

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Austin Hart
Brad Rabinowitz
Israel Smith
AJ LaRosa
Geoff Hand
Alexandra Zipparo
Wayne Senville
Jim Drummond, (Alternate)
Robert Purvee, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday April 18, 2017, 5:00 PM PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on
Tuesday April 18, 2017 at 5:00pm in Contois Auditorium, City Hall.

1. **17-0822HO; 300 Main Street, Unit 2 (RH, Ward 8E) Adam Grundt**
Request for a home occupation for a psychotherapy office.
(Project Manager, Mary O'Neil)
2. **17-0875CA/CU; 269 North Winooski Ave (NMU, Ward 2C) Paul Schnabel**
Request to demolish and remove old garage and add a parking space.
(Project Manager, Mary O'Neil)

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

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

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

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

David E. White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: April 18, 2017
RE: ZP17-0822HO; 300 Main Street #2

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: ZP17-0822HO

Location: 300 Main Street, Unit 2

Zone: RH **Ward:** 8E

Parking District: Neighborhood

Date application accepted: February 27, 2017

Applicant/ Owner: Adam Grundt, PhD

Request: Establish a Psychotherapy office as a home occupation.

Background: (all 300 Main Street)

- (Unit 6) Non-Applicability of Zoning Permit Requirements 17-0609NA; change out air conditioning unit. November 2016.
- Zoning Permit 93-489 / COA092-009C; revisions to previously approved site/landscaping plan with construction of a six car garage at the rear of the 8-unit residential site. June 1993.
- Zoning Permit 93-010; construction of a 16' x 24' brick patio on the rear of single family home, with installation of stockage style and chain link fencing to secure rear yard. Includes replacing glass windows in front porch for seasonal use. Columns and skirt remain unchanged. July 1992.
- Zoning Permit 92-284 / COA 092-009B; as built changes to restoration of seven-unit residential building to include rear decks and installation of four skylights. April 1992.
- Zoning Permit 92-228 / COA 092-009A; amend original approval for fenestration changes to second story of seven-unit residential building. Dormer to be handled as separate application. February 1992.
- Zoning Permit 92-082-COA 092-009; renovation and restoration to existing structures (2) with improvements to parking area for a total of eight residential units. August 1991.

- Zoning Permit 91-210; six-month extension from December 27, 1990 pending completion of listed conditions of approval. (Community Care Home, 46 beds + 2 units for an interim basis, then to a maximum of 51 rooms (COA 88 0046B, dated 1.12.89.) December 1990. [Notation on Certificate of Occupancy that **project was never completed.**]
- Zoning Permit 89-505 / COA 88-046C; amend approval; change use from Community Care Home to 19 condominiums. Denied August 1989.
- Zoning Permit 89-030; COA 88-046B; misc. changes to previously approved COA 88-046A to include additional dormers, relocation of main entrance, fencing, relocation of condo unit, addition of independent living suite. From 40 beds + 1 unit to 46 beds + 2 units for an interim basis, then to a maximum of 51 beds. Approved January 1989.
- Zoning Permit 87-1019 / COA 88-046A; demolish existing 5 apartment building and single family house and construct 40-bedroom community care home + 1 condominium unit. Revision of previously approved COA 88-046; additional coverage = 230 sf building + 770 porch. Approved July 1988.
- Zoning Permit 87-908; COA 88-046; demolish existing 5 apartment house and single house and construct nine new condominium dwelling units with covered and open parking. Approved May 1988. [Required approval by Board of Alderman.]
- Request for Appearance Burlington Zoning Board of Adjustment, variance for rear yard, from 48' required to 10 typical of neighborhood. See COA 87-211. February 1988. Request denied March 1988.

Overview: Known as the Captain Lyon House, the site has 2 structures with 8 (condo) units. The applicant seeks a Home Occupation approval for a psychotherapy practice. He proposes to be the lone occupant and practitioner.

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

I. Findings

Article 3: Applications, Permits, and Project Reviews

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards (as adopted by City Council 8.10.2015)

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 utilization of a since room for the purposes of a therapy practice will have no impact on existing or planned public utilities facilities or services in the city. **Affirmative finding.**

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

This is a residential use within a residential zoning district. The limited use of a portion of a residential unit is anticipated to have no impact on the character of the area.

From the Municipal Development Plan:

- *Promote and support locally owned and controlled small businesses including home occupations appropriate to the character of the neighborhood.* [MDP, Economic Development Plan, P. VI-2.] **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 will be no noise, odor, dust, heat or vibrations from the proposed use. **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;*

The location is within a residential zoning district, connected within an established network of streets, sidewalks and bicycle paths of the city and along a public transit route. No adverse impacts, unreasonable demand of services or dearth of transportation modes are identified. **Affirmative finding.**

And

5. *The utilization of renewable energy resources;*

The activity proposed will not prohibit the use of alternative or renewable energy resources. **Affirmative finding.**

and

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

Section 2.7.8, Withhold Permit will require that the administrative officer deny all zoning permits or certificates of occupancy for any property with an uncorrected zoning violation or with expired zoning permits without a final certificate of occupancy. Instead of withholding or denying a zoning permit, the administrative officer may grant such permit subject to the condition that the uncorrected zoning violation is corrected or the expired zoning permit is closed out with a final certificate of occupancy. Such action shall take place before the issuance of a final certificate of occupancy on the new permit. The applicant is encouraged to ascertain whether there are any open permits issued for the property since July 13, 1989 and seek certificates of occupancy. **Affirmative finding as conditioned.**

(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;*
No requirements for screening are identified. **Affirmative finding.**
2. *Time limits for construction.*
No construction is proposed. Not applicable.
3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
The application proposes practice hours Monday-Friday between 9:00 am and 7:00 pm. Patient appointments will not be scheduled so as to overlap. For a small residential home occupation, the hours do not suggest unreasonable traffic, parking congestion or neighborhood nuisance. **Affirmative finding.**
4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*
Any request for enlargement or alteration of the Home Occupation will be reviewed under the standards in effect at the time of application. **Affirmative finding.**

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.*
None are identified; however, the DRB may add conditions at their discretion.

Article 5: Citywide General Regulations

Section 5.4.6 Home Occupations

Pursuant to the requirements of 24 VSA 4412(4), it is the intent of these regulations to provide for the use of a minor portion of a dwelling unit for a home occupation and to ensure compatibility with other permitted uses and with the residential character of the neighborhood. Such a home occupation must clearly be secondary or incidental to the principal residential use, and so located and conducted that the average neighbor, under normal circumstances, would not otherwise be aware of its existence.

(b) Conditional Use Review:

All home occupations not otherwise eligible for administrative approval above shall require review and approval by the DRB pursuant to the requirements of Art. 3, Part 5. In addition to the conditional use criteria, the following criteria must be met for any home occupation:

1. *A home occupation shall be conducted solely by resident occupants plus no more than one additional full-time equivalent employee in RL districts, and no more than two (2) full-time equivalent employees in other districts. The home occupation shall be conducted entirely within an existing dwelling unit and/or one enclosed accessory structure;*

Application materials define the occupant as the single employee. The proposed home occupation will be staffed by the applicant alone. **Affirmative finding.**

2. *No more than thirty-five per cent (35%) of the floor area of said residence, including accessory structures, up to a maximum of seven hundred fifty (750) square feet, whichever is less, shall be used for such purpose;*

The submission materials define a single 15' x 11' room dedicated to the home occupation, or 26% of the total area of the dwelling unit. **Affirmative finding.**

3. *No home occupation shall require alterations, construction or equipment that would change the fire rating of the structure or the fire district in which the structure is located;*

No alterations are proposed. **Affirmative finding.**

4. *There shall be no outside storage of any kind related to the home occupation;*

None proposed. **Affirmative finding.**

5. *There shall be no exterior evidence of the conduct of a home occupation except for:*

- A. *Occasional garage/lawn/yard type sales (up to twice a year not to exceed two (2) days each);*

Not proposed. **Affirmative finding.**

and

- B. *One non-illuminated attached parallel sign that shall not exceed two (2) square feet. No other signs shall be permitted.*

No exterior signage is proposed. **Affirmative finding.**

6. *No home occupation may increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries. All parking shall be located off-street and shall maintain the required front yard setback;*

The applicant has proposed no overlap in client visits. Two off-street parking spaces are allocated in the rear to his residential unit, one of which will be available to clients. **Affirmative finding.**

7. *No home occupation shall create sounds, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard or any other hazard, nuisance or unsightliness which is discernible from any adjacent dwelling unit;*

No defined nuisances are anticipated from the proposed home occupation. **Affirmative finding.**

8. *The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.*

The home occupation should present no exterior evidence of its presence; and is not anticipated to change the character of the dwelling unit or the residential district within which it is located. **Affirmative finding.**

9. *Delivery of products and materials related to the home occupation by vehicles other than automobiles shall occur no more than once per day;*

No deliveries are proposed. **Affirmative finding.**

10. *With the exception of one delivery per day, as specified in subparagraph (9), no more than one (1) commercial vehicle shall be allowed on the premises at any one time;*

No commercial vehicles are associated with the proposed home occupation. **Affirmative finding.**

and

11. *There shall be no sale of goods except for goods fabricated on the premises as part of an approved home occupation.*

There is no sale of goods proposed with the home occupation. **Affirmative finding.**

(c) Exclusions:

Home occupations shall not include commercial stables or kennels, veterinary clinics, or similar establishments.

The home occupation does not involve commercial stables, kennels, veterinary clinics or similar. **Affirmative finding.**

(d) Revocation:

Approval of a home occupation may be revoked by the DRB in accordance with the following provisions:

1. *Noncompliance. Upon receipt of notification or evidence of noncompliance with conditions of approval or evidence of error or misrepresentation, the DRB may schedule a public hearing to consider the revocation or modification of approval for a home occupation;*
2. *Notice. The administrative officer shall duly warn such public hearing and give notice to the applicant, abutters, and other interested parties;*
3. *Public Hearing. The DRB shall hold a public hearing to hear cause as to why the approval of the home occupation should not be revoked. The DRB shall render its decision in accordance with the conditional use time limitations set forth in Article 3, Part 5; and*
4. *Errors. The burden of providing complete and accurate information shall be the sole responsibility of the applicant. Any error or misrepresentation may result in voiding or modification of the approval for a home occupation.*

The standards of revocation of a home occupation are provided to the applicant for informational purposes. Noncompliance with the conditions of the approval or errors in information may result in revocation of the home occupation approval. **Affirmative finding as conditioned.**

II. Conditions of Approval:

1. Any expansion of the home occupation or alteration or construction to conduct the home occupation shall require the applicant to return to the DRB for review under the standards in effect at that time.
2. Hours of operation are Monday-Friday 9:00 am to 7:00 pm.
3. One off-street parking space shall be provided for clients. There shall be no overlap in patient scheduling so as to require more than one parking space at a time.
4. No exterior signage is included with this approval.
5. Any noncompliance with the conditions of this approval or errors in information shall be the burden of the applicant and may be subject to revocation per Section 5.4.6 (d), above.
6. The applicant is encouraged to ascertain whether there are any violations or open permits issued for the property since July 13, 1989 and resolve or seek certificates of occupancy.
7. 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.

RECEIVED
FEB 27 2017

Adam Grundt, PhD
300 Main Street, #2 DEPARTMENT OF
Burlington, VT 05401 PLANNING & ZONING
(802) 683-7533
adam.grundt@gmail.com
Wednesday, February 22, 2017

Department of Planning and Zoning
149 Church Street, City Hall
Burlington, Vermont 05401-8415

To Whom It May Concern:

I am a licensed Doctoral-level psychologist currently practicing in Barre. I hope to practice from my home in Burlington if you allow me to rezone my apartment as a **Home Occupation**. I propose to repurpose my 15 x 11 bedroom to serve as a psychotherapy office beginning in July 2017. A map (created when the property was last appraised) is enclosed with rough dimensions. Total square footage is 648 sq. ft., which means that the Home Occupation would occupy roughly $(15 \times 11) / 648 \times 100 = 26\%$ of the total square footage.

I would plan to sleep in the living room. The home occupation would be secondary to my living in my home. The rezoning would not change the character of nor adversely affect the uses permitted in my residential district. There would be no need for deliveries to the home occupation under this proposal.

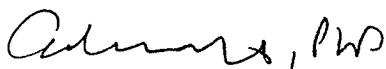
There would be no need for construction under my proposed change; Rearrangement of furniture will not affect the fire rating of the structure. There would be no need for outside storage related to the home occupation. Further, there would be no exterior signage except for a small paper sign on the door of unit #2. The psychotherapy activities of the home occupation will not produce any hazard, nuisance or unsightliness that is discernable.

I would plan to practice Monday through Friday from 9am through 7pm at latest. As the sole owner of Adam Grundt PLC, I am its only employee. I would plan to see one client at a time for my business with no overlap, and so I would need one parking space in the owner's lot on the property for parking. Parking spaces on the property are not assigned and the lot is mostly empty during Monday-Friday working hours.

I have enclosed a check for \$230 payable to the City of Burlington. This figure was quoted to me by the gentleman I spoke with over the phone regarding my situation.

I look forward to hearing from you regarding my proposed development. Should you have any questions, please do not hesitate to call or email.

Sincerely,



Adam Grundt, PhD
Licensed Psychologist-Doctorate

Captain Lyon Condominium Association
(VT registration no: 0050562)
300 Main Street, #2
Burlington, VT 05401
Wednesday, February 22, 2017

Department of Planning and Zoning
149 Church Street, City Hall
Burlington, Vermont 05401-8415

To Whom It May Concern:

Adam Grundt, owner of unit #2, has the right to engage in a home occupation. The Captain Lyon Condominium Association bylaws (5.4.1) state "the buildings and each unit therein shall be used solely for residential or home occupation purposes and no trade or business, except for home occupations, may be carried on therein."

He also has the right to two parking spaces in the common parking lot. The Captain Lyon Condominium Association bylaws (5.9) read: "A Unit Owner shall have the right to keep and maintain no more than two (2) registered vehicles on the property."

As the owner of unit #2, Adam Grundt has the right to engage in a home occupation and to two parking spaces on the property.

Sincerely,



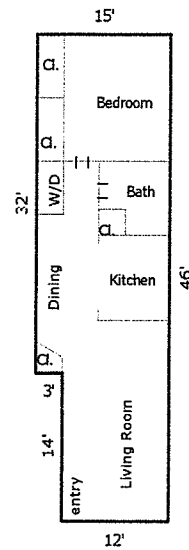
Adam Grundt, President
Captain Lyon Condominium Association

RECEIVED
FEB 27 2017

DEPARTMENT OF
PLANNING & ZONING

SKETCH ADDENDUM

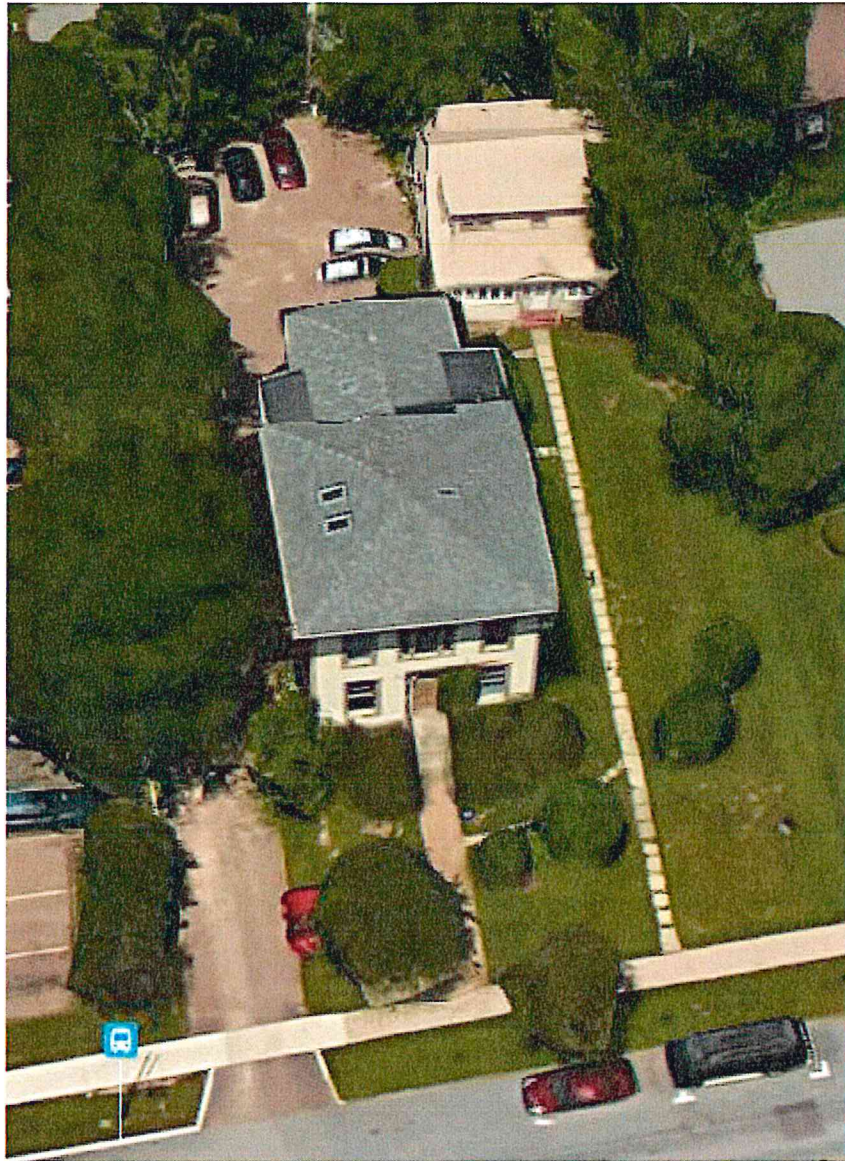
Borrower or Owner **Adam Grundt**
 Property Address **300 Main Street**
 City **Burlington** County **Chittenden** State **VT** Zip Code **05401**
 Client **Mortgage Financial, Inc.**



RECEIVED
 FEB 27 2017
 DEPARTMENT OF
 PLANNING & ZONING

Sketch by Apex Modra™
 Comments:

AREA CALCULATIONS SUMMARY				LIVING AREA BREAKDOWN		
Code	Description	Net Size	Net Totals	Breakdown		Subtotals
GLA1	First Floor	648.0	648.0	First Floor		
				32.0 x 15.0		480.0
				14.0 x 12.0		168.0
Net LIVABLE Area		(rounded)	648	2 Items	(rounded)	648



Aerial view, 300 Main Street (courtesy Google Maps.)

Note parking area behind structure.

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Austin Hart
Brad Rabinowitz
Israel Smith
AJ LaRosa
Geoff Hand
Alexandra Zipparo
Wayne Senville
Jim Drummond, (Alternate)
Robert Purvee, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, April 18, 2017, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT AGENDA

I. Agenda

II. Communications

III. Minutes

IV. Consent

1. **17-0833CA; 62 Sunset Cliff Street (RL-W, Ward 4N) 62 Sunset Cliff Realty, LLC**
Add deck and two additions. Interior work. (Project Manager, Ryan Morrison)

2. **17-0822HO; 300 Main Street, Unit 2 (RH, Ward 8E) Adam Grundt**
Establish a home occupation for a psychotherapy office.
(Project Manager, Mary O'Neil)

Public Hearing

1. **17-0875CA/CU; 269 North Winooski Ave (NMU, Ward 2C) Paul Schnabel**
Request to demolish and remove old garage and add a parking space.
(Project Manager, Mary O'Neil)
2. **17-0388CA/MA; 66,72,80,94,96 Colchester Avenue (I, Ward 1E) Frank vonTurkovich**
Continued review for construction of a 3 story residential building containing 75 apartments units.
Combine and reconfigure surface parking areas. (Project Manager, Mary O'Neil)
3. **17-0623CA/MA; 329-375 North Ave (NAC-CR, Ward 4N) BC Community Housing, LLC**
Request to change conditions of approval relative to days & hours of construction and bonding.
(Project Manager, Scott Gustin)
5. **17-0762CA/CU; 35 Grove Street (RL, Ward 1E) Gina S. Lambdin**
Continued review to demolish garage, construct accessory structure for accessory dwelling unit and workshop, rear addition to single family home, convert porch into year-round living space.
Reconfigure parking area. (Project Manager, Mary O'Neil)
6. **17-0755CA/CU; 235 Penny Lane (DW-PT, Ward 3C) City of Burlington**
Construct marina, parking lot, and related site improvements. *Requested deferral to May 2, 2017.*
(Project Manager, Scott Gustin)

V. Other Business

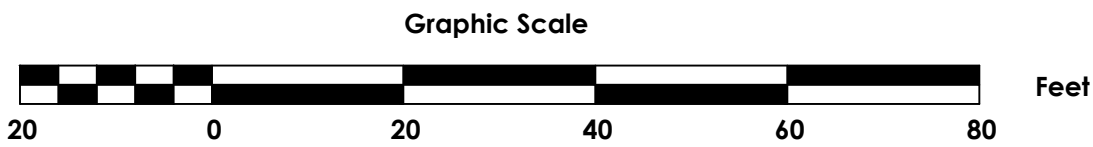
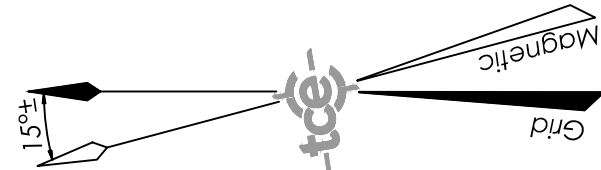
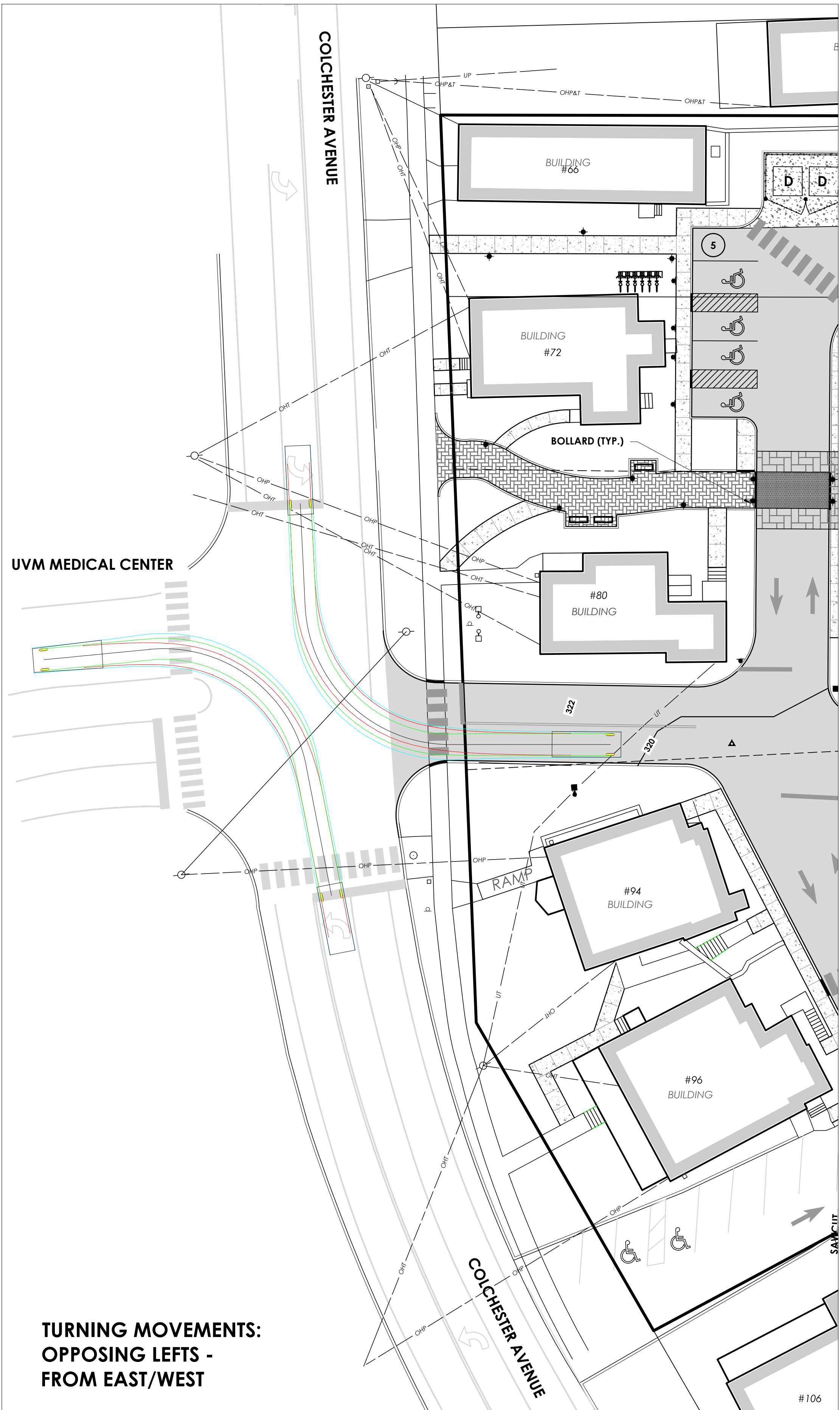
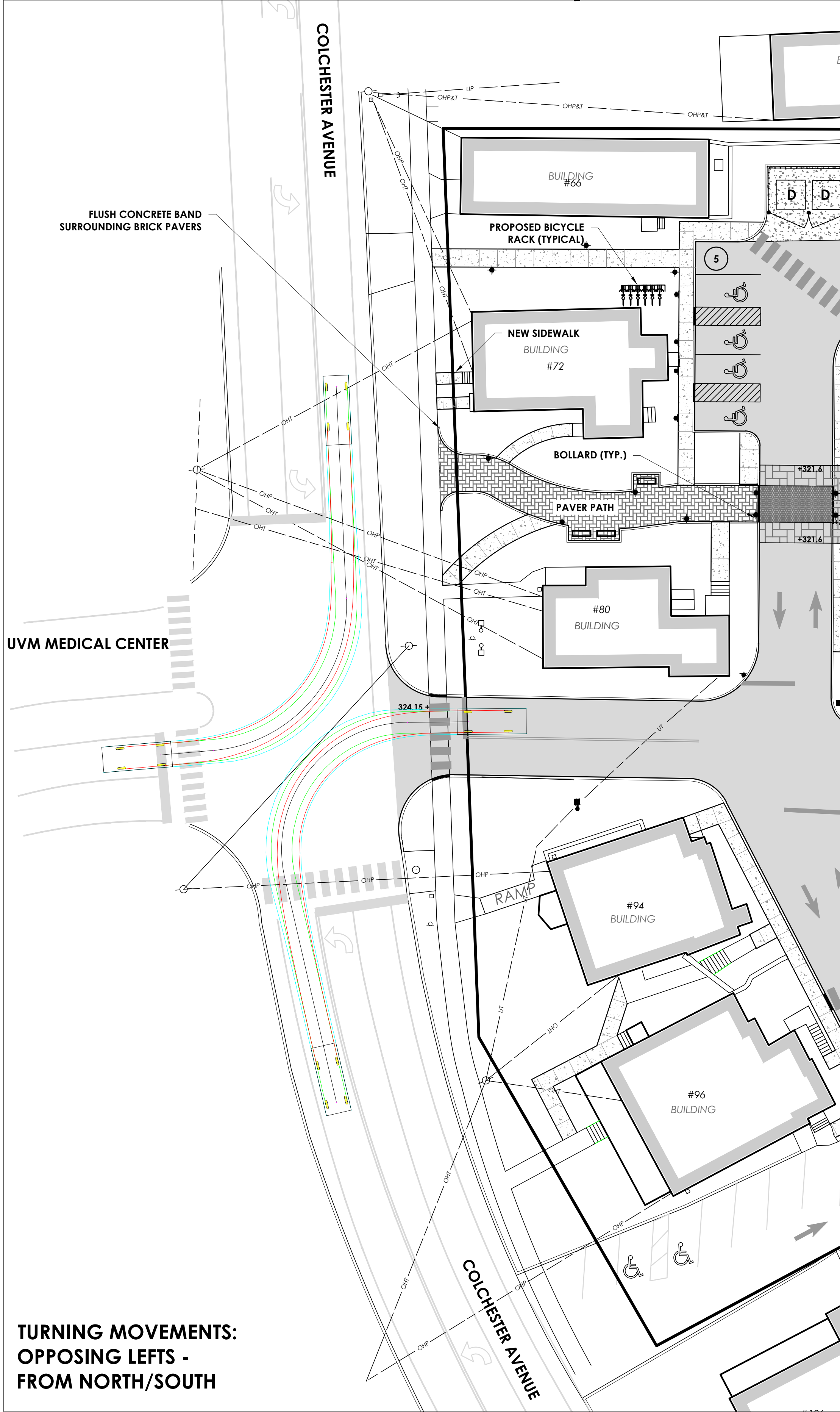
VI. Adjournment

