this Design Review District. Placement of the garbage shed is impossible without a variance from the front and side yard setback requirements. **(Affirmative finding)**

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

Even if the lot were vacant, the front yard setback off Depot Street severely, if not completely, restricts the property's development potential. This is not a lot newly created by the applicant. **(Affirmative finding)**

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

The variance from the limitations of Table 4.4.5-3 and Sec. 5.2.5 (b) would not alter the essential character of the neighborhood or district in which the subject property is located. This is a residentially zoned area, and accessory structures are commonplace with such development. **(Affirmative finding)**

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

When taking into consideration vehicle maneuverability in the driveway, and the fact that there is no available area on the property to place the shed where setback compliance would be met, the proposed shed location represents the least deviation from setback requirements. **(Affirmative finding)**

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

Technically, most of the existing multi-family building is located within required setbacks. There is no available land on the property in which to place the shed where setback requirements would be met. **(Affirmative finding)**

## **II. Conditions of Approval**

1. Per **Section 2.7.8, Withhold Permit**, the applicant is required to close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations.
2. The shed may have a setback of 13 ft to the Depot Street right of way, and a 1 ft setback to the side yard (south) property line.
3. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other state or federal permit(s) as may be required, and shall meet all energy efficiency codes as required.
4. Standard permit conditions 1-15.

## Ryan Morrison

---

**From:** Scott Gustin  
**Sent:** Monday, August 23, 2021 3:56 PM  
**To:** Ryan Morrison  
**Subject:** FW: variance request at 63 North Ave

FYI.

Scott Gustin, AICP, CFM  
Principal Planner & Asst. Administrative Officer  
Dept. of Permitting & Inspections  
645 Pine Street  
Burlington, VT 05401  
(802) 865-7189

---

**From:** joemitros15 [mailto:joemitros15@gmail.com]  
**Sent:** Monday, August 23, 2021 3:30 PM  
**To:** Scott Gustin <SGustin@burlingtonvt.gov>  
**Subject:** RE: variance request at 63 North Ave

[ WARNING ]: This email was sent from someone outside of the City of Burlington.

Sir,the trash shed was placed on the south property line, which was not in anyones way ,right now it is in m approach to parking in my garage ,the spot they are asking for will affect my backing out from my garage ,r only me but to anyone who buys this unit, the requested placement is 3 feet in from where it sat ,that 3 feet minus my backing my car ,if it is placed on the south end of the property, where it was when the building w built ,it would not be in anyones way ,thank you joe mitros ,unit 4.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

**From:** Scott Gustin <SGustin@burlingtonvt.gov>  
**Date:** 8/23/21 3:03 PM (GMT-05:00)  
**To:** joemitros15@gmail.com  
**Subject:** variance request at 63 North Ave

Hi Joe,

Please reply to this email with your comments for the Development Review Board's consideration of the variance request at 63 North Ave. The Board will consider the variance request on September 21.

Scott



Scott Gustin, AICP, CFM

Principal Planner & Asst. Administrative Officer

Dept. of Permitting & Inspections

645 Pine Street

Burlington, VT 05401

(802) 865-7189

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.























## PART 1. VARIANCES

### Sec.12.1.1 Variance

As stated in other documents, the Breakwater Condo Association would like to locate our garbage shed to a place that would not be in compliance with the city setback ordinance. To be clear, where the shed is now located is in noncompliance. After a complaint by one of the condo owners, we asked Ted Miles who has worked with us before, to instruct us where we could put the shed. Unfortunately, the ONLY place we could legally put the shed would make it very difficult for one of the owners to exit his garage. We're at an impasse.

a) The Breakwater Condos (BWC) were built in 1983. The lot plan was designed by Krebs and Lansing Consulting Engineers, Inc. It was submitted to and approved by the City of Burlington as certified by Robert C. Krebs #3379. It was built by the Larkin Construction Company. As seen from the aerial site map provided to us by Ryan Morrison, the south side of the BWC and the north side of Star Press are about a foot apart. Also, the property line in the northwest corner cuts into the building about a foot. So to conform to the zoning requirement there, we would have to cut into the foundation to be in compliance. Of course that is absurd, but fortunately not an issue, but it could be.

