

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
Fax (802) 863-0466

Brad Rabinowitz
AJ LaRosa
Springer Harris
Geoff Hand
Brooks McArthur
Kienan Christianson
Caitlin Halpert
Sean McKenzie, (Alternate)
Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, May 18, 2021, 5:00 PM

PUBLIC HEARING NOTICE

REMOTE MEETING

Zoom: <https://us02web.zoom.us/j/89490816875?pwd=YTZqTXB6bUdxVWFvM0k2NEFmaEJmdz09>

Webinar ID: 894 9081 6875

Password: 228291

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

1. **21-0816SN; 65 Main Street (FD5, Ward 3C) 65 Main Condo Association, Inc**
Install three signs and seek alternative compliance for proposed directory sign.
2. **21-0361CU; 41 Pine Place (RM, Ward 5S) Sam Catalano**
Request for three-bedroom short-term rental (bed and breakfast) and two-bedroom boarding house within duplex. No construction proposed.

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

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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 Zoning Division 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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Agenda

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Consent**
 1. **21-0816SN; 65 Main Street (FD5, Ward 3C) 65 Main Condo Association, Inc.**
Install three signs and seek alternative compliance for proposed directory sign. (Project Manager: Scott Gustin)
- V. **Public Hearing**
 1. **21-0361CU; 41 Pine Place (RM, Ward 5S) Sam Catalano**
Request for three-bedroom short-term rental (bed and breakfast) and two-bedroom boarding house within duplex. No construction proposed. (Project Manager: Scott Gustin)
 2. **21-0785CA/CU; 57 South Williams (RH, Ward 1E) Chabad of Vermont**
Change of use from residential apartments to elementary school. (Project Manager: Ryan Morrison)
- VI. **Certificate of Appropriateness**
 1. **21-0788CA; 85 Archibald St (NMU, Ward 2C) Archibald Street Housing and Champlain Housing Trust**
Removal and replacement of nine trees. (Project Manager: Scott Gustin)
 2. **21-0667CA; 90 Ethan Allen Parkway (NAC, Ward 7N) Rolf Danielson**
Request for four-unit hotel/bed and breakfast; install fencing, pergola, landscaping, expand driveway and resurface with gravel, move garage. *Continued review.* (Project Manager: Ryan Morrison)
- VII. **Adjournment**

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 2. ~~21-0785CA/CU; 57 South Williams (RH, Ward 1E) Chabad of Vermont~~
~~Change of use from residential apartments to elementary school. (Project Manager: Ryan Morrison)~~ Deferred Hearing to June 15, 2021
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Request for four-unit hotel/bed and breakfast; install fencing, pergola, landscaping, expand driveway and resurface with gravel, move garage. *Continued review.* (Project Manager: Ryan Morrison)
 3. **21-0677CA; 184-186 North Winooski Ave (NMU, Ward 2C) North Winooski Avenue 184 LLC**
Remove garage and construct a four unit building; add parking, dumpster enclosure and bike shelter. *Continued Review.* (Project Manager: Ryan Morrison)
- VII. **Adjournment**

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

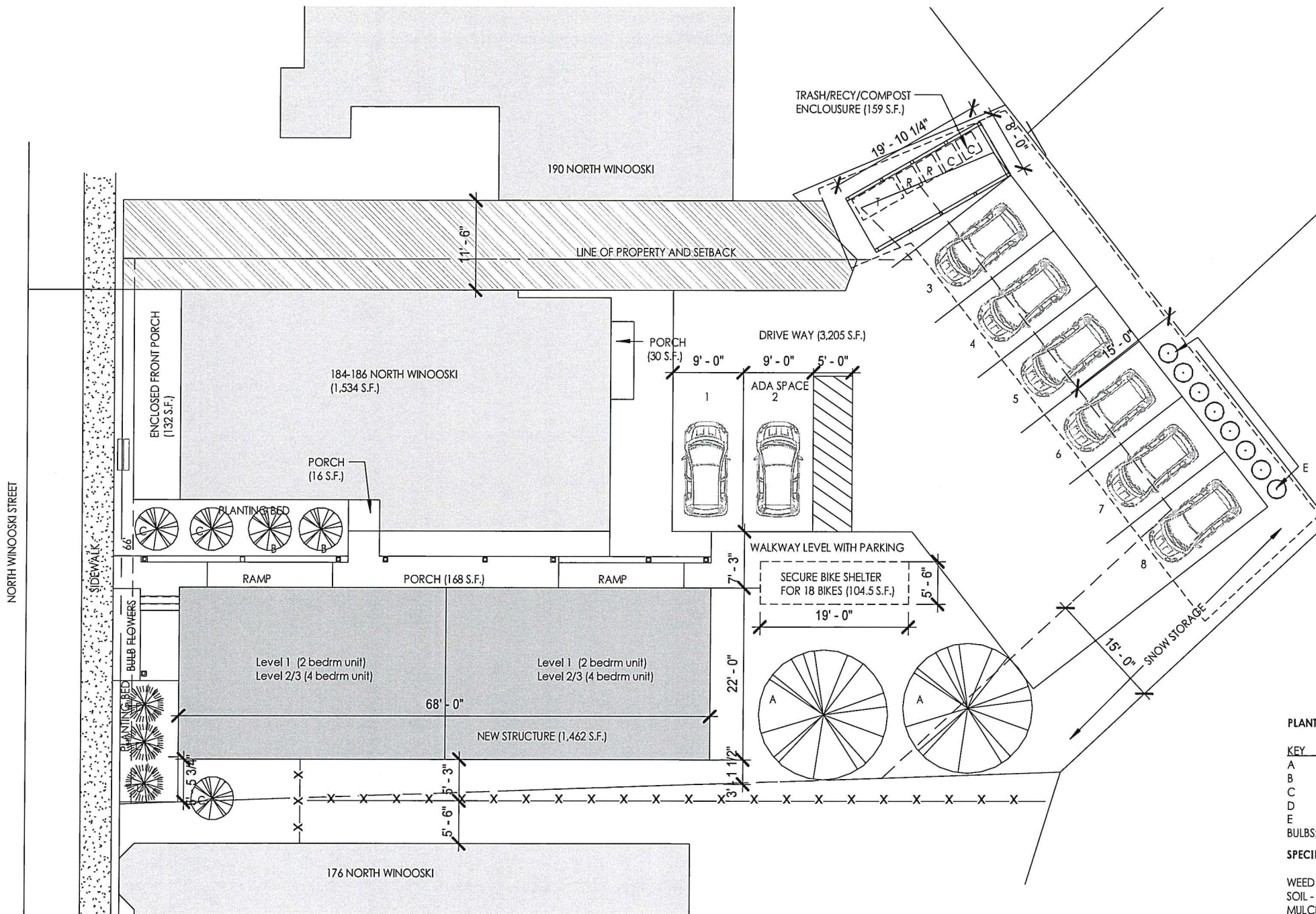


MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: May 18, 2021
RE: 21-0677CA; 184-186 North Winooski Avenue

=====

In response to the requested information from the DRB at the May 4, 2021 meeting, the applicant has submitted revised plans that include a complete site plan, ADA accessible ramps serving the proposed building, an ADA parking space, and landscape planting specifics. See attached.



ZONING DISTRICT: NMU

MAX INTENSITY: 2.0 F.A.R.
MAX. LOT COVERAGE = 80%

FRONT: 0'
SIDE: Min: 0' - FIRE CODE 5'
REAR: Min: 15' FOR ABUTTING RESIDENTIAL NEIGHBORHOODS

EXISTING LOT COVERAGE

EXISTING LOT SIZE: 10,031 S.F.*
EXISTING HOUSE: 1,534 S.F.
EXISTING GARAGE: 1,606 S.F.
EXISTING PORCHES: 178 S.F.
EXISTING DECK: 200 S.F.
EXISTING DRIVEWAY: 1,889 S.F.
EX. LOT COVERAGE TOTAL: 5,407 S.F. = 54%

PROPOSED LOT COVERAGE

LOT SIZE: 10,031 S.F.
HOUSE & PORCHES: 1,534 S.F.
NEW APARTMENT & PORCH: 1,630 S.F.
BIKE SHELTER: 104.5 S.F.
DUMPSTER PLATFORM: 159 S.F.
WALKWAY: 374 S.F.
DRIVEWAY: 3,205 S.F.

PROP LOT CVG TOTAL: 7,006.5 S.F. = 70%
* lot area is based off tax parcel map

DRAWING KEY

	EXISTING STRUCTURE
	NEW STRUCTURE
	EASEMENT
	PROPERTY LINE
	SETBACK LINE
	FENCE LINE

PLANT LIST

KEY	COMMON NAME	MATURE HEIGHT	SIZE	QUANTITY	COMMENTS
A	SUGAR MAPLE	50'-0"	3 CAL.	2	
B	PAPER BIRCH	35'-0"	3 CAL.	2	
C	DOGWOOD - Cherokee Brave	15'-0"	3 CAL.	3	
D	MOUNTAIN HYDRANGEA	4'-0"	3 GAL.	3	
E	DWARF ALBERTA SPRUCE	6'-0"	48"	8	
BULBS: MIX OF TULIPS, AND IRIS					

SPECIFICATIONS:

WEED BARRIER - ECOgardener Premium 5oz Pro Garden Weed Barrier Landscape Fabric
SOIL - MIX COMPOST INTO TOP 4" OF SOIL
MULCH - SHREDDED BARK MULCH - BROWN/NATURAL

GENERAL NOTES:

- CONTRACTOR IS TO VERIFY ALL PLANT QUANTITIES. IF ANY DISCREPANCIES ARE FOUND OWNER OR OWNER'S REP. SHALL BE NOTIFIED.
- FINAL PLANT PLACEMENT NEEDS TO BE APPROVED BY OWNER OR OWNER'S REP.
- LANDSCAPER CAN MAKE SUBSTITUTIONS WITH OWNER'S WRITTEN APPROVAL.

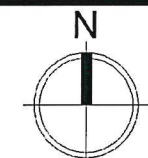
The design ideas and plans represented by these documents are the property of Hinge, Inc. Use or copy is permitted by contract only. The use or revisions of these ideas and plans is prohibited without the written permission of Hinge.

184-186 NORTH WINOOSKI APT

BURLINGTON, VT

HINGE
architecture
431 Pine Street, Suite 314, Burlington, VT 05401

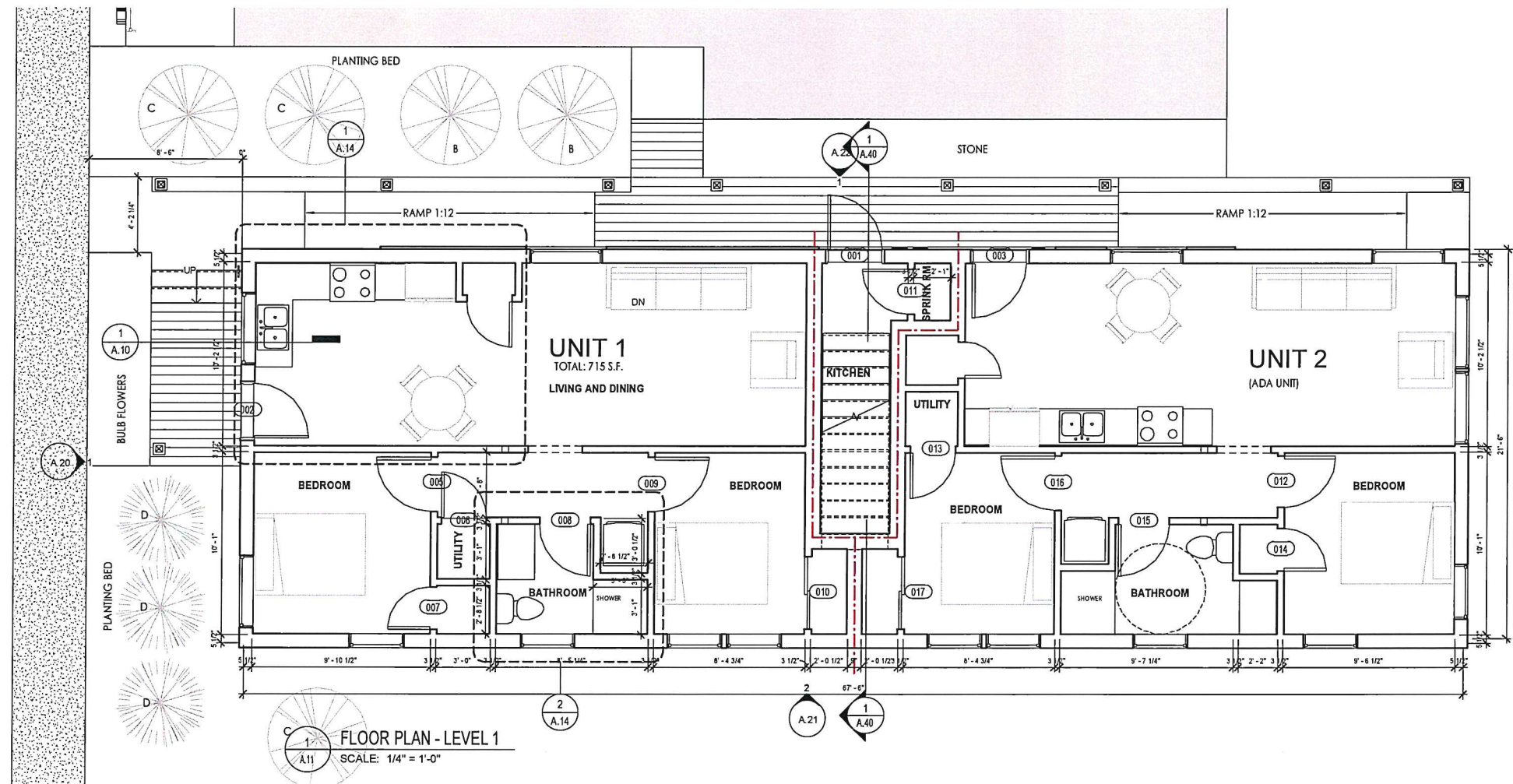
DAB REV.: 04/21/21
DRB REV.: 05/10/21



DATE: 02/11/21
SCALE: As Indicated
DRAWN BY: MA
CHECKED BY: MA

PROPOSED SITE
PLAN

SHEET NO:
A.02

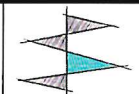


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BURLINGTON, VT

184-186 NORTH WINOOSKI APT



HINGE
architecture
431 Pine Street, Suite 314, Burlington, VT 05401

FOR PERMIT ONLY
DAB REV.: 04/21/21

DATE: 03/30/21
SCALE: 1/4" = 1'-0"
DRAWN BY: MA
CHECKED BY: Designer
PHASE:

FLOOR PLAN
LEVEL 1 (2
BED APT.)

A.11
SCHEDULE



2 EAST ELEVATION
A.20 SCALE: 1/4" = 1'-0"



1 WEST ELEVATION
A.20 SCALE: 1/4" = 1'-0"

184-186 NORTH WINOOSKI APT

BURLINGTON, VT

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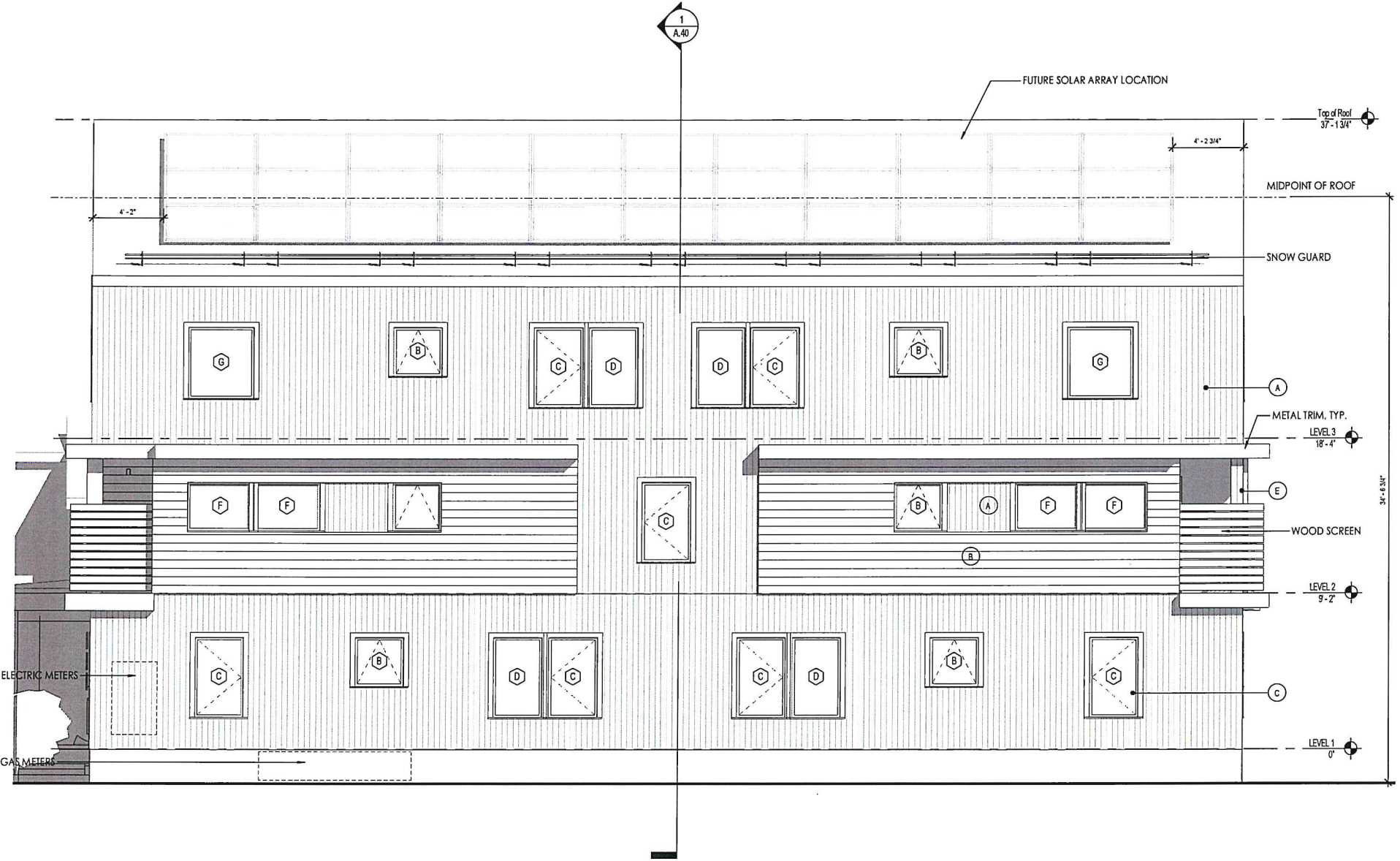
FOR PERMIT ONLY
DAB REV.: 04/21/21
DRB REV.: 05/04/21
05/10/21

DATE: 2/12/21
SCALE: 1/4" = 1'-0"
DRAWN BY: MA
CHECKED BY: Designer
PHASE:

ELEVATIONS

SHEET NO: A.20

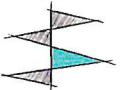
EXTERIOR MATERIAL KEY	
Key Value	Keynote Text
A	METAL SIDING
B	LAP SIDING - PAINT
C	VINYL CLAD WINDOW
D	ENTRY DOOR - ALUMINUM CLAD
E	CEDAR POST WITH METAL BASE
F	METAL GUARDRAIL WITH METAL STANCHION
G	ASPHALT ROOF



