

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/PZ/DRB

Phone: (802) 865-7188

Fax: (802) 865-7195

Austin Hart, Chair
Michael Long
Jonathan Stevens
Brad Rabinowitz
Bob Schwartz
Jim Drummond
Missa Aloisi
Alexandra Zipparo (Alt.)
Israel Smith (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday June 3, 2014

PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on **Tuesday June 3, 2014 at 5:00 p.m. in Contois Auditorium, Second Floor, City Hall.**

1. **14-0884CA/MA: 247-249 PEARL STREET (RH, Ward 2) Pearl Lake, LLP/Redstone**
Construct new three story, 29 unit residential building with associated site improvements.
2. **14-0556CA: 287-289 SOUTH WINOOSKI AVENUE (RM, Ward 5) Owner: Steven Kelson, Appellant: Norman Williams on behalf of residents.**
Appeal of administrative permit approval to construct new garage of same size in existing footprint of garage ordered demolished.
3. **14-1040HO: 114 NORTSHORE DRIVE (RL, Ward 4) Sonja Shaver/Leah Daws**
Conditional use home occupation for catering.
4. **13-0650CA/MA: 110 RIVERSIDE AVENUE (NAC-R, Ward 1) Sisters & Brothers Investment Group, LLP**
Time Extension request for proposed 57-unit residential building with associated underground parking.
5. **12-0776CA/MA: 151 SAINT PAUL STREET (DT/RH, Ward 5) Catamount/Howard II LLC**
Time Extension request for construction of hotel and associated parking garage.

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

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

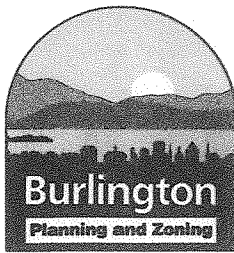
This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drbb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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).

Department of Planning and Zoning

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<http://www.burlingtonvt.gov/PZ/>
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(802) 865-7195 (FAX)

David E. White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Senior Planner *MO*
Date: June 3, 2014
RE: ZP 13-0650CA/MA 110 Riverside Avenue

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

File: ZP 13-0650CA/MA

Location: 110 Riverside Avenue

Zone: Neighborhood Activity Center, Riverside Corridor (NAC-R) **Ward:** 1

Date application accepted: December 20, 2012

First Review by DRB: February 20, 2013

2nd Review by DRB: March 19, 2013

Approved by DRB: April 23, 2014.

Reconsideration of project conditions by DRB: June 18, 2013.

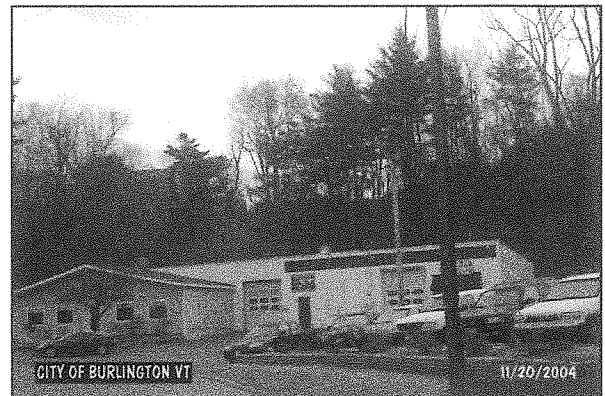
Phase I Environmental Site Assessment submitted: March 11, 2013

Applicant/ Owner: Steve Guild Design / Brothers and Sisters (Joe Handy)

Request: One year permit extension for ZP13-0650CA/MA: Demolish existing c. 1935 former auto repair structure; construct new 4 story 57 (one and two bedroom) unit apartment building with underground parking on 1.22 acre site. Height bonus exercised by providing Senior Housing. **Approved with amended conditions July 2, 2013.**

Background:

- **ZP13-0650CA.MA.ZP 13-0129; Sketch Plan** review of project. Reviewed by DRB September 18, 2012.
- **Zoning Permit 05-065SN; 4' x 6' parallel sign** for M & H Auto. Approved August 2004.
- **Zoning Permit 04-314; Increase number of display cars** from 25 to 45 and decrease 10 spaces for repair business to 6 spaces. Approved January 2004.
- **Zoning Permit 01-318 / COA 097-029; Installation of a new nonilluminatd parallel sign** over the entry of the existing used car sales establishment within the existing commercial complex. No change in use. Approved February 2001.



- **Zoning Permit 99-362**; Change of use from vacant commercial to auto and light truck repairs. No exterior changes proposed to the structure. Site currently contains a used auto dealer. Approved March 1999.
- **Zoning Permit 99-419 / COA 097-029B**; Installation of a nonilluminated freestanding sign for the existing auto and light truck repair facility. Approved April 1999.
- **Zoning Permit 99-570 / COA 097-029C**; Installation of two signs for the existing auto repair facility. Approved June 1999.
- **Zoning Permit 98-311 / COA 097-029**; replacement of existing sign faces at existing auto sales building. Approved January 1998.
- **Zoning Permit 98-310 / COA 097-029B**; Change of use from retail (see COA 97-029) to used car sales. Maximum outdoor storage of 25 cars. Approved January 1998.
- **Zoning Permit 97-460 / COA 097-029A**; Partial demolition of the existing structure and parking area to facilitate improvements included in COA 97-029. Approved May 1997.
- **Zoning Permit 97-274 / 097-029**; Renovation to the existing commercial complex, addition to create multiple retail storefronts. 1987 net new square feet. Approved January 1997.
- **Zoning Permit 88-031**; one internally illuminated aluminum sign. Approved August 1988.
- **Zoning Permit COA 87-199**; Convert building to auto body shop; minor exterior work. Approved January 1988.
- **Zoning Permit 87-746 / COA 87-199A**; install one sign. Approved April 1988.
- **Zoning Permit 85-491**; construct a chain fence 4' to run along the west boundary of the property. Approved October 1985.
- **Zoning Permit 84-446 / COA 84-118**; Remove front wall of plate glass and replace with 2 x 6 frame, insulate and finish exterior with vinyl siding. Install thermopane picture window. Approved September 1984.
- **Zoning Permit 84-328 / COA 84-088**; construct 30 x 30' one story building to be used as a repair shop to replace a building of the same size and use that was destroyed by fire 4 months previous. Approved July 1984.
- **Zoning Permit 82-546**; parallel sign for "First Quality Carpets." Approved December 1982.
- **Zoning Permit 82-525**; To establish a floor covering and home decoration store. Prior use was a furniture store. Approved December 1982.
- **Zoning Permit 82-344 / COA 82-75**; Change pitch of roof. July 1982.
- **Zoning Permit 82-337 / COA 82-73**; establish use as a building supply and material retail outlet – dealing in hot tubs and plumbing fixtures for residential installation. 1000 sq ft devoted to retail use. Approved July 1982.
- **Zoning Permit 81-292**; Change of use from automobile retail business into a furniture retail business. No structural alterations. Approved December 1980.

- **Zoning Permit 78-162**; Used car sales, service and repair. Build partitions and 3 phase electric power in order to create car painting stalls in existing large garage. No additional coverage. Paint shop presently exists in the small garage at 110 Riverside. Issued October 1978.
- **Zoning Permit 75-891?** ; Erect a pylon sign flat against the building. May 1975.
- **Zoning Permit**, erect a 30' x 60' addition on the north side of the existing garage and remodel the front of the showroom. Issued August 1971.

Overview: The applicant has received approval from the DRB to raze all buildings on this corner site and develop a multi-story residential building (original request at Sketch Plan Review was for 64-66 units; now set at 57) with 61 parking spaces, 49 of those provided under the building and 12 more on a small surface lot. 25% of the units (14) are intended to be low to moderate income Senior Housing to qualify for the additional height bonus. Due to time requirements wait waiting for State permits (Waste Water, Act 250), the project is not likely to meet the commencement/completion dates provided for within the approval.

Recommendation: Consent approval, per the following findings and conditions:

I. Findings

Section 3.2.9 Zoning Permits

(f) Exceptions to Permit Time Limits:

Except for projects subject to additional state or federal permitting jurisdiction, or which have been appealed to Vermont Environmental Court pursuant to the requirements of Article 12, there shall be no exceptions to the time limits specified in Section 3.2.9 (D) and E unless longer or shorter time limits are specifically imposed as permit conditions of approval by the DRB at the time of approval.

For projects subject to additional state or federal permitting jurisdiction, the date of decision shall be deemed to be the latest date of decision of the state or federal permitting authority.

The applicant has submitted communication that they are waiting for review completion and approval from the State of Vermont for Wastewater Permitting and Act 250. Both meet the exceptions provided in the above standard. **Affirmative finding.**

II. Conditions of Approval

1. All conditions of ZP13-0650CA/MA not herein altered shall remain in effect.
2. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.

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BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday June 3 2014, 5:00 p.m.

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

AGENDA

I. Agenda

II. Communications

III. Minutes

IV. Consent

1. 13-0650CA/MA: 110 RIVERSIDE AVENUE (NAC-R, Ward 1) Sisters & Brothers Investment Group, LLP

Time Extension request for proposed 57-unit residential building with associated underground parking. (Project Manager: Mary O'Neil)

2. 12-0776CA/MA: 151 SAINT PAUL ST (DT/RH, Ward 5) Catamount/Howard II LLC

Time Extension request for construction of hotel and associated parking garage. (Project Manager: Scott Gustin)

3. 14-0906CA: 346 SHELBURNE ST (NAC, Ward 6) CDB Property LLC

Construct addition on sixth floor for additional office space. (Project Manager: Scott Gustin)

4. 14-1040HO: 114 NORTSHORE DRIVE (RL, Ward 4) Sonja Shaver/Leah Daws

Conditional use home occupation for catering. (Project Manager: Ken Learner)

V. Public Hearing

1. 14-0556CA: 287-289 SOUTH WINOOSKI AVENUE (RM, Ward 5) Owner: Steven Kelson, Appellant: Multiple residents.

Appeal of administrative permit approval to construct new garage of same size in existing footprint of garage ordered demolished. (Project Manager: Ken Lerner)

2. 14-0884CA/MA: 247-249 PEARL STREET (RH, Ward 2) Pearl Lake, LLP/Redstone

Construct new three story, 29 unit residential building with associated site improvements. (Project Manager: Mary O'Neil)

VI. Other Business

VII. Adjournment

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

All staff comments, plans and supporting documents will be available on the Planning and Zoning website at: www.burlingtonvt.gov/pz/drb/agendas approximately one week before the hearing.

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 and Development Review Board is considered public and cannot be kept confidential.

This agenda is distributed to: adjacent property owners of projects before the Development Review Board, Neighborhood Planning Assemblies, City Councilors, City Departments and interested parties. You may direct written comments to the Planning and Zoning Department, at the above address. Inquiries may be made by calling 865-7188. Oral comments may be given at the meeting by any persons on any project listed on the Agenda.

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TO: Development Review Board
FROM: Ken Lerner
DATE: June 3, 2014
RE: 14-1040HO, 114 Northshore Drive

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Zone: RL Ward: 4

Owner/Applicant: Sonja Fuller / Leah Davis

Request: Conditional use home occupation for catering. No site or exterior building changes.

Applicable Regulations: Article 3 (Applications and Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations)

Background Information:

The applicant is seeking approval for a home occupation for a catering business. Production in the kitchen only; food prepared will be delivered off-site. No customers would come to the premises. Location is within a unit at the Village at Northshore, a planned residential development with 136 units, mostly townhouses.

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

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

(1) *The capacity of existing or planned community facilities;*

The proposed home occupation will entail little, if any, additional impacts on community facilities currently serving the residence. **(Affirmative finding)**

(2) *The character of the area affected;*

The neighborhood exhibits a mix of mostly multi-family developments and single family homes. It appears to be entirely residential. The proposed home occupation would be located within an existing Northshore unit. The proposed home occupation will take place entirely indoors and entails no customer traffic with food items to be delivered off-site. As such, it will be largely invisible from the outside and will not adversely impact the character of the area. **(Affirmative finding)**

(3) Traffic on roads and highways in the vicinity;

No customers will come to the premises. The applicant will use a personal vehicle for deliveries and to bring ingredients to the property. Impacts on existing traffic conditions will be minimal.

(Affirmative finding)

(4) Bylaws then in effect;

As conditioned, the application is consistent with applicable bylaws. **(Affirmative finding)**

(5) Utilization of renewable energy resources;

Not applicable.

(6) Cumulative impacts of the proposed use;

The proposed home occupation is not expected to generate any significant impacts, cumulative or otherwise. **(Affirmative finding)**

(7) Functional family;

Not applicable.

(8) Vehicular access points;

The subject property is served by a common private road. The home occupation does not require any modification to it. **(Affirmative finding)**

(9) Signs;

No exterior signs are proposed for the home occupation. **(Affirmative finding)**

(10) Mitigation measures;

The proposed home occupation does not result in impacts warranting mitigation measures.

(Affirmative finding)

(11) Time limits for construction;

No construction schedule is needed for this proposal. **(Affirmative finding)**

(12) Hours of operation and construction;

No hours of operation are specified. As the home occupation will take place entirely within the residence with no customer or delivery vehicle traffic, the home occupation is expected to be largely invisible to neighboring properties and need not specify hours of operation. **(Affirmative finding)**

(13) Future enlargement or alterations;

Any future enlargement or alterations of the home occupation will require additional permit review per the regulations in effect at that time.

(14) Performance standards;

Not applicable.

(15) Conditions and safeguards;

See proposed conditions of approval.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the RL zone. This zone is intended primarily for single family homes and duplexes with several PUD/PRD type developments. The primary use will not change. **(Affirmative finding)**

(b) Dimensional Standards & Density

Not applicable.

(c) Permitted & Conditional Uses

The proposed home occupation may be approved as a conditional use in the RL zone. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Sec. 5.4.6, Home Occupations

1. A home occupation shall be conducted solely by resident occupants plus no more than one additional full-time equivalent employee in RL and WRL districts and no more than two (2) full-time equivalent employees in other districts. The home occupation shall be conducted entirely within an existing dwelling unit and/or one enclosed accessory structure.

The home occupation will be conducted by one resident occupant. The home occupation will take place entirely within the kitchen of the home. **(Affirmative finding)**

2. No more than thirty-five percent (35%) of the floor area of said residence, including accessory structures, up to a maximum of seven hundred fifty (750) square feet, whichever is less, shall be used for such purpose.

The proposed home occupation will take up 100 sf of the kitchen plus approximately 150 sf of a bedroom/office = 250 sf total, which is 16% of the total sf of 1544 sf. **(Affirmative finding)**

3. No home occupation shall require alterations, construction or equipment that would change the fire rating of the structure or the fire district in which the structure is located.

The home occupation does not result in a change to the fire rating of the structure. **(Affirmative finding)**

4. There shall be no outside storage of any kind related to the home occupation.

No outside storage is proposed. **(Affirmative finding)**

5. There shall be no exterior evidence of the conduct of a home occupation except for: Occasional garage/lawn/yard type sales (up to twice a year not to exceed two (2) days each); and

One non-illuminated attached parallel sign that shall not exceed two (2) square feet. No other signs shall be permitted.

No garage/lawn/yard type sales are included in this proposal. No outdoor sign is proposed. **(Affirmative finding)**

6. No home occupation may increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries. All parking shall be located off-street and shall maintain the required front yard setback per Article 5.

No customers will come to the premises, nor will there be any delivery vehicles. **(Affirmative finding)**

7. No home occupation shall create sounds, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard or any other hazard, nuisance or unsightliness which is discernible from any adjacent dwelling unit.

The home occupation as proposed will not generate any nuisance or unsightliness discernible from the exterior. **(Affirmative finding)**

8. The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.

The proposed home occupation is clearly incidental to the primary residential use of the property. It will take place entirely inside using only 16% of the unit and with no evidence of the home occupation as perceived from outside. **(Affirmative finding)**

9. Delivery of products and materials related to the home occupation by vehicles other than automobiles shall occur no more than once per day.

No commercial delivery vehicles will serve the home occupation. The applicant will use a private vehicle to bring supplies and deliver prepared food. **(Affirmative finding)**

10. With the exception of one delivery per day, as specified in subparagraph (9), no more than one commercial vehicle shall be allowed on the premises at any one time; and

No commercial vehicles are associated with the home occupation. **(Affirmative finding)**

11. There shall be no sale of goods except for goods fabricated on the premises as part of an approved home occupation.

Only the prepared food produced onsite will be available for sale and delivered by the occupant operator offsite or catering jobs. **(Affirmative finding)**

II. Conditions of Approval

1. The Applicant/Property Owner is responsible for obtaining all necessary permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency and life safety codes as required.
2. Any changes to the home occupation as proposed shall require an amendment to the home occupation permit approval.
3. Standard permit conditions 1-15.



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MAY 07 2014

DEPARTMENT OF
PLANNING & ZONING

Home Occupation Application Questionnaire

Use this checklist for all applications for a home occupation - See Sec. 5.4.6 of the Zoning Ordinance. This questionnaire is provided to summarize details and is required to accompany a zoning permit application form and required fee (for either administrative approval or conditional use review).

Please note:

1. The specific requirements for home occupations can be found in Section 5.4.6 of the Comprehensive Development Ordinance which is available in its entirety on our website at www.ci.burlington.vt.us/planning
2. A 'Business Personal Property Registration Form' may be required to be submitted to the Assessors Office. This form is available at www.ci.burlington.vt.us/assessor/businesses

Name of Business Proposed: Mosaic - inspired home cooking

Type of Business Proposed: home catering

Provide a detailed description of the proposed Home Occupation such as: activities involved; materials and equipment used; quantities of materials and equipment stored on-site; methods of operation; hours of operation. This may be done on a separate piece of paper and attached.

Please respond to the following:

1. How many persons will be involved or employed in the conduct of the proposed Home Occupation:
Residents of premises: 1 Others Total Number 1
2. What type of product will be produced, serviced, or repaired in the conduct of your Home Occupation? (For example: repair of clocks or watches, making jewelry, etc.). Explain:
dinners, prepared, and delivered. Never for more than 20 clients at a time
3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation:
none
4. Describe what rooms will be used in the conduct of the Home Occupation and how these rooms will be used. (For example: garage will be used to store supplies; or den will contain desk and file cabinets, etc.). Indicate the gross floor area(s) that will be used in the conduct of the Home Occupation. Indicate the total gross floor area of your house and include any accessory structure(s) to be used for the Home Occupation, (Ex. Garage).
kitchen approx 100 square ft.
bedroom office serving as business area
6150 sq ft. (1892)
5. Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activities:
kitchen aid mixer, oven & stove top
refrigerator
6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored:
food to be cooked in fridge,
dry goods kept in closed pantry & paper
kept in storage closet
in the interior of the house

PLEASE TURN OVER

7. Will people come to your home to obtain any product or utilize any service connected with the proposed Home Occupation activity? Yes _____ No X
If yes, please explain in detail:

8. Are any signs necessary or proposed relative to the Home Occupation?
Yes _____ No X
If yes, you are required to file for a Sign Permit. An application form can be obtained at the Planning and Zoning Department or on our website.
9. If trucks or other equipment will be used in your Home Occupation, where will they be parked or stored?
have only my car used for delivery stored in garage
10. Will the Home Occupation involve the use of commercial vehicles for delivery of materials to or from the premises? Yes _____ No X
If yes, please explain:

11. How many parking spaces will be provided for the home occupation? I have 2 all
Where will they be located? Indicate parking spaces on a site plan of this property as part of your application submission.
12. Is your proposed Home Occupation in conformance with the conditions, covenants and restrictions pertaining to your property? Yes X No _____
We suggest checking your deed for conditions, covenants and restrictions.

I have read and understand 'Sec 5.4.6 Home Occupations' under the City of Burlington Comprehensive Development Ordinance and believe that to the best of my knowledge my proposed Home Occupation would not violate any portion of said Ordinance:

Applicant's Signature: _____

Date: 5/7/14

Property Owner's Signature: _____

Date: _____

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TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: June 3, 2014
RE: 14-0906CA; 346 Shelburne Street

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Zone: NAC Ward: 6

Owner/Representative: CDB Property, LLC / Duncan-Wisniewski Architecture

Request: Construct addition on sixth floor for additional office space.

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicant is seeking approval to construct a 1,140 sf 6th floor addition to the existing office building. The addition will complete the build-out of the 6th floor which was originally outdoor roof space with a center penthouse. Additional office space has been created in this space incrementally over time. No site changes are proposed.

Previous zoning actions for this property are noted below.

- 10/25/12, Approval for building canopy improvements
- 10/25/12, Approval to install two structural awnings
- 1/4/13, Approval for parallel sign
- 4/23/12, Approval to install HVAC unit
- 7/13/09, Approval for parking, circulation, lighting & stormwater improvements
- 6/9/08, Approval for awning and signage
- 4/9/08, Approval to enclose 6th floor patio
- 9/28/06, Approval to resurface existing landing and stairs
- 3/29/06, Approval to install wireless internet equipment
- 2/15/02, Approval to replace existing chiller pad with larger chiller pad
- 4/15/97, Approval to replace existing shed with new shed
- 8/24/89, Approval to install satellite communications equipment
- 8/24/89, Approval for exterior signage
- 1/26/89, Denial of exterior signage
- 2/25/88, Approval to construct 3 additional stories and expand parking

- 3/23/87, Approval for partial change in use from office to diet center
- 1/23/86, Denial to construct 3 additional stories and expand parking
- 11/6/73, Approval of sign variance
- 1971, Approval of office tower
- 7/9/68, Approval to construct new home southeast of the existing Lund Home and permit access to Glen Road

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

I. Findings

Article 4: Maps & Districts

Sec. 4.4.2, Neighborhood Mixed Use District:

(a) Purpose

(1) NAC

The NAC zone is intended to provide convenient neighborhood and city-wide oriented goods and services and employment opportunities. In this case, the existing office tower is a significant place of employment. No change in use is proposed. **(Affirmative finding)**

(b) Dimensional Standards & Density

Building FAR will increase slightly with the additional 1,140 sf office area. The proposed building area will total 44,665 sf on the 130,724 sf lot. The resultant 0.34 FAR remains well below the 2.0 FAR limit in the NAC zone.

Lot coverage, setbacks, and building height all remain unchanged. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The existing office use will remain unchanged, albeit somewhat larger. Impact fees will apply to the additional office space to help offset impacts on city services. It also bears noting that a State of Vermont wastewater permit may be required. **(Affirmative finding as conditioned)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.2 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.2 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.2 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.2 (b) above.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

Not applicable.

Sec. 5.5.3, Stormwater and Erosion Control

Not applicable.

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

Not applicable.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The existing building is an anomaly along the Shelburne Street corridor and is significantly taller than anything around it. The existing building height will not change. It will, however, appear somewhat more massive along the Shelburne Street corridor. The relief currently provided by the 6th story setback along the Shelburne Street frontage will be eliminated with new enclosed building space. That said, the applicable design review criteria do not actually require upper story building setbacks unless the building is along a designated view corridor. This building is not along any such view corridor and is set back far from the street. The additional building mass of the proposed enclosure is somewhat offset by the darker coloration and different building materials than the lower building levels. **(Affirmative finding)**

2. Roofs and Rooflines

The primary roof form will remain flat, although now on a single plane, and the pitched penthouse roof will remain unchanged. **(Affirmative finding)**

3. Building Openings

The proposed fenestration will match that in the existing 6th story office space. **(Affirmative finding)**

(b) Protection of important architectural resources

Neither the subject building nor anything around it is historically significant. The proposed addition will have no adverse impacts on Burlington's historic resources. **(Affirmative finding)**

(c) Protection of important public views

There are no important public views from or through the subject property. It is not located within a designated view corridor. **(Affirmative finding)**

(d) Provide an active and inviting street edge

The subject building is set back far from the street and contributes little to the street edge. Its primary entrance is fairly obvious, and no changes are proposed. **(Affirmative finding)**

(e) Quality of materials

Exterior building materials are not noted and must be. The project plans suggest that materials will match the dark metal paneling on the existing 6th story office space. Likewise, proposed windows appear to match existing windows, but material details are needed. **(Affirmative finding as conditioned)**

(f) Reduce energy utilization

No information has been provided as to energy utilization. In any event, the proposed addition must comply with the city's current energy efficiency requirements. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

Not applicable.

