

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

AJ LaRosa
Caitlin Halpert
Geoff Hand
Brooks McArthur
Brad Rabinowitz
Leo Sprinzen
Chase Taylor
Sean McKenzie, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, May 16, 2023, 5:00 PM

AGENDA

In Person (at 645 Pine Street) Meeting

I. Agenda

II. Communications

III. Minutes

IV. Public Hearing

1. ZAP-23-4; 71-73 Peru Street (RH, Ward 3C) Damon Lane

Appeal of zoning administrative denial (ZPW-23-18) to replace wooden windows with vinyl casement windows (Request deferral to 5/16/23). (Project Manager, Scott Gustin)

V. Sketch Plan Review

1. ZSP-23-3; 300 Flynn Avenue (NMU, Ward 5S) Howard Center for Human Services, Inc. / Joe Weith

Sketch Plan Review of proposed demolition of existing 24,000 sq. ft. building to construct a new 51,000 sq. ft. building for mental health crisis services. (Project Manager, Mary O'Neil)

VI. Other Business

1. Standard permit conditions revision

VII. Adjournment

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

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

Window permit was denied because house is on the State Historic Register. However, the existing windows are replacements and are not historic.

Proposed windows are $u=0.15$ (R-6) (!) and contribute to Burlington's Net Zero Energy goal. They are on the back part of the house and not visible from the street.

The proposed windows are vinyl, which is not the City's preference nor mine, but I have not found similar performance in fiberglass at any price, and aluminum over wood costs 3x as much. These windows are for the kitchen and bathroom in a rental. In those rooms, I'd argue that vinyl is likely to be more durable than wood because it is impervious to moisture.

The proposed windows are Kohltech, made regionally in Nova Scotia for the harsh northern climate. They use a 4 5/8" frame to accommodate thicker modern walls, and this greater dimension could also strengthen them. I currently have one of these windows. It was permit ZP-21-770 and impressed the carpenter who installed it.

QUOTE #	QUOTE NAME	QUOTE DATE	QUOTED BY
1996850	Lane, Damon Renovation	Feb 3, 2023	clacasse
PO #	TAG		ORDERED BY
	Lane, Damon - Peru St Burlington		clacasse

LINE #	COMMENT	QTY	NET AMOUNT	EXTENDED
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1	Bath	1	\$621.70	\$621.70
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NSCARV

Frame Size: 29-1/2W x 57H

Tip-to-Tip: 32w X 59-1/2h (Total UI: 92")

Supreme Casement / Awning (2020) : (RV)

Wide Profile

Recommended Rough Opening 30-1/2W x 58H

Total Frame Depth: 3-7/16" (c/w Nailing Fin)

Shrink Wrap Product

Exterior Accessories : Nailing Fin

Interior Accessories : 3/4" Integral Drywall Return

Installation Clips

Screws And Plugs

PVC Color : White

Stainless Steel Hardware

Folding Handle

Screen : With Screen

Screen Bar Color : White

Screen Cloth Color : Grey

** Does Not Meet Egress

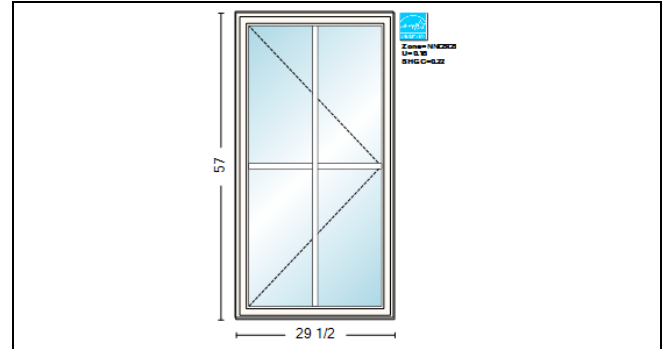
Glass: Triple Energias Plus LSG

Grilles: 7/8" SDL Scallop-Vinyl Vinyl White/Vinyl White

NFRC: Zone=NNCSCS U=0.15 SHGC=0.22

NAFS: R-PG70 PDP=70psf NDP=-70psf WPRT=15psf

CAI=A3



Product is shown as viewed from outside

QUOTE #	QUOTE NAME	QUOTE DATE	QUOTED BY
1996850	Lane, Damon Renovation	Feb 3, 2023	clacasse
PO #	TAG		ORDERED BY
	Lane, Damon - Peru St Burlington		clacasse

LINE #	COMMENT	QTY	NET AMOUNT	EXTENDED
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2	Mud	1	\$525.81	\$525.81
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NSAW

Frame Size: 25W x 40-1/2H

Tip-to-Tip: 27-1/2w X 43h (Total UI: 71")

Supreme Casement / Awning (2020) : (AW)

Wide Profile

Recommended Rough Opening 26W x 41-1/2H

Total Frame Depth: 3-7/16" (c/w Nailing Fin)

Shrink Wrap Product

Exterior Accessories : Nailing Fin

Interior Accessories : 3/4" Integral Drywall Return

Installation Clips

Screws And Plugs

PVC Color : White

Stainless Steel Hardware

Folding Handle

Screen : With Screen

Screen Bar Color : White

Screen Cloth Color : Grey

** Does Not Meet Egress

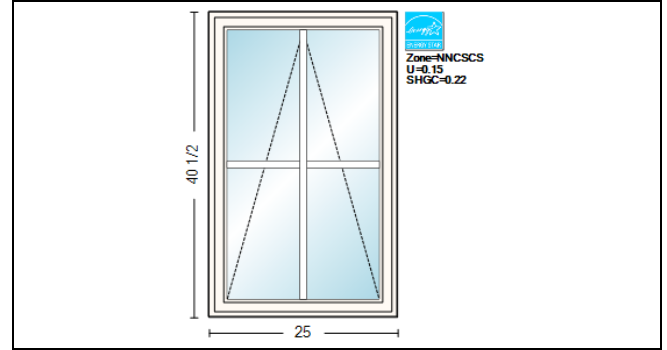
Glass: Triple Energlass Plus LSG

Grilles: 7/8" SDL Scallop-Vinyl Vinyl White/Vinyl White

NFRC: Zone=NNCSCS U=0.15 SHGC=0.22

NAFS: CW-PG55 PDP=55psf NDP=-55psf WPRTP=15.04psf

CAI=A3



Product is shown as viewed from outside

QUOTE #	QUOTE NAME	QUOTE DATE	QUOTED BY
1996850	Lane, Damon Renovation	Feb 3, 2023	clacasse
PO #	TAG		ORDERED BY
	Lane, Damon - Peru St Burlington		clacasse

LINE #	COMMENT	QTY	NET AMOUNT	EXTENDED
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3	K-South	1	\$621.70	\$621.70
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NSCARV

Frame Size: 29-1/2W x 57H

Tip-to-Tip: 32w X 59-1/2h (Total UI: 92")

Supreme Casement / Awning (2020) : (RV)

Wide Profile

Recommended Rough Opening 30-1/2W x 58H

Total Frame Depth: 3-7/16" (c/w Nailing Fin)

Shrink Wrap Product

Exterior Accessories : Nailing Fin

Interior Accessories : 3/4" Integral Drywall Return

Installation Clips

Screws And Plugs

PVC Color : White

Stainless Steel Hardware

Folding Handle

Screen : With Screen

Screen Bar Color : White

Screen Cloth Color : Grey

** Does Not Meet Egress

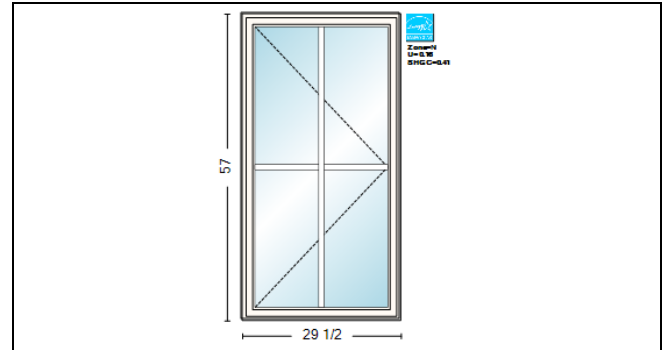
Glass: Triple Energlass Plus

Grilles: 7/8" SDL Scallop-Vinyl Vinyl White/Vinyl White

NFRC: Zone=N U=0.16 SHGC=0.41

NAFS: R-PG70 PDP=70psf NDP=-70psf WPRTP=15psf

CAI=A3



Product is shown as viewed from outside

QUOTE #	QUOTE NAME	QUOTE DATE	QUOTED BY
1996850	Lane, Damon Renovation	Feb 3, 2023	clacasse
PO #	TAG		ORDERED BY
	Lane, Damon - Peru St Burlington		clacasse

LINE #	COMMENT	QTY	NET AMOUNT	EXTENDED
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4	K-West	1	\$621.70	\$621.70
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NSCALV

Frame Size: 29-1/2W x 57H

Tip-to-Tip: 32w X 59-1/2h (Total UI: 92")

Supreme Casement / Awning (2020) : (LV)

Wide Profile

Recommended Rough Opening 30-1/2W x 58H

Total Frame Depth: 3-7/16" (c/w Nailing Fin)

Shrink Wrap Product

Exterior Accessories : Nailing Fin

Interior Accessories : 3/4" Integral Drywall Return

Installation Clips

Screws And Plugs

PVC Color : White

Stainless Steel Hardware

Folding Handle

Screen : With Screen

Screen Bar Color : White

Screen Cloth Color : Grey

** Does Not Meet Egress

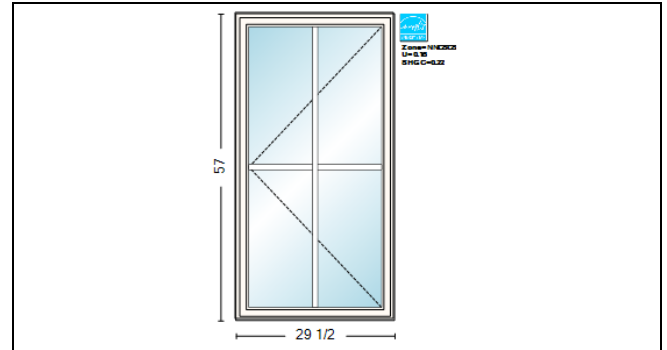
Glass: Triple Energlass Plus LSG

Grilles: 7/8" SDL Scallop-Vinyl Vinyl White/Vinyl White

NFRC: Zone=NNCSCS U=0.15 SHGC=0.22

NAFS: R-PG70 PDP=70psf NDP=-70psf WPRTP=15psf

CAI=A3



Product is shown as viewed from outside

LINE #	COMMENT	QTY	NET AMOUNT	EXTENDED
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5	None Assigned	1	\$0.00	\$0.00
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Jobsite Tailgate Delivery

QUOTE #	QUOTE NAME	QUOTE DATE	QUOTED BY
1996850	Lane, Damon Renovation	Feb 3, 2023	clacasse
PO #	TAG		ORDERED BY
	Lane, Damon - Peru St Burlington		clacasse

PLEASE REVIEW THIS QUOTE CAREFULLY!

*BY PLACING THIS ORDER, THE BUYER HAS VERIFIED THAT ALL THE ABOVE QUANTITIES, SIZES AND SPECIFICATIONS ARE CORRECT. THE BUYER IS AWARE THAT THE WINDOWS & DOORS ON THIS ORDER ARE CUSTOM MADE SPECIFICALLY FOR THIS PROJECT AND CANNOT BE RETURNED OR EXCHANGED FOR CREDIT.

*ANY CHANGES TO THE ORDER WILL REQUIRE WRITTEN CONFIRMATION.

WINDOW AND DOOR OPERATION IS VIEWED FROM THE EXTERIOR

*TERMS: 50% DEPOSIT AT THE TIME OF ORDER, 50% AT THE TIME OF DELIVERY. THANK YOU FOR YOUR INTEREST IN LOEWEN WINDOW CENTER!

*ACCEPTED

BY _____

PRINT _____

DATE _____

Line	Type	Quantity	Totals
Window and Door		4	
Manual Line		1	

SUB-TOTAL:	\$2,390.90
LABOR:	\$0.00
FREIGHT:	\$250.00
SALES TAX:	\$167.36
TOTAL:	\$2,808.26

This quotation contains highly configured custom make to order products and as such it is not possible to return or exchange product. Cancellation or modifications are only possible to the extent production has not started on the order or non-stock components have not been irrevocably committed to by Kohltech. Certified quotes are valid until the expiration date shown, excluding date specific events such as winter booking. Quotes that are not certified expire immediately.

We appreciate the opportunity to provide you with this quote!

ORDER SIGN OFF

Kohltech Windows & Entrance Systems

583 MacElmon Road

P.O. Box 131, Debert, N.S.

Canada, B0M-1G0

Tel. 902-662-3100

Fax. 902-662-2154

Customer:
MGW1

LOEWEN WINDOW CENTER OF VT & NH

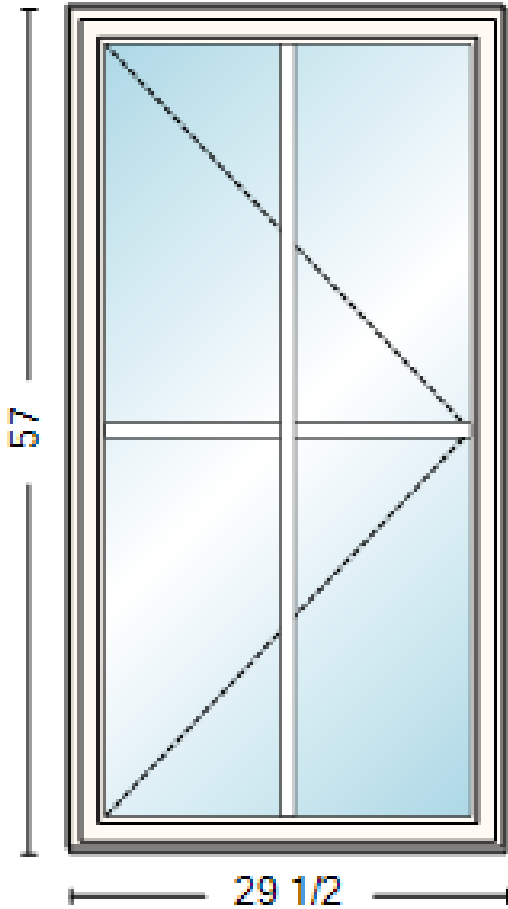
Tag: Lane, Damon - Peru St Burlington

Date: 2/28/2023

PO#:

QTY: 1

Order: 1996850/001



Zone=NNCSCS
U=0.15
SHGC=0.22

Approved By

Signature

Date

Product is shown as viewed
from outside.

DESCRIPTION:

NSCARV

Frame Size: 29-1/2W x 57H

Tip-to-Tip: 32w X 59-1/2h (Total UI: 92")

Supreme Casement / Awning (2020) : (RV)

Wide Profile

Recommended Rough Opening 30-1/2W x 58H

Total Frame Depth: 3-7/16" (c/w Nailing Fin)

Shrink Wrap Product

Exterior Accessories : Nailing Fin

Interior Accessories : 3/4" Integral Drywall Return

Installation Clips

Screws And Plugs

PVC Color : White

Stainless Steel Hardware

Folding Handle

Screen : With Screen

Screen Bar Color : White

Screen Cloth Color : Grey

** Does Not Meet Egress

Glass: Triple Energlass Plus LSG

Grilles: 7/8" SDL Scallop-Vinyl Vinyl White/Vinyl White

NFRC: Zone=NNCSCS U=0.15 SHGC=0.22

NAFS: R-PG70 PDP=70psf NDP=-70psf WP RTP=15psf CAI=A3

COMMENT: Bath

ORDER SIGN OFF

Kohltech Windows & Entrance Systems

583 MacElmon Road

P.O. Box 131, Debert, N.S.

Canada, B0M-1G0

Tel. 902-662-3100

Fax. 902-662-2154

Customer:
MGW1

LOEWEN WINDOW CENTER OF VT & NH

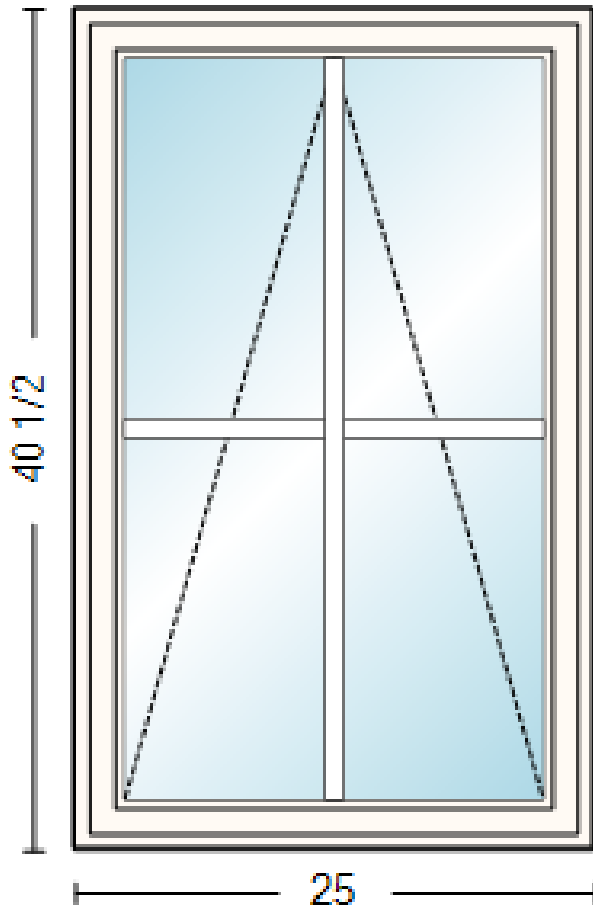
Tag: Lane, Damon - Peru St Burlington

Date: 2/28/2023

PO#:

QTY: 1

Order: 1996850/002



Zone=NNCSCS

U=0.15

SHGC=0.22

Approved By

Signature

Date

Product is shown as viewed
from outside.

DESCRIPTION:

NSAW

Frame Size: 25W x 40-1/2H

Tip-to-Tip: 27-1/2w X 43h (Total UI: 71")

Supreme Casement / Awning (2020) : (AW)

Wide Profile

Recommended Rough Opening 26W x 41-1/2H

Total Frame Depth: 3-7/16" (c/w Nailing Fin)

Shrink Wrap Product

Exterior Accessories : Nailing Fin

Interior Accessories : 3/4" Integral Drywall Return

Installation Clips

Screws And Plugs

PVC Color : White

Stainless Steel Hardware

Folding Handle

Screen : With Screen

Screen Bar Color : White

Screen Cloth Color : Grey

** Does Not Meet Egress

Glass: Triple Energias Plus LSG

Grilles: 7/8" SDL Scallop-Vinyl Vinyl White/Vinyl White

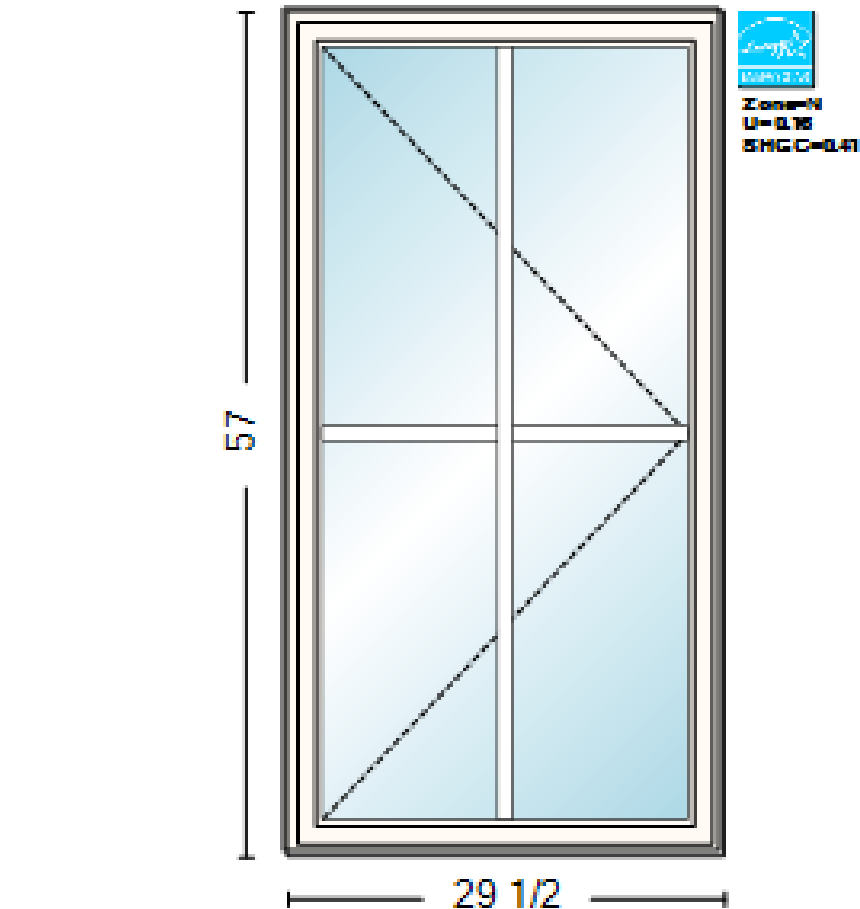
NFRC: Zone=NNCSCS U=0.15 SHGC=0.22

NAFS: CW-PG55 PDP=55psf NDP=-55psf WP RTP=15.04psf

CAI=A3

COMMENT: Mud

ORDER SIGN OFF			
Kohltech Windows & Entrance Systems 583 MacElmon Road P.O. Box 131, Debert, N.S. Canada, B0M-1G0		Customer: LOEWEN WINDOW CENTER OF VT & NH	
		Tag: Lane, Damon - Peru St Burlington	
		Date: 2/28/2023	PO#:
		QTY: 1	Order: 1996850/003



Approved By
Signature
Date

Product is shown as viewed from outside.

DESCRIPTION: NSCARV Frame Size: 29-1/2W x 57H Tip-to-Tip: 32w X 59-1/2h (Total UI: 92") Supreme Casement / Awning (2020) : (RV) Wide Profile Recommended Rough Opening 30-1/2W x 58H Total Frame Depth: 3-7/16" (c/w Nailing Fin) Shrink Wrap Product Exterior Accessories : Nailing Fin Interior Accessories : 3/4" Integral Drywall Return Installation Clips Screws And Plugs PVC Color : White Stainless Steel Hardware		Folding Handle Screen : With Screen Screen Bar Color : White Screen Cloth Color : Grey ** Does Not Meet Egress
		Glass: Triple Energlas Plus Grilles: 7/8" SDL Scallop-Vinyl Vinyl White/Vinyl White NFRC: Zone=N U=0.16 SHGC=0.41 NAFS: R-PG70 PDP=70psf NDP=-70psf WP RTP=15psf CAI=A3
COMMENT: K-South		

ORDER SIGN OFF

Kohltech Windows & Entrance Systems

583 MacElmon Road

P.O. Box 131, Debert, N.S.

Canada, B0M-1G0

Tel. 902-662-3100

Fax. 902-662-2154

Customer:
MGW1

LOEWEN WINDOW CENTER OF VT & NH

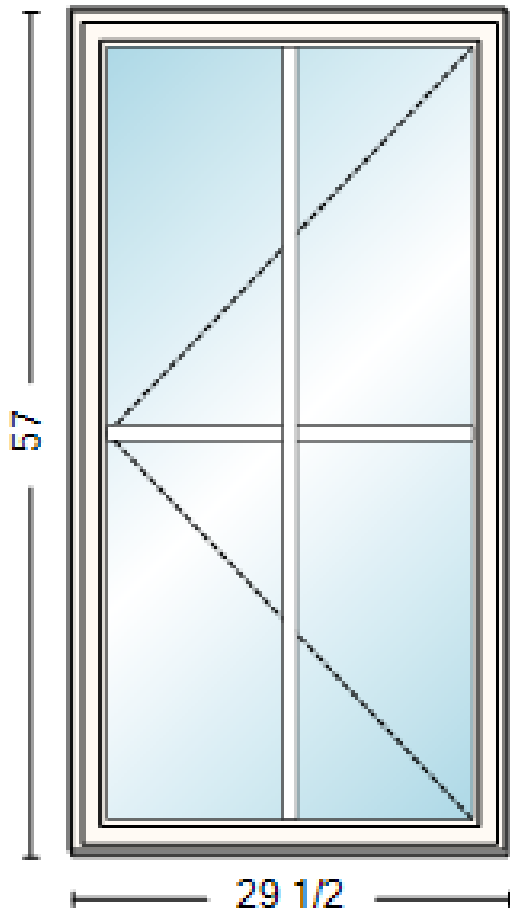
Tag: Lane, Damon - Peru St Burlington

Date: 2/28/2023

PO#:

QTY: 1

Order: 1996850/004



Zone=NNCSCS
U=0.15
SHGC=0.22

Approved By

Signature

Date

Product is shown as viewed
from outside.

DESCRIPTION:

NSCALV

Frame Size: 29-1/2W x 57H

Tip-to-Tip: 32w X 59-1/2h (Total UI: 92")

Supreme Casement / Awning (2020) : (LV)

Wide Profile

Recommended Rough Opening 30-1/2W x 58H

Total Frame Depth: 3-7/16" (c/w Nailing Fin)

Shrink Wrap Product

Exterior Accessories : Nailing Fin

Interior Accessories : 3/4" Integral Drywall Return

Installation Clips

Screws And Plugs

PVC Color : White

Stainless Steel Hardware

Folding Handle

Screen : With Screen

Screen Bar Color : White

Screen Cloth Color : Grey

** Does Not Meet Egress

Glass: Triple Energlass Plus LSG

Grilles: 7/8" SDL Scallop-Vinyl Vinyl White/Vinyl White

NFRC: Zone=NNCSCS U=0.15 SHGC=0.22

NAFS: R-PG70 PDP=70psf NDP=-70psf WP RTP=15psf CAI=A3

COMMENT: K-West

ORDER SIGN OFF			
Kohltech Windows & Entrance Systems 583 MacElmon Road P.O. Box 131, Debert, N.S. Canada, B0M-1G0		Customer: LOEWEN WINDOW CENTER OF VT & NH MGW1	
		Tag: Lane, Damon - Peru St Burlington	
		Date: 2/28/2023	PO#:
		QTY: 1	Order: 1996850/005
Tel. 902-662-3100		Fax. 902-662-2154	

Approved By
Signature
Date

Product is shown as viewed
from outside.

DESCRIPTION: Jobsite Tailgate Delivery

COMMENT: None Assigned

Color Options

Glass

Tint

Obscure Glass

Grilles

Exterior Trim

Hardware

Choose from a variety of Grille types to enhance the look of your windows.



**3/4" GROOVED
GEORGIAN GRILLE**



**1" GROOVED
GEORGIAN GRILLE**



**5/8" FLAT COLONIAL
GRILLE**



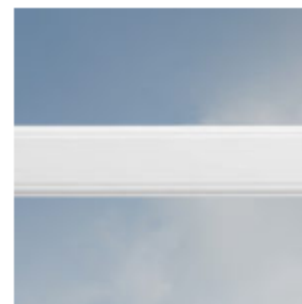
5/16" SLIM



**7/8" SIMULATED
DIVIDED LITE***



**1 1/8" SIMULATED
DIVIDED LITE***



**2" SIMULATED
MEETING RAIL**

*Simulated Divided Light (SDL) Grille options are installed on the outside of the glass unit.





