

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

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Samantha Tilton
Jim Drummond, (Alternate)
Robert Purvee, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday August 15, 2017, 5:00 PM PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on
Tuesday August 15th, 2017 at 5:00pm in Contois Auditorium, City Hall.

- 1. 18-0028AP; 351-375 North Avenue (NAC, Ward 4N) 375 North Ave LLC**
Appeal of administrative decision relative to impact fees for orphanage renovation (16-0007CA/MA).
(Project Manager: Scott Gustin)
- 2. 18-0005CA/CU; 62 Sunset Cliff Road (RL-W, Ward 4N) 62 Sunset Cliff Road Realty, LLC**
Residential addition to a single-family residence within a Riparian and Littoral Conservation Zone.
(Project Manager: Ryan Morrison)
- 3. 18-0051CU; 20 Allen Street (RM, Ward 3C) Roman Catholic Diocese of Burlington/ St. Joseph's Parish**
Use of parish basement hall for warming shelter for 10 youth individuals from November 2017 to March 2018. (Project Manager: Scott Gustin)

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

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

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

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

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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday August 15th, 2017, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT AMENDED AMENDED AGENDA

I. Agenda

II. Communications

III. Minutes

IV. Consent

- 1. 18-0005CA/CU; 62 Sunset Cliff Road (RL-W, Ward 4N) 62 Sunset Cliff Road Realty, LLC**
Residential addition to a single-family residence within Riparian and Littoral Conservation Zone. (Project Manager: Ryan Morrison)
- 2. 18-0051CU; 29 Allen Street (RM, Ward 3C) Roman Catholic Diocese of Burlington/ St. Joseph's Parish**
18-0154CA; 31 Elmwood Ave (RH, Ward 3C) Spectrum Youth & Family Services
Use of parish basement hall for warming shelter for 10 youth individuals from November 2017 to March 2018 and related parking waiver amendment. (Project Manager: Scott Gustin)

V. Public Hearing

- 1. 18-0028AP; 351-375 North Avenue (NAC, Ward 4N) 375 North Ave LLC**
Appeal of administrative decision relative to impact fees for orphanage renovation (16-0007CA/MA). (Project Manager: Scott Gustin)

VI. Certificate of Appropriateness

- 1. 17-1076CA; 57 North Winooski Ave (RH, Ward 2C) 2014 Elango Dev Family Trust**
Convert 3 unit to 4 unit with one or two parking space waiver.
(Project Manager: Ryan Morrison)
- 2. 18-0035CA; 505 Lake St (DW-PT, Ward 3C) Community Sailing Center / City of Burlington**
Provision of 9 onsite parking spaces and request for parking waiver. (Project Manager: Scott Gustin)

VII. Other Business

- 1. 16-1507CA/MA; 316-322 Flynn Avenue (NMU, Ward 5S) G & C PROPERTIES LLC**
Request for Saturday construction hours for mixed-use building and associated site improvements. (Project Manager: Scott Gustin)

VIII. Adjournment

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

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Department of Planning and Zoning

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



TO: Development Review Board
FROM: Scott Gustin
DATE: August 15, 2017
RE: 18-0051CU; 29 Allen Street
18-0154CA; 31 Elmwood 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 Ward: 3C

Owner/Applicant: St. Joseph's Co-Cathedral / Spectrum Youth & Family Services

Request: Establish warming shelter (community house) for 10 individuals from November, 2017 – March, 2018

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background Information:

The applicant is seeking approval to establish a temporary warming shelter in the basement of St. Joseph's Co-Cathedral from November, 2017 – March, 2018. Up to 10 individuals would be accommodated. There would be 1 full-time coordinator along with 3 part time employees and volunteers. No site or exterior building alterations are proposed. A related parking waiver amendment at 31 Elmwood Avenue is also included to address the parking requirement. The two applications are reviewed concurrently.

The zoning code does not yet contain express provision for warming or emergency shelters. As a matter of practice, such applications have been handled as community houses. A zoning amendment to address this deficiency is pending but has not yet been enacted.

Previous zoning actions for this property are noted below.

10/12/16, Approval for renovation of existing porch and removal of walkway
8/14/00, Approval for amendment of previous parking lot and landscaping improvements
5/2/00, Approval of lot line adjustment (merger) with adjacent property
12/15/88, Approval for renovations to belfry tower

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

I. Findings

Article 2: Administrative Mechanisms

Part 7: Enforcement

Sec. 2.7.8, Withhold Permit

Several zoning permits have been approved for the subject property. Most, but not all, have final certificates of occupancy. Per this criterion, all prior zoning permits requiring certificates of occupancy must be closed out with final certificates of occupancy prior to closing out this new zoning permit. **(Affirmative finding as conditioned)**

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

The property is served by municipal utilities. Sufficient water and sewer service are available.

While the use is temporary, a State of Vermont wastewater permit may be required. The applicant is advised to inquire with VT DEC as to wastewater permit requirements. **(Affirmative finding as conditioned)**

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

The church is located within the Residential – Medium Density zone. This zone is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. A variety of residential uses are allowed, including “special residential uses” such as community houses. The temporary warming shelter fits within the residential context of the RM zone. **(Affirmative finding)**

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

The proposed warming shelter will be small – limited to 10 individuals – and is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. **(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;*

No traffic analysis has been provided or is required for this application. The anticipated occupants of the warming shelter are not expected to generate any traffic impacts. Staff will park offsite.

(Affirmative finding)

and,

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the temporary use. **(Affirmative finding)**

and,

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

It is the applicant's responsibility to comply with other applicable city and state bylaws and ordinances.

(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.*

Mitigation measures related to screening and landscaping are unnecessary for this temporary warming shelter located entirely within an existing building. **(Affirmative finding)**

2. *Time limits for construction.*

No construction is included. **(Affirmative finding)**

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

The temporary warming shelter will operate between 6:00 PM and 7:00 AM, 7 days per week from November, 2017 through March 2018. **(Affirmative finding)**

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

See the recommended conditions.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential Medium Density (RM)

As noted previously, the subject property is located within the Residential – Medium Density zone. This zone is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. A variety of residential uses are allowed, including “special residential uses” such as community houses. The temporary warming shelter fits within the residential context of the RM zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

Not applicable.

(c) Permitted & Conditional Uses

A community house is a conditional use in the RM zone. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b).

Sec. 5.2.4, Buildable Area Calculation

See Sec. 4.4.5 (b).

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b).

Part 4: Special Use Regulations

Section 5.4.4 Community Houses

Community houses shall be considered a conditional use in any residential district and subject to all applicable provisions of Art. 3, Part 5, and the site and design review standards in Art. 6. In addition to conditional use standards, proposals for new community houses shall also comply with the following requirements:

(a) Density shall not exceed 1 person per two hundred (200) square feet of gross floor area:

The space to be utilized for the temporary warming shelter is 4,047 sf. This size is more than sufficient for the 10 occupants. **(Affirmative finding)**

(b) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable; and

No new construction is proposed. **(Affirmative finding)**

(c) *The minimum distance (lot line to lot line) between any two community houses shall not exceed the following:*

<i>Total Occupancy (beds)</i>	<i>Distance (feet)</i>
<i>6 or less</i>	<i>0</i>
<i>7 – 12</i>	<i>500</i>
<i>13 – 20</i>	<i>1,000</i>
<i>21 or more</i>	<i>1,500</i>

There are no community houses within 500 feet of the subject property. The closest one appears to be at 175 Pearl Street, some 1,600' away. **(Affirmative finding)**

Sec. 5.5.1, Nuisance Regulations

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

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The proposed warming shelter requires 1 parking space. That space will be provided off-site at the applicant's 31 Elmwood Avenue property. **(Affirmative finding)**

Sec. 8.1.12, Limitations, Locations, Use of Facilities

(a) Off-Site parking facilities

The 1 required parking space for the temporary warming shelter will be located off-site at 31 Elmwood Avenue. The property is owned by the applicant and is located ~ 500' from the temporary warming shelter location (within 600' as required). The off-site parking space must be secured for the duration of the use by way of easement or deed, subject to approval by the City Attorney. The applicant is aware of this requirement. **(Affirmative finding as conditioned)**

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

The property at 31 Elmwood Avenue has 9 parking spaces and a standard requirement of 14 spaces. A zoning permit for an office addition in 1992 included a 5-space parking waiver resulting in acceptable provision of 9 spaces instead of 14. The temporary warming shelter proposal would increase the necessary waiver by 1 to allow for the warming shelter's single parking space. The shared parking arrangement in this case is very simple. The 1 space for the warming shelter would be occupied during the overnight hours when the office is not in use. Revision of the present parking waiver to 6-spaces under this shared use scenario is consistent with the provisions of this criterion. **(Affirmative finding)**

II. Conditions of Approval

1. **Prior to issuance of a certificate of occupancy**, unclosed zoning permits for the property shall be closed out with final certificates of occupancy or superseded, as applicable.
2. The 1 off-site parking space must be secured for the duration of the temporary warming shelter use by way of easement or deed, subject to approval by the City Attorney.
3. A State of Vermont wastewater permit may be required.
4. Standard Conditions 1-15.

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ZONING PERMIT APPLICATION

ADDENDUM

DEPARTMENT OF
PLANNING & ZONING

PROPERTY OWNER: St. Joseph's Co-Cathedral
Youth & Family Services

APPLICANT: Spectrum

Description of proposed use:

Spectrum is proposing to use the parish hall in the basement of the Co-Cathedral from November 2017 until the end of March 2018 as a Warming Shelter for homeless youth ages 18-25. Maximum number of beds = 10. Youth will likely already have eaten dinner at the Spectrum drop-in center beforehand, so use of the kitchen will be minimal, and breakfast will consist of cold cereal, bagels, etc.

Days and hours of operation:

6pm – 7am, seven days a week

Number of employees:

1 Full-time coordinator; 3 part-time paid employees; volunteers

Traffic generation and parking analysis: None since youth will arrive on foot and staff can park in the Spectrum lot only a block away.

Floor plans: attached

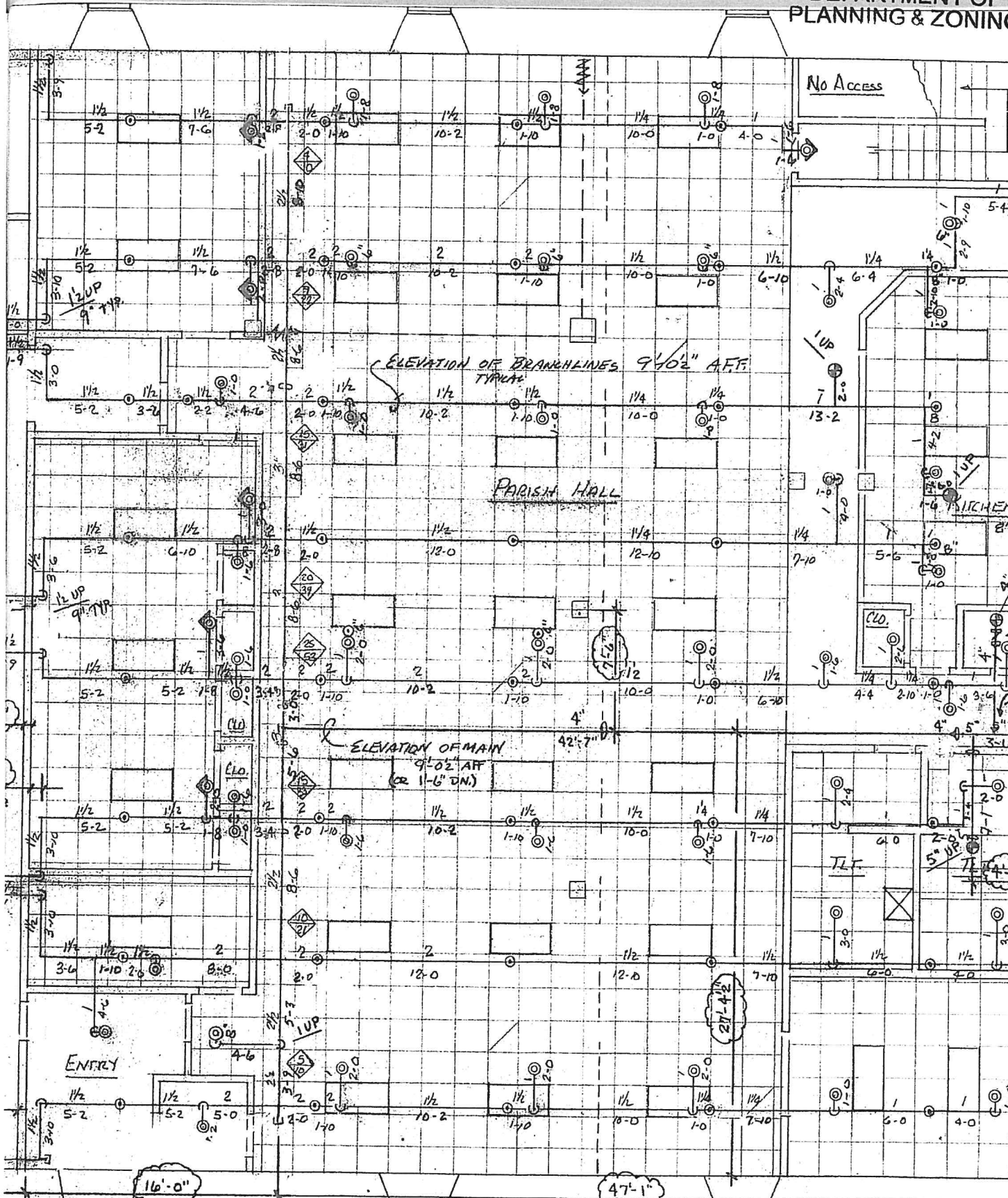
Phasing schedule: Start November 1.



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JUL 18 2017

DEPARTMENT OF
PLANNING & ZONING



ZONING PERMIT/CERTIFICATE OF APPROPRIATENESS
Burlington, Vermont

Application Date: 08/28/92

Appeal Exp. Date: 10/23/92

Project Location: 31

ELMWOOD AVE

Zone: R40

Ward: 3

Owner/Applicant Name: Amy Johnston

Address: 573 South Willard Street
Burlington, VT 05401

Telephone: 802-862-0629

Project Description: Demolish existing rear shed and construct two story addition. Proposal includes restoration to remainder of structure and elimination of the housing unit on the second story. Use is 'Spectrum, Inc.' Listed on State List of Historic Buildings.

Estimated Cost of Construction: \$92000.00

Lot Size: 8890

Net New Sq.Ft.: 1700

Net New # of Housing Units:

Existing % Lot Coverage: 90

Proposed % Lot Coverage: 90

Existing # of Parking Spaces: 9

Proposed # of Parking Spaces: 9

Required # of Parking Spaces: 14

Zoning Permit #: 93-157

Application Fee: \$92.00 Y


.....
Zoning Administrator

Decision: AWC Decision Date: 10/08/92

An interested person may appeal a decision of the Zoning Administrator to the Zoning Board of Adjustment within 15 days of final action.

COA #: 093-030 Level of Review: I

Development Review Fee: \$368.00 N


.....
Planning Director

Decision: AWC Decision Date: 10/08/92

An interested person may appeal a decision of the Planning Commission to the Chittenden Superior Court within 30 days of final action.

ZBA #: APCU9324

ZBA Decision Date: 10/05/92

Conditions: See attached conditions of approval.

Applicant Signature:

BURLINGTON PLANNING COMMISSION
Thursday, October 8, 1992, 6:30 P.M.
Contois Auditorium, City Hall

CONDITIONS OF APPROVAL
COA 93-030; 31 Elmwood Avenue (R40)

Project approved as presented subject to the following conditions:

1. A total of 14 parking spaces are required for the office use. Nine spaces are provided for on site resulting in a five (5) space parking waiver granted with approval of this proposal.
2. The final landscaping/site plan, including a pavement and/or texture change between the two western most parking spaces, and the planting of a tree if space allows, shall be reviewed and approved by staff prior to release of the zoning permit.
3. A minimum of one street tree, species, size and exact location to be determined by the City Arborist, shall be planted in the tree belt in front of the structure during the 1993 planting season.
4. Signs are not included with this application. Any new, altered or relocated signs shall require the necessary zoning permit.
5. Standard permit conditions 1-14.

C:COA93030.CON

27/92

Department of Planning and Zoning

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Ryan Morrison, CFM, Associate Planner
Layne Darfler, Planning Technician
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: August 15, 2017
RE: ZP18-0005CA/CU; 62 Sunset Cliff Road

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File: ZP18-0005CA/CU

Location: 62 Sunset Cliff Road

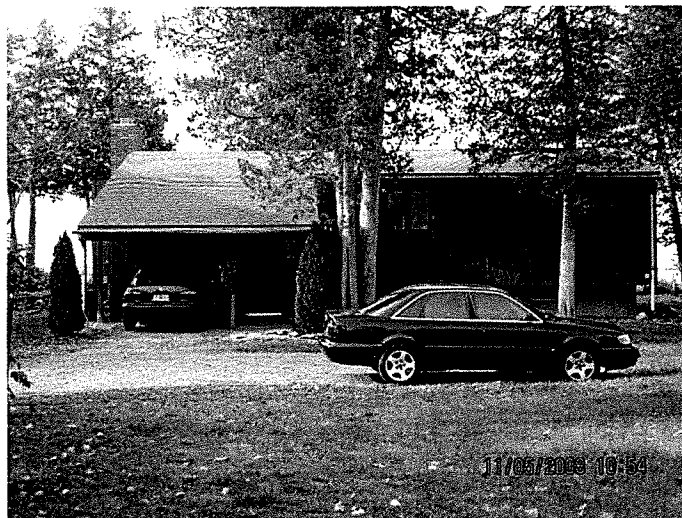
Zone: RLW **Ward:** 4N

Date application accepted: July 6, 2017

Owner / Applicant: 62 Sunset Cliff Realty LLC / Nlb Construction Consulting LLC

Request: Residential addition to a single-family residence within a Riparian and Littoral Conservation Zone. The project also includes residing the existing structure with wood clapboard siding.

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



Background: No previous zoning permits exist for the property.

Overview: The applicant seeks approval to construct an addition to the existing single-family residence. The northwest corner of the addition will be located slightly closer to the Lake

Champlain shoreline than the existing structure. As a result, the proposal is subject to Conditional Use Review as it is within the Riparian and Littoral Conservation Zone.

The Conservation Board reviewed this application on August 7, 2017 and voted 7-0 to recommend approval of the project as proposed, with a recommended condition that heavy equipment operate between the building and the bluff to the least extent possible.

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

I. Findings:

Article 3: Applications, Permits, and Project Reviews

Part 5, Conditional Use & Major Impact Review

Sec. 3.5.6, Review Criteria

(a) Conditional Use Review Standards

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

The proposed addition will not increase existing demands on community utilities, facilities or services. **(Affirmative finding)**

2. The character of the area affected;

The subject property is in, and surrounded by, the Waterfront Residential Low Density (RLW) zone. Existing development in the area is consistent with the purpose of the zoning district, which is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. The district is distinguished from the Residential Low Density (RL) district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff. The proposed residential addition will not change the existing use of the property, nor will it alter the character of the neighborhood. **(Affirmative finding)**

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

Nuisance impacts will remain unchanged. **(Affirmative finding)**

4. Transportation system capable of supporting the proposed use;

Transportation system impacts will remain unchanged. **(Affirmative finding)**

5. Utilization of renewable energy resources;

Not applicable.

6. Bylaws then in effect;

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

(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 addition is not expected to generate offsite noise or glare. **(Affirmative finding)**

2. Time limits for construction.

The addition is planned to be constructed in a single phase within the standard 2-year time frame. Therefore, no phasing schedule or special time limits on construction are needed. **(Affirmative finding)**

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

No hours of construction are noted in the application. Days and hours of construction are limited to Monday – Friday 7:00 AM – 5:00 PM. Saturday construction within those hours may be allowed upon request to the DRB. No construction activity 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 of the residence will be reviewed under the zoning regulations in effect at that time. **(Affirmative finding as conditioned)**

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.

To be addressed in conditions of approval

Article 4: Zoning Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) Waterfront Residential Low Density (RLW)

The subject property is located in the RLW zone. This zone is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. The district is typically characterized by a compact and cohesive development pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff. The existing residential use of the subject property meets the intention of the underlying zoning district, and the proposed addition will not detract from it. **(Affirmative finding)**

(b) Dimensional Standards and Density

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

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

Single detached dwelling, RLW Minimum 60' frontage, Minimum Lot Size – 6,000 sf

Not applicable. The property is within the RL Larger Lot Overlay District, where greater lot size and frontage requirements are required. See Table 4.5.5-1 below.

Table 4.4.5-2 Base Residential Density

Low Density: RL, RL-W 7 units/acre

Not applicable. The property is within the RL Larger Lot Overlay District, where density is calculated at a different ratio. See Table 4.5.5-1 below.

Table 4.4.5-3 Residential District Dimensional Standards

Maximum Lot Coverage – 35%

Setbacks: Front – Average of 2 adjacent lots on both sides +/- 5 feet; Side – 10% of lot width or ave. of side yard setback of 2 adjacent lots on both sides; Rear – 25% of lot depth but in no event less than 20'; Waterfront – 75' from the ordinary high water mark of Lake Champlain.

Maximum Height – 35 feet

The lot coverage will increase from 18% to 22%. The height at the roof ridge is proposed to be 16 feet.

The average front yard setback of the 2 adjacent lots on both sides of the subject property is 217.75 feet. The site plan shows a front yard building setback line in accordance with the calculated average setback. The lot has a frontage of 51 feet, and the addition is proposed to be setback a minimum distance of 5'10" from the side yard property line. To the property's rear is Lake Champlain. If there exists surrounding development on the waterfront, within 75 feet of the ordinary high water mark of Lake Champlain, then the waterfront setback can be based on the average setback to the ordinary high water mark of Lake Champlain of the 2 adjacent lots on both sides. The applicant has determined the average waterfront setback to be 34.52 feet. The proposed addition will be setback approx. 37 feet from the ordinary high water mark. See Sec. 4.4.5 (d)(1)(b) below. **(Affirmative finding)**

(c) Permitted and Conditional Uses

A single family dwelling is a permitted use per Appendix. A – Use Table – All Zoning Districts.

(d) District Specific Regulations

1. Setbacks

A. Encroachment for residential driveways

Not applicable.

B. Encroachment into the Waterfront Setback

- (ii) *If the waterfront setback of existing principle structures within a distance of one hundred fifty (150) feet on either or both sides of a lot is less than the required setback, the setback may be reduced to the average alignment of such structures.*

The applicant has provided the waterfront setbacks of the 4 adjacent properties within 150 feet of the subject property. 52, 58, 68, and 76 Sunset Cliff Road have setbacks of 52.01', 33.36', 30.78', and 21.95', respectively. These setbacks average 34.52 ft. The applicant

proposes an approximate setback of 37 ft from the ordinary high water mark. (**Affirmative finding**)

2. *Height*

A. *Exceptions in the Waterfront RM District*

Not applicable.

3. *Lot Coverage*

A. *Exceptions for Accessory Residential Features*

Not applicable.

4. *Accessory Residential Structures and Uses*

Not applicable.

5. *Residential Density*

A. *Additional Unit to multi-family*

Not applicable.

B. *Additions to Existing Residential Structures*

A zoning permit application has been submitted for the review and approval of the proposed residential addition. (**Affirmative finding**)

C. *Residential Occupancy Limits*

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

The residential occupancy provisions of the ordinance will continue to apply to the single family residence. (**Affirmative finding**)

6. *Uses*

A. *Exception for Existing Neighborhood Commercial Uses*

Not applicable.

7. *Residential Development Bonuses*

No bonuses are sought. Not applicable.

Sec. 4.5.4, Natural Resource Protection Overlay District:

(b) Areas Affected

1. *A Riparian and Littoral Conservation Zone which consists of all surface water and a corresponding upland buffer area, and specifically includes the following areas:*

A. *Uplands within 250 feet of the Lake Champlain lakeshore (measured at 95.5 feet above mean sea level per National Geodetic Vertical Datum 1929) with the exception of that portion of the shoreline between the northern extent of the Interim Development Area north of the former Moran Generating Station and the most westerly extent of Roundhouse Point described as the "Urban Waterfront" in the 2000 Open Space Protection Plan.*

The property is within 250 feet of the Lake Champlain lakeshore, and is therefore subject to the review criteria of Sec. 4.5.4 (c) – District Specific Regulations: Riparian and Littoral Conservation Zone. **(Affirmative finding)**

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

(3) Conditional Uses

Except where otherwise noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including any construction of buildings or other structures, and roads, parking areas or any other impervious surface, may be approved only within the Riparian and Littoral Conservation Zone and its associated buffer after review and approval pursuant to the Conditional Use review provisions of Article 3 and subject to the requirements and limitations below under Subpart 4.

The property lies within the Riparian and Littoral Conservation Zone, and is subject to conditional use review. See Article 3 above. **(Affirmative finding)**

(4) Requirements

1. *Any land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) shall include a stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3 to be reviewed by the conservation board and approved by the city engineer.*

In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater, prevent erosion, and control sedimentation. The city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules;

An Erosion Prevention and Sediment Control (EPSC) Plan for the proposal was approved by the Stormwater Program Manager on July 12, 2017. The Conservation Board also reviewed the proposal on August 7, 2017, and voted unanimously to recommend approval of the project with a suggestion to limit heavy equipment activity between the building and the shoreline bluff. **(Affirmative finding as conditioned)**

2. *Agricultural and silvicultural activities shall follow Best Management Practices for the Protection of Water Quality;*

Not applicable.

3. *Installation of any seawalls, rip-rap or other shoreland retention structures shall be submitted for review by the conservation board who shall consult with the city engineer prior to issuance of a recommendation to the DRB; and,*

Not applicable.

4. *No new stormwater outfall shall directly discharge into any surface water without approval and implementation of a stormwater management plan approved by the city engineer.*

Part of the EPSC plan includes the installation of an 84-foot long drip line infiltration trench under the eaves of the new addition, and beyond. This should result in very limited, if any, stormwater outfall into Lake Champlain. **(Affirmative finding)**

Sec. 4.5.5, RL Larger Lot Overlay District

(a) Purpose

The RL Larger Lot Overlay District is intended to maintain the existing residential development pattern of larger residential lots reflective of the neighborhoods' development history.

(b) Areas Covered

The RL Larger Lot Overlay District includes those portions of the RL Zoning District as delineated on Map 4.5.5-1 RL Larger Lot Overlay District.

The subject property and surrounding neighborhood are within the Appletree Point RL-LL Overlay District. (Affirmative finding)

(c) District Specific Regulations: RL Larger Lot Overlay District

1. Minimum Lot Size and Density

The density and intensity of development and dimensions of building lots in the RL Larger Lot Overlay shall be modified from the underlying RL or RL-W standards of Table 4.4.5-1 and 4.4.5-2 as follows:

Table 4.5.5-1: Residential Density, Minimum Lot Size and Frontage: RL Larger Lot Overlay

	<i>Minimum Lot Frontage¹ (In linear feet)</i>	<i>Minimum Lot Size (In square feet)</i>	<i>Maximum dwelling units per acre² (without bonuses or any Inclusionary Zoning allowances)</i>
<i>Single detached dwelling</i>	<i>75 feet</i>	<i>9,900 sqft</i>	<i>4.4 units/acre</i>
<i>Duplex and above</i>	<i>100 feet</i>	<i>15,840 sqft</i>	<i>5.5 units/acre</i>
<i>The DRB may adjust the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street. Inclusive of new streets but exclusive of existing streets.</i>			

62 Sunset Cliff Road is a 22,095 sq ft, pre-existing lot, with 51 feet of frontage. While the frontage is substandard, the lot fans out toward Lake Champlain to a maximum width of 89' 11".

22,095 / 43,560 (acre) = .507 acres.

1 unit / .507 = 1.97 units; well below the 4.4 unit/acre limitation. (Affirmative finding)

Article 5: Citywide General Regulations

Part 5: Performance Standards

Sec. 5.5.3 Stormwater and Erosion Control

All new development and redevelopment projects that require a zoning permit shall be required to demonstrate compliance with the standards in Article 3, Stormwater & Erosion Control of Chapter 26 of the City Code of Ordinances: Wastewater, Stormwater, and Pollution Control. As noted above, an EPSC plan for the project was approved by the Stormwater Program Manager on July 12, 2017. **(Affirmative finding)**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The lake shore is an important natural feature, as identified in the Open Space Protection Plan. A bluff along the lake shoreline exists, with an approximate elevation drop of 24 feet. The property has been residentially developed, with scattered trees throughout. Within the footprint of the proposed addition are five trees that will be removed. As per the Conservation Board's recommendation and Condition # 8 below, the applicant is to be advised to limit heavy equipment activity between the lakeshore bluff and the house in an effort to protect the bluff. **(Affirmative finding as conditioned)**

(b) Topographical alterations

The existing home and proposed addition are located on a relatively level portion of the property. The greatest topographical feature is the bluff along the shoreline, which will not be altered as a result of the project. No significant topographical alteration is included in the project plans. **(Affirmative finding)**

(c) Protection of important public views

The subject property is not affected by any identified public view corridor. **(Affirmative finding)**

(d) Protection of important cultural resources

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

(e) Supporting the use of alternative energy

There is no indication that the proposed home will utilize alternative energy. Solar energy utilization is encouraged. In any event, the addition will not adversely impact the actual or potential use of alternative energies by neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

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

(g) Provide for nature's events

As noted above, the city's stormwater program manager has reviewed and approved the proposed stormwater management. The addition does not include any new entries.

(Affirmative finding)

(h) Building location and orientation

The proposed addition will locate along the north and east side of the existing home. The addition is appropriately oriented towards the street. The finished building will be situated similarly to other homes in the neighborhood. Ample lawn and open space will continue to surround the home. **(Affirmative finding)**

(i) Vehicular access

The property will continue to have adequate vehicular access. **(Affirmative finding)**

(j) Pedestrian access

This criterion requires that a walkway connect the front doors to the public sidewalk. In this case, there is no public sidewalk along Sunset Cliff Road. There exists no front walkway on the property today, and the current proposal does not include a front walkway either. There appear to be no such walkways on the properties in the surrounding neighborhood that provide access to Sunset Cliff Road. These properties are particularly deep with long driveways. **(Affirmative finding)**

(k) Accessibility for the handicapped

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

(l) Parking and circulation

The property currently has three spaces. No new parking spaces are proposed or required as part of the proposal. Single family uses in the Neighborhood Parking District require two spaces. **(Affirmative finding)**

(m) Landscaping and fences

The project plans do not indicate any new landscaping. As noted above, five trees located in the proposed addition's footprint will be removed. However, there will still be trees maintained to the north of the addition that will continue to provide a buffer between the home and the neighboring home to the north. **(Affirmative finding)**

(n) Public plazas and open space

No public plaza or open space is included or required in this proposal. **(Not applicable)**

(o) Outdoor lighting

Not applicable. No new exterior lighting is proposed.

