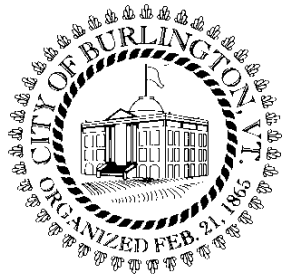


Department of Permitting and Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone: (802) 865-7188
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William Ward, Director
Theodore Miles, Code Compliance Officer
Charlene Orton, Permitting and Inspections Administrator
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: April 20, 2021
RE: ZP21-0775CA 8 Brown's Court

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 Number: ZP21-0775CA
Zone: RH **Ward:** 6S
Date application accepted: March 15, 2021
Applicant/ Owner: White & Burke / Champlain College
Request: Demolish fire-damaged duplex; replace with pocket park.
Background:



- **Zoning Permit 18-0770CA;** replace windows, door, bulkhead door; extend porch. June 2018.
- **ZP18-0611NA;** Non-Applicability of Zoning Permit Requirements; interior renovation. January 2018.
- **Zoning Permit 05-507CA;** reconstruct and slightly enlarge existing front porch. April, 2005.
- **Zoning Permit 01-282;** Determination of pre-existing duplex. December 2000.

Overview: In August of 2018, 8 Brown's Ct was significantly damaged by fire. The existing duplex, owned by Champlain College, is now proposed to be demolished and the parcel redeveloped as a landscaped green space.

As the property is owned by an educational institution, municipal review is limited by statute.

§ 4413. Limitations on municipal bylaws

(a)(1) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

(A) State- or community-owned and operated institutions and facilities.

(B) Public and private schools and other educational institutions certified by the Agency of Education.

(C) Churches and other places of worship, convents, and parish houses.

(D) Public and private hospitals.

(E) Regional solid waste management facilities certified under 10 V.S.A. chapter 159.

(F) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

Recommended motion: Certificate of Appropriateness Consent approval, per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

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

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use Review

Section 3.5.3 Exemptions

(e) Projects where the scope and authority of municipal regulation is limited by statute pursuant to 24 VSA 4413.

Per state statute, municipal review is limited. Conditional Use does not apply.
Not applicable.

Article 4: Zoning Maps and Districts

Sec. 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced.

5. The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. Parking is intended to be hidden either behind or underneath structures.

The application chooses to install a small green space rather than redevelop into new housing. The unintended structural loss creates an opportunity to provide greenspace and enhance Brown's Court with a particular amenity; *an inviting streetscape for residents and visitors*. The proposed park will particularly benefit the high intensity use of the Champlain College apartments immediately west of this site. **Affirmative finding.**

(b) Dimensional Standards and Density

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

Table 4.4.5-2: Base Residential Density

High Density: RH 40 units/acre

The application proposes no residential units. **Affirmative finding.**

Table 4.4.5-3: Residential District Dimensional Standards

RH Zoning District	Max Coverage	Setbacks				Max. Height
	80%	Front Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Side Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Rear Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Waterfront N/A	35'
8 Brown's Ct.	41.7% proposed (stonedust, seating)	There is an existing easement area between Brown's Ct. and this parcel. See WagnerHodgson plan. The structure at 8 Brown's Ct was partially within that easement. Seating on the westerly section of the parcel is within the existing building footprint.	Seating is > 10% lot width from boundaries.	Meets 5' minimum for accessory structures	N/A	Three levels of 18" high seating < 35' maximum

Affirmative finding.

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Residential districts shall be as defined in Appendix A – Use Table.

A determination of use is precluded by §4413, limited municipal review. Not applicable.

(d) District Specific Regulations:

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above.

1. Setbacks

A. Encroachment for Residential Driveways

Not applicable.

B. Encroachment into the Waterfront Setback.

Not applicable.

2. Lot Coverage

A. Exceptions for Accessory Residential Features.

This is not within the RL, RM, RL-W or RM-W zoning districts. Not applicable.

3. Accessory Residential Structures, Buildings, and Uses

An accessory structure, building, and/or use as defined in Article 13 and provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential structure, building and/or use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

A. Accessory structures or buildings shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5(b) of this Article and related requirements in Art 5, Part 2;

The proposed stadium seating meets the minimum 5' setback from any property line.

Affirmative finding.

B. Any accessory structure or building that is seventy-five percent (75%) or greater of the ground floor area of the principal structure or building shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;

The parcel and use, as a whole, are accessory to the residential apartment building immediately west on Brown's Ct. The only structures on the site are seating. **Affirmative finding.**

C. Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than seventy-five percent (75%) of the ground floor area of the principal structure or building;

Not applicable.

and

D. The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered

vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space.

Not applicable.

4. Residential Density

Not applicable.

5. Uses

A. Exception for Existing Neighborhood Commercial Uses.

Not applicable.

6. Residential Development Bonuses.

Not applicable.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

This is an existing, developed lot. **Affirmative finding.**

Section 5.2.2 Required Frontage or Access

The parcel is immediately accessible from Brown's Ct, a City-owned Right-of-Way.

Affirmative finding.

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

8 Brown's Ct. is not within the RCO, WRM, RM, WRL or RL zoning districts, nor does it exceed 2 acres. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7 Density and Intensity of Development Calculations

See Table 4.4.5-2, above.

Part 3: Non Conformities

Not applicable.

Sec. 5.4.8 Historic Buildings and Sites

Although the fire-damaged building at 8 Brown's Ct. is listed within the **Battery St./ King Street Historic District** on the National Register of Historic Places, municipal review is limited by §4413. Not applicable.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

This is a very small parcel (1,198 sf) that has no notable or important natural features. Invasive species at the east of the lot will be removed. **Affirmative finding.**

(b) Topographical Alterations:

The topography of the site (higher elevation on the east side) will be utilized to inset some seating into the grade. **Affirmative finding.**

(c) Protection of Important Public Views:

There are no important public views from or through this site. **Affirmative finding.**

(d) Protection of Important Cultural Resources:

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

Limited municipal review per §4413. Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

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

(f) Brownfield Sites:

This parcel is not identified on the Vermont Agency of Natural Resources GIS-open data as a brownfield site. **Affirmative finding.**

(g) Provide for nature's events:

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

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

An EPSC plan has been submitted and forwarded to the Stormwater Coordinator for review. Approval of that plan will be a condition of approval.

Champlain College has a campus-wide plan for snow removal, although as a green space, there is likely limited need for that function.

Affirmative finding as conditioned.

(h) Building Location and Orientation:

Not applicable.

(i) Vehicular Access:

As existing. **Affirmative finding.**

(j) Pedestrian Access:

The stonedust courtyard is immediately accessible to the public sidewalk on Brown's Court. **Affirmative finding.**

(k) Accessibility for the Handicapped:

ADA compliance is under the jurisdiction of the building inspector.

(l) Parking and Circulation:

Not applicable.

(m) Landscaping and Fences:

A robust landscaping plan has been provided, prepared by WagnerHodgson Landscape Architecture. **Affirmative finding.**

(n) Public Plazas and Open Space:

The creation of a green open amenity space is equivalent to a plaza or open space for the enjoyment of immediate residents. **Affirmative finding.**

(o) Outdoor Lighting:

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

Suspended luminaires from cables are proposed within the setting; crossing diagonally at a lower pedestrian height to reinforce safety while providing modest evening lighting. **Affirmative finding.**

(p) Integrate infrastructure into the design:

No mechanical equipment is proposed. Only seating and lighting are to be installed within the largely sod green space. **Affirmative finding.**

Part 3: Architectural Design Standards
Sec. 6.3.2 Review Standards

Not applicable.

Article 8: Parking

Not applicable.

Article 9: Inclusionary and Replacement Housing

Part 2: Housing Preservation and Replacement/Demolition and Conversion

Municipal review is limited by §4413. Not applicable

II. Conditions of Approval

1. Written approval of the EPSC by the Stormwater Coordinator shall be received **prior to release of the zoning permit.**
2. All construction materials shall be disposed of in a safe and legal manner.
3. 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.