Therefore, we believe there are unique physical circumstances and conditions, including irregularity and narrowness of the lot size and shape peculiar to our property. This has been true from the beginning, and we feel this is an unnecessary hardship and not circumstances created by the provisions of the zoning regulations in our neighborhood.

b) The shed was located for many years partially on the slope leading down to Depot Street. It was buttressed by 4x4s and blew down at least three times because of the wind off the lake. It's important to note that even then, it still did not meet the setback requirement because of the odd lot line. We feel that because of these physical circumstances we cannot place the garbage shed in strict conformity with the zoning regulations, so the variance is essential to our reasonable use of the property.

c) It's a city regulation that we need to have a garbage shed. This problem was created when the building was built and not any fault of ours.

d) We have worked with the owner of the Star Press in the past. He has told our Secretary that he has no problem placing the shed anywhere we want. If you authorize the variance, in our opinion it definitely will not alter the essential character of the neighborhood in which it is located or permanently impair the appropriate use or development on the adjacent property, Star Press. As stated above, the owner is in compliance with the agreement. Actually, the shed and its garbage cans will be less noticeable from Depot Street which should be a plus for everyone.

e) Yes, the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible. We would gladly welcome Ted Miles or another inspector from the Zoning Division to be there to insure that this is true while allowing the one owner to access to his garage without impediment.

f) If the variance is granted, we feel it will not result in either the extension of a non-complying situation or allow the initiation of a nonconforming use of land.

\*\*\*Joe Piscotty, Vice-president, and Ken Axelson, Board member, were appointed by the Breakwater Condo Association to present the request for a variance.

This is the current shed location without a five foot setback. Please notice that the “setback” between The Star Press building on the right is less than one foot from the Breakwater Condo Association building.



Hello, My name is Ken Axelson and I am an owner and a board member at the Breakwater Condo Association

I would like to call to your attention a difficult situation that our association is dealing with regards the location of our trash shed.

There is extreme constraint in finding a suitable location that meets the city setback ordinance of five feet from the property lines.

We met with Ted Miles from the city's code enforcement office on July 6th with Joe Piscotty, Ken Axelson and Joe Mitros attending. Mr. Miles determined that there were only two possible locations for the shed on the entire property and that was in the south west corner of the lot and neither of these locations were acceptable to Joe Mitros who stated that locating the shed there would impede his access to his garage.

In order to resolve this impasse the association requests a variance to locate the shed next to and along the the southern property line. The shed would be facing toward the north.

I would like to make a few statements in support of this request.

The Breakwater condos were built back in 1983 on what was throwaway land used as a trash dump. Since then there have been tremendous changes in the old north end. The city has closed Depot street to through traffic turning the street into a pedestrian walkway accessing the waterfront park and bike path. The entire old north end the "ONE" has gained substantial value as residential real estate has greatly appreciated due in no small part to the Depot Street waterfront corridor. The Moran plant which shed a pall over the entire waterfront and the properties to the east of it has finally been closed and a plan is being executed to bring the site in line with the cities ambitious plans to develop the waterfront as a beautiful recreation area. As these plans have evolved the value of the Breakwater condos have appreciated and the new owners have set upon a plan to enhance the beauty of their property. We have partnered with the city and negotiated the use of the right of way along the eastern side of Depot street which the association shares with the city. We have begun work in the side garden to the north of the condos with a walkway and plantings and pruning of older and dying shrubbery. We have a plan which we will be presenting to the planning and zoning department in the near future to upgrade the western facing balconies with more attractive and modern railings. We have begun work on the garden area along the southern area siding on Depot street.

The board has given much thought to the location of the shed and we feel that the best location for all concerned from the consideration of convenience of access for the members to their garages, for the aesthetic consideration both for the members and there enjoyment of the magnificent view and from the pedestrians accessing the waterfront corridor sense of the attractiveness of the Depot street corridor

Thank you for your consideration,

Ken Axelson on behalf of the members of the Breakwater Condo Association

The secretary of the Breakwater Condo Association, Carol Maulhardt, spoke with the owner of The Star Press, Simon George on July 8, 2021. The building is located at 57 North Ave and is adjacent to our condos which are at 63/83 North Ave. He stated he has no problem with our putting the shed anywhere on our property and is not concerned about the five foot setback. We can get this in writing if necessary.