(h) Integrate infrastructure into the building design

No new rooftop mechanical equipment or other exterior mechanical equipment is proposed. **(Affirmative finding)**

(i) Make spaces safe and secure

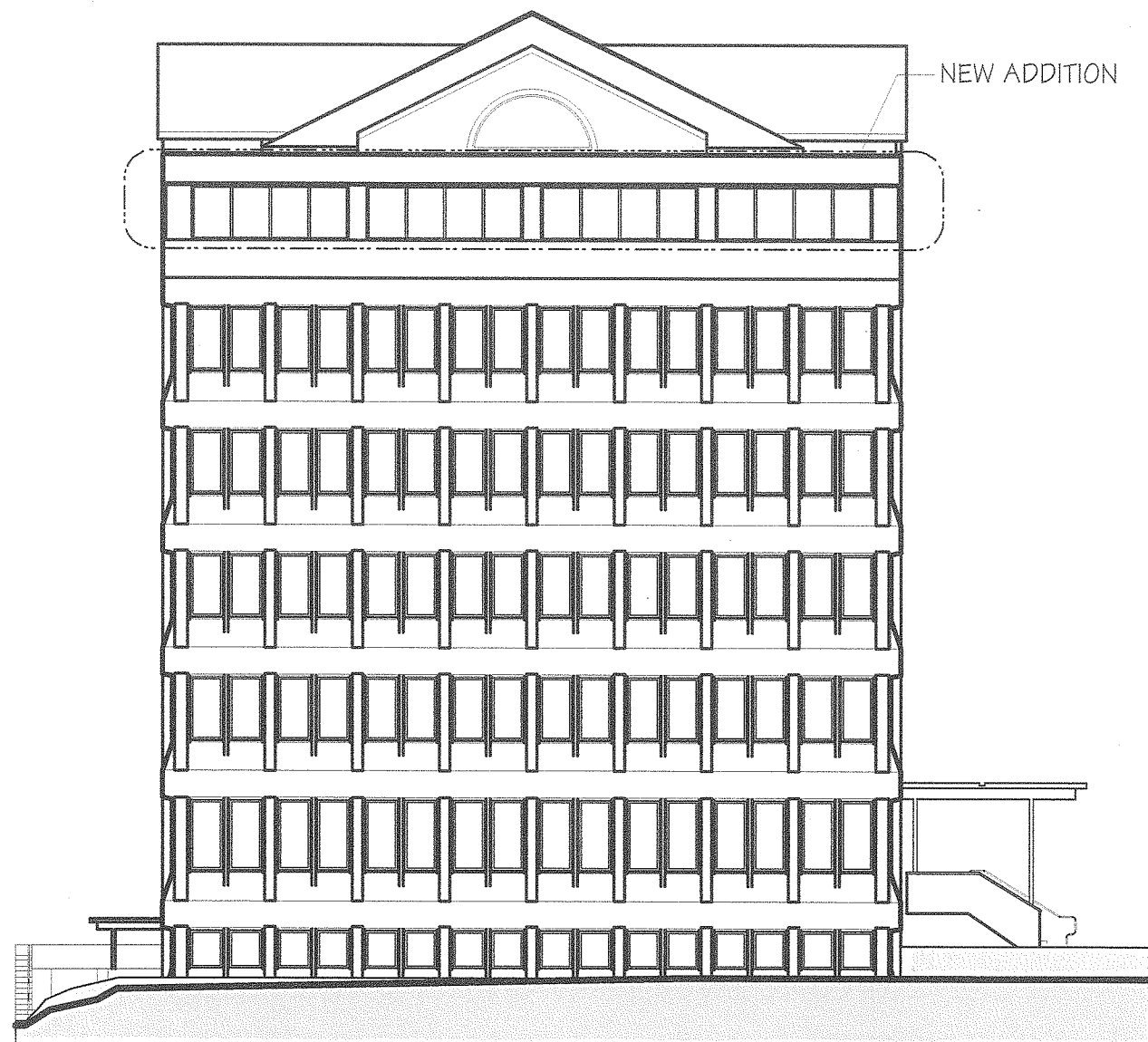
No changes to building safety or security are proposed. Applicable egress requirements will apply. **(Affirmative finding as conditioned)**

Article 8: Parking

The subject property is located in the Shared Use Parking District. As such, the additional 1,140 sf office space will require 2 parking spaces (2 spaces per 1,000 sf office space). According to the zoning permit records, the property contains 186 parking spaces. The existing 43,525 sf office building requires 87 parking spaces. As proposed, it will require 89 parking spaces. More than adequate parking is available. **(Affirmative finding)**

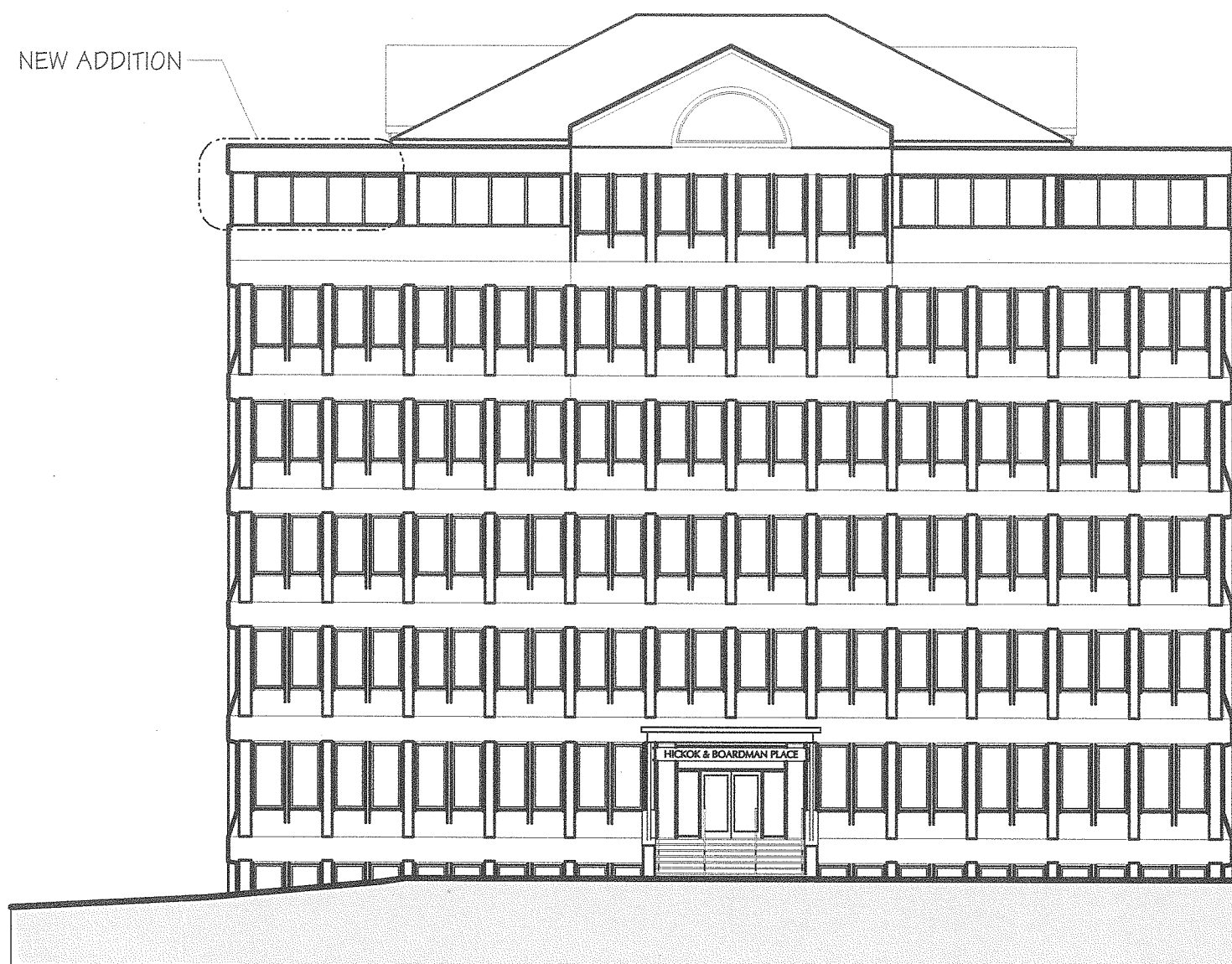
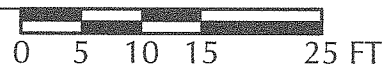
II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised building elevations noting exterior building and window materials shall be submitted, subject to staff review and approval.
2. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Treasurer's Office the impact fee as calculated by staff based on the net new square footage of the proposed development.
3. A State of Vermont wastewater permit may be required.
4. The proposed addition shall comply with Burlington's current energy efficiency standards and with Burlington's current egress requirements as established by Burlington Electric Department and Burlington Public Works, respectively.
5. Standard permit conditions 1 -15.



PROPOSED WEST ELEVATION

SCALE: 1/16" = 1'-0"



PROPOSED SOUTH ELEVATION

SCALE: 1/16" = 1'-0"



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APR 11 2014

DEPARTMENT OF
PLANNING & ZONING

HICKOK & BOARDMAN PLACE - Sixth Flr Addition

346 Shelburne Rd, BURLINGTON, VT

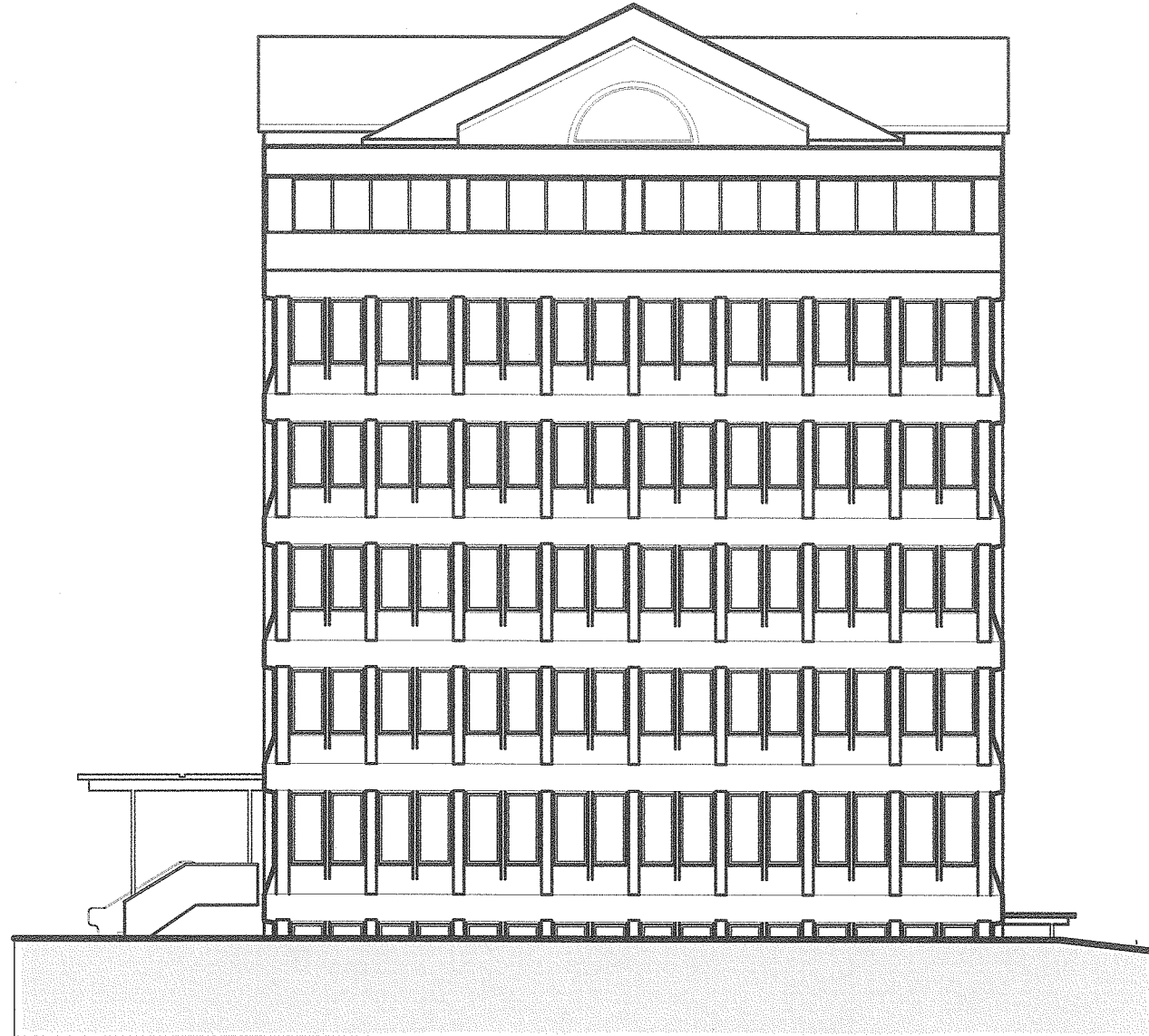
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DUNCAN WISNIEWSKI ARCHITECTURE
A Professional Corporation

PROPOSED/PERMIT SET

Duncan
Wisniewski
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

DATE: 11.18
A2-2



PROPOSED EAST ELEVATION

SCALE: 1/16" = 1'-0"



PROPOSED NORTH ELEVATION

SCALE: 1/16" = 1'-0"



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DEPARTMENT OF
PLANNING & ZONING

Duncan
Wisniewski
ARCHITECTURE

DATE: 11.10

HICKOK & BOARDMAN PLACE - Sixth Flr Addition

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BURLINGTON, VERMONT 05401
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PLANNING & ZONING



EXISTING SOUTHWEST AXONOMETRIC

SCALE: 1/16" = 1'-0"

0 5 10 15 25 FT

HICKOK & BOARDMAN PLACE - Sixth Flr Addition

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DATE: 11.1

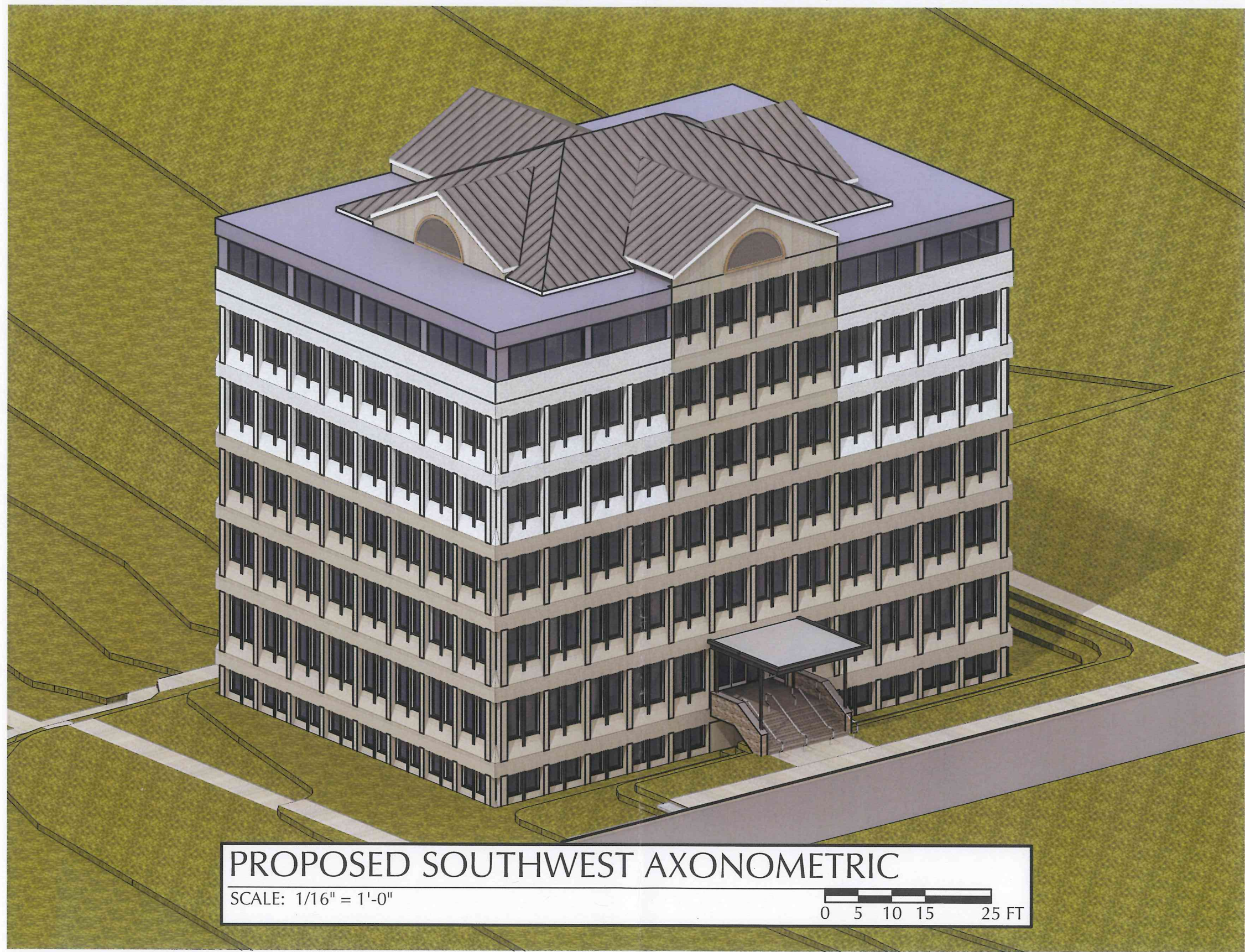
255 SOUTH CHAMPLAIN STREET
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T: 802.864.6693

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T: 802.864.6693

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APR 11 2014
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HICKOK & BOARDMAN PLACE - Sixth Flr Addition

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PROPOSED/PERMIT SET

**Duncan
Wisniewski**
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

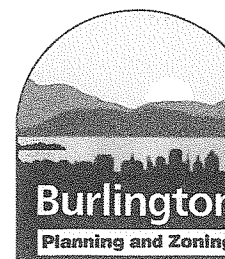
DATE: 11.1

A2-4

Department of Planning and Zoning

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

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: June 3, 2014
RE: 12-0776CA/MA; 151 St. Paul Street

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

Zone: DT Ward: 5

Owner/Representative: Catamount/Van Ness, LLC

Request: Time extension for zoning permit to construct 139-room hotel and associated parking garage.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Review)

Background Information:

The applicant is seeking approval for a 1-year time extension to complete construction of the hotel and parking garage at 151 St. Paul Street. The project is presently under construction. No changes to the project are included in this extension request.

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

I. Findings

Article 3: Applications and Reviews

Sec. 3.2.9, Zoning Permits

(d) Time Limit on Zoning Permits:

The zoning permit for this project (zp #12-0776CA/MA) was approved by the Development Review Board on June 5, 2012. From that date, the applicant had 1 year to commence construction and a 2nd year to complete it. The applicant has started construction as required but has not yet finished. Per this criterion, an extension may be requested to complete the project. As this request has been received prior to expiration of the zoning permit, approval may be granted. Work under this permit must be completed by June 5, 2015.

The Development Review Board granted approval to a project amendment April 15, 2013. As with the original permit, it allowed for 1 year to start construction and a 2nd year to finish. While

this amendment will not expire until April 15, 2015, it goes hand-in-hand with the original permit and warrants an accompanying extension. **(Affirmative finding)**

II. Conditions of Approval

1. Except for construction dates specifically modified in this approval, all conditions of the original zoning permit approval dated June 5, 2012 and amendment dated April 15, 2013 shall remain in effect.



South Elevation (King Street)



North Elevation (Main Street)

Building Elevations

PROPOSED HOTEL

RECEIVED

MAR 27 2013

DEPARTMENT OF
PLANNING & ZONING
March 26, 2013

OPECHEE

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401

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

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

David E. White, AICP, Director

Ken Lerner, Assistant Director

Sandrine Thibault, AICP, Comprehensive Planner

Jay Appleton, Senior GIS/IT Programmer/Analyst

Scott Gustin, AICP, CFM, Senior Planner

Mary O'Neil, AICP, Senior Planner

Nic Anderson, Zoning Clerk

Elsie Tillotson, Department Secretary



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Senior Planner

Date: June 3, 2014

RE: ZP 14-0884 CA/MA 247-249 Pearl Street

moniel

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: ZP 14-0884CA.MA

Location: 247-249 Pearl Street

Zone: RH **Ward:** 2

Date application accepted: April 8, 2014; revised elevations 4/22/2014.

Applicant/ Owner: Redstone / Brian Shuman

Request: Conditional Use/Major Impact review of proposed redevelopment to include three story residential building with 29 residential units and surface parking to the east and south.



Background:

- **ZP 14-0784SP**; Sketch Plan review of proposed redevelopment to include three story residential building with 29 residential units and surface parking to the east and south. March-April, 2014.
- **ZP 12-0663CA**; Construct new dental office to replace building lost to fire. Approved March, 2012. Amendment approved August, 2012. **Permit expired**. Time extension request, withdrawn by property owners. September, 2013.
- **ZP 12-0557SP** (Sketch Plan Review), November-December, 2011.
- **Non-applicability of Zoning Permit Requirements**; Install new slate roof on front of building. September, 2009.
- **Zoning Permit 09-322CA**; construction of a handicap access ramp up to the front door. Approved October 2008 (never constructed.)
- **Zoning Permit 09-051CA**; Rebuild rear upstairs porch using solid beadboard panel, reside half of rear portion of building with cedar clapboard 4.5 inch reveal, rebuild stairs. Approved July 2008.
- **Zoning Permit 91-111**, (see COA 87-005); Remove front entry and replace with 12' x 8' entry porch. Approved September 1990.
- **Zoning Permit 87-042 / COA 87-005**; To construct a 15' x 33' second story addition on the east elevation; materials to be wood frame/siding. Remove existing entry porch and replace with a 12' x 6' wood entry porch.
 - **COA 87-005**; Conditional Use Review to expand the existing non-conforming commercial office use by up to 25% of existing floor area; side yard setback does not meet proposed change to setbacks (Amendment #86-11 Aldermanic Approval required if approved by Zoning Board of Adjustment.) 39 Parking spaces provided. Approved February 1987.
- **Zoning Permit 84-031 / COA 84-010**; to place fill and expand parking area in the rear of the property. No additional use. Approved February 1984.
- **Zoning Permit 82-21 / COA 82-097**; install solar collectors on the back roof of the building. Approved March, 1982.
- **Zoning Permit 82-001**; put a 10' x 11' entry way on rear of building as specified on permit 80-1032 and to remodel interior space. Approved January 1982.
- **Zoning Permit 80-1032**; put an addition (15' x 33') on existing building and add a rear (9' x 12') entrance. Approved June 1980.
- **Zoning Permit 80-708**; construct interior walls, sheet rocking and insulation, replace decayed supports. Approved January, 1980.
- **Zoning Permit 79-512**; take a window out and replace with a door to make an entrance to the basement. Stairs to be built for access to cellar door. Finishing exterior with brick for a lab and storage. Approved October, 1979.

- **Zoning Permit 73-1083**; convert the two apartments and two dental offices at 247 Pearl Street into six doctors' offices **and using the basement area**. Garage to be torn down, parking expanded (29 spaces), new entrance installed. Approved November 1972.
- **Zoning permit 69-900**; convert the first floor at 247 Pearl Street into two apartments and to convert the second floor into a dental office and possibly one medical office. **Eight** parking spaces provided. Approved and issued January 1969.

Overview: 247-249 Pearl Street, known as the Benjamin Bailey House (c. 1820), was destroyed by fire September 5, 2011. The owners received approval to reconstruct an approx. 10,133 gross floor area replacement building to reclaim the non-conforming dental office use. The parking arrangement remained the same at 50 parking spaces. The project was amended in 2012, but the permit expired without exercise. This is a new application for a connected residential building with 29 units, surface parking regarding and retaining walls.

The **Design Advisory Board** reviewed the application at their April 22, 2014 meeting. The board voted unanimously to recommend project approval, with the following conditions:

1. A traffic study may be required by the Department of Public Works to ascertain differing demands between the previous use (dental office) and proposed use (29 unit residential.)
2. Any work proposed for 235 Pearl Street (parking reconfiguration, pavement, curbing, or parking space count) will require a separate zoning permit for that parcel. Nothing within this application review will apply to 235 Pearl Street.
3. An approved EPSC and Stormwater Management Plan will be required, after review by the City Stormwater administrator or her designee.
4. An area for snow storage or a plan for removal will be required.
5. The applicant must provide evidence of continued shared use of the existing driveway prior to redevelopment.
6. Sidewalk on Pearl Street shall be connected on the eastern end.
7. Pavement striping may be provided in the back parking area by the compact parking spaces for pedestrian path in lieu of a continued sidewalk.
8. The applicant will make an attempt to minimize the massing of the elevator on the roof.
9. Landscaping is recommended to screen the neighboring garage.
10. Eight trees, of a caliber of 2 ½-3" will be required as part of the planting plan, to meet the parking lot shading requirement of Section 6.2.2. (1). *All new shade trees shall be of a species appropriate for such planting environments, expected to provide a mature canopy of no less than 25-feet in diameter, and selected from an approved list maintained by the city arborist.*
11. A lighting plan, including a site photometric, product spec sheets and fixture lumen levels will be a requirement for DRB review.
12. A calculation of bicycle parking, both short and long term and identified site locations for parking and storage will be a requirement for DRB review.
13. The location of recycling has been defined at the waste dumpster. An appropriate receptacle will need to be illustrated.
14. Any awning / canopy shall meet the minimum height installation requirement of 8' over the public ROW.
15. For multi-unit residential structures, an intercom system is encouraged to complement any on-site security plans.

16. A parking waiver will be required as part of any approval. The DRB has authority in this jurisdiction for review and approval of any parking management plan.
17. Leasing of parking spaces to off-site tenants will be prohibited. A separate zoning permit for parking lot use would be required.
18. The grade changes and retaining walls will be required to receive approval of the building inspector.
19. The Stormwater Management Plan and EPSC will be required to be reviewed and approved by the Stormwater Administrator.
20. Utilities must be undergrounded.
21. The location of meters, mailboxes, utility connections, cable boxes, mechanical equipment, and similar items shall be illustrated on elevations or site plans as appropriate.
22. Standard Permit Conditions 1-15.

Staff recommendation: Major Impact and Certificate of Appropriateness approval per the following findings and conditions:

I. Findings:

Article 3: Applications, Permits, and Project Reviews

Part 3: Impact Fees

Sec. 3.3.2 Applicability

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

Impact Fees, based on the new square footage, will be assessed and calculated by area and use. The following has been submitted as proposed new gross floor area:

Proposed square footage

SF of Project 28,435

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.184	5,232.04
Fire	0.211	5,999.79
Police	0.043	1,222.71
Parks	0.704	20,018.24
Library	0.436	12,397.66
Schools	0.911	25,904.29
Total	2.489	\$ 70,774.73

Credit for Previous 10,740

Department	<u>Offices & Other</u>	
	Rate	Fee
Traffic	0.641	6,884.34
Fire	0.188	2,019.12
Police	0.333	3,576.42
Parks	0.397	4,263.78
Library	0.000	0.00
Schools	0.000	0.00
Total	1.559	\$ 16,743.66

Difference **\$ 54,031.07**

**Allocation by
Department:**

\$54,031.07

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.145	3491.31
Fire	0.165	3972.87
Police	0.320	7704.97
Parks	0.553	13315.14
Library	0.344	8282.84
Schools	0.717	17263.94
Total	2.244	\$ 54,031.07

Affirmative finding as conditioned.