1





3



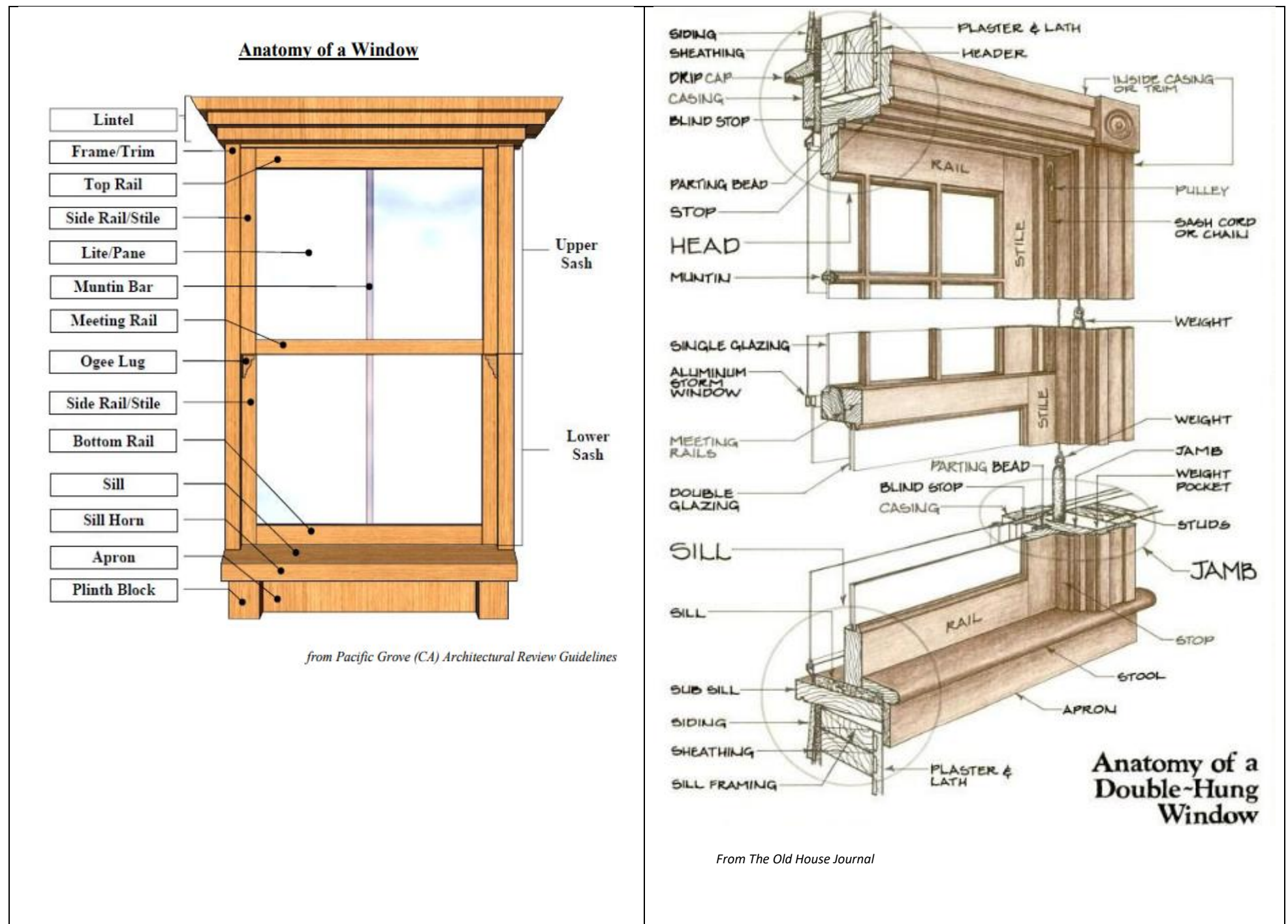


Replacement Window Guidelines for Historic Buildings

For historic wood windows, the following shall be undertaken prior to consideration of replacement:

1. **First, Maintain** distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property;
2. **Then, Repair** in kind deteriorated historic features rather than replace them whenever possible; and
3. **Finally, Replace** only what is beyond repair and where the severity of deterioration requires replacement.

Typical Historic Wood Window Details



When these alternatives have been considered, the following steps will guide the choice of replacement windows:

- Limited extent. Wholesale replacement of windows should only be considered in cases of failure.
- Match dimension and design, including profile, muntin/mullion pattern, size, stile and rail dimensions. Unusual or ornamental windows shall be retained. If not true divided light, factory-adhered muntins on the exterior are acceptable. Between-the-glass grilles are not acceptable.
- Retain or replicate exterior framing and trim.
- Match existing window style (i.e. double hung, awning, transom, etc). Replacement casement windows are acceptable with a factory-adhered dividing bar (and muntins pattern, as appropriate) to visually replicate the appearance of a double-hung window.

Replacement windows shall be of durable materials. Typically, wooden, clad wooden, and fiberglass windows meet this standard. Typically, vinyl windows do not meet this standard.



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Reasons for Denial

ZP #: 12-0816CA

Tax ID: 046-2-088-000

Issue Date: May 7, 2012

Decision: Denied

Property Address: 130 EAST AVENUE

Description: Installation of three vinyl replacement windows.

Reasons for Denial:

1. The subject building was constructed in 1930 and is clad in aluminum and wooden clapboard siding with wooden divided light windows. The building is eligible for inclusion in the Vermont Register of Historic Places and is subject to review under Sec. 5.4.8, *Historic Buildings and Sites*, of the Comprehensive Development Ordinance. The loss of three wooden divided light windows and replacement with vinyl windows is inconsistent with the following requirements of Sec. 5.4.8 (b) *Standards and Guidelines*:
 - a. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
 - b. Distinctive materials, features, finishes, and construction techniques... that characterize a property will be preserved.
 - c. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property...



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Reasons for Denial

ZP #: 11-0150CA

Tax ID: 044-1-104-000

Issue Date: August 24, 2010

Decision: Denied

Property Address: 156 PARK STREET

Description: Remove all windows and install new vinyl replacement windows

Reasons for Denial:

1. The subject building was constructed circa 1877 and is eligible for listing on the State or National Register of Historic Places. Therefore, it is subject to review under Sec. 5.4.8, *Historic Buildings and Sites*, of the Comprehensive Development Ordinance. The subject structure retained wooden windows characteristic of this historic structure until they were replaced with vinyl windows. Replacement of these wooden windows with vinyl windows is inconsistent with the following requirements of Sec. 5.4.8 (b) *Standards and Guidelines*:
 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
 5. Distinctive materials, features, finishes, and construction techniques... that characterize a property will be preserved.
 6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials...
 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property...
2. Per Sec. 6.3.2 (e) *Quality of Materials*, the vinyl windows are not highly durable building materials that extend the life cycle of the building and are inappropriate on this historic structure as noted above.



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Reason for Denial

ZP #: 10-0508CA

Tax ID: 049-3-112-000

Issue Date: December 10, 2009

Decision: Denied

Property Address: 184 CHURCH STREET

Appeals. Appeals of a decision of the Zoning Administrator can occur up to 15 days following such decision. *An appeal of this decision must be submitted by 4 PM on Dec 25 2009.*

Description: Replace existing windows with vinyl windows.

Reasons for Denial:

1. The subject building was constructed in 1908 and is included on the Vermont Historic Sites & Structures Survey and is subject to review under Sec. 5.4.8, *Historic Buildings and Sites*, of the Comprehensive Development Ordinance. The subject structure retains wooden windows characteristic of this historic structure. Replacement of these wooden windows with vinyl windows is inconsistent with the following requirements of Sec. 5.4.8 (b) *Standards and Guidelines*:
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
5. Distinctive materials, features, finishes, and construction techniques... that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials...
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property...
2. Per Sec. 6.3.2 (e) *Quality of Materials*, the proposed vinyl windows are not highly durable building materials that extend the life cycle of the building and are inappropriate on this historic structure as noted above.



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Reason for Denial

ZP #: 10-0541CA

Tax ID: 039-4-173-000

Issue Date: December 23, 2009

Decision: Denied

Property Address: 24 OAK STREET

Appeals. Appeals of a decision of the Zoning Administrator can occur up to 15 days following such decision. *An appeal of this decision must be submitted by 4 PM on Jan 7 2010.*

Description: Replace all existing wood double hung windows with new vinyl windows. Grid pattern of 3 over 1 to be retained.

Reasons for Denial:

Non-conformance to Comprehensive Development Ordinance:

Sec. 5.4.8 Historic Buildings and Sites

(a) Applicability

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

As such, a building or site may be found to be eligible for listing on the state or national register of historic places and subject to the provisions of this section if all of the following conditions are present:

1. *The building is 50 years old or older;*

24 Oak Street was constructed c. 1934, and therefore is more than 50 years old.

2. *The building or site is deemed to possess significance in illustrating or interpreting the heritage of the City, state or nation in history, architecture, archeology, technology and culture because one or more of the following conditions is present:*

- A. *Association with events that have made a significant contribution to the broad patterns of history;*

24 Oak Street is representative of the development in the North End of Burlington; specifically the Plan of Louis Luck, Burlington Land Records 19:342-343, and W. G. Shaw parcel (see: <http://www.uvm.edu/~hp206/2004-1890/burlington1890/website/sjamison/?Page=default.html>)

or,

- B. *Association with the lives of persons significant in the past; or,*

- C. *Embodiment of distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or*

representation of a significant or distinguishable entity whose components may lack individual distinction;

The project site represents an intact example of residential architecture typically and stylistically associated with the 1930s, characterized by plans in house catalogs and available as house plan kits.

or,

D. Maintenance of an exceptionally high degree of integrity, original site orientation and virtually all character defining elements intact;

24 Oak Street retains its location, design, setting, workmanship, feeling and association. As it retains its original 3/1 wood windows, original materials are present.

or,

E. Yielding, or may be likely to yield, information important to prehistory; and,

3. *The building or site possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association.*

See above.

Section 5.4.8. (b) 2. *(The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.);*

The removal of historic wood windows and replacement with vinyl replacement sash violates this standard.

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

The original wood windows are characteristic of the property; their removal and replacement with vinyl windows and simulated muntins violates this standard.

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

Vinyl windows will not match the existing windows in materials or authentic design.

9 (New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property);

The replacement of existing 3/1 wood windows will result in the destruction of historic materials that characterize the property.

5.4.8.

Sec. 6.0.1 Intent and Citywide Development Principles

(f) Complement Burlington's architectural and cultural heritage.

The removal of original wood windows and replacement with vinyl windows does not complement, but diminishes Burlington's architectural heritage,.

Sec. 6.2.2. (d) Protection of Important Cultural Resources

24 Oak Street is eligible for historic designation in that it is more than fifty years old and meets Criterion C for eligibility standards (architectural, Sec. 5.4.8 (a) above); therefore the removal of original wood windows and replacement with vinyl does not protect the historic resource.

Section 6.3.2 (b) Protection of Important Architectural Resources

Replacement of original windows with vinyl replacement sash can not be deemed respectful redevelopment, rehabilitation, or treatment of historic properties.

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

Vinyl is not a highly durable material that extends the life cycle of the building. Observation from permit applications demonstrates vinyl window failure within 10-12 years of installation, resulting in a cycle of replacement.

The applicant has not demonstrated that consultation with an architectural historian has been made or that the replacement material proposed is appropriate.

The removal of original wood windows and replacement with vinyl windows does not complement Burlington's architectural heritage, does not preserve distinctive materials, and does not represent replacement-in-kind.



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Reason for Denial

ZP #: 10-0235CA

Tax ID: 045-2-063-000

Issue Date: September 22, 2009

Decision: Denied

Property Address: 26-28 CONVERSE COURT

Appeals. Appeals of a decision of the Zoning Administrator can occur up to 15 days following such decision. *An appeal of this decision must be submitted by 4 PM on Oct 7 2009.*

Description: Replace window on side of building with larger vinyl window. House is on the Vermont State Register of Historic Structures.

Reasons for Denial:

Sec. 5.4.8 Historic Buildings and Sites

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

The installation of a vinyl casement window as a replacement of a traditional double hung window changes the character of the historic structure.

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

The visual appearance of a double hung window is dramatically changed by its replacement with a casement window. Although it is possible to identify windows that meet egress requirements and still retain the aesthetic of a traditional double hung window, this was not proposed.

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

The replacement of a double hung window with a vinyl casement window will diminish the integrity of the window; a character defining feature of this historic building.

Sec. 6.3.2. Architectural Design Standards

(a) Relate Development to its environment

3. Building Openings

Window openings shall maintain consistent patterns and proportions appropriate to the use.

A casement replacement window does not replicate the pattern or the proportion of the existing double hung window.

(b) Protection of Important Architectural Resources

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or

eligible for listing on a state or nation register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8.

26-28 Converse Court is listed on the Vermont State Register of Historic Resources. See Sec. 5.4.8 (above.)

(e) Quality of materials

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

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

No evidence or submission of consultation with an architectural historian was submitted. See Sec. 5.4.8 (above.)



City of
Burlington, Vermont
645 Pine Street

Zoning Application Denial – Reasons for Denial

ZPW #: 21-45

Tax ID: 053-3-232-000

Issue Date: July 1, 2021

Decision: Denied

Property Address: 53 Caroline Street

Description: Install replacement windows

Reasons for Denial:

1. The proposed replacement windows are vinyl. The subject property is historically significant as noted in the 2008 Five Sisters Neighborhood Survey Report. The standards of Sec. 5.4.8, *Historic Buildings and Sites*, apply to this application. The applicable standards and guidelines of this section call for materials retention and preservation. In the case of windows, wooden or clad wooden replacement windows may be permissible (as permitted previously for this property via zoning permit 12-1017CA). The change to vinyl windows is inconsistent with the materials retention standards of Sec. 5.4.8 and cannot be approved.



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Reasons for Denial

ZP #: 11-0292CA

Tax ID: 044-3-012-000

Issue Date: October 25, 2010

Decision: Denied

Property Address: 64-66 CEDAR STREET

Description: Replace 13 windows with vinyl replacement windows.

Reasons for Denial:

Section 5.4.8 Historic Buildings and Sites

Applicability

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

As such, a building or site may be found to be eligible for listing on the state or national register of historic places and subject to the provisions of this section if all of the following conditions are present:

1. *The building is 50 years old or older.*

64 Cedar Street was constructed c. 1888, and therefore meets this standard.

2. *The building or site is deemed to possess significance in illustrating or interpreting the heritage of the City, state or nation in history, architecture, archeology, technology and culture because one or more of the following conditions is present:*

- a. *Association with events that have made a significant contribution to the broad patterns of history;*

64 Cedar Street reflects the broad and rapid development of the Old North End for housing, primarily to accommodate the influx of workers in the late 19th century.

or

- b. *Association with the lives of persons significant in the past, or*

- c. *Embodiment of distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or **representation of a significant and distinguishable entity whose components may lack individual distinction;***

64 Cedar Street represents the type of small scale, wood frame dwellings that populated the Old North End neighborhoods. Although vernacular in interpretation, the tradition of gable front wood clapboarded two storey residence is a common theme in this section of the city.

or

- d. *Maintenance of an exceptionally high degree of integrity, original site orientation and virtually all character defining elements intact;*

or

- e. *Yielding, or may be likely to yield, information important to prehistory; and*

3. *The building or site possesses a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association.*

As noted on the Historic Burlington, Vermont website, 64 Cedar Street retains its original location, design, setting, materials, massing, design, workmanship, feeling, and association. Although some first floor windows and limited clapboard replacement have occurred (windows prior to 1985), the retention of the original two-over-two wood double hung window sash in conjunction with consistent massing, detailing, and materials establish the continued historic integrity of the structure.

(b) Standards and Guidelines

2. *This historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features...will be avoided.*

The removal of wood two-over-two windows and replacement with vinyl replacement sash will alter the historic character of the building. This diminution of integrity can be avoided with retention of the original windows or replacement in kind.

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

Replacement of traditional wood window sash with vinyl replacement windows does not meet this standard due to the loss of distinctive material, appearance and features..

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials...*

The application does not propose replacement of the windows with new windows that match the design, texture, or material of the original windows.

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

The application to remove and dispose of wood two-over-two windows will destroy original historic materials which characterize the property. The proposed replacement windows do not match the existing in material composition or in design. While more convincing simulated divided light windows are available as replacement for true divided light (which exist), the submission includes spec sheets for “grids” placed between the glass. The lack of shadow lines and flat appearance do not replicate the original windows.

Section 6.3.2 Development Review Standards

(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.

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

Vinyl is not considered to be, nor has proven to be a highly durable building material.

No evidence has been submitted that the applicant consulted with an architectural historian to determine appropriate replacement components.

The Development Review Board, and the Zoning Administrator, have repeatedly denied the use of vinyl windows in buildings either listed or eligible for listing on the Vermont or National Register of Historic Resources. Some of the most recent decisions are:

45-47 Clarke Street	Zoning Permit 06-604CA
55-57 Blodgett Street	Zoning Permit 07-556CA
66-68 King Street	Zoning Permit 07-473CA
17 Johnson Street	Zoning Permit 07-471CA
6 Isham Street	Zoning Permit 09-143CA
156 Park Street	Zoning Permit 11-0150CA



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Reason for Denial

ZP #: 09-043CA

Tax ID: 045-2-175-000

Issue Date: Denied

Decision: September 12, 2008

Property Address: 65-67 NORTH WILLARD STREET

Description: Modifications to the building, including replacement vinyl window sash.

Reasons for denial:

Non-conformance to Comprehensive Development Ordinance, **Sec. 6.2.2. (d) Protection of Important Cultural Resources**, **Section 6.3.2 (b) Protection of Important Architectural Resources**, and **Section 5.4.8. (b) 2.** *(The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.); 5 (Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.);; 6 (Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use); and 9 (New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property); and 5.4.8. (e) 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. Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8)*

Non-Conformance to **Section 3.2.5** Completeness of Submission. The applicant has not provided sufficient information to determine the specific replacement windows and the appropriateness of proposed window replacements.

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City of
Burlington, Vermont
149 Church Street

Zoning Permit - Basic – Reason for Denial

ZP #: 09-485BA

Tax ID: 045-1-284-000

Issue Date: January 28, 2009

Decision: Denied

Property Address: 72 NORTH WILLARD STREET

Appeals. Appeals of a decision of the Zoning Administrator can occur up to 15 days following such decision. *An appeal of this decision must be submitted by 4 PM on Feb 12 2009.*

Description: Vinyl replacement windows. [Building is on the Vermont State Register of Historic Resources.]

Reasons for denial:

Non-conformance to Comprehensive Development Ordinance:

Sec. 6.2.2. (d) Protection of Important Cultural Resources, Section 6.3.2 (b) Protection of Important Architectural Resources, and Section 5.4.8. (b) 2. *(The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.); 5 (Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.); 6 (Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use); and 9 (New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property); and 5.4.8. (e) 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. Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8)*

72 North Willard Street is a recognized historic structure that is listed on the **Vermont Register of Historic Resources**. As an example of late 19th century architecture, the building, until recent exterior modifications undertaken without permits, retained a high degree of integrity and distinctive character defining features. Among the most visible attributes of historic structures are the windows. The pressure to replace historic materials with vinyl substitutes is strong. Rather than consider effective maintenance and repair, owners frequently opt for the quick fix of replacement units that are not historically appropriate for the structure. The replacement of the third storey paired dormer windows with a casement is a visible example of this. Wood windows retain a visual quality of glass refraction, joinery and material authenticity that is more in keeping with the historic nature of the

building. (No visible “welds.”) The visual aesthetic and historic appropriateness is a compelling argument for the retention of wood windows in this historically significant building.

Studies have shown that vinyl replacement windows may not live up to the promise a better product than wood. Wood windows offer the option of repair, restoration, and the longest possible lifespan while being environmentally friendly. Newer synthetic materials do not age as well as historic materials, often failing within 15 years (thus the typical 15 warranty) and requiring replacement. Promises of no maintenance are often a selling point for materials of a nature which must be replaced rather than having more cost effective and longer life expectancy with repairable materials. A cycle of never-ending replacement begins, with associated product material detriments of color fading, meeting rail sag, insulated glass failure, joint failure, and limited life span, in addition to reducing the historic architectural characteristic of this structure

Over the entire lifespan both pre and post installation, wood windows are both cost effective and more environmentally friendly. Vinyl production releases chlorine, and is toxic when burned. While wood is a renewable resource, recyclable and biodegradable, vinyl uses over three times the embodied energy of wood in a typical installation. (See study by Voith & Mactavish Associates, 2006.) Burlington’s continued emphasis on sustainability and environmentally friendly practices may be implemented within the scope of appropriate window replacement



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Reasons for Denial

ZP #: 11-0230CA

Tax ID: 045-1-314-000

Issue Date: September 13, 2010

Decision: Denied

Property Address: 78-80 LOOMIS STREET

Description: Replace all windows with vinyl replacement windows. House is on the Vermont State Register of Historic Resources.

Reason for Denial:

Article 5 Citywide General Regulations

78-80 Loomis Street is listed on the Vermont State Register of Historic Resources, and therefore Section 5.4.8 of the Comprehensive Development Ordinance applies:

Sec. 5.4.8 Historic Buildings and Sites

(b) Standards and Guidelines

2. *The historic character of a property will be retained and preserved. The removal of distinctive **materials** or **alteration of features**, spaces, and spatial relationships that characterized a property will be avoided.*
5. ***Distinctive materials**, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*
6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of distinctive features, the new feature will match the old in design, color, texture, and **where possible, materials** recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use.*
9. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The removal of wood windows and replacement with vinyl replacement sash would conflict with the above Standards and Guidelines of the Comprehensive Development Ordinance.

Article 6 Development Review Standards

Part 2: Site Plan Design Standards

Sec. 6.2.2

(c) Protection of Important Cultural Resources

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. ..Where the proposed development involves sites listed or

eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8 (b).

The replacement of wood windows with vinyl replacement sash does not constitute the protection of Burlington's architectural heritage; nor does it meet the applicable development and design standards of Sec. 5.4.8 (above.)

Part 3: Architectural Design Standards

Sec. 6.3.2

(b) Protection of Important Architectural Resources

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

The replacement of wood windows with vinyl replacement sash does not constitute the protection of Burlington's architectural heritage; nor does it meet the applicable development and design standards of Sec. 5.4.8 (above.)

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

Vinyl windows are not considered highly durable building material. Both the production of and disposal of vinyl materials have been documented to be environmentally challenging. No part of the submission includes proof of consultation with an architectural historian for the most appropriate replacement of historic building materials.

Additionally, the application will conflict with the **Consent Judgment from Vermont Environmental Court, Docket No. E-185-11-97**, dated January 22, 1998 that states:

- *Wherever any architectural features are replaced[d], they shall be done so with **materials** and design **that match the original features**.*



City of
Burlington, Vermont
645 Pine Street

Zoning Application Denial – Reasons for Denial

ZPW #: 21-70

Tax ID: 053-3-177-000

Issue Date: July 16, 2021

Decision: Denied

Property Address: 81-83 Hayward Street

Description: Replace two windows in the attic.

Reasons for Denial:

1. The proposed replacement windows are vinyl. The subject property is historically significant as noted in the Vermont Historic Sites and Structures Survey. The standards of Sec. 5.4.8, Historic Buildings and Sites, apply to this application. The applicable standards and guidelines of this section call for materials retention and preservation. In the case of windows, wooden or clad wooden replacement windows may be permissible. The change to vinyl windows is inconsistent with the materials retention standards of Sec. 5.4.8 and cannot be approved.



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Reasons for Denial

ZP #: 19-0163CA

Tax ID: 046-2-071-000

Issue Date: October 18, 2018

Decision: Denied

Property Address: 94 EAST AVENUE

Description: Install 20 vinyl replacement windows; install standing seam roof on porch

Reasons for Denial:

Section 6.2.2 (d)

Protection of Important Cultural Resources

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Section 5.4.8 (b).

The Vermont Advisory Council for Historic Preservation determined 94 East Avenue eligible for historic designation at their 10.18.2018 meeting. Therefore, the standards of Section 5.4.8 (b) apply. See below.

Section 6.3.2 (b) Protection of Important Architectural Resources

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Section 5.4.8.

94 East Avenue has been determined to be eligible for historic designation by the Vermont Advisory Council for Historic Preservation. See Section 5.4.8, below.

Section 5.4.8 Historic Buildings and Sites

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

- ☐ *To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;*
- ☐ *To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;*
- ☐ *To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,*
- ☐ *To promote the adaptive re-use of historic buildings and sites.*

*(a) Applicability: These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places. As such, a building or site may be found to be **eligible for listing** on the state or national register of historic places and subject to the provisions of this section if all of the following conditions are present:*

1. *The building is 50 years old or older;*
2. *The building or site is deemed to possess significance in illustrating or interpreting the heritage of the City, state or nation in history, architecture, archeology, technology and culture because one or more of the following conditions is present:*
 - A. *Association with events that have made a significant contribution to the broad patterns of history; or,*
 - B. *Association with the lives of persons significant in the past; or,*
 - C. *Embodiment of distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant or distinguishable entity whose components may lack individual distinction; or,*
 - D. *Maintenance of an exceptionally high degree of integrity, original site orientation and virtually all character defining elements intact; or,*
 - E. *Yielding, or may be likely to yield, information important to prehistory; and,*
3. *The building or site possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association*

The Vermont Advisory Council for Historic Preservation made an affirmative Determination of Eligibility at their October 18, 2018 meeting. The Standards of Section 5.4.8 therefore apply.

(b) Standards and Guidelines:

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

The removal of wood double hung and awning windows, distinctive features of the structure, and replacement with vinyl replacement window sash will change the historic character of the property.

Adverse finding.

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

Wood windows are a distinctive and characteristic feature consistent with 19th century structures. Their replacement with modern vinyl windows is contrary to this standard. **Adverse finding.**

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

The applicant does not propose repairing the wooden windows, but replacement with modern materials. The proposed replacement window sash does not match the original in materials. **Adverse finding.**

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

The proposed replacement of wooden window sash with modern vinyl replacement sash will remove characteristic features and replacement with those of modern materials and appearance; contrary to this standard. **Adverse finding.**

Burlington Development Review Board
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Austin Hart, Chair
Jim Drummond
Michael Long
Brad Rabinowitz
Kevin Stapleton
Jonathan Stevens
Bob Schwartz
Oscar Hernandez, (alternate)
Alexandra Zipparo, (alternate)



Burlington Development Review Board
Findings of Fact
Deliberative Hearing Monday, February 11, 2013

Board Members Present: Austin Hart, Michael Long, Brad Rabinowitz, Bob Schwartz, Jonathan Stevens, Kevin Stapleton, Alexandra Zipparo.

Staff members present: Mary O'Neil.

File: ZP 13-0617CA

Location: 416 Pearl Street (Handy Court is not an accepted City street, but on the same parcel as 416 Pearl Street.)

Zone: RL **Ward:** 1

Date application accepted: Application accepted December 7, 2012; application administratively denied December 17, 2012; Appeal filed December 31, 2012.

Applicant/ Owner: Rick Handy

Request: Appeal of administrative denial to install vinyl windows at the duplex structure at 416 Pearl Street (private road Handy Court.)

Background (for all structures at 416 Pearl Street, including those on Handy Court)

- **Zoning Permit 06-515CA;** Small increase to the size of an existing third story porch, install a new set of stairs to the existing third floor apartment as a second means of egress. Approved February 2006.
- **Zoning permit 05-262CA;** Rooftop catwalk for emergency egress only. 4' wide by 10' tall wooden framework, semi-covered. **Denied** by Development Review Board May, 2005.
- **Zoning violation** for erecting a rooftop catwalk on structure without an approved zoning permit. November 2005.
- **Zoning Permit 05-261CA;** Replace existing vinyl window to meet 8% code; new window 26 x 48 inches, remains vinyl casing (location in rear service addition of 416 Pearl) Approved October 2004. Permit never picked up.
- **Zoning Permit 04-491 (3 Handy Court.)** Remove existing siding and replace with vinyl siding. Windows, trim and corner boards also to be vinyl. Approved with prior-to-release conditions, May, 2004. Permit was never picked up; no evidence of conditions met.

There are no other permits on file for 416 Pearl Street, 3 Handy Court, 5-7 Handy Court, 9-11 Handy Court, 10-12 Handy Court or 14-16 Handy Court.



Overview: Known as the Moore-Woodbury House, the primary building at 416 Pearl Street was constructed shortly after the War of 1812 by prominent Burlington merchant and principal in the Burlington Woolen Company George Moore. After Moore died in 1841, the house passed through several owners until it was purchased by Burlington Mayor Urban A. Woodbury in 1886. Woodbury served

a term as Vermont's Lieutenant Governor from 1889-1891, and Governor from 1894-1896. It was in this house that Governor Woodbury entertained three sitting American Presidents: William McKinley in 1897; Theodore Roosevelt in 1902; and William H. Taft in 1909.

The primary building at 416 Pearl Street is recognized on **Burlington's Inventory of Historic Resources** (#1702), as well as the State of Vermont Historic Preservation **State Register of Historic Places** (Disk 8, Reference D-00270) and as a contributing member of the University Green Historic District, listed on the **National Register of Historic Places** (Disk 3, Reference 00167.) The 1977 Vermont State Register informs that "among the most important [Pearl Street buildings] historically [is]...the Woodbury House (#416.)"

The Woodbury children had a bronze plaque affixed to the front façade in 1935 to commemorate the illustrious visitors to this home during their family's tenure. The Handy family, which now holds the house in the Dorothy Handy Trust, has been owners-of-record since before 1940. The house is no longer a single family dwelling, but divided into multiple apartments.



The bronze plaque is no longer evident; the principle house is in an advanced state of disrepair.

Between 1918 and 1928, maps suggest a shed was converted to residential use and two new duplex residential structures were completed on the northwestern part of the rear lot; the structure identified as 911 Handy Court one of them. By 1938, another Colonial Revival style residence was built on the

Findings of Fact

(northeastern) rear of the lot as well as a five car garage. By 1942, there were five rear residential structures, and a 10 car garage. The garage is no longer standing. Each of the residential structures display characteristic details consistent with the then-popular Colonial Revival style: Symmetrically balanced windows, doors and chimneys, windows with double-hung sashes, usually with multi-pane glazing in one or both sashes, windows frequently in adjacent pairs, central porch with columns, and in this case, end gables with an attic fanlight window. Both gable and hipped roofs are present at 9-11 Handy Court (porch has a hipped roof; principle structure gabled.) All are painted the period-typical Colonial white; most with green sash and trim.

Although a very small yet private enclave, the buildings retain their original architectural style consistent with the dates of their construction/rehabilitation, and contribute to the character and evolution of the parcel, whose overall importance is documented in the National Register listing.

According to Assessor's records, the Handy Court land includes 15 rental apartments in six detached structures. None are owner occupied.

