

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
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Caitlin Halpert
Chase Taylor
Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, June 21, 2022, 5:00 PM

PUBLIC HEARING NOTICE

Remote Meeting

Zoom: <https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09>

Webinar ID: 832 2569 6227

Passcode: 969186

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

- 1. ZPW-22-62; 187 Pearl Street FD6, Ward 3C) 187 Pearl Street LLC / Chris Mason**
Request for alternate compliance under form code to restore historic masonry openings and install three windows abutting alleyway.
- 2. ZAP-22-1; 77 Pine Street (FD6, Ward 3C) Nedde Bank LLC / Liam Murphy**
Appeal of adverse determination regarding compliance with inclusionary zoning requirements of condition 4, ZP #20-0453CA, for payment in lieu for inclusionary housing units.
- 3. ZP-21-800; 501 Pine Street (E-LM, Ward 5S) KS Pine LLC / Kurt Schueler**
Establish a food truck/container kitchen café.
- 4. ZP-22-199; 51 Elmwood Avenue (RH, Ward 3C) City DPW / Samantha Dunn**
Establish temporary emergency shelter including 30 shelter pods, community resource center, and bathhouse. *Continued hearing rescheduled from July 5, 2022.*

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

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

- 1. **ZPW-22-62; 187 Pearl Street FD6, Ward 3C) 187 Pearl Street LLC / Chris Mason**
Request for alternate compliance under form code to restore historic masonry openings and install three windows abutting alleyway. (Project Manager, Mary O'Neil)

V. **Public Hearing**

- 1. **ZAP-22-1; 77 Pine Street (FD6, Ward 3C) Nedde Bank LLC / Liam Murphy**
Appeal of adverse determination regarding compliance with inclusionary zoning requirements of condition 4, ZP #20-0453CA, for payment in lieu for inclusionary housing units. (Project Manager, Scott Gustin)
- 2. **ZP-21-800; 501 Pine Street (E-LM, Ward 5S) KS Pine LLC / Kurt Schueler**
Establish a food truck/container kitchen café. (Project Manager, Ryan Morrison)
- 3. **ZP-22-171; 23 North Champlain Street (RH, Ward 3C) Henry Stark**
Establish a bed and breakfast (short-term rental) within existing duplex; one bedroom in each unit totaling 2 bedrooms (one unit owner occupied). *Deferred hearing rescheduled from May 17, 2022.* (Project Manager, Mary O'Neil)
- 4. **ZP-22-199; 51 Elmwood Avenue (RH, Ward 3C) City DPW / Samantha Dunn**
Establish temporary emergency shelter including 30 shelter pods, community resource center, and bathhouse. *Continued hearing rescheduled from July 5, 2022.* (Project Manager, Scott Gustin)

- 1. **Other Business**
- 2. **Adjournment**

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Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Joseph Cava, Planning Technician
Celeste Crowley, Permit Administrator



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: June 21, 2022
RE: ZP-22-62, 187 Pearl Street

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

File: ZPW-22-62
Location: 187 Pearl Street
Zone: FD6 **Ward:** 3C
Parking District: Multi Modal Mixed Use
Date application accepted: April 28, 2022
Applicant/ Owner: Chris Mason
Request: Request for Alternative Compliance under the Form Code: Restore historic masonry openings with installation of windows at (3) locations abutting alleyway.

Background:

- **Zoning Permit 22-298;** Exterior masonry repairs. Replacement of (4) windows with new wood clad units. Change (3) existing doors to windows. Removal of fire escape, defunct kitchen exhaust hood, awning. June 2022.
- **Zoning Permit 20-0608CA;** window replacements. January 2020.
- **Zoning Permit 11-0540CA;** intake and exhaust vents for new interior boilers. January 2011.
- **Zoning Permit 05-100SN;** sign change, only name change using same sign, FU DA Chinese Restaurant. October 2004.
- **Zoning Permit 04-580;** change of use from cosmetology school to restaurant. May, 2004.



Overview: 187 Pearl Street has a commercial space on the first floor, and 8 apartments on the upper floors. The owner wishes to re-open some closed window penetrations on the south (rear)

of the building to enhance the apartments under renovation. With the adoption of the Form Code, there is a provision that prevents introducing building openings on a side or rear property line *to prevent unnecessary limitations on the development of adjacent property*. This parcel fronts a privately owned access alley, of which the owner is included by title in rights-of-way. The Form Code does not provide a measurement of setback that would allow building openings, and does not specifically define procedures if the alley is privately owned and applicant has limited use. The applicant is seeking *Alternative Compliance* in an effort to secure approval for the installation of three new windows in previous window openings.

The **Design Advisory Board** reviewed the application at their May 24, 2022 meeting, and by unanimous decision approved the following motion:

I move that common sense prevail, and we recommend consideration of Alternative Compliance and approve installation of 3 windows in former window openings of 187 Pearl Street.

Recommended motion: Consent Approval, per the following Findings and Conditions:

I. Findings:

Article 5: Citywide General Regulations

Section 5.2.5 Setbacks

(b) Exceptions to Setbacks

4. Historic Building Features. Features of a historic building such as porches, additions, entries, bays and porticos that have been removed may be replaced and may project into required yard setbacks subject to the following:
 - A. The structure is listed or eligible for listing on the State or National Register of Historic Places;
 - B. The building feature being replaced was a character defining feature of the primary structure, can be documented to have previously existed, and is being replaced within the original footprint; and,
 - C. The building feature replacement is completed in accordance with the standards for historic buildings contained in Sec. 5.4.8.

187 Pearl Street is listed on the National Register of Historic Places within the Pearl Street Historic District. Here is the narrative:

63. Vermont College of Cosmetology (187 Pearl Street); 1916

This four-story, brick building, originally the home of the American Phonograph Company Store, is a handsome example of early twentieth century Classical-style commercial architecture in Burlington. Its symmetrical facade is divided into two bays by brick piers. Each bay contains paired windows with modern, one over one sash and granite sills. The second and third story windows are topped by segmental arches, with keystones picked out in granite. The fourth story openings are more elaborate, with semi-circular arches rising from granite imposts. A corbeled, brick cornice rises to a flat roof. The building is ten bays deep, with irregular fenestration on the side walls.

A long, rounded vertical sign, reading "Vermont College of Cosmetology" extends from the facade. At street level, central, double glass doors are flanked by large display windows. The walls are covered with pinkish permastone, a 1959 modernization. A small doorway to the left (east) leads to the upper floors.

The window openings can be clearly documented to have existed, as the masonry outlines and rough openings are visible evident. The owner wishes to install appropriate window replacements, consistent with the replacement sash more recently installed in the building. See review under Section 5.4.8, as required under Section 5.2.5. (b) 4. C, below.

Affirmative finding, with DRB concurrence.

Sec. 5.4.8 Historic Buildings and Sites

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

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

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

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

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

(a) Applicability:

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

187 Pearl Street is listed within the Pearl Street Historic District on the National Register of Historic Places.

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic

buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

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

The property was constructed as a mixed-use building; a use that continues.

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The effort is to replace original features (windows) that previously existed.

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

No conjectural changes are proposed. The window openings were original to the building's construction.

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

No other features are proposed for alteration under this application.

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

The application intends to replace/re-install original features of the building.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

The application is not to replace original features, but to re-install features that originally existed, in the same location.

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

Not applicable.

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

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

Not applicable.

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

Not applicable.

Affirmative finding.



South elevation, photo taken from parking lot south of the alley. Note three windows infilled on the right.

Article 14 (Form Code)

Section 14.3.4 FD6

14.3.4-C- Lot Occupation & Building Placement

Rear Setback:

- *Principal Buildings* 0-ft min. or 15-ft from a rear public Alley centerline

In the Form Code, 187 Pearl Street has a 0 Rear setback. The access alley behind the building is not a *public alley*, but a private access drive. The 15' setback therefore does not apply.

See Section 14.4.13 (e), below on specific requirements for improvements to buildings with 0 setback.

Section 14.4.13 (e) Walls

v. *New buildings, additions, or significant improvements to existing Buildings placed on a side or rear property line where no setback is required shall contain neither doors nor windows along such elevation in order to prevent unnecessary limitations on the development of adjacent property.*

The Form District 6 has no rear setback requirement.

The existing building is set back approximately 2'9" from the rear property line. There are

existing windows in the south elevation, but three window openings that have been masonry infilled which the applicant wishes to reopen.

Immediately behind the 187 Pearl Street parcel is a 12' private right-of-way that acts as a delivery access drive for 181 Pearl (Three Needs). The 187 Pearl Street parcel shares in the access agreement with 191 Pearl.

There is included in this conveyance the use of the twelve (12) foot right of way for pedestrians and vehicular traffic but not for parking, which is south of the brick building herein conveyed and said right of way runs from the west line of South Winooski Avenue south of the Shell Station and south of the brick building here conveyed. The use of the right of way herein granted to be used in common with such other parties as have record title to said right of way.

The Shared Right-of-Way, the narrow width, and the functional need for rear access and egress from parcels fronting on Pearl Street render the alley highly unlikely to be redeveloped. As the applicant holds a limited title to the ROW, the alley acts as access and egress for those with recorded title for use, and the windows are a historic feature of the listed historic building, the request to reopen the three windows is both reasonable and may be considered under Section 5.2.5 (b) 4. of the regulations, and under 14.7.3. (b) *Alternative Compliance* of the Form Code.

Upon consultation with the Building Inspector, he concurs that there is no building code prohibition to the request (email from Brad Biggie, 5.10.2022):

Mary,

There is no section in the code that would prevent them from installing window units in the existing opening on the rear (south side) of this existing building. If you need anything further regarding this let me know.

Affirmative finding with DRB concurrence.

Parcel Map



South Winooski Avenue on the bottom. 187 Pearl Street identified, access drive annotated.

Article 14.7.3 (b) Alternative Compliance (Relief) Granted by the Development Review Board

Additional relief from the prescribed standards may be granted by the Development Review as provided below:

- i. *DRB Alternative Compliance: **Relief from any non-numerical standard**, and any numerical standard by no more than 20% of such requirement or an additional 10% beyond any Administrative Relief permitted above, may be granted by the Development Review Board after review **and recommendation by the Design Advisory Board and a Public Hearing.***

The Form Code does not define on an allowable setback for building openings when abutting another property; nor does it contemplate the abutting feature to be a privately owned access alley.

The applicant therefore seeks consideration under Alternate Compliance of the Form Code to allow for re-opening the 3 windows.

Decisions by the DRB regarding any Alternative Compliance granted shall be made in writing and upon affirmative findings that:

A. the relief sought is necessary in order to accommodate unique site and/or Building circumstances or opportunities;

The applicant sees an opportunity to reopen the windows to enhance and add bedrooms to the 8 residential units currently being remodeled. The historic building originally had the windows, prior to installation of a fire escape.

B. the relief if granted is the minimum necessary to achieve the desired result;

The request is limited to insertion of three new windows in previous window openings; confirmed to have originally been present in the building. Such action will significantly enhance the residential units under rehabilitation.

C. the property will otherwise be developed consistent the purpose of this ordinance, the intent of the Form District, the intent and purpose of the section that the relief is being sought, and all other applicable standards;

The property is under renovation in concert with appropriate trades permits, and is seeking the allowance for re-insertion of windows subject to Alternative Compliance from the DRB.

D. the relief if granted will not impose an undue adverse burden on existing or future development of adjacent properties;

The applicant's property fronts a private access alley, which multiple property owners share limited title. At 12' in width, it is unlikely that this narrow connection to the rear of Pearl Street properties will be developed. With development unlikely, the insertion of windows will not introduce an adverse burden on the abutting property, to which the applicant holds partial title.

E. the relief if granted will yield a result equal to or better than strict compliance with the standard being relieved.

The Form Code defines a 0 rear setback within FD6. At present, there is approximately 2'9" setback between the existing building and the 12' alley. Upon DRB concurrence, the introduction of 3 new windows will allow the enhancement of residential units at 187 Pearl Street (consistent with the historic appearance of the building) with no negative impact to abutting properties.

Affirmative finding upon concurrence with the DRB.

II. Recommended Conditions of Approval

1. Standard Permit Conditions 1-15.

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Celeste Crowley, Permit Administrator



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: ~~May 17, 2022~~ **Rescheduled for June 21, 2022**
RE: ZP-22-171, 23 North Champlain Street

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File Number: ZP-22-171
Zone: RH **Ward:** 3C
Date application accepted: March 20, 2022
Applicant/ Owner: Henry Stark
Request: Establish 2 bedroom bed & breakfast in existing duplex.

Background:

- **Zoning Permit 21-0642CA;** convert single family dwelling to a duplex. Finish basement as part of the conversion. Add 2 egress windows to basement and skylights to roof. Install new doorway for 2nd dwelling unit. Install replacement windows. Replace HVAC. February 2021.
- **Zoning Permit 03-055;** installation of vinyl siding, corner boards, soffits and window trim. August 2002.

Overview: 23 North Champlain Street is a duplex situated on an interior lot, behind 21 North Champlain Street and enjoying a shared access driveway. A permit in 2021 recognized four parking spaces for the duplex. The application requests a change of use to Bed and Breakfast, renting one bedroom in the downstairs unit, and one bedroom in the upstairs unit. The owner would also like to rent his own room while he travels, but will maintain this dwelling as his own residence to satisfy the owner-occupancy requirement.

Recommended motion: Conditional Use approval, per the following Findings and Conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

Article 3: Applications, Permits and Project 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;*

Utilizing one bedroom in each unit to Bed and Breakfast use would not appreciably alter the current impacts of the duplex use. **Affirmative finding.**

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

The property is located within the residential – high density zone. The neighborhood consists of single- and multi-family homes, ranging in scale. The previous zoning permit recognized 4 parking spaces on the interior lot. Residential density will remain unaffected. The property remains in character with the zoning district. **Affirmative finding.**

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

There is nothing within the application that includes a change to the existing residential structure. A Bed and Breakfast approval will provide living space for guests on a short term basis. The less-than-30 day rental is not expected to generate nuisance impacts from noise, odor, dust, or similar. **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;*

Little, if any, change in traffic is expected. Short term guests will arrive and depart within established timeframes. Guests will be within easy bike or walking distance to the downtown and area attractions. **Affirmative finding.**

- 5. The utilization of renewable energy resources*

Nothing in this application would preclude the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

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

The bed and breakfast must adhere to applicable life safety standards and provide payment of rooms and meals taxes as per the State of Vermont relative to short term rentals. **Affirmative finding as conditioned.**

(b) Major Impact Review Standards

Not applicable.

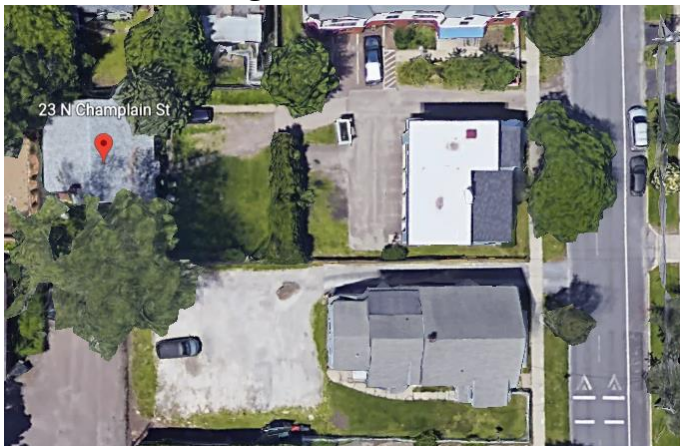
(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) and (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 bed and breakfast is not expected to produce adverse effects in need of mitigation. The site is an inner parcel, situated behind existing development.

Affirmative finding.



2. *Time limits for construction.*

No construction timeline or phasing is included in this proposal. **Affirmative finding.**

3. *Hours of operation and/or construction to reduce the impacts on surrounding properties.* Guest check-ins will be limited to 7:00 am – 10:00 pm to minimize noise, traffic,

and neighborhood nuisances. **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 future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **Affirmative finding as conditioned.**

and,

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

This is at the discretion of the DRB.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced.

Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

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

23 North Champlain Street is an existing duplex, on an interior lot behind 21 North Champlain Street. The parking area is existing, although there is no earlier approved site plan to formalize the size of the parking area. No exterior structural changes are included in this application. A previous approval included 4 parking spaces on the lot, behind 21 North Champlain Street.

The application includes a parking plan for 4 spaces meeting the requirement for the change of use: 2 for the owner unit, 1 for the single bedroom second unit to be rented and 1 for the room rented within the owner's unit. A rearranged parking plan allows cars to move independently without valet service.

Affirmative finding.

(b) Dimensional Standards and Density

Table 4.4.5-3 Residential District Dimensional Standards

The last approval (ZP21-0642CA) included a lot coverage at 40.40% on a 5,876 sf lot. This application proposes 37% lot coverage on a revised site plan with lot dimensions confirmed. The RH district allows 80% lot coverage allowance. The parking meets the required 5' minimum setback for the parking area. **Affirmative finding.**

(c) Permitted and Conditional Uses

The "bed and breakfast" (short term rental) use is conditional in the RH zone. Owner occupancy is required, and up to 5 rooms may be let. The applicant has provided evidence that 23 North Champlain Street is his home. Owner occupancy is a prerequisite for consideration of a Bed and Breakfast. The bed and breakfast / short term rental will contain 2 rental bedrooms (with the additional rental of the owner's room while he is out of town) across two units. The owner must maintain 23 North Champlain Street as his primary residence. **Affirmative finding as conditioned.**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

The property is located within the Neighborhood Parking District. Each unit requires 2 parking spaces. “Bed & Breakfast” uses require 1 parking space per bedroom. For the two units that remain discrete, 4 spaces are required. Two parking spaces are required for the owner’s unit, one parking space for the (single bedroom) second unit and another space for the second bedroom rental for a total of four spaces. There are currently four as approved under ZP21-0642CA. The applicant proposes 4 spaces, arranged to allow independent movement of two of the vehicles.

Affirmative finding.

Article 13: Definitions

Bed and Breakfast: an owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests. The property owner has confirmed that he lives on-site. **Affirmative finding.**

II. Recommended Conditions of Approval

1. This approval is predicated on continued owner-occupancy of the property for the duration of the short term rental use.
2. Guest check-ins should be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances.
3. The short term rental must adhere to required life safety standards and provide payment of applicable rooms and meals taxes as per the State of Vermont.
4. All guest parking shall be on-site and off-street.
5. Standard permit conditions 1-15.

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23 North Champlain St

Parking Plan – Bed & Breakfast Application

Planning & Zoning Review

Submitted by:

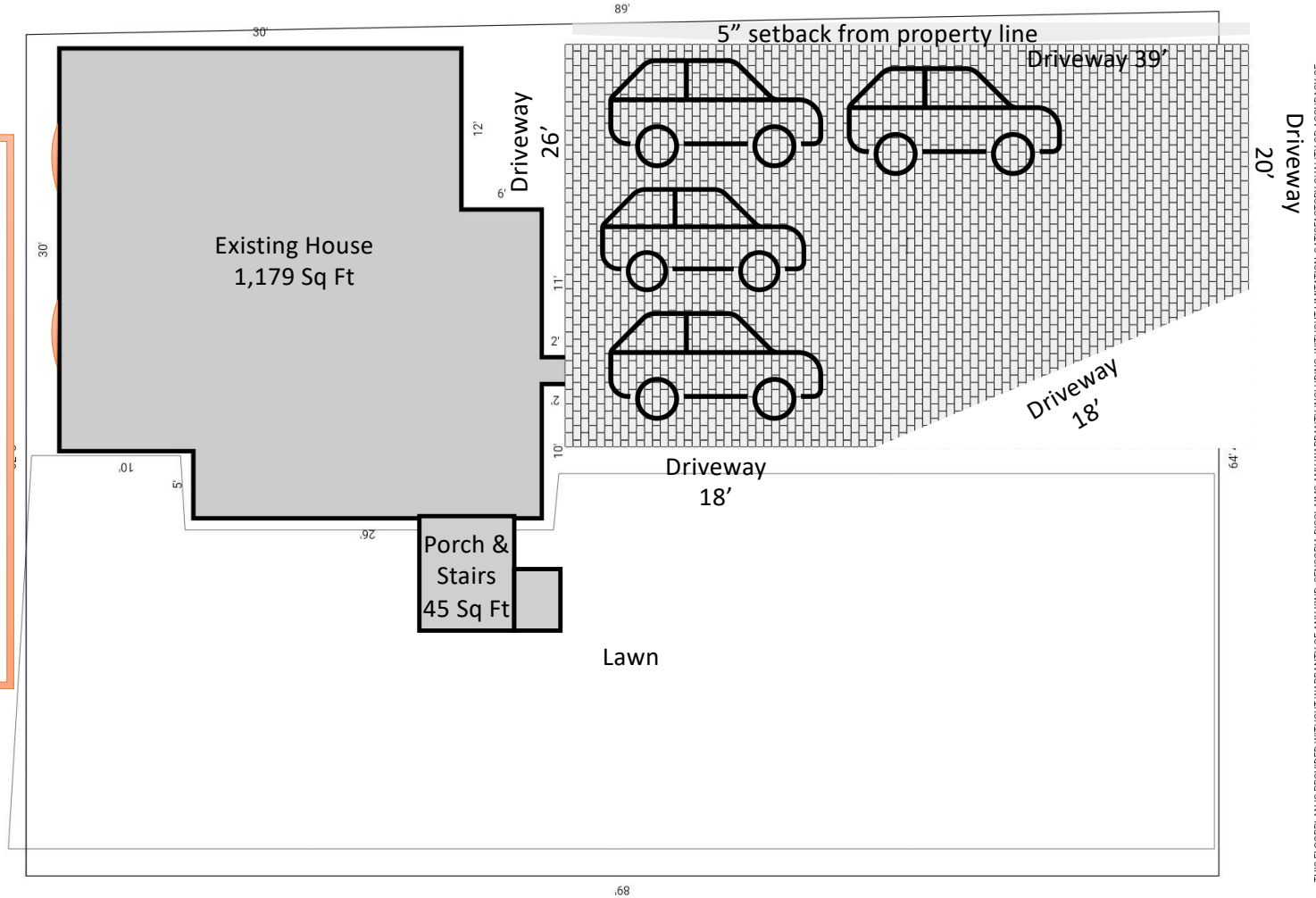
Henry Stark

802-825-6433

abbottstark@gmail.com

3/21/2022

23 N Champlain – Site Plan – Lot Coverage



THIS FLOORPLAN IS PROVIDED WITHOUT WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.

Material List

Standartpark Mesh Ground Stabilizer

Gabion Mesh and rock Retaining Wall filled

Rocks

Shurpack/Gravel

Asphalt Pavement

Steel I-Beam Pergola, possibly with solar panels. If too expensive, Redwood Pergola.

Pine board fencing

Metal shipping containers (4-5)

Lighting

Granit or concrete curbs

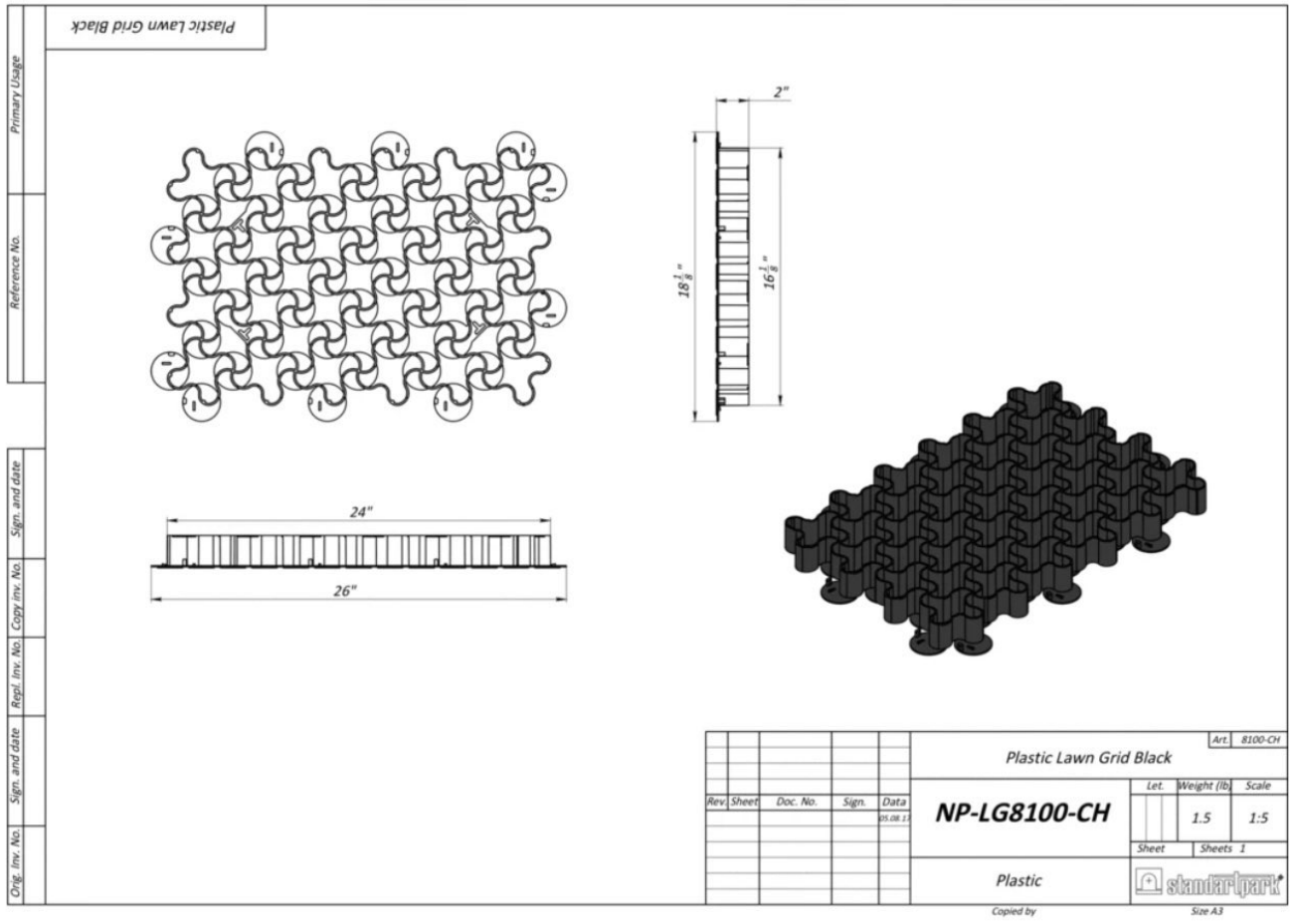
Concrete Pad for shipping containers

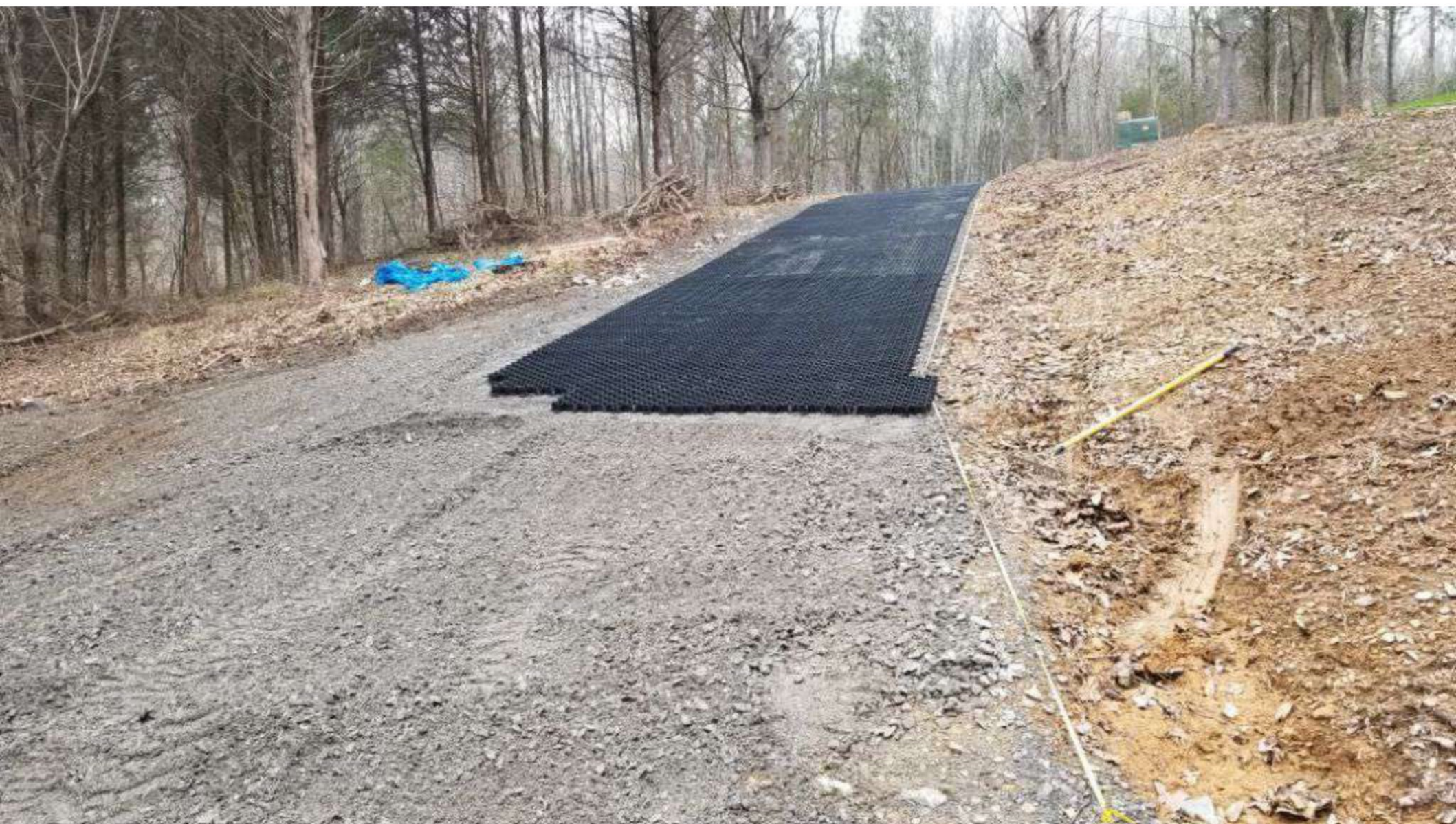
Landscaping shrubs

Grass

Wooden picnic tables

|







standartpark-usa.com







Gabion1

Home Prices Retaining Walls Garden Walls Veneers Erosion Planters Information

compacted road base, crushed from either blue metal or basalt rock is all that is required for most

[Order Walls](#) [Feedback](#) [Contact Us](#)



you can then create 6" or 12" stepped foundations to allow for changes in grade



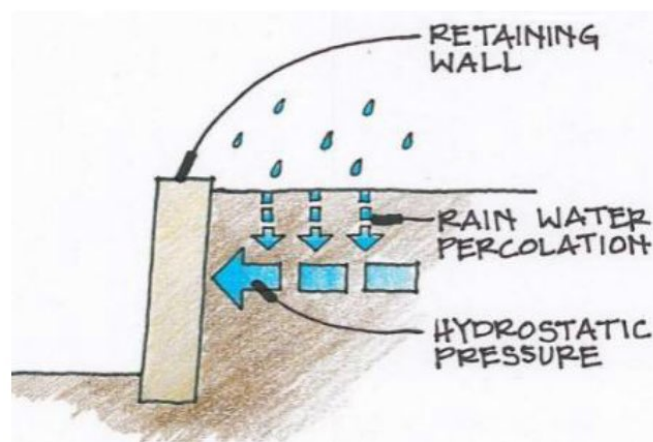
Geotech filter fabric stops fine silts and clay migrating into the wall

The filter fabric ensures the gabion remains free draining, and eliminates hydro-static pressure behind the retaining wall.



Gabion retaining walls need adequate drainage

The design of the drainage system is just as important as the design of the retaining wall.



Small gabion walls under 3ft tall

Gabion walls over 3ft tall





Gabion1



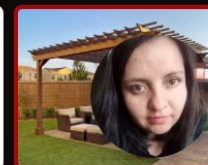
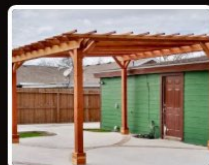


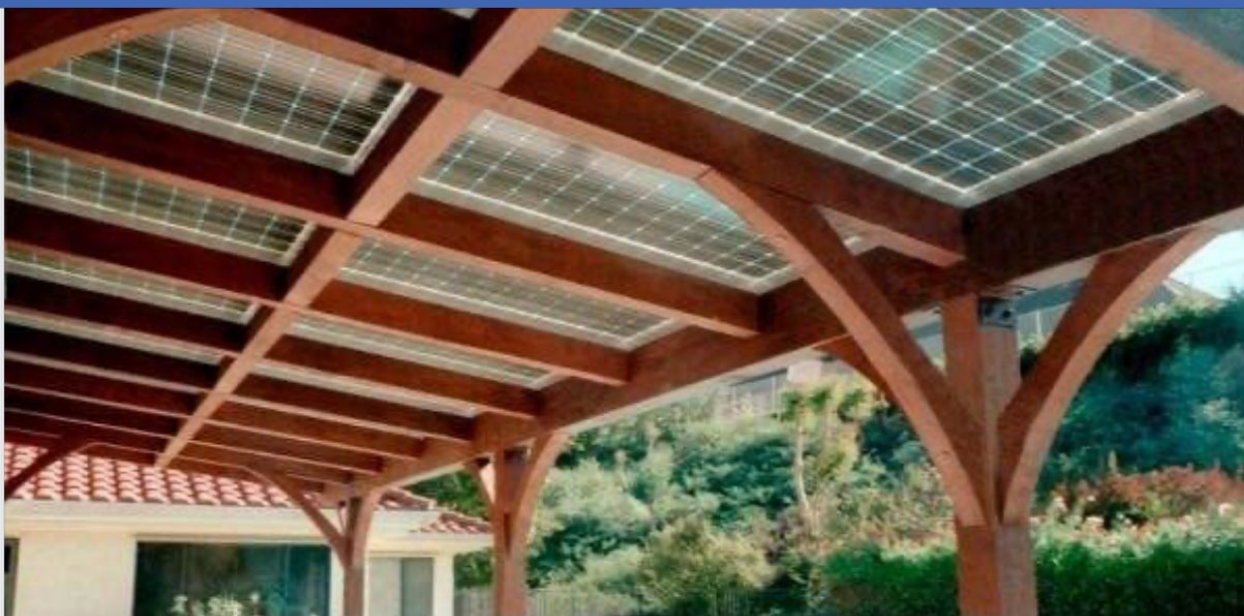
 Hasson Company, Realtors.

Your Guide to Bend's Food Cart Pods - The Local Arrow Pacific ...

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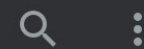


LOOKING SOUTHWEST



HEARTH and HILL
EXIT
ONLY

← Conteneurs SEA



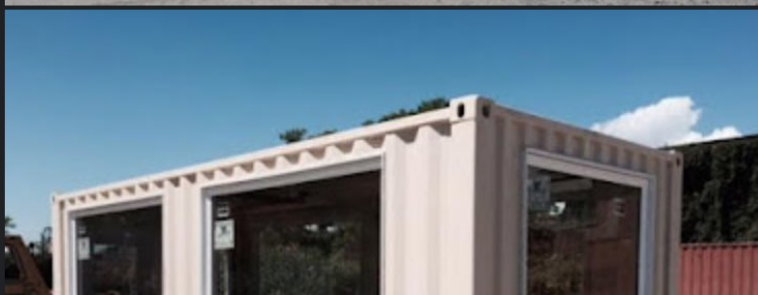
OVERVIEW

UPDATES

REVIEWS

PHOTOS

ABOUT





Conteneurs SEA



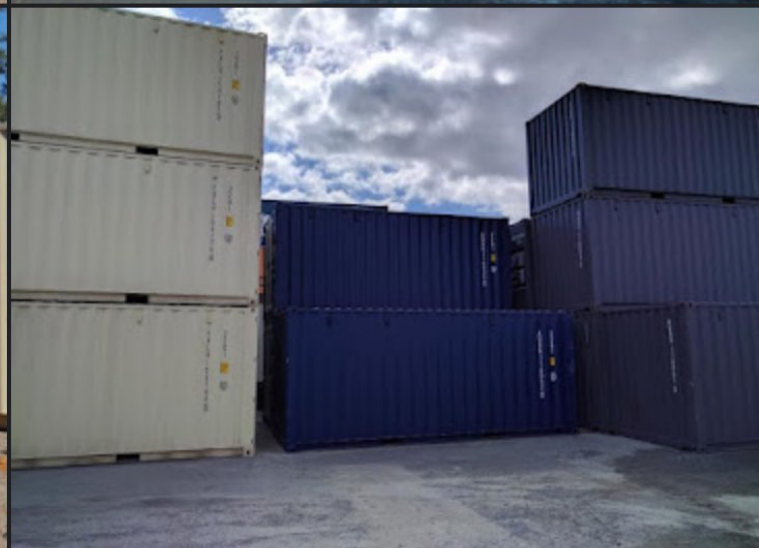
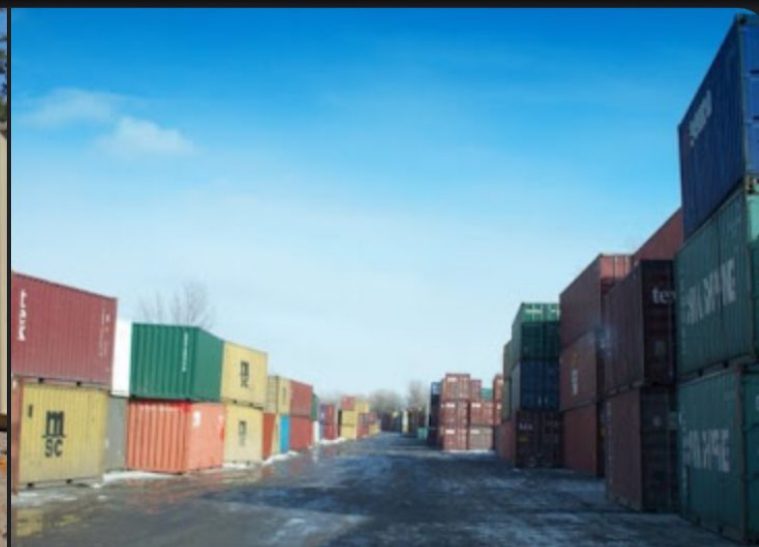
OVERVIEW

UPDATES

REVIEWS

PHOTOS

ABOUT







PD MODULAR



4 days ago



MOAU
021

285 7
2261

MAX GROSS WT 30,480 kg
TARE WT 2,300 kg
MAX CARGO WT 28,180 kg

WIGGLE

Calvin



Features

- Provides excellent coverage and uniformity, suitable for general and localized lighting
- Available in sizes of 12", 14", 16", 18", 20", 22" and 24" in diameter
- Practical options for application and design flexibility
- Surge protection for internal components
- Quality components combined with the most current technology for high efficiency and reduced lighting costs

Applications

The Calvin pendant is ideal for illuminating spaces where the quality of light, subtle style and economy are important. It lends itself to many commercial applications, from hospitality to agricultural.

Wall, and pole-mounted models are also available.



TMSLIGHTING

ESTABLISHED 1923

Construction

High grade spun aluminum, brushed solid copper, or brushed 316L stainless steel, with stainless steel mounting hardware, for indoor and outdoor applications.

Lamp

Operates with integrated LED and incandescent sources. Specify 3000K, 3500K, or 4000K CCT for LED systems. A dimmable 17W LED screw in lamp is also available (120V, PAR 38, CCT 4000K, E26 base).

Note: LED systems use 120-277V supply voltage, and are not compatible with 347V. Incandescent and the 17W LED PAR 38 lamp, use a medium base socket (E26).

LED Driver

The LED source is controlled by an advanced driver to deliver consistent power.

Diffuser

Globe: clear and prismatic glass globes are available for greater diffusion and lamp protection.

Globe with Cast Guard: the combination is available for greater diffusion and more robust lamp protection.

Note: G1, G3, G11 and G11P are used with 100IN, and 15LED.

Globes are not available with the 17W LED PAR 38 lamps.

Option

Wire Guard: a steel, chrome-plated wire guard is available for lamp protection against light projectiles.

Surge Suppressor

All 120V, 277V, and universal voltage fixtures are equipped with a 6kV surge suppressor.

Dimming

The LED dimming option is the 0-10V, current-sinking type.

Note: Use a current-sinking dimming system (by others) for LED dimming.

Compatibility of this product is not guaranteed with all control systems.

Dimming is not available with 347V systems.

Emergency

For LED systems, integral and remote mount emergency back-ups are available, in either the standard temperature or cold temperature type.

The test switch and indicator light would be remote.

Note: The emergency option is not available with the 17W LED PAR 38 lamp.

Finish

Select from specialty brushed, plated, and powder-coated finishes; see the "Finishes and Diffusers" chart. Custom and RAL finishes are available by special order.

Calvin



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TMSLIGHTING

ESTABLISHED 1923

Note: A clear coat is applied to copper, yet patina will form over a period.

Mounting

Mount to a ceiling, directly to a standard 4" electrical junction box. Calvin is available with either a stem mount (1/2" NPT std., IP23, indoor/outdoor), or the drop cord/ aircraft cable mount (10 ft. / 3.048 m max., IP20, indoor).

Follow the installation instructions, and adhere to your local electrical code.

Mounting Accessories

Aircraft Cable: for drop cord mounting, the steel cable provides additional support.

Ceiling Slope Adapter: for stem mounting, keeps the pendant hanging vertically, correcting up to a 20° slope.

Note: The aircraft cable or ceiling slope adapter may be required to comply with the local seismic/earthquake code.

Compliances

Rated IP20, for indoor locations, with the drop cord/aircraft cable mount; or IP23, for indoor and outdoor locations, with the stem mount. QPS-C/US certified to UL1598 standards. Consult the factory for the Consultants Europe (CE) certification.



Calvin

TMSLIGHTING

ESTABLISHED 1923

CAL

1 2 3 4 5 6 7 8 9 10 11 12

Project: _____
Type: _____
Quantity: _____

Notes:

1 • Location

I: Indoor
O: Outdoor

2 • Size

12: 12" (305 mm) dia.
14: 14" (356 mm) dia.
16: 16" (406 mm) dia.
18: 18" (458 mm) dia.
20: 20" (508 mm) dia.
22: 22" (559 mm) dia.
24: 24" (610 mm) dia.

3 • Lamping

100IN: 100W Incandescent
17LED: 17W LED (supplied)
15LED: 15W LED
19LED: 19W LED (14" and 16" dia.)
32LED: 32W LED (18" and larger)

4 • Mounting

CRD: Drop cord 120"
C__: Stem mount 1", 6", 12", 18",
24", 36", 48" or 60"

5 • LED CCT (color temp.)

30K: 3000K (CRI 80)
35K: 3500K (CRI 80)
40K: 4000K (CRI 80)

6 • Voltage

120: 120V
277: 277V
347: 347V

7 • Finish

Specialty

BR: Brushed aluminum
CO: Solid copper (brushed; stem mount
would be black)
Incompatible with 18"+ dia.
SS: Stainless steel (brushed 316L; stem
mount would be silver metallic)
Incompatible with 18"+ dia.

Plated

AN: Anodized (bright)
GA: Galvanized (rough; stem mount would
be flat silver)

Powder-coated

F05: White
F06: Clay brown
F08: Midnight blue
F09: Pewter
F10: Fire red
F13: Forest green
F14: Sunshine yellow
F15: Matte black
F16: Gloss black
F19: Mirror silver
F21: Architectural bronze
RAL: RAL custom color (specify)

These are some popular finishes. For the
complete collage, please see the "Finishes

8 • Globes

—: None
G1: Clear, elongated globe
G3: Prismatic, elongated globe
G11: Clear, elongated globe with cast guard
G11P: Prismatic, elongated globe with cast guard
Note: Globes are not available with the 17W
LED PAR 38 lamps.
G1, G3, G11 and G11P are used with 100IN,
and 15LED.

9 • Dimming

—: None
DIML: LED dimming (0-10V; current-sinking)
Note: Use a current-sinking dimming system (by others)
for LED dimming.
Not available with 347V systems.
Compatibility is not guaranteed with all control systems.

10 • Emergency

—: None
EM: Integral LED (min. operating temp. +5°C/+40°F)
EMC: Integral LED cold pack (min. operating temp.
-20°C/-4°F)
EMR: Remote LED (20 ft. / 6.096 m max. distance from
EM to lamp; min. operating temp. +5°C/+40°F, dry
location mounting)
EMCR: Remote LED cold pack (20 ft. / 6.096 m max.
distance from EM to lamp; min. operation temp.
-20°C/-4°F)

11 • Mounting Accessories

—: None
BL: Ceiling slope adapter for stem mount (20° slope max.)
ACC: Aircraft cable for drop cords (10 ft. / 3.048 m length)
Note: ACC or BL may be required to comply with the local
seismic/earthquake code.

12 • Wire Guard

—: None
W12: 12" Wire guard W18: 18" Wire guard W24: 24" Wire guard
W14: 14" Wire guard W20: 20" Wire guard
W16: 16" Wire guard W22: 22" Wire guard

Note: Some options may not be
compatible with others. To ensure
compatibility between options,
please visit tmslighting.com, on
the "details" page of this
luminaire, and use the
configuration tool.

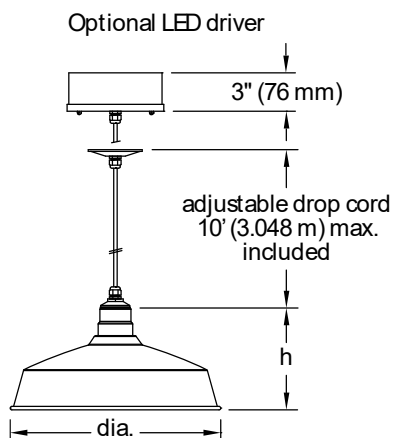


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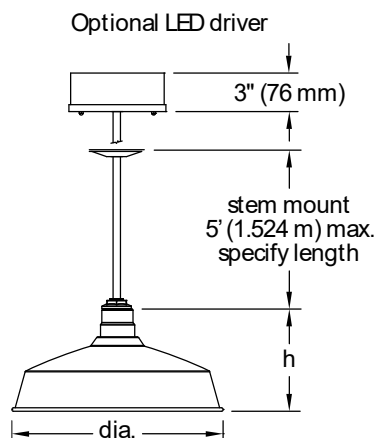
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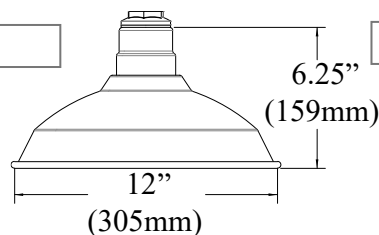
Drop Cord Mount



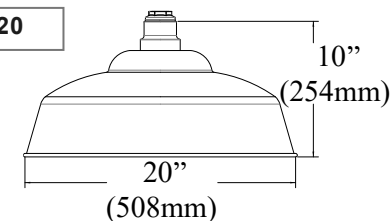
Stem Mount



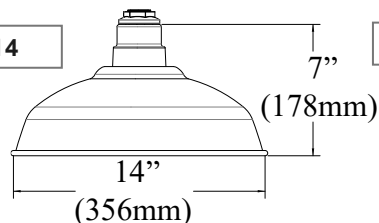
CAL-I/O-12



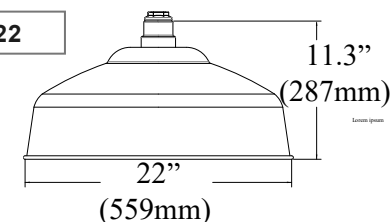
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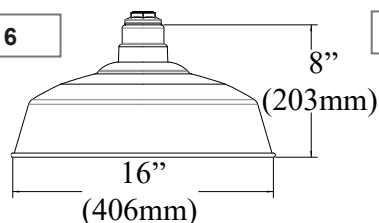
CAL-I/O-14



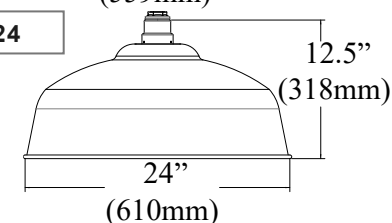
CAL-I/O-22



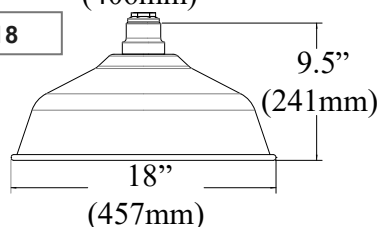
CAL-I/O-16



CAL-I/O-24



CAL-I/O-18



Custom

TMS Lighting can customize this and many of our standard fixtures. The dimensions, lamp types, enclosure and colors could be modified to suit your lighting and architectural requirements. Contact your local representative for more details: <http://tmslighting.com/info/agents>

TMS Lighting Inc.

247A Summerlea Road,
Brampton, Ontario,
Canada. L6T 4E1

Web Site: tmslighting.com

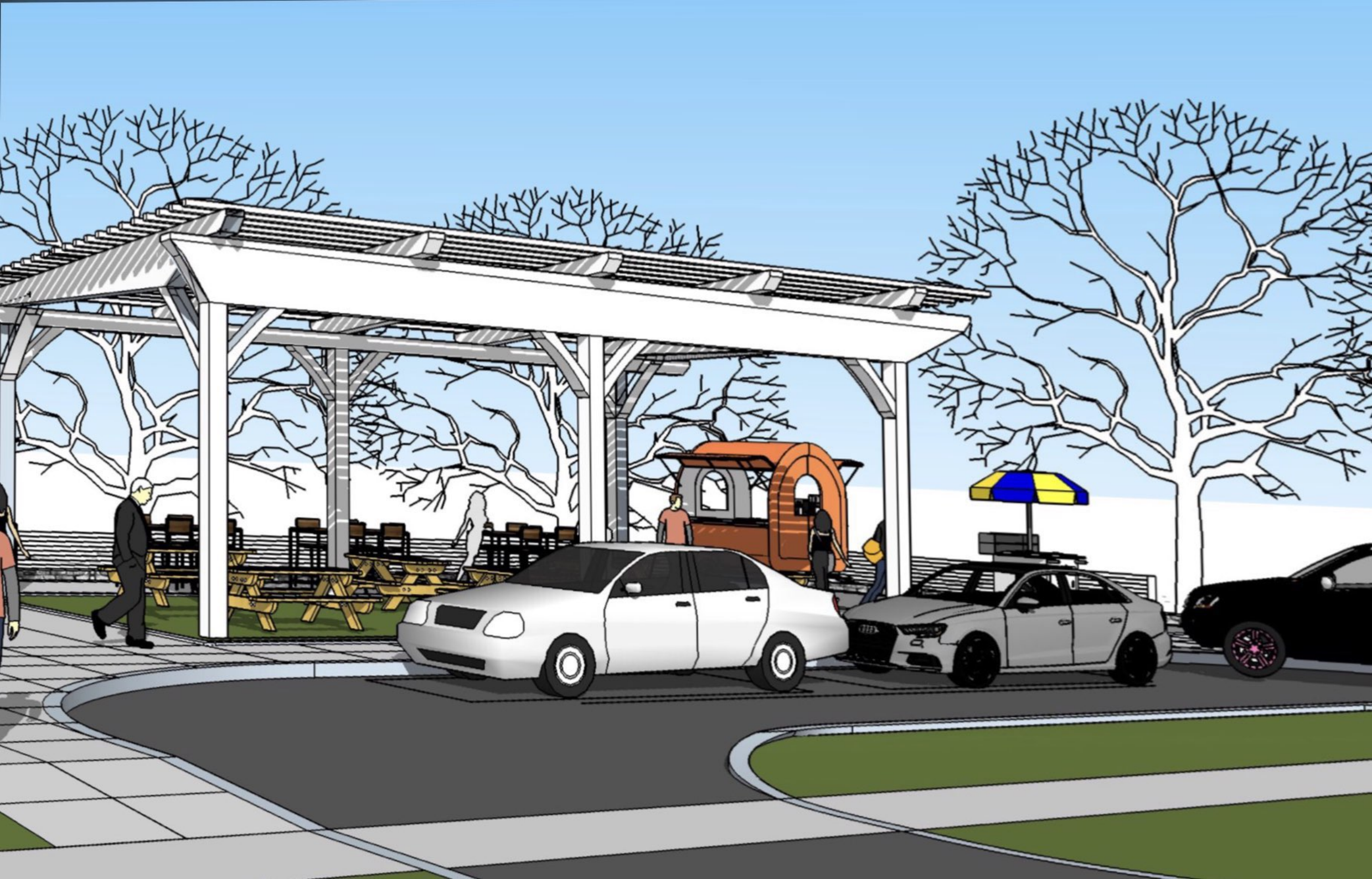
North America: (905) 793-1174

Toll-free: (866) 793-1174

Fax: (905) 793-1175

UK & Europe: 44-1474-250-654

Specifications are subject to change without notice.





