

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

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Brad Rabinowitz
AJ LaRosa
Austin Hart
Springer Harris
Geoff Hand
Alexandra Zipparo
Zoraya Hightower
Jim Drummond, (Alternate)
Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday May 21st, 2019, 5:00 PM

PUBLIC HEARING NOTICE

**The Burlington Development Review Board will hold a meeting on
Tuesday May 21st, 2019, at 5:00 PM in Contois Auditorium, City Hall.**

- 1. 19-0474DT; 164 North Willard (RL, Ward 1E) Luke Purvis**
Appeal of administrative adverse determination as to grandfathered status or 15-year statute of limitations regarding northern parking area, southern parking area, and use as a tri-plex.
- 2. 19-0745CU; 669 Riverside Ave (RM, Ward 2C) BHA Riverside Ave Apt**
Change of use from maintenance garage to daycare
- 3. Review of [2014-2019 Joint Institutional Parking Management Plan](#)**

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

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

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

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

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

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



TO: Development Review Board
FROM: Scott Gustin
DATE: May 21, 2019
RE: 19-0745CU; 669 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.

Zone: RM Ward: 2C

Owner/Applicant: Burlington Housing Authority / Donna Church

Request: Convert maintenance garage to a daycare.

Applicable Regulations:

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

Background Information:

The applicant is seeking approval to establish a daycare in place of an existing maintenance garage. The subject building received separate zoning permit approval for the physical changes associated with this conversion. This conditional use application is just for the daycare use. The proposed daycare will contain up to 23 children and, therefore, qualifies as a "large daycare" per *Appendix A – Use Table – All Zoning Districts*.

Previous zoning actions for this property are noted below.

4/25/19, Approval for building and site renovations
7/10/15, Approval to replace exterior entry doors
7/18/14, Approval for site work related to adjacent property
10/8/10, Approval to replace wooden clapboard with fiber cement board
7/16/10, Approval to construct shed and pavilion
6/16/09, Approval for addition to maintenance building
7/10/97, Approval to install storage sheds
2/27/92, Approval to construct exterior stair towers on the residential buildings
11/26/91, Approval to install concrete steps and handicap access ramp
8/22/91, Approval for replacement siding

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

I. Findings

Article 3: Applications and Reviews

Part 3, Impact Fees:

Sec. 3.3.2, Applicability

The conversion of the maintenance garage to conditioned space for daycare use triggers the requirement of impact fees. Impact fees will be paid based on the converted gross floor area of the building. Credit will be given for the existing maintenance space. **(Affirmative finding as conditioned)**

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

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

The conversion to a daycare will likely require a State of Vermont wastewater permit. The applicant is advised to inquire with VT DEC as to wastewater permit requirements. **(Affirmative finding as conditioned)**

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

The property is located within the Residential – Medium Density zone. This zone is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. The property reflects this intent and contains a sizeable residential development with a number of multifamily apartment buildings. A handful of nonresidential uses are allowed in this zone. Daycare is one of them. **(Affirmative finding)**

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

The proposed daycare use is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. **(Affirmative finding)**

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

No traffic analysis has been provided or is required for this application. Drop-offs will take place around 8:30 AM – around the time of the morning peak hour. Pick-ups will take place midafternoon around 2:30 PM, well before the PM peak hour. With a total of 23 children, overall traffic impacts are expected to be proportionally modest. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

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

and,

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

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

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

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

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

Mitigation measures related to screening and landscaping are unnecessary for this daycare use.

(Affirmative finding)

2. *Time limits for construction.*

No construction is included in this application. **(Affirmative finding)**

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

The proposed days and hours of operation are Monday – Friday from 8:30 AM – 2:30 PM. These hours avoid early morning and late night disturbances to the nearby residences and are acceptable.

(Affirmative finding)

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

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

See the recommended conditions.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential Medium Density (RM)

As noted previously, the subject property is located within the Residential – Medium Density zone. This zone is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. Several non-residential uses, such as daycares, are allowed via conditional use. **(Affirmative finding)**

(b) Dimensional Standards & Density

Not applicable.

(c) Permitted & Conditional Uses

A large daycare is a conditional use in the RM zone. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b).

Sec. 5.2.4, Buildable Area Calculation

See Sec. 4.4.5 (b).

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b).

Part 4: Special Use Regulations

Sec. 5.4.1, Small and Large Day Care Centers and Small and Large Preschools

(a) No playground equipment shall be located within a front yard;

The site plan approved under separate zoning permit depicts a fenced play area that extends into the front yard. No equipment is noted. Given the location of the existing building, the built-out condition of the property, and its status as a corner lot, there is no other place for a play area. If any equipment is proposed, it must be set behind the front yard setback. **(Affirmative finding as conditioned)**

(b) Reserved;

(c) The site plan review shall insure adequate and safe drop-off and pick-up space is provided and that traffic problems are not created;

Parking for the proposed daycare will be accommodated on existing pavement near the building. Most spaces exist. Several new spaces will be striped on existing asphalt. There is sufficient onsite parking and circulation for the daycare. **(Affirmative finding)**

(d) Any additions, signage, or site improvements shall be residential in character;

Site and building renovations have been permitted separately. The changes are consistent with the overall character of this residential property. **(Affirmative finding)**

(e) The facility shall be licensed by the State of Vermont;

This requirement will be a condition of zoning permit approval. **(Affirmative finding as conditioned)**

(f) No more than on residential unit may be converted for the creation of a single small day care center, large day care center..., and;

(Not applicable)

(g) The neighborhood is not overburdened with other small day care centers, large daycare centers...

Pertinent records show just one daycare center in the neighborhood. Typically, there is a dearth of daycare centers rather than a surplus. Such is the case here. **(Affirmative finding)**

Sec. 5.5.1, Nuisance Regulations

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

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The proposed daycare is located in the shared use parking district. As such, the minimum off-street parking requirement is 1 parking space per 2 employees, plus 1 space for every 5 children. In this case, there will be 8 employees and 23 children. A total of 9 parking spaces are required.

The current parking requirement for the property is 54 parking spaces. A total of 68 off-street parking spaces exist. The new daycare will increase the onsite parking requirement to 63 spaces. **(Affirmative finding)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, impact fees based on the converted square footage of the building shall be paid to the Department of Planning & Zoning.
2. The applicant shall obtain daycare licensure as required by the State of Vermont.
3. Playground equipment, if proposed, shall be located behind the front yard setback.
4. A State of Vermont wastewater permit may be required.
5. Standard Conditions 1-15.

Scott Gustin

From: Jeff Metcalf <[REDACTED]>
Sent: Tuesday, April 30, 2019 11:16 AM
To: Scott Gustin
Cc: Chris Barrett; Donna Church
Subject: Re: BHA/Champlain Valley Headstart Riverside Building Change of use to Daycare

Scott,

My last email incorrectly stated 5 pre school aged children when it should have listed 15. I apologize for the error.

Jeff

Sent from my iPhone

On Apr 29, 2019, at 1:27 PM, Scott Gustin <SGustin@burlingtonvt.gov> wrote:

Got it. Thanks.

Scott

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

From: Jeff Metcalf [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Monday, April 29, 2019 12:11 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Cc: Chris Barrett <[REDACTED]>; Donna Church <[REDACTED]>
Subject: BHA/Champlain Valley Headstart Riverside Building Change of use to Daycare

Scott,

As requested last Thursday for the Application:

The Daycare will run from Monday through Friday from 8:30am to 2:30pm. There will be 8 Employees and 23 Children (5 preschool kids (4 & 5 year olds) and 8 toddlers (2-3).

Please let me know if you have any questions.

Thank you,

Jeff

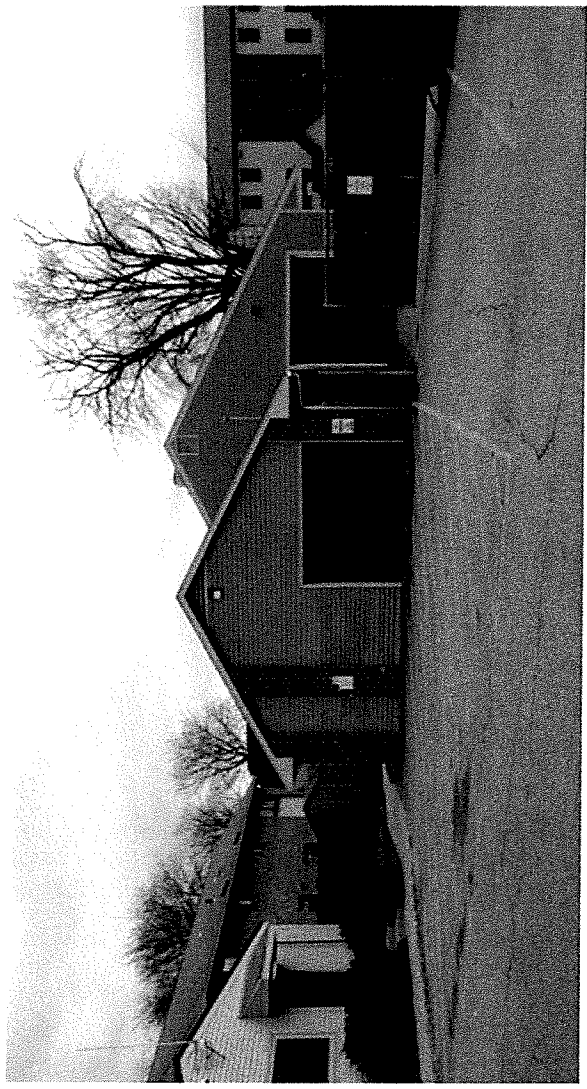
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Jeffrey Metcalf
Director of Asset Management
Burlington Housing Authority
65 Main Street
Burlington, VT 05401

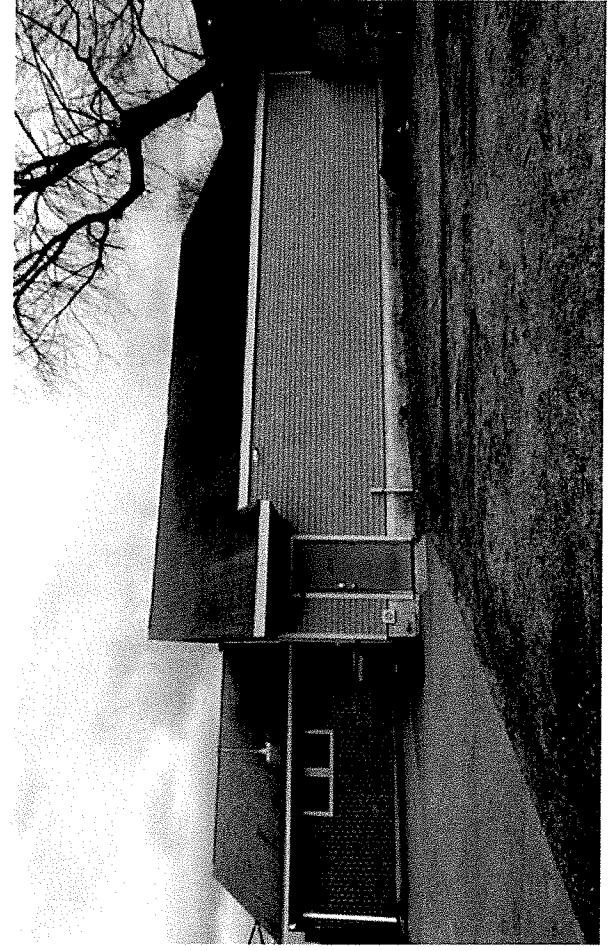
tel: 802-540-3225

RECEIVED
APR 15 2019

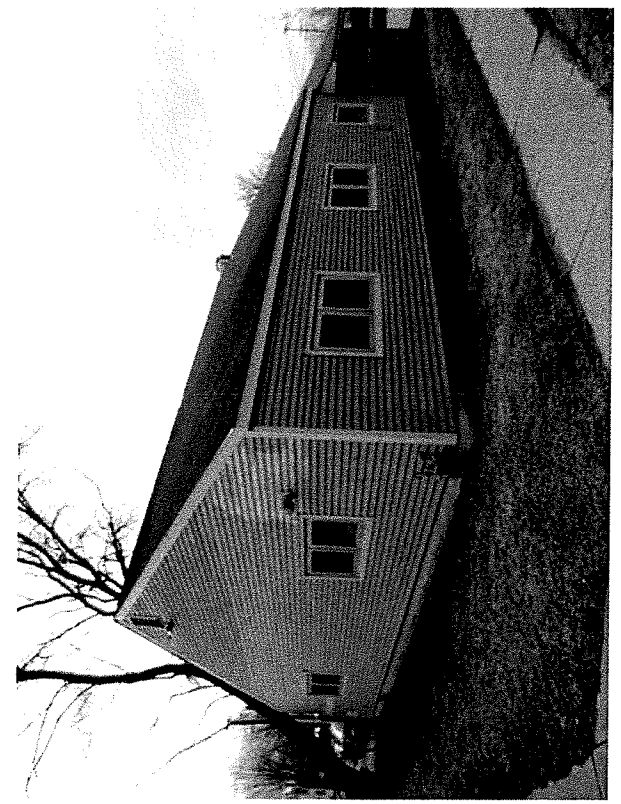
DEPARTMENT OF
PLANNING & ZONING



MAINTENANCE BUILDING - NORTH ELEVATION



MAINTENANCE BUILDING - WEST ELEVATION

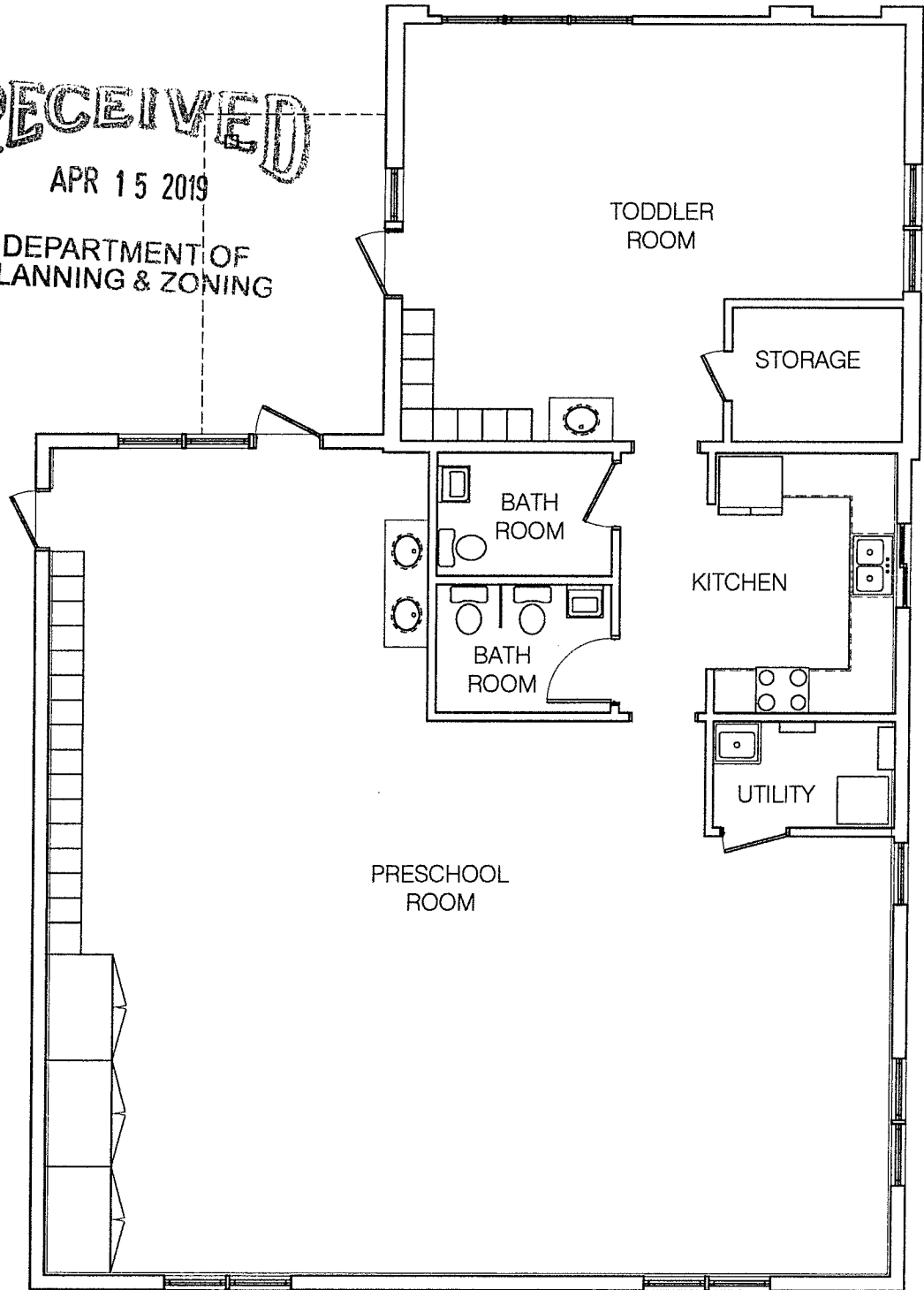


MAINTENANCE BUILDING - SOUTH & EAST ELEVATIONS

RECEIVED

APR 15 2019

DEPARTMENT OF
PLANNING & ZONING



1

CONCEPT DAYCARE PLAN

SCALE: 1/8" = 1'-0"

A-4

ZONING DWGS
APRIL 11, 2019

BURLINGTON HOUSING
AUTHORITY

669 RIVERSIDE AVE, BURLINGTON

studioblu
ARCHITECTURE

802.540.0484

RECEIVED

APR 15 2019

DEPARTMENT OF
PLANNING & ZONING

1 PARTIAL SITE PLAN

SCALE: 1" = 30'-0"

669 RIVERSIDE AVENUE

PARKING SPACES - SHARED USE DISTRICT = 1 SPACE/UNIT

48 UNITS = 48 SPACES

COMMUNITY CENTER = 1,664 sf x 2.5/1,000 sf = 4 SPACES

WAREHOUSE = 796 sf x 0.35/1,000 sf = 1 SPACES

PARKING GARAGE = 1,374 sf = NO SPACES

TOTAL EXISTING PARKING REQUIRED: 53 SPACES

TOTAL EXISTING PARKING SPACES: 69 SPACES

PROPOSED CHANGE OF USE=

NEW DAYCARE = 2,170 sf = (per 2 employees) = 1 plus 1 per 5 children

8 employees = 4 spaces + 23 children = 5 spaces =

Total spaces needed = 9 SPACES

NEW TOTAL SPACES REQUIRED: 61 SPACES

TOTAL EXISTING PARKING SPACES (4 spaces in garage removed + 3 spaces added in front of building): 68 SPACES

PROPERTY LINE

EXISTING PARKING SPACES

PROPOSED FENCE PLAY AREA

DASHED = 1,927 SF - 6' TALL GREEN CHAIN LINK

EXISTING FENCE TO BE REMOVED

PAVED TO BE REMOVED = 370 SF

EXISTING PAVED AREA HATCHED = 1,668 SF

NEW PARKING

NEIGHBOR'S GARAGE

5'-0"
ACCESSORY BLDG. SETBACK

20'-0"
SITE SETBACK

EXISTING MAINTENANCE ACCESSORY BUILDING

COMMUNITY BUILDING

BUILDING 2

- NOTE -

ANY MODIFICATION OR DEVIATIONS FROM THESE PLANS REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.

ALL DIMENSIONS, PLANS, OR DETAILING ARE FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

SIGNED

DATE: 4/25/19

Planning & Zoning Department
Burlington, Vermont

A-2

ZONING DWGS
APRIL 11, 2019

BURLINGTON HOUSING
AUTHORITY

669 RIVERSIDE AVE, BURLINGTON, VT

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ARCHITECTURE

802.540.0484

RECEIVED

APR 15 2019

DEPARTMENT OF
PLANNING & ZONING

- NOTE -

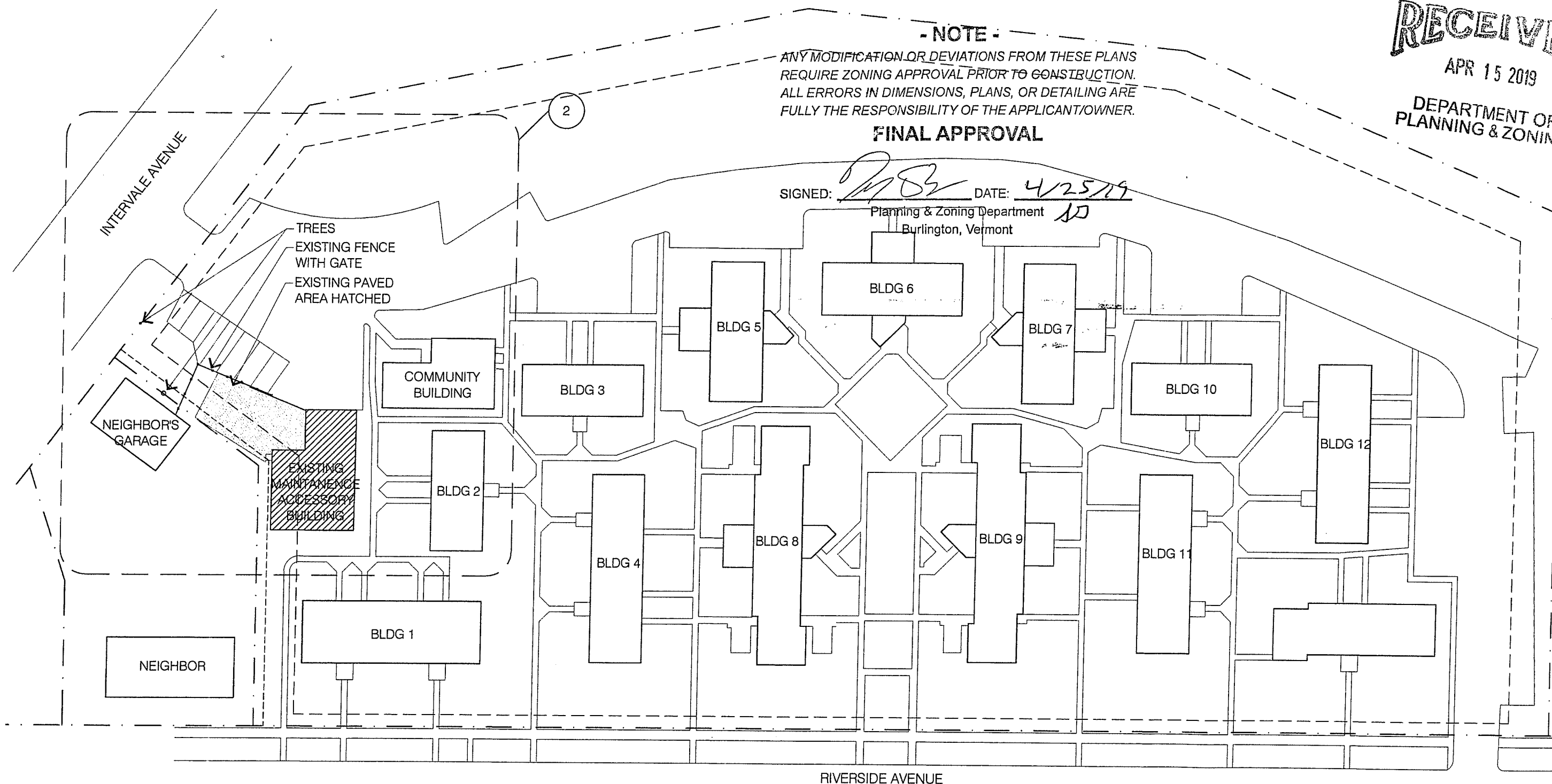
ANY MODIFICATION OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
ALL ERRORS IN DIMENSIONS, PLANS, OR DETAILING ARE
FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

SIGNED: *[Signature]*

DATE: *4/25/19*

Planning & Zoning Department
Burlington, Vermont



1

PROPOSED SITE PLAN

SCALE: 1" = 50'-0"



669 RIVERSIDE AVENUE

ZONING: RM - RESIDENTIAL MEDIUM DENSITY
MAX LOT COVERAGE: 40%
INCLUSIONARY HOUSING BONUS:
MAX LOT COVERAGE: 48%

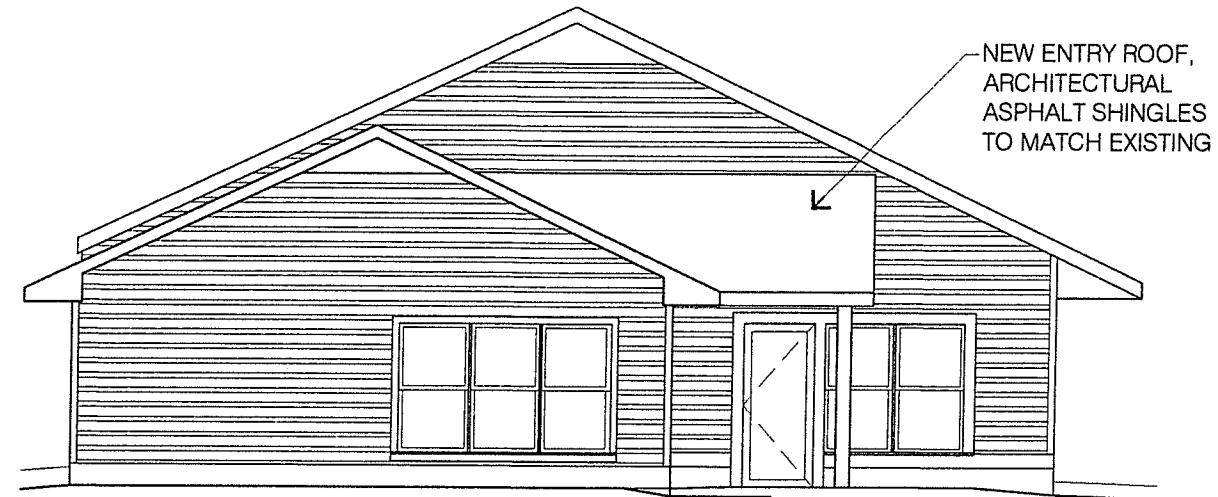
LOT SIZE: 223,823 sf
EXISTING LOT COVERAGE 40.9% (91,762 sf)
COVERAGE REMOVED= 370 sf
NEW LOT COVERAGE= 40.8% (91,392 sf)

A-1

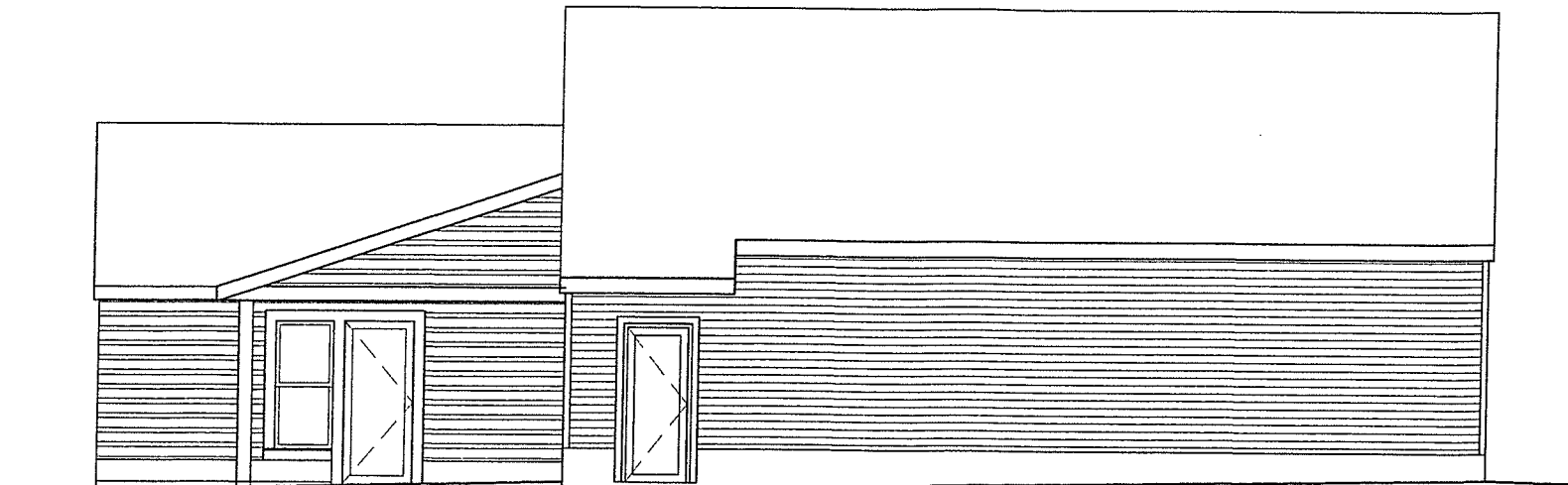
ZONING DWGS
APRIL 11, 2019

BURLINGTON HOUSING
AUTHORITY
669 RIVERSIDE AVE, BURLINGTON, VT

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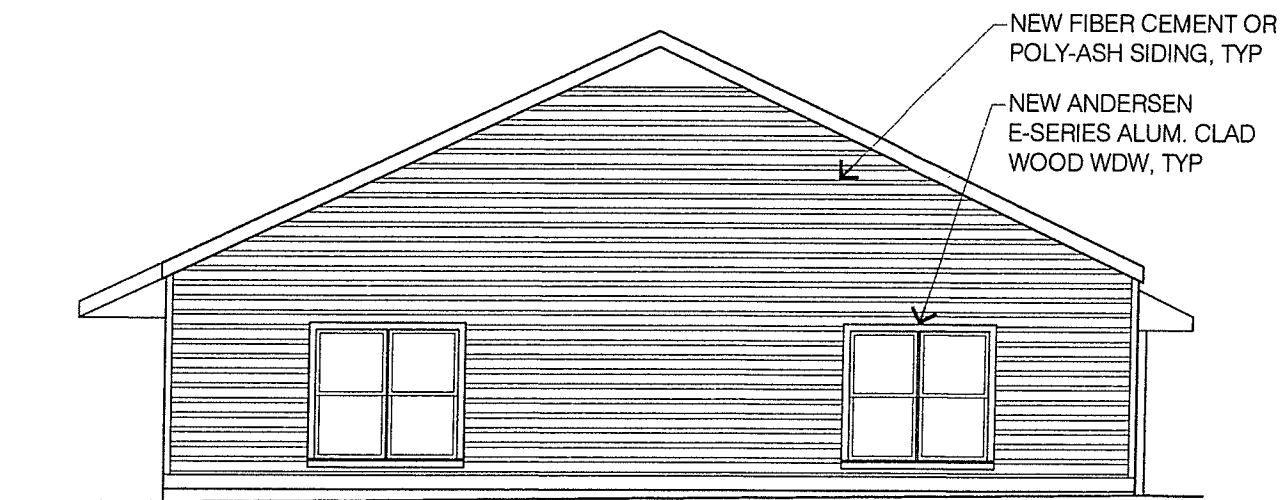
1 PROPOSED NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 PROPOSED WEST ELEVATION
SCALE: 1/8" = 1'-0"

RECEIVED
APR 15 2019

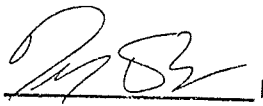
DEPARTMENT OF
PLANNING & ZONING

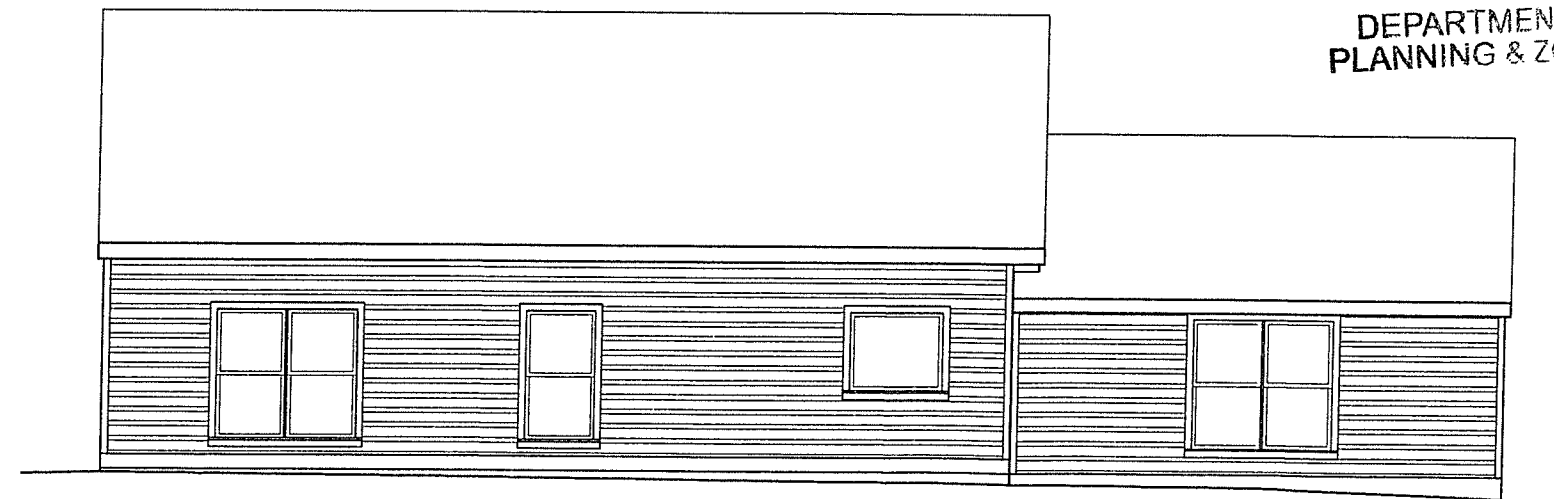


3 PROPOSED SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

- NOTE -
ANY MODIFICATION OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
ALL ERRORS, OMISSIONS, PLANS, OR DETAILING ARE
FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

SIGNED:  DATE: 4/25/19
Planning & Zoning Department
Burlington, Vermont



4 PROPOSED EAST ELEVATION
SCALE: 1/8" = 1'-0"

A-6
ZONING DWGS
APRIL 11, 2019
BURLINGTON HOUSING
AUTHORITY
669 RIVERSIDE AVE, BURLINGTON, VT
studioblue
ARCHITECTURE

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
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Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
vacant, Zoning Clerk



TO: Development Review Board
FROM: Mary O'Neil & Scott Gustin
DATE: May 21, 2019
RE: 19-0755SP; 266 College 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: FD5 Ward: 8E

Owner/Applicant: Smith/Buckley Architects / Hotel Y Burlington LLC

Request: Sketch Plan review for new hotel and below grade parking structure. Includes rooftop bar and restaurant.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 3 (Applications and Reviews), Article 5 (Citywide General Regulations), Article 14 (Downtown Code)

Background Information:

The applicant has requested sketch plan review of a proposed redevelopment of the current YMCA at 266 College Street. The proposal includes retention of the historic gable-roofed building at the corner of South Union Street and College Street, demolition of rear portions, and construction of a new addition and structured parking.

The subject building was designed by Frank Lyman Austin and constructed in 1934 to replace the organization's first building on Church Street, which burned in 1928. It is listed on the National Register of Historic Places within the Main Street – College Street Historic District. See attached narrative from the Federal Register.

The recent approval of a new YMCA a block east on College Street and the sale of this building has made it available for redevelopment. The new owners propose a hotel with a rooftop restaurant/bar.

The property is located entirely within the FD5 zone and is subject to review under the Downtown Code regulations of Article 14. As such, administrative checklists address much of the project review. This report addresses only those items not included in the administrative checklists. Conditional use review is required only insofar as the hotel contains a small outdoor eating area along South Union Street (Sec. 14.6.6, h).

The Design Advisory Board reviewed this sketch plan at their May 14, 2019 meeting.

Previous zoning permits:

- **ZP13-0737SN**; new parallel, metal signage for the YMCA. February 2013.
- **Zoning Permit 12-0684SN**; two new parallel signs for annual Giving campaign on College Street and South Union Street elevations. January 2012.
- **Zoning Permit 12-0129AW**; changing graphics on existing awning for the Y. August 2011.
- **Zoning Permit 11-0149SN**; install two parallel signs for Catamount Physical Therapy. One on College St. elevation and one on South Union Street elevation. August 2010.
- **NA12-0239NA**; Non-Applicability of Zoning Permit Requirements; temporary artwork. August 2011.
- **Zoning Permit 08-130CA**; installation of three wood windows at 2nd level into infilled brick openings. August 2007.
- **Zoning Permit 00-071**; Amend previously approved zp99-272 to allow relocation of the cogeneration system exhaust pipe to the west side of the existing YMCA as described in the application letter. Pipe will not project above roof line of structure. August 1999.
- **Zoning Permit 99-272**; installation of natural gas fired cogeneration roof top equipment for the existent YMCA. Proposal includes an underground tank, misc. piping and the installation of a door. December 1998.
- **Zoning Permit 98-075**; reopen existing window openings on the south and west elevations of the existing YMCA. New windows to match existing. August 1997.
- **Zoning Permit 91-352 / COA091-071**; installation of shed style awning over entry on College Street with repairs to stairs included. Handicapped access ramp constructed in existing doorway on South Union Street for YMCA. May 1991.
- **Zoning Permit 91-194**; wood sign. December 1990.
- **Zoning Permit 92-154**; construction of a storage shed in brick, to match the existing YWCA building for the storage of chemicals for the swimming pool. October 1991.
- **Zoning Permit 83-60**; construct a 100' x 40'? (Numbers obscured) addition to the existing building to accommodate a new swimming pool. July 1983.

I. Findings

Article 2: Administrative Mechanisms

Sec. 2.7.8, Withhold Permit

The subject property has a couple of expired zoning permits that have not received their required certificates of occupancy. These two permits must be closed out with certificates of occupancy (or relinquished or superseded) prior to issuance of a certificate of occupancy for any new zoning permit.

Article 3: Applications, Permits and Project Reviews

Section 3.2.1 (d) Pre-Application Neighborhood Meeting

Evidence of appearance at an NPA meeting for Wards 1 and 8 will be required prior to application.

Part 3, Impact Fees

Sec. 3.3.2, Applicability

Impact fees will be due based on the net new building area. The applicant shall provide net new building area for staff to calculate the appropriate fees due.

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

The property is served by municipal utilities. Sufficient water and sewer service are available. A State of Vermont wastewater permit will be required. The applicant is advised to inquire with VT DEC as to wastewater permit requirements.

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

The property is located within the downtown, specifically within Form District 5. This zone is intended for a variety of high density building types that provide locally and regionally serving office, retail, service, hospitality, entertainment, and civic functions. The district is characterized by shallow front yard setbacks and active street frontages. The outdoor eating area along South Union Street helps to activate this street frontage and is consistent with the intent of the zone.

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

The outdoor eating area along South Union Street will presumably be seasonal. Insofar as it is directly across the street from residences, the zoning permit application should articulate days and hours of operation (and seasonality, if applicable) of this outdoor eating area. Times of operation should respect the nearby residential uses.

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

See Sec. 3.5.6 (b) 5 below.

and,

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. The applicant is encouraged to consider the feasibility of rooftop solar.

and,

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

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

(b) Major Impact Review Standards

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

No significant air or noise pollution is anticipated as a result of this development. A state wastewater permit will be needed. A capacity letter from the Department of Public Works will be needed prior to obtaining the state wastewater permit.

See Sec. 5.5.3 for stormwater management.

2. Have sufficient water available for its needs;

The development will be served by the city's water supply system. Sufficient capacity is available.

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

A new wastewater line will be constructed as part of this project. No mention is made as to the existing water service line. Any changes will require review and approval by the Department of Public Works.

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;

See Sec. 5.5.3.

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

A traffic impact assessment has been provided and shared with the Department of Public Works. The assessment addresses standard items like trip generation, intersection capacity, and high crash locations. Additional detail and comments from the Department of Public Works will be provided as part of the zoning permit application review. The basics demonstrated for sketch plan review include an anticipated 68 AM peak hour trips and 87 PM peak hour trips. Minimal additional delay at nearby intersections will result from the new development. LOS remains acceptable with little or no change in service due to the project.

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

No impacts on the city's educational system are anticipated as a result of this commercial development.

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

The proposed commercial development will generate additional impacts on city services; however, those impacts are expected to be relatively modest. Impacts will be mitigated by payment of impact fees based on the net new building area.

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;

See Article 5 for historic buildings.

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;

The proposed development will bring additional hotel rooms and a rooftop public restaurant to the city's downtown. Within the downtown, the hotel will be located close to a variety of city attractions and services. Institutions are located nearby at the top of the hill. The project will not adversely impact the city's present or future growth patterns. The increase in intensity of development on this site is not expected to have an undue adverse impact on the city's ability to accommodate growth.

10. Be in substantial conformance with the city's municipal development plan;

The proposed redevelopment substantially complies with the municipal development plan.

This redevelopment intensifies the degree development on this property within the city's downtown. While doing so, it retains the historically significant building along College Street. Applicable standards will require that the present absence of stormwater management be replaced with comprehensive onsite stormwater management infrastructure that will significantly mitigate offsite discharge. (Distinctive City, Policies 1, 2, & 3).

The project will bring about additional economic development to the city's downtown, thereby strengthening the city's status as a regional growth center. Applicable energy efficiency standards will result in a much more energy efficient building than is presently the case (Dynamic City, Policies, 6 & 10).

The project's downtown location ensures access to a variety of transportation options, thereby lessening dependence on personal vehicle travel (Connected City, Policy 17).

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;

The proposed commercial development will have no adverse impact on the present or projected housing needs of the city.

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

Little impact on the city's park and recreation needs is expected as a result of this development. What impacts there are will be mitigated by payment of applicable impact fees.

(c) Conditions of Approval:

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

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

The hotel and rooftop restaurant will likely not generate offsite noise or glare substantial enough to require mitigation.

2. Time limits for construction.

No construction timeline or phasing are included in the sketch plans. The standard 3-year timeframe for zoning permits will apply unless the applicant submits a specific phasing schedule and construction timeline with the zoning permit application.

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

Hours of operation are not applicable to the hotel project. Such information should be provided for the restaurant.

The sketch plans do not include a specific construction schedule. One articulating days and hours of construction will be needed upon submission of the zoning permit application.

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

and,

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

See the recommended conditions.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Section 14.7.3 (b) below.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.4.8 Historic Buildings and Sites

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

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

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

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

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

(a) Applicability:

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

266 College Street is listed on the National Register of Historic Places within the Main Street College Street Historic District.

(b) Standards and Guidelines:

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

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

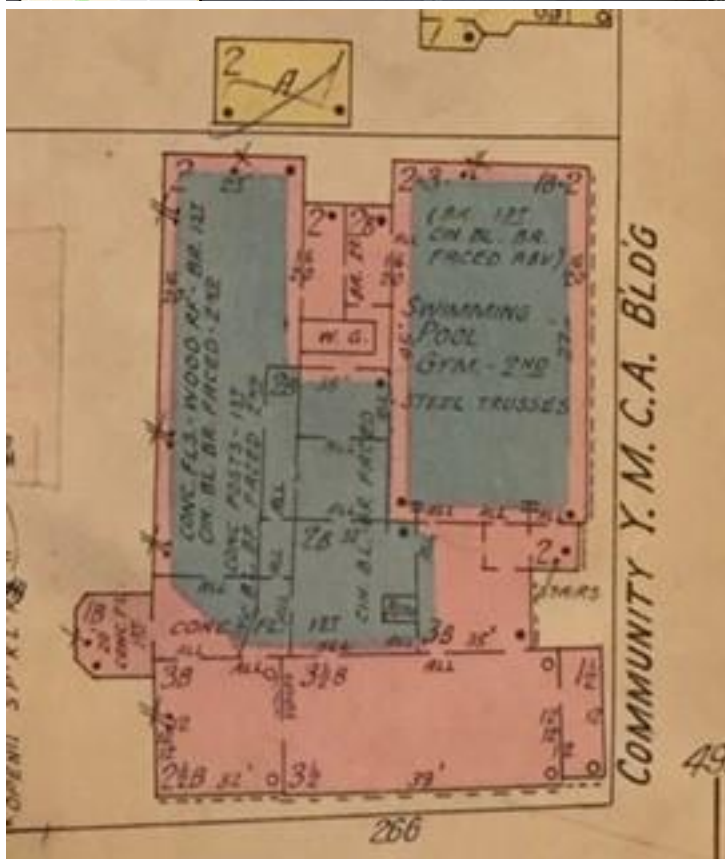
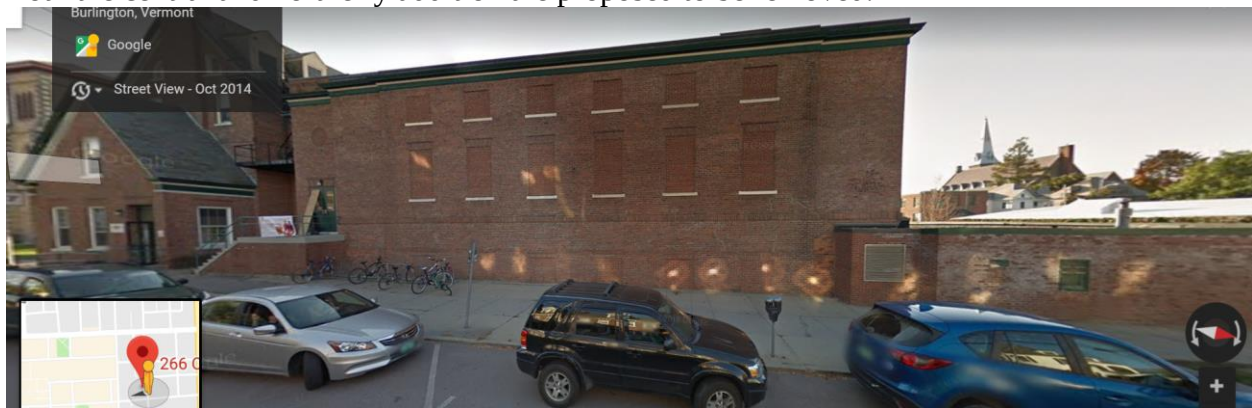
The property was constructed as a building for the Young Men's Christian Association (YMCA.) Additions included those for a pool (northerly most addition, 1983) and storage (1991.) The north pool addition is non-contributing.

The YMCA began as a welfare movement in London, but has branches all over the world. It is typically associated with use as a *hostel* for young men, which may include recreational facilities. Although the new use is no longer proposed to be centered on fitness/recreational activities, the short term residential occupancy associated with the original YMCA is similar to the residency of a hotel. In that manner, the use is not so dissimilar.

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

Most of the original massing of the building is proposed to be retained and rehabilitated for the new use. The *northerly* most pool addition is proposed to be demolished to accommodate new construction. The National Register nomination identifies the central addition on the north among the spatial characteristics of the building, but does not discount its value. From the 1942 Sanborn Map image, that central section appears to be original to the building.

Both the central and northerly addition are proposed to be removed.



Current Google image, above.

1942 Sanborn Map image, left.

The building was originally constructed with the large pool which is now the 6 x 4 bay, blind window central addition.

Both the central addition and north (1984) pool addition are proposed to be removed in this project.

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

Conjectural features from other properties are not proposed. The building addition is clearly a product of its own time and obvious in its new design. The 1934 F.L. Austin building (without northerly pool addition) will remain intact.

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

The northerly pool and storage additions have garnered no merit on their own part, and are considered non-historic. The central addition is original to the Austin design; its proposed demolition sparks requirements of Section 5.4.8 (d).

The sheltered entrance on the east façade will be retained and utilized as a primary and focal entrance to the hotel. The existing masonry will be re-sheathed at this point; a window converted to a door. These changes should be examined.

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

Significant detailed information has not been provided as to the treatment of the original fabric of the YMCA. That will be expected with the final application.

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

The application is not for replacement of deteriorated features, but in a significant addition, partial demolition and rehabilitation to accommodate a new hotel/restaurant/bar. Specific treatments and alterations are expected to be included in the final application.

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

There is not enough detail in the Sketch Plan application to ascertain what physical treatments might be proposed.

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

There are no known archaeological deposits on this site; however the Y was built into the Burlington Ravine. Other than a brick sewer, there may be any kind of fill debris below the building site. Discovery of any resources during construction shall be reported to the Vermont Division for Historic Preservation for assessment, evaluation, and appropriate disposition.

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

The proposed addition is connected by a small hyphen from the north side of the existing building. The addition rises a full 6 stories; taller in height than the existing building. The project anticipates exploitation of the significant grade change (former ravine) to provide new opportunities for parking and service area. The northeasterly corner drops to four stories, creating a transition to buildings of smaller scale on South Union Street.

The sixth floor is proposed to be highly glazed; its appearance above the F.L. Austin corner building is visible, but somewhat ethereal as interpreted by the submitted modeling. As it is set back from both the College Street and South Union Street facades, it is less observable.

The westerly addition (attached to the College Street façade) is clearly modern in vocabulary and discernable as new construction. Visibility of the west façade is largely obscured by other buildings and the changing grade of the street.

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

While unlikely, it is conceivable that the new addition could be detached and removed from the existing YMCA building without negative impact to the historic resource. The original pool addition, however, is less likely so.

Section 5.4.8 (d) Demolition of Historic Buildings

The purpose of this subsection is:

- *To discourage the demolition of a historic building, and allow full consideration of alternatives to demolition, including rehabilitation, adaptive reuse, resale, or relocation;*
- *Provide a procedure and criteria regarding the consideration of a proposal for the demolition of a historic building; and,*
- *To ensure that the community is compensated for the permanent loss of a historic resource by a redevelopment of clear and substantial benefit to the community, region or state.*

1. Application for Demolition. The applicant will be required to respond to all of the following criteria upon formal application.

For demolition applications involving a historic building, the applicant shall submit the following materials in addition to the submission requirements specified in Art. 3:

- A. A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;*

There is nothing within this Sketch Plan review relative to the soundness of the central pool addition. This will be required at final application.

- B. A statement addressing compliance with each applicable review standard for demolition;*

- C. Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:*

- (i) the estimated market value of the property on which the structure lies, both before and after demolition or removal;*

This has not been provided.

and,

- (ii) the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;*

Rehabilitation of the central pool building is not proposed. Feasibility has not been addressed.

- D. A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites;*

The subject of this Sketch Plan Review is redevelopment of the site, with a partial demolition of the former YMCA. The applicant team will need to fill in additional information to respond to these criteria.

and,

- E. Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.*

These have been included as part of this Sketch Plan Review.

2. Standards for Review of Demolition. (All of these will be required upon final application for redevelopment.)

Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review and in accordance with the following standards:

- A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure; or,*
- B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district; or,*
- C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.*

And all of the following:

- D. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;*
- E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history; and,*
- F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).*
- (i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;*

- (ii) *Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,*
- (iii) *The time between demolition and commencement of new construction generally shall not exceed six (6) months.*

This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.

3. ***Deconstruction: Salvage and Reuse of Historic Building Materials.***

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion.

Sec. 5.5.2, Outdoor Lighting

The sketch plans do not contain outdoor lighting details. Upon zoning permit application such details must be provided. Information to be provided includes fixture types, locations, and illumination levels. A photometric plan of the garage interior will also be needed.

Sec. 5.5.3, Stormwater and Erosion Control

The sketch plans do not contain onsite stormwater management measures. Upon application for the zoning permit, a fully articulated stormwater management plan will be required. A construction site erosion prevention and sediment control plan will also be needed.

Article 14: Plan BTV Downtown Code

Section 14.6.4 Building Height

(f) Design and Public Space Standards Required for Additional Building Height

i. Design Standards: The maximum building height and mass is permitted By Right by the underlying Form District, as may be modified by the chosen Building Type and Frontage Type. However, there are a number of ways that building shape, articulations, and choice of materials can be used to reduce the perceived height and mass of taller buildings, and ensure a high quality of design that complements the character of the Downtown and Waterfront area.

After consultation with the Design Advisory Board and a Public Hearing, the Development Review Board shall evaluate any proposal seeking additional Building height under each of the following additional design standards, and find affirmatively that:

- a. The proposed building presents a design that emphasizes slender, vertically-oriented proportions to assure a rich visually interesting experience as viewed within the context of the downtown skyline; reinforces opportunities for establishing points of reference for visual orientation; and provides visual interest and human scale at the pedestrian level*

through the use of a variety of scales, materials, fenestration, massing, or other architectural design techniques;

The applicants are seeking a maximum height of 67.5' above the average grade. This district allows 45' by right, with height up to 65'6 stories with DRB review. There is also a provision (see below) allowing for up to 20% relief from standards. Combined, these standards allow for consideration of the height requested.

The building elevations illustrate a vertical rhythm with fenestration in regular columns, building articulation that guides the eye upward, and changing materials in vertical segments. Human scale is addressed along the pedestrian level of South Union Street with a proposed Gallery and Doorway building frontages, accentuated with easily identifiable entrances, landscaping, a canopied patio area, and generous glazing.

- b. Step backs, horizontal and vertical variation, selection of materials, and/or other architectural design techniques are used to reinforce the street wall, create transitions from buildings of a smaller mass and height, and reduce the perceived height and mass of upper stories from the street level;*

The plane of the new building varies along the streetfront, with the northeasterly corner extruded closer to the pedestrian way. Corresponded recesses appear at the north elevation where building planes change again. Alternation is evident, again, in the manipulation of fenestration: regularly spaces in vertical columns along the east and north elevations, yet banded in the uppermost floor. The beltcourse of the Austin building is echoed in the smaller (yet similarly scaled and sheathed) northeasterly corner. Pronounced cornice lines cap each building mass.

The southwesterly component of the addition is smaller in scale; deferential to the existing Austin building and set back from the streetfront (also to accommodate garage access.) The larger addition is firmly set behind the historic streetfront building.

and,

- c. Upper story proportions of the building are oriented and tapered and/or separated into separate masses in order to retain sky view between individual building elements from the public thoroughfare.*

Due to the rising grade of College Street and the relatively flat plane of South Union Street, it is unlikely that views from the public thoroughfare will have the opportunity to see between the building masses. The roofplanes are, however, differentiated and articulated at differing elevations, varying the sky view between these building elements.

The DRB may condition approval of additional building height by reducing the By-Right building mass by no more than 10% of the total floor area of the new floors enabled by granting the additional building height. In no case shall the maximum By-Right building height be reduced.

ii. Active Public Space and Restrooms

A minimum of 20 sf/1,000 sf of the gross floor area above 85 feet shall be dedicated to active and publicly accessible upper story rooftops and terraces, and/or street-level public restrooms as follows....

Not applicable. The building is not proposed to exceed 85'.

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

- i. *DRB Alternative Compliance: Relief from any non-numerical standard by no more than 20% of such requirement or an additional 10% beyond any Administrative Relief permit above, may be granted by the Development Review Board **after review and recommendation by the Design Advisory Board** and a Public Hearing. Decisions by the DRB regarding any Alternative compliance granted shall be made in writing and upon affirmative findings that:*
- A. *The relief sought is necessary in order to accommodate unique site and/or Building circumstances or opportunities;*
The project is requesting relief from the 65' maximum height; instead proposing 67.5' above the average grade. The difference (2.5') is less than the 20% maximum relief allowance, measuring- a 3.8% deviation. The applicant has offered that the significant changing grade of the site, situated well into Burlington's ravine, to present a unique challenge. Coupled with the topography, the existing building has 20 different vertical levels, which the plan seeks to remediate in the expansions.
 - B. *The relief if granted is the minimum necessary to achieve the desired result;*
In trying to reconcile floors that do not align, the ravine, and the opportunity of below grade parking, the applicant feels the request for relief would be well exercised in this plan.
 - C. *The property will otherwise be developed consistent with the purpose of this ordinance, the intent of the Form District, the intent and purpose of the section that the relief is being sought, and all other applicable standards;*
The application seeks compliance in all other matters of Plan BTV Downtown Code. Confirmation of compliance will be sought in the FBC Checklists, to be provided by the applicant.
 - D. *The relief if granted will not impose an undue adverse burden on existing or future development of adjacent properties;*
There are no known adverse impacts introduced to neighboring properties or future development of adjacent properties.
and
 - E. *The relief, if granted will yield a result equal to or better than strict compliance with the standard being relieved.*
This site is among the most challenging in the city. The intent of Plan BTV Downtown Code is to utilize physical form as the organizing principle in shaping new development. Burlington's unique characteristics, including significantly changing grades, sometimes tests parameters of dimensional standards, like average building height. Consideration of relief in this area, as allowed by this section, will acknowledge the challenges of context while respecting the goals of the Plan.

II. Conditions of Approval

Not applicable for sketch plan review.

SMITH BUCKLEY ARCHITECTS

Cambria Hotel
266 College St., Burlington, VT

May 19, 2019

Project Description

We anticipate the new Cambria hotel, located at 266 College Street will provide great benefit to the City, with little negative impact on residents of Wards 1 and 8, (or any other residents.) Market research indicates there is strong demand for high quality hotel rooms in Burlington, and that this hotel will contribute substantially to our local economy through job creation and captured tourist revenue. The design responds to the goals of Plan BTV and the newly adopted form-based code district, and promises to create active and engaging streetscapes.

The new hotel will be constructed on the site of the current YMCA, (Y) at the corner of College and S. Union Streets. The existing structure was originally built to house the Y. Several additions and renovation projects have created a facility with an unattractive and opaque street frontage along S. Union that does little to enhance or activate this street. Furthermore, the interior of this facility contains approximately 20 different vertical levels that are poorly organized, and nearly impossible to provide with wheelchair access. After many years of planning, the Y decided to sell the facility, and move to a new building close by. Proceeds from this sale were a critical component of the Y's ability to finance the new building, and the generous terms of this agreement recognize a commitment by the new Owner to contribute to the success of the new Y.

The plans for the new hotel include keeping the gabled roof structure at the corner, and demolishing the majority of the heavily modified flat-roofed structure to the north. The interior of the retained portion of the building will be converted into public space on the ground level, and hotel rooms above. This plan has been discussed with the VT Division of Historic Preservation, and has been met with preliminary acceptance.

This project, which will be one of the first major applications in the newly adopted form-based code district, is expressed with a contemporary architectural design that is respectful of the saved Y building and the greater urban context. Features of the new hotel include:

- 142 guest rooms
- 77 below-grade parking spaces
- Ground floor lounge and reception areas
- Ground floor meeting room
- Rooftop bar, restaurant, and meeting rooms, with western views over the city. we anticipate that this feature will provide an inviting destination for the community, offering an experience that does not currently exist in the City
- Green/vegetated roof with kinetic art
- Exterior street-level terraces on College and S. Union Streets that will help activate these thoroughfares consistent with the stated goals of Plan BTV and the form-based code
- Building will be designed to meet third-party sustainable design standards, as defined by the zoning ordinance, (LEED Gold or similar)

A traffic study has been performed, which indicates that automobile trips generated by this project will fall well within acceptable limits, and will cause less congestion in this area than currently exists. This is due in part to spread out guest arrival and departure times versus the highly concentrated pickup and drop off schedules of the current Y childcare program. The main drop off area for guests and the parking entrance/exit will be on

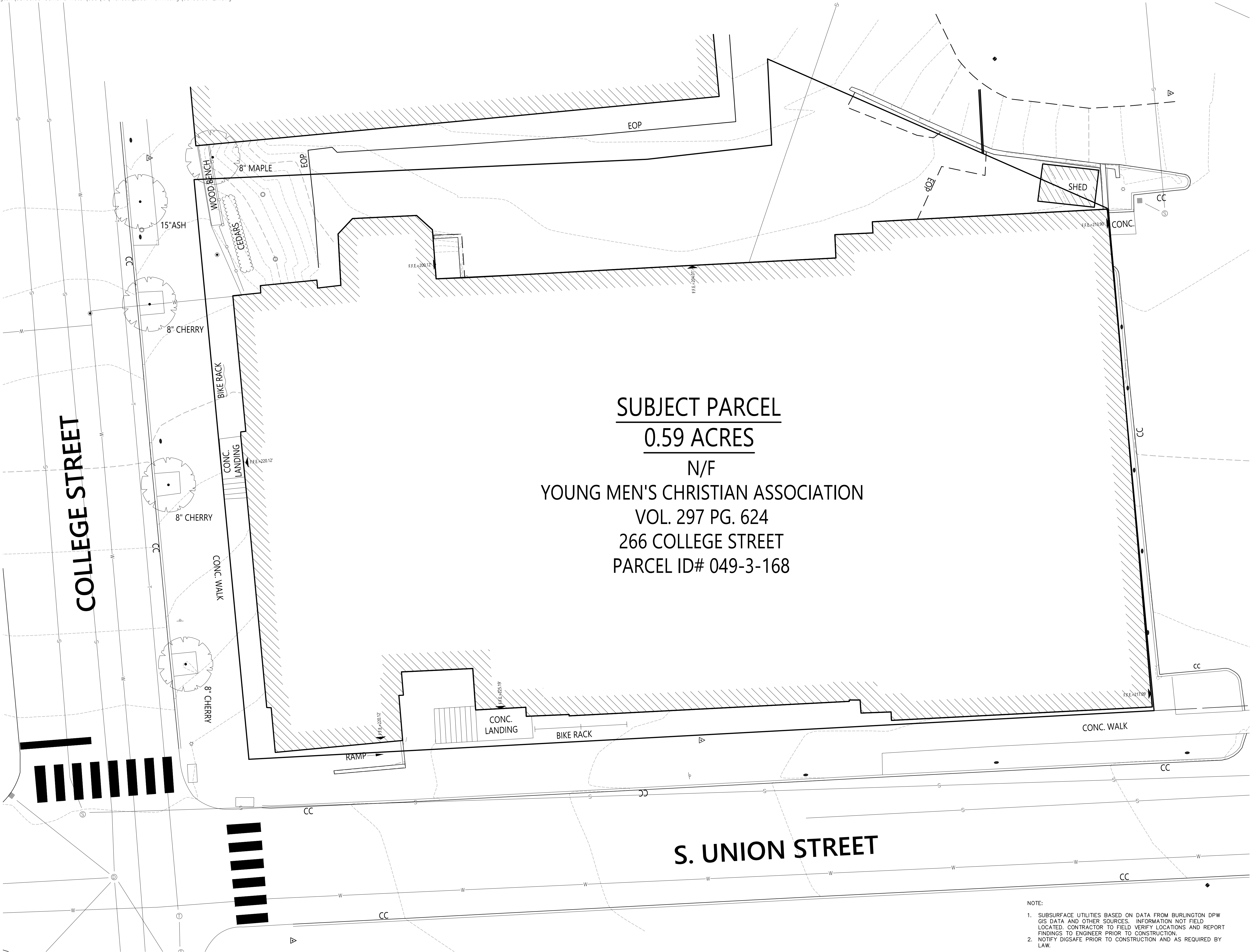
SMITH BUCKLEY ARCHITECTS

College Street, which is 2-way. Streets and sidewalks will be constructed to conform with the Great Streets standards, as adopted by the City. Deliveries and waste pick up will happen on the west side of the building in the sunken area where these services currently happen for the Y. Short-term and long-term bicycle parking areas will be provided to encourage bicycling, which is supported by the Plan BTV Walk Bike program in general, and more specifically by the protected bike lane on S. Union St.

The Y currently utilizes an antiquated sewer line that runs in the former ravine on the west side of the property. The new sewer and storm water systems will be routed to newer infrastructure under College St. This project will construct a storm water retention system that will reduce storm related loads on the City's treatment systems.

The Y has been allowed to continue their operations in the existing location until their new building can be occupied. The current schedule predicts this will happen in January or February of 2020, at which time the Y will vacate 266 College St. The goal of this project is to have permits and design documents in place to allow construction to begin in the spring of 2020. At this time, we anticipate it will take approximately 18 months to construct the new hotel. During this time, steps will be taken to keep construction vehicles out of the residential neighborhoods to the east and north of the site.

Floor plans are attached for reference. Photo realistic renderings will be presented at the NPA meeting.



Cambria Hotel
266 College Street
Burlington, Vermont

No.	Revision	Date	Appvd.

Designed by

Checked by

Issued for

Date

NPA Presentation

May 5, 2019

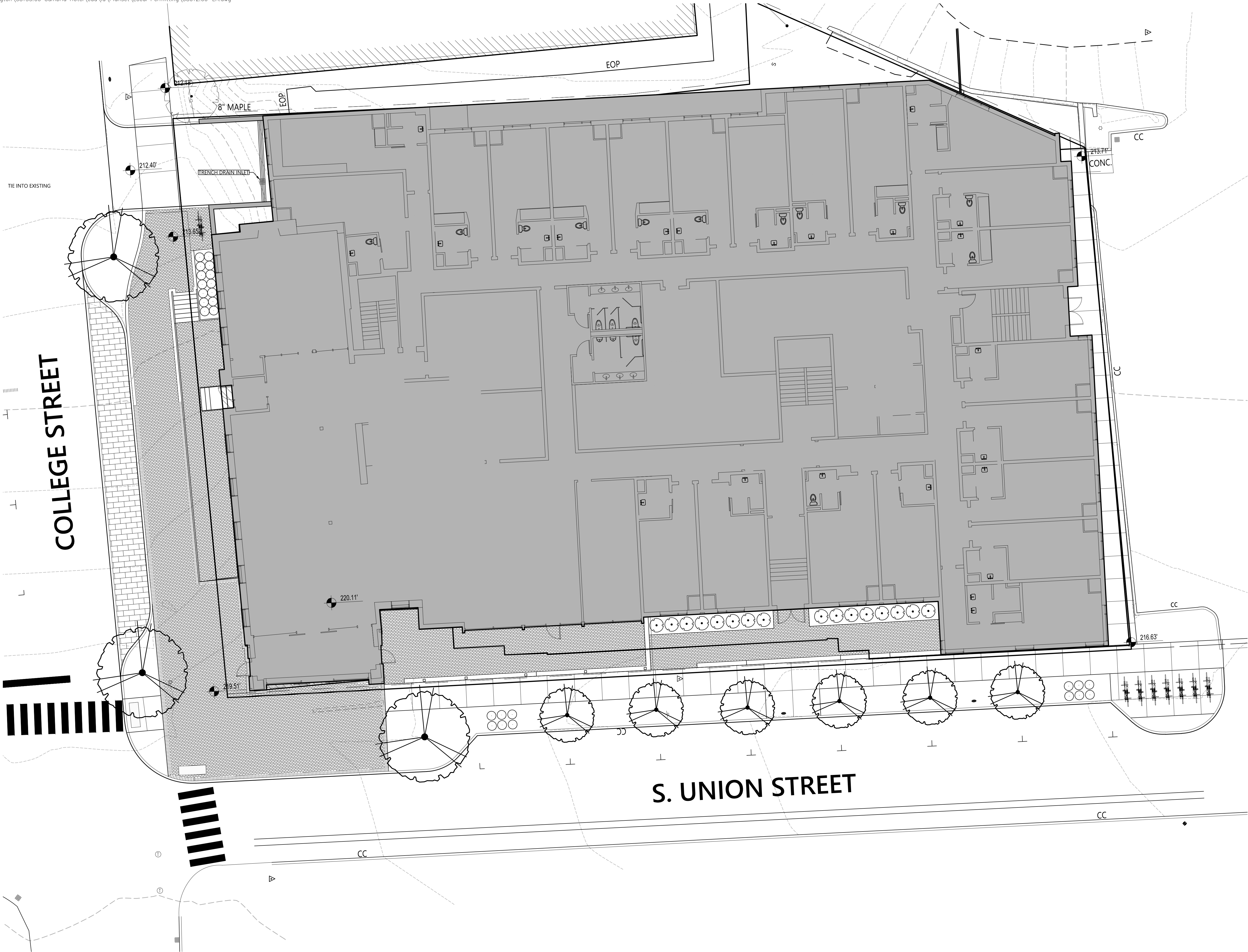
Not Approved for Construction

Drawing Title

Existing Conditions Plan



40 IDX Dr
Building 100 Suite 200
South Burlington, VT 05403
802.497.6100



0 5 10 20 Feet

Cambria Hotel
266 College Street
Burlington, Vermont

No.	Revision	Date	Appvd.

Designed by	Checked by
Issued for	Date
NPA Presentation	May 5, 2019

Not Approved for Construction
Drawing Title
CONCEPT SITE PLAN

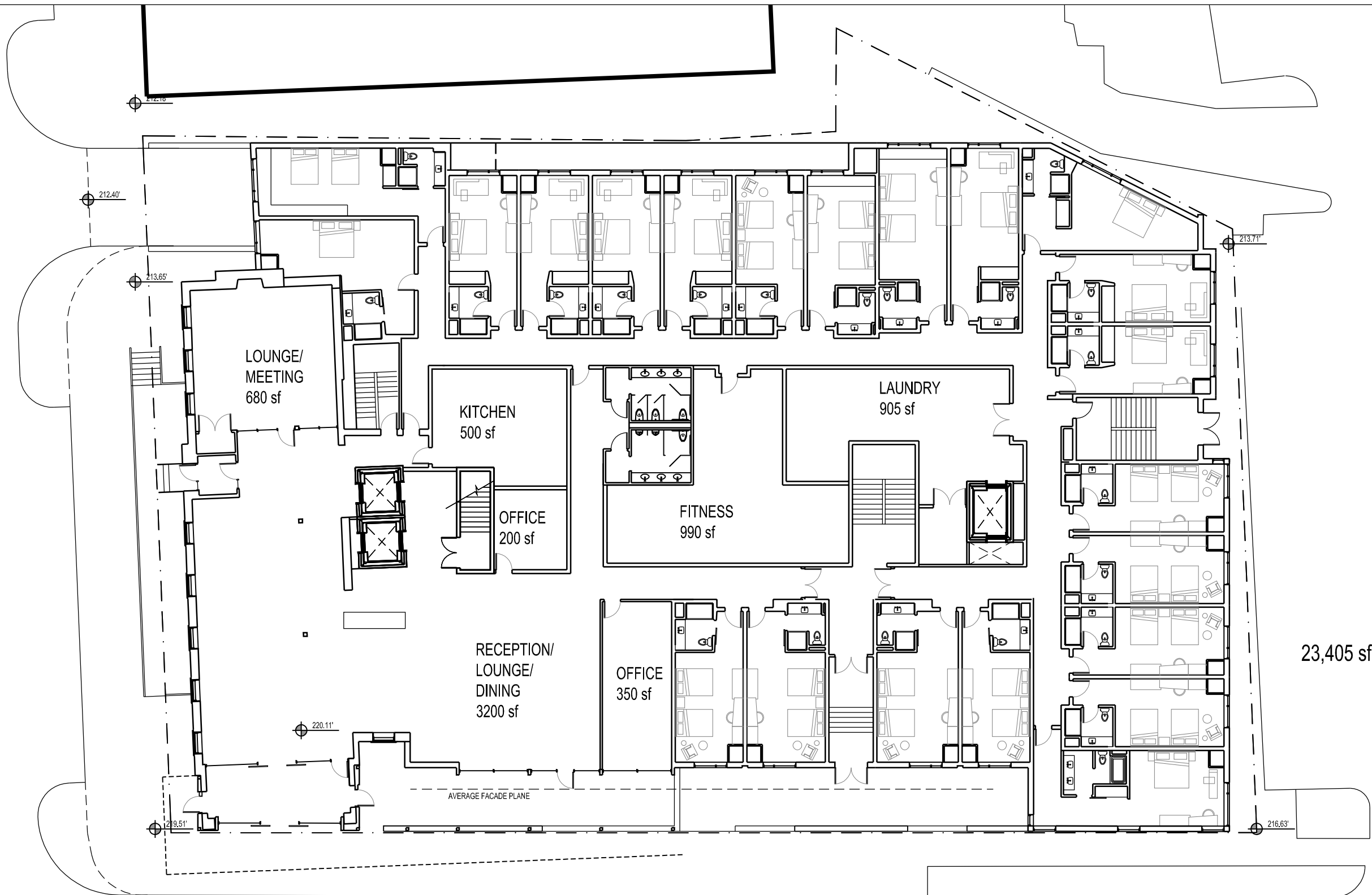
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Sheet of

Project Number
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COLLEGE



23,405 sf

SOUTH UNION

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

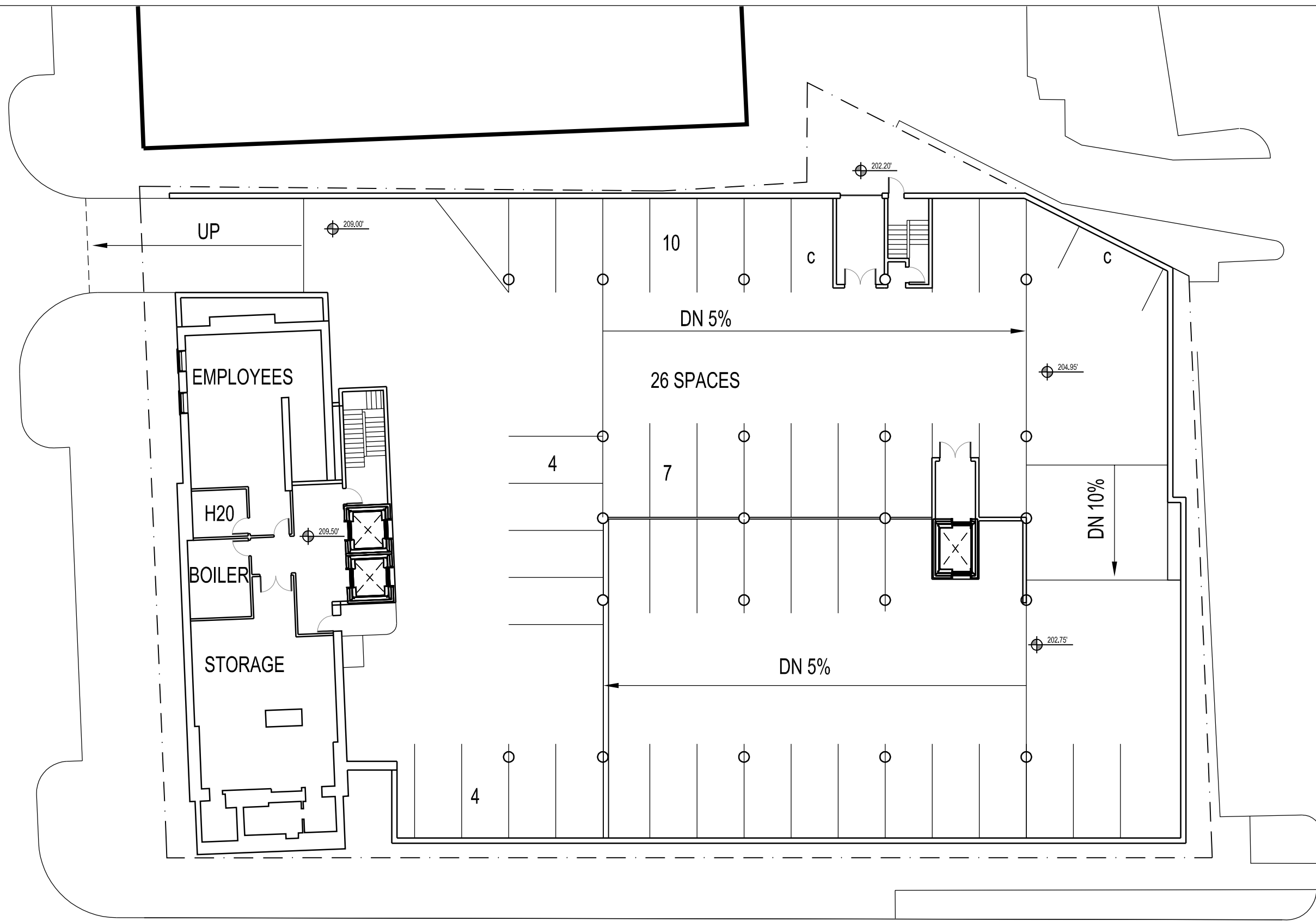
CAMBRIA HOTEL
266 College Street, Burlington, VT



1" = 20'-0"

LEVEL 1

April 1, 2019

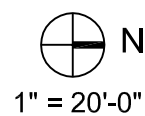


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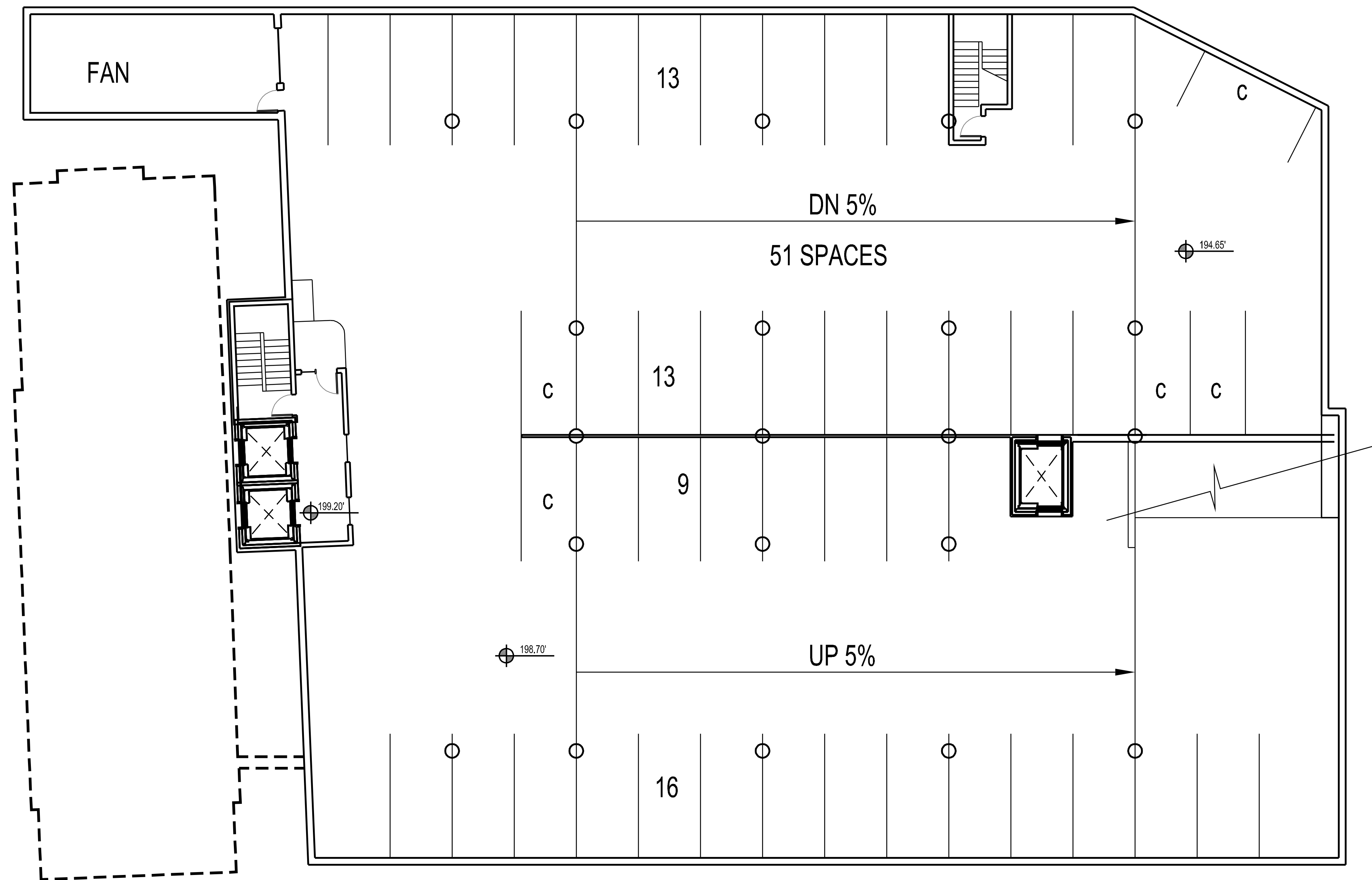
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CAMBRIA HOTEL
266 College Street, Burlington, VT

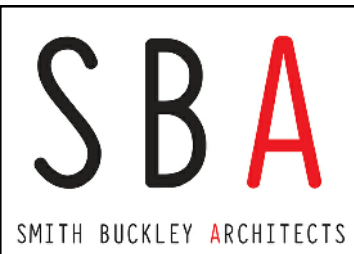


PARKING UPPER

April 1, 2019

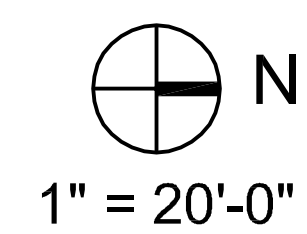


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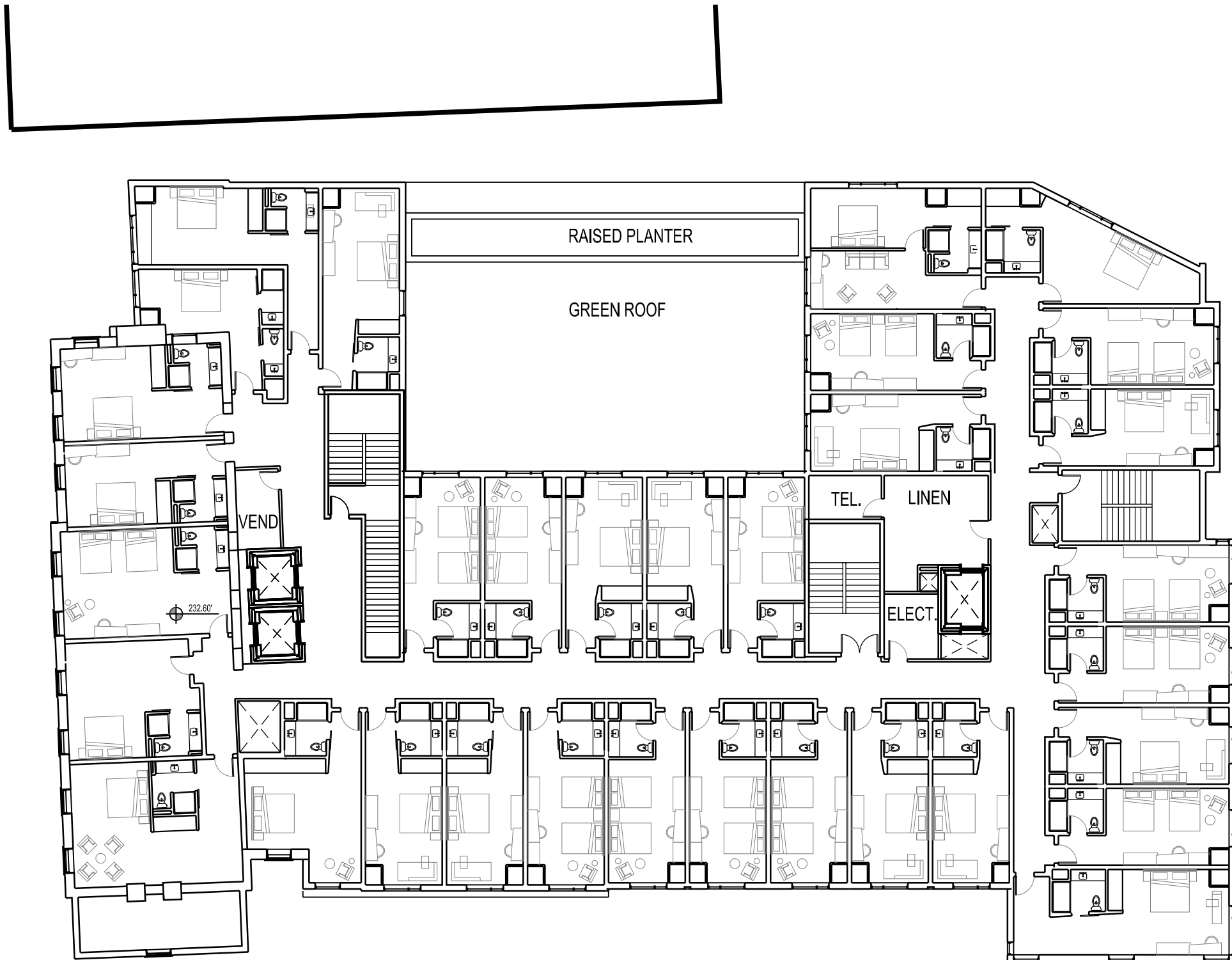
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CAMBRIA HOTEL
266 College Street, Burlington, VT



PARKING LOWER

April 1, 2019



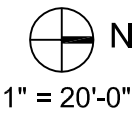
33 ROOMS

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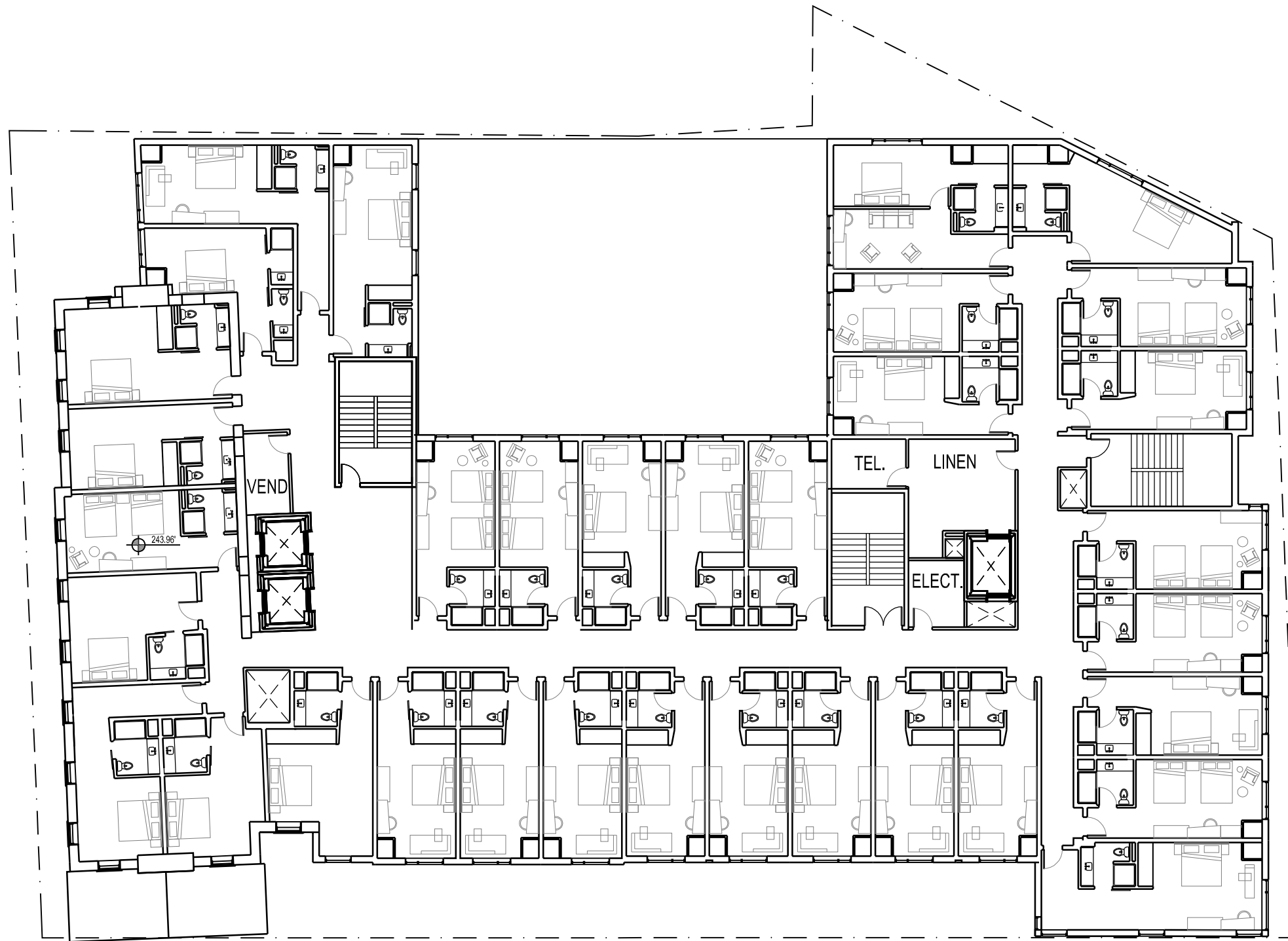


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802-540-0323

CAMBRIA HOTEL
266 College Street, Burlington, VT



LEVEL 2
April 1, 2019



34 ROOMS

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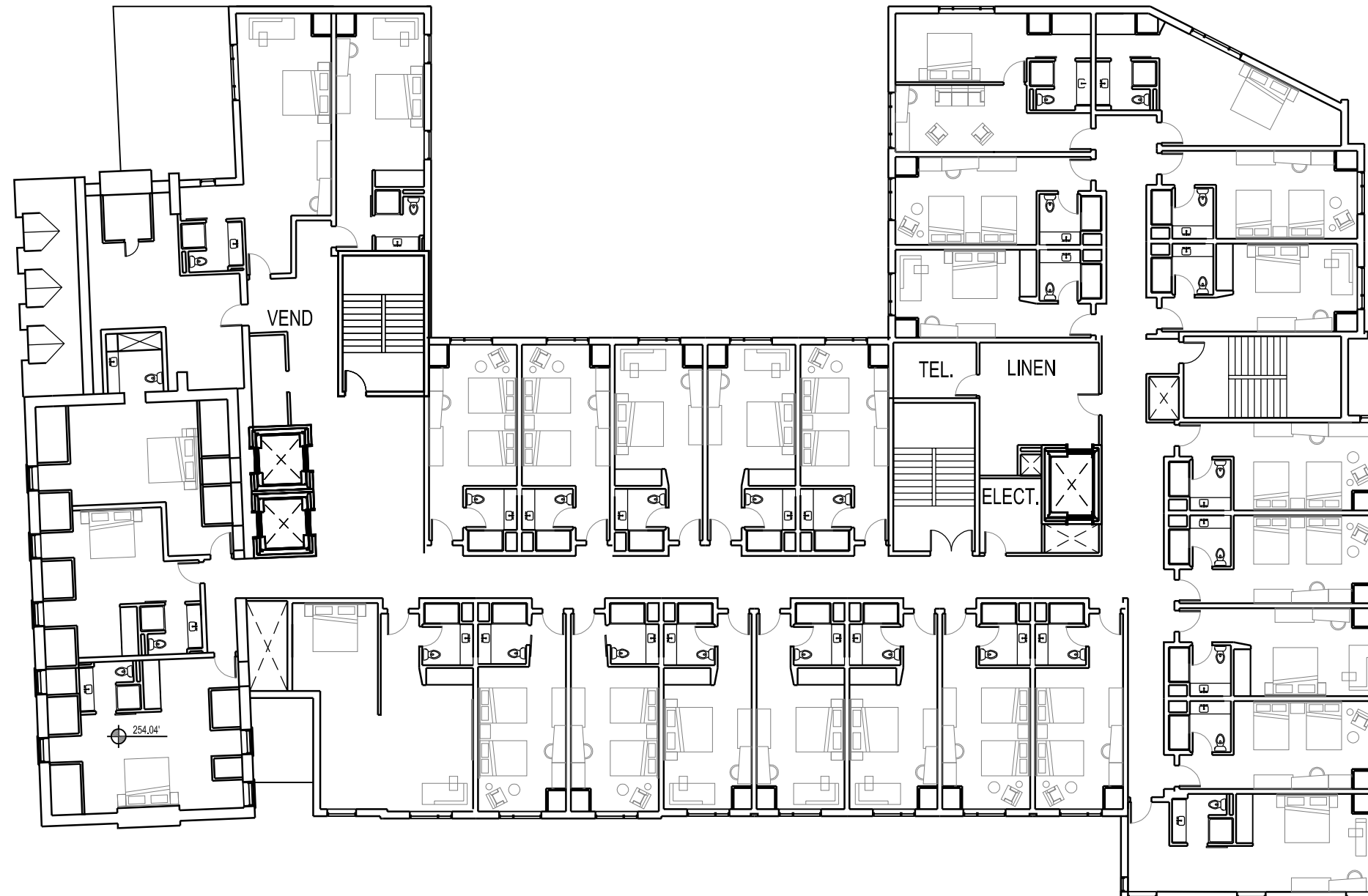
CAMBRIA HOTEL
266 College Street, Burlington, VT



1" = 20'-0"

LEVEL 3

April 1, 2019



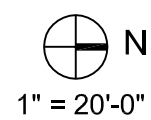
29 ROOMS

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CAMBRIA HOTEL
266 College Street, Burlington, VT



LEVEL 4

April 1, 2019



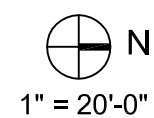
24 ROOMS

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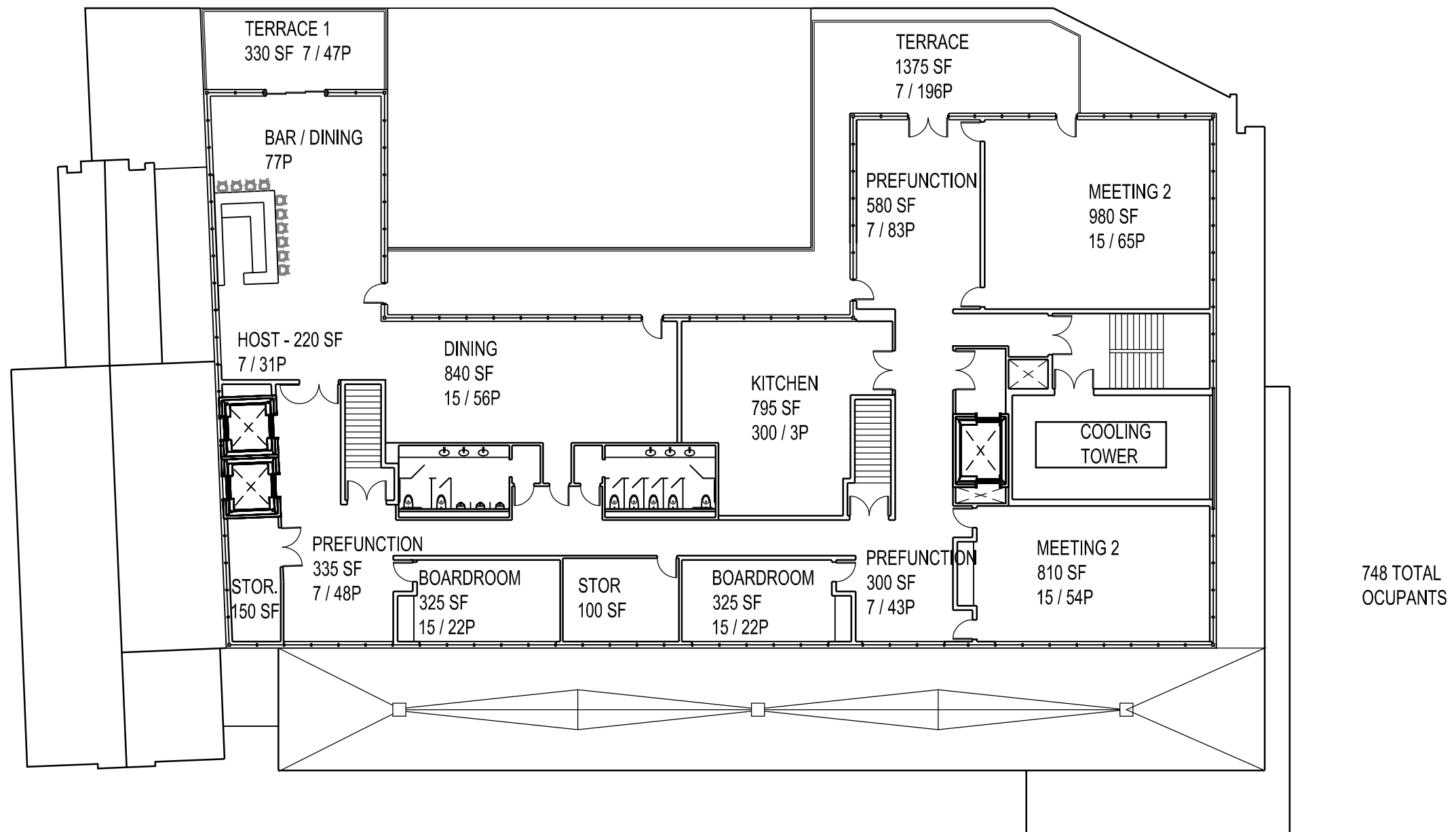
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266 College Street, Burlington, VT

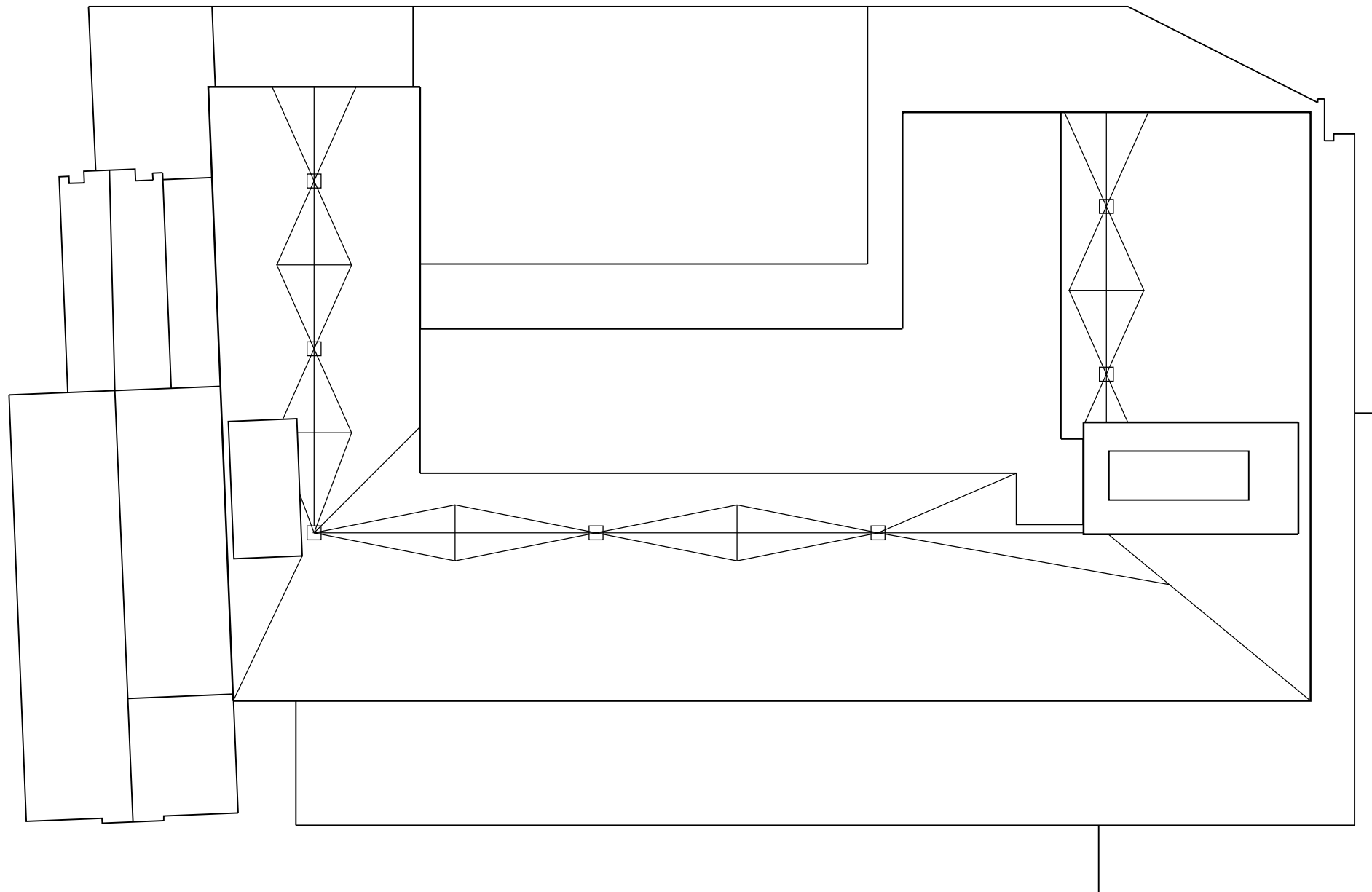


LEVEL 5

April 1, 2019



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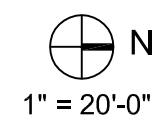


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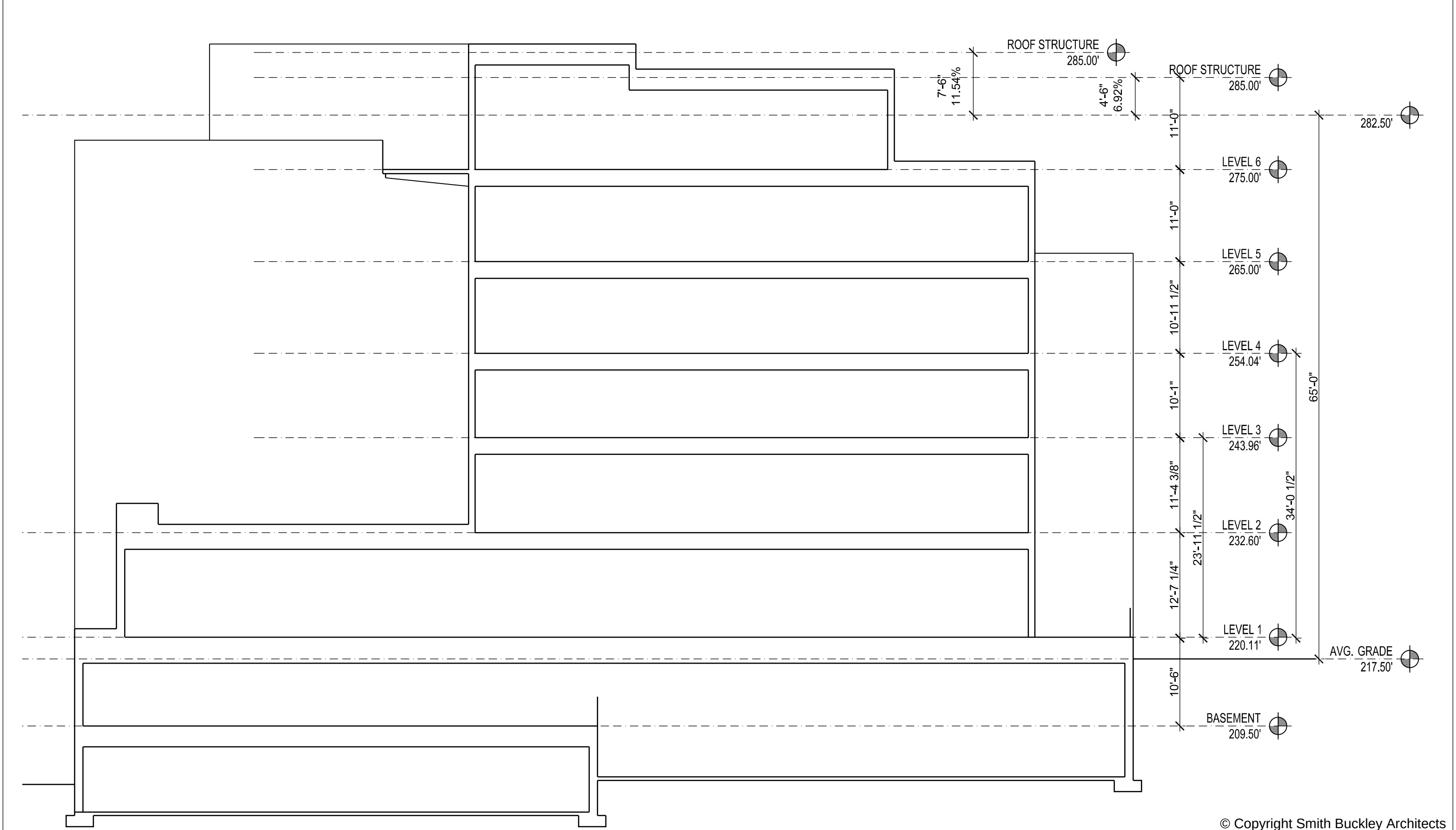
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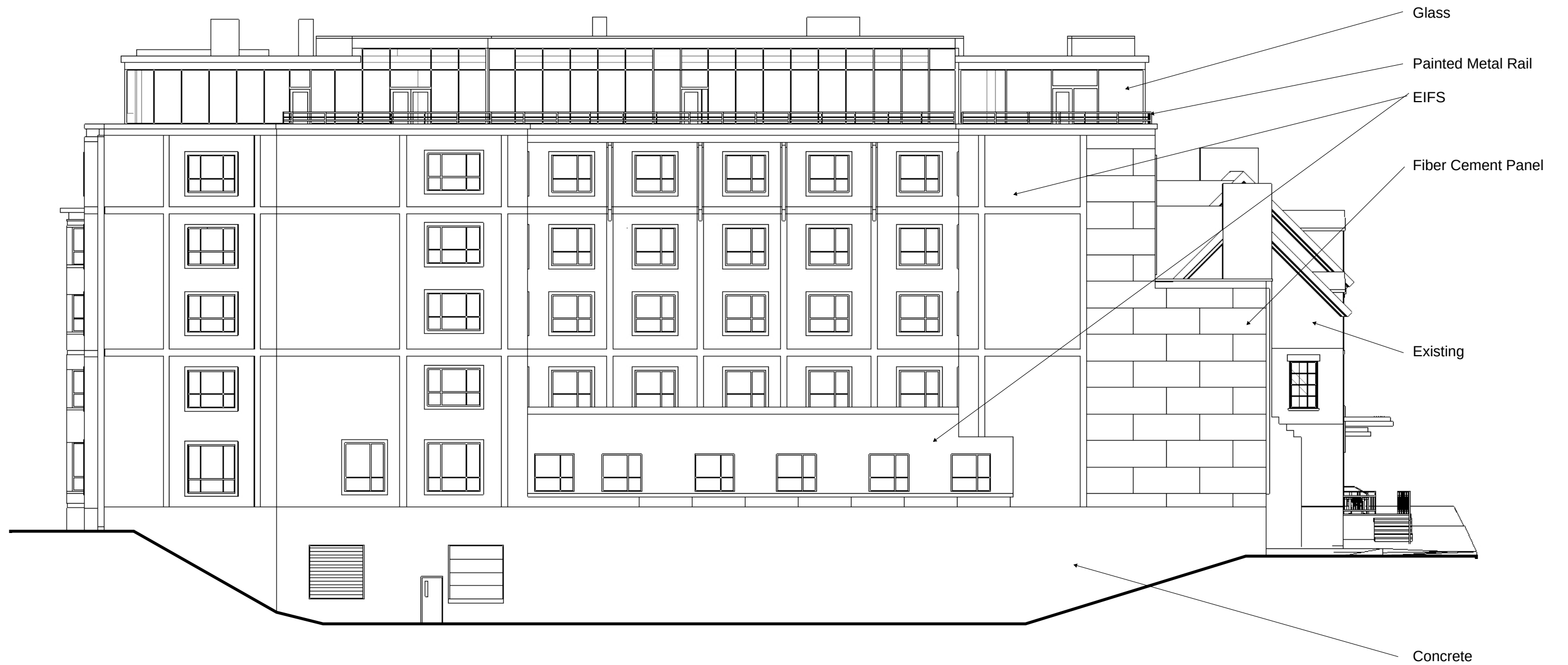
ROOF

April 1, 2019

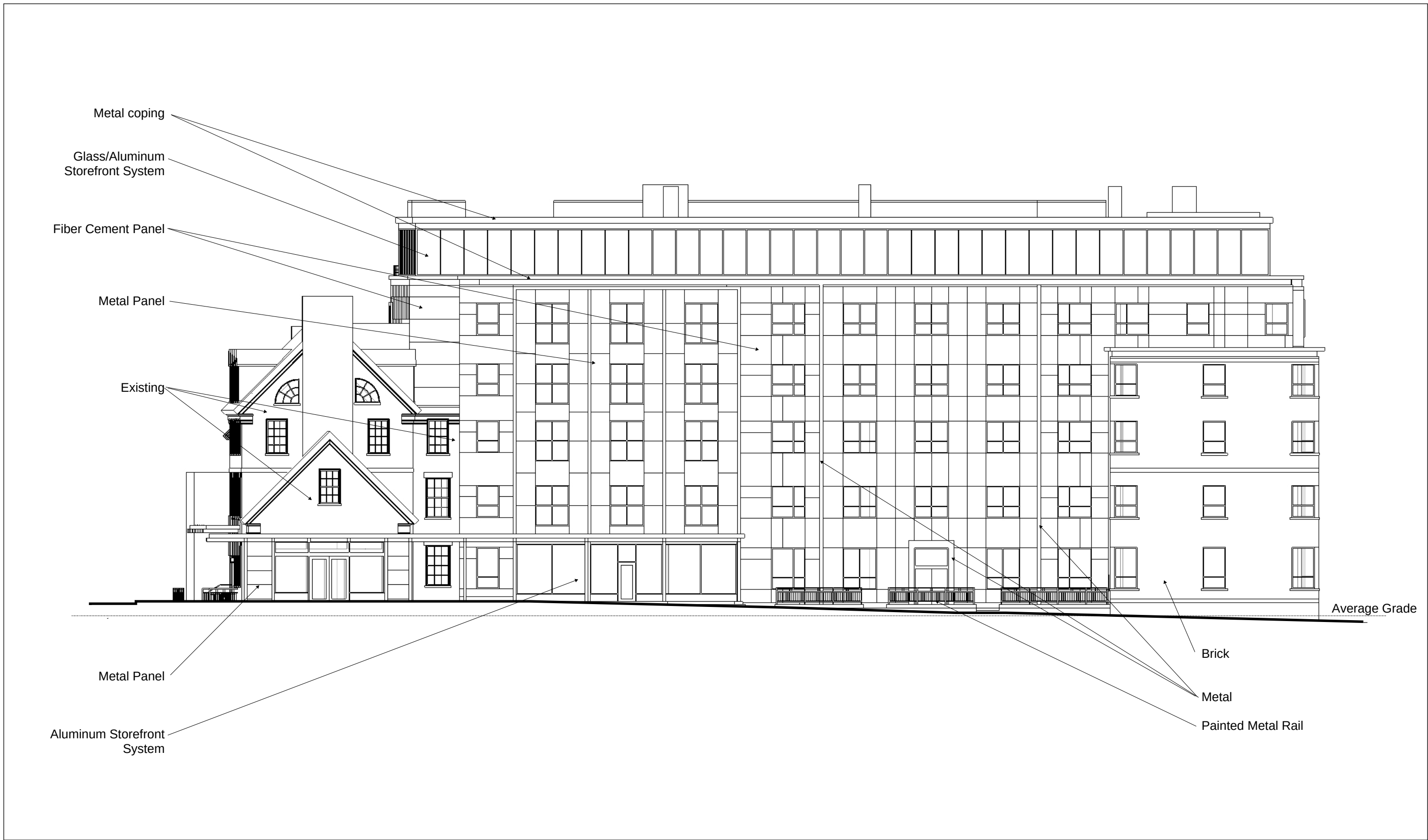


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Scott Gustin

From: Almy Landauer <[REDACTED]>
Sent: Wednesday, May 08, 2019 7:08 AM
To: Scott Gustin
Subject: Hotel

Dear Mr. Gustin,

I am entirely dismayed to read about the plans for a hotel at the location of the old Y. I do not think Burlington or the greater Burlington area needs yet another hotel! What we need is affordable housing for the people who live here. I understand that this is private property but isn't there anything at all the city can do?

Almy Landauer

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



TO: Development Review Board
FROM: Scott Gustin
DATE: May 21, 2019
RE: 19-0474DT; 164 North Willard Street

=====

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

Zone: RL Ward: 1E

Owner/Appellant: Luke Purvis / Hans G. Huessy, Esq.

Request: Appeal adverse determination relative to triplex status, southern, and northern parking areas.

Overview:

The appellant is seeking a multifaceted determination relative to the subject property. Pre-existing nonconforming (i.e. grandfathered) status is sought for the triplex use, the northern parking area, and the southern parking area. Alternatively, status as an unenforceable zoning violation (i.e. per the 15-year statute of limitations) is sought for the same three items. Finally, recognition as a duplex use is sought if a triplex use cannot be recognized.

The appellant implies that the property has been used as a triplex since at least 1962. The appellant asserts that the northern parking area has been in place since the 1950s (or late 1960s/early 1970s according to other documentation) and that the southern parking area has been in place since 1968.

The subject property is located in the residential low density zone and is ~8,052 sf. The minimum lot size in this zone is 6,000 sf for detached single family dwellings and 10,000 sf for duplexes. Within this zone, single family homes are permitted, duplexes are a conditional use, and triplexes are prohibited. Use as a triplex is nonconforming within this zone. Maximum permissible lot coverage in this zone is 35% (with an additional 10% allowed for open structures like decks, patios, and walkways). Present lot coverage is ~ 66.9% and is nonconforming. A minimum side yard setback of 5' applies to driveways and related parking areas. The southern parking area encroaches into this minimum setback and is nonconforming.

Grandfathered status (i.e. pre-existing legal non-conformities) pertains to lots/parcels/structures/uses that are non-compliant with a current zoning regulation, but were compliant prior to a change in the regulations. Discontinuance of more than 1 year forfeits grandfathered status.

Status of an unenforceable zoning violation is predicated on continuous presence for at least 15 years with the knowledge of the city. It pertains to physical things (such as a parking area accessory to a principal residence) but not to use (such as the triplex use). Note that a case challenging the use exemption from the 15-year statute is presently before the Vermont Supreme Court. Discontinuance for more than sixty (60) days forfeits the unenforceable violation status.

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

I. Findings:

City records indicate that the home was originally constructed in 1885. The record is unclear as to the original use of property; however, it was likely a residence. The earliest solid evidence as to use of the property is a letter from Ann Gill Baron who lived there from 1947 until 1966. The residence was a duplex for the duration of the time she lived there. The property was sold to Hector LeClair in 1966. Sometime thereafter, a 3rd dwelling unit was added without a zoning permit.

Zoning was originally adopted in Burlington in 1947. The zoning code was comprehensively updated in 1962. Of significant import is the fact that the 1962 zoning code distinguished among residential uses (single family home, duplex, multi-family) whereas the 1947 code did not. The residence was a duplex until at least 1966 (4 years after the 1962 rewrite of the zoning code). Conversion to a triplex from 1962 onward would have required a “special exception” issued by the Zoning Board of Adjustment (Sec. 6509 of the ’62 code). No such permit is evident on file or in the permit log in effect at the time. ZBA decisions going back to the original adoption of zoning in Burlington are available in the city’s zoning permit files.

Affidavits from Hector LeClair, owner from 1966 until 2013, assert the presence of 3 units, including one personal office unit. Reference to “multi-family” is made; however details are lacking as to when it was established. As noted above, the record shows a duplex use at the time of sale to Mr. LeClair in 1966. Additional documentation shows exclusive use of one unit as office space (without zoning approval) since 1983 until sale of the property in 2013.

All of the rental billing records since 2004 refer to 2 rental units. Significantly, the rental registration records from 2010 – 2013 indicate vacancy of 2 rental units. The records for 2012 and 2013 further note unit 1 as “office” (and units 2 and 3 not rented). These records clearly suggest discontinuance of triplex (or duplex) use for well over a year.

There is scant zoning permit history for the subject property. A singular notation of a zoning permit for “working on cars and junk cars” dated 8/7/68 is evident in the permit log in use at the time. The actual zoning permit is not on file.

The assessor’s records note “R3” (3 units) from 1984 to the present. Earlier records do not indicate the number of units.

Beyond the foregoing evidence, the determination request includes multiple affidavits and other written statements from other individuals asserting or assuming multi-family use of the property. None of it is as directly relevant as the affidavits from the prior owners noted above.

Affidavits from Hector LeClair and others as well as additional written statements attest to the presence of parking areas along the southern and northern sides of the driveway. The Development Review Board has already issued a decision as to the southern parking area (found to be an enforceable zoning violation) that remains in litigation and is not properly before the DRB in this appeal. An affidavit of Hector LeClair asserts that the northern parking area was established in the late 1960s/early 1970s and periodically maintained throughout his ownership. No site plan is on file for this property. Multiple orthophotos (1978, 2000, 2004, & 2016) show continuous lawn where the northern parking area was seemingly established by Mr. LeClair. Only the 2013 and 2018 orthophoto shows what appears to be a gravel expanse that could be used for parking. No vehicles are evident on the north side in any of the orthophotos. The evidence supports the assertion that there was a gravel area on the north side of the driveway; however, the evidence also shows discontinuance.

The determination request subject to this appeal was submitted November 30, 2018. Following review of the evidence, correspondence with the applicants, and a couple of time extensions to allow for additional evidence, an adverse determination was issued February 4, 2019 as noted below.

This determination is in regard to the above-referenced property, specifically your request that the City of Burlington recognize the use of the property as that of a triplex along with the parking areas on the northern and southern sides of the driveway. Recognition is sought as either grandfathered nonconformities or as unenforceable zoning violations in place for more than 15 years. The City reviewed the following documents/evidence to form its determination:

- The City's zoning permit records
- The City's property assessment records
- The City's rental registration and rental billing records
- The Sanborn maps of 1961 and 1978 & orthophotos of 1978, 2000, 2004, and 2013
- 2008 Comprehensive Development Ordinance and as amended
- Zoning Ordinances of 1994, 1973, 1962, and 1947
- Cover memos from Hans G. Huessy, Esq. dated November 20, 2018
- Affidavits of Hector Leclair dated July 17, 2013, November 16, 2013, August 4 & 25, 2014,
- Affidavits of Phillip M. Bowler, Sr. dated July 3, 2016 and January 22, 2019
- Affidavit of Jeff Fellingner dated June 7, 2017
- Affidavit of Jorge E. Valle dated May 24, 2017
- Affidavit of Margaret M. Tamulonis dated May 4, 2017
- Affidavit of Gordon Demag dated January 28, 2019
- Affidavit of Jim Hartnett dated January 13, 2019
- Affidavit of John Phillips dated January 28, 2019
- Affidavit of Joseph Cleary dated January 30, 2019
- Affidavit of Teresa Cleary dated January 30, 2019
- Letter from Joseph and Teresa Cleary dated January 30, 2019

- Motion to Quash Subpoena, VT Superior Court Environmental Division dated 9/6/16
- Unsigned, un-notarized statement from Ann Gill Baron
- Undated letter from Dale Lavalley to Luke (assumed Luke Purvis)
- Email from Cara Toolin to Luke Purvis dated March 1, 2017
- Email from Robert Hale to Luke Purvis dated July 27, 2016
- Undated written statement from Elizabeth Mariani
- Zoning appeal file 15-0797AP and related documentation
- Vermont Secretary of State business info

Based on the review of these items, it is the determination of the Planning and Zoning Department that use of the property cannot be recognized as a triplex, either as grandfathered or as an unenforceable zoning violation per the 15-year statute of limitations. The Planning and Zoning Department further determines that neither the southern nor the northern parking area can be recognized as grandfathered or as unenforceable zoning violations per the 15-year statute of limitations.

The present use for 3 dwelling units is nonconforming. The use is not allowed, nor is the 8,052 sf property large enough for the 3 dwelling unit density (7 units/acre allowed in RL zone). The evidence suggests that the property contained two dwelling units until at least 1966 when Hector Leclair purchased the property. Sometime thereafter, a 3rd unit was created without a zoning permit¹. The benchmark date for grandfathering is 1962, when the city's zoning standards first distinguished among single family homes, duplexes, and multi-family residences. The 1962 zoning ordinance required Zoning Board of Adjustment approval for multi-family residences within the Residential District, wherein the subject property is located. Evidence as to the use of the property since 1966 is inconsistent. Affidavits from neighbors, tenants, and acquaintances indicates that all 3 units may have been used as dwelling units. Affidavits from Hector Leclair, owner of the property from 1966 until 2013, indicates that one of the units was used as office space since 1983 (and home office before that). The same affidavits note that full occupancy of the three units was inconsistent. The evidence fails to demonstrate consistent, uninterrupted use of the property as a triplex back to 1962. Grandfathered status as a triplex cannot be recognized. The evidence shows that one of the units was used consistently as office space from 1983 until 2013 when the property was sold to the present owner. Uses are not subject to the 15-year statute of limitations. Even if they were, the evidence shows use of one unit as office space as recently as 2013, well within 15 years of the present.

Both parking areas are nonconforming insofar as they have not received zoning approval and they contribute to lot coverage in excess of the 35% limit (~ 70% existing lot coverage) in this residential low density zone. At least the southern parking area encroaches into the minimum required 5' side yard setback. The two parking areas are nonconforming. The benchmark date for grandfathering is April

¹ While not germane to this request, the question as to use of the residence as a single detached dwelling remains.
19-0474DT pg. 4 of 8

26, 1973 when the city's zoning standards first articulated lot coverage limits and minimum setbacks for accessory site features in addition to primary structures in the residential zones.

The northern parking area clearly shows as green space on the 2000, 2004, and 2009 orthophotos of the City of Burlington. All three orthophotos depict green space, and no vehicles are shown parked there. Despite evidence suggesting that the area had served as parking in the past, it has clearly not been maintained as parking space continuously and without interruption since 1973, nor has it been in place continuously and without interruption over the past 15 years. Grandfathered status cannot be recognized, nor can the northern parking area be deemed an unenforceable zoning violation per the 15-year statute of limitations.

Evidence has not been provided to demonstrate the continuous and uninterrupted presence of the southern parking area since 1973. It cannot be recognized as grandfathered. The Development Review Board has already determined that the southern parking area was discontinued for more than 60 days within the past 15 years and cannot be recognized as an unenforceable zoning violation (see zoning appeal 15-0797AP dated April 21, 2015). This determination has stood on appeal to the Vermont Superior Court Environmental Division and cannot be discounted in this determination.

Sec. 5.3.4 *Nonconforming Uses (b) Discontinuance* of the CDO states that a nonconforming use shall not be reestablished if such use has been discontinued for any reason for a period of one year or longer. As noted above, the records show that one of the units was consistently used as an office from 1983 until 2013. This change in use far exceeds the 1 year limitation of this provision. The nonconforming triplex use is not legitimate and cannot be retained.

As noted above, evidence has not been submitted to demonstrate the presence of the northern and southern parking areas back to 1973. Further, the evidence does show that the northern parking area has not existed continuously as plainly depicted in the 2000, 2004, and 2009 orthophotos. Sec. 5.3.5 *Nonconforming Structures (b) Demolition* of the CDO states that a nonconforming structure that is removed for longer than 1 year shall not be re-built or relocated in any way other than in full conformance with the provisions of the CDO. The nonconforming parking areas are not legitimate and cannot be retained.

Sec. 5.3.2, *Bianchi controlled uses, structures, and lots*, of the Comprehensive Development Ordinance (i.e. the 15-year statute of limitations) does not pertain to uses, as use violations are determined to be continuing violations per case law established by the Vermont Superior Court Environmental Division. Further, the evidence shows that at least one of the units was used as office space as recently as 2013. The triplex use cannot be deemed an unenforceable zoning violation.

Sec. 5.3.2, *Bianchi controlled uses, structures, and lots*, of the Comprehensive Development Ordinance does pertain to structures and physical elements such as parking areas. However, as noted above the evidence clearly shows a

discontinuance of the northern parking area for a number of years between 2000 and 2009. Pursuant to CDO Sec. 5.3.2, if the parking is discontinued for more than sixty (60) days, the illegal parking is no longer unenforceable under Sec. 5.3.2.

Finally, as noted above the Development Review Board has already determined that the southern parking area discontinued for longer than 60 days and is not an unenforceable zoning violation per Sec. 5.3.2.

An appeal of this adverse determination was filed February 15, 2019, within the 15-day appeal period. The appellant requested deferral of the appeal hearing until May 21, 2019.

The appeal makes six assertions as to the requested relief:

- *The determinations do not address the issue of whether the property is a grandfathered duplex, despite the submission of evidence that its use as a duplex predates 1962, the first year a duplex would have required a permit.*

It is uncontested that the residence was a duplex in 1962. Sometime thereafter, a 3rd unit was added without zoning approval. An affidavit of Mr. LeClair attests that he raised his family at the property and had a home office. More recently, rental registration records completed by then-owner Hector LeClair show use of one unit as an office and vacancy of both of the two residential units for the years 2010 – 2013. These records demonstrate discontinuance of the triplex and duplex uses. Both uses are nonconforming, and both are eliminated by the demonstrated period of discontinuance.

- *The determination fails to allow for the application of the 15 year SOL for non-conforming uses. This issue is currently on appeal to the Vermont Supreme Court with respect to another City of Burlington case.*

The pending litigation is acknowledged in the determination. Also, as noted in the determination, discontinuance of the triplex and duplex use within the past 15 years is demonstrated by the evidence.

- *Use of a dwelling unit as an office does not constitute a discontinuance of its use as a dwelling unit. At all times, all three units had their own kitchens, baths, bedrooms and electric meters. In addition, the record shows that the former owner occasionally spent the night in his office. Therefore, use of the unit as a home office does not disrupt the running of the 15 year SOL. In addition, temporary vacancies of units do not terminate the running of the 15 year SOL.*

Conversion of a residential dwelling unit to an office for more than a year changes the use, even if the physical layout remains unchanged. If a nonconforming use is discontinued for more than a year, it cannot be reestablished even if nothing has physically changed. Occasionally sleeping in his office, used exclusively for office space since 1983 until sale of the property to the present owner, did not make the office space Mr. LeClair's residence.

- *The City applied the wrong standard in its prior decision related to the southern parking area. It applied a 60-day period of non-use. The record clearly shows parking occurred to*

the south of the driveway prior to 1973, which the City has acknowledged was the date when a permit would have first been required. Accordingly, the City needed to find a one-year period of non-use, not a 60 day period.

This matter is not properly before the DRB in this appeal.

- *The ortho photos relied on by the City to prove non-use are inconclusive at best. They show the status of parking on a single day. Affidavits from the prior owner describe regularly applying gravel to the parking areas after grass grew in. The photos may have been taken just before additional gravel was added.*

The orthophotos used in the determination were taken at 5 different times in 4 different years.

- 1978
- 2000
- 2004 (black & white, pre leaf-out)
- 2004 (color, leaves on)
- 2013

Presently, 6th and 7th dates are available (2016 & 2018). Google Earth imagery is also available. Only two of these orthophotos (2013 and 2018) show gravel north of the driveway. 2016 imagery is low-resolution but shows green north of the driveway. Google Earth imagery clearly shows green north of the driveway in 2012. The orthophotos depict the discontinuance of the northern parking area and its return to lawn and then reconversion back to gravel more recently. It is unlikely that every one of the orthophotos showing lawn were taken just before new gravel was added.

- *The City has failed to address the Applicant's claim that the parking areas were permitted pursuant to a 1968 permit issued to the former owner.*

There is nothing in all of the foregoing evidence to substantiate the claim that somehow the 1968 zoning approval included a site plan depicting the parking areas. Perhaps there was one, perhaps there was not. More significantly, the evidence demonstrates that the northern gravel area was discontinued for a period of years prior to its reestablishment without a zoning permit.

Legitimacy of the triplex use as “grandfathered” is predicated on proof of its continuous existence from pre-1962 until the present. As noted above, the residence was a duplex until at least 1966 when it was sold to Hector LeClair. No zoning permit was ever issued to change the use to a triplex. Use violations are not subject to the 15-year statute of limitations. Even if they were, the evidence shows use of one of the units as office space as recently as 2013. Further evidence demonstrates vacancy of two units for more than a year within the past 15 years. Continuous use as a triplex (or as a duplex) for 15 years has not been demonstrated.

The legitimacy of the southern parking area is not property before the DRB in this appeal. Legitimacy of the northern parking area as “grandfathered” is predicated on existence prior to 1973 and continuous existence since then. An affidavit of Hector LeClair attests that this northern parking area was established by laying down gravel in the late 1960s or early 1970s. It may have predated 1973; however, the affidavit does not clearly establish the time of construction. Even if it

was established prior to 1973, the evidence shows that it was discontinued for a number of years. Status as an unenforceable zoning violation is predicated on continuous existence for the past 15 years. Evidence shows discontinuance as recently as 2012 or 2016.

Nonconformities are tightly limited by the CDO (Sec. 5.3.4 & 5.3.5). The zoning code seeks to replace them with conformity, hence the 1-year timeline for abandonment. Unenforceable violations are even more tightly limited, as they are violations (Sec. 5.3.2). The CDO establishes a 60-day clock for abandonment. The evidence in this determination undercuts the appellant's assertions of grandfathered or unenforceable violation status for the triplex and duplex uses as well as for the northern gravel parking area.

II. Recommended Motion:

Uphold the adverse determination 19-0474DT.



Via Hand Delivery

February 15, 2019

Department of Planning & Zoning
City of Burlington
149 Church Street
Burlington, VT 05401

RECEIVED
FEB 15 2019
DEPARTMENT OF
PLANNING & ZONING

Re: Appeal of Zoning Determination, 164 North Willard Street

Dear Sir/Madam:

Enclosed is an Appeal Request form for the Zoning Determinations issued in relation to the property located at 164 North Willard Street, owned by Appellant Luke Purvis.

Brief description of property. The property is a triplex located at 164 N. Willard St.

Reference to the regulatory provisions applicable to appeal. This appeal involves multiple regulatory provisions, but primarily involves Sections 5.3.2 and 5.3.4

Relief requested by Appellant: That the City recognize the property's status as a triplex based on continuous use as such over 15 years or, in the alternative, recognize the property as pre-existing duplex based on its use as a duplex prior to 1962. That the City recognize that it applied the wrong standard in its prior decision, 15-0797AP, applying a 60 day standard instead of a one year standard with respect to the alleged discontinuance of use of the southern parking area. That the City find that both the southern and northern parking areas are permitted uses per the 1968 permit issued to the prior owner. That the City recognize the northern parking area as a grandfathered use and structure. That the City revisit its prior decision as to the southern parking area in light of the new evidence that it existed before 1973, requiring a one-year period of non-use, not the 60 day period on which the City's prior decision was based.

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

1. The determinations do not address the issue of whether the property is a grandfathered duplex, despite the submission of evidence that its use as a duplex predates 1962, the first year a duplex would have required a permit.
2. The determination fails to allow for the application of the 15 year SOL for non-conforming uses. This issue is currently on appeal to the Vermont Supreme Court with respect to another City of Burlington case.

{00344891.1}

3. Use of a dwelling unit as an office does not constitute a discontinuance of its use as a dwelling unit. At all times, all three units had their own kitchens, baths, bedrooms and electric meters. In addition, the record shows that the former owner occasionally spent the night in his office. Therefore, use of the unit as a home office does not disrupt the running of the 15 year SOL. In addition temporary vacancies of units do not terminate the running of the 15 year SOL.
4. The City applied the wrong standard in its prior decision related to the southern parking area. It applied a 60 day period of non-use. The record clearly shows parking occurred to the south of the driveway prior to 1973, which the City has acknowledged was the date when a permit would have been first required. Accordingly, the City needed to find a one-year period of non-use, not a 60 day period.
5. The Ortho photos relied on by the City to prove non-use are inconclusive at best. They show the status of parking on a single day. Affidavits from the prior owner describe regularly applying gravel to the parking areas after grass grew in. The photos may have been taken just before additional gravel was added.
6. The City has failed to address the Applicant's claim that the parking areas were permitted pursuant to a 1968 permit issued to the former owner.

Also enclosed is a check for the filing fee in the amount of \$250.

If at all possible, please schedule this matter no earlier than mid-May as several key witnesses will not return to Vermont before then. Thank you for your attention to this matter, and please be in touch with any questions.

Sincerely,

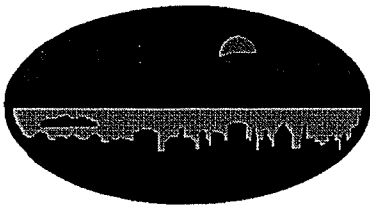
Hans G. Huessy, Esq.
HHuessy@mskvt.com

Enclosures

RECEIVED
FEB 15 2019

DEPARTMENT OF
PLANNING & ZONING

(00344891.1)
MSK
ATTORNEYS



ZONING DETERMINATION

ADVERSE

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 12/06/2018

Appeal Expiration Date: 02/19/2019

Project Location: 164 NORTH WILLARD STREET

District:

Owner: Luke B. Purvis

Ward: 1E

Address: 164 NORTH WILLARD ST #1
BURLINGTON VT 05401

Tax ID: 045-1-091-000

Determination Type: Residential - Other

Determination Description:

Determination as to grandfathered status or 15-year statute of limitations regarding northern parking area, southern parking area, and use as a tri-plex.

Zoning Review #19-0474DT

Decision Type: Administrative

Decision: Adverse

See Determination Findings

Decision Date: February 4, 2019

Zoning Administrative Officer

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on February 19, 2019.

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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$
Total Postage and Fees \$
Sent To Luke Purvis
Street and Apt. No., or PO Box No. 164 North Willard St. Unit 1
City, State, ZIP+4® Burlington VT 05401
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

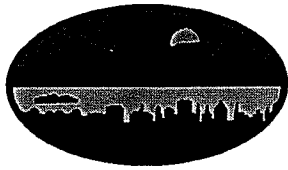
t	Paid in Full	Balance Due: \$0.00
)	No	Date Paid: _____
		Check # _____

Permit Received By: Mailed Certified

Date: 2/5/19

RSN: 364488

149 Church Street Burlington, Vermont 05401-8415



City of
Burlington, Vermont
149 Church Street

Zoning Determination – Findings

ZP #: 19-0474DT

Tax ID: 045-1-091-000

Issue Date: February 4, 2019

Decision: Adverse

Property Address: 164 NORTH WILLARD STREET

Description: Determination as to grandfathered status or 15-year statute of limitations regarding northern parking area, southern parking area, and use as a tri-plex.

This determination is in regard to the above-referenced property, specifically your request that the City of Burlington recognize the use of the property as that of a triplex along with the parking areas on the northern and southern sides of the driveway. Recognition is sought as either grandfathered nonconformities or as unenforceable zoning violations in place for more than 15 years. The City reviewed the following documents/evidence to form its determination:

- The City's zoning permit records
- The City's property assessment records
- The City's rental registration and rental billing records
- The Sanborn maps of 1961 and 1978 & orthophotos of 1978, 2000, 2004, and 2013
- 2008 Comprehensive Development Ordinance and as amended
- Zoning Ordinances of 1994, 1973, 1962, and 1947
- Cover memos from Hans G. Huessy, Esq. dated November 20, 2018
- Affidavits of Hector Leclair dated July 17, 2013, November 16, 2013, August 4 & 25, 2014,
- Affidavits of Phillip M. Bowler, Sr. dated July 3, 2016 and January 22, 2019
- Affidavit of Jeff Fellingner dated June 7, 2017
- Affidavit of Jorge E. Valle dated May 24, 2017
- Affidavit of Margaret M. Tamulonis dated May 4, 2017
- Affidavit of Gordon Demag dated January 28, 2019
- Affidavit of Jim Hartnett dated January 13, 2019
- Affidavit of John Phillips dated January 28, 2019
- Affidavit of Joseph Cleary dated January 30, 2019
- Affidavit of Teresa Cleary dated January 30, 2019
- Letter from Joseph and Teresa Cleary dated January 30, 2019
- Motion to Quash Subpoena, VT Superior Court Environmental Division dated 9/6/16
- Unsigned, un-notarized statement from Ann Gill Baron
- Undated letter from Dale Lavalley to Luke (assumed Luke Purvis)
- Email from Cara Toolin to Luke Purvis dated March 1, 2017
- Email from Robert Hale to Luke Purvis dated July 27, 2016
- Undated written statement from Elizabeth Mariani
- Zoning appeal file 15-0797AP and related documentation
- Vermont Secretary of State business info

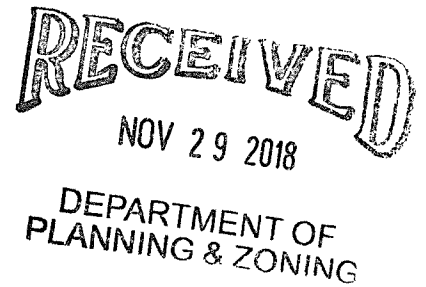
Sec. 5.3.4 *Nonconforming Uses (b) Discontinuance* of the CDO states that a nonconforming use shall not be reestablished if such use has been discontinued for any reason for a period of one year or longer. As noted above, the records show that one of the units was consistently used as an office from 1983 until 2013. This change in use far exceeds the 1 year limitation of this provision. The nonconforming triplex use is not legitimate and cannot be retained.

As noted above, evidence has not been submitted to demonstrate the presence of the northern and southern parking areas back to 1973. Further, the evidence does show that the northern parking area has not existed continuously as plainly depicted in the 2000, 2004, and 2009 orthophotos. Sec. 5.3.5 *Nonconforming Structures (b) Demolition* of the CDO states that a nonconforming structure that is removed for longer than 1 year shall not be re-built or relocated in any way other than in full conformance with the provisions of the CDO. The nonconforming parking areas are not legitimate and cannot be retained.

Sec. 5.3.2, *Bianchi controlled uses, structures, and lots*, of the Comprehensive Development Ordinance (i.e. the 15-year statute of limitations) does not pertain to uses, as use violations are determined to be continuing violations per case law established by the Vermont Superior Court Environmental Division. Further, the evidence shows that at least one of the units was used as office space as recently as 2013. The triplex use cannot be deemed an unenforceable zoning violation.

Sec. 5.3.2, *Bianchi controlled uses, structures, and lots*, of the Comprehensive Development Ordinance does pertain to structures and physical elements such as parking areas. However, as noted above the evidence clearly shows a discontinuance of the northern parking area for a number of years between 2000 and 2009. Pursuant to CDO Sec. 5.3.2, if the parking is discontinued for more than sixty (60) days, the illegal parking is no longer unenforceable under Sec. 5.3.2.

Finally, as noted above the Development Review Board has already determined that the southern parking area discontinued for longer than 60 days and is not an unenforceable zoning violation per Sec. 5.3.2.



Via Hand Delivery

November 28, 2018

Jeanne Francis
Code Enforcement Office
645A Pine Street
PO Box 849
Burlington, VT 05402-0849

Re: Request for Determination as to Use as a Triplex

Dear Ms. Francis,

I am writing in response to the City's letter of November 8, 2018. In that letter, the City identified three issues relating to 164 North Willard Street (the "Property"). I will be filing separate responses on all three issues. This letter addresses the Property's use as a Triplex.

1. The Property's use as triplex predates the 1962 Zoning Ordinance.

Mr. LeClair states that the Property was a multi-unit residential property when he purchased it in 1966. *Exhibit A, Affidavit of H. LeClair*. The prior owner owned it before 1962. Therefore, if it was a triplex when purchased in 1966, it would have also been a triplex prior to 1962 and its use as a triplex is grandfathered. Mr. Lavalley, who grew up in the neighborhood, recalls the property being a triplex as early as 1966. *Exhibit B, Affidavit of D. Lavalley*. In addition, Mr. Bowler, who lives nearby and regularly visited the Property in the 80s states that has been a triplex for as long as he can remember. *Exhibit C, Affidavit of P. Bowler*. Finally, Mr. Purvis has examined all of the doors and walls separating the various units as part of his work on the property and can confirm that doors that separate the three units and most of their locking mechanisms are part of the original construction.

2. Is the property's use as a triplex protected as it has been consistently used as triplex for the last 15 years?

Mr. Purvis acknowledges that pursuant to *Hayford* and *Richardson*, a non-complying use, as opposed to a non-complying structure, cannot avail itself of the 15 year period for enforcement under 24 V.S.A. § 4454. We believe *Hayford* and *Richardson* are bad law and that their holdings conflict with the statute's plain language, which states that the provision applies to "any required municipal land use permit". 24 V.S.A. § 4454(a). As you are aware, the *Hayford* and *Richardson* holdings are the subject of an appeal to the Vermont Supreme Court and it is possible the Court could rule on that appeal prior to the resolution of this matter. Accordingly,

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- 2 -

DEPARTMENT OF
PLANNING & ZONING

we would like a determination on this issue. If you are going to deny the request based on the above decisions, providing evidence of continuous use is pointless. If you would like to see that evidence, please let me know. That evidence would include City tax assessments, apartment registration forms and other relevant City documents, in addition to multiple witness statements.

