

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
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BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, April 19, 2022, 5:00 PM

PUBLIC HEARING NOTICE

Virtual Remote Meeting

Zoom: <https://us02web.zoom.us/j/82517274865?pwd=emdSdkJuVXBrQXVydHQzaWRmZUNRdz09>

Passcode: 660341

Webinar ID: 825 1727 4865

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

- 1. ZP-22-109; 129 Spruce Street (RL, Ward 5S) Nate Yager & Sarah McLeod**
Establish a bed and breakfast (short-term rental) within existing duplex.
- 2. ZP-22-110; 325 Flynn Avenue (RL, Ward 5S) Kathleen Peden**
Rental of 2 bedrooms as Bed and Breakfast in second unit of duplex.
- 3. ZP-22-122; 84 Chase Street (RL, Ward 1E) Colleen Hartford**
Two bedroom Bed and Breakfast within existing residence.

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.

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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
Joseph Cava, Planning Technician
Celeste Crowley, Permit Administrator



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: April 19, 2022
RE: 325 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 Number: ZP22-110
Zone: RL **Ward:** 5S
Date application accepted: February 24, 2022
Applicant/ Owner: Kathleen Peden
Request: Rent 2 bedrooms in existing duplex as a BnB
Background:

- **Zoning Permit 21-0372CA; replacement window. October 2020.**
- **Zoning Permit (n.n.),** Conditional use request to add one residential unit to duplex to create a triplex.
Denied October 1989.

Overview:

The applicant requests renting two bedrooms in a second unit of the existing duplex as short term rentals. A check of rental registration confirms a duplex use.
Owner occupancy is a requirement for Bed and Breakfast use.

Recommended motion: Conditional Use 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 & Major Impact Review

Section 3.5.6 (a) Conditional Use Review

Standards

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

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

Conversion of the two bedrooms in the 2nd unit to Bed and Breakfast use would not appreciably alter the current impacts of the existing duplex use. **Affirmative finding.**

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

The property is located within the residential – low density zone. The neighborhood consists of single- to four unit residential units on Flynn Avenue, within an existing residential neighborhood. The two required parking spaces (one per bedroom) is the equivalent of the parking requirement for the unit per the Neighborhood Parking District. Residential density will remain unaffected. The property remains in character with the zoning district.

Affirmative finding.

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

There is nothing within the application that includes a change to the existing residential structure. The use application will provide living space for guests on a short term basis. The less-than-30 day rental is not expected to generate nuisance impacts from noise, odor, dust, or similar. **Affirmative finding.**

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

Little, if any, change in traffic is expected. Short term guests will arrive and depart within established timeframes. Guests will be within easy bike or walking distance to the downtown and area attractions. **Affirmative finding.**

- 5. The utilization of renewable energy resources*

Nothing in this application would preclude the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

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

The bed and breakfast must adhere to applicable life safety standards and provide payment of rooms and meals taxes as per the State of Vermont relative to short term rentals. **Affirmative finding as conditioned.**

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval

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

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

The bed and breakfast is not expected to produce adverse effects in need of mitigation.

Affirmative finding.

2. *Time limits for construction.*

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

3. *Hours of operation and/or construction to reduce the impacts on surrounding properties.* Guest check-ins will be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **Affirmative finding as conditioned.**

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

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

and,

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

While the driveway for 325 Flynn Avenue is very long, the parking spaces for the bed and breakfast use will likely be in tandem. The owner must provide assurance that the guests (if unrelated to the other bedroom rental) may shift their parking to allow movement of the second guest's vehicle upon demand. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts

Section 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.

Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

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

325 Flynn Avenue is an existing duplex. No exterior changes are included in this application. There are no approved site plans for this lot; however there is a very long driveway with an oversized garage at its terminus. While there is ample space for the required 4 parking spaces (two for the owner's unit, and one for each of the proposed bedroom rentals), the owner must allow for the movement of guests' vehicles if tandem parking is observed.

Affirmative finding as conditioned.

(b) Dimensional Standards and Density

Table 4.4.5-3 Residential District Dimensional Standards

No exterior changes or changes to lot coverage are included. **Affirmative finding.**

(c) Permitted and Conditional Uses

The "bed and breakfast" (short term rental) use is conditional in the RL zone. Owner occupancy is required, and up to 3 rooms may be let. The applicant has provided confirmation that 325 Flynn Avenue is her primary residence. Owner occupancy is a prerequisite for consideration of a Bed and Breakfast. The bed and breakfast / short term rental will contain 2 bedrooms in the second unit. **Affirmative finding as conditioned.**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

The property is located within the Neighborhood Parking District. Each unit requires 2 parking spaces. "Bed & Breakfast" uses require 1 parking space per bedroom. For the owner occupied unit, 2 spaces are required. For the 2 bedrooms proposed in the remaining units, 2 parking spaces (1 per bedroom) are required. The long driveway leads to an oversized garage; however even with tandem parking, the guests' vehicles may need to be moved independently.

The owner must facilitate this for the project to be workable. **Affirmative finding as conditioned.**

Article 13: Definitions

Bed and Breakfast: an owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests.

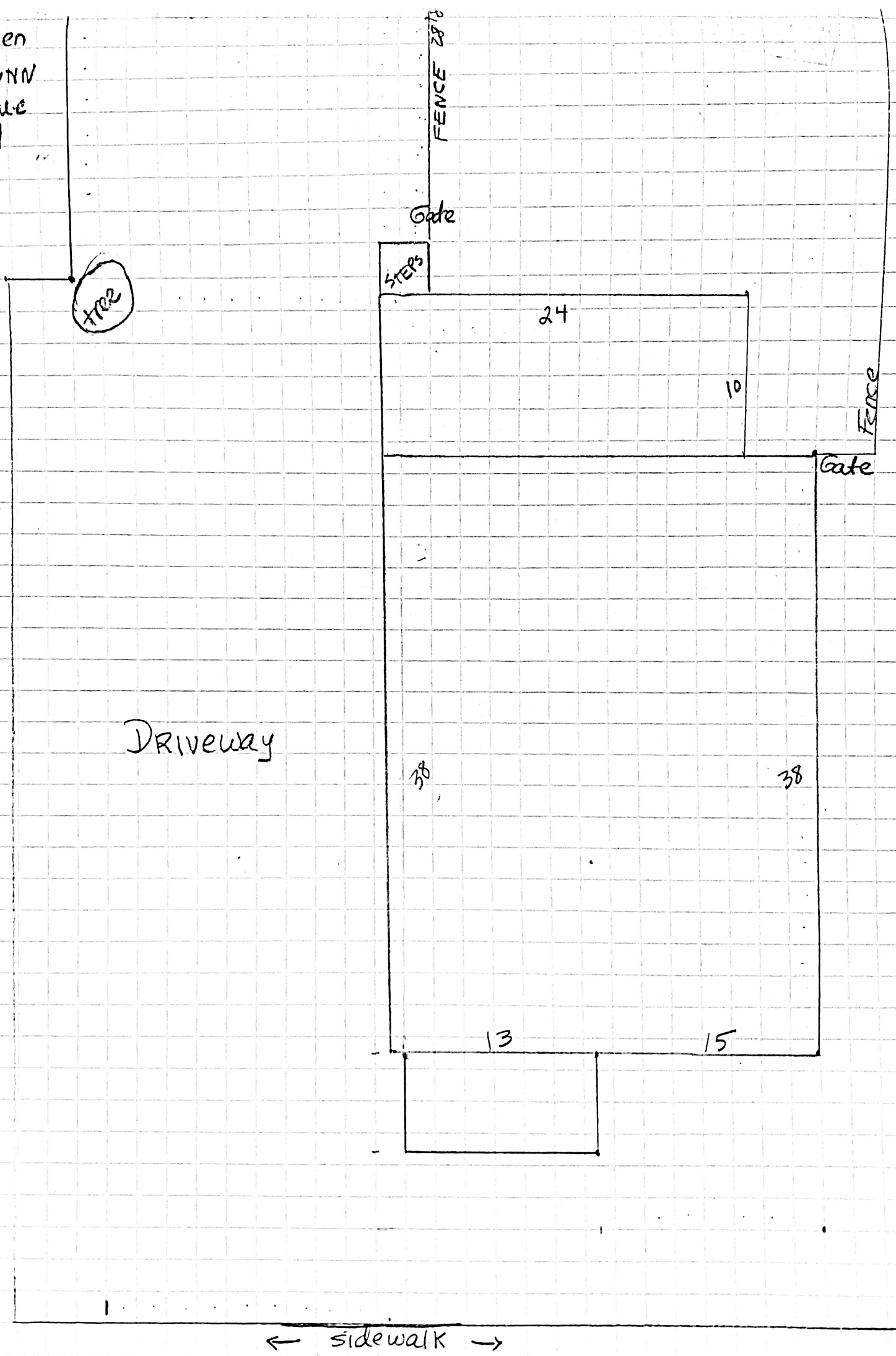
The property owner has confirmed that he lives on-site. **Affirmative finding.**

II. Conditions of Approval

1. This approval is predicated on continued owner-occupancy of the property for the duration of the short term rental use.
2. Guest check-ins should be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances.
3. Guests may be required to jockey their parking space to allow for movement of a second guest's vehicle, if the guests of the two bedroom rentals are not related. The owner shall facilitate the parking assignments.
4. The short term rental must adhere to required life safety standards and provide payment of applicable rooms and meals taxes as per the State of Vermont.
5. All guest parking shall be on-site and off-street.
6. 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.

K. Peden
325 Flynn
Avenue
Page 1



Back Fence

Fence

Cement pad
w/ Shed roof

WOOD DECK
w/ Shed roof

Garage

32'

20'

Gate

Fence

Fence

Department of Permitting and Inspections

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Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Vacant, Planning Technician
Vacant, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: April 19, 2022
RE: 84 Chase Street ZP22-122

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: ZP22-122
Address: 84 Chase Street
Zone: RL **Ward:** 1E
Date application accepted: March 2, 2022
Applicant/ Owner: Colleen Hartford
Request: Two bedroom Bed and Breakfast
Background:

- **Zoning Permit 09-906BA;** remove parking area and convert to green space. June 2009.
- **Zoning Permit 10-0150BA;** construction of a single family home with ADU. August 2009.



Overview:

The applicant seeks to rent out two bedrooms in the existing single family home.

Recommended motion: Conditional Use consent approval, per the following Findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 5, Conditional Use & Major Impact Review

Section 3.5.6 (a) Conditional Use Review

Standards

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

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

Utilization of two bedrooms toward a Bed and Breakfast use would not appreciably alter the current impacts of the single family home with ADU. **Affirmative finding.**

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

The property is located within the residential – low density zone. The neighborhood consists of single- and multi-unit homes within buildings of similar scale. The driveway will accommodate the required parking. Residential density will remain unaffected. The property remains in character with the zoning district. **Affirmative finding.**

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

There is nothing within the application that includes a change to the existing residential structure. The use application will provide living space for guests on a short term basis. The less-than-30 day rental is not expected to generate nuisance impacts from noise, odor, dust, or similar. **Affirmative finding.**

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

Little, if any, change in traffic is expected. Short term guests will arrive and depart within established timeframes. Guests will be within easy bike or walking distance to Winooski, the downtown and area attractions. **Affirmative finding.**

5. *The utilization of renewable energy resources*

Nothing in this application would preclude the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

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

The bed and breakfast must adhere to applicable life safety standards and provide payment of rooms and meals taxes as per the State of Vermont relative to short term rentals. **Affirmative finding as conditioned.**

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval

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

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

The bed and breakfast is not expected to produce adverse effects in need of mitigation.

Affirmative finding.

2. *Time limits for construction.*

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

3. *Hours of operation and/or construction to reduce the impacts on surrounding properties.* Guest check-ins will be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **Affirmative finding as conditioned.**

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

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

and,

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

This is at the discretion of the DRB.

Article 4: Zoning Maps and Districts

Section 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.

Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

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

84 Chase Street is an existing single family home with an accessory apartment. No exterior changes are included in this application. The previous site plan approval included a four-space parking arrangement in the driveway.

Affirmative finding.

(b) Dimensional Standards and Density

Table 4.4.5-3 Residential District Dimensional Standards

No exterior changes or changes to lot coverage are included. The last approval (ZP10-150BA) included a lot coverage calculation of 28.68% on a 8,150 sf lot. **Affirmative finding.**

(c) Permitted and Conditional Uses

The “bed and breakfast” (short term rental) use is conditional in the RL zone. Owner occupancy is required, and up to 3 rooms may be let. The applicant has provided evidence that 84 Chase Street is her home. Owner occupancy is a prerequisite for consideration of a Bed and Breakfast. The bed and breakfast / short term rental will utilize 2 bedrooms. **Affirmative finding as conditioned.**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

The property is located within the Neighborhood Parking District. The single family home requires 2 parking spaces, and when originally approved, the ADU required 1. The “Bed & Breakfast” uses require 1 parking space per bedroom. For the 2 bedrooms proposed for bed and breakfast rental, 2 parking spaces (1 per bedroom) are required. Total parking requirement: 4 spaces, which can be accommodated in the existing driveway. **Affirmative finding.**

Article 13: Definitions

Bed and Breakfast: an owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests. The property owner has confirmed that he lives on-site. **Affirmative finding.**

II. Conditions of Approval

1. This approval is predicated on continued owner-occupancy of the property for the duration of the Bed and Breakfast use.
2. Guest check-ins should be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances.
3. The short term rental must adhere to required life safety standards and provide payment of applicable rooms and meals taxes as per the State of Vermont.
4. All guest parking shall be on-site and off-street.
5. 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.



