

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

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Jim Drummond, (Alternate)
Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday June 4th, 2019, 5:00 PM

PUBLIC HEARING NOTICE

**The Burlington Development Review Board will hold a meeting on
Tuesday June 4th, 2019, at 5:00 PM in Conference Room 12, City Hall.**

- 1. 19-0778AP; 281 Pearl St (RH, Ward 8E) Sisters and Brothers Investment Group LLP**
Appeal zoning violation 358671
- 2. 19-0852CU; 135 South Crest Drive (RL, Ward 5S) J Suzanne Fitzpatrick**
Increase living space in basement, requesting 1 bedroom bed and breakfast

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

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

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

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

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

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Tuesday June 4th, 2019, 5:00 PM

Conference Room 12, City Hall, 149 Church St, Burlington, VT

AGENDA

I. Agenda

II. Communications

III. Minutes

IV. Consent

V. Public Hearing

1. 19-0778AP; 281 Pearl St (RH, Ward 8E) Sisters and Brothers Investment Group LLP

Appeal zoning violation 358671 (Project Manager: Ted Miles)

2. 19-0852CU; 135 South Crest Drive (RL, Ward 5S) J Suzanne Fitzpatrick

Increase living space in basement, requesting 1 bedroom bed and breakfast (Project Manager: Ryan Morrison)

VI. Certificate of Appropriateness

1. 19-0875CA; 10 University Place (I, Ward IE) University of Vermont & State Agricultural College

Adding parking spaces; two service spaces and one handicapped accessible parking space. (Project Manager: Ryan Morrison)

VII. Other Business

1. DRB By-Law Revision

VIII. Adjournment

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CODE ENFORCEMENT OFFICE

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

VOICE (802) 863-0442

FAX: (802) 652-4221

TO: Development Review Board

From: Ted Miles,
Code Compliance and Enforcement

Date: June 4, 2019

RE: Report on **Appeal #358671**; Appeal of an Administrative Officer's Zoning Notice of Violation (ZV #358671) issued on April 5, 2019, for Change of use from service station to private parking lot and breach of agreement executed on June 16, 2004. Failure to obtain Certificate of Occupancy for ZP 01-067, 04-684 and 99-635 at 281 Pearl Street, Burlington, Vermont.

Note: This is the Administrative Officer's report; decisions are made by the Development Review Board, which may overturn or uphold the Zoning Administrator's Decision. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Location: 281 Pearl St, Burlington, Vermont

Tax Lot # 045-2-048-000

Appellant: Joe Handy, DBA Sisters & Brothers Investment Group LLP

Representative: Joe Handy

Applicable Regulations: CDO Articles 2, 3, 5, 12 and 24 VSA §4451

Appeal # 19-0778AP filed on April 22, 2019.

Violation:

1. **Change of use from service station to rental parking lot without approved zoning permit in violation of CDO Sec 3.1.2 (a) 3.**

- A. This property is in a Residential- High density zoning district. Its use as a commercial service station is nonconforming. The service station has not been used since July 12, 2017 when the initial complaint was received. As such, the nonconforming use has discontinued for well over one year. The pre-existing nonconformity has been lost. The parking lot use is another nonconforming use in violation of the CDO. Therefore, it cannot be permitted. Only a conforming use may be established at this property per CDO sec 5.3.4 (a) and (b).

2. Failure to obtain Certificate of Occupancy for Zoning Permits 99-635, 01-067 and 04-684 in violation of CDO sec 3.2.11

A. By condition of approval and per Sec. 3.2.11, all of these prior zoning permits for the subject property require closure with certificates of occupancy. None have been sought or obtained.

B. Violation of agreement dated June 16, 2004 to resolve the zoning violation on the property, specifically: (agreement number in parenthesis)

- a. (4). Parking on the corner of Pearl St at Hungerford Terrace is prohibited
- b. (5). Striping has not been maintained.
- c. (9) Snow has not been removed from site during the snow season.
- d. (10) Pressure treated guardrails on Hungerford Terrace side have not been maintained.
- e. (11). Evergreen hedges on southeast corner of building and going east to wooden barriers have not been maintained.
- f. (12) The two planter barrels at the pump island have not been maintained.

CDO Article 2. Enforcement Timeline

- 1. July 12, 2017. Initial complaint received about property through website called seeclickfix.com. Report was about new “Simons” sign, graffiti on property, for rent sign in window and property being used as parking lot with a photo of the empty lot.
- 2. July 5, 2018. Warning letter sent about complaint of Change of Use from Service Station to a Private Parking Lot without Zoning approval.
- 3. July 11, 2018. First photos taken of property showing the “For rent” sign, multiple cars parked on property and sign stating “Need service go to 75 south Winooski Ave, Burlington phone 862-0656” posted on entrance door. Also a sign noting the property for lease is posted in front window through V/T Commercial.
- 4. February 8, 2019. Additional photos taken of property showing multiple vehicles parked out front of building and sign in the window stating “For car repairs please go to Handy’s Service Station 75 south Winooski av Burlington or call 802-862-0656” and sign in front window stating property for lease through V/T Commercial.
- 5. February 12, 2019. Photos taken of property showing no changes. Multiple vehicles parked out front of building, sign remains in front window. No activity noted at the property for vehicle repairs. Vehicles have a hanger from the rear view mirror that state “Handy Properties” Vehicle plate number and address of 281 Pearl St. Vehicles also have

a sticker placed on front windshield showing “Burlington Health and Rehab center by Genesis with a number at the bottom.

6. April 4, 2019. Notice of Violation sent for Change of use from Service station to Private Parking lot, Breach of agreement executed on June 16, 2004 and failure to obtain Certificate of Occupancy for Zoning Permits 99-635, 01-067 and 04-684.
7. Additional photos taken of continued violation of parking use dated March 27, 2019, April 12, 2019, April 15, 2019, April 18, 2019, April 23, 2019, April 29, 2018 and May 8, 2019.

Background Information:

- Built circa 1964 as a two bay service station.
- Zoning permit obtained on January 29, 1987 to construct a 12 x 30 addition as an expansion of 25% of a nonconforming use. (Lot is currently at 100% coverage).
- Sisters and Brothers Investment group LLP purchased the property in June 2004
- Property listed in Assessor’s Records as a commercial 3 bay service station on a 11,934 sf lot.
- RH Zone, Ward 8E

CDO Article 5 Part 1: Uses and Structures

Sec. 5.1.1 (a) Preexisting Uses:

Any use lawfully existing as of the effective date of this ordinance shall be authorized to continue solely on the basis of the provisions of this ordinance.

Sec. 5.1.1. (b) Preexisting Non-conforming Uses:

Pre-existing uses that do not conform to the requirements of this ordinance shall be subject to the provisions of Sec. 5.3.4.

Sec. 5.3.3. Continuation

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

Sec. 5.3.4 Nonconforming Uses

(b) Discontinuance

A nonconforming use shall not be re-established if such use has been discontinued for any reason for a period of one (1) year or longer. Provided, however, a period not in excess of two (2) years shall be the applicable standard for the re-establishment of discontinued uses in the Enterprise-Light Manufacturing (E-LM) district.

As noted above, the use as a service station has been discontinued for well over a year. A nonconforming use shall not be re-established if such use has been discontinued for any reason for a period of one (1) year or longer. No new nonconforming use, such as a parking lot, may be established.

CDO Article 12. Appeals, Conditional Uses, Variances

Appellant filed a complete appeal as outlined under CDO Article 12 Sec. 12.2.2

CDO Article 13. Definitions

Nonconforming Use: An existing use of land or building that does not conform to the current use or density regulations for the district in which such use of land or building exists as set forth in Appendix A - Use Table. Such nonconforming uses are those in legal existence at the time of the adoption of the regulations to which they do not conform, including a use improperly authorized as a result of error by the administrative officer or Development Review Board under the finality provisions of 24 V.S.A. §4472. To the maximum extent possible, no entitlement shall be given to those that provide misinformation to City Officials. Permits issued as a result of such misinformation shall gain no legal entitlement regardless of duration of the permit or inaction.

SUMMARY:

Appellant has argued the “pre-existing legally non-conforming use” defense during the investigation period and claims that the property has had continuous use as a service station over the past two years. No credible evidence to support this claim has been provided. Water department records demonstrate no usage since April 2017.

CONCLUSION:

The Assistant Zoning Administrative Officer for Code Compliance/Enforcement hereby requests the Development Review Board uphold ZV #358671 as valid. The following stipulations are recommended:

1. Appellant (Owner) shall restore the items as noted under the 2004 agreement:

- A (4). Parking on the corner of Pearl St at Hungerford Terrace is prohibited therefore there should be no vehicles parked there.
- B (5). Striping has not been maintained, stripe parking area as per the June 16, 2004 agreement
- C. (9) Snow has not been removed from site during the snow season. Snow is not to be stored on site.
- D. (10) Pressure treated guardrails on Hungerford Terrace side have not been maintained. Replace the rails
- E. (11). Evergreen hedges on southeast corner of building and going east to wooden barriers have not been maintained and no longer exist. Replace bushes as per agreement of June 16, 2004
- F. (12) The two planter barrels at the pump island have not been maintained, both are missing.

Or,

2. Within 30 days obtain a zoning permit for changes to the landscape, parking and barrier requirements.
3. Within 30 calendar days from date of DRB decision, Appellant shall request an agreement from the Zoning Administrator (to be executed within forty-five [45] calendar days from date of DRB decision) that includes reasonable timelines in which to cure the violations noted in ZV #358671.
4. Remove unpermitted signs.

Enclosure: Multiple photos of property. Water usage report



02/08/2019 12:19















Department of Planning and Zoning

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www.burlingtonvt.gov/pz

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APR 26 2019

DEPARTMENT OF
PLANNING & ZONING

Appeal of an Administrative Decision Request

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

SUBJECT LOCATION ADDRESS: 281 Pearl Street

Subject Property Owner: Sisters & Brothers Investment

Appellant: Joe Handy

Agent/Representative: G4 Design Studios, LLC

Mailing Address: 77 College St., Ste 2A

City, St, Zip: Burlington VT 05401

Day Phone: [REDACTED] Email: [REDACTED]

Appellant Signature: [Signature]

Date: 4-26-19

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

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

Office Use Only:

Check No.

Amount Paid 250

Zoning Permit # 19-0778AP

SCHEDULE A

1. The Decision from which an appeal is taken is the Notice of Violation (NOV 358671) dated April 5, 2019.
2. The property subject to the appeal is 281 Pearl Street which contains a pre-existing non-conforming use of a Fuel Service Station.
3. The following regulatory provisions apply: Article 13, Section 13.1.2; Article 5, Section 5.1.1; and Article 12, Sections 12.2.1 and 12.2.2.
4. Appellant seeks the right to continue using the property as a Fuel Service Station which provides automobile servicing and repairs of the kind previously provided at the property.
5. The definition of a Fuel Service Station in Article 13, Section 13.1.2 includes property designated to be used for "servicing motor vehicles". Appellant has reduced the services provided at the property but continues to use the property for servicing (repairing) vehicles in the building located on the property. Such use is a pre-existing, non-conforming use pursuant to Article 5, Section 5.1.1(b).

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APR 26 2019

DEPARTMENT OF
PLANNING & ZONING

CITY OF BURLINGTON DEVELOPMENT REVIEW BOARD (DRB)

Rules of Procedure and Conflict of Interest Policy

Section I: Authority and Purpose.

The Development Review Board of the City of Burlington hereby adopts the following rules of procedure (hereinafter referred to as “Rules”) in accordance with 24 V.S.A. § 4461(a), 1 V.S.A. §§ 312(e), (f), and (h), and Section 2.4.1-2.4.6 of the Burlington Comprehensive Development Ordinance.

Legal Requirements

The DRB is required to adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct under Sec. 2.4.3 Rules of Procedure of the *Burlington Comprehensive Development Ordinance* and 24 VSA §4461(a), and must conduct its proceedings in accordance with Vermont’s Open Meeting Law.

The Role of the Chair

Much like the moderator at town meeting, the job of the chairperson is to effectively manage participation by the participants. Most importantly, the chair’s role is to make an effort that those who have a right to participate realize that right, and to allow for those in attendance to be heard. However, it is important to remember that the chair is more than a neutral facilitator. The chair of a small board, such as a local zoning board, has the right to vote, the right to make and second motions, and the right to question participants, just as any other member of the board.

Finally, while many boards elect the most senior member as chair, the most important attributes for a chairperson are the ability to facilitate a meeting or hearing and knowledge of the planning and zoning process. These attributes may or may not be linked to the length of one’s tenure on the board. Moreover, a long-serving member may be more effective as a regular member where he or she can focus on analyzing the matter at hand instead of running the meeting.

Section II: Policy.

These Rules are adopted to ensure consistent and fair treatment of applicants, interested persons, and participants, orderly and efficient public proceedings, and compliance with state and federal law. These Rules shall also ensure that no board member will gain a personal or financial advantage from his or her service on the DRB, so that the public trust in municipal government will be preserved. Anything not explicitly conveyed in these bylaws shall be governed by Robert’s Rules of Order.

Section III: Definitions.

- A. “DRB” means the Development Review Board.
- B. “Board member” means a regular or alternate member of the DRB.
- C. “Conflict of interest” means any one of the following:
 - 1. A direct personal interest of a board member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, an individual with a close personal relationship to a board member in the outcome of a cause, proceeding, application or any other matter pending before the DRB.
 - 2. A direct or indirect financial interest of a board member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, an individual with a close personal relationship to a board member in the outcome of a cause, proceeding, application or any other matter pending before the DRB.
 - 3. A situation where a board member has publicly displayed or expressed a prejudgment of the merits of a particular proceeding before the DRB. This shall not apply to a member’s particular political views or general opinion on a given issue.
 - 4. A situation where a board member has not disclosed ex parte communications with a party in a proceeding before the DRB, pursuant to Section XII of these Rules.
- D. “Deliberative session” means a public or private session of the DRB to weigh, examine, and discuss the reasons for and against an act or decision, from which the public may be excluded. There shall be neither taking of evidence nor submission of testimony, nor is a deliberative session required to be publicly noticed. The DRB may enter deliberative session by majority vote, and shall be deemed to be in deliberative session from the close of the final public hearing until the issuance of a written decision.
- E. “Executive session” means a session of a public body from which the public is excluded, pursuant to 1 V.S.A. § 313. Such private session may only be held for one of the reasons permitted by the statute, and no binding action may be taken in executive session.
- F. “Ex parte communication” means direct or indirect communication between a member of the DRB and any party, party’s representative, party’s counsel or any person regarding any proposal before the panel that occurs outside of a public proceeding, and concerns the substance or merits of the proceeding.
- G. “Official act or action” means any legislative, administrative or quasi-judicial act performed by any board member.

- I. “Recuse” means to remove oneself from a particular DRB proceeding because of a real or perceived conflict of interest.

Section IV: Appointment and Removal of members

Pursuant to Article 2, Part 4 of the Burlington Comprehensive Development Ordinance, the DRB shall consist of seven regular and two alternate members appointed by City Council. Appointment to the DRB shall be for a term of three consecutive years. Members may be appointed to successive terms without limitation. Any member desiring reappointment, or city resident desiring an appointment to the DRB, must apply to the City Clerk’s office and obtain a nomination form from a member of the City Council.

At a meeting in July of each year, the DRB shall hold an organizational meeting and elect by majority vote, a Chair and Vice Chair from its members, and shall also elect a Clerk who may or may not be a DRB member or a municipal employee. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the DRB.

- A. The Chair shall preside at all meetings, hearings, and deliberative sessions, decide all points of order or procedure, and appoint members to any committee of the DRB. The Chair may administer oaths and may request the attendance of witnesses and the production of material germane to any issue under consideration.
- B. The Vice Chair shall assume the duties of the Chair whenever the Chair is absent, recused or at the Chair’s request. In the event that both the Chair and Vice Chair are absent or recused, the remaining longest serving member of the board shall assume the duties of Chair.
- C. It shall be the duty of all members to review the minutes and other official records of DRB meetings and actions, and correct and ratify these when appropriate and necessary.
- D. Planning & Zoning Department staff shall take minutes of all meetings.

Alternate members are appointed to temporarily serve as board members in the event of a recusal or absence of one or more regular members.

- A. Whenever a regular member is recused or is expected to be absent from the DRB, the chairperson of the DRB, or his or her designee, may request that an alternate serve as an active member of the DRB by selecting an individual from the roster.
- B. An alternate member who is called upon to serve shall be required to be a part of the DRB until a final decision is made on any application heard by the DRB while serving as an active member. Participation includes attending deliberative sessions and any continuance of a public hearing if the application has been tabled or adjourned to another date.

