

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

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



BURLINGTON DEVELOPMENT REVIEW BOARD Wednesday July 5, 2017, 5:00 PM PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on
Wednesday July 5, 2017 at 5:00pm in Contois Auditorium, City Hall.

- 1. 17-1232CA/CU; 50 Temple Street (RL, Ward 7N) James Daigle**
Construct a duplex.
(Project Manager: Scott Gustin)
- 2. 17-1250CA/CU; 208-212 North Winooski Avenue (NMU, Ward 2C) Erik Hoekstra**
Change of use from retail redemption center to recording studio.
(Project Manager: Mary O'Neil)

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

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

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

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Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

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



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: July 5, 2017

RE: ZP17-1250CA/CU; 208-212 North Winooski Avenue

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

File: ZP17-1250CA/CU

Location: 208-212 North Winooski Avenue

Zone: NMU **Ward:** 2C

Date application accepted: June 7, 2017

Applicant/ Owner: 208-212 North Winooski Avenue LLC / Erik Hoekstra

Request: Change of use from retail (convenience store and beverage redemption center) to recording studio. Infill overhead doors, window additions and alterations; infill siding.



Background:

- **Zoning Permit 87-720;** Additional sign over North Union garage entrance. March 1988.
- **COA 85-075;** Conditional use to relocate beverage store. Approved April 1986.
- **Zoning Permit 85-426 / COA 85-075;** Reduce and remove existing large windows, add drive-in redemption window and canopy; match existing 8" wood clapboard siding and repaint. New entrance door on north side. No change in coverage. Approved September 1985.
- **82-004; Conditional Use permit** to convert a commercial site to a bottle redemption center and hardware store. Approved March 1982.

Overview: 208-212 North Winooski Avenue is within the NMU zoning district where recording studios are a Conditional Use. The existing use (beverage/ redemption center) was approved and benefited from the existing non-conformity to parking. The prior use (repair garage) had a 10

space parking requirement but provided none on –site. The change to the current use provided 3 parking spaces on site which lessened the non-conformity. This application proposes full conformity to parking.

Some exterior alterations, such as window and door rearrangement and infilled siding are proposed to enhance the change of use.

Recommendation: Conditional Use and Certificate of Appropriateness consent approval, per the following findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 3: Impacts Fees

Section 3.3.2 Applicability

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

Although the existing retail use and the proposed use are separate use categories for purposes of calculating impact fees, the fees for retail are higher. Therefore, no added municipal impacts are identified and **no impact fees are assessed** for the change of use.

Affirmative finding.

Sec. 3.5.2 Applicability

(a) Conditional Use Review:

Conditional Use Review shall be required for the approval of all development subject to the following provisions of this ordinance:

- 1. any use identified under Article 4 and Appendix A – Use Table as a “Conditional Use” or “CU;”*
- 2. any Special Use specifically identified as being subject to conditional use review under Article 5, Part 3;*

Recording Studios are a Conditional Use in the NMU zoning district per Appendix A, Use Table.

Sec. 3.5.6 Review Criteria

The application and supporting documentation submitted for proposed development involving Conditional Use and/or Major Impact Review, including the plans contained therein, shall indicate how the proposed use and associated development will comply with the review criteria specified below:

(a)Conditional Use Review Standards:

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

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

The new use is proposed within an existing, developed mixed use area. There is no identified unreasonable or objectionable demand on utilities, facilities or services.

Affirmative finding.

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

The Neighborhood Mixed Use zoning district is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns of the city's older neighborhoods. The proposed use (and associated exterior alterations) is consistent with the definition of the NMU district.

From the Municipal Development Plan:

- *It continues to be a high priority of the City to actively promote redevelopment and investment within the Enterprise Community, and to implement the strategies found in Common Ground: A strategic Plan for the Old North End Enterprise Community which is incorporated into this Plan by reference. [Land Use Plan, Page I-27.]*
- *Support sustainable development activities in target areas of the city including the Enterprise Community, Neighborhood Activity Centers, the Pine Street Corridor, Downtown, and the Downtown Waterfront. [Economic Development Plan, Page VI-2.]*
- *Street level storefronts and building entrances should be open and inviting to pedestrians, and service entrances, driveways and garages should be located on side streets or in service alleys. [Built Environment, Page III-8.]*
- *Each gateway to the city or its neighborhoods should reflect the particular characteristic of its setting and provide a welcoming introduction. The City should take active steps to enhance the primary gateways into the city. [Built Environment, Page III-5.]*

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 use will be internalized and not present adverse noise, odor, dust, heat or vibration impacts to the immediate area. Renovations are proposed to include double wall construction with acoustic insulation in the cavity and specialty acoustic sealing products at the face of the separate stud walls. The recording studio will have sound conditioning treatments as part of the fit-up with sound absorbing panels. In contrast to the existing use where the garage door was typically open while bottles and cans were counted, bagged, and hauled out for transport to a parked 18 wheelers, the proposed use as outlined will be significantly less perceptible.

Affirmative finding.

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations*

and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;

The project site is accessible from two streets (North Winooski and North Union Street) and within an established network of public roads, sidewalks and bicycle pathways. Public transit is immediately available. Access will remain as existing. **Affirmative finding.**

and,

5. The utilization of renewable energy resources;

No part of the application precludes the utilization of wind, water, solar, geothermal or other forms of renewable energy resources. Additionally, the rehabilitation of the overall building and installation of energy efficient windows and doors will help with energy savings. **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 secure any required additional state or city permits.

Section 2.7.8, Withhold Permit, will apply to this property. See conditions.

Affirmative finding as conditioned.

(C) Conditions of Approval:

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

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

No additional mitigation measures are identified. The proposed use and building renovation will not alter the character so as to make it inconsistent with the surrounding area. **Affirmative finding.**

- 2. Time limits for construction.*

The zoning permit will limit the project to be completed within 2 years. **Affirmative finding as conditioned.**

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

Construction activities shall be limited to 7:00 am to 6:00 pm, Monday through Saturday. There shall be no construction on Sundays. Hours of operation are suggested as 8am – 2am seven days a week. **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;*

Any application for enlargement or expansion shall be viewed under the regulations in effect at the time of submittal. **Affirmative finding.**

and,

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

This remains at the discretion of the Board.

Article 4: Zoning Maps and Districts

Section 4.4.2 Neighborhood Mixed Use

(a) Purpose

The Neighborhood Mixed Use districts promote development that combines non-residential and residential uses on a single site. These zones allow an increased intensity of development than would typically be found in the surrounding residential areas, and provides neighborhood oriented goods and services and employment opportunities within walking and biking distance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new commercial and residential opportunities in the City. The emphasis of nonresidential uses should primarily be oriented to serving the needs of the surrounding residential neighborhoods and other neighborhood commercial uses.

2. *The **Neighborhood Mixed Use** (NMU) district is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods.*

The proposed recording studio will utilize an existing commercial building within one of the city's older neighborhoods. The use fits within the purpose statement of the NMU zoning district, particularly as providing services and employment opportunities within walking or biking distance of residential neighborhoods. **Affirmative finding.**

(b) Dimensional Standards and Density

Table 4.4.2-1 Dimensional Standards and Density

NMU	2.0 FAR	80%	0	0	0	Min: 2'. 2 stories Max: 35
208-212 North Winooski Avenue	No change	No change	No change	No change	No change	No change

The proposed change of use will not no impact on the dimensional standards or density calculation for the site. Aside from changes to doors and windows, the building will retain the same massing, height and scale as existing.

Affirmative finding.

(c) Permitted and Conditional Uses

A recording studio is a Conditional Use in the NMU zoning district. Consult Appendix A.

(d) District Specific Regulations

1. Ground Floor residential uses restricts

This is for NAC zoning district. Not applicable.

2. Exception to Maximum Lot Coverage in NAC District

Not applicable.

3. Development Bonuses/Additional Allowances

No development bonuses are requested. Not applicable.

Article 5: General Citywide Regulations

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

Development is proposed on a parcel with existing access and frontage on both North Union Street and North Winooski Avenue. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.2-1, above.

Section 5.2.4 Buildable Area Calculation

The parcel is not within RCO, WRM, RM, WRL or RL zoning districts. Not applicable.

Section 5.2.5 Setbacks.

See Table 4.4.2-1, above.

Section 5.2.6 Building Height Limits

See Table 4.4.2-1, above.

Section 5.2.7 Density and Intensive of Development Calculations

See Table 4.4.2-1, above.

Part 3: Non-conformities

The site has been non-conforming to parking. Prior to 1982, the site hosted a repair garage which had a 10 parking space requirement and provided no parking onsite. Permits in 1982 and 1986 changed the use to retail (hardware store, beverage mart) and storage. The removal of gas pumps allowed for three on-site parking spaces; non-conforming to the parking requirement of 6, but less than the original non-conformity of the 10 space requirement. A combination of changing uses with a lesser parking requirement and providing new spaces on site lessened the non-conformity. (A deficiency of 10 spaces, versus 3.)

The proposal for a change of use to a recording studio will require 3 spaces; equivalent to what exists on-site. Consequently, the site will move into conformance with the parking requirements of the Comprehensive Development Ordinance. **Affirmative finding.**

Part 4: Special Use Regulations

Section 5.4.8 Historic Buildings and Sites

Not applicable

Section 5.4.9 Brownfield Remediation

Not applicable.

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

The applicant has submitted detail about proposed interior alterations, which include double wall construction and acoustic insulation. The recording room spaces are mostly windowless, with the former garage door openings and the lower set of narrower windows in the back getting filled in. At the concrete block rear wall (south) the sound detail calls for a single new stud wall set a few inches away from the concrete exterior wall with the same acoustic sealing products used to keep the noise in. The studio also plans sound conditioning treatments as part of their fit up scope (installing sound absorbing panels, constructing bass traps) that will soften raw sound being produced within the spaces.

Construction activities will be limited Monday-Saturday 7:00 am – 6:00 pm, with no construction on Sundays.

Affirmative finding as conditioned.

Section 5.5.2 Lighting

Plans do not include any new lighting. If new fixtures are proposed, fixture spec sheets and anticipated light levels will be required for staff review and approval.

Affirmative finding as conditioned.

Section 5.5.3 Stormwater and Erosion Control

Not applicable.

Section 5.5.4 Tree Removal

Not applicable.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Section 6.2.2 Review Standards

(a) Protection of Important Natural Features

There are no identified important natural features. The site is entirely impervious.

Affirmative finding.

(b) Topographical Alterations

No changes to the topography are proposed. **Affirmative finding.**

(c) Protection of Important Public Views

There are no protected or important views from this parcel. Not applicable.

(d) Protection of Important Cultural Resources

There are no identified architectural or archaeological resources at the site. Not applicable.

(e) Supporting the Use of Renewable Energy Resources

No part of this application will prohibit the use of solar, wind, water, geothermal or other renewable energy resources. **Affirmative finding.**

(f) Brownfield Sites

None identified. Not applicable.

(g) Provide for Nature's Events

There exists a canopy at the front entrance to protect visitors from inclement weather. The remainder of the site will remain as existing. **Affirmative finding.**

(h) Building Location and Orientation

There is no proposed change to the building's orientation or location. Not applicable.

(i) Vehicular Access

Access will be maintained via the existing entrance locations. Three on site parking spaces are available at the northerly portion of the site. **Affirmative finding.**

(j) Pedestrian Access

Pedestrian access is immediately available via public sidewalk from both North Union Street and North Winooski Avenue. **Affirmative finding.**

(k) Accessibility for the Handicapped

ADA compliance is under the jurisdiction of the building inspector. **Affirmative finding as conditioned.**

(l) Parking and Circulation

There remain 3 on site parking spaces, sufficient to meet the requirements of Article 8 for the proposed use. Access is available from both North Union Street and North Winooski Avenue. **Affirmative finding.**

(m) Landscaping and Fences

Not applicable.

(n) Public Plazas and Open Space

There are no public plazas or required open space as part of this application. **Affirmative finding.**

(o) Outdoor Lighting

See Section 5.5.2, above.

(p) Integrate Infrastructure into the design:

The new use will be internalized to the existing building. An existing utility meter will remain on the west elevation. **Affirmative finding.**

Part 3: Architectural Design Standards

Section 6.3.2 Review Standards

(a) Relate development to its environment

1. Massing, Height and Scale

There is no change proposed to the existing massing, height or scale of the structure.

Affirmative finding.

2. Roofs and rooflines

No change proposed. **Affirmative finding.**

3. Building Openings

Building openings are appropriate to the intended function and overall design of the building. Overhead garage doors will be infilled with smaller pedestrian doors surrounded by fiber cement panels. Some door and window openings will be filled in or relocated to accommodate the new tenant. **Affirmative finding.**

(b) Protection of Important Architectural Resources

Not applicable.

(c) Protection of Important Public Views

Not applicable.

(d) Provide an active and inviting street edge

The proposed building alterations are both consistent with the existing building design and complementary in appearance. The replacement windows and doors will provide a warm and bright welcome. **Affirmative finding.**

(e) Quality of Materials;

Infll materials include fiber cement panels and matching siding. **Affirmative finding.**

(f) Reduce energy utilization;

All development 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. **Affirmative finding as conditioned.**

(g) Make Advertising features complementary to the site;

Any new or revised signage will require a separate sign permit. **Affirmative finding as conditioned.**

(h) Integrate infrastructure into the building design;

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe.

Development shall meet all required building and life safety code as defined by the building inspector and fire marshal. **Affirmative finding as conditioned.**

Article 7: Signs

Any new or replacement signage will require separate permitting. **Affirmative finding as conditioned.**

Article 8: Parking

The site has been non-conforming to parking for the zoning history of this parcel. Previous to being a hardware store, beverage mart and bottle redemption center, the use was a truck repair garage that had a parking requirement of 10 spaces but provided none. The change-of-uses that lessened the parking requirement (6 spaces) and the ability to provide some on-site spaces (3) lessened the non-conformity. This newly proposed use has a parking requirement of 3 spaces/1000 sf; or 3 parking spaces for a 3,263 sf area. This application will bring the project site into compliance for parking. **Affirmative finding.**

II. Conditions of Approval

1. If new light fixtures are proposed, fixture spec sheets and anticipated light levels will be required for staff review and approval.
2. Construction activities will be limited Monday-Saturday 7:00 am – 6:00 pm, with no construction on Sundays.
3. Hours of operation are limited to 8:00 am to 2:00 a.m. unless otherwise defined by the Development Review Board.
4. Any requirements for ADA compliance is under the jurisdiction of the building inspector.
5. All development 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.
6. Any new or revised signage will require a separate sign permit.
7. Per **Section 2.7.8, Withhold Permit**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations.
8. Standard Permit Conditions 1-15.

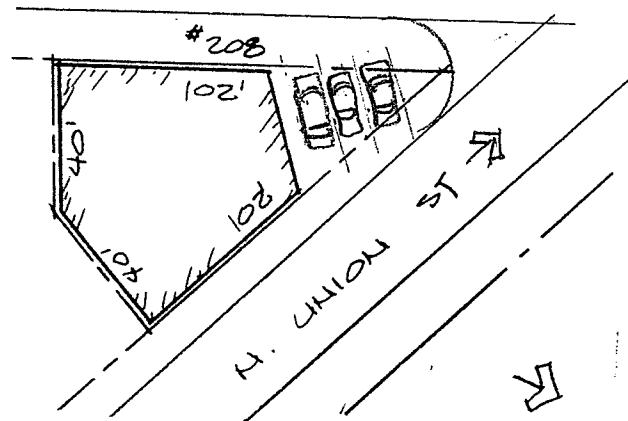
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CoA

85-075

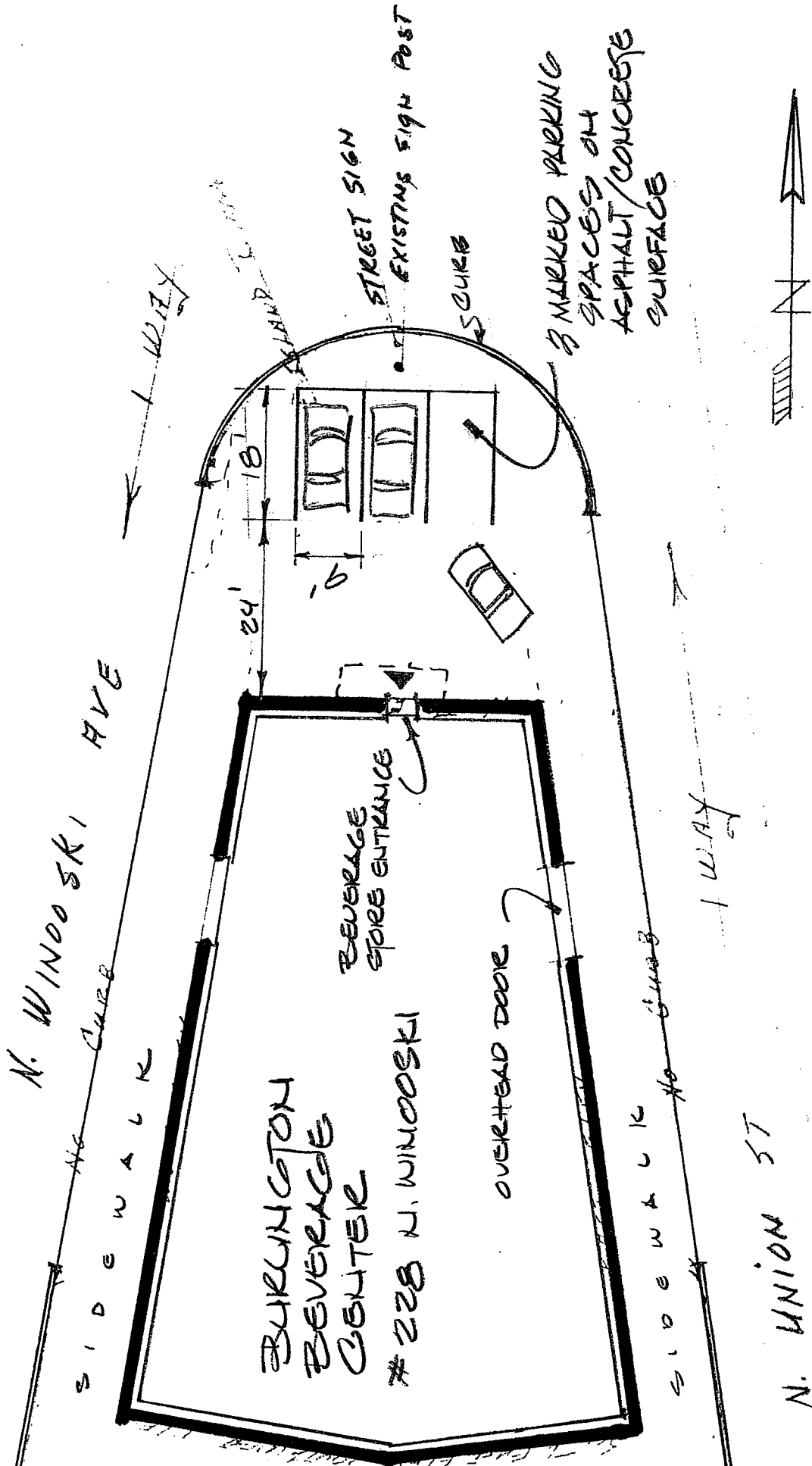
parking plan/op

N. WINOOSKI AVE



1"=50'

1986 parking plan / option



RICHARD HAMMOND

BURLINGTON BEVERAGE CENTER

SITE PLAN of PARKING PLAN

Burlington Development Review Board

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BURLINGTON DEVELOPMENT REVIEW BOARD

Wednesday, July 5th, 2017, 5:00 PM

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

AMENDED AGENDA

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

1. **17-1207CA; 645 Pine Street (ELM, Ward 5S) City of Burlington- Public Works**
Expansion of the existing compressed natural gas fueling station.
(Project Manager: Scott Gustin)
2. **17-1117CA/CU; 426 South Winooski Avenue (RM, Ward 6S) Scott Mapes**
Demolish existing detached garage and replace with new detached garage with accessory dwelling unit.
(Project Manager: Scott Gustin)

- V. **Public Hearing**

1. **17-1250CA/CU; 208-212 North Winooski Avenue (NMU, Ward 2C) Erik Hoekstra**
Change of use from retail redemption center to recording studio and alterations to building elevations.
(Project Manager: Mary O'Neil)
2. **17-1232CA/CU; 50 Temple Street (RL, Ward 7N) James Daigle**
Construct a duplex and related site improvements.
(Project Manager: Scott Gustin)
3. **17-1103AP; 383 College Street (RH, Ward 8E) Astra Burlington LLC**
Appeal of a zoning violation #334211 for conversion of a multi-use 5 office and 12 residential unit structure to a 14 residential unit building with commercial use, exterior signs and site plan alterations. (Project Manager: Jeanne Francis)

- VI. **Other Business**
- VII. **Adjournment**

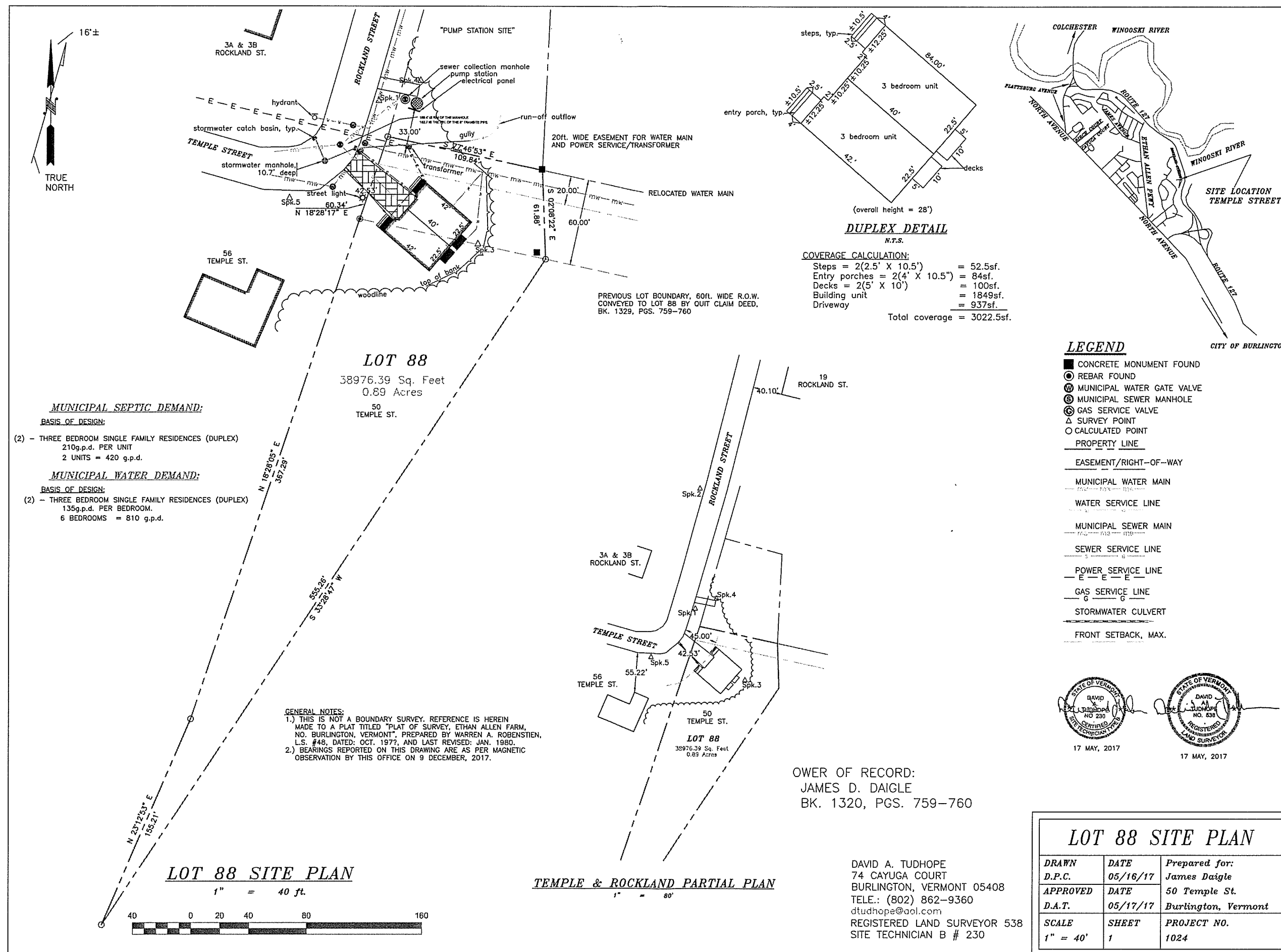
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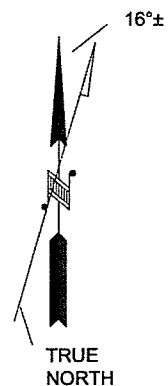
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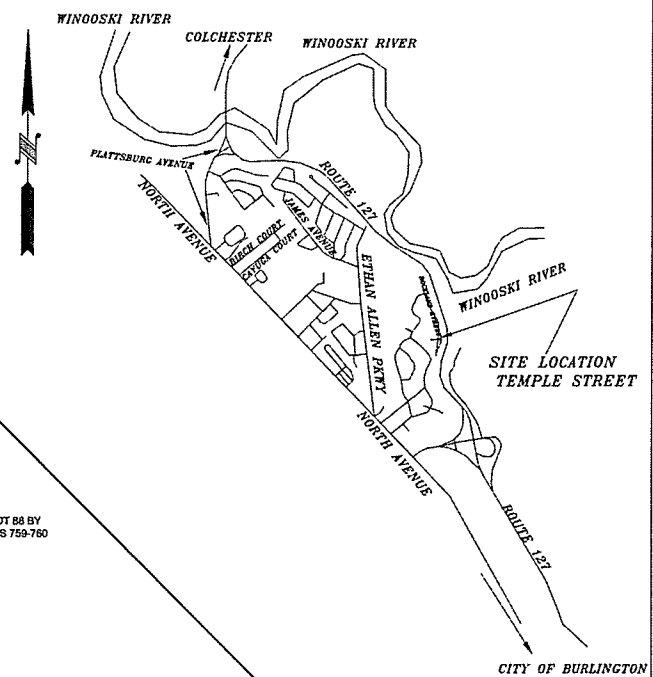


3A & 3B ROCKLAND STREET
EXISTING RESIDENCE

S 74°35'26" E
81.82'

"PUMP STATION SITE"

THIS AREA FROM THE TOP OF THE
BANK TO THE EDGE OF THE R.O.W.
WILL BE USED FOR STOCK PILING



LOT 88

MUNICIPAL SEPTIC DEMAND:

BASIS OF DESIGN:

- (2) - THREE BEDROOM SINGLE FAMILY RESIDENCES (DUPLEX)
210 g.p.d. PER UNIT
2 UNITS = 420 g.p.d.

MUNICIPAL WATER DEMAND:

BASIS OF DESIGN:

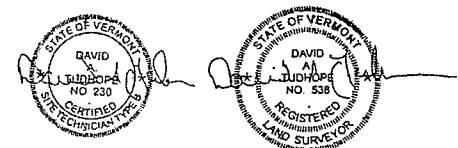
- (2) - THREE BEDROOM SINGLE FAMILY RESIDENCES (DUPLEX)
135g.p.d. PER BEDROOM.
6 BEDROOMS = 810 g.p.d.

LOT 88
38976.39 Sq. Feet
0.89 Acres

LEGEND

- REBAR FOUND
- REBAR SET OR TO BE SET (R.L.S.#538)
- CALCULATED POINT (R.O.W./EASEMENT CORNER)
- DRILLED WELL
- SURVEY POINT
- SURVEY POINT
- SURVEY POINT
- UTILITY POLE
- PROPERTY LINE
- ACCESS R.O.W. OR UTILITY EASEMENT
- HYDRANT

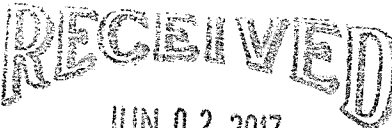
"I hereby certify that the design-related information submitted with this application is true and correct, and that, in the exercise of my reasonable professional judgement, the design included in this application for a permit complies with Vermont Wastewater System and Potable Water Supply Rules and the Vermont Water Supply Rules."



11 MAY 2017



OWER OF RECORD
JAMES D. DAIGLE
BOOK #1320 PAGES 759-760



DEPARTMENT OF
PLANNING & ZONING

SEPTIC PLAN

DRAWN D.A.T.	DATE 05/11/17	for: JAMES DAIGLE LOT 88
APPROVED	DATE	50 TEMPLE ST. BURLINGTON, VERMONT
SCALE 1" = 30'	SHEET 1	PROJECT NO. 1024

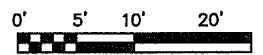
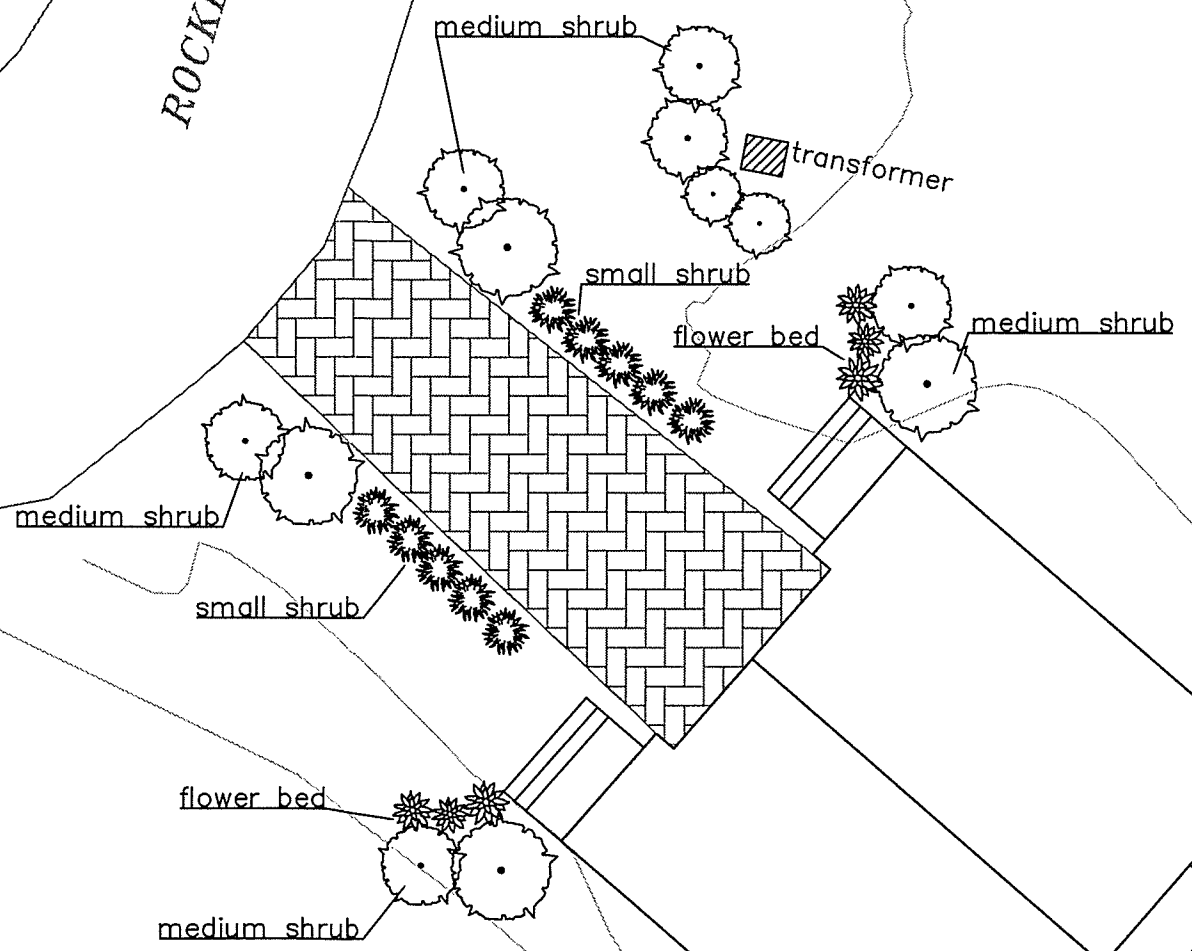
DAVID A. TUDHOPE
74 CAYUGA COURT
BURLINGTON, VERMONT 05408
TELE.: (802) 862-9360
dtudhope@aol.com
REGISTERED LAND SURVEYOR 538
SITE TECHNICIAN B # 230

RECEIVED
JUN 02 2017

DEPARTMENT OF
PLANNING & ZONING

TEMPLE STREET

ROCKLAND STREET



Date: 05/18/2017
Drawn By: NVE
Scale: 1/16" = 1'-0"

Project Location:
50 TEMPLE ST. BURLINGTON, VT
Drawing:
RIGHT SIDE ELEVATION

owner: JIM DAIGLE
176 Cottage Grove #1
Burlington, Vt. 05408
802-318-0780

LANDSCAPE
PLAN
L1

DEPARTMENT OF
PLANNING & ZONING

owner: JIM DAIGLE
176 Cottage Grove #1
Burlington, Vt. 05408
802-318-0780

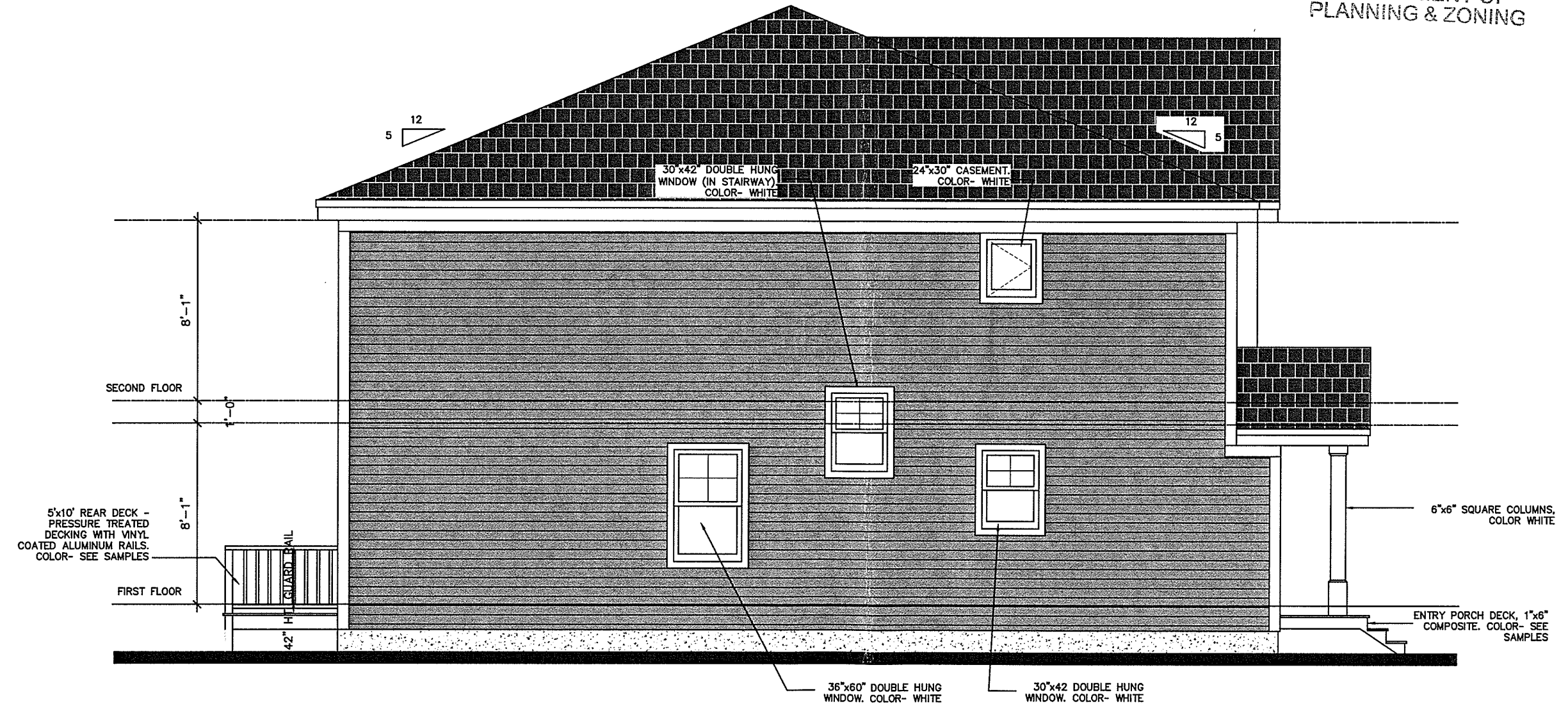
DWG#
ONE



SCHEME #4 4/24/17 SCALE: 3/16" = 1'-0"

RECEIVED
JUN 02 2017

DEPARTMENT OF
PLANNING & ZONING



LEFT SIDE ELEVATION

SCHEME #4 4/24/17 SCALE: 3/16" = 1'-0"

Date:
Drawn By: NVE
Scale: 3/16" = 1'-0"

Project Location:
50 TEMPLE ST. BURLINGTON, VT
Drawing:
LEFT SIDE ELEVATION

owner: JIM DAIGLE
176 Cottage Grove #1
Burlington, Vt. 05408
802-318-0780

DWG#
TWO

RECEIVED
JUN 02 2017
DEPARTMENT OF
PLANNING & ZONING



REAR ELEVATION

SCHEME #4 4/24/17 SCALE: 3/16" = 1'-0"

Date:
Drawn By: NVE
Scale: 3/16" = 1'-0"

Project Location:
50 TEMPLE ST. BURLINGTON, VT
Drawing:
REAR ELEVATION

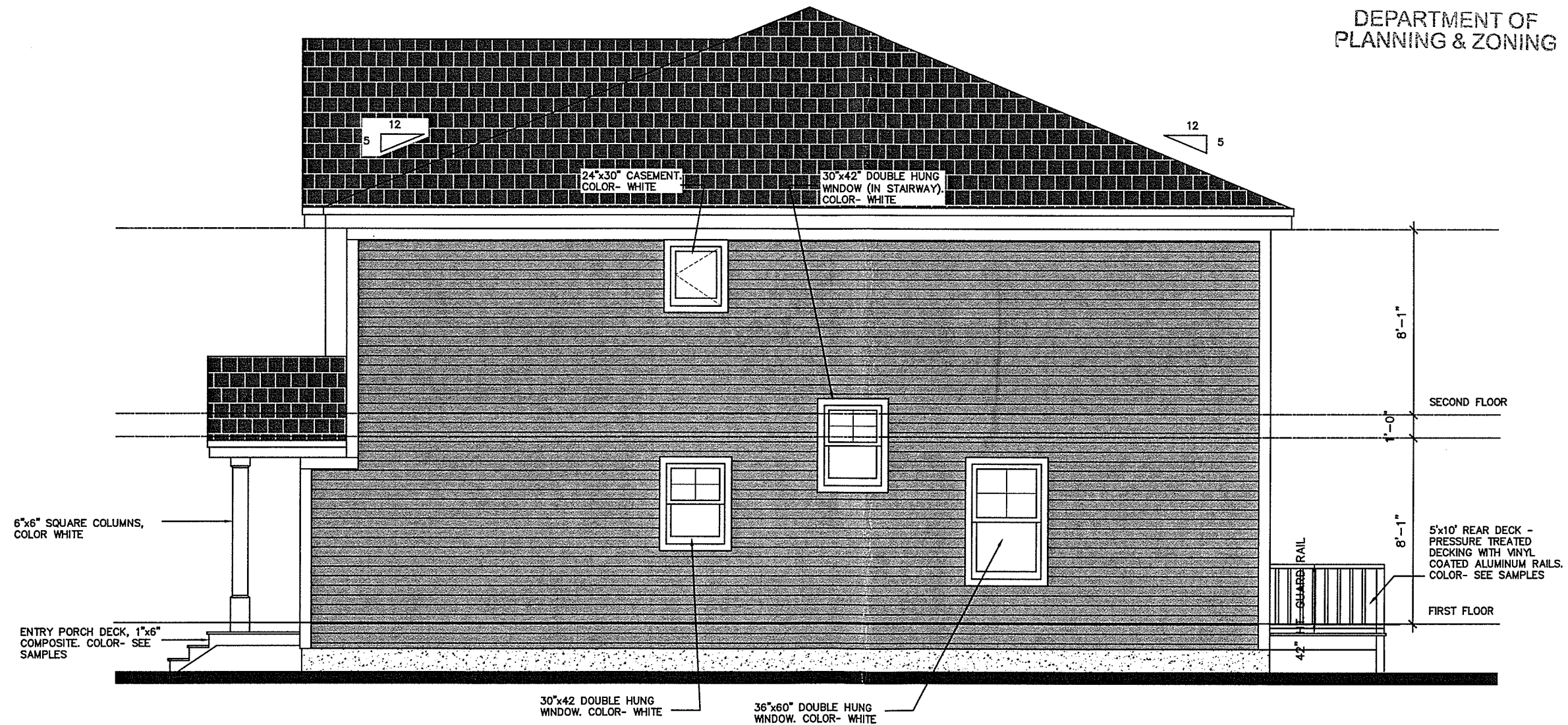
owner: JIM DAIGLE
176 Cottage Grove #1
Burlington, Vt. 05408
802-318-0780

DWG#
THREE

RECEIVED

JUN 02 2017

DEPARTMENT OF
PLANNING & ZONING



RIGHT SIDE ELEVATION

SCHEME #4 4/24/17 SCALE: 3/16" = 1'-0"

Date:
Drawn By: NVE
Scale: 3/16" = 1'-0"

Project Location:
50 TEMPLE ST. BURLINGTON, VT
Drawing:
RIGHT SIDE ELEVATION

owner: JIM DAIGLE
176 Cottage Grove #1
Burlington, Vt. 05408
802-318-0780

DWG#
FOUR

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: July 5, 2017
RE: 17-1232CA/CU; 50 Temple 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: RL Ward: 7N

Owner/Applicant: Jim Daigle

Request: Construct a duplex and related site improvements.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicant is seeking approval to construct a duplex on an existing vacant lot at 50 Temple Street. The property was formed when the area was subdivided in the 1980's. Most, but not all, of the lots have since been developed. This lot was approved for duplex use and construction thereof in 1992; however, no construction took place, and the zoning permits expired.