2 SOUTH ELEVATION
A21 SCALE: 1/4" = 1'-0"

184-186 NORTH WINOOSKI APT

BURLINGTON, VT



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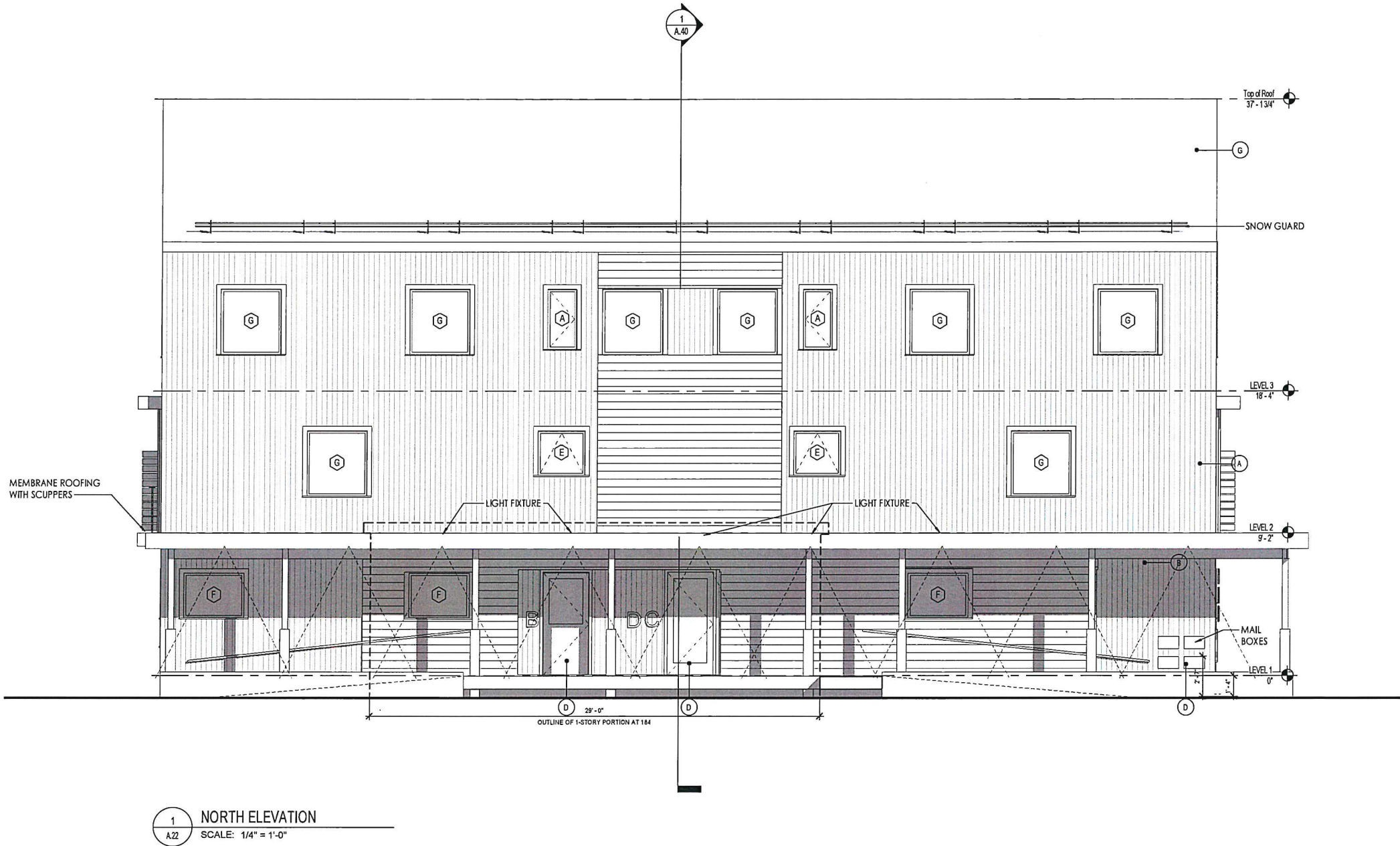
FOR PERMIT ONLY
DAB REV.: 04/21/21
DRB REV.: 05/04/21
05/10/21

DATE: 02/12/21
SCALE: 1/4" = 1'-0"
DRAWN BY: MA
CHECKED BY: Designer
PHASE:

ELEVATIONS

SHEET NO:
A.21

EXTERIOR MATERIAL KEY	
Key Value	Keynote Text
A	METAL SIDING
B	LAP SIDING - PAINT
C	VINYL CLAD WINDOW
D	ENTRY DOOR - ALUMINUM CLAD
E	CEDAR POST WITH METAL BASE
F	METAL GUARDRAIL WITH METAL STANCHION
G	ASPHALT ROOF



184-186 NORTH WINOOSKI APT

BURLINGTON, VT

HINGE
architecture
431 Pine Street, Suite 314, Burlington, VT 05401

FOR PERMIT ONLY
DAB REV.: 04/21/21
DRB REV.: 05/04/21

DATE: 01/13/21
SCALE: 1/4" = 1'-0"
DRAWN BY: Author
CHECKED BY: Designer
PHASE:

ELEVATIONS

SHEET NO:
A.22

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MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: May 4, 2021
RE: 21-0677CA; 184-186 North Winooski Ave

=====

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: NMU Ward: 2C

Owner/Applicant: North Winooski Avenue 184 LLC

Request: Demolish an existing garage structure and construct a new four unit apartment building, adding parking in demolished garage footprint.

Applicable Regulations:

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)

Overview:

184-186 North Winooski Ave currently contains a duplex building, 4 surface parking spaces, and a detached garage structure (proposed for demolition) shown to have 2 internal parking spaces and other interior storage. Neither the duplex building nor the detached garage are listed as historical structures. The proposal includes demolishing the garage structure and constructing a 3-story, four-unit apartment building. The applicant proposes 6 surface parking spaces to locate in the footprint of the demolished garage, and to retain 2 of the existing 4 parking spaces.

This application was heard by the Design Advisory Board on April 13, 2021 and on April 27, 2021. After the second meeting, the DAB recommended approval of the application as proposed to the Development Review Board, with the following recommendations:

1. Remove the signage at the third story level;
2. Include a solar layout on the south facing roof; and
3. Add snow guards to the roof.

Previous zoning actions for this property are noted below.

- **ZP17-1080CA;** replacement garage siding, trim, doors and 2 new windows. May 2017.
- **ZP19-0147CA;** replacement door. August 2018.
- **ZP21-0147CA;** replace roof on porch. August 2020.

- **ZP21-0548CA**; after the fact window replacement: wood to vinyl. December 2020.

Recommendation: Certificate of Appropriateness Approval as per the following findings:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

Section 3.3.2 Applicability

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

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

SF of Project **4,354**

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.200	870.80
Fire	0.226	984.00
Police	0.045	195.93
Parks	0.759	3,304.69
Library	0.470	2,046.38
Schools	0.981	4,271.27
Total	2.681	\$ 11,673.07

The applicant shall submit a final calculation of gross square footage to make final an Impact Fee assessment. **Affirmative finding as conditioned.**

Section 3.3.8 Time and Place of Payment

Impact fees must be paid to the city's chief administrative officer / city treasurer according to the following schedule:

- New buildings: Impact fees must be paid at least seven days prior to occupancy of a new building or any portion thereof.*

Affirmative finding as conditioned.

Article 4: Zoning Maps and Districts

Section 4.4.2 Neighborhood Mixed Use Districts

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

Per Appendix A – Use Table – All Zoning Districts, ‘Attached Dwellings – Multi-Family (3 or more)’ are permitted uses within the NMU zone. **Affirmative finding.**

(b) Dimensional Standards and Density

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

Table 4.4.2-1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio¹)	Max. Lot Coverage	Minimum Building Setbacks (feet)			Building Height (feet)
			Front³	Side	Rear	
NMU	2.0 FAR	80%	0 ⁵	0 ²	0 ²	Min: 2'. 2 stories Max: 35
184-186 North Winooski Ave	0.42	71%	8' 6" (19' 6" from N Winooski Ave curb)	4' 6" (south), n/a to north side	42'	34' 6 ¾" (to mid-point of roof pitch)

1. Floor area ratio is described in Sec. 5.2.7. Measurement of and exceptions to height limits are found in Sec 5.2.6. Bonuses for additional FAR and height where available are described in section (d)3 below, and additional height, FAR and lot coverage is afforded by-right for inclusionary housing projects under Sec. 9.1.12. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.
2. Structures shall be setback a minimum of 15-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by neighborhood mixed use and residential zones are exempt from this district boundary setback.
3. Structures shall be setback a minimum of 12-feet from the curb on a public street.
4. Exceptions to maximum lot coverage are provided in (d)2.
5. Notwithstanding footnote 4, the NMU district at the intersection of Pine St. and Flynn Avenue shall have a minimum front yard setback of 10 feet.
6. Side and rear yard setbacks are applicable only to the periphery of the NAC-CR district and not to individual parcels within the district.
7. Front yard setbacks for buildings fronting on North Avenue shall be 20' min and 30' max.

A residential zoning district abuts the subject property at the rear. The proposed development will see no structures within the minimum 15 ft zoning district boundary setback at the rear. The new parking area in the footprint of the garage-to-be-demolished will be setback a distance of 6 ft from this zoning district boundary. Parking is allowed side and rear yard minimum setbacks of 5 ft where greater building setbacks are required – see Sec. 5.2.5 below. **Affirmative finding.**

(c) Permitted and Conditional Uses

Multi-Family Dwellings (3 or more units) are permitted uses in the NMU zoning district. **Affirmative finding.'**

(d) District Specific Regulations

1. *Ground Floor Residential Units Restricted*

In order to maintain an active streetscape for pedestrians and pedestrian-oriented businesses and activities, residential uses shall not be permitted within 25-feet of a public street right-of-way along the street-level frontage in the NAC District. This restriction shall not apply in the NAC-Riverside and NAC-Cambrian Rise Districts.

The property is zoned NMU. Not applicable.

2. *Exception to Maximum Lot Coverage in the NAC District*

Not applicable.

3. *Development Bonuses/Additional Allowances*

No bonuses or additional allowances are included or sought. Not applicable.

Article 5: Citywide General Standards

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.2-1, above. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

This provision only applies to properties 2-acres or greater in size, and in the RCO, WRM, RM, WRL, and RL zoning districts. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.2-1, above.

Sec. 5.2.5 (b) Exceptions to Yard Setback Requirements

5. Accessory Structures and Parking Areas

Accessory structures no more than fifteen (15) feet in height, parking areas, and driveways may project into a required side and rear yard setback provided they are no less than five (5) feet from a side or rear yard property line where such a setback is required.

The proposed parking in the footprint of the garage that will be removed will be setback a distance of 6 feet from the rear property line, which also happens to be a residential zoning district boundary line – which would require a building setback minimum of 15 feet. **Affirmative finding.**

Section 5.2.6 Building Height Limits

See Table 4.4.2-1, above. **Affirmative finding.**

Section 5.2.7 Density Calculations

See Table 4.4.2-1, above. **Affirmative finding.**

Section 5.4.9 Brownfield Remediation

Not applicable.

Section 5.5.1 Nuisance Regulations

None identified. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

The applicant proposes recessed light fixtures in the canopy above the ground floor entrances and on the covered second-story decks. The spec sheets provided indicate that the proposed fixtures comply with the lighting standards of this section. **Affirmative finding.**

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control plan and a Stormwater plan has been submitted to the Stormwater Program Manager for review. It must be approved before this zoning permit can be released. **Affirmative finding as conditioned.**

Section 5.5.4 Tree Removal

The plans indicate that one tree will be removed to accommodate the new structure. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

No land division is proposed. Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

Not applicable. There are no important natural features at this location.

(b) Topographical Alterations:

There are no topographical alterations proposed. The property is relatively flat. **Affirmative finding.**

(c) Protection of Important Public Views:

Not applicable. There are no important public views on and around the property.

(d) Protection of Important Cultural Resources:

Not applicable. The existing duplex structure and detached garage are not listed as historic resources on either State or National Historic Listings.

(e) Supporting the Use of Renewable Energy Resources:

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

(f) Brownfield Sites:

Not applicable. The property is not listed as a Brownfield Site.

(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.

The applicant has submitted an Erosion Prevention and Sediment Control plan and a stormwater plan to the Stormwater Program Manager for review and approval. This must be approved prior to the release of the zoning permit.

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.

As proposed, entry doors will be covered by a canopy roof lining the front and north walls of the fourplex. Upper story porches will also be roofed. The site plan identifies a snow storage area in the side yard, beyond the edge of the parking area. **Affirmative finding as conditioned.**

(h) Building Location and Orientation:

Neighboring structures along North Winooski Avenue vary between 2 story, 2 ½ story and 3 story buildings. Most rooflines along this stretch of the street are gabled. The proposed building will have a similar alignment to the street frontage with neighboring structures. This section calls out for buildings within a mixed-use area (which this property is) to provide sufficient space (optimally 12-15 feet) between the curblane and the building face to facilitate the flow of pedestrian traffic. The proposed building will be located 19' 6" from the street curb.

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

As proposed, and in accordance with the DAB's recommendation of approval, the fourplex will have one street-facing entrance for one ground level apartment. Entrances for the other three units will be on the north side of the building. **Affirmative finding.**

(i) Vehicular Access:

No change to the vehicular access off North Winooski Avenue is proposed. The driveway is shared with 190 North Winooski Avenue, which contains a duplex. Beyond the extent of 190 North Winooski Avenue's driveway use, the driveway continues to the rear of the subject property and to the parking area. **Affirmative finding.**

(j) Pedestrian Access:

No change is proposed to the pedestrian access to the existing duplex. Access to those two units are essentially right off the edge of the sidewalk. The new proposal will include a direct and unobstructed pedestrian path between the new fourplex building and the public sidewalk, as well as between the new structure and the parking area. **Affirmative finding.**

(k) Accessibility for the Handicapped:

The building inspector has jurisdiction over ADA requirements. By his direction and per Chapter 8 of the Burlington Code of Ordinances, 4 to 14 units must provide 1 accessible unit. **Affirmative finding.**

(l) Parking and Circulation:

The site plan identifies 8 surface parking spaces, with ample maneuvering area to back out of each space and leave the property in a forward manner. Because the property is in the Multimodal Mixed-Use Parking District, there are no longer any minimum parking requirements, so the new development technically doesn't require any new onsite parking. However, there is a maximum parking limit for the Multimodal Mixed-Use Parking District which limits parking spaces to '100% of the minimum number of spaces required for the Shared Parking District for any given use as

required in Table 8.1.8-1'. For a duplex use and a multifamily use (3 or more units) in the Shared Parking District, parking is required at the rate of 2 spaces per unit and 1 space per unit, respectively. As a result, given the duplex use and the multifamily use (4 units), a maximum allowance of 8 onsite parking spaces is allowed. See Article 8 below. **Affirmative finding.**

(m) Landscaping and Fences

The plans indicate two new trees behind the new fourplex, and new planting beds consisting of shrubs and/or small trees and bulb flowers at the front of the fourplex and along the pedestrian walkway. A hedgerow is planned along the rear property line to screen half of the new parking area from view from the abutting property to the rear. The plans do not indicate, but will need to, all plant species to be used. The plans show an existing fence along the south property line, and a trash/recycling/compost enclosure that will be fenced in. No other fencing is proposed.

Affirmative finding as conditioned.

(n) Public Plazas and Open Space:

There is no requirement within the ordinance to provide a public plaza. The property will have lawn space between the new building and the rear parking area that will provide some outdoor enjoyment. **Affirmative finding.**

(o) Outdoor Lighting:

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

The applicant proposes recessed light fixtures in the entrance canopy and on the covered second-story decks. The spec sheets provided indicate that the proposed fixtures comply with the lighting standards of Sec. 5.5.2 CDO. **Affirmative finding.**

(p) Integrate infrastructure into the design:

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

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

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

The elevation drawings show electric and gas meters, and what appear to be ground-mounted heat pump units, along the south wall. Mailboxes will be placed on the north wall, along the pedestrian walkway. A trash/recycling/compost enclosure is shown in the northeast corner of the property, just to the side of the new parking row. **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 plans include a street-level view of neighboring structures. The fronts of these structures range in height from 2 to 2 ½ stories in height, and it appears that some, in particular the adjacent structure to the south, have built third story additions in the rear. Given the height of the 3rd floor, the proposed building is almost more of a 3 ½ story building. **Affirmative finding.**

2. *Roofs and Rooflines.*

Most structures along this section of North Winooski Avenue have gabled roofs with what appear to be consistent pitches. The roof on the new fourplex will be gabled with a pitch similar to that of other neighboring roofs (10:12). **Affirmative finding.**

3. *Building Openings*

A consistent window/door pattern is proposed throughout. The front and rear (west/east) elevations will each see a second floor covered deck with sliding door access. Windows will be appropriately installed on each floor. The sides (north/south) will see a consistent window pattern on each floor, with the three entry doors at the ground level. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Not applicable.

(c) Protection of Important Public Views:

Not applicable. There are no important public views on and around the property.

(d) Provide an active and inviting street edge:

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

The front façade will offer a varied appearance with the window layout and second floor deck. However, the 3rd story elevation only offers two side-by-side casement windows, with the rest being a large blank wall. **Affirmative finding.**

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials

are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

The proposal calls for metal siding on the majority of the building. Lap siding will also be used on much of the second floor (all sides), on the first floor north elevation, and also on the central portion of the third floor, north elevation. Asphalt shingles will be used for the roofing. The applicant proposes vinyl clad wood windows, and aluminum clad wood doors. These materials are common in new construction and are durable. **Affirmative finding.**

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

A separate sign permit is required for new signage. The plans show a wall sign at the third floor level, front elevation. While this would require a separate sign permit altogether, the sign ordinance prohibits wall signs that exceed the height of the floor level of second story. Additionally, the DAB recommended removing this sign from the proposal. **Affirmative finding as conditioned.**

(h) Integrate infrastructure into the building design:

See Section 6.2.2 (p), above. **Affirmative finding.**

(i) Make spaces secure and safe:

Spaces shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure visibility for persons using and observing such spaces. Building entrances/entry points shall be visible and adequately lit.

New construction shall conform to all building and life safety code as defined by the building inspector and the fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

Sec. 8.1.8 Minimum Off-Street Parking Requirements

The subject property is located in the Multimodal Mixed-Use Parking District. As such, there is no onsite minimum parking requirement. As proposed, a total of 8 parking spaces will be provided to serve the existing duplex and proposed four-plex. **Affirmative finding.**

Sec. 8.1.9 Maximum On-Site Parking Spaces

Per the Multimodal Mixed-Use Parking District, maximum parking spaces shall be ‘100% of the minimum number of spaces required for the Shared Parking District for any given use as required in Table 8.1.8-1.’ The Shared Parking District requires 2 spaces per unit for duplexes, and 1 space per unit for multi-unit attached dwellings. In accordance with these requirements of the Shared Parking District, the duplex would require 4 spaces, and the fourplex would require 4. The development proposes a total of 8 onsite parking spaces, which is compliant with the maximum parking space limitation. **Affirmative finding.**

Sec. 8.1.11 Parking Dimensional Requirements

The proposed parking spaces and driveway (circulation) are compliant with the standards of Table 8.1.11-1. **Affirmative finding.**

Sec. 8.2.5, Bicycle Parking Requirements

Bicycle parking is required at the rate of 1 long term space per 2 bedrooms, and 1 short term space per 10 residential units. Across the 4 units, the plans indicate a total of 12 bedrooms, which results in a minimum of 6 long term spaces, and 1 short term space. The site plan includes a secure bike shelter for 18 bicycles, however no additional plans or elevations for this shelter have been submitted. The applicant will need to provide plans to staff that demonstrate compliance with the minimum long and short term bicycle parking requirements. **Affirmative finding as conditioned.**

I. Conditions of Approval

1. **At least 7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the City Treasurer's Office or the Permitting and Inspections Department impact fees as calculated by staff based on the net new square footage of the proposed development. The applicant shall submit a final calculation of gross square footage to make final an Impact Fee assessment. As submitted, estimated Impact fees are:

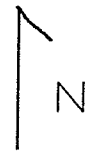
SF of Project 4,354

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.200	870.80
Fire	0.226	984.00
Police	0.045	195.93
Parks	0.759	3,304.69
Library	0.470	2,046.38
Schools	0.981	4,271.27
Total	2.681	\$ 11,673.07

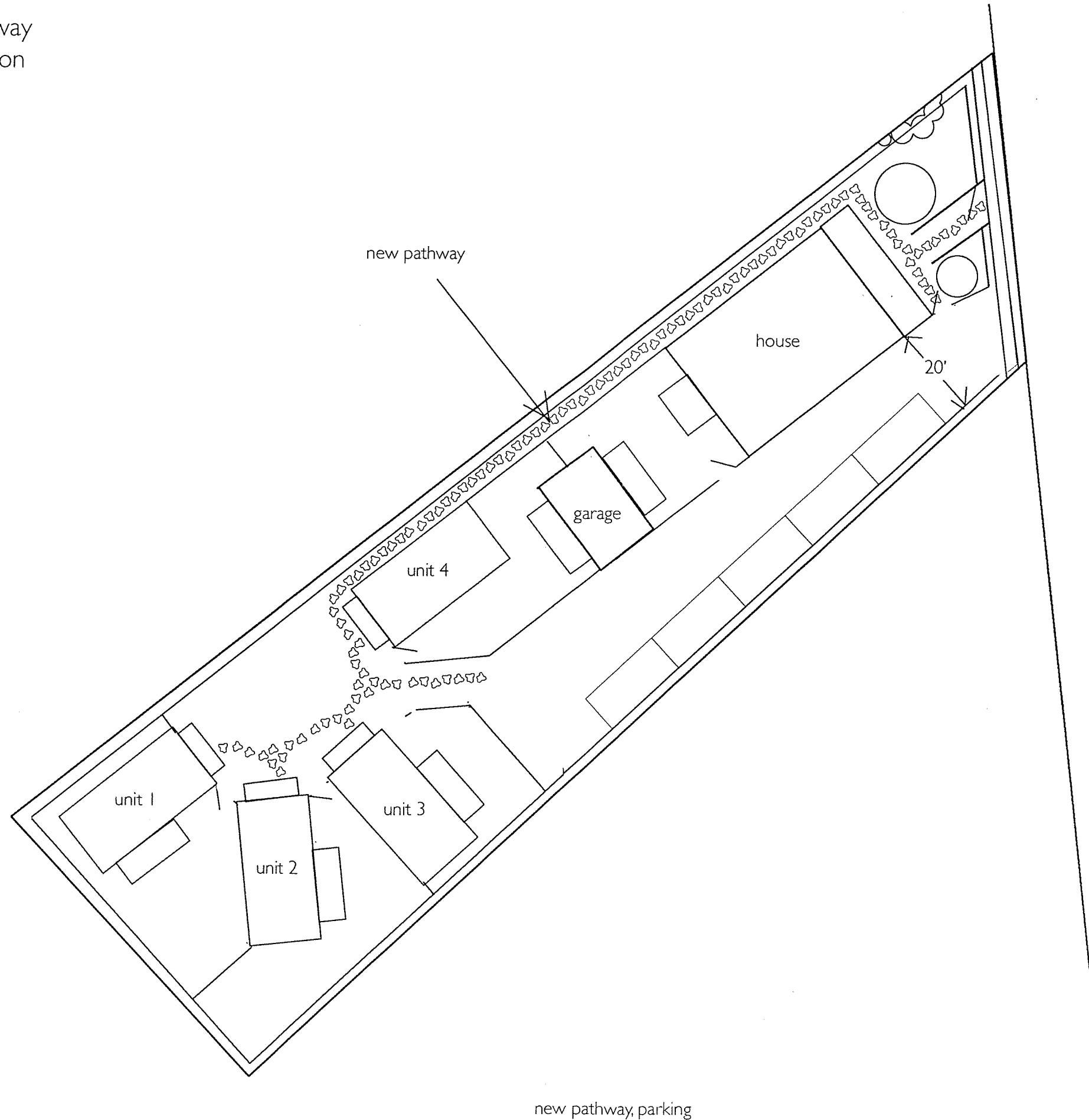
2. **Prior to the release of the zoning permit**, the Erosion Prevention and Sediment Control plan and Stormwater plan must be approved by the Stormwater Program Manager.
3. **Prior to the release of the zoning permit**, the plans shall be updated to include specific landscape specie types, and their sizes at the time of planting, subject to staff approval.
4. **Prior to the release of the zoning permit**, the wall sign shown on the third floor shall be removed from the plans.
5. **Prior to the release of the zoning permit**, plans for the bike shelter shall be submitted, subject to staff review and approval.
6. **Prior to the release of the zoning permit**, the applicant shall obtain a letter from the Dept. of Public Works confirming adequate water and sewer capacity.
7. Residential occupancy limits apply. The occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy any dwelling unit.
8. Any signage will require a separate sign permit.

9. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
10. Hours of construction are limited to Monday-Friday 7:00 am to 5:30 pm; Saturday construction hours are limited to interior work unless specific allowances are granted by the DRB. Construction is not permitted on Sundays.
11. The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal.
12. A State of Vermont wastewater permit is required.
13. Standard Permit Conditions 1-15.

90 Ethan Allen Parkway
Owner: Rolf Danielson
4/22/2021



RECEIVED
APR 27 2021
BURLINGTON
PERMITTING & INSPECTION



Ethan Allen Parkway

1" = 25'

Department of Permitting & Inspections

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

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



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: April 6, 2021
RE: 21-0667CA; 90 Ethan Allen Parkway

=====

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: NAC Ward: 7N

Owner/Applicant: Rolf Danielson

Request: Construct four detached hotel/motel-room-rental structures, relocate existing garage, construct fencing, and expand the existing driveway and resurface with gravel.

Applicable Regulations:

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)

Overview:

90 Ethan Allen Parkway received zoning permit approval in February, 2020 to convert the existing single family residence to a hotel/motel use. There are four bedrooms in the existing structure that, according to the applicant, can sleep up to 8 guests. The applicant now proposes to construct 4 detached hotel/motel-room structures in the rear half of the property and expand the existing driveway to accommodate parking demand. Each of the proposed structures will have living, sleeping, cooking, and bathroom space. Additional site improvements include new fencing and relocating an existing garage to make room for the expanded driveway/parking area.

The layout of each proposed hotel/motel structure fits the definition of a 'dwelling unit', and what would be considered single-family residences – which are not allowed in the NAC zoning district. However, the proposed structures and use also fit within the definition of 'hotel, inn or motel' – as they will be required to limit guest stays to less than 30 days. Additionally, nothing in the hotel/motel definition requires that a hotel/motel use be within a single structure.

The application was heard by the Design Advisory Board on March 9, 2021. The DAB voted 4-1 to recommend approval of the application to the Development Review Board, with the following motion:

Based on the premise that the submitted project at 90 Ethan Allen Parkway is compliant with the preapproved hotel/motel use as defined in Section 13, the DAB moves to approve the project as submitted with the following recommendations:

1. Add landscape lighting to illuminate the walkway from the street to the guest units.
2. Reduce the amount of interior fencing to allow for better sightlines within the property and minimize unsafe spaces.
3. An effective barrier be added to prevent cars from parking on the front lawn, such as curbing, low landscaping or fencing.

The applicant has revised the plans to reflect the recommendations of the DAB. The revisions include:

1. changing the interior fencing to a 4' picket fence to allow for a more open feel;
2. adding outdoor lighting to illuminate the walkway;
3. updating the garage door to a carriage door to fit in more with the period of the buildings;
4. adding a 3' picket fence to the front yard to prevent it from being used for parking; and
5. adding some privacy screens to the pergolas.

Previous zoning actions for this property are noted below.

- 2/10/20, change single family home to hotel/motel, rebuild rear porch with a covered stairwell and widen driveway, and replacement windows.
- 3/3/20, install fence.

Recommendation: Certificate of Appropriateness Approval as per the following findings:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

Section 3.3.2 Applicability

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

Impact fees shall be calculated based on the total gross square footage of the new hotel/motel structures. Per the submitted plans, an estimate of the fees is:

SF of Project 512

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.751	384.51
Fire	0.203	103.94
Police	0.358	183.30
Parks	0.428	219.14
Library	0.000	0.00
Schools	0.000	0.00
Total	1.740	\$ 890.89

The applicant shall submit a final calculation of gross square footage to make final an Impact Fee assessment. **Affirmative finding as conditioned.**

Section 3.3.8 Time and Place of Payment

Impact fees must be paid to the city's chief administrative officer / city treasurer according to the following schedule:

- a) *New buildings: Impact fees must be paid at least seven days prior to occupancy of a new building or any portion thereof.*

Affirmative finding as conditioned.

Article 4: Zoning Maps and Districts

Sec. 4.4.2, Neighborhood Mixed Use Districts:

(a) Purpose

(1) Neighborhood Activity Center (NAC)

The Neighborhood Activity Center zone is intended primarily to provide convenient neighborhood and city wide oriented goods and services and employment opportunities within walking or biking distance of many of the city's residential areas. The property is within a section of NAC zoned properties located on the north side of the North Avenue/Ethan Allen Pkwy intersection.

Surrounding the property on each side are multi-family residential developments. A mixture of commercial uses are within walking and biking distance. The proposed expansion of the existing hotel/motel use of the property fits within the mixed use context of the NAC zone. **Affirmative finding.**

(b) Dimensional Standards & Density

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

Table 4.4.2 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio¹)	Max. Lot Coverage	Minimum Building Setbacks (feet)			Building Height (feet)
			<i>Front³</i>	<i>Side</i>	<i>Rear</i>	
NAC	2.0 FAR	80% ⁴	0	0 ²	0 ²	Min: 22', 2 stories Max: 35
90 Ethan Allen Pkwy	< 2.0 FAR	43.4%	N/A	7 ft	7 ft	13 ft to roof peak (see below)

1. Floor area ratio is described in Sec. 5.2.7. Measurement of and exceptions to height limits are found in Sec 5.2.6. Bonuses for additional FAR and height where available are described in section (d)3 below, and additional height, FAR and lot coverage is afforded by-right for inclusionary housing projects under Sec. 9.1.12. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.

2. Structures shall be setback a minimum of 15-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by neighborhood mixed use and residential zones are exempt from this district boundary setback.
3. Structures shall be setback a minimum of 12-feet from the curb on a public street.
4. Exceptions to maximum lot coverage are provided in (d)2.
5. Notwithstanding footnote 4, the NMU district at the intersection of Pine St. and Flynn Avenue shall have a minimum front yard setback of 10 feet.
6. Side and rear yard setbacks are applicable only to the periphery of the NAC-CR district and not to individual parcels within the district.
7. Front yard setbacks for buildings fronting on North Avenue shall be 20' min and 30' max.

The subject property does not border a residential zoning district, and is therefore not subject to 15 ft minimum side or rear yard setbacks. Regarding the minimum 22 ft (2 story) height requirement, it is staff's interpretation that the four proposed structures in the rear are accessory 'rooms' to the 22'+ tall primary hotel/motel structure at the front of the property and are not subject to this minimum height requirement. Requiring such a minimum height for accessory structures, like sheds or garages associated with a principal structure for example, is in staff's interpretation above and beyond the intent of this height requirement. **Affirmative finding if the DRB agrees.**

(c) Permitted & Conditional Uses

'Hotel, Motel' is a permitted use in the NAC zone. **Affirmative finding.**

(d) District Specific Regulations

1. Ground Floor Residential Uses Prohibited

Not applicable.

2. Exception to Maximum Lot Coverage in NAC District

Not applicable.

3. Development Bonuses/Additional Allowances

Not applicable.

Article 5: Citywide General Standards

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.2-1, above. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

The parcel is not greater than 2 acres, nor residentially zoned. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.2-1, above. **Affirmative finding.**

Section 5.2.6 Building Height Limits

See Table 4.4.2-1, above. **Affirmative finding.**

Section 5.2.7 Density and Intensity of Development Calculations

See Table 4.4.2-1, above. **Affirmative finding.**

Section 5.4.9 Brownfield Remediation

Not applicable.

Section 5.5.1 Nuisance Regulations

None identified. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

The applicant has submitted exterior light spec sheets which meet these standards, and the elevation drawings show their locations. **Affirmative finding.**

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control plan has been prepared and submitted. While review and approval is still pending, a pre-release condition of this permit will require its approval by the Stormwater Program Manager. **Affirmative finding as conditioned.**

Section 5.5.4 Tree Removal

The application does not make note of any trees to be removed. The development area appears to be void of trees. Not applicable.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

No land division is proposed. Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

There are no important natural features at this location. **Affirmative finding.**

(b) Topographical Alterations:

There are no topographical alterations proposed. There is a very gentle downslope moving toward the rear of the property. **Affirmative finding.**

(c) Protection of Important Public Views:

Not applicable. There are no important public views on and around the property.

(d) Protection of Important Cultural Resources:

Not applicable. The property contains no historic features.

(e) Supporting the Use of Renewable Energy Resources:

No part of the application will preclude the use of wind, water, solar, geothermal or other renewable energy resource. The applicant has noted that he may install rooftop solar panels on each of the new structures sometime in the future. **Affirmative finding.**

(f) Brownfield Sites:

Not applicable. The property is not listed as a Brownfield Site.

(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.

The applicant has submitted Erosion Prevention and Sediment Control, and stormwater plans, to the Stormwater Program Manager for review and approval.

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.

Each proposed structure will have a covered front porch and entry to protect guests from inclement weather. Pergolas are proposed at the side doors of 3 of the 4 new structures and will provide additional protection from the elements. There is ample room on-site for the storage of snow.

Affirmative finding.

(h) Building Location and Orientation:

No changes are proposed to the existing structure at the front of the property. The four proposed hotel/motel structures will locate in the rear half of the property. With the installation of interior fencing, the new structures will be somewhat isolated from the rest of the property. **Affirmative finding.**

(i) Vehicular Access:

The proposal includes expanding the existing driveway to approximately 18' x 130' in order to accommodate access and parking demand. No change to the driveway access off Ethan Allen Pkwy is proposed. The property is within the Multi Modal Mixed Use parking district – which eliminates parking requirements for all uses within. Technically, on-site parking is not required. However, the proposal includes six parking spaces on one side of the driveway. Due to the six space parking limitation as outlined below in Article 8, the garage as identified on the site plan will need to be re-labeled as a storage building. **Affirmative finding as conditioned.**

(j) Pedestrian Access:

No change to pedestrian access to the existing structure at the front of the property is proposed. A walkway is identified along the driveway that is intended to provide guest access to the new structures. However, portions of this walkway along the identified driveway area appear to be located within the minimum required 7.5' aisle width for vehicles. Unless the applicant can demonstrate that this is not the case, the plans will need to be revised to remove any portion of walkway located within the 7.5' minimum driveway aisle width. **Affirmative finding as conditioned.**

(k) Accessibility for the Handicapped:

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

(l) Parking and Circulation:

The Multi Modal Mixed Use parking district eliminates the minimum on-site parking requirements of Sec. 8.1.8 CDO. The site plan identifies a 130' x 18' (approx.) driveway that is intended to accommodate vehicular access and parking. Technically, with regard to parking, all on-site spaces

could be eliminated from the plans and compliance could be met. However, on-site parking will be made available to guests within one side of the driveway. The Multi Modal Mixed Use parking district also sets a maximum parking space requirement of 100% of the minimum number of spaces required for the Shared Parking District for any given use. In this case, hotel/motel uses in the Shared Parking District require 0.75 parking spaces per room. With 4 rooms already approved in the principal hotel/motel structure up front and the 4 guest room structures in the rear, the property will have a total of 8 guest rooms, which results in a max allowance of 6 on-site parking spaces. As a result, the development at 90 Ethan Allen Pkwy can have no more than 6 on-site parking spaces. The plans show 6 parking spaces along one-half of the driveway width. And as noted above, the existing garage will be utilized as storage, not for parking. **Affirmative finding.**

(m) Landscaping and Fences

A solid screen fence was recently permitted under ZP21-0713FC that runs along the property lines. The plans indicate new 4' tall picket fencing within the new development in the rear, and a 3' tall picket fence in the front of the property to prevent vehicles from parking in the front yard. The proposal identifies a mix of new landscaping (trees and shrubs) within the property, particularly around the new structures at the rear and the relocated garage. **Affirmative finding.**

(n) Public Plazas and Open Space:

Within the area of the 4 new guest structures, the applicant proposes a shared open space. The property also provides additional open space (grassy areas) that guests can utilize. **Affirmative finding.**

(o) Outdoor Lighting:

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

The proposal includes 'Jelly Jar' exterior light fixtures at front and side doors for each guest structure, bistro lights under the pergolas, wall packet lights on the side and rear building elevations, solar path lights along the walkway, and a barn light on the storage structure (former garage). These fixtures comply with the lighting standards of Section 5.5.2 CDO. **Affirmative finding.**

(p) Integrate infrastructure into the design:

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

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

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

Each unit will be heated/cooled with heat pumps – exterior units will be located on the rear walls. The plans indicate water, gas and electric connections for each structure. The applicant has indicated that the new structures will not be individually metered, so there are no meters indicated on the plans. Garbage/recycling storage be located within the storage structure (former garage). While not noted specifically on the plans, all utility lines (water, gas, sewer, electric) will need to be located underground. **Affirmative finding as conditioned.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. *Massing, Height and Scale:*

The proposed one-story tall structures, located in the rear half of the property and surrounded by 2-story multi-family structures on adjacent properties, will not exceed the massing, height and scale of nearby development. **Affirmative finding.**

2. *Roofs and Rooflines.*

The new structures will each have gable, standing seam metal roofs. Most structures along this stretch of Ethan Allen Pkwy are gable-roofed. **Affirmative finding.**

3. *Building Openings*

Each new structure will have a front and side door. Double hung windows will be installed on the fronts and on one side of each structure. On the other side of each structure, one fixed window will be installed, as well as vents for water heaters, fireplaces, and dryers. And each structure will have skylights on one side of the gable roof to allow additional sunlight in. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Not applicable. This proposal is for four new structures and the relocation of an existing garage. And although the existing structure on the property is not historic, no changes are proposed.

(c) Protection of Important Public Views:

Not applicable. There are no important public views on and around the property.

(d) Provide an active and inviting street edge:

Not applicable. The proposal takes place in the back half of the property. No changes within the front of the property are proposed.

(e) Quality of materials:

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

Each new structure will have wood clapboard siding, pine trim, and metal standing seam roofing. The front porches and attached pergolas will be constructed with pressure-treated materials. All

windows will be vinyl, and the doors will be wooden with door-lite inserts. These materials are common in new construction and are durable. **Affirmative finding.**

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. The proposal includes use of heat pumps for heating and cooling in each guest unit. Additionally, while not included in the plans, the applicant intends to install rooftop solar panels on each unit sometime in the future. **Affirmative finding.**

(g) Make advertising features complementary to the site:

Any signs will require separate permitting. **Affirmative finding as conditioned.**

(h) Integrate infrastructure into the building design:

See Section 6.2.2 (p), above. **Affirmative finding.**

(i) Make spaces secure and safe:

Spaces shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure visibility for persons using and observing such spaces. Building entrances/entry points shall be visible and adequately lit.

New construction shall conform to all building and life safety code as defined by the building inspector and the fire marshal. **Affirmative finding.**

Article 8: Parking

The property is located within the Multi-Modal Mixed Use Parking District. This recently created district removes minimum parking standards for all uses within. Therefore, the proposal triggers no additional parking requirement.

There is, however, an applicable maximum parking limitation per Section 8.1.9 CDO. The Multi-Modal Mixed Use Parking District limits parking to a maximum of ‘100% of the minimum number of spaces required for the Shared Parking District for any given use as required in Table 8.1.8-1’ Per Table 8.1.8-1, ‘Hotel/Motel (per room)’ has a minimum parking requirement of 0.75 spaces per room in the Shared Parking District. The proposed development will result in a total of 8 rooms. As a result, a maximum of 6 onsite parking spaces are allowed. The plans indicate 6 parking spaces along the driveway. Of note, the garage will be utilized for storage, not parking. **Affirmative finding.**

I. Conditions of Approval

1. **At least 7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the City Treasurer’s Office or Planning and Zoning office impact fees as calculated by staff based on the net new square footage of the proposed development. The applicant shall submit a final calculation of gross square footage to make final an Impact Fee assessment. As submitted, estimated Impact fees are:

SF of Project	512
---------------	-----

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.751	384.51
Fire	0.203	103.94
Police	0.358	183.30
Parks	0.428	219.14
Library	0.000	0.00
Schools	0.000	0.00
Total	1.740	\$ 890.89

2. The hotel/motel structures are permitted on a short term rental basis. Guest stays of more than 30 consecutive days are strictly prohibited. Rooms and meals taxes are applicable.
3. **Prior to the release of the zoning permit**, the associate Erosion Prevention and Sediment Control plan shall be reviewed and approved by the Stormwater Program Manager.
4. **Prior to the release of the zoning permit**, the applicant shall obtain a letter from the Dept. of Public Works confirming adequate water and sewer capacity.
5. **Prior to the release of the zoning permit**, the garage identified on the site plan shall be re-labeled as a storage structure.
6. **Prior to the release of the zoning permit**, the plans shall be revised to remove any portion of walkway within the 7.5 ft wide travel aisle within the driveway.
7. Any proposed signage shall be reviewed under a separate sign permit application.
8. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
9. Hours of construction are limited to Monday-Friday 7:00 am to 5:30 pm; Saturday construction hours are limited to interior work unless specific allowances are granted by the DRB. Construction is not permitted on Sundays.
10. New utility lines must be buried.
11. The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal.
12. A State of Vermont wastewater permit is required.
13. Standard Permit Conditions 1-15.

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

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



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: May 18, 2021
RE: 21-0667CA; 90 Ethan Allen Parkway

=====

In response to the requested information from the DRB at the April 6, 2021 meeting, the applicant has submitted a revised site plan to include a pedestrian walkway linking the proposed hotel/motel room structures with the Ethan Allen Pkwy sidewalk. Additionally, the parking space count has been reduced from 6 to 5 spaces in order to provide an adequate maneuvering area to successfully park vehicles. See attached.

Department of Permitting & Inspections

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

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



TO: Development Review Board
FROM: Scott Gustin
DATE: May 18, 2021
RE: 21-0816SN; 65 Main 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: 3C

Owner/Applicant: 65 Main Street Associates, LLC

Request: Install new directory sign – seeking alternative compliance as to directory sign dimensions.

Applicable Regulations:
Article 7 (Signs)

Background Information:

The applicant is seeking approval to install a new directory sign on the front façade of 65 Main Street. Directory signs are permissible and are subject to the standards of Sec. 7.2.5, *Directory Signs*, of the Comprehensive Development Ordinance. Directory signs are limited to 18" width by 36" height. The applicant is seeking approval for a 21" X 42.85" directory sign. No other relief is sought. The proposed sign location is acceptable.

Sec. 7.1.11, *Alternative Compliance*, allows for variation from the standards of Article 7 subject to review and approval by the Development Review Board upon recommendation by the Design Advisory Board. The applicant is seeking such relief in this application.

The Design Advisory Board reviewed this application April 27, 2021 and unanimously recommended approval of the directory sign. The DAB conditioned their approval noting that the dimensional relief is limited to a 20% increase over the standard directory sign dimensions.