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

Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drbb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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

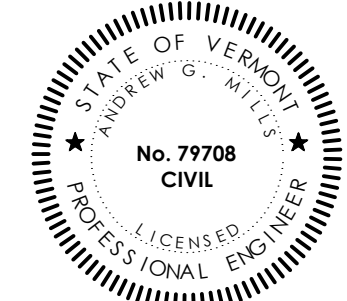
Printed on 100% Recycled Paper



ENGINEERING • SURVEY
PLANNING • ENVIRONMENTAL
478 BLAIR PARK ROAD | WILLISTON, VERMONT 05495
802.879.6331 | WWW.TCEVT.COM

Revisions	No.	Description	Date	By
	1	City Comments	12/2/16	JMM
	2	DAB Comments	01/10/17	AGM
	3	Stormwater Update	01/17/17	AGM
	4	Final City Plans	03/03/17	AGM

TAX ID:
Use of These Drawings
1. Unless otherwise noted, these Drawings are intended for preliminary planning, coordination with other disciplines or utilities, and/or approval from the regulatory authorities. They are not intended as construction drawings unless noted as such or marked approved by a regulatory authority.
2. By use of these drawings for construction of the Project, the Owner represents that they have reviewed, approved, and accepted the drawings, obtained all necessary permits, and have met with all applicable parties/disciplines, including but not limited to, the Engineer and the Architect, to insure these plans are properly coordinated including, but not limited to, contract documents, specifications, owner/contractor agreements, building and mechanical plans, private and public utilities, and other pertinent permits for construction.
3. Owner and Architect, are responsible for final design and location of buildings shown, including an area measured a minimum five (5) feet around any building and coordinating final utility connections shown on these plans.
4. Prior to using these plans for construction layout, the user shall contact TCE to ensure the plan contains the most current revisions.
5. These Drawings are specific to the Project and are not transferable. As instruments of service, these drawings, and copies thereof, furnished by TCE are its exclusive property. Changes to the drawings may only be made by TCE. If errors or omissions are discovered, they shall be brought to the attention of TCE immediately.
6. It is the User's responsibility to ensure this copy contains the most current revisions. If unsure, please contact TCE.



Project Title

**Colchester Avenue
Housing**
Burlington, Vermont

Sheet Title

**TURNING MOVEMENT
PLAN**

Date:	04/04/16
Scale:	1" = 20'
Project Number:	16-077
Drawn By:	NPC
Project Engineer:	AGM
Approved By:	JMM
Field Book:	338

C10-01

MEMO

TO: Abby Dery, PE
FROM: Jon Slason, PE; Mark Smith, PE, Roxanne Meuse, EIT
CC:
DATE: April 6, 2017
SUBJECT: Traffic Analysis for Colchester Ave Housing

RSG modeled three traffic scenarios in the PM peak hour at the intersection of the project driveway and UVM Medical Center, as well as at three adjacent intersections along Colchester Ave: Pearl Street / Prospect Street, Mansfield Ave, and East Ave / Trinity Campus. The modeled scenarios are:

1. No Build
2. Build with existing signal phasing
3. Build with separate phases at the UVM Medical Center & Project Driveway intersection (aka “split phasing”)

No Build and Build volumes were provided by Trudell Consulting Engineers (TCE) for use in local permitting. For the No Build volumes, TCE had adjusted count volumes at Pearl St / Prospect St and East Ave / Trinity Campus to 2017 using the design hourly volume (DHV). Adjustments were not made at Mansfield Ave and the UVM Medical Center because volumes were at or above 2017 DHV.

See **Table 1: LOS Summary** and **Table 2: Queue Summary** and a brief on the following pages.

ANALYSIS

From No Build to Build (with existing phasing), the level-of-service remains the same at all intersections, with overall delay at each intersection increasing by two seconds at most. At the project intersection, average queues* increase by two vehicles at most on all approaches.

Modifying the signal at the UVM Medical Center / Project Driveway intersection to split-phasing on the north and south approaches would also minimally affect the vehicle delay at this intersection. Delay, v/c, and queues are approximately the same as the existing phasing scenario. The split phasing option was evaluated given the unknown degree of risk that may exist with the slightly offset intersection. The split phase option was assessed using the current cycle length to maintain coordination with Mansfield.

The analysis demonstrates that in the build condition, maintaining the current phasing or possibly moving it to split phasing does not significantly affect the Colchester Avenue network.

Both Build scenarios maintain permissive (unprotected) eastbound left turns entering the future development, as queues and delay are acceptable for this movement.

*Note: Five one-hour-long simulations were averaged together to estimate queue lengths using SimTraffic. As each run will give slightly different results, small differences (less than 50 feet, or two vehicles) should not be seen as significant.

TABLE 1: LOS SUMMARY

Lane Group	No Build			Build - Existing Phasing			Build - Split Phase at UVMMC			Delay via SimTraffic		
	LOS	Delay	v/c	LOS	Delay	v/c	LOS	Delay	v/c	No Build	Build	Build - Split Phase at
S. Prospect St / N. Prospect St & Colchester Ave												
Overall	E	69	0.86	E	72	0.87	E	72	0.87	43.7	48.7	
EB	E	71	0.93	E	74	0.94	E	74	0.94	39.1	44.7	
WBL	F	81	0.87	F	86	0.88	F	86	0.88	33.8	34.1	
WBT	C	23	0.46	C	23	0.46	C	23	0.46	17.5	19.7	
NBL	F	97	0.93	F	98	0.94	F	98	0.94	40.4	41.5	
NBT	D	46	0.57	D	47	0.57	D	47	0.57	77.0	81.4	
NBR	D	39	0.07	D	39	0.07	D	39	0.07	19.7	22.7	
SB	F	>100	0.93	F	>100	0.95	F	>100	0.95	91.2	>100	
Mansfield Ave & Colchester Ave												
Overall	B	19	0.74	B	19	0.75	B	18	0.75	14	14.5	
EBL	A	6	0.12	A	6	0.12	A	6	0.12	21.9	43.5	
EBT	B	12	0.66	B	12	0.67	B	12	0.67	5.9	5.7	
WBT	C	20	0.77	C	20	0.78	B	16	0.78	14.3	15.3	
SBL	D	40	0.67	D	41	0.68	D	41	0.68	33.3	34.4	
SBR	C	30	0.02	C	30	0.02	C	30	0.02	23.5	26.7	
UVMMC / Project Driveway & Colchester Ave												
Overall	B	20	0.81	B	20	0.81	C	23	0.82	13.8	15.3	15.5
EBL	A	10	0.01	A	10	0.05	A	9	0.05	<1	20.6	13.5
EBT	C	24	0.81	C	24	0.81	C	27	0.86	14.4	16.4	15.5
WBL	B	11	0.16	B	11	0.16	B	13	0.20	17.3	12.6	10.0
WBT	A	8	0.51	A	8	0.53	B	10	0.56	9.3	9.6	10.7
NBL	D	42	0.68	D	42	0.68	D	47	0.73	31	34.6	35.1
NBT	C	30	0.08	C	30	0.08	C	34	0.09	8.6	10.8	9.9
SBT	C	30	0.01	C	30	0.08	D	43	0.34	25.4	11.1	34.5
East Ave / Trinity Campus & Colchester Ave												
Overall	D	45	0.74	D	46	0.75	D	46	0.75	42.9	50.2	
EBT	D	46	0.76	D	46	0.76	D	46	0.76	37.7	43.9	
EBR	D	47	0.54	D	48	0.55	D	48	0.55	32.8	40.5	
WBL	C	30	0.27	C	30	0.27	C	30	0.27	30.0	28.0	
WBT	C	22	0.45	C	22	0.46	C	22	0.46	19.5	19.6	
NBT	E	69	0.81	E	72	0.84	E	72	0.84	85.0	>100	
NBR	D	46	0.08	D	46	0.08	D	46	0.08	12.0	13.9	
SBT	F	83	0.53	F	83	0.53	F	83	0.53	73.5	71.1	

Note: The SimTraffic delays were not calculated for the adjacent intersections given the minor change at the project intersection.



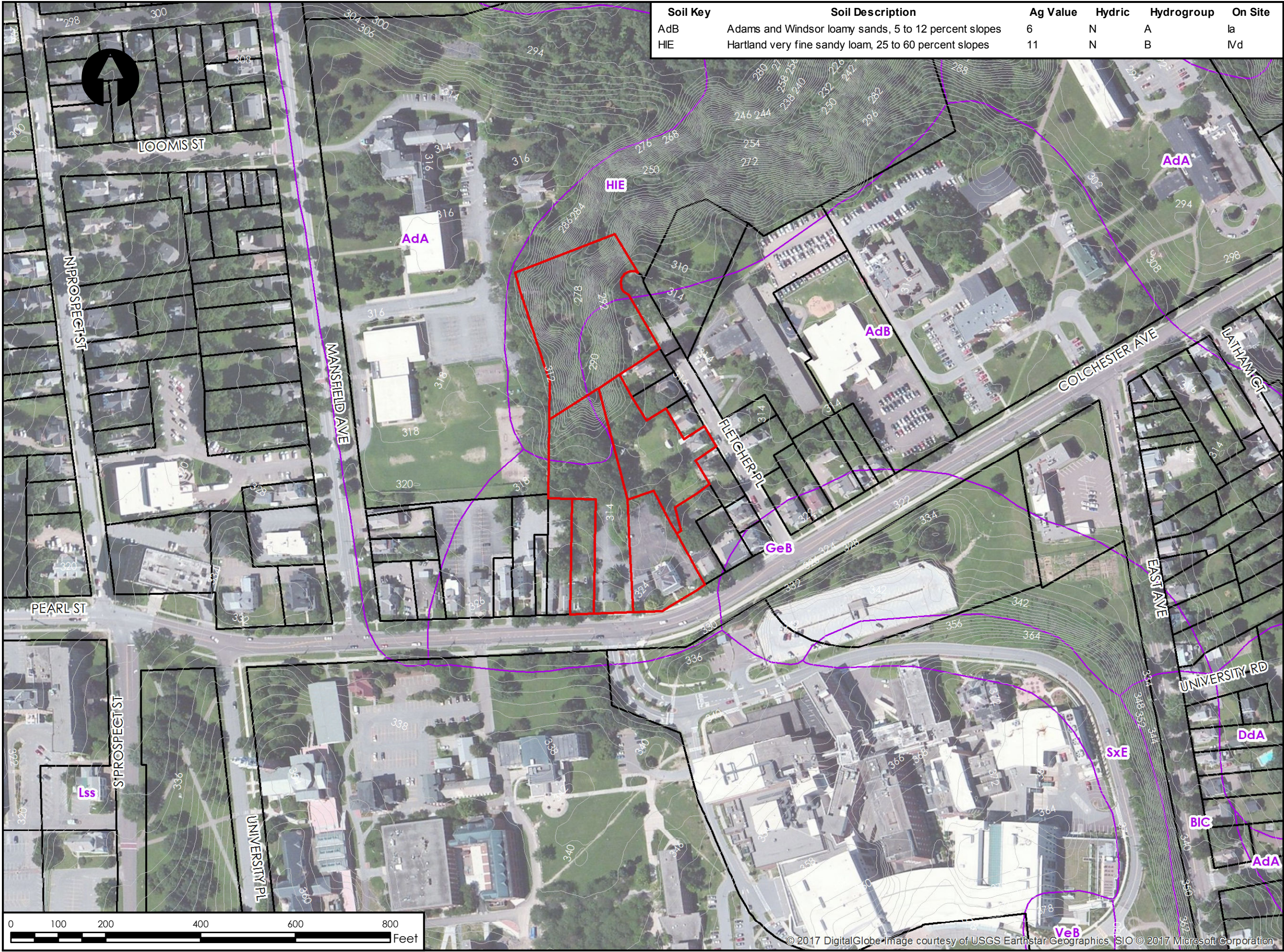
TABLE 2: QUEUE SUMMARY

S. Prospect St / N. Prospect St & Colchester Ave									
	PM 2017 No Build			PM 2017 Build - Existing Phasing			PM 2017 Build - Split Phase at UVMCC		
	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length
EB	TR	4319	324	TR	4319	334	TR	4319	368
WB	L	220	56	L	220	55	L	220	54
NB	T	1739	334	T	1739	363	T	1739	307
SB	LTR	1553	163	LTR	1553	198	LTR	1553	164
Mansfield Ave & Colchester Ave									
	PM 2017 No Build			PM 2017 Build - Existing Phasing			PM 2017 Build - Split Phase at UVMCC		
	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length
EB	T	281	113	T	281	118	T	281	105
WB	TR	490	209	TR	490	248	TR	490	203
SB	L	1584	116	L	1584	124	L	1584	121
UVMCC / Project Driveway & Colchester Ave									
	PM 2017 No Build			PM 2017 Build - Existing Phasing			PM 2017 Build - Split Phase at UVMCC		
	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length
EB	TR	490	250	TR	490	299	TR	490	283
WB	TR	1042	149	TR	1042	150	TR	1042	177
NB	L	250	99	L	250	105	L	250	105
SB	LTR	154	7	LTR	154	15	LTR	154	30
	<i>95th %ile</i>			<i>95th %ile</i>			<i>95th %ile</i>		
	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length
EB	L	95	10	L	95	61	L	95	43
East Ave / Trinity Campus & Colchester Ave									
	PM 2017 No Build			PM 2017 Build - Existing Phasing			PM 2017 Build - Split Phase at UVMCC		
	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length
EB	LT	1042	322	LT	1042	403	LT	1042	367
WB	TR	2832	168	TR	2832	194	TR	2832	226
NB	LT	1828	465	LT	1828	594	LT	1828	404
SB	LTR	348	41	LTR	348	42	LTR	348	35



RABIDEAU ARCHITECTS | 550 HINESBURG ROAD S. BURLINGTON, VT 05403

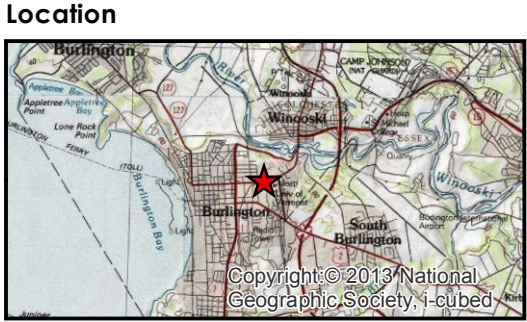
PROJECT ENTRANCE AT COLCHESTER AVE



Soil Key	Soil Description	Ag Value	Hydric	Hydrogroup	On Site
AdB	Adams and Windsor loamy sands, 5 to 12 percent slopes	6	N	A	Ia
HIE	Hartland very fine sandy loam, 25 to 60 percent slopes	11	N	B	Ivd



TRUDELL
Consulting Engineers
802.879.6331 www.tcevt.com



- Legend**
- Project Parcels
 - Contour (2')
 - Tax Parcel Boundary
 - NRCS Soil

Sources: Bing Basemap Imagery (2015); Project Area by TCE (2017); VT E911 Roads (2015); Soils by NRCS (2015); Contours by VCGI & CCRPC (Various dates); Tax Parcel Boundary compiled by VCGI.

Disclaimer: The accuracy of information presented is determined by its sources. TCE is not responsible for any errors or omissions that may exist. Questions of on-the-ground location can be resolved by site inspections and/or surveys by a registered surveyor. This map is not a replacement for surveyed information or engineering studies.

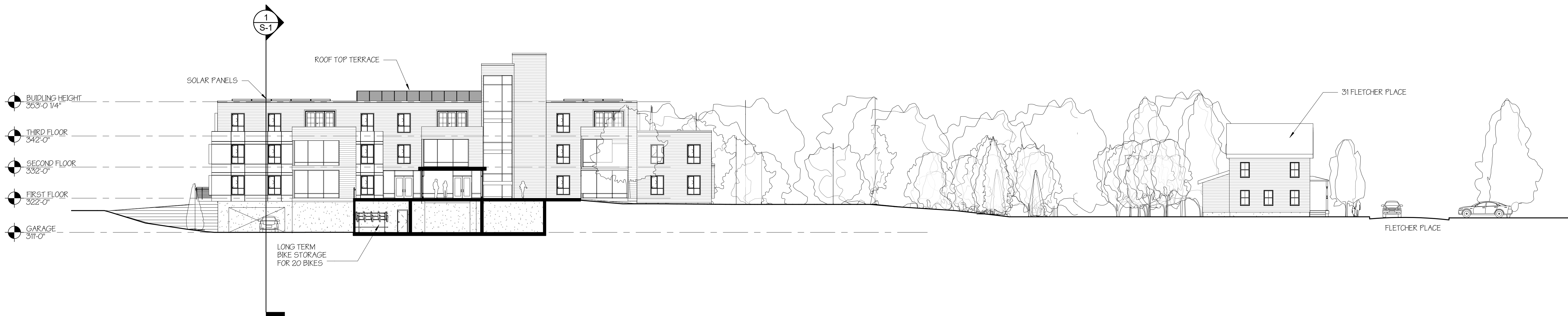
Von Turkovich
72, 80 & 94 Colchester Ave
Burlington, VT

Aerial Location Map

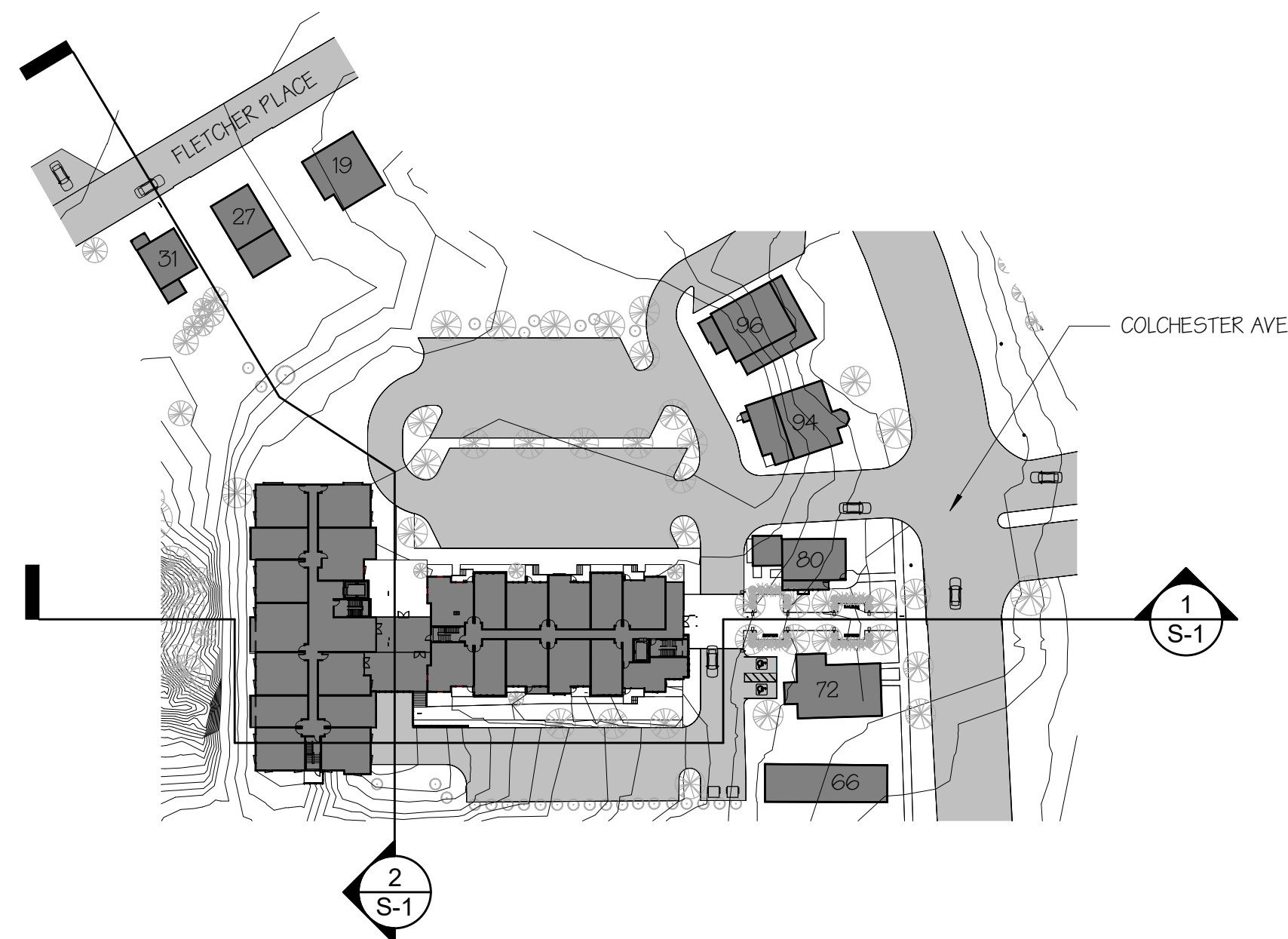
Project: 16-077
Prepared By: ALD
04/06/2017
1 inch = 200 feet



1 NORTH SOUTH SITE SECTION
1/16" = 1'-0" Referenced From: A103



2 EAST WEST SECTION
1/16" = 1'-0" Referenced From: A103



3 LOCATION PLAN
1" = 80'-0" Referenced From: A201

PRELIMINARY
NOT FOR
CONSTRUCTION

REVISIONS		Date
No.	Description	
4	DRB CONTINUANCE	3/8/2017

SITE SECTIONS
SCALE: As Indicated

COLCHESTER AVENUE HOUSING

BURLINGTON, VERMONT



PROJECT #: 1412

SHEET NUMBER

S-1

08/05/2015



RABIDEAU ARCHITECTS | 550 HINESBURG ROAD S. BURLINGTON, VT 05403

AERIAL VIEW LOOKING NORTHWEST



RABIDEAU ARCHITECTS | 550 HINESBURG ROAD S. BURLINGTON, VT 05403

AERIAL VIEW LOOKING SOUTH



RABIDEAU ARCHITECTS | 550 HINESBURG ROAD S. BURLINGTON, VT 05403

FROM 11 FLETCHER PLACE



RABIDEAU ARCHITECTS | 550 HINESBURG ROAD S. BURLINGTON, VT 05403

VIEW FROM 31 FLETCHER PLACE

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

David E. White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: April 18, 2017

RE: ZP17-0875CA/CU; 269 North Winooski 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: ZP17-0875CA.CU

Location: 269 North Winooski Avenue

Zone: NMU **Ward:** 2C

Date application accepted: March 17, 2017

Applicant/ Owner: Paul Schnabel

Parking District: Shared Use

Request: Demolish historic garage and add a parking space.

Background:

- Zoning Permit 14-0150CA; Remove aluminum siding and trim on front and driveway side of building, install new fiber cement siding and wood trim. August 2013. UCO issued December 2, 2015.
- Zoning Permit (n.n.) to use a portion of residence for a part-time appliance business. Erect a small sign. Approved January 1977.

Overview: 269 North Winooski Avenue is an existing duplex with an accessory building in the Neighborhood Mixed Use District. Both the residential structure and the detached garage are listed on the State Register of Historic Resources. Demolition of a historic structure requires Conditional Use Review within Article 5.4.8 of the Comprehensive Development Ordinance.

The applicant has indicated the property's use as a duplex on the application form; however, a 2013 permit defined the use as a single family home. Assessor's records and some building permits define duplex use. The applicant will be obligated to resolve the matter of use identification.



Recommendation: Conditional Use approval, per the following findings and conditions:

I. Findings

Conditional use review required by Section 5.4.8 d) 2:

2. *Standards for Review of Demolition.*

Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review

Article 3 Applications, Permits and Project Reviews

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards (as adopted by City Council 8.10.2015)

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.*

There is no identifiable impact to public utilities, facilities or services. **Affirmative finding.**

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

The removal of a small accessory structure will have no identifiable impact to the Neighborhood Mixed Use zoning district.