Upon majority vote, the DRB may request that the City Council remove a board member from the DRB. Board members may be removed for cause by the City Council upon written charges and after public hearing. 24 V.S.A. § 4460(c).

Section V: Committees

- A. **Standing Committees.** The Board shall appoint at least one (1) member to the Planning Commission Ordinance Committee, and at least one (1) member to the Planning Commission Long-Range Planning Committee.
- B. **Ad hoc Committees and Commission Liaisons:** From time to time ad hoc committees and board liaisons to other ad hoc committees may be established by the DRB for special assignments that do not fall within the general purview of standing committees.

Section VI: Regular and Special Meetings.

Regular meetings shall be held in the City Hall, or other publicly accessible location, as warranted based on the number of projects pending. Meeting length shall be at the discretion of the Chair in concurrence with the majority of members present, but should generally not exceed 3 hours. The Chair may cancel meetings at any time.

- A. Special meetings may be called by the Chair, provided at least 24 hours notice is given to each member, and the time and place of each special meeting is publicly announced at least 24 hours before the meeting.
- B. A quorum shall consist of four participating members of the board.
- C. Board members may participate by telephone or other communication device as long as the absent member can hear everything that is occurring at the meeting and everyone present at the meeting can hear the board member.
- D. All meetings shall be open to the public unless the DRB has entered a closed deliberative or executive session. The DRB may only hold an executive session pursuant to the reasons permitted by 1 V.S.A. § 313, and only after a majority vote to enter executive session.
- E. All business shall be conducted in the same order as it appears on the agenda, except the Chair may alter the order of items to be considered as needed, such as to accommodate a late or missing project applicant.
- F. The Chair shall rule on all questions of order or procedure and shall enforce these rules pursuant to 1 V.S.A. § 312(h).
- G. At each meeting, speakers may participate on an agenda item but only when recognized by the Chair. Such comment may be limited to three minutes per speaker, unless the Chair sets a different time limit.

- H. Notice for hearings on the adoption, amendment, or repeal of the bylaw and other regulatory tools shall be pursuant to 24 V.S.A. § 4444, as amended and Section 2.6.2 of the Burlington Comprehensive Development Ordinance.

Section VII: Executive Session.

(a) The DRB may hold an executive session from which the public is excluded after the affirmative vote of a majority of its members present. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. Such vote shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session. Minutes of an executive session need not be taken, but if they are, shall not be made public. The DRB may not hold an executive session except to consider one or more of the following:

1. Contracts, mediation, civil actions, or prosecutions, where premature general public knowledge would clearly place the municipality, other public body, or person involved at a substantial disadvantage;
2. Discussion of the conduct of a board member;
3. A clear and imminent peril to the public safety;
4. Discussion or consideration of records or documents excepted from the access to public records provisions of section 317(b) of 1 V.S.A. Discussion or consideration of the excepted record or document shall not itself permit an extension of the executive session to the general subject to which the record or document pertains;

(b) Attendance in executive session shall be limited to members of the DRB, and, in the discretion of the DRB, its staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose information is needed.

Section VIII: Proceedings and Order of Business.

All meetings shall be conducted as quasi-judicial proceedings pursuant to 1 V.S.A. § 310(5) (B). Proceedings shall be publicly noticed in accordance with 24 V.S.A. §§ 4464(a) (1), (2), as amended.

The Chair shall conduct the proceeding in substantially the following manner:

- A. Open the proceeding by reading the warning of the proceeding.
- B. Ask all who are interested in an agenda item to identify themselves at the time of proceeding on the item of interest and to provide contact information.
- C. Direct the applicant or his/her representative and all persons wishing to participate in a proceeding to take the following oath: *I hereby swear or affirm that the evidence I give in*

the cause under consideration shall be the whole truth and nothing but the truth, under the pains and penalties of perjury.

- D. Accept written information presented to the DRB, including but not limited to staff and other boards/commissions' recommendations.
- E. Invite the applicant or applicant's representative to present such application or proposal.
- F. Invite DRB members to ask questions of the applicant, applicant's representative, or of City staff.
- G. Invite the public to present information regarding the application or proposal.
- H. Invite the applicant, applicant's representative, city staff or members of the public to respond to information presented.
- I. Invite DRB members to ask any additional questions or provide comments.
- J. Allow final comments or questions from the applicant or applicant's representative.
- K. The Chair shall either adjourn the proceeding to a time certain, continue the proceeding without a time certain subject to additional public notice being provided as to the time and place of any future proceeding, or close the proceedings.
- L. If new information becomes available or if the DRB finds it needs more information to render its decision after the close of the proceeding, but before the DRB decision, then the DRB may re-open the proceeding. No information can be received while the proceeding is closed.
- M. Upon final adjournment, the DRB shall set a time and place for a deliberative session, which shall be public unless otherwise stated.
- N. The proceeding for any application shall be deemed to start the first time it appears on the DRB's agenda and if a public hearing has been warned it shall also be open at that particular DRB meeting. In no event shall a proceeding (i.e. public hearing or not) extend for a period of more than six (6) months. In case of extenuating circumstances, the DRB may grant up to two (2) extensions of up to three (3) months each. If an initial extension is granted and the application lies dormant (no revised plans, information submitted) for the three (3) month duration of the extension, the DRB shall not grant another extension.

Section IX: Site Visits.

Board members are encouraged to visit each site individually, however, no testimony shall be taken and no ex parte communication shall occur. Site visits by a quorum of the DRB shall be held pursuant to the following conditions:

- A. If, the Chair determines that a site visit by a quorum of the DRB will be necessary, the site visit shall be scheduled and the date, time and place shall be announced during the meeting.
- B. If necessary, the DRB may recess a hearing and conduct a site visit at a property which is the subject of an application before the DRB.
- C. If necessary, the DRB may adjourn a hearing to a time certain to conduct a site visit at a property which is the subject of an application before the DRB.
- D. The minutes of the proceeding shall reflect that a site visit was held, who was present, and the nature and duration of the site visit.

Section X: Service List.

Planning & Zoning staff shall provide a sign up sheet for individuals present at the hearing to provide contact information and to identify the agenda item of interest. A service list shall be prepared from the provided sign up sheet and from any persons who provided testimony or requested to be added on the service list in writing. All decisions of the DRB, related to the particular agenda item, shall be mailed to those on the list.

Any other documents filed with the DRB that are requested must be provided to persons on the list upon payment of reproduction and mailing costs.

Section XI: Decisions.

The DRB may make decisions in deliberative session. Deliberative sessions may or may not be open to the public and agendas are to be posted at least 24 hours in advance. 1 V.S.A. §§ 312(e), (f). Members of the DRB who have not heard all testimony and reviewed all evidence submitted for a particular application or proposal shall not participate in that proceeding, unless such absent DRB members review video or audio recordings of the proceedings.

The following rules shall apply to voting on decisions:

- A. Motions shall be made in the affirmative.
- B. The chair has the same voting rights as other members and can make motions.
- C. A second shall be required for a motion to have the floor.
- D. All members present are expected to vote unless they have recused themselves.
- E. Abstentions are strongly discouraged and shall not count towards either the majority or the minority.

- F. For a motion to succeed, it must receive the concurrence of four participating members of the DRB, regardless of how many members are present. 1 V.S.A. § 172; 24 V.S.A. § 4461(a).
- G. The DRB shall issue a written decision within 45 days of the close of the final proceedings.
 - a. In the case when a public hearing took place, a written decision signed by the Chair of the DRB constitutes a final decision. This written decision shall include any conditions of approval.
 - b. In the case when no formal public hearing took place, the motion made by the board at the end of the proceeding constitutes a final decision.

Section XII: Conflicts of Interest.

- A. **Procedures.** Participation, disclosure of conflicts, and recusal shall be governed by the following procedures:

- 1. **Participation.** A board member shall not participate in any official action where he or she has a conflict of interest in the matter under consideration.
- 2. **Disclosure.** Board members with a conflict of interest shall state so prior to commencement of the proceeding. (Refer to Section III of these bylaws for details on how to recognize a conflict of interest.)

When recognized by the Chair, any person may request disclosure of potential conflicts of interest. Nonetheless, after disclosing a conflict or perceived conflict, if a member who believes that he or she is able to act fairly, objectively, and in the public interest, shall state on the record the nature of the potential conflict of interest, and the reason(s) why the member believes he or she is able to act in the matter fairly, objectively, and in the public interest.

This statement shall be part of the minutes of the proceeding pertaining to the matter under consideration.

- 3. **Recusal.** A board member shall recuse him or herself from any matter in which he or she has a conflict of interest, pursuant to the following:
 - a. The applicant or any person may request that a member recuse him or herself due to a conflict of interest. Such request shall not constitute a requirement that the member recuse him or herself.
 - b. The DRB may, by majority vote, (exclude or recuse) one of its members if there is reasonable public perception that a conflict of interest exists.
 - c. A board member who has recused him or herself from a proceeding shall not sit with the DRB, deliberate with the DRB, or participate in that proceeding as a board member in any capacity.

- d. If a previously unknown conflict is discovered, the DRB may take evidence pertaining to the conflict, and if appropriate, adjourn to a deliberative session to address the conflict.
- e. The DRB may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the DRB. The DRB may then resume the proceeding with sufficient members present.

B. Ex Parte Communications. Ex parte communication is prohibited. Any DRB member who inadvertently conducts ex parte communication must disclose such communication as required below.

1. **Disclosure.** At each hearing, Board members who have received written ex parte communications shall place on the record copies of all written communications received as well as all written responses to those communications. Members shall prepare a memorandum or state the substance of any and all oral communications received, all responses made and the identity of each person making the ex parte communication.

C. Progressive Consequences for Failure to Follow the Conflict of Interest Procedures. In cases where the conflict of interest procedures in Section XI have not been followed, the DRB may take progressive action to discipline an offending board member. In the discipline of a member, the DRB shall follow these steps in order:

1. The Chair shall meet informally, in private, with the board member to discuss possible conflict of interest violation.
2. The DRB may meet to discuss the conduct of the board member. Executive session may be used for such discussion. 1 V.S.A. § 313(4). The board member may request that this meeting occur in public. If appropriate, the DRB may admonish the offending board member in private.
3. If the DRB decides that further action is warranted, the DRB may admonish the offending board member at an open meeting and reflect this action in the minutes of the meeting. The board member shall be given the opportunity to respond to the admonishment.
4. Upon majority vote, the DRB may request that the offending board member resign from the DRB. The DRB shall then notify the City Council of this majority vote.

Section XIII: Administrative Review.

The DRB hereby authorizes administrative review in addition to that which is already provided for in the Comprehensive Development Ordinance per Sec. 3.2.7 (b) *Further Delegation by the Development Review Board* for the following application types:

1. De minimus telecommunications facilities
2. Landscaping projects and regular turf maintenance including cutting, filling, re-grading, and reseeded that do not involve the construction of new buildings.
3. New single family homes under a PUD approval that conform to design templates reviewed and approved by the DRB, including those subject to design review.
4. New single family homes proposed as replacements for existing manufactured homes within the North Avenue Cooperative 1106 North Avenue (formerly Farrington's Trailer Park) consistent with the requirements of Section 5.4.12 Mobile Home Parks.
5. Any Level II zoning permit application within the NAC-Cambrian Rise (NAC-CR) zoning district that is not subject to Major Impact or Conditional Use review (Article 3, Part 5), Article 10 (Subdivision review), Article 11 (Planned Unit Development) or include any parking waiver.
6. Any new surface parking within an institutional core campus overlay district that otherwise qualifies for administrative review.

If an application is submitted for such application type that results in substantial adverse impact under any of the standards set forth in the CDO, it shall not be eligible for administrative review under this section. Further, no amendment issued as an administrative review shall have the effect of substantively altering any DRB decision and related conditions of approval.

Section XIV: Amendments.

These rules may be amended at any regular or special meeting by a two-third vote of the number of regular board members, provided that each DRB member has been presented a written copy of the proposed amendment at least 24 hours before the meeting at which the vote is taken. Only those amendments which are presented to the members prior to the meeting may be amended at that meeting.



The University of Vermont

May 14, 2019

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

RECEIVED
MAY 15 2019

DEPARTMENT OF
PLANNING & ZONING

RE: University of Vermont Parking Replacement, South of the Votey Building, 10 University Place

Dear Scott,

This is a COA Level II application for the University of Vermont (UVM) to provide for the replacement of 3 spaces for ADA and service parking, south of the Votey Building, at the northwest corner of Discovery Hall (part of the new STEM project).

This work was originally part of ZP 19- 0816CA which includes walkways and other pedestrian improvements, west of the Votey building. The parking spaces were separated out of that zoning permit application since we understand this will need DRB review.

Over the past few years, many parking spaces on the main campus were removed to accommodate capital projects, improved circulation, and campus beautification. The University is attempting to return some of these spaces, as part of addressing the parking deficit issues detailed in the 2019-2024 draft JIPMP. The 2019-2024 JIPMP addresses this project as part of a larger, future project to improve pedestrian circulation in and around the Torrey/Votey parking lot (net loss of 21 spaces, p. 4-23 of the 2019-2024 JIPMP). That will involve a net loss of spaces, and these additional spaces, in this location, will mitigate some of that loss, as well as improve ADA and service vehicle access to the buildings in this area of campus.

This zoning permit application includes the following:

- Construction of 3 service and ADA parking spaces near Discovery Hall. This will provide ADA pedestrian access to the STEM area and other existing buildings in this part of campus.
- Two new light poles will be added near the STEM ADA/service parking area.
- Lot coverage for the UVM ICC Main Street overlay will increase to 50.51%, as per ZP 19-0816CA.
- Cost for the work in this zoning permit application was already included in ZP 19-0816CA. We would like to begin construction as soon as possible, in order to complete construction by the end of the summer.

University of Vermont Zoning Permit Application – Walkway Improvements near Votey

- Zoning permit application fee, \$150.

For photometric plans and calculations, please see plans previously submitted with ZP 19- 0816CA.

Let me know if you need any additional information. You can reach me at Lani.Ravin@uvm.edu or 656-3217.

Thank you,

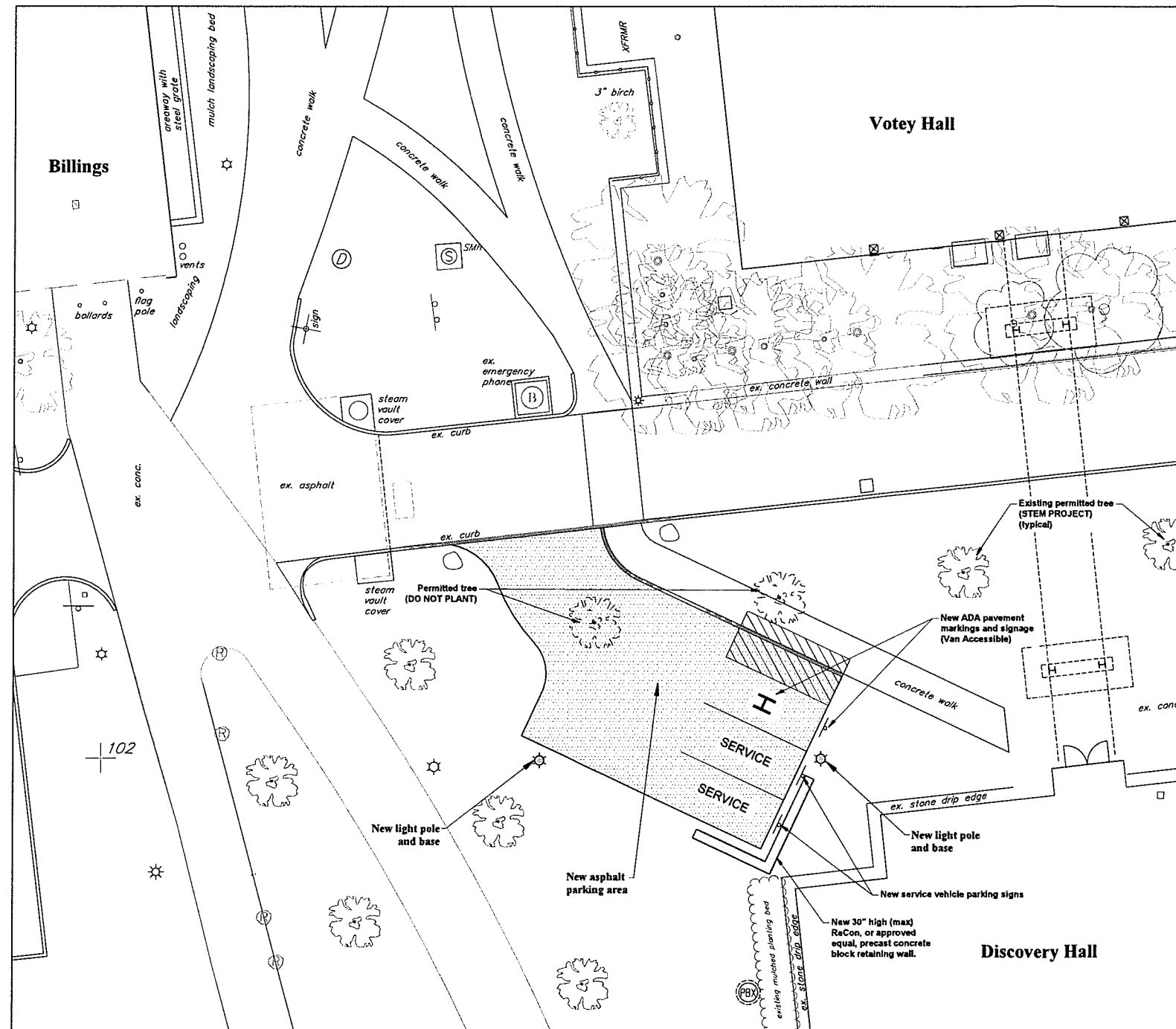


Lani Ravin, AICP
UVM Campus Planning Services

Attachments: Zoning Permit Application
 Votey Utilities Standard EPSC Revised 5-13-2019
 SP-2.2 Existing Conditions
 C-1.0
 C-1.1
 CD-1.1
 CD-1.2
 CD-1.3
 Check for \$150