Sec. 3.3.3 Exemptions and Waivers

(c) Affordable Housing Waiver

Any residential project containing newly constructed units or substantially rehabilitated housing units that are affordable for households as described in subsections (1), (2), or (3) below are eligible for a waiver of impact fees for that portion of the project. The terms, rules, and regulations used herein shall be the same as those defined and specified in this Ordinance pertaining to Inclusionary Zoning (Article 9). For purposes of determining median income, the income levels specified in Article 9 of this Ordinance, or the most recent amendment thereto, shall be applicable.

Inclusionary units will be a requirement of the proposed redevelopment. The applicant is urged to work with the Housing Trust representative in the Community and Economic Development

Office to determine any appropriate reduction in Impact Fee assessment based upon this standard, and Article 9. **Affirmative finding as conditioned.**

Part 4: Site Plan and Design Review

Part 5: Conditional Use and Major Impact Review

Sec. 3.5.6 (a) Conditional Use Review Standards

1. Capacity of existing or planned community facilities.

The proposed development will benefit from existing municipal water and sewer infrastructure. Written confirmation of capacity from the Department of Public Works will be required. A State of Vermont wastewater permit will also be required. **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.

This is a residential high-density zoning district, intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. Parking is intended to be hidden either behind or underneath structures.

The Municipal Development Plan cites:

- Encourage a healthier regional balance of affordable housing in each community, proximate to jobs and affording mobility and choice to low income residents. (Page IX-1.)
- Support the development of additional housing opportunities within the city...(ibid.)
- Enforce ordinances, such as inclusionary zoning and minimum housing, which promote housing opportunities, safety, and affordability. (ibid.)
- Improve the quality of the housing stock (Page IX-5)
- The City will actively promote and encourage the development of multi-unit, higher density housing as a means of providing greater housing opportunities that serve a wide range of housing needs. (Housing Plan, Page IX-7) **Affirmative finding.**

3. Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;

The previous use was a dental office with multiple practitioners and assistants. The proposed development of 29 residential units with associated parking should not substantially diverge from the parking demand that was experienced at the site; however the timing of the trip ends may differ. **Affirmative finding.**

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

Compliance with all standards of the CDO, Chapter 26 approval by the Stormwater Administrator, and securement of requirement building permits, a certificate assuring compliance with state energy standards (V.S.A. Sec. 266, residential building energy standards) and state development (Act 250) and wastewater/potable water permits will be required. **Affirmative finding as conditioned.**

5. The utilization of renewable energy resources;

All development is required to meet the energy efficiency standards as defined by Burlington Electric. No further submission material was received relative to this criterion. **Affirmative finding as conditioned.**

and,

In addition to the General Standards specified above, the DRB;

6. *shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;*

Residential use is a permitted use in the RH zone; under this standard the cumulative impact may be considered negligible. **Affirmative finding.**

7. *in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.*

Per ZA-13-01, adopted by the City Council in November of 2012, Function Family provisions apply to new development in the RH zone. Not more than 4 unrelated adults may occupy any residential unit. See Sec. 4.4.5 (d) 5. C. **Affirmative finding as conditioned.**

8. *may control the location and number of vehicular access points to the property, including the erection of parking barriers.*

The application proposes the continued use of a shared drive (located to the east of their current property line.) Any changes to that drive, parking, or coverage will require a separate permit for that parcel. (253-255 Pearl Street.) The applicant has not submitted any evidence or instrument that assures the continued use of that shared driveway, which is on another parcel. Assurance of its continued availability for this project will be a condition of approval. **Affirmative finding as conditioned.**

9. *may limit the number, location and size of signs.*

No signs are proposed within the proposal at this time. Any signage will require a separate sign permit. **Not applicable.**

10. *may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.*

The previous project application defined the existing parcel as having 50 parking spaces. This application proposes 41; 8 of which are tandem and will not count toward the parking requirement. Another 8 are illustrated on the abutting property to the east; this however does

not align with the previous application's "existing conditions" site plan C.1.0, where 9 are illustrated in a different arrangement, with 4 additional along the driveway. Again, any changes to the abutting property, including parking or access, will require a separate permit for that parcel.

The new parking arrangement will require changing the grade as it begins its slope to the south – thereby placing vehicles either substantially higher than abutting property (10' on the west) or headlights facing downward toward neighbors (to the east, with grade changes.) A segmented block retaining wall is proposed along the east and the southwest portion of the elevated parking area. Depending upon the degree of exposure and height of the wall, the concrete block may not be in keeping with the surrounding properties in materials or appearance.

A Planting plan has been submitted (L1.0) that defines new landscaping along portions of the westerly property line, as well as 5 White Pine and an elm tree along the southerly portion of the lot. Two specimen trees are articulated along the walkway (Princeton American Elm) although it is supposed that these are not intended to provide screening but beauty. They will likely be used to meet the requirement for parking lot shading. See Sec. _____, below.

Affirmative finding as conditioned.

11. *may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.*

No additional construction time beyond the standard 2-year time frame has been suggested. Therefore, the project must be completed within 2 years of the date of permit approval.

Affirmative finding as conditioned.

12. *may specify hours of operation and/or construction to reduce the impact on surrounding properties.*

In consideration of nearby residences, hours of construction shall be limited to Monday – Friday, 7:00 AM – 6:00 PM with interior work only on Saturday, and no Sunday construction. **Affirmative finding as conditioned.**

13. *may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.*

This is a statutory requirement. **Affirmative finding as conditioned.**

14. *may consider performance standards, should the proposed use merit such review.*

This is at the discretion of the DRB. **Affirmative finding.**

15. *may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

Also at the discretion of the DRB. **Affirmative finding.**

(b) Major Impact Review Standards:

Before a major impact development may receive approval, the DRB must be satisfied, based on documentation provided by appropriate city agencies, experts, interested parties and/or the applicant that the proposed development, in addition to meeting the review standards for conditional use review above, shall:

1. *Not result in undue water, air or noise pollution;*

The introduction of new residential units is not anticipated to result in undue water, air or noise pollution. A stormwater management and an erosion prevention and sediment control plan have been submitted; approval of the Stormwater administrator a requirement. **Affirmative finding as conditioned.**

2. *Have sufficient water available for its needs;*

The applicant will be required to submit a letter from the Department of Public Works confirming the availability of adequate water and sewer service for the proposed development. **Affirmative finding as conditioned.**

3. *Not unreasonably burden the city's present or future water supply or distribution system;*

See above.

4. *Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

An Erosion Prevention and Sediment Control Plan, as well as a Stormwater Management Plan has been submitted for review. Approval by the City Stormwater Administrator will be a condition of approval. **Affirmative finding as conditioned.**

5. *Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*

The addition of 29 one and two bedroom residential units in the RH zone and close to downtown is unlikely to create congestion or unsafe conditions, particularly in consideration of the impacts associated with the previous dental office use. Any traffic, pedestrian or vehicular, is anticipated to be associated with residential morning/evening commute time, rather than the previous repetitive hourly influx of patients. **Affirmative finding.**

6. *Not cause an unreasonable burden on the city's ability to provide educational services;*

Any impact introduced by the proposed 29 new residential units should be adequately addressed by applicable Impact Fees. **Affirmative finding as conditioned.**

7. *Not place an unreasonable burden on the city's ability to provide municipal services;*

No unreasonable burden on municipal services is anticipated. Any impact introduced by the proposed 29 new residential units is likely to be off-set with payment of applicable Impact Fees. **Affirmative finding as conditioned.**

8. *Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;*

The previous building on the site was listed on the National Register of Historic Places. Its loss to fire removed the historic significance associated with the site, discounting any remainder

archaeological artifacts that may be present. None have been identified as of this date.

Affirmative finding.

9. *Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;*

This has been an existing, developed site. Development intends to introduce new residential units as replacement for a large dental office. The development proposes to articulate a growth pattern identified in the Municipal Development Plan, *Page I-12, Land Use Plan*, "redevelopment of underutilized sites." The additional infrastructure required in the creation of 29 new residential units may have impacts for water, sewer, schools, and transit, although not unreasonable or those that cannot be addressed via Impact Fees. **Affirmative finding as conditioned.**

10. *Be in substantial conformance with the city's municipal development plan and all incorporated plans;*

See Conditional Use review criteria, above.

11. *Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location; and/or*

The proposed development will introduce new housing units at a moderate-high density within a residential high-density zoning district. The development will increase housing options within the city in a location proximate to services and the downtown. Inclusionary housing will be required, providing perpetually affordable units. See Article 9.

The proposed units are intended to be 1 and 2 bedroom units. A comment from the Design Advisory Board suggested the inclusion of 3 bedroom units, to assure housing that could be favorable to families. The applicants' scope has been primarily small units with low occupancy as their model. Consideration for units that may provide housing for typical family size to encourage a diversity of tenancy has been encouraged. **Affirmative finding.**

12. *Not have an undue adverse impact on the present or projected park and recreation needs of the city.*

Any impact is likely to be off-set by payment of required Impact Fees. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

Table 4.4.5-2 Base Residential Density

High Density (RH) – 40 units/acre

247-249 Pearl Street – $33,593 / 43560 = .77$ acres x 40 = 31 units. 29 are proposed. **Affirmative finding.**

Table 4.4.5-3 Residential District Dimensional Standards and Density

RH	Max. Lot Coverage 80%	Minimum Building Setbacks 1,3,4, 5,6			Height Maximum 35' ¹
		Front ²	Side ³	Rear	
Existing	58.4%				
Proposed	64.9%	7.4'	8.9' (14.9' at east boundary where property widens)	75'	Not provided.

Final calculations for roof height, including that for the elevator towers and mechanical area and percentage of roof area exceeding height limitations, will be required. **No finding possible.**

*Note that HVAC /mechanical equipment are **not** exempt from height limitations; however **Section 6.3.2 (h)**, states:

Where such rooftop features do not exceed ten percent of the total roof area, they may be considered "ornamental and symbolic features" pursuant to Sec. 5.2.7 for the purposes of measuring building height. Therefore, any rooftop incidentals shall measure less than 10% of the roof area and be screened from view. The preference, as outlined in Article 6, is that mechanical equipment be included within the design of the overall building, and not added as an afterthought and calculated as part of this 10% provision. See Article 6, below.

Article 5: Citywide General Regulations

Part 2: Dimensional Requirements

Section 5.2.3, Lot Coverage Requirements

See Table 4.4.5-3, above.

Sec. 5.2.4 Buildable Area Calculation

Not in the RCO, WRM, RM, WRL, or RL zone, and not greater than 2 acres. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3 and **comments about non-compliant setback**, above.

6. Shared driveways. Common or shared driveways and walkways along shared property lines and associated parking areas do not have to meet setback requirements along the shared property line.

¹ An additional ten per cent lot coverage may be permitted for accessory residential features per (d) 3A. (Only RL, RL-W, RM and RM-w districts.)

² Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4.

³ In no event shall the side yard setback be required to exceed 20 feet, or the rear yard setback be required to exceed 75 feet.

5. The Side Yard setback shall be calculated based on the four adjacent properties (2 on each side of the subject property.) The right side yard setback is the average of the right side yard setback of the principal structures on these four properties. The left yard setback is the average of the left side yard setback of the principal structures on these four properties. The adjacent properties shall be within the same block having the same street frontage as the subject property.

6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the setback shall be 10% of the lot width.

The existing condition is a shared driveway which is entirely on the abutting property to the east. Parking, however, is adjacent to this access drive, and is proposed to continue with new development.

It should be confirmed that the abutting property owner (253-255 Pearl Street) wishes to continue this arrangement, or would move to cease access for 247-249 in new development. An easement to use the driveway on the abutter's property should be shared during application review. **Affirmative finding as conditioned.**

Sec. 5.2.6, Building Height Limits

Building height has not been provided, and will be required at the time of submission. **No finding possible.**

Sec. 5.2.7, Density and Intensity of Development Calculations

(a) Dwelling Units per Acres

See Table 4.4.5-2 Base Residential Density, above.

Part 3: Non-conformities

Sec. 5.3.4 Nonconforming Uses

(a) Changes and modifications

1. *Nonconforming non-residential use: A nonconforming non-residential use shall not be expanded or altered in any way, other than to full conformity under this Ordinance, except as follows:*

B. *Existing Neighborhood Commercial Uses*

Existing non-residential uses intended to primarily serve the nearby residential area shall not be considered non-conforming to the extent they comply with the provisions of Sec. 4.4.5 (d) (6).

The previous use (dental office) was a non-conforming use in the RH zone. That building was lost to fire; the use not continued. This application will move the use toward conformity.

Affirmative finding.

Section 5.4.8 Historic Buildings and Sites

The historic structure was lost to fire, and is no longer extant. Not applicable.

Section 5.4.9 Brownfield Remediation

There is no known site contamination at 247-249 Pearl Street. If studies indicate compromised soils, appropriate site mitigation and consultation with ANR will be required. **Affirmative finding as conditioned.**

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

Any roof or ground mounted HVAC systems shall require submission of anticipated noise levels to determine compatibility with the residential neighborhood.

If the property is intended to be primarily student apartments, a management plan outlining responsibilities toward resident behavior and property care may be required at the time of application. **Affirmative finding as conditioned.**

Section 5.5.2 Outdoor Lighting

A photometric plan and individual spec sheets for lighting fixtures will be a requirement as part of the submission packet. The lighting plan will be required to meet the standards of this section. Additionally, parking lot lighting will be required to meet current standards of the CDO.

Affirmative finding as conditioned.

Section 5.5.3 Stormwater and Erosion Control

Erosion prevention and sediment control plan as well as a stormwater management plan has been submitted to the Stormwater engineering staff for review. Major Impact projects are reviewed by the Conservation Board.

Final approval from the Stormwater Administrator is required. **Affirmative finding as conditioned.**

Article 6: Development Review Standards

PART 1: LAND DIVISION DESIGN STANDARDS

Not applicable.

PART 2: SITE PLAN DESIGN STANDARDS

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

This site is one of the more dramatic examples of extant Burlington ravine: Relatively at grade with the street on the north of the parcel, the land falls precipitously away to the south. The grade change is significant; more than 26' grade change from front to back. The proposal includes regrading the parking area to accelerate the grade change into the rear lot, and then installation of retaining walls along the east and southwest of the lot. The grade changes and site alterations will be require review by the Conservation Board and city engineers. The wall, itself, will be required to meet Design Review standards. **Affirmative finding as conditioned.**

(b) Topographical Alterations:

Alteration to the natural contour of the site shall minimize grading, cut, and fill, and shall take necessary measures to protect against erosion and future instability. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. In areas where more intense levels of development are encouraged, development should seek to take advantage of topographical changes to hide and/or blend new construction into the landscape. Proposed design and construction details for any cut and fill, or retaining walls over 3-feet in height, or any height along the lakeshore, shall be subject to review and approval by the city engineer before receiving approval of the site plan.

Some grading changes are proposed for the parking lot area; beginning the grade slope sooner than exists today and abutting the plan with retaining walls. The applicant estimates these to vary, with exposure to fall between 1-6'. The wall will be required to meet the approval of the city engineer per this standard. The applicant has suggested a "redi-rock" product may be utilized, with railings around the taller sections.

At DAB the applicant defined changes to the grading plan which will lower the back parking lot 6' from existing grade; thus minimizing the height of retaining walls. **Affirmative finding as conditioned.**

(c) Protection of Important Public Views:

Distant terminal views of Lake Champlain and the mountains to the east and west, and important public and cultural landmarks, framed by public rights-of-way or viewed from public spaces shall be maintained through sensitive siting and design to the extent practicable. This shall not be construed to include views from exclusively private property.

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

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

The former structure was listed on the National Register of Historic Places; however it was consumed by fire in September 2011. There are no extant above grade resources on-site. Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

Where feasible, the site plan should be so designed as to take advantage of the site's inherent potential to utilize sources of renewable energy including direct sunlight, wind, or running water. The site plan should also incorporate site planning and landscaping decisions intended to minimize energy demand such as siting buildings to maximize solar access or the use of deciduous and coniferous trees to create shade and windbreak.

Buildings should, where appropriate within the context of the neighborhood development pattern, maximize their solar exposure by being oriented to maximize natural light and heat gain during winter months, and to minimize casting shadows into ground floor living space of a building on an adjacent property.

Three connected flat roofs are proposed. Roof-top condenser units are proposed, utilizing the 10% provision for exceeding height.

This would be a fertile plan for a solar installation, although none is proposed. Passive solar is limited to windows.

A shading plan has been submitted. Limited shading will be experienced by South Union Street abutters at the autumnal equinox; impacts subsiding by 10:00 am. **Affirmative finding.**

(f) Brownfield Sites:

Where a proposed development involves a known or suspected brownfield, the site plan shall indicate areas of known or suspected contamination, and the applicant shall identify completed or planned remediation necessary to support the intended use(s).

The site is not listed on Vermont's Hazardous Waste sites. **Affirmative finding.**

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

The project will be required to meet with the approval of the Conservation Board, the City Stormwater engineer, and the city building engineer for the proposed treatment of the steep southerly embankment and retaining wall.

From the west elevation illustration, a redesigned roof canopy is provided at the main (Pearl Street) entrance, and a recessed entry on the east elevation. Both would provide shelter in inclement weather.

Snow is proposed to be truck off-site during storm events. Some articulation that assures this plan will need to accompany approved plans. **Affirmative finding as conditioned.**

(h) Building Location and Orientation:

The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing "street-edge," or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curblin and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

The proposed building fills in the streetscape to eliminate the existing void. The building is approximately 11 feet from the sidewalk and approximately 23 feet from the curblin as scaled from full-size scaled plans. This will be adequate to accomodate pedestrian foot traffic.

Principal buildings shall have their main entrance facing and clearly identifiable from the public street.

A principal entrance is clearly identifiable and faces Pearl Street.

Accessory buildings shall be located in such a way so as to be deferential and secondary to the principal structure.

Other than a dumpster, no other accessory or parking structures are proposed. Plans for the trash enclosure have been included. **Affirmative finding.**

(i) Vehicular Access:

Curb cuts shall be arranged and limited in number to reduce congestion and improve traffic safety. A secondary access point from side roads is encouraged where possible to improve traffic flow and safety along major streets. The width and radius of curb cuts should be kept to the minimum width necessary, and sight triangles and sufficient turnarounds for vehicles shall be provided to reduce the potential for accidents at points of egress.

The curb cut appears to be located at the same location as the previous arrangement; just east of this property boundary, and shared with 253-255 Pearl Street. The applicant will be required to provide authority to use this shared access, as it is identified on an abutting parcel. If an easement or permanent right-of-way exists, proof shall be submitted. The shared nature of the access and drive shall be legally recorded and binding. Any alterations, including parking reconfiguration to that parcel will require a separate zoning permit.

If the applicant **cannot** demonstrate legal authority to utilize the abutting property for access, access shall be defined on the subject (247-249 Pearl Street) parcel. This would require redesign of the project proposal to include a curb cut and access drive.

Residential driveways shall be a minimum of 7 feet in width or consist of two 1.5' driveway strips. Driveway strips shall be accompanied by a paved area for the parking and/or storage of motor vehicles. The maximum width for single or shared access driveways shall be 18'. In a residential district, driveways and parking areas shall be set back a minimum of 5' from side and rear property lines.

This is an existing paved driveway access (on the easterly parcel); and therefore does not enjoy a 5' setback from any property line.

Driveways for commercial properties may require a traffic study to identify the impacts of the movement of traffic to and from the property, and design for safe access. Access for service and loading areas should be located behind buildings or otherwise screened from streets or public ways with landscaping or other barriers. Whether commercial or residential, shared driveways are encouraged, where possible and appropriate.

See above. The City traffic engineer may require a traffic analysis to determine existing and proposed traffic impacts to assess whether any mitigation measures may be appropriate for the new use and intensity, with a comparison of existing/previous and proposed use. **Affirmative finding as conditioned.**

(j) Pedestrian Access:

Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.

The principle entrance on Pearl Street may be accessed directly off the public sidewalk. The easterly entrance is accompanied for a 7'6" wide sidewalk with a bump-out that will separate vehicles and residential pedestrians.

The (compact) parking area behind the building is left with no pedestrian walkway to an entrance, as is required. While the DAB suggested that pavement markings may be acceptable, even a striped ped path would place residents in vehicular pathways. A continuation of the walkway around the building is warranted to assure a separation between pedestrians and vehicles. **Affirmative finding as conditioned.**

(k) Accessibility for the Handicapped:

Special attention shall be given to the location and integration of accessible routes, parking spaces, and ramps for the disabled. Special attention shall also be given to identifying accessible access points between buildings and parking areas, public streets and sidewalks. The federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) shall be used as a guide in determining the adequacy of the proposed development in addressing the needs of the disabled.

An elevator is included within the plan. ADA requirements and compliance shall be confirmed with the building inspector. Two h/c parallel parking spaces are noted adjacent to the entrance drive. The sidewalk may be utilized as a loading zone if acceptable to the code/building inspector and meets ADA requirements. **Affirmative finding as conditioned.**

(l) Parking and Circulation:

To the extent possible, parking should be placed at the side or rear of the lot and screened from view from surrounding properties and adjacent public rights of ways. Any off-street parking occupying street level frontage in a Downtown Mixed Use District shall be setback from the edge of the front property line in order to provide space for active pedestrian-oriented uses. Where street-level parking is provided within an existing structure, the cars shall be screened from the sidewalk and the area shall be activated with landscaping, public art, or other design amenities. Parking areas of more than 20 spaces should be broken into smaller areas separated by landscaping.

Parking is rearranged from the previous parking layout; however further expansion into the easterly bank is illustrated. Regrading the parking lot will bring it approximately 6' lower than existing conditions, and the parking lot will drop 5' in grade as the lot descends to the south. A box beam guard rail is proposed at the top of the retaining wall/edge of the parking area (C2.1).

A landscaping has been included within this submission. New trees are proposed, which would potentially meet the tree shading requirement (below). Additional landscaping is proposed to shield westerly neighbors from the new development. See L1.0.

Attempts to link adjacent parking lots or provide shared parking areas which can serve neighboring properties simultaneously shall be strongly encouraged.

Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets. Dimensions of spaces shall at a minimum meet the requirements as provided in Article 8. The perimeter of all parking areas shall be designed with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.

See comments (above) about perimeter curb stops.

The expanded parking on the east appears to utilize what is now existing landscaping on a steep slope. A guard rail is identified at the edge of the parking surface.

Parking is laid out in a manner that includes tandem parking spaces. The project will be required to comply with Sec. 8.1.14. *(All parking facilities shall be designed to so that each motor vehicle may proceed to and from the parking space provided for it without the moving of any other motor vehicle.)* The applicant has defined the plan to pair tandem parking spaces to a single unit to allow for tenant-driven valet service for the movement of vehicles. Standards, however, refute the opportunity to count the second row of parking spaces toward the overall parking requirement.

Given the parking count and requirements of the CDO, a waiver is requested. The applicant indicates that parking will be allocated to tenants based upon demand. See further discussion under Article 8, below.

6 compact parking spaces are illustrated on the immediate south area of the building.

Surface parking and maneuvering areas should be shaded in an effort to reduce their effect on the local microclimate, air quality, and stormwater runoff with an objective of shading at least 30% of the parking lot. Shading should be distributed throughout the parking area to the greatest extent practical, including within the interior depending on the configuration. New or substantially improved parking areas with 15 or more parking spaces shall include a minimum of 1 shade tree per 5 parking spaces with a minimum caliper size of 2.5"-3" at planting. Up to a 30% waiver of the tree planting requirement may be granted by the development review board if it is found that the standard requirement would prove impractical given physical site constraints and required compliance with minimum parking requirements. All new shade trees shall be: of a species appropriate for such planting environments, expected to provide a mature canopy of no less than 25-feet in diameter, and selected from an approved list maintained by the city arborist. Existing trees retained within 25-feet of the perimeter of the parking area (including public street trees), and with a minimum caliper size greater than 3-inches, may be counted towards the new tree planting requirement.

The plan will be required to provide 8 trees meeting the above specified minimum caliper to meet the shading standard ($41 / 5 = 8.2$.) A landscaping plan has been submitted, with 8-9 new trees proposed.

All parking areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to building entrance(s) or a public sidewalk.

A sidewalk is provided along the easterly side of the building. This should be continued around the rear (south) to provide a safe passageway that separates residents from the active vehicular area.

Where bicycle parking is provided, access shall be provided along vehicular driveways or separate paths, with clearly marked signs indicating the location of parking areas. Where bicycle parking is located proximate to a building entrance, all shared walkways shall be of sufficient width to separate bicycles and pedestrians, and be clearly marked to avoid conflicts. All bicycle parking areas shall link directly to a pedestrian route to a building entrance. All

bicycle parking shall be in conformance with applicable design & construction details as provided by the dept. of public works.

The applicant has expressed the intent to put “U” racks in front of the building, not within the green belt. The location and number of bicycle parking spaces will need to be clarified. All requirements of this standard and Article 8 Part 2 will be required for application review. See Article 8, below. **Affirmative finding as conditioned.**

(m) Landscaping and Fences:

Landscaping shall be used to beautify the development site and to provide specific functions and benefits to the uses and buildings on the site. These include but are not limited to stormwater retention and erosion control, winter windbreaks and summer shade, recreational and habitat corridors, buffers and screening of parking areas, and creating privacy for and from adjacent property.

An articulated landscaping plan has been provided. Any replacement or new trees in the public ROW shall meet with the approval of the City arborist.