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

The proposed demolition will be the only period of noise/dust, and of such a small scale and short duration so as to be negligible. **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;*

The proposal has no impact on street designations, level of service, or access to arterial roadways and transit. The proposed parking plan will require vehicles to back out onto a city street which continues the current practice, however is discouraged within Article 6 of the ordinance. A reconfigured parking plan with adequate back-up space on the lot is recommended. **Affirmative finding as conditioned.**

5. *and*

6. *The utilization of renewable energy resources;*

The demolition of the existing garage will have no impact on the ability to utilize renewable energy resources. **Affirmative finding.**
and

7. *Any standards or factors set forth in existing City bylaws and city and state ordinances.* Per Section 2.7.8, WithHold Permit, any open zoning permits or violations must be closed out prior to issuance of a Certificate of Occupancy for this project. **Affirmative finding as conditioned.**

(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 suggested parking arrangement will introduce headlights onto abutting residential properties. Screening to shield headlights is required. **Affirmative finding as conditioned.**
 2. *Time limits for construction.*
The effective period of the zoning permit is 2 years. **Affirmative finding as conditioned.**
 3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
Construction activities shall be limited to Monday-Friday 7:30 am – 5:30 pm. No weekend construction work shall be permitted. **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 alteration shall be reviewed under the regulations in effect at the time of application. **Affirmative finding.**
- 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 Board.

Article 4: Zoning Maps and Districts

Table 4.4.2-1 Dimensional Standards and Density

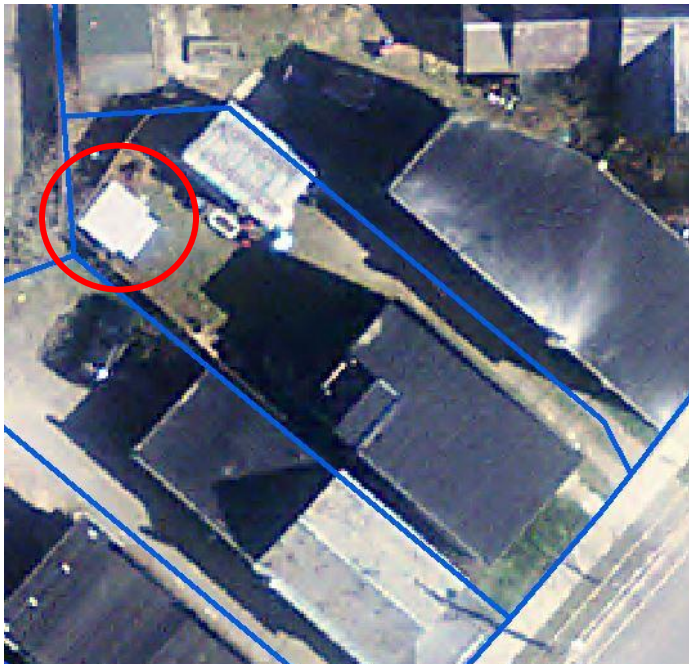
Table 4.4.2 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage	Minimum Building Setbacks (feet)			Building Height (feet)
			Front ³	Side ²	Rear ²	
NMU	2.0 FAR	80%	0 ⁵	0	0	Min: 2'. 2 stories Max: 35
Proposed 269 North Winooski Avenue	< 2.0	62.84%*	N/A	0	0 (Does not abut residential zoning district)	N/A

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

*Calculation is based on submitted information, however Google view and GIS indicate another structure on the rear/west of the lot. The applicant shall define, and include within site plan/coverage calculation.

Affirmative finding as conditioned.



Article 5: Citywide General Regulations

Part 3: Non-Conformities

The current parking is non-conforming to parking requirements for the parking district. (See Article 8, below.) While 2 parking spaces are required per residential unit in the Shared Use Parking District, only 2 have been available on-site. (4 required for a duplex.) The addition of another parking space for a total of three will lessen the degree of non-conformity on the site.

Affirmative finding.

Sec. 5.4.8 Historic Buildings and Sites

(d) Demolition of Historic Buildings:

The purpose of this subsection is:

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

1. Application for Demolition.

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

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

The applicant included an engineers report with submission materials. See attached.

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

Standards are addressed within the narrative of the submission and supporting documents.

Affirmative finding.

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

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

No claim of economic hardship has been raised.

The applicant has provided \$1000 as current value.

and,

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

See engineer's report for conditions review and recommendations.

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

The applicant proposes reconfiguration of parking in this area. Parking is never considered a plausible and satisfactory replacement for a historic structure, however given the advanced state of disrepair and the limited value of the garage/shed, its loss may be best remediated by photodocumentation for future interest. **Affirmative finding as conditioned.**

and,

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

A site plan for the newly configured parking is within submission materials. It is inadequate in that it does not definitively define the parking areas with outline and curbstops. It also does not include a (preferred) back-up and turnaround area. The increased intensity of vehicular parking warrants an improved parking and circulation plan. **Affirmative finding as conditioned.**

2. Standards for Review of Demolition.

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

A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure;

The applicant has owned the property since 2001. Given the existing condition, it would appear that the advanced state of disrepair has occurred over several decades. The Google aerial image illustrates a tarp over the building. The engineering report confirms the poor structural condition. **Affirmative finding.**

or,

B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district;

The engineer's report provides a summary of work required to reinforce and repair the existing shed, and offers to provide an order of magnitude cost associated with the repair required. Given that the structure does not meet structural assembly code and has demonstrated failure, demolition may be considered. **Affirmative finding.**

or,

C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.

This is another example of an early garage/ sheds constructed as accessory to residential use and intended for storage. Photos of the structure, kept in the zoning file, will provide a photographic record for future use.

The addition of another parking space will provide a benefit to the property owner but not rise to a greater community wide benefit. Perhaps the greater benefit is removal of a dangerous structure, and the information that the archived photos will provide to future residents. The building's loss, although regrettable, will not significantly impact the overall historic merit and character of surrounding structures and the neighborhood.

Affirmative finding.

And all of the following:

D. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;

Photo documentation would provide a minimal amount of mitigation. **Affirmative finding.**

E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history;

See D. above.

and,

F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).

(i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;

(ii) Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,

(iii) The time between demolition and commencement of new construction generally shall not exceed six (6) months.

The applicant proposes a reconfigured parking arrangement. Work is proposed to be completed within the required 6-month timetable. **Affirmative finding as conditioned.**

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

There has been no such deed restriction proffered; nor does it appear warranted. **Affirmative finding.**

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

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

The applicant shall be encouraged to deconstruct using the safest method possible, minimizing exposure to lead paint and any other potential public safety issue. What material may be salvaged is encouraged for sale or reuse. **Affirmative finding as conditioned.**

Article 6: Development Review Standards

Section 6.2.2 Site Plan Design Standards

(b) Protection of Important Cultural Resources

See Section 5.4.8, above.

(l) Parking and Circulation

Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets.

The perimeter of all parking areas shall be design with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.

The proposed parking arrangement will require all vehicles to back out onto North Winooski Avenue. Although this is the existing method, adjustment of the parking plan (requested with the demolition of the garage) can be improved by rearrangement of the spaces that would allow back-up and turn-around space. Additionally, curb stops and enhanced landscaping is required to prevent headlight trespass and prevent parking lot creep. A revised site plan/parking plan is needed to accommodate those goals. **Affirmative finding as conditioned.**

Section 6.3.2 Architectural Design Standards

(b) Protection of Important Architectural Resources

See Section 5.4.8, above.

Article 8: Parking

Table 8.1.8-1 requires 2 parking spaces for each residential unit (4 spaces for a duplex) in the Shared Use Parking District. The submitted site plan defines an existing driveway of 8'9" x 95'9". Although long, it has only accommodated for practical purposes 2 vehicles, non-conforming for a duplex. The proposed site plan illustrates a parking plan that will capture three parking spaces, which increases the number of spaces accommodated but continues a practice of backing up a very long way onto busy North Winooski Avenue. A reconfigured parking plan that will allow a back-up, turnaround space is recommended. **Affirmative finding as conditioned.**

II. Conditions of Approval

1. It is recommended that the applicant reconfigure the parking arrangement to accommodate back-up and turnaround space on the lot to prevent the backing out of vehicles onto North Winooski Avenue. Coverage calculations shall be modified to reflect this site change.
2. The parking areas shall be clearly defined and paved, with curb stops or similar barrier to prevent parking creep. This shall be identified on a revised site plan.
3. Screening via additional landscaping shall be added to shield headlights from trespass onto abutting properties. This landscaping plan shall be submitted to staff for review and approval **prior to release of the zoning permit.**
4. The applicant shall revise the site plan/coverage calculation to include the structure visible on GIS and Google images, or remove the additional coverage from the lot to be consistent with the submitted site plan.
5. Construction activities shall be limited to Monday-Friday 7:30 am – 5:30 pm. No weekend construction work shall be permitted.
6. The time between demolition and commencement of new construction generally shall not exceed six (6) months.
7. All building materials shall be disposed of in a safe and legal manner.
8. Per **Section 2.7.8, WithHold Permit**, any open zoning permits or violations must be closed out prior to issuance of a Certificate of Occupancy for this project.

9. The project is under review as an existing duplex. If the owner asserts otherwise, an application must be made for a determination of use.
10. 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.

RECEIVED
21
MAR 21 2017 JB

DEPARTMENT OF
PLANNING & ZONING

Paul Schnabel
269 N Winooski Ave
Burlington, VT

Dear DRB,

Thank you for considering this project!

I purchased 269 N Winooski Ave in 2001 and have slowly renovated and restored both the interior and exterior doing most of the work myself (I have worked in the trades all my life). The house has been completely de-leaded inside and out. This place was in really rough shape when I bought it and I'm really proud of how it turned out. It looks nice on the street.

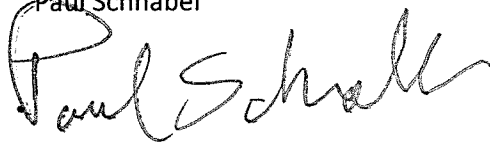
I appreciate the history of this house and have worked hard to use or replicate whatever I can that is part of the original structure. Last year, as I finished re-siding, the removal of the old aluminum siding revealed long hidden trim details that now are part of the upper facade. I was pleased to uncover and restore this and it now looks great...like it was originally intended to. As part of the de-leading, all the windows have been replaced with true light divided wood windows that matched the original. When I was renovating the upstairs, I found the signatures of the carpenters and original owner Alphonse Rousseau...so cool. All this to say I respect and want to maintain and restore the historic aspects of my house.

Now, as the bulk of the primary building is done I need to address the garage. This structure was already severely compromised when I bought the property. I have kept it standing and dry but I believe it has reached the limit of its life and has become a liability. The removal of this structure will also allow the parking to be rearranged, adding a third space. This will bring the parking closer into compliance.

I am sensitive to the fact that the garage is on the registry but given the condition, I believe it's a poor candidate for restoration. I hope you agree with the evidence presented in this application and allow me to move forward with the proposed improvements!

Sincerely,

Paul Schnabel



RECEIVED
MAR 17 2017

Application for Demolition of shed/garage at 269 N Winooski Ave Burlington VT

DEPARTMENT
PLANNING & ZONING

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

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

See report from engineer at end of application

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

See #3

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

I am not claiming economic hardship for this application.

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

Estimated value of the garage on last appraisal was \$1000.

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

From engineer's conclusion:

"It is our professional opinion that repairing this structure will be considerably more expensive than demolishing the existing structure and building a new building. In addition, the overall quality and strength of the repaired structure would be significantly less than that of a new structure. We strongly recommend replacing the structure rather than repairing it."

See full report at end of application.

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

Removing the garage would make me feel safer and improve the neighborhood aesthetics instantly. This unsound liability needs to be dealt with. At present this is my primary goal. In addition, removing it will enable a third parking space, bringing the building closer to parking requirements.

RECEIVED
MAR 17 2017

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

Any rearrangement or addition of parking spaces would be done using an appropriate pervious surface. Please see site plan.

3. Standards for Review of Demolition.

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

A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure;

Since acquiring the property in 2001 I have slowly rehabbed the house maintaining and adding to its historical integrity. The garage however has from the day I purchased the lot been unstable, an eyesore and, I believe, a liability. The roof has been structurally unsound and leaky from day one. I have made effort over the years to stall its decay, keeping the roof covered and the weather and squirrels out. Now as the bulk of the main house exterior is done, I would like to remove this unsound, unusable building to create an additional parking spot and explore other appropriate usages of the lot.

B. or, the structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district; or,

C. The proposed redevelopment of the site will provide a substantial communitywide benefit that outweighs the historic or architectural significance of the building proposed for demolition.

And all of the following:

D. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of;

There should be no impact to the historical importance of other structures located on this and adjacent properties by the removal. It's hard for me to argue what degree of historical significance this small structure holds relative to the list of historical stock in Burlington, but I believe it would be relatively low.

RECEIVED

MAR 17 2017

**DEPARTMENT OF
PLANNING & ZONING**

Rob Purvee of Grant Builders will do the demolition and removal. It will take no more than two days and all demolition and removal equipment will be on site with no impact to street or pedestrian traffic.

E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history; and,

See photos at end of doc and in engineer's letter

F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).

The current plan is to remove the liability for myself and the neighborhood and to create an extra parking space.

(i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;

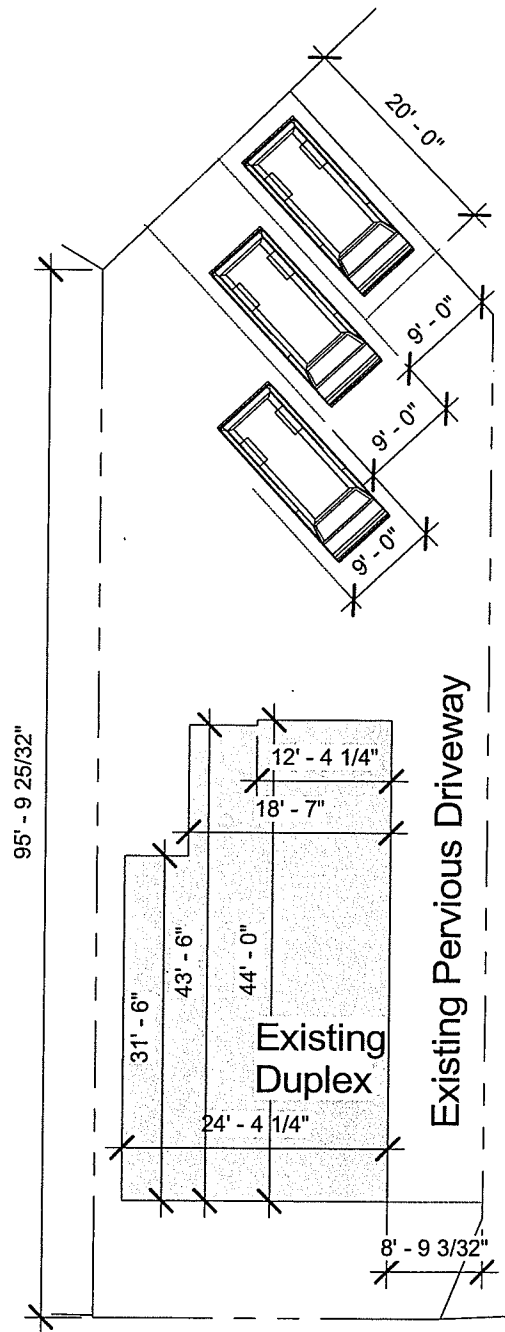
(ii) Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,

(iii) The time between demolition and commencement of new construction generally shall not exceed six (6) months.

This will be a doable timeline for me.

RECEIVED
MAR 17 2017

DEPARTMENT OF
PLANNING & ZONING



Proposed Redevelopment
will decrease degree on of
non compliance on parking

Total Impervious Surface
~1000 SF or
23.7% of Site

Note: Total grade change on site
will be less than 2 feet.

	Paul Schnabel Garage Demolition	Proposed Redevelopment	
		Date 3/10/17 Drawn by Chris Gignoux	D1.1 Scale 1/16" = 1'-0"



Knight Consulting Engineers, Inc.

December 20, 2016

Paul Schnabel
269 N Winooski Ave
Burlington, VT 05401

RECEIVED
MAR 17 2017
DEPARTMENT OF
PLANNING & ZONING

Re: Evaluation of Shed located at 269 N Winooski Ave

Dear Mr. Schnabel:

On February 23, 2016, I visited the property referenced above. The purpose of my visit was to complete a general structural evaluation of the shed on the northwest corner of the property and to make an assessment as to the practicality of repairing the structure. You were present during the visit. Photos taken during the visit are attached to the end of this letter.

DESCRIPTION OF THE STRUCTURE

The shed is a one story wood frame structure 18' long by 12' wide. There is a slab inside the shed, but the wood walls are not supported on the slab. There is not apparent foundation under the wood walls of the shed. The roof framing consists of 2x4's spanning 18' (east-west). The 2x4 rafters are discontinuous.

OBSERVATIONS

- The roof framing is significantly undersized for the span and is further compromised due to the fact that the rafters are discontinuous. The roof sheathing is severely deteriorated. The entire roof system is not repairable and will have to be replaced.
- There is no apparent foundation under the walls of the shed. The slab within the shed is in poor condition. In order to install a proper foundation and repair the slab it will be necessary to temporarily shore the wood frames structure while the new foundation is installed. The existing slab will have to be replaced.
- The shed is leaning significantly to the north. To correct this problem, temporary steel cables and turnbuckles can be used to try to correct the lean after which new plywood or OSB sheathing will have to be installed on all walls to create proper shear walls.
- A properly designed header will have to be installed in the east wall above the door. The width of the door will have to be decreased in order to have a sufficiently large shear wall on the east end of the shed.
- New studs will have to be installed next to existing studs that are rotted at the bottom, we could be the majority, if not all of the studs.
- The bases of exterior wood walls are in contact with the ground. This has caused deterioration of the siding at the base of the walls. The new foundation should extend above grade, which will require cutting off the bottom of all the walls (studs and sheathing).

Page 2

Date: December 20, 2016

Re: Evaluation of Shed located at 269 N Winooski Ave

RECEIVED
MAY 17 2017
DEPARTMENT OF
PLANNING & ZONING

CONCLUSIONS

It is our professional opinion that repairing this structure will be considerably more expensive than demolishing the existing structure and building a new building. In addition, the overall quality and strength of the repaired structure would be significantly less than that of a new structure. We strongly recommend replacing the structure rather than repairing it.

The findings in this report are based on the information readily available at the time of our site visit. We reserve the right to update these findings should new pertinent information become available.

If you have any questions regarding this report, please feel free to contact me. We appreciate the opportunity to provide this engineering service and look forward to working with you in the future.

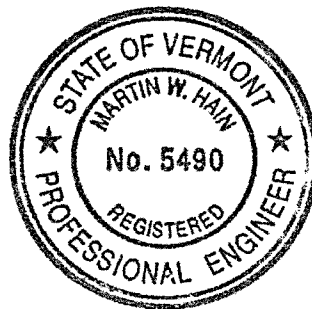
Sincerely,



Martin W. Hain, P.E.

President

Knight Consulting Engineers, Inc.



File: 16425 L01.docx

Page 3

Date: December 20, 2016

Re: Evaluation of Shed located at 269 N Winooski Ave

RECEIVED
MAR 17 2017

DEPARTMENT
PLANNING & ZONING



Photo 1 – East and south walls of the shed. The sheds leans significantly to the north.



Photo 2 – West wall of the shed.

Page 4

Date: December 20, 2016

Re: Evaluation of Shed located at 269 N Winooski Ave

RECEIVED
MAR 17 2017

DEPARTMENT OF
PLANNING & ZONING



Photo 3 – Looking east along the south wall of the shed. There is a large gap between the chimney and the wall of the shed.



Photo 4 – Southwest corner of the shed. Exterior siding is in contact with the ground.

Page 5

Date: December 20, 2016

Re: Evaluation of Shed located at 269 N Winooski Ave

RECEIVED
MAR 17 2017

DEPARTMENT
PLANNING & ZONING

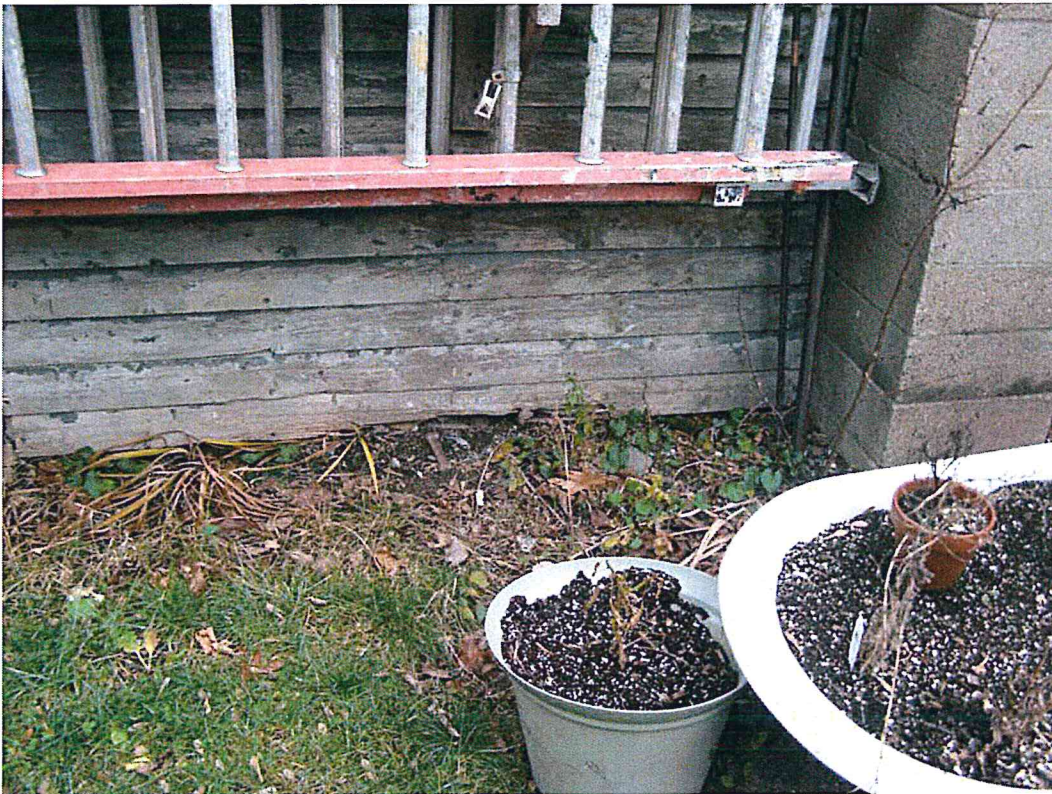


Photo 5 – South wall of shed. Siding is in contact with ground. Some of the siding is rotted.



Photo 6 – South wall of shed.

Page 6

Date: December 20, 2016

Re: Evaluation of Shed located at 269 N Winooski Ave



RECEIVED

MAR 17 2017

DEPARTMENT
PLANNING & ZONING

Photo 7 – Base of west wall of the shed. The wall is a bearing wall for the roof framing. There is not apparent foundation under the studs. The bottoms of the studs are rotted due to contact with the ground.



Photo 8 – Base of west wall looking towards the northwest corner.

Page 7

Date: December 20, 2016

Re: Evaluation of Shed located at 269 N Winooski Ave



Photo 9 – West end of 2x4 roof rafters (spaced at 24"). Roof sheathing is deteriorated and leaks.



Photo 10 – Roof framing is 2x4 rafters at 24" spanning 18'. Rafters are not continuous.

RECEIVED
MAR 17 2017

DEPARTMENT
PLANNING & ZONING

Page 8

Date: December 20, 2016

Re: Evaluation of Shed located at 269 N Winooski Ave



Photo 11 – Looking west at northwest corner. Roof sheathing is severely deteriorated.



Photo 12 – Severely deteriorate roof sheathing and discontinuous roof rafters.

RECEIVED

MAR 17 2017

DEPARTMENT
PLANNING & ZONING

Page 9

Date: December 20, 2016

Re: Evaluation of Shed located at 269 N Winooski Ave



Photo 13 – No header at east wall over garage wall. East wall is a bearing wall for the roof framing.

RECEIVED
MAR 17 2017

DEPARTMENT OF
PLANNING & ZONING

RECEIVED

MAR 17 2001

DEPARTMENT
PLANNING & ZONING



URBAN DISTRICT BUILDING INVENTORY

SURVEY NUMBER:

PAGE

of

269 North Winooski Avenue, c. 1875

A 2-story, vernacular Italianate building with a flat roof bracketed cornice and front sidehall entrance. The entrance is sheltered by a hipped door hood supported by large carved brackets with pendants, similar to those found along the cornice. The fenestration is 2/2 wood sash throughout and the building is clad in aluminum siding. The house sits on a stone foundation.

a. Garage, c. 1880

★ A 1-story, 1 bay, shed roof garage with wood clapboards and hinged cross-braced wood doors.

274 North Winooski Avenue, c. 1921

A large, sprawling commercial complex built of brick and concrete block. The original portions of the complex consist of a 1-story brick loading dock with an industrial smokestack and another 2-story brick building with a decorative brick cornice and corner pilasters. All were once part of Edward Francis Dry Cleaning business and later c. 1930 part of the Vermont Cleaning Company. The central 2-story, 4x3 bay concrete block structure, as well as the 1-story concrete block storefront, were all added later c. 1960's/70's. It was recently the home of the Onion River Food Co-op market. The older brick buildings of the complex have been obscured by additions and are barely visible at the rear and south sides of the complex.

280 North Winooski Avenue, c. 1875

A 2-story vernacular gable roof house with a 1-story shed roof enclosed porch on the primary (west) street facade. Two, shed roof wall dormers project from the gable slopes, one on each side. A 1-story shed roof addition extends from the rear of the building. The fenestration is symmetrical 6/6 sash throughout and the house is clad in aluminum siding. The building is now vacant and slated for demolition.



Chapin Spencer
PUBLIC WORKS DIRECTOR

Norman J. Baldwin, P.E.
CITY ENGINEER



P.O. Box 849
BURLINGTON, VT
05402
(802) 863-9094 P
(802) 863-0466 F

March 6, 2017

Andrew G. Mills, PE
Trudell Consulting Engineers
478 Blair Park Road
Williston, VT 05495

Re: Water/Sewer Capacity for Residential Housing at 80 Colchester Avenue

Dear Mr. Mills,

This letter is to inform you, the State of Vermont Environmental District and other interested parties that the City of Burlington's water and wastewater facilities have sufficient capacity to handle demand associated with a residential building at the above address.

Using your attached calculated flows from the State Environmental Protection Rules, we have reserved 10,125 gpd (gals/day) for water and 10,500 gpd for sewer. Sewage from this area is treated at our East Wastewater Plant on Riverside Avenue. It is important to note that this letter only addresses treatment plant and not distribution or collection system capacities. Wastewater from this project will flow into a pipe on Colchester Avenue that in fact has a combined sewer overflow (CSO) point downstream. In order to prevent increasing the duration and/or frequency of overflows, we have verbally discussed either using cellular telemetry to temporarily disable this project's pump station when overflows are occurring or working with us on some sort of offset project that removes stormwater from our system.