Cc: Lisa Kingsbury, Interim Co-Director/Planning Relations Manager, UVM Campus Planning Services
 Claire Forbes, Assistant Planner, UVM Campus Planning Services
 Robert Vaughan, Director, Capital Planning & Management
 Luce Hillman, Administrative Services Manager, Physical Plant Dept.
 Adam Frazier, Deferred Maintenance Project Coordinator

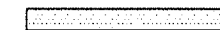
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DEPARTMENT OF



NOTES

- The Contractor shall be responsible for repairing all disturbed areas back to original condition, including but not limited to curbing, sidewalks, road, parking areas, landscaping, site lighting, electrical, and etc. All asphalt shall be sawcut prior to paving.
- All stumps, rock, and other non-approved trench backfill material discovered during construction is the exclusive property of the Contractor and shall be removed from UVM property and disposed of in a State approved disposal location. All existing soils reused for fill shall conform to all applicable sections of VTRANS specifications Section 203-Excavation & Embankments. Contractor shall review soil investigation report and soils logs prior to bid. Any soil reused as fill under roads and applicable concrete sidewalks shall pass a subgrade proof roll with a loaded tandem. Fill soils that do not pass a subgrade proof roll shall be removed and replaced at the Contractor's expense.
- All passing concrete and soil (sieve, proctor, and compaction) testing expenses shall be paid by Owner. Testing coordination, all other required testing, and expenses for failed tests shall be the Contractor's responsibility.
- This project requires coverage under an Individual Construction Stormwater Discharge Permit and the City of Burlington Standard Erosion Prevention & Sediment Control Permit. The Contractor shall be the On-site Coordinator for the project and shall be responsible for all required inspections (minimum weekly and after any storm event that produces a discharge), turbidity readings, maintenance, and reporting. The On-Site Plan Coordinator shall be required to provide a turbidity meter for the project. The Contractor shall be responsible for installing, maintaining and removing all erosion and sediment control devices shown on the plans or details and, to the maximum extent practical, to minimize potential contamination of stormwater runoff from the construction activities.
- Contractor shall be responsible for all "As-built" measurement and drafting requirements as outlined on the Detail Sheets. All trench excavations shall remain open until all as-built survey shots have been taken. Progress Record Drawings shall be submitted to the Engineer as indicated in the Record Drawing specifications.
- See Erosion Control Plans for locations of staging / storage areas.
- The Contractor shall be responsible for all signage and fencing necessary to providing safe vehicular and pedestrian access through or around the site during construction. Signs shall meet sign requirements on detail sheets.
- Contractor shall be responsible for importing topsoil as required to complete the project. Refer to Post Construction Soil Depth and Quality Notes.
- All sewer and storm pipes shall be PVC SDR 35 unless otherwise noted.
- Core and boot all existing structures unless otherwise noted.
- All sidewalks shall have 2% maximum cross slope.
- Contractor to pin concrete sidewalk/slabs to all contact points with stairs, building, bike slab, retaining walls, etc.
- Where plans indicate "RESTORE" to vegetation, Contractor shall remove and dispose of impervious surface and subbase. Fill to within 4" of finish grade, place 4" topsoil, and hydroseed or install new planting. Refer to Post Construction Soil Depth and Quality Notes.
- Removal of all erosion control matting and inlet protection is the responsibility of the Contractor.
- At the end of the project, clean the sumps of all new and existing catch basins and storm manholes within the project limits.

Legend

 New Asphalt parking

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MAY 15 2019

DEPARTMENT OF
PLANNING & ZONING



UNIVERSITY OF VERMONT
PHYSICAL PLANT DEPARTMENT
284 EAST AVENUE
BURLINGTON, VERMONT 05405

CONSULTANTS

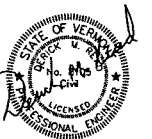
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0' 10' 20' 30'
Bar Scale 1" = 10'

PROJECT

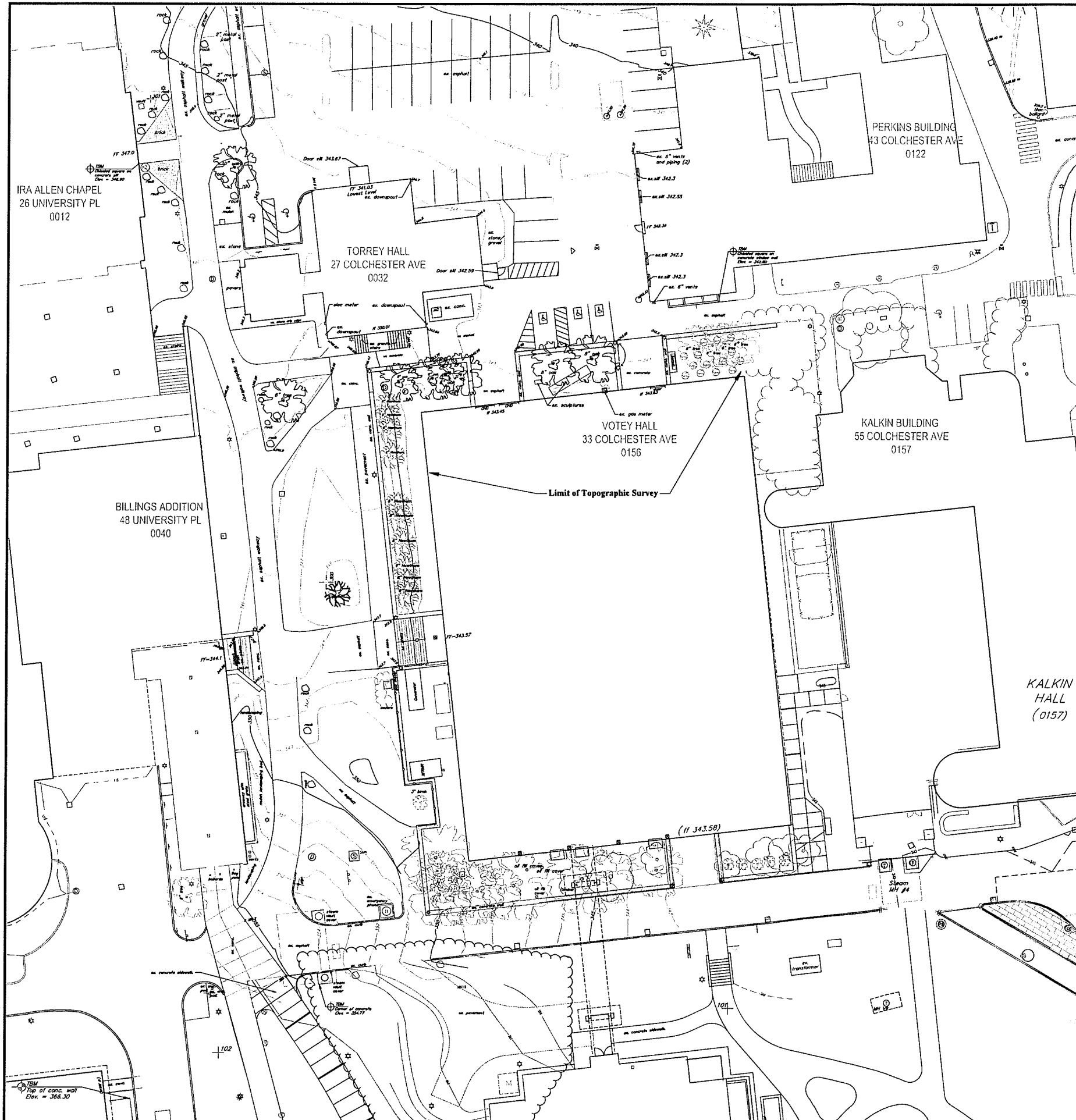
Discovery Hall
Northwest Parking

Project No. 17343
Scale As Noted
Drawn by DMR
Checked by
Date May 08, 2019

Revisions	No.	Date

Drawing Title
Overall
Site Plan

Drawing No.
C-1.0



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PLANNING & ZONING

- LEGEND**
- Survey Control Point
 - Existing Sign
 - Existing Light Pole
 - Existing Deciduous Tree
 - Existing Evergreen Tree
 - Existing Spot Grade Elevation
 - Existing pipe bollard
 - Existing cleanouts
 - Existing Boulder
 - Blue Light Emergency Phone
 - Existing Contour
 - Existing Gas Line/Valve
 - Existing Sewer Line/Manhole
 - Existing Storm Line/Manhole/Basin
 - Existing Overhead Electric Line/Power Pole
 - Existing Overhead Utility
 - Existing Communications Line
 - Existing PBX Line
 - Existing Underground Electric & Telephone Line
 - Existing Site Lite Line
 - Existing Tree Line
 - Existing Underground Power
 - Existing Water Line/Hydrant/Valve/Shutoff
 - Approximate Property Line
 - Existing steam line
 - Existing Low Pressure Steam & Condensate
 - Limits of Topographic Survey

- Notes:**
- This plan is not a boundary survey. Property lines are to be considered approximate.
 - The underground utilities shown on this plan are based on visible utilities located during a topographic survey performed by Krebs & Lansing in January, February, March, and April 2018 and UVM Utility Master Plan mapping. Underground utilities are approximate and not warranted to be exact or complete. Dig Safe shall be contacted prior to any excavation.
 - Elevations are based on GPS observations that reference the NAVD 88 vertical datum measured in U.S. Survey foot.
 - Project Horizontal Coordinates derived from GPS observation using reference frame NAD83 (2011) 2010.00 epoch. Project vertical datum based on NAVD 88 (Geoid 12A).
 - The location of underground electrical lines which service the site lights may not all be shown on this plan. Other electrical lines may also exist which are not shown on this plan.

The UNIVERSITY of VERMONT
UNIVERSITY OF VERMONT
PHYSICAL PLANT DEPARTMENT
284 EAST AVENUE
BURLINGTON, VERMONT 05405

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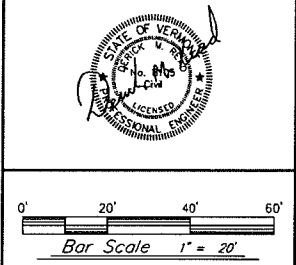
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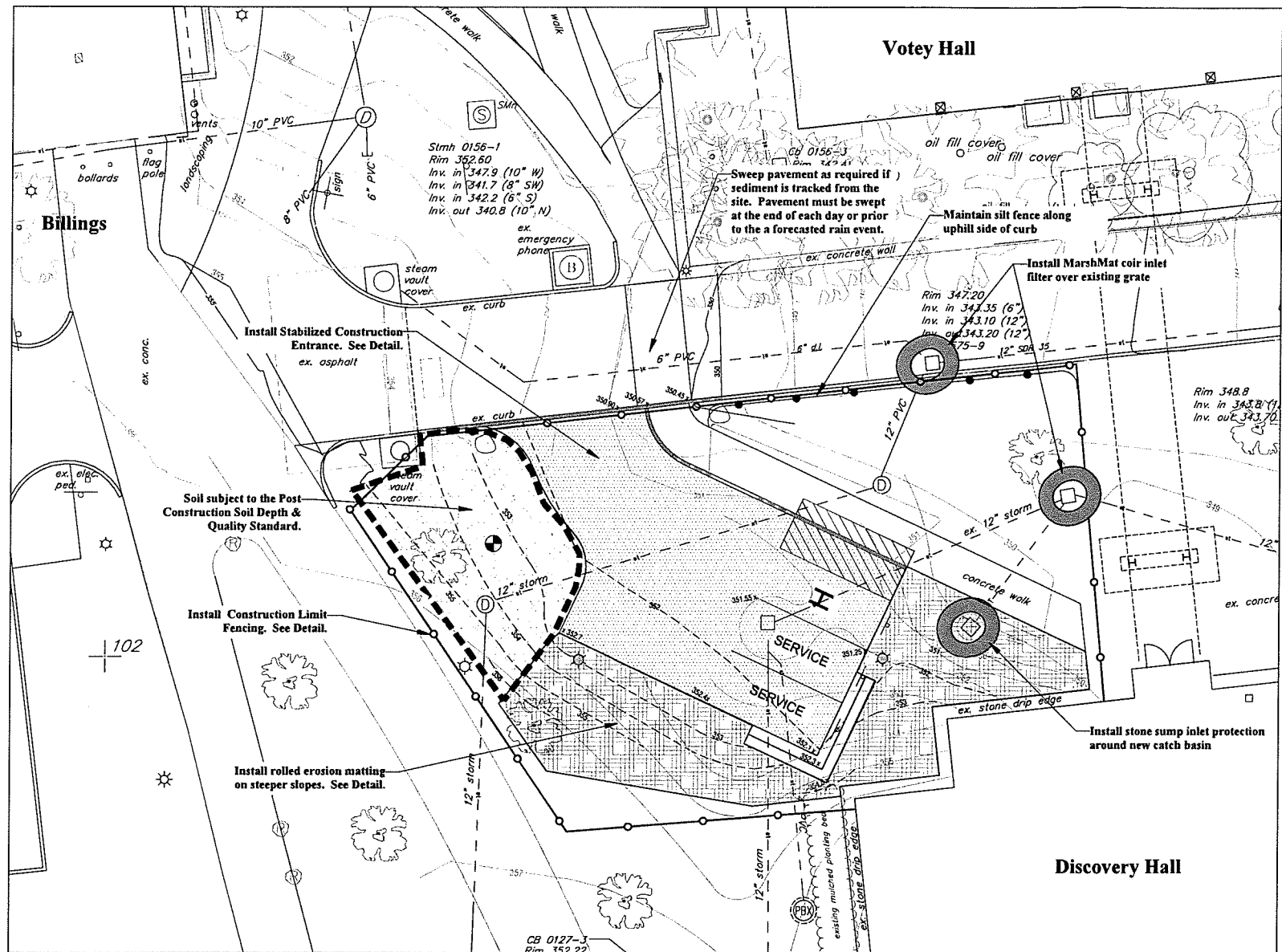


PROJECT	
Votey Utility & Sidewalk Improvements	
Project No.	17343
Scale	As Noted
Drawn by	DMR/TJB
Checked by	
Date	March 29, 2019

Revisions	
No.	Date

Drawing Title
Existing
Conditions
Plan

Drawing No.
SP-2.2



Erosion Prevention and Sediment Control Notes

- Contractor shall be responsible for complying with all State and Local erosion prevention and sediment control standards and permit requirements during construction.
- The limit of disturbance shall be clearly defined by Contractor's surveyor prior to clearing. Erosion and sediment control devices shall be established to trap sediment on site.
- Clearing and grubbing shall not begin until disturbance limits and sediment controls are in place. All roots, stumps and deleterious materials shall be removed from the site. The Contractor shall minimize the amount of disturbed land at any given time.
- All erosion control shall be placed as shown on the drawings or as ordered by the Engineer. The Contractor shall maintain the erosion control measures until the Engineer is satisfied that permanent ground cover is established and that further measures are not required. It shall be the responsibility of the Contractor to employ appropriate erosion control as shown on these drawings and any other measures as necessary to trap sediment on site. Refer to permit maintenance and inspection requirements.
- All areas of disturbance shall be permanently or temporarily stabilized as soon as possible and within 48 hours of final grading. All areas of disturbance shall be at least temporarily stabilized daily during winter construction unless the following exceptions apply:
 - Stabilization is not required if earthwork is to continue in the area in the next 24 hours and there is no precipitation forecast in the next 24 hours.
 - Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of 2 ft. or greater (e.g. house foundation excavation, utility trenches). Stabilization measures shall include mulch and netting, erosion control matting, crushed stone, gravel, or pavement.
- Unless specifically indicated on the plans acceptable methods of stabilization shall include:
 - STRAW Mulching — 2 tons per acre. Only STRAW mulch is allowed. Approximately 2" uniform thickness. Only allowed on relatively flat areas with minimum upslope watershed. Mulch must be properly secured with netting to prevent material from being blown away by wind (windthrow).
 - Hydroseeding* — Applied at the manufacturer's recommended application rate. Contractor shall provide evidence of proper application rate. Hydroseeding must be accompanied by erosion control matting in areas of concentrated flow.
 - Erosion control matting — S75BN matting must be applied to all slopes 3:1 (H:V) or greater (unless otherwise indicated).
 - Crushed stone or crushed gravel — Typically used for temporary access roads and construction staging areas.
- The Contractor shall use water for dust control.
- The Contractor shall provide inlet protection around all catch basins (existing or new) that collect construction site stormwater runoff. At a minimum, MarshMat coir inlet filters shall be installed over all catch basin grates. Additional inlet control shall be installed as identified on the plans or as warranted during construction. Inlet protection must be maintained until final stabilization has been reached.