#84 CHASE STREET

PROJECT LOCATION MAP

LOT COVERAGE CALCULATIONS	
ZONING DISTRICT: RESIDENTIAL LOW (RL) (LOCATED OUTSIDE OF DESIGN REVIEW OVERLAY DISTRICT)	
PROPERTY ADDRESS: 84 CHASE STREET PROPERTY OWNER: KIRK WILLIAMS (PROPERTY BUYER)	
LOT SIZE:	8,150 sf
HOUSE SIZE PROPOSED (GROUND FLOOR):	1,056 sf
PROPOSED DRIVEWAY:	828 sf
PROPOSE WALKWAY:	60 sf
TOTAL PROPOSED HARD SURFACE AREA:	1,944 sf
LOT COVERAGE PROPOSED (INCLUDING DRIVEWAY):	24%
MAXIMUM LOT COVERAGE ALLOWED:	35%
PROPOSED BUILDING HEIGHT: (TOP OF ROOF TO AVERAGE GRADE, LOT IS RELATIVELY FLAT)	+/- 24'-0"
TOTAL HABITABLE AREA: (DOES NOT INCLUDE MECHANICAL ROOM OR STORAGE AREA)	1,662 sf
ACCESSORY APARTMENT AREA: (30 % OF TOTAL HABITABLE AREA) (MAXIMUM ACCESSORY APARTMENT AREA ALLOWED: 30%)	494 sf

--NOTE--
ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE
FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.
FINAL APPROVAL
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT
DATE *9/10/09*
plc condition #2.
SIGNED _____

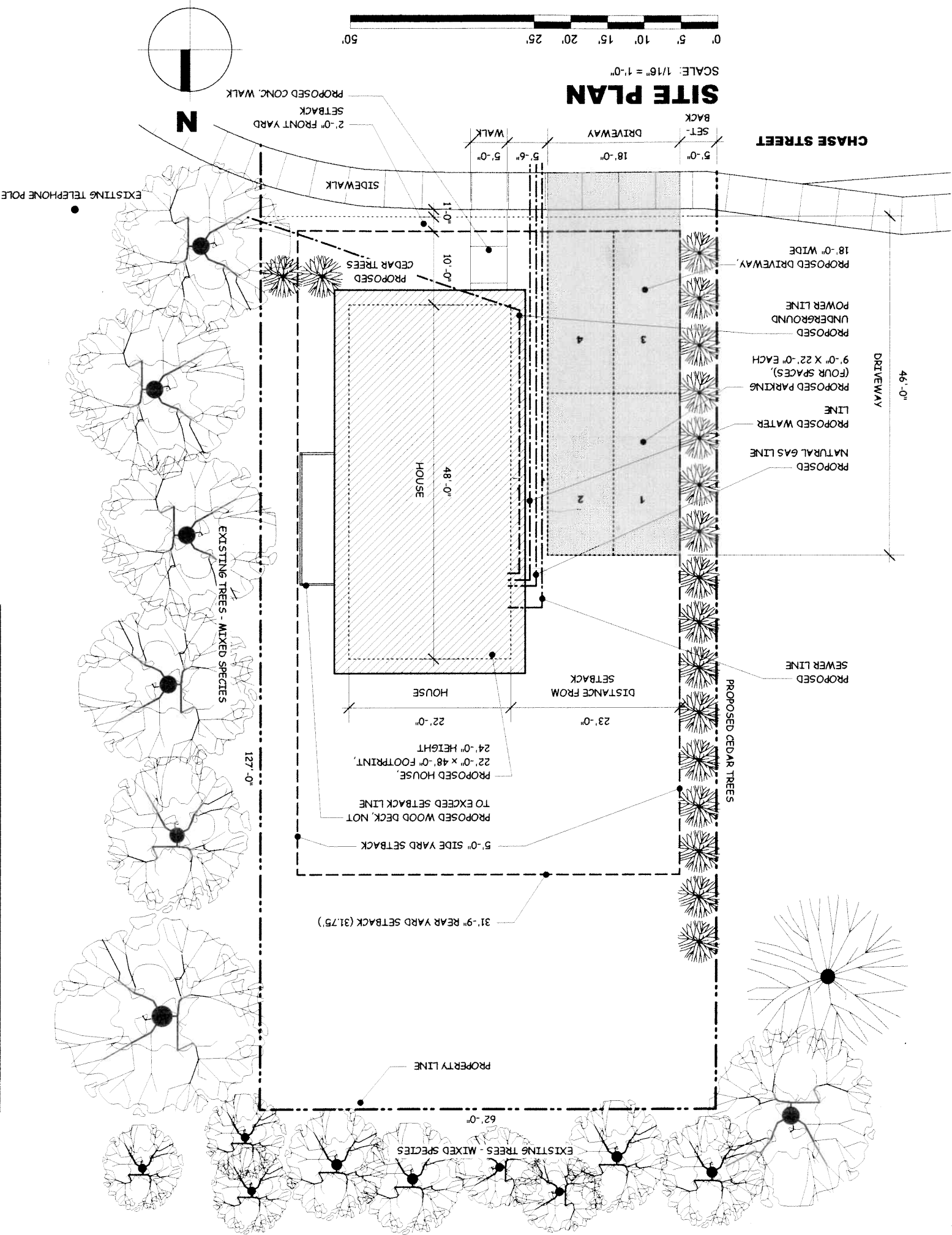
DEPARTMENT OF
PLANNING & ZONING

SEP 10 2009

RECEIVED

84 CHASE STREET
DATE: 9.04.09

ZONING SET
NOT FOR CONSTRUCTION



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
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Joseph Cava, Permit Technician
Ted Miles, Code Compliance Officer
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: April 19, 2022
RE: ZP-22-109; 129 Spruce Street

=====

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Zone: RL Ward: 6S

Owner/Applicant: Nate Yager & Sarah McLeod

Request: Establish a bed and breakfast (short term rental) within existing residence. Convert 1 duplex unit.

Applicable Regulations:

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

Background Information:

The applicant is requesting approval to convert one unit within the existing duplex into a bed and breakfast (short term rental). No alterations to the building or site are proposed.

Previous zoning actions for this property:

- 5/14/20; Approval of boundary line adjustment and demo/reconstruction of garage
- 10/7/13; Approval to install replacement windows
- 11/17/10; Approval to replace asphalt roofing with new metal roofing
- 12/20/86, Approval to construct 1-story rear addition and establish duplex use
- 9/2/86, Approval to construct garage
- 7/7/86, Denial to convert garage to 2-story dwelling unit

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

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

The use of one, 1-bedroom unit within the existing duplex as a bed and breakfast (short term rental) has no appreciable impacts on existing or planned public utilities, services, or facilities. According to VT DEC, no state wastewater permit is needed as there is no increase in bedroom count. **(Affirmative finding)**

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

The property is located within the residential – low density zone. The neighborhood generally consists of single family dwellings and some duplexes on relatively large lots. The subject dwelling is presently a rental and will be converted to short term. It will continue to serve as a place for people to stay, except that it will serve occupants on a short term basis rather than long term. The owner/applicant lives onsite in the other duplex unit. **(Affirmative finding)**

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

As noted above, the short term rental will continue to serve as a place for people to stay within the neighborhood, albeit on a short term basis. The short term rental is not expected to generate nuisance impacts from noise, odor, dust, and the like. **(Affirmative finding)**

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

Little change in traffic is expected. The unit configuration remains unchanged. Rather than residents arriving and departing, short term guests will arrive and depart within established timeframes. The property is within easy walking and biking distance of Pine Street and the University. **(Affirmative finding)**

5. *The utilization of renewable energy resources;*

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

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

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

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

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

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

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

(Affirmative finding)

2. Time limits for construction.

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

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

It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise,

traffic, and neighborhood nuisances. **(Affirmative finding as conditioned)**

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

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

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

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The Residential Low Density (RL) district is intended primarily for low density development in the form of single detached dwellings and duplexes. Use of 1 duplex unit as a short term rental does not adversely affect the character of this duplex property and remains consistent with the intent of the zone. **(Affirmative finding)**

(b) Dimensional Standards and Density

Not applicable. No changes to the density or site are proposed.

(c) Permitted and Conditional Uses

The “bed and breakfast” (short term rental) use is conditional in the RL zone. Owner occupancy is required, and up to 3 rooms may be let. In this case, the applicant is the owner and lives in one of the two duplex units. The other duplex unit will serve as the short term rental and contains 1 bedroom. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

Not applicable.

2. Lot Coverage

Not applicable.

3. Accessory Residential Structures, Buildings, and Uses

Not applicable.

4. Residential Density

Not applicable.

5. Uses

Not applicable.

6. Residential Development Bonuses

Not applicable.

Article 8: Parking

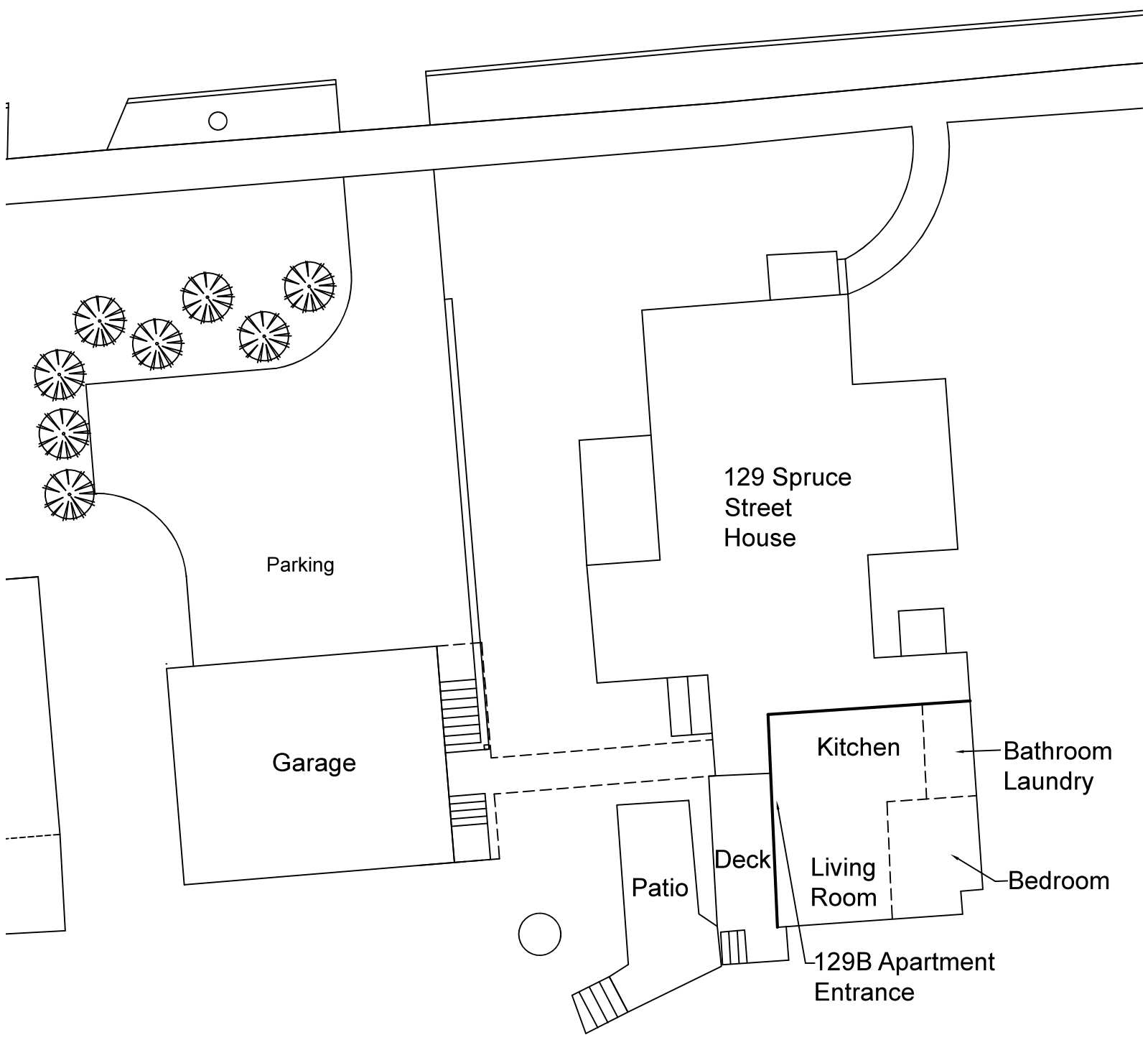
Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located within the neighborhood parking district. Within that district, duplexes require 4 onsite parking spaces (2 per dwelling unit). The proposed short term rental requires 1 parking space under the bed and breakfast parking standard of 1 space per bedroom. The minimum off-street parking requirement drops to 3 spaces. As reflected in a recent site plan approval, the property contains 4 onsite parking spaces. **(Affirmative finding)**

II. Conditions of Approval

1. The subject property must be, and remain, owner occupied as long as the bed and breakfast (short term rental) remains in operation.
2. The short term rental must adhere to the life safety standards, and provide payment of applicable rooms and meals taxes, as per the State of Vermont.
3. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
4. All guest parking shall be on-site and off-street.
5. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
6. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
7. Standard permit conditions 1-15.





Parking

Garage

129 Spruce
Street
House

Patio

Deck

Kitchen

Living
Room

Bathroom
Laundry

Bedroom

129B Apartment
Entrance

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
Charlene Orton, Permitting and Inspections Administrator
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Joseph Cava, Planning Technician
Celeste Crowley, Permit Administrator



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: April 19, 2022

RE: 76-78 Drew Street, ZP-22-115

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: ZP-22- 115

Address: 76-78 Drew Street

Zone: RM **Ward:** 3

Date application accepted: February 28, 2022 (incomplete)

Applicant/ Owner: George and Dorothy Commo

Request: Expansion of habitable area in the basement for use by the owners' (first floor) unit.

Background:

- **Zoning Permit 04-112;** expand front entrance deck and stairs to lower unit of duplex. Deck will be about 36" high and have railings minimum of 42". No changes to stairs and deck to upper unit. September 2003.
- **Zoning Permit 98-561;** installation of vinyl siding and associated trim elements on the existing duplex. Proposal includes replacement windows throughout with enlargement of an existing first floor double unit with a triple window unit. June 1998.
- **Zoning Permit 87-151;** amend COA 87-141 to include replacement of existing rear stair with new stairs of pressure treated lumber and new bannister. August 1987.
- **Zoning Permit 87-315 / COA 87-141;** remove existing stairways within existing rear porch, complete deck on second floor, screen in entire structure, frame in new outside door for downstairs apartment, add latticework. No additional lot coverage. September 1987.
- **Zoning Permit 80-874;** reinstall a 42" cyclone fence on two side of yard. April 1980.



- **Zoning Permit 78-0045;** John Whitehouse to erect a 24 x 36 two story, 2 apartment house with 5 rooms, two bedrooms in each apartment on the lot on the corner of Ward and Drew Streets. Four parking spaces. June 1977.

Overview: 76-78 Drew Street is an existing duplex on a small (4,560 sf) lot. Although the original permit for construction identified 4 parking spaces on site, functionally and by approved site plan there are only 3. The owners wish to convert the remainder of their basement to habitable area for their own use, but a provision in Article 8 requires properties that are non-conforming to parking to produce another parking space for every room added until the minimum parking requirement is met. For this instance, one additional parking space is required. A one parking space waiver is requested.

Recommended motion: Certificate of Appropriateness **Approval**, per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to 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 3: Impact Fees

Section 3.3.3 Exemptions and Waivers

(a) Exemptions:

The following types of development are exempt from this Part:

- 1. additions to existing dwelling units, provided such additions are for residential purposes;*
- 2. alterations to an existing use provided that such alteration occurs entirely within an existing building and within the same square footage;*

As the expanded living area is entirely within the existing structure, and is intended to residential purposes, no Impact Fees are due. **Affirmative finding.**

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

No changes are proposed to the use (duplex) or any dimensional standard. The property is recorded to have 42% lot coverage, including bonus provisions for the deck and walk. No additional coverage is requested. **Affirmative finding.**

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

This is an existing, developed lot in the Old North End. **Affirmative finding.**

Section 5.2.2 Required Frontage or Access

Driveway access is available onto Drew Street. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Section 4.4.5, above.

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

No changes proposed.

Section 5.2.6 Building Height Limits

Not applicable.

Section 5.2.7 Density and Intensity of Development Calculations

No changes proposed. The property will remain a duplex. **Affirmative finding.**

Part 3: Non Conformities

Although the original permit for construction of this house identified 4 parking spaces on site, there are only three identified parking spaces by the most recently approved site plan. In the Neighborhood Parking District, 2 parking spaces are required for each unit. The site is non-conforming to parking; hence the request for a one space parking waiver. See Article 8.

Article 8: Parking

Sec. 8.1.7 Non-conforming Residential Structure

Where additions or conversions to existing residential structures within a Neighborhood or Shared Use Parking District add living space but do not add dwelling units, and such sites do not currently meet the parking standards of Sec. 8.1.8, one (1) parking space shall be provided for each additional room. Single detached dwellings shall be exempt from this requirement.

A duplex in the Neighborhood Parking District requires 2 parking spaces per unit. 76-78 Drew Street has 3 parking spaces on site; one space shy of meeting the minimum parking requirement per Table 8.1.8-1. The applicants wish to add habitable area for their own use in the basement, but this provision requires addition of additional parking spaces for each additional room. The site is at the maximum for base lot coverage for the zoning district. No change in use or increase in the number of residential units is proposed; so the intensity of use will remain the same. A one space waiver is requested. See 8.1.15, below.