Joe Piscotty vice-president

802-310-7878

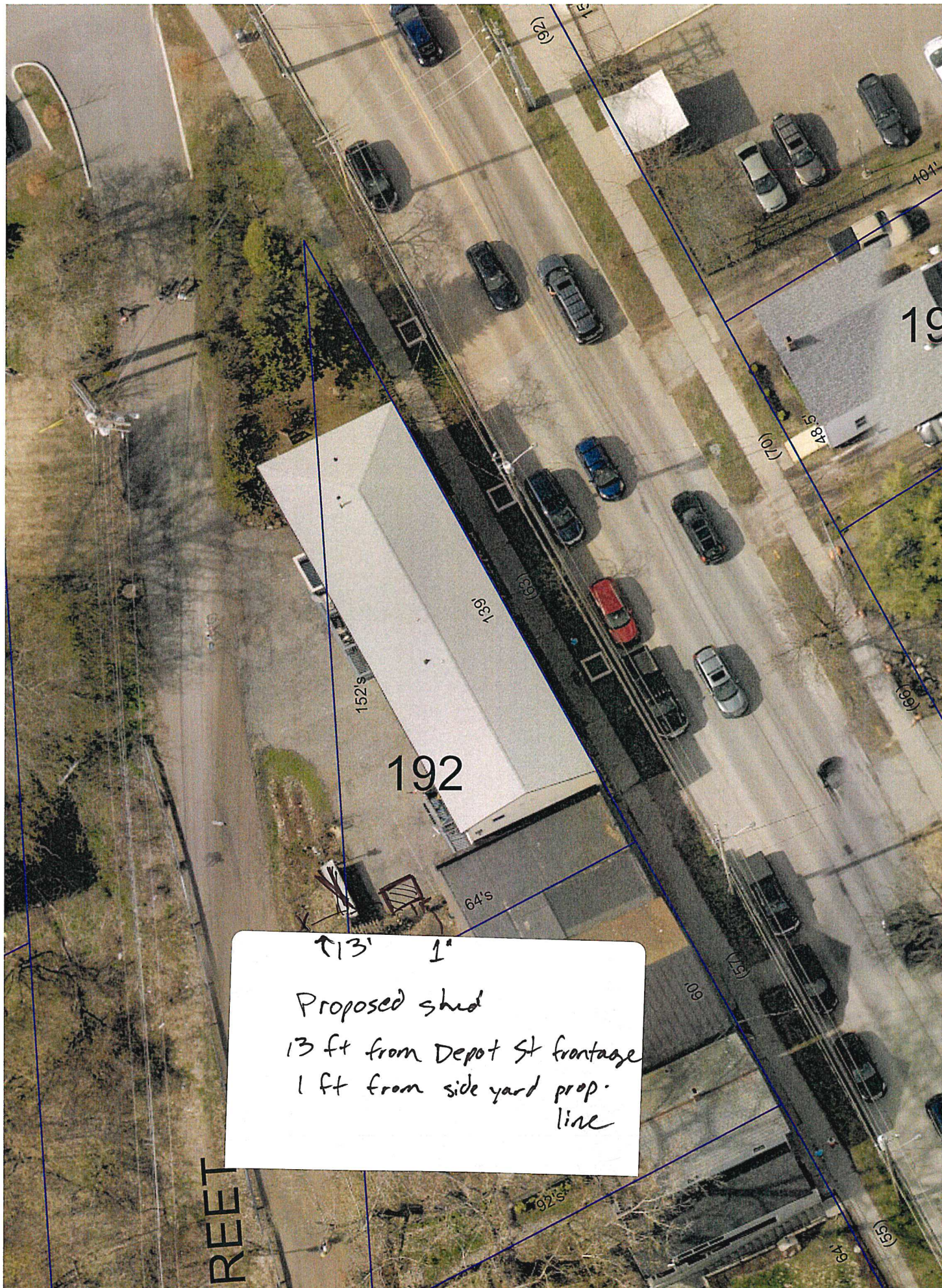
joexcaryl@gmail.com

Carol Maulhardt secretary

carolmaulhardt@gmail.com

802-310-7878





192

152's

138'

64's

Proposed shed  
13 ft from Depot St frontage  
1 ft from side yard prop.  
line

DEPOT ST



Looking up from Depot St at the shed and two garages.





Property line looking up from Depot Street. We had the property surveyed this year. You can see the steep slope rising from Depot and also the 1 foot distance between our building and the Star Press next door.