Previous zoning actions for this property are as follows:

- 2/6/92, Approval to construct a duplex (not enacted)
- 2/6/92, Approval to final subdivision plat to allow duplex use on this lot
- 1/18/89, Approval to place fill on the property to raise the grade

Recommendation: Conditional Use and Certificate of Appropriateness 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. None have final certificates of occupancy. The expired duplex permit does not require a certificate of occupancy; however, the amended final plat permit does. The permit for fill pre-dates requirements for certificate of occupancy. **(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. A State of Vermont wastewater permit will be required. A capacity letter issued by the Dept. of Public Works will be required prior to issuance. **(Affirmative finding as conditioned)**

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

The property is located within an established residential neighborhood in the low density residential zoning (RL) district. The original subdivision approval contained provision for a mix of single family homes and duplexes. The RL zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. The proposed duplex is consistent with this intent. The MDP provides the following support:

- Support the development of additional housing opportunities within the city... (MDP, Housing Plan, Page IX-1.
- Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning. (MDP, Housing Plan, Page IX-12.) **(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 duplex 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 proposed duplex is expected to generate minimal additional traffic. **(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 project design. **(Affirmative finding)**

and,

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

City building and energy efficiency codes will apply as conditioned.

(b) Major Impact Review Standards
Not applicable.

(c) Conditions of Approval:

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

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

The proposed duplex is not expected to produce offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

2. *Time limits for construction.*

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

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

Hours of operation are not applicable to this residential use.

Construction hours are not noted in the application. Typical construction hours are Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request. No work on Sunday. **(Affirmative finding as conditioned)**

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

Any future enlargement or 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. 4.4.1, Downtown Mixed Use Districts:

(a) Purpose

(1) Residential Low Density (RL)

The Residential Low Density (RL) district 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 residential development pattern reflective of the respective neighborhood's development history. As noted previously, the proposed duplex is consistent with this intent. **(Affirmative finding)**

(b) Dimensional Standards and Density

The subject parcel of land is relative large at 0.89 acre. Allowable residential density within the Larger Lot Overlay (Sec. 4.5.5) affecting the neighborhood is 5.5 units/acre for duplexes with a minimum lot size of 15,840 sf. The proposed 2-unit density is well under the 5.5 unit/acre maximum permissible.

Lot frontage along the street, at just 35', is less than the 100' standard for duplexes called for in the Larger Lot Overlay. The DRB may adjust the frontage standard for lots on multiple streets, cul-de-sacs, or corners lots such as this one.

Proposed lot coverage will amount to 3,022.5 sf (7.8%), well below the 35% maximum permissible coverage.

The front yard setback is based on the average front yard setback of the homes on the 2 adjacent lots on both sides of the subject property within the same block and having the same street frontage. In this case, the property is bordered by two vacant lots to the north within the same block and with the same street frontage. There is a sharp turn in the street, wherein the subject property is located. Proceeding west, there are two neighboring homes. The subject property more clearly aligns with the vacant parcels to the north. As a result, there is no average to base the front yard setback on. As proposed, the setback is 15' from the front property line.

The width of the lot is such that 20' minimum side yard setbacks apply. The proposed duplex complies. The minimum rear yard setback is 25% of the lot depth, in this case 29'. The proposed duplex complies.

Proposed building height is 24' to the midpoint of the sloped roof. This height is under the 35' maximum height permissible. **(Affirmative finding)**

(c) Permitted and Conditional Uses

A duplex is a conditional use in the RL zone. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Article 4 above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable to the subject property.

Sec. 5.2.5, Setbacks

See Article 4 above.

Sec. 5.2.6, Building Height Limits

See Article 4 above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Article 4 above.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

New outdoor lighting is depicted by the front doors into the duplex units. The fixtures are acceptable as “low output” fixtures. Presumably, lighting will also be provided for the garage entries and rear doors, but none is depicted. If such lighting is proposed, it must be depicted. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

As more than 400 sf of earth disturbance is proposed, a “small project erosion control” form has been provided. A residential stormwater management plan has also been provided. Both have been provided to the city’s stormwater program staff for review. The erosion prevention and sediment control plan has been approved. The stormwater management plan remains pending. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

(Not applicable)

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The subject property contains no important natural features as identified in the Open Space Protection Plan. It is wooded, and clearing limits are noted on the site plan. Clearing is limited to that necessary to clear space for the duplex, driveway, and some lawn area. **(Affirmative finding)**

(b) Topographical alterations

The duplex is proposed on a relatively level portion of the property. Much of the parcel slopes away to the south and east. 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 home 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 total lot coverage will exceed 2,500 sf, a residential stormwater plan has been provided. As noted above, the city's stormwater program is reviewing the proposed stormwater management.

The front entries into the duplex are sheltered, and ample room is available onsite for seasonal snow storage. **(Affirmative finding)**

(h) Building location and orientation

The proposed duplex is appropriately oriented towards the street. The building will be situated on the lot similar to other homes in this prototypically suburban neighborhood. Ample lawn and open space will surround the home. **(Affirmative finding)**

(i) Vehicular access

A private driveway will provide adequate access to the duplex and garage bays. The driveway width is acceptable at 16.' **(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 this side of Temple Street. No front walkway is proposed or required. As to meet the intent of this criterion, front walkways connecting to the street are encouraged. **(Affirmative finding as conditioned)**

(k) Accessibility for the handicapped

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

(l) Parking and circulation

Four parking spaces are provided; two in the driveway and two in the garage in tandem arrangement. These spaces meet the minimum parking requirement of 2 spaces per dwelling unit. Circulation is simple with access provided to the garage and surface parking spaces. **(Affirmative finding)**

(m) Landscaping and fences

Clearing limits are depicted. Much of the existing vegetation will be retained. New landscaping amounts to newly established lawn area and a variety of shrubbery and flower beds. The proposed landscaping is typical of that associated with single family and small multi-family homes. **(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

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

New utility lines must be buried. No mechanical equipment is depicted on the plan. An onsite electrical transformer will be screened behind newly planted shrubs. **(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 proposed duplex are consistent with that of existing homes within this neighborhood. As noted previously, the neighborhood contains a mix of single family homes and duplexes. The homes come in a variety of typically suburban forms and styles. The proposed duplex has a singular mass but incorporates dormers, front porches, and a clear distinction between the first and second stories to mitigate the perceived massing of the structure. Height is well within the neighborhood's established range at 24.' **(Affirmative finding)**

2. Roofs and Rooflines

A mansard roof with "doghouse" front gables is proposed. This roof form is acceptable and adds variety to the neighborhood. Note that the front and side elevation drawings appear to depict front dormers of differing dimensions. Consistency is needed. **(Affirmative finding as conditioned)**

3. Building Openings

The front doors are clearly articulated and are sheltered by small front porches. Fenestration is appropriately scaled and placed in consistent rhythm throughout the building. **(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 front doorways to the proposed home are clearly articulated. There are no large blank walls or expanses of roof. Fenestration, roof variations, and architectural detailing work successfully to provide an active and inviting street elevation. **(Affirmative finding)**

(e) Quality of materials

The proposed home will be clad in vinyl siding and trim with some composite elements. Asphalt shingles will be installed. Vinyl windows will be installed. The rear decks will be PT wood with vinyl coated aluminum rails. The materials proposed are of acceptable quality and durability for new construction such as this. **(Affirmative finding)**

(f) Reduce energy utilization

The proposed duplex 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 utility meters are evident on the project plans. They must be depicted on the side or rear elevations and be screened. **(Affirmative finding as conditioned)**

(i) Make spaces safe and secure

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

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the neighborhood parking district. As such, the duplex requires 4 parking spaces (2 per dwelling unit). All four parking spaces will be provided onsite; 2 in the garage and 2 within the driveway. **(Affirmative finding)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised plans shall be submitted subject to staff review and approval. Revised plans shall depict:
 - a. All outdoor lighting, locations, and fixture specification sheets;
 - b. Front walkways connecting the doorways to the street (recommended only);
 - c. Utility meter locations and screening; and,
 - d. Consistent dormer dimensions on all elevation drawings.
2. **Prior to release of the zoning permit**, a wastewater capacity letter to serve the proposed duplex shall be obtained from Public Works.
3. Final approval of the residential stormwater management plan shall be obtained from the city's stormwater program prior to construction.
4. Days and hours of construction shall be limited to Monday-Friday 7:00 am – 5:00 pm. Limited work may extend outside this schedule to extend to Saturday only after obtaining approval from the Development Review Board. No construction on Sunday.
5. **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.
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 net new square footage of the proposed development.
7. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
8. Standard permit conditions 1-15.

PROJECT PERMIT APPLICATION NARRATIVE

RECEIVED

MAY 11 2017

DEPARTMENT OF
PLANNING & ZONING

To: Planning & Zoning

From: SMM

Re: Mapes 426 South Winooski
New Garage and Accessory Unit Permit Application

Date: 11 May 2017

Project Description:

The residence at 426 South Winooski was built in 1917. From what we understand, the Lines family (of Oasis Diner fame) bought the property from the builder and we purchased the house from the Lines' in 1994. At the time of purchase the existing garage was in need of repair. It is estimated to have been built around 1960 some time long after the house was built. The style and construction of the garage does not resemble the house. The garage is of cinder block foundation and is partially below grade. Since the cinder blocks were never filled with concrete, they have warped and cracked over time as has the concrete floor. We propose to demolish and replace the garage and add a second floor accessory one bedroom dwelling unit. The habitable area of the accessory unit will not exceed 592 SF. The new garage building will be built within the same foot print as the existing garage.

The new garage building will have a gambrel style roof with exposed cedar shakes siding on the second floor and a Boral clapboard siding and concrete foundation on the garage level. We plan to use the same light green clapboard paint and dark forest green window trim. The front or west face side of the building is intended to resemble a barn, with a faux second floor barn door and elevated transom windows so the focus from the street will not appear as though the garage contains a living unit.

The area between our house and the new garage building will be lowered in grade (1.5-2') to reduce the steep incline going west to east and will be finished off in pervious pavers to create a more user friendly patio area over the impervious asphalt surface that exists there now. The affect of the pervious paver improvement will result in a net reduction in overall impervious cover from 3,930 SF to 3,254 SF or 36.3% to 30%.

All new utilities (water, sewer, electric, cable and gas) will extend from the back of the primary structure 426 South Winooski which will limit site disturbances to the back of the existing house.

Mapes 426 South Winooski

Page 2

11 May 2017

Sec. 5.4.5 Accessory Dwelling Units:

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

Where there is a primary structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means an efficiency or one bedroom apartment that is clearly subordinate to the primary dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. No accessory unit shall be inhabited by more than 2 adult occupants. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation. Additionally, there must be compliance with all the following:

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

See letter from DPW dated 21 April 2017.

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

The total habitable floor area does not exceed 30%. The accessory unit habitable area will not exceed 592 SF which is less than 30% of the total habitable floor of the primary structure, inclusive of accessory dwelling unit..

3. Applicable setback and coverage requirements are met:

Coverage and Setbacks are met.

4. One additional parking space which may be legally allocated to the accessory unit must be provided for the accessory unit:

One addition parking space is provided.

and,

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

(b) Conditional Use Approval for Accessory Units:

If any of the following are also proposed, conditional use approval, as well as development review provisions of Article 6 shall be required:

1. A new accessory structure: Yes.
2. An increase in the height or habitable floor area of the existing dwelling: No.
3. An increase in the dimensions of any parking area: No.

Sec. 3.5.6 Review Criteria

The application and supporting documentation submitted for proposed development involving Conditional Use and/or Major Impact Review, including the plans contained therein, shall indicate how the proposed use and associated development will comply with the review criteria specified below:

(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 construction of a new garage and accessory one bedroom dwelling unit will not have an undue adverse effect on existing or planned public facilities.

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 construction of a new garage and accessory one bedroom dwelling unit will not have an undue adverse effect on the character of the area.

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 construction of a new garage and accessory one bedroom dwelling unit will not have any undue adverse nuisance impacts from noise, odor, dust, heat and/or vibrations.

Mapes 426 South Winooski

Page 4

11 May 2017

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

The construction of a new garage and accessory one bedroom dwelling unit will not have an undue adverse effect on any transportation systems.

and,

5. The utilization of renewable energy resources:

The construction of a new garage and accessory one bedroom dwelling unit will not have an undue adverse effect on the utilization of renewable energy resources. In fact we are exploring a solar roof top.

and,

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

The construction of a new garage and accessory one bedroom dwelling unit will not have an undue adverse effect on any standards or factors set forth in existing City bylaws and city and state ordinances.

Property Summary

Parcel ID	053-3-010-000	Address	426 SOUTH WINOOSKI AV	Owner(s)	MAPES STEPHANIE J MAPES SCOTT MICHAEL
SPAN Number	114-035-18375	Land Use	Single Family		
Mailing Address	426 SOUTH WINOOSKI AVENUE, BURLINGTON, VT 05401				

Current Assessed Values

Total Value	\$329,000	Building Value	\$168,800	Land Value	\$160,200	Yard Items	\$
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Current Property Taxes

Total Property Taxes	\$8,258.20	HS-131 (https://secure.vermont.gov/hd/index#maincontent)	Yes	Pct Business	N/A	Pct Rental	N/A
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(Tax years are based on the fiscal year calendar which run from July-June)

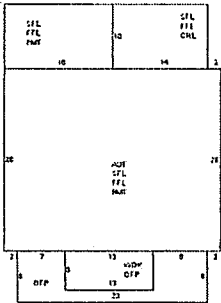
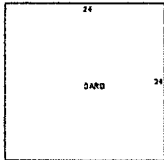
Most Recent Sales Information

Grantor	Sale Date	Sale Price	Book & Page
MAPES STEPHANIE J	10/5/1994	\$145,000	515-489
LINES GEORGE H &	9/8/1994	\$1	514-176
LINES GEORGE H &	6/16/1994	\$1	506-577

Property Details

Grade	AVERAGE PLUS	Heat Type	STEAM	Heat Fuel	GAS
Lot Sq. Feet	10,825	Gross Area	5,362	Finished Area	2,392
Building Type	COLONIAL	Year Built	1899	Units	1
Rooms	10	Bedrooms	3	Baths (Full/Half)	1 / 1
Zoning	RM	Foundation	BS	Depreciation	30.00 %

Sketched Areas



(/Sketch/8000/375001.png)

Card #	Area	Description	Gross Area	Finish Area
1	AUF	ATTIC UNFIN	896	0
1	BMT	BASEMENT	1,056	0
1	CRL	CRAWL SPACE	140	0
1	FFL	1ST FLOOR	1,196	1,196
1	GARD	GARAGE DET	576	0
1	OFP	OPEN PORCH	224	0
1	SFL	2ND FLOOR	1,196	1,196
1	WDK	WOOD DECK	78	0

Additional unsketched basement finished area

Card #	Area	Finish Type	Alt. Pct.
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No unsketched areas listed

Image(s)

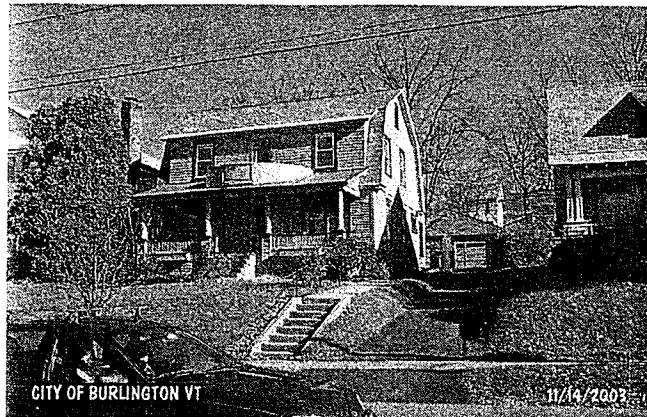


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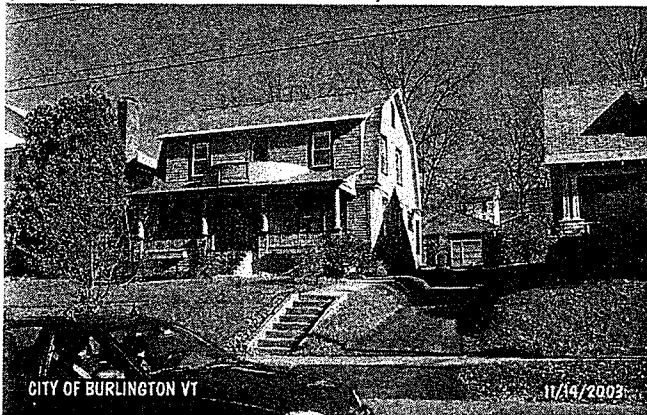
Location Map



783.44.26783.672+20953n+1163110591a312842315128Fapin3Bempin3090



(//Image/8000/375001%232.JPG)



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TRILLIUM

Remodel- Design & Build

802-353-2434

CARRIAGE HOUSE

426 SOUTH WINOOSKI AVE. BURLINGTON, VT.



RECEIVED
MAY 11 2017

DEPARTMENT OF
PLANNING & ZONING

AND PERMITTING PURPOSES
ONLY
NOT FOR CONSTRUCTION
CONTRACTOR TO VERIFY ALL
DIMENSIONS
ALL INFORMATION SHOWN HAS
BEEN PREPARED EXCLUSIVELY
FOR:
TRILLIUM REMODELING
751 MAIN ST.
COLCHESTER, VT. 05448
DMS PERMIT SET FOR REVIEW
ONLY

#	REVISION	DATE
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SCALE
NTS

TRILLIUM
Remodel- Design & Build

PROJECT
426 South Winooski Ave. Carriage House

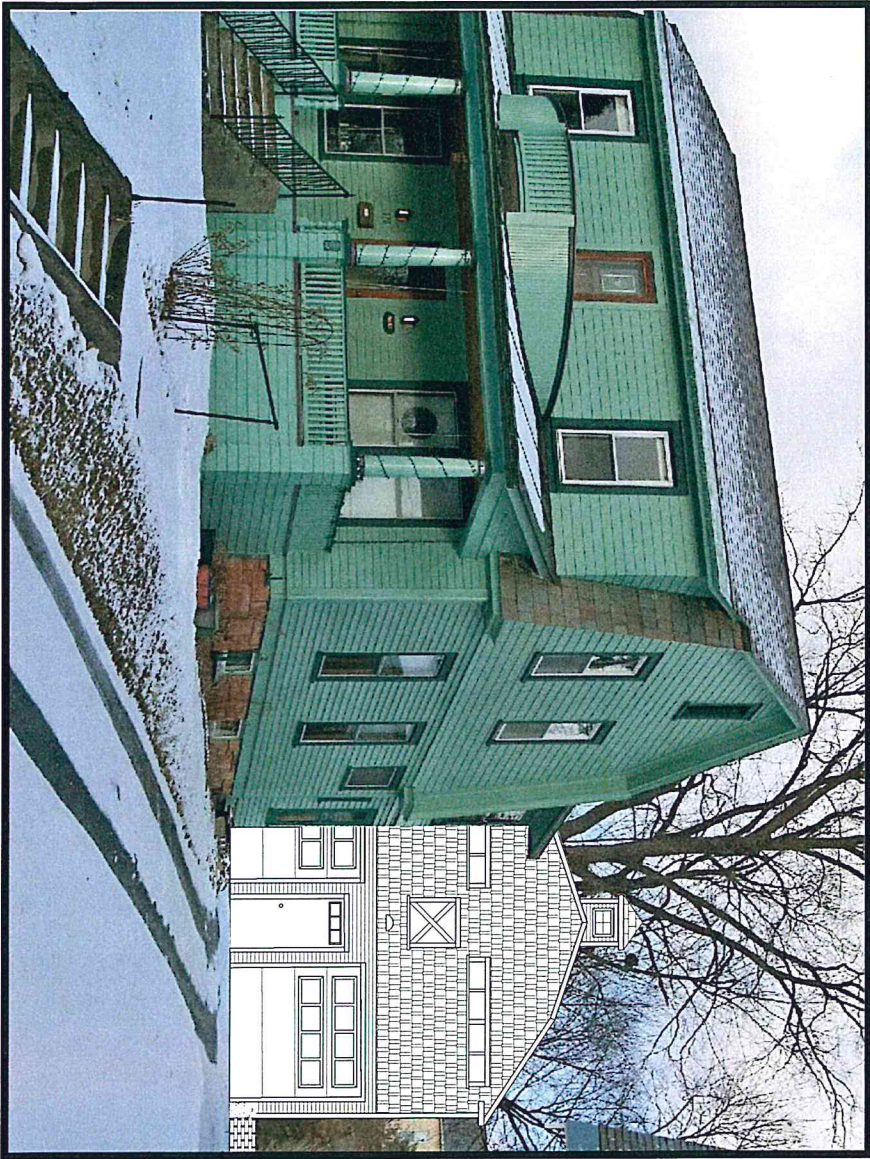
ATTENTION
SCOTT MAPES

DRAWN BY	DATE
MC	05/05/17

COVER

TRILLIUM

Remodel - Design & Build



AND PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION
CONTRACTOR TO VERIFY ALL DIMENSIONS
ALL INFORMATION SHOWN HAS BEEN PREPARED EXCLUSIVELY FOR
TRILLIUM REMODELING
731 MAIN ST.
COLCHESTER, VT. 05448

DRG PERMIT SET FOR REVIEW ONLY

#	REVISION	DATE
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SCALE
NTS

TRILLIUM

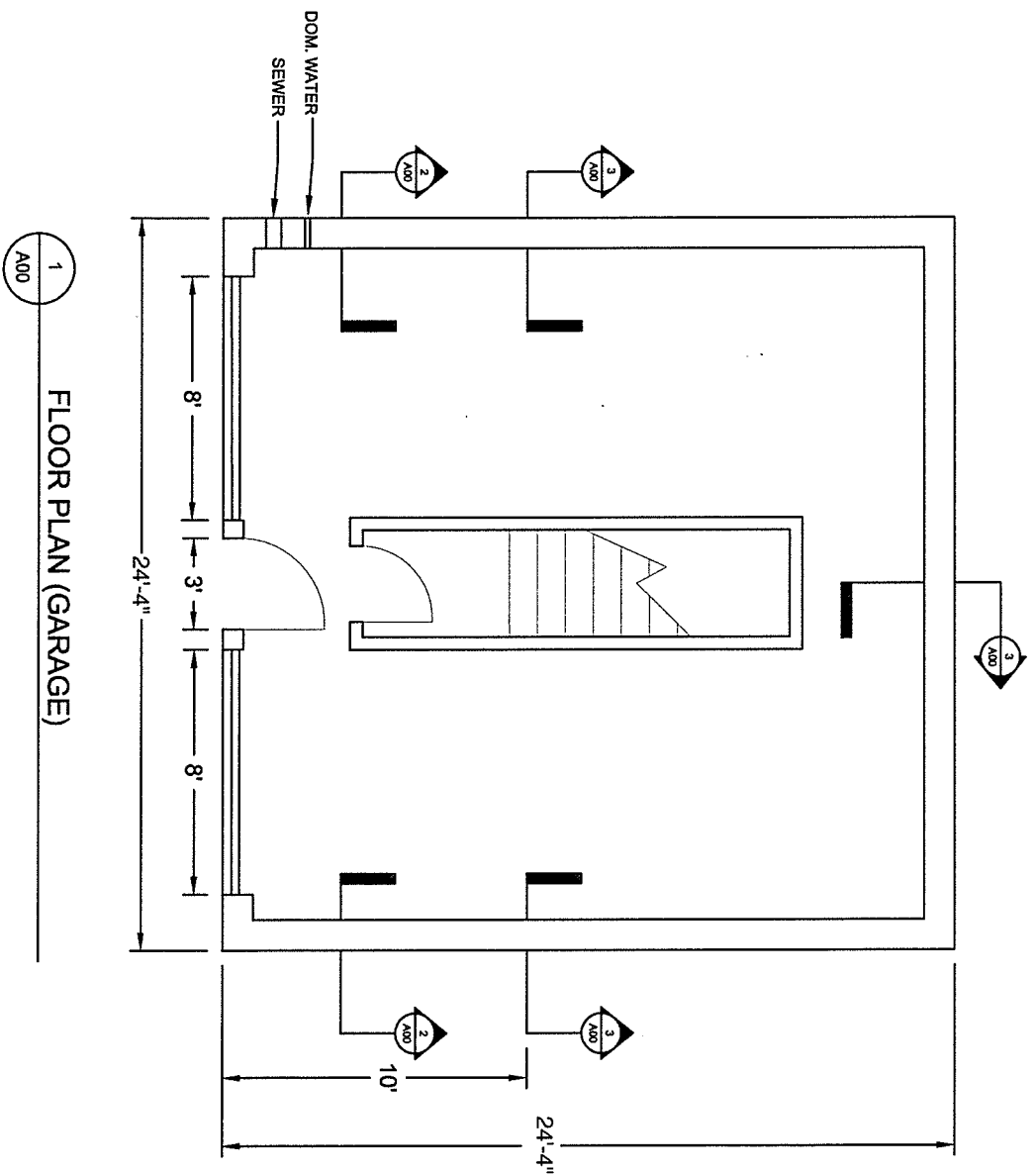
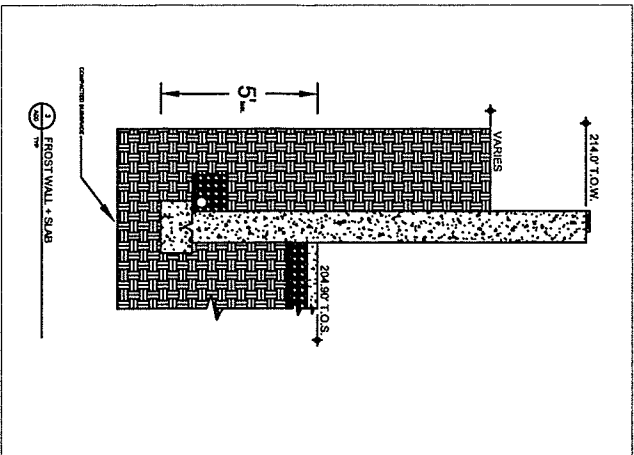
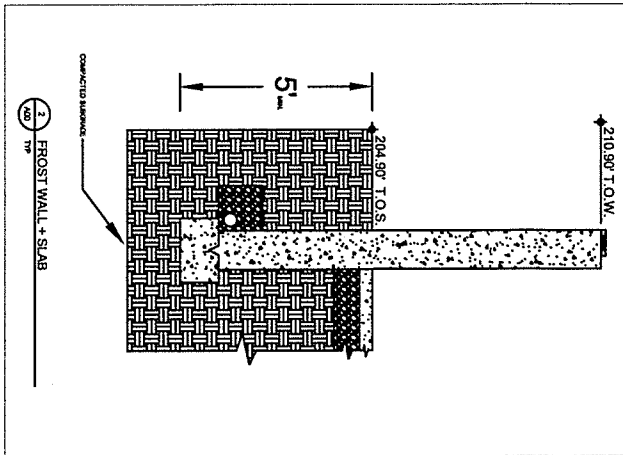
Remodel- Design & Build

PROJECT
426 South Winslow Ave. Carriage House

ATTENTION
SCOTT MAPES

DRAWN BY	DATE
MC	05/05/17

OVERLAY



FLOOR PLAN (GARAGE)

ALL INFORMATION SHOWN HAS BEEN PREPARED EXCLUSIVELY FOR:
 TRILUUM REMODELING
 751 MAIN ST.
 COLCHESTER, VT. 05446
 802-555-2434

DEB PERMIT SET FOR REVIEW ONLY

#	REVISION	DATE

SCALE
 NTS

TRILUUM

Remodel-Design & Build

PROJECT

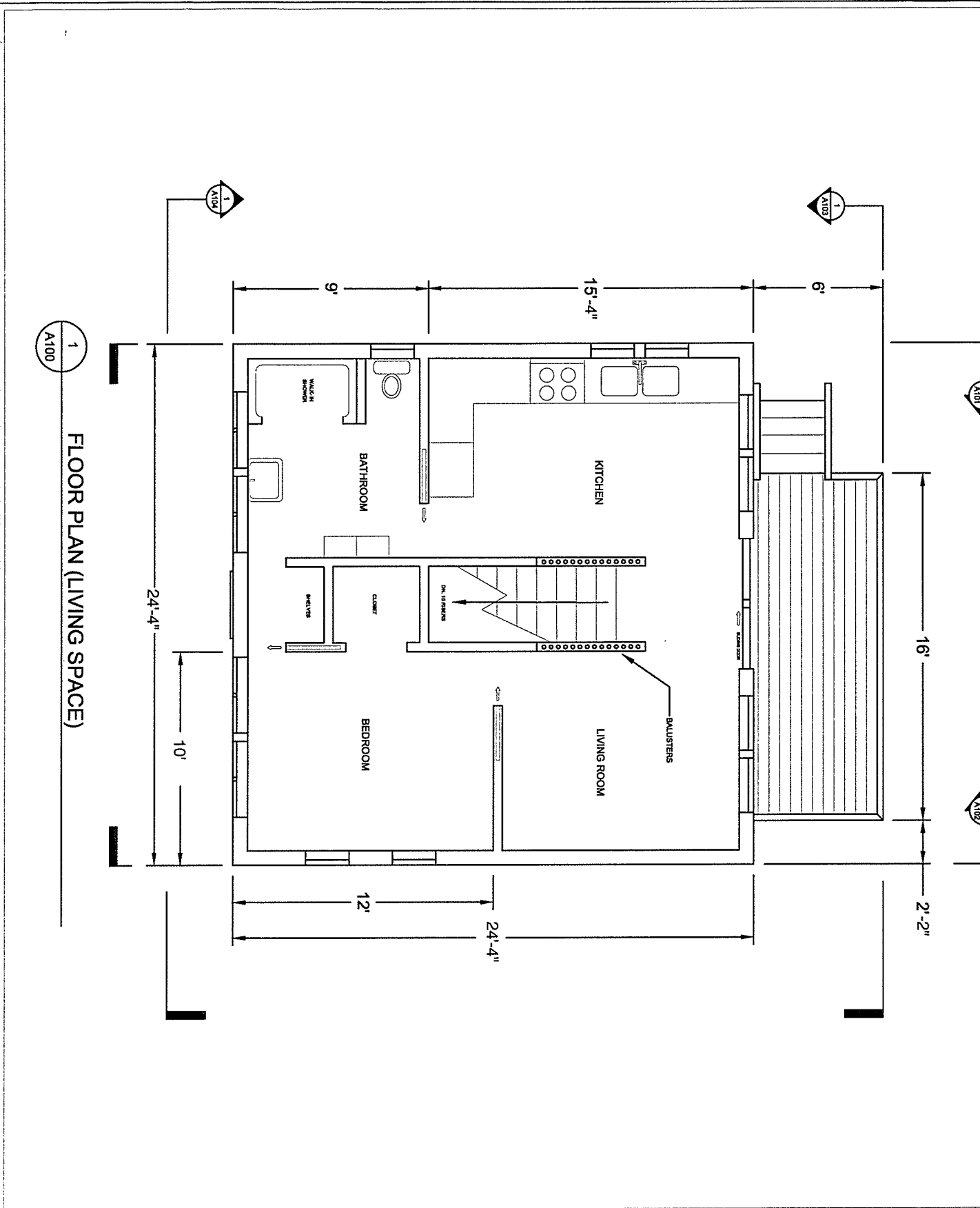
426 South Winoski Ave.
 Carriage House

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 SCOTT MAPES

DRAWN BY
 MC

DATE
 05/05/17

A00
 FLOOR PLAN (GARAGE)



FLOOR PLAN (LIVING SPACE)

1
A100

A100
FLOOR PLAN (LIVING)

AND PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION
CONTRACTOR TO VERIFY ALL DIMENSIONS
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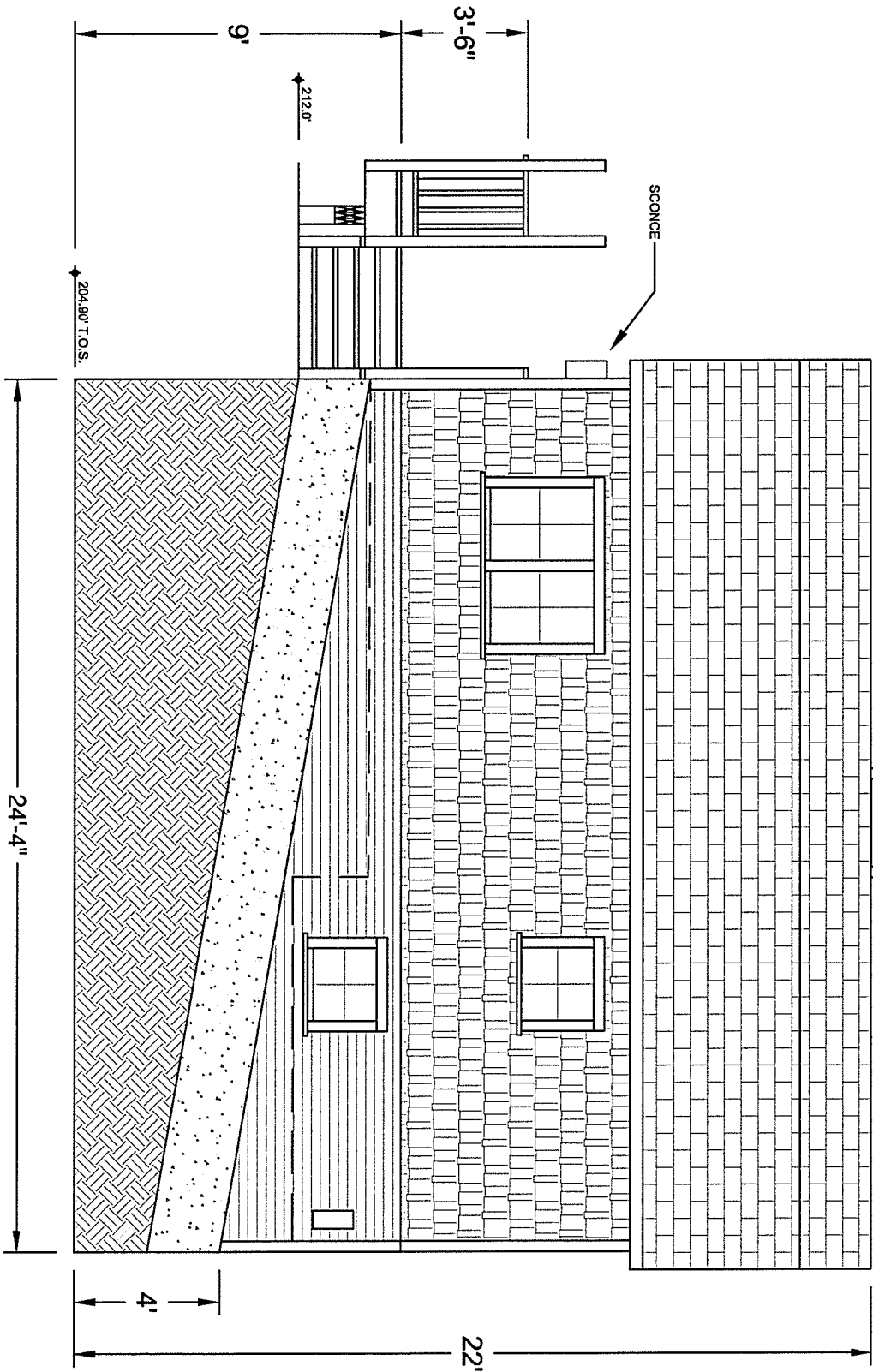
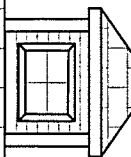
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NTS

TRILLIUM
Remodel - Design & Build

PROJECT
428 South Winslow Ave.
Carriage House

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1
A101

NORTH ELEVATION

AND PERMITTING PURPOSES
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Remodel - Design & Build

PROJECT

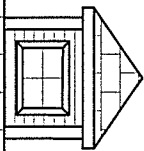
428 South Winoski Ave.
Carriage House

ATTENTION

SCOTT MAPES

DRAWN BY	DATE
MC	05/05/17

A101
NORTH ELEVATION



AND PERMITTING PURPOSES
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FOR
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751 MAIN ST.
COLCHESTER, VT 05446
802-353-2424

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ONLY

22'

204.90' T.O.S.