Project		Catalog #		Type	
Prepared by		Notes		Date	



McGraw-Edison

BRT6 Bollard

Round LED Pedestrian Luminaire

Interactive Menu

- Ordering Information [page 2](#)
- Product Specifications [page 2](#)
- Optical Distributions [page 2](#)
- Energy and Performance Data [page 3](#)

Product Certifications

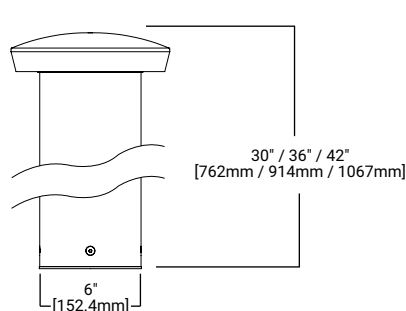


Quick Facts

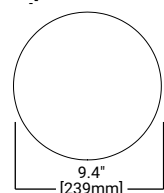
- 4 Optical Distributions
- Available in 30", 36", and 42"
- Lumen packages range from 560 - 4400 (5W - 49W)
- Efficacy up to 122 lumens per watt
- Zero uplight on all configurations

Dimensional Details

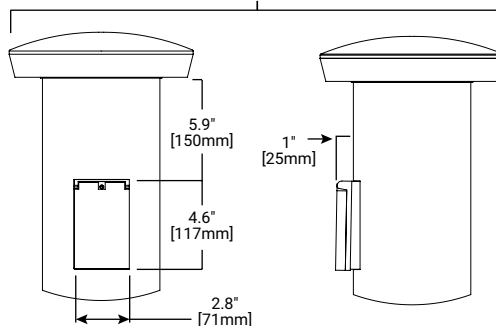
Side View



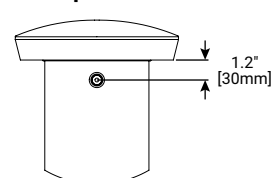
Top View



GFI Option



CBP Option



Height	Weight
30"	7.2lb (3.3kg)
36"	8.7lb (4.0kg)
42"	10.3lb (4.7kg)

* Base model without options or controls

Ordering Information

SAMPLE NUMBER: **BRT6-A3-740-U-T4-36-GM**

Product Family	Configuration ¹	Color Temperature	Voltage	Distribution	Height	Finish
BRT6 =Bollard, 6" Round Base BAA-BRT6 =Bollard, 6" Round Base, Buy American Act Compliant ¹³ TAA-BRT6 =Bollard, 6" Round Base, Trade Agreements Act Compliant ¹³	A1 =1000lm Nominal ¹¹ A2 =2000lm Nominal A3 =3000lm Nominal A4 =4000lm Nominal	727 =70CRI, 2700K 730 =70CRI, 3000K 740 =70CRI, 4000K 750 =70CRI, 5000K 830 =80CRI, 3000K AMB =Amber, 590nm ²	U =120-277V 1 =120V 2 =208V 3 =240V 4 =277V 8 =480V ⁵ 9 =347V	T3 =Path Asymmetric T4 =Wide Path Asymmetric T5 =Type V Symmetric T5S =Type V Square Symmetric	30 =30" 36 =36" 42 =42"	AP =Gray BZ =Bronze BK =Black DP =Dark Platinum GM =Graphite Metallic WH =White
Options (Add as Suffix)	Controls and Systems Options (Add as Suffix)			Accessories (Order Separately) ¹⁴		
DIM =External 0-10V Dimming Leads ^{4,7} F =Single Fuse (120, 277 or 347V Specify Voltage) FF =Double Fuse (208, 240 or 480V Specify Voltage) CC =Coastal Construction ³ HA =50°C High Ambient 20K =20kV UL 1449 fused surge protective device CBP =Battery Pack, Cold Weather Rated ^{9,12} DALI =DALI Driver ^{4,11} LAB =Less Anchor Bolts & Template ⁶ GFI =GFCI Outlet ⁸	BPC =Button Type Photocontrol ¹⁰			BRT6ANCHOR =Anchor bolt kit and template ⁶		
NOTES: 1. Nominal output based on symmetric distributions at 4000K CCT. See lumen table and IES files for details. 2. Narrow-band 590nm +/- 5nm for wildlife and observatory use. Available with configuration A1 only. 3. Coastal construction finish salt spray tested to over 5,000-hours per ASTM B117, with a scribe rating of 9 per ASTM D1654. 4. Not available with other controls options 5. 480V must utilize Wye system only. Per NEC, not for use with ungrounded systems, impedance grounded systems or corner grounded systems (commonly known as Three Phase Three Wire Delta, Three Phase High Leg Delta and Three Phase Corner Grounded Delta systems.) 6. Bollard ships with anchor bolts and template included, unless LAB is specified, in which case the BRT6ANCHOR accessory must be ordered separately. 7. Low voltage control leads brought out 18" from fixture 8. GFCI 125-Volt duplex tamper-proof outlet rated for 15A. Available in 120V only. 9. Operates at -20°C to +40°C. Not available with HA option. 6W initial output. 16.2Wh capacity. 10. Not available with "U" voltage, must specify voltage. 11. Available in 120V only. 12. Specify 120V or 277V. 13. Only product configurations with these designated prefixes are built to be compliant with the Buy American Act of 1933 (BAA) or Trade Agreements Act of 1979 (TAA), respectively. Please refer to DOMESTIC PREFERENCES website for more information. Components shipped separately may be separately analyzed under domestic preference requirements. 14. For BAA or TAA requirements, Accessories sold separately will be separately analyzed under domestic preference requirements. Consult factory for further information.						

Product Specifications

Construction

- Extruded aluminum housing with cast base and top
- Patent-pending base plate design offers superior rigidity
- 3G vibration rated
- IK10 impact rating for housing and optic assembly

Optics

- High-efficiency injection-molded AccuLED optics technology
- 4 optical distributions; 2 symmetric and 2 asymmetric
- IDA Certified (3000K CCT and warmer only)

Electrical

- Standard with 0-10V dimming
- Suitable for operation in -40°C to 40°C ambient environments. Optional 50°C high ambient (HA) configuration
- 10kV surge module standard

Finish

- Super durable TGIC polyester powder coat paint, 2.5 mil nominal thickness
- RAL and custom color matches available
- Coastal Construction (CC) option available

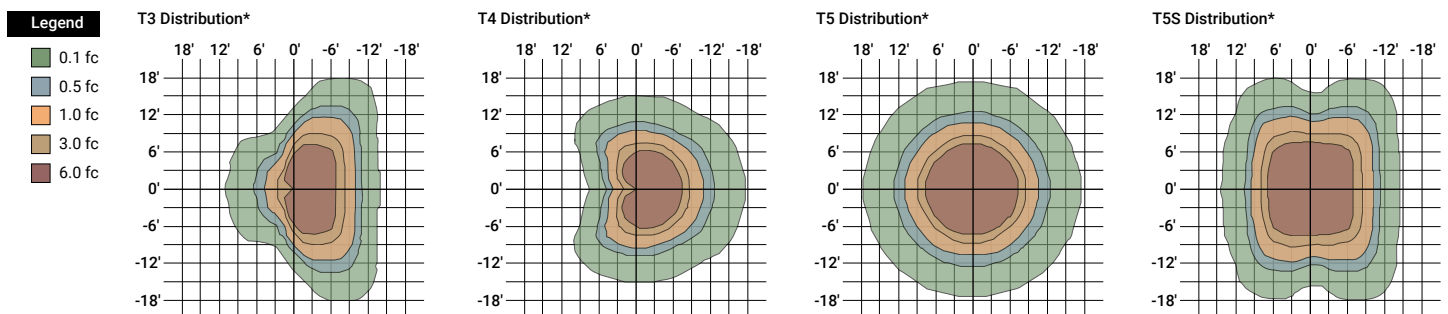
Typical Applications

- Outdoor, Walkway, Perimeter, Landscapes, Hardscapes

Warranty

- Five year warranty

Optical Distributions



*NOTE: A4 lumen package, 4000K CCT, 3.5' MH

Energy and Performance Data

Asymmetric Power and Lumens

Optics			Configuration			
			A1	A2	A3	A4
4000K / 5000K CCT, 70 CRI	T3	Wattage	5	11	17	22
		Lumens	537	1075	1627	1961
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1
		Lumens per Watt	99	99	94	91
	T4	Wattage	5	10	15	21
		Lumens	559	1101	1616	2193
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1
		Lumens per Watt	110	115	110	104
3000K CCT, 70 CRI	T3	Wattage	5	11	17	22
		Lumens	489	979	1482	1786
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1
		Lumens per Watt	99	99	94	91
	T4	Wattage	5	10	15	21
		Lumens	509	1003	1472	1997
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1
		Lumens per Watt	110	115	110	104
3000K CCT, 80 CRI	T3	Wattage	5	11	17	22
		Lumens	427	854	1293	1558
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1
		Lumens per Watt	99	99	94	91
	T4	Wattage	5	10	15	21
		Lumens	444	875	1284	1743
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1
		Lumens per Watt	110	115	110	104
2700K CCT, 70 CRI	T3	Wattage	5	11	17	22
		Lumens	449	899	1361	1640
		BUG Rating	B0-U0-G0	B0-U0-G1	B0-U0-G1	B0-U0-G1
		Lumens per Watt	99	99	94	91
	T4	Wattage	5	10	15	21
		Lumens	467	921	1351	1834
		BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1	B1-U0-G1
		Lumens per Watt	110	115	110	104
AMB 590nm	T3	Wattage	13	--	--	--
		Lumens	457	--	--	--
		BUG Rating	B0-U0-G0	--	--	--
		Lumens per Watt	34	--	--	--
	T4	Wattage	11	--	--	--
		Lumens	352	--	--	--
		BUG Rating	B0-U0-G0	--	--	--
		Lumens per Watt	32	--	--	--

Symmetric Power and Lumens

Optics			Configuration			
			A1	A2	A3	A4
4000K / 5000K CCT, 70 CRI	T5	Wattage	9	18	29	42
		Lumens	1149	2210	3244	4401
		BUG Rating	B1-U0-G0	B1-U0-G1	B2-U0-G1	B2-U0-G1
		Lumens per Watt	122	120	111	105
	T5S	Wattage	10	21	35	49
		Lumens	1125	2230	3338	4367
		BUG Rating	B1-U0-G0	B1-U0-G1	B2-U0-G1	B2-U0-G1
		Lumens per Watt	110	107	97	89
3000K CCT, 70 CRI	T5	Wattage	9	18	29	42
		Lumens	1046	2013	2954	4008
		BUG Rating	B1-U0-G0	B1-U0-G1	B2-U0-G1	B2-U0-G1
		Lumens per Watt	122	120	111	105
	T5S	Wattage	10	21	35	49
		Lumens	1025	2031	3040	3977
		BUG Rating	B1-U0-G0	B1-U0-G1	B2-U0-G1	B2-U0-G1
		Lumens per Watt	110	107	97	89
3000K CCT, 80 CRI	T5	Wattage	9	18	29	42
		Lumens	913	1757	2578	3497
		BUG Rating	B1-U0-G0	B1-U0-G1	B2-U0-G1	B2-U0-G1
		Lumens per Watt	122	120	111	105
	T5S	Wattage	10	21	35	49
		Lumens	894	1772	2653	3470
		BUG Rating	B1-U0-G0	B1-U0-G1	B2-U0-G1	B2-U0-G1
		Lumens per Watt	110	107	97	89
2700K CCT, 70 CRI	T5	Wattage	9	18	29	42
		Lumens	960	1848	2712	3680
		BUG Rating	B1-U0-G0	B1-U0-G1	B2-U0-G1	B2-U0-G1
		Lumens per Watt	122	120	111	105
	T5S	Wattage	10	21	35	49
		Lumens	941	1865	2791	3652
		BUG Rating	B1-U0-G0	B1-U0-G1	B2-U0-G1	B2-U0-G1
		Lumens per Watt	110	107	97	89
AMB 590nm	T5	Wattage	21	--	--	--
		Lumens	575	--	--	--
		BUG Rating	B0-U0-G0	--	--	--
		Lumens per Watt	28	--	--	--
	T5S	Wattage	25	--	--	--
		Lumens	676	--	--	--
		BUG Rating	B1-U0-G0	--	--	--
		Lumens per Watt	27	--	--	--

Energy and Performance Data

Asymmetric Input Current (mA)

Optics		Configuration			
		A1	A2	A3	A4
T3	Wattage	47	97	152	190
	Lumens	--	59	89	110
	BUG Rating	--	52	78	97
	Lumens per Watt	--	48	70	85
	Wattage	--	40	59	72
	Lumens	--	29	43	53
T4	Wattage	44	84	128	183
	Lumens	--	52	75	105
	BUG Rating	--	47	66	92
	Lumens per Watt	--	44	59	81
	Wattage	--	35	49	68
	Lumens	--	25	36	50

Symmetric Input Current (mA)

Optics		Configuration			
		A1	A2	A3	A4
T5	Wattage	81	159	257	373
	Lumens	--	93	146	209
	BUG Rating	--	82	128	183
	Lumens per Watt	--	73	113	159
	Wattage	--	65	96	148
	Lumens	--	48	70	108
T5S	Wattage	90	185	314	454
	Lumens	--	107	177	251
	BUG Rating	--	94	155	219
	Lumens per Watt	--	83	135	190
	Wattage	--	69	114	172
	Lumens	--	51	82	125

Lumen Maintenance (TM-21)

Ambient Temperature	25,000 hours*	50,000 hours*	60,000 hours*	100,000 hours**	Theoretical L70 hours**
25°C	95.9%	92.9%	91.7%	87.1%	271,000
40°C	95.7%	92.5%	91.3%	86.5%	256,000
50°C	95.3%	91.9%	90.6%	85.7%	242,000

* Supported by IES TM-21 standards

**Theoretical values represent estimations commonly used; however, refer to the IES position on LED Product Lifetime Prediction, IES PS-10-18, explaining proper use of IES TM-21 and LM-80.

 [View BRT6 IES files](#)



MERU Series

LED GENERAL & EMERGENCY LIGHTING



PROJECT: _____
FIXTURE TYPE: _____
LOCATION: _____
CONTACT/PHONE: _____

PRODUCT DESCRIPTION

The MERU Series is an architectural, low-profile outdoor light, offering “normally On” AC and emergency lighting with powerful LED illumination. The housing is fully sealed and gasketed, and has an IP65 rating. Designed for wall mounting with universal K/O pattern in back-plate for easy installation to most standard size junction boxes. Includes a single 1/2” NPT conduit entry in the top, center of the housing. Illumination provided by 8 high power LEDs which achieve 1,600 lumens in AC and 600 lumens in emergency. LED color at 4000K.

PRODUCT SPECIFICATIONS

CONSTRUCTION

Die cast aluminum housing with superior heat sink • Scratch resistant Polyester powder coat finish • UV resistant polycarbonate lens • Snap-fit housing and mounting plate are held together by four stainless steel clips • Universal mounting pattern molded into the back plate • 1/2" threaded top access for surface conduit installation • Silicone rubber seal with hollow center, shape adaptive design protects the electrical components • Junction box neoprene seal is attached to the back plate for a weather proof installation • Dark Bronze or White textured finish.

ELECTRICAL

Dual voltage 120/277VAC 60Hz input • Solid state charging and switching • Battery low voltage disconnect • AC power indicator and test switch at the bottom of the unit • Standard with Self Diagnostics to monitor proper operation.

LAMPS

Supplied with eight (8) LG SMD 4000K LED'S • L70 > 72,000hours • 17 Watts total (32 Watts with IH option) • 1600 Lumens in AC mode, 600 Lumens in Emergency mode • Full cut-off optics for Dark Sky compliance

BATTERY

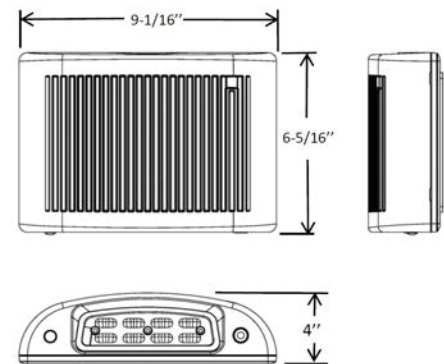
Maintenance-free, long-life rechargeable NiCad battery will operate fixture for a minimum of 90 minutes in the event of a power outage • 24 hour recharge after 90 minute discharge.

CODE COMPLIANCE

UL924 • Listed for wet location applications (0°C-50°C) • Optional "IH" cold weather package for (-40°C-50°C) • IP65 Rated • NFPA 101 Life Safety Code compliant • NEC and OSHA compliant • DLC Listed • RoHS Compliant

WARRANTY

5-year warranty. Product specifications subject to change without notice.



ACEM Model (NiCad Battery Backup)

Integral photocell: Unit operates as a dusk to dawn luminaire and in the event of a power failure as an emergency light.

Remote Switched: The integral photocell can be defeated to allow remote switching for normal operation. In the event of a power failure unit operates as an emergency light.

INSTALLATION

MOUNTING

Suitable for indoor or outdoor wall mounting on junction box, or with surface conduit using the supplied 1/2" threaded top access • Mounting plate has molded universal mounting pattern for simple mounting over junction box.

ORDERING INFORMATION

model	operation mode	housing color	options
MERU-LED	ACEM = General & Emergency Lighting	DB = Dark Bronze	Self-Diagnostics & Photocell (Included Standard)
	AC = General Lighting	WH = White	IH = Internal Heater
		BK = Black	PIR = Passive Infra-Red Motion Sensor
Ordering Example: MERU-ACEM-DB		NK = Nickel	





MERU Series

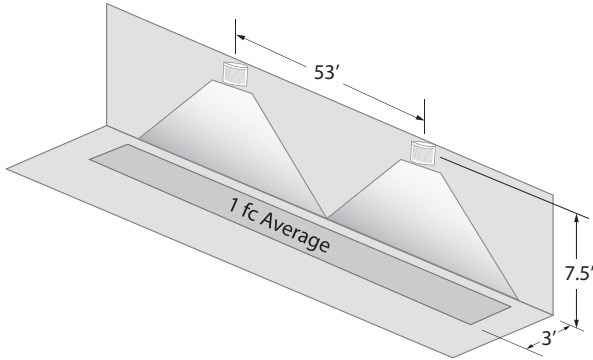
LED GENERAL & EMERGENCY LIGHTING



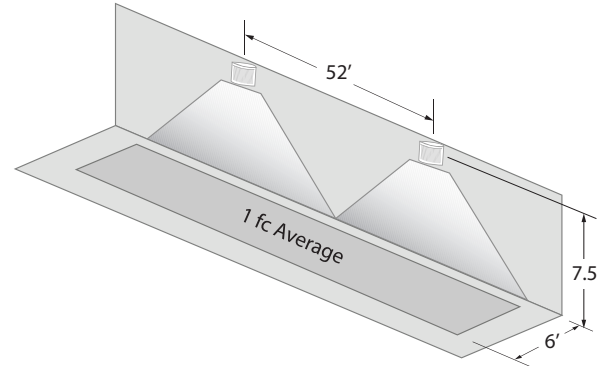
PROJECT: _____
FIXTURE TYPE: _____
LOCATION: _____
CONTACT/PHONE: _____

PHOTOMETRICS

3ft Path Spacing



6ft Path Spacing



SELF DIAGNOSTICS

Included Self Diagnostic

Diagnostic Indicator / Test Switch

- Ready
- In Test
- Battery Circuit Fault
- Battery Capacity Failure
- Charger Failure
- Transformer Fault
- Lamp Failure

Manual Testing

- Press button once - 1 minute test
- Press button twice - 5 minute test
- Press button 3 times - 30 minute test
- Press button 4 times - 90 minute test

Full self-test, self-diagnostic system is standard in every unit, performs a monthly test as well as continuously monitoring all functions to ensure reliability, a manual test may be initiated at any time







One Way Signs

With Left Arrow

R6-2L-MOD One Way Signs With Left Arrow - 12X18 - Official MUTCD Reflective Rust-Free Heavy Gauge Aluminum Road Signs

This sign meets Federal MUTCD Sign specifications (R6-2L).

- Constructed of rust-free, heavy gauge (.063), durable aluminum
- 3M High Intensity Prismatic Reflective sheeting and 3M inks
- Rated by 3M for at least 7 years no-fade service
- Signs have holes drilled at top and bottom center for easy mounting
- **DOUBLE the working life of your MUTCD One Way Signs by adding 3M Protective Overlay Film (POF)!** 3M's high-tech POF protects sign faces against fading caused by the sun and harsh weather—and makes graffiti and sticker defacement damage easy to clear away without harsh abrasives.

Don't see the Property Management Signs that you need? Call us



R6-1L One Way
Left Arrow Sign
H.I.P. - 36X12



R6-2L One Way
Sign With Left
Arrow H.I.P. -
18X24





130'

Existing Impervious Surface

House $59.5 \times 32 = 1,904$

Garage $20.5 \times 20.5 = 420$

Porch $6 \times 25 = 150$

Patio $33.5 \times 11 = 369$

Driveway $12 \times 70 = 840$

3,683 sq'

* Proposed New Impervious Surface

26×26

Garage - New Expanded = 256

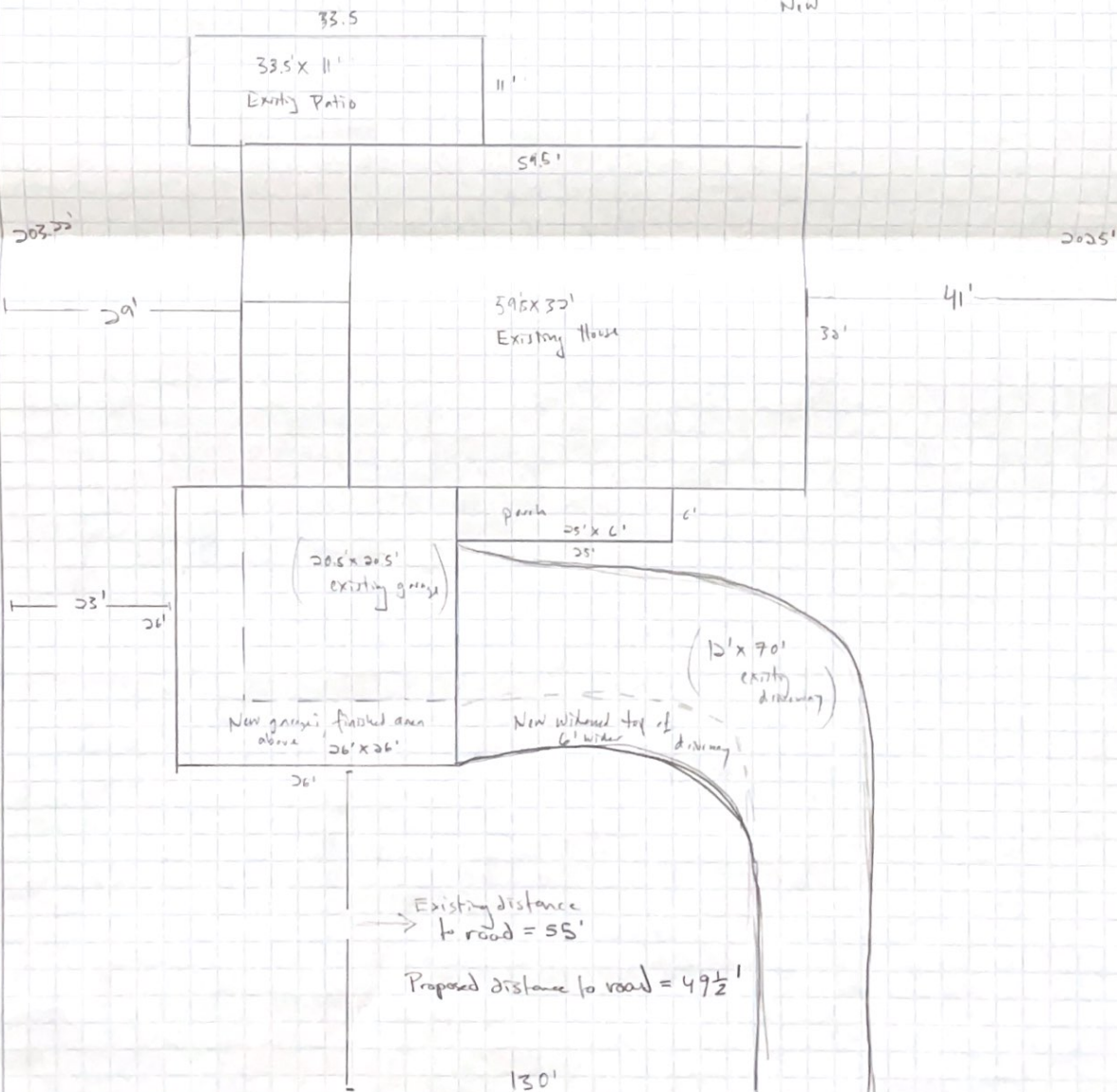
Driveway $6' \times 35' = 210$

466 sq'

Total Coverage = $4,149 \text{ sq'}$

[Lot size 26,390]

Proposed % Coverage = 15.72%
New



203 South Cove Road (Not drawn to scale)

501 PINE STREET

BURLINGTON, VERMONT

JRMA DESIGN STUDIO

www,jrmadesignstudio.com

SCHEMATIC DESIGN STUDY

REVISED 02 16 2022



OVERVIEW

501 PINE STREET FOOD COURT
SCHEMATIC STUDY | 02 16 2022



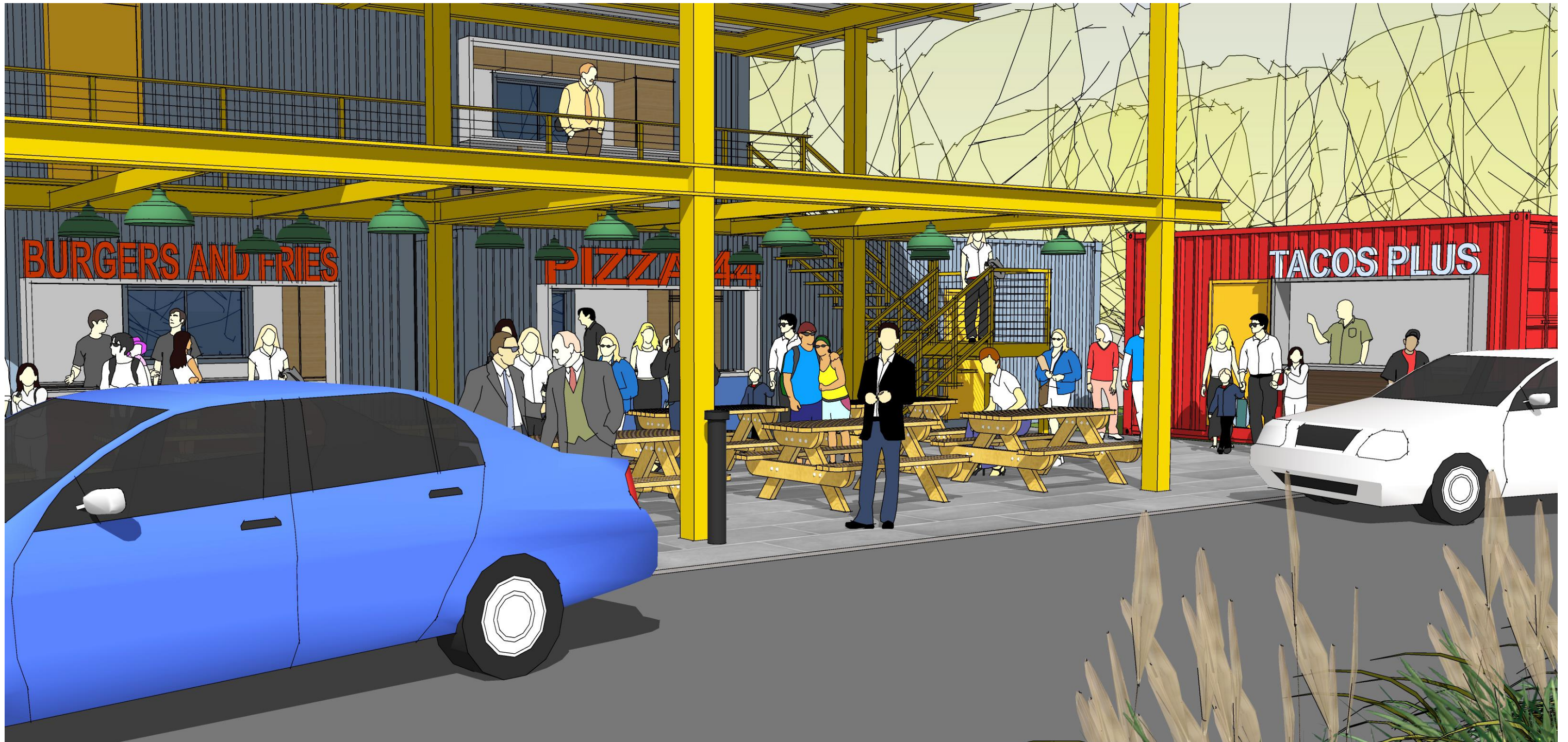
LOOKING NORTHWEST

501 PINE STREET FOOD COURT
SCHEMATIC STUDY | 02 16 2022

JRMA DESIGN STUDIO | ARCHITECTS - PLANNERS - INTERIORS



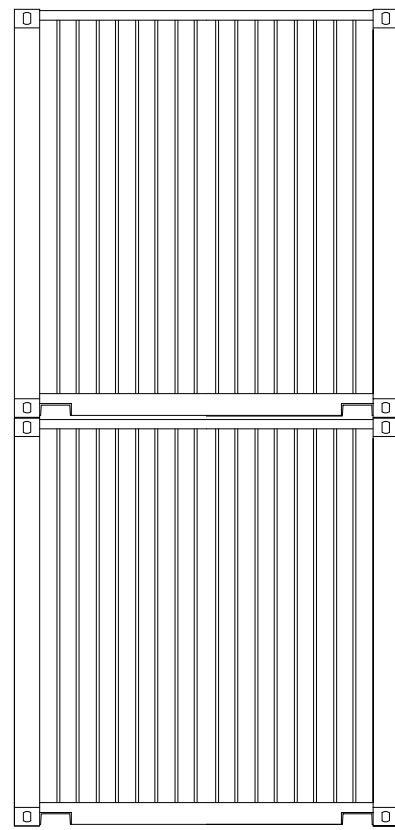
LOOKING SOUTHWEST



LOOKING NORTHWEST

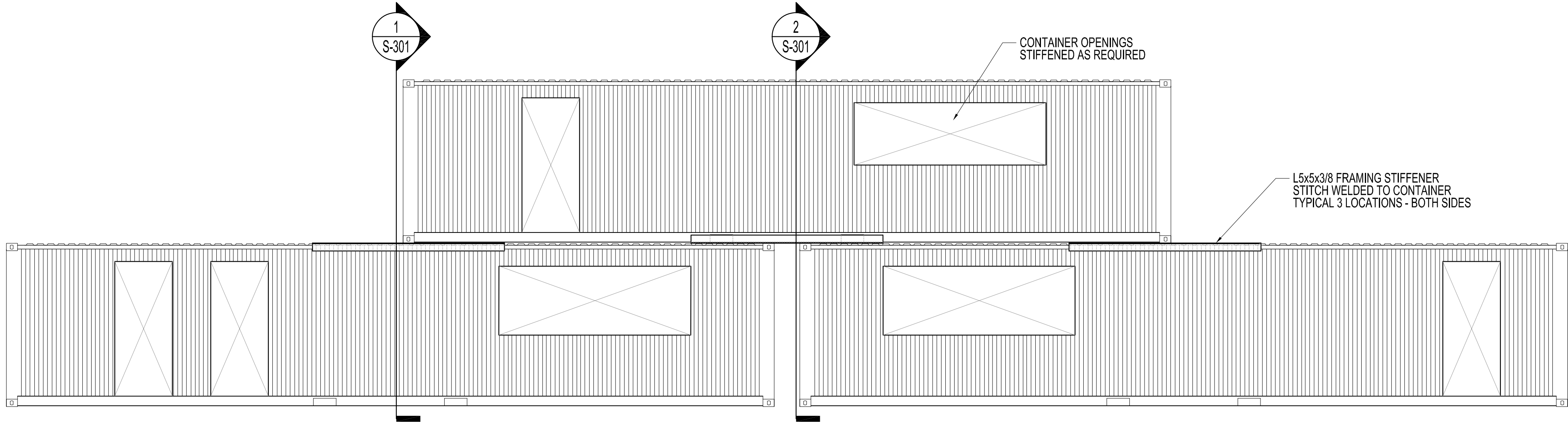


LOOKING WEST



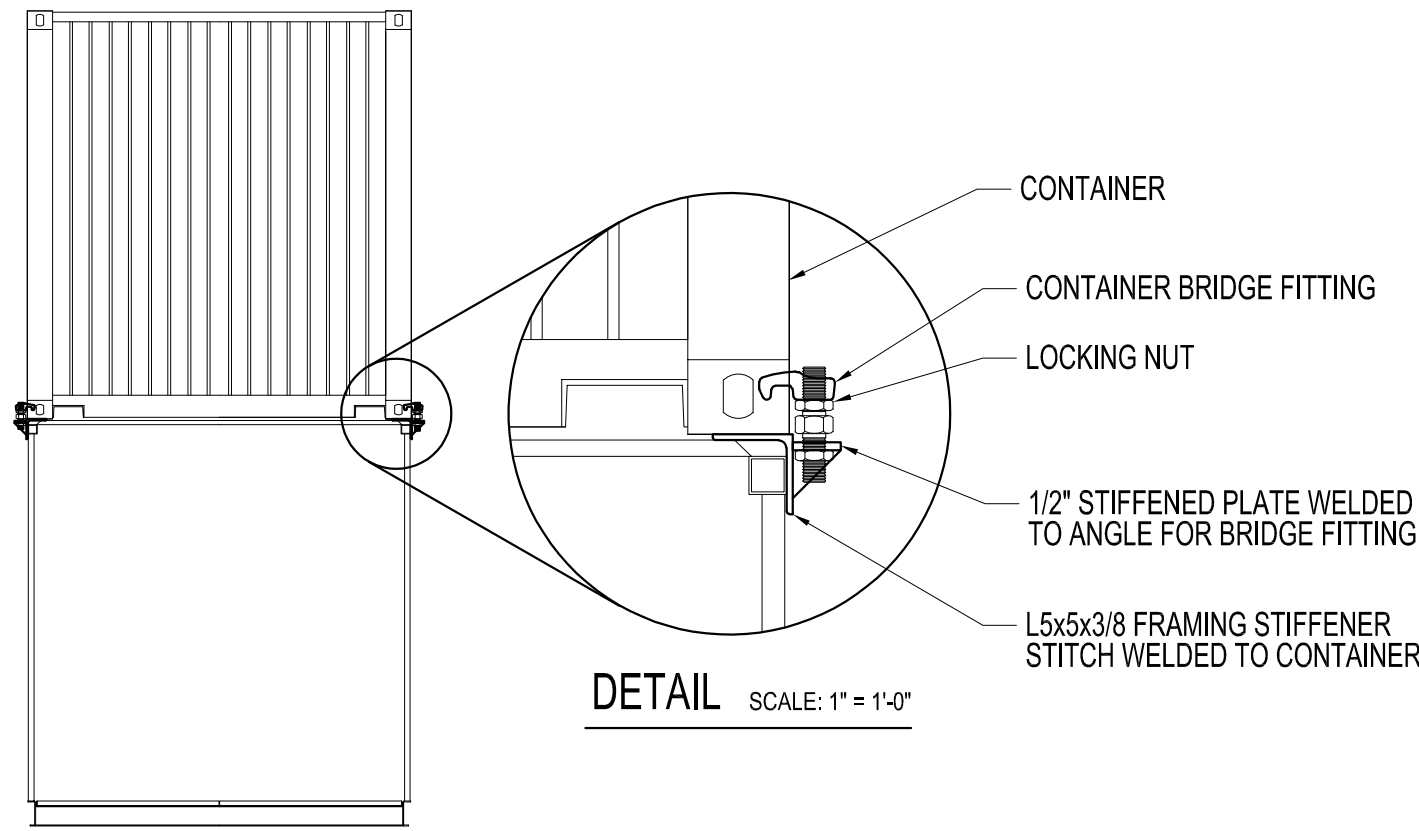
CONTAINER END ELEVATION

SCALE: 1/4" = 1'-0"



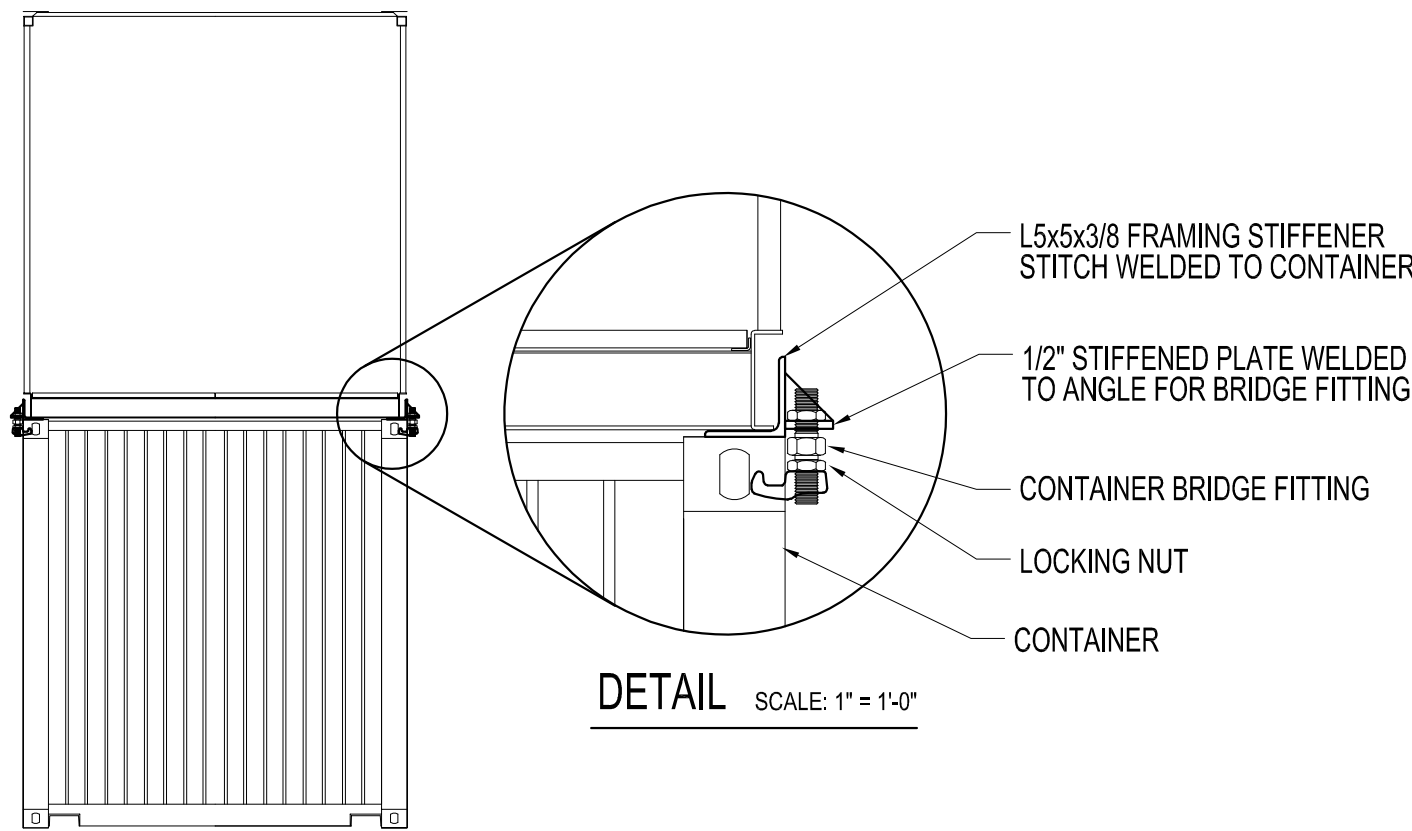
CONTAINER FRONT ELEVATION

SCALE: 1/4" = 1'-0"



1
S-301
STACKED CONTAINER SECTION

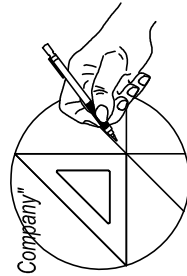
SCALE: 1/4" = 1'-0"



2
S-301
STACKED CONTAINER SECTION

SCALE: 1/4" = 1'-0"

SHARP POINT



PO BOX 40
4398 ROUTE 22
PLATTSBURGH, NY 12901
PHONE - (518) 324-2828
FAX - (518) 381-5404

revisions	
rev#	description
1	DATE
2	DATE
3	DATE
4	DATE
5	DATE

customer
TIM WILLIAMS
BURLINGTON, VT

project
501 PINE STREET FOOD COURT
501 PINE STREET
BURLINGTON, VT

job no. SP-1146
date 4-14-22
dwn. by JPL
ckd. by JMR
scale AS NOTED

sheet
S-301
CONTAINER UNIT CONNECTION
revision # -

Burlington Design Advisory Board

Department of Permitting and Inspections

645 Pine Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/DPI/Boards/Design-Advisory-Board/>

Telephone: (802) 865-7188

Matt Bushey, Chair
Ron Wanamaker
Emily Morse
Jay White
Kathleen Ryan, Alternate
Vacant, Alternate



DESIGN ADVISORY BOARD

Tuesday January 11, 2022

645 Pine Street and via Zoom

Present: Matt Bushey (Chair), Ron Wanamaker (Vice Chair), Jay White, Emily Morse,

Absent: Kathleen Ryan (alternate)

Staff present: Mary O'Neil, Ryan Morrison

Agenda

Session I – 3:00 PM – 3:30 PM

I. ZP-21-800; 501 Pine Street (E-LM, Ward 5S) Kurt Schueler / Vermont Gas Systems, Inc.

Food Truck/Container Kitchen Eating area. (Ryan Morrison, Project Manager)

Motion by Matt Bushey: I move to table the application and request that the applicant return with the following:

1. Provide public restrooms for use by restaurant patrons.
2. Provide structural engineering analysis of the shipping container installation, including foundations and connection of the vertically stacked unit.
3. Provide landscaping plan.
4. Conditions outlines in the staff comments.

2nd: Emily Morse

Vote: 4-0

Motion carries.

Session II – 3:30-4:00 PM

II. ZP-21-778; 323-325 College Street (RH, Ward 8E) Benjamin Frye / 323 Green Castle LLC

Construction of 4-unit building addition with associated utility work and minor grading. (Ryan Morrison, Project Manager)

Motion by Ron Wanamaker: I move to table the application and if the applicant wishes to return that the following recommendations are addressed:

1. Set back the top floor of the new addition so it does not extend past the front of the historic structure.
2. Improve the quality of the exterior materials, such as with brick, stone veneer at the foundation and eliminating corrugated metal siding.
3. Improve the cornice design so it is more in keeping with the previous building addition.
4. Simplify the west façade.

5. Reduce the height of the retaining wall.
6. Show rendering or colored elevations of the West Elevation, including the retaining wall.

2nd: Emily Morse

Vote: 4-0

Motion carries

Session III – 4:00-4:30 PM

III. Revised DAB 2022 Calendar

Motion by Ron Wanamaker: I move to approve the revised 2022 DAB meeting calendar, as presented.

2nd: Emily Morse

Vote: 4-0

IV. Adjournment

Burlington Design Advisory Board

Department of Permitting and Inspections

645 Pine Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/DPI/Boards/Design-Advisory-Board/>

Telephone: (802) 865-7188

Matt Bushey, Chair
Ron Wanamaker
Emily Morse
Jay White
Kathleen Ryan, Alternate
Vacant, Alternate



DESIGN ADVISORY BOARD

Tuesday May 10, 2022 3:00 PM

Minutes

Present: Matt Bushey (Chair), Ron Wanamaker (Vice Chair), Jay White, Emily Morse, Kathleen Ryan (alternate)

Staff present: Mary O'Neil, Ryan Morrison

Guests: Kurt Schueler, Bob Hale (Wildbranch Builders), William Bosley, Ruby Perry (remote), T. Williams (remote), Andy Simon (remote) and John Rooney, architect.

Agenda

ZP-21-800; 501 Pine Street (E-LM, Ward 5S) Kurt Schueler

Establish a food truck/container kitchen eating area. (Project Manager, Ryan Morrison)

Motion by Matt Bushey: I move that we recommend approval of the application and forward it to the Development Review Board, with the following recommended conditions:

1. Overhangs/awnings should be provided at each ordering window
2. Provide sufficient lighting at the restroom entrances.
3. Add curbing along the driveway to prevent vehicles from driving onto the sidewalk and planting areas.
4. Consider installing solar panels.
5. Include staff recommendations and conditions.

2nd: Ron Wanamaker

Vote: 4-1-0

Motion carries

ZP-22-231; 45-47 Lakeside Avenue (RL-W, Ward 5S) William Bosley / Robert Hale

Remove aluminum siding, replace with PVC shingle product. Replace windows with 6 over 6 units; alter windows on second floor west, first floor north. Rebuild and add to existing front porches. (Project Manager, Mary O'Neil)

Motion by Jay White: I move we approve the application, with the following changes:

1. Porches may not be extended, and must be replaced on the existing footprint.
2. Windows on the north elevation will be replaced to the existing dimensions.
3. Windows on the west elevation as approved as proposed.
4. Siding is approved as proposed.

2nd – Emily Morse

Vote: 5-0.

Motion carries.

Adjournment 4:45 PM.

Ryan Morrison

From: vtdesign@sover.net
Sent: Monday, June 06, 2022 10:13 AM
To: Benjamin Traverse; Ryan Morrison
Cc: sanschagrins@gmail.com
Subject: DRB review of 501 Gatehouse proposal

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

re. DRB review of the proposal (ZP-21-800; 501 Pine Street (E-LM, Ward 5S) KS Pine LLC / Kurt Schueler) for a food truck patio

Dear DRB and staff,

I would like to make sure the notes I previously submitted be sent to all DRB members in advance of the upcoming meeting so that they might address these concerns.

The proposed use on this property begs the question of why we have zoning and design review if community values and impact are not part of the decision making process.

Thank you for your interest and time,

Diane Gayer
21 Redstone Terrace, Burlington, VT
vtdesign@sover.net

Ryan Morrison

From: vtdesign@sover.net
Sent: Tuesday, May 10, 2022 9:42 AM
To: Mary O'Neil
Cc: Ryan Morrison
Subject: Re: DAB meeting Tuesday

You don't often get email from vtdesign@sover.net. [Learn why this is important](#)

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

hi Ryan, I assume you can take written comments? How shall I submit these? I have questions about:

1. STORMWATER: Stormwater runoff from southend crosses the land here and any change in permeability will impact the site needs. No work can disturb the existing soil conditions without affecting other ecosystem and water conditions, including toxins held in stasis.
2. TREE COVER: Existing trees are critical to the existing soil stability. Cutting trees will impact water retention and any stump removal will disturb the subsurface levels. The peat layer below the surface holds the NAPLA like a sponge, therefore any release of these affects the current mitigation balance.
2. LIABILITY: Superfund site liability that goes with any owner but in this case a short-term tenant. In other words any impact on the larger Superfund site is born by the developer that impacts the current mitigation. This leads to enlisting with BRILLA thru the State, but question how this occupant will comply.
3. NEIGHBORHOOD COMPATIBILITY: I live (currently) and worked (previously) in the southend during the years when ArtsRiot held its summer long food truck venue on Friday evenings. We all learned very quickly to move out by 2pm on Fridays, ending our work week early, deadlines or not. The acoustics of this area resonate throughout the neighborhoods — all music and truck movement, and people partying permeate throughout the multiple residential neighborhoods. The remnant grease and food garbage was not compatible with our studios and work places.
4. LIGHTING: Is this area to be a festival zone? Am not sure this is appropriate zoning, even if Conditional Use. Such an urban and visitor use is better located adjacent to City Hall Park of the Waterfront. Perhaps "The Pit" as an interim location?

Hope to call in at 3pm, but in case I am still on the road, here are my general comments.

Best, Diane

On May 10, 2022, at 8:22 AM, Diane Gayer <vtdesign@sover.net> wrote:

Thanks Mary, I will try to send in comments in case the meeting time changes from the Agenda. I won't be available before then, sorry.
Diane

Sent by the chirping peepers in the quarry

Ryan Morrison

From: Ryan Morrison
Sent: Thursday, June 02, 2022 11:52 AM
To: Andrew Simon; Benjamin Traverse; Ruby Perry
Subject: RE: Change of date for DRB review of 501 Gatehouse proposal?

Hi Andrew.

The hearing has been publicly noticed for June 21st, so it will be held at that meeting. If there is considerable comment or circumstances that need additional review, then continuance is possible and will be the DRB's call. Thanks!

Ryan Morrison
Associate Planner
City of Burlington
802-865-7190

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

From: Andrew Simon [mailto:sanschagrins@gmail.com]
Sent: Thursday, June 02, 2022 11:11 AM
To: Ryan Morrison <rmorrison@burlingtonvt.gov>; Benjamin Traverse <btraverse@burlingtonvt.gov>; Ruby Perry <evolution.ruby@gmail.com>
Subject: Change of date for DRB review of 501 Gatehouse proposal?

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

Ryan,

Could you please forward this message to the DRB members? I am not finding email addresses on the city website. Thanks.

To the Development Review Board:

I would like to request that the DRB review of the proposal (ZP-21-800; 501 Pine Street (E-LM, W-5S) KS Pine LLC / Kurt Schueler) for a food truck patio be postponed from June 21 to a subsequent meeting.

I know that a significant number of people would like to comment on the ZP-21-800 proposal and request the change in scheduling so that there will be adequate time at the meeting for everyone interested to testify. Given the pressure from other items on the 6/21 Public Hearing agenda, I am worried that proper consideration will not be given to the proposal for 501 Pine St. Gatehouse.

Thank you for considering this request and responding at your earliest convenience.

Andrew Simon
54 Locust Street

Ryan Morrison

From: Mary O'Neil
Sent: Wednesday, May 11, 2022 8:42 AM
To: Ryan Morrison
Subject: FW: Comments for Design Advisory Board

If he didn't send these to you, can you include in your packet for the DRB?

Mary

From: Andrew Simon <sanschagrins@gmail.com>
Sent: Tuesday, May 10, 2022 4:23 PM
To: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Fwd: Comments for Design Advisory Board

You don't often get email from sanschagrins@gmail.com. [Learn why this is important](#)

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

Mary,

I think I got your address right this time.

Andy

----- Forwarded message -----

From: Andrew Simon <sanschagrins@gmail.com>
Date: Tue, May 10, 2022 at 4:00 PM
Subject: Comments for Design Advisory Board
To: <moneil@burlingtonvt.gov>
Cc: vt design studio <vt design@sover.net>, Ruby Perry <evolution.ruby@gmail.com>

Mary,

Thank you for including these comments in the DAB record and conveying them to the Board members.

Andy

Concerns/questions that I have about the proposed "container kitchen/food truck café at 501 Pine Street Gatehouse

1. **COMPATIBILITY.** It is expected that 501 Pine Street, the area surrounding the Gatehouse parcel, will be moved, with the support of the new owner, into conservation zoning and will be joined to the 24 acres of current RCO zoning at the Barge Canal. The proposed use would be incompatible with future conservation uses of the surrounding land.

2. TREES. Despite the applicant's original assertion that the previous use for 501 Gatehouse was as a "parking lot" (demonstrably untrue), there are currently at least 26 trees on the property. These trees are currently stabilizing soil, sequestering carbon, and potentially also containing toxins (see below) from the site. Removal of the trees would impair the ecological benefits derived from their presence at the site.

3. HISTORICAL SIGNIFICANCE. The Pine Street Barge Canal is an area of historical significance. The site of the proposed development is precisely where the Burlington Gas Light Company manufactured gas. The plant was located for 60 years. The wetlands to the west and north were hunting/fishing/gathering grounds for native Abenaki residents. The canal itself contains several sunken 19th century canal sailing barges, vestiges of Burlington's once-thriving lumber mills. The industrial, natural and indigenous heritage of this area will be documented and honored in the future municipal park. Consider carefully whether the proposed food truck/container café fits into this picture.

4. SAFETY FOR FOOD SERVICE. The Phase II Environmental Assessment of the site conducted in 2011 by the Nobis Group found levels of vanadium, a toxic heavy metal associated with the manufactured gas plant, that exceeded Vermont Non-Residential Standards in all soil borings at 501 Gatehouse. There were also significant amounts of polycyclic aromatic hydrocarbons (PAHs) and total petroleum hydrocarbons (TPHs) present though not exceeding Vermont's *Non-Residential* Standards. It is reasonable to question whether the area will be safe for a food service business.

5. POTENTIAL MIGRATION OF TOXINS. Given the documented presence of hydrocarbons and heavy metals in the soil at 501 Gatehouse and given the 56 "contaminants of concern" identified by EPA at the Fernald St. Superfund Site, there is significant potential for excavation on the site to cause migration of toxins down the gradient to Lake Champlain.

6. STORMWATER IMPACTS. Given the significance of the Pine Street Barge Canal in Burlington's stormwater system, it should be considered carefully whether paving and covering over the .12 acres of the site could have an adverse impact on stormwater retention and processing.

June 6, 2022

Via E-mail

Scott Gustin, Principal Planner & Asst. Administrative Officer
City of Burlington Development Review Board
Office of City Planning
City Hall, 3rd Floor
149 Church Street
Burlington, VT 05401
sgustin@burlingtonvt.gov

Re: 51 Elmwood Avenue (ZP-22-199)

Dear Board Members:

I write on behalf of the Burlington Community and Economic Development Office (“CEDO”) regarding its application to operate a temporary emergency shelter community (“the Project”) that is warned for the Board’s June 21, 2022 meeting. Enclosed with this letter, CEDO is providing additional information on this application in response to staff, board, and public comments and questions as requested during the first, continued, hearing. This letter also responds to legal questions raised during that initial hearing regarding the Board’s review of this municipal project under 24 V.S.A. § 4413(a).