Section 8.1.5 Waivers from Parking Requirements

(a) Parking Waivers

The total number of parking spaces required pursuant to this Article may be modified to the extent that the applicant can demonstrate that the proposed development can be adequately served by a more efficient approach that more effectively satisfies the intent of this Article and the goals of the municipal development plan to reduce dependence on the single-passenger automobile.

Any waiver granted for a residential use shall not exceed fifty percent (50%) of the required number of parking spaces. Any waiver granted for a non-residential use may be as much as ninety percent (90%). Waivers shall only be granted by the DRB, or by the administrative officer pursuant to the provisions of Sec. 3.2.7 (a)7.

In order to be considered for a waiver, the applicant shall submit a Parking Management Plan that specifies why the parking requirements of Sec. 8.1.8 or Sec. 8.1.9 are not applicable or appropriate for the proposed development, and proposes an alternative that more effectively meets the intent of this Article. A Parking Management Plan shall include, but not be limited to:

(1) A calculation of the parking spaces required pursuant to Table 8.1.8-1, and Sec. 8.1.9 regarding parking maximums where applicable.

A duplex requires 2 parking spaces per unit. 76-78 Drew Street currently has 3 parking spaces on-site. A one-space parking waiver is requested.

(2) A narrative that outlines how the proposed parking management plan addresses the specific needs of the proposed development, and more effectively satisfies the intent of this Article and the goals of the Municipal Development Plan.

The owners propose no increase in the number of units or any change in use. They wish to convert some of their basement area to habitable space for their own use; i.e. an office, a laundry room, bedroom and bathroom.

(3) An analysis of the anticipated parking demand for the proposed development. Such an analysis shall include, but is not limited to:

i. Information specifying the proposed number of employees, customers, visitors, clients, shifts, and deliveries; Not applicable.

ii. Anticipated parking demand by time of day and/or demand by use;

No change is proposed to the parking demand. The existing long term tenant upstairs has no car; the owners use the parking area for their own use.

iii. Anticipated parking utilizing shared spaces or dual use based on a shared parking analysis utilizing current industry publications;

The anticipated parking demand is equal to the present parking demand.

iv. Availability and frequency of public transit service within a distance of 800feet.

GMT runs the #7 North Avenue bus one block from this residence, approximately 265' from 76-78 Drew Street.

v. A reduction in vehicle ownership in connection with housing occupancy, ownership, or type;

The applicant submits that their 7 year tenant has no vehicle. They are willing to add language to the lease to formalize a limit to the parking for that unit if necessary.

and,

vi. Any other information established by the administrative officer as may be necessary to understand the current and projected parking demand.

At present, the duplex requires 4 parking spaces; however an amendment to the zoning ordinance is advancing through City Council that may eliminate minimum parking standards (and Section 8.1.7 of the ordinance). The projection for parking demand shows no change, but the projection for parking requirements has the potential to be eliminated in short order.

4) Such a plan shall identify strategies that the applicant will use to reduce or manage the demand for parking into the future which may include but are not limited to:

i. A telecommuting program;

ii. Participation in a Transportation Management Association including methods to increase the use of mass transit, car pool, van pool, or non-auto modes of travel;

iii. Implementation of a car-share program;

iv. Development or use of a system using offsite parking and/or shuttles; and,

v. Implementation of public transit subscriptions for employees.

5) An analysis and narrative pursuant to Sec. 8.1.9 regarding waivers of parking maximums where applicable.

The above strategies are more closely linked to large scale residential or commercial uses. This is an owner occupied duplex, with a one space deficit in required parking. The current situation manages the shortfall adequately, and is expected to continue. A one space parking waiver that would allow the owner to add habitable area for their own unit is reasonable and presents no adversity to transportation systems within the City.

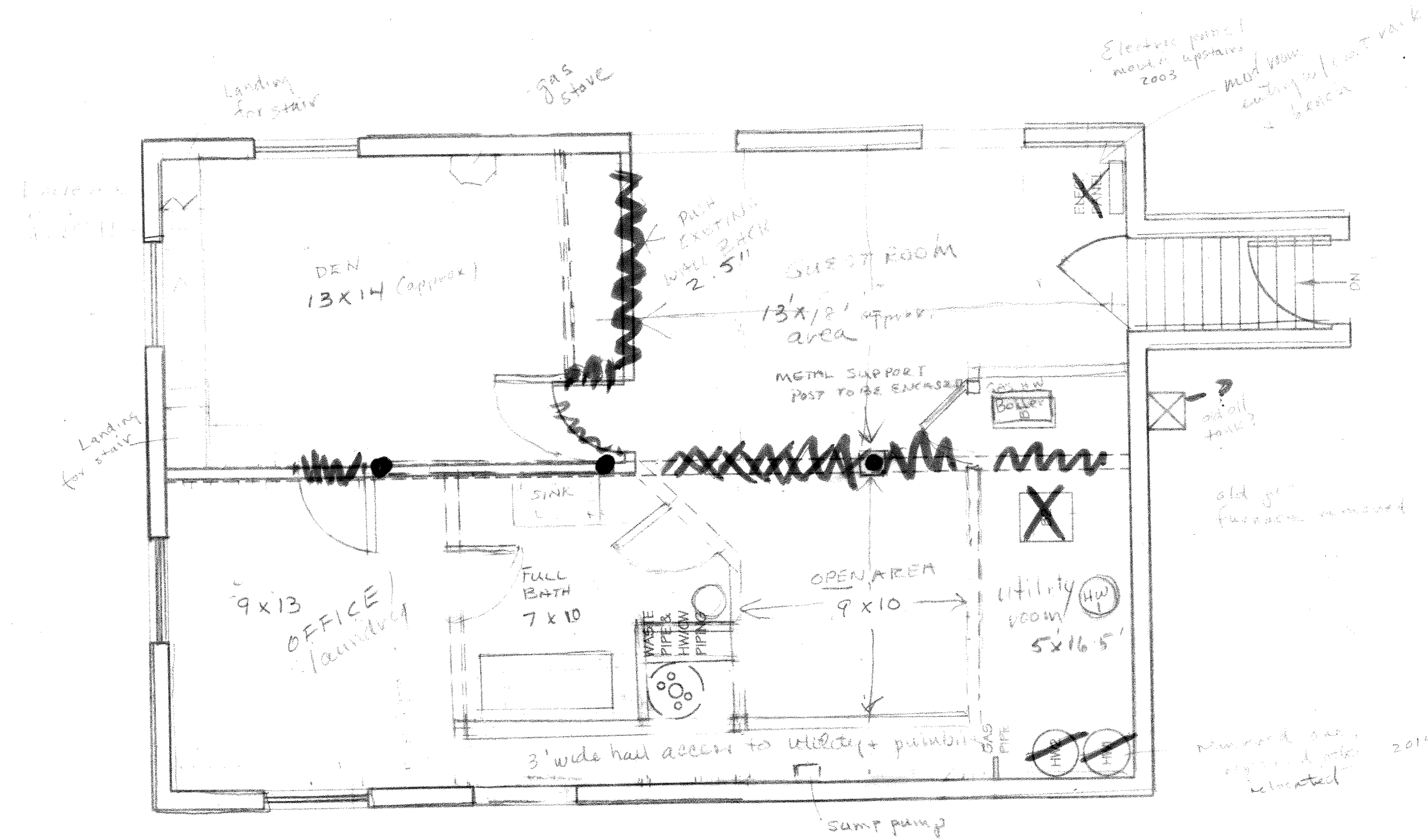
Prior to any approval by the DRB pursuant to this section, the means by which the parking management plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.

The DRB has the option to accept the applicant's offer to formally limit parking for one unit through the lease agreement. At present it is unnecessary as the long term tenant has no vehicle.
Affirmative finding for Section 8.1.15.

II. Conditions of Approval

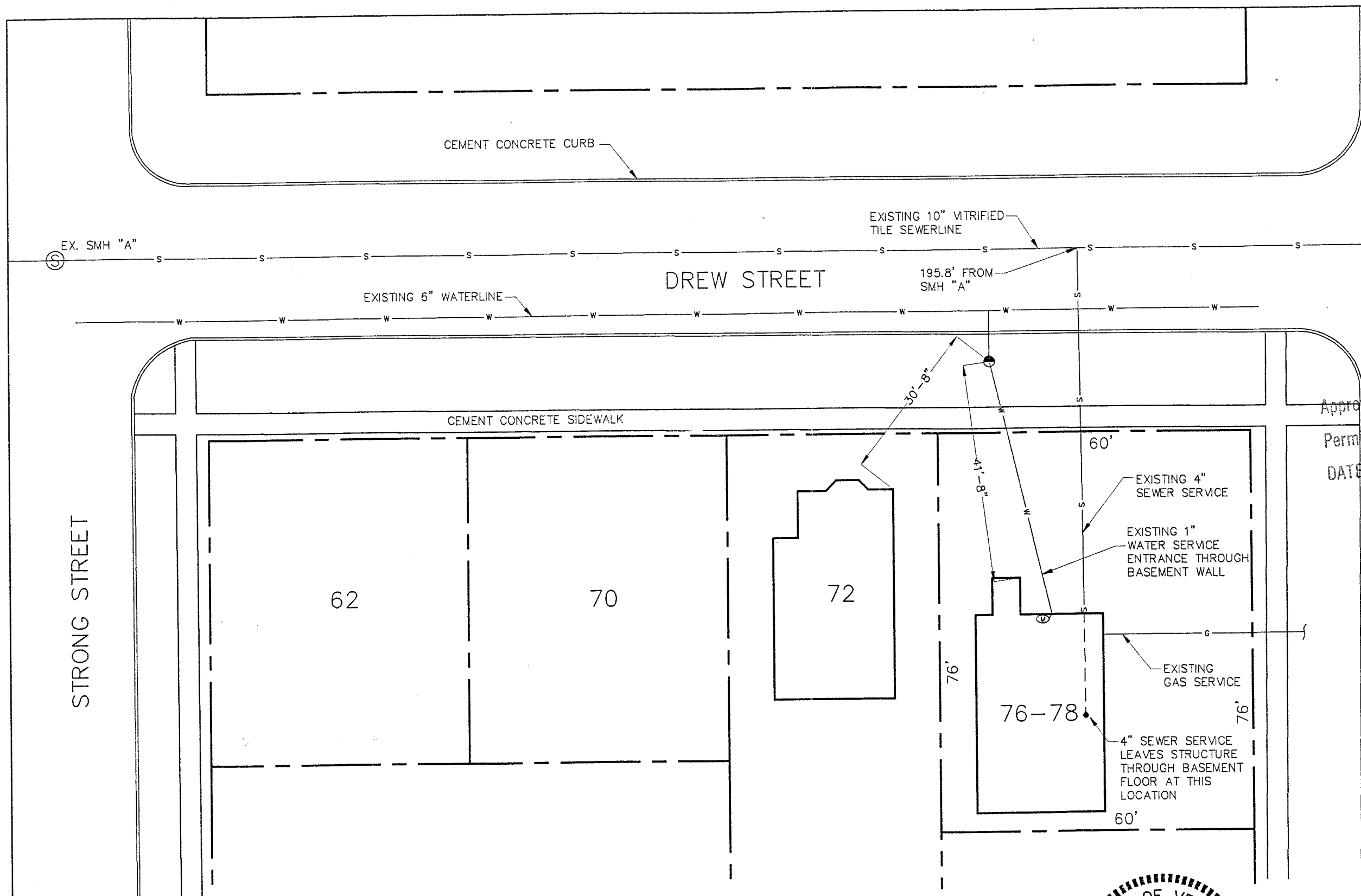
1. Standards conditions 1-15.

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



EXISTING BASEMENT FLOOR PLAN

1/4" = 1'-0"



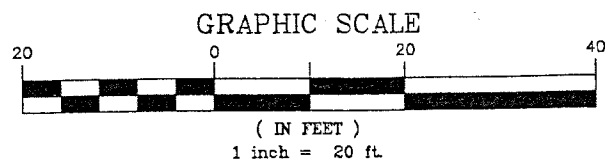
"APPROVED"
Department
of
Environmental Conservation

Approved By: *ju*

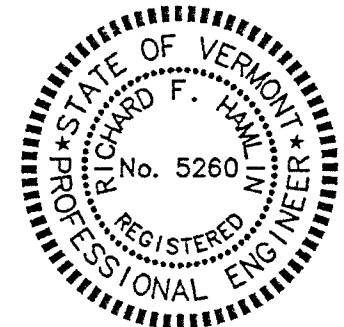
Permit #: *WW-4-1457*

DATE: *10/10/00*

ownset



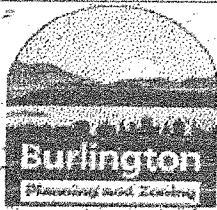
NOTE:
WATER AND SEWER SERVICE CONNECTION LOCATIONS AT
MAINS ARE BASED UPON INFORMATION PROVIDED BY
BURLINGTON PUBLIC WORKS DEPARTMENT. INTERIOR
SERVICE LOCATIONS BASED UPON SITE INSPECTION ON
SEPTEMBER 26, 2000.



DATE	REVISION	BY
GEORGE & DOROTHY COMMO 76-78 DREW STREET BURLINGTON, VT. 05401		
EXISTING UTILITIES AT 76-78 DREW STREET SITE PLAN		
Survey	---	Scale 1" = 20'
Design	---	Job 00-230
Drawn	SOL	File
Checked	RPH	Drawn
Date	9/26/00	1

Donald L. Hamlin
Consulting
Engineers, Inc.

Essex Junction, Vermont



ZONING PERMIT/CERTIFICATE OF APPROPRIATENESS

149 Church Street, Room 17

Burlington, Vermont 05401-8415

(802) 865-7188 / TDD (802) 865-7142 / FAX (802) 865-7195

Application Date: 08/27/2003

Appeal Expiration Date: 09/18/2003

Project Location: 76-78 DREW ST

Zone: RM

Ward: 3

Owner: COMMO DOROTHY M COMMO GEORGE W

Parcel ID: 043-3-130-000

Address: 76-78 DREW STREET
BURLINGTON, VT 05401

Telephone: 802 507 8000

Project Description: Residential / Renovation/Facade

Expand front entrance deck to 7 ft x 10 ft, and stairs lower unit of duplex. Deck will be about 36 in.-high, and have railings minimum of 42 inches high. No changes to stairs and deck to upper unit.

Existing Use: RESIDENTIAL - DUPLEX

Proposed Use: RESIDENTIAL - DUPLEX

Estimated Cost of Construction: \$1,000

Lot Size: 4658

Net New Sq. Ft.: 0

Net New # of Housing Units: 0

Existing % Lot Coverage 40

Existing # of Parking Spaces: 0

Proposed Lot Coverage: 42

Proposed # of Parking Spaces: 0

Net New % Lot Coverage: 2

Required # of Parking Spaces: 0

Zoning Permit #:04-112

COA #

Level of Review: 1

Application Fee: \$75.00

Development Review Fee: N/A

Paid in Full: Yes

Zoning Administrator

Planning Director

Decision :Approved

Date: 9/3/03

Decision : Approved

Date: 9/3/03

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board within 15 days of final action.

An interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court within 30 days of final action.