## Burlington Development Review Board

Department of Permitting & Inspections  
645 Pine Street  
Burlington, VT 05401  
[www.burlingtonvt.gov/DPI/DRB](http://www.burlingtonvt.gov/DPI/DRB)  
Telephone: (802) 865-7188  
Fax: (802) 863-0466

Brad Rabinowitz  
AJ LaRosa  
Geoff Hand  
Brooks McArthur  
Caitlin Halpert  
Chase Taylor  
Leo Sprinzen  
Sean McKenzie, (Alternate)



### BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, October 19, 2021, 5:00 PM

#### Minutes

**Physical location:** 645 Pine Street, Front Conference Room, Burlington VT 05401  
and

**Zoom:** <https://us02web.zoom.us/j/84010525738?pwd=V0ZCK3pgM1VhbEoxMUZGYmhDVm0rQT09>

**Password:** 272000

**Webinar ID:** 840 1052 5738

**Telephone:** +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or  
+1 253 215 8782 or +1 346 248 7799

**Board Members Present:** Brad Rabinowitz, Brooks McArthur, Geoff Hand, AJ LaRosa (remote), Caitlin Halpert, Chase Taylor, Kienan Christianson (remote.)

Newly sworn in member Leo Sprinzen present to observe.

**Board Members Absent:** Sean McKenzie (Alt)

**Staff Members:** Mary O'Neil, and Ryan Morrison

#### I. Agenda

There is a request to defer review of 227-235 Main Street pending continuing efforts to resolve.

#### II. Communications

#### III. Minutes

Minutes for the October 5, 2021 meeting are posted on the DRB website.

#### IV. Consent

##### 1. ZP-21-655; 162 North Champlain Street (RM, Ward 3C) Jessica Hyman

Demolish existing garage included in VT historic register and replace with larger garage. (Project Manager, Scott Gustin)

Motion by Brooks McArthur: In the matter of ZP21-655, 162 North Champlain Street, I move we approve the application and adopt findings and conditions.

2<sup>nd</sup> – Caitlin Halpert

Vote 7-0.

Motion carries.

#### V. Public Hearing

##### 1. ZAP-21-15; 227-235 Main Street (FD5, Ward 6S) Winkeldom, LLC / Mark Hall



Appeal notice of zoning violation regarding illuminated window graphics. (Project Manager, Ted Miles)

Brad Rabinowitz asks if it should be rescheduled for date certain. Staff articulates that resolution is likely.

Motion by Geoff Hand: I move we defer this matter per the request of the applicant and the City.

2<sup>nd</sup> – Caitlin Halpert

Vote 7-0.

Motion carries.

**2. ZP-21-577; 63 North Avenue (RM-W, Ward 3C) Joseph Piscotty**

Variance request to place a garbage shed within required setbacks. *Continued hearing.* (Project Manager, Ryan Morrison).

Applicants Kenneth Axelman and Joe Piscotty present, discuss newly located site.

Brad Rabinowitz closes the Public Hearing on this matter at 5:15 pm.

**VI. Certificate of Appropriateness**

**1. ZP-21-653; 105 Carrigan Drive (I, Ward 1E) University of Vermont**

Proposed elevator addition, entrance improvements, and associated site improvements to the Hills Agricultural Sciences Building and its environs. (Project Manager: Ryan Morrison)

Presenting for UVM: Lani Ravin, Planner (UVM); Kate Coffee (UVM); Guy Roberts (facility manager, UVM); Derrick Read (Krebs & Lansing); Alex Halpern (FFF Architects); Josh Crandall (FFF Architects); and Luce Hillman (UVM.)

Geoff Hand – What is the purpose of the diesel generator?

Lani Ravin – asks to present the entire project, will address in presentation.

Discussion of rooftop units.

Geoff Hand – have you provided the sound levels of the equipment?

Alex Halpern – Baseline measurements. Will adjust levels.

Geoff Hand – How do we look at noise impacts? What info can you share now?

Lani Ravin – This is central campus. Already a certain amount of noise. Aren't noise levels measured at the edge of the property?

Alex Halpern – Goal to have the same levels. There are fans on Marsh; fans on buildings to north, south, east. We need to fine tune.

Geoff Hand – Same question about generator; noise levels. They should be below existing.

Alex Halpern – They won't be below. They will be close to what is there now. The generator is intended to be life safety equipment.