Previous zoning actions for this property:

- 10/29/20, Approval to install two louvers in place of two transom windows
- 3/27/02, Approval to reconstruct front entry
- 10/27/92, Approval to construct handicap access ramp
- 10/6/92, Approval of new parallel signage

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

I. Findings

Article 7: Signs

Sec. 7.1.11, Alternative Compliance

a) The relief sought is necessary in order to accommodate unique circumstance or opportunity;

The proposed sign location is set next to the building's front entrance with related steps and ramp. As such, most pedestrians viewing the sign will do so from beyond the steps and ramp – about 5' from the building face. As a result, the Design Advisory Board felt that the larger directory sign was warranted. The larger size affords larger lettering and better visibility. **(Affirmative finding)**

b) The relief, if granted, will yield a result equal to or better than strict compliance with the standard being relieved;

The larger sign will allow for larger text, rendering it more legible than smaller text. The larger sign would be at least equally as good as a compliant sign. **(Affirmative finding)**

c) The relief, if granted, is the minimum variation necessary from the applicable standard to achieve the desired result;

The originally proposed sign was some 63% larger in area than a compliant sign. As recommended by the Design Advisory Board, the increase in size is limited to 20%. Revised sign details reflect this smaller size. **(Affirmative finding)**

d) The relief, if granted, will not impose an undue adverse burden on adjacent properties; and,

The larger directory sign has no undue adverse burden on adjacent properties. It is fully contained within the Main Street façade of the building. **(Affirmative finding)**

e) The remainder of the sign will otherwise be developed consistent with the purpose of this Article, and all other applicable standards.

No other relief is sought. Placement next to a building entrance and overall sign height on the ground floor of the building are acceptable. **(Affirmative finding)**

II. Conditions of Approval

1. Standard permit conditions 1-15.

Department of Permitting & Inspections

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

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



TO: Development Review Board
FROM: Scott Gustin
DATE: May 18, 2021
RE: 21-0788CA; 85 Archibald 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: NMU Ward: 2C

Owner/Applicant: Archibald Street Housing / Champlain Housing Trust

Request: Removal and replacement of 8 trees

Applicable Regulations:

Article 5 (Citywide General Regulations)

Background Information:

The applicant is seeking approval to remove 8 trees that were installed as part of the original project constructed in 1994. All of the trees will be replaced with new trees in the same location. The trees to be removed are a variety of maple. The proposed trees are ginkos of 1" 1.5" caliper and ~ 7' tall at the time of planting. As no other development is proposed, this application is reviewed under the Tree Removal standards of Article 5 of the Comprehensive Development Ordinance.

Previous zoning actions for this property:

- 8/21/20, Approval to replace wooden railings and lattice with PVC.
- 10/25/13, Approval to replace wooden doorway trim with composite.
- 3/1/10, Approval to install walkway lighting.
- 11/25/02, Approval to construct a shed.
- 10/9/97, Approval to install a freestanding sign.
- 5/12/94, Approval to construct 20 units in 2 buildings.

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

I. Findings

Article 5: Citywide General Regulations

Sec. 5.5.4, Tree Removal

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

(1) Grounds for approval

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

A. Removal of dead, diseased, or infested trees;

The application asserts that the existing trees are not healthy as a result of repeated limbing up over the years. Each one of the eight trees to be removed will be replaced with new trees. **(Affirmative finding)**

**B. Thinning of trees for the health of remaining trees according to recognized accepted forestry practices;
(Not applicable)**

**C. Removal of trees that are a danger to life or property; or,
(Not applicable)**

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

The existing trees were planted as part of the original development and were included in the original landscaping plan approval. While no new development is included in this application, this proposal amounts to a modification to that originally approved landscaping plan. As noted above, the existing trees will be replaced with new trees in the same location and with similar growth potential. **(Affirmative finding)**

(2) Grounds for denial

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be denied if existing healthy trees are known to be:

**A. Providing a significant privacy or aesthetic buffer or barrier between properties;
(Not applicable)**

**B. Providing stabilization on slopes vulnerable to erosion;
(Not applicable)**

**C. Located within a riparian or littoral buffer;
(Not applicable)**

**D. Provide unique wildlife habitat;
(Not applicable)**

**E. A rare northern Vermont tree species as listed by the Vermont Natural Heritage Program; or,
(Not applicable)**

**F. A significant element or, or significantly enhances, an historic site.
(Not applicable)**

II. Conditions of Approval

1. Any of the new trees to be planted shall be replaced if they become diseased, infested, or die.
2. Standard permit conditions 1-15.

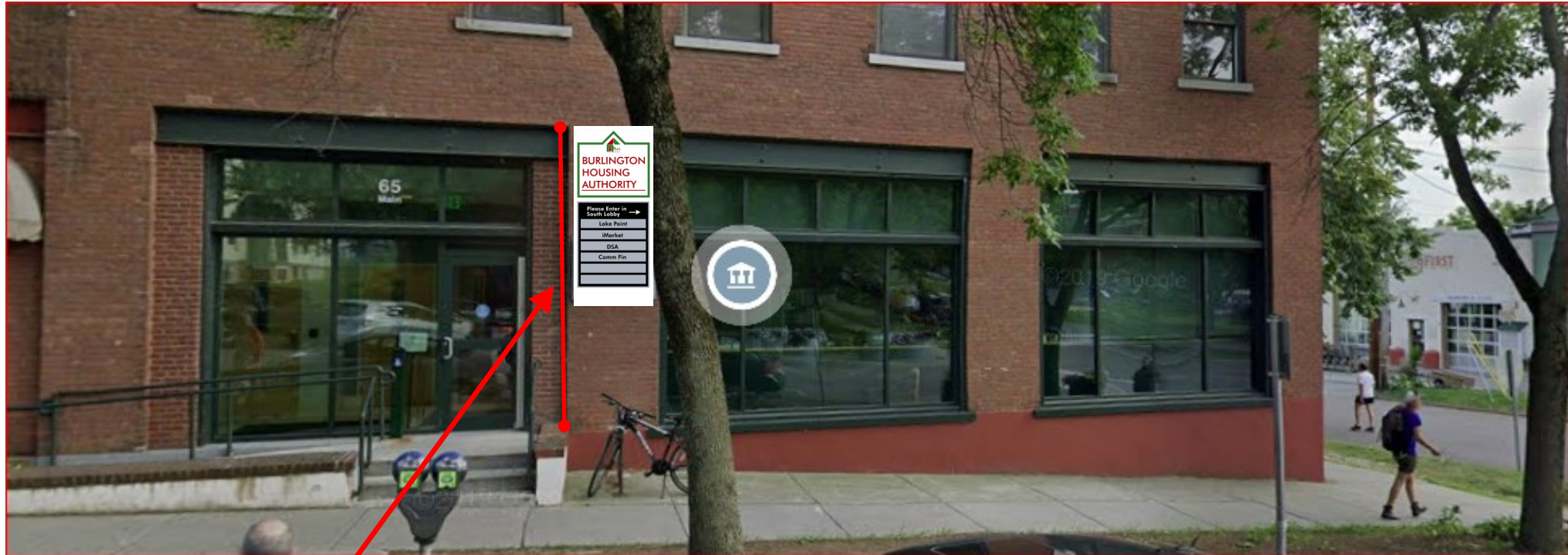
Connection

65
BURLINGTON
HOURS
JANUARY





NOT TO SCALE



This distance of red line is 128"

BHA existing sign is 40"w x 38" h

New sign dimensions are w/ permit



Department of Permitting and Inspections

645 Pine Street
Burlington, VT 05401-8415

Phone: (802) 865-7188

www.burlingtonvt.gov/dpi

Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

PROJECT LOCATION ADDRESS: 41 Pine Place, Burlington Vermont 05401

PROPERTY OWNER*: Sam Catalano

____ *If condominium unit, written approval from the Association is also required

APPLICANT: Sam Catalano

POSTAL ADDRESS:

41 Pine Place, Burlington Vermont 05401

DAY: 4/6/21

PHONE: 845-220-8545

EMAIL: Sam.catalano90@gmail.com

SIGNATURE: Sam Catalano

POSTAL ADDRESS:

41 Pine Place, Burlington Vermont 05401

DAY: 4/6/21

PHONE: 845-220-8545

EMAIL: Sam.catalano90@gmail.com

SIGNATURE: Sam Catalano

Property owner signature authorizes the applicant (if noted) to act on owner's behalf for all matters pertaining to this zoning permit application. Signature also consents to the proposed work and to inspection by city zoning staff to close out the zoning permit upon project completion.

Description of Proposed Project: Short term rental in one side of owner occupied duplex.

Existing Use of Property: ☐ Single Family ☒ Multi Family: #_2_ Units ☐ Other: _____

Proposed Use of Property: ☐ Single Family ☒ Multi Family: #_2_ Units ☐ Other: _____

• **Does your project involve new construction, addition, alteration, renovation, or repair to a structure that is heated or cooled?** Yes ☐ No ☒ (If yes, the Vermont Residential/Commercial Building Energy Standards (VRBES/VCBES) apply.

Please visit the following links for more information: http://publicservice.vermont.gov/energy_efficiency/rbes or

http://publicservice.vermont.gov/energy_efficiency/cbes •

Will 400 sq ft or more of land be disturbed, exposed and/or developed? Yes ☐ No ☒ (If yes, you will need to submit the 'Erosion Prevention and Sediment Control Plan' questionnaire, with a site plan)

• **For Single Family & Duplex, will total impervious area be 2500 sq ft or more?** Yes ☐ No ☒ (If yes, you will need to submit the 'Stormwater Management Plan' questionnaire, with a site plan)

• **Are you proposing any work within, below, or above the public right of way?** Yes ☐ No ☒ (If yes, you will need to receive prior approval from the Department of Public Works)

• **Are you proposing any onsite food or beverage production/manufacturing?** Yes ☐ No ☒ (If yes, you will need to consult with Water Resources Division at the Department of Public Works: 863-4501)

Estimated Construction Cost (value)*: \$0

(*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days for administrative permit; 30 days for board permit). A building (and/or electrical, mechanical, plumbing, curb cut) permit will also be required. Contact the Department of Public Works at 802-863-9094 to inquire. Please ask for assistance if you have any questions about filling out this form. Call the Zoning Division at 802-865-7188, or visit the office at 645 Pine Street.

Office Use Only: Zone: _____ Eligible for Design Review? _____ Age of House _____ Lot Size _____ Type: _____

SN _____ AW _____ FC _____ BA _____ COA 1 _____ COA 2 _____ COA 3 _____ CU _____ MA _____ VR _____ HO _____ SP _____ DT _____ MP _____ Check

No. _____ Amount Paid _____ Zoning Permit # _____

The proposed project will use one side of a side-by-side duplex for short-term rental use. Unit A, to the West, will remain owner-occupied. Unit B, to the East, will be used as a short-term rental. Both units are mirrored, each one is a spacious 1313 square ft apartment. I will be renting Unit B as a single rental unit with three bedrooms. I will never be renting single rooms out to individual renters. The goal is to provide an affordable, safe, and flexible hotel alternative for a family or medium size group to stay on vacation or business trip. It's an ideal location close to downtown and the budding South End.

The existing building is already a multi-family dwelling and there will not be an increase in bedrooms. Often the number of occupants are less than there may otherwise be if Unit B was rented for a longer term. The property is serviced by Pine Place. The change of use to short term rentals will not have undue adverse effect on the existing public utilities. The Property is serviced by municipal sewer and water and no wastewater permit is required. There will not be an undue adverse effect on the character of the area. The Property is located in a Residential zoning district, the purpose for which is to create a safe, livable, and pedestrian friendly environment for residents and visitors. The change of use will be for residential purposes only, thereby preserving the stated purpose for the residential district. Unit B's use as a short-term rental will not create a nuisance greater than typically generated by other permitted uses in the residential zone and the paved roadway is sufficient to support the proposed use in addition to the existing uses in the area. Pine Place connects with Pine Street, which is an arterial road capable of supporting the proposed use.

Parking Layout.

The property is located in the Neighborhood Parking District. Section 8.1.8 requires that the proposed project provides for one parking space per bedroom in addition to the two parking spaces required for my owner-occupied Unit A.

The proposed parking layout will provide for 6 parking spaces as depicted by the green rectangles in the image below. Currently, the Property has 4 spots: two in each garage and two in tandem with the garage spots. However, there is a large gravel parking lot that has been used for parking since the building was constructed in 1991. The department of Permitting and Inspections approved the current size and state of my gravel lot as a non violation. This was approved after the submission of affidavits from neighbors and picture proof of the unchanged condition of the property since it was built in 1991. See images below. See appendix A for signed affidavits.

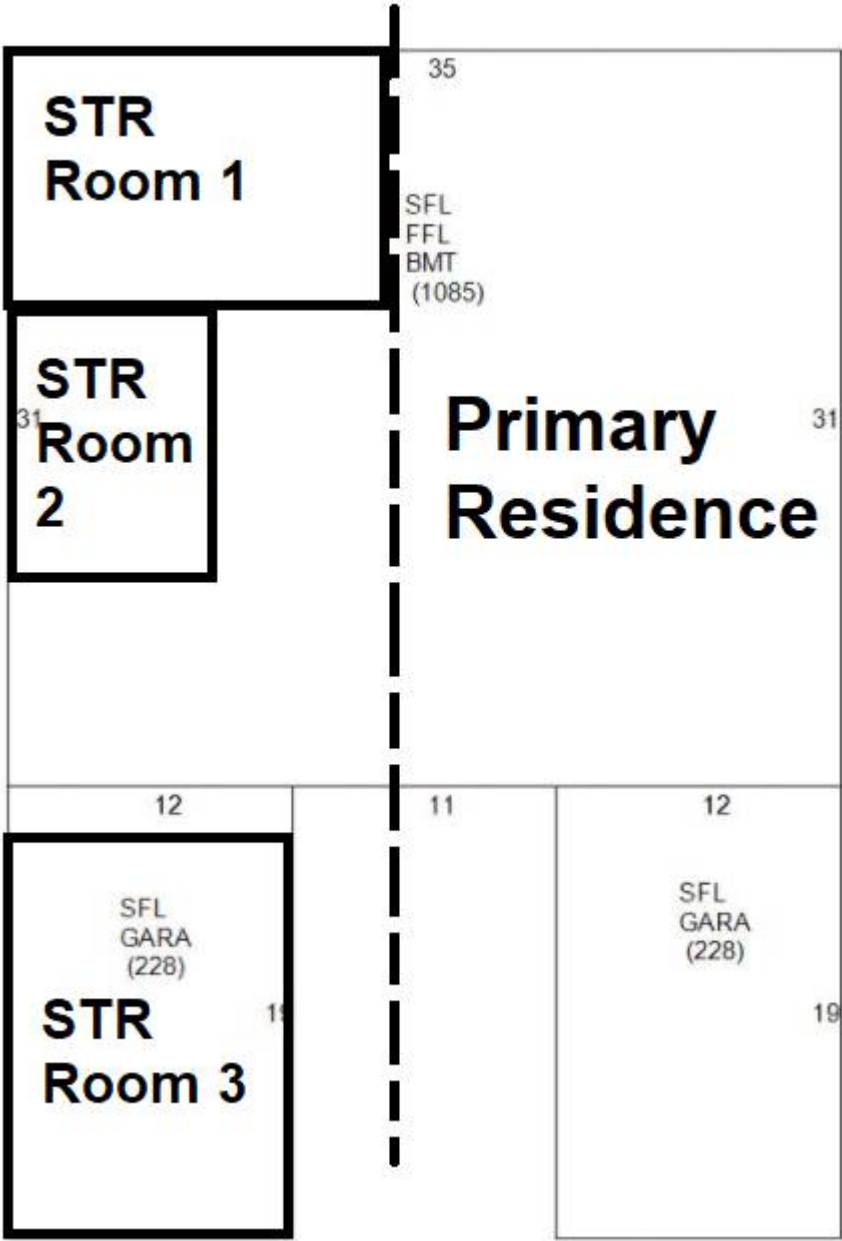
There is sufficient space to accommodate at least 8.5 feet of width per vehicle. Pine Place is within a public right of way but is unaccepted by the City. The right of way curves to the North to connect with St. Paul Street right in front of my property. See images below. The proposed parking spaces will not impact or encroach upon the City's right of way. The owners of every parcel on Pine Place have approved this layout and signed a quit claim easement deed to permit the parking to the extent that the parking plan encroaches on any portion of the shared right of way. See Appendix A attached. We do not believe that it does, but their signatures and consent to the easement indicate their consent to the parking layout. The additional parking spots will not impact the character of the neighborhood. The Pine Place residents have all agreed that this parking arrangement was the best thing for the neighborhood. Since there are no parking regulations on Pine Place, there are a lot of non-residents who park on the street, limiting the number of available spots for residents and their guests. By allowing me to use my driveway to a reasonable capacity, as it has been since the house was built, myself, my tenants, and my visitors, rarely use street parking. See pictures below for examples of how the driveway has historically been used and how I would like to continue to use it.

There will be no physical changes to the property and written approval has been obtained from all parcel owners on the street.

Sam Catalano

The proposed layout is to use the entire left side, unit B, as a short term rental. I currently live in side A as my primary residence/homestead and do not have plans on moving in the foreseeable future. Both units are mirrored, each one is a spacious 1313 square ft apartment. I will be renting side B as a single unit, I will never be renting single rooms out short term. The goal is to provide an affordable, safe, flexible hotel alternative for a family or medium size group to stay on vacation or business trip. It's an ideal location close to downtown and the budding South End.

STR Room Locations



Parking Layout.





Last picture below is from approximately year 2000, showing 3 cars parked on half the driveway.



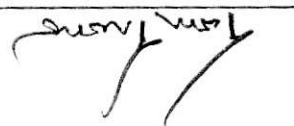
AFFIDAVIT

STATE OF Vermont
COUNTY OF Chittenden

I, Thomas Trono, having been duly sworn, hereby state the following to be true to the best of my knowledge:

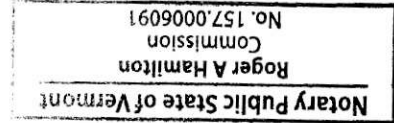
1. I am the record owner of both 19 Pine Place, Burlington, Vermont and 25 Pine Place, Burlington, Vermont.
2. I took title to 19 Pine Place on March 31, 1988.
3. I took title to 25 Pine Place on September 8, 1998.
4. My properties are situated on the same street and in close proximity to 41 Pine Place, Burlington, Vermont.
5. The driveway & parking lot layout of 41 Pine Place, Burlington has been one continuous gravel lot without green space or landscaping of any kind between the parking spaces. It has remained unchanged since the building was constructed in 1991.

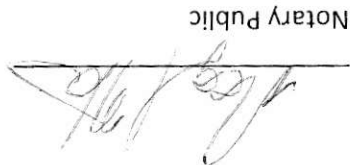
Dated this 5 day of April, 2021.



Thomas Trono

Subscribed and sworn to before me, this 5 day of April, 2021.





Notary Public

My Commission expires: 1/31/23

AFFIDAVIT

STATE OF Vermont
COUNTY OF Chittenden

I, Deborah Straw, having been duly sworn, hereby state the following to be true to the best of my knowledge:

1. I am the record owner of both 31 Pine Place, Burlington, Vermont.
2. I took title to 31 Pine Place on July 31, 1998.
3. My property is situated on the same street and in close proximity to 41 Pine Place, Burlington, Vermont.
4. The driveway & parking lot layout of 41 Pine Place, Burlington has been one continuous gravel lot without green space or landscaping of any kind between the parking spaces. It has remained unchanged since July 31, 1998.

Dated this 5th day of April, 2021.

Deborah Straw

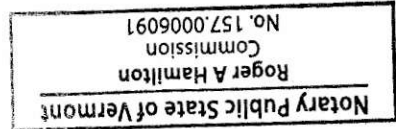
Deborah Straw

Subscribed and sworn to before me, this 5th day of April, 2021.

Roger A. Hamilton

Notary Public

My Commission expires: 11/31/23



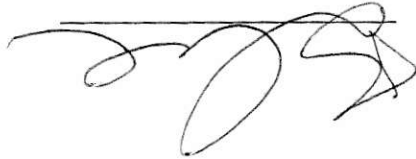
AFFIDAVIT

STATE OF Vermont
COUNTY OF Chittenden

I, Bruce Conklin, having been duly sworn, hereby state the following to be true to the best of my knowledge:

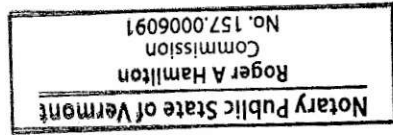
1. I am the record owner of both 31 Pine Place, Burlington, Vermont.
2. I took title to 31 Pine Place on July 31, 1998.
3. My property is situated on the same street and in close proximity to 41 Pine Place, Burlington, Vermont.
4. The driveway & parking lot layout of 41 Pine Place, Burlington has been one continuous gravel lot without green space or landscaping of any kind between the parking spaces. It has remained unchanged since July 31, 1998.

Dated this 5 day of April, 2021.

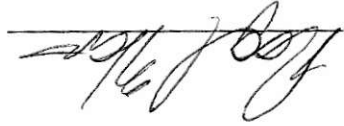


Bruce Conklin

Subscribed and sworn to before me, this 5 day of April, 2021.



Notary Public



My Commission expires: 11/31/23

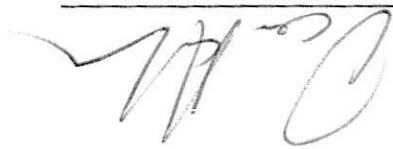
AFFIDAVIT

STATE OF Vermont
COUNTY OF Chittenden

I, Douglas Hamilton, having been duly sworn, hereby state the following to be true to the best of my knowledge:

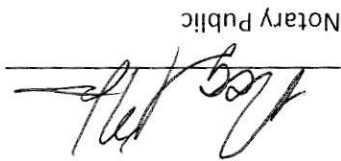
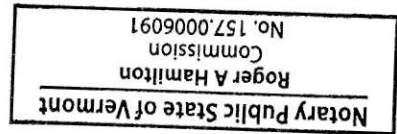
1. I am the record owner of 35 Pine Place, Burlington, Vermont.
2. I took title to 35 Pine Place on February 8, 2008.
3. My property is adjacent to 41 Pine Place, Burlington, Vermont.
4. Since I took title to my property, the driveway & parking lot layout of 41 Pine Place, Burlington has been one continuous gravel lot without green space or landscaping of any kind between the parking spaces. It has remained unchanged since February 8, 2008.