By means of background, I have attached the Burlington City Council’s March 21, 2022 resolution that recognized the urgent need to address housing insecurity in our community and approved the use of 51 Elmwood Avenue for this temporary emergency shelter. A copy of that resolution is attached as **Exhibit 1**. The City Council’s action responds to levels of homelessness “almost triple that of pre-pandemic times,” and reflects the “Burlington community’s strong desire to expend City resources” addressing this urgent issue. After seeking public input on investing American Recovery Plan Act (“ARPA”) funds, solutions for addressing homelessness emerged as a top community priority. At the February 7 and March 21, 2022 City Council meetings, after public notice and public input, the City Council allocated funds to construct and operate an emergency shelter and Community Resource Center, and subsequently authorized the proposed Project at 51 Elmwood Avenue.

Memorandum Regarding 24 V.S.A. § 4413(a)

This Board may only regulate “State- or community-owned and operated institutions and facilities” regarding limited, enumerated, attributes¹ and “only to the extent that regulations do not have the effect of interfering with the intended functional use.” 24 V.S.A. § 4413. As noted by DRB staff, it has long been the DRB’s practice to review city projects subject to the constraints of § 4413(a).² Nonetheless, a public comment questioned whether “state- or community-owned and operated” included municipal projects, to which the Board requested legal guidance from the City Attorney’s office.

On this question, the case law is clear—the Vermont Environmental Court has squarely interpreted the term “community” in § 4413(a) to include municipalities. *In re Town of Charlotte Recreational Trail*, No. 98-5-08 Vtec, 2011 WL 740711, slip. op. at 5–6 (Vt. Super Ct. Envntl. Div. Feb. 14, 2011). That case turned exclusively on the meaning of § 4413(a), which the court determined “unambiguously” included municipal projects such as the town-owned project under review. *Id.* The court recently reaffirmed this interpretation of § 4413(a) in *Capitol Plaza 2-Lot Subdivision*, No. 3-1-19 Vtec, 2020 WL 1231566, at *3 (Vt. Super. Ct. Envntl. Div. Feb. 10, 2020) (“We have held that the term ‘community’ in § 4413(a) includes municipalities.” (citing *Town of Charlotte*)).

The Board therefore has no authority to depart from its existing practice of reviewing city-owned projects subject to § 4413(a)’s constraints. That practice must also apply here because the Project is a municipally owned and operated facility subject to § 4413(a). The City Council’s authorization of this Project makes clear that 51 Elmwood is a City-owned lot and that the Project will be “construct[ed] and operat[ed]” with City resources through allocated ARPA funds. Exh. 1. Moreover, other City departments will continue to assist CEDO in the operation of the Project—for example, the Department of Public Works will continue to plow the access lane through the site.³

As a result, any CDO standards for conditional uses that exceed the enumerated statutory criteria are not applicable to the Board’s review. In addition, even for those standards that are permissible under § 4413(a), “to the extent that [the b]ylaws establish restrictions pursuant to land use aspects listed in § 4413(a), even those [b]ylaws must be disregarded if it is concluded that such restrictions interfere with the intended functional use of the proposed public facility.” *Town of Charlotte*, 2011 WL 740711.

This means that aspects of conditional use review, for example, CDO § 3.5.6(a)(2), which evaluates the “character of the area affected”—are not applicable to the Board’s review, notwithstanding Staff’s affirmative findings under that section. *See In re Goddard College*

¹ Uses subject to § 4413(a) “may only be regulated with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements.” *Id.*

² Please reference the DRB’s May 17, 2022 hearing at 1:11:00, available at <https://www.cctv.org/watch-tv/programs/burlington-development-review-board-381#>, for Staff’s position on the Board’s previous practice reviewing applications under § 4413(a).

³ *See* Snow Plowing of Emergency Access Email attached to CEDO’s Application Update Memo, attached here as **Exhibit 2**.

Conditional Use, No. 1751211, 2013 WL 5677442, at *1 (Vt. Super. Ct. Envtl. Div. Sep. 19, 2013) (noting that review of impacts on the “character of the area affected” exceed § 4413(a)).

Applicable sections of the CDO under which the Project may be regulated include:

- Article 3: § 3.5.6(a)(3) – noise impacts
 § 3.5.6(a)(4) – traffic impacts
 § 3.5.6(a)(6) – other city and state ordinances only to the extent permitted
 by § 4413(a)
- Article 4: § 4.4.5(b) – Dimensional Standards and Density. Note that while the
 Project is an allowed use in the applicable district, review of uses under
 Article 4 is beyond the Board’s authority in this application.
- Article 5: Lot coverage, building dimensional standards
 § 5.4.13 – Special Use Regulations for Emergency Shelters to the extent
 they relate to the enumerated criteria of § 4413(a) and do not interfere
 with the Project’s functional use
 § 5.5.1 – noise
 § 5.5.2 – outdoor lighting
- Article 6: § 6.2.2(l) – parking and circulation
 § 6.2.2(m) – landscaping, fences, and walls
 § 6.2.2(n) – public plazas and open space
 § 6.2.2(o) – outdoor lighting
 § 6.2.2(p) – integration of infrastructure into design
 § 6.3.2(a)(1) – Architectural design: massing, height, and scale
 § 6.3.2(h) – same, integrate infrastructure into the building design
- Article 8: § 8.1.8 – minimum off-street parking
 § 8.2.4 – bicycle parking

Neighboring Mackenzie House residents, through counsel, have contended that the Project neither meets the use limitations for community centers in this district nor the Special Use Regulations for Emergency Shelters. Both of these contentions are based upon the operating hours and methods of the Project which the Board does not have statutory authority to directly regulate. Mackenzie House’s arguments regarding the Project’s impact on the character of the area are also beyond the scope of the Board’s review, as discussed above. *Goddard College CU*, 2013 WL 5677442, at *1 (noting that review of impacts on the “character of the area affected” exceed § 4413(a)). Indeed, the City Council provided an opportunity to hear these public concerns at its March 21, 2022 City Council meeting, deliberated after public comment, and approved the project.

Moreover, if the Board chose to follow Attorney Byrne’s—or other commenters’—call to outright deny this application on any such basis, it would run afoul of § 4413(a)’s command to regulate without “interfering with the intended functional use.” I urge the Board to remain



mindful of its statutory authority under Title 24, which does not allow, in this case, consideration of, or interference with, the intended use of this urgently needed and democratically designated public project.

Please contact me if you need additional information or have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'MB', with a stylized flourish underneath.

Malachi Brennan, Esq.
Dunkiel Saunders Elliott Raubvogel & Hand, PLLC
Attorneys for CEDO

cc: Samantha Dunn, CEDO

Encl.

Resolution Relating to

DESIGNATION OF 51 ELMWOOD AVENUE AS A
SANCTIONED SITE FOR TEMPORARY EMERGENCY
HOUSING IN THE CITY OF BURLINGTON.

RESOLUTION 6.06

Sponsor(s): Councilor Magee

Introduced: 03/21/22

Referred to: _____

Action: adopted

Date: 03/21/22

Signed by Mayor: 03/29/22

CITY OF BURLINGTON

In the year Two Thousand Twenty-Two

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, the number of people experiencing homelessness and housing insecurity continues to
2 almost triple that of pre-pandemic times; and

3 WHEREAS, the public response to the survey on how to spend American Recovery Plan Act (ARPA)
4 funds found that investing in solutions to homelessness is the top priority for our community; and

5 WHEREAS, the City has engaged the public on the issue and they have indicated that the Burlington
6 community strongly desires to expend City resources to address chronic homelessness and to implement
7 solutions to find humane housing for all; and

8 WHEREAS, on December 16, 2021, Mayor Weinberger released an action plan to fulfill the promise of
9 housing as a human right; and

10 WHEREAS, that plan included a number of initiatives including the creation of a new low-barrier shelter
11 pod community and Community Resource Center (CRC) in Burlington; and

12 WHEREAS, the shelter pod approach has proven effective in acting as a bridge to permanent housing in
13 cities across the United States, as well as a cost-effective tool for sheltering the most vulnerable in a relatively
14 quick manner; and

15 WHEREAS, on February 7th, 2022, the City Council approved an allocation of \$2.975M in ARPA funds
16 to be used to target the homelessness crisis in Burlington; and

17 WHEREAS, this allocation of ARPA funds specifically included \$1.47M for the construction and
18 operation of a low barrier, shelter pod community along with provisions for social services; and

19 WHEREAS, this allocation of ARPA funds specifically included \$970,000 for the construction and
20 operation of a low barrier daytime Community Resource Center; and

21 WHEREAS, in response to the allocation of ARPA funds and the Mayor's action plan, CEDO embarked
22 on the process of developing an in-depth plan to procure a CRC, shelter pods and associated infrastructure, along
23 with identifying potential locations for temporary emergency shelter; and

24 WHEREAS, CEDO and staff from other City departments considered a number of possible locations
25 across the city to build the low barrier shelter pod community and it was decided that the city owned parking

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20
..... Clerk

Approved....., 20

..... Mayor

Vol. Page

Attest:

* * * * *

Resolution Relating to DESIGNATION OF 51 ELMWOOD AVENUE AS A SANCTIONED SITE FOR TEMPORARY EMERGENCY HOUSING IN THE CITY OF BURLINGTON.

26 at 51 Elmwood Avenue is the most suitable of the considered sites, as it provides both the necessary space
27 is within close proximity to other essential resources, including transportation, city water and sewer, hu
28 services; and

29 WHEREAS, the city is proposing to utilize the parking lot for up to 36 months, to serve as a location
30 the temporary emergency shelter and the Community Resource Center; and

31 WHEREAS, as previously authorized, CEDO has engaged with shelter pod manufacturers and execu
32 contracts for the procurement of shelter pods of 64 square feet, designed to provide heat and electricity, a p
33 to sleep and a space to store personal belongings; and

34 WHEREAS, 51 Elmwood Avenue has been identified as city owned property; and

35 WHEREAS, the Burlington Public Works Commission on March 16, 2022, tempora
36 decommissioned the property at 51 Elmwood Avenue as a city parking lot until April 30, 2025 in anticipa
37 of the property being used for temporary emergency shelter;

38 NOW, THEREFORE, BE IT RESOLVED that to carry out the action plan intended to address the is
39 of chronic homelessness in Burlington, the City Council approves the use of 51 Elmwood Avenue as the loca
40 for temporary emergency shelter in the form of a shelter pod community and Community Resource Cen
41 through April 30, 2025, and authorizes CEDO to seek all necessary permits to ensure the property comp
42 with any land use zoning and/or regulations pertinent to the parcel.

43
44

45 TM/JP/Resolutions 2022/ DESIGNATION OF 51 ELMWOOD AVENUE AS A SANCTIONED SITE FOR TEMPORARY EMERGENCY
46 HOUSING IN THE CITY OF BURLINGTON.

47 3/17/2022

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

CEDO Director Pine

ORIGINAL

RESOLUTION RELATING TO

Designation..Of..51..Elmwood..Avenue..As..A Sanctioned Site For Temporary Emergency
Housing..In..The..City..Of..Burlington.....

Adopted by the City Council

March 21, 20 22

Clerk

Approved March 29 20 22

Mayor

Attest:

Lori Olberg

Licensing, Voting and Records Coordinator Vol.

Page

* * * * *



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

149 CHURCH STREET • ROOM 32 • CITY HALL • BURLINGTON, VT 05401
(802) 865-7144 • (802) 865-7024 (FAX)
www.burlingtonvt.gov/cedo

MEMO

To: Burlington Development Review Board
From: Samantha Dunn and Brian Pine, CEDO
Date: June 6, 2022
RE: ZP-22-199; 51 Elmwood Avenue; Application Update

This memo provides additional information regarding CEDO's application for a temporary emergency shelter community at 51 Elmwood Avenue. These updates fall into four categories: 1) Address conditions identified in the Staff Report; 2) Address follow-up questions from the DRB; 3) Address community comments/concerns; 4) Timing.

Conditions

We are addressing the following three conditions identified in the Staff Report for this application, dated May 17, 2022:

1. The wastewater capacity letter from the Department of Public Works is attached;
2. The front yard setback has been recalculated based on the 4 neighboring properties (2 on each side); the attached Revised Site Plan shows the updated calculation which increases the setback from 5 feet to 5.5 feet; moving the community resource center was not required to be compliant;
3. A bicycle rack for seven (7) bikes is shown near the primary entrance to the community resource center on the attached Revised Site Plan.

The proposed project will comply with all other conditions of the permit set forth in the Staff Report.

DRB Follow-up Questions

"I have a concern that the 12 to 14 foot wide emergency access in the site plan for 51 Elmwood Avenue is a potential safety concern. I would like to see a formal comment from the Burlington Fire/Rescue representative on the site plan design for 51 Elmwood Avenue. "

The design and layout of the site was coordinated with the Fire Department. Please find attached a letter from the Fire Department stating the layout is acceptable.

"Removing snow from the pod areas, the emergency access, and the parking area for 51 Elmwood Avenue will be difficult. Additionally, there is no place to put the snow other than onto Elmwood Ave. I see this as an inconvenience for the pod occupants and a potential safety issue should emergency access be needed."

We agree that removing snow will be difficult on this site, as it is at many sites in Burlington. We have confirmation from the Department of Public Works (see attached email correspondence) that they will maintain the emergency access lane as part of their normal snow removal in this neighborhood. We will have equipment (shovels, snow blower) and staff on site to maintain the pedestrian pathways on the site. The attached Revised Site Plan shows snow storage areas on the site. In the event that the snowfall exceeds the snow storage capacity on the site the Department of Public Works can remove snow from the site as they have done in the past when it was operating as a parking lot.

Community Comments / Concerns

We heard numerous comments, concerns, and questions from community members during the public comment period. We take input from the community very seriously and have developed a website to provide up to date information on the development of the project, including a detailed and evolving FAQ where we add questions and answers as we hear them, and listed opportunities for engaging with the City in a dialogue about this important project. Preceding the first DRB hearing we have had several opportunities to gather input from the community and have incorporated that feedback into our design of the site and development of the operating plans as we are able (the draft Operating Plan is now available on the website). The website also provides a phone number and email address for communicating directly with our staff.

<https://www.burlingtonvt.gov/CEDO/Ending-Homelessness>

The project has been on the Wards 2 & 3 Neighborhood Planning Assembly (NPA) agenda in both April and May. On May 12, 2022, The Wards 2 & 3 NPA voted on the following resolution in support of the project: “The Wards 2 & 3 Neighborhood Planning Assembly endorses the establishment of a temporary Shelter Pod Village and Community Resource Center on Elwood Avenue to support community members who are experiencing homelessness and we require the city to take proactive efforts to keep abutting neighbors informed about development plans and activities at the site.” The resolution passed, 23 Yes, 8 No.

Timing

This project, a temporary emergency shelter community, is being developed in response to a homelessness crisis that the City is facing (as are other communities across the United States). The 36 month duration allows for the rapid deployment of shelter with services while the City and partners work together to build new permanently affordable housing units and a system of coordinated entry and services that will make the need for this shelter obsolete. This project is being developed as a temporary shelter because we must act quickly to get shelter in place for the most vulnerable members of our community and we urge you to act quickly on this application.

Attachments:

Water Sewer Capacity Letter

Revised Site Plan

Emergency Access Letter

Snow Plowing of Emergency Access Email



City of Burlington
Department of Public Works

Water Resources Division

234 Penny Lane

Burlington, VT 05401

802.863.4501 P

www.burlingtonvt.gov/DPW

Chapin Spencer

PUBLIC WORKS DEPARTMENT DIRECTOR

Megan Moir

WATER RESOURCES DIVISION DIRECTOR

May 2, 2022

Michael Schramm, P.E.
Water Resources Engineer
235 Penny Lane
Burlington, VT 05401

Re: Conditional Water and Sewer Capacity for Shelter Community at 51 Elmwood Avenue

Dear Mike,

This letter is to inform you, Burlington Zoning Division, the State of Vermont Environmental District and other interested parties that the City of Burlington's water and wastewater facilities have sufficient capacity to handle additional flows associated with a Shelter Community at the above address. Using Table 8-3 from the latest Vermont Environmental Protection Rules you have calculated water and sewer flows to be 2,790 gpd (gals/day). Your calculations are attached.

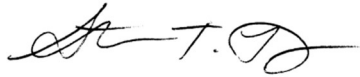
Flow from this area is treated at our Main Wastewater Plant located on Lavalley Lane. It is important to note that this letter only addresses treatment plant and not distribution or collection system capacities.

The capacity request is conditional given the expected temporary nature of the Elmwood Emergency Shelter Community. Here are our conditions:

1. This capacity approval letter is good until 4/30/2025. If this site is still active past this date reapplication is necessary.
2. Consideration of our CSOM (Combined Sewer Offset Mitigation) policy is waived given the temporary nature of this project but will be required if this site is permanently redeveloped in the future.

Any changes in flow estimates or property usage requires reapplication. Please feel free to call me at 343-0125 if you have any questions.

Sincerely,



Steve Roy, P.E.
Senior Water Resources Engineer

Elmwood Emergency Shelter Community Water & Wastewater Flow Estimates			Table 8-2 Design Flows for Campsites		
Bathhouse			<i>Use of Campsite</i>		
30	Pods		Type or description of campsite use	Units	Gallons Per Day Per Unit
75	gpd/unit		<i>Campsites for Tents and Other Camping Units with No Interior Plumbing</i>		
2,250	total gpd for Bathhouse		central toilets with showers	site	75
			central toilets without showers	site	50
Community Resource Center (CRC)			<i>Office, Factory, Welcome Center, and Place of Employment</i>		
100	max daily patrons		without showers	employee per shift	15
4	gpd/patron		with showers	employee per shift	20
400	gpd		with cafeteria	seat	use <i>Restaurant</i>
7	total max employee shifts (1 day sl		with public toilet	patron or client (non- employee)	4
20	gpd/shift w/showers				
140	total gpd for employees (all shifts)				
540	total gpd for CRC				
2,790	total gpd for Bathhouse and CRC				
https://dec.vermont.gov/sites/dec/files/dwgwp/rorules/pdf/Wastewater-System-and-Potable-Water-Supply-Rules-April-12-2019.pdf					



Burlington Fire Department

Office of the City Fire Marshal



132 North Avenue, Burlington, Vermont 05401

Phone (802) 864-5577, Fax (802) 658-7665

www.burlingtonvt.gov/fire

bfdfiremarshal@burlingtonvt.gov

Date: 5/23/2022

To: Samantha Dunn
Assistant Director for Community Works

Reason: 51 Elmwood Ave., Emergency Shelters, Fire Department Access

The Fire Department access to this site is acceptable. The south side of the access road will be unobstructed, allowing room for vehicle doors to open. The north side of the access road after passing through the gate will also allow for vehicle doors to open.

Matthew Stone
Fire Marshall

From: Chapin Spencer <cspencer@burlingtonvt.gov>

Sent: Thursday, June 2, 2022 9:33 AM

To: Samantha Dunn <sdunn@burlingtonvt.gov>; Lee Perry <lperry@burlingtonvt.gov>

Subject: RE: 51 Elmwood Ave - Request for information - Snow plowing

Hello Samantha,

The City is prepared to clear the one main emergency access lane through the 51 Elmwood Avenue site. We will need to work out the details in the coming months, but the City has the staffing and equipment resources to undertake the work.

Let me know if you need any further information.

Best,
Chapin

Chapin Spencer (he/him), Director
Department of Public Works
645 Pine Street, Burlington, VT
www.burlingtonvt.gov/DPW
802-863-9094



Our Mission: To steward Burlington's infrastructure and environment by delivering efficient, effective, and equitable public services.

51 Elmwood Avenue Project Narrative

This is a Conditional Use Application for an Emergency Shelter.

Project Scope

The City is proposing to site a Temporary Emergency Shelter Community at the Elmwood Avenue Parking Lot. This Emergency Shelter Community is a response to the current, immediate, need to provide shelter to the City's most vulnerable residents and was identified as an action item in the [Mayor's December 2021 Action Plan to Ensure Housing as a Human Right](#). You can learn more about the City's efforts to address homelessness [here](#) and find answers to FAQs about the Emergency Shelter Community [here](#). This site was selected due to its ease of access to municipal water, sewer and power and ease of access to transportation and other services and amenities.

This is a temporary project where all structures are designed and manufactured to be relocated to alternate sites as needed. The Public Works Commission and the City Council have approved the use of the Elmwood Ave parking lot for up to 36 months. CEDO has been tasked with bringing this project to fruition.

The project will consist of:

- 25-30 individual shelters that will have heating, cooling and electricity;
- Turn-key prefabricated bathroom facility with six full (shower, toilet, sink) bathrooms (Bathhouse) connected to municipal water and sewer;
- Turn-key, prefabricated Community Resource Center (CRC) with a full kitchen two bathrooms for guests, a staff bathroom, and two offices connected to municipal water and sewer.
- Screened and gated trash facility.
- Solar panels on the bathrooms and CRC (funding dependent)
- Outdoor community space such as designated smoking areas, picnic tables, shade, and gardening opportunities.

Work on the site will include:

- Connection of the CRC and Bathhouse to municipal water and sewer
- Trenching for bringing electricity to each shelter pod and the Bathhouse and CRC
- Helical piles for placing the prefabricated Bathhouse and CRC structures
- A new fence (with gates) along the east side of the site
- Repair as needed and additional privacy screening of the existing chain link fence at the north, south and west sides of the site
- Painting on the asphalt to clearly mark the emergency access lane and provide placemaking on the site

Construction

All structures on the site are designed to be prefabricated and mobile. The two larger structures, CRC and Bathhouse, will be prefabricated by KBS Builders to meet high energy efficiency standards and all state and local building codes and be delivered to the site. These buildings will have a mix of vinyl board and batten and clapboard siding, vinyl windows and fiberglass doors. The CRC roof will be asphalt

shingles and the Bathhouse roof will be rubber membrane. Both structures will include site-built decks with ramps for accessibility.

The shelter pods are being procured from two companies: [Pallet Shelter](#) and [Up End This](#). The Pallet Shelters will arrive to the site packed flat and will “constructed” on site by a team from the company. Pallet Shelters are constructed of Fiberglass Reinforced Panels (FRP) on aluminum framing. Up End This shelters will be delivered to the site full constructed. These shelters are constructed of corrugated metal with painted steel doors.

All shelters will be served by electricity.

Size and height

The CRC is 1,430 sf with a maximum height of 15 feet.

The bathhouse is 435 square feet with a maximum height of 10 feet.

Each shelter is 64 square feet with a maximum height of 10 feet.

Setbacks

The two primary structures on the site, CRC and Bathhouse, meet the front and rear yard setbacks required in the district. With a maximum height of 15 feet both the CRC and Bathhouse will meet the 5 foot setback.

Shelter pods are accessory structures less than 15 feet high and are no less than 5 feet from the side and rear property lines.

Parking and Traffic Generation

The site currently operates as a municipal parking lot with 70 parking spaces. All parking spaces are leased during business hours Monday through Friday and the parking spaces are available for public parking in the evenings and on the weekends. Given the current use of the site as a large municipal parking lot the proposed Temporary Emergency Shelter will generate significantly less traffic to the site. The site currently includes 70 nonconforming parking spaces. We propose to keep six of the nonconforming spaces at the southeast corner of the site for staff.

Nuisance Impacts

The proposed project will not generate any increased odor, dust, heat or vibrations. The proposed project will have noise impacts similar to a multifamily housing development. The site has been designed to provide outdoor public gathering spaces in the center of the site to reduce impacts of noise on neighboring properties.

Lighting

The existing parking lot site lights will remain in place. The Community Resource Center and the Bathhouse will have an exterior wall-mounted downlight at each entry. The Up End This shelters will each have an exterior downlight at each entry. All exterior lights will conform with IESNA standards.

Landscaping

Landscaping on the site will be limited to surface applied paint to existing pavement and planters/raised beds.

Stormwater & Erosion Control

The site is currently entirely pervious surface with a stormwater system in place. The existing stormwater system will be kept in place. Making water/sewer connections and trenching for electrical service will create more than 400sf of disturbance so we will apply for an Erosion Prevention Sediment Control (EPSC) Permit ensuring that existing catch basins are protected during trenching.

Water & Wastewater

The CRC and bathhouse will be connected to the municipal water and sewer system. The City's Division of Water Resources is designing the connection to the municipal system and has determined there is adequate capacity.

Lot Coverage

There will be no net new impervious surfaces.

Days and Hours of Operation

The Emergency Shelter Community will operate 24 hours a day with on-site staffing at all times. The Community Resource Center will operate, open to the public, seven days a week between the hours of 9am to 4pm.

311 North Ave
Burlington, Vermont

Google

Street View - Oct 2021

Google

Image capture: Oct 2021 © 2022 Google United States Terms Privacy Report a problem

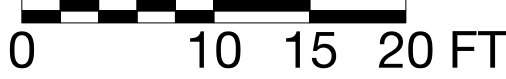
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ZONING ANALYSIS		
RESIDENTIAL HIGH DENSITY - (RH)		
SETBACK	REQUIREMENT	PROPOSED
FRONT YARD SETBACK -	AVG OF 2 ADJ. LOTS (0')	5' AT COMMUNITY RESOURCE BUILDING
	0' AT SOUTH ABUTTER	
	6' AT NORTH ABUTTER	
	AVERAGE = ~3'	
SIDE YARD SETBACK -	10% OR AVG OF 2 ADJ. LOTS	5' AT COMMUNITY RESOURCE BUILDING
	0' AT SOUTH ABUTTER	7.5' AT PODS
	15' AT NORTH ABUTTER	
	AVERAGE = ~7.5'	
REAR YARD SETBACK -	25% OF LOT DEPTH	7.5' AT PODS - ACCESSORY STRUCTURES
	SOUTH LOT LINE = 206'-7"	
	NORTH LOT LINE = 211'-8"	
	AVERAGE = 209'	
	25% OF 209' = 52'-3"	



SITE PLAN
Scale: 1" = 10'-0"



51 ELMWOOD AVENUE
BURLINGTON , VERMONT

Duncan
Wisniewski
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6893

DATE: 05.06.2022
DRAWN: SJB

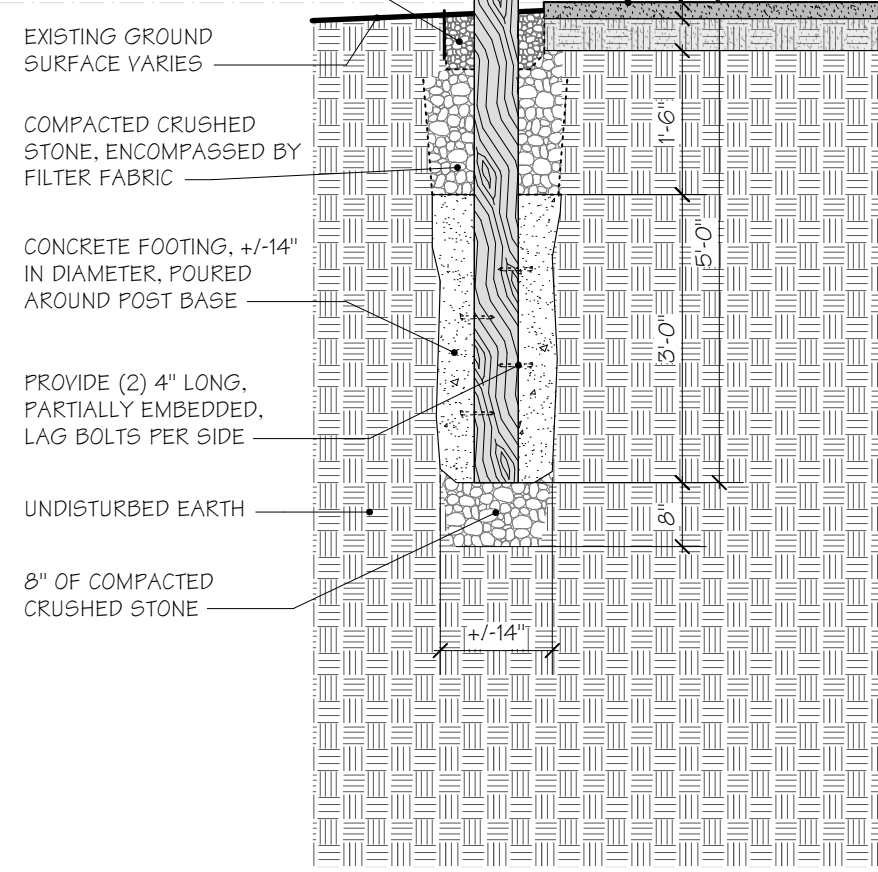
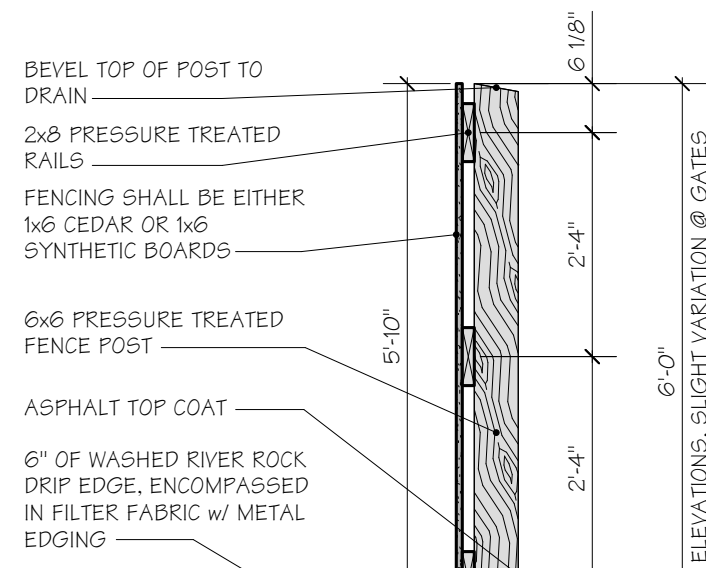
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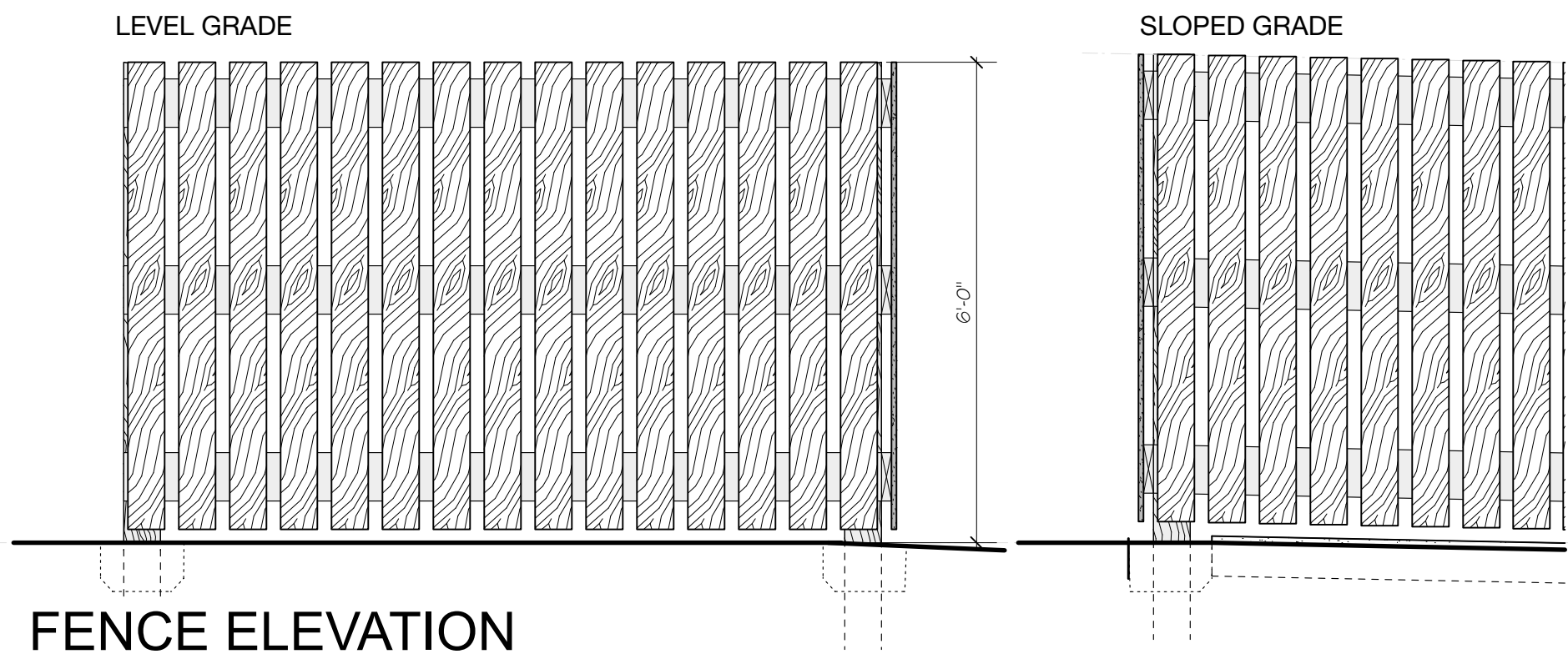
WOOD FENCE

WOOD FENCE, AVAILABLE BY LOCAL FENCE COMPANY TO MATCH OR BE SIMILAR TO DETAIL ON RIGHT. MATERIALS SHALL BE CEDAR BOARDS WITH PRESSURE TREATED POSTS. BASE DETAIL TO BE CONFIRMED BY OWNER/CONTRACTOR BASED ON EXISTING SITE CONDITIONS AND DESIRED STRENGTH. HEIGHT TO MATCH EXISTING CHAIN LINK FENCE.



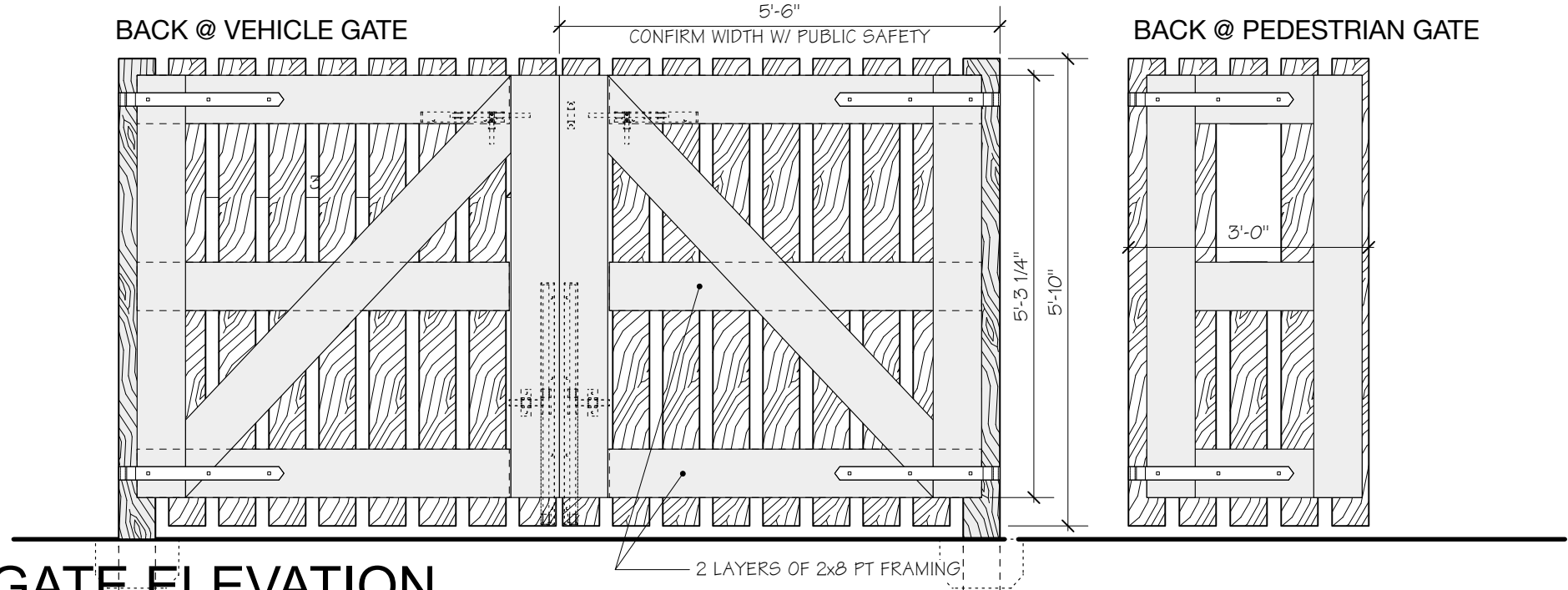
WOOD POST DETAIL

Scale: 1/2" = 1'-0"



FENCE ELEVATION

Scale: 1/2" = 1'-0"



GATE ELEVATION

Scale: 1/2" = 1'-0"

WOOD FINISH:
*NATURAL

GATE HARDWARE (PER PAIR):

QTY #	PRODUCT	DESCRIPTION
	8312-54SP	24\"/>

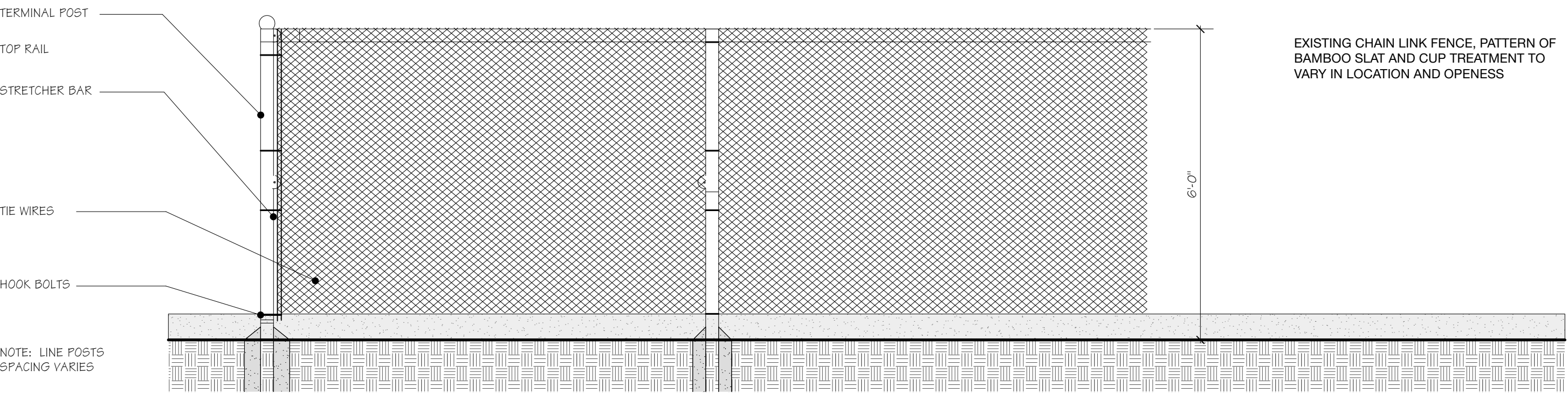
*IT MAY BE POSSIBLE TO USE SMALLER STRAPS (ESP. FOR BOTTOM HINGE), IF DETERMINED BY FENCE/GATE BUILDER.

EXAMPLE OF 'CUP' COLORS AVAILABLE



CHAIN FENCE

EXISTING METAL CHAIN LINK FENCE @ 6FT TALL TO BE FIT UP WITH NATURAL BAMBOO FENCING AND DECORATIVE CUP PATTERN. OPENNESS TO REGULATE TRANSPARENCY AND SECURITY WITH INTEGRATED VISUAL ART.



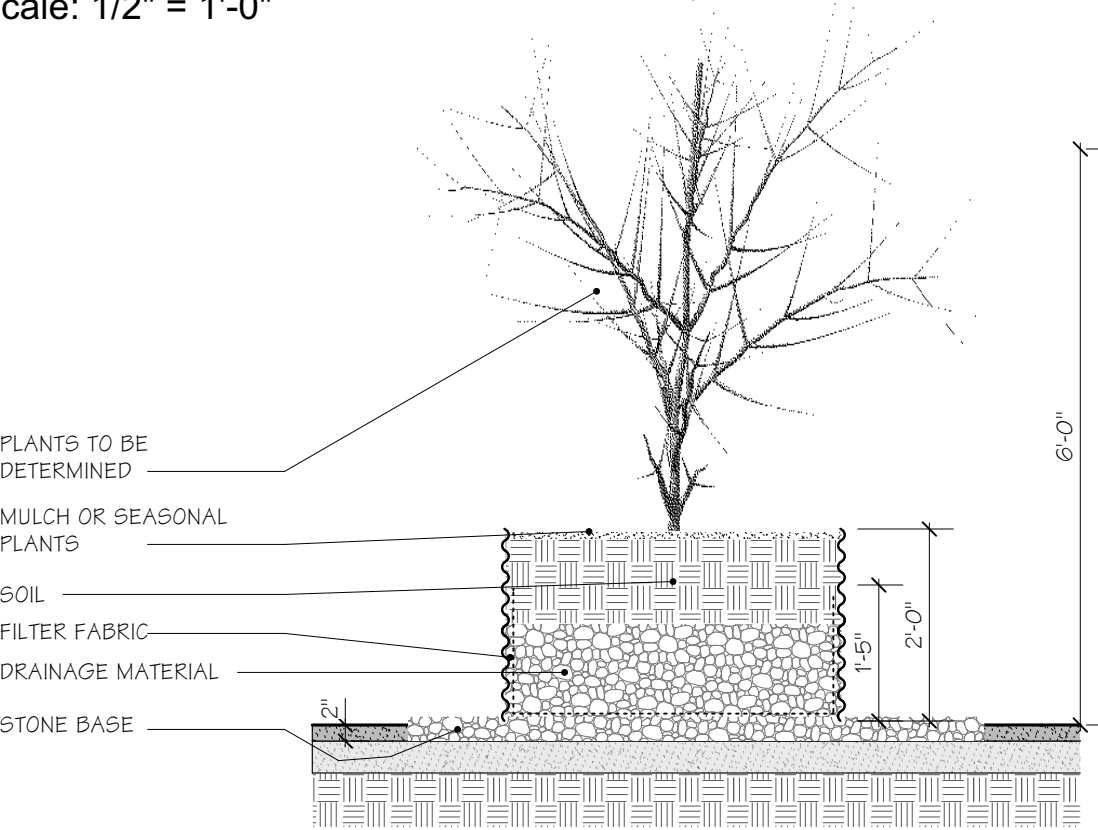
CHAIN DETAIL

Scale: 1/2" = 1'-0"



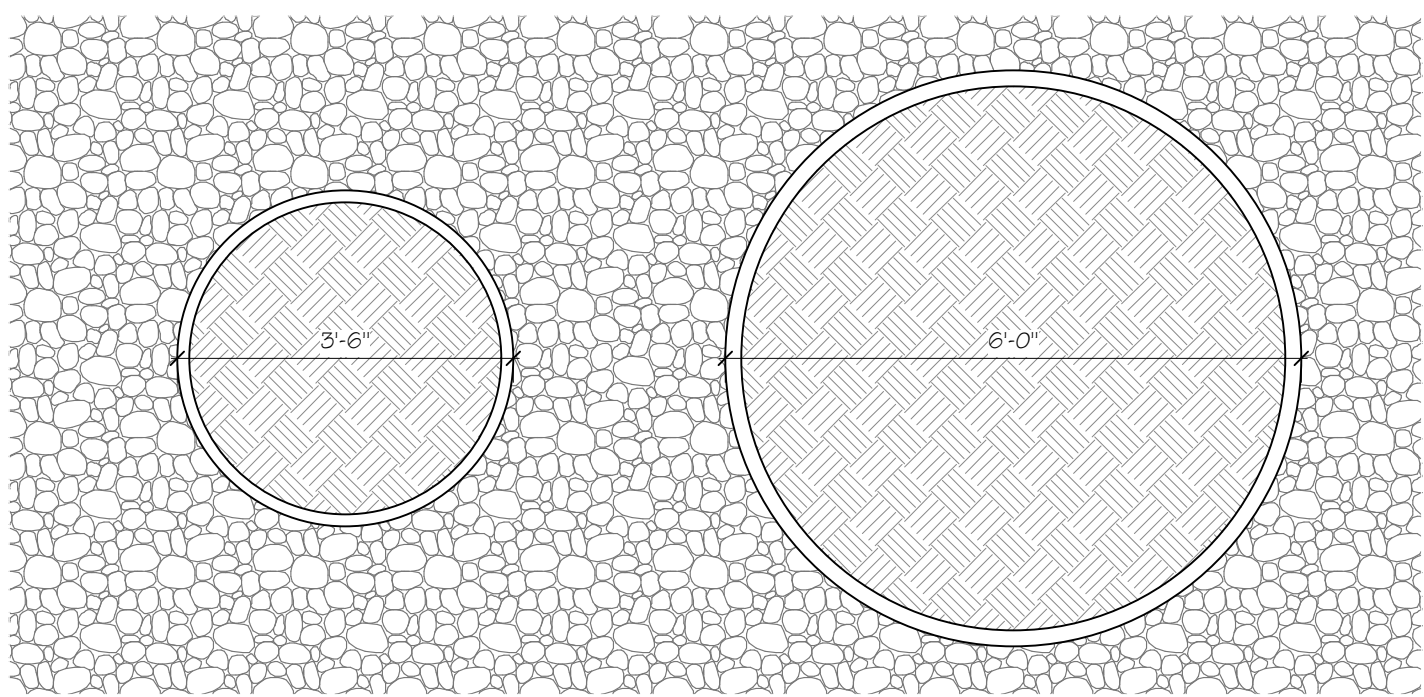
PLANTER

OLLE OR VEGO GALVANIZED RAISED GARDEN BED W/ DRAINAGE PLACED ON EXISTING ASPHALT WITH CRUSHED STONE OR PEBBLES AT BASE & SURROUND. REFER TO PLANS FOR QUANTITY AND LOCATIONS. VEGETATION MAY INCLUDE FLOWERING TREES WITH SPACE AT THE PERIMETER FOR ADDITIONAL SEASONAL ANNUALS OR VEGETABLES.



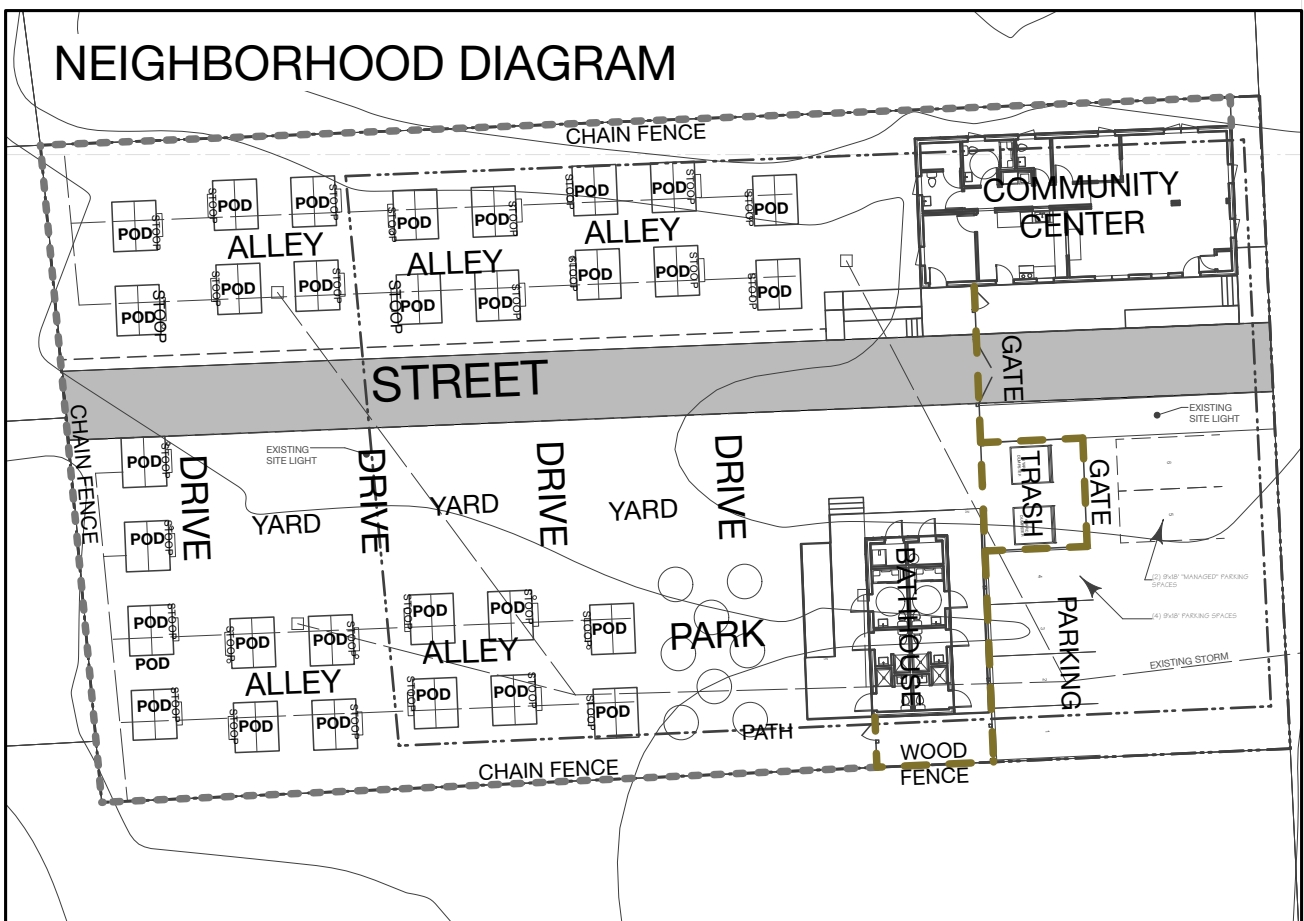
PLANTER DETAIL

Scale: 1/2" = 1'-0"



PLANTER PLAN

Scale: 1/2" = 1'-0"



43 ELMWOOD AVENUE

BURLINGTON , VERMONT

Duncan
Wisniewski
ARCHITECTURE

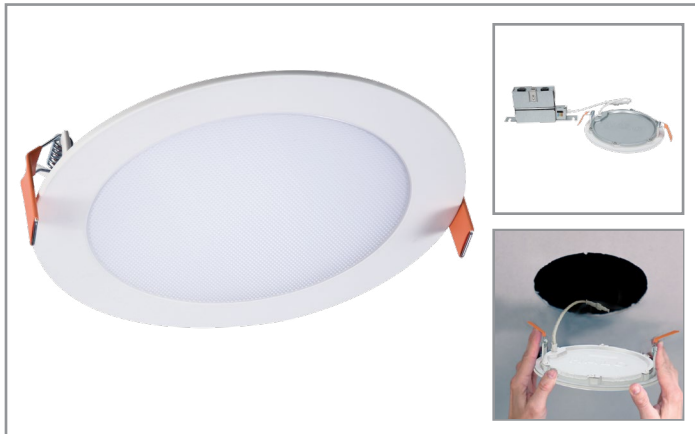
255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

DATE: 05.05.2022
DRAWN: SJB

L2.1

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DUNCAN • WISNIEWSKI ARCHITECTURE
A Professional Corporation

Project		Catalog #		Type	
Prepared by		Notes		Date	



HALO

HLB6

6" LED Lens Downlight with Remote Driver / Junction Box

Typical Applications

Residential

Interactive Menu

- Order Information page 2
- Photometric Data page 2
- Control Solutions
- Connected Systems
- Product Warranty

Product Certification



Refer to ENERGY STAR® Certified Products List.
Can be used to comply with California Title 24 High Efficacy requirements.
Certified to California Appliance Efficiency Database under JA8.