Fences may be placed within the required setback along a property line, but shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street. Fences placed within a clear sight triangle along driveways and at street intersections, or between an existing building and the front property line, whichever is less, shall be limited to 3-feet in height above the curb in order to provide safe sight distances for pedestrians and vehicles. Styles, materials, and dimensions of the proposed fence shall be compatible with the context of the neighborhood and the use of the property.

Retaining walls, from 1-6’ exposure and constructed of concrete are proposed. The site is challenging at best, with significant grade changes from north to south and east to west. Redesign of the plan has minimized the proposed wall height by lowering the grade of the rear parking lot. The addition of a landscaping plan has softened some visual intrusion, and provides a buffer between this development and adjacent properties. While the topography characteristics cannot be erased, the grading plan and proposed landscaping will help alleviate the most abrupt disparities between properties. **Affirmative finding as conditioned.**

(n) Public Plazas and Open Space:

No public plazas or specifically designated open space are proposed. The DAB did note that the size of the residential structure and the number of units would suggest a welcome need for a place for residents to enjoy the outdoors. Seating areas, play structures, gardens, patios, or similar features that would provide an enjoyable outdoor space for tenants are encouraged. Absent that, the rooftop deck would meet the desire for outside space for the residents. This has been included within the revised plan. **Affirmative finding.**

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

A lighting plan, including photometric, will be a requirement for project application. **Affirmative finding as conditioned.**

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Meters, utility connections, HVAC equipment, mailboxes, and any other accessory items shall be identified on elevations or site plan as appropriate. Screening has been proposed (sheet metal) for the rooftop mechanical equipment.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Utilities must be undergrounded. The method and design of the dumpster enclosure has been included (Plan C2.2.) While the material has not been identified, vinyl is not recommended due to the likelihood of failure.

Recycling has been identified at the dumpster location. An appropriate receptacle shall be identified to meet those needs.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

As with other recently approved residential development, condenser units are proposed on the roof and are calculated within the 10% allowable roof area to exceed the height limits of the district. These are proposed to be screened with sheet metal. Previous approvals suggest that both the DAB and DRB find this method to be acceptable. **Affirmative finding as conditioned.**

PART 3: ARCHITECTURAL DESIGN STANDARDS

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to their context. They shall integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity.

The following shall be considered:

1. Massing, Height and Scale:

While architectural styles or materials may vary within a streetscape, proposed development shall maintain an overall scale similar to that of surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.

247-249 Pearl Street is now a vacant lot between 2 ½ story residential scale buildings. In height (from the streetfront), it is not overly dissimilar to neighboring properties.

In low and medium density residential districts, the height and massing of existing residential buildings is the most important consideration when evaluating the compatibility of additions and infill development.

Not applicable. This is the RH zone.

Where the zoning encourages greater intensity and larger scale buildings in high density residential and non-residential zoning districts, buildings that are over 3-stories should provide a transition by employing design elements that reduce the apparent building mass from the street level. Taller buildings and elements are most appropriate where they provide a focal point of a terminal view, anchor a street corner, frame view corridors, or relate to larger scaled structures. The impacts at the street-level of increased or altered wind currents and downdrafts created by buildings over six (6) stories should be considered.

The proposed building is not over 3 stories tall. Not applicable.

Buildings should maintain consistent massing and perceived building height at the street level, regardless of the overall bulk or height of the building. Buildings should maintain a relationship to the human scale through the use of architectural elements, variations of proportions and materials, and surface articulations. Large expanses of undifferentiated building wall along the public street or sidewalk shall be avoided. The apparent mass and scale of buildings shall be broken into smaller parts by articulating separate volumes reflecting existing patterns in the streetscape, and should be proportioned to appear more vertical than horizontal in order to avoid monotonous repetition. (See also (d) Provide an active and inviting street edge below.)

The massing remains consistent from north to south; the originally proposed linked cubes have been redesigned to create an elongated, three story building form. Walls are broken up with small plane changes, material differentiation and color. Along the streetfront, the massing/height is clearly perceived and experienced as a three storey building. Revisions have included a more contemporary entrance canopy, and differentiated northeasterly pavilion that gives a vertical emphasis. Material changes provide interest. **Affirmative finding.**

2. Roofs and Rooflines.

New buildings should incorporate predominant roof forms and pitches within the existing neighborhood and appropriate to the context. Large expanses of undifferentiated roof forms shall be avoided. This can be achieved by incorporating dormers or some variation in the roof form to lessen the impact of the massing against the sky. While flat roofs can be a reasonable architectural solution, pitched roof forms and architectural elements that enhance the city's skyline are strongly encouraged. Roof eaves, parapets, and cornices should be articulated as an architectural detail. Roof-top mechanicals shall be screened from view from the public street, and should be incorporated into and hidden within the roof structure whenever possible.

Flat roofs are proposed. Parapets have been removed to reduce the roof height, and cornice line articulation is minimized.

The project continues to have roof mounted condensing units, which have been accepted in other similar recent projects.

Solar panels, light colored ballast or roof membranes, split roof clerestories, planted or “green” roof technologies (with a clearly articulated maintenance plan) and “gray water” collection are encouraged. Active rooftop uses are also encouraged to add to the visual complexity and activity of the city’s skyline, and afford public access to otherwise unseen views of the city and surrounding landscape.

A rooftop deck is included for resident use. This is offered in part due to limitations on the site to provide an active outdoor area for the proposed residential use. An elevator shaft will also be visible (and included within the provision for extra roof height.) The Design Advisory Board believes the entire mass of the shaft is excessive, and has requested reduction. **Affirmative finding as conditioned.**

3. Building Openings

Principal entrances shall be clearly defined and readily identifiable from a public street whether by a door, a canopy, porch, or other prominent architectural or landscape features. People with physical challenges should be able to use the same entrance as everyone-else and shall be provided an “accessible route” to the building. Attention shall also be accorded to design features which provide protection from the affects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage.

The Pearl Street entry is identifiable by location (central) and canopy. The parking lot entrance (east side) is recessed into a differently colored entryway; with a roof cover to shelter residents as they enter/exit.

Window openings shall maintain consistent patterns and proportions appropriate to the use. The window pattern should add variety and interest to the architecture, and be proportioned to appear more vertical than horizontal. Where awnings over windows or doors are used, the lowest edge of the awning shall be at least eight (8) feet above any pedestrian way, and shall not encroach into the public right-of-way without an encroachment permit issued by the dept. of public works.

Windows are symmetrically placed along the primary (Pearl Street) façade; and placed in regular patterns along secondary facades. In that the fenestration design is stacked, the emphasis is vertical. Any awning / canopy shall meet the height installation requirement.

No encroachment into the public right-of-way appears likely from the submitted site plan.

Buildings placed on a side or rear property line where no setback is required shall contain neither doors nor windows along such façade so as not to restrict future development or re-development options of the adjacent property due to fire safety code restrictions. Otherwise they should be setback a minimum of 5-feet.

Setbacks are required in the RH.

Affirmative finding as conditioned.

(b) Protection of Important Architectural Resources:

Although the previous building was a contributing resource within the Pearl Street Historic District, its loss to fire removed consideration for historic structures on this parcel. While there remains the possibility of discovery for early 19th century keepsakes during site excavation, no extant structures would warrant examination under this standard.

Not applicable.

(c) Protection of Important Public Views:

Development shall preserve distant terminal views of Lake Champlain and the Adirondack Mountains and important public and cultural landmarks from public places and along east-west public rights-of-way to the extent practicable. This shall not be construed to include similar views from exclusively private property.

Sensitivity shall be used in the massing of proposed development such that light and air is allowed to penetrate and some views may be preserved. Alternatives that extend access to such views by allowing public access into and through the proposed development are encouraged. In no case shall development be permitted to span across the public rights-of-way in such corridors.

No public views are proposed to be impacted. The submitted shade studies indicate minor shading on South Union Street during the autumnal equinox at 8:00 a.m. This impact is nearly moot at 10:00 am. No trespass across rights-of-way is included. **Affirmative finding.**

(d) Provide an active and inviting street edge:

Building facades shall be varied along the street edge by the integration of architectural features, building materials, or physical step-backs of the façade along its length. Large expanses of undifferentiated building wall shall be avoided. This may be accomplished by incorporating fenestration patterns, bays, horizontal and vertical façade articulations, the rhythm of openings and prominent architectural features such as porches, patios, bays, articulated bases, stepping back an elevation relative to surrounding structures, and other street level details. The use of traditional facade components such as parapet caps, cornices, storefronts, awnings, canopies, transoms, kick plates, and recessed entries are highly encouraged. In areas where high volumes of pedestrian traffic are desired, the use of architectural recesses and articulations at the street-level are particularly important in order to facilitate the flow of pedestrian traffic.

The street front is symmetrical and orderly; building interest provided by creative application and use of differing materials on a traditionally inspired façade. The corner “tower” is articulated in a slighted proud plane, with a break at the roofline and a canted roof that echos the entrance canopy. The entryway itself is welcoming with handrails, raised entry seats, and lighting. An accessible ramp is adjacent, and hidden behind landscaping.

Non-residential buildings should provide visual access into the interior of building at the street level through the use of large transparent windows and/or window displays in order to create a dynamic and engaging public streetscape. The use of mirrored, frosted, or tinted glass shall not be permitted along an active pedestrian street-level façade.

This is a residential building. Not applicable.

In contrast, residential buildings may be slightly recessed and/or elevated from the street-level in order to provide privacy. In such cases, visual interest along the streetscape can be provided through the use of landscaping, porches, and other similar features that offer a transition between public and private space.

The streetfront entry provides a transition between public and private under the entrance canopy. Seating is illustrated; the entryway itself slightly raised above the public sidewalk. The building set-back will provide some comfortable distance between the street right-of-way and the private residences.

Buildings in downtown districts that provide open space by way of building setbacks at the ground level shall utilize landscaping, street furniture, public art, sitting walls, fountains, etc. to maintain a sense of the existing street wall, define a sense of entry for the building and create a space that enhances the pedestrian's experience. Urban "open" space shall maximize accessibility for all individuals including the disabled, and encourage social interaction.

This is in the RH zone, so not applicable. Landscaping, seating, and the porch canopy will identify the building entry and separate it from public spaces.

As notes, an access ramp is provided. **Affirmative finding.**

(e) Quality of materials:

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

Brick, steel, and wood have been identified as building materials. Spec sheets have been provided for fiber cement products (vertical siding, lap siding); windows appear to be fiberglass single-hung, as illustrated. The durability and life expectancy of the newer materials is not known.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

Not applicable.

Affirmative finding.

(f) Reduce energy utilization:

New structures should incorporate the best available technologies and materials in order to maximize energy efficient design. All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

New development will be required to meet energy efficiency standards as defined by the city (as noted) and the state within new legislation that went into effect July 1, 2013.

New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.

As previously noted, the broad expanse of flat roof is ripe for solar installation.

Shade impacts are not anticipated to be a problem, as the most egregious period in Burlington would be the autumnal equinox. The shadowcast is illustrated in the attached shading plan. Solar energy is encouraged.

Affirmative finding.

(g) Make advertising features complementary to the site:

Any signage will require a separate sign permit.

(h) Integrate infrastructure into the building design:

Exterior machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory features shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties.

See 6.2.2. (p), above.

Rooftop mechanicals, including heating and cooling devices and elevator equipment, should be incorporated into the structure's design, and shall be arranged to minimize their visibility from the street level. Such features, in excess of one foot in height, shall be either enclosed within the roof structure, outer building walls, or parapets, or designed so that they are integrated into the overall design and materials of the building. Where such rooftop features do not exceed ten percent (10%) of the total roof area, they may be considered "ornamental and symbolic features" pursuant to Sec. 5.2.7 for the purposes of measuring building height.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 5 Performance Standards.

Condensing units are proposed for the rooftop, to be screened by sheet metal. These have been acceptable in recent similar residential development projects. See roof plan. Per this standard, the condensing units and patio may not exceed 10% of the roof area if exceeding the height limitation of the ordinance. **Affirmative finding as conditioned.**

(i) Make spaces secure and safe:

Spaces shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure visibility for persons using and observing such spaces. Building entrances/entry points shall be visible and adequately lit, and intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety.

All new development is required to meet safety, building and fire code per the assessment of Burlington's building inspector and fire marshal. For multi-unit residential structures, an

intercom system is encouraged to complement any on-site security plans. A lighting plan should include consideration of adequate illumination near building entrances and in the parking lot to assure safety. A lighting plan is a requirement. **Affirmative finding as conditioned.**

Article 8: Parking

Sec. 8.1.8 Minimum Off-Street Parking Requirements

This is within the Neighborhood Parking District, which requires 2 parking spaces for every residential unit. For 29 units, 58 off street parking spaces are required. The application proposes 41; however 8 of those are tandem and cannot be counted toward the parking requirement as this is not a single family or duplex (See Sec.3.2.7, (a) 8. And 8.1.14.) Therefore, only 33 parking spaces may be counted toward the requirement (25 shy of the requirement.) A request for a parking waiver is anticipated; any such request would require submission of a dynamic parking management plan that addresses how the development can be adequately served by a more efficient approach that satisfies the intent of this article and the Municipal Development Plan. **Affirmative finding as conditioned.**

Section 8.1.11 Parking Dimensional Requirements

The following standards in Table 8.1.11-1 below shall be used to ensure safe, adequate, and convenient access and circulation. These standards shall be adhered to except in situations where a lesser standard is deemed necessary by the DRB due to site topography, location of existing or proposed structures, lot configuration, and/or the need to preserve existing trees and mature vegetation.

There exists a parking lot associated with the previous use; however the applicant proposes re-grading and re-arrangement of the parking spaces to provide 43 parking spaces (34 toward requirement) on site. The parking spaces must meet the dimensional requirements and back-up space of this standard. (Parallel parking, 9' x 22'; 90° spaces 9' x 20'. back-up 24' unless the DRB deems a lesser standard necessary.) Parking spaces and back-up lengths appear to meet this standard. **Affirmative finding.**

Section 8.1.12 (h) Compact Car Parking

15% of parking may be identified as compact (8' x 18') parking. $.15 \times 43 = 6$ parking spaces. These are illustrated directly south of the proposed building. The applicant has provided the (20') minimum back-up space for these spaces. **Affirmative finding.**

Sec. 8.1.13 Parking for Disabled Persons

Parking spaces for disabled persons shall comply with current Americans with Disabilities Act guidelines and shall be at least eight feet (8') wide with an adjacent access aisle at least five feet (5') wide. Parking access aisles shall be part of an accessible route to the building or facility entrance. Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Painting of the paved area for the dedicated parking spaces alone shall not be sufficient as the sole means of identifying these spaces.

The site plan illustrates 2 h/c parking spaces adjacent to the pedestrian walkway on the east side of the building. The sidewalk may be designated and acceptable for meeting the access requirement; acceptance by the building inspector will be required in meeting ADA standards. Defined handicap parking spaces will need to be identified via signage, and not limited to pavement paint. **Affirmative finding as conditioned.**

Section 8.1.15 Waivers from Parking Requirements / Parking Management Plans

A parking waiver request for 24 spaces is included. A parking management plan will be a required submission document. See Section 8.1.8 above. **Affirmative finding as conditioned.**

Section 8.2.5 Bicycle Parking Requirements

For 29 residential units, 7 long term bicycle spaces (1 for every 4 units) and 3 short term bicycle parking spaces (1 space for every 10 units) will be required. At DAB the applicants suggested bike racks in their front yard, however they are illustrated within the street ROW on modeling images and on plan L1.0. This shall be defined. Storage areas and any other bicycle parking, with a capacity count must be illustrated on plans. **Affirmative finding as conditioned.**

Article 9: Inclusionary and Replacement Housing

Section 9.1.10 Percentage of Inclusionary Units

The applicants will need to communicate with the manager of the city's Housing Trust Fund to identify the appropriate number of Inclusionary Units, dependant upon the rent/selling price of the units. Typically, 15% are offered as IZ units. 15% of 29 = **4 Inclusionary Units**. A letter of compliance will be required from the Housing Trust Fund manager, and to define any reduction in the amount of Impact Fees to be assessed. **Affirmative finding as conditioned.**

II. Recommended Conditions of Approval:

1. Plan C1.1 defines changes to 253 Pearl Street. **Any changes to that parcel (parking reconfiguration, pavement, curbing, or parking space count) will require a separate zoning permit. No alterations for 253 Pearl Street are included within this review, nor assumed approved via submitted site plans for this development.**
2. Impact Fees, based upon the proposed new gross floor area and calculated by staff, will be due the chief administrative officer/city treasurer at least seven days prior to occupancy of the new building or any portion thereof.
3. A traffic study may be required by the Department of Public Works to ascertain differing demands between the previous use (dental office) and proposed use (29 unit residential.)
4. An approved EPSC and Stormwater Management Plan will be required, after review by the City Stormwater administrator or her designee.[EPSC approved 5/14/2014.]
5. The applicant will be required to submit a letter from the Department of Public Works confirming the availability of adequate water and sewer service for the proposed development.
6. An area for snow storage or a plan for removal will be required **prior to release of the zoning permit.**
1. The applicant must provide evidence of continued shared use of the existing driveway prior to redevelopment **prior to review by the DRB.**
7. Sidewalk on Pearl Street shall be connected on the eastern end, and continued along the rear (south) elevation to provide unobstructed pedestrian path outside vehicular circulation areas. The site plan and coverage calculation shall be revised to illustrate these changes **prior to release of the zoning permit.**

8. The applicant will make an attempt to minimize the massing of the elevator on the roof.
9. Landscaping is recommended to screen the neighboring garage. [Provided on landscaping plan]
10. Eight trees, of a caliber of 2 ½-3" will be required as part of the planting plan, to meet the parking lot shading requirement of Section 6.2.2. (1). *All new shade trees shall be of a species appropriate for such planting environments, expected to provide a mature canopy of no less than 25-feet in diameter, and selected from an approved list maintained by the city arborist.*
11. A **lighting plan**, including a site photometric, product spec sheets and fixture lumen levels will be a requirement for DRB review.
12. The applicant has defined the dumpster location as that for recycling. The type of receptacle will need to be defined prior to review by the DRB.
13. Any awning / canopy shall meet the minimum height installation requirement of 8' over the public ROW.
14. For multi-unit residential structures, an intercom system is encouraged to complement any on-site security plans.
15. A 24 space parking waiver will be required as part of any approval. The DRB has authority in this jurisdiction for review and approval of any **parking management plan**, which is a requirement of consideration of a parking waiver.
16. Leasing of parking spaces to off-site tenants will be prohibited. A separate zoning permit for parking lot use would be required.
17. The grade changes and retaining walls will be required to receive approval of the building inspector.
18. The Stormwater Management Plan and EPSC will be required to be reviewed and approved by the Stormwater Administrator. [EPSC approval received 5/14/2014.]
19. Utilities must be undergrounded.
20. The location of meters, mailboxes, utility connections, cable boxes, mechanical equipment, and similar items shall be illustrated on elevations or site plans as appropriate.
21. Not more than 4 unrelated adults may occupy any residential unit per ZA 13-01.
22. Hours of construction shall be limited to Monday – Friday, 7:00 AM – 6:00 PM with interior work only on Saturday, and no Sunday construction.
23. If studies indicate compromised soils, appropriate site mitigation and consultation with ANR will be required.
24. If the property is intended to be primarily student apartments, a **management plan** outlining responsibilities toward resident behavior and property care may be required by the DRB.
25. For 29 residential units, 7 long term bicycle spaces (1 for every 4 units) and 3 short term bicycle parking spaces (1 space for every 10 units) will be required. Bike racks have been defined in front of the building. Storage areas and any other **bicycle parking**, with a capacity count must be illustrated on plans **prior to review by the DRB**.
26. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.



247 PEARL STREET

EXISTING
CONDITIONS

REVISIONS

© 2014 ALL RIGHTS RESERVED 2014 DRAWING NO.

JOB NO. 407

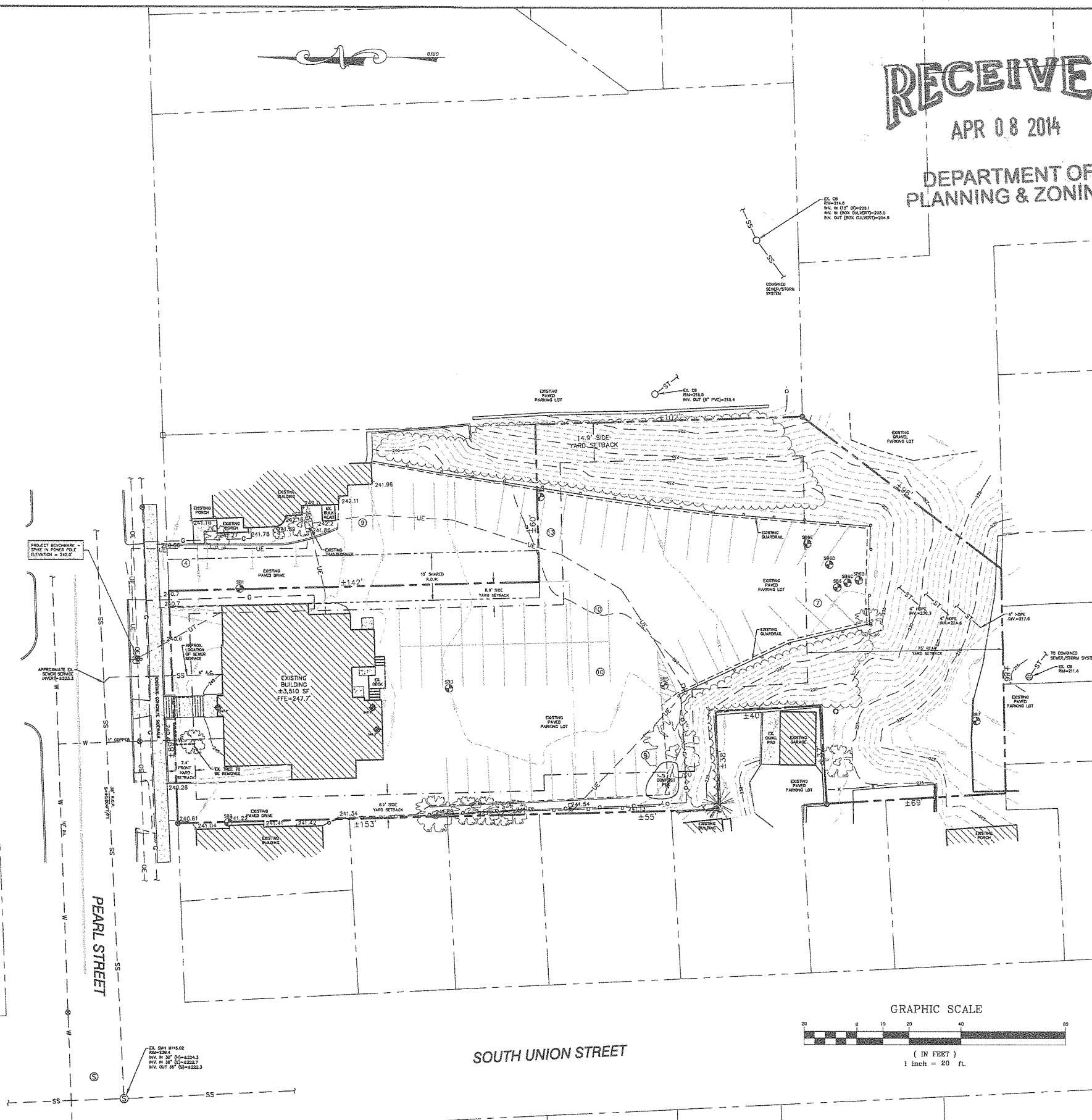
SCALE 1/8" = 1'-0"

DATE 04.11.14

LI.0

	EXISTING CONTOUR
	PROPOSED CONTOUR
	APPROXIMATE PROPERTY LINE
	APPROXIMATE SETBACK LINE
	IRON PIN FOUND
	CONCRETE MONUMENT FOUND
	GRAVITY SEWER LINE
	FORCE MAIN
	WATER LINE
	OVERHEAD ELECTRIC
	UNDERGROUND ELECTRIC
	GAS LINE
	STORM DRAINAGE LINE
	SEWER MANHOLE
	STORM MANHOLE
	SHUT-OFF
	POWER POLE
	CATCH BASIN
	LIGHT POLE
	SIGN
	DECIDUOUS TREE
	CONIFEROUS TREE
	EDGE OF BRUSH/WOODS
	CHAIN LINK FENCE
	BARBED WIRE FENCE
	STOCKADE FENCE

1. Utilities shown do not purport to constitute or represent all utilities located upon or adjacent to the surveyed premises. Existing utility locations are approximate only. The Contractor shall field verify all utility conflicts. All discrepancies shall be reported to the Engineer. The Contractor shall contact Dig Safe (888-344-7233) prior to any construction.
2. All existing utilities not incorporated into the final design shall be removed or abandoned as indicated on the plans or directed by the Engineer.
3. The Contractor shall maintain as-built plans (with ties) for all underground utilities. Those plans shall be submitted to the Owner at the completion of the project.
4. The Contractor shall repair/restore all disturbed areas (on or off the site) as a direct or indirect result of the construction.
5. All grassed areas shall be maintained until full vegetation is established.
6. Maintain all trees outside of construction limits.
7. The Contractor shall be responsible for all work necessary for complete and operable facilities and utilities.
8. If the building is to be sprinklered, backflow prevention shall be provided in accordance with AWWA M14. The Site Contractor shall construct the water line to two feet above the finished floor. See mechanical plans for riser detail.
9. The Contractor shall submit shop drawings for all items and materials incorporated into the site work. Work shall not begin on any item until shop drawing approval is granted.
10. In addition to the requirements set in these plans and specifications, the Contractor shall complete the work in accordance with all permit conditions and any local Public Works Standards.
11. The tolerance for finish grades for all pavement, walkways and lawn areas shall be 0.1 feet.
12. Any dewatering necessary for the completion of the sitework shall be considered as part of the contract and shall be the Contractor's responsibility.
13. The Contractor shall coordinate all work within Town Road R.O.W. with Town authorities.
14. The Contractor shall install the electrical, cable and telephone services in accordance with the utility companies requirements.
15. Existing pavement and tree stumps to be removed shall be disposed of at an approved off-site location. All pavement cuts shall be made with a pavement saw.
16. If there are any conflicts or inconsistencies with the plans or specifications, the Contractor shall contact the Engineer for verification before work continues on the item in question.
17. Property line information is based upon a plan entitled "Subdivision of Single Lot at 253-255 Pearl St., Burlington, VT", dated Aug. 31, 1984, prepared by Knight Consulting Engineers, Inc. and recorded in the City of Burlington Land Records. This plan is not a boundary survey and is not intended to be used as one.
18. The project benchmark, of 500.0', is a spike set in power pole GMP #22. Vertical datum based on a scaled elevation from a UGSG Quad Topo map. Horizontal datum based on a magnetic reading taken at the time of survey.