The following were given as reasons for the administrative denial:

Reasons for Denial:

1. The subject building is part of a collection of residential dwellings constructed in the early 20th century behind the Moore Woodbury House and is eligible for listing on the State or National Register of Historic Places. Additionally, it is on a parcel that is within the **University Green Historic District** on the National Register of Historic Places. Therefore, it is subject to review under **Sec. 5.4.8, Historic Buildings and Sites**, of the Comprehensive Development Ordinance. The subject structure retains wooden windows characteristic of its period of construction and this particular historic structure. Replacement of these wooden windows with vinyl windows is inconsistent with the following requirements of Sec. 5.4.8 (b) *Standards and Guidelines*:
 2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*
 5. *Distinctive materials, features, finishes, and construction techniques... that characterize a property will be preserved.*
 6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.*
 9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property...*
2. Per **Sec. 6.3.2 (e) Quality of Materials**, the vinyl windows are not highly durable building materials that extend the life cycle of the building and are inappropriate on this historic structure as noted above.

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. Minutes

Findings of Fact

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

II. Motion by Austin Hart:

I move we **deny** the appeal and **uphold the decision** of the Zoning Administrator and adopt the following findings:

III. Findings

Article 5: Citywide General Regulations

Sec. 5.4.8 Historic Buildings and Sites

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

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

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

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

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

(a) Applicability:

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

As such, a building or site may be found to be eligible for listing on the state or national register of historic places and subject to the provisions of this section if all of the following conditions are present:

1. *The building is 50 years old or older;*

9-11 Handy Court was constructed about 1928; therefore greater than 50 years old. It appears on the 1926/1938 revised Sanborn Map.

2. *The building or site is deemed to possess significance in illustrating or interpreting the heritage of the City, state or nation in history, architecture, archeology, technology and culture because one or more of the following conditions is present:*

A. *Association with events that have made a significant contribution to the broad patterns of history;*

All of the stately homes on Pearl Street eventually succumbed to development pressure; typically with the in-fill development of more residential structures. While some of the estates were subdivided into separate new residential developments (Brookes Avenue or Adsit Court, for example), 416 Pearl Street was the site of residential development that remained on a single parcel. Apart from the minor

Findings of Fact

segregation of a single family home that fronted North Prospect Street, the parcel remained intact and clearly reflects the evolution of large estates into more modest residential developments within the city.

or,

B. Association with the lives of persons significant in the past;

416 Pearl Street was the home of George Moore; an early prominent merchant. Urban Woodbury was Burlington Mayor, Vermont Lieutenant Governor and Governor. Three sitting U.S. Presidents have been entertained at 416 Pearl Street, although this was prior to construction of the smaller residential units in the rear of the parcel. Nonetheless, the site itself is of importance to Burlington's history.

or,

C. Embodiment of distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant or distinguishable entity whose components may lack individual distinction;

The rear buildings at 416 Pearl Street represent popular Colonial Revival architecture that swept the country after 1915. The buildings retain their massing, location, character, design, feeling, association, and in large part, materials since their construction. They also are on a parcel that is within a National Register district (University Green Historic District) and, although not specifically detailed in the nomination, these smaller residential structures continue to contribute to the understanding of the evolution of the site and its use.

or,

D. Maintenance of an exceptionally high degree of integrity, original site orientation and virtually all character defining elements intact;

As noted, the rear buildings retain their integrity of location, design, materials, setting, association, and feeling; although they and the primary building are in varying stages of disrepair.

or,

E. Yielding, or may be likely to yield, information important to prehistory; and,

3. The building or site possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association

See above.

The Board finds this is an historic building on an historic parcel.

(b) Standards and Guidelines:

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

The historic and present use of 9-11 Handy Court is residential. **Affirmative finding.**

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

The multi-pane wood double hung windows are one of the single most important character defining features of Colonial Revival architecture. The removal and replacement with vinyl windows will significantly diminish the visual and material integrity of the structure, and alter those characteristics of the property that make it eligible for historic designation on its own merit. The proposed windows are not appropriate in that they are not consistent with the historic character of the building and its architectural details. The proposed windows don't contain details, such as exterior muntins, that help

define the historic character of the building and do not accommodate the flat casing details on the existing building. In addition, the daylight openings of the replacement windows need to match the historic windows. The proposed replacement sashes did not do this. **Adverse finding.**

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

The development of several new residential structures on a larger estate is characteristic of Burlington's downtown evolution, and well represented at 416 Pearl Street. Both in arrangement and design, the rear buildings can be clearly identified for their period of construction, and a physical record of their time and place.

Replacement of traditional wood double hung windows with modern vinyl replacement sash is inconsistent with the architectural period and will remove a physical component that clearly defines the stylistic period and date of construction.

No additional conjectural features are proposed. **Adverse finding.**

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

When the Handy Court properties are viewed within the context of 416 Pearl Street as a whole, the evolution of the site is clearly understood and easy to date by stylistic representation. The growing need for rental housing in Burlington is mirrored in the development on this lot, which has not been subdivided and continues to be a single parcel of land. In its entirety, the development of housing behind the historic Woodbury-Moore House is part of the story of that structure, and had acquired historic significance in its own right. The construction and remodeling of detached structures on that larger parcel is part of the context of 416 Pearl Street, and those changes should be acknowledged and preserved per this standard. To allow modern window replacement in one of the detached residential structures would be contrary to that end. **Adverse finding.**

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

Wood double hung multi-pane windows are an essential and characteristic component of Colonial Revival architecture; the removal and replacement with modern vinyl windows will be contrary to this standard. Additionally, precedent has been established under the Comprehensive Development Ordinance in previous decisions by the administrative officer, the Development Review Board and on occasion upheld in Vermont Superior Court, Environmental Division for similar circumstances.

Administrative denial of vinyl replacement windows, reviewed under the CDO (decisions not appealed):

- ZP 09-043CA; 65-67 North Willard Street
- ZP 10-0235CA; 26-28 Converse Court
- ZP 10-0508CA; 184 Church Street
- ZP 10-0541CA; 24 Oak Street
- ZP 11-0150CA; 156 Park Street; appealed to DRB; appeal withdrawn.
- ZP 11-0230CA; 78-80 Loomis Street
- ZP 11-0292; 64-66 Cedar Street

Decision of Denial for vinyl replacement windows made by the Development Review Board prior to the adoption of the CDO:

- ZP 05-054CA; 487-489 Ethan Allen Parkway
- ZP 06-696CA: 117 Park Street

Decision of Denial for vinyl replacement windows made by the Development Review Board upon appeal after the adoption of the CDO:

- ZP 07-471CA; 17 Johnson Street
- ZP 07-473CA; 66-68 King Street
- ZP 09-485BA; 72 North Willard Street

Decisions by the Environmental Court which upheld a decision made under the current Comprehensive Development Ordinance to deny vinyl windows on buildings either listed or deemed eligible for historic designation:

- 55-57 Blodgett Street, Docket No. 144-7-7 Vtec.
- 45 Clarke Street, Docket No. 145-6-06 Vtec.

From the above noted case precedent, vinyl windows are not deemed to be compatible with properties that are historically sensitive and that retain their original fenestration.

These lists are not warranted as comprehensive or complete.

Adverse finding.

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

The permit history (which reflects projects completed prior to the passage of the current Comprehensive Development Ordinance) includes installation of a vinyl replacement window on a minor rear addition at 416 Pearl Street where there already was a replacement window. Another permit for vinyl siding and vinyl windows at 3 Handy Court was also approved prior to passage of the 2007 CDO; however there is no evidence of prior-to-release conditions met, and the permit was not picked up. That permit is now expired.

There is no evidence of vinyl windows having been permitted on any of the buildings on this parcel since the adoption of the Comprehensive Development Ordinance.

The majority of windows in the rear buildings remain multi-light wood double hung window sash.

The applicant has not demonstrated that permits are in place for the obvious window replacement on this building (9-11 Handy Court) that is evident in submitted photographs.

This standard notes “*the new feature will match the old in design, color, texture, and, where possible, materials...*” The applicant has not met the burden of demonstrating that it will be impossible to match the existing wood window configuration; in fact, it would be quite possible to find a more compatible replacement window.

The proposed vinyl replacement windows do not sufficiently replicate the intrinsic visual or material characteristics of wood multi-pane double hung windows. The proposed replacement windows do not

satisfy the Secretary of the Interior's Standards and for an historic structure within a design review district. **Adverse finding.**

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

The removal of historic wood windows and replacement with the proposed modern vinyl windows is an avoidable physical treatment that causes an adverse impact to the character of an historic structure.

Adverse finding.

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

The application does not suggest the existence or disturbance of any archaeological resources. Not applicable.

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

The replacement of original wood multi-pane double hung windows with the proposed modern vinyl replacement sash is incompatible and alters the historic character of the property. **Adverse finding.**

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

The removal of the original windows and replacement with the proposed modern vinyl windows will significantly alter the visual characteristics of the property. While it is understood that some replacements can be deemed sensitive and within the character of a building, these vinyl windows do not convey those visual and material characteristics associated with historic context, and frequently provide objectionable visual disparity so as to negatively affect a historic resource. This is entirely avoidable, and as the original windows are disposed of, cannot be considered reversible. **Adverse finding.**

(c) Demolition by Neglect:

No owner of a historic building, or lessee who is obligated by lease to maintain and repair such structure (other than the interior), shall allow, cause, or permit the structure to suffer or experience demolition by neglect. Examples of such disrepair and deterioration include, but are not limited to, the following:

1. *Deterioration of walls or other vertical supports; walls, partitions or vertical supports that split, lean, list, or buckle, thus jeopardizing structural integrity;*
2. *Deterioration or inadequate foundations that jeopardize structural integrity;*
3. *Deterioration of roofs, ceilings, or other horizontal members;*
4. *Deterioration of fireplaces or chimneys;*
5. *Deterioration or crumbling exterior stucco or mortar;*
6. *Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors;*
7. *Lack of weather protection that jeopardizes the structural*

Findings of Fact



integrity of walls, roofs, plumbing, electricity, or overall structural integrity, including lack of paint, lack of adequate heating, and lack of adequate ventilation;

8. *Vandalism caused by lack of reasonable security precautions; and/or*

9. *Deterioration of any feature so as to create a hazardous condition that could require demolition for public safety.*

In such cases, the building inspector shall notify the property owner of any violation of this section. Such person shall have sixty (60) days to remedy any such violation. In the event the violation is not corrected within sixty (60) days of notification, the city shall be authorized to perform all repairs necessary to correct the violation and to place a lien on the property for the costs of such repairs and reasonable administrative and legal fees incurred.

(d) Demolition of Historic Buildings:

The purpose of this subsection is:

To discourage the demolition of a historic building, and allow full consideration of alternatives to demolition, including rehabilitation, adaptive reuse, resale, or relocation;

Provide a procedure and criteria regarding the consideration of a proposal for the demolition of a historic building; and,

To ensure that the community is compensated for the permanent loss of a historic resource by a redevelopment of clear and substantial benefit to the community, region or state.



The Development Review Board is concerned about the current condition of the primary building at 416 Pearl Street, which appears to be an active Demolition-by-neglect case. With broken window screens hanging loose from the window openings, broken porch and trim details, failing front steps, missing and broken window shutters dangling from shutter dogs, a rotted porch cornice and soffit, and a perpetually open front door, one of Burlington's most notable buildings is in an increasing state of disrepair. Coupled with obvious work done on the rear structures without permits (replacement doors,

windows, and siding), an examination of the lack of building and zoning permits and apparent violations are cause for immediate alarm and action. There is not another identified site within the City that may claim to have sheltered prosperous merchant, politician, and multiple Presidents of the United States. The distressing condition of 416 Pearl Street demands immediate attention and action.

Article 6: Development Review Standards:

Sec. 6.2.2 (d) Protection of Important Cultural Resources

416 Pearl Street is within the University Green Historic District on the National Register of Historic Places. Although the rear detached structures were not identified within that nomination, they may be considered eligible for historic designation as associated structures within the context of the parcel and on

their own merit; as examples of early 20th century residential architecture (Colonial Revival) that retains integrity of design, location, association, feeling, workmanship, and materials. The introduction of the proposed replacement vinyl windows would be contrary to this standard. **Adverse finding.**

Sec. 6.2.3 (b) Protection of Important Architectural Resources

The detached residential structures on the rear of 416 Pearl Street have assumed historic eligibility on their own merit, if not solely with their association with the Woodbury-Moore House. The replacement of character defining features so closely associated with their specific style would result in a loss of architectural integrity, and thus be in conflict with this standard. **Adverse finding.**

Sec. 6.2.3 (e) Quality of Materials

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

The applicant has demonstrated no such consultation relative to the appropriateness of the replacement sash proposed. A phone call from December 18, 2012 informed that the decision for the specific replacement window was linked to having already submitted 50% of the cost with the retailer, and the vinyl windows had already been ordered prior to seeking a permit.

The proposed vinyl replacement windows are not a durable material that has lasting value and quality commensurate with Burlington's historic built environment. They are inexpensive, disposable replacements that have not demonstrated to have enduring value or appearance by the short replacement cycle evidenced through zoning permits. **Adverse finding.**

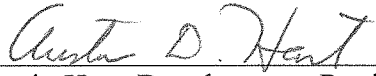
Second: Brad Rabinowitz

Vote: 7-0

Vote: motion carried

Dated at Burlington, Vermont, this 20th day of February, 2013.

Respectfully Submitted,


Austin Hart, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court, Environmental Division. (Comprehensive Development Ordinance Article 12, Section 12.2.3 Appeals of Development Review Board Decisions: An interested person

may appeal a decision of the Development Review Board to the Vermont Environmental Court within 30 days of the date of the written decision as follows:

(a) Notice of Appeal: The appeal shall be taken in such a manner as the Supreme Court or the environmental court may by rule provide for appeals from state agencies governed by Sections 80 through 816 of Title 3, Vermont Statutes Annotated. Notice of the appeal shall be sent by mail to every interested person appearing and having been heard at the hearing before the DRB, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.)



City of
Burlington, Vermont
149 Church Street

Appeal of Zoning Permit - COA Level I – Findings of Fact

ZP #: 09-143CA

Tax ID: 045-2-107-000

Issue Date: December 17, 2008

Decision: Denied

Property Address: 6 ISHAM STREET

Burlington Development Review Board
Findings of Fact
Deliberative Hearing Monday, December 8, 2008

Board Members Present: Austin Hart (Chair); Eric Miller, Glenn Jarrett; Jonathan Stevens, Ellie Kenworthy, Kevin Worden, Michael Long.

Staff members present: Scott Gustin, Mary O'Neil.

File: 09-143CA/AP

Location: 6 Isham Street

Zone: RM **Ward:** 2

Applicant/ Owner: Ray Allaire

Request: Appeal of the Zoning Administrator's decision to deny an application for vinyl window replacement sash.

Background:

- Zoning permit 09-214CA; Replace 5 windows in 2 small apartments in **rear** building, enlarging size to meet required egress. Approved September 2008.
- Zoning permit 09-143CA; Installation of fourteen vinyl replacement windows. [Structure is on the Vermont State Register of Historic Resources.] Denied August 2008.
- Zoning Permit 08-838CU; Change of use to Community House. Approved July 2008.

Project Description: Request to replace wood windows with vinyl window replacement sash.

Overview:

Built on Lot #1 of the plot of land of W. E., A. S. and E. S. Isham, the first occupants of this 1903 dwelling house were George and Jessie Chandler. The property has continued to remain residential. 6 Isham Street is listed on the Vermont State Register of Historic Resources (see attached.) The window replacement was completed without a zoning permit as the applicant was attempting to ready the property for new (community house) use.

Motion by: Kevin Worden

In the matter of 09-143CA/AP, 6 Isham Street, I move to **deny** the appeal and require the appellants to replace all the vinyl windows that were installed without permits with acceptable wood replacement windows as submitted to and approved by staff within the following timeframe: The front façade shall be

replaced within one year from the date of this decision; and the remaining windows shall be replaced within three years of the date of this decision, per the following findings and conditions:

I. Findings

Sec. 5.4.8 Historic Buildings and Sites

(b) Standards and Guidelines:

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

Although the property will continue to be used for residential purposes, the new (community house) use should not require the removal of the wood sash and loss of significant original material. The installation of vinyl replacement windows is more than a minimal change to the historic property. **Adverse Finding.**

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

The introduction of plastic replacement window sash significantly alters the appearance of the historic residence, and diminishes the character of the building. **Adverse Finding.**

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

N/A.

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

N/A.

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

Windows are among the most character defining features of a structure: their loss or alteration has substantial impact on the visual aesthetic of the building. The replacement of original wood window sash with vinyl is a loss of an important structural feature. **Adverse Finding.**

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

Nothing within the submission indicated an effort to repair or and effort to optimize thermal qualities of the existing wooden windows. Additionally, nothing has been submitted regarding the deterioration of the windows that would warrant wholesale replacement. Vinyl has not been considered an appropriate replacement option for historic wood windows. (07-556CA, 55-57 Blodgett Street; 06-604CA, 445-47 Clarke Street; 07-471CA, 17 Johnson Street; 07-473CA, 66-68 King Street) **Adverse Finding.**

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

N/A.

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

N/A.

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

The removal of historic wood window sash is a significant loss of historic materials. Vinyl is not an appropriate or historic replacement material. **Adverse Finding.**

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

N/A.

PART 3: ARCHITECTURAL DESIGN STANDARDS

Sec. 6.3.2 Review Standards

(b) Protection of Important Architectural Resources:

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

6 Isham Street is on the Vermont State Register of Historic Resources. See 5.4.8 above. **Adverse 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.

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

Although less costly, vinyl has not been deemed a durable building material. As a recognized historic structure, the appropriateness of replacement material requires careful scrutiny. Occasionally replacement materials may meet a lesser standard for specific reasons (secondary elevation, life safety/egress

requirement, site-specific challenge of splash-back or catastrophic loss); but in general terms vinyl is not deemed acceptable for replacement window sash on historic structures. **Adverse Finding.**

Second: Glenn Jarrett

Vote: 7-0

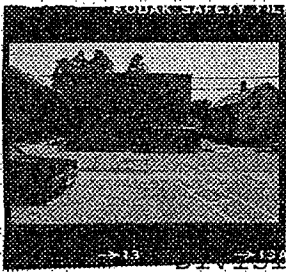
Dated at Burlington, VT this 17th day of December, 2008.

Respectfully Submitted,

[see attachment for signed copy]

Austin Hart, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court. (Zoning Ordinance Article 17, Section 17.1.7 Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court. The appeal shall be taken in such a manner as the Supreme Court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.



OF VERMONT
Division for Historic Preservation
Montpelier, VT 05602

HISTORIC SITES & STRUCTURES SURVEY
Individual Structure Survey Form

COUNTY:	Chittenden
TOWN:	Burlington
LOCATION:	71-73 Peru St.
COMMON NAME:	
FUNCTIONAL TYPE:	dwelling
OWNER:	Patricia A. Farrington
ADDRESS:	73 Peru St.
ACCESSIBILITY TO PUBLIC:	Yes ☐ No ☒ Restricted ☐
LEVEL OF SIGNIFICANCE:	Local ☒ State ☐ National ☐

GENERAL DESCRIPTION:

Structural System

1. Foundation: Stone ☒ Brick ☐ Concrete ☐ Concrete Block ☐
2. Wall Structure
 - a. Wood Frame: Post & Beam ☐ Balloon ☒
 - b. Load Bearing Masonry: Brick ☐ Stone ☐ Concrete ☐ Concrete Block ☐
 - c. Iron ☐ d. Steel ☐ e. Other: ☐
3. Wall Covering: Clapboard ☒ Board & Batten ☐ Wood Shingle ☐ Shiplap ☐ Novelty ☐ Asbestos Shingle ☐ Sheet Metal ☐ Aluminum ☐ Asphalt Shingle ☐ Brick Veneer ☐ Stone Veneer ☐ Bonding Pattern: ☐ Other: ☐
4. Roof Structure
 - a. Truss: Wood ☒ Iron ☐ Steel ☐ Concrete ☐
 - b. Other: ☐
5. Roof Covering: Slate ☐ Wood Shingle ☐ Asphalt Shingle ☐ Sheet Metal ☐ Built Up ☐ Rolled ☐ Tile ☐ Other: ☐
6. Engineering Structure: ☐
7. Other: ☐

Appendages: Porches ☒ Towers ☐ Cupolas ☐ Dormers ☐ Chimneys ☐ Sheds ☐ Ells ☐ Wings ☐ Bay Window ☐ Other: ☐

Roof Style: Gable ☐ Hip ☐ Shed ☐ Flat ☒ Mansard ☐ Gambrel ☐ Jerkinhead ☐ Saw Tooth ☐ With Monitor ☐ With Bellcast ☐ With Parapet ☐ With False Front ☐ Other: ☐

Number of Stories: 2

Number of Bays: 6 x 2

Approximate Dimensions: _____

SURVEY NUMBER:

NEGATIVE FILE NUMBER:

78-A-163

UTM REFERENCES:

Zone/Easting/Northing

U.S.G.S. QUAD. MAP:

PRESENT FORMAL NAME:

ORIGINAL FORMAL NAME:

PRESENT USE: apartnments

ORIGINAL USE: twin house

ARCHITECT/ENGINEER:

BUILDER/CONTRACTOR:

PHYSICAL CONDITION OF STRUCTURE:

Excellent ☐ Good ☒

Fair ☐ Poor ☐

STYLE: Italianate

DATE BUILT:

c.

THREAT TO STRUCTURE:

No Threat ☐ Zoning ☐ Roads ☐
Development ☐ Deterioration ☐
Alteration ☐ Other: ☐

LOCAL ATTITUDES:

Positive ☐ Negative ☐
Mixed ☐ Other: ☐

ADDITIONAL ARCHITECTURAL OR STRUCTURAL DESCRIPTION:

Massing - Rectangular block. 1st floor corners are cut back fro the entrance.
Projecting cornice. 2 story porch in rear.
Fenestration - 2/2 sash. Plain architrave.
Entrance - Plain surround. 4 paneled door.
Enrichments - 4 sets of paired brackets. Turned posts.

RELATED STRUCTURES: (Describe)

STATEMENT OF SIGNIFICANCE:

This frame tenement has its counter part in brick throughout the North End. Both frame and brick versions have the distinctive recessed entries on the corners and all ornamentation is concentrated at the cornice. This tenements contributes to the variety of house types along the street and is in keeping with the working class character of the street. It was constructed sometime shortly after 1892, when Peru St. was put through from George to Elmwood.

REFERENCES:

Sanborn maps, directories.

MAP: (Indicate North in Circle)



SURROUNDING ENVIRONMENT:

Open Land ☐ Woodland ☐
Scattered Buildings ☐
Moderately Built Up ☐
Densely Built Up ☒
Residential ☒ Commercial ☐
Agricultural ☐ Industrial ☐
Roadside Strip Development ☐
Other:

RECORDED BY:

C. Richard Morsbach

ORGANIZATION:

VT. Div. for Historic Preservation

DATE RECORDED:

6/28/78



City of
Burlington, Vermont
645 Pine Street

Zoning Permit – Reasons for Denial

ZPW #: 23-18

Tax ID: 044-4-054-000

Issue Date: March 27, 2023

Decision: Denied

Property Address: 71-73 Peru Street

Description: Replace four wood windows with vinyl casement windows.

Reasons for Denial:

The subject property is historically significant and is included in the Vermont State Register of Historic Places. The standards of Sec. 5.4.8, *Historic Buildings and Sites*, apply to this application. The applicable standards and guidelines of this section call for repair and retention of significant materials rather than replacement. Where replacement is necessary, the standards call for retention of design, color, texture, and materials where possible.

The existing windows are wooden. While they are themselves replacement windows, they are wooden windows that were allowed as replacements of the original wood windows. They are true double-hung units with exterior muntins simulating divided lites. They essentially retain the materials and features of the originals. The proposed replacement windows in this application are simulated double-hung units constructed of vinyl and contain dividing bars and grilles to simulate the appearance of the current 2-over-2 double hung units.

There is well established precedent that allows replacement of wooden windows in historic buildings with clad wooden windows and, more recently, with fiberglass. The proposed vinyl replacements fail to comply with the applicable standards of Sec. 5.4.8 and cannot be approved.

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board within 15 days after the decision date per Sec. 12.2.2, *Appeals of Administrative Officer Decisions*.

Appeals may be filed online at burlingtonvt.viewpointcloud.com/categories/1098 or in-person at 645 Pine Street, Burlington, Vermont. <https://www.burlingtonvt.gov/DPI/Appealing-a-Zoning-Decision>

Department of Permitting & Inspections

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

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



TO: Development Review Board
FROM: Scott Gustin
DATE: May 16, 2023
RE: ZAP-23-4; 71-73 Peru 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: RH Ward: 3C

Owner/Appellant: Damon Lane

Request: Appeal of zoning administrative denial (ZPW-13-18) to replace wooden windows with vinyl casement windows.

Overview:

The applicant is appealing an administrative denial of an application to replace four double hung wooden windows with four vinyl casement windows in an historic building. The subject multi-family residence dates to circa 1893 and is included in the Vermont state register of historic places. The historic listing for this property notes the 2-over-2 window sashes and plain architrave. Wood windows remain present throughout except for a new (not replacement) window installed in the rear. Given the historic significance of the building, the historic preservation standards of Sec. 5.4.8, *Historic Buildings and Sites*, apply.

The standards of Sec. 5.4.8 were included in the original adoption of the Comprehensive Development Ordinance in 2008. Since then, some 14 applications to replace wooden windows with vinyl windows in historic structures have been denied based on the standards of Sec. 5.4.8. Several of the denials were appealed to, and upheld by, the Development Review Board. These denials do not reflect the numerous applications for vinyl replacement windows that were revised to include acceptable replacement window materials (wood, clad wood, or fiberglass) and approved.

In an effort to be responsive to evolving window products since the 2008 adoption of the CDO, the Design Advisory Board discussed at length standards for replacement windows in historic structures in Spring of 2022. The Board produced a document entitled "Replacement Window Guidelines for Historic Buildings" in April 2022. This guidance document articulates the importance of repair and maintenance of existing materials and outlines considerations for replacement when necessary. Emphasis is placed on stylistic and dimensional consistency between existing and replacement windows. Acceptable replacement materials are noted: wood, clad wood, and fiberglass.

Recommendation: Uphold administrative denial as per the following findings.

I. Findings

The subject application was filed January 28, 2023. The application was made complete on March 8, 2023. That same day, the applicant was informed of the historic preservation standards that apply to the property and the inconsistency of vinyl replacement windows with those standards. The proposed windows are casements but include dividing bars and grilles to simulate the existing 2-over-2 double hung window appearance.

The application was paused temporarily while the applicant looked into acceptable alternatives. Ultimately, the applicant decided to stick with the proposed vinyl replacements, asserting that there are no alternatives that are as efficient and as durable.

The application was administratively denied March 27, 2023 per the following:

The subject property is historically significant and is included in the Vermont State Register of Historic Places. The standards of Sec. 5.4.8, Historic Buildings and Sites, apply to this application. The applicable standards and guidelines of this section call for repair and retention of significant materials rather than replacement. Where replacement is necessary, the standards call for retention of design, color, texture, and materials where possible. The existing windows are wooden. While they are themselves replacement windows, they are wooden windows that were allowed as replacements of the original wood windows. They are true double-hung units with exterior muntins simulating divided lites. They essentially retain the materials and features of the originals. The proposed replacement windows in this application are simulated double-hung units constructed of vinyl and contain dividing bars and grilles to simulate the appearance of the current 2-over-2 double hung units. There is well established precedent that allows replacement of wooden windows in historic buildings with clad wooden windows and, more recently, with fiberglass. The proposed vinyl replacements fail to comply with the applicable standards of Sec. 5.4.8 and cannot be approved.

Appeal of the denial was filed on April 4, 2023 and completed April 10, 2023 – within the 15-day appeal period.

The appeal asserts that the windows to be replaced are replacements from 2008 and are not historic. In fact, the windows to be replaced are not original. There were approved as replacements of previous wooden windows (perhaps the originals) and installed in partnership with the city's lead program. They are wooden replacement windows matching the materials and dimensions of the prior windows. As is acceptable for replacement windows, they are insulated, simulated divided lite windows rather than single pane, true divided lite windows. The key here is that the existing windows are acceptable wooden replacements of previous wooden windows, consistent with the standards of Sec. 5.4.8. The Historic Preservation Review Committee (a subcommittee of the Design Advisory Board) has addressed the matter of unoriginal wooden replacements in historic buildings and affirmed the continuing applicability of Sec. 5.4.8 standards for future replacements.

The appeal also notes that the same model of proposed window was previously permitted at the property. This assertion is correct; however, this permit (ZP-21-770) approved installation of an

entirely new window in the rear of the building. It was not a replacement. As a new feature, there is more flexibility for materials. In fact, new features are encouraged to differ from original features in historic buildings.

The appeal also states that replacement windows of equivalent performance were either not available (fiberglass) or more expensive (clad wood). There is a balance to be had between preservation of the city's historic resources and improved energy efficiency. There is a well-established track record of allowing insulated replacement windows in historic buildings to improve energy efficiency. Replicas are not required, but approval is predicated on acceptable replacement materials. The city's historic resources can be protected while also improving their energy efficiency.

The proposed vinyl replacements do not comply with the standards of Sec. 5.4.8 and would deteriorate the integrity of this historic building. Acceptable alternatives are available.

II. Recommended Motion

Uphold the administrative denial.