MEMORANDUM

To: Burlington Development Review Board and
Department of Permitting and Inspections

From: David G. White

Date: March 14, 2021

Re: Champlain College – 8 Browns Court

On behalf of Champlain College enclosed you will find a COA Level II application. This application requests approval to demolish the fire-damaged building located at 8 Browns Court and replace it with a pocket park. Enclosed materials include:

- 1) This cover memo, dated 03-14-21
- 2) Completed application form
- 3) Application fee check in the amount of \$419.00
- 4) COA Level II checklist
- 5) Demolition Criteria Narrative, by White + Burke, dated 02-28-21
- 6) Structural Review, by Engineering Ventures, dated May 6, 2019
- 7) Economic Feasibility Assessment by White + Burke, dated March 10, 2020, revised February 28, 2021
- 8) Site Plan Review Criteria narrative by White + Burke, dated February 28, 2021
- 9) Cost estimate memo, by White + Burke, dated March 13, 2021 with attachment by Wagner Hodgson Landscape Architecture, dated 11-25-20
- 10) Photographs of the subject property and neighboring properties
- 11) Existing Conditions plan by Lamoureux & Dickinson, dated 03-04-20
- 12) Included are two sizes (11 x 17 and 24 x 36) of the Proposed “Layout & Material Plan” by Wagner Hodgson Landscape Architecture. The only differences between

- the two sizes are the scale and dates. The 11 x 17 is dated 11-25-20, while the 24 x 36 is dated 03-15-21.
- 13) Proposed coverage calculation table is included on the “Existing Conditions, Site and EPSC Plan”, listed below. Existing impervious on site is 886 sq. ft., as indicated on page 6 of the EPSC application form.
 - 14) Building elevations, architectural wall sections, and a perspective drawing are not provided because no building is proposed.
 - 15) Lighting cut sheets are provided for Primus lights and Gardco poles. Selected models are outlined in red on the cut sheets.
 - 16) Included are two sizes (11 x 17 and 24 x 36) of the Proposed “Planting Plan” by Wagner Hodgson Landscape Architecture. The only differences between the two sizes are the scale and dates. The 11 x 17 is dated 11-25-20, while the 24 x 36 is dated 03-15-21.
 - 17) Project Narrative discussing the landscape concepts and objectives, by Wagner Hodgson Landscape Architecture
 - 18) EPSC application form
 - 19) Existing Conditions, Site and EPSC Plan, by Lamoureux & Dickinson, dated 11-20-20, last revised 03-10-21
 - 20) EPSC Notes and Details, by Lamoureux & Dickinson, dated 11-20-20
 - 21) Thumb drive with digital copies of all documents.

Kindly let me know if you have any questions or need any additional documentation.



MEMORANDUM

To: Burlington Development Review Board

From: David G. White

Date: February 28, 2021

Re: 8 Browns Court - demolition criteria

Champlain College comes before you requesting to demolish the building located at 8 Browns Court and replace it with a pocket park. 8 Browns Court is a contributing building in Battery Street-King Street Historic District, identified as building #206, constructed circa 1900. The existing 2-unit building was damaged by fire in August 2018. Subsequent analysis indicates that in its present condition it is structurally unsound and economically unfeasible for renovation.

This narrative responds to the criteria contained in Burlington's Comprehensive Development Ordinance, Section 5.4.8 (d) "Demolition of Historic Buildings".

I) Application requirements

- a. Report from licensed engineer or architect.
 - i. A report by Bob Neeld, President, Engineering Ventures, dated May 6, 2019 is provided.
- b. Statement addressing applicable review standards.
 - i. This memo. See section II of this narrative, below.
- c. Economic hardship feasibility report.
 - i. Report by David G. White, President, White + Burke Real Estate Advisors, revised February 28, 2021 is provided.
- d. Redevelopment plan.

- i. This application includes site and landscaping plans with details for a pocket park proposed to replace the building.
- e. Other materials required for application.
 - i. The COA Level II checklist has been followed and all materials provided, except for building elevations, wall cross sections and a perspective drawing, because there will be no building.

II) Standards for review of demolition

The standards for review of demolition require that the applicant meet *one* of the following three criteria. We believe the building meets all three, as follows:

- a. The structure is structurally unsound despite ongoing efforts by the owner to properly maintain the structure.
 - i. Bob Neeld, President of Engineering Ventures, inspected the building following the fire. His report, dated May 6, 2019, concludes on the final page, “The building is not currently structurally sound due to noted roof and foundation issues”.
 - ii. Prior to the fire, Champlain College regularly maintained the building. Its condition is due to a fire, not any failure to maintain.
- b. OR –The structure cannot be reused as part of economically beneficial use of property or moved.
 - i. I personally undertook an assessment of the economic feasibility of renovating the property. In my report revised February 28, 2021, I concluded that after renovation the property would be worth a maximum of approximately \$295,000. An experienced contractor, HP Cummings, estimated (dated 1/8/20) that renovations would cost \$406,879, which is approximately 38% higher than the post-renovation value. Consequently, it is not economically feasible to renovate the property.
 - ii. With respect to moving the building, that would substantially increase the cost to renovate without adding any value.
- c. OR – The proposed redevelopment provides substantial community-wide benefit
 - i. The fire greatly diminished the value of the existing building to the community. We believe the proposed pocket park in one of the highest density areas of the City will have greater community benefit.

The standards for review of demolition require the applicant meet *all* the following criteria:

- d. The proposal mitigates to greatest extent practical impact to historic importance of adjacent properties.
 - i. Champlain proposes to replace the fire-damaged building with a pocket park. It will complement the abutting buildings and provide open space in an otherwise very dense few blocks of the City that has little open space.
- e. The applicant will document all historically important features.
 - i. Champlain College agrees to photograph all architecturally important features of the building prior to demolition.
- f. The applicant agrees to redevelop the site after demolition, with an approved plan which is:
 - i. Compatible with historic integrity, enhances architectural character of immediate area
 - 1. Champlain believes the proposed pocket park is compatible with the historic properties and enhances the character of the area.
 - ii. The proposal must include an acceptable timeframe and guarantees.
 - 1. Champlain proposes to commence construction of the pocket park immediately upon completion of the demolition, subject only to the schedules of what will likely be two different contractors (one for demo, the other for construction of the park) and winter weather which could delay construction of the pocket park until spring.
 - iii. Commencement not more than 6 months after demo
 - 1. Champlain's intent is to commence construction of the park immediately following completion of the demolition and agrees that in no event will it be delayed longer than 6 months.

III) Deconstruction: salvage and reuse of historic materials

Champlain will offer an opportunity for salvage of materials in the building to ReSource.

Let me know if you have any questions or need further information.

May 6, 2019

Karen Dusini- Senior Campus Space Manager
Champlain College Office of Finance and Administration
PO Box 670
Burlington, VT 05402-0670

kwdusini@champlain.edu

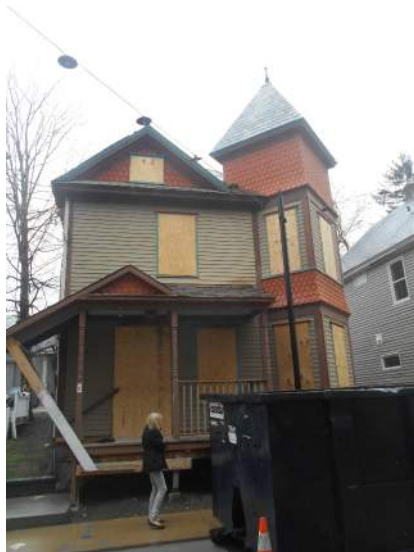
Re: 8 Browns Court- Structural Review r1

EV# 19208

Dear Karen:

At your request, a site visit was conducted on May 2, 2019 where I met with you and Saryn Campbell of HP Cummings.

The building was damaged by fire last fall and has been boarded up and left vacant since then. The fire started in the south-east corner and damaged the exterior and about 1/3 of the roof. The main floor and second floor were not damaged directly by the fire, but were heavily smoke damaged with some water damage.



Based on our conversations, you are mostly concerned about the condition of the foundation. The following was noted:

The foundation is mortared stone about 18" thick. The basement floor is concrete. The exterior foundation has been covered with spray-on



insulation making interior observations of the stone impossible without removal of the insulation.



The north wall has pushed in several inches and does not appear stable. There are deteriorated mortar joints and drainage slopes back towards the building.

The east wall has soil that has been placed above the main floor as the grade is several feet higher in this location. The foundation itself could not be observed. It appears there were some concrete reinforcing sections added at some point. This area is likely subject to rotted sills and excessive soil pressure.



The south wall has several jogs that help stabilize the wall and therefore it does not appear to be leaning inward. The mortar joints are in poor condition with loose stones and missing mortar.

The west wall is under the entry porch and its condition is similar to the south wall



The first and second floor framing were noted to be in good condition without direct fire damage. The finishes will likely need to be replaced due to smoke and water damage.



The roof framing was about 1/3 damaged by the fire. The damaged sections will need to be replaced. Additionally, the valley beams that form the dormers of the roof should be further evaluated and likely reinforced.

The building is not currently structurally sound due to the noted roof and foundation issues. In addition to the mechanical and electrical replacement issues, the following would need to be addressed to address structural and other issues to make it suitable for occupancy:

Recommendations:

- The foundations should be either replaced or reinforced/repared or a combination of the two. The north and east walls should be considered for replacement. The west and south walls could be repointed and repaired but a full replacement may be more economical in the long term. Walls that are repaired should be reviewed on a regular basis (every 5-10 years) and repaired as needed.
- Drainage at the north side should be addressed to keep water from flowing toward the building.
- A more detailed review of the roof framing should be conducted. Replacement of the damaged framing is needed and reinforcing of several elements is also warranted since a significant portion of the roof has been damaged.
- Interior finishes should be evaluated for smoke and water damage and will likely need to be 100% replaced.