24'-4"

SOUTH ELEVATION

1
A102

3'-6"

212.0'

9'

SCALE

NTS

TRILLIUM
Remodel-Design & Build

PROJECT

426 South Winsor Ave.
Carriage House

ATTENTION

SCOTT MAPES

DRAWN BY DATE

MC 05/05/17

A102
SOUTH ELEVATION

NOT FOR CONSTRUCTION
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DIMENSIONS
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FOR:
TRILLIUM REMODELING
75 MAIN ST
COLCHESTER, VT. 05446
802-933-2424

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ONLY

#	REVISION	DATE
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SCALE	NTS
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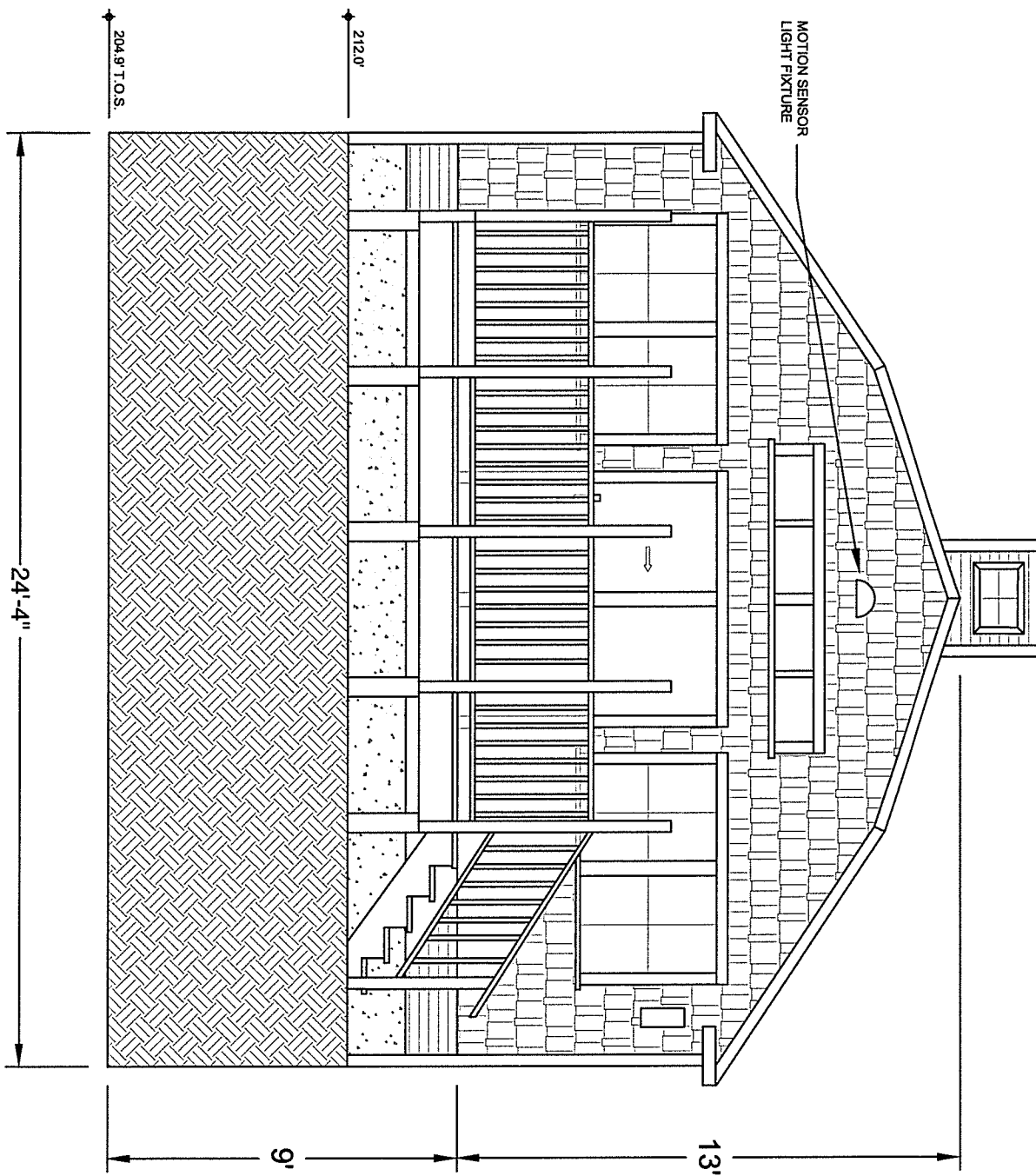
TRILLIUM
Remodel - Design & Build

PROJECT
426 South Winosia Ave.
Carriage House

ATTENTION
SCOTT MAPES

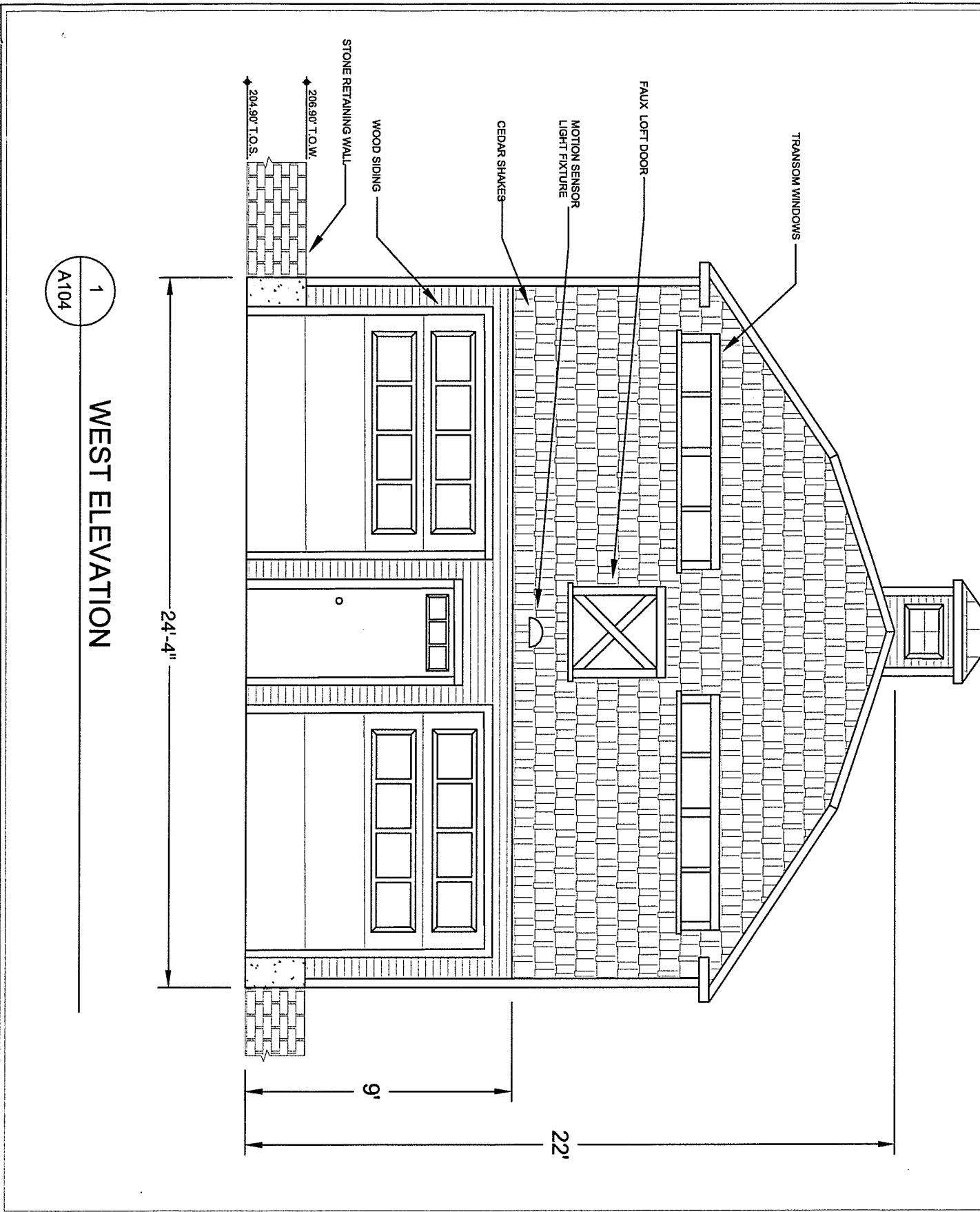
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A103
EAST ELEVATION



1
A103

EAST ELEVATION



1
A104

WEST ELEVATION

24'-4"

206.90' T.O.W.
204.90' T.O.S.

WOOD SIDING

STONE RETAINING WALL

CEDAR SHAKES

MOTION SENSOR
LIGHT FIXTURE

FAUX LOFT DOOR

TRANSOM WINDOWS

9'

22'

AND PERMITTING PURPOSES
ONLY
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#	REVISION	DATE

SCALE
NTS

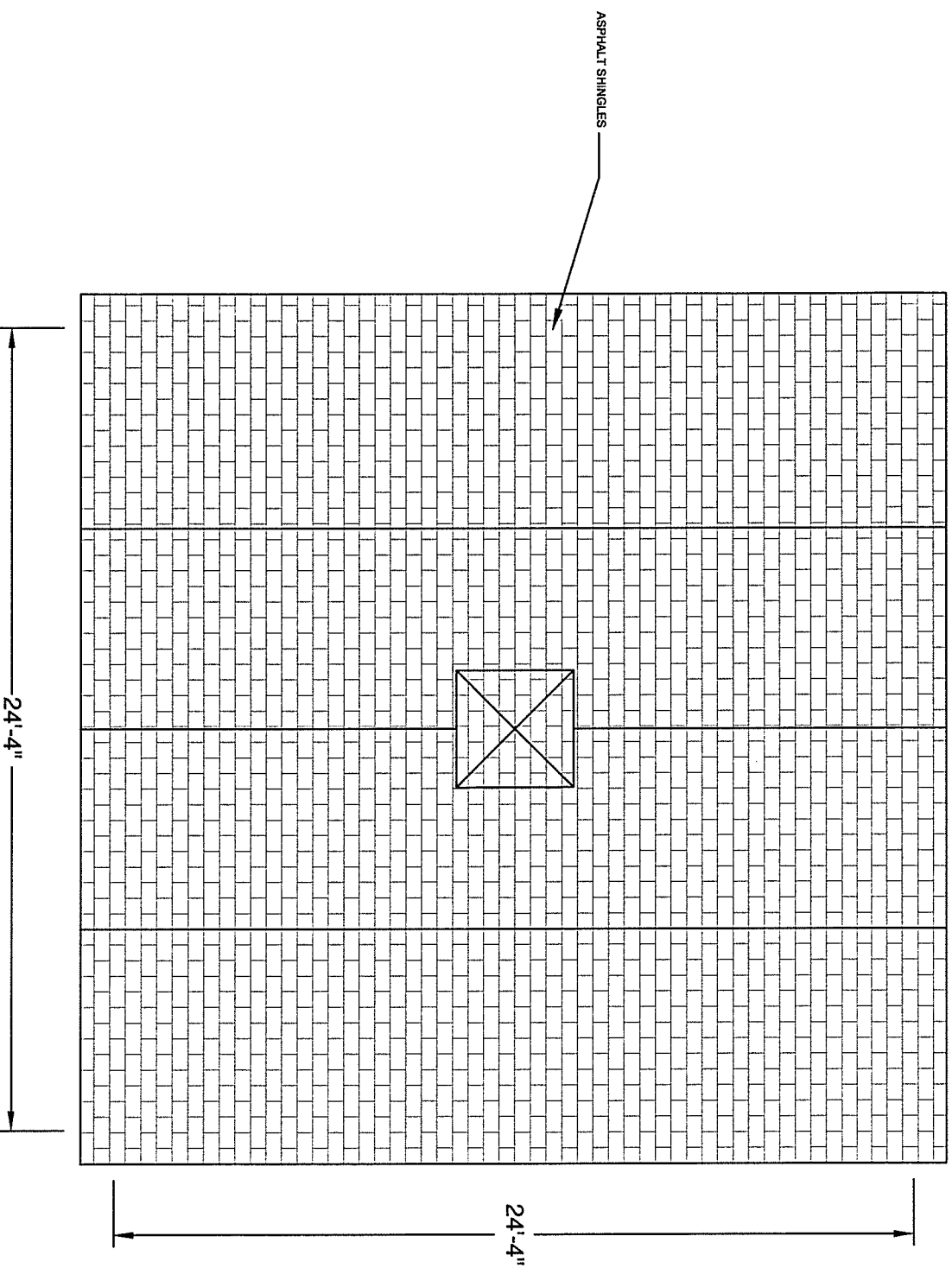
TRILLIUM
Remodel- Design & Build

PROJECT
426 South Winoski Ave.
Carriage House

ATTENTION
SCOTT MAPES

DRAWN BY	DATE
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A104
WEST ELEVATION



1
A200

ROOF PLAN

AND PERMITTING PURPOSES ONLY
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TRIUMPH REMODELING
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#	REVISION	DATE

SCALE
NTS

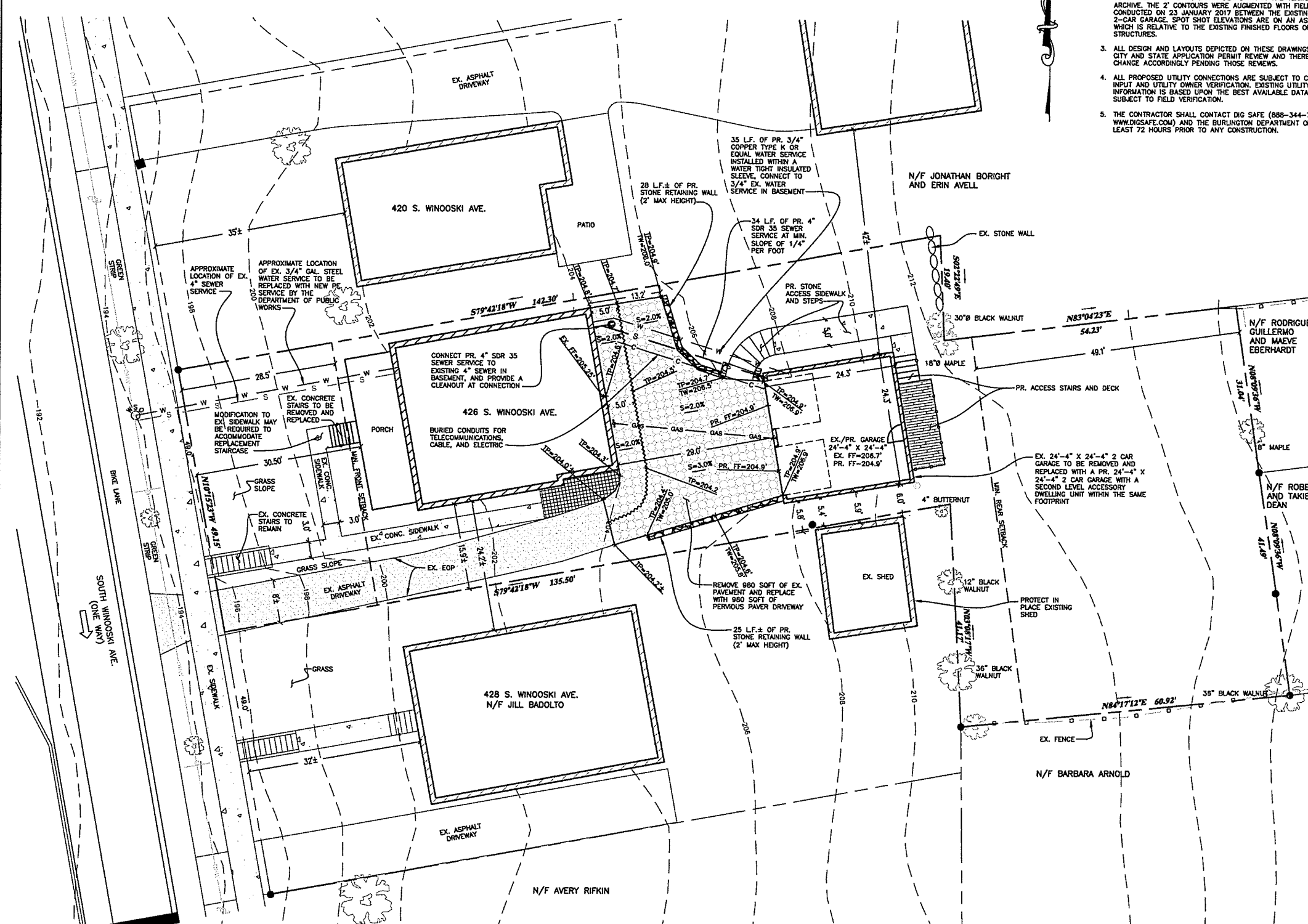
TRIUMPH
Remodel-Design & Build

PROJECT
426 South Winoski Ave.
Carriage House

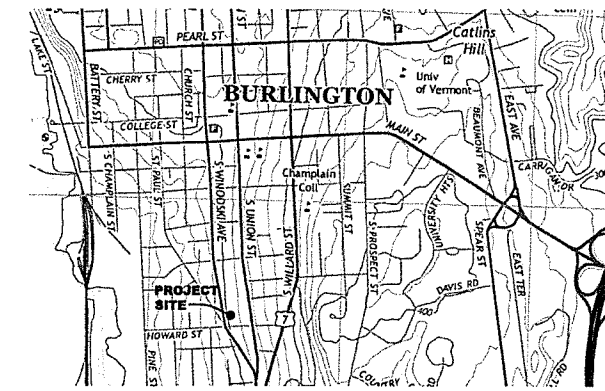
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SCOTT MAPES

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A200
ROOF PLAN



- NOTES**
1. BOUNDARY INFORMATION DEPICTED ON THIS DRAWING IS BASED UPON A BOUNDARY SURVEY BY BUTTON PROFESSIONAL LAND SURVEYORS DATED 17 APRIL, 2017.
 2. TOPOGRAPHIC INFORMATION DEPICTED ON THESE DRAWINGS ARE 2' CONTOURS GENERATED FROM BARE EARTH DEM DATA IN THE VERMONT LIDAR INITIATIVE ARCHIVE. THE 2' CONTOURS WERE AUGMENTED WITH FIELD SURVEY DATA CONDUCTED ON 23 JANUARY 2017 BETWEEN THE EXISTING RESIDENCE AND 2-CAR GARAGE. SPOT SHOT ELEVATIONS ARE ON AN ASSUMED DATUM, WHICH IS RELATIVE TO THE EXISTING FINISHED FLOORS OF THE EXISTING STRUCTURES.
 3. ALL DESIGN AND LAYOUTS DEPICTED ON THESE DRAWINGS ARE SUBJECT TO CITY AND STATE APPLICATION PERMIT REVIEW AND THEREFORE SUBJECT TO CHANGE ACCORDINGLY PENDING THOSE REVIEWS.
 4. ALL PROPOSED UTILITY CONNECTIONS ARE SUBJECT TO CITY REVIEW AND INPUT AND UTILITY OWNER VERIFICATION. EXISTING UTILITY DATA AND INFORMATION IS BASED UPON THE BEST AVAILABLE DATA AND ALL ARE SUBJECT TO FIELD VERIFICATION.
 5. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233 OR WWW.DIGSAFE.COM) AND THE BURLINGTON DEPARTMENT OF PUBLIC WORKS AT LEAST 72 HOURS PRIOR TO ANY CONSTRUCTION.



SITE LOCATION MAP
N.T.S.

OWNERS: STEPHANIE AND SCOTT MICHAEL MAPES

PROJECT DESCRIPTION: THE PROPOSED PROJECT CONSISTS OF THE DEMOLITION OF AN EXISTING 24'-4" BY 24'-4" SINGLE STORY TWO CAR GARAGE, CONSTRUCTION OF A PROPOSED 24'-4" BY 24'-4" TWO STORY STRUCTURE CONSISTING OF A TWO CAR GARAGE WITH SECOND LEVEL ACCESSORY DWELLING WITHIN THE SAME FOOTPRINT. ADDITIONAL PROPOSED IMPROVEMENTS INCLUDE ACCESS STAIRS AND SIDEWALKS, THE RECONSTRUCTION OF 980 SQFT OF EXISTING DRIVEWAY, AND RECONSTRUCTION OF THE CONCRETE STAIRS TO EXISTING RESIDENCE. THE EXISTING SINGLE FAMILY RESIDENCE (426 S. WINOOSKI AVE) TO REMAIN UNALTERED.

LOT COVERAGE CALCULATION

ZONING DISTRICT: RESIDENTIAL MEDIUM DENSITY (RM)
ALLOWABLE COVERAGE = 40% (60% WITH BONUS)
SUBJECT PROPERTY = 0.2485 ACRES = 10,924.66 SQFT

PRIMARY AND ACCESSORY STRUCTURE AREA

EXISTING PRINCIPAL STRUCTURE:
GROSS AREA = 5,362 SQFT
FINISHED HABITABLE AREA = 2,392 SQFT

EXISTING 2-CAR GARAGE:
GROSS AREA = 592 SQFT
FINISHED HABITABLE AREA = 0

PROPOSED 2-CAR GARAGE / ACCESSORY DWELLING:
GROSS AREA = 1,184 SQFT (18% OF PRINCIPAL STRUCTURE + ACCESSORY DWELLING UNIT GROSS AREA)
FINISHED HABITABLE AREA = 592 SQFT (20% OF PRINCIPAL STRUCTURE + ACCESSORY DWELLING FINISHED AREA)

COVERAGE

	EXISTING	PROPOSED
RESIDENCE/PORCH/STAIRS	1,426 SQFT	1,426 SQFT
GARAGE / ACCESSORY DWELLING	592 SQFT	592 SQFT
DECKS/STAIRS (GARAGE / ACCESSORY DWELLING)	0 SQFT	116 SQFT
DRIVE	1,574 SQFT	588 SQFT
WALKWAYS	338 SQFT	338 SQFT
TOTAL IMPERVIOUS	3,930 SQFT	3,254 SQFT
% COVERAGE (TOTAL IMPERVIOUS / LOT SIZE)	36.3%	30.0%

MINIMUM SETBACKS (REQUIREMENTS)

FRONT SETBACK: 5'± OF AVERAGE OF 2 ADJOINING PROPERTIES
SIDE: 10' OR 5'
REAR: 25' OR 20'

	REQUIRED	EXISTING	PROPOSED
FRONT	33.5' (±5')	30.5'±	30.5'±
SIDE	4.9' (10%)	2.0' (HOUSE)	2.0' (HOUSE)
REAR	49.1' (25%)	5.4' (GARAGE)	57.2' (GARAGE)

STREET FRONTAGE

	REQUIRED	PROVIDED
	30'	49'

OFF-STREET PARKING REQUIREMENTS

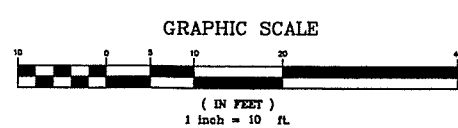
SINGLE FAMILY RESIDENCE = 2 SPACES
ACCESSORY DWELLING = 1 SPACE
TOTAL REQUIRED = 3 SPACES
PROVIDED = 3 SPACES (2 CAR GARAGE PLUS 1 DRIVEWAY PARKING SPACE)

LEGEND

PROPOSED	EXISTING	
---	---	2' CONTOURS
---	---	EDGE OF PAVEMENT
---	---	SUBJECT PROPERTY LINE
---	---	ADJUTER PROPERTY LINE
---	---	SETBACK
---	---	GRADE BREAK / FLOWLINE
---	---	GRAVITY SEWER
---	---	GAS LINE
---	---	WATER SERVICE
---	---	AV/CABLE/ELECTRIC
---	---	OVERHEAD UTILITY
---	---	PAVER DRIVEWAY
---	---	SIDEWALK/CONCRETE
---	---	CURB
---	---	UTILITY POLE
---	---	TREE
---	---	CLEANOUT
---	---	PARKING METER
---	---	WATER VALVE
---	---	GAS VALVE
---	---	WATER SHUT OFF
---	---	ELECTRIC PEDESTAL
---	---	PROPOSED GRADE SPOT ELEVATION

LIST OF ABBREVIATIONS

BC	BOTTOM OF CURB
CB	CATCH BASIN
CMP	CORRUGATED METAL PIPE
CONC.	CONCRETE
EOP	EDGE OF PAVEMENT
EX	EXISTING
FF	FINISHED FLOOR
FL	FLOW LINE
GAL	GALVANIZED
GS	GRADE SPOT ELEVATION
HS	HORIZONTAL
IE	INVERT ELEVATION
L.F.	LINEAR FEET
MAX	MAXIMUM
MIN	MINIMUM
PR	PROPOSED
S	SLOPE
SOFT	SQUARE FEET
TC	TOP OF CURB
TP	TOP OF PAVERS
TW	TOP OF WALL



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MAPES RESIDENCE

GARAGE RECONSTRUCTION

426 S. WINOOSKI AVE. - 4007

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DEPARTMENT OF PLANNING & ZONING

426 S. WINOOSKI AVE - SITE PLAN

SMM

SCOTT MICHAEL MAPES

ENVIRONMENTAL ENGINEERING

POST OFFICE BOX 5517

BURLINGTON, VERMONT

Door

Craftsman Lite 2 Panel Style IDs

Available Sizes

Available Options

FCM605-SDL



2'8" x 6'8"
2'10" x 6'8"
3'0" x 6'8"

FCM606-SDL



2'8" x 6'8"
2'10" x 6'8"
3'0" x 6'8"

FCM607-SDL



2'8" x 6'8"
2'10" x 6'8"
3'0" x 6'8"

FCM608-SDL



2'8" x 6'8"
2'10" x 6'8"
3'0" x 6'8"

Finish Option: Stainable Paintable



[Installation
Instructions](#)



Where to buy

[Click](#) to locate an authorized
Therma-Tru dealer near you.

Craftsman Grille Glass

Craftsman Grille Features

Add a touch of Craftsman style to your door
with this grid pattern.

Door Details



[Email](#)



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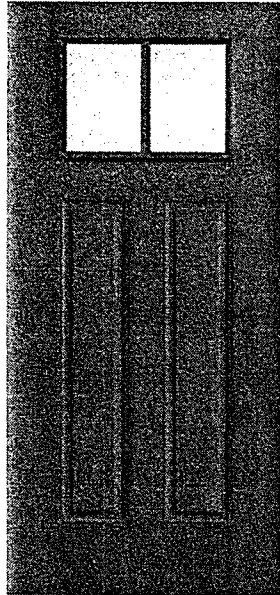


[Share](#)



[Print](#)

[Save My Door](#)



Come home to the rich look of Mahogany. The Mahogany Collection is the perfect complement to rich wood tones in your home. The deep Mahogany grain extends the look of real wood to the outside of your home with all the benefits of [fiberglass](#). From curb appeal to convenience, Fiber-Classic entry doors are made to keep up with your lifestyle.

Divided Lite Options:

- SDLGBG Simulated Divided Lites with Grilles Between Glass
- SDL Simulated Divided Lites
- GBGC Grilles Between Glass with Contour Bars
- GBGF Grilles Between Glass with Flat Bars
- RG Removable Wood Grilles
- FXG Fixed Grilles

[More Divided Lite Details](#)

Fiberglass Entry Door Systems: Fiber-Classic Mahogany

About this entry door system

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

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400 SERIES CASEMENT WINDOWS

GLASS OPTIONS

- Low-E4® glass
- Low-E4 glass with HeatLock® technology
- Low-E4 Sun glass
- Low-E4 SmartSun™ glass
- Low-E4 SmartSun glass with HeatLock technology

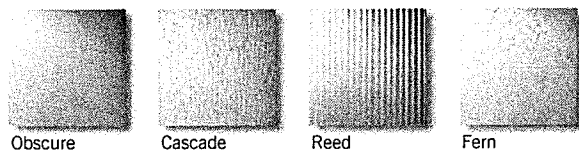
Additional glass options are available. Contact your Andersen dealer.

ART GLASS

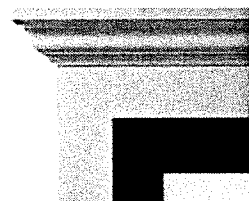
A wide range of art glass patterns, including Frank Lloyd Wright® series designs are available to add beauty to your home.

PATTERNED GLASS

Available in four attractive patterns ideal for letting light into the home while obscuring vision.



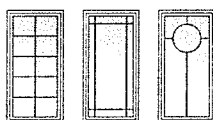
EXTERIOR TRIM



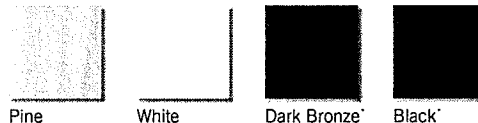
Available in 11 colors to complement your exterior.

GRILLES

Choose from dozens of popular designs or work with Andersen to create custom patterns



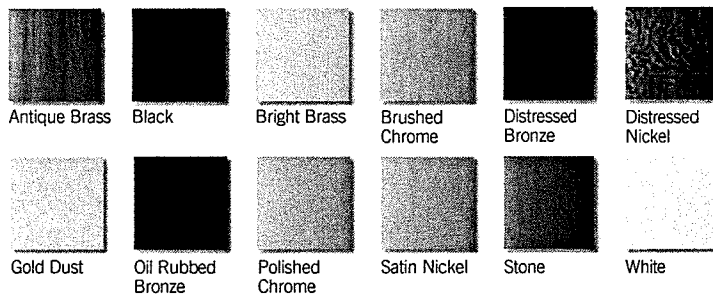
INTERIOR OPTIONS



Pine White Dark Bronze* Black*

Naturally occurring variations in grain, color and texture of wood make each window one-of-a-kind. All wood interiors are unfinished unless prefinished White, Dark Bronze or Black is specified.

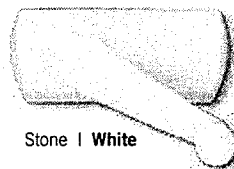
HARDWARE FINISHES



Distressed bronze and oil rubbed bronze are "living" finishes that will change with time and use.

HARDWARE

CLASSIC SERIES™



Stone | White

ESTATE™



Antique Brass | Bright Brass
Brushed Chrome | Distressed Bronze
Distressed Nickel | Oil Rubbed Bronze
Polished Chrome | Satin Nickel

TRADITIONAL FOLDING



Antique Brass | Black | Bright Brass
Distressed Bronze | Distressed Nickel |
Gold Dust | Oil Rubbed Bronze | Satin Nickel
Stone | White

CONTEMPORARY FOLDING



Black | Bright Brass
Gold Dust | Oil Rubbed Bronze
Satin Nickel | Stone | White

*Dark Bronze and Black interiors are only available with Dark Bronze and Black exteriors respectively. See your Andersen dealer for availability.
Printing limitations prevent exact color and finish duplication. See your Andersen dealer for actual finish samples.

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WINDOWS • DOORS
Andersen.

For more information, visit andersenwindows.com/400series

For help finding an Andersen product or dealer near you, please call us at 877.577.7655 or visit andersenwindows.com.



CASEMENT WINDOWS

Andersen® 400 Series casement windows are built to perform beautifully. Their solid wood frames and sash provide strength, while the vinyl covering and weather-tight construction keep the window and your home protected from the elements. On the inside you have the choice of natural pine or a low-maintenance white, dark bronze or black* finish. For added style there is a wide range of grille, hardware and art glass options. It's no wonder that they are our best-selling windows of all time.

DURABLE

- Virtually maintenance-free
- Perma-Shield® exteriors never need painting and won't peel, blister, flake or corrode**
- Frame exterior is protected by a tough vinyl cover that resists dents and repels water and provides long-lasting protection
- Available with Stormwatch® protection for coastal areas

ENERGY EFFICIENT

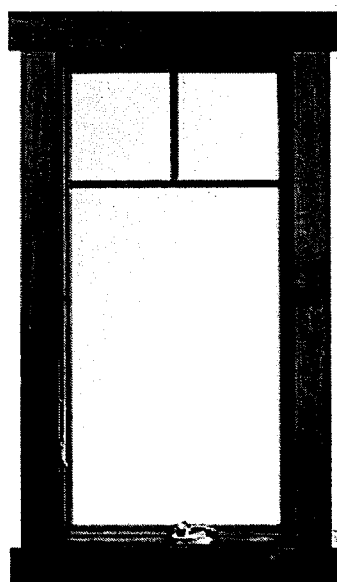
- Weather-resistant construction for greater comfort and energy efficiency
- Weatherstripping is designed to seal out drafts, wind and water
- Variety of Low-E4® glass options are available to help control heating and cooling costs in any climate
- Many 400 Series casement windows have options that make them ENERGY STAR® v. 6.0 certified throughout the U.S.



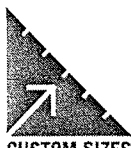
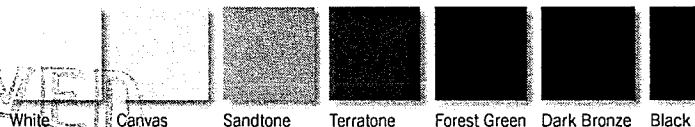
BEAUTIFUL

- Seven exterior color options
- Natural pine, white, dark bronze or black* interiors
- Extensive hardware selection
- Add style with grilles, exterior trim, art glass or patterned glass

EXTERIOR COLORS



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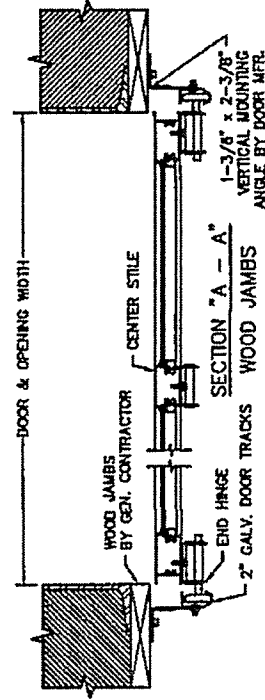


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*Dark Bronze and Black interiors are only available with Dark Bronze and Black exteriors respectively. See your Andersen dealer for availability. **Visit andersenwindows.com/warranty for details.
"ENERGY STAR" is a registered trademark of the U.S. Environmental Protection Agency.

DRAWING USED FOR APPLICATION ENGINEERING
AND MAY NOT REPRESENT EXACT DOOR
CONFIGURATION. PLEASE REVIEW REQUIREMENTS
BEFORE ORDERING DOOR.

PROJECT	TRILUMIN DESIGN BUILD	ARCHITECT		
CONTRACTOR				
DISTRIBUTOR	O.D.C. OF BURLINGTON			
PLANT			N/A	
CHRG. NO.	(05) 7115	DATE	5/5/17	
SHEET	01	BY	MAA	



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QTY	OPENING SIZE		DOOR SIZE		TRACK TYPE	LIFT TYPE	WEATHERSTRIP			SECTIONS HIGH	EXTERIOR COLOR	NOTES
	WIDTH	HEIGHT	WIDTH	HEIGHT			JAMB	HEAD	BOI SEAL			
2	9'-0"	8'-0"	9'-0"	8'-0"	2"	STANDARD	YES	YES	4	WHITE	1. 10,000 CYCLES	

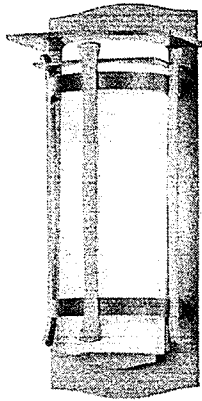


HUBBARDTON FORGE.

PRODUCT SPECIFICATIONS

EXTERIOR LIGHT FIXTURE
STYLE ONLY
MAPES 426 SOUTH WINDY SKI

*Image shown may not reflect your configured options



Sonora Small Outdoor Sconce

Base Item #307105
Configured Item #307105-1002
307105-SKT-05-GG0247

FINISH
Bronze - 05

GLASS
Opal Glass (G)

LAMPING
Incandescent

OPTIONS

FINISH

Mahogany - 03
Bronze - 05
Dark Smoke - 07
Burnished Steel - 08
Coastal Black - 10
Coastal Natural Iron - 20
Coastal Mahogany - 73
Coastal Bronze - 75
Coastal Dark Smoke - 77
Coastal Burnished Steel - 78

GLASS

Opal Glass (G)
Stone Glass (H)

LAMPING

Fluorescent
Incandescent

SPECIFICATIONS

Sonora Small Outdoor Sconce

Base Item #: 307105
Configured Item #: 307105-1002
307105-SKT-05-GG0247

Outdoor sconce with glass options: Sonora; aluminum, small.

- Handcrafted to order by skilled artisans in Vermont, USA
- Lifetime Limited Warranty when installed in residential setting
- A coastal finish is required for warranty eligibility for outdoor installations within 20 miles of the coast.

Dimensions

Height	14.00"
Width	6.00"
Projection	4.50"
Product Weight	4.00 lbs
Backplate	5.50" x 14.00"
Vertical Mounting Height	7.00"
Packed Weight	6.10 lbs
Shipping (DIM) Weight	11.00 lbs

Incandescent Lamping

Socket: Medium
Bulb: BT-15, 100W Max
Number of Bulbs: 1 (not included)
Voltage: 120V

Location Rating
Outdoor Wet

Safety Rating
UL, CUL listed

Old Item Number
307105-05-G247

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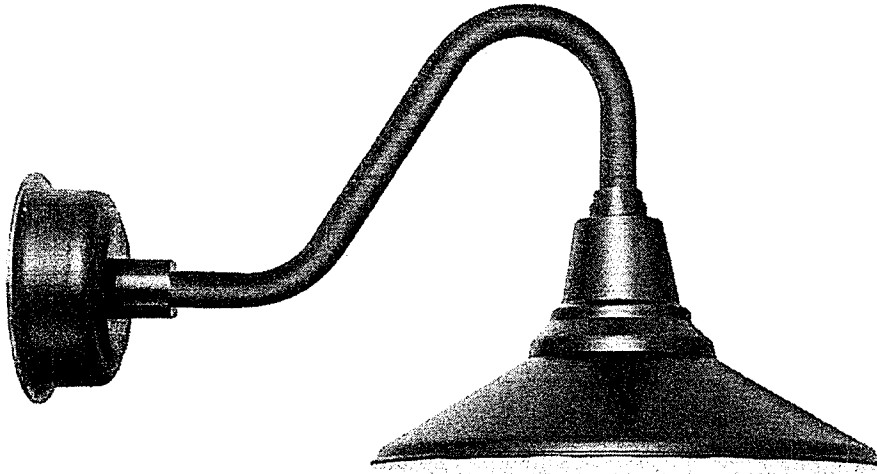
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EXTERIOR LIGHT FIXTURE STYLE ONLY

Vapes

426 SOUTH WINDOSKI



TECHNICAL DATA SHEET

RECEIVED
MAY 11 2017

STOCK NO. 4225XXX

June, 2016

CAMBRIDGE COOL COLORS

DEPARTMENT OF
PLANNING & ZONING

This heavyweight, laminated shingle is composed of a dimensionally stable non-woven glass fiber mat, which is thoroughly impregnated with stabilized waterproofing bitumen. Cambridge Cool Color is distinguished by its random shake-look design, uniform or dual band shadow coloration, and superior thermally activated shingle sealant. Colored, reflective ceramic granules surface the top of both layers of this shingle to protect the asphalt from ultraviolet radiation and reduce the amount of heat conducted to the building below. Each shingle has release tape and mineral powder applied to the underside, thus preventing any sticking in the bundle. Suitable for application on roof slopes greater than 4:12. Underlayment is strongly recommended for slopes below 6:12. They may also be applied on low slope roofs (2:12 to 4:12) providing the deck is covered with two plies of felt or one ply of any IKO Ice & Water Protector. This shingle conforms to requirements of CSA A123.5, ASTM D3018, ASTM E108 Class A, ASTM D3462, ASTM D3161 Class F, ASTM D7158 Class H and is California Title 24 compliant. IKO's asphalt shingles are produced and designed with consideration for environmental responsibility and sustainability, incorporating quality recycled components whenever possible, manufactured in facilities that comply with the most stringent government environmental regulations, and can therefore be a part of any "green" construction project.