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APPROVED

PBS

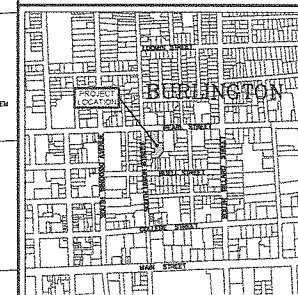
OWNER:

247 PEARL
STREET
BURLINGTON
VERMONT 05401

PROJECT:

PROPOSED
RESIDENTIAL
BUILDING

247 PEARL
STREET
BURLINGTON
VERMONT 05401



LOCATION MAP

 $1^\circ = 1000$ [illegible]

EXISTING
CONDITIONS
SITE PLAN

DATE FEB., 2014	DRAWING NUMBER C1.0
SCALE 1" = 20'	
PROJ. NO. 14103.01	

	EXISTING CONTOUR
-----336-----	PROPOSED CONTOUR
=====	APPROXIMATE PROPERTY LINE
- - - - -	APPROXIMATE SETBACK LINE
○	IRON PIN FOUND
□	CONCRETE MONUMENT FOUND
-----SS-----	GRAVITY SEWER LINE
-----FM-----	FORCE MAIN
-----W-----	WATER LINE
-----OE-----	OVERHEAD ELECTRIC
-----UE-----	UNDERGROUND ELECTRIC
-----G-----	GAS LINE
-----ST-----	STORM DRAINAGE LINE
Ⓔ	SEWER MANHOLE
Ⓕ	STORM MANHOLE
⊙	SHUT-OFF
⌚	POWER POLE
⊕	CATCH BASIN
□-○	LIGHT POLE
┐	SIGN
⊙	DECIDUOUS TREE
⌘	CONIFEROUS TREE
~~~~~	EDGE OF BRUSH/WOODS
○-----○	CHAIN LINK FENCE
-----X-----	BARBED WIRE FENCE
-----□-----	STOCKADE FENCE

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21. The project benchmark, of 500.0', is a spike set in power pole GMP #22. Vertical datum based on a scaled elevation taken from a UGSG Quad Topo map. Horizontal datum based on a magnetic reading taken at the time of survey.

Zoning District: Residential High Density (RH)  
Parking District: Neighborhood

Density: 40 du/Ac. (80 w/ bonus)  
Lot Coverage: 80% (92% w/ bonus)  
Building Height: 35' (45' w/ bonus)

REQUIRED:

Front Yard Setback:  $\pm 5'$  of average of 2 adjoining properties =  $7.4 \pm 5'$   
Side Yard Setback: 10% or 5' (Max. required no more than 25') = 8.9', 14.9'  
Rear Yard Setback: 25% or 20' (Max. required no more than 75') = 75'

247 Pearl Street  
Existing Building Coverage =  $\pm 10.1\%$   
Proposed Building Coverage =  $\pm 23.7\%$   
  
Existing Lot Coverage =  $\pm 58.4\%$   
Proposed Lot Coverage =  $\pm 64.9\%$

PROVIDED:

Front Yard Setback: 7.5'  
Side Yard Setback: 9.0'  
Rear Yard Setback: 57.7'

Proposed Parking Spaces (247 Pearl St.) = 43 spaces  
Required Handicap Spaces = 2 spaces (1 van accessible)

All 90° Spaces Shown = 9'x20'  
All Parallel Spaces Shown = 9'x22'  
C = 6 Compact Spaces Shown = 8'x18'  
% compact spaces = 6/43=14.0%

Proposed parking Spaces (253 Pearl St.) = 8 spaces

SITE ENGINEER:



**CIVIL ENGINEERING ASSOCIATES, INC.**  
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403  
802-864-2323 FAX: 802-664-2271 web: [www.csa-vt.com](http://www.csa-vt.com)

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DRAWN

ACL

CHECKED

PBS

APPROVED

PBS

OWNER:

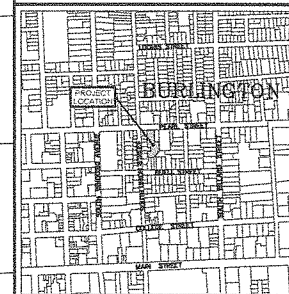
PEARL  
LAKE LLP

247 PEARL  
STREET  
BURLINGTON  
VERMONT 05401

PROJECT:

PROPOSED  
RESIDENTIAL  
BUILDING

247 PEARL  
STREET  
BURLINGTON  
VERMONT 05401



## LOCATION MAP

$$T^{\text{th}} = 100$$
[illegible]

# PROPOSED CONDITIONS SITE PLAN

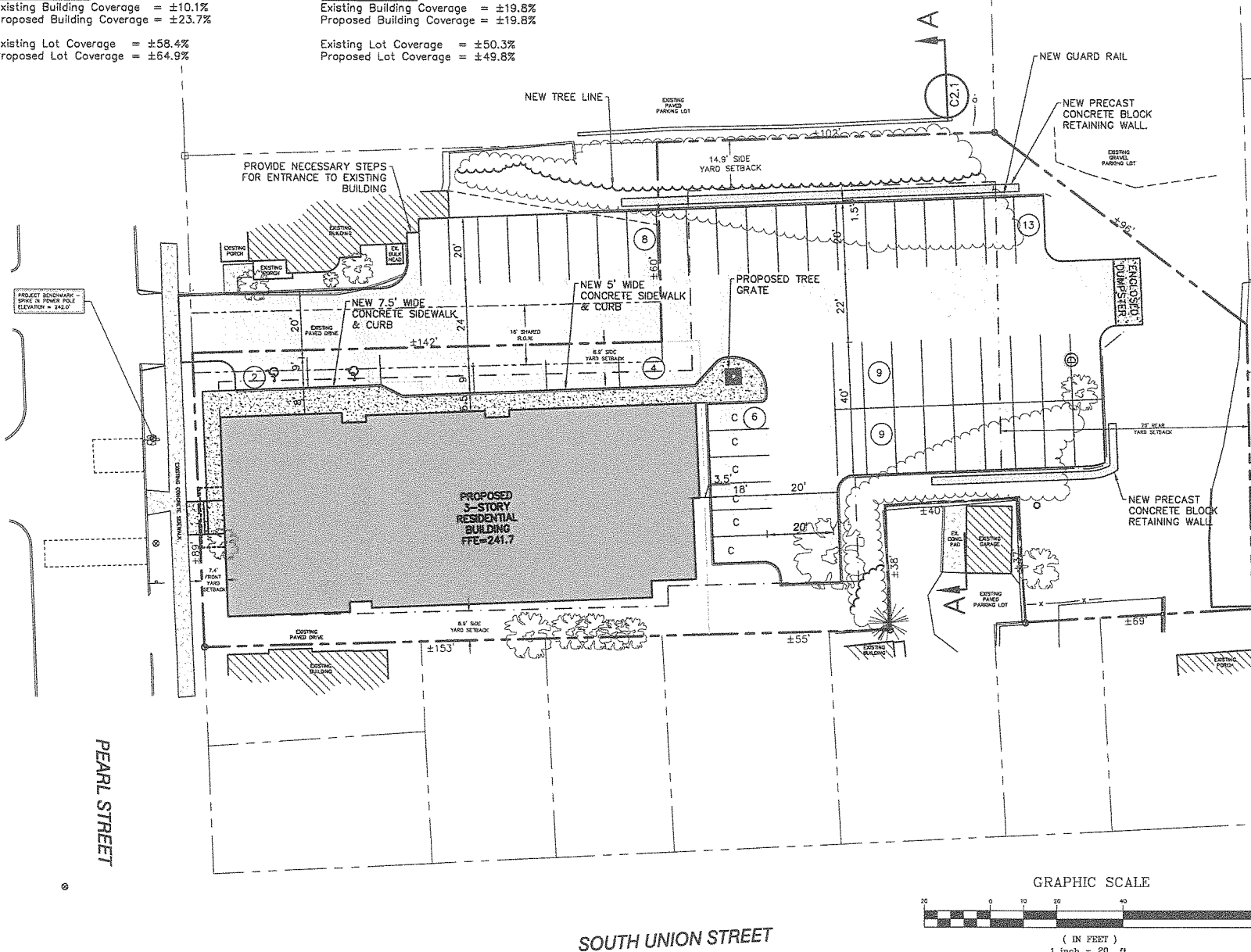
DATE  
FEB. 2014

SCALE  
1" = 20'

PROJ. NO.  
14103.01

DRAWING NUMBER

## C1.1





SOUTH



NORTH  
**RECEIVED**  
APR 08 2014

DEPARTMENT OF  
PLANNING & ZONING

**SBA**  
SMITH BUCKLEY ARCHITECTS

Smith / Buckley Architects  
431 Pine St. Ste. 210  
Burlington, VT 05401  
802-540-0323

MULTI-FAMILY HOUSING  
247 Pearl Street, Burlington, VT



3/32" = 1'-0"

ELEVATIONS

April 7, 2014





EAST

**RECEIVED**  
APR 08 2014  
DEPARTMENT OF  
PLANNING & ZONING

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247 Pearl Street, Burlington, VT



3/32" = 1'-0"

ELEVATIONS

April 7, 2014



**RECEIVED**  
 APR 08 2014  
 DEPARTMENT OF  
 PLANNING & ZONING

**SBA**  
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MULTI-FAMILY HOUSING  
 247 Pearl Street, Burlington, VT



3/32" = 1'-0"

ELEVATIONS

April 7, 2014



RECEIVED

APR 22 2014

DEPARTMENT OF  
PLANNING & ZONING





RECEIVED

APR 22 2014

DEPARTMENT OF  
PLANNING & ZONING





RECEIVED  
APR 22 2014

DEPARTMENT OF  
PLANNING & ZONING





RECEIVED

APR 22 2014

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APR 22 2014

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APR 09 2014

DEPARTMENT OF  
PLANNING & ZONING



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APR 09 2014

DEPARTMENT OF  
PLANNING & ZONING



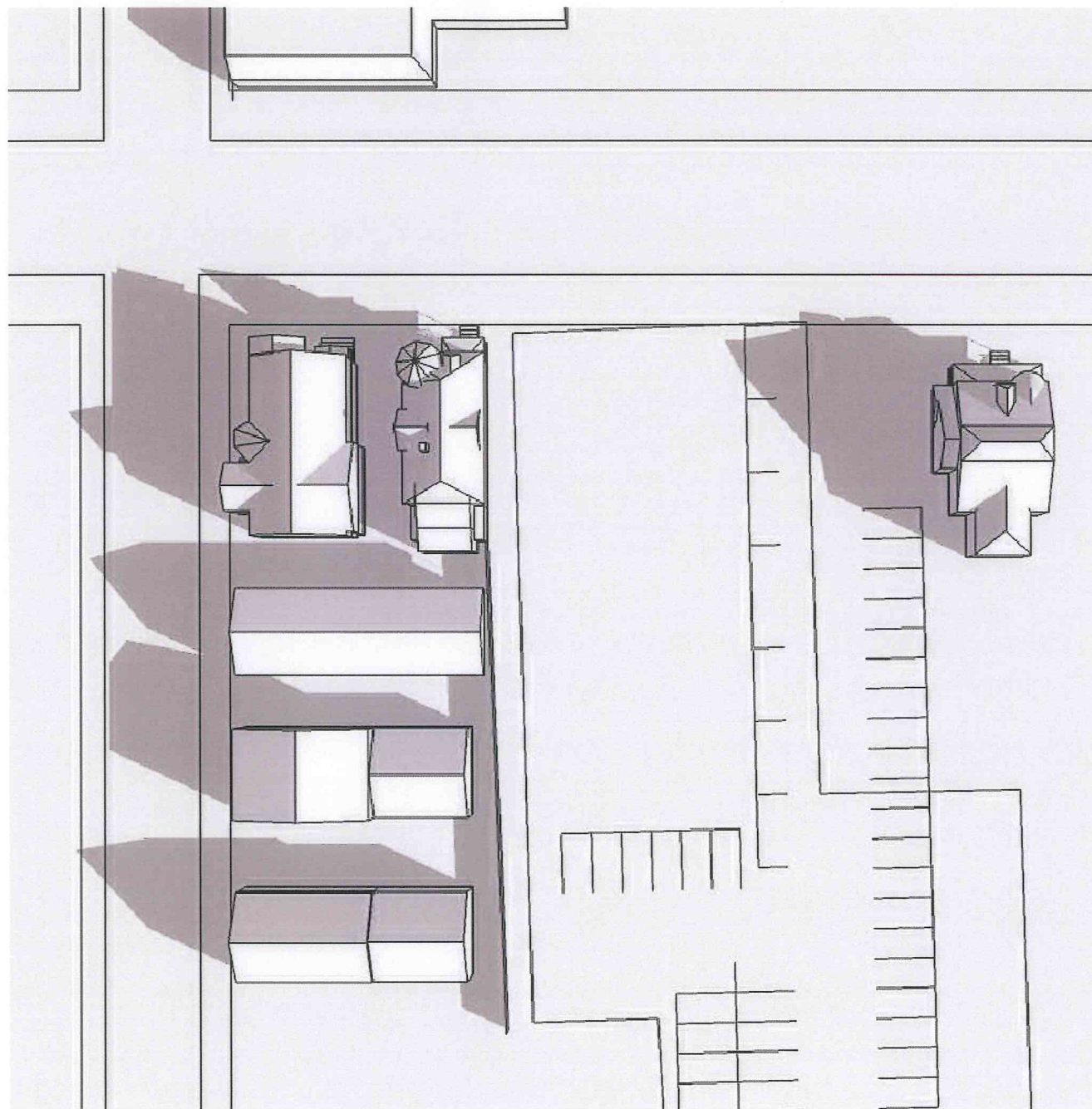


RECEIVED

APR 09 2014

DEPARTMENT OF  
PLANNING & ZONING





September 22, 8 a.m. - Existing



September 22, 8 a.m. - Proposed

**RECEIVED**  
APR 08 2014

DEPARTMENT OF  
PLANNING & ZONING  
SHADOW STUDIES

April 7, 2014

**SBA**  
SMITH BUCKLEY ARCHITECTS

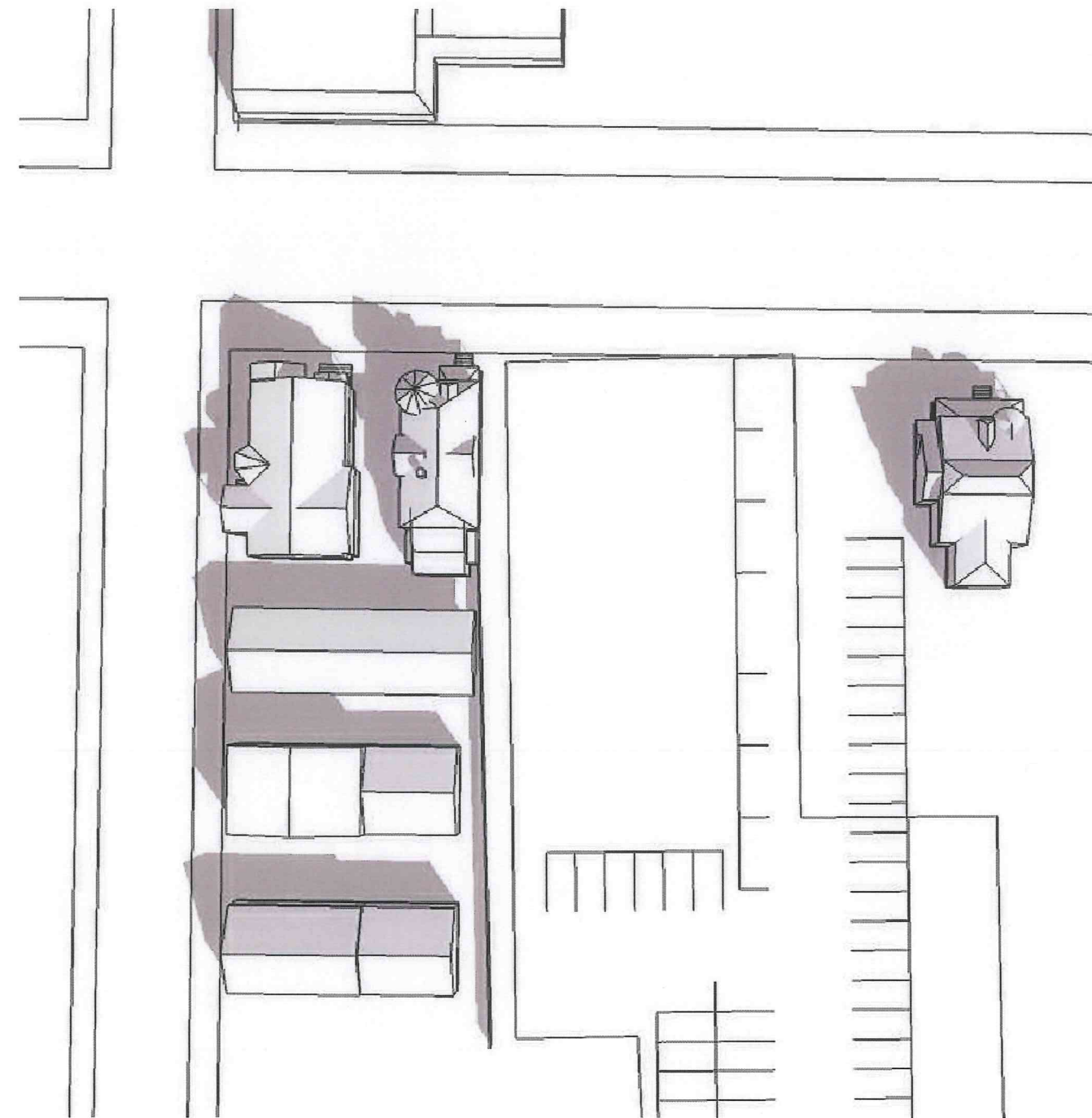
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MULTI-FAMILY HOUSING  
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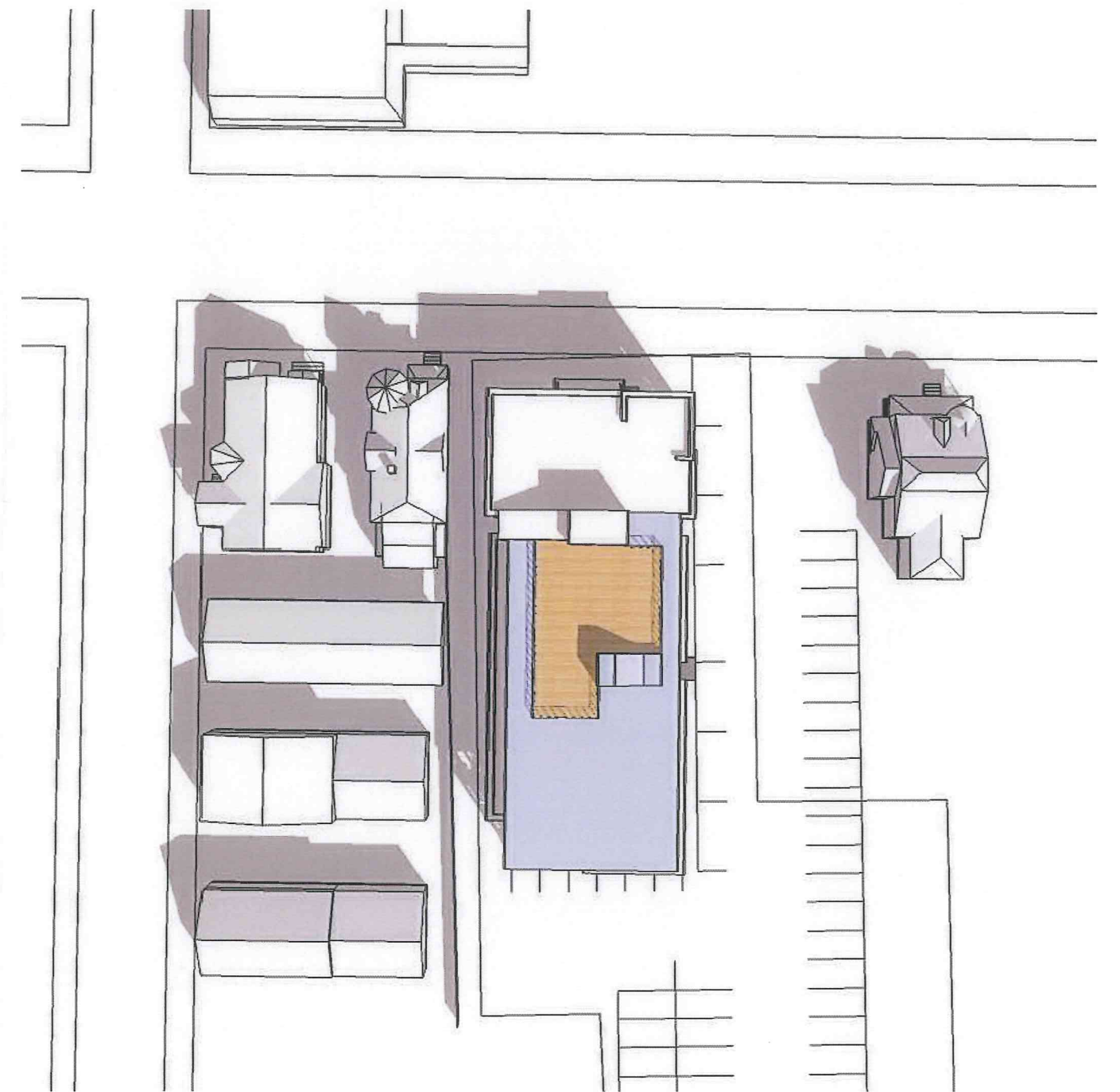


3/32" = 1'-0"





September 22, 10 a.m. - Existing



September 22, 10 a.m. - Proposed

**RECEIVED**  
APR 08 2014

DEPARTMENT OF  
PLANNING & ZONING  
SHADOW STUDIES

April 7, 2014

**SBA**  
SMITH BUCKLEY ARCHITECTS

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431 Pine St. Ste. 210  
Burlington, VT 05401  
802-540-0323

MULTI-FAMILY HOUSING  
247 Pearl Street, Burlington, VT

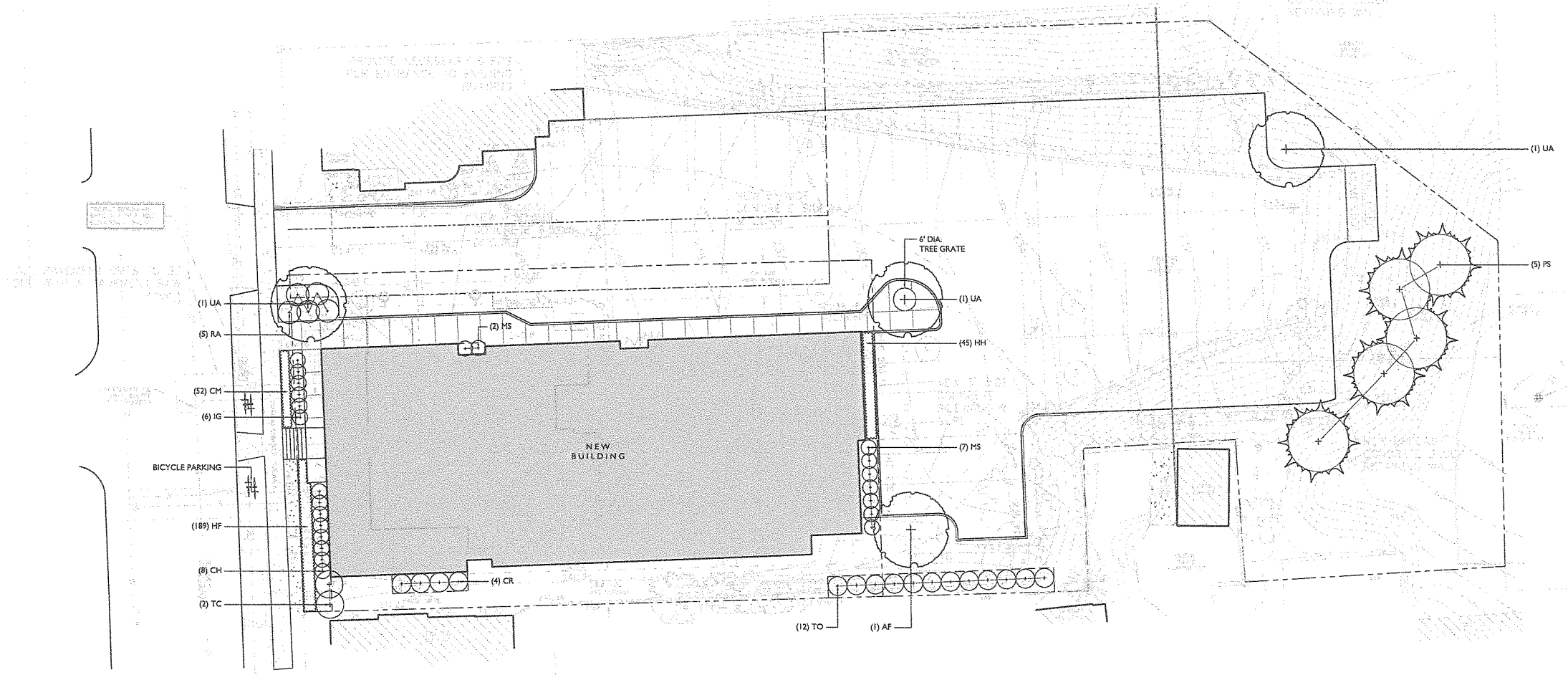


3/32" = 1'-0"



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PLANT SCHEDULE					
KEY	QTY.	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING
DECIDUOUS TREES					
AF	1	Acer x freemanii 'Armstrong'	FREEMAN MAPLE	2.5"-3" CAL.	AS SHOWN
UA	3	Ulmus Americana 'Princeton'	PRINCETON AMERICAN ELM	3"-3.5" CAL.	AS SHOWN
EVERGREEN TREES					
PS	5	Pinus strobus	WHITE PINE	6'-8'	AS SHOWN
TO	12	Thuja occidentalis 'Smaragd'	ARBORVITAE	6'-8'	AS SHOWN
SHRUBS					
CH	8	Clethra alnifolia 'Hummingbird'	SUMMERSWEET	#3	36" o.c.
CR	4	Clethra alnifolia 'Ruby Spice'	SUMMERSWEET	#3	5' o.c.
IG	6	Ilex glabra 'Shamrock'	SHAMROCK INKBERRY	#3	36" o.c.
RA	5	Rhus aromatica 'Gro Low'	FRAGRANT SUMAC	#3	4' o.c.
TC	2	Taxus cuspidata 'Densaformis'	DENSE YEW	30"-36"	5' o.c.
ORNAMENTAL GRASSES					
CM	52	Carex morrowii 'Ice Dance'	VARIEGATED SEDGE	PINT	12" o.c.
MS	9	Miscanthus sinensis 'Adagio'	EULALIA	#3	42" o.c.
PERENNIALS					
HF	189	Hosta 'Fireworks'	FIREWORKS HOSTA	#1	10" o.c.
HH	45	Hemerocallis 'Happy Returns'	DAYLILY	#1	18" o.c.



REDSTONE  
BUILDING  
247 PEARL STREET  
BURLINGTON, VT

PLANTING PLAN

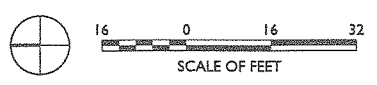
REVISIONS

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JOB NO. 407

SCALE 1/8" = 1'-0"

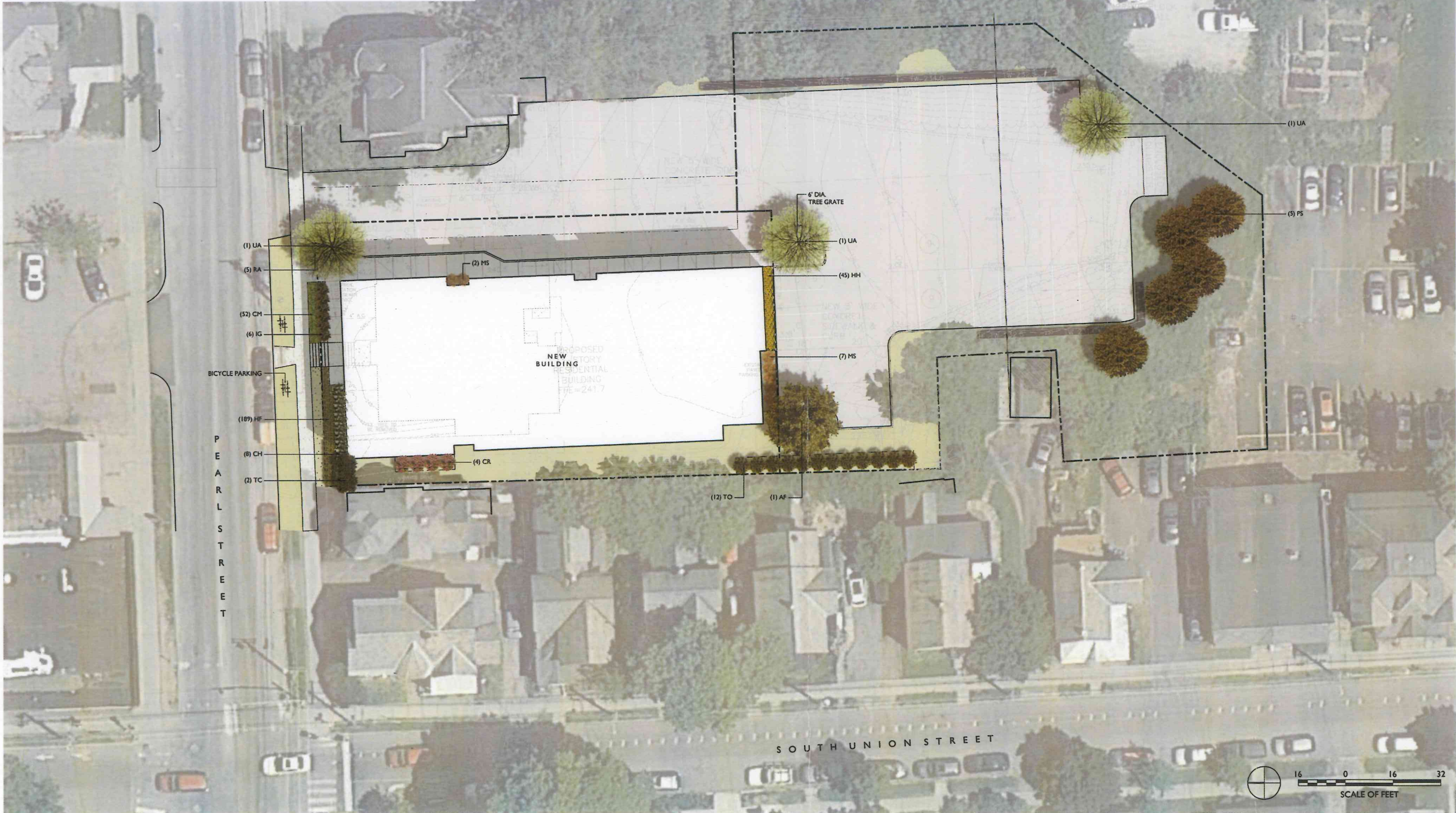
DATE 04.08.14



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PLANT SCHEDULE					
KEY	QTY.	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING
DECIDUOUS TREES					
AF	1	Acer x freemanii 'Armstrong'	FREEMAN MAPLE	2.5"-3" CAL.	AS SHOWN
UA	3	Ulmus Americana 'Princeton'	PRINCETON AMERICAN ELM	3"-3.5" CAL.	AS SHOWN
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247 PEARL STREET

PLANTING PLAN

REVISIONS

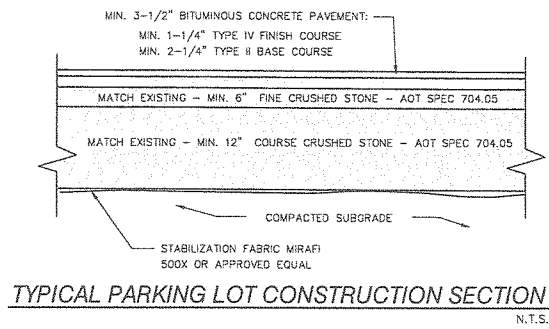
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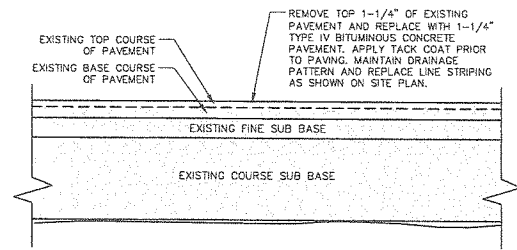
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DATE 04.08.14

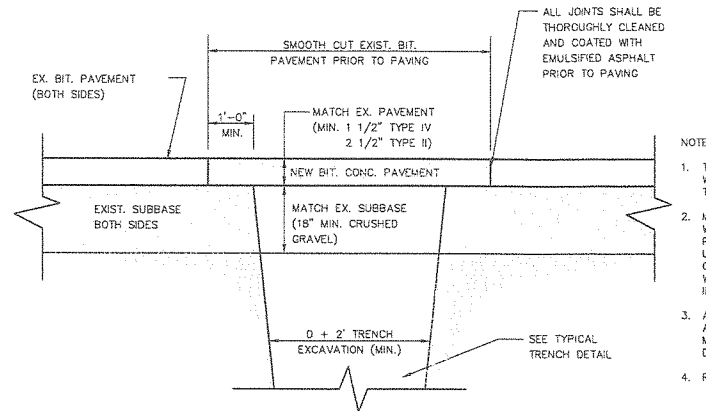




**TYPICAL PARKING LOT CONSTRUCTION SECTION**  
N.T.S.

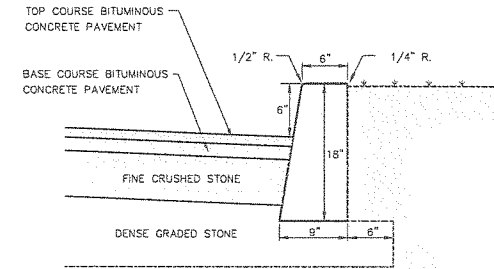


**TYPICAL PARKING LOT RESURFACING SECTION**  
N.T.S.



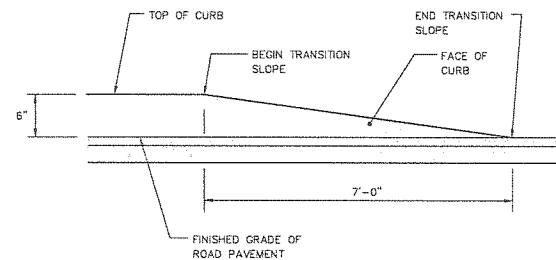
**REPLACEMENT OF EXISTING PAVEMENT**  
N.T.S.

- NOTES:
1. THE CONTRACTOR SHALL MAINTAIN AT LEAST ONE-WAY TRAFFIC AT ALL TIMES DURING WORK WITHIN THE R.O.W.
  2. MAINTENANCE AND PROTECTION OF TRAFFIC DURING WORK WITHIN THE HIGHWAY R.O.W. SHALL BE PROVIDED IN ACCORDANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. THE CONTRACTOR SHALL NOT WORK WITHIN THE R.O.W. WITHOUT APPROPRIATE CONSTRUCTION SIGNING IN PLACE.
  3. ALL BACKFILL SHALL BE MADE IN SIX (6") LIFTS AND COMPACTED TO NOT LESS THAN 95% MAXIMUM DRY DENSITY ACCORDING TO ASTM D698.
  4. REPLACE EXISTING ROAD STRIPING AS NECESSARY.

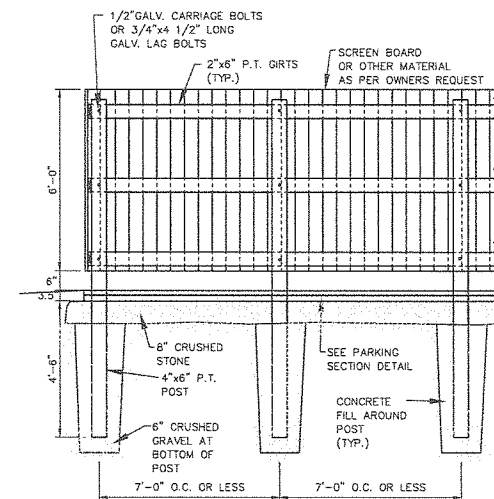
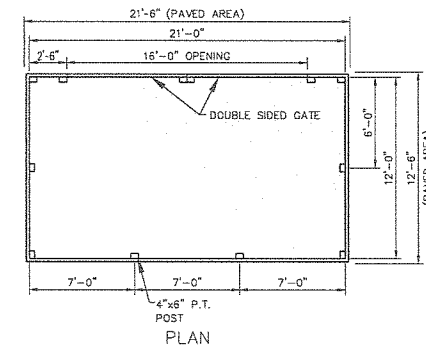


1. CURBING SHALL BE CONSTRUCTED IN 10' SECTIONS WITH 1/8" JOINT BETWEEN SECTIONS.
2. CURBING EXPANSION JOINTS SHALL BE CONSTRUCTED EVERY 20' AND SHALL BE CONSTRUCTED OF MATERIAL CONFORMING TO AASHTO DESIGNATION M-153 (1/2" SPONGE RUBBER OR CORK).

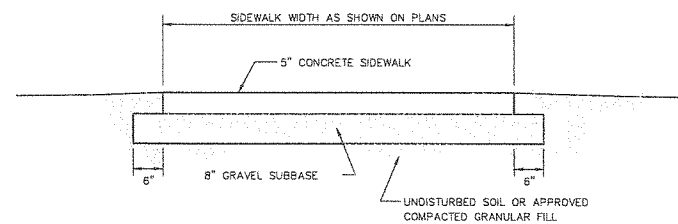
**CURB DETAIL**  
N.T.S.



**TRANSITION CURB**  
N.T.S.



**ELEVATION  
DUMPSTER ENCLOSURE**  
N.T.S.



- NOTES:
1. EXPANSION JOINTS SHALL BE PLACED EVERY 20' AND SHALL BE CONSTRUCTED OF PREFORMED JOINT FILLER (1/4" CORK OR BITUMINOUS TYPE)
  2. BETWEEN EXPANSION JOINTS THE SIDEWALK SHALL BE DIVIDED AT INTERVALS OF FIVE FEET BY DUMMY JOINTS.

**TYPICAL SIDEWALK DETAIL**  
N.T.S.

SITE ENGINEER:



**CIVIL ENGINEERING ASSOCIATES, INC.**  
19 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403  
802-864-2223 FAX: 802-864-2271 web: www.cesa-vt.com

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DRAWN

JSO

CHECKED

PBS

APPROVED

PBS

OWNER:

**PEARL  
LAKE LLP**

247 PEARL  
STREET  
BURLINGTON  
VERMONT 05401

PROJECT:

**PROPOSED  
RESIDENTIAL  
BUILDING**

247 PEARL  
STREET  
BURLINGTON  
VERMONT 05401



**LOCATION MAP**

1" = 1000'

DATE	CHECKED	REVISION
4.8.14	PBS	LOCAL SUBMITTAL

**SITE,  
SIDEWALK &  
CURBING  
DETAILS PLAN**

DATE  
FEB., 2014

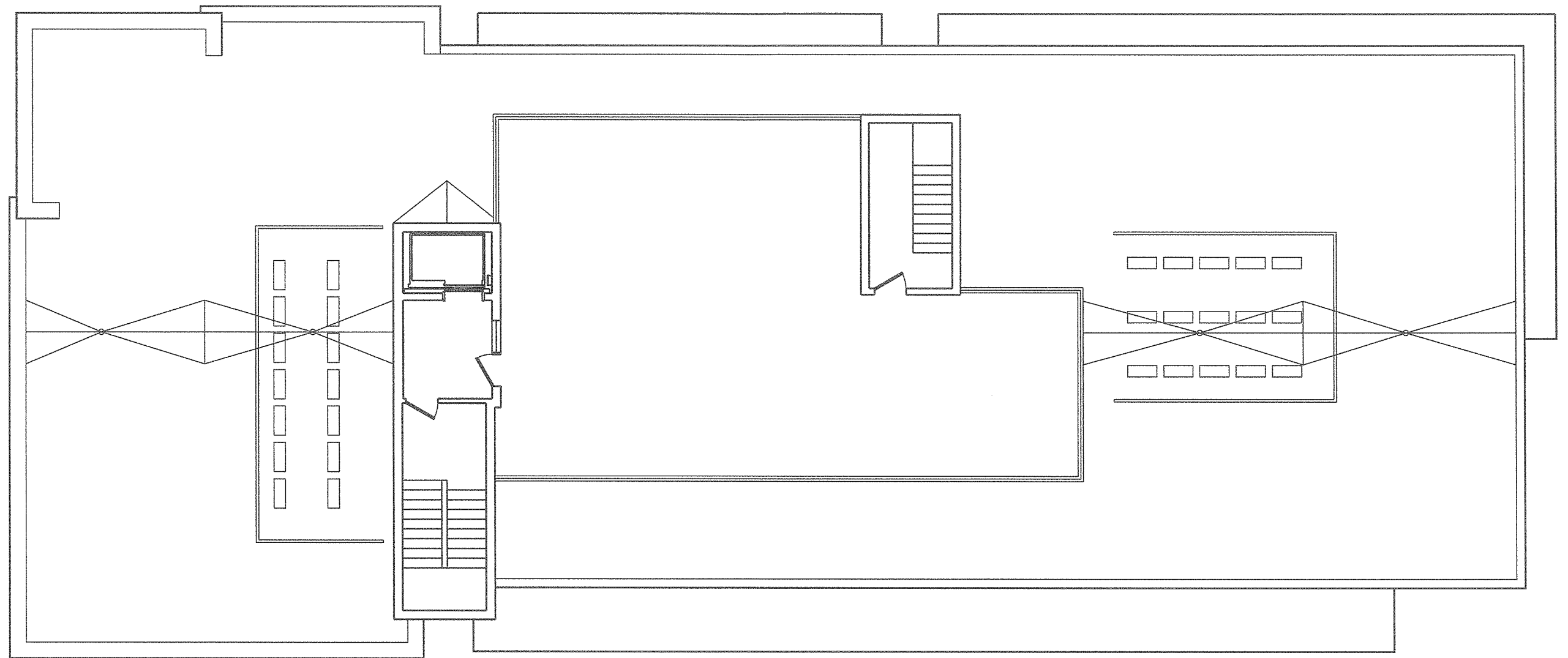
SCALE  
1" = 20'

PROJ. NO.  
14103.01

DRAWING NUMBER

**C2.2**





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PLANNING & ZONING

**SBA**  
SMITH BUCKLEY ARCHITECTS

Smith / Buckley Architects  
431 Pine St. Ste. 210  
Burlington, VT 05401  
802-540-0323

MULTI-FAMILY HOUSING  
247 Pearl Street, Burlington, VT

N   
3/32" = 1'-0"

ROOF PLAN

April 7, 2014



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[Oxford](#)  
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[Prince Charles](#)  
[Queen Anne](#)  
[Queen Anne Antique 4.9](#)

## KF Hartford Red

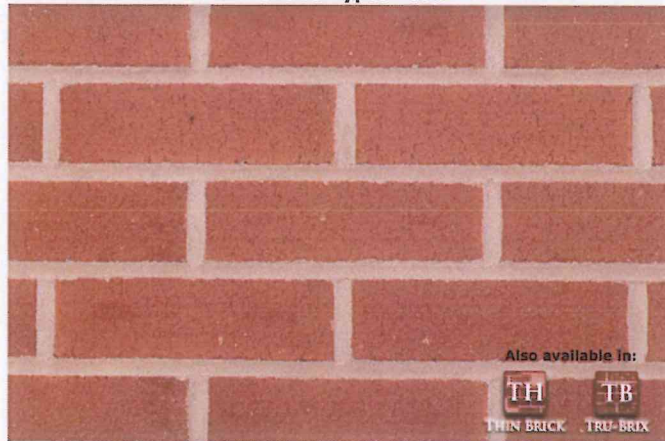
SPL ID: 10003030

Color Range: Red

C216 Type: FBS

Texture: Smooth

C1088 Type: TBS



Also available in:



Red Brick

TRU-BRIX



REAL BRICK.  
REALLY EASY.

[Hide Sizes](#)

SIZES	WIDTH	HEIGHT	LENGTH	THINBRICK	TRU-BRIX	UNITS / SQ. FT.
Modular	3 5/8" / 92mm	2 1/4" / 57mm	7 5/8" / 194mm	9/16" / 14mm	9/16" / 14mm	6.86
Modular OS	3 5/8" / 92mm	2 3/4" / 70mm	7 5/8" / 194mm	9/16" / 14mm	9/16" / 14mm	5.76
Modular Economo	3 5/8" / 92mm	3 5/8" / 92mm	7 5/8" / 194mm	9/16" / 14mm	X	4.55
Norman	3 5/8" / 92mm	2 1/4" / 57mm	11 5/8" / 295mm	9/16" / 14mm	9/16" / 14mm	4.57
Utility	3 5/8" / 92mm	3 5/8" / 92mm	11 5/8" / 295mm	9/16" / 14mm	X	3

Any size not listed is unavailable

Other Red Bricks:

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# BEAUTY FROM TOP TO BOTTOM

## WeatherBoards™ VERTICAL SIDING

Certain details make a difference. And when WeatherBoards Vertical Siding goes up, the difference is stunning.

WeatherBoards Vertical Siding is perfect for just about any exterior application, from sidewalls to overhead details. Go where your imagination takes you, and your vision will endure with versatile WeatherBoards Vertical Siding.

Whether the look is seamless cedar, beautifully textured stucco, grooved cedar or simply smooth, this is one design choice that radiates with style.

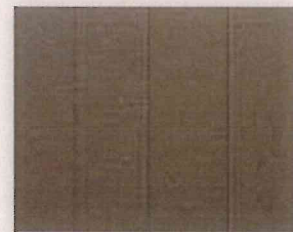


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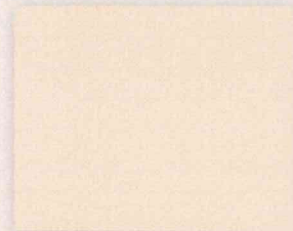
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*Cedar No Groove  
Vertical Siding*  
4' x 8'  
4' x 9'  
4' x 10'  
Shown in Olive



*Cedar 8" Groove  
Vertical Siding*  
4' x 8'  
4' x 9'  
4' x 10'  
Shown in Sable Brown



*Smooth Vertical Siding*  
4' x 8'  
4' x 9'  
4' x 10'  
Shown in Antique White/  
Desert Tan



*Stucco Vertical Siding*  
4' x 8'  
4' x 9'  
4' x 10'  
Shown in Light Maple



Easytrim Reveals is an aluminum reveal wall system designed to work with CertainTeed Fiber Cement Vertical Panels and Lap Siding. The Easytrim Reveals system has been engineered to be a fast, beautiful, and cost-effective way to clad the exterior of your building.



# Primer with FiberTect® Primer/Sealer

## Lap Siding

### CEDAR LAP

Sizes	FiberTect® Product Codes	Pieces/ Unit	Sq. Ft./ Unit	Sq. Cov./ Unit	Pieces/ Sq. Cov.	Lbs./ Unit ²	Units/ Truck*
5-1/4" x 12'	10063/000	336	1,764	13.4	25	4,383	10
6-1/4" x 12'	10015/000	294	1,837	14.7	20	4,561	10
7-1/4" x 12'	10016/000	252	1,827	15.1	17 ⁺	4,535	10
8-1/4" x 12'	10017/000	225	1,856	15.8	14.5 ⁺	4,604	10
9-1/4" x 12'	10018/000	200	1,850	16	12.5	4,590	10
12" x 12' 5/16" thick	10403/000	152	1,824	16.3	9.5 ⁺	4,526	10

### SMOOTH LAP

Sizes	FiberTect® Product Codes	Pieces/ Unit	Sq. Ft./ Unit	Sq. Cov./ Unit	Pieces/ Sq. Cov.	Lbs./ Unit ²	Units/ Truck*
5-1/4" x 12'	10064/000	336	1,764	13.4	25	4,383	10
6-1/4" x 12'	10004/000	294	1,837	14.7	20	4,561	10
7-1/4" x 12'	10005/000	252	1,827	15.1	17 ⁺	4,535	10
8-1/4" x 12'	10074/000	225	1,856	15.8	14.5 ⁺	4,604	10
9-1/4" x 12'	10006/000	200	1,850	16	12.5	4,590	10
12" x 12' 5/16" thick	10401/000	152	1,824	16.3	9.5 ⁺	4,526	10

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*Product weight per truck is limited to approximately 47,000 pounds. Product can be mixed to fill truck, provided weight does not exceed limit.

²Lbs./Unit is approximate. Weights include pallets and packaging for shipping.

*Rounded up to the nearest half-piece.

## CertainTeed Product Codes for Ordering

The Finish, Style, Size and Color of a product is represented with an 8-digit Code System. Choose Product Code from the chart above.

Finish Code  
10-FiberTect® Primer/Sealer

Product Code  
Style, Size and Texture

10000 / 000

Color Code  
FiberTect® Primer/Sealer Code is 000

STYLE RIGHT WITH OPTIONS THAT SUIT YOUR PREFERENCES.

### Finishes.

**Interior Finishes:** Comes standard in Stone White.

**Exterior Finishes:** Stone White, Cashmere, Pebble Gray, Bronze, Evergreen or Ebony. All are paintable without affecting the durability.



Stone White  
(exterior and interior)



Cashmere  
(exterior)



Pebble Gray  
(exterior)



Bronze  
(exterior)



Evergreen  
(exterior)



Ebony  
(exterior)

### Glazing.

**Tempered Glass:** Every window and door comes standard with LoE²-272[®] insulating glass with Argon gas or optional LoE³-366[®] for superior performance and long-term energy cost savings.* Tempered insulating glass with Argon gas is available in LoE-180[™], LoE²-272[®] and LoE³-366[®].

**Tempered Obscure Glass:** Tempered obscure glass provides privacy and safety. Secure a modicum of privacy without sacrificing the performance of Integrity's LoE-180[™], LoE²-272[®] or LoE³-366[®] insulating glass with Argon gas. Available on every All Ultrex[®] window.

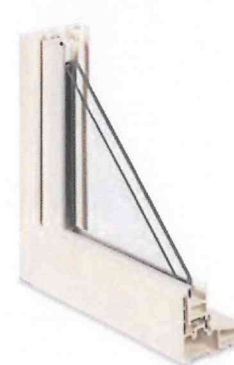