LOCATION MAP

SCALE: 1" = 1,000'

ZONING TABLE			
NEIGHBORHOOD MIXED USE DISTRICT			
CRITERIA	LIMITATION	EXISTING	PROPOSED
INTENSITY	2.0 FAR MAX.	0.26	0.63
LOT COVERAGE	80% MAX.	41%	58%
FRONT BUILDING SETBACK	0 FT. MIN.*	21 FT.	11 FT.
SIDE/REAR BUILDING SETBACK	0 FT. MIN.**	3 FT.	3 FT.
BUILDING HEIGHT	22 FT. MIN. 35 FT. MAX.		35 FT.
* A MIN. SETBACK OF 10' IS REQUIRED ALONG FLYNN AVE. AND PINE ST.			
** STRUCTURES SHALL BE SET BACK A MIN. OF 15 FT. FROM ANY RESIDENTIAL ZONING DISTRICT BOUNDARY LINE			
OVERLAY DISTRICTS			
DISTRICT		EXISTING	PROPOSED
WETLAND CONSERVATION ZONE	DISTURBANCE IN 50' BUFFER	5,140 SF	4,110 SF
	DISTURBANCE BETWEEN 50' & 100' BUFFER	16,290 SF	16,180 SF
RIPARIAN AND LITTORAL CONSERVATION ZONE	DISTURBANCE 100' UPLAND OF ENGLSBY BROOK	11,560 SF	10,581 SF
STEEP SLOPES DISTRICT	AREAS STEEPER THAN 15%	18,250 SF	18,250 SF

CIVIL SYMBOL LEGEND

PROPOSED FEATURES	EXISTING FEATURES
BOUND	BOUND
BENCHMARK	BENCHMARK
DRILL HOLE	DRILL HOLE
SURVEY POINT	SURVEY POINT
IRON PIN	IRON PIN
TEST PIT	TEST PIT
BORING	BORING
PERC TEST	PERC TEST
CATCH BASIN (SQUARE)	CATCH BASIN (SQUARE)
CATCH BASIN (ROUND)	CATCH BASIN (ROUND)
HEADWALL	HEADWALL
FLARED END SECTION	FLARED END SECTION
STONE APRON	STONE APRON
DRAIN MANHOLE (DMH)	DRAIN MANHOLE (DMH)
DRAINAGE CLEAN OUT	DRAINAGE CLEAN OUT
SANITARY SEWER MANHOLE (SMH)	SANITARY SEWER MANHOLE (SMH)
SANITARY CLEAN OUT	SANITARY CLEAN OUT
HYDRANT	HYDRANT
WATER SHUTOFF	WATER SHUTOFF
TAPPING SLEEVE & VALVE	TAPPING SLEEVE & VALVE
GATE VALVE	GATE VALVE
WELL	WELL
UTILITY POLE	UTILITY POLE
GUY POLE	GUY POLE
ELECTRICAL MANHOLE	ELECTRICAL MANHOLE
FLOOD LIGHT	FLOOD LIGHT
LIGHT POST	LIGHT POST
TELEPHONE MANHOLE	TELEPHONE MANHOLE
NATURAL GAS MANHOLE	NATURAL GAS MANHOLE
COMMUNICATION MANHOLE	COMMUNICATION MANHOLE
STEAM MANHOLE	STEAM MANHOLE
BOLLARD	BOLLARD
SINGLE POLE SIGN	SINGLE POLE SIGN
DOUBLE POLE SIGN	DOUBLE POLE SIGN
SPOT ELEVATION	SPOT ELEVATION
ACCESSIBLE PARKING STALL	ACCESSIBLE PARKING STALL
DRAINAGE FLOW	DRAINAGE FLOW
DECIDUOUS TREE	DECIDUOUS TREE
CONIFEROUS TREE	CONIFEROUS TREE

CIVIL LINETYPE LEGEND

PROPOSED FEATURES	EXISTING FEATURES
100 MAJOR CONTOUR	100 MAJOR CONTOUR
98 MINOR CONTOUR	98 MINOR CONTOUR
100 EDGE OF RIVER	100 EDGE OF RIVER
100 EDGE OF POND	100 EDGE OF POND
100 FLOOD PLAIN	100 FLOOD PLAIN
100 PROPERTY LINE	100 PROPERTY LINE
100 RIGHT OF WAY	100 RIGHT OF WAY
100 SETBACK	100 SETBACK
100 EASEMENT	100 EASEMENT
100 LIMIT OF CONSTRUCTION	100 LIMIT OF CONSTRUCTION
100 LIMIT OF DISTURBANCE	100 LIMIT OF DISTURBANCE
100 SILT FENCE	100 SILT FENCE
100 DEMOLITION WORK	100 DEMOLITION WORK
100 CENTERLINE	100 CENTERLINE
100 EDGE OF PAVEMENT	100 EDGE OF PAVEMENT
100 EDGE OF GRAVEL	100 EDGE OF GRAVEL
100 EDGE OF CONCRETE	100 EDGE OF CONCRETE
100 CURB	100 CURB
100 FENCE (BARBED WIRE)	100 FENCE (BARBED WIRE)
100 FENCE (CHAIN LINK)	100 FENCE (CHAIN LINK)
100 FENCE (WOODEN)	100 FENCE (WOODEN)
100 GUARD RAIL	100 GUARD RAIL
100 TREE LINE	100 TREE LINE
100 EDGE OF WETLANDS	100 EDGE OF WETLANDS - DELINEATED
100 EDGE OF WETLANDS - APPROXIMATE	100 EDGE OF WETLANDS - APPROXIMATE
100 STONE WALL	100 STONE WALL
100 SANITARY SEWER	100 SANITARY SEWER
100 SANITARY SEWER APPROX.	100 SANITARY SEWER APPROX.
100 SEWER FORCEMAIN	100 SEWER FORCEMAIN
100 SEWER SERVICE	100 SEWER SERVICE
100 DISPOSAL AREA LATERAL	100 DISPOSAL AREA LATERAL
100 STORM LINE	100 STORM LINE
100 STORM LINE APPROX.	100 STORM LINE APPROX.
100 UNDER DRAIN	100 UNDER DRAIN
100 FOUNDATION DRAIN	100 FOUNDATION DRAIN
100 ROOF DRAIN	100 ROOF DRAIN
100 DITCH/SWALE	100 DITCH/SWALE
100 TELECOMM	100 TELECOMM
100 TELECOMM APPROX.	100 TELECOMM APPROX.
100 UNDERGROUND TELECOMM	100 UNDERGROUND TELECOMM
100 OVERHEAD TELECOMM	100 OVERHEAD TELECOMM
100 ELECTRIC LINE	100 ELECTRIC LINE
100 ELECTRIC APPROX.	100 ELECTRIC APPROX.
100 UNDERGROUND ELECTRIC	100 UNDERGROUND ELECTRIC
100 OVERHEAD ELECTRIC	100 OVERHEAD ELECTRIC
100 ELECTRICAL SITE LIGHTING	100 ELECTRICAL SITE LIGHTING
100 WATER LINE	100 WATER LINE
100 WATER APPROX.	100 WATER APPROX.
100 WATER SERVICE	100 WATER SERVICE
100 GAS LINE	100 GAS LINE
100 GAS APPROX.	100 GAS APPROX.
100 CABLE TV	100 CABLE TV
100 CABLE TV APPROX.	100 CABLE TV APPROX.
100 UNDERGROUND CABLE TV	100 UNDERGROUND CABLE TV
100 OVERHEAD CABLE TV	100 OVERHEAD CABLE TV

PARKING TABLE

CRITERIA	EXISTING	PROPOSED
TOTAL SPACES	56	106
ADA ACCESSIBLE	2	5
EV CHARGING	0	2
TANDEM	0	8

Stamp

Date					
Description					
No.					

ENGINEERING VENTURES PC

208 Flynn Avenue, Suite 2A, Burlington, VT 05401, s. 802-864-6225
85 Mechanic Street, Suite E2-3, Lebanon, NH 03766, s. 602-442-3833
414 Irving Street, Schenectady, NY 12305, s. 518-520-0871

DUNCAN WISNIEWSKI ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VT 05401
(802) 864-6693

COVER SHEET

Sheet Title:	
EV Project #	2
Drawn By:	
Checked By:	
Scale:	
Date:	03/17/

C0.0

S:\PROJECTS\2023\22488-HOWARD CENTER REDEVELOPMENT-CONVIEWS\PROJECT FILES\C2.0 SITE PLAN.DWG
PLOTTED: 30/10/2023 9:55 AM



SITE SCHEDULE

- C1 ASPHALT PAVEMENT, TYP.
- C2 CONCRETE SIDEWALK, TYP.
- C3 PERVIOUS CONCRETE PAVERS
- C4 6" VERTICAL GRANITE CURB, TYP.
- C5 6" FLUSH GRANITE CURB, TYP.
- C6 WOOD GUIDERAIL
- C7
- C8 CONCRETE PAD SURROUNDED BY PRIVACY FENCE WITH LOCKING GATE SIZED FOR (2) REFUSE DUMPSTERS AND (2) TROTTERS
- C9 TRANSFORMER ON CONCRETE PAD, COORDINATE WITH MEP
- C10 TIMBER BUS SHELTER ON CONCRETE PAD
- C11 ADA ACCESSIBLE PARKING SPACE, TYP.
- C12 EV CHARGING ACCESSIBLE PARKING SPACE, TYP.
- C13 U-SHAPED BICYCLE RACK, TYP.
- C14 RIVERSTONE DRIP EDGE
- C15 SNOW STORAGE AREA

Stamp	
Date	Description
No.	
ENGINEERING VENTURES PC	
208 Flynn Avenue, Suite 2A, Burlington, VT 05401 • 802-864-6225 85 Mechanic Street, Suite E2-3, Lebanon, NH 03766 • 603-442-3833 414 Linn Street, Schenectady, NY 12305 • 518-230-0861	
DUNCAN WISNIEWSKI ARCHITECTURE 255 SOUTH CHAMPLAIN STREET BURLINGTON, VT 05401 (802) 864-6693	
SITE GRADING AND LAYOUT PLAN	
HOWARD CENTER REDEVELOPMENT 855 PINE STREET/300 FLYNN AVENUE	
Sheet Title:	
EV Project #	2
Drawn By:	
Checked By:	
Scale:	1"
Date:	03/17/

C2.0



E1 TRANSFORMER, COORDINATE WITH MEP

E2 EV CHARGING STATION WITH (2) PORTS, COORDINATE WITH MEP

W1 6" D.I. WATER SERVICE LINE FROM EX. MAIN TO PROP. BLDG, INCLUSIVE OF GATE VALVE PER BURLINGTON DPW STANDARD

W2 2" TYPE "K" COPPER DOMESTIC WATER SERVICE LINE FROM W1 TO PROP. BLDG, INCLUSIVE OF GATE VALVE PER BURLINGTON DPW STANDARD

SS1 6" PVC SANITARY SEWER SERVICE LINE FROM PROP. BLDG. TO EX. MAIN IN FLYNN AVE., INCLUSIVE OF CLEANOUT WITH BACKFLOW PREVENTER PER BURLINGTON DPW STANDARDS

ST1 4' I.D. MANHOLE
RIM: 145.72
INV. IN (E): 141.26 (12" HDPE)
INV. OUT (N): 141.16 (12" HDPE)

ST2 2' DIA. DEEP SUMP CATCH BASIN
RIM: 144.95
INV. OUT (W): 142.85 (12" HDPE)

ST3 2' X 2' DEEP SUMP CATCH BASIN
RIM: 144.35

ST4 4' I.D. MANHOLE
RIM: 144.03
INV. IN (N): 139.93 (12" HDPE)
INV. OUT (W): 139.83 (12" HDPE)

ST5 4' I.D. MANHOLE
RIM: 144.87
INV. IN (E): 139.56 (12" HDPE)
INV. IN (S): 140.58 (12" HDPE)
INV. OUT (N): 139.46 (12" HDPE)

ST6 24" I.D. MANHOLE
RIM: 143.38
INV. OUT (E): 138.50 (12" HDPE)

ST7 4' I.D. MANHOLE
RIM: 143.16
INV. IN (W): 138.28 (12" HDPE)
INV. OUT (NE): 138.18 (12" HDPE)

ST11 12" I.D. YARD DRAIN
RIM: 142.21
INV. OUT (N): 141.00 (8" PVC)

ST14 2' DIA. DEEP SUMP CATCH BASIN
RIM: 142.82
INV. OUT (N): 141.66 (12" HDPE)

ST8 FLARED END SECTION

ST9 6" PERF. PVC FOOTING DRAIN

ST10 FLARED END SECTION WITH STONE APRON

ST12 RIP-RAP END SECTION

ST13 RIP-RAP END SECTION

ST1F FOCAL POINT TREATMENT AREA (350 SF)

ST1F2 FOCAL POINT TREATMENT AREA (25 SF)

ST1F3 FOCAL POINT TREATMENT AREA (87 SF)

ST1F4 FOCAL POINT TREATMENT AREA (32 SF)

ST11 STORMTECH SC-310 CHAMBERS (14X12)

PIPE SCHEDULE			
NAME	TYPE	LENGTH	SLOPE
ST7-ST8	12" HDPE	9.0	1.0%
ST6-ST7	12" HDPE	39.3	0.5%
ST5-ST4	12" HDPE	50.6	0.5%
ST1F-ST1	12" HDPE	95.0	0.5%
ST1-ST4	12" HDPE	112.6	0.5%
ST2-ST13	12" HDPE	22.2	1.0%
STF3-ST4	12" HDPE	31.8	0.5%
ST9-ST10	8" PVC	33.2	2.0%
ST11-ST12	8" PVC	115.7	1.0%
ST4-ST15	12" HDPE	7.7	2.8%

[illegible]

HOWARD CENTER

300 FLYNN AVENUE, BURLINGTON VERMONT



DRAWING INDEX

SKETCH PLAN APPLICATION: 03.31.2023

<u>CIVIL</u>	
C1.0	EXISTING CONDITIONS & DEMOLITION PLAN
C2.0	SITE UTILITY AND LAYOUT PLAN
<u>LANDSCAPE</u>	
L1.0	PLANTING PLAN
<u>ARCHITECTURAL</u>	
00-0.0	COVER
A0-2.0	AXONS
A1-0.0	BASEMENT FLOOR PLAN
A1-1.0	FIRST FLOOR PLAN
A1-2.0	SECOND FLOOR PLAN
A1-3.0	THIRD FLOOR PLAN
A1-4.0	TERRACE PLAN
A1-5.0	ROOF PLAN
A3-1.1	ELEVATIONS-SOUTH
A3-2.1	ELEVATIONS-WEST AND EAST
A3-3.1	ELEVATIONS-NORTH
	RENDERINGS

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MEP

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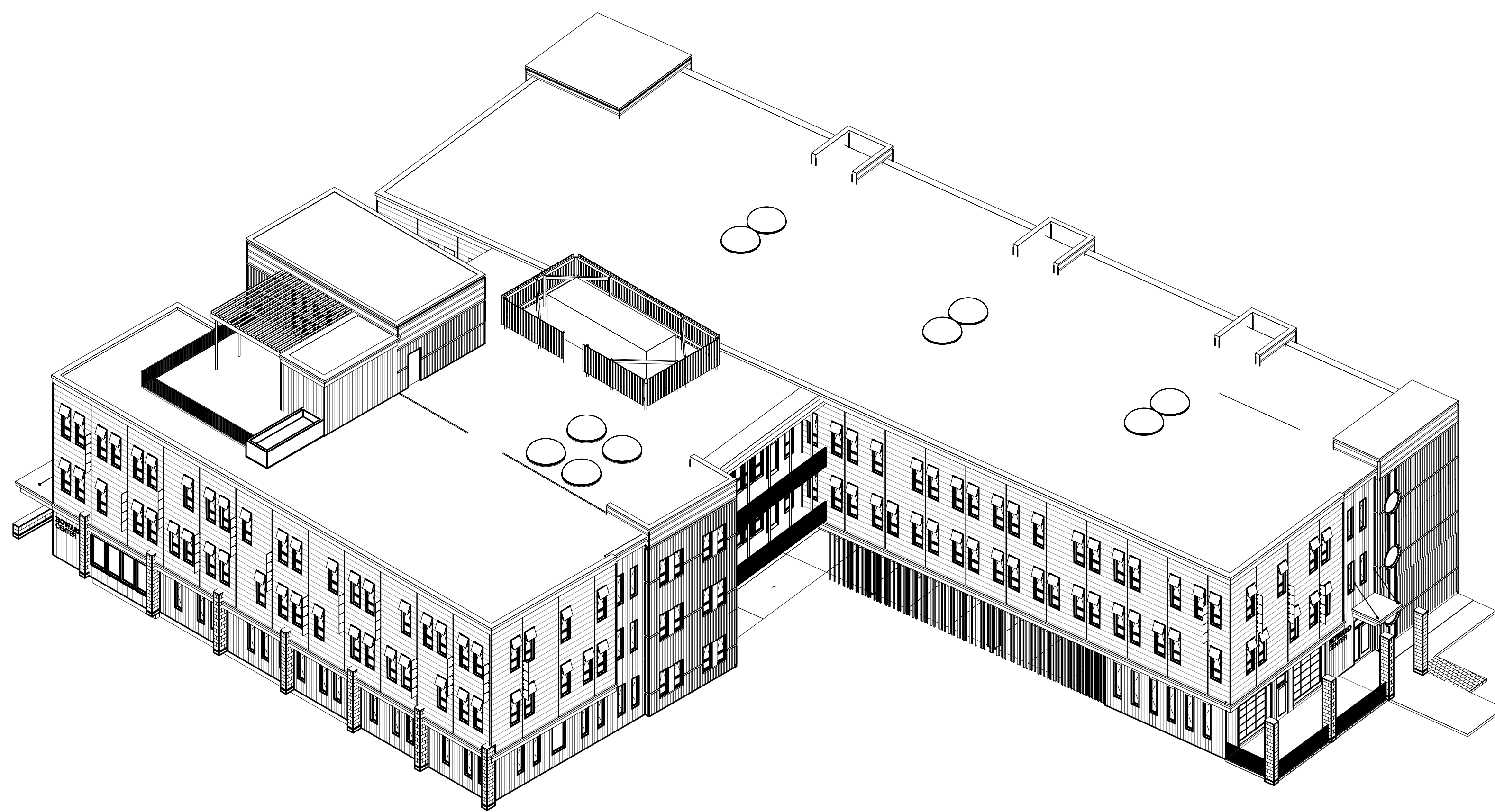
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ENGINEERING VENTURES

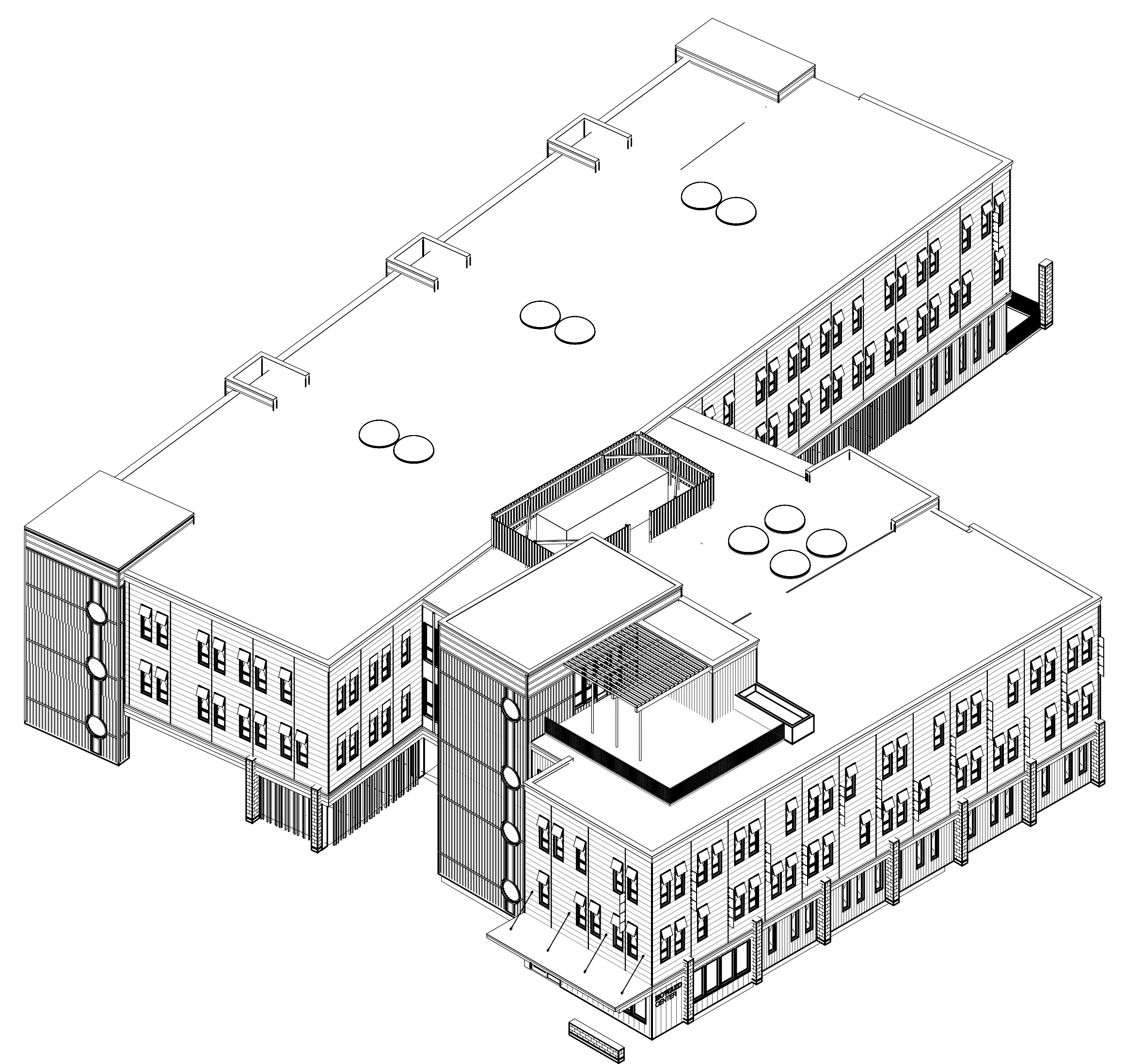
208 Flynn Ave
Burlington, VT 05401
Julie Reilly
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802.863.6225

FIRE PROTECTION

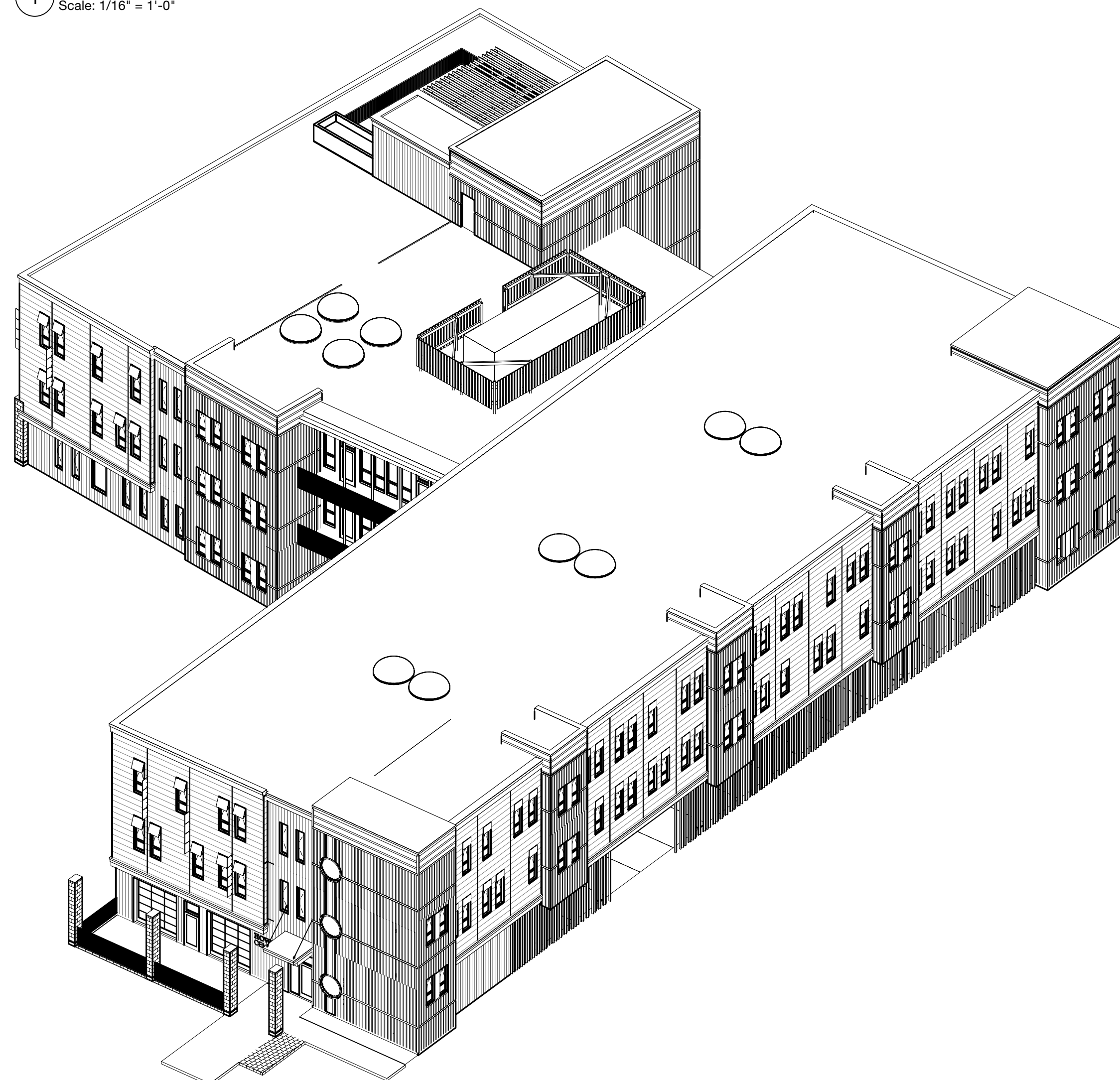
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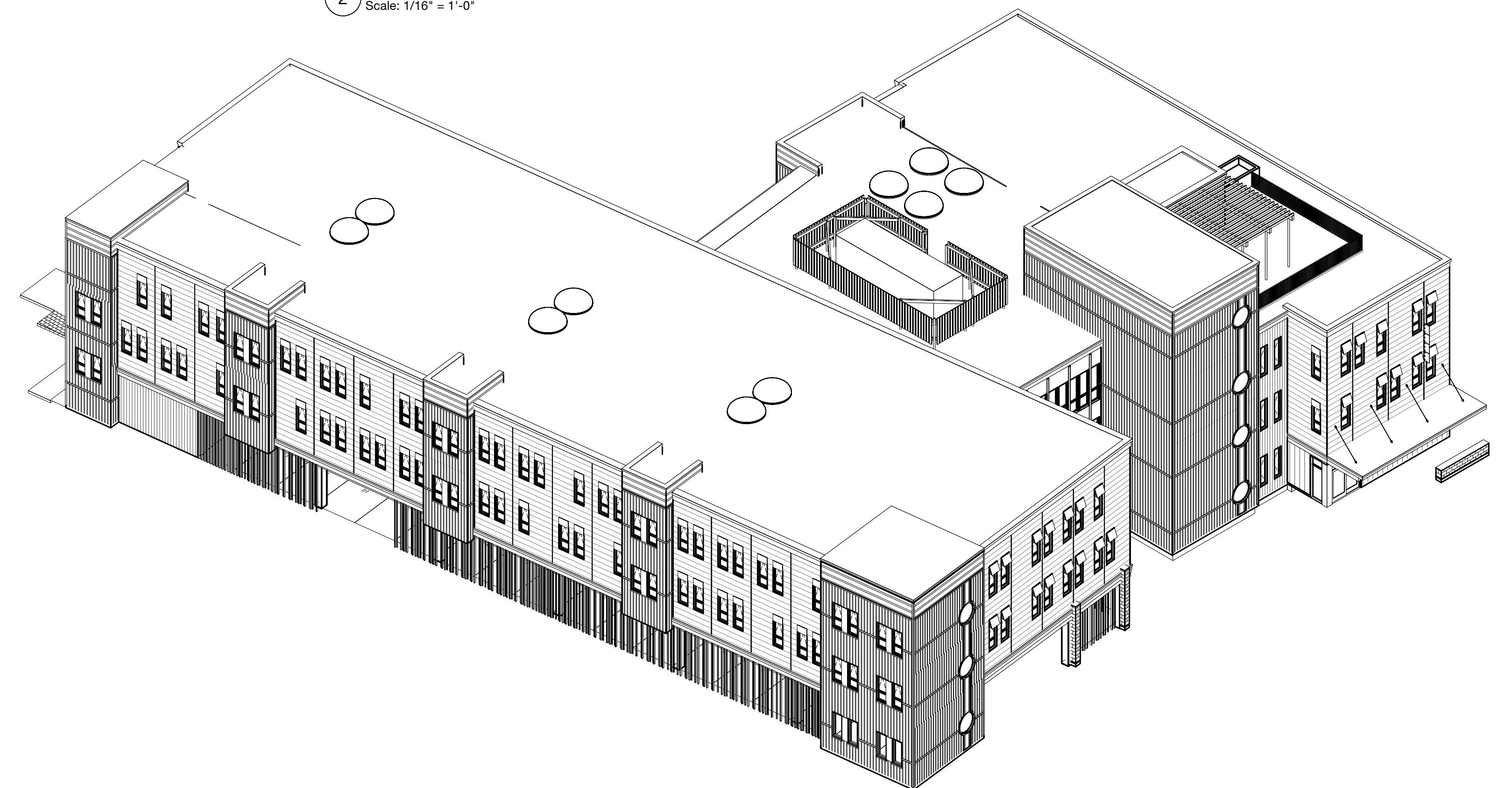
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Scale: 1/16" = 1'-0"