CHARACTERISTIC	UNITS	NOMINAL VALUE	TEST METHOD	STANDARD LIMITS
QUANTITY PER PALLET:	-	56	-	N/A
PALLET SIZE:	cm (in)	101 x 135 (40 x 53)	-	-
LENGTH:	mm (in)	1038 (40 7/8)	-	± 6 (± 1/4)
WIDTH:	mm (in)	349 (13 3/4)	-	± 3 (± 1/8)
HEADLAP:	mm (in)	50 (2)	-	MIN: 50 (2)
BUNDLE QUANTITY:	-	20	-	-
COVERAGE PER BUNDLE:	ft ² (m ²)	33.3 (3.1)	-	-
EXPOSURE:	mm (in)	149 (5 7/8)	-	-
TEAR STRENGTH:	g	PASS	ASTM D1922	MIN: 1700
HEAT RESISTANCE:	-	PASS	*	90°C (192°F)
STABILIZED BITUMEN WEIGHT:	g/m ² (lbs/100 ft ²)	PASS	ASTM D228	MIN: 2000 (41)
GRANULE RETENTION:	%	PASS	ASTM D4977	MIN: 86
FIRE RATING:	-	CLASS A	ASTM E108	MIN: CLASS A

* Sample shows no sliding or dripping of the bitumen coating when suspended vertically in an oven at 90°C (192°F) for 2 hours.

See also Material Information Sheet – MIS # 1713

The information on this Technical Data sheet is based upon data considered to be true and accurate, based on laboratory tests and production measurements, and is offered solely for the user's consideration, investigation and verification. Nothing contained herein is representative of a warranty or guarantee for which the manufacturer can be held legally responsible. The manufacturer does not assume any responsibility for any misrepresentation or assumptions the reader may formulate.

Build something great™

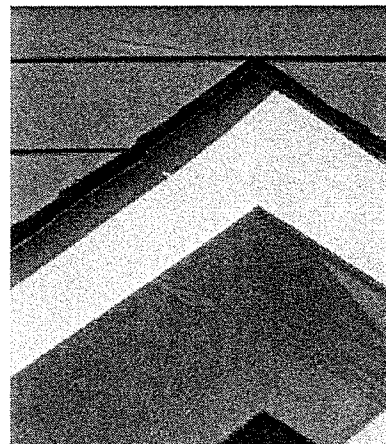
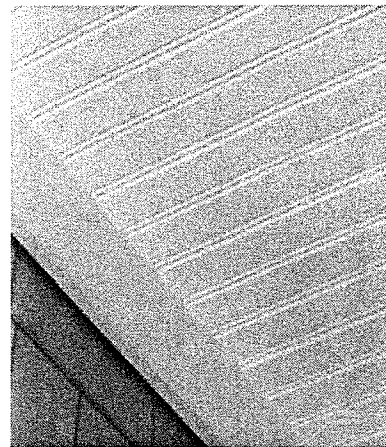
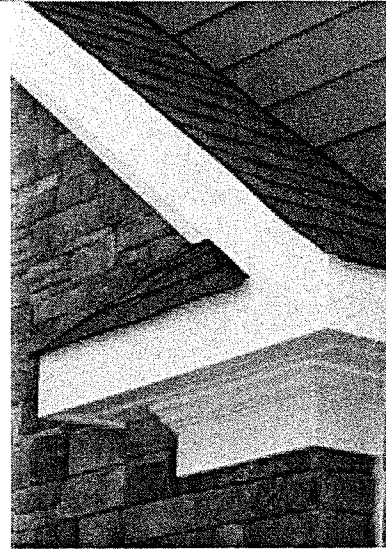
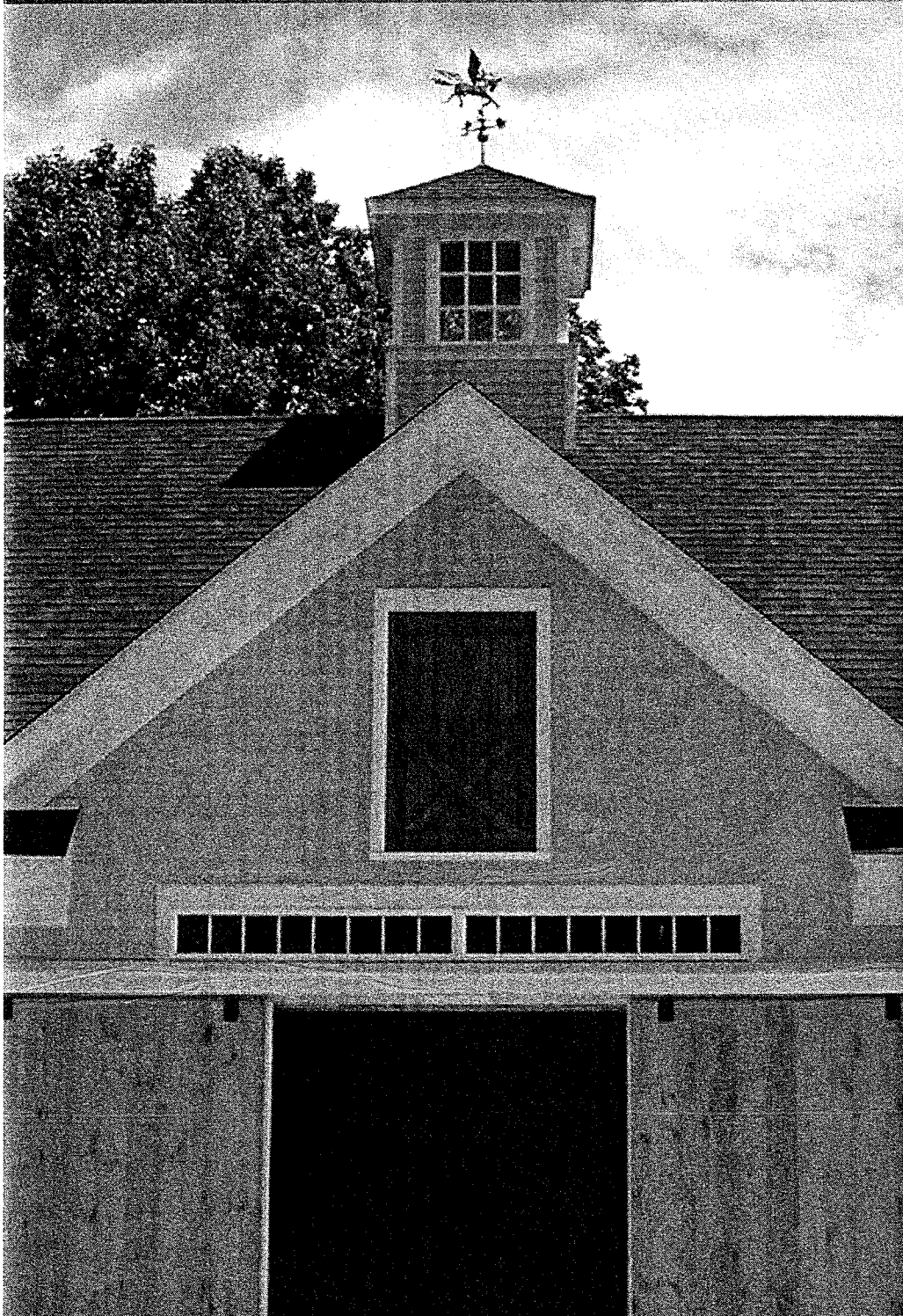
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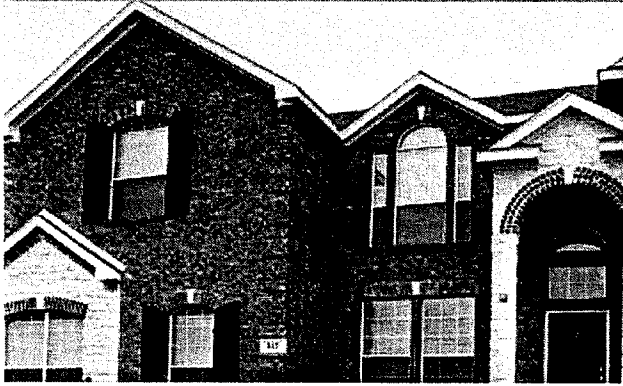
Boral TruExterior® Trim

PRODUCT & INSTALLATION GUIDE



About Boral®

Boral Bricks



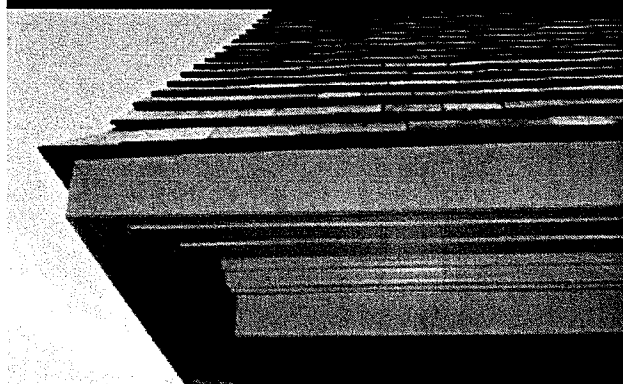
Boral Roofing



Cultured Stone® by Boral®



Boral TruExterior® Trim



Boral Limited

Boral is an international building and construction materials group, headquartered in Sydney, Australia. With annual sales over \$5.0 billion, Boral has roughly 14,000 employees working across over 580 operating sites. Boral produces and distributes a broad range of Construction Materials including quarry products, cement, fly ash, pre-mix concrete and asphalt; and Building Products including clay brick, clay and concrete roof tiles, masonry products, plasterboard, windows and timber. Boral serves customers in the building and construction industries in three key geographical markets - Australia, the USA and Asia.

Boral USA

Headquartered in Roswell, Georgia, Boral USA has been in operation for more than 30 years—with a focus on being a leading manufacturer and supplier of building products and construction materials.

- Boral USA currently holds a variety of leadership positions in the building products and construction materials markets.
- The company is active in categories that show long-term growth opportunities.
- Boral USA is a leading manufacturer and marketer of:

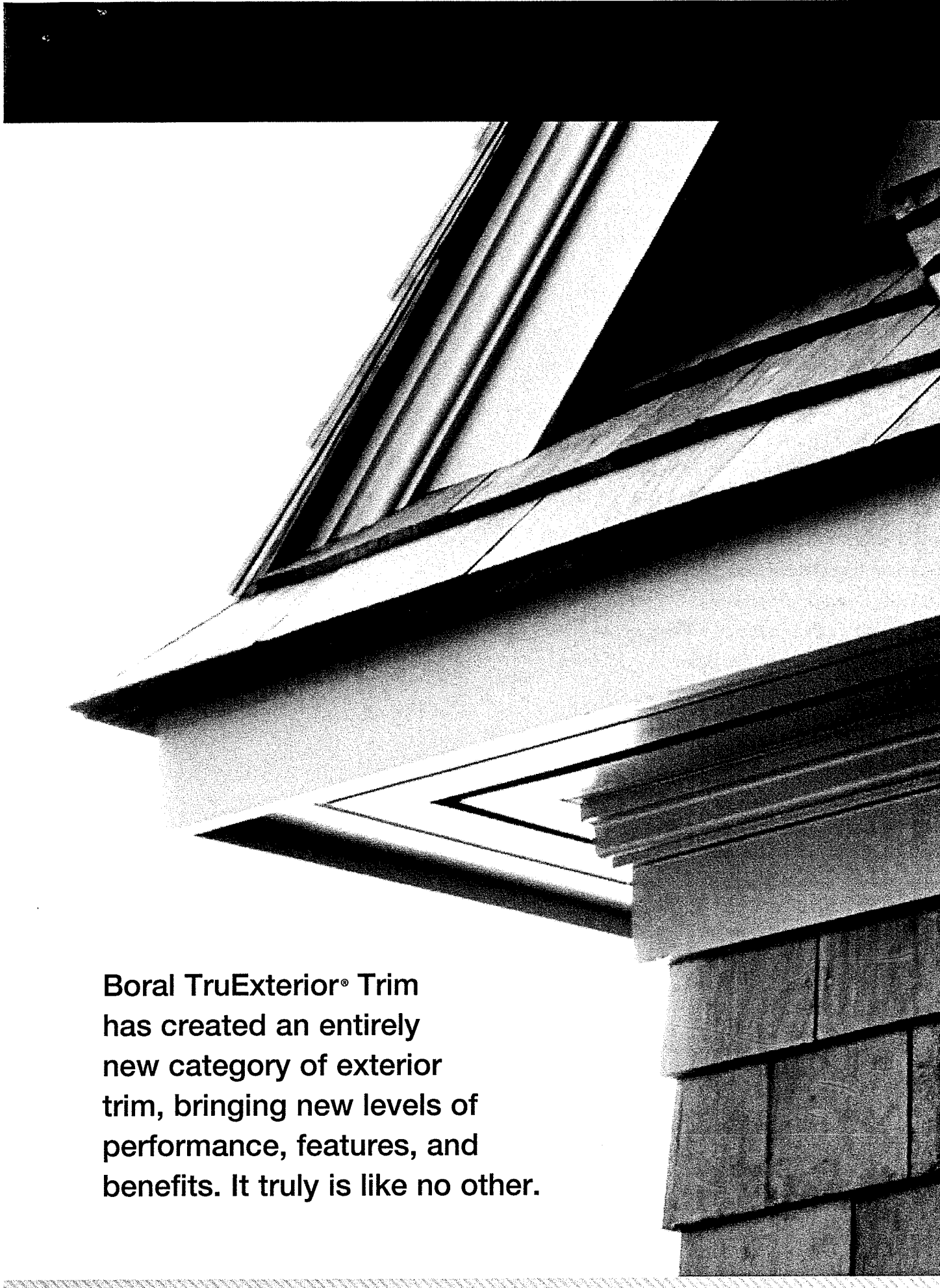
Boral Bricks – #1 brand of clay brick

Boral Roofing – Largest manufacturer of clay & concrete roof tiles in the U.S.

Cultured Stone® by Boral® – #1 brand of manufactured stone veneer

Boral Material Technologies – A leading marketer of fly-ash

Boral Composites - Producer of Boral TruExterior® Trim and other innovative poly-ash products



Boral TruExterior® Trim
has created an entirely
new category of exterior
trim, bringing new levels of
performance, features, and
benefits. It truly is like no other.

A New Category of Exterior Trim

A New Category of Exterior Trim

- The first and only Poly-ash trim product, consisting of a blend of proprietary polymers and coal combustion products (ash).
- Poly-ash composition provides consistency throughout the material with virtually no moisture cycling⁺ or expansion and contraction⁺.
- Developed with years of rigorous internal and 3rd party testing, proven with thousands of installations.
- Composed of more than 70% recycled materials.
- Boral TruExterior® Trim is a product you can trust to provide exceptional performance, superior workability and a lasting appearance for exterior applications.

An Excellent Exterior Trim Alternative

Like Wood, Boral TruExterior® Trim...

- is easy to handle (similar weight)
- is reversible with an authentic wood grain and smooth side
- is easy to cut, rout, drill and fasten
- can be installed with the same tools

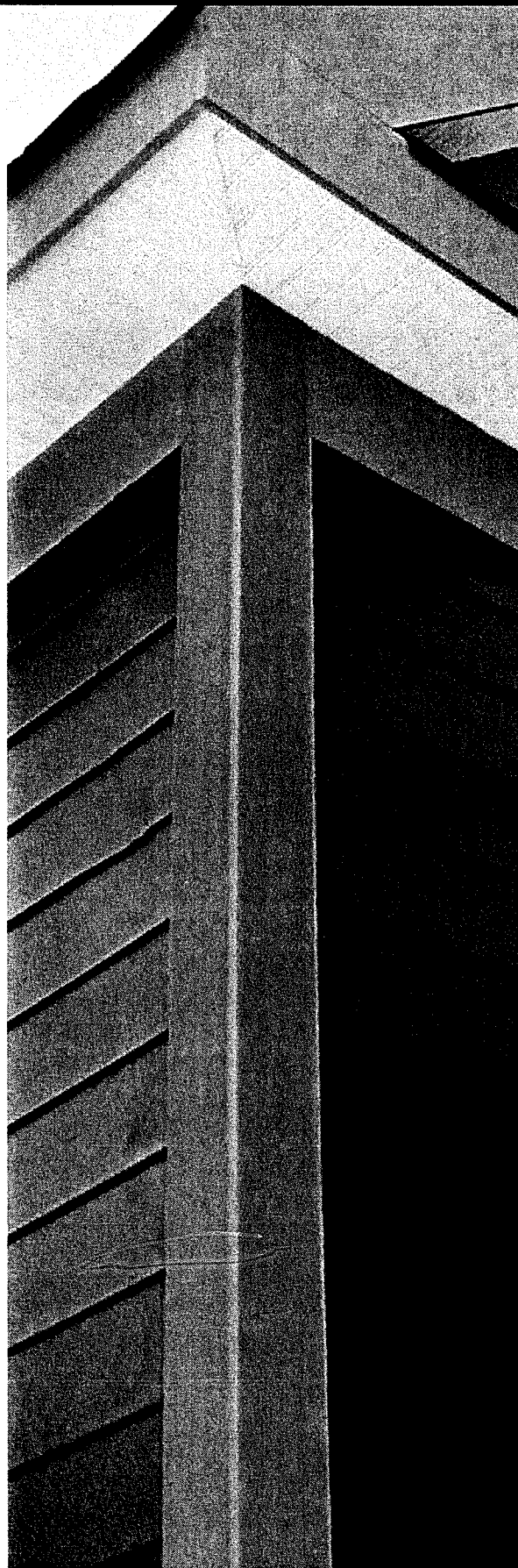
Unlike Wood, Boral TruExterior® Trim...

- is a low maintenance product
- has exceptional durability
- is resistant to rotting, cracking, splitting from moisture and virtually free from termites⁺
- offers excellent workability

Unlike most other trim products, Boral TruExterior® Trim...

- maintains a high level of dimensional stability during periods of moisture and temperature change⁺
- is suitable for ground contact
- does not require end-sealing, special adhesives or other cumbersome and costly installation techniques
- can be painted any color
- contains one of the highest levels of recycled content

⁺Please see Boral TruExterior® Trim Limited Warranty and Product Data Sheets for proprietary test results located at www.BoralTruExterior.com



Like No Other

Boral TruExterior® Trim satisfies the exterior trim customer's need for a product that is:

- **Easy to install**
- **Long-lasting, withstanding nature's elements**
- **Competitively priced compared to other products in the marketplace**

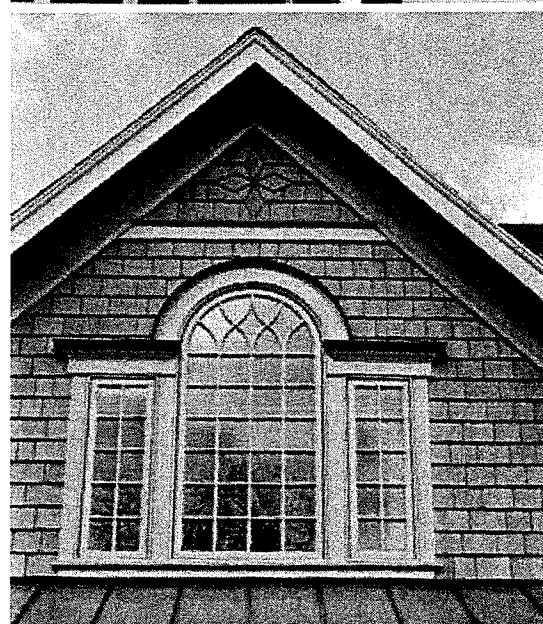
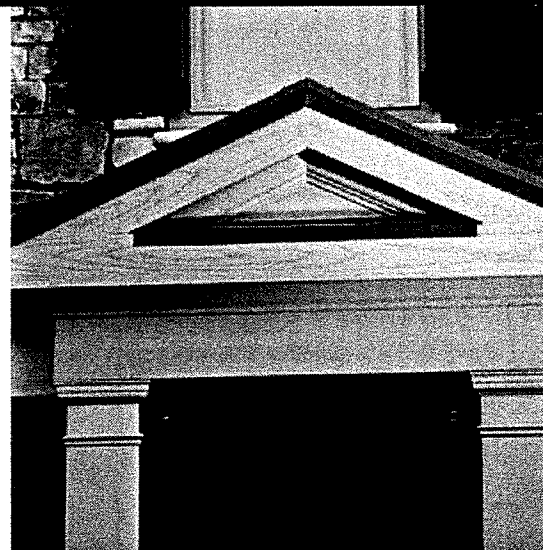
Superior Workability

Boral TruExterior® Trim is creating an entirely new category of reliable exterior trim that offers phenomenal performance, remarkable workability, and a lasting look without the limitations that plague other exterior trim products. Plus it can be installed using proven woodworking tools and methods.

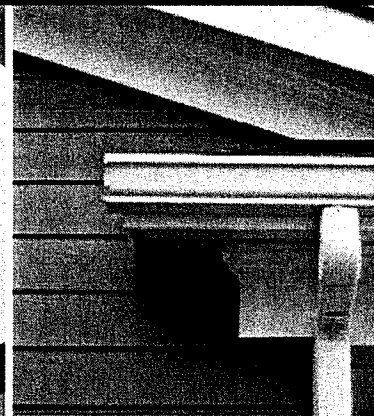
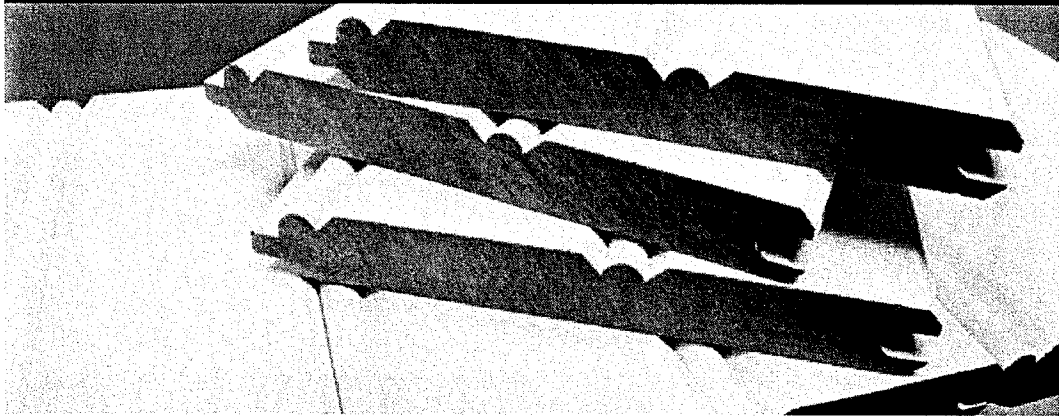
Applications

Designed to be used in non-structural applications, Boral TruExterior® Trim is suited for ground contact, which makes it ideal for exterior trim applications such as:

- **Corners**
- **Soffits**
- **Fascia**
- **Batten strips**
- **Frieze boards**
- **Rake boards**
- **Garage door casings**
- **Window surrounds**
- **Door trim**
- **Other non-structural exterior trim applications**



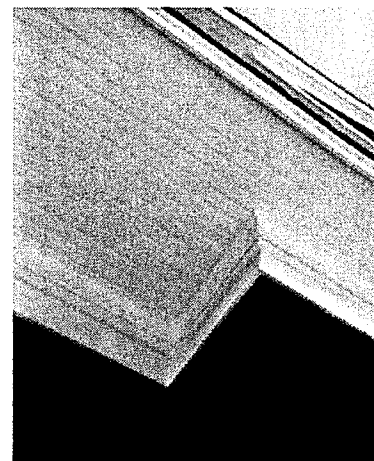
Boral TruExterior® Beadboard



Boral TruExterior® Beadboard

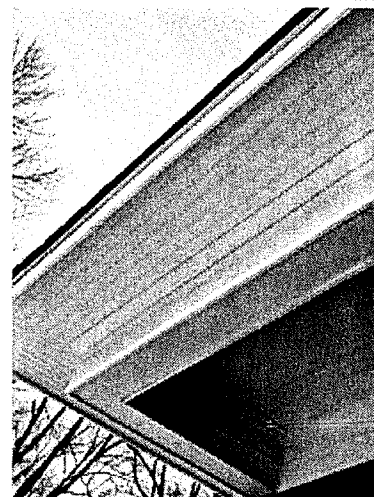
Complimenting the 1x and 5/4 profiles, Boral TruExterior® Beadboard offers the traditional look of wood beadboard without the problems that plague wood products, such as rotting, cupping and twisting. Boral TruExterior® Beadboard can be installed in either parallel, perpendicular, or diagonal directions. And its high level of dimensional stability* allows fastening up to 24" on center without the need for additional support backing.

Boral TruExterior® Beadboard is designed for non-structural applications and is ideal for soffits, porch ceilings, decorative wall applications and other moisture-prone areas.



Boral TruExterior® Beadboard Facts

- Maintains high level of dimensional stability*
- No need to prime end or field cuts
- Easily accepts paint of any color
- Reversible edge & center bead and V-groove profiles
- Workability exceeds wood beadboard
- Resists rot and termite attacks†
- Installs with standard woodworking tools and methods
- No cracking or splitting from moisture
- Accepts a wide variety of fasteners
- Spans up to 24" on center and can be ran parallel to the house for soffit applications
- Made in the USA
- 20-year limited warranty



*Please see Boral TruExterior® Trim Limited Warranty and Product Data Sheets for proprietary test results located at www.BoralTruExterior.com

Boral TruExterior® Trim

Available Sizes

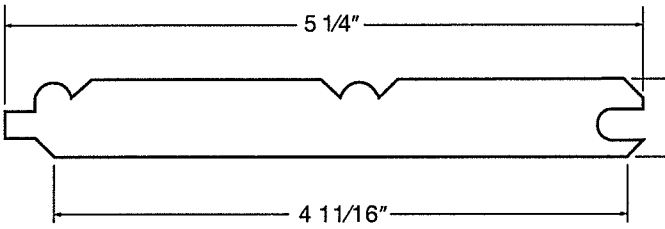
Boral TruExterior® Trim is reversible with wood grain on one side and a smooth finish on the reverse. It comes in 16' lengths and is available in both 4/4 and 5/4 thicknesses (3/4" and 1" actual, respectively).

4/4 Nominal Thickness <i>nominal size</i>	3/4" Actual Thickness <i>actual size</i>	5/4 Nominal Thickness <i>nominal size</i>	1" Actual Thickness <i>actual size</i>	2" Nominal Thickness <i>nominal size</i>	1 1/2" Actual Thickness <i>actual size</i>
1 x 4	3/4" x 3 1/2"	5/4 x 4	1" x 3 1/2"	2 x 4	1 1/2" x 3 1/2"
1 x 5*	3/4" x 4 1/2"	-	-	-	-
1 x 6	3/4" x 5 1/2"	5/4 x 6	1" x 5 1/2"	2 x 6	1 1/2" x 5 1/2"
1 x 8	3/4" x 7 1/4"	5/4 x 8	1" x 7 1/4"	2 x 8	1 1/2" x 7 1/4"
1 x 10	3/4" x 9 1/4"	5/4 x 10	1" x 9 1/4"	2 x 10	1 1/2" x 9 1/4"
1 x 12	3/4" x 11 1/4"	5/4 x 12	1" x 11 1/4"	2 x 12	1 1/2" x 11 1/4"

*Subject to regional availability.

Beadboard Product Dimensions

Nominal Dimensions	Actual Dimensions
5/8 x 6 x 16	5/8" x 5 1/4" x 16'



The Exterior Trim Landscape

Boral TruExterior® Trim compared to Other Trim Options

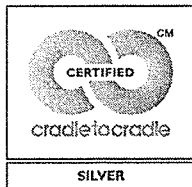
	BORAL TRUEXTERIOR® TRIM	WOOD TRIM	CELLULAR PVC TRIM	FIBER CEMENT TRIM	ENGINEERED/ COMPOSITE TRIM
No Special Tools Required	•	•	•		•
Easily Routed	•	•	•	✓	✓
Consistent Density	•		✓	•	
Fasten Close to Edge of Product	•		•		
Readily Accepts Wide Variety of Fasteners	•	✓	✓		
No Special Paint Needed For Light or Dark Colors	•	•		•	•
No Additional Safety Precautions Needed While Cutting	•	•	•		•
Installs the Same Way at All Temperatures	•	•		•	•
No Need to Prime End or Field Cuts	•		•		
No Need for Adhesives to Limit Movement	•	•		•	•
Dimensionally Stable After Installation ⁺	•	✓		•	
Suitable for Ground and Masonry Contact	•		•		
No Cracking or Splitting from Moisture ⁺	•		•	✓	✓
Resistant to Fungal Decay ⁺	•		•		
Over 70% Recycled Content ⁺	•				
Made in the USA	•	✓	✓	✓	✓

● All in Category ✓ Some in Category

⁺Please see Boral TruExterior® Trim Limited Warranty and Product Data Sheets for proprietary test results located at www.BoralTruExterior.com

The Sustainable Solution

In the U.S., Boral continues the company's mission of being a leader in sustainability by engaging in such areas as alternative fuel sources and waste water management systems.



- Boral is committed to global environmental stewardship, which is reflected in Boral TruExterior® Trim – the first and only exterior trim product to be awarded a Cradle to Cradle certification (C2C). C2C is a multi-attribute, eco-label that assesses a product's safety to humans, environment and design for future life cycles. Within the terms of the certification program, this means pursuing the following ideas:
 - Using material that is safe for human health and the environment
 - Designing products and systems for material recovery and reutilization, such as recycling or composting
 - Using renewable energy
 - Efficiently using water and realizing maximum water quality associated with production
 - Instituting strategies for social responsibility

For more information on Cradle to Cradle Certification, please visit www.C2Ccertified.com

Cradle to Cradle Certified™ is a certification licensed by the Cradle to Cradle Products Innovation Institute.



- Boral TruExterior® Trim boasts the highest recycled content among all exterior trim products with a SCS Global Certified minimum 70% recycled content. The SCS Recycled Content certification is designed to help manufacturers make credible claims about their products by increasing the use of recycled materials which reduces solid waste and natural resource consumption. All claims are certified in accordance with U.S. Federal Trade Commission's Guides for the Use of Environmental Marketing.

For more information on SCS Global, please visit www.SCSglobalservices.com



- Coal Combustion products are endorsed by the U.S. Green Building Council for use in construction materials.

For more information on the U.S. Green Building Council, please visit www.USGBC.org

- Boral TruExterior® Trim is produced in a state of the art LEED Silver Certified facility in East Spencer, NC.



Warranty

This express Limited Product Warranty ("Warranty") covers performance of trim product ("Trim Product") manufactured by Boral Composites Inc. ("BCI"). This Warranty extends only to the original owner of the structure in which the Trim Product is installed ("Qualified Owner").

BCI warrants to the Qualified Owner that each Trim Product will be free from manufacturing defects such that the Trim Product: 1) will not decay due to rot; 2) will not excessively swell from moisture; and 3) will resist termite damage in each case to the extent such properties are proven in the tests set forth in the Boral TruExterior® Trim Product Data Sheet, as amended from time to time, which is located at the www.BoralTruExterior.com website. The duration of this Warranty is twenty (20) years from the date the Trim Products were originally purchased from an approved BCI vendor. This warranty is conditioned on and subject to the additional terms and conditions set forth below.

To make a Warranty claim, the Qualified Owner must: (1) notify BCI in writing within ninety (90) days after the facts on which the claim is based become known, (2) provide BCI an opportunity to investigate and approve the claim, and (3) provide BCI an opportunity to inspect and test the Trim Product, its installation, and the environment in which it was used prior to removal by the original purchaser. Warranty claims must be made during the duration of the Warranty. Failure to comply with these notice and inspection provisions shall void this Warranty.

If BCI finds that any of your Trim Product does not meet the Warranty set forth herein, after inspecting and testing the Trim Product, BCI will furnish at its sole option new Trim Product, free of charge, to replace each defective area of Trim Product or refund the purchase price of the defective Trim Product. These remedies are the Qualified Owner's exclusive remedies for breach of warranty. BCI shall not be responsible for labor costs and shall not be liable for any other losses or damages.

Specific Exclusions: This Warranty does not cover (a) damage to the Trim Product caused during installation; (b) Trim Product not installed in accordance with appropriate local building codes and acceptable trade practices in that specified area; (c) damage caused due to failure to follow painting guidelines provided by BCI; (d) intentional or unintentional misuse of or damage to the Trim Product; (e) damage to Trim Product or structure caused by impact of foreign objects, earthquakes, fire, flood, lightning, ice, tornado, hurricane, windstorm, or any other Acts of God; (f) movement, settlement, distortion, warping or cracking of the Trim Product's structural supports or accessories used in connection therewith; (g) physical abuse, vandalism, riot, insurrection, improper maintenance, use of incompatible accessories; (h) color fading, color changes or variations of

the color hue or physical deterioration of the color for any reasons including, but not limited to pollution, mold, mildew, acid rain, weathering, oxidation, air pollutants, or application of harmful chemicals or vapors to the Trim Product. This Warranty also does not cover trim manufactured by others, accessory materials, or installation labor provided by others.

This is the entire Warranty between BCI and the Qualified Owner with respect to Trim Product. This Warranty supercedes all prior and contemporaneous agreements, representations, or understandings, whether oral or written, relating to Trim Products. Statements contained in BCI's advertising material do not constitute a warranty. THIS WARRANTY IS THE SOLE WARRANTY GIVEN BY BCI WITH RESPECT TO THE TRIM PRODUCTS. BCI DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. SOME STATES DO NOT ALLOW LIMITATIONS ON HOW LONG AN IMPLIED WARRANTY LASTS, SO THE ABOVE LIMITATION MAY NOT APPLY TO YOU. IF YOU LIVE IN A STATE WHERE THE DISCLAIMER OF IMPLIED WARRANTIES IS NOT ALLOWED, THEN THE DURATION OF ANY IMPLIED WARRANTY IS HEREBY LIMITED TO THE DURATION OF THE EXPRESS WARRANTIES. OTHERWISE, THIS WARRANTY IS THE QUALIFIED OWNER'S SOLE AND EXCLUSIVE REMEDY.

BCI reserves the right, in its sole discretion, to modify or withdraw this Warranty, in which event this Warranty will not be applicable to any purchases of Trim Products that occur after the date of modification or withdrawal.

BCI shall in no event be liable under any circumstance for incidental, punitive, consequential, exemplary or other damages, or for any damages to any structure or its contents or its occupants, whether any such claim is based upon theories of contract, warranty, negligence, tort, strict liability or otherwise. This express Warranty excludes all costs of labor, installation, reinstallation, freight, taxes or any other charge related to defective Trim Product. Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation may not apply to you.

This Warranty gives the Qualified Owner specific legal rights, and the Qualified Owner may have other rights which may vary from state to state.

For further information concerning this Warranty or to report claims, contact:

Boral Composites Inc.
Attention: Director of Sales and Marketing
200 Mansell Court East, Suite 305
Roswell, Georgia 30076

Installation Guidelines

The following information offers typical installation techniques when working with Boral TruExterior® Trim. This product should never be used in structural or load bearing applications. These directions are guidelines. As with installing any building material, care should be taken to adhere to local code requirements and construction best practices to ensure installation is adequate for each specific application.

Storage and Handling

Boral TruExterior® Trim should be stored on a flat, level surface. Pallets are shipped from the manufacturing facility in a protective covering and each board has a factory applied primer, so care should be taken to keep the board covered and free of dirt and debris. If the board gets dirty, make sure to clean and dry it prior to painting.

Working With Boral TruExterior® Trim

This product is an excellent replacement for wood trim and can be installed using proven woodworking tools and methods. For ease of use, consider the following before working:

- **Cutting** – Boral TruExterior® Trim can be cut using standard saw blades. However, for longer tool life carbide tipped blades are recommended.
- **Routing & Drilling** – Boral TruExterior® Trim can be drilled and routed using standard woodworking tools, but a carbide tipped router and drill bits are recommended.
- **Fastening**
 - Use fasteners designed for exterior trim and siding
 - Use 2 fasteners per every framing member and 3 fasteners for all 12" wide boards.
 - Fasteners should be installed every 24" OC or less. For best results, place fasteners within 2" of the edge of each board.

For 2x applications:

- Use a fastener that is long enough to penetrate a solid wood substrate a minimum of 1 1/2"
- Fasteners should penetrate a framing member. Sheathing alone may not provide adequate support or holding power.
- **Safety** – In working with any product that may cause airborne debris such as nuisance dust, be sure to take proper measures to protect against eye and inhalation hazards.

Standard nail guns and screws can be used to install Boral TruExterior® Trim as it takes a variety of fasteners with ease and does not mushroom at the screw head nor require pre-drilling.

Boral TruExterior® Trim is a non-structural building material and should never be used in load-bearing or structural applications. Fasteners should be installed every 24" OC or less. For best results, be sure to place fasteners within 2" of the end of every board. Proper care should be taken to understand the desired application and ensure that proper framing and fasteners are adequate for the installation.

Expansion and Contraction – Boral TruExterior® Trim is very stable* during periods of temperature and moisture change; no special precautions are necessary to control or limit movement.

Use at Grade – Since Boral TruExterior® Trim is virtually impervious to water absorption, termite attacks and won't rot*, it is approved for ground contact.

Nail Holes and Repair – Filling nail and screw holes or repairing any minor damage caused by handling may be done using high-grade acrylic caulk or wood fillers.

Painting Boral TruExterior® Trim is a requirement, and failure to do so will void the warranty. As in preparing for any painting project, be sure the surface of the product is free of dirt, debris or other contaminants prior to paint application. Boral TruExterior® Trim can be painted using any high grade exterior paint. Make sure to follow the paint manufacturer's application recommendations.

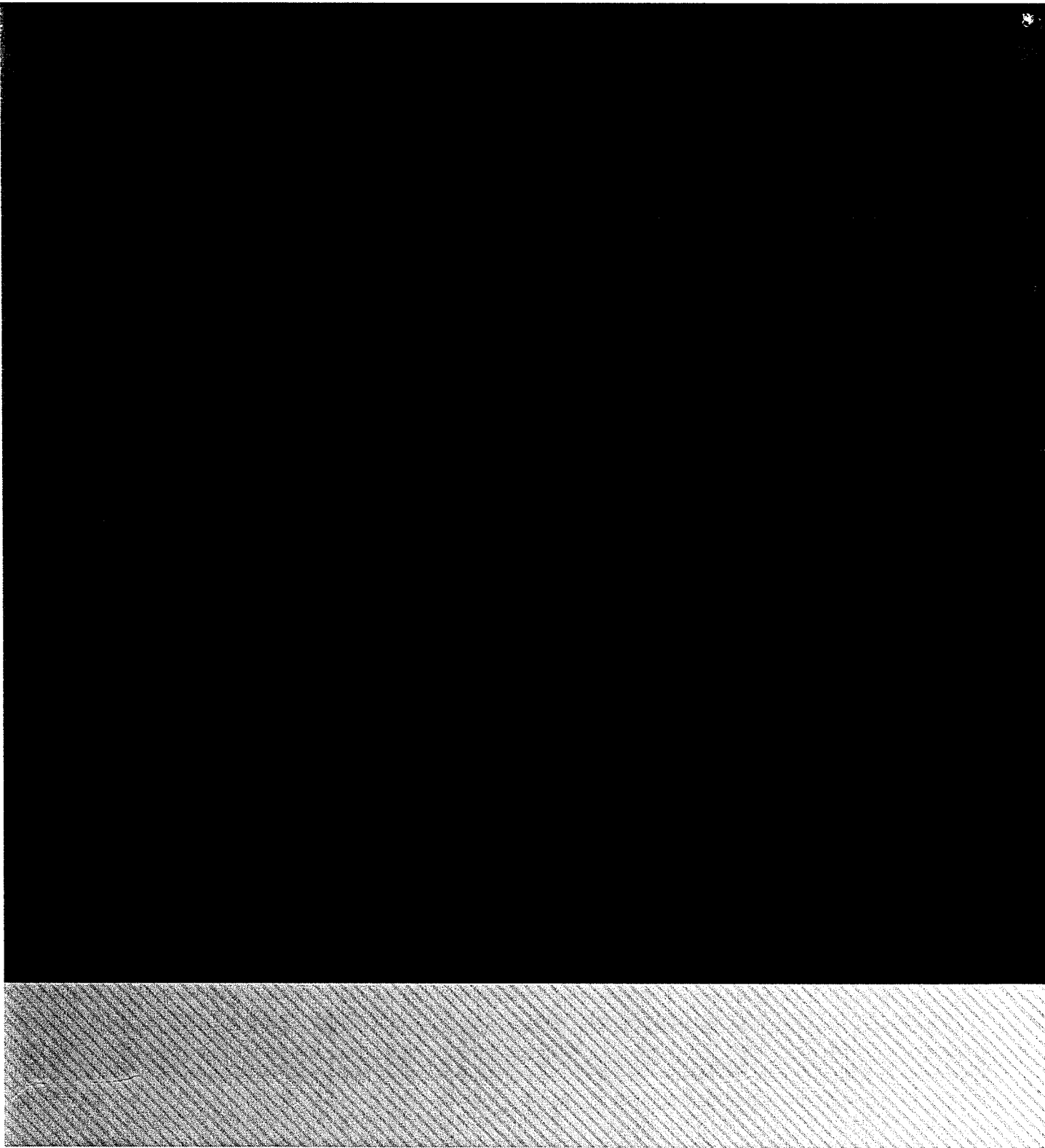
More information can be found in Boral's technical bulletin for paint or in the product warranty. Both documents can be found at www.BoralTruExterior.com.