(p) Integrate infrastructure into the design

No new utilities or mechanical units are included as part of the project. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The massing, height, and scale of the residence, after the addition is constructed, will be consistent with that of existing homes within the neighborhood. The neighborhood contains what appears to be all single family homes. The homes come in a variety of typically suburban forms and styles. Height is well under the underlying zone's 35' height restriction. **(Affirmative finding)**

2. Roofs and Rooflines

The smaller portion of the addition that essentially extends the existing structure to the north will maintain the same roofline, and end with the gable roof. The larger portion of the addition that extends toward Sunset Cliff Road will also be gabled. The overall building height will remain the same as existing. Asphalt shingle roofing material will be installed to match the existing roof material. **(Affirmative finding)**

3. Building Openings

With the exception of the addition's east wall, Integrity Wood-Ultrex double hung windows will be installed on the addition. The east wall that faces the road will consist of a centrally located window pattern consisting of fixed, panel, and double-hung windows extending from slightly above the ground level upward to within the front gable end. No new doors are proposed. Fenestration is appropriately scaled for the residence. **(Affirmative finding)**

(b) Protection of important architectural resources

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

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

As noted above, the existing home is setback quite a distance from the road, approximately 220 feet. Approximately half of the wall facing Sunset Cliff Road will consist of windows, which will result in no large blank walls. Although the setback is large, fenestration and the roofline work successfully to provide an active and inviting street elevation. **(Affirmative finding)**

(e) Quality of materials

Siding on the existing structure is currently T1-11, which is proposed to be changed to match the wood clapboard siding proposed for the addition. Asphalt shingles will be installed to match existing. Integrity Wood-Ultrex double hung windows will be installed. The materials proposed are of acceptable quality and durability for new construction such as this. **(Affirmative finding)**

(f) Reduce energy utilization

The addition must comply with the current energy efficiency standards of Burlington and the State of Vermont. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

No advertising is included in this proposal.

(h) Integrate infrastructure into the building design

No new utility meters or mechanical units are evident on the project plans. **(Affirmative finding)**

(i) Make spaces safe and secure

The proposed addition must comply with the city's current egress requirements. The existing building entries will continue to be used. There will be no new entries on the addition.

(Affirmative finding as conditioned)

II. Conditions of Approval

1. Days and hours of construction are limited to Monday – Friday 7:00 AM – 5:00 PM. Saturday construction within those hours may be allowed upon request to the DRB. No construction activity on Sunday.
2. The applicant is advised to limit heavy equipment activity between the lakeshore bluff and the house.
3. The applicant/property owner is responsible for obtaining all necessary 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 well as egress codes, of the city and state as required.
4. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
5. Vermont Residential Building Energy Standards apply to this project. Compliance with the standards is the Owner's responsibility. Prior to requesting a Certificate of Occupancy, a copy of a completed Vermont Residential Building Energy Standards Certificate shall be submitted with a Certificate of Occupancy (final or temporary) request, and filed in the Land Records located at the Clerk/Treasurers office in City Hall (149 Church Street). For more information, see http://publicservice.vermont.gov/topics/energy_efficiency.
6. Standard permit conditions 1-15.



Department of Planning and Zoning

149 Church Street, City Hall

Burlington, VT 05401-8415

Phone: (802) 865-7188

Fax: (802) 865-7195

www.burlingtonvt.gov/pz

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JUL 06 2017

Zoning Permit Application

DEPARTMENT OF
PLANNING & ZONING

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

PROJECT LOCATION ADDRESS: 62 Sunset Cliff Road, Burlington, VT

PROPERTY

OWNER*: 62 Sunset Cliff Realty LLC

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

POSTAL ADDRESS: 68 Sunset Cliff Rd.

CITY, ST, ZIP: Burlington

DAY PHONE: 802-999-5819

EMAIL: marciahemley@comcast.net

SIGNATURE

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

APPLICANT: Nlb Construction Consulting

POSTAL ADDRESS: 20 West Canal St. #

CITY, ST, ZIP: Winooski, VT 05404

DAY PHONE: 802-355-4130

EMAIL: norm-benoit@comcast.net

SIGNATURE:

Description of Proposed Project: Includes adding one bedroom and two bathrooms to the existing structure. 24' x 28' + 8'-9" x 24' Additions

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

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

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

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

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

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

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

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

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

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

Estimated Construction Cost (value)*: \$ 150,000.00

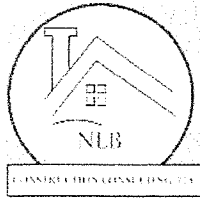
(*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

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

Office Use Only: Zone: RLW Eligible for Design Review? y Age of House 1969 Lot Size 220

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

Check No. 1999 Amount Paid 500 Zoning Permit # 18-0005CALW



NLB CONSTRUCTION CONSULTING, LLC

20 West Canal Street #212

Winooski, VT 05404

802-355-4130

www.nlbconsultingllc.com

Property : 62 Sunset Cliff Road
Burlington, VT 05401

RE: Request for average setbacks from the shoreline of the lake.

DATE: July 24, 2017

TO: Ryan Morrison, CFM
Associate Planner
City of Burlington

FROM: Norman Benoit

I have enclosed 2 maps from VCGI to show the setbacks from the shoreline of the 4 neighboring homes (2 on either side of 62 Sunset cliff Road)

It would be very difficult to take actual measurements due to the cliffs.

SET BACK CALCULATIONS:

76 Sunset Cliff	21.95 ft.
68 Sunset Cliff	30.78
58 Sunset Cliff	33.36
52 Sunset Cliff	52.01

Total	$138.10 / 4 =$	34.52 ft. AVERAGE SET BACK
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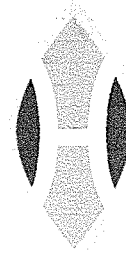
Our proposed addition should measure approximately 37 ft.

Thanks,

Norman Benoit

RECEIVED
JUL 24 2017
DEPARTMENT OF
PLANNING & ZONING

P.O. Box 672
Colchester, VT 05446
(802)343-2303
beth@heritagetreevermont.com



HERITAGE
TREE CARE

P.O. Box 672
Colchester, VT 05446

ESTIMATE

RECEIVED

JUL 06 2017

ADDRESS

Marcia and Bob Hemley
68 Sunset Cliffs
Burlington, VT 05408

ESTIMATE # 1728

DATE 06/28/2017

DEPARTMENT OF
PLANNING & ZONING

ACTIVITY

AMOUNT

Evaluation of trees to be removed at
62 Sunset Cliffs
Burlington VT.

0.00

#1 White cedar 16" DBH 43 feet height. This tree has a large 5x8 foot opening in the lower trunk, diminishing its structural integrity and exposing the heart wood to possible decay and insect infestation.

#2 Basswood 18" DBH 42 feet height, This tree has codominant leads, weakly attached because of the bark inclusion between them. It is at high risk of splitting apart in strong winds.

#3 White cedar 16.6" DBH 40 feet height. This tree appears to be in a healthy condition.

#4 Hard hack 4.5" DBH 21 feet height. This tree appears to be in a healthy condition.

#5 White cedar, cluster of 3 and 2 stems, average 14" DBH 30 feet height. These trees have some decay at the base and inclusive bark where the stems originate from a shared root system. They are at elevated risk of splitting apart in strong winds.

Thank you for considering Heritage Tree Care. We guarantee your satisfaction.

TOTAL

\$0.00

Accepted By

Accepted Date

Chapin Spencer
PUBLIC WORKS DIRECTOR

Norman J. Baldwin, P.E.
CITY ENGINEER



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

February 10, 2017

Norm Benoit
Construction Consultant
20 West Canal Street, Unit 212
Winooski, VT 05404

RECEIVED

MAR 01 2017

DEPARTMENT OF
PLANNING & ZONING

RECEIVED
FEB 10 2017
BY: _____

Re: Water/Sewer Capacity for Property at 62 Sunset Cliff

Dear Mr. Benoit,

This letter is to inform you, the State of Vermont Environmental District and other interested parties that the City of Burlington's water and wastewater facilities have sufficient capacity to handle demand associated with a new bedroom at the above address.

Using calculated design flows from the State Environmental Protection Rules, we have reserved 135 gpd (gals/day) for water and 0 gpd for sewer. This is based on 150 gpd water less 10% for low-flow fixtures and no change to the flat rate of 210 gpd for sewer connection to a large municipal system. Sewage from this area is treated at our North Wastewater Plant on North Avenue Extension. It is important to note that this letter only addresses treatment plant and not distribution or collection system capacities.

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

Sincerely,

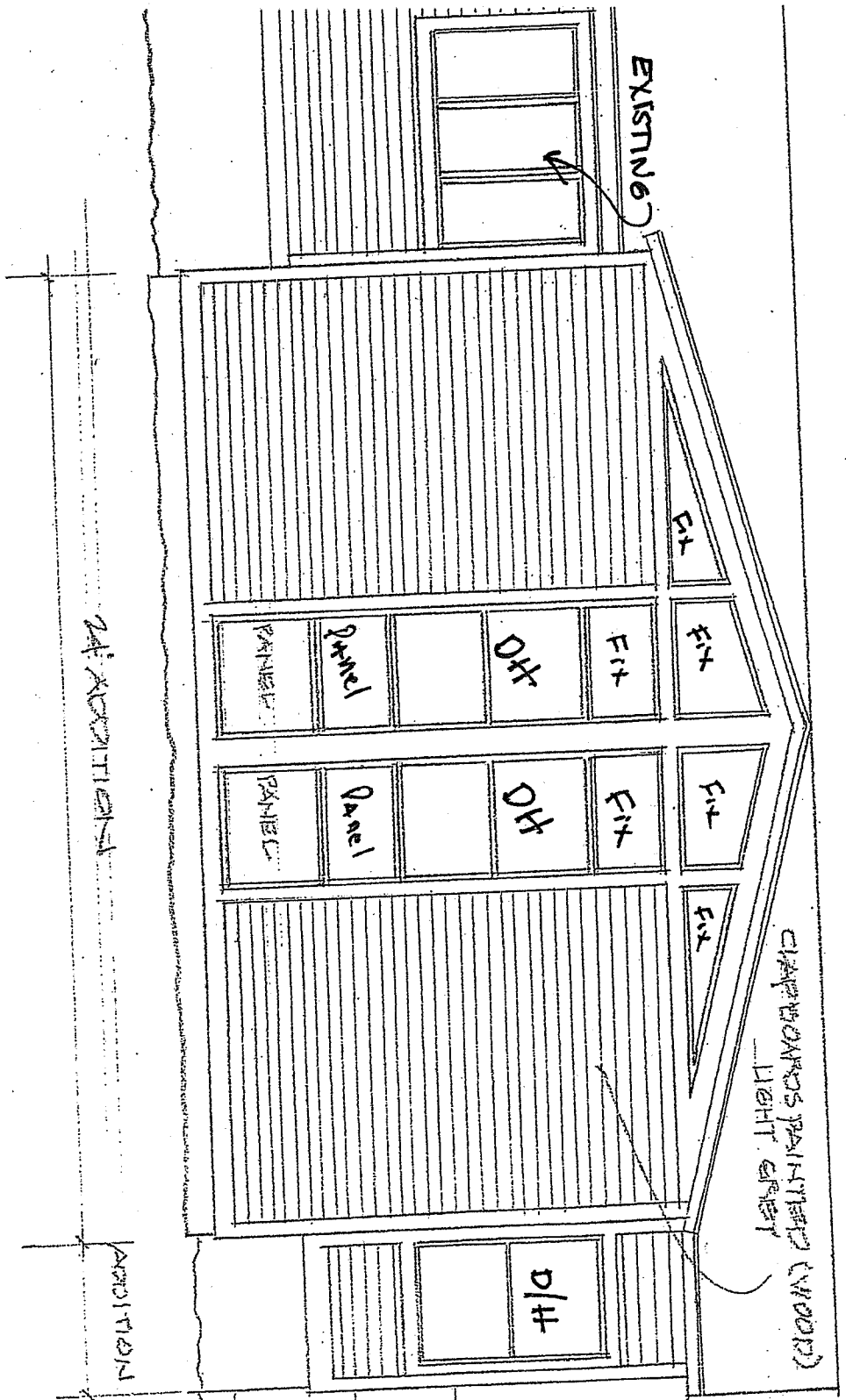
Steve Roy, P.E.
Project Engineer
Burlington Public Works

RECEIVED

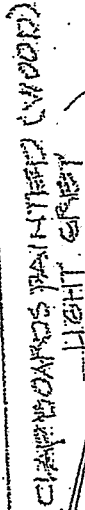
JUL 06 2017

DEPARTMENT OF
PLANNING & ZONING

sunset62_cap



11212



Isidore

1.4 System Description

A. Design and Performance Requirements:

Certified Sizes and Ratings - Standard and High Performance Units								
Product	Air Tested to psf	Water Tested to psf	Certification Rating	Design Pressure (DP)	Max Overall Width		Max Overall Height	
					in	mm	in	mm
Wood Ultrex Double Hung (Cottage 4268)	1.57	6.06	LC-PG40-H	DP40	41 1/2	(1054)	67 3/4	(1721)
Wood Ultrex Double Hung (Cottage HP 4268)	1.57	7.52	LC-PG50-H	DP50	41 1/2	(1054)	67 3/4	(1721)
Wood Ultrex Double Hung (4276)	1.57	6.06	LC-PG40-H	DP40	41 1/2	(1054)	75 3/4	(1924)
Wood Ultrex Double Hung (HP 4276)	1.57	7.52	LC-PG50-H	DP50	41 1/2	(1054)	75 3/4	(1924)
Wood Ultrex Double Hung (4284)	1.57	5.43	LC-PG35-H	DP35	41 1/2	(1054)	83 3/4	(2127)
Wood Ultrex Double Hung (HP 4284)	1.57	6.06	LC-PG40-H	DP40	41 1/2	(1054)	83 3/4	(2127)
Wood Ultrex Double Hung (5476)	1.57	6.06	LC-PG40-H	DP40	53 1/2	(1359)	75 3/4	(1924)
Wood Ultrex Double Hung (HP 5476)	1.57	7.52	LC-PG50-H	DP50	53 1/2	(1359)	75 3/4	(1924)
Wood Ultrex Double Hung (5484)	1.57	5.43	LC-PG35-H	DP35	53 1/2	(1359)	83 3/4	(2127)
Wood Ultrex Double Hung (HP 5484)	1.57	6.06	LC-PG40-H	DP40	53 1/2	(1359)	83 3/4	(2127)
Wood Ultrex Double Hung Picture (5484)	1.57	5.43	LC-PG35-FW	DP35	53 1/2	(1359)	83 3/4	(2127)
Wood Ultrex Double Hung Picture (HP 5484)	1.57	6.06	LC-PG40-FW	DP40	53 1/2	(1359)	83 3/4	(2127)
Wood Ultrex Double Hung Picture (6276)	1.57	6.06	LC-PG40-FW	DP40	61 1/2	(1562)	75 3/4	(1924)
Wood Ultrex Double Hung Picture (HP 6276)	1.57	7.52	LC-PG50-FW	DP50	61 1/2	(1562)	75 3/4	(1924)

Certified Sizes and Ratings - Impact Units								
Product	Air Tested to psf	Water Tested to psf	Certification Rating	Design Pressure (DP)	Max Overall Width		Max Overall Height	
					In	mm	In	mm
Wood Ultrex Double Hung (Cottage 4268)	1.57	8.25	LC-PG55-H	+55 / -65	41 1/2	(1054)	67 3/4	(1721)
Wood Ultrex Double Hung (4276)	1.57	8.25	LC-PG55-H	+55 / -65	41 1/2	(1054)	75 3/4	(1924)
Wood Ultrex Double Hung Picture (5476)	1.57	8.25	LC-PG55-FW	+55 / -65	53 1/2	(1359)	75 3/4	(1924)
Wood Ultrex Double Hung Picture (6264)	1.57	8.25	LC-PG55-FW	+55 / -65	61 1/2	(1562)	63 3/4	(1619)

1. Missile Impact at Missile Level D complies with ASTM E1886-05, ASTM E 1886-02, ASTM E1996-02, and ASTM E1996-05.
2. Impact Pressure Cycling at +55/-65 psf, complies with ASTM E1886-02, ASTM E1886-05, ASTM E1886-06, ASTM E1996-02, ASTM E1996-05.
3. Forced Entry Resistance, complies with ASTM F588.

1.5 Submittals

- A. Shop Drawings: Submit shop drawings under provision of Section 01 33 23.
- B. Product Data: Submit catalog data under provision of Section 01 33 23.
- C. Samples:
 1. Submit corner section under provision of section 01 33 23.
 2. Specified performance and design requirements under provisions of Section 01 33 23.
- D. Quality Control Submittals: Certificates: submit manufacturer's certification indicating compliance with specified performance and design requirement under provision of section 01 33 23.

Section 08 54 00
Wood-Ultrex® Double Hung Window

Part 1 General

1.1 Section Includes

- A. Wood-Ultrex® Double Hung window complete with hardware, glazing, weather strip, insect screen, removable grilles, grilles-between-the-glass, jamb extension, and standard or specified anchors, trim and attachments
- B. Wood-Ultrex® Double Hung bow, bay windows complete with hardware, glazing, weather strip, insect screen, removable grilles, grilles-between-the-glass, simulated divided lite, jamb extension, head/seat board, and standard or specified anchors, trim and attachments.

1.2 Related Sections

- A. Section 01 33 23 – Submittal Procedures: Shop Drawings, Product Data, and Samples
- B. Section 01 62 00 – Product Options
- C. Section 01 65 00 – Product Delivery
- D. Section 01 66 00 – Storage and Handling requirements
- E. Section 01 71 00 – Examination and Preparation
- F. Section 01 73 00 - Execution
- G. Section 01 74 00 – Cleaning and Waste Management
- H. Section 01 76 0 – Protecting Installed Construction
- I. Section 06 22 00 – Millwork: Wood trim other than furnished by window manufacturer
- J. Section 07 92 00 – Joint Sealants: Sill sealant and perimeter caulking
- K. Section 09 90 00 – Paint and Coatings: Paint or stain other than factory-applied finish

1.3 References

- A. American Society for Testing and Materials (ASTM):
 - 1. E283: Standard Test Method for Rate of Air Leakage through Exterior Windows, Curtain Walls, and Doors.
 - 2. E330: Standard Test Method for Structural Performance of Exterior Windows, Curtain Walls, and Doors by Uniform Static Air Pressure Difference.
 - 3. E547: Standard Test Method for Water Penetration of Exterior Windows, Curtain Walls, and Doors by Cyclic Static Air Pressure Differential.
 - 4. E2190: Standard Specification for Insulating Glass Unit Performance and Evaluation.

1.6 Quality Assurance

- A. Requirements: consult local code for IBC [International Building Code] and IRC [International Residential Code] adoption year and pertinent revisions for information on:
 - 1. Egress, emergency escape and rescue requirements
 - 2. Basement window requirements
 - 3. Windows fall prevention and/or window opening control device requirements.

1.7 Delivery

- A. Comply with provisions of Section 01 65 00
- B. Deliver in original packaging and protect from weather

1.8 Storage and Handling

- A. Prime and seal wood surfaces, including to be concealed by wall construction, if more than thirty (30) days will expire between delivery and installation.
- B. Store window units in an upright position in a clean and dry storage area above ground to protect from weather under provision of Section 01660.

1.9 Warranty

The following limited warranty is subject to conditions and exclusions. There are certain conditions or applications over which Integrity has no control. Defect or problems as a result of such conditions or applications are not the responsibility of Integrity. For a more complete description of the Integrity limited warranty, refer to the Complete and current warranty information is available at Integritywindows.com/warranty.

- A. Clear insulating glass with stainless steel spacers is warranted against seal failure caused by manufacturing defects and resulting in visible obstruction through the glass for twenty (20) years from the original date of purchase. Glass is warranted against stress cracks caused by manufacturing defects from ten (10) years from the original date of purchase.
- B. Hardware and other non-glass components are warranted to be free from manufacturing defects for ten (10) years from the original date of purchase.

Part 2 Products

2.1 Manufactured Units

- A. Description: Ultrex® Double Hung and related stationary or picture units as manufactured by Integrity Windows and Doors, Fargo, North Dakota.
- B. Description: Ultrex® Double Hung Bay, Bow unit as manufactured by Integrity Windows and Doors, Fargo North Dakota.

2.2 Frame Description

- A. Interior: Clear pine interior surfaces.
 - 1. Kiln-dried to moisture no greater than twelve (12) percent at the time of fabrication.
 - 2. Water repellant preservative treated in accordance with WDMA I.S.4.
- B. Exterior: Pultruded reinforced fiberglass (Ultrex®), 0.075" (2mm) thick.
- C. Frame Width: 4 9/16" (116mm).

2.3 Sash Description

- A. Clear pine interior surfaces
 - 1. Kiln-dried to moisture content no greater than twelve (12) percent at the time of fabrication.
 - 2. Water repellant preservative treated in accordance with WDMA I.S.4.
- B. Exterior: Pultruded reinforced fiberglass (Ultrex®), 0.075" (2mm) thick.
- C. Sash Options:
 - 1. Equal or Unequal Sash.
 - 2. Cottage Style: Sash divided 2/5 over 3/5.
 - 3. Reverse Cottage Style: Sash divided 3/5 over 2/5.
- D. Composite sash thickness: 1 9/16" (40mm).
- E. Operating sash tilt to interior for cleaning or removal.

2.4 Glazing

- A. Select quality complying with ASTM C1036. Insulating glass SIGMA/ICC certified to performance level CBA when tested in accordance with ASMT E2190. STC/OITC ratings are certified to the level in accordance with ASMT E90-09.
- B. Glazing method: Insulating glass
- C. Glass type: Low E1, E2, E3 air or Argon gas
- D. Glass type option: Obscure Glass or California Fire Glass (Annealed exterior and tempered interior glazing configuration)
- E. Glazing seal: Silicone bedding at exterior and interior
- F. Glazing Option: STC/OITC upgrade
- G. Optional Impact glazing for winds zone 3. Glass is laminated Low E2 or Low E3 with Argon consisting of annealed or tempered glass to the exterior and laminated glass to the interior. The interior and exterior glazing compound is silicone, in a sandwich style glazing system.

2.5 Certified Mulling for Standard Units

- A. Directional mull limits: 5 units wide by 1 unit high; Rough Opening not to exceed 113 1/2 x 68 1/4 inches (2882mm x 1733mm)
- B. Directional mull limits: 1 unit wide by 5 units high; Rough Opening not to exceed 62 1/2 x 92 inches (1587mm x 2336mm)

2.6 Certified Mulling for Impact Units

- A. Directional mull limits 1H or 1W only. Maximum span for vertical mull is 75 3/4" (1924mm)
- B. Directional mull limits 2H or 2W only. Maximum span for horizontal mull is 62" (1575mm)

2.7 Finish

- A. Exterior: Pultruded Fiberglass. Factory baked on acrylic urethane. Meets AAMA 624-10 requirements.
 - 1. Color: Stone White, Pebble Gray, Bronze, Evergreen, Cashmere, Ebony
- B. Interior:
 - 1. Treated bare wood
 - 2. White interior factory finish

2.8 Hardware

- A. Balance System: Coil spring block and tackle with nylon cord and glass filled nylon shoe and zinc locking clutch.
- B. Lock: High pressure zinc die-cast cam lock and keeper. Finish: Phosphate coated and electrostatically painted.
 - 1. Standard Color: Almond Frost, White.
 - 2. Optional Color: Bright Brass, Satin Nickel, and Oil Rubbed Bronze.
- C. Tilt latches: Spring loaded latches for release of sash located at check rail.
 - 1. Standard Color: Almond Frost, White.
 - 2. Optional Color: Bright Brass, Satin Nickel, and Oil Rubbed Bronze.
- D. Factory-Installed Window Opening Control Device for operating units per ASTM F2090-10: a system consisting of an acetal lever housed in an acetal shell on each stile of the top sash.
 - 1. Available on all sizes.
 - 2. Color: White, Beige.

2.9 Weather Strip

- A. At Bottom Sash: Rigid color matched vinyl with a hollow vinyl weather strip; interfaces against the Ultrex sill and jamb weather strip
 - 1. Color: Black.
- B. Jamb Weather Strip: Robust skin covered foam weather strip is used to seal the double hung jamb. It is inserted into to a rigid vinyl jamb carrier.
 - 1. Color: Beige.
- C. Blind Stop: vinyl with a flexible leaf seal to seal between the header and the upper sash.
- D. Foam PVC gasket between the jamb and sill.
- E. At Interlock: Rigid ABS with flexible hollow bulb.
 - 1. Color: Beige.
- F. Reduced visible beige at the exterior bottom rail.

2.10 Jamb Extension

- A. Furnish jamb extension 6 9/16" (167mm) factory-installed or 6 13/16" (160mm) shipped loose.
- B. Finish: Match interior finish.

2.11 Insect Screen

- A. Factory-installed full screen.
 - 1. Screen mesh: 18 by 16 charcoal fiberglass (non-corrosive)
- B. Factory-installed half screen.
 - 1. Screen mesh: 18 by 16 charcoal fiberglass (non-corrosive)
- C. Rolled form aluminum frame.
 - 1. Finish: White, Pebble Gray, Bronze, Evergreen, Cashmere or Ebony

2.12 Removable Grilles

- A. 3/4" x 15/32" (19mm x 12mm) pine
 - 1. Pattern: Rectangular
 - 2. Finish: to match interior finish

2.13 Simulated Divided Lites (SDL)

- A. 7/8" (22mm) wide with optional internal spacer bar.
- B. 2 11/32" (60mm) – Simulated check rail with optional internal spacer bar – PICTURE UNIT ONLY.
- C. Exterior muntins: Extruded Ultrex, finish to match exterior sash color.
- D. Interior muntins: Pine bare wood with optional white interior finish.
- E. Lite Cuts or Patterns:
 - 1. Rectangular
 - 2. Prairie

2.14 Grilles-Between-the-Glass (GBG)

- A. 23/32" (18mm) contoured aluminum bar.
- B. Color: Stone white interior, exterior color determined by exterior sash color.
 - 1. Interior: Stone white, bronze.
 - 2. Exterior: Matches exterior sash color.
- C. Lite Cuts or Patterns:
 - 3. Rectangular
 - 4. Prairie Lite

2.15 Accessories and Trim

- A. Exterior Casing:
 - 1. Non-integral to the unit. Fastened to the exterior wall with barb and kerf.
 - 2. 2" (51mm) Brick Mould available as a full surround or with Sill Nosing.
 - 3. 3 ½" (89mm) Flat casing available as a full surround or with Sill Nosing. Also available with 1" (25mm) Ranch style sill and header overhang.
 - 4. Color: Stone White, Pebble Gray, Bronze, Evergreen, Cashmere, Ebony.
- B. Installation Accessories:
 - 1. Factory-installed vinyl nailing fin/drip cap at head, sill and side jambs.
 - 2. Installation brackets: Brackets for 4 9/16" (166mm), 6 9/16" (167mm) jambs.
 - 3. Mullion kit: Standard mullion kit for field assembly of related units available in horizontal, vertical, round top over double hung and 2-wide and/or 2-high configurations. Kits include: Instructions, aluminum pins, filler blocks, wood mullion tie, sealant foam tape, interior mullion trim, mull tee, related screws and nailing fin connectors.
 - 4. Structural mullion kit: Structural mullion kit for field assembly or related units available in horizontal, vertical, round top over double hung and 2-wide and/or 2-high configurations. Kit includes: Instructions, reinforcement member, aluminum pins, filler blocks, wood mullion tie, sealant foam tape, interior mullion trim, mull tee, related screws, nailing fin connectors and structural brackets
 - 5. Installation clips standard with nailing fin on impact glazed windows.

Part 3 Execution

3.1 Examination

- A. Verification of Condition: Before installation, verify openings are plumb, square and of proper dimensions as required in Section 01 71 00. Report frame defects or unsuitable conditions to the General contractor before proceeding.
- B. Acceptance of Condition: Beginning on installation confirms acceptance of existing conditions.

3.2 Installation

- A. Comply with Section 01 73 00.
- B. Assemble and install window/door unit(s) according to manufacturer's instruction and reviewed shop drawing.
- C. Install sealant and related backing materials at perimeter of unit or assembly in accordance with Section 07 92 00 Joint Sealants. Do not use expansive foam sealant.
- D. Install accessory items as required.
- E. Use finish nails to apply wood trim and mouldings.

3.3 Cleaning

- A. Remove visible labels and adhesive residue according to manufacturer's instruction.
- B. Leave windows and glass in a clean condition. Final cleaning as required in Section 01 74 00.

3.4 Protecting Installed Construction

- A. Comply with Section 07 76 00.
- B. Protecting windows from damage by chemicals, solvents, paint or other construction operations that may cause damage.

End of Section

PARCEL ID 026-04-009-000
SPAN # 114-035-11401

Deed Reference:
Volume 1085 Page 20
October 1, 2009

Record of Owner:
Sunset Cliff Realty LLC
68 Sunset Cliff Road
Burlington, VT 05408

Zoning District

RLW
Natural Resource
Protection District
Riparian and Littoral
Conservation Zone.

All impervious surface associated with this project shall not be expanded towards the mean water level, 95.5 feet National Geodetic Vertical Datum 1929. 1b. All impervious surface associated with this project shall be located on a site with a slope of 1% or less

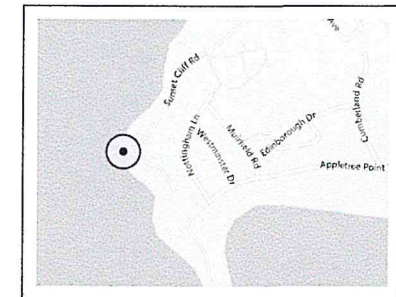
Erosion control and bank stability management. Best management practices shall be used to provide erosion control and bank stability of the project area while completing the project and be maintained as necessary.