- A stabilized construction entrance (See Detail) shall be installed and maintained at all construction access locations if construction vehicles travel off the existing hardscape. Contractor shall be responsible for installing crushed stone to provide stable areas for construction vehicle traffic, staging, and storage. The Contractor is responsible for providing and maintaining sufficient stone to prevent rutting and sediment tracking.
 - Any paved roads used by construction vehicles shall be swept daily, or at a greater frequency, if dirt or gravel is tracked from the site. The swept debris shall be immediately removed from face of curb if applicable.
 - All temporary erosion and sediment control measures shall be removed within 30 days after final stabilization or after the measures are no longer needed, unless otherwise authorized.
 - All sediment removed from sediment control practices shall be placed in an approved soil disposal area.
 - After permanent seeding the Contractor shall be responsible for watering to ensure adequate vegetative growth.
 - The location of temporary construction fencing and the temporary access shown on the plan are for schematic purposes only. The Contractor shall be responsible for providing all necessary temporary construction fencing, signage, temporary roads, staging areas, etc., necessary to complete the work.
 - Water from dewatering activities that flows off site must be clear. Water must not be pumped into storm sewers unless the water is clear.
 - Contractor shall sign on as the Co-Permittee for the State of Vermont Erosion Prevention and Sediment Control permit for the project.
 - The erosion prevention and sediment control practices shown on these plans are the minimum required for the project. The Contractor shall employ as many best management practices as necessary to prevent soil from leaving the construction site. If evidence is found of sediment tracking or eroded soil leaving the construction site, the Engineer may direct Site Contractor to implement additional best management practices at no additional cost to Owner.
 - The Contractor shall be responsible for all inspection and maintenance of the erosion prevention and sediment control practices for the project. Inspections and corresponding reports shall be performed at a minimum, once a week and after every precipitation event that results in a discharge from the site.
- Contractor shall call Jenna Olson at 540-1748 or email (jolson@burlingtonvt.gov) at least 24 hours prior to initiating earth disturbance and submit name, cell phone number, and email contact information of the erosion control coordinator for the project.

The perimeter of the site and all BMP's will be inspected at the end of each workday to ensure that sediment will not leave the site. If sediment has traveled beyond the site boundary, it shall be swept up or otherwise removed and deposited on-site in an upgradient area at the end of each workday.

Soils Restoration Legend

- POST-CONSTRUCTION SOIL DEPTH & QUALITY STANDARD VERIFICATION TEST PIT. MINIMUM 9/ACRE.
- SOILS SUBJECT TO POST-CONSTRUCTION SOIL DEPTH & QUALITY STANDARD.

- SOIL DEPTH AND QUALITY SHALL BE ESTABLISHED TOWARDS THE END OF CONSTRUCTION, AND ONCE ESTABLISHED, BE PROTECTED FROM COMPACTION.
- THE CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF THE POST CONSTRUCTION SOIL DEPTH AND QUALITY.
- VERIFICATION SHALL BE VIA A SAMPLING SCHEME IDENTIFIED ON THIS PLAN THAT INCLUDES NINE, 8" DEEP TEST HOLES PER ACRE OF AREA SUBJECT TO THE STANDARD.
- TEST HOLES SHALL BE EXCAVATED USING ONLY A SHOVEL DRIVEN SOLELY BY THE INSPECTOR'S WEIGHT AND SHALL BE AT LEAST 50 FEET APART FROM EACH OTHER.
- AFTER THE CONTRACTOR'S VERIFICATION OF THE POST CONSTRUCTION SOIL DEPTH AND QUALITY REQUIREMENTS, THE CONTRACTOR SHALL PROVIDE THE ENGINEER WITH A LETTER CONFIRMING CONFORMANCE WITH THE STORMWATER PERMIT STANDARD.

Post-Construction Soil Depth and Quality Notes

- Required Elements:**
- Soil retention: Retain, in an undisturbed state, the silt layer and native topsoil to the maximum extent practicable.
 - Soil quality: All areas subject to the Standard shall demonstrate the following:
 - A topsoil layer with a minimum organic matter content of 4% dry weight in planting beds and turf areas. The topsoil layer shall have a minimum depth of 4 inches, except where tree roots limit the depth of incorporation of amendments needed to meet the criteria.
 - Compost and other materials shall be used that meet the following requirements:
 - The compost or other materials shall have a carbon to nitrogen ratio below 25:1.
 - Compost shall meet the definition of "compost" in the Agency's Solid Waste Management Rules or shall meet the contaminant standards in the Vermont Solid Waste Management Rules 66-110(a)(6-7), 66-110(c)(2-3), and 66-110(e)(7-9). Compost or other organic materials may be amended to meet the foregoing requirements.
 - Exceptional Quality Biosolids (EQ biosolids) may be used as a soil amendment, at a maximum proportion of 35% of the total soil volume, and shall be well mixed with existing soil before or during application.
 - The resulting soil shall be conducive to the type of vegetation to be established.
 - The soil quality requirements shall be met by using one or a combination of the following methods:
 - Option 1: Leave undisturbed native vegetation and soil, and protect from compaction during construction. Failure to establish and maintain vegetation or controls around these areas during the construction phase may trigger the requirement to restore soils per one of the following options.
 - Option 2: Amend existing site topsoil or subsoil in place.
 - Scarify or till subsoils to 4 inches of depth or to depth needed to achieve a total depth of 8 inches of uncompacted soil after calculated amount of amendment is added. Except for within the drip line of existing trees, the entire surface shall be disturbed by scarification.
 - Amend soil to meet organic content requirements:
 - PRE-APPROVED RATE: Place 1 inch of composted material with an organic matter content between 40 and 65% and rototill into 3 inches of soil.
 - CALCULATED RATE: Place calculated amount of composted material or approved organic material and rototill into depth of soil needed to achieve 4 inches of settled soil at 4% organic content. *Contractor to provide calculation and site sketch indicating areas used for calculations.
 - Rake beds to smooth and remove surface rocks larger than 2 inches in diameter; and
 - Water or roll to compact soil in turf areas to 85% of maximum dry density.
 - Option 3: Remove and stockpile existing topsoil during grading.
 - Stockpile soil on site in a designated controlled area, at least 50 feet from surface waters, wetlands, floodplains, or other critical resource areas;
 - Scarify or till subgrade to a depth of 4 inches. Except for within the drip line of existing trees, the entire surface shall be disturbed by scarification.
 - Stockpiled topsoil shall also be amended, if needed, to meet the organic content requirements:
 - PRE-APPROVED RATE: Compost shall be incorporated with an organic matter content between 40 and 65% into the topsoil at a ratio 1:3, or
 - CALCULATED RATE: Incorporate composted material or approved organic material at a calculated rate to achieve 4 inches of settled soil at 4% organic content.
 - Replace stockpiled topsoil prior to planting, screen topsoil, and;
 - Rake to level, and remove surface rocks larger than 2 inches in diameter.
 - Option 4: Import topsoil mix, or other materials for mixing, including compost, of sufficient organic content and depth.
 - Scarify or till subgrade to a depth of 4 inches. Except for within the drip line of existing trees, the entire surface shall be disturbed by scarification;
 - Place 4 inches of imported topsoil mix on surface. The imported topsoil mix shall contain 4% organic matter. Soils used in the mix shall be sand or sandy loam as defined by the USDA; Stop driving vehicles on the mix as required. Find USDA sieve for sand and sandy loam.
 - Rake beds to smooth and remove surface rocks larger than 2 inches in diameter; and
 - Water or roll to compact soil in turf areas to 85% of maximum dry density.

- Soil Management:**
- Identify areas on the site subject to the Standard;
 - Soil depth and quality shall be established towards the end of construction and once established, protected from compaction, such as from large machinery, vehicle traffic, and from erosion; and
 - After soil amendments and placement is complete, and prior to seeding and mulching, Contractor shall perform verification sampling in locations indicated on sampling plan. Verification sampling shall include nine, 8 inch deep (min) test holes per acre of area subject to the standard. Test holes shall be excavated using only a shovel driven solely by inspector's weight and shall be at least 50 feet apart from each other.
 - A dense and vigorous vegetative cover shall be established over turf areas.

Erosion Prevention & Sediment Control Notes

- All areas that are relying on vegetation as winter stabilization must be seeded and mulched by September 15th. After September 15th, all areas must be stabilized by temporary measures. If hydroseeding after September 15th Flexterra High Performance Flexible Growth Medium, or approved equal, must be used in the mulch application for winter stabilization.
- All disturbed areas not involved in Winter Construction shall be at least temporarily stabilized by October 15. Work after October 15th requires an amendment to this permit. A permit application must be submitted before September 1st.
- Contractor is responsible for all construction fencing around project limits.

Legend

- Inlet Protection
- New Storm Line/Manhole/Box
- Existing Storm Line/Catch Basin/manhole
- Existing Contours
- Chain-link Fence
- Temporary Silt Fence
- Disturbance Limit Line
- Crushed Stone Stabilization
- Erosion Control Matting
- 8" Silt Socks by Filtrax, or approved equal, sediment control barrier



UNIVERSITY OF VERMONT
PHYSICAL PLANT DEPARTMENT
284 EAST AVENUE
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Architect

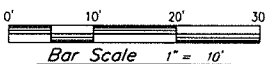
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PROJECT

Discovery Hall
Northwest Parking

Project No. 17343
Scale As Noted
Drawn by DMR
Checked by
Date May 08, 2019

Revisions

No.	Date

Drawing Title

Erosion Prevention &
Sediment Control Plan

Drawing No.

C-1.1

Road Construction Notes

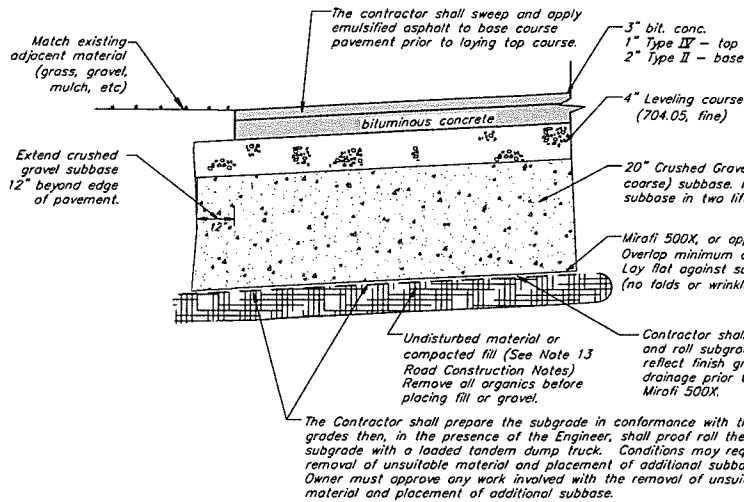
(All references to road shall apply to parking areas as well.)

- New road shall be constructed to the line and grade shown on the drawings. The road and utility locations shall be as typically detailed unless otherwise shown.
- All road and parking construction shall be completed in accordance with the Vermont Agency of Transportation "Standard Specifications for Construction" 2011, hereafter called Vermont Highway Specifications, specifications found on these plans, and project specifications. In case of conflict, the more stringent specification shall apply as determined by the Engineer.
- The Contractor shall follow Vermont Highway Specifications (2011) Section 203.11 for placing and spreading embankments.
- Fill material for road embankment shall meet Note #13 below and be approved by the Engineer. Fill shall be placed in 12" lifts, wetted and compacted with satisfactory compaction equipment to 95% of maximum density (Standard Proctor).
- Road in fill sections shall be placed and compacted a minimum of 3 feet above top of any utility to be installed before trench is excavated for pipe placement. In trenches and cut sections, the Contractor shall provide all necessary sheeting, shoring and bracing to maintain compliance with all OSHA/VOSHA regulations.
- Methods for construction of subgrade shall conform to Vermont Highway Specifications (2011) 203.12 or as determined by the Engineer.
- Any subgrade or subbase disturbed by Contractor, or rendered unsuitable by construction machinery, shall be removed and replaced with approved granular backfill at the Contractor's expense. The subgrade shall be compacted to attain at least 95% of the maximum density (Standard Proctor) before placing road or embankment materials.
- The Owner will pay for on site soils testing (compaction, sieve, and proctor). The Contractor shall pay for failing tests.
- Sand borrow and cushion shall conform to Vermont Highway Specifications (2011) 703.03. Granular borrow shall conform to the Vermont Highway Specifications 703.04.
- Gravel subbase for pavement shall conform to Vermont Highway Specifications (2011) 704.05, Coarse Crushed Gravel. Substitute materials (PGA & RCA) identified in VAOT Specifications Section 301 - Subbase are NOT allowed.
- Leveling course shall conform to Vermont Highway Specifications (2011) 704.05, fine grading. Shoulders shall conform to Section 704.12, Aggregate for Shoulders. Substitute materials (PGA & RCA) identified in VAOT Specifications Section 301 - Subbase are NOT allowed.
- Bituminous concrete pavement shall conform to Vermont Highway Specifications (2011) Section 404 and 406. Binder course shall be Type I + II, and finish wearing course shall be Type III, IV, or as detailed.
- Embankment fill for all impervious areas, EXCLUDING BUILDINGS, shall be a sieve specification as follows:

Sieve	% Finer
4"	100
2"	85-100
#4	60-100
#200	30 maximum
- Dense graded crushed stone, crushed gravel and sand borrow shall not be contaminated by work. Construction traffic shall not travel over exposed areas of this material.
- Contractor is responsible for all pavement markings (i.e. parking striping, handicap markings, stop bars, etc.) shown or implied on the Plans. This includes both new and replacement of existing.
 - Paint for pavement markings shall be Hydrophast Waterborne Traffic Paint by Franklin Paint Company. It shall be reflective, VOC compliant, fast drying, 100% acrylic waterborne traffic paint. Paint for parking line striping shall be yellow. Confirm color of all other pavement markings with UVM Parking and Transportation prior to application.
 - Traffic paint shall be applied with a uniform thickness and at a rate such that no pavement is visible after drying. Additional paint application will be required if underlying pavement is visible.