Josh Crandall – the generator is placed in a natural well, provides sound attenuation.

Brad Rabinowitz – Please explain “wood look” on elevation?

Alex Halpern – sintered stone, or photographic metal panel. The latter is created with a UV fast process; image integrated into material. Like the material installed on the South End City Market, only a different image.

Josh Crandall – re Landscaping – largely as it is today. Keep hardscaping. Facilitate ADA access.

Lani Ravin – side walks, provide accessibility. Bike racks, inverted U design employed by UVM. Covered bike parking will be provided on the north end.

Brad Rabinowitz – not much re-grading?

Josh Crandall – yes, correct. Grading at ADA parking spots, and limited at walkways for ADA compliance.

Lani Ravin – we are adding walkways to activate existing courtyard. The wind turbine is not connected to this project. I am proud of that, I permitted it as one of my first projects. It does not work anymore. Only for life safety purposes.

Geoff Hand – We don’t have purview over that. But are there not any options that are not fossil fuel? Battery storage?

Lani Ravin – This does require Act 250 review. But we do have to take care of emergencies.

Geoff Hand – Battery storage option; could be charged in Burlington, 100% renewable.

Alex Halpern – we will check into that, thank you for that information.

Sharon Bushor (call-in participant) – Concern about diesel fuel – other options should be considered. The plan seems respectful of existing trees, avoid disturbance. I am gun shy because of the trees lost at Alumni House. I note that Hills was where the botany department was. It is germane that landscaping is preserved.

Brad Rabinowitz – I have worked on projects with battery storage. You can gang together a lot of power storage that way.

Brad Rabinowitz – closes public hearing.

A welcome is afforded to the newly appointed member, Leo Sprinzen; and a farewell to Kienan Christiansen who is moving to Eugene Oregon, leaving October 29<sup>th</sup>.

## **VII. Adjournment**

## **VIII. Deliberative Session**

Motions recorded separately in project findings.

---

Bradford L. Rabinowitz, Chair of Development Review Board

Date

---

Mary O'Neil, Principal Planner

Date

*The City of Burlington will not tolerate unlawful harassment or discrimination based on political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.*



## Burlington Development Review Board

Department of Permitting & Inspections  
645 Pine Street  
Burlington, VT 05401  
[www.burlingtonvt.gov/DPI/DRB](http://www.burlingtonvt.gov/DPI/DRB)  
Telephone: (802) 865-7188  
Fax: (802) 863-0466

Brad Rabinowitz  
AJ LaRosa  
Geoff Hand  
Brooks McArthur  
Caitlin Halpert  
Chase Taylor  
Leo Sprinzen  
Sean McKenzie, (Alternate)



### BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, October 19, 2021, 5:00 PM

#### Minutes

**Physical location:** 645 Pine Street, Front Conference Room, Burlington VT 05401  
and

**Zoom:** <https://us02web.zoom.us/j/84010525738?pwd=V0ZCK3pgM1VhbEoxMUZGYmhDVm0rQT09>

**Password:** 272000

**Webinar ID:** 840 1052 5738

**Telephone** ☐ +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or  
+1 253 215 8782 or +1 346 248 7799

**Board Members Present:** Brad Rabinowitz, Brooks McArthur, Geoff Hand, AJ LaRosa (remote), Caitlin Halpert, Chase Taylor, Kienan Christianson (remote.)

Newly sworn in member Leo Sprinzen present to observe.

**Board Members Absent:** Sean McKenzie (Alt)

**Staff Members:** Mary O'Neil, and Ryan Morrison

#### I. Agenda

There is a request to defer review of 227-235 Main Street pending continuing efforts to resolve.

#### II. Communications

#### III. Minutes

Minutes for the October 5, 2021 meeting are posted on the DRB website.

#### IV. Consent

##### 1. ZP-21-655; 162 North Champlain Street (RM, Ward 3C) Jessica Hyman

Demolish existing garage included in VT historic register and replace with larger garage. (Project Manager, Scott Gustin)

Motion by Brooks McArthur: In the matter of ZP21-655, 162 North Champlain Street, I move we approve the application and adopt findings and conditions.

2<sup>nd</sup> – Caitlin Halpert

Vote 7-0.

Motion carries.