DRB Number:

DRB Decision Date: 09/03/2003

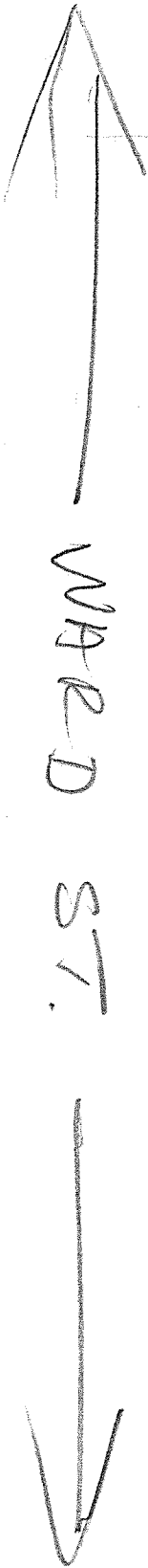
Conditions: See attached conditions of approval

Received by:

Date:

RSN: 108296

Sys File No: 2003 040983 000 00 Z1



LOT SIZE 45' x 62'
HOUSE SIZE 21' x 30'

Lot Coverage

2,790

630

Screened Porch 70

Stair to Base 39

Driveway 182

+ 98

1,019

Deck 70

Stairs 204 48

~~1137~~

sidewalk ~21

1,158

~~Loss Bonus 140~~

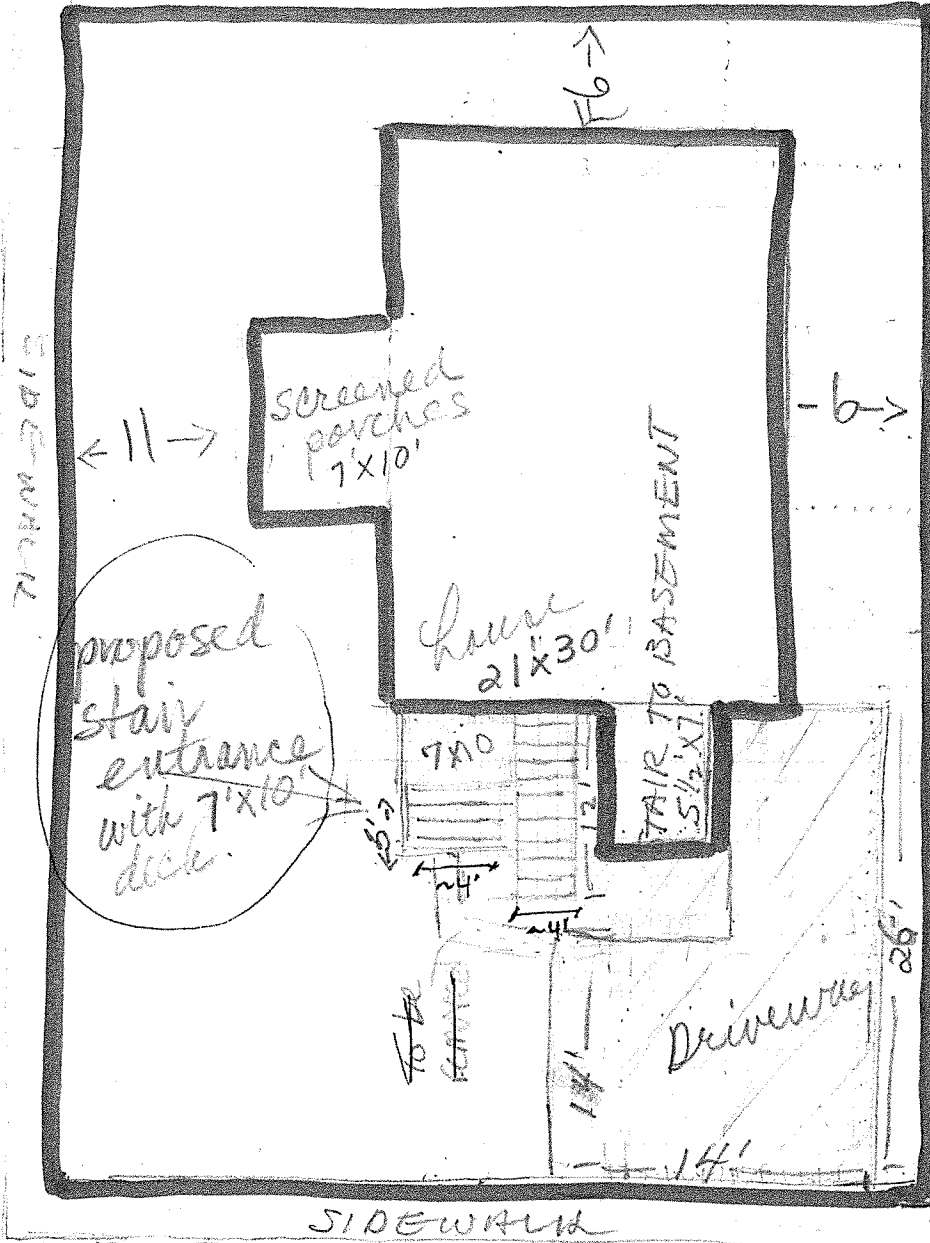
~~1017~~

RECEIVED

Allowed w/ R.M.

APR 27 2005

DEPT. OF
PLANNING & ZONING



ANS
N.
E
R.

Stair to base

-- NOTE --

← DREW ST

ANY MODIFICATIONS OR DEVIATIONS FROM
REQUIRE ZONING APPROVAL PRIOR TO CONS
ALL ERRORS IN DIMENSIONS, PLANS OR DET
FULLY THE RESPONSIBILITY OF THE APPLICANT

FINAL APPROVAL

SIGNED

[Signature]

DATE

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

deck to entrance is 36' above ground
distance from street to house is 14'

Department of Permitting & Inspections

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

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



TO: Development Review Board
FROM: Scott Gustin
DATE: April 19, 2022
RE: ZP-21-700; 43 Starr Farm Road

=====

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

Zone: RL Ward: 4N

Owner/Applicant: Birchwood Prop, LLC / Michael Koch

Request: Parking expansion and related maximum parking space waiver.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicant is seeking approval to construct additional surface parking. A waiver of the maximum parking standards in Article 8 of the CDO is needed in order to do so. A similar proposal was reviewed and approved by the Development Review Board in January 2019. That project to increase from 54 to 75 parking spaces has been constructed. In the meantime, the lot coverage standards in the CDO associated with senior housing have been revised to match those for inclusionary housing. The January 2019 approval was limited by the then-lower lot coverage limit and did not fully address the applicant's requested parking. The applicant is now seeking a follow-up approval for 23 additional parking spaces possible under the current lot coverage limit.

This application was originally scheduled for DRB review December 7, 2021 but was deferred to allow the applicant additional time to address outstanding matter relating to parking and transportation demand management. It was again scheduled for DRB March 8, 2022; however, problems with parking criteria remained and it was deferred a second time to allow those items to be addressed. No additional deferrals are possible at this point without action by the DRB to grant a 3-month time extension.

Previous zoning actions for this property are noted below:

- 8/18/20, Approval for a freestanding sign
- 9/2/20, Approval for residing the building
- 1/8/19, Approval of parking expansion and related maximum parking waiver
- 9/15/14, Approval to replace access ramp with new
- 8/13/12, Approval to replace sign
- 4/2/12, Approval to replace sign
- 10/19/10, Approval for wall-mounted LED light fixtures

- 8/13/10, Approval to construct courtyards, storage shed, gazebo, and fence
- 6/17/03, Approval to install emergency generator
- 4/3/02, Approval to construct pavilion
- 11/14/00, Approval to replace canopy
- 5/20/97, Approval to install sign
- 11/2/92, Approval of adult daycare
- 10/8/92, Approval to install storage shed and additional fencing
- 8/24/92, Approval to replace fencing
- 6/4/85, Approval to enclose covered entry
- 8/11/82, Approval to install chain link fence
- 7/30/82, Approval to replace flat roof with pitched roof
- 9/21/79, Approval to relocate dishwashing area
- 4/16/74, Denial to construct medical services building
- 4/17/73, Approval to construct a 50' X 59' addition
- 5/19/70, Approval to construct a 1,200 sf front entry addition
- 5/20/69, Approval to construct a 50-bed addition
- 10/15/68, Approval to construct a 100-bed addition
- 3/28/67, Approval to construct a 1,500 sf kitchen addition
- 10/19/65, Approval to construct a 48' X 90' addition
- 1/24/64, Amended approval to construct a nursing home
- 5/29/63, Approval to construct a nursing home

Recommendation: **Certificate of Appropriateness approval**, as per, and subject to, the following findings and conditions below.

I. Findings

Article 2: Administrative Mechanisms

Sec. 2.7.8 Withhold Permit

Most of the old zoning permits for this property have been closed out with certificates of occupancy since the January 2019 zoning permit approval. Two additional zoning permits have since expired without certificates of occupancy. These zoning permits (19-0479SN for signage & 19-0468CA for additional parking and maximum parking waiver) must be closed out with final certificates of occupancy prior to closing out this new zoning permit with a certificate of occupancy. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the RL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes. Some other residential uses, such as this convalescent facility, are allowed as conditional uses. No change or expansion of use is proposed. **(Affirmative finding)**

(b) Dimensional Standards & Density

No change in residential density is proposed.

Lot coverage will increase to 43.2%. This coverage is allowable per the provisions of Sec. 4.4.5 (d) 6 B, which allows up to 44% lot coverage for senior housing facilities.

With frontage along three city streets, the property has three front yards and just one side yard. Two front yard setbacks, along North Avenue and Starr Farm Road, affect this proposal. The proposed parking is located in the northeast corner of the property and complies with the front yard setbacks.

Building height remains unchanged. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The convalescent home is a conditional use in the RL zone. No change or expansion of use is proposed. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No setback encroachments are sought. **(Not applicable)**

2. Lot Coverage

No lot coverage exceptions are being sought. **(Not applicable)**

3. Accessory Residential Structures and Uses
(Not applicable)

4. Residential Density
(Not applicable)

5. Uses

No neighborhood commercial use is included in this proposal. **(Not applicable)**

6. Residential Development Bonuses

See Sec. 4.4.5 (b) as to additional lot coverage allowance for senior housing.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

The subject property does not contain steep slopes or wetlands. The lot is composed entirely of buildable area. **(Affirmative finding)**

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

New outdoor lighting is proposed for illumination of the expanded parking area. The photometric plan depicts acceptable fixtures and illumination levels. Mounting heights are noted and are acceptable. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

The required erosion prevention and sediment control plan has been reviewed and approved by city stormwater program staff. Existing subsurface stormwater storage chambers will accommodate runoff from the expanded surface parking. **(Affirmative finding)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

(Not applicable)

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The subject property contains no important natural features as defined in the Open Space Protection Plan. The area to be paved is currently grassy lawn. The proposed site plan depicts a single honey locust tree that will be relocated or replaced. It will be more than offset with additional new landscaping as part of the project. **(Affirmative finding)**

(b) Topographical alterations

The property is essentially flat and will remain so. **(Affirmative finding)**

(c) Protection of important public views

The subject property is not affected by any identified public view corridor. **(Affirmative finding)**

(d) Protection of important cultural resources

The property contains no known archaeologically significant features. **(Affirmative finding)**

(e) Supporting the use of alternative energy

This application contains no provision for alternative energy utilization, nor does it adversely affect potential for such utilization on the subject or neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

The subject property is not an identified brownfield. **(Affirmative finding)**

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management.

Sufficient area remains onsite for seasonal snow storage. **(Affirmative finding)**

(h) Building location and orientation
(Not applicable)

(i) Vehicular access
Vehicular access will remain unchanged. Private driveways will provide access to the site.
(Affirmative finding)

(j) Pedestrian access
Pedestrian access remains unchanged. The building's primary entrance abuts the public sidewalk along Starr Farm Road. **(Affirmative finding)**

(k) Accessibility for the handicapped
Handicap accessibility features are present onsite. No changes to them are associated with this proposal. **(Affirmative finding)**

(l) Parking and circulation
The proposed increase of 23 parking spaces comes with a requirement for shade trees. Specifically, one new shade tree for every 5 additional parking spaces is needed. The goal is to provide shade to 30% of the additional parking area. Revised project plans include a landscape and shading plan that depicts an acceptable 33.5% shading of the expanded parking area.
(Affirmative finding)

See Article 8 below as to parking standards.

(m) Landscaping, fences, and retaining walls
A revised landscaping plan depicts a modest increase in proposed plantings. The existing line of trees and shrubs along the North Avenue and Starr Farm Road frontages will be retained. These plantings are intended to screen the surface parking from said public streets. The new landscaping is a continuation of existing landscaping done with the prior parking lot expansion. Several new honey locust trees are proposed within and adjacent to the parking area, as are a variety of perennial lilies. **(Affirmative finding)**

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

(o) Outdoor lighting
See Sec. 5.5.2.

(p) Integrate infrastructure into the design
No new ground mounted mechanical equipment is included in the project plans. **(Not applicable)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(Not applicable)

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located within the Neighborhood Parking District (the Multimodal Mixed-Use Parking District stops just shy of this property along North Avenue). Within that district, the minimum parking requirement for a convalescent/nursing home is 1 parking space per 4 beds. In this case, the facility is permitted for 160 beds and requires at least 40 parking spaces. The property is permitted for 75 spaces but contains just 73 parking spaces. **(Affirmative finding)**

Sec. 8.1.9, Maximum Parking Spaces

This section limits surface parking to 125% of the Neighborhood Parking District minimum parking requirement. In this case, the maximum permissible parking for a 160-bed convalescent/nursing home is 50 spaces. Given that 98 spaces are proposed, a maximum parking waiver is required.

4. Waiver of Maximum Parking Limitations

A. The applicant requesting the waiver shall also provide:

(i) A peak demand parking study for two similar uses in the area; and,

A parking analysis has been provided. It is the same one as submitted for the 2019 maximum parking waiver but remains pertinent to the current request. The analysis includes the subject property and two other area nursing homes. The current parking ratio at the subject facility is 0.425. The expressed need is 0.6. The other two facilities, Starr Farm Nursing Center and Green Mountain Nursing have ratios of 0.66 and 0.932, respectively. **(Affirmative finding)**

(ii) A TDM Plan pursuant to the requirements of Sec. 8.1.16

See Sec. 8.1.16 below.

B. The following additional criteria shall be addressed regarding how:

(i) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;

On-street parking is not allowed along Starr Farm Road or the nearby stretch of North Avenue. Most neighboring uses are single family homes. The nearby public school has its own parking challenges without surplus to share. **(Affirmative finding)**

(ii) The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity;

The disparity between parking demand and parking availability contributes to a significant use of alternative transportation. The parking analysis and TDM plan assert that 20% of employees already use transportation other than single occupancy vehicles. The property is served by public sidewalks, a nearby GMT bus stop, and onsite bike parking. A TDM plan is proposed that incorporates a number of the recommendations made in Sec. 8.0, *Parking Management Plan*, of the RSG parking analysis. Some of those recommendations are incorporated into the proposed TDM plan. See Sec. 8.1.16 for more info. **(Affirmative finding)**

(iii) The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.