Please let me know if you have further questions or if you would like us to move forward with more detailed renovation plans. We are pleased to have the opportunity to work with you.

Sincerely,



Bob Neeld, PE- President
Engineering Ventures, PC

cc: David White- White and Burke



MEMORANDUM

To: Shelley Navari, Vice President of Finance, Champlain College

From: David G. White

Date: March 10, 2020, Revised February 28, 2021

Re: 8 Browns Court – Economic Feasibility Assessment

This memorandum summarizes my analysis and findings relative to the economic feasibility of renovating Champlain's two-unit residential building located at 8 Browns Court. The original report used data from the June 2019 Allen, Brooks and Minor Report (ABMR), which is the most comprehensive database of income, expenses, and sales values for commercial and investment properties in the Chittenden County area. This revised report uses data from the more recent June 2020 ABMR.

In August 2018, a two-unit building owned by Champlain College located at 8 Browns Court was damaged by fire. Since then, it has been vacant while Champlain evaluated its options for the property. Initially the assumption was that it would renovate and re-lease the units. Extensive renovations would be required throughout due to considerable smoke and water damage.

Subsequently, an analysis done in May 2019 by Engineering Ventures made it clear even more renovations would be needed. Their analysis determined the property is not currently structurally sound due to problems with the foundation and roof which they identified. Following this HP Cummings Construction was asked for a cost estimate for the required renovations.

My scope was to evaluate the post-renovation value of the property and render an opinion as to whether it is economically feasible to proceed. To accomplish this, I used information from Champlain regarding historic rental income and operating costs and from ABMR. Based on these sources and using industry-standard methodology, I prepared an operating proforma and value estimate.

Factors used in proforma analysis and valuation

The subject property, 8 Browns Court, is a wood-frame clapboard structure built in 1899. It has two-units (one 1st floor and the other on the 2nd floor). Each unit has two bedrooms and a single bathroom. The 1st floor unit is approximately 713 square feet and the 2nd floor unit is approximately 629 square feet.

Income –

Rental income – ABMR indicates 2-bedroom units average \$1,361/month rent plus tenants pay their own utilities. Such units typically average between 960 to 1,100 square feet. Thus, the subject units are considerably smaller than typical. Historically, the subject property has been rented with utilities included because the utilities are not separated. Champlain reports utilities have cost \$3,100/yr or about \$129/month for each apartment. This is confirmed by ABMR which indicates utilities typically average approximately \$126/month per unit. The larger of the two units in the subject property is about 74% of the size of the small end of the typical range. A direct pro-ration of average rents indicates a monthly rent of \$1,007. I judge this to be lower than the likely rent. While such small units are likely to rent for something less than the average market rent, to be conservative I nonetheless elected to use ABMR's average rent of \$1,361/month plus utilities of \$129 totaling \$1,490/month for each apartment. This will tend to overestimate the property value.

Vacancy rate – ABMR shows current apartment vacancy rates in the urban area of Chittenden County (as distinct from suburban areas) to be 2.8%, with a county-wide long-term average vacancy rate of 1.8%. It is questionable whether the averages apply to a two-unit building because if even one unit is vacant for a single month after one tenant leaves and before another occupies (for cleaning, repairs, etc.), that would be 4.2% vacancy. Nonetheless, to be conservative I have elected to assume the lowest vacancy rate of 1.8% in this analysis. This will tend to overstate the property value.

Operating Expenses –

Repairs & Maintenance – Champlain has limited operating history on which to base long-term actual average maintenance expenses. I have elected to use ABMR, which shows \$1,834 per year average repairs & maintenance per unit. This would total \$3,668.

To be conservative, I have reduced it to \$3,000 per year total for my analysis. This will tend to overstate the value.

Snow removal and grounds – ABMR shows \$369/unit/year for a total of \$738. I have used \$500/year because there is no driveway or parking to plow. Nonetheless, there is an entry walk and stairs to shovel as well as modest grounds to mow and maintain.

Rubbish removal – I have assumed \$50/month combined for \$600 total per year.

Utilities – I have used actual costs obtained from Champlain

Management – I have applied a cost of 5% of gross income, which is at the low end of what is typical in the market. ABMR assumes 8%. I've also assumed \$170/year accounting and legal costs.

Property Taxes – The City currently shows \$6,349/year.

Insurance – I've used \$600/year based on an estimate from Champlain.

Replacement reserve – I've used a conservative 2% factor.

Value estimate –

Cap Rate – The value of a rental property is generally a function of the Net Operating Income (NOI) it is expected to generate and the market Capitalization Rate or “Cap Rate”. Cap Rate is the ratio between NOI and the sales price of a property. Cap Rates are determined based on what investors are paying for similar properties in the same market area. Through the first half of 2020 ABMR shows an average 6.6% Cap Rate for 3 to 4-unit residential properties in the broader Chittenden County area. They do not supply Cap Rates for smaller rental properties. This is higher than the 6.2% cap rate they measured for 3 to 4-unit properties in 2019, which was the lowest rate they have measured for at least a decade. Because a lower Cap Rate results in a higher value, to be conservative I have elected to use this lower rate.

Value – Based on the forgoing, the property is projected to have Effective Gross Income of \$35,116, Operating Expenses of \$16,777, and an NOI of \$18,339. Using a cap rate of 6.2% generates a value of \$295,793.

Government Property Assessment – As one indicator, I also examined the City of Burlington assessment for the property, which is \$206,300. The state's Common Level of Appraisal (CLA) for Burlington (CLA is the state's estimate of the ratio between a

municipality's property assessments and actual market value), is 74.77%. Applying this to the assessed value of \$206,300 derives a rough estimate of the actual market value to be \$275,913. While this cannot be relied on for a firm conclusion of actual value it nonetheless generally supports my estimate of value.

Conclusion

Based on the above-described analysis I estimate the maximum post-renovation value of 8 Browns Court to be \$295,000 (copy attached). Because I have elected to use multiple conservative assumptions which tend to cause the value to be over-stated, the actual value is likely lower. Regardless, the HP Cummings estimate, dated 1/8/2020, (copy attached) totaling \$406,879 is 38% higher than this maximum estimated value.

My conclusion is that renovating 8 Browns Court is not economically feasible.

I am happy to answer any questions you may have.

DEVELOPMENT PROFORMA ANALYSIS

PROJECT: **Browns Court Rehabilitation**

DATE: **02/28/21**

SCENARIO: **valuation**



REVENUES		Monthly Rent	Stabilized Yr 1
Base Rents			
1st flr - 2 bedroom, 713 SF	(utilities included)	\$1,490.00	17,880
2nd flr - 2 bedroom, 629 SF	(utilities included)	\$1,490.00	17,880
Gross Rent			35,760
Vacancy Rate:			1.8%
Vacancy:			644
EFFECTIVE GROSS INCOME:			35,116
OPERATING EXPENSES:			
Maintenance			
Repairs & Maintenance	\$1,834/unit per Allen, Brooks & Minor		3,000
Snow/Grounds	\$369/unit per Allen, Brooks & Minor		500
Rubbish	assume \$50/mo.		600
Utilities			
Electric	per Champlain		1,100
Water/Sewer	per Champlain		300
Gas	per Champlain		1,700
Management			
Management Fees		5.0%	1,756
Legal/Accounting	\$85/unit per Allen, Brooks & Minor		170
General			
Property Taxes		per City	6,349
Insurance		per Champlain	600
Replacement Reserve		2.0%	702
Other/Misc			0
TOTAL OPERATING EXPENSES:			16,777
NET OPERATING INCOME (NOI):			18,339

CAPITALIZED VALUE ANALYSIS		Stabilized Yr 1
Net Operating Income		18,339
Capitalization Rate	Per Allen, Brooks & Minor	6.2%
Capitalized Value		295,793

DISCLAIMER NOTICE: All financial projections and other information furnished herein are provided for general reference purposes only. These projections and other information have been based upon various assumptions relating to the general economy, competition and other factors beyond White + Burke Real Estate Advisors, Inc.'s (W+B's) reasonable control, and therefore these are subject to material variation. Furthermore, neither W+B nor any of its staff is acting as an attorney, accountant or financial planner and therefore no opinion is given or implied as to the legal sufficiency, tax implications or financial prudence of any investment or other financial activity. W+B strongly advises consulting with an attorney, accountant and/or other professional advisor(s) prior to making any material financial decisions. There is no guarantee that past performance is any indication of future performance. Future value or income is not guaranteed. Neither W+B, nor its stockholder(s), representatives, or employees make any representation or warranty, expressed or implied, as to the accuracy or completeness of this projection, nor of any other information or contents herein.

**8 Browns Court - Champlain College
Burlington, VT**

Date: 1/8/2020

Estimated by: HP Cummings Construction Co.