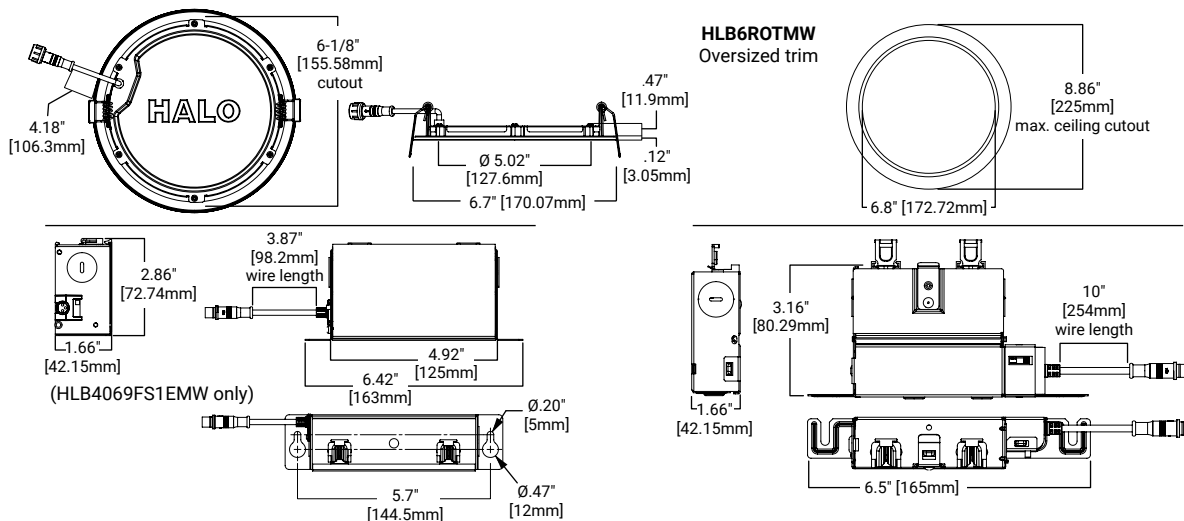
Product Features



Top Product Features

- Direct mount (does not require recessed housing or junction box)
- Delivers up to 1,150 lumens; Achieves L70 at 50,000 hours in IC and non-IC applications
- 2700K, 3000K, 3500K, 4000K and 5000K field selectable CCT; 3000K and 4000K fixed CCT
- 90 CRI (min), R9 50 and color accuracy within 4 SDCM
- Wet location listed for showers and protected ceilings; Available in 120V or 120-277V

Dimensional and Mounting Details



Order Information

SAMPLE ORDER NUMBER: **HLB6099FS1EMWR**

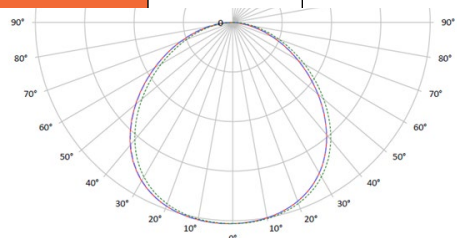
Models	Lumens	CRI / CCT	Driver	Finish	Packaging
HLB6 = 6-Inch LED lens downlight with remote driver / junction box	09 = 900 lumens (nominal)	930 = 90 CRI minimum, 3000K CCT 940 = 90 CRI minimum, 4000K CCT 9FS = 90 CRI minimum, field selectable 2700K, 3000K, 3500K, 4000K or 5000K CCT	1E = 120V 60Hz, LE & TE phase cut 5% dimming E010 = 120-277V, 0-10V 5% dimming ⁽¹⁾	MW = matte white flange	R = recyclable 4-color unit carton suitable for point of purchase merchandising display
Notes	Notes	Notes	Notes (1) E010 driver is only available in FS color temperature.	Notes	Notes

Accessories

Accessories	
HL6RSMF = 6" round and square mounting frame HLB6ROTMW = 6" round oversized trim, matte white Designer Trims HLB6RTRMMW = 6" round decorative overlay, matte white HLB6RTRMSN = 6" round decorative overlay, satin nickel HLB6RTRMTBZ = 6" round decorative overlay, tuscan bronze	Extension Cable Dedicated Driver/Jbox HLB06EC ~ 6 ft. extension cable HLB12EC ~ 12 ft. extension cable HLB20EC ~ 20 ft. extension cable Extension Cable selectTable Driver/Jbox HLB06FSEC ~ 6 ft. extension cable HLB12FSEC ~ 12 ft. extension cable HLB20FSEC ~ 20 ft. extension cable

Photometric Data

HLB6099FS1EMWR-3000K		
Luminaire lumens		1061
Input watts		16
LER (LPW)		66.3
Spacing Criteria	0-180	1.31
	90-270	1.31
	Diagonal	1.41
Beam angle (degrees)		112.2
Field angle (degrees)		161.3
Zonal lumen	Lumens	% Lumens
0-30	294	27.7
0-40	486	45.8
0-60	851	80.2
0-90	1061	100

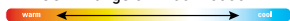


* Tested in accordance with IES LM63. Field results may vary.

Color Metric Summary - 3000K

TM-30-15	Rf = 90.9
	Rg = 100.7
CRI/CIE	Ra = 94.1
	R9 = 68.5

CCT - Range of 2700K- 5000K



Product Specifications

PRODUCT SPECIFICATIONS	
Lumens	1061
Watts	14.2
Lumens Per Watt (Efficacy)	74.7
Color Accuracy (CRI)	92
Light Color (CCT)	3000K
Correlated Color Temperature (CCT)	
2700K	3000K
4500K	6500K

HLB4 4-inch	CCT	Lumens	Power (W)	LPW
Fixed CCT	3000K	992.3	13.6	73.4
	4000K	1057.7	13.6	78.0
Field Selectable CCT	2700K	1037.3	16.0	64.8
	3000K	1061.0	16.0	66.3
	3500K	1078.9	16.0	67.4
	4000K	1094.9	16.0	68.4
	5000K	1103.4	16.0	69.0

Energy Data

Lumens	900 Series
Input Voltage	120V
Input Current	132 (mA)
Input Power	16.0 (W)
Efficiency	66 (LPW)
Inrush (A)	2.1 A @ 14mS
THD	≤ 20%
PF	≥ 0.90
T Ambient	-30° - +40°C
Sound Rating	≤ 22 dba

Product Specifications

Housing

- Die-cast aluminum mounting frame with integral flange provides passive thermal cooling
- Achieves L70 at 50,000 hours in IC and non-IC applications
- High impact diffuse lens provides shielding to the light guide minimizing pixilation

Gasket

- Closed cell gasket achieves restrictive airflow and wet location listing without additional gaskets or caulking

Optics

- Precision acrylic light guide organizes source flux into wide distribution with 1.4 spacing criteria, useful for general area illumination

LED Array

- Plurality of mid power LED's provides a uniform source with high efficiency and long life
- 90 CRI minimum; R9 greater than 50 provides high color rendering
- Fixed 3000K and 4000K CCT color temperatures; color accuracy within 3 SDCM
- Optional field selectable color temperature, select 2700K, 3000K, 3500K, 4000K or 5000K CCT; color accuracy within 4 SDCM
- Meets ENERGY STAR® color angular uniformity requirements; Deviation is less than 0.006 u' v'

Remote Driver/Junction Box

- Pre-galvanized steel driver/junction box with captive hinged junction box cover
- Listed for six #12 AWG 90° C splice conductors: two in, two out plus two ground
- Two 1/2" conduit pry-outs
- Two Slide-N-Side™ non-metallic (NM) wire traps allows wiring outside the box
- Accepts NM cable types: 14-2, 14-3, 12-2, 12-3 (U.S.) and 14-2, 14-3, 12-2 (Canadian)
- Three 4-port push wire nuts with clear caps for quick and reliable mains voltage connections
- Integral mounting holes facilitate direct mounting to building structure or mounting frame

Driver

- Available in 120V or 120-277V, providing noise free operation
- Continuous flicker-free dimming down to 5% with select dimmers
- Plenum rated inline electrical quick connect provides low voltage connection to fixture fitting, CMP/FT6 rated

Installation

- Can be installed in 1/2" to 1-1/4" thick ceilings
- Cutout utilizes standard round hole saw sizes; cutout template provided
- Heat treated springs hold fixture fitting securely in the ceiling eliminating light leak
- Housing is less than 1/2" thick and can span a 2" nominal framing member
- Can be removed from below the ceiling for service or replacement

Optical Mounting Frame

- Pre-galvanized steel mounting frame locates fixture fittings during electrical rough-in and provides cutout guidance for drywall contractor
- Provides attachment of remote driver/junction box

Compliance

- cULus Certified type IC suitable for direct contact with air permeable insulation
- Not recommended for use in direct contact with spray foam insulation (reference NEMA LSD57-2013)
- Wet location listed and IP44 ingress protection
- Airtight per ASTM-E283-04
- Suitable for use in clothes closets when installed in accordance with the NEC 410.16 spacing requirements
- EMI/RFI emissions per FCC 47CFR Part 15 consumer limits
- Contains no mercury or lead and RoHS compliant
- Photometric testing in accordance with IES LM-79-08
- Lumen maintenance projections in accordance with IES LM-80-08 and TM-21-11
- State of California Title 24 high efficacy
- LED compliance under JA8, reference Modernized Appliance Efficiency Database System (MAEDBS) for 2016 JA8 High Efficacy Lighting
- ENERGY STAR® certified (reference "Certified Light Fixtures" database)

Warranty

- Five-year limited warranty



Color: Bronze

Weight: 3.0 lbs

Project:

Type:

Prepared By:

Date:

Driver Info

Type	Constant Current
120V	0.13A
208V	0.07A
240V	0.06A
277V	0.05A
Input Watts	14.2/14/14.2W

LED Info

Watts	15W
Color Temp	3000K/4000K/5000K
Color Accuracy	70 CRI
L70 Lifespan	100,000 Hours
Lumens	1761/1904/1852
Efficacy	124/136.2/130.3 lm/W

Technical Specifications**Field Adjustability****Field Adjustable:**

Color temperature selectable by 3000K, 4000K and 5000K

Compliance**UL Listed:**

Suitable for wet locations

IESNA LM-79 & IESNA LM-80 Testing:

RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

DLC Listed:

This product is listed by Design Lights Consortium (DLC) as an ultra-efficient premium product that qualifies for the highest tier of rebates from DLC Member Utilities. Designed to meet DLC 5.1 requirements.
DLC Product Code: PL0MVJOV62Q3

Performance**Lifespan:**

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

LED Characteristics**LEDs:**

Long-life, high-efficiency, surface-mount LEDs

Electrical**Driver:**

Constant Current, Class 2, 120-277V, 50/60 Hz, 120V: 0.13A, 208V: 0.07A, 240V: 0.06A, 277V: 0.05A

Dimming Driver:

Driver includes dimming control wiring for 0-10V dimming systems. Requires separate 0-10V DC dimming circuit. Dims down to 10%.

Photocell:

120-277V Integrated button photocell included. Photocell is compatible with 120V-277V.

Note:

All values are typical (tolerance +/- 10%)

Construction**IP Rating:**

Ingress protection rating of IP65 for dust and water

Cold Weather Starting:

Minimum starting temperature is -40°C (-40°F)

Maximum Ambient Temperature:

Suitable for use in up to 50°C (122°F)

Housing:

Precision die-cast aluminum housing and door frame

Technical Specifications (continued)

Construction

Lens:

Polycarbonate lens

Mounting:

Hinged wiring access and conduit entries on the back, sides, top and bottom make installation a snap

Cut Off:

Adjustable from 0° (full cutoff) to 90°. 7 settings at 15° each.

Finish:

Formulated for high durability and long-lasting color

Green Technology:

Mercury and UV free. RoHS-compliant components.

Other

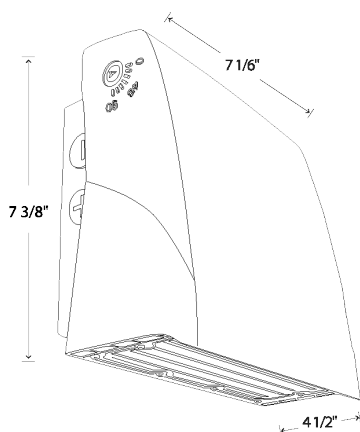
5 Yr Limited Warranty:

The RAB 5-year, limited warranty covers light output, driver performance and paint finish. RAB's warranty is subject to all terms and conditions found at rablighting.com/warranty.

Buy American Act Compliance:

RAB values USA manufacturing! Upon request, RAB may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.

Dimensions

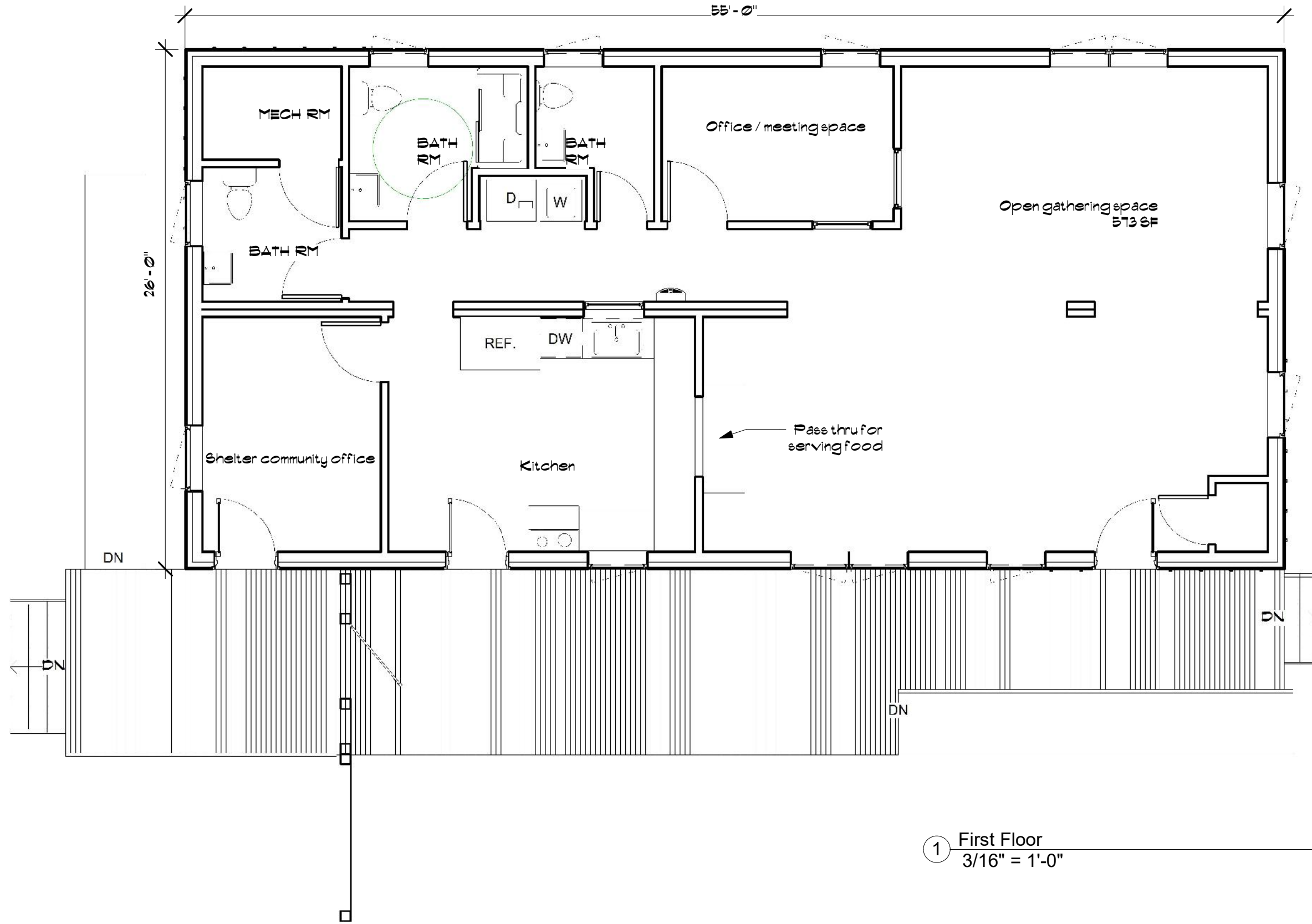


Features

- Selectable CCT
- Adjustable cutoff
- Integrated photocell
- 0-10V dimming standard

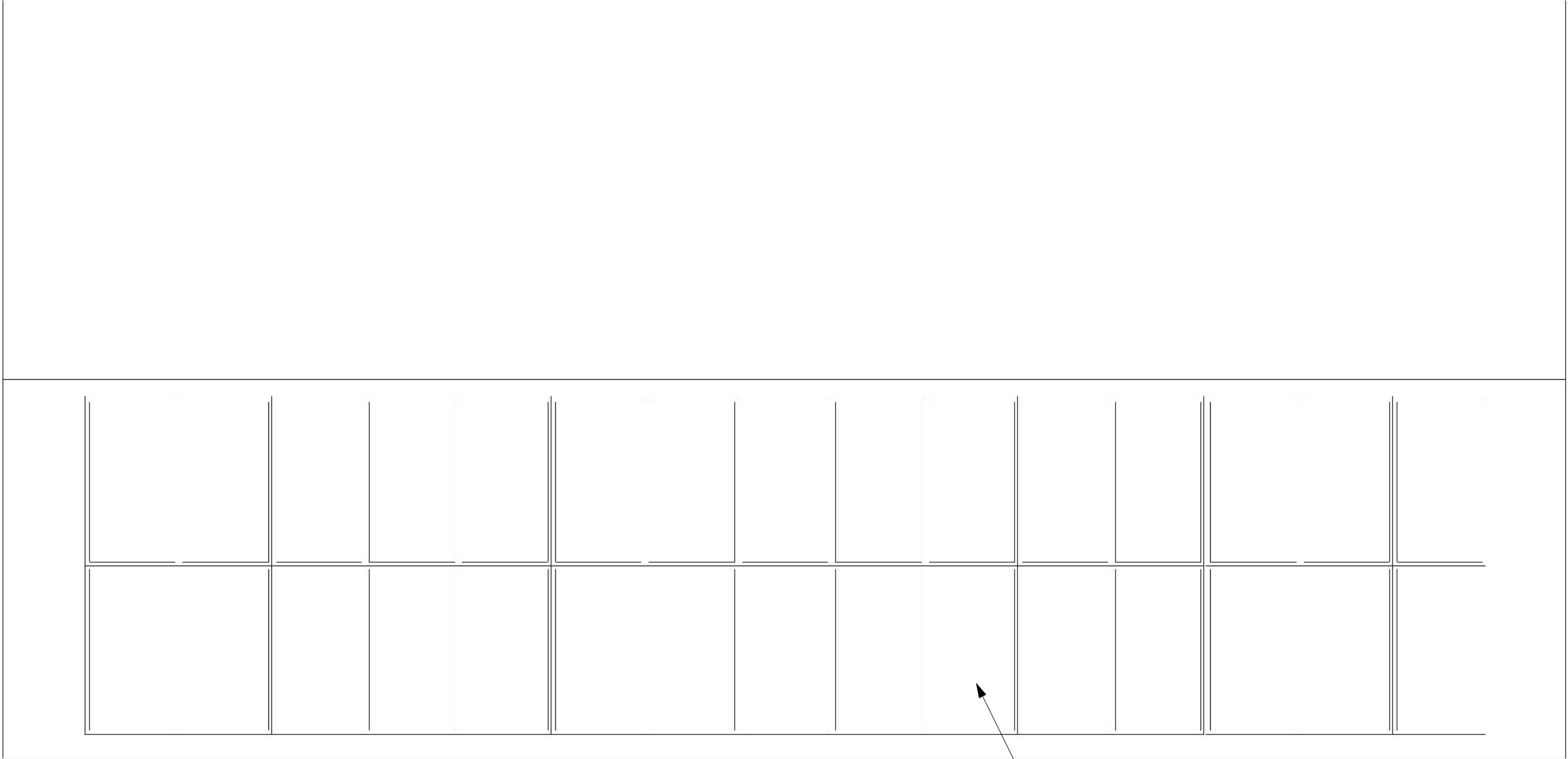
Ordering Matrix

Family	Wattage	Style
SLIM17FA	15	ADJ
15 = 15W ADJ = Angle Adjustable 30 = 30W		



① First Floor
3/16" = 1'-0"

 pma-maharam architects 53 falls rd shelburne vt 05482 802 735 1286 www.pillmaharam.com	Project Name Community Resource Center	Client Name Community Works	First Floor Plan	
	Project number 22005.01			Scale 3/16" = 1'-0"
	Date 03-07-22			Checker
	Drawn by DAP			Checked by



① Roof Plan
1/4" = 1'-0"

pill-maharam architects

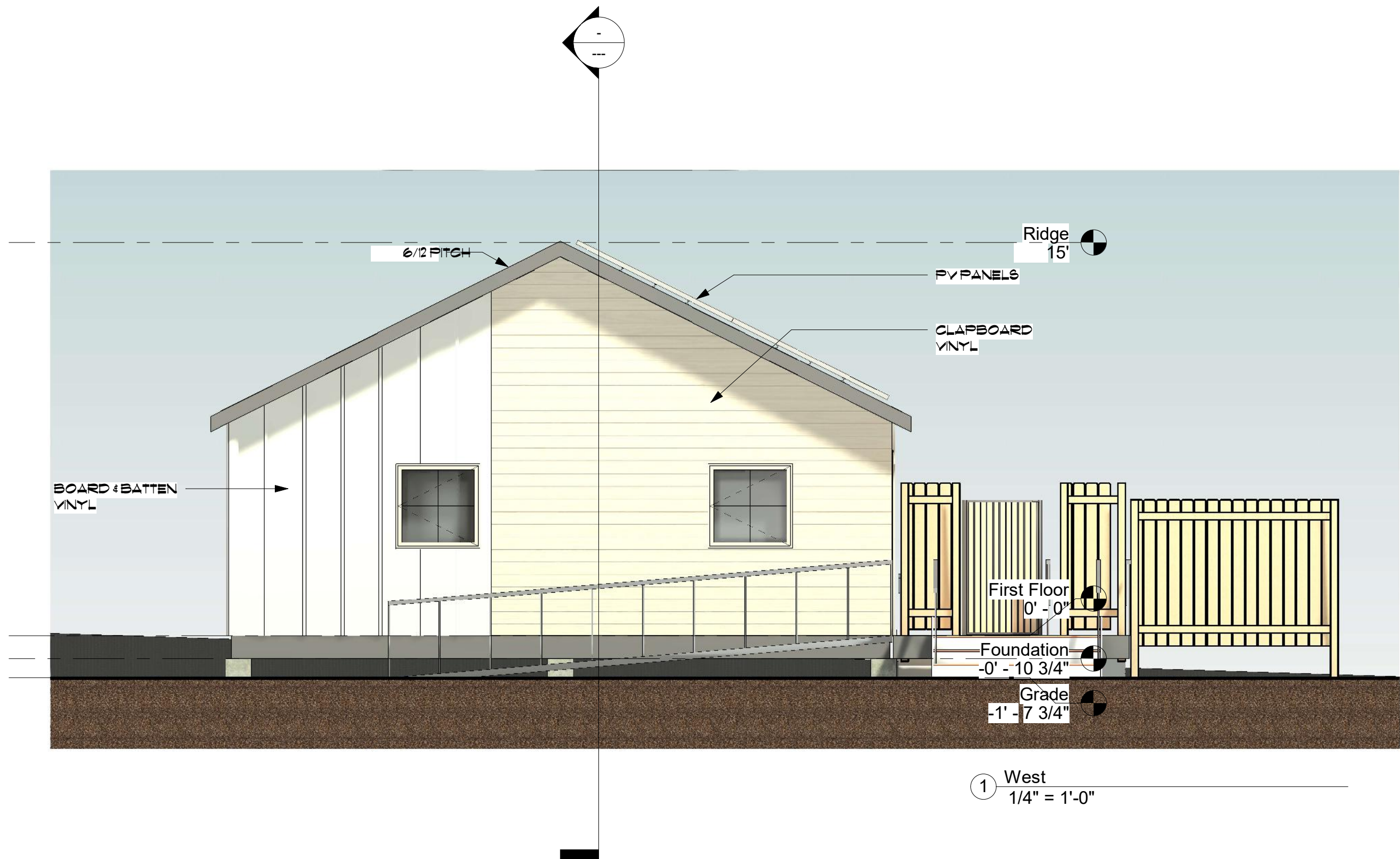
PMa

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Community Resource
Center

Community
Works

Roof Plan		
Project number	22005.01	A1.2
Date	03-07-22	
Drawn by	DAP	
Checked by	Checker	Scale 1/4"=1'-0"



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**Community Resource
Center**

**Community
Works**

West Elevation

Project number 22005.01

Date 03-07-22

Drawn by DAP

Checked by Checker

A4.1

Scale 1/4" = 1'-0"



① South
1/4" = 1'-0"

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**Community Resource
Center**

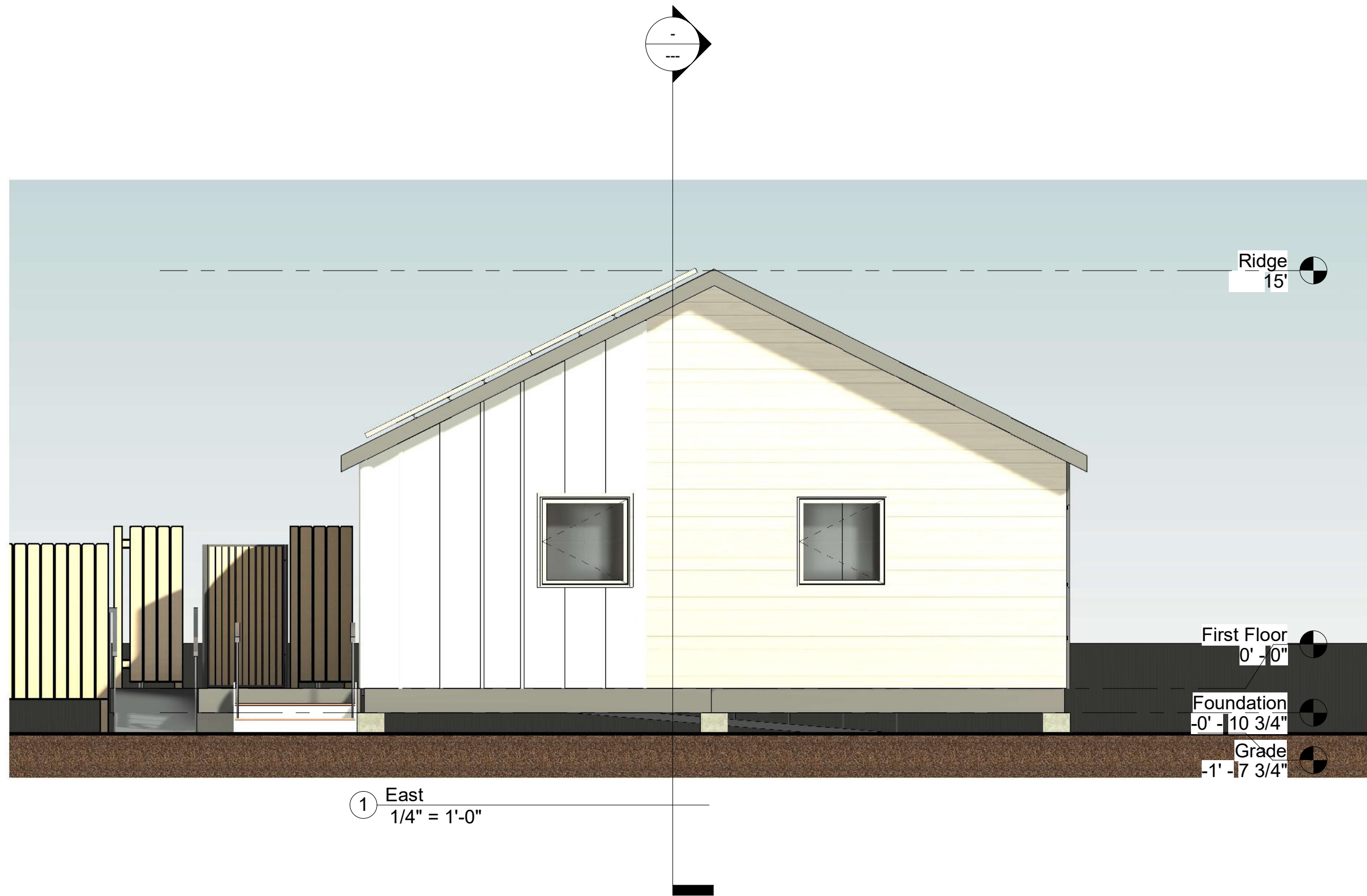
**Community
Works**

South Elevation

Project number	22005.01
Date	03-07-22
Drawn by	DAP
Checked by	Checker

A4.2

Scale 1/4" = 1'-0"



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**Community Resource
Center**

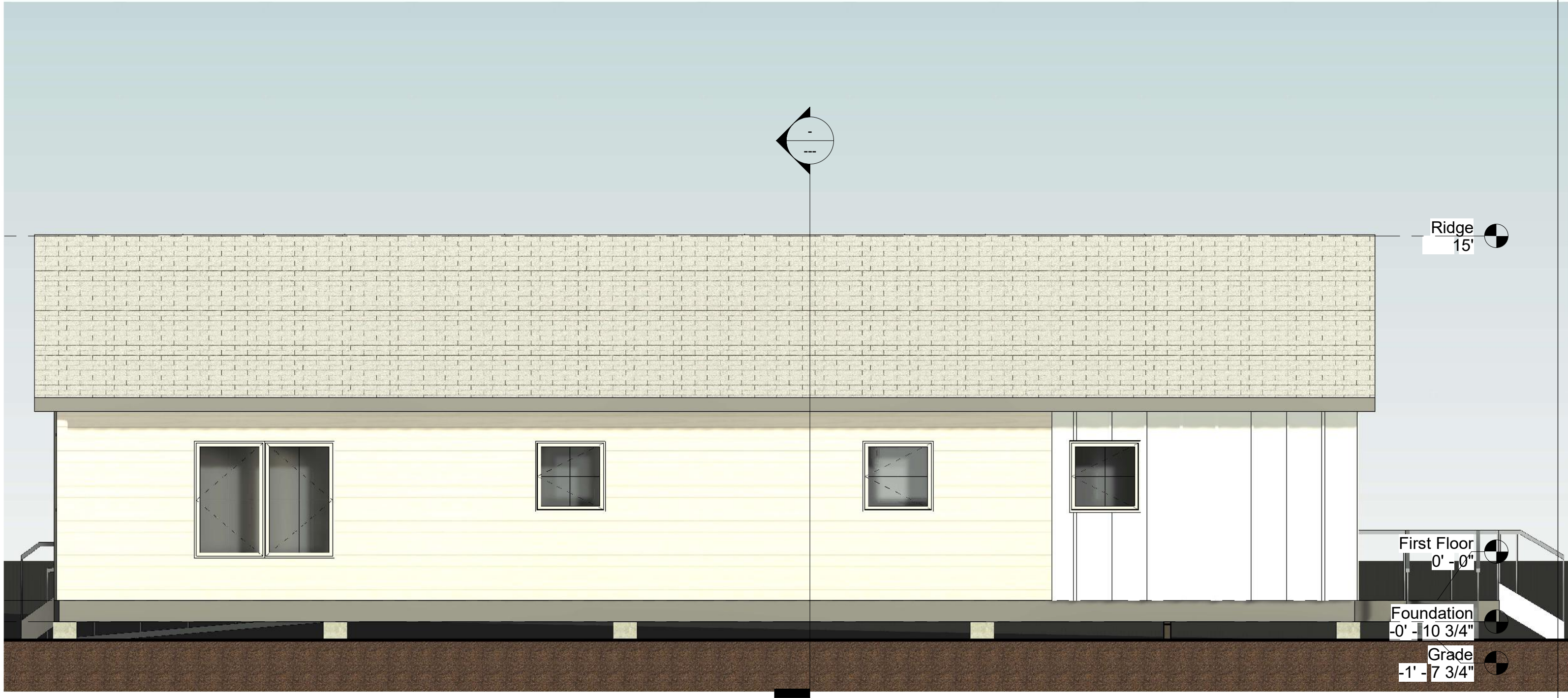
**Community
Works**

East Elevation

Project number	22005.01
Date	03-07-22
Drawn by	DAP
Checked by	Checker

A4.3

Scale 1/4" = 1'-0"



1 North
1/4" = 1'-0"

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**Community Resource
Center**

**Community
Works**

North Elevation

Project number	22005.01
Date	03-07-22
Drawn by	DAP
Checked by	Checker

A4.4

Scale 1/4" = 1'-0"



① 3D SW



② 3D SE

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**Community Resource
Center**

**Community
Works**

Perspectives

Project number 22005.01

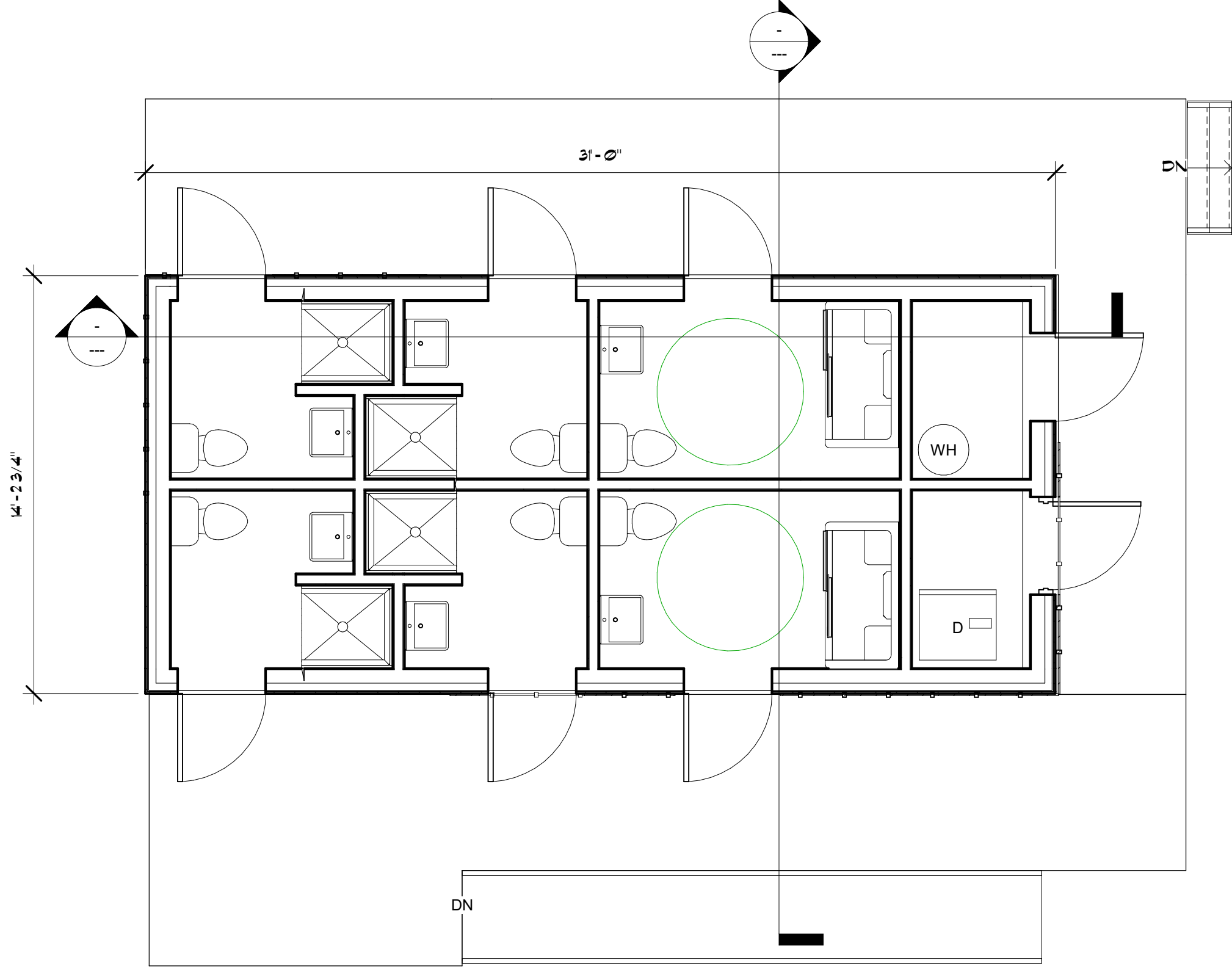
Date 03-07-22

Drawn by DAP

Checked by Checker

A18.1

Scale



1 First Floor
1/4" = 1'-0"

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Project Name

Bathroom Facility

Client Name

Community Works

First Floor Plan

Project number 22005.01

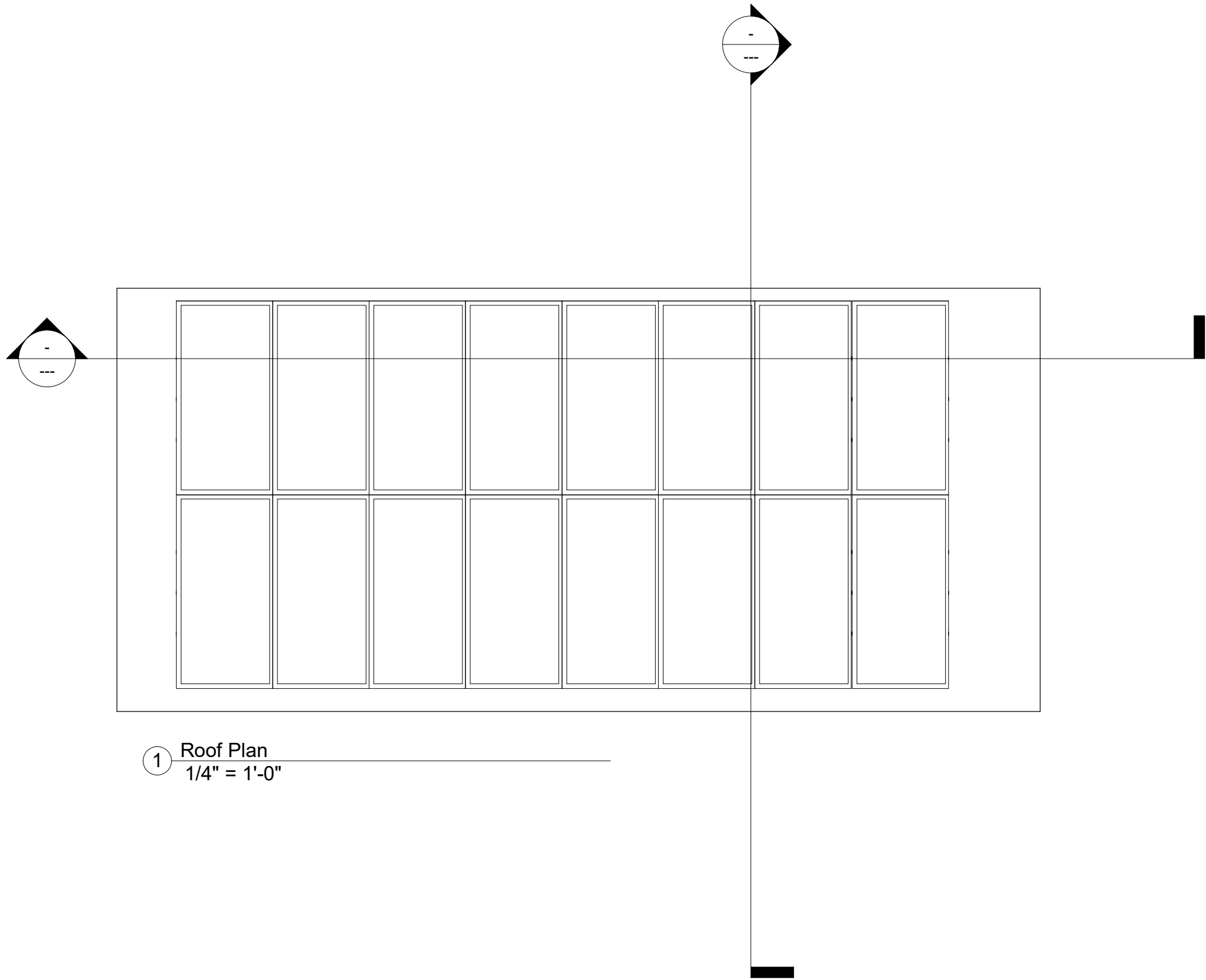
Date 03-23-22

Drawn by DAP

Checked by Checker

A1.1

Scale 1/4" = 1'-0"



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Bathroom Facility

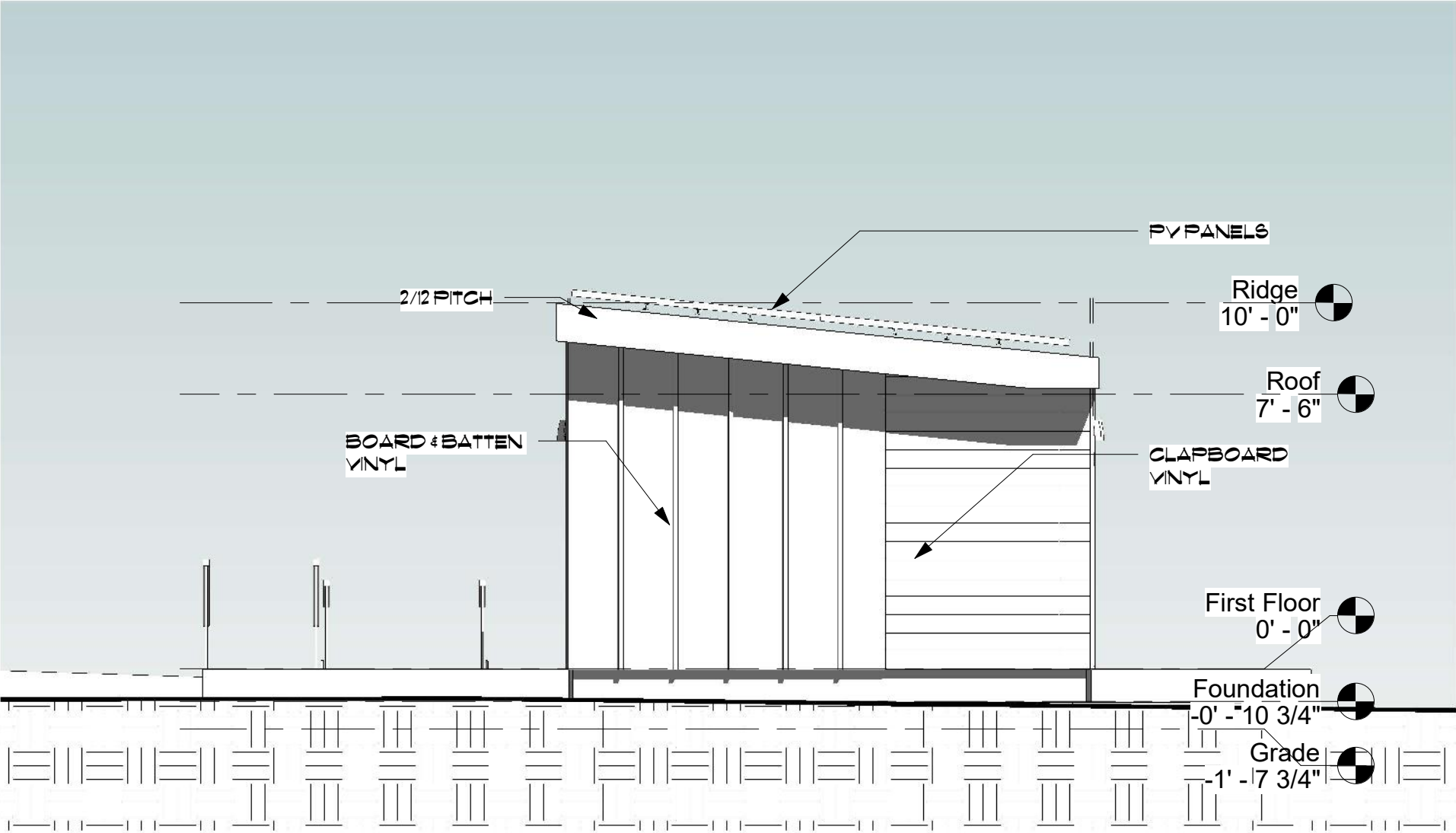
**Community
Works**

Roof Plan

Project number	22005.01
Date	03-23-22
Drawn by	DAP
Checked by	Checker

A1.2

Scale 1/4" = 1'-0"



1 West
1/4" = 1'-0"

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Bathroom Facility

Community
Works

West Elevation

Project number	22005.01
Date	03-23-22
Drawn by	DAP
Checked by	Checker

A4.1

Scale 1/4" = 1'-0"



1 South
1/4" = 1'-0"

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Bathroom Facility

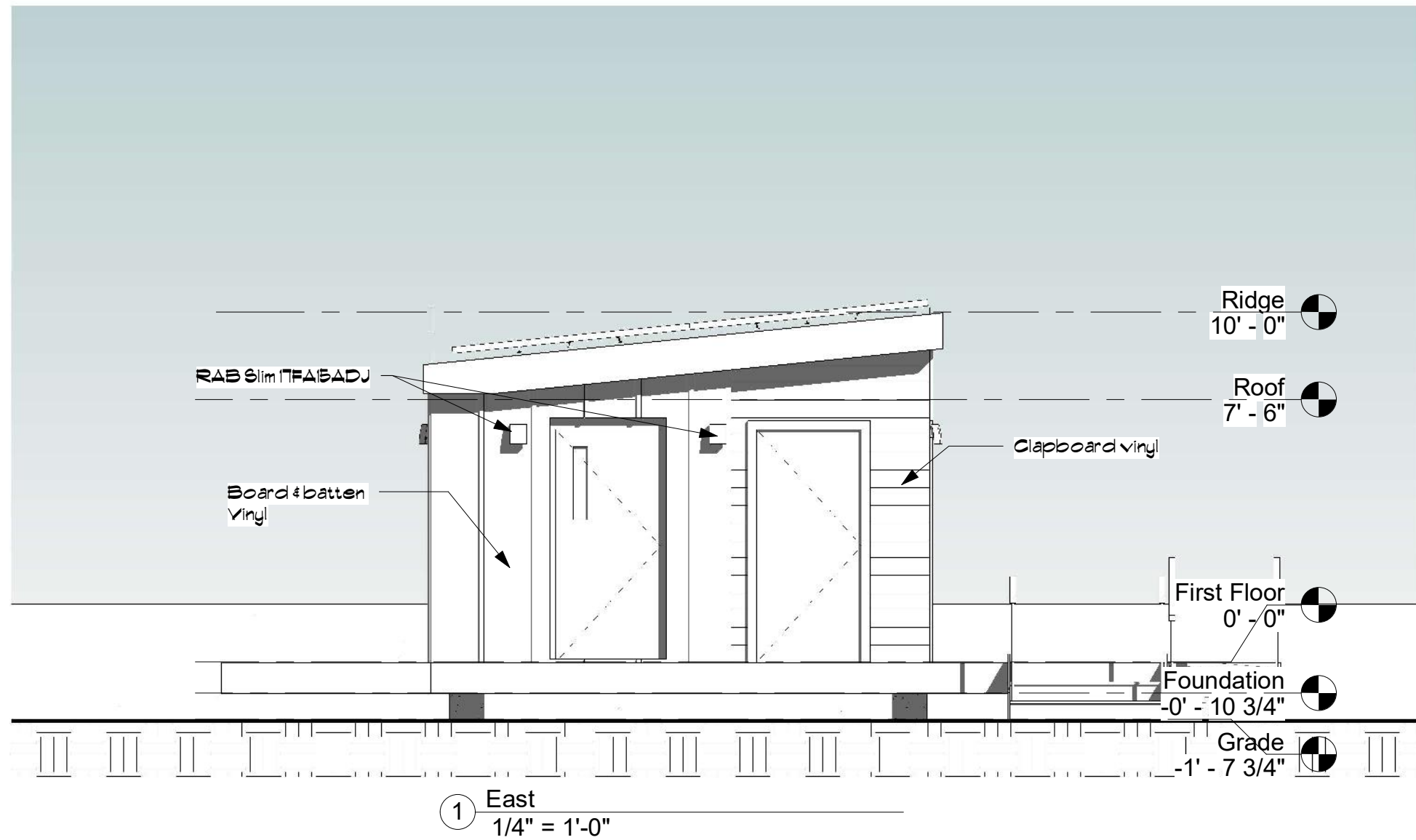
**Community
Works**

South Elevation

Project number	22005.01
Date	05-06-22
Drawn by	DAP
Checked by	Checker

A4.2

Scale 1/4" = 1'-0"



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Bathroom Facility

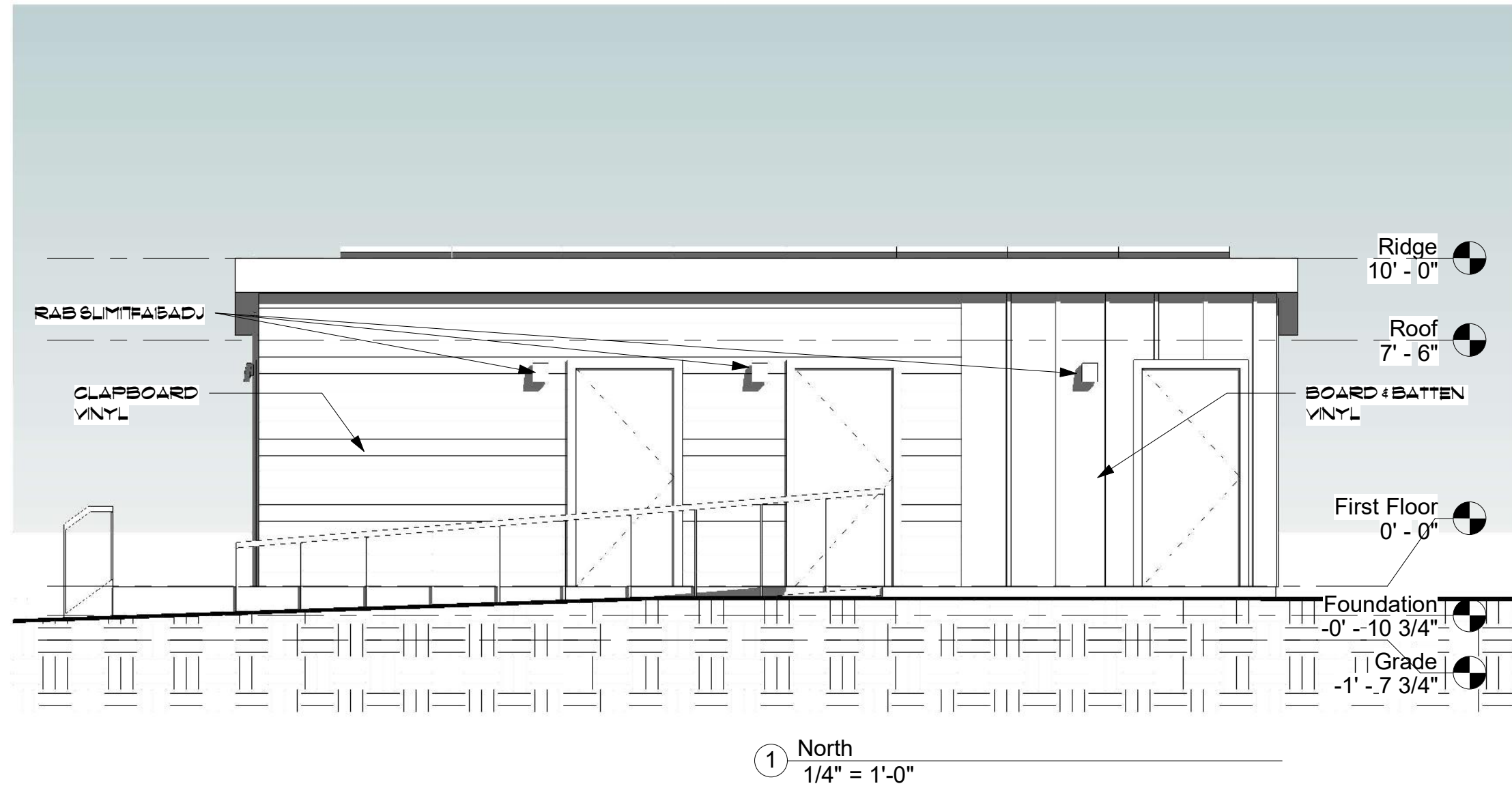
**Community
Works**

East Elevation

Project number	22005.01
Date	05-06-22
Drawn by	DAP
Checked by	Checker

A4.3

Scale 1/4" = 1'-0"



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Bathroom Facility

**Community
Works**

North Elevation

Project number	22005.01
Date	05-06-22
Drawn by	DAP
Checked by	Checker

A4.4

Scale 1/4" = 1'-0"