Transit supportive use is not a defined term in the city's Comprehensive Development Ordinance. Review of pertinent literature indicates that transit supportive use provides services or activities which are which are attractive and convenient to transit riders and pedestrians. Practically speaking, the facility is too small and too far removed from the city

center to be well served by alternative means of transportation. As noted above, some measures are in place already to encourage use of alternative transportation, and additional steps should be taken to formalize and broaden such measures. Insofar as this particular criterion is concerned, the site could be wholly or partially redeveloped in the future. Such redevelopment could conceivably include transit supportive uses. **(Affirmative finding)**

Sec. 8.1.10, Off-Street Loading Requirements
(Not applicable)

Sec. 8.1.11, Parking Dimensional Requirements

Parking spaces are striped at 9' X 18' and are consistent with present parking standards. Back up length is 23' - the standard for 90-degree spaces. Per Sec. 6.2.2 (l), the enlarged parking area shall be bordered by concrete curbing or similar barrier to prevent parking on adjacent green spaces. The site plans depict boulders along the easer edge of the expanded parking area. Curbing should be installed along the northern edge. **(Affirmative finding as conditioned)**

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Offsite parking facilities

(Not applicable)

(b) Front yard parking restricted

The proposed parking expansion is compliant with applicable front yard setbacks as noted in Article 4 above. Consistent with this criterion, the new parking is located to the side of the building. Given its placement between the building and the road, screening of the additional parking is required. Screening between the road and the parking was installed as part of the prior parking expansion. **(Affirmative finding)**

(c) Shared parking

(Not applicable)

(d) Single story structures in Shared Use Districts

(Not applicable)

(e) Joint use of facilities

(Not applicable)

(f) Availability of facilities

None of the proposed parking will be used for the storage or display of vehicles or materials by offsite users. Parking will be for employees and visitors. **(Affirmative finding)**

Sec. 8.1.13, Parking for Disabled Persons

The site plan depicts several existing handicap parking spaces in close proximity to the building's main entrance. Associated striping is also shown. No new ADA spaces are proposed. **(Affirmative finding)**

Sec. 8.1.14, Stacked and Tandem Parking Restrictions
(Not applicable)

***Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans
(Not applicable)***

Sec. 8.1.16, Transportation Demand Management

(b) Applicability

As noted in Sec. 8.1.9 above, a TDM plan is required as part of a maximum parking waiver application. A TDM plan has been submitted. **(Affirmative finding)**

(c) Transportation Demand Management Program

The applicant has provided a revised transportation demand management program prepared by WCG that addresses each of the following items.

a. Outreach and Education:

The TDM plan notes outreach and education as a plan component and identifies the executive director of the facility as the Transportation Coordinator. As required, the outreach and education part of the plan includes provision for an annual meeting to present and discuss available TDM strategies and opportunities for increased use and participation. The plan also notes annual travel mode and parking surveys with associated annual reporting to the city. **(Affirmative finding)**

b. TDM Strategies:

The updated TDM plan notes the presence of 8 short term bike parking spaces in the form of outdoor racks and 4 long term bike parking spaces inside the building. There is no specific bike parking requirement for convalescent homes. The medical center standard is 1 long term space per 10,000 sf and 1 short term space per 20,000 sf. The short term bike parking provided exceeds the standard for the ~48,000 sf facility. The long term bike parking is 1 space shy. A fifth long term bike parking space should be provided.

This criterion requires subsidy for GMT passes and car share memberships for all residents and employees or membership in a transportation management association (such as CATMA) that offers equivalent or better TDM strategies. The applicants propose membership with CATMA. They also propose a guaranteed ride home program for employees using alternative transportation. These measures must be in place for at least 10 years following issuance of a certificate of occupancy for this project. **(Affirmative finding as conditioned)**

c. Parking Management:

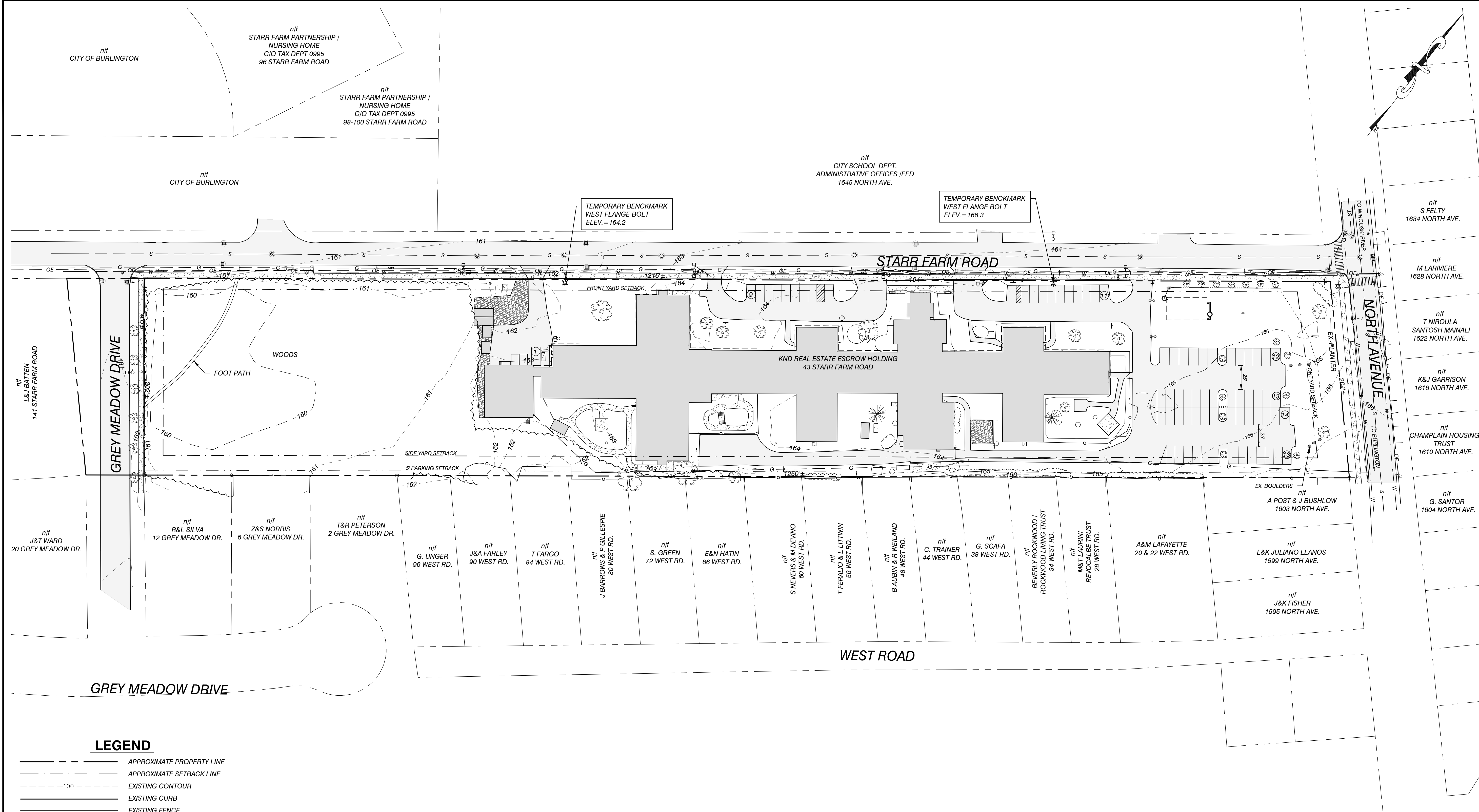
As with the TDM strategies, annual parking utilization studies must be conducted for a period of at least 10 years with results reported to the city. There are no leases or deeds to unbundle parking costs from at this facility. Parking will not be made available for off-site users. Priority parking is noted in the TDM plan and reflected on the site plan. It includes provision for 4 ADA spaces, 2 motorcycle spaces, and 5 carpool spaces. Onsite car share parking may not be required, as the nursing home is not a residential complex. **(Affirmative finding)**

d. TDM Agreement:

This criterion is included in the proposed TDM Plan. **(Affirmative finding)**

II. Conditions of Approval

1. **This approval includes the TDM plan** as addressed under Sec. 8.1.16 of these findings. The TDM plan shall be executed and sustained for a period of at least 10 years following issuance of a certificate of occupancy for this project.
2. The enlarged parking area shall be bordered by concrete curbing or similar barrier to prevent parking on adjacent green spaces.
3. A fifth long term bike parking space should be provided within the building.
4. Per Sec. 2.7.8, *Withhold Permit*, zoning permits 19-0479SN for signage & 19-0468CA for additional parking and maximum parking waiver must be closed out with final certificates of occupancy prior to closing out this new zoning permit with a certificate of occupancy.
5. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required. It is the applicant's obligation to amend State Wastewater and Act 250 permits to reflect changes within this review.
6. Standard Conditions 1-15.



SITE ENGINEER:

CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
P: 802-864-2323 FAX: 802-864-2271 web: www.cea-vt.com

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DRAWN	MAB
CHECKED	MCK
APPROVED	CJG

CLIENT:

BIRCHWOOD
PROP LLC
c/o BIRCHWOOD
OPERATIONS LLC

43 STARR FARM ROAD
BURLINGTON, VT

PROJECT:

BIRCHWOOD
TERRACE

43 STARR FARM ROAD
BURLINGTON, VT

LOCATION MAP

1" = 2000'

DATE	CHECKED	REVISION
09/23/21	MLK	ZONING PERMIT
03/28/22	MLK	REVISIONS PER STAFF COMMENTS

EXISTING
CONDITIONS SITE
PLAN

DATE
09/23/2021

SCALE
1" = 50'

PROJ. NO.
17158

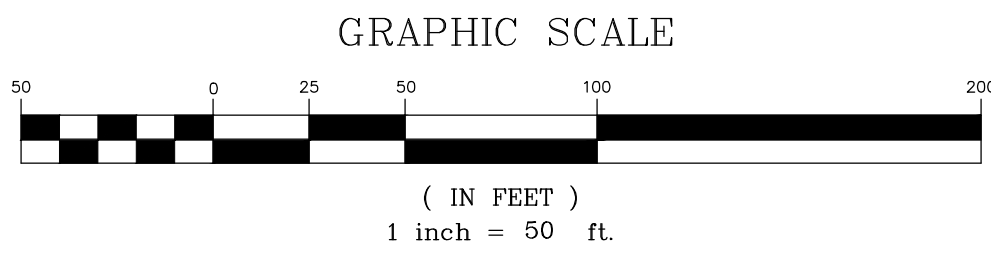
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C1.0

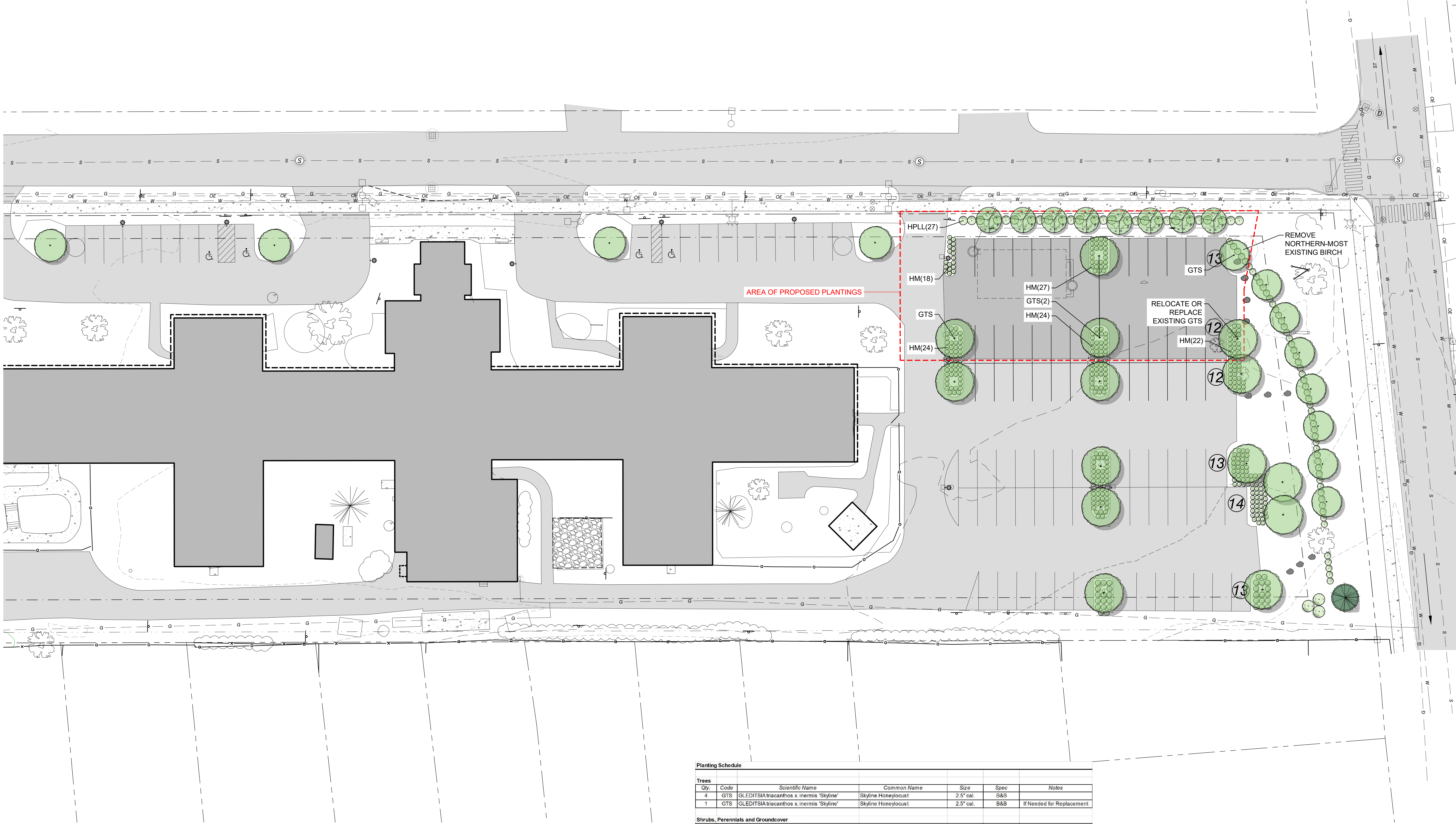
LEGEND

	APPROXIMATE PROPERTY LINE
	APPROXIMATE SETBACK LINE
	EXISTING CONTOUR
	EXISTING CURB
	EXISTING FENCE
	EXISTING GRAVEL
	EXISTING PAVEMENT
	EXISTING OVERHEAD ELECTRIC
	EXISTING GAS
	EXISTING STORM
	EXISTING GRAVITY SEWER
	EXISTING WATER
	EXISTING SEWER MANHOLE
	EXISTING STORM MANHOLE
	EXISTING CATCH BASIN
	EXISTING HYDRANT
	EXISTING SHUT OFF
	EXISTING UTILITY POLE
	EXISTING LIGHT POLE
	EXISTING GUY WIRE/POLE
	EXISTING SIGN
	EXISTING DECIDUOUS TREE
	EXISTING CONIFEROUS TREE
	EDGE OF BRUSH/WOODS
	IRON ROD/PIPE FOUND
	CONCRETE MONUMENT FOUND
	PROJECT BENCHMARK

NOTES

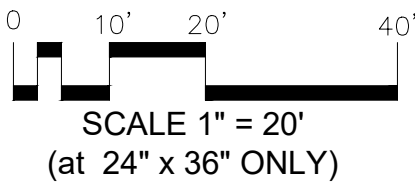
- UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) PRIOR TO ANY CONSTRUCTION.
- PROPERTY LINE INFORMATION IS BASED ON A PLAN PREPARED BY NATHAN O. YAGER DATED 7/4/2017 "KINDRED BIRCHWOOD TERRACE" THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE. MONUMENTATION RECOVERED IS CONSISTENT WITH RECORDED DOCUMENTS.
- SITE INFORMATION IS BASED ON A FIELD SURVEY PERFORMED BY CIVIL ENGINEERING ASSOCIATES, INC. JULY 2017 AND MAY 2021. CIVIL ENGINEERING ASSOCIATES, INC. SURVEY ORIENTATION IS "GRID NORTH", VERMONT COORDINATE SYSTEM OF 1983 (HORIZONTAL) AND NAVD88 (VERTICAL) ESTABLISHED FROM GPS OBSERVATIONS ON SITE.