Revision 0

Attn: Mike Hulbert

	Description	Qty	Unit	Labor Unit	Labor	Material Unit	Material Total	Total
01-000-01	General & Special Conditions							
01-012-01	Field Supervision							
	Project Manager (50%)	5	mo	\$2,300.00	\$11,500	\$0.00	\$0	\$11,500
	Superintendent (50%)	5	mo	\$1,200.00	\$6,000	\$0.00	\$0	\$6,000
01-018-01	Safety Program							
	First aid	5	mo	\$35.00	\$175	\$50.00	\$250	\$425
	Safety	5	mo	\$50.00	\$250	\$25.00	\$125	\$375
	Protective Equipment	5	mo	\$0.00	\$0	\$50.00	\$500	\$500
	Inspections/Safety Meetings	5	mo	\$100.00	\$500	\$0.00	\$0	\$500
01-335-01	Protect and Repair Grounds							
	Temporary Signage	1	ls	\$250.00	\$250	\$250.00	\$250	\$500
	Item Total				\$18,675		\$1,125	\$19,800
02-100-00	Demolition & Alterations							
	02100 Building Demolition							
	Subcontract Furnish & Install						\$0	
	Demo Interior	1	ls	\$30,000.00	\$30,000		\$0	\$30,000
					\$0		\$0	\$0
	Item Total				\$30,000		\$0	\$30,000
02-200-00	Sitework							
	02200 Earthwork							
	Subcontract Furnish & Install				\$0		\$0	\$0
	Excavate,shore & remove for new foundation	1	ls	\$0.00	\$0	\$36,000.00	\$36,000	\$36,000
	Regrade at Building Perimeter	1	ls	\$1,000.00	\$1,000	\$200.00	\$200	\$1,200
	Reseed and Mulch Yard	1	ls	\$1,500.00	\$1,500	\$1,000.00	\$1,000	\$2,500
					\$0		\$0	\$0
	Item Total				\$2,500		\$37,200	\$39,700
03-300-00	Concrete							
	03300 Concrete							
	Subcontract Furnish & Install				\$0		\$0	\$0
	Concrete Sidewalk to Bulkhead	1	ls	\$500.00	\$500	\$1,000.00	\$1,000	\$1,500
	Structural Foundation Shoring and Repairs	1	ls	\$10,000.00	\$10,000	\$16,000.00	\$16,000	\$26,000
	Shore up Building	1	ls	\$500.00	\$500	\$22,000.00	\$22,000	\$22,500
	New Foundation	39	cy		\$0	\$700.00	\$27,300	\$27,300
					\$0		\$0	\$0
	Item Total				\$11,000		\$66,300	\$77,300
06-100-00	Rough Carpentry							
	06100 Rough Carpentry							
	Subcontract Furnish & Install						\$0	\$0
	Roof Framing Repairs	1	ls	\$9,000.00	\$9,000	\$7,000.00	\$7,000	\$16,000
	Foundation Sill Repairs	1	ls	\$4,500.00	\$4,500	\$2,000.00	\$2,000	\$6,500
					\$0		\$0	\$0
	Item Total				\$13,500		\$9,000	\$22,500
06-200-00	Finish Carpentry & Millwork							
	06200 Finish Carpentry							
	Subcontract Furnish & Install - Incl in Div 6				\$0		\$0	\$0
	Cabinets and Vanities	1	ea	\$1,250.00	\$1,250	\$2,500.00	\$2,500	\$3,750
	Countertops	2	ea	\$500.00	\$1,000	\$1,000.00	\$2,000	\$3,000
					\$0		\$0	\$0
	Item Total				\$2,250		\$4,500	\$6,750
07-000-00	Thermal & Moisture Control							
	07200 Insulation				\$0		\$0	\$0
	Subcontract Furnish & Install				\$0		\$0	\$0
	Acoustical Insulation	1	ls	\$3,000.00	\$3,000	\$1,500.00	\$1,500	\$4,500
	Spray Foam Insulation at Exterior	1	ls	\$5,000.00	\$5,000	\$6,000.00	\$6,000	\$11,000
					\$0		\$0	\$0
	07320 Siding				\$0		\$0	\$0
	Subcontract Furnish & Install				\$0		\$0	\$0
	Replace Siding	1	ls	\$4,500.00	\$4,500	\$3,000.00	\$3,000	\$7,500
					\$0		\$0	\$0
	07540 Roofing				\$0		\$0	\$0
	Subcontract Furnish & Install				\$0		\$0	\$0
	Repair Slate Roof	1	ls	\$12,000.00	\$12,000	\$7,600.00	\$7,600	\$19,600
					\$0		\$0	\$0
	07600 Caulking Sealants				\$0		\$0	\$0
	Subcontract Furnish & Install				\$0		\$0	\$0
	Misc. Sealants	1	ls	\$2,000.00	\$2,000		\$0	\$2,000
					\$0		\$0	\$0

	Item Total				\$26,500		\$18,100	\$44,600
08-000-00	Doors, Windows, & Glass							
	08300 Wood Doors and Frames							
	Subcontract Furnish & Install				\$0		\$0	\$0
	Interior Doors and Frames	10	ea	\$100.00	\$1,000	\$150.00	\$1,500	\$2,500
	Exterior Doors and Frames	3	ea	\$100.00	\$300	\$200.00	\$600	\$900
	08710 Finish Hardware - Incl in Div 6							
	Subcontract Furnish & Install				\$0		\$0	\$0
	Door Hardware	13	ea	\$50.00	\$650	\$50.00	\$650	\$1,300
	08800 Glazing							
	Subcontract Furnish & Install				\$0		\$0	\$0
	Window Replacement	26	ea	\$500.00	\$13,000	\$750.00	\$19,500	\$32,500
	Item Total				\$14,950		\$22,250	\$37,200
09-000-00	Finishes							
	09200 Gypsum Wallboard Assemblies - Incl in Div 6							
	Subcontract Furnish & Install				\$0		\$0	\$0
	New Gypsum on Walls	5500	sf	\$1.20	\$6,600	\$1.00	\$5,500	\$12,100
	New Gypsum on Ceilings	1500	sf	\$1.50	\$2,250	\$1.00	\$1,500	\$3,750
	Taping	7000	sf	\$0.50	\$3,500	\$0.40	\$2,800	\$6,300
	09510 Flooring				\$0		\$0	\$0
	Subcontract Furnish & Install				\$0		\$0	\$0
	New Wood Flooring	1		\$8,900.00	\$8,900		\$0	\$8,900
	Vinyl Flooring	1		\$2,300.00	\$2,300		\$0	\$2,300
	09900 Painting & Wall Cover - Incl in Div 6							
	Subcontract Furnish & Install				\$0		\$0	\$0
		1		\$6,200.00	\$6,200		\$0	\$6,200
	Item Total				\$29,750		\$9,800	\$39,550
10-000-00	Specialties							
	10100 Specialties							
	Subcontract Furnish & Install				\$0		\$0	\$0
	Bathroom Specialties	2		\$150.00	\$300	\$150.00	\$300	\$600
	Item Total				\$300		\$300	\$600
11-000-00	Equipment							
	11310 Appliances							
	Subcontract Furnish & Install				\$0		\$0	\$0
	New Kitchen Appliances	4		\$200.00	\$800	\$500.00	\$2,000	\$2,800
	Item Total				\$800		\$2,000	\$2,800
15-100-00	Mechanical							
	15100 Plumbing HVAC							
	Subcontract Furnish & Install				\$0		\$0	\$0
	Replace Ductwork	1	ls	\$5,000.00	\$5,000	\$4,000.00	\$4,000	\$9,000
	Replace Piping	1	ls	\$6,000.00	\$6,000	\$5,000.00	\$5,000	\$11,000
	Replace Shower Surrounds	1	ls	\$3,000.00	\$3,000	\$1,000.00	\$1,000	\$4,000
	Item Total				\$14,000		\$10,000	\$24,000
16-100-00	Electrical							
	16100 Electrical							
	Subcontract Furnish & Install				\$14,000		\$0	\$14,000
	Item Total				\$14,000		\$0	\$14,000

Totals	\$178,225	\$0	\$180,575	\$358,800
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Estimating Contingency	8.00%	\$28,704
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Sub Total	\$387,504
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CM Fee	5.00%	\$19,375
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Total Budget	\$406,879
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ESTIMATE CLARIFICATIONS

- Roof repairs assumed to be relatively simple, and not require framing of the entire roof framing
- Finishes to match that of originally approved finishes for the building



MEMORANDUM

To: Burlington Development Review Board

From: David G. White

Date: February 28, 2021

Re: 8 Browns Court – site plan review criteria

This memorandum briefly addresses the site plan review standards contained in Section 6 of Burlington's Comprehensive Development Ordinance.

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

Not applicable. There are no significant natural features on this site.

(b) Topographical Alterations:

Only minor changes to existing topography are proposed.

(c) Protection of Important Public Views:

Not applicable. There are no important public views impacted by this site as it exists today or as proposed.

(d) Protection of Important Cultural Resources:

This property is a contributing building in the historic district. Unfortunately, due to extensive fire, smoke, and water damage as well as structural issues, it is proposed to be demolished. Please see the memo provided regarding the demolition criteria.