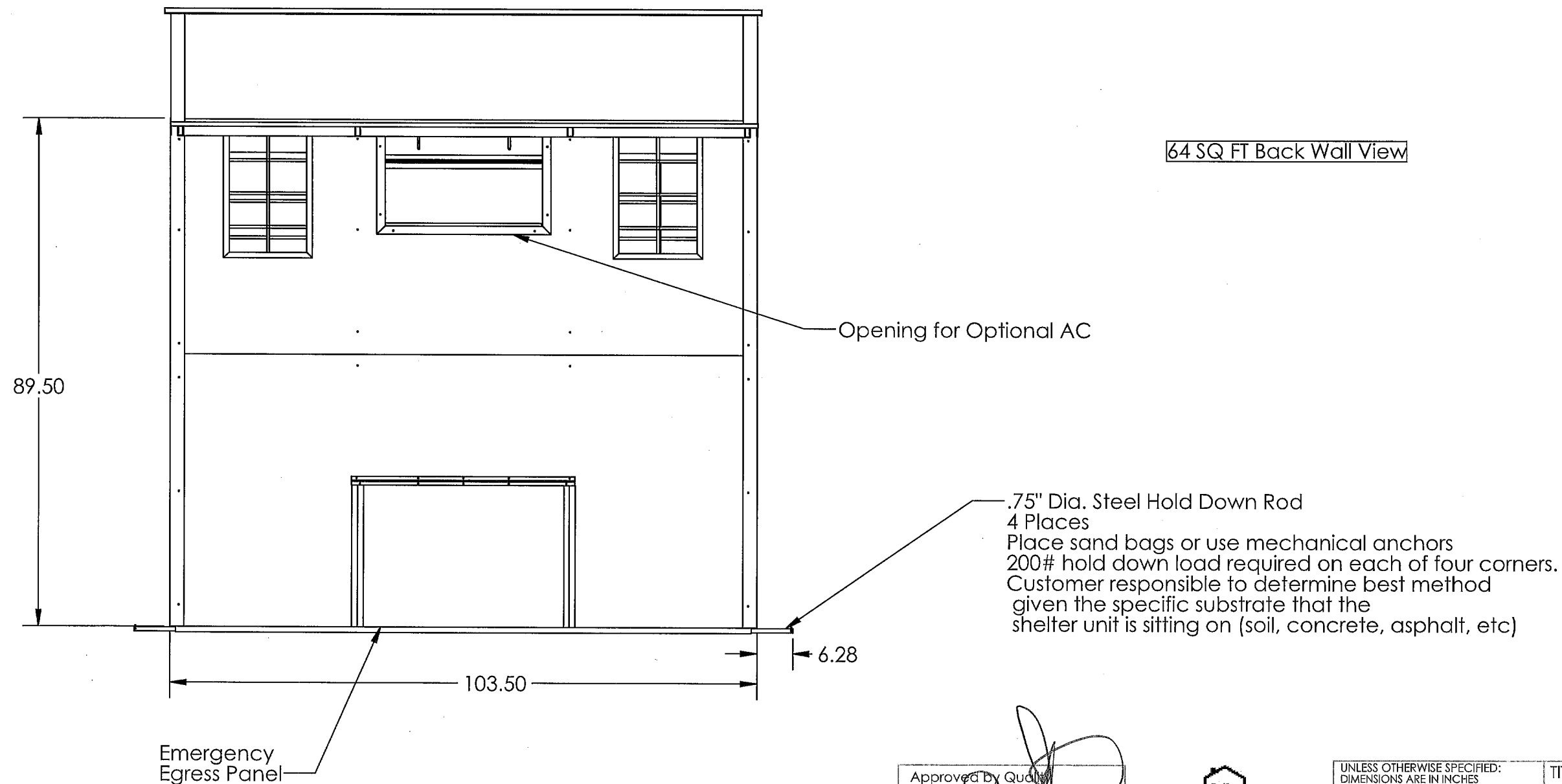
CH BED

SECURELY LA



EMERGENCY EXIT - KEEP CLEAR

REVISIONS			
ZONE	REV.	DESCRIPTION	DATE
	A	Original Release	9/1/2020



Approved by Quality	
Signature	
Date	9-1-20
Approved by Production	
Signature	
Date	9-1-20



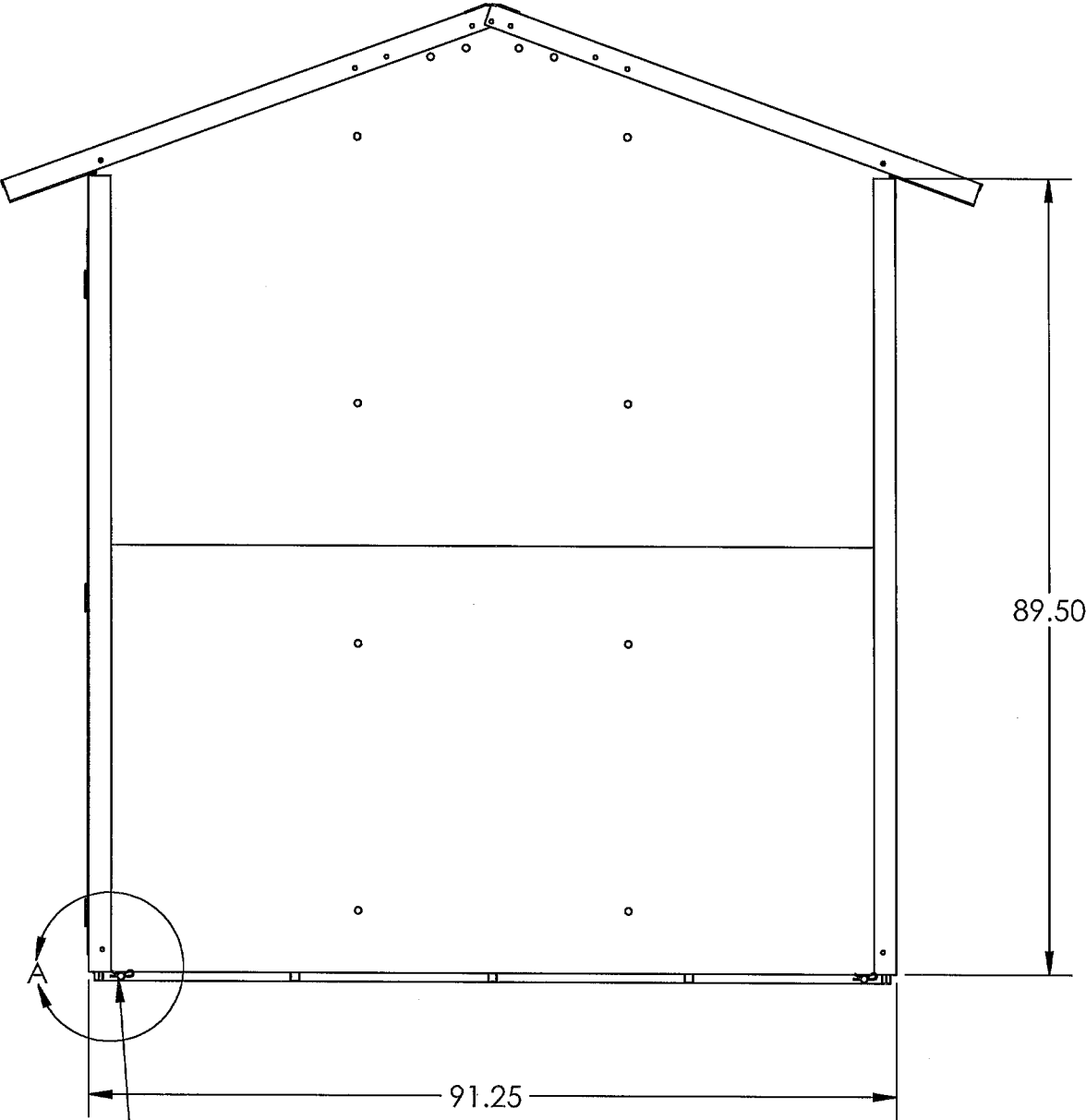
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TWO PLACE DECIMAL: $\pm .03$
THREE PLACE DECIMAL: $\pm .01$
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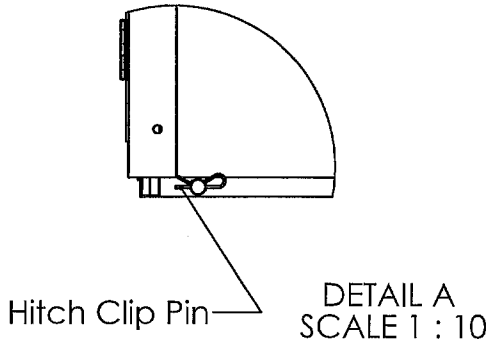
DRAWN BY	Don Bender
DATE	9-2-2020

TITLE: 64 SQ FT Pallet Shelter Back Wall View	
Part Number 10368	REV A
WEIGHT:	SHEET 1 OF 1

REVISIONS			
ZONE	REV.	DESCRIPTION	DATE
	A	Original Release	9/1/2020



64 SQ FT End Wall View



.75" Dia. Steel Hold Down Rod
4 Places
Place sand bags or use mechanical anchors
200# hold down load required on each of four corners.
Customer responsible to determine best method
given the specific substrate that the
shelter unit is sitting on (soil, concrete, asphalt, etc)

Approved by Quality
Signature <i>[Signature]</i>
Date <i>9-1-20</i>
Approved by Production
Signature <i>[Signature]</i>
Date <i>9-1-20</i>

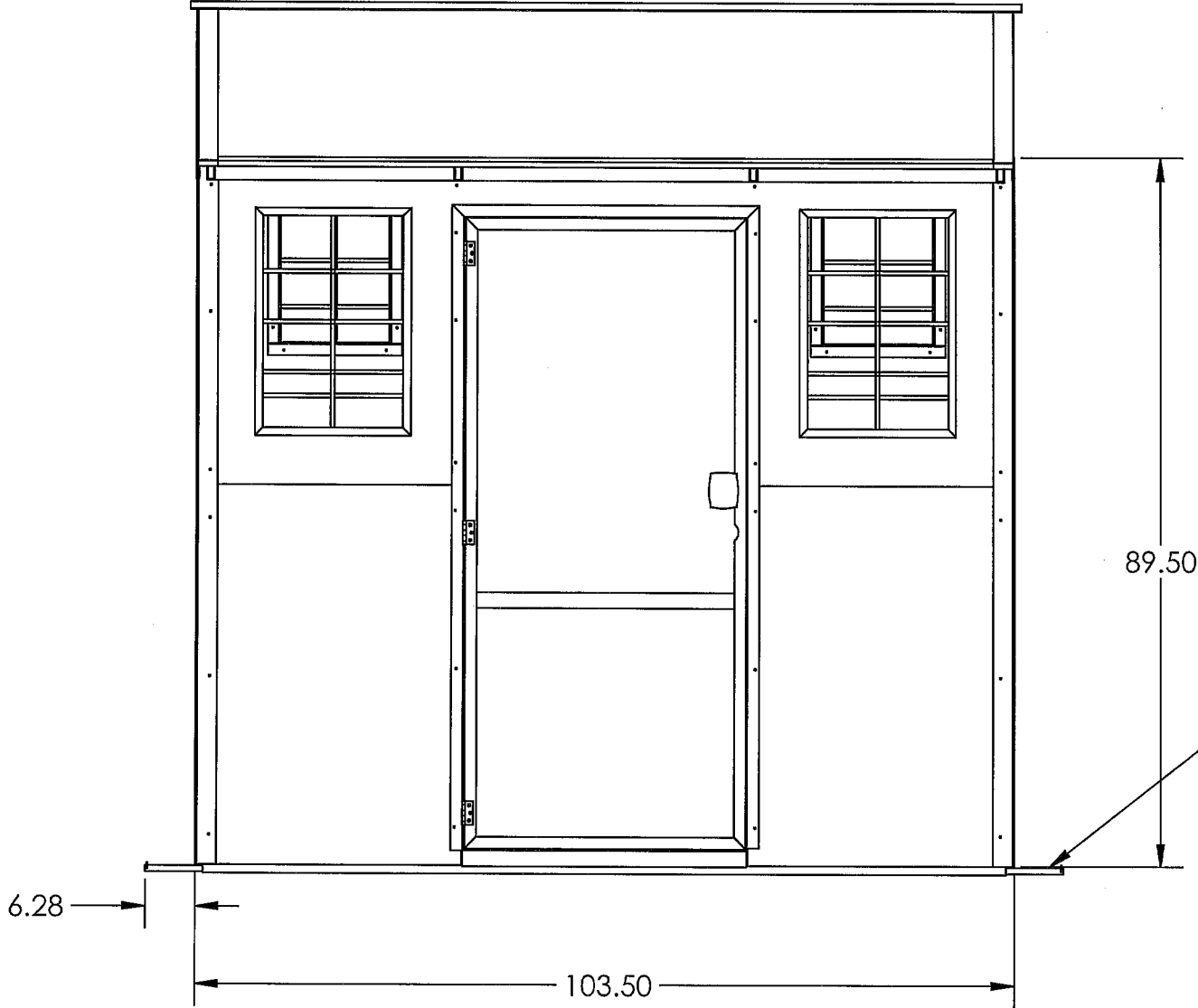


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ANGULAR: MACH ± 1° BEND ± 1°
TWO PLACE DECIMAL: ± .03
THREE PLACE DECIMAL: ± .01
DO NOT SCALE DRAWING

TITLE: 64 SQ FT Pallet Shelter End Wall View	
DRAWN BY Don Bender	Part Number 10368
DATE 9-1-2020	REV A
WEIGHT:	SHEET 1 OF 1

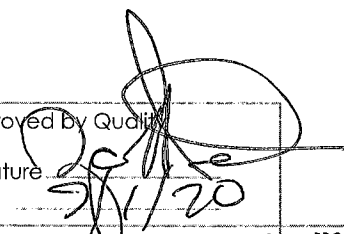
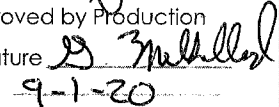
REVISIONS			
ZONE	REV.	DESCRIPTION	DATE
	A	Original Release	9/1/2020



64 SQ FT Front View

.75" Dia. Steel Hold Down Rod
4 Places
Place sand bags or use mechanical anchors
200# hold down load required on each of four corners.
Customer responsible to determine best method
given the specific substrate that the
shelter unit is sitting on (soil, concrete, asphalt, etc)

From bottom of base frame to
door freshhold it is 2-7/8"

Approved by Quality	
Signature	
Date	9-1-20
Approved by Production	
Signature	
Date	9-1-20



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ANGULAR: MACH $\pm 1^\circ$ BEND $\pm 1^\circ$
TWO PLACE DECIMAL: $\pm .03$
THREE PLACE DECIMAL: $\pm .01$
DO NOT SCALE DRAWING

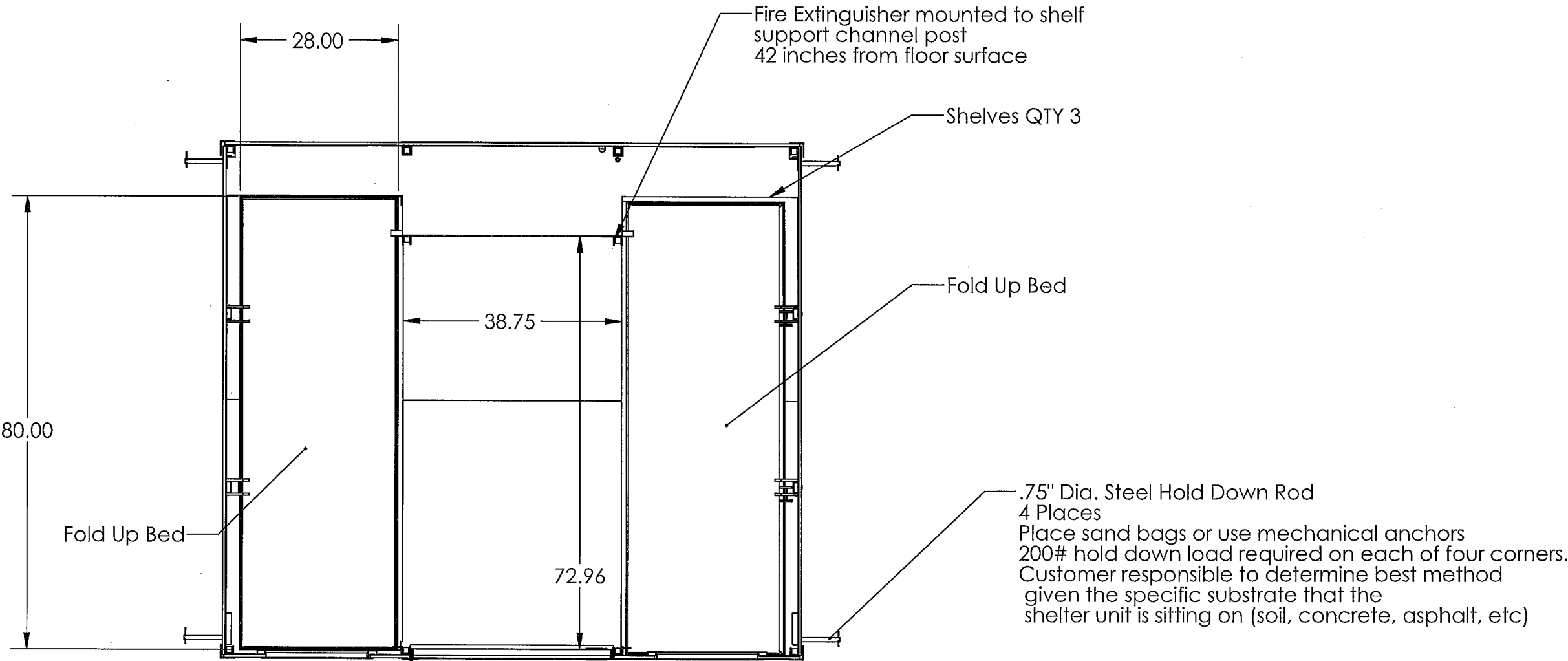
TITLE:
64 SQFT Pallet Shelter
Front View

DRAWN BY Don Bender
DATE 9-1-2020

Part Number
10368

REV
A

REVISIONS			
ZONE	REV.	DESCRIPTION	DATE
	A	Original Release	9/1/2020



Approved by Quality
 Signature *[Signature]*
 Date *9-1-20*

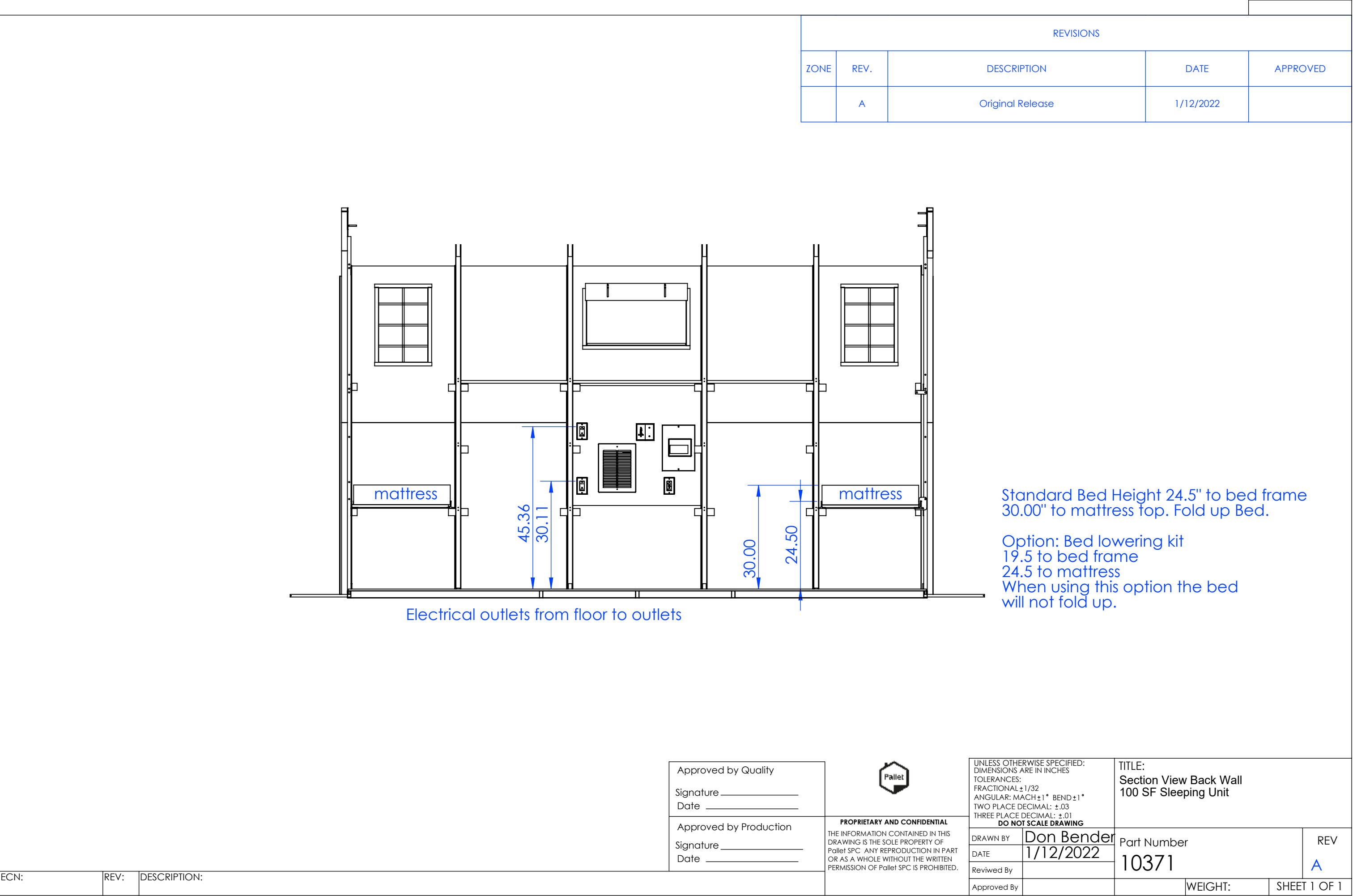
Approved by Production
 Signature *[Signature]*
 Date *9-1-20*



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 THREE PLACE DECIMAL: $\pm .01$
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TITLE: 64 SQ FT Pallet Shelter Plan View		REV A	
DRAWN BY Don Bender	Part Number 10368		
DATE 9-1-2020			
WEIGHT:		SHEET 1 OF 1	



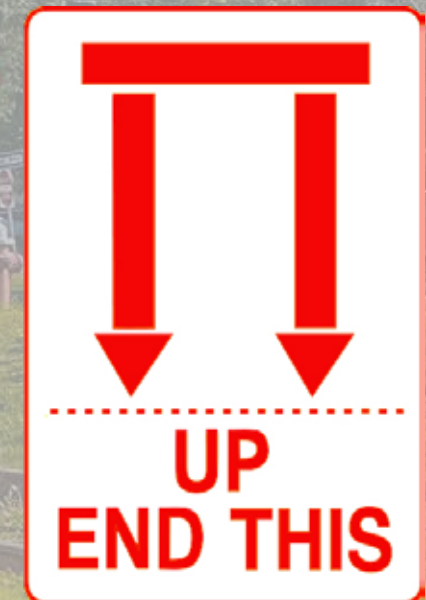


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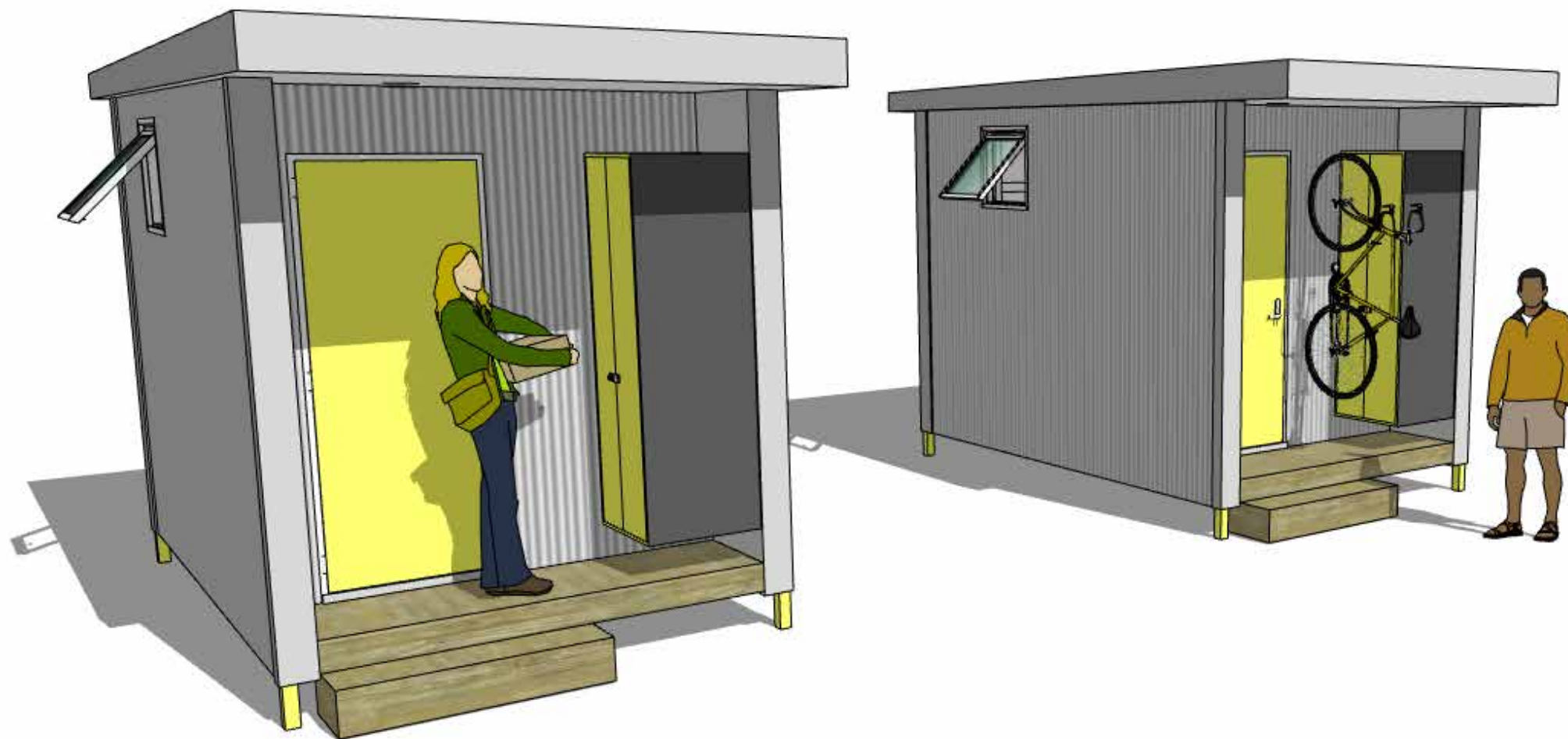
SATELLITE

BY



City of Burlington

Shelter Pods



2022 Shelter Pods

Our Shelter Pods is a quality space with a light and airy interior and solid environmental controls to provide: fresh air year round, warmth in the winter and a comfortable temperature when the mercury rises.

Our Shelter Pods are designed to provide the City of Burlington with a quality work of relocatable architecture that will endure the elements year after year and remain flexible to adapt to changes in use over the products lifespan.



Shelter Pod Exterior Specifications

Dimensions

64 Square Feet
Overall 15' - 0" x 8' - 6" x 10' - 0" (L x W x H)
Integral Legs telescope 4" to 18"
Weight 5800lbs (estimated)

Accessibility

32" all steel door with commercial locking door handle
Integral 24" x 84" covered stoop
Step 16" x 48" x 8"

Envelope

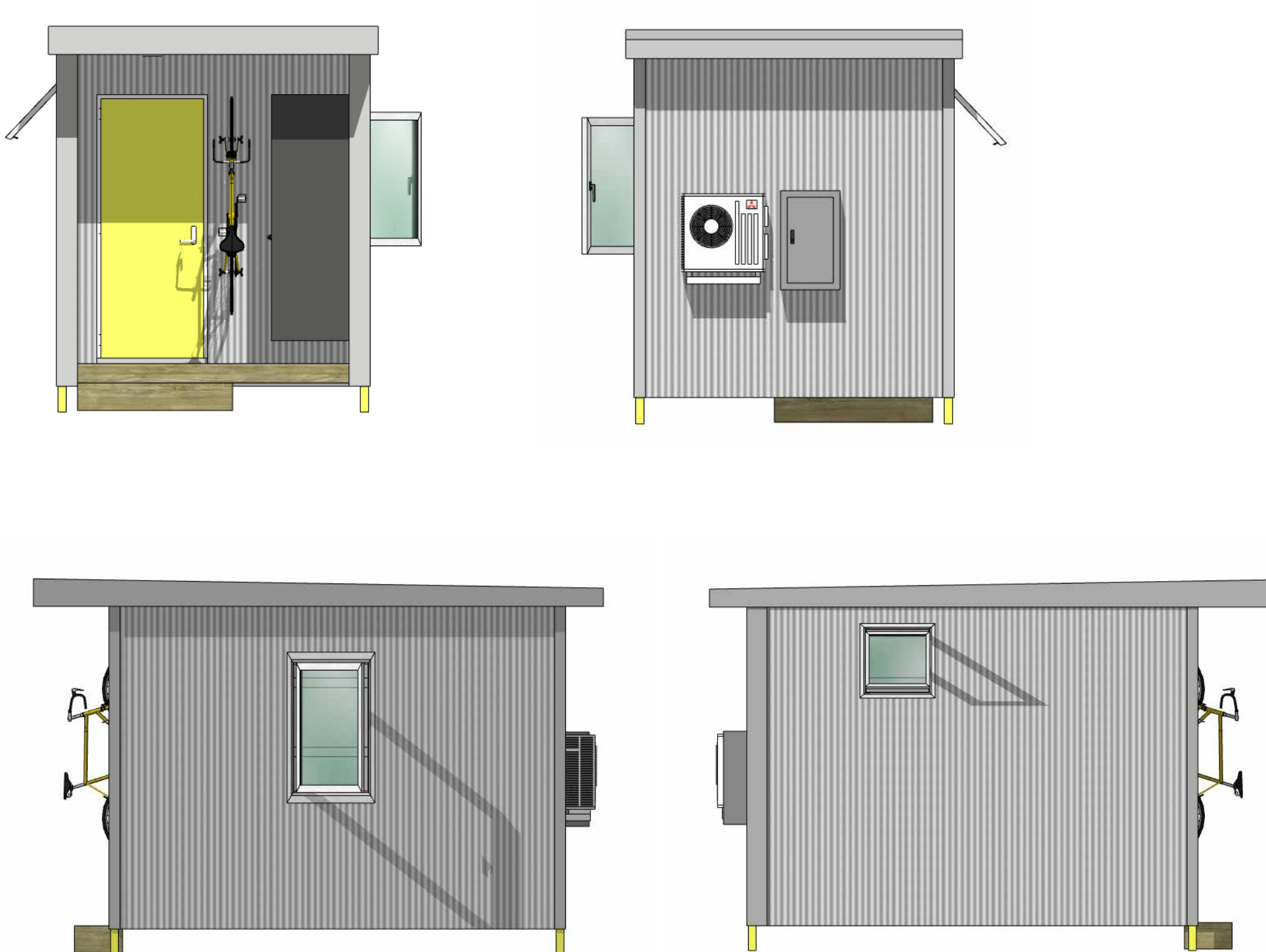
Exterior siding: Corrugated Metal
Exterior Corners: Painted Steel
Roof Material: Corrugated Metal
R Values: Floor (R-22) Walls (R-22) Ceiling (R30)
24" x 24" operable awning window
28" x 48" operable casement window (egress rated)
Roof meets 40psf snow load

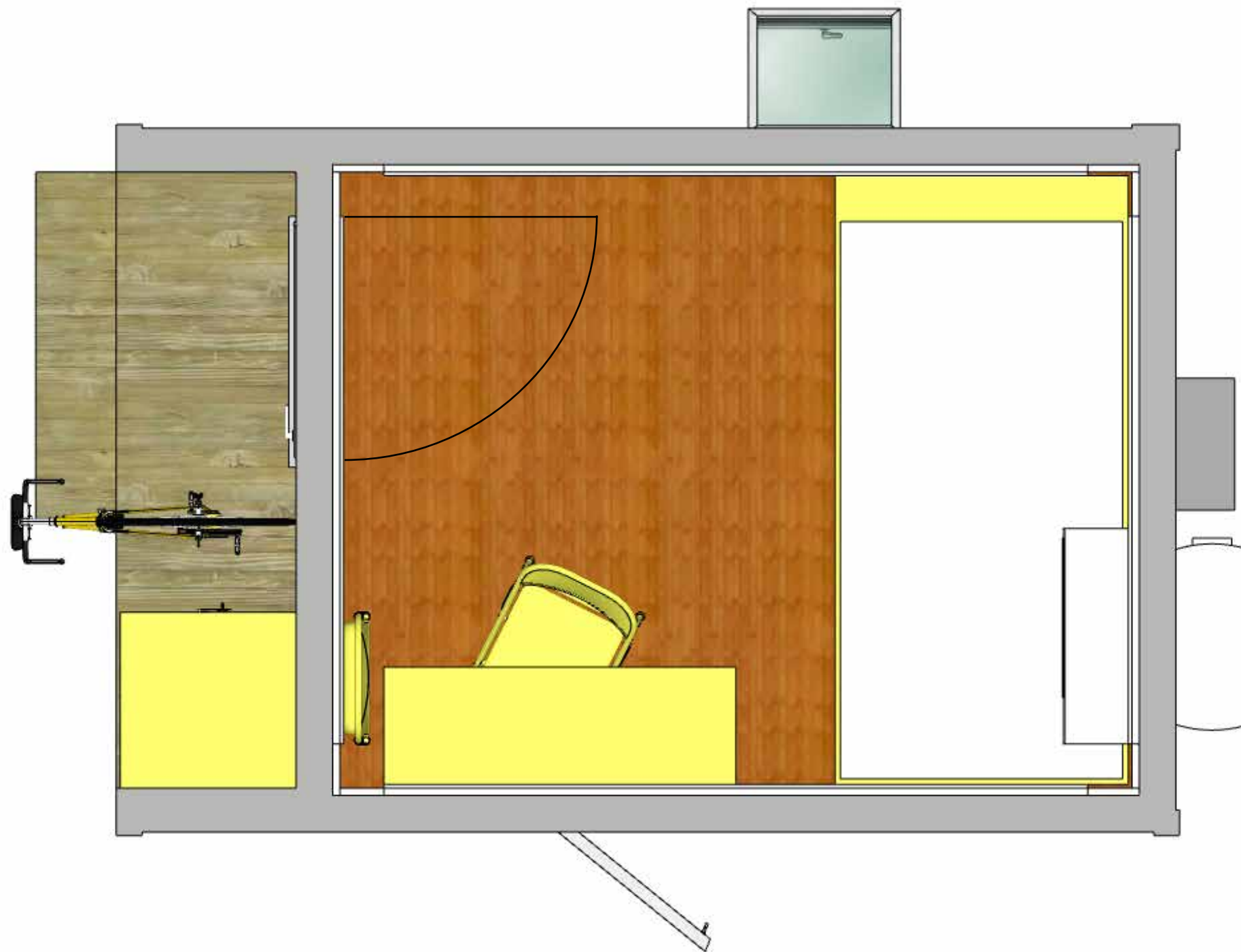
Power and Lighting

30 amp panel with 25' RV power cord
(x4) 20 amp electrical outlets
Exterior LED light at Entry Door, switch at door
Interior LED overhead light fixture, switch at door

Environmental Controls

9000 BTU Mini Split heating and AC
15 amp Heat Recovery Ventilator
Hardwired Smoke Detector





Shelter Pod Interior Specifications

Flooring

Resilient and sustainable cork flooring

Walls

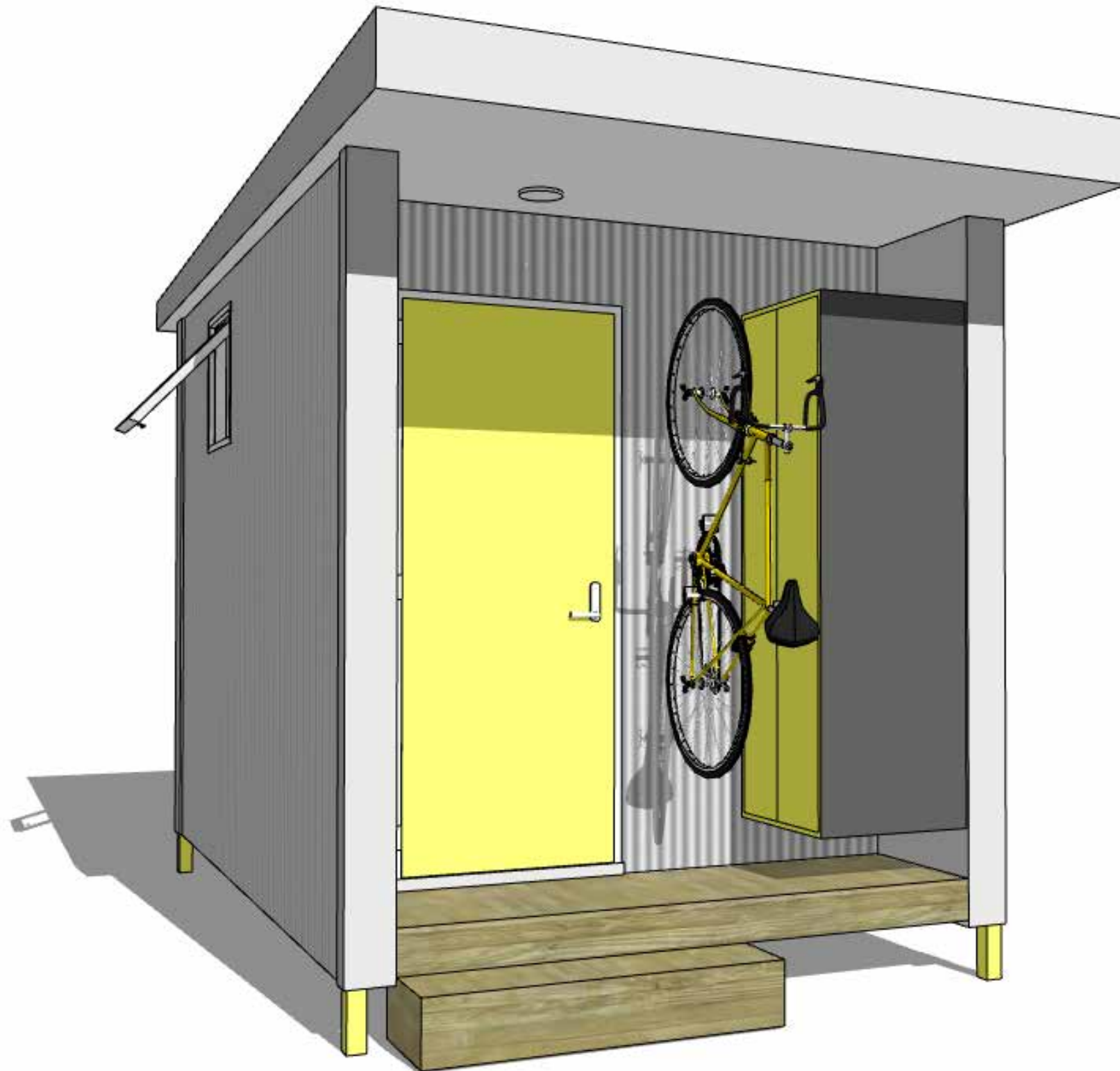
1/2" Poplar plywood with satin white finish
Integral cleat system for easy installation and repositioning of CRATE options

Ceiling

1/2" Poplar plywood with satin white finish

Dimensions

Ceiling Height 8' - 0"
Width 7' - 2"
Length 9' - 2"



Accessories Included

Our furniture options are called CRATEs. They are modular in nature and work directly with our innovative and integrated wall cleat system. All CRATEs are made of high quality furniture grade plywood. Parts are made using the CNC router and assembled with precision. A high gloss paint finish is on all surfaces.

Shelter Pods are equipped with:

(x1) CRATE Beds

6" Twin Mattresses fit our bed frames (not included). The frames attach to our wall cleat system with four adjustable wall brackets. The beds have a 400lb weight capacity.

(x1) CRATE Locker XL

This Locker is 24" x 24" x 70". A large cabinate with two full length doors with padlock clasp. Outside face of Locker has a chalkboard finish that is magnetic.

(x1) CRATE Desk

The Desk is 48" x 16" x 8". It has two interior shelves for books and papers. An integral outlet built in that plugs into the wall outlet of the module. This outlet has one USB port and two 15 amp outlets. This Desk is designed to be a bench if installed lower on the wall or a shelf if installed higher. It has a 350lb weight capacity.

(x1) CRATE Cleat for hanging two folding chairs

This simple Cleat is rated for 350lbs and in this module will hold two metal folding chair when not in use (chairs not included). It can also easily handle the weight of a large backpack.

(x1) Bicycle Wall Mount with locking loop

Department of Permitting & Inspections

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

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



TO: Development Review Board
FROM: Scott Gustin
DATE: May 17, 2022
RE: ZP-22-199; 51 Elmwood Avenue

=====

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

Zone: RH Ward: 3C

Owner/Applicant: Burlington DPW / Samantha Dunn

Request: Establish a temporary emergency shelter including 30 shelter pods, community resource center, and bathhouse.

Applicable Regulations:

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

Background Information:

The applicant is requesting approval to establish a temporary emergency shelter on an existing nonconforming municipal parking lot. The requested duration is 3 years. The parking lot will remain in place, and the proposed structures will be placed upon it with limited earthwork for utility installations and connections. Additional fencing, outdoor lighting, and raised planters are also proposed. Emergency shelters are a conditional use in the Residential – High Density zone wherein the project is located. A related community center is included and will serve occupants of the shelter but will also be open to the public.

As a municipally owned and operated facility the application for this emergency shelter is subject to only limited zoning review per 24 VSA, Sec. 4413, *Limitations on municipal bylaws*. The development may be reviewed only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements.

There are no previous zoning actions for this property.

Recommendation: Conditional use and certificate of appropriateness approval as per, and subject to, the following findings and conditions.

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 3: Impact Fees

Sec. 3.3.2, Applicability & Sec. 3.3.3, Exemptions & Waivers

The proposed emergency shelter does not contain any new dwelling units, but is it categorized as a special residential use. Occupants of the shelter will stay there rent free. As such, it qualifies for an exemption from impact fees per Sec. 3.3.3.

The community resource center, even though temporary, does not qualify for an exemption from impact fees. Those will be due prior to issuance of a 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 will be served by municipal utilities. Electrical service is present, and water and wastewater service will be installed. Sufficient water and sewer service are available. While the use is temporary, a State of Vermont wastewater permit will be required. A wastewater capacity letter from the Department of Public Works will be required for issuance of the wastewater permit. **(Affirmative finding as conditioned)**

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

The property is located within the Residential – High Density zone. This zone is intended primarily for high density residential development in the form of attached multi-family buildings. A variety of residential uses are allowed, including “special residential uses” such as emergency shelters. The temporary emergency shelter fits within the residential context of the RH zone.

(Affirmative finding)

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

The proposed emergency shelter will be limited to 35 individuals (30 pods, including 5 pods that will allow 2 people if there are couples who request being together) and onsite staff. With continuous onsite staff, the shelter is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with commercial uses. **(Affirmative finding)**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit*

availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;

No traffic analysis has been provided or is required for this application. The anticipated occupants of the emergency shelter are not expected to generate any traffic impacts. Staff will park onsite on a small number of parking spaces. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

Depending on available funding, solar panels will be installed on the rooftops of the community resource center and/or the bathhouse. **(Affirmative finding)**

and,

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

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

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

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

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

The emergency shelter is similar to a multi-family residential development. As opposed to dwelling units, the facility will have 30 individual shelter pods and a related community center and a bathhouse. The emergency shelter will have onsite staff to manage it 24/7. All of the buildings are fully enclosed. Shared outdoor space is located in the center of the site to lessen potential noise impacts to neighboring properties. Trash and recycling units will be enclosed behind screening. **(Affirmative finding)**

2. *Time limits for construction.*

All of the buildings are pre-fabricated and will take relatively little time to install. Standard zoning permit time limits will apply – 1 year to start construction and 2 more to complete (total of 3 years). In this case, the emergency shelter will cease operation after 3 years. **(Affirmative finding)**

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

The emergency shelter will operate 24 hours per day, 7 days per week for up to 3 years. The related community center will operate, open to the public, 7 days per week from 9:00 AM – 4:00 PM. These hours are within the permissible hours of 5:30 AM – 11:00 PM for community centers.

Hours of construction are not noted. Within residential areas, hours of construction are typically limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. No work on Sundays. **(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. 4.4.5, Residential Districts:

(a) Purpose

(5) Residential High Density (RH)

As noted previously, the subject property is located within the Residential – High Density zone. This zone is intended primarily for high density residential development in the form of attached multi-family apartments. A variety of residential uses are allowed, including “special residential uses” such as emergency shelters. The temporary emergency shelter fits within the residential context of the RH zone. Community centers are permitted in the RH zone and serve as an ancillary amenity to the surrounding neighborhoods. **(Affirmative finding)**

(b) Dimensional Standards & Density

There is no residential density per se. See Sec. 5.4.13 for residential density equivalent for emergency shelters.

Lot coverage is nonconforming at 100%. No change in lot coverage is proposed, although some green space will be introduced to the site with planters.

The front yard setback is based on the average of neighboring properties. In this case, a 5’ front yard setback is proposed and is based on an average of 3.’ Note that the average provided is for just the two adjacent properties. The average is based on 4 properties, the two to the north and the two to the south in this case. All of the buildings look to be close to the street, but the average needs to be recalculated based on the 4 properties. As all of the proposed buildings are 15’ tall or less, 5’ minimum side and rear yard setbacks are required. The site plan reflects these required side and rear minimum setbacks.

The community resource center is 15’ tall and the rest of the buildings are just 10’ tall. These heights are well below the 35’ height limit. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

An emergency shelter is a conditional use in the RH zone. The related community center is a permitted use. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b).

Sec. 5.2.4, Buildable Area Calculation

See Sec. 4.4.5 (b).

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b).

Part 4: Special Use Regulations

Section 5.4.13 Emergency Shelters

Emergency shelters shall be subject to the site and design review standards in Art 6.

In addition to conditional use standards where applicable, proposals for all new emergency shelters shall comply with the following requirements:

- (a) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable;*

See Sec. 4.4.5 above.

- (b) Density within the residential zones shall be per the residential density standards of Article 4. For the purposes of density calculation for emergency shelters, every four (4) beds shall count as one (1) dwelling unit;*

The 30 pods contain 30-35 beds. Assuming a maximum of 35 beds, that equates to 9 dwelling units on this ~ ½ acre property. With a limit of 40 units per acre, the equivalent of 9 units is acceptable. **(Affirmative finding)**

- (c) Density within the neighborhood mixed use zones shall be limited to fifty (50) beds, and there is no density limit in the downtown or downtown transition zones;*

(Not applicable)

- (d) Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available;*

This standard will be a condition of approval. The applicant is aware of this criterion.

(Affirmative finding as conditioned)

- (e) There shall be onsite management by qualified adults during all hours of operation with at least 1 management person for every 25 beds; and,*

Up to four onsite staff will be present, including 1 or 2 overnight staff. One overnight staff will be present until or unless the number of individuals in the shelter pods exceeds 25. At that point, 2 overnight staff would be present. **(Affirmative finding)**

- (f) *An emergency shelter may be the primary use of a property, or it may be accessory to another primary use on a property.*

In this case, the emergency shelter will be the primary (albeit temporary) use of the property. **(Affirmative finding)**

Sec. 5.5.1, Nuisance Regulations

The emergency shelter is anticipated to have impacts similar to multi-family housing. Design and management measures, such as enclosed buildings, centralized community spaces, and 24/7 onsite staffing will lessen potential noise and related impacts. Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

Existing pole lights will remain. New outdoor lighting consists of canister and wall-pack fixtures that will illuminate building entries. The proposed fixtures will provide illumination with acceptable low output lamps. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

An erosion prevention and sediment control plan is required for the utility earthwork associated with this project. Review by the city's Water Resources staff is underway. Approval of the erosion prevention and sediment control plan is required prior to construction. **(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

There are no important natural features within the project area. The site is entirely a paved parking lot. **(Affirmative finding)**

(b) Topographical alterations

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views

Not applicable per 24 VSA, Sec. 4413.

(d) Protection of important cultural resources

Not applicable per 24 VSA, Sec. 4413.

(e) Supporting the use of alternative energy

Not applicable per 24 VSA, Sec. 4413.

(f) Brownfield sites

Not applicable per 24 VSA, Sec. 4413.

(g) Provide for nature's events

Not applicable per 24 VSA, Sec. 4413. The city's stormwater standards under Chapter 26 continue to apply.

(h) Building location and orientation

Not applicable per 24 VSA, Sec. 4413.

(i) Vehicular access

Not applicable per 24 VSA, Sec. 4413.

(j) Pedestrian access

Not applicable per 24 VSA, Sec. 4413.

(k) Accessibility for the handicapped

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

(l) Parking and circulation

The property is presently nonconforming as a large parking lot. The parking lot will remain largely as is with the modular buildings installed on top. A small section of the parking lot in the southeast corner will remain available for parking. These parking spaces are located behind the front yard setback and to the side of the community resource center building. The spaces can be accessed directly from the street. The parking spaces are in close proximity to the community resource center and access into the site. **(Affirmative finding)**

(m) Landscaping, fences, and retaining walls

A number of planters will be installed to introduce as least some green space into this temporary facility. Several are located amongst the shelter pods, and a cluster is proposed between the pods and the bathhouse. A relatively large planter will be installed to provide some green space along the front of the community resource center.

The site is presently fenced on three sides with chain link. This fencing will be repaired where needed, and bamboo screening slats will be installed. A new wooden privacy fence with gates is proposed along the front of the property and around the trash and recycling receptacles.

(Affirmative finding)

(n) Public plazas and open space

Shared outdoor space will be located within the center of the site. It will be proximate to the shelter pods and relatively far from adjoining residential properties. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No new ground-mounted mechanical equipment is proposed. **(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 most prominent building onsite, the community resource center, approximates a residence in appearance. It is residential in scale with basic massing and relatively low height. Other buildings onsite are behind fencing and not as apparent from the street. The bathhouse reads as an outbuilding of smaller scale with simple form and massing. All of the shelter pods read as miniature cottages with typically residential characteristics like pitched roofs, front doorways, and windows. **(Affirmative finding)**

2. Roofs and Rooflines

Not applicable per 24 VSA, Sec. 4413.

3. Building Openings

Not applicable per 24 VSA, Sec. 4413.

(b) Protection of important architectural resources

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views

Not applicable per 24 VSA, Sec. 4413.

(d) Provide an active and inviting street edge

Not applicable per 24 VSA, Sec. 4413.

(e) Quality of materials

Not applicable per 24 VSA, Sec. 4413.

(f) Reduce energy utilization

Not applicable per 24 VSA, Sec. 4413.

(g) Make advertising features complimentary to the site

No new exterior signs are included in this proposal. **(Not applicable)**

(h) Integrate infrastructure into the building design

No new rooftop mechanical equipment is proposed. The project plans depict interior mechanical spaces for the community resource center and bathhouse. **(Affirmative finding)**

(i) Make spaces safe and secure

The proposed building must provide adequate egress as required by the building code. Entries will be illuminated. A central emergency access aisle will be provided into the site. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The emergency shelter has no minimum onsite parking requirement. The ~1,400 sf community center requires 5 parking spaces (3.3 spaces per 1,000 sf). A total of 6 parking spaces will be provided onsite. **(Affirmative finding)**

Sec. 8.2.4, Bicycle Parking Requirements

There is no bicycle parking requirement for the emergency shelter. The community resource center is required to have 2 short term bike parking spaces. It is not large enough to require long term spaces. The project plans do not depict an outdoor bike rack. One is required and should be placed near the primary entrance to the community resource center. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, the following items shall be addressed, subject to staff review and approval:
 - a. A wastewater capacity letter from the Dept. of Public Works shall be obtained;
 - b. The front yard setback shall be recalculated based on the 4 neighboring properties (2 on each side), and, if need be, the location of the community resource center adjusted to be compliant;
 - c. A bicycle rack for at least 2 bikes shall be installed near the primary entrance to the community resource center; and,
 - d. The erosion prevention and sediment control plan shall be reviewed and approved by city stormwater staff.
2. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Permitting & Inspections Department the impact fee as calculated by staff based on the net new square footage of the proposed community center building.
3. This zoning permit approval is valid for 3 years, and the site must be returned to its current state or to another approved use immediately following that. Extension of this time will require review and approval by the Development Review Board per Sec. 3.2.9, *Zoning Permits*, (d) *Time Limits on Zoning Permits*.
4. Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available.
5. Hours of construction shall be limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. No work on Sundays.
6. Any new utility lines must be buried.
7. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required.
8. Standard permit conditions 1-15.



Scott Gustin, AICP, CFM
Division Manager
Permitting & Inspections
645 Pine Street, Ste. A
PO Box 849
Burlington, VT 05402-0849

April 6, 2022

**Re: Request for a Unified Certificate of Occupancy
77 Pine Street, People's United Bank Redevelopment Project
ZP #: 20-0453CA**

Dear Scott,

I hope all is well.

The Project at 77 Pine Street is nearing final completion and the owner, Nedde/Bank LLC, is proceeding to obtain a Unified Certificate of Occupancy. However, an issue has arisen for which we seek a determination. Condition 4 of the Zoning Permit provides:

4. As a covered project (Per Article 9 of the Comprehensive Development Ordinance), a base of fifteen percent of all the dwelling units in the project, graduated as specified in Table 9.1.8-1 shall be designated as inclusionary units. The applicant shall provide a Certificate of Inclusionary Housing Compliance issued by the Housing Trust Fund Manager prior to issuance of a Certificate of Occupancy for this project.

The Project has 49 residential units requiring seven (7) inclusionary units. The owner proposes to utilize its by-right payment-in-lieu option provided in Section 9.1.13 of the Burlington Comprehensive Development Ordinance ("CDO"), and to provide the remaining 5 units on-site.

Section 9.1.13 of the CDO provides that "(t)he payment in lieu option may be utilized by right" under two scenarios. The project is located in a census block that meets Section 9.1.13(1):

Covered projects ... may utilize the payment in lieu option subject to the following standards:

- i. The payment in lieu fee shall be \$35,000 per dwelling unit for projects containing 5-16 dwelling units.*
- ii. The payment in lieu fee shall be \$70,000 per dwelling unit for projects containing 17-49 dwelling units*
- iii. The payment in lieu fee shall be \$85,000 per dwelling unit for projects containing 50 or more dwelling units.*

A marginal fee approach shall be used in payment of the in lieu fees. (Example: A 17-unit project would pay a total of \$140,000 (\$35,000 for each of the first two inclusionary units and \$70,000 for the third inclusionary unit).

When the owner requested the required Certificate of Inclusionary Housing Compliance from the Housing Trust Fund Manager, CEDO confirmed the number of required inclusionary units and that the project is located in a census block that meets 9.1.13(1). However, a disagreement has arisen regarding the correct interpretation of Section 9.1.13 of the CDO to establish the amount of the required payment in lieu.