Boral TruExterior® Trim may be painted any color without special precaution as the product is not prone to excessive movement due to heat buildup.*

Boral TruExterior® Trim is virtually impervious to moisture*, so there is no need to prime or paint end-cuts or field-cut edges.

Moisture cycling is a primary cause for paint failure on wood products. Since Boral TruExterior® Trim is resistant to this moisture cycling*; paint will perform better.

*Please see the Boral TruExterior® Trim Product Data Sheet at www.BoralTruExterior.com for property test results.



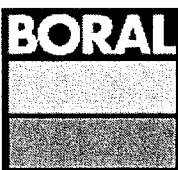
Download a QR
Code reader app for
your smartphone,
then take a photo to
visit our website



1.888.9BORAL9 | www.BoralTruExterior.com

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**BRICKS
STONE
TRIM
ROOFING**



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 *SD*
DATE: July 5, 2017
RE: 17-1117CA/CU; 426 South Winooski 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: 6S

Owner/Applicant: Scott Mapes

Request: Demolish existing garage and construct new garage with accessory apartment

Applicable Regulations:

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

Background Information:

The applicant is seeking approval to demolish an existing detached garage and to replace it with a new detached garage with an accessory apartment. The garage footprint will remain unchanged. An existing area of driveway by the garage will be revamped with pervious pavers. Other minor improvements such as a new walkway to access the apartment and reconstructed front steps for the primary dwelling unit are also proposed.

Previous zoning actions for this property are noted below:

- 4/5/13, Approval to replace portion of asphalt shingle roof with EPDM

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

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

The property is served by municipal utilities. Sufficient water and sewer service are available. A State of Vermont wastewater permit may be required. A capacity letter issued by the Dept. of Public Works has been obtained. **(Affirmative finding)**

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

The property is located within an established residential neighborhood in the medium density residential zoning (RM) district. The RM zoning district is intended primarily for medium-density residential development in the form of single detached dwellings, duplexes, and multi-family dwellings. The proposed accessory dwelling unit is consistent with this intent. The MDP provides the following support:

- Support the development of additional housing opportunities within the city... (MDP, Housing Plan, Page IX-1.
- Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning. (MDP, Housing Plan, Page IX-12.) **(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 apartment 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 proposed accessory apartment is expected to generate minimal additional traffic. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

While not required, the applicant is considering the installation of rooftop solar units. **(Affirmative finding)**

and,

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

City building and energy efficiency codes will apply as conditioned.

(b) Major Impact Review Standards
Not applicable.

(c) Conditions of Approval:

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

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

The proposed apartment is not expected to produce offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

2. Time limits for construction.

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

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

Hours of operation are not applicable to this residential use.

Construction hours are not noted in the application. Typical construction hours are Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request. No work on Sunday. **(Affirmative finding as conditioned)**

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

Any future enlargement or 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. 4.4.1, Downtown Mixed Use Districts:

(a) Purpose

(2) Residential Medium Density (RM)

The Residential Low Density (RL) district is intended primarily for medium-density residential development in the form of single detached dwellings, duplexes, and multi-family dwellings. As noted previously, the single family dwelling and proposed accessory apartment are consistent with this intent. **(Affirmative finding)**

(b) Dimensional Standards and Density

Residential density remains unchanged. Accessory dwelling units specifically do not count towards allowable residential density per Sec. 5.4.5, *Accessory Dwelling Units*.

Lot coverage is presently 36.3%. As proposed, lot coverage will increase to 39.2%, under the 40% maximum permissible in the RM zone. Note that total impervious surface will be reduced with the introduction of pervious pavers. These pavers; however, constitute lot coverage and are reflected in the 39.2% figure.

The front yard setback will remain unchanged. Side and rear setbacks remain unchanged as well; however, the taller replacement structure (> 15' tall) triggers standard setbacks rather than the 5' accessory structure setbacks applicable to the existing garage (< 15' tall). In this case, the standard side yard setback of 10% of lot width equals 5' anyway. The lot is 50' wide. The proposed structure complies with the minimum side yard setback requirement. The rear yard setback is 25% of the lot depth, in this case 49'. As proposed, the structure will be 59' from the rear boundary.

Based on the average finished grade, overall building height will increase to 18.5.' **(Affirmative finding)**

(c) Permitted and Conditional Uses

An accessory dwelling unit is a permitted use; however, new construction triggers conditional use review. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Article 4 above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable to the subject property.

Sec. 5.2.5, Setbacks

See Article 4 above.

Sec. 5.2.6, Building Height Limits

See Article 4 above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Article 4 above.

Sec. 5.4.5, Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses

Where there is a primary structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means an efficiency or one bedroom apartment that is clearly subordinate to the primary dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. No accessory unit shall be inhabited by more than 2 adult occupants. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation.

The proposed apartment is accessory to the existing detached single family home and is laid out as a 1-bedroom unit. **(Affirmative finding)**

Additionally, there must be compliance with all the following:

1. *The property has sufficient wastewater capacity as certified by the Department of Public Works;*
The applicant has obtained a letter of adequate capacity from DPW for wastewater. **(Affirmative finding)**
2. *The unit does not consist of more than 30 percent of the total habitable floor area of the building, inclusive of the accessory dwelling unit;*
The apartment will be 592 sf, or 19.8% of the total 2,984 sf habitable area of the existing home and proposed apartment. **(Affirmative finding)**
3. *Applicable setback and coverage requirements are met;*
See Article 4.
4. *One additional parking space which may be legally allocated to the necessary unit must be provided for the accessory unit;*
One onsite parking space will be provided for the accessory apartment. **(Affirmative finding)**
and
5. *A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.*
This provision will be included as a condition of approval. **(Affirmative finding)**

(c) Discontinuance of Accessory Units

Approval of an accessory dwelling unit is contingent on owner occupancy of the single-family dwelling unit as a primary residence. For purposes of this section, owner occupancy means that, after the creation of the accessory unit all individuals listed on the deed for the property must reside in the primary unit or in the accessory unit. If either the primary unit or the accessory unit is no longer owner occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval. Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.

As with A. 5 above, this provision will be included as a condition of approval. **(Affirmative finding)**

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

New outdoor lighting is proposed. Fixtures will illuminate the garage doors, the apartment's deck and doorway, and related walkway. The proposed fixtures are typical for residential applications and utilize acceptable low output lamps. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

The required small project erosion prevention and sediment control plan has been reviewed and approved by the city's stormwater program. **(Affirmative finding)**

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.1.2, Review Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

Site layout remains virtually unchanged. The rear portion of the driveway will be redone with a pervious paver system. A new walkway and deck will be installed for the benefit of the new accessory apartment. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

Although larger than the single story detached garage that it will replace, the new structure remains clearly subordinate to the primary dwelling onsite. It is set well behind the primary residence and is set into the sloping grade. Different cladding for the 1st and 2nd floors and the gambrel roof further lessen the perceived mass of the structure. Height remains modest at 18.5.' **(Affirmative finding)**

2. Roofs and Rooflines

A gambrel roof is proposed on the new structure. This roof form is unusual as compared to the typical gable roofs on many residences. In this case, the gambrel roof reflects the roof style on the primary residence. **(Affirmative finding)**

3. Building Openings

Fenestration varies between the primary and secondary elevations of the proposed building. It effectively accents the building design and affords access to natural light throughout the structure. **(Affirmative finding)**

(b) Protection of important architectural resources

The primary dwelling is historically significant; however, the existing detached garage is not. Its demolition and replacement with new construction will not adversely affect the significance of the primary dwelling unit. **(Affirmative finding)**

(c) Protection of important public views

There are no identified view corridors from or through the subject property. **(Affirmative finding)**

(d) Provide an active and inviting street edge

The front elevation of the proposed building contains a doorway but is deliberately understated. The intent is for the front residence to remain primary and for the new building to read as accessory thereto. **(Affirmative finding)**

(e) Quality of materials

The new structure will be set on a concrete foundation. It will be clad in wood or wood composite clapboard siding and cedar shakes. Both appear the same, and either is acceptable. Asphalt roofing will be installed. Clad wooden windows are proposed. The proposed materials are of acceptable quality and durability. **(Affirmative finding)**

(f) Reduce energy utilization

The proposed construction must comply with the city's current energy efficiency requirements and with the State Residential Building Energy Code. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

Not applicable.

(h) Integrate infrastructure into the building design

No exterior machinery or equipment is proposed on the building. Service lines will be extended to the new structure underground. **(Affirmative finding)**

(i) Make spaces safe and secure

The new construction will be subject to current egress requirements. Building entries are illuminated. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

Total onsite parking required is 3 spaces (2 for the existing home and 1 for the apartment). As proposed, all 3 spaces will be provided onsite. The 2 spaces for the single family home are in the garage. The accessory apartment parking space is within the driveway between the primary dwelling unit and the garage/apartment structure. **(Affirmative finding)**

II. Conditions of Approval

1. The accessory dwelling unit shall be occupied by no more than 2 adults.
2. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit **prior to the issuance of the certificate of occupancy** for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.
3. Approval of an accessory dwelling unit is contingent on owner occupancy of the single-family dwelling unit as a primary residence. For purposes of this section, owner occupancy means that, after the creation of the accessory unit all individuals listed on the deed for the property must reside in the primary unit or in the accessory unit. If either the primary unit or

the accessory unit is no longer owner occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval. Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.

4. 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.
5. A State of Vermont wastewater permit may be required.
6. 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.
7. Standard Conditions 1-15.

May 24, 2017

Scott Gustin
City of Burlington
Dept. of Planning & Zoning
149 Church St.
Burlington, VT 05401

RECEIVED
MAY 26 2017

DEPARTMENT OF
PLANNING & ZONING

**Re: Burlington Dept. of Public Works CNG Fueling Station Expansion
Zoning Permit Application**

Dear Mr. Gustin,

Please find enclosed a Zoning Permit application for the City of Burlington Public Works Dept. to expand the existing Compressed Natural Gas (CNG) fueling area at the public works garage at 645 Pine St. The scope of the project includes the installation of a new concrete pad, CNG piping and electrical conduit, CNG mechanical equipment, and new electrical equipment. Please find enclosed the basic Zoning Permit Application, project site plans, project perspective plans, and the project Erosion Prevention and Sediment Control (EPSC) plan. Each Site Plan Design Standard is addressed below.

- (a) *Protection of Important Natural Features* – The proposed project will have no impact on important Natural Features. The project is located in a lawn area between the existing CNG fueling station and the existing parking lot/ drive. The project proposes the removal of no significant trees, though a cedar hedge along the existing CNG facility is required to be removed. The project is not located within a wetland, stream, or surface water buffer.
- (b) *Topographical Alterations* – The project proposes no significant changes in the topography around the CNG fueling pad. The new concrete pad for CNG equipment will require fill to be constructed. New fill slopes are proposed at 3H:1V and will be grassed to prevent erosion.
- (c) *Protection of Important Public Views* – The project is an infill within a previously developed site and will not have an impact on any public views.
- (d) *Protection of Important Cultural Resources*– The project will have no impact on Burlington's important cultural resources. The expansion of CNG fueling system is

located within the existing public works yard, in a location which has been previously disturbed by the construction of the yard. The site is screened from the public streets by the public works building and existing landscaping. There is a significant hedge row along Pine Street.

- (e) *Supporting the Use of Renewable Energy Resources* – The project proposes no new renewable energy resource infrastructure, nor will the project prevent surrounding properties from utilizing such infrastructure.
- (f) *Brownfield Sites* – The project is not located on a known Brownfield site, though it is listed as a contaminated site by VT DEC.
- (g) *Provide for nature's events* – The proposed expansion of the CNG facility will create 250 sf of new impervious cover. Runoff from the expansion will sheet flow overland to the existing drainage system. From there runoff is conveyed to the wetland in the northwest corner of the parcel. This small increase in impervious cover does not increase the peak discharge from the site during the 2-yr or 10-yr rainfall events.
- (h) *Building Location & Orientation* – The project proposes no new buildings. The new equipment is required to be located adjacent to the existing CNG equipment.
- (i) *Vehicular Access* – The new CNG equipment installation will not change any vehicular circulation patterns on site.
- (j) *Pedestrian Access* – The project will not change pedestrian access to the site.
- (k) *Accessibility for the handicapped* – The project does not involve any building or areas which require handicap accessibility.
- (l) *Parking and circulation* – The project does not require any additional parking and will not remove any existing spaces.
- (m) *Landscaping and fences* – The area is screened by the hedge, plantings and building along Pine Street which screen the parking lot and site. The existing cedars must be removed to install the new concrete pad and chain link fence. After construction, there will not be enough space (approx. 2.5') between the fence and the existing parking space to reinstall the cedars or plant new trees. The existing building and plantings provide sufficient screening of the facility from the public streets, the only place the CNG facility will be visible from is through the existing curb cut along Pine Street. The CNG facility is screened from adjacent properties to the north and west by existing growth of trees and

shrubs. The new fence is also proposed with privacy slats to screen the new CNG equipment.

- (n) *Public plazas and open space* – No public space is provided or proposed.
- (o) *Outdoor lighting* – The project proposes no changes to the existing site lighting and no new lights.
- (p) *Integrate infrastructure into the design* – As discussed above the CNG facility is proposed to be screened by the existing landscaping and hedge along Pine Street. The new CNG equipment must be located adjacent to the existing equipment. The new equipment could not be located to the west of the existing equipment due to a wetland buffer, slopes to the south would require fill in the wetland buffer, and the electrical equipment is located to the north. This left the space between the existing equipment and the parking lot. This space was also preferable because it has more gentle slopes and does not require the relocation of any of the existing equipment.

If you have any questions please do not hesitate to contact me at 802-496-4747 or plazorchak@wilcoxandbarton.com.

Very Truly Yours
WILCOX & BARTON, INC.,



Peter C. Lazorchak, P.E.
Vice President/Principal Engineer

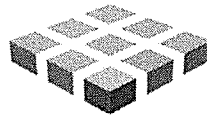
RECEIVED
MAY 26 2017

DEPARTMENT OF
PLANNING & ZONING

Cc: Chapin Spencer, Burlington Public Works
Joey Appleton, Engineers Construction Inc.

Attachments

Zoning Permit Application
EPSC Plan Form
Project plan set (1 full size, 1 reduced size)



ENGVT

June 1, 2017

**RE: DPW Compressed Natural Gas Refueling Station Improvements
Equipment Summary / Clarifications**

Martin Lee, P.E.
Engineer
Burlington Public Works
645 Pine Street, Burlington VT 05401

RECEIVED
JUN 05 2017
DEPARTMENT OF
PLANNING & ZONING

BPW is planning to decrease the vehicle filling time at the existing natural gas compression station on Pine St. The proposed solution involves installing a compressor with higher gas transfer capacity, with a new, matching capacity, dryer.

The existing facility uses 2 smaller NG compressors and 1 NG dryer. The current filling sequence requires the compressors to operate for a total of about 1 hour per vehicle fill. The new compressor will reduce the compressor run time to about 20 minutes per fill.

Fill times will vary depending on;

- Vehicle tank fuel level
- Outdoor air temperature
- Vermont Gas seasonal distribution pressure.

Equipment Descriptions

The equipment is located in a fenced enclosure in the rear of a parking lot at DPW on Pine St.

Equipment descriptions included in this summary:

Compressor
Dryer
Electrical Panel

Manufacturer's equipment drawings are provided at the end of this summary.

Compressor

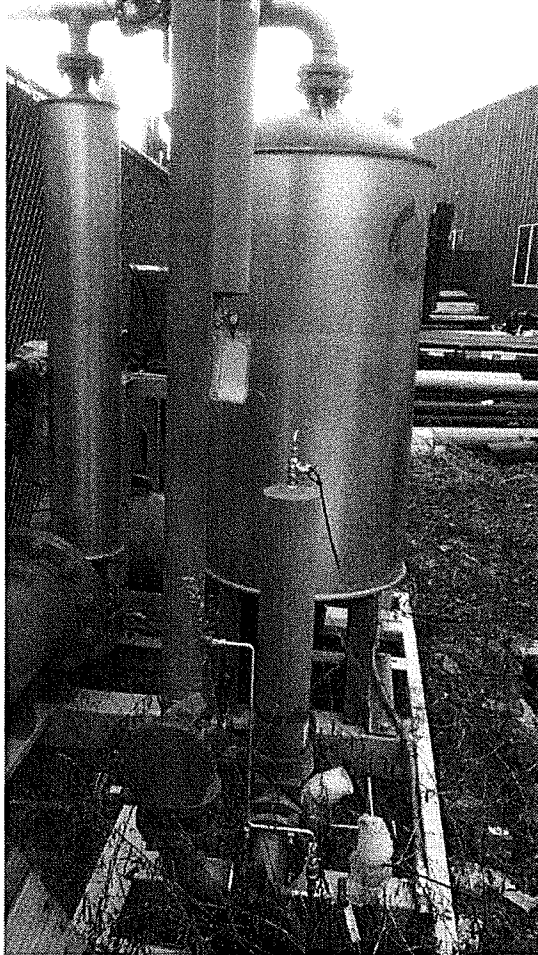


The new compressor measures 11'-6" long X 7'-1" wide and stands 8'-8" tall. The assembly is housed inside a weather proof painted enclosure. The compressor uses an electric motor to fill vehicles and existing storage tanks with natural gas.

The compressor has a sound attenuating enclosure, operating sound level is 79 decibels at 10ft away. Household garbage disposals are rated at 80 decibels for comparison.

The compressor does have vents which are intended to release excess pressure in the event of a malfunction. The system does not release NG to atmosphere during normal operation. During a total of 4 hours of survey visits inside the fenced enclosure, the existing system has not released any noticeable amounts of NG to atmosphere.

Dryer



The new dryer measures 7'-10" long x 5'-3" wide and stands 9'-6" tall at the top of the vents. The assembly is mostly a tank, pipe, and valves, with weather proof paint. The dryer removes moisture from the NG before it enters the compressors. The new dryer will serve either the new compressor, or the existing compressors – depending on which is in service at the time.

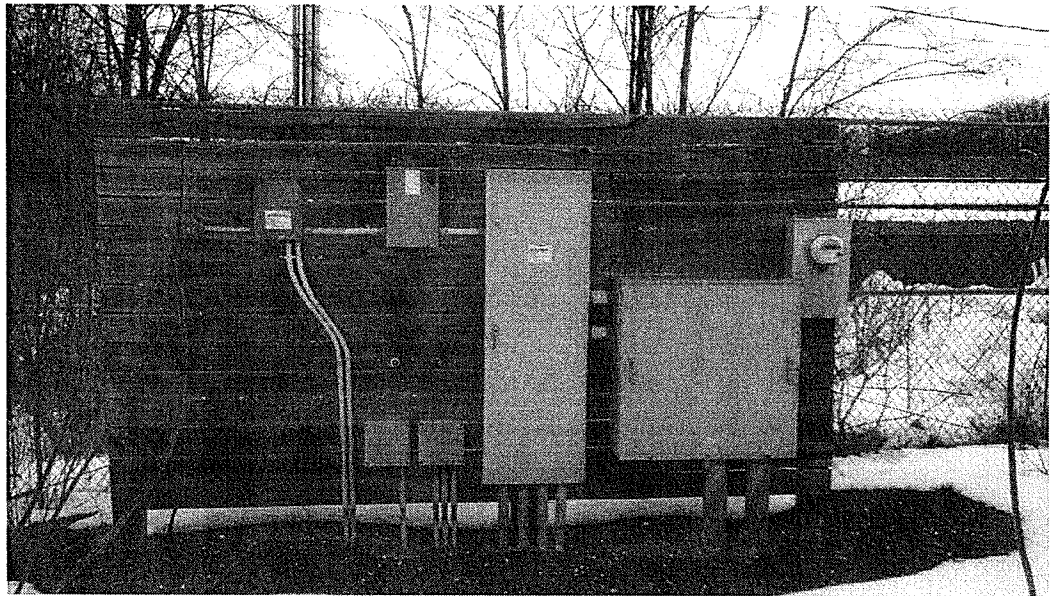
The dryer is not expected to produce a noticeable amount of sound.

The dryer does include a relief vent, but will only release NG to atmosphere in the event of a malfunction.

Electrical Panel

No photo available

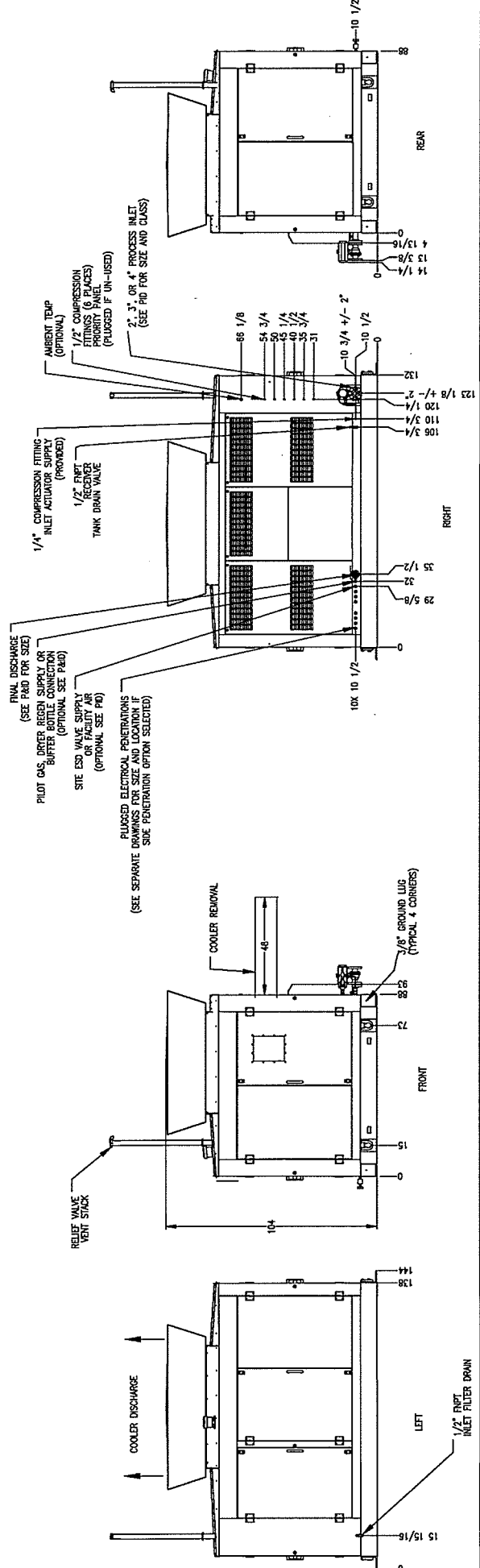
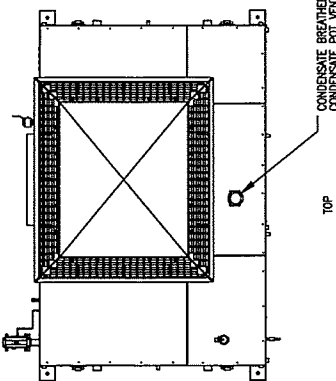
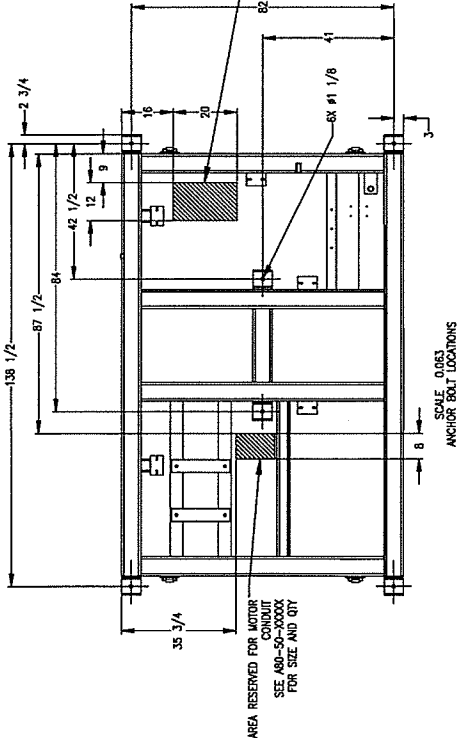
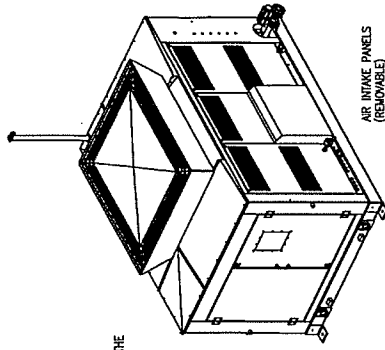
Control panel will be mounted to the right, adjacent to the existing electrical service



The new electrical panel measures 3'-3" wide X 2' deep x 7'-7" tall. The assembly is painted to match the new compressor. The electrical panel is a locked box, housing electrical controls and contactors for the new equipment.

COMPRESSOR DATA

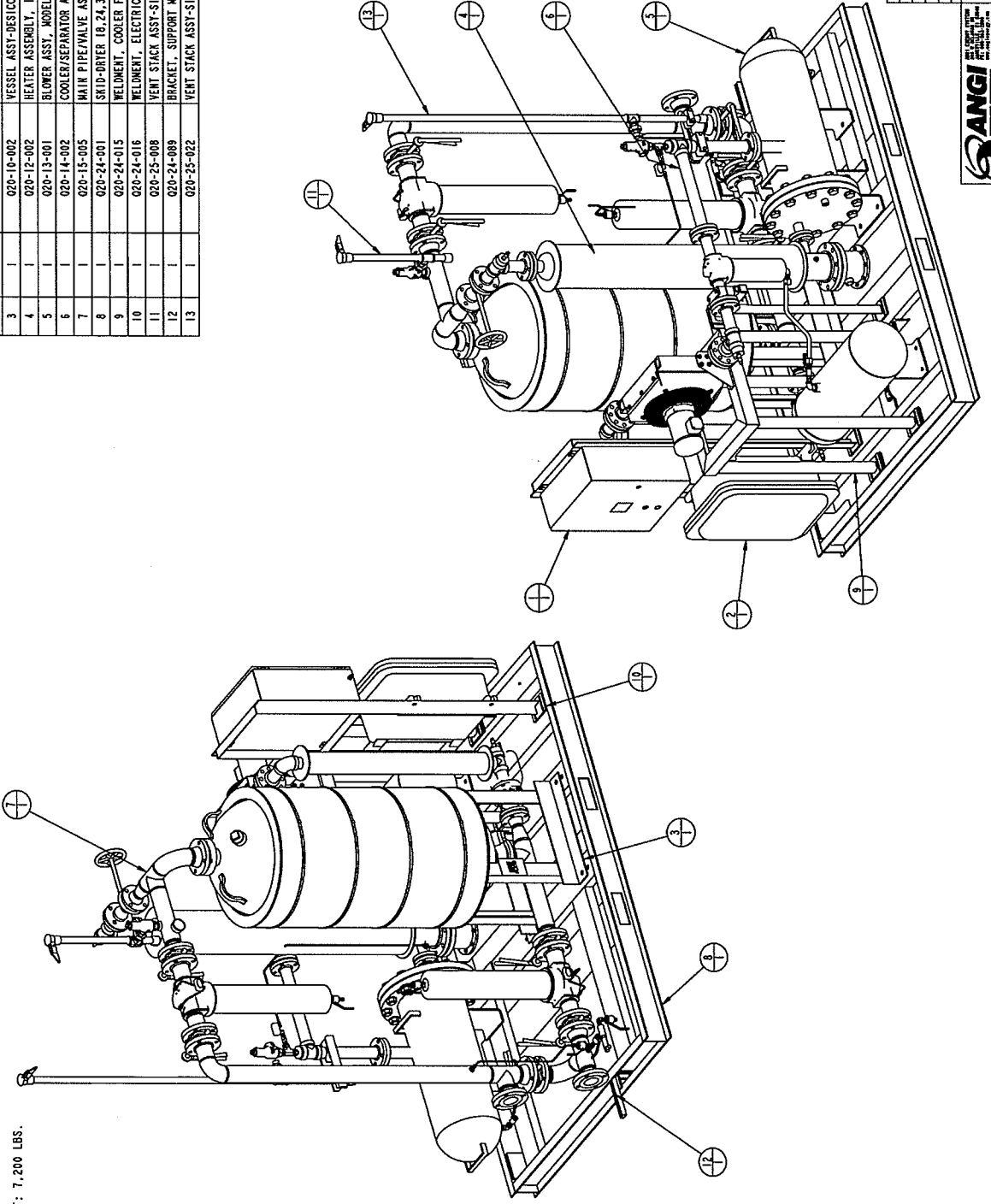
TYPE: AIR-REGENERATING COMPRESSOR. CYLINDERS MAY VARY FROM THOSE SHOWN.
 CLEARANCE: ALLOW 36" MINIMUM ON ALL SIDES FOR ACCESS UNLESS OTHERWISE INDICATED.
 MOUNTING: REQUIRES SIX (6) 1" DIAMETER ANCHOR BOLTS (NOT PROVIDED BY ANGI). GROUTING THE COMPRESSOR TO THE CONCRETE PAD IS NOT RECOMMENDED.
 LIFTING: FOR SPREADER BAR SIZING, SEE A05-13-NC300E. SHIPPING: VENT STACK, INLET VALVE, AND 1/4" ACTUATOR TUBING ARE REMOVED FOR SHIPPING.



GENERAL LAYOUT -- NG300E SIMPLEX W/E2 ENLC									
TITLE									
UNLESS OTHERWISE SPECIFIED									
									
BREAK SHARP EDGES .005-.015									
ALL DIMENSIONS IN INCHES									
FRACTIONAL ± 1/8									
TWO PLACE DECIMAL ± .010									
THREE PLACE DECIMAL ± .005									
ANGLES ± 1°									
ANGI ENERGY SYSTEMS 305 W DELAVAL DR JANESVILLE, WI 53546 PH: 608-785-2800 WWW.ANGIENERGY.COM									
									
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PROJECT NO.									
DRAWING NO.									
REV.									
DATE 05/06/15									
SCALE									
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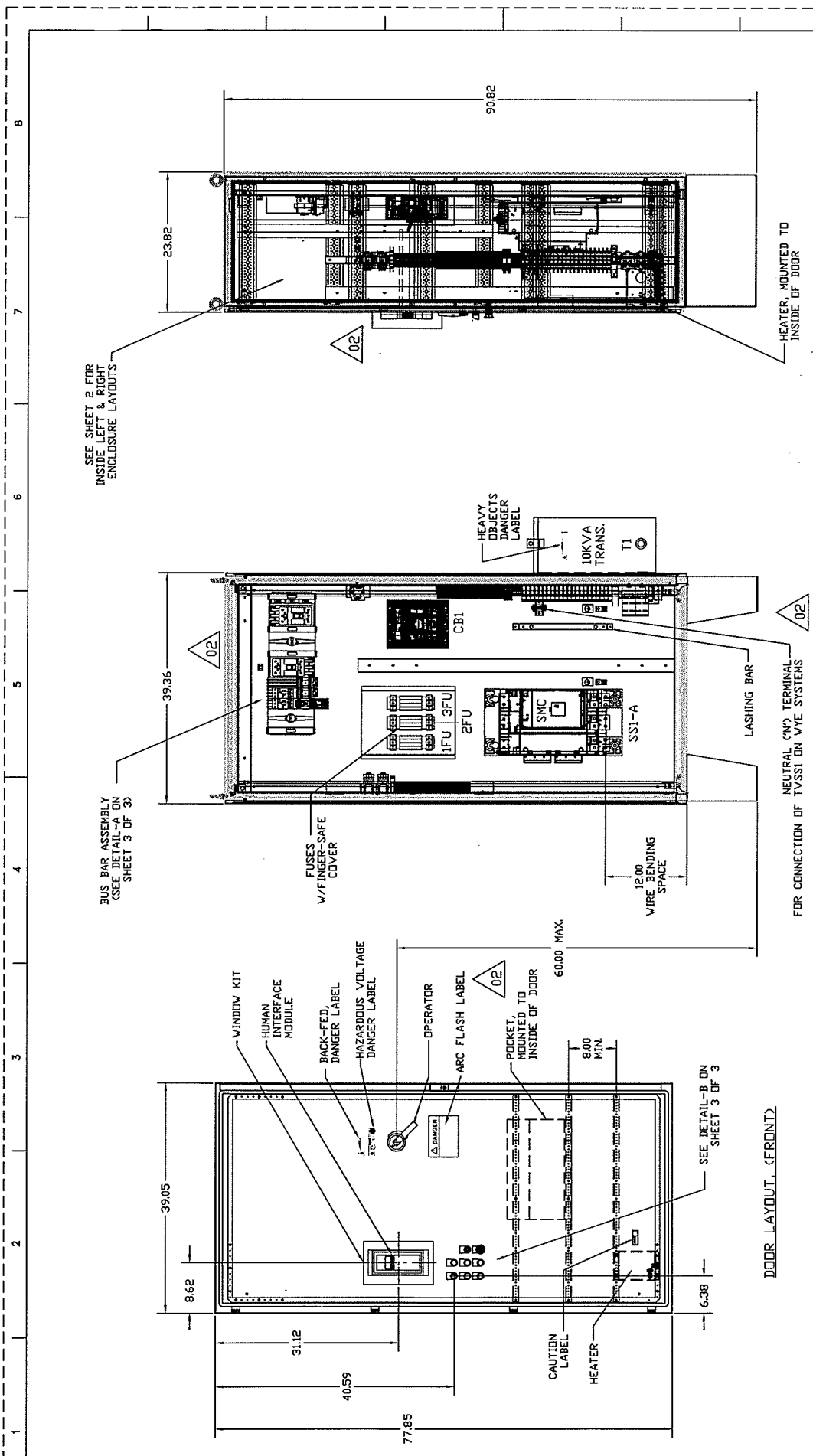
ITEM	QTY	NAME	DESCRIPTION
1	1	Q20-18-003	ELEC ASST-ANGI DRYER XL4 QCS ON DRYER CONTROLLER PANEL, REGEN
2	1	Q20-19-003	ELEC ASST-ANGI DRYER MOTORSTARTER PANEL 2HP BLOWER MOTOR 1/2HP COOLER 150W HEATE
3	1	Q20-10-002	VESSEL ASST-DESICCANT 24" 150# 4500GCF
4	1	Q20-12-002	HEATER ASSEMBLY, 15KW, 150#, 500F
5	1	Q20-13-001	BLOWER ASST, MODEL 3 WESTHOOR, 480-3-40, 150#, 250F
6	1	Q20-14-002	COOLER/SEPARATOR ASSEMBLY-CC200 480V 3PH 60HZ 150# 150AL HSBE-7CYPN
7	1	Q20-15-005	MAIN PIPE/VALVE ASST-3" PIPE 3" CLISO TANK, 24"730" VESSELS
8	1	Q20-24-001	SWID-DRYER 18,24,30 W/REGEN
9	1	Q20-24-015	WELDMNT, COOLER FRAME
10	1	Q20-24-016	WELDMNT, ELECTRICAL ENCLOSURE FRAME
11	1	Q20-25-008	VENT STACK ASST-SINGLE TOWER NO REGEN
12	1	Q20-24-009	BRACKET, SUPPORT MAIN PIPING
13	1	Q20-25-022	VENT STACK ASST-SINGLE TOWER NO REGEN

NOTES:
 DIMENSIONS AND TOLERANCES IN ACCORDANCE WITH ASME Y14.5M-2009.
 APPROXIMATE WEIGHT: 7,200 LBS.



REV	DATE	BY	CHKD	DESCRIPTION
0	01/11/2013	00-021-5-8-10-130-3		0
1	01/11/2013			1
2	01/11/2013			2
3	01/11/2013			3
4	01/11/2013			4
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95	01/11/2013			95
96	01/11/2013			96
97	01/11/2013			97
98	01/11/2013			98
99	01/11/2013			99
100	01/11/2013			100





PANEL LAYOUT (FRONT)
ENCLOSURE SHOWN V/O DOOR. THIS VIEW

ANGI ENERGY SYSTEMS

W/L 153H-FRFD-ANG02505-H1-MS

NEW TYPE OR ENCLOSURE, 8" H X 39" W X 24" D

Drawn by: J.B.M. Date: 06/21/2014

Sheet	1	OF	3
Size	D		
Ver	10000914490 02		

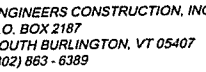
NOTE: DIMENSIONS SHOWN ARE FOR REFERENCE.