(e) Supporting the Use of Renewable Energy Resources:

Other than for site lighting, which is minimal, no energy use is proposed for this pocket park. Arborvitae around the perimeter of the site and a Honey Locust to be planted southerly of the proposed picnic tables will help shade the property during summer months.

(f) Brownfield Sites:

This is not a known brownfield site.

(g) Provide for nature's events:

An erosion prevention and sediment control (EPSC) plan and application has been provided. It is anticipated that stormwater runoff from the site will be reduced due to a decrease in impervious surface.

(h) Building Location and Orientation:

Not applicable. This project does not involve construction of any buildings.

(i) Vehicular Access:

Not applicable. This project does not involve any on-site access for vehicles. It will be pedestrian only.

(j) Pedestrian Access:

Pedestrian access will be direct from the public sidewalk as shown on the plans. The site is located on a dead-end street that is less than one block long. It has minimal traffic and therefore few conflicts between vehicles and pedestrians.

(k) Accessibility for the Handicapped:

The sloping stonedust walk along the southern edge of the site leading to the is designed to meet ADA accessibility standards. It provides access to the entire pocket park.

(l) Parking and Circulation:

Not applicable. There is no on-site parking or circulation.

(m) Landscaping, Fences and Retaining Walls:

Both a layout plan and landscaping plan for the pocket park have been provided. Please see the separately provided Wagner-Hodgson project narrative for more information.

(n) Public Plazas and Open Space:

The proposed pocket park is adjacent to Champlain College's recently completed Eagles Landing housing project. It is anticipated that student residents in Eagles Landing will be the primary users of the pocket park, although it will also be open to the general public. The site is directly accessible from the public right of way of Browns Court and from the surrounding buildings. The design includes two modern picnic tables and stadium seating to encourage social interaction.

(o) Outdoor Lighting:

We believe the proposed lighting falls under exemption 5.5.2 (b) (6) “Decorative fixtures using low output lamps used for landscaping that do not emit direct illumination of glare, or cast a shadow onto adjacent property”. Cut sheets are provided for the proposed lighting. The proposed light consists of strings low wattage (3.5 watts) LED bulbs crossing the site overhead to allow for evening activities and enhanced safety. The existing streetlight located in the public right of way in front of the site will remain.

(p) Integrate infrastructure into the design:

Not applicable. There are no storage areas, machinery, equipment installations, service or loading areas, utility meters or similar structures.



MEMORANDUM

To: Burlington Development Review Board and
Department of Permitting and Inspections

From: David G. White

Date: March 13, 2021

Re: Champlain College – 8 Browns Court – Cost Estimate

Attached to this memo is an Estimate of Probable Costs prepared by Wagner Hodgson Landscape Architecture for the construction of the proposed pocket park at 8 Browns Court. In addition to these costs there will be the cost of demolition of the existing fire-damaged structure and possibly some fill will be required for the cellar hole if there is insufficient material on-site. We estimate a total project cost of \$120,000 as follows:

Pocket Park	\$ 82,018.02
Demo and fill	<u>\$ 37,981.98</u>
	\$120,000.00

8 Brown's Court
Estimate of Probable Construction Costs

Wagner Hodgson Landscape Architecture
11/25/2020

Item	Quantity	Unit	Unit Cost	Unit Total	Sub-total
HARDSCAPE					
Stonedust Paving with Binder	475	SF	\$5.00	\$2,375.00	
Wooden Stadium Seating (w/ concrete retaining wall beneath)	158	SF	\$120.00	\$18,960.00	
Concrete retaining wall (Deck Support)	22	CY	\$600.00	\$13,200.00	
<i>Hardscape Subtotal</i>					\$34,535.00
PLANTING					
Shade Tree; 4.5-5" Cal.	1	EA	\$2,500.00	\$2,500.00	
Evergreen Tree, 6-8' ht.	30	EA	\$250.00	\$7,500.00	
Deciduous Shrub, 5 gal.	12	EA	\$100.00	\$1,200.00	
Mulch	671	SF	\$0.65	\$436.15	
Sod Lawn	257	SF	\$1.25	\$321.25	
<i>Planting Subtotal</i>					\$11,957.40
SITEWORK					
Grading, Soil Prep and Amendment* (*does not include building demolition or fill)	1	LS		\$5,000.00	
<i>Sitework Subtotal</i>					\$5,000.00
SITE FURNISHINGS AND LIGHTING					
Steel Edging - Flush	60	LF	\$15.00	\$900.00	
Steel Edging - Curb (3/16" thick, 18" below grade)	57	LF	\$60.00	\$3,420.00	
Steel Edging - Deck Vertical Face (1/8" thick, 6"-18" ht)	106	SF	\$50.00	\$5,300.00	
Lighting (poles)	3	EA	\$1,200.00	\$3,600.00	
Lighting Allowance (catenary lights and LED strip lights @ deck)	1	LS		\$5,000.00	
Site Furniture Allowance	2	EA	\$4,200.00	\$8,400.00	
<i>Misc. Subtotal</i>					\$26,620.00
Subtotal					\$78,112.40
5% Contingency					\$3,905.62
TOTAL					\$82,018.02

NOTES: Does not include costs for building demolition and removal, soil remediation, or potential fill needed for foundation wall removal. Assumes that existing soil on site is clean and suitable for planting without contamination.