Planting Schedule						
Trees						
Qty.	Code	Scientific Name	Common Name	Size	Spec	Notes
4	GTS	GLEDITSIA triacanthos x inermis 'Skyline'	Skyline Honeylocust	2.5" cal.	B&B	
1	GTS	GLEDITSIA triacanthos x inermis 'Skyline'	Skyline Honeylocust	2.5" cal.	B&B	If Needed for Replacement
Shrubs, Perennials and Groundcover						
Qty.	Code	Scientific Name	Common Name	Size	Spec	Notes
38	HM	HEMEROCALLIS 'Barbara Mitchell'	Barbara Mitchell Daylily	Clump	#2 Cont.	
38	HM	HEMEROCALLIS 'Happy Returns'	Happy Returns Daylily	Clump	#2 Cont.	
39	HM	HEMEROCALLIS 'Purple d'Oro'	Purple d'Oro Daylily	Clump	#2 Cont.	
27	HPLL	HYDRANGEA paniculata 'Little Lime'	Little Lime Hydrangea	18" Ht.	#3 Cont.	

REVISED
04/06/2022



revisions	date	revisions	date
Revise Landscape and Lighting	12/07/2018	Add Landscape and Lighting	09/21/2021
Add boulders	02/06/2019	New Trees for Adjusted Existing Light and Shade	04/06/2022

T. J. Boyle Associates, LLC

landscape architects • planning consultants

301 college street • burlington • vermont • 05401 802 • 658 • 3555 <http://www.tjboyle.com>



jbo/kh

design by

jbo/kh

drawn by

12/07/2018

date

1" = 20'

scale

1" = 20'

scale

1" = 20'

scale

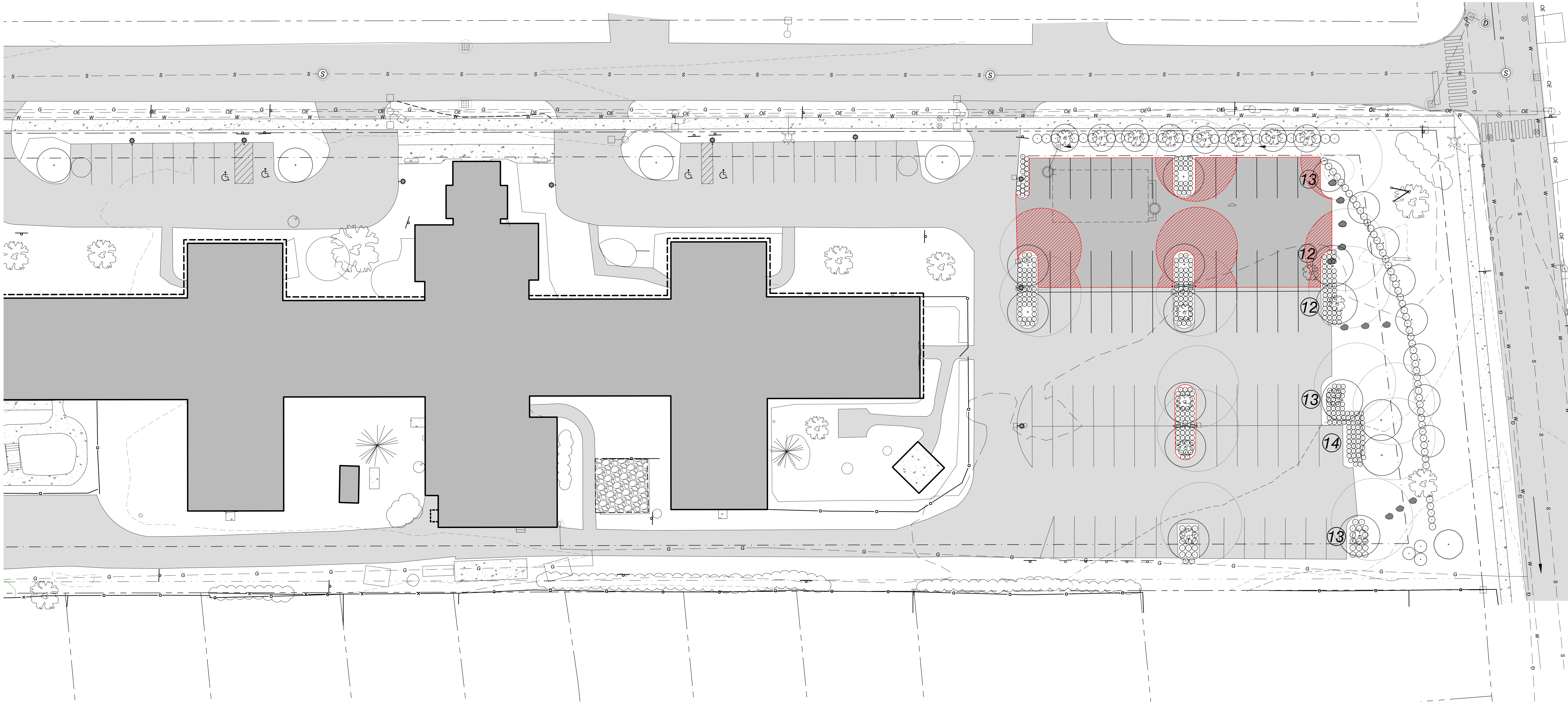
1" = 20'

scale

Birchwood Terrace
Landscape Planting Plan

sheet no:

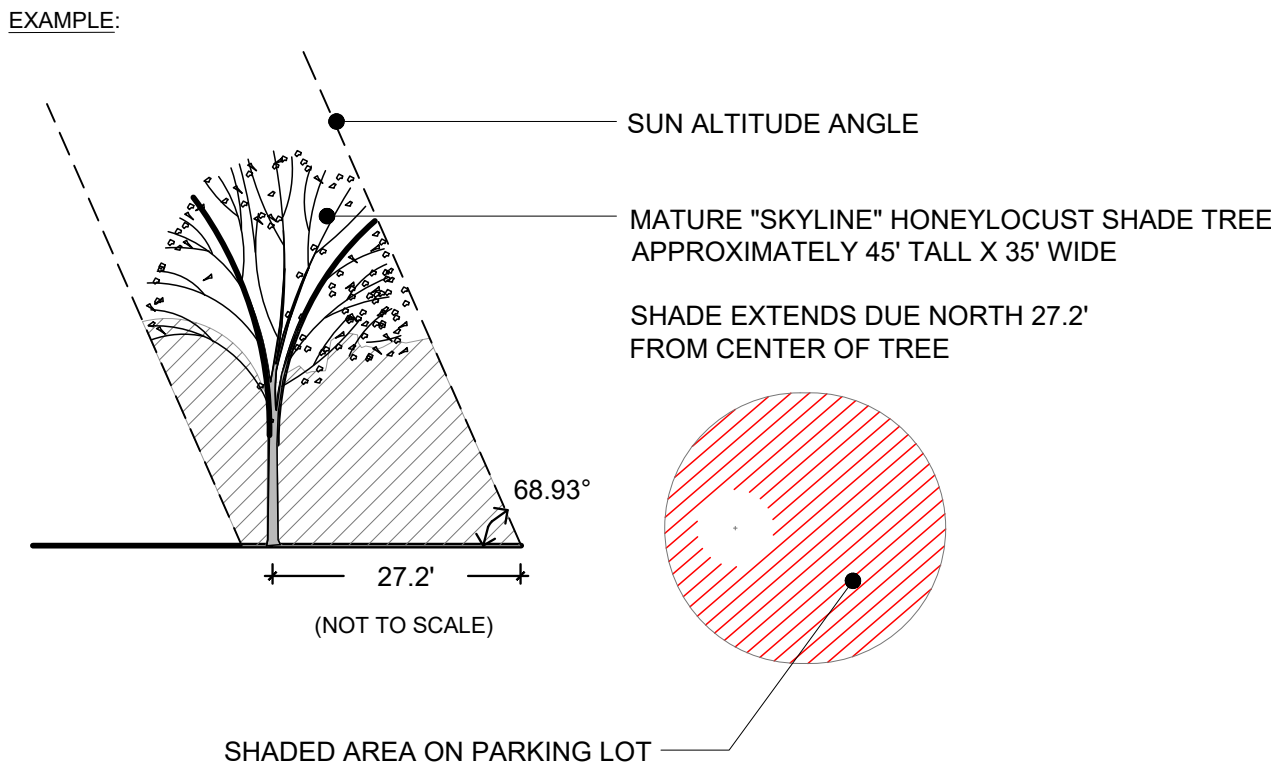
L-101



SUN ANGLE CALCULATION DATA FOR PROJECT LOCATION

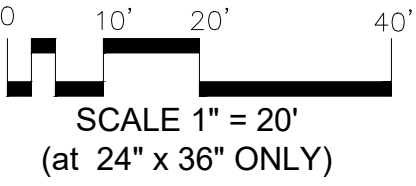
LONGITUDE:	73° 15' 31.4" WEST
LATITUDE:	44° 30' 59.8" NORTH
CALCULATION DATE:	JUNE 20, 2021
PROJECT ELEVATION:	165'
TIME:	SOLAR NOON (12:54 PM EST)

RESULTING SUN ALTITUDE ANGLE: 68.93°



OVERALL SHADE CALCULATION TOTALS - SUMMER SOLSTICE AT SOLAR NOON	
TOTAL IMPERVIOUS SURFACE IN PROPOSED PARKING EXPANSION	= 7,198.94 SF
TOTAL SHADE FROM MATURE TREE HEIGHTS	= 2,414.84 SF
TOTAL PROPOSED SHADE ON PARKING EXPANSION	= 33.54%
TOTAL SHADE OBJECTIVE = 30%	

PLAN ISSUED
04/06/2022



revisions	date	revisions	date

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design by

jbo

drawn by

04/06/2022

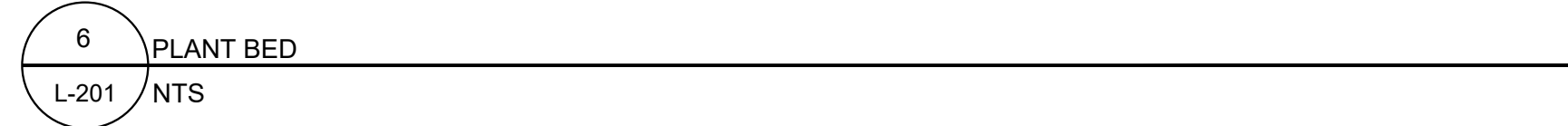
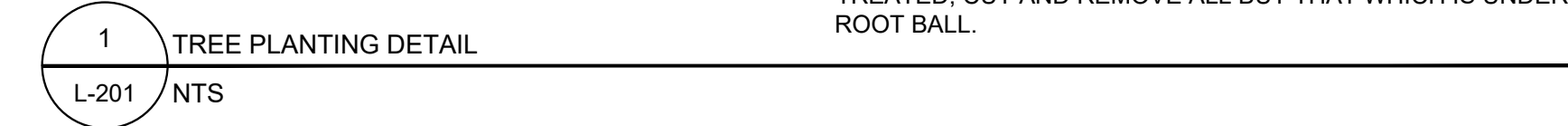
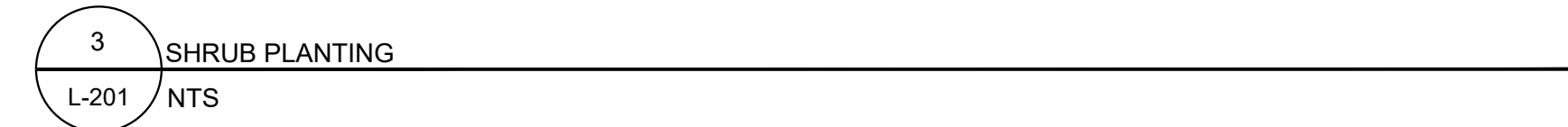
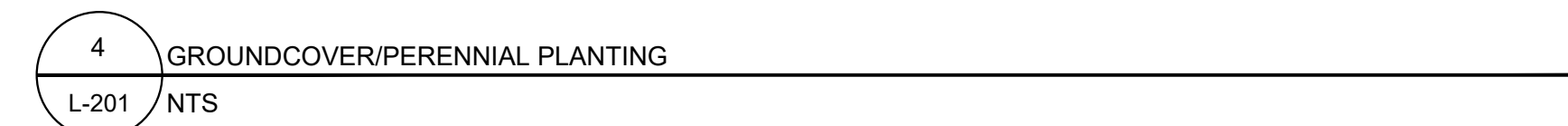
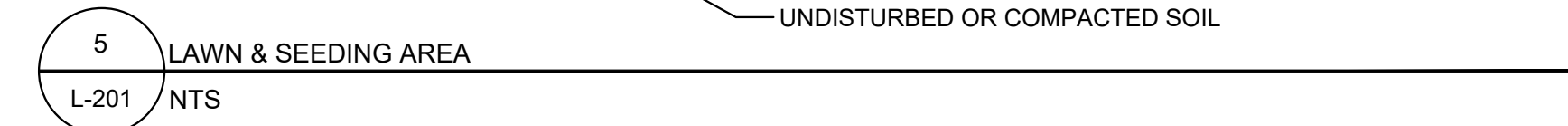
date

Birchwood Terrace
Landscape Shading Plan

sheet no:

L-103

1. THE LANDSCAPE CONTRACTOR SHALL LOCATE AND VERIFY THE EXISTENCE OF ALL UTILITIES PRIOR TO STARTING WORK. CONTACT DIG SAFE TWO FULL BUSINESS DAYS BEFORE PLANTING. (48 HOUR MIN.)
2. THE LANDSCAPE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIAL IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTING SHOWN ON ALL DRAWINGS. THE PLAN SYMBOLS ON THE LANDSCAPE PLAN SHALL ALWAYS SUPERCEDE NUMBERS ON THE PLANT LIST.
3. ALL PLANT MATERIAL SHALL CONFORM AND BE INSTALLED TO THE GUIDELINES ESTABLISHED BY THE CURRENT ANSI Z60.1.
4. NO PLANT SHALL BE PUT INTO THE GROUND BEFORE ROUGH GRADING HAS BEEN FINISHED AND APPROVED BY THE PROJECT LANDSCAPE ARCHITECT OR EQUAL.
5. THE LANDSCAPE CONTRACTOR SHALL PROVIDE AMENDED PLANTING SOIL AS PER THE CONTRACT SPECIFICATIONS.
6. SOIL DEPTH SHOULD BE AS LISTED BELOW WITH A 2/3 PLANTING SOIL TO 1/3 COMPOST MIX. EXISTING SOIL ON SITE WHICH MEETS THE CONTRACT SPECIFICATIONS MAY BE USED. REMOVE SURF GRADE AND OTHER GRAVEL FILL IN PLANTING AREAS ON SITE.
 - 6.1. GROUND COVER BEDS: 12" DEPTH.
 - 6.2. LAWN AREAS: 6" DEPTH
 - 6.3. SHRUB/PLANT BEDS: 18" DEPTH
7. PLANTS SHALL BE INSTALLED SUCH THAT THE ROOT FLARE IS AT OR SLIGHTLY ABOVE FINAL GRADE (DU TO NURSERY PRACTICES THIS MAY REQUIRE REMOVING SOIL FROM THE TOP OF THE ROOT BALL TO LOCATE THE ROOT FLARE).
8. ALL PLANTS SHALL BE BALLED AND BURLAPPED OR CONTAINER GROWN AS SPECIFIED. NO CONTAINER GROWN STOCK WILL BE ACCEPTED IF IT IS ROOT BOUND. ALL ROOT WRAPPING MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT THE TIME OF PLANTING.
9. WITH CONTAINER GROWN STOCK, THE CONTAINER SHALL BE REMOVED AND THE CONTAINER BALL SHALL BE CUT THROUGH THE SURFACE IN TWO VERTICAL LOCATIONS.
10. THE DAY PRIOR TO PLANTING, THE LOCATION OF ALL TREES AND SHRUBS SHALL BE FLAGGED FOR APPROVAL BY THE PROJECT LANDSCAPE ARCHITECT OR EQUAL.
9. LANDSCAPE ARCHITECT MAY REQUIRE ALL PLANTS BE SPRAYED WITH AN ANTIDESSICANT WITHIN 24 HOURS AFTER PLANTING. IN TEMPERATE ZONES, ALL PLANTS SHALL BE SPRAYED WITH AN ANTIDESSICANT AT THE BEGINNING OF THEIR FIRST WINTER.
10. STAKING PLANTS IS AT THE DISCRETION OF THE LANDSCAPE CONTRACTOR. ONLY STAKE PLANTS IN THE MANNER SPECIFIED IN THE PLANTING DETAILS.
11. ALL PLANTS SHALL BE WATERED THOROUGHLY TWICE DURING THE FIRST 24 HOUR PERIOD AFTER PLANTING. ALL PLANTS SHALL THEN BE WATERED WEEKLY, IF NECESSARY, DURING THE FIRST GROWING SEASON.
12. THE LANDSCAPE CONTRACTOR SHALL REFER TO THE CONTRACT SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.
13. THE LANDSCAPE CONTRACTOR SHALL REFER TO THE PLANT LIST FOR SEASONAL REQUIREMENTS RELATED TO THE TIME OF PLANTING.