This letter and reserved flows are good for one (1) year from the date of writing. If this letter is not filed with the proper offices, or if the proper permits are not obtained within that year, you will need to reapply. Any changes in flow estimates or property usage also requires reapplication. Please feel free to call me at 497-7021 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Roy", is written over a horizontal line.

Steve Roy, P.E.
Senior Water Resources Engineer
Burlington Public Works
colchester80_cap



January 14, 2017

Steve Roy
City of Burlington DPW
Via Email: sroy@burlingtonvt.gov

Subject: Water/Wastewater Allocation Request
Colchester Avenue Housing – 80 Colchester Ave
Project # 16-077

Dear Steve:

I am writing this letter to request water and wastewater allocation from the City of Burlington for a project at 80 Colchester Avenue. The project consists of a new 75 unit (all one bedroom) residential building. As we have previously discussed, the project proposes an on-site pump station discharging via force main to a manhole in Colchester Ave and a new 8" water service line onto the property from the high pressure main on the south side of Colchester Ave. The water and wastewater allocation requested are based on the Wastewater System and Potable Water Supply Rules and are as follows:

Water: 75 Bedrooms X 150 GPD/Bedroom – 10%* = 10,125 GPD

Wastewater: 75 Bedrooms X 140 GPD/Bedroom = 10,500 GPD

*reduction for low flow fixtures

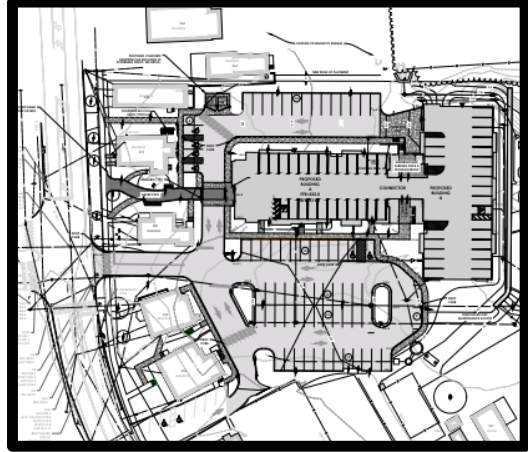
Should you have any questions, please do not hesitate to contact me directly. We look forward to your response.

Regards,

A handwritten signature in blue ink, appearing to read 'Andrew G. Mills'.

Andrew G. Mills, P.E.
Project Engineer

Cc: Eastern Development Corp.



TRAFFIC ANALYSIS

TCE# 16-077| Colchester Avenue Housing Project
BURLINGTON, VERMONT

Date:

April 11, 2017

Prepared For:

Frank von Turkovich

Prepared By:

Abigail Dery, P.E.



TABLE OF CONTENTS

I.	Introduction.....	1
II.	Existing Conditions.....	1
III.	Proposed Project.....	2
	A. Layout/Circulation	
	B. Project-Generated Traffic	
IV.	Traffic Volume.....	5
	A. Existing Traffic Data	
	B. Traffic Projection Scenarios	
V.	Capacity Analysis – Level of Service & Queuing	6
VI.	Summary of Findings.....	8

Appendices

- A. Location Map
- B. Turning Movement Diagrams – Car and Truck
- C. Turning Movement Count Summaries
- D. LOS Analysis Memo from RSG

I. Introduction

Eastern Development Corporation and Frank Von Turkovich are proposing the construction of 75-unit apartment building off Colchester Avenue in Burlington, Vermont. The project driveway is located on the north side of Colchester Ave (between #80 and #94) directly across from the UVM Medical Center access. The following Traffic Analysis has been prepared to identify the impact to level of service from project-generated traffic on the Colchester Avenue corridor, specifically the intersections with Prospect Street, Mansfield Ave, Project Access/UVMHC, and East Avenue.

II. Existing Conditions

Colchester Avenue is an urban arterial that runs generally east-west from Riverside Avenue on the eastern end, turning into Pearl Street on the western end. Colchester Ave is a major east-west corridors providing access to the City of Burlington from Winooski and points north, it also provides direct access to a dense mix of commercial and residential uses, including the University of Vermont (UVM) and UVM Medical Center. Within the study area, traffic signals are at East Ave, UVMHC, Mansfield Ave, and Prospect Street.

A Colchester Avenue Corridor Plan was prepared for the Chittenden County Regional Planning Commission (CCRPC) in 2011 in partnership with the City of Burlington and the Campus Area Transportation Management Association. The Corridor Study identified issues and challenges with this multi-function roadway.

Since the Plan was published in 2011, the City has implemented one of the recommendations that further the City's vision to evolve Colchester Ave into a Complete Streets cross-section, providing safer transportation for all modes of transportation – bicycle, pedestrian, transit, and motorist. Formerly consisting of four lanes for vehicle travel, the western section of the corridor between Prospect Street and East Avenue was re-configured to accommodate bicycle lanes, a single thru lane each for east and westbound motorists, and central two-way left-turn lane for turning vehicles.



Figure 1: Existing Colchester Ave/UVMMC Intersection from east

The signalized Colchester Avenue/UVM Medical Center intersection, shown above, has four approaches, the north approach being a driveway currently serving several businesses along Colchester Ave and the south approach is for the Medical Center. A location map is attached in Appendix A.

III. Proposed Project

A. Layout and Circulation

The existing driveway currently serves four properties/businesses (#72, #80, #94, and #96 Colchester Ave), which will remain as part of the project, and will be improved to include a full width ingress and egress lane. A secondary existing ingress-only access will be maintained approximately 168 feet to the east of the signal serving #96. The two existing curb cuts to the west of the signal will be closed. The businesses and uses served by these driveways (#66, #72, and #80) will now share the consolidate signalized access and utilize shared parking with the new apartment building

The improved northern approach will be wider and positioned slightly farther west than the existing driveway to improve alignment with the southern approach as well as overall circulation. The new lot configuration is illustrated below, as well as a Turning Movement Template Plan showing the vehicle paths of opposing left turns do not conflict with the new geometry proposed. The new project also provides improved pedestrian facilities from existing and proposed buildings to the existing sidewalks and crosswalks in the area.

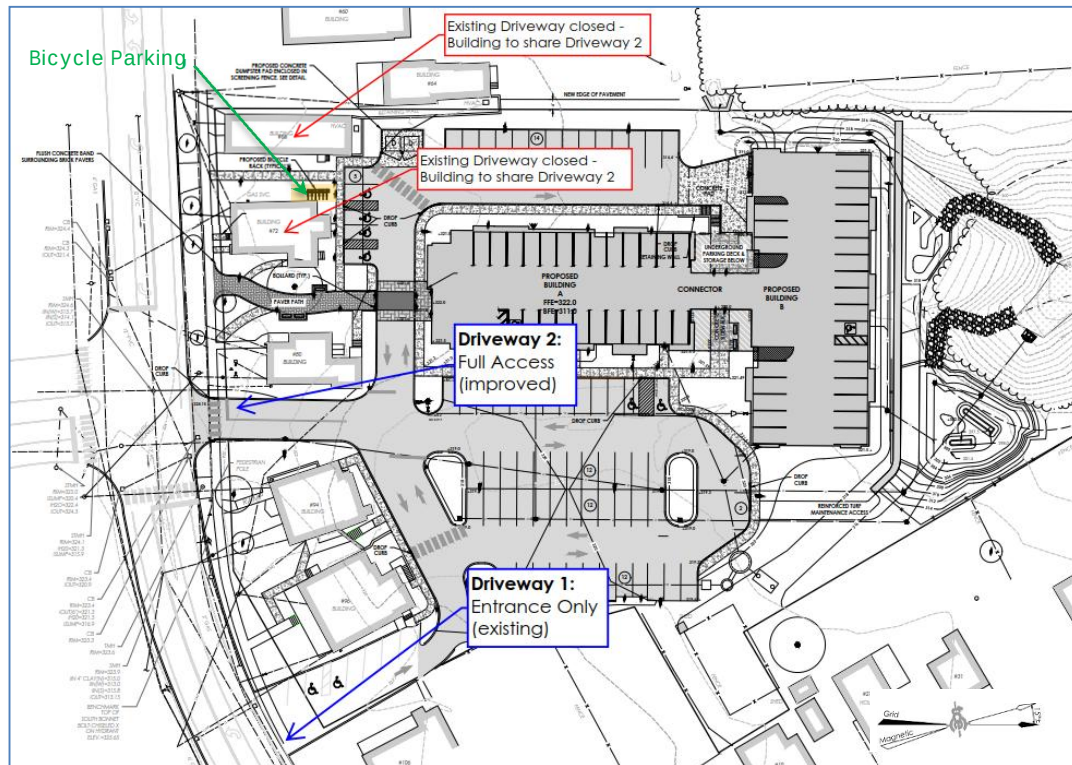


Figure 2: Proposed Site Layout

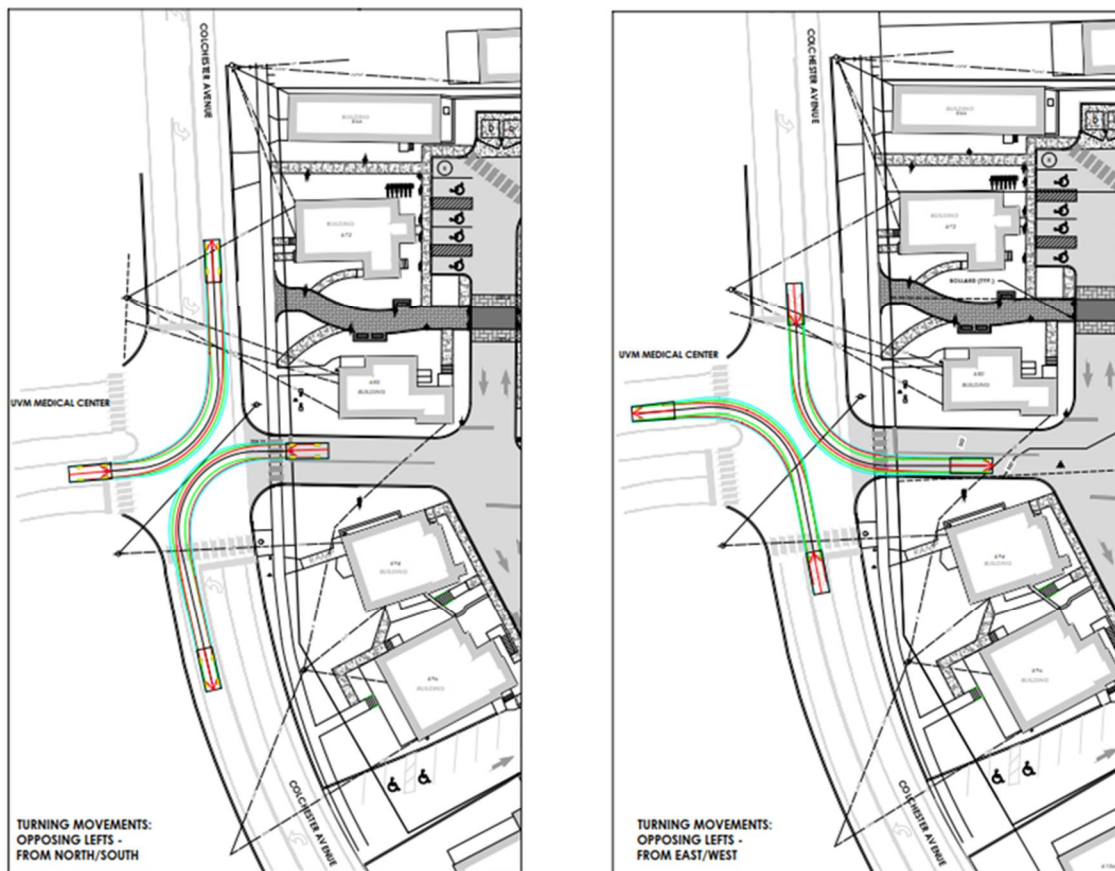


Figure 3: Turning Movement Template (passenger vehicles) – Opposing Lefts

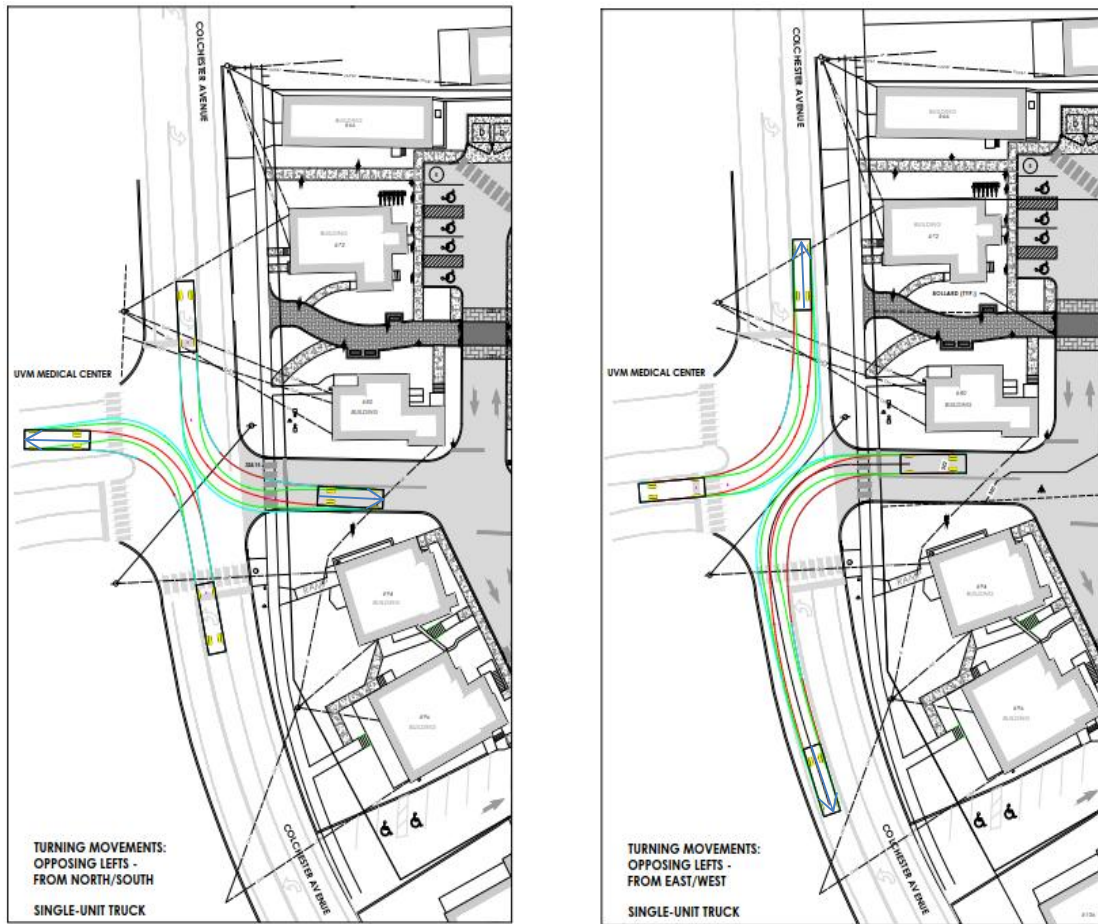


Figure 4: Turning Movement Template (single-unit trucks) – Opposing Lefts

B. Project-Generated Traffic

Estimated project-generated traffic is calculated using the “Apartment” land use from Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition. Using the average rate, the seventy five units are calculated to generate approximately 39 trips during the AM peak hour and 47 trips during the PM peak hour.

These apartment units are intended to be occupied largely by employees of UVM Medical center and the University of Vermont, a major employer, which is in close proximity to the project and will likely result in a reduction in the estimated peak hour project-generated traffic, though the analysis assumes ITE trips outlined in Table 1 below. The project is also located on a bus route, so in addition to personal vehicles, residents have options for public transportation, walking, and bicycling.

Table 1: Project-Generated Traffic

Time Period	Rate: Trips/ Unit	Vehicle Trips	Entering	Exiting
Weekday	6.65	499	250	249
AM Peak Hour	0.51	39	8	31
PM Peak Hour	0.62	47	31	16

An existing dental office, small apartment house, and UVM Hillel Center, will be sharing the access and parking as a result of access consolidation. These trips are also shown in the table below, and will only result in changes to turning movements at the project access intersection. Their impact on other intersections in the network will not change. Distribution of vehicle trips from project-generated traffic was determined using analogy to the short count and commuting patterns. For the purpose of this analysis, project-generated traffic, as estimated by ITE Trip Generation, was added to background traffic to develop the Peak Hour Project-Generated Traffic Diagram shown below.

Table 2: PM Peak Hour Project-Generated Traffic Volume

Use	Rate	Vehicle Trips	Entering	Exiting
77-Unit Apartment	0.62/unit	47	31	16
1,800 SF Dental Office	4.27/1000 SF	8	3	5
Single-Family Home/Apartment		2	1	1

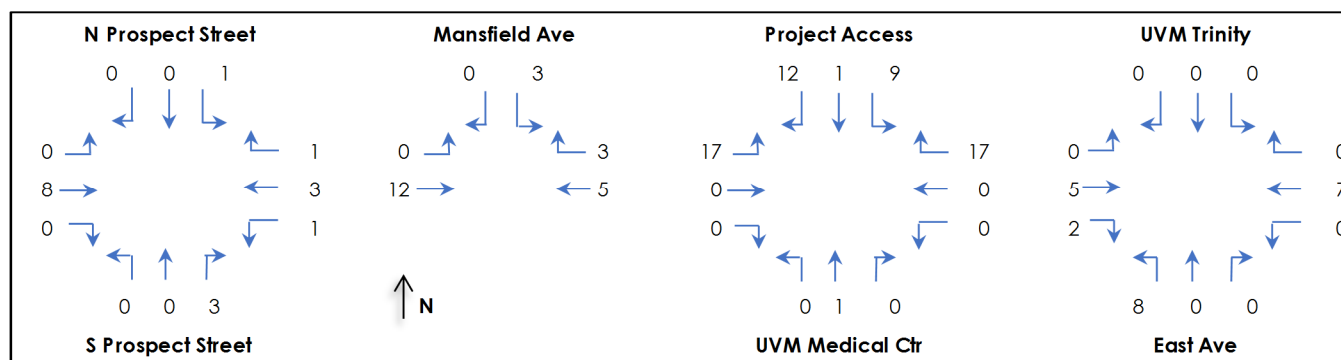


Figure 5: Peak Hour Project-Generated Traffic (PM)

IV. Traffic Volume

A. Existing Traffic Data

According to the VTrans Traffic Data Management System, Colchester Avenue saw an Average Annual Daily Traffic (AADT) volume between 11,300 vehicles per day (vpd) and 15,000 vpd. A growth factor of 1.01 was applied to the 2013 AADT to account for background traffic growth. Design Hour Volume (DHV) was calculated using the “k” value from VTrans’ *DHV Determination Based on AADTs and Highway Class-General Highway* for an “Urban” roadway.

Table 3: AADT and DHV

Count Station	AADT	Growth Factor	DHV Factor	DHV
D155 – West of Prospect Street	11,300	1.01	0.1061	1210 vph
D145 – Btwn Mansfield and UVMMC	14,700	1.01	0.1061	1575 vph
D022 - West of East Ave	15,000	1.01	0.1061	1607 vph

Trudell Consulting Engineers performed a manual Turning Movement Count (TMC) at both the Colchester Ave/UVMMC intersection and the Colchester Ave/Mansfield Ave intersection on 2/23/2017 to determine background traffic distribution. Existing traffic distribution at the East Ave/Colchester Ave and the Prospect/Pearl/Colchester Ave intersections are based on VTrans turning movement counts conducted at those intersections. Turning movement counts are attached in Appendix C.

B. Traffic Projection Scenarios

As requested by the Development Review Board, the Prospect Street, Mansfield Ave, Project Access/UVMMC, and East Avenue intersections were analyzed to determine Level of Service, both existing and with the added project-generated traffic. The design hour in the study area occurs during the afternoon peak. Overall, morning peak traffic volume is slightly lower than afternoon peak, and AM project-generated traffic is lower than PM project-generated traffic; therefore, the morning volumes are not included in the current analysis. Two traffic volume levels are analyzed in this report:

- 2017 No-Build: Current traffic volume
- 2017 Build: Current traffic volume plus project-generated traffic

V. Capacity Analysis

RSG, Inc. was consulted to run a Synchro and SimTraffic model of the intersections and traffic network within the study area to determine Level of Service, delay, and queueing. Three scenarios were run for each intersection – No-Build, Build, and Build with Split Phasing at the project Driveway. Vehicle delay and estimated queue lengths were reported and a memorandum summarizing the results is attached. Below is a summary of the Level of Service Analysis.

Results Table - Excerpt from 4/6/2017 Traffic Analysis Memo from RSG

Lane Group	No Build			Build - Existing Phasing			Build - Split Phase at UVMCC			Delay via SimTraffic		
	LOS	Delay	v/c	LOS	Delay	v/c	LOS	Delay	v/c	No Build	Build	Build - Split Phase at
S. Prospect St / N. Prospect St & Colchester Ave												
Overall	E	69	0.86	E	72	0.87	E	72	0.87	43.7	48.7	
EB	E	71	0.93	E	74	0.94	E	74	0.94	39.1	44.7	
WBL	F	81	0.87	F	86	0.88	F	86	0.88	33.8	34.1	
WBT	C	23	0.46	C	23	0.46	C	23	0.46	17.5	19.7	
NBL	F	97	0.93	F	98	0.94	F	98	0.94	40.4	41.5	
NBT	D	46	0.57	D	47	0.57	D	47	0.57	77.0	81.4	
NBR	D	39	0.07	D	39	0.07	D	39	0.07	19.7	22.7	
SB	F	>100	0.93	F	>100	0.95	F	>100	0.95	91.2	>100	
Mansfield Ave & Colchester Ave												
Overall	B	19	0.74	B	19	0.75	B	18	0.75	14	14.5	
EBL	A	6	0.12	A	6	0.12	A	6	0.12	21.9	43.5	
EBT	B	12	0.66	B	12	0.67	B	12	0.67	5.9	5.7	
WBT	C	20	0.77	C	20	0.78	B	16	0.78	14.3	15.3	
SBL	D	40	0.67	D	41	0.68	D	41	0.68	33.3	34.4	
SBR	C	30	0.02	C	30	0.02	C	30	0.02	23.5	26.7	
UVMCC / Project Driveway & Colchester Ave												
Overall	B	20	0.81	B	20	0.81	C	23	0.82	13.8	15.3	15.5
EBL	A	10	0.01	A	10	0.05	A	9	0.05	<1	20.6	13.5
EBT	C	24	0.81	C	24	0.81	C	27	0.86	14.4	16.4	15.5
WBL	B	11	0.16	B	11	0.16	B	13	0.20	17.3	12.6	10.0
WBT	A	8	0.51	A	8	0.53	B	10	0.56	9.3	9.6	10.7
NBL	D	42	0.68	D	42	0.68	D	47	0.73	31	34.6	35.1
NBT	C	30	0.08	C	30	0.08	C	34	0.09	8.6	10.8	9.9
SBT	C	30	0.01	C	30	0.08	D	43	0.34	25.4	11.1	34.5
East Ave / Trinity Campus & Colchester Ave												
Overall	D	45	0.74	D	46	0.75	D	46	0.75	42.9	50.2	
EBT	D	46	0.76	D	46	0.76	D	46	0.76	37.7	43.9	
EBR	D	47	0.54	D	48	0.55	D	48	0.55	32.8	40.5	
WBL	C	30	0.27	C	30	0.27	C	30	0.27	30.0	28.0	
WBT	C	22	0.45	C	22	0.46	C	22	0.46	19.5	19.6	
NBT	E	69	0.81	E	72	0.84	E	72	0.84	85.0	>100	
NBR	D	46	0.08	D	46	0.08	D	46	0.08	12.0	13.9	
SBT	F	83	0.53	F	83	0.53	F	83	0.53	73.5	71.1	

The Level of Service analysis results indicate that in the No-Build and Build scenarios, overall level of service remains the same at each intersection under current intersection phasing. Through traffic along the Colchester Ave corridor, highlighted above, will see a small increase in delay as a result of the proposed project, but not at a level that would significantly alter level of service.

Side-street traffic is currently nearing capacity and currently experience longer delays at the Pearl/Prospect intersection. The addition of project-generated traffic increases delay at some of the movements. The queue summary for the intersection shows additional vehicle queues of 1 to 2 vehicles.

The split phase scenario on the north and south approaches was run given the off-set. The turning movement template in Figures 3 and 4 indicates that the opposing lefts are not in conflict for passenger or ambulance or delivery truck sized vehicles. Should this prove to be an issue, the corridor can accommodate this change to the phasing with no significant effect on delay or LOS.

A review of Crash Data for the five year period from 2012 to 2016 identifies 21 crashes reported as occurring at the UVM/C/Project access intersection on Colchester Ave with the current configuration. Of those 21, the largest number is rear-end type collisions, which is often the case in heavily traveled signalized corridors and not indicative of opposing left-turn conflicts or geometric problems.