Construction Notes

- The methods and materials of construction shall conform to the latest standards of the City of Burlington and the State of Vermont. All work shall be in conformance with all permits and approvals issued for the project. In case of conflict, the more stringent specification shall apply as directed by Engineer. All work shall be done in a workmanlike manner and completed in the time specified by Owner.
- The Contractor shall be responsible for all work and materials shown and required to make the job complete. These drawings do not show every fitting or appurtenance. Materials shall be as specified on the drawings. Manufacturer's product specifications shall be submitted for all materials to the Engineer for approval prior to installation.
- The location and size of existing underground utilities is not warranted to be exact or complete. The Contractor shall field locate all utilities and shall contact the affected utility company, the Engineer and the City of Burlington prior to making any hook ups. The Contractor shall be solely responsible for all existing utilities and their uninterrupted services. All off-site backfill, sheeting and shoring, dewatering, clearing and grubbing, erosion control, dust control, traffic control, grading, and all incidentals shall be included as part of the required work.
- Repair of all disturbed areas, grading, seeding, mulching, repair of roads and curbs, paving, and other incidentals are included as part of the required work. All disturbed areas shall be loamed and mulched until permanent ground cover is established.
- The Contractor shall verify all horizontal control and temporary bench marks before use.
- The workers and public shall be protected by the Contractor from any and all hazards connected with the construction work. Open trenches, materials, or equipment within the working limits are to be guarded by the use of adequate barricades or flaggers. All barricades left in position overnight are to be properly lighted. Kerosene pots are not acceptable. When work narrows the usable pavement, flaggers shall be employed to aid the flow of traffic so that there will be no undue delays. The Contractor shall be held responsible for the safety of all workers and the general public and all damages to property occurring from or upon the work occasioned by negligence or shall be held responsible for the safety of all workers and the general public and all damages to property occurring from or upon the work occasioned by negligence or day or night within the working area. All work shall be in conformance to OSHA regulations, Title 19, Parts 1926.651 and 1926.652, and applicable to VOSHA regulations.
- Contractor shall contact Dig Safe prior to any excavation.
- All new storm and sanitary extending from structures shall be laid with a pipe laser to elevation and slope as shown on the plans.
- The Contractor shall sawcut all existing pavement to be removed. The Contractor shall minimize the pavement area disturbance. Contractor shall be responsible for all pavement repair and restoration necessary to complete the work.
- The Contractor shall be responsible for all construction layout.
- Existing plantings are located in general areas as shown on the plans. Contractor shall protect plantings scheduled to remain so as not to damage these or their root systems.
- Contractor shall comply with all permits and approvals issued for this project.
- Contractor shall sign on as the Co-Permittee for the State of Vermont Erosion Prevention and Sediment Control permit for the project.
- Slope stability upon unsaturated soil conditions. If during construction saturated soils are encountered, contact the Engineer immediately.



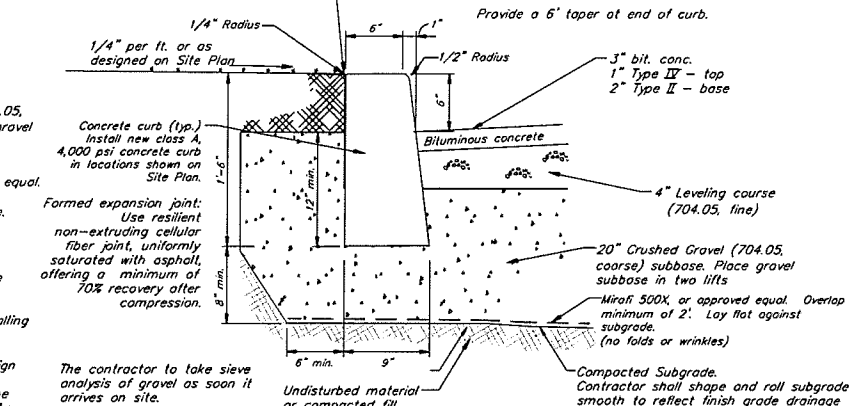
Without Curb

If subgrade soils have a high silt/clay content. It is the Contractor's responsibility to protect the subgrade during construction and prevent subgrade weakening by precipitation or construction vehicle travel. Any repair of compromised subgrade soil caused by improper protection or construction methods shall be at no cost to the Owner.

Concrete Curb

- Broom finish concrete
- All joints to be tool finished
- Expansion/contraction joints every 20' with 1/2" joint filler.
- Score 1/3 total depth at 10' intervals
- Apply 2 coats of Euclid Evercoat 10X cure/seal compound to all concrete surfaces, per the manufacturer's specifications.

All concrete used in the construction of concrete curb shall be air entrained (5 - 7 %) and made with Portland cement. The concrete shall meet section 541 of the State of Vermont Standard Specification for Class A concrete and have min. 28 day compressive strength of 4,000 psi.



The Contractor to take sieve analysis of gravel as soon it arrives on site.

Travel over gravel with any vehicle tracking soil prior to placement of pavement is prohibited. If gravel is contaminated after placement, the Contractor shall be responsible for removal of all contaminated gravel and paying for all recommended sieve analysis as determined by the Engineer.

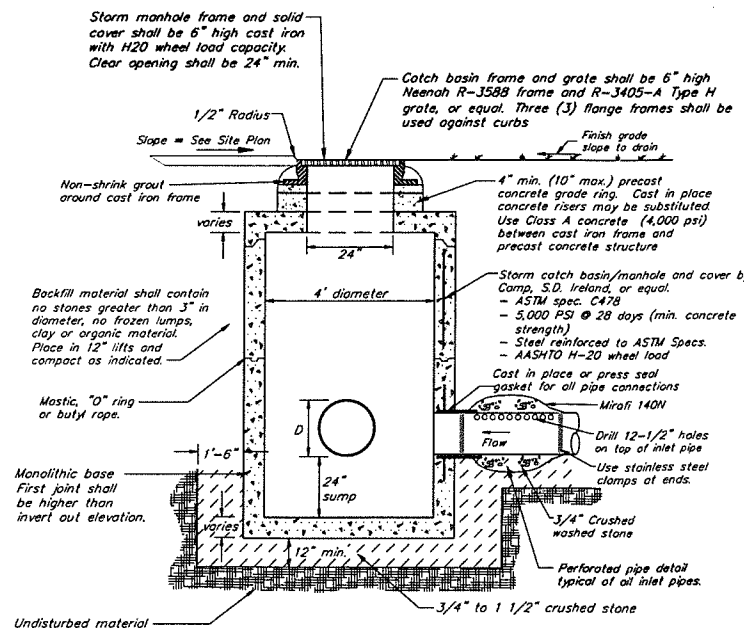
With Concrete Curb

New Road Cross Section Detail

N.T.S.

Shop Drawings and "or equals"

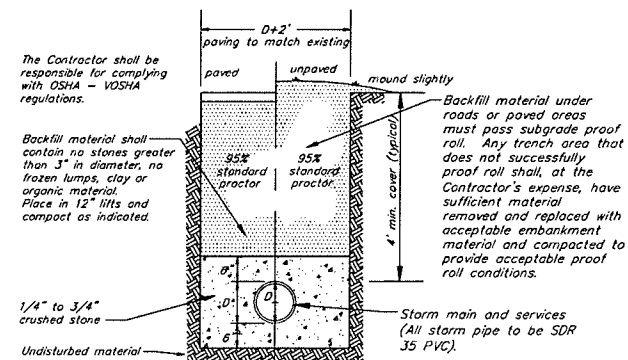
- If the details specify a specific product, and the Contractor is not proposing a substitute, the Contractor shall not submit shop drawings for that product (ex. Mirafi 140N).
- If the details for this project specify Mirafi 140N, then the following are approved equals and the Contractor shall not submit shop drawings for that product.
 - SKAPIS GT 142
 - WinFab 450
 - Carthage Mills FX-45HS
 - ADS 045IT
- If the details for this project specify Mirafi 500X, then the following are approved equal and the Contractor shall not submit shop drawings for that product.
 - SKAPIS W200
 - Gestax 200ST
 - WinFab 200W
 - ADS 200W



New Catch Basin/Storm Manhole Detail

N.T.S.

PVC SDR 35 pipe shall not be installed when the temperature drops below 32° F or goes above 100° F unless prior approval is obtained from the Engineer. Extra care is required when handling PVC pipe during cold weather. PVC pipe shall not be stored outside and exposed to prolonged periods of sunlight as pipe discoloration and reduction in pipe impact strength will occur. If PVC pipe is to be stored on site for 1 month or longer it shall be covered with canvas or other opaque material.



Typical Storm Trench Detail

N.T.S.

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PROJECT

Discovery Hall
Northwest Parking

Project No. 17343
Scale N.T.S.
Drawn by DMR/TJB
Checked by
Date May 08, 2019

Revisions

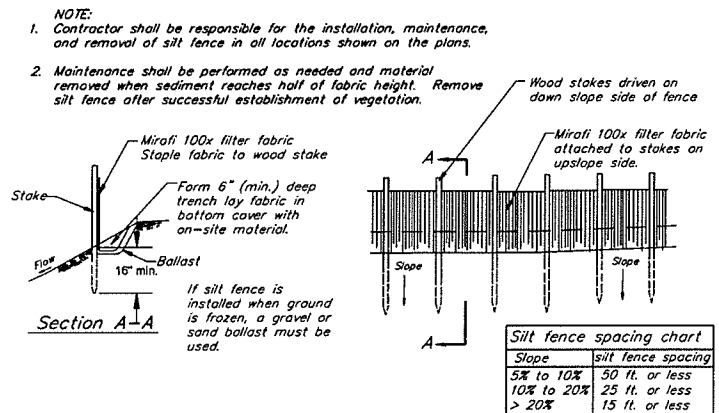
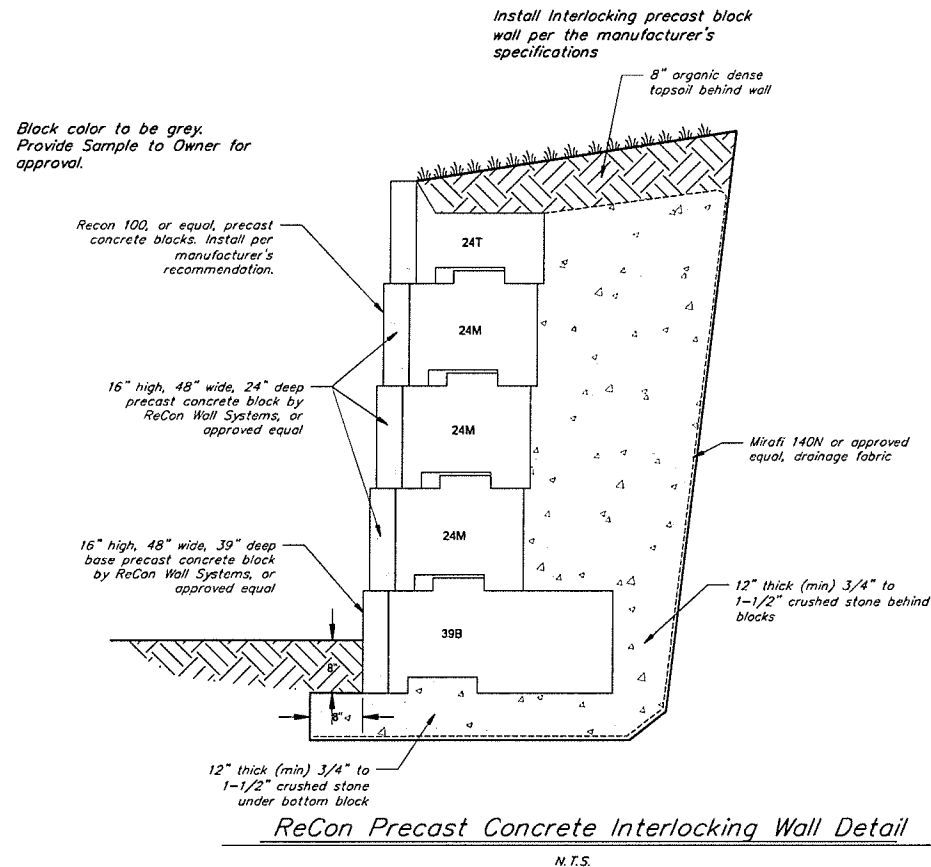
No.	Date

Drawing Title

Civil Details

Drawing No.

CD-1.1



Soil and Seeding Notes

Refer to Post Construction Soil Restoration Plan for additional requirements

- Topsoil shall have a minimum 4" depth unless additional depth is specified on the Civil or Landscape plans. Topsoil shall be natural, fertile, friable soil representative of local productive soil and free of clay lumps, stones, subsoil or other foreign matter larger than 1/2 inch diameter, not frozen or muddy. Acidity pH shall range from 5.5 to 7 and shall contain 4% organic material as a minimum. Samples of topsoil are to be given to UVM Physical Plant's Ground Manager for inspection before approval. All testing costs will be paid by Contractor.
- The Contractor shall have a soil analysis performed on the topsoil (UVM soil testing lab 656-3030). The results of soil analysis shall be provided to the UVM Physical Plant Grounds Manager for approval. The soil analysis must state:
 - Percentages of organic matter, inorganic matter (silt, clay, and sand), deleterious materials, and pH levels.
 - Sieve analysis and mineral and plant nutrient content of topsoil.
 - Test for herbicide contamination and provide report certifying that no herbicides are present.
 - State quantities of nitrogen, phosphorous, and potash nutrients and any limestone, aluminum sulfate, or other soil amendments to be added to produce satisfactory topsoil.
 - Topsoil shall meet the following gradation:

Sieve Sizes:	Percentage Passing:
1 inch	100%
1/2 inch	95-100%
No. 4	75-100%
No. 10	60-100%
No. 200	10-60%
- Commercial fertilizer shall be a complete plant food containing nitrogen (50% organic), phosphoric acid and potash. Soil tests will indicate composition required.
- Hydro seeding and topsoil is the required practice for turf establishment. Specifications are:

Seed: UVM #1 mix using 6 lbs per 1,000 square feet.

Seed	Germ:
71.46% Min. Futura 3000 PER RYE GRASS	90%
14.81% Min. Dynasty TALL FESCUE	90%
9.74% Min. CREEPING RED FESCUE	90%
2.32% Max. CROP	
1.61% Max. INERT	
0.06% Max. WEED	

Hydroseed Additives:

Fertilizer: 19-19-19 75 lbs per 1,000 gallons of water

Lime: 100 lbs. per 1,000 gallons of water

Mulch: 300 lbs. per 1,000 gallons of water.

Tacifier: 5 lbs. per 1,000 gallons of water.

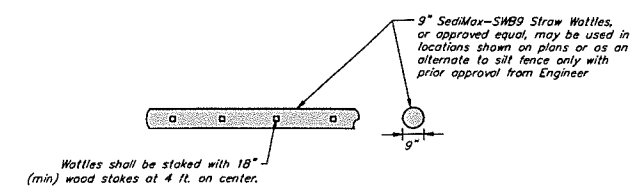
Manufacturer's tag shall be given to Physical Plant's Ground Manager prior to seeding for approval.
- Areas having soil compaction as a result of construction shall have any crushed stone removed and the subgrade shall be rate-lifted prior to placing topsoil. Refer to the Post Construction Soil Depth and Quality Requirements.
- If hand seeding, only straw mulch is to be used and secured by netting either organic or inorganic. If inorganic is used, it must be removed before the first mowing.
- Starter fertilizer shall be applied at the manufacturer's suggested rate at the time of seeding. Fertilizer application will not be allowed in sensitive areas and adjacent to drainage ways as determined by the Engineer.
- Watering is to be done by the Contractor and is to last for the duration of the warranty period to maintain proper growth. UVM will supply the water, but all apparatus necessary to apply the water must be furnished by the Contractor (i.e. hoses, sprinklers, etc.).
- Staking of all topsoiled areas to control foot traffic will be required. Unless otherwise specified, acceptable staking materials will be grade stakes and twine or string with flagging attached for visibility.
- A guarantee through the first mowing is required with any sparse or bare areas larger than 1 sq. ft. to be redone.
- The Contractor is responsible for the first mowing. After the first mowing and prior to the University taking responsibility for the lawn areas the Contractor and the Grounds Manager shall meet to inspect the vegetation establishment.
- Contractor is responsible for all topsoil to complete the project as shown. If existing volume of topsoil is inadequate, the Contractor, at no cost to the Owner, shall purchase offsite approved topsoil as necessary.

Construction Limit Barriers

- Temporary chain-linked construction fence shall be used to delineate construction limits where practical or where directed in the Contract Documents.
- Orange construction fence or snow fence shall be used to demarcate short-term construction activities as well as around the drip line of any existing trees to remain.
- 3" thick orange polyester mesh webbing may also be used to demarcate construction limits except within 50 feet of any stream, lake, pond or wetland. For this project, polyester mesh webbing should not be used in areas that are proximate to pedestrian or vehicular traffic.

NOTE:

- Contractor shall be responsible for the installation, maintenance, and removal of straw wattles in all locations shown on the plans.
- Maintenance shall be performed as needed and material removed when sediment reaches half of product height. Remove wattle after successful establishment of vegetation.



North American Green S75BN

Material Content

Straw	100% (.50 lbs/sq.yd.) (.27 kg/m2)
Netting	Leno woven, 100% biodegradable jute fiber
Weight	approximately 1.64 lbs/1000 s.f.
Thread	Biodegradable
Installed as per manufacturer's specifications.	

Material Specifications

Erosion control blanket shall be a machine-produced mat of 100% agricultural straw.