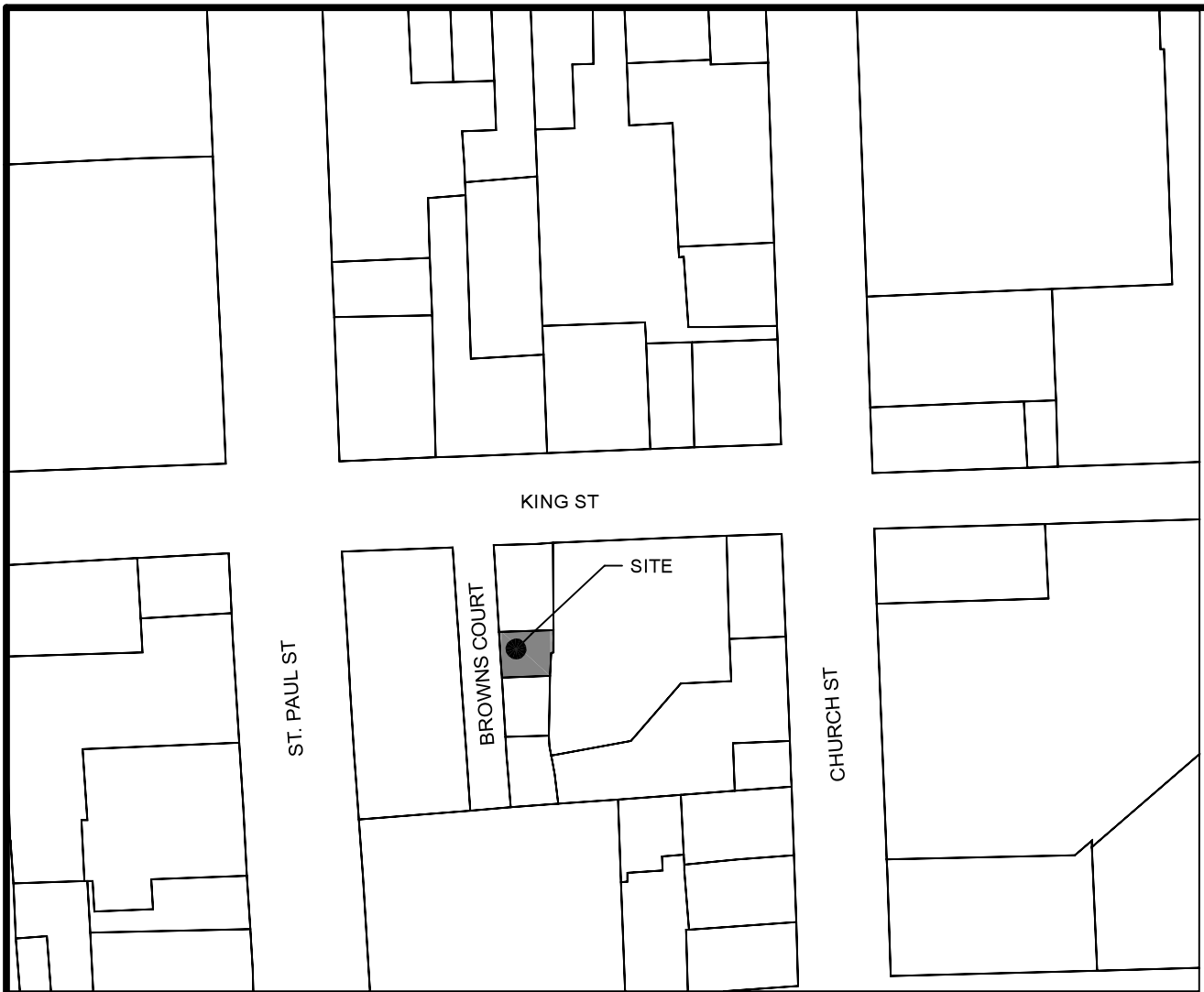




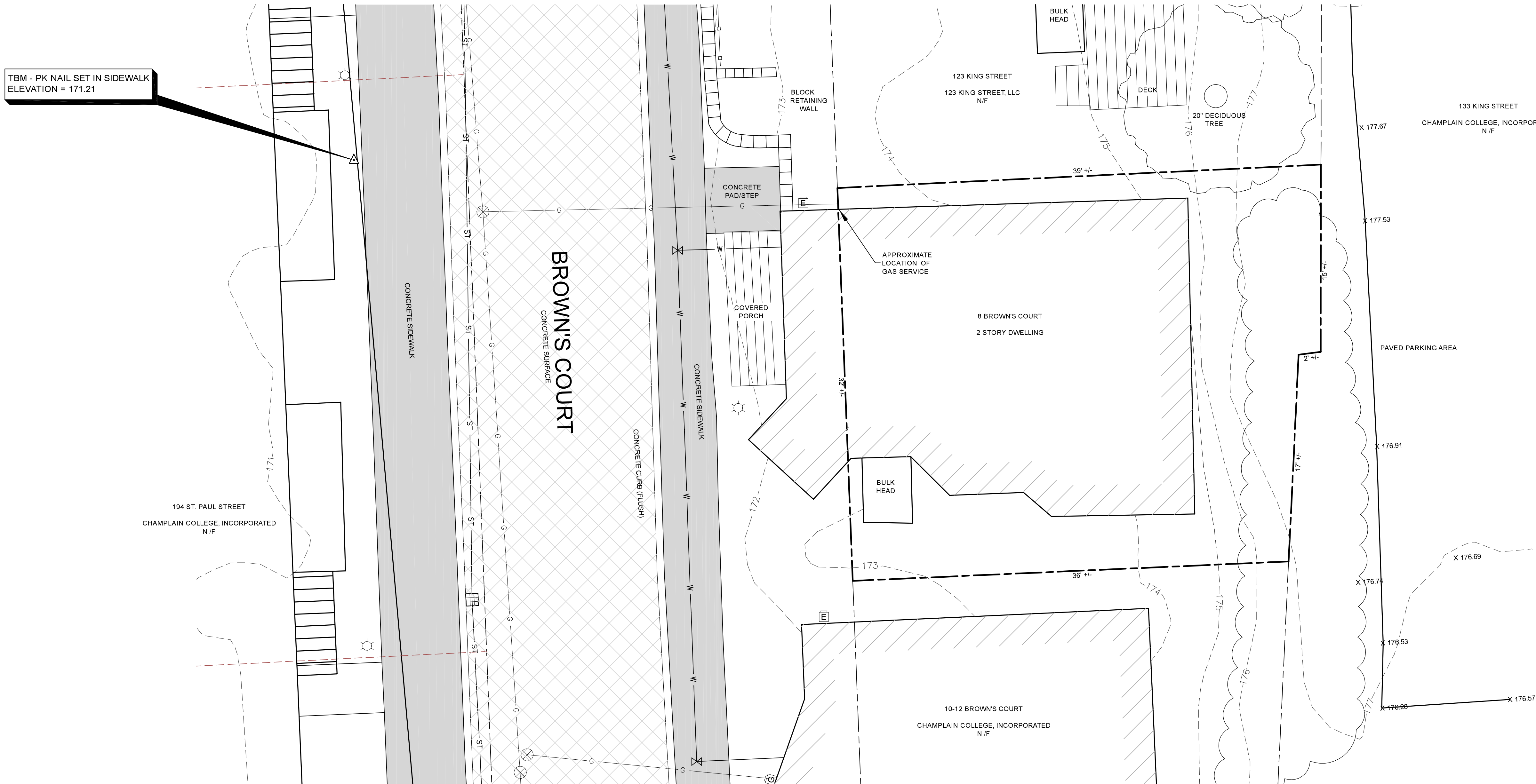








LOCATION MAP
NTS



TBM - PK NAIL SET IN SIDEWALK
ELEVATION = 171.21

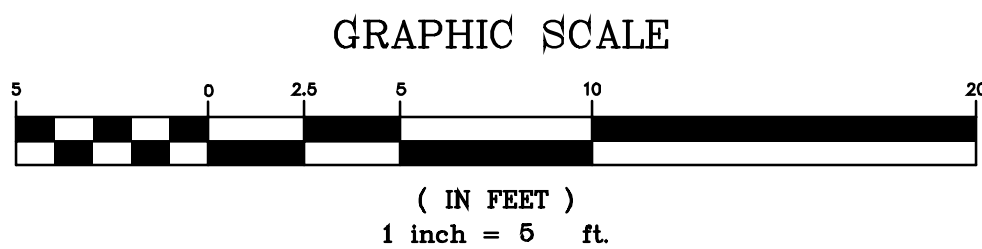
194 ST. PAUL STREET
CHAMPLAIN COLLEGE, INCORPORATED
N/F



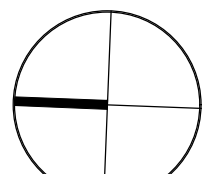
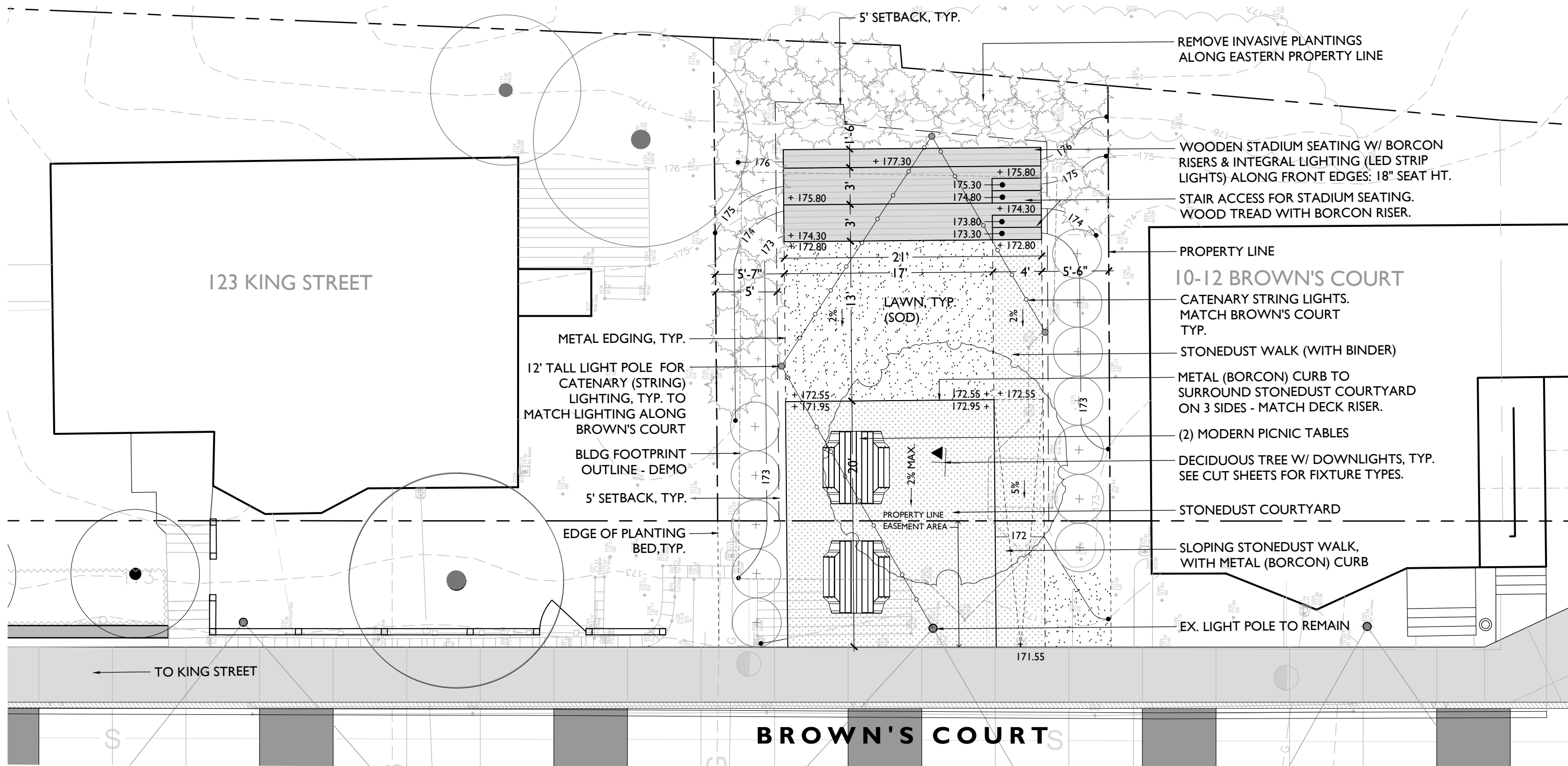
LEGEND