3. If the City concludes that the property is not properly used as a triplex, has it been consistently used as a duplex beginning prior to 1962?

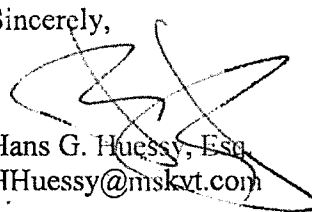
The property's use as a duplex would have first required a permit in 1962, but then only if its use as duplex required some alteration or change to the structure. The Sanborn insurance maps from 1960 show the property divided into a least two distinct units and that the property was issued two street numbers, 164-66, both indicative of its use as a duplex prior to 1962. This is consistent with Mr. LeClair's statement that it was a multi-unit property when purchased in 1966. As its use as duplex predates 1962, no permit would have been required and its use as a duplex is grandfathered as a prior non-conforming use. *Exhibit D, Sanborn Fire Insurance Map, 1960.*

4. If the City concludes that the property was not used as a duplex prior to 1962, has it consistently been used as a duplex for the last 15 years?

See section 2.

We are hoping to get some additional statements about use of the Property as a triplex in the 60s and will forward those to you once they are received.

Sincerely,


Hans G. Huessey, Esq.
HHuessey@mskvt.com

(00321418.1)
MSK
ATTORNEYS

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NOV 29 2018

DEPARTMENT OF
PLANNING & ZONING

AFFIDAVIT OF HECTOR LECLAIR

NOW COMES Hector LeClair and, being duly sworn under oath, hereby deposes and states as follows:

1. My name is Hector LeClair and I am the former owner of the property located at 164 North Willard Street in Burlington, Vermont (hereinafter the "Property"). I purchased the Property, which contains a multi-unit dwelling containing three apartments, in 1966.

2. Until I sold the Property to Luke Purvis in the Summer of 2013, I continuously used one of the apartments as my business office. I regularly visited the Property and spent time in my office at least several times per year.

3. In 1983, I received the benefit of an easement (the "Easement") for a portion of the Northeast corner of my neighbor's property at 158 North Willard Street, Burlington, for "ingress and egress and for all other lawful purposes." A copy of the 1983 Easement, recorded at Book 297, Page 80 of the City of Burlington Land Records, is attached hereto.

4. In 1983, after the Easement was recorded, I laid gravel and dirt in the easement and on a portion of the Southern portion of the Property to create a parking area for my guests and occupants. An aerial photograph from 1988 showing parking in the Easement and the gravel footprint is attached hereto. The footprint of the graveled area when I first laid it down was a rough triangular area of 14' X 53' X 55', abutting on the Northern edge onto the paved driveway.

5. Because grass and other vegetation encroached on the graveled area quickly, I laid new gravel and dirt in the same footprint in the Easement area several times over the years to maintain the parking area for occupants and guests. From the first time I laid gravel and dirt in 1983, until the last time I did so before selling the Property in 2013, any new gravel and dirt was placed in the same footprint as the previously gravel and dirt, maintaining the same 14' X 53' X 55' footprint. At no time did I expand the graveled area beyond its original footprint.

6. Whenever I had tenants living in the other apartments on the Property, they and their guests would regularly park in the Easement area. This is demonstrated in the series of photographs attached hereto, which show either my vehicle or tenants' vehicles parked in the Easement area in 1988, 2000, 2004, approximately 2005, 2011, and 2013.

7. From the late-1960s/early-1970s forward I also maintained a parking area in the Northern portion of the Property (the "Northern Parking Area"), and would regularly park there, as would occupants and guests. The Northern Parking Area footprint is a roughly rectangular shape with slightly longer Western and Eastern sides, approximately 32' long and 19' or 23' wide on either end. The Southern boundary of this Area is the paved driveway. Each time I laid new gravel in the Northern Parking Area I did so in the same footprint as I originally established in the late-60s/early-70s.

8. The number of tenants I rented to over the years fluctuated; however, from 1983 until I sold the Property in 2013, even if I did not have any active tenants I continued to use my business office on the Property regularly. When I would visit my office, I would park in the Easement area, or in the Northern Parking Area.

DATED at Essex St., Vermont this 25th day of August, 2014.

Hector Leclair
HECTOR LECLAIR

Subscribed and sworn to before me this ____ day of August, 2014.

By: Mary McLaughlin
Notary Public
My Commission Expires: 2/10/2015

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DEPARTMENT OF
PLANNING & ZONING

**Dale Lavalley
109 Elmwood Ave.
Burlington, Vt 05401**

Hi Luke,

Nice meeting you the other day and I enjoyed our conversation about the neighborhood I grew up in. I currently reside on Elmwood Avenue, not far from the Willard Street area. I'm sorry to hear the City of Burlington somehow misplaced any permits Hector LeClair applied for back in the day. I hung around with his son Ricky as well as kids on Dan's Court and Russell Street. Hector was a racecar driver at Catamount Speedway and Thunder Road so he had a garage with parking on both sides of the driveway as well as out back. There were cars all over the place. On race days all his mechanics and friends would park on the property while they were away. We'd watch them (and help a little) load up the car carrier on race days. He had one of those large car carriers he kept on site. He had a couple of beat up race cars out back he would let us play in. It was cool when you're a 9 year old kid. I'm talking 1966-67 time frame. Hector was a nice man and let us hang out there as long as we stayed out their way. He always had mechanics there working on something. We also hung out with the Chagnon's who live in one the apartments. There was a third apartment with an elderly couple but I never met them. I still enjoy driving through that area and checking out our old hangouts. Throughout the years I've noticed the area to the south of the driveway regularly used for cars and parking as that area is visible from N. Willard Street. I work for Vermont Gas Systems and had the pleasure of working with Hector on several natural gas pipeline projects since he owns a lot of land off Sandhill road in Essex. Over the years he's developed Corporate Drive into a nice commercial/industrial development. He's been great to work with over the years.

Hopefully the City of Burlington will grant you the same opportunity to use the property as it was decades ago.

Take Care,

Dale Lavalley
Dale Lavalley

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PLANNING & ZONING

EXHIBIT

B

BURLINGTON, VERMONT THURSDAY JULY 21, 2016

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DEPARTMENT OF
PLANNING & ZONING

Dear Luke,

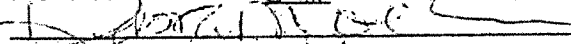
AFFIDAVIT OF PHILLIP M. BOWLER SR.
IN RE: PARKING AT 164 NORTH WILLARD STREET

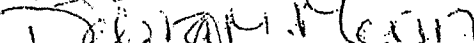
During several years in the early 1980's I was a volunteer race car mechanic for Hector LeClair, owner of said property at that time. Hector raced in NASCAR NORTH. His race car was kept at the garage at 164 North Willard Street. I lived just around the corner at 395 North Street since the early 1970's so I almost always walked over to the garage. There were several other mechanics who also worked several nights a week on the race car and/or parked their cars at the garage as we went to the races or prepared the car for the races. Every night we were at the garage several of the mechanic's cars were parked to the right of the garage, on the south side gravel lot, off the paved portion of the driveway. Sometimes they parked on the north off of the paved portion of the driveway because we had to load the car on the race car hauler in front of the garage on the paved portion. Those other mechanics were Andy Costello, Kenneth Bucklin, Randy Chapin, Robert Hudson and sometimes, Hector's brother, Marcel LeClair and his son, also a volunteer mechanic, also occasionally visited and parked there. Hector's son-in-law, Carl Kane, also occasionally visited and helped us work on the car. They all lived outside of Burlington and drove their cars to the garage and parked off the pavement, mostly to the right of the garage. The season ran from April until sometimes early October. If we went to races far away such as Oxford Plains, Maine or Dover, Delaware, cars were parked there from all day to several days. I never heard of or about any complaints from adjoining neighbors. The six wheel Chevrolet race car hauler was almost always backed in to the south of the garage.

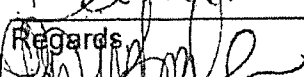
I drive by that address almost every day and several times a year would stop by and visit Hector until he sold the building. I almost always looked up the driveway to see if Hector was there. There were frequently vehicles parked to the right of the paved driveway on the gravel to the south of the property.

As far back as I can remember there have been three mailboxes on the property, two on the front porch and Hector's mailbox on the side porch in front of the door. During the course of my time there there were tenants in both the front second floor apartment and the rear apartment at various times. I cannot adjudge to how continual their tenancy was because other than waving or occasionally chatting with them, I did not pay any particular attention to them. The tenants and others also parked on the north side of the driveway.

NOTARIZED THIS 31st DAY OF JULY, 2016:





Regards

Phillip M. Bowler Sr.

EXHIBIT

C

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AFFIDAVIT OF PHILLIP M. BOWLER, SR.

DEPARTMENT OF
PLANNING & ZONING

Phillip M. Bowler, Sr., being over the age of eighteen years and a resident of the State of _____, hereby deposes and states as follows:

1. My name is Phillip M. Bowler, Sr, I am more than eighteen years old, and I have personal knowledge of the following facts.
2. During several years in the early 1980's I was a volunteer race car mechanic for Hector LeClair, owner of 164 North Willard Street, Burlington, Vermont (the "Property") at that time.
3. Hector raced in NASCAR NORTH. His race car was kept at the garage at the Property. I had lived just around the corner at 395 North Street since the early 1970's so I almost always walked over to the garage at the Property.
4. There were several other mechanics who also worked several nights a week on the race cars. Those mechanics parked their cars at the Property as we went to the races or prepared the car for the races.
5. Every night we were at the Property several of the mechanic's cars were parked to the right of the garage, on the south side gravel lot, off the paved portion of the driveway.
6. Sometimes they parked on the north, also on a gravel lot, off of the paved portion of the driveway because we had to load the car on the race car hauler in front of the garage on the paved portion.
7. Those other mechanics were Andy Costello, Kenneth Bucklin, Randy Chapin, Robert Hudson and sometimes Hector's brother, Marcel LeClair and his son, also a volunteer mechanic, occasionally visited and parked there. Hector's son-in-law, Karl Kane, also occasionally visited and helped us work on the car.
8. They all lived outside of Burlington and drove their cars to the Property and parked off the pavement, most often to the right of the garage.
9. If we went to races far away such as Oxford Plains, Maine, Dover, or Delaware, cars were parked there from all day to several days.
10. I never heard of or about any complaints from adjoining neighbors.
11. The six wheel Chevrolet race car hauler was almost always backed in to the south of the garage.
12. We were never told we could not park there or that there was any problem with parking there. On race car preparedness nights, there were often five or six cars parked there.
13. I believe that there was gravel on both sides, but primarily on the right/south side of the driveway. There were never any complaints from any neighbors about parking or noise that I was aware of.
14. I drove by that address almost every day, and several times a year would stop by and visit Hector until he sold the building.
15. I almost always looked up the driveway to see if Hector was there. There were frequently vehicles parked to the right of the paved driveway on the gravel to the south of the property. I also saw cars parked to the right of the driveway.
16. As far back as I can remember there have been three mailboxes on the property, two on the front porch and Hector's mailbox on the side porch in front of the door.
17. During the course of my time there were tenants in both the front second floor apartment and the rear apartment at various times.
18. The tenants and others parked on the gravel lot located to the north of the driveway.

19. During a period of time Hector owned the Property he lived there with his family.
20. Later, Hector would stay at the Property whenever he had business in Burlington.
21. I remember walking down Dan's Court looking for a shortcut to the garage. There was a 4" x 4" turkey wire fence from the house on the northwest corner of North Street all the way to the end of the street. It was impossible to access the garage from Dan's Court and after that I always walked down North Street and in front of the houses on Willard Street.

DATED at _____, _____ this ____ day of September 2018.

Phillip M. Bowler, Sr.

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STATE OF _____
_____ COUNTY, SS.

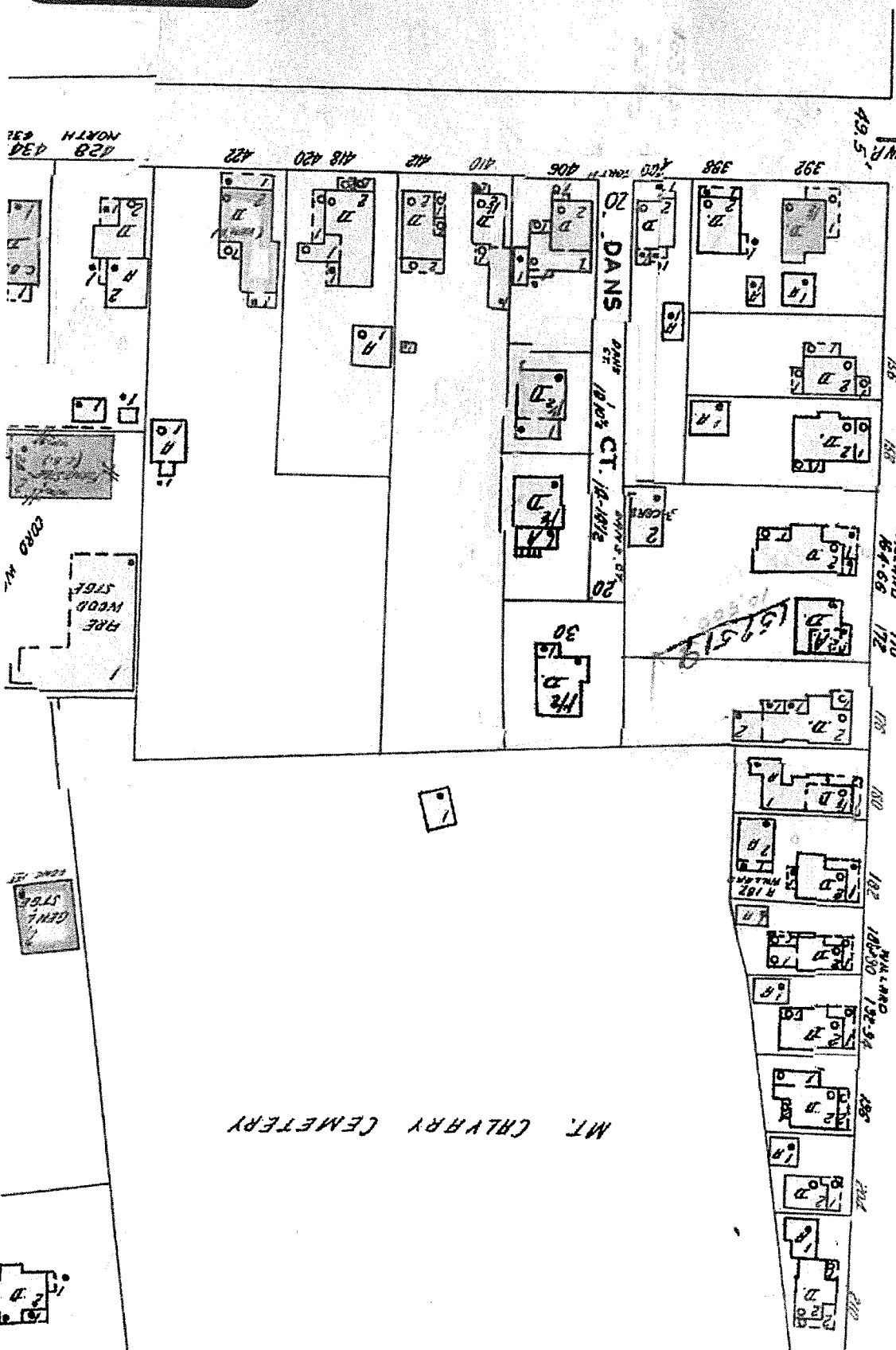
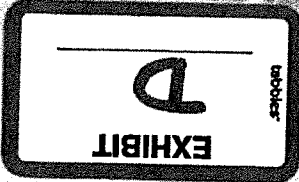
DEPARTMENT OF
PLANNING & ZONING

Subscribed and sworn to by Phillip M. Bowler, Sr., identified or known personally to me,
at _____, _____ this ____ day of September 2018.

Before me, _____

Notary Public

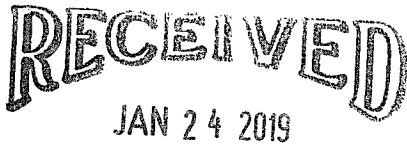
My Commission Expires: _____



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DEPARTMENT OF
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N. WILLARD

28



DEPARTMENT OF
PLANNING & ZONING

1/18/19
Affidavit: Regarding 164 -166 North Willard St.

Gordon Demag, being over the age of eighteen years and a resident of the State of Vermont hereby deposes and states as follows:

1. My Name is Gordon Demag.
2. I have lived continuously at 19 Pomeroy St. with my wife Betty since 1961. I'm about a block away from 164-166 North Willard St.
3. I was a mailman in Burlington for over 30 years between the 1960s and 1990s. Over the years, I delivered to 164-166 North Willard St. frequently, even though North Willard was not my primary route. From my earliest days as a postman, there were 3 apartments. I delivered mail to 3 mailboxes.
4. Betty and I are daily walkers throughout the neighborhood. We often still walk by 164-166 North Willard St.
5. Starting in the mid to late 1960s, from North Willard, I noticed Hector Leclair's race car and hauler at his property. Having a car repair and racing operation down the street was quite unusual to see within Burlington. In the late 1960s, I saw cars parked to the south of the driveway, along a fence on the gravel. The hauler was often to the south of the barn on gravel. At nights, I remember seeing mechanics repairing cars with garage doors open and the lights on from North Willard Street. The garage was used for repair so the cars parked off the driveway to not block access in and out of the bays.
6. Over the years, I noticed parked cars on gravel off the driveway. In the summer evenings, the work in garage was visible. There was always more cars at that property than elsewhere in the neighborhood.
7. I have always known 164 -166 North Willard St. to be a multifamily. As a postman, I remember it as a triplex. The units on the property always seemed occupied to me as a mailman and while walking by after I retired.

DATED at _____, _____ this ____ day of January 2019.

1/23/19

Hi Gordon,

Here is the updated statement. I added the small changes we discussed and formatting so the statement can be notarized like an affidavit – which is what the city wants to see.

I'm having trouble finding notaries who make house calls. Would you be willing to stop at the UPS store, next to the City Market, to have this notarized? Please find the cost to notarize this statement included. If that's is problematic, let me know and I'll keep looking for notaries.

Feel free to call with questions or stop over for an introduction to the rest of my family. We are so grateful for your help in this matter.

Sincerely,
Luke Purvis
164-166 North Willard St.
(609) 235-5792 – Cell phone

UPS store - 70 S Winooski Ave Ste 1W · (802) 651-1695

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JAN 24 2019

DEPARTMENT OF
PLANNING & ZONING

1/13/19
Regarding 164 North Willard Street

For Burlington Zoning:

My name is Jim Hartnett. I write to share my memories of 164 North Willard St. My family has lived at 75 Brookes Avenue for over 60 years. I was born there in 1962 and I live there now with my mother and sister.

In the late 1960s I was very familiar with North Willard St, North St., Dan's Ct. and the Mt. Calvary Annex, around the Willard Street market. I had a newspaper route with my brother Dave throughout the Hill Section. That route ended at North and North Willard streets. The route included the houses on Dan's Ct.

We began delivering papers in the late 1960s. We continued that route into the mid - 1970s. The Willard Street Meat Market was my family's local grocery. I was always by that store as a kid. My friends and I would stop there with our bikes and cut through Dan's Ct. into the woods around the cemetery.

From Dan's Ct, the rear of 164 North Willard Street was visible. It was an interesting place in the city for sure. No other property in the neighborhood repaired race cars. This was in the earliest days of the paper route, the late 1960s. There was a trailer and cars parked on gravel next to a large barn and along the southern driveway privacy fence. I enjoyed seeing the race cars after accidents in various states of repair. The car hauler had a 58 or 59 on it. At least one car seemed to be a parts car. Sometimes we could see into the barn windows as the men repaired the cars. Evenings were very active in that barn.

Standing to the north of the barn on Dan's Ct., I could also see parking behind the house around the same time. I believe there was gravel there. As a paperboy, I noticed 3 mailboxes on the property.

Over the years and up through today, I have driven by that property many times. It's one of those places where I still look up the driveway. I stopped seeing the race cars in the 1990s, but there continued to be activity in the barn. The property looked occupied to me throughout the years and I don't think any unit was vacant for more than 1 year. Often there were cars on gravel to the south of the driveway, just as there always have been. If I would have purchased this property in 2013, I would have believed I could continue to rent it as a triplex and repair and park cars on the gravel and in the barn.

Thanks and feel free to contact me with any questions.

Jim Hartnett.
75 Brooks Ave.
(802)355-0063

30 December 2018

Luke Purvis
164 North Willard Street
Burlington, VT 05401

RECEIVED
JAN 18 2019

DEPARTMENT OF
PLANNING & ZONING

Re: Extent of Parking at 164 North Willard Street

Dear Burlington City Staff:

I previously completed a boundary survey with preparation of the "Plat of Survey of Lands of Luke B. Purvis- 164 North Willard Street - Burlington, Vermont" dated 22 August 2016. As part of my survey process I was asked to conduct field investigation to search for physical evidence to verify prior statements made regarding parking along the south of the property for a mediation session. Specifically, Mr Purvis had informed me he had seen photos of parking to the south that predated the history described in the statements. He wanted to know if the historical gravel footprint extended beyond what was laid in 2013.

These statements include:

1. The "Statement of Historical Usage for 164 North Willard St" dated 4 August 2014 and the "Affidavit of Hector Leclair" dated 25 August 2014 were prepared by Mr. Leclair to describe the evolution and scope of parking on the easement as well as the northern lot. They were written to respond to concerns raised by neighbors, the Cleary's.
2. Additionally, the "Affidavit of Phillip M. Bowler Sr." dated 31 July 2016 describes Mr. Bowler's involvement with Hector Leclair and his knowledge and observations of parking at this address from the 1980's until 2013.

I systematically probed in the area immediately south of the "barn/garage" as well as the area to the south of the driveway which includes Purvis property and the 'Exclusive Use Easement' reserved by Hector Leclair in 1983. My field investigation during 2016 revealed gravel in the area south of the barn/garage. However, the gravel is covered by more recent silt discharges in storm water from the surface of abutting Dan's Court. This discharge was and still is caused by ineffective storm drainage and the damaged retaining wall supporting the west side of Dan's Court. The wall abuts and is elevated above The Purvis property by several feet. The gravel in this area is consistent with the above statements describing past parking of Leclair's race car hauler (trailer) in that location.

My field investigation also revealed gravel through most of the area off the south edge of the Purvis paved driveway, to the Cleary stockade fence erected in 2015. Part of this area, adjacent to the driveway and onto the easement, is a homogenous area of gravel whose size and shape closely approximates the gravel footprint laid down in 2013. At the time of my survey work, weeds had grown through the larger historical gravel footprint on other parts of the easement. It is my opinion The Environmental Court order to not use the area for parking throughout the spring and summer of 2016 contributed the increased weed growth in the area.

30 December 2018

Luke Purvis
164 North Willard Street
Burlington, VT 05401

RECEIVED
JAN 18 2019

DEPARTMENT OF
PLANNING & ZONING

Re: Extent of Parking at 164 North Willard Street

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1. The "Statement of Historical Usage for 164 North Willard St" dated 4 August 2014 and the "Affidavit of Hector Leclair" dated 25 August 2014 were prepared by Mr. Leclair to describe the evolution and scope of parking on the easement as well as the northern lot. They were written to respond to concerns raised by neighbors, the Cleary's.
2. Additionally, the "Affidavit of Phillip M. Bowler Sr." dated 31 July 2016 describes Mr. Bowler's involvement with Hector Leclair and his knowledge and observations of parking at this address from the 1980's until 2013.

I systematically probed in the area immediately south of the "barn/garage" as well as the area to the south of the driveway which includes Purvis property and the 'Exclusive Use Easement' reserved by Hector Leclair in 1983. My field investigation during 2016 revealed gravel in the area south of the barn/garage. However, the gravel is covered by more recent silt discharges in storm water from the surface of abutting Dan's Court. This discharge was and still is caused by ineffective storm drainage and the damaged retaining wall supporting the west side of Dan's Court. The wall abuts and is elevated above The Purvis property by several feet. The gravel in this area is consistent with the above statements describing past parking of Leclair's race car hauler (trailer) in that location.

My field investigation also revealed gravel through most of the area off the south edge of the Purvis paved driveway, to the Cleary stockade fence erected in 2015. Part of this area, adjacent to the driveway and onto the easement, is a homogenous area of gravel whose size and shape closely approximates the gravel footprint laid down in 2013. At the time of my survey work, weeds had grown through the larger historical gravel footprint on other parts of the easement. It is my opinion The Environmental Court order to not use the area for parking throughout the spring and summer of 2016 contributed the increased weed growth in the area.



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DEPARTMENT OF
PLANNING & ZONING

Via Hand Delivery

November 20, 2018

Jeanne Francis
Code Enforcement Office
645A Pine Street
PO Box 849
Burlington, VT 05402-0849

Re: Request for Determination as to Northern Lot

Dear Ms. Francis,

I am writing in response to the City's letter of November 8, 2018. In that letter, the City identified three issues. I will be filing separate responses on all three issues, and will hopefully get all three to you before Monday, November 26th. This letter addresses the northern parking lot.

1. Did the northern parking area pre-date the 1962 Zoning Ordinance?

Mr. LeClair, the prior owner of 164 North Willard Street (the "Property"), states that the northern parking area was there when he bought the Property in 1966 and had been in use since the 1950s. *Exhibit A, Two Affidavits of H. LeClair*. Mr. LeClair states that throughout his ownership of the Property he regularly re-graveled this parking area as weeds grew up through the existing gravel. Therefore, it is more likely than not that the northern parking area pre-dated the 1962 Zoning Ordinance and is a pre-existing non-conforming structure that has been used continuously since 1962.

2. Was the parking area to the north of the driveway approved as part of the permitting process in 1968?

Mr. LeClair received a zoning permit in 1968 for working on race cars and junk cars on the Property. At the time, Mr. LeClair would have been required to submit a site plan as part of his application. It is our understanding that if such a site plan was submitted and approved, it was destroyed in an accident and the City no longer has a copy of the site plan. To work on the cars, vehicles would have to be parked on the Property. According to Mr. LeClair, the northern and southern parking areas were used for that purpose beginning in the late 1960s. The parking areas were used to park the cars that were worked on, parking for mechanics who assisted Mr. LeClair and by the buildings occupants, *i.e.* the permitted use of the parking area would have been both for parking race and junk cars and for residential and guest parking. Mr. LeClair recalls re-

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DEPARTMENT OF
PLANNING & ZONING

graveling these parking areas on a regular basis as weeds would grow through the gravel over time.

Mr. LeClair's statements are supported by the statements of Philip Bowler and Dale Lavalley. Dale Lavalley grew up in the neighborhood of 164 North Willard in the 60's and still lives nearby. As a child, Mr. Lavalley was friends with a child who lived in one of the Property's rental units and with Mr. LeClair's son. Mr. Lavalley recalls cars parked on both sides of the driveway beginning in the 60's. Mr. Bowler was a volunteer mechanic for Mr. LeClair and lived just around the corner from the Property. Mr. Bowler would walk over to the Property to work on race cars. He recalls cars parked on both sides of the driveway. Both Mr. Bowler and Mr. Lavalley say that for years after they stopped spending significant time at the Property, whenever they drove by the Property they would look up the driveway to see if Hector was there and that when they did so, they observed cars parked on both sides of the driveway. The supporting statements show that this mixed use continued throughout Mr. LeClair's ownership. *Exhibit B (Two Affidavits from P. Bowler (signed copy of second affidavit to follow shortly)) and C, Lavalley Statement.* The statements show that parking occurred on both sides of the driveway from the late 60's forward and that the parking areas were regularly re-graveled.

3. If not permitted in 1968, has the northern parking area been in existence and continually used for the last 15 years?

The northern parking area has been in use for over fifteen years without interruption. The City has pointed to an aerial photo that shows the northern parking area weeded over and suggests this means that use of the parking area had temporarily ceased. This is not the case. Weeds continually grew up through the gravel over time and occasionally Mr. LeClair would re-gravel the parking area. So the aerial photo may have been taken just before the area was re-graveled. The intermittent parking of cars on weeds will not necessarily kill the weeds and the fact that weeds grew in over time is not evidence that the area was not continuously used for parking. This is especially true once the property was no longer used for racing activities, as the number of cars parking there would have declined, with parking being limited to use by the Property's residents. The continuous use of the northern parking area for at least 15 years is supported by the statements of Mr. Bowler and Mr. Lavalley as discussed above.

In addition to my clients' testimony, the affidavits provided by Mr. LeClair, and the statements from Mr. Bowler and Mr. Lavalley, there is testimony from numerous other neighborhood residents, including Mr. Fellingner, Mr. Valle, Ms. Tamulonis, Ms. Toolin, Mr. Hale, and Ms. Mariani. *Exhibits D, E, F, G, H, and I.* Mr. Fellingner owned and occupied 169 North Willard from 2006 to 2014. It is located directly across the street from 164 North Willard. He observed that tenants parked to the sides of the driveway in the rear of the Property. Mr. Valle has lived at the Property as a tenant since September of 2013. He will testify that he observed parking to

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DEPARTMENT OF
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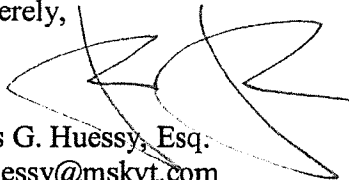
both sides of the driveway in the rear of the Property. Ms. Tamulonis has owned 172 North Willard since 2002. Her property abuts the Property. She will testify she observed parking to both sides of the driveway in the rear of the Property and also observed that these gravel areas were regularly plowed. Ms. Toolin was a tenant at the Property from October 2013 to September 2014. She was advised that she was allowed to park in the gravel areas on both sides of the driveway. Mr. Hale was a tenant at the Property from October 2014 through November 2015. He will testify that parking was allowed in the gravel areas on both sides of the driveway. Ms. Mariani will testify that she was a tenant at the Property from August of 2013 to July of 2014, and that she used the gravel areas on both sides of the driveway to park.

In addition to the above witness statements, my clients also observed the re-graveling of the parking areas prior to their purchase of the Property. On March 19, 2012, my clients took a tour of the property. Mr. LeClair had recently performed maintenance on the unpaved parking areas by adding fresh gravel to them a week or two earlier. They submitted an offer to Mr. LeClair about a week later. My clients continued to research the parking issue as during one of their visits, the Clearys had informed my clients that they disputed Mr. LeClair's assertion that he had always parked on both sides of the driveway. My clients then found more images on the internet showing parking to the north and south of the driveway. My clients visited the Planning and Zoning office to research parking at 164 North Willard. Just to be safe, given the Clearys' claims, they spoke with Nic Anderson of the Planning and Zoning Office. Although Nic and my clients found no permits specific to parking on record, Nic indicated that if the parking had been going on there for 15 years it would be grandfathered. He indicated if the parking had been there since the early 60's, it would be a legal non-conformity. Nic showed them aerial photos showing cars parked to the side of the driveway. Nic said that testimony from prior owners could be sufficient to demonstrate the usage.

Accordingly, the evidence clearly demonstrates continuous use of the northern parking area for over 15 years.

For all the above reasons, the City should conclude that the Purvises are entitled to continue their use of the parking area to the north of the driveway. Please note that Mr. Bowler is away on vacation. He approved his statement before he left and will sign it on his return. In addition, we hope to receive two more letters/statements of support within the next ten days.

Sincerely,



Hans G. Huessy, Esq.
HHuessy@mskvt.com

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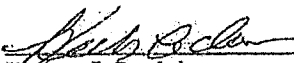
DEPARTMENT OF
PLANNING & ZONING

AFFIDAVIT

I, **Hector J. Leclair**, hereby state the following to be true:

1. I have continuously owned property located at 164 North Willard Street, Burlington, Vermont since April 27, 1966.
2. The gravel area located to the rear (easterly) of the dwelling has been used as a parking area for the property since 1966, and on information and belief, was used as a parking area for the property as long ago as the 1950's.

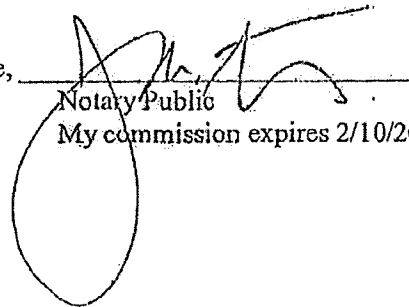
Dated at Colchester, Vermont this 16th day of November, 2013.


Hector J. Leclair

STATE OF VERMONT
COUNTY OF CHITTENDEN

~~At Colchester,~~ ^{Burlington} Vermont this ~~16th~~ ^{17th} day of July, 2013, personally appeared **Hector J. Leclair**, signer of the foregoing instrument, and he acknowledged the same to be his free act and deed.

Before me,


Notary Public

My commission expires 2/10/2015

EXHIBIT

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DEPARTMENT OF
PLANNING & ZONING

Statement of Historical Usage for 164 North Willard St

I, Hector J. Leclair, being duly sworn hereby state as follows:

History/Description:

I purchased 164 North Willard St., Burlington VT 05401 in April, 1966. I raised my family in this house. This property served as my home office since the date of purchase until July 2013 when I sold the property. In May, 1968, I purchased the rectangular parcel of land immediately to the south of the barn structure. In August 1983, the 164 North Willard property gained benefit of an exclusive easement over a north eastern triangle of the property located at 158 North Willard Street Burlington Vt, 05401. This triangle easement adjoins the entire westerly edge of the rectangular parcel transferred in 1968.

Usage:

Barn/Garage - This structure never served to accommodate the parking needs of the property. It has always been used as a shop. Its first use was as automotive shop to support mechanical and storage needs to successfully own and drive the #59 stock car from the late 1960s and through the 1970s. After the stock car operation outgrew the barn, the usage of the structure transitioned to support the storage and construction needs of my real estate development businesses and the barn served those purposes until the property was sold in 2013.

Parking - The north side of the driveway to the east of the house has been used for parking since purchasing the property in 1966 and to my knowledge before 1966. Beginning in the late-1960s, early-1970s, I added gravel to this lot at regular intervals to maintain the parking lot. Each time I added new gravel to the parking area, I maintained the same footprint as the previous area, and did not expand or change the covered area. Most recently, I added gravel in 1996, 2005, and 2013. I have added gravel on this lot many times since my ownership began as vegetation quickly encroaches on the parking area. This northeast lot is able to park 4 vehicles and spans approximately 35 feet from east to west.

This property has always had high usage needs due to mechanics and contractors visiting the barn, business associates meeting in my home office, and tenant parking. The north east lot was never able to accommodate the off street parking needs of the property. In 1983, an easement was created to address the parking shortage. This easement was intended for and has been used as parking for 164 North Willard since its creation. Up to 4 cars are able to park on this easement. I installed a metal fence and planted trees along the easement line as part of this easement's creation. The metal fence stayed in existence, uninterrupted, without complaint from owners of 158 North Willard as a boundary line until it was removed and replaced by a wooden stockade fence in 2012, prior to the sale of 158 North Willard. I agreed to the replacement of the metal fence line to wooden stockade because of the improvement to privacy. The wooden fence was intended to be the boundary line replacement of the metal fence. Maintenance of this easement area, since its creation, included weeding, mowing, adding gravel and dirt as needed and snow removal, which I performed.

Finally, I parked trailered equipment on the rectangular parcel that was transferred in 1968 as needed.

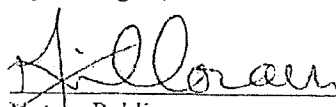
Dated at Burlington, Vermont this 4th day of August, 2014.


Hector J. Leclair

STATE OF VERMONT
COUNTY OF CHITTENDEN

Subscribed and sworn to before me this 4th day of August, 2014.

By:


Notary Public

My Commission Expires: 2/10/2015

BURLINGTON, VERMONT THURSDAY JULY 21, 2016

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DEPARTMENT OF
PLANNING & ZONING

Dear Luke,

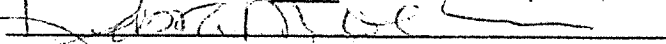
AFFIDAVIT OF PHILLIP M. BOWLER SR.
IN RE: PARKING AT 164 NORTH WILLARD STREET

During several years in the early 1980's I was a volunteer race car mechanic for Hector LeClair, owner of said property at that time. Hector raced in NASCAR NORTH. His race car was kept at the garage at 164 North Willard Street. I lived just around the corner at 395 North Street since the early 1970's so I almost always walked over to the garage. There were several other mechanics who also worked several nights a week on the race car and/or parked their cars at the garage as we went to the races or prepared the car for the races. Every night we were at the garage several of the mechanic's cars were parked to the right of the garage, on the south side gravel lot, off the paved portion of the driveway. Sometimes they parked on the north off of the paved portion of the driveway because we had to load the car on the race car hauler in front of the garage on the paved portion. Those other mechanics were Andy Costello, Kenneth Bucklin, Randy Chapin, Robert Hudson and sometimes, Hector's brother, Marcel LeClair and his son, also a volunteer mechanic, also occasionally visited and parked there. Hector's son-in-law, Carl Kane, also occasionally visited and helped us work on the car. They all lived outside of Burlington and drove their cars to the garage and parked off the pavement, mostly to the right of the garage. The season ran from April until sometimes early October. If we went to races far away such as Oxford Plains, Maine or Dover, Delaware, cars were parked there from all day to several days. I never heard of or about any complaints from adjoining neighbors. The six wheel Chevrolet race car hauler was almost always backed in to the south of the garage.

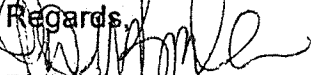
I drive by that address almost every day and several times a year would stop by and visit Hector until he sold the building. I almost always looked up the driveway to see if Hector was there. There were frequently vehicles parked to the right of the paved driveway on the gravel to the south of the property.

As far back as I can remember there have been three mailboxes on the property, two on the front porch and Hector's mailbox on the side porch in front of the door. During the course of my time there there were tenants in both the front second floor apartment and the rear apartment at various times. I cannot adjudge to how continual their tenancy was because other than waving or occasionally chatting with them, I did not pay any particular attention to them. The tenants and others also parked on the north side of the driveway.

NOTARIZED THIS 31st DAY OF JULY, 2016:





Regards,

Phillip M. Bowler Sr.

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AFFIDAVIT OF PHILLIP M. BOWLER, SR.

DEPARTMENT OF
PLANNING & ZONING

Phillip M. Bowler, Sr., being over the age of eighteen years and a resident of the State of _____, hereby deposes and states as follows:

1. My name is Phillip M. Bowler, Sr, I am more than eighteen years old, and I have personal knowledge of the following facts.
2. During several years in the early 1980's I was a volunteer race car mechanic for Hector LeClair, owner of 164 North Willard Street, Burlington, Vermont (the "Property") at that time.
3. Hector raced in NASCAR NORTH. His race car was kept at the garage at the Property. I had lived just around the corner at 395 North Street since the early 1970's so I almost always walked over to the garage at the Property.
4. There were several other mechanics who also worked several nights a week on the race cars. Those mechanics parked their cars at the Property as we went to the races or prepared the car for the races.
5. Every night we were at the Property several of the mechanic's cars were parked to the right of the garage, on the south side gravel lot, off the paved portion of the driveway.
6. Sometimes they parked on the north, also on a gravel lot, off of the paved portion of the driveway because we had to load the car on the race car hauler in front of the garage on the paved portion.
7. Those other mechanics were Andy Costello, Kenneth Bucklin, Randy Chapin, Robert Hudson and sometimes Hector's brother, Marcel LeClair and his son, also a volunteer mechanic, occasionally visited and parked there. Hector's son-in-law, Karl Kane, also occasionally visited and helped us work on the car.
8. They all lived outside of Burlington and drove their cars to the Property and parked off the pavement, most often to the right of the garage.
9. If we went to races far away such as Oxford Plains, Maine, Dover, or Delaware, cars were parked there from all day to several days.
10. I never heard of or about any complaints from adjoining neighbors.
11. The six wheel Chevrolet race car hauler was almost always backed in to the south of the garage.
12. We were never told we could not park there or that there was any problem with parking there. On race car preparedness nights, there were often five or six cars parked there.
13. I believe that there was gravel on both sides, but primarily on the right/south side of the driveway. There were never any complaints from any neighbors about parking or noise that I was aware of.
14. I drove by that address almost every day, and several times a year would stop by and visit Hector until he sold the building.
15. I almost always looked up the driveway to see if Hector was there. There were frequently vehicles parked to the right of the paved driveway on the gravel to the south of the property. I also saw cars parked to the right of the driveway.
16. As far back as I can remember there have been three mailboxes on the property, two on the front porch and Hector's mailbox on the side porch in front of the door.
17. During the course of my time there were tenants in both the front second floor apartment and the rear apartment at various times.
18. The tenants and others parked on the gravel lot located to the north of the driveway.

19. During a period of time Hector owned the Property he lived there with his family.
20. Later, Hector would stay at the Property whenever he had business in Burlington.
21. I remember walking down Dan's Court looking for a shortcut to the garage. There was a 4" x 4" turkey wire fence from the house on the northwest corner of North Street all the way to the end of the street. It was impossible to access the garage from Dan's Court and after that I always walked down North Street and in front of the houses on Willard Street.

DATED at _____, _____ this ____ day of September 2018.

Phillip M. Bowler, Sr.

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STATE OF _____
_____ COUNTY, SS.

**DEPARTMENT OF
PLANNING & ZONING**

Subscribed and sworn to by Phillip M. Bowler, Sr., identified or known personally to me,
at _____, _____ this ____ day of September 2018.

Before me, _____
Notary Public
My Commission Expires: _____

**Dale Lavalley
109 Elmwood Ave.
Burlington, Vt 05401**

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DEPARTMENT OF
PLANNING & ZONING

Hi Luke,

Nice meeting you the other day and I enjoyed our conversation about the neighborhood I grew up in. I currently reside on Elmwood Avenue, not far from the Willard Street area. I'm sorry to hear the City of Burlington somehow misplaced any permits Hector LeClair applied for back in the day. I hung around with his son Ricky as well as kids on Dan's Court and Russell Street. Hector was a racecar driver at Catamount Speedway and Thunder Road so he had a garage with parking on both sides of the driveway as well as out back. There were cars all over the place. On race days all his mechanics and friends would park on the property while they were away. We'd watch them (and help a little) load up the car carrier on race days. He had one of those large car carriers he kept on site. He had a couple of beat up race cars out back he would let us play in. It was cool when you're a 9 year old kid. I'm talking 1966-67 time frame. Hector was a nice man and let us hang out there as long as we stayed out their way. He always had mechanics there working on something. We also hung out with the Chagnon's who live in one the apartments. There was a third apartment with an elderly couple but I never met them. I still enjoy driving through that area and checking out our old hangouts. Throughout the years I've noticed the area to the south of the driveway regularly used for cars and parking as that area is visible from N. Willard Street. I work for Vermont Gas Systems and had the pleasure of working with Hector on several natural gas pipeline projects since he owns a lot of land off Sandhill road in Essex. Over the years he's developed Corporate Drive into a nice commercial/industrial development. He's been great to work with over the years.

Hopefully the City of Burlington will grant you the same opportunity to use the property as it was decades ago.

Take Care,

Dale Lavalley

Dale Lavalley

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DEPARTMENT OF
PLANNING & ZONING

AFFIDAVIT OF JEFF FELLINGER

Jeff Fellingner, being over the age of eighteen years and a resident of the State of Vermont, hereby deposes and states as follows:

1. My name is Jeff Fellingner, I am more than eighteen years old, and I have personal knowledge of the following facts.
2. From 2006 through 2014 I owned and resided at 169 North Willard St, Burlington, Vermont. While residing at this address I was able to observe the goings-on at 164 North Willard Street, Burlington, Vermont (the "Property") on a near daily basis.
3. I got to know the previous owner of the Property, Hector Leclair, in passing over the years.
4. Mr. LeClair was there, at his unit, often during the weekdays. He used the garage a lot, storing motorcycles, tools, etc. Then he'd go away for a few months in the winter and snowbird in Florida.
5. Most tenants kept to themselves. They seemed like they were often night shift types. Hector mentioned a time or two that there was often some family connection to the tenants - a niece, an old friend's boy, etc.
6. The back apartment was used the most I would say. The front upstairs unit less so, but it was clear when folks were there in the evening time because lights would be on. Although the tenant activity was less than full-time, it was always clear that the Property was used as a triplex.
7. Some winters seemed to have more tenant occupancy than others. I can remember observing year-round tenant activity most years I lived across the street.
8. A car or cars would park out back, off the driveway on the gravel.

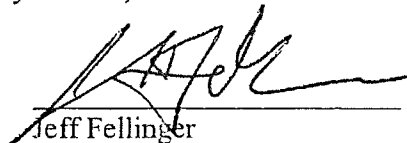
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9. A few months before Luke Purvis purchased the Property, I had also been interested in it as an investment property. I most certainly was interested in the Property as a multiple unit investment, and would not have even considered it as a single family home.
10. Hector gave me a couple tours as I cogitated about whether I could make the finances work. Hector's unit was on most of the main floor, I believe. One apartment had some rooms on the 1st floor and some on the 2nd. The third was all upstairs.
11. I did not observe occupants in the apartments at the time I considered purchasing the Property as Hector had selling on his mind.
12. I support whole-heartedly that Mr. Purvis's Property is and for decades has been a triplex. I hope very much that the Planning and Zoning Department will be able to see that a previous owner's submission's on a rental registration form should not bring harm to a current owner retroactively.

DATED at BTV, Vermont this 7 day of June, 2017.


Jeff Fellingner

STATE OF VERMONT
Chittenden COUNTY, SS.

Subscribed and sworn to by Jeff Fellingner, known personally to me, at
Burlington, Vermont this 7 day of June 2017.

Before me, Staci Anne K. Grove
Notary Public
My Commission Expires: 2/10/2019

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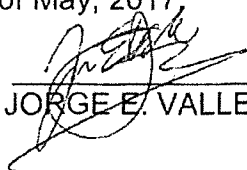
AFFIDAVIT OF JORGE E. VALLE

Jorge Valle, being over the age of eighteen years and a resident of the State of Vermont, hereby deposes and states as follows:

1. My name is Jorge Valle, I am more than eighteen years old, and I have personal knowledge of the following facts.
2. I have lived at 164 North Willard since September 2013.
3. From September 2013 through August 2014, I lived in apartment #2 with my now ex-wife. From the living room of this unit, I was able to view the barn and the gravel area to the south of the driveway.
4. During the first months I lived in apartment #2, I observed parking off to the south side of the driveway near the wood fence and hedge of trees. More frequently, I believe the cars parked on the gravel behind the house.
5. In September 2014 I moved to apartment #3. This unit is at the back house and faces the barn. From there, I have observed regular parking off to both sides of the driveway since that time. There has also been parking on the driveway and in the barn during the winter.
6. After moving to unit #3, I noticed a list of tenant rules printed on letter paper taped to the inside of the kitchen cabinet. It seemed to be left by the previous owner for his tenants. I threw it away while tidying up.
7. These statements are made on my knowledge and belief.

DATED at Burlington, Vermont this 24 day of May, 2017,

STATE OF VERMONT
Chittenden COUNTY, SS.


JORGE E. VALLE

Subscribed and sworn to by Jorge Valle, known personally to me, at
Burlington, Vermont this 24 day of May, 2017.

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DEPARTMENT OF
PLANNING & ZONING

EXHIBIT

E

Jason C. Hylton

5/15/2018

Before me,

Notary Public

My Commission Expires:

STATE OF Vermont
COUNTY OF Chittenden

The foregoing instrument was acknowledged before
me this 5 day of 24, 2017, by Dorje Valle

Jason C. Hylton
Notary Public's Signature

Jason C. Hylton
Notary Name

Personally Known OR
Type of Identification Produced

ID

State of Vermont
County of Chittenden

On this 5 day of 24, 2017, I certify that this
document is a true, exact, complete, and unaltered
copy made by me and presented to me, by the
document's custodian Dorje Valle
and that to the best of my knowledge, that the
photocopied document is not a publicly recorded document

Jason C. Hylton
Notary Public's Signature

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DEPARTMENT OF
PLANNING & ZONING

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PLANNING & ZONING

AFFIDAVIT OF MARGARET M. TAMULONIS

Margaret Tamulonis, being over the age of eighteen years and a resident of the State of Vermont, hereby deposes and states as follows:

1. My name is Margaret Tamulonis, I am more than eighteen years old, and I have personal knowledge of the following facts.
2. I have owned and resided in 172 North Willard since the summer of 2002.
3. 164 North Willard Street shares my southern boundary line.
4. Within days of my purchase of 172 North Willard St., Hector Leclair, the previous owner of 164 North Willard, introduced himself and explained that he owned the building next door, occupied one unit and had tenants. I observed that to be true.
5. Prior to my purchase, I was aware 164 North Willard was a multiple unit apartment building.
6. At that time, there were established parking areas to the north and south of the driveway. They looked to be gravel. I believed they had been in use for many years.
7. From my home, I have a direct view of all northern windows of 164 North Willard. Our structures are separated only by my driveway and there are no trees obstructing this view.
8. From my home and back yard I am able to view the back yard of the 164 lot including the barn and areas to the north and south of the driveway.
9. I regularly walk by 164 North Willard in the morning, afternoon and evening. It is the first house I pass on my walk to work.
10. Mr. Leclair visited his unit on the first floor on a near daily basis for much of the year. He would winter for a couple months in Florida.

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DEPARTMENT OF
PLANNING & ZONING

11. Throughout the years I did not interact with the tenants much, but I observed them come and go via the front double door and sometimes noticed them at the rear door along the driveway. I saw the usual signs of apartment activity including lights, windows opening and closing and heard AC units. I noticed delivery drivers. In the summer I noticed people out back, even when Mr. Leclair was not there. 164 North Willard was continuously used as a multi-unit apartment building up through the time when Mr. Leclair sold the property.
12. Throughout my time on North Willard, cars regularly parked on the gravel to each side of 164 North Willard driveway and sometimes on the driveway. When Mr. Leclair worked on his race cars and other barn projects, visitors parked in both areas and in the driveway. I observed Mr. Leclair park on driveway, to the south of the driveway, to north of the driveway and in the barn. Mr. Leclair was the only one to occasionally park in the barn. Cars turned around on one of the gravel areas and were able to exit the property by driving out rather than backing out.
13. In the months before Mr. Purvis's purchase, Mr. Leclair was trying to sell. I know a previous neighbor seriously considered purchasing as an investment property. Mr. Leclair continued to visit his unit regularly and guests did too. Parking occurred as usual, in the areas to the north and south of the driveway mostly. He snow birded that winter. I believe there was a property caretaker who occupied a unit.
14. Over the years, there were times when an apartment may not have been rented because it seemed quieter or darker, but after a time it would be occupied again. I never thought the use of any of the apartments was discontinued, or that the property was anything but a triplex building, even if tenancy was not at 100%.
15. Each winter, up through winter of 2013, and then including the first winters of Mr. Purvis's ownership, the driveway, and gravel areas to the north and south of the

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driveway were immediately plowed after each snowfall and pathways maintained.

16. Due to the history of parking, it was not odd to see gravel maintenance to the north and south of the driveway in March 2013. Similar maintenance had been done before.
17. In the first month after 164 sold in July 2013, Mr. Purvis introduced himself to me. We spoke about the history of his property including where cars had parked. I shared these same observations about its use and history.
18. In the months directly after Mr. Purvis's purchase, I observed parking on both sides of the driveway. Parking has continued regularly in both areas. The barn is used for parking during the winter. More recently there has been parking on the driveway. These parking patterns are the same as I had seen during Mr. Leclair's time.
19. In the summer and fall of 2014, a large number of trees were removed from the boundary and fence line between 158 North Willard and 164 North Willard.
20. In April 2015, prior to the DRB meeting for 164 North Willard, I received an email from Mr. Cleary asking if I had observed the expansion of parking at 164 North Willard in March 2013. That was the first time Mr. Cleary asked for my observations.
21. I attended the DRB meeting about the expansion of parking at 164 North Willard with intent to provide the above testimony as it related to parking. Mr. Purvis did not want me to be involved in a neighborly dispute and so I did not speak.
22. Every spring and during heavy rains, my backyard is soggy. Water will pool during the spring thaws and heavy rains in the low areas; where the slope of the hill directs water.
23. These statements are made on my knowledge and belief.

DATED at Burlington, Vermont this 4th day of May, 2017.

M. M. Tam.
MARGARET M. TAMULONIS

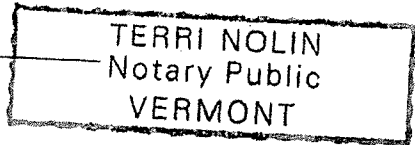
STATE OF VERMONT
Chittenden COUNTY, SS.

Subscribed and sworn to by Margaret Tamulonis, known personally to me, at
Burlington, Vermont this 4th day of May, 2017.

Terri Nolin

Before me, Terri Nolin

Notary Public
My Commission Expires: 2-10-



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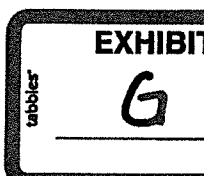
From: Cara Toolin <cbtoolin@gmail.com>
To: Luke Purvis <lpurvis78@yahoo.com>
Sent: Wednesday, March 1, 2017 12:23 PM
Subject: Parking at 164 North Willard October 2013-September 2014

Hello Luke,

I leased apartment #3, at the rear of 164 North Willard, from October 2013 through September 2014. My lease included parking and use of a garden bed. When I applied to rent the apartment we discussed parking on and using the graveled areas on both sides of the driveway. During my lease I mainly parked on the right side of the driveway, most frequently by the red Jeep Cherokee. There was a wood fence and trees that created a privacy hedge next to the triangular lot across the driveway from the house. The trees were cut down in summer of 2014. My family visited a few times and would park on both gravel sides of the driveway during their visits.

Please let me know if I should go into further detail but the above is a honest recount of my lease and parking at 164 North Willard October 2013 though September 2014.

Best Regards,
Cara



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----- Forwarded Message -----

From: Robert Hale <bobhale13@gmail.com>

To: Luke Purvis <lpurvis78@yahoo.com>

Sent: Wednesday, July 27, 2016 8:35 AM

Subject: Parking at 164 N Willard

Hello Luke,

My lease began on October 1, 2014 and lasted thirteen months until the last day of November, 2015 when I moved to another apartment in Burlington. My partner at the time, Amanda Martensen, and I were on the lease for apartment #2 of your triplex. At the start of my lease period and use of the property, I observed there were two distinct areas in which cars could be parked. The first and most frequently used, as I noticed, was on the south side of your driveway towards the fence on the right hand side. The red Jeep Cherokee was parked there daily along with either my partners or my own vehicle. This particular parking area was occupied nearly every day of the thirteen months of my lease. On the north side of the driveway was a less used, yet still viable area to park a vehicle. This area was used from time to time as necessary.

Should I need to recount my time at your property further, it will reflect my observations made apparent in the statements above exactly.

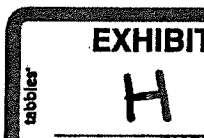
Best,

Robert Hale

508.330.0849

96 N. Willard St.

Burlington, VT 05401



Elizabeth Mariani
88 Pitkin Street #3
Burlington, VT 05401

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To Whom It May Concern,

My name is Elizabeth Mariani. I am a former tenant of 164 N. Willard St. I lived there from August of 2013 to July of 2014. While there, I used Carshare Vermont for my transportation needs regarding laundry and groceries. Other times, friends parked at the property. My former landlord, Luke Purvis, discussed the trouble relating to his parking with me. He asked me mostly to park to the north of the driveway but to also park and use the area to the south of the driveway while he attempted reach an agreement with his neighbor and obtain formal resolution. I did park mostly to the north but also to the south. When I parked to the north of the driveway, I often backed into the southern area when turning around to exit the property. I remember other cars using and parking in the area to the south.

I do remember the fence being quite high on the right side of the driveway and the trees were thick providing privacy between the two properties.

If you have any questions you can contact me via email at

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Via Hand Delivery

November 28, 2018

Jeanne Francis
Code Enforcement Office
645A Pine Street
PO Box 849
Burlington, VT 05402-0849

Re: Request for Determination as to Southern Parking Area

Dear Ms. Francis,

I am writing in response to the City's letter of November 8, 2018. In that letter, the City identified three issues relating to 164 North Willard Street (the "Property"). I will be filing separate responses on all three issues. This letter addresses the southern parking area. The City's letter indicates it is investigating the alleged expansion of the southern parking area. I am assuming this references parking in the area included in the easement my clients enjoy over the Cleary property, as this is the only possible expansion we can think of. If I am mistaken, please let me know immediately. To the extent the investigation only addresses an alleged expansion, does that mean the City recognizes that a portion of the southern parking area was in use and in existence prior to the issuance of the easement in 1983? Does the investigation include parking on the rectangular parcel of land (acquired in 1968 by the former owner) to the rear of the Property (also south of the driveway)? My clients would like to remind the City that cars have been parked to the south of their driveway for decades and none of the prior owners ever complained.

1. Was the parking area to the south of the driveway approved as part of the permitting process in 1968?

Mr. LeClair received a zoning permit in 1968 for working on race cars and junk cars on the Property. At the time, Mr. LeClair would have been required to submit a site plan as part of his application. It is our understanding that if such a site plan was submitted and approved, it was destroyed in an accident and the City no longer has a copy of the site plan. To work on the cars, vehicles would have to be parked on the Property. According to Mr. LeClair, the southern parking area was used for that purpose beginning in the late 1960s. The rectangular parcel to the rear of the Property (also south of the driveway) was also used to park trailers for the race cars and sometimes junk cars. The southern parking area was used to park the cars that were worked on, parking for mechanics who assisted Mr. LeClair and by the buildings occupants, *i.e.* the permitted use of the parking area would have been both for parking race and junk cars and for

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residential and guest parking. Mr. LeClair recalls re-graveling these parking areas on a regular basis as weeds would grow through the gravel over time. *Exhibit A, LeClair Affidavits*. When reading Mr. LeClair's Affidavit of August 25, 2014 it must be noted that he drafted that affidavit in support of my clients' claims pertaining to the easement area, at the time he was not being asked to comment on parking to the south of the driveway prior to 1983.

Mr. LeClair's statements are supported by the statements of Philip Bowler and Dale Lavalley. Dale Lavalley grew up in the neighborhood of 164 N. Willard in the 60's and still lives nearby. As a child, Mr. Lavalley was friends with a child who lived in one of the Property's rental units and with Mr. LeClair's son. Mr. Lavalley recalls cars parked on both sides of the driveway beginning in the 60's. Mr. Bowler was a volunteer mechanic for Mr. LeClair and lived just around the corner from the Property. Mr. Bowler would walk over to the Property to work on race cars. He recalls cars parked on both sides of the driveway. Both Mr. Bowler and Mr. Lavalley say that for years after they stopped spending significant time at the Property, whenever they drove by the Property they would look up the driveway to see if Hector was there and that when they did so, they observed cars parked on both sides of the driveway. The supporting statements show that this mixed use continued throughout Mr. LeClair's ownership. *Exhibits B, Bowler Statement and Affidavit and C, Lavalley Statement*. The statements show that parking occurred on both sides of the driveway from the late 60's forward and that the parking areas were regularly re-graveled. No neighbor ever complained about the parking, even though numerous cars were regularly parked on both sides of the driveway and the cars were worked on by mechanics in those locations, supporting a conclusion that the activities were permitted. Accordingly, parking to the south of the driveway and on the rectangular parcel purchased in 1968 are permitted uses.

2. If not permitted in 1968, has the portion of the southern parking area located within the easement area been in existence and continually used for the last 15 years?

The southern parking area has been in use for over fifteen years without interruption. It is understood that this issue was resolved in the City's favor, pending reconsideration and a possible appeal, with respect to continuous parking on my clients' property. However, there has been no such determination with respect to parking in the easement area, which was expressly excluded from the DRB Order. The continuous use of the easement area for parking for at least 15 years is supported by the statements of Mr. LeClair, Mr. Bowler and Mr. Lavalley. Mr. LeClair states that the easement area was used for parking from 1983 forward. Mr. Bowler and Mr. Lavalley both testify that they observed parking to the south of the driveway for at least the last 15 years. Mr. LeClair testifies that he routinely graveled the easement area as necessary.

In addition to my clients' testimony, the affidavits provided by Mr. LeClair, the statements from Mr. Bowler and Mr. Lavalley, there is testimony from numerous other neighborhood residents,

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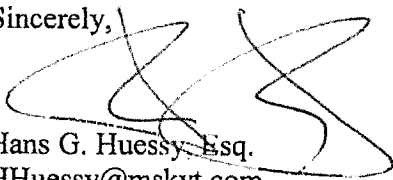
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including Mr. Felinger, Mr. Valle, Ms. Tamulonis, Ms. Toolin, Mr. Hale, and Ms. Mariani (*see attached affidavits, Exhibits D-I*). Mr. Fellingner owned and occupied 169 N. Willard from 2006 to 2014. It is located directly across the street from 164 North Willard. He observed that tenants parked to the sides of the driveway in the rear of the Property. Mr. Valle has lived at the Property as a tenant since September of 2013. He will testify that he observed parking to both sides of the driveway in the rear of the Property. Ms. Tamulonis has owned 172 N. Willard since 2002. Her property abuts the subject Property. She will testify she observed parking to both sides of the driveway in the rear of the Property and also observed that these gravel areas were regularly plowed. Ms. Toolin was a tenant at the Property from October 2013 to September 2014. She was advised that she was allowed to park in the gravel areas on both sides of the driveway. Mr. Hale was a tenant at the Property from October 2014 through November 2015. He will testify that parking was allowed in the gravel areas on both sides of the driveway. Ms. Mariani will testify that she was a tenant at the subject Property from August of 2013 to July of 2014, and that she used the gravel areas on both sides of the driveway to park.

In addition to the above witness statements, my clients also observed the re-graveling of the parking areas prior to their purchase of the Property. On March 19th, 2012, my clients took a tour of the Property. The easement area was part of the graveled area to the south of the driveway. Mr. LeClair had recently performed maintenance on the unpaved parking areas by adding fresh gravel to them a week or two earlier. They submitted an offer to Mr. LeClair about a week later. My clients continued to research the parking issue as during one of their visits the Clearys had informed my clients that they disputed Mr. LeClair's assertion that he had always parked on both sides of the driveway. My clients then found more images on the internet showing parking to the north and south of the driveway. My clients visited the Planning and Zoning office to research parking at 164 North Willard. Just to be safe, given the Clearys' claims, they spoke with Nic Anderson of the Planning and Zoning Office. Although Nic and my clients found no permits specific to parking on record, Nic indicated that if the parking had been going on there for 15 years it would grandfathered. He indicated if the parking had been there since the early 60's, it would be a legal non-conformity. Nic showed them aerial photos showing cars parked to the side of the driveway. Nic said that testimony from prior owners could be sufficient to demonstrate the usage. We have previously submitted the aerial photos showing parking to the south of the driveway. If you would like additional copies, please let me know. Accordingly, the evidence clearly demonstrates continuous use of the southern parking area for over 15 years.

Sincerely,



Hans G. Huessy, Esq.
HHuessy@mskvt.com

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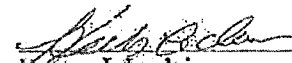
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AFFIDAVIT

I, Hector J. Leclair, hereby state the following to be true:

1. I have continuously owned property located at 164 North Willard Street, Burlington, Vermont since April 27, 1966.
2. The gravel area located to the rear (easterly) of the dwelling has been used as a parking area for the property since 1966, and on information and belief, was used as a parking area for the property as long ago as the 1950's.

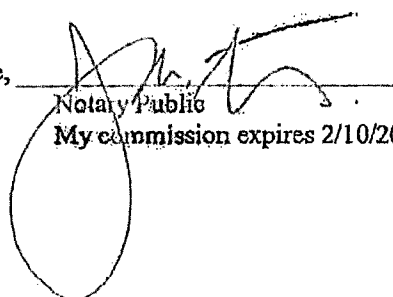
Dated at Colchester, Vermont this 16th day of November, 2013.


Hector J. Leclair

STATE OF VERMONT
COUNTY OF CHITTENDEN

At ^{Burlington} ~~Colchester~~, Vermont this ^{17th} ~~16th~~ day of July, 2013, personally appeared Hector J. Leclair, signer of the foregoing instrument, and he acknowledged the same to be his free act and deed.

Before me,


Notary Public

My commission expires 2/10/2015

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Statement of Historical Usage for 164 North Willard St.

I, Hector J. Leclair, being duly sworn hereby state as follows:

History/Description:

I purchased 164 North Willard St., Burlington VT 05401 in April, 1966. I raised my family in this house. This property served as my home office since the date of purchase until July 2013 when I sold the property. In May, 1968, I purchased the rectangular parcel of land immediately to the south of the barn structure. In August 1983, the 164 North Willard property gained benefit of an exclusive easement over a north eastern triangle of the property located at 158 North Willard Street Burlington Vt, 05401. This triangle easement adjoins the entire westerly edge of the rectangular parcel transferred in 1968.

Usage:

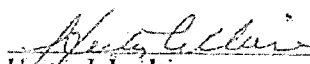
Barn/Garage - This structure never served to accommodate the parking needs of the property. It has always been used as a shop. Its first use was as automotive shop to support mechanical and storage needs to successfully own and drive the #59 stock car from the late 1960s and through the 1970s. After the stock car operation outgrew the barn, the usage of the structure transitioned to support the storage and construction needs of my real estate development businesses and the barn served those purposes until the property was sold in 2013.

Parking - The north side of the driveway to the east of the house has been used for parking since purchasing the property in 1966 and to my knowledge before 1966. Beginning in the late-1960s, early-1970s, I added gravel to this lot at regular intervals to maintain the parking lot. Each time I added new gravel to the parking area, I maintained the same footprint as the previous area, and did not expand or change the covered area. Most recently, I added gravel in 1996, 2005, and 2013. I have added gravel on this lot many times since my ownership began as vegetation quickly encroaches on the parking area. This northeast lot is able to park 4 vehicles and spans approximately 35 feet from east to west.

This property has always had high usage needs due to mechanics and contractors visiting the barn, business associates meeting in my home office, and tenant parking. The north east lot was never able to accommodate the off street parking needs of the property. In 1983, an easement was created to address the parking shortage. This easement was intended for and has been used as parking for 164 North Willard since its creation. Up to 4 cars are able to park on this easement. I installed a metal fence and planted trees along the easement line as part of this easement's creation. The metal fence stayed in existence, uninterrupted, without complaint from owners of 158 North Willard as a boundary line until it was removed and replaced by a wooden stockade fence in 2012, prior to the sale of 158 North Willard. I agreed to the replacement of the metal fence line to wooden stockade because of the improvement to privacy. The wooden fence was intended to be the boundary line replacement of the metal fence. Maintenance of this easement area, since its creation, included weeding, mowing, adding gravel and dirt as needed and snow removal, which I performed.

Finally, I parked trailered equipment on the rectangular parcel that was transferred in 1968 as needed.

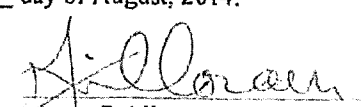
Dated at Burlington, Vermont this 4th day of August, 2014.


Hector J. Leclair

STATE OF VERMONT
COUNTY OF CHITTENDEN

Subscribed and sworn to before me this 4th day of August, 2014.

By:


Notary Public

My Commission Expires: 2/10/2015

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AFFIDAVIT OF HECTOR LECLAIR

NOW COMES Hector LeClair and, being duly sworn under oath, hereby deposes and states as follows:

1. My name is Hector LeClair and I am the former owner of the property located at 164 North Willard Street in Burlington, Vermont (hereinafter the "Property"). I purchased the Property, which contains a multi-unit dwelling containing three apartments, in 1966.

2. Until I sold the Property to Luke Purvis in the Summer of 2013, I continuously used one of the apartments as my business office. I regularly visited the Property and spent time in my office at least several times per year.

3. In 1983, I received the benefit of an easement (the "Easement") for a portion of the Northeast corner of my neighbor's property at 158 North Willard Street, Burlington, for "ingress and egress and for all other lawful purposes." A copy of the 1983 Easement, recorded at Book 297, Page 80 of the City of Burlington Land Records, is attached hereto.

4. In 1983, after the Easement was recorded, I laid gravel and dirt in the easement and on a portion of the Southern portion of the Property to create a parking area for my guests and occupants. An aerial photograph from 1988 showing parking in the Easement and the gravel footprint is attached hereto. The footprint of the graveled area when I first laid it down was a rough triangular area of 14' X 53' X 55', abutting on the Northern edge onto the paved driveway.

5. Because grass and other vegetation encroached on the graveled area quickly, I laid new gravel and dirt in the same footprint in the Easement area several times over the years to maintain the parking area for occupants and guests. From the first time I laid gravel and dirt in 1983, until the last time I did so before selling the Property in 2013, any new gravel and dirt was placed in the same footprint as the previously gravel and dirt, maintaining the same 14' X 53' X 55' footprint. At no time did I expand the graveled area beyond its original footprint.

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6. Whenever I had tenants living in the other apartments on the Property, they and their guests would regularly park in the Easement area. This is demonstrated in the series of photographs attached hereto, which show either my vehicle or tenants' vehicles parked in the Easement area in 1988, 2000, 2004, approximately 2005, 2011, and 2013.

7. From the late-1960s/early-1970s forward I also maintained a parking area in the Northern portion of the Property (the "Northern Parking Area"), and would regularly park there, as would occupants and guests. The Northern Parking Area footprint is a roughly rectangular shape with slightly longer Western and Eastern sides, approximately 32' long and 19' or 23' wide on either end. The Southern boundary of this Area is the paved driveway. Each time I laid new gravel in the Northern Parking Area I did so in the same footprint as I originally established in the late-60s/early-70s.

8. The number of tenants I rented to over the years fluctuated; however, from 1983 until I sold the Property in 2013, even if I did not have any active tenants I continued to use my business office on the Property regularly. When I would visit my office, I would park in the Easement area, or in the Northern Parking Area.

DATED at ESEK St., Vermont this 25th day of August, 2014.

Hector Leclair
HECTOR LECLAIR

Subscribed and sworn to before me this ____ day of August, 2014.

By: *Mary McInnis*
Notary Public
My Commission Expires: 2/10/2015

BURLINGTON, VERMONT THURSDAY JULY 21, 2016

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Dear Luke,

DEPARTMENT OF
PLANNING & ZONING

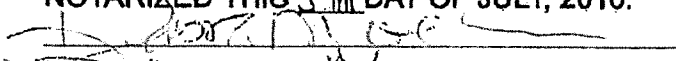
AFFIDAVIT OF PHILLIP M. BOWLER SR.
IN RE: PARKING AT 164 NORTH WILLARD STREET

During several years in the early 1980's I was a volunteer race car mechanic for Hector LeClair, owner of said property at that time. Hector raced in NASCAR NORTH. His race car was kept at the garage at 164 North Willard Street. I lived just around the corner at 395 North Street since the early 1970's so I almost always walked over to the garage. There were several other mechanics who also worked several nights a week on the race car and/or parked their cars at the garage as we went to the races or prepared the car for the races. Every night we were at the garage several of the mechanic's cars were parked to the right of the garage, on the south side gravel lot, off the paved portion of the driveway. Sometimes they parked on the north off of the paved portion of the driveway because we had to load the car on the race car hauler in front of the garage on the paved portion. Those other mechanics were Andy Costello, Kenneth Bucklin, Randy Chapin, Robert Hudson and sometimes, Hector's brother, Marcel LeClair and his son, also a volunteer mechanic, also occasionally visited and parked there. Hector's son-in-law, Carl Kane, also occasionally visited and helped us work on the car. They all lived outside of Burlington and drove their cars to the garage and parked off the pavement, mostly to the right of the garage. The season ran from April until sometimes early October. If we went to races far away such as Oxford Plains, Maine or Dover, Delaware, cars were parked there from all day to several days. I never heard of or about any complaints from adjoining neighbors. The six wheel Chevrolet race car hauler was almost always backed in to the south of the garage.

I drive by that address almost every day and several times a year would stop by and visit Hector until he sold the building. I almost always looked up the driveway to see if Hector was there. There were frequently vehicles parked to the right of the paved driveway on the gravel to the south of the property.

As far back as I can remember there have been three mailboxes on the property, two on the front porch and Hector's mailbox on the side porch in front of the door. During the course of my time there there were tenants in both the front second floor apartment and the rear apartment at various times. I cannot adjudge to how continual their tenancy was because other than waving or occasionally chatting with them, I did not pay any particular attention to them. The tenants and others also parked on the north side of the driveway.

NOTARIZED THIS 31st DAY OF JULY, 2016:



Debra M. McLean

Regards


Phillip M. Bowler Sr.

EXHIBIT

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AFFIDAVIT OF PHILLIP M. BOWLER, SR.

DEPARTMENT OF
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Phillip M. Bowler, Sr., being over the age of eighteen years and a resident of the State of _____, hereby deposes and states as follows:

1. My name is Phillip M. Bowler, Sr, I am more than eighteen years old, and I have personal knowledge of the following facts.
2. During several years in the early 1980's I was a volunteer race car mechanic for Hector LeClair, owner of 164 North Willard Street, Burlington, Vermont (the "Property") at that time.
3. Hector raced in NASCAR NORTH. His race car was kept at the garage at the Property. I had lived just around the corner at 395 North Street since the early 1970's so I almost always walked over to the garage at the Property.
4. There were several other mechanics who also worked several nights a week on the race cars. Those mechanics parked their cars at the Property as we went to the races or prepared the car for the races.
5. Every night we were at the Property several of the mechanic's cars were parked to the right of the garage, on the south side gravel lot, off the paved portion of the driveway.
6. Sometimes they parked on the north, also on a gravel lot, off of the paved portion of the driveway because we had to load the car on the race car hauler in front of the garage on the paved portion.
7. Those other mechanics were Andy Costello, Kenneth Bucklin, Randy Chapin, Robert Hudson and sometimes Hector's brother, Marcel LeClair and his son, also a volunteer mechanic, occasionally visited and parked there. Hector's son-in-law, Karl Kane, also occasionally visited and helped us work on the car.
8. They all lived outside of Burlington and drove their cars to the Property and parked off the pavement, most often to the right of the garage.
9. If we went to races far away such as Oxford Plains, Maine, Dover, or Delaware, cars were parked there from all day to several days.
10. I never heard of or about any complaints from adjoining neighbors.
11. The six wheel Chevrolet race car hauler was almost always backed in to the south of the garage.
12. We were never told we could not park there or that there was any problem with parking there. On race car preparedness nights, there were often five or six cars parked there.
13. I believe that there was gravel on both sides, but primarily on the right/south side of the driveway. There were never any complaints from any neighbors about parking or noise that I was aware of.
14. I drove by that address almost every day, and several times a year would stop by and visit Hector until he sold the building.
15. I almost always looked up the driveway to see if Hector was there. There were frequently vehicles parked to the right of the paved driveway on the gravel to the south of the property. I also saw cars parked to the right of the driveway.
16. As far back as I can remember there have been three mailboxes on the property, two on the front porch and Hector's mailbox on the side porch in front of the door.
17. During the course of my time there were tenants in both the front second floor apartment and the rear apartment at various times.
18. The tenants and others parked on the gravel lot located to the north of the driveway.

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19. During a period of time Hector owned the Property he lived there with his family.
20. Later, Hector would stay at the Property whenever he had business in Burlington.
21. I remember walking down Dan's Court looking for a shortcut to the garage. There was a 4" x 4" turkey wire fence from the house on the northwest corner of North Street all the way to the end of the street. It was impossible to access the garage from Dan's Court and after that I always walked down North Street and in front of the houses on Willard Street.

DATED at _____, _____ this ____ day of September 2018.

Phillip M. Bowler, Sr.

STATE OF _____
_____ COUNTY, SS.

Subscribed and sworn to by Phillip M. Bowler, Sr., identified or known personally to me,
at _____, _____ this ____ day of September 2018.

Before me, _____

Notary Public

My Commission Expires: _____

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NOV 29 2018

DEPARTMENT OF
PLANNING & ZONING

Dale Lavalley
109 Elmwood Ave.
Burlington, Vt 05401

Hi Luke,

Nice meeting you the other day and I enjoyed our conversation about the neighborhood I grew up in. I currently reside on Elmwood Avenue, not far from the Willard Street area. I'm sorry to hear the City of Burlington somehow misplaced any permits Hector LeClair applied for back in the day. I hung around with his son Ricky as well as kids on Dan's Court and Russell Street. Hector was a racecar driver at Catamount Speedway and Thunder Road so he had a garage with parking on both sides of the driveway as well as out back. There were cars all over the place. On race days all his mechanics and friends would park on the property while they were away. We'd watch them (and help a little) load up the car carrier on race days. He had one of those large car carriers he kept on site. He had a couple of beat up race cars out back he would let us play in. It was cool when you're a 9 year old kid. I'm talking 1966-67 time frame. Hector was a nice man and let us hang out there as long as we stayed out their way. He always had mechanics there working on something. We also hung out with the Chagnon's who live in one the apartments. There was a third apartment with an elderly couple but I never met them. I still enjoy driving through that area and checking out our old hangouts. Throughout the years I've noticed the area to the south of the driveway regularly used for cars and parking as that area is visible from N. Willard Street. I work for Vermont Gas Systems and had the pleasure of working with Hector on several natural gas pipeline projects since he owns a lot of land off Sandhill road in Essex. Over the years he's developed Corporate Drive into a nice commercial/industrial development. He's been great to work with over the years.

Hopefully the City of Burlington will grant you the same opportunity to use the property as it was decades ago.

Take Care,

Dale Lavalley

Dale Lavalley

EXHIBIT

C

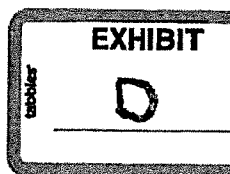
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DEPARTMENT OF
PLANNING & ZONING

AFFIDAVIT OF JEFF FELLINGER

Jeff Fellingner, being over the age of eighteen years and a resident of the State of Vermont, hereby deposes and states as follows:

1. My name is Jeff Fellingner, I am more than eighteen years old, and I have personal knowledge of the following facts.
2. From 2006 through 2014 I owned and resided at 169 North Willard St, Burlington, Vermont. While residing at this address I was able to observe the goings-on at 164 North Willard Street, Burlington, Vermont (the "Property") on a near daily basis.
3. I got to know the previous owner of the Property, Hector Leclair, in passing over the years.
4. Mr. LeClair was there, at his unit, often during the weekdays. He used the garage a lot, storing motorcycles, tools, etc. Then he'd go away for a few months in the winter and snowbird in Florida.
5. Most tenants kept to themselves. They seemed like they were often night shift types. Hector mentioned a time or two that there was often some family connection to the tenants - a niece, an old friend's boy, etc.
6. The back apartment was used the most I would say. The front upstairs unit less so, but it was clear when folks were there in the evening time because lights would be on. Although the tenant activity was less than full-time, it was always clear that the Property was used as a triplex.
7. Some winters seemed to have more tenant occupancy than others. I can remember observing year-round tenant activity most years I lived across the street.
8. A car or cars would park out back, off the driveway on the gravel.

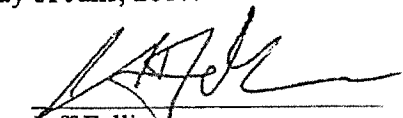


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DEPARTMENT OF
PLANNING & ZONING

9. A few months before Luke Purvis purchased the Property, I had also been interested in it as an investment property. I most certainly was interested in the Property as a multiple unit investment, and would not have even considered it as a single family home.
10. Hector gave me a couple tours as I cogitated about whether I could make the finances work. Hector's unit was on most of the main floor, I believe. One apartment had some rooms on the 1st floor and some on the 2nd. The third was all upstairs.
11. I did not observe occupants in the apartments at the time I considered purchasing the Property as Hector had selling on his mind.
12. I support whole-heartedly that Mr. Purvis's Property is and for decades has been a triplex. I hope very much that the Planning and Zoning Department will be able to see that a previous owner's submission's on a rental registration form should not bring harm to a current owner retroactively.

DATED at BTV, Vermont this 7 day of June, 2017.


Jeff Fellingner

STATE OF VERMONT
Chittenden COUNTY, SS.

Subscribed and sworn to by Jeff Fellingner, known personally to me, at
Burlington, Vermont this 7 day of June 2017.

Before me, Staci Anne K. Grove
Notary Public
My Commission Expires: 9/10/2019

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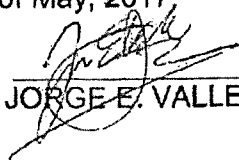
AFFIDAVIT OF JORGE E. VALLE

DEPARTMENT OF
PLANNING & ZONING

Jorge Valle, being over the age of eighteen years and a resident of the State of Vermont, hereby deposes and states as follows:

1. My name is Jorge Valle, I am more than eighteen years old, and I have personal knowledge of the following facts.
2. I have lived at 164 North Willard since September 2013.
3. From September 2013 through August 2014, I lived in apartment #2 with my now ex-wife. From the living room of this unit, I was able to view the barn and the gravel area to the south of the driveway.
4. During the first months I lived in apartment #2, I observed parking off to the south side of the driveway near the wood fence and hedge of trees. More frequently, I believe the cars parked on the gravel behind the house.
5. In September 2014 I moved to apartment #3. This unit is at the back house and faces the barn. From there, I have observed regular parking off to both sides of the driveway since that time. There has also been parking on the driveway and in the barn during the winter.
6. After moving to unit #3, I noticed a list of tenant rules printed on letter paper taped to the inside of the kitchen cabinet. It seemed to be left by the previous owner for his tenants. I threw it away while tidying up.
7. These statements are made on my knowledge and belief.

DATED at Burlington, Vermont this 24 day of May, 2017


JORGE E. VALLE

STATE OF VERMONT
Chittenden COUNTY, SS.

Subscribed and sworn to by Jorge Valle, known personally to me, at
Burlington, Vermont this 24 day of May, 2017.

Jason C. Hyton

5/15/2018

Before me,

Notary Public

My Commission Expires:

STATE OF Vermont
COUNTY OF Chittenden

The foregoing instrument was acknowledged before
me this 5 day of 24, 2017, by Jorge Valle

Jason C. Hyton
Notary Public's Signature
Personally Known OR ID
Type of Identification Produced

State of Vermont
County of Chittenden

On this 5 day of 24, 2017, I certify that this
document is a true, exact, complete, and unaltered
copy made by me and presented to me, by the
document's custodian Jorge Valle
and that to the best of my knowledge, that the
photocopied document is not a publicly recorded document

Jason C. Hyton
Notary Public's Signature

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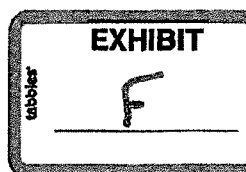
DEPARTMENT OF
PLANNING & ZONING

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AFFIDAVIT OF MARGARET M. TAMULONIS DEPARTMENT OF
PLANNING & ZONING

Margaret Tamulonis, being over the age of eighteen years and a resident of the State of Vermont, hereby deposes and states as follows:

1. My name is Margaret Tamulonis, I am more than eighteen years old, and I have personal knowledge of the following facts.
2. I have owned and resided in 172 North Willard since the summer of 2002.
3. 164 North Willard Street shares my southern boundary line.
4. Within days of my purchase of 172 North Willard St., Hector Leclair, the previous owner of 164 North Willard, introduced himself and explained that he owned the building next door, occupied one unit and had tenants. I observed that to be true.
5. Prior to my purchase, I was aware 164 North Willard was a multiple unit apartment building.
6. At that time, there were established parking areas to the north and south of the driveway. They looked to be gravel. I believed they had been in use for many years.
7. From my home, I have a direct view of all northern windows of 164 North Willard. Our structures are separated only by my driveway and there are no trees obstructing this view.
8. From my home and back yard I am able to view the back yard of the 164 lot including the barn and areas to the north and south of the driveway.
9. I regularly walk by 164 North Willard in the morning, afternoon and evening. It is the first house I pass on my walk to work.
10. Mr. Leclair visited his unit on the first floor on a near daily basis for much of the year. He would winter for a couple months in Florida.



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PLANNING & ZONING

11. Throughout the years I did not interact with the tenants much, but I observed them come and go via the front double door and sometimes noticed them at the rear door along the driveway. I saw the usual signs of apartment activity including lights, windows opening and closing and heard AC units. I noticed delivery drivers. In the summer I noticed people out back, even when Mr. Leclair was not there. 164 North Willard was continuously used as a multi-unit apartment building up through the time when Mr. Leclair sold the property.
12. Throughout my time on North Willard, cars regularly parked on the gravel to each side of 164 North Willard driveway and sometimes on the driveway. When Mr. Leclair worked on his race cars and other barn projects, visitors parked in both areas and in the driveway. I observed Mr. Leclair park on driveway, to the south of the driveway, to north of the driveway and in the barn. Mr. Leclair was the only one to occasionally park in the barn. Cars turned around on one of the gravel areas and were able to exit the property by driving out rather than backing out.
13. In the months before Mr. Purvis's purchase, Mr. Leclair was trying to sell. I know a previous neighbor seriously considered purchasing as an investment property. Mr. Leclair continued to visit his unit regularly and guests did too. Parking occurred as usual, in the areas to the north and south of the driveway mostly. He snow birded that winter. I believe there was a property caretaker who occupied a unit.
14. Over the years, there were times when an apartment may not have been rented because it seemed quieter or darker, but after a time it would be occupied again. I never thought the use of any of the apartments was discontinued, or that the property was anything but a triplex building, even if tenancy was not at 100%.
15. Each winter, up through winter of 2013, and then including the first winters of Mr. Purvis's ownership, the driveway, and gravel areas to the north and south of the

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NOV 29 2018

DEPARTMENT OF
PLANNING & ZONING

- driveway were immediately plowed after each snowfall and pathways maintained.
16. Due to the history of parking, it was not odd to see gravel maintenance to the north and south of the driveway in March 2013. Similar maintenance had been done before.
 17. In the first month after 164 sold in July 2013, Mr. Purvis introduced himself to me. We spoke about the history of his property including where cars had parked. I shared these same observations about its use and history.
 18. In the months directly after Mr. Purvis's purchase, I observed parking on both sides of the driveway. Parking has continued regularly in both areas. The barn is used for parking during the winter. More recently there has been parking on the driveway. These parking patterns are the same as I had seen during Mr. Leclair's time.
 19. In the summer and fall of 2014, a large number of trees were removed from the boundary and fence line between 158 North Willard and 164 North Willard.
 20. In April 2015, prior to the DRB meeting for 164 North Willard, I received an email from Mr. Cleary asking if I had observed the expansion of parking at 164 North Willard in March 2013. That was the first time Mr. Cleary asked for my observations.
 21. I attended the DRB meeting about the expansion of parking at 164 North Willard with intent to provide the above testimony as it related to parking. Mr. Purvis did not want me to be involved in a neighborly dispute and so I did not speak.
 22. Every spring and during heavy rains, my backyard is soggy. Water will pool during the spring thaws and heavy rains in the low areas; where the slope of the hill directs water.
 23. These statements are made on my knowledge and belief.

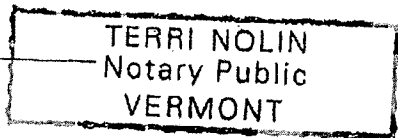
DATED at Burlington, Vermont this 4th day of May, 2017.

M. M. Tam.
MARGARET M. TAMULONIS

STATE OF VERMONT
Chittenden COUNTY, SS.

Subscribed and sworn to by Margaret Tamulonis, known personally to me, at
Burlington, Vermont this 4th day of May, 2017.

TERRI NOLIN



Before me, TERRI NOLIN

Notary Public
My Commission Expires: 2-10-2

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PLANNING & ZONING

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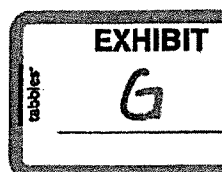
From: Cara Toolin <cbtoolin@gmail.com>
To: Luke Purvis <lpurvis78@yahoo.com>
Sent: Wednesday, March 1, 2017 12:23 PM
Subject: Parking at 164 North Willard October 2013-September 2014

Hello Lukè,

I leased apartment #3, at the rear of 164 North Willard, from October 2013 through September 2014. My lease included parking and use of a garden bed. When I applied to rent the apartment we discussed parking on and using the graveled areas on both sides of the driveway. During my lease I mainly parked on the right side of the driveway, most frequently by the red Jeep Cherokee. There was a wood fence and trees that created a privacy hedge next to the triangular lot across the driveway from the house. The trees were cut down in summer of 2014. My family visited a few times and would park on both gravel sides of the driveway during their visits.

Please let me know if I should go into further detail but the above is a honest recount of my lease and parking at 164 North Willard October 2013 though September 2014.

Best Regards,
Cara



----- Forwarded Message -----

From: Robert Hale <bobhale13@gmail.com>

To: Luke Purvis <lpurvis78@yahoo.com>

Sent: Wednesday, July 27, 2016 8:35 AM

Subject: Parking at 164 N Willard

Hello Luke,

My lease began on October 1, 2014 and lasted thirteen months until the last day of November, 2015, when I moved to another apartment in Burlington. My partner at the time, Amanda Martensen, and I were on the lease for apartment #2 of your triplex. At the start of my lease period and use of the property, I observed there were two distinct areas in which cars could be parked. The first and most frequently used, as I noticed, was on the south side of your driveway towards the fence on the right hand side. The red Jeep Cherokee was parked there daily along with either my partners or my own vehicle. This particular parking area was occupied nearly every day of the thirteen months of my lease. On the north side of the driveway was a less used, yet still viable area to park a vehicle. This area was used from time to time as necessary.

Should I need to recount my time at your property further, it will reflect my observations made apparent in the statements above exactly.

Best,

Robert Hale

508.330.0849

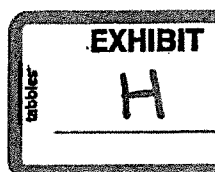
96 N. Willard St.

Burlington, VT 05401

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PLANNING & ZONING



Elizabeth Mariani
88 Pitkin Street #3
Burlington, VT 05401

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PLANNING & ZONING

To Whom It May Concern,

My name is Elizabeth Mariani. I am a former tenant of 164 N. Willard St. I lived there from August of 2013 to July of 2014. While there, I used Carshare Vermont for my transportation needs regarding laundry and groceries. Other times, friends parked at the property. My former landlord, Luke Purvis, discussed the trouble relating to his parking with me. He asked me mostly to park to the north of the driveway but to also park and use the area to the south of the driveway while he attempted reach an agreement with his neighbor and obtain formal resolution. I did park mostly to the north but also to the south. When I parked to the north of the driveway, I often backed into the southern area when turning around to exit the property. I remember other cars using and parking in the area to the south.

I do remember the fence being quite high on the right side of the driveway and the trees were thick providing privacy between the two properties.

If you have any questions you can contact me via email at e87953@gmail.com or 503-319-4892



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JAN 28 2019

DEPARTMENT OF
PLANNING & ZONING

The following is Ann Gill Baron's recollection of 164 – 166 North Willard Street, Burlington, VT

The Gill family built 164 - 166 North Willard St., Burlington, VT the "Property" in 1899. My family, Frederick Gill (father) and Lillian Gill (mother) plus five children lived there from 1945/1946 until 1966. My mother, Lillian Gill, who was widowed, sold the Property to Hector J. Leclair in 1966. I lived there from 1947 until 1966.

When I grew up at the property, it was a duplex and both units were occupied. My family lived in the main unit #1 (164 N Willard St). The main floor consisted of a living room, formal dining room, kitchen, master bedroom, nursery and toilet. Two bedrooms and full bath in the upstairs at the back of house and accessed by a back stairway, were occasionally rented to short term boarders until 1953 and then occupied by myself and my sister until the property was sold.

My aunt, L. Frances Gill, lived upstairs in unit #2 (address 166 N Willard St.) until her death in 1963. I think she lived in this unit before my family moved into 164 N Willard St. The unit included a living room, kitchen, bedroom & half bath with a private entry. She was a professional seamstress in the Burlington area and clients visited her unit.

On December 30, 2018, I toured the property for the first time in 50+ years with the current owners, Luke and Christina Purvis, my daughter and sister-in-law. The inside of the building/duplex was very similar to what I remember. Luke and Christina have restored the original floors and moldings and repaired the plaster. The units were well kept.

The difference in the property today from when I lived there is that the larger main unit #1, I grew up in, is now divided into two units. The two upstairs bedrooms that were off to the back of the property that my father occasionally rented were made into their own unit with access thru the downstairs kitchen and stairwell. *By adding the 3rd unit, the number of bedrooms has decreased from 4 to 3.* Christina and Luke use the same master bedroom as my parents. Their daughter sleeps in my childhood room. Unit #2 is laid out like it was when my aunt lived there. One tenant sleeps in the 2 bedroom rooms, in unit #3.

It is my understanding that after Mr. Leclair purchased the property, automotive uses like repair and parking became more prevalent at the back of the property off the driveway than when I lived there. He had a race car there for a long time.

Ann Gill Baron

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JAN 29 2019

DEPARTMENT OF
PLANNING & ZONING AFFIDAVIT OF PHILLIP M. BOWLER, SR.

Phillip M. Bowler, Sr., being over the age of eighteen years and a resident of the State of Vermont hereby deposes and states as follows:

1. My name is Phillip M. Bowler, Sr, I am more than eighteen years old, and I have personal knowledge of the following facts.
2. During several years in the early to mid-1980s, I was a volunteer car mechanic for Hector LeClair's race team. He was the owner of 164 North Willard Street, Burlington, Vermont (the "Property") at that time.
3. I worked for Hector while he raced in NASCAR NORTH. His cars for racing were kept in the garage at the Property. The garage was his shop to repair cars and toys.
4. I've lived just around the corner, at 395 North Street, since the early 1970s. When working, I almost always walked over to the garage at the Property.
5. I remember walking down Dan's Court looking for a shortcut to the garage. There was a 4" x 4" turkey wire fence from the house on the northwest corner of North Street all the way to the end of the street. It was impossible to access the garage from Dan's Court and after that I always walked down North Street and in front of the houses on Willard Street.
6. There were quite a few other mechanics who also worked several nights a week on the car. Mechanics parked their vehicles at the Property while we went to the races or worked on the cars or visited the Property. Many of these mechanics worked with Hector before my time as well.
7. Those other mechanics were Andy Costello, Kenneth Bucklin, Randy Chapin, Robert Hudson, sometimes Hector's brother, Marcel LeClair and his son, also a volunteer mechanic, occasionally visited and parked there. Hector's son-in-law, Karl Kane, also occasionally visited and helped us work on the car.
8. The six wheel Chevrolet car hauler was almost always backed in to the south of the garage near Dans Ct and had been parked there prior to my work as a mechanic.
9. Every night we were at the Property, several of the mechanic's cars were parked angled to the South of the driveway.
10. This area was full of gravel extending to a wire fence separating the Property from the neighbor to the south.
11. The other mechanics all lived outside of Burlington and drove their cars to the Property. Sometimes they parked on the north lot because we loaded the car on the race car hauler in front of the garage on the paved portion.
12. If we went to races far away such as Oxford Plains, Maine, Dover, or Delaware, cars were parked off the driveway from all day to several days mixed with tenant parking.
13. I never heard of or about any complaints from adjoining neighbors from the car repair activities. I became acquainted with Rabbi Raskin's family while they lived next door.
14. We were never told we could not park there or that there was any problem with parking at the Property. On race preparedness nights, there were often five or six mechanics cars parked there. The parking activity would have been apparent to all who drove or walked by. The repair, racing and parking activities were well known throughout the community.
15. Tenants were also using the gravel areas, off the driveway, for parking.
16. There was gravel on both sides of the driveway and to the south of the garage as long as I can remember. The activities related to car repair and racing occurred primarily on the

right/south side of the driveway and barn, including the easement. These gravel areas were also used to turn cars around on so vehicles could drive out of the driveway rather than back out.

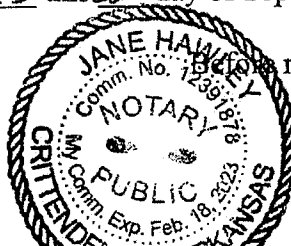
17. After Hector's race car operation left the property, I know that Hector continued using the garage for an antique car repair and for his other toys.
18. I drove by Hector's place almost every day, and several times a year would stop by and visit Hector until I retired in 2002. After 2002, I started to travel more, but continued making visits and noticed consistent and similar repair and parking activities continuing.
19. I almost always looked up the driveway to see if Hector was there. I would see Hector's vehicle and other vehicles parked to the right of the paved driveway on the gravel to the south of the Property. If I drove down the driveway, I saw cars on the northern gravel.
20. Towards the end of Hector's ownership, the gravel on both sides had gotten more intermixed with weeds, but the areas were still parked on.
21. As far back as I can remember there have been three mailboxes on the property, two on the front porch and Hector's mailbox on the side porch in front of the door.
22. I remember Hector's racing activities at the property back in the early/mid 1970s.
23. During my direct interaction with the Property began in the early 1980s there were tenants in both the front second floor apartment and the rear apartment. After that I believed they were occupied.
24. During an early period of time while Hector owned the Property, he lived there with his family. His family did not live there while I worked as a mechanic, but Hector maintained his own apartment until he sold.
25. Later, Hector would stay at the Property whenever he had business in Burlington until he sold.
26. Luke and Christina live in Hector's unit and are raising their family there just like Hector.
27. If there is a zoning permit to 'work on cars and junk cars', that description is consistent with the activities inside and outside of the garage at the Property that I witnessed and participated in over 40+ years.

DATED at West Memphis, Arkansas this 22 day of September ~~2018~~ 2019.

Phillip M. Bowler, Sr.
Phillip M. Bowler, Sr.

STATE OF Arkansas
Crittenden COUNTY, SS.

Subscribed and sworn to by Phillip M. Bowler, Sr., identified or known personally to me,
at West Memphis, Arkansas this 22 day of September ~~2018~~ January, 2019.



Before me, Jane Hawley
Notary Public

My Commission Expires: 2-18-2023

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JAN 28 2019

DEPARTMENT OF
PLANNING & ZONING

Dear City Staff,

I write to provide my observations of 164 North Willard Street over the 40 + years in which I lived across the street.

My name is John Phillips. My family has lived at 159 North Willard Street since the late 1970's. Marlene, my wife, and I moved here in 1977 and we have raised our family in this home.

Our home is across the street from 164 North Willard Street.

To the best of my knowledge, there has been car repair, especially related to race cars, occurring at 164 North Willard. As far as I know the race car operation was established before we moved here in 1977. At that time, there were usually cars parked on gravel to either side of the driveway. I often noticed a race car hauler on the street sometimes or back in the rear of the property south of the barn. The parking and repair activities have been occurring regularly over there for as long as I can remember.

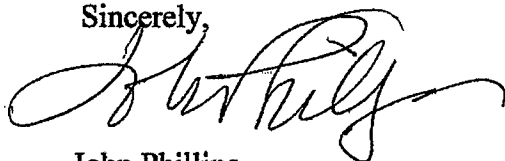
To my knowledge 164 North Willard has always been at triplex during my time as a neighbor. Throughout the years it appears to have been consistently occupied. There was a never a year when a unit did not appear to be occupied.

I live around many multifamily properties. 164 North Willard is quiet, well cared for and positively contributes to the fabric of the neighborhood. In my experience, tenants there have never produced noise problems or other activities detrimental to our neighborhood. The 164 Property seems to attract quiet occupants who come and go without drawing attention to themselves.

My family and I find no reason not to gladly support 164's application to remain a multifamily triplex. If there is a permit to repair cars, and that permit is consistent with the repair and parking activities that regularly occurred, we are fine with that activity continuing.

Please contact me with any questions. 802-238-2083 mobile

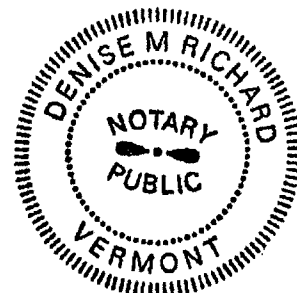
Sincerely,



John Phillips

159 N Willard St.

Burlington, VT



STATE OF VERMONT
SUPERIOR COURT

PURVIS NONCONFORMING USE

) ENVIRONMENTAL DIVISION
) DOCKET NO. 45-5-15 Vtec
)

MOTION TO QUASH SUBPOENA

Non-Party Hector Leclair, by and through his attorneys, Lisman Leckerling, P.C., hereby moves pursuant to V.R.C.P. 45 to quash the subpoena served on him on August 25, 2016 and directing him to appear to testify at trial in this action on September 27, 2016. In support of this Motion, Mr. Leclair submits the following Memorandum of Law.

MEMORANDUM OF LAW

On August 25, 2016, Hector Leclair was served with the Subpoena attached as Exhibit 1. Mr. Leclair is not a party to this action. He is elderly and resides in Florida each year from fall to spring. Mr. Leclair will move from his Vermont summer residence to his Florida winter residence in early September. As a result, although the Subpoena was served on Mr. Leclair in Vermont while he resided at his summer residence, it requires him to testify at a trial scheduled to begin after his move to Florida. Thus, it requires that he travel significantly more than 50 miles each way at substantial expense and great inconvenience.

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JAN 30 2019

Under the Rules,

DEPARTMENT OF
PLANNING & ZONING

On timely motion, the court for which a subpoena was issued shall quash or modify the subpoena if it . . .

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 50 miles one way to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

V.R.C.P. 45(c)(3). The language of the Rule is mandatory. See, e.g., Town of Victory v. State, 174 Vt. 539, 544, 814 A.2d 369, 376 (2002) (mem.) (“Use of the word ‘shall’ in a statute generally means that the action is mandatory”).

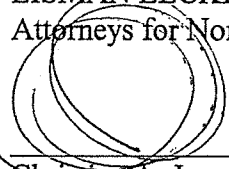
Among the protections to which Mr. Leclair is entitled under Rule 45 is that the Court must quash or modify the Subpoena if it unduly burdens him by requiring that he travel more than 50 miles each way to testify at trial at significant expense. That is clearly the case here.

The Subpoena should be quashed.

DATED at Burlington, Vermont, this 6th day of September, 2016.

LISMAN LECKERLING, P.C.
Attorneys for Non-Party Hector Leclair

By:


Christina A. Jensen, Esq.
ERN 1291
cjensen@lisman.com

CAJ/pmp
Z:\17165\000\legal\Motion to Quash Subpoena 9.6.16.docx

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JAN 30 2019

DEPARTMENT OF
PLANNING & ZONING



City of Burlington, Vermont
Code Enforcement
645 Pine St
Burlington, VT 05401
PHONE: (802)863-0442
FAX: (802)652-4221



Owner Reference Information
RSN:184646
Name: PURVIS, LUKE B.

201617561

Luke B. Purvis
164 North Willard Street Apt 1
Burlington, VT 05401-1640

100035

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APR 06 2016

BURLINGTON
CODE ENFORCEMENT

#709
\$200



Summary of Charges

	Amount Due
016 Rental Registration Fee	200.00
See below for detail of charges	
Total Amount Due by April 1, 2016	\$200.00

Please verify the property, number of units, and number of residential rental units

Inv #	Fee Date	Parcel ID	Certificate of Compliance Expiration	Fee Description	Location (Residential Units, Rental Units)	Amount Due
183070	02/18/16	045-1-091-000	10/08/17	2016 Rental Registration Fee	164 NORTH WILLARD ST(3,2)	200.00
Total Due						\$200.00

we do not receive your payment by April 1, 2016, you will owe a \$13.00 per property fee. No exceptions will be made to this fee if payment is not RECEIVED at our office by April 1, 2016.

Submit this form and completed owner registration information sheets with check for the amount stated above. Make checks payable to:

Burlington Code Enforcement
645 Pine St
Burlington, VT 05401

I HAVE READ AND UNDERSTAND THE ATTACHED REGISTRATION INFORMATION AND INSTRUCTION SHEETS. THE INFORMATION PROVIDED IS TRUE AS OF THE DATE OF FILING AND I UNDERSTAND THAT I MUST SUPPLEMENT THE INFORMATION IMMEDIATELY IF IT CHANGES.

Authorized Owner/Agent Signature:

Luke Purvis

Date:

03/20/16

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DEPARTMENT OF
PLANNING & ZONING



City of Burlington, Vermont
Code Enforcement
645 Pine St
Burlington, VT 05401
PHONE: (802)863-0442
FAX: (802)652-4221

Other Reference Information:
RSN:184646
Name: PURVIS, LUKE B.
Properties for this contact
164 NORTH WILLARD STREET

Contact Information (Date of Birth is required)

Primary Contact / Billing Recipient (184646)

One person is designated as the contact person for Code Enforcement bills, orders and other communications if the property has multiple owners. (All owners on City Assessor records are included in our property record.)

Residence Address

164 North Willard ST
Burlington, VT 05401

Mailing Address

LUKE B. PURVIS
164 NORTH WILLARD ST #1
BURLINGTON VT 05401

Contact Information

Primary Phone: (609)235-5792
Alternate Phone: (802)863-3028
Email Address: lpurvis78@yahoo.com
Date of Birth: / /
Currently Serving in Military?

Local Property Managing Agent NONE ON FILE

Local contact address and phone number is required for all owners who live outside Chittenden County. Local owners may also choose to designate a property manager. This person typically attends inspections, manages repairs, and receives copies of Code orders.

Residence Address

Mailing Address

Contact Information

Primary Phone: () -
Alternate Phone: () -
Email Address:
Date of Birth: / /
Currently Serving in Military?

Service of Process Contact NONE ON FILE

A service of process contact is required, with physical address (no PO Box) and phone numbers within Chittenden County, if the primary contact does not live within Chittenden County. 02/26/16 - Page 2

Residence Address

Mailing Address

Contact Information

Primary Phone: () -
Alternate Phone: () -
Email Address:
Date of Birth: / /
Currently Serving in Military?

Emergency Contact NONE ON FILE

All rental properties must have an Emergency Contact with address and phone number within Chittenden County.

Residence Address

Mailing Address

Contact Information

Primary Phone: () -
Alternate Phone: () -
Email Address:
Date of Birth: / /
Currently Serving in Military?

RENTAL REGISTRATION INFORMATION FORM

USE A SEPARATE SHEET FOR EACH PROPERTY. Additional sheets at: www.burlingtonvt.gov/CodeEnforcement/Forms

The following information is required by law. Please list your residential rental property with unit information below.

Property Location Address: 64 North Willard Is this property exempt from the rental registration fee*? Y / ☒ N

Maximum number of allowed on-site parking spaces: 8 Number of vehicles currently used by residents: 3

Is this property heated by a central heating system, or by a heating system in each apartment? ☒ Y / ☐ N

List each unit number or letter	Is this unit a rental? Y or N	# of rooms (do not count bathrooms)	# of bedrooms (studios & efficiencies put a 0 in box below)	# of bathrooms	Current number of residents	Maximum # of residents allowed on lease	If more than 4 unrelated adults, has functional family [^] status been claimed? Y or N	Is the unit accessible to persons with disabilities? Y or N
<u>1</u>	<u>Y</u>	<u>4</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>2</u>		
<u>2</u>	<u>Y</u>	<u>3</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>2</u>		
<u>3</u>	<u>Y</u>	<u>3</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>2</u>		

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* A property is fee exempt if it is used as a registered non-profit + Continue on additional sheets as needed.

[^] Functional family status defined in Appendix A Article 13 of Burlington City Ordinance.



City of Burlington, Vermont
Code Enforcement
645 Pine St
Burlington, VT 05401
PHONE: (802)863-0442
FAX: (802)652-4221



201518551

Owner Reference Information

RSN:184646
Name: PURVIS, LUKE B.

Summary of Charges

	Amount Due
Rental Registration Fee	200.00
See below for detail of charges	
Total Amount Due by April 1, 2015	\$200.00

Please verify the property, number of units, and number of residential rental units

Inv #	Fee Date	Parcel ID	Certificate of Compliance Expiration	Fee Description	Location (Residential Units, Rental Units)	Amount Due
166033	02/20/15	045-1-091-000	10/08/17	Rental Registration Fee	164 NORTH WILLARD ST(3,2)	200.00
Total Due						\$200.00

we do not receive your payment by April 1, 2015, you will owe a \$13.00 per property
ite fee. No exceptions will be made to this fee if payment is not RECEIVED at our office by April 1, 2015.

submit this form and completed owner registration information sheets with check for the amount stated above. Make checks payable to:

Burlington Code Enforcement
45 Pine St
Burlington, VT 05401

HAVE READ AND UNDERSTAND THE ATTACHED REGISTRATION INFORMATION AND INSTRUCTION SHEETS. THE
FORMATION PROVIDED IS TRUE AS OF THE DATE OF FILING AND I UNDERSTAND THAT I MUST SUPPLEMENT THE
FORMATION IMMEDIATELY IF IT CHANGES.

Authorized Owner/Agent Signature: _____

Luke Purvis

Date: _____

3/8/15

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MAR 26 2015

614

BURLINGTON
CODE ENFORCEMENT

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JAN 30 2019

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PLANNING & ZONING



Code Enforcement
645 Pine St
Burlington, VT 05401
PHONE: (802)863-0442
FAX: (802)652-4221

RSN:184646
Name: PURVIS, LUKE B.
Properties for this contact
164 NORTH WILLARD STREET

Contact Information (Date of Birth is required)

Primary Contact / Billing Recipient (184646)

One person is designated as the contact person for Code Enforcement bills, orders and other communications if the property has multiple owners. (All owners on City Assessor records are included in our property record.)

Residence Address

164 North Willard ST
Burlington, VT 05401

Mailing Address

LUKE B. PURVIS
164 NORTH WILLARD ST, #1
BURLINGTON VT 05401

Contact Information

Primary Phone: (802)863-3028

Alternate Phone: (609)235-5792

Email Address:

Date of Birth: / /

Currently Serving in Military?

Local Property Managing Agent NONE ON FILE

Local contact address and phone number is required for all owners who live outside Chittenden County. Local owners may also choose to designate a property manager. This person typically attends inspections, manages repairs, and receives copies of Code orders.

Residence Address

Mailing Address

Contact Information

Primary Phone: () -

Alternate Phone: () -

Email Address:

Date of Birth: / /

Currently Serving in Military?

Service of Process Contact NONE ON FILE

A service of process contact is required, with physical address (no PO Box) and phone numbers within Chittenden County, if the primary contact does not live within Chittenden County.

Residence Address

Mailing Address

Contact Information

Primary Phone: () -

Alternate Phone: () -

Email Address:

Date of Birth: / /

Currently Serving in Military?

Emergency Contact NONE ON FILE

All rental properties must have an Emergency Contact with address and phone number within Chittenden County.

Residence Address

Mailing Address

Contact Information

Primary Phone: () -

Alternate Phone: () -

Email Address:

Date of Birth: / /

Currently Serving in Military?

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DEPARTMENT OF
PLANNING & ZONING



City of Burlington, Vermont
Code Enforcement
645 Pine St
Burlington, VT 05401
PHONE: (802)863-0442
FAX: (802)652-4221



000079341

Owner Reference Information

RSN:184646
Name: PURVIS, LUKE B.

Summary of Charges

Rental Registration Fee	Amount Due 200.00
-------------------------	----------------------

See below for detail of charges

Total Amount Due by April 1, 2014

\$200.00

Please verify the property, number of units, and number of residential rental units

Inv #	Fee Date	Parcel ID	Certificate of Compliance Expiration	Fee Description	Location (Residential Units, Rental Units)	Amount Due
145429	01/24/14	045-1-091-000	02/26/13	Rental Registration Fee	164 NORTH WILLARD ST(3,2)	200.00

Total Due

\$200.00

If we do not receive your payment by April 1, 2014, you will owe a \$13.00 per property late fee. No exceptions will be made to this fee if payment is not RECEIVED at our office by April 1, 2014.

Submit this form and completed owner registration information sheets with check for the amount stated above. Make checks payable to:

Burlington Code Enforcement
45 Pine St
Burlington, VT 05401

I HAVE READ AND UNDERSTAND THE ATTACHED REGISTRATION INFORMATION AND INSTRUCTION SHEETS. THE INFORMATION PROVIDED IS TRUE AS OF THE DATE OF FILING AND I UNDERSTAND THAT I MUST SUPPLEMENT THE INFORMATION IMMEDIATELY IF IT CHANGES.

Authorized Owner/Agent Signature: _____

Luke Purvis

Date: _____

3/16/14

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JAN 30 2019

DEPARTMENT OF
PLANNING & ZONING

RECEIVED
MAR 31 2014

BY: _____



Code Enforcement
645 Pine St
Burlington, VT 05401
PHONE: (802)863-0442
FAX: (802)652-4221

RSN:184646
Name: PURVIS, LUKE B.
Properties for this contact
164 NORTH WILLARD STREET

Contact Information (Date of Birth is required)

Primary Contact / Billing Recipient (184646)

One person is designated as the contact person for Code Enforcement bills, orders and other communications if the property has multiple owners. (All owners on City Assessor records are included in our property record.)

Residence Address

164 North Willard ST
Burlington, VT 05401

Mailing Address

LUKE B. PURVIS
164 NORTH WILLARD ST
BURLINGTON VT 05401

Contact Information

Primary Phone: (802)000-0000
Alternate Phone: (802)000-0000
Email Address:
Date of Birth: / /
Currently Serving in Military?

Local Property Managing Agent NONE ON FILE

Local contact address and phone number is required for all owners who live outside Chittenden County. Local owners may also choose to designate a property manager. This person typically attends inspections, manages repairs, and receives copies of Code orders.

Residence Address

Mailing Address

Contact Information

Primary Phone: () -
Alternate Phone: () -
Email Address:
Date of Birth: / /
Currently Serving in Military?

Service of Process Contact NONE ON FILE

A service of process contact is required, with physical address (no PO Box) and phone numbers within Chittenden County, if the primary contact does not live within Chittenden County.

Residence Address

Mailing Address

Contact Information

Primary Phone: () -
Alternate Phone: () -
Email Address:
Date of Birth: / /
Currently Serving in Military?

Emergency Contact NONE ON FILE

All rental properties must have an Emergency Contact with address and phone number within Chittenden County.

Residence Address

Mailing Address

Contact Information

Primary Phone: () -
Alternate Phone: () -
Email Address:
Date of Birth: / /
Currently Serving in Military?

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DEPARTMENT OF
PLANNING & ZONING

64. North Wall st

10

FILL IN INFORMATION FOR EACH UNIT AS FOLLOWS:

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DEPARTMENT OF
PLANNING & ZONING



City of Burlington, Vermont
Code Enforcement
645 Pine St
Burlington, VT 05401
PHONE: (802)863-0442
FAX: (802)652-4221



000047891

Owner Reference Information

RSN:147070

Name:LECLAIR, HECTOR

Summary of Charges

Amount Due

Rental Registration Fee

150.00

See below for detail of charges

Total Amount Due by April 1, 2013

\$150.00

Please verify the property, number of units, and number of residential rental units

Inv #	Fee Date	Parcel ID	Certificate of Compliance		Fee Description	Location (Residential Units, Rental Units)	Amount Due
			Expiration				
124849	11/06/12	045-1-091-000	02/26/13		Rental Registration Fee	164 NORTH WILLARD ST(3,2)	150.00

Total Due

\$150.00

If we do not receive your payment by April 1, 2013, you will owe a \$13.00 per property late fee. No exceptions will be made to this fee if payment is not RECEIVED at our office by April 1, 2013.

Submit this form and completed owner registration information sheets with check for the amount stated above. Make checks payable to:

Burlington Code Enforcement

645 Pine St

Burlington, VT 05401

I HAVE READ AND UNDERSTAND THE ATTACHED REGISTRATION INFORMATION AND INSTRUCTION SHEETS. THE INFORMATION PROVIDED IS TRUE AS OF THE DATE OF FILING AND I UNDERSTAND THAT I MUST SUPPLEMENT THE INFORMATION IMMEDIATELY IF IT CHANGES.

Authorized Owner/Agent Signature: _____

Signature

Date: _____

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JAN 30 2013

DEPARTMENT OF
PLANNING & ZONING

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MAR 21 2013

BURLINGTON
CODE ENFORCEMENT



Code Enforcement
645 Pine St
Burlington, VT 05401
PHONE: (802)863-0442
FAX: (802)652-4221

RSN:147070
Name:LECLAIR, HECTOR
Properties for this contact
164 NORTH WILLARD STREET

Contact Information (Date of Birth is required)

Primary Contact / Billing Recipient (147070)

One person is designated as the contact person for Code Enforcement bills, orders and other communications if the property has multiple owners. (All owners on City Assessor records are included in our property record.)

Residence Address

164 North Willard ST
Burlington, VT 05401

Mailing Address

HECTOR LECLAIR
164 North Willard Street
Burlington VT 05401

Contact Information

Primary Phone: (802)864-5538
Alternate Phone:(802)238-2075
Email Address:
Date of Birth: 08/23/05
Currently Serving in Military?

Local Property Managing Agent NONE ON FILE

Local contact address and phone number is required for all owners who live outside Chittenden County. Local owners may also choose to designate a property manager. This person typically attends inspections, manages repairs, and receives copies of Code orders.

Residence Address

Mailing Address

Contact Information

Primary Phone: () -
Alternate Phone:() -
Email Address:
Date of Birth: / /
Currently Serving in Military?

Service of Process Contact (147070)

A service of process contact is required, with physical address (no PO Box) and phone numbers within Chittenden County, if the primary contact does not live within Chittenden County.

Residence Address

164 North Willard ST
Burlington, VT 05401

Mailing Address

HECTOR LECLAIR
164 North Willard Street
Burlington VT 05401

Contact Information

Primary Phone: (802)864-5538
Alternate Phone:(802)238-2075
Email Address:
Date of Birth: 08/23/05
Currently Serving in Military?

Emergency Contact (147070)

All rental properties must have an Emergency Contact with address and phone number within Chittenden County.

Residence Address

164 North Willard ST
Burlington, VT 05401

Mailing Address

HECTOR LECLAIR
164 North Willard Street
Burlington VT 05401

Contact Information

Primary Phone: (802)864-5538
Alternate Phone:(802)238-2075
Email Address:
Date of Birth: 08/23/05
Currently Serving in Military?

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JAN 30 2019

DEPARTMENT OF
PLANNING & ZONING



City of Burlington, Vermont
Code Enforcement
645 Pine St
Burlington, VT 05401
PHONE: (802)863-0442
FAX: (802)652-4221



000026921

Owner Reference Information
RSN:147070
Name:LECLAIR, HECTOR

Summary of Charges

Rental Registration Fee

Amount Due

150.00

See below for detail of charges

Total Amount Due by April 1, 2012

\$150.00

Please verify the property, number of units, and number of residential rental units

Inv #	Fee Date	Parcel ID	Certificate of Compliance Expiration	Fee Description	Location (Residential Units, Rental Units)	Amount Due
110966	02/04/12	045-1-091-000	02/26/13	Rental Registration Fee	164 NORTH WILLARD ST(3,2)	150.00
Total Due						\$150.00

If we do not receive your payment by April 1, 2012, you will owe a \$13.00 per property late fee. No exceptions will be made to this fee if payment is not RECEIVED at our office by April 1, 2012.

Submit this form and completed owner registration information sheets with check for the amount stated above. Make checks payable to:

Burlington Code Enforcement
645 Pine St
Burlington, VT 05401

I HAVE READ AND UNDERSTAND THE ATTACHED REGISTRATION INFORMATION AND INSTRUCTION SHEETS. THE INFORMATION PROVIDED IS TRUE AS OF THE DATE OF FILING AND I UNDERSTAND THAT I MUST SUPPLEMENT THE INFORMATION IMMEDIATELY IF IT CHANGES.

Authorized Owner/Agent Signature:

Hector Leclair

Date:

3/2/12

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DEPARTMENT OF
PLANNING & ZONING

RECEIVED
MAR - 6 2012
BY: *1137*



City of Burlington, Vermont
Code Enforcement
645 Pine St
Burlington, VT 05401
PHONE: (802)863-0442
FAX: (802)652-4221

Owner Reference Information
RSN:147070
Name:LECLAIR, HECTOR
Properties for this contact
164 NORTH WILLARD STREET

Contact Information (Date of Birth is required)

Primary Contact / Billing Recipient (147070)

One person is designated as the contact person for Code Enforcement bills, orders and other communications if the property has multiple owners. (All owners on City Assessor records are included in our property record.)

Residence Address

164 North Willard Street
Burlington, VT 05401

Mailing Address

HECTOR LECLAIR
164 North Willard Street
Burlington VT 05401

Contact Information

Primary Phone: (802)864-5538
Alternate Phone: (802)238-2075
Email Address:
Date of Birth: 08/23/05
Currently Serving in Military?

Local Property Managing Agent NONE ON FILE

Local contact address and phone number is required for all owners who live outside Chittenden County. Local owners may also choose to designate a property manager. This person typically attends inspections, manages repairs, and receives copies of Code orders.

Residence Address

Mailing Address

Contact Information

Primary Phone: () -
Alternate Phone: () -
Email Address:
Date of Birth: / /
Currently Serving in Military?

Service of Process Contact (147070)

A service of process contact is required, with physical address (no PO Box) and phone numbers within Chittenden County, if the primary contact does not live within Chittenden County.

Residence Address

164 North Willard Street
Burlington, VT 05401

Mailing Address

HECTOR LECLAIR
164 North Willard Street
Burlington VT 05401

Contact Information

Primary Phone: (802)864-5538
Alternate Phone: (802)238-2075
Email Address:
Date of Birth: 08/23/05
Currently Serving in Military?

Emergency Contact (147070)

All rental properties must have an Emergency Contact with address and phone number within Chittenden County.

Residence Address

164 North Willard Street
Burlington, VT 05401

Mailing Address

HECTOR LECLAIR
164 North Willard Street
Burlington VT 05401

Contact Information

Primary Phone: (802)864-5538
Alternate Phone: (802)238-2075
Email Address:
Date of Birth: 08/23/05
Currently Serving in Military?

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DEPARTMENT OF
PLANNING & ZONING

Make a separate copy of information sheet for each rental property. If you own multiple properties the following information is required by law. Please fill in your residential/rental property with unit information below. ONE SHEET PER UNIT FOR EACH PROPERTY

ENTER PROPERTY ADDRESS HERE

164 NO Woodland St, Brund VT 05401

FILL IN INFORMATION FOR EACH UNIT AS FOLLOWS

LIST EACH UNIT # (OR LETTER) ON LINES BELOW	Rental Unit?	# Bedrooms	# Residents	# Families	# Unrelated	Functional Family?	# Parking Spaces	# Vehicles
	Indicate if not rental unit. If not insert N.	Enter maximum number of sleeping rooms.	Enter maximum number of residents.	Enter number of families (insert number if more than 4).	Enter maximum number of unrelated adults if more than 4.	Number of unrelated adults is more than 4. do you claim they are living as a functional family?	Enter maximum number of on-site parking spaces.	Enter maximum number of vehicles used by resident.
Unit 1								
one unit								
two unit								
three unit								
three unit								

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JAN 30 2019

DEPARTMENT OF PLANNING & ZONING

Note: The completion of this form does not constitute a warranty or representation of any kind.

Note: The completion of this form does not preclude the enforcement of permit requirements by Zoning or other City Departments.



Code Enforcement
645 Pine St
Burlington, VT 05401
PHONE: (802)863-0442
FAX: (802)652-4221

Owner Reference Information
RSN:147070
Name:LECLAIR, HECTOR



000045291

MAR 08 2011

Summary of Charges

Rental Registration Fee

CL# 953

Amount Due

150.00

See below for detail of charges

Total Amount Due by April 1, 2011

\$150.00

Please verify the property, number of units, and number of residential rental units

Inv #	Fee Date	Parcel ID	Certificate of Compliance		Fee Description	Location (Residential Units, Rental Units)	Amount Due
			Expiration				
99017	02/21/11	045-1-091-000	02/26/13		Rental Registration Fee	164 NORTH WILLARD ST(3,2)	150.00
Total Due							\$150.00

If we do not receive your payment by April 1, 2011, you will owe a \$13.00 per property late fee. No exceptions will be made to this fee if payment is not RECEIVED at our office by April 1, 2011. Submit this form and completed owner registration information sheets with check for the amount stated above. Make checks payable to:

Burlington Code Enforcement
645 Pine St
Burlington, VT 05401

HAVE READ AND UNDERSTAND THE ATTACHED REGISTRATION INFORMATION AND INSTRUCTION SHEETS. THE INFORMATION PROVIDED IS TRUE AS OF THE DATE OF FILING AND I UNDERSTAND THAT I MUST SUPPLEMENT THE INFORMATION IMMEDIATELY IF IT CHANGES.

Authorized Owner/Agent Signature:

Hector Leclair

Date:

Mar 4, 11

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JAN 30 2019
DEPARTMENT OF
PLANNING & ZONING



645 Pine St
Burlington, VT 05401
PHONE: (802)863-0442
FAX: (802)652-4221

Name: LECLAIR, HECTOR
Properties for this contact
164 NORTH WILLARD STREET

Contact Information (Date of Birth is required)

Primary Contact / Billing Recipient (147070)

One person is designated as the contact person for Code Enforcement bills, orders and other communications if the property has multiple owners. (All owners on City Assessor records are included in our property record.)

Residence Address

164 North Willard Street
Burlington, VT 05401

Mailing Address

HECTOR LECLAIR
164 North Willard Street
Burlington VT 05401

Contact Information

Primary Phone: (802)864-5538
Alternate Phone: (802)238-2075
Email Address:
Date of Birth: 08/23/05
Currently Serving in Military?

Local Property Managing Agent NONE ON FILE

Local contact address and phone number is required for all owners who live outside Chittenden County. Local owners may also choose to designate a property manager. This person typically attends inspections, manages repairs, and receives copies of Code orders.

Residence Address

Mailing Address

Contact Information

Primary Phone: () -
Alternate Phone: () -
Email Address:
Date of Birth: / /
Currently Serving in Military?

Service of Process Contact (147070)

A service of process contact is required, with phone address (no PO Box) and phone numbers within Chittenden County, if the primary contact does not within Chittenden County.

Residence Address

164 North Willard Street
Burlington, VT 05401

Mailing Address

HECTOR LECLAIR
164 North Willard Street
Burlington VT 05401

Contact Information

Primary Phone: (802)864-5538
Alternate Phone: (802)238-2075
Email Address:
Date of Birth: 08/23/05
Currently Serving in Military?

Emergency Contact (147070)

All rental properties must have an Emergency Contact with address and phone number within Chittenden

Residence Address

164 North Willard Street
Burlington, VT 05401

Mailing Address

HECTOR LECLAIR
164 North Willard Street
Burlington VT 05401

Contact Information

Primary Phone: (802)864-5538
Alternate Phone: (802)238-2075
Email Address:
Date of Birth: 08/23/05
Currently Serving in Military?

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JAN 30 2019
DEPARTMENT OF
PLANNING & ZONING

FOR REVIEW



Code Enforcement
645 Pine St
Burlington, VT 05401
PHONE: (802)863-0442
FAX: (802)652-4221

Owner Reference Information
RSN:147070
Name:LECLAIR, HECTOR

Please verify the property, number of units, and number of residential rental units.

Inv #	Fee Date	Parcel ID	Fee Description	Location (Residential Units, Rental Units) Amount
85701	03/04/10	045-1-091-000	2010 Rental Registration Fee	164 NORTH WILLARD ST(3,2)

Total Due

RECEIVED
JAN 30 2019
DEPARTMENT OF
PLANNING & ZONING

The following information is required by law. Please list your residential rental property with unit information below. If you own multiple properties make a separate copy of information sheet for each rental property.

164 NO WILKINSON ST. BURL, VT 05401

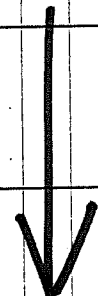
FILL IN INFORMATION FOR EACH UNIT AS FOLLOWS:

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DEPARTMENT OF
PLANNING & ZONING

INSPECTIONS

CITY					COMPLETED				
OWNER	TYPE	1st.	2nd.	3rd.	ATTORNEY				
Ken Douglas	Permit	2/25/64				2/25/64			
Eric Douglas	Permit	8/31/64				8/31/64			
Steve Douglas	Permit	10/13/64				10/13/64			
Randall Austin	Permit	10/27/64				12/15/64			
Earl Hale	Permit	10/28/64							
Stephen Douglas	Misc	4/20/65							
Hallock	Other	5/13/65				5/13/65			
Edward Irish	zoning	9/17/65				Withdrawn			
Leopold Norfolk	zoning	9/21/65				3/20/66			
Leopold Norfolk	permit	9/24/65				2. Sept into 6 apt			
Rodney Rooney	zoning	1/14/66				2 Sept into 4 apt			
"	"	1/18/66							
Rodney Rooney	permit	3/9/66				14mby into office			
Dr. J. J. Hestley	zoning	3/23/66				22 apt			
Clayton Warren	Misc	4/3/66							
Walt Shampney	permit	8/24/66							
Larry Warren	no permit	9/13/66							
Kirk & Brubaker	permit	10/26/66	11/21/66						
Larry Warren	zoning	4/14/67	8/29/67	9/26/67					
Steve Shattell	Misc	3/29/68							
Decker Le Clair	zoning	8/7/68							
Louis Epstein	permit	9/30/68							
Willard H. Nicks	zoning	10/1/68							
Lega Allen	bldg	10/17/68							
4 Lloyd Smith	zoning	2/15/69							
Dr. Kim E. Ferguson	zoning	5/19/70							
"	zoning	6/2/70							
"	zoning	5/14/71							



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6000

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Category	Count	Total
1	122,000	317

[illegible]

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Joseph and Teresa
Cleary
158 N. Willard Street
Burlington, VT
joetree@burlingtontelecom.net
802.310.4666

1/30/19
Scott Gustin
Burlington Dept. of Planning and Zoning

Mr. Gustin,

We are writing to add our testimony to the Request for Determinations (19-0474DT) filed by Luke Purvis, regarding his property at 164 N. Willard St. As you know, we were not aware that Mr. Purvis had filed this request, nor that the city had brought new complaints. Mr. Purvis concealed the Zoning Permit for approximately six weeks, and did not post the red Z-card until the middle of January.

However, the issues at Mr. Purvis' property are well known to us, especially the parking that occurs on the southern part of his property, and on an Easement which is located on the north-eastern corner of our Lot. The purpose of this letter, and the attached documents, is to clarify for this process relevant facts about our complaint and renew our first-hand testimony to the status of the property beginning in 2012, when we purchased our house at 158 N. Willard. Primarily, we will address the parking by Mr. Purvis and his tenants, that affects our property.

Although Mr. Purvis has collected a number of letters from sympathetic neighbors, we note that very few of them have specific knowledge of the property, and none provide tangible evidence to support his claims. Generalized testimony should not be accepted as proof of continuous or past use. In contrast, our property directly borders Mr. Purvis' driveway, and we have been specifically aware of the property *before* Mr. Purvis purchased #164, *at the time* of his purchase, and *afterwards*, when he instructed his tenants to begin parking on the grass south of the driveway. We have provided the City with photos of the parking being constructed, and changes in use as they occurred.

Additionally, rental registration documents (attached) provided to the City by Mr. Purvis and the previous owner, Mr. LeClair, *before, during and after* the sale of the house, clearly show the changes which were made. For example: In 2014, Mr. Purvis reported 2 parking spaces at the property, which was consistent with the parking previously reported by Mr. LeClair. In 2015 Mr. Purvis reported 8 parking spaces at the

property, which is an admission to expanding the parking by 6 spaces. This was an increase of 300% in reported parking. These changes in parking reported by Mr. Purvis match our observations and timeline. The candor of Mr. Purvis' 2014 rental registration form stands in stark contrast to the false narrative he has carefully constructed since that time.

The rental registrations also corroborate our general observations of the property, and the expansion of parking that we witnessed during 2013-14. Mr. Purvis' claims of "Continuous Use" are false. We believe the City should reject any notion that Mr. Purvis' current use springs from an outdated permit from 1968. Even if there were cars, junk cars, and race cars on his property at one time, this is not a use that should be allowed or approved in 2019, nor should it be allowed as evidence, 50 years later, when such use is shown to have been abandoned. From a factual standpoint, the City has already determined that the so-called "southern parking area" was abandoned, and the Environmental Court has upheld a period of 60 days as the test for abandonment.

As shown by the rental registration documents submitted by Mr. LeClair and Mr. Purvis, when we purchased our property in 2012, the house at #164 was vacant, except for regular visits by Mr. LeClair to a unit he used as an office. In the winter of 2012-13, no units were occupied. There were no tenants, residents or caretakers at the property. Snow was plowed from the driveway and deposited to the north of the driveway, but there were no cars parked or stored on the property. Mr. LeClair was absent, apparently at a winter residence in Florida. In his 2016 *Motion to Quash Subpoena* (attached), Mr. LeClair's attorney states that he, "resides in Florida each year from fall to spring." Also: "Mr. LeClair will move from his Vermont summer residence to his Florida winter residence in early September."

Some neighbors have a stated vague recollection of past parking usage, but for us it was a shocking change to witness Mr. LeClair directing workers to spread 3-4 dump-truck loads of gravel, covering the grass on the yard to the north and south of the driveway on March 7, 2013. In her affidavit, Ms. Tamulonis, a neighbor sympathetic to Mr. Purvis, calls the deposition of literal tons (truckloads) of material "gravel maintenance" in an attempt to minimize the activity. On April 26, 2014, about 8 months after purchasing our house, we were again shocked to witness Mr. Purvis re-locate all the parking for the 164 property to the south, and on to the Easement. We documented both the construction of parking (2013) and the expansion of parking (2014) consistently with photos to show the changes in use and resulting damage to property.

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Since 2014, Mr. Purvis has had many opportunities to remedy the violation with a simple solution—park his car, and those of his tenants, on his very large driveway or in his 3-car garage. His intransigence and refusal to do so demonstrate clearly that the City should now use the tools of enforcement to ensure compliance.

Regarding Mr. Purvis' new request for determination, we ask that the City remain consistent with respect to the prohibition on parking to the south of the driveway, and remain consistent with City's position in the related Environmental Court appeal.

In addition we would ask that the City expand the prohibition on parking south of the Driveway to include the Easement at the NE corner of our Lot. Mr. Purvis has shown every indication that he will try to parse the original DRB decision, crossing the prohibited strip, to park ONLY on the Easement, an unacceptable outcome which results in the same damage to our property that we are currently experiencing.

Although the Easement was not specifically included in the DRB finding, it is only accessible by vehicular ingress and egress through the (previously) prohibited area. It is impossible to access to the Easement without the "strip" which is controlled by the decision and the 9/25/18 Entry on Motion. Burlington City Code section 20-55 (f)(1) addresses and defines this issue in the prohibition on Lawn Parking. The last sentence reads: "*Lawns or yards are defined for the purposes of this subsection to be any open space not approved by the department of planning and zoning as an area for vehicular egress and ingress or parking.*" (emphasis mine).

Mr. Purvis was given specific instructions by Code Enforcement, which were upheld by the DRB finding, and have now been made permanent by the denial of motions before the Environmental Court. In January of 2015 he was instructed: "*All disturbed areas, as a result of previous parking, must be restored to green space by May 1, 2015; to conform to coverage allowances and respect to the setback.*" (emphasis mine). Almost four years has elapsed without Mr. Purvis taking a single step to remedy the violation. In any new determination we ask the city to expand their prohibition on parking, and the "restoration of green space" to the Easement, to comply with section 20-55(f)(1) of City Code.

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We respectfully ask the City to take necessary enforcement action to prevent and prohibit Mr. Purvis' continued parking violations, and to find his current usage unlawful.

Sincerely,

Two handwritten signatures in black ink. The first signature is larger and more stylized, while the second is smaller and more compact.

Joseph and Teresa Cleary
Owners, 158 N. Willard St.

Attachments:

Affidavit of Joseph Cleary

Affidavit of Teresa Cleary

Motion to Quash Subpoena: Hector LeClair

Rental Registration Forms: 164 N. Willard St, 2010-2016

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AFFIDAVIT OF JOSEPH CLEARY

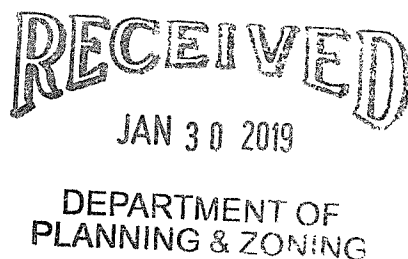
I, Joseph Cleary, being first duly sworn, depose and say:

1. I own the property located 158 North Willard Street, Burlington, Vermont with my wife, Teresa Cleary.
2. We purchased 158 North Willard Street in July of 2012 and have resided there with our family since that time.
3. The property located at 164 North Willard Street, Burlington, Vermont lies directly to the North of our property, sharing a property line.
4. I am aware of the claimed easement area on my property, it is in the northeast corner of my property, to the south of the paved driveway on 164 North Willard Street.
5. From points on my property, I have a direct view of the backyard of 164 North Willard, including the driveway and easement area.
6. From the time that we moved into our home at 158 North Willard in July of 2012 until April 2014, I observed no parking at 164 North Willard Street to the south of the paved driveway.
7. When we moved into our home at 158 North Willard Street in July of 2012, there was no one living at 164 North Willard Street. This was the status of that property until the Luke Purvis purchased the property on July 17, 2013.
8. During the time from July of 2012 through July of 2013, I observed Mr. LeClair occasionally visit the property. During those visits, I never observed him park in the southern area beyond the paved driveway. There were also a few months in the

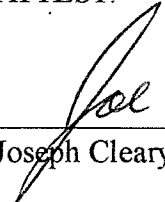
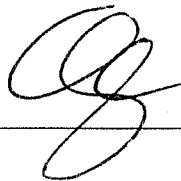
winter when Mr. LeClair did not come to the property at all, it is my understanding that he was gone to Florida during that timeframe.

9. Based on my conversations with prior tenants of 158 North Willard Street, there were a number of years prior to 2012 that there were no tenants at 164 North Willard Street.
10. During the winters of 2012-2013 and 2013-2014, the area to the South of the paved driveway, including the easement area was not plowed.
11. During the winter of 2012-2013 there was no tenant, caretaker or resident living at 164 North Willard Street.
12. In March of 2013, I saw Mr. LeClair and some other individuals dump a large amount of gravel to the north and south of the paved driveway at 164 North Willard. After Mr. Purvis purchased the property, I did not observe parking in the area to the south of the paved driveway until April 26, 2014, at which time Mr. Purvis began parking one vehicle south of the paved driveway, more or less parallel to said driveway
13. The foregoing statements are made on my own knowledge and belief.
- 14.

DATED at Burlington, Vermont, this 30th day of January, 2019.



ATTEST:

Joseph Cleary

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.

At Burlington, Vermont this 30th day of January 2019 personally appeared Joseph Cleary and acknowledged that the above Affidavit executed by him is true and accurate to the best of his knowledge and belief.

Before me, _____

Notary Public

My Commission Expires: 02/10/2019

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AFFIDAVIT OF TERESA CLEARY

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PLANNING & ZONING

I, Teresa Cleary, being first duly sworn, depose and say:

1. I own the property located 158 North Willard Street, Burlington, Vermont with my husband, Joseph Cleary.
2. We purchased 158 North Willard Street in July of 2012 and have resided there with our family since that time.
3. The property located at 164 North Willard Street, Burlington, Vermont lies directly to the North of our property, sharing a property line.
4. I am aware of the claimed easement area on my property, it is in the northeast corner of my property, to the south of the paved driveway on 164 North Willard Street.
5. I am a stay at home mother and view the backyard of 164 North Willard, including the driveway and easement area frequently as it is within view from my kitchen sink window.
6. From the time that we moved into our home at 158 North Willard in July of 2012 until April 2014, I observed no parking at 164 North Willard Street to the south of the paved driveway.
7. When we moved into our home at 158 North Willard Street in July of 2012, there was no one living at 164 North Willard Street. This was the status of that property until the Luke Purvis purchased the property on July 17, 2013.
8. During the time from July of 2012 through July of 2013, I observed Mr. LeClair occasionally visit the property. During those visits, I never observed him park in the

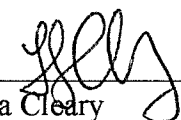
southern area beyond the paved driveway. There were also a few months in the winter when Mr. LeClair did not come to the property at all, it is my understanding that he was gone to Florida during that timeframe.