2 SOUTHWEST AXON
Scale: 1/16" = 1'-0"



3 NORTHEAST AXON
Scale: 1/16" = 1'-0"



4 NORTHWEST AXON
Scale: 1/16" = 1'-0"

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SKETCH PLAN APPLICATION

Duncan
Wisniewski 
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
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T: 802.864.6693

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A0-2.0



BASEMENT FLOOR PLAN
Scale: 3/32" = 1'-0"



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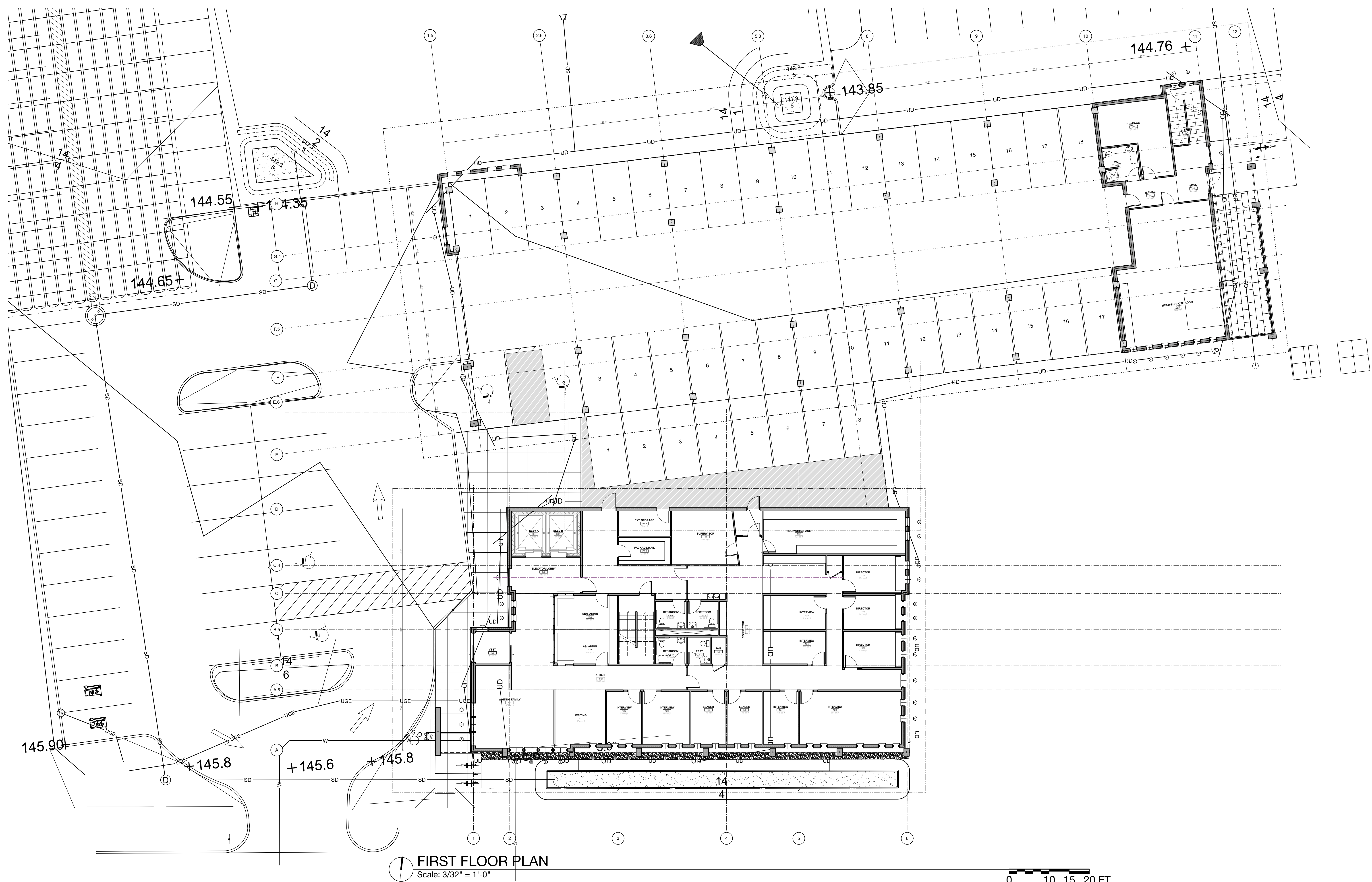
SKETCH PLAN APPLICATION

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ARCHITECTURE

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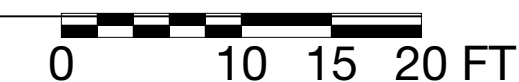
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SKETCH PLAN APPLICATION



 SECOND FLOOR PLAN
Scale: 3/32" = 1'-0"



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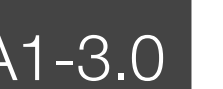
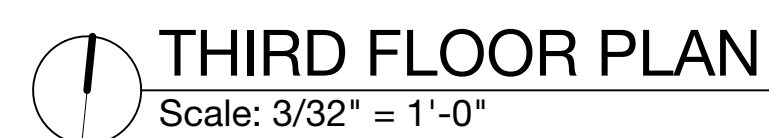
SKETCH PLAN APPLICATION

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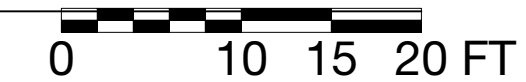
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TERRACE PLAN
Scale: 3/32" = 1'-0"



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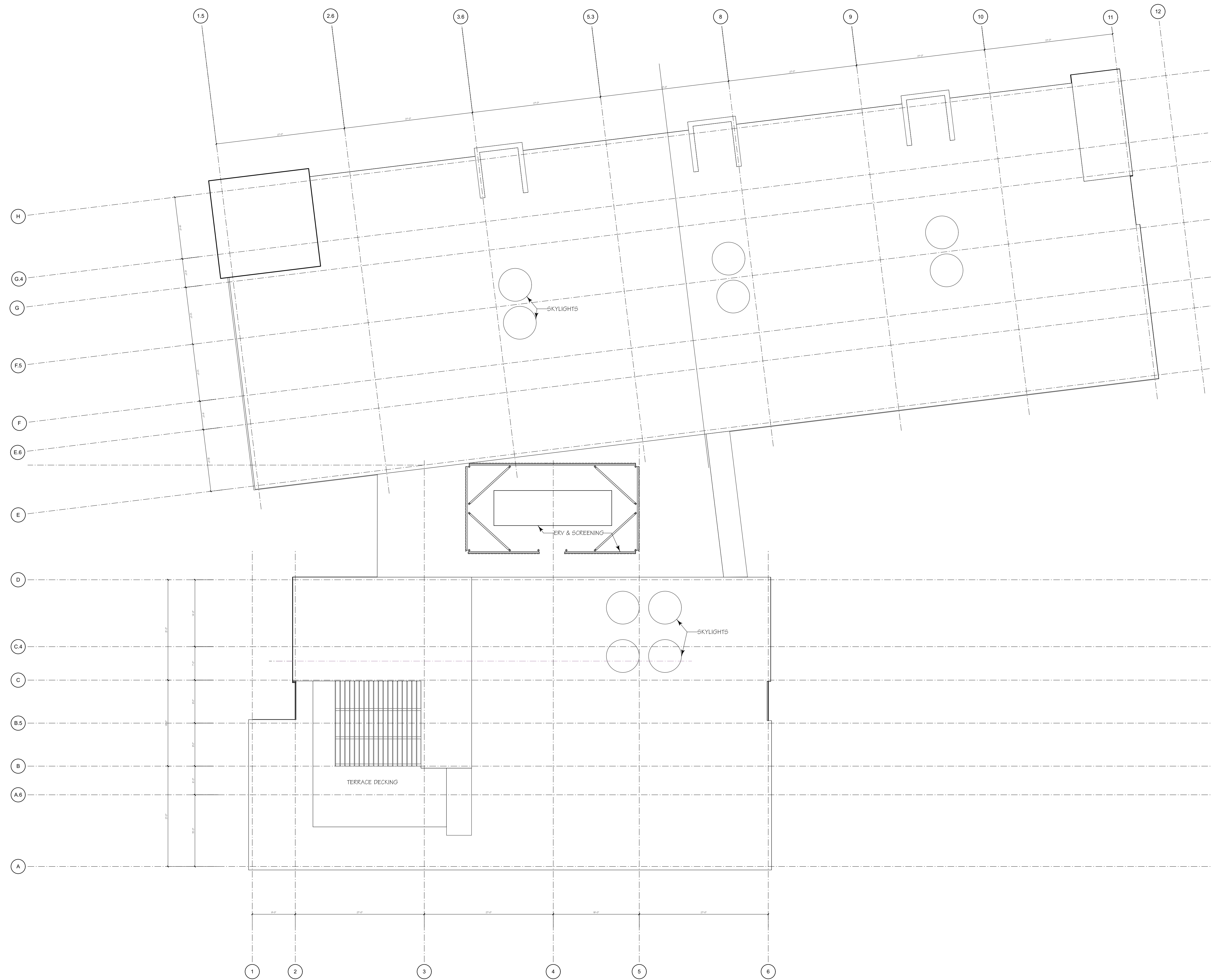
SKETCH PLAN APPLICATION

**Duncan
Wisniewski**
ARCHITECTURE

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A1-4.0



ROOF PLAN
Scale: 3/32" = 1'-0"

0 10 15 20 FT

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A1-5.0

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SKETCH PLAN APPLICATION



SOUTH SECTION/ELEVATION

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



SOUTH ELEVATION

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

MATERIAL LEGEND	
① FIBER CEMENT SIDING	⑧ ALUMINUM BATTENS
② HORIZONTAL METAL SIDING	⑨ DICHROIC GLASS PANELS
③ VERTICAL METAL SIDING	⑩ METAL SIDING
④ METAL RAILINGS	⑪ SKYLIGHTS
⑤ GLAZED CMU	⑫ MECHANICAL SCREENING
⑥ METAL TRIM	
⑦ SYNTHETIC TRIM	
	<u>COLORS (T.B.D.)</u>
	① COLOR - A
	② COLOR - C
	③ COLOR - B

HOWARD CENTER

BURLINGTON, VT

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DUNCAN • WISNIEWSKI ARCHITECTURE
A Professional Corporation

SKETCH PLAN APPLICATION

Duncan
Wisniewski
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

DATE: 03.31.23
DRAWN: LR

A3-1.1



WEST ELEVATION

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



EAST ELEVATION

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

MATERIAL LEGEND			
①	FIBER CEMENT SIDING	⑥	ALUMINUM BATTENS
②	HORIZONTAL METAL SIDING	⑨	DICHROIC GLASS PANELS
③	VERTICAL METAL SIDING	⑩	METAL SIDING
④	METAL RAILINGS	⑪	SKYLIGHTS
⑤	GLAZED CMU	⑫	MECHANICAL SCREENING
⑥	METAL TRIM	COLORS (T.B.D.)	
⑦	SYNTHETIC TRIM	①	COLOR - A
		②	COLOR - B

HOWARD CENTER
BURLINGTON, VT

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SKETCH PLAN APPLICATION

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ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

DATE: 03.31.23
DRAWN: LR

A3-2.1



NORTH ELEVATION

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



NORTH SECTION/ELEVATION

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

MATERIAL LEGEND			
①	FIBER CEMENT SIDING	⑧	ALUMINUM BATTENS
②	HORIZONTAL METAL SIDING	⑨	DICHROIC GLASS PANELS
③	VERTICAL METAL SIDING	⑩	METAL SIDING
④	METAL RAILINGS	⑪	SKYLIGHTS
⑤	GLAZED CMU	⑫	MECHANICAL SCREENING
⑥	METAL TRIM	COLORS (T.B.D.)	
⑦	SYNTHETIC TRIM	Ⓐ	COLOR - A
		Ⓑ	COLOR - B
		Ⓒ	COLOR - C

HOWARD CENTER
BURLINGTON, VT

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DUNCAN • WISNIEWSKI ARCHITECTURE
A Professional Corporation

SKETCH PLAN APPLICATION

Duncan
Wisniewski
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6893

DATE: 03.31.23
DRAWN: LR

A3-3.1











MEMORANDUM

To: Burlington Development Review Board
Mary O’Neil, Principal Planner
Scott Gustin, Principal Planner & Asst. Administrative Officer

From: Joe Weith, Senior Project Manager

Date: April 4, 2023

Re: Howard Center - Sketch Plan Review – Project Narrative

Howard Center is proposing to redevelop their property located at 300 Flynn Avenue. This narrative provides a brief description of the project and addresses several key design aspects and regulatory requirements as outlined in the Burlington Comprehensive Development Ordinance (“CDO”).

Project Description

The 300 Flynn Redevelopment project will involve demolition of the existing approximately 24,000 square foot building and construction of a new 3 story, approximately 51,000 square foot building. The current and proposed use of the property is mental health crisis center which is a conditional use in the underlying zoning district.

Howard Center and the project team met with the Ward 5 NPA on December 15, 2022, and the City’s Technical Review Committee on February 9, 2023.

Dimensional Standards and Density

Zoning District: The underlying zoning district is Neighborhood Mixed-Use (NMU).

Overlay Districts: Design Review Overlay District; Natural Resource Protection including the Riparian and Littoral Conservation Zone along Englesby Brook and the Wetland Conservation Zone for the wetland along Englesby Brook.

Building Setbacks: Proposed building setbacks: 11feet from Flynn Avenue (10 foot minimum required), 18 feet from Pine Street (10 foot minimum required), 104 feet from the west property line (zero feet minimum required), 164 feet from north property line (zero feet minimum required), and 3.4 feet from southeast property line (zero feet minimum required).

Lot Coverage: The proposed lot coverage is 58% (80% maximum lot coverage allowed).

Building Height: The proposed building height is 36.5 feet as measured from the building's main finish floor elevation (FFE) of the primary facade facing Flynn Avenue (see South Elevation on A3-1.1 for the measurement of building height). Maximum allowable building height in the NMU District is 35 feet. Per Article 5.2.6(c)(6) of the CDO, the applicant requests consideration for a 5% variation in the allowable building height to account for grade changes across the site. An additional 1.5 feet in building height will help the design team with managing the grades as they modulate towards Englesby Brook and will enable the building to better support the fully electric air-based building systems needed to provide the clients and staff with good indoor air quality.

The applicant would appreciate feedback from staff and the DRB on the likelihood of granting the 5% height variation.

Parking

Vehicle Parking: The property is located within the Multi-Modal Mixed Use Parking District. Table 8.1.9-1 of the CDO does not list a maximum off-site parking requirement for mental health crisis centers. The land use category most similar to mental health crisis center for parking purposes is “crisis counseling center”, which allows maximum parking of 3 spaces per 1,000 gfa. The programmed use of the building will be a blend of scheduled outpatient services and unscheduled, drop in, as needed services. The latter relates primarily to our crisis services and intake services which will be located at this site with a visitor flow that more closely aligns with the “crisis counseling center” use.

The maximum allowable number of on-site parking spaces is 153 (51,000 sf / 1,000 sf x 3 spaces = 156). The project proposes 106 total on-site parking spaces including 5 ADA accessible spaces, 2 EV charging spaces, and 8 tandem spaces. The total number of proposed parking spaces that count toward the maximum allowed is 99.

Bicycle Parking: Section 8.2.4 of the CDO requires 6 short term and 10 long term bike parking spaces for this project. For short term bike parking, 3 U-racks (6 bike parking spaces) are proposed near the main entrance on Flynn Avenue and one U-rack (2 bike parking spaces) is

proposed near the entrance on Pine Street for a total of 8 short term parking spaces. A minimum of 10 long term bike parking spaces will be accommodated in the basement.

Traffic/Transportation

As shown in the attached ITE Trip Generation table, the project will result in an increase of 63 vehicle trip ends during the weekday AM peak hour and 72 trip ends during the weekday PM peak hour compared to existing conditions. In accordance with VTrans and Burlington Public Works (BPW) policies, a traffic study is not required since the net increase in peak hour trip ends is less than 75. BPW has confirmed that a traffic study will not be required but they suggested further discussion and tracking in the event changes are made that result in the 75 trip end threshold being triggered.

Applicant requests confirmation from staff and the DRB that a traffic study will not be required.

The plan shows the existing bus stop on Pine Street being relocated several feet to the south. GMT has approved relocation of the bus stop as proposed.

Stormwater

The proposed stormwater management plan will significantly improve the detention and treatment of stormwater on the site compared to existing conditions. The stormwater management plan involves the installation of practices to both treat and detain runoff from the site to reduce pollutant load and peak flows to Englesby Brook and the surrounding wetland. Stormwater from the building roof and parking areas will be directed to high-flow vegetated filters which will provide water quality treatment. The water will then flow into a system of buried chambers which have a controlled outlet. This system allows for the slow release of stormwater back towards the wetland without increasing peak flows. This proposed system surpasses the plan outlined in the Englesby Brook Flow Restoration Plan.

Natural Resource Protection

As shown on the attached site grading and layout plan, Englesby Brook and an associated Class II wetland encompasses the northern portion of the site. The limits of the wetland were delineated by Gilman & Briggs Environmental and are depicted on the plan. The plan also shows the limits of the state's regulated 50-foot wetland buffer and the City's 100 foot wetland and riparian and littoral conservation zones.

The project reduces the area of impact to the 50' wetland buffer zone, 100' wetland buffer zone, and 100' riparian buffer zone compared to the existing site (see zoning table on the attached plan cover sheet). The tree line will not be significantly altered, and best management practices will be used to prevent erosion and control sedimentation during construction. In addition, the stormwater management system will effectively treat runoff before it enters the wetland/riparian buffer zones and control the release of runoff to protect the existing stream channel.

Attached is a wetland and natural resources evaluation memorandum prepared by Gilman & Briggs. Gilman & Briggs concluded that the project is well designed with better water quality infrastructure than currently exists and there will be no negative impact to the wetland, wetland buffer or natural resource areas.

Architectural Design

The redevelopment project meets the Architectural Design Standards as written in Article 6 of the CDO. The project's massing, height, and scale relate harmoniously with adjacent structures: Flynn Avenue Coop to the west (3 stories), 316 Flynn Avenue to the east (4 stories), and St. Anthony's Church to the north. The proposed low pitch membrane roof is appropriate for the commercial function of the building and relates to existing low pitch roofs nearby: Champlain School, 316 Flynn, and industrial buildings further west on Flynn (208 Flynn, City Market). Cornices and different parapet heights are employed in the design to provide architectural detail and avoid large expanses of undifferentiated roof forms.

Two fully accessible primary entrances invite the user to the building. The main entrance on Flynn Avenue welcomes most visitors and staff, while the Pine Street entrance serves users coming to the community room space on Pine Street. Windows are primarily vertical in nature, with some deviations to create visual interest. The proposed materials (high density fiber cement and metal siding) have a 50+ year expected useful life, and do not require periodic repainting. Each building elevation employs these materials to create depth on the elevation and create an inviting street edge. Plantings along each street edge provide privacy to users as well as performing stormwater function to pre-treat roof water.

Safety and security for staff and clients is of utmost importance to Howard Center. To those ends, parking lot and parking garage lighting will be as bright as possible (while meeting Burlington's lighting limits) to create a safe environment. Emergency vehicle access, including fire truck radii analysis, has been incorporated into the design.

Energy Efficiency/Sustainability

The project will not use any fossil fuels on site. To achieve this, the building will be insulated above code minimums with a goal of meeting the Passive House air sealing requirements. Heating and cooling will be accomplished using geothermal heat pumps. Ventilation is provided using high efficiency balanced ventilation with heat recovery. The central ventilator will be located on the roof and screened from public view. Domestic hot water will utilize air source heat pump technology. The roof has been designed for future rooftop solar. The design team is working with Burlington Electric Department to maximize opportunities for energy efficiency.

Landscaping

The attached landscape planting plan proposes a mix of deciduous trees and evergreens, shrubs, ornamental grasses and perennials. Eight (8) new shade trees are proposed within and around the

Flynn Avenue parking lot. The 8 new trees plus the existing tree along the west property line comply with the City's regulations pertaining to the number of trees and shading requirements for parking lots.

Howard Center
300 Flynn Redevelopment Project
3/30/2023

	Existing			Proposed			Increase
	Medical Clinic	General Office	Total	Medical Clinic	General Office	Total	
Gross Floor Area (sf)	14427	9618		26496	24504		
ITE Code	630	710		630	710		
Weekday total	543	104	647	996	266	1262	615
Week Day AM Peak HR total	50	15	65	91	37	128	63
Week Day PM Peak HR total	61	14	75	112	35	147	72

Gilman & Briggs Environmental

1 Conti Circle #5, Barre, VT 05641

Ph: 802-479-7480; team@gbevt.com

MEMORANDUM

To: Kevin Worden, PE
From: Art Gilman
Date: 9 March 2022
Re: The Howard Center, Englesby Ravine

The Howard Center proposes redevelopment of its facility at 300 Flynn Avenue in Burlington. Englesby Brook, a stream that drains ca. 1 sq. mile of generally urban land, flows through the northern portion of the property in a deep ravine, entering via a culvert under Pine Street, and exiting at the northwest corner of the property. A Class Two, significant wetland occupies the floor of the ravine, extending only very slightly upslope in a couple of areas.

This reach of Englesby Brook is shown on the City of Burlington “Potential Natural Community Types” map (2021) and, indeed, most of the length of Englesby Brook is shown on that map, with various natural community types along its length. For this reason, when I delineated the wetland on 9 September 2022, I also took note of the natural community within Englesby Ravine, and offer the following insight.

First, the Ravine is flat-bottomed as is evident by inspecting the topographic layer on the Existing Conditions plan (Sheet C1-01), and the side-slopes are relatively steep. Thus, the wetland area occupies the full extent of the floor of the Ravine but extends only minimally upslope. The stream itself occupies a very shallow channel through the alluvial soil and, on the date of my visit, had some dry channels in addition to the wetted main channel. That is, the stream course evidently meanders across the whole area over time, and there is evidence of seasonal flooding.

Of note is that the entire wetland is shaded by full-canopy trees, both within the wetland and especially, at its edge. The tree community includes two maples: box elder (*Acer negundo*) and silver maple (*A. saccharinum*), as well as green ash (*Fraxinus pennsylvanica*) and at least one large crack willow (*Salix fragilis*). The shade limits the growth of potential invasive shrubs such as Asian honeysuckles (*Lonicera morrowii* and *L. tatarica*), glossy buckthorn (*Frangula alnus*), etc, which often form streamside thickets in Chittenden County; neither of these are present in the area. Within the wetland there are common native herbs including white grass (*Leersia virginica*), fowl manna grass (*Glyceria striata*), jewelweed (*Impatiens capensis*), fringed loosestrife (*Lysimachia ciliata*), marsh blue violet (*Viola cucullata*), and jumpseed (*Persicaria virginiana*).

The slopes are occupied by box elder and white ash (*Fraxinus americana*), striped maple (*Acer pensylvanicum*) and others, with a limited shrub layer and not many ground-layer plants (again, due to shade and likely to dryness on the well-drained slope).

Most of the plants observed were native to Vermont. Although there are other non-native species present, e.g., multiflora rose (*Rosa multiflora*) and ivy-leaved maple (*Acer campestre*) the only plants listed on the

Vermont's list of non-native invasive plants are one thicket of Japanese knotweed (now known as *Reynoutria cuspidata*), on the slope near the northwest end of the parking lot, and the annual weedy garlic mustard (*Alliaria petiolaris*) on the slope in the same section. Therefore, although in generally good condition given its location, history of impacts, and known water quality problems, this area is hardly pristine. As part of a wetland system connecting the southern part of the City of Burlington between the Lake, Crescent Woods, and the open land of the Burlington Country Club, it assumes some importance. <https://enjoyburlington.com/crescent-woods/>

I did not observe any evidence of animal activity during my work, but I note that a local website with waypoints along Englesby Brook, noted tracks of raccoon, which is a common urban animal. It may provide a feeding source and shelter for that and other such species. <https://www.uvm.edu/place/burlingtongeographic/focalplaces/englesbybrook.php>

The proposed Project is well designed, with better water quality infrastructure than currently exists and very minor intrusion into the wetland's statutory buffer zone—and that only in a mowed lawn area. Notably, there will be no tree removal. The relatively good condition of the wetland in the ravine is maintained, in my estimation by the shade from the tree canopy, which suppresses growth of invasive shrubs, this feature of the project is important. I recommend that, not just during the redevelopment project, but going forward long-term, the Howard Center should prioritize tree growth where it now exists, e.g., retaining the trees now there, replanting any that might die, and adding others as appropriate.

I suggest also controlling the spread of Japanese knotweed from its existing location. This species is notoriously difficult to eradicate but, given that it is already somewhat suppressed by the shade, it can probably be prevented from spreading. The garlic mustard, an annual species, has less impact in this location—it does not appear to be suppressing growth of native plants.



Photo 1: A broad, seasonal flow channel along the bottom of the ravine; the main flow at present is in a different channel.



Photo 2. Looking west. On the left is the slope up toward the Howard Center, at upper right is a large crack willow tree. In the foreground is evidence of seasonal flow and seasonal ponding from Englesby Brook.



Photo 3. Englesby Brook, slightly downstream of the Pine Street culvert. The channel is well-defined, through alluvium. The plant with 5-parted leaves in the foreground is Virginia creeper, a native vine that often climbs trees but sometimes makes a ground-cover.



No.	Revision	Date	Appvd.
-----	----------	------	--------

Designed by **mkw** Checked by **mkw**

Issued for	Date
Design Development	03/29/2023

Not For Construction

Drawing Title

Planting Plan

Flow Number

L1.00

ject Number

3887.00



PLANT SCHEDULE

<u>DECIDUOUS TREES</u>		<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>
ARA	1	Acer rubrum 'Armstrong'	Armstrong Red Maple	2 1/2 - 3" CAL.
AF	5	Acer x freemanii 'Sienna'	Sienna Glen Maple	2 1/2 - 3" CAL.
TB	2	Tilia americana 'Baillyard'	Friertyard® American Linden	2 1/2 - 3" CAL/ B&B
<u>SHRUBS</u>		<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>
	3	Ilex verticillata 'Southern Gentleman'	Southern Gentleman Winterberry	18 - 24" SPD
IW	21	Ilex verticillata 'Winter Gold'	Winter Gold Winterberry	18 - 24" SPD
JP2	10	Juniperus horizontalis 'Plumosa Compacta'	Creeping Juniper	18 - 24" SPD
MD	14	Microbiota decussata	Russian Cypress	18 - 24" SPD
<u>ORNAMENTAL GRASSES</u>		<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>
CA	80	Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster Feather Reed Grass	2 GAL.
PVS	33	Panicum virgatum 'Shenandoah'	Shenandoah Switch Grass	2 GAL.
SS3	17	Schizachyrium scoparium 'Standing Ovation'	Standing Ovation Little Bluestem	2 GAL.
SH	24	Sporobolus heterolepis	Prairie Dropseed	2 GAL.
<u>PERENNIALS</u>		<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>
CC3	12	Chrysanthemum coccineum 'Robinson's Pink'	Robinson's Pink Painted Daisy	1 GAL., 18" o.c.
RM	30	Rudbeckia hirta 'Marmalade'	Marmalade Black-eyed Susan	1 GAL., 24" o.c.
SV	19	Salvia nemorosa 'Pink Profusion'	Pink Profusion Meadow Sage	1 GAL.
SA	45	Sedum x 'Autumn Joy'	Autumn Joy Sedum	1 GAL.

Notes:

1. CONTRACTOR IS RESPONSIBLE TO VERIFY ALL PLANT QUANTITIES FOUND IN THE PLANTING PLANS. IF ANY DISCREPANCIES ARE FOUND, LANDSCAPE ARCHITECT SHOULD BE NOTIFIED IMMEDIATELY.
2. FINAL LAYOUT AND PLACEMENT OF ALL PLANT MATERIAL TO BE APPROVED BY THE LANDSCAPE ARCHITECT.
3. CONTRACTOR IS RESPONSIBLE TO SEED ALL DISTURBED AREAS ACCORDING TO THE SPECIFICATIONS AND LAWN DETAIL.
4. REFER TO PLANT MATERIAL INSTALLATION DETAILS AND SPECIFICATIONS.
5. IF THE LANDSCAPE CONTRACTOR PROPOSES A SUBSTITUTE PLANT SPECIES, ALL SUBSTITUTES NEED TO BE APPROVED BY THE LANDSCAPE ARCHITECT IN WRITING PRIOR TO ORDERING.

Department of Permitting and Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

William Ward, Director
Theodore Miles, Code Compliance Officer
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Garret King, Associate Planner
Joseph Cava, Planning Technician
Vacant, Permit Administrator



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: May 16, 2023
RE: ZSP-23-3; 300 Flynn Avenue

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

File: ZSP-23-3

Location: 300 Flynn Avenue

Zone: NMU **Ward:** 5S

Date application accepted: April 6, 2023

Applicant/ Owner: Joe Weith, White & Burke / Howard Center for Human Services INC

Request: Sketch Plan Review: Demolish the existing 24,000 square foot building and construct a new 51,000 square foot building for mental health crisis center use.