Dated this 5 day of April, 2021.



Douglas Hamilton

Subscribed and sworn to before me, this 5 day of April, 2021.



Notary Public

My Commission expires:

1/31/23

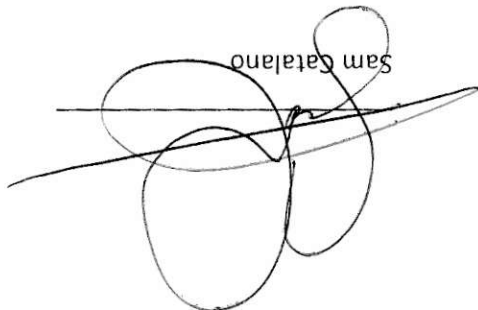
AFFIDAVIT

STATE OF Vermont
COUNTY OF Chittenden

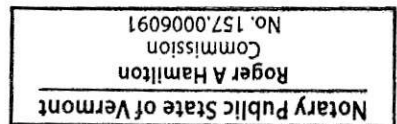
I, Sam Catalano, having been duly sworn, hereby state the following to be true to the best of my knowledge:

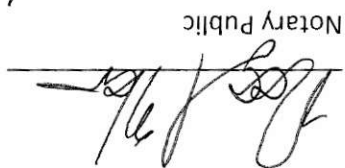
1. I am the record owner of 41 Pine Place, Burlington, Vermont.
2. I took title to 41 Pine Place on December, 2019 but have been living at 41A Pine Place since June 2012.
3. The driveway & parking lot layout of 41 Pine Place, Burlington has been one continuous gravel lot without green space or landscaping of any kind between the parking spaces. It has remained unchanged since June 2012.

Dated this 5 day of April, 2021.


Sam Catalano

Subscribed and sworn to before me, this 5 day of April, 2021.




Notary Public

My Commission expires: 1/31/22

QUIT CLAIM EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS, that Christopher Mason, Margaret Delano, Patricia Thomas, Thomas Trono, David Raizman, Susan Weeks, Bruce Conklin, Deborah Straw, and Douglas Hamilton, Grantors in the consideration of TEN OR MORE DOLLARS paid to its full satisfaction by Sam Catalano of Burlington, County of Chittenden and the State of Vermont, by these presents, do freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said Grantee, and his, heirs, successors, and assigns forever, an easement and right of way forever to a certain piece of land in the City of Burlington, in the County of Chittenden and State of Vermont, described as follows, viz:

An easement and right of way for the sole purposes of permitting the present use of an existing parking area used by the Grantee over the existing right of way known as Pine Place. The easement described herein is located on and over a portion of the shared right of way or private drive known as Pine Place (hereinafter referred to as "Pine Place").

The easement herein conveyed is more particularly described as follows:

The Easement is located along the Northern and Eastern boundary lines of the Catalano Property and Pine Place. Its dimensions shall be from the northerly and Easterly boundary line of the Catalano Lot and Pine Place and extending through the area currently used by the Catalano Lot for parking and shall be sufficient to enable two vehicles to park. The Easement herein conveyed is intended to grant and convey to the Grantee those property rights necessary and incidental for vehicle parking.

As a condition hereof, Grantee, and his successors and assigns, hereby covenant not to interfere with Grantors', and Grantors' successors and assigns', use of the remainder of the right of way know as Pine Place, nor shall the Grantee permit the use of the herein conveyed easement for any purpose other than vehicle parking.

The Grantee herein, and his heirs, successors and assigns, shall bear full responsibility for the use and enjoyment of the Easement and shall hold the Grantor and its assigns harmless from any claim of damages to person or premises resulting from the use, occupancy and possession thereof by the Grantee and his heirs, successors and assigns.

Grantors, and their, heirs successors and assigns, hereby covenant not to modify the contour of said easement area, or place any obstacles, structures, landscaping, or other improvements within said easement area which, in the sole judgement of the Grantee, his heirs, successors and assigns, shall prevent or interfere with Grantee's ability to use or enjoy such easement and right-of-way.

TO HAVE AND TO HOLD all right and title in and to said quit claimed premises, with the appurtenances thereof, to said Grantee, Sam Catalano, his heirs and assigns forever,

IN WITNESS WHEREOF, said Grantors have caused this instrument to be executed and acknowledged:

Christopher Mason, 1-5 Pine Pl.

this 6th day of April, 2021

Patricia Thomas, 15 Pine Pl.

this 5th day of April, 2021

Thomas Trono, 19 Pine Pl. & 25 Pine Pl.

this 5th day of April, 2021

David Raizman, 23 Pine Pl.

this 5 day of April, 2021

Susan Weeks, 23 Pine Pl.

this 5 day of April, 2021

Bruce Conklin, 31 Pine Pl.

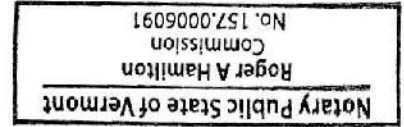
this 5 day of April, 2021

Deborah Straw, 31 Pine Pl.

this 5 day of April, 2021

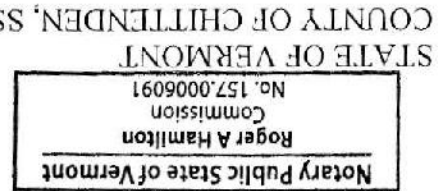
Douglas Hamilton, 35-37 Pine Pl.

this 5 day of April, 2021



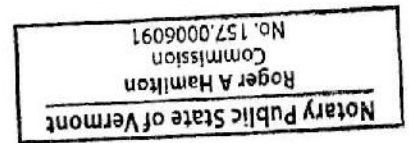
Before me [Signature]
Notary Public
My Commission Expires: 1/31/23

At Free in said County and State, this 5 day of April, 2021, personally appeared David Raizman, and he acknowledged this instrument by his sealed and subscribed to be his free act and deed.



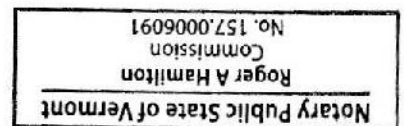
STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.
Before me [Signature]
Notary Public
My Commission Expires: 1/31/23

At Free in said County and State, this 5 day of April, 2021, personally appeared Thomas Trono, and he acknowledged this instrument by his sealed and subscribed to be his free act and deed.



Before me [Signature]
Notary Public
My Commission Expires: 1/31/23

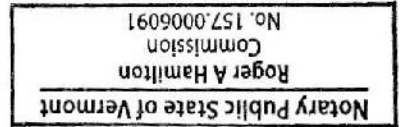
At Free in said County and State, this 5 day of April, 2021, personally appeared Patricia Thomas, and she acknowledged this instrument by her sealed and subscribed to be her free act and deed.



Before me [Signature]
Notary Public
My Commission Expires: 1/31/23

At Free in said County and State, this 5 day of April, 2021, personally appeared Christopher Mason, and he acknowledged this instrument by his sealed and subscribed to be his free act and deed.

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.



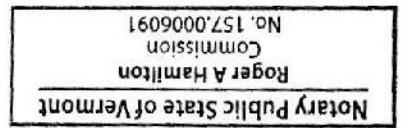
Notary Public
My Commission Expires: 1/31/23

Before me

[Signature]

At Free in said County and State, this 5 day of April, 2021, personally appeared Douglas Hamilton, and he acknowledged this instrument by his sealed and subscribed to be his free act and deed.

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.



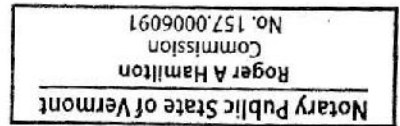
Notary Public
My Commission Expires: 1/31/23

Before me

[Signature]

At Free in said County and State, this 5 day of April, 2021, personally appeared Deborah Straw, and she acknowledged this instrument by her sealed and subscribed to be her free act and deed.

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.



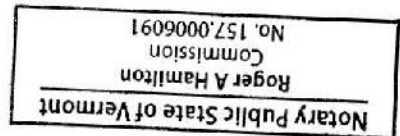
Notary Public
My Commission Expires: 1/31/23

Before me

[Signature]

At Free in said County and State, this 5 day of April, 2021, personally appeared Bruce Conklin, and he acknowledged this instrument by his sealed and subscribed to be his free act and deed.

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.



Notary Public
My Commission Expires: 1/31/23

Before me

[Signature]

At Free in said County and State, this 5 day of April, 2021, personally appeared Susan Weeks, and she acknowledged this instrument by her sealed and subscribed to be her free act and deed.

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.



City of
Burlington, Vermont
645 Pine Street

Zoning Determination – Findings

ZP #: 21-0853DT

Tax ID: 049-4-004-000

Issue Date: April 6, 2021

Decision: Affirmative

Property Address: 41 PINE PLACE

Description: Seeking determination as to whether the front yard parking is unenforceable zoning violation due to the 15 year statute of limitations

This determination is in regard to the above-referenced property, specifically your request that the City of Burlington recognize that the yard parking next to the east side of the driveway has been in place continuously for over 15 years. The City reviewed the following documents and evidence to form its determination:

- The City's zoning permit records
- 2008 Comprehensive Development Ordinance and as amended
- Affidavits from neighbors provided with the determination request
- Orthophotos of 2000, 2004, 2016, 2018, & 2019

Following review of these items, it is the determination of the Administrative Officer that the yard parking has been in place continuously for at least 15 years. There is no zoning permit on file permitting this yard parking. As such, it is in violation of the Comprehensive Development Ordinance; however, as the evidence demonstrates that it has been in place for more than 15 consecutive years, it is not presently subject to zoning enforcement action per Sec. 5.3.2, *Bianchi controlled uses, structures, and lots*, of the Comprehensive Development Ordinance.

This determination pertains only to the property at 41 Pine Place. It does not pertain to lands within the Pine Place right-of-way.

41 Pine Place



0 10 20 40 Feet

PINE PLACE

68.0'

COMPACT PRITZER
JUNIPER (6)

15' FRONTYARD
SETBACK

PIN OAK (1)

BURNING BUSH (2)

EXISTING SPRUCE

48'-0"

100.0'

35'-0"

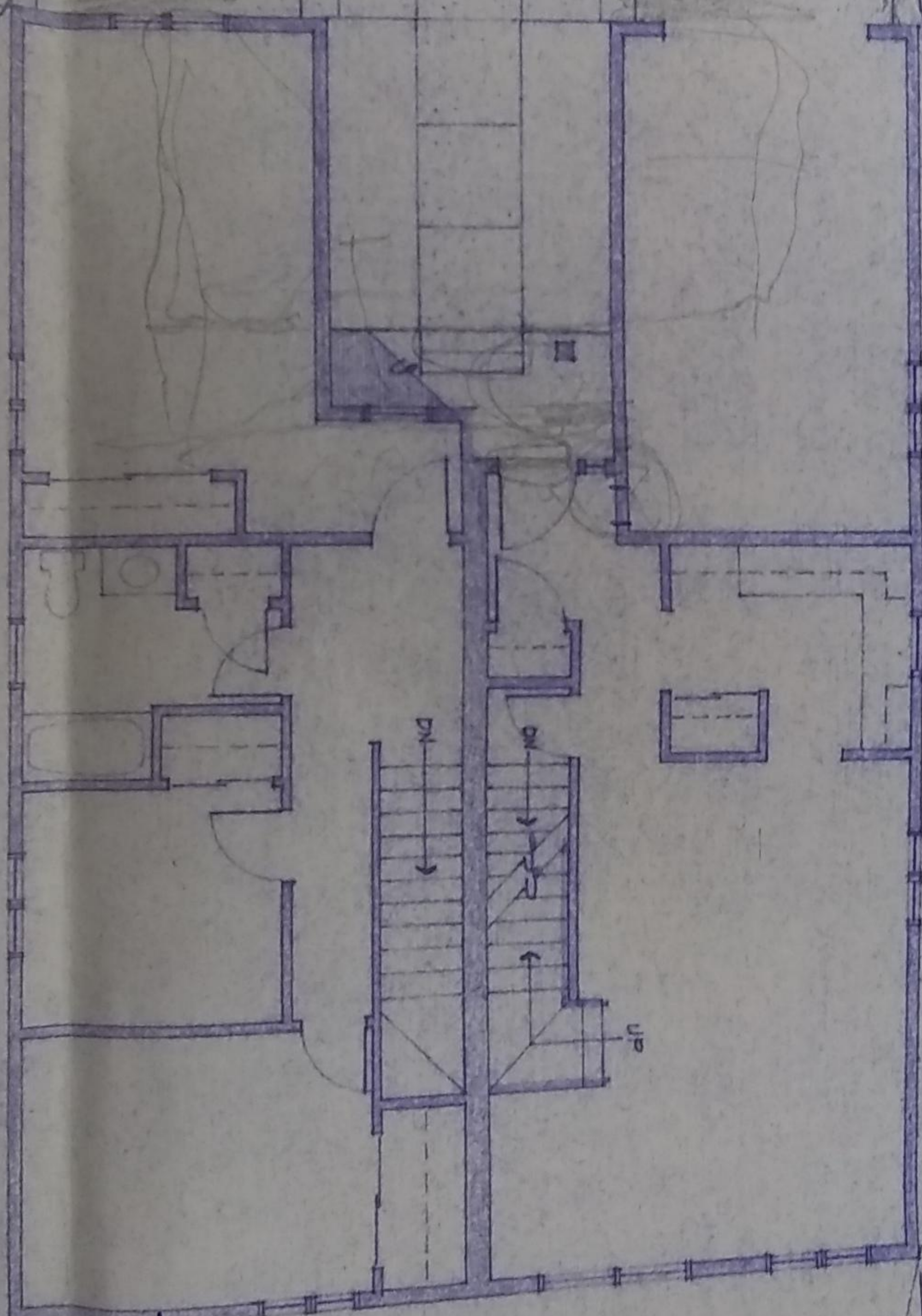
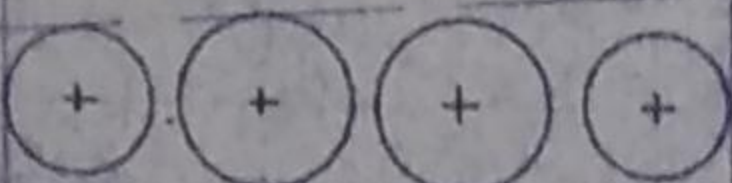
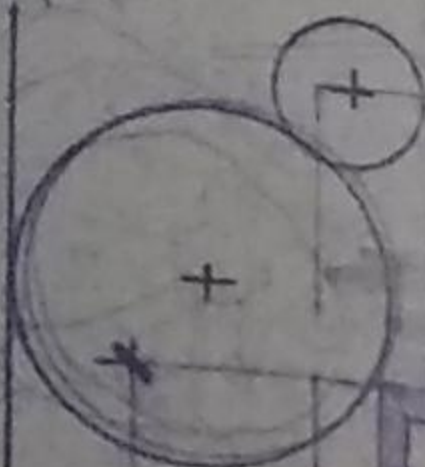
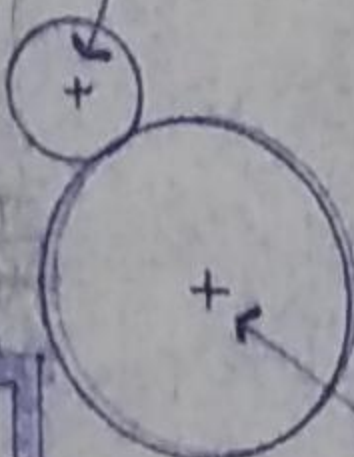
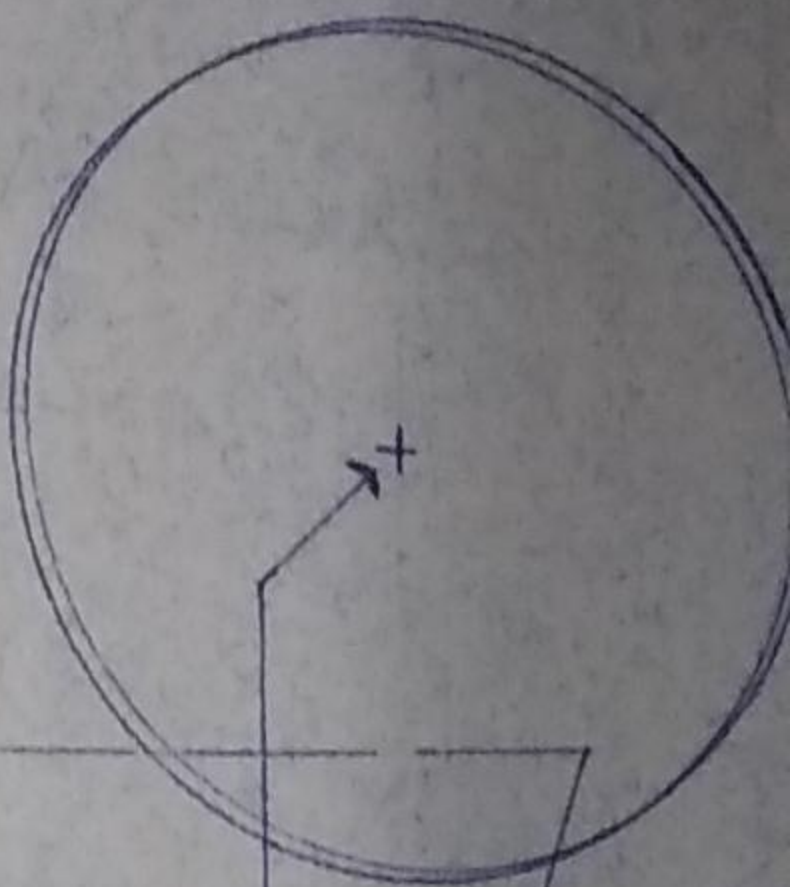
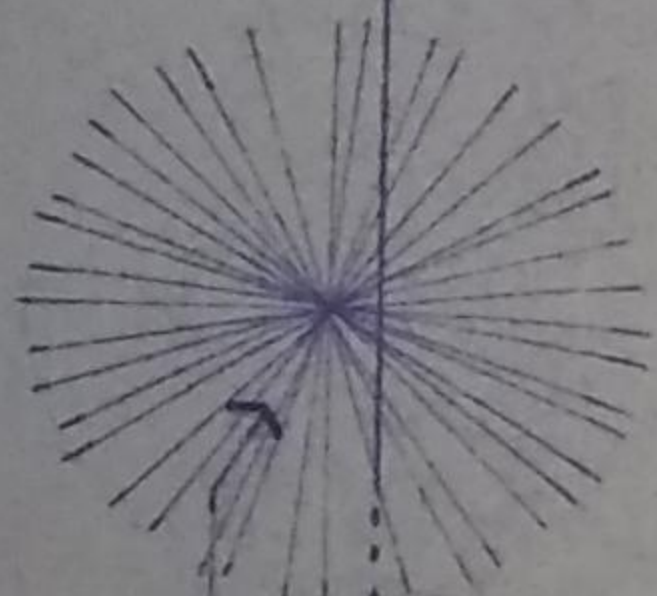
110.0'

5' SIDEYARD
SETBACK

NORTH

SITE/FLOOR PLAN

1/8"