RECEIVED

MAY 26 2017

DEPARTMENT OF
PLANNING & ZONING





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BURLINGTON
DEPARTMENT OF
PUBLIC WORKS

ENGINE REFUELING STATION IMPROVEMENTS

10

RECEIVED
MAY 26 2017

DEPARTMENT OF
PLANNING & ZONING
PROJECT
PERSPECTIVES

REV	DESCRIPTION	INT
SHEET: 1 OF 1		
SCALE:		AS NOTED
DATE:		5/25/2017
DWG NO.:		
REV		
DRAWN BY:		KS
CHECKED BY:		PMG

EROSION CONTROL DURING CONSTRUCTION

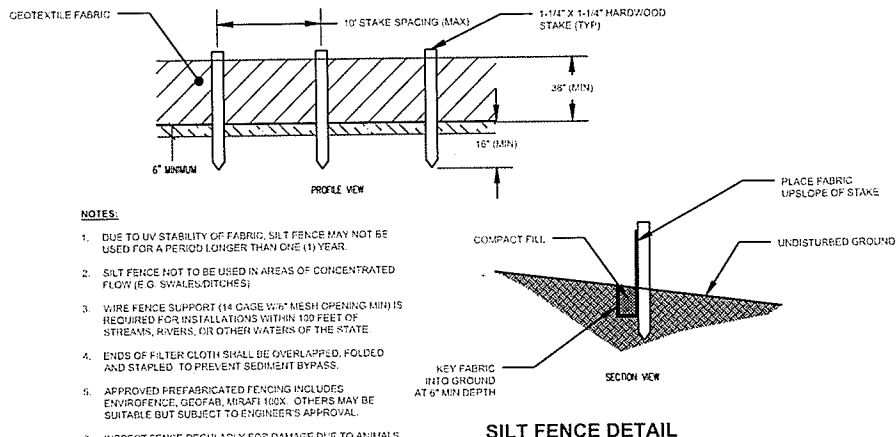
- BEFORE ANY CLEARING, GRUBBING, OR DEMOLITION OF THE SITE IS INITIATED, AND DURING ALL EARTHWORK PHASES, EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED AT THE INLET OF ANY STORM DRAINS, SWALES, AND DITCHES RECEIVING WATER FROM THE PROJECT. SEE TYPICAL DETAILS AND PLANS FOR TYPES AND LOCATIONS.
- SILT FENCE SHALL BE PLACED DOWN GRADIENT OF ALL DISTURBED AREAS. IF THE DISTURBED AREA IS 100' OR LESS FROM THE WATERS OF THE STATE THE SILT FENCE SHALL BE WIRE MESH REINFORCED.
- ALL STOCKPILED SOIL SHALL BE ENCLOSED WITH SILT FENCE, UNLESS AN EXISTING BARRIER WILL ENTRAP ALL EROSION FROM SUCH A STOCKPILE OR THE STOCKPILE IS COMPLETELY COVERED WITH VEGETATION THAT PREVENTS EROSION.
- NO MORE THAN 500 FEET OF TRENCH SHALL BE OPEN AT ONE TIME AND EXCAVATED MATERIAL TO BE USED FOR BACKFILL SHALL BE PLACED ON THE UPHILL SIDE OF THE TRENCH. ALL OTHER EXCAVATED MATERIAL SHALL BE DISPOSED OF OFF-SITE AT AN APPROVED LOCATION.
- BEFORE AND AFTER EVERY STORM ALL STRUCTURAL EROSION CONTROL MEASURES SHALL BE INSPECTED FOR FAILURES OR CLOGGING, AND ANY FAILURE OR CLOGGING SHALL BE RECTIFIED. DURING THE WINTER CONSTRUCTION SEASON SPECIAL ATTENTION SHALL BE PAID TO THE CHANGES IN WEATHER THAT COULD CAUSE SIGNIFICANT SNOW MELT AND RUNOFF.
- STONE CHECK DAMS SHALL BE PLACED IN NEWLY CONSTRUCTED SWALES, DITCHES, OR OTHER WATERWAYS DURING THE CONSTRUCTION PERIOD. STONE INLET PROTECTION OR SEDIMENT CATCH BASIN INSERTS SHALL BE PLACED IN ALL NEW AND EXISTING CATCH BASIN WHICH RECEIVED RUNOFF FROM DISTURBED AREAS. THE PLACING OF THESE TRAPS AND DAMS SHALL BE AS SHOWN ON THE PLANS. MAINTENANCE SHALL BE AS IN #5 ABOVE.
- EROSION CONTROL MEASURES INDICATED ON THE PLANS ARE THE MINIMUM NUMBER REQUIRED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO USE ADDITIONAL BARRIERS AS FIELD CONDITIONS DICTATE AND TO INSURE THAT ANY EROSION CREATED BY THIS PROJECT DOES NOT REACH THE STATE'S WATERWAYS OR LEAVE THE SITE.
- NEW SWALES AND DITCHES (AND ANY OTHER AREA SUBJECT TO CONCENTRATED STORM RUNOFF) SHALL BE FERTILIZED AND SEEDING WITH THE FOLLOWING MIXTURE TO AT LEAST TWO (2) FEET ABOVE THE CHANNEL BOTTOM:

SEED	LBS/ACRE
CREeping RED FESCUE	20
REDTOP	2
SMOOTH BROMEGRASS	20

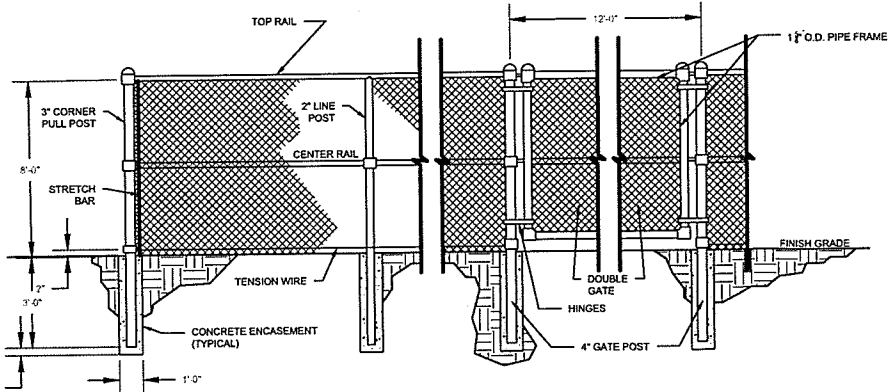
AND SHALL HAVE MULCH APPLIED AT THE RATE OF 2 TONS PER ACRE.

- IN ALL NEW SWALES AND DITCHES, AND WHERE SLOPE GRADE EXCEEDS 25 PERCENT (1 ON 4 SLOPE), JUTE MATTING SECURELY ATTACHED TO THE GROUND SHALL BE PLACED OVER MULCH AND MAINTAINED UNTIL A PERMANENT GRASS COVER IS ESTABLISHED.
 - ALL DISTURBED TERRAIN AT FINAL GRADE SHALL BE SEEDING AND MULCHED WITHIN 48 HOURS OF COMPLETION, AND BY SEPTEMBER 15TH AT THE LATEST. BEFORE APPLYING FINAL SEEDING FOUR (4) INCH AVERAGE DEPTH OF TOPSOIL SHALL BE PLACED IN ALL DISTURBED AREAS TO BE SEEDING. FERTILIZER SHALL BE APPLIED TO THE TOP 2 INCHES OF TOPSOIL AT A RATE OF 500 LBS/ACRE. SEED MIXTURES SHALL BE ONE AS SPECIFIED ON LANDSCAPING PLAN. IF NO SEED MIXTURE IS SPECIFIED IT SHALL BE ONE OF THE FOLLOWING, AS APPROPRIATE.
- | EMBANKMENT/SLOPING GROUND | LBS/ACRE |
|---------------------------------|----------|
| MIXTURE#1 CREeping RED FESCUE | 20 |
| REDTOP | 2 |
| BIRDFOOT TREFOIL OR CROWN VETCH | 15 |
| MIXTURE#2 TALL FESCUE | 10 |
| REDTOP | 2 |
| FLAT PEA (LATHCO) | 30 |
| MIXTURE#3 CREeping RED FESCUE | 15 |
| FLAT PEA (LATHCO) | 30 |
| FLAT/LEVEL GROUND | LBS/ACRE |
| MIXTURE#1 KENTUCKY BLUE GRASS | 20 |
| CREeping RED FESCUE | 20 |
| RYE (PERENNIAL), OR REDTOP | 5 |
| MIXTURE#2 CREeping RED FESCUE | 20 |
| REDTOP | 2 |
| TALL FESCUE | 20 |

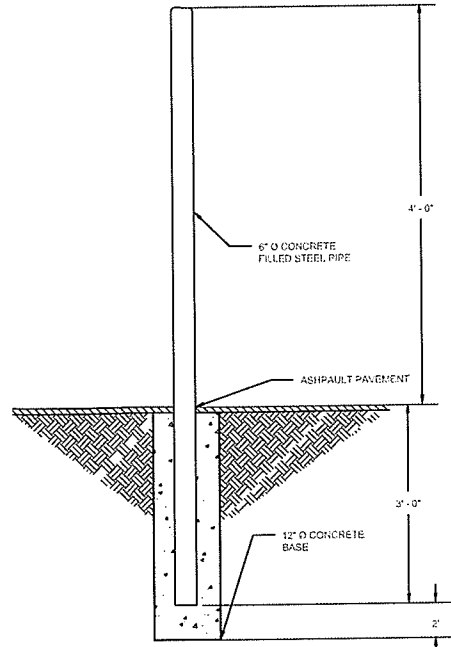
- ALL NEWLY SEEDING AREAS SHALL BE MULCHED AT A RATE OF TWO (2) TONS PER ACRE OF HAY OR STRAW. DURING WINTER CONSTRUCTION MULCH SHALL BE APPLIED AT A RATE OF 4 TONS PER ACRE. JUTE OR OTHER EQUAL NETTING SHALL BE USED WHERE WIND OR WATER MAY ERODE NEWLY-PLACED SEED OR MULCH OR WHERE GRADE EXCEEDS 25% (1-4). ALL NETTING, WHERE USED, SHALL BE STAKED TO THE GROUND IN COMPLIANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
- ALL AREAS THAT REACH FINISHED GRADE DURING THE WINTER CONSTRUCTION SEASON SHALL BE MULCHED AT A RATE OF 4 TONS/ACRE AND TACKED DOWN TO PREVENT WINDTHROW WITHIN 24 HOURS OF REACHING FINAL GRADE. THESE AREAS SHALL BE SEEDING AS SPECIFIED IN NOTE 9 IN THE SPRING AS SOON AS WEATHER ALLOWS.
- ALL HAY MULCH SHALL BE TACKED DOWN TO PREVENT WINDTHROW. JUTE MATTING OR EQUIVALENT SHALL BE USED WHERE INDICATED ON PLANS. IN ALL OTHER AREAS MULCHED SHALL BE TRACKED WITH A BULLDOZER. THE CLEATS OF THE BULLDOZER SHALL BE PARALLEL TO THE CONTOURS. DURING THE WINTER CONSTRUCTION SEASON NETTING OR JUTE MATTING SHALL BE USED TO TACK DOWN ALL MULCH.
- ALL DISTURBED AREAS NOT AT FINAL GRADE THAT WILL NOT BE DISTURBED AGAIN FOR A PERIOD OF GREATER THAN THIRTY (30) DAYS, SHALL BE SEEDING WITH A TEMPORARY, RAPID-GROWING COVER CROP, SUCH AS RYE GRASS AND MILLET, AND SHALL BE MULCHED. NETTING SHALL ALSO BE APPLIED, AS SPECIFIED IN ITEM 13, TO STABILIZE THE MULCH AND SEED.
- ALL DISTURBED AREAS MUST HAVE TEMPORARY OR FINAL STABILIZATION WITHIN 14 DAYS OF THE INITIAL DISTURBANCE. AFTER THIS TIME, ANY DISTURBANCE IN THE AREA MUST BE STABILIZED AT THE END OF EACH WORK DAY. THE FOLLOWING EXCEPTIONS APPLY: i) STABILIZATION IS NOT REQUIRED IF WORK IS TO CONTINUE IN THE AREA IN THE NEXT 24 HOURS AND THERE IS NO PRECIPITATION FORECAST FOR THE NEXT 24 HOURS. ii) STABILIZATION IS NOT REQUIRED IF THE WORK IS OCCURRING IN A SELF-CONTAINED EXCAVATION (I.E. NO OUTLET) WITH A DEPTH OF 2 FEET OR GREATER (E.G. FOUNDATION EXCAVATION, UTILITY TRENCHES)
- DURING WINTER CONSTRUCTION ALL DISTURBED AREAS MUST HAVE TEMPORARY OR FINAL STABILIZATION AT THE END OF EACH WORK DAY. THE FOLLOWING EXCEPTIONS APPLY: i) STABILIZATION IS NOT REQUIRED IF WORK IS TO CONTINUE IN THE AREA IN THE NEXT 24 HOURS AND THERE IS NO PRECIPITATION FORECAST FOR THE NEXT 24 HOURS. ii) STABILIZATION IS NOT REQUIRED IF THE WORK IS OCCURRING IN A SELF-CONTAINED EXCAVATION (I.E. NO OUTLET) WITH A DEPTH OF 2 FEET OR GREATER (E.G. FOUNDATION EXCAVATION, UTILITY TRENCHES)
- ALL TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED WITHIN 30 DAYS OF PERMANENT STABILIZATION OF THE SITE.
- EROSION CONTROLS SHALL BE INSPECTED DAILY AT THE END OF EACH WORK DAY AND AFTER ANY RAIN EVENT WHICH PRODUCES RUNOFF BY THE ON-SITE COORDINATOR, WHO WILL BE RESPONSIBLE FOR RECTIFYING ANY PROBLEMS FOUND. ALL INSPECTION FORMS SHALL BE KEPT ON-SITE AS RECORDS OF THE CONDITION OF THE EROSION CONTROL MEASURES. TEMPORARY EROSION CONTROL MEASURE SHALL BE REMOVED WITH 30 DAYS OF PERMANENT SITE STABILIZATION.
- IF RUNOFF CAN REACH ADJACENT STREETS, THE STREETS SHALL BE INSPECTED DAILY AND SWEEP IS ACCUMULATED SEDIMENT IS PRESENT.
- NO MORE THAN 1 ACRE SHALL BE DISTURBED (WITHOUT TEMPORARY OR FINAL STABILIZATION) AT ANY ONE TIME
- SEEDING MUST BE COMPLETED BY SEPTEMBER 15.
- CONTRACTOR SHALL APPLY DUST CONTROL MEASURES AS NECESSARY OR AS DIRECTED BY THE ENGINEER TO PREVENT THE AIR MOVEMENT OF DUST. ACCEPTABLE METHODS OF DUST CONTROL ARE VEGETATIVE COVER, MULCHING, SPRINKLING OF WATER, OR THE USE OF CALCIUM CHLORIDE.
- AT THE COMPLETION OF THE PROJECT, ALL STORMWATER DRAINAGE FACILITIES INCLUDING DITCHES, GRASSED SWALES, CATCH BASINS, SUMPS, CULVERTS, STORM DRAINS, STORM MANHOLES, OUTLET STRUCTURES, STORM FILTERS, ETC SHALL BE CLEANED AND FREE OF SILT, SEDIMENT OR DEBRIS WHICH MIGHT IMPAIR THE PROPER OPERATION OF THE FACILITIES.



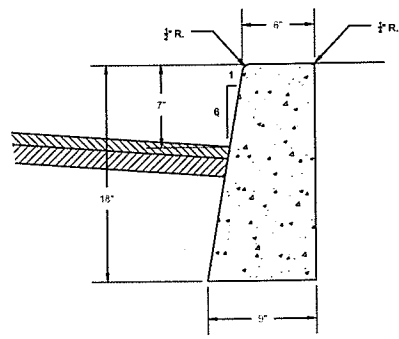
SILT FENCE DETAIL



CHAIN LINK FENCE & GATE



BOLLARD
NOT TO SCALE



- NOTES:
- WHEN CONCRETE SIDEWALK IS CONSTRUCTED ADJACENT TO CONCRETE CURB, ASPHALT TREATED FELT SHALL BE PLACED BETWEEN SIDEWALK AND CURB FOR THE TOTAL DEPTH OF SIDEWALK
 - JOINTS BETWEEN CURB SECTION SHALL BE MORTARED

CAST IN PLACE CONCRETE CURB
NOT TO SCALE



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LLC

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802 595-9200

BURLINGTON
DEPARTMENT OF
PUBLIC WORKS
645 PINE ST

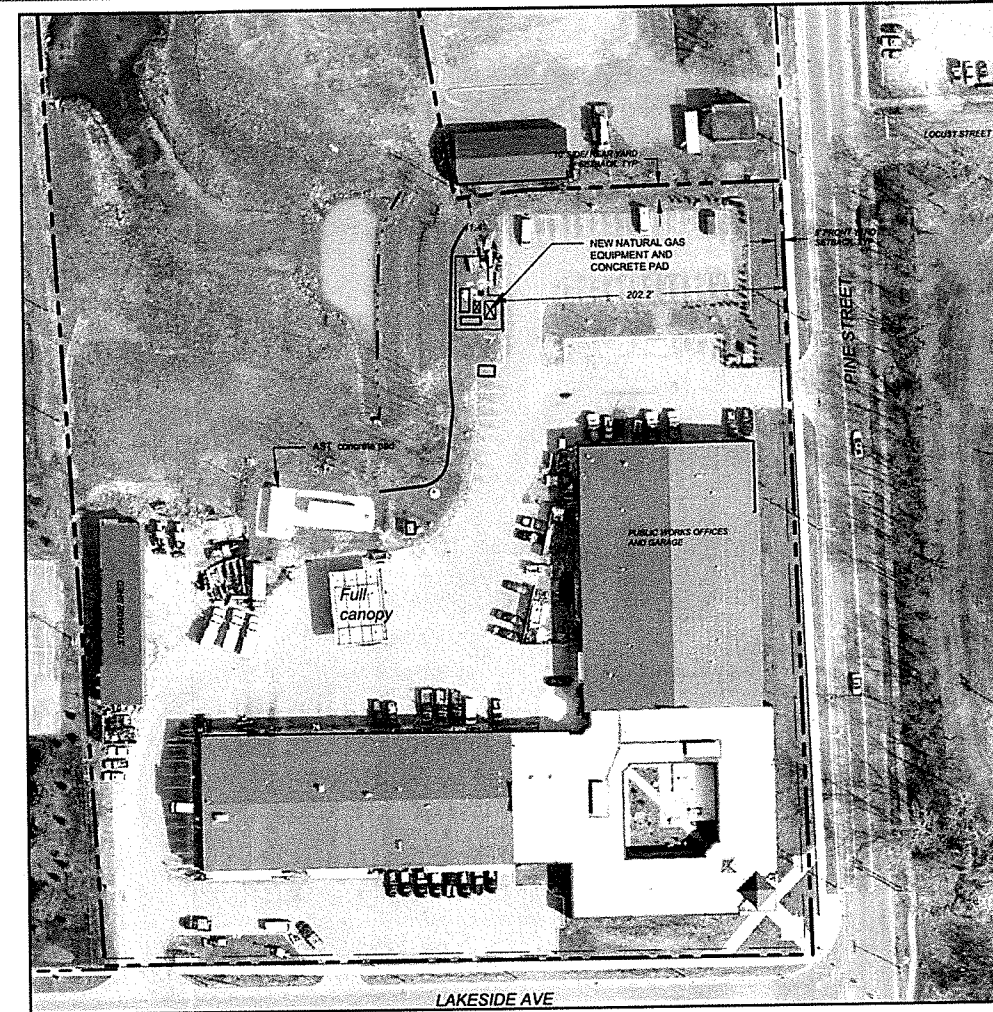
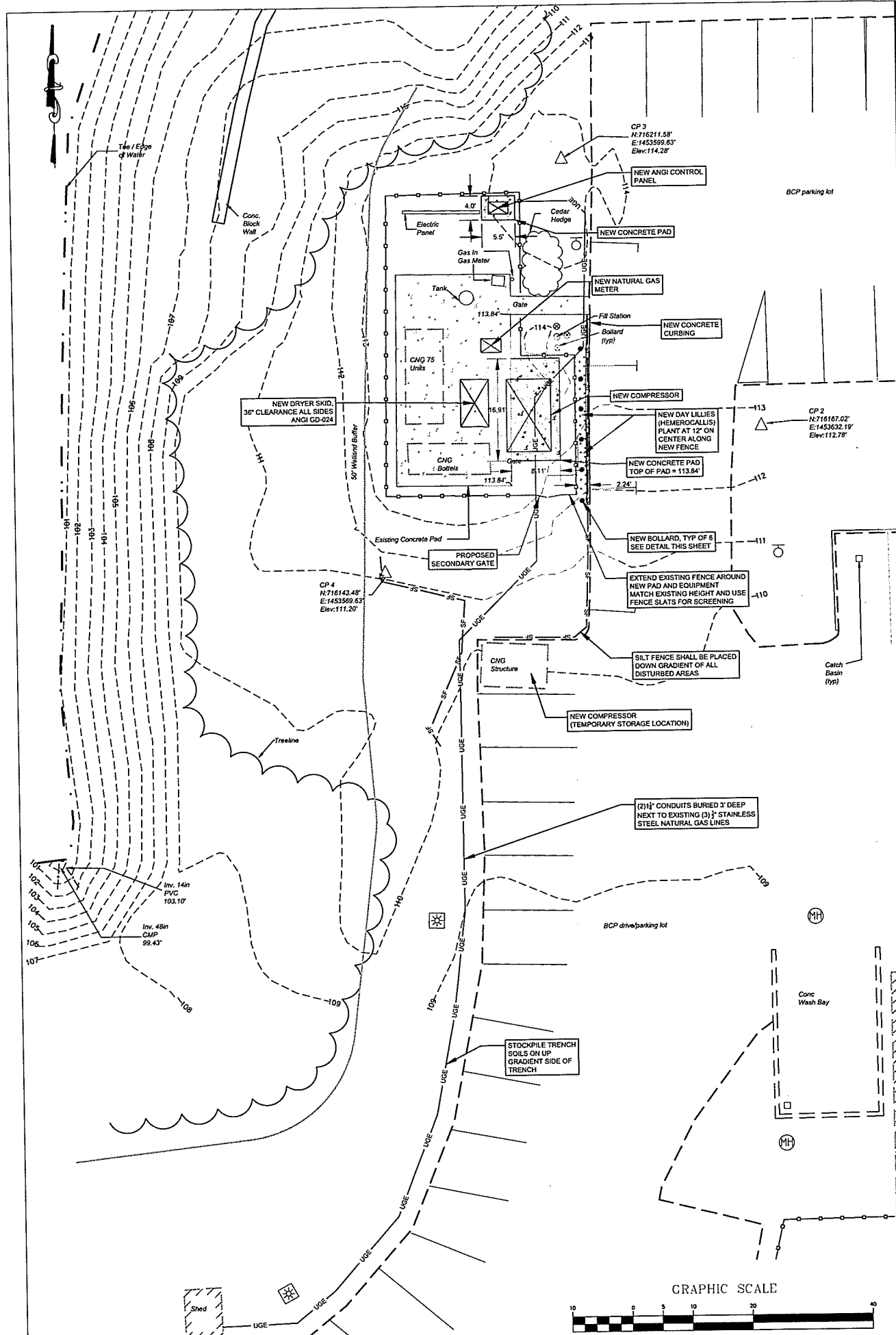
CNG REFUELING
STATION
IMPROVEMENTS

RECEIVED
MAY 26 2017

DEPARTMENT OF
PLANNING & ZONING

DETAILS

REV	DESCRIPTION	INT
SHEET: C2		
SCALE:	NTS	
DATE:	5/17/2017	
DWG NO.:	ENC	
REV	REV	
DRAWN BY:	GAC	
CHECKED BY:	PCL	



PLOT PLAN
1" = 60'

ZONING INFORMATION:
ZONING DISTRICT: ENTERPRISE LIGHT MANUFACTURING
OVERLAY DISTRICT: DESIGN CONTROL, SHARED USE PARKING OVERLAY DISTRICT
USE: PUBLIC WORKS GARAGE (PERMITTED USE)

LOT AREA: 299,819 sf (6.88 ac)
FRONT YARD SETBACK: 5'
SIDE/REAR YARD: 5' (LOT DOES NOT ABUT A RESIDENTIAL DISTRICT)

EXISTING LOT COVERAGE:
CNG PAD: 703 sf
PUBLIC WORK GARAGE: 64,080 sf
STORAGE SHEDS: 3,446 sf
UTILITY PADS: 122 sf
DRIVE/PARKING: 86,634 sf
AST PAD: 2,063 sf
WALKS: 1,181 sf

TOTAL IMPERVIOUS AREA: 158,229 sf (3.63 ac)
TOTAL % LOT COVERAGE: 52.8%

PROPOSED LOT COVERAGE:
NEW CNG PAD: 183 sf
CNG PAD: 703 sf
PUBLIC WORK GARAGE: 64,080 sf
STORAGE SHEDS: 3,446 sf
UTILITY PADS: 122 sf
DRIVE/PARKING: 86,634 sf
AST PAD: 2,063 sf
WALKS: 1,181 sf

TOTAL IMPERVIOUS AREA: 158,412 sf (3.64 ac)
TOTAL % LOT COVERAGE: 52.8%

COVERAGE CHANGE: 183 sf
% COVERAGE CHANGE: 52.8% - 52.8% = 0.0%

PROPERTY ABUTTERS:
CITY OF BURLINGTON ELECTRIC DEPARTMENT
PARCEL ID: 053-2-005

FORTIETH BURLINGTON, INC.
PARCEL ID: 053-2-010

CITY OF BURLINGTON
PARCEL ID: 053-2-008

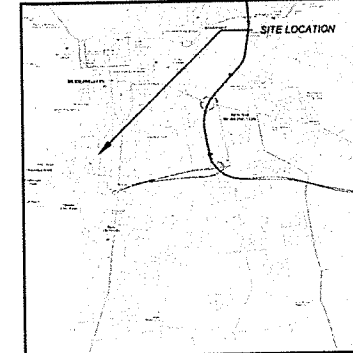
CHAMPLAIN COLLEGE, INC.
PARCEL ID: 053-2-007

CUMBERLAND FARMS INC. V1688 REAL ESTATE DEPARTMENT
PARCEL ID: 053-2-003

GROUP FIVE INVESTMENT, LLC.
PARCEL ID: 053-4-001

BURLINGTON DEPARTMENT OF PARKS AND RECREATION
PARCEL ID: 053-4-082

ANTONIO B. POMERLEAU, LLC.
PARCEL ID: 053-4-083



LOCUS
NOT TO SCALE

LEGEND

	TRAVERSE POINT
	BENCHMARK
	WATER GATE VALVE
	WATER SERVICE SHUT-OFF VALVE
	FIRE HYDRANT
	CATCH BASIN
	DRAIN MANHOLE
	UTILITY POLE
	SEWER MANHOLE
	SHRUB
	TREE
	SIGN
	STORM DRAIN
	WATER LINE
	GRAVITY SEWER LINE
	GAS/PROPANE LINE
	OVERHEAD ELECTRIC LINE
	UNDERGROUND ELECTRIC
	PROPERTY LINE
	ABUTTER PROPERTY LINE
	RIGHT OF WAY/EASEMENT LINE
	SETBACK/BUILDING FOOTPRINT
	WETLAND BOUNDARY
	WETLAND BUFFER
	TREE LINE
	EXISTING 10' CONTOUR
	EXISTING 2' CONTOUR
	PROPOSED CONTOURS
	FENCE LINE

GENERAL NOTES:

- PROPERTY LINES, TOPOGRAPHY, AND EXISTING FEATURES FROM A SURVEY BY NATE YAGER, LS DATED 03/27/2017
- THIS DRAWING IS NOT INTENDED TO BE A BOUNDARY SURVEY
- CONTRACTOR SHALL CONTACT DIG-SAFE PRIOR TO



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BURLINGTON
DEPARTMENT OF
PUBLIC WORKS
645 PINE ST.

CNG REFUELING
STATION
IMPROVEMENTS

RECEIVED
MAY 26 2017

DEPARTMENT OF
PLANNING & ZONING

SITE PLAN

REV	DESCRIPTION	INT
-----	-------------	-----

SHEET: C1

SCALE:	1"=10'
DATE:	5/17/2017
DWG NO.:	ENC1000
REV	REVISION
DRAWN BY:	GAG
CHECKED BY:	PCL

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: July 5, 2017
RE: 17-1207CA; 523-645 Pine Street

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

Zone: ELM Ward: 5S

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

Request: Expansion of the existing compressed natural gas fueling station

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards)

Background Information:

The applicant is seeking approval to expand the existing compressed natural gas (CNG) fueling station behind the Dept. of Public Works building. The project is fairly small, amounting to a larger footprint and some additional equipment. It requires Development Review Board review and approval only insofar as the original project approval stated that any future alterations be subject to DRB review and approval.

Previous zoning actions for this property are noted below.

- 2/24/17, Approval to construct public electric vehicle charging stations
- 10/4/11, Approval to construct vehicle wash station
- 8/10/11, Approval to remove hydrogen fueling station
- 9/20/05, Approval to construct a hydrogen fueling station
- 3/7/03, Approval to replace front door with sliding door
- 3/10/03, Approval to extend salt storage shed
- 6/24/02, Approval to install 8' tall chain link fence
- 7/6/00, Approval to amend approval of DPW facility, eliminate cold storage shed
- 2/10/00, Approval to amend approval of DPW facility, relocate transformer
- 8/10/00, Approval of parking lot screening as required by DPW facility approval
- 8/26/99, Approval of construction of DPW central facility
- 8/26/99, Approval to demolish St. Johnsbury Trucking facility
- 10/9/97, Approval to relocate fueling facility
- 12/20/95, Approval of parallel sign for DPW Traffic Division
- 10/20/95, Change of use from trucking facility to DPW Traffic Division

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

I. Findings

Article 2: Administrative Mechanisms

Part 7: Enforcement

Sec. 2.7.8, Withhold Permit

A number of zoning permits have been approved for the subject property. Most, but not all, have final certificates of occupancy. Per this section, prior to issuance of a final certificate of occupancy for this project, any zoning permits not yet closed out with final certificates of occupancy must be addressed. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.3, Enterprise Districts:

(a) Purpose

(1) Light Manufacturing (E-LM)

The subject property is located in the E-LM zone which is intended as the primary commercial/industrial center of Burlington. The zone also allows Public Works garages and yards. The property is the main Department of Public Works facility and contains an existing CNG station. This application proposes to expand the CNG station by 250 sf with an additional compressor and related equipment. This application is consistent with the intent of the E-LM zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

No additional building area is proposed. Therefore, FAR remains unchanged.

Lot coverage will increase slightly. Note that there is a discrepancy between the project narrative that cites 250 sf additional coverage versus the site plan that notes 183 sf additional coverage. In any event, the percent change is less than 1% from the existing 52.8% lot coverage.

Side and rear setbacks remain unchanged. The expanded CNG facility remains well behind the 5' front yard setback.

No new buildings are proposed. The new equipment stands up to 8.5' tall and is under the maximum permissible 45' height. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

The DPW facility is a permitted use in the E-LM zone. The CNG facility is accessory thereto. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.3 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.3 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.3 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.5.3 (b) above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. Noise information has been provided and indicates a dB level of 79 at 10' away. The nearest building is a garage for BED located 45' away. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

No new or altered outdoor lighting is proposed. **(Not applicable)**

Sec. 5.5.3, Stormwater and Erosion Control

Stormwater runoff associated with the minimal additional impervious surface will be handled by the existing onsite stormwater system. As required, an erosion prevention and sediment control plan has been submitted for review and approval by the city's stormwater program staff. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The property contains a mapped wetland within its northwest corner. The existing CNG facility triggered Conservation Board review because it is located within the 100' wetland buffer. The proposed expansion is contained within existing developed area and is located to the east of the present CNG facility footprint (i.e. further away from the wetland). No further encroachment towards the protected wetland is included in this proposal. Note that the wetland and associated buffer are not depicted on the site plan and must be. **(Affirmative finding as conditioned)**

(b) Topographical alterations

No significant topographical alterations are included in this proposal. Some minimal fill and grading will be required to level the ground for installation of the new CNG equipment. **(Affirmative finding)**

(c) Protection of important public views

There are no identified view corridors from or through the subject property. **(Affirmative finding)**

(d) Protection of important cultural resources

The subject property contains no historic structures. **(Affirmative finding)**

(e) Supporting the use of alternative energy

No alternative energies are included in this project. Its installation does not preclude future utilization of alternative energy onsite or on neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

The site is included on the Vermont DEC Hazardous Site List. The DEC information indicates that site management activities associated with the contamination are completed. The site plan makes no indication of where contamination exists onsite and must. If the proposed work affects an area of onsite contamination, follow up with DEC will be required. **(Affirmative finding as conditioned)**

(g) Provide for nature's events

See Sec. 5.5.3.

(h) Building location and orientation

No changes proposed. **(Not applicable)**

(i) Vehicular access

No changes proposed. **(Not applicable)**

(j) Pedestrian access

No changes proposed. **(Not applicable)**

(k) Accessibility for the handicapped

No changes proposed. **(Not applicable)**

(l) Parking and circulation

No changes proposed. **(Not applicable)**

(m) Landscaping and fences

The CNG facility is, and will continue to be, enclosed with 8' tall fencing. Some existing cedars along the eastern edge will be removed to make way for the expansion. New perennial plantings will be installed in place. The elimination of some cedars will reduce screening; however, the location of the facility remains far back from the road and minimally visible. **(Affirmative finding)**

(n) Public plazas and open space

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

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

The CNG facility amounts to a collection of mechanical equipment appropriately located near the back of the Public Works facility. It is consolidated into one spot and is set within a fenced enclosure. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(Not applicable)

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised plans depicting the following items shall be submitted, subject to staff review and approval:
 - a. Consistent and accurate lot coverage figure (existing and proposed);
 - b. Wetland and associated 100' wide buffer; and,
 - c. Location of site contamination per DEC's Hazardous Sites List.
2. Final approval of the erosion prevention and sediment control plan by the city's stormwater program staff is required prior to construction.
3. It is the applicant's responsibility to work with VT DEC to address onsite contaminants noted in DEC's Hazardous Sites List.
4. Standard Conditions 1-15.

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JUN 07 2017

208-212 North Winooski Avenue – DRB Application Narrative
REVISED 6/6/17

DEPARTMENT
PLANNING & ZONING

Description of the Proposed Change of Use:

The proposed change of use consists of replacing the current retail use (convenience store and beverage redemption center) with a recording studio use (conditional use) within the existing 1-story structure. Minor changes to the current building elevations are also proposed, infilling some existing small windows and single-leaf swing doors and infilling the current overhead door openings with a mix of new storefront doors and siding (see attached proposed elevations).

The North Winooski Avenue corridor is an important mixed-use spine in the Old North End neighborhood of Burlington and the gateway into the City of Burlington from many destinations north and east of the city center. A number of positive redevelopment projects have occurred along the North Winooski Avenue corridor over the past 20 years or so including the reuse of the historic bus barns, creation of the Old Spokes Home bicycle shop, development of the McClure Multigenerational Center, the Chittenden Emergency Food Shelf and Redstone's mixed-use projects at 237 and 258-260 North Winooski Ave. A number of other existing buildings have been repurposed to include unique shopping such as Jamba's Junktiques, a variety of uses at 274 North Winooski, award-winning Barrio Bakery and the African Market. The proposed change of use for 208-212 North Winooski Ave endeavors to continue the ongoing evolution of North Winooski Avenue into a vibrant mixed-use district.

The existing site is completely impervious, covered by a parking area to the north and the existing building footprint. There are no proposed changes to the existing site plan and, as shown in the attached parking calculations, the proposed new use would require less parking spaces than the current use. The recording studio will continue to use both the 3-space off-street parking area just north of the building, and the on-street loading spaces along the east and west side of the building for their frequent loading and unloading of musical equipment. The property is located in the shared use parking district within the Neighborhood Mixed-Use District and based on the owners' past experience, the close proximity to downtown is expected to attract employees and clients that are more apt to bike/walk, use public transportation and/or CarShare.

Proposed Days and Hours of Operation:

The proposed recording studio use is anticipated to have maximum hours of operation from 8am to 2am and operate up to seven days a week.

Estimated Number of Employees:

The recording studio use is anticipated to have a maximum of 6 employees working there at any one time. Management of the building will not entail any on-site employees based out of the property with maintenance functions conducted on a part-time basis by employees who are based off-site.