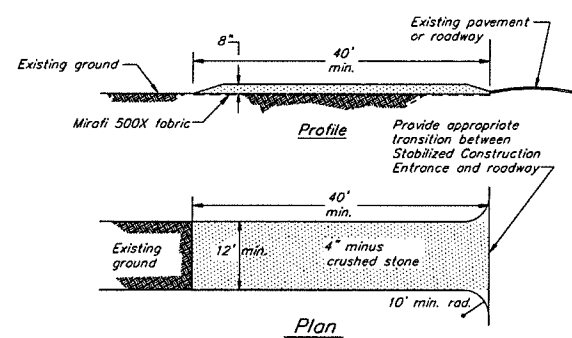
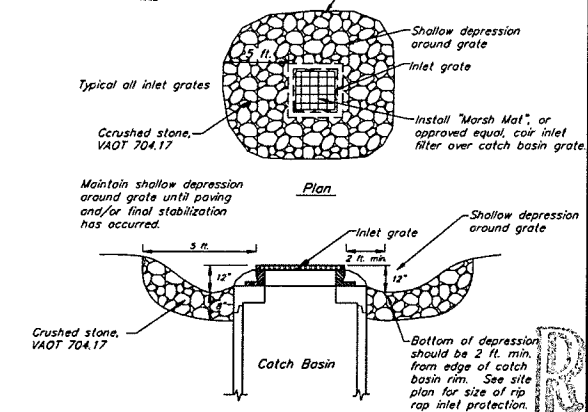
The blanket shall be of consistent thickness with the straw evenly distributed over the entire area of the mat. The blanket shall be covered on the top side with natural fiber netting having an approximate 1/2" X 1/2" mesh and be sewn together with biodegradable thread.

Straw erosion control blanket shall be S75BN as manufactured by North American Green, Inc. (812-867-6632) or equivalent. Erosion control blanket shall have the following properties:

Erosion Control Matting

Secure "Marsh Mat", or approved equal, coir inlet filter over catch basin.

Inlet Protection (Pavement Areas)



Note:

- Contractor shall be responsible for the installation, maintenance, and removal of a stabilized construction entrance at each construction entrance for the project. The Construction Stabilized Entrance and its continued maintenance shall be a minimum measure to prevent tracking of sediment off-site.
- Contractor to use Mirafi 500x under stone for temporary construction roads.
- Stabilized construction entrances shall be repaired when voids are 80% filled with sediment. Repair shall include adding additional 4" minus crushed stone and/or removal of contaminated stone.

THIS DETAIL TO BE USED FOR ALL TEMPORARY STONE STABILIZATION AREAS IDENTIFIED ON THE PLANS

Temporary Stabilized Construction Entrance & Staging Areas



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MAY 15 2019

DEPARTMENT OF PLANNING & ZONING

Discovery Hall Northwest Parking

Project No. 17343
Scale N.T.S.
Drawn by DMRUTJB
Checked by
Date May 08, 2019

Revisions	No.	Date

Drawing Title
Civil Details

Drawing No.
CD-1.2

Pavement Markings

All pavement marking include all necessary items to make product complete. All labor, materials, equipment and construction for signage and markings shall comply with AOT specifications. The location of each sign is shown on the plan or will be identified by the Owner or Engineer.

ROAD/PARKING SIGNS

Description	Specification	Size
Handicap Parking Only	Contact UVM	12" x 18"
UVM Service Vehicle Parking		12" x 18"

Provide 2" square galvanized steel sign posts posts. Bottom of all signs to be 7 feet above nearest adjacent curb or pavement elevation.

SIGN MATERIALS:

THE SIGN BASE MATERIALS USED FOR REGULATORY SIGNS MAY BE ANY OF THE FOLLOWING OF THE MINIMUM THICKNESS NOTED.

	24" X 12"		
	24" X 24"		
	24" X 30"		
12" X 18"	24" X 36"	36" X 48"	
18" X 24"	30" X 24"	48" X 60"	
0.060"	0.080"	0.100"	

ALL PANELS SHALL HAVE RETROREFLECTIVE BACKGROUNDS

ALL SIGN POSTS SHALL BE SQUARE TUBE GALVANIZED STEEL PLACED IN GALVANIZED STEEL ANCHORS

Tree Protection & Landscape Clearing

- All renovation and new construction must address tree protection and selective clearing. Since the University of Vermont has many memorial plantings, the protection of these specimens must be planned for and documented. The procedures shall be discussed, diagrammed, and implemented by the appropriate committee. The Physical Plant's Ground Manager shall have final say on a program's acceptance.
- Prior to any construction activity the General Contractor shall meet with the Grounds Manager to review the staging and protection plan for the adjacent landscaping.
- Damage caused to specimens due to contractor negligence shall be replaced at the cost of the contractor. Damage shall be reported to the Grounds Office immediately after event ☉ (802) 656-3866. Replacement value and condition of each specimen is to be determined by the Physical Plant's Grounds Manager.
- All trees within the designated construction zone shall be protected by no less than 4' high plastic fencing at the drip line completely encompassing the tree. No storage of building materials shall be allowed within tree protection fencing.
- All trees within 30' of the construction zone shall be protected by no less than 4' high plastic fencing at the drip line.
- If equipment is allowed by the Grounds Manager to pass over a tree's root zone, then a minimum of 8" of wood chips shall be laid and maintained by the contractor.
- If tree pruning is necessary, the Contractor shall contact the Grounds Manager (802-656-3866) to perform the necessary pruning
- During excavation, if root impact is unavoidable and therefore approved by the Grounds Manager, any root system encountered which is 1" in diameter or larger will be pruned by authorized personnel only. ANA standards for root pruning shall be followed.
- Where an existing tree meets new landscaping, grade topsoil at a depth of 6" (six inches) from the drip line to 0" (zero inches) at the base of the tree.

AS-BUILT (RECORD) DRAWINGS

The Contractor shall be responsible for providing the Owner with an as-built (record) utility site drawing in AutoCAD and PDF Format that meets the specifications below:

1. Drawing shall be in AutoCAD 2013 format. The civil design AutoCAD file drawing shall be used as the base for the as-built drawing. All information added to the base AutoCAD drawing shall be drafted in accordance with the Utility Record Drawing Drafting Standards shown on this plan.

2. The Contractor shall continue to update as-built drawing throughout the project. The as-built drawing shall be updated so that at any time in the project, infrastructure installed is located, plotted and drafted in the as-built drawing within 2 weeks of installation.

The Contractor shall copy the as-built drawing to the Engineer weekly during construction. The drawing shall include as-built survey shots including elevation and description of shot. The as-built survey shots shall be placed on a separate layer from the line work and shall be designated by date as AB-SHOT-XX-XX-XX (date). (for example, an as-built waterline topa shot shall be on a layer titled (AB-SHOT-01-08-09).

3. The Contractor shall utilize survey equipment able to locate infrastructure at the desired accuracy listed below. Footing drains and underdrains are exempt from the as-built requirements if they are constructed in accordance with the plans. Stormwater collection pipes for footing drains or underdrains must be survey located and included in the Record Drawing.

Utility	Horizontal Tolerance	Vertical Tolerance
Storm manhole/cb - rins/inverts/sumps	1'	0.1'
Storm cleanout - invert		
Storm pipe - change slope/bend	1'	0.1'
Storm pipe - building invert		
Electric-Secondary - change slope/bend		
Electric-Secondary - top concrete (every 36" max.)	1'	0.1'
Electric-Secondary - trench x-section (number and type, encasement detail)		
Other -	1'	0.1'

Contractor shall be responsible for locating and identifying all existing utilities that are exposed in the process of installing new utilities.

ACAD Layer Naming Convention

X-XXXX-XXXX- XXXX
| | Identifier
| | Minor Group
| Major Group
Discipline Code

Discipline Codes:
B - Background (x-ref) (by WM Group only)
C - Civil
E - Electrical
M - Mechanical
S - Site
T - Telecommunications
U - Controls
X - Other

Major Group Codes:
B - Background (x-ref) (by WM Group only)
BASE Roads, parking lots, walks, general

BLDG Building

C - Civil
NGAS Natural Gas

SSWR Sanitary Sewer

STRM Storm Sewer
WATR Domestic Water

E - Electrical
PPOW Primary Power Distribution
SPOW Secondary Power Distribution
EPOW Emergency Power
LITE Lighting

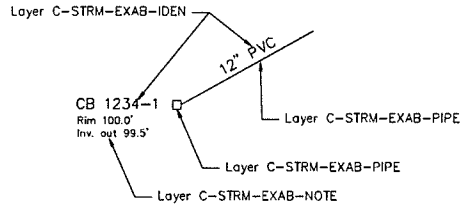
M - Mechanical
CHWR Chilled Water
FOIL Fuel Oil and Tanks
STEM Steam, Condensate
COGN Future Cogen Conduits

T - Telecommunications
PBX PBX
TELE Telephone

U - Controls
EMCM Emergency Communication
BC Building Controls
SECU Security/Fire

Identifier Codes:
PIPE Pipe (Actual pipe either active or abandoned)
CNDT Conduit (Actual conduit/bank either active or abandoned)
IDEN Identification (Manhole/pipe/conduit labels)
NOTE Notes (Notes as required - 1"=30' scale)
HTCH Hatching (UVM & non-UVM building hatching) (Background ONLY)

Symbols (i.e. manholes, hydrants, handholes, valves, etc.) should appear on PIPE/CNDT layer. (Others as needed)



DRAFTING EXAMPLE

C) Minor Group Codes:

IDEN Street names, etc.
PKNG Parking Spaces
WATER Streams, Ponds (Spear St. Only)
UVM1 UVM building
NUVM Non UVM building
EXAP Existing Approximate (Typical for all Utilities)
EXAP Existing "AS-BUILT" (Typical for all Utilities)

UTILITY	IDENTIFIER	COLOR	CODE
STORM WATER	STRM		47
SANITARY SEWER	SSWR		94
NATURAL GAS	NGAS		20
WATER	WATR		170
STEAM/CONDENSATE	HPS,LPS PCR,HPR		10
CHILLED WATER	CHW,CW		130
FUEL OIL PIPING/TANKS	FO		210
PRIMARY POWER DISTRIB	PPOW		10
SECONDARY POWER DISTRIB	SPOW		10
EMERGENCY POWER	EPOW		210
LIGHTING	LITE		130
EMERGENCY COMMUNICATION	EMCM		170
BUILDING CONTROLS	BC		94
SECURITY/FIRE	SEC		90
PBX	PBX		20
COGEN CONDUITS	COG		48
TELEPHONE	TELE		130

2.) ACAD Standards

A) TEXT STYLE

FOR GENERAL TEXT USE: "UVM-GENTEXT" STYLE
FONT: SIMPLEX
FONT SIZE (IDENTIFIER LAYER): 3.50 (MODEL SPACE)
FONT SIZE (NOTES LAYER ONLY): 2.50 (MODEL SPACE)
JUSTIFY: BOTTOM OR TOP CENTER
ORIENTATION: LEFT TO RIGHT
OR BOTTOM TO TOP
FORMAT: ENGINEERING

B) LINE STYLE

EXISTING - ACTIVE:
LINETYPE: CONTINUOUS
LINETYPE SCALE: 1.000

(examples) 8"IPS

EXISTING - ABANDONED:
LINETYPE: DASHED2
LINETYPE SCALE: 0.35

(examples) 4"HC-aban

CONSTRUCTION STAKEOUT NOTES

The Contractor shall be responsible for all construction stakeout for the project. The Engineer shall provide the Contractor an AutoCAD R2000 drawing of the site design. The drawing will include horizontal and vertical survey control. Additional survey control will be the responsibility of the Contractor.

1. The Contractor shall be responsible for using proper survey equipment and having properly trained personnel to use this information. Any Contractor that does not have proper equipment or personnel shall subcontract the work to a competent consultant.

2. The horizontal control datum may be based on a coordinate system that is unique for this project. Project north may not refer to astronomic or magnetic north.

3. The Contractor shall check the integrity of survey control points by occupying a control point checking distance to back sight and checking distance and angle to another control point prior to any construction stakeout. The contractor shall not proceed with stakeout if either measured distances or angles do not match calculated values.

4. Graphical images of infrastructure in the AutoCAD drawing may not be in an accurate representation of its size. It is the Contractor's responsibility to verify size and shape of all items to be staked out.

5. After completion of radial stakeout with the survey transit, the Contractor shall check each stakeout point as necessary to verify the horizontal and vertical position of the point and that it is correct in relationship to the rest of the project.

6. The Contractor shall complete all construction stakeout to an accuracy of 0.1 feet (excluding building stakeout).



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Mechanical

RMF Engineering, Inc.
5520 Research Park Drive, 3RD Floor
Baltimore, MD 21228
T: (410) 576-0505

Architect

Smith - Alvarez - Sienkiewicz
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Burlington, VT 05401
T: (802) 863-2227

Structural

Richard M. Doherty, P.E.
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So. Burlington, VT 05403
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Electrical

Kirick Engineering Associates
5399 Williston Road #103
Williston, VT 05495
T: (802) 659-5731



RECEIVED

MAY 15 2019

DEPARTMENT OF
PLANNING & ZONING

Discovery Hall
Northwest Parking

Project No. 17343
Scale N.T.S.
Drawn by DMR/TJB
Checked by
Date May 08, 2019

Revisions

No. Date

Drawing Title

Civil Details

Drawing No.

CD-1.3

Department of Planning and Zoning

149 Church Street
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Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
vacant, Zoning Clerk



TO: Development Review Board
FROM: Ryan Morrison
DATE: June 4, 2019
RE: 19-0875CA; 10 University Place

=====

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

Zone: I Ward: 1E

Owner/Applicant: University of Vermont & State Agricultural College

Request: Replace previously removed parking spaces with three service/ADA spaces between Votey Building and Discovery Hall.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking)

Background Information:

The applicant is seeking approval to replace three parking spaces for ADA and service parking, south of the Votey Building at the northwest corner of Discovery Hall. Over the past few years, parking spaces on the main campus were removed to accommodate capital projects, improved circulation, and campus beautification. The University is attempting to return some of those spaces as part of addressing the parking deficit issues detailed in the draft 2019-2024 Joint Institutional Parking Management Plan (JIPMP), which is yet to be approved.

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

Previous zoning permit activity:

- **Zoning Permit 93-275;** installation of 2 satellite receiving dishes. Approved 12/3/92.
- **Zoning Permit 93-333;** elimination of a surface parking lot in the main campus, replace with landscaped area. Approved 3/25/93.
- **Zoning Permit 00-422;** installation of a granite archway across the existing walkway behind Pomeroy Hall. Approved 3/30/00.
- **Zoning Permit 13-0718SN;** construct new stone wall and install a new externally illuminated freestanding gateway sign on wall with associated landscaping and lighting. Approved 2/6/13.

- **Zoning Permit 14-1320CA**; demolition of Chittenden, Buckham, Wills residential complex with redevelopment plans including pedestrian amenities. Approved 2/18/15.
- **Zoning Permit 15-0665LL**; lot line adjustment between UVM main campus and UVM Medical Center. Approved 12/23/14.
- **Zoning Permit 15-0706CA**; modifications to Carrigan Drive, widening and improvement of turning points, intersections, creation of a turnaround. Approved 1/12/15.
- **Zoning Sketch Plan Review 15-0810SP**; sketch plan review for UVM undergraduate student housing on central campus. Review complete 3/17/15.
- **Zoning Permit 16-0095CA**; widen parts of concrete walk at Bailey-Howe/Davis Center quad to facilitate shuttle service detour due to construction activities. Approved 7/27/15.
- **Zoning Permit 19-0643CA**; complete the northern portion of the Green Mountain Walkway, and pave new concrete walkway. Approved 3/22/19.
- **Zoning Permit 19-0683CA**; replace an existing dirt pedestrian path with a formal concrete walk, install new lights and underground stormwater infrastructure. Approved 4/2/19.
- **Zoning Permit 19-0816CA**; reconstruct existing paved sidewalks with concrete, adding bike racks, improving landscaping. Approved 5/10/19.

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

I. Findings

Article 2: Administrative Mechanisms

There are several zoning permit for this property that have expired without issuance of required certificates of occupancy. Per this section, these prior zoning permits must be closed out with final certificates of occupancy prior to issuance of a certificate of occupancy for this new zoning permit.

Affirmative finding as conditioned

Article 4: Maps & Districts

Sec. 4.4.4, Institutional District:

(a) Purpose

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

(b) Dimensional Standards & Density

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

(c) Permitted & Conditional Uses

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

Sec. 4.5.2, Institutional Core Campus Overlay Districts

(a) Purpose

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

(b) Areas Covered

The proposed construction is located within the UVM Central Campus overlay. **Affirmative finding**

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

1. Transitional Buffer

This buffer area includes all property within the area as measured from the centerlines of Colchester Avenue, East Avenue, Main Street, and South Prospect Street, and extending 150 feet into the ICC-UVM District. The proposed parking addition is not located within this buffer.