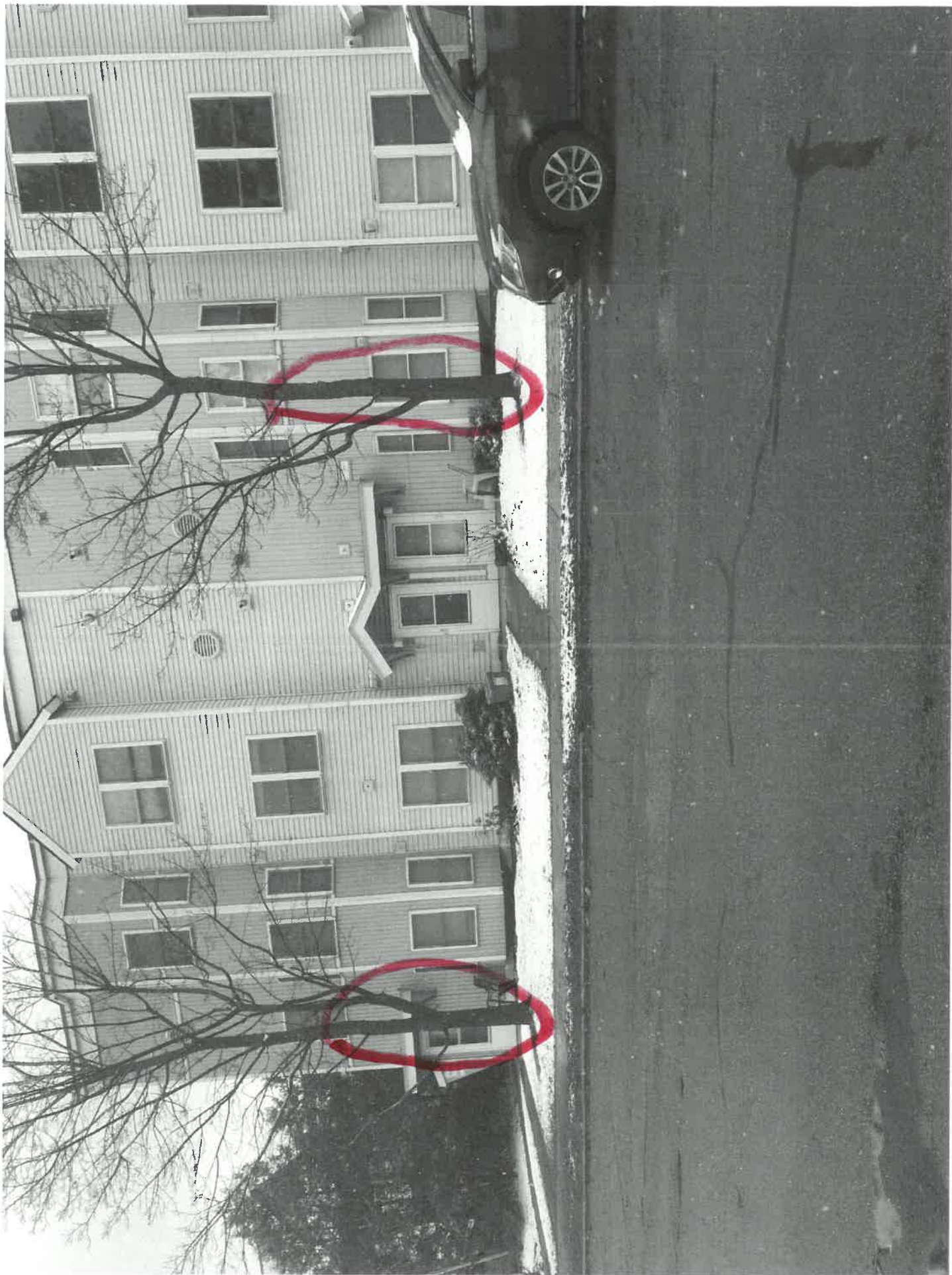
85 Archibald Street



0 5 10 20 Meters

#2 Udia

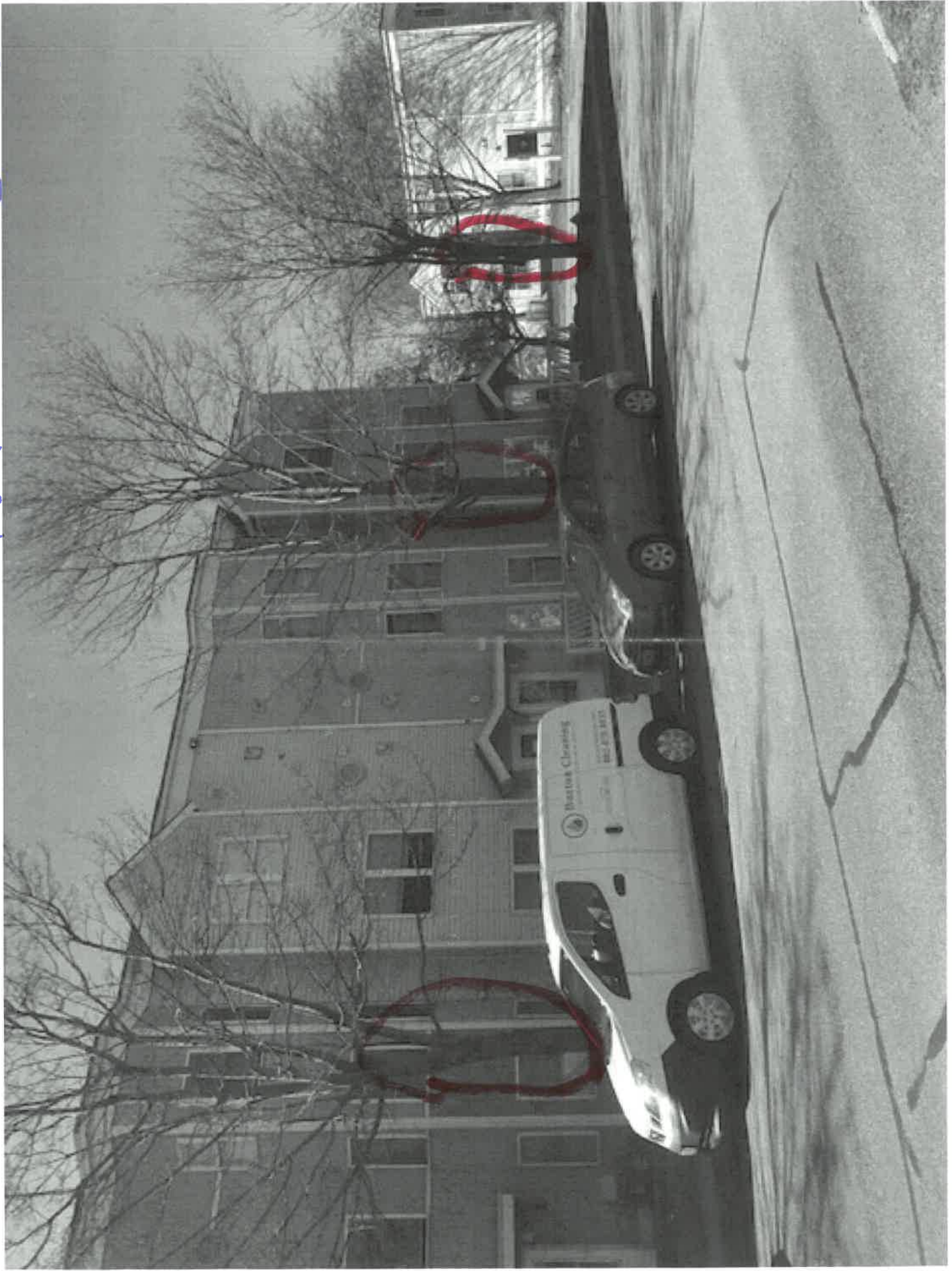
#1 Udia



313" dia

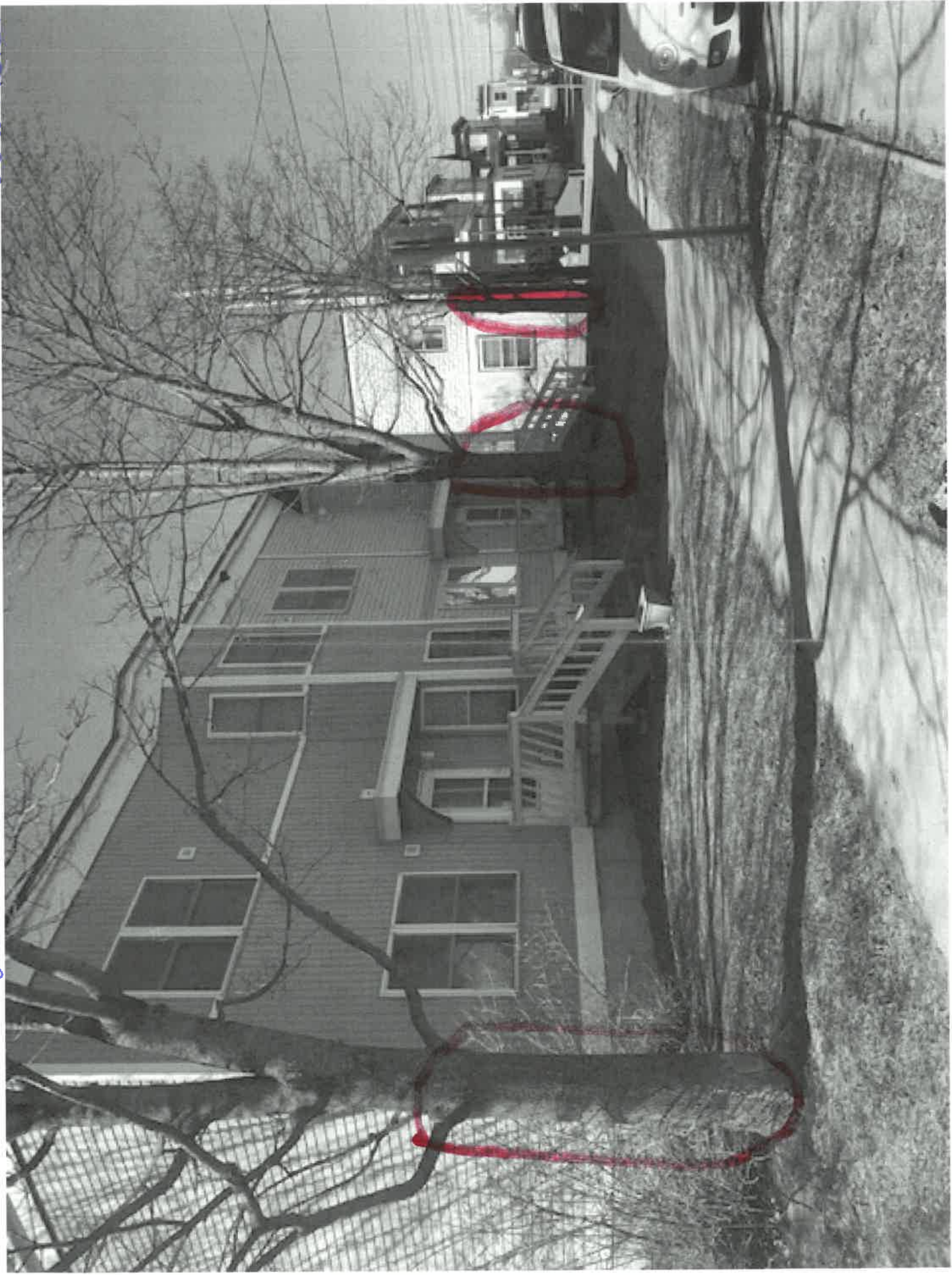
414" dia

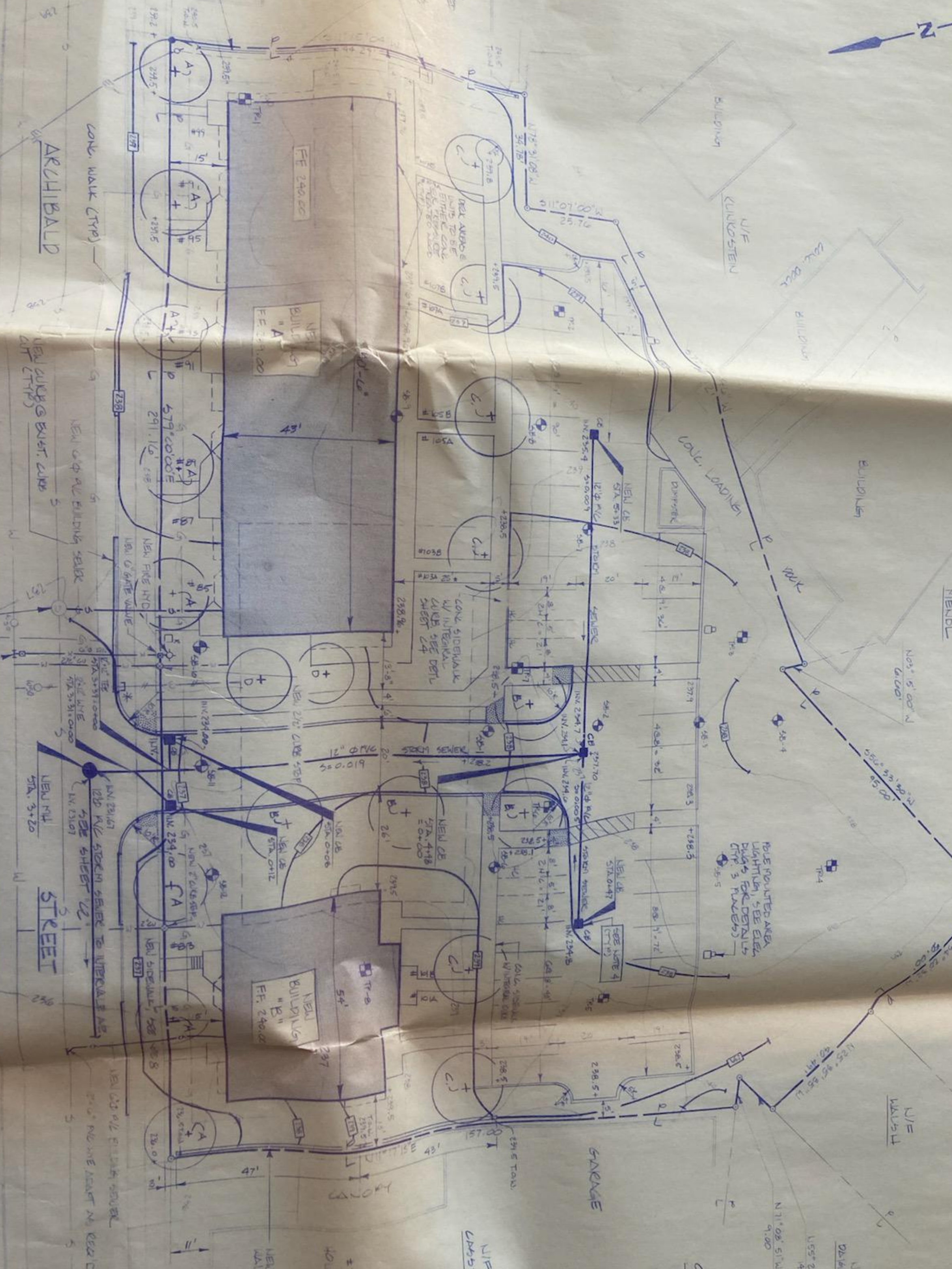
515" dia



7 13 1/4" dia # 8 13 1/4" diameter

6 14 5" dia







May 12th, 2021

Scott Gustin
Permitting and Inspections, City of Burlington
645 Pine Street
Burlington, Vermont 05401

RE: 21-0874CA; 0 Flynn Ave (Ward 5S, RCO-RG (Tax Lot No. 057-1-048-000)

Dear Scott-

We are writing to request the Design Review Board (DRB) reconsider the condition imposed upon the above-mentioned permit request for the Greenway Rehabilitation project in Oakledge Park.

Condition 3 notes:

For 0 Flynn Avenue/Oakledge Park, public access from the parking lots at Oakledge Park to Blanchard Beach and the other amenities of Oakledge Park (the pavilion, treehouse, volley ball courts, and westerly cove) shall be maintained at all times during construction.

The condition as noted above combined with site conditions make the construction of the proposed beach access and pause place at Flynn Avenue impossible.

As expressed at the Design Review Board Meeting on May 4th, 2021, BPRW staff will work with the contractor to maintain access to the majority of Oakledge Park's amenities throughout the construction period, estimated to start and end between June and November of 2021. As a key regional park, BPRW has been strategic in the Greenway Rehabilitation in this area as we acknowledge its popularity with both neighbors and visitors and wish to accommodate as much of the uses of the parks as possible throughout the Greenway's Rehabilitation.

To that end, BPRW staff are committed to overseeing the rehabilitative work on the Greenway in increments. That is, we have communicated to prospective bidders that the project is expected to be started and completed in sections from south (Austin Drive) to north (just north of the Flynn Avenue intersection) to maintain access to key amenities throughout the construction project, within reason. Please see the included illustration for the guidelines provided to prospective bidders on the anticipated sections for the project. As you can see, for work on Sections 1 and 2, access to the majority of the park amenities is maintained, albeit with some minor detours from the parking areas as needed.



Work on the 3rd section, which consists of a redesign of the beach access at Blanchard Beach **to create a universally accessible stair and ramp to Blanchard Beach to increase the public's ability to enjoy this loved amenity**, will require temporary closure of access to Blanchard Beach from Oakledge's parking areas. Access to Blanchard Beach will remain open -safely and feasibly- from Proctor Place – Oakledge Park's entry from the northeast which was rehabilitated last year (2020) in part to allow for the beach access to remain open throughout this second Greenway project in Oakledge. In addition, Burlington residents will still have access to North Beach, Leddy Beach and Oakledge Cove during construction of the accessible stair and ramp at Blanchard Beach.

This 3rd section is an area of construction which is already constricted on all sides by: vegetation and topographical changes to the west, Lake Champlain to the northwest, a stream crossing to the north, wetlands to the east and the road to the south. Circulation for the public around this construction area is not only unfeasible, but also unsafe.

As discussed during the May 4th, 2021 DRB meeting, we anticipate that the work on Section 3 will be towards the end of the peak of summer – allowing the public to enjoy full access to Blanchard Beach from the lower and upper parking lots and the Greenway to the north while Section 1 and 2 are being constructed. BPRW's goal is to improve not only the much-loved Greenway in this area, but to make circulation for all – pedestrians, cyclists and individuals with mobility devices- safer at the Flynn Avenue intersection and to heighten everyone's experience of Blanchard Beach through the improvements proposed by this project.

As such, we would appreciate that the DRB reconsider and remove the condition imposed on the Greenway Rehabilitation project through Oakledge so that the work may proceed as planned and for the benefit of all users.

Sincerely,

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

Sophie Sauvé, PLA, ASLA
Parks Comprehensive Planner
ssauve@burlingtonvt.gov
802-865-7248

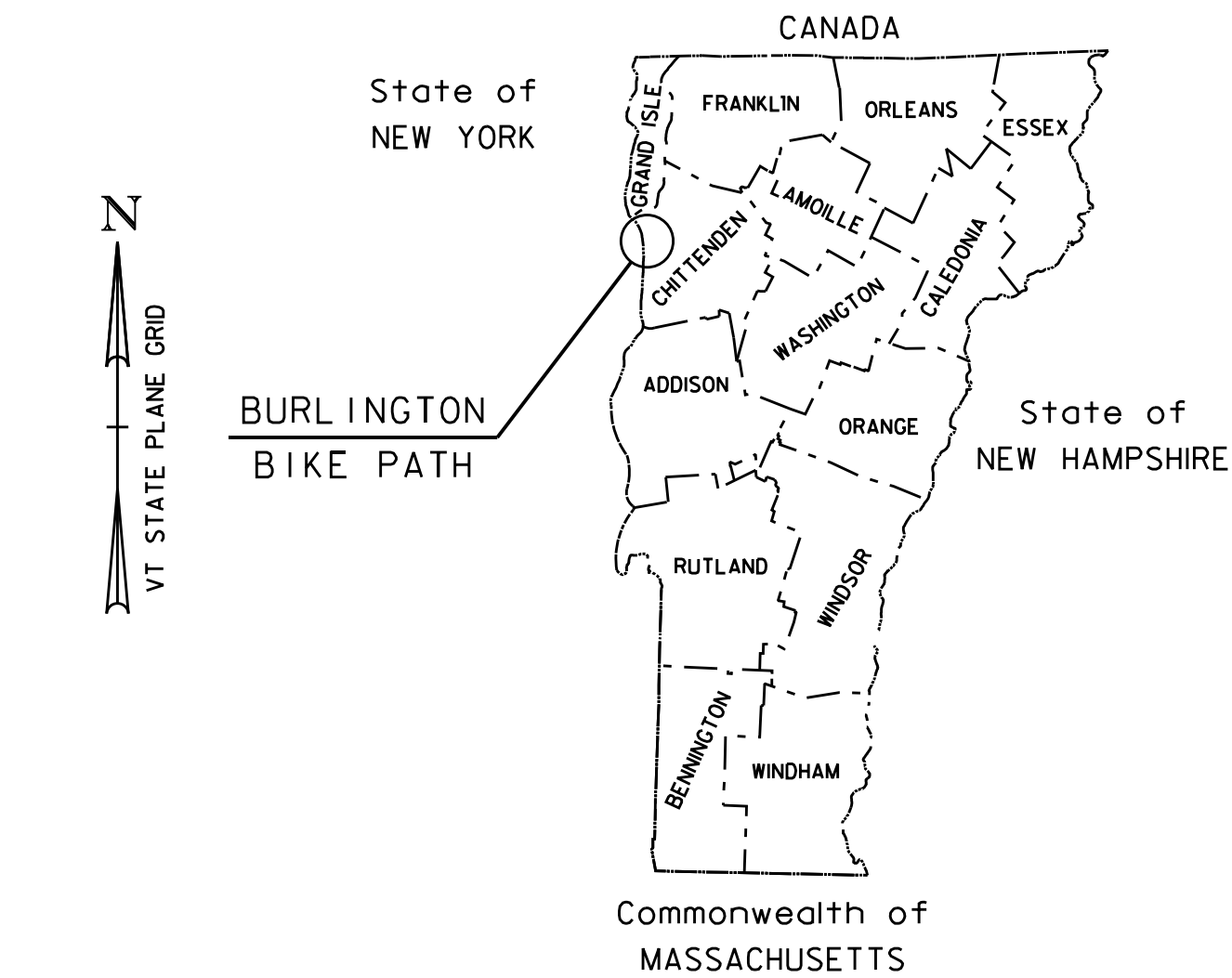
cc. Jon Adams-Kollitz, Parks Project Coordinator
Cindi Wight, Parks Director
Justin St. James, Assistant City Attorney

CITY OF BURLINGTON



PROPOSED IMPROVEMENT
BURLINGTON BIKE PATH
REHABILITATION PROJECT
PHASE 3B (SOUTH)

CITY OF BURLINGTON
COUNTY OF CHITTENDEN

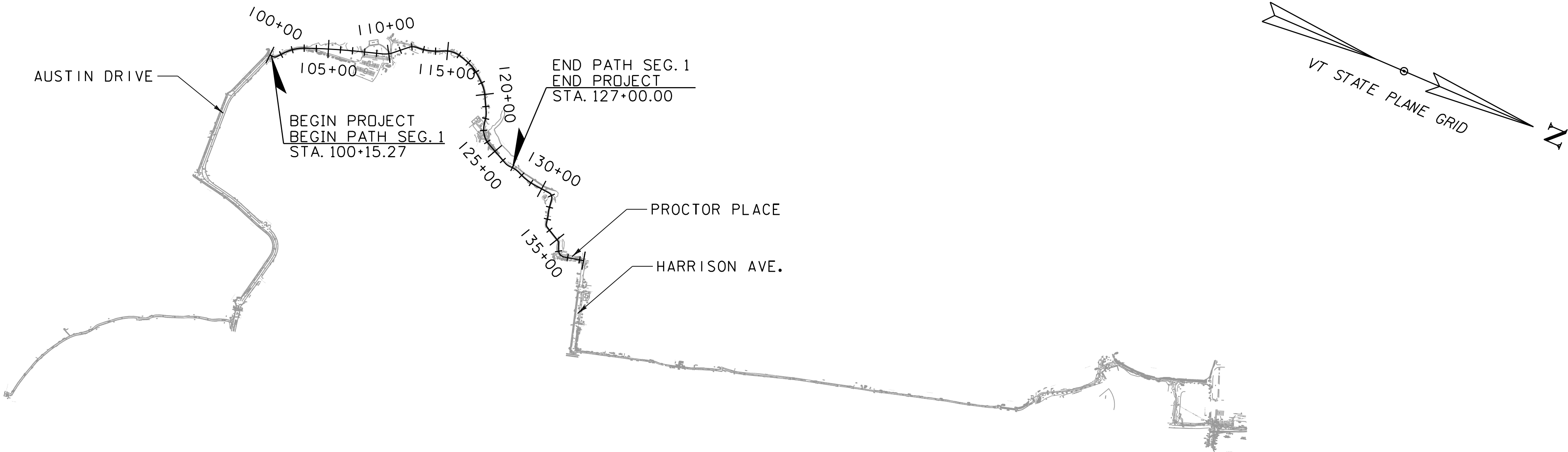


CONTRACT PLANS (100%)
APRIL 2021

PROJECT LOCATION: LOCATED IN THE COUNTY OF CHITTENDEN, CITY OF BURLINGTON, THE PROJECT RUNS FROM AUSTIN DRIVE TO BLANCHARD BEACH.