9. Based on my conversations with prior tenants of 158 North Willard Street, there were a number of years prior to 2012 that there were no tenants at 164 North Willard Street.
10. During the winters of 2012-2013 and 2013-2014, the area to the South of the paved driveway, including the easement area was not plowed.
11. During the winter of 2012-2013 there was no tenant, caretaker or resident living at 164 North Willard Street.
12. In March of 2013, I saw Mr. LeClair and some other individuals dump a large amount of gravel to the north and south of the paved driveway at 164 North Willard. After Mr. Purvis purchased the property, I did not observe parking in the area to the south of the paved driveway until April 26, 2014, at which time Mr. Purvis began parking one vehicle south of the paved driveway, more or less parallel to said driveway.
13. The foregoing statements are made on my own knowledge and belief.

DATED at Burlington, Vermont, this 30th day of January, 2019.

ATTEST:

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 1.30.2019
Teresa Cleary

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.

At Burlington, Vermont this 30th day of January 2019 personally appeared Teresa Cleary and acknowledged that the above Affidavit executed by her is true and accurate to the best of his knowledge and belief.

Before me, 
Notary Public
My Commission Expires: 02/18/2019

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164 North Willard Street



164 North Willard Street



164 North Willard Street



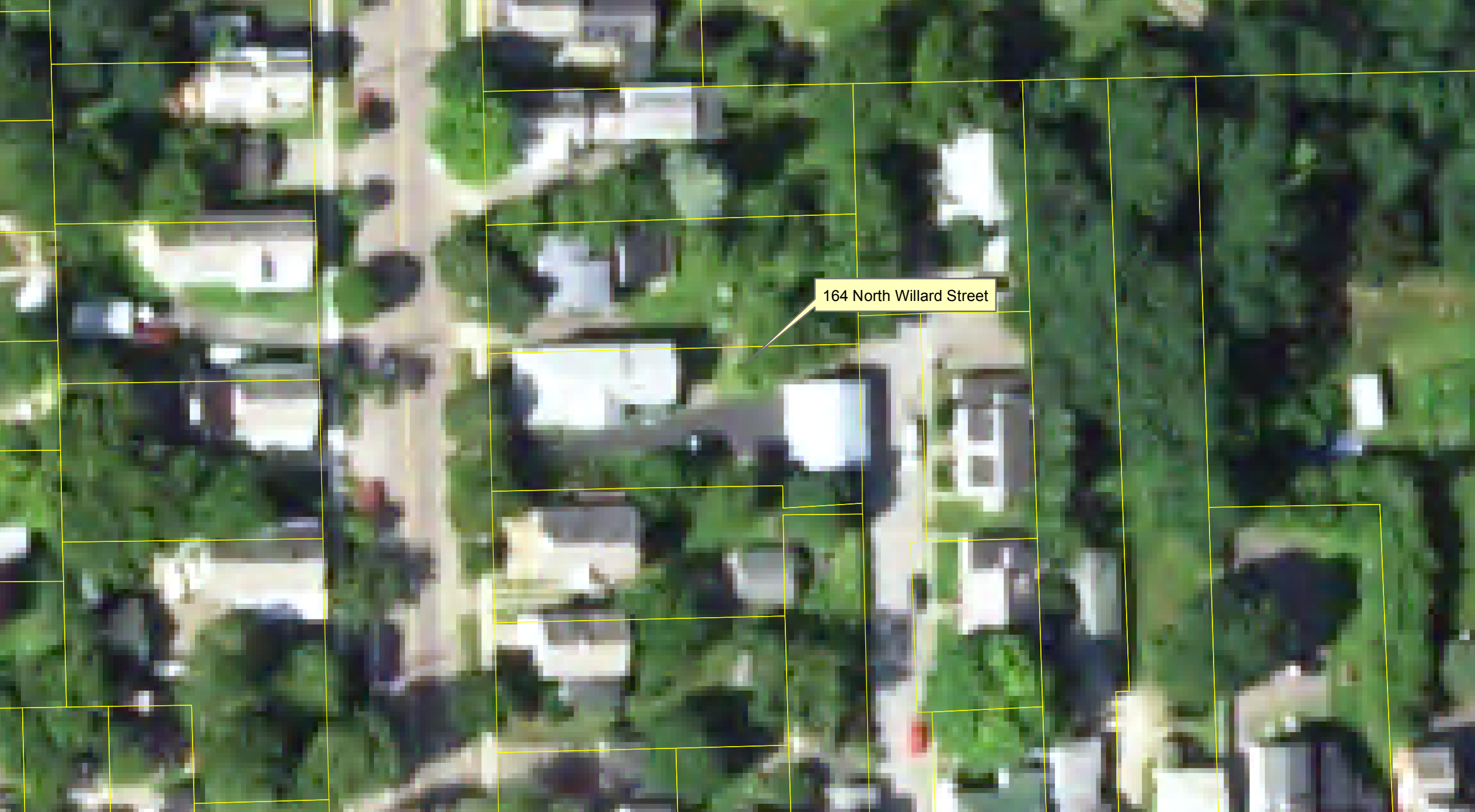
164 North Willard Street

2012 Google Earth image





164 North Willard Street



164 North Willard Street



164 North Willard Street

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



TO: Development Review Board
FROM: Ryan Morrison
DATE: May 21, 2019
RE: 19-0702CA; 1364 North Avenue

=====

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

Zone: RL Ward: 7N

Owner/Applicant: Burlington Supervisory Union / Office of Colin P. Lindberg, Architect

Request: Site improvements including a bus drop off lane and ADA compliant parking modification. Improvements also include a parent drop off, pedestrian and bicycle circulation lane, bike racks, dumpster screening, and other associated site circulation, accessibility and safety improvements.

Applicable Regulations:

Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 7 (Signs), Article 8 (Parking)

Background Information:

Previous zoning permits:

- **Zoning Permit 00-141;** construct a baseball backstop consisting of chain link fencing; also benches, portable bleachers and associate site improvements. September 1999.
- **Zoning Permit 01-010;** construct four dugouts over the existing baseball and softball field benches. July 2000.
- **Zoning Permit 07-227CA;** new storage building and associated driveway and walkway. September 2006.
- **Zoning Permit 09-621CA;** exterior renovation including window wall replacement. March 2009.
- **Zoning Permit 10-0772CA;** disconnect roof drains from combined sewer system and link to the separate storm sewer system and install underground stormwater tanks. April 2010.
- **Zoning Permit 10-1035CA;** install garden shed at school garden. June 2010.
- **Zoning Permit 11-0580CA;** new wood shed. February 2011.
- **Zoning Permit 14-0610SN;** install new electronic message display sign at the North Avenue exit. December 2013.
- **Zoning Permit 14-0611FC;** Remove section of fence at North Avenue exit in association with the new electronic message display sign. December 2013.

The applicant is seeking approval to improve the bus drop off lane, and to modify the ADA compliant parking. Additional improvements include enhancements to the parent drop off area, pedestrian and bicycle circulation lane, new bike racks, new dumpster screening, and other associated site circulation, accessibility and safety improvements.

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

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

I. Findings

Article 4: Zoning Maps & Districts

Sec. 4.4.5, Residential District:

(a) Purpose

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

The middle school serves a vital function in the surrounding community. *School – Primary* (K – 8th grade) is a conditional use in the RL zoning district. **Affirmative finding**

(b) Dimensional Standards & Density

The school property is large (893,454 sf). No new structures are proposed, and all improvements to drives, parking, and walkways will be setback well beyond the minimum setback requirements of this section, and of Sec. 5.2.5(b)(5) – Accessory Structures and Parking Areas. Lot coverage will increase from 14.7 to 15.8 %, and will be well below the 35% maximum allowance.

Affirmative finding

(c) Permitted & Conditional Uses

There are no new uses proposed. The property will continue to be used as a *School – Primary* use, which is a conditional use in the underlying zone. **Affirmative finding**

(d) District Specific Regulations

1. Setbacks

Not applicable.

2. Height

Not applicable.

3. Lot Coverage

Not applicable.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

Not applicable.

6. Uses

Not applicable.

7. Residential Development Bonuses

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

Setback exemptions for parking areas, driveways, and walkways are limited to a minimum setback of 5 ft. No portion of the improvements will encroach within 5 ft of a property line. **Affirmative finding**

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5.

Sec. 5.5.1, Nuisance Regulations

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

Affirmative finding

Sec. 5.5.2, Outdoor Lighting

The proposal does not include exterior lighting. Not applicable.

Sec. 5.5.3, Stormwater and Erosion Control

As required, plans for erosion prevention and sediment control and for post construction stormwater management must be submitted to the city's stormwater program staff for review and approval. **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

8,500 sq ft of pervious area will be turned into impervious area. This amount represents a significantly small area in comparison with the overall lot size. In contrast, 3,000 sq ft of impervious area will be converted to pervious area. Overall, there will be 5,500 sq ft of net new pervious area. None of the areas affected are important natural features as identified in the Open Space Protection Plan. **Affirmative finding**

(b) Topographical alterations

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views

Not applicable per 24 VSA, Sec. 4413.

(d) Protection of important cultural resources

Not applicable per 24 VSA, Sec. 4413.

(e) Supporting the use of alternative energy

Not applicable per 24 VSA, Sec. 4413.

(f) Brownfield sites

Not applicable per 24 VSA, Sec. 4413.

(g) Provide for nature's events

See Sec. 5.5.3.

(h) Building location and orientation

Not applicable per 24 VSA, Sec. 4413.

(i) Vehicular access

Not applicable per 24 VSA, Sec. 4413.

(j) Pedestrian access

Not applicable per 24 VSA, Sec. 4413.

(k) Accessibility for the handicapped

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

(l) Parking and circulation

The proposal will see an exchange of parking spaces from the front parking spaces at the bus loop to an expanded parking area to the northwest of the school building. With this exchange, the total number of parking spaces serving the school will not change – 88 spaces total. The spaces along the bus loop at the front of the school will become pervious green space. By relocating these spaces, there should be no conflict between vehicles parking here and busses loading and unloading students. Overall, the circulation pattern will not change.

In addition to reconstructing/reclaiming the parking areas, the access drives from North Avenue and Gosse Court will be enhanced by reconstructing the roads and designating drop-off lanes,

through lanes, and bicycle lanes. There will be no increase to the existing widths of either access drive.

As there will be no increase in building users, no traffic analysis has been provided or is required for this application. **Affirmative finding**

(m) Landscaping, fences, and retaining walls

While the proposal includes removing the existing parking row along the bus loop, no new landscaping is noted in the application. The plans do, however, include screening of the dumpster area. Examples of the screening indicate solid fencing and gates around the dumpster area.

Affirmative finding

(n) Public plazas and open space

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

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

The project does not include new infrastructure. Not applicable.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

Not applicable.

Article 7: Signs

Sec. 7.1.3 Exemptions

(c) Directional Signs

Non-illuminated signs displayed on private property strictly for the direction, safety or convenience of the public, including such signs which identify the location of restrooms, telephone booths, parking area entrances or exits, freight entrances or the like, provided the area of any such sign shall not exceed two (2) square feet.

The applicant has provided a sign and pavement parking plan that identifies various signs and their location on site. Several of these signs are no greater than 2 sq ft in size, while others exceed 2 sq ft. A separate zoning permit is necessary for all proposed signs that exceed 2 sq ft in size.

Affirmative finding as conditioned

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

While the proposal includes relocating several parking spaces on site, there will be no change in the total number of parking spaces (88). Since the proposal will result in no change in the number of classrooms associated with the school, parking requirements do not need to be assessed.

Affirmative finding

Sec. 8.1.11 Parking Dimensional Requirements

Parking spaces are required to be a minimum of 8'x18', with a minimum back-up space length of 20'. The submitted plans indicate compliance with these dimensional parking space requirements.

Affirmative finding

Sec. 8.2.5, Bicycle Parking Requirements

As noted above in Sec. 8.1.8, there are no changes to the school building that warrants review of parking requirements. The same applies to bicycle parking requirements. It is worth noting that the application does include new bicycle parking near the front of the building, complete with a canopy cover. **Affirmative finding**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, the applicant shall obtain written approval of an Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
2. **Prior to the release of the zoning permit**, the applicant shall obtain the written approval of a Stormwater Management Plan from the Stormwater Administrator.
3. Any new outdoor signage exceeding the exemption threshold for directional signs will require separate zoning permits.
4. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required.
5. Standard permit conditions 1-15.

Department of Planning and Zoning

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Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
vacant, Zoning Clerk



TO: Development Review Board
FROM: Ryan Morrison
DATE: May 21, 2019
RE: 19-0800CA; 384 South Prospect 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: I Ward: 6S

Owner/Applicant: University of Vermont & State Agricultural College

Request: Construct a new addition to the UVM Music Building Recital Hall; the new space will be one story on the east side and two stories on the north side. Related parking changes.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking)

Background Information:

The applicant is seeking approval to construct a 4,544 gross sf addition (2,931 sf footprint) to the UVM Music Building and Recital Hall. The new space will be one story on the east side of the existing building, and two stories on the north side. A minor reconfiguration of the parking lot will occur, that will see two additional parking spaces – this aspect is included in the Draft 2019-2024 Joint Institutional Parking Management Plan, which is currently under review. Additionally, a new sidewalk running along the addition will be installed.

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

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

I. Findings

Article 2: Administrative Mechanisms

There is one prior zoning permit (15-1071CA) for this property that has expired without issuance of a required certificate of occupancy. Per this section, this prior zoning permit must be closed out

with a final certificate of occupancy prior to issuance of a certificate of occupancy for this new zoning permit. **(Affirmative finding as conditioned)**

Article 3: Applications, Permits, and Project Reviews:

Sec. 3.3.2, Applicability

The new addition is subject to impact fees per the provisions of *Part 3: Impact Fees* of Article 3. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.4, Institutional District:

(a) Purpose

See Sec. 4.5.2 (f) *District Specific Regulations: UVM South of Main Street Campus*.

(b) Dimensional Standards & Density

See Sec. 4.5.2 (f) *District Specific Regulations: UVM South of Main Street Campus*.

(c) Permitted & Conditional Uses

See Sec. 4.5.2 (f) *District Specific Regulations: UVM South of Main Street Campus*.

Sec. 4.5.2, Institutional Core Campus Overlay Districts

(a) Purpose

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

(b) Areas Covered

The proposed construction is located within the UVM South of Main Street Campus overlay. **(Affirmative finding)**

(f) District Specific Regulations: UVM South of Main Street Campus (ICC-UVMS)

1. Lot Coverage

Within this overlay district, a maximum aggregate lot coverage of 60% is allowed. Lot coverage will increase from an existing 40.9% to 41%. **(Affirmative finding)**

2. Setbacks

Side and rear setback requirements pertain to the periphery of the overlay district. The proposed construction is nowhere near the peripheral lines of the overlay. **(Affirmative finding)**

3. Development Buffer

The proposed development does not infringe on the Development Buffers at the western end of the overlay district. **(Affirmative finding)**

4. Surface Parking

Part of the application involves reconfiguring the existing, 22 space parking lot immediately to the north of the existing building. The reconfiguration will see a net increase of 2 parking spaces. As

noted above, this is included in the Draft 2019-2024 Joint Institutional Parking Management Plan that is currently under review. **(Affirmative finding)**

5. Building Height

The proposed addition is located within the ICC-UVMS Height Overlay. Within this overlay, building height is limited to 80'. The proposed height is well under this limit at ~ 35.'

(Affirmative finding)

6. Density

Within the ICC-UVMS district, the non-residential density equivalent set forth in Sec. 5.2.7 (a) 2 does not apply to the proposed development. **(Affirmative finding)**

7. Uses

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

(Affirmative finding)

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.5.2.

Sec. 5.2.4, Buildable Area Calculation

This criterion does not apply to properties in the I zone. **(Not applicable)**

Sec. 5.2.5, Setbacks

See Sec. 4.5.2.

Sec. 5.2.6, Building Height Limits

See Sec. 4.5.2.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.5.2.

Sec. 5.5.1, Nuisance Regulations

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

(Affirmative finding)

Sec. 5.5.2, Outdoor Lighting

New outdoor lighting will be mounted to the building. The lights selected will illuminate the new walkway surrounding the addition, as well as one new overhead door. The 'Walkway Lighting' requirements of Sec. 5.5.2 (f)(2) require walkway lights to not exceed an average illumination level of 0.5 footcandles, and maximum lighting levels to not exceed 2 footcandles, over the walkway surface and up to 5 feet on either side of the walkway. The Electrical Site Lighting Photometric Plan shows footcandles exceeding 2.0 throughout different areas of the walkway. The applicants will need to select different light fixtures, and submit a revised lighting photometric plan that demonstrates compliance with these requirements. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

As required, plans for erosion prevention and sediment control and for post construction stormwater management have been provided to the city's stormwater program staff. The stormwater runoff associated with this project will be directed into the university's existing stormwater infrastructure for attenuation and treatment. Final review and approval by the city's stormwater program staff 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

Much of the new building space will be constructed on what is presently lawn space. A portion of existing sidewalk will be constructed over – while new sidewalk will be installed around the building addition to provide pedestrian access. None of the areas affected are important natural features as identified in the Open Space Protection Plan. **(Affirmative finding)**

(b) Topographical alterations

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views

Not applicable per 24 VSA, Sec. 4413.

(d) Protection of important cultural resources

Not applicable per 24 VSA, Sec. 4413.

(e) Supporting the use of alternative energy

Not applicable per 24 VSA, Sec. 4413.

(f) Brownfield sites

Not applicable per 24 VSA, Sec. 4413.

(g) Provide for nature's events

See Sec. 5.5.3.

(h) Building location and orientation

Not applicable per 24 VSA, Sec. 4413.

(i) Vehicular access

Not applicable per 24 VSA, Sec. 4413.

(j) Pedestrian access

Not applicable per 24 VSA, Sec. 4413.

(k) Accessibility for the handicapped

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

(l) Parking and circulation

The existing 22 space parking lot will be reconfigured, and provide two additional spaces. Two van accessible ADA parking spaces will locate in front of the main entrance. The project is addressed in the Draft 2019-2024 Joint Institutional Parking Management Plan. The applicant states that traffic volume and circulation patterns will remain the same as a result of the project. Sufficient parking remains as reflected in the management plan. See Sec. 8.1.8 for details.

As there will be no increase in building users, no traffic analysis has been provided or is required for this application. **(Affirmative finding)**

(m) Landscaping, fences, and retaining walls

No new landscaping will be included. Rather, one tree will be removed in the area of the reconfigured parking lot. A new pedestrian sidewalk wrapping around the addition will be installed. **(Affirmative finding)**

(n) Public plazas and open space

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

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

There is no indication of new utility lines being added. Should new utility lines be installed, they will need to be buried. The applicant notes that the loading dock will continue to remain on the north side of the building, and that loading operations will be improved as a result of the project. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The proposed addition will occupy a footprint of 2,931 sf, with a gross square footage of 4,544 sf. The addition is modest in size in comparison with the existing building. The addition's maximum height will be 26'-7 1/2" – less than the existing building's height of 37'-10". The addition's mass and scale will be considerably less than that of the existing structure.

(Affirmative finding)

2. Roofs and Rooflines

Not applicable per 24 VSA, Sec. 4413.

3. Building Openings

Not applicable per 24 VSA, Sec. 4413.

(b) Protection of important architectural resources

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views
Not applicable per 24 VSA, Sec. 4413.

(d) Provide an active and inviting street edge
Not applicable per 24 VSA, Sec. 4413.

(e) Quality of materials
Not applicable per 24 VSA, Sec. 4413.

(f) Reduce energy utilization
Not applicable per 24 VSA, Sec. 4413.

(g) Make advertising features complimentary to the site
No new advertising features are proposed. However, if in the future additional signage is proposed, it will be subject to review and approval under separate zoning permit. **(Affirmative finding as conditioned)**

(h) Integrate infrastructure into the building design
The application materials include elevation plans depicting an HVAC screen on the rooftop. The screen consists of vertical boral siding, which will match the siding on the 2-story addition portion. **(Affirmative finding)**

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

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

This project is incorporated into the 2019-2024 Joint Institutional Parking Management Plan that will be under review by the DRB at the same meeting as this subject permit application. Under Table 4-19 UVM Planned Projects of the Draft 2019-2024 JIPMP, this project is incorporated in the list of future UVM projects, and notes that 2 additional spaces will added for the Music Building Recital Hall addition. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
2. **Prior to the release of the zoning permit**, the applicant shall obtain the written approval of the Stormwater Management Plan from the Stormwater Administrator.
3. **Prior to the release of the zoning permit**, the 2019-2024 Joint Institutional Parking Management Plan, that incorporates the 2 additional parking spaces for the Music Building Recital Hall addition, must be approved.
4. **Prior to the release of the zoning permit**, spec sheets for lights that comply with Sec. 5.5.2 (f) (2), Walkway Lighting, shall be submitted to Planning and Zoning for review and approval.
5. **Prior to issuance of a certificate of occupancy**, zoning permit 15-1071CA shall be closed out with a final certificate of occupancy.

6. **Within 30 days of issuance of a building permit**, impact fees based on the net new building square footage shall be paid to the Department of Planning & Zoning.
7. Any new utility lines shall be buried.
8. Any new outdoor signage will require separate zoning permits.
9. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required.
10. Standard permit conditions 1-15.

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Vacant, Zoning Clerk



MEMORANDUM

To: Development Review Board

From: Ryan Morrison, Associate Planner

Date: May 21, 2019

RE: ZP19-0688CA; 275 Main Street / 170 South Union 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.

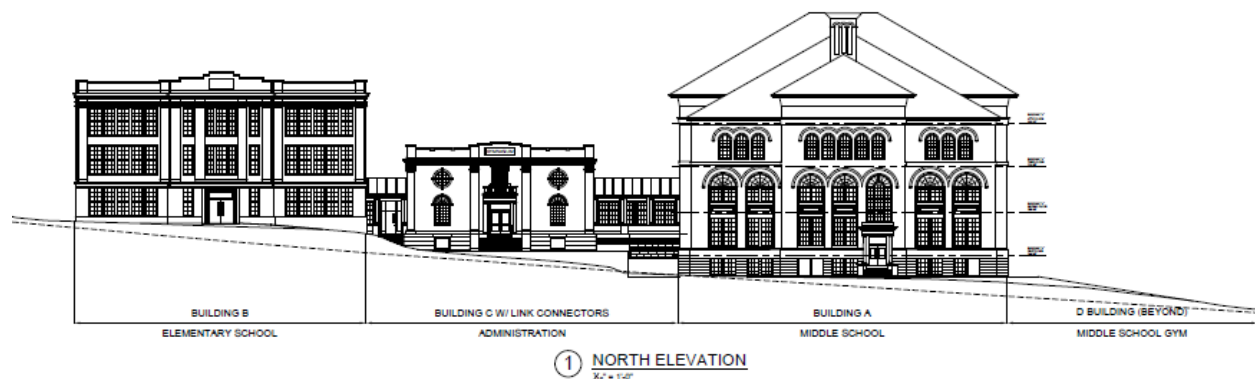
Project Number: ZP19-0688CA

Zone: I **Ward:** 6S

Date application accepted: March 26, 2019

Applicant/ Owner: Office of Colin Lindberg / Burlington Supervisory Union

Request: Amend ZP18-0898CA to include a location revision to the snow removal equipment shed, repair existing drives with revised ADA parking layout (no change in spaces), and reconfigure pedestrian walkways.



Background:

275 Main Street:

- ♦ **Non-Applicability of Zoning Permit Requirements 15-0973NA**, installation of new elevator, improvements to interior east and south stairs, entrance doors and building access improvements at the stair locations including the removal of the existing deteriorated concrete exterior non-code compliant stairs. No changes to building footprint or coverage%. April 2015.
- ♦ **Non-Applicability of Zoning Permit Requirements**, Stormwater improvement agreement, June 1996.

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

- ♦ **Zoning Permit 97-015**; installation of a nonilluminated freestanding sign. July 1996.

170 South Union Street:

- ♦ **Zoning Permit 18-0898CA**; site improvements including lower level link enclosure between buildings A and C, relocated loading dock, screening, fencing, new student courtyard, removal of pavement, and a new maintenance/bike shed. May 2018.
- ♦ **Zoning Permit 16-0607CA**; installation of storage shed. November 2015.
- ♦ **Zoning Permit 15-0527CA**; installation of sixteen security cameras on four school buildings. October 2014.
- ♦ **Zoning Permit 15-1385CA**; additional lighting at the elementary school, Building B. June 2015.
- ♦ **Zoning Permit 13-1036CA**; installation of two exhaust and two intake hoods in existing window openings in association with cooling system, Building C. May 2013.
- ♦ **Zoning Permit 12-0211CA**; replace existing pole lights with new, replace asphalt walkway with new concrete walkway (with underground grass paver swale on the northern side), new shorter flagpole, new granite and metal barriers on north west corner of site, new concrete slab at western entrance to building. November 2011.
- ♦ **Zoning Permit 11-0010CA**; Landscape improvements, new walkways, new benches, trash cans
- ♦ **Non-Applicability of Zoning Permit Requirements** Permit 13-1242NA, preventative maintenance repairs of exterior building envelope to repair deteriorated masonry components of upper cornice, cornice band and coping units on the South and East elevations of the elementary school building. No material or profile change is planned. June 2013.
- ♦ **Zoning Permit 10-0151SN**; install freestanding message board sign to replace existing freestanding sign. No illumination. August 2009.
- ♦ **Zoning Permit 10-0076CA**; ADA access to gym lobby at Edmunds Middle School; remove infill and windows, replace with front entry doors and window system to allow access at grade. Concrete landing to be replaced. July 2009.
- ♦ **Zoning Permit 09-242CA**; install solar electric system on Middle School roof. September 2008.
- ♦ **Zoning Permit 08-570CA**; remove panel infill, fans and louvers from window openings, install wood replacement windows on the south and east side of Edmunds Building A to complete the window replacement. Window pattern to match historic profile and design. March, 2008.
- ♦ **Non-Applicability of Zoning Permit Requirements 10-0678NA**, ADA elevator in A building at Edmunds Middle School. March 2010.
- ♦ **Zoning Permit 06-792CA**; regrade sports field, add topsoil where applicable, seed and mulch. Install irrigation system. June 2006.
- ♦ **Zoning Permit 06-401CA**; removal of existing fire escape on east elevation of Edmunds “B” building. December 2005.

- ◆ **Zoning Permit 06-366CA;** remove window insulation panels and install new double hung windows in “A” building similar to those in “B” building. December 2005.
- ◆ **Zoning Permit 06-424CA;** window replacement project to restore block up original windows and replace the existing windows with energy efficient units to match original window style and pattern in 1920s elementary school building “B”. December 2005.
- ◆ **Zoning Permit 00101;** replace existing playground equipment with new. August 1999.
- ◆ **Zoning Permit 98-235;** install a freestanding sign. November 1997.
- ◆ **Zoning Permit 97-015;** install a freestanding sign. July 1996.
- ◆ **Zoning Permit 92-353;** replace swing set, add a wooden play structure, and relocate an existing fence. May 1992.

Overview: ZP18-0898CA was approved by the DRB on May 21, 2018. The project at the Edmunds Elementary & Middle School consisted of site improvements including a lower level link-enclosure between buildings A and C, relocating a loading dock, new screening, new fencing, a new student courtyard, a new maintenance/bike storage structure, and removal of pavement. The Burlington School District is now proposing to amend ZP18-898CA to reconfigure pedestrian walkways, the vehicular drive and parking area with a revised ADA parking layout (no change in spaces), and to relocate the maintenance/bike storage structure.

The applicant states that the intent is to provide essential and accessible access to buildings and site features, to meet life safety requirements, and to improve the connectivity of the site and use of the property features.

The application will remove failing site stairs, and improve circulation during inclement weather and cold season. The improvements will provide grade changes and accessible walks to controlled entrances to improve safe and accessible access to buildings and the site by the community. The improvements will provide accessible ways and congregating areas (new plaza) away from city streets for students and staff to safely wait for public, district and/or private transportation. Improved bicycle storage, lighting, landscape features, and fencing are included improvements and will be situated to promote safe circulation away from sloped roof hazards and steeper grade changes. The relocated property maintenance shed will allow for better access for property maintenance, snow clearing equipment, and athletic equipment storage. A variety of retaining and landscape walls are proposed throughout the site to provide proper control of grades and to serve as congregational and seating spaces. There will be a slight increase in lot coverage from 44% to 45% - which exceeds the maximum lot coverage allowance. However, State Statute §4413 limits municipal review for public institutions and school facilities, so some design details and changes do not require zoning review, and lot coverage requirements, in particular, can be exceeded if it is to accommodate the intended functional use of the facility.

Recommendation: Certificate of Appropriateness Approval, per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

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

Article 3: Applications, Permits and Project Reviews

Part 4: Site Plan and Design Review

See Article 6 and Section 5.4.8.

Article 4: Zoning Maps and Districts

Table 4.4.4-1 Dimensional Standards and Density.

Maximum lot coverage allowance is 40%. The site is currently non-conforming at ~44%. The project will increase this nonconformity to ~45%. 24 VSA §4413(a)(1) states *'The following uses may be regulated only with respect to the location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use: (B) Public and private schools and other educational institutions certified by the Agency of Education.'* After consultation with the Assistant City Attorney, the proposed increase in lot coverage that increases the existing lot coverage non-comformity, is acknowledged to be necessary for the intended functional use of the school property. **Affirmative finding.**

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

Not applicable.

Section 5.2.2 Required Frontage or Access

No change is proposed to existing lot frontage on either South Union Street, Main Street or Maple Street. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.4-1, above.

Section 5.2.4 Buildable Area Calculation

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

Section 5.2.5 Setbacks

See Table 4.4.4-1, above.

Section 5.2.6 Building Height Limits

No change proposed to existing educational buildings. The maintenance / bike storage shed will be approximately 15' in height. – significantly less than the 35' height allowance. **Affirmative finding.**

Section 5.2.7 Density and Intensity of Development Calculations

No change is proposed to the density or intensity of development. **Affirmative finding.**

Part 3: Non Conformities

The site is currently non-conforming to coverage (40% in Institutional Zoning District, ~44% existing coverage.) This project will increase the level of non-conformity to ~45%. However, as noted above, 24 VSA, §4413 allows for exceptions to lot coverage if an increase is to benefit the intended functional use of the site, which is the goal of the application. **Affirmative finding.**

Sec. 5.4.8 Historic Buildings and Sites

(a) Applicability:

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

275 Main Street is listed on the National Register of Historic Places within the Main Street / College Street Historic District.

State Statute §4413, however precludes zoning review of materials, design or similar building alteration. 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

(a) Protection of Important Natural Features:

The areas of proposed alteration (in the front and rear) are a mix of green space and impervious space. There are no important natural features. **Affirmative finding.**

(b) Topographical Alterations:

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of Important Public Views:

Not applicable per 24 VSA, Sec. 4413.

(d) Protection of Important Cultural Resources:

Not applicable per 24 VSA, Sec. 4413.

(e) Supporting the Use of Renewable Energy Resources:

Not applicable per 24 VSA, Sec. 4413.

(f) Brownfield Sites:

Not applicable per 24 VSA, Sec. 4413.

(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 Courtyard will be used as necessary for snow storage during the winter months, and doubles as a component of the stormwater management system. **Affirmative finding.**

(h) Building Location and Orientation:

The new maintenance garage will be located at the rear (southeast) of the building complex for tractor and equipment storage and some bike storage. As an accessory structure, it is appropriately located behind existing buildings yet with quick access to the circulation areas leading south to the parking lot and Maple Street. **Affirmative finding.**

(i) Vehicular Access:

No change is proposed to vehicular access. The “V” access drive on Main Street will be slightly reconfigured to provide for safer parking and circulation within the area. There will be no change in the number of parking spaces. Service access from the south (Maple Street and parking lot) road will continue as existing. **Affirmative finding.**

(j) Pedestrian Access:

Pedestrian walkways will be slightly reconfigured via this amendment. The general circulation will be the same, however with improved walkways and a new plaza in the front. **Affirmative finding.**

(k) Accessibility for the Handicapped:

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

(l) Parking and Circulation:

The existing “V” access drive off of Main Street will be slightly reconfigured to provide for safer parking and circulation within the site. No change in the site’s total number of parking spaces will occur. **Affirmative finding.**

(m) Landscaping and Fences:

Continuous screening is provided around the service areas. New plantings are proposed throughout the site, and full screening is proposed around the dumpsters. **Affirmative finding.**

(n) Public Plazas and Open Space:

The amendment proposes to create a new plaza in the front yard of the school – as part of the walkway between Main Street and the building’s front entrance. The applicant’s note that this

plaza will provide a safe location for students waiting to be picked up. New landscaping will surround the plaza to make for an inviting street frontage. **Affirmative finding.**

(o) Outdoor Lighting:

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

No lighting changes are proposed within this application. Any additional or adjusted lighting will require a new zoning permit. **Affirmative finding.**

(p) Integrate infrastructure into the design:

New screening is proposed around the rear dumpsters. No other changes are proposed. **Affirmative finding.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

No changes to height or scale of the existing buildings are proposed. In comparison with the primary structures on the property, the new equipment structure is insignificant in size, and will locate at the rear of the property. **Affirmative finding.**

2. Roofs and Rooflines.

Not applicable per 24 VSA, Sec. 4413.

3. Building Openings

Not applicable per 24 VSA, Sec. 4413.

(b) Protection of Important Architectural Resources:

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of Important Public Views:

Not applicable per 24 VSA, Sec. 4413.

(d) Provide an active and inviting street edge:

Not applicable per 24 VSA, Sec. 4413.

(e) Quality of materials:

Not applicable per 24 VSA, Sec. 4413.

(f) Reduce energy utilization:

Not applicable per 24 VSA, Sec. 4413.

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

Many of the alterations are proposed to improve circulation and user's safety. Adherence to all applicable building codes, as defined by the Building Inspector or Fire Marshal is required.

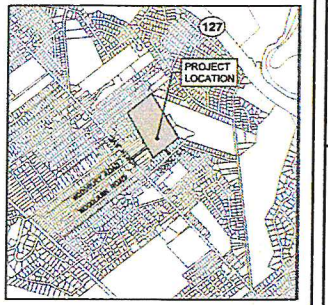
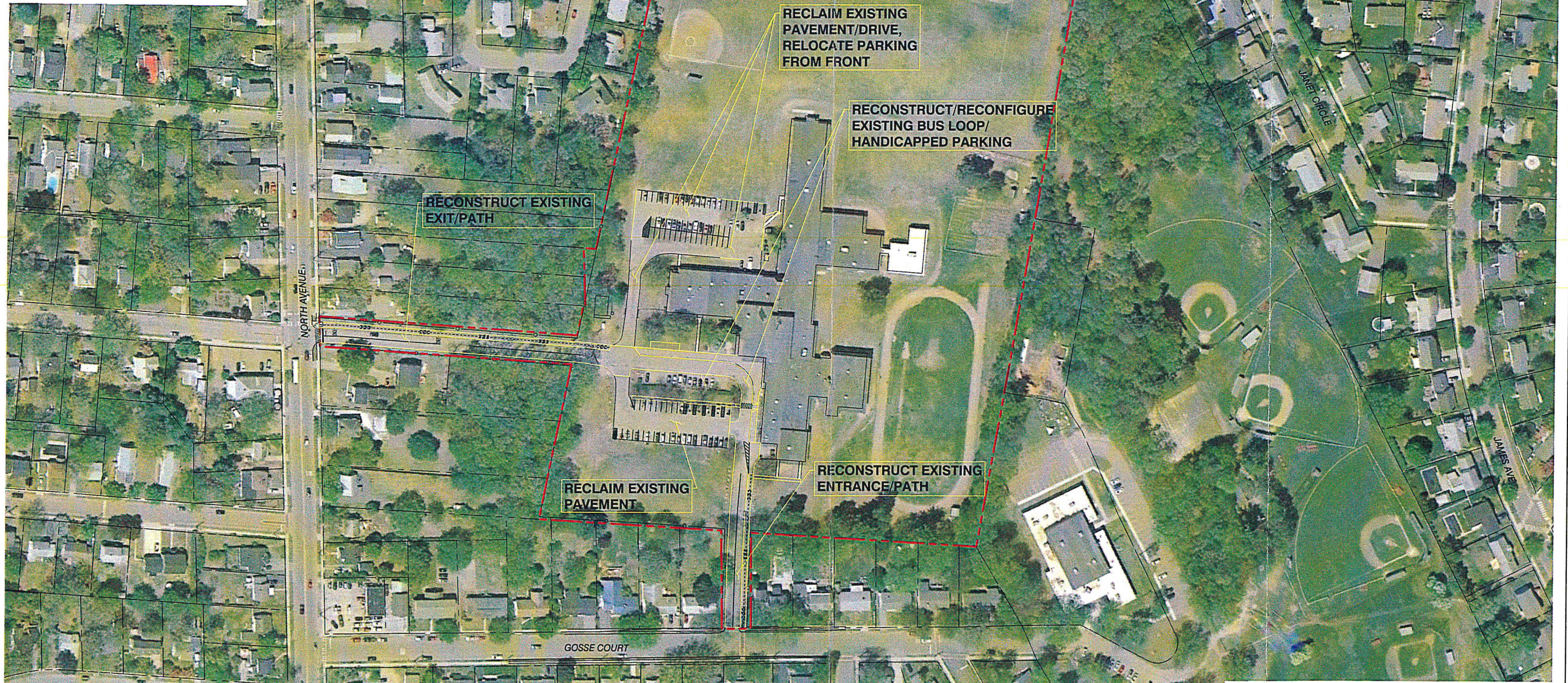
Affirmative finding as conditioned.

II. Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations.
2. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required.
3. Standard Permit Conditions 1-15.

LEGEND

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| | APPROXIMATE SETBACK LINE |
| | EXISTING CONTOUR |
| | EXISTING CURB |
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| | EXISTING GRAVEL |
| | EXISTING PAVEMENT |
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| | EXISTING UNDERGROUND ELECTRIC |
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| | EXISTING HYDRANT |
| | EXISTING UTILITY POLE |
| | EXISTING LIGHT POLE |
| | EXISTING GUY WIRE/POLE |
| | EXISTING SIGN |
| | EXISTING DECIDUOUS TREE |
| | EXISTING CONIFEROUS TREE |
| | EDGE OF BRUSH/WOODS |
| | PROJECT BENCHMARK |



LOCATION MAP 1" = 2000'

PERMIT SET
03.28.19

**COLIN P. LINDBERG,
A.I.A.**



CIVIL ENGINEER:

OVERALL

BURLINGTON SCHOOL DISTRICT
150 COLCHESTER AVE., BURLINGTON, VT 05401

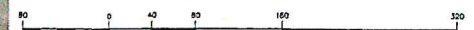
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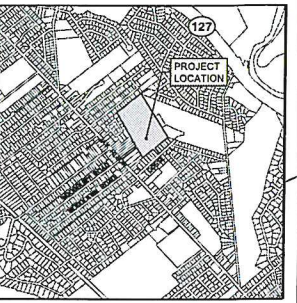
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Date	Rev

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GRAPHIC SCALE





LOCATION MAP
1" = 2000'

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LEGEND

- APPROXIMATE PROPERTY LINE
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- EXISTING SIGN
- EXISTING DECIDUOUS TREE
- EXISTING CONIFEROUS TREE
- EDGE OF BRUSHWOODS
- PROJECT BENCHMARK
- EXISTING SHUT OFF

NOTES

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- PROPERTY LINE INFORMATION IS APPROXIMATE AND BASED ON EXISTING TAX MAP INFORMATION. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE.
- SITE INFORMATION IS BASED ON A FIELD SURVEY PERFORMED BY CIVIL ENGINEERING ASSOCIATES, INC. JANUARY 2018. CIVIL ENGINEERING ASSOCIATES, INC. SURVEY ORIENTATION IS "GRID NORTH", VERMONT

PERMIT SET
03 28 19

COLIN P. LINDBERG,
AIA



CIVIL ENGINEER:

EXISTING

Sheet Name:

Project Owner: BURLINGTON SCHOOL DISTRICT
150 COLCHESTER AVE., BURLINGTON, VT 05401

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Date

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- ALL GRASSED AREAS SHALL BE MAINTAINED UNTIL FULL VEGETATION IS ESTABLISHED.
- MAINTAIN ALL TREES OUTSIDE OF CONSTRUCTION LIMITS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK NECESSARY FOR COMPLETE AND OPERABLE FACILITIES AND UTILITIES.
- 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.
- 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.
- THE TOLERANCE FOR FINISH GRADES FOR ALL PAVEMENT, WALKWAYS AND LAWN AREAS SHALL BE 0.1 FEET.
- ANY DEWATERING NECESSARY FOR THE COMPLETION OF THE SITEWORK SHALL BE CONSIDERED AS PART OF THE CONTRACT AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
- THE CONTRACTOR SHALL COORDINATE ALL WORK WITHIN CITY ROAD R.O.W. WITH CITY AUTHORITIES.
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LEGEND

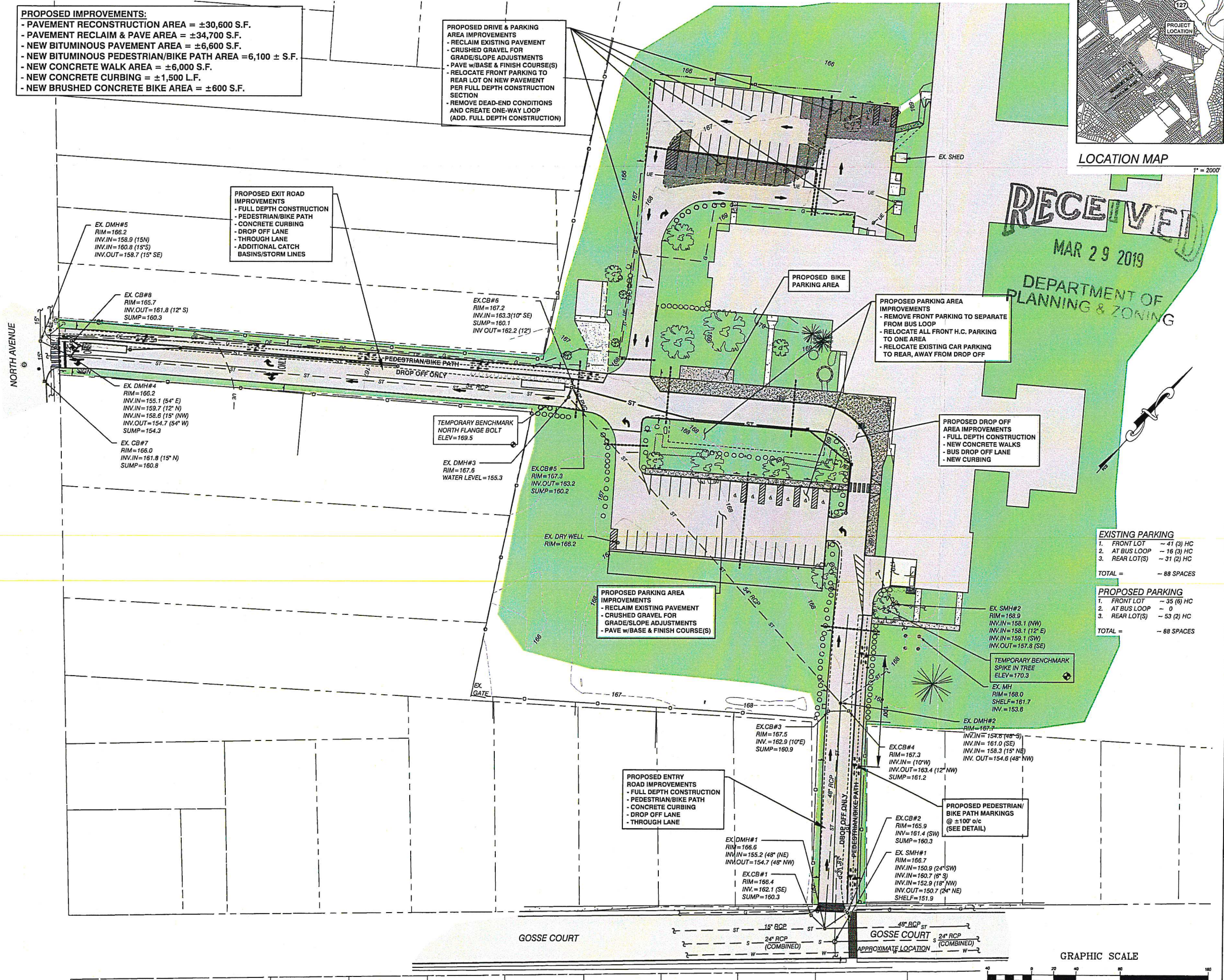
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---	EDGE OF BRUSH/WOODS
---	PROJECT BENCHMARK
---	EXISTING SHUT OFF
---	PROPOSED CATCH BASIN
---	PROPOSED CURB
---	PROPOSED PAVEMENT
---	PROPOSED STORM

PROPOSED IMPROVEMENTS:

- PAVEMENT RECONSTRUCTION AREA = ±30,600 S.F.
- PAVEMENT RECLAIM & PAVE AREA = ±34,700 S.F.
- NEW BITUMINOUS PAVEMENT AREA = ±6,600 S.F.
- NEW BITUMINOUS PEDESTRIAN/BIKE PATH AREA = ±6,100 S.F.
- NEW CONCRETE WALK AREA = ±6,000 S.F.
- NEW CONCRETE CURBING = ±1,500 L.F.
- NEW BRUSHED CONCRETE BIKE AREA = ±600 S.F.

- PROPOSED DRIVE & PARKING AREA IMPROVEMENTS
- RECLAIM EXISTING PAVEMENT
 - CRUSHED GRAVEL FOR GRADE/SLOPE ADJUSTMENTS
 - PAVE W/BASE & FINISH COURSE(S)
 - RELOCATE FRONT PARKING TO REAR LOT ON NEW PAVEMENT PER FULL DEPTH CONSTRUCTION SECTION
 - REMOVE DEAD-END CONDITIONS AND CREATE ONE-WAY LOOP (ADD. FULL DEPTH CONSTRUCTION)

- PROPOSED EXIT ROAD IMPROVEMENTS
- FULL DEPTH CONSTRUCTION
 - PEDESTRIAN/BIKE PATH
 - CONCRETE CURBING
 - DROP OFF LANE
 - THROUGH LANE
 - ADDITIONAL CATCH BASINS/STORM LINES



LOCATION MAP

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03.28.19

COLIN P. LINDBERG,
A.I.A.

CIVIL ENGINEER

PROPOSED

Sheet Name:

Project Owner: BURLINGTON SCHOOL DISTRICT
150 COLCHESTER AVE., BURLINGTON, VT 05401
Project:

Scale

AS NOTED

Date

Date

Revis

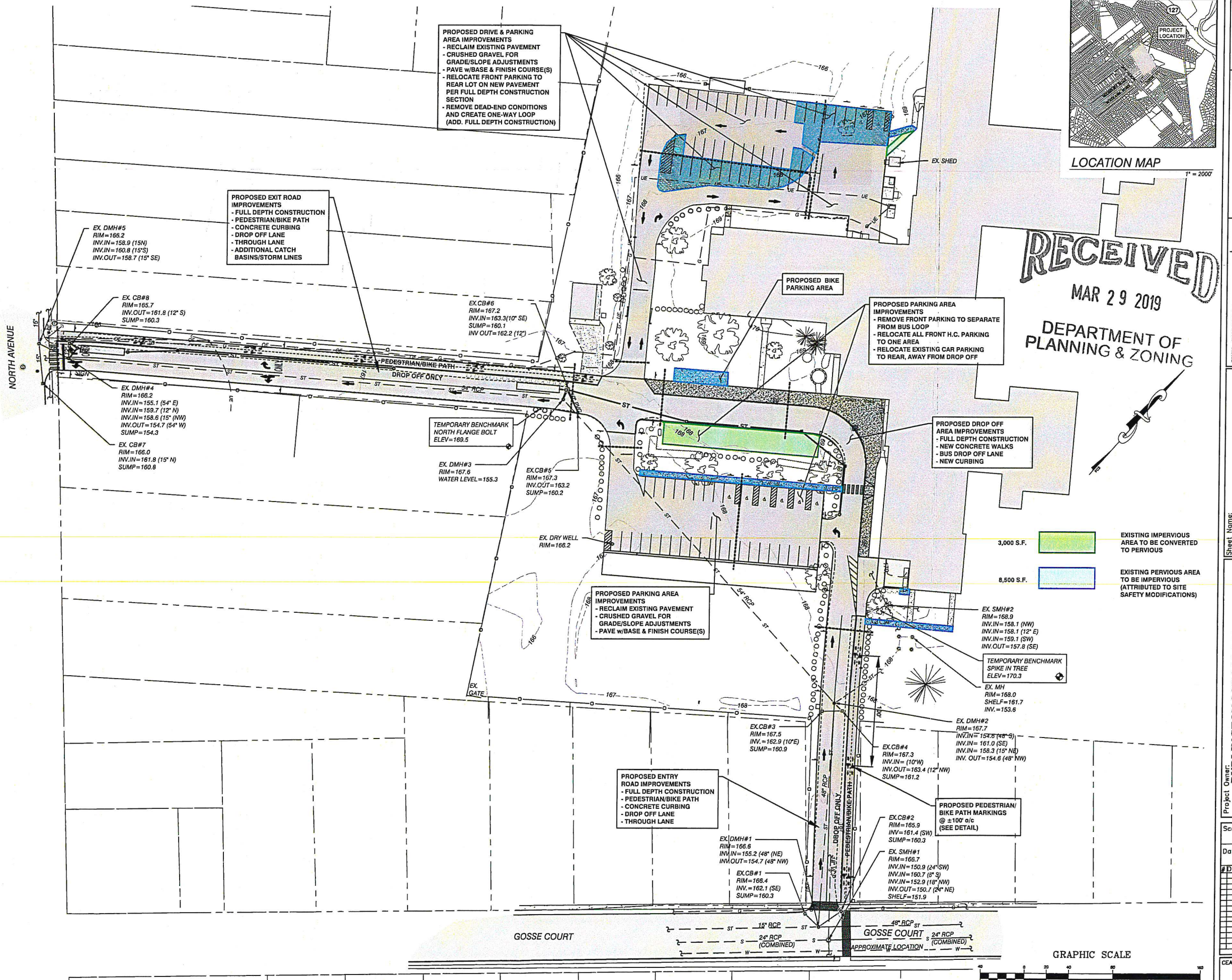
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- THE OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ANY AND ALL SAFETY FENCES OR RAILS ABOVE EXISTING AND PROPOSED WALLS. THE OWNER SHALL VERIFY LOCAL, STATE AND INSURANCE REQUIREMENT GUIDELINES FOR THE INSTALLATION AND VERIFY ANY AND ALL PERMITTING REQUIREMENTS.

LEGEND

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---	EXISTING CONTOUR
---	EXISTING CURB
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G	EXISTING GAS
ST	EXISTING STORM
S	EXISTING GRAVITY SEWER
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---	PROPOSED PAVEMENT
---	PROPOSED STORM



PERMIT SET
03.28.19

COLIN P. LINDBERG,
A.I.A.

CIVIL ENGINEER

PROPOSED
CONDITIONS PLAN

Sheet Name:

Project Owner: BURLINGTON SCHOOL DISTRICT
150 COLCHESTER AVE., BURLINGTON, VT 05401

Scale: AS NOTED

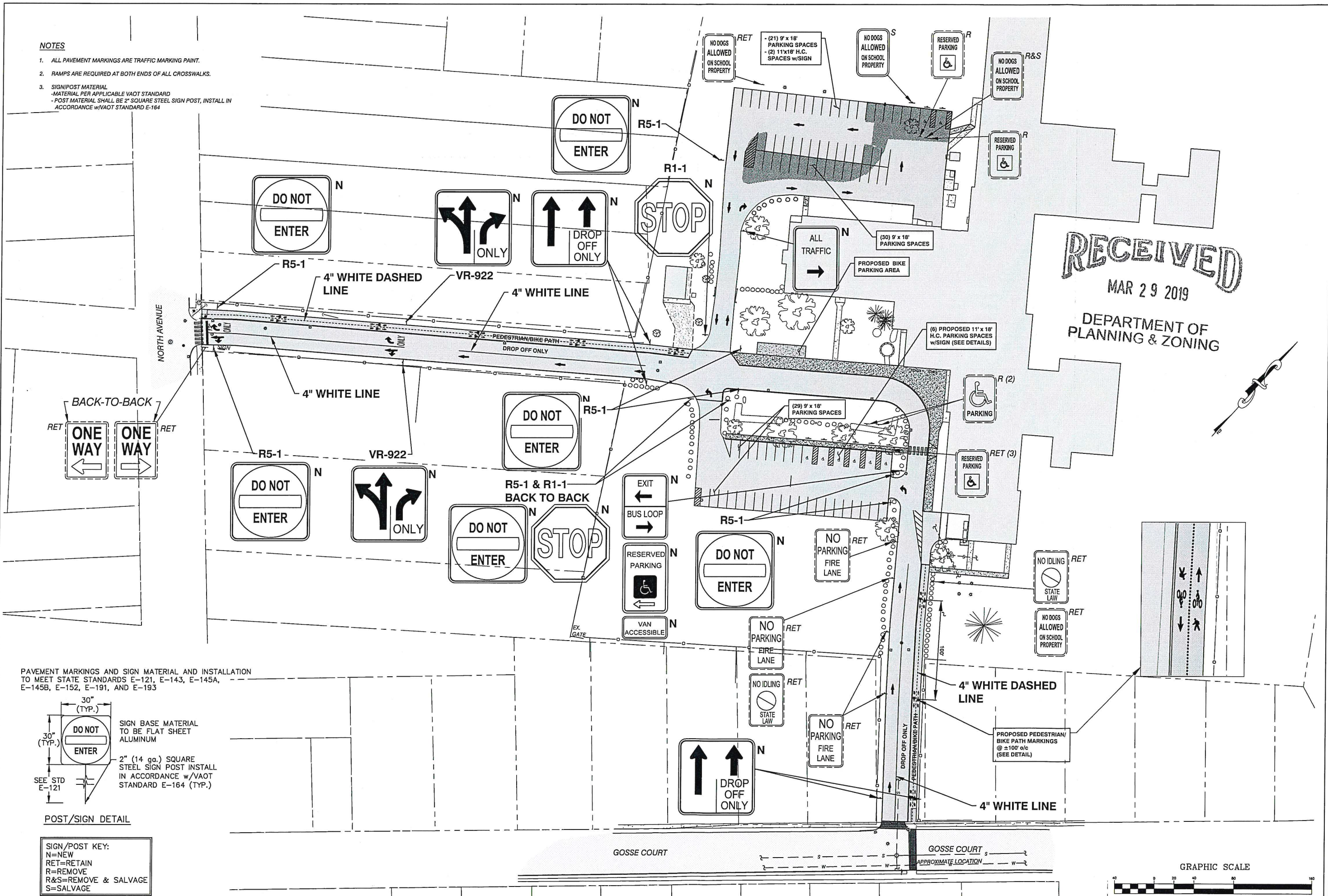
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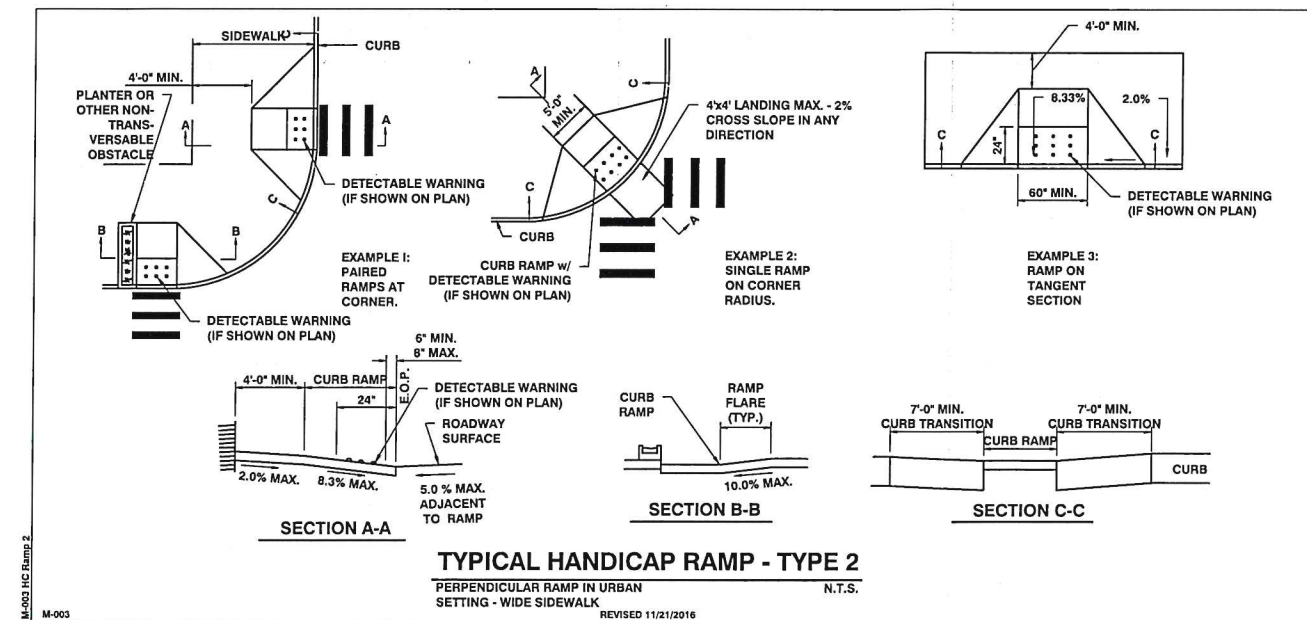
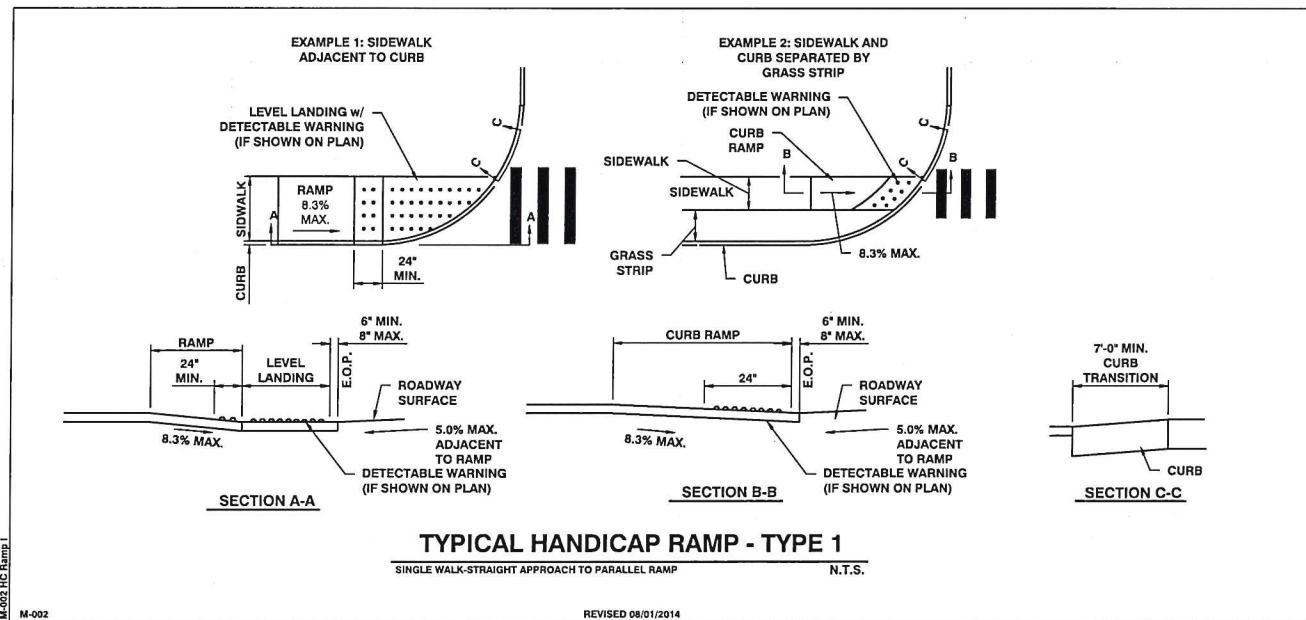
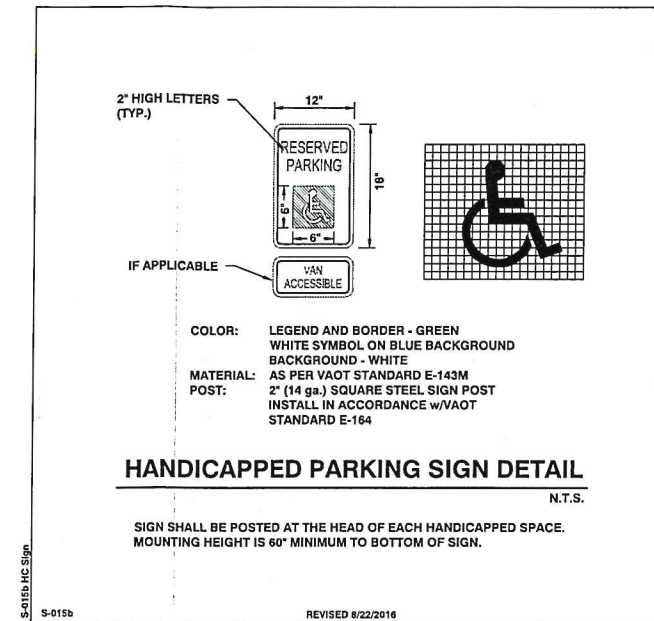
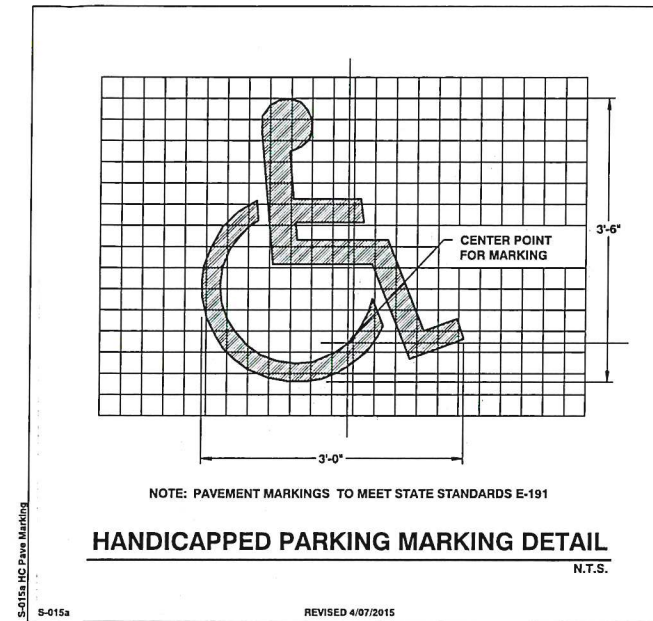
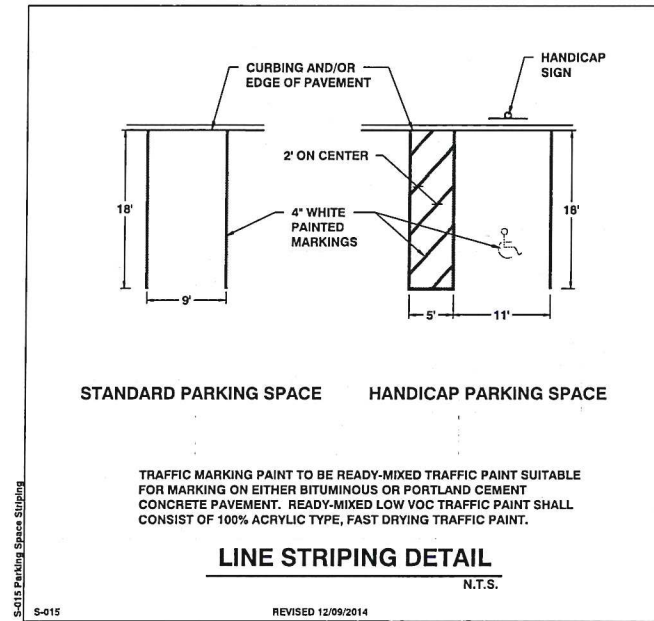
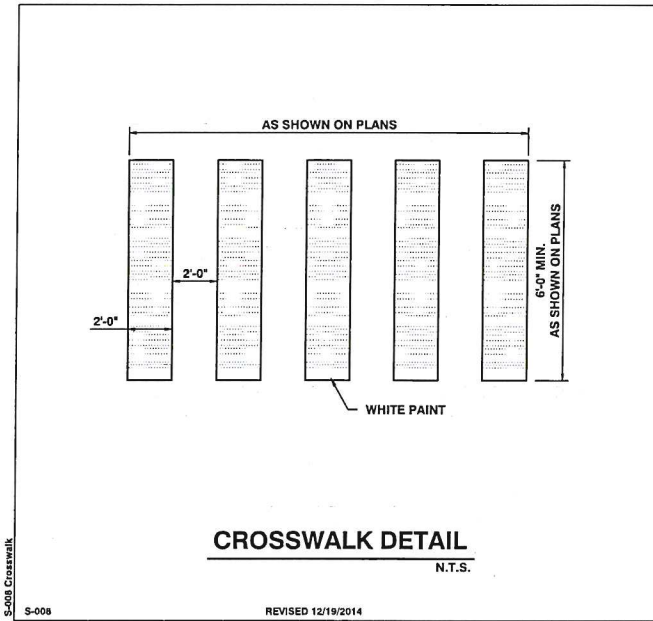
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NOTES

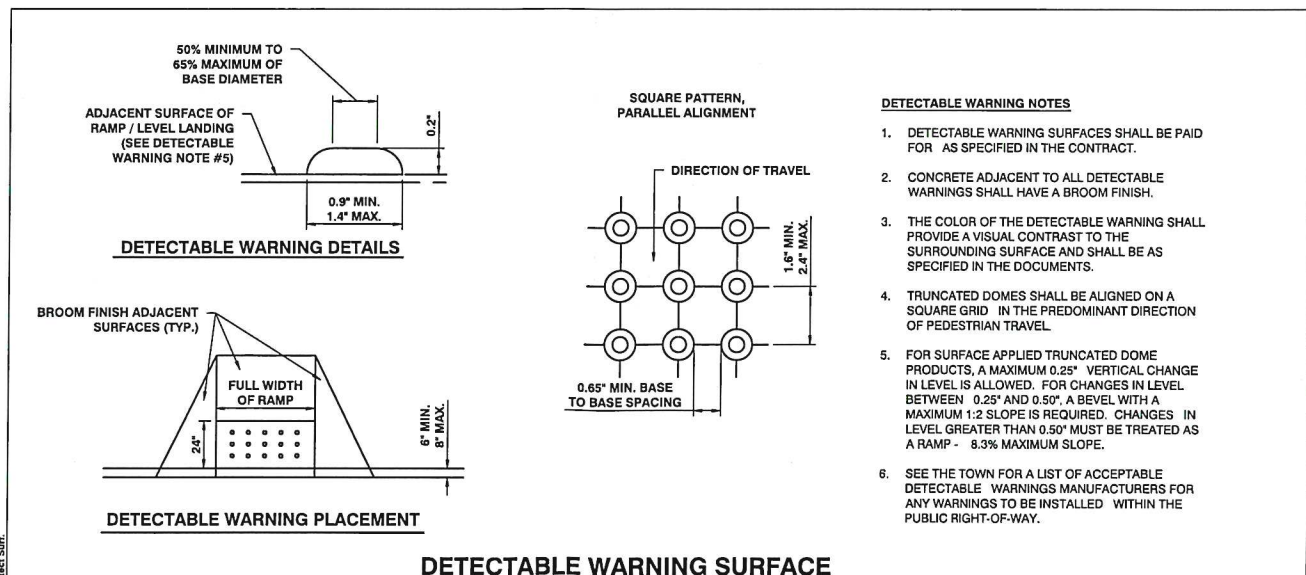
1. ALL PAVEMENT MARKINGS ARE TRAFFIC MARKING PAINT.
2. RAMPS ARE REQUIRED AT BOTH ENDS OF ALL CROSSWALKS.
3. SIGN/POST MATERIAL
- MATERIAL PER APPLICABLE VAOT STANDARD
- POST MATERIAL SHALL BE 2" SQUARE STEEL SIGN POST, INSTALL IN ACCORDANCE w/VAOT STANDARD E-164







- HANDICAP RAMP NOTES**
- THE DIMENSIONS AND GRADES SHOWN ON THIS STANDARD WILL BE ADHERED TO IN THE DESIGN AND THE CONSTRUCTION OF SIDEWALK RAMP. WHERE SIDEWALKS RUN ADJACENT TO ROADWAYS ON STEEP (5% OR GREATER) GRADES, RAMP GRADES WILL BE AS FLAT AS POSSIBLE. (ON LOW SIDE OF DRIVES AND INTERSECTING SIDE STREETS, RAMP SHALL SLOPE TOWARDS DRIVE OR SIDE STREET @ 2%)
 - NOMINAL RAMP DIMENSIONS: RAMP WIDTH - 5'-0" MINIMUM RAMP SLOPE - 8.3% MAXIMUM FLARE SLOPE - 10% MAXIMUM RAMP CROSS SLOPE - 2.0% MAXIMUM
 - A LEVEL LANDING (NO GREATER THAN 2.0% SLOPE IN ANY DIRECTION) SHALL BE PROVIDED AT THE TOP OF SIDEWALK RAMP TO ALLOW FOR STOPPING AND MANEUVERING OF WHEELCHAIRS.
 - LEVEL LANDINGS AT THE BOTTOM OF PERPENDICULAR RAMP SHALL BE WHOLLY CONTAINED WITHIN MARKED CROSSWALKS.
 - DUMMY JOINTS SHALL BE PROVIDED AT TRANSITIONS (GRADE CHANGES) AT TOPS AND BOTTOMS OF RAMP AND FLARES.
 - VERTICAL DROP-OFF EDGES TO RAMP WILL NOT BE BUILT UNLESS THE RAMP ABUTS AN AREA WHICH WILL NOT BE USED BY PEDESTRIANS.
 - NO VERTICAL "LIP" OR "CURB REVEAL" WILL BE PROVIDED WHERE THE RAMP ADJOINS THE ROADWAY.
 - AT MARKED CROSSWALKS, THE FULL WIDTH OF THE RAMP OR LANDING SHALL BE CONTAINED WITHIN THE PAVEMENT MARKINGS.
 - WHERE POSSIBLE, RAMP FLARES SHOULD BE LOCATED OUTSIDE THE DIRECT LINE OF TRAVEL MOST LIKELY TO BE FOLLOWED BY THE VISUALLY IMPAIRED.
 - SIGNS, POLES, PLANTERS, MAILBOXES, ETC. SHALL NOT BE LOCATED WHERE THEY WILL INTERFERE WITH THE USE OF SIDEWALK RAMP.
 - WHERE POSSIBLE, SIDEWALK RAMP SHOULD NOT BE LOCATED WHERE USERS MUST CROSS DROP INLET GRATES, MANHOLE COVERS OR OTHER ACCESS LIDS. IF THIS CANNOT BE AVOIDED THEN GRATE DESIGN AND PLACEMENT SHALL CONFORM TO ADA REQUIREMENTS.
 - CURB DRAINAGE SHOULD BE CONSTRUCTED SO AS TO PRECLUDE THE FLOW OF WATER PAST THE SIDEWALK RAMP.
 - WHEREVER FEASIBLE, TWO SIDEWALK RAMP ARE RECOMMENDED IN PREFERENCE TO A SINGLE RAMP.
 - JOINTS WILL BE CONSTRUCTED IN ACCORDANCE WITH CURRENT SIDEWALK SPECIFICATIONS, HOWEVER EXPANSION JOINTS WITHIN THE SIDEWALK RAMP AREA WILL BE AVOIDED WHEREVER POSSIBLE.
 - SIDEWALKS THAT ARE LESS THAN 5' WIDE REQUIRE 5' WIDE BY 5' LONG PASSING AREAS (NO GREATER THAN 2.0% CROSS SLOPE) AT INTERVALS NOT TO EXCEED 200 FEET.
 - E.O.P. = EDGE OF PAVEMENT
 - THE PUBLIC SIDEWALK CURB RAMP STANDARDS DEPICTED HERE MAY NOT BE APPROPRIATE FOR ALL LOCATIONS. FIELD CONDITIONS AT INDIVIDUAL LOCATIONS MAY REQUIRE SPECIFIC DESIGNS. DESIGNS MUST BE CONSISTENT WITH THE PROVISIONS OF THIS SHEET TO THE MAXIMUM EXTENT FEASIBLE ON ALTERATION PROJECTS AND WHEN STRUCTURALLY PRACTICABLE ON NEW CONSTRUCTION PROJECTS AS REQUIRED BY THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES.
 - ALL AREAS OF SIDEWALK RAMP SHALL HAVE EXPOSED AGGREGATE.



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Introduction

This project is subject to the terms and conditions of the authorization from the State of Vermont to discharge construction related storm water runoff.

Coverage under the State Construction General Permit 3-9020 is required for any construction activity that disturbs 1 or more acres of land, or is part of a larger development plan that will disturb 1 or more acres.

This project has been deemed to qualify as a Low Risk Site which is subject to the erosion prevention and sediment control (EPSC) standards set for in the State of Vermont's **Low Risk Site Handbook for Erosion Prevention and Sediment Control**

The following narrative and implementation requirements represent the minimum standard for which this site is required to be maintained as regulated by the State of Vermont.

Any best management practices (BMP's) depicted on the project's EPSC Site plan which go beyond the Handbook requirements are considered to be integral to the management of the site and represent components of the municipal EPSC approval for the project which shall be implemented.

The EPSC plan depicts one snap shot in time of the site. All construction sites are fluid in their day to day exposures and risks as it relates to minimizing sediment loss from the site. It is the responsibility of the Contractor to implement the necessary BMP's to comply with the Low Risk Handbook standards outlined on this sheet based on the interim site disturbance conditions which may or may not be shown on the EPSC Site Plan.

Specific BMP's which are critical to allowing the project to be considered a Low risk site include the items checked below:

- Limit the amount of disturbed earth to two acres or less at any one time.
- There shall be a maximum of 7 consecutive days of disturbed earth exposure in any location before temporary or final stabilization is implemented.

1. Mark Site Boundaries

Purpose:

Mark the site boundaries to identify the limits of construction. Delineating your site will help to limit the area of disturbance, preserve existing vegetation and limit erosion potential on the site.

How to comply:

Before beginning construction, walk the site boundaries and flag trees, post signs, or install orange safety fence. Fence is required on any boundary within 50 feet of a stream, lake, pond or wetland, unless the area is already developed (existing roads, buildings, etc.)

2. Limit Disturbance Area

Purpose:

Limit the amount of soil exposed at one time to reduce the potential erosion on site.

Requirements:

The permitted disturbance area is specified on the site's written authorization to discharge. Only the acreage listed on the authorization form may be exposed at any given time.

How to comply:

Plan ahead and phase the construction activities to ensure that no more than the permitted acreage is disturbed at one time. Be sure to properly stabilize exposed soil with seed and mulch or erosion control matting before beginning work in a new section of the site.

3. Stabilize Construction Entrance

Purpose:

A stabilized construction entrance helps remove mud from vehicle wheels to prevent tracking onto streets.

Requirements:

If there will be any vehicle traffic off of the construction site, you must install a stabilized construction entrance before construction begins.

How to Install

Rock Size: Use a mix of 1 to 4 inch stone
Depth: 8 inches minimum
Width: 12 feet minimum
Length: 40 feet minimum (or length of driveway, if shorter)
Geotextile: Place filter cloth under entire gravel bed

Maintenance:

Redress with clean stone as required to keep sediment from tracking onto the street.

4. Install Silt Fence

Purpose:

Silt fences intercept runoff and allow suspended sediment to settle out.

Requirements:

Silt fence must be installed:

- on the downhill side of the construction activities
- between any ditch, swale, storm sewer inlet, or waters of the State and the disturbed soil
- Hay bales must not be used as sediment barriers due to their tendency to degrade and fall apart.

Where to place:

- Place silt fence on the downhill edge of bare soil. At the bottom of slopes, place fence 10 feet downhill from the end of the slope (if space is available).
- Ensure the silt fence catches all runoff from bare soil.
- Maximum drainage area is 1/4 acre for 100 feet of silt fence.
- Install silt fence across the slope (not up and down hills)
- Install multiple rows of silt fence on long hills to break up flow.
- Do not install silt fence across ditches, channels, or streams or in stream buffers.

How to Install silt fence:

- Dig a trench 6 inches deep across the slope
- Unroll silt fence along the trench
- Ensure stakes are on the downhill side of the fence
- Join fencing by rolling the end and stakes together
- Drive stakes in against downhill side of trench
- Push fabric into trench; spread along bottom
- Fill trench with soil and pack down

Maintenance:

- Remove accumulated sediment before it is halfway up the fence.
- Ensure that silt fence is trenched in ground and there are no gaps.

5. Divert Upland Runoff

Purpose:

Diversion berms intercept runoff from above the construction site and direct it around the disturbed area. This prevents clean water from becoming muddied with soil from the construction site.

Requirements:

If storm water runs onto your site from upslope areas and your site meets the following two conditions, you must install a diversion berm before disturbing any soil.

- You plan to have one or more acres of soil exposed at any one time (excluding roads).
- Average slope of the disturbed area is 20% or steeper.

How to Install:

- Compact the berm with a shovel or earth-moving equipment.
- Seed and mulch berm or cover with erosion control matting immediately after installation.
- Stabilize the flow channel with seed and straw mulch or erosion control matting. Line the channel with 4 inch stone if the channel slope is greater than 20%.
- Ensure the berm drains to an outlet stabilized with riprap. Ensure that there is no erosion at the outlet.
- The diversion berm shall remain in place until the disturbed areas are completely stabilized.

6. Slow Down Channelized Runoff

Purpose:

Remove sediment dams reduce erosion in drainage channels by slowing down the storm water flow.

Requirements:

If there is a concentrated flow (e.g. in a ditch or channel) of storm water on your site, then you must install stone check dams. Hay bales must not be used as check dams.

How to Install:

Height: No greater than 2 feet. Center of dam should be 9 inches lower than the side elevation
Side slopes: 2:1 or flatter
Stone size: Use a mixture of 2 to 9 inch stone
Width: Dams should span the width of the channel and extend up the sides of the banks
Spacing: Space the dams so that the bottom (toe) of the upstream dam is at the elevation of the top (crest) of the downstream dam. This spacing is equal to the height of the check dam divided by the channel slope.
Spacing (in feet) = Height of check dam (in feet)/Slope in channel (ft/ft)

Maintenance:

Remove sediment accumulated behind the dam as needed to allow channel to drain through the stone check dam and prevent large flows from carrying sediment over the dam. If significant erosion occurs between check dams, a liner of stone should be installed.

7. Construct Permanent Controls

Purpose:

Permanent storm water treatment practices are constructed to maintain water quality, ensure groundwater flows, and prevent downstream flooding. Practices include detention ponds and wetlands, infiltration basins, and storm water filters.

Requirements:

If the total impervious* area on your site, or within the common plan of development, will be 1 or more acres, you must apply for a State Storm water Discharge Permit and construct permanent storm water treatment practices on your site. These practices must be installed before the construction of any impervious surfaces.

How to comply:

Contact the Vermont Storm water Program and follow the requirements in the Vermont Storm water Management Manual. The Storm water Management Manual is available at: www.vtwaterquality.org/stormwater.htm
*An impervious surface is a manmade surface, including, but not limited to, paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates.

8. Stabilize Exposed Soil

Purpose:

Seeding and mulching, applying erosion control matting, and hydroseeding are all methods to stabilize exposed soil. Mulches and matting protect the soil surface while grass is establishing.

Requirements:

All areas of disturbance must have temporary or permanent stabilization within 7, 14, or 21 days of initial disturbance, as stated in the project authorization. After this time, any disturbance in the area must be stabilized at the end of each work day.

The following exceptions apply:

- Stabilization is not required if earthwork is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
- Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of 2 feet or greater (e.g. house foundation excavation, utility trenches).

All areas of disturbance must have permanent stabilization within 48 hours of reaching final grade.

How to comply:

Prepare bare soil for seeding by grading the top 3 to 6 inches of soil and removing any large rocks or debris.

Seeding Rates for Temporary Stabilization

April 15 - Sept. 15 --- Ryegrass (annual or perennial: 20 lbs/acre)
Sept. 15 - April 15 --- Winter rye: 120 lbs/acre

Seeding Rates for Final Stabilization: Choose

Seeding Rates for Final Stabilization:

Choose from:	Variety	lbs./acre	lbs./1000 sq. ft.
Darkfoot tree foil	Empire/Pasture	51	6.1
or			
Common white clover	Common	8	0.9
plus			
Tall Fescue	KY-31/Rebel	10	0.24
plus			
Redtop	Common	2	
or			
Ryegrass (perennial)	Pennington	5	0.1

Mulching Rates

April 15 - Sept. 15 --- Hay or Straw: 1 inch deep (1-2 bales/1000 s.f.)
Sept. 15 - April 15 --- Hay or Straw: 2 in. deep (2-4 bales/1000 s.f.)

Erosion Control Matting

As per manufacturer's instructions

Hydroseed

As per manufacturer's instructions

9. Winter Stabilization

Purpose:

Managing construction sites to minimize erosion and prevent sediment loading of waters is a year-round challenge. In Vermont, this challenge becomes even greater during the late fall, winter, and early spring months.

'Winter construction' as discussed here, describes the period between October 15 and April 15, when erosion prevention and sediment control is significantly more difficult. Rains in late fall, thaws throughout the winter, and spring melt and rains can produce significant flows over frozen and saturated ground, greatly increasing the potential for erosion.

Requirements for Winter Shutdown:

For those projects that will complete earth disturbance activities prior to the winter period (October 15), the following requirements must be adhered to:

- For areas to be stabilized by vegetation, seeding shall be completed no later than September 15 to ensure adequate growth and cover.
- If seeding is not completed by September 15, additional non-vegetative protection must be used to stabilize the site for the winter period. This includes use of Erosion Control Matting or netting of a heavy mulch layer. Seeding with winter rye is recommended to allow for early germination during wet spring conditions.
- Where mulch is specified, apply roughly 2 inches with an 80-90% cover. Mulch should be tracked in or stabilized with netting in open areas vulnerable to wind.

Requirements for Winter Construction

If construction activities involving earth disturbance continue past October 15 or begin before April 15, the following requirements must be adhered to:

- Enlarged access points, stabilized to provide for snow stockpiling.
- Limits of disturbance moved or replaced to reflect boundary of winter work.
- A snow management plan prepared with adequate storage and control of meltwater, requiring cleared snow to be stored down slope of all areas of disturbance and out of storm water treatment structures.
- A minimum 25 foot buffer shall be maintained from perimeter controls such as silt fence.
- In areas of disturbance that drain to a water body within 100 feet, two rows of silt fence must be installed along the contour.
- Drainage structures must be kept open and free of snow and ice dams.
- Silt fence and other practices requiring earth disturbance must be installed ahead of frozen ground.
- Mulch used for temporary stabilization must be applied at double the standard rate, or a minimum of 3 inches with an 80-90% cover.
- To ensure cover of disturbed soil in advance of a melt event, areas of disturbed soil must be stabilized at the end of each work day, with the following exceptions:
 - If no precipitation within 24 hours is forecast and work will resume in the same disturbed area within 24 hours, daily stabilization is not necessary.
 - Disturbed areas that collect and retain runoff, such as house foundations or open utility trenches.
- Prior to stabilization, snow or ice must be removed to less than 1 inch thickness.
- Use stone to stabilize areas such as the perimeter of buildings under construction or where construction vehicle traffic is anticipated. Stone paths should be 10 to 20 feet wide to accommodate vehicular traffic.

10. Stabilize Soil at Final Grade

Purpose:

Stabilizing the site with seed and mulch or erosion control matting when it reaches final grade is the best way to prevent erosion while construction continues.

Requirements:

Within 48 hours of final grading, the exposed soil must be seeded and mulched or covered with erosion control matting.

How to comply:

Bring the site or sections of the site to final grade as soon as possible after construction is completed. This will reduce the need for additional sediment and erosion control measures and will reduce the total disturbed area. For seeding and mulching rates, follow the specifications under Rule 8, Stabilizing Exposed Soil.

11. Dewatering Activities

Purpose:

Treat water pumped from dewatering activities so that it is clear when leaving the construction site.

Requirements:

Water from dewatering activities that flows off of the construction site must be clear. Water must not be pumped into storm sewers, lakes, or wetlands unless the water is clear.

How to comply:

Using sock filters or sediment filter bags on dewatering discharge hoses or pipes, discharge water into silt fence enclosures installed in vegetated areas away from waterways. Remove accumulated sediment after the water has dispersed and stabilize the area with seed and mulch.

12. Inspect Your Site

Purpose:

Perform site inspections to ensure that all sediment and erosion control practices are functioning properly. Regular inspections and maintenance of practices will help to reduce costs and protect water quality.

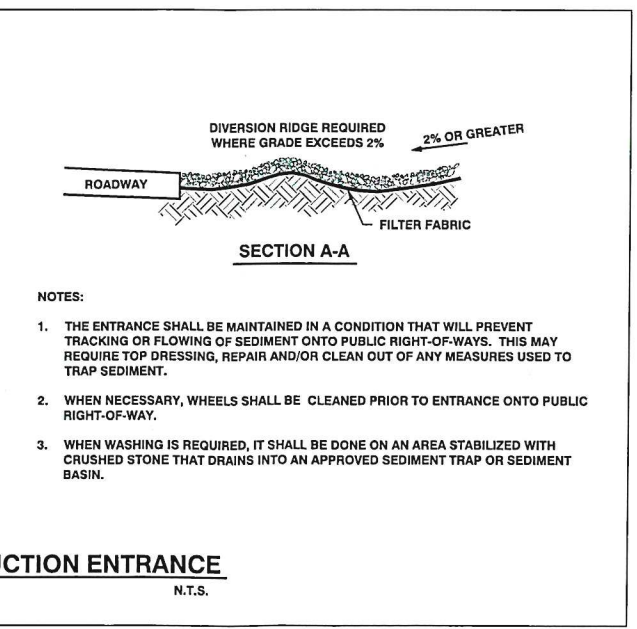
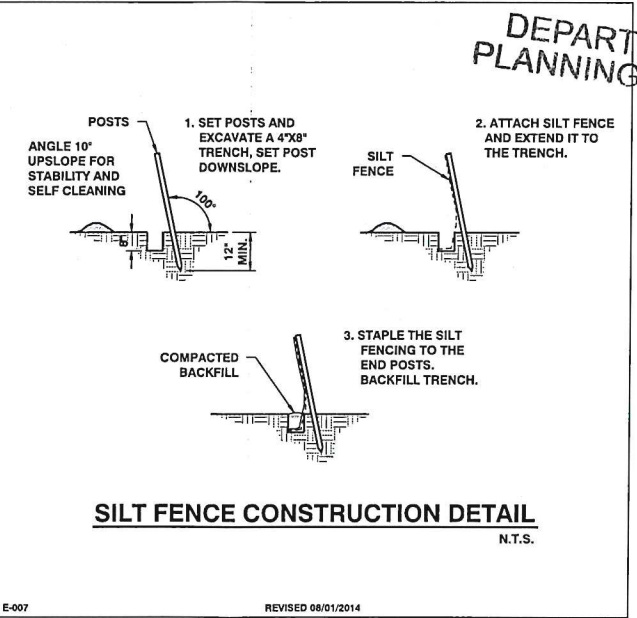
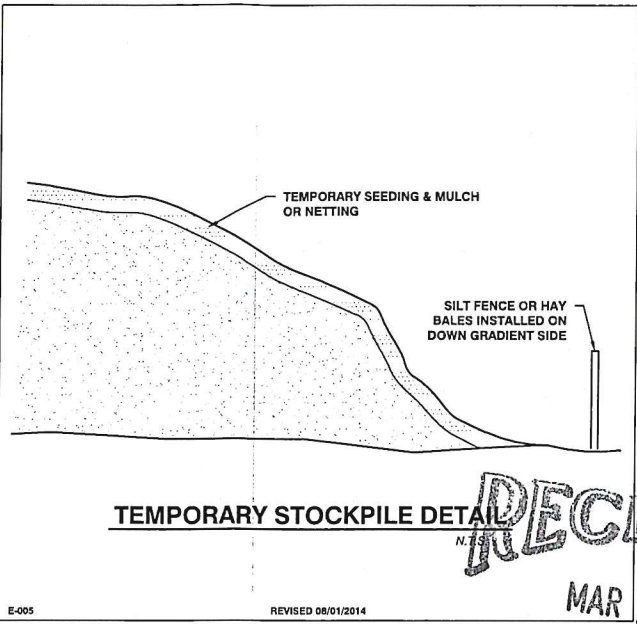
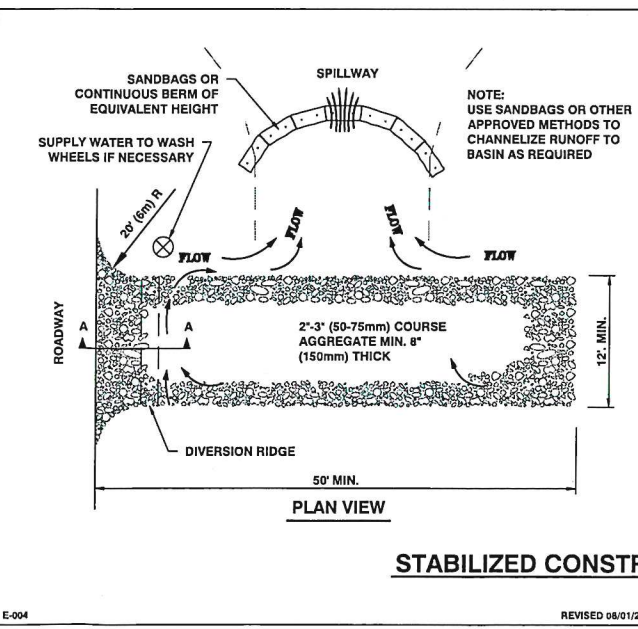
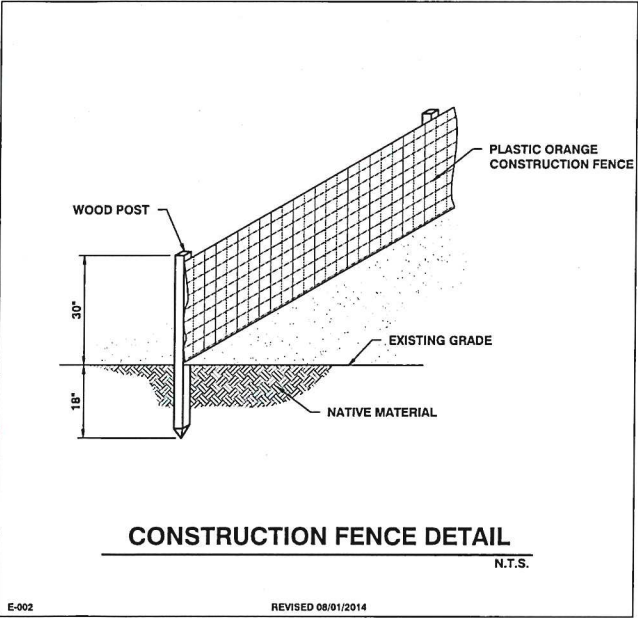
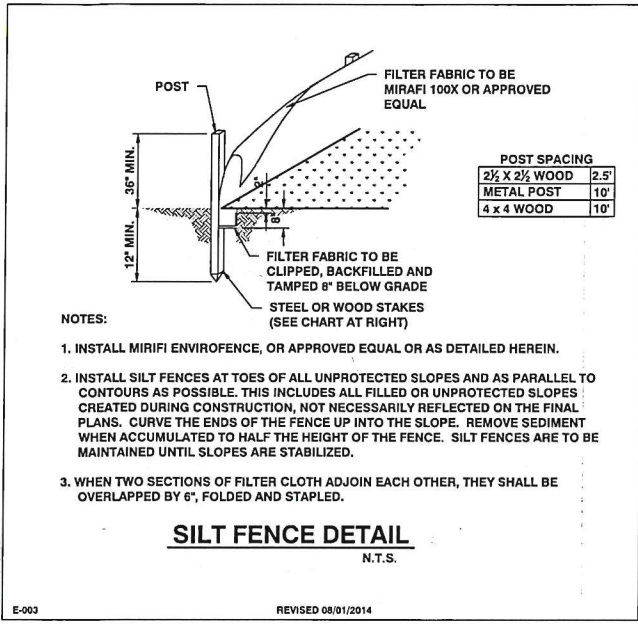
Requirements:

Inspect the site at least once every 7 days and after every rainfall or snow melt that results in a discharge from the site. Perform maintenance to ensure that practices are functioning according to the specifications outlined in this handbook.

In the event of a noticeable sediment discharge from the construction site, you must take immediate action to inspect and maintain existing erosion prevention and sediment control practices. Any visibly discolored storm water runoff to waters of the State must be reported.

Forms for reporting discharges are available at:

www.vtwaterquality.org/stormwater.htm



PERMIT SET
03.28.19

COLIN P. LINDBERG,
A.I.A.



CIVIL ENGINEER

DETAILS

Sheet Name:

Project Owner: BURLINGTON SCHOOL DISTRICT
150 COLCHESTER AVE., BURLINGTON, VT 05401

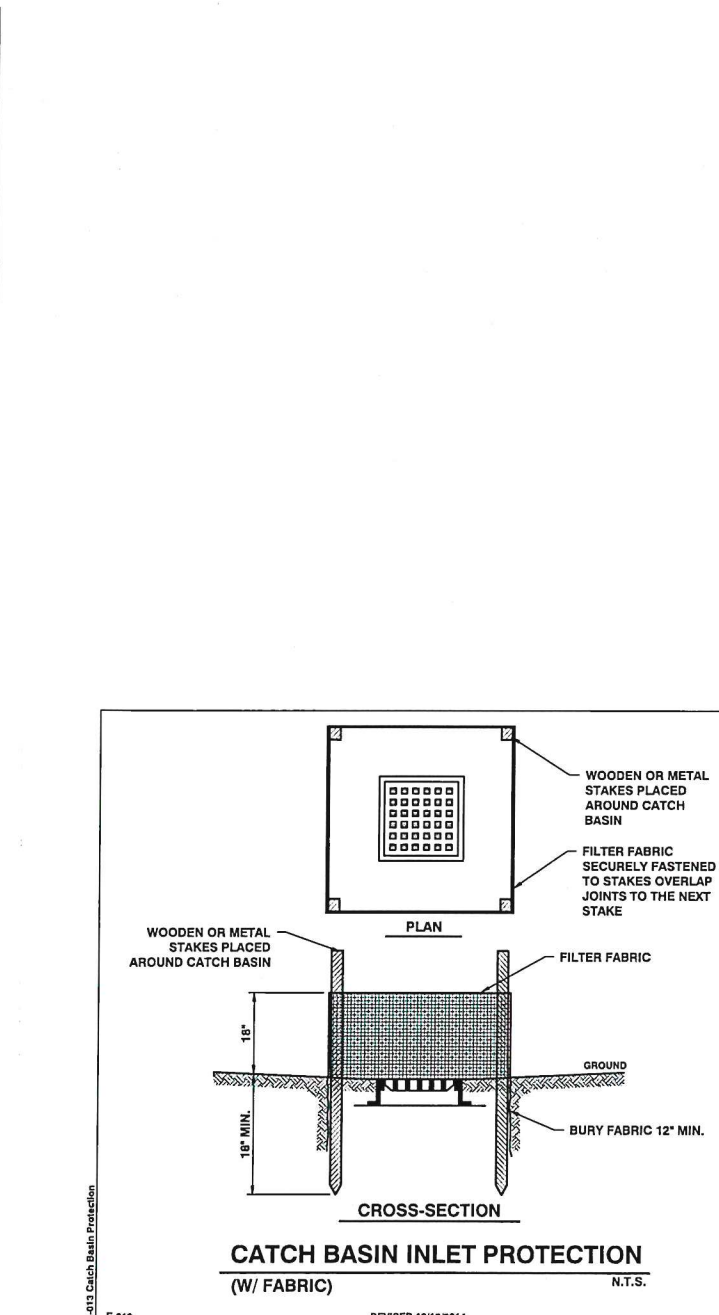
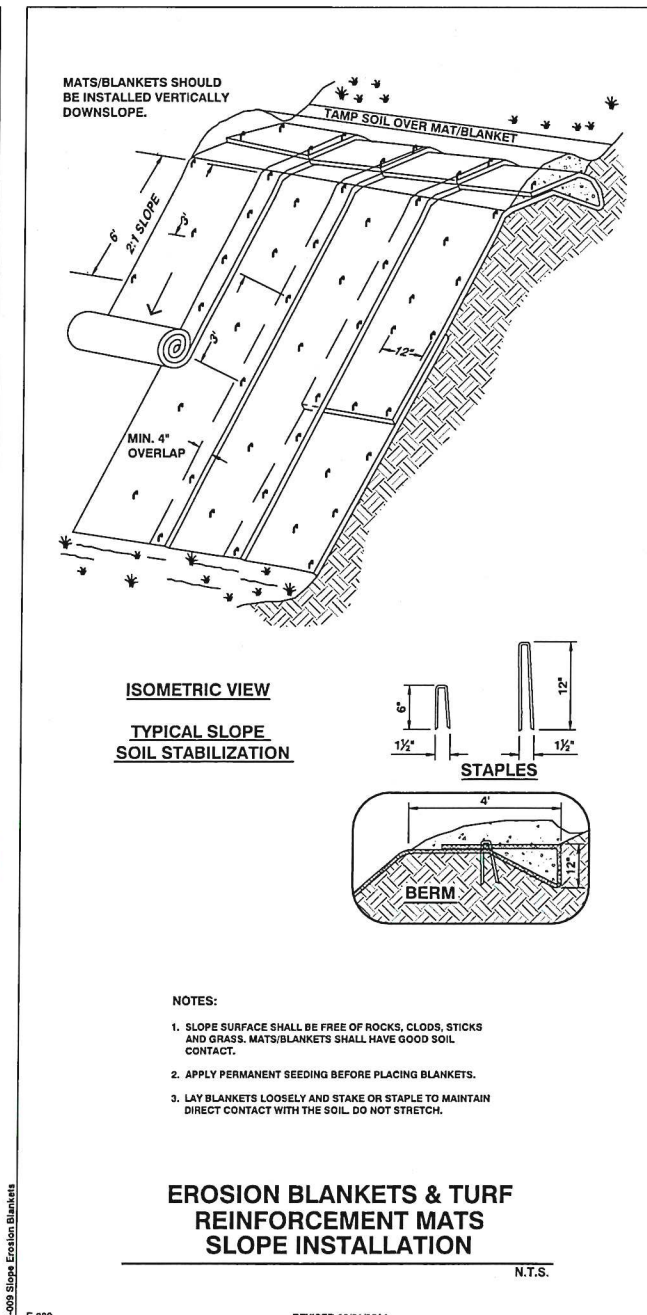
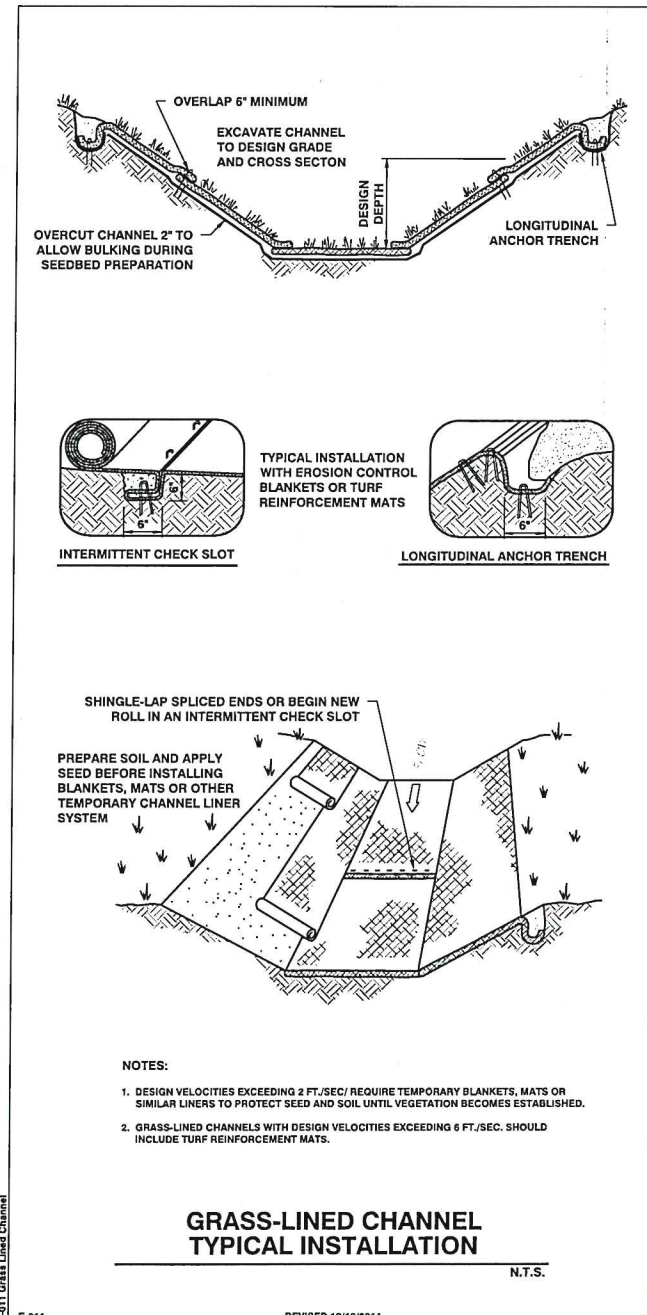
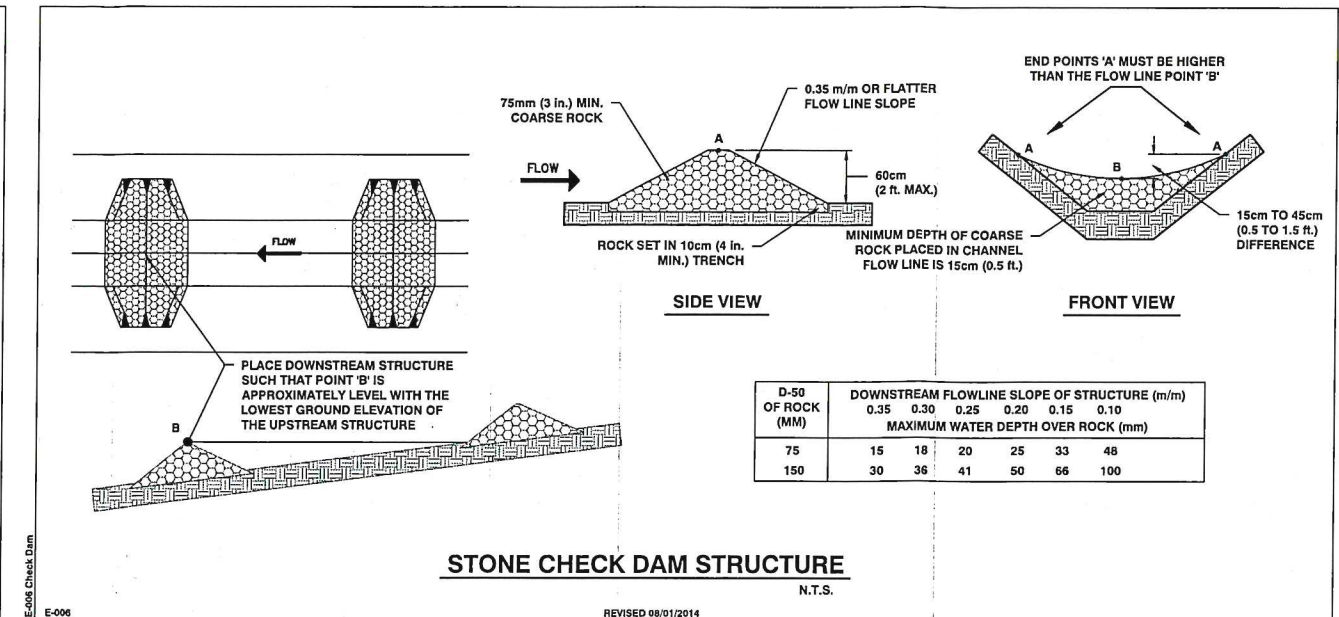
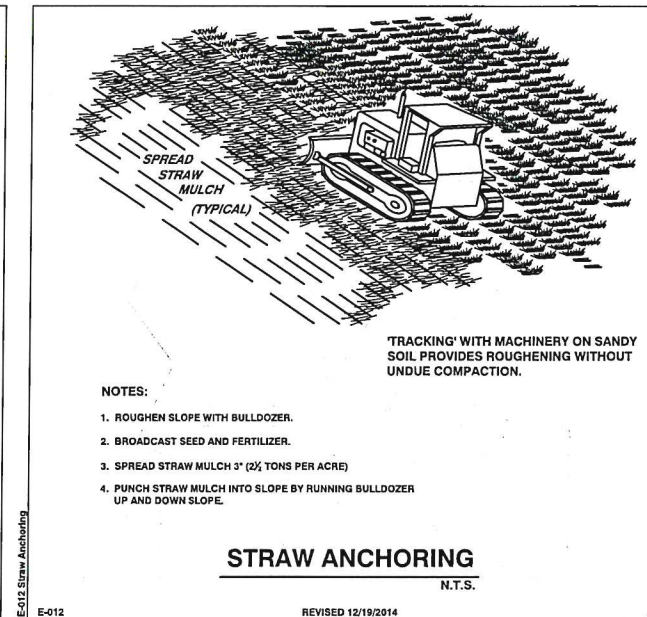
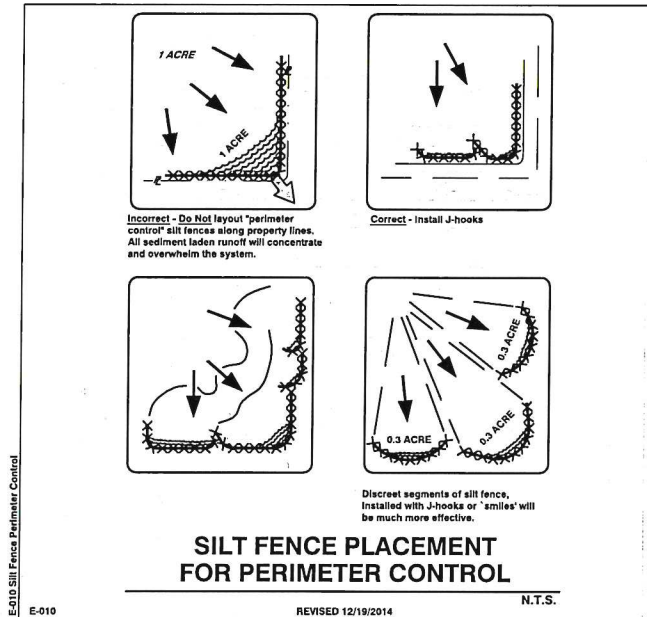
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2019-2024 UPDATE

JOINT INSTITUTIONAL PARKING MANAGEMENT PLAN



**CHAMPLAIN
COLLEGE**



The University of Vermont

THE
University of Vermont
MEDICAL CENTER



SUBMITTED:

MAY 15, 2019

PREPARED FOR:

CITY OF BURLINGTON PLANNING & ZONING

SUBMITTED BY:

CHITTENDEN AREA TRANSPORTATION MANAGEMENT ASSOCIATION

IN COOPERATION WITH:

CHAMPLAIN COLLEGE, UNIVERSITY OF VERMONT MEDICAL CENTER, AND UNIVERSITY OF VERMONT

JOINT INSTITUTIONAL PARKING MANAGEMENT PLAN: 2019-2024 UPDATE

PREPARED FOR:

CITY OF BURLINGTON PLANNING & ZONING

ACKNOWLEDGMENTS

CATMA would like to thank the Champlain College, University of Vermont, and University of Vermont Medical Center institutional staff who provided information for this plan as well as review of its contents.

Resource Systems Group, Inc. (RSG) provided consultation to CATMA on this project from September 2018 to March 2019.

Andrea Hamre, PhD, CATMA Transportation Analyst, led the updated analysis and preparation of this plan.

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LIST OF ABBREVIATIONS

CATS	Campus Area Transportation System
CC	Champlain College
CCRPC	Chittenden County Regional Planning Commission
CATMA	Chittenden Area Transportation Management Association
GFA	Gross Floor Area
GMT	Green Mountain Transit
GRH	Guaranteed Ride Home
GSF	Gross square footage
ICC	Institutional Core Campus
JIPMP	Joint Institutional Parking Management Plan
SOV	Single occupancy vehicle
TDM	Transportation demand management
TMA	Transportation Management Association
TSM	Transportation systems management
UVM	University of Vermont
UVM MC	University of Vermont Medical Center

1.0 EXECUTIVE SUMMARY

1.1 JOINT INSTITUTIONAL PARKING MANAGEMENT PLAN (JIPMP) PURPOSE

An Institutional Parking Management Plan:

- Recognizes the need to manage parking demand and resources holistically and creatively, employing transportation demand management (TDM) practices as well as supplying adequate parking facilities
- Helps ensure city streets and neighborhoods are not unfairly burdened by parking demands from large institutions
- Follows the guidelines of Comprehensive Development Ordinance Article 8, Part 3

A Joint Institutional Parking Management Plan (JIPMP):

- Recognizes the efficiencies gained when several neighboring institutions share resources and collaboratively participate in parking and travel demand management programs

This 2019-2024 Plan Update:

- Reviews past, current, and future parking demand and supply
- Identifies potential parking shortfalls based on future development plans
- Reviews collaborative solutions to address potential parking needs

1.2 2019–2024 JIPMP UPDATE CONTENTS AND ASSUMPTIONS

The JIPMP reviews current and future conditions for CATMA and each of the partner institutions in a separate chapter:

- Chittenden Area Transportation Management Association (CATMA) – Chapter 2
- Champlain College (CC) – Chapter 3
- University of Vermont (UVM) – Chapter 4
- UVM Medical Center (UVM MC) – Chapter 5

Each institution's chapter reviews current and future conditions, including:

- Current parking supply and demand
- Planned future projects and related parking impacts
- Current and future TDM and parking practices
- Summary of conditions, joint facilities, and practices managed by CATMA

The summary of current parking supply:

- Includes on-site parking garages and lots

- Includes off-site parking garages and lots used specifically for off-site parking (often paired with shuttle or transit service)
- Excludes off-site buildings and parking associated with those buildings
- Excludes on-street parking

The estimation of current peak parking demand:

- Assumes the peak time of use based on institutional data and previous experience
- Uses the surveyed peak share on campus of constituents (by type) on site
- Uses the number of parking permit waivers issued for first-year residential students
- Uses the surveyed primary mode share of constituents (by type)
- Incorporates visitor spaces and fleet vehicles

The estimates of future parking demand and supply:

- Incorporate projected changes to employment and enrollment data
- Incorporate expected parking supply changes based on known projects
- Hold peak share on campus, first year parking waiver, and mode share levels constant

The summary of parking supply required by ordinance:

- Estimates the supply required at each institution based on multiple uses (e.g. # of student residential beds, hospital beds, square foot of academic or administrative buildings)
- Uses two methods for CC and UVM parking supply calculations: Gross Floor Area (GFA), and a Composite (based on the number of beds instead of residential floor area, along with GFA for non-residential facilities)

1.3 CHITTENDEN AREA TRANSPORTATION MANAGEMENT ASSOCIATION (CATMA) AND THE HILL INSTITUTIONS

CATMA's founding institutional members, Champlain College (CC), University of Vermont (UVM), and University of Vermont Medical Center (UVM MC) (commonly referred to as the Hill institutions), established a joint mission to plan and manage safe, convenient and economical parking, and transportation in ways that better coordinate land use and reduce environmental impacts on the community.

The Hill institutions employ 12,362 individuals within the City of Burlington, and enroll 15,520 students who attend classes within the City of Burlington. Table 1-1 summarizes the number of employees and students across the founding member institutions, as required under Section 8.3.3 (A) of the Burlington Comprehensive Development Ordinance (CDO).¹

¹ For the full text of the Burlington Comprehensive Development Ordinance, including Article 8: Parking, see <https://www.burlingtonvt.gov/PZ/CDO>.

TABLE 1-1: HILL INSTITUTION EMPLOYMENT AND ENROLLEMENT

CATMA Founding Members	Employees	Students	Total
CC	880	2,174	3,054
UVM	4,186	13,346	17,532
UVM MC	7,296		7,296
Total	12,362	15,520	27,882

Sources: Employment and enrollment totals are provided by institutional staff.

Notes: Employment and enrollment totals are from the fall of 2018. Employment totals include contracted employees. UVM MC employment includes 6,229 full-time, part-time, and per diem staff at the main campus, One South Prospect, and downtown Burlington, as well as 1,067 non-paid staff at the main campus, and include evening and night shift employees, who are excluded from peak parking demand estimates. Out of the 6,229 UVM MC full-time, part-time, and per diem staff, a total of 177 work in downtown Burlington. A total of 6,073 UVM MC full-time, part-time, per diem, and non-paid staff have day shifts (or unidentified shifts presumed to occur during the day) and work on the main campus or One South Prospect, and are included in the peak parking demand estimates. Enrollment totals include students attending classes on the Burlington campus.

Table 1-2 provides a summary of values across three different parking demand data sources for CC, UVM, and UVM MC. As expected, permit levels are consistently higher than observed occupancy across all three institutions; not all permits are used daily. While survey-based parking demand estimates for CC and UVM suggest demand is exceeding supply, lot counts indicate occupancy (observed demand) typically does not exceed capacity.

TABLE 1-2: SUMMARY OF DATA SOURCES FOR CURRENT PARKING DEMAND ON THE HILL

	CC	UVM	UVM MC	Total
Permits	943	5,846	7,636	14,441
Surveys				
Demand	737	5,004	2,790	8,531
Supply	710	4,590	3,746	9,046
Net Spaces	-27	-414	956	515
Percent Full	104%	109%	74%	94%
Lot Counts				
Demand	610	4,260	2,225	7,095
Supply	707	4,590	2,505	7,802
Net Spaces	123	330	280	733
Percent Full	86%	93%	89%	91%

Sources: Permits are provided by institutional staff and based upon the number of permits issued in the fall of 2018. Survey totals are estimated using the 2016 and 2018 CATMA Student and Employee Transportation Surveys. Lot counts are based upon counts conducted by RSG (CC and UVM MC) in the fall of 2018 and by UVM staff in the winter of 2019.

Notes: Permit totals are based on the combined number of permits issued to all users eligible for campus parking permits. Net spaces are based on supply minus demand. Percent full is based on the quotient of demand over supply. Survey demand is estimated based on the number of users, peak share of users on campus, and a demand generator (auto ownership for residential students, and primary mode share for commuter students and employees). Peak period for surveys is weekdays 11:30am-1:30pm for residential students, and 12pm-1pm for commuter students and employees; peak period for lot counts is approximately 11am-1pm. Lot count totals are based on observed occupancy (demand) equaling the difference between capacity (supply) and empty spaces. For CC, the empty space count includes ADA,

and special use spaces such as visitor, reserved, and service vehicle spaces. For UVM, the empty space count excludes ADA and special use spaces.

It is acknowledged that some on-street parking occurs. Based upon data collected in the 2016 and 2018 CATMA Student and Employee Transportation Surveys, it is estimated that – during the peak period – CC and UVM students use 262 on-street parking spaces (116 spaces within two blocks of campus and 146 spaces more than two blocks from campus). Meanwhile, it is estimated that – during the peak period – CC, UVM, and UVM MC employees use 112 on-street parking spaces. This leads to an estimated total of 374 on-street parking spaces used by students and employees during the peak period, as presented in Table 1-3, which amounts to 4.4% of the total estimated peak parking demand of 8,531 spaces across students and employees (see Table 1-2).

Broken down across institutions and user groups, an estimated 16% of CC student peak parking demand goes to on-street spaces (64 out of a total of 404 estimated spaces), while an estimated 8% of UVM student peak parking demand goes to on-street spaces (198 out of a total of 2,472 estimated spaces). Meanwhile, an estimated 4% of CC employee peak parking demand goes to on-street spaces (12 out of a total 312 estimated spaces), while an estimated 4% of UVM employee peak parking demand goes to on-street spaces (85 out of a total of 2,113 total estimated spaces) and an estimated 0.6% of UVM MC employee peak parking demand goes to on-street spaces (16 out of an estimated 2,790 total estimated spaces).

TABLE 1-3: ESTIMATED ON-STREET PARKING SPACES FOR STUDENTS AND EMPLOYEES AMONG CC, UVM, AND UVM MC DURING THE PEAK PERIOD

CC Students	Within 2 Blocks	More Than 2 Blocks	# Street Spaces
Residential students	6	7	13
Commuter students	41	10	51
Subtotal	47	17	64
UVM Students	Within 2 Blocks	More Than 2 Blocks	# Street Spaces
Residential students	6	23	28
Commuter students	63	107	170
Subtotal	69	129	198
Employees			
CC			12
UVM			85
UVM MC			16
Subtotal			112
Grand Total			374

Sources: Calculated by CATMA Staff using the 2016 and 2018 CATMA Student and Employee Transportation Surveys.

Notes: Number of on-street spaces is based upon the share of estimated parking for each user group as well as survey information collected about the location of parking for each user group. Estimated parking demand is based upon the primary mode share (drive alone + half the carpool share). Parking location information is collected for users who drive alone or carpool to campus. Peak period is 11:30am-1:30pm for residential students and 12pm-1pm for commuter students and employees.

1.4 CHAMPLAIN COLLEGE UPDATE

CC recently implemented two significant parking management policy updates. A fee for all residential parking permits was introduced in 2016, and a restriction on first-year parking permits (with limited exceptions) was introduced in 2018.

As described in Table 1-2, CC has an estimated 2019 deficit of 27 spaces based upon survey data (see Table 3-16), which is 190 spaces better than the 217 space deficit projected for 2019 in the 2014-2019 JIPMP 5-Year Update and 210 spaces better than the 237 space deficit in the recalculated projection for 2019. CC has an estimated 2019 net surplus of 123 spaces based upon lot counts. The current parking capacity of 710 spaces is a reduction in parking capacity from the 2014 level of 764, and is less than the level projected in the 2014-2019 JIPMP 5-Year Update of 750. Total estimated parking demand for 2024 based upon survey data exceeds future supply by 61 spaces (see Table 3-24). This amounts to an increased deficit of 34 spaces compared to the estimated current deficit of 27 spaces. The deficit should be monitored, and CC should work with CATMA and the City to pursue additional TDM measures. If parking should be necessary, additional off-site leases could be secured. The magnitude of the deficit does not warrant any specific recommendations. The observed parking demand should be used as an annual measure to identify whether demand is starting to overwhelm the available parking supply. The strict permit policy that Champlain has implemented allows for a very effective tool to monitor actual parking demand as well as minimize off-campus parking impacts.

TABLE 1-4: CC PARKING SUPPLY AND PEAK DEMAND (PROJECTIONS AND CURRENT ESTIMATE, 2019-2024)

	Parking Supply	Parking Demand	Net Spaces
2019 (Projection)	750	967	-217
2019 (Recalculated Projection)	750	987	-237
2019 (Current Estimate)	710	737	-27
2024 (Projection)	685	746	-61

Sources: 2019 Projection was calculated by RSG Staff using assumed peak shares on campus, and was reported in the 2014-2019 JIPMP. 2019 Recalculated Projection was calculated by CATMA Staff and utilizes 2014 and 2016 CATMA Student and Employee Transportation Surveys for peak share on campus and mode share values. 2019 Current Estimate and 2024 Projection were calculated by CATMA Staff using the 2016 and 2018 CATMA Student and Employee Transportation Surveys.

Notes: CATMA Staff conducted a recalculated projection of 2019 levels using the estimated totals in each user category as well as 2014 and 2016 CATMA Student and Employee Transportation Survey Data. Specifically, the 2014 survey was the source except for the commuter student mode shares, which were sourced from the 2016 survey, as the 2014 survey did not collect a primary mode for commuter students.

1.5 UNIVERSITY OF VERMONT UPDATE

As described in Table 1-2, UVM has a current estimated deficit of 414 spaces based upon survey data, which amounts to a difference of 1,162 spaces compared to the 748 space surplus projected for 2019 in the 2014-2019 JIPMP 5-Year Update and a difference of 508 spaces compared to the recalculated projected surplus of 94 spaces (see Table 1-5). Of note, once UVM recovers an estimated 195 spaces from construction in July 2019, the parking supply will increase from 4,590 to 4,785 and the deficit will reduce from 414 to 219 spaces. UVM has an

estimated surplus of 488 based upon lot counts. The current parking capacity of 4,590 spaces is comparable to the 2014 parking capacity of 4,593, and also similar to the 4,571 projected in the 2014-2019 JIPMP 5-Year Update (see Table 4-11). Total estimated parking demand for 2024 based upon survey data is estimated to be 5,003, exceeding the estimated future supply of 4,534 (which takes into account the 195 spaces recovered after construction as well as the estimated loss of 251 spaces due to demolition and other building inventory adjustments) by 469 spaces. This amounts to an increased deficit of 55 spaces compared to the estimated current deficit of 414 spaces, and increased deficit of 250 spaces compared to the estimated deficit of 219 once 195 spaces are recovered from construction in July 2019. UVM will address this expected deficit through a variety of strategies described in Chapter 4.

TABLE 1-5: UVM PARKING SUPPLY AND PEAK DEMAND (PROJECTIONS AND CURRENT ESTIMATE, 2019-2024)

	Parking Supply	Parking Demand	Net Spaces
2019 (Projection)	4,571	3,823	748
2019 (Recalculated Projection)	4,571	4,477	94
2019 (Current Estimate)	4,590	5,004	-414
2024 (Projection)	4,534	5,003	-469

Sources: 2019 Projection was calculated by RSG Staff using assumed peak shares on campus, and was reported in the 2014-2019 JIPMP. 2019 Recalculated Projection was calculated by CATMA Staff and utilizes 2014 and 2016 CATMA Student and Employee Transportation Surveys for peak share on campus and mode share values. 2019 Current Estimate and 2024 Projection were calculated by CATMA Staff using the 2016 and 2018 CATMA Student and Employee Transportation Surveys.

Notes: CATMA Staff conducted a recalculated projection of 2019 levels using the estimated totals in each user category as well as 2014 and 2016 CATMA Student and Employee Transportation Survey Data. Specifically, the 2014 survey was the source except for the commuter student mode shares, which were sourced from the 2016 survey, as the 2014 survey did not collect a primary mode for commuter students.

1.6 UNIVERSITY OF VERMONT MEDICAL CENTER UPDATE

As described in Table 1-2, UVM MC has an estimated 2019 surplus of 956 spaces based upon survey data, which is 808 spaces more than the projected surplus of 148 spaces reported in the 2014-2019 JIPMP 5-Year Update and 268 more than the recalculated projected surplus of 688 spaces. UVM MC has an estimated surplus of 280 spaces based upon lot counts. The current parking capacity of 3,746 spaces (all UVM MC Hill campuses combined, including One South Prospect) is 247 more than the 3,499 projected in the 2014-2019 JIPMP 5-Year Update.

TABLE 1-6: UVM MC PARKING SUPPLY AND PEAK DEMAND (PROJECTIONS AND CURRENT ESTIMATE, 2019-2024)

	Parking Supply	Parking Demand	Net Spaces
2019 (Projection)	3,499	3,351	148
2019 (Recalculated Projection)	3,499	2,811	688
2019 (Current Estimate)	3,746	2,790	956
2024 (Projection)	3,254	2,475	779

Sources: 2019 Projection was calculated by RSG Staff and reported in the 2014-2019 JIPMP. 2019 Recalculated Projection was calculated by CATMA Staff and utilizes CATMA Employee Transportation Surveys for peak share on campus and mode share values. 2019 Current Estimate and 2024 Projection were calculated by CATMA Staff using the 2016 and 2018 CATMA Employee Transportation Surveys.

Notes: CATMA Staff conducted a recalculated projection of 2019 levels using the estimated totals in each user category as well as the 2014 CATMA Employee Transportation Survey Data.

2.0 CHITTENDEN AREA TRANSPORTATION MANAGEMENT ASSOCIATION (CATMA)

This chapter is comprised of five sections and covers the contents required under Article 8 of the Burlington Comprehensive Development Ordinance (CDO) for institutional parking management plans. The first section summarizes the employment and enrollment totals for CATMA's founding institutional members. The second section provides organizational information (including CATMA's history, goals, membership, leadership, and personnel). The third section details CATMA's programs. The fourth section describes CATMA Student and Employee Transportation Surveys and reports student and employee trends in automobile reliance across CC, UVM, and UVM MC. It also describes the parking demand calculations used in Chapters 3-5. The fifth section summarizes Part 1 of Article 8 of the CDO for CC, UVM, and UVM MC.



2.1 EMPLOYMENT AND ENROLLMENT (SEC. 8.3.3 (A))

CATMA's founding institutional members, Champlain College (CC), University of Vermont (UVM), and University of Vermont Medical Center (UVM MC) (commonly referred to as the Hill institutions), employ 12,362 individuals within the City of Burlington, and enroll 15,520 students who attend classes within the City of Burlington. Table 2-1 (see also Table 1-1) summarizes the number of employees and students at the Hill institutions.

TABLE 2-1: HILL INSTITUTION EMPLOYMENT AND ENROLLMENT VISITS

CATMA Founding Members	Employees	Students	Total
CC	880	2,174	3,054
UVM	4,186	13,346	17,532
UVM MC	7,296		7,296
Total	12,362	15,520	27,882

Sources: Employment and enrollment totals are provided by institutional staff.

Notes: Employment and enrollment totals are from the fall of 2018. Employment totals include contracted employees. UVM MC employment includes 6,229 full-time, part-time, and per diem staff at the main campus, One South Prospect, and downtown Burlington, as well as 1,067 non-paid staff at the main campus, and include evening and night shift employees, who are excluded from peak parking demand estimates. Out of the 6,229 UVM MC full-time, part-time, and per diem staff, a total of 177 work in downtown Burlington. A total of 6,073 UVM MC full-time, part-time, per diem, and non-paid staff have day shifts (or unidentified shifts presumed to occur during the day) and work on the main campus or One South Prospect, and are included in the peak parking demand estimates. Enrollment totals include students attending classes on the Burlington campus.

The CC employee total (880) is higher than the projected total reported (625) in the 2014-2019 JIPMP 5-Year Update, while the student total (2,174) is lower than the projected total (2,400); the current combined total number of CC users (3,054) is 29 higher than the projected total (3,025, see Table 10 of the 2014-2019 JIPMP 5-Year Update). Meanwhile, the UVM employee total (4,186) is higher than the projected total (3,917) reported in the 2014-2019 JIPMP 5-Year

Update, and the student total (13,346) is also higher than the projected total (12,043); the current combined total number of UVM users (17,532) is 1,572 higher than the projected total (15,960, see Table 24 and 26 of the 2014-2019 JIPMP 5-Year Update). The UVM MC employee total of 6,073 for full-time, part-time, per diem, and non-paid staff on the main campus and One South Prospect with day shifts (see Notes for Table 1-1 and Table 2-1) is 495 more than the 5,578 projected total reported in the 2014-2019 JIPMP 5-Year Update (see Tables 17 and 18 of the 2014-2019 JIPMP 5-Year Update).

2.2 CATMA ORGANIZATIONAL HISTORY, GOALS, MEMBERSHIP, LEADERSHIP, AND PERSONNEL (SEC. 8.3.3 (D))

CATMA History

The Chittenden Area Transportation Management Association (CATMA) is a private, membership-based, non-profit organization (formerly the Campus Area Transportation Management Association). Established in 1992, CATMA's founding institutional members established a joint mission to plan and manage safe, convenient and economical parking, and transportation in ways that better coordinate land use and reduce environmental impacts on the community.

CATMA Goals

CATMA has adopted the following organizational goals:

- Establish long-term transportation policies and leadership
- Provide strategic and long-term planning for multimodal transportation and parking developments in conjunction with the Members' shared land use planning
- Plan, develop and expand comprehensive multimodal transportation systems management (TSM) programs, incorporating TDM strategies
- Plan, develop, own, and manage multimodal transportation systems and parking facilities

CATMA's Board Resolution

The CATMA institutions have always been committed to a TDM strategy that moves as much parking off the Hill as possible. CATMA, on behalf of its founding institutions, continues to pursue parking facilities to the south, north, and east, which would be served by GMT bus service or shared shuttles to the Hill.

CATMA Membership

Founding Institutional Members: Champlain College (CC), University of Vermont (UVM), and University of Vermont Medical Center (UVM MC) (commonly referred to as the Hill institutions).

Associate Members: Chittenden County Regional Planning Commission, the City of Burlington (as an employer), Farrell Properties, Redstone Lofts, Redstone Apartments, Seventh Generation, Vermont Housing Finance Agency, YMCA, and Spinner Place.

The following individuals comprise the CATMA Board of Directors, Executive Planning Committee, Operations Committee, Advisory Committee, and staff.

CATMA Leadership and Personnel

CATMA Board of Directors

- Dawn LeBaron, Vice President of Hospital Services, UVM MC
- Shelley Navari, Vice President of Finance and Treasurer, CC
- Joe Speidel, Director of Local Government and Community Relations, UVM

CATMA Executive Planning Committee

- Nic Anderson, Director of Transportation, CC
- Dave Keelty, Director of Facilities Planning and Development, UVM MC
- Lani Ravin, Associate Planner, UVM

CATMA Operations Committee

- Nic Anderson, Director of Transportation, CC
- Jim Barr, Director for Transportation, Parking and Sustainable Transportation Services, UVM
- Jack Conry, Director of Security, Safety and Parking, UVM MC
- John King, Parking Enforcement Manager, City of Burlington

CATMA Advisory Committee

- Nic Anderson, Director of Transportation, CC
- Abby Bleything, Sustainable Transportation Coordinator, UVM
- Bryan Davis, Senior Planner, CCRPC
- Jennifer Green, Sustainability Coordinator, Burlington Electric Department
- Steve Gronlund, Human Resources Manager, VHFA
- Chris Lyon, Manager of Mission Impact, Seventh Generation
- Charlie Zea, Security Manager, UVM MC

CATMA Staff

- Sandy Thibault, Executive Director
- Katie Martin, Program and Marketing Manager
- Andrea Hamre, Transportation Analyst

2.3 CATMA PROGRAMS

CATMA employs comprehensive TDM strategies with the goal of reducing single occupancy vehicle (SOV) travel at the Hill institutions. Table 2-2 and the following discussion summarize CATMA's TDM programs and services for the Hill institutions.

TABLE 2-2: CATMA'S COMPREHENSIVE TDM STRATEGIES

Program	CC	UVM	UVM MC	Total
Bike/Walk Reward Program				
Enrollees	79	663	622	1,364
Current Participation	22	179	152	353
Total Awards	77	619	469	1,165
Bikeshare Discount	50% off Annual Membership			
Carpool Incentives	✓	✓	✓	
Carpool Matching Registrants	33	172	456	661
CarShare VT Campus Program Members	81	254		335
Education, Outreach and Worksite Commuter Events/Fairs	✓	✓	✓	
Flex-time policies	✓	✓	✓	
Guaranteed Ride Home				
Employee Enrollees	193	1,155	1,162	2,510
Employee Uses (Cost)				71 (\$2,848)
Student Enrollees	210			
Off-site/Satellite Parking	175 spaces		1,190 spaces	
Walkways & Bikeways	✓	✓	✓	
Staggered Scheduling (Employees & Students)	✓	✓	✓	
Shuttle Service	✓	✓	✓	
Shuttle Real-Time Tracking	✓	✓		
Employee & Student Transportation Surveys	✓	✓	✓	
Telecommute	✓	✓	✓	
Transit Programs (Annual Trips)	Unlimited Access (41,800)	Unlimited Access (301,000)	Discounted Passes	See Table 2-3
Promotion of Intercity Bus & Rail	✓	✓	✓	

Bike/Walk Reward Program

CATMA's Bike/Walk Reward Program was launched in May 2001 as an incentive for people to bike or walk to and from work. Employees who commit to biking/walking regularly are rewarded with gift cards to local downtown shops. Participants are required to bike or walk to and from 24 days within a 60-day period and must log the dates they bike or walk online through their Commuter Profiles. Once participants log 24 commutes, they receive a \$15 gift card of their choice to City Market, Merrill's Roxy Cinema or SKIRACK. For every additional commute logged during the 60-day period a participant's name is added to a quarterly drawing. Bike/Walk participants, along with everyone registered in the Guaranteed Ride Home Program, are also entered into quarterly drawings for gift certificates to downtown Burlington restaurants.

Since its inception, the program has contributed \$300,000 in gift cards and boosts our local economy. The program, which started with 17 participants in 2001, now has over 1,500 registrants. CATMA's Bike/Walk Reward Program has been recognized in a variety of venues, including winning awards from the Association of Commuter Transportation and playing a role in the Bicycle Friendly designations of our members from the League of American Bicyclists.

Subsidized Transit Programs

The Hill institutions use two of CATMA's transit subsidy programs² – Unlimited Access (CC and UVM), and discounted passes (UVM MC).³ Since January 2003, CATMA and GMT (previously CCTA) have partnered to deliver an Unlimited Access Program. This program provides CATMA members with unlimited access on GMT'S public transit services using institutional IDs. UVM joined the program in 2003, and CC joined in 2006. New CATMA members are eligible to join the Unlimited Access Program. CATMA's Unlimited Access Program differs from other similar programs in that CATMA pays GMT a negotiated rate per ride rather than a flat fee per employee or student. CATMA and its members collaborate with GMT on developing marketing campaigns to promote this program, including on-site commuter events and working with student groups. CATMA's Unlimited Access Program has led to an increase in available parking spaces for both CC and UVM, and an increase in federal dollars to GMT.

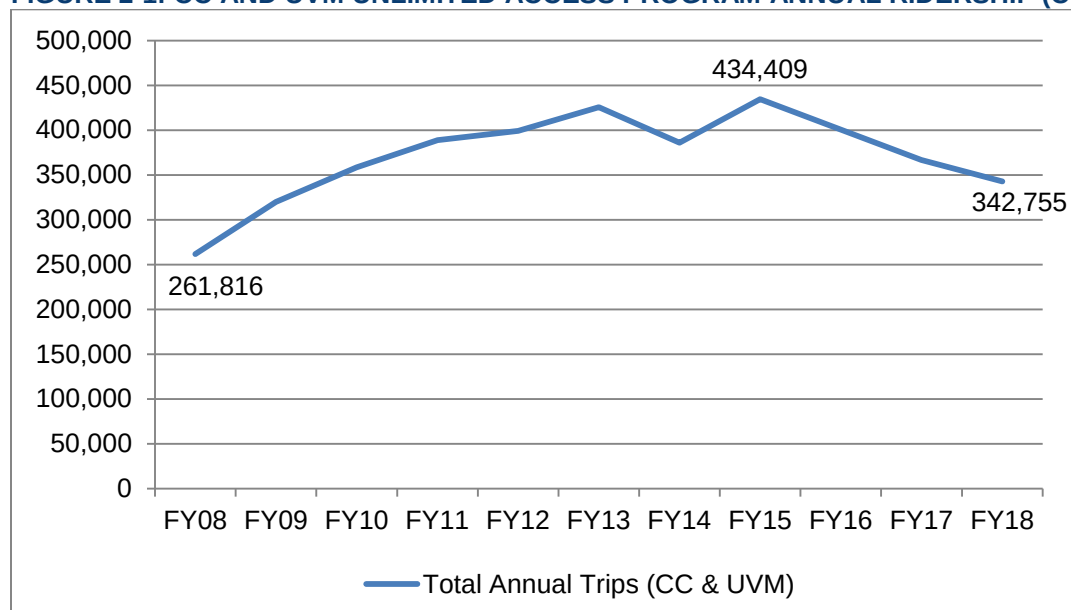
Figure 2-1 presents Unlimited Access Program total annual trips for CC and UVM over the past decade. The FY18 level of 342,755 total annual trips is 30.9% above the FY08 level, but 21.1% below the peak level of 434,409 total annual trips in FY15. Table 2-3 presents additional

² See CATMA's website (catmavt.org) for information about additional transit subsidy programs (Employee Transit Pass and Bulk Pass purchases) used by non-Hill CATMA Members.

³ UVM MC does not currently participate in the Unlimited Access Program, but does offer their employees a 50% subsidy on all local GMT routes and 25% subsidy on all GMT Commuter and LINK routes; employees may purchase these discounted monthly passes or 10-ride tickets directly through payroll deductions. UVM MC employees are also eligible for discounted ferry passes.

information about annual trips, costs, and changes in ridership for CC and UVM Unlimited Access Program use over the past decade.⁴

FIGURE 2-1: CC AND UVM UNLIMITED ACCESS PROGRAM ANNUAL RIDERSHIP (CC AND UVM)



Source: Calculated by CATMA Staff using GMT Monthly Ridership Reports.

Notes: A GMT strike occurred between March 17 and April 4, 2014. In 2016, GMT ridership decreased by 10% system-wide. CATMA Express Shuttle ceased operations in 2009. Totals include GMT local and LINK routes and exclude shuttles.

TABLE 2-3: UNLIMITED ACCESS PROGRAM ANNUAL RIDERSHIP AND COSTS (CC AND UVM)

Year	Annual Trips Local	Annual Trips LINK	Annual Trips Local and LINK	Total Cost of Service
FY08	237,365	24,451	261,816	\$287,183.78
FY09	287,429	32,370	319,799	\$348,635.34
FY10	328,713	29,854	358,567	\$379,792.44
FY11	351,560	37,410	388,970	\$417,143.39
FY12	356,882	42,414	399,296	\$430,329.61
FY13	377,758	47,954	425,712	\$463,368.05
FY14	335,600	50,417	386,017	\$428,621.82
FY15	386,462	48,409	434,409	\$468,891.46
FY16	358,264	42,351	400,615	\$431,520.51
FY17	323,206	43,304	366,510	\$401,464.24
FY18	301,825	40,930	342,755	\$376,090.34

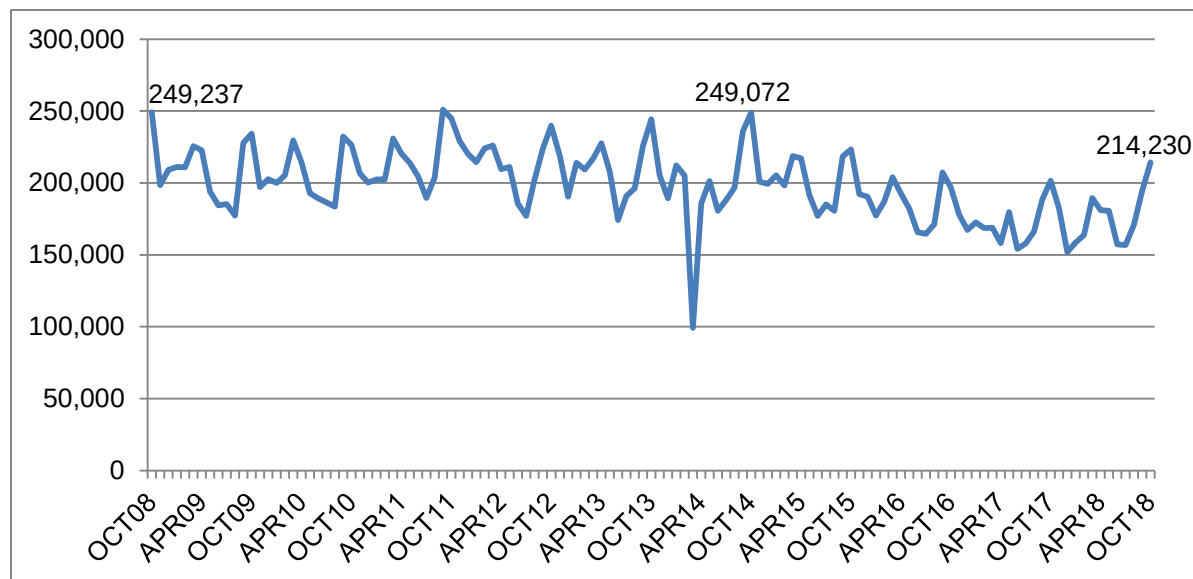
Source: Calculated by CATMA Staff using GMT Monthly Ridership Reports.