208-212 North Winooski Ave
Change of Use Application
Parking Calculations

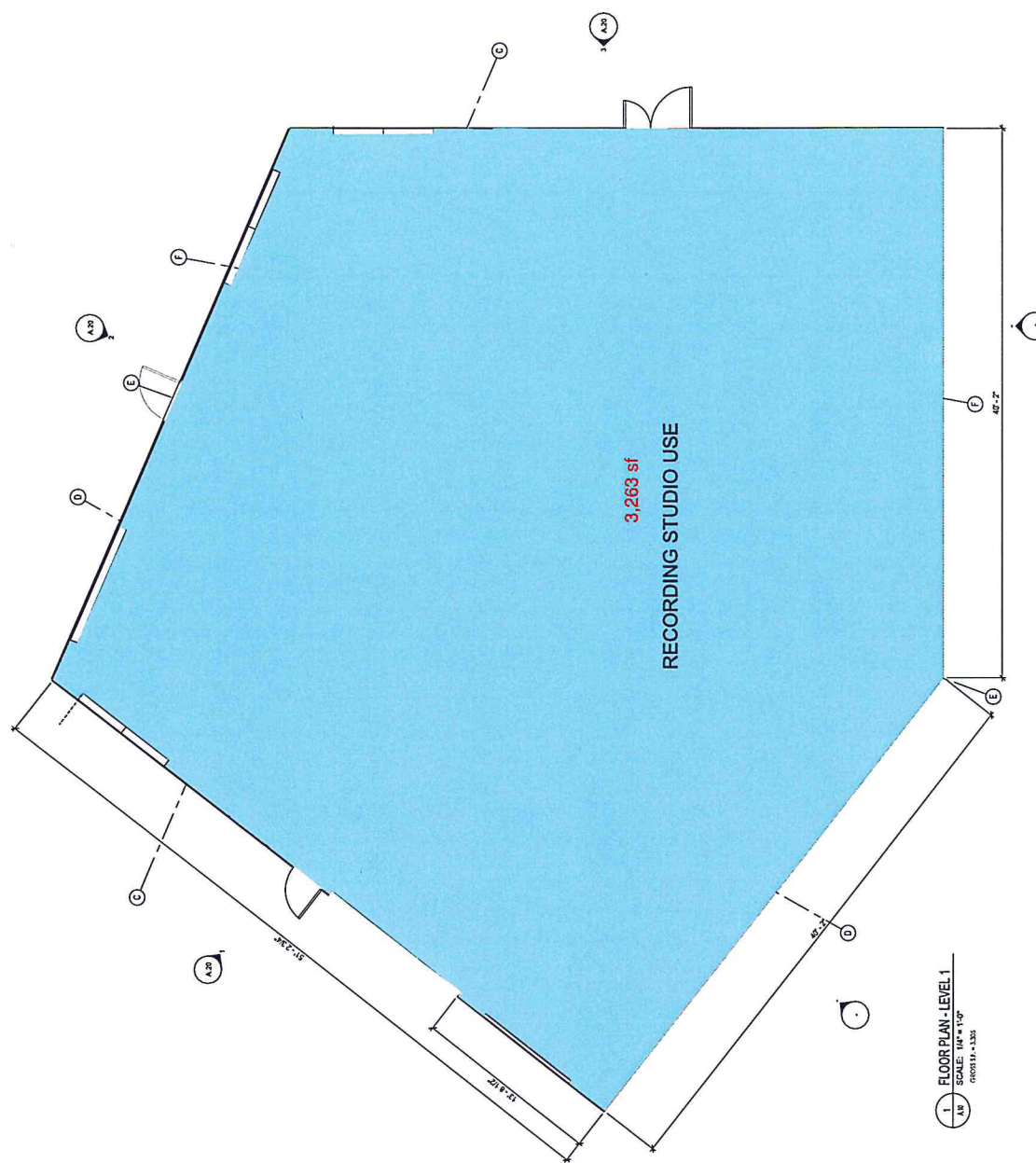
REVISED 6-6-17

		Gross SF	Spaces per 1,000 SF	Required Spaces
Current Use:	Convenience Store	3,263.00	2	6.53

		Gross SF	Spaces per 1,000 SF	Required Spaces
New Uses:				
Recording Studio Use		3,263.00	1	3.26

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JUN 07 2017

DEPARTMENT OF
PLANNING & ZONING



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JUN 07 2017

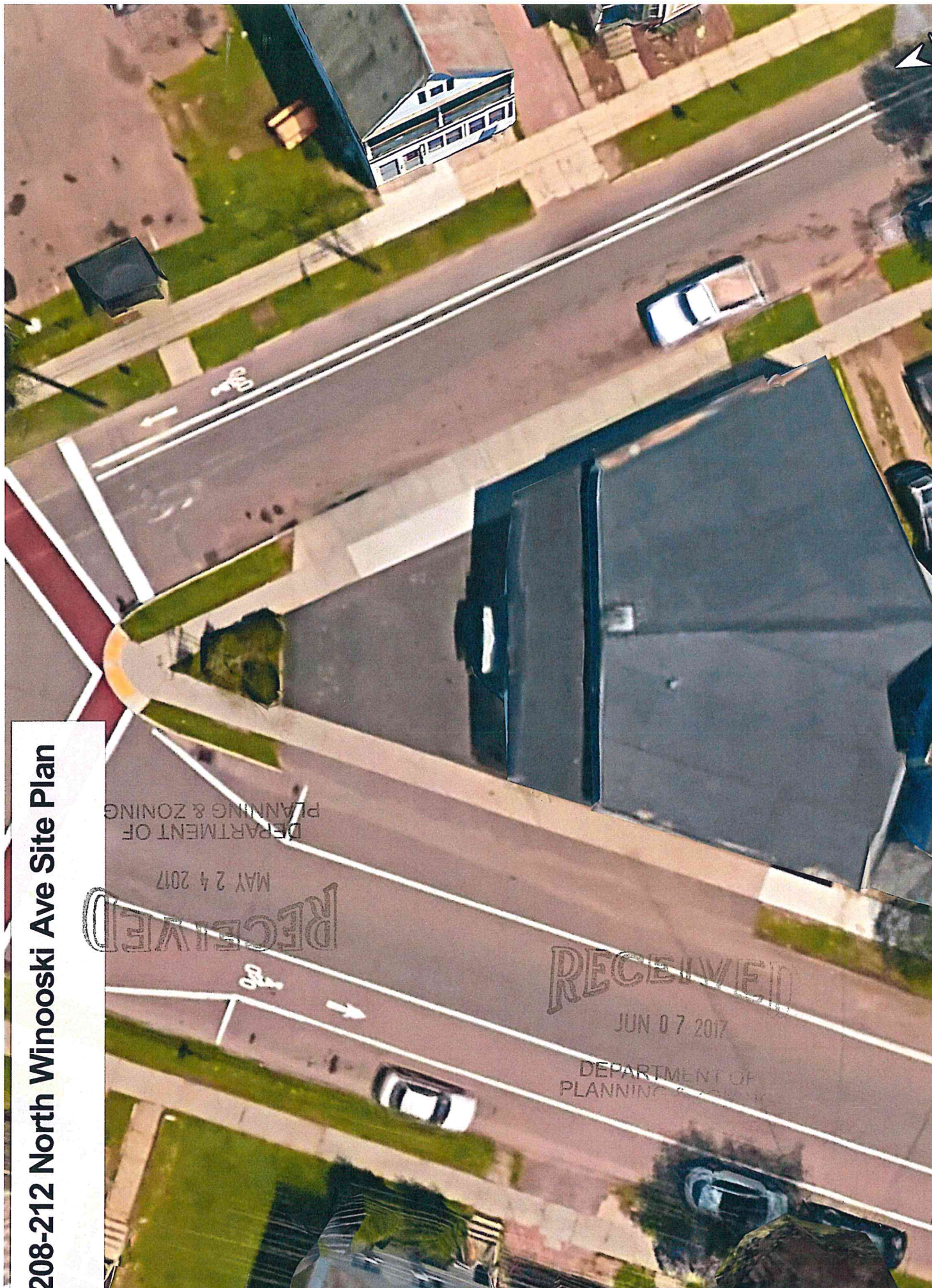
DEPARTMENT OF
PLANNING & ZONING

STC 62

~75% improvement
Green Glue applied to both sides

208 NORTH WINOOSKI AVE. Burlington, Vermont		FOR PERMIT ONLY	DATE: 03/19/17 SCALE: 1/4" = 1'-0" DRAWN BY: mg CHECKED BY: MA PHASE:	FLOOR PLAN - LEVEL 1 A.10
---	--	------------------------	--	---

208-212 North Winooski Ave Site Plan

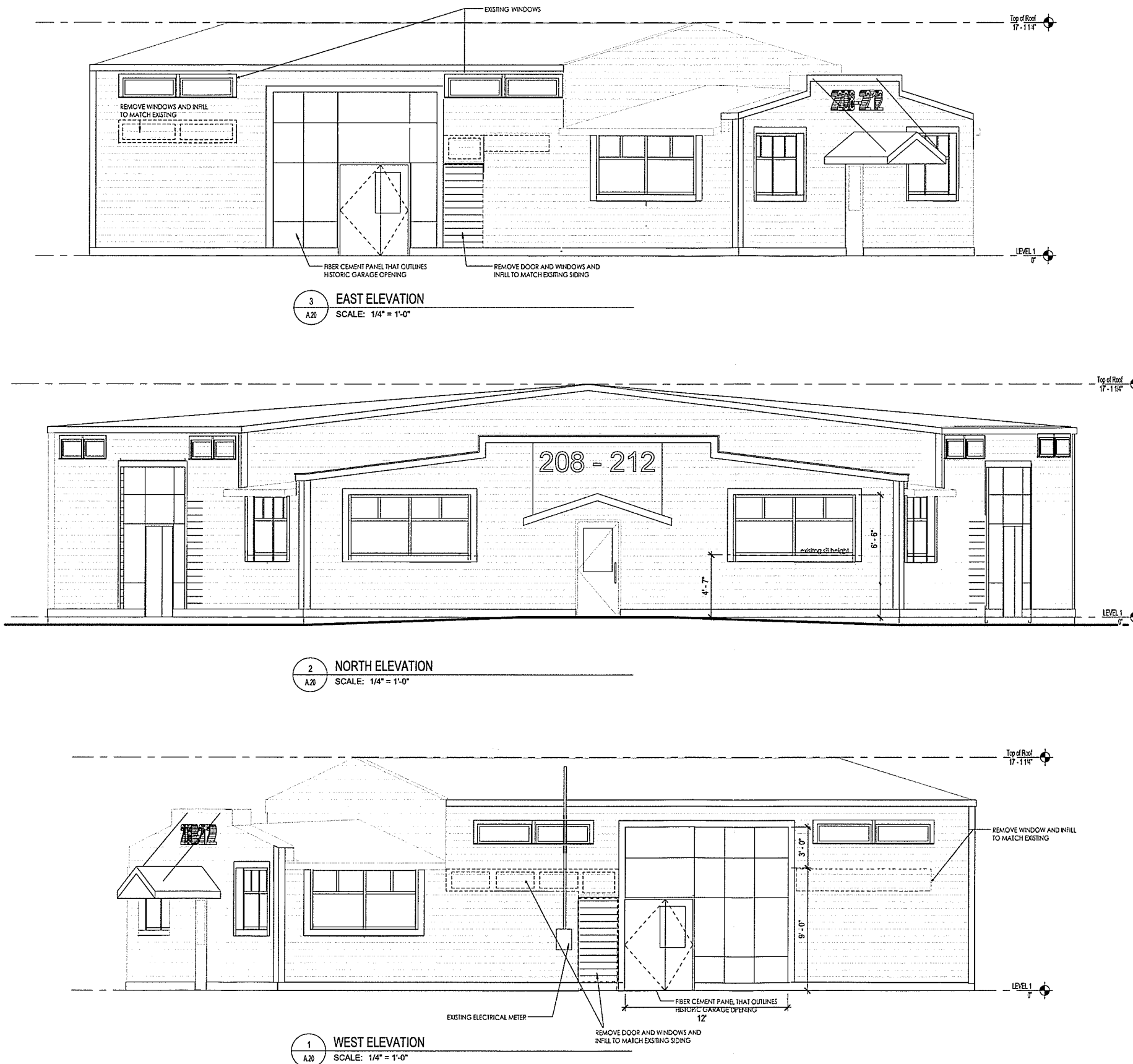


RECEIVED
JUN 07 2017
DEPARTMENT OF
PLANNING & ZONING

208 NORTH WINOOSKI AVE.

The design ideas and plans represented by these documents are the property of Hinge, Inc. The use or copying of these ideas and plans is prohibited without the written permission of Hinge.

Rutland, Vermont



FOR PERMIT ONLY

DATE: 06/07/17
SCALE: 1/4" = 1'-0"

ELEVATION

SHEET NO.

A.20



City of
Burlington, Vermont
149 Church Street

CODE ENFORCEMENT REPORT

ZP #: 17-1103AP

Tax ID: 050-1-108-000

Application Date: May 12, 2017

Property Address: 383 COLLEGE STREET

Note: These are staff comments only; decisions on appeals are made by the Development Review Board, which may uphold or overturn Administrator's decision. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Description of Violation # 334211: Conversion of a multi-use, 5-office and 12-residential unit structure, to a 14-residential unit building with commercial use, without zoning approval. Also, unpermitted exterior signs and site plan alterations.

Sec. 12.2.2 Appeals of Administrative Officer Decisions

Appeal of ZV #334211; information and argument received from Appellant:

Name and address of appellant:

Drew and Dianne Chase d/b/a Astra Burlington, LLC
2217 Orchard Road
Charlotte, VT 05477

Represented by: Marc Wiener, Esq.

Brief description of the property with respect to which the appeal is taken

383 College Street is a mixed residential/office space with 14 residential living units and 5 offices.

Reference to the regulatory provisions applicable to that appeal

The statute applicant relies upon is 24 VSA 4454 (a) establishing a 15-year statute of limitations for the various site improvements or lack of compliance with the zoning permits as set forth in the Notice of Violation as follows:

- (a) An action, injunction, or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required municipal land use permit may be instituted under section 1974a, 4451, or 4452 of this title against the alleged offender if the action, injunction, or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred and not thereafter, except that the 15-year limitation for instituting an action, injunction, or enforcement proceeding shall not apply to any action, injunction, or enforcement proceeding instituted for a violation of subchapter 10 of chapter 61 of this title. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.

Relief requested by the appellant

Applicant is requesting a determination that its property is not in violation of the 1975 zoning permit for (1) failure to construct site improvements which were not constructed in 1975, or which were removed or not maintained from 1975 until the date he purchased this property in 1985.

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

Applicant (as individuals and presently as an LLC comprising Drew and Dianne Chace as members) has owned this property for 32 years. There was no carport when he purchased the property, no landscaping shielding the parking area, no handicap ramp, and the parking lot has retained its original dimensions from 1985 and has not been expanded or reduced in size.

Appellant's Submittals

No submittals attached to the appeal from Appellant

City's Rebuttal:

Appellant does not deny that changes occurred at the property. The changes that occurred at the property required zoning permits. Appellant did not get the required permits and therefore, the property is in violation. Appellant does not refute this. The violation exists.

Instead, as a defense, Appellant relies on 24 VSA § 4454 (a) which establishes a 15-year statute of limitations for zoning enforcement in certain situations. 24 VSA § 4454 does not make a zoning violation legal, rather, it just prevents enforcement. For violations that fall within 24 V.S.A. §4454(a), they are unenforceable violations.

There is support in case law for a few exceptions to the statute of limitations of 24 V.S.A. §4454(a) including, but not limited to 24 V.S.A. §4470(b) which pertains to decisions of the Board and Use violations. *A municipality shall enforce all decisions of its appropriate municipal panels ...*

The concept for the exception of a "use" violation being exempt is that use violations are considered to be "continuing" violations, that is, to recur with each day of violation, therefore the statute of limitations wouldn't apply.

Appellant requested that the Zoning Administrator recognize the existence of 14 residential units under the 15-year Statute of Limitations on March 25, 2015 and that request was denied, appealed to the DRB and the DRB upheld the Zoning Administrator's decision. That

decision was appealed to the Environmental Division, but ultimately withdrawn by the Appellant. Therefore, Finality as outlined under *Sec. 12.2.5 Finality of the CDO* attaches to the Board's 2015 decision in this matter.

City's Submittals

- Notice of Violation Dated April 18, 2017
- Photos of Property
- Site Plan Approved in 1975
- FOF ZP 15-0849DT
- Copy of 24 V.S.A. § 4454(a) and
- Copy of 24 V.S.A. §4470 (b)

Background Information:

- RH Zone
- Multifamily Structure w/offices
- Neighborhood Parking District
- Built 1964
- ZP 04-173 Cover existing T1-11 vertical siding with R3 foam board and three quarter inch fiber cement siding, 4-inch reveal, 6-inch corner boards, trim detail on windows as per submitted photos. Quarter inch insulation. Three quarter inch x 6inch PVC board transition from brick to clapboard as noted in west side elevation. Trim out windows and door with PVC board. 4800 sq. ft. of coverage. Construction to occur between the hours of 8am-5pm, M-F. To date, Appellant has failed to obtain a Certificate of Occupancy for this permit.
- ZP 15-0849DT: Determination of the existence of fourteen residential rental units. Administrative Adverse Decision appealed to the DRB on May 5, 2015 and they upheld Administrative Adverse Decision June 1 2015). Appellant appealed DRB Decision to the VT Environmental Court but later withdrew the appeal.
- April 18, 2017 Notice of Violation Issued for the conversion of a multi-use five-office and 12-residential structure to a 14-residential unit building without zoning approval (ie. removing five offices and replacing with two additional residential units for a total of 14 residential units).

INVESTIGATION:

Planning/Zoning Records:

- November 17, 1959, permit to build a new fraternity house on the lot west of 389 College St.; approved November 24.
- February 24, 1975 request to convert the former Tau Epsilon Phi building at 383 College Street to twelve apartments on the second and third floors and five offices on the first floor.

Also to erect a sign flat against the building. Replace a front window with a door. Approved March 11, 1975 with 5 conditions; permit was not appealed. Site plan attached to permit.

- March 14, 1978 request to convert the 12 apartments and five offices building at 383 College Street, into 16 apartments and the removal of the five offices. Remove rear exterior doors and fill in the spaces was approved. To date one office remains and rear exterior door remains. The permit was not enacted.
- March 25, 2015 request that Zoning Administrator recognize the existence of 14-residential units under the 15-year Statute of Limitations; request denied. ZP 15-0849 DT decision was appealed but then withdrawn.

Department Public Works Records:

- January 2, 1990, building permit to “fit-up” bath and kitchen for office use only.
- January 24, 1990, electrical permit for a new bath on the first floor.
- June 10, 2002, building permit for interior repair and remodeling.
- March 13, 2003, electrical permit to install new wiring for newly installed AC/DC interconnected smoke detectors per City Ordinance for 14 units.

Code Enforcement Minimum Housing Records:

- 2003 – 2017 Owner registered 14 rental units.

Assessor Records:

- Current Assessor Records identify the Property as Office/Residential with 15 units.
- 1993 Records indicate there are 18 rental units and 2 general office units.
- 1985 Records indicate 18 rental units. Work sheet indicates there is an 18% commercial value but does not break out numbers.

Overview:

- 1959 Zoning approval to build a new fraternity house
- 1975 Zoning approval to convert fraternity to 12 apartments on the second and third floors and five offices on the first floor; permit accompanied by an approved site plan.
- 1978 Zoning request to convert 12 apartments and 5 offices to 16 apartments and removal of the five offices. Permit was not enacted and expired.
- 1990 Building permits to “fit-up” bath and kitchen for office use only. Electrical permit to wire new bath on the first floor.

- 2002 Building permit for interior repair and remodeling
- 2003 Electrical permit for new wiring for newly installed AC/DC interconnected smoke detectors for 14 units
- 2003-2017 Housing registration for 14 residential units.
- 2015 Zoning request that Zoning Administrator recognize the existence of 14 units under the 15-year Statute of Limitations. Determination appealed and DRB upheld the administrative decision.
- 2017 Code Enforcement Officer verified 2 residential units on the first floor, site did not correspond to the 1975 approved site plan and conditions of approval, and unapproved signs were posted at the Property.

FINDINGS

- Structure was originally built for a fraternity use in 1959. Sixteen years later the fraternity was converted to 12 residential units on the second and third floors and five offices on the first floor. Owners' attorney suspects the existing two units on the first floor were from the house manager units for the fraternity, but the 1975 permit is clear that the first floor is for five office spaces; if two house manager units did exist during the fraternity years, they should have been removed at this time.
- In the 90's trade permits were issued for a new kitchen and bath but there are not corresponding zoning permits in the City's Planning/Zoning files.
- Site visit to Property on April 11, 2017, found one commercial use based on signage and conversation with business owner; no evidence as to the number of residential units, although business owner said there are approximately 14 residential units; 15 parking spaces on site (including behind the building) and an indication someone has been accessing, or parking on, the green space in close proximity to the sidewalk on College Street; follow-up site visit on May 10, 2017, with Owner's legal representation present, inspector verified 5 business offices and 2 residential units on the first floor. Appellant's representation stated there were 12 residential units on floors 2 and 3, which corresponds with Minimum Housing records.
- May 10, 2017 follow-up visit to the Property, with Owner's legal representation, findings included 2 residential units on the first floor and 5 offices. All parties reviewed the 1975 zoning permit, conditions of approval, and 1975 approved site plan; discrepancies between uses and site issues were identified along with unapproved signs.
- There are no zoning permits on file to increase the number of residential units, to reduce the number of commercial spaces, for additional signage, or site plan review (ie. amend 1975 Approved Site Plan).

- April 18, 2017 Notice of Violation mailed to Appellant certified and first class mail.

Conclusion:

The City asks the Board to uphold ZV #334211 and, as allowed for in Section 2.7.10 of the CDO, institute the following remedies:

1. By July 28, 2017, Appellant shall present to the Zoning Administrative Officer a plan to remove the two illegal units and how the space will be integrated into the approved/existing 5-office units.
2. By July 31, 2017 Appellant shall obtain all appropriate permits to remove the two illegal dwelling units and to reconfigure the first floor space.
3. By July 31, 2017 Appellant site shall comply with 1975 approved site plan or Appellant shall submit a complete zoning application for Site Plan Improvements.
4. By August 1, 2017 work shall start to remove the two illegal first floor dwelling units with a completion date of August 4, 2017.
5. If Appellant chooses, prior to July 31, 2017, they may request an Agreement between the City and Appellants with a reasonable timeframe in which to bring the property into compliance with the CDO; fees will be required. Agreement shall be executed on or before 4:00 pm on August 21, 2017.
6. If City denies Appellant's request for an Agreement, Appellant shall revert back to remedy items 1-4
7. It is the Appellant's responsibility to contact the Code Enforcement Office and request an inspection to verify Property has remedied ZV #334211.

383 College St

16 Residential Units Determination: FOF

383 College St

Zoning Violation Notice # 334211

A blue geometric graphic consisting of several overlapping triangles and quadrilaterals, creating a dynamic, abstract shape in the top left corner of the page.

383 College St

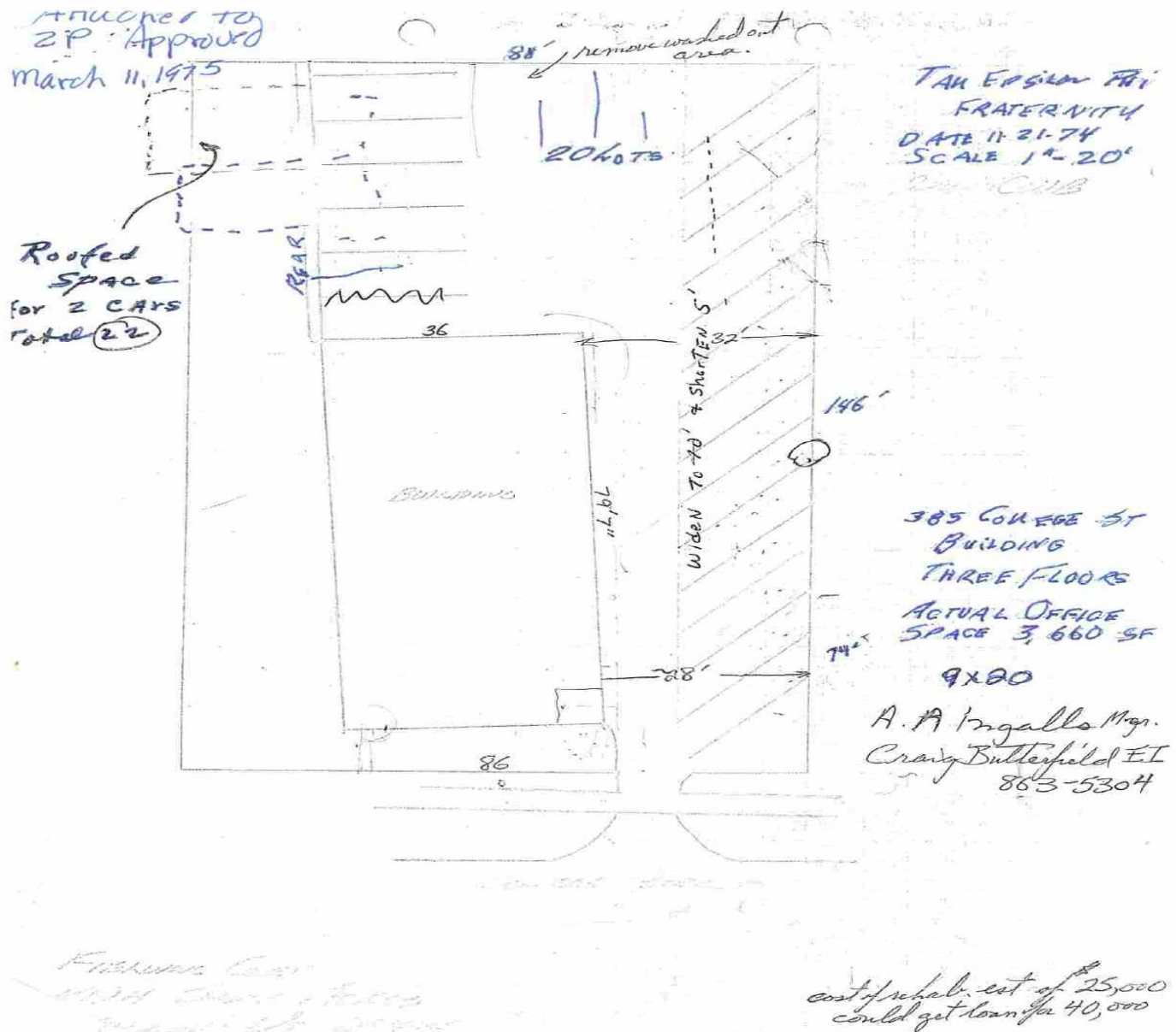
PC Approval March 13, 1975: Permit to convert first floor to five offices and to convert upper two floors to 12 apartments within existing structure.

Approval subject to stipulations:

Stipulations for Certificate of Appropriateness to: A.A. Ingalls

- a) A further reduction in required parking spaces from 18 to 17 (zoning ordinance requires 21 spaces for uses proposed) with all parking to be provided south of the front building line parallel to College St. The Board is in complete agreement that the requirements in the zoning ordinance are overly stringent for this particular project since over-lapping coverage is provided by the non-conflicting office and residential uses. The site is also one block from two primary bus routes. **Number of spaces currently on site is 15**
- b) Landscaping of the parking lot along the street frontage to screen the parked cars from the street. **Majority of parking is screened from street.**
- c) Continuation of the screening along the westerly property line to minimize glare from parked cars. **Barrier is not continuous. A few shrubs have died and glaring of headlights to neighboring property is a big possibility.**
- d) Provision by a ramp at the front or rear entrance to give access to the handicapped to the basement or office level. **Not done.**
- e) The provision of 2 controlled parking spaces within the “carport” is acceptable for this project but is not to be viewed as a precedent for future projects.

1975 Approved Site Plan:



NOTES: "Roofed space for 2 cars" removed (or never built), existing parking spaces 15 approved for 17, no location for trash bins

DRB Report: ZL: 17-1103AP

June 20, 2017

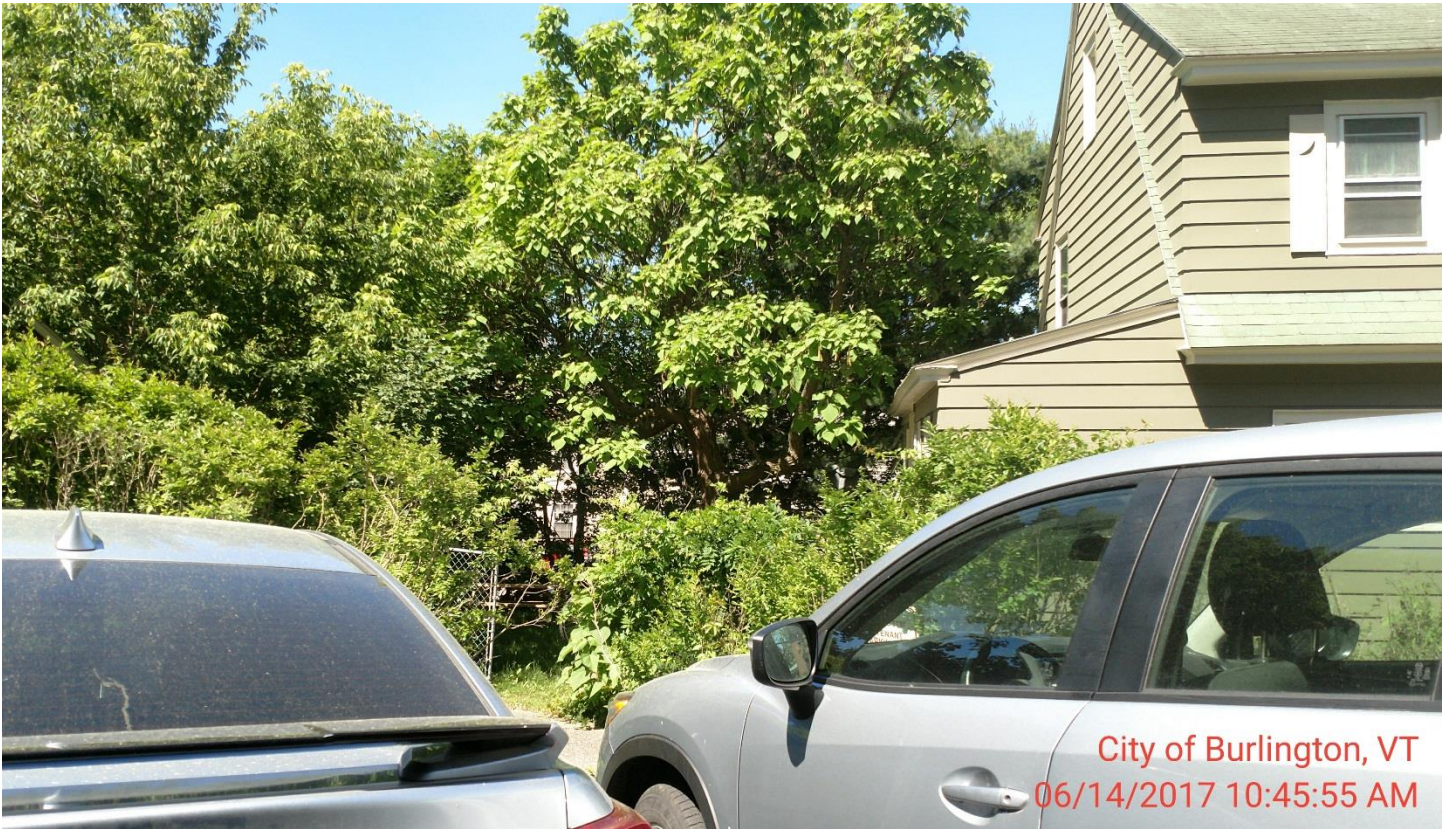


Condition 1: A further reduction in required parking spaces from 18 to 17 (zoning ordinance requires 21 spaces for uses proposed) with all parking to be provided south of the front building line parallel to College St. The Board is in complete agreement that the requirements in the zoning ordinance are overly stringent for this particular project since over-lapping coverage is provided by the non-conflicting office and residential uses. The site is also one block from two primary bus routes

Rear parking, south of building, looking east. Parking does not comply with approved site plan. Condition #1 approves a reduction in parking to a total 17 parking spaces; today there are a total of 15 spaces. 1975 site plan shows 7 parking spaces in this area, including the 2 "carport" spaces.



Condition b. Landscaping of the parking lot along the street frontage to screen the parked cars from the street. **Bush should continue to the pavement to screen as much of the parking as possible.**



Looking west: Condition c. Continuation of the screening along the westerly property line to minimize glare from parked cars. As shown in the photo above, screening along the westerly property line is not continuous and does not sufficiently provide screening from the glare of car headlights parked at 383 College Street, westerly property line.



Looking west: Condition c. Continuation of the screening along the westerly property line to minimize glare from parked cars. As shown in the photo above, moving closer to College Street, screening along the westerly property line is not continuous and does not sufficiently provide screening from the glare of car headlights parked at 383 College Street, westerly property line.



Looking west: Condition c. Continuation of the screening along the westerly property line to minimize glare from parked cars. As shown in the photo above, moving closer to College Street, screening along the westerly property line is not continuous and does not sufficiently provide screening from the glare of car headlights parked at 383 College Street, westerly property line.



Condition of approval d. Provision by a ramp at the front or rear entrance to give access to the handicapped to the basement or office level. [A handicapped ramp has not been provided for at the rear entrance.](#)



Condition of approval d. Provision by a ramp at the front or rear entrance to give access to the handicapped to the basement or office level. A handicapped ramp has not been provided for at the front entrance.



Parking occurred in this area and cited in the Notice of Violation. Appellant shall restore this area back to grass and place a barrier around the Property's area to prevent further illegal parking in this area in order to remedy the violation.



South property boundary. Existing dumpster and trash receptacles are not included on the approved 1975 site plan.



Awning does not have zoning approval. Sign on the building is a directional sign.



Lawn area shall be restored.

BURLINGTON PLANNING COMMISSION
ROOM 34 CITY HALL

CERTIFICATE OF APPROPRIATENESS

RECEIVED
JUN 15 2017

DEPARTMENT OF
PLANNING & ZONING

Applicant's Name: A. A. Ingalls Mgr. Fielding Corp.

Mailing Address: 36 Rivermount Ter., Burlington, Vermont

Location of Project: 383 College St., Burlington, Vt.

Zoning District R - 75

Brief Description of Project: Application #: 7510

To convert first floor to five offices and to convert upper two floors to
12 apartments within existing structure

Planning Commission Decision:

The Planning Commission of the City of Burlington at its meeting of
March 13, 1975 considered the application described above for
Design Review & sub - division approval approval as
Site Plan Design Historic
required under Section 19 of the Burlington Zoning Ordinance as amended.

Your application is hereby approved with the following stipulations:

(See attached sheet)

March 17, 1975
Date


City Planner

DISCLAIMER Receipt of a Certificate of Appropriateness in no way releases the applicant from the responsibility of obtaining a building permit from the Building Inspector to assure compliance with the Building Code of the City of Burlington.

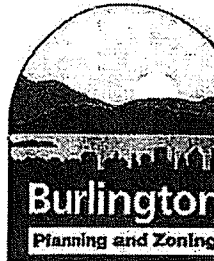
Burlington Development Review Board
149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/PZ
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

RECEIVED
JUN 15 2017

DEPARTMENT OF
PLANNING & ZONING

Austin Hart, Chair
Missa Aloisi
Alexander J. LaRosa
Michael Long
Brad Rabinowitz
Israel Smith
Jonathan Stevens

Alexandra Zipparo, (alternate)
Jim Drummond, (alternate)



Burlington Development Review Board

Findings of Fact

Deliberative Hearing Monday, May 18, 2015

Board Members Present: Michael Long, Brad Rabinowitz, Alexander LaRosa, Missa Aloisi, Israel Smith, Ali Zipparo.

Staff members present: Ken Lerner, Mary O'Neil.

File: 15-0849DT Appeal

Location: 383 College Street

Zone: RH **Ward:** 8E

Date appeal accepted: April 8, 2015

Date of administrative decision: March 26, 2015

Date of application: March 5, 2015

Appellant/Owner: Marc Wiener/Dianne & Drew Chase, DBA Astra Burlington LLC

Request: Appeal of Administrative Determination regarding the existence of fourteen residential units at 383 College Street.

Evidence Presented:

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

I. Minutes

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

II. Motion by Brad Rabinowitz: In the matter of 15-0849DT, I move we **deny** the appeal of the adverse determination regarding the existence of fourteen residential units and adopt the following findings:

III. Findings

Background:

- Zoning Permit to build frat house. Approved November 24, 1959.
- Zoning Permit/COA7510 to convert frat house to twelve apartments and five offices. Approved February 24, 1975/March 17, 1975.
- Zoning Permit to convert the 12 apartments and five offices into 16 apartments and the removal of the five offices. Approved March 14, 1978. This permit was conditioned to obtain approval of the Planning Commission for design review.

- Zoning Determination 15-0849DT; to recognize the existence of fourteen residential rental units. Adverse March 26, 2015. (Subject of appeal).

Overview: The determination request was adverse “Based on the zoning permit issued on February 24, 1975 for 12 apartments and the lack of any additional zoning permits for additional units, under current status of law it is not possible to confirm fourteen residential units on the subject property.”

- Subsequent to the appeal of the determination another permit was found that approved, on March 14, 1975, the conversion of the 12 units into 16 units, but also eliminated the offices. This permit was conditioned upon approval of the Planning Commission for design review. However, after a further search no evidence of the Planning Commission approval was found. This included review of all Commission agendas from February 1978 to December 1979. Unless the appellant can provide evidence of the Planning Commission approval it appears that this permit never was completed or implemented. This is further evidenced by the appellant’s affidavit that states there are five office spaces, which confirms that they were not removed under the March 14, 1975 permit.
- Part 2 of this application is for a new structure, attached to Alumni House via a connector that will provide gallery space. The plan includes reconfigured driveways and pedestrian walkways, lighting and landscaping. The new “Silver Pavilion” building is intended to be an approximately 6,035 sq. feet event space for up to 150 people.
- Plans include alteration and associated site changes to 411 Main Street which will require either separate zoning application and review, or merger of the lots to create a single lot. The University has chosen the latter.

Appellant Statement/Response:

File statement dated April 7, 2015

Appellant claims they have owned the property since 1985 and that it contained 14 units at that time and ever since. The appeal applies the 15-year statute of limitations pursuant to 24 VSA 4454 to support the claim for 14 units.

In addition to the appellant’s affidavit all other documentation provided by the appellant for the existence of 14 units are city records from Code Enforcement, Minimum Housing. However, these records only go back to 2002, and are based on owners’ representation and not on any research of zoning permit files to insure all appropriate Zoning Permits and Zoning Certificates of Occupancy have been issued for the above property. This is clearly stated in the zoning compliance letter issued for this property by Code in 2003.

Further, the change of use to 14 units is an exception to the 15-year limitation, based on case law; see *St. Albans v. Hayford*, Docket No. 161-9-03 Vtec., (Vt. Environmental Ct., June 1, 2004)(Wright, J.); *City of Burlington v. Richardson*, 2006 WL 4088224 at 5 (Vt. Env’tl. Ct. June 27, 2006); *City of Burlington v. Wesco, Inc.*, 2008 WL 7242596 at 7 (Vt. Env’tl. Ct. March 6, 2008). Thus, the 15-year position put forth by the appellant is not applicable in the use of the premises in violation that is not in compliance with the 12-unit approved permit and COA.

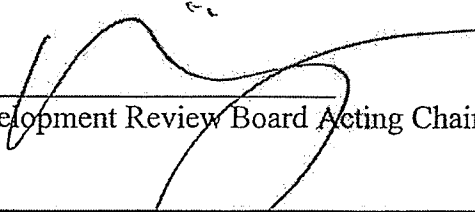
Findings of Fact

Second: Michael Long

Vote: 4-2 (M. Aloisi & Ali Zipparo opposed) motion carried

Dated at Burlington, Vermont, this 1 day of ^{JUNE} May, 2015

Respectfully Submitted,



Brad Rabinowitz, Development Review Board Acting Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court, Environmental Division. (Comprehensive Development Ordinance Article 12, Section 12.2.3 Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court within 30 days of the date of the written decision as follows:

(a) Notice of Appeal: The appeal shall be taken in such a manner as the Supreme Court or the environmental court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3, Vermont Statutes Annotated. Notice of the appeal shall be sent by mail to every interested person appearing and having been heard at the hearing before the DRB, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.)

MARC E. WIENER LAW OFFICES, PLLC
Attorney-at-Law
P.O. Box 433/ 110 Main Street Suite 1-A
Burlington, Vt 05402
Telephone (802) 863-1836
Facsimile (802) 863-1948

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MAY 10 2017

DEPARTMENT
PLANNING & ZONING

Marc E. Wiener, Esq.
Alec K. Slater, Esq.

Ronietta F. Downey
Legal Assistant

May 10, 2017

To the Development Review Board, City of Burlington :

My clients, Drew and Dianne Chace d/b/a Astra Burlington, LLC of have asked me to file an appeal of the Notice of Violation dated April 25, 2017 concerning lands and premises situated at 383 College Street. My client's mailing address is 2217 Orchard Road, Charlotte, VT 05477.

Decision under appeal : Notice of Violation includes " site plan" alterations from a 1975 zoning permit, many of which alterations have existed for more than 30 years. As far as the Violation for having 14 residential units, the property owners were under the understanding that the City would not be enforcing the violation based upon a previous statement from Kenneth Lerner, the former City zoning administrator.

Description of Property : 383 College Street is a mixed residential/office space with 14 residential living units and 5 offices.

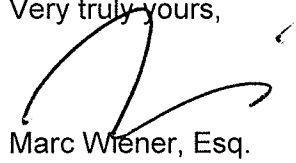
Regulatory Provisions : The statute applicant relies upon is 24 VSA 4454 (a) establishing a 15 year statute of limitations for the various site improvements or lack of compliance with the zoning permits as set forth in the Notice of Violation as follows :

(a) An action, injunction, or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required municipal land use permit may be instituted under section 1974a, 4451, or 4452 of this title against the alleged offender if the action, injunction, or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred and not thereafter, except that the 15-year limitation for instituting an action, injunction, or enforcement proceeding shall not apply to any action, injunction, or enforcement proceeding instituted for a violation of subchapter 10 of chapter 61 of this title. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.

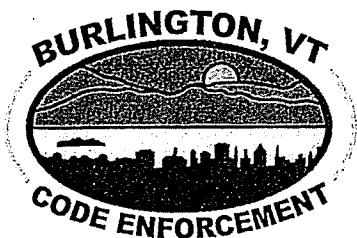
Relief Requested: Applicant is requesting a determination that its property is not in violation of the 1975 zoning permit for (1) failure to construct site improvements which were not constructed in 1975, or which were removed or not maintained from 1975 until the date he purchased this property in 1985.

Grounds why relief is believed proper: Applicant (as individuals and presently as an LLC comprising Drew and Dianne Chace as members) has owned this property for 32 years. There was no carport when he purchased the property, no landscaping shielding the parking area, no handicap ramp and the parking lot has retained its original dimensions from 1985 and has not been expanded or reduced in size.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Marc Wiener', with a stylized flourish at the end.

Marc Wiener, Esq.

**CODE ENFORCEMENT OFFICE**

645A Pine St, PO Box 849
Burlington, VT 05402-0849

VOICE (802) 863-0442

FAX: (802) 652-4221

NOTICE OF ZONING VIOLATION (NOV)

April 25, 2017

Mailed Certified Mail : 7013 3020 0001 6717 7230
And FIRST CLASS MAIL

ASTRA BURLINGTON LLC
C/O SIMPLICITY PROPERTY
MANAGEMENT
70 SOUTH WINOOSKI AVE. SUITE 2C
BURLINGTON, VT 05401

NOTICE OF VIOLATION AT:
383 COLLEGE ST, BURLINGTON, VT
TAX LOT #050-1-108-000

Zoning Violation# 334211

Dear Owners,

It has come to the attention of this office that a zoning violation exists at 383 College St.

Description of Violation: Conversion of a multi-use 5-office and 12-residential unit structure to a 14-residential unit building with commercial use, without zoning approval. Also, unpermitted exterior signs and site plan alterations.

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

Please be advised that violations of the CDO are subject to fines of up to two hundred dollars (\$200.00) for each day that a violation continues. You may submit a zoning application to attempt correction of the violation, however, be advised application and filing fees are subject to a fee increase (see CDO Section 2.7.8).