EXISTING COVERAGE :	
Building including overhang	1140 sf
Carport	256 sf
Deck	220 sf
Driveway	2383 sf
	sf
	sf
Total	3999 sf
Lot size 0.572 acres	22093 sf
EXISTING COVERAGE	18%

PROPOSED COVERAGE :	
Building including overhang	1140 sf
New addition 24' x 28'	672 sf
Add to existing house 8'-9" x 24'	210 sf
Existing deck	220 sf
Driveway	2383 sf
Existing carport	256 sf
Total	4881 sf
Lot size	22093 sf
EXISTING COVERAGE	22%

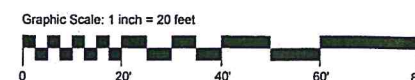
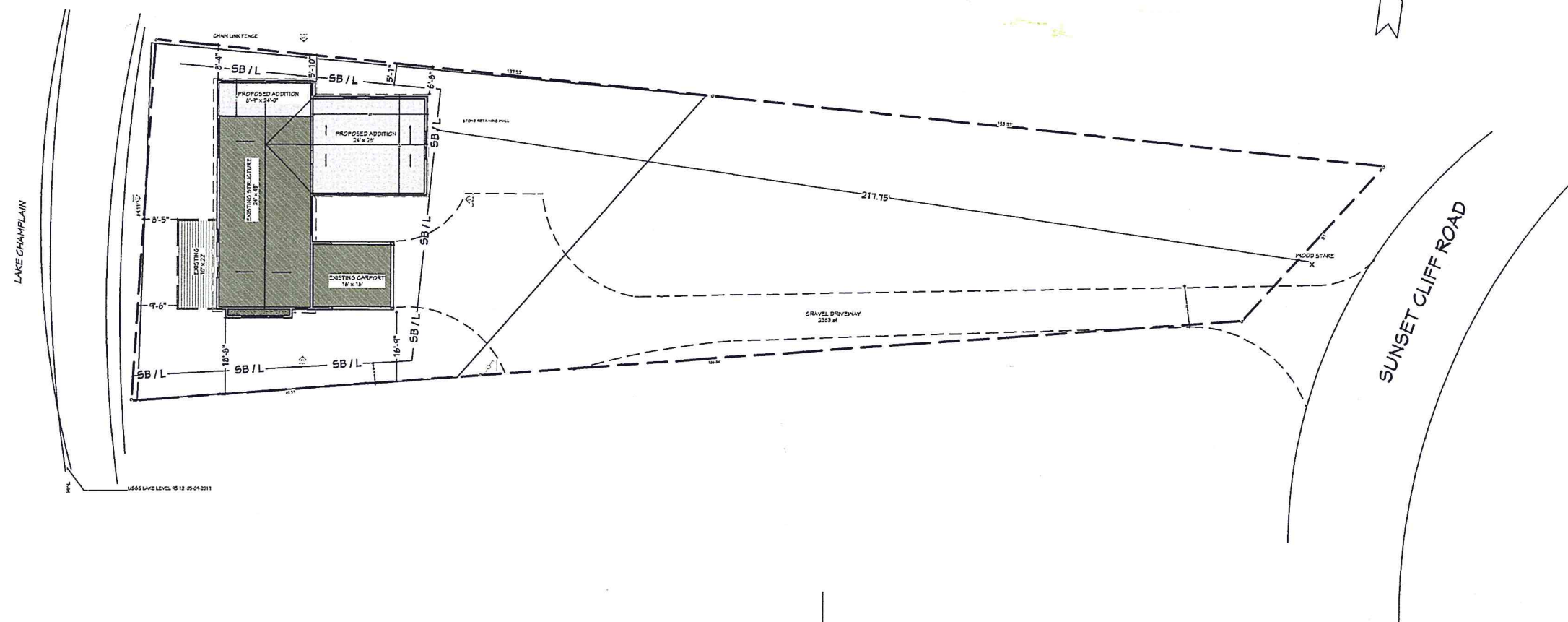
SET BACK CALCULATIONS

Front	Measured Setback
58 Sunset Cl	259
52 Sunset Cl	272
68 Sunset Cl	148
76 Sunset Cl	192
Total	871
Average front	217.75 ft (+ or - 5 feet)



Location Map
NTS

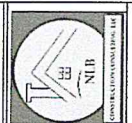
Contours:
No change to existing contours.



THE CONTRACTOR SHALL NOTIFY "DIGSAFE" AT
1-800-DIG-SAFE PRIOR TO ANY EXCAVATION.

NOTES:
This plan is not a boundary survey. The property lines shown are based on the City of Burlington tax maps and are considered approximate.

FOR PERMIT REVIEW



REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

NLB CONSTRUCTION CONSULTING LLC
20 WEST CANAL STREET #212
MINOROSKI, VT 05404
802-355-4130

SHEET TITLE
PROPOSED SITE PLAN

ROBERT B. HEMLEY
MARCIA HEMLEY
62 SUNSET CLIFF
BURLINGTON, VT

DATE:

6/26/2017

SCALE:

1"=20'-0"

DRAWN BY:

Norm Benoit

SHEET:

C1.0

RECEIVED



PARCEL ID 026-04-009-000
SPAN # 114-035-11401

Deed Reference:
Volume 1085 Page 20
October 1, 2009

Record of Owner:
Sunset Cliff Realty LLC
68 Sunset Cliff Road
Burlington, VT 05408

Project Location: 62 Sunset Cliff, Burlington

Impact Review: Impervious Surface Area Breakdown

Type of Surface	Area (sq. ft.)	
	Existing	Proposed
Total Impervious surface	3999	4959
Change In Total Impervious surface	960 sf	
Connected Impervious Surfaces		
Rooftop area that drains to Impervious surface and runoff reaches city street or property boundary	0	0
Driveway area that drains directly to city street or property boundary		
Walkway/ Patio/ Deck/ other area that drains to Impervious surface and runoff reaches city street or property boundary	0	0
Total connected Impervious		
Change in total connected Impervious (proposed – existing)		
Disconnected Impervious Surfaces		
Rooftop area that drains to pervious surface where runoff soaks in	1396	2260
Driveway area that drains to pervious surface where runoff soaks in before reaching the city street or the property boundary (or a driveway made of pervious material)	2383	2383
Walkway/ Patio/ Deck/ Other area that drains to pervious surface where runoff soaks in before reaching the city street or the property boundary (or is made of pervious material)	220	316
Total disconnected Impervious	3999	4959
Change In total disconnected Impervious (proposed – existing)	960 sf	

All impervious surface associated with this project shall not be expanded towards the mean water level, 95.5 feet
National Geodetic Vertical Datum 1929. 1b. All impervious surface associated with this project shall be located on a site with a slope of 1% or less

TOTAL PROPERTY AREA= 0.5072 ACRES

CLEARED AREA EXISTING

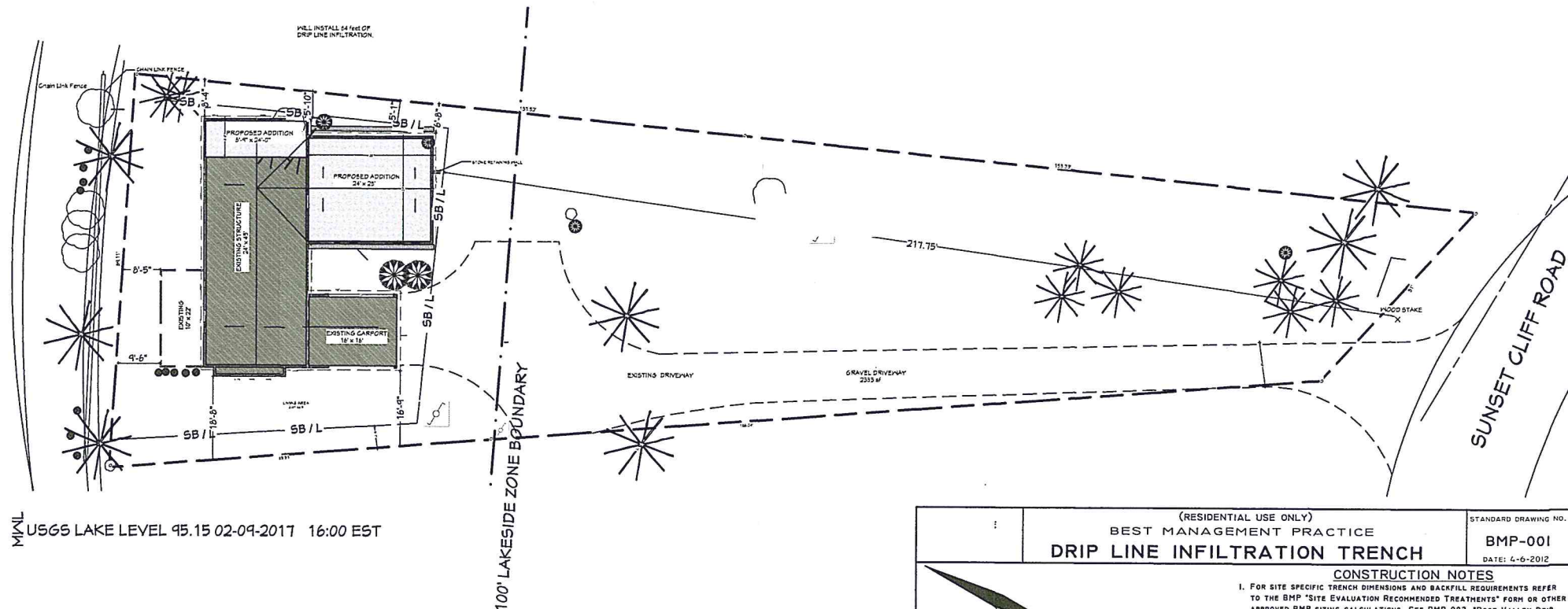
ALL GRASSED CLEARED AREAS FREE OF IMPERVIOUS MATERIALS. NATIVE PLANTINGS INFILTRATION AREAS AND BRUSH COVERED AREAS= 18,094 Ft²

CLEARED AREA PROPOSED

ALL GRASSED CLEARED AREAS FREE OF IMPERVIOUS MATERIALS. NATIVE PLANTINGS INFILTRATION AREAS AND BRUSH COVERED AREAS= 4960 Ft²



LAKE CHAMPLAIN



MNL USGS LAKE LEVEL 95.15 02-09-2017 16:00 EST



Graphic Scale: 1 inch = 20 feet



(RESIDENTIAL USE ONLY)
BEST MANAGEMENT PRACTICE
DRAIN LINE INFILTRATION TRENCH

BMP-001
DATE: 4-6-2012

SEE NOTE 6
DRAIN LINE
BORDER - SEE NOTE 5
WASHED 3/4" TO 1 1/2" DRAIN ROCK BACKFILL

CONSTRUCTION NOTES

- FOR SITE SPECIFIC TRENCH DIMENSIONS AND BACKFILL REQUIREMENTS REFER TO THE BMP "SITE EVALUATION RECOMMENDED TREATMENTS" FORM OR OTHER APPROVED BMP SIZING CALCULATIONS. SEE BMP-002, "ROOF VALLEY DRIP LINE TREATMENT," FOR DETAILS OF TRENCHES LOCATED UNDER ROOF VALLEYS.
- MAXIMUM TRENCH DEPTH RECOMMENDED IS 10".
- FILTER FABRIC IS OPTIONAL. SEE BMP-000, "FILTER FABRIC FOR INFILTRATION SYSTEMS," FOR DETAILS.
- BOTTOM OF TRENCH MUST BE LEVEL. IF THIS IS NOT FEASIBLE, ALTERNATIVES INCLUDE CONSTRUCTING A SWALE OR SUBSURFACE DRAIN TO COLLECT AND CONVEY THE RUNOFF TO AN INFILTRATION SYSTEM. SEE BMP-004, "DRAIN LINE CONVEYANCE SWALE," AND BMP-005, "SUBSURFACE CONVEYANCE SYSTEM."
- CONTAINMENT BORDERS ARE REQUIRED. OPTIONS FOR MATERIALS INCLUDE PRESSURE TREATED LUMBER, RECYCLED COMPOSITES, BRICK, STONE, COBBLE, OR OTHER LANDSCAPE EDGING MATERIAL. FIRE DEFENSIBLE SPACE GUIDELINES FOR LAKE TAHOE RECOMMEND A NON-COMBUSTIBLE AREA WITHIN 5 FEET OF A STRUCTURE. COMBUSTIBLE MATERIAL SHALL NOT CONNECT FROM THE BORDER TO THE STRUCTURE.
- CONSULT WITH YOUR LOCAL FIRE PROTECTION DISTRICT WHEN LANDSCAPING NEAR STRUCTURES. VISIT WWW.LIVINGWITHFIRE.INFO/TAHOE FOR GUIDELINES ON THE DEFENSIBLE SPACE ZONE.
- REGULARLY SCHEDULED MAINTENANCE IS NECESSARY TO MAINTAIN FULL FUNCTION. MAINTENANCE INCLUDES INSPECTION, REMOVAL, AND PROPER DISPOSAL OF DEBRIS, PINE NEEDLES AND ACCUMULATED SEDIMENT.

INSTALLATION GUIDELINES

MIN. TRENCH WIDTH
1 STORY = 18"
2 STORY = 24"
3 STORY = 30"

SEE NOTE 6
DRAIN LINE
6" MIN. FINISH GRADE TO BOTTOM OF SIDING
CONTAINMENT BORDER - SEE NOTE 6
SEE NOTES 1 & 2
OPTIONAL FILTER FABRIC - SEE NOTE 3
SUB-GRADE SHALL SLOPE 2% MINIMUM AWAY FROM FOUNDATION FOR 5' & TRENCH MUST BE 12" MINIMUM FROM FOUNDATION
LEVEL BOTTOM - SEE NOTE 4

U.S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
IN COOPERATION WITH
TAHOE RESOURCE CONSERVATION DISTRICT, AND
NEVADA TAHOE CONSERVATION DISTRICT
DRAWN BY: DATE: APPROVED BY: DATE:
DMG/MNP

THIS STANDARD DRAWING IS BASED ON A REFERENCE TO THE NRCS STANDARD PRACTICE 570 - STORMWATER RUNOFF CONTROL. THIS DRAWING IS INTENDED TO ASSIST THE DESIGNER IN PREPARATION OF A COMPLETE SITE SPECIFIC DESIGN, AND IT IS NOT TO REPLACE THE INDEPENDENT JUDGMENT AND ANALYSIS BY A QUALIFIED DESIGNER. INFILTRATION SYSTEM SIZING IS CALCULATED BASED ON THE HYDRAULIC CONDUCTIVITY OF THE SOILS ON SITE AND VOLUME OF RUNOFF BEING CAPTURED. USDA IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER.

REVISION TABLE
NUMBER
DATE
REVISION
DESCRIPTION

NLB CONSTRUCTION CONSULTING LLC
20 WEST CANAL STREET #212
MIDDLEBURY, VT 05750
802-355-4130

SHEET TITLE
Existing Site Conditions
with
Proposed Site Development Plans

ROBERT B HEMLEY
MARGIA HEMLEY
62 SUNSET CLIFF
BURLINGTON, VT

DATE:
6/26/2017

SCALE:

DRAWN BY:
Norm Benoit

SHEET:

C1.1

FOR PERMIT REVIEW

RECEIVED
JUL 06 2017

PARCEL ID 026-04-009-000
SPAN # 114-035-11401

ZONING: RLW

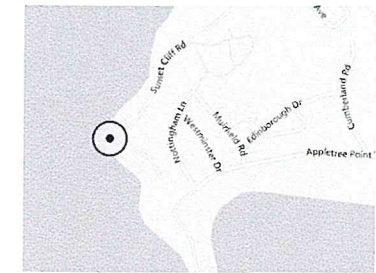
NOTES:

This plan is not a boundary survey. The property lines shown are based on the City of Burlington tax maps and are considered approximate.

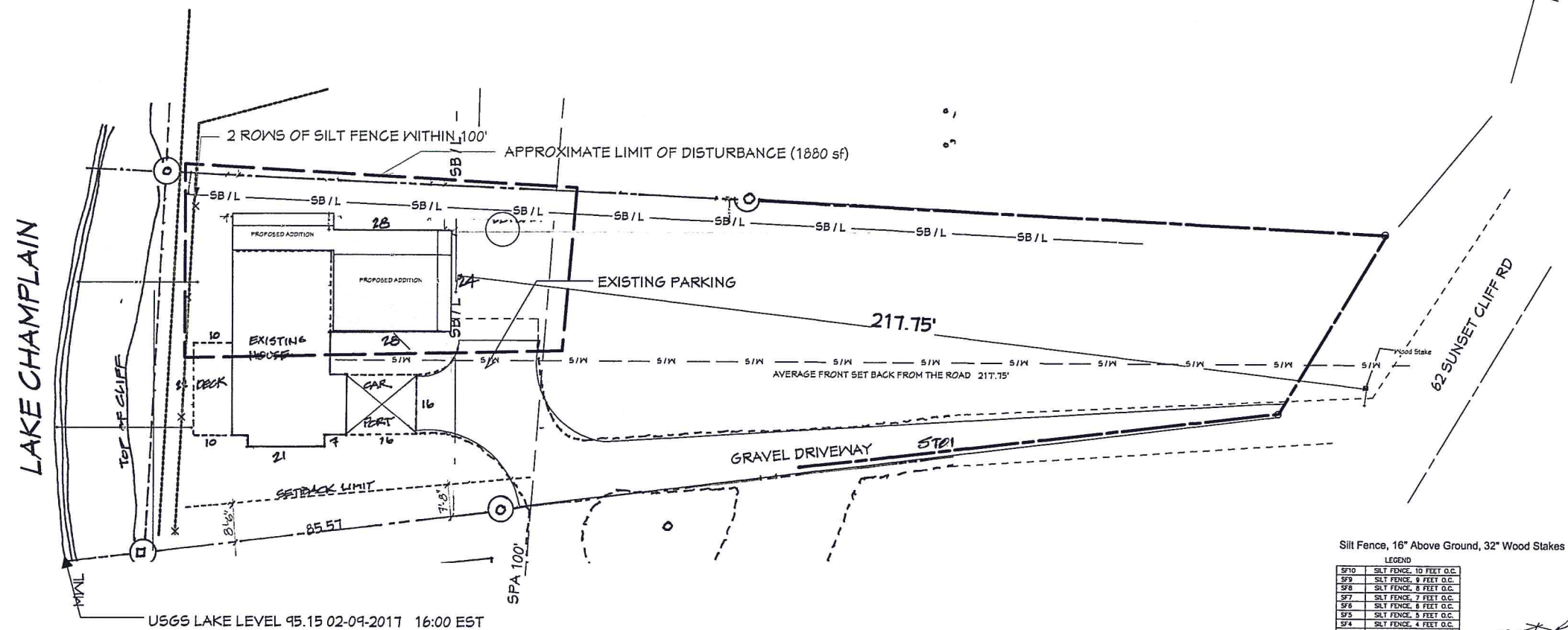
Contractor shall employ as many as these best management practices to prevent soil from leaving the construction site.

All impervious surface associated with this project shall not be expanded towards the mean water level, 95.5 feet National Geodetic Vertical Datum 1929. 1b. All impervious surface associated with this project shall be located on a site with a slope of 1% or less

Erosion control and bank stability management. Best management practices shall be used to provide erosion control and bank stability of the project area while completing the project and be maintained as necessary.

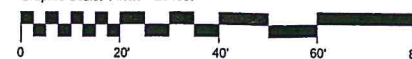


Location Map
NTS



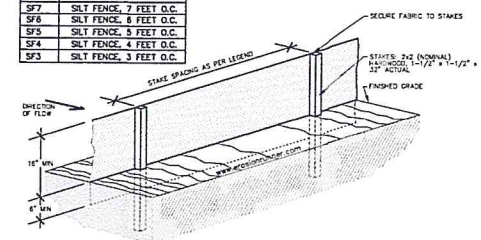
OWNER/CONTRACTOR SHALL READ AND UNDERSTAND THE REQUIREMENTS OF THE FIELD GUIDE FOR EROSION PREVENTION AND SEDIMENT CONTROL HANDBOOK (VERMONT 2006)
EROSION CONTROL MEASURES TO BE IMPLEMENTED SHALL INCLUDE, BUT NOT BE LIMITED TO:
-INSTALLATION OF LIMITS OF DISTURBANCE CORDON AROUND SITE PERIMETER.
-INSTALLATION OF SILT FENCE ALONG DOWNSLOPE LIMITS OF WORK.
-TEMPORARY STABILIZATION OF SITE AND MATERIAL STOCKPILES IN ACCORDANCE WITH PREDICTED WEATHER>

Graphic Scale: 1 inch = 20 feet



Silt Fence, 16" Above Ground, 32" Wood Stakes

LEGEND
SF10 SILT FENCE, 10 FEET O.C.
SF9 SILT FENCE, 9 FEET O.C.
SF8 SILT FENCE, 8 FEET O.C.
SF7 SILT FENCE, 7 FEET O.C.
SF6 SILT FENCE, 6 FEET O.C.
SF5 SILT FENCE, 5 FEET O.C.
SF4 SILT FENCE, 4 FEET O.C.
SF3 SILT FENCE, 3 FEET O.C.

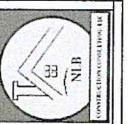


1. SILT FENCE SHALL BE CONSTRUCTED BEFORE UPLANDS GROUND COVER IS REMOVED. CLEARING, GRUBBING, AND STUMPING CAN OCCUR BEFORE SILT FENCE INSTALLATION IF GROUND COVER IS NOT REMOVED.
2. ALL SILT FENCE SHALL BE PLACED AS CLOSE TO THE CONTOUR AS POSSIBLE SO THAT WATER WILL NOT CONCENTRATE AT LOW POINTS IN THE FENCE AND SO THAT SMALL SHOALS OR DEPRESSIONS THAT MAY CARRY SMALL CONCENTRATED FLOWS TO THE SILT FENCE ARE OPERATED ALONG ITS LENGTH.
3. ENDS OF THE SILT FENCES SHALL BE BROUGHT UPLANDS SLIGHTLY SO THAT WATER PONDED BY THE SILT FENCE WILL BE PREVENTED FROM FLOWING AROUND THE ENDS.
4. SILT FENCE SHOULD PREFERABLY BE A MINIMUM OF 10 FEET FROM THE TOE OF SLOPE.
5. THE TRENCH SHALL BE MADE WITH A TRENCHER, CABLE LAYING MACHINE, SLONG MACHINE, OR OTHER SUITABLE DEVICE THAT WILL ENSURE AN ASSOCIATELY UNIFORM TRENCH DEPTH.
6. WHERE TWO SECTIONS OF PREFABRICATED SILT FENCE ARE JOINED INTO ONE RUN, THE END POSTS SHALL BE CONNECTED TOGETHER, NOT SHOWN OVERLAPPED.
7. SILT FENCE SHALL ALLOW RUNOFF TO PASS ONLY AS DIFFUSE FLOW THROUGH THE GEOTEXTILE. IF RUNOFF OVERTOPS THE SILT FENCE, FLOWS AROUND THE ENDS, OR IN ANY OTHER WAY BECOMES A CONCENTRATED FLOW, ONE OF THE FOLLOWING SHALL BE PERFORMED, AS APPROPRIATE: A) AN ADDITIONAL RUN OF SILT FENCE SHALL BE PLACED UPSTREAM; B) THE LAYOUT OF THE SILT FENCE SHALL BE CHANGED; C) ACCUMULATED SEDIMENT SHALL BE REMOVED; OR D) OTHER PRACTICES SHALL BE IMPLEMENTED.
8. SEDIMENT DEPOSITS SHALL BE REMOVED WHEN THE DEPOSIT REACHES APPROXIMATELY ONE-HALF OF THE HEIGHT OF THE SILT FENCE.
9. ALL STOCKPILES SHALL BE ENCLOSED WITH SILT FENCE.
10. SILT FENCE FABRIC SHALL MEET THE FOLLOWING SPECIFICATIONS: MINIMUM TENSILE STRENGTH 120 LBS., ASTM D 4832; MAXIMUM ELONGATION AT 60 LBS., 10% ASTM D 4832; MINIMUM PUNCTURE STRENGTH 30 LBS., ASTM D 4832; MINIMUM TEAR STRENGTH 40 LBS., ASTM D 4833; APPARENT OPENING SIZE <= 0.075MM, ASTM D 4753; WINDROW PENETRATION 1100-2200-G, ASTM D 4840; WATER FLOW RATE 155AL/AN/50. FFI; UV EXPOSURE STRENGTH RETENTION, 70% ASTM D 4333.



THE CONTRACTOR SHALL NOTIFY "DIGSAFE" AT 1-800-DIG-SAFE PRIOR TO ANY EXCAVATION.

FOR PERMIT REVIEW



REVISION TABLE			
NUMBER	DATE	REVISIED BY	DESCRIPTION

NLB CONSTRUCTION CONSULTING LLC
20 WEST CANAL STREET #212
BURLINGTON, VT 05404
802.355-4130

EROSION PREVENTION AND
SEDIMENT CONTROL PLAN

ROBERT B. HEMLEY
MARCIA HEMLEY
62 SUNSET CLIFF
BURLINGTON, VT

DATE:

6/26/2017

SCALE:

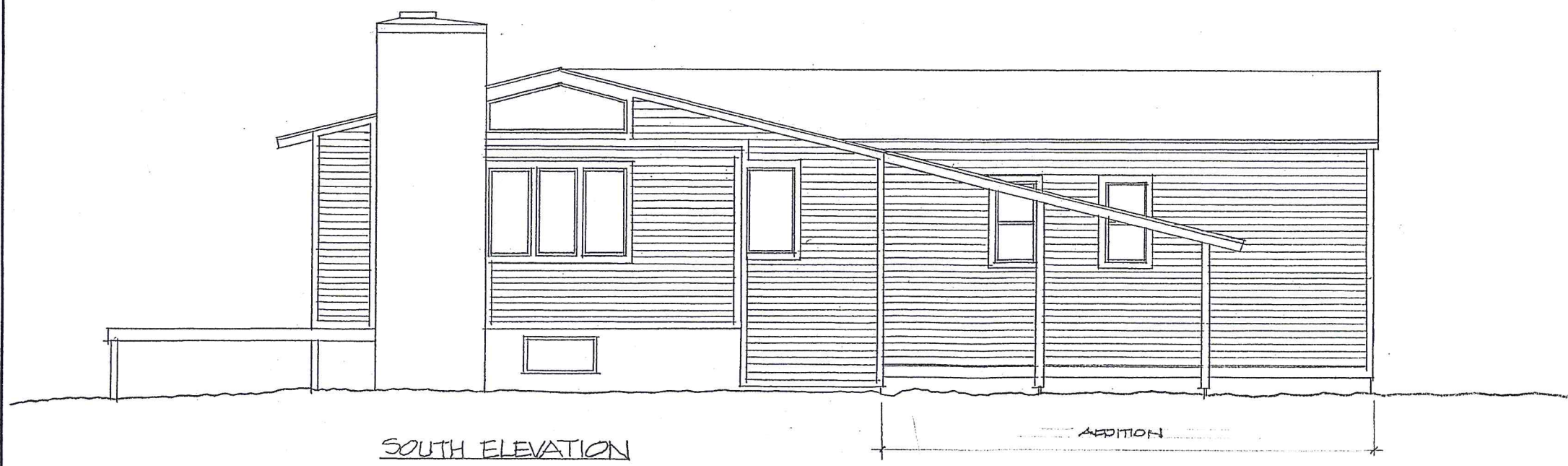
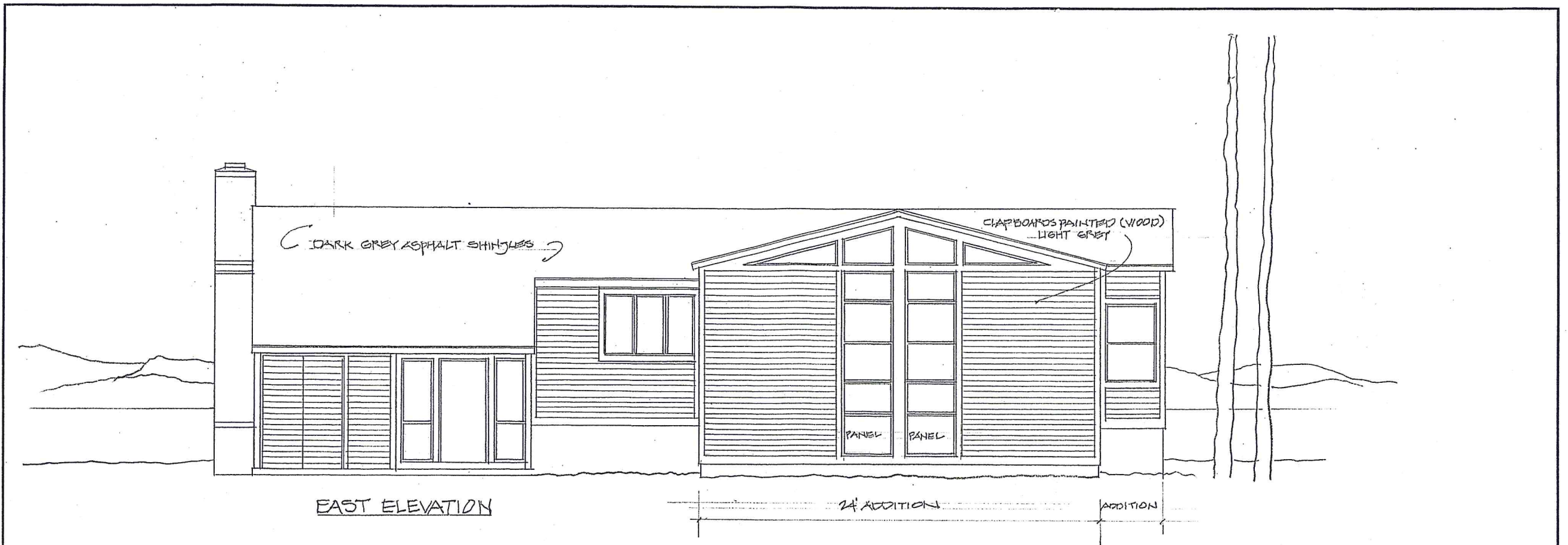
DRAWN BY:

Norm Benoit

SHEET:

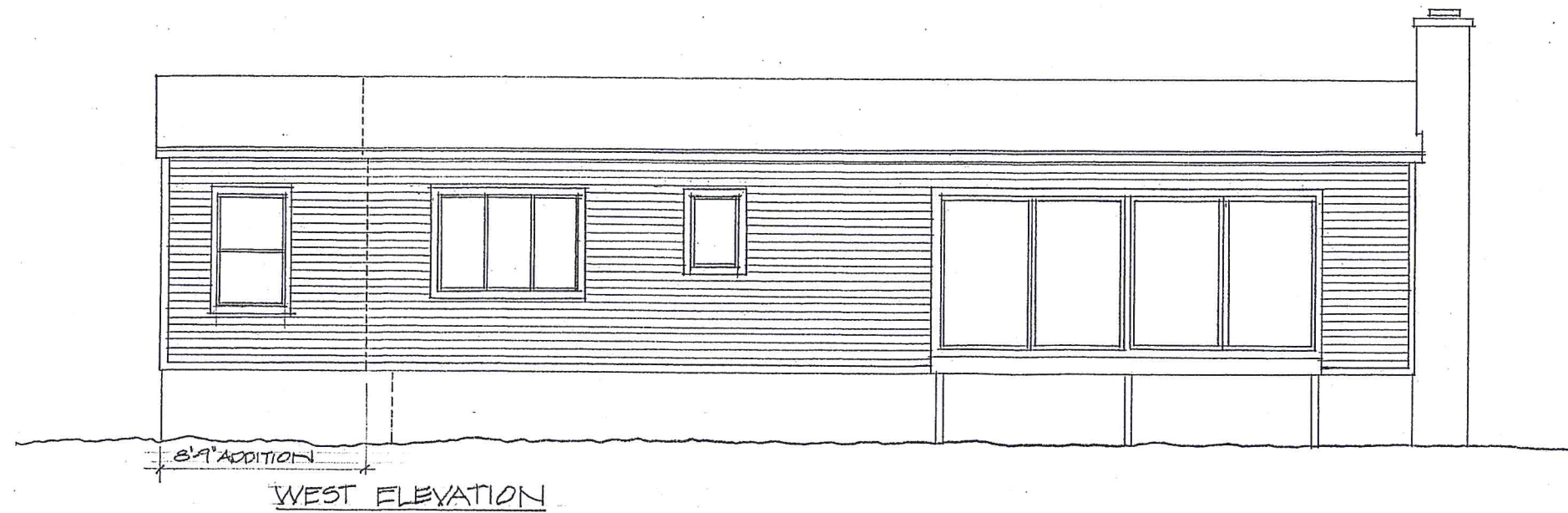
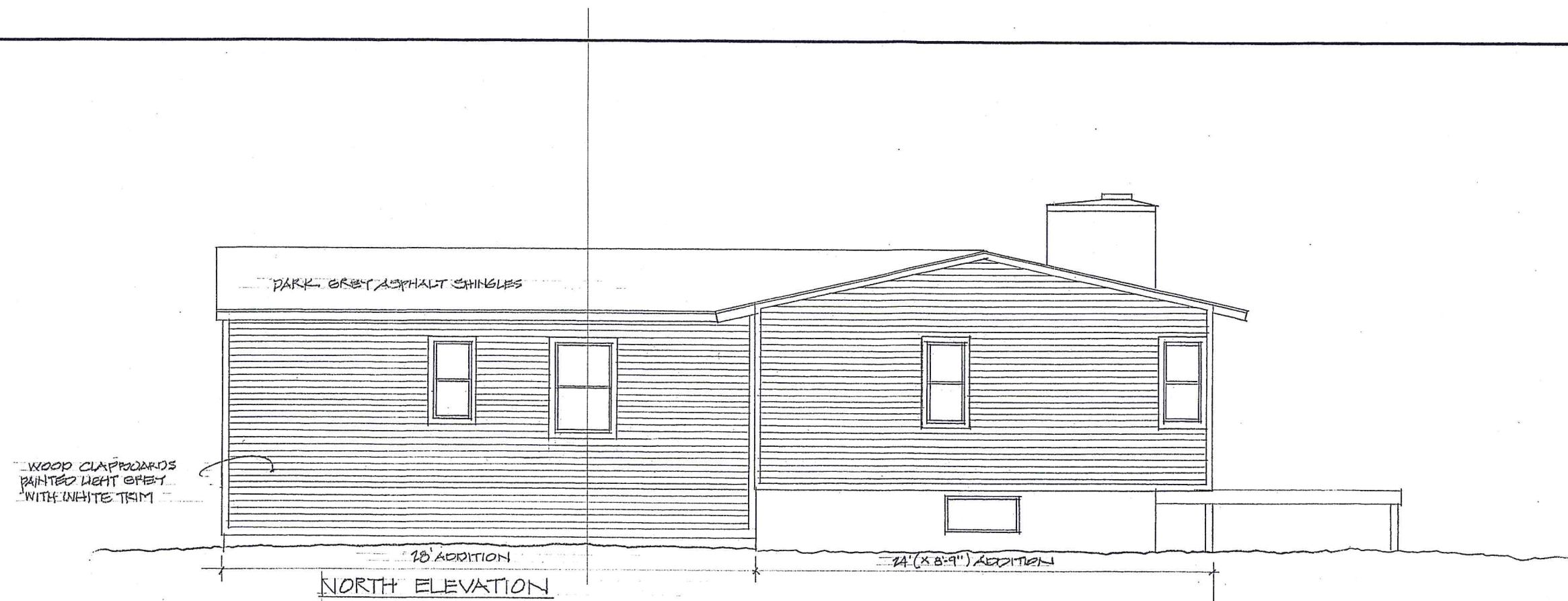
EC-1

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JUL 06 2017



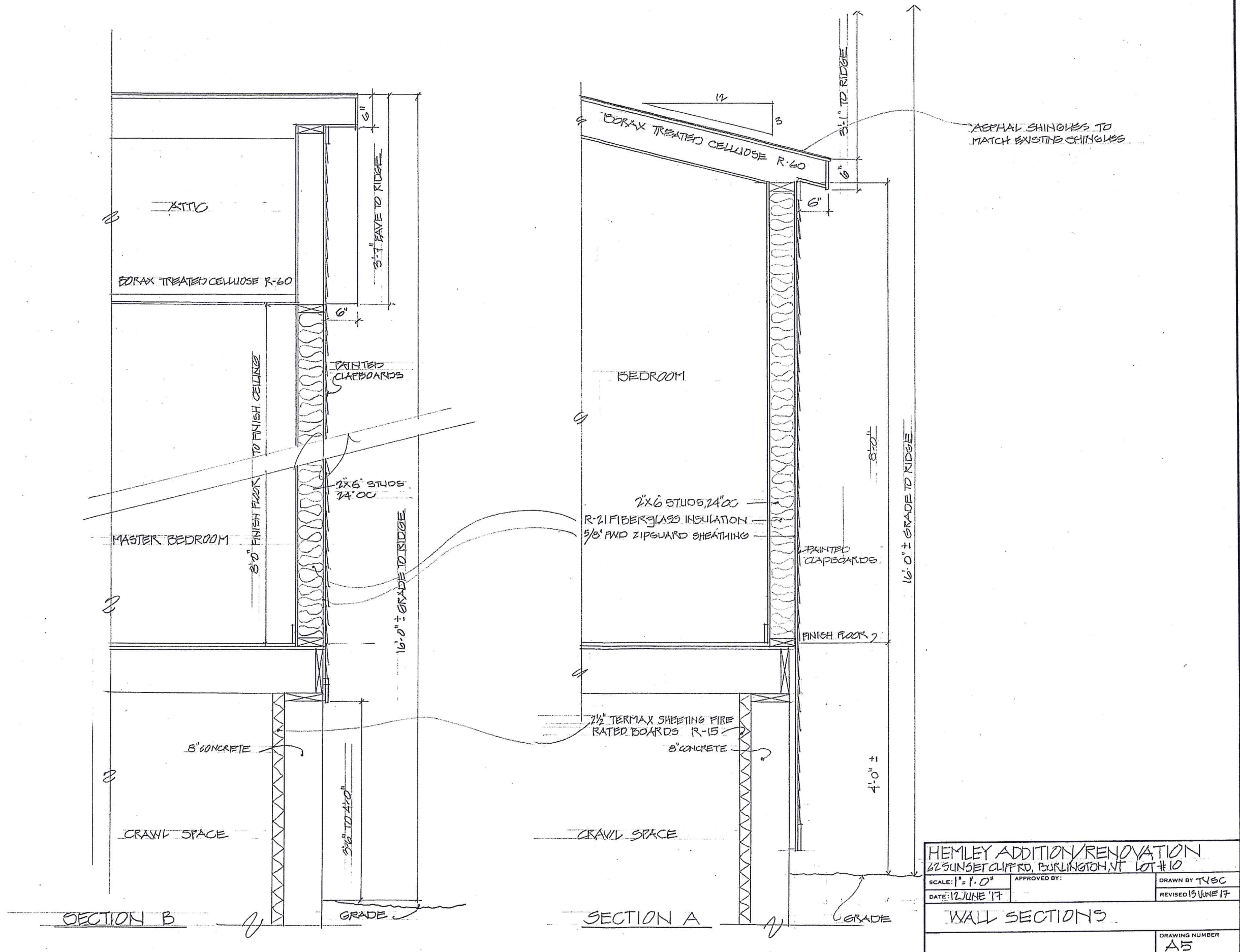
HEMLEY ADDITION & RENOVATION			
62 SUNSET CLIFF ROAD, DURLINGTON, VT LOT# 10			
SCALE: 1/4" = 1'-0"	APPROVED BY:	DRAWN BY JVS	
DATE: 12 JUNE '17		REVISED	
EAST & SOUTH ELEVATIONS ALTERNATIVE			
DRAWING NUMBER			AG

RECEIVED
 JUL 06 2017



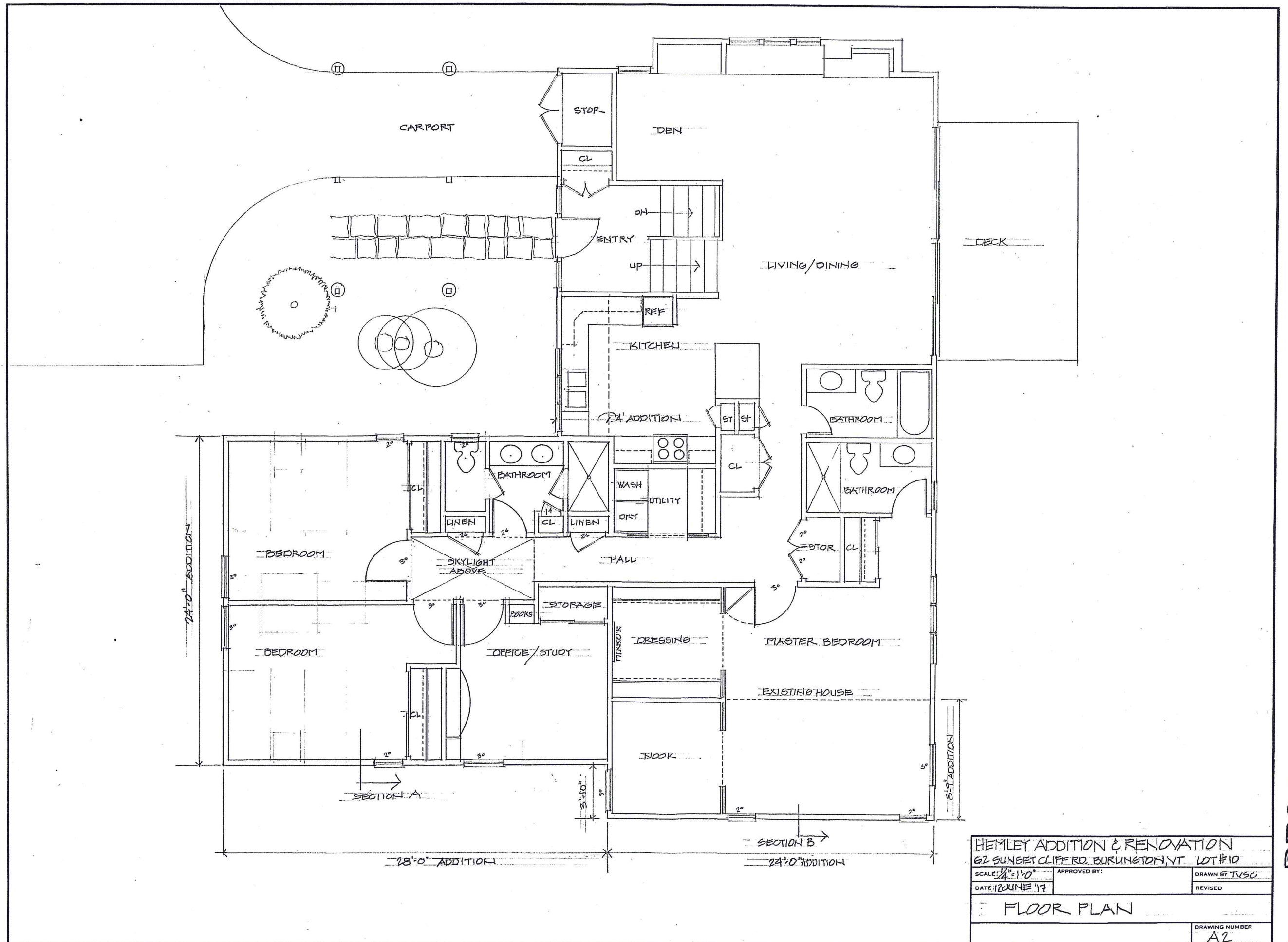
HEMLEY ADDITION & RENOVATION			
62 SUNSET CLIFF RD. BURLINGTON, VT LOT # 10			
SCALE: 1/4" = 1'-0"	APPROVED BY:	DRAWN BY: TVSC	
DATE: 12 JUNE 17		REVISED: 5 JUNE 17	
NORTH & WEST ELEVATIONS			
DRAWING NUMBER			A4

RECEIVED
 JUL 06 2017



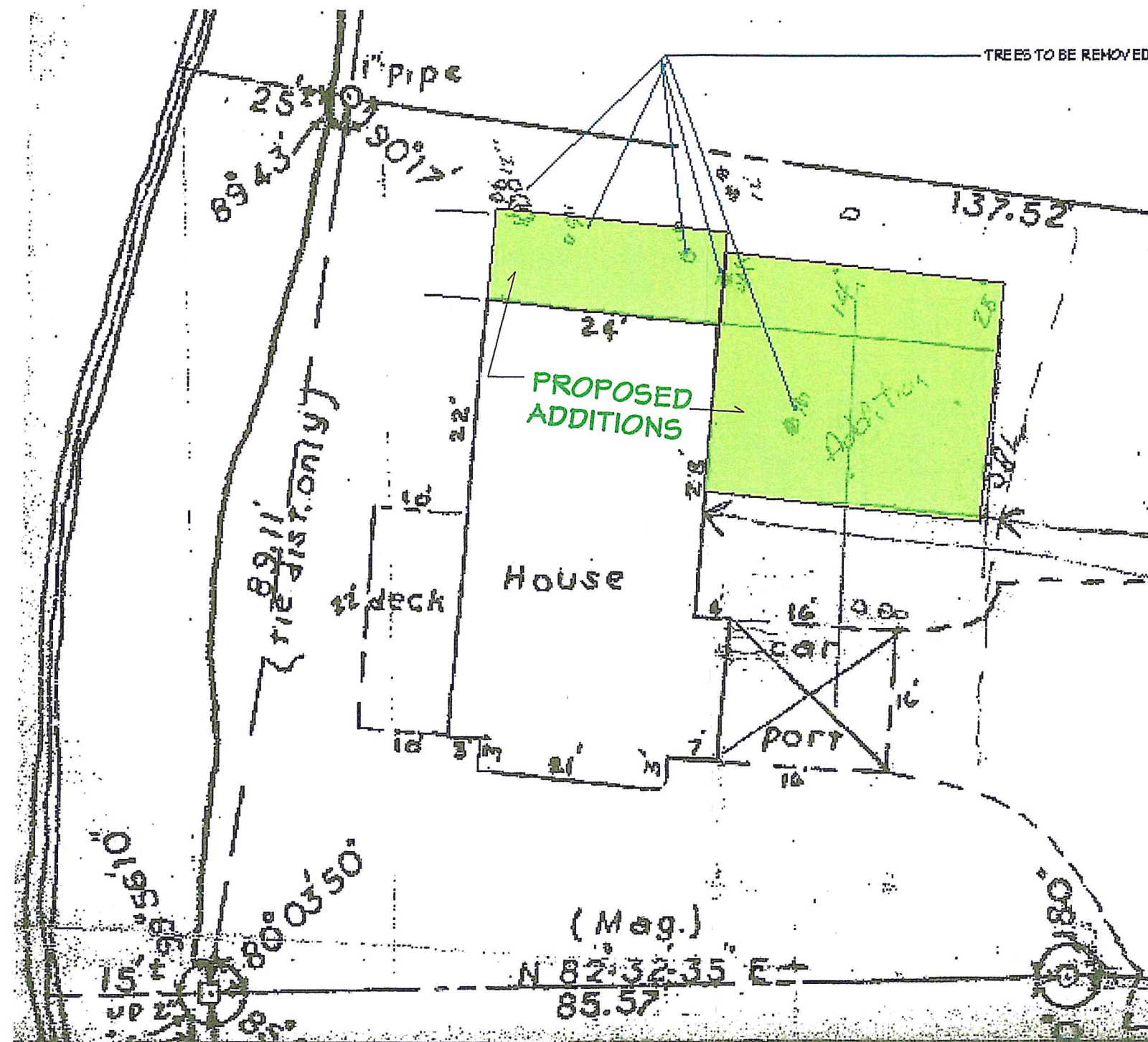
HEMLEY ADDITION/RENOVATION		
62 SUNSET CLIFF RD, BURLINGTON, VT LOT #10		
SCALE: 1" = 1'-0"	APPROVED BY:	DRAWN BY: TVSC
DATE: 12 JUNE 17		REVISED: 13 JUNE 17
WALL SECTIONS		
DRAWING NUMBER		A5

RECEIVED
JUL 06 2017



HEMLEY ADDITION & RENOVATION		
62 SUNSET CLIFF RD. BURLINGTON, VT LOT #10		
SCALE: 1/4" = 1'-0"	APPROVED BY:	DRAWN BY: TVSC
DATE: 12/01/17		REVISED:
FLOOR PLAN		
DRAWING NUMBER		A2

RECEIVED
JUL 06 2017

[illegible]

NLB CONSTRUCTION CONSULTING LLC
20 WEST CANAL STREET #212
WINOOSKI, VT 05404
802-355-4130

SHEET TITLE
**TREE REMOVAL
PLAN**

ROBERT B HEMLEY
MARCIA HEMLEY
62 SUNSET CLIFF
BURLINGTON, VT

DATE:

2/17/2017

SCALE:

DRAWN BY:
Norm Benoit

SHEET:

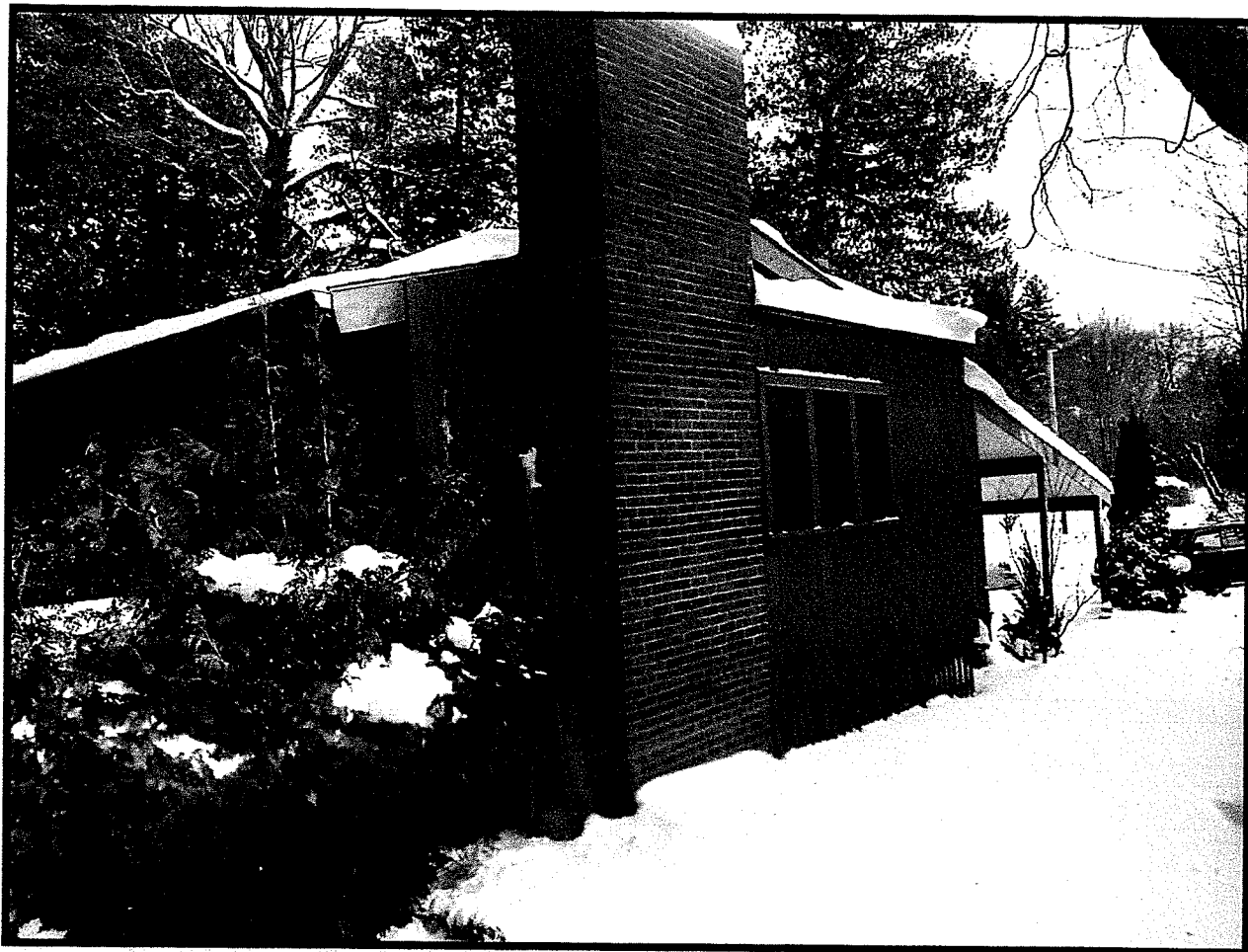
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PHOTOS – 62 SUNSET CLIFF ROAD BURLINGTON, VT



SOUTH SIDE #1

RECEIVED

JUL 06 2017

DEPARTMENT OF
PLANNING & ZONING

PHOTOS – 62 SUNSET CLIFF ROAD BURLINGTON, VT



NORTH EAST CORNER #2

RECEIVED

JUL 06 2017

DEPARTMENT OF
PLANNING & ZONING

PHOTOS – 62 SUNSET CLIFF ROAD BURLINGTON, VT



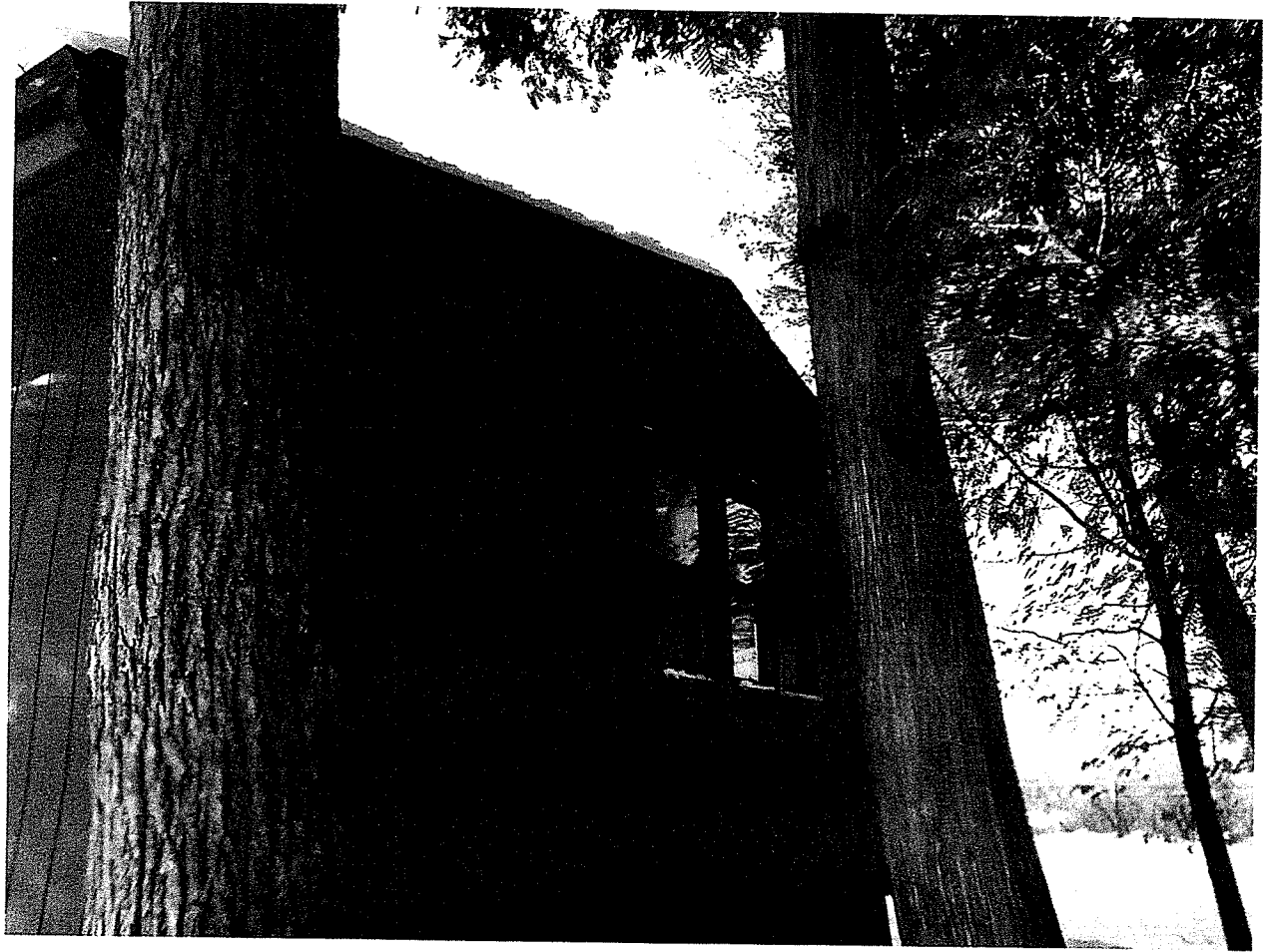
WEST SIDE #3

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JUL 06 2017

DEPARTMENT OF
PLANNING & ZONING

PHOTOS – 62 SUNSET CLIFF ROAD BURLINGTON, VT



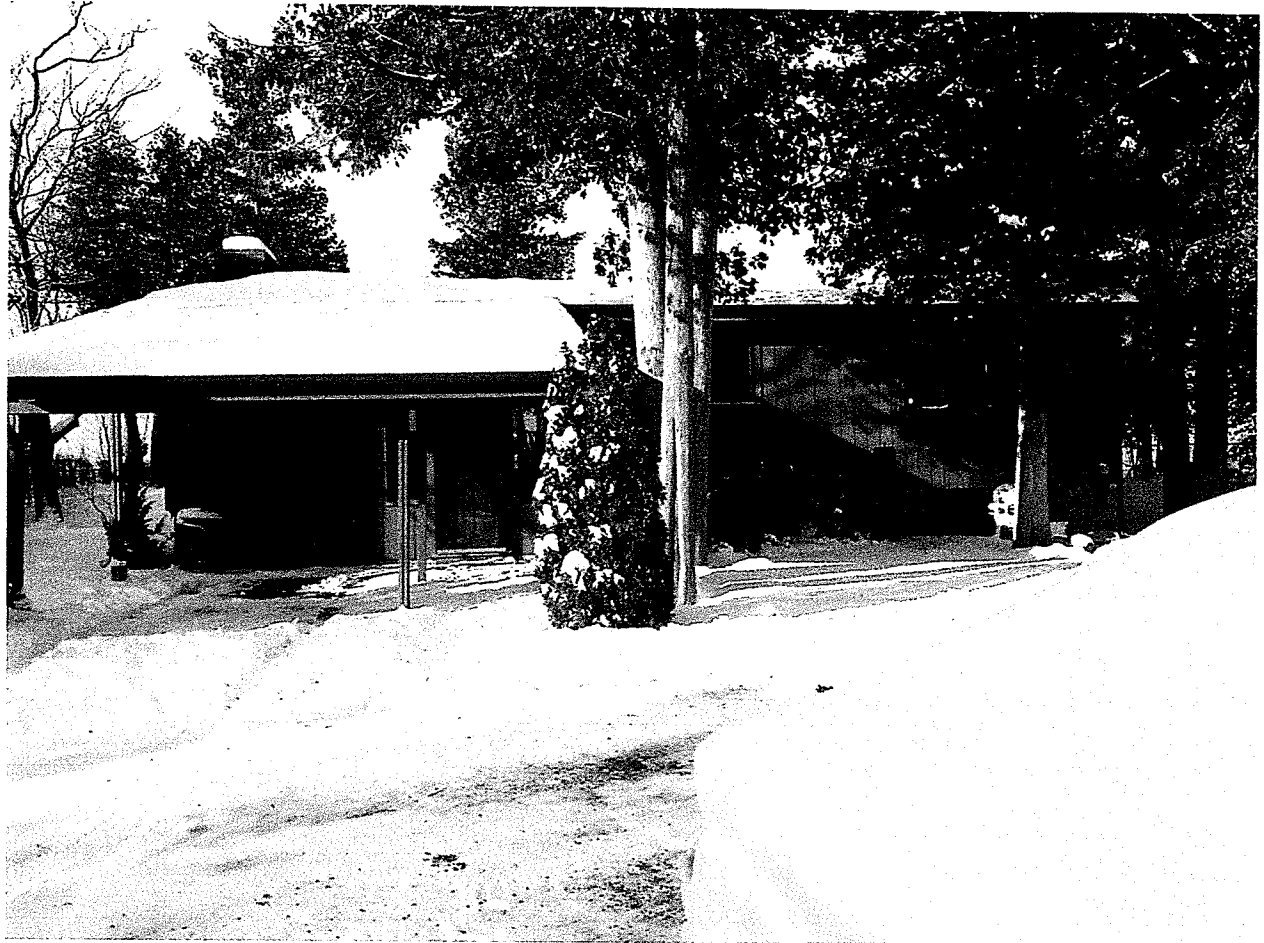
NORTH SIDE #4

RECEIVED

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DEPARTMENT OF
PLANNING & ZONING