Background:

- **Non-applicability of Zoning Permit Requirements 15-0667NA;** sign panel replacement to accommodate updated logo. December 2014.
- **Non-applicability of Zoning Permit Requirements 16-1198NA;** repave walkway. May 2016.

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

- **Zoning Permit 16-0214CA**; remove older shed and replace with new, larger shed. September 2015.
- **Non-applicability of Zoning Permit Requirements 14-1036NA**; replace fence. May 2014.
- **Zoning Permit 13-0324CA**; replace eight existing AC condensing units with new units and install one exterior wall vent. September 2012.
- **Zoning Permit 08-317SN**; replacement freestanding sign for Howard Mental Health. October 2007.
- **Non-applicability of Zoning Permit Requirements 10-0147NA**; replace side walk. August 2009.
- **Zoning Permit 11-191**; entry door renovations to the existing mental health facility that include replacing with sliding doors and protective canopy with relocated nonilluminated parallel sign. Proposal includes construction of a wall to protect the existing exterior stair and replacement of the existing brick façade with T1-11 in a section of the north façade. No change in structural capacity. October 1999.
- **Zoning Permit 97-553 / COA 097-082**; installation of three bus shelters, one at Howard Mental Health on Pine Street frontage. June 1997.
- **Zoning Permit 93-514**; replace existing freestanding and parallel sign in same location, size and illumination for community mental health center with new name. June 1993.
- **Zoning Permit 93-442**; replace existing entry step with covered deck measuring 10 x 18' with roof to match existing. Use remains Howard Relief Services. May 1993.
- **Zoning Permit 87-540**; remove approximately 450 sq. ft. of walkway and replace with approximately 460 sf. of walkway in an alternate location. October 1987.
- **Zoning Permit 84-132**; add two windows and a door to the west elevation of the building to accommodate a new entryway into the building. Replace the existing walkway into the building with one of the same dimensions in the new location. April 1984.
- **Zoning Permit 76-208**; install two new exterior doors and exit way and relocate one exterior door on the building. May 1975.
- **Notice of Public Hearing (Burlington Board of Aldermen) November 25, 1974.** Appeal of the Howard Mental Health Services, in anticipation of rezoning this area at 300 Flynn Avenue to permit Howard Mental Health Services to occupy and use the building presently known as St. Anthony's Convent for a semi-public use as soon as possible to carry out its services to the community.
- **Letter by Board of Adjustment**; Notice to Reverend Edmund Marion advising application to the Board of Aldermen to revise the Zoning Ordinance so that the property

opposite [your] church be included in Zone 1 rather than Zone 4 so that a use harmful and objectionable to [your] church may not occur. June 2, 1947.

Overview: This Sketch Plan application is intended to introduce the DRB to the intended demolition and reconstruction of facilities for Howard Center for Human Services at the corner of Pine Street and Flynn Avenue. The use is a combination of Office – Medical, (Permitted Use) and Mental Health Crisis Center (Conditional Use.)

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

The administrative officer is authorized to deny all zoning permits or certificates of occupancy for any property with an uncorrected zoning violation (i.e. notice of zoning violation and/or municipal complaint ticket has been issued and is not under appeal.) The administrative officer is also authorized to deny all zoning permits for any property with an expired zoning permit without a final certificate of occupancy.

Instead of withholding or denying a zoning permit, the administrative officer may grant such permit subject to the condition that the uncorrected zoning violation is corrected or the expired zoning permit is closed out with a final certificate of occupancy. Such actions) shall take place before the issuance of a final certificate of occupancy on the new permit.

The following zoning permits require a Certificate of Occupancy:

ZP-00-107	Zoning Permit	Mar. 20, 2000	ACTIVE
ZP-1999-526	Zoning Permit	Oct. 4, 1999	ACTIVE
ZP-1993-91	Zoning Permit	Apr. 4, 1993	ACTIVE

Affirmative finding as conditioned.

Article 3: Applications, Permits and Project Reviews

Part 2: Applications and Permits

(b) Technical Review Committee

The applicant's representatives appeared at the February 9, 2023 TRC meeting.

(c) Sketch Plan Review

That is the purpose of this application and review.

(d) Pre-application Neighborhood Meeting

The applicant team met with the Ward 5 NPA December 15, 2022.

Part 3: Impact Fees

The 300 Flynn Redevelopment project will involve demolition of the existing approximately 24,000 square foot building and construction of a new 3 story, approximately 51,000 square foot building. Impact fees will be assessed for any net new building gross area. The design team shall provide accurate net new gross area towards this calculation. **Affirmative finding as conditioned.**

Section 3.3.8: Time and Place of Payment

(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.

Part 5: Conditional use and Major Impact Review

Section 3.5.2 Applicability

(a) Conditional use Review

Office use / Medical is a permitted use in the NMU zoning district. Mental Health Crisis Center is a Conditional Use per Section 5.4.11. (Technical error in Appendix A, which is scheduled for correction.)

(b) Major Impact Review

Threshold: *A development footprint of 20,000 sf or more, or the creation of 40,000 sf or more of gross floor area.*

Section 3.5.3 Exemptions

(c) Projects that do not result in a change of use or increased parking demand.

The use is not changing, but expanding. With the adoption of ZA 22-07, there are no longer minimum parking requirements. The review is exempt from Major Impact. **Affirmative finding.**

Section 3.5.6 Review Criteria

(a) Conditional use Review Standards

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

- 1. Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*
Aside from technical recommendations from Public Works relative to connection to existing infrastructure, the proposal will not introduce any identified adverse impacts on public utilities, facilities or services in the area.
- 2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

This is a Neighborhood Mixed Use District; intended to have a diverse offering of public and private infrastructure. Support within PlanBTV includes:

- *Coordinate land use and development with the availability and capacity of public services, facilities and utilities to ensure a high level of service.* [Burlington as a Dynamic City, p. 49]
- *Government that is responsive to residents' needs* [Burlington as an Inclusive City, p. 57.]
- *Monitor community-wide needs for emergency shelters and treatment facilities and identify potential changes to enable those services in accessible locations for residents who need them* [Burlington as an Inclusive City; p. 63.]

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 proposal will continue the existing use, but in an expanded building to accommodate the range of caregivers and providers on staff. No additional impacts to the zoning district are anticipated.

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;*

As shown in the submitted ITE Trip Generation table, the project will result in an increase of 63 vehicle trip ends during the weekday AM peak hour and 72 trip ends during the weekday PM peak hour compared to existing conditions. In accordance with VTrans and Burlington Public Works (BPW) policies, a traffic study is not required since the net increase in peak hour trip ends is less than 75. DPW has confirmed, with the understanding the limited increase in peak hour trip ends, that a traffic study will not be required.

The plan shows the existing bus stop on Pine Street being relocated several feet to the south. GMT has approved relocation of the bus stop as proposed.

And

5. *The utilization of renewable energy resources;*

The building is proposed to be an entirely electric air-based building system, towards Burlington's goal of Net Zero Energy. Towards that end, the applicants request the available 5% variation to height to support the systems required of this newer energy model. See **Section 5.2.6 Building Height Limits, (c) Exceptions to Height Limits, 6.,** below.

and

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*
Impact fees will be assessed for the net new area.
A letter of sewer and water capacity will be required from Burlington's Water Resources Division.
Storm and EPSC plans will be required.
A state wastewater permit will be required.

Affirmative finding as conditioned.

Article 4: Zoning Maps and Districts

Section 4.4.2 Neighborhood Mixed Use Districts

(a) Purpose

The Neighborhood Mixed Use Districts promote development that combines non-residential and residential uses on a single site. These zones allow an increased intensity of development than would typically be found in the surrounding residential areas, and provides neighborhood-oriented good and services and employment opportunities within walking and biking distance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new commercial and residential opportunities in the City. The emphasis of non-residential uses should primarily be oriented to serving the needs of the surrounding neighborhoods and other neighborhood commercial uses.

Development is intended to consist primarily of businesses on the ground floor with housing and other non-residential uses on the upper stories....Development is intended to be pedestrian oriented with buildings oriented to the sidewalk, especially at corners. Parking is intended to be hidden from the street, since its appearance is out of character with the surrounding residential development and desired orientation of the buildings.

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 neighborhood,

(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.	Max. Lot	Minimum Building Setbacks (feet)			Building
NMU	2.0 FAR	80%	0⁵	0²	0²	Min: 2' . 2 stories Max: 35

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.

300 Flynn Avenue	.26 existing, .63 proposed.	58%	11' Flynn (min 10' required) 18' Pine (min. 10' required) per Footnote 5.	104 feet from the west property line (zero feet minimum required), 164 feet from north property line (zero feet minimum required), and 3.4 feet from southeast property line (zero feet minimum required).	N/A	36.5' Per Article 5.2.6(c)(6) of the CDO, the applicant requests consideration for a 5% variation (1.75' max) in the allowable building height to account for grade changes across the site. An additional 1.5 feet in building height will help the design team with managing the grades as they modulate towards Englesby Brook and will enable the building to better support the fully electric air-based building systems needed to provide the clients and staff with good indoor air quality.
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Affirmative finding with allowable 5% height variation.

(c) Permitted and Conditional Uses

Office – Medical is a permitted use in the NMU zoning district; a Mental Health Crisis Center is a Conditional Use in the NMU district (Section 5.4.11, below.)

(d) *District Specific Regulations:*

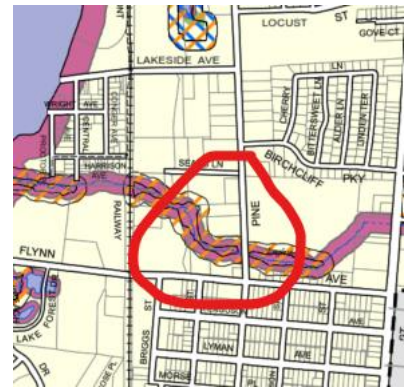
1. *Ground floor residential uses restricts*
Not applicable in NMU.
2. *Exception to maximum lot coverage in NAC District*
Not applicable in NMU.
3. *Development Bonuses/Additional Allowances*
No development bonuses are requested. Not applicable.

Section 4.5.4 Natural Resource Protection Overlay (NR) District

300 Flynn Avenue is within the:

1. ***Riparian and Littoral conservation Zone***, and
2. ***Wetland Conservation Zone***.

Reference is made to Plan C2.0, Site Grading and Layout Plan for the delineation; and the report of Gilman & Briggs Environmental.



(b) *District Specific Regulations:* ***Riparian and Littoral Conservation Zone***

Permitted Uses: Except where otherwise noted herein, only the following uses are permitted within the Riparian and Littoral Conservation Zone and its associated buffer subject to the requirements and limitations set forth below under subpart 4.

- A. *Normal maintenance of existing lawns and maintained grounds including mowing, trimming of vegetation and the removal of dead or diseased vegetation around a residence, decorative landscaping and planting, vegetable and flower gardens, and the repair of existing private landscaping structures such as walkways and walls;*
- B. *“Accepted agricultural and silvicultural practices” as defined under 24 VSA Ch 117;*
- C. *Normal maintenance of constructed wetlands and stormwater systems, provided that naturally occurring wetlands are not disturbed in conjunction with the maintenance;*
- D. *Normal maintenance of existing docks, roads, rail lines, bridges, and culverts provided that disturbance to any shoreland is minimized in conjunction with such maintenance;*
- E. *Selective cutting of less than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle; and,*
- F. *Recreational and educational activities such as hiking, walking, fishing, nature study, and bird watching and associated boardwalks and unimproved trails.*

The mapped area falls on the north side of the parcel, outside of the development area. No change in use is proposed. Reference is made to the Gilman & Briggs analysis, which recommends *not just during the redevelopment project, but going forward long-term, the Howard Center should prioritize tree growth where it now exists, e.g. retaining the trees now there, replanting any that may die, and adding others as appropriate.*¹

Affirmative finding.

2. Prohibited Uses:

Except where noted herein, the following uses shall be prohibited within the Riparian and Littoral Conservation Zone and its associated buffer.

- A. *The deposition or introduction of organic and inorganic chemicals, including herbicides and pesticides, except when the application of pesticides is reviewed and approved by the BCB and DRB, and performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9); and,*
- B. *The off-road use of any motorized vehicles including ATVs or dirt bikes (the temporary use of motorized vehicles used to construct and maintain permitted or regulated activities are specifically exempted from this prohibition);*

None of these uses are proposed. **Affirmative finding.**

3. Regulated Uses:

Except where otherwise noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including any construction of buildings or other structures, and roads, parking areas or any other impervious surface, may be approved only within the Riparian and Littoral Conservation Zone and its associated buffer after review and approval pursuant to the requirements and limitations below under Subpart 4.

4. Requirements

- 1. *Any land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) shall include a stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3 to be reviewed by the conservation board and approved by the city engineer.*

In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater

¹ Gilman & Briggs Environmental, 9 March 2022, p. 2.

Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater, prevent erosion, and control sedimentation. The city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules.

A Stormwater and Erosion Prevention and Sediment Control Plan will be required at the time of application. **Affirmative finding as conditioned.**

(d) District Specific Regulations: Wetland Conservation Zone:

1. Additional Application Requirements

The following information shall be submitted in addition to the applicable requirements of Article 3 for any development involving a wetland or wetland buffer zone:

- A. Boundary Determination: The boundaries of a wetland shall be determined in the field by a qualified professional with expertise in wetland delineation and surveyed by a licensed land surveyor or other qualified individual. The boundary between wetland and upland shall be delineated by the methodology set forth in the Vermont Wetland Rules. The identification and delineation of wetlands for a proposed project must be performed within a five-year period prior to submission and acceptance of a complete zoning application;*
- B. A report addressing the project's impact on the wetland functions and values, and the measures that the applicant has incorporated into the project to avoid and minimize wetland impacts shall be prepared by a qualified professional with expertise in wetland delineation and evaluation;*
- C. A site plan for a project that will impact a wetland or buffer zone shall include delineated wetland boundaries, buffer zone boundaries, erosion control measures, and all components of the proposed project, including, but not limited to all structures, driveways, parking areas, lawns, utilities, and the overall footprint of the construction area/zone of disturbance; and,*
- D. As part of their application, applicants must submit a complete stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3, and successfully demonstrate how the project will prevent adverse impacts to surface water and groundwater quality before, during, or after construction. At a minimum, an applicant should demonstrate how a project will meet the standards outlined in the latest edition of the Vermont Soil Erosion Handbook.*

The applicant has provided a wetland delineation (See Plan C2.0, Site Grading and Layout Plan); an environmental impact analysis (see Gilman & Briggs Environmental report, dated 9 March 2022). Any application will be required to provide a Stormwater and Erosion Prevention and Sediment Control Plan, which is subject to review and approval by the Stormwater Engineer. **Affirmative finding as conditioned.**

2. Permitted Uses:

Except where otherwise noted herein, only the following uses are permitted within a wetland and its buffer zone subject to the requirements and limitations set forth below under Subpart 6.

- A. Normal maintenance of existing lawns and maintained grounds including mowing, trimming of vegetation and the removal of dead or diseased vegetation around a residence, decorative landscaping and planting, vegetable and flower gardens, and the repair of existing private landscaping structures such as walkways and walls;*
- B. “Accepted agricultural and silvicultural practices” as defined under 24 VSA Ch 117.*
- C. Normal maintenance of constructed wetlands and stormwater systems, provided that naturally occurring wetlands are not disturbed in conjunction with the maintenance;*
- D. Normal maintenance of existing roads, rail lines, bridges, and culverts provided that disturbance to naturally occurring wetlands and shorelands is minimized in conjunction with such maintenance;*
- E. Selective cutting of less than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle; and,*
- F. Recreational and educational activities such as fishing, walking, hiking, nature study, and bird watching.*

No change in use is proposed. See Gilman & Briggs recommendation to prioritize tree growth.

Affirmative finding as conditioned.

3. Prohibited Uses:

Except where noted herein, the following uses shall be prohibited within a wetland and its buffer zone.

- A. The deposition or introduction of organic and inorganic chemicals, including pesticides, except when the application of pesticides is reviewed and approved by the BCB and DRB, and performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City’s pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9); and,*
- B. The off-road use of any motorized vehicles including ATVs or dirt bikes (the temporary use of motorized construction vehicles used to construct permitted or regulated activities in the wetland are specifically exempted from this prohibition) ;*

None of these uses are proposed. **Affirmative finding.**

4. Regulated Uses:

Except where noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including the list of activities below, may be approved within a wetland and its buffer zone after review and approval pursuant to the requirements and limitations set forth below under Subpart 6 below.

- A. The construction of buildings or other structures, and roads, parking areas or other impervious surface;*
- B. Any form of drainage, dredging, excavation, or removal of material either directly or indirectly;*
- C. Alteration or modification of natural drainage patterns, natural features and contours;*
- D. Installation of docks, rip-rap or other shoreline stabilization features;*
- E. Installation of utility poles or utility service lines, underground pipes or cable conduits, and wells;*
- F. Cutting of greater than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle;*
- G. Construction, expansion or placement of any structure;*
- H. Construction or expansion of roads, rail lines parking areas, trails, and sidewalks;*
- I. Introduction of any form of pollution, including but not limited to the installation of a septic tank, the running of a sewer outfall, or the discharge of sewage treatment effluent or other liquid wastes into or so as to drain into a wetland;*
- J. The construction of a stormwater outfall as part of a stormwater management plan approved by the city engineer. In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater and prevent erosion and control sediment and the city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules; and,*
- K. Application of pesticides performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9). In no other cases shall pesticides be applied.*

5. Prohibited activities in a vernal pool and buffer zone:

Except where noted herein, the following uses shall be prohibited within a vernal pool and its respective buffer.

- A. Any activities which disturb the area within 100 feet of a vernal pool, including, but not limited to timber harvesting, disturbance of the understory vegetation, pesticide or herbicide application, the erection of fences or other barriers to amphibian dispersal, barriers and any other type of human activities that disturb the vegetation or water quality in the pool and buffer.*

Not applicable.

6. Criteria for Review

In granting, denying, or conditioning any permit involving a wetland, vernal pool or respective buffer zone, the DRB, in consultation with the conservation board, will consider the project's impact on the functions and values of the wetland, and the measures that the applicant has incorporated into the project to avoid and minimize impacts. The DRB shall only approve a project having an impact on a wetland or wetland buffer zone if an applicant can demonstrate that any adverse impact is de minimus on the significant functions and values of the wetland including:

- A. Water storage for floodwater and stormwater;*
- B. Erosion and sedimentation control through binding and stabilizing the soil or shoreline;*
- C. Surface water and groundwater protection, including sediment and toxicant retention, nutrient retention and transformation, and groundwater discharge and recharge;*
- D. Fisheries habitat;*
- E. Wildlife habitat;*
- F. Examples of natural community types that are exemplary, rare, or make an important contribution to the natural heritage of Burlington and Vermont;*
- G. Habitat for rare, threatened and endangered species;*
- H. Education and research in natural sciences;*
- I. Recreational and economic benefits; and,*
- J. Open space and aesthetics.*

In addition, the review of a project having involving a wetland or wetland buffer zone shall also be subject to the following requirements and limitations:

- K. Any land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) shall include a stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3 to be reviewed by the conservation board and*

approved by the city engineer;

- L. No new stormwater outfall shall directly discharge into surface water without approval and implementation of a stormwater management plan approved by the city engineer;*
- M. No installation of docks, rip-rap or other shoreline stabilization features shall be installed without review approval by the city engineer;*
- N. Agricultural and silvicultural activities shall follow Best Management Practices for the Protection of Water Quality; and,*
- O. Stormwater management, erosion, and sedimentation control plans shall be submitted for review by the conservation board who shall consult with the development review board and city engineer prior to issuance of a recommendation to the city engineer who shall render a final decision on such plans.*

In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater and control erosion and sedimentation and the city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules.

As shown on the attached site grading and layout plan, Englesby Brook and an associated Class II wetland encompasses the northern portion of the site. The limits of the wetland were delineated by Gilman & Briggs Environmental and are depicted on the plan. The plan also shows the limits of the state's regulated 50-foot wetland buffer and the City's 100 foot wetland and riparian and littoral conservation zones.

The project reduces the area of impact to the 50' wetland buffer zone, 100' wetland buffer zone, and 100' riparian buffer zone compared to the existing site (see zoning table on the attached plan cover sheet). The tree line will not be significantly altered, and best management practices will be used to prevent erosion and control sedimentation during construction. In addition, the stormwater management system will effectively treat runoff before it enters the wetland/riparian buffer zones and control the release of runoff to protect the existing stream channel.

A submitted wetland and natural resources evaluation memorandum prepared by Gilman & Briggs, who conclude that the project is well designed with better water quality infrastructure than currently exists and there will be no negative impact to the wetland, wetland buffer or natural resource areas.

Upon application, the Conservation Board will review the project and provide a recommendation to the DRB.

Affirmative finding as conditioned.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

Not applicable.

Section 5.2.2 Required Frontage or Access

There is established access from both Pine Street and Flynn Avenue. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.2-1, above.

Section 5.2.4 Buildable Area Calculation & Steep Slopes Overlay District

(a) Buildable Area Calculation

Buildable area standards are not applicable in NMU.

(b) Steep Slopes Overlay District

300 Flynn Avenue falls within the Steep Slopes Overlay District, delineated in **Map 5.2.4-1 – Steep Slopes Overlay District**. The burden of proving the correct boundary shall be on the applicant, supported by engineering and/or surveying data or mapping.

The applicant shall submit, upon application, confirmation of compliance with standards for the Steep Slopes Overlay District.:



1. District Specific Regulations

- A. The Steep Slope Overlay District shall be an overlay on all zoning districts. The regulations in the overlay are in addition to those regulations of the underlying zoning district.*
- B. These regulations apply to applications within the Overlay District that include 400 square feet or more of earth disturbance.*
- C. Finished slopes of all cuts and fills shall not exceed 30%, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the ZAO or DRB in consultation with the City Engineer.*
- D. Any fills placed on a steep slope shall be property stabilized and, when necessary, supported by retaining walls or other appropriate measures as approved by the ZAO or DRB in consultation with the City Engineer.*
- E. Finished grades shall be reasonably safe from slide, collapse, or similar failure as determined by the ZAO or DRB in consultation with the City Engineer.*

2. Additional Application Requirements

- A. A site plan prepared by a registered professional engineer or surveyor that accurately depicts the proposed development and related land disturbance relative to*

the Steep Slope Overlay District boundaries, with all pertinent information describing the proposal, and a topographical survey depicting existing and proposed contour lines at no greater than 2-foot intervals. The plan shall depict all proposed cut, fill, and grading.

B. A plan depicting the extent of proposed vegetation clearing.

3. Approval Condition

A. Prior to construction, the applicant shall provide a geotechnical analysis prepared and stamped by a professional geotechnical engineer that determines the suitability of the steep slope for development.

Section 5.2.5 Setbacks

See Table 4.4.2-1, above.

Section 5.2.6 Building Height Limits

The application proposes a building height of 36'5", above the 35' maximum. The applicant requests consideration of the 5% variation under:

(c) Exceptions to Height Limits:

6. The administrative officer may allow for up to a 5% variation in the maximum building height to account for grade changes across the site. In no event however, shall such additional height enable the creation of an additional story beyond the maximum permitted.

From the applicant: "An additional 1.5 feet will help the design team with managing the grades as they modulate towards Englesby Brook and will enable the building to better support the fully electric air-based building systems needed to provide the clients and staff with good indoor air quality." **Affirmative finding** with up to 5% variation allowance.

Section 5.2.7 Density and Intensity of Development Calculations

(c) Floor Area Ratio

The zoning district maximizes FAR at 2.0; the limitations of the development area have concentrated the development into the three story building presented in the application. The application presents an FAR of .26 existing and .63 proposed.

Affirmative finding.

Part 4: Special Use Regulations

Section 5.4.11 Mental Health Crisis Center

A Mental Health Crisis Center shall be considered a conditional use in the Neighborhood Mixed-Use (NMU) district and subject to all applicable provisions of Article 3, Part 5 and the site and design review standards in Article 6. In addition to conditional use standards, proposals for a Mental Health Crisis Center shall also comply with the following requirements:

(a) A Mental Health Crisis Center may only be permitted on lots fronting on Flynn Avenue and/or Pine Street within one thousand feet of the northwest corner of Pine St. and Flynn Avenue.

(b) Inpatient short-term crisis care shall not exceed fourteen (14) consecutive nights;

- (c) *The number of beds for inpatient use shall not exceed ten (10);*
- (d) *All dimensional standards for the underlying zoning per the requirements of Article 4 shall be applicable.*

The redevelopment site fronts both Flynn Avenue and Pine Street. This is a pre-existing use. The remainder of the standards shall be a condition of any permit.

Affirmative finding as conditioned.

Sec. 5.4.8 Historic Buildings and Sites

From David Blow's *Historic Guide to Burlington Neighborhoods* (Vol I):

Directly across from the church on Flynn Avenue stands the former convent of the Sisters who staff St. Anthony's school. Designed by Julian Goodrich, it was constructed in 1961. When the school closed, the Sisters left the parish and the building served for a short time as an inter-parish center for religious education and was also utilized by the Vermont Ecumenical Council. Finally in 1975 the parish sold the building to Howard Mental Health Service, the current owners.²

The former convent is not listed on the state or National Register. Historic Building Standards are not applicable.

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

The redevelopment project will continue the existing use. No additional adverse impacts are forecast. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

The narrative defines:

Safety and security for staff and clients is of utmost importance to Howard Center. To those ends, parking lot and parking garage lighting will be as bright as possible (while meeting Burlington's lighting limits) to create a safe environment.

Definition about specific fixtures and light levels has not been provided. The final application shall include that information, including a photometric plan to confirm compliance with (e) *General Outdoor Lighting Standards*, and (f) *Specific Outdoor Lighting Standards*, including 1. *Parking Lot Lighting*, 2. *Walkway Lighting*, and 5. *Parking Garage Lighting*.

No finding possible.

Section 5.5.3 Stormwater and Erosion Control

The submission narrative states:

"The proposed stormwater management plan will significantly improve the detention and treatment of stormwater on the site compared to existing conditions. The stormwater

² Blow, David J., *Historic Guide to Burlington Neighborhoods Vol. I* (Burlington, Chittenden County Historical Society, 1991). 81-82.

management plan involves the installation of practices to both treat and detain runoff from the site to reduce pollutant load and peak flows to Englesby Brook and the surrounding wetland. Stormwater from the building roof and parking areas will be directed to high-flow vegetated filters which will provide water quality treatment. The water will then flow into a system of buried chambers which have a controlled outlet. This system allows for the slow release of stormwater back towards the wetland without increasing peak flows. This proposed system surpasses the plan outlined in the Englesby Brook Flow Restoration Plan.”

Both the Stormwater and EPSC are subject to review and approval of the Stormwater Engineer.

Affirmative finding as conditioned.

Section 5.5.4 Tree removal

Plan L1.00 defines the removal of 2 existing trees at 857 Pine Street, an abutting property. Only alterations to the 300 Flynn Avenue parcel are under consideration with this Sketch Plan review.

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:

The Wetland immediately north of the development site is the most important natural feature. See Gilman & Briggs Environmental Memorandum relative to existing species, alluvial area, and recommendations. **Affirmative finding.**

(b) Topographical Alterations:

The plan takes great care to avoid the sensitivity of the natural area on the north of the site. Reference is made to Plan C2.0. **Affirmative finding.**

(d) Protection of Important Public Views:

There are no protected important public views from or through this site. Not applicable.

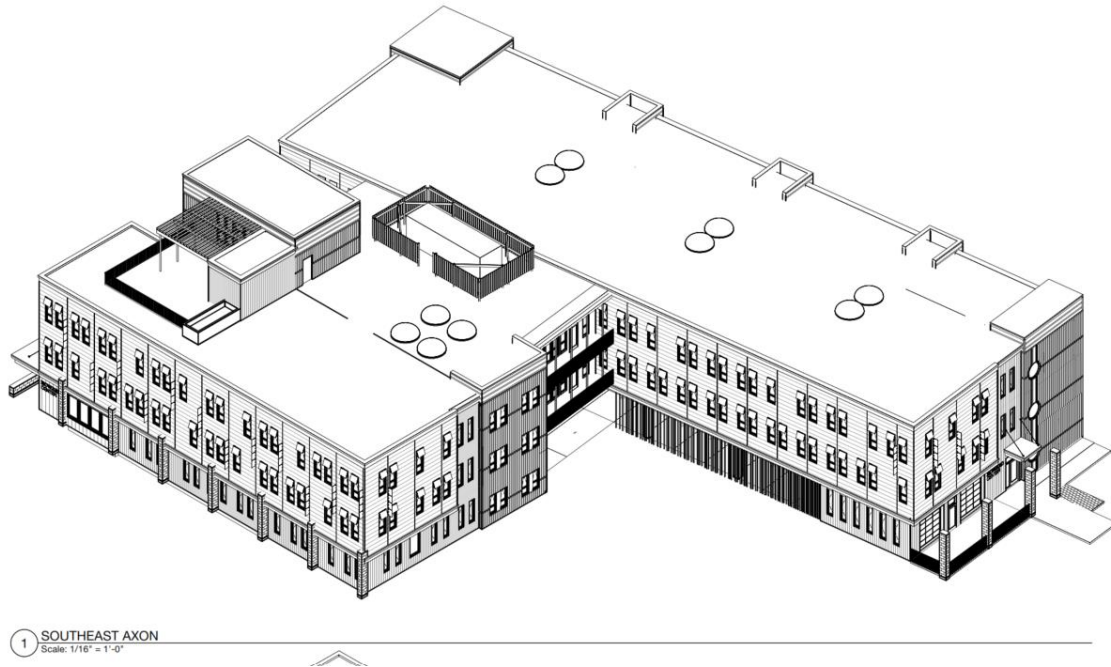
(d) Protection of Important Cultural Resources:

Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

The project will be advanced without the use of any fossil fuels. To achieve this, the building will be insulated above code minimums with a goal of meeting the Passive House air sealing requirements. Heating and cooling will be accomplished using geothermal heat pumps.