Affirmative finding

2. Lot Coverage

Within this overlay district, a maximum aggregate lot coverage of 65% is allowed. The project will result in a lot coverage total of 50.33%. **Affirmative finding**

3. Setbacks

Side and rear yard setback requirements are not applicable in this district. Front yard setbacks shall be fifteen feet from any street that defines the Transitional Buffer. The proposed construction is nowhere near the transitional buffer. **Affirmative finding**

4. Surface Parking

No new outdoor surface parking spaces are allowed unless the number of the new outdoor surface spaces is offset by a corresponding removal of outdoor surface parking spaces existing as of January 1, 2007, and upon approval by the DRB. The applicant notes that many parking spaces on the main campus were removed to accommodate capital projects, improve circulation, and to beautify the campus. The draft 2019-2024 JIPMP addresses this project as part of a larger, future project to improve pedestrian circulation in and around the Torrey/Votey parking lot (net loss of 21 spaces). The proposed spaces will mitigate those losses, thus offsetting a small portion of those spaces removed earlier. **Affirmative finding**

5. Building Height

Not applicable.

6. Density

Not applicable.

7. Uses

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

Affirmative finding

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.5.2.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.5.2.

Sec. 5.2.6, Building Height Limits

Not applicable.

Sec. 5.2.7, Density and Intensity of Development Calculations

Not applicable.

Sec. 5.5.1, Nuisance Regulations

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

Affirmative finding

Sec. 5.5.2, Outdoor Lighting

The two light poles to be installed in this area have been permitted under ZP19-0816CA.

Affirmative finding

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The work will be located in an area that is currently lawn. The area affected is not an important natural feature as identified in the Open Space Protection Plan. **Affirmative finding**

(b) Topographical alterations

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views

Not applicable per 24 VSA, Sec. 4413.

(d) Protection of important cultural resources

Not applicable per 24 VSA, Sec. 4413.

(e) Supporting the use of alternative energy

Not applicable per 24 VSA, Sec. 4413.

(f) Brownfield sites

Not applicable per 24 VSA, Sec. 4413.

(g) Provide for nature's events

See Sec. 5.5.3.

(h) Building location and orientation

Not applicable per 24 VSA, Sec. 4413.

(i) Vehicular access

Not applicable per 24 VSA, Sec. 4413.

(j) Pedestrian access

Not applicable per 24 VSA, Sec. 4413.

(k) Accessibility for the handicapped

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

(l) Parking and circulation

The project will provide 3 service/ADA parking spaces in an area with few parking options. These spaces are particular to ADA accessibility, and are not intended to function as general public parking. **Affirmative finding**

(m) Landscaping, fences, and retaining walls

No new landscaping is proposed. **Affirmative finding**

(n) Public plazas and open space

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

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

Not applicable.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

While this project is incorporated into the draft 2019-2024 Joint Institutional Parking Management Plan, nothing at this time (new development) requires this additional parking. UVM intends to replace parking spaces that have been removed over the last few years from various projects.

Affirmative finding as conditioned

II. Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, all zoning permits issued after July 13, 1989 must be closed out (issued a Certificate of Occupancy) prior to issuance of a Final Certificate of Occupancy for this permit. See attached permit list. Upon expiration of this new zoning permit, no additional zoning permits may be issued until it, and all prior zoning permits, have been closed out with final certificate(s) of occupancy. It is recommended that certificates of occupancy for the old zoning permits be sought prior to seeking a certificate of occupancy for the new zoning permit.
2. 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.

3. Standard permit conditions 1-15.

BURLINGTON, VT 05402-0878

Service Address:	Billing Info:	Owner Info:
SISTERS & BROTHERS, LLP 281 PEARL ST BURLINGTON, VT 05401	SISTERS & BROTHERS, LLP 75 S WINOOSKI AVE BURLINGTON, VT 05401-3831	SISTERS & BROTHERS, LLP

Measure/Meter	Date	Reading	Dial 1		Reading	Dial 2		Demand	
			Consumption	Code		Consumption	Code	Reading	Consumption
Cubic Feet									
35418274	Active								
	5/3/2019	120,200.00	0.00	M	0.00	0.00	N	0.00	0.00
	4/1/2019	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	3/1/2019	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	2/1/2019	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	1/2/2019	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	12/3/2018	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	11/1/2018	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	10/1/2018	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	9/4/2018	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	8/1/2018	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	7/2/2018	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	6/1/2018	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	5/1/2018	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	4/2/2018	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	3/5/2018	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	2/1/2018	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	1/2/2018	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	12/1/2017	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	11/1/2017	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	10/2/2017	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	9/1/2017	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	8/1/2017	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	7/3/2017	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	6/1/2017	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	5/1/2017	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	4/3/2017	120,200.00	0.00	A	0.00	0.00	N	0.00	0.00
	3/1/2017	120,200.00	7,300.00	A	0.00	0.00	N	0.00	0.00
	2/1/2017	112,900.00	0.00	A	0.00	0.00	N	0.00	0.00
	1/3/2017	112,900.00	300.00	A	0.00	0.00	N	0.00	0.00
		35418274 Totals:	7,600.00			0.00			0.00
		Cubic Feet Totals:	7,600.00			0.00			0.00

Department of Planning and Zoning

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Layne Darfler, Planning Technician



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: June 4, 2019
RE: 19-0852CU; 135 South Crest Drive

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

File: ZP19-0852CU

Location: 135 South Crest Drive

Zone: RL **Ward:** 5S

Date application accepted: May 7, 2019

Owner / Applicant: Sue Fitzpatrick / Sorrell Construction Management

Parking District: Neighborhood

Request: The applicant seeks approval for a dual use in the single family home's basement: to convert the basement to an accessory dwelling unit to be used as a bed and breakfast short term rental.



Applicable Regulations:

Appendix A (Use Table – All Zoning Districts), Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background:

- **Non-Applicability of Zoning Permit 13-0038NA;** replacement siding, front steps, windows, and garage door. Approved 7/13/12.
- **Non-Applicability of Zoning Permit 13-0080NA;** replacement roof. Approved 7/23/12.
- **Non-Applicability of Zoning Permit 19-0780NA;** replacement windows and doors. Approved 4/23/19.

Overview:

The applicant proposes to convert the basement of the single family residence to an accessory dwelling unit that could also be used as a bed and breakfast (short term rental). The 3-bedroom home was constructed in 1959. A similar request was approved by the DRB in 2017 on a RL zoned property on Chase Street. Because many of the zoning requirements for ADUs and B&Bs are the same (i.e. parking, owner occupancy, etc.), this dual use is becoming more common in Burlington.

Recommendation: Conditional Use Approval, per the following findings and conditions:

I. Findings**Appendix A: Use Table – All Zoning Districts**

Accessory dwelling units (ADU) are permitted uses in the RL zoning district. However, if new habitable space is created to accommodate a new ADU, it is then subject to conditional use review (see Sec. 5.4.5 below). Bed and Breakfast (B&B) is a Conditional Use in the RL zoning district. Footnotes 4 & 6 of Appendix A apply to bed and breakfasts. Footnote #4 states: “No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.” Footnote #6 states: “Must be owner-occupied.” The applicant proposes to convert the basement to a 1 room ADU and to rent it out as a 1 room B&B use. The owner currently resides on the property. As required, this proposal is subject to conditional use review. **Affirmative finding.**

Article 3: Applications, Permits and Project Reviews**Part 5: Conditional Use and 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 proposal will have minimal impact on public utilities, facilities and services. A letter of confirmation from DPW will be required to assure adequate sewer capacity. A state wastewater permit will also be required, and it will be applicant's responsibility to secure said 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 within an established residential neighborhood and a residential zoning district. The Residential Low Density (RL) zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. 1 bedroom ADUs are permitted within the RL district, and B&Bs have the potential for up to 3 rooms in the underlying zoning district. The proposal should result in little to no change in traffic and circulation impacts. The ADU/B&B is accessory to the single family home, which is consistent with the intent of the zoning district. **Affirmative finding.**

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

No greater impacts are anticipated than other residential uses in the area. **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;*

This parcel is located on South Crest Drive, a residentially developed street. The driveway and garage combination provides adequate space to accommodate the 3 required parking spaces. It is expected that the ADU/B&B use will generate one additional vehicle to the property when occupied. There are transit stops within walking distance along Pine Street (approx. 200 ft away). Sidewalks exist on both sides of South Crest Drive. The proposal is not expected to create adverse impacts on the existing transportation system. **Affirmative finding.**

5. *The utilization of renewable energy resources;*

Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**
and;

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

The applicant will be required to secure a state wastewater permit, and associated building and trades permits for the basement conversion. The application and resultant change in use will be required to meet all bylaws and city and state ordinances in effect.

Specific to the proposed B&B use, the applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes. **Affirmative finding as conditioned.**

(c) Conditions of Approval

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

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*
Not applicable. No changes to the site are proposed.
2. *Time limits for construction.*
There is a three-year time frame to complete the project.
3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. Construction hours are not specified. Typical construction hours in residential areas are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No work on Sunday.
Affirmative finding as conditioned.
4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*
The size of the proposed ADU is limited to 30% of the total habitable floor area of the building, inclusive of the ADU. There are no building enlargements or exterior alterations proposed. Due to ADUs being restricted to just one bedroom, the basement ADU space will not be able accommodate more than one bedroom for use as a B&B short term rental. However, should the applicant wish to add an additional B&B room(s) in the main residence, the change will require review and permitting under 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.*
None identified.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

1. *The Residential Low Density (RL) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. The district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhood's development history.*

An accessory dwelling unit to an existing single family residence, to be used as a B&B short term rental, is proposed. **Affirmative finding.**

(b) Dimensional Standards and Density

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

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

Single detached dwelling, RL Minimum 60' frontage, RL Minimum 6,000 sq ft lot size.
135 South Crest Drive is a 15,574 sq ft lot, with 113 feet of frontage. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

Not applicable per Section 5.4.5 (a) below.

Table 4.4.5-3 Residential District Dimensional Standards

Not applicable. No site or building changes are proposed.

(c) Permitted and Conditional Uses

An accessory dwelling unit to a single family residential property is a permitted use per Appendix A. However, because the proposal involves the creation of new habitable space in the basement, conditional use review is required, as per Sec. 5.4.5 (b). Similarly, B&B rooms are conditional uses in the RL zone. **Affirmative finding.**

(d) District Specific Regulations

1. Setbacks

A. Encroachment for residential driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

Not applicable.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

A. Additional Unit to multi-family

Not applicable.

B. Additions to Existing Residential Structures

Not applicable.

C. Residential Occupancy Limits

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

The residential occupancy provisions of the ordinance apply to primary residence, and Sec. 5.4.5 (a) – below, will apply to the accessory dwelling unit. **Affirmative finding.**

6. *Uses*

A. Exception for Existing Neighborhood Commerical Uses

Not applicable.

7. *Residential Development Bonuses*

Not applicable.

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Section 5.4.5 Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses

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

The property is currently an owner occupied single family use. The proposed one-bedroom accessory dwelling unit will be located in the unfinished basement. The floor plan identifies bathroom, kitchen, and living space. No more than 2 adult occupants can be permitted within this accessory dwelling. **Affirmative finding as conditioned.**

Additionally, there must be compliance with all the following:

1. *The property has sufficient wastewater capacity as certified by the Department of Public Works;*

The applicant will be required to secure a letter of adequate capacity from DPW for water and sewer services. **Affirmative finding as conditioned.**

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

The main residence has 1,430 sf of habitable floor area. The proposed basement ADU will be 600 sf in size. By including the ADU with the habitable space of the existing home, the combined habitable space totals 2,030 sf. 30% of 2,030 sf is 609 sf. The 600 sf ADU space is 29.6%, just under the 30% maximum allowance. **Affirmative finding.**

3. *Applicable setback and coverage requirements are met;*
Not applicable as there are no building footprint or site changes proposed.
4. *One additional parking space which may be legally allocated to the necessary unit must be provided for the accessory unit;*
The site plan shows a total of 4 parking spaces that can accommodate the 2 spaces required for the main residence, and the 1 space required for the accessory dwelling unit.
Affirmative finding.
and

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

(b) Conditional Use Approval for Accessory Units

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

1. *A new accessory structure;*
Not applicable.
2. *An increase in the height or habitable floor area of the existing dwelling;*
The proposal involves converting the basement to habitable space. Therefore, conditional use review is required. **Affirmative finding.**
3. *An increase in the dimensions of any parking area.*
Not applicable.

(c) Discontinuance of Accessory Units

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

of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.

This will be a condition of the permit. **Affirmative finding as conditioned.**

Section 5.4.8 Historic Buildings and Sites

Not applicable.

Section 5.4.9 Brownfield Remediation

Not applicable.

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

Nothing within the application suggests non-compliance with applicable nuisance regulations and performance standards per the requirement of the Burlington Code of Ordinances.

Affirmative finding.

Section 5.5.2 Outdoor Lighting

New lighting is not proposed. **Not applicable.**

Section 5.5.3 Stormwater and Erosion Control

Not applicable.

Section 5.5.4 Tree Removal

Not applicable.

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

Single family uses require 2 parking spaces in the Neighborhood Parking District. Section 5.4.5 (a) (4), above, sets the parking requirement of 1 space for accessory dwelling units. Similarly, B&B uses require 1 space per room. The ADU space is proposed to be utilized as a one room B&B use, which requires 1 space in combination with the 2 spaces required for the single family use. In total, 3 off-street parking spaces are required for this proposal. The 2 car garage and driveway combine for a total of 4 parking spaces. **Affirmative finding.**

II. Conditions of Approval

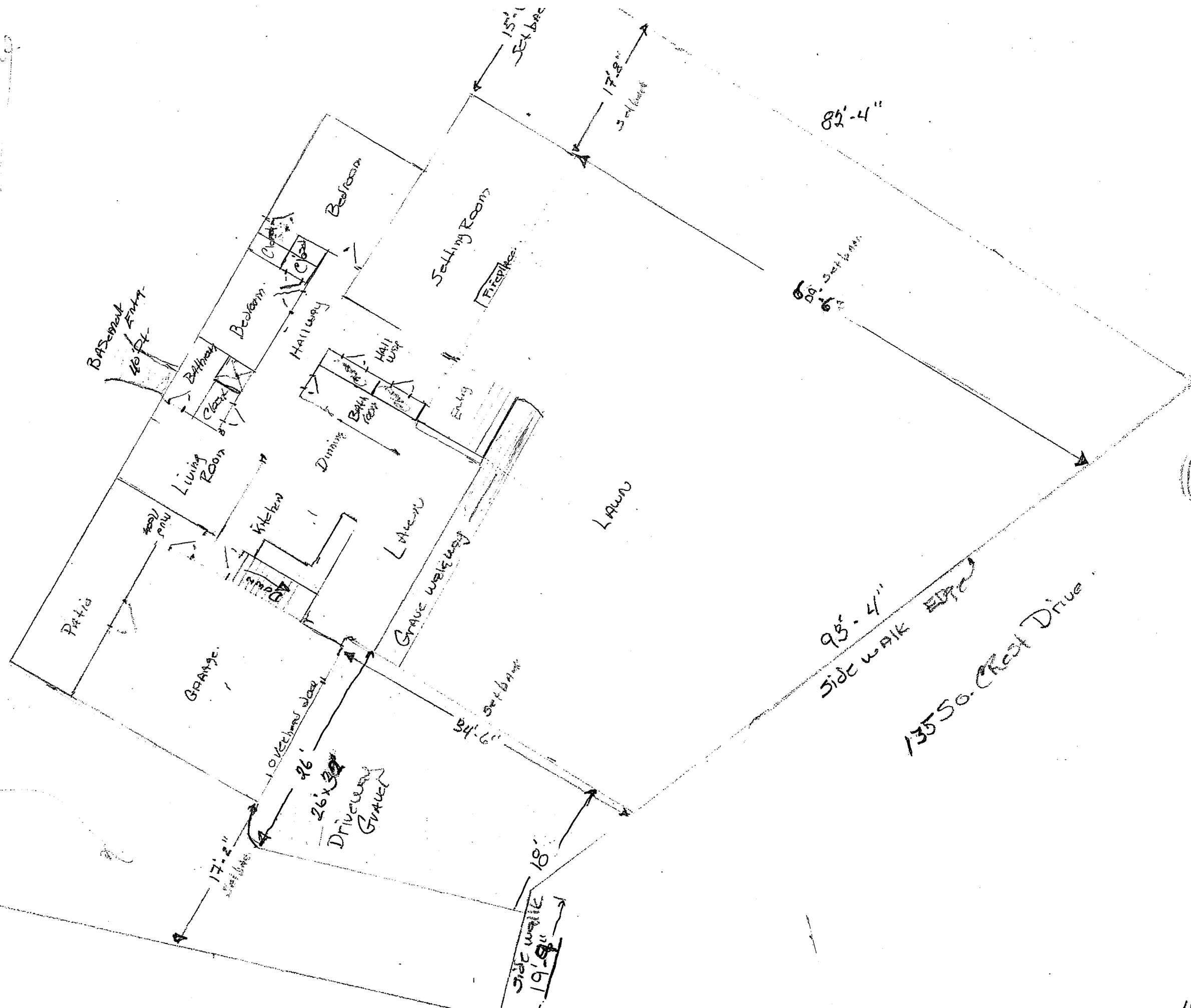
1. **Prior to release of the zoning permit**, the applicant shall secure a letter of adequate capacity from DPW for water and sewer services.
2. No more than 2 adults shall inhabit the accessory dwelling unit/B&B short term rental.
3. Prior to the issuance of a certificate of occupancy, a deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit. The reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy.
4. If either the primary unit or the accessory unit is no longer owner occupied as a primary residence, the approval for the accessory dwelling unit is void and the