The owner believes that based upon the last sentence of Section 9.1.13 of the CDO, the payment should be based upon a marginal fee approach using the stated example “\$35,000 for each of the first two inclusionary units” for which payment in lieu is made (emphasis added), resulting in the owner’s obligation to pay \$35,000 for each of the two units that will not be inclusionary, for a total of \$70,000 as a payment in lieu.

We understand the Housing Trust Fund Manager has taken the position that \$70,000 is due for each of the two units that will not be inclusionary for a total of \$140,000 as a payment in lieu, based upon a Zoning Administrative Interpretation made by the Director of Permitting and Inspections dated March 4, 2021.

In order to obtain a Unified Certificate of Occupancy for the Project, we request a determination that compliance with Condition 4 of the Zoning Permit and the inclusionary housing certification be deemed fulfilled if the owner pays a total of \$70,000 to the Housing Trust Fund as a payment in lieu of providing two inclusionary units. If you are not willing to make such a determination, we ask that you deem the inclusionary housing certification fulfilled if the owner pays \$70,000 to the Housing Trust Fund and at the same time places an additional \$70,000 in escrow with our firm until a resolution of the dispute as to the interpretation of Section 9.1.13 of the CDO is resolved.

Please let me know if you need any further information or have questions or comments.

Stay well.

Sincerely,

/s/ Liam L. Murphy

Liam L. Murphy, Esq.
lmurphy@mskvt.com



City of
Burlington, Vermont
645 Pine Street

Zoning Determination – Findings

ZP #: 22-222

Tax ID: 049-1-145-000

Issue Date: April 20, 2022

Decision: Adverse

Property Address: 77 Pine Street

Description: Determination request regarding compliance with inclusionary zoning requirements of condition 4, ZP # 20-0453CA, specifically payment in lieu.

This determination is in regard to the above-referenced property, specifically your request that the City of Burlington concur with your proposal to comply with condition 4 of zoning permit 20-0453CA for redevelopment of the 77 Pine Street property.

The redevelopment project includes 49 residential units and, therefore, requires 7 inclusionary housing units per the CDO standards of Article 9. Of the 7 required inclusionary housing units, 5 will be provided onsite as dwelling units within the development. The remaining 2 will be addressed via the payment in lieu option per Sec. 9.1.13 (b) of the CDO. The City concurs that a combination of on-site inclusionary units and payment in lieu option is acceptable for meeting the requirements of Article 9.

The payment in lieu option includes three tiers:

- Projects with 5-16 dwelling units pay in lieu \$35,000 per dwelling unit
- Projects with 17-49 dwelling units pay in lieu \$70,000 per dwelling unit
- Projects with 50 or more dwelling units pay \$85,000 per dwelling unit

A marginal fee approach shall be used in payment of the in lieu fees. For example, a 17-unit project would pay a total of \$140,000 (\$35,000 for each of the first two inclusionary units and \$70,000 for the third inclusionary unit).

The 49-unit redevelopment of 77 Pine Street is in the middle tier. Payment in lieu for the 2 inclusionary units not provided onsite is \$70,000 per dwelling unit. Your proposal to pay the first tier payment in lieu fee of \$35,000 per dwelling unit is inconsistent with this standard and with Zoning Administrative Interpretation 21-02. If just 1 inclusionary unit were to be provided onsite and the rest addressed with payment in lieu, the payment in lieu fee would be \$35,000 for the first unit and \$70,000 for the remaining five units. In your case, 5 inclusionary units will be provided onsite with just 2 addressed via payment in lieu.

The City reviewed the following documents/evidence to form its determination:

- Zoning permit 20-0453CA and all related documentation
- The City's 2008 Comprehensive Development Ordinance as amended
- Zoning Administrative Interpretation 21-02
- Determination request of Liam L. Murphy, Esq dated April 6, 2022

Partial use of payment in lieu to satisfy the inclusionary housing requirements of Article 9 is acceptable. Your proposal to pay \$35,000 in lieu for 2 of 7 required inclusionary housing units is not acceptable.

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board within 15 days after the decision date per Sec. 12.2.2, *Appeals of Administrative Officer Decisions*. Appeals may be filed online at [burlingtonvt.viewpointcloud.com/categories/1098](https://www.burlingtonvt.viewpointcloud.com/categories/1098) or in-person at 645 Pine Street, Burlington, Vermont. <https://www.burlingtonvt.gov/DPI/Appealing-a-Zoning-Decision>

Department of Permitting & Inspections

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

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



ZONING ADMINISTRATIVE INTERPRETATION

ZAI 21-02 Inclusionary Zoning – Payment In Lieu

<u>Reference:</u>	<i>Burlington Comprehensive Development Ordinance, Sec. 9.1.13, Off-Site and Payment In Lieu Options (b) Payment In Lieu Option</i>
<u>Date:</u>	March 4, 2021

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

The following interpretation is to be used regarding the applicability of the *Burlington Comprehensive Development Ordinance* relative to use of the payment in lieu option for only part of a covered project's inclusionary zoning requirement.

This interpretation shall apply for zoning permitting and enforcement purposes only.

The payment in lieu option may be used to satisfy a covered project's inclusionary zoning requirement in whole or in part, subject to the standards of Sec. 9.1.13. If used in part, the marginal fee approach shall still be used and shall be based on the number of dwelling units within the project as articulated by Sec. 9.1.13. For example, a 17-unit project that provides 2 inclusionary units onsite and uses the payment in lieu option for the 3rd inclusionary unit, the payment in lieu fee would be \$70,000.

A handwritten signature in black ink, appearing to read "William Ward".

William Ward, Director of Permitting & Inspections



RECEIVED

MAY 02 2022

BURLINGTON
PERMITTING & INSPECTION

Via Hand Delivery

May 2, 2022

City of Burlington
Development Review Board
Attention: Celeste
645 Pine Street
Burlington, VT 05401

Re: Appeal of ZP # 22-222, 77 Pine Street, Burlington, Vermont dated April 20, 2022

Good afternoon, Celeste,

We have filed an Appeal of ZP # 22-222 through the online permitting system concerning the property located at 77 Pine Street in Burlington, Vermont. Our appeal has been assigned the identifier of #ZAP-22-1. Enclosed please find a check in the amount of \$250.00 for the filing fee and a copy of the Decision that has been appealed.

Please do not hesitate to contact me with any questions or concerns.

Very truly yours,



Liam L. Murphy, Esq.
lmurphy@mskvt.com

Enclosures

C: Nedde/Bank LLC (via e-mail)

Department of Permitting & Inspections

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

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



TO: Development Review Board
FROM: Ryan Morrison
DATE: June 21, 2021
RE: ZP-21-800; 501 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: Vermont Gas Systems, Inc. / Kurt Schueler

Request: Develop a container kitchen/food truck café on the vacant property (café use).

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 7 (Signs), Article 8 (Parking)

Background Information:

The applicant is requesting approval to develop a container kitchen café on the vacant property. The containers proposed for use are steel shipping containers (20 & 40 ft long). A covered seating area will locate centrally on the property, and a one-way pick-up/drop-off driveway is also proposed at the front.

The property is located within the identified Pine Street Canal Superfund Site, and is also classified as a brownfield site. The applicant has been working with the interested parties to ensure compliance with EPA and State requirements.

A similar project was approved for a food trucks/carts, with no permanent structures, in July 2021. This new project will replace the previously approved development. The DAB reviewed this project on January 11, 2022 and on May 10, 2022. A recommendation of approval was made, with the following conditions:

1. Overhangs/awnings should be provided at each ordering window;
2. Provide sufficient lighting at the restroom entries;
3. Add curbing along the driveway to prevent vehicles from driving onto the sidewalk and planting areas;
4. Consider installing solar panels; and
5. Include staff recommendations and conditions.

The applicant updated the plans to include each recommended condition, with the exception of no solar panels at this time. Documentation/plans pertaining to the brownfield and Pine Street Canal Superfund Site are still pending as the applicant continues to work with the involved agencies.

Previous zoning actions for this property:

- **Zoning Permit ZP-21-446;** Develop a seasonal outdoor patio and picnic area that will support up to 4 food trucks, container kitchens and/or food carts (café use). Approved July 8, 2021.

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

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 3: Impact Fees

Section 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in any new non-residential buildings square footage are subject to impact fees.

Impact fees shall be calculated based on the total gross square footage of the principal use. Per the submitted plans, an estimate of the fees is:

SF of Project 1,280

Department	<u>Retail</u>	
	Rate	Fee
Traffic	0.839	1,073.92
Fire	0.227	290.56
Police	0.400	512.00
Parks	0.478	611.84
Library	0.000	0.00
Schools	0.000	0.00
Total	1.944	\$ 2,488.32

(Affirmative finding as conditioned)

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 Review Criteria

(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 project will see new electric and water utilities connected to the site. The proposal should have no appreciable impacts on existing or planned public utilities, services, or facilities. The applicant is advised to check with VT DEC as to whether a state wastewater permit is needed.

(Affirmative finding as conditioned)

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

The Enterprise-Light Manufacturing zoning district is the primary commercial/industrial center of Burlington, and is intended to accommodate enterprises engaged in the manufacturing, processing, distribution, renovating, or assembling of goods, merchandise, or equipment without potential conflicts from interspersed residential uses. Other commercial uses are allowed as primary or accessory uses to support a wide range of services and employment opportunities. The proposed café use is allowed in the zone as a conditional use. **(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;*

Contrary to other uses within the district that may be manufacturing or utilizing machinery and equipment that emit greater volumes of noise and dust, the proposed development will not induce similar nuisance impacts. **(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;*

Pine Street is a major arterial with sidewalks on both sides. There are transit stops within walking distance from the subject property. Pine Street has an articulated bicycle lane as well. There is a robust transportation system in place to support the proposed use. **(Affirmative finding)**

5. *The utilization of renewable energy resources;*

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

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

Required building and/or life safety codes will be under the review of the building inspector. **(Affirmative finding 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 café use is not expected to produce adverse effects that would exceed those of other uses allowed in the ELM zoning district. **(Affirmative finding)**

2. *Time limits for construction.*

The zoning permit will have the standard timelines to complete construction: 1 year from the approval date to commence construction, and 2 more years to complete the project. **(Affirmative finding)**

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

Typical construction hours are Monday-Friday 7:30 am to 5:30 pm, Saturdays limited to interior work unless specific allowances are granted by the DRB, and no construction permitted on Sundays. The café use will operate between the hours of 11:00 am and 10:00 pm. **(Affirmative finding as conditioned)**

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

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

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

Not applicable.

Article 4: Maps & Districts

Section 4.4.3 Enterprise Districts

(a) Purpose

1. *The Light manufacturing district is the primary commercial/industrial center of Burlington, and is intended primarily to accommodate enterprises engaged in the manufacturing, processing, distribution, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment without potential conflicts from interspersed residential uses. ...This district is primarily intended to provide for industrial uses suitable for location in areas of proximity to residential development. Development is intended to respect interspersed in historic industrial buildings, and reflect the industrial aesthetic of the district's past. Parking is intended to be hidden within, behind, or to the side of structures.*

'Café' is a conditional use in the ELM zoning district, which will be the primary use of the property. Parking is not required since the property is within the Multimodal Mixed Use Parking District. The site plan, however, includes three short-term pick-up parking spaces along the entrance drive in the front. **(Affirmative finding)**

(b) Dimensional Standards and Density

Table 4.4.3 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio¹)	Max. Lot Coverage¹	Minimum Building Setbacks¹ (feet)			Max. Height₁ (feet)
			Front	Side	Rear³	
Light Manufacturing	2.0 FAR	80%	5 min	0 ²	10% ²	45'
501 Pine Street	n/a	78.4%	Approx. 17 ft to the closest	5' to the food truck	A 60' deep lot requires a	< 45'

			container.	pads.	6 ft rear yard setback. The site plan shows a 6 ft rear yard setback to the containers.	
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1 – Floor area ratio is further described in Art 5. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.

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

3 – Percentage of the lot depth.

The property does not abut a residential zoning district. **(Affirmative finding)**

(c) Permitted and Conditional Uses

Cafés are Conditional Uses in the E-LM. See Section 3.5.6 (a), above. **(Affirmative finding)**

(d) District Specific Regulations

1. *Convenience Stores* Not applicable.

2. *Drive Thrus* Not applicable.

Article 5: Citywide General Regulations

Part 5, Performance Standards

Sec. 5.5.2 Outdoor Lighting

The application notes bollard and wall pack lighting. The spec sheets provided for these light fixtures indicate compliance with the lighting standards of this section. **(Affirmative finding)**

Sec. 5.5.3 Stormwater and Erosion Control

The applicant submitted Erosion Prevention / Sediment Control and stormwater plans. These plans will be reviewed by the Stormwater Program Manager to ensure compliance with the wastewater, stormwater and pollution control regulations of Chapter 26, Burlington Code of Ordinances. Approval of these plans will be required prior to release of the zoning permit.

(Affirmative finding as conditioned)

Sec. 5.5.4, Tree Removal

(a) Review criteria for zoning permit requests for tree removal

(1) Grounds for approval

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be permitted for any of the following reasons:

D. As part of a development with an approved zoning permit.

The project site will be cleared of trees as part of the proposed development. **(Affirmative finding)**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

(a) Protection of Important Natural Features:

There are no natural features as identified in the Natural Resources Overlay map within the property. The site is currently undeveloped and will be cleared to make way for the proposed development. Tree removal will occur to make way for the proposed development. **(Affirmative finding)**

(b) Topographical Alterations:

The applicant expects there to be 2-4 feet of site grading/excavation to make way for the development. The end result of the project, however, will see insignificant topographic alterations. **(Affirmative finding)**

(c) Protection of Important Public Views:

There are no protected public views from the parcel. Not applicable.

(d) Protection of Important Cultural Resources:

There are no cultural resources on the subject property. Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

Clearing the lot will allow for natural sunlight. No other renewable resources are proposed nor required, but always encouraged. **(Affirmative finding)**

(f) Brownfield Sites:

The property is an identified brownfield site and is also located within the Pine Street Canal Superfund Site. The applicant has stated that he has been working with VT DEC to meet compliance with their requirements in order to develop the property. No information has been submitted regarding this, but ensuring compliance with DEC and EPA requirements will be a condition of this permit. **(Affirmative finding as conditioned)**

(g) Provide for nature's events:

An approved Erosion Prevention and Sediment Control plan, as well as a stormwater plan, will be required prior to the release of the zoning permit. Since the café use will operate between May and November, snow storage should not be a concern. The development will see a covered seating area, and awnings over the customer ordering windows. **(Affirmative finding as conditioned)**

(h) Building Location and Orientation:

The container structures will locate along the periphery of the lot, with a two-story covered seating area. Also a second story container kitchen is also proposed at the property's rear. The general layout provides for an open central area, well seen from Pine Street. **(Affirmative finding)**

(i) Vehicular Access:

The development proposes direct access off Pine Street with two curb cuts to allow for an easy, one-way circulation pattern. See site plan. **(Affirmative finding)**

(j) Pedestrian Access:

Pedestrians will have direct access from the Pine Street sidewalk. Internal walkways and stairs will be provided for access to the café use. **(Affirmative finding)**

(k) Accessibility for the Handicapped:

The building inspector has jurisdiction over ADA requirements, and the proposal must comply with the Burlington Code of Ordinances. **(Affirmative finding as conditioned)**

(l) Parking and Circulation:

The development will have a one-way driveway (with two curb cuts on Pine Street), and three parking spaces for food pick-ups/deliveries. The width is adequate to allow for both the parking spaces and the thru lane. **(Affirmative finding)**

(m) Landscaping and Fences:

The site plan shows two planter boxes that will act as a barrier to the area behind the flanking trailers. Also included is ornamental grass in the Pine Street right-of-way greenspace. A retaining wall will be installed along the rear and south side property lines, and along a small portion of the north side property line. **(Affirmative finding)**

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

The applicant has submitted lighting spec sheets, and the plans show where the fixtures will locate. Pendant lighting is shown above the seating area and restroom entrances, and bollard light posts will locate at the front of the covered seating area. **(Affirmative finding)**

(p) Integrate infrastructure into the design:

Electric and water utilities will be provided underground. No other utilities are proposed. The site plan identifies trash/recycling areas. Standard waste/recycling bins will locate in front of the side-flanking containers where customers will pass on their way off the site. These bins will need to be visually screened from the Pine Street right-of-way. Larger trash/recycling bins will be placed in a nook, out of sight from the Pine Street right-of-way. **(Affirmative finding as conditioned)**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The massing, height, and scale of the proposed development is less than that of nearby development. The use of shipping containers for the café is unique, but fitting for the ELM zoning district.

2. Roofs and Rooflines.

The container structures will have flat roofs, and the covered seating area will have a glazed roof.

3. Building Openings

The only openings on the containers appear to be for employee access, and customer ordering windows. **(Affirmative finding)**

(b) Protection of Important Architectural Resources:

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

Not applicable.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

In arrangement, design and appearance, the design provides an active and inviting street edge. The site layout is clearly discernable from the street front. **(Affirmative finding)**

(e) Quality of materials:

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

The shipping containers are made of steel, so they will be durable throughout all seasons. The glazed roofing and steel beam support structure (covered seating area) will also be durable for all seasons. **(Affirmative finding)**

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. The proposal is for an outdoor café, where heating shouldn't be much of a concern. However, it is likely that portable propane heaters will be used on chillier days. The applicant notes that solar panels may be installed on the seating area's roof. While not a requirement, use of solar energy is always encouraged. **(Affirmative finding)**

(g) Make advertising features complementary to the site:

The plans show wall signs for each container café which appear to be compliant with the size and placement requirements/limitations for wall signs. Prior to the release of the zoning permit, the applicant will have to provide details for each sign, highlighting dimensions and the materials to be used. **(Affirmative finding as conditioned)**

(h) Integrate infrastructure into the building design:

Underground electric/water utilities (and assuming gas) will be used. No other infrastructure is noted. Venting will locate on the rear of the container kitchens. **(Affirmative finding as conditioned)**

(i) Make spaces secure and safe:

The proposed development must comply with all building and life safety code as defined by the building inspector and fire marshal. **(Affirmative finding as conditioned)**

Article 7: Signs

Sec.7.2.13: Wall Sign

Specifications

Height (max)	No higher than the floor level of the second story.
Area (max)	• 2 sf per linear foot of street frontage, or elevation where no street frontage is available, associated with a first floor tenant. • 10 sf for a second floor tenant with only a ground floor entryway. • In no case may the total area of all Wall Signs exceed the lesser of two hundred (200) square feet or fifteen (15%) per cent of the area of the façade or elevation to which they are attached. • A Wall Sign in any residential district shall not exceed 6-sf in area. • A Wall Sign in a RCO-R/G district shall not exceed 20-sf in area.
Depth/Projection (max)	12-in max. from the facade

Dimensions have not yet been provided, but the wall signs shown on each container kitchen above the ordering windows will easily comply with the size limitations set forth above. The applicant will have to provide specific dimensions for each sign proposed, and note their material. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The property is located within the Multimodal Mixed Use Parking District, where parking requirements have been eliminated. The applicant proposes three short term parking spaces along the driveway for to-go food pick-ups. **(Affirmative finding)**

Sec. 8.2.4, Bicycle Parking Requirements

Bicycle parking for retail sales and service is required at the rate of 1 space per 12,000 sf of gross building area (long term) and 1 space per 2,000 sf of gross building area (short term). Based on a total building area of 1,280 sf, the development will require 1 long term space and 1 short term

space. The plans indicate two bike racks with 10 short term bike spaces. The plans do not indicate 1 long term bike space, and will need to. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. **At least 7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the City Treasurer's Office or Planning and Zoning office impact fees as calculated by staff based on the net new square footage of the proposed development. As submitted, impact fees are:

SF of Project 1,280

Department	<u>Retail</u>	
	Rate	Fee
Traffic	0.839	1,073.92
Fire	0.227	290.56
Police	0.400	512.00
Parks	0.478	611.84
Library	0.000	0.00
Schools	0.000	0.00
Total	1.944	\$ 2,488.32

2. **Prior to the release of the zoning permit**, the associate Erosion Prevention and Sediment Control plan, as well as the stormwater plan, shall be approved by the Stormwater Program Manager.
3. **Prior to the release of the zoning permit**, the applicant shall submit specs on each proposed sign, including dimensions and materials.
4. **Prior to the release of the zoning permit**, the plans shall be revised to include the following:
 - screening of the trash/recycling bins located in front of the container kitchens; and
 - one long-term bicycle parking space.
5. **Prior to the start of construction**, the applicant shall obtain all necessary approvals/permits from VT DEC and the EPA with regard to the brownfield site and the Pine Street Canal Superfund Site.
6. **Prior to the start of construction**, the applicant shall obtain curb cut approval from the Dept. of Public Works for the proposed curb cuts on Pine Street.
7. All utilities serving the site shall be underground.
8. Construction hours shall be limited to Monday-Friday 7:30 am to 5:30 pm, Saturdays limited to interior work unless specific allowances are granted by the DRB, and no construction permitted on Sundays
9. A state wastewater permit may be required. It is the applicant's responsibility to inquire with VT DEC as to whether such permit is necessary.
10. Any future enlargement or alteration shall be reviewed under the zoning regulations in effect at that time.
11. 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.

12. Standard permit conditions 1-15.

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

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



TO: Development Review Board
FROM: Scott Gustin
DATE: June 21, 2022
RE: ZAP-22-1; 77 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: FD6 Ward: 3C

Owner/Appellant: Nedde Bank, LLC / Liam Murphy, Esq.

Request: Appeal of adverse determination regarding compliance with inclusionary zoning requirements of condition 4, ZP #20-0453CA, for payment in lieu for inclusionary housing units.

Overview:

The appellant is seeking to reverse an adverse administrative determination issued relative to partial payment in lieu for inclusionary housing requirements. 77 Pine Street was approved as a mixed use renovation of the People's United Bank building containing 49 residential units, a bank, and a café. Given the number of residential units, the project is required to provide inclusionary housing units. In this case, the applicant is looking to provide 5 of the 7 required inclusionary housing units onsite and to provide a payment in lieu for the remaining 2 inclusionary units. The crux of the matter is the applicable fee due for these 2 units per the standards of Sec. 9.1.13 (b), *Payment In Lieu Option*, of the Comprehensive Development Ordinance.

Recommendation: **Uphold adverse determination** based on the following findings:

I. Findings:

The appellant is looking to address the inclusionary housing requirements associated with the redevelopment of 77 Pine Street. As noted above, the inclusionary housing requirement is 7 units. The appellant is seeking to provide 5 of those inclusionary units onsite within the building and to provide a payment in lieu for the last 2 inclusionary units. The city concurs that addressing the inclusionary housing requirement with a mix of onsite and payment in lieu is acceptable.

Following an initial discussion about the matter between city staff and the developer some months ago, the appellants filed a request seeking an official determination as to their proposed method of compliance with the inclusionary zoning requirements for 77 Pine Street. The determination request was filed April 6, 2022.

Sec. 9.1.13, *Off-Site and Payment In Lieu Options*, (b) *Payment In Lieu Option* of the CDO reads, in part:

(1) Covered projects located in a census block where more than fifty-one percent (51%) of the residents are below eighty percent (80%) AMI as determined by HUD's Low- and Moderate-Income Summary Data may utilize the payment in lieu option subject to the following standards:

- i. The payment in lieu fee shall be \$35,000 per dwelling unit for projects containing 5-16 dwelling units.
- ii. The payment in lieu fee shall be \$70,000 per dwelling unit for projects containing 17-49 dwelling units.
- iii. The payment in lieu fee shall be \$85,000 per dwelling unit for projects containing 50 or more dwelling units.

A marginal fee approach shall be used in payment of the in lieu fees.

(Example: A 17-unit project would pay a total of \$140,000 {\$35,000 for each of the first two inclusionary units and \$70,000 for the third inclusionary unit}.)

77 Pine Street is located within an area eligible for this payment in lieu option. Note the marginal fee requirement. The 49-unit project requires 7 inclusionary units. It is a middle tier (subsection ii) project. The appellants propose a payment in lieu fee of \$35,000 for each of the inclusionary housing units not constructed within the building. In doing so, they argue that their payment in lieu addresses the first 2 of the required 7 inclusionary units and should, therefore, be subject to a per-unit fee of \$35,000.

An adverse determination was issued April 20, 2022:

This determination is in regard to the above-referenced property, specifically your request that the City of Burlington concur with your proposal to comply with condition 4 of zoning permit 20-0453CA for redevelopment of the 77 Pine Street property.

The redevelopment project includes 49 residential units and, therefore, requires 7 inclusionary housing units per the CDO standards of Article 9. Of the 7 required inclusionary housing units, 5 will be provided onsite as dwelling units within the development. The remaining 2 will be addressed via the payment in lieu option per Sec. 9.1.13 (b) of the CDO. The City concurs that a combination of on-site inclusionary units and payment in lieu option is acceptable for meeting the requirements of Article 9.

The payment in lieu option includes three tiers:

- Projects with 5-16 dwelling units pay in lieu \$35,000 per dwelling unit
- Projects with 17-49 dwelling units pay in lieu \$70,000 per dwelling unit
- Projects with 50 or more dwelling units pay \$85,000 per dwelling unit

A marginal fee approach shall be used in payment of the in lieu fees. For example, a 17-unit project would pay a total of \$140,000 (\$35,000 for

each of the first two inclusionary units and \$70,000 for the third inclusionary unit).

The 49-unit redevelopment of 77 Pine Street is in the middle tier. Payment in lieu for the 2 inclusionary units not provided onsite is \$70,000 per dwelling unit. Your proposal to pay the first tier payment in lieu fee of \$35,000 per dwelling unit is inconsistent with this standard and with Zoning Administrative Interpretation 21-02. If just 1 inclusionary unit were to be provided onsite and the rest addressed with payment in lieu, the payment in lieu fee would be \$35,000 for the first unit and \$70,000 for the remaining five units. In your case, 5 inclusionary units will be provided onsite with just 2 addressed via payment in lieu.

The City reviewed the following documents/evidence to form its determination:

- Zoning permit 20-0453CA and all related documentation
- The City's 2008 Comprehensive Development Ordinance as amended
- Zoning Administrative Interpretation 21-02
- Determination request of Liam L. Murphy, Esq dated April 6, 2022

Partial use of payment in lieu to satisfy the inclusionary housing requirements of Article 9 is acceptable. Your proposal to pay \$35,000 in lieu for 2 of 7 required inclusionary housing units is not acceptable.

An appeal of this determination was filed May 2, 2022 within the 15-day appeal period. No additional documentation has been provided with the appeal. The appellants are relying on the argument put forth in their determination request.

The payment in lieu tiers in Sec. 9.1.13 (b) are intended to provide costs proportionate to a project's size and ability to meet its inclusionary requirements. Smaller projects have lesser costs, while larger projects have increased costs. This intent is reflected in Zoning Administrative Interpretation 21-02. Fundamentally, larger projects pay a higher payment in lieu fee. To allow middle and top tier projects to provide payment in lieu fees at the lowest rate as proposed by the appellants would be inconsistent with this intent.

II. Recommended Motion:

Uphold the adverse determination.

Ryan Morrison

From: Andrew Simon <sanschagrins@gmail.com>
Sent: Thursday, June 16, 2022 1:47 PM
To: Ryan Morrison
Subject: ZP-21-800; 501 Pine Street

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

Ryan,

Please include this communication into the DRB's packet for June 21.

To the Development Review Board:

I have serious concerns/questions about the proposed "container kitchen/food truck café at 501 Pine Street Gatehouse.

- 1.
- 2.
3. COMPATIBILITY. It is expected that 501 Pine Street, the area surrounding Mr. Schueler
4. parcel, will be moved, with the support of the new owner, into conservation zoning and will be joined to the 24 acres of current RCO zoning at the Barge Canal. The proposed use would be incompatible with future conservation uses of the surrounding land.
- 5.
- 2.
- 3.
4. TREES. Despite the applicant's original assertion that the previous use for 501 Gatehouse
5. was as a "parking lot" (demonstrably untrue), there are currently 26-30 mature trees on the property. These trees are currently stabilizing soil, sequestering carbon, and potentially are containing toxins (see below) from the soil. Removal of the trees would
6. impair the ecological benefits derived from their presence at the site.
- 7.
- 3.
- 4.
5. HISTORICAL SIGNIFICANCE. The Pine Street Barge Canal is an area of historical significance.
6. The site of the proposed development is precisely where the Burlington Gas Light Company manufactured gas plant was located for 60 years. The wetlands to the west and north were hunting/fishing/gathering grounds for native Abenaki residents. The canal itself

7. contains several sunken 19th century canal sailing barges, vestiges of Burlington's once-thriving lumber mills.. The industrial, natural and indigenous heritage of this area will be documented and honored in the future municipal park. Consider carefully whether
8. the proposed food truck/container café fits into this picture.
- 9.

- 4.
- 5.
6. SAFETY FOR FOOD SERVICE.
7. The Phase II Environmental Assessment
8. of the site conducted in 2021 by the Nobis Group found levels of vanadium, a toxic heavy metal associated with the manufactured gas plant, that exceeded Vermont Non-Residential Standards in all soil borings at 501 Gatehouse. There were also significant amounts
9. of polycyclic aromatic hydrocarbons (PAHs) and total petroleum hydrocarbons (TPHs) present though not exceeding Vermont's
10. *Non-Residential*
11. Standards. It is reasonable to question whether this area will be safe for a food service business.
- 12.

- 5.
- 6.
7. POTENTIAL MIGRATION OF TOXINS. Given the documented presence of hydrocarbons and heavy
8. metals in the soil at 501 Gatehouse and given the 56 "contaminants of concern" identified by EPA at the Pine St. Superfund Site, there is significant potential for excavation on the site, even the 2-4 feet of digging mentioned in the application – to cause
9. migration of toxins down gradient to Lake Champlain.
- 10.

- 6.
- 7.
8. STORMWATER IMPACTS. Given the significance of the Pine Street Barge Canal in Burlington's
9. stormwater system, it should be considered carefully whether paving and covering over the acres of this site could have an adverse impact on stormwater retention and processing.
- 10.

- 7.
- 8.
9. TRAFFIC FLOW ON PINE STREET. Has there been a traffic study to determine the impact

10. of the proposed development on traffic flow, already congested on Pine Street and/or the future Champlain Parkway? How will turning cars into the food container area affect bicyclists and pedestrian safety? Will parking for the food service area overflow on to
11. Pine Street, with people crossing in mid-block to get to the west side? This small project could have big consequences for car drivers, cyclists and pedestrians, not to mention residents of Jackson Terrace across the street.
- 12.
- 8.
- 9.
10. LIGHT POLLUTION. Even with lights that conform to the DAB's guidelines, the evening
11. activity of the food containers will increase the light pollution in the area and will risk negatively impacting flying insect populations.
- 12.

Thank you for your consideration of these concerns. I plan to attend the 6/21 Public Hearing to elaborate on them.

Andy Simon
54 Locust Street

From: Michael Chamness <mchamness@uscrimail.org>
Sent: Monday, June 20, 2022 1:17 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Marcella Gange <mgange@burlingtonvt.gov>; Brian Pine <bpine@burlingtonvt.gov>
Subject: Public Comment Support of 51 Elmwood Ave Shelter Project

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

Dear Scott Gustin,

As a resident of 48 Elmwood Ave, I'd like to offer my full support for the 51 Elmwood Ave Shelter Project planned for the lot located across the street. I have attended a few of the public information events and came away from the sessions with both a greater understanding of the value and need for the pod village plan and confidence that the city will provide the necessary oversight and management to ensure the project is successful and responsive to the Elmwood Ave community. With an anticipated fall implementation date, it's critical that the project be approved by the Development Review Committee as soon as possible in order to shelter residents in time for the colder fall and winter months. I have had a number of conversations with Brian Pine about the infrastructure details, intended services to be offered, various public outreach approaches, site management plan, and overall expectations and limitations of the pod village project and feel confident the plan is feasible, appropriate for the location, and will meet a dramatic need for temporary shelters and safe short-term housing for our growing population of unhoused and homeless neighbors.

Over the last three years I've been volunteering with a few regional community service organizations and mutual aid groups that are dedicated to helping our local unhoused and homeless neighbors secure hot meals, camp gear, clothing, cellphones, personal care items, and other essentials year-round and can attest that the pod village concept is at the top of the wish list for the unhoused (or precariously housed) people we serve. So I again strongly endorse the need for the project and hope you and the Development Review Committee can approve the project as soon as possible.

I am also including a copy of a report issued by the Ad Hoc Committee on Homelessness in 2020 from the Town of Hartford that outlines a series of recommendations for addressing homelessness in various need areas, including temporary housing, resident storage, and dedicated sheltering areas within a community to help meet immediate needs and alleviate displacement. A number of conclusions and recommendations listed in the report reinforce policy choices and the pod village concept in many ways. Over the last 25 years I've been active with various activist groups, mutual aid programs, and faith-based organizations that serve the unhoused and homeless in AZ, CA, CO, and VT and was a founding co-coordinator of Upper Valley Giving Emergency Aid and Resources (UVGEAR) in 2018 in Hartford, VT (www.uvgear.org). In spring 2019, I had the honor of being chosen by the Hartford Selectboard to serve on the Ad Hoc Committee on Homelessness and again would like to highlight that the report issued by that committee supports the overall intent, strategy, and approach of the pod

village proposal.

Thank you for your consideration and feel free to reach out anytime for any additional information and details on the projects referenced above.

Please note that I'm forwarding this email from my work email address and that my opinions and statements are my own and not those of USCRI Vermont.

Thank you,

Mike Chamness

Final Report: *Homelessness in the Upper Valley*
Issued by the Hartford Ad Hoc Committee on Homelessness
February 23, 2020

Committee Members:

Mike Chamness
Michael Redmond
Jesse Vazzano
Scott Fletcher
Renee Weeks
Michelle Kersey
Dan Fraser, liaison to Hartford Select Board

Ex-Officio

Lori Hirschfield, Planning Department
Sgt. Karl Ebbighausen, Police Department
Whitney Hussong, Police Department
Noel Bryant, Hartford Schools Department
Brannon Godfrey, Hartford Town Manager

Background

Over the course of the last few months the Hartford Ad Hoc Committee on Homelessness has met biweekly to examine the state of homelessness in the Upper Valley with the goal of exploring possible short, intermediate and longer-term responses for the Town. The charge of this committee was to compile and issue a report in February 2020 that provides a high-level view of the issue and possible solutions/timelines, as well as a possible cost of any proposed projects. The charge also asks the Ad Hoc Committee to propose regional solutions that are addressed to the towns of Hartford, Lebanon, Hanover and Norwich. Committee meetings were open to the public and committee members encouraged members of the public, including people who are homeless, to attend and share their perspectives/experience and any ideas they may have to reduce the incidence of homelessness and to address issues they face as they navigate services in the Upper Valley.

To get a better sense of the scale and magnitude of the issues being explored, the committee created smaller subcommittees to advance our analysis. Those were Data; Resources/Stakeholders/Partners; Issues and Causes; Funding Sources; and Goals/Process. During its period of activity, the committee gave a very brief overview of its charge at the state's forum on homelessness at the LISTEN Center in White River Junction in early November 2019. This forum was organized by the regional Continuum of Care with the goal of increasing community knowledge of the systems and services in place to reduce homelessness and housing insecurity and to inform the four town governments and committees focused on homelessness so that best ideas emerge.

The committee hosted several guest speakers to inform members of actions and plans of other municipalities and agencies. These included Lynne Goodwin, Human Services Director for the City of Lebanon, Sheila Young from Turning Point, and Georgia Hanchett-Dean from the LISTEN Center. Four homeless residents have attended and provided valuable input. Representatives from St. Paul's Episcopal Church also attended a meeting to share information about how it has supported people who are homeless and ideas to mobilize other community churches.

The committee presented a draft version of its report to the Hartford Selectboard in January and proposed inclusion of a \$15,000 expense item to support the needs of people who are homeless and unsheltered, living outside and in cars.

From these presentations and the extensive knowledge of the issues and challenges held by the Ad Hoc Committee members, it is clear that the homeless problem is a truly interregional/interstate issue. Coordination between and among states and regional agencies and providers is critical. The recommendation of this committee is that the town governments consider how to share the cost of providing essential services that complement those already in place funded by the state, the towns and through private charity.

Estimates of the Scope of the Problem of Homelessness

One of the points of investigation of the Ad Hoc Committee was to provide an estimate of the scope of the problem of homelessness in the four-town region. Committee members who work in this program area confirmed that a simple count or single definition of the problem is elusive. Rather, housing insecurity exists along a continuum. These categories include:

- camping outside
- living in cars
- those who are doubled up with friends or couch surfing
- people sheltered at the Upper Valley Haven in one of its emergency shelters
- transient populations living in motels at their own expense or through subsidies provided by government or charities
- those at risk of eviction
- emergencies that occur through incidences of domestic violence that result in homelessness
- individuals and families who are housing insecure because they are paying more than 50% of their income on housing expenses, a commonly used standard of “severe rent burden.”

The Ad Hoc Committee also is aware that solutions for some people who are homeless or housing insecure are complicated by other factors such as having pets that also need shelter, substance use, untreated mental health challenges, poor rental histories, and eviction histories.

One estimate of the number of homeless individuals and families occurs through the annual homeless **Point in Time Count**. Taking place every January, this is a national count of people who are “literally homeless” by the definition of HUD.¹ Not included in this definition are people

¹“Literal homelessness” is defined as Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning: (i) Has a primary nighttime residence that is a public or private place not meant for human habitation; (ii) Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or (iii) Is exiting an institution where (s)he has

who are doubled up with friends or “couch surfing” among other categories. According to the 2019 Vermont Point in Time (PIT) Count, an unduplicated statewide count of persons experiencing literal homelessness on a single night in January, the overall number of homeless in Windsor County decreased from 2018 to 2019 (125 to 91), but demand for regional homeless and housing services remains high. One reason that is believed to have contributed to this decrease was the opening of the Parkhurst building in Lebanon in August 2018. Tenants in Parkhurst had to meet the HUD definition of chronically homeless. Fifteen of the 18 units were occupied by adults who had been sheltered at the Haven. Regionally, the number of unsheltered and precariously housed individuals increased by 37% between these two years.

Of interest, the City of Lebanon conducted a supplemental PIT count in September 2019 that covered lower Grafton County with a more inclusive definition of homelessness that counted 115 people, both adults and children. (See page 19 of this report for more information about the supplemental 2019 Grafton PIT Count.)

The most recent Point in Time Count that occurred just a few weeks ago in January 2020 provides additional data points. These numbers are unofficial and as noted above do not measure the entire problem of homelessness and housing insecurity but are nonetheless quite useful for the goals of this report. The data cited here was submitted by the Haven and the City of Lebanon. Other organizations in Windsor County also submitted reports for the PIT.

The Haven submits reports to Vermont for the PIT count and informs New Hampshire of the individuals being sheltered at the Haven who are from New Hampshire during its PIT count. This year, the Haven submitted forms for a total of 75 people in the PIT Count. This included **sixteen (16)** households who were **unsheltered**, meaning camping or living in cars or other places “not intended for human habitation”. Of these, fourteen were single adults and two were families. Of the two families, one had two persons and one had three persons. The Haven also submitted forms for **44 people staying in the year-round shelters** (20 in the Hixon Adult Shelter and 24 in the Byrne Family Shelter). Finally, the Haven’s **Seasonal Shelter was full with 15 guests**.

The Haven informed New Hampshire that ten of the guests included in the PIT were from New Hampshire.

The City of Lebanon reported 29 sheltered and 16 unsheltered people in its PIT count. The sheltered group included 12 provided temporary shelter by Lebanon Human Services, four individuals in temporary housing offered by WISE who had experienced domestic violence and thirteen people living in the Headrest recovery programs which are classified as transitional housing.

Measuring the number of homeless people in addition to the single “point in time” count is more challenging. One recent study found that the number of people that use a homeless

resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

program at some point throughout the year is almost three times higher than the number of people counted as homeless on a single night (HUD 2015. **The 2014 Annual Homeless Assessment Report to Congress: Part 2. Estimates of Homelessness in the United States.** Washington, DC: US Department of Housing and Urban Development). Of interest, anecdotal evidence from the Hartford Police Department estimating the number of people who are unsheltered during the non-winter months is about three times the number counted in the 2020 Homeless PIT Count (See below).

Not all users of homeless shelters are the same or place the same burdens on society for services and support. An Urban Institute study (**Improving Measures of Housing Insecurity: A Path Forward, 2016**) cites research which revealed three main patterns of service use among homeless individuals: transitional, episodic, and chronic distinct groups. Roughly 80 percent of individuals in the shelter system are transitional users with a single, relatively short stay in a shelter. They typically did not return to the homeless system after exit. Ten percent of individuals used homeless shelters episodically, i.e. having multiple shelter stays spread over a long period of time. Ten percent of individuals were chronic shelter users. These individuals tended to be older and chronically unemployed and used shelters as long-term housing at great expense to local systems. Chronic shelter users accounted for half of all shelter costs. (Kuhn and Culhane, 1998. **“Applying Cluster Analysis to Test a Typology of Homelessness by Pattern of Shelter Utilization: Results from the Analysis of Administrative Data,”** American Journal of Community Psychology 26 (2): 207–32).

The Urban Institute study noted, “Policymakers have used this information to focus resources on helping people experiencing chronic homelessness find and maintain permanent housing with case management and other services. The research has helped spur a major increase in permanent supportive housing targeted to people experiencing chronic homelessness and a national adoption of Housing First² principles that have been shown to be effective for serving that population.” These are the principles followed by the Haven and other organizations that focus on helping people move from homelessness to housing security.

The Hartford School District estimates that there approximately 50 youth in school who meet the definition of homeless. More information about this population is included below.

UV Giving Emergency Aid & Resources (UVGear) distributed over 130 tents and sleeping bags to people in need during the summer/fall of 2019 (About 20-30% received multiple supply deliveries) and assists on average about 12-15 unsheltered individuals on an ongoing basis with supplies at campsites during the winter months.

² From the National Alliance to End Homelessness, “Housing First is a homeless assistance approach that prioritizes providing permanent housing to people experiencing homelessness, thus ending their homelessness and serving as a platform from which they can pursue personal goals and improve their quality of life. This approach is guided by the belief that people need basic necessities like food and a place to live before attending to anything less critical, such as getting a job, budgeting properly, or attending to substance use issues. Additionally, Housing First is based on the theory that client choice is valuable in housing selection and supportive service participation, and that exercising that choice is likely to make a client more successful in remaining housed and improving their life.”

According to Hartford PD Sergeant Karl Ebbighausen, there are approximately 12-15 people camping in the greater Hartford area any given day from summer to fall. This number declines in the winter. In addition, the Sergeant Ebbighausen reported at an Ad Hoc Committee meeting that throughout the year, there are 20-30 people in Hartford who are without a fixed residence and not staying in a shelter or transitional housing who are more transient. Some are passing through town but live in their cars for a few days in the community. Others arrive in town from out of state who are in violation of parole or with warrants for arrest. It was reported that they will stay in the area for a period and then return to their home communities. Also included in this number are people who live in their cars or sleep outside.

In addition, there are people who can couch surf for a while in the homes of friends. People also will reside for longer terms in area motels. Some pay their own way; others are subsidized by the State of Vermont Economic Services Department (ESD) or the City of Lebanon Human Services which provide vouchers for a month or longer in some circumstances. During the winter Vermont ESD will provide motel vouchers during Adverse Weather Conditions (below freezing or snowing) when the Haven's seasonal shelter is filled.

The Upper Valley Haven Shelters

Throughout the year, the Haven provides shelter to people in need of a place to stay on an emergency basis. The Haven has provided shelter since it was founded in 1980. The Haven has three shelters. The current Hixon Adult Shelter opened in 2009. It has ten rooms with 20 beds. The average length of stay is about 65 days. It is a "dry" shelter meaning that guests cannot actively be using drugs or alcohol or be unable to maintain sobriety. In the last state fiscal year (July 2018 – June 2019) 88 guests stayed at Hixon. The Byrne Family Shelter opened in 2004. It can house 8 families. It too is a dry shelter. All units have at least one parent and one child in residence. Most two parents and more than one child. Average length of stay has been climbing. In FY2019, it was over 130 days. In this same period 31 families stayed Byrne. Both shelters are typically occupied at 100%. In both shelters, guests are selected from the Master List of people seeking housing assistance. Those with the greatest housing insecurity (homeless or precarious) are given priority for a bed or room in the shelters.

The final shelter is the Haven's Seasonal Shelter opened from late November through mid-April. The shelter, located in the Caruso Café in the Byrne Community Building on the main campus on Hartford Avenue, can accommodate 15 adults. Guests register starting at 5:30 pm each evening. They are provided with dinner (supplied by LISTEN, Inc.), access to a shower and companionship. Guests can also use storage at the Haven for storing some of their possessions. Guests are asked to leave each morning at 7am as the room is needed for other Haven programs. Many will return for breakfast at 8:30. So far this year the shelter has only occasionally been at capacity. Average census has been about 12-13 guests each evening. When the Seasonal Shelter is filled on nights in which "adverse weather conditions are in effect", people who arrive at the Haven can call Vermont 211 to seek a voucher for a motel stay.

Homelessness in the Context of Youth and Students

Data from the past 10 years (2009-19) shows that Hartford School District averages about 50 homeless students annually. However, homeless numbers are down significantly thus far this year. To date, the district indicates it has about 22 homeless students. Administrators hypothesize this may be due to a lack of low-income housing, forcing families to withdraw their students from our district and go elsewhere to find permanent housing. This lack of affordable housing also impacts transportation costs because when families do obtain stable housing, the *McKinney Vento Act* entitles them to stay at their school of origin for the remainder of the year while districts split the cost of this transportation.

To support homeless students, the district trains all staff in the challenges faced by the homeless and identifies and tracks homeless students in the system. Each school budget funds (often through fundraising and donations) provides families with food access programs on weekends and holidays. Each school also keeps basic clothing and hygiene supplies on hand to distribute to children that need it. The district supplies additional funds to supplement more specific needs (such as clothing and school supplies) as they arise. When families register at one of the schools and self-identify as homeless, the school will provide them with a “Parent Pack” that includes resources, ways to support their student in school, their rights as laid out in Federal homeless legislation, and contact information for the district and state homeless liaisons.

Perhaps the greatest cost burden is in providing transportation to homeless students not living within the district. The *McKinney-Vento Act* stipulates that children that are homeless and staying outside of a district’s catchment area (as in a hotel), may choose to remain at their “school of origin” (the school they attended when becoming homeless). The two districts (the district with the school of origin and the district where the child is staying) must share the cost of transporting the student to the school of origin. Hartford School District has seen these costs skyrocket over the past three years. The district consistently struggles to identify and retain providers able to transport these students.

Noel Bryant, Assistant Superintendent of the Hartford School District and member of the Hartford Ad Hoc Committee on Homelessness, forwarded the committee a statement that homeless children in the school district would benefit from any additional funding supplied to support their needs.

Vermont and NH Government Services

State and local governments in Vermont and New Hampshire provide services directly or through contracts with local providers to meet some of the needs of people who are homeless and insecurely housed. These include the following:

- Vermont Agency for Human Services (AHS) Office of Economic Opportunity provides grant support to the Haven for its shelter programs. Most (86%) of the Haven's shelter services are funded through charitable contributions from the Upper Valley community.
- VT AHS funds the 211 program which provides telephone and web-based service referrals for the general population. The 211 Program also coordinates the motel voucher program during "adverse weather conditions" during the winter. Vouchers are available once the Haven's seasonal shelter is filled. There is no similar program in New Hampshire.
- The Vermont Department of Economic Services Emergency Housing program also provides motel vouchers for longer stays to individuals and families on an individual needs-assessment such as for medical needs and domestic violence. Vouchers can be provided to individuals and families for either 28 or 84 days.
- Vermont AHS has stated its intention to end its management of the motel voucher program for adverse weather and other reasons by July 1, 2020. It plans on awarding contracts to local organizations throughout the state, one in each region, to manage this process and to manage the budget for use of motel vouchers for emergency shelter. Over the long term the state hopes to reduce the use of motel vouchers and increase the use of other strategies to reduce homelessness, provide essential services and draw people in the coordinated entry³ process. Details about this transition plan are just emerging at the time this report is being submitted. It is not clear at the time this report is being issued if these changes will be accepted by community organizations.
- There are no shelters in Lebanon, Hanover, or Norwich. Southwestern Community Services, Inc. operates a year-round shelter in Claremont, NH funded in part through the New Hampshire Bureau of Housing Supports.
- New Hampshire town and city governments are required by RSA 165 to fund a town "welfare program" to help people who are poor and who need help including shelter. Lynne Goodwin who directs the Lebanon Human Services program is the welfare officer. She has an annual budget of \$85,000 for housing assistance to people in need.

Town police departments engage with the homeless population through outreach services and coordination with social service providers. The outreach to camps by the Hartford PD has been cited in this report. The Hartford and Lebanon Police Departments work closely with social service agencies including The UV Haven and LISTEN Community Services to promote safety for people living precariously. The Hartford PD also has a grant-paid "Police Social Work" position from Health Care & Rehabilitation Services (HCRS) of Vermont which supports outreach, screening, de-escalation and case management and service coordination with local agencies.

³ From HUD: "Coordinated entry is a process that ensures that all people experiencing a housing crisis in a defined geographic area have fair and equal access, and are quickly identified, assessed for, referred, and connected to housing and homeless assistance based on their needs and strengths, no matter where or when they present for services. It uses standardized tools and practices, incorporates a system-wide Housing First approach, participant choice, and coordinates housing and homeless assistance such that housing and homeless assistance is prioritized for those with the most severe service needs."

Private Service Providers

Hartford has many homeless service providers but still has gaps and cannot meet the needs of the homeless population. Some of the service providers only work with certain sub-populations, such as ex-offenders, veterans, and victims of domestic violence. The Haven, Pathways Vermont, HCRS, LISTEN Community Services, SEVCA, the Veteran's Health Administration, Hartford Dismas House, Clara Martin Center, and UVGear meet monthly to coordinate service delivery across the town. The Haven, in conjunction with the Hartford Police Department, conducts periodic outreach to homeless individuals in Hartford to provide information and supportive services. UVGear also provides basic necessities and camping equipment to help meet the needs of homeless individuals who are living outside.

Services to people who are homeless or housing insecure are provided by several agencies. The LISTEN Center provides daily services of referrals, individual service supports such as clothing and vouchers, a food pantry, and a community dinner (Monday to Saturday) throughout the year to people including those who are homeless. In addition to its shelter services, the Haven also provides walk-in and scheduled services of meals (breakfast and lunch, Monday through Friday), service coordination, clothing and living supplies and food to the community including people who are homeless.

The faith community is another source of services for people who experience homelessness. St. Paul's Episcopal Church, located next to the Haven, provides a breakfast for people who are staying at the Haven's Seasonal Shelter on weekends when the Haven is not open for community meals. Representatives from St. Paul's Church attended one of the Committee meetings and indicated that they intend to conduct outreach to other churches in White River Junction to determine if they would consider providing meals and warming stations on weekends during the 2020-21 winter season.

Homelessness in the Context of Housing Affordability

When examining the challenges of homelessness and estimating the need for ideas to respond to this need and proposing solutions to creating more sustainable housing, it is important to also look at how coordinated entry, client intake, assessments, and referrals work within the larger framework of local, regional, and state agency human service activities and highlight overlaps/gaps in services. Contributing factors in the rate of homelessness in the region/state are the lack of adequate affordable housing, rising housing costs, and evictions. As housing costs are expected to increase over the coming years, it is expected that displacement and affordable housing access problems will increase as well. The addition of more units of permanent affordable housing are critical to reducing the number of people who are homeless and providing long-term stability. As noted above, supportive housing models, in which case management services are focused on helping people remain stably housed, is an evidence-based solution to chronic homelessness.

As noted above, there are many reasons why people are housing insecure and without a place to live. In addition to macro-economic and systemic causes, there are also categories that focus on individual situations and histories-- personal challenges of untreated and chronic health conditions, untreated mental health, substance use, insufficient incomes, incidence of domestic violence and discrimination based on past histories or personal status. While these are all contributing factors, the economic forces that have reduced unit vacancies and increased rents and housing prices need to be understood to place the problem of homelessness and housing insecurity and any proposed solutions in an appropriate context.

The consequences of housing markets with historic low vacancy rates, rising demand and increasing rents far outpacing incomes are key factors in addressing the challenges of homelessness in the Upper Valley. Vital Communities, an organization that focuses on the region's challenges and mobilizes the community to effective actions, estimates that there is a shortage of 4,000 housing units in the 69 towns of its focus area. It has begun an effort to measure the net change in housing units (increases and decreases). An estimate of the most recent reporting period is that the region added 250 units, a miniscule number compared to the need. The local economy centered in the four towns have added many jobs with DHMC and Dartmouth College the main economic drivers. Market rate rental housing vacancy rates for the Lebanon NH/VT Micro-NECTA are at 0% and the Median Gross Rental Cost has increased by 19.4% since 2009.⁴ For reference, a balanced rental market should be at 4%-5%.