Ventilation is provided using high efficiency balanced ventilation with heat recovery. The central ventilator will be located on the roof and screened from public view. Domestic hot water will utilize air source heat pump technology. The roof has been designed for future rooftop solar. The design team is working with Burlington Electric Department to maximize opportunities for energy efficiency. **Affirmative finding.**



(e) Brownfield Sites:

This site is not identified on the State of Vermont Brownfield list. Not applicable.

(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.

Both a Stormwater and Erosion Prevention and Sediment Control Plan will be required at application submission.

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.

There are protected entries on both Flynn Avenue and Pine Street. Snow storage is located on the site plan. (Plan C2.0. Snow storage is identified as C15.) **Affirmative finding.**

(h) Building Location and Orientation:

The site is rather unique, as it fronts on both Pine Street and Flynn Avenue; wrapping around an existing structure on the immediate corner.



Both elevations are designed with a welcoming street façade. **Affirmative finding.**

(i) Vehicular Access:

Vehicular access is available at both street frontages, with a designed circulation path illustrated on plan C2.0. **Affirmative finding.**

(j) Pedestrian Access:

Pedestrian entry is available at both the Pine Street and Flynn Avenue frontages; connected directly to the public sidewalk. **Affirmative finding.**

(k) Accessibility for the Handicapped:

The building has been designed to be fully accessible, with available elevators and identified ADA access parking spaces. Burlington's Building Official has the jurisdiction to confirm ADA compliance. **Affirmative finding.**

(l) Parking and Circulation:

To the extent possible, parking should be placed at the side or rear of the lot and screened from view from surrounding properties and adjacent public rights of ways.

The westerly and northerly lots are existing, although expansion and improvements are proposed.

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

The applicant shall, upon application, confirm compliance with the tree planting requirements noted above.

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

There is an identified pedestrian walkway between the westerly parking area and a building entrance.

Parking will be available at the existing westerly lot, under the building on the north side, and north of the building in an open parking area as well. A total of 106 on-site spaces are provided: 5 ADA, 2 EV, and 8 tandem. The total number of spaces is less than the Maximum allowed.

Affirmative finding as conditioned.

(m) Landscaping and Fences:

See Plan L1.0. Extensive landscaping is proposed for the south of the building, with additional tree planting to accommodate the parking lot shading requirement. The north/west of the site includes a concrete pad with fencing and a gate to enclose 2 dumpsters and recycling bins. (C8).

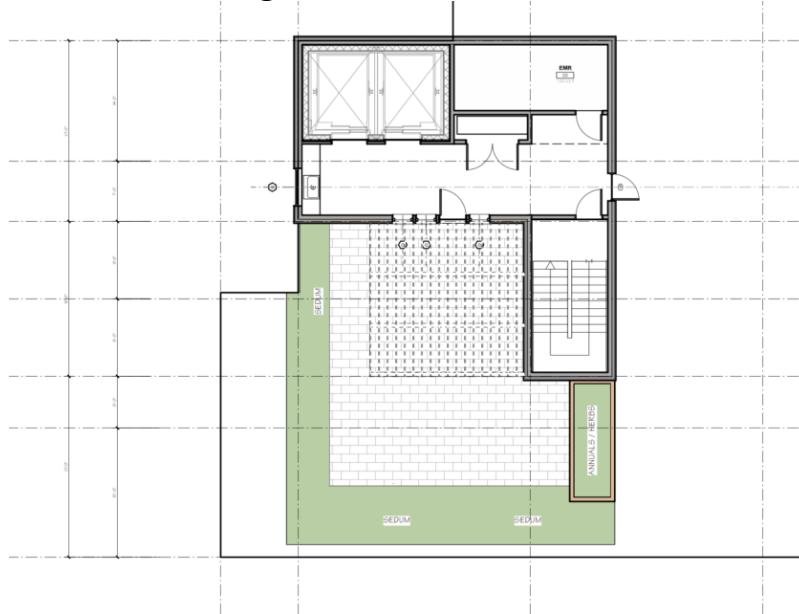
Affirmative finding.

(n) Public Plazas and Open Space:

This is not a requirement for the proposed use. The rooftop, however, features a terraced area. Per Section 5.2.6 (c) 3, *greenhouses, garden sheds, gazebos, rooftop gardens, terraces and similar features, and fully enclosed stair towers, elevator towers and mechanicals rooms, where such features are not used for human occupancy or commercial identification, are exempt from specific height limitations. Such features and structures shall be designed and clad in a manner consistent and complementary with the overall architecture of the building.*

A sink is illustrated on Plan A1-4.0. If considered as a height exemption, no part of the rooftop feature can be used for occupancy.

Affirmative finding as conditioned.



(o) Outdoor Lighting:

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

No lighting information has been provided. A lighting plan, including fixture information, illumination, and a photometric will be required at the time of application.

No finding possible.

(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.

The dumpster/recycling totter location is at the north of the westerly parking area; fenced and gated to prevent blowing trash. Underground electric will run from the transformer on the south/west corner of the site. "W1" and "W2" reflect two types of water service connections from Flynn Avenue, per the direction of DPW (C2.1 Site Utility Plan.) A ventilator is placed atop the roof, which must be screened. **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 applicant defines the similarity in massing to Flynn Avenue Coop to the west (3 stories), 316 Flynn Avenue to the east (4 stories), and St. Anthony's Church to the South. **Affirmative finding**

2. *Roofs and Rooflines.*

The low pitch membrane roof relates to 316 Flynn Avenue, Champlain Elementary School, City Market, and other former industrial buildings on Flynn Avenue. **Affirmative finding.**

3. *Building Openings*

Windows are largely vertically arranged in rhythmic patterns horizontally.



Visual interest is added in the alteration of sizes, as seen on the east and west elevations.

Affirmative finding.

(b) Protection of Important Architectural Resources:

Not applicable.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

From the application narrative:

“Two fully accessible primary entrances invite the user to the building. The main entrance on Flynn Avenue welcomes most visitors and staff, while the Pine Street entrance serves users coming to the community room space on Pine Street. Windows are primarily vertical in nature, with some deviations to create visual interest...

Each building elevation employs these materials to create depth on the elevation and create an inviting street edge. Plantings along each street edge provide privacy to users as well as performing stormwater function to pre-treat roof water.”

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 proposed materials (high density fiber cement and metal siding) have a 50+ year expected useful life, and do not require periodic repainting. Both are considered acceptable materials for new construction. **Affirmative finding.**

(f) Reduce energy utilization:

From the application narrative:

The project will not use any fossil fuels on site. To achieve this, the building will be insulated above code minimums with a goal of meeting the Passive House air sealing requirements. Heating and cooling will be accomplished using geothermal heat pumps. Ventilation is provided using high efficiency balanced ventilation with heat recovery. The central ventilator will be located on the roof and screened from public view. Domestic hot water will utilize air source heat pump technology. The roof has been designed for future rooftop solar. The design team is working with Burlington Electric Department to maximize opportunities for energy efficiency.

All new construction shall meet the Guidelines for Energy Efficient Construction according to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

Any signage will require a separate permit. **Affirmative finding as conditioned.**

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

The parking circulation area has been designed to facilitate turning radii of emergency vehicles. Lighting shall be appropriately designed to assure visibility for persons using and observing the space. Building entrances/entry points shall be visible and adequately lit. A lighting plan shall be provided at the time of application.

Redevelopment shall adhere to all applicable building and life safety code as defined by the building official and fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

Section 8.1.3 Parking Districts

(c) Multimodal Mixed-Use Parking District

This Parking District includes all properties in the following Zoning Districts:

(e) Neighborhood Mixed Use (NMU)

...this Parking District also includes all properties with street frontage on the following major thoroughfares to a maximum depth of 200':

(i) Pine Street

With the adoption of Zoning Amendment 22-07, there are no minimum parking requirements.

Section 8.1.9 Maximum On-Site Parking Spaces

Table 8.1.9-1 of the CDO does not list a maximum off-site parking requirement for mental health crisis centers. The land use category most similar to mental health crisis center for parking purposes is “crisis counseling center”, which allows maximum parking of 3 spaces per 1,000 gfa. The programmed use of the building will be a blend of scheduled outpatient services and unscheduled, drop in, as needed services. The latter relates primarily to crisis services and intake services which will be located at this site with a visitor flow that more closely aligns with the “crisis counseling center” use.

The maximum allowable number of on-site parking spaces is **153** (51,000 sf / 1,000 sf x 3). The project proposes 106 total on-site parking spaces including 5 ADA accessible spaces (exempt from the max per 8.1.9 (a)), 2 EV charging spaces, (also exempt from the max) and 8 tandem spaces. The total number of proposed parking spaces that count toward the maximum allowed is 99. **Affirmative finding.**

Section 8.1.14 Stacked and Tandem Parking Restrictions

Except as otherwise provided below, all parking facilities in all Parking Districts shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without the moving of any other motor vehicle. The requirements for minimum or maximum spaces continue to apply for stacked and Tandem parking.

- (b) Tandem Parking shall be allowed for all dwelling units (whether attached or detached). Each dwelling unit may have a pair of tandem parking spaces, however any pair of tandem parking spaces shall not serve more than one dwelling unit. **Tandem parking shall also be allowed for dedicated employee-only parking where signed as such.** Affirmative finding as conditioned.*

Section 8.1.16 Transportation Demand Management

(b)Applicability: *A transportation demand management program shall be required for all projects in any parking District involving any one or more of the following:*

Table 8.1.16-1 Applicable Projects:

- A non-residential or Mixed Use development with a building footprint of 8,000 sq. ft. or more; or the creation of 15,000 sq. ft. or more of gross floor area.*
- Applicable TDM Sections: All provisions of Section 8.1.16 (c).*

In a formal application, all provisions of Section 8.1.16 (c) must be addressed in the submission.

Affirmative finding as conditioned.

Part 2: Bicycle Parking

Section 8.2.4 of the CDO requires 6 short term and 10 long term bike parking spaces for this project. For short term bike parking, 3 U-racks (6 bike parking spaces) are proposed near the main entrance on Flynn Avenue and one U-rack (2 bike parking spaces) is proposed near the entrance on Pine Street for a total of 8 short term parking spaces. A minimum of 10 long term bike parking spaces will be accommodated in the basement. **Affirmative finding.**



II. Items for consideration and potential Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See list for guidance on open permits/violations.
2. Impact fees will be assessed for any net new building gross area. The design team will provide more exacting figures for the net new area at application.
3. A Stormwater and Erosion Prevention and Sediment Control Plan will be required at the time of application, subject to review and approval by the Stormwater Engineer.
4. 300 Flynn Avenue appears on the Steep Slopes Overlay District Map. The applicant team shall respond to the standards of Section 5.2.4 (b), including required submission materials within their anticipated application.
5. Inpatient short-term crisis care shall not exceed fourteen (14) consecutive nights.
6. The number of beds for inpatient use shall not exceed ten (10).
7. A sink is illustrated within the rooftop terrace plan on Plan A1-4.0. No part of the rooftop feature can be used for occupancy, if considered exempt from height limits.

8. All new construction shall meet the Guidelines for Energy Efficient Construction according to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
9. Any signage will require a separate permit.
10. A lighting plan, with fixture information, illumination levels, and a photometric shall be provided at the time of application.
11. Tandem parking shall also be allowed for dedicated employee-only parking where signed as such.
12. All provisions of Section 8.1.16 (c) (Transportation Demand Management) must be addressed in the submission
13. Standard Permit Conditions 1-15.

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



City of
Burlington, Vermont
645 Pine Street

Zoning Permit – Conditions of Approval

ZP #:

Tax ID:

Issue Date:

Decision:

Property Address:

Description:

Standard Permit Conditions:

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions.

Note: All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from Department of ~~Public Works~~ Permitting & Inspections ~~Inspection Services~~ Trades Division (DPW-~~ISD~~). All construction permits must be closed out by way of approved inspections by Trades DPW-~~ISD~~ before issuance of a ~~Unified~~ Zoning Certificate of Occupancy (UZCO) by the ~~Code Enforcement Office~~ Zoning Division as per Condition 3, below. **Note:** All projects involving earth disturbance of 400 square feet or more require a reviewed and approved erosion prevention and sediment control (EPSC) permit prior to the start of construction. ~~review by the Burlington Stormwater Program under Chapter 26: Wastewater, Stormwater, & Pollution Control.~~ This review is closed out by way of a completed EPSC Permit and an ~~approved inspection by Stormwater Program staff, Code Enforcement staff, or licensed project engineer~~ their designee before issuance of a UZCO as noted above.

2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by the permit is commenced within 1 year of approval. The owner shall complete the approved project and obtain a UZCO (combined Zoning and Building certificates of occupancy, still applicable even if a zoning or building permit was not required) within 3 years or be subject to enforcement actions.

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

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

If the project is partially completed, meets “prior to issuance of a UZCO” conditions of approval, meets all health life and safety standards, and all municipal fees for the project are paid, a Temporary Zoning CO may be requested and issued. **Upon completion of the project**, applicant shall request and obtain a Final UZCO from the Zoning Division Code Enforcement Office (located at 645 Pine Street). Additional information on how to request and obtain this UZCO is available at this office. **Failure to obtain a Zoning certificate of occupancy** places the property in violation of the CDO and is subject to enforcement. In addition, **Failure to obtain a UZCO within the time limits above is subject to** “after the fact” fees ranging from \$75 - \$1500 (in addition to the UCO fee).

4. **Project Modifications.** The project shall be completed as shown on the plans, which have been stamped “approved” and dated by the administrative officer. The project shall not deviate from the approved plans or conditions of approval without prior written approval from the administrative officer.
5. **Property Inspection.** By acceptance of this permit, the owner authorizes City Officials and/or their authorized representatives, access to the subject property for the purpose of observing work in progress, inspecting and/or measuring the property or improvements until such time the project has been issued a Final UZCO.
6. **Completion and Maintenance of Improvements and Landscaping.** Owner or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Owner agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.
7. **Off-Site Drainage.** Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties including but not limited to the public Right of Way.
8. **Errors.** The owner is solely responsible for the accuracy of all information contained in the Zoning Permit application. Any errors contained therein may invalidate the Zoning Permit and may result in enforcement action by the City.
9. **Transfer of Ownership. All zoning permits run with the land.** In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.
10. **Violations/Penalties.** A violation of any of the conditions of this permit or of any provision of the CDO may result in enforcement actions, including but not limited to a penalty of up to two hundred dollars (\$200) per day, municipal tickets, and/or additional permitting fees.
11. **Incorporation and Reference of All Plans Presented.** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant on the subject application to the extent that they are not in conflict with other stated conditions or regulations.
12. **For Properties Involved in Boundary Disputes.** Boundary disputes are not within the jurisdiction of the administrative officer or the Development Review Board. When an application is submitted and the boundary of the subject property is called into question, the boundary will be determined based upon the best evidence available, for instance a survey or other official document. If a permit is issued and contrary evidence is presented to the City after the fact, such

as a survey or Superior Court ruling with respect to the boundary lines, the permit may be amended or revoked by the City.

If the permit is amended or revoked, owner shall bear all costs to remedy the situation, including removal of the structure(s) if necessary, that is if the structure(s) is/are unable to meet the requirements of the CDO and receive an amended permit in light of the actual boundary line.

13. **Damage to City Property.** The Owner is responsible for any damage to the City of Burlington's property, including but not limited to its right-of-way, sewer/water lines, etcetera, that occurs during the site improvements authorized by this permit. If damage occurs, the Owner shall restore the property to a condition equal to or better than the condition of the property prior to such damage.
14. **City Rights-of-Way and Ownership.** Permit approval does NOT authorize any work to be undertaken within the public ROW. Any work in the ROW can only occur with prior authorization by DPW and/or City Council, as required. Any work or improvements that are taken within the City's right of way does not diminish the City's ownership or authority regarding said right of way.
15. **Liquor License Required.** An approval of any use that includes the sale of alcoholic beverages is contingent upon the receipt of a liquor license from the City of Burlington or the State of Vermont, whichever is applicable.

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

HOWARD CENTER

300 FLYNN AVENUE, BURLINGTON VERMONT



DRAWING INDEX

SKETCH PLAN APPLICATION: 03.31.2023

CIVIL

C1.0 EXISTING CONDITIONS & DEMOLITION PLAN
C2.0 SITE UTILITY AND LAYOUT PLAN

LANDSCAPE

L1.0 PLANTING PLAN

ARCHITECTURAL

00-0.0 COVER
A0-2.0 AXONS
A1-0.0 BASEMENT FLOOR PLAN
A1-1.0 FIRST FLOOR PLAN
A1-2.0 SECOND FLOOR PLAN
A1-3.0 THIRD FLOOR PLAN
A1-4.0 TERRACE PLAN
A1-5.0 ROOF PLAN
A3-1.1 ELEVATIONS-SOUTH
A3-2.1 ELEVATIONS-WEST AND EAST
A3-3.1 ELEVATIONS-NORTH
RENDERINGS

OWNER

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Sandy McGuire
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OWNER'S REPRESENTATIVE

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ENGINEERING VENTURES

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FIRE PROTECTION

=

S:\PROJECTS\2022\22488 HOWARD CENTER REDEVELOPMENT - CIVIL\DWG\SHEET FILES\C2.0 SITE PLAN.DWG
PLOTTED: 30.10.2023 9:55 AM



SITE SCHEDULE

- C1 ASPHALT PAVEMENT, TYP.
- C2 CONCRETE SIDEWALK, TYP.
- C3 PERVIOUS CONCRETE PAVERS
- C4 6" VERTICAL GRANITE CURB, TYP.
- C5 6" FLUSH GRANITE CURB, TYP.
- C6 WOOD GUIDERAIL
- C7
- C8 CONCRETE PAD SURROUNDED BY PRIVACY FENCE WITH LOCKING GATE SIZED FOR (2) REFUSE DUMPSTERS AND (2) TROTTERS
- C9 TRANSFORMER ON CONCRETE PAD, COORDINATE WITH MEP
- C10 TIMBER BUS SHELTER ON CONCRETE PAD
- C11 ADA ACCESSIBLE PARKING SPACE, TYP.
- C12 EV CHARGING ACCESSIBLE PARKING SPACE, TYP.
- C13 U-SHAPED BICYCLE RACK, TYP.
- C14 RIVERSTONE DRIP EDGE
- C15 SNOW STORAGE AREA

Stamp	
Date	
Description	
No.	

ENGINEERING VENTURES PC
208 Flynn Avenue, Suite 2A, Burlington, VT 05401 • 802-864-6225
85 Mechanic Street, Suite E2-3, Lebanon, NH 03766 • 603-442-3333
414 Linn Street, Schenectady, NY 12305 • 518-230-0871

DUNCAN WISNIEWSKI
ARCHITECTURE
255 SOUTH CHAMPLAIN STREET
BURLINGTON, VT 05401
(802) 864-6693

SITE GRADING AND LAYOUT PLAN
HOWARD CENTER REDEVELOPMENT
855 PINE STREET/300 FLYNN AVENUE

Sheet Title:	
EV Project #	2
Drawn By:	
Checked By:	
Scale:	1"
Date:	03/17/23

C2.0



- E1** TRANSFORMER, COORDINATE WITH MEP
- E2** EV CHARGING STATION WITH (2) PORTS, COORDINATE WITH MEP
- W1** 6" D.I. WATER SERVICE LINE FROM EX. MAIN TO PROP. BLDG, INCLUSIVE OF GATE VALVE PER BURLINGTON DPW STANDARD
- W2** 2" TYPE "K" COPPER DOMESTIC WATER SERVICE LINE FROM W1 TO PROP. BLDG, INCLUSIVE OF GATE VALVE PER BURLINGTON DPW STANDARD
- SS1** 6" PVC SANITARY SEWER SERVICE LINE FROM PROP. BLDG. TO EX. MAIN IN FLYNN AVE., INCLUSIVE OF CLEANOUT WITH BACKFLOW PREVENTER PER BURLINGTON DPW STANDARDS
- ST1** 4' I.D. MANHOLE
RIM: 145.72
INV. IN (E): 141.26 (12" HDPE)
INV. OUT (N): 141.16 (12" HDPE)
- ST2** 2' DIA. DEEP SUMP CATCH BASIN
RIM: 144.95
INV. OUT (W): 142.85 (12" HDPE)
- ST3** 2' X 2' DEEP SUMP CATCH BASIN
RIM: 144.35
- ST4** 4' I.D. MANHOLE
RIM: 144.03
INV. IN (N): 139.93 (12" HDPE)
INV. OUT (W): 139.83 (12" HDPE)
- ST5** 4' I.D. MANHOLE
RIM: 144.87
INV. IN (E): 139.56 (12" HDPE)
INV. IN (S): 140.58 (12" HDPE)
INV. OUT (N): 139.46 (12" HDPE)
- ST6** 24" I.D. MANHOLE
RIM: 143.38
INV. OUT (E): 138.50 (12" HDPE)
- ST7** 4' I.D. MANHOLE
RIM: 143.16
INV. IN (W): 138.28 (12" HDPE)
INV. OUT (NE): 138.18 (12" HDPE)
- ST11** 12" I.D. YARD DRAIN
RIM: 142.21
INV. OUT (N): 141.00 (8" PVC)
- ST14** 2' DIA. DEEP SUMP CATCH BASIN
RIM: 142.82
INV. OUT (N): 141.66 (12" HDPE)
- ST8** FLARED END SECTION
- ST9** 6" PERF. PVC FOOTING DRAIN
- ST10** FLARED END SECTION WITH STONE APRON
- ST12** RIP-RAP END SECTION
- ST13** RIP-RAP END SECTION
- STF1** FOCAL POINT TREATMENT AREA (350 SF)
- STF2** FOCAL POINT TREATMENT AREA (25 SF)
- STF3** FOCAL POINT TREATMENT AREA (87 SF)
- STF4** FOCAL POINT TREATMENT AREA (32 SF)
- STT1** STORMTECH SC-310 CHAMBERS (14X12)

PIPE SCHEDULE			
NAME	TYPE	LENGTH	SLOPE
ST7-ST8	12" HDPE	9.0	1.0%
ST6-ST7	12" HDPE	39.3	0.5%
ST5-ST4	12" HDPE	50.6	0.5%
STF1-ST1	12" HDPE	95.0	0.5%
ST1-ST4	12" HDPE	112.6	0.5%
STF2-ST3	12" HDPE	22.2	1.0%
STF3-ST4	12" HDPE	31.8	0.5%
ST9-ST10	8" PVC	33.2	2.0%
ST11-ST12	8" PVC	115.7	1.0%
STF4-ST15	12" HDPE	7.7	2.8%

No.	Description	Date



No.	Revision	Date	Appvd.
-----	----------	------	--------

Designed by	Checked by
mkw	mkw

Issued for	Date
Design Development	03/29/2023

Not For Construction

Planting Plan

Drawing Number

L1.00



<u>DECIDUOUS TREES</u>		<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>
ARA	1	Acer rubrum 'Armstrong'	Armstrong Red Maple	2 1/2 - 3" CAL.	
AF	5	Acer x freemanii 'Sienna'	Sienna Glen Maple	2 1/2 - 3" CAL.	
TB	2	Tilia americana 'Baillyard'	Frontyard® American Linden	2 1/2 - 3" CAL/ B&B	
<u>SHRUBS</u>		<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>
IS	3	Ilex verticillata 'Southern Gentleman'	Southern Gentleman Winterberry	18 - 24" SPD	
IW	21	Ilex verticillata 'Winter Gold'	Winter Gold Winterberry	18 - 24" SPD	
JP2	10	Juniperus horizontalis 'Plumosa Compacta'	Creeping Juniper	18 - 24" SPD	
MD	14	Microbiota decussata	Russian Cypress	18 - 24" SPD	
<u>ORNAMENTAL GRASSES</u>		<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>
CA	80	Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster Feather Reed Grass	2 GAL.	
PVS	33	Panicum virgatum 'Shenandoah'	Shenandoah Switch Grass	2 GAL.	
SS3	17	Schizachyrium scoparium 'Standing Ovation'	Standing Ovation Little Bluestem	2 GAL.	
SH	24	Sporobolus heterolepis	Prairie Dropseed	2 GAL.	
<u>PERENNIALS</u>		<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>
CC3	12	Chrysanthemum coccineum 'Robinson's Pink'	Robinson's Pink Painted Daisy	1 GAL., 18" o.c.	
RM	30	Rudbeckia hirta 'Marmalade'	Marmalade Black-eyed Susan	1 GAL., 24" o.c.	
SV	19	Salvia nemorosa 'Pink Profusion'	Pink Profusion Meadow Sage	1 GAL.	
SA	45	Sedum x 'Autumn Joy'	Autumn Joy Sedum	1 GAL.	

Notes:

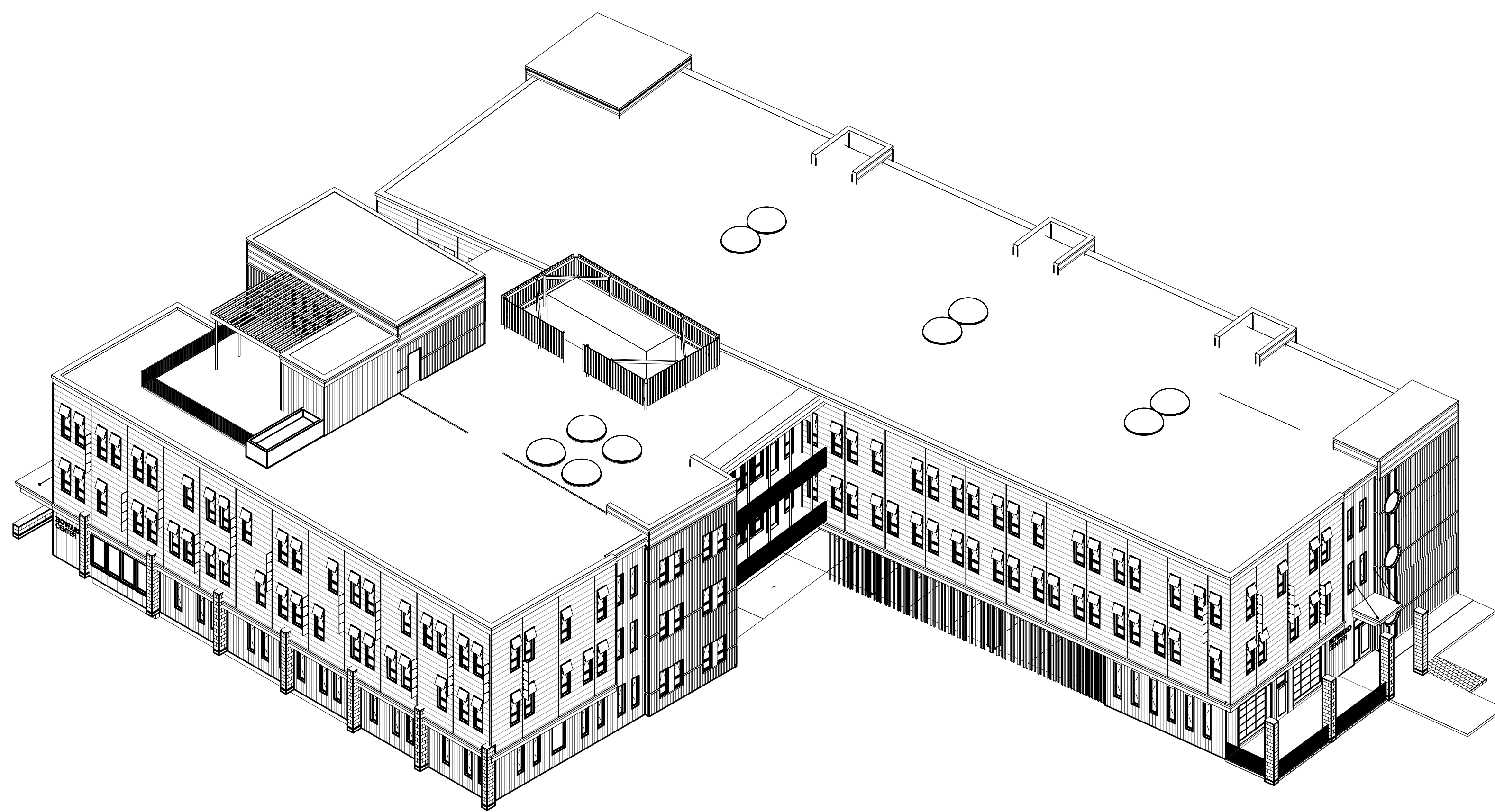
1. CONTRACTOR IS RESPONSIBLE TO VERIFY ALL PLANT QUANTITIES FOUND IN THE PLANTING PLANS. IF ANY DISCREPANCIES ARE FOUND, LANDSCAPE ARCHITECT SHOULD BE NOTIFIED IMMEDIATELY.
2. FINAL LAYOUT AND PLACEMENT OF ALL PLANT MATERIAL TO BE APPROVED BY THE LANDSCAPE ARCHITECT.
3. CONTRACTOR IS RESPONSIBLE TO SEED ALL DISTURBED AREAS ACCORDING TO THE SPECIFICATIONS AND LAWN DETAIL.
4. REFER TO PLANT MATERIAL INSTALLATION DETAILS AND SPECIFICATIONS .
5. IF THE LANDSCAPE CONTRACTOR PROPOSES A SUBSTITUTE PLANT SPECIES, ALL SUBSTITUTES NEED TO BE APPROVED BY THE LANDSCAPE ARCHITECT IN WRITING PRIOR TO ORDERING.