⁴ Normalizing total annual trips based upon population levels (employment and enrollment for CC and UVM) would enable a comparison of per capita ridership over time. CATMA plans to provide this information in future JIPMP reports.

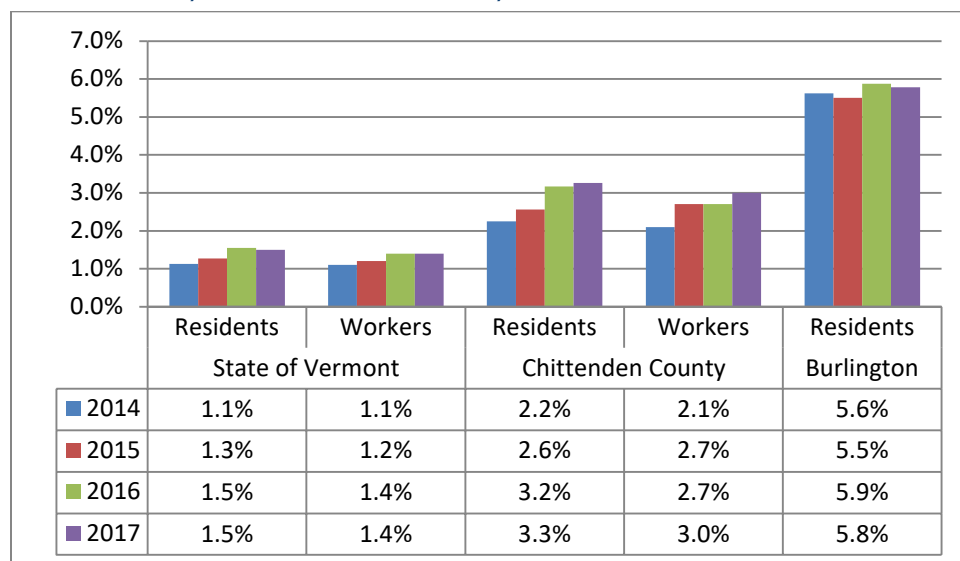
Total annual trips with the Unlimited Access Program have declined in recent years (see Figure 2-1 and Table 2-3). This is similar to the recent decline in overall ridership levels for the GMT system as a whole. However, while the Unlimited Access program for CC and UVM experienced steady growth between FY08 and FY13, GMT ridership as a whole was relatively level during that time period. As a result, the 214,230 passenger trips for the GMT system as a whole recorded in October 2018 is 14% below both the October 2014 level of 249,072 passenger trips and the October 2008 level of 249,237 passenger trips. Figure 2-2 presents monthly ridership levels for the GMT system between October 2008 and October 2018.

While ridership levels have declined in recent years for both the Unlimited Access Program for CC and UVM as well as the GMT system as a whole (see Figure 2-1 and Figure 2-2), transit commuting has actually increased in the State of Vermont and Chittenden County. Figure 2-3 presents the share of residents and workers commuting to work by transit in Vermont, Chittenden County, and the City of Burlington between 2014 and 2018.

FIGURE 2-2: GMT SYSTEM HISTORICAL RIDERSHIP (MONTHLY DATA)



Source: National Transit Database (January, 2019 data release).

FIGURE 2-3 TRANSIT COMMUTE MODE SHARE FOR RESIDENTS AND WORKERS IN THE CITY OF BURLINGTON, CHITTENDEN COUNTY, AND THE STATE OF VERMONT

Sources: Calculated by CATMA Staff using the American Community Survey 1-Year Estimates (Table K200801 for Residents, Table S0804 for Workers).

Notes: Percentages represent the share of workers reporting public transportation as their “principal mode of travel”; total includes workers who worked at home. 1-Year Estimates are unavailable for workers in the City of Burlington due to small population size.

Carpool Incentives and Matching Services

CATMA transitioned its carpool matching service to the statewide Go! Vermont carpool and rewards platform in late 2018. CATMA continues to provide support to its members who are interested in carpooling through the commuter assistance line.

Employees at CATMA membership who commit to carpooling at least twice a week on a regular basis are eligible for their Guaranteed Ride Home Program. Carpoolers are also entered into quarterly drawings for gift certificates to local restaurants.

Guaranteed Ride Home Program (GRH)

Employees registered with CATMA who regularly carpool, vanpool, bike, walk, or take the bus are eligible to receive free GRH rides. CATMA customizes the GRH program to meet employer needs, such as accommodations for those parking off-site.

One of the obstacles for those considering non-SOV modes of commuting is how they will get home in an emergency. Employees who commit to sustainable commutes receive an ID number when they create their online commuter profile which is used to access the GRH ride. If an emergency arises on a day an employee commutes with a sustainable mode, they simply call Green Cab directly and make arrangements for a ride home. The program covers up to \$150 of the fare for each ride. There is no money required out of the member's pocket, unless the fare is over \$150. Participants are allowed to use the guaranteed ride home up to eight times in a twelve-month period. Over 2,500 employees are currently registered in CATMA's Guaranteed Ride Home Program.

The GRH program is also provided to CC residential students. For those students bringing a car to campus (all of whom are required to park at 115 Lakeside Ave off-site lot), they are automatically enrolled and receive a “privilege” on their student ID to access the GRH program on a semester-to-semester basis. They are allowed to use the program anytime for a ride between the Main Campus and 115 Lakeside Ave when the shuttles are not operating. The institutions reimburse CATMA for all taxi rides taken by their students.

Quarterly Restaurant Drawings

Employees registered with CATMA as sustainable commuter are automatically entered into its quarterly drawings for local restaurant gift certificates.

Education, Outreach and Marketing

CATMA continues to strengthen and enhance its outreach and educational efforts at its member institutions, which include year round on-site commuter events in strategic venues (Human Resource Benefit Fairs, Nurses Knowledge Fair, New Faculty Orientation, Fall Student Fairs, bike commuter workshops, various spring/fall campaigns and contests). The goal of the events is to educate, create awareness, and assist employees and students with mobility options and understand how their travel choices benefit themselves, the institution, and the community.

CATMA's website provides a variety of educational resources, including a sustainable transportation map, updates on current conditions, news and events and tools. It serves as a one-stop shop!

CATMA continues to strengthen its communications, marketing, and information to encourage and support behavior change. The following highlight its primary initiatives:

- Conduct robust and targeted marketing campaigns
- Disseminate timely and current information
- Implement commuter/transportation kiosks at member worksites
- Implement display screens at member worksites
- Issue quarterly newsletters
- Communicate actively on social media.

Best Workplace for Commuters (BWC)

CATMA, its institutions and members continue to receive national recognition as a designated “Best Workplaces for Commuters.”

BWC is an innovative program that provides qualified employers with national recognition and an elite designation for offering outstanding commuter benefits. This National Standard of Excellence in commuter benefits is managed by the Center for Urban Transportation Research at the University of South Florida.



BWC's meet a variety of high standards relating to commuter benefits and TDM offerings as well as membership and participation with a Transportation Management Association (TMA) and their offerings of TDM programs.

BWC demonstrates that alternatives to drive alone commuting, such as transit, carpools, and teleworking are economically beneficial, yielding value to workers, employers, and our environment.

CATMA Associations and Partnerships

CATMA maintains strong partnerships with local, state, and national transportation industry leadership organizations, such as Association of Commuter Transportation, BWC, Vermont Agency of Transportation, and Chittenden County Regional Planning Commission (CCRPC), as well as with the Upper Valley TMA.

They also provide support and maintain partnerships with local and regional service providers, such as GMT and CarShare Vermont, as well as local and state advocacy groups such as Local Motion, Burlington Bike/Walk Council and Transportation For Vermont Coalition.

CarShare Vermont

CarShare Vermont, a nonprofit organization, launched its carsharing service in Burlington in December 2008. UVM and Champlain College were early supporters and originally purchased four cars for its fleet. In October 2011, they released vehicle ownership to CarShare Vermont. The schools now sponsor memberships for a set number of qualifying students and staff.

Two pod locations are on the UVM campus, one at Champlain College and another close by at Champlain's new residential property at 194 St. Paul St. CarShare Vermont's fleet offers a mix of vehicles to meet the diverse needs (carsharevt.org/locations/) of the members. 16 vehicles are located in 16 distinct "pods" throughout Burlington and Winooski. In April 2019, CarShare Vermont hopes to add its first 100% electric vehicle in downtown Burlington, as well as an additional hybrid vehicle, bringing its fleet size to 18. All trips originate and end at the same pod location.

CarShare Vermont gives members affordable and easy access to a network of reliable vehicles that can be reserved 24/7 for as little as 30 minutes or as long as needed. CarShare Vermont is a key part of a multimodal transportation system that aims to reduce dependence on vehicles. Since its inception, it has achieved remarkable results with regard to reducing vehicle miles traveled (VMT) and vehicle ownership rates. On average, its members reduce the amount they drive by 2 million miles per year, resulting in over 800 tons of CO₂ saved annually. Additionally, about 60% of CarShare members report selling or opting not to purchase a vehicle, and 87% of members belong to zero or one vehicle households. This means that for every vehicle CarShare Vermont puts on the road, 15 are removed.

In 2018, CarShare Vermont reported 950 members, including residents, students, and employees of local businesses. Collectively, members logged over 9,000 trips and each vehicle was used an average of 6 hours per day. In the 2017-2018 academic year, 227 students and staff of UVM were members of CarShare Vermont and 73 from Champlain College. Campus

members accounted for 33% of CarShare VT's total membership and similarly generated one-third of vehicle use. Since 2011, UVM and Champlain College have subsidized CarShare Vermont memberships for a limited number of their affiliates (carsharevt.org/memberships/campus/). CarShare Vermont enables many campus affiliates to live and work on campus without bringing a personal vehicle, reducing parking demand, congestion, and pollution.

CarShare Vermont conducts extensive outreach at the two campuses and devotes significant marketing resources to promote the program. Its staff and volunteers participate in dozens of events each year, including tabling at new student orientations, resource fairs, family weekends, festivals, conferences, and class presentations. Flyers and posters are distributed around both campuses, and materials are distributed in orientation packets. Additionally, CarShare Vermont regularly hosts interns from both schools throughout the school year.

Greenride Bikeshare

Greenride Bikeshare launched in April 2018 as the greater Burlington region's first public bikeshare system. Bikeshare is ideal for short point-to-point, 30 minute trips or less, and is designed to complement and enhance existing transportation options in our area by providing connections to bus service and serving as an affordable transportation option. The program currently includes 100 7-speed bikes at 17 hub locations in Burlington, South Burlington, and Winooski. More information may be found at greenridebikeshare.com.

CATMA played an instrumental role, along with local sponsors and partners, in bringing bikeshare to the region. Currently, CATMA institutions and members receive a 50% discount on their annual memberships for employees and students.

- Total CATMA/Campus Members = 417 (71% of total active members in system)
- Total CATMA/Campus Trips = 3,136 (35.5% of total system trips)
- Average trip distance of CATMA/Campus Members = 1.2 miles
- Average trip duration of CATMA/Campus Members = 12 min

Employee Transportation Coordinator (ETC) Network

CATMA created and launched a regional Employee Transportation Coordinator Network in Fall 2013 for Chittenden County. An ETC is a typical strategy of TMAs. The ETC is a designated employee at a work or residential site who is the point of contact at their worksite for transportation information.

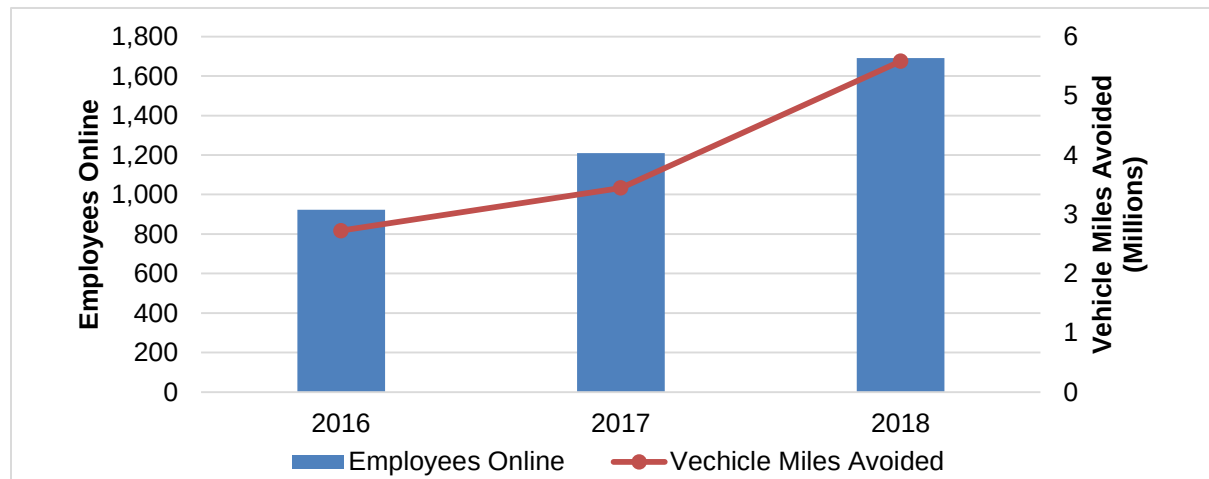
CATMA organizes and hosts ETC events twice a year (spring and fall) and provides ETC's with frequent communications relative to transportation in the region. The Network provides support, resources and a forum for businesses who are interested in opportunities to address and solve transportation challenges at their worksite and in the community in a collaborative manner. This initiative initially received support from a Transportation Community & System Preservation grant and over the past few years has received support from the CCRPC UPWP. Currently, the

Network has over 60+ members, including businesses, municipalities, and developers. For more information on the Network, its participants and events, visit catmavt.org/etcnetwork.

CATMA's Overall Impact

CATMA has been tracking its overall impact in terms of vehicle miles avoided since 2016. As shown in Figure 2-4, CATMA's increasing enrollment over the last several years has helped to avoid a significant number of vehicle miles. When converted to fuel savings, CATMA's impact in 2018 equals nearly half a million dollars and prevented over 4 million tons of CO² emissions from entering the atmosphere.

FIGURE 2-4: CATMA EMPLOYEE ENROLLMENT AND VEHICLE MILES AVOIDED (2016-2018)



Source: Calculated by CATMA Staff using the CATMA Employee Profile Database.

CATMA continues to strengthen and increase its presence in the region and state, serving as the point of contact for employers and developers seeking expertise and experience with comprehensive TDM programming. TDM strategies address parking and traffic congestion, improve employee recruitment, productivity and morale, and enhances business development in the region. Sharing resources and collaborating on transportation solutions is critical to the sustainability and improvement of our transportation network.

CATMA assumes an active role in local, regional, and international committees and associations that specialize in sustainable commute options and solutions to enhance the transportation system. These include: the CCRPC Transportation Advisory Committee and ECOS Transportation Subcommittee, the Lake Champlain Regional Chamber of Commerce, Vermont Transportation Efficiency Network, Transportation For Vermont Coalition, and Burlington Walk/Bike Council. Engagement with these partners facilitates their role in exploring and influencing transportation improvements.

CATMA provides a comprehensive commuter profile tool that enables members to capture the true impact of their commutes and informs commuters of their own impact relative to overall CO₂, VMT reductions and fuel savings. They continue to explore, design, and implement program enhancements to leverage existing programs and offer more value to members,

employees, students, and residents. In spring 2018, CATMA partnered with CCRPC, CC, and UVM to launch Phase I of the Greenride Bikeshare regional program. Regional partners are currently collaborating to enhance the bikeshare system with electric assist bikes and electric scooters in a future phase.

With a small staff, an active Board of Directors and Committee members, excellent partnerships, a motivated community, and over 26 years of experience administering effective and efficient TDM program, CATMA continues to be dedicated to its mission of jointly planning and managing safe, convenient, and economical parking and transportation in ways that better coordinate land use and reduce environmental impacts.

2.4 CATMA EMPLOYEE AND STUDENT TRANSPORTATION SURVEYS

CATMA collects information to assess its TDM programs through employee and student surveys, conducted annually through 2010 (beginning in 2000 for employees and 2003 for students), and biennially thereafter. Table 2-4 summarizes information about the sampling and design of CATMA surveys, and highlights key differences between the 2016 and 2018 surveys.

The following discussion and subsequent chapters primarily use the 2016 CATMA Employee and Student surveys as the source for peak % on campus and mode share values for parking demand estimates. While the 2018 surveys were collected more recently and have larger sample sizes, they were also highly condensed and modified. Specifically, the 2018 surveys did not collect information about primary commute mode, work status (full-time/part-time), number of days on campus, or arrival and departure information (with sufficient specificity to isolate the peak period). CATMA plans to update its surveys so that future versions collect this information, and also survey employees and students at the same time of year.⁵

TABLE 2-4: SUMMARY OF CATMA EMPLOYEE AND STUDENT SURVEY SAMPLING AND DESIGN

	Hill Employees	CC and UVM Students
Sample Time Period	Fall	Spring
Sample Dates	2016: October 12-November 11	2016: March 30-April 13
	2018: October 16-November 14	2018: March 6-April 16
Sample Method	Paper (2000-2014)	Paper (2003-2014)
	Email (2016-2018)	Email (2016-2018)
Sample Frame	All employees	All on-campus students
Sample Size	2016 CC: 199 UVM: 1,212 UVM MC: 1,795 Total: 3,206	2016 CC: 430 UVM: 2,077 Total: 2,507
	2018 CC: 216 UVM: 1,642 UVM MC: 2,330 Total: 4,188	2018 CC: 492 UVM: 2,997 Total: 3,489

⁵ Conducting future employee and student surveys at the same time will eliminate seasonal variation between the two datasets that may impact travel behavior.

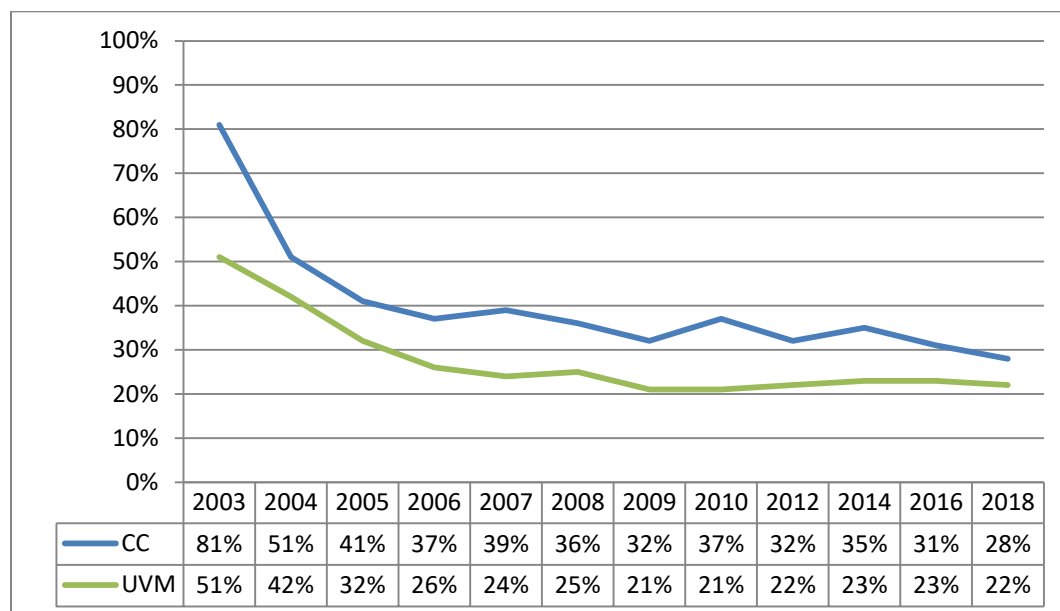
	Hill Employees	CC and UVM Students
Response Rate⁶	2016 CC: 199/820=24% UVM: 1,212/4,582=26% UVM MC: 1,795/7,570=24% Total: 3,206/12,972=25%	2016 CC: 430/2,116=20% UVM: 2,077/13,688=15% Total: 2,507/15,804=16%
	2018 CC: 216/808=27% UVM: 1,642/4,840=34% UVM MC: 2,330/8,274=28% Total: 4,188/13,922=30%	2018 CC: 492/2,068=24% UVM: 2,997/14,189=21% Total: 3,489/16,257=21%
Primary Travel Mode	2016: How do you generally commute to work?	2016: Which method do you consider the primary way you travel to and from main campus?
	2018: Not Collected	2018: Not Collected
Travel Modes Used During a Week	2016: What other ways do you get to work?	2016: In a typical week how do you travel to and from the main campus?
	2018: During the past week (7 days), how many days did you use each of the following modes to travel from your residence to work?	2018: During the past week (7 days), how many days did you use each of the following modes to travel from your residence to places on-campus?
Work Status	2016: Do you work full-time or part-time?	
	2018: Not Collected	
Days on Campus	2016: In a typical week, which days to you travel to campus? How many days per week do you commute to work?	2016: In a typical week, which days do you generally travel to the college/university?
	2018: Not Collected	2018: Not Collected
Arrival and Departures	2016: Sufficient Specificity (12:00pm to 12:59pm)	2016: Residents: Sufficient Specificity (11:30am to 1:30pm) Commuters: Sufficient Specificity (12:00pm to 12:59pm)
	2018: Insufficient Specificity (After 9am, Before 3pm)	2018: Not Collected

Trends in Student Automobile Reliance

Vehicle ownership and commute mode share are two key travel behavior indicators. As discussed below in Figures 2-5 through 2-7, these indicators suggest automobile reliance has generally declined among CC and UVM students since 2003, with the exception of a recent increase in the share of students living within a half mile of campus driving alone and carpooling to campus over the course of the week (see Figure 2-7).

Student travel surveys have collected consistent information about vehicle ownership since 2003. The share of residential students with a personal vehicle has declined 65% at CC since 2003, and 57% at UVM, as presented in Figure 2-5.

⁶ Employee response rates are based on all Champlain College, UVM, and UVM MC campuses (including locations off the Hill).

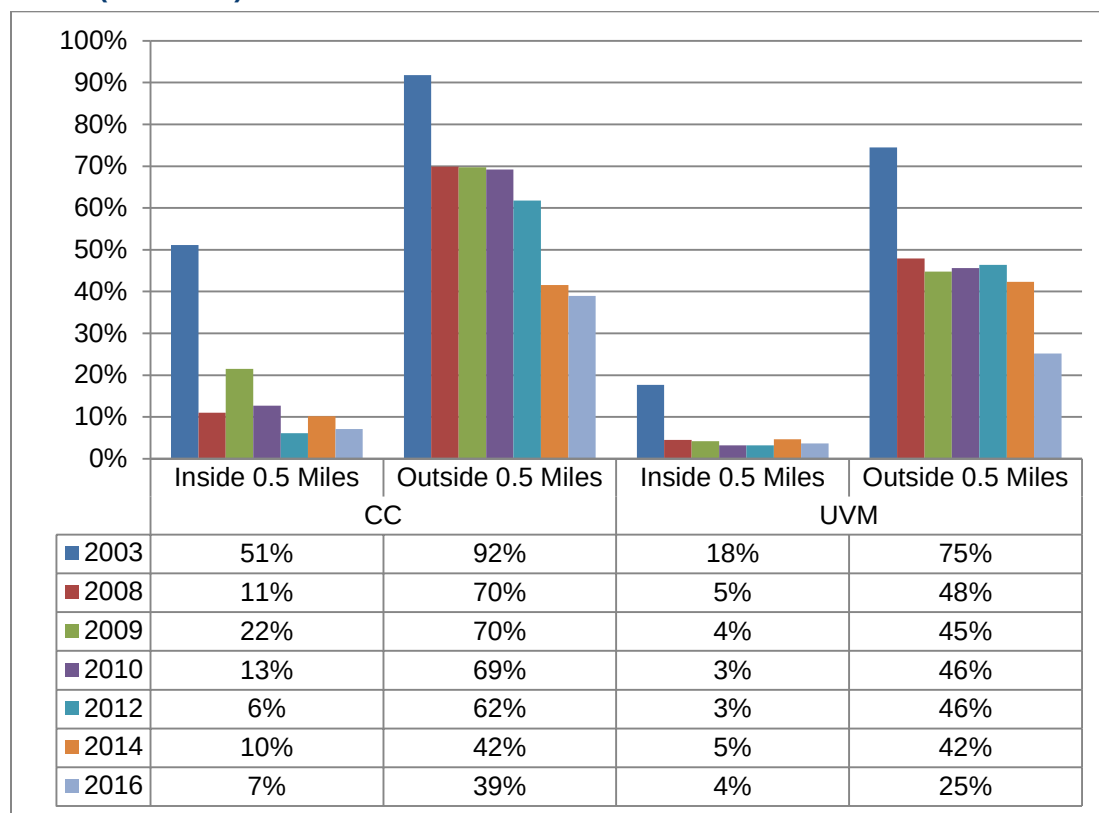
FIGURE 2-5: SHARE OF RESIDENTIAL STUDENTS WITH PERSONAL VEHICLES (2003-2018)

Source: Calculated by CATMA Staff using the 2003-2018 CATMA Student Transportation Surveys.

Note: Percentages are rounded to the nearest integer.

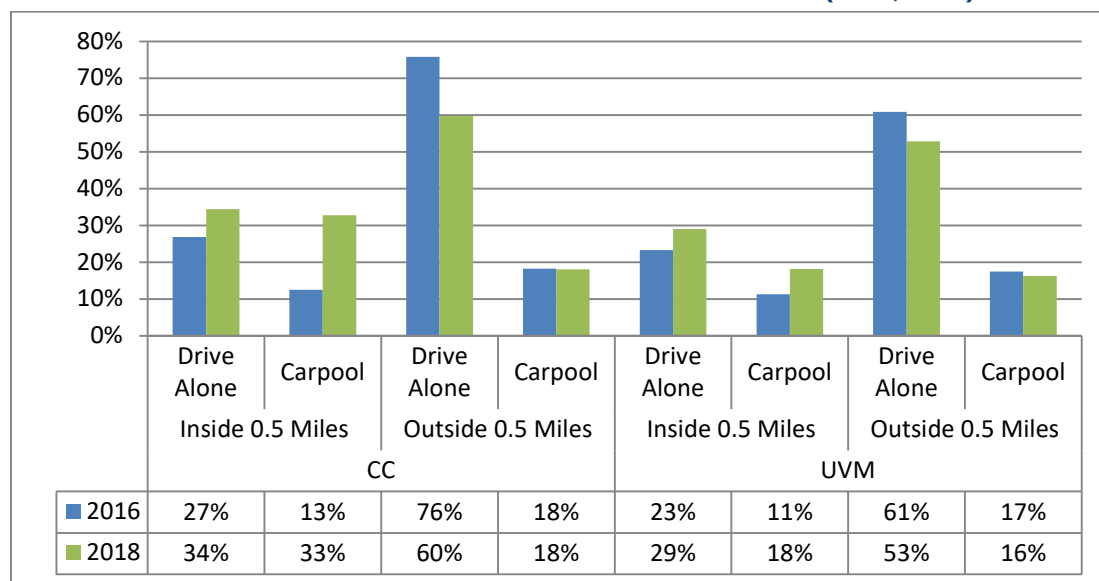
Student travel surveys collected information about the primary commute mode between 2003 and 2016. The share of commuting students using driving alone as their primary mode to campus has declined at both CC and UVM since 2003, as presented in Figure 2-6. At CC, the share of students primarily relying on driving alone who live within a half mile of campus declined 86% between 2003 and 2016, from 51% to 7%. For students living more than a half mile from campus, there was a 58% decline. At UVM, the share of students relying on driving alone who live within a half mile of campus declined 78% between 2003 and 2016, from 18% to 4%. For students living more than a half mile from campus, there was a 67% decline. Use of alternatives to driving is typically inversely related to distance, so the higher reliance on driving alone among commuter students living more than a half mile from campus is expected.

While the 2018 survey did not collect primary commute mode information, both the 2016 and 2018 surveys did collect information about travel modes used during a week (see Table 2-4). Figure 2-7 presents the share of commuter students who reported any driving alone or carpooling over the course of the week for 2016 and 2018. The 2016 percentages for driving alone presented in Figure 2-7 are higher than those reported in Figure 2-6 because they include both those who relied on driving alone as their primary mode as well as those for whom driving alone was not their primary mode. The share of students living within a half mile of campus reporting any driving alone to campus has increased at both CC and UVM, while the share driving alone has decreased at both CC and UVM for students living more than a half mile from campus, as presented in Figure 2-7. Meanwhile, carpooling over the course of the week increased for students living within a half mile of campus at both CC and UVM between 2016 and 2018, but remained relatively level for students at both schools living more than a half mile from campus.

FIGURE 2-6: SHARE OF COMMUTER STUDENTS WITH DRIVE ALONE AS PRIMARY COMMUTE MODE (2003-2016)

Source: Calculated by CATMA Staff using the 2003-2016 CATMA Student Transportation Surveys.

Note: Percentages are rounded to the nearest integer.

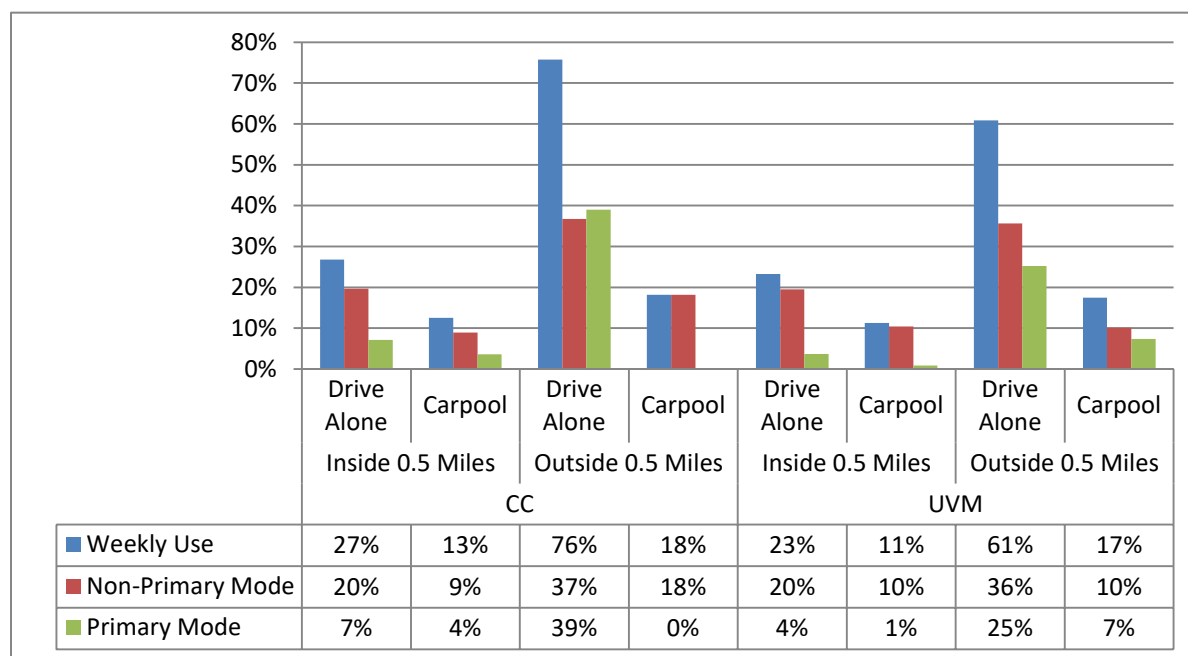
FIGURE 2-7: SHARE OF COMMUTER STUDENTS REPORTING DRIVING ALONE AND CARPOOLING TO CAMPUS OVER THE COURSE OF THE WEEK (2016, 2018)

Source: Calculated by CATMA Staff using the 2016 and 2018 CATMA Student Transportation Surveys.

Note: Percentages are rounded to the nearest integer.

As summarized in Figure 2-8, most of the commuter students living within a half mile of campus, at both CC and UVM, who drive alone over the course of a week do not rely on driving alone as their primary mode. Specifically, in 2016, 27% of CC commuter students living within a half mile of campus reported any driving alone during the week, including 7% who relied on driving alone as their primary mode. Similarly, in 2016, 23% of UVM commuter students living within a half mile of campus drove alone during the week, including 4% who relied on driving alone as their primary mode. For commuter students living more than a half mile from campus, a slightly higher share rely on driving alone as their primary mode at CC (39% versus 37%) while a lower share rely on driving alone as their primary mode at UVM (25% versus 36%). The same holds for carpooling; most of the commuter students living within a half mile of campus, at both CC and UVM, who carpool over the course of a week do not rely on carpooling as their primary mode.

FIGURE 2-8: USE OF DRIVING ALONE AND CARPOOLING AS PRIMARY MODE VERSUS NON-PRIMARY MODE FOR COMMUTER STUDENTS (2016)



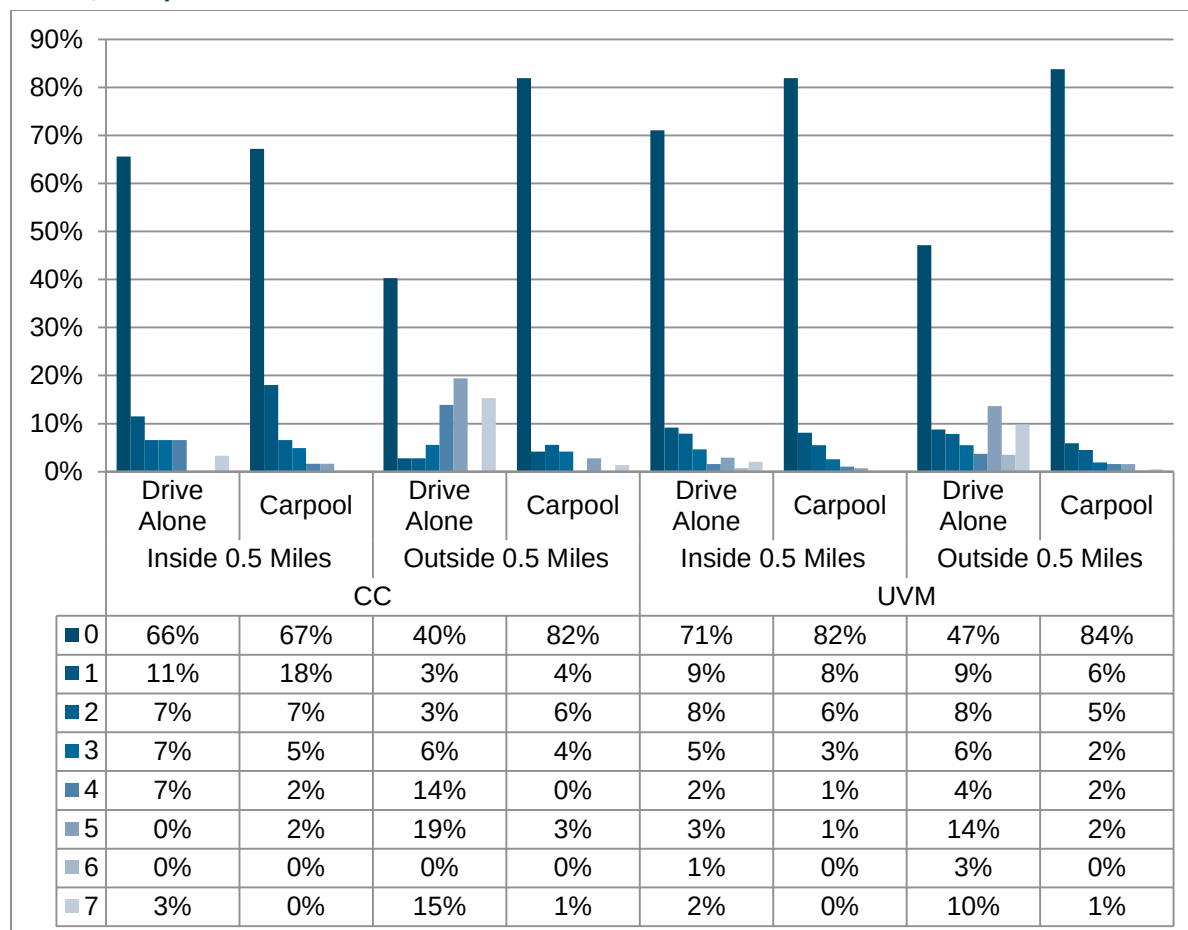
Source: Calculated by CATMA Staff using the 2016 CATMA Student Transportation Survey.

Note: Percentages are rounded to the nearest integer.

Figure 2-9 elaborates on the information for 2018 presented in Figure 2-7 by detailing the number of days per week commuter students reported driving alone and carpooling to campus. Of the 34% of CC students living within a half mile of campus reporting any driving alone over the course of a week, 11% drive alone one day per week, 21% drive two-four days per week, and 3% drive seven days per week. Meanwhile, of the 29% of UVM students living within a half mile of campus reporting any driving alone over the course of a week, 9% drive alone one day per week, 15% drive two-four days per week, 4% drive five-six days per week, and 2% drive seven days per week. With regard to carpooling, of the 33% of CC students living within a half mile of campus reporting any carpooling over the course of a week, 18% carpool one day per

week, 13% carpool two-four days per week, and 2% carpool five days per week. For the 18% of UVM students living within a half mile of campus reporting any carpooling over the course of a week, 8% carpool one day per week, 9% carpool two-four days per week, and 1% carpool five days per week.

FIGURE 2-9: SHARE OF COMMUTER STUDENTS DRIVING ALONE AND CARPOOLING (DAYS PER WEEK, 2018)



Source: Calculated by CATMA Staff using the 2018 CATMA Student Transportation Surveys.

Note: Percentages are rounded to the nearest integer.

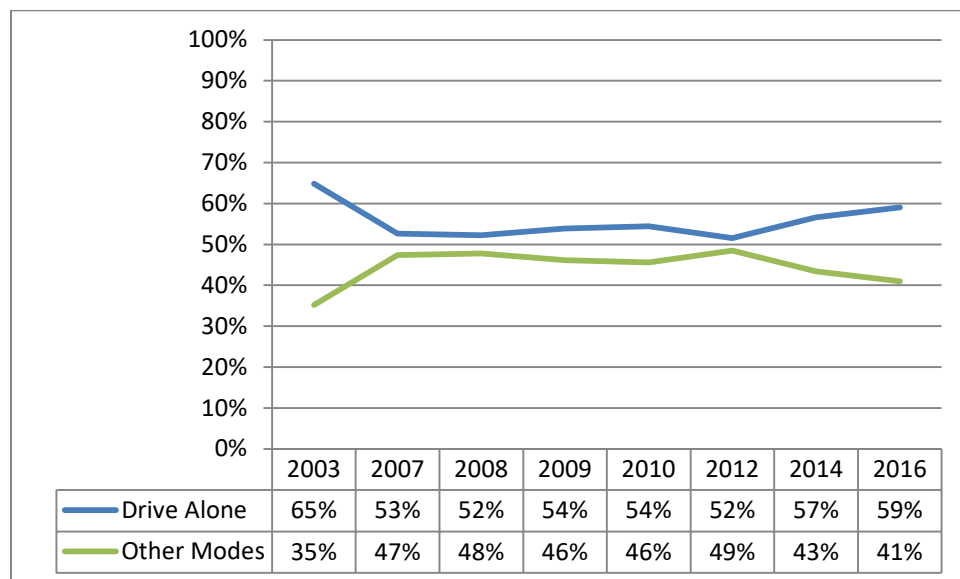
Trends in Employee Automobile Reliance

Employee travel surveys have collected consistent information about commute mode share since 2000; unlike the student surveys, information about vehicle ownership among employees has not been collected. As discussed in Figures 2-10 and 2-11, these indicators suggest automobile reliance among employees on the Hill has declined since 2000, with the exception of a recent increase in the share of UVM employees driving alone during the week.

Figure 2-10 presents trends in the primary commute mode for employees of CC, UVM, and UVM MC, across the Hill campus locations. The share of employees driving alone to the Hill campuses has consistently remained below 60% over the past decade. The lowest drive alone

rate (52%, in both 2008 and 2012) represents a 20% reduction from the 2003 level of 65%. In 2016, the most recent year a primary commute mode was collected, 59% of employees drove alone to Hill campuses, representing a 9% reduction from the 2003 drive alone rate of 65% and a 13% increase from the 2012 low of 52%.

FIGURE 2-10: PRIMARY COMMUTE MODE FOR ALL CATMA HILL INSTITUTION EMPLOYEES

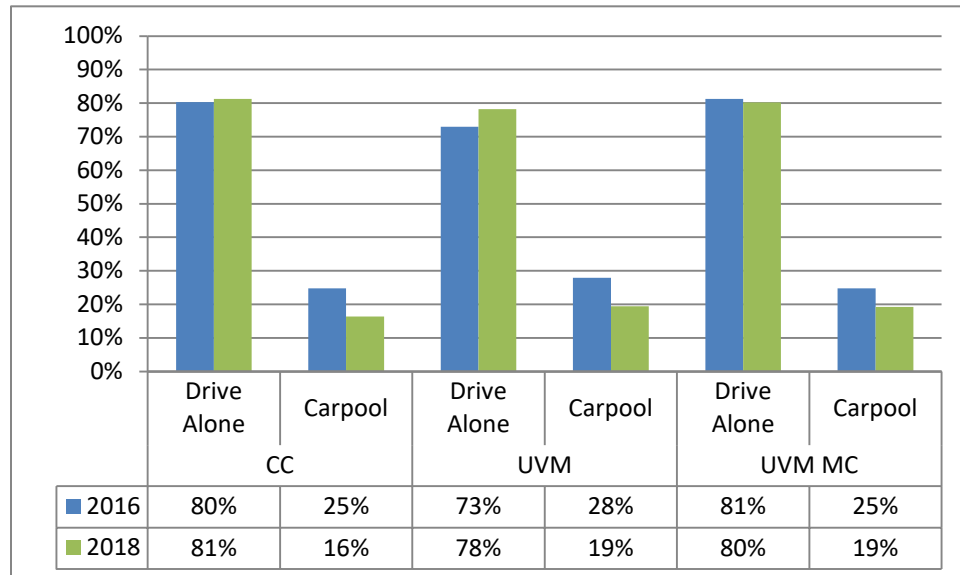


Sources: Calculated by CATMA Staff using the 2003-2016 CATMA Employee Transportation Surveys.

Note: Percentages are rounded to the nearest integer. Combined percentages for CC, UVM, UVM MC, including UVM MC main campus and One South Prospect and Champlain Mill (2003-2009).

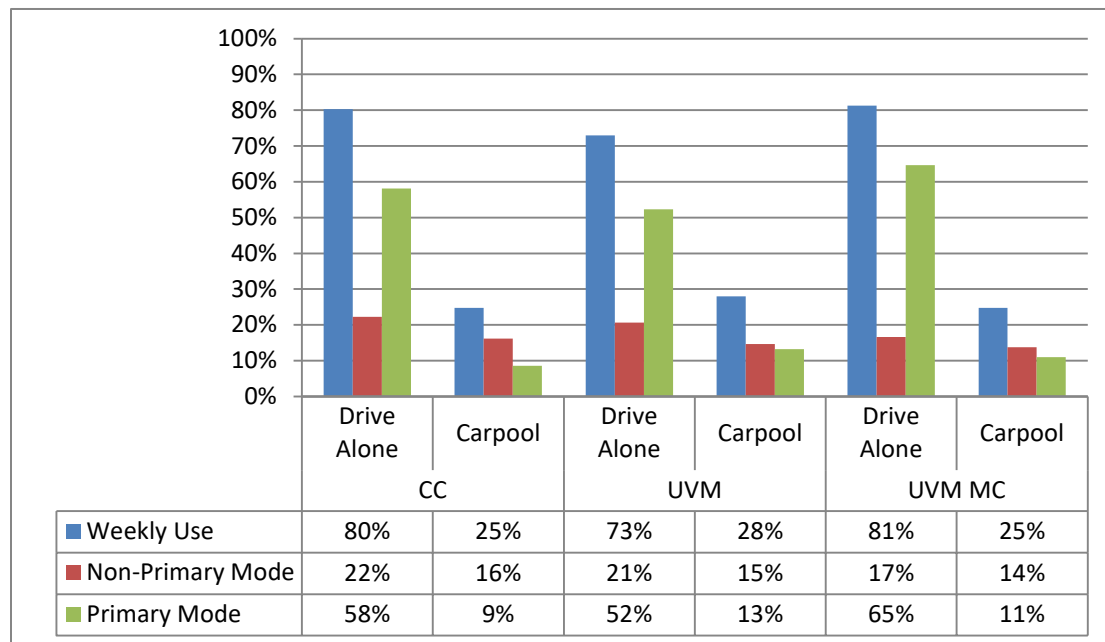
While the 2018 survey did not collect primary commute mode information, both the 2016 and 2018 surveys did collect information about travel modes used during a week (see Table 2-4). Similar to the information in Figure 2-7 for students, Figure 2-11 presents the share of employees who reported any driving alone or carpooling over the course of the week for 2016 and 2018. The share of employees driving alone over the course of the week has increased 7% at UVM between 2016 and 2018, but remained relatively level at CC and UVM MC. Meanwhile, the use of carpooling during the week has declined among employees across all three institutions.

As summarized in Figure 2-12, most employees at the Hill institutions who drive alone over the course of a week rely on driving alone as their primary mode. Meanwhile, significantly fewer employees report carpooling during the week (about a quarter across the Hill institutions), and carpooling is often a non-primary mode. The share of employees reporting driving alone and carpooling is similar at CC and UVM MC, while there is a slightly lower share reporting driving alone and higher share reporting carpooling at UVM.

FIGURE 2-11: SHARE OF EMPLOYEES REPORTING DRIVING ALONE AND CARPOOLING TO CAMPUS OVER THE COURSE OF THE WEEK (2016, 2018)

Sources: Calculated by CATMA Staff using the 2016 and 2018 CATMA Employee Transportation Surveys.

Notes: Percentages are rounded to the nearest integer. Tabulations for full-time and part-time workers have been combined; the 2018 survey did not collect full-time/part-time work status (see Table 2-4).

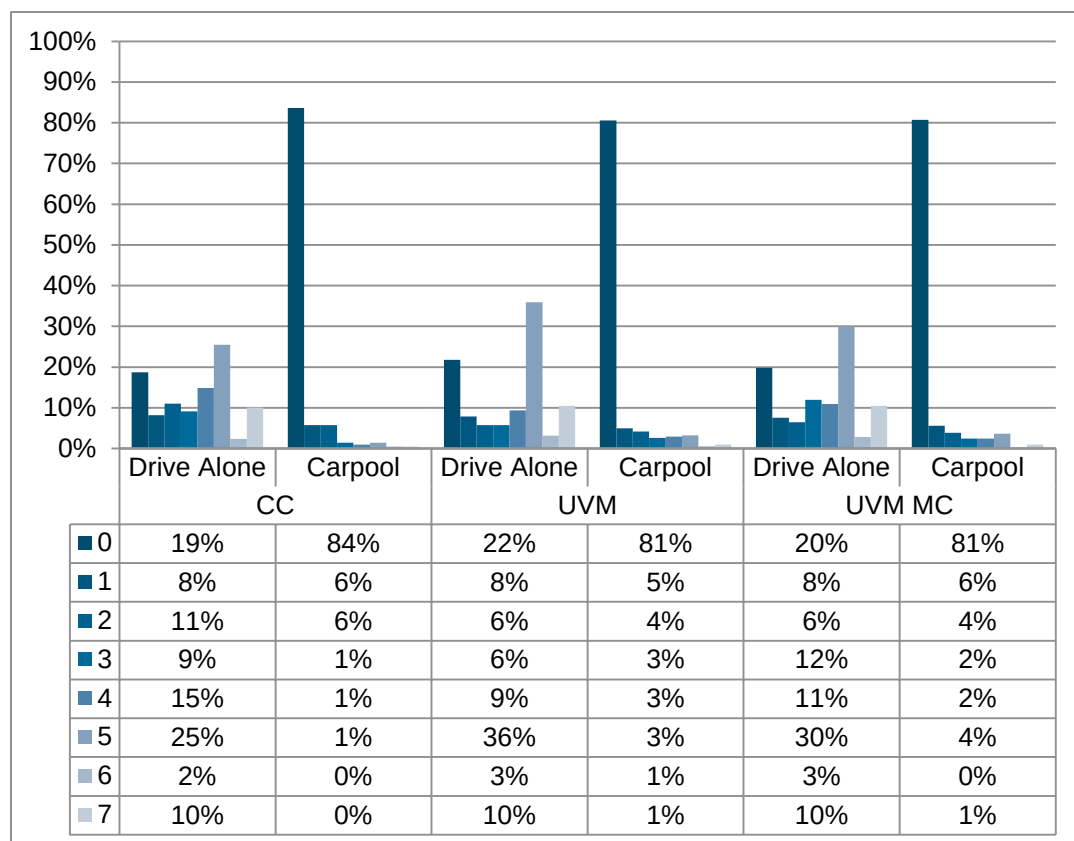
FIGURE 2-12: USE OF DRIVING ALONE AND CARPOOLING AS PRIMARY MODE VERSUS NON-PRIMARY MODE FOR EMPLOYEES (2016)

Source: Calculated by CATMA Staff using the 2016 CATMA Employee Transportation Survey.

Notes: Percentages are rounded to the nearest integer. Tabulations for full-time and part-time workers have been combined; the 2018 survey did not collect full-time/part-time work status (see Table 2-4).

Figure 2-13 elaborates on the information for 2018 presented in Figure 2-11 by detailing the number of days per week employees reported driving alone and carpooling to campus. Of the 81% of CC employees who drive alone during the week, 8% drive alone one day per week, 35% drive alone two-four days per week, 25% drive five days per week, and 12% drive six-seven days per week. Of the 78% of UVM employees who drive alone during the week, 8% drive alone one day per week, 21% drive alone two-four days per week, 36% drive alone five days per week, and 13% drive alone six-seven days per week. Of the 80% of UVM MC employees who drive alone during the week, 8% drive alone one day per week, 29% drive alone two-four days per week, 30% drive alone five days per week, and 13% drive alone six-seven days per week. Across the Hill institutions, employees who carpool during the week tend to carpool one-three days per week.

FIGURE 2-13: SHARE OF EMPLOYEES DRIVING ALONE AND CARPOOLING (DAYS PER WEEK, 2018)



Source: Calculated by CATMA Staff using the 2018 CATMA Employee Transportation Survey.

Notes: Percentages are rounded to the nearest integer. Tabulations for full-time and part-time workers have been combined; the 2018 survey did not collect full-time/part-time work status (see Table 2-4).

Parking Demand Calculations

The following chapters present three different types of data relevant to understanding the parking demand across the Hill institutions:

- 1) vehicle permit counts by location and/or user type

- 2) vehicle use (ownership and commute travel mode) reported in CATMA Student and Employee Transportation Surveys
- 3) vehicle counts at parking lots

Each of these types of data contribute to an appreciation of the demand for parking, but each also has limitations. Vehicle permit counts provide information about user groups and parking locations, but are not reliable by themselves as permits are not necessarily used daily (typically, more permits are issued than are regularly used). The CATMA surveys solicit all students and employees attending classes and working on the Hill, but are vulnerable to errors in reporting and low response rates and sample sizes. Vehicle counts at parking lots provide the most directly observed demand for parking, but do not provide detailed information about user groups.

Table 2-5 provides a summary of values across these three different data sources for CC, UVM, and UVM MC (see also Table 1-2). As expected, permit levels are consistently higher than observed occupancy across all three institutions; not all permits are used daily. While the parking demand estimates for CC and UVM based upon CATMA surveys suggest a net deficit in spaces, lot counts indicate occupancy (observed demand) typically does not exceed capacity.

TABLE 2-5: SUMMARY OF DATA SOURCES FOR CURRENT PARKING DEMAND ON THE HILL

	CC	UVM	UVM MC	Total
Permits	943	5,846	7,636	14,441
Surveys				
Demand	737	5,004	2,790	8,531
Supply	710	4,590	3,746	9,046
Net Spaces	-27	-414	956	515
Percent Full	104%	109%	74%	94%
Lot Counts				
Demand	610	4,260	2,225	7,095
Supply	707	4,590	2,505	7,802
Net Spaces	123	330	280	733
Percent Full	86%	93%	89%	91%

Sources: Permits are provided by institutional staff and based upon the number of permits issued in the fall of 2018. Survey totals are estimated using the 2016 and 2018 CATMA Student and Employee Transportation Surveys. Lot counts are based upon counts conducted by RSG (CC and UVM MC) in the fall of 2018 and by UVM staff in the winter of 2019.

Notes: Percentages are rounded to the nearest integer. Permit totals are based on the combined number of permits issued to all users eligible for campus parking permits. Net spaces are based on supply minus demand. Percent full is based on the quotient of demand over supply. Survey demand is estimated based on the number of users, peak share of users on campus, and a demand generator (auto ownership for residential students, and primary mode share for commuter students and employees). Peak period for surveys is weekdays 11:30am-1:30pm for residential students, and 12pm-1pm for commuter students and employees; peak period for lot counts is approximately 11am-1pm. Lot count totals are based on observed occupancy (demand) equaling the difference between capacity (supply) and empty spaces. For CC, the empty space count includes ADA, and special use spaces such as visitor, reserved, and service vehicle spaces. For UVM, the empty space count excludes ADA and special use spaces.

In this JIPMP, an effort is made to cross-reference the parking demand values to the greatest extent possible, and to point out, where possible, differences in the demand estimates generated by these varying sources. In addition, we acknowledge where projections for 2019 from the previous 2014-2019 JIPMP 5-Year Update vary from current estimates.

The tables for estimated parking demand have been updated to clearly distinguish first-year residential students from all other residential students, as they have unique parking restrictions imposed by both CC and UVM; prior JIPMPs estimated parking demand for residential students without distinguishing between first-year residential students and non-first-year residential students.⁷ In the following chapters, the estimated demand using survey data is based upon the following formula:

$$\text{Number of Users} \times \text{Share of Users on Campus at Peak Period} \times \text{Demand Generator} = \text{Estimated Parking Demand}$$

The number of users in each category is provided by institutional staff.

The share of users on campus at peak is based upon:

- 1) residential students: share of students on campus in the 11:30am-1:30pm time frame (2016 CATMA Student Transportation Survey)
- 2) commuter students: share of students on campus in the 12pm-1pm time frame (2016 CATMA Student Transportation Survey)
- 3) employees: share of students on campus in the 12pm-1pm time frame (2016 CATMA Employee Transportation Survey)

The demand generator is based upon:

- 1) residential first-year students: the share of students with parking permit waivers (source: institutional staff)
- 2) residential non-first-year students: the share of students with a personal vehicle (2018 CATMA Student Transportation Survey)
- 3) commuter students: the combined share of students using driving alone or carpooling (drive alone share + 0.5*carpool share) as primary commute modes to campus (2016 CATMA Student Transportation Survey)
- 4) employees: the combined share of employees using driving alone or carpooling (drive alone share + 0.5*carpool share) as primary commute modes to campus (2016 CATMA Employee Transportation Survey)

On-street Parking

It is acknowledged that some on-street parking occurs. The CATMA Student Transportation Surveys collect information about where students who bring a vehicle to campus park. This information is collected from residential students with a personal vehicle as well as commuter

⁷ The 2014-2019 JIPMP Table 24 reported 11,781 total UVM students for 2013 and 12,043 total UVM students for 2019, but included a total of 9,288 students in the parking demand calculations presented in Table 25 and 9,527 in the parking demand calculations in Table 26. The difference appears to be due to the exclusion of all first-year students. To improve clarity, this current JIPMP delineates first-year residential students and assigns them separate vehicle ownership levels from other residential students; a small number of first-year residential students are allowed parking waivers at both CC and UVM.

students who drive alone or carpool. The CATMA Employee Transportation Surveys collect information about where employees who bring a vehicle to campus (drive alone or carpool) park. An estimate of on-street parking during the peak period is calculated by multiplying the estimated parking demand for each user group times the share of users within each group reporting the use of on-street parking, as summarized in the following formula:

$$\begin{aligned} &\text{Number of Users X Share of Users on Campus at Peak Period X Demand Generator} \\ &\quad \text{X Share of Users Parking On-Street} \\ &= \text{Estimated On-Street Parking Demand} \end{aligned}$$

Table 2-6 presents the share of CC and UVM student parking occurring on-street. While no CC residential first-year students used on-street parking in 2016, the combined share was 13.9% in 2018. Meanwhile, the combined share of UVM residential first-year students using on-street parking has decreased from 11.6% to 4.8%. Parking within two blocks of campus increased at CC among residential first-years, commuters living within a half mile of campus, and commuters living more than a half mile from campus (but decreased among non-first-year residential students).

TABLE 2-6: SHARE OF CC AND UVM STUDENTS USING ON-STREET PARKING (2016, 2018)

CC								
	Residential (1st Year)		Residential (All Others)		Commuters Inside 0.5 Miles		Commuters Outside 0.5 Miles	
	W/in 2 Blocks	Over 2 Blocks	W/in 2 Blocks	Over 2 Blocks	W/in 2 Blocks	Over 2 Blocks	W/in 2 Blocks	Over 2 Blocks
2016	0.0%	0.0%	3.5%	0.0%	25.0%	0.0%	7.4%	3.7%
2018	5.6%	8.3%	1.9%	1.9%	52.9%	8.8%	22.9%	6.3%
UVM								
	Residential (1st Year)		Residential (All Others)		Commuters Inside 0.5 Miles		Commuters Outside 0.5 Miles	
	W/in 2 Blocks	Over 2 Blocks	W/in 2 Blocks	Over 2 Blocks	W/in 2 Blocks	Over 2 Blocks	W/in 2 Blocks	Over 2 Blocks
2016	7.7%	3.9%	1.9%	0.5%	8.0%	3.7%	5.1%	7.1%
2018	1.5%	3.3%	0.4%	1.8%	10.8%	4.5%	4.5%	9.0%

Sources: Calculated by CATMA Staff using the 2016 and 2018 CATMA Student Transportation Surveys.

Notes: Percentages are rounded to the nearest tenth of a percent.

Based upon data collected in the 2016 and 2018 CATMA Student and Employee Transportation Surveys, it is estimated that – during the peak period – 374 on-street parking spaces are used by CC, UVM, and UVM students and employees during the peak period, as presented in Table 2-7 (see also Table 1-3). This amounts to 4.4% of the total estimated peak parking demand of 8,531 spaces across students and employees (see Table 1-2).

Broken down across institutions and user groups, an estimated 16% of CC student peak parking demand goes to on-street spaces (64 out of a total of 404 estimated spaces), while an estimated 8% of UVM student peak parking demand goes to on-street spaces (198 out of a total of 2,472 estimated spaces). Meanwhile, an estimated 4% of CC employee peak parking demand goes to on-street spaces (12 out of a total 312 estimated spaces), while an estimated

4% of UVM employee peak parking demand goes to on-street spaces (85 out of a total of 2,113 total estimated spaces) and an estimated 0.6% of UVM MC employee peak parking demand goes to on-street spaces (16 out of an estimated 2,790 total estimated spaces).

TABLE 2-7: ESTIMATED ON-STREET PARKING SPACES FOR STUDENTS AND EMPLOYEES AMONG CC, UVM, AND UVM MC DURING THE PEAK PERIOD

CC Students	Within 2 Blocks	More Than 2 Blocks	# Street Spaces
Residential students	6	7	13
Commuter students	41	10	51
Subtotal	47	17	64
UVM Students	Within 2 Blocks	More Than 2 Blocks	# Street Spaces
Residential students	6	23	28
Commuter students	63	107	170
Subtotal	69	129	198
Employees			
CC			12
UVM			85
UVM MC			16
Subtotal			112
Grand Total			374

Sources: Calculated by CATMA Staff using the 2016 and 2018 CATMA Student and Employee Transportation Surveys.

Notes: Number of on-street spaces is based upon the share of estimated parking for each user group as well as survey information collected about the location of parking for each user group. Estimated parking demand is based upon the primary mode share (drive alone + half the carpool share). Parking location information is collected for users who drive alone or carpool to campus. Peak period is 11:30am-1:30pm for residential students and 12pm-1pm for commuter students and employees.

2.5 COMPREHENSIVE DEVELOPMENT ORDINANCE ARTICLE 8 SUMMARY

Article 8 of Burlington's Comprehensive Development Ordinance (CDO) establishes the requirements for off-site parking throughout the city. It also includes parking for bicycles and requirements for institutional parking management plans. Table 2-8 summarizes Sections 8.1.1-8.1.15 of the CDO for each institution, which relates to General Requirements.

TABLE 2-8: SUMMARY OF CDO ARTICLE 8 (CC, UVM, AND UVM MC)

Section of Article 8	CC	UVM	UVM MC
Sec. 8.1.1: Purpose	Acknowledged	Acknowledged	Acknowledged
Sec. 8.1.2: Applicability	Acknowledged	Acknowledged	Acknowledged
Sec. 8.1.3: Parking Districts	Shared Use Parking District / Downtown Parking District	Shared Use Parking District	Shared Use Parking District

Section of Article 8	CC	UVM	UVM MC
Sec. 8.1.4: Existing Structures	838,191 SF 1,453 Res. Beds	5,580,372 SF 5,906 Res. Beds	1,698,739 SF 580 In-Patient Beds
Sec. 8.1.5: Existing Structures—Change or Expansion of Use	+38,500 SF +181 Res. Beds	+390,783 SF +500 Res. Beds	+33,863 SF
Sec. 8.1.6: Existing Structures—Exemption in Downtown District	194 St Paul St	N/A	N/A
Sec. 8.1.7: Non-Conforming Residential Structure	N/A	N/A	N/A
Sec. 8.1.8: Minimum Off-Street Parking Requirements	Waiver requested 2019: CDO Rq'd Parking: 1,428 – 1,676 <i>Actual Parking:</i> 500 On-Site 175 Off-Site 2024: CDO Rq'd Parking: 1,596 – 1,844 <i>Estimated Parking:</i> 500 On-Site 175 Off-Site	Waiver requested 2019: CDO Rq'd Parking: 11,161 – 11,342 <i>Actual Parking:</i> 5,410 On-Site 2024: CDO Rq'd Parking: 11,528 – 11,709 <i>Estimated Parking:</i> 4,610 On-Site	Waiver Requested 2019: CDO Rq'd Parking: 3,361 <i>Actual Parking:</i> 2,556 On-Site 1,190 Off-Site 2024: CDO Rq'd Parking: 3,070 <i>Estimated Parking:</i> 2,164 On-Site 1,090 Off-Site
Sec. 8.1.9: Maximum Parking Spaces	2019: 1,785 – 2,095 2024: 1,995 – 2,305	2019: 13,951 – 14,178 2024: 14,410 – 14,636	2019: 4,301 2024: 3,837
Sec. 8.1.10: Off-Street Loading Requirements	Acknowledged	Acknowledged	Acknowledged
Sec. 8.1.11: Parking Dimensional Requirements	Acknowledged	Acknowledged	Acknowledged
Sec. 8.1.12: Limitations, Location, Use of Facilities	Waiver requested	Waiver requested	Waiver requested
Sec. 8.1.13: Parking for Disabled Persons	Acknowledged	Acknowledged	Acknowledged
Sec. 8.1.14: Stacked or Tandem Parking Restrictions	Acknowledged	Acknowledged	Acknowledged
Sec. 8.1.15: Waivers from Parking Requirements/Parking Management Plans	Parking Management Plan presented in Chapter 3	Parking Management Plan presented in Chapter 4	Parking Management Plan presented in Chapter 5

3.0 CHAMPLAIN COLLEGE

3.1 OVERVIEW OF INSTITUTIONAL PARKING MANAGEMENT PLAN

Champlain College has a long and successful history of balancing the growth of the institution and the associated mobility needs that the institution requires to sustain that success. A 1994 Memorandum of Understanding between the City of Burlington and Champlain College ensured that the campus can develop within its boundaries on the condition that it is sensitive to the neighborhood context. In 2003, the campus first introduced the parking management program used today (consisting of zones and permits) to reduce traffic and parking in the neighborhood. Champlain College intends to maintain its parking management program and continues to strategize on moving parking from the campus core to off-site facilities. In recent years, important parking management policy updates have been implemented, including a \$100 fee per semester for all residential parking permits in 2016 (currently \$150 for the satellite lot and \$225 for the special on main campus Zone 5) and a restriction on first-year parking permits in 2018 (with limited exceptions).

Comprehensive Planning

The 2013 Transportation Plan⁸ provides an update to the original 2003 parking program and supports Champlain's 2007 Master Plan. The Transportation Plan was developed through a Campus Transportation Committee of faculty and staff representatives and summarizes current practices and recommends actions for managing parking and transportation on campus. The time horizon for this plan is the full implementation of Campus Master Plan, which is 2020.

Transportation Demand Management Programs (Sec. 8.3.3 (D))

This section covers:

1. **Policies** which restrict or prohibit the bringing of vehicles to the institution for various users or groups of users.
2. **Programs** to encourage the use of public transit, walking, bicycling, and the use of other alternative transportation modes.
3. **Implementation** of a parking permit system to allocate parking throughout the system.

⁸ Champlain transportation plans and reports available here: champlain.edu/current-students/campus-services/transportation-and-parking/about-transportation-office/plans-and-reports

TABLE 3-1: SUMMARY OF CC TDM PROGRAMS

STRATEGIES	AVAILABILITY
Parking management	Yes
TMA Membership	Yes, CATMA
Telecommuting	Some, available in certain departments
Carshare	Yes, CarShare Vermont
Bikeshare	Yes, Greenride Bikeshare
Off-site parking/shuttles	Yes
Public transit subsidies for employees	Yes
Shifting commuter students to residential students	Yes

Note: See also Table 2-2.

Champlain College buildings front on several Burlington city streets with on-street parking. These include Main Street, Summit Street, South Willard Street, St. Paul Street, and Maple Street. The 146 on-street spaces proximate to the core campus are not included within the College's parking inventory; however, the College's parking management program recognizes on-street spaces within the zonal parking permit system the College administers.

Although parking demand estimates show an overall deficit for CC, both currently and into the future, regular parking counts conducted by the College's Transportation and Parking staff indicate a high level of use, but some capacity remains. The Fall 2018 count (Table 3-14) shows an occupancy rate of 86%, slightly above 85th percentile parking management standard.

Champlain's long-term strategy is to minimize non-essential vehicles (vehicles that are not emergency, delivery, provide transportation equity, or related to the Physical Plant) within the core campus to create a pedestrian-forward environment. To accomplish this, Champlain is actively implementing its 2013 Transportation Plan, which puts in to place a new parking system that focuses short-term (4 hours or less) parking in the core while shifting longer-term parking to off-site facilities that are connected to the core via a high-frequency shuttle system.

Policies

Since 2006, Champlain has subscribed to CATMA's Unlimited Access Program to allow Champlain affiliates free access to GMT transit services with their Champlain identification.

CATMA's Guaranteed Ride Home Program is automatically provided to all residential students who obtain a Zone 2 parking permit. Employees and commuter students who obtain the Zone 1 parking permit are eligible to enroll for the program. This program provides free Green Cab taxi rides between satellite lots on Lakeside Avenue and 194 Saint Paul Street or the Main Campus anytime the shuttles are not in service.

Champlain partners with IPARQ, a national parking management company, to facilitate its permit sales and parking fine collections. In metered lots, payments can be made with the on-site kiosks or through the ParkMobile mobile application. The ParkMobile app is used throughout Burlington which allows for automatic payment and has the capability to add additional parking time remotely.

Champlain's Physical Plant Services and associated equipment (vehicles, tools, etc.) are located off of the Main Campus on 40 Sears Lane. Physical Plant employees park their cars at 40 Sears Lane and use the campus' service vehicle fleet throughout the day.

In 2015, the Active Transportation Plan was created as an addendum to the 2013 Transportation Plan. This initiative reinforces the College's commitments to fostering active transportation culture and reducing motorized vehicle use for students, employees, and local visitors.

Most recently, as highlighted above, a fee per semester for all residential parking permits was implemented in 2016 and a restriction on first-year parking permits was implemented in 2018. Both of these policies were specifically intended to manage the College's parking demand.

Bicycle Infrastructure & Parking

Champlain College supports bicycle travel in several ways, including:

- Eligibility to participate in the CATMA Bike/Walk Rewards Program.
- Promotion of Bicycle Benefits program.
- Bike share program through the Greenride system.
- Access to covered bike storage in the CCM building.
- Access to shower facilities on campus to its bicycling constituents.
- Access to bicycle parking in the form of racks⁹.
- Access to bicycle racks on both campus shuttles that run between central campus and Lakeside.
- Access to bicycle pumps and tool stands around campus.
- Participation in on-site bicycle educational workshops coordinated by CATMA in partnership with Local Motion.
- Coordination with Local Motion to assess and improve campus bicycle racks.
- Advocacy with the Burlington Walk/Bike Council to raise bicycling awareness on campus and in the community.

Bicycle and Pedestrian Accessibility

- Improve Americans with Disabilities Act (ADA) accessibility to and on campus.
- Provide connections to all transit stops.
- Work with the City to provide for pedestrian and bicycle access, circulation, and amenities in site planning for specific facilities.

⁹ See map of racks on campus at <http://bit.ly/CCBikeRacks>

Programs

To encourage the use of alternative transportation modes, the College will continue:

- Regulating parking through its parking program.
- Membership in CATMA for access to a comprehensive suite of TDM programs, services, and workshops.
- Influencing commuter mode choice through the Sustain Champlain initiative. Sustain Champlain educates the campus constituency about their environmental impacts which may influence their choices when it comes to driving to campus.
- Working with Local Motion and Burlington Walk/Bike Council to advocate for and encourage non-vehicular modes.
- Promoting the health benefits of bicycling and walking through the award-winning Wellbeing Program for employees.
- As Champlain's facilities have changed over the past five years, so have the shuttle routes and schedules. As of January 2019, the shuttle bus system runs between the CCM Center on Main Campus, 194 Saint Paul Street Apartments, the Miller Center at 175 Lakeside Avenue and 115 Lakeside Avenue (the residential student parking lot).
- The shuttle system is operated in conjunction with Mountain Transit. As a general rule, shuttles run:¹⁰
 - o Weekdays: Monday–Friday, 6:30 AM–11 PM.
 - o Weekends: Saturday–Sunday 10 AM–9 PM.

Implementation

The Champlain College parking program was implemented in 2003 and substantially updated in 2013. The program manages on-site core campus parking, on-street parking, and off-site satellite parking serviced by shuttles to and from the core campus. A total of five parking zones, with four on-site and one off-site as shown in Figure 3-1.

Key elements of Champlain College's parking policy¹¹ are as follows:

- All vehicles (student, faculty, staff, and vendor) must be registered with the Transportation Office and have properly displayed permits. Vehicles must be parked in the zone for which they have been permitted. Beginning in 2018, first-time, first-year residential students (less than two full-time, post High School, college semesters) have not been permitted to bring a vehicle to campus (with rare exceptions made for waivers).

¹⁰ Detailed schedules can be found at champlain.edu/shuttle.

¹¹ Details on Champlain's parking regulations can be found at champlain.edu/current-students/campus-services/transportation-and-parking/parking/general-regulations.

- No employee or student can receive more than one permit per semester. Two cars may be associated with each permit, but only one registered car may be parked in College zones or designated parking areas at any one time and must display the parking permit decal. The parking permit decals are removable and should be swapped between cars depending on which one will be brought to campus that day.
- Parking space is not guaranteed.
- Residential students must park in the Zone 2 (Lakeside) lot. Permits in Zone 2 cost \$150 per semester, and all residential student vehicles must be registered. Residential students are not allowed to park in the metered lots or along any city streets between 8 AM and 4 PM, Monday through Friday. The Champlain shuttle provides free service between the Lakeside Lot and the Champlain campus, including 194 Saint Paul. When the shuttle is not running, students can use the CATMA Guaranteed Ride Home Program for a free cab ride between the Lakeside Lot and campus.
- Champlain College students and employees are prohibited from parking on any Burlington-street that is not specifically zoned for Champlain College affiliates. Students and employees are not considered “public” with regards to parking.
- Visitors to the Admissions Office may park in the Admissions Visitor Parking Lot located at Perry Hall.
- Three short-term lots. Miller Information Commons and Summit Hall have a limit of four hours per day. Skiff Hall has a limit of two hours per day.
- Perry Hall/West Hall, Boardman Hall and Finney Quad are restricted and enforced 24 hours per day, seven days per week. Boardman Hall lot is for those who obtain a Zone 5 permit only. Perry Hall/West Hall lot is for visitors to the Admissions Office only.
- The cost of parking permits by user group are shown in Table 3-2. ALL Zone 1, 3 and 4 permit holders may park in the 175 Lakeside Lot at any time without having to obtain special permission. Evening commuter students, displaying a valid Zone 1 permit, may park in any available zoned lot (except West Hall/Perry Hall, Boardman Hall, Cushing, IDX or Finney Quad) or on-street zoned area after 4 p.m. for free, but the valid Champlain permit must still be displayed at all times.

TABLE 3-2: CC PERMIT FEES (2018 ACADEMIC YEAR)

USER GROUPS		COSTS
Zone 1	Commuter Students and Employees	Free
Zone 2	Residential Students	\$150 per semester
Zone 3	Commuter Students and Employees Only	\$170 per semester for full-time \$75 per semester for part-time
Zone 4	Commuter Students and Employees Only	\$200 per semester for full-time \$90 per semester for part-time
Zone 5	Education majors and other students with specific work requirements	\$225 per semester

FIGURE 3-1: CC PARKING ZONES

CHAMPLAIN COLLEGE

ACADEMIC BUILDINGS/FACILITIES

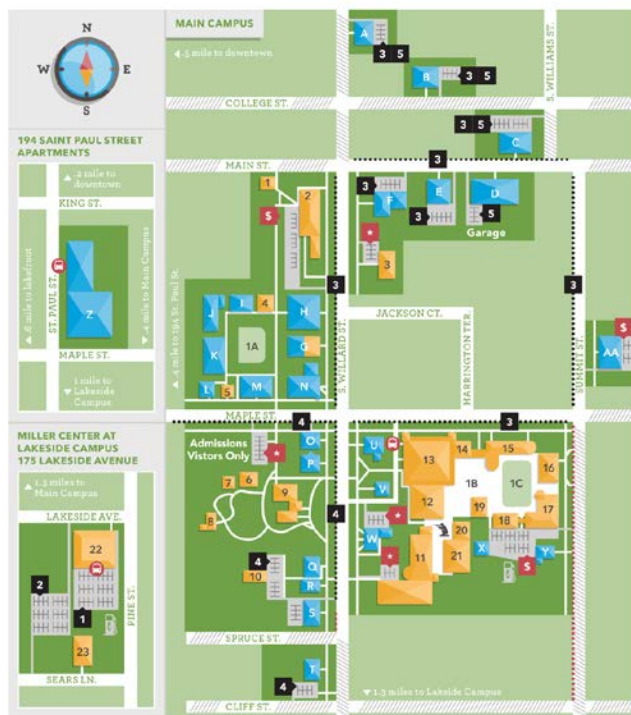
- 1 The Gallery
- 2 Skiff Hall & Skiff Annex
- 3 Durick Hall
- 4 Garden House
- 5 Coolidge House
- 6 West Hall
- 7 Carotaker's Cottage
- 8 Metz Studio Barn
- 9 Welcome & Admission Center at Roger H. Perry Hall
- 10 Rowell Annex
- 11 IDX Student Life Center
- 12 Alumni Auditorium
- 13 Center for Communication & Creative Media
- 14 Hauke Family Campus Center
- 15 S.D. Ireland Family Center for Global Business & Technology
- 16 Aiken Hall
- 17 Miller Information Commons
- 18 Foster Hall
- 19 Wick Hall
- 20 Frogman Hall
- 21 Joyce Learning Center
- 22 The Miller Center at Lakeside Campus
- 23 Physical Plant/Generator

RESIDENTIAL BUILDINGS

- A North House
- B Sanders Hall
- C 396 Main Street
- D Boardman Hall
- E 371 Main Street
- F 158 South Willard Street
- G Whiting Hall/Student Health Center
- H Juniper Hall
- I Adirondack Hall
- J Lakeview Hall
- K Butler Hall
- L 308 Maple Street
- M Valcour Hall
- N McDonald Hall
- O Hill Hall
- P Lyman Hall
- Q Rowell Hall
- R Bankus Hall
- S Jensen Hall
- T South House
- U Badger Hall
- V Cushing Hall
- W Pearl Hall
- X Carriage House
- Y Schillhammer Hall
- Z 194 Saint Paul Street
- AA Summit Hall

COMMON SPACES

- 1A Finney Quad
- 1B Rozendal Courtyard
- 1C Aiken Quad



Parking Legend

- Samuel de Champlain Statue
- Academic Buildings
- Residential Buildings
- Parking Lots (Accessible)
- Campus Shuttles
- Metered Parking
- Restricted Parking
- Zoned Street Parking
- City Residential Permit Only
- No Champlain Parking

Map is not drawn to scale.

PARKING PERMIT ZONES

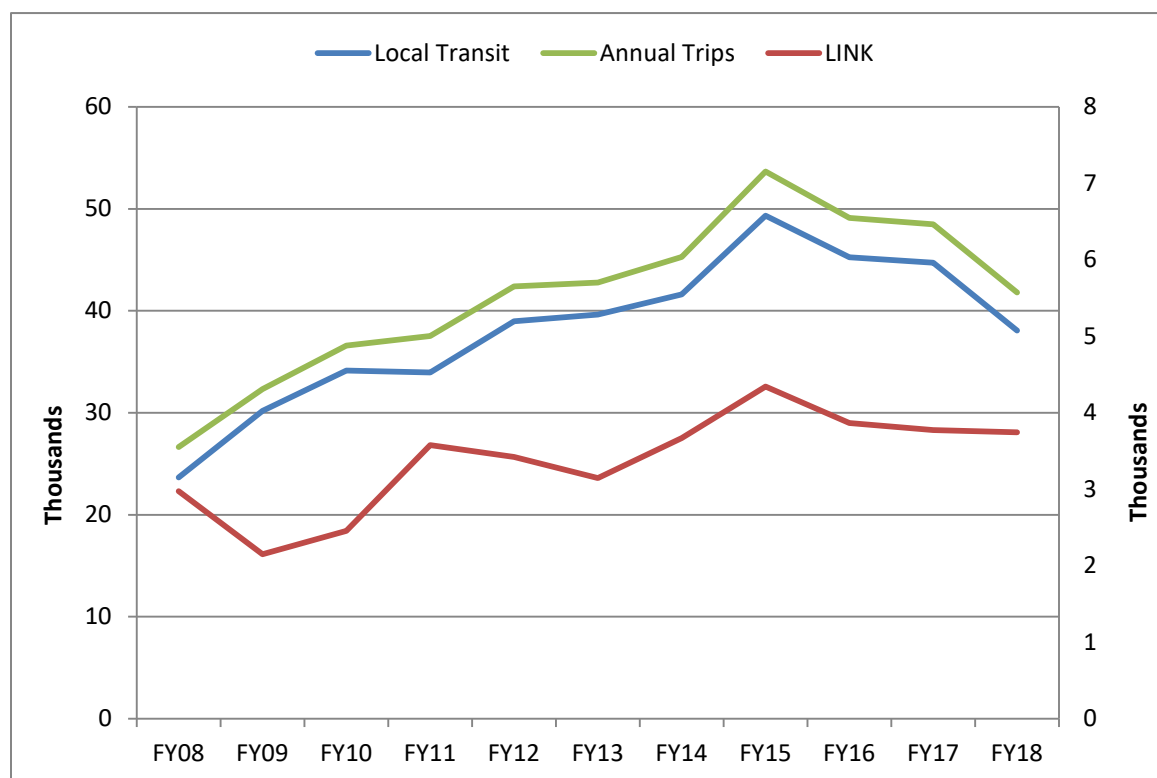
- 1 Commuters (Employees & Students) at 175 Lakeside Avenue
- 2 Residential Students at 115 Lakeside Avenue
- 3 Commuters (Employees & Students)*
- 4 Commuters (Employees & Students)*
- 5 Special Residential Permit Parking 24/7

*On-street parking is open to the general public. Between 8:00 AM-4:00 PM, Monday-Friday, on-street parking is also open to students, staff and faculty who display a valid Zone 3 or 4 permit. Space is not guaranteed.

Student and Employee Travel Trends

Over the past years, Champlain's parking management plan has proven to be effective in mitigating parking demand and encouraging the use of transportation alternatives. As of Fall 2018, the CDO suggests that parking supply for the College should be 1,428. With a policy that requires all Champlain students, employees, and staff obtain a visible parking permit the College has been successfully managing parking demand with a supply of 707 counted spaces, with an observed 86% occupancy rate (see Table 3-14). In 2006, Champlain joined the CATMA Unlimited Access Program, which provides unlimited access on existing GMT public transit services to the College's employees, faculty, students, and staff. The long-term trend of annual trips on local transit and LINK buses are shown in Figure 3-2. Table 3-3 shows the annual ridership trends since FY2008 and the annual costs to provide the Unlimited Access Program.

FIGURE 3-2: CC UNLIMITED ACCESS PROGRAM ANNUAL RIDERSHIP (FY08-FY18)



Source: Calculated by CATMA Staff using GMT Monthly Ridership Reports.

Notes: CATMA Express Shuttle ceased operations in 2009; results only include GMT local and LINK routes, not shuttles.

TABLE 3-3: CC UNLIMITED ACCESS ANNUAL RIDERSHIP (FY08-FY18)

YEAR	LOCAL TRANSIT	LINK	ANNUAL TRIPS	ANNUAL CHANGE	CHAMPLAIN COST FOR SERVICE	AVG. COST PER RIDE
FY08	23,658	2,974	26,632		\$29,508.24	\$1.108
FY09	30,181	2,151	32,332	21.4%	\$33,147.54	\$1.025
FY10	34,134	2,457	36,591	13.2%	\$37,753.56	\$1.032

YEAR	LOCAL TRANSIT	LINK	ANNUAL TRIPS	ANNUAL CHANGE	CHAMPLAIN COST FOR SERVICE	AVG. COST PER RIDE
FY11	33,956	3,579	37,535	2.6%	\$40,474.80	\$1.078
FY12	38,967	3,425	42,392	12.9%	\$44,296.56	\$1.045
FY13	39,643	3,146	42,789	0.9%	\$44,385.30	\$1.037
FY14	41,628	3,669	45,297	5.9%	\$46,959.94	\$1.037
FY15	49,326	4,345	53,671	18.3%	\$55,518.90	\$1.036
FY16	45,251	3,866	49,117	-8.4%	\$51,159.42	\$1.042
FY17	44,720	3,773	48,493	-1.1%	\$50,277.70	\$1.035
FY18	38,069	3,746	41,815	-13.9%	\$43,965.54	\$1.051

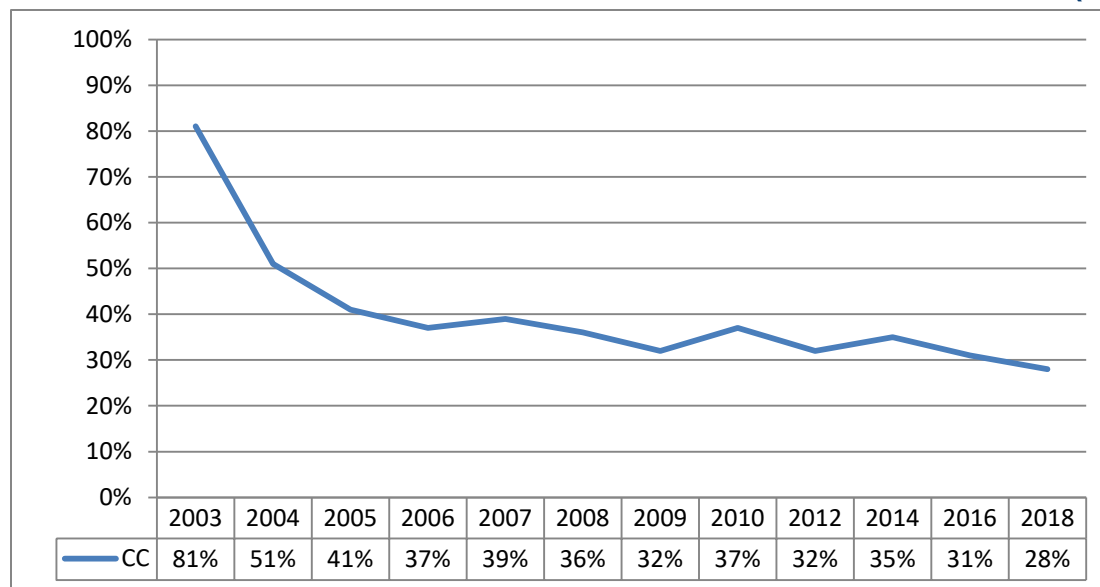
Source: Calculated by CATMA Staff using GMT Monthly Ridership Reports.

Notes: CATMA Express Shuttle ceased operations in 2009; results only include GMT local and LINK routes, not shuttles.

CATMA conducts a biennial survey on the travel behavior of CC students, including their vehicle ownership and primary mode for commuting to and from campus. The surveys target the three student populations: on-campus residents, commuters within a half mile of campus, and commuters more than a half mile to campus. The students self-select their category in the travel survey.

The above-mentioned actions taken by CC and CATMA have provided effective TDM to reduce the parking demand in the core campus and adjacent streets. CATMA survey results, shown below in Figure 3-3 (see also Figure 2-5), indicate that the percentage of residential Champlain students who bring a car to Burlington for the semester has continued to decline; approximately 28% of residential students brought a car in 2018, a 65% decrease from the 2003 level of 81%.

FIGURE 3-3: SHARE OF CC RESIDENTIAL STUDENTS WITH PERSONAL VEHICLES (2003–2018)



Source: Calculated by CATMA Staff using 2003-2018 CATMA Student Transportation Surveys.

Note: Percentages are rounded to the nearest integer.

The share of commuting students using driving alone as their primary mode to campus has declined at CC since 2003, as presented in Figure 3-4 (see also Figure 2-6). At CC, the share of students primarily relying on driving alone who live within a half mile of campus declined 86%

between 2003 and 2016, from 51% to 7%. For students living more than a half mile from campus, there was a 58% decline.

FIGURE 3-4: SHARE OF CC COMMUTER STUDENTS WITH DRIVE ALONE AS PRIMARY COMMUTE MODE (2003-2016)



Source: Calculated by CATMA Staff using 2003-2016 CATMA Student Transportation Surveys.

Note: Percentages are rounded to the nearest integer.

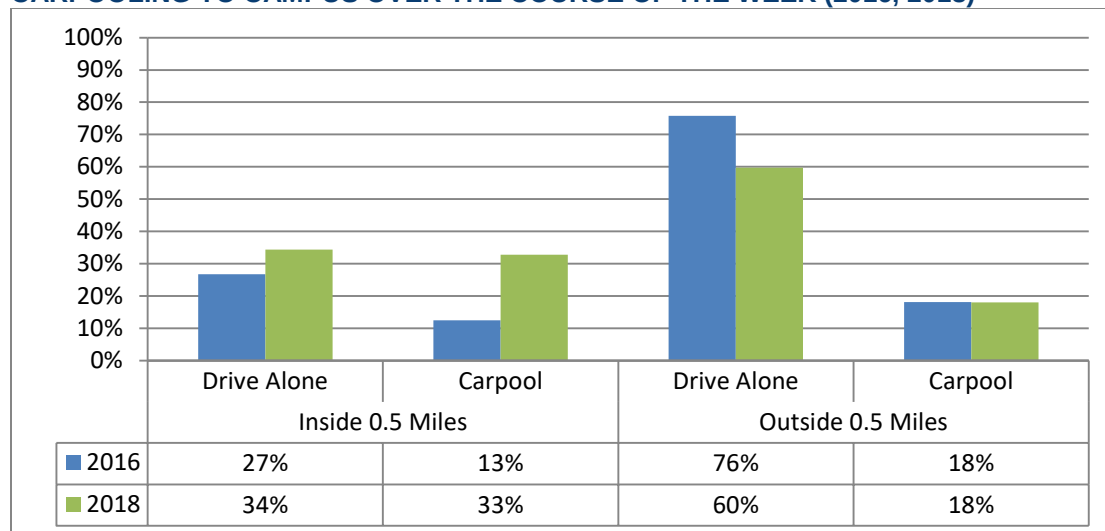
Most of the commuter students living within a half mile of campus who drive alone over the course of a week do not rely on driving alone as their primary mode. Specifically, in 2016, 27% of CC commuter students living within a half mile of campus reported any driving alone during the week, including 7% who relied on driving alone as their primary mode. For commuter students living more than a half mile from campus, a slightly higher share rely on driving alone as their primary mode at CC (39% versus 37%). Most of the commuter students living within a half mile of campus who carpool over the course of a week do not rely on carpooling as their primary mode, and none of the students living more than a half mile from campus rely on carpooling as their primary mode.

Figure 3-5 presents the share of CC commuter students who reported any driving alone or carpooling over the course of the week for 2016 and 2018. The share of students living within a half mile of campus reporting any driving alone and any carpooling to campus has increased at CC, while the share driving alone has decreased for students living more than a half mile from campus.

Most of the commuter students living within a half mile of campus who drive alone over the course of a week do not rely on driving alone as their primary mode. Specifically, in 2016, 27% of CC commuter students living within a half mile of campus reported any driving alone during the week, including 7% who relied on driving alone as their primary mode. For commuter students living more than a half mile from campus, a slightly higher share rely on driving alone as their primary mode at CC (39% versus 37%). Most of the commuter students living within a half mile of campus who carpool over the course of a week do not rely on carpooling as their

primary mode, and none of the students living more than a half mile from campus rely on carpooling as their primary mode.

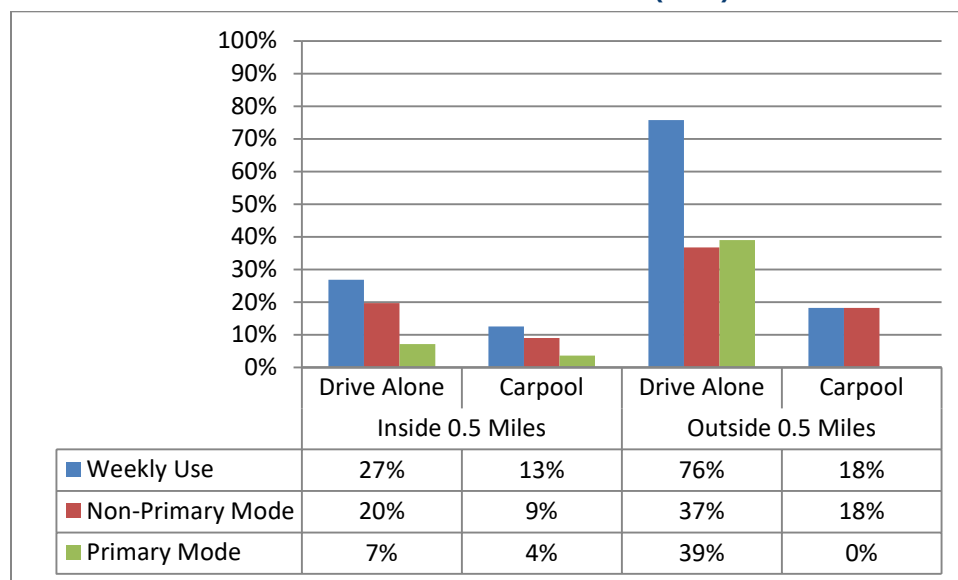
FIGURE 3-5: SHARE OF CC COMMUTER STUDENTS REPORTING DRIVING ALONE AND CARPOOLING TO CAMPUS OVER THE COURSE OF THE WEEK (2016, 2018)



Source: Calculated by CATMA Staff using 2016 and 2018 CATMA Student Transportation Surveys.

Note: Percentages are rounded to the nearest integer.

FIGURE 3-6: USE OF DRIVING ALONE AND CARPOOLING AS PRIMARY MODE VERSUS NON-PRIMARY MODE FOR CC COMMUTER STUDENTS (2016)



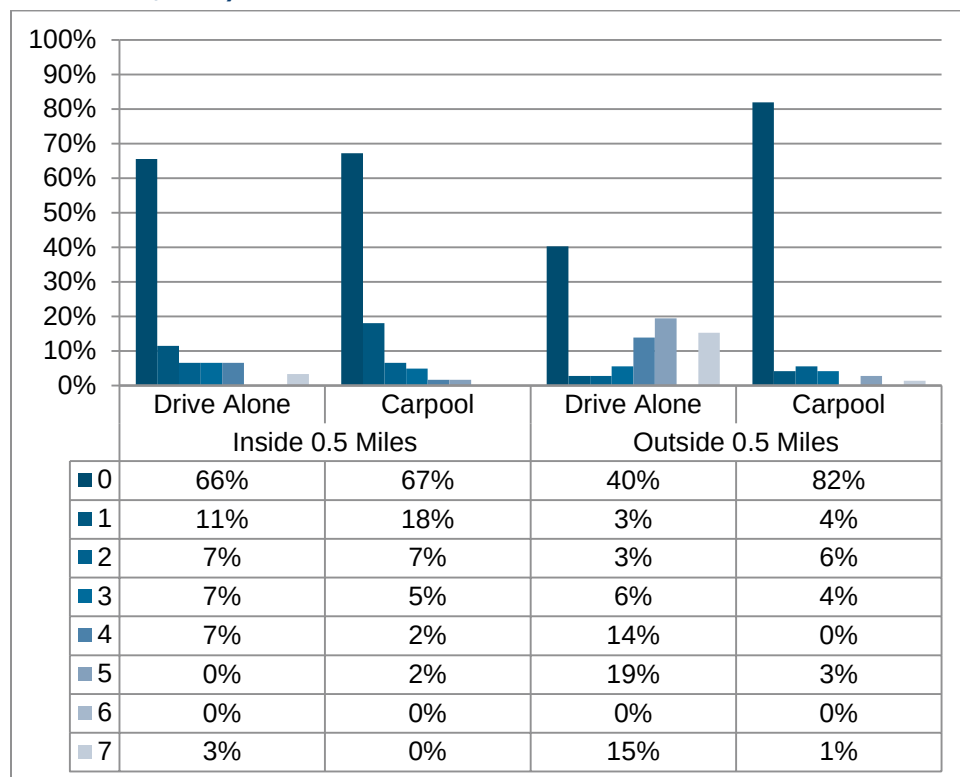
Source: Calculated by CATMA Staff using 2016 CATMA Student Transportation Survey.

Note: Percentages are rounded to the nearest integer.

Figure 3-7 elaborates on the information for 2018 presented in Figure 3-5 by detailing the number of days per week commuter students reported driving alone and carpooling to campus. Of the 34% of CC students living within a half mile of campus reporting any driving alone over the course of a week, 11% drive alone one day per week, 21% drive two-four days per week, and 3% drive seven days per week. With regard to carpooling, of the 33% of CC students living

within a half mile of campus reporting any carpooling over the course of a week, 18% carpool one day per week, 13% carpool two-four days per week, and 2% carpool five days per week.

FIGURE 3-7: SHARE OF CC COMMUTER STUDENTS DRIVING ALONE AND CARPOOLING (DAYS PER WEEK, 2018)



Source: Calculated by CATMA Staff using 2018 CATMA Student Transportation Survey.

Note: Percentages are rounded to the nearest integer.

Table 3-4 presents an estimate of the number of on-street parking spaces used by CC students during the peak period, based upon the share of students reporting use of on-street parking when driving alone or carpooling. In total, an estimated 13 residential students use on-street parking and 51 commuting students use on-street parking. 73% of the estimated demand is within two blocks of campus.

TABLE 3-4: ESTIMATED ON-STREET PARKING AMONG CC STUDENTS DURING PEAK PERIOD (2018)

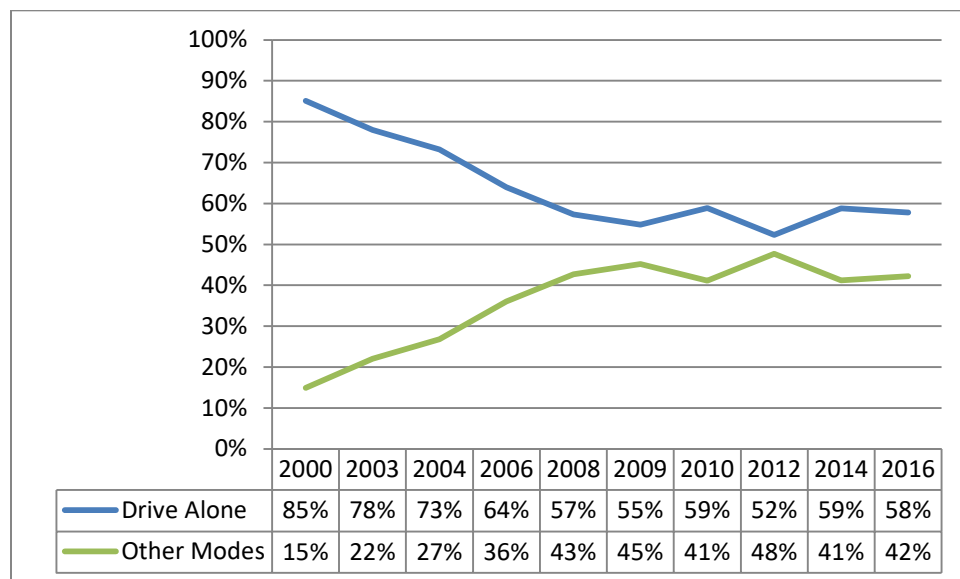
Champlain College	Within 2 Blocks	More Than 2 Blocks	# Street Spaces
Residential students	6	7	13
Commuting students	41	10	51
Total	47	17	64

Sources: Calculated by CATMA Staff using the 2016 and 2018 CATMA Student Transportation Surveys.

Notes: Number of on-street spaces is based upon the share of estimated parking for each user group as well as survey information collected about the location of parking for each user group. Estimated parking demand is based upon the primary mode share (drive alone + half the carpool share). Parking location information is collected for users who drive alone or carpool to campus. Peak period is 11:30am-1:30pm for residential students and 12pm-1pm for commuter students.

The share of CC employees driving alone to the Hill campuses has consistently remained below 60% over the past decade. Figure 3-8 presents trends in the primary commute mode for employees of CC. The lowest drive alone rate (52% in 2012) represents a 39% reduction from the 2000 level of 85%. In 2016, the most recent year a primary commute mode was collected, 58% of CC employees drove alone to work, representing a 12% increase from the 2012 low.

FIGURE 3-8: CC EMPLOYEE COMMUTE MODE



Source: Calculated by CATMA Staff using 2000-2016 CATMA Employee Transportation Surveys.

Note: Percentages are rounded to the nearest integer.

Finally, an estimated total of 12 on-street parking spaces are used by CC employees during the peak period (see Table 1-3 and Table 2-7), based upon the share of employees reporting use of on-street parking when driving alone or carpooling (calculated by CATMA Staff using the 2016 and 2018 CATMA Student and Employee Transportation Surveys). In total, an estimated 88% of CC employees who use on-street parking do so without a permit.

3.2 EXISTING CONDITIONS

Employment

In Fall 2018, Champlain College employed a total of 1,106 individuals with 792 of those individuals in Vermont and potentially visiting campus regularly. Additionally, 88 contracted services employees (such as Sodexo food service, cleaners, etc.) were on campus on a regular basis. A combined total of 880 CC employees are eligible for parking permits on the Hill.

TABLE 3-5: CC ON-CAMPUS EMPLOYMENT

ON-CAMPUS EMPLOYMENT	2018 ACADEMIC YEAR
Full-time Employees	377
Part-time Employees	415
Contracted Employees (Cleaners, Sodexo etc.)	88
Total Employees Eligible for Parking Permits	880

TABLE 3-6: CC OFF-CAMPUS EMPLOYMENT

	2018 ACADEMIC YEAR
Full-time Online Employees	2
Part-time Online Employees	244
Dublin and Montreal Campuses	68
Total Off-Campus Champlain Employees	314

Enrollment

Total enrollment at Champlain College at the start of the 2018 academic year was 4,556 students, over half of which was made up by off-campus online students.

TABLE 3-7: CC ON-CAMPUS ENROLLMENT

	2018 ACADEMIC YEAR
Full-time Traditional Undergraduates	2,047
Part-time Traditional Undergraduates	82
Full-time Graduates	9
Part-time Graduates	6
Full-time Undergraduate Continuing Professional Studies	21
Part-time Undergraduate Continuing Professional Studies	9
Total On-Campus	2,174

TABLE 3-8: CC OFF-CAMPUS ENROLLMENT

	2018 ACADEMIC YEAR
Full-time Graduates	624
Part-time Graduates	94
Full-time Undergraduate Continuing Professional Studies	436
Part-time Undergraduate Continuing Professional Studies	1,228
Total Off-Campus	2,382

Parking Districts (Sec. 8.1.3)

The core Champlain College campus is located in a Shared Use Parking District. The new 194 St. Paul Street apartment building is in the Downtown Parking District.

Existing Structures (Sec. 8.1.4)

The formal parking inventory for Champlain is maintained by the College and CATMA and informed by a physical count conducted in 2018. Table 3-9 depicts Champlain's parking inventory by building, primary use, number of residents, and gross square footage (GSF)—characteristics used by this plan to calculate parking supply and demand. The total number of campus parking spaces, 710, is 40 less than was estimated in the 2014-2019 JIPMP 5-Year Update (see estimate of 750 in Table 6 of that document). CC's parking inventory includes 710 spaces, with 175 of those on the leased Lakeside Lot property and 32 leased across two additional locations (371 Main and 158 S. Willard). These leased parking spaces are included in the campus parking inventory because they have been leased specifically to provide additional parking and enable TDM options on campus. CC also leases 40 spaces at the physical plan

located at 40 Sears Lane; these leased spaces are not included in the parking inventory or estimates for parking demand.

TABLE 3-9: CC BUILDING AND PARKING INVENTORY (FALL 2018)

NAME	PRIMARY USE	GSF	RESIDENTIAL BEDS	PARKING SPACES
194 St Paul Street	Residential/Retail (4,455 GSF Retail)	175,000	314	0
308 Maple	Residential	5,223	14	0
396 Main	Residential	8,801	39	20
Adirondack House	Residential	4,631	20	0
Aiken Hall	Administrative/Academic	13,701	0	0
Bader Hall	Residential	8,140	22	0
Bankus Hall	Residential	10,432	50	0
Butler Hall	Residential	26,730	89	0
Carriage House	Residential	2,376	15	0
Center for Communications and Creative Media (formerly Hauke/Alumni)	Administrative/Academic	87,187	0	0
Cushing Hall	Residential	9,095	30	7
Durick Hall	Administrative	4,036	0	3
Foster Hall	Administrative/Academic	7,008	0	0
Freeman Hall	Administrative/Academic	11,992	0	0
Garden House (ARC)	Administrative	4,371	0	0
Goodhue Coolidge House	Administrative/Academic	4,054	0	0
Hill Hall	Residential	9,203	40	0
IDX Student Life Center	Administrative/Athletic/ Dining	49,939	0	5
Jensen Hall	Residential	9,972	41	9
Joyce Learning Center	Academic	20,483	0	0
Juniper	Residential	28,732	90	0
Lakeside Campus (Miller Center at Lakeside)	Administrative	39,552	0	267
Lakeview Hall	Residential	18,033	81	0
Lyman Hall	Residential	8,550	44	0
Boardman Hall	Residential	31,932	59	28
McDonald Hall	Residential	10,922	50	0
Miller Information Commons	Academic	29,860	0	42
North House	Residential	5,402	21	10
Pearl Hall	Residential	10,874	50	0
Perry Caretaker's Cottage	Residential	444	1	0
Perry Carriage Barn	Academic	5,546	0	0
Perry Hall	Administrative/Academic	27,847	0	16
Rowell Annex	Administrative	2,882	0	0
Rowell Hall	Residential	9,954	52	33
Sanders Hall	Residential	9,716	37	8
Schillhammer Hall	Residential	7,836	27	0
SD Ireland Family Center for Global Bus & Tech	Administrative/Academic	24,390	0	0
Skiff Hall	Administrative	12,493	0	15
Skiff	Administrative/Academic	3,354	0	0
South House	Residential	12,608	51	12

NAME	PRIMARY USE	GSF	RESIDENTIAL BEDS	PARKING SPACES
Summit Hall	Residential	15,271	51	28
The Gallery	Academic	633	0	0
Valcour Hall	Residential	30,028	91	0
West House	Administrative	3,718	0	0
Whiting Hall	Residential	9,975	44	0
Wick Hall	Administrative/Academic	5,265	0	0
Subtotal		838,191	1,453	503
<i>Parking Facilities Leased by Champlain College via CATMA</i>				
115 Lakeside Lot (formerly Gilbane)				175
<i>Additional Facilities Leased by Champlain College</i>				
371 Main	Residential (temporary)	13,326	30	21
158 South Willard	Residential (temporary)	10,900	29	11
Total Campus Parking Spaces				710

Notes: None of the parking associated with 194 St Paul is included in Champlain's parking inventory, as approved by the Burlington Development Review Board. GFA and residential beds are included in parking supply and demand calculations. Perry Hall lot is reserved for visitors to the Admissions Office only.

Table 3-10 summarizes properties owned by CC but not included in the parking inventory. The recently completed 194 St Paul Street apartments are a special case—its parking is not included in CC's inventory, but its total residential footprint in terms of area and beds are included in this plan's parking calculations. The decision to exclude the parking at 194 St Paul Street from CC's inventory was approved by the Burlington Development Review Board on May 19, 2014 since none of the parking is associated with student housing. Out of 67 spaces, 53 are public, nine reserved for commercial and Browns Court residential tenants, two given to neighbors who lost on-street parking with the building's construction, one reserved for CC building staff, and two "spare" spaces currently used by contracted staff (e.g. cleaning, maintenance) on an ad-hoc basis.

TABLE 3-10: CC OWNED PROPERTIES NOT INCLUDED IN PARKING INVENTORY

NAME	PRIMARY USE	GSF	RESIDENTIAL # OF BEDS	PARKING SPACES
194 St Paul Street	Residential/Retail	4,445	--	67
390 Maple St	Residential	3,768	--	2
436 Maple St	Residential	4,297	--	2
115 Summit St (President's House)	Residential	3,487	--	2
270 South Willard St (Provost's House)	Residential	7,478	--	2
Total		19,030	--	75

Limitations, Location, Use of Facilities (Sec. 8.1.12)

Off-Site Parking Facilities

Of CC's total 710 parking spaces, 442 are located on off-site facilities (see Table 3-11). In compliance with the CDO, Champlain College has moved approximately half of its parking off-site.¹² On-street parking spaces are not included in the campus inventory. CC began leasing parking spaces at the 115 Lakeside Lot in 2008. The 115 Lakeside Lot currently comprises 175 parking spaces; down from 225 a few years ago. The adjacent Lakeside Campus, or Miller Center, on 175 Lakeside Avenue has an additional 267 spaces.

TABLE 3-11: CC OFF-SITE PARKING LOTS

	PARKING SPACES
Lakeside Campus (Miller Center at Lakeside)	267
115 Lakeside Lot (formerly Gilbane)	175
Total	442

Minimum Off-street Parking Requirements (Sec. 8.1.8)

There is potential for overestimating the number of required parking spaces given the use categories provided in Table 8.1.8-1 of the Ordinance. There is a Special Residential Use for Dormitories as well as a Non-Residential Use for Post-Secondary Schools. The square footage of dining halls and student centers are enumerated within this latter category. However, these uses are heavily patronized by residential students who walk to the building and do not generate a demand for parking, and whose parking demand has already been accounted for (under Special Residential Use for Dormitories). To avoid the task of determining which campus functions might be considered residential and which are non-residential, a composite approach is analyzed.

The two approaches: 1) using the College's GFA applied to the Post-Secondary School category from Table 8.1.8-1 in the Ordinance; or 2) using a composite of the GFA of non-dormitory buildings (applied to Table 8.1.8-1's Post-Secondary School category) and the number of dormitory beds (applied to Table 8.1.8-1's Residential Use-Dormitory category).

Table 3-12 provides the minimum parking required by the Burlington CDO. Calculations for the existing campus use both approaches.

¹² Institutional Core Campus Overlay Districts, Section 4.5.2 states that "parking should be very limited and generally provided offsite." CDO page 4-53. This is emphasized for Champlain College specifically on page 4-54: "this core campus would be expected to be dominantly pedestrian-oriented, with all but the most essential parking provided off-site."

TABLE 3-12: CC MINIMUM OFF-STREET PARKING REQUIREMENTS

EXISTING CAMPUS		CDO PARKING REQUIREMENT
GFA Approach	GFA (2 spaces/1,000 sq ft) = 838,191 sq ft	1,676
	Dormitory Beds (1 space/2 beds) = 1,423	482
Composite Approach	Non-Residential GFA (2 spaces/1,000 sq ft) = 358,311 sq ft	717
Total		1,428

Note: GFA does not include retail space in 194 St Paul.

Maximum Parking Spaces (Sec. 8.1.9)

The CDO defines maximum parking as 125% of the minimum number of spaces using Table 8.1.8-1's Neighborhood District category. All the parking requirements used in Table 3-12 are identical for both the Shared Use and Neighborhood Districts, making the maximum 125% of the calculated requirement would be 1,785 spaces. CC's inventory of 710 (see Table 3-9) is far from approaching this number.

Vehicle Permits

All vehicles at CC must display a valid parking permit. Permits are issued and renewed on a semester basis for both students and employees, except for Zone 1 Employee, Disabled, and Contractor permits which are valid for a year. Residential students are only eligible for a parking permit in the core campus zone (Zone 5) based on demonstrated work¹³ or medical needs and are otherwise required to park at the satellite lot (Zone 2). The Fall 2018 breakdown of permits issued at Champlain College is as follows:

TABLE 3-13: CC VEHICLE PERMIT SUMMARY

ZONE	DESCRIPTION	PERMIT TYPE	PERMITS
Zone 1	Lakeside Campus (Miller Center at Lakeside)	Employee	282
		Commuter Student	168
Zone 2	115 Lakeside Lot	Residential Students	237
Zone 3	371 Main, 396 Main, 158 South Willard, Sanders, and North	Full-time Commuter Student	31
		Part-Time Commuter Student	4
		Full-Time Employee	54
		Part-Time Employee	13
Zone 4	Rowell/Jensen and South	Full-time Commuter Student	16
		Part-time Commuter Student	3
		Full-Time Employee	50
		Part-Time Employee	7
Zone 5	Boardman Hall, 396 Main St, Sanders Hall and North House	Special Residential Parking	28
Disabled	Parking in any Champlain College disabled spaces as well as regular, unrestricted parking spaces		22

¹³ Includes residential students with Education Major or off-campus employment until at least 11:00pm at least once per week.

ZONE	DESCRIPTION	PERMIT TYPE	PERMITS
Contractor			28
		Commuter Students (Full and Part-Time)	222
	Sub-totals	Employee (Full and Part-Time)	406
		Residential Students	265
		TOTAL	943

As mentioned above (see Table 1-2 and page 2-22), not all permits are used on a daily or regular basis, so total number of permits issued may be compared against survey-based estimates of parking demand as well as observed parking demand from lot counts to assess the adequacy of the current parking inventory. This approach is commonly used in parking studies and has historically been the method used in prior versions of the JIPMP.

Parking Demand

Observed Demand

A parking count conducted in the 2018 fall semester tallied the number of parked vehicles and vacant spaces for each parking lot, summarized in Table 3-14 by core campus lots and satellite lots. These counts represent a typical day during peak demand and indicate a surplus of 47 spaces within the core campus, with an additional 76 available spaces in satellite lots for a total surplus of 123 spaces. Peak parking demand generally occurs between the hours of 12:00 and 1:00 pm on a weekday. There are an additional 146 on-street parking spaces adjacent to the College which may be used by some Champlain College affiliates. Due to their public, uncontrollable nature, these are not included in the formal inventory or associated calculations.

TABLE 3-14: CC PARKING LOT CAPACITIES AND EMPTY SPACE COUNT

PEAK DEMAND LOT COUNTS - FALL 2018				
Location	Capacity	Occupied Spaces ¹	Empty Spaces	Percent Full
Core Campus Lots	267	246	47	92%
Satellite Lots	440	364	76	83%
TOTAL	707	610	123	86%

Notes: Peak period is weekdays, 12pm-1pm. Satellite Lots include 115 Lakeside Lot and Lakeside Campus Miller Center.

TABLE 3-15: CC ON-STREET PARKING SPACES (NOT INCLUDED IN PARKING INVENTORY)

PEAK DEMAND LOT COUNTS - FALL 2018				
Location	Capacity	Occupied Spaces ¹	Empty Spaces	Percent Full
On-Street Core Campus	146	146	0	100%

Notes: Peak period is weekdays, 12pm-1pm.

Estimated Demand

As described above in Section 2.4, a method utilizing CATMA Student and Employee Transportation Surveys was developed to estimate current demand and assist in forecasting future parking demand. The calculation is based upon inputs into the following formula:

$$\text{Number of Users} \times \text{Share of Users on Campus at Peak Period} \times \text{Demand Generator} = \text{Estimated Parking Demand}$$

The inputs are based upon information provided by institutional staff as well as responses from CATMA Student and Employee Transportation Surveys. The number of residential beds in Champlain-owned student housing properties serves as an estimate for the number of residential students living on campus (refer to Table 3-9). The total number of commuter students is estimated by subtracting the same number of residential beds from the 2018 total for on-campus student enrollment. The number for commuter students living outside or within a half mile of campus is estimated from the 2018 CATMA Student Transportation Survey.

The survey-based estimated peak parking demand, presented in Table 3-16, suggests CC has a net deficit of 27 parking spaces, which is less than the 217 space deficit projected for 2019 in the 2014-2019 JIPMP 5-Year Update. This equates to a 104% occupancy rate (based upon a parking supply of 710 spaces and an estimated demand for 737 spaces), higher than the 86% occupancy rate based upon parking lot counts (see Table 1-2 and Table 3-14).

TABLE 3-16: CC CURRENT ESTIMATED PEAK PERIOD PARKING DEMAND BY USER GROUP

User Group	Number in Category	Peak % on Campus	Demand Generator	Parking Demand (spaces)
Students				
Residential Students			<i>Auto Ownership</i>	
First Year	599	87.4%	5.5%	29
Non-First-Year	824	93.6%	29.6%	228
Subtotal	1,423			257
Commuting Students			<i>Mode Share</i>	
Commuting students (inside 0.5 miles)	363	80.1%	8.9%	26
Commuting students (outside 0.5 miles)	388	80.0%	38.9%	121
Subtotal	751			147
Employees			<i>Mode Share</i>	
Full-time	377	94.5%	62.7%	223
Part-time	415	29.0%	61.1%	74
Contracted	88	29.0%	61.1%	16
Subtotal	880			312
Other Users				
Visitors				5
Fleet vehicles				16
Total peak parking demand				737
Total parking supply				710
Net spaces				-27

Sources: Calculated by CATMA Staff using the 2016 and 2018 CATMA Student and Employee Transportation Surveys, as well as information provided by institutional staff.

Notes: The 2016 CATMA Student and Employee Transportation Surveys are the sources for the share of users on campus at peak, as the 2018 surveys did not collect this information with sufficient specificity (see Table 2-4), with the peak period of 11:30am-1:30pm for residential students and 12pm-1pm for commuter students and employees. The demand generator is based upon the share of residential first year students with parking permit waivers, the share of residential non-first-year students with a personal vehicle (2018 CATMA Student Transportation Survey), and the primary mode share (drive alone share + 0.5* carpool share) for commuter students and employees (2016 CATMA Student Transportation Survey).

3.3 FUTURE PARKING CONDITIONS

Future Population: Students, Staff, Faculty, Visitors (Sec. 8.3.3 (A))

To forecast future numbers of Champlain students and employees, annual enrollment and employment values were averaged for the past three years (2016, 2017, 2018) and assumed steady for the 2019-2024 timeline. Projections for various student and employee categories are summarized in Tables 3-17 to 3-20.

TABLE 3-17: CC PROJECTED ON-CAMPUS EMPLOYMENT (2024)

2024 PROJECTED ACADEMIC YEAR	
Full-time Employees	380
Part-time Employees□	350
Contracted Employees (Cleaners, Sodexo etc.)	100
Total On-Campus Champlain Employees	730
TOTAL Employees Eligible for Parking Permits	830

TABLE 3-18: CC PROJECTED OFF-CAMPUS EMPLOYMENT (2024)

2024 PROJECTED ACADEMIC YEAR	
Full-time Online Employees	380
Part-time Online Employees	350
Dublin and Montreal Campuses	100
Total Off-Campus Champlain Employees	730
TOTAL Champlain Employees	1,030

TABLE 3-19: CC PROJECTED ON-CAMPUS STUDENTS (2024)

2024 PROJECTED ACADEMIC YEAR	
Full-time Traditional Undergraduates	2,150
Part-time Traditional Undergraduates	60
Full-time Graduates	10
Part-time Graduates	0
Full-time Undergraduate Continuing Professional Studies	20
Part-time Undergraduate Continuing Professional Studies	30
TOTAL On-Campus	2,270

TABLE 3-20: CC PROJECTED OFF-CAMPUS STUDENTS (2024)

2024 PROJECTED ACADEMIC YEAR	
Full-time Graduates	690
Part-time Graduates	100
Full-time Undergraduate Continuing Professional Studies	410
Part-time Undergraduate Continuing Professional Studies	1,250
TOTAL Off-Campus	2,450

Future Structures—New or Changes in Use

The parking requirements must not only account for existing structures but also those planned for construction, expansion, or a change in use during the 2019–2024 timeline. The previous 5-year JIPMP identified six administration/academic projects and six residential projects that were anticipated to be completed by 2019. These projects and their current status are shown in Table 3-21.

TABLE 3-21: CC STATUS OF PREVIOUSLY IDENTIFIED PROJECTS

BUILDING PROJECT	COMPLETED?		NOTES
	Yes	No	
Butler Hall (Res-Tri)	✓		The Res-Tri project (Butler, Valcour, and Juniper residences) was completed in Summer 2014
Valcour Hall (Res-Tri)	✓		
194 St Paul St (formerly Eagles Club)	✓		
Ethan Allen Center		✗	No longer planned and property sold
Summit & Maple Res Hall		✗	No longer planned
West Hall/Perry Lawn Res Hall		✗	No longer planned
CCM Project	✓		Completed in Fall 2015
Miller Information Commons Addition		✗	Carried forward to current 5-year Plan
Foster Hall Addition		✗	Carried forward to current 5-year Plan
Information Technology & Sciences Building		✗	Carried forward to current 5-year Plan
Career Center/Durick Hall Addition		✗	No longer planned
IDX Student Life Addition		✗	Carried forward to current 5-year Plan

Projects carried over from the 2014-2019 JIPMP, as well as new projects identified by Champlain staff for the 2019–2024 timeline are presented in Table 3-22. As of this report's writing, none of the planned projects are under construction and it is uncertain as to when they will ultimately be completed.

TABLE 3-22: CC PLANNED PROJECTS

	PRIMARY USE	NEW GSF	RESIDENTIAL # OF BEDS	PARKING SPACES
MIC Addition	Academic	8,000	0	0
Foster Hall Addition	Academic	3,500	0	0
New ITS Building	Academic	27,000	0	0
<i>Changes - Subtotal</i>		38,500	0	0
TOTAL (Existing + Planned)		838,191	1,423	710

Future Minimum Off-Street Parking Requirements (Sec. 8.1.8)

The GFA is unknown for many of the future projects. Therefore, the composite approach is used to define the change in the CDO required minimum parking supply by 2024.

TABLE 3-23: CC OFF-STREET PARKING SUPPLY BASED ON CHANGES BY 2024

CHANGES TO CAMPUS PLANNED BY 2024		PARKING REQUIREMENT CHANGE
Composite Approach	Dormitory Beds (1 space/2 beds) = 181	91
	Non-Residential GFA (2 spaces/1,000 sq ft) = 38,500 sq ft	77
	TOTAL	168

Accounting for Champlain's planned developments, the CDO parking supply requirements for 2024 would fall between 1,596 to 1,844 spaces. This includes a range of 1,428 to 1,676 spaces for the existing campus (as of Fall 2018) with an additional 168 spaces estimated for planned projects to be in use by 2024. For a historical comparison, the previous 2014-2019 JIPMP indicated a supply between 1,726 to 1,925 spaces for the campus in 2019.

Future Parking Demand vs Supply (Sec. 8.3.3 (B))

This section of the study estimates the parking demand effects of the anticipated change in employment, enrollment, and physical land uses on campus by 2024. The projected number of residential beds expected by 2024 is used to estimate future numbers of residential students (refer to Table 3-22). The total number of commuter students is estimated by subtracting the future number residential beds from the 2024 forecast for on-campus student enrollment. The values for peak percentage on campus and auto ownership are held constant from existing campus calculations (see Table 3-16). As was the case for the current estimated parking demand, the estimated future parking demand using survey data is based upon the following formula:

$$\text{Number of Users} \times \text{Share of Users on Campus at Peak Period} \times \text{Demand Generator} = \text{Estimated Parking Demand}$$

As presented in Table 3-24, CC has an estimated future net deficit of 61 spaces. This amounts to an increased deficit of 34 spaces compared to the estimated current deficit of 27 spaces (see Table 3-16). The deficit should be monitored, and CC should work with CATMA and the City to pursue additional TDM measures. If parking should be necessary, additional off-site leases could be secured. The magnitude of the deficit does not warrant any specific recommendations. The observed parking demand should be used as an annual measure to identify whether demand is starting to overwhelm the available parking supply. The strict permit policy that Champlain has implemented allows for a very effective tool to monitor actual parking demand as well as minimize off-campus parking impacts.

TABLE 3-24: CC FUTURE ESTIMATED PEAK PERIOD PARKING DEMAND BY USER GROUP (2024)

User Group	Number in Category	Peak % on Campus	Demand Generator	Parking Demand (spaces)
Students				
Residential Students			<i>Auto Ownership</i>	
First Year	672	87.4%	5.5%	32
Non-First-Year	924	93.6%	29.6%	256
Subtotal	1,596			288
Commuting Students			<i>Mode Share</i>	
Commuting students (inside 0.5 miles)	326	80.1%	8.9%	23
Commuting students (outside 0.5 miles)	348	80.0%	38.9%	108
Subtotal	674			132
Employees			<i>Mode Share</i>	
Full-time	380	94.5%	62.7%	225
Part-time	350	29.0%	61.1%	62
Contracted	100	29.0%	61.1%	18
Subtotal	830			305
Other Users				
Visitors				5
Fleet vehicles				16
Total peak parking demand				746
Total parking supply				685
Net spaces				-61

Sources: Calculated by CATMA Staff using the 2016 and 2018 CATMA Student and Employee Transportation Surveys, as well as information provided by institutional staff.

Notes: The 2016 CATMA Student and Employee Transportation Surveys are the sources for the share of users on campus at peak, as the 2018 surveys did not collect this information with sufficient specificity (see Table 2-4), with the peak period of 11:30am-1:30pm for residential students and 12pm-1pm for commuter students and employees. The demand generator is based upon the share of residential first year students with parking permit waivers, the share of residential non-first-year students with a personal vehicle (2018 CATMA Student Transportation Survey), and the primary mode share (drive alone share + 0.5* carpool share) for commuter students and employees (2016 CATMA Student Transportation Survey). Total parking supply includes a planned reduction of 25 leased spaces from 115 Lakeside Ave (see Table 3-9). Holds peak % on campus and the demand generators constant from current levels.

Institutional Vehicle Fleet Management (Sec. 8.3.3 (C))

Champlain College currently has 16 vehicles in its fleet:

- 11 for Physical Plant.
- 2 for Campus Public Safety.
- 3 for Student Activities/Student Government Association.

During working hours, these vehicles are frequently located at the Physical Plant at 40 Sears Lane to pick up supplies or run errands, and otherwise are located on campus.

Parking Demand Reduction

As mentioned above, CC recently implemented two significant parking management policy updates. A fee for all residential parking permits was introduced in 2016, and a restriction on first-year parking permits (with limited exceptions) was introduced in 2018. The survey-based estimated parking deficit should be monitored, and CC should work with CATMA and the City to pursue additional TDM measures. If parking should be necessary, additional off-site leases could be secured. The magnitude of the deficit does not warrant any specific recommendations. The observed parking demand should be used as an annual measure to identify whether demand is starting to overwhelm the available parking supply. The strict permit policy that Champlain has implemented allows for a very effective tool to monitor actual parking demand as well as minimize off-campus parking impacts.

Monitoring, Compliance, and Enforcement (Sec. 8.3.3 (E))

Champlain Transportation's Parking Coordinator patrols lots daily to ensure that all parking regulations are enforced. On-Street patrols of contiguous streets are also performed daily. The Champlain College security staff monitors all campus lots for safety. Safety patrols are made daily to deter vandalism and assist motorists.

Champlain Transportation have been diligent about enforcing regulations. As a result, there is continued improvement in the levels of voluntary compliance as the College community has adapted to the rules and regulations.

While many of the streets adjacent to Champlain College offer unrestricted parking, as designated by the Burlington Department of Public Works, Champlain College imposes additional parking policies related to affiliate parking on these streets. Affiliates are permitted to park on-street in the following areas provided that they have been issued an appropriate parking permit:

- South Willard between Main St. and Spruce St.
- Maple St. between S. Prospect and Summit.
- Summit St. between Main St. and Maple St.
- Main Street between Summit and S. Willard.

The Champlain parking map depicted in Figure 3-1 shows areas where on-street parking is prohibited to Champlain College affiliates regardless of a permit being issued or not. Some of these streets, such as Cliff and Spruce Streets are designated as "Resident Only" parking, while others have "No Parking" restrictions posted. Champlain College patrols these streets daily. Tickets are issued if a vehicle is registered or suspected to be operated by an affiliate of Champlain College.

Beginning in Fall 2006, Champlain partnered with a nationally known ticketing management company called IPARQ. The necessary software was purchased to automate much of the collection function including the ability to turn unpaid tickets over to Student Accounts. Those tickets are now added to student bills making it impossible to avoid paying a valid ticket.

Champlain College has allocated the following resources to enforce and implement the College's parking plan:

- Director of Transportation - dedicates 20% of time on parking management, administration, education, enforcement and appeals; two weeks per semester dedicated to permit sales.
- Student Accounts staff—responsible for adding tickets marked as 'collection transfer' to student bills.
- Contract Parking Officer—responsible for parking enforcement between the hours of 8am and 4pm, Monday through Friday. The parking officer monitors College parking lots and adjacent on-street parking areas, writes tickets, and coordinates towing from Champlain College lots.
- Transportation Committee, comprised of faculty, staff, students, and CATMA, who meet on as needed (typically twice per semester). This Committee is convened and facilitated by the Director of Transportation and is charged with implementing the current Transportation Plan, requesting and responding to feedback from Champlain affiliates, and promoting various transportation opportunities and events.
- A Parking Appeals Committee, comprised of students, faculty and staff meet twice per month to review appeals submitted with regards to parking citations.
- Champlain College devotes approximately \$702,000 annually (in the form of staff salaries, transportation consultant fees, parking lot leases, CATMA dues, transit subsidies, and shuttle operations) to the management of transportation. Revenue collected from parking fines for the 2017-2018 academic year was approximately \$28,502.

Table 3-25 lists the various situations that warrant a parking ticket being issued and the amount of the fine. Parking tickets may be presented in person to the vehicle's owner, placed on the vehicle's windshield, or mailed.

TABLE 3-25: CC PARKING FINES BY INFRACTION AND FREQUENCY

INFRACTION	FINE (1ST OFFENCE)	FINE (SUBSEQUENT)
Permit Not Displayed, Meter Receipt Unreadable	\$10	\$25
Expired or Unpaid Meter	\$25	\$50
Parking on grass/sidewalks, Parking in non-permitted zone or Parking outside white lines	\$25	\$50
Improper permit placement or Permit Not Displayed	\$25	\$50
No Current Permit (not displaying a valid Champlain College permit or visitor permit)	\$50	\$100

INFRACTION	FINE (1ST OFFENCE)	FINE (SUBSEQUENT)
Parking in disabled space, fire lane	\$50	\$100
Use of unauthorized permit	\$100	\$100

Notes: Fines as of August 2018. Towing charges and the Student Accounts Administrative Fee are in addition to these fines. Fines must be paid in full in order to receive a new parking permit, confirm course registration, receive a transcript or be awarded a degree.

TABLE 3-26: CC PARKING TICKET SUMMARY

YEAR/SEMESTER	# OF VALID CITATIONS ISSUED	FUNDS COLLECTED	CUMULATIVE TOTAL SINCE 2004
2006-2007	-	\$57,390	\$113,390
2007-2008	-	\$44,175	\$157,565
2008-2009	-	\$57,195	\$214,760
2009-2010	-	\$42,165	\$256,925
2010-2011	-	\$38,550	\$295,475
2011-2012	-	\$51,065	\$346,540
2012-2013	1,574	\$43,840	\$390,380
2013-2014	1,519	\$41,680	\$432,060
2014-2015	1,069	\$30,600	\$462,660
Summer 2015	111	\$5,585	\$468,245
2015-2016	1,326 (105 warnings)	\$31,475	\$499,720
Summer 2016	32	\$2,300	\$502,020
2016-2017	1,935 (467 warnings)	\$26,481	\$528,501
Summer 2017	156 (46 warnings)	\$995	\$529,496
2017-2018	2,073 (274 warnings)	\$28,502	\$557,998
Summer 2018	261 (44 warnings)	\$2,795	\$560,793

The drop in citations issued and collected between 2013-2014 and 2015-2016 is attributed to increased awareness, communication, and encouragement by the Transportation Office. During those periods, Champlain introduced a new postcard campaign sent in the summer to all students. Champlain also introduced a new “Top 10 Things You Need To Know” web page and one page summary on the back of the parking map, pictured in Figure 3-9. Champlain sincerely believes that these efforts have led to a more educated community, a shift to parking off-site and improved compliance than previous years.

Champlain increased the amount of warnings issued in starting in the 2016-2017 academic year. Warnings have shown to be a good educational tool to ensure compliance. The warnings can lead to the person contacting the office and having an educational discussion which can encourage better behavior.

FIGURE 3-9: CC PARKING CAMPAIGN “THE TOP 10 THINGS YOU NEED TO KNOW”



CHAMPLAIN COLLEGE

TRANSPORTATION // 2016–2017



GET IN TOUCH

TRANSPORTATION OFFICE
transportation@champlain.edu
802.865.8464

375 Maple Street, Rm102
PO Box 670
Burlington, VT 05402

REGULAR OFFICE HOURS
8:30 AM–3:00 PM

It is your responsibility to understand all parking policies. Get the right information at: champlain.edu/parking.

Champlain College Parking

THE TOP 10 THINGS YOU NEED TO KNOW

- 1 PERMIT REQUIRED** ALL Champlain College students and employees must obtain a permit for their cars each semester, regardless of where they park. It's easy and FREE in some cases. champlain.thepermitstore.com
- 2 FREE COMMUTER PARKING** Parking is FREE at 175 Lakeside Avenue for Zone 1 permit holders. Champlain operates a free shuttle service seven days a week from Lakeside Campus to Main Campus. champlain.edu/shuttle
- 3 STUDENT PARKING** Residential students require a Zone 2 permit and are required to park at 115 Lakeside Avenue. Residential students may not park in the metered lots or along ANY city streets between 8:00 AM–4:00 PM, Monday–Friday.
- 4 PARKING PERMITS** When you purchase a parking permit, you are paying for the right to park in one of several zone-specific Champlain lots. On-street parking within your designated zone is not guaranteed.
- 5 SHORT-TERM PARKING** There are two short-term (up to 4 hours) metered lots at Miller Information Commons and Summit Hall. Cars parked in these lots must display a valid Champlain parking permit AND meter receipt.
- 6 SAFETY FIRST** Champlain conducts daily safety patrols in all lots, including Lakeside. Parking regulations are actively enforced to ensure a safe and efficient campus environment.
- 7 ADJACENT STREETS** Champlain College students and employees are prohibited from parking on any Burlington street that is not specifically zoned for Champlain College affiliates. Members of the Champlain Community are not eligible for “public parking.”
- 8 RESTRICTED PARKING** Skiff Hall, Perry Hall, Boardman Hall lots and Finney Quad are restricted and enforced 24 hours per day, seven days per week. Boardman Hall lot is for those who obtain a Zone 5 permit only. Perry Hall lot is for visitors to the Admissions Office only.
- 9 VISITOR PARKING** All visitors should obtain a temporary guest permit prior to arrival on campus. This can be obtained by the Champlain employee hosting the guest using champlain.thepermitstore.com or by emailing transportation@champlain.edu three days prior to the visit.
- 10 GUARANTEED RIDE HOME** All permit holders in Zone 2 are automatically enrolled in CATMA's Guaranteed Ride Home program, which provides for a free taxi when the shuttles are not operating. All Zone 1 permit holders are also eligible to enroll. champlain.edu/CATMA

4.0 UNIVERSITY OF VERMONT

4.1 OVERVIEW OF INSTITUTIONAL PARKING MANAGEMENT PLAN

This chapter of the Joint Institutional Parking Management Plan (JIPMP) documents the parking supply and demand characteristics on the Main Campus of the University of Vermont (UVM) in Burlington. The South Campus (primarily agricultural UVM properties in South Burlington), Colchester Research Campus, and Fort Ethan Allen are not included in this plan.

UVM has a longstanding commitment to reducing traffic congestion and encouraging the use of transportation alternatives on its campus. The University was one of the founding members of CATMA in 1992 and has since repeatedly expressed its vision for a pedestrian campus through different campus plans and programs. Most recently in 2017, UVM finalized its Active Transportation Plan, outlining the University's commitment to improving conditions for pedestrians, bicyclists and other forms of active transportation and recreation to, from, and on campus.

UVM continues to support efforts to reduce parking demand on-campus, encourage the construction of on-campus residential accommodation, and support a high quality shuttle system to move students, employees, and staff around the campus.

Transportation Demand Management Programs (Sec. 8.3.3 (D))

This section covers:

1. **Policies** which restrict or prohibit the bringing of vehicles to the institution for various users or groups of users.
2. **Programs** to encourage the use of public transit, walking, and bicycling.
3. **Implementation** of a parking permit system to allocate parking throughout the system.

TABLE 4-1: SUMMARY OF UVM PARKING MANAGEMENT STRATEGIES

STRATEGIES	UVM AVAILABILITY
Parking management program	Yes
Membership in a Transportation Management Association	Yes, CATMA
Telecommuting program	No formal program; availability in certain departments
Carshare program	Yes. CarShare Vermont
Bike Benefits / Bikeshare	Yes. Greenride
Off-site parking/shuttles	Yes
Public transit subsidies for employees	Yes
Shifting commuter students to residential students	Yes

Policies

Permits and Pricing

UVM manages the day to day operations of parking through a permit allocation system. The permits are priced to regulate demand in core areas. For employees, permits in core areas are twice as expensive as permits in outer areas, as shown in Table 4-2. Figure 4-3 shows the UVM's campus parking map for 2018. Only faculty and staff are allowed to park in the core areas during the daytime (Green permit zone). Not only are those spaces more expensive but they are assigned based on seniority, in cases of limited supply less senior staff may not have the option to purchase certain permits.

Student permit prices are shown in Table 4-3. Residential students in general are discouraged from bringing a car to campus through permit pricing: residential parking permits are roughly three times more expensive than commuter student permits. First-year residential students are generally prohibited from bringing a car to campus (though some exceptions are allowed). In times of limited campus parking, UVM has the right to institute a parking “cap” for residential student permits.

For commuter students, those living within a half mile of any CATS shuttle (boundaries shown in Figure 4-2) are ineligible for daytime campus parking. Commuting students living within the proximate radius are eligible to purchase a Commuter Evening (gold pass) which allows parking outside the hours of 7:00 a.m.–3:30 p.m.¹⁴

Overall, parking fees have remained constant since the last JIPMP.

TABLE 4-2: UVM EMPLOYEE PARKING PERMIT RATES

PERMIT CATEGORY	PERMIT TYPE	FEE
Green	Pre-Tax Payroll Deduction	0.64%
	Affiliate	\$329
	Affiliate 30-day	\$41
White	Pre-Tax Payroll Deduction	0.48%
	Affiliate	\$247
	Affiliate 30-day	\$31
Brown	Pre-Tax Payroll Deduction	0.32%
	Affiliate	\$165
	Affiliate 30-day	\$21
Silver (Off-Site)	Pre-Tax Payroll Deduction	FREE
	Affiliate	FREE
	Affiliate 30-day	FREE
Occasional Use	Permit of 6 – 12 days	FREE
	Brown (Peripheral)	\$2.00
	White (Proximate)	\$3.00
	Green (Main)	\$4.00

¹⁴ Between 2016 and 2018, the boundary for commuter parking permits was adjusted to use the proximate radius method based upon a half mile from any CATS shuttle stop.