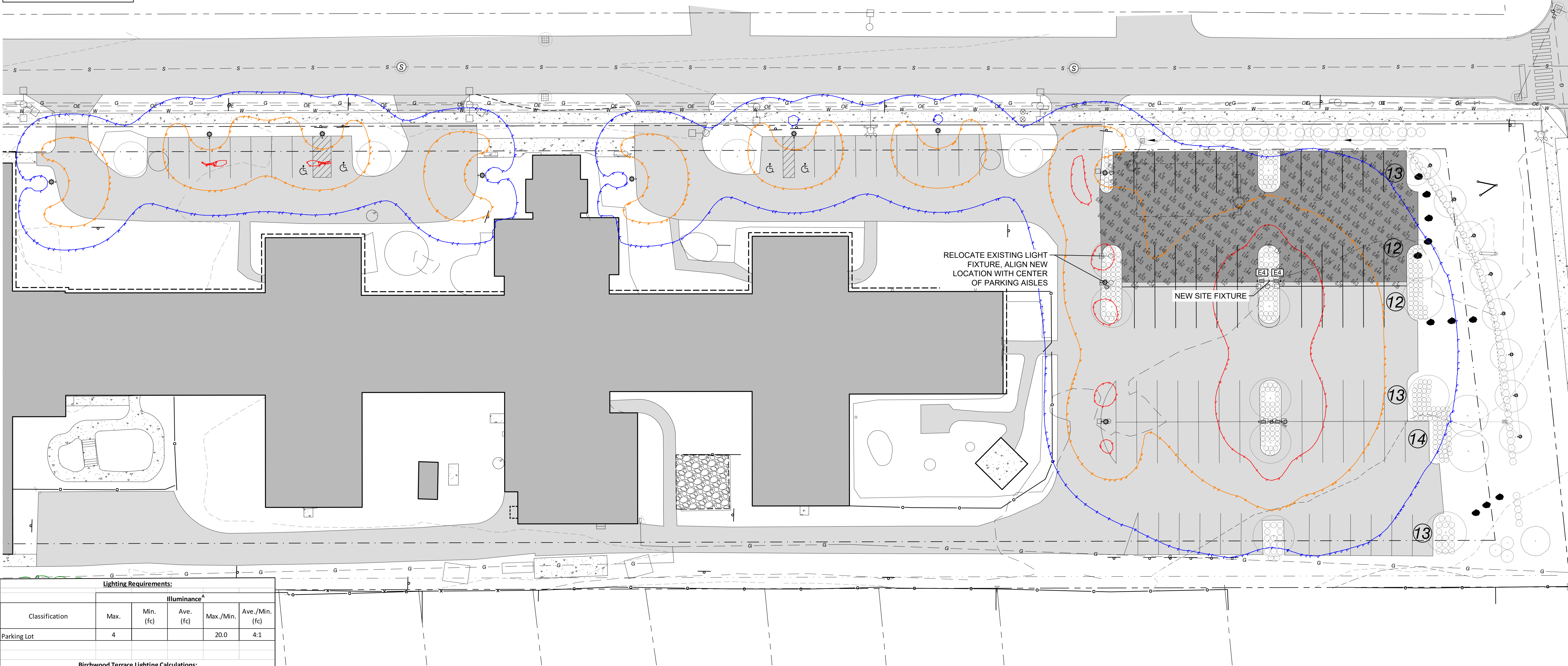


PLAN ISSUED
04/06/2022

LEGEND

- PARKING LOT LIGHT
- PEDESTRIAN LIGHT
- LOW-VOLTAGE LIGHT
- 1.00 CONTOUR LEVEL (fc)
- 0.50 CONTOUR LEVEL (fc)
- 0.20 CONTOUR LEVEL (fc)

NOTE:
VERIFY NEW LIGHTING FOUNDATIONS, ALL CONDUIT AND TRENCHING LOCATIONS FROM BUILDING, TO AND BETWEEN FIXTURES, INTERIOR CONTROLS, EXTERIOR LIGHTING CONTROLS, AND ANY OTHER CODE REQUIREMENTS WITH ELECTRICAL ENGINEER OR ELECTRICAL CONTRACTOR PRIOR TO ORDERING AND INSTALLATION



Lighting Requirements:					
Classification	Illuminance ^A				
	Max.	Min. (fc)	Ave. (fc)	Max./Min.	Ave./Min. (fc)
Parking Lot	4			20.0	4:1
Birchwood Terrace Lighting Calculations:					
Area	Illuminance				
	Max.	Min.	Ave.	Max./Min.	Ave./Min.
Parking Lot Area	1.7	0.14	0.52	12.07	3.71
Footnotes:					
^A Illuminance - All calculations are in Horizontal Footcandles (fc)					
Notes:					
Light Loss Factor:					
0.9	Dirt Depreciation (LDD)				
0.85	Lumen Depreciation (LLD)				
0.76	Total Light Loss Factor (LLF)				

Luminaire Schedule																				
Label	Qty.	Manufacturer/Fixture	Ordering Information	Type	Lamp	Color Temp	Lumens	Dimming	Drive Current ¹	Controls ⁵	Voltage ²	Finish	Options ⁵	CRI	Mount	Mounting Ht. ³	Pole ⁴	Arm	Drilling	Finish
E4	2	Ecoform Site and Area	ECF-S-32L-365-WW-G2-4-UNV	4	32LED	3000K			540		120	BK		70	SF	25'	Phillips SRS-25-D2@90-D4-BLP	MATCH EXISTING 25' FIXTURE ARMS AND MOUNT	2 Way @ 90°	BLP
Notes:																				
¹ Drive Current - review drive current and wattage with Electrical Engineer and Contractor before installation																				
² Voltage to be verified by Electrical Engineer prior to ordering																				
³ Mounting height equates between the light source and the ground planes for using calculation photometric analysis, cut poles as needed																				
⁴ Pole size to be verified by contractor prior to installation.																				

REVISED
04/06/2022

0 10' 20' 40'
SCALE 1" = 20'
(at 24" x 36" ONLY)

PLAN ISSUED
04/06/2022

3 PARKING LOT POLE
L-202 NTS

T. J. Boyle Associates, LLC

landscape architects • planning consultants

jbo/jkh	jbo/jkh	12/07/2018
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Birchwood Terrace

sheet n

1-202

Submitted To: Chris Galipeau, Civil Engineering Associates, Inc.; Alecia DiMario

Submitted By: Erica Wygonik, PhD, PE; Corey Mack, PE

Project Name: Birchwood Terrace Transportation Demand Management (TDM) Plan

Date: April 8, 2022

Background

Birchwood Terrace

Birchwood Terrace is a 144-bed Skilled Nursing Facility (SNF) that provides short- and long-term care at [43 Starr Farm Road in Burlington, Vermont](#). The facility provides 24-hour nursing care, access to a physician 24 hours a day, meals, therapy, activities, housekeeping, and other miscellaneous services needed by residents. The nature of the facility and its license requirements include required staffing levels throughout the entire 24-hour day.

The facility currently has 73 parking spaces and is proposing to add an additional 25 parking spaces to address existing parking demand. No other change in services or additional construction is proposed, and as such, the number of trips to and from the facility is not expected to change.

What is a TDM Plan?

A Transportation Demand Management (TDM) plan ensures a broad set of transportation choices are available to employees and customers. Plans include various programs or incentives to encourage alternative modes of transportation. These plans can include educational components, such as providing brochures of local transit schedules or allowing organizations which promote alternative transportation modes to run workshops on site. The plans can include physical components, such as providing secure bike parking or shower facilities for nonmotorized commuters. They can be structured around annual, monthly, or special event incentives, such as subsidized transit passes, annual stipends to support bicycle maintenance, or special prizes during Ride to Work week. They often include a guaranteed ride home program.

Why do TDM?

A TDM plan is intended to reduce single-occupant vehicle travel and ensure employees have a broad set of options for commuting. These efforts reduce parking demand on site as well as congestion in the surrounding area. As it can cost over \$10,000 per parking spot to construct even simple surface parking, TDM measures are often very cost-effective strategies. Supporting the use of a variety of modes for commutes supports employee wellness, can improve employee access, and reduces environmental impacts of employee travel. In addition, The City

of Burlington requires a TDM plan for zoning applications in the Multimodal Mixed Use Parking District¹.

Previous Studies

In 2018, RSG completed an in-depth assessment of parking use and occupancy at Birchwood Terrace. That study found the facility had 168 employees with multiple staggered shifts, designed to meet license requirements as well as stagger parking needs. That study reported peak visiting hours are from 10:00 am to 1:00 pm and from 4:00 pm to 7:00 pm. This pre-COVID survey indicated as many as 20-25 visitors at peak times is not uncommon. The facility is also a clinical training location for the University of Vermont and Vermont Technical College. Classes include between 8 to 30 students and 1 to 4 instructors.

Based on schedule information, this study found a peak of 118 personnel on-site, not including visitors. However, their observations indicated roughly 72 vehicles were parked in employee parking with another 3-4 vehicles parked in the maintenance area, indicating “significant TDM measures, such as car-pooling and use of alternate modes, are already in place.” This study reported 33 of 168 employees were using alternate modes, reflecting roughly 20% of staff, as opposed to 5-10% which would be a more typical target.

Current Policies

Birchwood Terrace currently encourages alternate means of transportation, such as walking, biking, carpooling, or utilizing public transportation through a variety of measures. However, due to the nature of the business, employee shifts run 24-hours a day, with shifts starting or ending almost every hour of the day. The work schedule of their employees makes it challenging for employees to use alternative methods. Despite the challenges the work shifts impose, Birchwood Terrace currently has over 30 employees who utilize one of the above methods to travel to work. They maintain a company UBER account to assist with transportation, however Uber is not always available due to the early/late hours of shifts. In addition, the facility staggers shift start/stops to spread out the amount of traffic in the lot at any one time, and it is well-located with access to multimodal infrastructure.

Local Context

Birchwood Terrace is located less than 1000 feet of the North Avenue (#7) GMT line, with both northbound and southbound stops at the end of Starr Farm Road. This line currently runs from approximately 5:45 am to 10:45 pm Monday through Friday, 6:45 am to 10:45 pm Saturday, and 8:15 am to 6:15 pm Sundays.

The facility is proximate to the Island Line Trail, which crosses Starr Farm Road roughly 2000 feet southwest of Birchwood Terrace and provides connectivity to downtown Burlington as well as other bike network infrastructure. Sidewalks are present on Starr Farm Road between the facility and North Avenue. The sidewalk infrastructure extends from North Avenue into

¹ Sec. 8.1.16 Transportation Demand Management, Comprehensive Development Ordinance, City of Burlington, VT, December 16, 2020. <https://www.burlingtonvt.gov/sites/default/files/20201216%20ART08-Parking.pdf>

downtown Burlington. Parking at Birchwood Terrace is limited, which also serves to discourage single occupant vehicle travel.

Birchwood Terrace is located within the current service area for UBER and Lyft, as well as within the area served by the CATMA, a non-profit transportation management association serving Chittenden County. It is in the operating zone for greenride bikeshare, and it is also served by Car Share Vermont, although the closest car station is roughly 2.5 miles away.

Planned Measures

Birchwood Terrace has a proven history of a large percentage of employees using alternate modes of transportation despite operating 24 hours each day. They have achieved this mode share while providing a critical service to the community under tight margins and challenging conditions. Building on their existing tools and reinforcing them with new ones will continue to maximize employee use of alternative modes of transportation and minimize parking demand.

Based on the review of the Birchwood Terrace operations and its local context, the following measures are planned for each of the program elements:

Outreach & Education

The Executive Director will serve as the Transportation Coordinator and will share materials regarding available transportation options to employees at the Second Quarter staff meeting, timed to encourage employees to shift to alternative modes as the weather improves and those behavioral changes are easier. She will also plan a breakfast for employees who participate in Way to Go! Or Bike to Work week, survey employees annually about how they get to work, and provide an annual report to the City.

TDM Strategies

Given the non-traditional, staggered schedules required to staff the facility, providing transit passes and car share memberships is not a suitable strategy for this location. Instead, Birchwood Terrace will:

1. Join CATMA
2. Implement a Guaranteed Ride Home program, paying the cab or Uber/Lyft fare if an emergency arises on a day an employee uses an alternative commute mode,
3. Provide sheltered bicycle parking,
4. Provide showers & changing facilities, and
5. Provide access to reduced-price transit passes through its membership with CATMA

Birchwood Terrace provides short-term bicycle parking for approximately eight bicycles via a rack at the front of the building's main entrance. Four longer-term informal bicycle parking spaces are available for staff at the rear of the building, proximate to the staff entrance. This location is enclosed on three sides, screened from the general public, and covered with a tent. Roughly two to three staff regularly park bicycles in this location, but use varies.

Parking Management

To manage available parking and encourage alternate travel modes, Birchwood Terrace will limit the available parking supply and provide preferential parking for motorcycles/scooters, bicycles, carpools/vanpools, and accessible spaces. Five carpool/vanpool spaces will be designated along the rear aisle of the parking lot, most proximate to the staff entrance at the rear of the building. Four accessible spaces are designated at the front of the building, most proximate to the main entrances for guests. Two of these spaces are van accessible. Two motorcycle/scooter spaces will be designated in the two spaces closest to the building in the middle parking aisle. The designated parking is shown in sheet C2.0 in the plan set.

Birchwood Terrace provides short-term bicycle parking for approximately eight bicycles via a rack at the front of the building's main entrance. Four longer-term informal bicycle parking spaces are available for staff at the rear of the building, proximate to the staff entrance. This location is enclosed on three sides, screened from the general public, and covered with a tent. Roughly two to three staff regularly park bicycles in this location, but use varies.