<u>Crash Type</u>	<u>No.</u>
Rear End	11
Same-Direction Sideswipe	5
Angle/Thru-Left	2
Single-Vehicle	2
Head-On	1

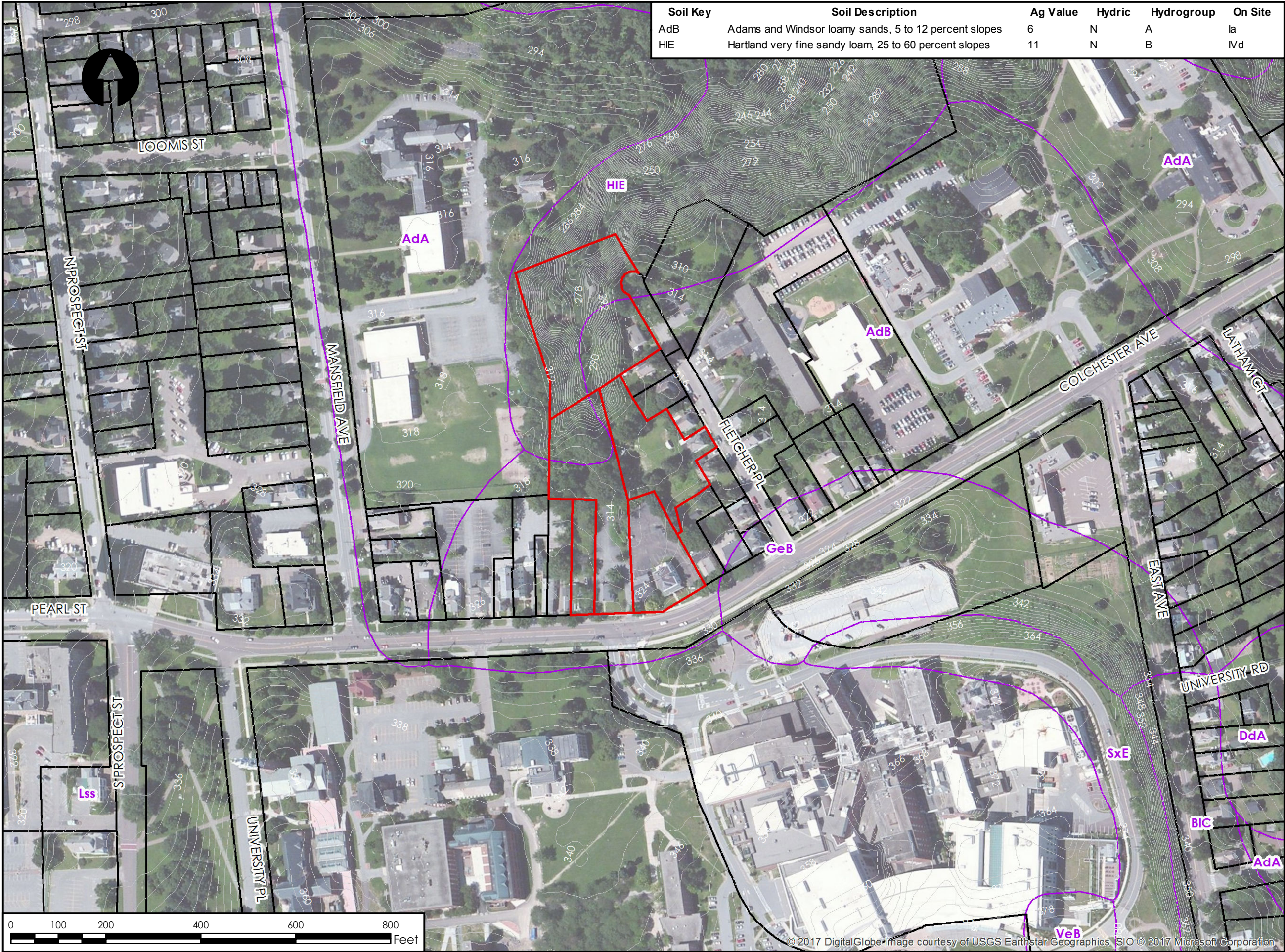
VI. Summary of Findings

Based on review and analysis of the existing and proposed traffic conditions, the following conclusions are presented:

1. The proposed 75 unit Colchester Avenue housing project located on the north side of Colchester Avenue will have direct access to Colchester Ave via an improved northern approach to the signalized UVM Medical Center/Colchester Ave intersection.
2. According to ITE, the project is expected to generate approximately 47 total peak hour (PM) trips, 31 entering and 16 exiting. Given the project's urban location and proximity to a major employment center (UVM and UVM/C) these estimated trips are likely conservative.
3. The improvements to the project access/UVM/C and addition of project-generated traffic do not significantly impact the operations of this intersection during the design hour. Maintaining the current signal phasing or changing it to split

phasing (if desired for safer operations) for the north and south approaches does not significantly affect the Colchester Avenue Network overall.

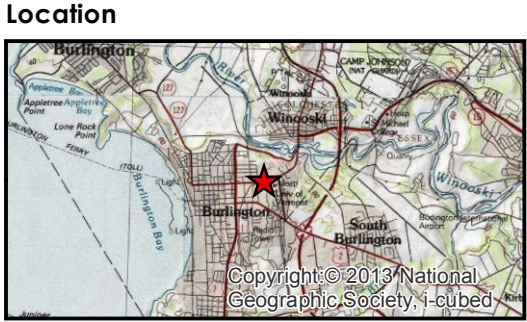
4. The improved alignment of the new north approach, along with consolidating accesses, mitigates the minor impacts from the increase in vehicle trips generated by the proposed project.
5. Review of crash data on Colchester Ave show twenty one crashes recorded at the UVMCC/Project access intersection. The largest percentage of those crashes is rear ends, which are often seen in heavily traveled, urban, signalized corridors. The crash rates are consistent with the large volume of traffic in the area and do not constitute a safety concern related to geometric issues or require additional mitigation with the proposed project traffic.
6. The proposed project will not create an adverse impact on traffic operations, congestion or safety on roads and highways within the study area



Soil Key	Soil Description	Ag Value	Hydric	Hydrogroup	On Site
AdB	Adams and Windsor loamy sands, 5 to 12 percent slopes	6	N	A	Ia
HIE	Hartland very fine sandy loam, 25 to 60 percent slopes	11	N	B	Ivd



TRUDELL
Consulting Engineers
802.879.6331 www.tcevt.com



- Legend**
-  Project Parcels
 -  Contour (2')
 -  Tax Parcel Boundary
 -  NRCS Soil

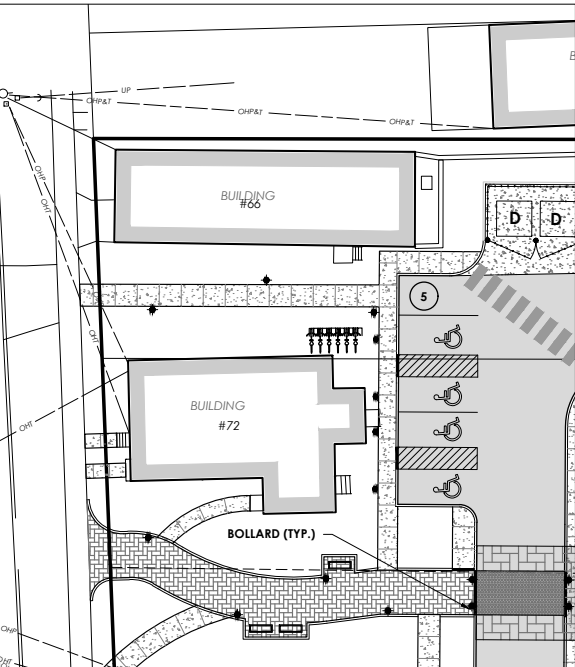
Sources: Bing Basemap Imagery (2015); Project Area by TCE (2017); VT E911 Roads (2015); Soils by NRCS (2015); Contours by VCGI & CCRPC (Various dates); Tax Parcel Boundary compiled by VCGI.

Disclaimer: The accuracy of information presented is determined by its sources. TCE is not responsible for any errors or omissions that may exist. Questions of on-the-ground location can be resolved by site inspections and/or surveys by a registered surveyor. This map is not a replacement for surveyed information or engineering studies.

Von Turkovich
72, 80 & 94 Colchester Ave
Burlington, VT

Aerial Location Map

Project: 16-077
Prepared By: ALD
04/06/2017
1 inch = 200 feet



ENGINEERING • SURVEY
PLANNING • ENVIRONMENTAL

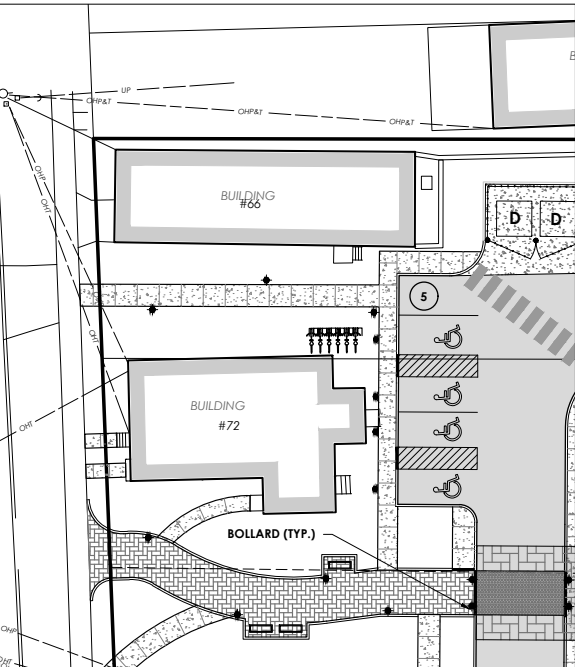
418 BLAIR PARK ROAD | WILLISTON, VERMONT 05495
802.879.6331 | WWW.TCEVT.COM

Revisions			
No.	Description	Date	By
1	City Comments	12/2/16	JMM
2	DAB Comments	01/10/17	AGM
3	Stormwater Update	01/17/17	AGM
4	Final City Plans	03/03/17	AGM

TAX ID:

Use of These Drawings
1. Unless otherwise noted, these Drawings are intended for preliminary planning, coordination with other disciplines or utilities, and/or approval from the regulatory authorities. They are not intended as construction drawings unless noted as such or marked approved by a regulatory authority.

2. By use of these drawings for construction of the Project, the Owner represents that they have reviewed, approved,



ENGINEERING • SURVEY
PLANNING • ENVIRONMENTAL

418 BLAIR PARK ROAD | WILLISTON, VERMONT 05495
802.879.6331 | WWW.TCEVT.COM

Revisions			
No.	Description	Date	By
1	City Comments	12/2/16	JMM
2	DAB Comments	01/10/17	AGM
3	Stormwater Update	01/17/17	AGM
4	Final City Plans	03/03/17	AGM

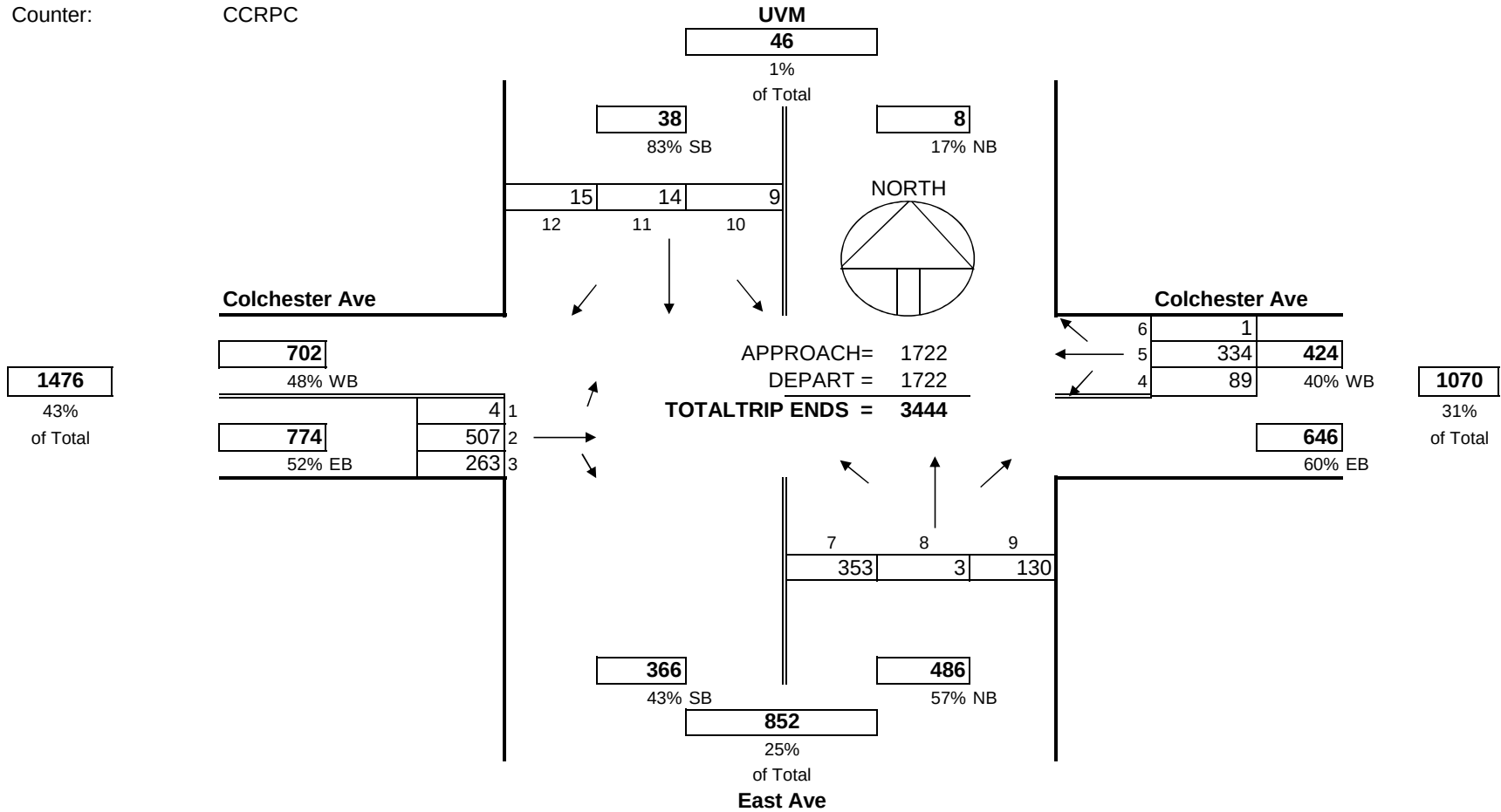
TAX ID:

Use of These Drawings
1. Unless otherwise noted, these Drawings are intended for preliminary planning, coordination with other disciplines or utilities, and/or approval from the regulatory authorities. They are not intended as construction drawings unless noted as such or marked approved by a regulatory authority.

2. By use of these drawings for construction of the Project, the Owner represents that they have reviewed, approved,

Intersection: Colchester Ave & East Ave
 Time: PM Peak
 Date: 6/12/2013
 Counter: CCRPC

SHORT COUNT



Summary of Volumes

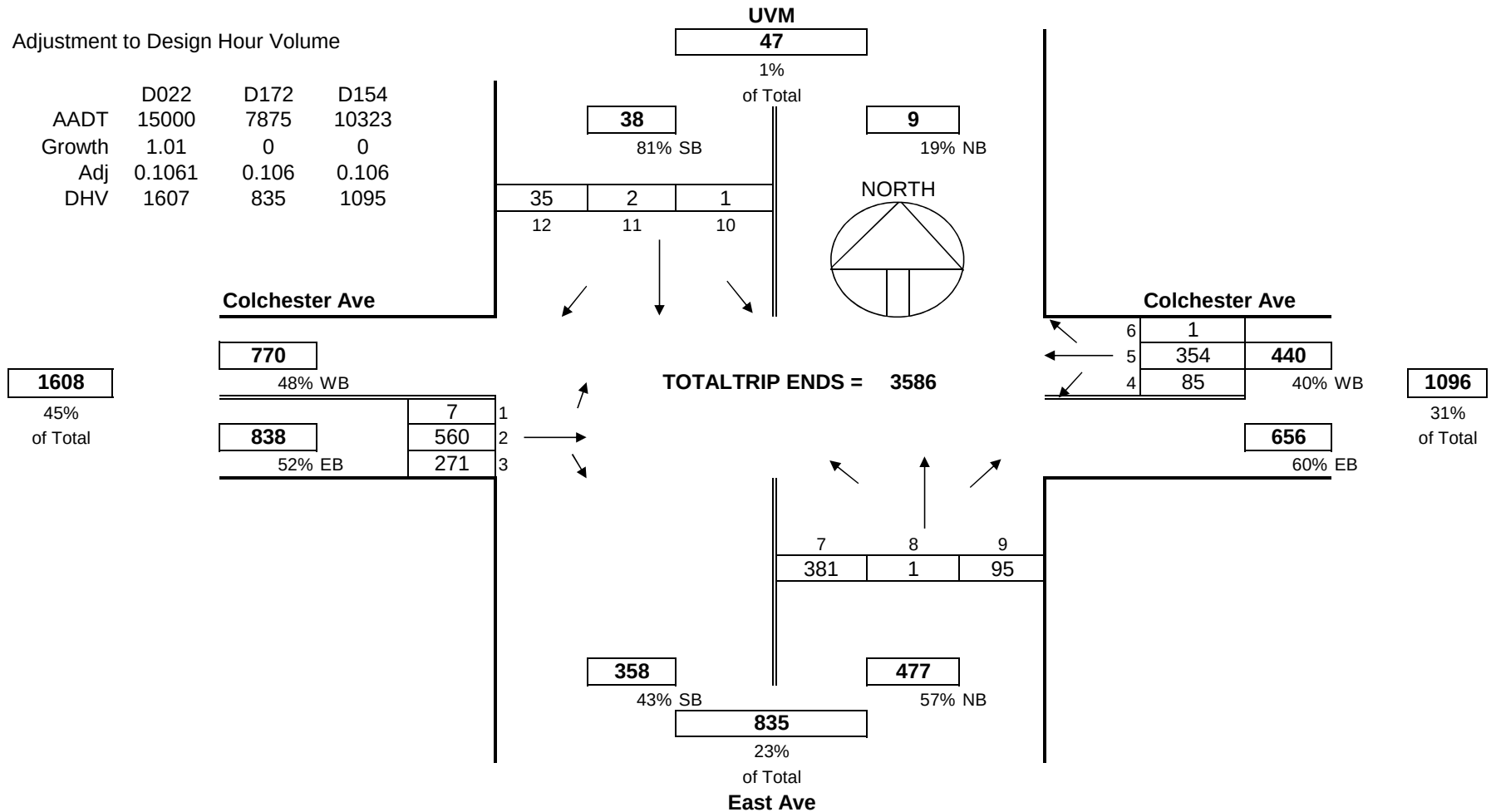
EB	EB	EB	WB	WB	WB	NB	NB	NB	SB	SB	SB
L	T	R	L	T	R	L	T	R	L	T	R
1	2	3	4	5	6	7	8	9	10	11	12
4	507	263	89	334	1	353	3	130	9	14	15

Intersection: Colchester Ave & East Ave
Time: PM Peak

DESIGN YEAR = 2017
BACKGROUND TRAFFIC

Adjustment to Design Hour Volume

	D022	D172	D154
AADT	15000	7875	10323
Growth	1.01	0	0
Adj	0.1061	0.106	0.106
DHV	1607	835	1095



Summary of Volumes

EB	EB	EB	WB	WB	WB	NB	NB	NB	SB	SB	SB
L	T	R	L	T	R	L	T	R	L	T	R
1	2	3	4	5	6	7	8	9	10	11	12
7	560	271	85	354	1	381	1	95	1	2	35

Peak Hour Data for Intersection

Int ID: 30403250
 Community: BURLINGTON
 Road 1: UVM PARKING LOT
 Road 2: COLCHESTER AV

Corridor: NA
 Road 3: EAST AV
 Road 4: COLCHESTER AV

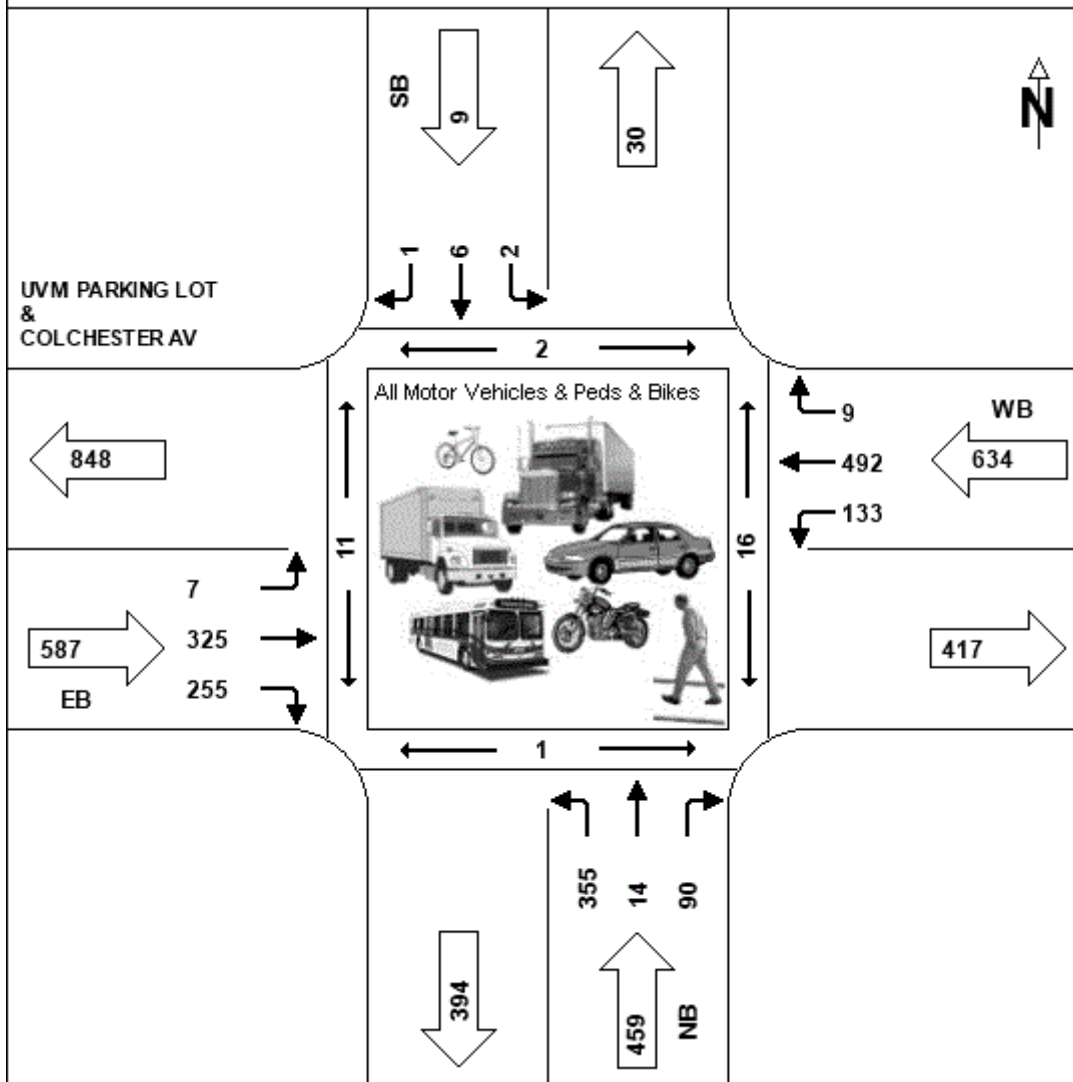
|<<|<|>|>>| 1-3 of 3

AM Peak Hour 06/12/2013

NB					EB					SB					WB						
Start Time	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Int Total
7:30 AM	71	5	15	2	91	1	91	72	0	164	1	3	1	4	5	35	110	2	0	147	407
7:45 AM	71	1	8	1	80	2	80	61	0	143	0	0	0	2	0	31	127	4	0	162	385
8:00 AM	123	4	24	6	151	2	76	49	1	127	0	1	0	4	1	31	131	2	0	164	443
8:15 AM	90	4	43	7	137	2	78	73	0	153	1	2	0	1	3	36	124	1	2	161	454
Total	355	14	90	16	459	7	325	255	1	587	2	6	1	11	9	133	492	9	2	634	1689
PHF	0.72	0.70	0.52			0.76	0.88	0.89	0.87		0.89	0.50	0.50	0.25		0.45	0.92	0.94	0.56		0.97
HV %	4	0	1			0	9	4			0	17	0			2	5	0			
☒ Cars ☒ Trucks ☒ Pedestrians ☒ Bikes																					

ID 30403250: Peak Hr Traffic by Movement 6/12/2013

7:30 AM to 8:30 AM

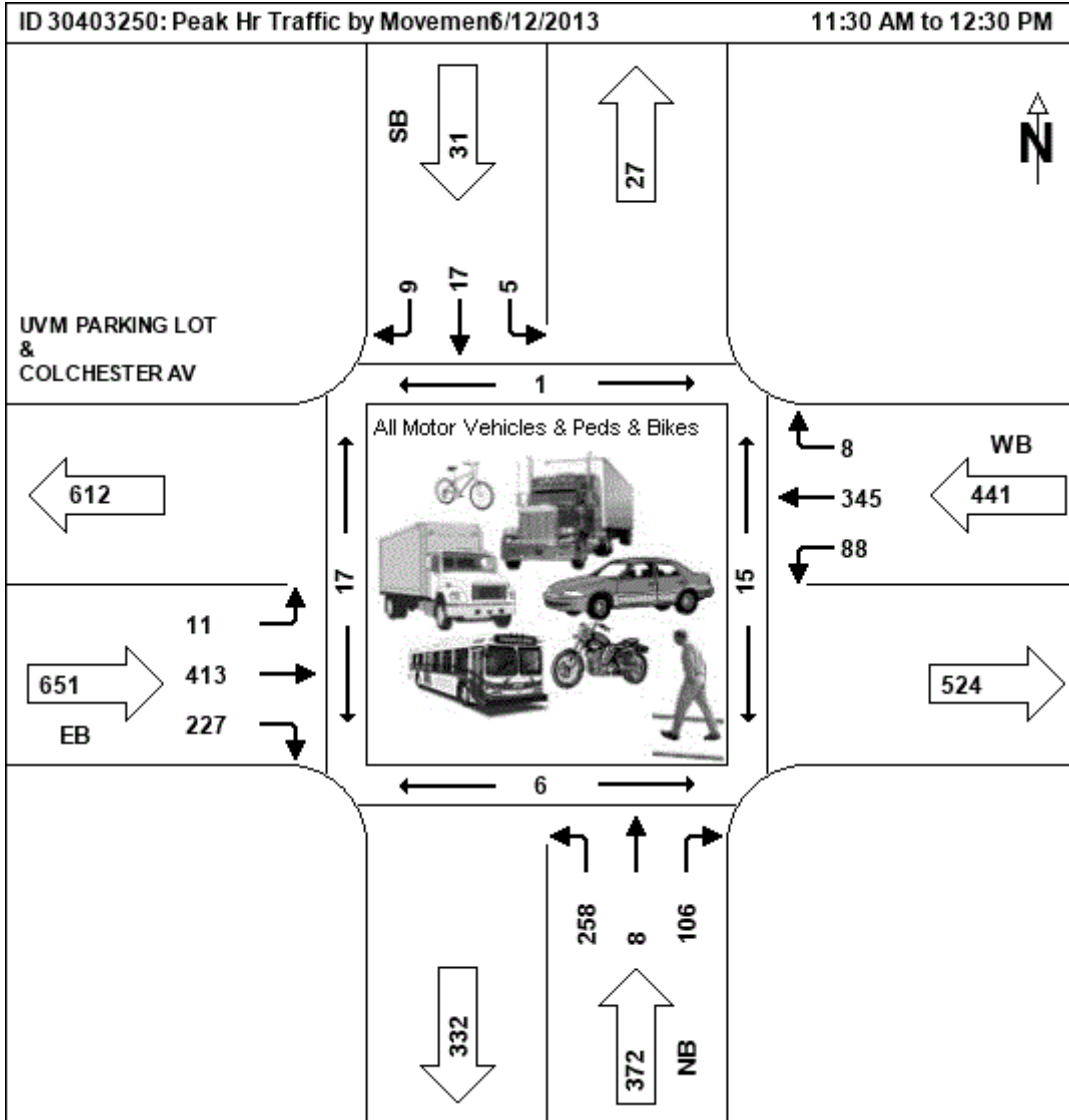


Midday Peak Hour 06/12/2013

NB					EB					SB					WB						
Start Time	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Int Total
11:30 AM	65	3	31	4	99	4	105	51	1	160	2	5	4	10	11	16	98	1	1	115	385