PHOTOS – 62 SUNSET CLIFF ROAD BURLINGTON, VT



EAST SIDE #5

RECEIVED

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PLANNING & ZONING

PHOTOS – 62 SUNSET CLIFF ROAD BURLINGTON, VT



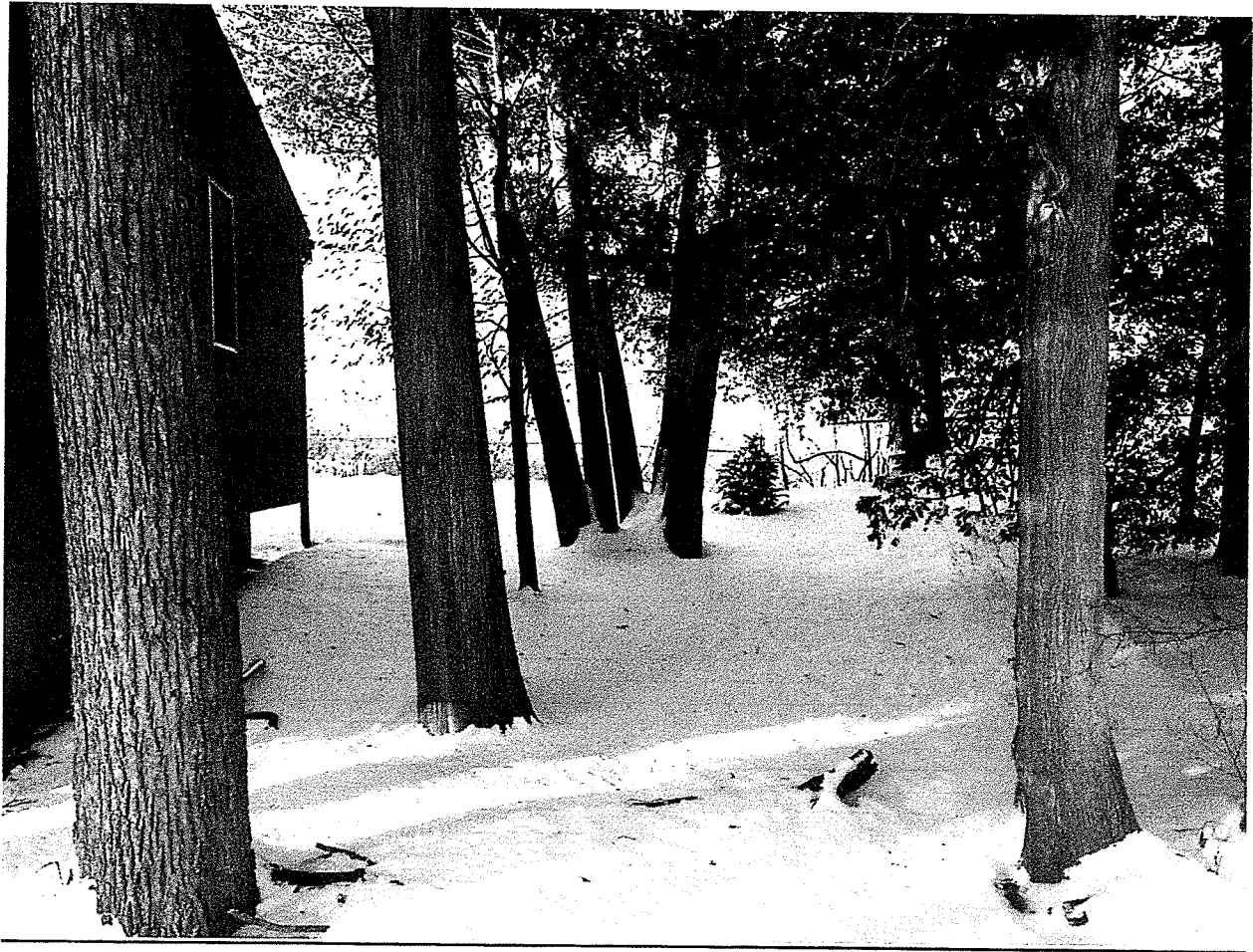
FRONT YARD LOOKING EAST #6

RECEIVED

JUL 06 2017

DEPARTMENT OF
PLANNING & ZONING

PHOTOS – 62 SUNSET CLIFF ROAD BURLINGTON, VT

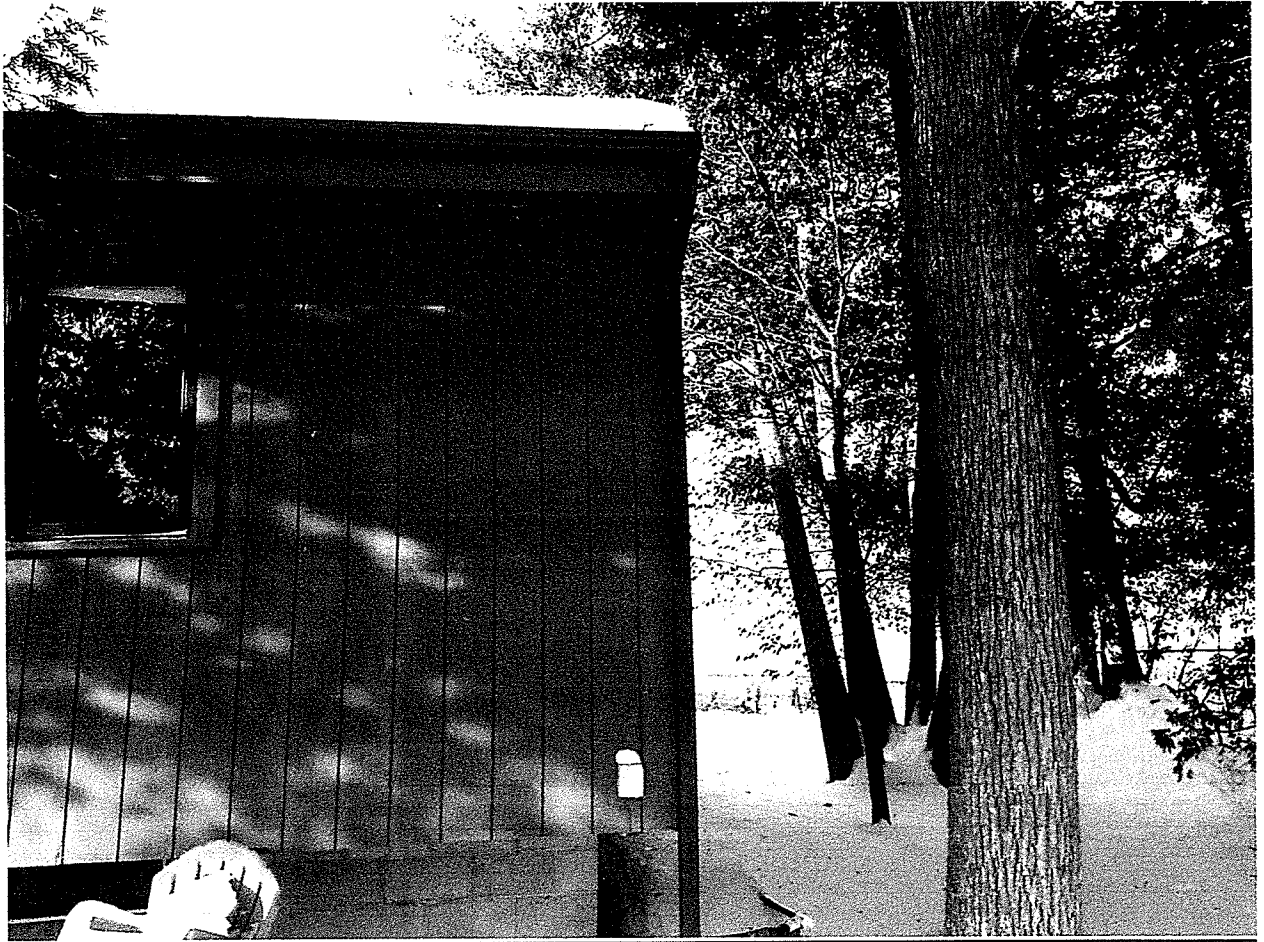


NORTH SIDE #7

RECEIVED
JUL 06 2017

DEPARTMENT OF
PLANNING & ZONING

PHOTOS – 62 SUNSET CLIFF ROAD BURLINGTON, VT



NORTH SIDE #8

RECEIVED

JUL 06 2017

DEPARTMENT OF
PLANNING & ZONING

AN EROSION PREVENTION AND SEDIMENT CONTROL PLAN

FOR THE PROJECT AT:

62 Sunset Cliff Road Burlington, VT

HAS BEEN FILED WITH THE CITY OF BURLINGTON
STORM WATER MANAGEMENT PROGRAM IN ACCORDANCE
WITH CHAPTER 26 OF THE BURLINGTON CODE OF ORDINANCE

THIS REQUIRES THAT MEASURES BE INSTALLED OR TAKEN TO
PREVENT SEDIMENT FROM LEAVING THE SITE AND ENTERING
WATERWAYS AND IMPACTING CITY INFRASTRUCTURE
(RIGHT OF WAY AND STORM DRAINS)

FOR QUESTIONS OR TO REPORT SEDIMENT LEAVING THE SITE
CALL 802-863-4501

This notice to be posted in full view at all times during earth
disturbance. Additional conditions on attached.

Plan Approved by: Jenna Calvi Digitally signed by Jenna Calvi
DN: cn=Jenna Calvi, c=US, o=City
of Burlington, ou=Department of
Public Works,
email=jcalvi@burlingtonvt.gov
Date: 2017.07.12 14:11:44 -04'00' Date: 7/12/17
Burlington Stormwater Program



Burlington Department of Public Works
Stormwater Program

234 Penny Lane (Water Plant)

Burlington, VT 05401

PH: 802-863-4501 Email: stormwater@burlingtonvt.gov



Small Project Erosion Prevention & Sediment Control (EPSC) Plan

This questionnaire, at a minimum, is required to accompany all zoning or building permit applications which involve **4,000 sq. ft. or more of land disturbance**. If your project meets one of the following categories, do not submit this form. You must submit the "Standard" EPSC Form:

- on properties other than single family (R1) or duplexes (R2) that require a level II or III Certificate of Appropriateness; or
- Major Impact zoning applications and involve 5000 sq. ft. or more of earth disturbance; or
- any activity where a zoning permit is not required but where the project involves 10,000 sq. ft. or more of earth disturbance; or
- if requested by the Stormwater Program due to project characteristics such as slope, soils or proximity to drainage structures or waterbodies.

For this Small EPSC form, please also provide a simple site plan indicating the locations of all erosion prevention and sediment control measures (silt fence, hay bales etc).

Single family or duplex properties with greater than 2500 sq. ft. of total impervious surfaces, that are adding more impervious, will also be required to submit a Residential Stormwater Management Questionnaire. All other projects involving redevelopment or addition of impervious surface must submit the stormwater management pre-screening (attached) for evaluation or meet with the Stormwater Program to determine the stormwater management requirements for your project.

1. Project Location 62 Setset Cliff Road Burlington, VT

2. Brief Project Description (i.e. house foundation, swimming pool)

Addition to the existing structure.

3. Owner Name: 62 Sunset Cliff Realty, LLC

4. Owner Mailing Address: 68 Sunset Cliff Rd Burlington, VT

5. Owner Phone: 802-999-5819

6. Owner email: _____

7. Contractor Name: Vt Heritage Construction, Inc

8. Contractor Phone: 802-233-0904

9. Contractor Email: speedrow@comcast.net

10. Estimated Project Start Date 5/1/17

Estimated End Date 7/30/17

11. Area of Land Disturbance 1880 sq. ft.

12. Existing Impervious: 3999 sq. ft.

Proposed impervious: 4959 sq. ft.

13. Site plan/sketch **MUST BE ATTACHED TO THIS FORM** showing the following:

☒ Limits of disturbance

☐ Direction of stormwater flow on site

☐ Location of stockpiles (if any)

☒ Location of sediment control BMP's (silt fence etc.)

EPSC QUESTIONNAIRE (See last page for typical solutions to these questions)

A) Nature of all site disturbances (check all that apply):

- ☐ Underground utility trench(es) ☐ curb cut/driveway ☒ foundation ☒ cut/fill/regrading ☐ landscaping
☐ other _____

B) Do you anticipate the need for any dewatering of excavations during the construction? ☐ Yes ☒ No

- If yes, how will the pumped water be managed or filtered to prevent the discharge of dirty water?

C) Will excavated soil be stockpiled on the site? ☒ Yes ☐ No

- If yes, how long will the stockpile be on site? (i.e. 1 day, 1 week) 4 days

How do you propose to control erosion of the stockpile? Place a silt fence around the stock pile.

- If no, where is the ultimate disposal of excess soil? _____

D) How do you propose to prevent sediment from leaving the site and entering nearby city sidewalks/ streets and storm drains and/or lakes, rivers and streams? (see page 4 for examples)

Install Silt fences around the pile and cover with a tarp.

E) Do you plan to park construction vehicles on or disturb City owned property like the greenbelt area? ☐ Yes ☒ No

- If yes, tell us how you agree to repair all disturbances or damage to City owned property and provide a written approval from the City allowing construction vehicles to park on City owned property.

- If no, then please monitor all construction and visitor vehicles and advise all not to park on City owned property.

F) How do you propose to either prevent or clean sediment generated from construction vehicles and activities that becomes deposited on City streets, sidewalks, or bikepaths and how frequently this will be done.

The propert has a long drive entering a dirt road. Any debris on vehicles should be g
before they get to a paved street.

G) Will stockpiles or disturbed soils be present and/or exposed after Nov. 1st of any construction year? ☐ Yes ☒ No

- If yes, tell us how you plan to stabilize any stockpile and/or disturbed soils.

Do you agree to abide by the following conditions?

☒ Y ☐ N Applicant will call 863-4501 or email stormwater@burlingtonvt.gov at least 24 hours prior to initiating earth disturbance and submit the name and contact (cell phone and email) of the erosion control coordinator for the project

☒ Y ☐ N Applicant will post the notice in a visible location

☒ Y ☐ N I acknowledge that it is the responsibility of the owner and his/her representatives to ensure that:

- sediment does not enter surface water bodies (streams, ditches, ponds, lakes, wetlands etc.)
- sediment does not enter City conveyance infrastructure (catch basins, sewers etc.) and
- All sediment must be removed from the city ROW (sidewalks and roadways) by the end of each work day.
- ☒ Y ☐ N Sediment control measures will be installed prior to the initiation of earth disturbance.
- ☒ Y ☐ N During the non-winter construction season (April 15 – November 1): After an initial **14 day** period of initial disturbance, temporary or permanent stabilization (mulching, erosion control matting or tarps for stockpiles or other approved method) of exposed areas and stockpiles will occur at the end of each work day unless:
 - Earthwork is to continue in the area within the next 24 hours **and** there is NO liquid precipitation forecast for the next 24 hours; or
 - If work is occurring in a self contained excavation (no outlet) with a depth of 2 feet or greater (e.g. house foundation excavation or utility trenches).
- ☒ Y ☐ N During the winter construction period from November 1 to April 15, any **new disturbance** must be temporarily or permanently stabilized (mulching, erosion control matting or tarps for stockpiles, or other approved method) will occur at the end of each work day unless:
 - Earthwork is to continue in the area within the next 24 hours **and** there is NO liquid precipitation forecast for the next 24 hours; or
 - If work is occurring in a self-contained excavation (no outlet) with a depth of 2 feet or greater (e.g. house foundation excavation or utility trenches)
- ☒ Y ☐ N The perimeter of the site and all BMPs will be inspected at the **end of each workday** to ensure that sediment will not leave the site. If sediment has travelled beyond the site boundary, it shall be swept up or otherwise removed and deposited on-site in an upgradient area at the **end of each work day**.
- ☒ Y ☐ N The owner and his/her representatives shall abide by the best management practices (BMPs) indicated in the plan and conditions and in the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control (2006). Contact 802-540-1748 for a hard copy or go to the web:
http://vtwaterquality.org/stormwater/docs/construction/sw_low_risk_site_handbook.pdf
- ☒ Y ☐ N **If soils will be exposed after November 1st and winter construction has not been permitted the project will notify DPW prior to October 15th.** If the project is completed during the winter months, an additional inspection will be required to ensure that the site is buttoned up for the winter.
- ☒ Y ☐ N Within 48 hours of reaching final grading, the exposed soil will be seeded and mulched or covered with erosion control matting (for slopes steeper than 3:1 or high wind prone areas). Erosion control matting is preferred.
- ☒ Y ☐ N The owner will contact DPW to schedule a stabilization inspection when site work is finished and stabilization measures (seeding and mulching or matting) have been installed.

AGREEMENT

By filling out and signing this plan, I agree to abide by the terms and conditions outlined above. Failure to follow this plan can result in a stop work order by the City of Burlington, fines, or both.

By: ☐ Owner ☐ Contractor ☒ Architect/Engineer

Noeman Boni.T
Name

[Signature]
Signature

7/12/11
Date

Additional Conditions of Approval:

Required Compliance Items:

- Notification of start/identification of EPSC responsible party
- Winter Stabilization Inspection (if applicable)
- Final Stabilization

**Burlington Department of Public Works
Stormwater Program**

234 Penny Lane
Burlington, VT 05401
P.O. Box 878 (05402)

PH: 802-863-4501 Email: stormwater@burlingtonvt.gov



Residential (R1 & R2) Stormwater Management Plan

This questionnaire is required for single family detached dwellings or duplex properties where additional impervious surface is proposed and the total lot impervious surface area is greater than 2500 sq. ft. This form should be submitted directly to the DPW Stormwater Program above. If you need help completing this form, please contact stormwater@burlingtonvt.gov or 863-4501 for technical assistance.

**YOU MUST INCLUDE A SKETCH OR SITE PLAN OF YOUR EXISTING AND PROPOSED SITE AND
INCLUDE THE EXISTING AND PROPOSED FLOW PATHS OF STORM WATER ON YOUR PROPERTY**

Project Location: 62 Sunset Cliff, Burlington

Impact Review: Impervious Surface Area Breakdown

Impact Review: ImperviousSurface Area Breakdown	Area (sq. ft.)	
Type of Surface	Existing	Proposed
Total impervious surface	3999	4959
Change in Total impervious surface	960 sf	
Connected Impervious Surfaces		
Rooftop area that drains to impervious surface and runoff reaches city street or property boundary	0	0
Driveway area that drains directly to city street or property boundary		
Walkway/ Patio/ Deck/ other area that drains to impervious surface and runoff reaches city street or property boundary	0	0
Total connected impervious		
Change in total connected impervious (proposed – existing)		
Disconnected Impervious Surfaces		
Rooftop area that drains to pervious surface where runoff soaks in	1396	2260
Driveway area that drains to pervious surface where runoff soaks in before reaching the city street or the property boundary (or a driveway made of pervious material)	2383	2383
Walkway/ Patio/ Deck/ Other area that drains to pervious surface where runoff soaks in before reaching the city street or the property boundary (or is made of pervious material)	220	316
Total disconnected impervious	3999	4959
Change in total disconnected impervious (proposed – existing)	960 sf	

Impervious surfaces are areas that prevent the infiltration of water into the ground and shall include, but not be limited to, roofs, patios, garages, storage sheds and similar structures. Impervious surfaces also include compacted dirt and gravel surfaces. Decks that allow water to seep through onto pervious surfaces can be considered disconnected.

Pervious surfaces are areas such as grass, clean gravel, pervious concrete, permeable pavers that allow water to infiltrate rather than runoff

For Property at: 62 Sunset Cliff Road

Residential Stormwater Management P
Pag

Mitigation Review:

The Burlington Stormwater Program reserves the right to request that specific measures or a specified volume of stormwater runoff be mitigated based on the overall impact of connected impervious on the site.

Is this is a new home (including tear down and replacement)? Yes ☐ No ☒

If **yes**, complete information below and contact stormwater@burlingtonvt.gov or 863-4501 for a required technical assistance meeting.

If **no**, please feel free to contact the Burlington Stormwater Program for additional technical assistance, but at a minimum, you must complete the information requested below:

How will increased stormwater runoff from any increase in impervious surface be managed to the maximum extent practicable? For information regarding these and other stormwater management practices visit:

http://www.vtwaterquality.org/stormwater/htm/sw_LID.htm

☐ Removal of other impervious surface balances out addition

☐ Installation of green roof will minimize runoff from rooftop

☒ Runoff from rooftops will be directed to pervious green space

☐ Runoff from rooftops will be directed to rain barrels* for storage and gradual release or use

☒ Runoff from impervious surfaces will be directed to a rain garden*

☐ Driveway is/will be permeable (permeable pavers, grass pavers, pervious gravel driveway)

☐ Walkways is/will be permeable (permeable pavers, grass pavers, pervious gravel driveway)

☐ Driveway impervious surface and connectivity has been/will be minimized with use of strip driveway

(2 strips of asphalt with grass strip down middle)

☐ Connected Impervious surface has been minimized (please explain)

☐ Other, please attach explanation

OWNER AGREEMENT

I attest that the information above is correct to the best of my understanding and that I will install the measures I have indicated or manage the runoff in a way to minimize the amount of stormwater runoff from my property. I understand that the City has the right to inspect my property to ensure that the measures have been installed and that failure to abide by the measures above may constitute a violation of Chapter 26 and my authorization to discharge stormwater to the City Stormwater conveyance system.

By:

Norman Berio

Printed Name

[Signature]

Signature

Date 7/12/17

Plan Approved by:

Jenna
Calvi

Burlington Stormwater Program

Date: 7/12/17

Digitally signed by Jenna Calvi
DN: cn=Jenna Calvi, c=US, o=City
of Burlington, ou=Department of
Public Works,
email=jcalvi@burlingtonvt.gov
Date: 2017.07.12 14:13:17 -04'00'

* Visit <https://www.burlingtonvt.gov/DPW/Get-Involved> for stormwater workshops and/or rebate opportunities that may assist in the installation/purchase of these stormwater management measures

Burlington Department of Public Works

Stormwater Program

234 Penny Lane

Burlington, VT 05401

Mail: P.O. Box 878, Burlington, VT 05402

PH: 802.863-4501 Fax 802.864.8233 Email: stormwater@burlingtonvt.gov



Stormwater Management Plan Definitions

Stormwater Questionnaire Definitions:

Disconnected impervious = runoff from this type of impervious (paved, unpaved parking, roof top, driveway, walkway) that drains to a vegetated surface (pervious) and has a reasonable chance of soaking in before it gets to the property line.

- examples
 - runoff that comes off a drip line and lands on grassed surface or planting bed
 - runoff that goes to a gutter, but where the downspout drains to a vegetated area
 - runoff that goes into a rain barrel where the rain barrel is attached to a hose that is used on pervious
 - a driveway or walkway which is graded in such a way that the runoff goes off the side onto grassy area

Connected impervious = runoff from this type of impervious (paved, unpaved parking, rooftop, driveway, walkway) that drains to another impervious surface and therefore DOESNOT have a reasonable chance of soaking in before it gets to the property line.

- examples
 - runoff that comes off a drip line and lands on paved surface which drains to the roadway or City sidewalk or another property
 - runoff that goes to a gutter, but where the downspout drains to the driveway or parking area
 - a driveway or walkway which is graded (sloped) towards the City Road or sidewalk

For projects on properties other than single family and duplex



Stormwater Management Plan Pre-Screening

Please provide the following information to the Stormwater Program (stormwater@burlingtonvt.gov, ph: 863-4501) in order to determine what the requirements will be for your project.

- General Information
 - Project Address:
 - Owner:
 - Engineer:
 - Brief project description:

- Stormwater Management Plan
 - Impervious¹ change summary

Condition	Type	Total Impervious (s.f.)
Existing Conditions	Existing Impervious	3999 sf
Proposed	Total Proposed (1+2+3)	4959 sf
	1) New ²	960 sf
	2) Existing to Remain	3999
	3) Redeveloped	
Net New	Total Proposed – Existing	960 sf

If available at this time:

- Existing conditions: *description of existing conditions, description of existing stormwater system, existing drainage issues, current connectivity to City system*

- Proposed Conditions: *description of proposed conditions, brief description of proposed stormwater system, proposed method of discharge to receiving water or City system (overland flow, direct connection via pipe, existing or new manhole or CB)*

¹ Impervious = any surface off of which water runs off rather than infiltrates, including, but not limited to rooftops and paved/unpaved (gravel/packed dirt) driveways, walkways and patios

² Impervious where there is not currently impervious

Department of Planning and Zoning

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

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



TO: Development Review Board
FROM: Scott Gustin
DATE: August 15, 2017
RE: 18-0028AP; 351-375 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: NAC-CR Ward: 4N

Owner/Appellant: 351-375 North Avenue Owner's Association, LLC

Request: Appeal of administrative decision relative to impact fees for orphanage renovation

Overview:

The appellant is appealing an administrative decision relative to the impact fees due for the St. Joseph's Orphanage renovations into residential apartments. The original zoning permit (16-0007CA/MA) was approved September 1, 2015 and included conversion of the building to 63 residential units with reconfigured college space. The permit was subsequently amended February 2, 2016 to increase the residential unit count to 65 with some minor exterior alterations. Ultimately, the building was approved for conversion to purely residential space as part of Cambrian Rise (zoning permit 17-0623CA/MA).

The subject zoning permits included a condition requiring payment of impact fees based on the converted and net new finished square footage of the development. That impact fee was calculated and billed by staff in an amount totaling \$39,320.21. The appellant asserts that this calculation is incorrect and is appealing it seeking relief.

The administrative impact fee calculation was based on:

- 12,500 sf of previous Burlington College space being converted to residential use
- 15,727 sf of previous vacant space being converted to residential use

At the time of calculating the impact fees, the appellants had represented that the remaining 25,500 sf of the building was formerly Roman Catholic Diocese residential space in use since 1992¹ (enactment of impact fees), and therefore, not subject to impact fees (i.e. residential use remained residential). This is a seemingly generous assertion given that the 1977 zoning permit for the change in use from orphanage was for 3 apartments in addition to the administrative office space.

¹ The Diocese continued to occupy the space until ~ 2010.

The appellant's argument now is predicated on all but 12,500 sf of the 54,000 sf building as continuous residential use since its construction in 1884 to at least 1992. This assertion translates into 41,500 sf of ongoing residential use in a building that ceased operations as an orphanage in the 1970's.

The appellant's argument hinges on an assertion that residential use of most of the building has been continuous, whereas the record indicates that much of the building has simply been vacant for decades.

Recommendation: **Uphold administrative decision** based on the following findings and conditions:

I. Findings:

The subject building was constructed as an orphanage in 1884 and continued as such into the 1970's. Upon cessation of the orphanage use, the building became administrative (office) space for the Roman Catholic Diocese with related residential space. The zoning permit issued in 1977 specified 3 apartments – for the Bishop and 2 priests, plus administrative space.

On November 3, 2010, the Development Review Board granted approval to convert the existing institutional office use to post-secondary school (Burlington College). The conversion to post-secondary use expressly did not include substantial renovation of the building (i.e. such as adaptation of former orphanage space into academic or student dorm space). Condition 4 of that approval stated: "Substantial rehabilitation and/or the construction of new primary structures onsite shall require separate permit application. Such application shall be accompanied by a master plan for the property." In effect, the approved permit allowed conversion of the office space to college space, but did not extend into the unoccupied spaces of the former orphanage.

As noted above, between 2015 and 2017, zoning permits were approved to allow the conversion of the entire building to residential apartments. Impact fees were required by way of zoning permit condition.

Sec. 3.3.2, *Applicability*, of the Comprehensive Development Ordinance states:

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

Sec. 3.3.3, *Exemptions and Waivers*, (a), *Exemptions*, states:

The following types of development are exempt from this Part:

1. additions to existing dwelling units, provided such additions are for residential purposes;
2. alterations to an existing use provided that such alteration occurs entirely within an existing building and within the same square footage;
3. land development which does not result in new building square footage (e.g. parking lots, facade renovations, signs, etc.);

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

The renovation of the building into residential apartments is not exempt under this criterion. The work creates new dwelling units with additional square footage for new living space. It is not merely an addition to an existing dwelling or simply site and façade work.

Sec. 3.3.4, *Calculation of Impact Fee*, states:

The amount of impacts fees shall be as set forth in the *Impact Fee Administrative Regulations* as established by resolution of the city council. There shall be an automatic annual increase to the impact fee schedule reflected in the *Impact Fee Administrative Regulations* every July 1 equivalent to 100% of the annual change in the Consumer Price Index (CPI).

Impact fees are calculated on the total gross square footage of the principal use(s) of a building, including accessory uses. In the event there is more than one principal use within a building, impact fees will be calculated separately for each principal use and associated accessory uses, with common space computed on a pro-rata basis.

The *Impact Fee Administrative Regulations* referred to are largely incorporated into *Part 3: Impact Fees* of the CDO. They do; however, also establish the 4 distinct impact fee categories (residential, industrial, office and other, and retail) and specify the fee per square foot.

Zoning Administrative Interpretation 17-01, *Impact Fees – Replacement Structures*, was issued in order to provide guidance as to the application of impact fees in instances of long vacant properties being renovated and reactivated (such as the subject building). Properties that have become vacant since the October 15, 1992 enactment of impact fees are not assessed an impact fee if the new development is of the same use and size of the prior development. For properties vacant since before October 15, 1992, impact fees would apply based on the new use and square footage. In the case of the subject property, the orphanage ceased operation around 1974. A 1977 zoning permit allowed administrative office space with 3 apartments. Much of the building was left vacant. That long vacant space is subject to impact fees based on the size and area of the new use.

The creation of 65 residential apartments within the subject building entailed the conversion of prior post-secondary school space into residential space. It also included the introduction of residential space into previously unused space (such as the attic) and reactivation/renovation of long-vacant space into residential space. Arguably, there was no change in use of space used as living quarters associated with the Diocese’s administrative functions.

Impact fees were calculated accordingly. They were calculated in two ways:

- 1) Converted space.
 - Prior post-secondary school space converted to residential space.
 - Impact fees assessed on the net difference between “office & other” and “residential” categories.

- Where the net difference becomes a negative number within an individual category (i.e. fire, police, parks, etc.), it is zeroed out. To do otherwise would adversely affect other individual categories.
- 2) Net new finished space and activation of previously finished but vacant space.
- Transformation of attic into residential apartments.
 - Renovation of formerly finished orphanage space vacant since before adoption of impact fees on October 15, 1992 (see zoning administrative interpretation ZAI 17-01).
 - Impact fees assessed as “residential” category on the gross floor area (GFA) of these spaces.

No impact fees were assessed on space represented by the applicant as living space in use after October 15, 1992.

The Cambrian Rise development has a \$300,000 “Parks” impact fee credit. This credit was applied to the impact fees due and resulted in \$0 “Parks” impact fee being assessed on this project.

Based on the forgoing, the impact fee numbers are as follows:

- 1) Converted post-secondary school to residential space (12,500 sf)
 - Residential @ \$2.531 per sf = \$31,637.50
 - Office & Other @ \$1.585 per sf = \$19,812.50
 - Zero out “Parks” impact fee
 - Net difference = \$17,412.50
- 2) Net new finished space and activation of vacant space (15,727 sf)
 - Residential @ \$2.531 per sf = \$39,805.04
 - Zero out “Parks” impact fee
 - Total = \$21,907.71
- 3) The appellant has asserted that 25,500 sf space was used as Diocesan residential and related space. While this figure is quite substantial for the residential purposes served, no impact fee was assessed on this space based on representations made by the appellant.

Impact fees totaled \$39,320.21.

The appellants assert that impact fees should instead have totaled \$11,825 based solely on 12,500 sf of “office & other” space used for Burlington College being converted to “residential” space as part of the current redevelopment. The appellant’s assertion hinges on recognizing everything within the building, except for 12,500 sf former college space, as existing residential. This argument is without merit. The building has not been used as an orphanage since the 1970’s. Following that, the Diocese used part of the building as administrative space with related residential space for the Bishop and two priests. Much of the building was simply vacant since before the enactment of the Impact Fee Ordinance in 1992.