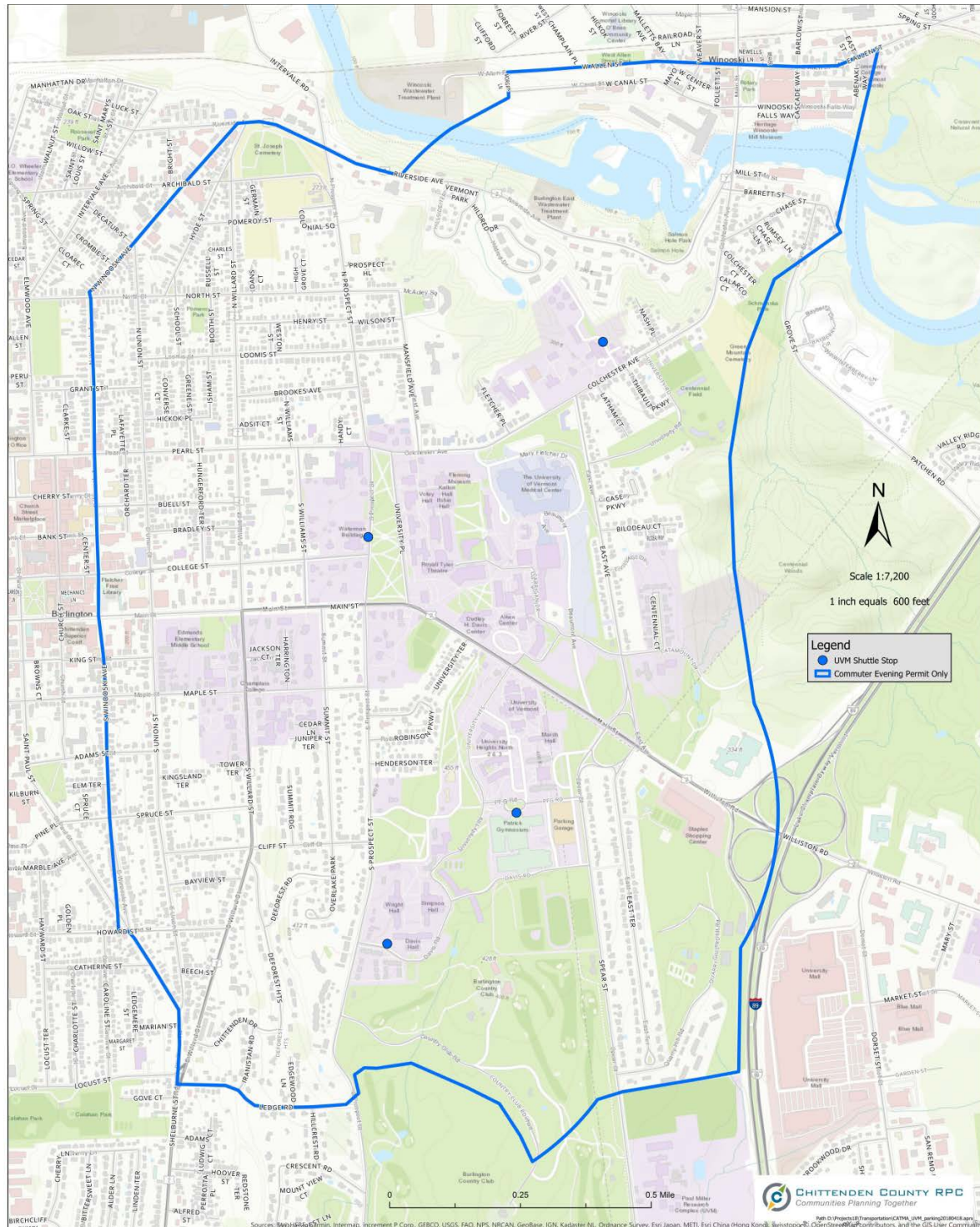
TABLE 4-3: UVM STUDENT PARKING PERMIT RATES

PERMIT CATEGORY	PERMIT TYPE	FEE
Residents	30-day Black, Blue, Purple, and Red	\$55
	Resident Temp – 1 Semester	\$180
	Black, Blue, Purple, and Red	\$330
Commuter and Graduate Students/Medical Students (1 st & 2 nd Year)	30-day Brown	\$19
	30-day Gold	\$12
	Gold – Evening	\$69
	Gold – Evening, 1 Semester	\$45
	Brown – Day & Evening	\$115
	Brown – Day & Evening, 1 Semester	\$73
Medical Students (3 rd and 4 th Year)	Yellow – Day & Evening	\$329
	30-day Yellow	\$27

In addition to designated permit parking areas, visitor parking is available. University employees and students are not allowed to park in visitor areas during restricted hours as posted. In July 2018, UVM moved to a cashless payment system for all visitor and short-term parking. The ParkMobile app is now the only means available for payment on-site at formerly metered parking spaces. Visitors and others requiring short-term parking can also pay with cash, check, UVM CATcard, or credit card at UVM's Transportation and Parking Services customer service area at 38 Fletcher Place.

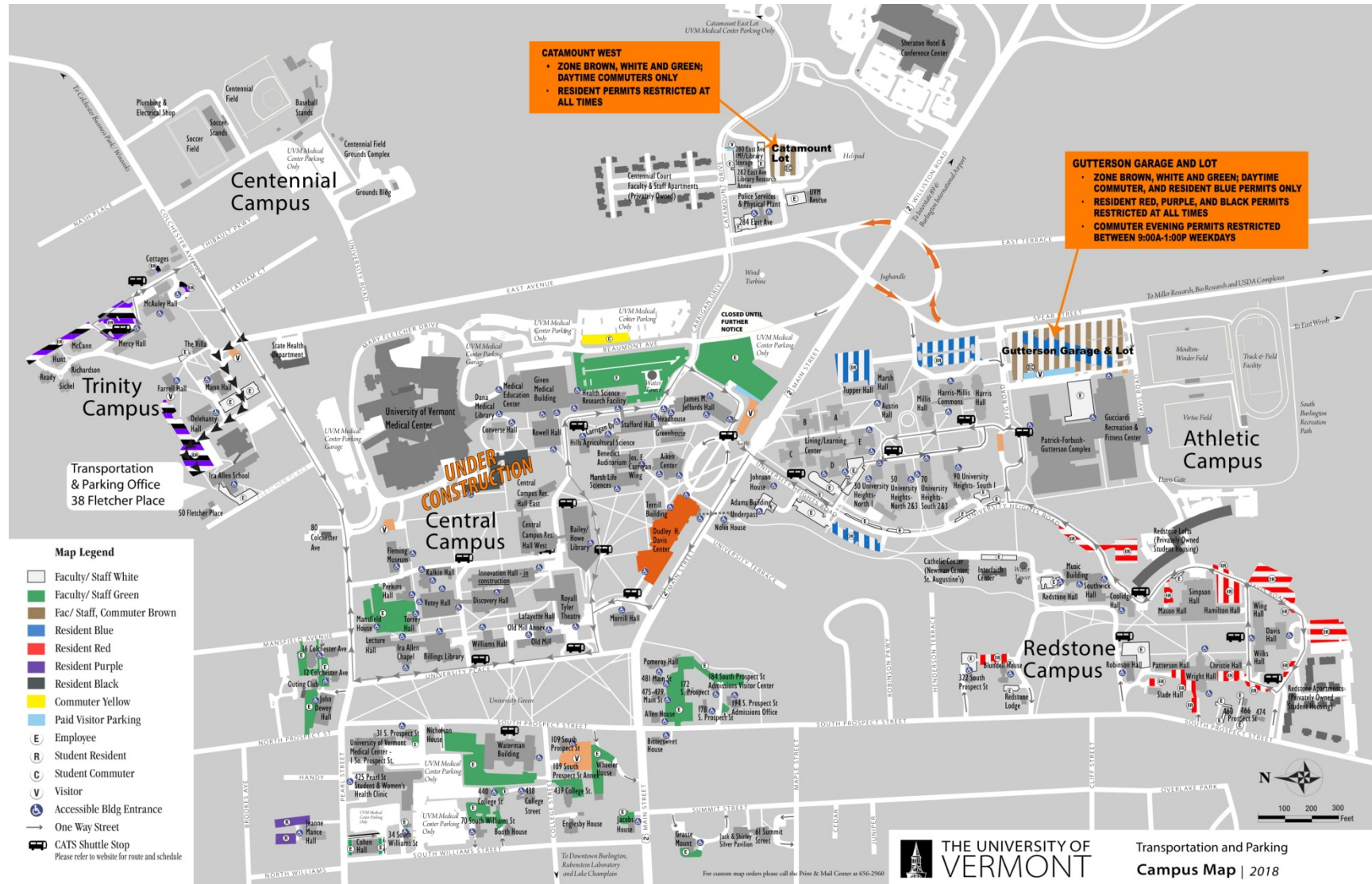
FIGURE 4-1: UVM CAMPUS MAP

FIGURE 4-2: BOUNDARIES FOR UVM STUDENT COMMUTER PARKING PERMIT



Note: Students within the above commuter parking permit are considered to be within a half mile of campus for the purposes of the parking demand estimates using CATMA surveys.

FIGURE 4-3: UVM PARKING MAP (2018)



Programs

To encourage the use of alternative transportation modes, UVM will continue:

- Regulating parking through its parking program.
- Operating the CATS shuttle system to improve circulation within the campus and serve peripheral parking areas.
- Improving the UVM bikeway network and management in accordance with the Active Transportation Plan and remain an active partner in the Greenride program.
- Using and promoting CATMA's menu of programs and services.

UVM's Carpool Program for employees allows participants to purchase permits at discounted rates. A Green Carpool Permit with two or more participants is payroll deducted at the rate of Brown of each participant's base salary; a White Carpool Permit with two or more participants is available free of charge. As of the 2017-2018 permit cycle, there are 74 permitted UVM carpools with 191 participants. All carpoolers are also included in CATMA's Emergency Ride Home Program.

Off-Site Parking and Transit Integration

The bulk of UVM's parking is located along the periphery of campus and is serviced by the Campus Area Transportation System (CATS) shuttle system. UVM's parking program helps to regulate parking demand through market pricing: inner core area parking requires the most expensive permit, while periphery parking is less expensive and off-site parking is free.

CATMA's Unlimited Access Program allows University affiliates free transit rides on GMT with their UVM identification. Nine GMT routes have stops on or proximate to UVM's campus, including:

- #1 Williston.
- #2 Essex.
- #8 City Loop.
- #11 College St. Shuttle.
- #12 UMass/Airport.
- #46 Ft. 116 Commuter.
- #56 Milton Commuter.
- #76 Middlebury LINK Express.
- #96 St. Alban's LINK Express.

In addition to free access to GMT service, all UVM affiliates have free access to the CATS transportation system, which includes larger fixed-route CATS buses as well as a smaller Catsride shuttle that provides a more flexible on-demand service between off-campus UVM

offices and the central UVM campus. The regular service schedules for CATS buses on-campus and off-campus are depicted below.

TABLE 4-4: UVM CATS ON-CAMPUS REGULAR SERVICE SCHEDULE

ROUTES	DAYS	TIMES	RUNS EVERY	BUSES RUNNING
Redstone Express	MON–FRI	7:45am–4:45pm	15 Mins	1
Daytime	MON–FRI	7:30am - 6:30pm	10 Mins	3
Evening	MON–THURS	6:15pm–11:45pm	30 Mins	1
Weekend	SAT–SUN	11:30am–6:30pm	30 Mins	1

TABLE 4-5: UVM CATS OFF-CAMPUS REGULAR SERVICE SCHEDULE

ROUTES	DAYS	TIMES	RUNS EVERY	BUSES RUNNING
Sunday-Thursday	SUN–THURS	6:30pm–midnight	30 Mins	1
Weekend	FRI–SAT	6:30pm–10:00pm	15 Mins	2
Late-night Weekend	FRI–SAT	10:00pm–3:00am	10 Mins	3

Through the University's TDM partnership with CATMA, the University manages several TDM programs and benefits. These include:

CarShare Vermont Campus Program

UVM hosts two CarShare Vermont pods, one along University Place and another at the Redstone Lofts. It offers subsidized CarShare memberships to full-time students, faculty, and staff at UVM to encourage the use of CarShare Vermont and to better serve its constituents. Carsharing complements other modes as it encourages people to commute via a non-car mode while having a vehicle at their disposal during the day.

Bicycle Infrastructure & Parking

UVM is nationally recognized as a Gold-level Bicycle Friendly University as of November 2018, achieving an upgrade from its progression from a bronze level designation. The recognition is in part due to the partnership with Greenride Bikeshare as well as the prevalence and support of bicycle infrastructure on campus and the growth of its Bicycle Education Co-op Center.



UVM affiliates are eligible for a \$25 annual membership for Chittenden County's Greenride Bikeshare program. Although Greenride's bikes are docked, there are several hubs located on or proximate to UVM's campus, including the Howe Library, Waterman, Trinity Campus, Gutterson Garage, and Redstone Lofts.

UVM supports bicycle travel in several ways, including:

- Eligibility to participate in the CATMA Bike/Walk Rewards (Bike/Bucks) Program.
- Promotion of Bicycle Benefits program.
- Bike share program through the Greenride system.
- Access to bicycle parking in the form of racks.

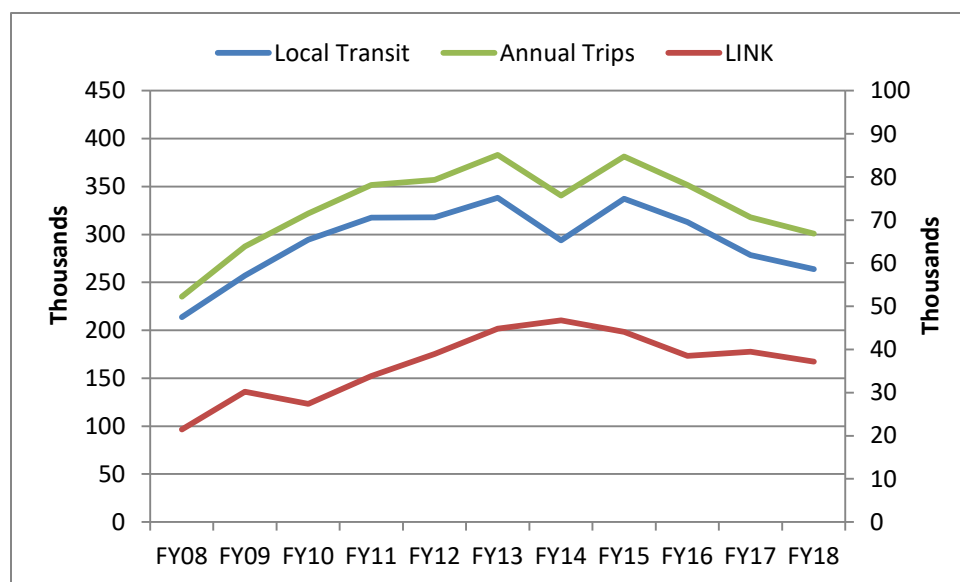
- Coordination with Local Motion to assess and improve campus bicycle racks.

Student and Employee Travel Trends

Over the past years, UVM's parking management has proven to be effective in mitigating parking demand and encouraging the use of transportation alternatives. With a policy that requires all UVM students, employees, and staff obtain a visible parking permit, the University has been successfully managing parking demand with a supply of 4,590 usable spaces and an observed occupancy rate of 93% (see Table 1-2 and Table 2-5).

In 2003, UVM joined the CATMA Unlimited Access Program, which provides unlimited access on existing GMT public transit services to employees, faculty, students, and staff. Trends in annual trips on local transit and LINK buses are shown in Figure 4-4 and Table 4-6.

FIGURE 4-4: UVM UNLIMITED ACCESS PROGRAM ANNUAL RIDERSHIP (FY08-FY18)



Source: Calculated by CATMA Staff based on GMT Monthly Ridership Reports.

Notes: CATMA Express Shuttle ceased operations in 2009; results only include GMT local and LINK routes, not shuttles.

Table 4-6 shows the annual ridership trends since FY2008 and the annual costs to provide the Unlimited Access Program.

TABLE 4-6: UVM UNLIMITED ACCESS ANNUAL RIDERSHIP (FY08-FY18)

YEAR	LOCAL TRANSIT	LINK	ANNUAL TRIPS	ANNUAL CHANGE	UVM COST FOR SERVICE
FY08	213,707	21,477	235,184		\$257,676
FY09	257,248	30,219	287,467	22.20%	\$315,488
FY10	294,579	27,397	321,976	12.00%	\$342,039
FY11	317,604	33,831	351,435	9.10%	\$376,669
FY12	317,915	38,989	356,904	1.60%	\$386,033

YEAR	LOCAL TRANSIT	LINK	ANNUAL TRIPS	ANNUAL CHANGE	UVM COST FOR SERVICE
FY13	338,115	44,808	382,923	7.30%	\$418,983
FY14	293,972	46,748	340,720	-11.00%	\$381,662
FY15	337,202	44,064	381,266	11.90%	\$413,373
FY16	313,013	38,485	351,498	-7.80%	\$380,361
FY17	278,486	39,461	317,947	-9.50%	\$351,187
FY18	263,756	37,184	300,940	-5.30%	\$332,125

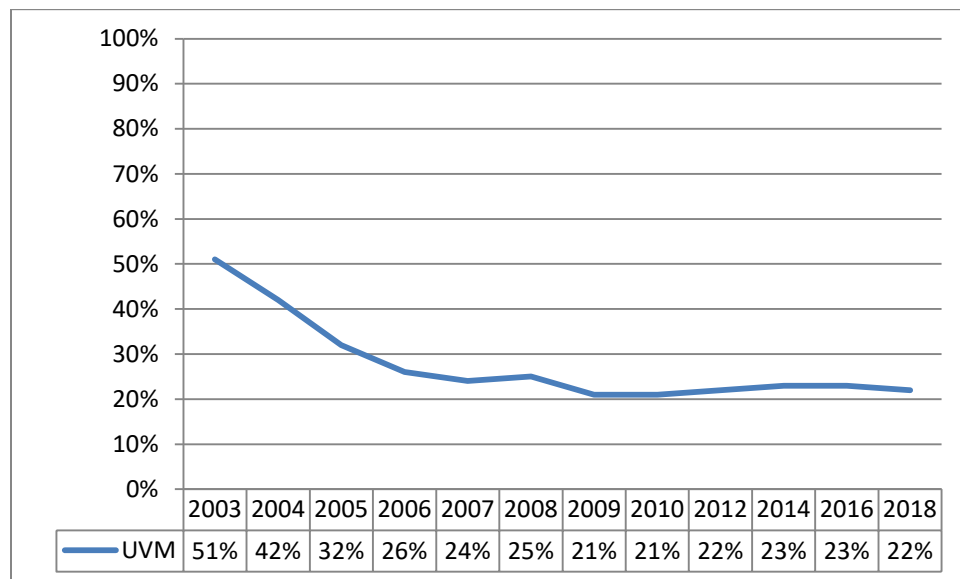
Source: Calculated by CATMA Staff based on GMT Monthly Ridership Reports.

Notes: CATMA Express Shuttle ceased operations in 2009; results only include GMT local and LINK routes, not shuttles.

CATMA surveys UVM students biennially to collect travel behavior information, including vehicle ownership and primary mode for commuting to and from campus. The surveys target the three student populations: on-campus residents, commuters within a half mile of campus, and commuters more than a half mile to campus. The students self-select their category in the travel survey.

CATMA survey results indicate that the percentage of residential UVM students with a personal vehicle has declined; approximately 22% of residential students brought a car in 2018, a 56% decrease from the 2003 level of 51%.

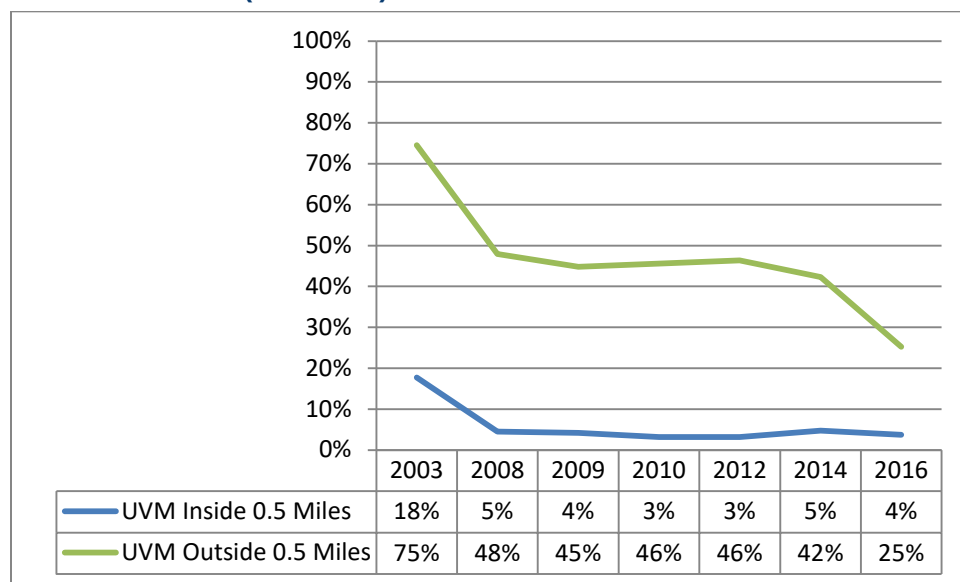
FIGURE 4-5: SHARE OF UVM RESIDENTIAL STUDENTS WITH PERSONAL VEHICLES (2003–2018)



Source: Calculated by CATMA Staff using the 2003-2018 CATMA Student Transportation Surveys.

Note: Percentages are rounded to the nearest integer.

At UVM, the share of students relying on driving alone as their primary mode to campus who live within a half mile of campus declined 78% between 2003 and 2016, from 18% to 4%. For students living more than a half mile from campus, there was a 67% decline (see Figure 4-6).

FIGURE 4-6: SHARE OF UVM COMMUTER STUDENTS WITH DRIVE ALONE AS PRIMARY COMMUTE MODE (2003-2016)

Source: Calculated by CATMA Staff using the 2003-2016 CATMA Student Transportation Surveys.

Note: Percentages are rounded to the nearest integer.

Between 2016 and 2018, the share of students living within a half mile of campus reporting any driving alone to campus over the course of the week increased at UVM, while the share driving alone decreased for students living more than a half mile from campus, as presented in Figure 4-7.¹⁵ Meanwhile, carpooling over the course of the week increased for students living within a half mile of campus between 2016 and 2018, but remained relatively level for students living more than a half mile from campus.

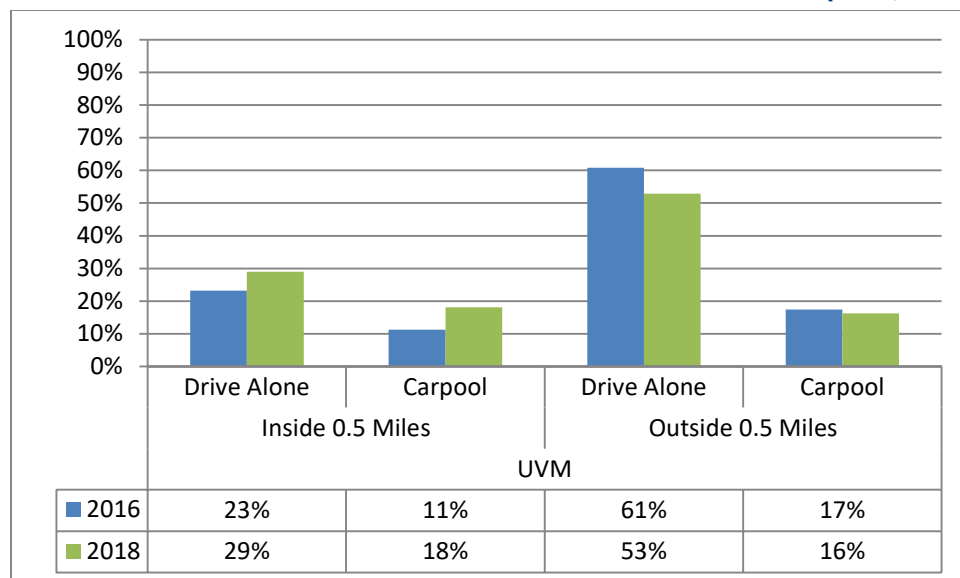
Most of the UVM commuter students living within a half mile of campus who drive alone over the course of a week do not rely on driving alone as their primary mode (see Figure 4-8). Specifically, in 2016, 23% of UVM commuter students living within a half mile of campus drove alone during the week, including 4% who relied on driving alone as their primary mode. For commuter students living more than a half mile from campus a lower share rely on driving alone as their primary mode at (25% versus 36%). The same holds for carpooling; most of the commuter students living within a half mile of campus who carpool over the course of a week do not rely on carpooling as their primary mode.

Figure 4-9 elaborates on the information for 2018 presented in Figure 4-7 by detailing the number of days per week commuter students reported driving alone and carpooling to campus. Of the 29% of UVM students living within a half mile of campus reporting any driving alone over the course of a week, 9% drive alone one day per week, 15% drive two-four days per week, 4% drive five-six days per week, and 2% drive seven days per week. For the 18% of UVM students

¹⁵ Between 2016 and 2018, the boundary for commuter parking permits was adjusted to use a proximate radius based upon CATS Shuttle stops. In practice, this meant that students previously outside the half mile boundary were included. This could help to explain the increase in the share of students living within a half mile of campus reporting any driving alone to campus over the course of the week.

living within a half mile of campus reporting any carpooling over the course of a week, 8% carpool one day per week, 9% carpool two-four days per week, and 1% carpool five days per week.

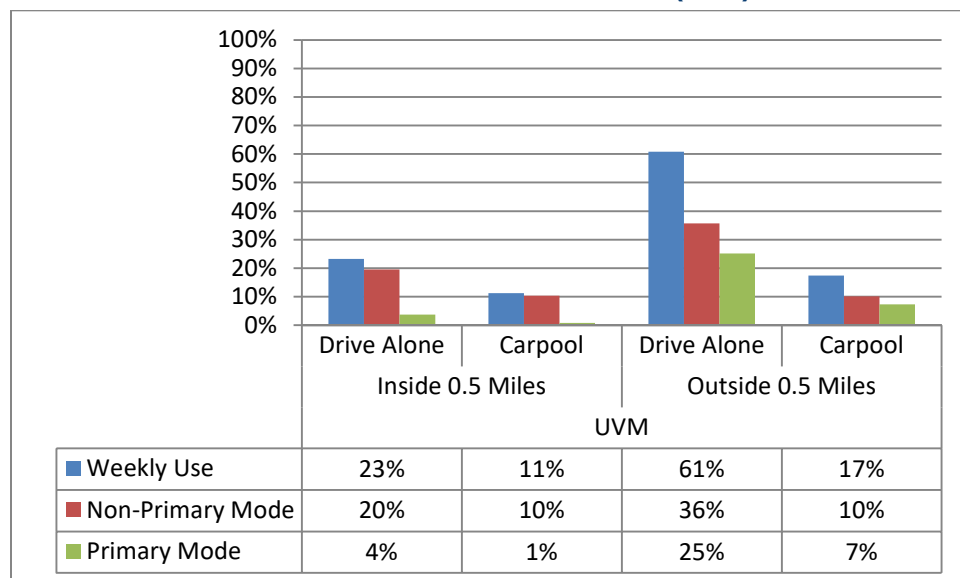
FIGURE 4-7: SHARE OF UVM COMMUTER STUDENTS REPORTING DRIVING ALONE AND CARPOOLING TO CAMPUS OVER THE COURSE OF THE WEEK (2016, 2018)



Source: Calculated by CATMA Staff using the 2016 and 2018 CATMA Student Transportation Surveys.

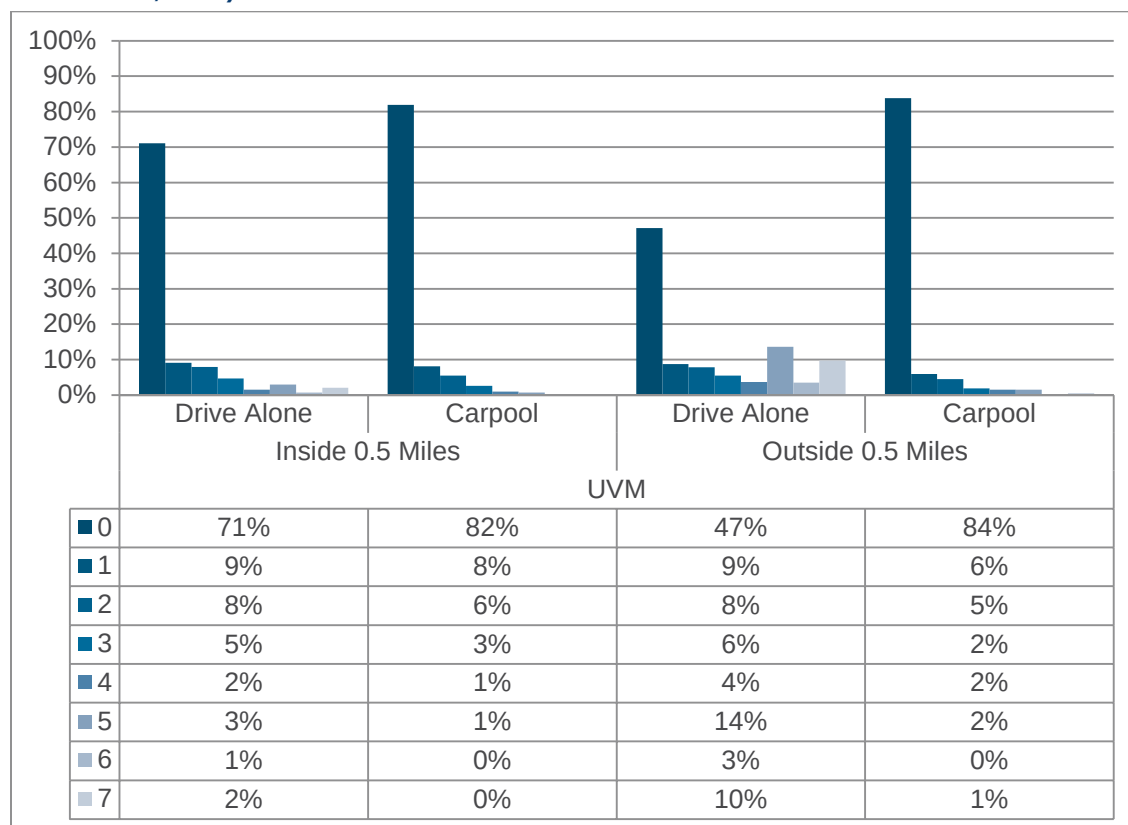
Note: Percentages are rounded to the nearest integer.

FIGURE 4-8: USE OF DRIVING ALONE AND CARPOOLING AS PRIMARY MODE VERSUS NON-PRIMARY MODE FOR UVM COMMUTER STUDENTS (2016)



Source: Calculated by CATMA Staff using the 2016 CATMA Student Transportation Survey.

Note: Percentages are rounded to the nearest integer.

FIGURE 4-9: SHARE OF UVM COMMUTER STUDENTS DRIVING ALONE AND CARPOOLING (DAYS PER WEEK, 2018)

Source: Calculated by CATMA Staff using the 2018 CATMA Student Transportation Survey.

Note: Percentages are rounded to the nearest integer.

Table 4-7 presents an estimate of the number of on-street parking spaces used by UVM students during the peak period, based upon the share of students reporting use of on-street parking when driving alone or carpooling. In total, an estimated 28 residential students use on-street parking and 170 commuting students use on-street parking. 35% of the estimated demand is within two blocks of campus.

TABLE 4-7: ESTIMATED ON-STREET PARKING AMONG UVM STUDENTS DURING PEAK PERIOD (2018)

UVM	Within 2 Blocks	More Than 2 Blocks	# Street Spaces
Residential students	6	23	28
Commuting students	63	107	170
Total	69	129	198

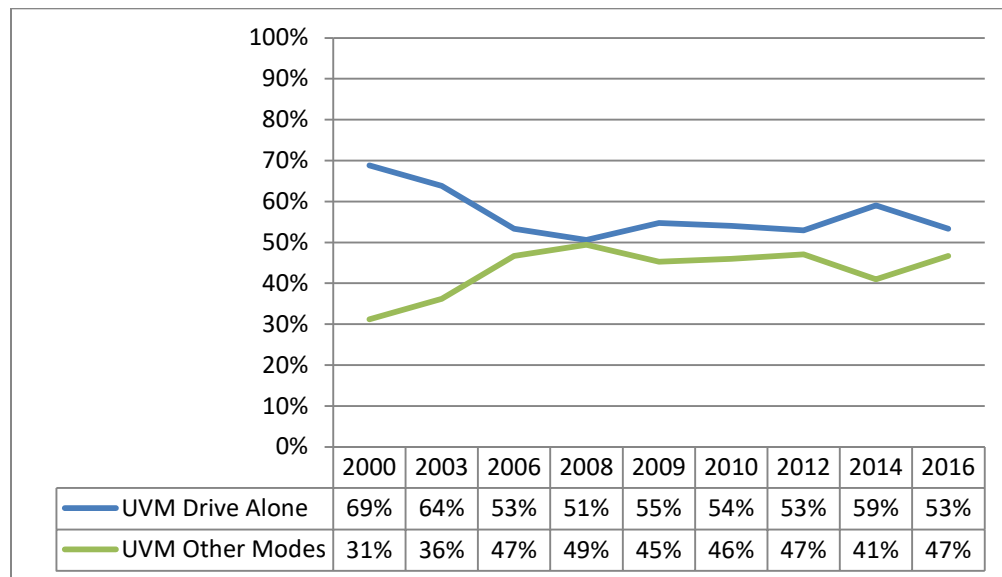
Sources: Calculated by CATMA Staff using the 2016 and 2018 CATMA Student Transportation Surveys.

Notes: Number of on-street spaces is based upon the share of estimated parking for each user group as well as survey information collected about the location of parking for each user group. Estimated parking demand is based upon the primary mode share (drive alone + half the carpool share). Parking location information is collected for users who drive alone or carpool to campus. Peak period is 11:30am-1:30pm for residential students and 12pm-1pm for commuter students.

The share of UVM employees driving alone to the Hill campuses has consistently remained below 60% over the past decade. Figure 4-10 presents trends in the primary commute mode for

employees of CC. The lowest drive alone rate (51% in 2012) represents a 26% reduction from the 2000 level of 69%. In 2016, the most recent year a primary commute mode was collected, 53% of UVM employees drove alone to work, representing a 4% increase from the 2012 low.

FIGURE 4-10: PRIMARY COMMUTE MODE FOR UVM EMPLOYEES



Source: Calculated by CATMA Staff using the 2000-2016 CATMA Employee Transportation Surveys.

Note: Percentages are rounded to the nearest integer.

Finally, an estimated 85 UVM employees use on-street parking during the peak period (calculated by CATMA Staff using the 2018 CATMA Employee Transportation Survey; see Table 1-3 and Table 2-7) based upon the share of employees reporting use of on-street parking when driving alone or carpooling.

4.2 EXISTING CONDITIONS

Employment

In Fall 2018, UVM employed a total of 4,186 part-time and full-time faculty and staff. It should be noted that employment numbers listed in Table 4-8 include clinical professors primarily in the College of Medicine (COM) but do not include COM residents, interns, and clinicians, all of whom are UVM MC employees and included in the UVM MC analysis.

TABLE 4-8: UVM EMPLOYMENT (2018 ACADEMIC YEAR)

	2018 ACADEMIC YEAR
Full-time Staff	2,286
Part-time Staff	166
Full-time Faculty	1,320
Part-time Faculty	414
TOTAL (Employment)	4,186¹⁶

¹⁶ The Employment total in Table 4-8 is 269 more than the projected total for 2019 in the 2014-2019 JIPMP 5-Year Update (see Table 24 of that document).

Enrollment

UVM's total enrollment at the start of the 2018 academic year included 13,346 students across undergraduate, graduate, and non-degree programs.

TABLE 4-9: UVM ENROLLMENT

	2018 ACADEMIC YEAR
Undergraduate	10,612
Graduate and Certificate	1,552
Medical Student	466
Non-Degree Cont. Ed.	716
TOTAL (Enrollment)	13,346¹⁷

Parking Districts (Sec. 8.1.3)

UVM is located in a Shared Use Parking District.

Existing Structures (Sec. 8.1.4)

The Main Campus of UVM consists of the following administrative districts: Athletic, Centennial, Central, Redstone, Trinity, and University Heights.

Table 4-10 summarizes the number of existing buildings and GSF of buildings in these Main Campus districts by use. This inventory does not include sites that UVM ground-leases to third parties, such as Redstone Lofts, Redstone Student Apartments, and Centennial Court Faculty/Staff Apartments.

In total, the Main Campus comprises 197 total buildings, including 27 accessory buildings like sheds, barns, or garages. The total GSF of all building uses on the Main Campus is approximately 5.58 million square feet.

Table 4-10: UVM BUILDING INVENTORY (FALL 2018)

PRIMARY BUILDING USE	ACCESSORY BUILDINGS	TOTAL BUILDING COUNT	GSF	RESIDENTIAL BEDS
Mixed Uses:				
Academic/Admin/Student Support	0	3	242,857	-
Academic/Research	9	71	1,927,295	-
UVM MC/UVM Academic Research	1	7	253,458	-
Administration	6	29	504,130	-
Athletics	6	15	412,054	-
Student Support	3	20	507,818	-
<i>Residential</i>				-
Residential Academic	0	3	110,961	-
Residential Dining	0	4	260,602	-
Residential Central Campus	2	8	212,341	-

¹⁷ The enrollment total in Table 4-9 is 1,303 more than the projected total for 2019 in the 2014-2019 JIPMP 5-Year Update (see Table 24 of that document).

PRIMARY BUILDING USE	ACCESSORY BUILDINGS	TOTAL BUILDING COUNT	GSF	RESIDENTIAL BEDS
Residential Redstone Campus	0	14	409,339	-
Residential Trinity Campus	0	12	147,174	-
Residential University Heights Campus	0	11	592,343	-
Residential Subtotal	2	52	1,732,760	5,906
TOTAL	27	197	5,580,372	5,906

Source: Information provided by institutional staff.

Notes: UVM MC/UVM Academic Research includes Rubenstein Laboratory, located at the Burlington waterfront (14,507 GSF). Residential category does not include Redstone Apartments, Redstone Lofts, or Centennial Court Apartments, which are owned and managed by private entities. Residential dining facilities are located in three buildings south of Main Street; University Heights houses two (81,090 GSF) and Redstone Campus houses one (71,086 GSF).

The 2019 existing UVM conditions are nearly 300,000 more square feet of gross building area with 1,565 more enrolled students and more 269 total faculty staff compared to the 2014-2019 JIPMP base conditions.

Limitations, Location, Use of Facilities (Sec. 8.1.12)

As of January 2019, UVM reported an inventory of 5,410 parking spaces. The inventory is shown in Table 4-11. This inventory includes some spaces which are currently off-line due to construction staging as well as closed due to winter safety around the watertower. Thus the actual physical capacity as of January is slightly lower than this number.

For the purposes of parking management, parking is divided into the following areas: Athletic Commuter, Core Central, Core East, Core North, Core South, Core West, Commuter Lots, Redstone, and Trinity.

UVM currently leases 632 of its spaces out to UVM MC. It is also worth noting here that the number of spaces leased out to UVM MC decreased by 133 spaces within the 2017-2019 timeframe. In addition, 188 spaces have been unavailable

TABLE 4-11: UVM PARKING INVENTORY (JANUARY 2019)

Parking Lot	Parking Lot Capacity	Spaces Leased to UVM MC	Spaces Unavailable Due to Construction	Usable Spaces
Athletic				
Commuter	1,757			1,757
Core Central	57			57
Core East	893	100	99	694
Core North	378		89	289
Core South	191			191
Core West	436	47		389
Commuter Lots	773	485		288
Redstone	614			614
Trinity	311			311
TOTAL Spaces	5,410	632	188	4,590

Source: Information provided by institutional staff.

Notes: A total of 188 spaces have been unavailable in the Jeffords East (part of Core East) and Converse (part of Core North) lots due to construction. These spaces (a total of 195 due to reconfiguration of the lots) are anticipated to become available in July 2019.

Minimum Off-street Parking Requirements (Sec. 8.1.8)

There is potential for overestimating the number of required parking spaces given the use categories provided in Table 8.1.8-1 of the Ordinance. There is a Special Residential Use for Dormitories as well as a Non-Residential Use for Post-Secondary Schools. The square footage of dining halls and student centers are enumerated within this latter category. However, these uses are heavily patronized by residential students who walk to the building and do not generate a demand for parking, and whose parking demand has already been accounted for (under Special Residential Use for Dormitories). To avoid the task of determining which campus functions might be considered residential and which are non-residential, a composite approach is analyzed. The two approaches: 1) using the College's GFA applied to the Post-Secondary School category from Table 8.1.8-1 in the Ordinance; or 2) using a composite of the GFA of non-dormitory buildings (applied to Table 8.1.8-1's Post-Secondary School category), the number of dormitory beds (applied to Table 8.1.8-1's Residential Use-Dormitory category), and the number of recreational facility seats (applied to Table 8.1.8-1's Non-Residential Recreational Facility-Indoor category).

Table 4-12 provides the minimum parking required by the Burlington CDO. Calculations for UVM's existing campus use both approaches.

TABLE 4-12: UVM MINIMUM OFF-STREET PARKING REQUIREMENTS (2019)

EXISTING CAMPUS		PARKING REQUIREMENT
GFA Approach	GFA (2 spaces/1,000 sq ft) = 5,580,372 sq ft	11,161
	Dormitory Beds (1 space/2 beds) = 5,906	2,953
Composite Approach	Non-Residential GFA (2 spaces/1,000 sq ft) = 3,631,816 sq ft	7,264
	Recreational Facility Seats (1 space/4 seats) = 4,500	1,125
Total		11,342

Notes: Gutterson Field House is not included as its parking requirement is based on the number of seats. Recreational facility seats refer to the number of seats provided in Gutterson Field House.

Maximum Parking Spaces (Sec. 8.1.9)

The CDO defines the maximum for parking as the 125% of the minimum number of spaces required for the Neighborhood District. All of the parking requirement categories used in Table 4-12 are identical for both the Shared Use and Neighborhood Districts, making the maximum 125% of the calculated requirement would be 13,951 spaces. UVM's inventory of 5,410 (see Table 4-11) is far from approaching this number.

Vehicle Permits

UVM parking permits are priced to regulate demand in core areas. For employees, the UVM permitting system defines areas as Main (Green Zone), Proximate (White Zone), or Peripheral (Brown Zone). Permits for the lots in the main area are the most expensive, followed by

proximate and then peripheral lots. The permitting system for students is more nuanced and restrictive. UVM's general parking regulations are as follows:

- Only faculty/staff can park in core areas during the daytime.
- Spaces in core areas are assigned based on seniority.
- First-year residential students are generally prohibited from bringing a car to campus (though some exceptions are allowed). Residential students in general are discouraged from bringing a car to campus through permit pricing: residential parking permits are roughly three times more expensive than commuter student permits.
- Students who live within the half mile distance of campus are ineligible for daytime campus parking.

TABLE 4-13: UVM PARKING PERMITS FOR 2017-2018 PERMIT CYCLE

PERMIT TYPE		NUMBER OF PERMITS
Employees		2,667
Students	Residential	1,451
	Commuter	1,157
	Med Students 3rd & 4 th Year	83
Alternative	Carpool (Zone Green)	64 (171 participants)
	Carpool (Zone White)	10 (20 participants)
Occasional Use	Employee	296
	Students	107
	Med Students 3rd & 4 th Year	11
Subtotal occasional use		414
Subtotal frequent use		5,432
TOTAL		5,846

Parking Demand

Observed Demand

A parking count conducted during the peak period in the 2018 fall semester tallied the number of parked vehicles and vacant spaces for each of UVM's parking areas.

TABLE 4-14: UVM PARKING LOT CAPACITIES AND EMPTY SPACE COUNT

PEAK DEMAND LOT COUNTS - FALL 2018				
Location	Capacity	Occupied Spaces ¹	Empty Spaces	Percent Full
Athletic Commuter	1,757	1,648	109	94%
Core Central	57	57	0	100%
Core East	694	624	70	90%
Core North	289	251	38	87%
Core South	191	172	19	90%
Core West	389	357	32	92%
Commuter Lots	288	272	16	94%
Redstone	614	573	41	93%
Trinity	311	306	5	99%
TOTAL	4,590	4,260	330	93%

Source: Information provided by institutional staff.

Notes: Peak period is weekdays, 11am-1pm.

Estimated Demand

As described above in Section 2.4, a method utilizing CATMA Student and Employee Transportation Surveys was developed to estimate current demand and assist in forecasting future parking demand. The calculation is based upon inputs into the following formula:

$$\text{Number of Users} \times \text{Share of Users on Campus at Peak Period} \times \text{Demand Generator} = \text{Estimated Parking Demand}$$

The inputs are based upon information provided by institutional staff as well as responses from CATMA Student and Employee Transportation Surveys. UVM has an current estimated deficit of 414 spaces based upon survey data, which amounts to a difference of 1,162 spaces compared to the 748 space surplus reported in the 2014-2019 JIPMP 5-Year Update and a difference of 508 spaces compared to the recalculated projected surplus of 94 spaces (see Table 1-5). This equates to a 109% occupancy rate (based upon a parking supply of 4,590 and an estimated demand for 2005 spaces), higher than the 93% occupancy rates based upon lot counts (which indicated UVM has an estimated surplus of 330 spaces, see Table 1-2). The current parking capacity of 4,590 spaces is comparable to the 2014 parking capacity of 4,593, and also similar to the 4,571 projected in the 2014-2019 JIPMP 5-Year Update. As mentioned above, UVM expects to recover spaces unavailable due to construction in July 2019 (188 spaces plus 7 additional spaces due to lot reconfiguration for a total of 195 spaces). This will lead to a new parking supply of 4,785 and a remaining estimated deficit of 219 spaces.

TABLE 4-15: UVM CURRENT ESTIMATED PEAK PERIOD PARKING DEMAND BY USER GROUP

User Group	Number in Category	Peak % on Campus	Demand Generator	Parking Demand (spaces)
Students				
Residential Students			<i>Auto Ownership</i>	
First Year	2,512	81.6%	1.7%	34
Non-First-Year	3,394	90.7%	39.0%	1,200
Subtotal	5,906			1,234
Commuting Students			<i>Mode Share</i>	
Commuting students (inside 0.5 miles)	3,174	89.1%	4.1%	116
Commuting students (outside 0.5 miles)	4,266	91.2%	28.8%	1,122
Subtotal	7,440			1,238
Employees			<i>Mode Share</i>	
Full-time	3,606	90.7%	59.0%	1,929
Part-time	580	53.7%	59.0%	184
Subtotal	4,186			2,113
Other Users				
Visitors				185
Fleet vehicles				234
Total peak parking demand				5,004
Total parking supply				4,590
Net spaces				-414

Sources: Calculated by CATMA Staff using the 2016 and 2018 CATMA Student and Employee Transportation Surveys, as well as information provided by institutional staff.

Notes: The 2016 CATMA Student and Employee Transportation Surveys are the sources for the share of users on campus at peak, as the 2018 surveys did not collect this information with sufficient specificity (see Table 2-4), with the peak period of 11:30am-1:30pm for residential students and 12pm-1pm for commuter students and employees. The demand generator is based upon the share of residential first year students with parking permit waivers, the share of residential non-first-year students with a personal vehicle (2018 CATMA Student Transportation Survey), and the primary mode share (drive alone share + 0.5* carpool share) for commuter students and employees (2016 CATMA Student Transportation Survey).

4.3 FUTURE PARKING CONDITIONS

Future Population: Students, Staff, Faculty, Visitors (Sec. 8.3.3 (A))

Between 2019 and 2024, both the University's enrollment and employment are anticipated to remain relatively unchanged. Employment is expected to increase marginally from 4,186 at the beginning of the 2018 academic year to 4,205 in 2024. In the same timeframe, enrollment is estimated to decrease slightly from 13,346 students to 13,250.

TABLE 4-16: UVM PROJECTED EMPLOYMENT (2024)

2024 PROJECTED ACADEMIC YEAR	
Full-time Staff	2,300
Part-time Staff	170
Full-time Faculty	1,320
Part-time Faculty	415
TOTAL Employees Eligible for Parking Permits	4,205

TABLE 4-17: UVM PROJECTED ENROLLMENT (2024)

2024 PROJECTED ACADEMIC YEAR	
Undergraduate	10,500
Graduate and Certificate	1,500
Medical Student	450
Non-Degree Cont. Ed.	800
TOTAL Enrollment	13,250

Future Structures—New or Changes in Use

This section addresses planned developments to the UVM campus over the next 5 years that the University's parking supply will have to accommodate. The previous JIPMP identified nine building projects slated to be complete by 2019. These projects and their current status are shown in Table 4-18.

TABLE 4-18: STATUS OF PREVIOUSLY IDENTIFIED UVM BUILDING PROJECTS

BUILDING PROJECT	COMPLETED?		NOTES
	Yes	No	
Multi-Purpose Event Center		×	Carried forward to current 5-year Plan, project will start in spring 2019 and be completed by summer 2021
STEM	✓		Renovations on two existing buildings (Votey and the Innovation) and one new build (Discovery), scheduled to open in May 2019
Kalkin Addition (Ifshin Hall)	✓		Completed in 2018
61 Summit (Alumni House & Silver Pavilion)	✓		Completed in 2016
UVM Rescue Building	✓		Completed in 2017
Billings	✓		Completed in 2018
Housing Master Plan—Phase I	✓		Completed in 2017
Athletic Recreation Center		×	Carried forward to current 5-year Plan as part of the Multi-Purpose Event Center
Virtue Field Outdoor Seating	✓		Phase 1 and 2 complete, Phase 3 carried forward to current 5-year Plan

The 1 South Prospect Building on the corner of Pearl and South Prospect Streets is currently leased to UVM Medical Center (UVM MC) and is expected to transfer back to UVM control sometime around 2024. The building will require extensive rehabilitation and is not considered to be in active use by UVM by 2024.

Table 4-19 summarizes projects carried forward from the previous JIPMP as well as new planned projects identified by UVM staff estimated for completion by 2024. In total, these will result in an estimated loss of 88 spaces.

TABLE 4-19: UVM PLANNED PROJECTS

	PRIMARY USE	CHANGE IN RES BEDS	CHANGE IN GSF	CHANGE IN PARKING SPACES
Tarrant (Multi-Purpose) Event Center	Athletic	-	119,099	-149
New Research Facility for COM	Academic/Research	-	75,000	-107
Torrey/Votey Lot	Academic/Research	-	2,626	-21
Outing Club Relocation	Student Support	-	13,250	5
Gund Institute	Academic/Research	-	14,000	-5
Fleming Museum	Academic/Admin/ Student Support	-	0	10
Interfaith Center Parking Lot	NA	-	0	40
University Road (East Ave. to Compound)	NA	-	0	15
Southwick Hall	Academic/Research	-	0	2
Univ. Heights Rd/Davis Rd (Patrick Cir. to Southwick)	NA	-	0	20
Blundell	Academic/Research	-	0	5
Music Building Recital Hall Addition	Academic/Research	-	4,544	2
ADA Code Compliance	NA	-	0	-20
Future Structured Parking	NA	-	-	TBD
Residential Life Replacement Beds	Residential	500	120,000	95
Library Addition	Academic/Research	-	2,400	1
Central Heating & Cooling Plant	NA			
Cohen Hall/ Taft School	Academic/Research	-	25,000	0
439 College St	Student Support	-	14,864	19
Virtue Field Phase III	Athletic	-	5,000	0
TOTAL Increase		500	390,783	-88

Sources: Information provided by institutional staff.

Notes: Tarrant Event Center value assumes replacement of existing spectator seating at Patrick Gym with same number of spectator seats at new facility. Virtue Field Phase III relates to support functions such as bathrooms, ticketing, concessions, and locker rooms; no change is planned to overall capacity at Virtue Field or supply and demand of parking.

In addition to building and renovation projects, several demolition projects are planned (see Table 4-20), including the Pomeroy Barn and Coolidge Hall. Other changes that will impact UVM's total building inventory include a potential private development that may impact part of Trinity Campus, and potential private redevelopment of Dewey Hall and the area around it. Together, these are expected to result in the loss of 163 spaces.

TABLE 4-20: UVM PLANNED ADJUSTMENTS TO BUILDING INVENTORY

	PRIMARY USE	GSF CHANGE	RES BEDS	PARKING SPACES
Pomeroy Barn & 172 South Prospect	Academic/Research	-6,067	-	15
Coolidge Hall	Residential	-30,510	-147	-10
Back 5 & Cottages (Trinity Campus)	Residential	-64,907	-243	-85
Colchester Ave/ Dewey	Non-UVM	-82,622	-	-83
TOTAL Decrease		-184,106	-390	-163

Taking all projects and demolitions together, Table 4-21 presents the net change in UVM's building inventory for the 2019–2024 period and adds it to the totals for the existing campus to estimate totals for its future campus. The projected 2024 total parking inventory will be 5,166 spaces. Holding constant the 632 spaces leased to UVM MC leads to an estimated 4,534 spaces available for UVM.

TABLE 4-21: SUMMARY OF PROJECTED UVM CAMPUS CHANGES FOR 2024

	RESIDENTIAL BEDS	GSF	PARKING SPACES
Total Increase in GSF	500	390,783	-88
Total Decrease in GSF	-390	-184,106	-163
Net Change	110	206,677	-251
Existing (as of July 2019)	5,906	5,580,372	5,417
TOTAL (Existing + Planned)	6,016	5,787,049	5,166

Notes: Capacity at Redstone Lofts, Redstone Student Apartments, and Centennial Court Faculty/Staff Apartments is not include, as these are owned and operated by third-parties. Refer to Table 4-10 for a summary of the current existing UVM campus.

Future Minimum Off-Street Parking Requirements (Sec. 8.1.8)

The estimated changes to UVM's campus in Table 4-21 are used to calculate minimum parking requirements for UVM's 2024 planned campus per the Burlington CDO. Parking requirements for UVM's planned campus are calculated using the same composite approach applied to the current campus, as presented in Table 4-22.

TABLE 4-22: UVM MINIMUM PARKING REQUIREMENTS FOR PLANNED CAMPUS

	CHANGES TO CAMPUS PLANNED BY 2024	CDO MINIMUM PARKING REQUIREMENT CHANGE
	Dormitory Beds (1 space/2 beds) = 110	55
Composite Approach	Non-Residential GFA (2 spaces/1,000 sq. ft) = 156,029 sq. ft	312
	TOTAL	367

Notes: Tarrant Event Center GFA not included, since no change is planned in the total number of seats.

The Tarrant Event Center will replace Patrick Gym as the primary home of UVM's basketball programs ice hockey and basketball programs, as well as becoming UVM's primary venue for major ceremonial events, speakers, concerts, entertainment, other large gatherings, and recreational activity.

The current capacity at Gutterson is 4,500 seats and the capacity of the Tarrant Center will be 3,000 seats. It is not anticipated that two major events would take place simultaneously in both the new Tarrant Event Center and Gutterson and there will be sufficient time between major events to allow for transition traffic/parking management. A likely scenario would include a hockey game in the Tarrant Event Center and recreation or varsity practice in Gutterson. Based on the projected event scenarios and seating capacities it is projected that there will be no significant impact to parking or traffic patterns in the vicinity of the complex. Parking for special events, which often occur during off-peak hours, is managed by UVM Transportation and Parking Services using special operating procedures.

Overall, given the completion of all planned projects the CDO minimum parking supply for UVM by 2024 would be between 11,528 and 11,709 spaces (depending on method). For reference these estimates are similar to the previous JIPMP, which calculated a minimum requirement of 11,886 to 12,638 for UVM by 2019.

Future Parking Demand and Supply (Sec. 8.3.3 (B))

This section of the study estimates the parking demand effects of the anticipated change in employment, enrollment, and physical land uses on campus by 2024. The projected number of residential beds expected by 2024 is used to estimate future numbers of residential students (refer to Table 4-21). The total number of commuter students is estimated using on-campus student enrollment and subtracting the number of residential beds for 2024. The values for peak percentage on campus and auto ownership are held constant from existing campus calculations (see Table 4-15). As was the case for the current estimated parking demand, the estimated future parking demand using survey data is based upon the following formula:

$$\text{Number of Users} \times \text{Share of Users on Campus at Peak Period} \times \text{Demand Generator} = \text{Estimated Parking Demand}$$

As presented in Table 4-23, UVM has an estimated future net deficit of 469 spaces. This amounts to an increased deficit of only 55 spaces compared to the estimated current deficit of 414 spaces (see Table 4-15), but a 250 space difference from the 219 space deficit that will occur once spaces are recovered from construction in July 2019.

TABLE 4-23: UVM FUTURE ESTIMATED PEAK PERIOD PARKING DEMAND BY USER GROUP (2024)

User Group	Number in Category	Peak % on Campus	Demand Generator	Parking Demand (spaces)
Students				
Residential Students			<i>Auto Ownership</i>	
First Year	2,558	81.6%	1.7%	35
Non-First-Year	3,458	90.7%	39.0%	1,223
Subtotal	6,016			1,258
Commuting Students			<i>Mode Share</i>	
Commuting students (inside 0.5 miles)	3,086	89.1%	4.1%	113
Commuting students (outside 0.5 miles)	4,148	91.2%	28.8%	1,091
Subtotal	7,234			1,204
Employees			<i>Mode Share</i>	
Full-time	3,620	90.7%	59.0%	1,936
Part-time	585	53.7%	59.0%	185
Subtotal	4,205			2,122
Other Users				
Visitors				185
Fleet vehicles				234
Total peak parking demand				5,003
Total parking supply				4,534
Net spaces				-469

Sources: Calculated by CATMA Staff using the 2016 and 2018 CATMA Student and Employee Transportation Surveys, as well as information provided by institutional staff.

Notes: The 2016 CATMA Student and Employee Transportation Surveys are the sources for the share of users on campus at peak, as the 2018 surveys did not collect this information with sufficient specificity (see Table 2-4), with the peak period of 11:30am-1:30pm for residential students and 12pm-1pm for commuter students and employees. The demand generator is based upon the share of residential first year students with parking permit waivers, the share of residential non-first-year students with a personal vehicle (2018 CATMA Student Transportation Survey), and the primary mode share (drive alone share + 0.5* carpool share) for commuter students and employees (2016 CATMA Student Transportation Survey). The parking supply assumes no change in the current lease of 632 spaces to UVM MC. Holds peak % on campus and the demand generators constant from current levels.

Parking Demand Reduction

UVM Transportation and Parking Services has employed Nelson Nygaard as consultant to review its Transportation and Parking Operations with a goal to provide a 10-year Campus Transportation and Parking Master Plan. UVM anticipates a menu of options and recommendations which will assist in better use of existing resources and peer best practices for strategies in reducing single occupancy vehicles coming to Burlington as well as increased use of public and commuter transportation systems. The report is expected to be completed by mid to end of May 2019.

In interim of Nelson Nygaard's report and recommendations, below are several short-term, mid-term and long-term strategies that UVM plans to explore and/or implement to address its current and future parking deficit over the next five years.

Short-Term (1-2 years)

Summer 2019: UVM will regain an estimated 195 spaces that have been unavailable for UVM permits due to utilization by construction crew and equipment. These spaces include Jeffords East (100 spaces) and Converse Lot (95).

Fall 2019: UVM will increase bikeshare access on campus and within the region with implementation of 200 electric assist bikes at 25 hubs.

2019-2020 Academic Year: UVM will offer "Warehouse" parking opportunities for 40 to 80 student residents. These students will receive a discounted permit rate to park at a University owned or leased property outside of Burlington. They are expected to only access their cars for transportation during holiday and semester break periods. These students will be able to access their cars by using free GMT public transportation services thru Unlimited Access and/or bikeshare. They will also be able to obtain a cab ride or rideshare service at their own expense, or use UVM's Safe Ride program to get to their vehicle. UVM will provide a free holiday break and end of semester shuttle service to students who participate in the "Warehouse" program.

2020: UVM plans to provide convenient and accessible moped and motorcycle parking in prominent locations, and plans to strengthen and incentivize carpools by creating carpool-only parking and implement a robust promotional and communication campaign.

2020/2021: UVM plans to implement more bike parking on campus (covered and indoor) to encourage inclement weather cycling.

Mid-Term (2-5 years)

2021: UVM plans to create and publicize an official CATSRIDE last mile service to connect LINK commuters. UVM also plans to explore opportunities to park commuters at off-site lots or park-and-ride facilities (ideally located along existing public transit routes and/or served by university operated shuttle systems).

Long-Term (5-10 years)

UVM plans to reduce parking availability on campus for students and employees by relocating residential students from commuter lots to off campus locations (including University-owned or leased lots) outside of Burlington and providing transportation as needed.

Residential students who do not use their vehicles every day would have transportation either through public transit or scheduled CATSRIDE as available. Rates would be commensurate with the lease rates for the lots or with transportation costs. Meanwhile, residential students who use their vehicles weekly may use public transportation as well as scheduling the CATSRIDE if available.

Ongoing Efforts to Manage Parking Demand

UVM recognizes the need for greater enforcement and reduction in the availability of free, un-managed parking supply if pricing is to be an effective policy to reduce overall parking demand.

UVM is committed to supporting attractive and desirable alternatives to driving, including working with GMT and the City of Burlington to improve transit service, quality, and efficiency to attract ridership.

UVM recognizes that reducing the supply of leased space to other parties (e.g. UVM MC) may be necessary. While the future parking demand estimates hold the number of leased spaces constant, ceasing to lease spaces to UVM MC would eliminate the projected parking deficit.

UVM could also explore increasing the number of leased parking space elsewhere off-site (eg Lakeside Lot) in conjunction with shuttle service.

Finally, UVM may consider increasing parking capacity on campus.

Institutional Vehicle Fleet Management (Sec. 8.3.3 (C))

UVM owns or leases a total of 234 vehicles. Most UVM service vehicles (identified with parking stickers) are kept at their respective department location, and temporary business use placards are provided for service/vendor vehicles as needed during day.

Monitoring, Compliance, and Enforcement (Sec. 8.3.3 (e))

Table 4-24 lists the various situations that warrant a parking ticket being issued and the amount of the fine. UVM Transportation and Parking Services issued 16,440 parking citations in FY2018; almost half (7,342) were for parking on campus without a permit.

TABLE 4-24: PARKING FINES FOR THE 2018-2019 ACADEMIC YEAR

VIOLATION	FINE
Parked overtime at meter/pay station/loading zone	\$25
Permit not displayed	\$30
Parked in a restricted area	\$30
Parked without a valid permit	\$50
Parking in a fire lane/roadway	\$80
Disabled space violation	\$80
Use of unauthorized permit	\$80
Falsifying information	Refer to Police Services
Disregarding traffic signs	Refer to Police Services
Damage, destroy, or illegally activating parking gates	Refer to Police Services
Unauthorized use of, removing, possession of, tampering with or damaging University property managed by Transportation and Parking Services	Refer to Police Services

Notes: Violations for use of unauthorized permit is administered by Police Services.

5.0 UVM MEDICAL CENTER

5.1 OVERVIEW OF INSTITUTIONAL PARKING MANAGEMENT PLAN

The UVM Medical Center (UVM MC) is an academic medical center providing high quality care regional referral services for patients throughout Vermont and Northern New York. UVM MC is a member of the UVM Health Network (UVM HN), which includes facilities in and around Burlington, the Central Vermont Medical Center, Champlain Valley Physicians Hospital, Elizabethtown Community Hospital, Alice Hyde Medical Center, Canton-Potsdam Hospital, Inter-Lakes Health, Home Health & Hospice, (formerly the Visiting Nurse Association of Chittenden and Grand Isle counties), and the UVM Health Network Medical Group. The UVM MC consists of more than 30 patient care sites and 100 outreach clinics, employs over 7,000 people, serves a population of over a million people, and conducts around 750,000 procedures every year.

This chapter of the Joint Institutional Parking Management Plan (JIPMP) focuses on the Burlington Hill District Campuses, which includes the UVM MC Main Campus, 1 South Prospect, and downtown Burlington (112 Colchester Avenue, 128 Lakeside Avenue/Innovation Park, and 95 St Paul Street) facilities.

Transportation Demand Management Programs (Sec. 8.3.3 (D))

UVM MC is a founding member of CATMA. Through this membership, employees are eligible to enroll in a variety of sustainable commuter programs, including transit pass discounts, bike/walk rewards, carpool matching and trip planning services, Greenride Bikeshare discounts, and emergency rides home.

This section covers:

1. **Policies** which restrict or prohibit the bringing of vehicles to the institution for various users or groups of users.
2. **Programs** to encourage the use of public transit, walking and bicycling; To encourage the use of alternative transportation modes, the College will continue:
3. **Implementation** of a parking permit system to allocate parking throughout the system.

TABLE 5-1: SUMMARY OF UVM MC PARKING MANAGEMENT STRATEGIES

STRATEGIES	UVM MC AVAILABILITY
Parking Management Program	Yes
TMA Membership	Yes, CATMA
Telecommuting Program	Encouraged where possible. Telecommuting is available in certain departments, such as Radiology and Pathology. Health Information Services and Transcription staff are permitted to work from home.
Carshare program	Yes, CarShare Vermont via UVM Campus.
Bikeshare	Yes, Greenride at Miller Building and outside the Ambulatory Care Center (ACC) entrance.
Off-site parking/shuttles	Yes
Public transit subsidies for employees	Yes

Policies

Parking Permits and Remote Lots

UVM MC manages on-site parking demand by successfully utilizing off-site, remote lots through an effective shuttle system. During peak demand periods, convenient on-site parking assignments are limited to senior staff, physicians, residents, and those with “Business Needs” or “Medical Needs” permits. Remaining staff are required to park in a satellite lot served by a shuttle or use an alternative transportation mode.

Transit Discounts

UVM Medical Center offers a discount on GMT commuter passes and a discount on local bus passes. UVM Medical Center also offers a discount on ferry tickets for employees who live in New York. A carpool parking incentive (on campus parking permit) are available to employees at the Main Campus, 1 South Prospect Street, and Fanny Allen who have two or more employees who commute to work together.

Programs

To encourage the use of alternative transportation modes, UVM MC conducts the following activities:¹⁸

Guaranteed Ride Home (GRH) Program

As of November 2018, there were 964 institutional employees registered with CATMA or registered in the Guaranteed Ride Home Program.

Public Transit

Since the early 1980s, GMT buses on the Burlington/Essex Route have served UVM Medical Center Main Campus. To facilitate bus access, UVM Medical Center widened the intersection

¹⁸ These programs satisfy most of the items in Article 10 of the July 26, 2000 Planning Commission Decision.

and entrance road from Colchester Ave. and Hospital Dr. to service bus passengers. Since spring 1995, UVM Medical Center has subsidized the cost of GMT bus passes for employees choosing to ride the bus. Transit incentives include:

- UVM Medical Center offers the 50% subsidy on local GMT bus routes and a 25% subsidy on all LINK Express routes.
- UVM Medical Center offers all employees a 25% subsidy on Lake Champlain Ferry passes.
- Passes for both GMT and the Lake Champlain Ferry are sold to employees at the Security offices on the Main Campus and at 1 South Prospect Street. Payroll deduction is available.

TABLE 5-2: UVM MC TRANSIT PASS SUBSIDIES

CURRENT PARTICIPATION	AVERAGE BUS PASSES SOLD PER MONTH
GMT Local Service: Monthly Pass	92
GMT Local Service, Senior/Disabled: Monthly	-
GMT Local Service: 10 Ride Pass	36
GMT Local Service Senior/Disabled: 10 Ride Pass	-
GMT LINK Express: Monthly Pass	1
GMT LINK Express Local Commuter: Monthly Pass	2
GMT LINK Express: 10 Ride Pass	75
GMT LINK Express Local Commuter: 10 Ride Pass	30
Champlain Ferry: Car and Driver Monthly Pass	122
Champlain Ferry: Passenger 10 Ride	23
Champlain Ferry: Motorcycle 20 Ride	-

College Street Shuttle

UVM MC will continue to support the College Street shuttle to connect the downtown offices with the Main Campus. This increase in service benefits both our constituents and staff in their need to travel between campuses.

Off-site Parking Shuttle and Transit Integration

UVM Medical Center provides off-site parking at the Fanny Allen Campus in Colchester, the 115 Lakeside Lot and Technology Park, with regular shuttle service directly to and from the Main Campus. In addition, the Main Campus serves as a transit stop for 10 GMT transit routes.

TABLE 5-3: UVM MCPARKING SHUTTLES - FREQUENCY

SHUTTLE LOCATIONS	AM RUNS	MIDDAY RUNS	PM RUNS	TOTAL RUNS/DAY
Tech Park/Medical Center	21	11	28	60
Lakeside/Medical Center	21	11	28	60
Fanny Allen/Medical Center	21	11	28	60
Catamount/Medical Center	16	14	14	44
Centennial/1 South Prospect	15	0	15	30

The shuttles summarized in Table 5-3 combine to provide 254 shuttles that operate 254 days per year resulting in 64,516 shuttle trips per year. Table 5-4 shows the shuttle pickup locations, the hours of operation, and the quantity, and type of shuttles.

TABLE 5-4: UVM MC PARKING SHUTTLES - TYPES

SHUTTLE LOCATION		ROUTE HOURS, M-F				
Tech Park/Medical Center	4:15 am to 9:20 pm	2 buses 4:15 - 5:00 am	3 buses 5:00 am - 9:00 am	1 van 9:20 am - 2:20 pm	3 buses 2:30 pm - 7:30 pm	2 buses 7:30 pm - 9:20 pm
Lakeside/Medical Center	4:15 am to 9:20 pm	2 buses 4:15 - 5:00 am	3 buses 5:00 am - 9:00 am	1 van 9:20 am - 2:20 pm	3 buses 2:30 pm - 7:30 pm	2 buses 7:30 pm - 9:20 pm
Fanny Allen/Medical Center	4:15 am to 9:20 pm	2 buses 4:15 - 5:00 am	3 buses 5:00 am - 9:00 am	1 van 9:20 am - 2:20 pm	3 buses 2:30 pm - 7:30 pm	2 buses 7:30 pm - 9:20 pm
Catamount/Medical Center	4:15 am to 9:15 pm	1 bus 4:15 am - 5:30 am	2 buses 5:30 am - 8:30 am	1 bus 8:30 am - 2:00 pm	2 buses 2:00 pm - 6:30 pm	1 bus 6:30 pm - 9:15 pm
Centennial/1 South Prospect	6:05 am to 9:35 am & 2:35 am - 6:05pm	1 bus 6:05 am - 9:35 am	1 bus 2:35 am - 6:05 pm	-	-	-

Carpooling

There are approximately 1,000 UVM Medical Center employees registered with CATMA as carpoolers. Carpools with at least two occupants may park on-site in the Medical Center South lot.

Supporting Bicycle Travel

UVM Medical Center supports bicycle travel in several ways, including:

- Incentivizing its constituents to bicycle to work through the CATMA Bike/Walk Rewards Program.
- Investing in the local and regional bicycle networks: for example, UVM Medical Center widened the sidewalk along Colchester Avenue between East Avenue and Mansfield Avenue to interconnect with UVM bike paths. The sidewalk along Beaumont Drive is 10 feet wide to function as a shared use path.
- Providing shower facilities to its bicycling constituents: The Security Department maintains a list of shower locations at the Medical Center Campus that are available for staff use. When security staff receive inquiries about shower locations, they describe the various locations and suggest the one that best meets the employee's needs.
- Providing bicycle parking in the form of racks and making an effort to locate such parking in covered areas. Covered bicycle parking is provided at the McClure and Miller Buildings. There is parking for over 100 bicycles located at several entrances of the

Medical Center Campus. UVM Medical Center makes an effort to locate bicycle parking in covered areas.

- There is a Greenride Bikeshare hub located near the bus stop on ACC/Wick Plaza.
- UVM Medical Center has been designated a Bicycle Friendly Employer by the League of American Bicyclists.

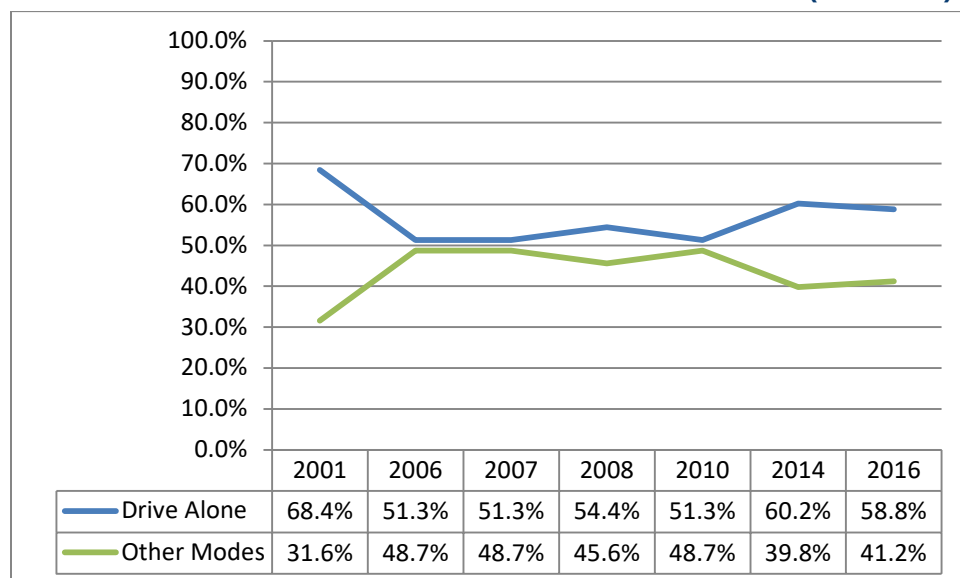
Implementation

Implementation of the parking management plan is conducted through the application of a parking permit system. The UVM Medical Center parking program manages demand for on-site parking through the use of incentives and off-site satellite parking served by shuttles. Key elements of the UVM Medical Center Permitted Parking Policy are as follows:

- All UVM MC staff and affiliates who wish to park their vehicles in a UVM MC controlled parking lot must register their vehicles with the Security Department at the Medical Center Main Campus.
- All vehicles parked at the Medical Center Main Campus or in any Medical Center Campus satellite lot must display a current UVM MC parking permit.
- Vehicles must be parked only in the lot designated by the permit.
- One permit may be issued per person. Only the registered employee may park in their assigned lot; permits may not be loaned.
- A limited number of “Business Needs” permits are available to staff who use their personal vehicles to frequently come and go from the Medical Center Campus for business reasons. The number of business needs permits issued varies based on parking space availability at the Medical Center Campus.
- Affiliates are only allowed to park in the lot while they are working or on official UVM MC business. Parking in the lot to attend school or other non-work related functions is not permitted.

Employee Travel Trends

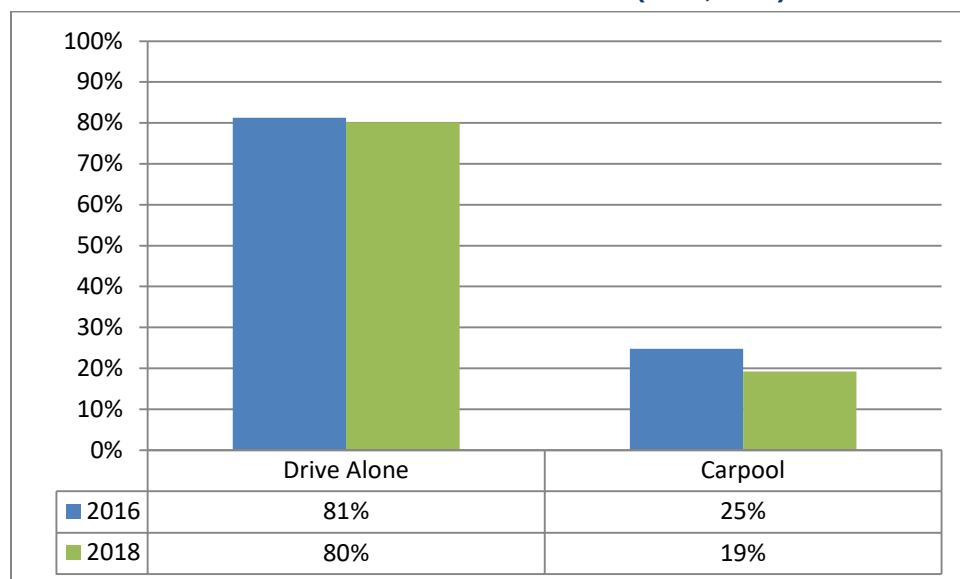
Figure 5-1 shows the surveyed commute travel mode over time. Year to year there are variations between some of the means of commute. The percentage of people biking or walking to work has remained relatively stable averaging 11% and the car driving alone has remained between 50% and 60% since 2006.

FIGURE 5-1: UVM MC EMPLOYEE PRIMARY COMMUTE MODE (2001-2016)

Source: Calculated by CATMA Staff using the 2001-2016 CATMA Employee Transportation Survey.

Note: Percentages are rounded to the nearest integer.

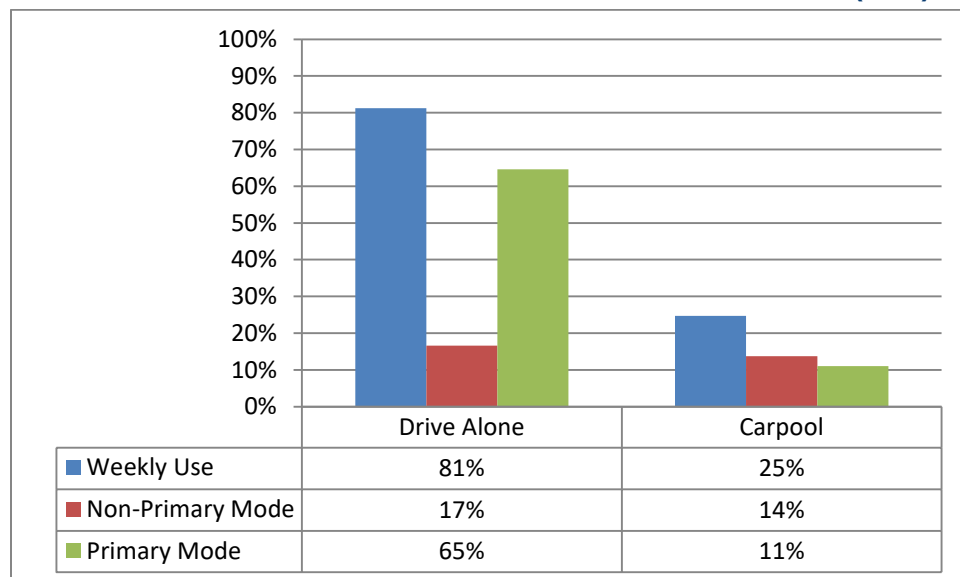
Between 2016 and 2018, the share of UVM MC employees driving to work over the course of the week has remained relatively level, but the share of employees carpooling during the week has declined.

FIGURE 5-2: SHARE OF UVM MC EMPLOYEES REPORTING DRIVING ALONE AND CARPOOLING TO CAMPUS OVER THE COURSE OF THE WEEK (2016, 2018)

Source: Calculated by CATMA Staff using the 2016 and 2018 CATMA Employee Transportation Surveys.

Note: Percentages are rounded to the nearest integer.

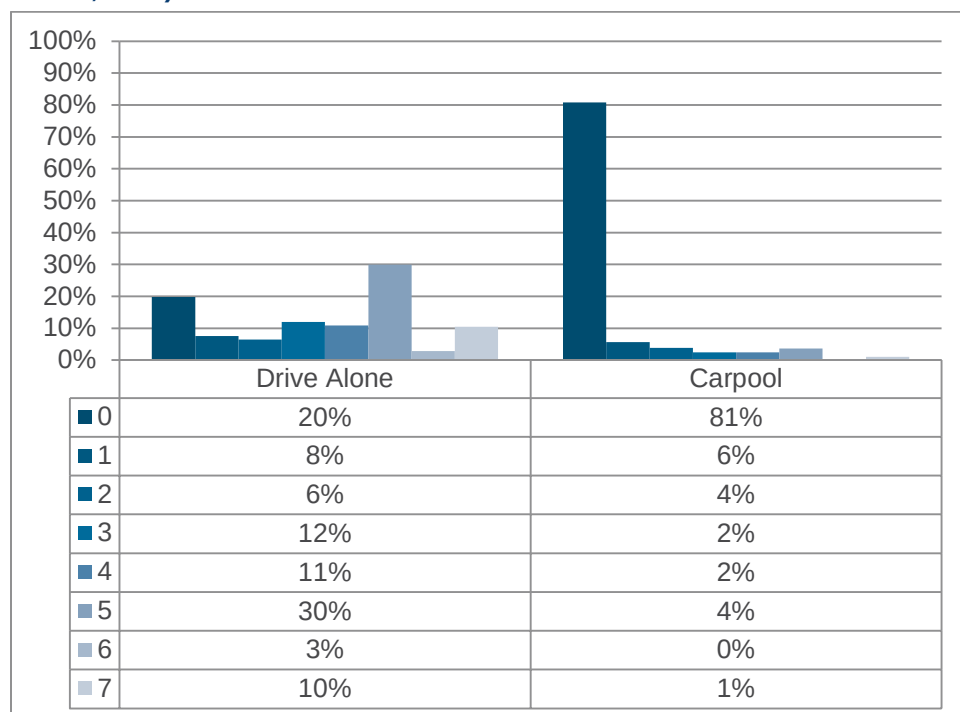
Most UVM MC employees who drive alone over the course of a week rely on driving alone as their primary mode. Meanwhile, significantly fewer UVM MC employees report carpooling during the week, and carpooling is often a non-primary mode.

FIGURE 5-3: UVM MC EMPLOYEE USE OF DRIVING ALONE AND CARPOOLING AS PRIMARY MODE VERSUS NON-PRIMARY MODE FOR UVM MC EMPLOYEES (2016)

Source: Calculated by CATMA Staff using the 2016 CATMA Employee Transportation Survey.

Note: Percentages are rounded to the nearest integer.

Of the 80% of UVM MC employees who drive alone during the week, 8% drive alone one day per week, 29% drive alone two-four days per week, 30% drive alone five days per week, and 13% drive alone six-seven days per week. Employees who carpool during the week tend to carpool one-three days per week.

FIGURE 5-4: UVM MC SHARE OF EMPLOYEES DRIVING ALONE AND CARPOOLING (DAYS PER WEEK, 2018)

Source: Calculated by CATMA Staff using the 2018 CATMA Employee Transportation Survey.

Note: Percentages are rounded to the nearest integer.

Finally, an estimated 16 employees use on-street parking (calculated by CATMA staff, see Table 1-3 and Table 2-7), based upon the share of employees reporting use of on-street parking when driving alone or carpooling.

5.2 EXISTING CONDITIONS

Employment

UVM MC employs a total of 6,229 individuals associated with their Burlington campuses. The majority of these employees are assigned to the MCC or the 1 South Prospect Street Campus, which are both located in the City of Burlington. There are an additional 1,067 non-paid staff, all at the UVM Medical Center Main Campus. The space that UVM MC leases from the University of Vermont for the MCC Campus is included in the UVM MC analysis chapter rather than the UVM chapter.

TABLE 5-5: UVM MC EMPLOYMENT

PAID EMPLOYEES		MAIN CAMPUS	1 SOUTH PROSPECT	DOWNTOWN BURLINGTON
<i>Full-time</i>	Day shift	2,294	440	150
	Evening shift	317	9	0
	Night shift	561	9	0
	FT Un-ID'd shift	743	42	6
Total Full-Time		3,915	500	156
<i>Part-time</i>	Day shift	478	68	8
	Evening shift	79	4	0
	Night shift	67	0	0
	PT Un-ID'd shift	111	14	3
TOTAL (Part-Time)		735	86	11
TOTAL (Per Diem)		752	64	10
TOTAL (Employees by Site)		5,402	650	177

Note: Downtown Burlington numbers include 112 Colchester Ave, 95 St. Paul St, Apple Tree Bay, Courthouse Plaza, Innovation Center, UVM Given Building, and UVM Stafford Building. Unidentified shift employees are most likely day shift.

TABLE 5-6: UVM MC NON-PAID STAFF

NON-PAID STAFF (ALL AT MEDICAL CENTER CAMPUS)	
Community Based Members of the Medical Staff	208
Honorary Members of the Medical Staff	75
Volunteers	784
TOTAL (Non-Paid Staff)	1,067

Note: Honorary Members do not have privileges, but they maintain a relationship with the medical staff and sit on Medical Staff Committees.

Patients

The UVM Medical Center Main Campus is licensed for 580 beds for in-patient care. In practice, the Main Campus has only 500 beds in rotation. 1 South Prospect does not perform in-patient services.

In 2018, UVM Medical Center Main Campus performed 289,335 out-patient procedures, and 1 South Prospect performed 80,090 procedures. In many cases, the same patient will receive more than one procedure on one visit. However, the number of average daily procedures as calculated in Table 5-7 serves as the most accurate approximation for peak patient demand.

TABLE 5-7: UVM MC OUT-PATIENT PROCEDURES AT SELECTED CAMPUSES (2018)

	2018 ANNUAL PROCEDURES	2018 AVERAGE DAILY PROCEDURES
UVM MC Main Campus	289,335	1,113
1 South Prospect	80,090	308

Note: Assumes all procedures are scheduled Monday through Friday.

Parking Districts (Sec. 8.1.3)

The Medical Center Campus and 1 South Prospect are located in the Shared Use Parking District.

Existing Structures (Sec. 8.1.4)

The Medical Center Campus is currently licensed for 580 patient beds or bassinets. Since the number of staffed or occupied beds may vary, the number of licensed beds is used as the basis for this plan since it is a maximum and invariable number that leads to a conservative estimate.

To account for the diverse healthcare functions provided UVM MC, an effort has been made to distinguish between hospital/in-patient uses, educational uses, and other uses (e.g. cafeteria, medical office, administrative office, support space, common areas). While there is not a precise method to distinguish between these uses and the square footage associated with each, a reasonable estimate is made in Table 5-8.

TABLE 5-8: UVM MC APPROXIMATE GSF BY FUNCTION¹⁹

FUNCTION	MAIN CAMPUS GSF	1 SOUTH PROSPECT GSF	DOWNTOWN BURLINGTON GSF
Hospital (in-patient)	786,057	--	--
Educational	35,597	--	--
Other (e.g. cafeteria, medical & administrative office, support space, common areas)	877,085	188,229	1,322
TOTAL	1,698,739	--	--

¹⁹ Gross external dimensions based on FAHC 2019 Campus Building Gross Summary spreadsheet.

The out-patient facilities and medical offices at 1 South Prospect, which UVM Medical Center leases from UVM, comprise 188,229 net square feet. UVM Medical Center also owns 1,322 square feet at 112-114 Colchester Avenue in Burlington, which are included in the calculation of required parking spaces.

Table 5-9 summarizes existing parking spaces, including leased parking facilities that are adjacent to the Medical Center Campus or 1 South Prospect, which are considered as on-site parking. There are currently a total of 2,556 spaces available: 2,052 at the Medical Center Campus and 504 at 1 South Prospect²⁰. On-street parking spaces are not included in the inventory.

TABLE 5-9: UVM MC PARKING INVENTORY (MAIN CAMPUS AND 1 SOUTH PROSPECT)

LOCATION	NUMBER OF SPACES
<i>Medical Center Campus</i>	
ACC Garage	1,224
ACC Loading Dock	21
ER Lot	47
ED Ambulance Bay (loading/unloading)	5
ED Ambulance Parking (unmarked)	4
McClure Parking Garage (15 surface lot spaces)	317
Patrick Loading Dock	9
South Lot (include 6 spaces at Hope Lodge, does not include UVM spaces) (Leased)	425
<i>Subtotal Medical Center Main Campus On-Site</i>	<i>2,052</i>
<i>1 South Prospect</i>	
Lot A (Horseshoe/27 handicap spaces)	47
Lot B (Patient)	178
Lot D (Employee)	197
Pearl Street Lot (Employee)	35
Taft School (Leased)	47
<i>Subtotal 1 South Prospect</i>	<i>504</i>
On-Site Grand Total: Medical Center and 1 South Prospect	2,556

²⁰ University of Vermont employees at 1 South Prospect also use 1 South Prospect parking facilities though they do not work in the physical 1 South Prospect buildings.

The actual number of parking spaces in the Medical Center Campus and 1 South Prospect inventories may fluctuate day to day in response to operational changes. For example, UVM MC elected to take 19 parking spaces out of service in the ACC garage to improve pedestrian access and safety. Yet these spaces might be reinstated if other conditions change.

The Institutional Core Campus (ICC) Overlays described in Section 4.5.2 of the Ordinance acknowledges the different needs of UVM MC compared to other Hill institutions:

“University of Vermont Medical Center Campus (ICC-UVM MC) allows for an increased development scale and intensity than would typically be found in the adjoining and underlying districts to support continued growth and expansion of the state’s academic medical center. As a regional tertiary-level care facility, on-site parking is expected to play a larger role than otherwise would be expected for other institutional campus overlays in order to accommodate the needs of patients and visitors.”²¹

While the actual inventory is dynamic, the maximum number of *permitted* spaces (through the local and state land use development process) at the MCC remains at 2,094 spaces.²²

In addition to the properties that it owns, UVM MC leases building spaces and parking facilities in and around Burlington. Some leased parking spaces are included in the parking inventory because they have been leased specifically to provide additional parking and TDM to UVM MC. These 990 spaces are described in the off-site inventory in Table 5-10.

Other leased space that are separate and operate external to the Medical Center Campus and 1 South Prospect are not included in the parking inventory or in the parking requirement calculations.²³

Limitations, Location, Use of Facilities (Sec. 8.1.12)

Off-Site Parking Facilities

With the exception of Fanny Allen, the off-site parking facilities used by UVM Medical Center are leased from other entities. However, these spaces are critical to intercepting traffic that would otherwise travel to the Medical Center Campus or 1 South Prospect but are not included in the 2,556-space inventory described in Table 5-9. There are 1,190 spaces for off-site parking facilities for the two UVM MC campuses, as shown in Table 5-10.

²¹ Comprehensive Development Ordinance, page 4-56.

²² City and Act 250 permits associated with the Renaissance Project at the MCC.

²³ The landlords of these facilities hold permits specific to their properties and are assumed to be in compliance.

TABLE 5-10: UVM MC OFF-SITE PARKING FACILITIES SERVING THE MEDICAL CENTER CAMPUS AND BURLINGTON OFFICES (2019)

LOCATION	NUMBER OF SPACES
UVM Catamount East (Main Campus employees)	285
UVM Centennial (Main Campus & 1 South Prospect Street employees)	200
UVM Jeffords Lot (West)	100
Fanny Allen Campus (Main Campus & 1 South Prospect Street employees)	155
Technology Park (Main Campus employees)	200
115 Lakeside (Main Campus & 1 South Prospect Street employees)	250
Total Satellite/Off-site Parking	1,190

Note: On-street parking spaces are not included in the inventory.

The total parking supply available for UVM MC Main Campus and 1 South Prospect is 3,746 (based upon the on-site total of 2,556 and the off-site total of 1,190, see Tables 5-9 and 5-10).

Unrelated Off-Site Parking Facilities

Parking spaces used for other UVM MC offices (such as downtown Burlington) are not counted towards the minimum parking requirement or parking demand but are shown in Table 5-11.

TABLE 5-11: UVM MC DOWNTOWN OFF-SITE PARKING SUPPLY (UNRELATED TO MAIN CAMPUS AND SOUTH PROSPECT)

LOCATION	NUMBER OF SPACES
95 St. Paul Street	18
Court House Plaza	24
128 Lakeside Avenue	38
184 Pearl Street	12
195 Colchester Avenue	40
112 Colchester Avenue	8
Total Satellite/Off-site Parking	140

Parking for Disabled Persons (Sec. 8.1.13)

These requirements will be taken into account during the planning and design of individual projects.

UVM MC provides an optional valet parking service for its patients and visitors. This service is available at the main entrance (i.e. ACC) Monday through Friday from 6:00 AM to 5:00 PM. Cars can be retrieved with the valet until 9:00 PM. Use fluctuates daily but on average approximately 45 spaces are available for valet parking in the Medical Center Campus South Parking Lot.

Minimum Off-Street Parking Requirements (Sec. 8.1.8)

Table 5-12 summarizes the City of Burlington CDO parking minimums for the UVM MC.

TABLE 5-12: UVM MC MINIMUM OFF-STREET PARKING REQUIREMENTS (EXISTING)

BUILDINGS (GFA) AND BEDS	ORDINANCE PARKING RATIOS	PARKING REQUIREMENT
Medical Center Campus		
580 Beds	Hospital Use: 2 spaces/bed	1,160
877,085 sq. ft.	Office-Medical: 2 spaces/1,000 sq. ft GFA	1,754
35,597 sq. ft.	School, Post-Secondary: 2 spaces/1,000 sq. ft. GFA	71
Subtotal		2,985
1 South Prospect		
188,229 sq. ft.	Office-Medical: 2 spaces/1,000 sq. ft. GFA	376
Subtotal		376
TOTAL: Medical Center and 1 South Prospect		3,361

Maximum Parking Spaces (Sec. 8.1.9)

The CDO defines the maximum for parking as the 125% of the minimum number of spaces required for the land uses in the Shared Use District. Based on the minimum parking calculated in Table 5-12, the maximum parking allowed would be 4,301 spaces. UVM's inventory of 3,746 (on-site and off-site) is below this number.

Vehicle Permits

The current breakdown of vehicle permits issued by Medical Center is shown in Table 5-13.

TABLE 5-13: UVM MC VEHICLE PERMITS

PARKING LOCATION	COUNT
ACC permits	398
McClure Residents, Nurse practitioners, Phys Assistants, Midwives	640
Physicians (ACC permits)	1,600
Carpools (956 participants)	415
Business Needs	352
115 Lakeside, day shift*	420
115 Lakeside, rotator*	181
Fanny Allen Shuttle Lot*	351
Fanny Allen/Rotators*	141
Centennial/Day*	98
Centennial/Rotators*	35
South Lot	521
UVM Catamount East/Day*	511
UVM Catamount East/Rotators*	160
UVM Jeffords Lot/Day*	175
UVM Jeffords Lot/Rotators*	38
Evening/Night	1,600
TOTAL Permits	7,636

Note: Satellite parking lot re-registration and re-assignment in September 2018.

All employee vehicles must display a current UVM MC parking permit for the parking lot to which they are assigned. The permits are color coded to quickly identify the shift the registered employee is assigned to work and the lot the employee is to park in. The lots are patrolled by the UVM MC Security staff.

At 1 South Prospect St, 85% of all parking involves patient and visitor parking. Employee parking on-site is not routinely available. Only the most senior staff (e.g. all Physicians are allowed to park on-site) and those employees who use their vehicles for business or who carpool (2 persons minimum) is permitted to park on-site on any given day. All other employees must use satellite parking facilities.

The number of permits exceed the number of employees for the following reasons; carpoolers are provided a permit for carpooling and individually, as well as parking for non-employees parking permits to community doctors, retired doctors, students, midwives, physician assistants, UVM staff working on our campus, etc.

Parking Demand

Observed Demand

As a healthcare institution, UVM MC has a different demand profile compared to the educational institutions that peaks between 2:00 PM and 3:30 PM, when day and evening employees overlap during the shift change.

During the Fall of 2018, a typical period of high parking utilization, a parking count was conducted on the UVM MC parking lots and garages. The data is a 3-day snapshot of parking counts for the Medical Center Main Campus and the 1 South Prospect St. There are times during peak parking days when all on-site parking lots are full.

The total parking demand is the number of empty spaces. The total number of parked vehicles as well as vacant spaces were counted for each parking lot and summarized by zone. Tables 5-14 and 5-15 represent the average occupancy of the Fall 2018 counts during both the AM and PM peak demand periods. The average occupancy count noted 163 vacant spaces for the Medical Center Main Campus in AM Peak and 42 vacant spaces for the PM Peak. Further, there were 117 vacant spaces on the 1 South Prospect campus in the AM Peak, and 128 vacant spaces in the PM Peak. Please note these do not include either the loading docks or the emergency parking lot, or the surface lot on the west side of the McClure garage (service vehicle parking).

TABLE 5-14: UVM MC PARKING LOT CAPACITIES AND EMPTY SPACE COUNTS, MAIN CAMPUS

UVM MC PEAK DEMAND LOT COUNTS—FALL 2018 (MAIN CAMPUS)				
AM Peak				
ACC Garage*	1,074	961	113	89%
McClure Garage	302	269	33	89%
South Lot	425	415	10	98%
UVM Centennial Lot	200	193	7	97%
TOTAL for AM Peak	2001	1,838	163	92%

UVM MC PEAK DEMAND LOT COUNTS—FALL 2018 (MAIN CAMPUS)**PM Peak**

ACC Garage	1,224	1,182	42	97%
TOTAL for PM Peak	1,224	1,182	42	97%

Notes: There are a total of 1,224 parking spaces in the ACC garage. 150 of the 1,224 spaces are set aside for evening shift parking. Therefore, only 1,074 parking spaces are available for use before 3:00pm. This empty count fluctuates daily depending on events/activities on campus.

TABLE 5-15: UVM MC PARKING LOT CAPACITIES AND EMPTY SPACE COUNTS, 1 SOUTH PROSPECT

UVM MC PEAK DEMAND LOT COUNTS—FALL 2018 (1 SOUTH PROSPECT ST)

AM Peak	Capacity	Occupied Spaces Peak Demand	Empty Spaces	Percent Full
Lot A	47	27	20	57%
Lot B	178	120	58	67%
Lot D	197	186	11	94%
Pearl Street lot	35	23	12	66%
Taft School lot	47	31	16	66%
Total AM Peak	504	387	117	97%

PM Peak	Capacity	Occupied Spaces Peak Demand	Empty Spaces	Percent Full
Lot A	47	26	21	55%
Lot B	178	111	67	62%
Lot D	197	183	14	93%
Pearl Street lot	35	25	10	71%
Taft School lot	47	31	16	66%
Total PM Peak	504	376	128	75%

Notes: The above data in Tables 5-14 and 5-15 is a 3-day snapshot of parking counts for the Medical Center Main Campus and the 1 South Prospect St. There are times during peak parking days when all on-site parking lots are full.

Estimated Demand

As described above in Section 2.4, a method utilizing CATMA Employee Transportation Surveys was developed to estimate current demand and assist in forecasting future parking demand. The calculation is based upon inputs into the following formula:

$$\text{Number of Users} \times \text{Share of Users on Campus at Peak Period} \times \text{Demand Generator} = \text{Estimated Parking Demand}$$

The inputs are based upon information provided by institutional staff as well as responses from CATMA Student and Employee Transportation Surveys. The results for the Main Campus, shown below in Table 5-16, suggest a current parking surplus of 875 spaces. The results for 1 South Prospect, shown below in Table 5-17, suggest a current parking surplus of 81 spaces.

TABLE 5-16: UVM MC CURRENT ESTIMATED PEAK PERIOD PARKING DEMAND BY USER GROUP (MAIN CAMPUS)

User Group	Number in Category	Peak % on Campus	Demand Generator	Parking Demand (spaces)
Employees			<i>Mode Share</i>	
Full-time	3,037	61.8%	67.6%	1,269
Part-time	589	53.5%	76.6%	241
Per diem & non-paid	1,819	33.0%	76.6%	460
Patients & Visitors			<i>Mode Share</i>	
Out-patients	1,113	25%	90%	250
In-patients	450	100%	15%	68
Visitors	360	13%	90%	41
Other				
Fleet vehicles				38
Total peak parking demand				2,367
On-site parking supply				2,052
Off-site parking supply				1,190
Total parking supply				3,242
Net spaces				875

Sources: Calculated by CATMA Staff using the 2016 and 2018 CATMA Employee Transportation Surveys, as well as information provided by institutional staff.

Notes: Institutional staff provided estimates of the share of per diem and non-paid staff as well as patients and visitors on campus at peak. The demand generator for employees is based upon the primary mode share (drive alone share + 0.5* carpool share), sourced from the 2016 CATMA Student Transportation Survey. Assumes 2/3 of all staff are M-F weekday employees; 1/3 rotate schedule on weekends, on percent peak reduced by 2/5; no reduction for time off work. Assumes half time employee, 1/3 will not be on campus at peak. Assumed peak percent on campus at 33% based on part-time/volunteer status of category; mode share assumed to be same as UVM MC employee. Peak daily number of out-patients is assumed to be the same as the average daily number of out-patient procedures at UVM MC. Assume average out-patient stay is two hours, over an eight hour day; no mode choice data for out-patients; out-patient mode choice is assumed to be 90% drive alone. Assumes 500 active beds at occupancy of 90%. All in-patients assumed to be on site at peak hour; no mode choice data, assume most are not driving themselves, 15% drive alone. Assumes 80% of In-Patients will have a visitor for one hour, equally spread out over an eight hour period. No mode choice data for visitors; mode choice assumed to be 90% drive alone. Assumes that half of the fleet vehicles are in use/not parked at the peak hour.

TABLE 5-17: UVM MC CURRENT ESTIMATED PEAK PERIOD PARKING DEMAND BY USER GROUP (1 SOUTH PROSPECT)

User Group	Number in Category	Peak % on Campus	Demand Generator	Parking Demand (spaces)
Employees		<i>Mode Share</i>		
Full-time	482	82.4%	78.1%	310
Part-time	82	57.1%	63.9%	30
Per diem	64	33.0%	63.9%	13
Patients & Visitors		<i>Mode Share</i>		
Out-patients	308	25%	90%	69
Other				
Fleet Vehicles				0
Total peak parking demand				423
On-site parking supply				504
Off-site parking supply				0
Total parking supply				504
Net spaces				81

Sources: Calculated by CATMA Staff using the 2016 and 2018 CATMA Employee Transportation Surveys, as well as information provided by institutional staff.

Notes: Institutional staff provided estimates of the share of per diem and non-paid staff as well as patients and visitors on campus at peak. The demand generator for employees is based upon the primary mode share (drive alone share + 0.5* carpool share), sourced from the 2016 CATMA Student Transportation Survey. Assumes 2/3 of all staff are M-F weekday employees; 1/3 rotate schedule on weekends, on percent peak reduced by 2/5; no reduction for time off work. Assumes half time employee, 1/3 will not be on campus at peak. Assumed peak percent on campus at 33% based on part-time/volunteer status of category; mode share assumed to be same as UVM MC employee. Peak daily number of out-patients is assumed to be the same as the average daily number of out-patient procedures at UVM MC. Assume average out-patient stay is two hours, over an eight hour day; no mode choice data for out-patients; out-patient mode choice is assumed to be 90% drive alone. Assumes 500 active beds at occupancy of 90%. All in-patients assumed to be on site at peak hour; no mode choice data, assume most are not driving themselves, 15% drive alone. Assumes 80% of In-Patients will have a visitor for one hour, equally spread out over an eight hour period. No mode choice data for visitors; mode choice assumed to be 90% drive alone. Assumes that half of the fleet vehicles are in use/not parked at the peak hour.

5.3 FUTURE PARKING CONDITIONS

Future Structures—New or Changes in Use

UVM Medical Center intends to complete the following projects by 2024. The projects will not result in any change to the number of in-patient beds. The future Hill District campus is expected to increase by 33,863 SF.

TABLE 5-18: UVM MC BUILDING PROJECTS (2019-2024)

PROJECT NAME	FUNCTION	CHANGE IN BUILDING AREA	CAMPUS	EST. COMPLETION
Miller Building	Hospital (in-patient)	+180,000	UVM MC Main Campus	2019
1 South Prospect St	Medical and Administrative Offices	-146,137	1 South Prospect	2024
75 Cherry Street	Administrative Offices	+105,848	Downtown Burlington	2024
Future Burlington Primary Care/ Pediatrics	Medical Offices	+40,000	Downtown Burlington	2024

Future Employment

UVM MC expects there to be no significant change in the total number employed at the Main Campus, while many employees currently working at 1 South Prospect Street will transition to downtown Burlington or other UVM MC campuses. The future 1 South Prospect campus staff for the remaining Psychiatry and Pharmacy services has been estimated proportionally to the existing staff to GSF ratio.

TABLE 5-19: UVM MC FUTURE EMPLOYMENT (2024)

PAID EMPLOYEES		MAIN CAMPUS	1 SOUTH PROSPECT
Full-time	Day shift	2,294	99
	Evening shift	317	2
	Night shift	561	2
	FT Un-ID'd shift	743	10
	TOTAL (Full-Time)	3,915	113
Part-time	Day shift	478	16
	Evening shift	79	1
	Night shift	67	0
	FT Un-ID'd shift	111	4
	TOTAL (Part-Time)	735	21
TOTAL (Per Diem)		752	15
TOTAL (Employees by Site)		5,402	149
TOTAL (Employees)		5,551	

Notes: Downtown Burlington numbers not calculated for full-time unidentified shift employees. Unidentified shift employees are most likely day shift.

No changes to non-paid staff are expected at the UVM Medical Center Main Campus.

Future Patients

No changes to in-patient or out-patient care are expected at the UVM Medical Center Main Campus. Similar to employment, a reduction of out-patient services is expected at 1 South Prospect is estimated based on the proportional change in GSF.

TABLE 5-20: UVM MC FUTURE PATIENT PROCEDURES (2024, MAIN CAMPUS AND 1 SOUTH PROSPECT STREET)

	2024 ANNUAL PROCEDURES (EST.)	2024 AVERAGE DAILY PROCEDURES (EST.)
UVM MC Main Campus	289,335	1,113
1 South Prospect	17,909	69

Notes: Assumes all procedures are scheduled Monday through Friday.

Future Parking Supply

It is assumed that UVM Medical Center will lose a proportional amount of parking supply associated with the removal of most operations from 1 South Prospect Street. The future parking inventory is estimated in Table 5-21.

TABLE 5-21: UVM MC FUTURE PARKING INVENTORY (2024, MAIN CAMPUS AND 1 SOUTH PROSPECT STREET)

LOCATION	NUMBER OF SPACES
Medical Center Campus	
ACC Garage	1,224
ACC Loading Dock	21
ER Lot	47
ED Ambulance Bay (loading/unloading)	5
ED Ambulance Parking (unmarked)	4
McClure Parking Garage (15 surface lot spaces)	317
Patrick Loading Dock	9
South Lot (include 6 spaces at Hope Lodge, does not include UVM spaces)	425
<i>Subtotal Medical Center Main Campus On-Site</i>	<i>2,052</i>
1 South Prospect	
TBD	112
<i>Estimated Subtotal 1 South Prospect</i>	<i>112</i>
On-Site Grand Total: Medical Center and 1 South Prospect	2,164

Future Off-Site Parking Facilities

With the exception of Fanny Allen, the off-site parking facilities used by UVM Medical Center are leased from other entities. UVM has considered ending the lease of the parking inventory at Jeffords to accommodate their own parking demand.

TABLE 5-22: UVM MC FUTURE OFF-SITE PARKING FACILITIES (2024)

LOCATION	NUMBER OF SPACES
UVM Catamount East (Main Campus employees)	285
UVM Centennial (Main Campus & 1 South Prospect Street employees)	200
UVM Jeffords Lot (West)	0
Fanny Allen Campus (Main Campus & 1 South Prospect Street employees)	155
Technology Park (Main Campus employees)	200
115 Lakeside (Main Campus & 1 South Prospect Street employees)	250
Total Satellite/Off-Site Parking	1,090

Parking spaces used for other UVM MC offices (such as downtown Burlington) are not counted towards the minimum parking requirement or parking demand but are shown in Table 5-23.

TABLE 5-23: UVM MC DOWNTOWN OFF-SITE PARKING SUPPLY (2024, UNRELATED TO HILL DISTRICT/MAIN CAMPUS AND 1 SOUTH PROSPECT)

LOCATION	NUMBER OF SPACES
95 St. Paul Street	0
Court House Plaza	0
128 Lakeside Avenue	38
184 Pearl Street	12
195 Colchester Avenue	40
112 Colchester Avenue	8
75 Cherry Street	200
City of Burlington Parking Garage (City Place)	100-300
Future Burlington Primary Care/ Pediatrics	267
Total Downtown Satellite/Off-site Parking	665-865

Future Minimum Off-Street Parking Requirements (Sec. 8.1.8)

Table 5-24 documents the parking requirement per the CDO.

TABLE 5-24: UVM MC FUTURE (2024) HILL DISTRICT PARKING REQUIREMENT

BUILDINGS (GFA) AND BEDS	ORDINANCE PARKING RATIOS	CDO PARKING REQUIREMENTS
Medical Center Campus		
580 Beds	Hospital Use: 2 spaces/bed	1,160
877,085 sq. ft.	Office-Medical: 2 spaces/1,000 sq ft GFA	1,754
35,597 sq. ft.	School, Post-Secondary: 2 spaces/1,000 sq. ft. GFA	71
Subtotal		2,985
1 South Prospect Campus		
42,092 sq. ft.	Office-Medical: 2 spaces/1,000 sq. ft. GFA	85
TOTAL (Medical Center + 1 South Prospect)		3,070

Future Parking Demand

As summarized in Table 5-25, UVM MC will have an estimated surplus of 779 spaces in 2024 across the Main Campus and 1 South Prospect.

TABLE 5-25: UVM MC FUTURE ESTIMATED PEAK PERIOD PARKING DEMAND BY USER GROUP (2024, MAIN CAMPUS AND 1 SOUTH PROSPECT)

User Group	Number in Category	Peak % on Campus	Demand Generator	Parking Demand (spaces)
Employees			<i>Mode Share</i>	
Full-time	3,146	62.6%	69.0%	1,359
Part-time	609	53.6%	75.6%	247
Per diem & non-paid	1,834	33.0%	75.6%	458
Patients & Visitors			<i>Mode Share</i>	
Out-patients	1,182	25%	90%	266
In-patients	441	100%	15%	66
Visitors	353	13%	90%	41
Other				
Fleet Vehicles				38
Total peak parking demand				2,471
On-site parking supply				2,164
Off-site parking supply				1,090
Total parking supply				3,254
Net spaces				779

Sources: Calculated by CATMA Staff using the 2016 and 2018 CATMA Employee Transportation Surveys, as well as information provided by institutional staff.

Notes: Institutional staff provided estimates of the share of per diem and non-paid staff as well as patients and visitors on campus at peak. The demand generator for employees is based upon the primary mode share (drive alone share + 0.5* carpool share), sourced from the 2016 CATMA Student Transportation Survey. Assumes 2/3 of all staff are M-F weekday employees; 1/3 rotate schedule on weekends, on percent peak reduced by 2/5; no reduction for time off work. Assumes half time employee,

1/3 will not be on campus at peak. Assumed peak percent on campus at 33% based on part-time/volunteer status of category; mode share assumed to be same as UVM MC employee. Peak daily number of out-patients is assumed to be the same as the average daily number of out-patient procedures at UVM MC. Assume average out-patient stay is two hours, over an eight hour day; no mode choice data for out-patients; out-patient mode choice is assumed to be 90% drive alone. Assumes 500 active beds at occupancy of 90%. All in-patients assumed to be on site at peak hour; no mode choice data, assume most are not driving themselves, 15% drive alone. Assumes 80% of In-Patients will have a visitor for one hour, equally spread out over an eight hour period. No mode choice data for visitors; mode choice assumed to be 90% drive alone. Assumes that half of the fleet vehicles are in use/not parked at the peak hour. UVM MC holds 150 spaces open for turn-over in the ACC garage so that people can easily find a parking space.

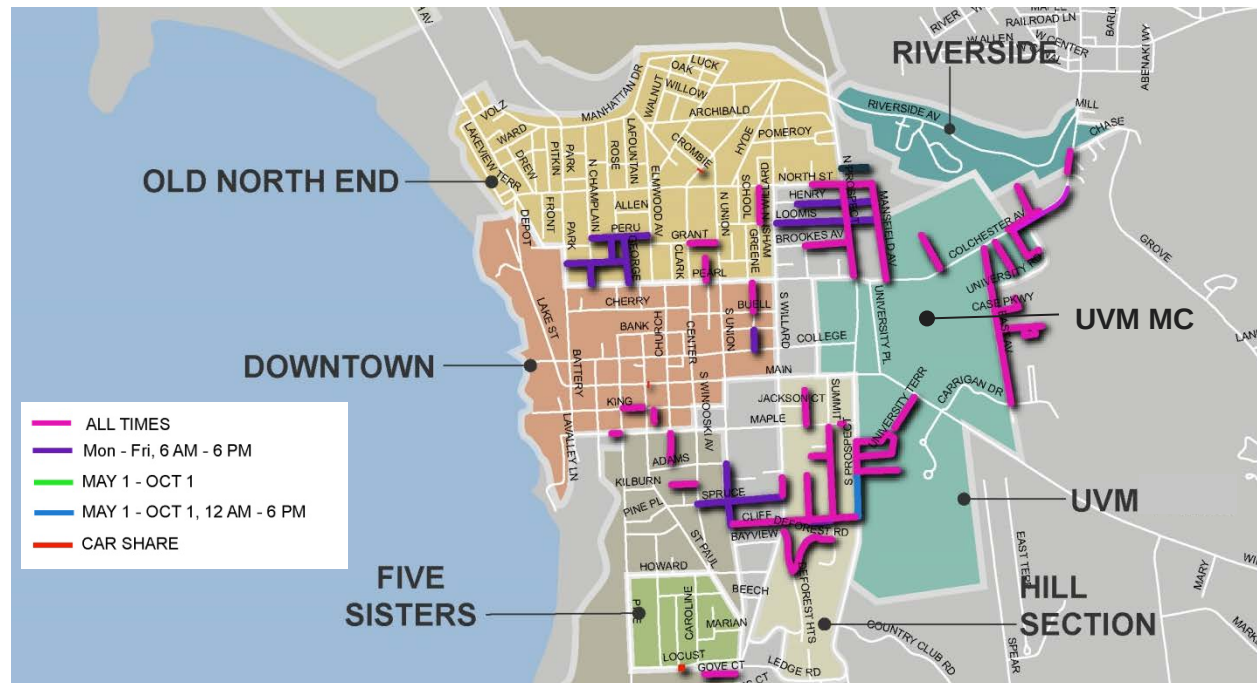
Monitoring, Compliance, and Enforcement (Sec. 8.3.3 (E))

UVM Medical Center's parking program is managed by the UVM Medical Center Security Department. UVM Medical Center utilizes a variety of tools to assign, manage, and enforce parking. These include:

- Parking registration forms—including business needs, medical needs, and emergency on-call.
- Color coded parking permits—assigned based on parking lot assignment.
- Parking tickets—issued to parking policy violators.
- UVM MC Security issues a \$10 fine for each violation of the parking regulations.
- Repeat offenders will have their car towed at their expense. If necessary, a listing of the violations will be forwarded to their immediate supervisor for corrective action and will serve as documentation for the next annual performance appraisal. Future parking in UVM MC parking lots may be denied.
- People who violate the carpool program rules will get a 30-day suspension from the carpool privileges and incentives for their first violation. A second violation will result in complete revocation of carpool privileges and incentives.

Restrictions on Public Street Parking

The map in Figure 5-5 shows that most of the neighborhoods to the north and east of the Medical Center Campus require a resident parking permit for on-street parking. Part of Colchester Avenue and University Road are signed “No Parking.” Williams Street to the west of 1 South Prospect Campus is not signed and does not restrict parking.

FIGURE 5-5: UVM MC ADJACENT RESIDENTIAL ON-STREET PARKING RESTRICTIONS

Institutional Vehicle Fleet Management (Sec. 8.3.3 (C))

UVM Medical Center owns or leases approximately 75 vehicles, which are managed by the supervisor of UVM Medical Center's Courier and Automotive Services department. Vehicles in the fleet include ambulances (9), passenger/cargo vans (26), ATV (2), SUV (11), trucks (17), sedans (6), tractors (3), and trailers (1). A complete list of UVM Medical Center vehicles is available on request.

There is no designated service vehicle parking. Based on discussions with the UVM MC's Automotive Services department, the majority of the vehicle fleet do not take up regular parking spaces at the peak hours. The vehicles are either in use, parked in a loading dock, or at other UVM Medical Center sites (not UVM MC Main Campus or 1 South Prospect) during the peak time. It is the policy of the Automotive Services department to park vehicles in areas that will not take up a regular parking space unless absolutely necessary, and then only for a brief period.

6.0 CONCLUSION

CATMA's 5-year JIPMP and its annual updates provide the City, public, Hill institutions and CATMA with a wealth of information and data on the Hill's transportation and parking environment. This Update shares current and projected parking demand and supply on the Hill, proposed developments, and calculations of respective parking deficits and surplus over the next five years.

The plan mentions policies and strategies to address parking needs, including collaborative and individual TDM solutions. TDM is a comprehensive approach that draws upon distinct strategies for specific applications and needs. Since 1992, the Hill institutions have invested in CATMA and committed to the development and deployment of TDM strategies. These investments and commitments align with and support several local transportation policies and plans, along with regional and state clean air and energy goals.

CATMA strives to enhance and promote clean commute options and choices for the Hill institutions that are attractive, convenient and sustainable. However, it can be difficult to causally attribute reduction in single occupant vehicles, as there are a number of factors that influence travel behavior.

There may be an opportunity for the City's Residential Parking Management Plan to assist with on-street parking policies. Currently, on-street parking is free in the neighborhoods surrounding institutions. This offers a convenient, free, and accessible parking option which is utilized by students and employees on the Hill, as reported in this document.

There are numerous local, regional, and state plans that address the need to enhance active transportation options, including planBTV, the CCRPC Active Transportation Plan, and the Metropolitan Transportation Plan, and the CC and UVM Active Transportation Plans.

In an effort to address reported institutional parking deficits, CATMA will continue to strengthen, evaluate, and advocate for TDM programs, incentives, tools and strategies that are responsive to changing conditions. Our goal is to reduce single occupant vehicles and implement and promote sustainable travel options. We will continue to host events and commuter challenges, create awareness and education of multimodal options to encourage and support clean commutes, and increase institutional TDM program participation and collaborate on updating parking policies.

CATMA and its institutions will continue to strengthen and foster partnerships with transportation providers to implement technology and innovative strategies to encourage and support more sustainable choices for commuters. CATMA supports GMT's planned NextGen service improvements, including mobile ticketing and real-time tracking. It has been exciting to have Greenride Bikeshare on the ground for the past year as a new commute option in our region.

This summer, Phase 2 of bikeshare will include placing 200 electric assist bikes at 25 hubs in Burlington, South Burlington, Winooski including hubs at the institutions. Micromobility options are the trend, and we are excited to explore and implement new trendy options.

In Spring 2020, this 2019-2024 5-year JIPMP will be assessed and reviewed with City Planning & Zoning Staff and the Planning Commission. CATMA plans to conduct new employee and student transportation surveys in the Fall of 2019, which will reincorporate information collected in the 2016 surveys and enable further rigorous analysis. We will closely monitor and evaluate our TDM programs and policies and refine as needed and possible.

We will focus on the value that clean commute options bring to our students and employees as well as the greater community and region. We all recognize the stress of driving alone and the impact on health, along with the expensive costs of parking, price of gas and vehicle ownership, and for employers the impact on recruiting and retaining employees.

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Harris Roen
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TO: Burlington Development Review Board
FROM: Burlington Planning Commission
DATE: May 15, 2019
RE: 2019-2024 Joint Institutional Parking Management Plan (JIPMP)

The Joint Institutional Parking Management Plan (JIPMP) is prepared by CATMA on behalf of the University of Vermont (UVM), Champlain College (CC), and the UVM Medical Center (UVMHC). It is a parking supply and demand planning tool, enabled by the *Burlington Comprehensive Development Ordinance (CDO)*, for the purpose of ensuring that city streets in nearby neighborhoods are not unfairly burdened by the parking demands of the Institutions, and to recognize the ability for the Institutions to manage parking resources in a comprehensive and creative way. This report allows the Institutions to demonstrate parking demand and, when lower than parking requirements outlined in Article 8 of the *CDO*, receive what amounts to a parking waiver from those standards when applying for zoning permits for projects listed in the report. This report may be approved by the Development Review Board (DRB) for a period of up to five years, with annual updates reported to the City.

The Planning Commission received a presentation from CATMA and their consultant, RSG, on the 2019-2024 JIPMP on March 26, 2019. For the first time in the report's history, the JIPMP reported that UVM and CC's current estimated parking demand exceeds the current available supply for those Institutions. Additionally, using CATMA member survey data collected in 2018, the report projected significant deficiencies in future parking supply for these same Institutions in 2024—particularly for UVM. During the presentation, several factors were cited as contributing to the delta between future supply and projected demand. Most notably was a change to question formats in the CATMA member survey, which were thought to offer a greater level of detail about members' travel behaviors. Alternatively, a future parking surplus was projected for UVMHC.

However, upon further review of the draft JIPMP and the 2018 survey data by CATMA's Data Analyst, it was determined that the survey's questions were not well-suited to projecting users' mode share and future parking demand. As a result, CATMA made significant revisions to the draft JIPMP utilizing the 2016 CATMA survey data, which included previous questions more appropriate for predicting mode share, and cross-referenced these with other data sets. The 2024 projected parking demand figures were updated and presented to the Planning Commission on May 14, 2019. This update also estimates, for the first time, the street parking impact associated with the Institutions' members.

While the updates resulted in a smaller delta between anticipated future parking supply and the projected demand for UVM and CC, the report still anticipates a parking supply deficiency both presently and in 2024. Alternatively, the update indicates an even greater projected parking surplus for UVMHC. CC offers policies and practices it intends to continue in order to manage demand, and UVM articulates a series of strategies intended to manage and reduce parking demand. However, some key variables informing the JIPMP remain unknown: notably, UVM is currently in the process of updating both its campus transportation and housing plans—both of which are needed for UVM to answer key questions about its future parking supply and demand.

As such, the **Planning Commission recommends the Development Review Board approve the 2019-2024 JIPMP for a period of one no more than year as the Institutions complete these ongoing planning efforts, and work to execute the transportation demand management efforts noted in the JIPMP.**

Additionally, the Planning Commission recommends that:

- CATMA work with the Institutions to administer a Fall 2019 member survey that addresses gaps in the 2018 survey methodology, to create an updated baseline dataset for use in projecting future demand. The survey should include questions that enable CATMA to more confidently predict primary mode share and peak parking demand windows.
- Additionally, CATMA should coordinate the administration of this survey with Burlington Public Works so that on-street parking usage data in neighborhoods surrounding campus can be collected during the same window of time (streets without any parking regulations).
- In Spring 2020, CATMA should present to the Planning Commission: updated survey data, completed planning studies noted above, any resulting changes to estimated parking supply and demand in the JIPMP, a report on observed impact of interim TDM strategies, and additional JIPMP strategies to reduce and/or manage parking demand based on these new calculations.
- Both CC and UVM saw increases in drive-alone trips by students that live within half a mile of campus from 2016-2018. CATMA should work with the Institutions and the City to identify specific measures to significantly reduce this number over the next five years. Further, additional surveying or data analysis uncovering factors contributing to this trend should be provided (e.g. Changes to routes, frequency, or predictability of campus shuttle or GMT service; lack of safe bike/pedestrian routes; availability of inexpensive or free parking resources in close proximity to campus destinations; etc.)
- The report does not discuss any anticipated change in parking supply at the Lakeside Avenue Lot resulting from the construction of the Champlain Parkway. By the 2020 update, this should be analyzed and if a loss of parking supply is anticipated, specific strategies should be offered.
- There is some disagreement with the assertion that the projected parking deficit for CC does not warrant specific demand-reduction strategies. However, CC's current commitments to parking management and enforcement are noted. If annual monitoring demonstrates that demand does begin to exceed supply, then CC should offer specific demand-reduction strategies or additional parking supply to its members.
- UVM suggests that it could discontinue parking space leases to UVMMC, and eliminate its future parking deficit. Given the existing parking surplus—and the projected increase in surplus—for UVMMC, the Commission strongly recommends that UVM deploy this strategy. This strategy underscores the importance of this joint management plan, and the power of the Institutions' collective action to manage parking. If utilized, the Spring 2020 update should include strategies for how UVMMC will manage this change in available supply.
- Further, UVM should consider implementing a policy that either prohibits sophomores from bringing cars to campus, or requires their storage in new/expanded satellite parking areas.
- If annual monitoring for UVM demonstrates that demand does exceed supply, then UVM should employ additional demand-reduction strategies or offer additional parking supply to its members.
- If the Institutions pursue new on-campus housing that is not anticipated in the current JIPMP that will further increase the parking deficit, the Institutions should accommodate the increased demand through additional supply of satellite parking beyond what is identified in the JIPMP.

In one year, the Planning Commission and the DRB should receive an update from CATMA that addresses these recommendations. At that time, the Planning Commission will offer further recommendations to the DRB regarding the JIPMP's renewal for another period up to, but no longer than, 5 years.

May 12, 2019

RE: JIPMP and UVM's on-campus parking deficits 2019-2024

Dear Planning Commission:

Please consider the following comments regarding the May 9, 2019 version of the 2019-2024 Joint Institutional Parking Management Plan.

1. CDO Article 8.1.1, which is provided as Attachment #1 to this letter, lists four objectives regarding city requirements for institutional parking. One of the objectives is to "ensure that there are adequate parking facilities to serve the uses of the property." UVM's section of the JIPMP fails to meet this CDO requirement for two reasons: (i) UVM calculated parking deficits for 2019-2024 are not adequately addressed by its TDM strategies; and (2) the current and future parking deficits are significantly larger than UVM estimates. Per my calculations, UVM currently has an 850 parking space deficit. This will grow to a 1000 parking space deficit by 2024. My and UVM estimates current and future parking deficits are before considering event parking demand. When UVM begins hosting larger events than it does today, which is its plan, the UVM parking deficits will increase by an additional 250 to 750 parking spots. (Refer to points #10 to #13 below.) Marked up copies of UVM Tables 4-15 and 4-23 are attached to show these calculations.
2. CDO Article 8.3.4 and 8.3.5, which is also provided in Attachment #1 to this letter, indicates that an institutional parking waiver of 50% to 100% of the required parking for a development project, can be granted IF the institution's 5-year JIPMP "more effectively meets the intent of this Article and the goals of the municipal development plan than would strict adherence to the underlying requirements of this Article." In my opinion, the Planning Commission should inform the DRB that, for the two reasons stated above, the JIPMP does not support providing UVM with a parking waiver for this 5-year 2019-2024 period. Instead the Planning Commission might want to consider suggesting that parking waivers be withheld, overall and on a project by project basis, until we see how well UVM implements its TDM strategies and to what extent it reduces its current and future parking deficits.
3. Provided below is a list of the UVM Transportation Demand Management (TDM) ideas that UVM mentions on pages A-24 and A-26 of the new JIPMP. Note that for the next 5 years, the potential reduction in parking demand is not enough to solve UVM's parking deficits. Also, note by closely reading UVM's text, that UVM uses wording such as "could" or "explore" instead of "will" in describing some of these ideas. This indicates that UVM is not making a firm commitment to the idea's implementation.

UVM's Transportation Demand Management Strategies (pages A-24 and A-26)

Timing for Implementation	Program Description	Potential Reduction in Parking Space Demand
June 2019	Construction Project ends. 195 parking spaces will become available when construction project ends.	195 parking spaces will become available. (This reduces the parking deficit but isn't a TDM strategy.)
2019-2020 Academic Year	UVM will offer to warehouse 40 to 80 student resident cars.	40 to 80 parking spaces may become available if this many students voluntarily sign up
2020	UVM plans to provide convenient moped and motorcycle parking.	Mopeds and motorcycle use will do nothing to reduce UVM's parking deficit from October to March, which is the bulk of the Academic year.
2020	UVM plans to provide convenient car-pool parking and promote the program.	Good idea but car-pool use is so small now that unless people feel compelled for economic reasons to start car-pooling, this TDM idea is unlikely to make a significant dent in UVM's parking deficit.
2020-2021	UVM plans to provide more bike parking on campus (covered and indoor) to encourage inclement weather riding.	Good idea if the stations are at all the buildings, and not just at the dorms. In addition, UVM's TDMs need reduce the number of UVM student and employee commuter cars parked on city streets so that there is <u>more space in the street</u> for bike lanes.
SUBTOTAL	Net impact of TDMs by 2021	Maybe 40 to 80 parking spaces are gained.

Major Change Impacting UVM on-campus parking demand:

2021: Expanded PFG Complex project will be completed in 2021 and will	UVM will have <u>daytime and evening peak hours of parking demand</u> . Event	UVM told the DRB and the Act 250 office that it will host up to 5000 spectators
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be actively marketed for event space rental use, like a conference/convention center. UVM's forecasting documents show an increase in the number of events from about 100 a year to 150 a year.	parking demand is not considered in the new JIPMP, and should be.	at one time in the PFG Complex, and up to 7300 spectators at one time on the Athletic Campus. This is significantly larger than what we've experienced to date, such as 3000 persons for sold out basketball games and 4000 for sold out hockey games (it has been a while.)
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Continued: UVM's TDM Strategies (pages A-24 and A-26)

Timing for Implementation	Program Description	Potential Reduction in Parking Space Demand
2021	UVM plans to create and publicize CATRIDE last mile service to connect LINK commuters.	Good idea. How many parking spaces does UVM commit to making available via this program?
2021	UVM will <u>explore</u> opportunities to park commuters in off-site lots or park and ride facilities.	Good idea but <u>UVM is not making a firm commitment to do this.</u> Hence, for purposes of CDO Article 8.3.4 and 8.3.5, UVM's JIPMP does not meet CDO requirements for granting a parking waiver.
Long-Term (5 to 10 years) (2024-2029)	UVM plans to reduce parking availability on campus by relocating residential students from commuter lots <u>to off campus locations outside of Burlington</u> and providing transportation as needed.	UVM has not mentioned if this will apply to nearly all residential students or just some. Nor has UVM provided a reason for not implementing this plan near-term. Thus, the JIPMP, as presented, does not meet the requirements of CDO Article 8 because we don't know to what extent UVM will use this idea to eliminate its parking deficit. This TDM idea, and the one directly above, are the only two TDM ideas on this list where UVM can directly control the size of its parking deficit. All the

		other ideas help, and should be implemented, but do not solve the problem.
TOTAL 2019-2024	Total # of parking spaces that will become available through UVM's TDMs.	UVM hasn't quantified what it will achieve except for the goal of freeing up 40 to 80 parking spaces in 2019 through warehousing.
Conclusion: UVM's section of the JIPMP does not meet requirements of CDO Article 8 because UVM has not made a firm commitment to eliminate its 2019-2024 parking deficits.		

4. For this reason, I ask the Planning Commission to withhold supporting the issuance of a parking waiver until UVM provides an acceptable detailed implementation plan for eliminating present and future parking deficits. An acceptable plan needs to be timely, not harmful to adjacent neighborhoods, include quantifiable metrics of success, and be measured and reported along a specific implementation timeline. The ideas UVM offers on pages 4-25 and 4-26 do not indicate a UVM commitment and readiness to eliminate the current parking deficit.
5. In calculating its parking demand and parking deficits, UVM has too narrowly defined "primary mode" for SOV and car-pool commuters. (Please refer to Attachment #2.) UVM defines primary mode as those who drive to campus 5 or 6 days a week. UVM has not included student commuters who drive to campus 4 days a week or commuters who drive to campus 7 days a week in the primary mode definition. Reference Figure 4-9 on page 4-12 to see data regarding what % of student commuters drive to campus 4 and 7 days a week. For student commuters who live within ½ mile, the sum of those who drive 4 to 7 days a week is 8%. Thus, the demand generator for this user group should be 8% and not the 4% that UVM used in Table 4-15 on page 4-19. In a similar approach, the correct demand generator % for student commuters who live more than ½ mile away is 31% + 1% for car-poolers. Thus 32% should be used as the demand generator for this user group instead of the 28.8% UVM used in Table 4-15 on page 4-19. Correcting the definition of primary mode, increases the demand generator % and significantly increases the calculated on-campus parking demand and on-campus parking deficits for

2019 and 2024 by another 300 parking spaces. Just based on this change, and before considering other corrections to their analysis, the UVM has a 700 parking space deficit instead of 414 parking space deficit. Please see attachments for marked up versions of UVM Tables 4-15 and 4-23. These are provided as attachments #3 and #4 to this letter.

6. UVM's parking demand calculation also needs to include the 198 students and 85 employees who park on-street. (Refer to UVM's on-street parking data, page 2-24, Table 2-7.) For year 2024's supply and demand analysis on page 4-24, a portion, (113 of 198), of this parking demand is accounted for in the student user group that lives within ½ mile, which leaves 85 students who park on the street but are not captured in the UVM's parking demand calculation. Similarly, UVM employee on-street parking (another 85 parking spaces) has not been reflected in the demand section Tables 4-15 and 4-23. For this reason, UVM's estimated parking deficit needs to be recalculated and increased by $85+85 = 170$ parking spaces in year 2024, and by a similar amount in 2019.
7. On page 4-19, in Table 4-15, UVM states that it has a supply of 4590 parking spaces. (Please refer to an Attachment #5 to this letter to understand how UVM determined that it has 4590 parking spaces.) This count includes 157 ADA spaces (per missing table from the 3/9/2019 report) and **74 short-term (no permit) parking spaces**. These two categories should be excluded when calculating UVM's parking supply because they are special use spaces. Hence, UVM's available parking supply is less than UVM has stated. $4590 \text{ minus } 157 \text{ ADA spaces minus } 74 \text{ short-term spaces} = \text{parking supply of } 4359 \text{ spaces}$. This increases UVM's parking deficits by another 231 parking spaces.
8. In this JIPMP, UVM needs to include the Parking Space allocation by Parking Lot table that was provided on pages A-4 to A-7 of the 3/12/2019 version of the JIPMP report. (Please refer to Attachment #5 of this letter.) That table, which has typically been part of the JIPMP, is extremely useful for understanding how UVM allocates its parking supply among different user groups and where that parking is located. I think this is the one of the purposes of UVM providing the JIPMP, so the detail should be provided. This table is essential for knowing how all the pieces fit together in UVM's supply and demand forecasting. For example, in Table 4-15 on page 4-19, UVM says that commuters (who live more than ½ mile away) peak hour parking demand is 1122 permit parking spaces. (Those who live within ½ mile are part of demand but they do not have a permit to park on-campus). However, in the 3/12/2019 table that should be added back into the latest version of the JIPMP report, UVM indicates that it has allocated 1,327 parking spaces to commuters in 2018. If one believes that UVM allocates spaces based on peak demand, (why would you ever allocate more spaces than peak demand?) then this allocation possibly indicates that commuter parking demand among those who live >1/2 mile from campus is closer to 1327 spaces and not the 1122 shown in UVM's supply and demand analysis and deficit calculation. This is another bit of evidence indicating that UVM's peak hour parking deficit is larger than UVM has reported in the JIPMP. (Every user group has a visually different permit and UVM's total parking space inventory is allocated distinctly to each different user group. UVM could count parking permits by

type during peak hour by parking lot if it wanted to improve its analysis. The missing table is essential for understanding and evaluating UVM's supply and demand analysis; and for comparing it to UVM assumptions based on survey data.)

9. In Attachments #3 and #4 to this letter, I've shown the cumulative impact of these various adjustments to UVM's parking space calculations. **Instead of having a 414 parking space deficit in 2019, I believe UVM's current parking deficit is closer to (850) parking spaces.** This is after adding back in the 195 spaces that become available in June 2019 because of the completion of a construction project. **Similarly, in year 2024, I believe that UVM's midday parking deficit (excluding event parking demand) is closer to (1100) parking spaces.** The magnitude of these deficits means that UVM needs to implement TDM plans promptly; and that the TDM needs to have a sufficiently large impact (warehousing 40 to 80 cars is not sufficient). These plans should not be delayed or figured out later. CDO, Article 8.3.5 is our leverage. It would be a serious mistake to grant a waiver without receiving firm commitments regarding solutions, metrics, and timelines. Prior to supporting the granting of a parking waiver, be sure to include clauses in the Planning Commission letter regarding the JIPMP about what next steps are appropriate if UVM does not implement as agreed upon or what to do when the parking deficits are larger than UVM has forecast.
10. UVM 's on-campus parking deficit has been the subject of Board of Trustee meetings. This indicates that the problem is real, pervasive, and not intermittent. The Board of Trustees has asked that the parking deficit be addressed. Perhaps the Planning Commission's and DRB's acceptance of the JIPMP should be postponed until the city has an opportunity to review the consultant's report that is due to UVM in mid to late May. Also, UVM's Campus Master Plan calls for reducing parking internal to campus, so UVM can use its real estate for other purposes. We need to make sure that the plan(s) that UVM implements don't result in the use of our neighborhood streets as UVM's parking lot. Nor should UVM shuttles use neighborhood streets adjacent to campus. Main Street and Colchester Avenue are constructed to be durable under truck weight vehicle traffic and are thus as truck routes better suited for UVM shuttles, which are quite large and heavy – weighing about 30,000 pounds each. We will have little leverage to influence UVM's choice and implementation of TDM strategies if this JIPMP is approved as written. UVM's TDM ideas, as mentioned on pages 4-25 and 4-26, are too little and too late. Hence, the people of Burlington will be best protected from UVM's adverse impacts by requiring UVM to revise this JIPMP report in order to provide more detailed plans and timelines - as described in my point #2,. The selected plans need to provide a win-win for UVM and the surrounding neighborhoods. For this reason, it may be helpful to have the report revised (to correct calculations and add specificity and commitment to the TDM ideas) and return to the Planning Commission for another review before it goes to the DRB.

EVENT PARKING DEMAND

Over and beyond the daytime parking deficits caused by employees and students, UVM's section of the JIPMP fails to consider event parking demand. There are three important considerations with respect to event parking demand:

- Gutterson's increased seating capacity (changing from 4500 to 6300) should be factored into the calculation of the number of required parking spaces per CDO Article 8;
- UVM will experience increased parking demand because UVM plans to host an additional 1000 to 3000 spectators at one time on the Athletic Campus than it has in the past;
- The JIPMP needs to be revised to show a parking supply and demand analysis for events that bring 3000 to 7300 spectators to the Athletic Campus at one time.

11. In the 2014-2019 JIPMP, when UVM calculated the CDO required number of parking spaces, UVM reported that Gutterson has a seating capacity of 4500 seats – which reflects Gutterson's fixed and portable seating capacity. (Please refer to this letter's Attachment #6). However, in the 2019-2024 JIPMP, on page 4-23, UVM did not disclose that Gutterson's seating capacity will be increasing from 4500 to 6300 seats. The plans for Gutterson's 6300 seating capacity was confirmed by UVM's Athletic Director in UVM Board of Trustees in February 2017 (their meeting minutes are available on-line) and during testimony with the Act 250 Commission in October 2018. Hence, the CDO required number of seats is larger than UVM presents in the 2019-2024 JIPM. The required CDO calculation is 1 parking space for every 4 spectator seats. Therefore, the required number of parking spaces should be 450 more than UVM indicates in Table 4-21 on page 4-21. $(6300 \text{ minus } 4500) \text{ divided by } 4 = 450 \text{ more parking spaces required than UVM indicated in this JIPMP.}$

12. Although UVM states in the JIPMP that it does not intend to host two major events concurrently in Gutterson and the Tarrant Event Center, (and it also told the Act 250 Commission and the DRB the same thing), the wording is tricky because UVM told the Act 250 Commission, in a letter dated February 7, 2019 (copy provided as Attachment #7), that UVM would like to host up to 5000 spectators at one time by concurrently using Gutterson and the Tarrant Event Center (for the same event or for different size events). For example, using the Tarrant Event Center and Gutterson for a tradeshow or convention with 5000 participants; or having a sold-out event in just Gutterson with 5000 spectators since its new seating capacity will 6300. This number of event attendees should raise some concerns because former City Councilor Dave Harnett mentioned during a city TEUC meeting in 2018 that based on his frequent experience, UVM has on-campus parking deficits when it hosts varsity basketball games. A sold out UVM basketball game attracts 3000-spectators. Thus, hosting 5000 spectators at one time means significantly larger parking deficits than those already experienced unless UVM implements an appropriately sized TDM plan to free up on-campus parking for the additional spectators. (This brings us back to my point #2 and the table shown above).

13. Hence, because of the PFG expansion and UVM's plans to use it almost like a conference and convention center, evening and weekend peak parking demand will become a

bigger factor and the cause more frequent and additional times of parking deficits. For this reason, the current version of the JIPMP needs to be revised to address event parking demand. The JIPMP needs to include a section that shows how UVM is going to manage parking demand for 5000 spectators since not all will be resident students who walk to the event. Likewise, UVM needs to provide in the JIPMP a plan on how it will accommodate the parking needs of 7300 spectators that UVM wants to host on the Athletic Campus at the same time by using indoor and outdoor venues concurrently. When UVM starts to hosts 1000 more spectators on the AC than today's largest events, UVM will need 250 more parking spaces (# seats divided by 4) than it has estimated in this JIPMP. Likewise, hosting 7300 spectators at the same time on the Athletic Campus, which UVM says it wants to do, means 3300 additional spectators than a sold-out hockey game. Hence UVM will need 825 more parking spaces than it has estimated. (3300 additional spectators divided by 4 = 825 additional parking spaces needed) These large events will not be held midday during the academic year, but we know from Councilor Harnett's and other persons experiences that UVM has parking deficits in the evening when it hosts 3000 spectators for basketball games. Therefore, evening parking demand for large events is relevant even if resident students account for a portion of the spectators. Not all of the additional spectators will be resident students or people or walk to campus.

14. When UVM applied for a permit for the Virtue Field stadium, the Athletic Director at that time guaranteed that UVM would never host indoor and outdoor events concurrently. This promise was not captured by the DRB in its minutes, but it can be seen in CCTV Channel 17's video of the DRB hearing. Because UVM (wrongly) forecasted that it would have a 748 parking space surplus in 2019, the DRB allowed UVM to provide ½ of the required parking for the Virtue Field 2500-person stadium. **Now, despite its parking deficit, UVM is saying that it will host events concurrently on the Athletic Campus and have up to 7300 spectators on the Athletic Campus at one time.** Thus, UVM is ignoring the guarantee it made when requesting a parking waiver for Virtue Field's stadium. There is a lesson here that we need to require UVM to keep its promises. Will city officials hold UVM true to its statements that it will not host two events concurrently in the Tarrant Event Center and Gutterson? We also need UVM to not wait until 2021 to start and grow a remote satellite parking program for commuters as a means of addressing its current and growing parking deficits. There is the risk that UVM may be hoping that the city will open resident permit parking streets to paid public parking before UVM has to start a remote satellite parking program. This would be adverse to adjacent neighborhoods and hinder city efforts to establish in street bicycle lanes.
15. Since event parking demand is going to be a major factor, any new parking that UVM builds should be on the Athletic Campus adjacent to Main and/or Spear Street. However, a sufficiently large remote (outside of Burlington) satellite parking would be a better solution environmentally and a win-win for the city and the university.