In addition, Birchwood Terrace will conduct annual parking utilization studies for at least 10 years following construction of the proposed parking spaces. The parking utilization studies will be coordinated by the Transportation Coordinator, supported by CATMA or other qualified third parties.

TDM Agreement

Birchwood Terrace commits to and acknowledges the following:

- Commit to ongoing implementation of the TDM requirements as set forth above;
- Acknowledge that the project has no claim to the ongoing availability of nearby on-street public parking, and that, as is the case with other on-street public parking, the City retains the right to charge for or remove such on-street parking at any time;
- Acknowledge that failure to maintain transportation demand management as required above is a violation of this ordinance, and understanding that, pursuant to Sec. 2.7.8 of the Burlington Comprehensive Development Ordinance, no zoning permit or certificate of occupancy may be granted until any such violation has been remedied; and,
- Commit to notify any subsequent owners and tenants in writing of their obligations under this section as part of any purchase and sale and/or lease agreements.

AGREED:



Signature

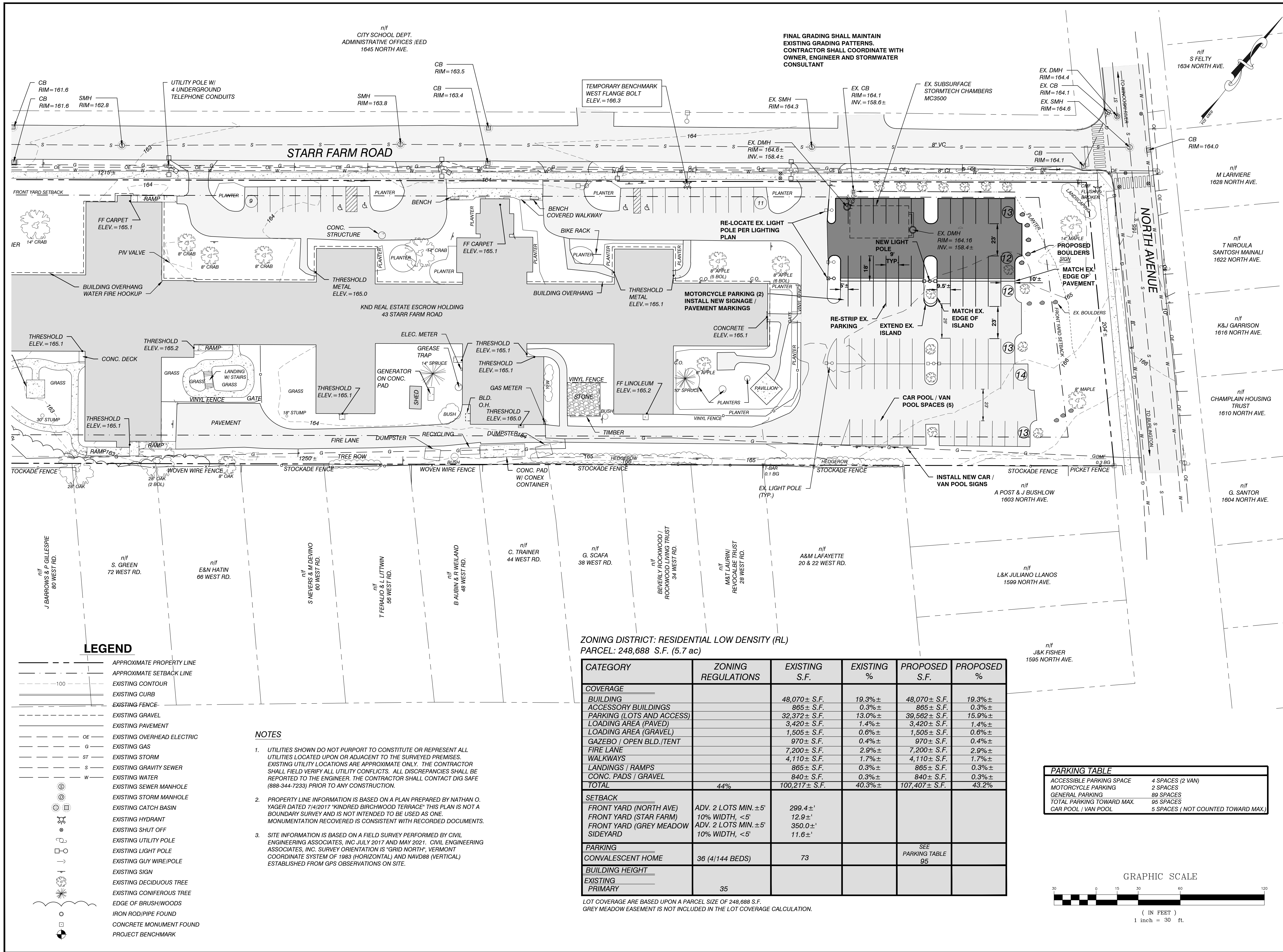


Print



Date

P:\AutoCAD Projects\2017\17158_2021-Site Plan.dwg, C2.0 2021-PROPOSED, 4/6/2022 4:21:11 PM



SITE ENGINEER:

CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
P: 802-864-2323 FAX: 802-864-2271 web: www.cea-vt.com

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DRAWN
MAB

CHECKED
MCK

APPROVED
CJG

CLIENT:

**BIRCHWOOD
PROP LLC**
c/o BIRCHWOOD
OPERATIONS LLC

43 STARR FARM ROAD
BURLINGTON, VT

PROJECT:

**BIRCHWOOD
TERRACE**

43 STARR FARM ROAD
BURLINGTON, VT

LOCATION MAP

1" = 2000'

DATE	CHECKED	REVISION
09/23/21	MLK	ZONING PERMIT
03/28/22	MLK	REVISIONS PER STAFF COMMENTS

**PARTIAL
PROPOSED
CONDITIONS SITE
PLAN**

DATE
09/23/2021

SCALE
1" = 30'

PROJ. NO.
17158

DRAWING NUMBER
C2.0

MEMORANDUM

To: City of Burlington, Department of Planning and Zoning

From: Birchwood Terrace/Civil Engineering Associates, Inc.

Date: April 8, 2022

Re: Birchwood Terrace Senior Housing Bonus/Site Plan Approval Request

Introduction:

Birchwood Terrace (“Birchwood”), a convalescent home in Burlington’s New North End, seeks approval of a senior housing bonus and related site plan to allow for the continued and effective operation of its skilled nursing facility – a vital community resource. Birchwood is located at 43 Starr Farm Road (tax lot number: 023-4-026-001). Birchwood was built in 1965 and has operated at this site since construction (on a lot of approximately 6.03 acres).

Brief Parking History:

In roughly 2016, the City restricted parking along Starr Farm Road for safety reasons (chiefly proximity to an adjacent public elementary school). This substantially limited Birchwood’s off-site parking. Birchwood was subsequently issued a Notice of Violation for expanding the area used for parking without obtaining zoning approval. In January 2018, the City and Birchwood entered into a stipulation to allow for sufficient time to address the violation. In addressing parking issues, Birchwood first attempted to address its needs by increasing off-site parking on nearby public streets, including Grey Meadow Drive, but this met with substantial neighborhood opposition. The lack of on-street parking led to a substantial investment in exploring options on the lot for bringing the property into compliance with existing zoning while still allowing the site to function and provide the level of care its residents require. Since this time, Birchwood has worked with the City to develop a plan to provide the additional parking needed for its operation on the property. In November of 2020, the City Council approved a zoning change that altered the senior housing bonus to increase the maximum lot coverage from 40% to 44% in the RL zoning district (matching the maximum lot coverage available for an inclusionary housing bonus in the RL zoning district).

Lot Coverage – Senior Housing Bonus:

Given the level of staffing required to operate this site under current federal and state requirements and to provide for visitation, Birchwood’s current parking capacity does not meet its operational needs. Birchwood commissioned a parking demand study (previously submitted to the City) indicating a need for at least 96 parking spaces to accommodate its existing uses and level of care. Birchwood’s current maximum lot coverage, however, is capped at 40%. At 40% lot coverage,

Birchwood may only have approximately 75 parking spots and there are not viable parking spaces available on nearby public streets to make up the difference.

Per Section 4.4.5(d)(A)(iv) of the City's Comprehensive Development Ordinance, the City's Development Review Board has the discretion to grant a senior housing bonus and increase the maximum lot coverage of Birchwood's lot from 40% to 44%. If the DRB approves such a senior housing bonus, then Birchwood could cover its parking needs on site and would plan to add parking capacity so that its property contained 89 general parking spaces, 5 carpool/vanpool spaces, 4 accessible parking spaces, and 2 motorcycle parking spaces.

Conclusion:

In sum, Birchwood respectfully requests approval of the site plan submitted in connection with this application and DRB approval of a senior housing bonus to allow for up to 44% lot coverage and 89 general parking spaces, 5 carpool/vanpool spaces, 4 accessible parking spaces, and 2 motorcycle parking spaces at its facility. Birchwood remains committed to providing quality care to City residents.

Attachments:

- Zoning Permit Application
- Property Owner Consent Form
- COA Level II Checklist
- Standard EPSC Form
- Civil Plan Set
- Landscaping and Lighting Plans
- Existing Conditions Photos

Burlington Development Review Board

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

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



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, April 19, 2022, 5:00 PM AGENDA

Virtual Remote Meeting

Zoom: <https://us02web.zoom.us/j/82517274865?pwd=emdSdkJuVXBrQXVydHQzaWRmZUNRdz09>

Passcode: 660341

Webinar ID: 825 1727 4865

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

I. Agenda

II. Communications

III. Minutes

IV. Consent

1. **ZP-22-109; 129 Spruce Street (RL, Ward 5S) Nate Yager & Sarah McLeod**
Establish a bed and breakfast (short-term rental) within existing duplex. (Project Manager, Scott Gustin)

Approved

V. Public Hearing

1. **ZP-22-110; 325 Flynn Avenue (RL, Ward 5S) Kathleen Peden**
Establish a bed and breakfast (short-term rental) within existing duplex. (Project Manager, Mary O'Neil)
2. **ZP-22-122; 84 Chase Street (RL, Ward 1E) Colleen Hartford**
Establish 2-bedroom bed and breakfast within existing residence. (Project Manager, Mary O'Neil)

Approved

Deferred until 6/7/2022

VI. Certificate of Appropriateness

1. **ZP-22-700; 43 Starr Farm Road (RL Ward 4N) Birchwood Properties / Michael Koch Civil Engineering Associates.**
Seek maximum parking waiver to expand onsite parking lot. (Project Manager, Scott Gustin)
2. **ZP-22-115; 76-78 Drew Street (RM Ward 3C) George & Dorothy Commo**
Request for parking waiver: Convert basement to habitable area. No change in the number of units. Property remains a duplex. (Project Manager, Mary O'Neil)

Approved

Approved

VII. Other Business

VIII. 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/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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

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Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, April 19, 2022, 5:00 PM

Minutes

Board Members Present: All members were remote. Brad Rabinowitz (remote), AJ LaRosa (remote), Brooks McArthur (remote), Caitlin Halpert (remote), Chase Taylor (remote)

Board Members Absent: Geoff Hand, Sean McKenzie, Leo Sprinzen

Staff Members: Mary O'Neil (remote), Scott Gustin (remote), Joseph Cava (remote)

I. Agenda

II. Communications

III. Minutes

April 5, 2022 minutes were approved

IV. Consent

1. ZP-22-109; 129 Spruce Street (RL, Ward 5S) Nate Yager & Sarah McLeod

Establish a bed and breakfast (short-term rental) within existing duplex. (Project Manager, Scott Gustin)

Nate Yager; Sworn in

Brooks: Motioned to approve and adopt staff recommendations. Caitlin 2nd. All in Favor. Approved.

V. Public Hearing

1. ZP-22-110; 325 Flynn Avenue (RL, Ward 5S) Kathleen Peden

Establish a bed and breakfast (short-term rental) within existing duplex. (Project Manager, Mary O'Neil)

Kathleen Peden; Sworn in

Brad: Can you tell us a little about parking?

Kathleen: You can park four cars and still move independently.

Brad: How wide is the driveway?

Kathleen: The driveway is twenty feet wide. It is wider at the bottom than at the top. Each square on the site plan is two square feet.

Brad: Is the parking in tandem?

Mary: This is the issue of stacked versus tandem parking allowance. Tandem may not serve more than one dwelling unit.

Chase: The driveway is long.

Brad: Any additional questions?

Caitlin: Option of parallel parking, vehicles parking independently.

Brad: Public Hearing is closed.

2. ZP-22-122; 84 Chase Street (RL, Ward 1E) Colleen Hartford

Establish 2-bedroom bed and breakfast within existing residence. (Project Manager, Mary O'Neil)

Brooks: Motioned to defer to the June 7th DRB meeting. Chase 2nd. All in Favor. Approved.

VI. Certificate of Appropriateness

1. ZP-22-700; 43 Starr Farm Road (RL Ward 4N) Birchwood Properties / Michael Koch Civil Engineering Associates.

Seek maximum parking waiver to expand onsite parking lot. (Project Manager, Scott Gustin)

Alicia Dimario, Jim Langdon, Michael Koch, Jeremy Owens, Sandy Thibault, Erica Wygonik; Sworn in

Alicia: Parking ban went into effect for Starr Farm Road which led to influx of Birchwood Parking lot. Parking study was done to adequately assess and manage the flow of traffic into the facility.

Brad: You have a parking management plan?

Alicia: Correct, we are using CATMA.

Brad: The landscaping is part of parking requirements?

Alicia: That is correct.

Brad: Have you put into practice some of the demands of the management plan?

Alicia: We are implementing bike parking, but the dilemma is the number of visitor traffic on a daily basis. The number of resident visitors cannot be calculated and when someone's relative is dying we don't want them circulating the parking lot.

Sandy: Birchwood will be a robust program for studying alternative transportation for micro transit. Chittenden County is looking to start a shuttling micro transit program to enhance employee usage.

Brad: Micro transit is not something the public can take advantage of?

Sandy: The micro transit program will be geared towards all individuals with a regular transit service.

Erica: It is easier for employees to take advantage of systems like this, but it can be adapted to visitors as well.

Sandy: Bike Share will be expanding with a potential remote facility near Birchwood.

Brad: Any additional questions? This application had the advantage of the zoning change to make this project possible.

Alicia: The zoning changes don't just benefit Birchwood but other elderly/nursing care facilities.

Scott: Any public input?

Brad: Public Hearing is closed.

2. ZP-22-115; 76-78 Drew Street (RM Ward 3C) George & Dorothy Commo

Request for parking waiver: Convert basement to habitable area. No change in the number of units. Property remains a duplex. (Project Manager, Mary O'Neil)

George and Dorothy Commo; Sworn in

Brad: Expansion on interior within existing footprint of the house.

Dorothy: Yes, the basement.

Brad: One space parking waiver?

Mary: Yes, a parking waiver for applicant's one vehicle.

Dorothy: Current tenant has not driven a vehicle during the eight year span of their lease. We have a total of three spaces, one we allow a neighbor to park in during the winter parking ban.

Brad: Recommended conditions for approval, any questions from the board? Public Hearing is Closed.

VII. Other Business

VIII. Adjournment 5:30 PM



Bradford L. Rabinowitz, Chair of Development Review Board

june 29, 2022

Date



Joseph H. Cava, Permitting & Inspections Permit Technician

6-16-22

Date

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