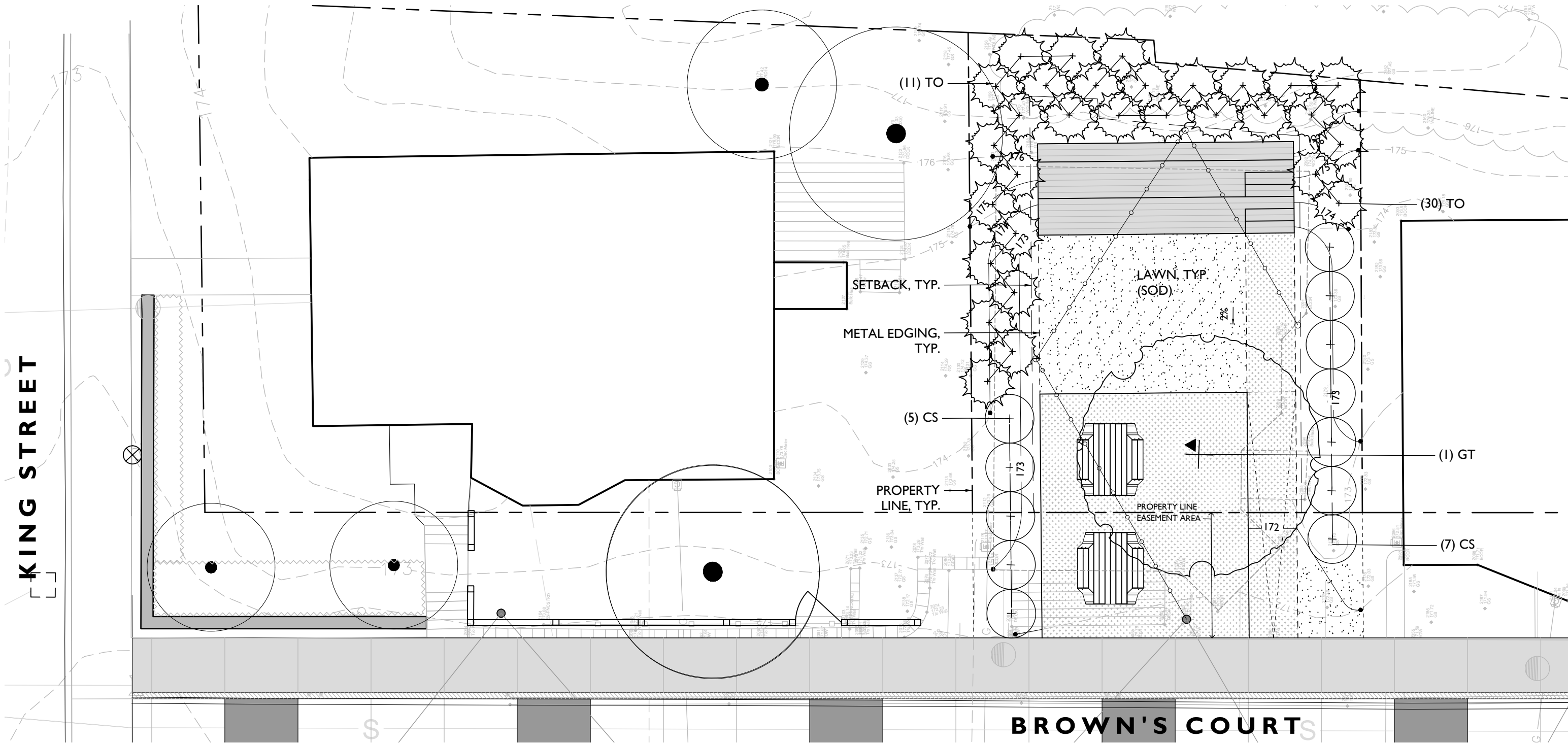
- PROJECT BOUNDARY
- ABUTTING PROPERTY LINE
- EXISTING GAS MAIN
- EXISTING WATER MAIN, WITH GATE VALVE
- EXISTING GROUND CONTOUR
- EXISTING STORM SEWER, WITH CATCH BASIN
- EXISTING LIGHT POLE WITH NO HEAD
- EXISTING ELECTRIC METER
- EXISTING DECIDUOUS TREE
- EXISTING TREE LINE
- EXISTING GROUND SPOT ELEVATION

NOTE:
1. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY LINES ARE SHOWN BASED ON A PLAN ENTITLED "LANDS OF CHAMPLAIN COLLEGE, INC. AND THE CITY OF BURLINGTON, 194 ST. PAUL STREET, BURLINGTON VERMONT, PROPERTY PLAT," BY LAMOUREUX AND DICKINSON, DATED 11-27-13.
2. THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING CONDITIONS OF THE CHAMPLAIN COLLEGE INCORPORATION PROPERTY AT 8 BROWN'S COURT.



Date	Revision	By
These plans shall only be used for the purpose shown below:		
☐ Sketch/Concept	☐ Act 250 Review	
☐ Preliminary	☐ Construction	
☐ Final	☐ Record Drawing	
LANDS OF CHAMPLAIN COLLEGE INCORPORATED 8 Brown's Court, Burlington, VT		Project No. 20008 Survey MJB Design N/A Drawn MJB/DLH Checked DJG/DLH Date 3-4-20 Scale AS NOTED Sheet number 1
EXISTING CONDITIONS SITE PLAN		
Lamoureux & Dickinson Consulting Engineers, Inc. 14 Morse Drive, Essex, VT 05452 802-878-4450 www.LDengineering.com		



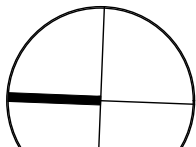


PLANT SCHEDULE

KEY	QTY.	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING
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TREES & SHRUBS

CS	12	Cornus stolonifera 'Farrow'	DWARF REDTWIG DOGWOOD	5 GAL.	4' O.C.
GT	1	Gleditsia tricanthos 'Shademaster'	THORNLESS HONEY LOCUST	3-3.5" CAL.	AS SHOWN
TO	30	Thuja occidentalis 'Emerald Green'	GREEN EMERALD ABORVITAE	6-8' HT	AS SHOWN



8 BROWN'S COURT POCKET PARK

PLANTING
PLAN

8 Brown's Court | Project Narrative

The Pocket Park at 8 Brown's Court is proposed as a green space amenity for the adjacent Eagles Landing Project and publicly accessible. Extensive fire damage to the 8 Brown's Court building structure in 2019 provides a rare opportunity for greenspace development in the downtown Burlington core.

Accessible on foot from King Street, this project proposes an outdoor stonedust courtyard with picnic tables, a raised lawn, and wooden stadium seating along the northern edge of the park. Following the rise in topography east from Brown's Court, a sloping walkway along the southern edge of the park provides access to the raised lawn and wood seating. A proposed tree in the stonedust courtyard provides filtered shade for the courtyard and lawn areas during warmer months. Proposed plantings along the north and south edges provide ample screening from adjacent properties. Overhead catenary lighting will continue through the park, crossing diagonally at a lower pedestrian height to allow evening activities and reinforce safety, while maintaining the geometry of the Brown's Court overhead lighting strategy.

Designed with flexibility in mind, we anticipate this park to be used as an alternative outdoor study area for students, a gathering space for student group activities (in conjunction with Champlain College's Student Life program), and a social space.

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Inventory—Nomination Form**

For NPS use only

received

date entered

Continuation sheet 37

Item number 7

Page 38

205. 12 Brown's Court, c.1900.

This 2½ story, gable-front, woodframe house sits on a stone foundation and has a slate-covered roof. Marking the front facade is a variegated shingle-filled pediment enclosed by a pent roof, a central one-story, polygonal bay window and a right sidehall entrance. On the south facade is a shed-roofed porch supported by Tuscan columns on box posts, pedestals and a balustrade rail. The east end of the porch is attached to a flat-roofed, one-story ell addition. The modest home was built either on speculation or as a rental property by N. K. Brown, a patent medicine manufacturer.

206. 8 Brown's Court, c.1900.

This 2½ story, 2 x 3 bay, clapboarded and wood-shingled, vernacular Queen Anne/Colonial Revival style house was probably built on speculation as a rental property by developer, N. K. Brown. Herbert Sherman, a Wells-Richardson employee was the first resident. He was succeeded by Michael Wilson, a foreman of the Rutland Railroad who lived there until 1935. The hip-roofed block rests on a stone foundation and has a slate roof, a prominent rectangular, southwest corner tower and a Colonial Revival front porch. The three-story tower is crowned by a pyramidal roof topped by a finial and has beltcourses of scalloped shingles beneath the eaves and between stories. The porch includes a pedimented entry, boxed posts and a shingled valance and skirt. On the left side of the front facade is a pedimented gable with wood-shingle infill and a square, louvered vent. Outlining the facade is a projecting, molded cornice, friezeboard and corner and sill boards. The south facade is marked by a two-story, polygonal bay window with shingles between stories and scroll sawn brackets supporting a pediment with shingle infill. Sash include 1/1 windows with plain surrounds and molded lintels.