16. Last, it would be helpful if UVM provided information regarding the parking situation and number of student cars on campus for those students who live in Redstone Apartments and Redstone Lofts (a total of 600 beds). The student user group data reflects this student population, but it seems that UVM has excluded those cars and those parking spaces from its parking space inventory and parking demand total because the land is leased to 3rd parties and they manage those on-campus parking lots. Does this mean, if these students' cars are included in the tally, that more than 22% of UVM's students have cars on campus? Was the demand factor of 22% adjusted to exclude this supply and demand?
17. Why does UVM use a Peak % on campus number for residential students? If they have a permit, their parking spaces need to be available to them 24/7. If the peak % numbers were changed from 82.6% and 90.7% to 100%, then the residential student parking demand is 1366 parking spaces instead of the 1234 shown in Table 4-15. This adjustment could further increase the parking deficit by an additional 100 spaces.

Thank you for considering this information.

B. Headrick

Attachments:

- #1: Referenced sections of CDO Article 8 regarding Institutional Parking Requirements
- #2: Percentage of Students who drive to campus as "Primary Mode" & Definition of 1' mode.
- #3: Marked up (edited) version of UVM's supply and demand parking space forecast for 2019
- #4: Marked up (edited) version of UVM's supply and demand parking space forecast for 2024
- #5: Table from 3/9/2019 version that shows parking spaces by user group and parking lot. (This same table was not included in the 5/9/2019 version and should be added to the report.)
- #6: UVM use of CDO's defined methodologies (GSF and Number of spectator seats) for determining number of required parking spaces. 2014-2019 method VS 2019-2024 method.
- #7 UVM letter to Act 250 Commission stating that UVM would like to host up to 5000 spectators at one time (concurrently) in Gutterson and Tarrant Event Center. (Refer to DRB meeting minutes from 7/2018 for UVM comments regarding it plans to host up to 7200 spectators at one time on the Athletic Campus.)

APPENDIX A BURLINGTON COMPREHENSIVE DEVELOPMENT ORDINANCE > ARTICLE 8. PARKING

ARTICLE 8. PARKING

PART 1: GENERAL REQUIREMENTS

8.1.1 Purpose.

It is the purpose of this **article** to:

- (a) Ensure there are adequate parking and loading facilities to serve the use or uses of the property;
- (b) Ensure that parking facilities are designed to provide proper circulation, reduce hazards to pedestrians, and protect the users of adjoining properties from nuisance caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles parking off the street;
- (c) Reduce congestion in the streets and contribute to traffic safety; and
- (d) Encourage alternate modes of travel that will reduce dependence upon the single-occupancy automobile.

APPENDIX A BURLINGTON COMPREHENSIVE DEVELOPMENT ORDINANCE > ARTICLE 8. PARKING

8.3.4 Review and approval of institutional parking management plans.

Such a plan shall require review and approval by the DRB, after consultation with the planning commission, and after a public hearing. In order to approve a proposed Institutional Parking Plan, the DRB shall find:

- a. The proposed Institutional Parking Plan adequately serves existing and proposed development by the institution(s);
- b. The proposed Institutional Parking Plan more effectively meets the intent of this Article and the goals of the municipal development plan than would strict adherence to the underlying requirements of this Article.

Such a plan, if approved by the DRB, shall be applicable for a period not to exceed five (5) years, and may be amended as necessary pursuant to the requirements of this Part. The institution shall provide a report annually to the administrative officer regarding the implementation and performance of the approved plan.

8.3.5 Review and approval of applications for future development.

In reviewing any application for development from a post-secondary educational or medical institution within the Institutional district, the DRB shall find that the proposal is consistent with an approved Institutional Parking Plan.

Any development proposed by a post-secondary educational or medical institution within the Institutional Campus district that is found not to be consistent with an approved Institutional Parking Plan shall only be approved pursuant to the underlying parking requirements of Parts 1 and 2 of this Article.

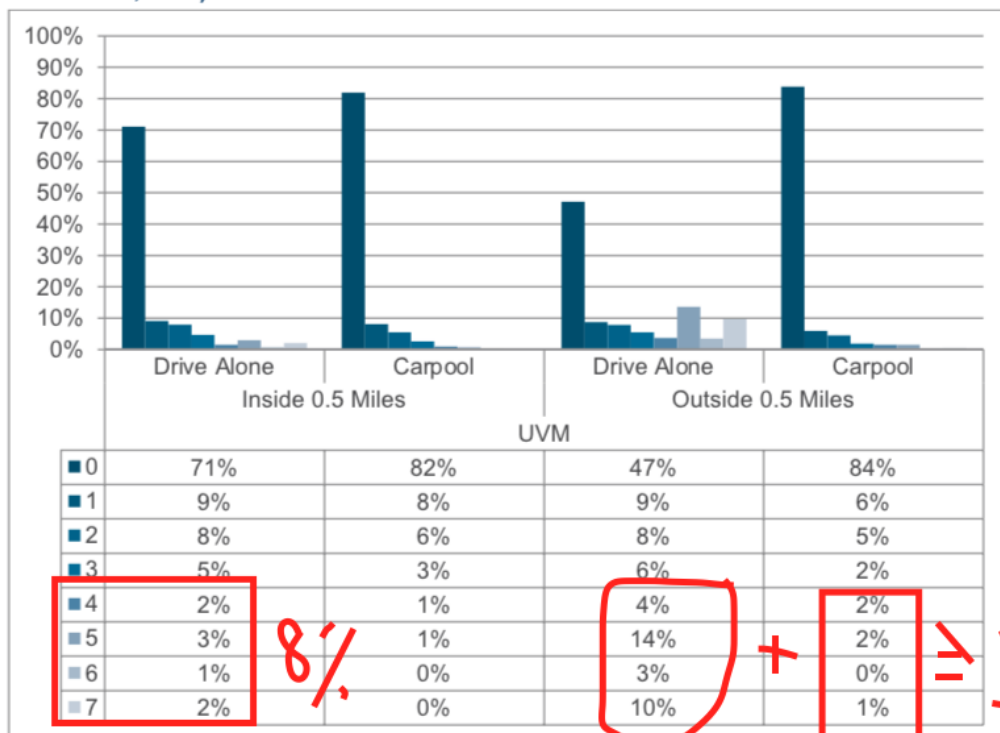
ATTACHMENT #2: Percentage of Students who drive to campus as “Primary Mode” & Definition of 1’ mode. UVM’s definition is too narrow and used % too small.

UVM defined primary mode as those who drive to campus 5 to 6 days a week. UVM should have also included those who drive to campus 4 days a week, and those who drive to campus 7 days a week. This would increase the relevant % from 4% to 8%, which impacts the calculated parking demand.

Likewise, for students who live more than ½ mile away, UVM should have included commuter students who drive 4 and/or 7 day days a week when determining what % drive to campus as a primary mode. This adjustment increases UVM’s demand generator for this user group from 28% to 32% (and perhaps more when looking at the car pool numbers).

These percentage changes increase UVM’s parking deficit by about 300 parking spaces.

FIGURE 4-9: SHARE OF UVM COMMUTER STUDENTS DRIVING ALONE AND CARPOOLING (DAYS PER WEEK, 2018)



Source: Calculated by CATMA Staff using the 2018 CATMA Student Transportation Survey.

Note: Percentages are rounded to the nearest integer.

ATTACHMENT #3: Edited version of UVM's 2019 Parking Demand, Supply, and Deficit calculation.

TABLE 4-15: UVM CURRENT ESTIMATED PEAK PERIOD PARKING DEMAND BY USER GROUP

User Group	Number in Category	Peak % on Campus	Demand Generator	Parking Demand (spaces)
Students				
Residential Students			Auto Ownership	
First Year	2,512	81.6%	1.7%	34
Non-First-Year	3,394	90.7%	39.0%	1,200
Subtotal	5,906			1,234
Commuting Students			Mode Share	
Commuting students (inside 0.5 miles)	3,174	89.1%	41% 8%	116 226
Commuting students (outside 0.5 miles)	4,266	91.2%	28.8% 32%	1,122 1,245
Subtotal	7,440			1,238 1,553
Employees			Mode Share	
Full-time	3,606	90.7%	59.0%	1,929
Part-time	580	53.7%	59.0%	184
Subtotal	4,186			2,113 2,198
Other Users				
Visitors				185
Fleet vehicles				234
Total peak parking demand				5,004 5,404
Total parking supply 4590 supply - 157 ADA - 74 short term =				4,590 4,359
Net spaces deficit of ~ 1000 parking spaces				414 -1,045

Sources: Calculated by CATMA Staff using the 2016 and 2018 CATMA Student and Employee Transportation Surveys, as well as information provided by institutional staff.

Notes: The 2016 CATMA Student and Employee Transportation Surveys are the sources for the share of users on campus at peak, as the 2018 surveys did not collect this information with sufficient specificity (see Table 2-4), with the peak period of 11:30am-1:30pm for residential students and 12pm-1pm for commuter students and employees. The demand generator is based upon the share of residential first year students with parking permit waivers, the share of residential non-first-year students with a personal vehicle (2018 CATMA Student Transportation Survey), and the primary mode share (drive alone share + 0.5* carpool share) for commuter students and employees (2016 CATMA Student Transportation Survey).

4.3 FUTURE PARKING CONDITIONS

Future Population: Students, Staff, Faculty, Visitors (Sec. 8.3.3 (A))

Between 2019 and 2024, both the University's enrollment and employment are anticipated to remain relatively unchanged. Employment is expected to increase marginally from 4,186 at the beginning of the 2018 academic year to 4,205 in 2024. In the same timeframe, enrollment is estimated to decrease slightly from 13,346 students to 13,250.

(198-116=82)

+ 82 more that park on street

+ 85 more that park on street

add back 195 for end of construction project in June 2019
net 850 parking space deficit in 2019.

ATTACHMENT #4: Marked up (edited) version of UVM's supply and demand parking space forecast for 2024

TABLE 4-23: UVM FUTURE ESTIMATED PEAK PERIOD PARKING DEMAND BY USER GROUP (2024)

User Group	Number in Category	Peak % on Campus	Demand Generator	Parking Demand (spaces)
Students				
Residential Students			Auto Ownership	
First Year	2,558	81.6%	1.7%	35
Non-First-Year	3,458	90.7%	39.0%	1,223
Subtotal	6,016			1,258
Commuting Students			Mode Share	
Commuting students (inside 0.5 miles)	3,086	89.1%	4.1% 8%	113 220
Commuting students (outside 0.5 miles)	4,148	91.2%	28.8% 32%	1,091 1211
Subtotal	7,234			1,204 1515
Employees			Mode Share	
Full-time	3,620	90.7%	59.0%	1,936
Part-time	585	53.7%	59.0%	185
Subtotal	4,205			2,122 2206
Other Users				
Visitors				185
Fleet vehicles				234
Total peak parking demand				5,003 5398
Total parking supply				4590 + 195 - 251 (Ref pg 4.21) - 157 ADA - 74 = 4,554 4303
Net spaces				deficit of ~ 1100 parking spaces 469 - 1095

Sources: Calculated by CATMA Staff using the 2016 and 2018 CATMA Student and Employee Transportation Surveys, as well as information provided by institutional staff.

Notes: The 2016 CATMA Student and Employee Transportation Surveys are the sources for the share of users on campus at peak, as the 2018 surveys did not collect this information with sufficient specificity (see Table 2-4), with the peak period of 11:30am-1:30pm for residential students and 12pm-1pm for commuter students and employees. The demand generator is based upon the share of residential first year students with parking permit waivers, the share of residential non-first-year students with a personal vehicle (2018 CATMA Student Transportation Survey), and the primary mode share (drive alone share + 0.5* carpool share) for commuter students and employees (2016 CATMA Student Transportation Survey). The parking supply assumes no change in the current lease of 632 spaces to UVM MC. Holds peak % on campus and the demand generators constant from current levels.

Parking Demand Reduction

UVM Transportation and Parking Services has employed Nelson Nygaard as consultant to review its Transportation and Parking Operations with a goal to provide a 10-year Campus Transportation and Parking Master Plan. UVM anticipates a menu of options and recommendations which will assist in better use of existing resources and peer best practices for strategies in reducing single occupancy vehicles coming to Burlington as well as increased use of public and commuter transportation systems. The report is expected to be completed by mid to end of May 2019.

(85) more students who park on street (198 - 113 = 85)

(85) employees who park on street

Before considering any event parking demand. Large event parking demand may create additional parking deficits.

ATTACHMENT #5: Last page of missing table. Entire table can be seen on pages A-4 to A-7 of the 3/9/2019 JIPMP. Previous 5-year JIPMPs included this detail. It is essential for analyzing UVM's data. Should be added back into the 2019-2024 JIPMP.

Pages A4 to A7 = "The missing report" was in 3/9/12 version + 2014-2019 version.
 not in 5/9/19 JIPMP.
 Joint Institutional Parking Management Plan (JIPMP)
 2019 data used for 2019 supply & demand analysis
 + previous years' JIPMP.

LOT	FACULTY STAFF	ADA SPACES	LEASED	COMMUTER STUDENT	RESIDENT STUDENT	SHORT TERM	UNIVERSITY BUSINESS	VISITOR	TOTAL CAPACITY
UNIVERSITY HEIGHTS NORTH	37	0	0	0	0	0	0	0	37
UNIVERSITY HEIGHTS NORTH 2	0	0	0	0	0	0	4	0	4
UNIVERSITY HEIGHTS SOUTH	0	0	0	0	56	0	0	0	56
UNIVERSITY HEIGHTS STREET	27	0	0	0	0	0	0	0	27
VILLA LOT	8	0	0	0	0	0	1	0	7
VOTEY	116	8	0	0	0	5	5	0	134
WATERMAN	161	8	0	0	0	4	17	0	190
WHEELER LOT	42	1	0	0	0	0	4	0	47
WING	0	0	0	0	106	2	1	0	109
WRIGHT/PATTERSON	0	2	0	0	11	2	2	0	17
GRAND TOTAL	1,617	157	632	1,327	966	74	452	185	5,410
ZONE									
Athletic Commuter									
Commuter Campus									
Core Central									
Core East									
Core North									
Core South									
Core West									
Redstone Campus									
Trinity Campus									

5410 TOTAL capacity ^{UVM} parking spaces on-campus
 - 632 Leased to UVM Medical Center
 - 188 occupied by construction workers + project
 = 4590 parking space inventory avail in 2019
 - 157 ADA spaces (special use) No permit.
 - 74 short-term use. No permit.
 4359 actually available supply for permit holders.

ATTACHMENT #6: CDO methodologies to calculate minimum required parking spaces
 This is a screenshot from UVM's 2014-2019 IPMP. It shows that UVM reported Gutterson's seating capacity of 4,500 seats (fixed and portable seats) when forecasting how many parking spaces would be required in 2019 if CDO institutional parking requirements were imposed.???

2014-2019 Update

Campus Area Transportation Management Association
 Joint Institutional Parking Management Plan

TABLE 22: UVM MINIMUM EXISTING AND 2019 OFF-STREET PARKING REQUIREMENTS

Existing Campus – Fall 2013		Parking Requirement
GFA Approach (2 spaces/1,000 sq ft), GFA = 5,288,223 sq ft		10,576
Composite Approach	Dormitory Beds (1 space/2 beds) = 5,328	2,664
	Non-Residential GFA = 3,569,444 sq ft ¹	7,139
	Recreational Facility Seats (1 space/4 seats) = 4,500 ²	1,125
	<i>Total</i>	10,928

Planned 2019 Campus		Parking Requirement
GFA Approach (2 spaces/1,000 sq ft), GFA = 5,952,888 sq ft		11,866
Composite Approach	Dormitory Beds (1 space/2 beds) = 5,669	2,835
	Non-Residential GFA = 3,984,109 sq ft	7,928
	Recreational Facility Seats (1 space/4 seats) = 7,500 ³	1,875
	<i>Total</i>	12,638

Notes: The parking requirements stated in this table are per the Ordinance and do not reflect actual parking demand or UVM's successes in reducing campus-wide parking needs. See Table 25 and Table 26 for further detail.

(1) Patrick Gymnasium is included in the square footage. Gutterson Field House is not included as its parking requirement is based on the number of seats.

(2) Number of seats provided in Gutterson Field House

(3) Anticipated maximum capacity of Multi-Purpose Event Center. Large event parking needs will likely continue to be accommodated through off-site parking and shuttling, which is not accounted for in the expected parking supply.

Therefore, in the 2019-2024 IPMP, UVM needs to include Gutterson's expanded seating capacity to determine how many parking spaces CDO would require in 2024 if CDO Article 32 parking requirements were imposed. But UVM has not done so.???

ATTACHMENT #7: UVM letter of February 2019 to Act 250 Commission saying that UVM would like to host up to 5000 spectators at one time in Gutterson and Tarrant Event Center.



The University of Vermont

To:
Rachel Lomonaco, Act 250 Coordinator, District 4
111 West Street
Essex Junction, VT 05452

	VERMONT
ACT 250 District Commission # 8	
Application #: 4C0348-7	
Exhibit #: 115	
Date Received: 2/8/19	

February 7, 2019

Re: Application #4C0348-7, Supplemental Evidence Submittal

Dear Rachel,

As per previous requests, and more recent communication with you, the University would like to submit the following supplemental evidence for this project.

1. The University received the Wastewater System and Potable Water Supply Permit, Exhibit 112: WW-4-0079-2.
2. The University understands the concern from the Act 250 Commission about large spectator events taking place in Gutterson and Tarrant simultaneously. With the exception of commencement and other rare and unusually large events such as Presidential visits, for which we need to have as much flexibility as possible, UVM/Athletics is comfortable committing to a combined spectator maximum of 5,000 at any one time between Gutterson and Tarrant. As the UVM Director of Athletics testified to the Commission, it is not the University's intention to have two large spectator events happening at the same time, but we would want the flexibility to have multiple events going on with smaller capacities, or a large crowd event taking place in one space while a small crowd event (e.g. club hockey or basketball) is taking place in the other.
3. Signage: The renderings that were submitted are illustrative regarding signage, and do not reflect accurate, permitted signs. For actual signs for all buildings, including this project, we would apply for a local zoning permit for signs. The approval for this will be based on the UVM Master Sign Plan/Wayfinding System and Design Standards and permit, and the existing Burlington zoning regulations (Burlington Comprehensive Development Ordinance, BCDO). These two documents, the University's approved wayfinding system and the BCDO both regulate the number of signs, their size, design, height and specific locations, for all signs on campus. This project would be no exception and would go through the same process. We are including excerpts from the 1999 wayfinding system (Exhibit 113) and the 2006 Wayfinding Program Standards (Exhibit 114). Together these form the basis of the University's Wayfinding system. (We have omitted parts that are not relevant for this application, and/or may be out of date.)

CAMPUS PLANNING SERVICES
109 South Prospect Street, Burlington, VT 05405-0016
Telephone (802) 656-3208, Fax (802) 656-8895

Equal Opportunity/Affirmative Action Employer

UVM letter signed by Lani Ravin.

208 Flynn Ave. Suite 2B
Burlington, VT 05401
802-864-4950
randy@colinlindberg.com

**COLIN P. LINDBERG,
ARCHITECT**

Memo

To: Department of Planning and Zoning – City of Burlington, VT
Attn: Mary O'Neil
From: Randy Burnett
CC: Marty Spaulding
Date: 3/25/2019
Re: Edmunds Application Amendment Narrative

RECEIVED
MAR 26 2019

DEPARTMENT OF
PLANNING & ZONING

General Project Description & Brief History:

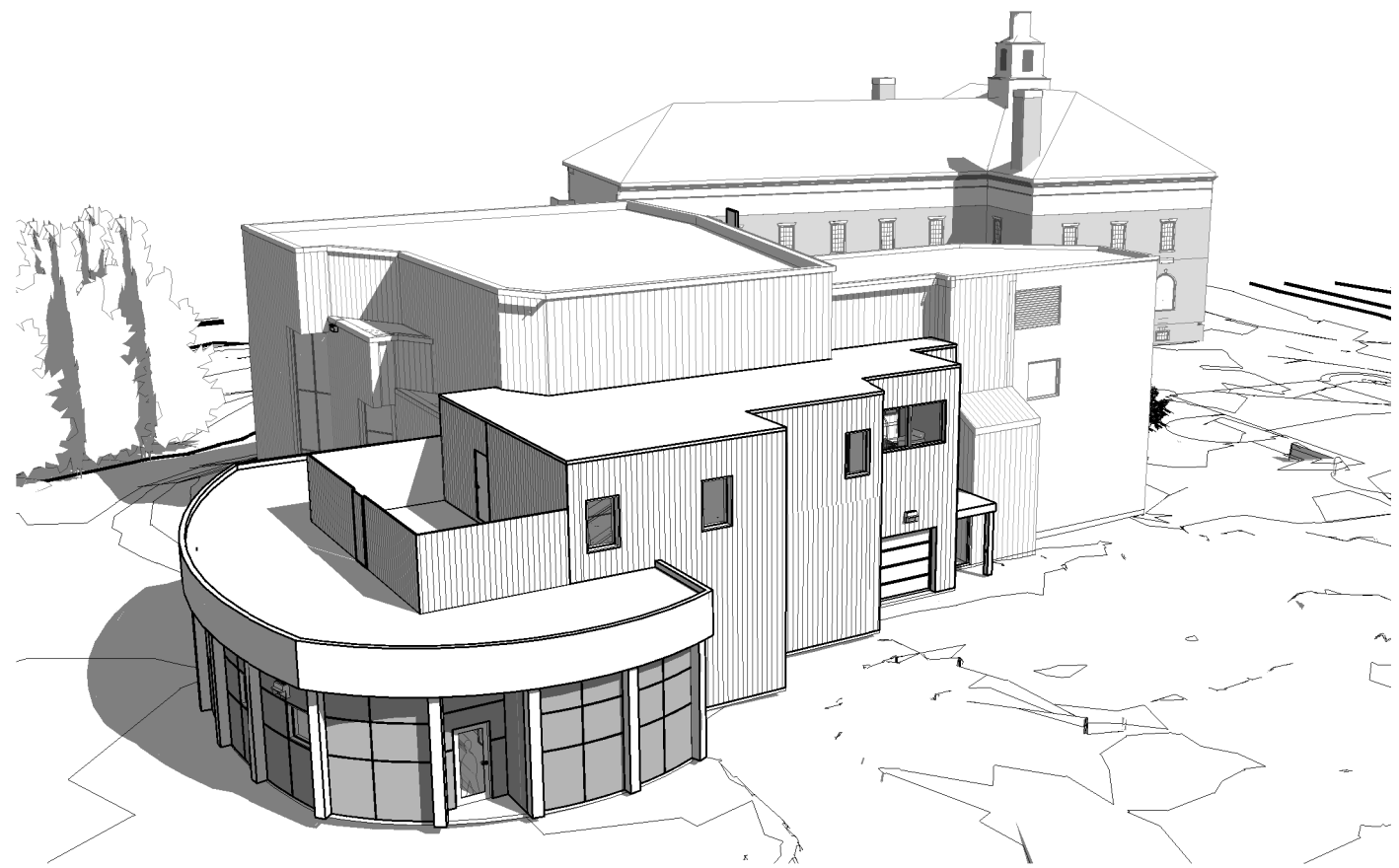
The school district wishes to amend permit ZPI 8-0898CA to provide essential and accessible access to buildings, site features, meet life safety requirements and improve the connectivity of the site and use of the property features (ADA parking, ball fields, play grounds, learning spaces etc.). This amendment application is a continuation of the multi-faceted district improvement plans begun and submitted in 2018.

Summary of Scope Changes and Proposed New Work:

This application will remove deteriorated and failing site stairs that have outlived their life, prohibited accessible connectivity and challenged safe circulation during inclement weather and cold season. The improvements provide grade changes and accessible walks to controlled entrances to improve safe and accessible access to the buildings and site by the community. The improvements provide accessible ways and congregating areas (new plaza) away from city streets for students and staff to safely wait for public, district and/or private transportation while transitioning from school day activities. Improved bicycle storage, lighting, landscape features, fencing and plantings are included improvements and situated to promote safe circulation away from sloped roof hazards and steeper grade changes. The single point of building entry provides the public with a sense of entrance and welcoming through the plaza, alley of trees, walks and landscape features while achieving access and controlled safety of building occupants. Other points of entry will continue to be used for proper life safety egress and monitored peak period functions. Screening of recycling, food and refuse waste will be provided. A property maintenance shed is proposed at a revised location to allow for better access for property maintenance, snow clearing equipment and athletic equipment storage. A variety of retaining and landscape walls are proposed throughout the site to provide proper control of grades, serve as congregational and seating spaces and complement the enhancement of plantings and landscape improvements.

The purpose and significant level of proposed features and improvements are directly associated with improved accessibility, safety, and requirements of functional operation and use of the many school and community programs that utilize the facility.

UNIVERSITY OF VERMONT RECITAL HALL EXPANSION & RENOVATION PROJECT



PROJECT LOCATION:

UNIVERSITY OF VERMONT REDSTONE CAMPUS
392 SOUTH PROSPECT STREET
BURLINGTON, VT 05401

Owner
University of Vermont Facilities Design and Construction
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F: (802) 656-3291

Associate Architect
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Cleveland, Ohio 44115
Raymond Kent
R.Kent@dlrgroup.com

Architect
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Paul A. Hobbs, P.E.
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Mechanical Engineer
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Montpelier, VT 05602
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David Slade, P.E.
E: david@sladeengineering.com

DRAWINGS:

1-GENERAL	
A0.0	COVER SHEET
A0.1	GENERAL NOTES AND ABBREVIATIONS
2-SITE	
EX-1	EXISTING CONDIONS PLAN
SP-1	OVERALL SCHEMATIC SITE PLAN
SP-2	SITE PLAN
SP-3	POST CONSTRUCTION SOIL RESTORATION PLAN
3-CIVIL	
CD-1	CIVIL DETAILS
CD-2	CIVIL DETAILS
CD-3	CIVIL DETAILS
CD-4	CIVIL DETAILS
CD-5	CIVIL DETAILS
5-ARCHITECTURAL	
A1.5	EXISTING ELEVATIONS
A2.3	ROOF PLAN
A4.0	ELEVATIONS
A4.1	ELEVATIONS
A5.0	NORTH SOUTH SECTION
A5.1	EAST WEST SECTION
A7.1	EXTERIOR PERSPECTIVE VIEWS



SCOTT + PARTNERS
ARCHITECTURE

7 CARMICHAEL ST. ESSEX JUNCTION, VT 05452
P. 802.879.5153 | F. 802.872.2764 | SCOTTPARTNERS.COM

project name:

**UVM: RECITAL HALL
EXPANSION AND
RENOVATION**

project address:

384 SOUTH PROSPECT ST
BURLINGTON, VT 05401

scale:	
project no.	17-1206
checked by:	TMS
drawn by:	AS
proj. date:	04/23/2019
sheet date:	

No	Date	Revisions
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sheet title:
COVER SHEET

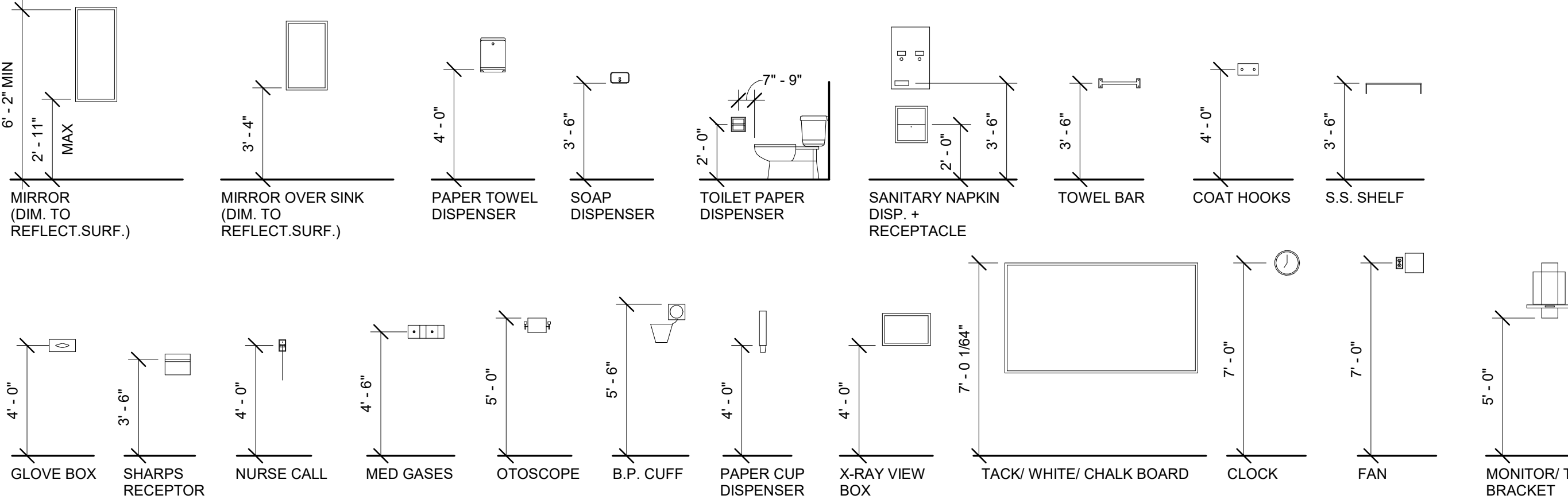
sheet no.
A0.0

ISSUED FOR ZONING PERMIT
04/23/2019

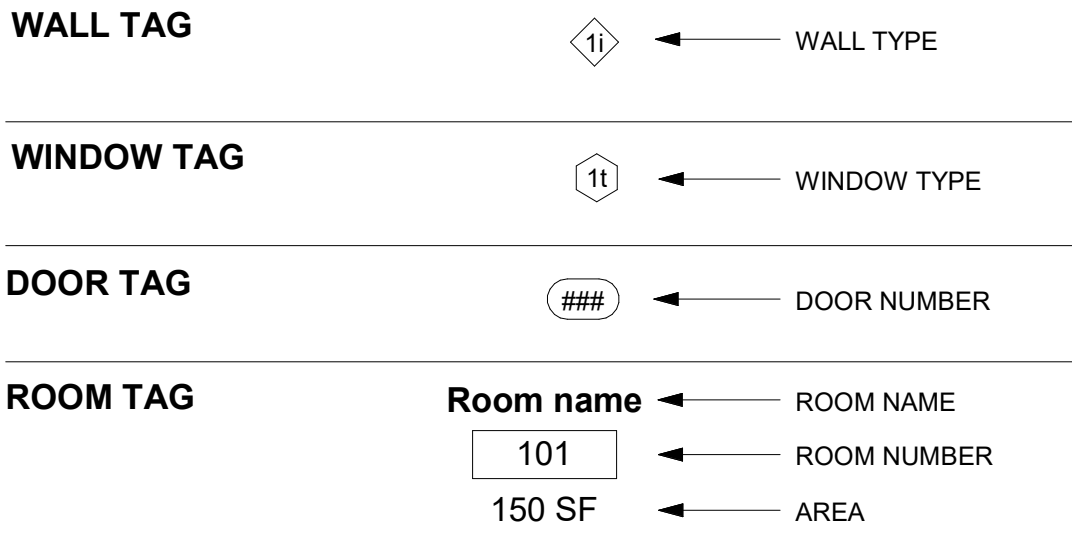
ABBREVIATIONS

#	Number of Pounds	FE	Fire Extinguisher	PRESS	Pressure
&	And	FEC	Fire Extinguisher Cab	PSF	Pounds Per Square Foot
=	Equal	FFE	Finished Floor Elevation	PSI	Pounds Per Square Inch
@	At	FGL	Fiberglass	PT	Paint or Point
A/E	Air Conditioning	FHC	Fire Hose Cabinet	PTD	Painted
ABV	Architect/Engineer	FIN	Finished	PVC	Poly Vinyl Chloride
AC	Acoustical	FIX	Fixture	PVMT	Pavement
ACT	Acoustic Ceiling Tile	FLASH	Flashing	PVR	Paver
AD	Access Door	FLEX	Flexible	QTY	Quantity
ADD	Area Drain	FLR	Floor	RA	Radius/Riser
ADJ	Additional	FLRG	Flooring	R	Return Air
ADJ	Adjacent	FLUOR	Fluorescent	RAD	Radiation
ADJT	Adjustable	FOW	Face of Wall	RD	Roof Drain, Road
AFF	Above Finished Floor	FP	Fire Proofing	REBAR	Reinforcing Bar
AFG	Above Finished Grade	FR	Fire Rated	REC	Recessed
ALT	Alternate	FRM	Frame	REF	Reference
ALUM	Aluminum	FRP	Fiberglass Reinf.	REFL	Reflected
ANCH	Anchor	FRT	Fire Ret. Treated	REFR	Refrigerator
ANCH B	Anchor Bolt	FT	Foot or Feet	REG	Register
ANOD	Anodized	FTG	Footing	REINF	Reinforced
AP	Access Panel	FTR	Fin Tube Radiation	REQD	Required
APPROX	Approximately	FUR	Furred or Furring	RES	Resistant
ARCH	Architect/Architectural	FURN	Furnished	RESIL	Resilient
ASB	Asbestos	FUT	Future	RET	Retaining
AUTO	Automatic	FXD	Fixed	REV	Revision/Reverse
AUX	Auxiliary	GA	Gauge	RF	Roof
AV	Audio Visual	GALV	Galvanize(d)	RFV	Roofing
AVG	Average	GB	Grab Bar	RM	Room or Roof Membrane
B	Bolt	GC	General Contractor	RO	Rough Opening
BC	Brick Course	GD	Grade	RSL	Resilient Flooring
BD	Board	GRD	Guard Rail	S	South
BEL	Below	GEN	General	SAT	Suspended
BET	Between	GL	Glass	SC	Acoustical Tile
BIT	Bituminous	GRD	Ground	SC	Solid Core
BL	Blanket	GS	Gravel Stop	SCHED	Schedule
BLDG	Building	GT	Grout	SECT	Section
BLK	Block	GWB	Gypsum Wall Board	SF	Square Feet
BLKG	Blocking	GYP	Gypsum	SHLV	Shelving
BM	Beam, Bench Mark	HB	Hose Bib	SHT	Sheet
BN	Bull Nose	HBD	Hardboard	SIM	Similar
BO	Bottom	HC	Hollow Core or Handicap Accessible	SLDG	Sliding
BOS	Bottom of Step	HDWD	Hardwood	SLNT	Sealant
BOT	Bottom	HDR	Handrail	SPCG	Spacing
BRCG	Bracing	HDW	Hardware	SPEC	Specification
BRG	Bearing	HOR	Horizontal	SPKR	Speaker
BRK	Brick	HP	High Pressure	SPR HD	Sprinkler Head
BRKT	Bracket	HR	Hour	SS	Stainless Steel
BS	Both Sides	HT	Height	SQ	Square
BSMT	Basement	HTR	Heating	STC	Sound Transmission Class
BW	Both Ways	HTG	Heater	STD	Standard
BUR	Built up Roofing	HVAC	Heating, Vent. & A/C	STIFF	Stiffener
CAB	Cabinet	HW	Hot Water	STL	Steel
CB	Catch Basin	ID	Inside Diameter	STOR	Storage
CEM	Cement	IN	Inch	STRUCT	Structural
CER	Ceramic	INCL	Included/ing	SURF	Surface
CF	Cubic Feet	INFO	Information	SUSP	Suspended
CG	Corner Guard	INSUL	Insulation	SV	Sheet Vinyl
CH	Ceiling Height	INT	Interior	SYM	Symbol
CHAM	Chamfer	INTER	Intermediate	SYS	System
CIR	Circle	JAN	Janitor	T	Tread, Tile
CIRC	Circumference	JC	Janitor's Closet	T&G	Tongue and Groove
CL	Construction Joint	JST	Joist	TBD	Tack Board
CL	Center Line	K	Joint	TEL	Telephone
CLF	Chain Link Fence	K PL	Knock Down	TEMP	Temporary, Temperature
CLNG	Ceiling	LAM	Laminate	TFLI	Tenant Furnished
CLOS	Closed	LAV	Lavatory	TFTI	Tenant Installed
CLR	Clear	LBS	Lbs	THERM	Thermometer
CLS	Closure or Closer	LIQ	Liquid	THRU	Through
CM	Construction Manager	LOC	Location	THK	Thick
CMU	Cement Masonry Unit	LT	Light	THR	Threshold
CO	Clean Out	LF F	Light Fixture	TK BD	Tack Board
COL	Column	LTG	Lighting	TOC	Top of curb
COMP	Compressible	LTL	Lintel	TOF	Top of Footing
CONC	Concrete	LVR	Louver	TOS	Top of Steel
CONST	Construction	LW	Long Way	TOW	Top of Wall
CONT	Continuous	FLI	Landlord Furnished	TLT	Toilet
CONTR	Contractor	CPT	Carpet	TR	Trench
COORD	Coordinate	CRS	Course	TRT	Treated
COR	Corrugated	CSMT	Casement	TYP	Typical
CORR	Corridor	CT	Ceramic Tile	UC	Under Cut
CPT	Carpet	CTR	Center	UH	Unit Heater
CRS	Course	CTSK	Countersunk	UL	Underwriter's Laboratories
CSMT	Casement	CU	Cubic	UNFIN	Unfinished
CT	Center	CUH	Cabinet Unit Heater	UNO	Unless Noted
CTR	Chair Rail	CW	Cold Water	UTIL	Utility
CLOS	Closed	CYL	Cylinder	UR	Urinal
CTSK	Countersunk	D	Deep or Depth	VAC	Vacuum
CU	Cubic	DB	Decibels	VAR	Variable
CUH	Cabinet Unit Heater	DBL	Double	VB	Vapor Barrier
CW	Cold Water	DEM	Demolish	VCT	Vinyl Composite Tile
CYL	Cylinder	DEPT	Department	VEH	Vehicle
D	Deep or Depth	DETT	Detail	VERT	Vertical
DB	Decibels	DF	Drinking Fountain	VEST	Vestibule
DBL	Double	DIA	Diameter	VIF	Verify in Field
DEM	Demolish	DIFF	Diffuser	VOL	Volume
DEPT	Department	DIM	Dimension	VP	Vent Pipe
DET	Detail	DISP	Dispenser	VTR	Vent Through Roof
DF	Drinking Fountain	DMT	Demountable	WVC	Vinyl Wall Covering
DIA	Diameter	DN	Down	W	With
DIAG	Diagonal	DR	Damp Proofing	W/O	With Out
DIFF	Diffuser	DS	Down Spout	WC	Water Closet
DIM	Dimension	DWG	Drawing	WD	Wood
DISP	Dispenser	E	East	WIN	Window
DMT	Demountable	EIFS	Exterior Insulation	WF	Wide Flange
DN	Down	EJ	Expansion Joint	WG	Wire Glass
DP	Damp Proofing	EL	Elevation	WP	Water Proof
DR	Door or Drain	ELEC	Electric or Electrical	WR	Water Resistant
DS	Down Spout	ELEV	Elevator	WTS	Water Stop
DWG	Drawing	EMER	Emergency	WT	Weight
E	East	ENAM	Enamel	WWF	Welded Wire Fabric
EIFS	Exterior Insulation	ENCL	Enclosure		
EJ	Expansion Joint	ENG	Engineer		
EL	Elevation	ENT	Entrance		
ELEC	Electric or Electrical	EOS	Edge of Slab		
ELEV	Elevator	EQ	Equal		
EMER	Emergency	EQUIP	Equipment		
ENAM	Enamel	EXIST	Existing		
ENCL	Enclosure	EXP	Expansion		
ENG	Engineer	EW	Each Way		
ENT	Entrance	EWC	Elec. Water Cooler		
EOS	Edge of Slab	EXH	Exhaust		
EQ	Equal	EXIST	Existing		
EQUIP	Equipment	EXPD	Expanded		
EXIST	Existing	EXPO	Exposed		
EXP	Expansion	EXT	Exterior		
EW	Each Way	EXTR	Extruded		
EWC	Elec. Water Cooler	FA	Fire Alarm		
EXH	Exhaust	FAS	Fastener		
EXIST	Existing	FB	Face Brick or Flat Bar		
EXPD	Expanded	FC	Flexible Connection		
EXPO	Exposed	FD	Floor Drain or		
EXT	Exterior	FDN	Foundation		
EXTR	Extruded				
FA	Fire Alarm				
FAS	Fastener				
FB	Face Brick or Flat Bar				
FC	Flexible Connection				
FD	Floor Drain or				
FDN	Foundation				

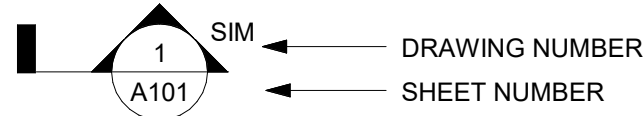
MOUNTING HEIGHTS FOR EQUIPMENT & ACCESSORIES



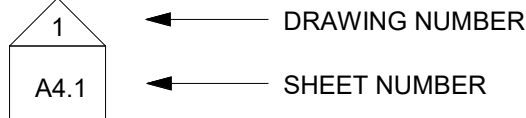
SYMBOL LEGEND



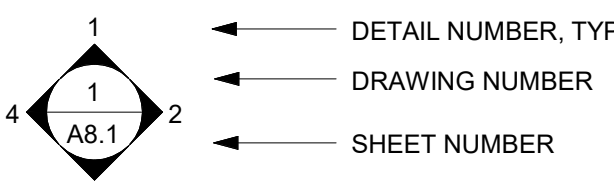
SECTION MARK



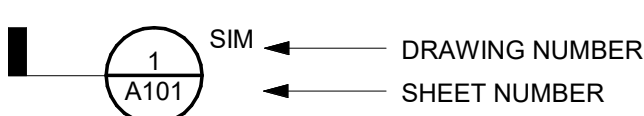
EXTERIOR ELEVATION



INTERIOR ELEVATION



DETAIL SECTION



FLOOR FINISH TAG



DETAIL



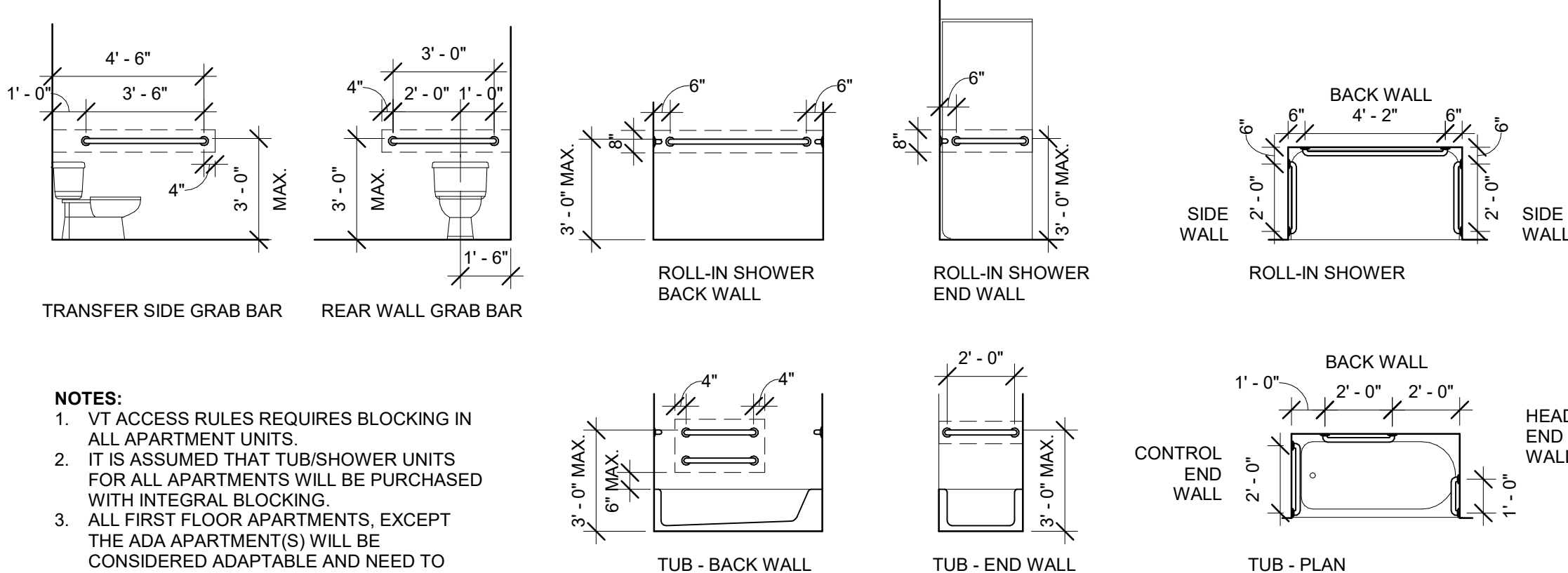
INSULATION AND AIR SEALING NOTES:

- WHERE DIRECTED, INSULATE CAVITY WALLS WITH 4-1/2" OF SPRAY APPLIED CLOSED CELL FOAM INSULATION. ON EXTERIOR OF PLYWOOD WALL SHEATHING INSTALL 1-1/2" FOIL FACED POLY ISOCYANURATE RIGID FOAM INSULATION.
- INSULATED ABOVE ROOF SHEATHING WITH 10" OF POLYISOCYANURATE RIGID FOAM INSULATION. MINIMUM R VALUE TO EQUAL R-60 PER MFR. AGED VALUES.
- UNDER SLAB AND SLAB PERIMETER ARE TO BE INSULATED WITH A MINIMUM OF 2 INCHES OF RIGID INSULATION (MINIMUM 2 PCF POLYSTYRENE RATED FOR EARTH CONTACT). SEE STRUCTURAL DRAWINGS FOR RECOMMENDED LOAD RATING AND ADDITIONAL INSULATION REQUIREMENTS. WHERE A DISCREPANCY IN QUANTITY APPEARS PROVIDE THE HIGHEST INSULATION VALUE REQUESTED.
- INSULATION CONTRACTOR AND OR GENERAL CONTRACTOR ARE TO PROVIDE ALL AIR SEALING MEASURES:
 - GENERAL AIR SEALING MEASURES WILL BE INSTALLED THROUGH THE USE OF INDUSTRY STANDARD MATERIALS AND TECHNIQUES, INCLUDING: USE OF MINIMUM EXPANDING FOAM AND RIGID MATERIALS TO SEAL CRACKS GAPS AND VOIDS, AND USE OF PRESSURE DIFFERENTIAL DIAGNOSTIC TECHNIQUES TO LOCATE AIR LEAKAGE PATHS. GC IS TO PROVIDE A MINIMUM OF ONE BLOWER DOOR TEST PRIOR TO INSTALLATION OF DRYWALL AND ONE BLOWER DOOR TEST AFTER DRYWALL INSTALLATION OR AS MANY TESTS ARE REQUIRED UNTIL APPROVED AIR LEAKAGE RATES ARE MET. BLOWER DOOR CONTRACTOR IS TO BE A TRAINED AND QUALIFIED TECHNICIAN FROM AN INDEPENDENT TESTING ORGANIZATION APPROVED BY THE OWNER AND ARCHITECT.
 - AIR LEAKAGE RATE IS BLOWER DOOR TESTED AND SHOWN TO BE NO MORE THAN 0.40 CFM50/SQ.FT. OF EXTERNAL, ABOVE GRADE BUILDING SHELL SURFACE AREA.
 - ALL INTERIOR BUILDING EXPOSED FOAM INSULATION IS TO BE SEPARATED FROM THE BUILDING INTERIOR BY AN APPROVED THERMAL BARRIER OF 1/2" GYPSUM WALLBOARD, APPROVED INTUMESCENT PAINT OR EQUIVALENT THERMAL BARRIER MATERIAL TO PROVIDE AN APPROVED 15 MINUTE MINIMUM FIRE PROTECTION RATING.
 - AIR SEALING WILL INVOLVE (BUT NOT LIMITED TO) EFFECTIVE SEALING WITH APPROPRIATE PRODUCTS IN THE FOLLOWING AREAS:
 - ALL PLUMBING, ELECTRICAL, ELECTRICAL BOX, KITCHEN FAN DUCT OR BATH FAN DUCT PENETRATIONS IN EXTERIOR WALLS AND ATTIC WITH CAULK OR MINIMALLY EXPANDING FOAM.
 - SEALING THE GAP BETWEEN THE TOP PLATES OF INTERIOR AND EXTERIOR WALLS AND CEILING SHEET ROCK IN THE TOP STORY WITH CAULK OR MINIMALLY EXPANDING FOAM.
 - BOTTOM EDGE OF SHEET ROCK SEALED TO SUB FLOOR OR SLAB ON EXTERIOR WALLS WITH MINIMALLY EXPANDING FOAM.
 - METAL BATH FAN HOUSINGS SEALED TO SHEET ROCK WITH CAULK OF MINIMALLY EXPANDING FOAM.
 - AROUND WINDOW AND DOOR ROUGH OPENING, MINIMALLY EXPANDING FOAM WITH BEAD SIZE TO SEAL WINDOW FRAME TO ROUGH OPENING, DO NOT TRY TO FILL DEPTH OF GAP.
 - INSULATING CONTRACTOR SHOULD COORDINATE WITH ARCHITECT FOR AIR SEALING WITH GENERAL CONTRACTOR. THE GC IS TO ENSURE COMPLETE AND THOROUGH AIR SEALING.
 - ALL WINDOWS SHALL HAVE AN NFRC U VALUE RATING OF .35 OR LESS, AND A SOLAR HEAT GAIN COEFFICIENT (SHGC) OF .55 OR LESS AND ARE ENERGY STAR LABELED FOR NORTHERN CLIMATE.

GENERAL NOTES:

- GENERAL CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO STARTING ANY WORK.
- DIMENSIONS TO EXISTING CONSTRUCTION SHALL BE TO FACE OF SURFACE MATERIAL, UNLESS OTHERWISE NOTED OR INDICATED.
- DIMENSIONS TO NEW CONSTRUCTION SHALL BE TO FACE OF STUD OR FRAMING, UNLESS OTHERWISE NOTED OR INDICATED.
- PATCH AND REPAIR ALL SURFACES/MATERIALS THAT ARE DAMAGED BY DEMOLITION. PATCH AND REPAIR ANY CRACKS, DINGS, HOLES, ETC., NOT RELATED TO DEMOLITION, AT ALL EXPOSED SURFACES SCHEDULED TO BE PAINTED. SEE SPECIFICATIONS.
- ALL NEW GWB WALLS SHALL BE FULL HEIGHT, FROM SUBFLOOR TO UNDERSIDE OF STRUCTURE ABOVE. UNLESS NOTED OR OTHERWISE INDICATED.
- ALL NEW GWB WALLS SHALL BE TAPED, SMOOTH FINISHED, AND PAINTED W/ (1) COAT OF LATEX PRIMER AND (2) COATS OF LATEX EGGSHELL PAINT, COLORS TO BE SELECTED BY ARCHITECT. CONTRACTOR SHALL COMPLETELY PAINT ALL ROOMS WITH ANY NEW WORK OCCURRING IN THEM UNLESS NOTED OTHERWISE.
- ALL FIRE RATED WALL AND DECK PENETRATIONS TO BE FIRESEALED AND DRAFT STOPPED.
- ALL FLOOR/CEILING (DECK) ASSEMBLIES TO BE SMOKE TIGHT. SEAL ALL HOLES, GAPS AND AROUND ALL EXISTING AND NEW PENETRATIONS.
- PROVIDE DAMPERS IN ALL DUCTWORK THAT PENETRATES FLOOR ASSEMBLIES. COORDINATE WITH MECHANICAL. THEREFORE- DUCT SHAFTS DO NOT NEED TO BE RATED AND MAY BE BUILT ONE-SIDED.
- SURFACE MOUNTED CONDUIT WILL BE ALLOWED AT EXISTING WALLS WHERE SNAKING/ FISHING IS NOT ACHIEVABLE. ALL PROPOSED SURFACE MTD CONDUIT SHALL BE REVIEWED AND APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.
- COORDINATE SEQUENCING OF EXTERIOR REPAIRS, NEW WORK AND WINDOW REPAIR/REPLACEMENT WORK.
- COORDINATE WORK WITH EXISTING PERIMETER DRAINAGE SYSTEM. MODIFY AS NECESSARY AT NEW ADDITION. RECONNECT TO EXISTING DISCHARGE LOCATION. IF A NEW LOCATION IS REQUIRED, COORDINATE WITH CIVIL (SEPARATE CONTRACT).
- CLOSET SHELING: WHERE SHOWN, SHELING SHALL BE 3/4" VENEER PLYWOOD WITH SOLID WOOD NOSE ON ADJUSTABLE BRACKETS - HEAVY DUTY KV DBL SLOTTED, 4 SHELVES HIGH.

REQUIRED BLOCKING & GRAB BAR LOCATIONS:



- NOTES:
- ACCESS RULES REQUIRES BLOCKING IN ALL APARTMENT UNITS.
 - IT IS ASSUMED THAT TUB/SHOWER UNITS FOR ALL APARTMENTS WILL BE PURCHASED WITH INTEGRAL BLOCKING.
 - ALL FIRST FLOOR APARTMENTS, EXCEPT THE ADA APARTMENT(S) WILL BE CONSIDERED ADAPTABLE AND NEED TO MEET THE STATE OF VERMONT ACCESSIBILITY REQUIREMENTS. (THIS INCLUDES ANY UPPER FLOOR UNITS ACCESSED BY AN ELEVATOR.)
 - THE DESIGNATED ADA APARTMENT(S) MUST MEET CURRENT ADA REQUIREMENTS.
 - ALL OTHER APARTMENTS MUST MEET THE STATE OF VERMONT RULES FOR VISITABILITY.

ISSUED FOR ZONING PERMIT
04/23/2019

project name:

UVM: RECITAL HALL
EXPANSION AND
RENOVATION

project address:
384 SOUTH PROSPECT ST
BURLINGTON, VT 05401

scale: As indicated
project no. 17-1206
checked by: TMS
drawn by: AS
proj. date: 04/23/2019
sheet date:

No Date Revisions

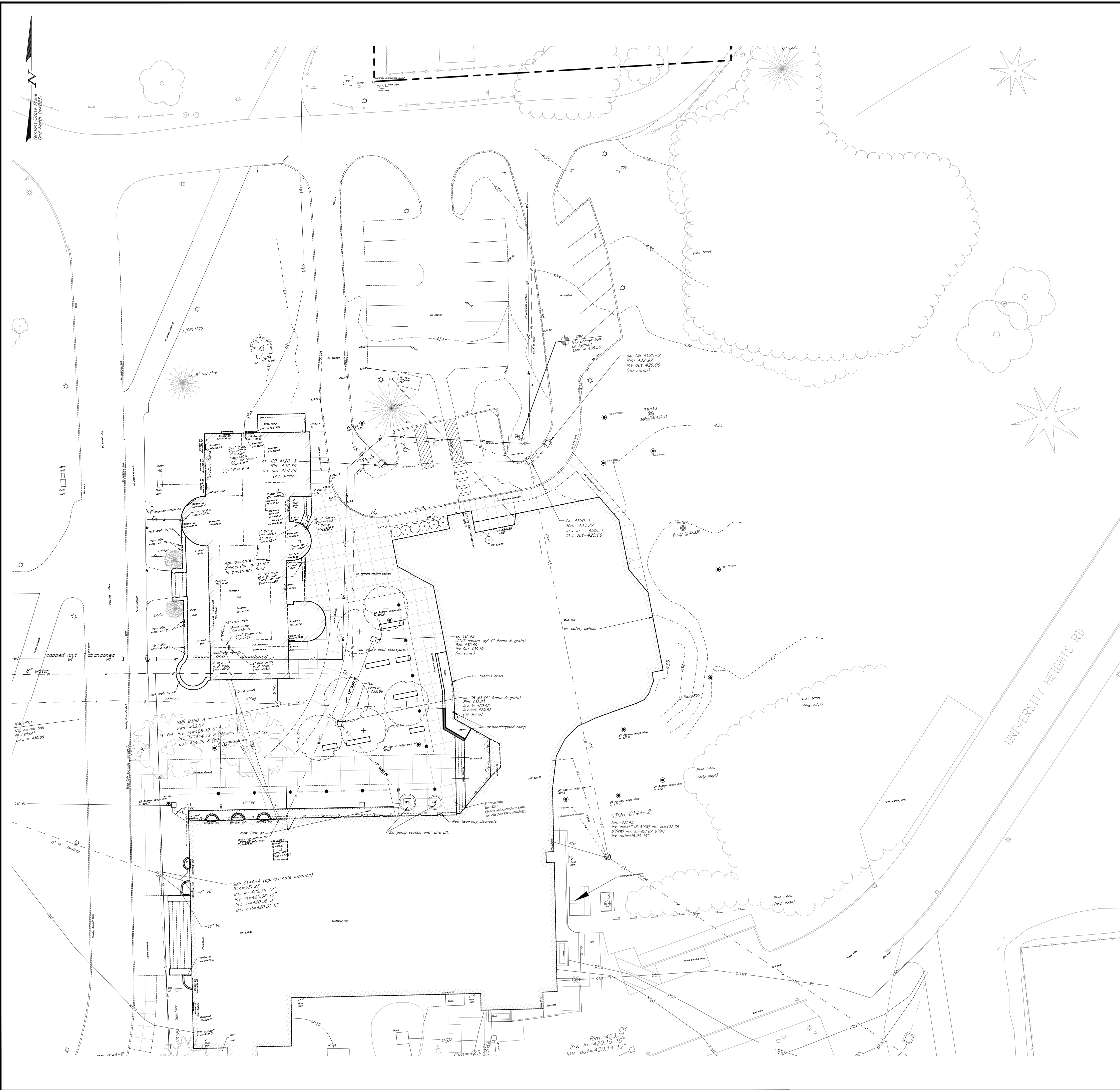
sheet title:
GENERAL NOTES
AND
ABBREVIATIONS

sheet no.

A0.1

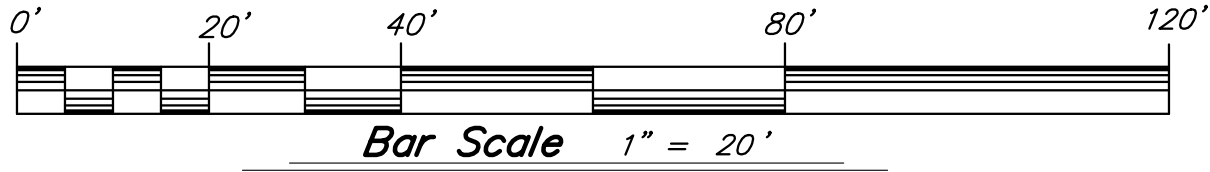
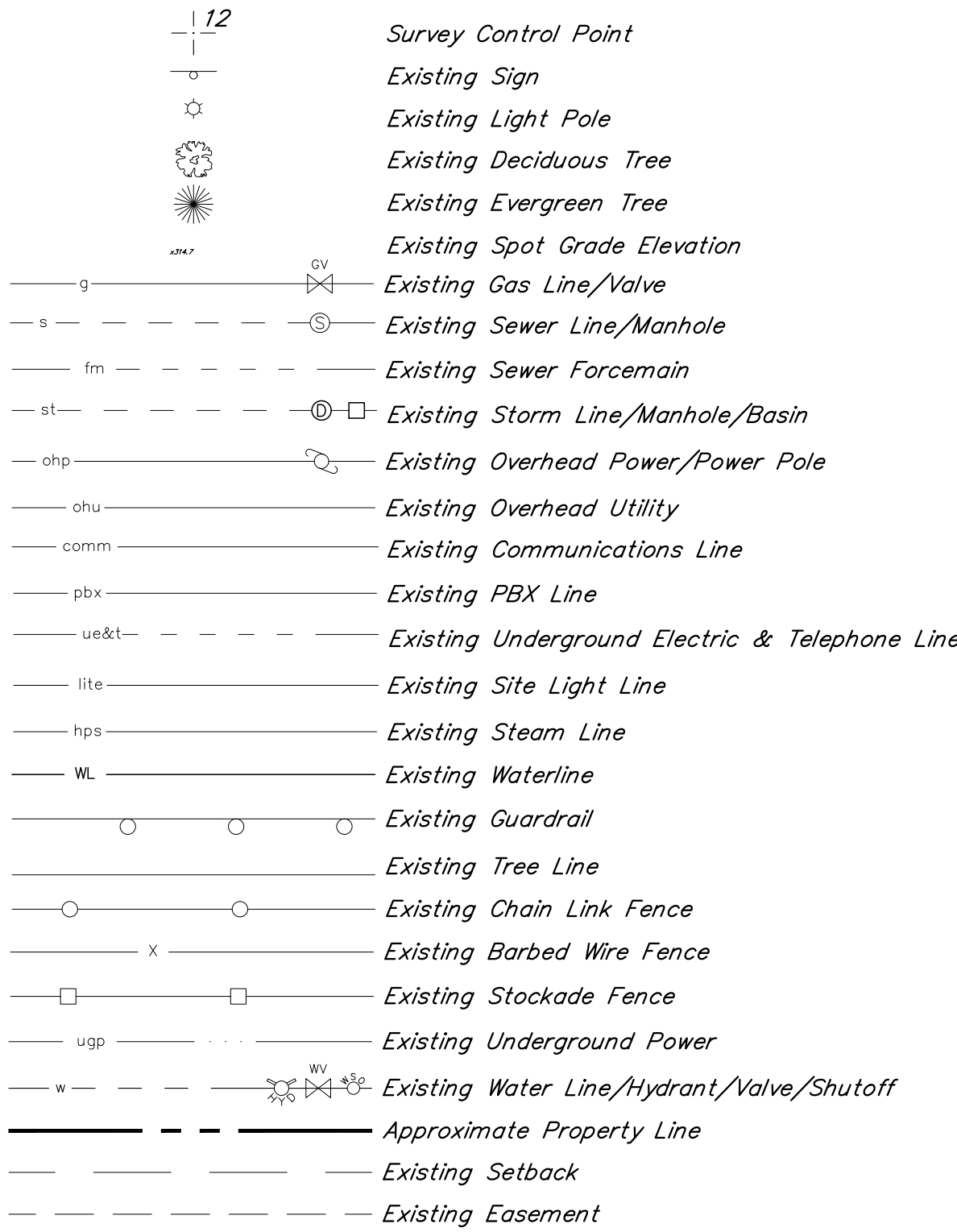
SCOTT + PARTNERS
ARCHITECTURE

7 CARMICHAEL ST. ESSEX JUNCTION, VT 05452
P. 802.879.5153 F. 802.872.2764 SCOTTPARTNERS.COM



Notes

- This plan is not a boundary survey. Property line shown are based on digital information provided by UVM are considered approximate.
- The underground utilities shown on this plan are based on visible utilities located during a topographic survey performed by Krebs & Lansing in 2017 and the following:
 - Limited secondary electric and site lighting electric is shown based on Utility Master Plan mapping provided by UVM. Other secondary and site lighting electrical may be present on site and is not warranted to be exact or complete.
 - Water: Waterlines are based on visible evidence found during the survey and digital utility mapping provided by the University of Vermont.
 - Sewer: Sanitary sewer mains are shown from manhole to manhole as located during the survey. Sanitary service lines are shown based on digital utility mapping provided by the University of Vermont. Sewer pipe elevations, type, and sizes were measured during the survey. Pipe information is not always evident from visual observations. Prior to making connections to the existing sanitary system and prior to ordering materials, the Contractor shall be responsible for confirming all pipe information.
 - Storm: Storm pipes are shown from manhole to manhole as located during the survey. Stormwater service lines are shown based on digital utility mapping provided by the University of Vermont. Storm pipe elevations, type, and sizes were measured during the survey. Pipe information is not always evident from visual observations. Prior to making connections to the existing storm system and prior to ordering materials, the Contractor shall be responsible for confirming all pipe information.
 - PBX: PBX telecommunications conduits are based on Utility Master Plan digital mapping provided by the University of Vermont.
 - Steam: Steam lines are based on Record drawings and Utility Master Plan digital mapping provided by the University of Vermont.
- Underground utilities are approximate and not warranted to be exact or complete. Dig Safe shall be contacted prior to any excavation. DigSafe may not mark private utilities. It is the Contractors responsibility to mark private utilities (other than PBX). Secondary electric is not shown on this plan.
- Elevations are based on the NAVD 88 vertical datum.
- Project Horizontal Coordinates derived from GPS observation using reference frame NAD83 (2011) 2010.00 epoch.
- Building roof lines are taken from orthophoto topography by the Sells Mapping Company.

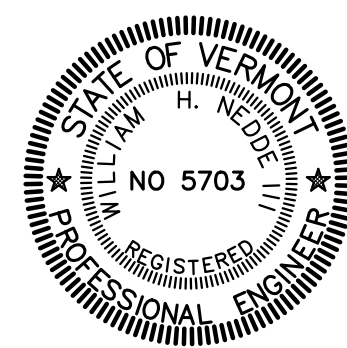


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Issued for Design Development 01/15/19

Project:
University of Vermont
Recital Hall
Expansion and
Renovation

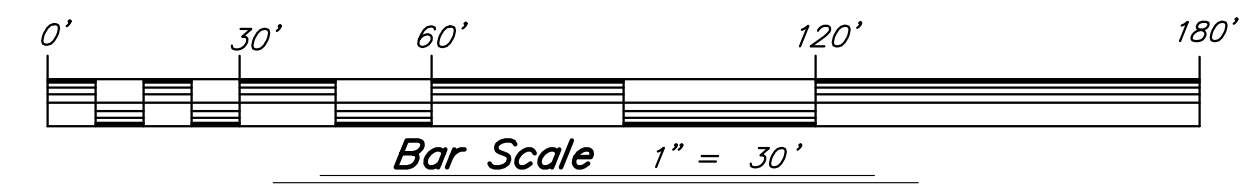
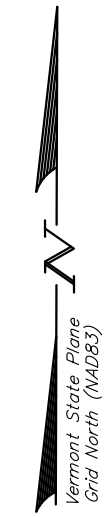
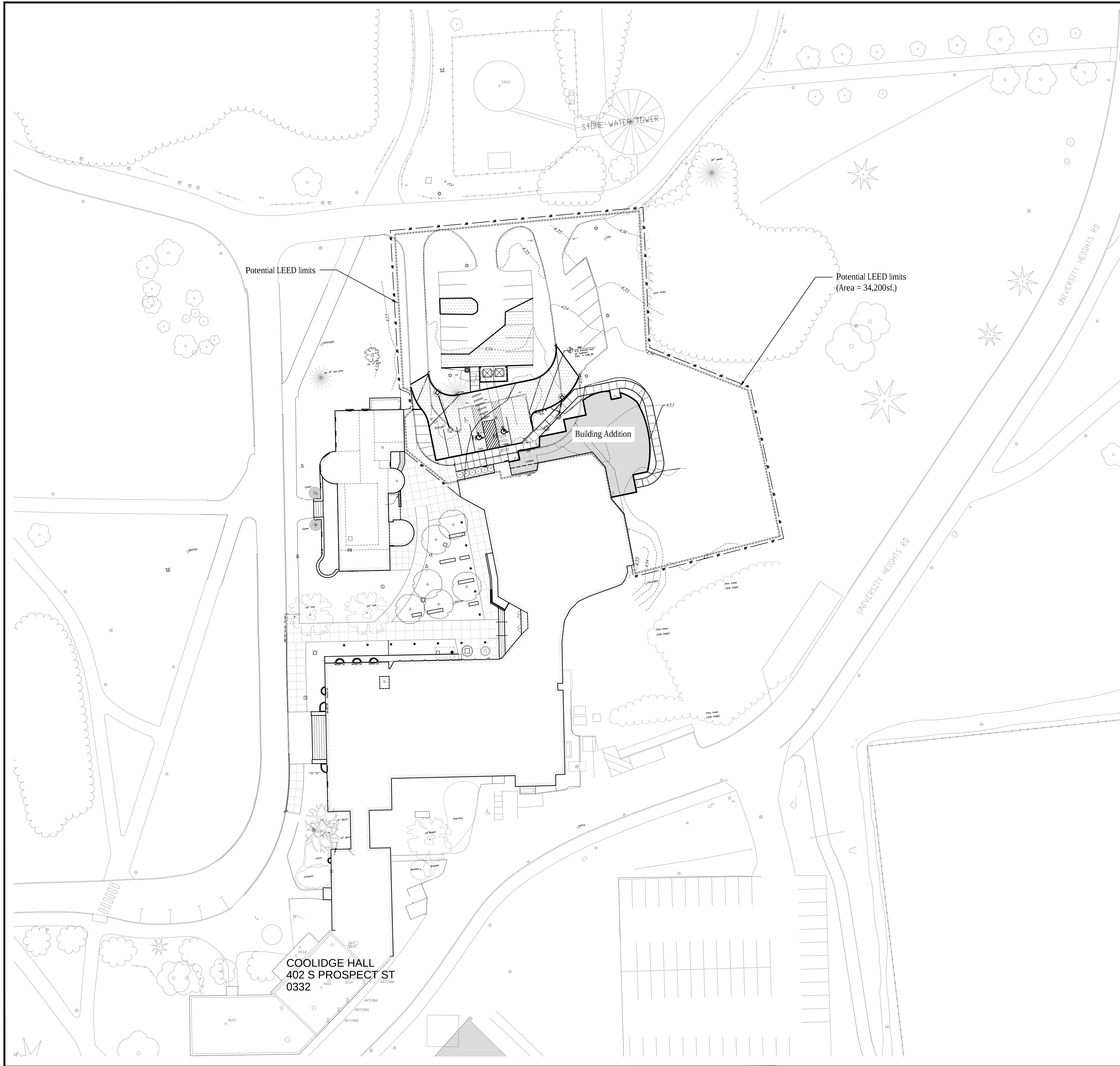
Project No. 17292/14233
Scale 1" = 20'
Drawn by TJB
Checked by WHN
Date Aug. 16, 2018

Revisions	No.	Date

Drawing Title
EXISTING
CONDITIONS
PLAN

Drawing No.

EX-1

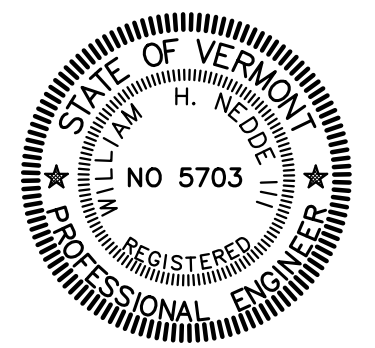


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Issued for Design Development 01/15/19

Project:
University of Vermont

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Expansion and
Renovation

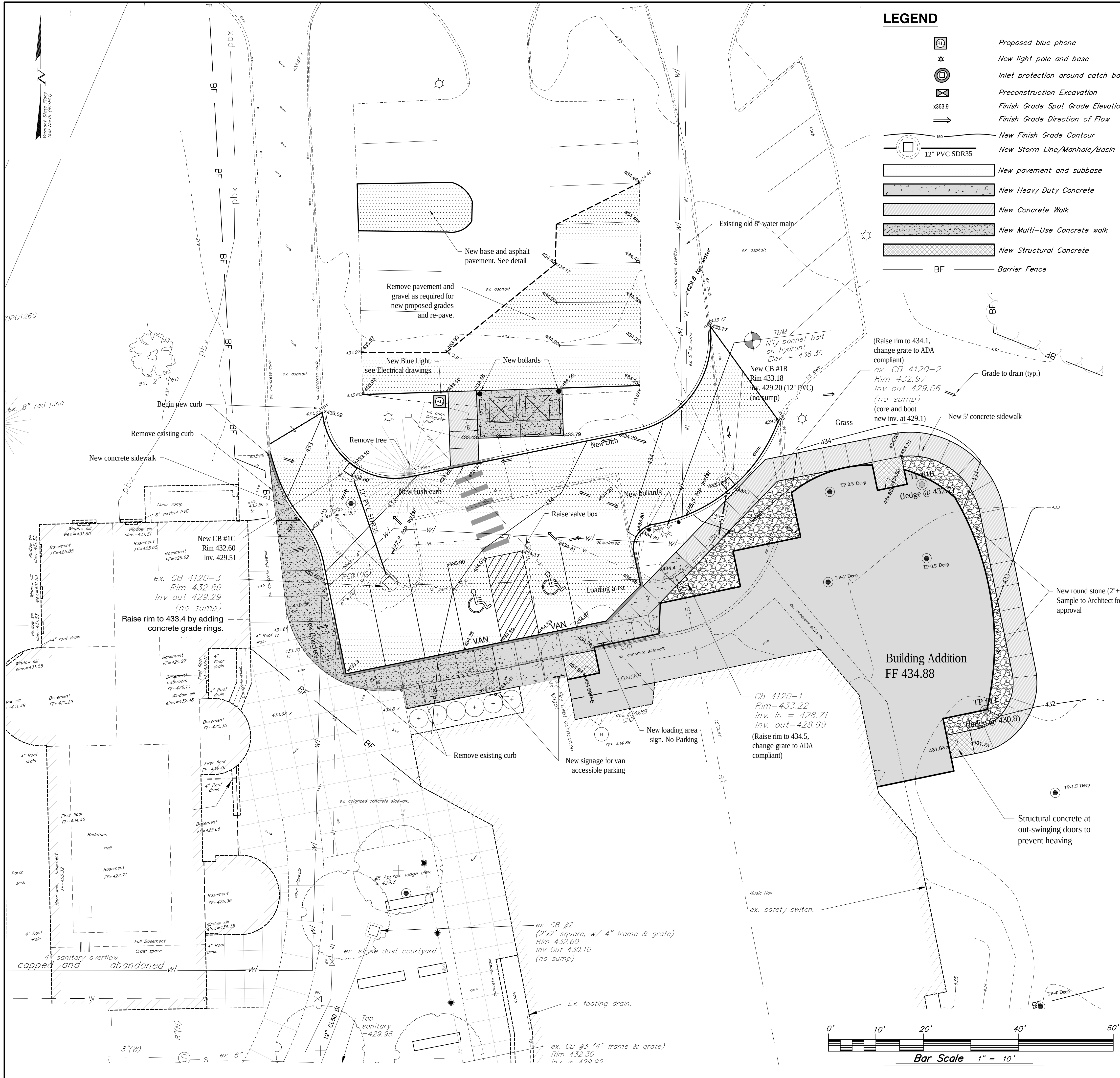
Project No. 17292/14233
Scale 1" = 30'
Drawn by TJB
Checked by WHN
Date Aug. 16, 2018

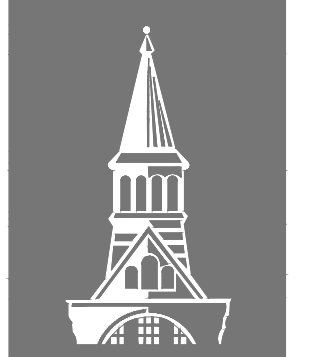
Revisions No.	Date	
1	1/15/2018	Issued for Design Development
2	3/12/19	Revise dumpster pad, LEED binary, pavement, spot grades

Drawing Title
OVERALL
SCHEMATIC
SITE PLAN

Drawing No.
SP-1

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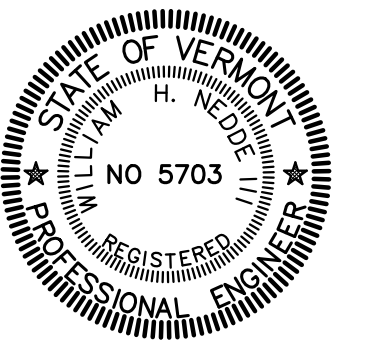


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Issued for Design Development 01/15/19

Project:

University of Vermont

Recital Hall

Expansion and Renovation

Project No. 17292/14233

Scale 1" = 10'

Drawn by TJB

Checked by WHN

Date Nov. 30, 2018

Revisions

No.	Date	Issued for Design Development
1	1/15/19	Issued for Design Development
2	3/12/19	Revised dumpster pad, LEED binary, pavement, spot grades
3		
4		
5		

Drawing Title

SITE PLAN

Drawing No.

SP-2

LEGEND

- Proposed blue phone
- New light pole and base
- Inlet protection around catch basin
- Preconstruction Excavation
- Finish Grade Spot Grade Elevation
- Finish Grade Direction of Flow
- New Finish Grade Contour
- New Storm Line/Manhole/Basin
- New pavement and subbase
- New Heavy Duty Concrete
- New Concrete Walk
- New Multi-Use Concrete walk
- New Structural Concrete
- Barrier Fence

NOTES

- The Contractor shall be responsible for repairing all disturbed areas back to original condition, including but not limited to curbing, sidewalks, road, parking areas, landscaping, site lighting, electrical, and etc. All asphalt shall be sawcut prior to paving.
- All stumps, rock, and other non-approved trench backfill material discovered during construction is the exclusive property of the Contractor and shall be removed from UVM property and disposed of in a State approved disposal location. All existing soils reused for fill shall conform to all applicable sections of VTRANS specifications Section 203-Excavation & Embankments. Contractor shall review soil investigation report and soils logs prior to bid. Any soil reused as fill under roads and applicable concrete sidewalks shall pass a subgrade proof roll with a loaded tandem. Fill soils that do not pass a subgrade proof roll shall be removed and replaced at the Contractor's expense.
- All passing sieve, proctor, and compaction testing expenses shall be paid by Owner. Testing coordination, all other required testing, and expenses for failed tests shall be the Contractor's responsibility.
- The Contractor shall contact the Burlington Electric Department prior to any work in the vicinity of the existing electric conduits.
- This project requires coverage under an Individual Construction Stormwater Discharge Permit and the City of Burlington Standard Erosion Prevention & Sediment Control Permit. The Contractor shall be the On-site Coordinator for the project and shall be responsible for all required inspections (minimum weekly and after any storm event that produces a discharge), turbidity readings, maintenance, and reporting. The On-Site Plan Coordinator shall be required to provide a turbidity meter for the project. The Contractor shall be responsible for installing, maintaining and removing all erosion and sediment control devices shown on the plans or details and, to the maximum extent practical, to minimize potential contamination of stormwater runoff from the construction activities.
- Contractor shall be responsible for all "As-built" measurement and drafting requirements as outlined on the Detail Sheets. All trench excavations shall remain open until all as-built survey shots have been taken. Progress Record Drawings shall be submitted to the Engineer as indicated in the Record Drawing specifications.
- See SP-3 for Post Construction Soil Restoration Plan.
- The Contractor shall be responsible for all signage and construction barrier/safety fencing necessary for providing safe vehicular and pedestrian access through or around the site during construction.
- Contractor shall be responsible for all costs of importing and placing topsoil and/or compost necessary to complete the project. Contractor shall test topsoil for approval by the Owner and Engineer.
- All sewer and storm pipes shall be PVC SDR 35 unless otherwise noted.
- Core and boot all existing structures unless otherwise noted.
- All new catch basins and sanitary sewer manhole must have one 6" precast concrete grade ring.
- Contractor shall contact UVM Risk Management Training and Compliance office for any work involving contact with asbestos cement pipe.
- Temporary groundwater, stormwater, and sewer by-pass pumping and/or diversion is the responsibility of the Contractor. The Contractor is responsible for providing all necessary pumps and equipment to perform the work. Overnight pumping is not allowed.
- All sidewalks shall have 2% maximum cross slope. All ramps and stairs shall have a landing at the bottom with a maximum slope of 2% for 5 feet.
- Contractor to pin concrete sidewalk/slabs to all contact points with stairs, building, bike slab, retaining walls, etc.
- Contractor shall maintain full occupancy and fire department access to all surrounding buildings. Coordinate all temporary access with the University representative.
- Removal of all erosion control matting and inlet protection is the responsibility of the Contractor.
- At the end of the project, clean the sumps of all new and existing catch basins and storm manholes within the project limits.
- Electrical, lighting and PBX and bluelight lines are shown for illustrative/coordination purposes only. Refer to Electrical plans and specifications for design.
- See Structural plans for all retaining walls, utility pads, stairs, and exterior concrete at doors.
- Refer to Plumbing plans for sewer and storm design within five feet of the building.
- Refer to Plumbing and/or Fire Protection plans for waterline design within five feet of building.
- The Contractor shall contact UVM Telecommunications and Network Services (656-3339) prior to any work in the vicinity of the PBX conduit. The Contractor shall carefully excavate around the PBX conduit to prevent damage to the PBX infrastructure. Contractor shall be responsible for placing Owner supplied locator balls over exposed conduits prior to backfilling.

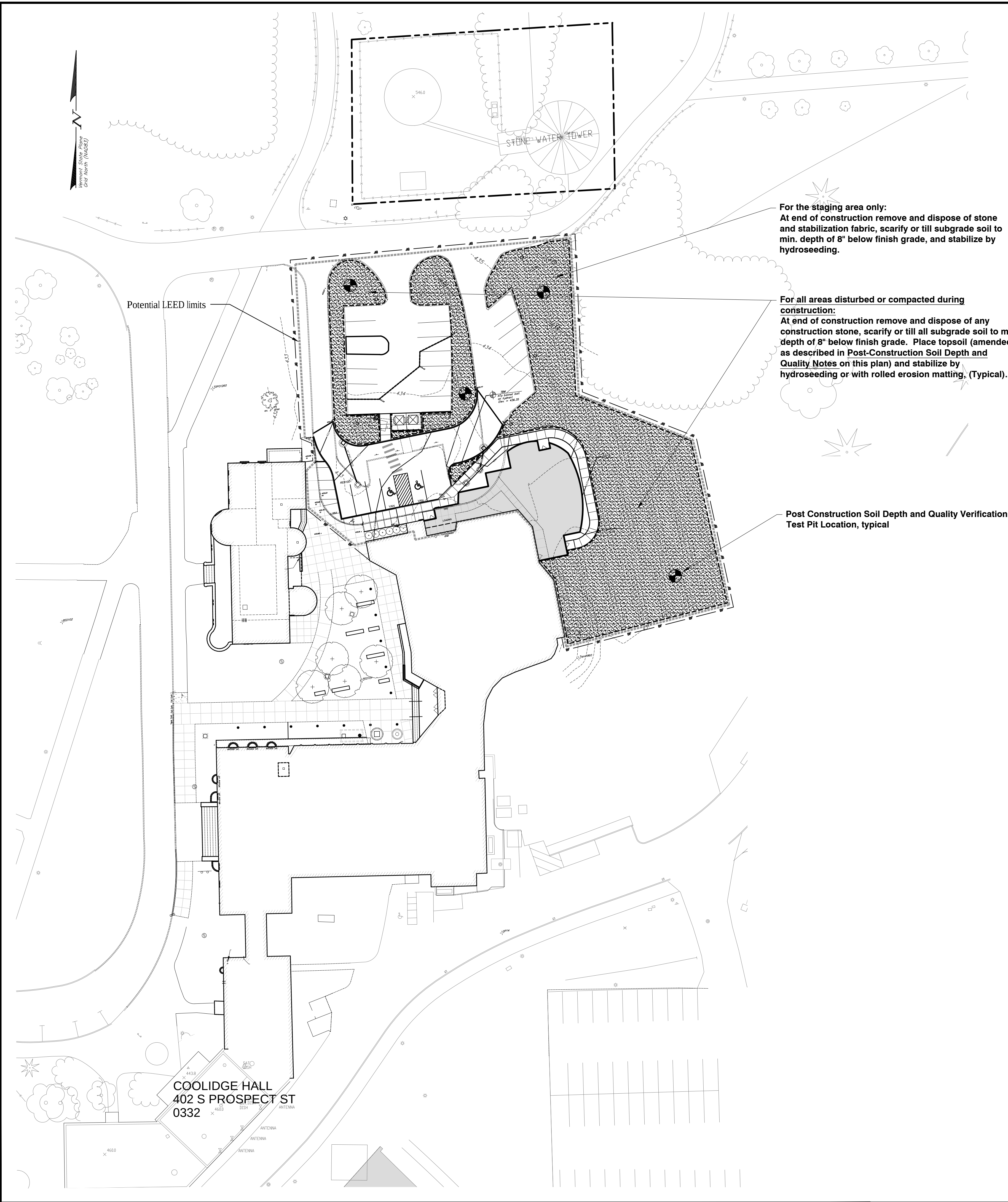
DEMOLITION NOTES

- The location of underground electrical lines which service the site lights are not shown on the Civil Plans. Other electrical lines may exist which are not shown on this plan.
- Prior to disrupting existing utilities, Contractor shall be responsible for confirming status of all utilities to be abandoned.
- All abandoned utilities outside 6 ft. of the new building footprints shall be cut, capped, and abandoned in-place unless the removal of the abandoned utility is required during construction. All abandoned utilities within 6 ft. of the new building footprints shall be removed. All abandoned manholes, catch basins, and utility vaults shall be demolished and removed. Plug open ends of all abandoned pipes or conduits with concrete or water tight end cap. See Structural Plans for backfill requirements for all items removed from within the influence of the new building footprints. Use sand fill (703.03) for all demolition backfill outside the influence of the new building footprints (95% standard proctor compaction).
- The Contractor shall establish snow fence protection barrier at the drip edge of all existing trees to remain within 10 ft. of construction disturbance.
- All excess fill, stumps, rock, topsoil, waste, and other material is the exclusive property of the Contractor and shall be removed from the property and disposed of in a State approved disposal location.
- Contractor shall maintain water and sanitary services to all existing buildings to remain. If water shut down is required provide minimum 72 hour notice to the University.
- Contractor shall demolish and remove all existing infrastructure necessary to construct the new project as designed. This plan does not show every item to be demolished and may not accurately show the limits of items to be partially demolished.
- This drawing refers to Civil Site Engineering items, located outside the building, only.
- Coordinate all trees and vegetation to be removed with the Landscape Architect and UVM.
- Contractor shall coordinate all demolition with fire marshal to maintain fire protection to UVM buildings.
- Contractor shall contact UVM Risk Management Training and Compliance office for any work involving contact with asbestos. Contractor shall work closely with UVM Physical Plant Department Training & Compliance and provide full time support for all work involving asbestos cement pipe. Contractor shall excavate and fully expose pipes, provide safe trench protection for UVM access, remove 15'-18" lengths of pipe from trench and place in ACM Trailer, take record survey shots of capped ends where applicable, backfill, compact, and restore surface as described on site plans.

0' 10' 20' 40' 60'

Bar Scale 1" = 10'

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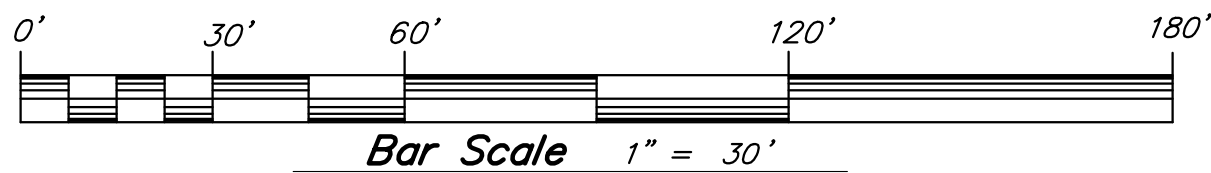


-  POST-CONSTRUCTION SOIL DEPTH & QUALITY STANDARD VERIFICATION TEST PIT, MINIMUM 9/ACRE.
-  SOILS SUBJECT TO POST-CONSTRUCTION SOIL DEPTH & QUALITY STANDARD.

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

Post-Construction Soil Depth and Quality Notes

- Required Elements:**
- **Soil retention:** Retain, in an undisturbed state, the duff layer and native topsoil to the maximum extent practicable.
 - **Soil quality:** All areas subject to the Standard shall demonstrate the following:
 - A topsoil layer with a minimum organic matter content of 4% dry weight in planting beds and turf areas. The topsoil layer shall have a minimum depth of 4 inches, except where tree roots limit the depth of incorporation of amendments needed to meet the criteria.
 - Compost and other materials shall be used that meet the following requirements:
 - o The compost or other materials shall have a carbon to nitrogen ratio below 25:1.
 - o Compost shall meet the definition of "compost" in the Agency's Solid Waste Management Rules or shall meet the contaminant standards in the Vermont Solid Waste Management Rules §§-1104(a)(1)(B-7), §§-1105(a)(B-9), and §§-1106(e)(7-9). Compost or other organic materials may be amended to meet the foregoing requirements.
 - o Exceptional Quality biosolids (EQ biosolids) may be used as a soil amendment, at a maximum proportion of 35% of the total soil volume, and shall be well mixed with existing soil before or during application.
 - The resulting soil shall be conducive to the type of vegetation to be established.
 - The soil quality requirements shall be met by using one or a combination of the following methods:
 - o Option 1: Leave undisturbed native vegetation and soil, and protect from compaction during construction. Failure to establish and maintain exclusionary controls around these areas during the construction phase may trigger the requirement to restore soils per one of the following options.
 - o Option 2: Amend existing site topsoil or subsoil in place.
 - Scarify or till subsoils to 4 inches of depth or to depth needed to achieve a total depth of 8 inches of uncompacted soil after calculated amount of amendment is added. Except for within the drip line of existing trees, the entire surface shall be disturbed by scarification;
 - Amend soil to meet organic content requirements:
 - PRE-APPROVED RATE: Place 1 inch of composted material with an organic matter content between 40 and 65% and rototill into 3 inches of soil, or
 - CALCULATED RATE: Place calculated amount of composted material or approved organic material and rototill into depth of soil needed to achieve 4 inches of settled soil at 4% organic content. *Contractor to provide calculation and site sketch indicating areas used for calculations.
 - Rake beds to smooth and remove surface rocks larger than 2 inches in diameter; and
 - o Option 3: Remove and stockpile existing topsoil during grading.
 - Stockpile soil on site in a designated controlled area, at least 50 feet from surface waters, wetlands, floodplains, or other critical resource areas;
 - Scarify or till subgrade to a depth of 4 inches. Except for within the drip line of existing trees, the entire surface shall be disturbed by scarification;
 - Stockpiled topsoil shall also be amended, if needed, to meet the organic content requirements:
 - PRE-APPROVED RATE: Compost shall be incorporated with an organic matter content between 40 and 65% into the topsoil at a ratio 1:3, or
 - CALCULATED RATE: Incorporate composted material or approved organic material at a calculated rate to achieve 4 inches of settled soil at 4% organic content.*
 - Replace stockpiled topsoil prior to planting, screen topsoil, and;
 - Rake to level, and remove surface rocks larger than 2 inches in diameter.
 - o Option 4: Import topsoil mix, or other materials for mixing, including compost, of sufficient organic content and depth.
 - Scarify or till subgrade to a depth of 4 inches. Except for within the drip line of existing trees, the entire surface shall be disturbed by scarification;
 - Place 4 inches of imported topsoil mix on surface. The imported topsoil mix shall contain 4% organic matter. Soils used in the mix shall be sand or sandy loam as defined by the USDA; Shop drawing submittal is required. Find USDA sieve for sand and sandy loam.
 - Rake beds to smooth and remove surface rocks larger than 2 inches in diameter; and
 - Water or roll to compact soil in turf areas to 85% of maximum dry density.
- **Soil Management:**
 - o Identifies areas on the site subject to the Standard;
 - o Soil depth and quality shall be established towards the end of construction and once established, protected from compaction, such as from large machinery, vehicle traffic, and from erosion; and
 - o After soil amendments and placement is complete, and prior to seeding and mulching, Contractor shall perform verification sampling in locations indicated on sampling plan. Verification sampling shall include nine, 8 inch deep (min) test holes per acre of area subject to the standard. Test holes shall be excavated using only a shovel driven solely by inspector's weight and shall be at least 50 feet apart from each other.
 - A dense and vigorous vegetative cover shall be established over turf areas.

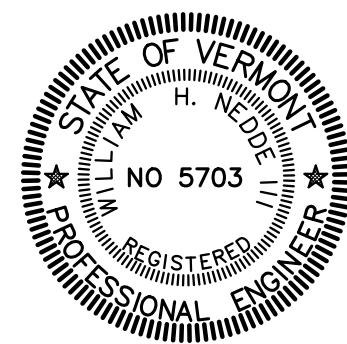


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Project:
University of Vermont

Recital Hall
Expansion and
Renovation

Project No. 17292/14233
Scale 1" = 30'
Drawn by SLM
Checked by WHN
Date 3/12/19

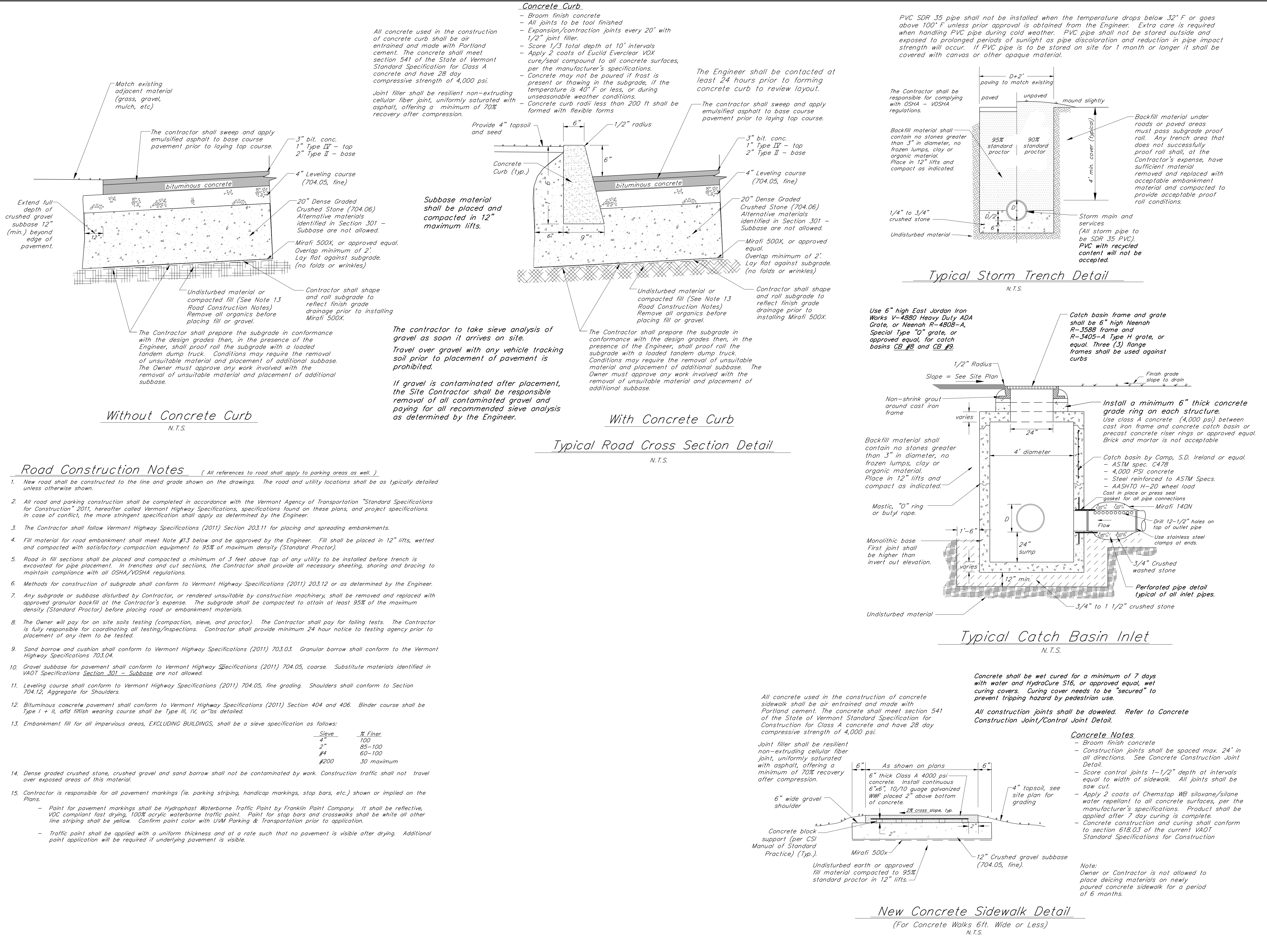
Revisions No. Date	
3/12/19	Revise dumpster pad, LEED bndry, pavement, spot grades

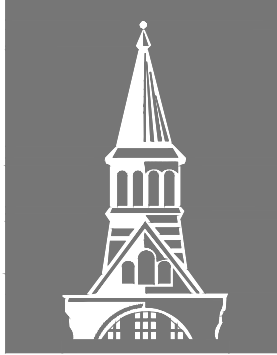
Drawing Title

POST CONSTRUCTION
SOIL RESTORATION
PLAN

Drawing No.

SP-3





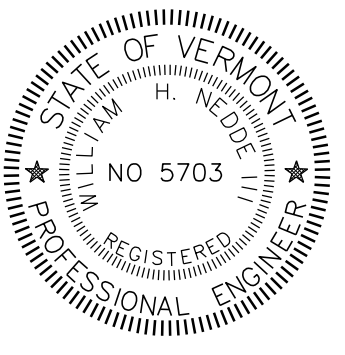
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Issued for Design Development 01/15/19

Project:

University of Vermont

Recital Hall

Expansion and

Renovations

Project No. 17292/14233

Scale As Noted

Drawn by TJB/SLM

Checked by WHN

Date Aug. 16, 2018

Revisions

No.	Date	Description
1	1/15/19	Issued for Design Development

Drawing Title

CIVIL
DETAILS

Drawing No.

CD-1

17292\MUSIC 2017--details.dwg

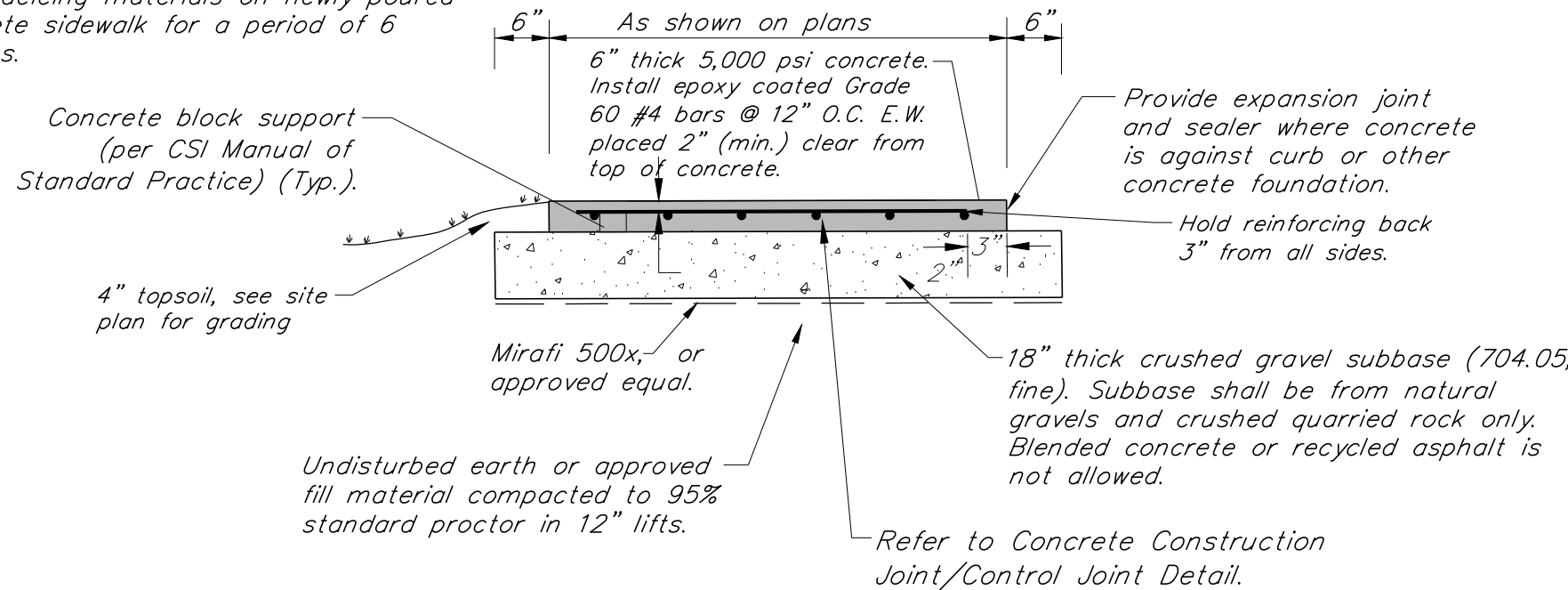
Concrete shall be wet cured for a minimum of 7 days with water and HydroCure S16, or approved equal, wet curing covers. Curing cover needs to be "secured" to prevent tripping hazard by pedestrian use.

All concrete used in the construction of Multi-Use Concrete shall be made with Portland cement. The concrete shall meet section 541 of the State of Vermont Standard Specifications for Construction, have 28 day compressive strength of 5,000 psi, and meet the following mix design.

Max. water-cement ratio (lb./lb.) 0.44
Min. cement factor (lbs./C.Y.) 705
Entrained air content (%) 5 - 7
Slump (inches, before adding HRWR) 2 - 4

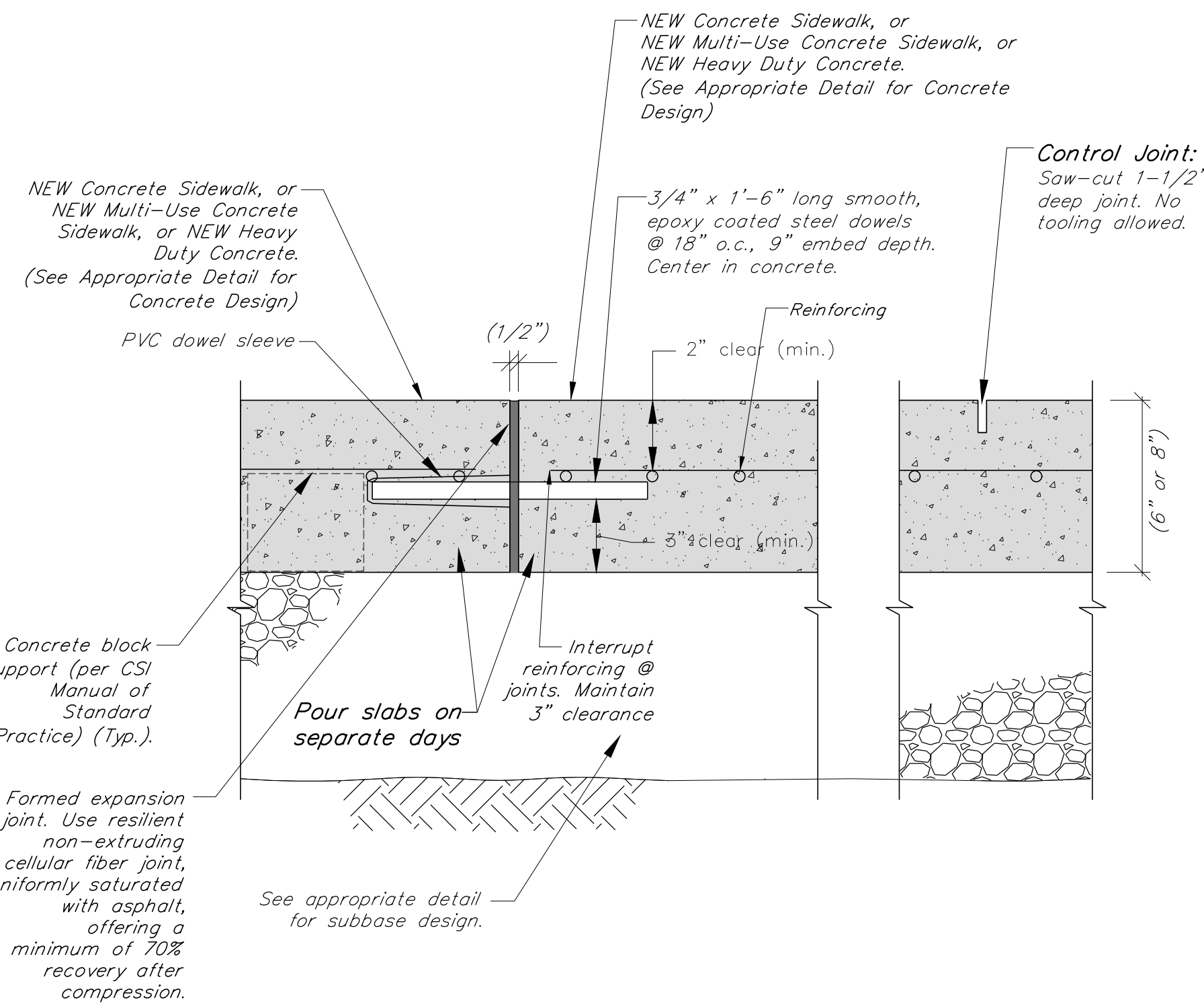
Use air entrained agent conforming to ASTM C260 with 5-7% total air. Use high range water reducing agent conforming to ASTM C494 in all concrete.

Note:
Owner or Contractor is not allowed to place deicing materials on newly poured concrete sidewalk for a period of 6 months.



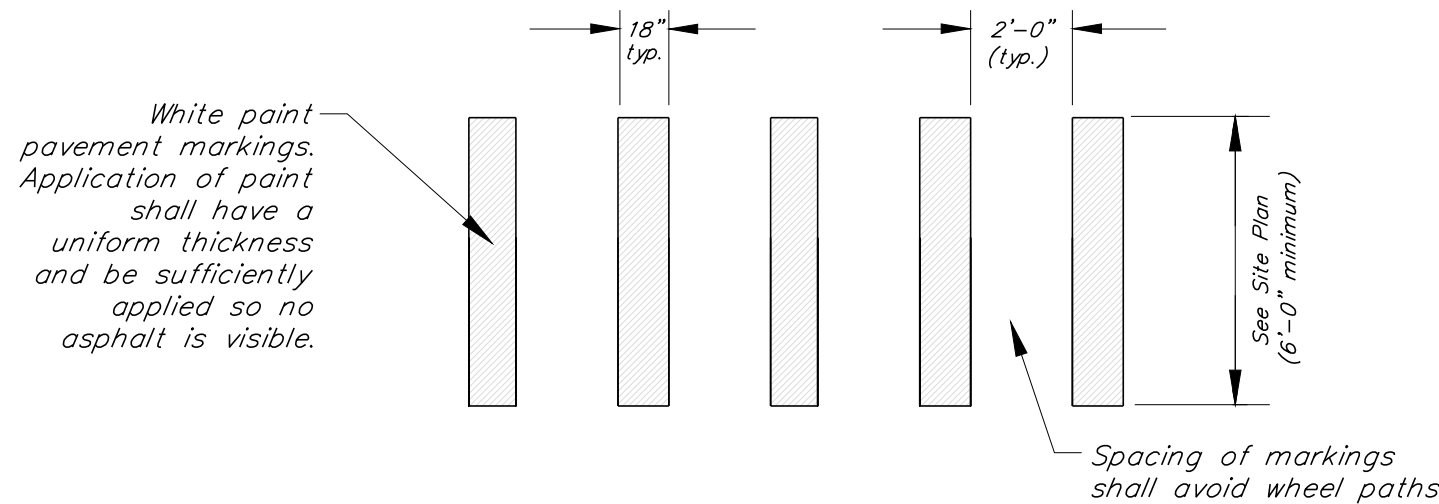
New Multi-Use Concrete Sidewalk Detail

To be used for concrete sidewalk that is not heavy duty and that is wider than 6'.
N.T.S.



New Concrete Construction Joint/Control Joint Detail

Contractor to use this pinning detail to pin NEW concrete to NEW concrete (walk to walk, walk to buildings, walk to retaining walls, stairs, etc).
N.T.S.



Pavement Marking Notes:

- All markings shall meet the requirements for the Manual of Uniform Traffic Control Devices (Section 3B.17) and Vermont Pavement Marking Placing Guidelines.
- Painted crosswalk markings shall be reflective white non-chlorinated water based paint (Hydrophast Waterborne Traffic Paint) by Franklin Paint Company, or approved equal.

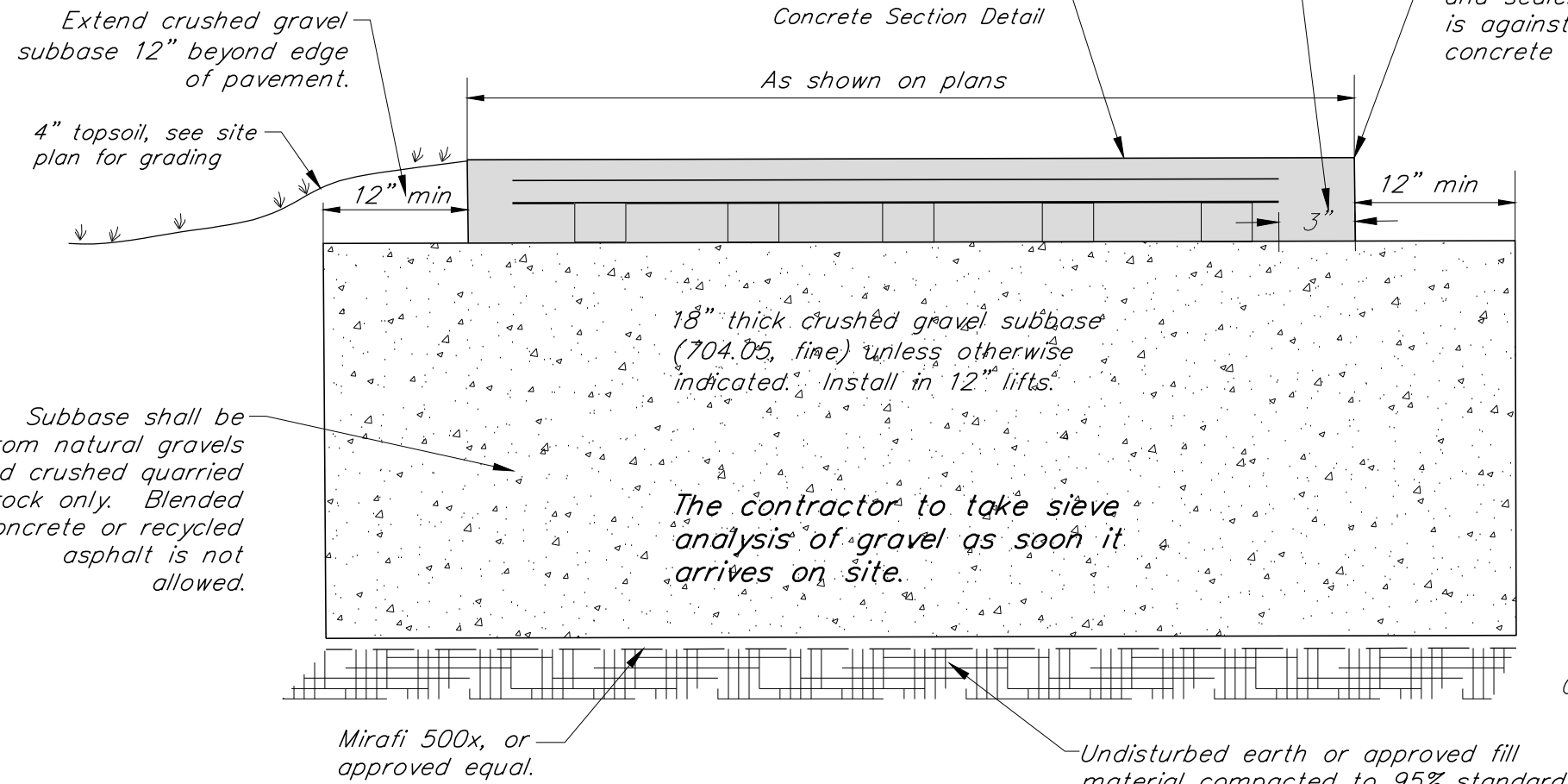
Crosswalk Pavement Marking Detail

N.T.S.

Travel over gravel with any vehicle tracking soil prior to placement of pavement is prohibited.

If gravel is contaminated after placement, the Contractor shall be responsible removal of all contaminated gravel and paying for all recommended sieve analysis as determined by the Engineer.

Contractor shall pour and finish one Sample Panel for approval by Owner and Engineer. All concrete shall match the quality and appearance of the Sample Panel. Any concrete that does not meet the standard shall be removed and replaced at no cost to the Owner.

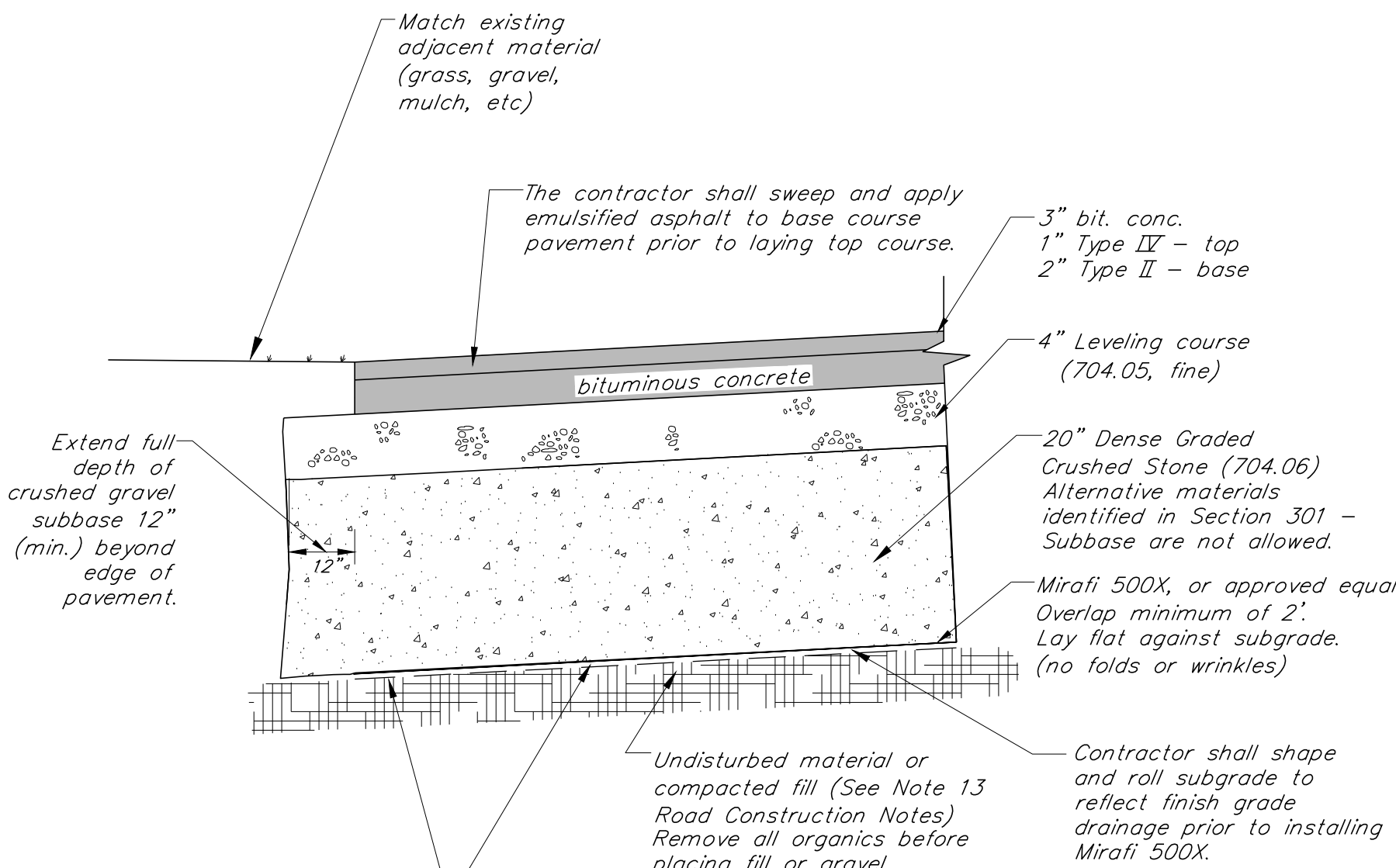


Subbase Section

The Contractor shall prepare the subgrade in conformance with the design grades then, in the presence of the Engineer, shall proof roll the subgrade with a loaded tandem dump truck. Conditions may require the removal of unsuitable material and placement of additional subbase. The Owner must approve any work involved with the removal of unsuitable material and placement of additional subbase.

New Heavy Duty Concrete Detail

N.T.S.



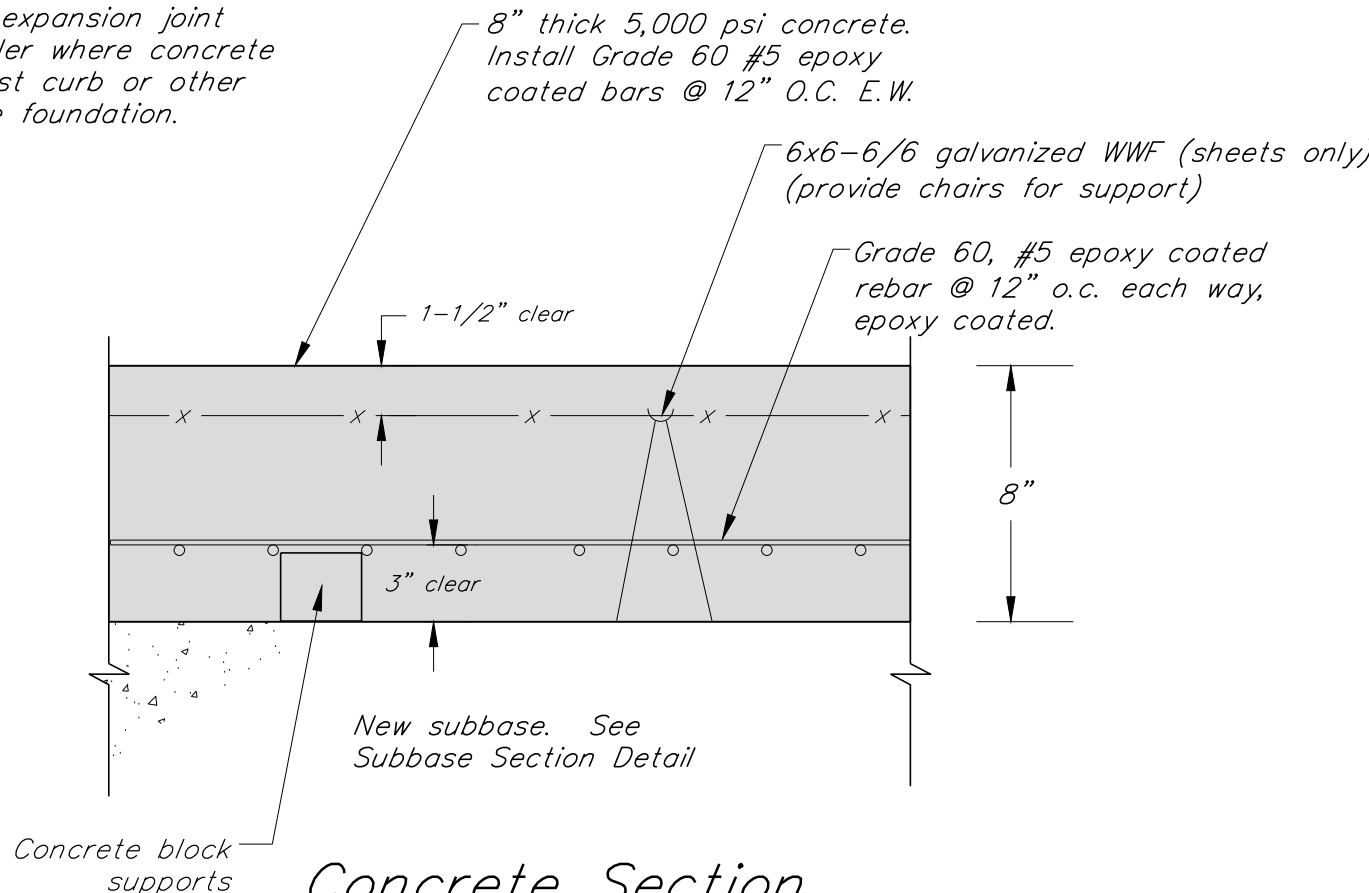
The Contractor shall prepare the subgrade in conformance with the design grades then, in the presence of the Engineer, shall proof roll the subgrade with a loaded tandem dump truck. Conditions may require the removal of unsuitable material and placement of additional subbase. The Owner must approve any work involved with the removal of unsuitable material and placement of additional subbase.

All concrete used in the construction of Heavy Duty Concrete shall be made with Portland cement. The concrete shall meet section 541 of the State of Vermont Standard Specifications for Construction, have 28 day compressive strength of 5,000 psi, and meet the following mix design.

Max. water-cement ratio (lb./lb.) 0.44
Min. cement factor (lbs./C.Y.) 705
Entrained air content (%) 5 - 7
Slump (inches, before adding HRWR) 2 - 4

Use air entrained agent conforming to ASTM C260 with 5-7% total air. Use high range water reducing agent conforming to ASTM C494 in all concrete.

Concrete shall be installed in alternating pours at construction joints. Refer to Concrete Construction Joint/Control Joint Detail



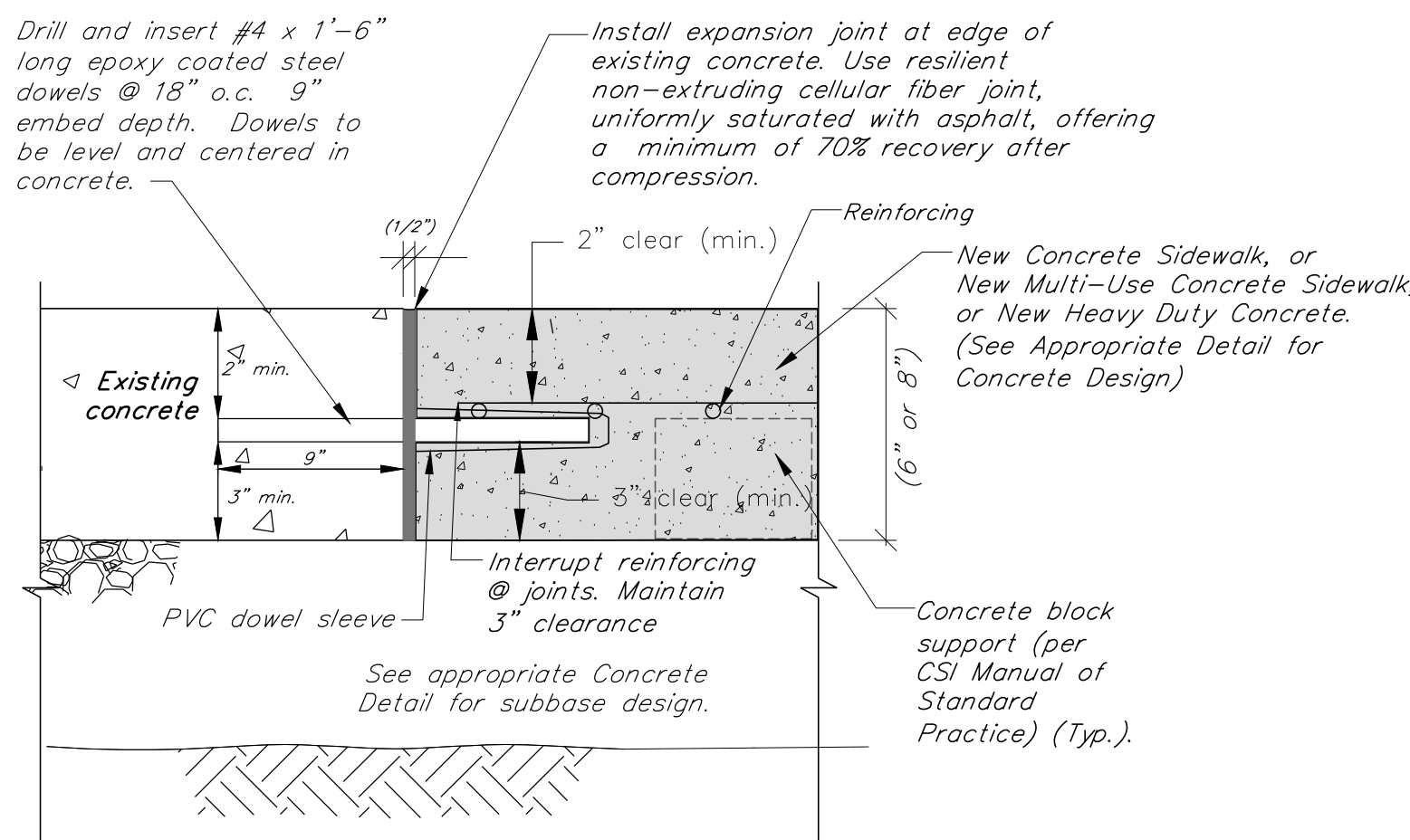
Concrete Section

Travel over gravel with any vehicle tracking soil prior to placement of pavement is prohibited.

If gravel is contaminated after placement, the Contractor shall be responsible removal of all contaminated gravel and paying for all recommended sieve analysis as determined by the Engineer.

Without Concrete Curb

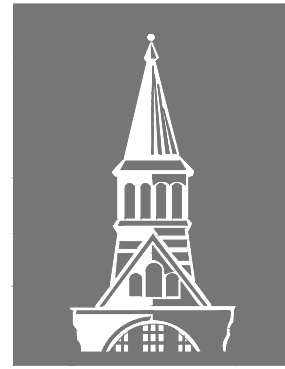
N.T.S.



Construction Joint Detail for Connection to Existing Concrete

Contractor to use this pinning detail to pin NEW concrete to EXISTING concrete (walk to walk, walk to buildings, walk to retaining walls, stairs, etc).
N.T.S.

Concrete Curb



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of VERMONT
UVM

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Issued for Design Development 01/15/19

Project:

University of Vermont

Recital Hall
Expansion and
Renovation

Project No. 17292/14233

Scale 1" = 10'

Drawn by TJB

Checked by WHN

Date Nov. 30, 2018

Revisions

No. Date

1	15/19	Issued for Design Development

Drawing Title

CIVIL
DETAILS

Drawing No.

CD-2

ACAD Layer Naming Convention

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

Discipline Codes:

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

Major Group Codes:

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

- BLDG Building

- C – Civil

- NGAS Natural Gas

- SSWR Sanitary Sewer

- STRM Storm Sewer

- WATR Domestic Water

- E – Electrical

- PPOW Primary Power Distribution

- SPOW Secondary Power Distribution

- EPOW Emergency Power

- LITE Lighting

- M – Mechanical

- CHWR Chilled Water

- FOIL Fuel Oil and Tanks

- STEM Steam, Condensate

- COGN Future Cogen Conduits

- T – Telecommunications

- PBX PBX

- TELE Telephone

- U – Controls

- EMCM Emergency Communication

- BC Building Controls

- SECU Security/Fire

Identifier Codes:

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

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

2.) ACAD Standards

A) TEXT STYLE:

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

B) LINE STYLE:

EXISTING – ACTIVE:
LINETYPE: CONTINUOUS
LINETYPE SCALE: 1.000

(examples) 8"HPs

EXISTING – ABANDONED:
LINETYPE: DASHED2
LINETYPE SCALE: 0.35

(examples) 4"NG-abon

Layer C-STRM-EXAB-IDEN

CB 1234-1

Rim 100.0'

Inv. out 99.5'

12" PVC

Layer C-STRM-EXAB-PIPE

Layer C-STRM-EXAB-PIPE

Layer C-STRM-EXAB-NOTE

DRAFTING EXAMPLE

C) Minor Group Codes:

- IDEN Street names, etc.
- PKNG Parking Spaces
- WATER Streams, Ponds (Spear St. Only)
- UVM1 UVM building
- NUVM Non UVM building

- EXAP Existing Approximate

- (Typical for all Utilities)

- EXAP Existing "AS-BUILT"

- (Typical for all Utilities)

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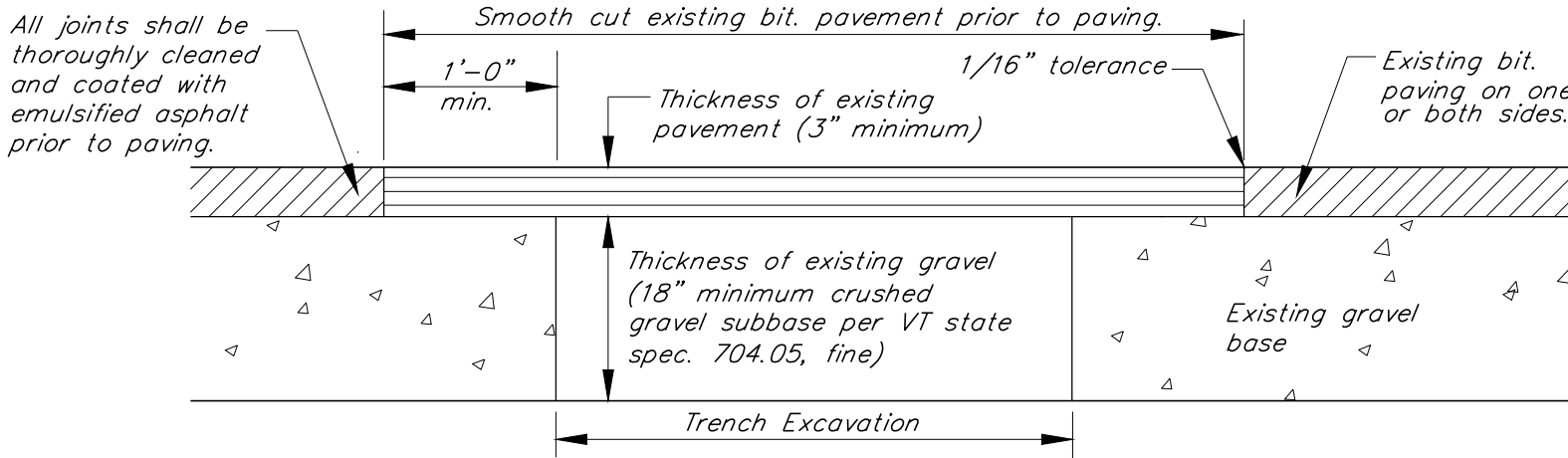
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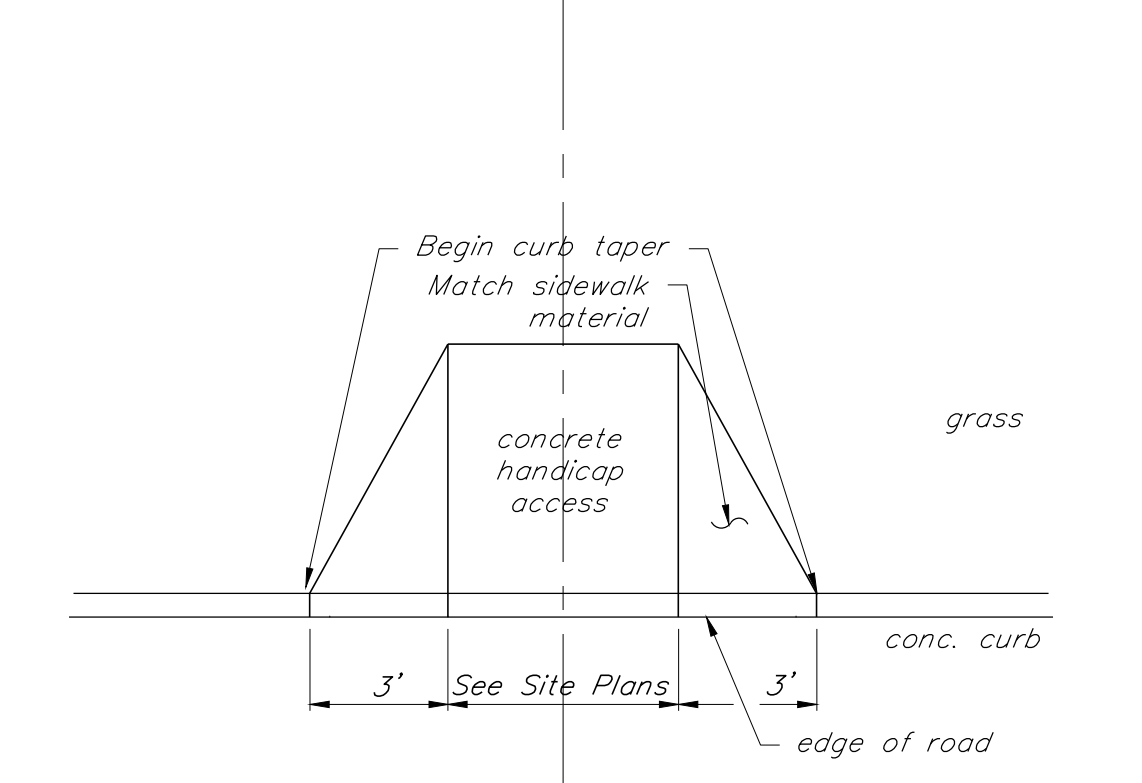
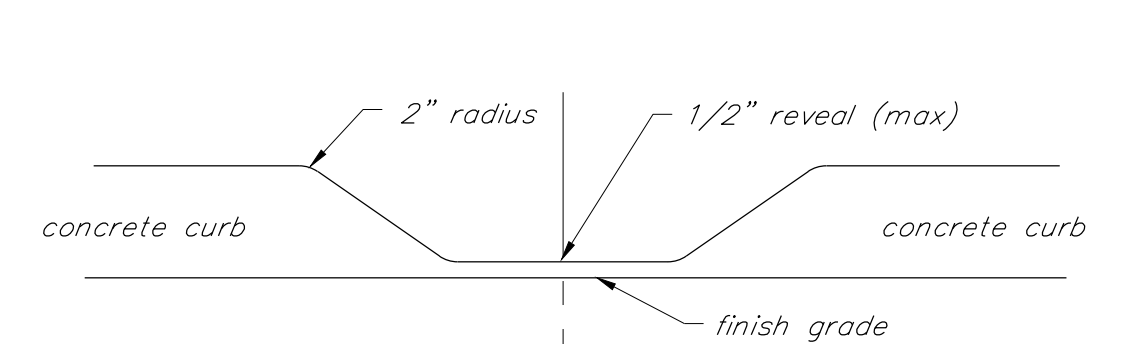
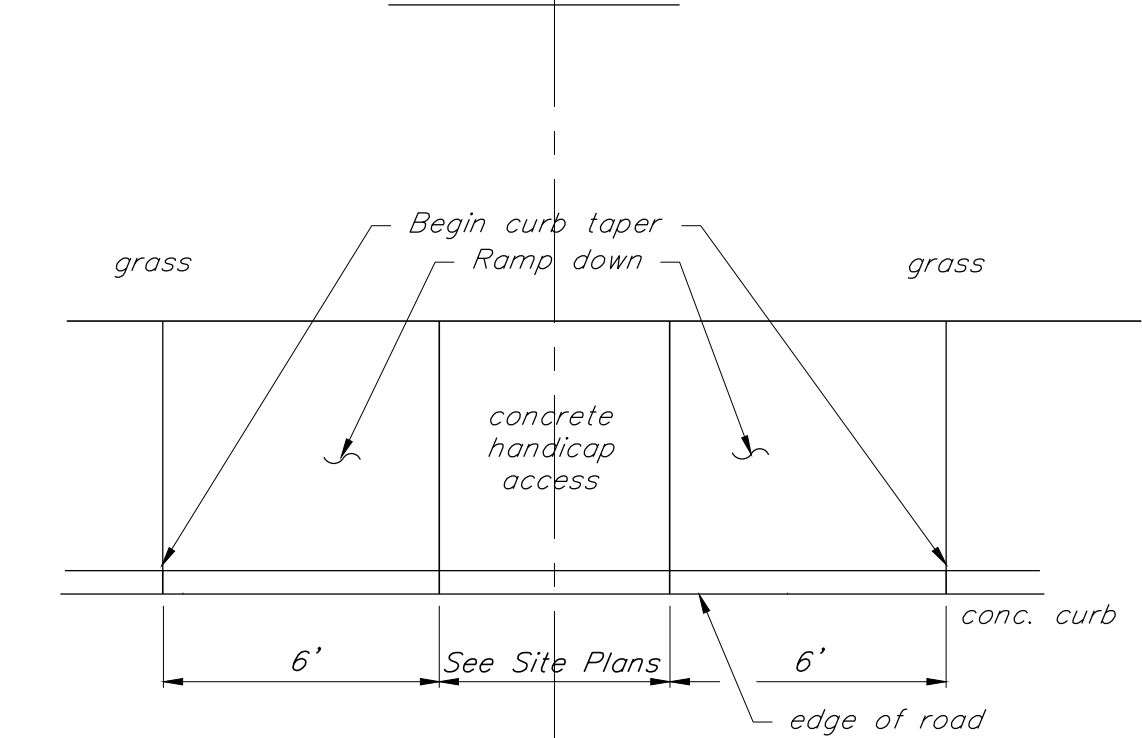
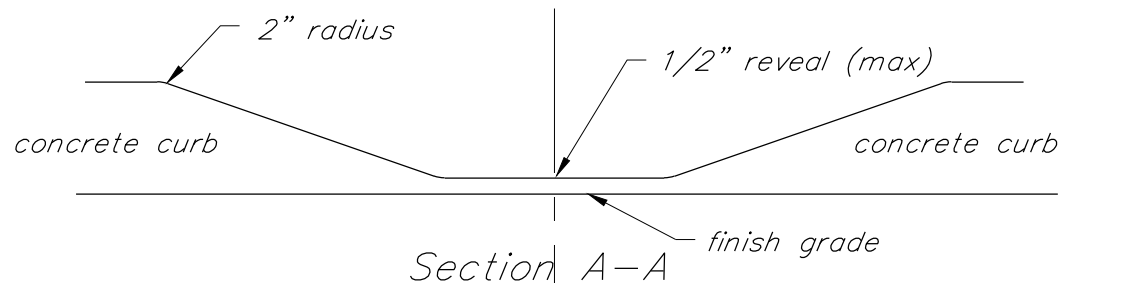
UTILITY	IDENTIFIER	COLOR CODE
STORM WATER	STRM	47
SANITARY SEWER	SSWR	94
NATURAL GAS	NGAS	20
WATER	WATR	170
STEAM/CONDENSATE	HPS,LPS PCR,HPR	10
CHILLED WATER	CHW,CW	130
FUEL OIL PIPING/TANKS	FO	210
PRIMARY POWER DISTRIB.	PPOW	10
SECONDARY POWER DISTRIB.	SPOW	10
EMERGENCY POWER	EPOW	210
LIGHTING	LITE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



1. Set up and maintain signs and other safety control devices.
2. Reshape hole and patch area by cutting with a concrete saw into square or rectangular shape and cut side faces vertically. Reshape downward solid material and around hole to sound pavement.
3. Backfill trench in 6" lifts and compact each lift to 95% of maximum density of optimum moisture content as determined by ASTM D698 standard proctor.
4. Remove all loose material and thoroughly sweep the hole area clean of mud and standing water.
5. Apply liquid asphalt tack to vertical faces in a uniform manner. Do not puddle tack coat on bottom of hole.
6. Fill top of hole with type IV bituminous concrete and compact in lifts no more than 2" thick. Each lift should be thoroughly compacted with a vibratory plate compactor or a portable roller. Experience has shown that 15 to 20 passes with a vibratory roller and mix temperature above 250F (121C) are necessary to ensure good compaction. Hand tamp should only be used for small areas (less than 1 s.f.)
7. Clean up area. Do not leave excess fill or excavated material on the pavement. Remove safety signs.

Replacement of Existing Road Subbase and Bituminous Pavement

N.T.S.