11:45 AM	68	2	23	2	93	1	111	76	0	188	0	6	3	4	9	30	97	1	0	128	418
12:00 PM	58	1	24	5	83	3	92	56	3	151	2	3	0	1	5	24	77	3	0	104	343
12:15 PM	67	2	28	4	97	3	105	44	2	152	1	3	2	2	6	18	73	3	0	94	349
Total	258	8	106	15	372	11	413	227	6	651	5	17	9	17	31	88	345	8	1	441	1495
PHF	0.95	0.67	0.85		0.94	0.69	0.93	0.75		0.87	0.63	0.71	0.56		0.70	0.73	0.88	0.67		0.86	
HV %	3	0	4		0	7	2			0	0	0			0	8	0				

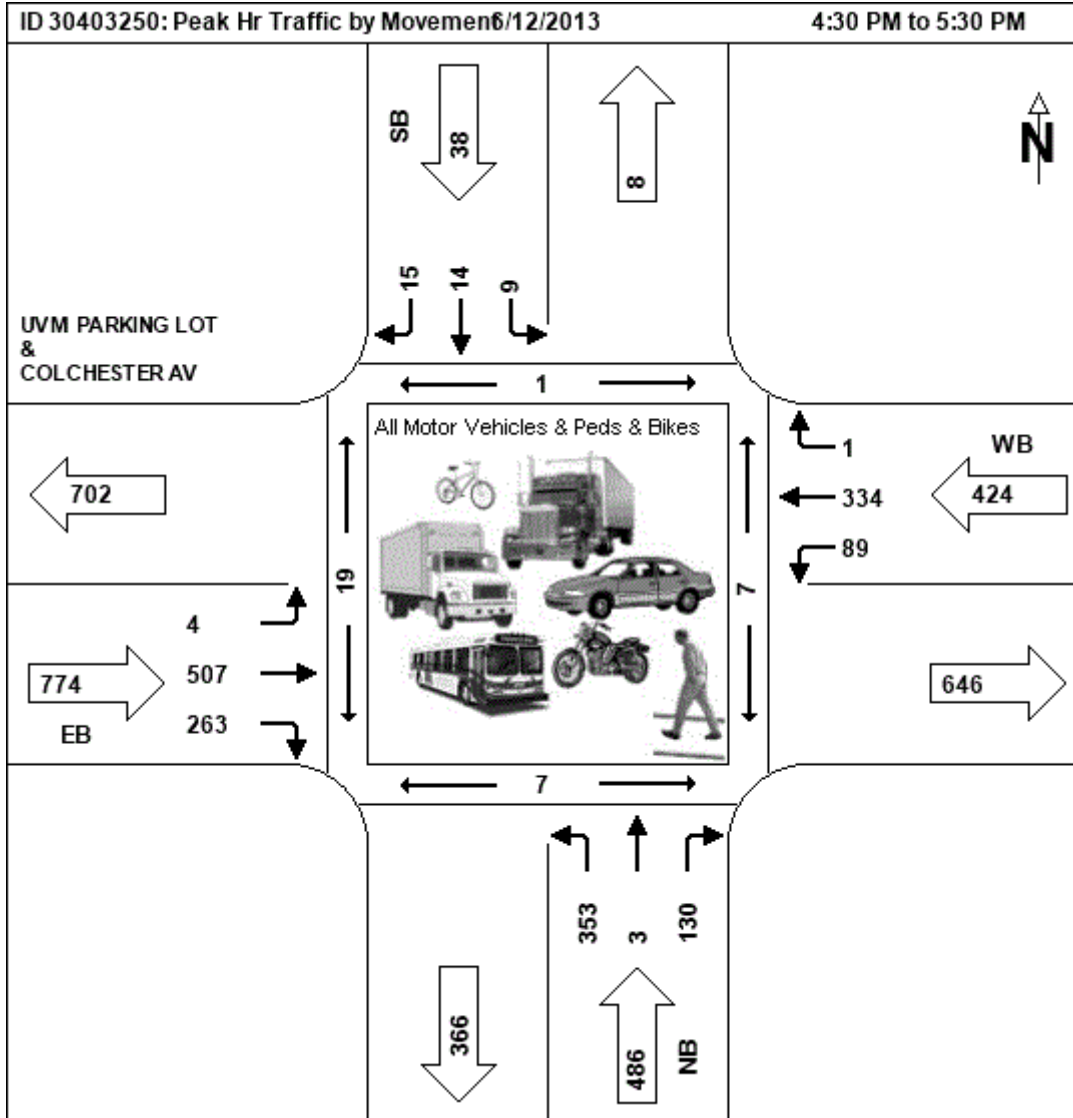
☒ Cars ☒ Trucks ☒ Pedestrians ☒ Bikes



**PM Peak Hour
06/12/2013**

NB					EB					SB					WB						
Start Time	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Int Total
4:30 PM	71	2	26	2	99	0	135	70	3	205	5	9	4	2	18	21	70	1	1	92	414
4:45 PM	81	0	44	1	125	1	114	63	0	178	0	1	6	0	7	27	97	0	0	124	434
5:00 PM	94	0	25	3	119	3	138	71	2	212	2	1	2	10	5	23	83	0	0	106	442
5:15 PM	107	1	35	1	143	0	120	59	2	179	2	3	3	7	8	18	84	0	0	102	432
Total	353	3	130	7	486	4	507	263	7	774	9	14	15	19	38	89	334	1	1	424	1722
PHF	0.820.38 0.74				0.85	0.330.92 0.93				0.91	0.450.39 0.63				0.53	0.820.86 0.25				0.85	
HV %	3 0 2					0 3 1					0 0 0					0 2 0					

☒ Cars ☒ Trucks ☒ Pedestrians ☒ Bikes



23-Feb-2017
Colchester Ave and Mansfield
Burlington, VT
TCE

16-077

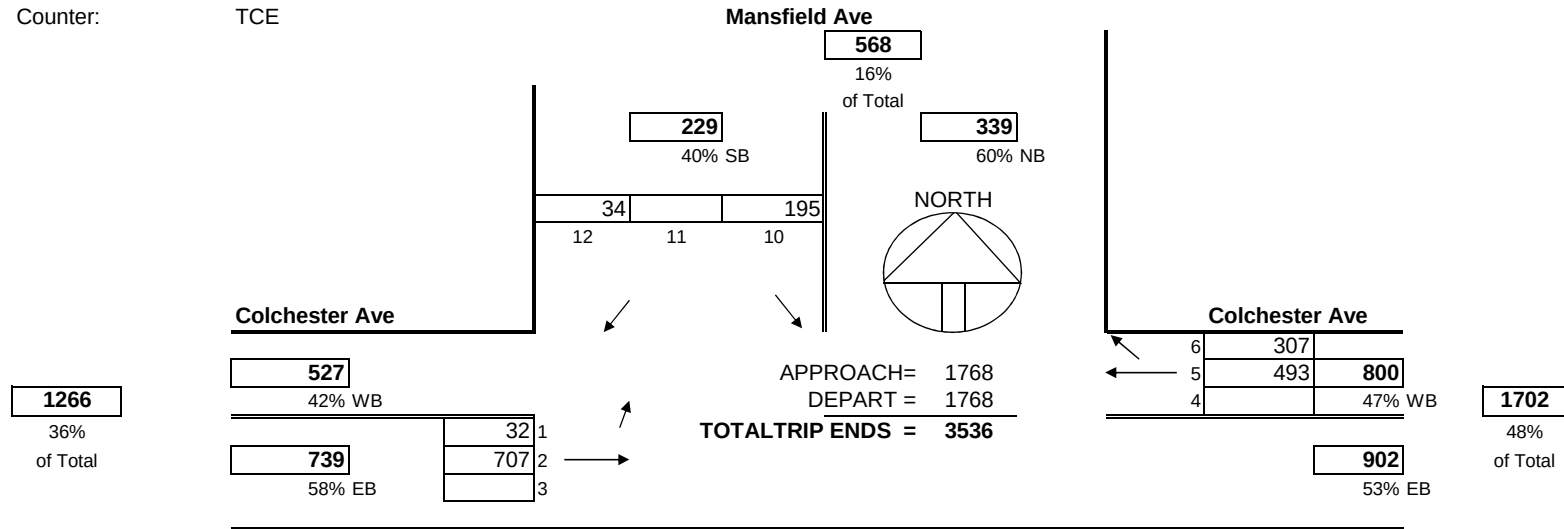
	Mansfield Ave From North				Colchester Ave From East				-				Colchester Ave From West					
	Right	Thru	Left	RTOR	Right	Thru	Left	RTOR	Right	Thru	Left	RTOR	Right	Thru	Left	RTOR		
6:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	198
6:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	512
6:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	965
7:00 AM	3	0	56	0	14	66	0	0	0	0	0	0	0	58	1	0	198	1408
7:15 AM	8	0	61	0	49	95	0	0	0	3	0	0	3	91	4	0	314	1652
7:30 AM	16	1	73	8	75	140	0	5	0	3	0	2	2	107	17	4	453	1762
7:45 AM	9	0	82	11	77	133	0	6	0	0	0	3	0	101	15	6	443	1630
8:00 AM	15	0	76	18	42	143	0	10	0	0	0	7	0	114	7	10	442	1522
8:15 AM	7	0	65	19	32	136	0	9	0	0	0	4	0	132	8	12	424	1080
8:30 AM	1	0	48	14	27	127	0	9	0	0	0	4	0	84	3	4	321	656
8:45 AM	5	0	46	9	39	102	0	13	0	0	0	0	0	108	5	8	335	335
9:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AM Peak Hour	47	1	296	56	226	552	0	30	0	3	0	16	2	454	47	32		

23-Feb-2017
Colchester Ave and Mansfield
Burlington, VT
TCE

16-077

	Mansfield Ave From North				Colchester Ave From East				-				Colchester Ave From West					
	Right	Thru	Left	RTOR	Right	Thru	Left	RTOR	Right	Thru	Left	RTOR	Right	Thru	Left	RTOR		
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	378
3:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	787
3:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1246
4:00 PM	5	0	50	0	70	90	0	0	0	0	0	0	0	158	5	0	378	1702
4:15 PM	11	0	45	0	72	117	3	3	0	0	0	0	0	154	4	0	409	1772
4:30 PM	3	0	58	3	73	120	0	2	0	0	0	0	0	189	10	1	459	1766
4:45 PM	10	0	49	0	80	115	0	0	0	0	0	0	0	195	7	0	456	1728
5:00 PM	7	0	43	0	77	141	0	0	0	0	0	0	0	169	11	0	448	1722
5:15 PM	7	0	38	0	66	133	0	0	0	0	0	0	0	143	16	0	403	1274
5:30 PM	4	0	48	0	73	148	0	0	0	0	0	0	0	143	5	0	421	871
5:45 PM	11	0	53	0	62	145	0	0	0	0	0	0	0	168	11	0	450	450
6:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PM Peak Hour	31	0	195	3	302	493	3	5	0	0	0	0	0	707	32	1		

Intersection: Colchester Ave & Mansfield Ave
 Time: 4:15-5:15PM
 Date: 2/23/2017
 Counter: TCE

SHORT COUNT

Copy & Paste Peak Hour Total from Count Summary Below:

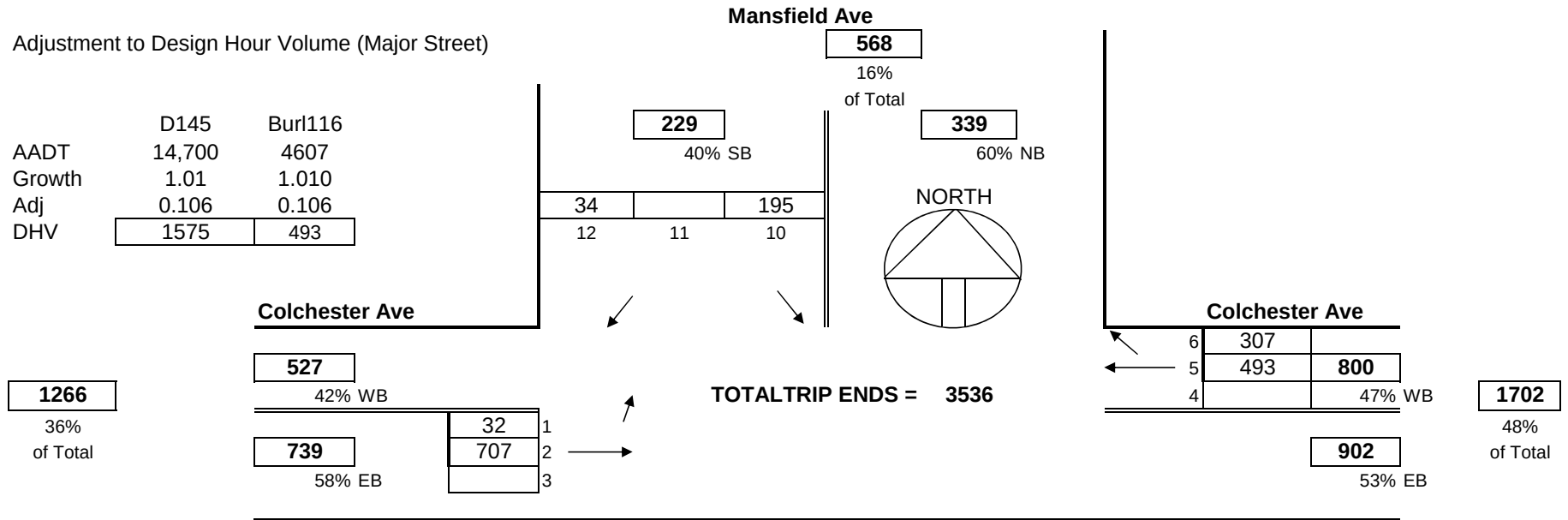
From North				From East				From South				From West			
Right	Thru	Left	RTOR	Right	Thru	Left	RTOR	Right	Thru	Left	RTOR	Right	Thru	Left	RTOR
31	0	195	3	302	493		5	0	0	0	0	0	707	32	0

Intersection: Colchester Ave & Mansfield Ave
Time: 4:15-5:15PM

DESIGN YEAR = 2017
BACKGROUND TRAFFIC

Adjustment to Design Hour Volume (Major Street)

	D145	Burl116
AADT	14,700	4607
Growth	1.01	1.010
Adj	0.106	0.106
DHV	1575	493



Summary of Volumes

EB	EB	EB	WB	WB	WB	NB	NB	NB	SB	SB	SB
L	T	R	L	T	R	L	T	R	L	T	R
1	2	3	4	5	6	7	8	9	10	11	12
32	707	0	0	493	307	0	0	0	195	0	34

23-Feb-2017
Colchester Ave and Project Access
Burlington, VT
TCE

16-077

	Project Access From North				Colchester Ave From East				UVM Medical Center From South				Colchester Ave From West					
	Right	Thru	Left	RTOR	Right	Thru	Left	RTOR	Right	Thru	Left	RTOR	Right	Thru	Left	RTOR		
6:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	226
6:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	540
6:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	962
7:00 AM	0	0	0	0	0	79	23	0	16	0	12	0	32	64	0	0	226	1433
7:15 AM	0	0	0	0	2	110	33	0	13	0	20	1	47	87	1	0	314	1629
7:30 AM	0	0	1	0	0	166	29	0	30	0	48	0	42	106	0	0	422	1718
7:45 AM	1	0	0	0	1	184	25	0	16	0	43	0	69	131	0	1	471	1651
8:00 AM	1	0	0	0	0	201	19	0	11	0	24	0	44	121	0	1	422	1543
8:15 AM	0	0	0	0	0	173	26	0	17	0	20	0	43	122	2	0	403	1121
8:30 AM	1	0	1	0	0	141	21	0	8	0	24	0	44	114	1	0	355	718
8:45 AM	1	0	1	0	0	159	23	0	9	0	12	1	35	122	0	0	363	363
9:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AM Peak Hour	2	0	1	0	1	724	99	0	74	0	135	0	198	480	2	2		

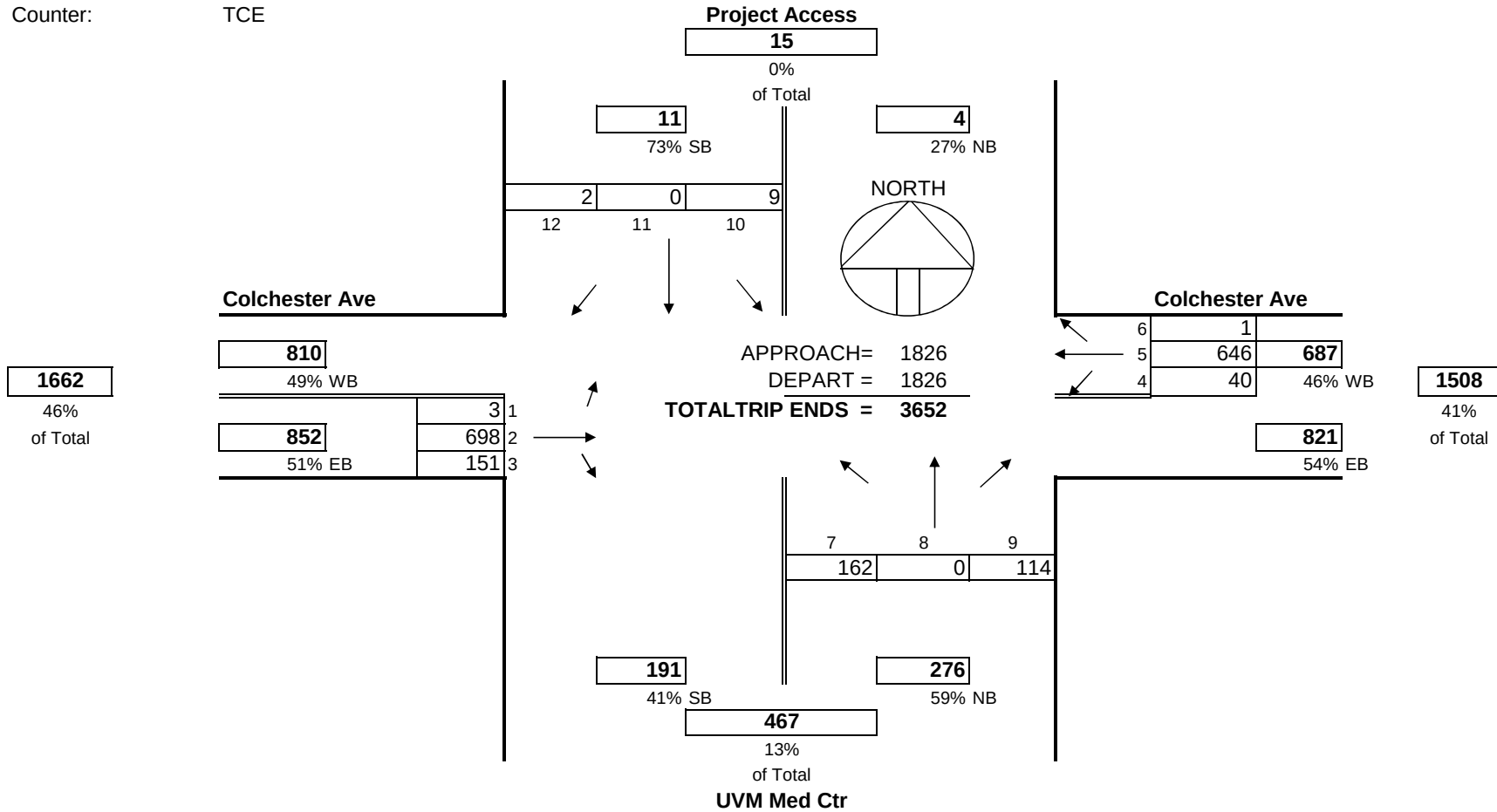
23-Feb-2017
Colchester Ave and Project Access
Burlington, VT
TCE

16-077

	Project Access From North				Colchester Ave From East				UVM Medical Center From South				Colchester Ave From West					
	Right	Thru	Left	RTOR	Right	Thru	Left	RTOR	Right	Thru	Left	RTOR	Right	Thru	Left	RTOR		
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	392
3:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	856
3:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1307
4:00 PM	1	0	1	0	1	128	5	0	28	0	36	0	40	152	0	0	392	1771
4:15 PM	1	0	0	0	0	172	10	0	29	0	42	0	38	172	0	0	464	1826
4:30 PM	1	0	4	0	0	166	15	0	21	0	37	0	38	168	1	0	451	1805
4:45 PM	0	0	2	0	0	149	8	0	35	0	40	0	40	190	0	0	464	1780
5:00 PM	0	0	3	0	1	159	7	0	29	0	43	0	35	168	2	0	447	1782
5:15 PM	1	0	2	0	0	165	8	0	22	0	38	0	29	178	0	0	443	1335
5:30 PM	0	0	2	0	1	155	7	0	30	0	48	0	25	158	0	0	426	892
5:45 PM	4	0	0	0	1	171	11	0	30	0	46	0	30	173	0	0	466	466
6:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PM Peak Hour	2	0	9	0	1	646	40	0	114	0	162	0	151	698	3	0		

Intersection: Colchester Ave & Project Access
 Time: 4:15-5:15 PM
 Date: 2/23/2017
 Counter: TCE

SHORT COUNT

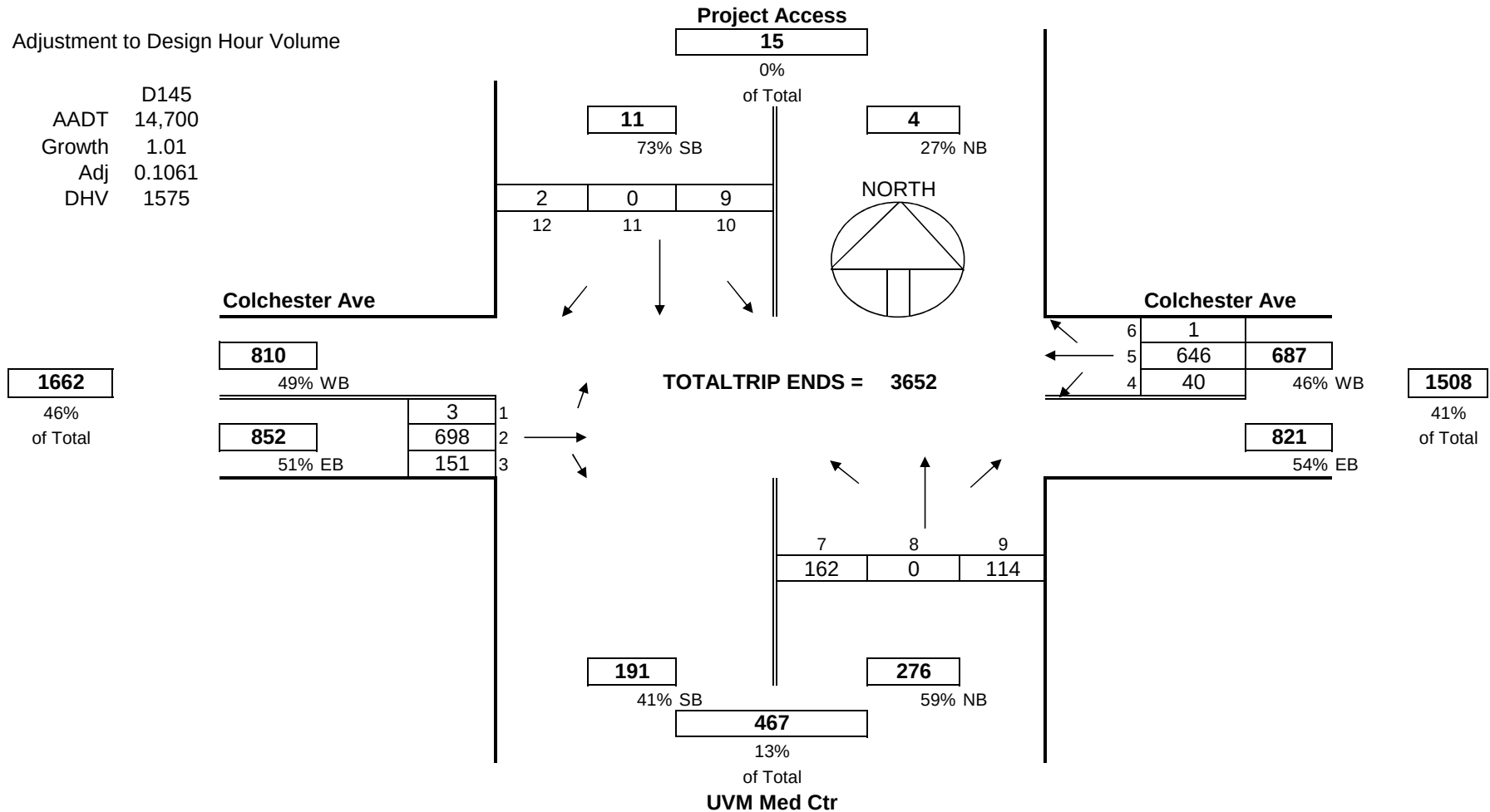


Intersection: Colchester Ave & Project Access
Time: PM Peak

DESIGN YEAR = 2017
BACKGROUND TRAFFIC

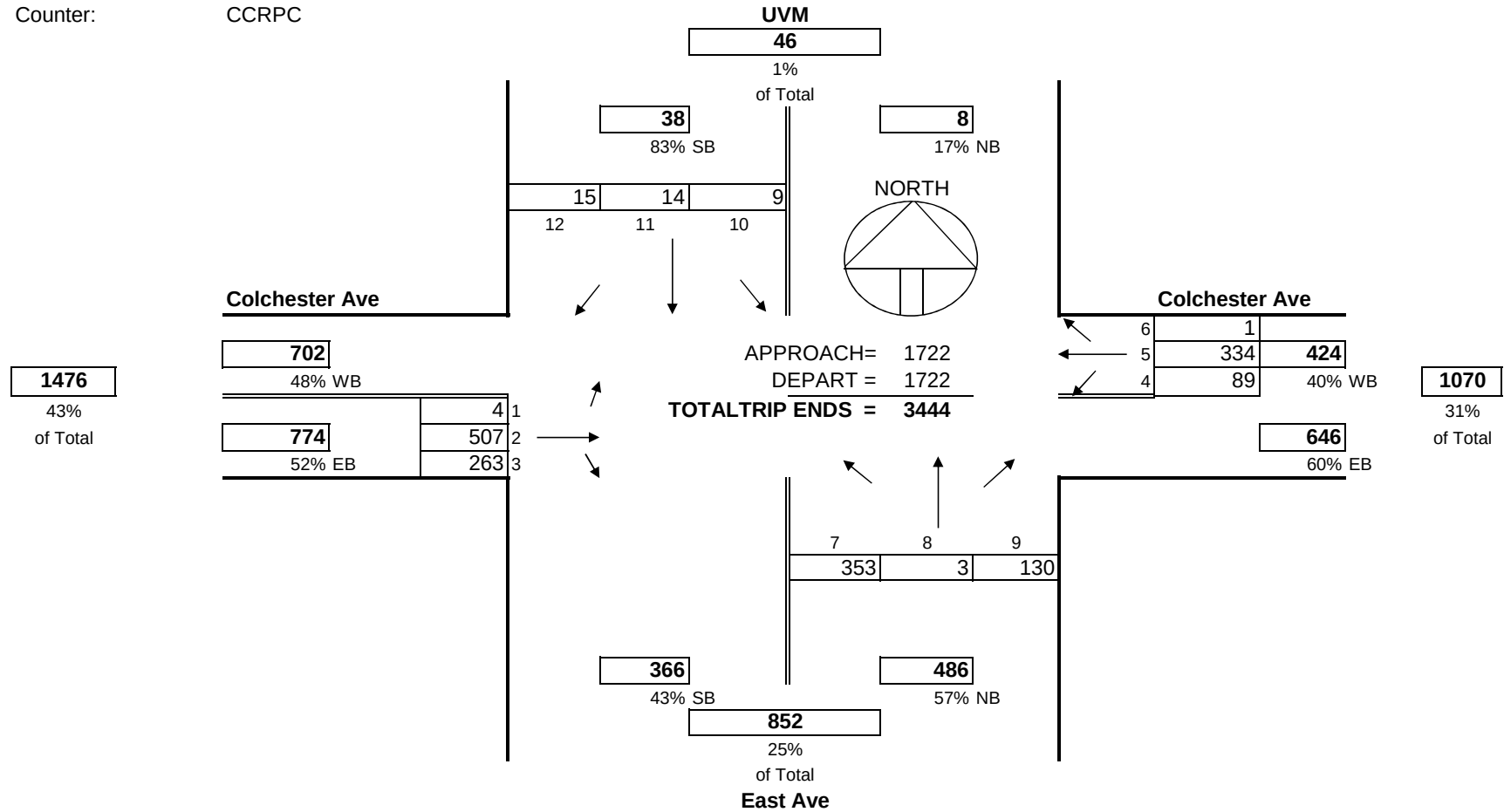
Adjustment to Design Hour Volume

D145
AADT 14,700
Growth 1.01
Adj 0.1061
DHV 1575



Intersection: Colchester Ave & East Ave
 Time: PM Peak
 Date: 6/12/2013
 Counter: CCRPC