**Variable Thickness Glass:** Variable thickness glass provide enhanced STC and OITC sound abatement performance. Available in LoE-180[™], LoE²-272[®] or LoE³-366[®], tempered and tempered obscure.



Tempered Glass



Tempered Obscure Glass



Variable Thickness Glass

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# Single Hung

DESIGNED FOR BEAUTY. ENGINEERED FOR LIFE.



The All Ultrex® Single Hung comes with a standard aluminum half screen; optional full screen is available.

Sash lock provides a positive detent, reassuring user that the window is either locked or unlocked.

Equal, Cottage, and Reverse Cottage sash provide a variety of looks and checkrail heights.

There is more than a single reason to like this beauty. The All Ultrex Single Hung offers DP50 performance on a majority of sizes. Innovative tilt latches, robust low profile sash lock, factory-applied installation accessories, and superior delivery combine with Ultrex construction, LoE glass and ENERGY STAR® qualified performance to make the Single Hung a superior product in both looks and performance. Mull with picture units, transoms, Round Tops, other Single Hung or Polygon units to create unique multiple assemblies. Factory mulling and field mulling kits are available.

Removable lower sash  
easily removes with  
no tools and no strings  
or cords to detach.





**NEW**

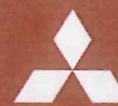
**MSZ-FE18NA**

**Wall-Mounted Indoor Unit**

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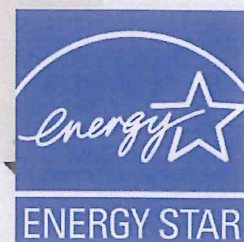
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**MITSUBISHI  
ELECTRIC**

Cooling and Heating Solutions



- High efficiency performance
  - 20.2 SEER, 10.3 HSPF and 14.2 EER
- H2i® Hyper-Heating capabilities
- Advanced INVERTER-driven compressor
- Quiet operation
- Improved smooth finish design

The new MSZ-FE18NA is a big addition to the FE Hyper-Heating family of products! With a rated capacity of 27,000 Btu/h at 47° F extending down to 100% at 5° F. The MSZ-FE18NA produces 73% of full heating capacity down to -13° F. This system provides increased heating performance for larger spaces.



Rounding out the FE family of products are the MSZ-FE09NA and the MSZ-FE12NA. Both of these systems are ENERGY STAR certified and qualify for the Federal tax credit with ratings up to 26 SEER.

With Hyper-Heating INVERTER technology, these systems can provide up to 100% heating capacity down to 5° F (on the FE-09 model with the FE-12 providing 92% capacity) with a system cut-off at -13° F.

Integrated advanced technology that is integrated includes a triple filtration system and the i-see™ Sensor, which detects temperature variations within a space and makes real-time adjustments to system operations.



## Department of Planning and Zoning

149 Church Street, City Hall  
Burlington, VT 05401  
[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)  
Phone: (802) 865-7188  
Fax: (802) 865-7195

David White, AICP, Director  
Ken Lerner, Assistant Director  
Sandrine Thibault, AICP, Comprehensive Planner  
Jay Appleton, GIS Manager  
Scott Gustin, AICP, Senior Planner  
Mary O'Neil, AICP, Senior Planner  
Nic Anderson, Zoning Clerk  
Elsie Tillotson, Department Secretary



### MEMORANDUM

To: Development Review Board  
From: Ken Lerner  
Date: June 3, 2014  
RE: 14-0556CA; 287-289 South Winooski Avenue

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

**File:** 14-0556CA

**Location:** 287-289 South Winooski Avenue **Zone:** RM **Ward:** 5

**Date original application accepted:** December 12, 2013

**Applicant/ Owner:** Todd Volitis/Steve Kelson

**Request:** Appeal of ZP#14-0556CA to demolish historic garage, construct new garage of same size in existing footprint.



#### Background:

- Since at least 1993 the current owner has owned the property.
- 2008 – 2010 Minimum housing inspection not made; inspection occurred after complaint received, including that the garage roof was caving in.
- February 10, 2012 Exterior inspection by Minimum Housing revealed several violations of minimum housing code. After several missed or re-scheduled inspections the violations were corrected as of June 12, 2012. Except that “the garage is still untouched, and owner says he is pursuing that with Planning and Zoning to get permission to take it down”.

- January 14, 2013. Complaint received that garage was collapsing.
- After inspections and several emails the owner indicated on January 15, 2013 that *"The garage is a PRIORITY of mine, and will work on getting all the permits from zoning prior to spring arriving."*
- March 19, 2013 staff verified that the garage is included on the Vermont State Register Survey (1977) for this property and that it is individually listed on the Burlington Register of Historic Resources (2000-2001).
- April 14, 2013 Notice of Violation issued: *"Alterations to building (garage roof has been severely damaged) without zoning approval. Demolition by neglect; deterioration to roof of an historic structure."*
- No Dangerous Building Order Inspection Report & Order issued.
- May 1, 2013. Subject Zoning Permit request filed to demolish historic garage, install fence and new parking area. Request withdrawn June 14, 2013.
- June 14, 2013. Non-applicability issued to repair and replace original building in kind.
- November 17, 2013 subject application filed; determined incomplete due to lack of full fee payment; December 12, 2013 balance of fee paid application complete.
- February 18, 2014 DRB continued public hearing to April 1, 2014 to allow the applicant an opportunity to hire an engineer to evaluate the subject structure.
- February 25, 2014 Engineer's report submitted in response to DRB request from February 18 deliberative reopening of hearing.
- March 25, 2014 Order to demolish dangerous building issued by building inspector based on engineer's report.
- April 1, 2014 zoning permit issued to replace garage with same materials, design and in the same location as demolished structure.
- April 14, 2014 zoning permit appealed to DRB.

#### **Findings:**

The subject building is a 23' x 18' timber framed hipped roof two-car garage with clapboard siding. It was listed on the State Historic Sites and Structures Survey in 1977 and on the Burlington Register of Historic Resources, prepared under a Certified Local Government Grant, in 2000-2001. The principle structure was the home of William W. Lamoureux, a contractor builder. It was constructed circa 1925. The deterioration of the garage was the subject of a complaint first filed in 2011 according to the more recent complaint.

As noted the garage deteriorated to such an extent that it was ordered demolished due to dangerous situation.

This demolition specifically **is exempt from both the requirements of the ordinance and is not required to obtain a zoning permit** as per *Sec. 3.1.2 Zoning Permit Required, Except for that development which is exempt from a permit requirement under Sec. 3.1.2(c) below, no development may be commenced within the city without a zoning permit issued by the administrative officer including but not limited to the following types of exterior and interior work:*

#### **(c) Exemptions:**

*The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain a zoning permit:*

9. *Where temporary stabilization is not reasonably available the emergency demolition of any structure, site, or building feature required to address an unsafe or dangerous condition which poses an immediate threat to public safety pursuant to an order of the same issued under the written authority of the*



*building inspector and with the written concurrence of the city engineer. This exemption does not extend beyond the required demolition, clearing of debris, securing or filling cellar holes, and related erosion control and stormwater management.*

Thus, the demolition of the building did not require a zoning permit. Now with a vacant area the owner's permit request for a new garage was approved as would any other garage on a residential parcel. The difference is that as a non-conforming structure it could be placed in such a manner as allowed by Sec. 5.3.5

*Nonconforming Structures (a) Demolition:*

*A nonconforming structure may be replaced by a new structure retaining the same degree of nonconformity as the original structure. This provision is limited to the existing dimensional nonconformity (i.e. setback, lot coverage, or height), and shall not expand the degree of nonconformity except as provided for in (a) above. The new structure shall be subject to conformance with all other dimensional requirements (i.e. setback, lot coverage, and height). Zoning permit application for the replacement structure shall be completed within 1 year of demolition of the nonconforming structure. Failure to do so shall result in the loss of the ability to retain the nonconformity.*

Based on this provision (approved as a Zoning Amendment 13-05) siting the garage in the same footprint and at the same height and with the same lot coverage is a reasonable and permissible solution to replacing the demolished structure.

The appellants position is that under Section 5.3.5 (b), once a non-conforming structure has been demolished it “*shall not be re-built in any other way other than in full conformance with this ordinance.*” It appears that the appellants were not aware of ZA 13-05 which allows a non-conforming structure to retain its non-conformity. Further, they note a prohibition of demolition by neglect and that it should not be circumvented by going to the building inspector. Unfortunately, the ordinance does provide for such a situation by exempting dangerous buildings from requiring a zoning permit and from requirements of the zoning ordinance, thus allowing demolition to proceed outside of zoning regulations. They contend that the structure could have been shored up rather than demolished. No documentation is provided to support this position. A complaint made to Code Enforcement regarding the garage was that it was collapsing. The engineer's report written after a detailed on-site inspection by a PE recommends “that the structure be demolished as soon as possible”. The City building inspector concurred.

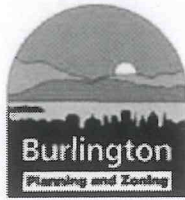
The appeal recognizes that this is an historic structure, and staff is in agreement with this fact. However, the demolition is exempt from the need for zoning permit and from the requirements of the ordinance. As indicated, the result, after the order to demolish, is a vacant area that contained the historic garage and the only consideration is that a new garage using the non-conformity provisions of Sec. 5.3.5 (b) is requested and has been considered under the zoning permit. Not allowing a replacement garage would make parking become more non-conforming as the garage (despite the poor condition) technically and in the past included two parking spaces. Thus, if not replaced the property would lack the two spaces.

**Recommendation:** Uphold Approval of ZP#14-0556CA, as conditioned, for a new replacement garage on same footprint, per Section 3.1.2(c) 9. and Section 5.3.5 (b), as amended.

**Conditions of Approval**

1. Based on the issuance of a "Dangerous Building Report & Order" by the City Building Official and the City Engineer the demolition of the existing garage does not require a zoning permit. This zoning permit is for the construction of a new garage.
  2. **Prior to release of the zoning permit**, written approval of the Erosion Prevention and Sediment Control (EPSC) Plan shall be obtained from the City Stormwater Administrator.
  3. There shall be no changes to the driveway other than to replace the current driveway using a consistent hard surface such as asphalt, concrete, or pavers, with edging around that area to prevent encroachment onto greenspace.
  4. No additional lot coverage is included in this permit. Approval is for garage replacement only within the existing footprint repaving is limited to the existing driveway.
  5. A lighting plan is required if any outdoor lighting proposed; it shall meet the requirements of Sec. 5.5.1 prior to release of the zoning permit.
  6. The Applicant/Property Owner is responsible for obtaining all necessary permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.
  - 7.
- Standard Permit Conditions 1-15.

**NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.**



## Department of Planning and Zoning

149 Church Street, City Hall

Burlington, VT 05401-8415

Phone: (802) 865-7188

Fax: (802) 865-7195

[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)

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APR 14 2014

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: 287-289 So. Winski Ave.

Subject Property Owner: Steve Kolson

Appellant: Residents  
Neighbors on attached list

Agent/Representative: Norman Williams

Mailing Address: 310 Gravel & Shea PC, 76 St. Paul St.

City, St, Zip: Burlington VT 05401

Day Phone: 658-0220 Email: nwilliams@gravelshoa.com

Appellant Signature: Norman Williams Date: 4/11/14

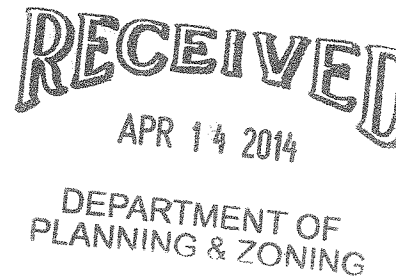
In order for your request to be considered complete, ALL of the following information must be provided, as applicable:

- ☐ 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. 1988 Amount Paid \$250 Zoning Permit # 14-0556





April 9 2014

Austin Hart, Chair  
Burlington Development Review Board  
City Hall  
149 Church Street  
Burlington, VT 05401

Re: 287-289 South Winooski Ave.

Dear Mr. Hart:

The residents listed below object to the administrative zoning permit approving Applicants' request to construct a new garage of the same size in the existing footprint of the garage demolished. As the Staff Comments to the original zoning application noted, the former garage is listed on the 1977 State Historic Sites and Structures Survey and on the Burlington Register of Historic Resources. As the Comments also noted, a Notice of Violation was issued on April 14, 2013, for "demolition by neglect: deterioration to roof of an historic structure." In addition, several violations of the Minimum Housing Code were noted after an inspection by Minimum Housing on February 10, 2012. Such violations were never corrected.

The undersigned believe the demolished garage was a nonconforming structure. It appears to have violated both current setback and lot coverage requirements. Under Sec. 5.3.5.(b), once a nonconforming structure has been demolished it "shall not be re-built in any other way other than in full conformance with this ordinance." While structures which are unsound and required to be removed by order of the building inspector may be replaced within the original footprint, that exception does not apply to demolition by neglect.