CONSTRUCTION STAKEOUT NOTES

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

1. The Contractor shall be responsible for using proper survey equipment and having properly trained personnel to use this information. Any Contractor that does not have proper equipment or personnel shall subcontract the work to a competent consultant.
2. The horizontal control datum may be based on a coordinate system that is unique for this project. Project north may not refer to astronomic or magnetic north.
3. The Contractor shall check the integrity of survey control points by occupying a control point checking distance to back sight and checking distance and angle to another control point prior to any construction stakeout. The contractor shall not proceed with stakeout if either measured distances or angles do not match calculated values.
4. Graphical images of infrastructure in the AutoCAD drawing may not be in an accurate representation of its size. It is the Contractor's responsibility to verify size and shape of all items to be staked out.
5. After completion of radial stakeout with the survey transit, the Contractor shall check each stakeout point as necessary to verify the horizontal and vertical position of the point and that it is correct in relationship to the rest of the project.
6. The Contractor shall complete all construction stakeout to an accuracy of 0.1 feet (excluding building stakeout).

AS-BUILT (RECORD) DRAWINGS

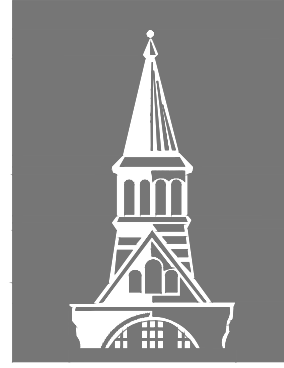
The Contractor shall be responsible for providing the Owner with an as-built (record) utility site drawing in both PDF and AutoCAD format that meets the specifications below:

1. Drawing shall be in AutoCAD 2013 format. The civil design AutoCAD file drawing shall be used as the base for the as-built drawing. All information added to the base AutoCAD drawing shall be drafted in accordance with the Utility Record Drawing Drafting Standards shown on this plan.
2. The Contractor shall continue to update as-built drawing throughout the project. The as-built drawing shall be updated so that at any time in the project, infrastructure installed is located, plotted and drafted in the as-built drawing within 2 weeks of installation.
3. The Contractor shall copy the as-built drawing to the Engineer weekly during construction. The drawing shall include as-built survey shots including elevation and description of shot. The as-built survey shots shall be placed on a separate layer from the line work and shall be designated by date as AB-SHOT-XX-XX-XX (date). (for example, an as-built waterline topo shot shall be on a layer titled (AB-SHOT-01-08-08).
3. The Contractor shall utilize survey equipment able to locate infrastructure at the desired accuracy listed below. Footing drains and underdrains are exempt from the as-built requirements if they are constructed in accordance with the plans. Stormwater collection pipes for footing drains or underdrains must be survey located and included in the Record Drawing.

Utility	Horizontal Tolerance	Vertical Tolerance
Storm manhole/cb – rims/inverts/sumps	1'	0.1'
Storm cleanout – invert		
Storm pipe – change slope/bend		
Storm pipe – building invert		
Sanitary manhole – rims/inverts		
Sanitary cleanout – invert	1'	0.1'
Sanitary pipe – change slope/bend		
Sanitary pipe – building invert		
Water pipe – top pipe (every 36' max.)		
Water pipe – building invert	1'	0.1'
Water bends/tees/reducers/fittings/valves – top pipe		
PBX – top concrete (every 36' max.)	1'	0.1'
PBX – trench x-section (number and type conduit, encasement detail, conduit length, run direction)		
PBX manhole – rim, invert, sump		
Electric-Primary – change slope/bend	1'	0.1'
Electric-Primary – top concrete (every 36' max.)		
Electric-Primary – trench x-section (number and type conduit, encasement detail)	1'	0.1'
Electric-Secondary – change slope/bend		
Electric-Secondary – top concrete (every 36' max.)		
Electric-Secondary – trench x-section (number and type, encasement detail)		
Gas – top pipe (every 36' max.)	1'	0.1'
Gas – tees/valves – top pipe		
Steam/Condensate – all piping – top pipe (every 36' max.)	1'	0.1'
Steam/Condensate – top concrete		
Steam/Chilled Water manholes – rim/inverts/sump		
Steam – expansion loops – at bends – top pipe		
Chilled Water – all piping – top pipe (every 36' max.)	1'	0.1'
Chilled Water – change slope/bend		
Chilled Water – top concrete protection slab		
Fuel Oil – all piping – top pipe (every 36' max.)	1'	0.1'
Fuel Oil – change slope/bend		
Fuel Tank – rim, invert, sump		
Other –	1'	0.1'

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

Site Lighting – Contractor shall be responsible for providing to the Owner a "mark-up" plan showing the layout of the site lighting conduit from light pole to light pole. If unforeseen site conditions require site lighting conduits to deviate from a predictable light pole to light pole path, the Contractor shall be responsible for providing "as-built" topographic shots in accordance with the standards for Electric-Secondary above.



The
UNIVERSITY
of VERMONT
UVM

University of Vermont

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Issued for Design Development 01/15/19

Project:

University of Vermont

Recital Hall
Expansion and
Renovations

Project No. 17292/14233

Scale As Noted

Drawn by TJB/SLM

Checked by WHN

Date Aug. 16, 2018

Revisions

No. Date

1/15/19 Issued for Design Development

Drawing Title

CIVIL
DETAILS

Drawing No.

CD-3

Erosion Prevention and Sediment Control Notes

- Contractor shall be responsible for complying with all State and Local erosion prevention and sediment control standards and permit requirements during construction.
- The limit of disturbance shall be clearly defined by Contractor's surveyor prior to clearing. Erosion and sediment control devices shall be established to trap sediment on site.
- All erosion control shall be placed as shown on the drawings or as ordered by the Engineer. The Contractor shall maintain the erosion control measures until the Engineer is satisfied that permanent ground cover is established and that further measures are not required. It shall be the responsibility of the Contractor to employ appropriate erosion control as shown on these drawings and any other measures as necessary to trap sediment on site.
- All areas of disturbance shall be permanently or temporarily stabilized as soon as possible and within 48 hours of final grading. All areas of disturbance shall be at least temporarily stabilized within 14 days of initial disturbance. Any disturbance after 14 consecutive days of exposed soil shall be stabilized daily unless the following exceptions apply:
 - Stabilization is not required if earthwork is to continue in the area in the next 24 hours and there is no precipitation forecast in the next 24 hours.
 - Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of 2 ft. or greater (e.g. house foundation excavation, utility trenches). Stabilization measures shall include mulch and netting, erosion control matting, crushed stone, gravel, or pavement.
- Refer to the Low Risk Site Handbook for Erosion Prevention and Sediment Control for acceptable methods of stabilization.
- The Contractor shall use water for dust control.
- The Contractor shall provide inlet protection around all catch basins (existing or new) that collect construction site stormwater runoff. Crushed stone inlet protection may be used in non-paved areas.
- A stabilized construction entrance (See Detail) shall be installed and maintained at all construction access locations. Contractor shall be responsible for installing crushed stone to provide stable areas for construction vehicle traffic, staging, and storage. The Contractor is responsible for providing and maintaining sufficient stone to prevent rutting and sediment tracking.
- All paved roads used by construction vehicles shall be swept daily during periods of active construction, or at a greater frequency, if dirt or gravel is tracked from the site. The swept debris shall be immediately removed from the curb face if applicable.
- All temporary erosion and sediment control measures shall be removed within 30 days after final stabilization or after the measures are no longer needed, unless otherwise authorized.
- All sediment removed from sediment control practices shall be placed in an approved soil disposal area.
- All areas that do not have established vegetation by October 15th must be stabilized in accordance with the Winter Construction Requirements listed on this sheet.
- After permanent seeding the Contractor shall be responsible for watering, if necessary, to ensure adequate vegetative growth.
- Water from dewatering activities that flows off site must be clear. Water must not be pumped into storms sewers, lakes, or wetlands unless the water is clear.
- The Contractor shall be responsible for all inspection and maintenance of the erosion prevention and sediment control practices for the project. Inspections and corresponding reports shall be performed at a minimum, once a week and after every precipitation event that results in a discharge from the site.

Contractor shall call Megan Mair at 540-1748 or email (mmair@burlingtonvt.gov) at least 24 hours prior to initiating earth disturbance and submit name, cell phone number, and email contact information of the erosion control coordinator for the project.

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

Soil and Seeding Notes

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

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

Seed: UVM #1 mix using 6 lbs per 1,000 square feet.
71.46% Min. Futura 3000 PER RYE GRASS Germ: 90%
14.81% Min. Dynasty TALL FESCUE Germ: 90%
9.74% Min. CREEPING RED FESCUE Germ: 90%
2.32% Max. CROP
1.61% Max. INERT
0.06% Max. WEED

Hydroseed Additives:
Fertilizer: 15-19-19 75 lbs per 1,000 gallons of water
Lime: 100 lbs. per 1,000 gallons of water
Mulch: 300 lbs. per 1,000 gallons of water.
Tacifer: 5 lbs. per 1,000 gallons of water.

Manufacturer's tag shall be given to Physical Plant's Ground Manager prior to seeding for approval.

- Areas having soil compaction as a result of construction shall be re-tilled prior to seeding.
- If hand seeding, only straw mulch is to be used and secured by netting either organic or inorganic. If inorganic is used, it must be removed before the first mowing.
- Starter fertilizer shall be applied at the manufacturer's suggested rate at the time of seeding. Fertilizer application will not be allowed in sensitive areas and adjacent to drainage ways as determined by the Engineer.
- Watering is to be done by the Contractor and is to last for the duration of the warranty period to maintain proper growth. UVM will supply the water, but all apparatus necessary to apply the water must be furnished by the Contractor (i.e. hoses, sprinklers, etc.).
- Staking of all topsailed areas to control foot traffic will be required. Unless otherwise specified, acceptable staking materials will be grade stakes and twine or string with flagging attached for visibility.
- A guarantee through the first mowing is required with any sparse or bare areas larger than 1 sq. ft. to be redone.
- The Contractor is responsible for the first mowing. After the first mowing and prior to the University taking responsibility for the lawn areas the Contractor and the Grounds Manager shall meet to inspect the vegetation establishment
- Contractor is responsible for all topsoil to complete the project as shown. If existing volume of topsoil is inadequate, the Contractor shall purchase offsite approved topsoil as necessary.

Tree Protection & Landscape Clearing

All renovation and new construction must address tree protection and selective clearing. Since the University of Vermont has many memorial plantings, the protection of these specimens must be planned for and documented. The procedures shall be discussed, diagrammed, and implemented by the appropriate committee. The Physical Plant's Ground Manager shall have final say on a program's acceptance.

Prior to any construction activity the General Contractor shall meet with the Grounds Manager to review the staging and protection plan for the adjacent landscaping.

Damage caused to specimens due to contractor negligence shall be replaced at the cost of the contractor. Damage shall be reported to the Grounds Office immediately after event @ (802) 656-3866. Replacement value and condition of each specimen is to be determined by the Physical Plant's Grounds Manager.

All trees within the designated construction zone shall be protected by no less than 4' high plastic fencing at the drip line completely encompassing the tree. No storage of building materials shall be allowed within tree protection fencing.

All trees within 30' of the construction zone shall be protected by no less than 4' high plastic fencing at the drip line.

If equipment is allowed by the Grounds Manager to pass over a tree's root zone, then a minimum of 8" of wood chips shall be laid and maintained by the contractor.

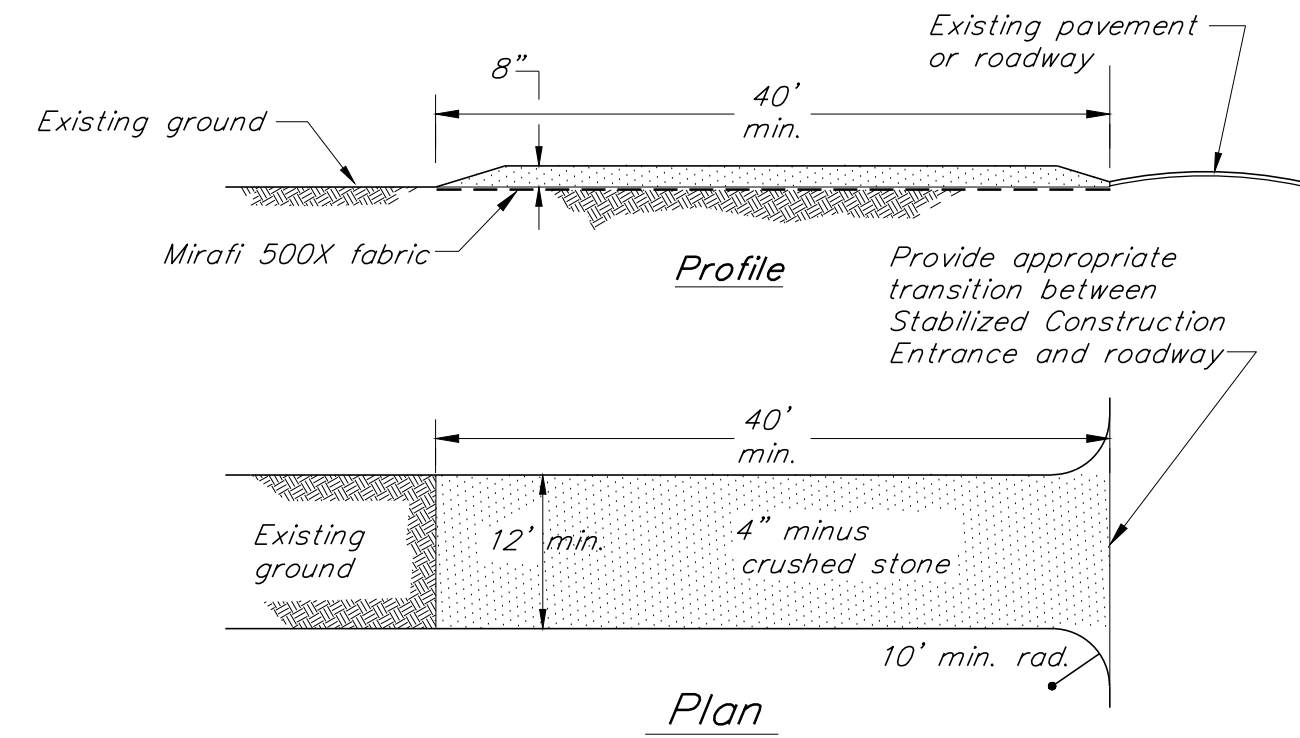
If tree pruning is necessary, the Contractor shall contact the Grounds Manager (802-656-3866) to perform the necessary pruning

During excavation, if root impact is unavoidable and therefore approved by the Grounds Manager, any root system encountered which is 1" in diameter or larger will be pruned by authorized personnel only. ANA standards for root pruning shall be followed.

Where an existing tree meets new landscaping, grade topsoil at a depth of 6" (six inches) from the drip line to 0" (zero inches) at the base of the tree.

Construction Limit Barriers

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



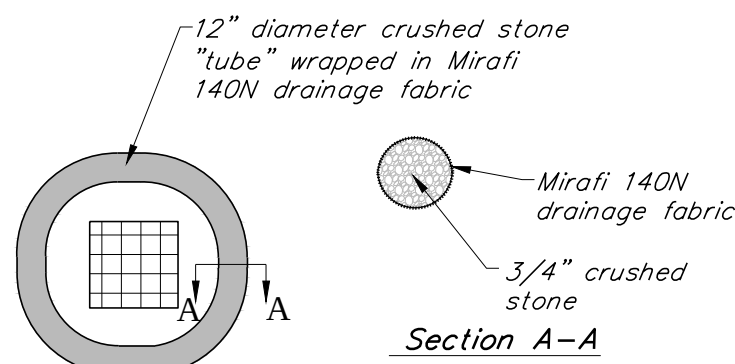
Note:

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

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

Temporary Stabilized Construction Entrance & Staging Areas

N.T.S.



If catch basin is in paved area, wrap 12" diameter clean crushed stone "tube" in Mirafi 140N filter fabric and encircle the catch basin cover. Overlap fabric 12" min and place overlap under stone.

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

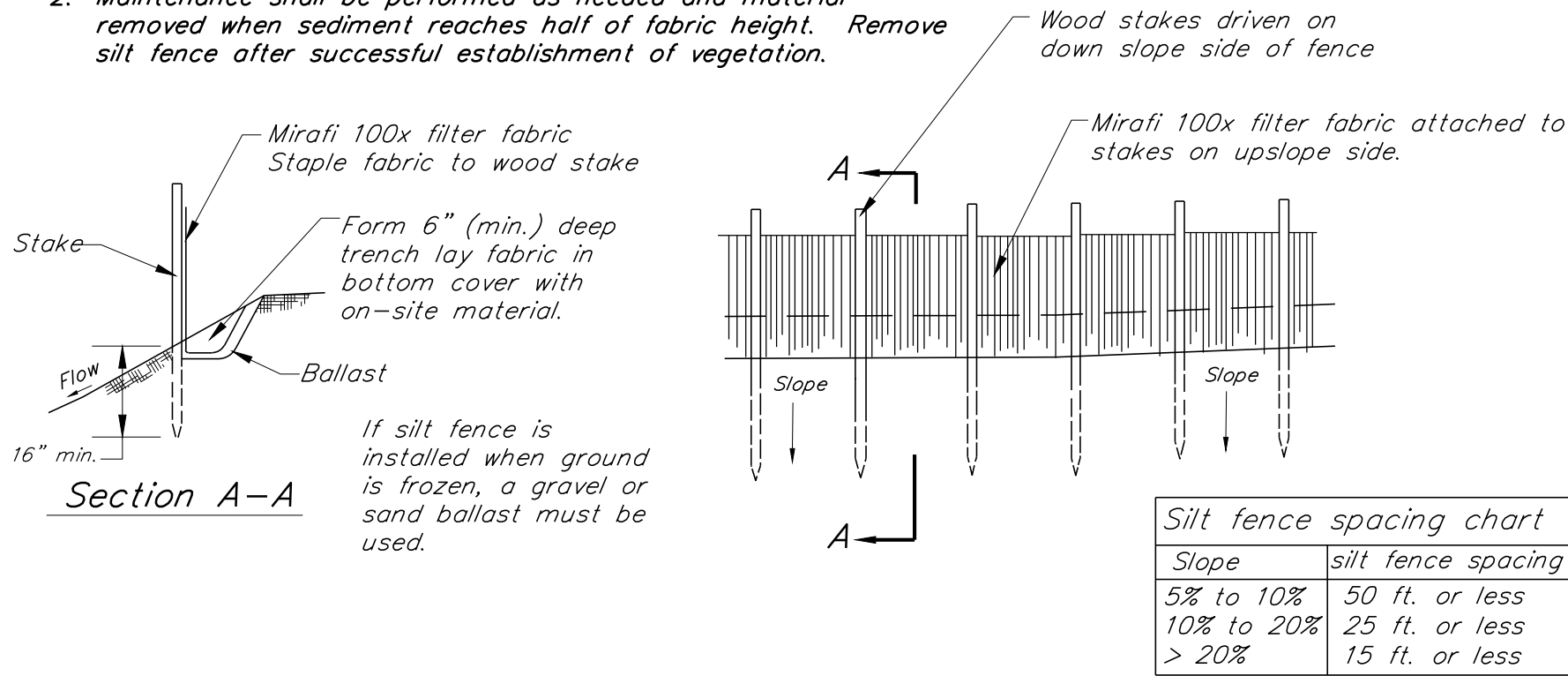
Inlet Protection (Pavement Areas)

N.T.S.

Straw wattles may be used as substitute for silt fence for areas approved by the Engineer.

NOTE:

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



Slope	silt fence spacing
5% to 10%	50 ft. or less
10% to 20%	25 ft. or less
> 20%	15 ft. or less

Typical Temporary Silt Fence

N.T.S.

North American Green S75BN

Material Content

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

Installed as per manufacturer's specifications.

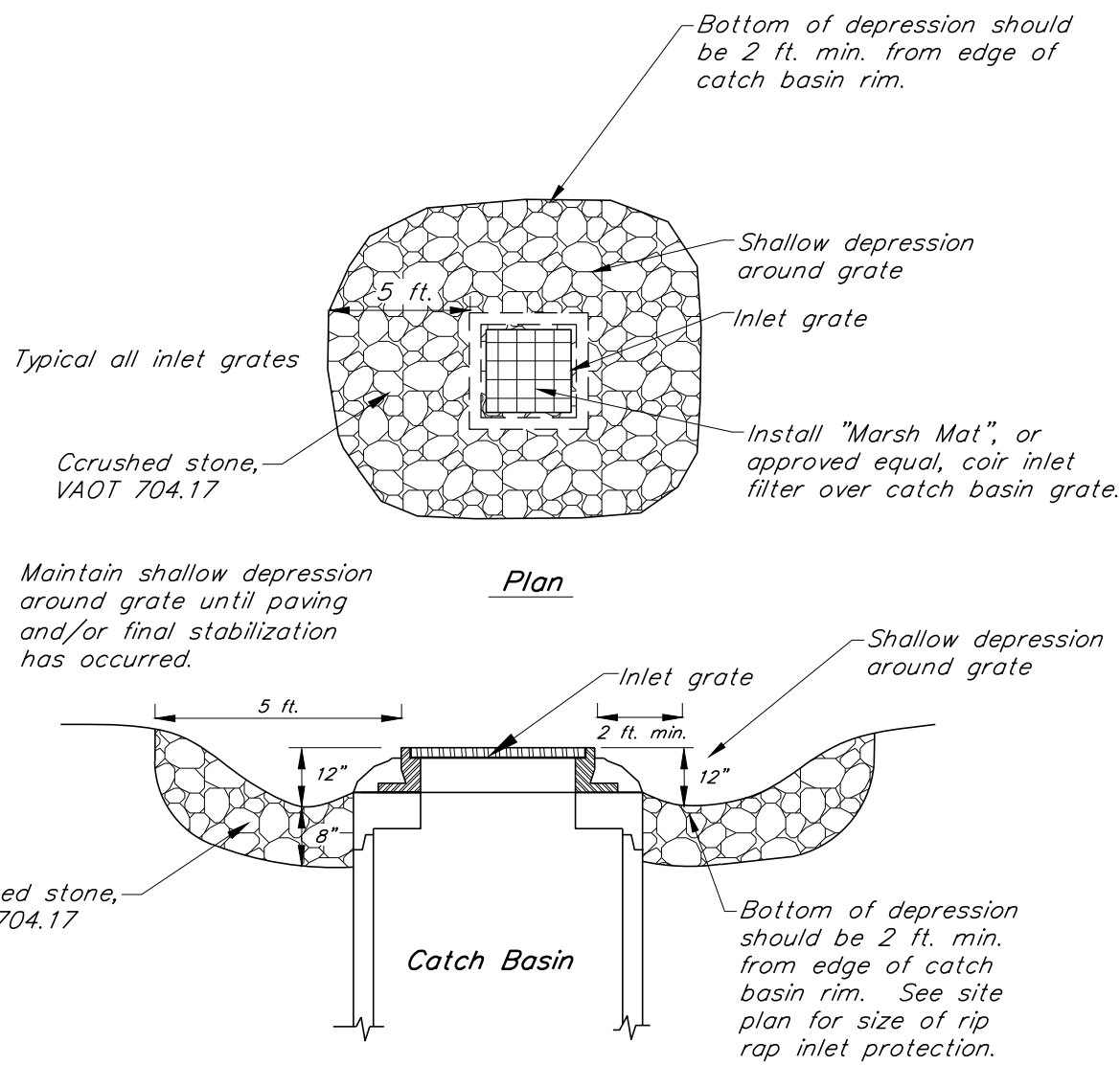
Material Specifications

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

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

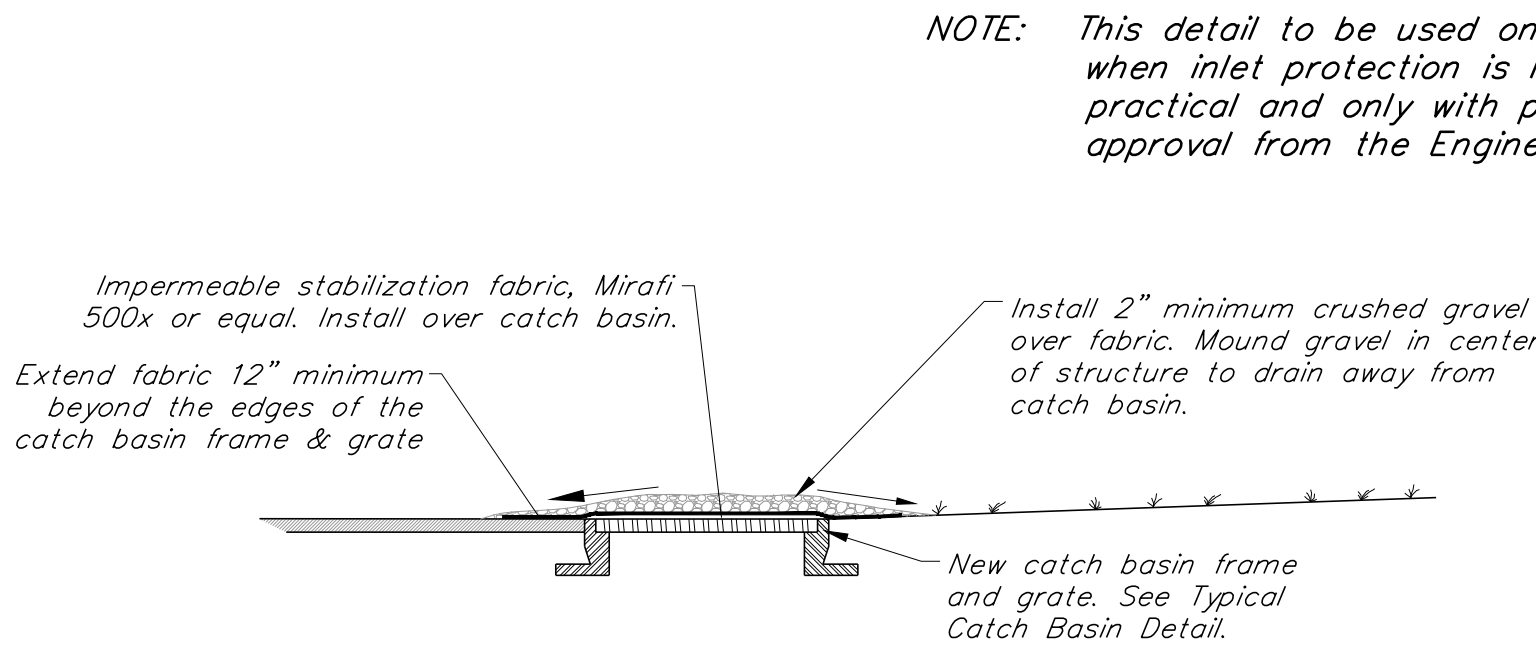
Straw erosion control blanket shall be S75BN as manufactured by North American Green, Inc. (812-867-6632) or equivalent. Erosion control blanket shall have the following properties:

Erosion Control Matting



Catch Basin Inlet Protection

N.T.S.



Temporary Impermeable Catch Basin Cover Detail

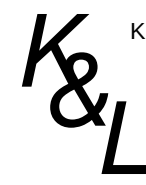
N.T.S.



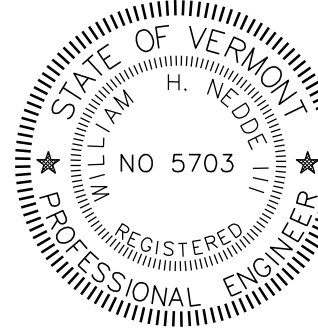
The UNIVERSITY of VERMONT UVM

University of Vermont

Consultant



Krebs & Lansing Consulting Engineers, Inc.
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email@kresbandsiansing.com



Issued for Design Development 01/15/19

Project:

University of Vermont

Recital Hall
Expansion and
Renovations

Project No. 17292/14233

Scale As Noted

Drawn by TJB/SLM

Checked by WHN

Date Aug. 16, 2018

Revisions

No. Date

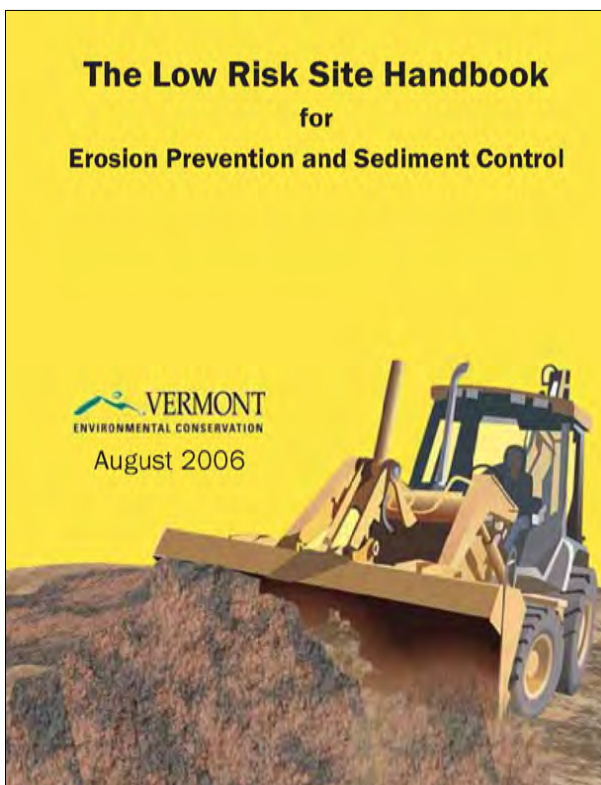
1/15/19	Issued for Design Development

Drawing Title

CIVIL
DETAILS

Drawing No.

CD-4



The Low Risk Site Handbook for Erosion Prevention and Sediment Control

Any construction activity that disturbs 1 or more acres of land, or is part of a larger development plan that will disturb 1 or more acres, requires a Vermont state permit for stormwater discharges from construction sites.

Construction General Permit 3-9020 guides an applicant in the determination of the potential risk to water quality from the construction activity and categorizes the applicant's activity as Low Risk, Moderate Risk, or that which requires an Individual Permit.

The standards in this handbook serve as the required Erosion Prevention and Sediment Control Plan for construction sites determined to be "Low Risk" under GP-3-9020.

Contact Information

VT DEC - Water Quality Division
Stormwater Section
103 South Main Street, Building 10 North
Waterbury, VT 05671-0408
Tel: 802-241-3770 or 4320
www.vtwaterquality.org/stormwater.htm

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Section 1 Introduction

What is erosion prevention and sediment control?

Sediment washing into streams is one of the largest water quality problems in Vermont. Sediment can kill or weaken fish and other organisms and adversely impact aquatic habitat.

On most construction sites, vegetation that holds the soil in place and protects it from erosive forces of rain and runoff is removed, leaving large areas of soil exposed to the elements. During rainfall or snowmelt, the exposed soil may be easily eroded and transported to nearby streams, lakes, or wetlands.

To prevent this from happening, a small number of simple practices to prevent erosion and contain soil on the construction site must be used.

Section 3: Additional Resources

How to calculate slope

How to estimate area

Do I need a permit?

Any construction activity that disturbs 1 or more acres of land, or is part of a larger development plan that will disturb 1 or more acres, requires a Vermont state permit for stormwater discharges from construction sites.

Application Process

1. Obtain a copy of the permit and determine the Risk Category of the proposed project. The permit is available online at: www.vtwaterquality.org/stormwater.htm.
2. Submit the Notice of Intent (NOI) form, notifying the Department of your intent to begin construction. Submit the NOI to DEC at least 60 days before you plan to begin construction to allow sufficient time for processing.
3. Upon receipt of written authorization from DEC, you are covered under the permit and may begin construction.
4. If your project is determined to be "Low Risk", you must follow this handbook for erosion prevention and sediment control on your construction site.
5. If your site is not classified as Low Risk, then you must follow the Department guidance in GP-3-9020 for Moderate Risk activities or those requiring an Individual Permit.

Introduction

Section 2 The Requirements

1. Mark Site Boundaries

Purpose:

Mark the site boundaries to identify the limits of construction. Delineating your site will help to limit the area of disturbance, preserve existing vegetation and limit erosion potential on the site.

Requirements:

You must physically mark the limits of construction.

How to comply:

Before beginning construction, walk the site boundaries and flag trees, post signs, or install orange safety fence.

Fence is required on any boundary within 50 feet of a stream, lake, pond or wetland, unless the area is already developed (existing roads, buildings, etc.)

Mark Site boundaries

2. Limit Disturbance Area

Purpose:

Limit the amount of soil exposed at one time to reduce the potential erosion on site.

Requirements:

The permitted disturbance area is specified on the site's written authorization to discharge. Only the acreage listed on the authorization form may be exposed at any given time.

How to comply:

Plan ahead and phase the construction activities to ensure that no more than the permitted acreage is disturbed at one time.

Be sure to properly stabilize exposed soil with seed and mulch or erosion control matting before beginning work in a new section of the site.

Limit Disturbance Area

3. Stabilize Construction Entrance

Purpose:

A stabilized construction entrance helps remove mud from vehicle wheels to prevent tracking onto streets.

Requirements:

If there will be any vehicle traffic off of the construction site, you must install a stabilized construction entrance before construction begins.

How to install:

Rock Size: Use a mix of 1 to 4 inch stone
Depth: 8 inches minimum
Width: 12 feet minimum
Length: 40 feet minimum (or length of driveway, if shorter)
Geotextile: Place filter cloth under entire gravel bed

Maintenance:

Redress with clean stone as required to keep sediment from tracking onto the street.

Stabilize Construction Entrance

4. Install Silt Fence

Purpose:

Silt fences intercept runoff and allow suspended sediment to settle out.

Requirements:

Silt fence must be installed:

- on the downhill side of the construction activities
- between any ditch, swale, storm sewer inlet, or waters of the State and the disturbed soil

Hay bales must not be used as sediment barriers due to their tendency to degrade and fall apart.

How to install silt fence:

- Dig a trench 6 inches deep across the slope
- Unroll silt fence along the trench
- Ensure stakes are on the downhill side of the fence
- Join fencing by rolling the end stakes together
- Drive stakes into against downhill side of trench
- Drive stakes until 16 inches of fabric is in trench
- Push fabric into trench; spread along bottom
- Fill trench with soil and pack down

Maintenance:

- Remove accumulated sediment before it is halfway up the fence.
- Ensure that silt fence is trenched in ground and there are no gaps.

Install Silt Fence

5. Divert Upland Runoff

Purpose:

Diversion berms intercept runoff from above the construction site and direct it around the disturbed area. This prevents "clean" water from becoming muddy with soil from the construction site.

Requirements:

If stormwater runs onto your site from upslope areas and your site meets the following two conditions, you must install a diversion berm before disturbing any soil.

1. You plan to have one or more acres of soil exposed at any one time (excluding roads).
2. Average slope of the disturbed area is 20% or steeper.*

How to install:

Good stabilized construction entrance. Adequate with to accommodate construction traffic and prevent mud tracking onto nearby streets. Ensure that the pad is 8 inches deep and 40 feet long.

Stabilize Construction Entrance

6. Slow Down Channelized Runoff

Purpose:

Stone check dams reduce erosion in drainage channels by slowing down the stormwater flow.

Requirements:

If there is a concentrated flow (e.g., in a ditch or channel) of stormwater on your site, then you must install stone check dams. Hay bales must not be used as check dams.

How to install:

Height: No greater than 2 feet. Center of dam should be 9 inches lower than the side elevation

Side slopes: 2:1 or flatter (use a 3:5 for slope calculation)

Stone size: Use a mixture of 2 to 9 inch stone

Width: Dams should span the width of the channel and extend up the sides of the banks

Spacing: Space the dams so that the bottom (toe) of the upstream dam is at the elevation of the top (crest) of the downstream dam. This spacing is equal to the height of the check dam divided by the channel slope.

Spacing (in feet) = Height of check dam (in feet) / Slope in channel (ft/ft)

Maintenance:

Remove sediment accumulated behind the dam

Slow Down Channelized Runoff

7. Construct Permanent Controls

Purpose:

Permanent stormwater treatment practices are constructed to maintain water quality, ensure groundwater flows, and prevent downstream flooding. Practices include detention ponds and wetlands, infiltration basins, and stormwater filters.

Requirements:

If the total "impervious" area on your site, or within the common plan of development, will be 1 or more acres, you must apply for a State Stormwater Discharge Permit and construct permanent stormwater treatment practices on your site. These practices must be installed before the construction of any impervious surfaces.

How to comply:

Contact the Vermont Stormwater Program and follow the requirements in the Vermont Stormwater Management Manual. The Stormwater Management Manual is available at: www.vtwaterquality.org/stormwater.htm

*An impervious surface is a manmade surface, including, but not limited to, paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates.

Construct Permanent Controls

8. Stabilize Exposed Soil

Purpose:

Seeding and mulching, applying erosion control matting, and hydrosowing are all methods to stabilize exposed soil. Mulches and matting protect the soil surface while grass is establishing.

Requirements:

All areas of disturbance must have temporary or permanent stabilization within 7, 14, or 21 days of initial disturbance, as stated in the project authorization. After this time, any disturbance in the area must be stabilized at the end of each work day.

The following exceptions apply:

- Stabilization is not required if earthwork is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
- Stabilization is not required if the work is occurring in a self-contained excavation (i.e., no outlet) with a depth of 2 feet or greater (e.g., house foundation excavation, utility trenches).

All areas of disturbance must have permanent stabilization within 48 hours of reaching final grade (See page 33).

Stabilize Exposed Soil

9. Winter Stabilization

Purpose:

Managing construction sites to minimize erosion and prevent sediment loading of waters is a year-round challenge. In Vermont, this challenge becomes even greater during the late fall, winter, and early spring months.

"Winter construction" as discussed here, describes the period between October 15 and April 15, when erosion prevention and sediment control is significantly more difficult.

Rains in late fall, thaws throughout the winter, and spring melt and rains can produce significant flows over frozen and saturated ground, greatly increasing the potential for erosion.

Requirements for Winter Shutdown:

For those projects that will complete earth disturbance activities prior to the winter period (October 15), the following requirements must be adhered to:

1. For areas to be stabilized by vegetation, seeding shall be completed no later than September 15 to ensure adequate growth and cover.
2. If seeding is not completed by September 15, additional non-vegetative protection must be used to stabilize the site for the winter period. This includes use of Erosion Control Matting or netting of a heavy mulch layer. Seeding with winter rye is recommended to allow for early germination during wet spring conditions.
3. Where mulch is specified, apply roughly 2 inches with an 80-90% cover. Mulch should be tracked in or stabilized with netting in open areas vulnerable to wind.

Winter Stabilization

10. Stabilize Soil at Final Grade

Purpose:

Stabilizing the site with seed and mulch or erosion control matting when it reaches final grade is the best way to prevent erosion while construction continues.

Requirements:

Within 48 hours of final grading, the exposed soil must be seeded and mulched or covered with erosion control matting.

How to comply:

Bring the site or sections of the site to final grade as soon as possible after construction is completed. This will reduce the need for additional sediment and erosion control measures and will reduce the total disturbed area.

For seeding and mulching rates, follow the specifications under Rule 8, "Stabilizing Exposed Soil".

Stabilize Soil at Final Grade

How to install:

2:1 SLOPE OR FLATTER

CUT OR FILL SLOPE

CROSS SECTION

A - Berm Height: 1.5 feet
B - Berm Width: 2 feet
C - Flow width: 4 feet
D - Flow depth: 6 inches
Side slopes: 2:1 or flatter *

1. Compact the berm with a shovel or earth-moving equipment.
2. Seed and mulch berm or cover with erosion control matting immediately after installation.
3. Stabilize the flow channel with seed and straw mulch or erosion control matting. Line the channel with 4 inch stone if the channel slope is greater than 20%.
4. Ensure the berm drains to an outlet stabilized with riprap. Ensure that there is no erosion at the outlet.
5. The diversion berm shall remain in place until the disturbed areas are completely stabilized.

* See page 39 for slope calculations.

Divert Upland Runoff

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1. Compact the berm with a shovel or earth-moving equipment.
2. Seed and mulch berm or cover with erosion control matting immediately after installation.
3. Stabilize the flow channel with seed and straw mulch or erosion control matting. Line the channel with 4 inch stone if the channel slope is greater than 20%.
4. Ensure the berm drains to an outlet stabilized with riprap. Ensure that there is no erosion at the outlet.
5. The diversion berm shall remain in place until the disturbed areas are completely stabilized.

* See page 39 for slope calculations.

Divert Upland Runoff

How to install:

2:1 SLOPE OR FLATTER

CUT OR FILL SLOPE

CROSS SECTION

A - Berm Height: 1.5 feet
B - Berm Width: 2 feet
C - Flow width: 4 feet
D - Flow depth: 6 inches
Side slopes: 2:1 or flatter *

1. Compact the berm with a shovel or earth-moving equipment.
2. Seed and mulch berm or cover with erosion control matting immediately after installation.
3. Stabilize the flow channel with seed and straw mulch or erosion control matting. Line the channel with 4 inch stone if the channel slope is greater than 20%.
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Divert Upland Runoff

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* See page 39 for slope calculations.

Divert Upland Runoff

How to install:

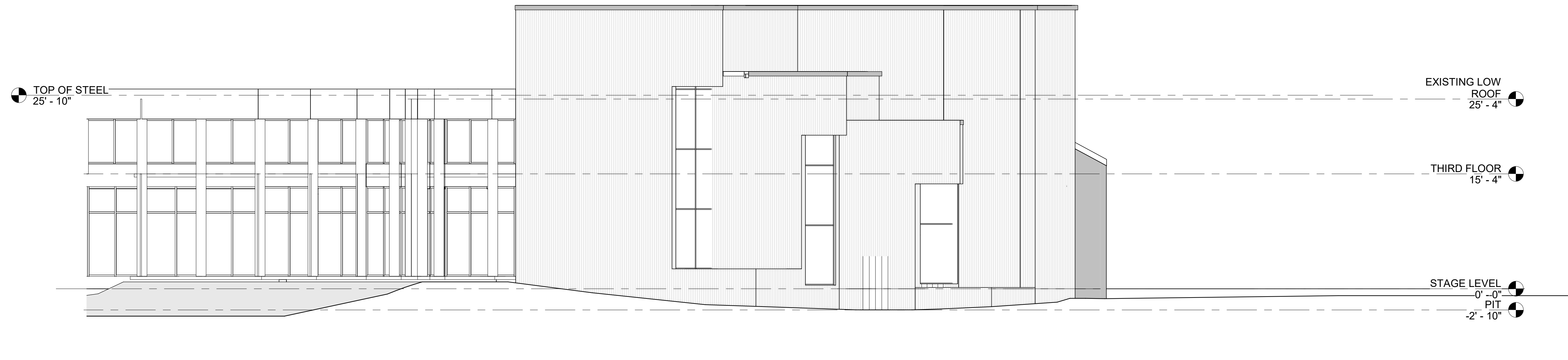
2:1 SLOPE OR FLATTER

CUT OR FILL SLOPE

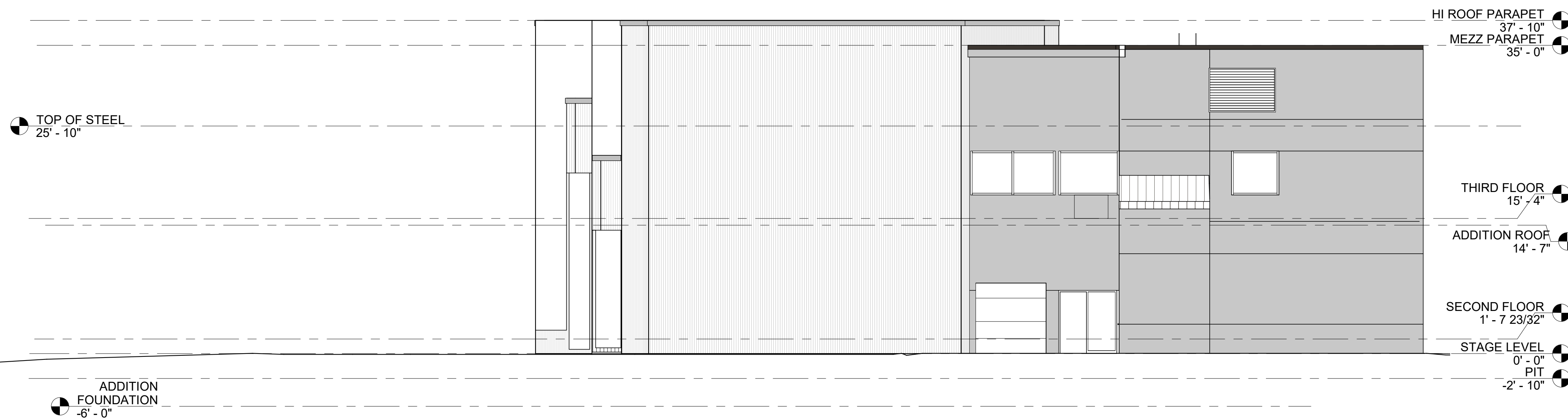
CROSS SECTION

A - Berm Height: 1.5 feet
B - Berm Width: 2 feet
C - Flow width: 4 feet
D - Flow depth: 6 inches
Side slopes: 2:1 or flatter *

1. Compact the berm with a shovel or earth-moving equipment.
2. Seed and mulch berm or cover with erosion control matting immediately after installation.
3. Stabilize the flow channel with seed and straw mulch or erosion control matting. Line the channel with 4 inch stone if the channel slope is greater



① EXISTING EAST ELEVATION
1/8" = 1'-0"



② EXISTING NORTH ELEVATION
1/8" = 1'-0"



SCOTT + PARTNERS
ARCHITECTURE

7 CARMICHAEL ST. ESSEX JUNCTION, VT 05452
P. 802.879.5153 F. 802.872.2764 | SCOTTPARTNERS.COM

project name:
**UVM: RECITAL HALL
EXPANSION AND
RENOVATION**

project address:
384 SOUTH PROSPECT ST
BURLINGTON, VT 05401

scale: 1/8" = 1'-0"
project no. 17-1206
checked by: TMS
drawn by: AS
proj. date: 04/23/2019
sheet date:

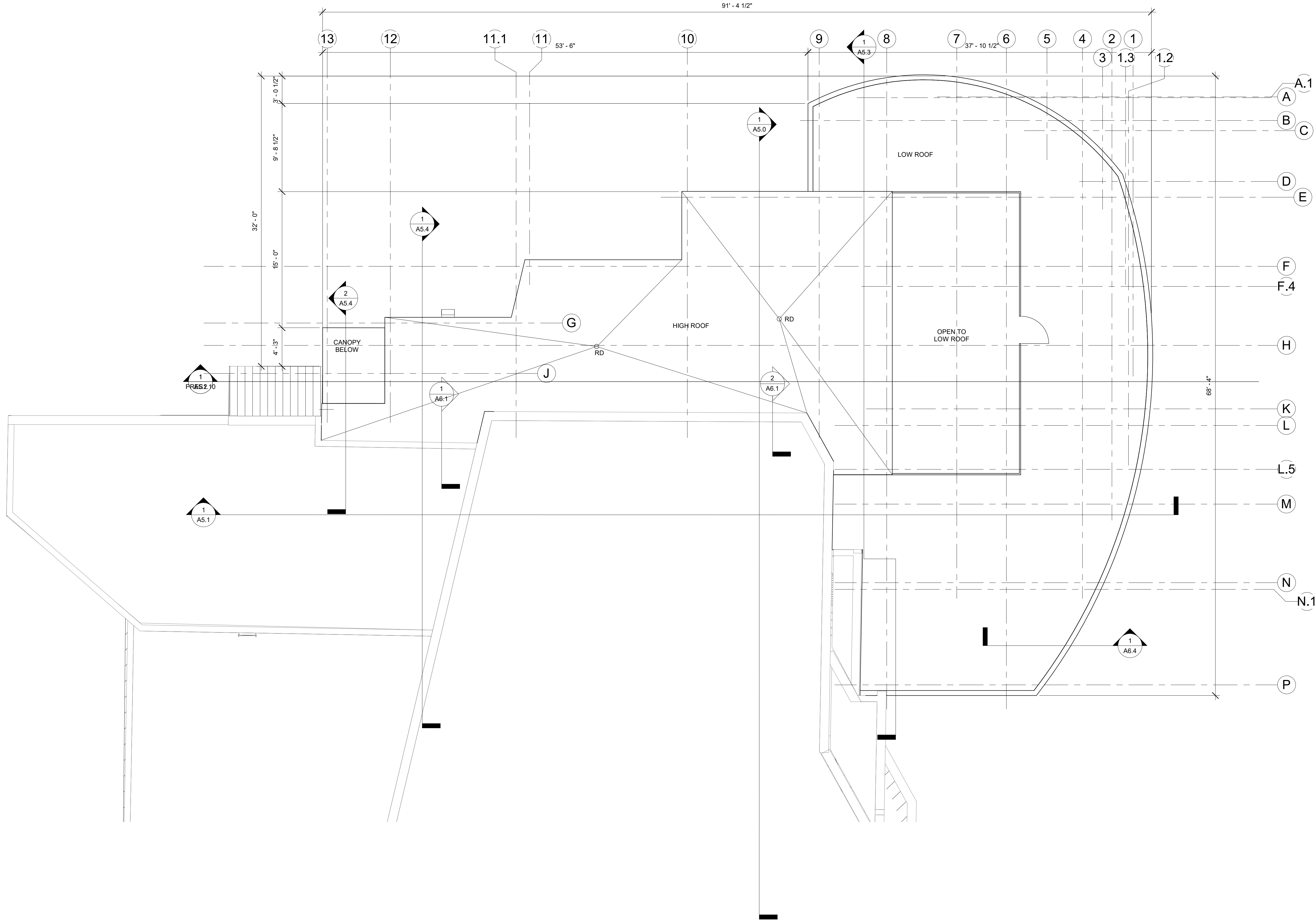
No	Date	Revisions
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**EXISTING
ELEVATIONS**

sheet no.

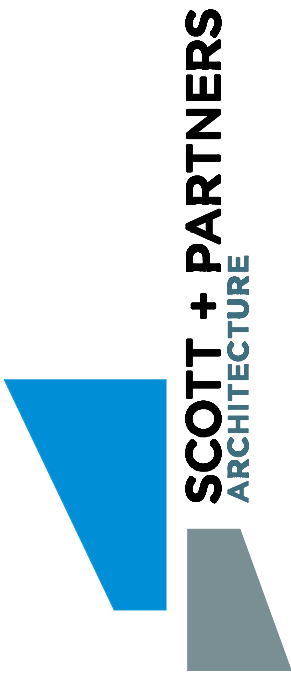
A1.5

ISSUED FOR ZONING PERMIT
04/23/2019



1 ROOF PLAN
3/16" = 1'-0"

ISSUED FOR ZONING PERMIT
04/23/2019



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ARCHITECTURE

7 CARMICHAEL ST. ESSEX JUNCTION, VT 05452
P. 802.879.5153 F. 802.872.2764 SCOTTPARTNERS.COM

project name:
**UVM: RECITAL HALL
EXPANSION AND
RENOVATION**

project address:
384 SOUTH PROSPECT ST
BURLINGTON, VT 05401

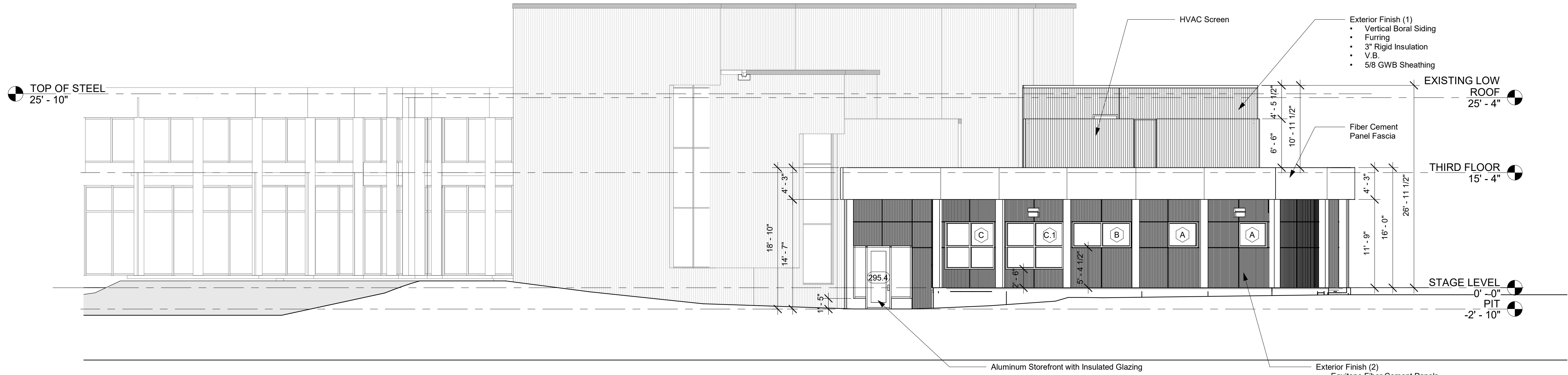
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project no. 17-1206
checked by: TMS
drawn by: AS
proj. date: 04/23/2019
sheet date:

No	Date	Revisions
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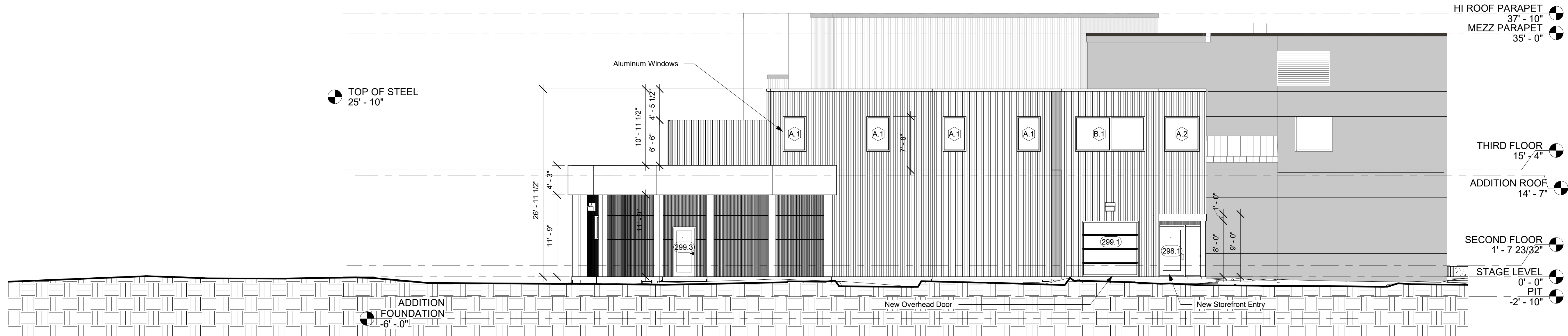
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ROOF PLAN

sheet no.
A2.3

4/23/2019 1:25:22 PM S:\1-S&P-Projects\2-EDUCATION\UVM\Music Building Addition-Renovations\Drawings\REV\UVM MUSIC CENTER_DD.rvt



1 EAST ELEVATION
1/8" = 1'-0"



2 NORTH ELEVATION
1/8" = 1'-0"



project name:
**UVM: RECITAL HALL
EXPANSION AND
RENOVATION**

project address:
384 SOUTH PROSPECT ST
BURLINGTON, VT 05401

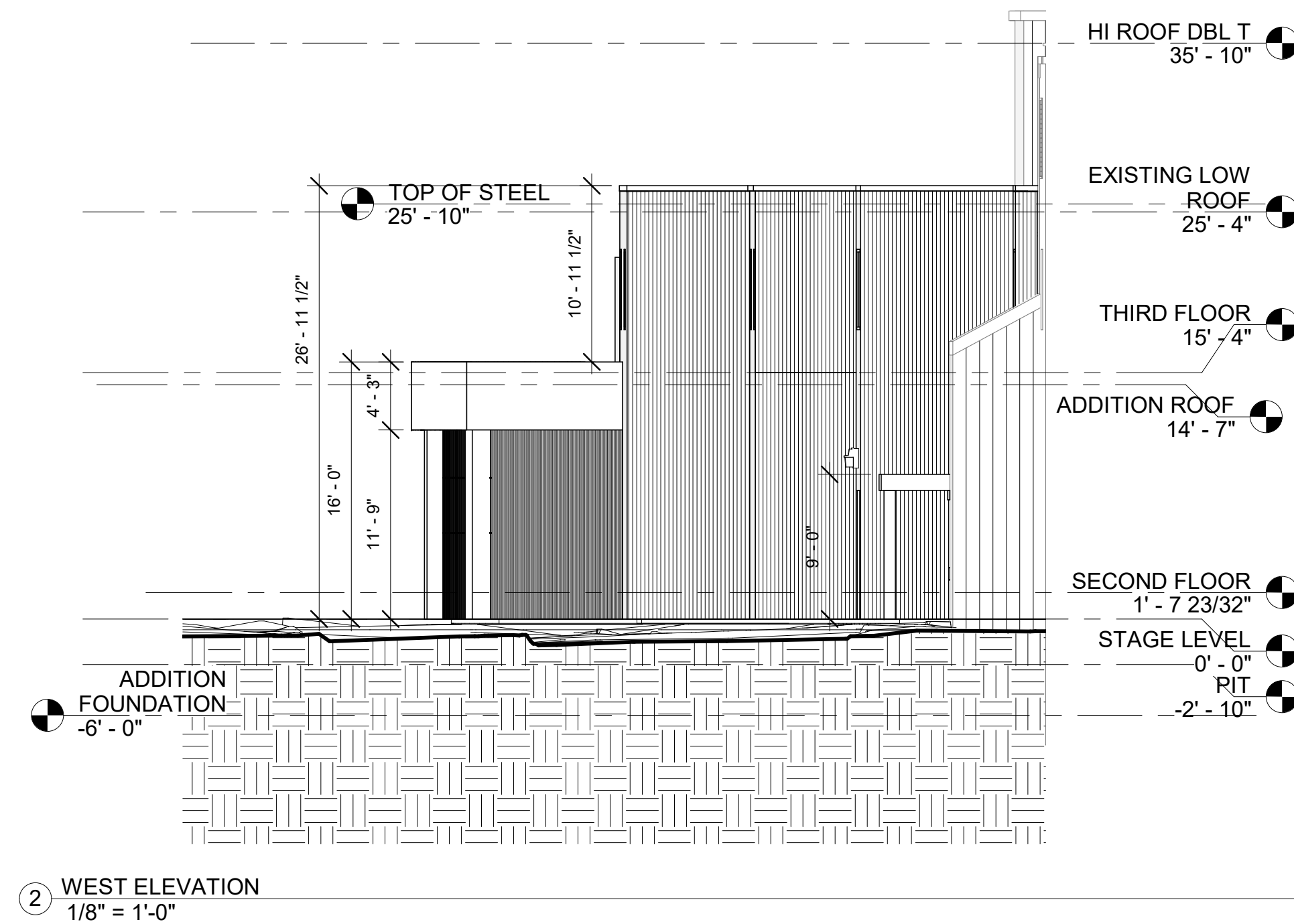
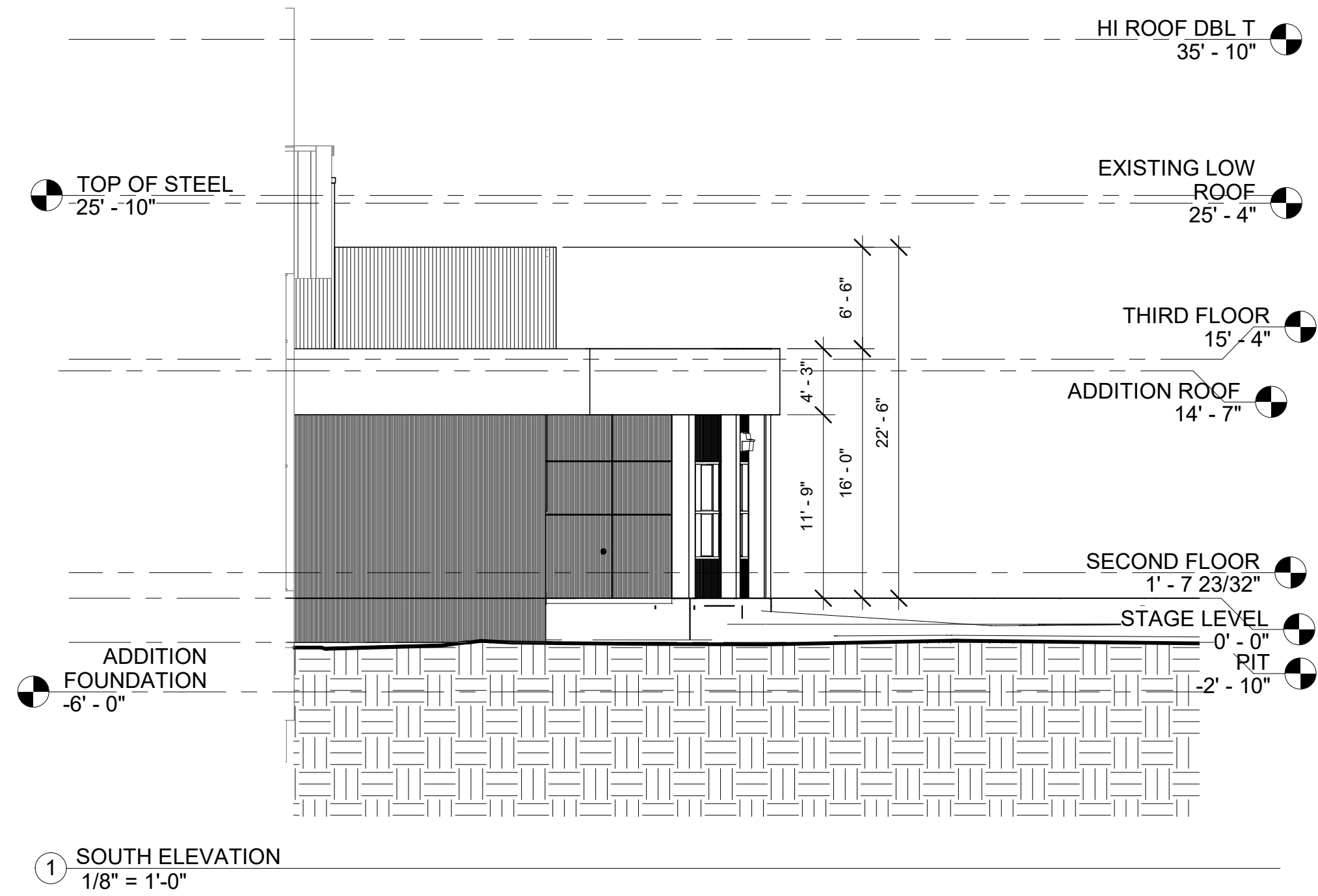
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checked by: TS
drawn by: AS
proj. date: 04/23/2019
sheet date: 02/06/2019

No	Date	Revisions
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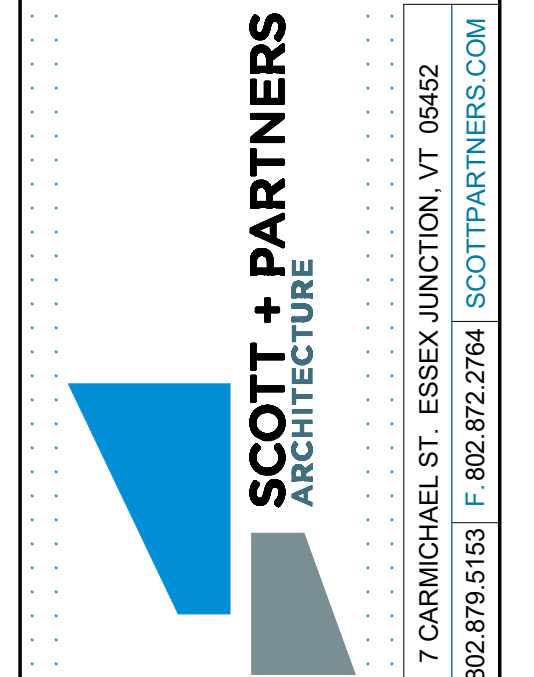
sheet title:
ELEVATIONS

sheet no.
A4.0

ISSUED FOR ZONING PERMIT
04/23/2019



ISSUED FOR ZONING PERMIT
04/23/2019



project name:
**UVM: RECITAL HALL
EXPANSION AND
RENOVATION**

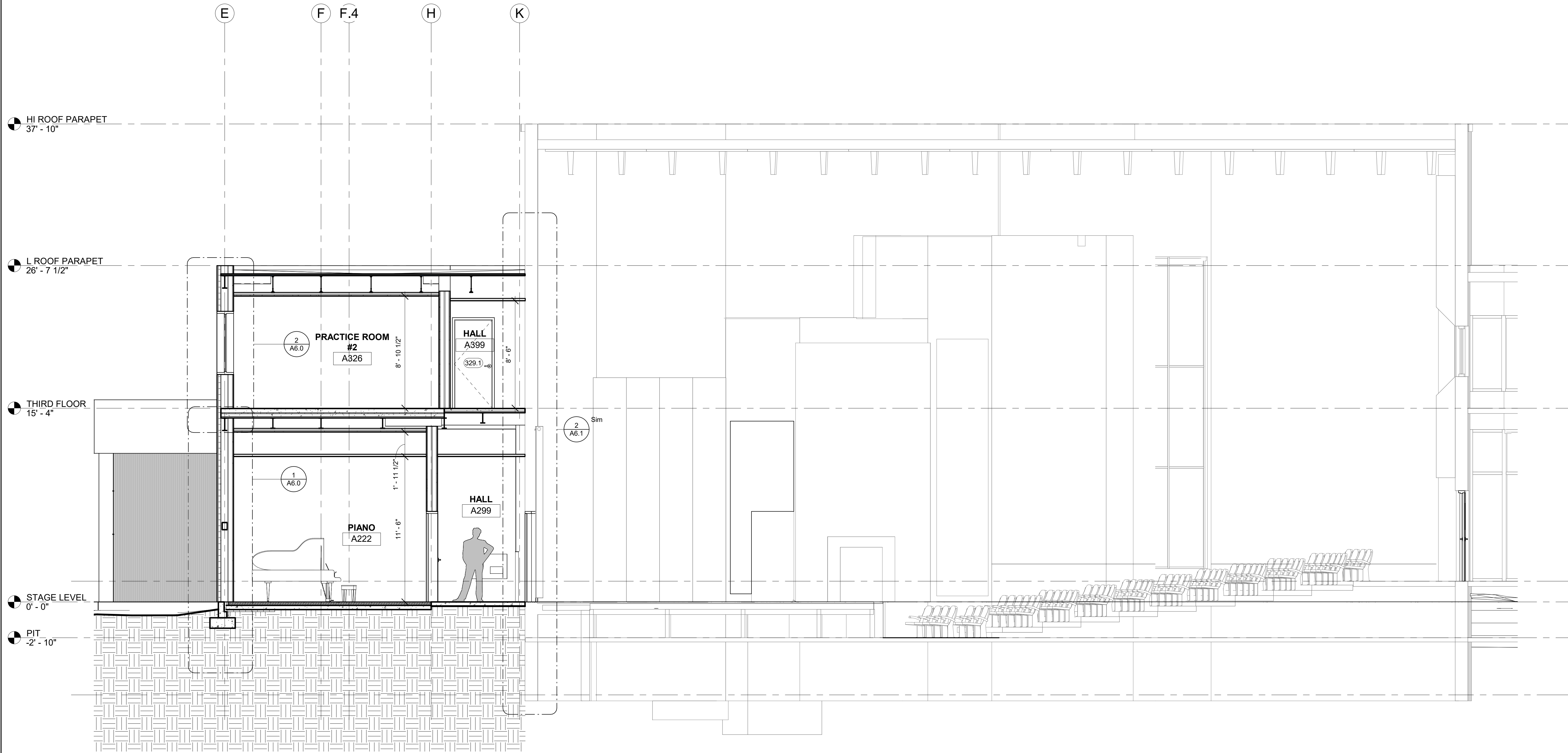
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384 SOUTH PROSPECT ST
BURLINGTON, VT 05401

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project no. 17-1206
checked by: TMS
drawn by: AS
proj. date: 04/23/2019
sheet date:

No	Date	Revisions
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sheet title:
ELEVATIONS

sheet no.
A4.1



1 NORTH SOUTH SECTION
1/4" = 1'-0"

ISSUED FOR ZONING PERMIT
04/23/2019



project name:
**UVM: RECITAL HALL
EXPANSION AND
RENOVATION**

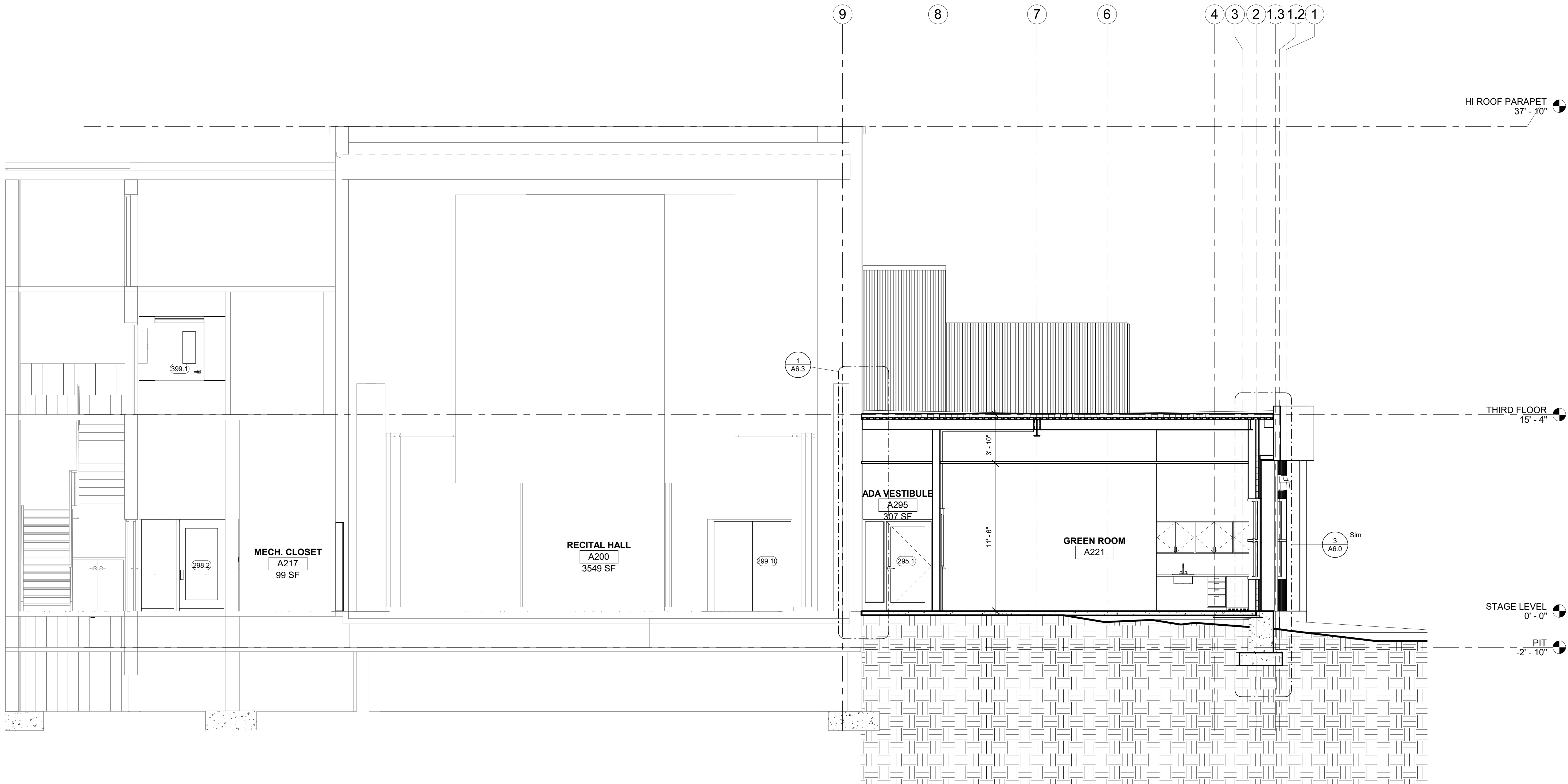
project address:
384 SOUTH PROSPECT ST
BURLINGTON, VT 05401

scale: 1/4" = 1'-0"
project no. 17-1206
checked by: TMS
drawn by: AS
proj. date: 04/23/2019
sheet date:

No	Date	Revisions
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sheet title:
**NORTH SOUTH
SECTION**

sheet no.
A5.0



1 EAST WEST SECTION
1/4" = 1'-0"

ISSUED FOR ZONING PERMIT
04/23/2019



project name:
**UVM: RECITAL HALL
EXPANSION AND
RENOVATION**

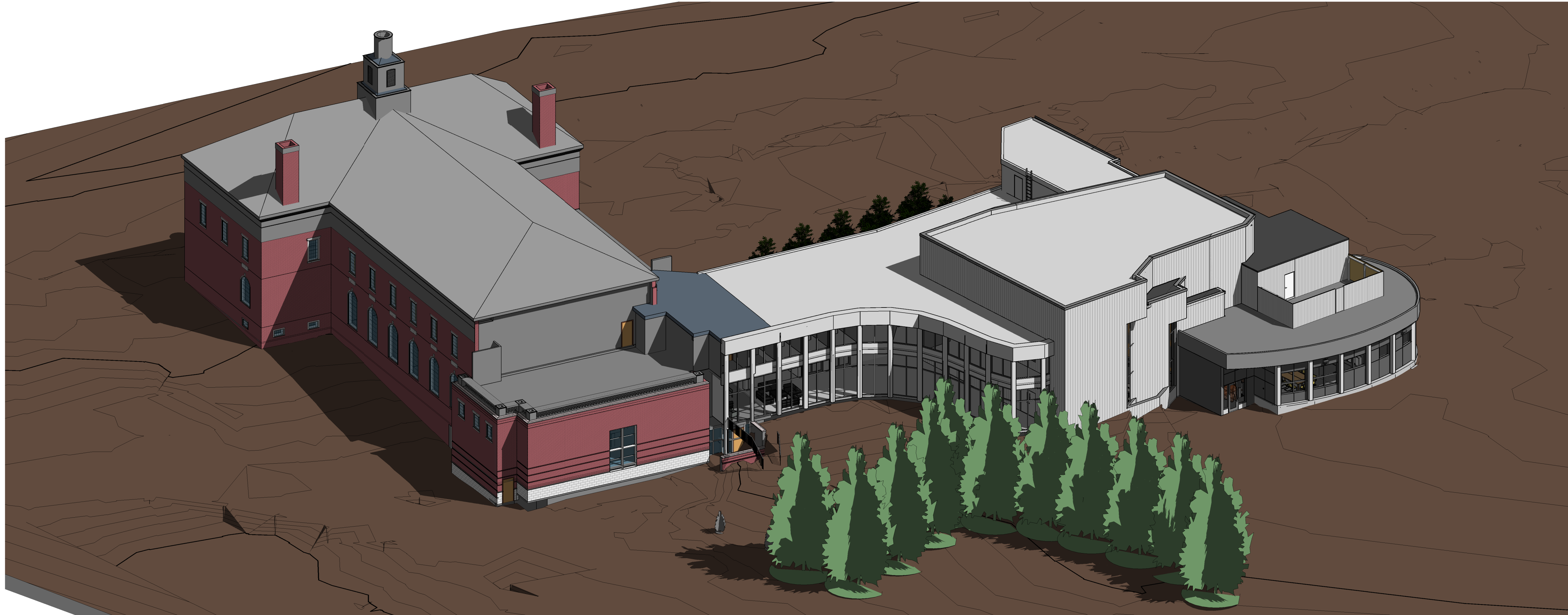
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384 SOUTH PROSPECT ST
BURLINGTON, VT 05401

scale: 1/4" = 1'-0"
project no. 17-1206
checked by: TMS
drawn by: AS
proj. date: 04/23/2019
sheet date:

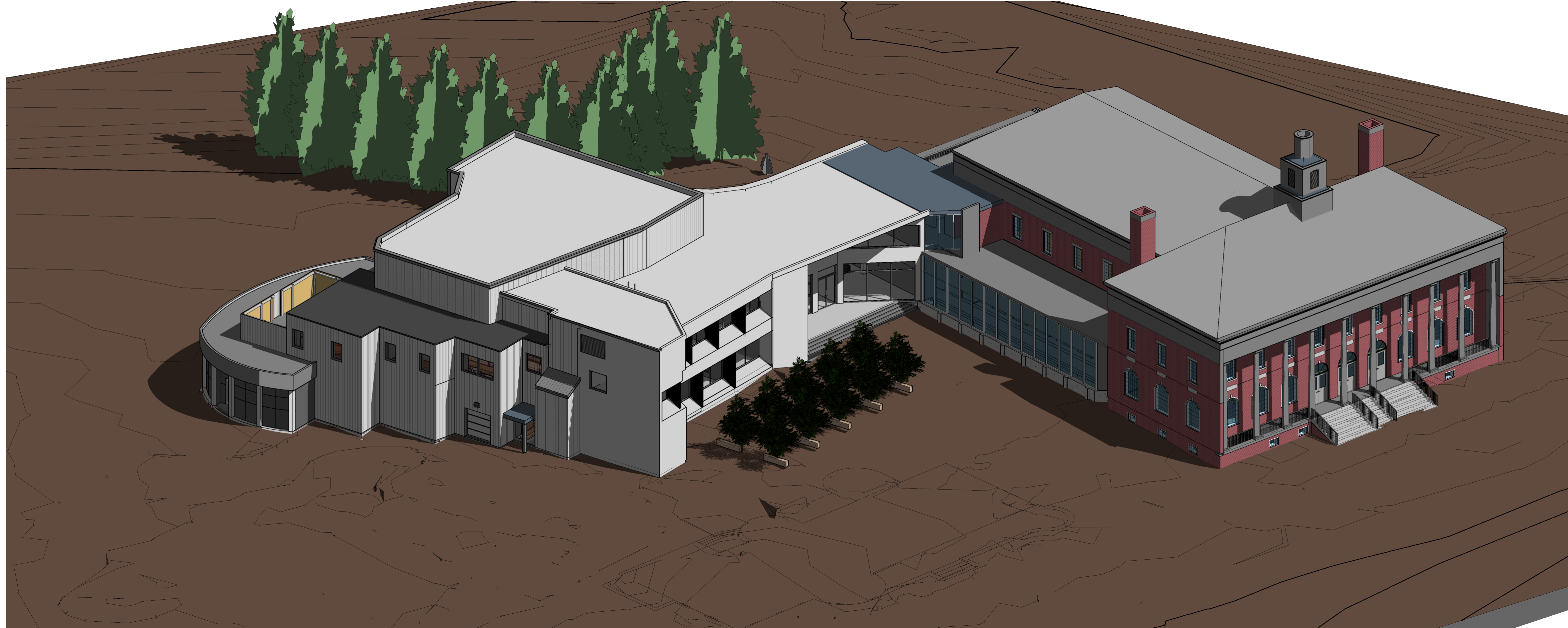
No	Date	Revisions
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sheet title:
**EAST WEST
SECTION**

sheet no.
A5.1



① LOOKING NORTHWEST



② LOOKING SOUTHEAST

 **SCOTT + PARTNERS**
ARCHITECTURE

7 CARMICHAEL ST. ESSEX JUNCTION, VT 05452
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project name:
**UVM: RECITAL HALL
EXPANSION AND
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project address:
384 SOUTH PROSPECT ST
BURLINGTON, VT 05401

scale:
project no. 17-1206
checked by: TMS
drawn by: AS
proj. date: 04/23/2019
sheet date:

No	Date	Revisions
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sheet title:
**EXTERIOR
PERSPECTIVE
VIEWS**

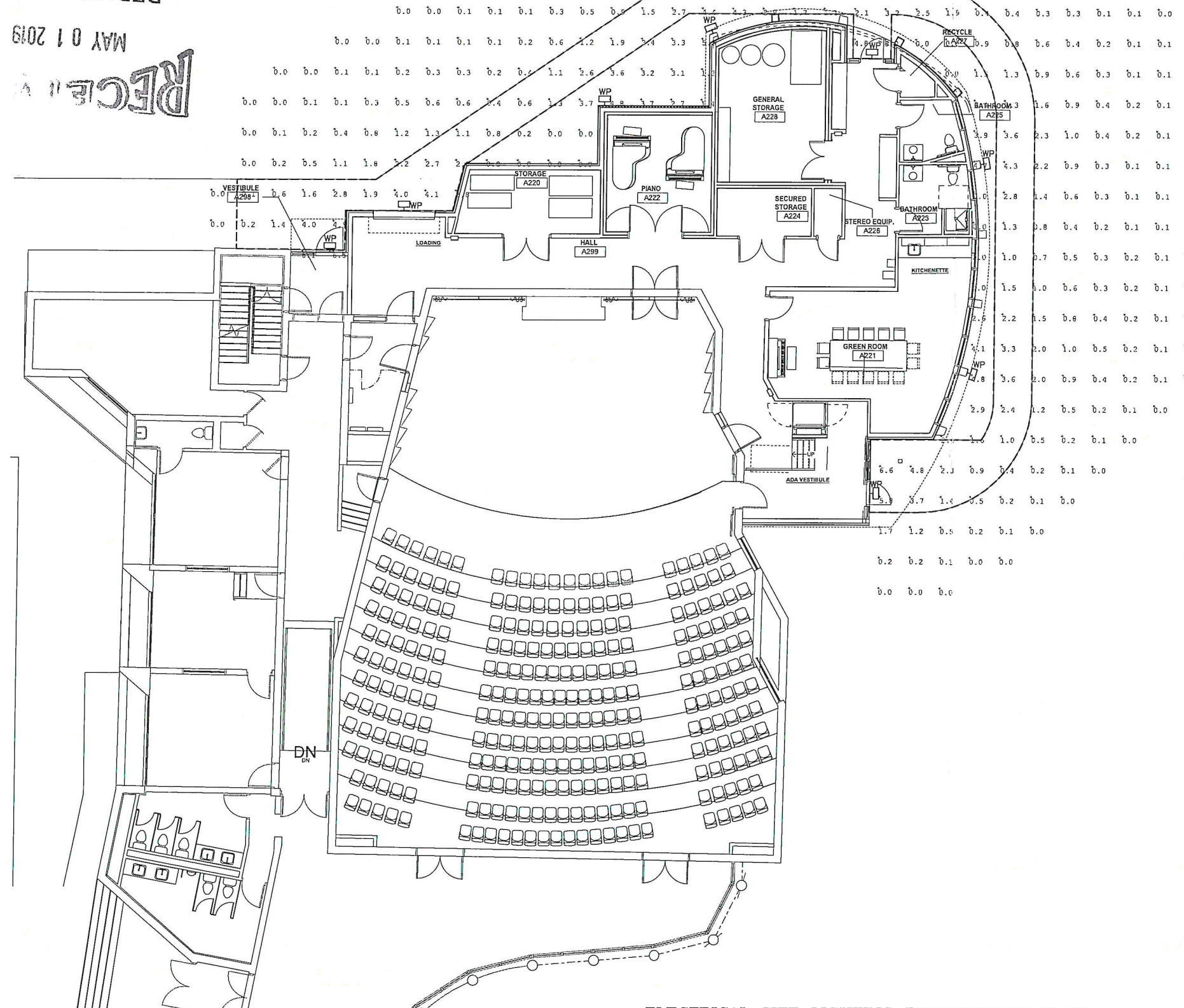
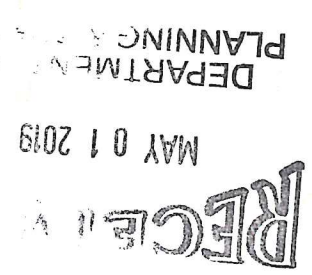
sheet no.
A7.1

ISSUED FOR ZONING PERMIT
04/23/2019

Calculation Summary

Label	Avg	Max	Min	Avg/Min	Max/Min
WALKWAY	2.46	6.6	0.4	6.15	16.5

LIGHTING FIXTURE SCHEDULE							
TYPE	MANUFACTURER & MODEL NO.	DESCRIPTION	LAMPS	WATTS	LUMENS	VOLTS	REMARKS
WP	EATON XTOR1B-W-PC1	WALL PACK	LED	12	1418	120/ 277	



ELECTRICAL SITE LIGHTING PHOTOMETRIC PLAN
SCALE: 1/8" = 1'-0"

DESCRIPTION

The patented Lumacrestor™ LED Wall Pack Series of luminaires provides an architectural style with super bright, energy efficient LEDs. The low profile, rugged, one-piece aluminum construction, universal back box, stainless steel hardware along with a sealed and gasketed optical compartment make the Lumacrestor impervious to contaminants. The Crestor wall luminaire is ideal for wall/surface, inverted mount for facade/canopy illumination, post/bollard, site lighting, floodlight and low level pathway illumination including stairs. Typical applications include building entrances, multi-use facilities, apartment buildings, institutions, schools, stairways and loading docks test.

SPECIFICATION FEATURES

Construction
Slim, low-profile LED design with rugged one-piece, die-cast aluminum hinged removable door and back box. Matching housing styles incorporate both a small and medium design. The small housing is available in 12W, 18W and 26W. The medium housing is available in the 36W model. Patented secure lock hinge feature allows for safe and easy tool-less

Optical
Silicone sealed optical LED chamber incorporates a custom engineered mirrored anodized reflector providing high-efficiency illumination. Optical assembly includes impact-resistant tempered glass and meets IESNA requirements for full cutoff compliance. Available in seven lumen packages; 5000K, 4000K and 3000K CCT.

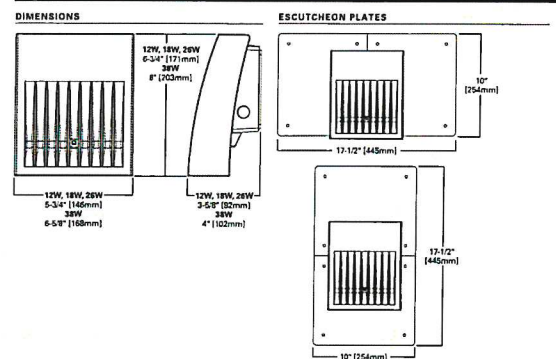
electrical wiring compartment. Integral LED electronic driver incorporates surge protection. 120-277V 50/60Hz or 347V 60Hz models.

Finish
Crossour is protected with a Super durable TGIC carbon bronze or summit white polyester powder coat paint. Super durable TGIC powder coat paint finishes withstand extreme climate conditions while providing optimal color and gloss retention of the installed life.

Warranty
Five-year warranty

XTOR
CROSSTOUR LED

APPLICATIONS:
WALL / SURFACE
POST / BOLLARD
LOW LEVEL
FLOODLIGHT
INVERTED
SITE LIGHTING



CERTIFICATION DATA
UL/cUL Wet Location Listed
LM79 / LM80 Compliant
ROHS Compliant
ADA Compliant
NOM Compliant Models
IP68 Ingressed Protection Rated
Title 24 Compliant
DesignLights Consortium® Qualified*

TECHNICAL DATA
 10°C Maximum Ambient Temperature
 External Supply Wiring 90°C Minimum
CEPA
 Effective Projected Area (Sq. Ft.):
 XTOR18, XTOR28, XTOR38=0.34
 XTOR48=0.45

SHIPPING DATA:
Approximate Net Weight:
1.7 – 5.25 lbs. [1.7 – 2.4 kgs.]

TD514013EN
September 17, 2018 3:02 PM

page 3

XYTRON CROSSSTOUR LED

ORDERING INFORMATION

Sample Number: XTOR2B-W-WT-PCI				
Sample No.	LED Kabinle Color	Housing Color	Options (Add as Suffix)	Accessories (Order Separately)
XTOR1B-Small Door, 12W	[Blank]-Bright White, 1200K	[Blank]-Carbon Bronze (Standard)	PCI-Photoconductive 120°	W/XTOR-Wire Guard*
XTOR2B-Small Door, 12W	[Blank]-Bright White, 1200K	PCI-Photoconductive 120°	PCI-Photoconductive 120°	XTOR-LED-Kinetic Floodlight Kit*
XTOR2B-Small Door, 25W	W-Neutral White, 4000K	WT-Summit White	347V-347V†	XTORFLD-TN-Turnon Floodlight Kit*
XTOR2B-Medium Door, 30W	Yell-White White, 3000K	MX-Black	HA-50°C High Ambient*	XTORFLD-KN-Knuckle Floodlight Kit, Summit White
		RZ-Black		XTORFLD-TBN-WT-Turnon Floodlight Kit, Summit White
		AP-Gray		EWX/TOR-Exhaustion Wall Plate, Carbon Bronze
		CM-Graphite Metallic (Per-Client Design)		EPW/XTOR-WT-Exhaustion Wall Plate, Summit White

NOTES:

1. Designlights Consortium® Qualified and classified for both DLC Standard and DLC Premium, refer to www.designlights.org for details.
2. Photocopies are factory installed.
3. Order PCJ for 347V models.
4. Three branch wiring not available with HA option or with 347V. XTOR38 not available with HA and 347V or 120V combination.
5. Wire guard for wall/surface mount. Not for use with floodlight kit accessory.
6. Floodlight kit accessory supplied with knuckle (XNC) or trunion (TRN) base, small and large top visors and small and large impact shields.

STOCK ORDERING INFORMATION

12W Series	19W Series	26W Series	36W Series
XTOR18-W12W, 5000K, Carbon Bronze	XTOR28-W16W, 5000K, Carbon Bronze	XTOR38-W20W, 5000K, Carbon Bronze	XTOR48-W26W, 5000K, Carbon Bronze
XTOR18-WT12W, 5000K, Summit White	XTOR28-W16W, 4000K, Carbon Bronze	XTOR38-W26W, 4000K, Carbon Bronze	XTOR48-W32W, 4000K, Carbon Bronze
XTOR18-PC1-W12W, 5000K, 120V PC, Carbon Bronze	XTOR28-WT16W, 5000K, Summit White	XTOR38-WT26W, 5000K, Summit White	XTOR48-WT32W, 5000K, Summit White
XTOR18-W12W, 4000K, Carbon Bronze	XTOR28-PC1-W16W, 5000K, 120V PC, Carbon Bronze	XTOR38-PC1-W20W, 5000K, 120V PC, Carbon Bronze	XTOR48-PC1-W26W, 5000K, 120V PC, Carbon Bronze
	XTOR28-W-PC1-W16W, 4000K, 120V PC, Carbon Bronze	XTOR38-W-PC1-W20W, 4000K, 120V PC, Carbon Bronze	XTOR48-W-PC1-W26W, 4000K, 120V PC, Carbon Bronze
	XTOR28-347V-W16W, 5000K, Carbon Bronze, 347V	XTOR38-347V-W20W, 5000K, Carbon Bronze, 347V	XTOR48-347V-W26W, 5000K, Carbon Bronze, 347V
	XTOR28-WT-PC1-W16W, 5000K, 120V PC, Summit White	XTOR38-WT-PC1-W20W, 5000K, 120V PC, Summit White	

208 Flynn Ave. Suite 2B
Burlington, VT 05401
802-864-4950
randy@colinlindberg.com

**COLIN P. LINDBERG,
ARCHITECT**

Memo

To: Department of Planning and Zoning – City of Burlington, VT
Attn: Mary O'Neil
From: Randy Burnett
CC: Marty Spaulding
Date: 3/25/2019
Re: Edmunds Application Amendment Narrative

RECEIVED
MAR 26 2019

DEPARTMENT OF
PLANNING & ZONING

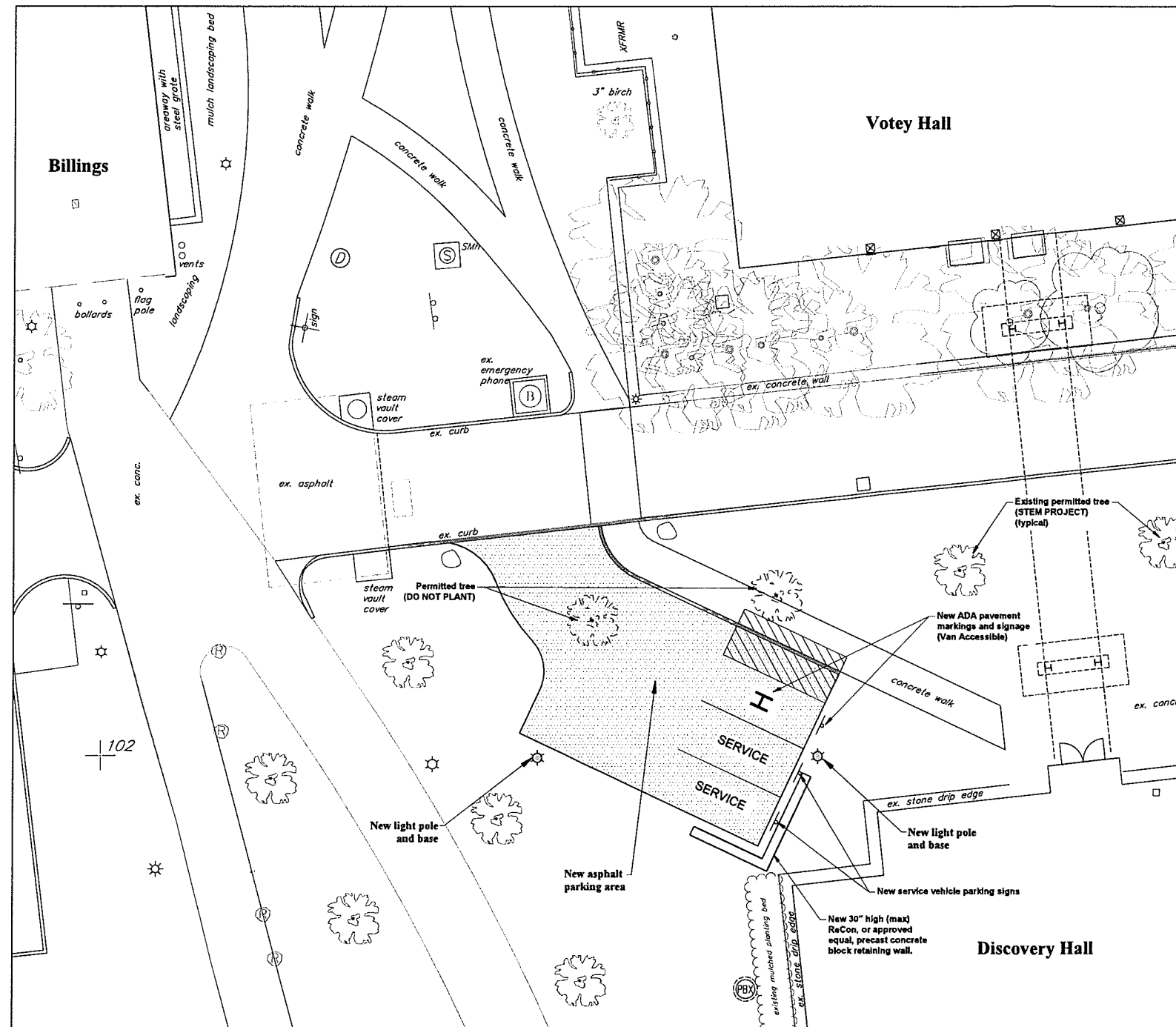
General Project Description & Brief History:

The school district wishes to amend permit ZPI 8-0898CA to provide essential and accessible access to buildings, site features, meet life safety requirements and improve the connectivity of the site and use of the property features (ADA parking, ball fields, play grounds, learning spaces etc.). This amendment application is a continuation of the multi-faceted district improvement plans begun and submitted in 2018.

Summary of Scope Changes and Proposed New Work:

This application will remove deteriorated and failing site stairs that have outlived their life, prohibited accessible connectivity and challenged safe circulation during inclement weather and cold season. The improvements provide grade changes and accessible walks to controlled entrances to improve safe and accessible access to the buildings and site by the community. The improvements provide accessible ways and congregating areas (new plaza) away from city streets for students and staff to safely wait for public, district and/or private transportation while transitioning from school day activities. Improved bicycle storage, lighting, landscape features, fencing and plantings are included improvements and situated to promote safe circulation away from sloped roof hazards and steeper grade changes. The single point of building entry provides the public with a sense of entrance and welcoming through the plaza, alley of trees, walks and landscape features while achieving access and controlled safety of building occupants. Other points of entry will continue to be used for proper life safety egress and monitored peak period functions. Screening of recycling, food and refuse waste will be provided. A property maintenance shed is proposed at a revised location to allow for better access for property maintenance, snow clearing equipment and athletic equipment storage. A variety of retaining and landscape walls are proposed throughout the site to provide proper control of grades, serve as congregational and seating spaces and complement the enhancement of plantings and landscape improvements.

The purpose and significant level of proposed features and improvements are directly associated with improved accessibility, safety, and requirements of functional operation and use of the many school and community programs that utilize the facility.



NOTES

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

Legend

..... New Asphalt parking

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MAY 15 2019

DEPARTMENT OF
PLANNING & ZONING



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

CONSULTANTS

Civil

Krebe & Lansing Consulting Engineers, Inc.
164 Main Street, Suite 201
Colchester, VT 05446
T: (802) 878-0375

Mechanical

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

Architect

Smith - Alvarez - Sienkiewicz
117 St. Paul Street, 3RD Floor
Burlington, VT 05401
T: (802) 863-2227

Structural

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Electrical

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

PROJECT

Discovery Hall
Northwest Parking

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

Revisions

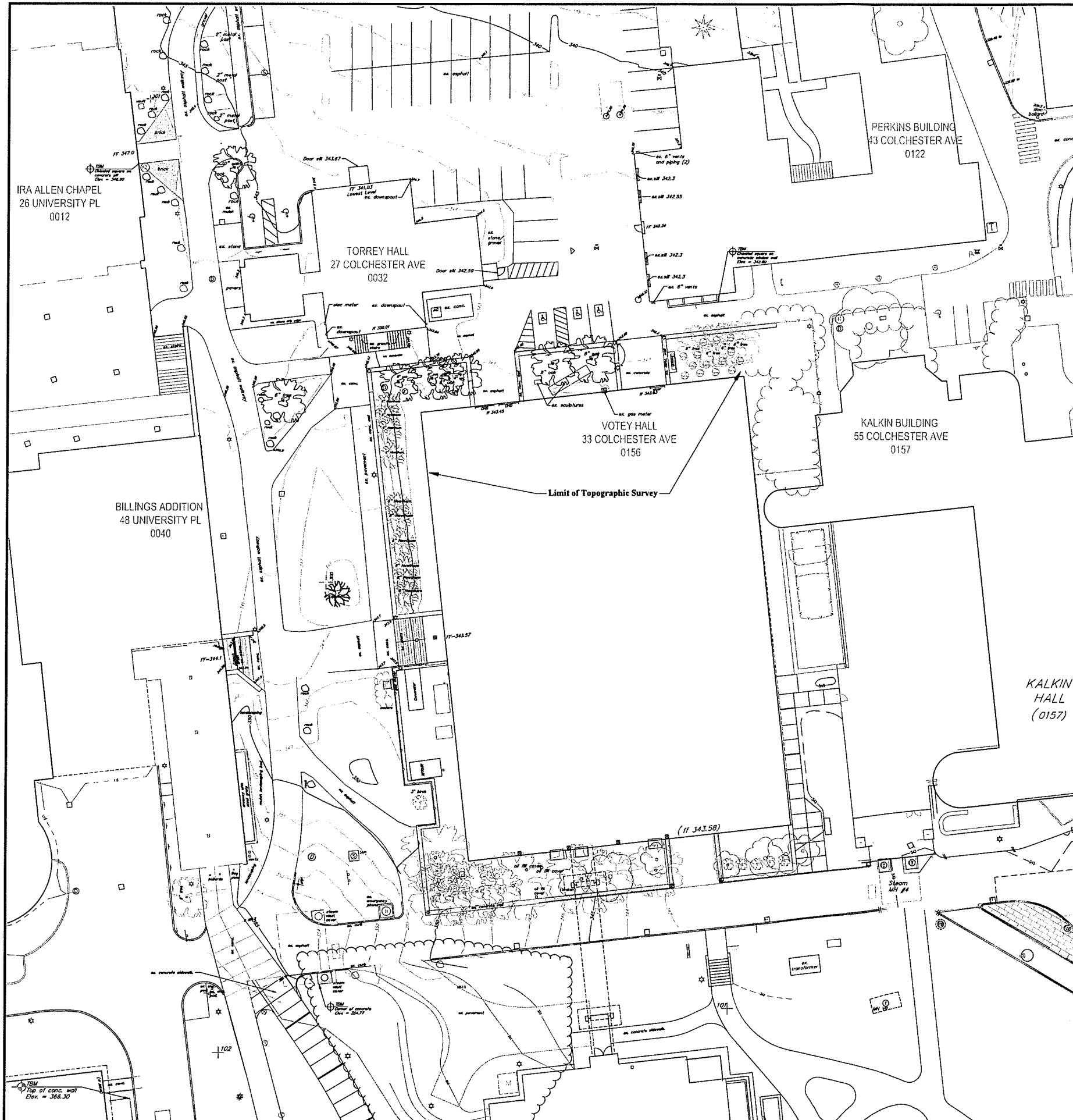
No.	Date

Drawing Title

Overall
Site Plan

Drawing No.

C-1.0



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

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

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

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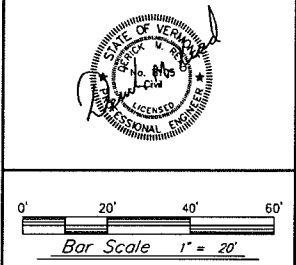
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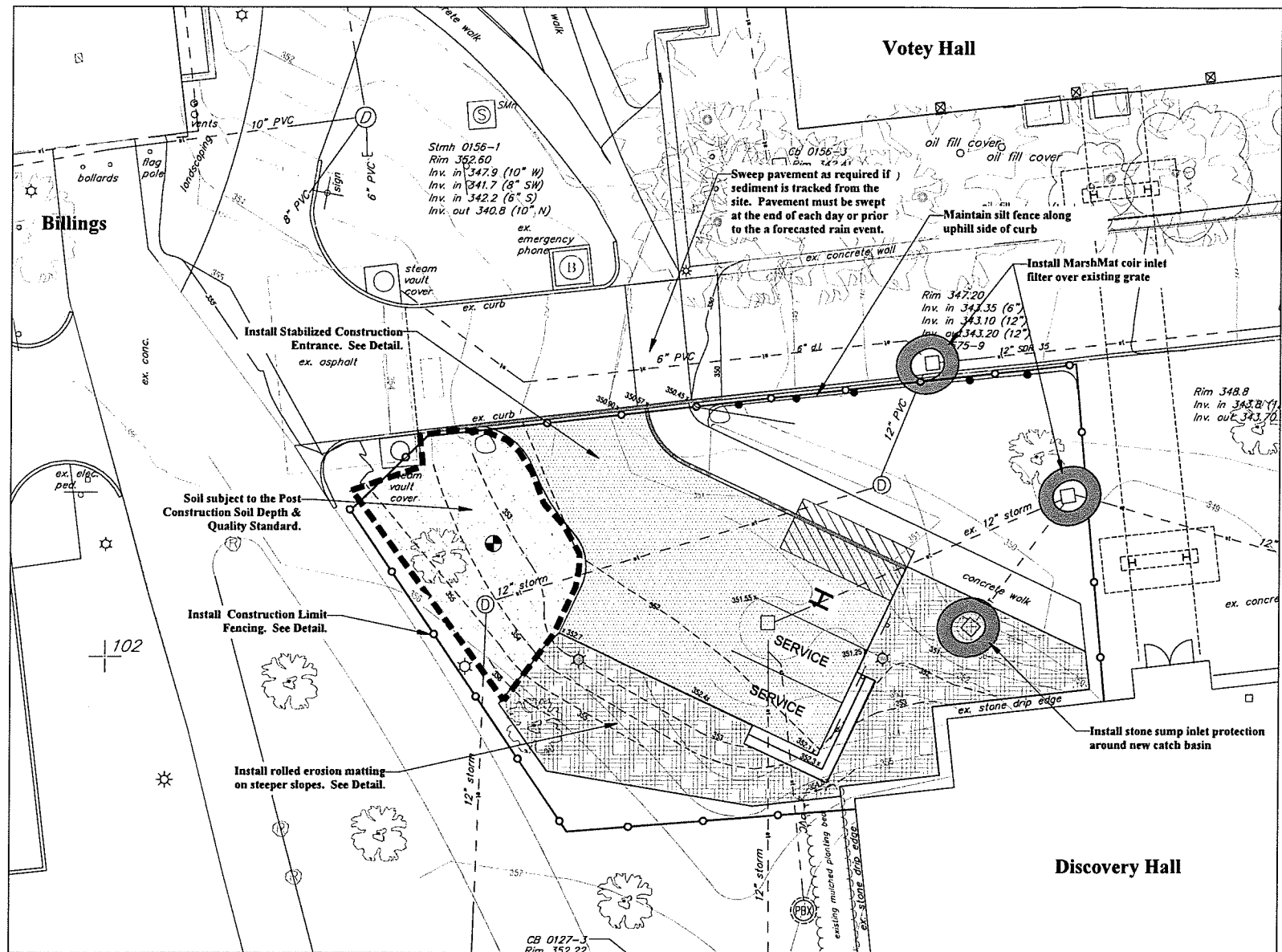


PROJECT	
Votey Utility & Sidewalk Improvements	
Project No.	17343
Scale	As Noted
Drawn by	DMR/TJB
Checked by	
Date	March 28, 2019

Revisions	
No.	Date

Drawing Title
Existing
Conditions
Plan

Drawing No.
SP-2.2



Erosion Prevention and Sediment Control Notes

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

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

Contractor shall call Jenna Olson at 540-1748 or email (jolson@burlingtonvt.gov) at least 24 hours prior to initiating earth disturbance and submit name, cell phone number, and email contact information of the erosion control coordinator for the project.

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

Soils Restoration Legend

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

SOILS SUBJECT TO POST-CONSTRUCTION SOIL DEPTH & QUALITY STANDARD.

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

Post-Construction Soil Depth and Quality Notes

Required Elements:

Soil retention: Retain, in an undisturbed state, the silt layer and native topsoil to the maximum extent practicable.

Soil quality: All areas subject to the Standard shall demonstrate the following:

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

—Soil Management:

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

Erosion Prevention & Sediment Control Notes

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

Legend

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



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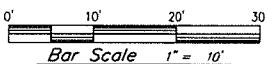
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PROJECT

Discovery Hall
Northwest Parking

Project No. 17343

Scale As Noted

Drawn by DMR

Checked by

Date May 08, 2019

Revisions

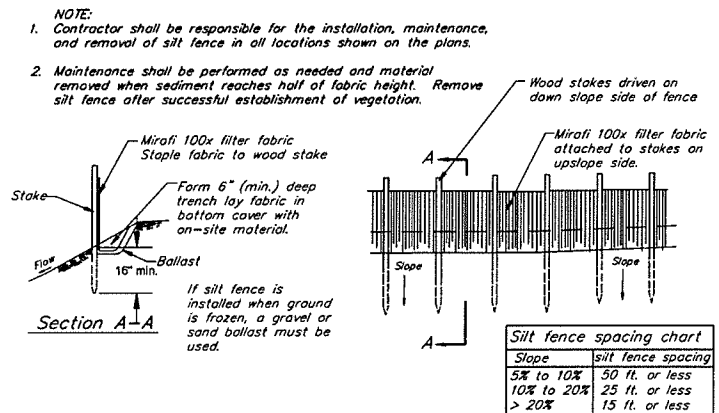
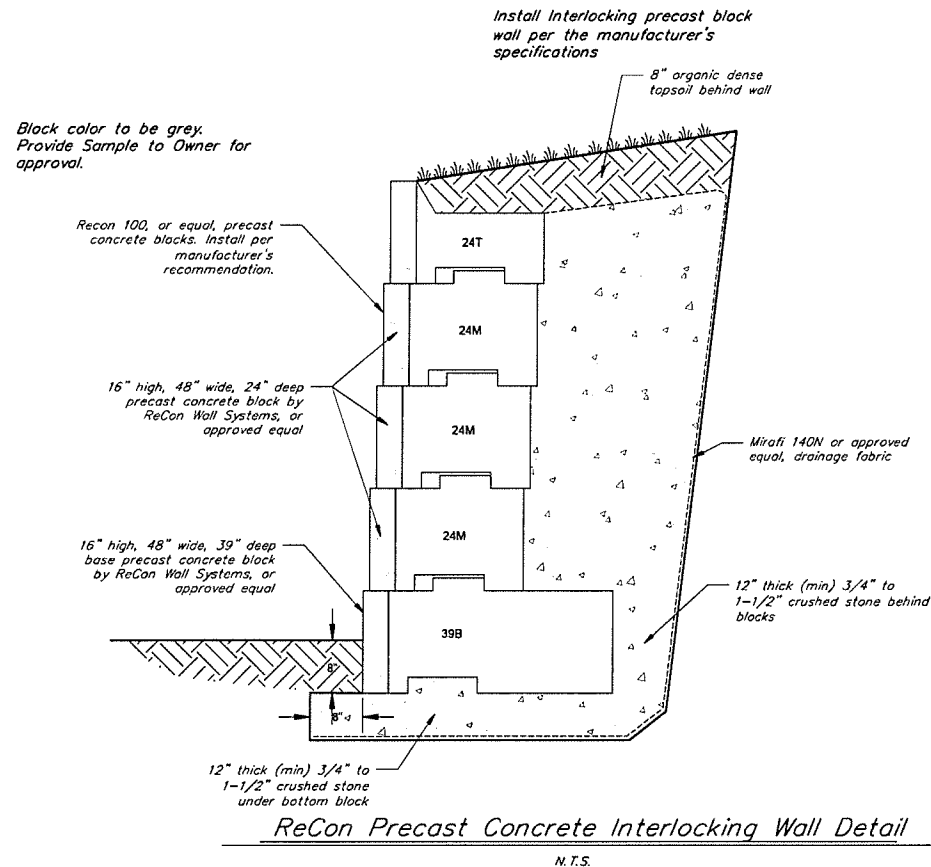
No. Date

Drawing Title

Erosion Prevention &
Sediment Control Plan

Drawing No.

C-1.1



Soil and Seeding Notes

Refer to Post Construction Soil Restoration Plan for additional requirements

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

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

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

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

Hydroseed Additives:

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

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

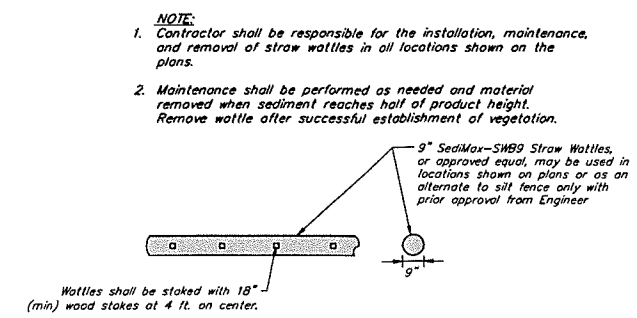
Mulch: 300 lbs. per 1,000 gallons of water.

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

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

Construction Limit Barriers

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



North American Green S75BN

Material Content

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

Material Specifications

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

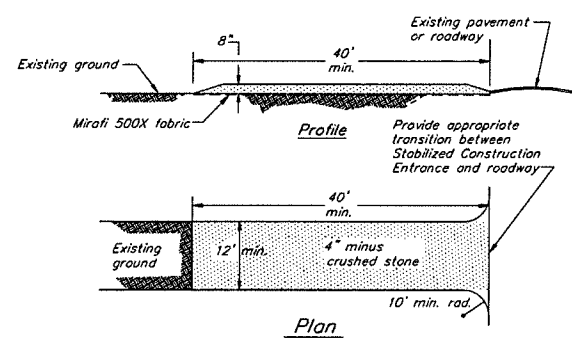
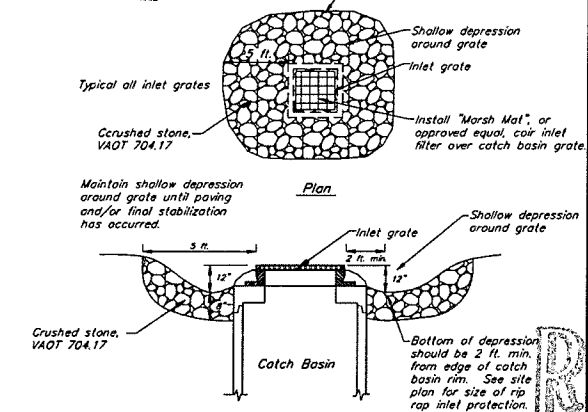
The blanket shall be of consistent thickness with the straw evenly distributed over the entire area of the mat. The blanket shall be covered on the top side with natural fiber netting having an approximate 1/2" X 1/2" mesh and be sewn together with biodegradable thread.

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

Erosion Control Matting

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

Inlet Protection (Pavement Areas)



Notes:

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

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

Temporary Stabilized Construction Entrance & Staging Areas

N.T.S.



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RECEIVED

MAY 15 2019

DEPARTMENT OF PLANNING & ZONING

Discovery Hall Northwest Parking

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

Revisions	No.	Date

Drawing Title
Civil Details

Drawing No.
CD-1.2

Pavement Markings

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

ROAD/PARKING SIGNS

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

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

SIGN MATERIALS:

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

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

ALL PANELS SHALL HAVE RETROREFLECTIVE BACKGROUNDS

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

Tree Protection & Landscape Clearing

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

AS-BUILT (RECORD) DRAWINGS

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

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

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

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

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

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

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

ACAD Layer Naming Convention

X-XXXX-XXXX- XXXX

Identifier
Minor Group
Major Group
Discipline Code

Discipline Codes:

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

Major Group Codes:

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

BLDG Building

NGAS Natural Gas

SSWR Sanitary Sewer

STRM Storm Sewer
WATR Domestic Water

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

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

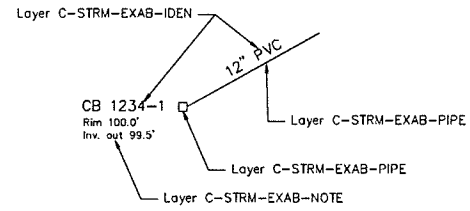
T - Telecommunications
PBX PBX
TELE Telephone

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

Identifier Codes:

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

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



DRAFTING EXAMPLE

C) Minor Group Codes:

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

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

2.) ACAD Standards

A) TEXT STYLE:

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

B) LINE STYLE:

EXISTING - ACTIVE:
LINETYPE: CONTINUOUS
LINETYPE SCALE: 1.000

EXISTING - ABANDONED:
LINETYPE: DASHED2
LINETYPE SCALE: 0.35

CONSTRUCTION STAKEOUT NOTES

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

- The Contractor shall be responsible for using proper survey equipment and having properly trained personnel to use this information. Any Contractor that does not have proper equipment or personnel shall subcontract the work to a competent consultant.
- The horizontal control datum may be based on a coordinate system that is unique for this project. Project north may not refer to astronomic or magnetic north.
- The Contractor shall check the integrity of survey control points by occupying a control point checking distance to back sight and checking distance and angle to another control point prior to any construction stakeout. The contractor shall not proceed with stakeout if either measured distances or angles do not match calculated values.
- Graphical images of infrastructure in the AutoCAD drawing may not be in an accurate representation of its size. It is the Contractor's responsibility to verify size and shape of all items to be staked out.
- After completion of radial stakeout with the survey transit, the Contractor shall check each stakeout point as necessary to verify the horizontal and vertical position of the point and that it is correct in relationship to the rest of the project.
- The Contractor shall complete all construction stakeout to an accuracy of 0.1 feet (excluding building stakeout).



The
UNIVERSITY
of VERMONT

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

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Burlington, VT 05401
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So. Burlington, VT 05403
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Electrical

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



RECEIVED

MAY 15 2019

DEPARTMENT OF
PLANNING & ZONING

Discovery Hall
Northwest Parking

Project No. 17343

Scale N.T.S.

Drawn by DMR/TJB

Checked by

Date May 08, 2019

Revisions

No. Date

Drawing Title

Civil Details

Drawing No.

CD-1.3

COLIN P. LINDBERG, A.I.A.
208 FLYNN AVENUE, SUITE 2B
BURLINGTON, VT 05401
802-864-4950

RECEIVED
MAR 26 2019

DEPARTMENT OF
PLANNING & ZONING



RECEIVED
APR 17 2018
DEPARTMENT OF
PLANNING & ZONING

COLIN P. LINDBERG, A
208 FLYNN AVENUE, SU
BURLINGTON, VT
802-864-





RECEIVED

APR 17 2018

DEPARTMENT OF
PLANNING & ZONING

COLIN P. LINDBERG, AIA

208 FLYNN AVENUE, SUITE 200

BURLINGTON, VT 05401

802-864-1111

LINCOLN BROWN ILLUSTRATIONS

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Brad Rabinowitz
AJ LaRosa
Austin Hart
Springer Harris
Geoff Hand
Alexandra Zipparo
Zoraya Hightower
Jim Drummond, (Alternate)
Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday May 21st, 2019, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT AMENDED AMENDED AGENDA

I. Agenda

II. Communications

III. Minutes

IV. Consent

1. **19-0745CU; 669 Riverside Ave (RM, Ward 2C) BHA Riverside Ave Apt**
Change of use from maintenance garage to daycare(Project Manager: Scott Gustin)
2. **19-0702CA; 1364 North Ave (RL, Ward 7N) City of Burlington School Dept.**
Site improvements. (Project Manager: Ryan Morrison)

V. Public Hearing

1. **19-0474DT; 164 North Willard (RL, Ward 1E) Luke Purvis**
Appeal of administrative adverse determination as to grandfathered status or 15-year statute of limitations regarding northern parking area, southern parking area, and use as a tri-plex. (Project Manager: Scott Gustin)
2. **Review of 2019-2024 Joint Institutional Parking Management Plan**
This item will be deferred to a future DRB meeting.

VI. Certificate of Appropriateness

1. **19-0800CA; 384 South Prospect St (I, Ward 6S) University of Vermont & State Agricultural College**
4,544 gsf addition to the UVM Music Building Recital Hall; A building addition at the northeast end of the existing building with new sidewalks to the doors. Handicap parking and travel lane will be reconfigured for access and drainage improvements. Dumpster pad will be relocated and enlarged. (Project Manager: Ryan Morrison)
2. **19-0688CA; 275 Main St (I, Ward 6S) City of Burlington School Dept.**
Amend ZP 18-0898CA. (Project Manager: Ryan Morrison)

VII. Sketch Plan

1. **19-0755SP; 266 College St (FD5, Ward 8E) Hotel Y Burlington, LLC.**
Sketch plan review for hotel and below grade parking structure with rooftop bar and restaurant. (Project Manager: Scott Gustin and Mary O'Neil)

VIII. Adjournment

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

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).
Printed on 100% Recycled Paper

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

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

Listed on the National Register of Historic Places October 13, 1988

55. Young Men's Christian Association (266 College Street); 1934

A large, Colonial Revival, brick structure with eaves front, slate covered, gable roof. The 6 x 2 bay main block is 3 1/2 stories high, with each principal bay marked on the front by a gable roof dormer. The slate roof is finished with a molded cornice and full entablature with modillion blocks. A projecting brick beltcourse on the main block separates the second and third floors. The main entry is at the westernmost bay of the main block, within an arched opening with soldier course border. A leaded, semi-circular fanlight surmounts the modern, double leaf fire doors.

A 3 x 2 bay, 2 1/2 story wing to the west varies from the main block only by the addition of swags on the frieze board, made by incised, circular depressions of varying sizes. A much smaller 1 1/2 story, 1 x 2 bay wing on the east allows for a side entrance. The main block and its two wings rest on a slightly raised basement level under a soldier course and header course water table. A flat roofed, 2 x 2 bay, 1 story addition with canted corners projects to the west.

Fenestration is 6/6 sliding sash with gauged arches and projecting marble sills. Large end chimneys break the ridge at the east gable of the main block and the gable end of the 2 1/2 story wing.

At the rear of the structure a 3 story, 2 x 2 bay flat roofed addition connects the main building facing College Street to a 1 1/2 story, 6 x 4 bay, flat roofed swimming pool addition on a high basement along South Union Street. All windows on this block are blind and brick filled. To the rear (north) of this is a new swimming pool addition (c.1985); this 1 story, flat roofed addition is constructed in common bond brick with no windows, but only service entrances breaking the wall plane. This addition is non-contributing.

The YMCA was designed by Burlington architect Frank L. Austin to replace the organization's first building on Church Street, which burned in 1928.



Via Hand Delivery and EMail

May 20, 2019

Burlington Development Review Board
149 Church Street
Burlington, VT 05401

Re: Luke Purvis/164 North Willard Street, Burlington

Dear DRB Members:

Enclosed is Respondent Luke Purvis' submission in advance of the May 21 DRB hearing in relation to his property located at 164 North Willard Street, Burlington.

Northern Parking

1. Did the northern parking area pre-date the 1973 Zoning Ordinance?

Mr. LeClair, the prior owner of 164 North Willard Street (the "Property"), states that the northern parking area was there when he bought the Property in 1966 and had been in use since the 1950s. *Exhibit A, Two Affidavits of H. LeClair*. Mr. LeClair states that throughout his ownership of the Property he regularly re-graveled this parking area as weeds grew up through the existing gravel. This means the gravel parking area was in existence prior to 1973, the year identified by the City as the first year a permit would have been required. As such it is a pre-existing non-conforming structure and the City must show that parking area was not used for parking for at least a year. Please note that at the time parking areas were created, no setback requirements existed, explaining the northern (and southern) parking area's location within the current setback area, consistent with the parking areas at many of the adjoining properties.

The City has alleged that the northern parking area was discontinued based solely on orthophotos. The orthophotos are taken from high elevation and of relatively poor resolution. The City claims these photos prove there was not gravel in the northern parking area or cars parked in that area and that cars did not use that area to turn around before driving out onto Route 7. All these photos show is that on one day, at one time, no car was parked in the northern parking area. These photos were taken during the day. Many parking areas are empty during the day as people commute to work. Therefore, these photos are of very little import as to whether Mr. LeClair, his tenants and invitees, used the northern parking area. On the other hand, Mr. Purvis has gathered a plethora of witness statements dating back to the 60s asserting the northern parking area was used regularly for parking. These statements (discussed in detail below) are not made by interested parties or family members, they are made of present and former residents of

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the neighborhood and present and former tenants of the Property. None of these people have any reason to lie or misrepresent the facts.

The City claims these photos also show a lack of gravel in this area. However, it is common knowledge that overtime grass will grow up through a graveled parking lot surface, even if it is being regularly parked on. Mr. LeClair's affidavit expressly acknowledges this and states that he would allow the grass to grow in overtime and then re-gravel the area as necessary. The resolution of the orthophotos is simply not sufficient to see if gravel remained in these areas. Therefore, it is more likely than not that these orthophotos were taken shortly before Mr. LeClair re-graveled the area in question or simply just before he mowed the lawn. Therefore the balance of the evidence clearly supports the continued use of the northern parking area from before 1973 to the present.

2. Was the parking area to the north of the driveway approved as part of the permitting process in 1968?

Mr. LeClair received a zoning permit in 1968 for working on race cars and junk cars on the Property. At the time, Mr. LeClair would have been required to submit a site plan as part of his application. It is our understanding that if such a site plan was submitted and approved, it was destroyed in an accident and the City no longer has a copy of the site plan. To work on the cars, vehicles would have to be parked on the Property. Therefore, it is more likely than not that the City would have required Mr. LeClair to submit a site plan showing where this work was to take place. For example, it is unlikely that the City would have allowed him to park a car in his front yard for this purpose. According to Mr. LeClair, the northern and southern parking areas were used for that purpose beginning in the late 1960s. The parking areas were used to park the cars that were worked on, parking for mechanics who assisted Mr. LeClair and by the buildings occupants, *i.e.* the permitted use of the parking area would have been both for parking race and junk cars and for residential and guest parking. In other words, shortly after the 1968 zoning permit was issued, Mr. LeClair began using both the northern and southern parking areas, making the parking areas status as permitted structures more likely. Finally, Mr. LeClair was engaged in a noisy and messy activity, the type of activity likely to solicit complaints from neighbors, yet no such complaints were ever made, again making it more likely that the parking was a permitted use, not simply a grandfathered non-complying use.

Mr. LeClair's statements are supported by the statements of Philip Bowler and Dale Lavalley, among others. Dale Lavalley grew up in the neighborhood of 164 North Willard in the 60's and still lives nearby. As a child, Mr. Lavalley was friends with a child who lived in one of the Property's rental units and with Mr. LeClair's son. Mr. Lavalley recalls cars parked on both sides of the driveway beginning in the 60's. Mr. Bowler was a volunteer mechanic for Mr. LeClair and lived just around the corner from the Property. Mr. Bowler would walk over to the Property to work on race cars. He recalls cars parked on both sides of the driveway. Both Mr.

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Bowler and Mr. Lavalley say that for years after they stopped spending significant time at the Property, whenever they drove by the Property they would look up the driveway to see if Hector was there and that when they did so, they observed cars parked on both sides of the driveway. The supporting statements show that this mixed use continued throughout Mr. LeClair's ownership. *Exhibit B, Two Affidavits from P. Bowler and C. Lavalley Statement.* The statements show that parking occurred on both sides of the driveway from the late 60's forward and that the parking areas were regularly re-graveled.

3. If not permitted in 1968, was the northern parking area in existence prior to 1973 and used continuously since that time?

As explained above, the northern parking area has been in use for over fifteen years without interruption. The City has pointed to aerial photos that show the northern parking area weeded over and empty and suggests this means that use of the parking area had temporarily ceased. This is not the case. Weeds continually grew up through the gravel over time and occasionally Mr. LeClair would re-gravel the parking area. The City's own photos show the northern parking area turning green over a three year period, from 2013 to 2016. So the aerial photos may have been taken just before the area was re-graveled or the vegetation mowed. The intermittent parking of cars on weeds will not (see above) necessarily kill the weeds and the fact that weeds grew in over time is not evidence that the area was not continuously used for parking. This is especially true once the property was no longer used for racing activities, as the number of cars parking there would have declined, with parking being limited to use by the Property's residents and guests. The continuous use of the northern parking area for at least 15 years is supported by the statements of Mr. Bowler and Mr. Lavalley as discussed above.

In addition to my clients' testimony, the affidavits provided by Mr. LeClair, and the statements from Mr. Bowler and Mr. Lavalley, there is testimony from numerous other neighborhood residents, including Ms. Tamulonis, Ms. Wilson, Ms. Schneiderman, Mr. Phillips, Mr. Hartnett, Mr. Fellingner, Mr. Valle, Ms. Toolin, Mr. Hale, Ms. Mariani. *Exhibits D, E, F, G, H, I, J, K, L, and M.* Ms. Tamulonis has owned 172 North Willard since 2002. Her property abuts the Property. She will testify she observed parking to both sides of the driveway in the rear of the Property and also observed that these gravel areas were regularly plowed. Ms. Tamulonis has an excellent view of the Property from her home. Sue Wilson resided at 172 N. Willard from 2011 until 2018. It abuts the Property to the South and the two homes are only separated by a driveway. Ms. Wilson could observe both parking areas. Ms. Wilson states that both parking areas were used throughout her tenure at 172 N. Willard. Jo Schneiderman owned and occupied 158 N. Willard from 1976 to 1978 and observed parking to both the north and the south of the driveway at the Property. Adam Phillips states that he was born and raised across the street from the Property at 157-59 N. Willard. He states that there has been continuous use of both parking areas from 1980 to the present. Jim Hartnett lived near the Property on Brookes Avenue and worked as the newspaper boy for the neighborhood. He reports seeing cars parked on both sides

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of the driveway beginning in the late 60s and continuing through to the present. Mr. Fellingner owned and occupied 169 North Willard from 2006 to 2014. It is located directly across the street from 164 North Willard. He observed that tenants parked to the sides of the driveway in the rear of the Property. Mr. Valle has lived at the Property as a tenant since September of 2013 until August of 2018. He will testify that he observed parking to both sides of the driveway in the rear of the Property. Ms. Toolin was a tenant at the Property from October 2013 to September 2014. She was advised that she was allowed to park in the gravel areas on both sides of the driveway. Mr. Hale was a tenant at the Property from October 2014 through November 2015. He will testify that parking was allowed in the gravel areas on both sides of the driveway. Ms. Mariani will testify that she was a tenant at the Property from August of 2013 to July of 2014, and that she used the gravel areas on both sides of the driveway to park.

In addition to the above witness statements, my clients also observed the re-graveling of the parking areas prior to their purchase of the Property. In March of 2012, my clients took a tour of the property and discussed both parking areas. Mr. LeClair had recently performed maintenance on the unpaved parking areas by adding fresh gravel to them a week or two earlier. They submitted an offer to Mr. LeClair about a week later. My clients continued to research the parking issue as during one of their visits, the Clearys had informed my clients that they disputed Mr. LeClair's assertion that he had always parked on both sides of the driveway. My clients then found more images on the internet showing parking to the north and south of the driveway. My clients visited the Planning and Zoning office to research parking at 164 North Willard. Just to be safe, given the Clearys' claims, they spoke with Nic Anderson of the Planning and Zoning Office. Although Nic and my clients found no permits specific to parking on record, Nic indicated that if the parking had been going on there for 15 years it would be grandfathered. He indicated if the parking had been there since the early 60's, it would be a legal non-conformity. Nic showed them aerial photos showing cars parked to the side of the driveway. Nic said that testimony from prior owners could be sufficient to demonstrate the usage.

Accordingly, the evidence clearly demonstrates continuous use of the northern parking area for over 15 years.

For all the above reasons, the City should conclude that the Purvises are entitled to continue their use of the parking area to the north of the driveway.

Southern Parking

The City claims the DRB does not have jurisdiction over this issue while an appeal related to the prior decision on the southern parking area is on appeal. The issue on appeal is whether the southern parking area qualifies as a Bianchi structure, i.e. an illegal structure that remained in place for 15 years. However, the prior decision did not address whether the southern

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parking area was a permitted use or whether it was a grandfathered non-complying structure. Accordingly, both those issues are properly before the DRB.

1. Was the parking area to the south of the driveway approved as part of the permitting process in 1968?

The evidence and argument that the southern parking area was a permitted use is the same as the evidence and argument submitted in favor of the northern parking area's status as a permitted use.

2. If not permitted in 1968, has the portion of the southern parking area located within the easement area been in existence and continually since 1973?

The evidence and argument that the southern parking area was a grandfathered use is the same as the evidence and argument submitted in favor of the northern parking area's status as a grandfathered use

3. The prior decision was not affirmed after a hearing in the Environmental Division.

The sole reason the southern parking area's status as a Bianchi structure was affirmed on appeal is not because the City prevailed after a fair hearing, but rather solely because Mr. Purvis' counsel missed a filing deadline. Therefore, the fact that the DRB's prior decision was affirmed should not be construed as evidence that its decision was upheld by the Environmental Division. There was no hearing before the Environmental Division. The Environmental Court's decision affirming the DRB decision is on appeal to the Supreme Court on several grounds, the most important being the City's failure to disclose the existence of the 1968 permit. The City's original submission and the prior DRB order pertaining to the southern parking area both expressly state that no such permit exists.

Triplex and Duplex

1. The Property, is at a minimum, a duplex.

The City has acknowledged that the Property was at least a pre-existing non-conforming duplex, but claims that use was discontinued during the period 2010-2013. The sole evidence cited by the City in support of this contention are the rental billing records. The City notes that all the rental reports from 2004 forward refer to two rental units. However, as noted by numerous witnesses, and as expressly noted on the 2013 rental registration, Mr. LeClair used the third unit as both a home and an office. Mr. LeClair also described the Property as triplex in the deed from himself to Mr. Purvis. *Exhibit N Warranty Deed*. This would be consistent with the

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rental records from 2004 to 2009 which show two rental units. The rental registration forms themselves are very confusing and use a double negative in the column in question. The form states: "Indicate if not a rental unit: If not, insert "N"." The City has acknowledged this language is confusing and has revised it to read: "Is this a rental unit? Y/N." The rental registrations form did not require the listing of an owner-occupied unit before their redesign by the City after 2013.

It is true that beginning in 2010, the forms indicate that two of the units were not rented. However, there are a number of logical explanations for this other than that their use as rental units had been discontinued. Mr. LeClair had a tenant steal certain racing memorabilia from the Property and historical property documents left by one of the prior owners, from the attic. From that point on, Mr. LeClair was very careful about who he rented to, often opting to let family members use the Property, arguably rent-free.¹ In addition, the units may have been vacant on the date the form was filled out, but rented a month later. The forms are also contradicted by more than one witness statement. The 2013 forms were marked not 'not rented', but Cara Toolin testifies she rented one of the units in 2013. *Exhibit K, Statement of C. Toolin*. In addition, Mr. J. Valle states that he rented a unit in 2013. *Exhibit J Statement of J. Valle*. A neighbor, M. Krupych states that he toured the Property in 2013 and observed that Mr. LeClair was living in one of the units and that the other two units appeared to be occupied. *Exhibit O, Statement of M. Krupych*. These statements clearly establish that the rental registration forms are inconsistent with the Property's actual use and directly refute the Clearys' testimony in this issue. In addition, these three units have never been physically combined and have always had their own entrances, bedrooms, bathrooms and kitchens with locking doors separating them.

2. Is the property's use as a triplex protected as it has been consistently used as triplex for the last 15 years?

Mr. Purvis acknowledges that pursuant to *Hayford* and *Richardson*, a non-complying use, as opposed to a non-complying structure, cannot avail itself of the 15 year period for enforcement under 24 V.S.A. § 4454. We believe *Hayford* and *Richardson* are bad law and that their holdings conflict with the statute's plain language, which states that the provision applies to "any required municipal land use permit". 24 V.S.A. § 4454(a). As you are aware, the *Hayford* and *Richardson* holdings are the subject of an appeal to the Vermont Supreme Court and a decision will likely issue shortly. If the City loses on appeal, then the property's continued use as a triplex for a period of 15 years would allow its continued use for that purpose. Importantly, the Property has been consistently taxed and assessed as a triplex for over 15 years. *See City's Submission*. Multiple witnesses have submitted statements attesting to its use as a triplex for the

¹ Unfortunately, Mr. LeClair is in extremely poor health and cannot testify on these issues. As counsel for the City will confirm, when Mr. LeClair was deposed a few years ago, his recall was extremely limited. He did execute the attached affidavits prior to the decline in his health.

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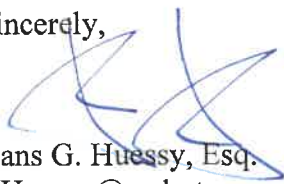
MSK
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15 years prior to Mr. Purvis' purchase of the Property. The balance of the arguments pertaining to the Property's use as a triplex are the same as those in favor of its designation as a duplex.

This enforcement action will accomplish nothing other than to eliminate two apartments in Burlington's extremely tight housing market. The elimination of these units does not mean that the Property's use will become less intense. On the contrary, the Property will likely be rented out as a single unit to a large group of college students, the type of renters willing to live in a large combined living situation, rather than three couples or single older tenants desirous of a greater degree of privacy. This matter only came to the City's attention as a result of a neighbor's complaint. The Clearys who live next door had a long-standing feud with the prior owner of the Property over his use of an easement over their property. That feud has continued after the Property's sale to Mr. Purvis. It has intensified to the point that the Clearys have sought restraining orders and filed several police reports, none of which have resulted in any action against Mr. Purvis. Recently, Mr. Purvis appealed a zoning permit issued to the Clearys, and the Clearys abandoned the permit. Accordingly, any testimony offered by the Clearys must be considered in this light. Importantly, not one other neighborhood resident agrees with the Clearys but rather uniformly contradict their testimony and all other neighbor witness statements submitted to date support Mr. Purvis in every aspect of this matter.

Thank you for your attention to this matter.

Sincerely,



Hans G. Huessy, Esq.
HHuessy@mskvt.com

Enclosures

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AFFIDAVIT

I, **Hector J. Leclair**, hereby state the following to be true:

1. I have continuously owned property located at 164 North Willard Street, Burlington, Vermont since April 27, 1966.
2. The gravel area located to the rear (easterly) of the dwelling has been used as a parking area for the property since 1966, and on information and belief, was used as a parking area for the property as long ago as the 1950's.

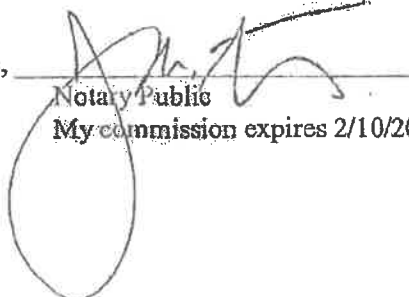
Dated at Colchester, Vermont this 16th day of November, 2013.


Hector J. Leclair

STATE OF VERMONT
COUNTY OF CHITTENDEN

~~At Colchester,~~ ^{Burlington} Vermont this ~~16th~~ ^{17th} day of July, 2013, personally appeared **Hector J. Leclair**, signer of the foregoing instrument, and he acknowledged the same to be his free act and deed.

Before me,


Notary Public

My commission expires 2/10/2015

EXHIBIT

 A

Statement of Historical Usage for 164 North Willard St

I, Hector J. Leclair, being duly sworn hereby state as follows:

History/Description:

I purchased 164 North Willard St., Burlington VT 05401 in April, 1966. I raised my family in this house. This property served as my home office since the date of purchase until July 2013 when I sold the property. In May, 1968, I purchased the rectangular parcel of land immediately to the south of the barn structure. In August 1983, the 164 North Willard property gained benefit of an exclusive easement over a north eastern triangle of the property located at 158 North Willard Street Burlington Vt, 05401. This triangle easement adjoins the entire westerly edge of the rectangular parcel transferred in 1968.

Usage:

Barn/Garage - This structure never served to accommodate the parking needs of the property. It has always been used as a shop. Its first use was as automotive shop to support mechanical and storage needs to successfully own and drive the #59 stock car from the late 1960s and through the 1970s. After the stock car operation outgrew the barn, the usage of the structure transitioned to support the storage and construction needs of my real estate development businesses and the barn served those purposes until the property was sold in 2013.

Parking - The north side of the driveway to the east of the house has been used for parking since purchasing the property in 1966 and to my knowledge before 1966. Beginning in the late-1960s, early-1970s, I added gravel to this lot at regular intervals to maintain the parking lot. Each time I added new gravel to the parking area, I maintained the same footprint as the previous area, and did not expand or change the covered area. Most recently, I added gravel in 1996, 2005, and 2013. I have added gravel on this lot many times since my ownership began as vegetation quickly encroaches on the parking area. This northeast lot is able to park 4 vehicles and spans approximately 35 feet from east to west.

This property has always had high usage needs due to mechanics and contractors visiting the barn, business associates meeting in my home office, and tenant parking. The north east lot was never able to accommodate the off street parking needs of the property. In 1983, an easement was created to address the parking shortage. This easement was intended for and has been used as parking for 164 North Willard since its creation. Up to 4 cars are able to park on this easement. I installed a metal fence and planted trees along the easement line as part of this easement's creation. The metal fence stayed in existence, uninterrupted, without complaint from owners of 158 North Willard as a boundary line until it was removed and replaced by a wooden stockade fence in 2012, prior to the sale of 158 North Willard. I agreed to the replacement of the metal fence line to wooden stockade because of the improvement to privacy. The wooden fence was intended to be the boundary line replacement of the metal fence. Maintenance of this easement area, since its creation, included weeding, mowing, adding gravel and dirt as needed and snow removal, which I performed.

Finally, I parked trailered equipment on the rectangular parcel that was transferred in 1968 as needed.

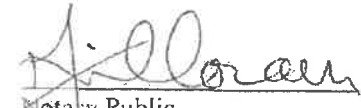
Dated at Burlington, Vermont this 4th day of August, 2014.


Hector J. Leclair

STATE OF VERMONT
COUNTY OF CHITTENDEN

Subscribed and sworn to before me this 4th day of August, 2014.