The appellant asserts further that the calculation of the impact fees for this project is inconsistent with how they have been calculated for other buildings. This assertion, too, is largely without merit. The list of impact fees based on net differences among uses is long. Here are a few examples:

- 207 Flynn Avenue (City Market)

- 60,000 sf existing “industrial” space demolished
- 38,847 sf new “retail” space constructed
- “Industrial” space credit applied towards new “retail” = \$17,830.77 impact fee
- 316-322 Flynn Avenue (Redstone)
 - 2,774 sf existing “retail” and 2,400 sf existing “residential” space demolished
 - 24,458 sf new “residential” and 3,000 sf new “retail” space constructed
 - Existing “residential” and “retail” credit applied = \$56,199.79 impact fee (not yet billed, pending credit for inclusionary housing)
- 400 Pine Street (Unsworth)
 - 10,393 sf existing “industrial” space demolished
 - 26,227 sf new “office & other” space constructed
 - No net change for 2 residential units
 - “Industrial” space credit applied towards new “office & other” space = \$29,496.57 impact fee
- 82 University Place (UVM STEM)
 - 126,631 sf existing “office & other” space demolished
 - 193,650 sf new “office & other” space constructed
 - Net new 67,019 sf = \$106,560.22 impact fee

In sum, impact fees are due for the converted college to residential space and for the new and reactivated residential space. The impact fees subject to this appeal were calculated correctly, in line with procedures consistent with other similar conversions. The impact fees should remain as billed.

II. Recommended Motion:

Uphold the administrative decision in calculating impact fees totaling \$39,320.21.

Scott Gustin

From: Owiso Makuku <omakuku@farrellrealestatevt.com>
Sent: Wednesday, June 28, 2017 3:59 PM
To: Scott Gustin
Cc: Eric Farrell; David E. White
Subject: RE: Revised Impact Fee Calculations

Hi Scott,

I will be by with the check for \$1,966.21 – we can figure out any issues with the numbers later. I think that I will wait until tomorrow morning, since it's almost 4pm right now.

Thanks,
Owiso

Owiso Makuku
Farrell Real Estate
875 Roosevelt Highway
Colchester, VT 05446

omakuku@farrellrealestatevt.com

Landline: 802.861.3000 x13

Fax: 802.861.3003



From: Scott Gustin [mailto:SGustin@burlingtonvt.gov]
Sent: Wednesday, June 28, 2017 11:44 AM
To: Owiso Makuku <omakuku@farrellrealestatevt.com>
Cc: Eric Farrell <efarrell@farrellrealestatevt.com>; David E. White <DEWhite@burlingtonvt.gov>
Subject: RE: Revised Impact Fee Calculations

Good morning Owiso,

The numbers are closer but still don't match. Using your adjusted area for converted space (12,500 sf instead of the prior 4,009 sf) yields an impact fee of \$17,412.50 (see the revised spreadsheet attached). The new occupied space number of 15,727 sf remains unchanged and yields an impact fee of \$21,907.71. The rest of the space (25,000 sf) has an impact fee.

17,412.50
+21,907.71
39,320.21

With the two checks, you've paid a total of \$37,354. A balance of \$1,966.21 is due. We can discuss further this afternoon if you'd like.

Scott

Scott Gustin, AICP, CFM

Principal Planner & Asst. Administrative Officer
Dept. of Planning & Zoning
149 Church Street
Burlington, VT 05401
(802) 865-7189

From: Owiso Makuku [<mailto:omakuku@farrellrealestatevt.com>]
Sent: Tuesday, June 27, 2017 2:08 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Subject: Revised Impact Fee Calculations

Hi Scott,

Below is the breakdown of Burlington College/office versus residential use "active use" since 1992. We've adjusted our square footage to reflect yours at 53,527sf. We have placed spaces into one of two categories: Diocesan residential/accessory and Burlington College use. To the best of our understanding, the breakdown is as follows:

1. **Vacant:** 15,527sf (subject to Impact Fees, as per Planning + Zoning (P+Z))
2. **College/office uses:** 12,500sf (approx. subject to Residential minus Office Impact Fees, as per P+Z)
3. **Diocesan residences**
+ accessory spaces: 25,500sf (exempt from Impact Fees, as per P+Z (Residential→Residential Use))

We noticed a discrepancy in the change of use calculation for the 12,500sf, when reviewing Impact Fee Regulation Section 5.0 Calculation of Impact Fee, 2. Change of Use. For a change of use where there is an increased impact, the impact fee will be the difference in the amount for the specific uses as listed in the Table of Impact Fees; for example, if an industrial building is converted to residential use, the impact fee per 1,000 square feet would be \$1357 (\$2554 minus \$1197 equals \$1357).

We have adjusted for that discrepancy.

In performing this exercise, a couple of things occur to us:

1. That the Diocese was still using this building as living quarters during and after 1992 (the trigger date which Planning + Zoning has recently stated as the "cut off" for an "unoccupied" building, as per the date of the Impact Fee Ordinance)

And

2. A building that is partially occupied is still occupied. A second bedroom may not be used very much – it can even sit completely empty -- but it is still part of a whole house.

We hope that you reconsider the additional fees and treat this property as you have every other previous existing space for purposes of levying Impact Fees, but in the meantime we will bring by a check for the balance of \$5,861 (we have already paid \$31,493), for a total Impact Fee payment of \$37,354. See attached spreadsheets.

Thank you – I'll see you at 2:30 and will be bringing a check!

Owiso

Owiso Makuku
Farrell Real Estate
875 Roosevelt Highway
Colchester, VT 05446

omakuku@farrellrealestatevt.com
Landline: 802.861.3000 x13
Fax: 802.861.3003

Ep 14 - 20237CA/14A

IMPACT FEE CALCULATOR - FY 16

To calculate fees, enter the square footage into the highlighted area, and the use the values for the applicable Use category.

SF of Project 12,500 Converted sf

FY 16: July 1, 2015 - June 30, 2016

Department	Residential		Industrial		Offices & Other		Retail	
	Rate	Fee	Rate	Fee	Rate	Fee	Rate	Fee
Traffic	0.188	2,350.00	0.253	3,162.50	0.652	8,150.00	0.709	8,862.50
Fire	0.214	2,675.00	0.188	2,350.00	0.191	2,387.50	0.191	2,387.50
Police	0.043	537.50	0.338	4,225.00	0.338	4,225.00	0.338	4,225.00
Parks	0.716	8,950.00	0.407	5,087.50	0.404	5,050.00	0.404	5,050.00
Library	0.444	5,550.00	0.000	0.00	0.000	0.00	0.000	0.00
Schools	0.926	11,575.00	0.000	0.00	0.000	0.00	0.000	0.00
Total	2.531	\$ 31,637.50	1.186	\$ 14,825.00	1.585	\$ 19,812.50	1.642	\$ 20,525.00
								17,412.500

Residential (Traffic=2350, Fire=2675, Police=537.5, Parks=8950, Library=5550, Schools=11575)
 Industrial (Traffic=3162.5, Fire=2350, Police=4225, Parks=5087.5, Library=0, Schools=0)
 Offices & Other (Traffic=8150, Fire=2387.5, Police=4225, Parks=5050, Library=0, Schools=0)
 Retail (Traffic=8862.5, Fire=2387.5, Police=4225, Parks=5050, Library=0, Schools=0)

The rate is based on increase in the Consumer Price Index for FY 14-15 of -0.3%.

IMPACT FEE CALCULATOR - FY 16

To calculate fees, enter the square footage into the highlighted area, and the use the values for the applicable Use category.

SF of Project 15,727 new occupied

FY 16: July 1, 2015 - June 30, 2016

Department	Residential		Industrial		Offices & Other		Retail	
	Rate	Fee	Rate	Fee	Rate	Fee	Rate	Fee
Traffic	0.188	2,956.68	0.253	3,978.93	0.652	10,254.00	0.709	11,150.44
Fire	0.214	3,365.58	0.188	2,956.68	0.191	3,003.86	0.191	3,003.86
Police	0.043	676.26	0.338	5,315.73	0.338	5,315.73	0.338	5,315.73
Parks	0.716	11,260.53	0.407	6,400.89	0.404	6,353.71	0.404	6,353.71
Library	0.444	6,982.79	0.000	0.00	0.000	0.00	0.000	0.00
Schools	0.926	14,563.20	0.000	0.00	0.000	0.00	0.000	0.00
Total	2.531	\$ 39,805.04	1.186	\$ 18,652.23	1.585	\$ 24,927.30	1.642	\$ 25,823.74
								21,907.71

Residential (Traffic=2956.68, Fire=3365.58, Police=676.26, Parks=11260.53, Library=6982.79, Schools=14563.2)
 Industrial (Traffic=3978.93, Fire=2956.68, Police=5315.73, Parks=6400.89, Library=0, Schools=0)
 Offices & Other (Traffic=10254, Fire=3003.86, Police=5315.73, Parks=6353.71, Library=0, Schools=0)
 Retail (Traffic=11150.44, Fire=3003.86, Police=5315.73, Parks=6353.71, Library=0, Schools=0)

The rate is based on increase in the Consumer Price Index for FY 14-15 of -0.3%.

Department of Planning and Zoning

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

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary



ZONING ADMINISTRATIVE INTERPRETATION

ZAI 17-01 Impact Fees – Replacement Structures

<u>Reference:</u>	<i>Burlington Comprehensive Development Ordinance</i> , Article 3, Part 3: Impact Fees, Sec. 3.3.5 Calculation of Impact Fee <i>Impact Fee Administrative Regulations</i> , Sec. 5.0, Calculation of Impact Fee
<u>Date:</u>	September 16, 2016

Pursuant to the authority granted to the City's Zoning Administrative Officer under 24 V.S.A. Section 4448, and Article 3, Part 1 of the *Burlington Comprehensive Development Ordinance*, the following administrative interpretation is intended to ensure consistency and clarity in the interpretation and application of the *Burlington Comprehensive Development Ordinance*. Pursuant to Sec. 2.3.5 of the *Burlington Comprehensive Development Ordinance* any decision or act taken by the administrative officer may be appealed to the Development Review Board as specified under the requirements of Article 12.

The following interpretation and procedure is to be used regarding the applicability of the *Burlington Comprehensive Development Ordinance* relative to impact fees.

This interpretation shall apply for zoning permitting purposes only.

Sec. 5.0 – Calculation of Impact Fee:

Criterion (c) No Net Change reads "If there is no change in use and no increase in square footage for that use, the impact fee would be \$0."

This criterion addresses new development that replaces prior development that has been discontinued and/or demolished since adoption of the Impact Fee Ordinance on October 15, 1992. In cases wherein the new development is the same use and size of the prior development, no impact fee would apply. In cases wherein new development replaces prior development that has been discontinued and/or demolished prior to October 15, 1992, impact fees would apply based on the use and square footage.

David E. White, AICP, Director of Planning & Zoning

Impact Fee
Administrative Regulations
Burlington, Vermont
July, 2004

Department of Planning & Zoning
135 Church Street
Burlington, VT 05401-8415
(802) 865-7188

Impact Fee Administrative Regulations

Sec. 1.0 Definitions:

- (a) **Impact Fee.** An impact fee is a fee charged against new development to help pay the costs of new infrastructure required by the City's growth.
- (b) **New Development.** New development refers to the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building, or change in the use of any building.

Sec. 2.0 **Effective Date:** Impact fees were adopted by unanimous vote of the Burlington City Council on October 13, 1992 and went into effect on November 13, 1992. All covered projects which receive zoning approval on or after this date are subject to impact fees.

Sec. 3.0 **Covered Projects:** Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to the TABLE OF IMPACT FEES in Sec. 5.0.

Sec. 4.0 **Exemptions:** Certain types of development are exempt from impact fees including the following:

- additions to existing dwelling units, provided such additions are for residential purposes;
- alterations to an existing use provided that such alteration occurs entirely within the existing building and within the same square footage;
- land development which does not result in new building square footage (e.g. Fences, lots, facade renovations, signs, etc.);
- additions to existing buildings for which the sole purpose is to provide additional means of egress (e.g. Stair towers, etc.)

Sec. 5.0 **Calculation of Impact Fee:** Impact fees are based on building square footage as per the following table:

Table of Impact Fees*				
(per 1,000 sf --- in 2004 dollars)				
Department	Residential	Industrial	Offices & Other	Retail
Traffic (DPW)	161	219	560	600
Fire	184	163	163	163
Police	36	290	290	290
Parks	614	348	346	346
Library	382	0	0	0
Schools	796	0	0	0
Total	2173	1020	1359	1407

*Figures adjusted as of 7/1/04 to reflect 2.7% increase in CPI.

(a) **Total Square Footage.** Impact fees are calculated on the total gross square footage of the principal use of a building, including accessory uses. In the event there is

→ Per 1,000 sf (\$2,173 / sf - total) ?

Over (for

more than one principal use within a building, impact fees will be calculated separately for each principal use and associated accessory uses, with comm space computed on a pro-rata basis.

(b) **Change of Use.** For a change of use where there is an increased impact, the impact fee will be the difference in the amount for the specific uses as listed Table of Impact Fees; for example, if an industrial building is converted to residential use, the impact fee per 1,000 square feet would be \$1153 (\$2,173 minus \$1018 equals \$1153).

(c) **No Net Change.** If there is no change in use and no increase in square footage for that use, the impact fee would be \$0.

Sec. 6.0 Distribution of Impact Fees: Impact fees received will be distributed to city departments upon authorization by the City Treasurer, solely for the purpose of capital projects according to the Table of Impact Fees in Sec. 5.0 of these regulations.

Sec. 7.0 Annual Adjustment: There shall be an automatic annual increase to the impact fee schedule specified in Sec. 5.0 of these regulations as of July 1, 1993 and every year thereafter, equivalent to 100% of the annual change in the Consumer Price Index.

Sec. 8.0 Effect of Project Change on Impact Fees: If a proposed development is substantially modified in terms of square footage, a request for an adjustment to the impact fee shall be made by filing a zoning permit application subject to the applicable filing fees. Any adjustment, if approved, is subject to the Table of Impact Fees in effect at time of subsequent approval. Any change which increases a project size or impact shall require a new zoning permit and an accompanying adjustment to the impact fee amount.

Sec. 9.0 Demolition or Change to Existing Building: No impact fee rebates shall be authorized for the demolition of an existing building, a reduction in size of an existing building, or a change in the use of an existing building. There are no rebates if one decides to stop the use of (or is unable to use) one's property for any reason.

Sec. 10.0 Time and Place of Payment: Impact fees must be paid to the City's Treasurer's Office according to the following schedule:

New Buildings: Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof;

Existing Buildings: Impact fees must be paid prior to issuance of a zoning permit. If a building permit is required, within thirty (30) days of issuance of the building permit.

Sec. 11.0 School Impact Fee Exemption: That portion of impact fees attributable to school impact fees shall not be required for senior citizen housing projects, or for that portion of a project where certain units are reserved specifically for the elderly. Any project, or portion thereof, which meets either state or federal guidelines for elderly housing shall be deemed a senior citizen housing project and eligible for a full or partial waiver of school impact fees.

Sec. 12.0 Affordable Housing Waivers: Any residential project containing newly constructed or substantially rehabilitated housing units that are affordable for households as described in subsections (a), (b) or (c) are eligible for a waiver of impact fees for the

portion of the project. The terms, rules and regulations used herein shall be the same as those defined and specified in the Burlington Zoning Ordinance pertaining to Inclusionary Zoning.

(a) 25% Waiver of Fees:

Twenty-five percent (25%) of the fees will be waived for any unit in a project that initially sells for a price that is affordable for households below 90% of median income or that initially rents for a three year period for a price (including utilities) that is affordable for households below 75% of median income.

(b) 50% Waiver of Fees:

Fifty percent (50%) of the fees will be waived for that portion of a residential project that meets the dual test of initial affordability and continuing affordability. For purposes of this section, "initial affordability" would be defined as a unit that sells for a price that is affordable for households earning less than 75% of median income or that rents for a price (including utilities) that is affordable for households earning less than 65% of median income. "Continuing affordability" would be defined as affordability that lasts for a period of 99 years.

(c) 100% Waiver of Fees:

One hundred percent (100%) of the fees will be waived for that portion of a residential project that initially sells or rents for a price that is affordable for households earning less than 50% of median income and that remains continuously affordable as defined above.

- Sec. 13.0 Median Income Provisions: For purposes of determining median income, the income specified in Appendix A, or the most recent amendment thereto, shall be applicable.
- Sec. 14.0 Penalties for Nonpayment. If an impact fee is not paid, a certificate of occupancy shall be denied, a lien can be placed upon the property, and a fine of \$200 a day can be assessed along with other court-imposed penalties.
- Sec. 15.0 Expenditures of Impact Fees: Impact fees must be used for capital improvements to accommodate the demands created by new growth. The City Treasurer shall maintain records of all impact fee receipts and disbursements by category, and include a summary of same in each *City Annual Report*. Any expenditure of impact fees must be authorized by the City Treasurer.
- Sec. 16.0 Time Limit on Expenditures: If an impact fee is not expended on eligible capital improvements by the city within six (6) years of payment, it must be refunded to the property owner by the City Treasurer along with any accrued interest.
- Sec. 17.0 Relationship to Other Fees: Impact fees do not replace other fees pertaining to development projects. All applicable permit fees, including, but not limited to, development review fees and building permit fees, must be paid prior to occupancy.

Initial permit for residential conversion

3. The Parking Management Plan and parking waiver are accepted on a conditional basis subject to the following three conditions:
 - a. Additional outdoor bike storage racks will be provided: 10 conveniently sited to serve the residences, and 10 to serve the college (20 total). Their design and placement will be subject to staff review and approval.
 - b. Relative to the parking waiver, **the applicant shall return to this Board one year after receipt of a Certificate of Occupancy** to report the number of residential occupants, the number of Burlington College student tenants, and the adequacy of onsite bike and vehicle parking relative to actual parking demand. The Board reserves the right to revisit the parking waiver and require additional parking spaces if evidence regarding actual use of the project show that the parking provided is not adequate to serve the project.
 - c. The applicant shall approach CarShare in good faith to see if they have interest in placing a car onsite.
4. **Prior to release of the zoning permit**, the applicant shall receive written verification of adequate wastewater capacity from the Department of Public Works.
5. **Prior to release of the zoning permit**, the inclusionary housing proposal included in this application shall be subject to the review and written approval of the manager of the city's Housing Trust Fund.
- 6. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the converted square footage of the proposed development.
7. Days and hours of construction shall be limited to Monday – Saturday, 7:00 AM – 6:00 PM. No construction activity shall be allowed on Sunday.
8. As a multi-unit residential building, an intercom system is recommended for resident safety.
9. In the event that archaeological resources are discovered during construction, the VT Division for Historic Preservation shall be notified.
10. A State of Vermont wastewater permit may be required.
11. All new utility lines shall be buried.
12. It is the applicant's responsibility to comply with all applicable ADA requirements.
13. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
14. Any signage will require a separate sign permit.
15. Standard Conditions 1-14.

Seconded: Brad Rabinowitz

Vote: 6-0-0, motion carried

Dated at Burlington, Vermont, this 1st day of September, 2015

Respectfully Submitted,



Austin D. Hart, Development Review Board Chair

College permit

& 351 North Avenue in the RM-W zone in accordance with Articles 3, 4, and 8. Approval is subject to the following conditions:

1. **Prior to release of the zoning permit**, written confirmation of adequate wastewater capacity from the Department of Public Works shall be obtained.
2. **Prior to release of the zoning permit**, bicycle parking details shall be provided in compliance with Sec. 8.2.5 and depicted on the project plans.
3. **The applicant shall provide annual written reports** to the Department of Planning & Zoning indicating student enrollment numbers. At the time the student population reaches 275 students, the applicant is required to submit a parking management plan per Sec. 8.1.15 subject to Development Review Board review and approval (unless additional parking is provided onsite by way of separate permit). An updated parking management plan is required when the student body reaches 400 students (unless additional parking is provided onsite by way of separate permit).
- 4. **Substantial rehabilitation and/or the construction of new primary structures** onsite shall require separate permit application. Such application shall be accompanied by a master plan for the property.
5. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Treasurer's Office the impact fee as calculated by staff based on the square footage of the converted building area.
6. A State of Vermont wastewater permit is required.
7. The structures shall comply with Burlington's current energy efficiency standards and with Burlington's current ingress and egress requirements as established by Burlington Electric Department and Burlington Public Works, respectively.
8. It is the applicant's responsibility to comply with all applicable ADA requirements. Handicap parking spaces shall be marked and signed as required.
9. This property is subject to all applicable nuisance regulations and performance standards in the Burlington Code of Ordinances.
10. Standard permit conditions 1 -18.

Seconded: Brad Rabinowitz

Vote: 6-0-0, motion carried

Dated at Burlington, Vermont, this 3rd day of November, 2010.

Respectfully Submitted,


Austin Hart, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court

77
APPLICATION FOR CERTIFICATE

OF APPROPRIATENESS

CITY OF BURLINGTON, VT.

Room 34, City Hall

1. Applicant/Agent Roman Catholic Diocese of Burlington Phone no. 658-6110
Mailing Address 52 Williams St., Burlington, Vermont 05401
2. Project Location 351 North Avenue, Burlington, Vermont 05401
Zoning District WFR-75
3. Brief Description of Project (Attach additional sheets if necessary) Renovation of existing structure "St. Josephs Child Center" into office space and three apartments for Bishop and two Priests.
- b. Estimated Cost \$1,000,000.00

---DO NOT WRITE BELOW THIS LINE---

4. Date application received as complete 1/4/77 sm Fee Paid _____
5. Level of Review Required: () I, (☒) II, () III
6. Subject to the provisions of:
- (☒) Design Review (Sec. 19) () Comments Attached
 - () Site Plan Review (Sec. 26) () Comments Attached
 - () Historic Review (Sec. 18) () Comments Attached
 - () Subdivision Approval (Chap. 28) () Comments Attached

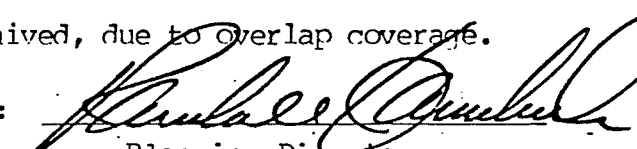
Note: See other side for checklist of provisions

7. Final Action Taken at meeting of January 13, 1977

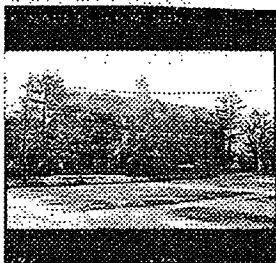
- () Denied, see reasons below and/or attached
() Approved, without Condition
(X) Approved, subject to the Conditions below

1. Landscaping be provided to screen the proposed parking lot from North Avenue and the renovated building, represented by a \$3,000 allowance.
2. The brick of the proposed entryway is to match the existing entry.
3. 50% of the parking requirement is waived, due to overlap coverage.

Attest:


Planning Director

When signed and delivered to the applicant, this Application becomes the official notice of denial or a Certificate, as checked in No. 7, above.



STATE OF VERMONT
Division for Historic Preservation
Montpelier, VT 05602

HISTORIC SITES & STRUCTURES SURVEY
Individual Structure Survey Form

COUNTY: Chittenden
TOWN: Burlington
LOCATION: 351 North Avenue
COMMON NAME:
FUNCTIONAL TYPE:
OWNER:
ADDRESS:
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: common
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:
Roof Style: Gable ☐ Hip ☐ Shed ☐ Flat ☐ Mansard ☐ Gambrel ☒
Jerkinhead ☐ Saw Tooth ☐ With Monitor ☐ With Bellcast ☐
With Parapet ☐ With False Front ☐ Other:

Number of Stories: 4 1/2
Number of Bays: 13 x 3
Approximate Dimensions:

SURVEY NUMBER:

NEGATIVE FILE NUMBER:

78-A-285

UTM REFERENCES:

Zone/Easting/Northing

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

PRESENT FORMAL NAME:

St. Joseph's Orphanage

ORIGINAL FORMAL NAME:

St. Josephs Orphanage Asylum

PRESENT USE: orphanage

ORIGINAL USE: orphanage

ARCHITECT/ENGINEER:

BUILDER/CONTRACTOR:

James Ross (of Rutland)

PHYSICAL CONDITION OF STRUCTURE

Excellent ☒ Good ☐

Fair ☐ Poor ☐

STYLE:

Italian

DATE BUILT:

1884

THREAT TO STRUCTURE:

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

LOCAL ATTITUDES:

Positive ☐ Negative ☐
Mixed ☐ Other:

ADDITIONAL ARCHITECTURAL OR STRUCTURAL DESCRIPTION:

Massing - Gable sided orientation with large rear ell. Center pavilion on facade. 3 story modern wing on south elevation. Entry has addition. Brick banding at window lead height. Stone water table. Random course ashlar stone base.

Fenestration - Round headed windows. 2/2 & 1/1 sash. Stone sills with feet. Entrance - Altered.

Enrichments - Modillions on dormers and mansard roofed cupola. Decorative wood paneling on dormers. Tin plated roof on cupola.

RELATED STRUCTURES: (Describe)

STATEMENT OF SIGNIFICANCE:

The "Sisters of Charity" ran an orphanage for many years in the old inn which stood on the present site of the DeGosbriand unit of the MCHV. By the 1870's the tremendous growth in Burlington's Catholic population necessitated larger facilities. Guy Willard layed the stone foundation in 1879, and Cummings and son did the masonry with bricks made by Francis LeClair in Winooski. James Ross of Rutland was the general contractor. The building was completed in 1884. Although still used as an orphanage, much of the building now houses the Bishop's residence and offices.

REFERENCES:

1890, Sanborn maps; BFP, 2/23/84.

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

DATE RECORDED:

12/3/78



Department of Planning and Zoning

149 Church Street, City Hall

Burlington, VT 05401-8415

Phone: (802) 865-7188

Fax: (802) 865-7195

www.burlingtonvt.gov/pz

RECEIVED

JUL 12 2017

DEPARTMENT OF
PLANNING & ZONING

Appeal of an Administrative Decision Request

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

SUBJECT LOCATION ADDRESS: 375 North Avenue

Subject Property Owner: 351-375 North Avenue Owners Assoc, LLC

Appellant: _____

Agent/Representative: Eric Farrell

Mailing Address: PO Box 1335

City, St, Zip: Burlington, VT 05402

Day Phone: 802-861-3000 Email: efarrell@farrellrealestatevt.com
omakeuka@ " "

Appellant Signature: Eric Farrell Date: 7/12/17

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

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

Office Use Only:

Check No. 1219 Amount Paid \$80 Zoning Permit # 18-0028 AP
1220 \$170

Description of the decision under appeal;

Description of the property subject to the appeal:

We are appealing the calculation of Impact fees for our rehabilitation of 375 North Avenue.

Reference to the regulatory provisions applicable to the appeal:

Regulatory Provisions applicable to the appeal are the Impact Fee Administrative Regulations, Article 3, Part 3. Impact Fees and any definitions from the Burlington Zoning Regulations and 24VSA Ch117 defining the word "use" in zoning.

Relief requested by the appellant

We have paid \$39,320.21 and believe that we should have paid no more than \$11,825 (that is, Residential Fee of \$2,531 per 1000sf of development minus Office Fee of 1,585 for the 12,500sf of space that Burlington College used without permits = $\$946 \times 12.5 = \$11,825^*$.

*This does not reflect the credit of Parks' fee as per the Development Agreement between Eric Farrell and the City of Burlington)

Alleged grounds why such requested relief is believed proper under the circumstances:

We believe that the calculation of the impact fees is inconsistent with how they have been interpreted for other existing buildings and that the method used is inconsistent with the formula presented in the Impact Fee Administrative Regulations.

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DEPARTMENT OF
PLANNING & ZONING

Department of Planning and Zoning

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

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



TO: Development Review Board
FROM: Scott Gustin
DATE: August 1, 2017
RE: 18-0035CA; 505 Lake Street

=====

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

Zone: DW-PT Ward: 3C

Owner/Applicant: City of Burlington / Community Sailing Center

Request: Provision of 9 onsite parking spaces and request for parking waiver.

Applicable Regulations:

Article 8 (Parking)

Background Information:

The applicant is seeking approval to provide 9 onsite parking spaces and to obtain a parking waiver for the remainder of the required parking spaces. Very little about the site will actually change. Some of the approved boat storage area will be used instead for onsite vehicle parking. This proposal includes no change to site or building layout, materials, or dimensions. It includes only the delineation of onsite parking and a parking waiver request.

As originally approved, the new Community Sailing Center facility was to use parking spaces in a new 69-space parking lot just east of the Moran building. That new parking lot (now 68 spaces) has been incorporated into the recently approved marina project and no longer includes provision for Community Sailing Center parking. The Sailing Center now proposes to include parking within its new facility and to request a waiver for the balance of required parking.

Zoning Permit History:

- 9/14/16, Approval to adjust location of building with related site changes
- 8/17/10, Approval to construct Community Sailing Center (associated with Moran permit)

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

I. Findings

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The sailing center is located in the Downtown Parking District. The sailing center largely functions as a boat storage yard with associated administrative space. The parking requirement associated with the zoning permit issued for the new facility reflects this function: 1 space per 1,000 sf boat storage and 2 spaces per 1,000 sf associated administrative space. In this case, the original parking requirement totaled 49 spaces (+3 within the Moran – not built) for 35,100 sf boat storage and 6,750 sf administrative space.

The new sailing center is under construction as permitted. As noted previously, the new building and site remain unchanged from the original approval except that 1,620 sf of boat storage area will be used instead for 9 onsite parking spaces. This adjustment results in a slightly lessened parking requirement of 33 parking spaces for boat storage and 47 parking spaces total, including the 14 parking spaces for administrative space.