As market forces work their way through individual decisions, the challenges for people at the margins increase. Rents become unaffordable as people are required to pay a larger share of their incomes on housing expenses. Commuting times increase as more affordable options are farther removed from job locations. People who lack personal automobile transportation are at a disadvantage as bus routes and schedules in the region are limiting. Landlords can be increasingly selective in choosing tenants. People with eviction histories or spotty records are increasingly at a disadvantage with many options foreclosed to them. Landlords now can elect to reject people with rent support vouchers because they consider them a bureaucratic hassle and an indicator of someone who is more likely to present problems. And the tight housing market is having a negative effect on the labor market as well. Employers are struggling to fill open positions at all levels, with hundreds of job openings.

While we recommend services for people who are homeless and housing insecure in this report, sustainable relief will not occur until the housing market loosens through the addition of many more units (supply) or reduced demand that increases vacancy rates and reduces rent pressures. However, for many people living at the margins, even this market change will be insufficient as most employment for which they can qualify do not pay a "housing wage". This can generally be defined as paying no more than 30% of income on housing expense. For people who are poor, rent supplements such as vouchers, will be required for housing affordability. The supply of housing built for low income-renters through programs such as Low Income Housing Tax Credits needs to increase. However, the number of projects that are funded each year in

⁴From New Hampshire Housing's Annual Residential Rental Cost Survey

Vermont and New Hampshire are limited, and there is competition throughout both states for the funding.

Coordinated Entry

The federal Department of Housing and Urban Development has established a process called “coordinated entry” to prevent and end homelessness. From HUD’s Coordinated Entry Policy Brief:

“HUD’s primary goals for coordinated entry processes are that assistance be allocated as effectively as possible and that it be easily accessible no matter where or how people present. Most communities lack the resources needed to meet all of the needs of people experiencing homelessness. This combined with the lack of well-developed coordinated entry processes can result in severe hardships for people experiencing homelessness. They often face long waiting times to receive assistance or are screened out of needed assistance. Coordinated entry processes help communities prioritize assistance based on vulnerability and severity of service needs to ensure that people who need assistance the most can receive it in a timely manner. Coordinated entry processes also provide information about service needs and gaps to help communities plan their assistance and identify needed resources.”

To be eligible to receive HUD funding for homelessness prevention and services, states are required to establish local “Continuum of Care” (CoC) bodies and follow guidelines and rules for determining how resources, such as rent support vouchers and shelter services, are allocated. One of the main purposes of coordinated entry is to ensure that people with the most severe service needs and levels of vulnerability are prioritized for housing and homeless assistance. HUD’s policy is that people experiencing chronic homelessness should be prioritized for permanent supportive housing.

There are 11 CoCs in Vermont. The regional CoC is the Orange & Windsor North CoC, which is also referred to as the Upper Valley CoC in recognition of its bi-state membership. This is the only CoC in Vermont and New Hampshire which includes this distinction. Representatives from Capstone and the Haven (Renee Weeks) are co-chairs. This CoC also includes representation from NH due to the close interactions by service agencies and ease of access between the two states. Organizations represented on the local CoC include Capstone Community Action, Economic Service Department of VT, the Vermont Coalition to End Homelessness, the Vermont Agency for Human Services, the Haven, Vermont 211, Twin Pines Housing, Lebanon Human Services, Capstone Community Action, and the Clara Martin Center.

One of the primary activities of the CoC is to maintain the Master List of people who are seeking supportive services to address or prevent their homelessness status. As part of the coordinated entry people are more likely to need some form of assistance to end their homelessness or who are more vulnerable to the effects of homelessness are prioritized through a scoring process.

At present, there are about 100 individuals and families on the coordinated entry Master List in the Upper Valley CoC. About 60 are single adults and about 40 include two or more individuals. The Haven completed the CE process for about 80 percent of these cases. Capstone completed the CE for about 15 percent of these cases.

City of Lebanon Housing First Working Group

In July 2016, the Lebanon City Council formed a Task Force to address the issue of homelessness in Lebanon. The group named itself the “Housing First Working Group” based on the objective to address the issue of homelessness from a “housing first” perspective. The group aims to improve resources for the homeless; ranging from more shelter beds on one end of the continuum to more permanent, supportive housing on the other end of the continuum. The Housing First group has met monthly since January 2017.

The Housing First Working Group issued a final report in February 2020. The report recommends the addition of more affordable housing as the needed solution to the problem of homelessness and housing insecurity. The efforts of Twin Pines Housing to add more units of affordable housing is applauded in the report because “housing ends homelessness.” Twin Pines’ provision of supportive housing services is also cited as critical to helping people maintain affordable housing.

The report also notes that there is no emergency shelter in Grafton County other than a location in Plymouth, NH which is quite distant. The Housing First Group set a goal that lower Grafton County, where Lebanon is located, will have a year-round, low barrier shelter to offer safe and accessible temporary housing to those who are homeless. The shelter will be located near a bus route, food services, and social services. The shelter will have sufficient parking for guests and social service providers. The shelter should also be able to accommodate people with pets.

In this report the Housing First Working Group stated its intent to partner with the Haven to develop a year-round, low barrier shelter. Further, the report endorsed efforts to request municipal funds and private funds to support the expenses of this new shelter. This recommendation is consistent with recommendations made by the Hartford Ad Hoc Committee on Homelessness described in the section below.

Proposed Goals and Strategies

The Ad Hoc Committee proposes multiple strategies and interventions for the Hartford Select Board to consider. Where possible, we have made estimates of the costs of these strategies. For ease of consideration, the goals are divided into short, medium and long-term timeframes. Though these recommendations are directed to the Hartford Select Board, they can be shared and considered with the governing bodies of the other three towns of Norwich, VT, Hanover, NH and Lebanon, NH. Meeting some of the long-term goals of additional housing will require resources outside the capacity and scope of the town governments, though the towns can

facilitate housing development through goal setting and consideration of changes to regulations and practices.

Note: FY2021 budget request amounts recommended by the Committee that correlate to goals are in italics.

Short Term Goals

1 - Goal: The Town of Hartford should provide access to basic necessities such as camping supplies, personal hygiene products, motel vouchers, and essential survival supplies for homeless individuals. *Budget Request – FY2021: \$15,000 (see Attachment A for line item expense estimates).*

Strategies:

- a. Provide funding to local agencies for basic necessities to survive outside. These include camping supplies such as tents, sleeping bags, fuel, backpacks, cook kits, mats, first aid kits, batteries, gas cards, food gift cards, laundry supplies, and personal hygiene items.
- b. Coordinate with local service providers to purchase and provide these basic necessities.
- c. Provide selected agencies that work with homeless populations with grant support for vouchers for laundry, small household items, and motel vouchers.
- d. Coordinate with other core towns to budget for basic necessities to be provided for in their town budgets.

2 - Goal: Address gaps in cold weather shelter access. *Budget: \$15,000.*

Strategies:

- a. While the Haven's seasonal shelter, supplemented by 211 Adverse Weather motel vouchers, is able to accommodate most needs for shelter services during the winter, there are a few gaps in services that have been identified. The Town should work with local religious communities, businesses, and property owners to determine if they can provide temporary shelter during the daytime and on weekends in the cold months to help ensure that no one remains outside in extreme temperatures. At present, St. Paul's Episcopal Church is providing breakfast and a warming shelter on weekend mornings. As noted in the report, it plans on outreach to area churches next year to expand the days and times of this service. We would encourage other towns in the region to follow this model.
- b. Explore options for a shelter that can provides services to people with pets.
- c. Ensure there is a rapid response for families in need of shelter during cold weather. The State of Vermont through Economic Services currently provides motel vouchers for shelter for families and individuals in emergency need after review of eligibility. This support is not guaranteed and is time limited. Vermont is proposing to have local community agencies assume responsibility for this program with funding provided through contracts. As this transition occurs and as needed to meet community needs,

Hartford should fund local agencies such as the Haven, LISTEN and WISE with emergency funds to address any gaps or delays in services and vouchers.

3 - Goal: Identify the members of the homeless community through outreach, utilization of a By-Name-List (BNL) through coordinated entry and other means. Budget: No additional expense

Strategies:

- a. Coordinate with the four core towns (Hartford, Lebanon, Norwich, and Hanover) to identify members of the homeless community and prevent duplication in identification. Working with the Haven, the Hartford PD should continue regular outreach to camping sites to address safety needs, provide some emergency supplies and encourage campers to access existing service supports.
- b. Lebanon PD should be encouraged to follow the Hartford PD model in partnership with a local social service agency familiar with the target population.
- c. The Haven, LISTEN and other agencies that have contact with the homeless populations should continue to share information to see who has moved out of homelessness and who is newly identified.
- d. The goal of an outreach and assessment process should be to encourage people to complete coordinated entry within the Continuum of Care process.

Medium Term Goals

4 - Goal: With the other towns work with community agencies, advocates, and others to ensure there is year-round shelter to offer safe and decent alternatives to living outside.

Strategies:

- a. With the other three region towns Hartford should support the development of a year-round low barrier shelter. This shelter will replace the seasonal shelter now operated by the Haven. The new shelter will be able to accommodate pets and their owners. We are aware there are times when people are fearful of leaving dangerous domestic situations because of threats to harm remaining pets. The existing shelters at the Haven are unable to accommodate pets. Services provided in the shelter will include a day program community resource center with the goal of encouraging guests to access existing services, enrollment in state and federal support services and participation in the coordinated entry process. The Haven will take the lead in developing this new program working with other community agencies and the four towns. This lead role includes raising capital dollars needed for a new building starting with a feasibility study for raising the funds needed for a capital project. Service provided in the shelter and day resource center will include showers, laundry, telephones, mail delivery, case management services/referrals to service providers throughout the Upper Valley. Depending on available funding and other determinants, the new shelter could also include units of affordable housing. The four core towns should provide annual financial

support of the low barrier shelter and community resource center. *Budget: \$200,000 per year (est.). Individual town support to be determined.*

5 - Goal: Provide a municipal camping area and a car camping parking lot with sanitary resources for individuals who are homeless. To be used by both car and tent campers. *Budget: \$20,000.*

Strategies:

- a. Identify a property in the core towns that would allow for homeless individuals to camp without fear of reprisal.
- b. Identify a parking lot or an equally suitable piece of land to accommodate car camping.
- c. Determine the cost to provide bathroom, shower and personal belonging storage capabilities at the identified municipal camping area. Costs need to include the initial cost of installation and the cost of regular cleaning/waste pick-up.

NB: This initiative did not have the support of the entire Ad Hoc Committee. It was proposed and strongly supported by Mike Chamness, UV Gear, former chair of the Committee.

6 - Goal: Create accessible storage facilities to hold personal belongings that would prevent theft, loss, confiscation, and weather damage. This would allow people to attend appointments, job interviews, work, etc. more conveniently. *Budget: \$5,000.*

Strategies:

- a. Identify town space, or donated space, ideally on the bus service line, that can hold 55-gallon containers for homeless individuals to store their belongings in a safe location.
- b. Initially purchase 50 55-gallon storage containers.
- c. Coordinate with volunteers the hours that the storage containers can be accessed by the users, ideally in the morning and evening hours.
- d. Make storage available to homeless individuals.
- e. After three months assess the need for additional containers and purchase if necessary.

This function would be absorbed into the low-barrier shelter described in Goal #4.

7 - Goal: Existing programs including the Haven, LISTEN, HCRS and WISE should continue to assess the needs of each member of the homeless community and offer them appropriate referrals, resources and services. The goal of these services is to draw applicants into the existing coordinated entry process for those who are housing unstable or experiencing homelessness. *Budget: No additional expense.*

Strategies:

- a. Focus on Housing First strategies.
- b. Continue utilizing state client assessment tools that is part of coordinated entry to determine housing needs and prioritize people for resources.

- c. Continue assessments to determine needs for health care, employment, supportive services, activities of daily living (ADLs), etc. (bio-psychosocial)
- d. Continue to utilize the common assessment tool and bio-psychosocial to triage access to care and services.

8 - Goal: Provide funding to rapidly move homeless individuals and families into permanent housing who have the ability to pay rent on their own but the cost of moving into housing (moving expenses, security deposit, etc.) is prohibitive. A second need is financial support for eviction prevention funds. Both these types of expenses are often available through existing agencies including SEVCA, Tri-County CAP, LISTEN and the Haven. However, limited total funding, caps on available grants, specific geographic bounds or other eligibility requirements can leave gaps. This budget can be limited to people from Hartford though ideally all region towns will support this initiative. Budget: \$15,000.

Strategies

- a. Provide supplemental funding to agencies providing these grants to cover gaps in amounts or increase the number of people supported with security deposits.
- b. Provide supplemental funding for eviction prevention. Early identification of tenants falling behind on rent can prevent eviction and help avoid expense of eviction process and preparing property for new tenants.

Long Term Goals

9 - Goal: Increase case management services for permanent supportive housing units.

Supportive housing is a proven, research-based method of supporting individuals and families who have been homeless to achieve long-term housing stability. The success of permanent supportive housing is in large part due to the supportive services and case management that is provided. It is critical for case management to be funded as part of the development of these units. *Budget: \$75,000 annual grant for supportive housing case management.*

Strategies:

- a. Work with Twin Pines Housing to identify locations close to services and public transportation for additional supportive housing. Twin Pines Housing can then pursue funding to develop additional housing units which include long-term rental vouchers in both NH and VT.
- b. With funding from the four towns, provide case management services for individuals and families who were chronically homeless who have rent support vouchers.
- c. Advocate for additional rent support vouchers for the Upper Valley community in NH and VT.

10 - Goal: Increase the availability of affordable housing to populations up to 120% Area Median Income (AMI) and below.

Strategies:

- a. The four core towns will set goals of adding affordable housing units in each town over the next 10 years.
- b. Each town will determine if it has any barriers to development of affordable housing such as duplicative regulations, exclusionary zoning, modification of existing housing units such as allowance of Accessory Dwelling Units, restrictive zoning, housing unit or lot size or excessive fees and take actions to address these barriers.
- c. Each town will work with local nonprofit and for-profit housing developers to encourage the development of affordable housing. Towns will also evaluate potential incentives to creating affordable housing such as density bonuses, tax abatements, inclusionary zoning, and use of TIFF funds as well as making gifts of municipally-owned property for such purpose (see examples from Hanover, below).
- d. The Regional Planning organizations are valuable resources to provide assistance on implementation of strategies that encourage additions to total housing and affordable housing units in these communities.

Other Town Approaches

Lebanon, New Hampshire

Director of Human Services, Lynne Goodwin (lynne.goodwin@lebanonnh.gov) has an annual Budget of \$85,000 for housing assistance. Expenses average \$60,000-70,000. Lebanon partners with Tri-County CAP to conduct monthly homeless outreach in Lebanon. A count of the homeless in lower Grafton County was conducted. One hundred and ten homeless people were counted on September 18, 2019. Homeless people were referred to appropriate services and leaflets were distributed listing local service providers. Supportive services for people with substance use disorders or other chronic, housing related issues are not currently supported by state or federal funds. Lebanon provides \$5,000 a year to the Haven to support services at the Parkhurst housing project, and \$9,900 a year to Twin Pines Housing to provide supportive services to residents of the 198 units in Lebanon. Portfolio wide, approximately 26% of Twin Pines Housing's residents were homeless or at risk of homelessness when they applied for housing. New Hampshire's proposed 2020 budget would make Medicaid funding available for supportive services to homeless individuals.

Hanover, New Hampshire

General Welfare Assistance Coordinator, Jen Ganttrish (jen.ganttrish@hanovernh.org) has an annual budget of \$8,500 for direct client support. There is also the Tenney Fund which is limited restricted funds for scholarship and general assistance for Hanover children in need. Summer Park in Hanover offers affordable housing for seniors and disabled adults. Currently there are 24 units owned and managed by Twin Pines Housing. Twin Pines is currently re-developing the property by constructing an energy efficient, fully accessible building, and will break ground on 18 additional units in the fall of 2020. Hanover partnered with Twin Pines to

develop the Gile Hill Community, which has 61 units that are considered affordable housing based on income-eligibility. One of the ways that Hanover has worked with Twin Pines to make affordable housing available in town is by donating land for affordable housing projects. The Gile land and Summer Park were both donated to Twin Pines.

Norwich, Vermont

The town manager has not yet responded to a request for information. We will be pleased to add information at a later date.

Possibilities for a Regional Approach

Regional service providers collaborate at three levels:

1. The *Upper Valley Continuum of Care (CoC)*, also known as the Upper Valley, represents Orange and North Windsor Counties, including Hartford, in requesting federal funds through the state's process with HUD. Participating agencies meet monthly to discuss homelessness at the strategic and programmatic levels.
2. Regional service providers hold monthly meetings in Lebanon called *Housing First Work Group* to address homelessness at the community level. These meetings raise awareness, develop support, and engage potential partners such as organizations, faith-based groups, and landlords. These meetings are held in the Lebanon Town Hall and are open to the public.
3. Service providers in Hartford and Lebanon often hold working meetings to share information, plan new programs, and address the specific housing needs of individual households.

Mental Health and Supported Employment

Many people in the homeless community suffer from mental illness. Lack of employment can be an important factor in both mental illness and homelessness.

Researchers at Dartmouth College are studying new ways to deliver mental health services that could significantly impact Hartford's homeless population. Elizabeth Carpenter-Song has shown that cell phones can be an effective way to deliver treatment. Perhaps this could be tested in Hartford.

In another study, Carpenter-Song and Robert Drake, also of Dartmouth College, co-authored a paper showing that employment support can also be a cost-effective way of dealing with mental illness. Hartford's business community could be called on to offer jobs with living wages for people with criminal records, mental health needs, or physical disabilities.

Nancy Berkmeier of Dartmouth Hitchcock Medical Center has studied "communities of

opportunities” as a way of delivering supportive services to promote permanent housing. Her work in urban settings might be applied here in Hartford.

West Central Behavioral Health has Assertive Community Treatment (ACT) teams that have proven effective in delivering mental health services to homeless people in public places. Perhaps that model could be used in Hartford.

State of Homelessness/Data

The Annual Point in Time (PIT) Count is an unduplicated statewide count of persons experiencing literal homelessness on a single night in January. The PIT captures the most vulnerable population, those literally homeless and does not include those at risk of homelessness, doubled up or couch surfing. The 2019 PIT showed Windsor County, Vermont had 91 persons (51 male and 40 female) and 60 households counted. Eighty-seven individuals identified as white, one as black or African American, and three as other and/or multiple races. Twenty-two of those counted were determined to be chronically homeless. The majority (52) of those identified in the PIT were between the ages of 25 and 54. Chronically homeless are those that have been homeless for 12 months or more continuously or have had four episodes of homelessness in three years equaling at least 12 months. This was the third highest amount of chronically homeless in any county in the state. There were forty-four households without children and 13 with children. Thirty-one of the individuals identified were experiencing homelessness for the first time.

Windsor County Sub-Populations 2017 – 2019

	Households	Persons	Unsheltered	Sheltered	Domestic Violence	Severe Mental Health	Substance Use Disorder	Veterans
2017	82	118	5	113	32	43	31	3
2018	73	125	12	113	4	48	21	3
2019	60	91	5	86	7	41	26	6

**Please note that the PIT count is limited to a single night of the year. As stated earlier, there are 40-50 unsheltered people camping on any given day of the summer or fall in Hartford.*

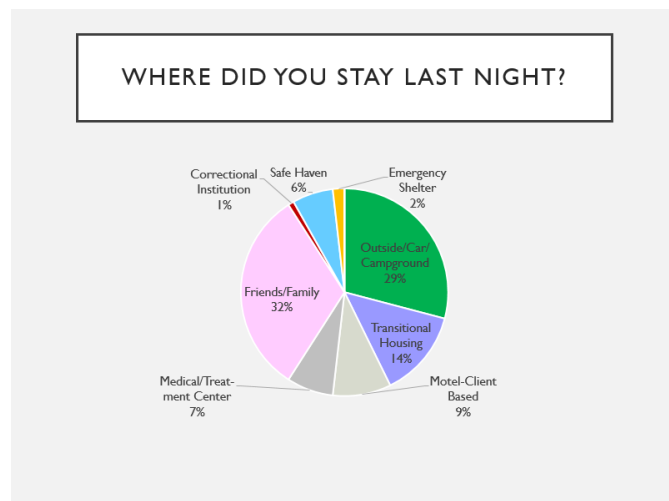
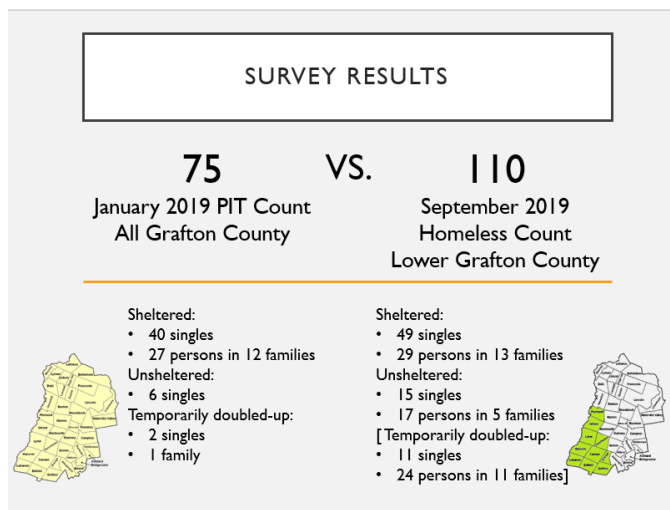
The individuals identified in the Windsor County PIT count also were dealing with chronic health conditions:

- Physical Disability (Long-Term): 23
- Mental Health (Severe and Persistent): 8
- Other Chronic Health Conditions (Long-Term): 37
- Developmental Disability: 26
- Chronic Substance Abuse (Alcohol and/or Drug): 7

Additionally, there were 40 precariously housed individuals identified in the PIT. This includes individuals who are staying with friends, living in motels, or are in danger of eviction.

Grafton County

Grafton County in New Hampshire participates in the annual Point in Time Count of Homeless Individuals also. In January 2019, seventy-five (75) people were counted. Sixty-seven people were sheltered, six were unsheltered and a few were temporarily doubled up. The City of Lebanon Social Services Department decided to undertake a second PIT in September 2019 that would be less restrictive in its definition of who should be included in the count. The “sheltered” definition would include people who were “couch surfing” or otherwise temporarily staying with friends and families. Also included were families who were lost their homes elsewhere and were now living in motels or other locations (many continued to send their children to their home school districts), people in transitional housing including drug & alcohol rehabilitation programs, people living in motels through their own payment and people receiving medical treatment. The geographic area of this second PIT was limited to lower Grafton County including Lebanon, Hanover, Enfield, Grafton, Lyme, Orford and a few other towns (see map). This PIT counted 110 people. Lebanon worked with many social service organizations to collect this information including West Central Behavioral Health, LISTEN, Tri-County Cap, the Haven, WISE, A Sacred Place, Headrest, the HIV/HCV Resource Center and the SAU 62. The charts below provide more detail.



WHERE DID YOU STAY LAST NIGHT	
Outside/Car/Campground	32
Friends/Family	35
Transitional Housing	15
Motel	10
Medical Treatment	8
Other	10
TOTAL	110

Attachment A – FY2021 Budget Request (\$15,000 – Miscellaneous Supplies/Services)

Item	Unit Cost	Volume/Number	Total Cost	Vendor/Source
Motel vouchers	\$70.00	40	\$2,800.00	Various hotels
Laundry vouchers	\$10.00	200	\$2,000.00	Various
Food vouchers	\$25.00	100	\$2,500.00	Co-op gift card
Gas cards	\$20.00	60	\$1,200.00	Gift card outlets
Sleeping bags	\$20.00	65	\$1,300.00	Walmart
First aid kits	\$3.00	100	\$300.00	Dollar stores
Laundry supplies	\$10.00	60	\$600.00	Co-op gift card
Tents	\$30.00	55	\$1,650.00	Online
Toiletries	\$5.00	200	\$1,000.00	Dollar stores
Propane tanks	\$3.00	200	\$600.00	BJ's Wholesale
Batteries/lights	\$5.00	200	\$1,000.00	Dollar stores
Total			\$14,950.00	

From: Tucker Wright <tuckerscv<mailto:tuckerscvt@yahoo.com>t@yahoo.com>
Sent: Tuesday, June 21, 2022 10:59 AM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Subject: Fw: Comment on CEDO and 51 Elmwood

You don't often get email from tuckerscvt@yahoo.com. [Learn why this is important](#)

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

Hi Scott,

I received your voicemail after emailing the email addresses available on the DRB website. Please see the attached comment, including evidence of CEDO's lack of transparency and ability to provide accurate information below.

Thanks,

T

----- Forwarded Message -----

From: Tucker Wright <tuckerscv<mailto:tuckerscvt@yahoo.com>t@yahoo.com>
To: ybradley@burlingtonvt.gov <ybradley@burlingtonvt.gov>; bdbaker@burlingtonvt.gov <bdbaker@burlingtonvt.gov>; afriend@burlingtonvt.gov <afriend@burlingtonvt.gov>; elee@burlingtonvt.gov <elee@burlingtonvt.gov>; amontroll@burlingtonvt.gov <amontroll@burlingtonvt.gov>
Sent: Wednesday, June 15, 2022, 04:20:13 PM EDT
Subject: Comment on CEDO and 51 Elmwood

Good Afternoon Board Members,

I'm writing to ask that the board does not hold a vote on CEDO's request to place a pod village at 51 Elmwood until a service provider has been identified, their final management plan has been shared with the community, the community can ask questions of the provider, and a contingency/closing plan for staffing shortage issues (the issue that's been named in finding a management firm) is shared not only with the neighborhood, but the city, the Board, and the residents of the pod village. Unfortunately, CEDO has moved through this process under darkness and with a stealth that has created unease, friction, and volatility. At the June 2 neighborhood meeting I asked about a [posting on their website](#) that claimed a downtown LA pod village was in a "similar site" to 51 Elmwood. Based on my own research and records from LA County as well as their confirmation during that meeting, the information they posted and continue to allow to live on their site is grossly inaccurate. I've included my email to them, with photographic proof, below.

I am not asking that you deny the project, but that you require a project that CEDO themselves have called a "special case" to require due diligence and true neighborhood engagement in regards to its management. How can we (and you) trust that CEDO will live up to its commitments when such gross misinformation is shared with the community in the name of pushing this project through to approval. I implore you to look at the images below that compare the LA pod village location with 51 Elmwood and make a decision that you believe is fair and equitable to the Old North End, a neighborhood that already has an over concentration of shelters and services compared to the rest of the city. Ask yourselves if you can be confident that CEDO and its partners will successfully manage a project that has only proven to work in high-traffic, multi-lane and/or predominantly commercial areas will work in a densely populated (and low-income) single-family and low-rise multifamily area.

Thank You,

T. Wright

EMAIL TO CEDO ABOUT INACCURATE INFORMATION REGARDING "SIMILAR LOCATION" TO ELMWOOD AVENUE

Hi Bridget,

I truly don't know how, but somehow your previous two responses were sent to my spam folder (though not this last one which makes it all the more weird), but thank you for your patience as I'm sure it was frustrating continuing to get emails from me requesting the same information several times. I sincerely hope CEDO will consider my request to update the language around this location and no longer say "According to Wanda, the Westlake Village Site is similar to our proposed site at Elmwood Ave. It is in a single family home residential neighborhood, but close to essential services, a hospital, and a school (and urban, in Los Angeles)." I've included some images from the street view of the location and you can see it's in a largely commercial area, on a busy 4-6 lane road that intersects with another 4-6 lane road less than a block away. While there may be some residences in the area I don't think any reasonable person would look at Elmwood Avenue and say they are similar.

I think it's crucial that CEDO is transparent with residences and is only sharing accurate, unbiased information that has been vetted or fact checked.

Thanks again and have a great weekend

Tucker

Westlake Village Location Views:

2101 Scott Ave

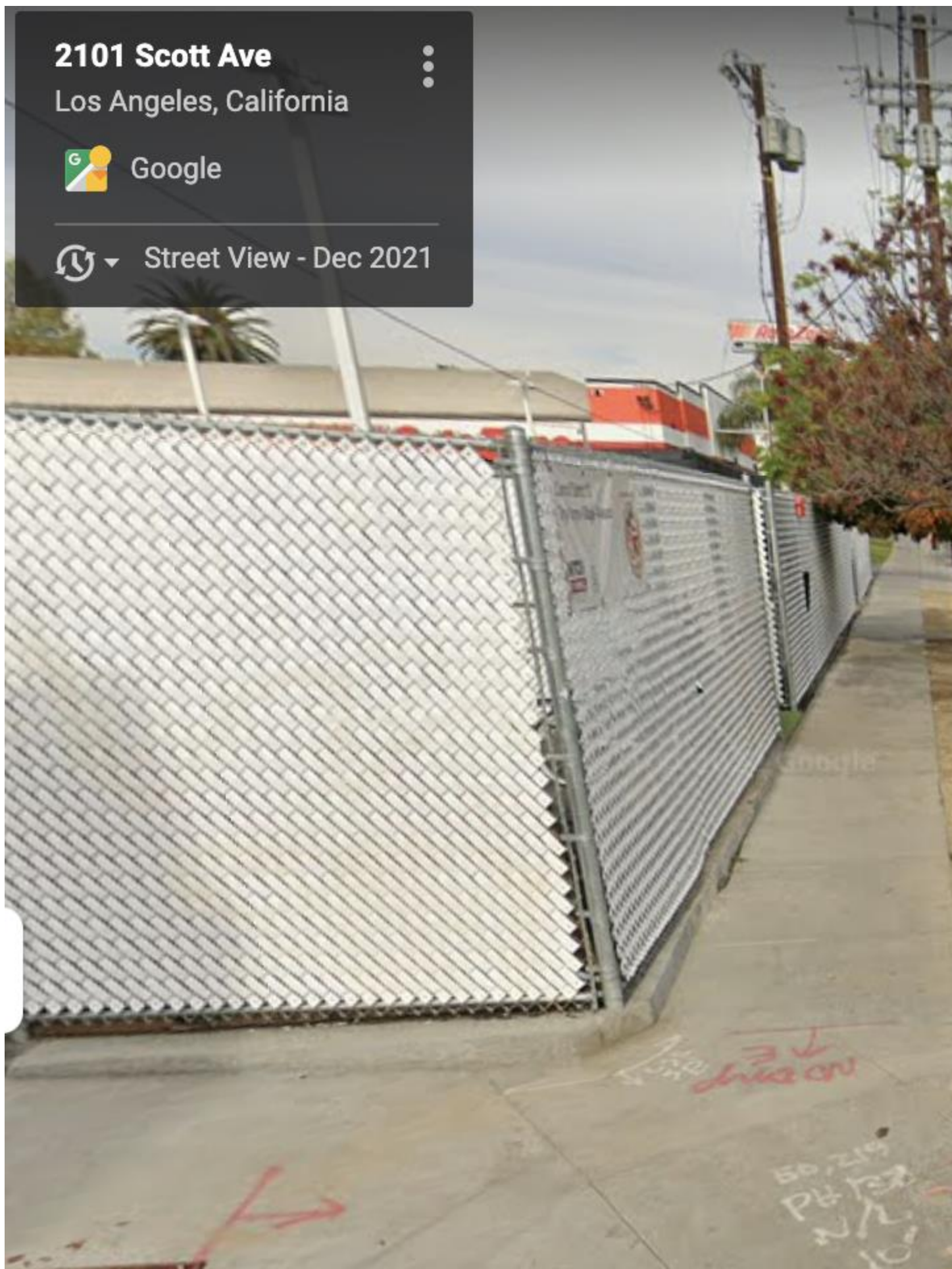
Los Angeles, California



Google



Street View - Dec 2021



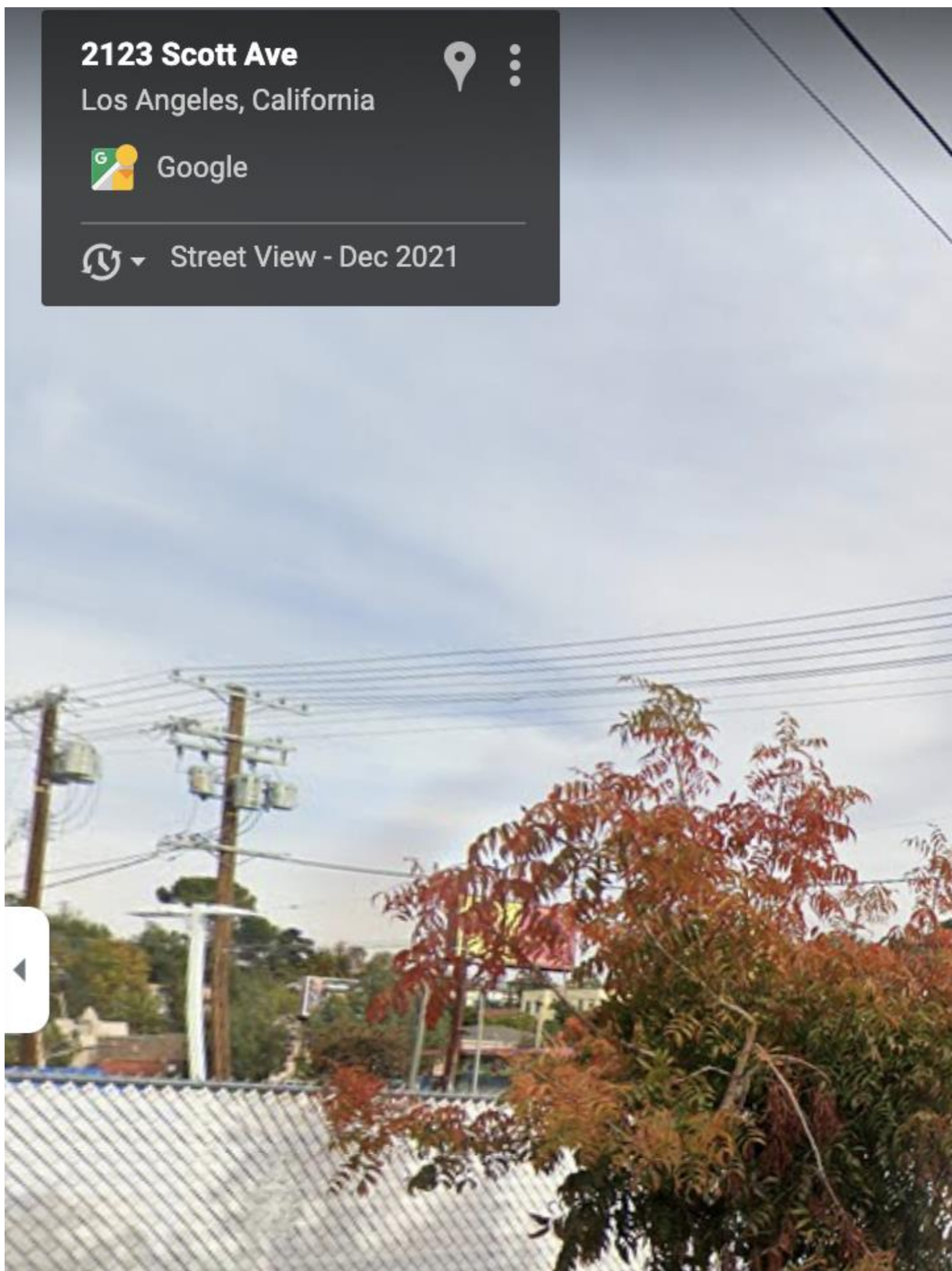
2123 Scott Ave
Los Angeles, California



Google



Street View - Dec 2021



Intersection Nearby with Westlake Village visible in back right:

1525 CA-2

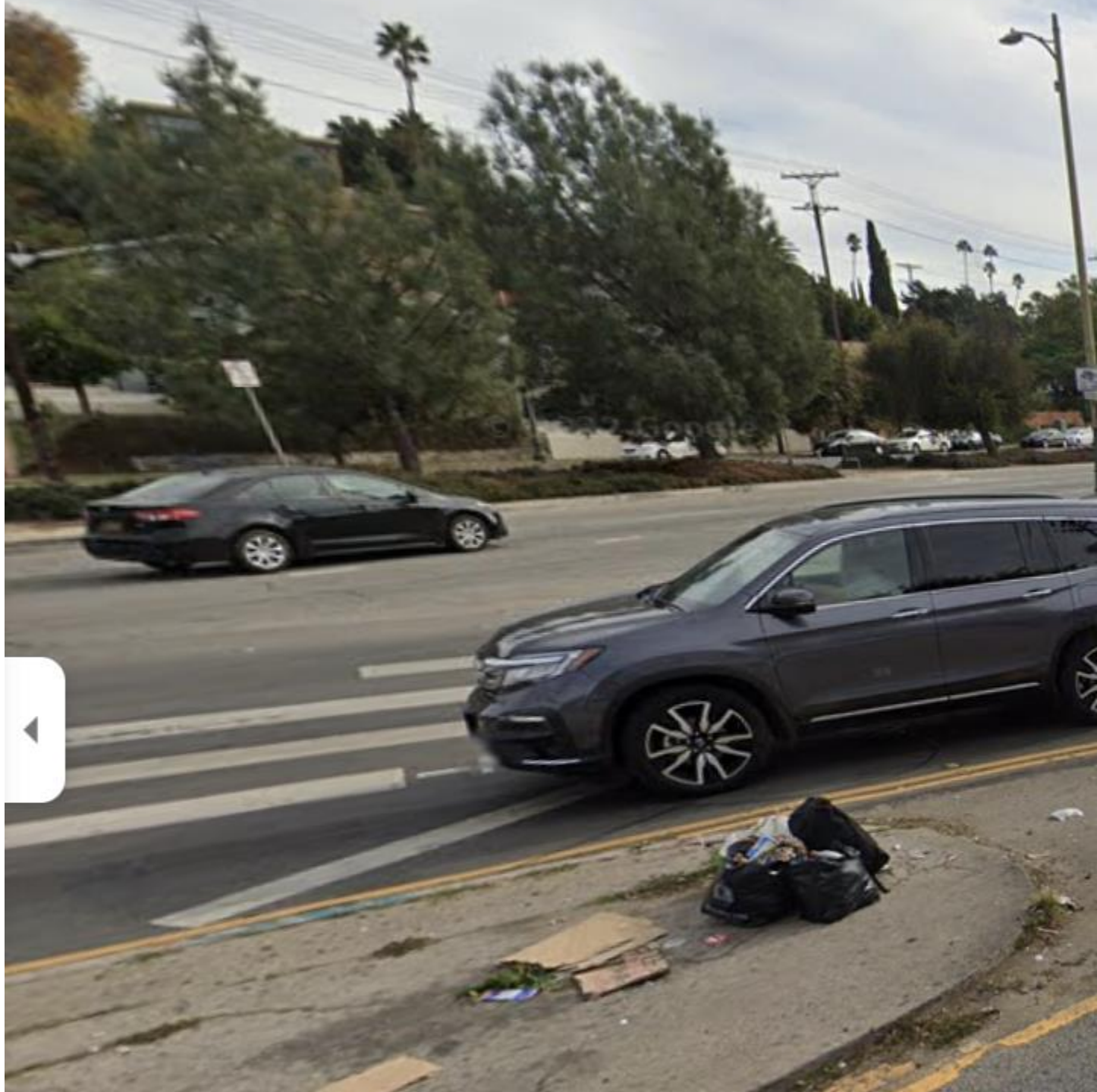
Los Angeles, California



Google



Street View - Dec 2021



Full view of busy intersection:

1525 CA-2

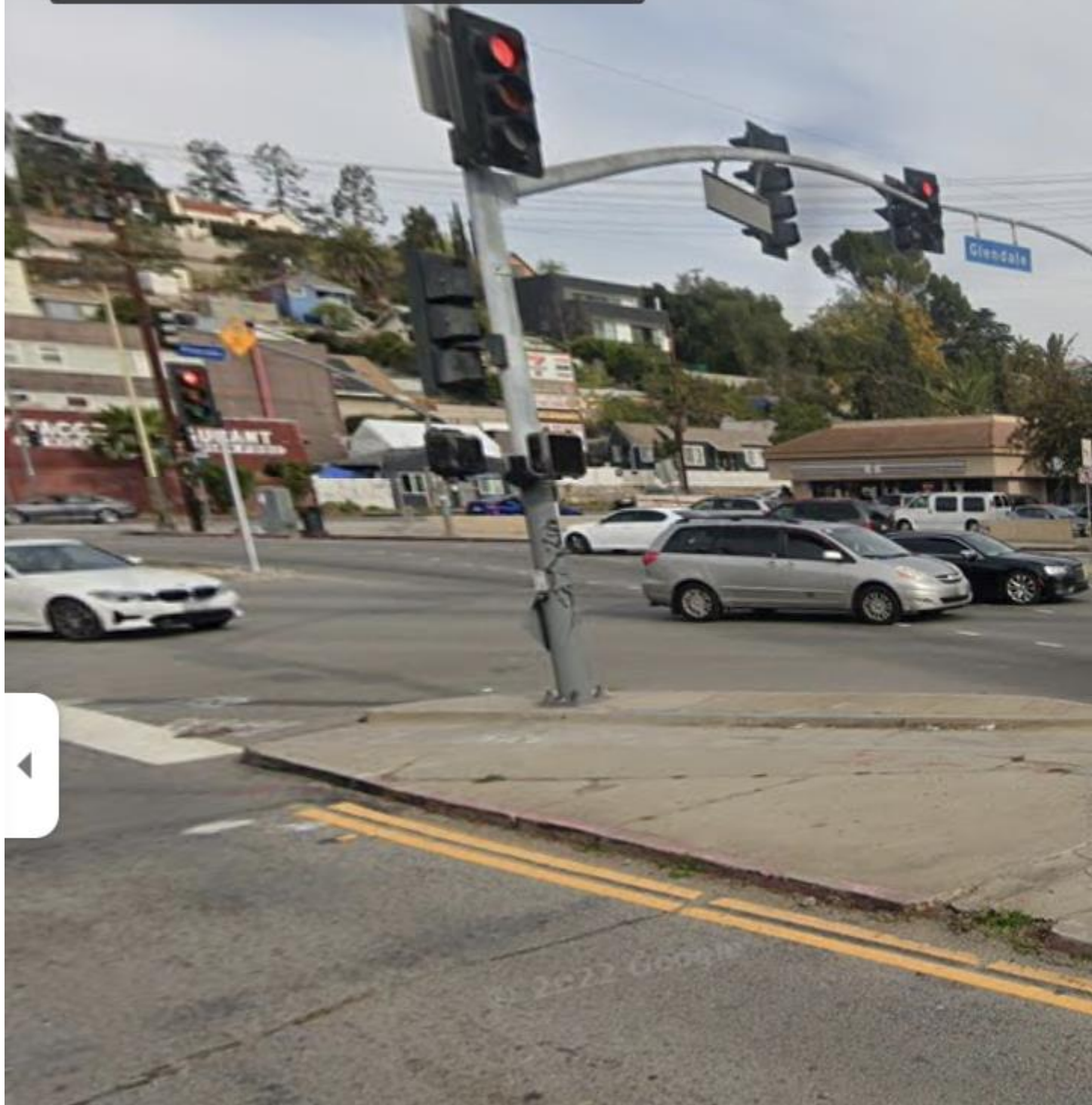
Los Angeles, California



Google



Street View - Dec 2021



Views from Elmwood:

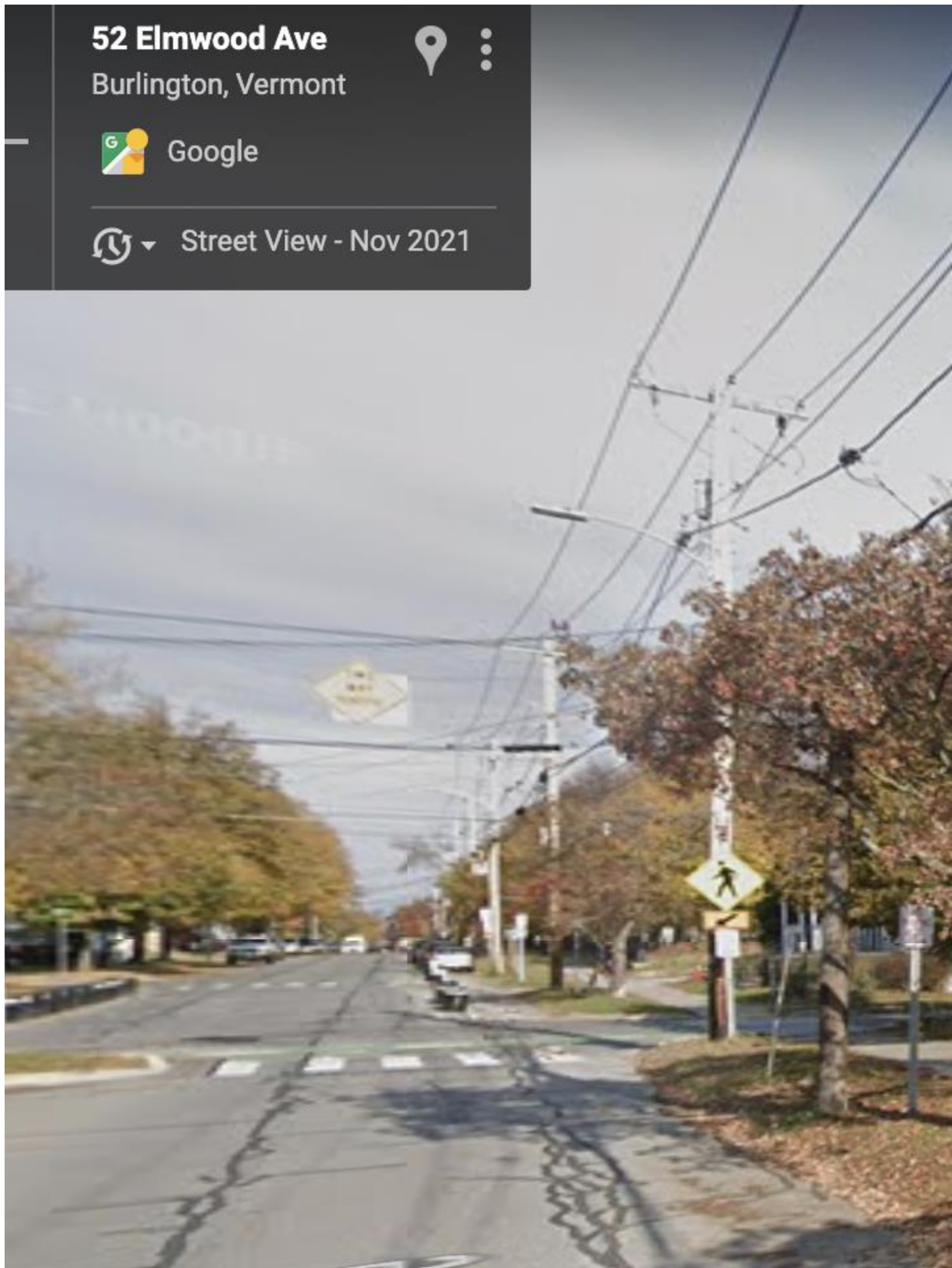
52 Elmwood Ave
Burlington, Vermont



Google



Street View - Nov 2021



Ryan Morrison

From: richard.rwmoore@gmail.com
Sent: Tuesday, June 21, 2022 11:02 AM
To: Ryan Morrison
Subject: Gatehouse

 You don't often get email from richard.rwmoore@gmail.com. [Learn why this is important](#)

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

To the Development Review Board.

Please record my opposition to the planned food truck “patio” on the inholding at 501 Pine Street. I support keeping the contaminated property undeveloped, in a conservation status, to continue the natural remediation that has been under way for decades. We need trees more than we need more fossil-fueled eateries. We are “eating and drinking in the days of Noah.”

Richard Moore
75 Marble Avenue



Ben Traverse, Ward 5 City Councilor
Burlington City Council
btraverse@burlingtonvt.gov
(802) 357-2055

June 20, 2022

Burlington Development Review Board
Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401

Re: ZP-21-800, 501 Pine Street

To the Development Review Board:

I greatly appreciate the DRB's consideration and approval of recent developments along the Pine Street corridor that have reinforced the South End's role as a creative space for entrepreneurs, small businesses, makers, artists, and new food and beverage concepts. I understand and respect that, last year, the DRB approved a project similar to the food truck café proposed for 501 Pine Street. There have been three important developments since then, however, that I'd like to bring to the DRB's attention as it considers the current food truck café application and other projects in the area.

1. **Re-Zoning** – because 501 Pine Street is within the Enterprise-Light Manufacturing ("E-LM") zone, the character of the surrounding area is referred to by City staff as a space for accommodating manufacturing and similar industry. There are very few manufacturing businesses in the E-LM, though, particularly in the area surrounding 501 Pine Street. Over the years, the DRB has received testimony from City staff and local business leaders, among others, explaining that manufacturers are unlikely to establish their businesses in the South End to the extent once contemplated. Accordingly, the City entered into a memorandum of understanding and recently started a public engagement process to re-zone a portion of the E-LM, including that encompassing 501 Pine Street, to allow for new residential and commercial uses in this area.¹ While I recognize the DRB must apply existing zoning ordinances, expanded residential and commercial use in this area is

¹ The memorandum of understanding may be accessed at :

https://www.burlingtonvt.gov/sites/default/files/MOU_Innovation_District_Zoning_Amendment_FINAL_Executed_12142021.pdf

broadly incorporated within the standards of the City's municipal development plan, which the DRB should also consider in its deliberations.

2. **Parking and Circulation, and Pedestrian Access** – this week, after decades of delay, the City will recommence construction of the Champlain Parkway. The 501 Pine Street parcel is along the route designated for the Parkway, which is designed to improve the flow of traffic along this major arterial. The project application before the DRB includes a short one-way driveway (with two curb cuts on Pine Street) and just three parking spaces designated for food pick-ups/deliveries. I trust the DRB will properly inquire into whether these aspects of the project will result in traffic backing up onto Pine Street, impacting vehicles, bicycles, and pedestrians. Additionally, because of the absence of onsite parking for eat-in diners, the DRB should consider where customers travelling by car will park and then access the site as pedestrians.
3. **Natural Features** – immediately to the west of 501 Pine Street is a publicly owned parcel currently designated as a right-of-way for the Champlain Parkway. The Parkway will never be built on this parcel, as the road will be routed to Pine Street via Lakeside Avenue. My understanding is that the recommencing of Parkway construction may soon create opportunities to re-purpose the publicly owned parcel as something other than a right-of-way. As referenced in the above-mentioned memorandum of understanding for re-zoning the E-LM, a number of interested parties are invested in the publicly owned parcel becoming a new City park. Moreover, I expect the DRB will soon consider recently announced plans for developing the parcel to the north of 501 Pine Street, which have demonstrated a commitment to integrating the development with surrounding natural spaces. For the area of 501 Pine Street that is outside the footprint of the pending application, some stakeholders are interested in exploring whether this space may be conserved as an access point for a future public park. Accordingly, I respectfully disagree with any finding that there are no natural features for the DRB to consider in reviewing this application.

Thank you for your consideration of this letter. I trust the DRB will appropriately review the application and reach a sound decision.

Sincerely,

Ben Traverse

Ryan Morrison

From: Jess Yepeth Perla Rubin <yepeth@gmail.com>
Sent: Tuesday, June 21, 2022 11:51 AM
To: Ryan Morrison
Subject: Concerning: . ZP-21-800; 501 Pine Street (E-LM, Ward 5S) KS Pine LLC / Kurt Schue
Establish a food truck/container kitchen café. (Project Manager, Ryan Morrison)

You don't often get email from yepeth@gmail.com. [Learn why this is important](#)

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

Dear Ryan Morrison,

please share this with the board this eve.

There are a myriad of reasons why the proposal for a food truck on 501 Pine street is not only irresponsible to the environment but also dangerous to the human community. Below are a list of concerns that need to be addressed before this idea would have any reasonable merit under the scrutiny of environmental scientists and neighborhood community organizers.

1. **STORMWATER:** Stormwater runoff from southend crosses the land here and changing permeability will impact the site's ability to catch, filter, and redistribute that water. Any construction will disturb the existing soil conditions and malaeffect the rest of this fragile urban wild, including toxins that are currently held in stasis. Given the significance of the Pine Street Barge Canal in Burlington's stormwater system, it should be considered carefully whether paving and covering over the .12 acres of this site could have an adverse impact on stormwater retention and processing. When an area that permeable (currently with tree soil) is replaced with impermeable surface (pavement), this puts more pressure on the surrounding landscape to absorb, filter, and redistribute the stormwater.

2. **TREE COVER:** Existing trees (26-30 black locust, green ash, cottonwood....) are critical to the existing soil stability, carbon sequestering, and stabilizing toxins (phytosequestration) . Cutting trees will impact water retention and any stump removal will disturb the subsurface levels. The peat layer below the surface holds the NAPLA like a sponge, therefore any release of these affects the current mitigation balance. Many of these ash trees are laden with seeds and a valuable source of genetic stock for when the ash bore disease has passed through the area. Removing these trees would be removing important living libraries.

3. **LIABILITY:** Superfund site liability is not to be taken lightly. There are many regulations that need to be adhered to since there are 56 toxins of concern at this site. Currently everything is held in place but developing the site will expose these toxins and would need to have a specific approved mitigation plan that ensures the surrounding ecosystem and

human community is not malaffected by these toxins. BRILLA will need to be consulted and compliance needs to be spelled out to be evaluated. There is a serious threat from this proposed development to create a MIGRATION OF TOXINS. Given the documented presence of hydrocarbons and heavy metals in the soil at 501 Gatehouse and given the 56 “contaminants of concern” identified by EPA at the Pine St. Superfund Site, there is significant potential for excavation on the site – even the 2-4 feet of digging mentioned in the application – to cause migration of toxins down gradient to Lake Champlain.