SHORT COUNT



Summary of Volumes

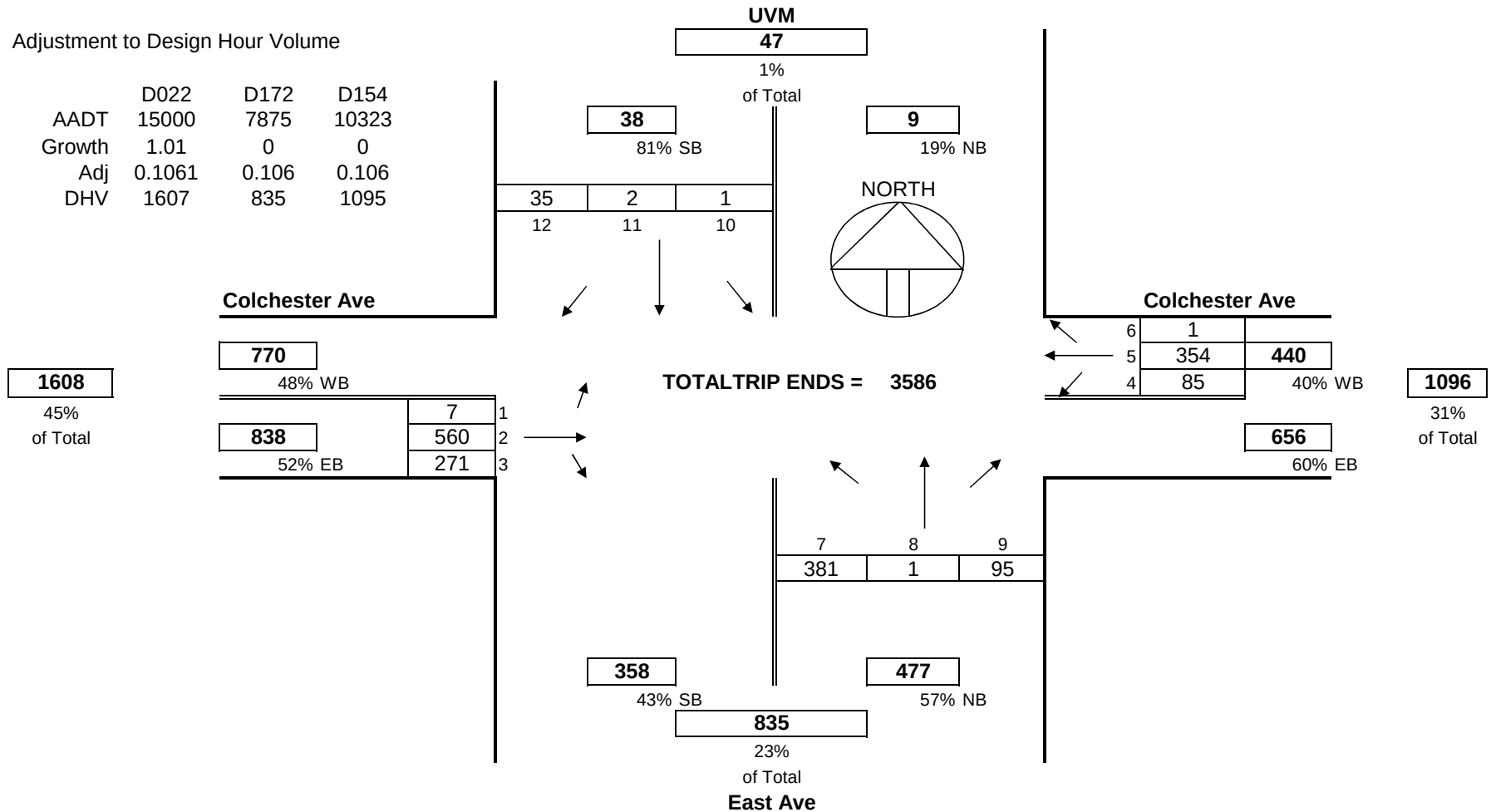
<u>EB</u>	<u>EB</u>	<u>EB</u>	<u>WB</u>	<u>WB</u>	<u>WB</u>	<u>NB</u>	<u>NB</u>	<u>NB</u>	<u>SB</u>	<u>SB</u>	<u>SB</u>
L	T	R	L	T	R	L	T	R	L	T	R
1	2	3	4	5	6	7	8	9	10	11	12
4	507	263	89	334	1	353	3	130	9	14	15

Intersection: Colchester Ave & East Ave
Time: PM Peak

DESIGN YEAR = 2017
BACKGROUND TRAFFIC

Adjustment to Design Hour Volume

	D022	D172	D154
AADT	15000	7875	10323
Growth	1.01	0	0
Adj	0.1061	0.106	0.106
DHV	1607	835	1095



Peak Hour Data for Intersection

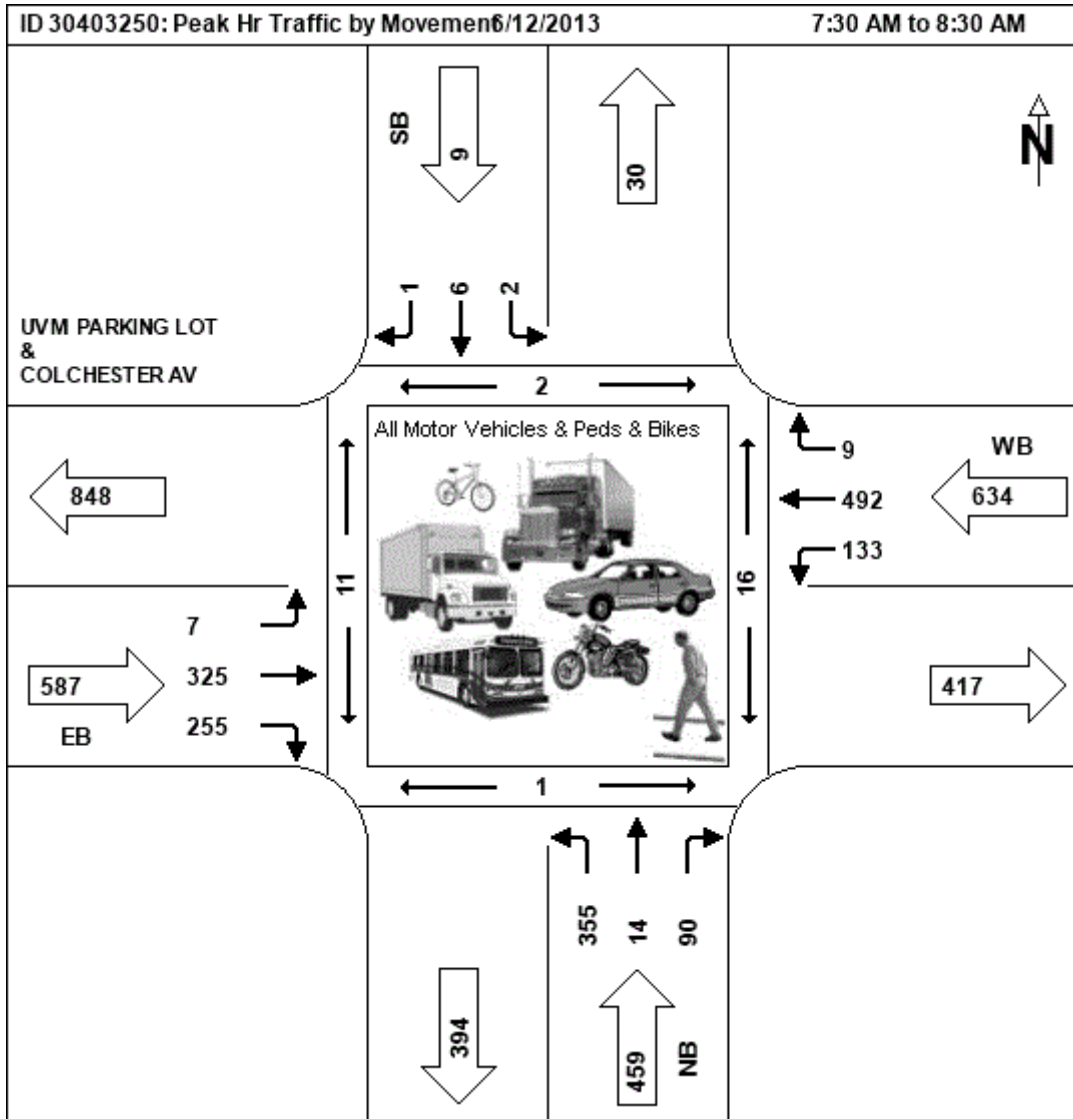
Int ID: 30403250
 Community: BURLINGTON
 Road 1: UVM PARKING LOT
 Road 2: COLCHESTER AV

Corridor: NA
 Road 3: EAST AV
 Road 4: COLCHESTER AV

|<<|<|>|>>| 1-3 of 3

AM Peak Hour 06/12/2013

NB					EB					SB					WB						
Start Time	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Int Total
7:30 AM	71	5	15	2	91	1	91	72	0	164	1	3	1	4	5	35	110	2	0	147	407
7:45 AM	71	1	8	1	80	2	80	61	0	143	0	0	0	2	0	31	127	4	0	162	385
8:00 AM	123	4	24	6	151	2	76	49	1	127	0	1	0	4	1	31	131	2	0	164	443
8:15 AM	90	4	43	7	137	2	78	73	0	153	1	2	0	1	3	36	124	1	2	161	454
Total	355	14	90	16	459	7	325	255	1	587	2	6	1	11	9	133	492	9	2	634	1689
PHF	0.72	0.70	0.52			0.76	0.88	0.89	0.87		0.89	0.50	0.50	0.25		0.45	0.92	0.94	0.56		0.97
HV %	4	0	1			0	9	4			0	17	0			2	5	0			
☒ Cars ☒ Trucks ☒ Pedestrians ☒ Bikes																					

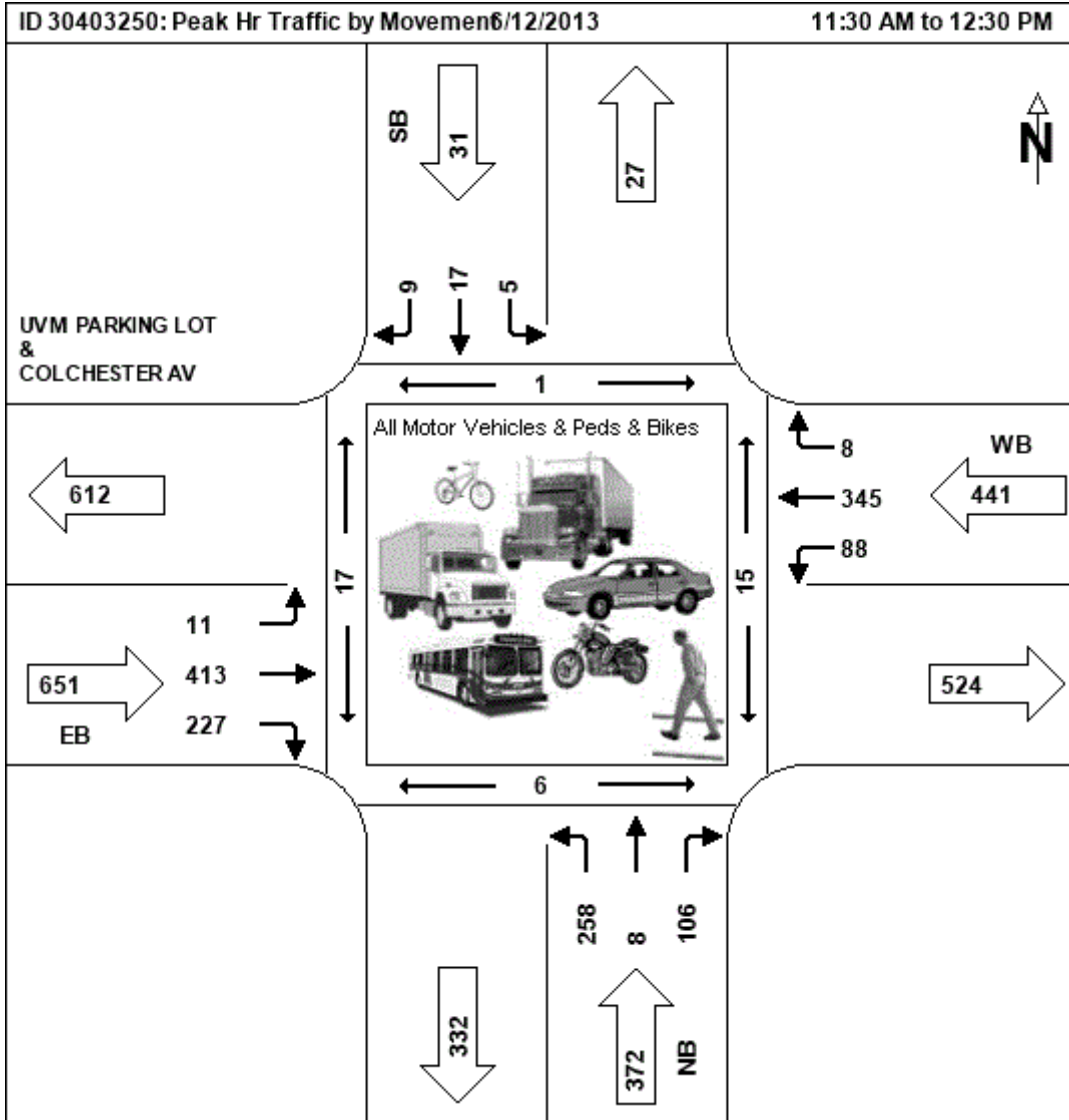


Midday Peak Hour 06/12/2013

NB					EB					SB					WB						
Start Time	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Int Total
11:30 AM	65	3	31	4	99	4	105	51	1	160	2	5	4	10	11	16	98	1	1	115	385

11:45 AM	68	2	23	2	93	1	111	76	0	188	0	6	3	4	9	30	97	1	0	128	418
12:00 PM	58	1	24	5	83	3	92	56	3	151	2	3	0	1	5	24	77	3	0	104	343
12:15 PM	67	2	28	4	97	3	105	44	2	152	1	3	2	2	6	18	73	3	0	94	349
Total	258	8	106	15	372	11	413	227	6	651	5	17	9	17	31	88	345	8	1	441	1495
PHF	0.95	0.67	0.85		0.94	0.69	0.93	0.75		0.87	0.63	0.71	0.56		0.70	0.73	0.88	0.67		0.86	
HV %	3	0	4		0	7	2			0	0	0			0	8	0				

☒ Cars ☒ Trucks ☒ Pedestrians ☒ Bikes



**PM Peak Hour
06/12/2013**

NB					EB					SB					WB						
Start Time	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Left	Thru	Right	Ped	App Total	Int Total
4:30 PM	71	2	26	2	99	0	135	70	3	205	5	9	4	2	18	21	70	1	1	92	414
4:45 PM	81	0	44	1	125	1	114	63	0	178	0	1	6	0	7	27	97	0	0	124	434
5:00 PM	94	0	25	3	119	3	138	71	2	212	2	1	2	10	5	23	83	0	0	106	442
5:15 PM	107	1	35	1	143	0	120	59	2	179	2	3	3	7	8	18	84	0	0	102	432
Total	353	3	130	7	486	4	507	263	7	774	9	14	15	19	38	89	334	1	1	424	1722
PHF	0.82	0.38	0.74		0.85	0.33	0.92	0.93		0.91	0.45	0.39	0.63		0.53	0.82	0.86	0.25		0.85	
HV %	3	0	2			0	3	1			0	0	0			0	2	0			

☒

 Cars

☒

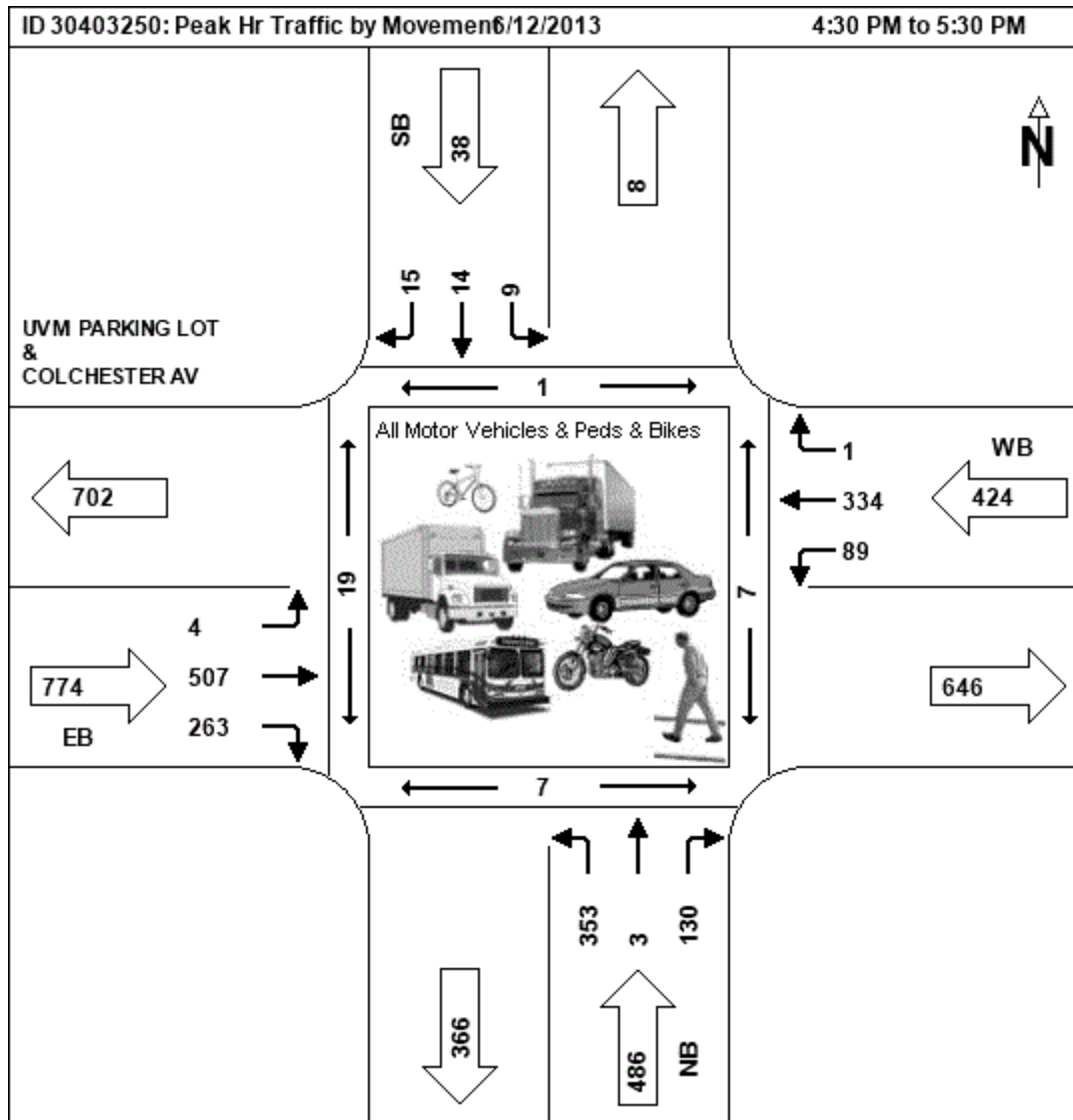
 Trucks

☒

 Pedestrians

☒

 Bikes



MEMO

TO: Abby Dery, PE
FROM: Jon Slason, PE; Mark Smith, PE, Roxanne Meuse, EIT
CC:
DATE: April 6, 2017
SUBJECT: Traffic Analysis for Colchester Ave Housing

RSG modeled three traffic scenarios in the PM peak hour at the intersection of the project driveway and UVM Medical Center, as well as at three adjacent intersections along Colchester Ave: Pearl Street / Prospect Street, Mansfield Ave, and East Ave / Trinity Campus. The modeled scenarios are:

1. No Build
2. Build with existing signal phasing
3. Build with separate phases at the UVM Medical Center & Project Driveway intersection (aka “split phasing”)

No Build and Build volumes were provided by Trudell Consulting Engineers (TCE) for use in local permitting. For the No Build volumes, TCE had adjusted count volumes at Pearl St / Prospect St and East Ave / Trinity Campus to 2017 using the design hourly volume (DHV). Adjustments were not made at Mansfield Ave and the UVM Medical Center because volumes were at or above 2017 DHV.

See **Table 1: LOS Summary** and **Table 2: Queue Summary** and a brief on the following pages.

ANALYSIS

From No Build to Build (with existing phasing), the level-of-service remains the same at all intersections, with overall delay at each intersection increasing by two seconds at most. At the project intersection, average queues* increase by two vehicles at most on all approaches.

Modifying the signal at the UVM Medical Center / Project Driveway intersection to split-phasing on the north and south approaches would also minimally affect the vehicle delay at this intersection. Delay, v/c, and queues are approximately the same as the existing phasing scenario. The split phasing option was evaluated given the unknown degree of risk that may exist with the slightly offset intersection. The split phase option was assessed using the current cycle length to maintain coordination with Mansfield.

The analysis demonstrates that in the build condition, maintaining the current phasing or possibly moving it to split phasing does not significantly affect the Colchester Avenue network.

Both Build scenarios maintain permissive (unprotected) eastbound left turns entering the future development, as queues and delay are acceptable for this movement.

*Note: Five one-hour-long simulations were averaged together to estimate queue lengths using SimTraffic. As each run will give slightly different results, small differences (less than 50 feet, or two vehicles) should not be seen as significant.

TABLE 1: LOS SUMMARY

Lane Group	No Build			Build - Existing Phasing			Build - Split Phase at UVMMC			Delay via SimTraffic		
	LOS	Delay	v/c	LOS	Delay	v/c	LOS	Delay	v/c	No Build	Build	Build - Split Phase at
S. Prospect St / N. Prospect St & Colchester Ave												
Overall	E	69	0.86	E	72	0.87	E	72	0.87	43.7	48.7	
EB	E	71	0.93	E	74	0.94	E	74	0.94	39.1	44.7	
WBL	F	81	0.87	F	86	0.88	F	86	0.88	33.8	34.1	
WBT	C	23	0.46	C	23	0.46	C	23	0.46	17.5	19.7	
NBL	F	97	0.93	F	98	0.94	F	98	0.94	40.4	41.5	
NBT	D	46	0.57	D	47	0.57	D	47	0.57	77.0	81.4	
NBR	D	39	0.07	D	39	0.07	D	39	0.07	19.7	22.7	
SB	F	>100	0.93	F	>100	0.95	F	>100	0.95	91.2	>100	
Mansfield Ave & Colchester Ave												
Overall	B	19	0.74	B	19	0.75	B	18	0.75	14	14.5	
EBL	A	6	0.12	A	6	0.12	A	6	0.12	21.9	43.5	
EBT	B	12	0.66	B	12	0.67	B	12	0.67	5.9	5.7	
WBT	C	20	0.77	C	20	0.78	B	16	0.78	14.3	15.3	
SBL	D	40	0.67	D	41	0.68	D	41	0.68	33.3	34.4	
SBR	C	30	0.02	C	30	0.02	C	30	0.02	23.5	26.7	
UVMMC / Project Driveway & Colchester Ave												
Overall	B	20	0.81	B	20	0.81	C	23	0.82	13.8	15.3	15.5
EBL	A	10	0.01	A	10	0.05	A	9	0.05	<1	20.6	13.5
EBT	C	24	0.81	C	24	0.81	C	27	0.86	14.4	16.4	15.5
WBL	B	11	0.16	B	11	0.16	B	13	0.20	17.3	12.6	10.0
WBT	A	8	0.51	A	8	0.53	B	10	0.56	9.3	9.6	10.7
NBL	D	42	0.68	D	42	0.68	D	47	0.73	31	34.6	35.1
NBT	C	30	0.08	C	30	0.08	C	34	0.09	8.6	10.8	9.9
SBT	C	30	0.01	C	30	0.08	D	43	0.34	25.4	11.1	34.5
East Ave / Trinity Campus & Colchester Ave												
Overall	D	45	0.74	D	46	0.75	D	46	0.75	42.9	50.2	
EBT	D	46	0.76	D	46	0.76	D	46	0.76	37.7	43.9	
EBR	D	47	0.54	D	48	0.55	D	48	0.55	32.8	40.5	
WBL	C	30	0.27	C	30	0.27	C	30	0.27	30.0	28.0	
WBT	C	22	0.45	C	22	0.46	C	22	0.46	19.5	19.6	
NBT	E	69	0.81	E	72	0.84	E	72	0.84	85.0	>100	
NBR	D	46	0.08	D	46	0.08	D	46	0.08	12.0	13.9	
SBT	F	83	0.53	F	83	0.53	F	83	0.53	73.5	71.1	

Note: The SimTraffic delays were not calculated for the adjacent intersections given the minor change at the project intersection.