As 9 onsite spaces are proposed, and 47 are required, the applicant is seeking approval of a parking waiver per Sec. 8.1.15 below. **(Affirmative finding)**

Sec. 8.1.9, Maximum Parking Spaces

This section limits surface parking to 125% of the Neighborhood Parking District minimum parking requirement. As noted above, the minimum standard parking requirement will not be met. A parking waiver is requested. The proposed parking is nowhere near the maximum limitation. **(Affirmative finding)**

Sec. 8.1.10, Off-Street Loading Requirements

Loading and un-loading area is available in the boat yard. **(Affirmative finding)**

Sec. 8.1.11, Parking Dimensional Requirements

Proposed parking spaces are dimensionally compliant at 9' X 20.' The spaces will be accessed by the permitted driveway into the site. No indication of striping is included on the site plan. Given the parking surface (stabilized turf), striping is not required; however, anchored curb stops must be provided for each of the 9 spaces. **(Affirmative finding as conditioned)**

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Offsite parking facilities

(Not applicable)

(b) Downtown street level setback

As noted above, there is no change to the site plan except that prior boat storage area will be used for vehicle parking. The area noted for parking on the site plan is set back from the front property line as required. **(Affirmative finding)**

(c) Front yard parking restricted

(Not applicable)

(d) Shared parking in the Neighborhood Parking Districts

(Not applicable)

(e) Single story structures in Shared Use Districts

(Not applicable)

(f) Joint use of facilities

This criterion enables the joint use of parking facilities by multiple entities. In this case, the proposed parking will serve only the sailing center. **(Affirmative finding)**

(g) Availability of facilities

None of the proposed parking will be used for the storage or display of vehicles or materials by offsite users. Parking will be for visitors to the sailing center only.
(Affirmative finding)

(h) Compact car parking

(Not applicable)

Sec. 8.1.13, Parking for Disabled Persons

None of the proposed parking spaces are noted as handicap accessible. It is unclear whether any of them need to be. In any event, ADA compliance is administered via the city's building permit process. **(Affirmative finding as conditioned)**

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

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

The Community Sailing Center requires 47 parking spaces as noted above, and 9 will be provided. Nonresidential uses may receive parking waivers of up to 90% dependent on provision of an effective and acceptable parking management plan and demonstration of an actual parking demand that is less than the standard specified in Sec. 8.1.8.

While a new facility for the sailing center is under construction, the entity has been around since the early 1990's. The zoning permit for the original facility at Moran was issued in 1993 and included use of 50 shared parking spaces (shared among the Water and Electric Department buildings, park space, fishing pier, and the sailing center). No specific allocation of parking spaces is evident. In practice, the sailing center used the 18-space lot just west of the BED building. Of those 18 spaces, the sailing center used up to 9. The sailing center has consistently utilized minimal onsite parking. This demonstrated history of minimal parking use is the basis for the requested parking waiver.

The proposed parking management plan cites this history of minimal parking use and notes measures to ensure continued minimal parking demand. The sailing center promotes use of alternative transportation by its staff and users. The site has direct access to the revamped bike path and is within reasonable walking distance of bus service. Onsite boat rentals and boat storage minimize the need to car-top or tow boats to the facility. More than half of the sailing center's users are associated with the educational or summer camp programs. These users come and go to the site via pick-up and drop-off with little, if any, parking use. In light of the sailing center's history of minimal parking use and the proposed parking management measures, the requested parking waiver may reasonably be granted.

The applicants should be prepared to report back to the Planning & Zoning Department each year for 3 years as to the actual onsite parking demand. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, a revised site plan depicting anchored curb stops for each of the 9 onsite parking spaces shall be submitted, subject to staff review and approval.
2. For the parking waiver, the applicants shall to report back to the Planning & Zoning Department each year for 3 years from the date of this approval as to the actual onsite parking demand.
3. It is the applicant's responsibility to comply with all applicable ADA requirements.
4. Standard Conditions 1-15.

**Mark E. Naud
Counsel**

July 13, 2017

Scott Gustin, AICP, CFM
Principal Planner & Asst. Administrative Officer
Dept. of Planning & Zoning
149 Church Street
Burlington, VT 05401

Re: Zoning permit amendment - Lake Champlain Community Sailing Center parking requirement waiver request – 10-1005CA/MA & 10-115CA (475 & 0 Lake Street); and referencing 17-0755CA/CU; 235 PENNY LANE (DW-PT, Ward 3C) City of Burlington (Burlington Harbor Marina); and Staff comments Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans

Dear Scott,

Please accept this letter as notice and request of the Lake Champlain Community Sailing Center (CSC) responding to the above referenced zoning permits and amendments.

The CSC is requesting an 83% waiver for parking requirements for the Community Sailing Center facilities on the waterfront at the Tuesday 8/1/17 DRB meeting. As you know the CSC's parking initially was provided for by the approved parking in the Waterfront Access North (WAN) Project. With the revised WAN project and the approved construction of the new CSC facilities, and with the proposed revised parking lot provided in this application, the CSC hereby requests a parking variance of 83% from 52 to 9 spaces from the previously approved parking in conjunction with the present proposed parking plan for WAN completion and the marina development.

Since 1994, the only parking available to the CSC are 18 parking spaces (not including handicapped spaces) on a first-come/first-serve basis at the Fishing Pier. Our experience has been that we generally use less than 50% of these spaces. We have operated in the current configuration without any designated parking while growing our services to 6,000 people annually. We have shared utilization of this space with other users including, visitors to the fishing pier, BED and DPW staff and truck traffic. While there have been times that this area has been congested and challenging, we have not had direct complaints or demands for designated parking. We therefore believe this waiver request is reasonable.

We have been successful in this regard for a number of reasons that support the variance request:

1. The CSC has promoted alternative transportation for its staff and users for over a decade. During that time, the majority of the year-round (6-8) and seasonal staff (30-40) walk or bike to the waterfront. The CSC also allows staff to telecommute as appropriate.
2. As part of our Sustainable Campus Initiative, the CSC will educate and advocate for all of our customers and users to utilize alternative transportation (pedestrian, public transit, cycling, etc.) to access the

**78 Landon Road South Hero VT 05486
m ~ 802.363.3310
mnaudlaw@gmail.com**

new facilities. Public transit is available nearby at the top of Depot Street and at the foot of College Street at ECHO.

3. A key component of our programming is providing access for rentals and storage so that people do not car-top or trailer their vessels down to launch facilities along the waterfront, and can minimize their car trips with limited and increasingly expensive parking around the City.
4. The education and summer camp programs are comprised by over half our users. Essentially all of those visits are provided by carpool, van service, bus, bike or pedestrian modes of transportation.
5. The CSC supports using Transportation Demand Management strategies as part of our environmental mission and would participate in a Transportation Management Association should one be advanced by either the BBA or the City.
6. With the new bike path improvements, we are already seeing increased utilization of the path by cyclers and pedestrians, and with secure bike parking as part of the WAN, skatepark and CSC improvements, we will see more utilization and less automobile trips and less need for automobile parking adjacent to the CSC. There are 96 spaces created with Lake Street extension, including the 4 handicapped spaces directly east of the new facility and directly in front of the accessible entry to the new building.
7. With the revised site plan attached, we are providing sufficient space for 9 onsite spaces at the building entry. In addition, we will have bike racks directly in front of the entry on top of the pump station location.

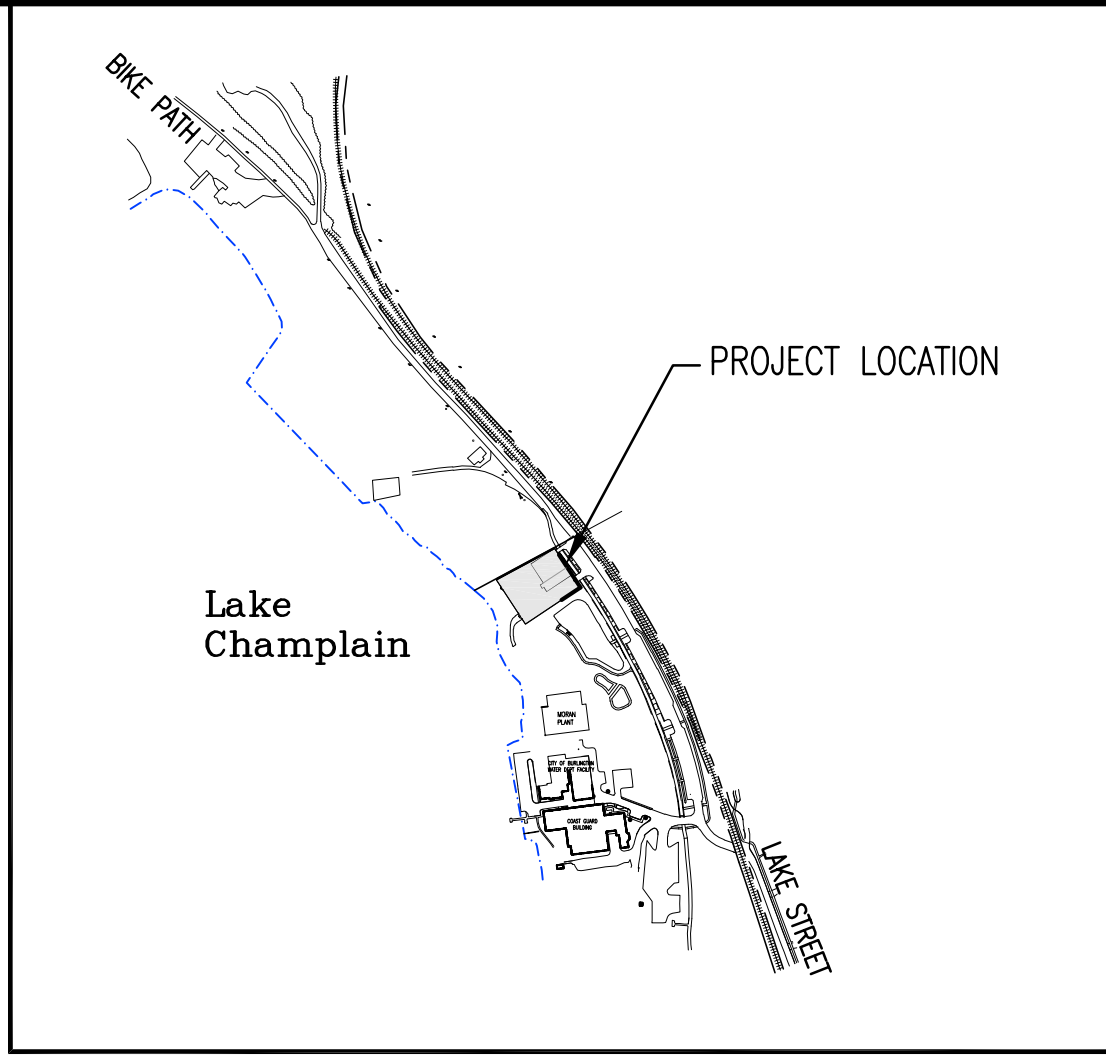
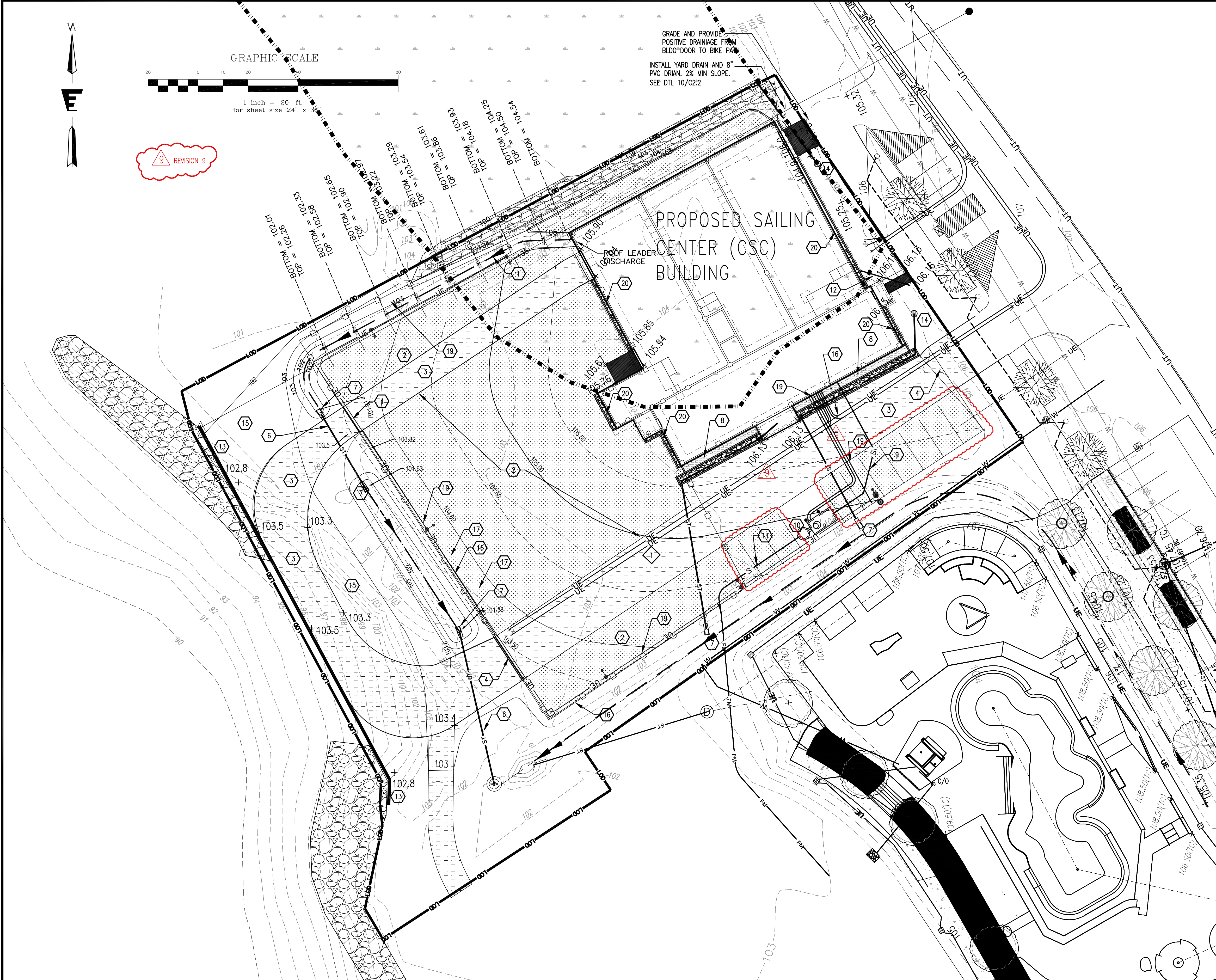
Our experience during this recent period of growth, particularly with recent and pending improvements to the waterfront with bike path, WAN, and pending completion of the new CSC facility suggest that the 9 spaces internally allocated for the CSC at the new facility will satisfy any necessary parking requirements for the CSC. Moreover, with the parking plan requirements in the BHM and "East Lot" approval, we will be working with the City, DPW, Parks, and BHM to assess and report on any parking related issues over the next three years. While we are comfortable that our waiver request comports with our needs, we are prepared to work with the City, a co-applicant to this request, to make necessary accommodations via the east lot or elsewhere if needed. We would prefer not to advance a permit request that oversubscribes to unnecessary parking. If that experience suggests the 9 onsite spaces are insufficient, the CSC will work with DPW and BHM for designation of spaces as previously allocated in the East Lot of WAN.

I will be attending the Zoning hearing and can provide any additional comments at the hearing as may be requested. I may have a revised site plan with better labeling of key transportation attributes before the hearing.

Respectfully submitted,



Mark Naud
Project Consultant
Community Sailing Center



LOCATION MAP
NOT TO SCALE

EXISTING CONDITIONS NOTES

- EXISTING (2) 4" SCH80 PVC CONDUIT. *

PROPOSED SITE AND UTILITY NOTES

- WATER QUALITY SWALE. REFER TO DETAILS 1,2/C2.2
- STABILIZED TURF PARKING SURFACE. REFER TO DETAIL 2/C2.0
- GRAVEL DRIVE AISLE SURFACE. REFER TO DETAIL 1/C2.0
- SLIDING GATE
- PRECAST SEGMENTAL BLOCK WALL (NOT USED)
- 12" HDPE. REFER TO DETAIL 5/C2.2
- FLARED END SECTION. REFER TO DETAIL 3/C2.2
- DRIP STRIP & PLANTING BED. REFER TO DETAIL 4/C2.2
- 6" PVC BUILDING SEWER, MINIMUM 2% SLOPE TO PUMP STATION. REFER TO DETAIL SHEET C2.3
- PUMP STATION AND VALVE VAULT. REFER TO DETAIL SHEET C2.3
- 2" PVC FORCEMAIN. CONNECT TO EXISTING*
- EXTEND 4" C900 PVC WATER SERVICE INTO NEW CSC BUILDING
- NEW SHEET PILE WALL WITH RAILING. REFER TO DETAIL 6/C2.0
- YARD DRAIN. REFER TO DETAIL 10/C2.0
- TOPSOIL, SEED, AND MULCH (ALL DISTURBED AREAS NOT OTHERWISE INDICATED), PER DETAIL 10/C2.0
- INTERCEPT EXISTING CONDUIT AND CONNECT TO/FROM BUILDING
- EXTEND EXISTING CONDUIT AND CAP.
- 3" PVC VENT, SLOPED AT 2% TOWARD PUMP STATION, (NOT USED)
- NEW ELECTRICAL CONDUIT FOR SITE LIGHTING
- STONE PERIMETER BAND AT FOUNDATION (S/C2.0)
- IN SOME CASES, 'EXISTING' REFERS TO ITEMS INSTALLED AS PART OF THE WATERFRONT ACCESS NORTH PROJECT.

LEGEND

NEW	
	CONTOUR
	SWALE
	SANITARY SEWER LINE
	STORM LINE
	WATER LINE
	UNDERGROUND ELECTRIC
	LIGHTING CONDUIT
	FLARED END SECTION
	CATCH BASIN
	STORM MANHOLE
	GATE VALVE
	HYDRANT
	WATER SHUT OFF

Stamp

Rev.	No.	Description	Chkd.
3		REVISED FOR C. O. 10/08/15	
4		REVISED FOR CONSTRUCTION 4-15-16	
5		REVISED CONSTRUCTION DRAWING 4-29-16	
6		SCALE CORRECTION 5-25-16	
7		SWALE INVERT ADJUSTMENT 9-20-16	
8		SITE PLAN UPDATE 06/13/17	
9		ADDED PARKING AT SOUTH ENTRY DRIVE 7-10-17	

ENGINEERING VENTURES INC

208 Flynn Avenue, Suite 2A Burlington, VT 05401
Tel: 802.863.6225 • Fax: 802.863.6306
85 Mechanic Street, Suite 350A, Lebanon, NH 03766
Tel: 603.442.5333 • Fax: 603.442.5331
www.engineeringventuresinc.com

Client:

Lake Champlain
Community Sailing Center
Burlington, VT
802-864-2499

Sheet Title:

Site Plan

Project Title:

Community Sailing Center
Burlington, Vermont

Designed By:

PB

Checked By:

PB

Drawn By:

WC

Scale:

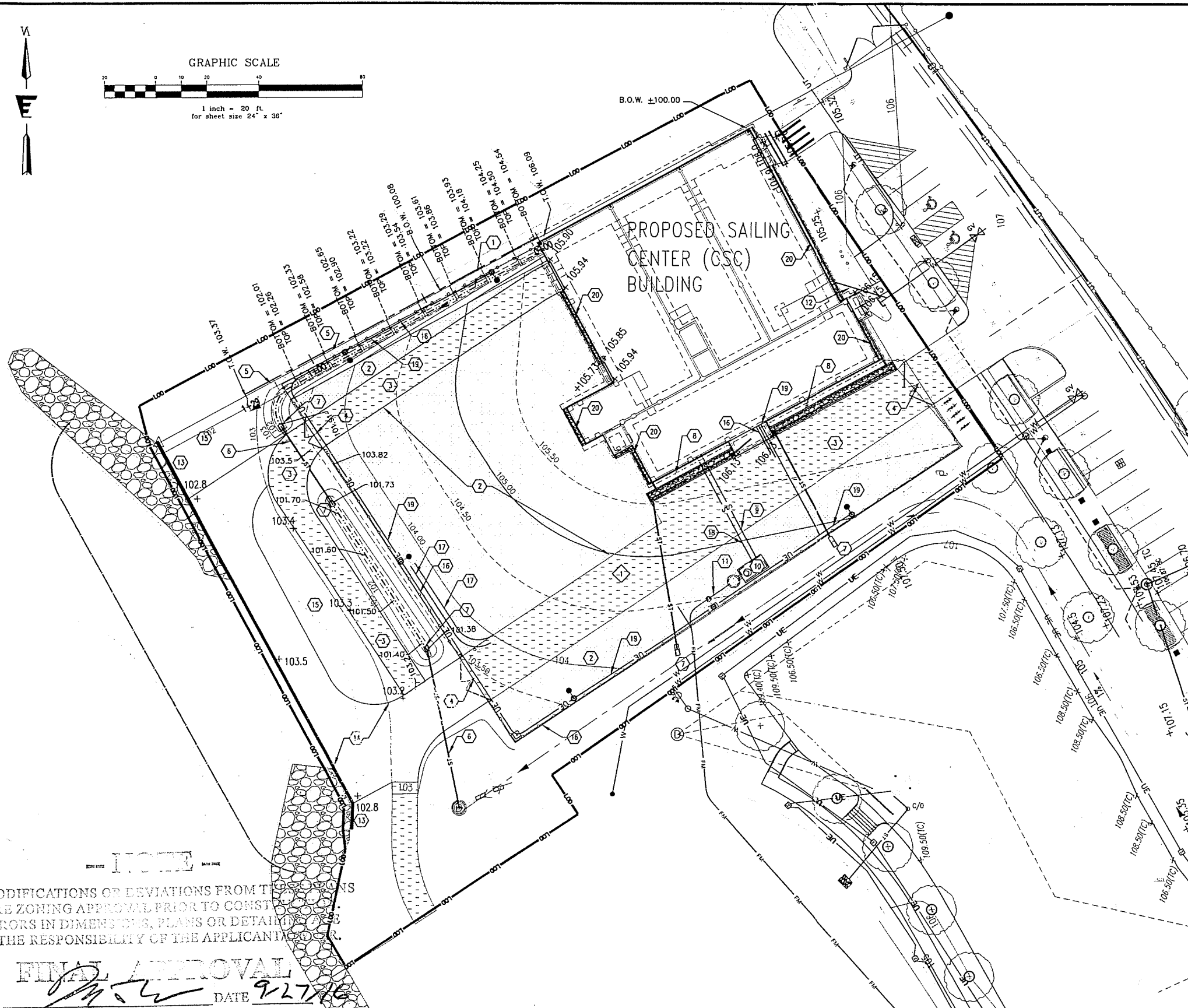
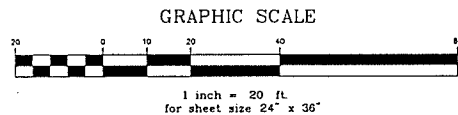
As Noted

Date:

April 2015

C1.1

EV#13376



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

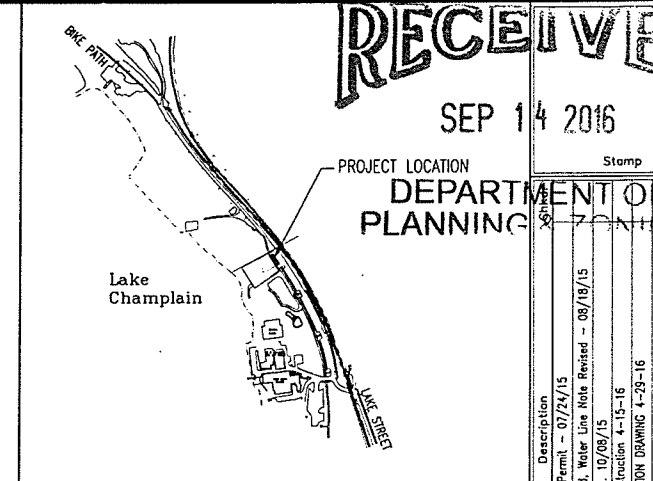
FINAL APPROVAL

SIGNED

DATE 9/27/16

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

For entire 11-pg. plan set



LOCATION MAP

NOT TO SCALE

EXISTING CONDITIONS NOTES

- EXISTING (2) 4" SCH80 PVC CONDUIT.

PROPOSED SITE AND UTILITY NOTES

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- PUMP STATION AND VALVE VAULT. REFER TO DETAIL SHEET C2.3
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LEGEND

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STORM LINE	ST
WATER LINE	W
UNDERGROUND ELECTRIC	UE
LIGHTING CONDUIT	
FLARED END SECTION	□
CATCH BASIN	
STORM MANHOLE	
GATE VALVE	
HYDRANT	
WATER SHUT OFF	

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Client:
Lake Champlain
Community Sailing Center
Burlington, VT
802-884-2499

Sheet Title:
Site Plan
Project Title:
Community Sailing Center

Designed By: PE
Checked By: PE
Drawn By: WC
Scale: As Noted
Date: April 2015

C1.1

Department of Planning and Zoning

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Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
Layne Darfler, Planning Technician



TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: August 1, 2017
RE: 16-1507CA/MA; 316-322 Flynn Avenue

Zoning permit 16-1507CA/MA, to demolish existing buildings and to construct a mixed use building with 30 residential units and 2 commercial spaces and associated site improvements, was approved by the Development Review Board on October 13, 2016. That approval contained a number of conditions, including condition 7 pertaining to days and hours of construction.

7. Construction hours shall be limited to 7:00 AM – 5:00 PM, Monday – Friday. Saturday construction may be allowed if requested via written correspondence to the DRB. No construction on Sunday.

The applicant is now requesting Saturday construction hours from 8:00 AM – 4:00 PM.

Scott Gustin

From: Nelson Ferland <nferland@snyderhomesvt.com>
Sent: Thursday, July 20, 2017 11:58 AM
To: Scott Gustin
Subject: Re: 316 Flynn

RE: Pine & Flynn
316 Flynn Ave
Working hours

I would like to start working on Saturdays 8:00 - 4:00. This would help tremendously with our schedule, as you know it has been a rainy season.

My encumbrance permit expires towards the end of August. I need to have foundation, sidewalks and green work complete by then. Not to be able to utilize a Saturday in a short work week will hinder our completion.

The next issue is this work schedule only for exterior work, or does it include interior work such as drywall and paint? Trying to complete the interior finishes without utilizing Saturday's would make it very difficult to complete the project on time. Once the building is insulated, noise will be at a minimum.

Thank you

Nelson Ferland | PROJECT MANAGER
SNYDER HOMES | nferland@snyderhomesvt.com | 802-355-5404

Department of Planning and Zoning

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Meagan Tuttle, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Interim Administrative Officer
Mary O'Neil, AICP, Senior Planner
Ryan Morrison, Associate Planner
Layne Darfler, Zoning Technician
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, CFM, Associate Planner
Date: August 15, 2017
RE: ZP17-1076CA, 57 North Winooski Street

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

File: ZP17-1076CA

Location: 57 North Winooski Street

Zone: RH **Ward:** 2C

Date application accepted: May 4, 2017

Applicant/ Owner: 2014 Elango Dev Family Trust

Parking District: Neighborhood

Request: A 4 space parking waiver for an existing 3-unit dwelling proposing to add 1 additional unit.

Applicable Regulations:

Article 4 (Zoning Maps and Districts), Article 8 (Parking)

Background Information:

The applicant requests a 4 space parking waiver as part of a request to add a fourth dwelling unit to the existing triplex.

The property currently contains 3 dwelling units within the primary structure. According to Assessor's records, the structure contained 4 units as early as the mid-1980s. The State Register of Historic Sites and Structures notes that the building (c. 1896) was originally just a residence. In 2011, a zoning permit was issued to combine 2 second floor units into 1, reducing the total number of units to 3. The applicant now proposes to split the second floor unit back into 2 units for a total of 4 units in the building.

Because the property is within the Neighborhood Parking District, 2 parking spaces per unit are required. Currently, the property has compliant parking for 4 vehicles, with no additional room to accommodate the 4 additional parking spaces required for the new unit and the other units. As a result, the applicant is requesting a parking waiver for four spaces in order to comply with the parking requirements of Article 8.

Zoning Permit History:

- **Zoning Permit ZP 11-1081CA**; Rebuild portions of existing exterior porch, replace plywood skirting with wood lattice around porch base. Approved June 20, 2011.
- **Zoning Permit ZP 12-0505CA**; Convert four unit building to triplex by combining the two second floor units into one unit. Approved October 28, 2011.
- **Zoning Permit ZP 17-0677CA**; Replace 2 windows. Approved March 17, 2017

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

I. Findings

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

5. *The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. Parking is intended to be hidden either behind or underneath structures.*

The property is located within the RH Zoning District, and is currently a triplex. The proposal to increase to 4 dwelling units conforms with the purpose of the zone, as well as density allowances. **(Affirmative finding)**

(b) Dimensional Standards and Density

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

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

Not applicable. The property is zoned RH.

Table 4.4.5-2: Base Residential Density

District	Maximum dwelling units per acre ¹
High Density: RH	40 units/acre

Inclusive of new streets but exclusive of existing streets, and without bonuses or any Inclusionary Zoning allowances.

The property is 5,715 sq ft in size.

$5,715 / 43,560 \text{ (acre)} = .131 \text{ acres.}$

$4 \text{ unit} / .131 = 30.5 \text{ units; below the 40 units/acre limitation. (Affirmative finding)}$

Table 4.4.5-3: Residential District Dimensional Standards

Not applicable. No changes to the site or exterior changes to the structure are proposed.

(c) Permitted and Conditional Uses

Multi-family, Attached Dwelling (3 or more dwelling units) is a permitted use per Appendix. A – Use Table – All Zoning Districts. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

A. Encroachment for residential driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

A. Exceptions in the Waterfront RM District

Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

Not applicable.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

A. Additional Unit to multi-family

Not applicable.

B. Additions to Existing Residential Structures

Not applicable.

C. Residential Occupancy Limits

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

The residential occupancy provisions of the ordinance will continue to apply to the single family residence. **(Affirmative finding as conditioned)**

6. Uses

A. Exception for Existing Neighborhood Commercial Uses

Not applicable.

7. Residential Development Bonuses

No bonuses are sought. Not applicable.

Article 8: Parking

Table 8.1.8-1 Minimum Off Street Parking Requirements

Multi-unit attached dwelling units require 2 parking spaces per unit in the Neighborhood parking district. The current triplex use requires 6 off-street parking spaces. The driveway, 29' x 46',

exceeds the maximum 18 ft width allowance. However, based on orthophotos, it appears that the driveway dimension has existed this way dating back to at least 1978. Based on the driveway's dimensions, and in combination with the 2-car garage, the driveway could physically fit up to 8 parking spaces. However, those potential spaces could only be tandem, and Section 8.1.14 (b) prohibits tandem parking for multi-family uses. Based on the existing driveway footprint, the applicant has demonstrated 4 conforming parking spaces on the site plan: two 8 ft wide rows of parallel parking (2 spaces each) with a 10 ft wide access aisle in between, with an extra 3' of driveway width. This leaves the property 2 spaces short of compliance with a 3-dwelling unit parking scenario. In order to gain a fourth dwelling unit, a total of 8 compliant parking spaces are required.