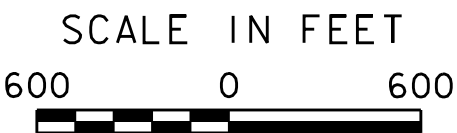
PROJECT DESCRIPTION: WORK TO BE PERFORMED INCLUDES REMOVAL OF THE EXISTING PATH PAVEMENT; THE WIDENING AND REPAVING OF THE PATH; INSTALLATION OF PAVEMENT MARKINGS, SIGNS, AND CONCRETE SIDEWALK RAMPS; THE RECONFIGURATION OF THE PATH AT THE FLYNN AVENUE INTERSECTION, AND OTHER INCIDENTAL ITEMS.

LENGTH OF PROJECT: SEGMENT 1: 0.51 MILES (2684.73 FEET)
TOTAL: 0.51 MILES (2684.73 FEET)



CONSTRUCTION IS TO BE CARRIED ON IN ACCORDANCE WITH THESE PLANS AND THE VTRANS STANDARD SPECIFICATIONS FOR CONSTRUCTION DATED 2018, INCLUDING ALL SUBSEQUENT REVISIONS AND SUCH REVISED SPECIFICATIONS AND SPECIAL PROVISIONS AS ARE INCORPORATED IN THIS CONTRACT.

SURVEYED BY :		VHB ALDRICH + ELLIOT, PC BUTTON PROFESSIONAL LAND SURVEYORS, PC CROSS CONSULTING ENGINEERS
SURVEYED DATE :		AUGUST 2013, AUG. 2015, SEPTEMBER 2018
DATUM		
VERTICAL		NAVD 88
HORIZONTAL		NAD 83 (07)



PROJECT MANAGER :		EVAN P. DETRICK, P.E.
PROJECT NAME :		BURLINGTON BIKE PATH PHASE 3B
PROJECT NUMBER :		58109.01
SHEET 1 OF 52 SHEETS		

SEGMENT 1

POINT	STATION	NORTHING	EASTING
POT	100+15.27	712045.96	1450636.77
POC	127+00.00	714136.37	1451295.94

SEGMENT 1 EXTENDS FROM AUSTIN DRIVE
TO BLANCHARD BEACH.
LENGTH OF SEGMENT 1 = 3659.46 FT

LEGEND

POB POINT OF BEGINNING ALIGNMENT
POE POINT OF END ALIGNMENT

NOTES:

BASLINE STATIONING IS NOT CONTINUOUS.
EQUALITIES HAVE BEEN INCORPORATED INTO THE
BASLINE STATIONING. SEE LAYOUT SHEETS FOR
EQUALITY INFORMATION AND CURVE DATA.

PROJECT NAME: BURLINGTON BIKE PATH PHASE 3B
PROJECT NUMBER: 58109.01

FILE NAME: 58109ali_pt.dgn	PLOT DATE: 4/23/2021
PROJECT LEADER: E.P.DETRICK	DRAWN BY: C.K.FORD
DESIGNED BY: B.M.ROBERTS	CHECKED BY: E.P.DETRICK
ALIGNMENT POINTS SHEET	SHEET 12 OF 52



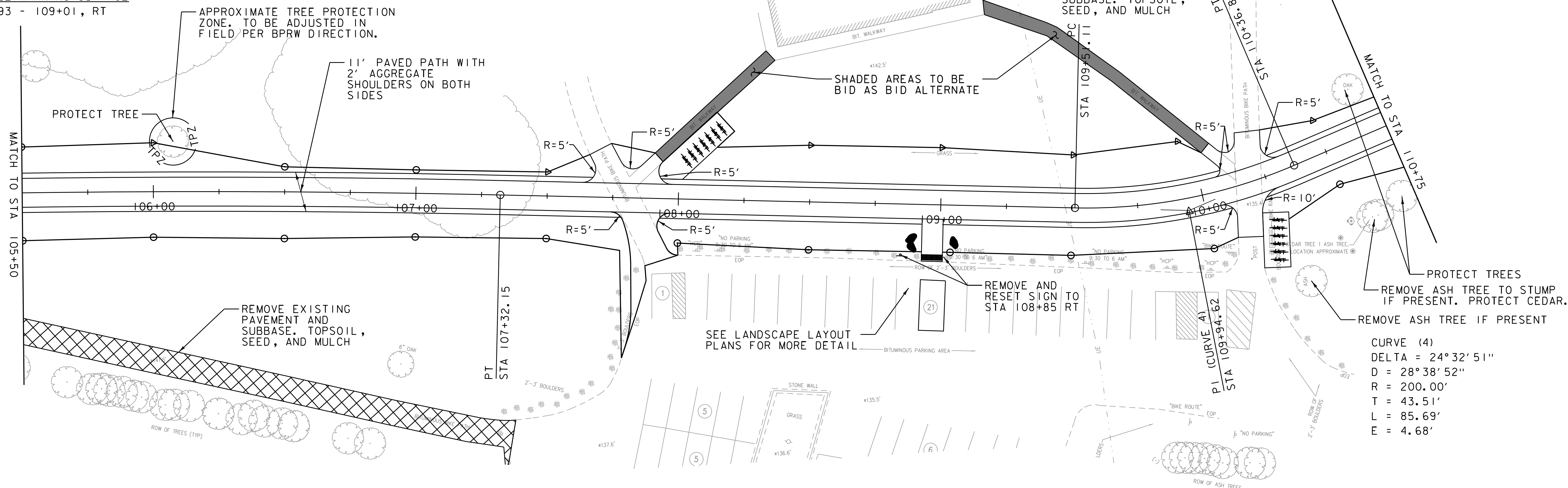
PROJECT NAME: BURLINGTON BIKE PATH PHASE 3B	
PROJECT NUMBER: 58109.01	
FILE NAME: 58109bdr_nul.dgn	PLOT DATE: 4/23/2021
PROJECT LEADER: E.P.DETRICK	DRAWN BY: C.K.FORD
DESIGNED BY: C.K.FORD	CHECKED BY: E.P.DETRICK
PLAN AND PROFILE (SHEET 1 OF 5)	SHEET 13 OF 52

4 INCH YELLOW LINE, WATERBORNE PAINT
STA 105+50 - 110+75, BL (DASHED)
4 INCH WHITE LINE, WATERBORNE PAINT
STA 108+93 - 109+02 (HATCHING)
DETECTABLE WARNING SURFACE
STA 108+93 - 109+01, RT

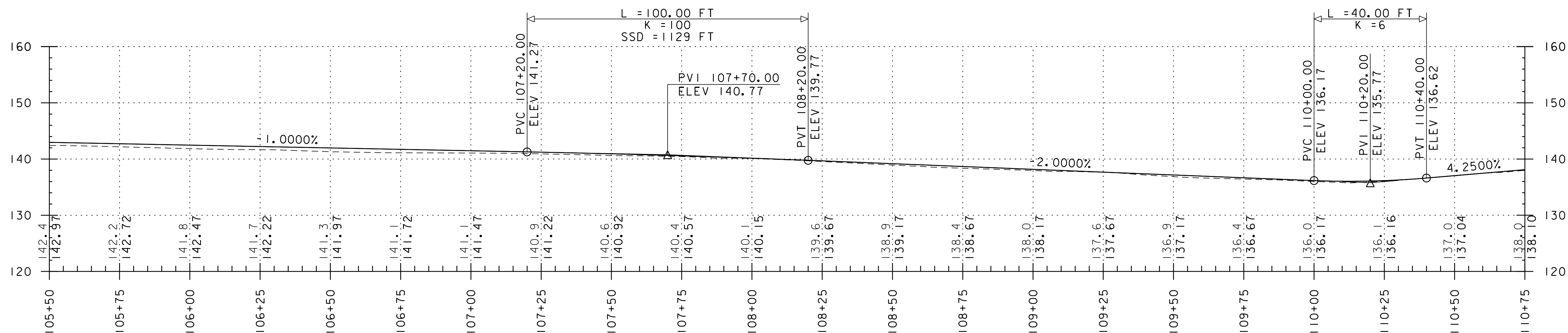
REMOVING SIGNS
STA 109+01, RT
STA 110+68, LT
RESETTING SIGNS
STA 108+85, RT

PORTLAND CEMENT CONCRETE
SIDEWALK, 5 INCH
STA 107+92 - 108+21, LT
STA 108+93 - 109+01, RT
STA 110+15 - 110+29, RT

SPECIAL PROVISION (BIKE RACK)
STA 108+03 - 108+16, LT (7 RACKS)
STA 110+20 - 110+24, RT (6 RACKS)



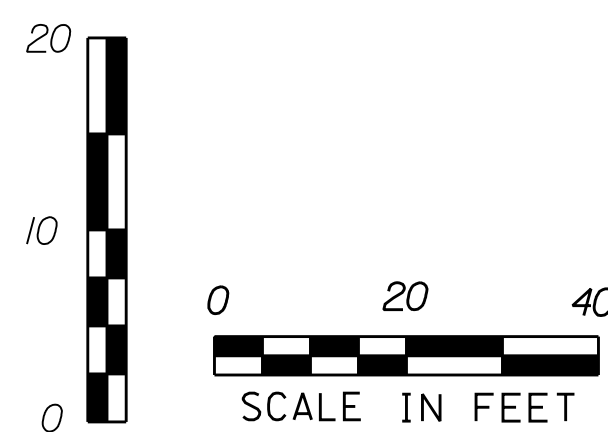
CURVE (4)
DELTA = 24°32'51"
D = 28°38'52"
R = 200.00'
T = 43.51'
L = 85.69'
E = 4.68'



THE GRADES SHOWN TO THE NEAREST TENTH ARE THE ORIGINAL
GROUND ELEVATIONS ALONG THE PROPOSED ALIGNMENT.

THE GRADES SHOWN TO THE NEAREST HUNDREDTH ARE THE FINISH
GRADES ALONG THE PROPOSED ALIGNMENT.

STATIONING AND ELEVATIONS IN FEET (TYP.)

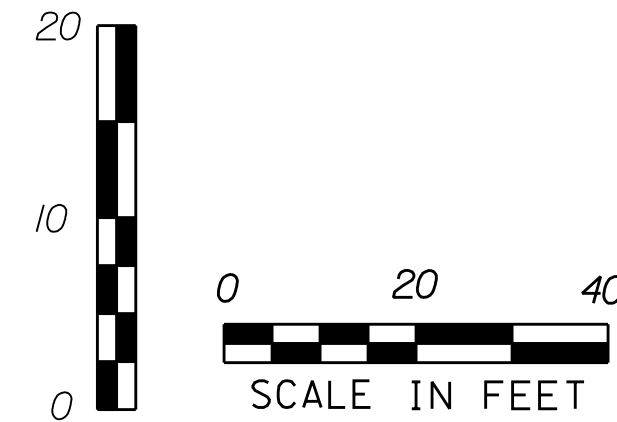
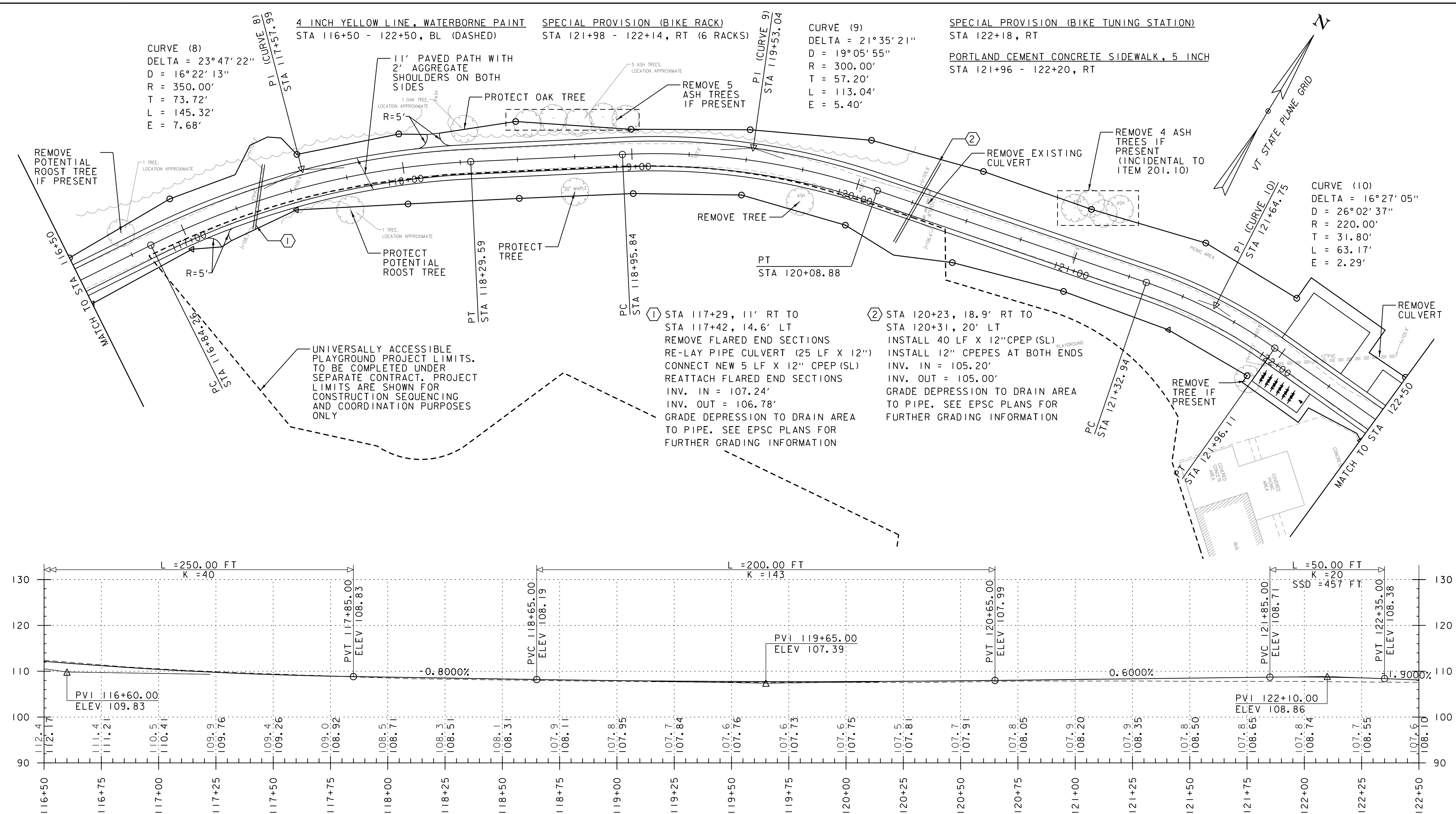


PROJECT NAME: BURLINGTON BIKE PATH PHASE 3B
PROJECT NUMBER: 58109.01

FILE NAME: 58109bdr_nul.dgn
PROJECT LEADER: E.P.DETRICK
DESIGNED BY: C.K.FORD
PLAN AND PROFILE (SHEET 2 OF 5)

PLOT DATE: 4/23/2021
DRAWN BY: C.K.FORD
CHECKED BY: E.P.DETRICK
SHEET 14 OF 52





PROJECT NAME: BURLINGTON BIKE PATH PHASE 3B	
PROJECT NUMBER: 58109.01	
FILE NAME: 58109bdr_nul.dgn	PLOT DATE: 4/23/2021
PROJECT LEADER: E.P.DETRICK	DRAWN BY: C.K.FORD
DESIGNED BY: C.K.FORD	CHECKED BY: E.P.DETRICK
PLAN AND PROFILE (SHEET 4 OF 5)	SHEET 16 OF 52

SPECIAL PROVISION (LIFE
RING CABINET)
STA 123+39, LT 3/4

END PROJECT
STA. 127+00.00

CURVE (12)
DELTA = 22°57' 06"
D = 22°55' 06"
R = 250.00'
T = 50.75'
L = 100.15'
E = 5.10'

CURVE (13)
DELTA = 21° 13' 22"
D = 28° 38' 52"
R = 200.00'
T = 37.47'
L = 74.08'
E = 3.48'

③ STA 122+97, 13.8' LT TO
STA 123+67, 13.7' LT
INSTALL 6" UNDERDRAIN
INV. IN = 103.68'
INV. OUT (AT TEE) = 102.57'

④ STA 123+18 , 16.2' RT TO
STA 123+88 , 25.6' LT
INSTALL 6" UNDERDRAIN
INV. IN = 103.71'
INV. OUT = 101.00'
STA 123+67 , 13.7' LT
INSTALL TEE FITTING



SHEET 17 OF 52

Department of Permitting & Inspections

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

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



TO: Development Review Board
FROM: Scott Gustin
DATE: May 18, 2021
RE: 21-0361CU; 41 Pine Pl

=====

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: 5S

Owner/Applicant: Sam Catalano

Request: Establish a 3-bedroom short term rental (bed and breakfast) and 2-bedroom boarding house within duplex. No construction proposed.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps and Districts), Article 8 (Parking)

Background Information:

The applicant lives within a duplex and occupies one side. The applicant is requesting approval of a 3-bedroom short term rental (bed and breakfast) within one of the two duplex units. The applicant is also seeking approval of a 2-bedroom boarding house as part of his residence in the other duplex unit. Both the short term rental and boarding house uses are in place. This approval is sought after-the-fact following a warning from code enforcement in October 2020. Much of the time since has been spent trying to address parking for the application.

Within the RM zone, wherein the property is located, both bed and breakfasts and boarding houses are predicated on owner-occupancy. The applicant is the property owner and lives onsite. No site or exterior building changes are proposed. The bed and breakfast is a conditional use, whereas the boarding house is a permitted use.

Previous zoning actions for this property are noted below.

- 4/6/21; Affirmative 15-year statute of limitations determination as to front yard parking
- 11/90; Approval to construct duplex

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

I. Findings

Article 3: Applications, Permits, and Project Reviews
Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

Use of one of the duplex units as a short term rental (bed and breakfast) has no appreciable impacts on existing or planned public utilities, services, or facilities. The applicant is advised to check with VT DEC to inquire as to whether additional permitting, including wastewater, is needed.