4. NEIGHBORHOOD COMPATIBILITY: To have food in an art district on a superfund site does not make any sense in terms of safety nor in terms of consistency with the neighborhood orientation. This area of 501 Pine is actually slated to be moved into conservation zoning, with the help of the new owner, connecting 24 acres of current R zoning at the Barge Canal. Leaving this area untouched is the most consistent and responsible action concerning this future plan for the contiguous parcels.

5. LIGHT POLLUTION: Research indicates lights threaten the insect population which is at the foundation to the trophic web. This location is not appropriate to turn into another lit venue with light pollution as there are robust insect populations from the adjacent wetlands that need to be protected. Even with lights that conform to the DAB’s guidelines, the evening activity of the food containers will increase the light pollution in the area and risk negatively impacting flying insect populations which in turn affects the bird and amphibian populations.

6. HISTORICAL SIGNIFICANCE. The Pine Street Barge Canal is an area of historical significance. The site of the proposed development is precisely where the Burlington Gas Light Company manufactured gas plant was located for 60 years. The wetlands to the west and north were hunting/fishing/gathering grounds for native Abenaki residents. The canal itself contains several sunken 19th century canal sailing barges, vestiges of Burlington’s once thriving lumber mills. The industrial, natural and indigenous heritage of this area will be documented and honored in the future municipal park. It is not clear at all how the proposed food truck/container café fits into this picture.

7. SAFETY FOR FOOD SERVICE.

The Phase II Environmental Assessment of the site conducted in 2021 by the Nobis Group found levels of vanadium, a toxic heavy metal associated with the manufactured gas plant, that exceeded Vermont Non-Residential Standards in all soil borings at 501 Gatehouse. There were also significant amounts of polycyclic aromatic hydrocarbons (PAHs) and total petroleum hydrocarbons (TPHs) present though not exceeding Vermont’s *Non-Residential* Standards. It is concerning that this area is not safe for a food service business.

8. TRAFFIC FLOW ON PINE STREET. Has there been a traffic study to determine the impact of the proposed development on traffic flow, already congested on Pine Street and/or the future Champlain Parkway? How will turning cars into the food container area affect bicycle and

pedestrian safety? Will parking for the food service area overflow on to Pine Street, with people crossing in mid-block to get to the west side? This small project could have big consequences for car drivers, cyclists and pedestrians, not to mention residents of Jackson Terrace across the street.

Thank you for sharing these concerns and taking them into serious consideration for the well being of the ecosystem and human community.

Sincerely,

Jess (Yepeth Perla) Rubin
(she/her/they) in unceded Abenaki territory
MS Environmental Science
MS Plant Soil Science

Earth Tender, Environmental Scientist, Ecological Reconciliationist, Educator mycoevolve.net
Kohenet, Folk Herbalist, Wilderness Guide, Mentor rootsandtrails.com



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Shop

My TSC Store:



Cedo Front Desk

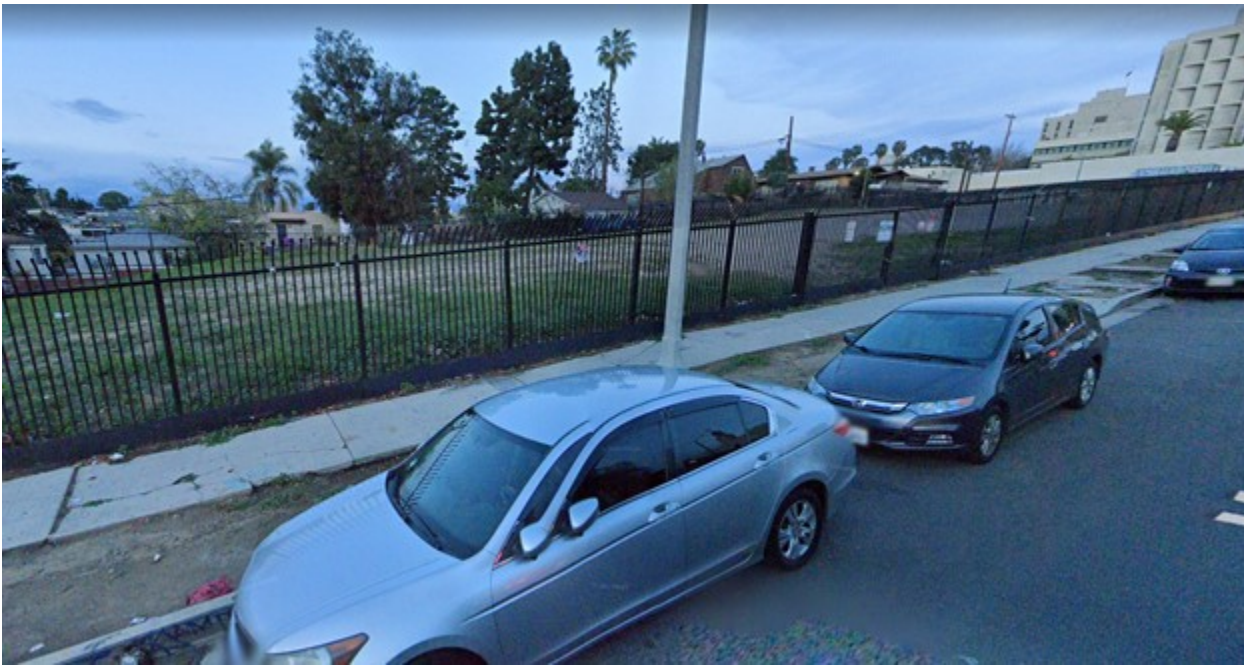
From: Cedo Front Desk
Sent: Monday, June 6, 2022 1:35 PM
To: Tucker Wright
Subject: RE: Westlake Village Location

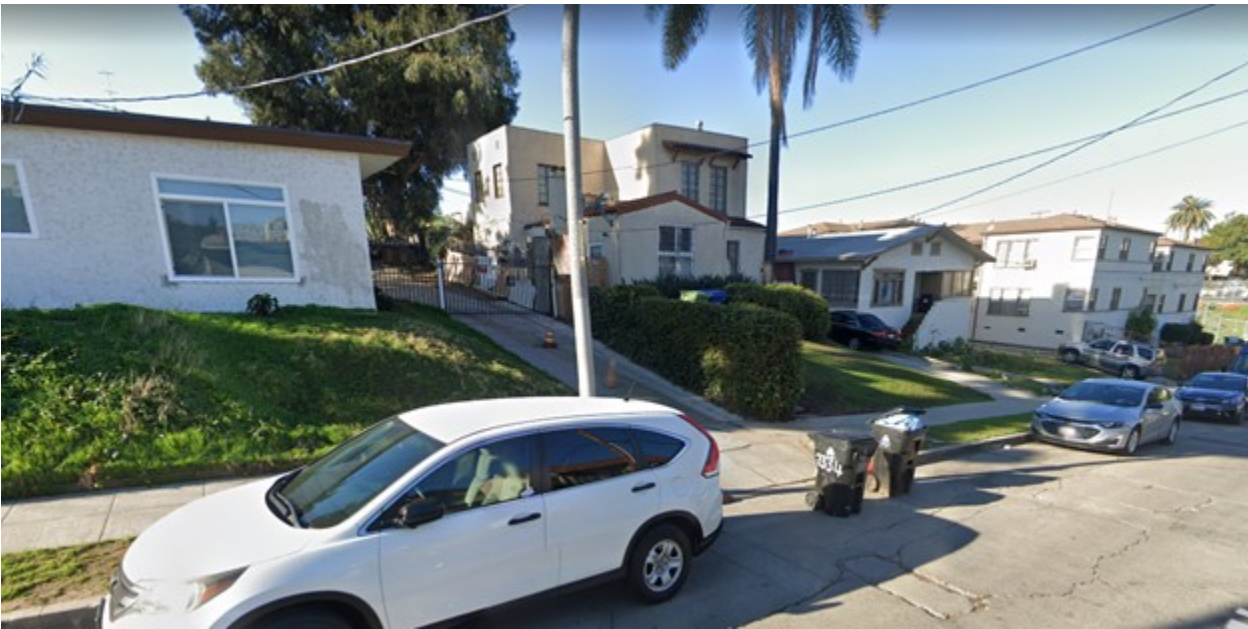
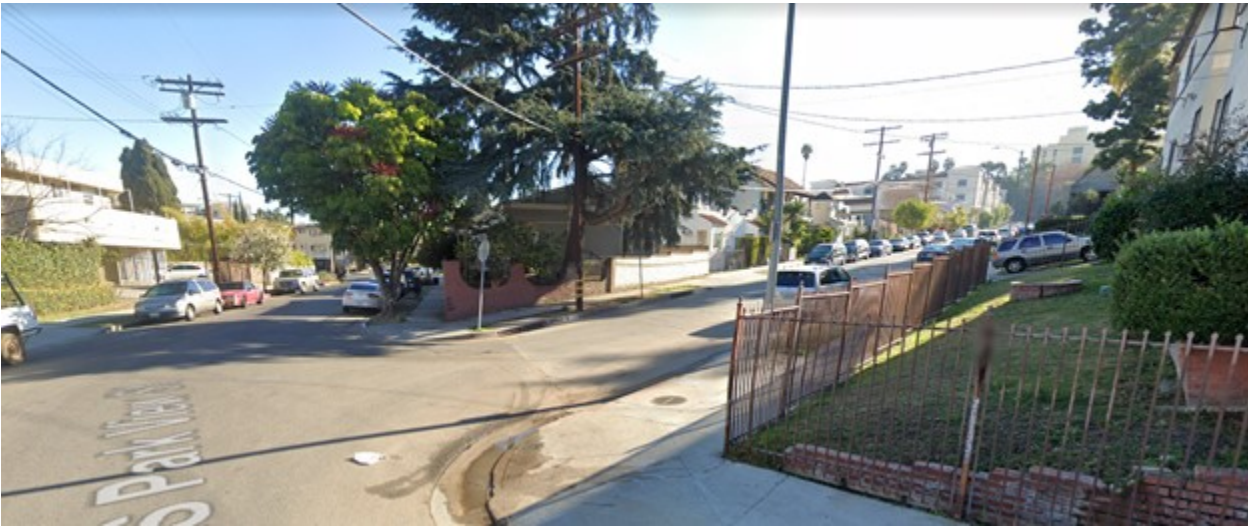
Hi Tucker,

I am glad to hear that you found my other emails!

So, I think we have found out why there is a discrepancy. The correct address for the Westlake Village is 2301 W 3rd St – LA CA 90057 – confirmed by the site operators. As we note on our website, it is in a mixed single and multi-family neighborhood, close to a school and a hospital. The N Alvarado/Scott Avenue Site is a different shelter pod location.

Here are some Google Maps images of the area (obviously taken before the pods were put in):





Thank you,

Bridget

Bridget O’Keefe (she/her)
Community Engagement Office Coordinator
City of Burlington | Community and Economic Development Office
(802) 865-7144
149 Church Street, Room 32
Burlington, VT 05401



Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act. CEDO (including the Community Justice Center), as part of the City of Burlington, is bound by the Vermont Public Records Act. There are exemptions to this Act for certain personal and confidential information, and we will take steps to protect your privacy. If you have any questions, please ask us.

From: Tucker Wright <tuckerscv@gmail.com>
Sent: Friday, June 3, 2022 5:53 PM
To: Cedo Front Desk <CedoFD@burlingtonvt.gov>
Subject: Re: Westlake Village Location

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

Hi Bridget,

I truly don't know how, but somehow your previous two responses were sent to my spam folder (though not this last one which makes it all the more weird), but thank you for your patience as I'm sure it was frustrating continuing to get emails from me requesting the same information several times. I sincerely hope CEDO will consider my request to update the language around this location and no longer say "According to Wanda, the Westlake Village Site is similar to our proposed site at Elmwood Ave. It is in a single family home residential neighborhood, but close to essential services, a hospital, and a school (and urban, in Los Angeles)." I've included some images from the street view of the location and you can see it's in a largely commercial area, on a busy 4-6 lane road that intersects with another 4-6 lane road less than a block away. While there may be some residences in the area I don't think any reasonable person would look at Elmwood Avenue and say they are similar.

I think it's crucial that CEDO is transparent with residences and is only sharing accurate, unbiased information that has been vetted or fact checked.

Thanks again and have a great weekend

Tucker

Westlake Village Location Views:

2101 Scott Ave

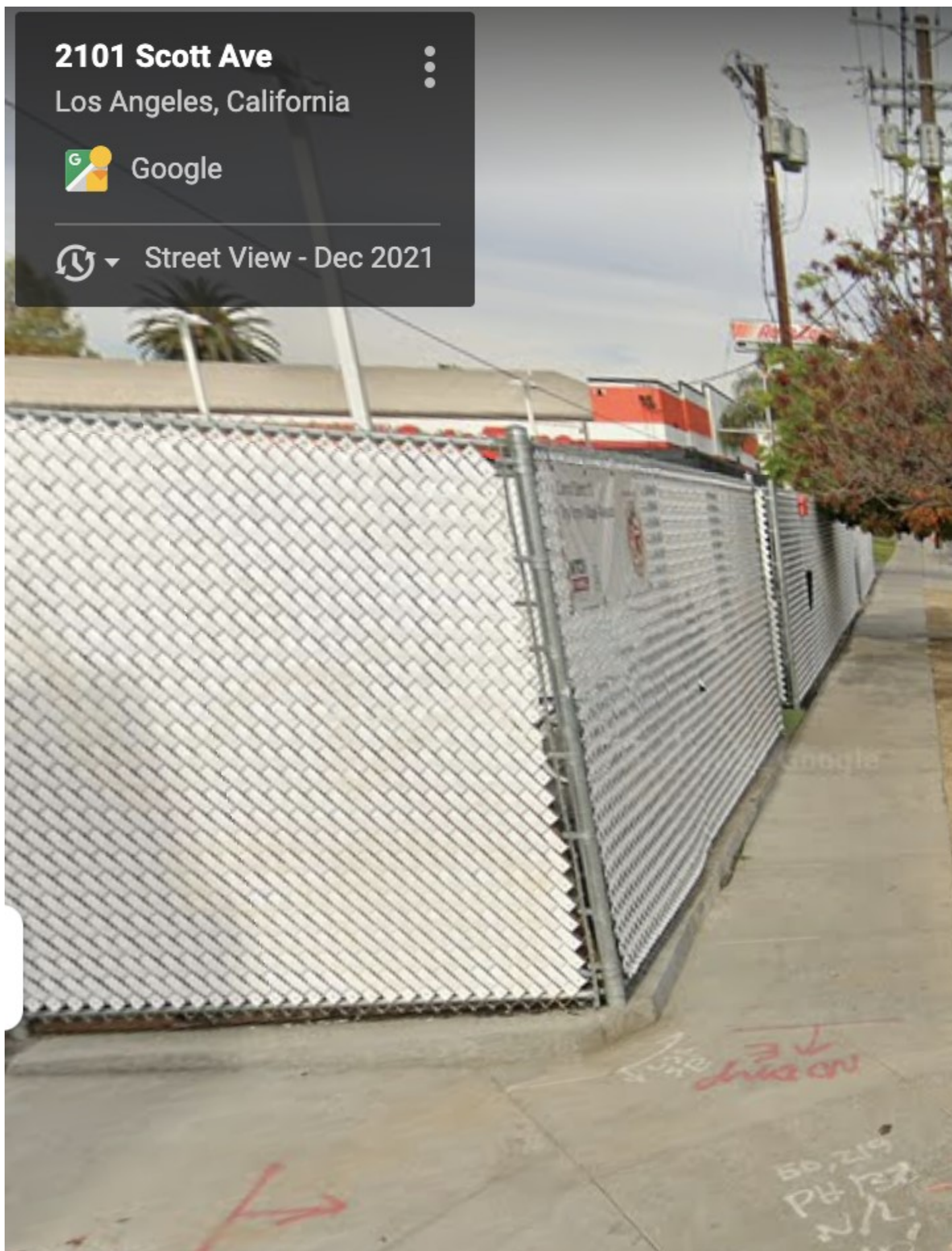
Los Angeles, California



Google



Street View - Dec 2021



2123 Scott Ave

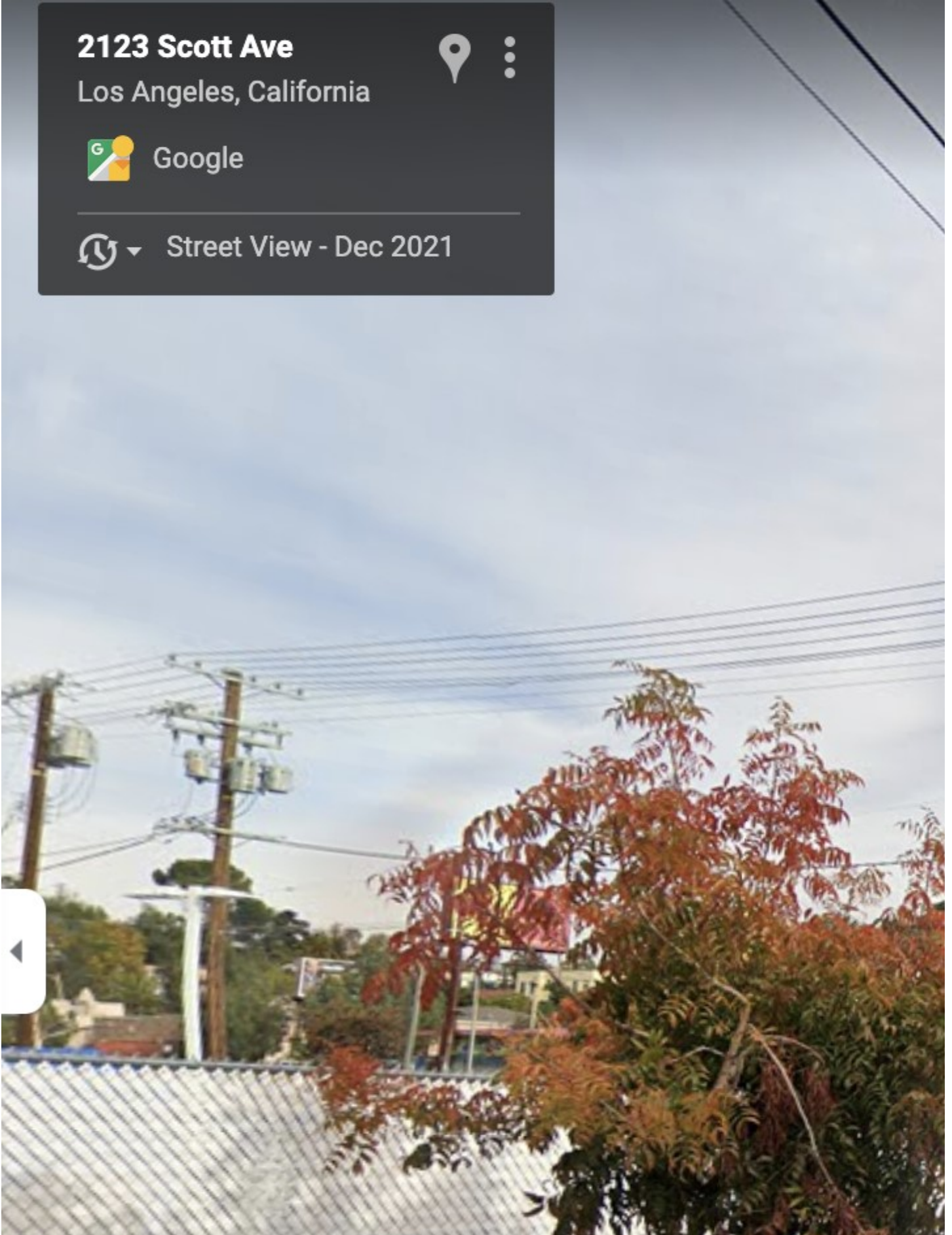
Los Angeles, California



Google



Street View - Dec 2021



Intersection Nearby with Westlake Village visible in back right:

1525 CA-2

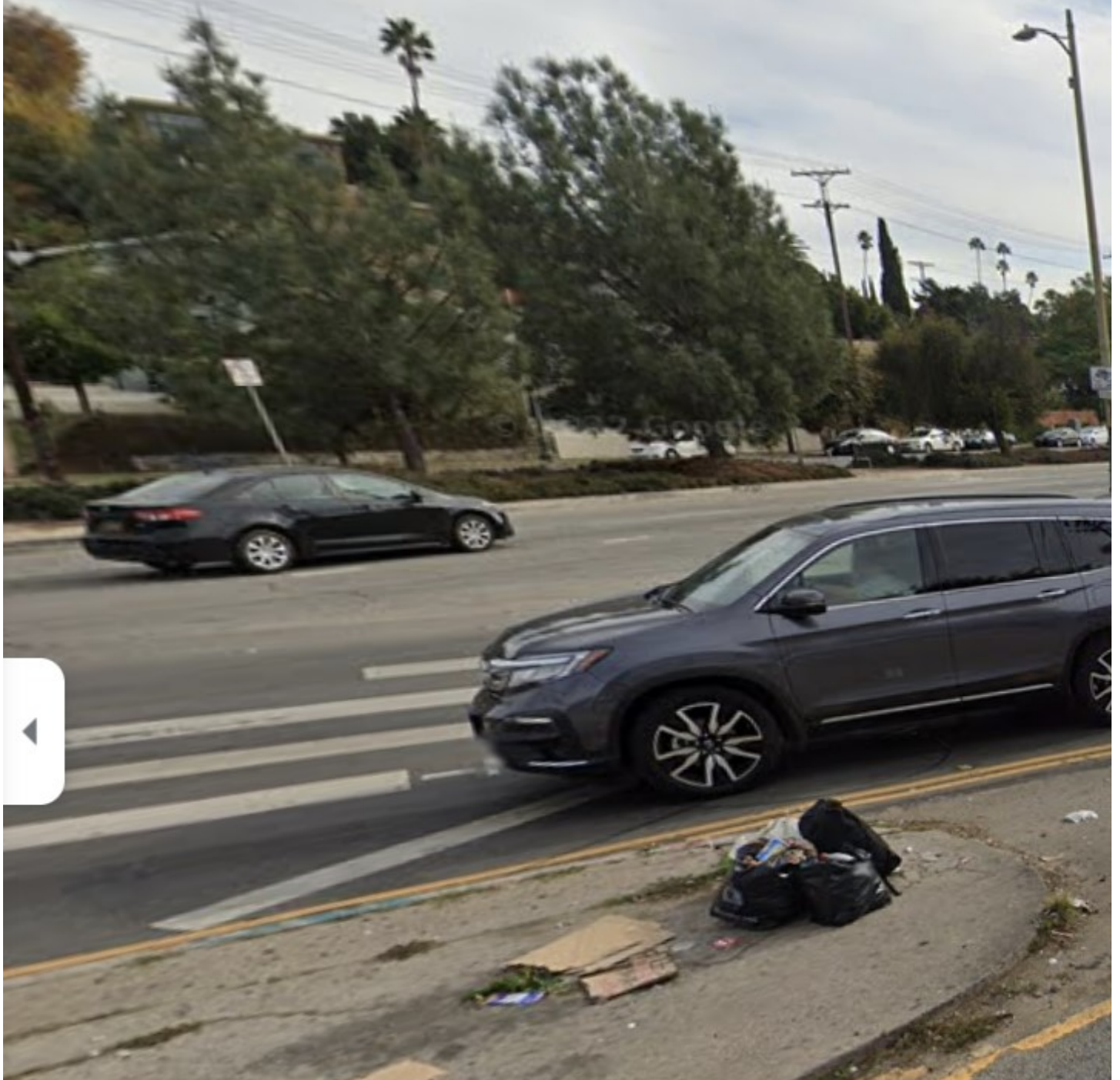
Los Angeles, California



Google



Street View - Dec 2021



Full view of busy intersection:

1525 CA-2

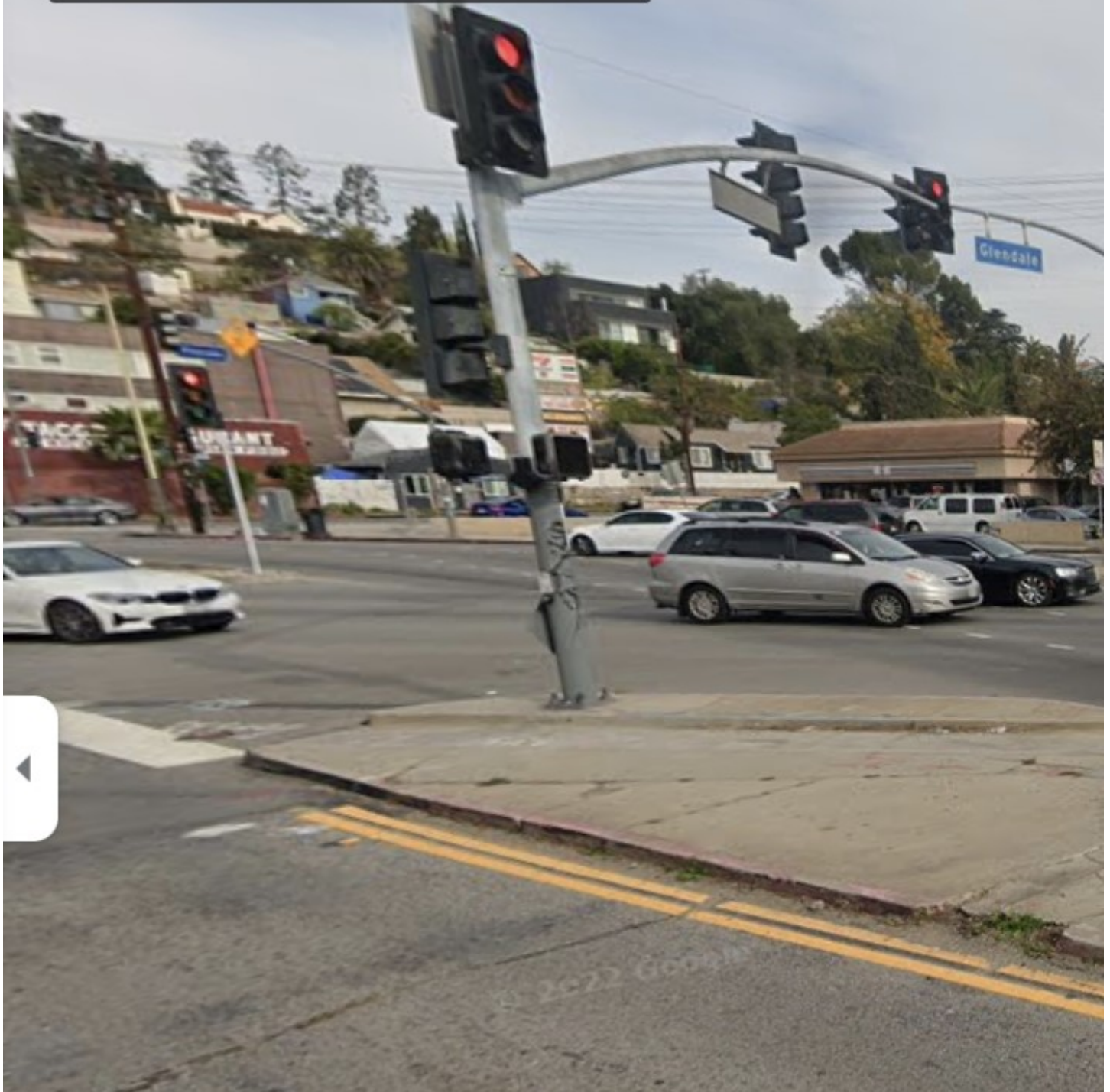
Los Angeles, California



Google



▼ Street View - Dec 2021



Views from Elmwood:

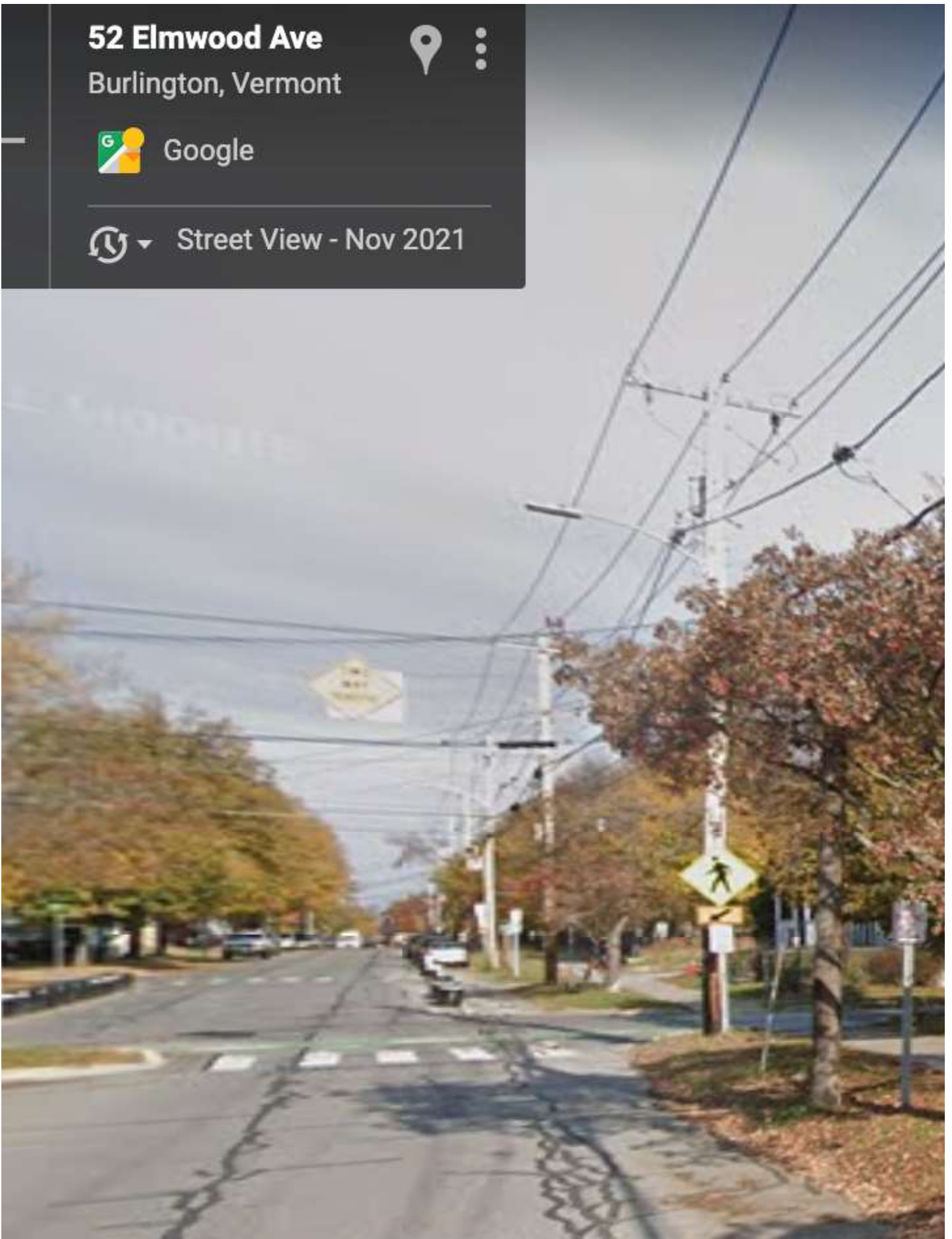
52 Elmwood Ave
Burlington, Vermont



Google



Street View - Nov 2021



On Thursday, June 2, 2022, 03:00:12 PM EDT, Cedo Front Desk <cedofd@burlingtonvt.gov> wrote:

Good afternoon Tucker,

I apologize if you are not getting my messages. I have followed up with you two times on your below question (I have attached here). I went ahead and called Urban Alchemy for confirmation on the Westlake Village address and am waiting for a call back. I will let you know once I hear back from them.

Best,

Bridget

Bridget O'Keefe (she/her)

Community Engagement Office Coordinator

City of Burlington | Community and Economic Development Office

(802) 865-7144

149 Church Street, Room 32

Burlington, VT 05401



Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act. CEDO (including the Community Justice Center), as part of the City of Burlington, is bound by the Vermont Public Records Act. There are exemptions to this Act for certain personal and confidential information, and we will take steps to protect your privacy. If you have any questions, please ask us.

From: Tucker Wright <tuckerscv@gmail.com>
Sent: Thursday, June 2, 2022 9:41 AM
To: Cedo Front Desk <CedoFD@burlingtonvt.gov>
Subject: Re: Westlake Village Location

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

Hi CEDO Team,

I thought I'd follow-up one last time on this request for information in regards to the address of the Westlake Village. I plan on attending the neighborhood meeting and adding that to my list of questions for the group forum.

Thanks

T

On Wednesday, May 25, 2022, 08:10:56 AM EDT, Tucker Wright <tuckerscv@gmail.com> wrote:

Hi CEDO Team,

I'm checking in on a request I made to confirm the address of the Westlake Pod Village that is listed in the 5/17 FAQs update on your website. I made the request for this information on 5/18 and then followed up with an address I believe to be the location (N Alvarado St & Scott Ave) through news articles and some Los Angeles county paperwork. Can you please let me know if this is location and respond to my inquiry.

Thanks,

T

Ryan Morrison

From: Ruby Perry <evolution.ruby@gmail.com>
Sent: Tuesday, June 21, 2022 2:21 PM
To: Ryan Morrison
Subject: comments on 501 Pine Street

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

June 21, 2022
Burlington Development Review Board
Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401

From: Ruby Perry

Re: ZP-21-800, 501 Pine Street

To the Development Review Board:

I live one block east of the proposed development on 501 Pine St and I have serious concerns about the proposal.

TRAFFIC

Anyone who has been on Pine Street during the morning and evening commuting hours would note that traffic is bumper to bumper. Any cars turning off for a quick bite or pick up take out would necessarily interrupt the little flow there actually is - especially if they are traveling north and wish to make a left hand turn. All traffic would halt waiting until a car can turn into essentially a driveway with room for 3 cars. What if there are too many cars in there already? What if, a bike or a pedestrian is passing along the side of Pine St? It seems critically important to consider the traffic issues (including pedestrian and bike) already present on Pine St and the 37% increase anticipated as a result of Champlain Pkwy. Has the developer done a traffic study that takes into consideration the traffic flow, and does it include the impact of the Champlain Pkwy?

NEIGHBORHOOD

Have residents of Jackson Apartments as well as Five Sisters been notified of these plans and this review? Their input is incredibly important due to the certain impact of traffic flow on their day to day lives. In addition, any lighting and noise from the project will directly impact those apartments. Has the impact on lighting to the neighborhood been considered? I would also point out that the proposed zoning changes in South End calls for more residential development. Is a second "Food Truck patio" (there is already one between Myers Bagels) conducive to the changing demographics of the neighborhood.

ENVIRONMENTAL

I understand that the environmental impact of cutting down trees is not something that this body considers in their deliberations. Yet the presence of the trees on 501 Pine St is not incidental. As you are aware, 501 Pine St. is a superfund site, and in fact the exact location of the coal gasification plant which left behind "52 contaminants of concern" according to the EPA. The only reason those toxins are not currently contaminating the groundwater and the Lake is because nature, left alone, has contained them safely within the matrix of biology within the soil. This matrix includes the bacteria and mycorrhizal network that work together with the

roots of the life growing above the soil. This includes not only the flora but also the fauna that is now residing in that area. These "neighbors" are protecting the lake and the groundwater.

If the DRB is not the body to consider these critical environmental factors, what City department, board or commission will be reviewing the impact of cutting down trees and disturbing the fragile wetland ecology of Pine Street?

Respectfully submitted
Ruby Perry



Office of Mayor Miro Weinberger

MEMORANDUM

To: Development Review Board
From: Mayor Miro Weinberger
Date: June 21, 2022
Re: Emergency Shelter Proposal

We are facing a crisis in addressing the homelessness situation in Chittenden County and in our City. There are now upwards of 250 chronically homeless people in Chittenden County, according to the latest estimates, an increase from roughly 35 people at the lowest point before the pandemic.

As part of my 10-step Action Plan to fulfill the promise of housing as a human right in Burlington, I called for an investment in approximately 30 shelters to create a new low-barrier facility for 2022. The City Council unanimously approved the allocation of federal ARPA for this effort. The Council also approved by a vote of 11-1 the change in use of the subject property from a City parking lot to an emergency shelter. These emergency shelters will offer people, some of whom who had lived in encampments, an appealing alternative where we can closely work with them to find them permanent housing.

Starting on June 30, the State of Vermont will implement more restricted eligibility requirements that will limit eligibility for emergency housing, exacerbating our ongoing homeless crisis.

To be clear, these shelters are the not the single solution to chronic homelessness in our City. But they are a critical component of building our capacity to create emergency shelters as an intermediate step to help people find more permanent, affordable housing.

Building temporary emergency shelters, as we have proposed, represents a new kind of innovative thinking to address a challenging problem. This is an approach that is working in other cities. As documented in a [case study](#) by the U.S. Interagency Council on Homelessness, the City of Boston has effectively created “Reimagined Shelters” as part of the city’s public health approach to address homelessness.

- Case Study - “Reimagined Shelters”: Boston used Emergency Solutions Grants from the CARES Act and State and Local Fiscal Recovery funds from the American Rescue Plan to launch three (and eventually four) sites near the encampment that operated as special 24-hour “low-threshold” shelters. Compared to other shelters in the city, these offered more privacy (with no more than a few residents in each room), more freedom (residents could come and go as they wanted), and more empathy for the realities of addiction (substance use was not allowed in the facility but outside use did not expel them from the shelter).

These reimagined shelters are an important part of the preliminary success described in this case study describing Boston's approach to reducing illegal encampments. Here in Burlington, we are on the right track, and now have direct validation that a similar effort is working elsewhere in New England.

As I noted in December, the root of all housing affordability challenges in Burlington and Chittenden County is a severe, long-standing, and intensifying shortage of homes that demands large government investment and dramatic regulatory change to correct. This shortage must be overcome for Burlington to make good on our deeply held community value that decent, stable housing is a human right available to all. Properly serving the most vulnerable – those experiencing chronic homelessness – requires both substantial numbers of new homes and additional system change and focus.

Existing emergency shelters throughout the area are at capacity and, nightly, turning away people who are in need of housing. The proposal before you to build these emergency shelters on Elmwood Avenue takes essential steps to help end chronic homelessness. There can be no more delay. The City must act.

I strongly urge the City's Development Review Board to approve tonight this proposal for an emergency shelter so that the City can move forward and take action to address our record levels of chronic homelessness.

We had planned to open this temporary facility in July. That is no longer viable due, in part, to the delay in permitting. As you consider this issue this evening, remember that we can't begin to address chronic homelessness in our City unless we act. With a permit issued by the DRB tonight, the City will strive to have these critical emergency beds available in September.

##

Burlington Development Review Board

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

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



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, June 21, 2022, 5:00 PM AGENDA

Remote Meeting

Zoom: <https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09>

Webinar ID: 832 2569 6227

Passcode: 969186

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

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

1. **ZPW-22-62; 187 Pearl Street FD6, Ward 3C) 187 Pearl Street LLC / Chris Mason**
Request for alternate compliance under form code to restore historic masonry openings and install three windows abutting alleyway. (Project Manager, Mary O'Neil)

Approved

V. **Public Hearing**

1. **ZAP-22-1; 77 Pine Street (FD6, Ward 3C) Nedde Bank LLC / Liam Murphy**
Appeal of adverse determination regarding compliance with inclusionary zoning requirements of condition 4, ZP #20-0453CA, for payment in lieu for inclusionary housing units. (Project Manager, Scott Gustin)

Approved

2. **ZP-21-800; 501 Pine Street (E-LM, Ward 5S) KS Pine LLC / Kurt Schueler**
Establish a food truck/container kitchen café. (Project Manager, Ryan Morrison)

Approved

3. **ZP-22-171; 23 North Champlain Street (RH, Ward 3C) Henry Stark**
Establish a bed and breakfast (short-term rental) within existing duplex; one bedroom in each unit totaling 2 bedrooms (one unit owner occupied). *Deferred hearing rescheduled from May 17, 2022.* (Project Manager, Mary O'Neil)

Approved

4. **ZP-22-199; 51 Elmwood Avenue (RH, Ward 3C) City DPW / Samantha Dunn**

Establish temporary emergency shelter including 30 shelter pods, community resource center, and bathhouse. *Continued hearing rescheduled from July 5, 2022.* (Project Manager, Scott Gustin)

Approved

1. **Other Business**
2. **Adjournment**

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

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

Burlington Development Review Board

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

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



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, June 21, 2022, 5:00 PM

Minutes

Remote Meeting

Board Members Present: All members were remote. Brad Rabinowitz, AJ LaRosa, Geoff Hand, Brooks McArthur, Caitlin Halpert, Sean McKenzie, Leo Sprinzen

Board Members Absent: Chase Taylor

Staff Members Present: All members were remote. Scott Gustin, Mary O'Neil, Ryan Morrison, and Joseph Cava

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

1. ZPW-22-62; 187 Pearl Street FD6, Ward 3C) 187 Pearl Street LLC / Chris Mason

Request for alternate compliance under form code to restore historic masonry openings and install three windows abutting alleyway. (Project Manager, Mary O'Neil)
Chris Mason: Sworn in.

Brad Rabinowitz: This is recommended for consent, are you okay with this?

Chris Mason: Yes, I am okay with this being a consent item.

Geoff Hand: Motioned to approve and adopt staff recommendations, Caitlin Halpert 2nd. Vote 6-0.
Motion carries.

V. Public Hearing

1. ZAP-22-1; 77 Pine Street (FD6, Ward 3C) Nedde Bank LLC / Liam Murphy

Appeal of adverse determination regarding compliance with inclusionary zoning requirements of condition 4, ZP #20-0453CA, for payment in lieu for inclusionary housing units. (Project Manager, Scott Gustin)
Liam Murphy: Sworn in.

Brad Rabinowitz: Do you swear to tell the truth and the whole truth?

Liam Murphy: I do.

A.J. LaRosa: I am recused on this.

Scott Gustin: Because this project contains more than five residential units it requires inclusionary units – in this case 7 inclusionary units. The payment in lieu fees are split into three tiers with a low, medium, and high fee based upon project size. A marginal fee approach is used.

Brad Rabinowitz: Why was there an option for the first inclusionary unit to be paid for at a discounted rate of \$35,000 compared to the \$70,000?

Scott Gustin: I don't have an answer beyond the marginal fee approach making the fees lower for smaller projects and fees progressively higher based upon project size.

Brad Rabinowitz: Numerically it works, but let's let the applicant present.

Liam Murphy: The City's argument is that if thought about differently it would be written differently, and the ordinance should be amended to make the language clearer. The payments were so high under inclusionary zoning that it was never used. If the fee was lower, it would be utilized more. Zoning amendments were put forth in April 2019 adopting the marginal fee approach presented by Scott Gustin.

Brad Rabinowitz: To be clear, you're talking about the first units in the development and not the last units?

Liam Murphy: Yes

Geoff Hand: Can a payment in lieu be used in whole or in part?

Liam Murphy: The ordinance does not specify.

Geoff Hand: The use of the ordinance is relying in part on administrative interpretation which would allow the partial payment in lieu. The ordinance could be read to allow payment in lieu only for the entire inclusionary requirement.

Liam Murphy: This would not be consistent with the language of the ordinance as it exists and therefore does not make sense.

Caitlin Halpert: Use of payment in lieu was not specified during the initial approval of this permit.

Liam Murphy: No.

Leo Sprinzen: What is the marginal fee approach as it relates to this project?

Liam Murphy: There's a Vermont Supreme Court case that relates where a project was taxed at 15%, with every additional unit being 30%.

Brad Rabinowitz: Close this public hearing.

2. ZP-21-800; 501 Pine Street (E-LM, Ward 5S) KS Pine LLC / Kurt Schueler

Establish a food truck/container kitchen café. (Project Manager, Ryan Morrison)

Kurt Schueler, Catherine Bock, Ruby Perry, Gordon Clark, Scott Michael Mapes, representing Mark Davis, owner of 501 Pine St., Diane Gayer, and Andy Simon: Sworn in.

Brad Rabinowitz: Is the applicant here?

Geoff Hand: I recuse myself.

Kurt Schueler: We revised the plans utilizing staff recommendations.

Brad Rabinowitz: Are the graphics proposed in the tower design a sign?

Ryan Morrison: It was originally proposed as a sign but could not be approved as a sign. It has been revised to artwork.

Brad Rabinowitz: Questions from the board?

Leo Sprinzen: In the design it shows cars in the drive, what is this for?

Kurt Schueler: This is for food delivery and pedestrian drop off.

Brad Rabinowitz: Does this need to be reviewed by the department of public works with a traffic study?

Scott Gustin: This project isn't large enough to require a traffic study.

Leo Sprinzen: Would drop off for food and traffic have a time constraint?

Kurt Schueler: The hours of operation would be from 11:00 AM to 11:00 PM.

Sean McKenzie: Would the project have conditions?

Ryan Morrison: Yes, before the zoning permit is approved it would be accompanied with pre-release conditions.

Brad Rabinowitz: Are people parking and eating on site?

Kurt Schueler: No

A.J. LaRosa: It would be better not to have the curb cut to prevent extended vehicular traffic on site.

Catherine Bock: Thank you for discussing the parking because there is a concern of traffic backing up along Pine St. There are also concerns of trees being cut that would lead to soil erosion releasing toxins into Lake Champlain.

Ruby Perry: I live one block east of the site and I have concerns about traffic flow on Pine St. This is a major consideration given the upcoming development of the Champlain Parkway. Our input from the Five Sisters neighborhood is important because we live across the street from the proposed project and there are plans for more residential housing expansion in the South End. When the land is disturbed by development which City body will be held accountable if not the DRB?

Gordon Clark: Traffic is a concern, and I am shocked to know that beyond the rendering provided in the presentation, there is no traffic plan in place to handle the projected traffic increase. Lighting is also a concern because the project will cause immense amounts of light pollution. In regard to environmental concerns how is putting a food court on a Brownfield site a smart idea?

Scott Michael Mapes: What are acceptable heights of fill and excavation for the environmental sensitivity of this site? There were recent studies done to understand the limitations set by the Environmental Protection Agency (EPA) and what the State of Vermont can approve. I have confidence in the corrective action plans between the EPA and the State of Vermont before a zoning permit can be approved and released.

Diane Gayer: I had a workspace near a vendor space similarly aligned with this proposed project. This is a dynamic proposal, but the city hasn't considered the health of the neighborhood and the downfalls this project will cause including noise, traffic, and neighborhood makeup. I feel we aren't getting the full picture of this project including pedestrian traffic and vehicular traffic and the impact it will have to neighboring properties in terms of storm water runoff. All of these impacts are a liability to neighboring locations.

A.J. LaRosa: The Superfund restrictions and liability are out of the DRB's hands, but it does not mean that other city offices and regulatory organizations aren't addressing this even if the permitting process isn't.

Andy Simon: The Friends of the Barge Canal are concerned on the limitations centered around the site itself and is not putting enough emphasis on the conservation zone around the properties of 453 and 501 Pine. This project is not compatible with the long-term conservation goals of this district. The proximity of the project to the bike path creates a safety issue with consideration to the underdeveloped area that will become the Champlain Parkway. This site has 40-year-old trees linking the site's incompatible use as a parking lot with a concrete pad. This is also before addressing the toxins present in the soil and the southern extension of the Champlain Parkway as previously defined as impractical due to the environmental impacts.

Brad Rabinowitz: Why isn't this project a part of the conservation board's agenda?

Scott Gustin: This parcel is not affected by any natural resource overlay. The larger parcel behind it is affected by several such overlays.

Brad Rabinowitz: Kurt, is there anything else you would like to add?

Kurt Schueler: There is a corrective action plan in place in conjunction with the EPA to address environmental issues.

Scott Gustin: The City's Stormwater program will be addressing runoff concerns.

Ryan Morrison: This will be a condition of the permit's release.

Brad Rabinowitz: Close the public hearing.

3. ZP-22-171; 23 North Champlain Street (RH, Ward 3C) Henry Stark

Establish a bed and breakfast (short-term rental) within existing duplex; one bedroom in each unit totaling 2 bedrooms (one unit owner occupied). *Deferred hearing rescheduled from May 17, 2022.*

(Project Manager, Mary O'Neil)

Henry Abbott Stark: Sworn in.

Brad Rabinowitz: Do you swear to tell the who truth and nothing but the truth?

Henry Stark: Yes

Brad Rabinowitz: This agenda item is being recommended for approval because the project site plan is straightforward. Can you expand on the scope of this project?

Henry Stark: This is an up/down duplex property with two bedrooms upstairs and one bedroom downstairs. I will be living in the upstairs unit but will be renting out all bedrooms when I am traveling.

Brad Rabinowitz: Close the public hearing.

4. ZP-22-199; 51 Elmwood Avenue (RH, Ward 3C) City DPW / Samantha Dunn

Establish temporary emergency shelter including 30 shelter pods, community resource center, and bathhouse. *Continued hearing rescheduled from July 5, 2022.* (Project Manager, Scott Gustin) Samantha Dunn, CEDO, Brian Dunkiel, Malachi Brennan, Kelly Devine, Christopher-Aaron Felker, Rebecca Hotaling, David Call, Ashley Thurgate, Trudy Richmond, Maria Vidale, Steph Holdridge, Kerri Duquette-Hoffman, Cooper Seigel, Ryan Allen, and Mark Bouchet Sworn in.

Brad Rabinowitz: Is the applicant here?

Geoff Hand: I am recused from this matter.

Brad Rabinowitz: Resuming public comment from the previous meeting.

Kelly Devine: Being put forward as a conditional use, how does the community resource center address the concerns of the neighborhood beyond the shelter pod community? This concern stems from a similar community center that was on South Winooski Ave. and I don't feel this is in keeping with the neighborhood. The sample management plan does not address the neighborhood beyond the pod village.

A.J. LaRosa: An argument was heard at the last meeting about V.S.A. 4413 and its implications on this City project.

Christopher-Aaron Felker: I am a neighbor living near the proposed pod village development and most of the plan for this project is woefully lacking the muscle including a management plan. The impact of 100 people coming to this neighborhood is an inappropriate use for the site and CEDO has not addressed the enforcement concerns of the neighbors.

Rebecca Hotaling: Beyond the pod residents, there are concerns of increased visitor traffic to the area that will cause overwhelming amounts of noise disruption to the peaceful enjoyment of neighboring properties. The foot traffic will also impact McKenzie House's residents' safety. At this stage, there is an unknown amount of screening to ensure the privacy and wellbeing of residents.

Brad Rabinowitz: The concern we are hearing now are the same as the concerns we heard at the last meeting.

David Call: I am not afraid of this project because the benefits of housing, employment securement, and social workers far outweighs the hypothetical issues raised by neighbors.

Ashley Thurgate: I am representing members of McKenzie House.

Trudy Richmond: My main concerns are the lack of safety and security proposed by this low barrier shelter. This will place an increased demand on an already dwindled police force. There are other examples of other homeless shelters that have caused more harm than good to neighboring residents.

Maria Vidale: Have you heard from people who have been homeless? I was for two years. You are not doing these people any favors by giving them a leg up, this is a handout. You are allowing and perpetuating the bad behavior that is already existing.

Steph Holdridge: This should be denied, and the homeless should be housed in motels for a year while more permanent housing is established. Are there plans to utilize the old Y as a temporary housing project?

Kerri Duquette-Hoffman: The agency I am part of is proud of this important step to improving the Burlington Housing market.

Brad Rabinowitz: Do you have anything to say in response to the other public comments?

Kerri Duquette-Hoffman: I don't have the authority to address this but reiterate the importance of this project.

Cooper Seigel: There is little protection from noise and light pollution, and I consider strongly that you fully evaluate the ramifications of this project. The neighbors and residents of this neighborhood were not informed about this project until recently and didn't have a voice in the planning process.

Ryan Allen: My life is centered around activism in the City of Burlington including homelessness and raising awareness to drugs and other negativities that follow the homeless population. Homelessness does not discriminate citing an example of a white woman with multiple degrees and housing that became homeless. The underlying issue isn't about the homelessness, but NIMBYISM.

Mark Bouchet: This location is contradictory to those that are most vulnerable and impacted by this project.

Brad Rabinowitz: Without a management team it is difficult to discern how this project, property, and everyday life will be managed. Do DRB members have questions for the applicant?

Malachi Brennan: Thank you for your time to review this project. We feel we have satisfactorily addressed concerns from the board in regards to waste, security, and management. The management plan does not relate to the authority of V.S.A. 4413 raised during public comment.

Brad Rabinowitz: We ask these questions to address public concerns about screening and setback requirements to appease everyone, not just one side of the argument or the other. Any other questions from the board for CEDO?

Sean McKenzie: There's a proposal to raise the curb, will this be in place after three years?

Samantha Dunn: It will be removed after three years.

Brian Dunkiel: We sent a letter in regards to a decision for this project.

Brad Rabinowitz: We have made the letter available for everyone involved.

Samantha Dunn: Starting July 1, 2022, 230 families are expected to be displaced from motel shelter projects.

Brad Rabinowitz: Close the public hearing.

VI. Other Business

None

VII. Adjournment

Hearing closed at 7:17 PM.



8-4-22

Bradford L. Rabinowitz, Chair of Development Review Board

Date



8-4-22

Joseph H. Cava, Permitting & Inspections Permit Technician

Date

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

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