207. 123 King Street - The Tuttle House, 1899.

The Tuttle House, a 2½ story, gable-front, vernacular style house resting on a stone foundation and protected by a slate roof, has a front, 2½ story, pedimented, gabled projection offset slightly from the main block. It is trimmed with a projecting molded cornice and the pediment is enclosed by a pent roof base. Windows throughout include 1/1 sash with plain surrounds and on the front facade of the gabled projection is a left sidehall entrance protected by a gabled entrance porch with a new roof, turned posts, a turned balustrade and scroll brackets. A cut-away corner marks the first-story, right side of the gabled projection. A two-story porch with turned posts, scroll brackets and a turned rail on the first story occupies the northwest corner of the main block. On the west facade is a two-story, polygonal bay window crowned by a pedimented gable.

Recently applied synthetic siding may obscure surface detail. The house was probably built for John Tuttle who had a carriage manufactory on the corner of Maple and Church. James McIntyre, a janitor at the Customs House, lived there from 1907 through 1948.

Email received 4.9.2021

Hi Mary,

I see that 8 Browns Court is finally getting its chance at the DRB.

Caleb and I worked with Champlain College to ensure they had use of the green space within the ROW in front of that parcel. Let us know if you need anything, but in short DPW is supportive of their requested use, and it already has City Council approval.

Thanks,

Laura K. Wheelock P.E.

Senior Public Works Engineer

Burlington Department of Public Works

645 Pine Street

Burlington, VT 05401

M: 802-338-2125

LWheelock@burlingtonvt.gov

Department of Permitting & Inspections

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

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



MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: April 20, 2021
RE: 21-0677CA; 184-186 North Winooski Avenue

=====

At the April 13, 2021 Design Advisory Board meeting, this application was tabled for a follow-up meeting to review requested revisions to the project. As a result, this application is not yet ready for DRB consideration and needs to be deferred to a future meeting, date TBD.



Preservation Burlington
PO Box 481
Burlington, VT 05402
Website: <http://preservationburlington.org/>
Email: info@preservationburlington.org

April 16, 2021

Dr. Benjamin Ola. Akande
Champlain College
251 South Willard Street
Burlington, VT 05401

Re: Proposed Demolition of Historic House at 8 Browns Court, Burlington

Dear Dr. Akande,

It has come to our attention that Champlain College is planning to demolish the house located at 8 Browns Court in Burlington. The college is scheduled to present its plans to the Burlington Development Review Board on April 20, 2021, but such actions are premature as the college is not in compliance with the legal agreements and permits that enabled the 2015 construction of the Eagles Place (a.k.a. Eagles Landing) apartments. We understand that time has passed and leadership at the college has changed since these agreements were made, which is why we are bringing them to your attention. For the following reasons, we respectfully request that the college withdraw its application for a demolition permit.

Act 250 Land Use Permit #4C0515-17 was issued by the District 4 Commission on June 11, 2015. This permit approved the plans for the construction of the Eagles Place apartment building and other improvements, subject to a number of permit conditions. Specifically, Order #6 in the Findings of Fact and Conclusions of Law states the following:

The Applicants shall comply with the Memorandum of Understanding Between Vermont Division for Historic Preservation and Champlain College ("MOU") dated December 19, 2014, that requires the Applicants to fund up to \$16,500 for an updated survey of the Battery Street Historic District and National Register inventory amendment to National Register nomination. Exhibit #18.

To the best of our knowledge, the college has not met this requirement, despite having had over six years to do so. The importance of completing this project is directly related to the proposal to demolish the house at 8 Browns Court, as this building is presently listed in the National Register of Historic Places as a contributing resource in the Battery Street Historic District (as amended in 1984). Not having completed the required update of the Battery Street Historic District documentation, it seems premature for the college to seek the demolition of a building that contributes to the significance of that historic district.

In addition to its Act 250 permit obligations, the college also entered into a Settlement Agreement with a group of Burlington residents and the City of Burlington to address concerns about the Eagles Place project. Stipulation E of the Settlement Agreement states the following:

Purchase of Adjoining Residential Properties. 8 Brown's Court, a residential duplex directly adjacent to the Project, is owned by Eagles Landing, LLC and shall be renovated as part of the Project for use no later than the date the Certificate of Occupancy is issued as faculty and/or staff housing. Further, in the event Champlain College ever purchases other residential properties directly adjacent to the Project (along Brown's Court, King Street or Maple Street), the College will renovate if necessary and use such properties as faculty and/or staff housing.

As noted in the stipulation, 8 Browns Court was to be renovated as part of the larger Eagles Place project and completed no later than February 4, 2019, when the Certificate of Occupancy was issued for Eagles Place. The building was damaged by fire in August 2018, but the college did not seek to amend the Settlement Agreement or change the schedule for the required renovations. As such, Stipulation E remains in effect today and the proposed demolition of the house is a violation of the Settlement Agreement. It will be costly to repair 8 Browns Court, but this unfortunate situation has been self-imposed by the college. Funds from the insurance settlement should have been used to repair the building promptly after the fire in order to avoid the long-term effects of water damage and exposure to the elements. The failure to do so, and the resulting expenses of doing so 2½ years later, does not justify demolition now. In addition, the college is required by the Settlement Agreement to use 8 Browns Court as faculty/staff housing. This occupancy requirement is an important part of the Settlement Agreement and was included to ensure the presence of college faculty and/or staff in proximity to the students living at Eagles Place.

Separate from the college's legal obligations under the Act 250 permit, the MOU, and the Settlement Agreement, we also have concerns about the college's intent to remove the two apartment units at 8 Browns Court from the city's small inventory of rental apartments. The lack

of housing in the downtown core has been an issue of great concern to residents, academic institutions, and city officials for many years. Indeed, it was cited by college officials as one of the primary justifications for the approval of the Eagles Place project in the first place. In 2014, Champlain College Senior Vice President David Provost stated that “We don’t fix Burlington’s housing problem unless the DRB [Development Review Board] in this city allows beds to be built.”¹ Housing opportunities in Burlington have only become more limited since 2014, so the college’s desire to eliminate two housing units is questionable. The proposed “pocket park” is not an amenity that is needed at this site and does not compensate for the loss of a historic building, two apartments, and the faculty/staff oversight of Eagles Place. There is already a large outdoor gathering space at the end of Browns Court, just 120 feet south of this property, and the west side of Eagles Place has undergone extensive streetscape improvements to provide public outdoor seating and landscaping. Finally, a “pocket park” is by definition a small, creative improvement made to an otherwise underutilized urban space. One does not demolish a historic building and justify it with the creation of a pocket park on the now-vacant lot. This parcel has a use, housing, and should continue to be used as such.

Thank you for taking these recommendations under consideration, and we’re confident that Champlain College can renovate 8 Browns Court in the same manner that it has renovated so many of the historic buildings on its main campus. There is no reason to treat this property any differently.

Sincerely,

Karyn Norwood
President
Preservation Burlington

Cc: Miro Weinberger, Mayor, City of Burlington
William Ward, Director, Permitting & Inspections
Mary O’Neil, Principal Planner
Brad Rabinowitz, Chair, Development Review Board
Karen Paul, City Council, Ward 6
Joan Shannon, City Council, South District
Ward 6 Neighborhood Planning Assembly
Wendy Duncan, Vice President, Champlain College
David G. White, White + Burke
Joel Banner Baird, Burlington Free Press

¹ April Burbank, “Burlington development review board rejects Champlain College apartment plan,” *Burlington Free Press*, April 2, 2014, 12A.

Mary O'Neil

From: David White <dwhite@whiteandburke.com>
Sent: Friday, April 16, 2021 4:40 PM
To: Mary O'Neil
Subject: RE: Letter from Preservation Burlington regarding 8 Browns Court

Follow Up Flag: Follow up
Flag Status: Flagged

[WARNING]: This email was sent from someone outside of the City of Burlington.

Hi Mary,

On behalf of my client Champlain College, I respectfully request a postponement of the hearing currently scheduled Tuesday April 20 regarding 8 Browns Court.

Today's letter brought to our attention matters of which we were unaware. As Karyn Norwood stated in her letter, "time has passed and leadership at the college has changed". The college takes these matters seriously and need a bit of time to look into this.

Kindly let me know when the earliest rescheduling date could be.

Thanks,

David



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David G. White, MSCED, CCIM, CRRP, EDFP, CRE
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Burlington Development Review Board

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Sean McKenzie, (Alternate)

Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, April 20, 2021, 5:00 PM

REMOTE MEETING

This meeting of the Development Review Board has been cancelled. The next regularly scheduled meeting is May 4, 2021.