(Affirmative finding if conditioned)

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

The property is located within the residential – medium density zone. The neighborhood consists of single- and multi-family homes within buildings of similar scale. No construction is included in this proposal, and residential density will remain unaffected. The property remains in character with the zoning district. **(Affirmative finding)**

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

The subject dwelling will remain physically unchanged. It will provide living space for guests on a short term basis. The short term rental is not expected to generate nuisance impacts from noise, odor, dust, and the like. **(Affirmative finding)**

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

Little, if any, change in traffic is expected. Rather than residents arriving and departing, short term guests will arrive and depart within established timeframes. Guests will be within easy bike or walking distance to area attractions. **(Affirmative finding)**

5. *The utilization of renewable energy resources;*

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

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

The short term rental must adhere to applicable life safety standards and provide payment of rooms and meals taxes as per the State of Vermont. **(Affirmative finding if conditioned)**

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

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

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

The short term rental is not expected to produce adverse effects in need of mitigation.

(Affirmative finding)

2. Time limits for construction.

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

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

Guest check-ins should be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **(Affirmative finding if conditioned)**

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

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

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

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential Medium Density (RM)

The Residential Medium Density (RM) district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. The residential duplex is consistent with this intent. The residence will serve as a short term rental as well as the owner's primary residence with boarders. The uses will not adversely impact the property's consistency with the character of this district. **(Affirmative finding)**

(b) Dimensional Standards and Density

Not applicable.

(c) Permitted and Conditional Uses

The "bed and breakfast" (short term rental) use is conditional in the RM zone. Owner occupancy is required, and up to 5 rooms may be let. In this case, the applicant is the owner and lives onsite. The short term rental will contain 3 bedrooms. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The property is located within the Neighborhood Parking District. Single family dwellings require 2 parking spaces. “Bed & Breakfast” uses require 1 parking space per bedroom, and boarding houses require 1 space per two beds.

The property contains room for 2 parking spaces – one in each garage. Approved as a duplex with 2 off-street parking spaces, the existing condition is a pre-existing nonconformity. The applicant recently received recognition of an area of unpermitted front yard parking per the 15-year statute of limitations. However, this area is too small at ~ 12’ X 10’ to accommodate an entire parking space (9’ X 18’). The applicant has sought approval to use the gravel area within the Pine Place street right-of-way for parking. Such parking is not actually off-street and cannot be counted towards the minimum off-street parking requirement.

The use approvals sought in this application require a total of 6 onsite parking spaces. Accounting for the 2-space nonconformity, at least 4 spaces would be needed for this application. Only 2 can be provided onsite. **(Adverse finding)**

II. Reasons for Denial

1. The application lacks compliant minimum onsite parking per the standards of Sec. 8.1.8, *Minimum Off-Street Parking Requirements*.

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
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Telephone: (802) 865-7188
Fax (802) 863-0466

Brad Rabinowitz
AJ LaRosa
Springer Harris
Geoff Hand
Brooks McArthur
Kienan Christianson
Caitlin Halpert
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, May 18th, 2021, 5:00 PM

REMOTE MEETING

Zoom: <https://us02web.zoom.us/j/89490816875?pwd=YTZqTXB6bUdxVWFvM0k2NEFmaEJmdz09>

Webinar ID: 894 9081 6875

Password: 228291

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

Video recording link: <https://www.cctv.org/watch-tv/programs/burlington-development-review-board-357>

Agenda

Board Members Present: Brad Rabinowitz, AJ LaRosa, Springer Harris, Kienan Christianson, Caitlin Halpert, Brooks McArthur, Geoff Hand

Board Members Not Present: Sean McKenzie (Alt)

Staff Present: Scott Gustin, Ryan Morrison, Alison Davis

I. Agenda

S. Gustin: 57 South Williams St zp#21-0785CA/CU has requested deferral to hearing on June 15th. There is also an Other Business item that is new at the end of the agenda for the Oakledge Park bike path.

II. Communications

B. Rabinowitz: All communications posted on website.

III. Minutes

B. Rabinowitz: Previous meeting minutes posted under meeting packet online.

IV. Consent

1. 21-0816SN; 65 Main Street (FD5, Ward 3C) 65 Main Condo Association, Inc.

Install three signs and seek alternative compliance for proposed directory sign. (Project Manager: Scott Gustin)

Meg McGovern appeared on behalf of item

B. Rabinowitz: Explains that this item is recommended for consent. Asks if applicant has seen staff recommendations for this application and if they agree with them.

M. McGovern: Agrees

B. Rabinowitz: Asks if anyone on board disagrees to treating this as consent.

None

B. Rabinowitz: Asks if there is any public to speak on item.

None

S. Harris: Motion adopt staff findings and approve the application

C. Halpert: Seconds motion.

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5-0-0 Brooks McArthur, abstention—technical problems, Geoff Hand absent for item

V. Public Hearing

1. 21-0361CU; 41 Pine Place (RM, Ward 5S) Sam Catalano

Request for three-bedroom short-term rental (bed and breakfast) and two-bedroom boarding house within duplex. No construction proposed. (Project Manager: Scott Gustin)

Sam Catalano and Alec Slater appeared on behalf of item

B. Rabinowitz: Asks if this is a rare situation for grandfathering.

S. Gustin: Explains that problem is that the structure is not very big.

S. Catalano: Measured this morning. Is a bit of an odd shape but the majority of it is 48ft wide and longest part is 48ft long. The majority fits within the 38 x 40 ft and then there is a triangle that is also out there.

B. Rabinowitz: At this point, you are grandfathered in and you are not requesting any other changes, correct?

S. Catalano: Correct

S. Gustin: Virtually presents picture of property. Shows property lines and the space of unpermitted yard parking. Most of the parking is actually in the City right-of-way.

S. Catalano: Explains that he found a mistake in the Staff Report about article 8 parking section. Clarifies number of parking spaces. When we first started talking, it was discussed that there were two spaces in each garage and then two tandem in front of the garage, so am not asking for four spaces but just two additional. That was what was in the original site plan.

S. Gustin: With the measurements of that space, it is too short to be considered tandem parking spaces. But correct, part of our original conversation looked like it had four spaces.

B. Rabinowitz: Asks if there is confirmation on where the property lines are.

S. Catalano: Have not had the property surveyed.

A. Slater: There is ample space between the front of the garage and the actual right-of-way. Right-of-way curves off to the left. You can see on the upper left hand corner, the right of way is not near where the parking spaces will be.

B. Rabinowitz: Between what you are calling the right-of-way and the property line, is that not City property?

A. Salter: Not sure, it is a right of way, but it is not an accepted street.

S. Gustin: Had a conversation with Laura Wheelock from Dept of Public Works and she said that this is an odd case wherein, it is a public right-of-way but the street was never accepted because it was not built to city standards.

A. Salter: Not sure if the property owners of Pine Place have collective interest in this. We have asked all the owners of the parcels on Pine Place, and all consented to that signed easement.

B. Rabinowitz: Still does not clarify whether you have the ability to do that.

S. Gustin: The tax map that is displayed is the close approximation to what the boundaries are, but still not a survey, and also the original site plan is also a close approximation but it is not a survey. The original plan shows more distance to the front property line, which is still too short for parking space, and the tax map shows less distance. Maybe worth it to get a survey done and see where the property lines actually are. Talking about the tandem parking space arrangement has limitations. Is acceptable for a single family dwelling and a duplex, but when you start going beyond that, we cannot count tandem spaces.

B: Asks who owns the right-of-way for Pine Place and whether it is privately owned.

S. Gustin: Answer clear from DPW that it is publicly owned. Just the street was not accepted as a city street.

S. Catalano: Walks through site picture. Explains that where you see the pavement starts to deteriorate, from that location up to Saint Paul Street, is completely unmaintained by the City. When talking to all the neighbors, the biggest issue was that there is unregulated parking, so there are people that will park their cars there.

B. Rabinowitz: Going to be hard to make a decision about approving the parking without confirming who owns that land. It seems like its city land.

A. Slater: Worth mentioning that there would not be a change in status quo of the area.

B. Rabinowitz: One would say you are proposing a more intense use at this point for going to short term rentals compared to long term.

S. Catalano: Would disagree with that because it has been set up like this for a year and a half, and there are fewer people that typically park there. Bedrooms are not rented separately; it is a three bedroom unit. Many times, it is a family coming up to visit their kid at school or having a group of friends coming up to ski. Short-term rental side, it is 1 to 2 cars consistently.

A. LaRosa: Asks about the parking spots that are labeled as unpermitted yard parking. We need to come up with 6 spaces. Asks to clarify number of spaces and locations.

S. Gustin: Two spots are unquestionable, one space in each garage. There is a question of if the front property line is far enough away from the building that it can be approved as a tandem spot in each driveway.

A. LaRosa: And the unpermitted parking space was grandfathered for two cars?

S. Gustin: Not grandfathered, under the 15-year statute of limitations as parking "area". The dimensions are too small for a single parking spot.

A. LaRosa: So the determination was not that for a 15-year determination, it was for a determination that it constituted two parking spaces.

S. Gustin: Correct.

A. LaRosa: May be four spaces short.

S. Gustin: Correct.

S. Catalano: Explains that this is the first time that he has heard that this property only has two parking spaces. Has been under the impression that we have one in each garage and then two out front. Technically thinks for the zoning that he is asking for, he will only need five total. 1 per bedroom for the short-term rental (total of 3) and then 1 for every 2 bedrooms in the long-term rental, which is 2 spaces since there are 3 bedrooms.

B. Rabinowitz: Asks about the boarding house use.

S. Catalano: Explains that was the terminology that was recommended for the proposed use. Plan to have 1-2 roommates on a yearly lease within the same unit as myself.

B. Rabinowitz: Asks if that would just be an apartment.

S. Gustin: In the Code, this is what would fall under Boarding house.

B. Rabinowitz: Asks what structure is next to the house.

S. Catalano: Explains that it was from the previous homeowner but is no longer there.

A. Slater: Explains that if this has been approved as a duplex, it would have previously been approved with four parking spaces. Does not think it would not been approved with only two spots for the entire building.

A. LaRosa: Asks if we have the previous approval.

S. Gustin: Screen shares previous site plan. Again, recommends applicant get a property survey done to see exact dimensions.

A. Salter: Asks if the displayed site plan is the only plan for the original construction.

S. Gustin: Yes, this is the approved plans for the original construction.

S. Harris: Asks what prevents the applicant from seeking a parking waiver.

S. Gustin: They can seek a waiver but it is not worth the time until we get into the 50% threshold. And you can grant a waiver for up to half the parking spaces. There are limitations to the applicability to tandem spaces. We can count a tandem space for a single family home and a duplex but that is it. 40% coverage is the limit for this property and it is close to it.

B. Rabinowitz: We are at a point where we can deliberate on this, or you can ask us to table this until you have more reassurance to where your property line really is.

S. Catalano: Yes, would prefer to keep working on the project and come back with more information.

S. Harris: Asks if he knows why he had or wanted to apply.

S. Gustin: Started a long time ago as a complaint with the code enforcement division. We received a complaint back in October about the unpermitted AirBnB. We never went as far with a zoning violation because he turned around and applied, and now it is just the parking that is holding up the application.

S. Harris: Good, clarifies that the complaint was not about the parking, but about the unpermitted AirBnB. Wanted to make sure that it was not the parking that was an issue involved in the complaint.

S. Catalano: Explains what happened with history of needing a zoning permit.

K. Christianson: Thinks it would be beneficial for the applicant to get a survey done so that there can be confirmation to where his property lines are.

S. Gustin: Mentions that because of the timing, there will need to be an extension granted if they need to come back to the Board.

B. Rabinowitz: Asks if there is anyone from the public to speak on project.

None

C. Halpert: Motion to grant extension to another meeting date uncertain and that the applicant bring additional information about the property lines.

K. Christianson: Seconds motion

7-0-0

~~2. 21-0785CA/CU; 57 South Williams (RH, Ward 1E) Chabad of Vermont
Change of use from residential apartments to elementary school. (Project Manager: Ryan Morrison) Deferred Hearing to June 15, 2021~~

VI. Certificate of Appropriateness

1. 21-0788CA; 85 Archibald St (NMU, Ward 2C) Archibald Street Housing and Champlain Housing Trust

Removal and replacement of nine trees. (Project Manager: Scott Gustin)

Geoff Hand recused

Pete Fisher, Joanne Bottger

Sharon Bushor provided public testimony

P. Fisher: Reason trees are being replaced is because they are shadowing the roof we have needed to replace the roof, trees have been limbed up so much over the years it would be a good idea to start over.

B. Rabinowitz: Asks if there is any moss on roof.

P. Fisher: Not currently, because we replaced the roof.

C. Halpert: Asks if there have been any studies done to see if there is evidence of being diseased or unhealthy. Asks if there has been an arborist who has looked at them.

P. Fisher: No, I have not.

B. Rabinowitz: Asks about the trees that are the proposed replacements.

P. Fisher: These trees have a narrow growth pattern.

J. Bottger: What is currently there are Norway maples that are very tall and very wide, they shadow and shed the roof and hold moisture and create rotted materials, siding, trim. Too big and too close to the building. We are replacing with ginkgo trees. They are narrower so they are not going to be creating issues with the building

B. Rabinowitz: Asks if the greenbelt is too small to plant trees.

J. Bottger: Yes.

C. Halpert: Asks if there has been feedback from residents in the building about benefits or problems with the trees. Imagine that the trees are keeping the apartments quite cool.

J. Bottger: Yes, has been working close with companies working with. They really want to keep trees on south side, which are red oaks, and that is fine to stay there and be trimmed. Because they are not too close to the building and not too wide.

C. Halpert: Confirms that all 8 trees are on the north side of the building.

B. Rabinowitz: Asks about the height of a mature ginkgo.

J. Bottger: 20-30 feet.

B. Rabinowitz: There are those trees around the city but they are not very big. Asks if there are other questions from the board.

None

B. Rabinowitz: Asks if there are members from the public wanting to speak.

S. Bushor: Had called in to ask if there had been any studies done about the health of the trees, but that question was already asked. And the answer was no they have not gotten any studies done. Comments that the piece that is troubling is that Archibald is low with trees and the elimination of 8 trees on a street that has almost no foliage. Wanted to ask if the applicant had consider phasing the replacement of the trees. Thinks that they are on the north side, so they are not getting direct sun but do believe that trees provide a lot of shade in the summer and they are a habitat for birds and other species.

K. Christianson: Going back to getting a tree study, asks staff that in the staff report it says that the trees are unhealthy because of repeated limbing, but other than that the report says that the trees were not a danger to life or property. Asks if there was consideration made about the impacts of the trees on the building itself.

S. Gustin: Mentioned in the staff report, there is nothing in the application that speaks to the adverse effects on the building. Pretty shallow substantiation about the repeating limbing effecting the trees help. For me, I spoke to the city arborist, who pointed out that Norway maples are classified as an invasive and you cannot buy anymore in Vermont. Ginkgos are not native, but they are not invasive. From our point of view, part of a landscaping plan in the 90s and they are changing the species, and they are removing an invasive. They are fairly mature at this point and a concern for the public, but that is why we have the Board.

C. Halpert: Visited the site and it does provide nice shade and are pretty much the only trees in this section of the street.

B. Rabinowitz: Pretty small trees that are being proposed.

S. Harris: Asks about the tenant reaction to project.

J. Bottger: It is approved by the board of the co-op and there are 16 units there and 7 tenants on the board, so it is pretty representative and it has been in the works for at least one year. So it's clear, even though the roof is new, because of the size of the trees, if they stay there they will have adverse effects on the building. It is low-income housing, it did take a substantial grant to have money for repair work to the building. Without removing these trees, not sure how well the building and co-op is going to do. We do understand that these are the only trees on Archibald and we are willing to take other suggestions for replacement trees. They are the wrong tree in the wrong place. It is the placement and size that is problematic for us.

B. Rabinowitz: Mentions the trees that is at the juncture of the build at the access, those trees are not quite in front of the building. Asks if they cause a problem too and if they could be left and maybe just replace the other six. Asks if there are other questions from the board, applicant or public

None

B. Rabinowitz: Closes public hearing

2. 21-0667CA; 90 Ethan Allen Parkway (NAC, Ward 7N) Rolf Danielson

Request for four-unit hotel/bed and breakfast; install fencing, pergola, landscaping, expand driveway and resurface with gravel, move garage. *Continued review.* (Project Manager: Ryan Morrison)

Rolf Danielson appeared on behalf of item

B. Rabinowitz: Explains that they are continuing review of walkway access.

R. Danielson: There is now a path marked out at the north side and there is one removed parking spot at the end.

B. Rabinowitz: There is fencing around the perimeter? Against the walkway and are there fences on both sides of walkway?

R. Danielson: Correct

B. Rabinowitz: Asks if the fence is needed on the south side of walkway.

R. Danielson: Wanted to make it pet friendly and have a fenced in yard.

B. Rabinowitz: Makes the walkway a long path.

R. Danielson: Thought about maybe having a seat behind the garage because it is such a long path.

B. Rabinowitz: Asks if the landscaping is all the same as what was presented.

R. Danielson: Updated the plantings and the lighting against the walkway.

C. Halpert: Asks about the width of path.

R. Danielson: Right now, the space between the fence and the house is 8 ft and then the fence and unit #4 is about 4 ft. Thought that a three-foot walkway is suffice.

B. Rabinowitz: With people walking and carrying things, it needs to be wider than 3 feet..

R. Danielson: Yes, plan can be tweaked.

B. Rabinowitz: Asks if there are other questions/comments.

None

B. Rabinowitz: Closes public hearing

3. 21-0677CA; 184-186 North Winooski Ave (NMU, Ward 2C) North Winooski Avenue 184 LLC

Remove garage and construct a four unit building; add parking, dumpster enclosure and bike shelter. *Continued Review.* (Project Manager: Ryan Morrison)

Missa Aloisi appeared on behalf of project

B. Rabinowitz: Explains that there was a revised site plan that was submitted which had to do with the access off the sidewalk and parking area to the porch.

M. Aloisi: Correct.

B. Rabinowitz: Looks like you meet ADA requirements.

M. Aloisi: Yes. We have ramp access from the parking lot with an ADA parking spot and off sidewalk as well. Also have updated landscaping plan.

B. Rabinowitz: Looks like that was all we were looking for. Asks is there are any other questions or comments from anyone.

None

B. Rabinowitz: Closes public hearing

4. 21-0874CA; 0 Flynn Ave (RCO-RG, Ward 3C) Burlington Parks, Recreation, and Waterfront

Reconstruct greenway through Oakledge Park. (Project Manager: Scott Gustin)

Geoff hand recused

Sophie Sauvé (Burlington Parks & Rec) appeared on behalf of application

B. Rabinowitz: Explains that this is about Reconstruction of the recreation path and issues with access of providing access during construction.

S. Sauvé: options are to consider whether board wants to consider this, if you decide to consider, you can go to future meeting, or you can do it all tonight.

B. Rabinowitz: Asks if there is any preference from the board. Would be okay taking it up tonight.

S. Sauvé: Explains how circulation around Oakledge happens around Oakledge during construction. Walks through plan which is screenshared. Project is divided into three different sections so the use of the park can be enabled. For an estimated four weeks, the work would start at Austin Dr to the south west of the upper pavilion and that area would be closed. The entrance at Austin Dr would be closed and the southwestern corner or parking lot would be effected. Explains other accesses. Shows accesses to the different amenities of the park. Keeping in mind that the beach access that is going to be construction is to improve what is there now and upgrade to universal accessibility.

B. Rabinowitz: Asks if the different sections would be completed before the next one starts.

S. Sauvé: Correct. The plan would be to close the bike path and do the top coat of asphalt as one. Reduced edges in between each top coat. Explains Oakledge is still accessible and where.

A. LaRosa: Asks by doing the phase three part towards the end, if there is a delay, is that going to remain closed throughout the winter or will there be a winter access plan.

S. Sauvé: The goal is that the sections only would be opened when deemed feasible to start and complete.

A. LaRosa: Wants to understand about phase 3 and the predicted timing.

S. Sauvé: Yes, would have to be next year if not done in this 2021 construction year.

B. McArthur: What would next year mean? Would Blanchard Beach be open?

S. Sauvé: If we have to go into the section 3 next year, the goal would be to get it started as soon as it is viable. We would already have someone under contract so as soon as the ground thaws; we would be able to continue the construction.

A. LaRosa: Asks about access from Proctor Place and the large seawall and how people will navigate that to get down to the beach.

S. Sauvé: currently there is not a ramp but just old stairs but we can look into provided a more accessible temporary infrastructure.

S. Harris: Asks approximate date for weeks 12-18 on plans.

S. Sauvé: If we are working back from Dec 1st, we are looking at Sept-Oct potentially, but we need it to happen in the early parts of Sept for the concrete pour and the temperatures to be added.

S. Harris: Asks what stage they are in for hiring the contractors.

S. Sauvé: The bids are due this Friday.

S. Gustin: Staff supports the requested reconsideration here. This is a municipal project with limited purview. We can consider traffic, but in our zoning code, the traffic criteria pertained to conditional use or major impact projects.

B. Rabinowitz: This does seem to meet the goal of what we wanted.

A. LaRosa: The core of the DRB was concerned with maintaining access to a public resource during construction.

A. LaRosa: Motion to approve the request for reconsideration and modify our findings and conclusions as to incorporate proposed phasing schedule and access schedule titles Burlington Greenway Phase 3B South Proposed Construction Sequencing.

B. McArthur: Seconds motion

6-0-0

VII. Adjournment

Meeting adjourned 6:22pm

July 6, 2021


Bradford L. Rabinowitz, Chair of Development Review Board

Date


Alison Davis, Zoning Clerk

Date

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

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