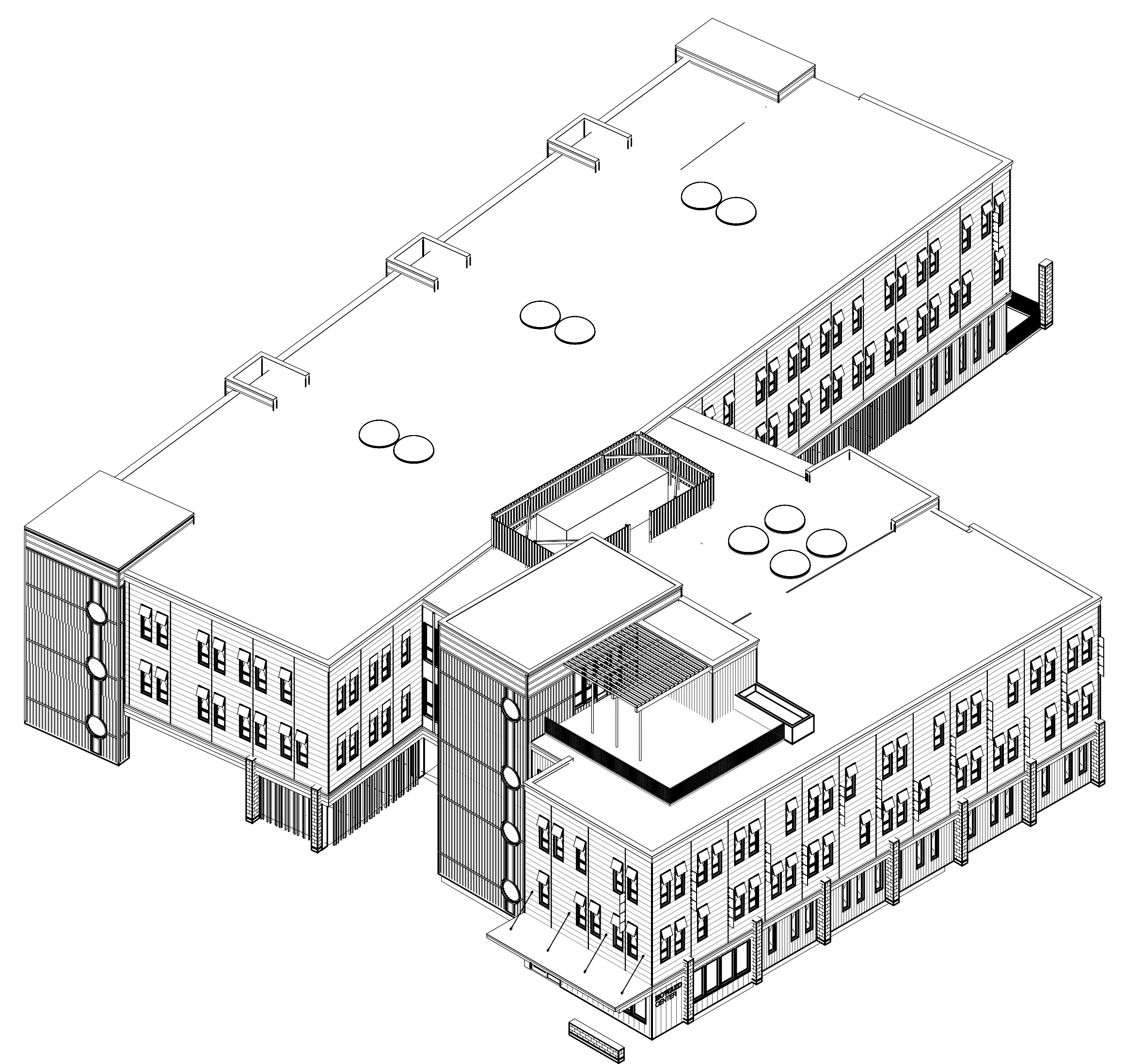




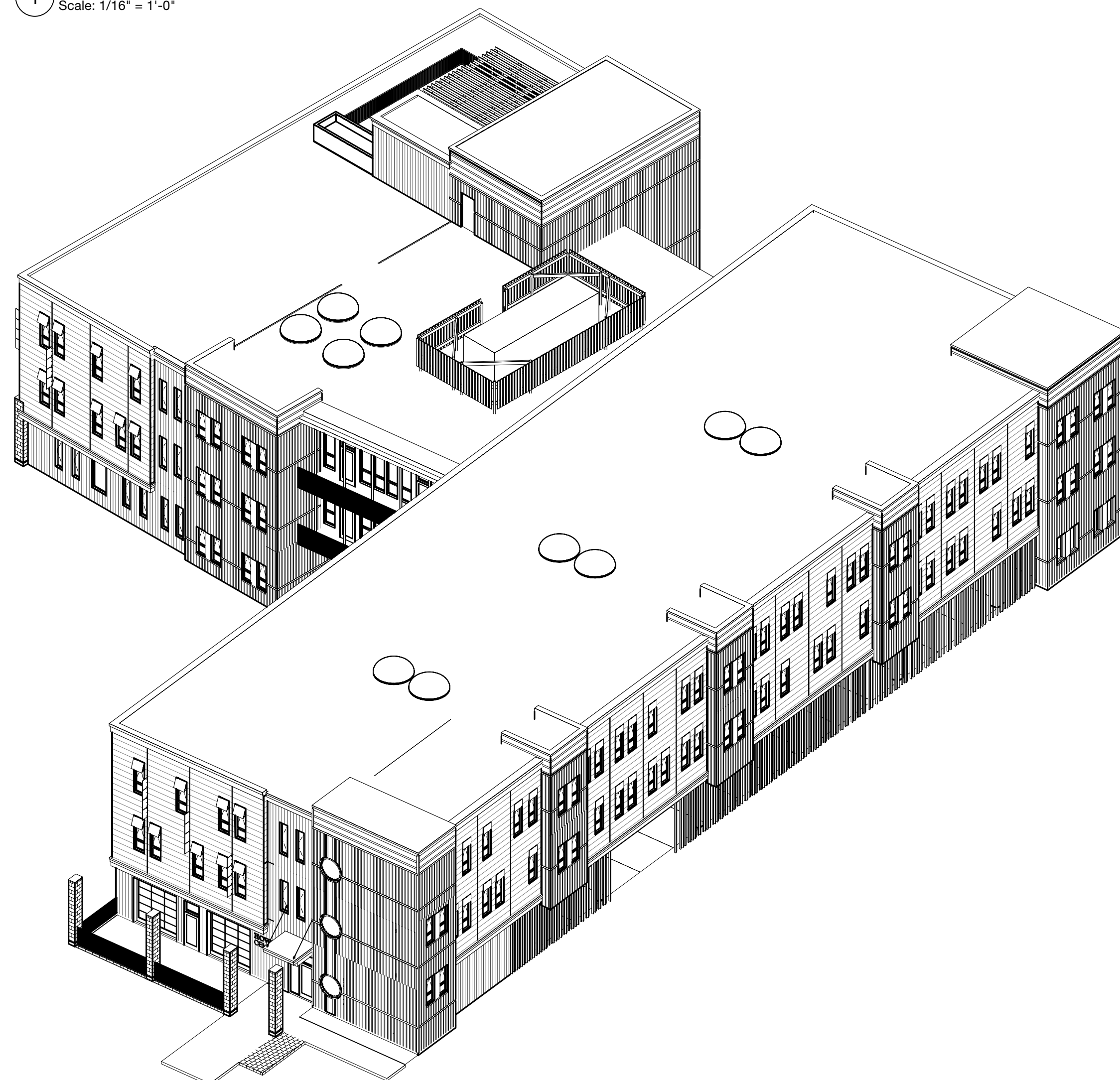




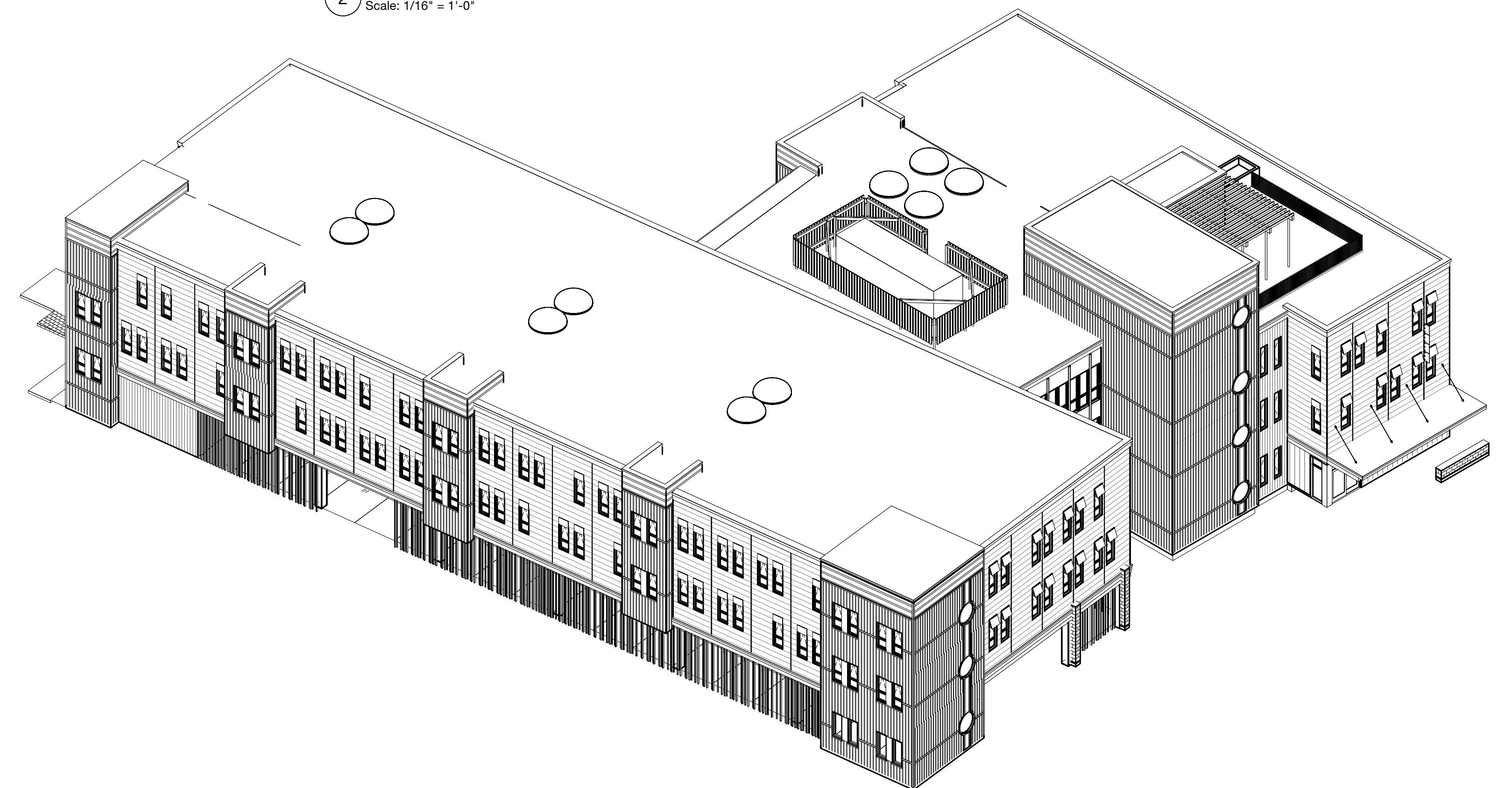
1 SOUTHEAST AXON
Scale: 1/16" = 1'-0"



2 SOUTHWEST AXON
Scale: 1/16" = 1'-0"



3 NORTHEAST AXON
Scale: 1/16" = 1'-0"



4 NORTHWEST AXON
Scale: 1/16" = 1'-0"

HOWARD CENTER

BURLINGTON, VT

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DUNCAN • WISNIEWSKI ARCHITECTURE
A Professional Corporation

SKETCH PLAN APPLICATION

Duncan
Wisniewski
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

DATE: 03.31.23
DRAWN: LR, TB

A0-2.0



BASEMENT FLOOR PLAN
Scale: 3/32" = 1'-0"



HOWARD CENTER
BURLINGTON, VT

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SKETCH PLAN APPLICATION

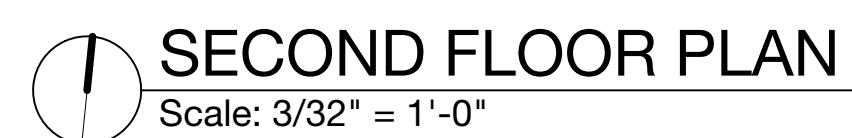
**Duncan
Wisniewski** 
ARCHITECTURE

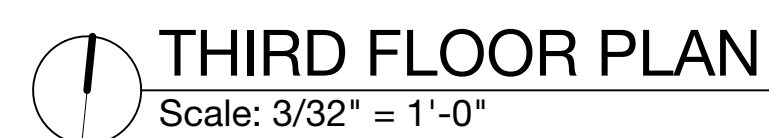
255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

DATE: 03.31.23
DRAWN: LR, TB

A1-0.0

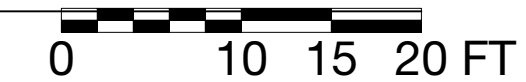








TERRACE PLAN
Scale: 3/32" = 1'-0"



HOWARD CENTER

BURLINGTON, VT

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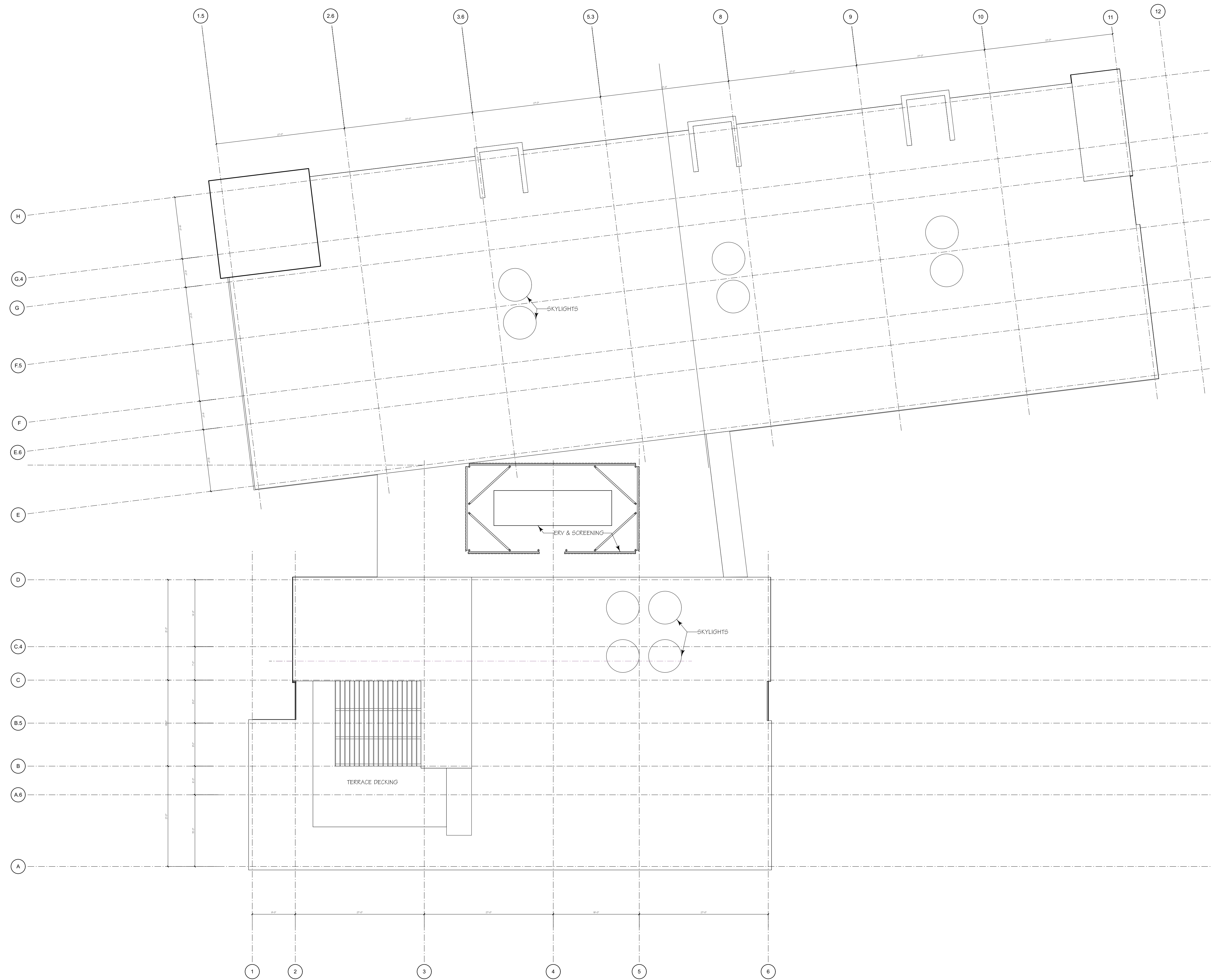
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A1-4.0



ROOF PLAN
Scale: 3/32" = 1'-0"

0 10 15 20 FT

HOWARD CENTER

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A1-5.0



SOUTH SECTION/ELEVATION

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



SOUTH ELEVATION

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

MATERIAL LEGEND	
① FIBER CEMENT SIDING	⑧ ALUMINUM BATTENS
② HORIZONTAL METAL SIDING	⑨ DICHROIC GLASS PANELS
③ VERTICAL METAL SIDING	⑩ METAL SIDING
④ METAL RAILINGS	⑪ SKYLIGHTS
⑤ GLAZED CMU	⑫ MECHANICAL SCREENING
⑥ METAL TRIM	
⑦ SYNTHETIC TRIM	
	<u>COLORS (T.B.D.)</u>
	Ⓐ COLOR - A
	Ⓑ COLOR - B
	Ⓒ COLOR - C

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SKETCH PLAN APPLICATION

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DRAWN: LR

A3-1.1



WEST ELEVATION

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



EAST ELEVATION

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

MATERIAL LEGEND			
①	FIBER CEMENT SIDING	⑥	ALUMINUM BATTENS
②	HORIZONTAL METAL SIDING	⑨	DICHROIC GLASS PANELS
③	VERTICAL METAL SIDING	⑩	METAL SIDING
④	METAL RAILINGS	⑪	SKYLIGHTS
⑤	GLAZED CMU	⑫	MECHANICAL SCREENING
⑥	METAL TRIM	COLORS (T.B.D.)	
⑦	SYNTHETIC TRIM	Ⓐ	COLOR - A
		Ⓑ	COLOR - B
		Ⓒ	COLOR - C

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A3-2.1



NORTH ELEVATION

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



NORTH SECTION/ELEVATION

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

MATERIAL LEGEND			
①	FIBER CEMENT SIDING	⑧	ALUMINUM BATTENS
②	HORIZONTAL METAL SIDING	⑨	DICHROIC GLASS PANELS
③	VERTICAL METAL SIDING	⑩	METAL SIDING
④	METAL RAILINGS	⑪	SKYLIGHTS
⑤	GLAZED CMU	⑫	MECHANICAL SCREENING
⑥	METAL TRIM	COLORS (T.B.D.)	
⑦	SYNTHETIC TRIM	Ⓐ	COLOR - A
		Ⓑ	COLOR - B
		Ⓒ	COLOR - C

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A3-3.1

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

AJ LaRosa
Caitlin Halpert
Geoff Hand
Brooks McArthur
Brad Rabinowitz
Leo Sprinzen
Chase Taylor
Sean McKenzie, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, May 16, 2023, 5:00 PM

AGENDA

In Person (at 645 Pine Street) Meeting

- I. Agenda**
- II. Communications**
- III. Minutes**
- IV. Public Hearing**

1. ZAP-23-4; 71-73 Peru Street (RH, Ward 3C) Damon Lane

Appeal of zoning administrative denial (ZPW-23-18) to replace wooden windows with vinyl casement windows (Request deferral to 5/16/23). (Project Manager, Scott Gustin)

Administrative denial upheld

V. Sketch Plan Review

1. ZSP-23-3; 300 Flynn Avenue (NMU, Ward 5S) Howard Center for Human Services, Inc. / Joe Weith

Sketch Plan Review of proposed demolition of existing 24,000 sq. ft. building to construct a new 51,000 sq. ft. building for mental health crisis services. (Project Manager, Mary O'Neil)

VI. Other Business

1. Standard permit conditions revision

VII. Adjournment

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Burlington Development Review Board

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BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, May 16, 2023, 5:00 PM

MINUTES

In Person (at 645 Pine Street) Meeting

Board Members Present: AJ LaRosa, Caitlin Halpert, Geoff Hand, Brooks McArthur, Brad Rabinowitz, Leo Sprinzen, and Chase Taylor

Board Members Absent: Sean McKenzie

Staff Members Present: Scott Gustin, Mary O'Neil, and Joseph Cava

- I. Agenda**
- II. Communications**
- III. Minutes**
- IV. Public Hearing**

1. ZAP-23-4; 71-73 Peru Street (RH, Ward 3C) Damon Lane

Appeal of zoning administrative denial (ZPW-23-18) to replace wooden windows with vinyl casement windows (Request deferral to 5/16/23). (Project Manager, Scott Gustin)
Damon Lane, owner, present

AJ LaRosa: For the record, can you please introduce yourself?

Damon Lane: Yes, I'm Damon Lane, applicant and owner.

AJ LaRosa: This is an appeal, so the City will present the facts of the denial, and then we will hear from the appellant. Scott, can you tell us about this project?

Scott Gustin: Yes, the applicant applied to replace wooden replacement windows with vinyl. This structure is listed on the State Registry of Historical Places. Since the 2008 adoption of the Comprehensive Development Ordinance, 14 applications for installation of vinyl windows in historic buildings have been denied, including two appeals to the Development Review Board that affirmed the denials. We have a consistent track record as to handling vinyl as a substitute replacement material on historically listed structures.

Caitlin Halpert: For clarification, fiberglass is an acceptable replacement material?

Scott Gustin: Yes, wood, wood clad, and fiberglass are all acceptable substitute replacement materials.

Mary O'Neil: Historic preservation policy has adopted the use of these substitute materials to replicate the appearance of wooden windows.

Caitlin Halpert: Are wood replacements acceptable?

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Scott Gustin: Yes, but the replacement windows proposed in this application are not considered an acceptable substitute.

Brad Rabinowitz: There are vinyl windows present on the existing building. Can you explain this?

Scott Gustin: Yes, there is a vinyl window that was added to the structure that was not a previously existing window opening. This supports the mission of differentiating between what is original and what is new.

Geoff Hand: Can you please expand on the criteria for replacement windows?

Scott Gustin: The basis of review for proposed replacements is integrity of original building materials, finishes, and durability.

AJ LaRosa: Hearing no additional questions, we'll open it up to the appellant. Do you have questions regarding what was outlined in the staff report?

Damon Lane: I would agree that the average vinyl window replacement is cheap with a limited warranty, but the proposed windows have a thirty-year guarantee with a high energy performance. The cost dramatically increases to switch to a wood clad window from the proposed vinyl.

Leo Sprinzen: Can you provide the board with additional information about the quality of the proposed windows as part of our deliberations?

Damon Lane: The window materials were submitted with the original application. The proposed windows mimic the dividing rails to retain the historic appearance.

AJ LaRosa: Are there any additional questions from the board? Are there any from the public? Hearing none, we'll close the public hearing on this item and will deliberate during executive session.

V. Sketch Plan Review

1. ZSP-23-3; 300 Flynn Avenue (NMU, Ward 5S) Howard Center for Human Services, Inc. / Joe Weith

Sketch Plan Review of proposed demolition of existing 24,000 sq. ft. building to construct a new 51,000 sq. ft. building for mental health crisis services. (Project Manager, Mary O'Neil)
Joe Weith, Sam Beall, Sandy McGuire, Kevin Worden, and Charlie Giannoni: Sworn in.

AJ LaRosa: You have a well thought out and detailed project, but could you expand on what is being proposed?

Joe Weith: I'll defer to Sandy to describe the project.

Sandy McGuire: The site is a great location for accessibility to provide these community services. The proposed improvements would consolidate services offered throughout the City to a single location.

Brad Rabinowitz: What will you do for operations while the new building is being constructed?

Sandy McGuire: Outpatient services will shift to a remote platform while development commences.

Kevin Worden: The proposed layout creates parking improvements both outside and underneath the proposed building. The improvements would make pedestrian access safer. The goal was not to shift

the building towards the existing brook which is a protected wetland. The site is well shaded and minimal tree removal is proposed to retain this. Water will flow inward towards a central water collection system where it will be redistributed.

Sam Beall: We are working with Burlington Electrical Department (BED) to move and replace the existing transformer.

AJ LaRosa: There is pushback from neighboring residents. Can you expand on the services that this medical office facility will provide and their impacts on traffic generation?

Kevin Worden: The existing use as a medical office/clinic will be capped by its existing use providing mental health services. The recommended use to include a doctor's or dentist's office was not congruent with what is being proposed.

AJ LaRosa: So they'll still be a curb cut regulating traffic?

Sam Beall: Yes.

AJ LaRosa: Particularly, we're looking towards street activation onto Pine Street from Flynn Avenue.

Sam Beall: Extensive plantings are proposed to meet shading requirements to conceal the parking lot and ensure safe conditions for clinical staff and patients.

Leo Sprinzen: Can you outline the protrusion to the wetland buffer?

Kevin Worden: The proposal continues draining inward towards the center of the property.

Brad Rabinowitz: The entrance is disappointing from a pedestrian access standpoint.

Sam Beall: The entrance is arranged this way to afford privacy for patients. The building materials were chosen based upon the existing building materials in this neighborhood. Glass panels are also proposed for light shielding.

AJ LaRosa: Can staff provide feedback on the rooftop terrace?

Mary O'Neil: It cannot be habitable. Rooftop amenities like this are only exempt from height limitations if they are not habitable.

Leo Sprinzen: Can you highlight and expand on the entrance along Pine Street as the building's primary entrance façade?

Sam Beall: Yes, the building projects creating a courtyard behind the Pine Street entrance.

Sandy McGuire: In regard to the entrance, we value the discretion and privacy of our clients which is why the building is oriented as proposed.

AJ LaRosa: Is the multi-purpose space going to be a separate commercial business, or will it be utilized by the Howard Center?

Sam Beall: It would be used by the Howard Center for private events.

Geoff Hand: Can you explain the striping shown on the first floor?

Sam Beall: The striping is vertical copper siding that shields the parking beneath the building.

Geoff Hand: What is beneath the floating bridge?

Sam Beall: Tandem parking for staff members.

AJ LaRosa: In the event of emergency, does the floating bridge meet the height requirements for emergency service vehicles?

Sam Beall: Yes.

Brad Rabinowitz: Are the copper panels true bent copper, or is it copper clad siding?

Sam Beall: We'd like to use real copper, but understand this may be a cost prohibition. As part of a height variance, can you notify us of the building's proposed height with the existing ordinance?

AJ LaRosa: We don't have the authority to approve this because this is sketch plan. It is outside the scope of this application's authority.

Mary O'Neil: It is important to note that the corner lot is a discrete parcel and is not part of this project.

Kevin Worden: We'd like to receive notification on whether a traffic study would be required for this project.

AJ LaRosa: A traffic study may not necessarily be required, but we'll need you to defend this project if a traffic study is not completed and issues arise.

Brad Rabinowitz: What is the proposal for street trees?

Sam Beall: Historically, there was never a sidewalk in this area, and telephone poles interfere where trees could be planted. At this time, the proposal is for smaller vegetation.

AJ LaRosa: This was a nice presentation.

Charlie Giannoni: Did this project go before the Ward 5 Neighborhood Planning Assembly?

Sam Beall: Yes, it was on the December agenda.

AJ LaRosa: Hearing no additional comments or questions, I move we close sketch plan review.

VI. Other Business

1. Standard permit conditions revision

AJ LaRosa offered comments as to the proposed standard permit condition revisions. They will be updated to reflect those comments prior to Board action.

VII. Adjournment

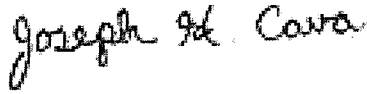
Hearing closed at 6:05 PM.



Alexander J. LaRosa, Chair of Development Review Board

6/6/23

Date



5-24-23

Joseph H. Cava, Permitting & Inspections Permit Technician

Date

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