Section 5.3.5.(b) and other provisions of the CDO reflect a strong policy prohibiting demolition by neglect. The policy should not be circumvented by going to the building inspector when, as in this case, the structure could have been shored up rather than demolished.

Thank you for your consideration.

Very truly yours,

Jerrold Manock, 14 Kingsland Terrace

Mary Ellen Manock, 14 Kingsland Terrace

Austin Hart, Chair

April 9, 2014

Page 2

Abby Manock, 14 Kingsland Terrace

Liisa Reimann Rivera, 24 Marshall Drive

Marge Allard, 361 South Union Street

Tom Simon, 118 Spruce Street

Jack Menten, 462 South Willard Street

Peg Menten, 462 South Willard Street

Dan Goltzman, 119 Caroline Street

Ron Wanamaker, 462 South Willard Street

Norman Williams, 381 South Union Street

Lucy Totten, 381 South Union Street

Sandy Wynne, 137 Mansfield Ave.

Constance Kent, 248 North Ave.

Matt Viens, 516 St. Paul St.

**RECEIVED**  
APR 14 2014

DEPARTMENT OF  
PLANNING & ZONING



**ZONING PERMIT**  
**CERTIFICATE OF APPROPRIATENESS**

City of Burlington, Vermont  
Department of Planning and Zoning

Application Date: 11/07/2013

Appeal Expiration Date: 04/16/2014

**Project Location: 287-289 SOUTH WINOOSKI AVENUE**

District: RM

Owner: Steven J. Kelson

Ward: 5

Address: 35 CHERRY ST #203  
BURLINGTON VT 05401

Tax ID: 049-4-154-000

Project Type: Residential - Demolition and New Construction

Project Description: Construct new garage of same size in existing footprint of garage ordered demolished.

Construction Cost:	\$43,000	Lot Size (Sq Ft):	4,969
Net New Habitable Sq Ft:	0.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	0.00	Existing # of Parking Spaces:	0
Proposed % Lot Coverage:	0.00	Proposed # of Parking Spaces:	0
Net New % Lot Coverage:	0.00	Required # of Parking Spaces:	0

Zoning Permit #: 14-0556CA/CU

Decision By: Administrative

Level of Review: 2

Decision: Approved w/ Pre-Release Conditions

See Requirements for Permit Release

Decision Date: April 1, 2014

Project File: 14-0556CA/CU

Zoning Administrative Officer

Combined Review: Conditional Use

*An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on April 16, 2014.*

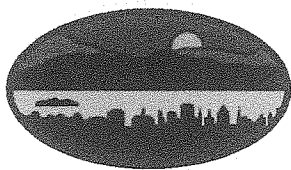
Fee Type	Amount	Paid in Full	Balance Due: \$193.50
Application Fee:	\$998.00	Yes	Date Paid: _____
Development Review Fee:	\$193.50	No	Check # _____
Impact Fee:	Not Applicable		

Building Permit Required: **Yes**

Permit Received by: _____

Date: _____





City of  
Burlington, Vermont  
149 Church Street

## Zoning Permit - COA and Conditional Use – Conditions of Approval

ZP #: 14-0556CA/CU

Tax ID: 049-4-154-000

Issue Date: April 1, 2014

Decision: Approved w/ Pre-Release Conditions

Property Address: 287-289 SOUTH WINOOSKI AVENUE

**Description:** Construct new garage of same size in existing footprint of garage ordered demolished.

### Project Permit Conditions:

1. Based on the issuance of a "Dangerous Building Report & Order" by the City Building Official and the City Engineer the demolition of the existing garage does not require a zoning permit. This zoning permit is for the construction of a new garage.
2. **Prior to release of the zoning permit**, written approval of the Erosion Prevention and Sediment Control (EPSC) Plan shall be obtained from the City Stormwater Administrator.
3. There shall be no changes to the driveway other than to replace the current driveway using a consistent hard surface such as asphalt, concrete, or pavers, with edging around that area to prevent encroachment onto greenspace.
4. No additional lot coverage is included in this permit. Approval is for garage replacement only within the existing footprint repaving is limited to the existing driveway.
5. A lighting plan is required if any outdoor lighting proposed; it shall meet the requirements of Sec. 5.5.2, prior to release of the zoning permit.
6. The Applicant/Property Owner is responsible for obtaining all necessary permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.

### Standard Permit Conditions:

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions.  
**Note:** All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from Department of Public Works Inspection Services Division (DPW-ISD). All construction permits must be closed out by way of approved inspections by DPW-ISD before issuance of a Unified Certificate of Occupancy (UCO) by the Code Enforcement Office as per Condition 3, below.
2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by the permit is commenced by **April 1, 2014**. The owner shall complete the approved project and obtain a UCO (combined Zoning and Building certificates of occupancy, still applicable even if a zoning or building permit was not required) by **April 1, 2015**, or be subject to enforcement actions.

These time limits are binding upon the owner unless one of the following apply: a) longer or

shorter time limits are specifically imposed by a condition of approval; or b) the time limits are tolled by additional state or federal permitting for the project or by an appeal; or c) an extension of time has been granted. An extension of time must be requested in writing PRIOR to the expiration of the permit. If the owner has enacted the permit and it lapses, the owner may be responsible to obtain a new zoning permit, if required, which shall be subject to the current Comprehensive Development Ordinance (CDO).

3. **Unified Certificate of Occupancy (UCO):** It shall be unlawful to use or occupy (or allow the use or occupancy of) any land or structure or part thereof which has been created, changed, converted, or wholly or partly altered or enlarged in its use or structure without a UCO.

**If the project is partially completed,** meets “prior to issuance of a UCO” conditions of approval, meets all health and safety standards, and all municipal fees for the project are paid, a Temporary Zoning CO may be requested and issued. **Upon completion of the project,** applicant shall request and obtain a Final UCO from the Code Enforcement Office (located at 645 Pine Street). Additional information on how to request and obtain this UCO is available at this office. **Failure to obtain a certificate of occupancy** places the property in violation of the CDO and is subject to enforcement

In addition, **Failure to obtain a UCO within the time limits above is subject to** “after the fact” fees ranging from \$75 - \$1500 (in addition to the UCO fee).

4. **Project Modifications.** The project shall be completed as shown on the plans, which have been stamped “approved” and dated by the administrative officer. The project shall not deviate from the approved plans or conditions of approval without prior written approval from the administrative officer.
5. **Property Inspection.** By acceptance of this permit, the owner authorizes City Officials and/or their authorized representatives, access to the subject property for the purpose of observing work in progress, inspecting and/or measuring the property or improvements until such time the project has been issued a Final UCO.
6. **Completion and Maintenance of Improvements and Landscaping.** Owner or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Owner agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.
7. **Off-Site Drainage.** Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties including but not limited to the public Right of Way.
8. **Errors.** The owner is solely responsible for the accuracy of all information contained in the Zoning Permit application. Any errors contained therein may invalidate the Zoning Permit and may result in enforcement action by the City.
9. **Transfer of Ownership. All zoning permits run with the land.** In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.
10. **Violations/Penalties.** A violation of any of the conditions of this permit or of any provision of the CDO may result in enforcement actions, including but not limited to a penalty of up to two hundred dollars (\$200) per day, municipal tickets, and/or additional permitting fees.

11. **Incorporation and Reference of All Plans Presented.** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant on the subject application to the extent that they are not in conflict with other stated conditions or regulations.
12. **For Properties Involved in Boundary Disputes.** Boundary disputes are not within the jurisdiction of the administrative officer or the Development Review Board. When an application is submitted and the boundary of the subject property is called into question, the boundary will be determined based upon the best evidence available, for instance a survey or other official document. If a permit is issued and contrary evidence is presented to the City after the fact, such as a survey or Superior Court ruling with respect to the boundary lines, the permit may be amended or revoked by the City. If the permit is amended or revoked, owner shall bear all costs to remedy the situation, including removal of the structure(s) if necessary, that is if the structure(s) is/are unable to meet the requirements of the CDO and receive an amended permit in light of the actual boundary line.
13. **Damage to City Property.** The Owner is responsible for any damage to the City of Burlington's property, including but not limited to its right-of-way, sewer/water lines, etcetera, that occurs during the site improvements authorized by this permit. If damage occurs, the Owner shall restore the property to a condition equal to or better than the condition of the property prior to such damage.
14. **City Rights-of-Way and Ownership.** Permit approval does NOT authorize any work to be undertaken within the public ROW. Any work in the ROW can only occur with prior authorization by DPW and City Council, as required. Any work or improvements that are taken within the City's right of way does not diminish the City's ownership or authority regarding said right of way.
15. **Liquor License Required.** An approval of any use that includes the sale of alcoholic beverages is contingent upon the receipt of a liquor license from the City of Burlington or the State of Vermont, whichever is applicable.



RECEIVED

JAN 03 2014

DEPARTMENT OF  
PLANNING & ZONING

CLASS 1 ASPHALT/FIBERGLASS SHINGLES  
w/ IMBERLINE BT GAP (OR EQUAL)

ON 5/8" OSB  
TO CONFORM TO 1 HR  
FIRE RATED REQTS

6" NOM FASCIA

6" WD CORNERED

3 1/2" WD SHIP LAP  
SIDING (TYP)

8x7 ON DOORS

GRADE

PROPERTY  
LINE

EXIST  
CURB

5'-0" 12" 9"  
C SIDE  
3 WEST ELEVATION  
CONC RETAINING WALL SCALE 1/4" = 1'-0"

GRADE VARIES  
3'-5'

SECTION 13  
EQ

2 EAST ELEVATION  
22'-0"  
SCALE 1/4" = 1'-0" EQ

TYPE GRD  
CONT ON  
WEST WALL

ROOF  
TRIP  
LINE

5/8" GYP TYPE X  
(FIRE RATED)

9" CONC SLAB ON GRADE

30x30  
FIXED WINDOW  
C 36" AFF

30x30 FIXED  
WINDOW (TYP)  
(EXISTING)

2'-0"

GRADE

4 SOUTH ELEV (NORTH SIM)

NOTE

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

FINAL APPROVAL

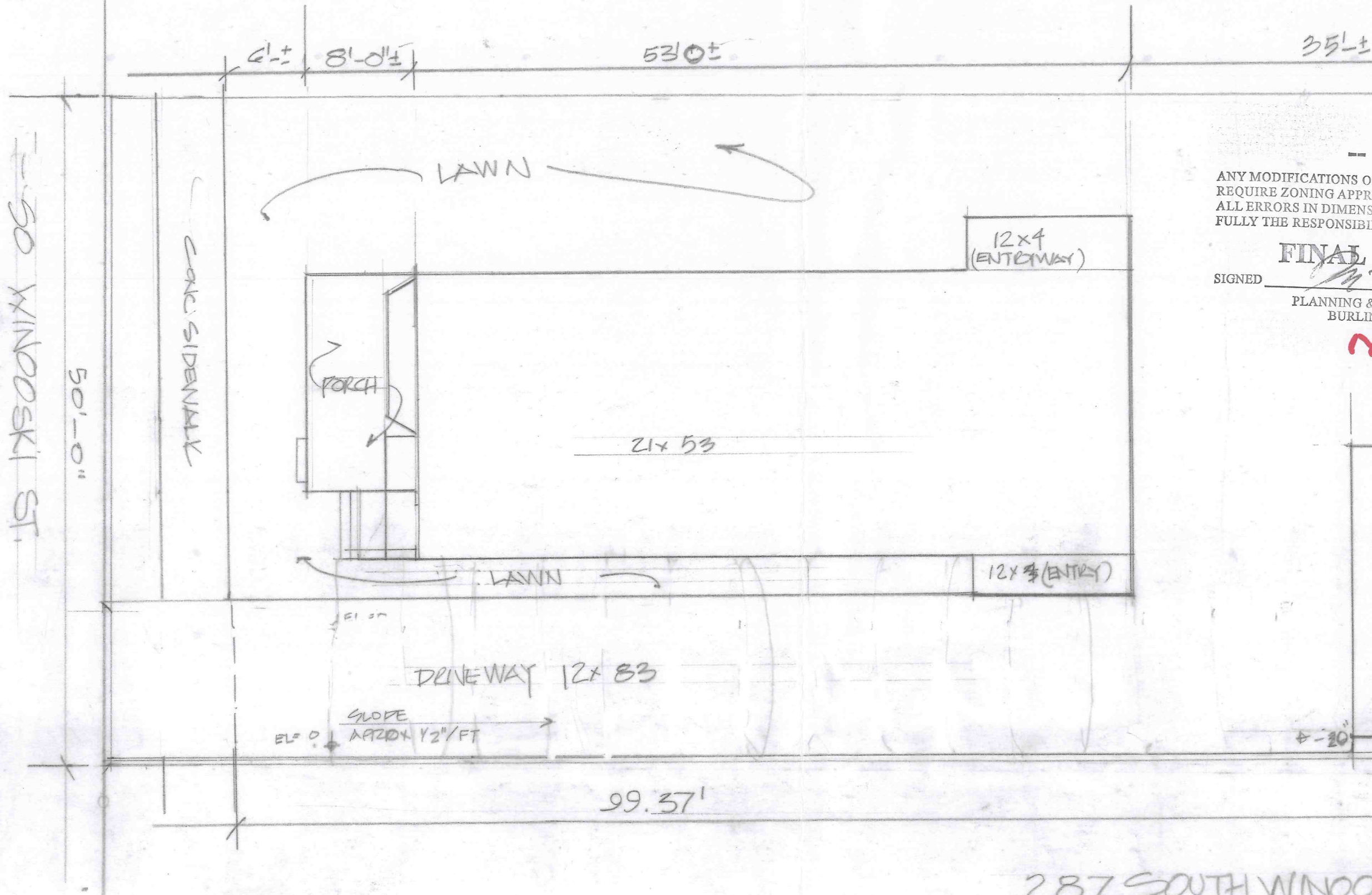
DATE

PLANNING & ZONING DEPARTMENT  
BURLINGTON, VERMONT

SIGNED

NOTE:  
WINDOWS - FROM  
EXISTING STRUCTURE

8x7 ON DOORS BY



-- NOTE --

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

FINAL APPROVAL

SIGNED [Signature] DATE 4/1/14  
PLANNING & ZONING DEPARTMENT  
BURLINGTON, VERMONT

NO CHANGE  
OR IN AREA  
IN LOT COVER

EXISTING  
GARAGE

NO CHANGE IN  
DIMS OR LOCATION

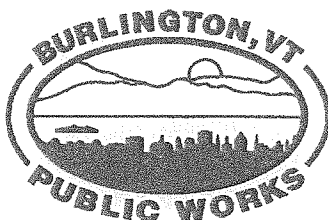
19x22

287 SOUTH WINOOKSI AVE

BURLINGTON, VT

SITE PLAN 1/8" = 1'-0"

SHEET

**CITY OF BURLINGTON**

645 Pine Street

802.863.9094 VOX

802.863.0466 FAX

802.863.0450 TTY

www.dpw.ci.burlington.vt.us

**DEPARTMENT OF PUBLIC WORKS**

Burlington, VT 05402-0849

**S. Chapin Spencer**  
DIRECTOR OF PUBLIC WORKS  
CITY ENGINEER

**Norman J. Baldwin, P.E.**  
CITY ENGINEER, ASSISTANT  
DIRECTOR- TECHNICAL SERVICES

**Ned H. Holt, Building Official**  
CITY OF BURLINGTON PUBLIC WORKS

**Dangerous Building Report & Order****CERTIFIED MAIL**

March 25, 2014

Steven Kelson  
83 Floral Street  
South Burlington, Vermont 05403

**Re: 287-289 South Winooski Avenue****Photos & Engineering Report attached.****I. APPLICABLE LAW**

This inspection (survey) report and order is issued pursuant to Article III, § 8-45 of Chapter 8 of the Burlington Code of Ordinances ("BCO") and is based upon the inspection conducted.

**II. FINDINGS OF FACT & CONCLUSIONS**

A. I, Ned H Holt, City Building Official for the Department of Public Works (DPW) in the City of Burlington DPW administers the City's Vacant & Dangerous Building Inspection Program, pursuant to Article III of B Chapter 8. I have been delegated responsibility by the Department of Public Works Director to enforce the dangerous structures requirements of the ordinance, pursuant to BCO § 8-44. BCO § 8-45 obligates me to inspect a building upon receiving information that the building violates building, fire prevention and public safety ordinances or is otherwise in such unsafe condition that the public safety is endangered.

B. This office received an engineer's report by (KCE) Knight Consulting Engineers, Inc., dated on February 2014 providing information on a one story square 1900's building located at 287-289 South Winooski Avenue. The engineer's report provides their fact findings of the dilapidated structure to include that the structure can be salvaged and their recommendation that the structure be demolished as soon as possible.



### III. ORDER OF ABATEMENT

BCO § 8-45 (a) states in pertinent part: "A building or structure or part thereof that is or becomes dangerous or unsafe shall be made safe and secure. If the building cannot be made safe or secure, the owner shall take down and remove the building."

**With regard to this Order, BCO § 8-45 (a) states in pertinent part;**

An owner of such a dangerous or unsafe building or structure who would make safe or would take down and remove a such building or structure pursuant to this section shall comply with all applicable building, fire prevention, zoning ordinances and codes, including Article 15 of the zoning ordinance, the Housing Replacement Ordinance, and any other applicable code or ordinance.