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

This NOV is a decision of the Zoning Enforcement Officer, designee of the Burlington Zoning Administrator, may be appealed to the Development Review Board in accordance with the provisions of CDO Sections 2.7.11 and 12.2.2 provided that such appeal is filed within fifteen (15) days of the date of this NOV April 10, 2017, and accompanied by the appropriate fee in accordance with Sec. 3.2.4(a) of the CDO. Appeal fee and complete application shall be filed with the City's Planning and Zoning Office (City Hall, 149 Church Street) by **4 pm on May 10, 2017**; an appeal shall not be perfected until the fee is received.

If you have any questions, please call Jeanne Francis at (802) 864-8518 or email at jfrancis@burlingtonvt.gov.

Sincerely,

David E. White
Zoning Administrative Officer

Sincerely,

Jeanne Francis
Asst. Zoning Administrative Officer/
Code Compliance and Enforcement

Cc: Land Records for Tax Lot # 050-1-108-000

VIOLATION DETAILS

LOCATION: 383 College ST

DECISION DATE: April 25 2017

VIOLATION DESCRIPTION: Conversion of a multi-use 5-office and 12-residential unit structure to a 14-residential unit building without zoning approval. Also, unpermitted exterior signs and site plan alterations.

FINDINGS: Planning/Zoning Records:

- November 17, 1959, permit to build a new fraternity house on the lot west of 389 College St.; approved November 24.
- February 24, 1975 request to convert the former Tau Epsilon Phi building at 383 College Street to twelve apartments on the second and third floors and five offices on the first floor. Also to erect a sign flat against the building. Replace a front window with a door. Approved March 11, 1975 with 5 conditions; permit was not appealed. Site plan attached to permit.
- March 14, 1978 request to convert the 12 apartments and five offices building at 383 College Street, into 16 apartments and the removal of the five offices. Remove rear exterior doors and fill in the spaces was approved. The permit was not enacted and expired.
- March 25, 2015 request that Zoning Administrator recognize the existence of 14 residential units under the 15-year Statute of Limitations; request denied. 12 residential units were recognized. ZP 15-0849 DT decision was appealed to Development Review Board (DRB). The DRB upheld the administrative determination.

Department Public Works Records:

- January 2, 1990, building permit to "fit-up" bath and kitchen for office use only.
- January 24, 1990, electrical permit for a new bath on the first floor.
- June 10, 2002, building permit for interior repair and remodeling.
- March 13, 2003, electrical permit to install new wiring for newly installed AC/DC interconnected smoke detectors per City Ordinance for 14 units.

Code Enforcement Minimum Housing Records:

- 2003 – 2017 Owner registered 14 rental units.

Assessor Records:

- Current Assessor Records identify the Property as Commercial/Residential with office and 15 residential apartments.
- 1993 Records indicate there are 18 rental units and 2 general office units.
- 1985 Records indicate 18 rental units. Work sheet indicates there is an 18% commercial value but does not break out numbers.

Overview: March 11, 1975 Owner was approved for the conversion of a frat house to 12 apartments and five offices; project constructed. On March 14, 1978 Owner was approved to convert the multi-use 12 residential units and 5 offices building to 16 residential units and 0 commercial spaces; permit was not enacted and Owner did not obtain conditional use approval from the Planning Commission for design review as conditioned. City records indicate a conflict in the number of residential units and office spaces. Zoning Determination dated May 18, 2015 denied the Owner's request to acknowledge the existence of fourteen residential rental units, based on the zoning permit issued on February 24, 1975 for 12 residential apartments and 5 office spaces. Although other City departments indicate 14-15 residential units, there are no known zoning permits for 14-15 residential units.

Site visit to Property on April 11, 2017, found one commercial use based on signage and conversation with business owner; no evidence as to the number of residential units, although business owner said there are approximately 14 residential units; 15 parking spaces on site (including behind the building) and an indication someone has been accessing, or parking on, the green space in close proximity to the sidewalk on College Street.

No zoning permits on file to increase the number of residential units for existing signage, or site plan alterations.

**REMEDY
OPTIONS:**

Within seven (7) days from receipt of this notice you may cure the violation by:

- 1) Remove the violation by:
 - Reducing the number of residential units to 12.
 - Correspond with site plan attached to 1975 Zoning Permit Approved March 11, 1975 (see attached). OR
- 2) Requesting an "Agreement", with the City of Burlington, to accept a reasonable timeline in which to cure violations noted above and, to bring Property into compliance with the CDO (**administrative fees required**).
PLEASE NOTE: If the "Agreement" request is denied, the violation is **NOT** cured. Owner shall be required to remove the violation as noted in #1 or #2 above within five (5) business days from date request was denied.

APPEAL RIGHTS: You have the right to appeal this decision that a zoning violation exists on your property to the Development Review Board in accordance with the provisions of Articles 2.7.11 and 12.2.2 of the CDO within fifteen (15) days **from the date of this notice**. The deadline for filing an appeal is 4 pm on May 10, 2017. Submit a

complete application with ZV# and appropriate fee to the Department of Planning and Zoning, accompanied by a memo stating the ZV#, the owner's name and address, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief you are requesting, and the alleged grounds why such relief is believed proper under the circumstances. *Failure to appeal constitutes admission that the violation exists, and the decision of the enforcement officer shall be binding 24 V.S.A §4472(d).*

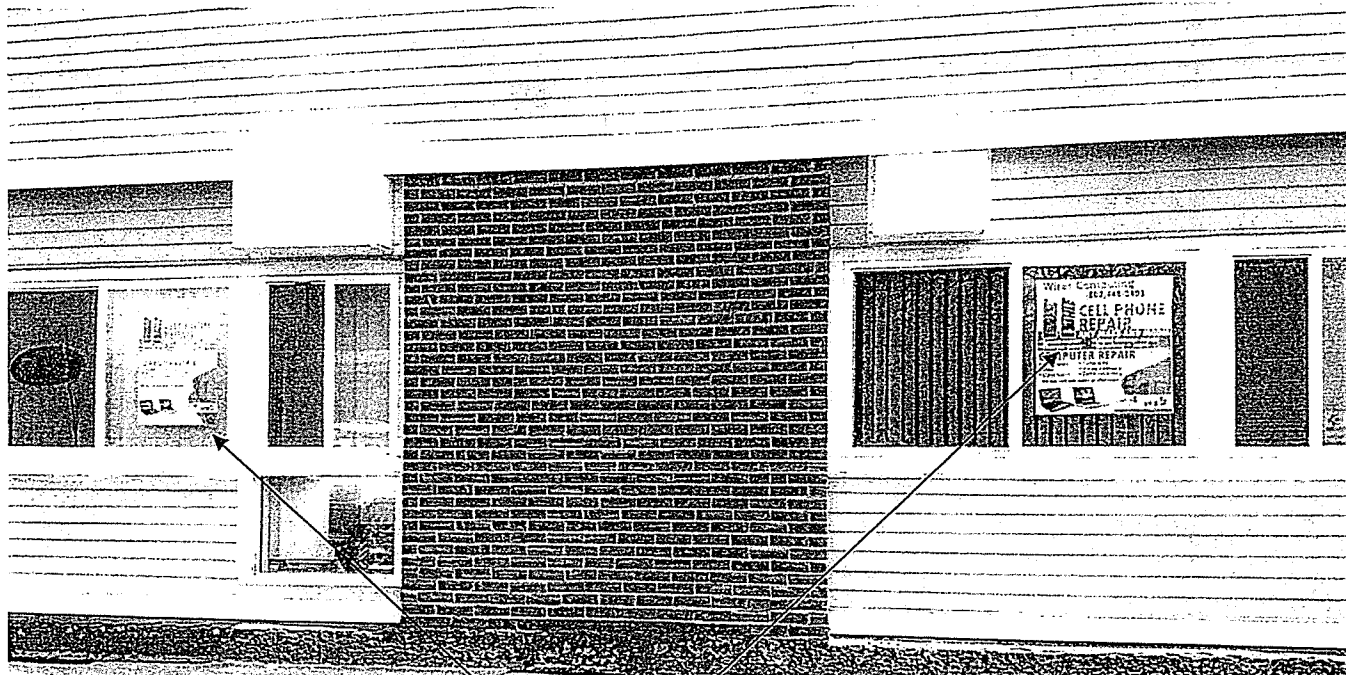
**REGULATION
CITATION:**

CDO Article(s): 2, 3, 5, 12 and 24 VSA §4451



City of Burlington, VT
04/11/2017 12:51:57 PM

Condition for 1975 permit required a handicapped ramp at this door front door. This is the only advertised commercial space in the building.



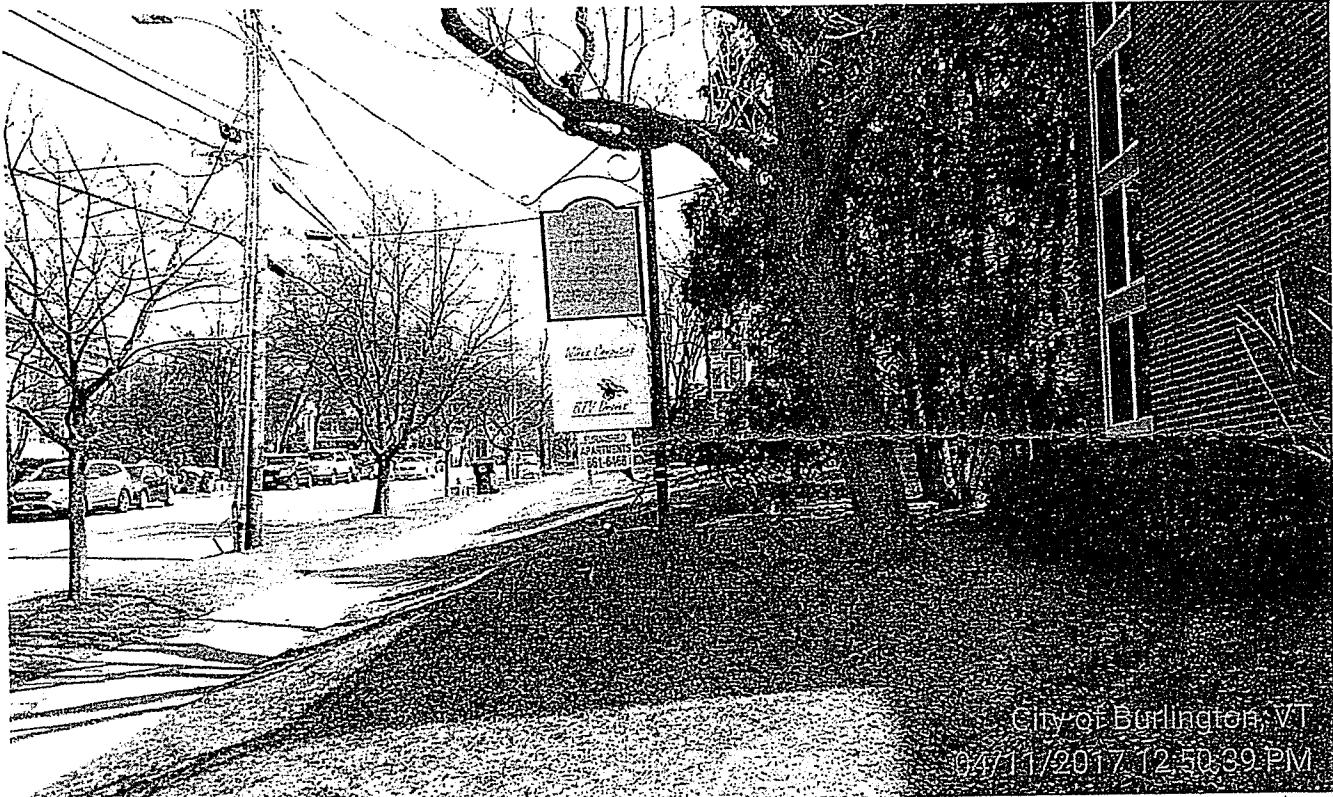
City of Burlington, VT
04/11/2017 12:51:46 PM

No zoning permit on file for these two signs.



City of Burlington, VT
04/11/2017 12:51:03 PM

Vehicles have been using this area to access driveway or parking here. Disturbed area shall be restored. Permit also requires landscaping of the parking lot, along the street frontage to screen the parked cars from the street. Landscaping for screening parking shall be planted along the street frontage.



Only one sign was approved under ZP 83-235. The freestanding sign exceeds the approved dimensions.



Sign is a directional sign, Zoning Permit not required. Awning requires zoning approval.



Carport has been removed as shown on 1975 site plan. Parking does not correspond with 1975 site plan.



Dumpster is not shown on 1975 site plan, requires site plan approval.



City of Burlington, VT

04/11/2017 12:51:03 PM

Condition for 1975 permit requires handicapped ramp for either front or rear entrance.

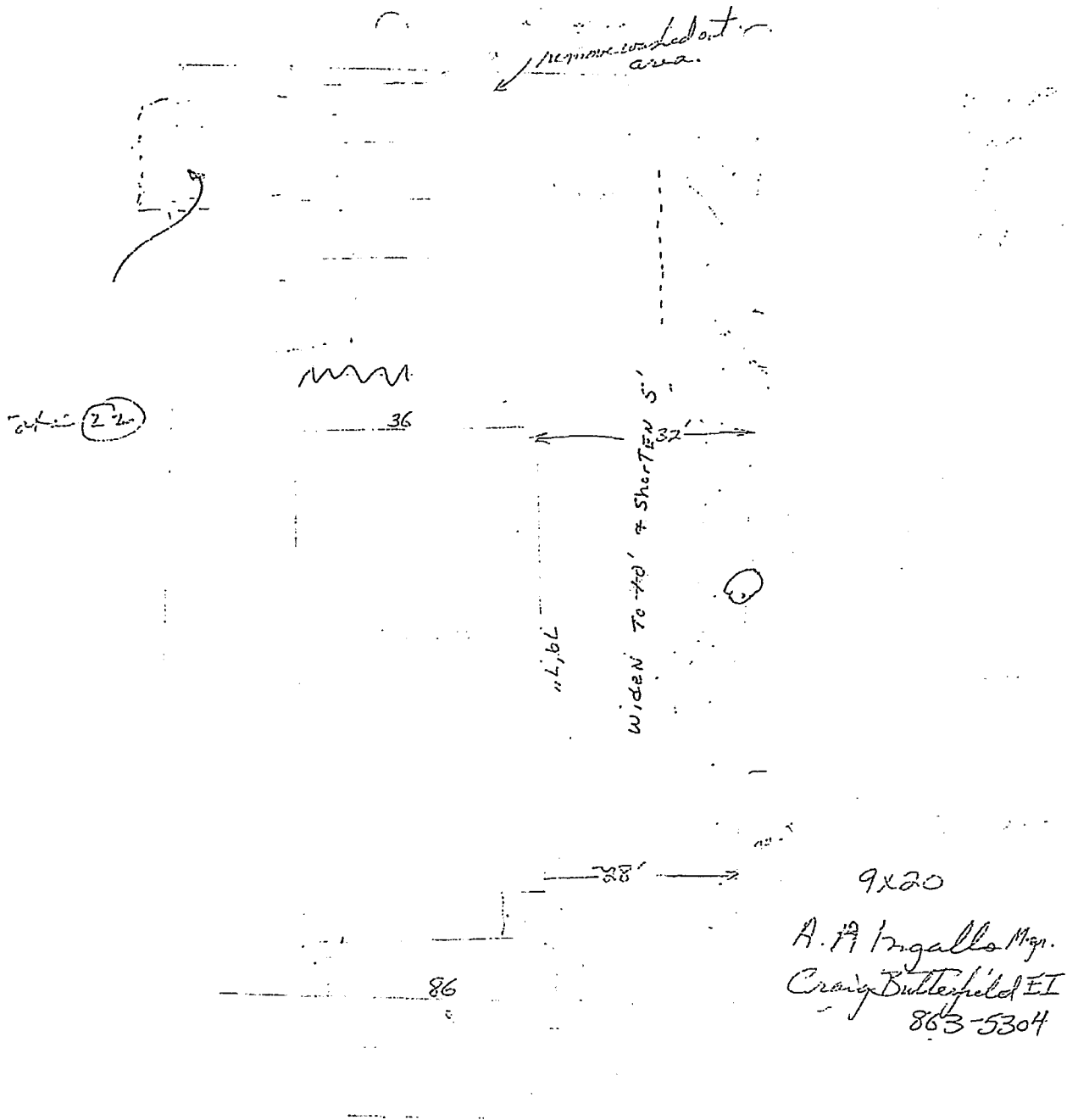


City of Burlington, VT

04/11/2017 12:49:53 PM

15 parking spaces currently. 1975 permit approves 17 for 12 residential units and 5 commercial spaces

1975 Site Plan



cost of rehab. est. of 25,000
could get loan for 40,000

1975 Permit Conditions of Approval.

Stipulations for Certificate of Appropriateness to: A.A. Ingalls

- a) A further reduction in required parking spaces from 18 to 17 (zoning ordinance requires 21 spaces for uses proposed) with all parking to be provided south of the front building line parallel to College St. The Board is in complete agreement that the requirements in the zoning ordinance are overly stringent for this particular project since over-lapping coverage is provided by the non-conflicting office and residential uses. The site is also one block from two primary bus routes.
- b) Landscaping of the parking lot along the street frontage to screen the parked cars from the street.
- c) Continuation of the screening along the westerly property line to minimize glare from parked cars.
- d) Provision by a ramp at the front or rear entrance to give access to the handicapped to the basement or office level.
- e) The provision of 2 controlled parking spaces within the "carport" is acceptable for this project but is not to be viewed as a precedent for future projects.

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

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



BURLINGTON DEVELOPMENT REVIEW BOARD Wednesday, July 5th, 2017, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT DRAFT MINUTES

Board Members Present: A. Hart, B. Rabinowitz, I. Smith, A. LaRosa, G. Hand, A. Zipparo, S. Tilton,

Board Members Absent: R. Purvee (Alt), J. Drummond (Alt)

Staff Present: Scott Gustin, Layne Darfler

I. Agenda

A. Hart: Asks if any changes to the agenda are needed.

S. Gustin: The first item under public hearing; 17-1250CA/CU; 208-212 North Winooski Avenue (NMU, Ward 2C) Erik Hoekstra, moved to consent agenda.

II. Communications

None

III. Minutes

A. Hart: Asks Board members to bring comments or changes to the minutes forward at the next meeting.

IV. Consent

1. 17-1207CA; 645 Pine Street (ELM, Ward 5S) City of Burlington- Public Works

Expansion of the existing compressed natural gas fueling station.

(Project Manager: Scott Gustin)

G. Hand recused himself

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

M. Lee: Condition regarding contaminated soils on site, the entire site is believed to be considered contaminated.

S. Gustin: There was no indication shown on site plan.

A. Hart: Do any Board member object to this project remaining consent or have any further questions? Members of the public that wish to comment or have questions regarding the project?

None

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

2nd by A. LaRosa

6-0-0

2. 17-1117CA/CU; 426 South Winooski Avenue (RM, Ward 6S) Scott Mapes

Demolish existing detached garage and replace with new detached garage with accessory dwelling unit.

(Project Manager: Scott Gustin)

Ahart: Asks if there are any members of the public that wish to comment or ask questions on this project?

None

Ahart: Does the applicant have any questions or concerns about conditions or staff findings as presented?

None

A.Hart: Do any of the members of the Board object to this project being consent?

A.Hart: I.Smith objects to consent

A.Hart: Opens agenda item as public hearing.

I.Smith: Question regarding why the applicant had chosen the gambrel roof design

S.Mapes: Chose the gambrel design to create more open space on the second floor and the design reflects the main house design.

I.Smith: The proportions seem odd compared to the main house.

B.Rabinowitz: If you look at the side of the house and how the gambrel is expressed it is very different than shown by the garage. That difference is a lot in terms of visual presentation.

S.Mapes: Would be happy to revisit the design of roof and style

B.Rabinowitz: Another concern is the 8 foot wide garage, which could be a challenge for full size vehicles.

I.Smith: Any danger regarding height limits?

None

I.Smith: Allowing yourself a little more height would help with the proportion issues.

A.Hart: Any other questions or comments?

None

A.Hart: Closed public hearing, deliberation will follow public hearing time permitted.

V. Public Hearing

1. 17-1250CA/CU; 208-212 North Winooski Avenue (NMU, Ward 2C) Erik Hoekstra

Change of use from retail redemption center to recording studio and alterations to building elevations.

(Project Manager: Mary O'Neil)

G.Hand recused

A.LaRosa Recused

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

None

A.Hart: Do any members of the Board object to this item being moved to the consent agenda?

None

A.Hart: Are there any members of the public who wish to speak regarding this project?

None

B.Rabinowitz: Motion to approve application and adopt staff recommendations and findings.

2nd by I.Smith

5-0-0

2. 17-1232CA/CU; 50 Temple Street (RL, Ward 7N) James Daigle

Construct a duplex and related site improvements.

(Project Manager: Scott Gustin)

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

None

A.Hart: Do members of the Board have any questions?

B.Rabinowitz: What is the grading on the site? Is there grading on the site, not seeing it on the site plans.

J.Daigle: Site plans showed the grade elevations

B.Rabinowitz: Sees the elevations off the property, but not seeing them around the house. Is the driveway graded or elevation shown?

J.Daigle: Not shown on plans but can have those added.

A.Hart: On the front yard setback; setback is based on the average of the setbacks of adjacent parcels and S.Gustin recommended an affirmative finding but there are no adjacent buildings, mainly open lots until farther away within the development. Would like to develop a rationale for the affirmative finding on that criteria. How did staff develop a rationale for the affirmative finding?

S.Gustin: The rationale is there have been a handful of similar examples in the past where there are no neighbors to base the setback averages on and so we've taken a step back further and looked at other homes in the neighborhood with close similarity to the property.

A.Hart: No objections just looking to understand the thought process.

B.Rabinowitz: Do we have to do anything about the lot frontage to recognize it's less than?

S.Gustin: It is recognized in the findings

A.Hart: Public Hearing closed

3. 17-1103AP; 383 College Street (RH, Ward 8E) Astra Burlington LLC

Appeal of a zoning violation #334211 for conversion of a multi-use 5 office and 12 residential unit structure to a 14 residential unit building with commercial use, exterior signs and site plan alterations. (Project Manager: Jeanne Francis)

A.Hart: Burden is on the City for violations, therefore the City will speak first

J.Francis: Violation came from Planning and Zoning. The structure was built in 1954 and it was built as a fraternity utilized by Champlain College. 1975 a permit application to change the use to a 12 unit residential structure with 5 office spaces was approved with site plan and conditions of approval. Came back with request to change to 16 apartments, removing the offices and converting to residential units. That request was denied. 2015 the owner requested a determination from Planning and Zoning as to the number of units. Failure to prove the structure was being used as it stands today for 15 years or more their determination request was denied. The City holds that there are 12 residential units and 5 offices. Today there are 14 residential units, the appellant has not argued otherwise.

A.Hart: From reading through the materials, the City's initial burden is to identify the violations and to describe the basis for those violations. Could you identify the ultimate issue, is it the use violation or failure to comply with the permitting separate from use? As you go through the violations the Board would like to hear the City's position on which is a use violation is and which is in the "other" category.

J.Francis: The violation was for the conversion of a multi-use of 5 office and 12 residential unit structure into a 14 residential unit building with commercial use without zoning approval also added exterior sign and site plan alterations were completed. Unpermitted conversion of 12 residential units and 5 office spaces is a use violation, unpermitted signs and site plan alterations would fall under "other".

A.Hart: The 15 year statute to limitations would not apply? The City's position is that the 15 year statute to limitations does not apply to use, but does apply to "other" so the signs and site plan alterations the 15 year statute does apply.

K.Sturtevant: The distinction that the courts have made is that there are certain exceptions to the statute of limitations for use. There is case law that talks about the use distinctions. Structure violations potentially fall under the 15 year statute of limitations. Under the City ordinance the applicant has to prove it is continuous. You can't abandoned it for 60 days under the City's ordinance.

A.Hart: Then to clarify, changing the internal layout to 14 residential units instead of 12 is that structural change which would be subject to the 15 year statute to limitations?

K.Sturtevant: No we would argue under the ordinance that you're increases the use by increasing the number of units and the density of the property.

A.Hart: Findings of violations are submitted based on several site visits that were made with pictures taken by Code Enforcement during those site visits?

J.Francis: Confirmed

B.Rabinowitz: Overview and background talks about 2015 zoning administration gets request to recognize the existence of the 14 units under the 15 year statute of limitations, determination appealed and the DRB upheld the administrative decision. Which was to deny the request, why are we talking about that again? Are we here for the same thing?

K.Sturtevant: That was for a request to recognize made by the applicant which was denied. This is a Notice of Violation as an action taken by the City. So it is a little bit different procedural stature, but same issue

A.Hart: Different procedure; does that mean that the rules are different in terms of whether the 15 year statute of limitations applies?

K.Sturtevant: No the City would argue that it would still be exempt from the statute

G.Hand: Items falling under the 15 year limitations do you have anything on them regarding length of time those have existed; site plan alterations, exterior signs?

J.Francis: Signs-no exact date of install; they applied for site plans in the past and as part they never indicated that these signs that are in violation now, existed. Then after research found there was never any permit filed for any of the signs.

G.Hand: No other information or indications as to when they may have been installed?

None

G.Hand: What about the awning?

J.Francis: We went out and did an investigation, these are the items that either did not have permits or approvals, no exact date but looked fairly new. Did research and looked at a 1999 aerial but it was too distorted to tell if awning was there or not.

A.Hart: Asks the appellant to come to the stand, acknowledges that the Board received a packet from the appellant shortly before the meeting and therefor has not had time to review it. Asks the appellant to walk the Board through what is included

M. Wiener: Understanding is that the offending signs have been removed, another issue with the front of the building on the right side of driveway there is a section of grass that when the code enforcement official came to the property it was evident via the tire tracks that the western adjacent property tenants were responsible for that use, this issue may have been resolved. Photos of the vehicles using the grass section had been sent to J.Francis proving misuse was not the appellants' vehicles.

A.Hart: Recommend that owners talk to neighbors and enforce proper use of area.

D.Chase: Plan on extending the bushes to block through access.

M. Wiener: Photos on re-grown grass included in packet to show vehicle use has decreased. The package of documents includes a statement of Mr. Carmine when he first erected the awning, estimated 1994, he replaced the material only a few years ago. The handicap ramp on site plan was never installed by the previous owner, the concrete slab has been there since 1975, 3-4" high ramp was original. It was never constructed as a handicap access.

A.Hart: So that was installed in 1975?

Confirmed

M. Wiener: The location of the dumpster will be remedied; the dumpster was moved to current location because the fire department wanted it removed from being close to the back of the building to being out in the open. In case of dumpster fire so it would not spread to the building. That was not a choice that the appellants made.

A.Hart: Have you identified an appropriate location, is there a new space to move that to?

M. Wiener: The rolling dumpster will go in the back of the building. Parking configuration; people have parked in present areas since the appellants bought the property. There are some faded stripes indicating where the spaces are and periodically they repaint the stripes but have never reconfigured or changed the stripes. So we believe that falls under the 15 year statute of limitations.

A.Hart: When did the appellant acquire the property?

A.Chase: Acquired the property in 1985, nothing has changed just improved. All the records will show it has been 14 units, have kept everything the same. Parking has not changed since 1985.

M. Wiener: Shrubbery on the West side of the property was implemented to shield neighboring properties from headlights. Based on angle of pavement and shrubbery I believe that issue has been resolved. My understanding of violations is that all would qualify for the 15 year statute of limitations except for the use of the property as 14 residential units. Reason that the appellants

are here again is the use; understands the 15 year statute of limitation does not apply to the use of the property. Included in packet is information from Department of Public Works. Board will see references to other properties to point out that the City's records are far from perfect. Met with Ken Lerner a week before a 2015 permit hearing who provided the 1978 application to change use from 12 residential units to 16 residential units, this application was not in the original file and had to be found. Board places the burden on homeowners and property owners to discover and present documents that may or may not be where they are supposed to be. The property, which the appellants bought in 1985 has changed the number of units several times which can be shown in the assessor's office. 1985 Assessor's card shows 13 units. We can't show the other permits because they are not in the records, never would have been able to show the Board the 1978 permit if it was not tracked down. There is an obligation on the City to keep records safe and available to the public. Here with a building that in 1985 had 14 residential units, possibly had 14 units. They've had 18 units but can't be shown because we don't know if the files are correct. Chastising City's records for faulty record keeping, citizens and property owners should have a right to accurate records. Paperwork shows the assessor's cards that show more than 12 units for the past 32 years.

D.Chase: Have owned property for 32 years, it was rundown when purchased. Invested a lot of time and money, were not able to change the structure so it was decided to rent the units as furnished apartments because the spaces are all small studio units approximately 150 square feet. 12 residential units does not look at the square footage. City suddenly said the additional units were not there and zoning issues began. Questions if the bottom floor residential units were overlooked, stated they have always paid the assessor's as told. Stated the sign in question had been there for a long time, installed by one of the tenants had the tenant remove it.

A.Hart: The issues at question are not relative to your intention. Hopeful the smaller or structural issues are protected under the 15 year statute of limitations or have been resolved so that it is solely the change of use that the Board is concerned with.

A.Chase: 16 residential units approved, City claimed it wasn't, the applicants at that time didn't go back to design review for final approval. Ken Lerner gave information that the 16 residential units were improved in 1978. The previous applicants were going to remove office space, but they never went back to final design review. Champlain College had nothing to do with the building, it was a Jewish fraternity and many of the previous tenants could verify the first floor has not changed. Ready to retire and dealing with health problems, feels they were honest about everything and now being confronted with this issue. The units are 1 and 2 rooms, it doesn't make sense that you could have twelve 4 bedroom units but not fourteen 1 bedroom units. No trouble with parking whatsoever, we've done everything by the book. Checked with fire department, police department and neighbors; did our due diligence.

A.LaRosa: Mark in your May 10th letter a statement made as far as the violation for the property having 14 residential units; the property owners were under the understanding that the City would not be enforcing the violation based on a previous statement given by Ken Lerner, the former City Planning and Zoning Administrator. What was that statement?

M. Wiener: That was the Real Estate agent who was involved in representing a prospective purchaser. They went to Ken Lerner because it was discovered that the last zoning permit was for the 12 residential units and he knew it had 14. Was sent an email that states the City had no intention of enforcing the change of use, but had no way of putting it into writing.

A.LaRosa: Remembers the project coming before the Board in 2015 and that the Board did not give the determination as to the number of units. It was appealed, but how are we back here again?

M. Wiener: Back due to the Notice of Violation, back in 2015 it was the appellants request for the determination.

A.LaRosa: But the environmental court didn't make a determination, at some point the appeal was withdrawn?

M. Wiener: The permit was withdrawn because at that time the applicants were optimistic that the proposed ordinance that was going to come before the City Council was going to resolve the problem.

A.LaRosa: Was there any discussion with the withdrawal, there was no stipulation or agreement with the City upon withdrawing that appeal?

M. Wiener: No, had conversation with K.Sturtevant who understood that the applicants were dismissing it because they believed the City was going to come up with a resolution. But no written agreement.

A.Hart: In 2015 it was not an application to convert from office to residential it was a request asking the city to recognize the conversion as pre-existing or grandfathered.

M. Wiener: Exactly it was a request for determination that there were 14 residential units.

A.Hart: One of the options is to file an application to convert from office use to residential, have the appellants explored that option, is that possible?

M. Wiener: It has been discussed but there is an issue with density. If the applicants could convert the office space to a unit then it gets into income of offices that would become residential. Would be left with a few hundred square feet of unused space. Appellants might not be able to reconfigure the spaces. What can they do with that space? They were allowed 12 residential units which could have been 2 bedrooms or 3 bedrooms, instead they are studios and small 1 bedrooms. Irony is that under that approval they could have twelve 4 bedroom units, ironic that units are allowed but no size requirements which has come to adversely impact the owners.

B.Rabinowitz: Assumed the 12 residential units are on the second and third floors and then 2 residential units on first floor along with 5 office units. So there are still 5 offices and 14 residential units.

A.Chase: very small units.

A.Hart: The space that was previously 5 office units, that is still the same?

Confirmed

B.Rabinowitz: But there are two units on the ground floor now

D.Chase: yes, that is part of the problem the individuals who come in and evaluate didn't recognize them as apartments or residential units and assumed the first floor was all office space.

A.Chase: Common sense would be that since they approved the 16 residential units, to do away with the office space. Could we just get rid of the office space and convert it to two 1 bedroom apartments. Doesn't mind converting the office spaces to residential but it would lower income and change what has always been standard in the building.

G.Hand: Was there any evidence found that there was any other approval of the additional residential units?

M. Wiener: We have no way of knowing that but we have City inspectors coming in for some period of time and records back to 2001 but can't find anything beyond that. Assessor's office assessing with these additional units not being hidden whatsoever, but in 32 years no one have recognized that there were additional units until the determination was requested.

I.Smith: In the packet different addresses and owners names are provided, is this relevant?

M. Wiener: That was in the file for 383 College St, showing the inaccurate filing.

B.Rabinowitz: The information being submitted attached to this project is now attached to 383 College Street, which could provide an example of reason for inaccurate filing.

A.LaRosa: Units 1A and 1C, are these residential or office space?

Confirmed

D.Chase: Proposed taking away offices but it is not something you do casually. It is expensive.

G.Hand: Was a copy of the mentioned email provided in the information the appellants provided?

S.Gustin: There is a copy in the package that was handed out.

A.Hart: Asks the City to come back to the stand. Following up on identifying the issues in dispute and not in dispute. Go through the site plan structural alterations issues to find out where there is still a dispute between the City and the appellant.

J.Francis: Visited the site a month ago; signs were removed, parking to the West that was stated was neighbors also semi-resolved, there was some regrowth of grass and no car there but usually a barrier is requested.

A.Hart: Has barrier been resolved?

J.Francis: No. Dumpsters have been relocated but not in an approved plan, this 1975 plan does not show any sort of trash receptacles at all. This would still need approval.

A.Hart: What location would the City deem approvable?

J.Francis: That would be up to Planning and Zoning, discussed where they are relocated is fine but is not resolved until they get it approved through Planning and Zoning. Parking on East side is non-compliant with the 1975 site plan.

A.Hart: Issue there is that it has been in places since 1985 and the City said there is no information regarding how long current configuration has been in place. In terms of a burden of proof issue, the City not in a position to oppose the owners position on that.

J.Francis: Under 44-70 State statute holds the City can enforce the previous Board decision and there is not statute of limitations to that.

A.Hart: So parking is not subject to the 15 year statute of limitations?

K.Sturtevant: Use and 44-70 actions are not subject to the 15 year statute of limitations. It is a separate provision of State statute that is exempt from limitations; separate from the 44-51 process that the Notice of Violation is under.

G.Hand: What Board decision is the Board enforcing? Relative to the parking.

K.Sturtevant: It would be under the 1985 site plan decision

A.Hart: So that would apply to all of these things we're discussing, meaning they are all exempt from the 15 year statute of limitations.

K.Sturtevant: Under 44-70 municipalities can take an action, separate from the 44-51, it does not carry fees with it.

A.Hart: So what does the 15 year statute apply to?

A.LaRosa: Is it in the Notice of Violation?

K.Sturtevant: The City would not have to issue a Notice of Violation if they wanted to go straight to court under a 44-70

A.LaRosa: That would have to be a totally separate procedure, how can the Board discuss that now when we're here at 44-51 and 44-52 Notice of Violation?

G.Hand: 44-70 wouldn't even come to us, would it?

A.LaRosa: What is the statute of limitations for the City as to how long they have to enforce these violations? 2004 Code Enforcement inspection shows increased units and no notes filed against them. Where is the City's limitation in time?

K.Sturtevant: Under 44-54 the City can enforce 15 years after the City is aware

A.LaRosa: So if the City was aware in 2002 it wouldn't be enforceable now?

K.Sturtevant: Without talking exceptions. 44-54 zoning enforcement is 15 years under that statute of limitations after knowledge. Then you loop back into the exceptions for use.

A.LaRosa: The City can learn about use violation and it matters not how many years ago they learned about it, it's unlimited.

K.Sturtevant: Case law says exceptions because it continuously creates violations, it is new every day. Regarding City's knowledge, Assessor's may have gone in there but they are not reviewing ordinance/zoning compliance or records.

A.LaRosa: Code Enforcement would know, correct?

J.Francis: Code Enforcement goes in there inspecting 14 residential units because they claim 14 residential units there but not necessarily legal units.

G.Hand: Going through the list of violations, the parking it sounds like other than this argument on 44-70 it sounds like there aren't any facts to dispute that the parking has been there longer.

J.Francis: Then that would just leave us with the handicap ramp, there was a condition of approval that there need to be a handicap accessible ramp.

A.Hart: Testimony regarding the awning says that awning has been there since 1994

J.Francis: No evidence as to when it was constructed

A.Hart: That is more than 15 years ago, applicant has the burden of proof that it had been there and have testified it has been there since 1994. There was a letter from the installer, does the City wish to present additional evidence on how long the awning has been there?

J.Francis: Had not had the opportunity to see the letter.

K.Sturtevant: Believe the letter is the material that was just received, there was not a chance to review it before

A.Hart: Do you want additional time to dispute?

No

A.Hart: How about the shrubbery?

J.Francis: The purpose of the shrubbery was to prevent lights for glaring into neighboring properties

A.Hart: Is there an agreement that it will or has been resolved?

J.Francis: Not at this time, it has been discussed but no agreement was ever made

K.Sturtevant: The information pertaining to the resolution of the shrubbery was not communicated to the City before this time.

J.Francis: It was noted by the appellant's that they had the intention to get permits for some of the items

A.Hart: To the extent there is agreement between the City and the appellant on how to resolve some of these items that is preferable to having that on our plate. If you could have a discussion and let the Board know where there is agreement and where there isn't that would be helpful.

G.Hand: It seems, from our list, that the dumpsters the shrubs and the grass parking that remain open to discussion about how to resolve. Maybe through a new site plan.

A.Hart: Any other issues or legal issue as to what's enforceable?

S.Gustin: To provide clarity, met with attorney Weiner, physical site items can be resolved with a permit but can get into 15 year statute of limitations. Seems to be that getting a permit can be resolution to many of these issues and leaves no blemish on the property. Site modification would include moving the dumpster. Use is tougher as under today's ordinance it is much stricter. 1978 they got a permit for 12 residential units and 5 office units, you couldn't get that today. We have the benefit of having the original permit on file to define the permitted use.

J.Francis: The appellants indicated they would go back to the 1978 permit when they were approved for the 16 residential units, that permit has expired and can no longer just go back to the 16 units

K.Sturtevant: The Board received a copy of an e-mail from John Templeton, who discussed another conversation that was had with Ken Lerner. Formerly objects to the document due to hearsay, any discussion back then probably had in mind that there would be a potential amendment to the ordinance coming along around the statute of limitations and that's no longer moving forward so the context would have been different then.

K.Sturtevant: Requests recess to discuss with M. Wiener for clarification on issues

A.Hart: 5 Minute recess granted

K.Sturtevant: Jointly requesting a continuance until August 1st to allow premise to look at some alternative including site plan review.

M. Wiener agrees

A.Hart: Alleged violations are not creating safety risk, is there room on August 1st agenda? Confirmed

A.Hart: Motion to continue on August 1st, 2017

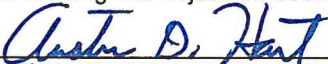
G.Hand: Seconds the motion

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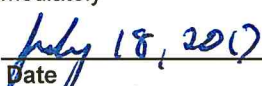
VI. Other Business

VII. Adjournment

The meeting was adjourned at 6:28 pm, Deliberative meeting followed immediately


Austin D. Hart Chairperson of Development Review Board


L. Darfler, Planning Technician


Date
7/18/2017
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.