By:


Notary Public
My Commission Expires: 2/10/2015

BURLINGTON, VERMONT THURSDAY JULY 21, 2016

Dear Luke,

AFFIDAVIT OF PHILLIP M. BOWLER SR.
IN RE: PARKING AT 164 NORTH WILLARD STREET

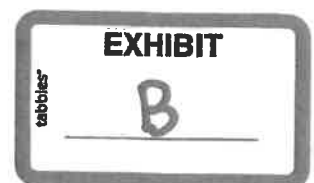
During several years in the early 1980's I was a volunteer race car mechanic for Hector LeClair, owner of said property at that time. Hector raced in NASCAR NORTH. His race car was kept at the garage at 164 North Willard Street. I lived just around the corner at 395 North Street since the early 1970's so I almost always walked over to the garage. There were several other mechanics who also worked several nights a week on the race car and/or parked their cars at the garage as we went to the races or prepared the car for the races. Every night we were at the garage several of the mechanic's cars were parked to the right of the garage, on the south side gravel lot, off the paved portion of the driveway. Sometimes they parked on the north off of the paved portion of the driveway because we had to load the car on the race car hauler in front of the garage on the paved portion. Those other mechanics were Andy Costello, Kenneth Bucklin, Randy Chapin, Robert Hudson and sometimes, Hector's brother, Marcel LeClair and his son, also a volunteer mechanic, also occasionally visited and parked there. Hector's son-in-law, Carl Kane, also occasionally visited and helped us work on the car. They all lived outside of Burlington and drove their cars to the garage and parked off the pavement, mostly to the right of the garage. The season ran from April until sometimes early October. If we went to races far away such as Oxford Plains, Maine or Dover, Delaware, cars were parked there from all day to several days. I never heard of or about any complaints from adjoining neighbors. The six wheel Chevrolet race car hauler was almost always backed in to the south of the garage.

I drive by that address almost every day and several times a year would stop by and visit Hector until he sold the building. I almost always looked up the driveway to see if Hector was there. There were frequently vehicles parked to the right of the paved driveway on the gravel to the south of the property.

As far back as I can remember there have been three mailboxes on the property, two on the front porch and Hector's mailbox on the side porch in front of the door. During the course of my time there there were tenants in both the front second floor apartment and the rear apartment at various times. I cannot adjudge to how continual their tenancy was because other than waving or occasionally chatting with them, I did not pay any particular attention to them. The tenants and others also parked on the north side of the driveway.

NOTARIZED THIS 21st DAY OF JULY, 2016:

Phillip M. Bowler Sr.
Phillip M. Bowler Sr.
Regards
Phillip M. Bowler Sr.
Phillip M. Bowler Sr.



AFFIDAVIT OF PHILLIP M. BOWLER, SR.

Phillip M. Bowler, Sr., being over the age of eighteen years and a resident of the State of Vermont hereby deposes and states as follows:

1. My name is Phillip M. Bowler, Sr, I am more than eighteen years old, and I have personal knowledge of the following facts.
2. During several years in the early to mid-1980s, I was a volunteer car mechanic for Hector LeClair's race team. He was the owner of 164 North Willard Street, Burlington, Vermont (the "Property") at that time.
3. I worked for Hector while he raced in NASCAR NORTH. His cars for racing were kept in the garage at the Property. The garage was his shop to repair cars and toys.
4. I've lived just around the corner, at 395 North Street, since the early 1970s. When working, I almost always walked over to the garage at the Property.
5. I remember walking down Dan's Court looking for a shortcut to the garage. There was a 4" x 4" turkey wire fence from the house on the northwest corner of North Street all the way to the end of the street. It was impossible to access the garage from Dan's Court and after that I always walked down North Street and in front of the houses on Willard Street.
6. There were quite a few other mechanics who also worked several nights a week on the car. Mechanics parked their vehicles at the Property while we went to the races or worked on the cars or visited the Property. Many of these mechanics worked with Hector before my time as well.
7. Those other mechanics were Andy Costello, Kenneth Bucklin, Randy Chapin, Robert Hudson, sometimes Hector's brother, Marcel LeClair and his son, also a volunteer mechanic, occasionally visited and parked there. Hector's son-in-law, Karl Kane, also occasionally visited and helped us work on the car.
8. The six wheel Chevrolet car hauler was almost always backed in to the south of the garage near Dans Ct and had been parked there prior to my work as a mechanic.
9. Every night we were at the Property, several of the mechanic's cars were parked angled to the South of the driveway,
10. This area was full of gravel extending to a wire fence separating the Property from the neighbor to the south.
11. The other mechanics all lived outside of Burlington and drove their cars to the Property. Sometimes they parked on the north lot because we loaded the car on the race car hauler in front of the garage on the paved portion.
12. If we went to races far away such as Oxford Plains, Maine, Dover, or Delaware, cars were parked off the driveway from all day to several days mixed with tenant parking.
13. I never heard of or about any complaints from adjoining neighbors from the car repair activities. I became acquainted with Rabbi Raskin's family while they lived next door.
14. We were never told we could not park there or that there was any problem with parking at the Property. On race preparedness nights, there were often five or six mechanics cars parked there. The parking activity would have been apparent to all who drove or walked by. The repair, racing and parking activities were well known throughout the community.
15. Tenants were also using the gravel areas, off the driveway, for parking.
16. There was gravel on both sides of the driveway and to the south of the garage as long as I can remember. The activities related to car repair and racing occurred primarily on the

right/south side of the driveway and barn, including the easement. These gravel areas were also used to turn cars around on so vehicles could drive out of the driveway rather than back out.

17. After Hector's race car operation left the property, I know that Hector continued using the garage for an antique car repair and for his other toys.
18. I drove by Hector's place almost every day, and several times a year would stop by and visit Hector until I retired in 2002. After 2002, I started to travel more, but continued making visits and noticed consistent and similar repair and parking activities continuing.
19. I almost always looked up the driveway to see if Hector was there. I would see Hector's vehicle and other vehicles parked to the right of the paved driveway on the gravel to the south of the Property. If I drove down the driveway, I saw cars on the northern gravel.
20. Towards the end of Hector's ownership, the gravel on both sides had gotten more intermixed with weeds, but the areas were still parked on.
21. As far back as I can remember there have been three mailboxes on the property, two on the front porch and Hector's mailbox on the side porch in front of the door.
22. I remember Hector's racing activities at the property back in the early/mid 1970s.
23. During my direct interaction with the Property began in the early 1980s there were tenants in both the front second floor apartment and the rear apartment. After that I believed they were occupied.
24. During an early period of time while Hector owned the Property, he lived there with his family. His family did not live there while I worked as a mechanic, but Hector maintained his own apartment until he sold.
25. Later, Hector would stay at the Property whenever he had business in Burlington until he sold.
26. Luke and Christina live in Hector's unit and are raising their family there just like Hector.
27. If there is a zoning permit to 'work on cars and junk cars', that description is consistent with the activities inside and outside of the garage at the Property that I witnessed and participated in over 40+ years.

DATED at West Memphis, Arkansas this 22 day of September ~~2018~~ JANUARY, 2019.

Phillip M. Bowler, Sr.
Phillip M. Bowler, Sr.

STATE OF Arkansas
Crittenden COUNTY, SS.

Subscribed and sworn to by Phillip M. Bowler, Sr., identified or known personally to me,
at West Memphis, Arkansas this 22nd day of September ~~2018~~ January, 2019.



me,

Jane Hawley
Notary Public

My Commission Expires: 2-18-2023

**Dale Lavalley
109 Elmwood Ave.
Burlington, Vt 05401**

Hi Luke,

Nice meeting you the other day and I enjoyed our conversation about the neighborhood I grew up in. I currently reside on Elmwood Avenue, not far from the Willard Street area. I'm sorry to hear the City of Burlington somehow misplaced any permits Hector LeClair applied for back in the day. I hung around with his son Ricky as well as kids on Dan's Court and Russell Street. Hector was a racecar driver at Catamount Speedway and Thunder Road so he had a garage with parking on both sides of the driveway as well as out back. There were cars all over the place. On race days all his mechanics and friends would park on the property while they were away. We'd watch them (and help a little) load up the car carrier on race days. He had one of those large car carriers he kept on site. He had a couple of beat up race cars out back he would let us play in. It was cool when you're a 9 year old kid. I'm talking 1966-67 time frame. Hector was a nice man and let us hang out there as long as we stayed out their way. He always had mechanics there working on something. We also hung out with the Chagnon's who live in one the apartments. There was a third apartment with an elderly couple but I never met them. I still enjoy driving through that area and checking out our old hangouts. Throughout the years I've noticed the area to the south of the driveway regularly used for cars and parking as that area is visible from N. Willard Street. I work for Vermont Gas Systems and had the pleasure of working with Hector on several natural gas pipeline projects since he owns a lot of land off Sandhill road in Essex. Over the years he's developed Corporate Drive into a nice commercial/industrial development. He's been great to work with over the years.

Hopefully the City of Burlington will grant you the same opportunity to use the property as it was decades ago.

Take Care,

Dale Lavalley
Dale Lavalley

EXHIBIT

C

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AFFIDAVIT OF MARGARET M. TAMULONIS

Margaret Tamulonis, being over the age of eighteen years and a resident of the State of Vermont, hereby deposes and states as follows:

1. My name is Margaret Tamulonis, I am more than eighteen years old, and I have personal knowledge of the following facts.
2. I have owned and resided in 172 North Willard since the summer of 2002.
3. 164 North Willard Street shares my southern boundary line.
4. Within days of my purchase of 172 North Willard St., Hector Leclair, the previous owner of 164 North Willard, introduced himself and explained that he owned the building next door, occupied one unit and had tenants. I observed that to be true.
5. Prior to my purchase, I was aware 164 North Willard was a multiple unit apartment building.
6. At that time, there were established parking areas to the north and south of the driveway. They looked to be gravel. I believed they had been in use for many years.
7. From my home, I have a direct view of all northern windows of 164 North Willard. Our structures are separated only by my driveway and there are no trees obstructing this view.
8. From my home and back yard I am able to view the back yard of the 164 lot including the barn and areas to the north and south of the driveway.
9. I regularly walk by 164 North Willard in the morning, afternoon and evening. It is the first house I pass on my walk to work.
10. Mr. Leclair visited his unit on the first floor on a near daily basis for much of the year. He would winter for a couple months in Florida.



11. Throughout the years I did not interact with the tenants much, but I observed them come and go via the front double door and sometimes noticed them at the rear door along the driveway. I saw the usual signs of apartment activity including lights, windows opening and closing and heard AC units. I noticed delivery drivers. In the summer I noticed people out back, even when Mr. Leclair was not there. 164 North Willard was continuously used as a multi-unit apartment building up through the time when Mr. Leclair sold the property.
12. Throughout my time on North Willard, cars regularly parked on the gravel to each side of 164 North Willard driveway and sometimes on the driveway. When Mr. Leclair worked on his race cars and other barn projects, visitors parked in both areas and in the driveway. I observed Mr. Leclair park on driveway, to the south of the driveway, to north of the driveway and in the barn. Mr. Leclair was the only one to occasionally park in the barn. Cars turned around on one of the gravel areas and were able to exit the property by driving out rather than backing out.
13. In the months before Mr. Purvis's purchase, Mr. Leclair was trying to sell. I know a previous neighbor seriously considered purchasing as an investment property. Mr. Leclair continued to visit his unit regularly and guests did too. Parking occurred as usual, in the areas to the north and south of the driveway mostly. He snow birded that winter. I believe there was a property caretaker who occupied a unit.
14. Over the years, there were times when an apartment may not have been rented because it seemed quieter or darker, but after a time it would be occupied again. I never thought the use of any of the apartments was discontinued, or that the property was anything but a triplex building, even if tenancy was not at 100%.
15. Each winter, up through winter of 2013, and then including the first winters of Mr. Purvis's ownership, the driveway, and gravel areas to the north and south of the

driveway were immediately plowed after each snowfall and pathways maintained.

16. Due to the history of parking, it was not odd to see gravel maintenance to the north and south of the driveway in March 2013. Similar maintenance had been done before.
17. In the first month after 164 sold in July 2013, Mr. Purvis introduced himself to me. We spoke about the history of his property including where cars had parked. I shared these same observations about its use and history.
18. In the months directly after Mr. Purvis's purchase, I observed parking on both sides of the driveway. Parking has continued regularly in both areas. The barn is used for parking during the winter. More recently there has been parking on the driveway. These parking patterns are the same as I had seen during Mr. Leclair's time.
19. In the summer and fall of 2014, a large number of trees were removed from the boundary and fence line between 158 North Willard and 164 North Willard.
20. In April 2015, prior to the DRB meeting for 164 North Willard, I received an email from Mr. Cleary asking if I had observed the expansion of parking at 164 North Willard in March 2013. That was the first time Mr. Cleary asked for my observations.
21. I attended the DRB meeting about the expansion of parking at 164 North Willard with intent to provide the above testimony as it related to parking. Mr. Purvis did not want me to be involved in a neighborly dispute and so I did not speak.
22. Every spring and during heavy rains, my backyard is soggy. Water will pool during the spring thaws and heavy rains in the low areas; where the slope of the hill directs water.
23. These statements are made on my knowledge and belief.

DATED at Burlington, Vermont this 4th day of May, 2017.

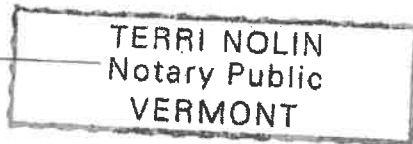
M. M. Tam.
MARGARET M. TAMULONIS

STATE OF VERMONT
Chittenden COUNTY, SS.

Subscribed and sworn to by Margaret Tamulonis, known personally to me, at
Burlington, Vermont this 4th day of May, 2017.

Terri Nolin

Before me, Terri Nolin



Notary Public
My Commission Expires: 2-10-2019

Susan Wilson, being over the age of eighteen years and a resident of the State of Vermont hereby deposes and states as follows:

1. My name is Susan Wilson.
2. I lived at 172 North Willard Street between November 2011 – April 2018.
3. 164-166 North Willard St is adjacent to the south of 172 North Willard.
4. 164-166 North Willard, "The Property", had 3 units during my time as a neighbor.
5. Our houses were separated by a driveway. So, I had direct sight of the northern side and windows at The Property. All the bedrooms at The Property have windows on the northern side unlike the other sides of the house.
6. Hector Leclair occupied unit #1. He visited mostly during the day but did stay over too. He was a snow bird in winter.
7. Units 2 and 3 were always occupied until Mr. Leclair started trying to sell The Property in Fall/winter of 2012. Sometimes, tenants were family and friends.
8. Luke Purvis found new tenants directly after purchasing in summer 2013.
9. There was gravel on both sides of the driveway before March, 2013. Maintenance was not surprising as weeds were growing in the gravel.
10. Parking at The Property had always occurred on the gravel to either side of the driveway.
11. Visitors used the gravel to turn vehicles around on so they didn't back out into the flow of traffic on the street. That made The Property's driveway/ sidewalk safer for pedestrians like me.
12. The gravel on either side of the driveway was used continuously for parking, turning around, and car repair activities.
13. Mr. Leclair repaired cars in his barn and worked on projects in there. When mechanics and friends visited, the parking areas would have multiple cars.
14. Luke Purvis also worked on cars at the Property. I know he repaired a blue pickup truck.
15. Mr. Leclair had each parking area plowed after snowfalls each winter and the walkways shoveled.
16. There was never office signage or office employees at The Property.
17. In my experience, the way Mr. Leclair used his unit was no different than any other dwelling unit in the neighborhood.
18. 164 North Willard has always had quiet and non-impactful tenants. There are many multifamily properties in the neighborhood and The Property was consistently the quietest.
19. I support The Property has been used as triplex continuously during my time as a neighbor and that each parking area has been as well.

DATED at Burlington, VT this 30th day of April 2019.

S Wilson
Susan Wilson

STATE OF Vermont
Ch. Henden COUNTY, SS.

VT Subscribed and sworn to by Susan Wilson, identified or known personally to me, at Burlington,
this 30th day of April 2019.

Before me, Sherry Ferland
Notary Public
My Commission Expires: 1/31/21

Sherry Ferland
Notary Public
State of Vermont
My commission expires 1/31/21
#157.0004055



Jo Schneiderman, being over the age of eighteen years and a resident of the State of Vermont hereby deposes and states as follows:

1. My name is Jo Schneiderman.
2. I owned and occupied 158 North Willard St between 1976 and 1978. My Ex-husband and I purchased 158 North Willard Street from the Lisman's and sold it to Hector LeClair.
3. During the time I owned the property, the lot was rectangular. There was no connection to Dan's Court via a pathway.
4. A fence enclosed my yard. Trees, scrub and vines grew up the fence between my property and the property to the north. Mr. Leclair owned the property to the north, at 164 North Willard St. The trees and vines and fence provided a wall of vegetation between our properties. I valued that privacy.
5. At the time, I was aware of stock car racing in Vermont and attended races with friends. I knew that Mr. Leclair and his family were invested in racing competitive cars in the circuits. Mr. Leclair used his property and barn to work on cars including stock cars. There were parked cars on gravel to either side of his driveway and next to his barn.
6. From 1976 to 1978 Mr. Leclair's property was a multifamily property. Mr. Leclair occupied one unit.

DATED at Brattleboro VT this 14 day of March 2019.


Jo Schneiderman

STATE OF Vermont
Windham COUNTY, SS.

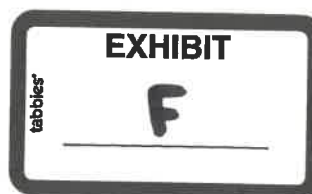
Subscribed and sworn to by Jo Schneiderman, identified or known personally to me, at Brattleboro, VT this 14 day of March 2019.

Before me, 

Notary Public

My Commission Expires: 1/31/21

ERICA GIVEN-VANLEEUWEN
Notary Public, State of Vermont
My Commission Expires Jan. 31, 2021



Adam Phillips, being over the age of eighteen years and a resident of the State of Vermont hereby deposes and states as follows:

1. My name is Adam Phillips.
2. I was born and raised in 157-159 North Willard Street since 1980. 157-159 North Willard is across the street from 164-166 North Willard, "The Property".
3. I am very familiar with the activities of 164 North Willard St through direct observation and interaction with prior owner, Mr. Leclair, current owner, Luke Purvis, and tenants.
4. 164 North Willard has always been used as a triplex.
5. Mr. Leclair lived in apartment #1.
6. There were gravel parking areas to the north and south of the driveway during the 1980s. They were well established had been there for a while when I noticed them as a boy.
7. Mr. Leclair repaired cars in his barn and used the area to the south of the barn to park project cars. Often times there would be a trailer there to transport cars. During the 1980s and into the 1990's, the repair work was focused on race cars. After Mr. Leclair stopped racing, he restored older cars using the barn. He usually had his trailer backed next to the barn on the gravel.
8. Mr. Leclair's units always were occupied. I became friendly with tenants from time to time. Even when I didn't know the tenants, I could see the units were occupied by window lights at night or the coming and going of vehicles. Tenants parked to the south of the driveway.
9. Sometimes Mr. Leclair's friends and family occupied his units. I met a nephew once who told me this.
10. Mr. Leclair used his unit like a second home. He visited on a near daily basis. I'd see his truck there overnight. As Mr. Leclair got older, he did begin to snowbird more in the winter.
11. I never noticed any business uses occurring in Mr. Leclair's unit or at The Property.
12. I almost never saw Mr. Leclair back onto busy route 7. Cars at The Property used the gravel next to the driveway to turnaround and park on.
13. Mr. Purvis now lives in unit #1 with his family.
14. Mr. Purvis has occupants in the other 2 units just like Mr. Leclair always did.
15. Mr Purvis's parking, car repair, apartment usage have continued uninterrupted and in the same patterns and footprints as Mr. Leclair's activities.
16. Mr Purvis uses his barn for car repair just like Mr. Leclair. I know Mr. Purvis replaced an engine in his truck in the barn and uses his barn to work mechanical projects.
17. There was no discontinuance of uses at the 164 North Willard St. property directly before Mr. Purvis purchased the property.
18. I wholeheartedly support Mr. Purvis's application to remain a triplex and continue to use his historical parking areas and permitted car repair activities.



DATED at Colchester, VT this 13 day of May 2019.

[Signature]
Adam Phillips

STATE OF Vermont
Chittenden COUNTY, SS.

Subscribed and sworn to by Adam Phillips, identified or known personally to me, at
Colchester, VT this 13 day of May 2019.

Before me, Erin Hogan
Notary Public

My Commission Expires: 1/31/2021



1/13/19

Regarding 164 North Willard Street

For Burlington Zoning:

My name is Jim Hartnett. I write to share my memories of 164 North Willard St. My family has lived at 75 Brookes Avenue for over 60 years. I was born there in 1962 and I live there now with my mother and sister.

In the late 1960s I was very familiar with North Willard St, North St., Dan's Ct. and the Mt. Calvary Annex, around the Willard Street market. I had a newspaper route with my brother Dave throughout the Hill Section. That route ended at North and North Willard streets. The route included the houses on Dan's Ct.

We began delivering papers in the late 1960s. We continued that route into the mid - 1970s. The Willard Street Meat Market was my family's local grocery. I was always by that store as a kid. My friends and I would stop there with our bikes and cut through Dan's Ct. into the woods around the cemetery.

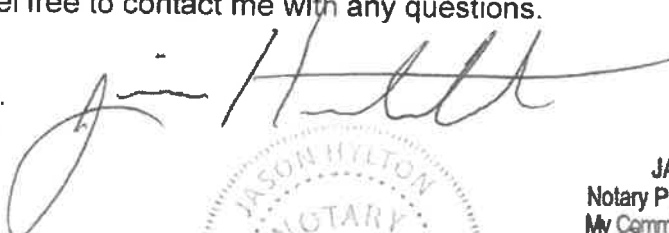
From Dan's Ct, the rear of 164 North Willard Street was visible. It was an interesting place in the city for sure. No other property in the neighborhood repaired race cars. This was in the earliest days of the paper route, the late 1960s. There was a trailer and cars parked on gravel next to a large barn and along the southern driveway privacy fence. I enjoyed seeing the race cars after accidents in various states of repair. The car hauler had a 58 or 59 on it. At least one car seemed to be a parts car. Sometimes we could see into the barn windows as the men repaired the cars. Evenings were very active in that barn.

Standing to the north of the barn on Dan's Ct., I could also see parking behind the house around the same time. I believe there was gravel there. As a paperboy, I noticed 3 mailboxes on the property.

Over the years and up through today, I have driven by that property many times. It's one of those places where I still look up the driveway. I stopped seeing the race cars in the 1990s, but there continued to be activity in the barn. The property looked occupied to me throughout the years and I don't think any unit was vacant for more than 1 year. Often there were cars on gravel to the south of the driveway, just as there always have been. If I would have purchased this property in 2013, I would have believed I could continue to rent it as a triplex and repair and park cars on the gravel and in the barn.

Thanks and feel free to contact me with any questions.

Jim Hartnett.
75 Brooks Ave.
(802)355-0063



JASON HYLTON
Notary Public, State of Vermont
My Commission Expires 2/10/2019



EXHIBIT

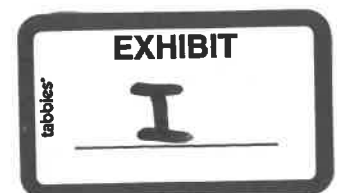
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AFFIDAVIT OF JEFF FELLINGER

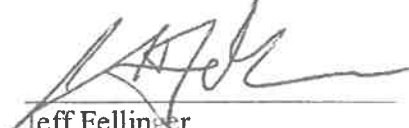
Jeff Fellingner, being over the age of eighteen years and a resident of the State of Vermont, hereby deposes and states as follows:

1. My name is Jeff Fellingner, I am more than eighteen years old, and I have personal knowledge of the following facts.
2. From 2006 through 2014 I owned and resided at 169 North Willard St, Burlington, Vermont. While residing at this address I was able to observe the goings-on at 164 North Willard Street, Burlington, Vermont (the "Property") on a near daily basis.
3. I got to know the previous owner of the Property, Hector Leclair, in passing over the years.
4. Mr. LeClair was there, at his unit, often during the weekdays. He used the garage a lot, storing motorcycles, tools, etc. Then he'd go away for a few months in the winter and snowbird in Florida.
5. Most tenants kept to themselves. They seemed like they were often night shift types. Hector mentioned a time or two that there was often some family connection to the tenants - a niece, an old friend's boy, etc.
6. The back apartment was used the most I would say. The front upstairs unit less so, but it was clear when folks were there in the evening time because lights would be on. Although the tenant activity was less than full-time, it was always clear that the Property was used as a triplex.
7. Some winters seemed to have more tenant occupancy than others. I can remember observing year-round tenant activity most years I lived across the street.
8. A car or cars would park out back, off the driveway on the gravel.



9. A few months before Luke Purvis purchased the Property, I had also been interested in it as an investment property. I most certainly was interested in the Property as a multiple unit investment, and would not have even considered it as a single family home.
10. Hector gave me a couple tours as I cogitated about whether I could make the finances work. Hector's unit was on most of the main floor, I believe. One apartment had some rooms on the 1st floor and some on the 2nd. The third was all upstairs.
11. I did not observe occupants in the apartments at the time I considered purchasing the Property as Hector had selling on his mind.
12. I support whole-heartedly that Mr. Purvis's Property is and for decades has been a triplex. I hope very much that the Planning and Zoning Department will be able to see that a previous owner's submission's on a rental registration form should not bring harm to a current owner retroactively.

DATED at BTV, Vermont this 7 day of June, 2017.


Jeff Fellingner

STATE OF VERMONT
Chittenden COUNTY, SS.

Subscribed and sworn to by Jeff Fellingner, known personally to me, at
Burlington, Vermont this 7 day of June 2017.

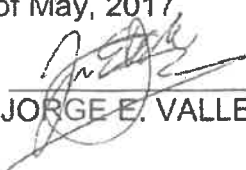
Before me, Staci Anne K. Grove
Notary Public
My Commission Expires: 2/10/2019

AFFIDAVIT OF JORGE E. VALLE

Jorge Valle, being over the age of eighteen years and a resident of the State of Vermont, hereby deposes and states as follows:

1. My name is Jorge Valle, I am more than eighteen years old, and I have personal knowledge of the following facts.
2. I have lived at 164 North Willard since September 2013.
3. From September 2013 through August 2014, I lived in apartment #2 with my now ex-wife. From the living room of this unit, I was able to view the barn and the gravel area to the south of the driveway.
4. During the first months I lived in apartment #2, I observed parking off to the south side of the driveway near the wood fence and hedge of trees. More frequently, I believe the cars parked on the gravel behind the house.
5. In September 2014 I moved to apartment #3. This unit is at the back house and faces the barn. From there, I have observed regular parking off to both sides of the driveway since that time. There has also been parking on the driveway and in the barn during the winter.
6. After moving to unit #3, I noticed a list of tenant rules printed on letter paper taped to the inside of the kitchen cabinet. It seemed to be left by the previous owner for his tenants. I threw it away while tidying up.
7. These statements are made on my knowledge and belief.

DATED at Burlington, Vermont this 24 day of May, 2017.

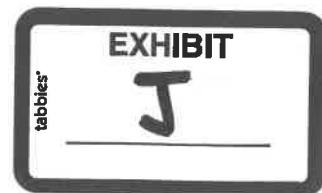


JORGE E. VALLE

STATE OF VERMONT
Chittenden COUNTY, SS.

Subscribed and sworn to by Jorge Valle, known personally to me, at
Burlington, Vermont this 24 day of May, 2017.

{00245770.1}



Jason C. Hyton

5/15/2018

Before me,

Notary Public

My Commission Expires:

STATE OF Vermont
COUNTY OF Chittenden

The foregoing instrument was acknowledged before
me this 5 day of 24, 2017, by Jorge Valle

Jason C. Hyton
Notary Public's Signature
Personally Known _____ OR ID
Type of Identification Produced

State of Vermont
County of Chittenden

On this 5 day of 24, 2017, I certify that this
document is a true, exact, complete, and unaltered
copy made by me and presented to me, by the
document's custodian Jorge Valle
and that to the best of my knowledge, that the
photocopied document is not a publicly recorded document

Jason C. Hyton
Notary Public's Signature

From: Cara Toolin <cbtoolin@gmail.com>
To: Luke Purvis <lpurvis78@yahoo.com>
Sent: Wednesday, March 1, 2017 12:23 PM
Subject: Parking at 164 North Willard October 2013-September 2014

Hello Luke,

I leased apartment #3, at the rear of 164 North Willard, from October 2013 through September 2014. My lease included parking and use of a garden bed. When I applied to rent the apartment we discussed parking on and using the graveled areas on both sides of the driveway. During my lease I mainly parked on the right side of the driveway, most frequently by the red Jeep Cherokee. There was a wood fence and trees that created a privacy hedge next to the triangular lot across the driveway from the house. The trees were cut down in summer of 2014. My family visited a few times and would park on both gravel sides of the driveway during their visits.

Please let me know if I should go into further detail but the above is a honest recount of my lease and parking at 164 North Willard October 2013 though September 2014.

Best Regards,
Cara



----- Forwarded Message -----

From: Robert Hale <bobhale13@gmail.com>

To: Luke Purvis <lpurvis78@yahoo.com>

Sent: Wednesday, July 27, 2016 8:35 AM

Subject: Parking at 164 N Willard

Hello Luke,

My lease began on October 1, 2014 and lasted thirteen months until the last day of November, 2015, when I moved to another apartment in Burlington. My partner at the time, Amanda Martensen, and I were on the lease for apartment #2 of your triplex. At the start of my lease period and use of the property, I observed there were two distinct areas in which cars could be parked. The first and most frequently used, as I noticed, was on the south side of your driveway towards the fence on the right hand side. The red Jeep Cherokee was parked there daily along with either my partners or my own vehicle. This particular parking area was occupied nearly every day of the thirteen months of my lease. On the north side of the driveway was a less used, yet still viable area to park a vehicle. This area was used from time to time as necessary.

Should I need to recount my time at your property further, it will reflect my observations made apparent in the statements above exactly.

Best,

Robert Hale

508.330.0849

96 N. Willard St.

Burlington, VT 05401



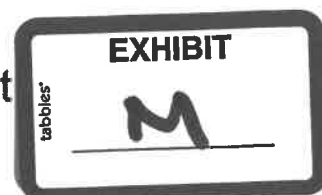
Elizabeth Mariani
88 Pitkin Street #3
Burlington, VT 05401

To Whom It May Concern,

My name is Elizabeth Mariani. I am a former tenant of 164 N. Willard St. I lived there from August of 2013 to July of 2014. While there, I used Carshare Vermont for my transportation needs regarding laundry and groceries. Other times, friends parked at the property. My former landlord, Luke Purvis, discussed the trouble relating to his parking with me. He asked me mostly to park to the north of the driveway but to also park and use the area to the south of the driveway while he attempted reach an agreement with his neighbor and obtain formal resolution. I did park mostly to the north but also to the south. When I parked to the north of the driveway, I often backed into the southern area when turning around to exit the property. I remember other cars using and parking in the area to the south.

I do remember the fence being quite high on the right side of the driveway and the trees were thick providing privacy between the two properties.

If you have any questions you can contact me via email at e87953@gmail.com or 503-319-4892



WARRANTY DEED

KNOW ALL BY THESE PRESENTS, that **Hector J. Leclair**, of Burlington, in the County of Chittenden, and State of Vermont (the "Grantor"), in consideration of TEN AND MORE DOLLARS paid to the Grantor's full satisfaction by **Luke B. Purvis**, of Burlington, in the County of Chittenden, and State of Vermont (the "Grantee"), by these presents, does freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the Grantee, a single person, and the heirs, successors and assigns of the Grantee forever, a certain piece of land in Burlington, in the County of Chittenden, and State of Vermont, described as follows, viz:

Being all and the same lands and premises conveyed to the Grantor and Norma Leclair by deeds (a) dated April 27, 1966, from Edward G. Cobb and Eleanore M. Cobb, recorded in Volume 177, Page 680- of the City of Burlington Land Records; and (b) dated May 10, 1968, from Samuel Lisman and Sarah Lisman, recorded in Volume 190, Page 106- of the City of Burlington Land Records. The interest of Norma Leclair was conveyed to Grantor pursuant to a quit claim deed, dated November 1, 1989, recorded in Volume 409, Page 633- of the City of Burlington Land Records. Said premises are more fully described as a three-unit apartment building. The address of said premises is 164 North Willard Street.

Also conveyed is the exclusive easement reserved by the Grantor in a warranty deed, dated August 18, 1983, to Lillian Norfleet, recorded in Volume 297, Page 080- of the Land Records of the City of Burlington.

The lands and premises are conveyed with the burden and benefit of all utility easements, covenants and rights of way of record.

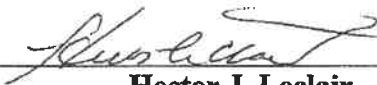
Reference is hereby made to the above-mentioned instruments, the record thereof, the references therein made, and their respective records and references, in further aid of this description.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said Grantee, a single person, and the heirs, successors and assigns of the Grantee, to his and their own use and behoof forever;

And the Grantor, for himself and his successors and assigns, does covenant with the Grantee, and the heirs, successors and assigns of the Grantee, that until the ensealing of these presents he is the sole owner of the premises, and has good right and title to convey the same in manner aforesaid, that it is FREE FROM EVERY ENCUMBRANCE except as aforesaid; and that he hereby engages to WARRANT AND DEFEND the same against all lawful claims whatever, except as aforesaid.

IN WITNESS WHEREOF, the Grantor has executed this deed this 17th day of July, 2013.

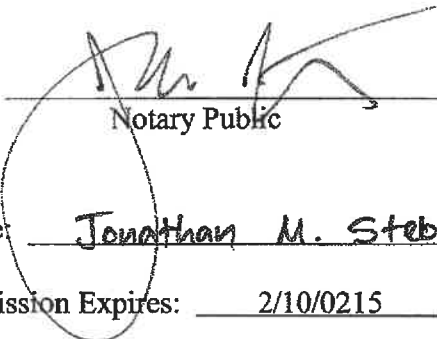



Hector J. Leclair

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

At Colchester in said County and State, this 17th day of July, 2013, **Hector J. Leclair** personally appeared, and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed.

Before me, _____


Notary Public

Print Name: Jonathan M. Stebbins

My Commission Expires: 2/10/2015

17165017

Hans Huessy

From: Luke Purvis <lpurvis78@yahoo.com>
Sent: Monday, June 18, 2018 12:39 PM
To: Hans Huessy
Subject: Fw: 164 North Willard Bld

Hi Hans,
Please see the letter below.
Thanks,
Luke

----- Forwarded Message -----

From: Mark Kuprych <markkuprych@gmail.com>
To: Luke Purvis <lpurvis78@yahoo.com>
Sent: Saturday, June 16, 2018, 11:29:35 PM EDT
Subject: 164 North Willard Bld

Luke, please print this record for your efforts to get BTV to recognize your 3 unit apt building:

I toured the 3 unit apt building at 164 North Willard Street on June 16, 2018, and also before Mr. Luke Purvis purchased it in March of 2013. At that time, Luke told me the then-owner advertised it as a 3 unit apt building and I observed the then-owner in a domicile in Apt 1 (first floor). The other 2 units were occupied as far as I know.

In March of 2013 Luke Purvis did convey to me that the building was advertised as a standing 3 apt building with garage and that was also what I recall from the former owner, who I met and talked with. Mr. Purvis has mentioned that there are several records the city of BTV has on file where various City departments describe the bld as a 3 unit, whereas other City departments have incomplete or "missing" documentation of the buildings' status as a 3 unit apartment.

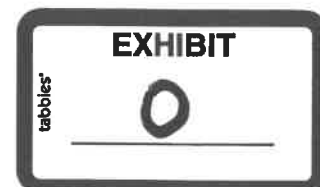
If Mr. Purvis has been paying BTV City municipal taxes as a 3 unit apartment building since purchase, I see no reason why or how the building should not be grandfathered retroactively as a 3 unit as of the 2013 purchase date. Mr. Purvis has indicated he is willing to ensure the bld conforms to code as of his 2013 purchase date. I would strongly advise Mr. Purvis that if the City of BTV has been collecting municipal taxes as a 3 unit bld that that represents fiduciary consent that the city already recognizes the address as a multi-unit. If the municipality can be proved to have lost vital records, it can be argued it has a primary obligation to register the address as a recognised 3 unit structure, as of the date of the lost documentation.

If BTV has previously or is currently collecting multi-unit municipal taxes and also the \$100-per-apartment "fee" on this structure as a 3 unit, I feel the current owner has a more-than-valid complaint, for which the City of BTV should remedy its recording obligations.

Mr. Purvis additionally indicated that a particular city employee has stated she has an opinion of or prior relationship with the prior owner, which cannot be ruled out as bias, given the loss of vital city records for this property, if that is what has happened.

My last observation is: Our city needs MORE apartments, not less, and where lost municipal records are concerned, any obstruction by city officials may be argued as bias.

Mark Kuprych is a BTV owner and operator of multiple apartment blds, Member of Vermont Apartment Owners Assn and advocates for fair and necessary intercourse between municipal and private enterprise.





Via Hand Delivery

May 22, 2019

Burlington Development Review Board
149 Church Street
Burlington, VT 05401

Re: Luke Purvis/164 North Willard Street, Burlington

Dear Development Review Board Members,

Enclosed as Tab A is a site plan showing the two parking areas to the north and south of the driveway. As you will see the parking spaces to the south of the driveway extend into an easement area Mr. Purvis owns over the Cleary property.

Also as discussed, attached is the photo (Tab B) that was mentioned at the close of the hearing. This photo was taken, and submitted to the City, by the Clearys as part of a prior submission. The picture shows Hector LeClair's truck parked in the northern lot prior to Mr. Purvis' purchase of the Property, presumably sometime in the early spring of 2013 given that the gravel appears newly laid and there is no foliage. This photo directly contradicts the Clearys' prior sworn affidavits (Tabs C and D) submitted to the Environmental Court, dated September 23, 2015, in which they expressly state no one parked in the northern parking area until after Mr. Purvis purchased the Property (at paragraph 10, Teresa Cleary and paragraph 11, Joseph Cleary). The Clearys expressly acknowledged this discrepancy in their filing of May 21, 2019, in which they admit Hector parked in northern lot prior to the sale of the Property.

In addition, as the Members may recall, I argued that the Board should require some evidence of intent to discontinue the use. In response, the City's counsel cited the case of *Badger v. Ferrisburgh*, 168 Vt. 37 (1998) (attached as Tab E) for the proposition that the Board cannot consider "intent" when construing the Burlington Ordinance. A superficial reading of the badger case supports that interpretation. However, a careful reading of the case suggests just the opposite. In *Badger*, the Vermont Supreme courts favorably cites several cases from other states in which such provisions were construed to require a showing of intent. The Court then goes on to note that the ordinance in question expressly provides that an intent to continue the use is of no import. The ordinance reads as follows:

[A nonconforming use s]hall not be re-established if such use has been discontinued for a period of at least one year or has been changed to, or replaced by, a conforming use. Intent to resume a nonconforming use shall not confer

the right to do so. If a nonconforming use is not re-established within one year, the future use of the lot or structure shall be in conformance with the provisions of these regulations.

Id. at 39. The Court also noted that the authorizing statute, 24 V.S.A. § 4408(b)(3), drew a distinction between abandonment and discontinuance and also expressly provided that an intent to continue the use was of no import:

(3) Resumptions of nonconforming uses, by prohibiting such resumption if such use is abandoned for any period of time or if discontinued for six calendar months regardless of evidence of intent to resume such use

Id. at 40. The Court opined that abandonment required intent, but no minimum period of time, and that discontinuance did not require intent, but rather required a six month cessation of the use. The Court noted that in light of this distinction, the Legislature clearly intended that abandonment and discontinuance be given different meanings. Therefore, if nothing had changed since the issuance of the *Badger* decision in 1998, the City would be correct. However, there was a change, a very substantial change.

First, it must be noted, that unlike the *Badger* ordinance, the relevant Burlington Ordinance makes no reference to an intent to continue and does not expressly state that it is not a defense to the continued use. Second and more importantly, 24 V.S.A. § 4408(b)(3) was repealed and replaced in July of 2018. The current statute, 24 V.S.A. § 4412 (Tab F) makes no distinction between a discontinuance or an abandonment, and completely deletes the language referring to intent. The current statute provides that:

A) To achieve the purposes of this chapter set forth in section 4302 of this title, municipalities may regulate and prohibit expansion and undue perpetuation of nonconformities. Specifically, a municipality, in its bylaws, may:

(i) Specify a time period that shall constitute abandonment or discontinuance of that nonconforming use, provided the time period is not less than six months.

24 V.S.A. § 4412 (7)(A)(i). As the Board can see, the new statute eliminates the statement that an intent to continue does not protect a property owner. It also draws no distinction between discontinuance and abandonment, mandating a six month period of cessation for both. Accordingly, it is clear that the repeal of 24 V.S.A. § 4408(b)(3) and enactment of 24 V.S.A. § 4412 (7)(A)(i) completely undermine the Supreme Court's reasoning in *Badger*. As a result, the Supreme Court, if faced with this issue again, would no longer be restrained by statute from following the case law from other jurisdictions that mandate a finding of intent. Accordingly, the Board, like the cases cited in the *Badger* decision, should interpret the Burlington Ordinance as requiring a cessation of the use coupled with an evidence of intent not to continue that use.

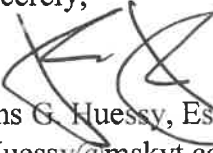
(00321418.1)

MSK
ATTORNEYS

If the Board requires any further information or explanation with respect to any aspect of this matter, please let me know.

Thank you for your attention to this matter.

Sincerely,



Hans G. Huessy, Esq.
HHuessy@mskvt.com

Enclosures

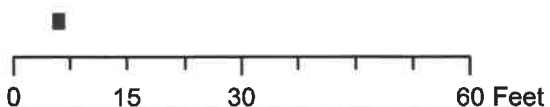
cc: Luke Purvis
Kimberlee Sturtevant, Esq.

(00321418.1)

MSK
ATTORNEYS



164 North Willard St 2013



Property lines are assumed only and are not considered accurate
Produced by N. Anderson at City of Burlington Planning and Zoning

Here is the calc:

Description				Acres	SQFT
House					1465
Garage					896
Driveway					1593
Parking Areas					
	NPA:				607
	SPA:				449
A. Front steps and walk					57
B. Front Porch Steps/landing to Driveway					17
C Unit 3 Steps/Landing to driveway					11
D. Rear steps and landing					15
E. Fish pond concrete pad					30
	Total SQFT				5140
Lot (Assessor records)				0.1849	8054
Coverage Calculation					0.6381922026



STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION

DOCKET NO. 45-5-15 Vtec

In Re:)
PURVIS NONCONFORMING USE)

AFFIDAVIT OF JOSEPH CLEARY

I, Joseph Cleary, being first duly sworn, depose and say:

1. I own the property located 158 North Willard Street, Burlington, Vermont with my wife, Teresa Cleary.
2. We purchased 158 North Willard Street in July of 2012 and have resided there with our family since that time.
3. The property located at 164 North Willard Street, Burlington, Vermont lies directly to the North of our property, sharing a property line.
4. I am aware of the claimed easement area on my property, it is in the northeast corner of my property, to the south of the paved driveway on 164 North Willard Street.
5. From points on my property, I have a direct view of the backyard of 164 North Willard, including the driveway and easement area.
6. From the time that we moved into our home at 158 North Willard in July of 2012 until April 2014, I observed no parking at 164 North Willard Street to the south of the paved driveway.
7. When we moved into our home at 158 North Willard Street in July of 2012, there was no one living at 164 North Willard Street. This was the status of that property until the Luke Purvis purchased the property on July 17, 2013.

8. During the time from July of 2012 through July of 2013, I observed Mr. LeClair occasionally visit the property. During those visits, I never observed him park in the southern area beyond the paved driveway. There were also a few months in the winter when Mr. LeClair did not come to the property at all, it is my understanding that he was gone to Florida during that timeframe.
9. Based on my conversations with prior tenants, there were a number of years prior to 2012 that there were no tenants at 164 North Willard Street.
10. During the winters of 2012-2013 and 2013-2014, the area to the South of the paved driveway, including the easement area was not plowed.
11. In March of 2013, I saw Mr. LeClair and some other individuals dump a large amount of gravel to the north and south of the paved driveway at 164 North Willard. I did not observe any parking in either of the newly created gravel areas until after Mr. Purvis purchased the property on July 17, 2013. Even after Mr. Purvis purchased the property, I did not observe parking in the area to the south of the paved driveway until April 26, 2014, at which time Mr. Purvis began parking one vehicle south of the paved driveway, more or less parallel to said driveway
12. The foregoing statements are made on my own knowledge and belief.

DATED at Burlington, Vermont, this 23rd day of September 2015.

ATTEST:

Joseph Cleary

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.

At Burlington, Vermont this 23rd day of September 2015 personally appeared Joseph Cleary and acknowledged that the above Affidavit executed by him is true and accurate to the best of his knowledge and belief.

Before me, _____
Notary Public
My Commission Expires: _____

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION

DOCKET NO. 45-5-15 Vtec

In Re:)
PURVIS NONCONFORMING USE)

AFFIDAVIT OF TERESA CLEARY

I, Teresa Cleary, being first duly sworn, depose and say:

1. I own the property located 158 North Willard Street, Burlington, Vermont with my husband, Joseph Cleary.
2. We purchased 158 North Willard Street in July of 2012 and have resided there with our family since that time.
3. The property located at 164 North Willard Street, Burlington, Vermont lies directly to the North of our property, sharing a property line.
4. I am aware of the claimed easement area on my property, it is in the northeast corner of my property, to the south of the paved driveway on 164 North Willard Street.
5. I am a stay at home mother and view the backyard of 164 North Willard, including the driveway and easement area frequently as it is within view from my kitchen sink window.
6. From the time that we moved into our home at 158 North Willard in July of 2012 until April 2014, I observed no parking at 164 North Willard Street to the south of the paved driveway.

7. When we moved into our home at 158 North Willard Street in July of 2012, there was no one living at 164 North Willard Street. This was the status of that property until the Luke Purvis purchased the property on July 17, 2013.
8. During the time from July of 2012 through July of 2013, I observed Mr. LeClair occasionally visit the property. During those visits, I never observed him park in the southern area beyond the paved driveway. There were also a few months in the winter when Mr. LeClair did not come to the property at all, it is my understanding that he was gone to Florida during that timeframe.
9. During the winters of 2012-2013 and 2013-2014, the area to the South of the paved driveway, including the easement area was not plowed.
10. In March of 2013, I saw Mr. LeClair and some other individuals dump a large amount of gravel to the north and south of the paved driveway at 164 North Willard. I did not observe any parking in either of the newly created gravel areas until after Mr. Purvis purchased the property on July 17, 2013. Even after Mr. Purvis purchased the property, I did not observe parking in the area to the south of the paved driveway until April 26, 2014, at which time Mr. Purvis began parking one vehicle south of the paved driveway, more or less parallel to said driveway.
11. The foregoing statements are made on my own knowledge and belief.

DATED at Burlington, Vermont, this 23rd day of September 2015.

ATTEST:

Teresa Cleary

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.

At Burlington, Vermont this 23rd day of September 2015 personally appeared Teresa Cleary and acknowledged that the above Affidavit executed by him is true and accurate to the best of his knowledge and belief.

Before me, _____
Notary Public
My Commission Expires: _____

168 Vt. 37
Supreme Court of Vermont.

Todd and Nina BADGER
v.

TOWN OF FERRISBURGH.

No. 96-411.

May 8, 1998.

Synopsis

Town **zoning** officer issued notice of violation for land development without a permit. Property owners appealed from decision of town's **zoning** board of adjustment, which determined that nonconforming-use status of building had lapsed. The Environmental Court, Merideth Wright, J., granted summary judgment to town, and property owners appealed. The Supreme Court, Dooley, J., held that: (1) **zoning** ordinance barring resumption of preexisting nonconforming uses that had been **discontinued** for one year did not require, as a prerequisite to **discontinuance**, an **intent** to **abandon**, and (2) property owners could lose nonconforming-use status based on involuntary inactivity beyond their control.

Affirmed.

Morse, J., filed dissenting opinion.

West Headnotes (4)

- [1] **Zoning and Planning**
⚙️Decisions of boards or officers in general
Zoning and Planning
⚙️Decisions of boards or officers in general

Supreme Court is bound by an environmental court construction of a **zoning** ordinance unless it is clearly erroneous, arbitrary, or capricious.

5 Cases that cite this headnote

- [2] **Zoning and Planning**
⚙️Nonconforming Uses

Public interest in regulation and gradual elimination of nonconforming uses, as inconsistent with purpose of **zoning** to confine particular uses to defined areas, is strong, and thus, **zoning** provisions allowing nonconforming uses should be strictly construed.

2 Cases that cite this headnote

- [3] **Zoning and Planning**
⚙️Cessation of use

Town's **zoning** ordinance barring resumption of preexisting nonconforming uses that had been **discontinued** for one year did not require, as a prerequisite to **discontinuance**, an **intent** to **abandon**; ordinance barred resumption regardless of **intent** to resume use. 24 V.S.A. § 4408(b)(3).

2 Cases that cite this headnote

- [4] **Zoning and Planning**
⚙️Cessation of use

Under town's **zoning** ordinance barring resumption of preexisting nonconforming uses that had been **discontinued** for one year, property owners could lose nonconforming-use status based on involuntary inactivity beyond their control; building had been vacant for 22 months before being auctioned to current owners.

2 Cases that cite this headnote

Attorneys and Law Firms

****911 *37** Karl W. Neuse of Neuse, Smith, Roper &

Venman, P.C., Middlebury, for Plaintiffs–Appellants.

James F. Carroll and Susan P. Ritter of Powers, English & Carroll, Ltd., Middlebury, for Defendant–Appellee.

Before AMESTOY, C.J., and DOOLEY, MORSE, JOHNSON and SKOGLUND, JJ.

Opinion

DOOLEY, Justice.

Todd and Nina Badger (property owners) appeal an environmental court decision affirming the Town of Ferrisburgh's decision to deny them a **zoning** permit for a three-unit **912 dwelling. The issue on appeal is whether § 512 of the Town's **zoning** ordinance governing **discontinuances** of preexisting nonconforming uses requires, as a prerequisite to **discontinuance**, an **intent to abandon**. We hold that **intent to abandon** is not required by the ordinance, and affirm the environmental court's grant of summary judgment in favor of the Town.

The environmental court traced the history of the building at issue in this appeal to 1963 when it was purchased as a two-family *38 residential structure by the Burnets. Thereafter, the Burnets added a small apartment, making the building a three-unit dwelling. At that time, the town **zoning** ordinance allowed multi-family dwellings in the district in which the building is located.

In 1977, the building was conveyed to John and Ellen Laberge, who converted it into a four-family dwelling, again in compliance with the **zoning** ordinance. In 1980, the Town adopted a new **zoning** ordinance allowing only one and two-family dwellings in rural residential districts as "By Right Uses." The building is located in such a district. After 1980, the ordinance prohibited the use of any nonconforming multi-family dwellings except through an application for a Planned Residential Development (now § 528 of the current **zoning** ordinance). The new ordinance specifically protects preexisting nonconforming uses. As amended in 1988, § 512 of the **zoning** ordinance allows indefinite continuation of nonconforming uses provided the use has not been **discontinued** for one year.

In 1985, the Laberges conveyed the property to Ira Farnsworth, who subsequently conveyed the property to Eppe and Judith Bos in 1988. Shortly thereafter, the Boses found themselves in financial difficulty, and in 1989 foreclosure proceedings were initiated against them. In 1991, Associates National Mortgage Corporation

(ANMC) became the record title owner of the property as a result of the foreclosure. In order to receive payment on its loan guarantee, ANMC turned the property over to the United States Department of Housing and Urban Development (HUD).

HUD required all tenants to leave the building, and it became vacant in October 1992. HUD auctioned the property on May 25, 1994 to the current property owners, who planned to use it as a three-family unit. By the time property owners obtained title to the building, it had been vacant for twenty-two months.

When property owners converted the building from four units to three units without seeking Town approval, the town **zoning** officer issued a notice of violation for "Land development without a permit; specifically, reconstruction of a house into three apartments." The property owners unsuccessfully appealed to the **zoning** board of adjustment. The board held that the preexisting, nonconforming-use status of the building had lapsed because the use had been **discontinued** for twenty-two months.

The property owners appealed to the environmental court, and both parties moved for summary judgment. Rejecting property owners' argument that § 512 of the **zoning** ordinance requires an *39 **intent to abandon** before an owner loses nonconforming use status by **discontinuance**, the court held that property owners had to comply with the current **zoning** ordinance, which limits the number of units to two. This appeal followed.

The appeal centers on the meaning of § 512(2) of the Town **zoning** ordinance, which provides:

[A nonconforming use s]hall not be re-established if such use has been **discontinued** for a period of at least one year or has been changed to, or replaced by, a conforming use. **Intent** to resume a nonconforming use shall not confer the right to do so. If a nonconforming use is not re-established within one year, the future use of the lot or structure shall be in conformance with the provisions of these regulations.

The ordinance provision is authorized by 24 V.S.A. §

4408(b), which provides:

[M]unicipalities may regulate and prohibit expansion and undue perpetuation of nonconforming uses. Specifically, a municipality may control:

....

****913** (3) Resumptions of nonconforming uses, by prohibiting such resumption if such use is **abandoned** for any period of time or if **discontinued** for six calendar months regardless of evidence of **intent** to resume such use;....

Property owners argue that ordinance § 512(2) must be construed to require “**discontinuance** for a specified period of time supplemented by some overt act or failure to have acted, indicating that the non-conforming use has been **abandoned**.” They claim that the facts in this case do not support **abandonment** of the preexisting nonconforming use. The Town argues that nonuse for twelve months, irrespective of **abandonment** or **intent** to **abandon**, is sufficient under § 512(2) and that such nonuse occurred here.

[1] [2] We evaluate these positions under a limited standard of review. We are bound by an environmental court construction of a **zoning** ordinance unless it is clearly erroneous, arbitrary or capricious. See *Houston v. Town of Waitsfield*, 162 Vt. 476, 479, 648 A.2d 864, 865 (1994). We also evaluate them in light of a clear legislative purpose. The prime purpose behind **zoning** is to bring about the orderly physical development of a community by confining particular uses to defined areas. See *Vermont Brick & Block, Inc. v. Village of *40 Essex Junction*, 135 Vt. 481, 483, 380 A.2d 67, 69 (1977). A goal of **zoning** is to gradually eliminate nonconforming uses because they are inconsistent with this purpose. See *In re McCormick Management Co.*, 149 Vt. 585, 589, 547 A.2d 1319, 1322 (1988). The public interest in the regulation and gradual elimination of nonconforming uses is strong, see *Hinsdale v. Village of Essex Junction*, 153 Vt. 618, 626, 572 A.2d 925, 930 (1990), and **zoning** provisions allowing nonconforming uses should be strictly construed. See *Hartley v. City of Colorado Springs*, 764 P.2d 1216, 1224 (Colo.1988).

Further, we interpret a **zoning** ordinance under familiar rules of statutory and ordinance construction. Words in statutes and ordinances should be given their plain meaning. See *In re Stowe Club Highlands*, 164 Vt. 272, 279, 668 A.2d 1271, 1276 (1995) (when interpreting **zoning** ordinances, court construes words according to their plain and ordinary meaning, giving effect to whole and every part of ordinance). We adopt a construction that

implements the legislative purpose. See *id.* at 281, 668 A.2d at 1277.

We acknowledge that many courts have adopted property owners’ position and require an **intent** to **abandon** before the owner can lose preexisting nonconforming use status. See *Hartley*, 764 P.2d at 1222–23. Where the applicable statute or ordinance uses the term **discontinuance**, courts reach this result by equating the term with **abandonment** and then holding that **abandonment** requires **intent** to **abandon**. See, e.g., *Smith v. Howard*, 407 S.W.2d 139, 141 (Ky.1966). On the other hand, some courts have held that “nonuse of the property for the time specified in a **discontinuance** ordinance terminates the nonconforming use regardless of **intent** to **abandon**.” See *Hartley*, 764 P.2d at 1223.

[3] We need not decide how we would rule if the governing rule or statute used only a durational **discontinuance** standard. The issue before us is fundamentally one of statutory or ordinance construction. See *McLay v. Maryland Assemblies, Inc.*, 269 Md. 465, 306 A.2d 524, 526 (1973) (effect of cessation or **discontinuance** of nonconforming use must depend on language of the ordinance; under facts and language of ordinance, nonconforming use status was not extinguished); *Canada’s Tavern, Inc. v. Town of Glen Echo*, 260 Md. 206, 271 A.2d 664, 666 (1970) (under language of ordinance, cessation of use for six months results in loss of nonconforming use status). For two reasons, the applicable ordinance cannot be construed to require that a property owner intend to **abandon** a nonconforming use before the right to this status is lost.

41** First, the statutory authority for the ordinance, as set forth in 24 V.S.A. § 4408(b)(3), provides two alternatives from which a municipality may choose in implementing its policy on resumption of nonconforming uses. The municipality may prohibit resumption of a nonconforming use “if such use is **abandoned** for any period of time.” Alternatively, it can prohibit resumption of such a use if it is “**discontinued** for six calendar months.” Plainly, under the wording chosen by the *914** Legislature, **discontinuance** does not mean **abandonment**. See *In re Stowe Club Highlands*, 164 Vt. at 279, 668 A.2d at 1276 (construe **zoning** provision to give effect to the whole and every part). A municipality may phrase its policy in terms of **discontinuance** only if the **discontinuance** has gone on for at least six months.¹ In context, the word **discontinuance** can only mean cessation, without the kind of **intent** associated with **abandonment**. The minimum duration replaces the **intent** element.

The Town has chosen a policy based on **discontinuance**,

rather than **abandonment**. Thus, we cannot hold that the Town's ordinance acts to extinguish a nonconforming use only if there has been **abandonment**.

Second, and to reinforce the statutory meaning, the statute and the Town ordinance go on to state that "**intent to resume**" a nonconforming use does not confer the right to resume. See *Canada's Tavern, Inc.*, 271 A.2d at 667 (ordinance language that **discontinuance** operates irrespective of **intent** not to **abandon** or **intent** to resume makes effect of provision "explicit"). Only by splitting hairs can we distinguish between a rule based on **intent** to resume a nonconforming use, and one based on **intent** to **abandon** a nonconforming use. These concepts represent two sides of the same coin. By stating that the durational **discontinuance** rule operates irrespective of the property owners' **intent** to resume a nonconforming use, the Legislature and the Town were also conveying that it operates irrespective of any **intent** to **abandon** the use. As a leading zoning treatise notes:

A **discontinuance** provision which specifically states that it operates to prevent and prohibit resumption of a nonconforming use after a specified period of time has lapsed, *42 regardless of any reservation of an **intent** not to **abandon** or of an **intent** to reserve the right to resume, *removes the factor of intent to abandon*; it operates even where there was no **intent** to **abandon** or even where there was an attempt *not* to **abandon**.

4 E. Ziegler, Rathkopf's The Law of **Zoning** and Planning § 51B.02, at 51B-9 (4th ed.1996) (first emphasis added) (second emphasis in original). Other courts considering similar language have reached the same conclusion. See *Fuller v. City of New Orleans*, 311 So.2d 466, 468 (La.Ct.App.1975) (although most statutes and ordinances require **intent** to **abandon**, similar provision of city ordinance means that **intention** will not preserve nonconforming use status); *Toys "R" Us v. Silva*, 89 N.Y.2d 411, 654 N.Y.S.2d 100, 676 N.E.2d 862, 868 (1996) (ordinance with similar language is clear and "deems the owner's **intent** irrelevant"); *Darcy v. Zoning Bd. of Appeals*, 185 A.D.2d 624, 586 N.Y.S.2d 44, 45 (1992).

Our conclusion is not undermined by two additional

arguments that property owners make. They argue that two of our decisions, *Franklin County v. City of St. Albans*, 154 Vt. 327, 576 A.2d 135 (1990), and *Town of Castleton v. Fucci*, 139 Vt. 598, 431 A.2d 486 (1981), require that we adopt their position that **intent** to **abandon** is required before preexisting nonconforming-use status is lost. Although both decisions involve the retention of nonconforming use status, neither dealt with the issue before us, but instead turned on whether any cessation of use had occurred. In *Franklin County*, we rejected the City's argument that cessation occurred because of a reduction of the level of activities in a county jail, upholding the trial court's conclusion to the contrary as not being unreasonable, irrational, arbitrary or discriminatory. See 154 Vt. at 331, 576 A.2d at 137. In *Fucci*, we held that five years of nonuse of a seasonal property constituted **discontinuance**, with the caveat that "we are not holding that periods of non-use, between recurring periods of seasonal use, would amount to **discontinuance** or **abandonment**." 139 Vt. at 601, 431 A.2d at 488. Neither the issues presented in those cases nor our analyses **915 of those issues is helpful in resolving this case.²

[4] Finally, we address property owners' policy argument that they should not lose nonconforming-use status based on involuntary *43 inactivity beyond their control. As we stated above, the Legislature has adopted the policy of phasing out nonconforming uses, and the ordinance provision is consistent with that policy. To implement the phase-out policy, the Legislature and the Town can decide to establish a bright line that applies irrespective of the **intent** of the owner's ability to use the property. In general, a bright line aids subsequent purchasers, like property owners in this case, because they can easily ascertain whether they can use the property as a nonconforming use and, from their inquiry, determine whether they want to purchase and at what price. See *Chioffi v. City of Winooski*, 165 Vt. 37, 42, 676 A.2d 786, 790 (1996) (where landowner purchased property after period to restore nonconforming use had expired, landowner had no investment-backed interest in restoring the use, and the use is no longer reasonable); cf. *Route 4 Assocs. v. Town of Sherburne*, 154 Vt. 461, 464, 578 A.2d 112, 114 (1990) (defining term "contiguous" in zoning ordinance narrowly to require physical touching of lots promotes "certainty and reliability" of zoning regulation). The fact that property owners failed to make that inquiry in this case does not make the use of an objective standard unreasonable.

It is undisputed that use of property owners' building as a three-family unit had ceased for over a year. Thus, the environmental court properly held that this

nonconforming use could not be resumed absent Town approval.

Affirmed.

MORSE, Justice, dissenting.

The central issue is whether an involuntary **discontinuance** for the requisite statutory period of time, standing alone, is sufficient to constitute a forfeiture of a nonconforming, permitted use. In my opinion, it is not, and therefore I dissent.

I agree with the Court's conclusion that the applicable provision of Vermont's enabling legislation, 24 V.S.A. § 4408(b)(3), makes a meaningful distinction between the terms "**discontinuance**" and "**abandonment**." I also agree that this distinction effects the evidentiary burdens required in terminating a preexisting, nonconforming use. The Court, however, fails to recognize and give effect to a further legal distinction: namely, the difference between a voluntary **discontinuance** and one that results from circumstances beyond the control of the property owner. See, e.g., *McLay v. Maryland Assemblies, Inc.*, 269 Md. 465, 306 A.2d 524, 529 (1973) (explaining the difference between a voluntary cessation of use and a cessation which is involuntary).

*44 In general, a common law claim of **abandonment** requires a showing of both (1) an **intention to abandon**, and (2) actual **abandonment** in the form of an overt act, or failure to act, which carries the implication that the owner does not retain any interest in the right to continue the nonconforming use. See 1 K. Young, Anderson's American Law of **Zoning** § 6.65, at 678 (4th ed. 1996). Ordinarily, the burden of proving the fact of **abandonment** is on the party asserting it. See *Smith v. Board of Zoning Appeals*, 74 Pa.Cmwlth. 405, 459 A.2d 1350, 1352 (1983).

As an alternative, **discontinuance** of use for a specified amount of time has been made a statutory equivalent of **abandonment**. Courts differ on what evidentiary showing is required under **discontinuance** ordinances. Many jurisdictions continue to require a showing of both **intention to abandon** and actual **abandonment** under their **discontinuance** ordinances. See, e.g., *Union Quarries, Inc. v. Board of County Comm'rs of Johnson County*, 206 Kan. 268, 478 P.2d 181, 186 (1970); 1 Young, *supra*, § 6.68, at 693 ("Many courts have merged the terms '**abandon**' *916 and '**discontinue**' and require

proof of **intent to abandon** although the ordinance speaks in terms of a use **discontinued** for a specified period of time.").

We, today, adopt the polar opposite evidentiary view and hold that nonuse for the applicable period of **discontinuance** satisfies both **intention to abandon** as well as actual **abandonment**, and thereby obviates any additional inquiry into the circumstances surrounding the **discontinuance**. In other words, under this view, mere nonuse for the statutory period creates a conclusive presumption of **abandonment**.

I believe the proper and more equitable view is reflected in those jurisdictions that hold that **discontinuance** for the statutory period of time creates a rebuttable, as opposed to a conclusive, presumption of **intent to abandon**. See *Metzger v. Bensalem Township Zoning Hearing Bd.*, 165 Pa.Cmwlth. 351, 645 A.2d 369, 370 (1994). Under this rationale, it is incumbent upon the party asserting **abandonment** to also prove actual **abandonment**. See *id.* And, it is the evidentiary requirement of actual **abandonment** that necessitates a distinction between cessations of use that are voluntary and those that are involuntary. As explained by the Commonwealth Court of Pennsylvania:

[W]here, as here, a one-year time limitation on the right to resume the nonconforming use is imposed by the zoning ordinance, the **intention to surrender the right** is presumed *45 from the expiration of the designated period. Although because of this presumption it becomes unnecessary to prove the **intent to abandon** after cessation of one year, it is still necessary to show the concurrent overt acts or failure to act which indicate **abandonment**.

Marchese v. Norristown Borough Zoning Bd. of Adjustment, 2 Pa.Cmwlth. 84, 277 A.2d 176, 183 (1971) (emphasis in original omitted) (footnote omitted).

Thus, there must be proof of **discontinuance** for a specified period of time in conjunction with some overt act or failure to act, indicating that the nonconforming use has been **abandoned**. See, e.g., *Metzger*, 645 A.2d at 370 (actual **abandonment** cannot be inferred from nonuse

alone); *City of Glendale v. Aldabbagh*, 189 Ariz. 140, 939 P.2d 418, 421 (1997) (holding that town can enact an ordinance dispensing with the **intent to abandon** requirement but may not terminate a use simply because the statutory period of **discontinuance** passes; rather, some conduct within the control and attributable to the property owner must be a cause of the condition justifying the termination); *City of Minot v. Fisher*, 212 N.W.2d 837, 841 (N.D.1973) (holding that a **discontinuance** statute presumed **abandonment** after the designated time period except in situations where the cessation of use was beyond the control of the property owner).

The implication of **abandonment** is negated when the **discontinuance** is the result of circumstances beyond the control of the property owner. See 4 E. Ziegler, Rathkops' The Law of **Zoning** and Planning § 51B.02, at 51B-23—51B-24 (4th ed. 1996).

A temporary cessation, even for a lengthy period, caused by circumstances over which a property owner had no control, has been held not to constitute proof of an **intent to abandon** in the sense of an **abandonment** within the meaning of **zoning** ordinance provisions where the circumstances themselves negate an inference of the necessary **intention to abandon** a use.

Id.

This rationale is consistent with the historical distinction between "**discontinuance**" and "**abandonment**." See *Hartley v. City of Colorado Springs*, 764 P.2d 1216, 1222 (Colo.1988). As explained by the Supreme Court of Colorado, **discontinuance**, as distinguished from **abandonment**, was traditionally interpreted "not to require proof of *46 **intent to abandon** so long as there was proof of actual **abandonment** in the form of an act or failure to act which carries an implication of **abandonment**." *Id.* at 1222-23 (emphasis in original omitted); see also 8A E. McQuillin, The Law of Municipal Corporation § 25.194, at 77 (3d ed. 1994) ("Historically, courts have been somewhat reluctant to read **intent** out of termination for nonuse.... [and] [w]here the nonuse is involuntary, even courts that purport to do away with the **intent** requirement **917 hesitate before finding a **discontinuance**.").

Moreover, while I agree with the Court that we have never squarely addressed and resolved the issue before us, I believe the rationale I advocate here is supported by our prior cases construing **discontinuance** provisions. In particular, I am mindful of our opinion in *Town of Castleton v. Fucci*, 139 Vt. 598, 601, 431 A.2d 486, 488 (1981), where we expressed the view that cessation of use must be assessed in light of the circumstances bearing upon the nonuse, before concluding that a vested property right has been forfeited. There we stated that the court must consider "such use as an average owner would make of the property, taking into account its nature and condition" and noted "that periods of non-use, between recurring periods of seasonal use," would not amount to a **discontinuance** or **abandonment**. *Id.*

Furthermore, applying the **discontinuance** provision to cases of involuntary interruption would raise constitutional concerns as well. We have stated, "[w]here possible, a statute must be construed to avoid constitutional infirmities." *State v. Cantrell*, 151 Vt. 130, 134, 558 A.2d 639, 642 (1989). Allowing a conclusive presumption of **abandonment** to be drawn from facts beyond the control of the owner is a potentially arbitrary and unreasonable application of the law. See 4 Ziegler, *supra*, § 51B.02[3], at 51B-16 ("Statutes creating permanent irrebuttable presumptions have long been disfavored under the Due Process Clauses of the Fifth and Fourteenth Amendments.") (quoting *Vlandis v. Kline*, 412 U.S. 441, 446, 93 S.Ct. 2230, 37 L.Ed.2d 63 (1973)). As the Supreme Court of North Dakota in a similar case observed, **abandonment** is presumed "after the designated period of nonuse has passed", however, a due process challenge is avoided "by not applying the presumption of **abandonment** in situations where the cessation of use was beyond the control of the property owner." *City of Minot*, 212 N.W.2d at 841.

The undisputed facts in the instant case support the conclusion that the requirement of actual **abandonment** has not been met. It is stipulated that the property at issue was vacant for approximately twenty-two months, and that the vacancy was caused by the insolvency *47 of property owners' predecessors in title, Eppe and Judith Bos. When the subject property was conveyed to the Bos' in May of 1988, they had a vested right to continue the preexisting, nonconforming use. Shortly after the conveyance, however, they experienced financial difficulties and their mortgagee initiated foreclosure proceedings. The mortgagee, in turn, was required to give title to the property to HUD, free of encumbrances and tenants, in order to receive payment on its loan guaranty. HUD auctioned the property in May of 1994, and it was

listed in the auctioneer pamphlet as a “quadruplex.”

Thus, there was no time period during which any of the predecessors in title voluntarily **abandoned** or **discontinued** the use of the property as a multi-family structure. On the contrary, the property was the subject of an involuntary cessation of use from its nonconforming, permitted purpose.

As a result, because the vacancy was involuntary, the **discontinuance** period should have been tolled. See, e.g., *Flowerree v. City of Concord*, 93 N.C.App. 483, 378 S.E.2d 188, 190 (1989) (where rental property remained vacant, the use did not cease where the landlord actively sought new tenants and made repairs and renovations to attract new tenants); *Southern Equipment Co. v. Winstead*, 80 N.C.App. 526, 342 S.E.2d 524, 525 (1986) (owner’s failure to operate concrete mixing facility due to slump in business did not amount to cessation); *McLay*, 306 A.2d at 528–29 (no **discontinuance** where property owner/manufacturer ceased production for the statutory period of time due to lack of business).

Accordingly, the conduct of the new owners, in this case the Badgers, is dispositive of whether or not the nonconforming use was **discontinued**. As explained by the Supreme Court of Pennsylvania, “[t]he right to continue [a] nonconforming use, once established and not **abandoned**, runs with the land and this right is not

confined to any one individual or corporation. A vested right, unless **abandoned**, to continue the nonconforming use is in the land.” *In re Indianhead, Inc.*, 414 Pa. 46, 198 A.2d 522, 525 (1964) (holding **918 that there was no legal **discontinuance** under a one-year maximum **discontinuance** period created by ordinance where landowner established that his actions of apparent **abandonment** were in fact motivated by pending mortgage foreclosure proceedings, and not by an **intent to abandon**).

Upon purchasing the subject property, the Badgers prepared the structure as a three-family dwelling for immediate occupancy. I do not believe that a prior mortgage foreclosure should foreclose their right to continue a lawful, nonconforming use. For all the reasons previously *48 stated, a **discontinuance** ordinance that is construed to effect a summary termination of a vested property right, in my opinion, is not consistent with the phase-out policy contemplated by the relevant statutes and case law. Accordingly, I would reverse.

All Citations

168 Vt. 37, 712 A.2d 911

Footnotes

- 1 The statute provides that a municipality *may control* resumptions of nonconforming uses if **discontinued** for six months. See 24 V.S.A. § 4408(b)(3). We construe the statute as a floor that restricts the municipality from adopting a policy less favorable to the landowner, but allows a more favorable policy. See *In re White*, 155 Vt. 612, 619–20, 587 A.2d 928, 932 (1990). Thus, the Town was free to establish a longer **discontinuance** period before a landowner lost their right to resume a nonconforming use.
- 2 If there is a determinative precedent, it is *Town of Brighton v. Griffin*, 148 Vt. 264, 270, 532 A.2d 1292, 1295 (1987), in which we noted that 24 V.S.A. § 4408(b)(3) has both **abandonment** and **discontinuance** standards, and cited with approval cases that prohibited resumption of a nonconforming use based on nonuse for a specified period. We do not believe, however, that Griffin explicitly resolved the issue before us.

West's Vermont Statutes Annotated

Title Twenty-Four, Municipal and County Government

Part 2. Municipalities

Chapter 117. Municipal and Regional Planning and Development (Refs & Annos)

Subchapter 7. Bylaws (Refs & Annos)

24 V.S.A. § 4412

§ 4412. Required provisions and prohibited effects

Effective: July 1, 2018

Currentness

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

(1) Equal treatment of housing and required provisions for affordable housing.

(A) No bylaw nor its application by an appropriate municipal panel under this chapter shall have the effect of excluding housing that meets the needs of the population as determined in the housing element of its municipal plan as required under subdivision 4382(a)(10) of this title or the effect of discriminating in the permitting of housing as specified in 9 V.S.A. § 4503.

(B) Except as provided in subdivisions 4414(1)(E) and (F) of this title, no bylaw shall have the effect of excluding mobile homes, modular housing, or prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded. A municipality may establish specific site standards in the bylaws to regulate individual sites within preexisting mobile home parks with regard to distances between structures and other standards as necessary to ensure public health, safety, and welfare, provided the standards do not have the effect of prohibiting the replacement of mobile homes on existing lots.

(C) No bylaw shall have the effect of excluding mobile home parks, as defined in 10 V.S.A. chapter 153, from the municipality.

(D) Bylaws shall designate appropriate districts and reasonable regulations for multiunit or multifamily dwellings. No bylaw shall have the effect of excluding these multiunit or multifamily dwellings from the municipality.

(E) Except for flood hazard and fluvial erosion area bylaws adopted pursuant to section 4424 of this title, no bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling. An accessory dwelling unit means an efficiency or one-bedroom apartment that

is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

(i) The property has sufficient wastewater capacity.

(ii) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.

(iii) Applicable setback, coverage, and parking requirements specified in the bylaws are met.

(F) Nothing in subdivision (1)(E) of this section shall be construed to prohibit:

(i) a bylaw that is less restrictive of accessory dwelling units;

(ii) a bylaw that requires conditional use review for one or more of the following that is involved in creation of an accessory dwelling unit:

(I) a new accessory structure;

(II) an increase in the height or floor area of the existing dwelling; or

(III) an increase in the dimensions of the parking areas.

(G) A residential care home or group home to be operated under State licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a permitted single-family residential use of property. This subdivision (G) does not require a municipality to allow a greater number of residential care homes or group homes on a lot than the number of single-family dwellings allowed on the lot.

(2) Existing small lots. Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of any bylaw, including an interim bylaw, may be developed for the purposes permitted in the district in which it is located, even though the small lot no longer conforms to minimum lot size requirements of the new bylaw or interim bylaw.

(A) A municipality may prohibit development of a lot if either of the following applies:

(i) the lot is less than one-eighth acre in area; or

(ii) the lot has a width or depth dimension of less than 40 feet.

(B) The bylaw may provide that if an existing small lot subsequently comes under common ownership with one or more contiguous lots, the **nonconforming** lot shall be deemed merged with the contiguous lot. However, a **nonconforming** lot shall not be deemed merged and may be separately conveyed if all the following apply:

(i) The lots are conveyed in their preexisting, **nonconforming** configuration.

(ii) On the effective date of any bylaw, each lot was developed with a water supply and wastewater disposal system.

(iii) At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.

(iv) The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 V.S.A. chapter 64.

(C) Nothing in this subdivision (2) shall be construed to prohibit a bylaw that is less restrictive of development of existing small lots.

(3) Required frontage on, or access to, public roads, class 4 town highways, or public waters. Land development may be permitted on lots that do not have frontage either on a public road, class 4 town highway, or public waters, provided that access through a permanent easement or right-of-way has been approved in accordance with standards and process specified in the bylaws. This approval shall be pursuant to subdivision bylaws adopted in accordance with section 4418 of this title, or where subdivision bylaws have not been adopted or do not apply, through a process and pursuant to standards defined in bylaws adopted for the purpose of assuring safe and adequate access. Any permanent easement or right-of-way providing access to such a road or waters shall be at least 20 feet in width.

(4) Protection of home occupations. No bylaw may infringe upon the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

(5) Child care. A “family child care home or facility” as used in this subdivision means a home or facility where the owner or operator is to be licensed or registered by the State for child care. A family child care home serving six or fewer children shall be considered to constitute a permitted single-family residential use of property. A family child care home serving no more than six full-time children and four part-time children, as defined in 33 V.S.A. § 3511(7), shall be considered to constitute a permitted use of property but may require site plan approval based on local zoning requirements. A family child care facility serving more than six full-time and four part-time children may, at the discretion of the municipality, be subject to all applicable municipal bylaws.

(6) Heights of renewable energy resource structures. The height of wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high on sloped roofs, any of which are mounted on complying structures, shall not be regulated unless the bylaws provide specific standards for regulation. For the purpose of this subdivision, a sloped roof means a roof having a slope of more than five degrees. In addition, the regulation of antennae that are part of a telecommunications facility, as defined in 30 V.S.A. § 248a, may be exempt from review under this chapter according to the provisions of that section.

(7) **Nonconformities.** All bylaws shall define how **nonconformities** will be addressed, including standards for **nonconforming** uses, **nonconforming** structures, and **nonconforming** lots.

(A) To achieve the purposes of this chapter set forth in section 4302 of this title, municipalities may regulate and prohibit expansion and undue perpetuation of **nonconformities**. Specifically, a municipality, in its bylaws, may:

(i) Specify a time period that shall constitute abandonment or discontinuance of that **nonconforming** use, provided the time period is not less than six months.

(ii) Specify the extent to which, and circumstances under which, a **nonconformity** may be maintained or repaired.

(iii) Specify the extent to which, and circumstances under which, a **nonconformity** may change or expand.

(iv) Regulate relocation or enlargement of a structure containing a **nonconforming** use.

(v) Specify the circumstances in which a **nonconformity** that is destroyed may be rebuilt.

(vi) Specify other appropriate circumstances in which a **nonconformity** must comply with the bylaws.

(B) If a mobile home park, as defined in 10 V.S.A. chapter 153, is a **nonconformity** pursuant to a municipality’s bylaws, the entire mobile home park shall be treated as a **nonconformity** under those bylaws, and individual lots within

the mobile home park shall in no event be considered **nonconformities**. Unless the bylaws provide specific standards as described in subdivision (1)(B) of this section, where a mobile home park is a **nonconformity** under bylaws, its status regarding conformance or **nonconformance** shall apply to the parcel as a whole, and not to any individual mobile home lot within the park. An individual mobile home lot that is vacated shall not be considered a discontinuance or abandonment of a **nonconformity**.

(C) Nothing in this section shall be construed to restrict the authority of a municipality to abate public nuisances or to abate or remove public health risks or hazards.

(8)(A) Communications antennae and facilities. Except to the extent bylaws protect historic landmarks and structures listed on the State or National Register of Historic Places, no permit shall be required for placement of an antenna used to transmit, receive, or transmit and receive communications signals on that property owner's premises if the area of the largest face of the antenna is not more than 15 square feet, and if the antenna and any mast support do not extend more than 12 feet above the roof of that portion of the building to which the mast is attached.

(B) If an antenna structure is less than 20 feet in height and its primary function is to transmit or receive communication signals for commercial, industrial, institutional, nonprofit, or public purposes, it shall not be regulated under this chapter if it is located on a structure located within the boundaries of a downhill ski area and permitted under this chapter. For the purposes of this subdivision, "downhill ski area" means an area with trails for downhill skiing served by one or more ski lifts and any other areas within the boundaries of the ski area and open to the public for winter sports.

(C) The regulation of a telecommunications facility, as defined in 30 V.S.A. § 248a, shall be exempt from municipal approval under this chapter when and to the extent jurisdiction is assumed by the Public Utility Commission according to the provisions of that section. This exemption from obtaining approval under this chapter shall not affect the substantial deference to be given to a plan or recommendation based on a local land use bylaw under 30 V.S.A. § 248a(c)(2).

(D) A municipality may regulate communications towers, antennae, and related facilities in its bylaws provided that such regulations do not have the purpose or effect of being inconsistent with subdivisions (A) through (C) of this subdivision (8).

(9) De minimis telecommunications impacts. An officer or entity designated by the municipality shall review telecommunications facilities applications, and upon determining that a particular application will impose no impact or de minimis impact upon any criteria established in the bylaws, shall approve the application.

(10) Planting projects; flood hazard and similar areas. A bylaw under this chapter shall not require the filing of an application or the issuance of a permit by the municipality for a planting project considered to have a permit by operation of subsection 4424(c) of this title.

(11) Accessory on-farm businesses. No bylaw shall have the effect of prohibiting an accessory on-farm business at the same location as a farm.

(A) Definitions. As used in this subdivision (11):

(i) "Accessory on-farm business" means activity that is accessory to a farm and comprises one or both of the following:

(I) The storage, preparation, processing, and sale of qualifying products, provided that more than 50 percent of the total annual sales are from qualifying products that are principally produced on the farm at which the business is located.

(II) Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products. As used in this subdivision (II), "farm stay" means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option for guests to participate in such activities.

(ii) "Farm" means a parcel or parcels owned, leased, or managed by a person, devoted primarily to farming, and subject to the RAP rules. For leased lands to be part of a farm, the lessee must exercise control over the lands to the extent they would be considered as part of the lessee's own farm. Indicators of such control include whether the lessee makes day-to-day decisions concerning the cultivation or other farming-related use of the leased lands and whether the lessee manages the land for farming during the lease period.

(iii) "Farming" shall have the same meaning as in 10 V.S.A. § 6001.

(iv) "Qualifying product" means a product that is wholly:

(I) an agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;

(II) livestock or cultured fish or a product thereof;

(III) a product of poultry, bees, an orchard, or fiber crops;

(IV) a commodity otherwise grown or raised on a farm; or

(V) a product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.

(v) "RAP rules" means the rules on required agricultural practices adopted pursuant to 6 V.S.A. chapter 215, subchapter 2.

(B) Eligibility. For an accessory on-farm business to be eligible for the benefit of this subdivision (11), the business shall comply with each of the following:

(i) The business is operated by the farm owner, one or more persons residing on the farm parcel, or the lessee of a portion of the farm.

(ii) The farm meets the threshold criteria for the applicability of the RAP rules as set forth in those rules.

(C) Use of structures or land. An accessory on-farm business may take place inside new or existing structures or on the land.

(D) Review; permit. Activities of an accessory on-farm business that are not exempt under section 4413 of this title may be subject to site plan review pursuant to section 4416 of this title. A bylaw may require that such activities meet the same performance standards otherwise adopted in the bylaw for similar commercial uses pursuant to subdivision 4414(5) of this title.

(E) Less restrictive. A municipality may adopt a bylaw concerning accessory on-farm businesses that is less restrictive than the requirement of this subdivision (11).

(F) Notification; training. The Secretary of Agriculture, Food and Markets shall provide periodic written notification and training sessions to farms subject to the RAP rules on the existence and requirements of this subdivision (11) and the potential need for other permits for an accessory on-farm business, including a potable water and wastewater system permit under 10 V.S.A. chapter 64.

Credits

2003, Adj. Sess., No. 115, § 95; 2005, Adj. Sess., No. 172, § 5; 2007, No. 79, § 15, eff. June 9, 2007; 2009, No. 54, § 45, eff. June 1, 2009; 2011, No. 53, § 14e, eff. May 27, 2011; 2011, Adj. Sess., No. 137, § 7, eff. May 14, 2012; 2011, Adj. Sess., No. 170, § 16e, eff. May 18, 2012; 2011, Adj. Sess., No. 155, § 14, eff. July 1, 2012; 2013, No. 16, § 5, eff. May 6, 2013;

2013, Adj. Sess., No. 96, § 162, eff. July 1, 2014; 2013, Adj. Sess., No. 131, § 127, eff. May 20, 2014; 2015, Adj. Sess., No. 130, § 5b, eff. May 25, 2016; 2017, No. 4, § 2, eff. March 6, 2017; 2017, No. 53, § 12, eff. July 1, 2017; 2017, Adj. Sess., No. 130, § 17, eff. July 1, 2018; 2017, Adj. Sess., No. 143, § 2, eff. July 1, 2018.

Editors' Notes

APPLICABILITY OF AMENDMENT BY 2003, ADJ. SESS. NO. 115

<Provisions as they read prior to amendment by 2003, Adj. Sess. No. 115 may be controlling pursuant to 24 V.S.A. § 4481 until September 1, 2011. For text of this section effective prior to 2003, Adj. Sess. No. 115, see the Historical and Statutory Notes to this section.>

Relevant Additional Resources

Additional Resources listed below contain your search terms.

HISTORICAL AND STATUTORY NOTES

2003, Adj. Sess., No. 115, § 119, repealed former § 4412, which prior thereto read:

“§ 4412. Regulation of flood hazard areas

“(a) Purpose. The purpose of this section is to:

“(1) minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base and the extraordinary public expenditures and demands on public service that result from flooding; and

“(2) ensure that the design and construction of development in flood hazard areas is accomplished in a manner that minimizes or eliminates the potential for flood damage; and

“(3) encourage municipalities to manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and

“(4) maintain wise use of agricultural land in flood-prone areas; and

“(5) make the state and municipalities eligible for federal flood insurance.

“(b) Definitions. As used in this section:

“(1) “Base flood“ means the flood having a one percent chance of being equaled or exceeded in any given year.

“(2) “Flood hazard area“ means the land subject to flooding from the base flood.

“(3) ”Floodway“ means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than one foot.

“(4) ”Floodproofing“ means any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which substantially reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“(5) ”New construction“ means construction of structures or filling commenced on or after the effective date of the adoption of a community’s flood hazard bylaws.

“(6) ”Substantial improvement“ means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. However, the term does not include either:

“(A) any project or improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

“(B) any alteration of a structure listed on the national register of historic places or a state inventory of historic places.

“(c) Authority to adopt bylaws. Whether or not it has a municipal plan or other bylaws, a municipality may adopt flood hazard area regulations. Flood hazard area regulations may be adopted as part of a zoning bylaw or through a separate bylaw which is either in a municipality without a zoning bylaw or which is an overlay to a zoning bylaw map. Within a municipality, flood hazard area provisions shall apply to all flood hazard areas designated under 10 V.S.A. § 753, and may apply to other flood hazard areas. No flood hazard area bylaw shall prohibit reasonable and customary agricultural practice on open lands.

“(d) Contents of bylaws. Flood hazard area regulations may:

“(1) contain standards and criteria for uses which prohibit the placement of damaging obstructions;

“(2) require flood protection through elevation, floodproofing or other techniques;

“(3) require adequate provisions for flood drainage;

“(4) require provision of adequate water and sewage facilities; and

“(5) establish other restrictions to promote the sound management and use of designated flood hazard areas.

“(e) Effect on zoning bylaws. Flood hazard area regulations may alter the uses otherwise permitted, prohibited or conditional

in a flood hazard area under a zoning bylaw as well as the applicability of other provisions of that zoning bylaw. Where a flood hazard area bylaw and a zoning bylaw both apply, compliance with the flood hazard area bylaw shall be prerequisite to the granting of a zoning permit. Where a flood hazard area bylaw but not a zoning bylaw applies, the flood hazard area bylaw shall be administered in the same manner as are zoning bylaws, and a flood hazard area permit shall be required for land development covered under the bylaw.

“(f) Mandatory provisions. All flood area regulations shall provide that no permit for new construction, substantial improvement, filling or installation of a residential structure shall be granted for a flood hazard area until:

“(1) a copy of the application is mailed or delivered by the zoning administrator or by the board of adjustment or development review board to the agency of natural resources; and

“(2) either 30 days elapse following the mailing or the agency delivers comments on the application.

“(g) Temporary bylaws. Instead of adopting interim flood hazard area bylaws under section 4410 of this title, a rural town may temporarily adopt flood hazard bylaws using bylaw adoption procedures for urban municipalities. Those adopted bylaws shall take effect immediately and shall remain in effect until the next regular or special town meeting. At that meeting a vote shall be taken by Australian ballot on whether the bylaws shall remain in effect, and the decision on that question shall take effect immediately.

“(h) Variances. The board of adjustment or the development review board, after public hearing, may approve the repair, relocation, replacement or enlargement of a **nonconforming** structure within a regulated flood hazard area, subject to compliance with applicable federal laws and regulations, and provided that the following criteria are met:

“(1) The board of adjustment or the development review board finds that the repair, relocation, or enlargement of the **nonconforming** structure is required for the continued economically feasible operation of a nonresidential enterprise.

“(2) The board of adjustment or the development review board finds that the repair, relocation, or enlargement of the **nonconforming** structure will not increase flood levels in the regulatory floodway, threaten the health, safety, and welfare of the public or other property owners.

“(3) The permit so granted states that the repaired, relocated, or enlarged **nonconforming** structure is located in a regulated flood hazard area, does not conform to the bylaws pertaining thereto, and will be maintained at the risk of the owner.

“(4) A copy of such a permit granted by the board of adjustment or the development review board shall be affixed to the copy of the deed of the concerned property on file in the municipal clerk’s office.”

2011, No. 53, §§ 1(a) and 25, provide:

“Sec. 1. PURPOSE AND FINDINGS

“(a) It is the purpose of this act to establish policies and programs designed to achieve statewide cellular and broadband

deployment in Vermont by the end of the year 2013. Although these technologies are deployed by private sector providers, state regulation of the telecommunications industry as well as government financial assistance can have a significant impact on private sector decisions to invest in and deploy infrastructure, particularly in underserved and unserved areas of the state. Vermont initiatives must recognize that:

“(1) the availability of high-speed Internet access will spur economic growth and job creation;

“(2) cellular telephone service is increasingly becoming the telephone service of choice for consumers and at the same time can serve as a lifeline for those who choose it; and

“(3) the deployment of smart grid technology may facilitate the drive to expand broadband Internet access.”

“Sec. 25. EFFECTIVE DATE

“This act shall take effect on passage [May 27, 2011].”

2011, Adj. Sess., No. 137, §§ 1, 12a, and 14, provide:

“Sec. 1. FINDINGS AND PURPOSE

“The general assembly finds:

“(1) The damage resulting throughout Vermont from both the 2011 spring flooding and from Tropical Storm Irene had a devastating impact in many areas on mobile homes and mobile home parks.

“(2) Given that mobile homes represent one of few available affordable housing options in the state, these storms caused significant hardship for many lower and middle income Vermonters whose homes were damaged or destroyed.

“(3) Given the economic costs endured by mobile home owners, it is appropriate at this time to consider increasing the affordable housing tax credit and exempting the purchase of mobile homes from sales and use tax, local option sales tax, and property transfer tax when such homes are purchased to replace homes destroyed by recent flooding and natural disasters.

“(4) During the course of exploring the issues surrounding the impacts of these disasters, it is apparent that mobile home owners and mobile home park owners face unique economic pressures, and more assistance should be focused to facilitate the availability and ownership of modern, safe, mobile homes and the availability of suitable lots, and to facilitate the sale of parks to residents or nonprofit entities in order to preserve affordability and availability of housing.

“(5) It is the purpose of this act to focus state, municipal, and private resources on assisting mobile home owners recovering from the storms, and on ensuring that in the long term, Vermonters have an adequate supply of safe, affordable housing.”

“Sec. 12a. LEGISLATIVE INTENT; SALES AND USE TAX HOLIDAYS FOR MOBILE HOMES

“It is the intent of the general assembly to provide tax relief from the sales and use tax, the local option sales tax, and the property transfer tax for a mobile home purchased to replace a mobile home that was damaged or destroyed as a result of damage incurred during the spring flooding or during Tropical Storm Irene in 2011. Accordingly, it is the intent of the general assembly that in House Bill 782 (2012) entitled ‘An act relating to miscellaneous tax changes for 2012,’ [2011, Adj. Sess., No. 143] there shall be included a provision authorizing relief from the sales and use tax, the local option sales tax, and the property transfer tax for eligible mobile homes purchased during a qualifying period to replace homes that suffered flood and storm damage, authorizing reimbursement for eligible taxes paid for mobile homes purchased during the qualifying period, and authorizing the department of taxes to adopt standards and procedures necessary to achieve the goals of this section.”

“Sec. 14. EFFECTIVE DATE

“This act shall take effect on passage [May 14, 2012].”

2013, No. 16, § 8(a), provides:

“Sec. 8. EFFECTIVE DATES

“(a) This section and Secs. 5 (required provisions and prohibited effects) and 6 (regulation of accessory dwelling units) of this act shall take effect on passage [May 6, 2013].”

For provisions of 2013, Adj. Sess., No. 96 relating to purpose and intent, see Historical and Statutory Notes under 1 V.S.A. § 146.

2013, Adj. Sess., No. 131, §§ 134 and 135, provide:

“Sec. 134. INTERPRETATION

“The technical amendments in this act shall not supersede substantive changes contained in other acts passed by the General Assembly. Where possible, the amendments in this act shall be interpreted to be supplemental to other amendments to the same sections of statute; to the extent the provisions conflict, the substantive changes in other acts shall take precedence over the technical changes in this act.

“Sec. 135. EFFECTIVE DATES

“This act shall take effect on passage [May 20, 2014], except that Secs. 118a and 118b (amending 18 V.S.A. § 4808 and adding 18 V.S.A. § 4809) shall take effect on July 1, 2014.”

2015, Adj. Sess., No. 130, § 6, provides:

“EFFECTIVE DATES

“This act shall take effect on passage [May 25, 2016, with exceptions not relevant to this section].”

2017, No. 4, § 4, provides:

“EFFECTIVE DATE

“This act shall take effect on passage [March 6, 2017].”

2017, Adj. Sess., No. 143, § 1, provides:

“The General Assembly adopts Sec. 2 of this act to:

“(1) promote and facilitate the economic viability of Vermont’s farms; and

“(2) increase the consistency across the State of municipal regulation and permitting of accessory activity that supports those farms.”

Notes of Decisions containing your search terms (0)

[View all 4](#)

24 V.S.A. § 4412, VT ST T. 24 § 4412

The statutes are current through acts 1-4, 6-13, 15-17 and M-1 to M-3 of the Regular Session of the 2019-2020 Vermont General Assembly (2019) effective upon passage through April 29, 2019.

End of Document

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Burlington Development Review Board

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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday May 21st, 2019, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT Draft Minutes

Board Members Present: B. Rabinowitz, A. LaRosa, A. Hart, S. Harris, G. Hand, A. Zipparo

Board Members Absent: Z. Hightower, J. Drummond (Alt.), R. Venkataraman (Alt.)

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

I. Agenda

II. Communications

B. Rabinowitz: Several items submitted which have been included in meeting packets by staff.

III. Minutes

B. Rabinowitz: Minutes from the previous meeting will be discussed at deliberation

IV. Consent

- 1. 19-0745CU; 669 Riverside Ave (RM, Ward 2C) BHA Riverside Ave Apt**
Change of use from maintenance garage to daycare (Project Manager: Scott Gustin)

B. Rabinowitz: Have you read staff comments do you have any questions?

None

B. Rabinowitz: Do any Board members object to this project being reviewed as consent?

None

B. Rabinowitz: Are there any members of the public who wish to speak about this project?

None

A. Hart: Moved to approve and adopt staffs findings and recommendations

G. Hand: Seconds the motion

5-0-0

- 2. 19-0702CA; 1364 North Ave (RL, Ward 7N) City of Burlington School Dept.**
Site improvements. (Project Manager: Ryan Morrison)

B. Rabinowitz: Have you read staff comments do you have any questions?

None

B. Rabinowitz: Do any Board members object to this project being reviewed as consent?

None

B. Rabinowitz: Are there any members of the public who wish to speak about this project?

None

G. Hand: Moved to approve and adopt staffs findings and recommendations

A. Hart: Seconds the motion

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

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V. Public Hearing

1. 19-0474DT; 164 North Willard (RL, Ward 1E) Luke Purvis

Appeal of administrative adverse determination as to grandfathered status or 15-year statute of limitations regarding northern parking area, southern parking area, and use as a tri-plex. (Project Manager: Scott Gustin)

A. Zipparo: Recused

H. Huessy: Provided overview of situation. Client believes throughout years back to 1960s there have been both driveways continually maintained and used for parking. Southern parking denied by this Board that has been appealed and still under appeal. Regarding the Southern parking area, we take position that it was non-compliant structure that if not used it could be taken away, but deny the claim of abandonment. We also have the tri-plex issue.

B. Rabinowitz: There is no site plan being submitted, no site work.

H. Huessy: no not looking to change just continue use as used for past 60 years. City states we stopped using the use for 60 days but we deny that.

B. Rabinowitz: you're going to verify the parking to north has been used since the 1960s

H. Huessy: grandfathered nonconforming structure, affidavits point to use since 1960s – provided 12 -13 people who signed affidavits stating use. 60 day period of non-use of the southern parking would only have happened because of a letter sent by the City. Mr. LeClair also obtained a zoning permit allowing for racecars and junk cars and back then a site plan would have been submitted, that permit file has been lost by the City. This was the type of use in downtown residential are that zoning would have been an issue or complaints received but there was never a complaint on file. Neither party can prove use or no use. City alleges use discontinued. Primary evidence is ortho photos where the City states paved area went to grass. Grass grows through gravel, affidavits stating re-gravel over time. Ortho photos are less than convincing. If you are a tenant or resident of the property what are the odd you are home when that photo is taken. There has been an ongoing dispute about an easement which continues between the neighbors. Asking Board to take testimony of the Cleary's testimony knowing there is neighbor disputes.

B. Rabinowitz: one of the confusing things are that the affidavits show periods of units not being occupied for lengthy periods

H. Huessy: affidavits state units may have been short term not rented but the owner had family stay so they may not have been rented but they were occupied. Neighbor affidavits show they were only unoccupied for short periods.

B. Rabinowitz: discuss both issues regarding parking and triplex.

H. Huessy: City has acknowledged this is a nonconforming use that was discontinued for a period of time. We have affidavits from renters during periods that there are gaps in City records. The City has said it has to be a full time resident in order to comply-we disagree and don't believe the statute or ordinance states that. Many rental scenarios that could have come into play. 2010 LeClair in failing health so prepped to sell. Sold to Purvis in 2013, so probably didn't rent out units with current tenants rather sold with empty units. Clear that it was always LeClair's intent to use and preserve as a triplex. These have been 3 separate units since the late 1960s without change. Vacancy for a few months should not discontinue the legality of the use. Was a very selective landlord so may have taken time to pick tenants. Think the City should reconsider the concept of abandonment. Provided scenarios.

B. Rabinowitz: this Board can not address changing the Ordinance. We can only go by the timelines the Ordinance provides and if it passes the threshold of the year and it does.

H. Huessy: Boiler inspection of 2013, only multi-unit buildings have to get those inspections.

A. Hart: on parking areas; issue of jurisdiction of looking at southern area. Dispute is whether 60 day or 1 year applies.

H. Huessy: correct finding by Development Review Board was discontinuance for 60 days.

A. Hart: that was the issue we decided it is on appeal so I believe we cannot get into that issue; issue of site plan. No site plan and if you're saying there is a site plan that defines that area we would like to see that.

H. Huessy: would a markup of the ortho photos suffice

A. Hart: something so we can know what is or isn't approved

G. Hand: it would be helpful to see it on the orthos to see what your claims are

A. Hart: right now we don't know what your position is on the site plan

H. Huessy: Scott noted the northern area can be seen in one of the photos

A. Hart: but right now we're guessing we need more in stone on what we are looking at and discussing; 2 units versus 3 units it seems to me that for a significant period of time there was a conversion of one unit to office use; our standard is using the primary use what I read is the primary use was changed to office even if couch used occasionally.

H. Huessy: Unfortunately, Mr. LeClair is not available. We can't provide any more prominent change evidence no business being conducted. It was not used as commercial.

A. Hart: struggling with evidence

B. Rabinowitz: What is the City's for position

S. Gustin: a complicated determination covering grandfathering as well as unenforceable violation. The ordinance states nonconforming use that has a year time frame for abandonment. Unenforceable violation- the point of zoning code is to bring properties into compliance grandfathered use has a bit more wiggle room because at one point it was legit. Use issue 2 versus 3 units; this was a legal duplex basing on written testimony from previous owner- only thing a triplex could be is an unenforceable violation- duplex has year timeframe triplex has 60 days. We're not contesting the tri plex use there we can see mid 1980s to present one use was office space. Present- rental registrations records shows vacancy for several years, seemingly one or both uses were abandoned. Northern evidence from 1950s and estimated around mid 1960s. Plenty of evidence stating it was there. The orthos photos 5 of 7 show this as not gravel parking area. The packet online is in color- it shows a clear line at edge of line that is green space. The 1968 permit log states what it was for, the site plan standards didn't come until later. We have Zoning Board of Adjustment from 1947 that are a page or two of text so a site plan may not have been required. Why the use was changed or made vacant is irrelevant the code states "discontinued for any reason"

G. Hand: the City's opinion on whose burden it is to show the continuance or discontinuance?

K. Sturtevant: established pre-existing non conformity would fall on the applicant; in the Ordinance section 5.3.4 talks about non-conforming uses and 60 vs 1 year time requirements; the term abandonment was brought up this was discontinuance , you are looking at discontinuance not abandonment. Regardless of cause was it discontinued for a period of time. Under the Ordinance discontinuance for any reason including marketing; they would have needed prior approval to get more time.

A. Hart: has that been in the ordinance for a longer period

K. Sturtevant: this is the 2008 version I am not sure prior to that but can find out

A. Hart: can you circulate that info

L. Purvis: the permit we had for work on junk cars you stated the use had been abandoned can you explain how that was written up.

K. Sturtevant: discontinuance for non-conformity for the car services, this is a residential zone where it would not be permitted today- it was discontinued.

B. Rabinowitz: this is a bit off track; think we have a bit of a disagreement on time periods

G. Hand: the City is alleging the tri-plex never received a permit do you agree with that?

H. Huessy: yes; many of the individuals who signed affidavits are here for testimony if the Board wants to have them present.

B. Rabinowitz: affidavits are fairly clear

L. Purvis: one person has experience with gravel on property if they could speak

B. Rabinowitz: open to public for testimony

L. Purvis: in terms of the northern abandonment was it fact that turned to green space or cars using it.

S. Gustin: it's a physical thing the car using it.

A. Hart: we make that decision now not staff

J. Cleary: personal allegations made by applicant are a bit untruthful.

T. Cleary: there was never a feud

J. Cleary: we originally testified in 2014 for southern parking case; the finding of Development Review Board was made in Jan. 2015 that all disturbed areas have to be returned to green space by May 1st 2015. Our observations along with the City's is that the property between July 2012 and Purvis move in in July 2013 that other than Mr. LeClair visiting his office and parking in driveway his unit was vacant. Before there was ever any complaint alleged, Mr. Purvis marked down two parking spaces on property 2014. Consistent with LeClair reports. 2105 Mr. Purvis marked 8 parking spaces on property. We observed northern parking area and driveway use. In April 2104 he began parking cars in southern drive. Purvis instructed tenants to park off drive in grass to the south. In our complaint, the City found other discrepancies with the property. Bring attention to statement by attorney that they proposed several cars on either side of the driveway –there has never been a plan submitted, Purvis stated it would evenly split the parking burden to neighbors on north and side south of neighbors. Parking should not be any of his neighbors problems. We ask the Board uphold the denial and enforcement to proceed.

G. Hand: how long have you lived there

J. Cleary: Since July 2012

G. Hand: was there parking on north and south of drive

J. Cleary: no when we moved in no one lived there, year later Luke Purvis moved in. Mr. LeClair would park in driveway. March 7 2013 Mr. LeClair directed 3-4 truckloads of gravel be deposited to south and north and that is why the ortho photos show the green space. Anything after March 7th 2013 would show a large gravel area.

G. Hand: prior to gravel deposit, since you lived there was there any parking to northern

J. Cleary: not they we observed, Mr. LeClair parked in the driveway.

M. Tamulonis: neighbor; as res of old north end I wanted to make sure observation is heard and understood. The 3 units at 164 were occupied in various ways from 2002 to now, before present owners there were various tenants within those units. Acutely aware of what neighbors were around an abandoned unoccupied would have been concerned. He was trying to sell in 2012 and it was quieter but there was still movement there, mainly caretaker who stayed there from time to time until Hector (Mr. LeClair) returned from Florida. Graveled from time to time. Commented on neighbor's disposition. Attended Board hearing several years ago but didn't realize my information was needed and didn't want to interject on a neighbor dispute.

J. Cleary: never any caretaker

A. Phillips: have witnessed plenty of activity in the house can't provide timelines but grew up across the street and witnessed all of the cars across the street. There wasn't really any lawn because of all of the cars, it was kind of like a car shop. They had gravel back then or else it would have been a mess. Grass can grow right up through gravel over time, just comes down to a maintenance issue.

G. Hand: how long would it take for the space to appear as lawn

A. Phillips: maybe a few years for grass to grow up through- if more traffic not as fast. When hector was there it was mainly used as parking and not much of a lawn. It's always been rented out to college kids as a duplex, every area of the lawn was used as parking. Never complained but for a while the whole property was used as a parking lot.

J. Hartnick: speaking to parking there were cars everywhere. That was the place to go see the cars. Parking was out in the street all over the lawn, they would never get away with it now but back then it wasn't enforced as much. The neighborhood has come a long way for the better.

A. Hart: the time periods?

J. Hartnick: I would say late 1960s early 1970s

P. Bowler: early 1980s worked for hector on cars. Mainly showed up at garage in evening worked to 9 or 10 never heard any complaints about parking or noise. Made a big effort not to rev up the engines. Office use of hectors office. His office was the kitchen table that was not a formal office there were two bedrooms, bathroom, kitchen that hector used. He stayed there semi frequently, his son in law lived there and his kids lived there until 80s

A. Hart: can you give any dates

P. Bowler: early 70s, worked on cars early 80s- 85

A. Hart: described where Mr. LeClair lived were there other tenants there

P. Bowler: yes there were always tenants there while hector was there.

H. Huessy: going to submit the site plan tomorrow, we hadn't received the Cleary's submission until coming here today we ask to submit the site plan tomorrow.

B. Rabinowitz: if we are going to get a site plan we want an actual site plan, we received many anecdotal images. Without a site plan anything we do will have to be conditional upon that site plan.

H. Huessy: Mr. Cleary state that LeClair never parked to the north.

A. Hart: thought would be to continue the public hearing; we received new affidavits would like opportunity to sift through new material.

B. Rabinowitz: we could keep open and deliberate and close public hearing or continue the meeting for further discussion.

A. Hart: if we're going to keep it open then yes provide that site plan, if we can continue to a certain date then we don't have to re-notice

B. Rabinowitz: June 4th?

S. Gustin: June 18th would be next

B. Rabinowitz: submit site plan, material may be submitted until next Tuesday, item adjourned

2. Review of 2019-2024 Joint Institutional Parking Management Plan

This item will be deferred to a future DRB meeting.

VI. Certificate of Appropriateness

1. 19-0800CA; 384 South Prospect St (I, Ward 6S) University of Vermont & State Agricultural College

4,544 gsf addition to the UVM Music Building Recital Hall; A building addition at the northeast end of the existing building with new sidewalks to the doors. Handicap parking and travel lane will be reconfigured for access and drainage improvements. Dumpster pad will be relocated and enlarged. (Project Manager: Ryan Morrison)

G. Hand: disclosed that his firm occasionally represents UVM in other matters unrelated to this

A. Hart: recused

C. Forbes: overview of project. Construction to take place for 1 year. Addition to provide support space no increase in use or seating numbers, providing storages for instruments, practice rooms, green spaces for performers, new sidewalk, improve

ADA accessibility, no change in traffic volumes and parking needs. Project complies with Ordinance because of no new seats. Updated site plan provided include blue light addition and sidewalk change. Photometric plans will be resubmitted tomorrow- construction company would like to request working on Saturday.

Applicant 2: provided overview through slideshow of existing building and proposed additions.

B. Rabinowitz: addition is fiber cement panels

Applicant 2: fiber cement board/ concrete/ vertical wood siding is original. Matching existing materials but using fiber cement board to recreate.

B. Rabinowitz: additional lighting on parking lot

Applicant 2: no additional lighting only follows the sidewalk.

B. Rabinowitz: How is construction access to site

C. Forbes: South Prospect St around Redstone green one way in one way out.

Br- Saturday construction req. traffic on South Prospect St.

C. Forbes: would be minimal only an as needed basis

Donald- displayed parking taken up by construction vehicles

B. Rabinowitz: does this coordinate with preferred schedule

C. Forbes: yes project schedule based on space needs

R. Morrison: due to parking demand- use does not trigger new spaces the condition #3 is irrelevant so you may want to consider omitting that from the findings.

B. Rabinowitz: close public hearing

2. 19-0688CA; 275 Main St (I, Ward 6S) City of Burlington School Dept.

Amend ZP 18-0898CA. (Project Manager: Ryan Morrison)

M. Spaulding: provided brief overview- focus on renovations to C building on Edmunds campus currently gymnasium. Renovated lower level space to have cafeteria and kitchen space on lower level. Existing kitchen space is now going to be admin visitor sign in building. C building will now be primary entrance point. Bringing grades up to eliminate stairs to main entrance.

A. Zipparo: the middle school and elementary do they have different cafeterias

M. Spaulding: no they don't, now will be shared but separate gym spaces.

C. Lindberg: summary of project architectural points. Security- 4 buildings 18 entrances. Central entrance ups security. Safety- improving roof restraint and ice mitigation. Accessibility- from Main St to C building. It will be very accessible. Spaces in front of B building. will have accessibility. Environmental – taking water from site and slowing it down through underground systems. Aesthetics- C building is lovely and we want to reinforce through the access and planting the front of the entrance.

R. Burnett: provided overview through slideshow of aesthetic plans. Eliminating site stairs

G. Hand: parking in front;

R. Burnett: provided ADA accessibility and entrance options for ADA.

S. Harris: how does one move east and west do they have to go out to Main St walkway.

R. Burnett: provided scenarios

G. Hand: any plan or prevention to keep people from moving down the green spaces

B. Rabinowitz: there are currently stairs but changing the east west so people don't go from "a to b"?

R. Burnett: changing access points so the crossing patterns aren't needed

S. Harris: can you point out the sidewalk on rendering

G. Hand: think its going to be hard to keep kids from crossing over green spaces

R. Burnett: discussed design plans for vegetation.

M. Spaulding: during school hours only unlocked doors will be that main entrance to C

B. Rabinowitz: where do the kids enter now

M. Spaulding: pointed out entrance points that will be open right before school starts, as soon as schools starts there will be a single point of entry.

B. Rabinowitz: design of curved walkway why not continue it

R. Burnett: grade changes and accessibility become an issue. Importance of the plaza is to instill the direction of flow through that main entry.

M. Spaulding: that sidewalk in question is to provide access to the transformer not really for pedestrians

A. Hart: one comment in staff report is that the school is currently exceeding lot coverage by a minimal amount. What efforts remain to do this project without increasing lot coverage?

M. Spaulding: it would be nice to have that extra sidewalk space but in order to balance lot coverage we aren't adding that extra space but we do need access for emergency responders and to keep the site safe for students. Sidewalk needed between buildings for student transitions. Widening existing walks for maintenance ease.

R. Burnett: spent a lot of money on putting green back onto the lot. Extensive amount of storm water infrastructure going into the lot.

B. Rabinowitz: closed the public hearing

VII. Sketch Plan

1. 19-0755SP; 266 College St (FD5, Ward 8E) Hotel Y Burlington, LLC.

Sketch plan review for hotel and below grade parking structure with rooftop bar and restaurant. (Project Manager: Scott Gustin and Mary O'Neil)

G. Hand: recused

B. Rabinowitz: sketch plan review subject in the form based code district, some parts fall under that some fall into Development Review Board's review in terms of height and access.

M. O'Neil: The Board is looking at the concept no decision only feedback or recommendations. This is part of Form District 5 and overlay area 'E' for height majority of project will be subject to administrative review by checklists. The Board is challenged with looking at conditional use review because of an outdoor eating area within 500 ft from residential use. Looking at major impact because of the new area being proposed. Looking at discretionary review for additional height in this form code they are permitted 45 ft by right if they want 60 ft that is Board review. Looking at request for relief over 65 ft in height discretionary relief for failure to maintain floor to ceiling height for first floor. Historic structure standards because of partial historic building demo.

S. Silver: provided overview of Cambria Hotel; proposing to maintain 4 story dormer building in front façade. Asking to demolish pool area and gymnasium. Requesting 6-story construction with rest and bar on 6th floor. Want to match floor plates on first floor so asking variance there

C. Buckley: provided overview of project. The Y has been in this location for long time, but has decided to relocate. Want to create hotel while preserving the historic aspect of the former Y. Existing building is very opaque and does not engage the street. South Union side has been renovated several times. Proposal is to keep the gabled structure on corner and remove most of structure that goes to the north. The drop off for hotel would be on College St, because street is two way and has a strong connection to downtown and where the entrance and exit to underground parking is located. Ground floor reception main entrance off of South Union. Providing 77 parking spaces. Occupying former structure with guest rooms. 6th floor planning for bar restaurant meeting rooms and outdoor terraces. Big project that's going in the new form based district so were learning how to interpret that. Submitted first round of checklists but think this first pass design is checking most of the required boxes. Specific things needing Board help is 1 conditional use for outdoor seating are off

South Union St. in lobby the plan is to have low key food and beverage service not intended to be a destination bar or restaurant that is on the roof.

S. Harris: no table service in that location

S. Silver: Likely, there might be but that is based on the hotel company could be combination of grab and go or optional lounge scenario. Light bar maybe.

C. Buckley: proposing to demo part of the historic structure. Gymnasium section is actually original but series of renovations and filling in windows have made it not very functional. It also has many different levels, which causes issues in occupying the space. Any viable development of this site is going to require parking, being heavily occupied the site desperately needs a parking solution. Creation of underground parking is our solution. Our design keeps the intent with form based and keeping streetscape active.

B. Rabinowitz: the new façade east- are you in the same plane as the existing one

C. Buckley: close, preserving a bit of that connector. Façade is slightly closer to the street. Far north end is right on the property line. Form based criteria covers the setbacks. Allowed 4 stories or 45 ft by right, Board has discretion to allow 6 stories or 65 ft. think design is effective in meeting this criteria. Discussed the extra footage relief requesting. Putting roof mechanical needs within the 6th floor to mask it within the building.

S. Harris: any views as to how that relates to the church

C. Buckley: provided rough sense of scale, the church sits a bit higher grade.

B. Rabinowitz: would like to see height relevance in terms of elevations

C. Buckley: height elevation requests are tricky because of the grade levels, grade is not right at the first floor. Excited about the rooftop bar and restaurant and in order to get the views we need to see above the roofs. Ordinance requires ground floor to ceiling be 14 ft existing floor to floor height is 12 ft and because we want to maintain that building and connect our floors to it we want to maintain that floor to ceiling height.

A. Hart: not quite sure that requirement is in the ordinance does the City care about the floor height on the interior, would like to understand the req. before we decide on that.

B. Rabinowitz: relevance of matching existing floor height would matter so we should review that with staff help; entrances College St the activities on Union St looks much more substantial to College St the entrance looks like it's on Union St even though drop off is on College St is doesn't look quite right. The massing works with the historic building.

C. Buckley: entrance is on east side, existing entrance to the Y is very narrow and is 4-5 ft above sidewalk and will not work for hotel use. Drop off zone on college is right place because of two-way traffic and South Union St is one way and has a dedicated bike lane that makes it very narrow. It has short term parking there but that makes it hard to have drop off there. In addition, traffic would have to loop back around to the entrance of the garage which we found is the best place because of the downward slope of the street. The canopy intent is to help signal that there is something happening at the corner and draw people to that side. Approach to entering at this location- low historic form gable is challenging to make into a prominent entrance for a hotel. Ultimately, this approach we think will work is that we will clad the existing brick in metal panel, behind metal the existing brick will remain. Making a bigger entrance but leaving the form intact.

A. Zipparo: how many cars can fit in the drop off area?

C. Buckley: three cars.

B. Rabinowitz: would be nice for more visual guides for getting from 3rd car west on college to the front door to the hotel.

S. Harris: shares concerns over aesthetic regarding challenges of human behavior for drop offs and entrances.

C. Buckley: we have done a traffic study

B. Rabinowitz: you don't have to have the answers tonight

C. Buckley: we think the overall impact on traffic is going to be as good or better than what exists. The Y has high demanding concentration times the hotel is not likely to have that high of a concentrated demand

S. Silver: typical usage in hotel check-ins are around the day, peak demand for parking will be overnight. We believe we only need 75 spaces operationally. Other modes of transportation are expected.

A. Zipparo: we hear most people arrive by other means, how many guest rooms

B. Rabinowitz: visuals of the building are mainly form based. In actual submittal, it would be nice to see the visuals in context from South Winooski, provide elevations from other angles.

S. Silver: in green space we will have connective arch as well.

B. Rabinowitz: and so if we can see from all around how it fits into the city that would help visualize the 65 or 7.5 stories.

A. Zipparo: rooftop restaurant is it open to public.

S. Silver: yes

A. Zipparo: parking analysis included that kind of engagement

S. Silver: original hotel analysis stated needing 75 spots

A. Zipparo: rest traffic included in that

M. O'Neil: this is the big test- the entire building is in form district review. It will be important for staff to be working with design team to see what areas need to be tweaked. We are going to have to work with the design team and it wouldn't be a surprise for changes.

A. Zipparo: does Board have jurisdiction over traffic impact.

A. Hart: under major impact

S. Silver: traffic study included all uses, no material impact found.

A. Hart: great adaptive reuse of the y historical front building. It is a downtown infill project.

S. Harris: speak to demand of market

S. Silver: demand is strong in downtown

B. Rabinowitz: adjourn

VIII. Adjournment

The meeting was adjourned at 7:45 pm

Bradford L. Rabinowitz, Chair of Development Review Board

Date

Layne Darfler, Planning Technician

Date

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

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

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Burlington Development Review Board

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Springer Harris
Geoff Hand
Alexandra Zipparo
Zoraya Hightower
Jim Drummond, (Alternate)
Ravi Venkataraman, (Alternate)*



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday May 21st, 2019, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT Minutes

Board Members Present: B. Rabinowitz, A. LaRosa, A. Hart, S. Harris, G. Hand, A. Zipparo

Board Members Absent: Z. Hightower, J. Drummond (Alt.), R. Venkataraman (Alt.)

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

I. Agenda II. Communications

B. Rabinowitz: Several items submitted which have been included in meeting packets by staff.

III. Minutes

B. Rabinowitz: Minutes from the previous meeting will be discussed at deliberation

IV. Consent

- 1. 19-0745CU; 669 Riverside Ave (RM, Ward 2C) BHA Riverside Ave Apt**
Change of use from maintenance garage to daycare(Project Manager: Scott Gustin)

B. Rabinowitz: Have you read staff comments do you have any questions?
None

B. Rabinowitz: Do any Board members object to this project being reviewed as consent?
None

B. Rabinowitz: Are there any members of the public who wish to speak about this project?
None

A. Hart: Moved to approve and adopt staffs findings and recommendations

G. Hand: Seconds the motion

5-0-0

- 2. 19-0702CA; 1364 North Ave (RL, Ward 7N) City of Burlington School Dept.**
Site improvements. (Project Manager: Ryan Morrison)

B. Rabinowitz: Have you read staff comments do you have any questions?
None

B. Rabinowitz: Do any Board members object to this project being reviewed as consent?
None

B. Rabinowitz: Are there any members of the public who wish to speak about this project?
None

A. Hart: Seconds the motion

5-0-0

V. Public Hearing

1. 19-0474DT; 164 North Willard (RL, Ward 1E) Luke Purvis

Appeal of administrative adverse determination as to grandfathered status or 15-year statute of limitations regarding northern parking area, southern parking area, and use as a tri-plex. (Project Manager: Scott Gustin)

A. Zipparo: Recused

H. Huessy: Provided overview of situation. Client believes throughout years back to 1960s there have been both driveways continually maintained and used for parking. Southern parking denied by this Board that has been appealed and still under appeal. Regarding the Southern parking area, we take position that it was non-compliant structure that if not used it could be taken away, but deny the claim of abandonment. We also have the tri-plex issue.

B. Rabinowitz: There is no site plan being submitted, no site work.

H. Huessy: no not looking to change just continue use as used for past 60 years. City states we stopped using the use for 60 days but we deny that.

B. Rabinowitz: you're going to verify the parking to north has been used since the 1960s

H. Huessy: grandfathered nonconforming structure, affidavits point to use since 1960s – provided 12 -13 people who signed affidavits stating use. 60 day period of non-use of the southern parking would only have happened because of a letter sent by the City. Mr. LeClair also obtained a zoning permit allowing for racecars and junk cars and back then a site plan would have been submitted, that permit file has been lost by the City. This was the type of use in downtown residential are that zoning would have been an issue or complaints received but there was never a complaint on file. Neither party can prove use or no use. City alleges use discontinued. Primary evidence is ortho photos where the City states paved area went to grass. Grass grows through gravel, affidavits stating re-gravel over time. Ortho photos are less than convincing. If you are a tenant or resident of the property what are the odd you are home when that photo is taken. There has been an ongoing dispute about an easement which continues between the neighbors. Asking Board to take testimony of the Cleary's testimony knowing there is neighbor disputes.

B. Rabinowitz: one of the confusing things are that the affidavits show periods of units not being occupied for lengthy periods

H. Huessy: affidavits state units may have been short term not rented but the owner had family stay so they may not have been rented but they were occupied. Neighbor affidavits show they were only unoccupied for short periods.

B. Rabinowitz: discuss both issues regarding parking and triplex.

H. Huessy: City has acknowledged this is a nonconforming use that was discontinued for a period of time. We have affidavits from renters during periods that there are gaps in City records. The City has said it has to be a full time resident in order to comply-we disagree and don't believe the statute or ordinance states that. Many rental scenarios that could have come into play. 2010 LeClair in failing health so prepped to sell. Sold to Purvis in 2013, so probably didn't rent out units with current tenants rather sold with empty units. Clear that it was always LeClair's intent to use and preserve as a triplex. These have been 3 separate units since the late 1960s without change. Vacancy for a few months should not discontinue the legality of the use. Was a very selective landlord so may have taken time to pick tenants.

H. Huessy: Boiler inspection of 2013, only multi-unit buildings have to get those inspections.

A. Hart: on parking areas; issue of jurisdiction of looking at southern area. Dispute is whether 60 day or 1 year applies.

H. Huessy: correct finding by Development Review Board was discontinuance for 60 days.

A. Hart: that was the issue we decided it is on appeal so I believe we cannot get into that issue; issue of site plan. No site plan and if you're saying there is a site plan that defines that area we would like to see that.

H. Huessy: would a markup of the ortho photos suffice

A. Hart: something so we can know what is or isn't approved

G. Hand: it would be helpful to see it on the orthos to see what your claims are

A. Hart: right now we don't know what your position is on the site plan

H. Huessy: Scott noted the northern area can be seen in one of the photos

A. Hart: but right now we're guessing we need more in stone on what we are looking at and discussing; 2 units versus 3 units it seems to me that for a significant period of time there was a conversion of one unit to office use; our standard is using the primary use what I read is the primary use was changed to office even if couch used occasionally.

H. Huessy: Unfortunately, Mr. LeClair is not available. We can't provide any more prominent change evidence no business being conducted. It was not used as commercial.

A. Hart: struggling with evidence

B. Rabinowitz: What is the City's for position

S. Gustin: a complicated determination covering grandfathering as well as unenforceable violation. The ordinance states nonconforming use that has a year time frame for abandonment. Unenforceable violation- the point of zoning code is to bring properties into compliance grandfathered use has a bit more wiggle room because at one point it was legit. Use issue 2 versus 3 units; this was a legal duplex basing on written testimony from previous owner- only thing a triplex could be is an unenforceable violation- duplex has year timeframe triplex has 60 days. We're not contesting the tri plex use there we can see mid 1980s to present one use was office space. Present- rental registrations records shows vacancy for several years, seemingly one or both uses were abandoned. Northern evidence from 1950s and estimated around mid 1960s. Plenty of evidence stating it was there. The orthos photos 5 of 7 show this as not gravel parking area. The packet online is in color- it shows a clear line at edge of line that is green space. The 1968 permit log states what it was for, the site plan standards didn't come until later. We have Zoning Board of Adjustment from 1947 that are a page or two of text so a site plan may not have been required. Why the use was changed or made vacant is irrelevant the code states "discontinued for any reason"

G. Hand: the City's opinion on whose burden it is to show the continuance or discontinuance?

K. Sturtevant: established pre-existing non conformity would fall on the applicant; in the Ordinance section 5.3.4 talks about non-conforming uses and 60 vs 1 year time requirements; the term abandonment was brought up this was discontinuance , you are looking at discontinuance not abandonment. Regardless of cause was it discontinued for a period of time. Under the Ordinance discontinuance for any reason including marketing; they would have needed prior approval to get more time.

A. Hart: has that been in the ordinance for a longer period

K. Sturtevant: this is the 2008 version I am not sure prior to that but can find out

K. Sturtevant: discontinuance for non-conformity for the car services, this is a residential zone where it would not be permitted today- it was discontinued.

B. Rabinowitz: this is a bit off track; think we have a bit of a disagreement on time periods

G. Hand: the City is alleging the tri-plex never received a permit do you agree with that?

H. Huessy: yes; many of the individuals who signed affidavits are here for testimony if the Board wants to have them present.

B. Rabinowitz: affidavits are fairly clear

L. Purvis: one person has experience with gravel on property if they could speak

B. Rabinowitz: open to public for testimony

L. Purvis: in terms of the northern abandonment was it fact that turned to green space or cars using it.

S. Gustin: it's a physical thing the car using it.

A. Hart: we make that decision now not staff

J. Cleary: personal allegations made by applicant are a bit untruthful.

T. Cleary: there was never a feud

J. Cleary: we originally testified in 2014 for southern parking case; the finding of Development Review Board was made in Jan. 2015 that all disturbed areas have to be returned to green space by May 1st 2015. Our observations along with the City's is that the property between July 2012 and Purvis move in in July 2013 that other than Mr. LeClair visiting his office and parking in driveway his unit was vacant. Before there was ever any complaint alleged, Mr. Purvis marked down two parking spaces on property 2014. Consistent with LeClair reports. 2105 Mr. Purvis marked 8 parking spaces on property. We observed northern parking area and driveway use. In April 2104 he began parking cars in southern drive. Purvis instructed tenants to park off drive in grass to the south. In our complaint, the City found other discrepancies with the property. Bring attention to statement by attorney that they proposed several cars on either side of the driveway –there has never been a plan submitted, Purvis stated it would evenly split the parking burden to neighbors on north and side south of neighbors. Parking should not be any of his neighbors problems. We ask the Board uphold the denial and enforcement to proceed.

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A. Hart: described where Mr. LeClair lived were there other tenants there

P. Bowler: yes there were always tenants there while hector was there.

H. Huessy: going to submit the site plan tomorrow, we hadn't received the Cleary's submission until coming here today we ask to submit the site plan tomorrow.

B. Rabinowitz: if we are going to get a site plan we want an actual site plan, we received many anecdotal images. Without a site plan anything we do will have to be conditional upon that site plan.

H. Huessy: Mr. Cleary state that LeClair never parked to the north.

A. Hart: thought would be to continue the public hearing; we received new affidavits would like opportunity to sift through new material.

B. Rabinowitz: we could keep open and deliberate and close public hearing or continue the meeting for further discussion.

A. Hart: if we're going to keep it open then yes provide that site plan, if we can continue to a certain date then we don't have to re-notice

B. Rabinowitz: June 4th?

S. Gustin: June 18th would be next

B. Rabinowitz: submit site plan, material may be submitted until next Tuesday, item adjourned

2. Review of 2019-2024 Joint Institutional Parking Management Plan

This item will be deferred to a future DRB meeting.

VI. Certificate of Appropriateness

1. 19-0800CA; 384 South Prospect St (I, Ward 6S) University of Vermont & State Agricultural College

4,544 gsf addition to the UVM Music Building Recital Hall; A building addition at the northeast end of the existing building with new sidewalks to the doors. Handicap parking and travel lane will be reconfigured for access and drainage improvements.

C. Forbes: overview of project. Construction to take place for 1 year. Addition to provide support space no increase in use or seating numbers, providing storages for instruments, practice rooms, green spaces for performers, new sidewalk, improve ADA accessibility, no change in traffic volumes and parking needs. Project complies with Ordinance because of no new seats. Updated site plan provided include blue light addition and sidewalk change. Photometric plans will be resubmitted tomorrow- construction company would like to request working on Saturday.

Applicant 2: provided overview through slideshow of existing building and proposed additions.

B. Rabinowitz: addition is fiber cement panels

Applicant 2: fiber cement board/ concrete/ vertical wood siding is original. Matching existing materials but using fiber cement board to recreate.

B. Rabinowitz: additional lighting on parking lot

Applicant 2: no additional lighting only follows the sidewalk.

B. Rabinowitz: How is construction access to site

C. Forbes: South Prospect St around Redstone green one way in one way out.

Br- Saturday construction req. traffic on South Prospect St.

C. Forbes: would be minimal only as needed basis

Donald- displayed parking taken up by construction vehicles

B. Rabinowitz: does this coordinate with preferred schedule

C. Forbes: yes project schedule based on space needs

R. Morrison: due to parking demand- use does not trigger new spaces the condition #3 is irrelevant so you may want to consider omitting that from the findings.

B. Rabinowitz: close public hearing

2. 19-0688CA; 275 Main St (I, Ward 6S) City of Burlington School Dept.

Amend ZP 18-0898CA. (Project Manager: Ryan Morrison)

M. Spaulding: provided brief overview- focus on renovations to C building on Edmunds campus currently gymnasium. Renovated lower level space to have cafeteria and kitchen space on lower level. Existing kitchen space is now going to be admin visitor sign in building. C building will now be primary entrance point. Bringing grades up to eliminate stairs to main entrance.

A. Zipparo: the middle school and elementary do they have different cafeterias

M. Spaulding: no they don't, now will be shared but separate gym spaces.

C. Lindberg: summary of project architectural points. Security- 4 buildings 18 entrances. Central entrance ups security. Safety- improving roof restraint and ice mitigation. Accessibility- from Main St to C building. It will be very accessible. Spaces in front of B building. will have accessibility. Environmental – taking water from site and slowing it down through underground systems. Aesthetics- C building is lovely and we want to reinforce through the access and planting the front of the entrance.

R. Burnett: provided overview through slideshow of aesthetic plans. Eliminating site stairs

G. Hand: parking in front;

R. Burnett: provided ADA accessibility and entrance options for ADA.

S. Harris: how does one move east and west do they have to go out to Main St walkway.

R. Burnett: provided scenarios

G. Hand: any plan or prevention to keep people from moving down the green spaces

B. Rabinowitz: there are currently stairs but changing the east west so people don't

M. Spaulding: during school hours only unlocked doors will be that main entrance to C

B. Rabinowitz: where do the kids enter now

M. Spaulding: pointed out entrance points that will be open right before school starts, as soon as schools starts there will be a single point of entry.

B. Rabinowitz: design of curved walkway why not continue it

R. Burnett: grade changes and accessibility become an issue. Importance of the plaza is to instill the direction of flow through that main entry.

M. Spaulding: that sidewalk in question is to provide access to the transformer not really for pedestrians

A. Hart: one comment in staff report is that the school is currently exceeding lot coverage by a minimal amount. What efforts remain to do this project without increasing lot coverage?

M. Spaulding: it would be nice to have that extra sidewalk space but in order to balance lot coverage we aren't adding that extra space but we do need access for emergency responders and to keep the site safe for students. Sidewalk needed between buildings for student transitions. Widening existing walks for maintenance ease.

R. Burnett: spent a lot of money on putting green back onto the lot. Extensive amount of storm water infrastructure going into the lot.

B. Rabinowitz: closed the public hearing

VII. Sketch Plan

1. 19-0755SP; 266 College St (FD5, Ward 8E) Hotel Y Burlington, LLC.

Sketch plan review for hotel and below grade parking structure with rooftop bar and restaurant. (Project Manager: Scott Gustin and Mary O'Neil)

G. Hand: recused

B. Rabinowitz: sketch plan review subject in the form based code district, some parts fall under that some fall into Development Review Board's review in terms of height and access.

M. O'Neil: The Board is looking at the concept no decision only feedback or recommendations. This is part of Form District 5 and overlay area 'E' for height majority of project will be subject to administrative review by checklists. The Board is challenged with looking at conditional use review because of an outdoor eating area within 500 ft from residential use. Looking at major impact because of the new area being proposed. Looking at discretionary review for additional height in this form code they are permitted 45 ft by right if they want 60 ft that is Board review. Looking at request for relief over 65 ft in height discretionary relief for failure to maintain floor to ceiling height for first floor. Historic structure standards because of partial historic building demo.

S. Silver: provided overview of Cambria Hotel; proposing to maintain 4 story dormer building in front façade. Asking to demolish pool area and gymnasium. Requesting 6-story construction with rest and bar on 6th floor. Want to match floor plates on first floor so asking variance there

C. Buckley: provided overview of project. The Y has been in this location for long time, but has decided to relocate. Want to create hotel while preserving the historic aspect of the former Y. Existing building is very opaque and does not engage the street. South Union side has been renovated several times. Proposal is to keep the gabled structure on corner and remove most of structure that goes to the north. The drop off for hotel would be on College St. because street is two way and bus stop

new form based district so were learning how to interpret that. Submitted first round of checklists but think this first pass design is checking most of the required boxes. Specific things needing Board help is 1 conditional use for outdoor seating are off South Union St. in lobby the plan is to have low key food and beverage service not intended to be a destination bar or restaurant that is on the roof.

S. Harris: no table service in that location

S. Silver: Likely, there might be but that is based on the hotel company could be combination of grab and go or optional lounge scenario. Light bar maybe.

C. Buckley: proposing to demo part of the historic structure. Gymnasium section is actually original but series of renovations and filling in windows have made it not very functional. It also has many different levels, which causes issues in occupying the space. Any viable development of this site is going to require parking, being heavily occupied the site desperately needs a parking solution. Creation of underground parking is our solution. Our design keeps the intent with form based and keeping streetscape active.

B. Rabinowitz: the new façade east- are you in the same plane as the existing one

C. Buckley: close, preserving a bit of that connector. Façade is slightly closer to the street. Far north end is right on the property line. Form based criteria covers the setbacks. Allowed 4 stories or 45 ft by right, Board has discretion to allow 6 stories or 65 ft. think design is effective in meeting this criteria. Discussed the extra footage relief requesting. Putting roof mechanical needs within the 6th floor to mask it within the building.

S. Harris: any views as to how that relates to the church

C. Buckley: provided rough sense of scale, the church sits a bit higher grade.

B. Rabinowitz: would like to see height relevance in terms of elevations

C. Buckley: height elevation requests are tricky because of the grade levels, grade is not right at the first floor. Excited about the rooftop bar and restaurant and in order to get the views we need to see above the roofs. Ordinance requires ground floor to ceiling be 14 ft existing floor to floor height is 12 ft and because we want to maintain that building and connect our floors to it we want to maintain that floor to ceiling height.

A. Hart: not quite sure that requirement is in the ordinance does the City care about the floor height on the interior, would like to understand the req. before we decide on that.

B. Rabinowitz: relevance of matching existing floor height would matter so we should review that with staff help; entrances College St the activities on Union St looks much more substantial to College St the entrance looks like it's on Union St even though drop off is on College St is doesn't look quite right. The massing works with the historic building.

C. Buckley: entrance is on east side, existing entrance to the Y is very narrow and is 4-5 ft above sidewalk and will not work for hotel use. Drop off zone on college is right place because of two-way traffic and South Union St is one way and has a dedicated bike lane that makes it very narrow. It has short term parking there but that makes it hard to have drop off there. In addition, traffic would have to loop back around to the entrance of the garage which we found is the best place because of the downward slope of the street. The canopy intent is to help signal that there is something happening at the corner and draw people to that side. Approach to entering at this location- low historic form gable is challenging to make into a prominent entrance for a hotel. Ultimately, this approach we think will work is that we will clad the existing brick in metal panel, behind metal the existing brick will remain. Making a bigger entrance but leaving the form intact.

A. Zinnaro: how many cars can fit in the drop off area?

S. Harris: shares concerns over aesthetic regarding challenges of human behavior for drop offs and entrances.

C. Buckley: we have done a traffic study

B. Rabinowitz: you don't have to have the answers tonight

C. Buckley: we think the overall impact on traffic is going to be as good or better than what exists. The Y has high demanding concentration times the hotel is not likely to have that high of a concentrated demand

S. Silver: typical usage in hotel check-ins are around the day, peak demand for parking will be overnight. We believe we only need 75 spaces operationally. Other modes of transportation are expected.

A. Zipparo: we hear most people arrive by other means, how many guest rooms

B. Rabinowitz: visuals of the building are mainly form based. In actual submittal, it would be nice to see the visuals in context from South Winooski, provide elevations from other angles.

S. Silver: in green space we will have connective arch as well.

B. Rabinowitz: and so if we can see from all around how it fits into the city that would help visualize the 65 or 7.5 stories.

A. Zipparo: rooftop restaurant is it open to public.

S. Silver: yes

A. Zipparo: parking analysis included that kind of engagement

S. Silver: original hotel analysis stated needing 75 spots

A. Zipparo: rest traffic included in that

M. O'Neil: this is the big test- the entire building is in form district review. It will be important for staff to be working with design team to see what areas need to be tweaked. We are going to have to work with the design team and it wouldn't be a surprise for changes.

A. Zipparo: does Board have jurisdiction over traffic impact.

A. Hart: under major impact

S. Silver: traffic study included all uses, no material impact found.

A. Hart: great adaptive reuse of the y historical front building. It is a downtown infill project.

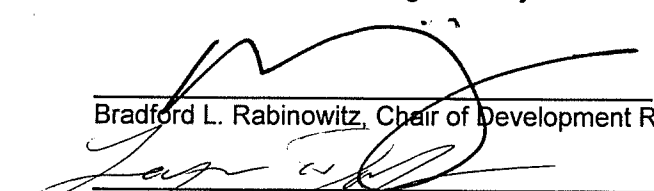
S. Harris: speak to demand of market

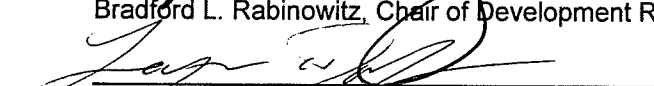
S. Silver: demand is strong in downtown

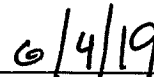
B. Rabinowitz: adjourn

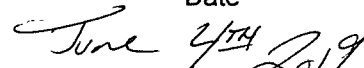
VIII. Adjournment

The meeting was adjourned at 7:45 pm


Bradford L. Rabinowitz, Chair of Development Review Board


Layne Darfler, Planning Technician


Date


Date

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

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