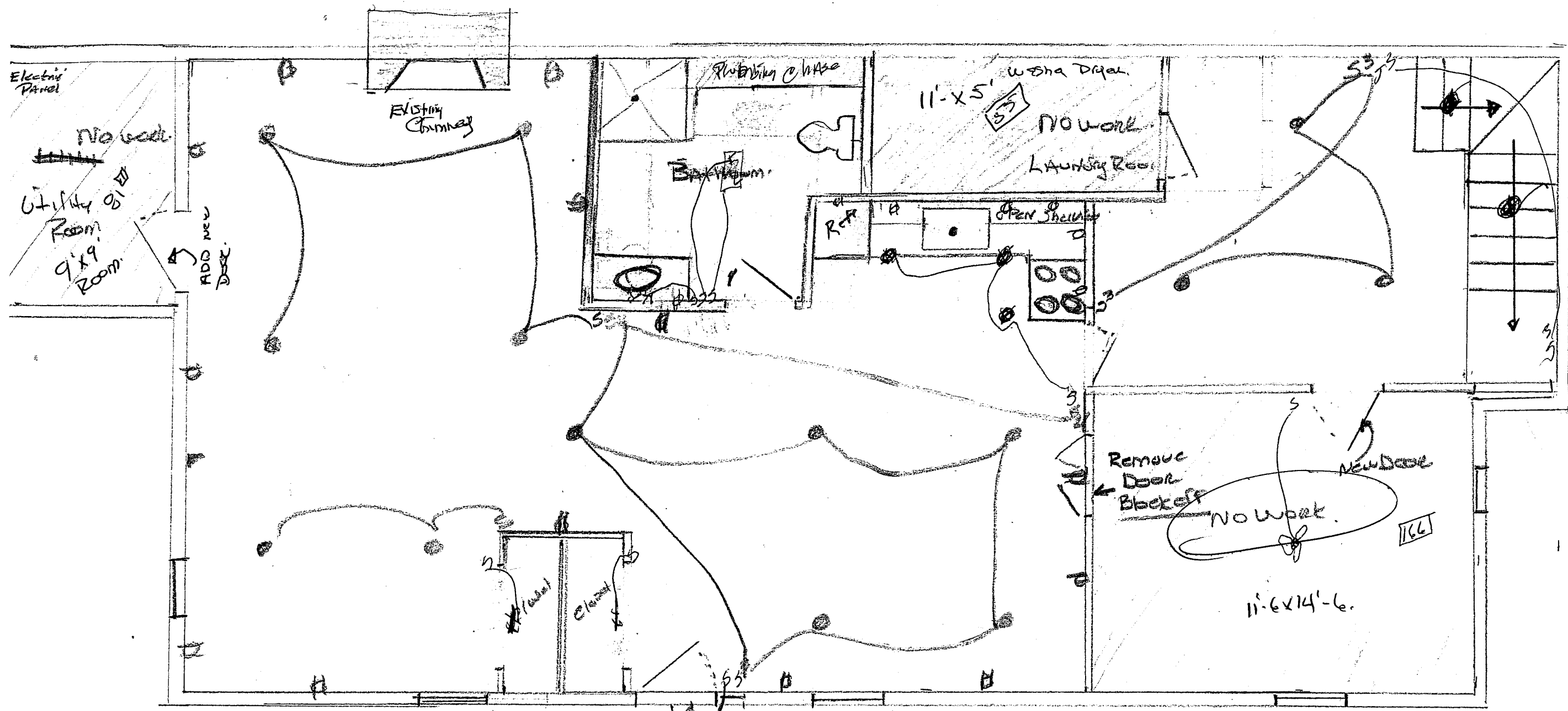
kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit.

5. This approval is for a dual use ADU/Bed and Breakfast (short term) rental in association with the existing single family dwelling. The applicant will allow Code Enforcement to periodically confirm that the use is limited to the one bedroom rental limitation. This may include review of web-based advertising, posted guest comments, or response to neighborhood complaint.
6. No more than one room in the basement ADU unit may be used for the B&B use.
7. The subject property must be, and remain, owner occupied as long as the use remains in operation.
8. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
9. All guest parking shall be on-site and off-street.
10. The applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes.
11. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
12. Construction hours shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.
13. 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.
14. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
15. Standard Permit Conditions 1-15.

154 FFL - 1430 sq ft.
 Basement walkout 1430 sq ft.
 GARAGE 480 sq ft.
 Patio 180 sq ft.
 Front 60 sq ft.
 Front walkway 128 sq ft.
 Basement walkout 40 sq ft.

LAWN





RECEIVED

MAY 07 2019

DEPARTMENT OF
PLANNING & ZONING

1/4" = 1'-0"

- = 5" Recessed Light
- ⊗ = outlets
- ▲ DATA, T.V.

Basement Renovation
135 South Crest Drive
Bellows Falls Vermont.

April - 20 - 20 19

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

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BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday June 4th, 2019, 5:00 PM

Conference Room 12, City Hall, 149 Church St, Burlington, VT

Draft Minutes

Board Members Present: B. Rabinowitz, A. LaRosa, G. Hand, A. Zipparo, Z. Hightower, J. Drummond (Alt.), R. Venkataraman (Alt.)

Board Members Absent: A. Hart, S. Harris

Staff Present: Scott Gustin, Mary O'Neil, Ryan Morrison, Layne Darfler

I. Agenda

No changes to the agenda

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III. Minutes

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Appeal zoning violation 358671 (Project Manager: Ted Miles)

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T. Miles: Pearl St automotive, service station and gas service station. Alleged violation is 3 parts. Change of use from service station to paid parking lot, failure to obtain Certificate of Occupancies on old permits and failure to rectify 2004 issue. Complaint came in about graffiti and vacant property July 12 2017. Last 5 months numerous visits to property taking photos noting use as paid parking lot and not being used as service station or gas station. Warning letter sent on July 5 2019 followed by Notice of Violation. Property is in residential high density zone in ward 8E, since service station has been discontinued since 2017 it no longer can be used as a service station. Property is still being used as a paid parking lot. The city is asking is that the owner restore items as per the 2014 agreement or the owner can apply for a permit to establish just the landscaping issues not the changes of use, we contend that the service station is no longer permitted.

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J. Drummond: wasn't that long ago

B. Rabinowitz: signs changed but are for the same use

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G. Hand: no consumption of water since April 2017. Is there any more evidence for use or lack thereof?

T. Miles: this particular area is my patrol so I could send hundreds of photos that I could have included have not seen any vehicle serviced there in 2 years.

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J. Handy: in 2004 we bought the property from Fred Lawyer service station repair shop. Agreement with city with items out of compliance, it was brought into compliance in 2004. Aware of agreement when bought. Back then they had gasoline, auto repair shop, rented parking spots. 6 parking spots on west side of Pearl St. Always rented those spaces and operated station. 2017 someone broke in in winter and blew the pipes so they had the water shut off. Stopped selling gas after that point. Repair shop never stopped

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J. Drummond: complaint is changing the use from a nonconforming permitted use to a private parking lot.

B. Rabinowitz: In commercial lots, the shared parking is ok, but residential is not typically ok

A. Zipparo: the city is pretty inconsistent with this limitation

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Handy Employee: body work were doing is just minor stuff, it's just overflow tinkering and not open to public. We don't pump gas.

B. Rabinowitz: ask for oil or electric bills

G. Hand: don't feel the need.

B. Rabinowitz: Closed the public hearing.

2. 19-0852CU; 135 South Crest Drive (RL, Ward 5S) J Suzanne Fitzpatrick

Increase living space in basement, requesting 1 bedroom bed and breakfast (Project Manager: Ryan Morrison)

B. Rabinowitz: as an accessory dwelling unit it is limited to 30% of the area of the house, when I look at the floor plan submitted it appears to be over that 30% of upper floor. The size of the accessory dwelling unit has been decreased.

R. Morrison: explained a new plan showing the ADU in compliance with the 30% or less stipulation.

Applicant: homeowner decided to split spaces away that work for her needs and work as ADU.

B. Rabinowitz: walkout basement, the utility room can anyone get into there without going through the apt.

Applicant no

B. Rabinowitz: anyway for someone to get from front of house to back of house from walkway.

Applicant its just a graded lawn out and around

G. Hand: is that the primary intended egress is in the rear.

Applicant yes, however the front entry of her house leads into basement.

B. Rabinowitz: Just concerned over entryways, lighting,

A. Zipparo: what is the lot coverage can he add walkway

R. Morrison: was not brought up because it was not needed for this application, they probably have enough space for a walkway to the rear if conditioned they would be fine in regards to lot coverage.

B. Rabinowitz: close public hearing

V. Certificate of Appropriateness

1. 19-0875CA; 10 University Place (I, Ward IE) University of Vermont & State Agricultural College

Adding parking spaces; two service spaces and one handicapped accessible parking space. (Project Manager: Ryan Morrison)

G. Hand: disclosed company has worked with UVM in past

No objection

L. Ravin: slightly larger project to do infrastructure improvements, since we're digging up the area we wanted to go ahead and apply for this portion. This is to increase accessibility to the university-it is in a very crowded area in the middle of the university. Part of this is increased handicapped spaces and services stations to the STEM building. We agree and accept all of staff comments.

D. Reid: there was a strong desire to have 2 service spaces. South side of bldg. has additional ADA spaces but need to have a place to park outside of the travel way.

G. Hand: one request for future applications would be to provide a large campus map so we can see location of project more clearly.

S. Bushor: in the application it talked about the parking management plan but that is still under review. Communications state the spaces are ADA but also trying to recapture the deficit of parking spaces identified in the plan. I would like the university to not just cram in spaces wherever to deal with that deficit. If they have a purpose that's fine. I'm not clear where the entry ways are for these people who need these spaces. Where is the entry way and where would those people be going, how does it improve the accessibility.

D. Reid: provided overview of accessibility routes and pedestrian routes, vehicle traffic routes.

S. Bushor: spaces are to access Votey

L. Ravin: pulled up a map;

S. Gustin: Joint Institutional Parking Management Plan is back to the Planning Commission for further discussion

L. Ravin: not sure of exact traffic signage, authorized vehicles only.

G. Hand: how do you let the handicapped vehicles know

D. Reid: there are staff requesting spaces, parking and transportation tell staff where to park, so it will be possibly an assigned space.

L. Ravin: signs are typically dealt by others, but if there is a handicapped space there is going to be access to is.

G. Hand: would be nice to understand signage and how general users will know that space is there and if is allowed to be used.

A. Zipparo: clarity around accessibility, making sure signage is clear to general public, might be good to have these questions addressed in the joint institutional parking and management plan.

B. Rabinowitz: close public hearing

VI. Other Business

1. DRB By-Law Revision

S.Gustin: Generally, parking is addressed through the parking management plan. Within the cored district overlay the Ordinance specifically says any new surface parking can be permitted only if offset by 1 or more spaces lost subject for DRB review. Generally, you see parking with large plans. This was just for parking so it goes in front of DRB. The proposed amendment to by laws turns surface parking to admin review. 500 sqft or less so that's almost 3 spaces.

A. LaRosa: new sqft or existing

S. Gustin: net new

G. Hand: bylaw change to delegate to admins the approval of under 500 sqft parking

B. Rabinowitz: close hearing

VII. Adjournment

The meeting adjourned at 6:17 adjournment

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

The 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.

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2. 19-0852CU; 135 South Crest Drive (RL, Ward 5S) J Suzanne Fitzpatrick

Increase living space in basement, requesting 1 bedroom bed and breakfast (Project Manager: Ryan Morrison)

B. Rabinowitz: as an accessory dwelling unit it is limited to 30% of the area of the house, when I look at the floor plan submitted it appears to be over that 30% of upper floor. The size of the accessory dwelling unit has been decreased.

R. Morrison: explained a new plan showing the ADU in compliance with the 30% or less stipulation.

Applicant: homeowner decided to split spaces away that work for her needs and work as ADU.

B. Rabinowitz: walkout basement, the utility room can anyone get into there without going through the apt.

Applicant no

B. Rabinowitz: anyway for someone to get from front of house to back of house from walkway.

Applicant its just a graded lawn out and around

G. Hand: is that the primary intended egress is in the rear.

Applicant yes, however the front entry of her house leads into basement.

B. Rabinowitz: Just concerned over entryways, lighting,

A. Zipparo: what is the lot coverage can he add walkway

R. Morrison: was not brought up because it was not needed for this application, they probably have enough space for a walkway to the rear if conditioned they would be fine in regards to lot coverage.

B. Rabinowitz: close public hearing

V. Certificate of Appropriateness

1. 19-0875CA; 10 University Place (I, Ward IE) University of Vermont & State Agricultural College

G. Hand: disclosed company has worked with UVM in past

No objection

L. Ravin: slightly larger project to do infrastructure improvements, since we're digging up the area we wanted to go ahead and apply for this portion. This is to increase accessibility to the university-it is in a very crowded area in the middle of the university. Part of this is increased handicapped spaces and services stations to the STEM building. We agree and accept all of staff comments.

D. Reid: there was a strong desire to have 2 service spaces. South side of bldg. has additional ADA spaces but need to have a place to park outside of the travel way.

G. Hand: one request for future applications would be to provide a large campus map so we can see location of project more clearly.

S. Bushor: in the application it talked about the parking management plan but that is still under review. Communications state the spaces are ADA but also trying to recapture the deficit of parking spaces identified in the plan. I would like the university to not just cram in spaces wherever to deal with that deficit. If they have a purpose that's fine. I'm not clear where the entry ways are for these people who need these spaces. Where is the entry way and where would those people be going, how does it improve the accessibility.

D. Reid: provided overview of accessibility routes and pedestrian routes, vehicle traffic routes.

S. Bushor: spaces are to access Votey

L. Ravin: pulled up a map;

S. Gustin: Joint Institutional Parking Management Plan is back to the Planning Commission for further discussion

L. Ravin: not sure of exact traffic signage, authorized vehicles only.

G. Hand: how do you let the handicapped vehicles know

D. Reid: there are staff requesting spaces, parking and transportation tell staff where to park, so it will be possibly an assigned space.

L. Ravin: signs are typically dealt by others, but if there is a handicapped space there is going to be access to is.

G. Hand: would be nice to understand signage and how general users will know that space is there and if is allowed to be used.

A. Zipparo: clarity around accessibility, making sure signage is clear to general public, might be good to have these questions addressed in the joint institutional parking and management plan.

B. Rabinowitz: close public hearing

VI. Other Business

1. DRB By-Law Revision

S. Gustin: Generally, parking is addressed through the parking management plan. Within the cored district overlay the Ordinance specifically says any new surface parking can be permitted only if offset by 1 or more spaces lost subject for DRB review. Generally, you see parking with large plans. This was just for parking so it goes in front of DRB. The proposed amendment to by laws turns surface parking to admin review. 500 sqft or less so that's almost 3 spaces.

A. LaRosa: new sqft or existing

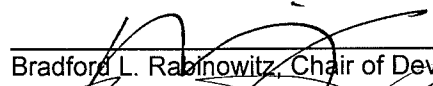
S. Gustin: net new

G. Hand: bylaw change to delegate to admins the approval of under 500 sqft parking

B. Rabinowitz: close hearing

VII. Adjournment

The meeting adjourned at 6:17 adjournment


Bradford L. Rabinowitz, Chair of Development Review Board

7/2/19
Date


Layne Darfler, Planning Technician

June 18th 2019
Date

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

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

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