Pursuant to Code of Ordinances § 8-45 and in support of the conditions found on February 24, 2014 KCE's Report, this departments conclusion is that the building **be removed and area secured**; I hereby ORDER the Owner; **Steven Kelson** to abate the dangerous conditions on the property as outlined below. This order includes submitting to this office with the items indicate in "B" below within 10 days of the date of this order no later than the end of the work day on April 3, 2014:

**A) IMMEDIATELY MAKE SAFE & SECURE THE HAZARDS AS DIRECTED BELOW;**

**B) DEMOLISH & REMOVE:**

- **SECURE & PREP THE AREA:**
- Secure a Building Permit for demolition from the Department of Public Works Inspection Service Division
  - Submit Zoning Application to the Zoning Department
  - Devise an erosion control plan that contains soils and water run off onsite and is accepted by the Storm Water Administrator
  - Provide Dig-Safe Confirmation number
  - Submit asbestos and lead survey to the City Building Official prior to any demolition.
  - Secure the site within zone of concerned/dangerous area
  - Contaminated materials, i.e., asbestos, lead, etc., must be removed and disposed of as approved by State of Vermont Environmental Laws.
  - Secure Right of Way permits through the Department of Public Works when & where required
  - Cut & Cap all utilities serving the structure
- Remove the structure and all associated materials from the property to approved locations.
- Dust control measures must be in place and kept in place at all times during demolishing of the structure.
- Fill areas with clean top soil, seed and return to grass.
- Exception: concrete slabs on grade may remain fully in tacked and as approved by the Zoning Department.

**C) COMPLETION DATE OF ORDER:** All work binding by this order and as indicated in A & B above must be completed no later than sixty (60) days from the date of issuance of this order.

#### IV. STATEMENT OF PROCEDURAL RIGHTS

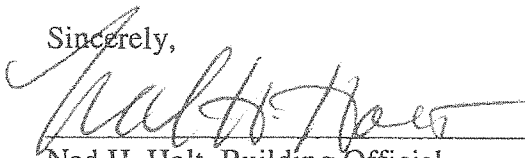
Pursuant to BCO § 8-45 (f), if Owner's Steven Kelson is aggrieved by this Inspection (Survey) Report & Order, they may appeal to the Public Works Board of Appeals by requesting such appeal in writing to the Director of Public Works, 645 A Pine St., Burlington VT to include the following;

Submittals for appeals need to in a timely manner and within 10 days of the issued date of this order, define what order or decision being appealed and provide legal argument or bases of the appeal.

The Public Works Commission acts as the Board of Appeals and as a rule meet every third Wednesday of the month. This office will be in contact with the appellant to confirm dates, times and location where the case will be held and heard upon receipt and review of the appellant's documentation supporting their appeal.

Dated this March 25, 2014, in Burlington, Vermont, all work carried out needs to comply with all applicable sets of Federal laws and permit conditions as adopted and administered in City of Burlington and State of Vermont.

Sincerely,



Date 3-25-14

Ned H. Holt, Building Official  
City of Burlington Department of Public Works



Date 3/25/14

City Engineer, P.E.

City of Burlington Department of Public Works

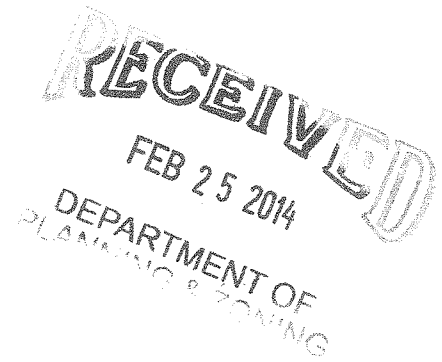
CC: Norm Baldwin, P.E., Assistant Director of Public Works, City Engineer  
Eugene Bergman, Assistant City Attorney  
David E. White, Director of Planning & Zoning  
Kimberlee J. Sturtevant, City Attorney  
Barry Simays, City of Burlington Fire Marshal  
Bradley Biggie, City Building Inspector  
File



# Knight Consulting Engineers, Inc.

February 25, 2014

Steve Kelson  
35 Cherry Street, #203  
Burlington, VT 05401  
Via Email: [stevekelson@burlingtoncars.com](mailto:stevekelson@burlingtoncars.com)



Re: 287/289 South Winooski Avenue

Dear Mr. Kelson:

On February 20, 2014 I visited the property located at 287/289 South Winooski Avenue in Burlington, VT. The purpose of my visit was to determine whether the existing structure could be repaired. You were present during the visit. The observations and conclusions in this letter are based on the evidence readily available at the time of the visit and upon information you provided.

1. The circa 1900, two car garage is located on a slope, behind a 3 unit apartment building. The south bay of the garage has stored construction debris and water damaged storage (photo #7). These items were placed in the garage by a tenant, when he was clearing out the flooded basement of the apartment building.
2. The garage has a hip roof. The roof has several broken rafters and holes in it (photos #1-2 and #6-7), which is damage that resulted from a tree falling on the roof approximately two years ago.
3. The rear wall of the garage has severe deteriorated rot in the sill beam below the garage floor (photos #8-10). The rot is so severe that pieces of wood break off with even light pressure.
4. The south foundation wall is composed of horizontal metal sheeting braced by vertical metal struts (photos #12-15). The base of the vertical metal struts is not visible, however based upon leaning (photo #15), it appears that the struts were sheared off at the base by lateral soil pressure. The struts and the horizontal metal channel at the top of the wall are severely corroded and the sheeting is displaced (photos #13-15).
5. The north foundation wall appears to be composed of two courses of boulders, reinforced at the west end with wood sheeting. The boulders are undermined and the sheeting has failed (photo #16). The floor joists have been supported with a supplementary line of beam and posts, however the failing foundation wall is kicking out the base of the posts, and could cause them to collapse.
6. The floor of the garage is a wood structure supported by 2x8's at 16" on center spanning approximately 11'. The floor joists are supported on a 6 1/2"x8" wood beam with 2 spans of approximately 9'. The center beam, appears to have been reused from another structure because of the deep mortises chiseled in the bottom (photo #17). The center beam has failed in shear and flexure at the west end (photo #19). The east end of the center beam appears to have rotted off and due to the rot, it appears that there is no support at the east foundation wall (left side of photo #11 and #18). I was not able to verify this with a close examination because the conditions were unsafe. The center beam is supported by one leaning timber on a concrete base (photo #20). A supplementary timber post, with precariously stacked 2xshims, has been added under the south bay floor joists (photo #18).



Page 2

Date: February 25, 2014

Re: 287/289 South Winooski Ave, Burlington, VT

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PLANNING & ZONING

It is my opinion, based upon the available evidence, that the wood garage structure is extensively damaged and cannot be salvaged. The damage consists of both long-term deterioration of the sill plate and center beam, and shorter term deterioration due to the hole in the roof and the gaps and holes in the siding and walls. In addition to deterioration, the wood center beam has failed in flexure and shear. Furthermore, even if the center beam was replaced, neither the floor joists or the center beam are adequate in terms of size, to safely support vehicle weight.

It is also my opinion, based upon the available evidence, that the foundation is failing and that it should be replaced in its entirety. The north and south foundation walls are failing, and a collapse could occur. Additionally the interior pier supports are not stable and the west wall is deteriorated and inadequate.

I recommend that the structure be demolished as soon as possible, and that until that time, both the structure and the surrounding area be barricaded to prevent entry into the structure, and to protect passersby.

If you have any questions regarding this matter, please feel free to call.

Sincerely,



Barbara J Evans, P.E.  
Knight Consulting Engineers, Inc.  
Attachments: Photos #1-21



File: S:\14\14129\Letter 01.doc



Photo #1 - Front (East) Elevation



Photo #4 - Rear (West) Elevation



Photo #2 - South Side Elevation



Photo #5 - Northwest Corner



Photo #3 - North Side Elevation





Photo #6 - Roof Damage, South Side



Photo #9 - West wall, rotted sill beam



Photo #7 - Roof Damage, South Side



Photo #10 - West wall, rotted sill beam, breaks away with light pressure from key



Photo #8 - West wall, rotted sill beam

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FEB 25 2014  
DEPARTMENT OF  
PLANNING & ZONING





Photo #11 - Southeast corner



Photo #14 -South wall corroded top horizontal channel



Photo #12 - South wall with failed vertical metal struts, metal sheeting and top horizontal channel



Photo #15 -South wall displaced metal sheeting and vertical struts leaning, probably sheared off at the base



Photo #13 -South wall corroded top horizontal channel and displaced metal sheeting



Photo #16 - North wall failed wood sheeting

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FEB 25 2014

DEPARTMENT OF PLANNING & ZONING





Photo #17 - Northeast corner



Photo #18 - East wall, and timber post with shims



Photo #19 - failed center beam supporting floor joists

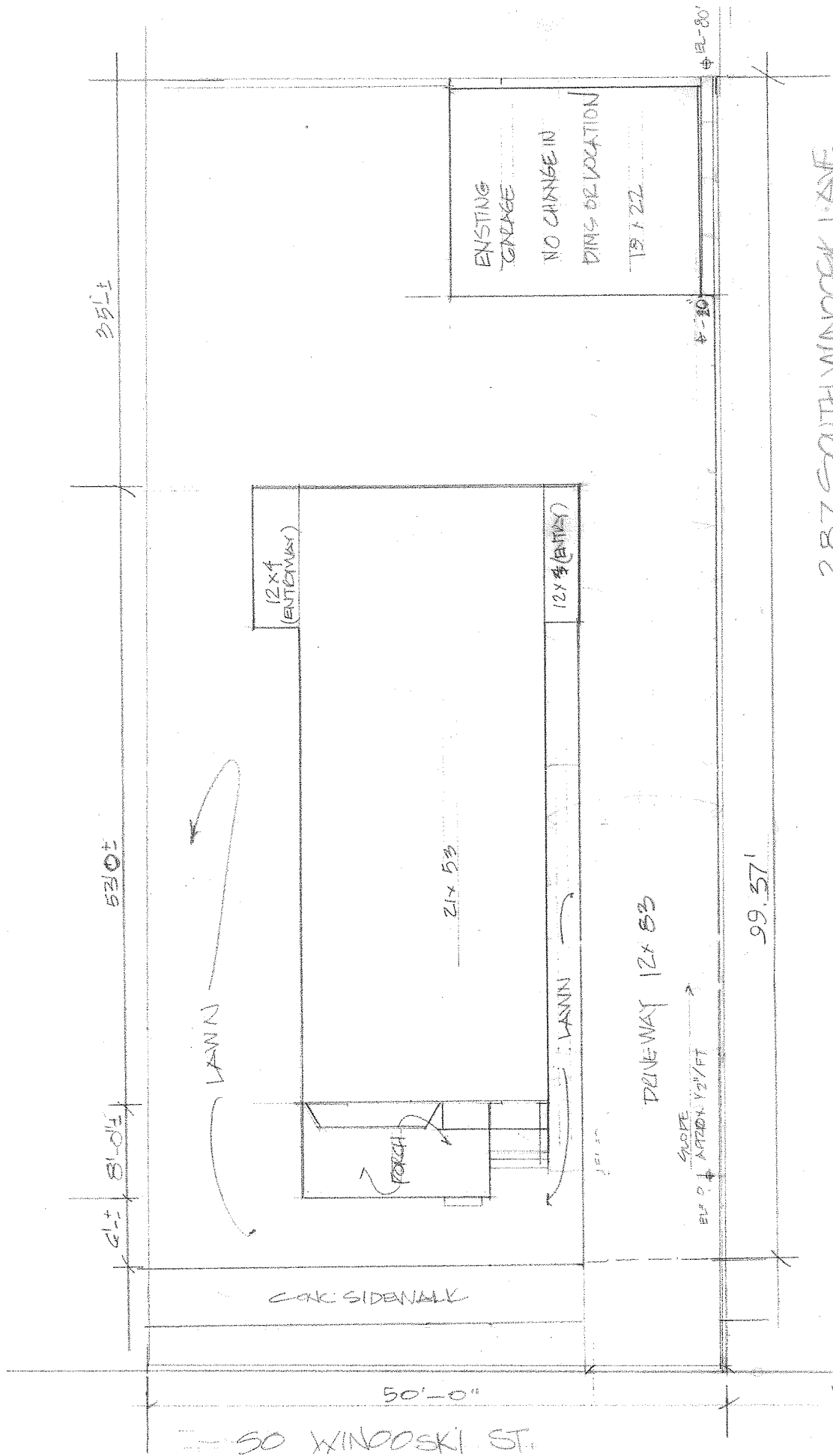


Photo #20 - leaning timber post under center beam



Photo #21 - West wall

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FEB 25 2014



287 SOUTH WINOOK LANE

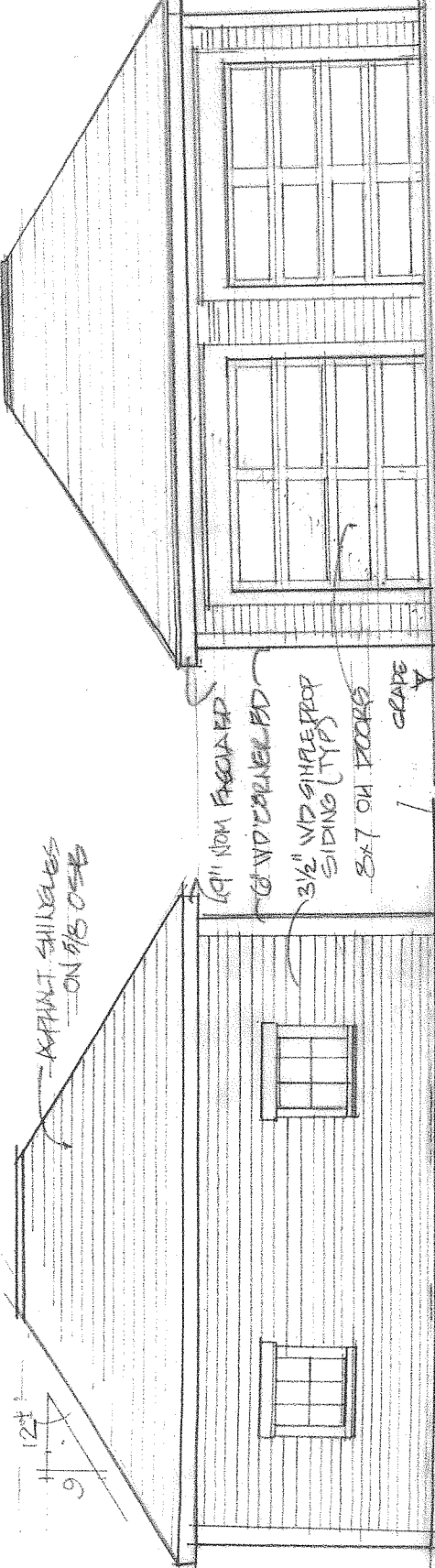
BURLINGTON, VT

SITE PLAN. 1/8" = 1'-0" SHEET (



APRINT SHINGLES  
ON 5/8 OSB

12' 0" x 9'



1 1/2" NOM FASCIA  
6" WD CORNER BO  
3 1/2" WID SHINGLE PROP  
SIDING (TYP)  
8x7 OH DOORS

GRADE

CONC (3) WEST ELEVATION  
RETAINING WALL SCALE 1/4" = 1'-0"

SECTION (13)

(2) EAST ELEVATION  
SCALE 1/4" = 1'-0"

GRADE VARIES  
3'-5"

(FROST WALL)

12" H CONC FTR

ROOF  
TRIT  
LINE

4" CONC SLAB ON GRADE

30x30 (TYP)  
FIBER  
WINDOW  
0 3/6" AFF

18' 0"

EQ

EQ

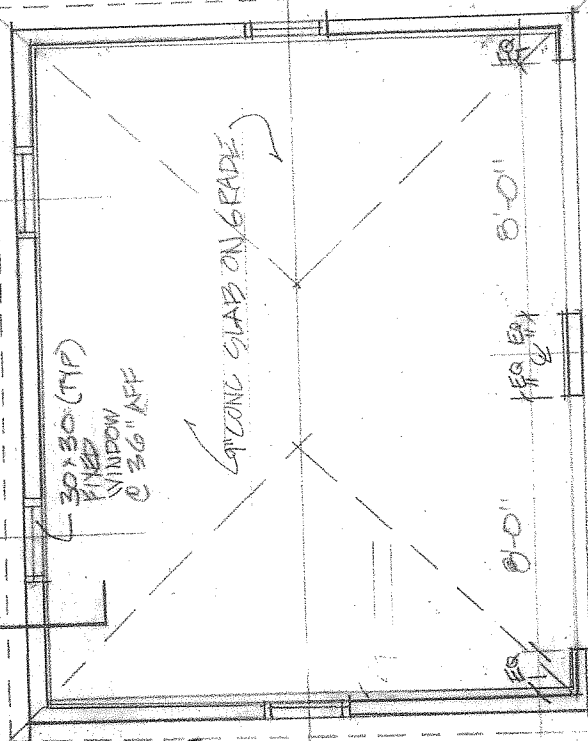
GRADE

30x30 FIBER  
WINDOW (TYP)  
(FENEST)

5'-0"

(4) SOUTH ELEV (NORTH SIM)

FROM  
STRUCTURE  
DOES EX  
100'  
UNT.



PLAN

(2)

EXIST  
CURB

PROPERTY  
LINE

EXIST  
CURB

# CITY OF BURLINGTON

ORDINANCE 4.01  
Sponsor: Planning Department,  
Planning Commission

In the Year Two Thousand Thirteen

Public Hearing Dates 07/15/13

First reading: 04/29/13

Referred to: Ordinance Committee

Rules suspended and placed in all  
stages of passage: 07/15/13

Second reading: 07/15/13

Action: adopted

Date: 07/15/13

Signed by Mayor: 07/15/13

Published: 07/24/13

Effective: 08/14/13

## An Ordinance in Relation to

### COMPREHENSIVE DEVELOPMENT ORDINANCE—

Nonconforming Structures Demolition

ZA 13-05

It is hereby Ordained by the City Council of the City of Burlington, as follows:

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 5.3.5, Nonconforming Structures, thereof to read as follows:

#### Sec. 5.3.5 Nonconforming Structures

(a) As written.

#### (b) Demolition:

A nonconforming structure may be replaced by a new structure retaining the same degree of nonconformity as the original structure. This provision is limited to the existing dimensional nonconformity (i.e. setback, lot coverage, or height), and shall not expand the degree of nonconformity except as provided for in (a) above. The new structure shall be subject to conformance with all other dimensional requirements (i.e. setback, lot coverage, and height). Zoning permit application for the replacement structure shall be completed within 1 year of demolition of the nonconforming structure; failure to do so shall result in the loss of the ability to retain the nonconformity.

In all other cases, a ~~A~~ nonconforming structure that has been demolished or moved shall not be rebuilt or relocated in any way other than in full conformance with the provisions of this ordinance. Structures or any portion thereof that are structurally unsound, and are required to be removed by

An Ordinance in Relation to COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Nonconforming Structures Demolition  
ZA 13-05

order of the building inspector, may be replaced within the original footprint provided both the requirement to demolish the building is not the result of demolition by neglect and the replacement ~~does~~ shall not expand the degree of nonconformity.

- * Material stricken out deleted.
- ** Material underlined added.

lb/KJS /c: Ordinances 2013/Zoning Amendment ZA #13-05 – Nonconforming Structures Demolition, Sec. 5.3.5  
4/24/13; 7/10/13



CITY OF BURLINGTON

ORDINANCE 3.03: 5.0  
Sponsor: Planning Commission

In the Year Two Thousand Ten

Public Hearing Dates 11/08/10

First reading: 09/27/10

Referred to:

Rules suspended and placed in all  
stages of passage: 09/27/10

Second reading:

Action: adopted

Date: 11/08/10

Signed by Mayor:

Published: 11/17/10

Effective: 12/08/10

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE--

Emergency Demolition Exemption

#ZA 11-02

It is hereby Ordained by the City Council of the City of Burlington, as follows:

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Section 3.1.2(c) thereof to read as follows:

**Sec. 3.1.2 Zoning Permit Required**

Except for that development which is exempt from a permit requirement under Sec. 3.1.2(c) below no development may be commenced within the city without a zoning permit issued by the administrative officer including but not limited to the following types of exterior and interior work:

(a) As written.

(b) As written.

(c) Exemptions:

The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain a zoning permit:

1. through 7. As written.

8. The temporary stabilization and securing of any structure, site, or building feature required to address an unsafe or dangerous condition which poses an imminent threat to public safety

33 An Ordinance in Relation to

34 COMPREHENSIVE DEVELOPMENT ORDINANCE--  
35 Emergency Demolition Exemption  
36 #ZA 11-02  
37

38 pursuant to a ~~certification~~written order of the same issued under the authority of ~~by the~~ ci  
39 building inspector ~~or fire marshal~~.

- 40 9. Where temporary stabilization is not reasonably available the emergency demolition of an  
41 structure, site, or building feature required to address an unsafe or dangerous condition which  
42 poses an imminent threat to public safety pursuant to an order of the same issued under the written  
43 authority of the city building inspector and with the written concurrence of the city engineer. The  
44 exemption does not extend beyond the required demolition, clearing of debris, securing or filling  
45 cellar holes, and related erosion control and stormwater management.

46 (d) *As written.*

47  
48  
49 * Material stricken out deleted.

50 ** Material underlined added.