#### V. Public Hearing

##### 1. ZAP-21-15; 227-235 Main Street (FD5, Ward 6S) Winkeldom, LLC / Mark Hall

Appeal notice of zoning violation regarding illuminated window graphics. (Project Manager, Ted Miles)

Brad Rabinowitz asks if it should be rescheduled for date certain. Staff articulates that resolution is likely.

Motion by Geoff Hand: I move we defer this matter per the request of the applicant and the City.

2<sup>nd</sup> – Caitlin Halpert

Vote 7-0.

Motion carries.

**2. ZP-21-577; 63 North Avenue (RM-W, Ward 3C) Joseph Piscotty**

Variance request to place a garbage shed within required setbacks. *Continued hearing.* (Project Manager, Ryan Morrison).

Applicants Kenneth Axelman and Joe Piscotty present, discuss newly located site.

Brad Rabinowitz closes the Public Hearing on this matter at 5:15 pm.

**VI. Certificate of Appropriateness**

**1. ZP-21-653; 105 Carrigan Drive (I, Ward 1E) University of Vermont**

Proposed elevator addition, entrance improvements, and associated site improvements to the Hills Agricultural Sciences Building and its environs. (Project Manager: Ryan Morrison)

Presenting for UVM: Lani Ravin, Planner (UVM); Kate Coffee (UVM); Guy Roberts (facility manager, UVM); Derrick Read (Krebs & Lansing); Alex Halpern (FFF Architects); Josh Crandall (FFF Architects); and Luce Hillman (UVM.)

Geoff Hand – What is the purpose of the diesel generator?

Lani Ravin – asks to present the entire project, will address in presentation.

Discussion of rooftop units.

Geoff Hand – have you provided the sound levels of the equipment?

Alex Halpern – Baseline measurements. Will adjust levels.

Geoff Hand – How do we look at noise impacts? What info can you share now?

Lani Ravin – This is central campus. Already a certain amount of noise. Aren't noise levels measured at the edge of the property?

Alex Halpern – Goal to have the same levels. There are fans on Marsh; fans on buildings to north, south, east. We need to fine tune.

Geoff Hand – Same question about generator; noise levels. They should be below existing.

Alex Halpern – They won't be below. They will be close to what is there now. The generator is intended to be life safety equipment.

Josh Crandall – the generator is placed in a natural well, provides sound attenuation.

Brad Rabinowitz – Please explain “wood look” on elevation?

Alex Halpern – sintered stone, or photographic metal panel. The latter is created with a UV fast process; image integrated into material. Like the material installed on the South End City Market, only a different image.

Josh Crandall – re Landscaping – largely as it is today. Keep hardscaping. Facilitate ADA access.

Lani Ravin – side walks, provide accessibility. Bike racks, inverted U design employed by UVM. Covered bike parking will be provided on the north end.

Brad Rabinowitz – not much re-grading?

Josh Crandall – yes, correct. Grading at ADA parking spots, and limited at walkways for ADA compliance.

Lani Ravin – we are adding walkways to activate existing courtyard. The wind turbine is not connected to this project. I am proud of that, I permitted it as one of my first projects. It does not work anymore. Only for life safety purposes.

Geoff Hand – We don’t have purview over that. But are there not any options that are not fossil fuel? Battery storage?

Lani Ravin – This does require Act 250 review. But we do have to take care of emergencies.

Geoff Hand – Battery storage option; could be charged in Burlington, 100% renewable.

Alex Halpern – we will check into that, thank you for that information.

Sharon Bushor (call-in participant) – Concern about diesel fuel – other options should be considered. The plan seems respectful of existing trees, avoid disturbance. I am gun shy because of the trees lost at Alumni House. I note that Hills was where the botany department was. It is germane that landscaping is preserved.

Brad Rabinowitz – I have worked on projects with battery storage. You can gang together a lot of power storage that way.

Brad Rabinowitz – closes public hearing.

A welcome is afforded to the newly appointed member, Leo Sprinzen; and a farewell to Kienan Christiansen who is moving to Eugene Oregon, leaving October 29<sup>th</sup>.

## **VII. Adjournment**

## **VIII. Deliberative Session**



Motions recorded separately in project findings.



November 3, 2021

---

Bradford L. Rabinowitz, Chair of Development Review Board

Date



---

Mary O'Neil, Principal Planner

Date

*The City of Burlington will not tolerate unlawful harassment or discrimination based on political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.*