Section 8.1.15 (below) allows residential parking waivers up to 50% of the required number of parking spaces. **(Affirmative finding if waiver is approved)**

Table 8.1.11-1 Minimum Parking Dimensions

Table 8.1.11-1 Minimum Parking Dimensions					
Angle of Parking Space	Width of Space	Length of Space	Width of Angled Space	Length of Angled Space	Minimum Back-Up Length
Standard Cars					
Aisle width (one-way)	10'				
Compact Cars					
Parallel Parking	8.0'	20.0'	-	-	-

The site plan shows two 8-foot wide parking aisles (40 ft deep), split by a 10-foot wide circulation aisle (one-way), and 3' of extra driveway width, within the existing driveway footprint. This parallel parking situation allows tenants to maneuver out of a parking space even if there is a vehicle parked in the space behind them, much like in tandem parking situations. The applicants need a 4-space parking waiver to achieve parking compliance for the 8 units. **(Affirmative finding)**

Section 8.1.12 Limitations, Location, Use of Facilities

(h) Compact Car Parking

Compact parking spaces may be used in parking structures and lots. Up to fifteen (15%) percent of the total parking spaces in a parking garage may be designated for compact cars. Such spaces shall be signed or the space painted with the word "Compact Car Only".

The property is served by surface parking, not a parking garage. Therefore, there is no limitation on compact parking spaces. **Affirmative finding.**

Section 8.1.14 Stacked and Tandem Parking Restrictions

- (b) *Tandem Parking may be allowed for single family detached dwelling units, accessory apartments, duplex dwelling units, and dedicated employee-only parking signed as such. In no case shall more than 4 parking spaces (2 pairs) in total be provided in tandem on any one lot.*

While the physical space exists in the driveway to accommodate more than 4 parking spaces in tandem fashion, tandem parking cannot be recognized as legitimate parking for multi-family uses. However, the proposal requests a parking waiver to meet the parking needs for 4 dwelling units. **(Affirmative finding)**

Section 8.1.15 Waivers from Parking Requirements / Parking Management Plans

The total number of parking spaces required pursuant to this Article may be reduced to the extent that the applicant can demonstrate that the proposed development can be adequately served by a more efficient approach that more effectively satisfies the intent of this Article and the goals of the municipal development plan to reduce dependence on the single-passenger automobile.

Any waiver granted shall not exceed fifty percent (50%) of the required number of parking spaces except for the adaptive reuse of a historic building pursuant to Sec. 5.4.8 and ground floor retail uses in any Mixed Use district which may be waived by as much as one hundred percent (100%). Waivers shall only be granted by the DRB, or by the administrative officer pursuant to the provisions of Sec. 3.2.7 (a) 7.

The applicant requests a 4-space parking waiver to the 8-space parking requirement – a 50% waiver. The applicant states that current parking demand for the property is 2 cars, and offers to restrict parking to one car per unit, which the applicant believes would provide ample parking within the existing driveway for each tenant to have one vehicle.

The GMTA #7 bus line has a stop within 20 feet of the property every 30 minutes, and the property is within 0.3 miles of the downtown transit center. The applicant notes that this encourages occupants to not own cars as mass transit is easily accessible. According to the applicant, the second floor will consist of a 2-bedroom unit and a 3-bedroom unit. The number of bedrooms in the 2 first floor units is unclear at the time of this report.

Church Street is 0.2 miles away. The nearest car share location is at the top of Church Street. The applicant concludes that there is not a current demand for on-street or off-street parking.

While there may be certain ways in which to restrict the number of tenant vehicles allowed as part of a rental agreement, the CDO simply requires 2 spaces per unit. Through this section, the DRB has the authority to grant a parking waiver of up to 50% of the required parking.

The applicant should be prepared to report back to the Planning & Zoning Department each year for 3 years as to the actual onsite parking demand. **Affirmative finding as conditioned.**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, the applicant shall receive written verification of adequate wastewater capacity from the Department of Public Works.

2. A 4-space parking waiver is included in this approval. The applicant shall report back to the Planning & Zoning Department each year for three years to as to the actual onsite parking demand.
3. Occupancy of the dwelling units is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy any dwelling unit.
4. The applicant shall secure any associated trades permits for the interior work.
5. The applicant/property owner is responsible for obtaining all necessary 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 well as egress codes, of the city and state as required.
6. A state wastewater permit may be required, and will be the responsibility of the applicant to secure if needed.
7. Standard Permit Conditions 1-15.



Department of Planning and Zoning

149 Church Street, City Hall

Burlington, VT 05401-8415

Phone: (802) 865-7188

Fax: (802) 865-7195

www.burlingtonvt.gov/pz

RECEIVED
MAY 04 2017
DEPARTMENT OF
PLANNING & ZONING

Zoning Permit Application

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

PROJECT LOCATION ADDRESS: 57 N. WINDOOST

PROPERTY OWNER*: Elango Dev Farm Trust

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

APPLICANT: Elango Dev

POSTAL ADDRESS: 57 N. Windoost Ave

POSTAL ADDRESS: _____

CITY, ST, ZIP: 05401 #3

CITY, ST, ZIP: _____

DAY PHONE: 802-598-2630

DAY PHONE: _____

EMAIL: elango.dev@yaho.com

EMAIL: _____

SIGNATURE: [Signature]

SIGNATURE: _____

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

Description of Proposed Project: convert 3 UNIT TO 4 UNIT SEEKING
1. PARKING SPACE WAIVER possibly 2 parking space waiver

Existing Use of Property: ☐ Single Family ☒ Multi Family: # 3 Units ☐ Other: _____

Proposed Use of Property: ☐ Single Family ☒ Multi Family: # 4 Units ☐ Other: _____

- Does your project involve new construction, addition, alteration, renovation, or repair to a structure that is heated or cooled? Yes ☐ No ☒
(If yes, the Vermont Residential Building Energy Standards (VRBES) apply. Visit the P&Z Office, Public Service Board or PSB website for details)
- Will 400 sq ft or more of land be disturbed, exposed and/or developed? Yes ☐ No ☒
(If yes, you will need to submit the 'Erosion Prevention and Sediment Control Plan' questionnaire, with a site plan)
- For Single Family & Duplex, will total impervious area be 2500 sq ft or more? Yes ☐ No ☒
(If yes, you will need to submit the 'Stormwater Management Plan' questionnaire, with a site plan)
- Are you proposing any work within, below, or above the public right of way? Yes ☐ No ☒
(If yes, you will need to receive prior approval from the Department of Public Works)
- Are you proposing any onsite food or beverage production/manufacturing? Yes ☐ No ☒
(If yes, you will need to consult with Water Resources Division at the Department of Public Works: 863-4501)

Estimated Construction Cost (value)*: \$ 600

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

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

Office Use Only: Zone: RH Eligible for Design Review? Y Age of House 1896 Lot Size 5715
Type: SN ☐ AW ☐ FC ☐ BA ☐ COA 1 ☒ COA 2 ☐ COA 3 ☐ CU ☒ MA ☐ VR ☐ HO ☐ SP ☐ DT ☐ MP ☐
Check No. Cash Amount Paid 230.00 Zoning Permit # 17-1076



MEMO

To: Ryan Morrison
Regarding: Parking Management
Date: 7/27/17

Below is the parking management plan for 57 North Winooski Street, Burlington. We are submitting this along with the request for a 50% parking waiver for 2 spaces.

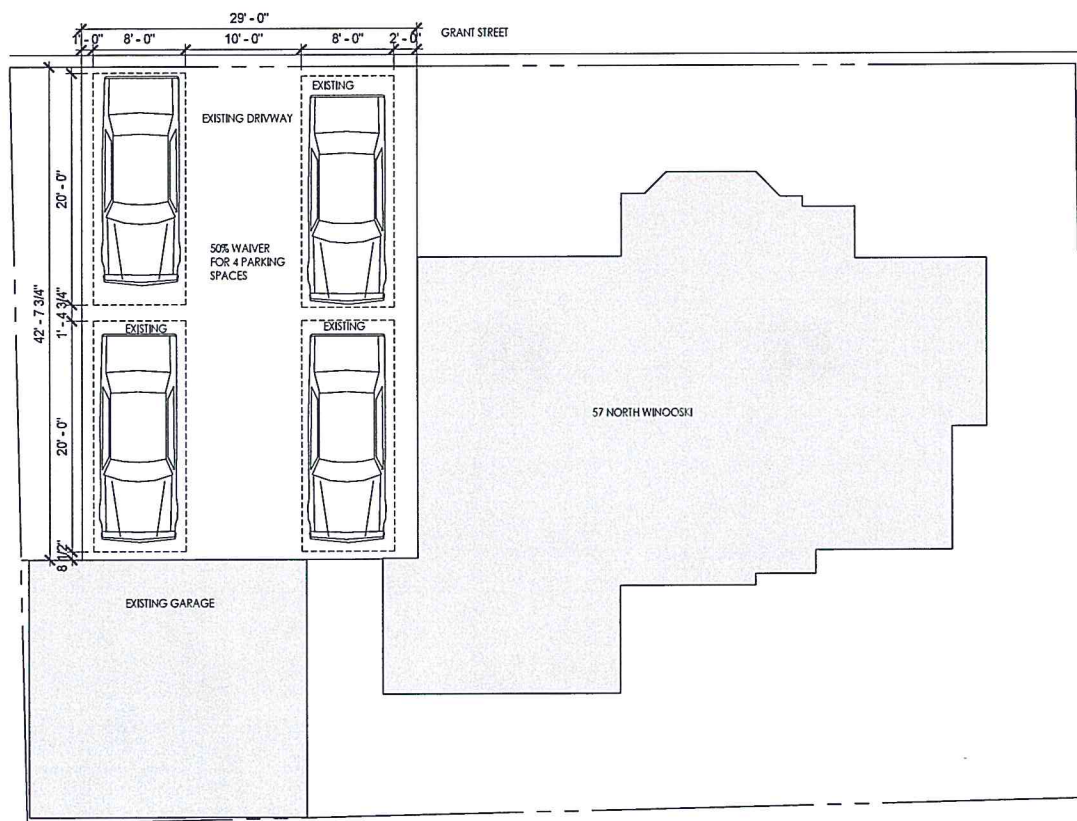
Project Description

Renovate the existing 3-unit building back to a 4-unit building. On 10/28/2011 a Zoning Permit - COA Level I #220196 12-0505CA was issued to Vaithilingam G. Dev to combine the upper two units into a single unit. No change was made to existing parking before or after this issuance.

Parking Management Plan

- (a.) Calculation of the parking spaces Table 8.1.8-1: Neighborhood district, 2 per Unit.
- (b.) Narrative: The existing property for 3-units has a total of 6 parking spaces (see attached plan) with each in tandem.
- (c.) Current demand:
 - 1) There are a total of 2 cars
 - 2) Restricting parking to 1 car per unit: This would provide ample parking within the existing driveway for each tenant to have 1 vehicle.
- (d.) Strategies:
 - 1) Mass transit: The GMTA #7 bus line has a stop within 20 feet of property every 30 minutes and within 0.3 miles of the downtown transit center. This encourages the occupants to not own cars as mass transit is easily accessible. The top of Church Street is also 0.2 miles away which is a 2 minute walk.
 - 2) Car Share: The nearest car share location is at the top of Church Street 0.2 miles away.
 - 3) Parking off-site: Currently there is not a demand for on street parking or offsite parking.

END OF MEMO



ZONING DISTRICT: RH
PARKING DISTRICT: N

PARKING SPACES PER DWELLING
EXISTING SPACES PER DWELLING
PROPOSED SPACES PER DWELLING

PROPOSED CHANGE HAS NO AD
AFFECT TO THE CURRENT RATIO N
OF UNITS TO PARKING SPACE

10/28/2011: CONVERT 4 UNIT IN
NO CHANGE TO PA

EXISTS AS 3 UNIT WITH 6 EXISTING
NEW UNIT REQUIRES 2 NEW PARKING

SEEJING A 4 PARKING SPACE WA

2
A01 EXISTING SITE
SCALE: 1/8" = 1'-0"

6/20/17 10:00 AM

The client hereby certifies that the information provided to Hinge Architecture is true and accurate to the best of their knowledge and belief. Hinge Architecture and its staff are not responsible for any errors or omissions in this plan or any other documents prepared by Hinge Architecture.

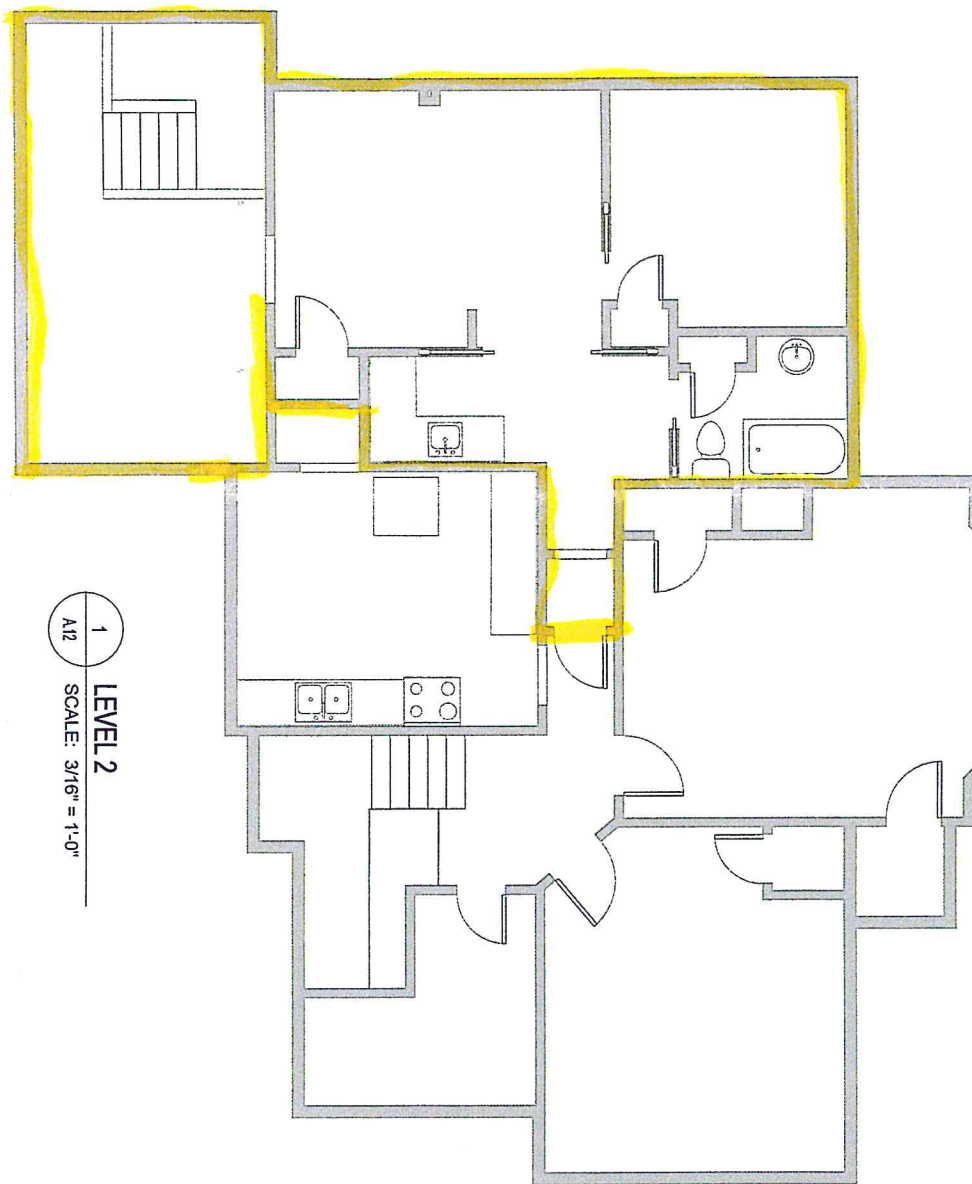
RESIDENCE

57 NORTH WINOOSKI STREET, BURLINGTON, VT



DATE: 07/27/17
SCALE: 1/8" = 1'-0"
DRAWN BY: MA
CHECKED BY: MA
PHASE:

RECEIVED
MAY 04 2017
DEPARTMENT OF
PLANNING & ZONING



1 LEVEL 2
A12 SCALE: 3/16" = 1'-0"

RESIDENCE

57 NORTH WINOOSKI STREET, BURLINGTON, VT



DATE: 03/20/17
SCALE: 3/16" = 1'-0"
DRAWN BY: MA
CHECKED BY: MA
PLS: PC

LEVEL 2
A12

2013 orthophoto



1978 Orthophoto



1978 Orthophoto



Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

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



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday August 15th, 2017, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT Minutes

Board Members Present: Austin Hart, Brad Rabinowitz, A. J. LaRosa, Alexandra Zipparo, Samantha Tilton

Board Members Absent: Israel Smith, Geoff Hand, Jim Drummond (Alt), Robert Purvee (Alt)

Staff Present: David White, Mary O'Neil, Ryan Morrison, Layne Darfler

I. Agenda

No Changes

II. Communications

None

III. Minutes

Minutes from August 1st, 2017. Will consider at deliberative

IV. Consent

1. **18-0005CA/CU; 62 Sunset Cliff Road (RL-W, Ward 4N) 62 Sunset Cliff Road Realty, LLC**
Residential addition to a single-family residence within Riparian and Littoral Conservation Zone. (Project Manager: Ryan Morrison)

A.Hart- Does the applicant have any questions or concerns about conditions or staff findings as presented?

None

A.Hart- Do any Board member object to this project remaining consent or have any further questions?

None

A.Hart- Are there any members of the public that wish to comment or have questions regarding the project?

B. Rabinowitz- Motion to approve and adopt staff findings and recommendations

A.Zipparo- Seconds the Motion

5-0-0

2. **18-0051CU; 29 Allen Street (RM, Ward 3C) Roman Catholic Diocese of Burlington/ St. Joseph's Parish**

18-0154CA; 31 Elmwood Ave (RH, Ward 3C) Spectrum Youth & Family Services

Use of parish basement hall for warming shelter for 10 youth individuals from November 2017 to March 2018 and related parking waiver amendment. (Project Manager: Scott Gustin)

A.Hart-recused

B. Rabinowitz- Does the applicant have any questions or concerns about conditions or staff findings as presented?

W.Towne- Has not had the opportunity to review staff findings and recommendations

M.O'Neil- Provided and reviewed staff findings and recommendations

W.Towne- No Questions or concerns

B.Rabinowitz- Are there any members of the public that wish to comment or have questions regarding the project?

B.Rabinowitz- One off-site parking space is in conditions of approval, is that correct.

Confirmed by applicant

A.LaRosa- Motion to approve and adopt staff findings and recommendations

S.Tilton- Seconds the motion

4-0-0

-- 5 minute recess for technical difficulties--

V. Public Hearing

1. 18-0028AP; 351-375 North Avenue (NAC, Ward 4N) 375 North Ave LLC

Appeal of administrative decision relative to impact fees for orphanage renovation (16-0007CA/MA). (Project Manager: Scott Gustin)

A.Hart- Are there any members of the public that wish to comment or have questions regarding the project?

None

E.Farrell- Concern that there is a lot of confliction and confusion within the zoning ordinance. Application of impact fees on an existing residential building is incorrect, questions what constitutes new development. The building was an existing building used as an orphanage, then occupied by the diocese. Comes down to question of intensity. Staff's position is the portions of residential are considered like they don't exist because portions of the building were not occupied or used therefor it is considered new development and subject to impact fees. It should either be occupied or not occupied, entire building should be exempt from the application of impact fees secondly because it is referenced as a conversion, however it continued to be used as residential. No change of use under the ordinance, it is simply a conversion. College did occupy the building but did not have authority to occupy any portion of the orphanage for institutional use. They converted the diocese and offices to academic use but did not extend into the orphanage building. The building remained residential use since the day it was built therefor it should be exempt from the impact fees. Mentioned issues with how impact fees were broken down, line item by line item, believes they should be exempt from those fees.

A.Hart- Was there, at some point, a conversion to office space for the diocese?

E.Farrell- No, not believed to have been occupied by the diocese other than 3 apartments used and the orphanage. Primary offices were in the class room spaces.

D.White- The question at hand is about the methodology for calculating the impact fees. The purpose of these fees is to provide the funding necessary to support the future city services to help offset the funds for the additional demand new development creates. Fees are broken down by services; parks, police, schools, etc. As Mr. Farrell mentioned this section of the ordinance is 25 years old and requires some aspect of interpretation. We have an existing building where large portions have been unused for a length of time. When did those uses stop being active? Administrative Interpretation, included in Board's packet, help define how we treat these situations, if a use ceased to be an active use after October 1952 a new development could seek a credit. The demand for city service are what goes into these impact fees, if the uses stopped before the 1952 creation it would be considered new development as it was not part of the original impact fee calculations. The applicant is trying to argue that the orphanage has been used because of a 1977 permit, the diocese converted office space and 3 apartments. The applicant is arguing that this extends the residential use up to 2010 when the college converted a portion to institutional use. The applicant is there for arguing that they should be credited for the space. The City disagrees with the applicant's perspective; the credibility of what kind of foot print was needed or occupied in the 50,000 square foot building

when the diocese took over. Staff credited 25,000 square feet but the orphanage and the size of the residential use is an anomaly.

A.Hart- Where did the 25,000 square feet number come from?

D.White- The applicant informed as space that was ongoing residential

A.Hart- Total square footage is 53,500 that is what the city claims was vacant and is now being put in as residential use?

D.White- The vacant portion was added

E.Farrell- Understands the concept of a building that is underutilized and the desire to collect impact fees, but the ordinance does not specify that. It is either there or not. The interpretation is wrong because the diocese occupied the building up to 2010.

A.Hart- The City is relying on the interpretation but the ordinance doesn't justify that?

E.Farrell- Correct. There is nothing that legalizes the interpretation. There is nothing that talks about fractional occupancy. Buildings were vacant for decades and received full credit; example 23 Church St.

O.Makuku- 23 Church St; upper was 4 apartments given full credit for existing after the 2001 property owner state the property was vacant for 50 years, yet in 2010 they received a full credit permit. We are asking for consistency. Multiple examples mentioned.

E.Farrell- Inconsistency on the Staff's behalf

O.Makuku- When the smoke clears how many other buildings in Burlington have similar circumstances, the impact will not be widespread.

A.Hart- Zoning Administrative Interpretation, is this something the staff came up with but has not been adopted by City Council or Planning Commission?

D.White- Yes, dozens have been issued with the purpose to clarify as well as assist that consistency. This one was done because of ongoing inconsistencies on how to treat a smaller subset of examples where you have a change of use in an existing building.

A.Hart- The amount of the fee was based on the existing number of development?

D.White- Fees based on Development impact on services needed, work was done and fees established 25 years ago.

B.Rabinowitz- No position that the orphanage was used for anything other than residential occupancy?

D.White- No it was an orphanage that turned to something else, became residential units for bishop and 2 priests.

B.Rabinowitz- Square footage did not include the entire building so City is not including the entire building?

D.White- Correct

B.Rabinowitz- Position is no office?

D.White- No at the time of that particular approval in 1977 it didn't break down by square feet it was just a permit for the former orphanage, so it doesn't make sense that the entire building was totally occupied. Changed in 2010 when Burlington College took over and changed the use.

E.Farrell- Mr. White keeps using the term "actively occupied" that is not in the ordinance, no fractional occupation can be found in the ordinance.

A.Hart- We are talking about the impacts as the City's obligation to provide service

E.Farrell- Ordinance talks about existing uses and building not how much the building impacts the city, it is an existing building and under the impact fee ordinance it is exempt. Nothing in the ordinance talks about active use or intensity.

S.Tilton- Page 2 of 5 Section 3.3.2 of staff report; if this development is resulting in new dwelling units does it now make it applicable because the development would create more apartments? Proposal is to create new dwelling units, the creation of these units would be a trigger to give the impact fees?

D.White- Correct. The creation of the new units is a new trigger but to calculate the fees you have to be able to calculate the new square footage or not.

A.Hart- Question lies if that original 3 units is in the same square feet as the new 65 units.

E.Farrell- When it was an orphanage part of that existing residential use was used for apartments, if I take a residential use and add units inside of it, it doesn't add any square footage and all within an existing building it should be exempt.

A.Hart- Are there any members of the public that wish to comment or have questions regarding the project?

None

K.Sturtevant- There is case law that supports the interpretation which can be provided to the Board; regarding Administrative Interpretation

A.Hart- Does the Board have any final questions?

None

E.Farrell- Believes that the 2016 Interpretation should not be binding nor relevant to this situation

A.Hart- Closed the public hearing

VI. Certificate of Appropriateness

1. 17-1076CA; 57 North Winooski Ave (RH, Ward 2C) 2014 Elango Dev Family Trust

Convert 3 unit to 4 unit with one or two parking space waiver.

(Project Manager: Ryan Morrison)

A.Hart- No members of public present for discussion

A.Hart- Does the applicant have any questions or concerns about conditions or staff findings as presented?

M.Aloisi- No additional comments, staff comments seem adequate. Property was a 4 unit before 2011. Past 3 years there have been no more than 2 vehicles in the driveway.

A.Hart- Second floor has two 2-3 bedroom apartments?

M.Aloisi- Second floor is owner occupied, essentially one 2 bedroom and one 1 bedroom units.

A.Hart- Adequacy of parking space for 4 units is a concern. Downstairs there is a 2 bedroom unit and a 3 bedroom unit?

Applicant is not sure of first floor configuration

R.Morrison- Total of 5 bedrooms on second floor stated in staff findings is incorrect.

M.Aloisi- Only 3 bedrooms on second floor, 5 total bedrooms in building.

A.Hart- No additional increases in bedrooms, correct?

Confirmed

A.Hart- The cost of construction is listed as \$600 is this correct?

M.Aloisi- Correct, simple addition of a door and a stove is all that is needed.

A.Hart- Access? Ingress/Egress?

M.Aloisi- Both have their own access

A.Hart- Discussed parking plan and options. Asked if garage would be available for parking space?

Confirmed garage is used as parking space

A.Hart- Is reducing the waiver by one space be acceptable to the applicant and owner?

M.Aloisi- Yes

A.Hart- Closed the public hearing

2. 18-0035CA; 505 Lake St (DW-PT, Ward 3C) Community Sailing Center / City of Burlington

Provision of 9 onsite parking spaces and request for parking waiver. (Project Manager: Scott Gustin)

A. Hart- Disclosed that he has worked with group working on the Moran plant, no conflict but wants it known in case.

A. J. LaRosa- Also clarifies that his firm has worked on relative projects

M.Naud- Sees no conflict of interest with either Board member

M.Naud- has worked for decade or more considering how Center may have permanent facility on the Waterfront, facility is almost done but has changes relating to parking. He is here requesting maintenance of the status quo but in his terms "better". Center has grown and adapted with no issues regarding parking. Reflective in the proposal is to make a modern amendment to the site plan that eliminates a fence and converts a storage area into 9 parking spaces, which they believe is sufficient for their needs and users as most are pick up and drop

off or pedestrian access. Believes the public parking in the surrounding area is more than sufficient to accommodate users. Staff comments, findings and recommendations are more than satisfactory.

A.Hart- Regarding public spaces available, can the applicant explain where pick up and drop off can occur and what public spaces might be available.

M.Naud- 96 new spaces now exist along Lake St so there are significant spaces there, addition with fishing pier lot and the completion of the marina. Drop off has been at fishing pier but now will be located at the site. Space in front of the garage doors is sufficient for large vehicle and bus turn around location.

K.Merriman Shapiro- (Senior Projects and Policy Specialist, CEDO) CEDO feels this is an appropriate waiver

A.Hart- What is the 3 year monitoring of parking waivers, is this a new thing for us? Can we do anything about the permit if something goes wrong or the spaces aren't sufficient? Are there options to add more spaces?

K.Merriman Shapiro- Monitoring is to see what happens but it is hard to say what the "what-ifs" are, but for previous years they have had next to nothing so there should be no issues with this minimal parking, the monitoring is to ensure success and partnership between the City and the applicant.

R.-Center emphasizes that they did not want to oversubscribe to parking as the City has reserved some ability to provide exclusive parking in the East Development for the Burlington Marina project discussion as well as additional parking at approximate City lots close to the facility. There has been recent discussion about potential options but what you have is a partnership between the City and tenants and desire to have successful outcomes ensured by the 3 year monitoring program.

B.Rabinowitz- See no problem with the waiver, but does see issue with the City's process. This should have been dealt with as part of the Marina project.

M.Naud- Under the ordinance the parking requirements would far exceed the needs, the Center focuses and strives on getting people to abandon the car and use alternative methods to arrive at the facility. Reserve the ability to add parking as needed.

A.Zipparo- No issues with the number of spaces but does have concern over pedestrian safety especially regarding the turn-around set up.

M.Naud-Clarified parking and turn around set up.

A.Zipparo- Any blocking from Skate Park to road? Concerned about safety from parking area.

M.Naud- No blocking but elevation changes and drainage swale create barrier. Buses usually don't come up Lake St as well as they expect to see fewer buses come into the area due to bussing costs.

M.O'Neil- Intent of 3 year monitoring for parking waivers is to inform the Board of the impacts they have and maintain the number of waivers given out. This information showcases where, how much, and the effectiveness of parking waivers.

A.Hart- Closed the public hearing

VII. Other Business

1. 16-1507CA/MA; 316-322 Flynn Avenue (NMU, Ward 5S) G & C PROPERTIES LLC

Request for Saturday construction hours for mixed-use building and associated site improvements. (Project Manager: Scott Gustin)

A.LaRosa- recused

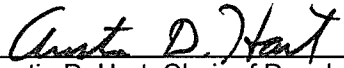
N.Ferland- Current hours are 7am to 5pm 5 days a week, this makes it hard to keep schedule and Saturday work is important considering the inclement weather that we have been having. Chapter 21 states hours of operation 7 am to 9 pm 7 days a week; we are looking for 7am to 7pm 5 days a week and 7am to 5pm on Saturdays. Interior and exterior work.

A.Hart- Approved applicant's project is on the periphery of what is a residential neighborhood, therefor noise issues are of concern.

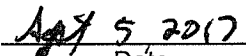
N.Ferland- Construction next door starts at 6 am and goes until 7pm, City Market construction goes even longer, Ireland on Pine St goes from sun-up to sun-down – all include noisier work.
A.Hart- Distinguish exterior work, is that with trucks and heavy equipment and beepers; and interior work?
N.Ferland- Reviewed the work left to accomplish
A.Hart- What about big equipment
n.Ferland- Another week and the big equipment will be gone
B.Rabinowitz- If we differentiate between interior work and exterior work regarding the extension of hours would that be ok?
N.Ferland- Yes
S.Tilton- Saturday 8am to 5pm is being requested?
Confirmed
B.Rabinowitz- Extension during the week to go 7am Monday through Friday and 8am to 5 pm on Saturday
D. Goltzman- Request is due to the closeness to the Department of Public Works. They have had DPW individuals come at 5pm and force the work to stop which effects the work schedule as well as safety concerns due to open pits being left. Requested the extension two weeks ago and weren't able to obtain it due to the process of the DRB so time is of the essence.
A.Hart- Closed the public hearing

VIII. Adjournment

The meeting adjourned at 6:35


Austin D. Hart, Chair of Development Review Board


L. Darfler, Planning Technician


Date


Date

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

Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.