TABLE 2: QUEUE SUMMARY

S. Prospect St / N. Prospect St & Colchester Ave									
	PM 2017 No Build			PM 2017 Build - Existing Phasing			PM 2017 Build - Split Phase at UVMCC		
	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length
EB	TR	4319	324	TR	4319	334	TR	4319	368
WB	L	220	56	L	220	55	L	220	54
NB	T	1739	334	T	1739	363	T	1739	307
SB	LTR	1553	163	LTR	1553	198	LTR	1553	164
Mansfield Ave & Colchester Ave									
	PM 2017 No Build			PM 2017 Build - Existing Phasing			PM 2017 Build - Split Phase at UVMCC		
	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length
EB	T	281	113	T	281	118	T	281	105
WB	TR	490	209	TR	490	248	TR	490	203
SB	L	1584	116	L	1584	124	L	1584	121
UVMCC / Project Driveway & Colchester Ave									
	PM 2017 No Build			PM 2017 Build - Existing Phasing			PM 2017 Build - Split Phase at UVMCC		
	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length
EB	TR	490	250	TR	490	299	TR	490	283
WB	TR	1042	149	TR	1042	150	TR	1042	177
NB	L	250	99	L	250	105	L	250	105
SB	LTR	154	7	LTR	154	15	LTR	154	30
	95th %ile			95th %ile			95th %ile		
	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length
EB	L	95	10	L	95	61	L	95	43
East Ave / Trinity Campus & Colchester Ave									
	PM 2017 No Build			PM 2017 Build - Existing Phasing			PM 2017 Build - Split Phase at UVMCC		
	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length	Lane Group	Link Distance	Queue Length
EB	LT	1042	322	LT	1042	403	LT	1042	367
WB	TR	2832	168	TR	2832	194	TR	2832	226
NB	LT	1828	465	LT	1828	594	LT	1828	404
SB	LTR	348	41	LTR	348	42	LTR	348	35

Brenda and Ed Owre
43 Fletcher Place
Burlington, Vt. 05401

Burlington Development Board Hearing
Re: 66-96 Colchester Avenue
March 8th, 2017

COLCHESTER AVENUE HOUSING:
Scale It Down, Improve Its Long Term Impact!

The historic residential neighborhood of Fletcher Place (six homes on Vermont's historic register)/Colchester Avenue and its unique surrounding mix of institutional and professional buildings, Queen Anne and earlier style homes, open space, and city forest, are jeopardized by the current proposal. To revitalize and integrate the older neighborhood with new development, to improve environmental impact, to maintain accessible green space for new residents, to fit into the larger character of the university/ and the north-of-Colchester Hill Section, the proposed project needs a smaller footprint and fewer units.

Three Big Problems with the current plan:

I)

Oversized and Out of Scale, Unbroken Massing, too close to single-family Residential Back Yards, Insensitive non-integrated Design. Proposed flat roofed buildings (with mechanicals, elevator tower, solar array, roof deck), with long unbroken facades rising from initially built-up elevations, looming too close and too high over our backyards and second storey windows. A visual insult, minimized and set back perhaps from Colchester Avenue non-residential homes, but not from our backyards on Fletcher Place. The proposed design entirely disregards the "Queen Anne" styles of the adjacent houses, yet it is not compensatorily or innovatively "modern"... but rather "commercial" and serviceable at best-- fitting the most bodies into the smallest space. In short, it's too close to our houses and to a precipitous ravine, and too big for the available buildable space.

II)

The proposed and very large Density Increase overwhelms infrastructure, jeopardizing neighborhood identity. Despite the applicant's assessment, traffic and parking are already difficult problems. The current light backs up traffic on Colchester Ave. often making access on to or out from Fletcher Place difficult and

dangerous. And Fletcher Place serves two child-care facilities: fire and rescue could be further impacted—also potential access into hospital emergency. Privacy and noise will also be a problem, with roof top socializing, and with cars coming in and out during late hours—not a problem for daytime Colchester offices perhaps, but a big problem for Fletcher Place residences, especially at night. (There is no onsite management or supervision proposed for either building.) And proposed outdoor recreational green space for the multiple residents of 75 more units is minimal...mostly taken up as it is by parking, or storm water discharge.

And it's not just Fletcher Place, but the wider area comprising the northern sections of the hospital, the university campus and Fleming museum, Mater Christie and the Sisters of Mercy Property, the Trinity Campus, the professional buildings and the older homes integrated throughout: what's characteristic and special about this successfully mixed neighborhood is the interspersal of open space: lawns, playing fields, grassy pathways, the large heavily wooded watershed down to the Winooski. In other words, breathing room in the midst of the city. The current proposal breaks the spirit and character of this larger neighborhood by trying to jam too much into too small a space.

Neither the hospital nor the university (for whom the zoning designation "institutional" was meant to serve) would actually press so close against a residential neighborhood with such large buildings. It's likely they would observe a more respectful distance and set back and reserve some additional green space for their own residents. The city too should value the special character of the institutional zone, and not support a density more suitable for downtown.

III)

Significant increase in water discharge and topological stability will endanger the Class II wetland and could cause subsidence and damage to our properties on Fletcher Place. The project proposes to build the north building right up to the very rim of a steep ravine underlain by very unstable soils. But significant subsidence and erosion are already problems in our back yards.

Also excessive coverage of the usable land necessitates a waiver from usual storm water management practices, which normally require direct groundwater recharge. We, the residents of Fletcher Place, unfairly bear the brunt of this potential waiver: the developer proposes "an extended detention permanent wetland pool" crowded right up to our back yards. This "pool" would be permanently filled with street runoff, will breed mosquitoes, and will potentially require a commercial high fence for liability. There is no room left for even the planting of trees which might screen us from that unwelcome "neighbor." (Incidentally, the currently existing screen of mature hemlocks, which we planted decades ago, will surely have to be eliminated—despite the symbols on the plan.)

Yet more unsettling, the plan calls for the deep retention pool perched atop the steep ravine—a potentially unsafe location. Geo webbing may hold it near term, but what about the ten-year or even hundred-year flood? Our properties could be severely damaged in the event of erosion or failure. Such a location with little or no setback from adjacent properties suggests again that the plan is trying to fit in too much.

Additional Comments:

For five years, we and/or our neighbors on Fletcher Place have attended every one of the numerous meetings and hearings connected with this project. For five years, we have cited our concerns about the project's impact on our neighborhood and our individual properties. Yet for five years, these concerns have led to no material accommodation or adjustment of the project. In fact, the project has only grown larger, and with the addition of the retention pond right up to our property lines, it is now more intrusive and disturbing than ever.

We understand that at some point in the past, Fletcher Place was swept into the "institutional" zone (although we also understand that such a designation may have been inadvertent, and that we more properly and accurately should be designated as "residential" along with similar streets such as Nash Place.) Unfortunately in this case, the "institutional" designation allows the developer to count as saving "green space" the very steep land that is clearly non-developable under any circumstances. Through that loophole, he is now requesting to crowd onto the only small flat usable land available, two very large buildings, parking lots, entry drives, water recharge facilities, snow storage, etc., all of these features having an outsized and deleterious effect on our small neighborhood.

The applicant has not yet purchased the additional land in the ravine that could technically allow him to build so many units on so small and tight a space. Rather he maintains an option to do so. But nothing compels him to do so. He could go ahead with the property he currently owns, and create a wonderful and welcome infill project.

There is a resolution to the problems expressed here, a win-win solution for the developer, for the neighborhood, for the environment, and for the city's need for more housing. That solution is to significantly scale back the project, perhaps to somewhere around half its proposed size and half its number of proposed units. Such a size would still add a significant number of units and beds, and yes without crowding, it could potentially enhance and enliven the existing neighborhood. It might comprise one or more buildings, but certainly it would preserve more "breathing room" and crowd its residential neighbors less—and it would allow for storm water recharge without a detention pond. Though we might prefer yet more

intimate in-fill housing to a scale and design that actually fits our neighborhood, the solution posed here would serve all interests well.

And most importantly, a somewhat scaled back project would serve the greater long-term goals of the city: new development and reasonable growth while respecting and sensitively integrating that growth with existing and historic neighborhoods such as ours. Fletcher Place is over a hundred years old. We have lived on the street for nearly half that time. We have been lucky to live in a close-knit neighborhood, with both green space and the amenities of first class institutions, and of a great city, close at hand. Please consider the values of preserving and enhancing such a neighborhood for the future when you make your decisions. After five years, we especially appreciate your thoughtful consideration.

Thank you,

Brenda and Edwin Owre
43 Fletcher Place
Burlington, Vermont 05401

.

Susan and Robert Butani
31 Fletcher Place
Burlington, VT 05401

susan.butani@gmail.com
robert.butani@gmail.com

February 26, 2017

Burlington Development Review Board
149 Church Street
Burlington, VT 05401

Attention: Mary O'Neil, Project Manager

**Re: 17-0388CA/M; 66-96 Colchester Ave, 27 Fletcher Place and 49 Fletcher Place
Frank vonTurkovich
Development Review Board Public Hearing: March 8, 2017**

Dear Members of the Burlington Development Review Board:

We are live on Fletcher Place. Fletcher Place is a residential community of houses listed on the Vermont State Register of Historic Places. Mr. vonTurkovich's project site sits behind our homes on Fletcher Place.

In June 2016, Mr. vonTurkovich's engineers advised him that there was a concern for urban soils at the project site. "Urban soils" are soils that have been contaminated with hazardous material. As such, Mr. vonTurkovich was informed of the necessary investigations needed to make such a determination. A Phase I Environmental Site Assessment ("Phase I ESA") was needed, according to the engineers, to review the area by non-invasive methods. Such methods include review of records, site inspection and interviews. Mr. vonTurkovich, in conducting his Phase I ESA, apparently chose to do so on only a portion of his project site (*see overlay*).¹

In addition, Mr. vonTurkovich's engineers noted that due the location and potential history of the project site, there is concern for "contaminated soil."²

It is now known that there a basis for that concern. On January 5, 2017, Mr. Rudolf Hirss, the former owner of a large portion of Mr. vonTurkovich's project site, testified in a deposition. In his testimony, Mr. Hirss stated that he filled a ravine, measuring approximately 80 feet wide and 35 feet deep, with construction material from Fletcher Allen Hospital (UVM Medical Center),

¹ Ross Environmental Associates, Inc. ("REA") Phase I Environmental Site Assessment, page 28, dated December 1, 2016. Overlaying REA's Phase I test area onto Mr. vonTurkovich's site plan (*see Exhibit 3*).

² TCE Trudell Consulting Engineer's letter describes urban soils as soils that have been contaminated with hazardous materials such as arsenic, lead, or polycyclic aromatic hydrocarbons (PAHs) and used as fill soil on a secondary site (*see Exhibit 1*).

the Red Cross building and other unknown construction sources (*see* testimony transcript attached as **Exhibit 2**). This fill area is a large portion of the proposed project site.

Because there is a well-founded basis that contaminated soil may exist on the project site, environmental soil sampling should be conducted (*see* **Exhibit 1**).

Mr. vonTurkovich intends to disturb the soil during construction of the project including the building of underground parking. He proposes to store the mobilized, excavated soil onsite. This could pose serious health risks for the nearby Fletcher Place residents from exposure to that soil.

We hope that the soil is not contaminated. However, there is simply no way of knowing what kind of fill soil we are dealing with absent environmental soil sampling. We are very concerned about possible exposure to asbestos, lead and other carcinogens known to exist in urban landfills and which could exist in the soil of Mr. vonTurkovich's project site.

We urge the DRB not to grant permits for this project until extensive environmental soil sampling is completed and the results are made known to the public.

We request that this communication and attachments be posted to the Burlington Development Review Board's public website.

Thank you for your consideration.

Sincerely,



Susan and Robert Butani

Attachment: Exhibits 1-3

June 20, 2016

Frank Von Turkovich
Law Offices of F.J. von Turkovich, P.C.
One National Life Drive - M230
Montpelier, VT 05604

Subject: Miller-Von Turkovich, New Apartments, Burlington Vermont
80 Colchester Ave, Burlington, VT

Site and Soil Investigation

Dear Frank,

This memorandum is written to provide information of the necessary investigations needed on the property to determine if any contamination exists on site. First, a Phase I Environmental Site Assessment (ESA) will be needed as an overview investigation of current and historical conditions on and around the site that may have caused the site to become contaminated with hazardous materials or petroleum products. Generally, this investigation does not include any invasive work such as sampling, drilling or digging. However, if it is expected that contamination exists on the site before the Phase I ESA is conducted, it is an efficient option to have both Phase I ESA and environmental soil sampling to occur at the same time and as early as possible.

Due to the location and potential history of this project site there is concern for urban soils. Urban soils are soils that have been contaminated with hazardous materials such as arsenic, lead, or polycyclic aromatic hydrocarbons (PAHs), and used as fill soil on a secondary site. The State of Vermont passed Act 52 in June of 2015, which relates to the transportation and disposal of excavated "development soils" legally categorized as solid waste. "Development soil" is defined as:

"unconsolidated mineral and organic matter overlying bedrock that contains PAHs, arsenic, or lead in concentrations that:

- (A) exceed the relevant soil screening level for residential soil;
- (B) when managed in compliance with section 6604c, 6605, or 6605c of this title:
 - (i) pose no greater risk than the Agency-established soil screening value for the intended reuse of the property; and
 - (ii) pose no unreasonable risk to human health through a dermal, inhalation, or ingestion exposure pathway;
- (C) does not leach compounds at concentrations that exceed groundwater enforcement standards; and

(D) does not result in an exceedance of Vermont groundwater enforcement standards."

If development soils due occur in cut areas of the project site, they will need to be removed and cleaned up according to the requirements of Act 52. This would involve management plans for both the origin site and the proposed receiving site.

Due to the planning that would need to occur in the event that the project area does contain contaminated soil, we would suggest that the Phase I ESA and environmental soil sampling occur in conjunction as soon as possible. TCE has contacted Chris Koenig at Ross Environmental for an estimate on the discussed investigations, which may be reviewed as an attachment. If you have any questions or would like to move forward with this process please contact _____ at (802) 879-6331 ext. ____ or _____@tcevt.com.

Regards,

Attachments:

A. Ross Environmental Estimate

STATE OF VERMONT
SUPERIOR COURT ENVIRONMENTAL DIVISION
DOCKET NO. 83-7-15 Vtec

IN RE: VON TURKOVICH FLETCHER)
PLACE CHANGE OF USE)

D E P O S I T I O N
-of-
RUDOLF L. HIRSS

Taken on behalf of the Appellants Robert and
Susan Butani on Thursday, January 5, 2017
at the offices of Court Reporters Associates,
148 College Street, 2nd Floor, Burlington,
Vermont, commencing at 10:24 AM

APPEARANCES:

ON BEHALF OF THE APPELLANTS:

LISA B. SHELKROT, ESQUIRE
Langrock Sperry & Wool, LLP
210 College Street
Burlington, Vermont 05402-0721
802.864.0217 | lshelkrot@langrock.com

ON BEHALF OF THE CITY OF BURLINGTON:

KIMBERLEE J. STURTEVANT, ESQUIRE
Assistant City Attorney
Office of City Attorney & Corporation Counsel
City Hall, 149 Church Street, Ste. 11
Burlington, Vermont 05401
802.865.7121 | ksturtevant@burlingtonvt.gov

ALSO PRESENT: SUSAN BUTANI

Court Reporter: Darlene L. Falls, RMR, CRR

I N D E X

RUDOLF L. HIRSS	PAGE
EXAMINATION BY MS. SHELKROT:	3

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
1	Google Earth map	10
2	Boundary Line Adjustment Plat Colchester Avenue Housing	20

(The original exhibits were retained by Ms.
Shelkrot.)

* * *

S T I P U L A T I O N S

It is hereby stipulated and agreed
by and between Counsel for the respective parties that
this deposition is being taken in accordance with the
Vermont Rules of Civil Procedure; that all objections
as to Notice of this deposition are hereby waived; that
all objections except as to form are reserved until the
time of trial; and that, additionally, upon conclusion
of the deposition, the witness waived the right to read
and sign the deposition transcript.

1 THURSDAY, JANUARY 5, 2017

2 10:24 AM

3 -----
4 THEREUPON,

5 RUDOLF L. HIRSS,
6 having first been duly sworn, testified as follows:

7 EXAMINATION

8 BY MS. SHELKROT:

9 Q. Okay. So, Rudy, please state your full name
10 again for the record.

11 A. Rudolf L. Hirss, H-i-r-s-s.

12 Q. Okay. So I'll just put on the record, as we
13 start, Rudy, you and I go way back.

14 A. Right.

15 Q. Since I used to live in 31 Fletcher Place,
16 next door to the 27 Fletcher which is the subject of
17 this whole thing.

18 A. Right.

19 Q. So I really appreciate you coming in today to
20 answer some questions.

21 A. Sure.

22 Q. Because you had such a long history with 27
23 Fletcher Place, it seemed like there was information
24 that you could give us that nobody else really had.

25 A. Okay.

1 Q. And so I wanted to get that all on record.

2 A. Right.

3 Q. Have you ever had the pleasure of being in a
4 deposition like this before?

5 A. Yes.

6 Q. I'm sorry to hear that. How long ago was it?

7 A. Last year.

8 Q. Oh, really. What did that have to do with?

9 A. Pardon me.

10 Q. What was that about?

11 A. It's still pending.

12 Q. Okay. Is it a lawsuit?

13 A. Yes.

14 Q. In Vermont?

15 A. Yes.

16 Q. Okay. Well, were you represented in that?
17 Did you have a lawyer?

18 A. Yes.

19 Q. And who is the lawyer?

20 A. David Barra.

21 Q. So I am still going to go through and just
22 give you kind of the ground rules here, just to make
23 sure --

24 A. Right.

25 Q. -- everybody knows exactly what we're doing.

1 A. Right.

2 Q. I'm here representing Robert and Susan
3 Butani.

4 A. Right.

5 Q. Kim Sturtevant on your right is representing
6 the City of Burlington.

7 A. Okay.

8 Q. Frank Kochman represents Frank von Turkovich
9 and Eastern Landshares and some other entities. Frank
10 and Frank have advised me that they don't plan to come
11 today.

12 A. Um-hum.

13 Q. So we are not waiting for them.

14 A. Okay.

15 Q. As I said a minute ago, this is just an
16 opportunity to get some information --

17 A. Right.

18 Q. -- from you. It is not a contest about your
19 memory or I'm not trying to trip you up. I just want
20 to find out what you know.

21 A. Okay.

22 Q. Darlene is taking down everything that you
23 say or I say --

24 A. Right.

25 Q. -- or anybody else says. It is important, if

1 we can, that we try not to interrupt each other so we
2 don't make her job hard.

3 A. Um-hum.

4 Q. So I'll try to ask a question and then stop
5 and let you answer.

6 A. Right.

7 Q. And you try to let me finish my question
8 before you start an answer, even if you think you know
9 what I'm going to ask.

10 A. Right.

11 Q. Okay. So, Rudy, tell me -- do you have any
12 questions about any of that?

13 A. No.

14 Q. And you understand you're not represented in
15 this --

16 A. Right.

17 Q. -- deposition?

18 Okay. So we were talking a minute ago,
19 before we went on the record, but tell me where you
20 live now.

21 A. I live on 185 Pine Haven Shores, Shelburne,
22 Vermont.

23 Q. How long have you lived there?

24 A. Two and a half years.

25 Q. Where did you live before that?

1 A. Georgia, Vermont.

2 Q. Where in Georgia were you?

3 A. On Stone Bridge Road.

4 Q. How long did you live in Georgia?

5 A. A little bit over two years.

6 Q. And where did you live before that?

7 A. 27 Fletcher Place, Burlington, Vermont.

8 Q. How long did you live at 27 Fletcher Place?

9 A. Since '57.

10 Q. So working backwards, so '57 until you sold
11 it to the -- until you sold it to Frank von Turkovich?

12 A. 2011.

13 Q. And did you own that house throughout that
14 time at that property?

15 A. Yes.

16 Q. Did you ever -- you owned it with your wife,
17 I take it?

18 A. Yes.

19 Q. Did you, during your ownership, ever
20 subdivide the property?

21 A. No.

22 Q. Did you ever buy any additional property, or
23 was it always the lot just as it existed during your
24 ownership?

25 A. Right.

1 Q. Okay. So the lot didn't change size during
2 your ownership?

3 A. It did.

4 Q. Okay. Tell me how it changed size.

5 A. We sold 75 feet of our property to the two
6 surgeons, Al Mackey and Gordie Page.

7 Q. Okay. And were they on Colchester Avenue?

8 A. Yes.

9 Q. Do you remember what the purpose was of doing
10 that?

11 A. They wanted to add or something, and I was
12 going to let them lease it, but they wanted to build,
13 so subsequently because he was a very good surgeon, I
14 sold them 75 feet.

15 Q. What can you tell me about the conversations
16 you had with either Frank or Ed von Turkovich when you
17 were preparing to sell 27 Fletcher Place to them?

18 A. I'm sorry, I didn't quite understand.

19 Q. Yeah, it's not a very good question, that's
20 why.

21 So at some point you put 27 Fletcher Place on
22 the market --

23 A. Yes.

24 Q. -- to sell?

25 And Frank or Ed von Turkovich, one or both of

1 them, approached you and said they were interested?

2 A. I was dealing through a real estate agent.

3 Q. Okay. So did you ever have any
4 communications during the sale process directly with
5 the von Turkoviches?

6 A. As far as I can recall, no.

7 Q. Did you ever meet either of them, even after
8 the sale?

9 A. Yes.

10 Q. Do you remember meeting either of them before
11 the closing?

12 A. I honestly don't remember.

13 Q. Okay. So what do you remember about meeting
14 them after the closing? Have you met both of them,
15 both Frank and Ed?

16 A. Frank primarily, and at the closing I met his
17 brother also.

18 Q. Did Frank ever come to the property with you
19 or walk the property with you?

20 A. Not before the closing.

21 Q. Okay. What about afterwards?

22 A. I believe so, yes.

23 Q. Tell me what you remember about doing that,
24 walking the property with him or visiting the property
25 with him.

1 A. I had asked his permission to cut some
2 bushes. We had syringas on either side of the house,
3 and I used to cut them in the spring and give them to
4 my friends, so he said I could visit any time.

5 Q. Did you ever walk the property with him and
6 point out different features or talk about his
7 development plans for the property with him?

8 A. No.

9 Q. I have brought with me, I brought a map and
10 an aerial view. Let me see if it's helpful at all in
11 figuring this out.

12 (Deposition Exhibit No. 1 was marked for
13 identification.)

14 Q. So I'm showing you what we just marked as
15 Butani Exhibit 1, which it's a Google Earth map of
16 Fletcher Place and a piece of Colchester Avenue. So
17 let me try and orient you a little bit. Have you ever
18 seen this map?

19 A. No.

20 Q. Okay. It's sometimes a little hard to figure
21 out what you're looking at here.

22 A. Right.

23 Q. And I'm looking at it upside down, which
24 isn't helping.

25 Okay. So I'm going to represent to you that

1 this property right here is 27 Fletcher Place, and that
2 running along here is Fletcher Place (indicating).

3 A. Yup.

4 Q. And there's Colchester, and there's 27
5 (indicating).

6 A. Yup.

7 Q. Is that a help to orient you?

8 A. Yup.

9 Q. And so if that's 27 --

10 A. 31.

11 Q. I'm sorry, that's 31, right. This one is a
12 house -- I don't remember what the number is, the one
13 right next to 31.

14 A. 49, is it?

15 Q. Okay.

16 MS. BUTANI: No, I think 40 --

17 A. It's whatever.

18 MS. BUTANI: Yeah.

19 Q. Okay. So the two houses at the end of
20 Fletcher Place --

21 A. Yes.

22 Q. -- that you can see here? Do you know who
23 owns those two houses?

24 A. The first one is owned by the Orrs.

25 Q. Okay. And that's the second-to-last one?

1 A. And the last one is owned by -- there were
2 two sisters or two ladies.

3 Q. Is that Nan Reid --

4 A. Right.

5 Q. -- and Alison Segar?

6 A. Yeah. Now it's just one of them.

7 Q. Okay. Now, going back to 27?

8 A. Right.

9 Q. I'm pointing out that. Can you kind of --
10 I'm not asking you to draw it exactly, but can you give
11 me just sort of roughly a sense of what the property
12 was? You had a pretty large yard as part of 27, right?

13 A. Yes.

14 Q. So are you able to kind of sketch in kind of
15 roughly where you owned? Maybe you can use some those
16 trees as reference points.

17 A. Well, we went in to roughly here
18 (indicating), and then it goes in back, the property
19 goes this way here (indicating), and then it came out
20 this way (indicating).

21 Q. Okay. So that cleared area behind 27
22 Fletcher was all yours?

23 A. Yes.

24 Q. Or a lot of it was yours?

25 A. Yes.

1 Q. And some of the treed area also?

2 A. Yes.

3 Q. Was or is there a ravine that runs in back of
4 Fletcher Place?

5 A. Yes.

6 Q. Can you point out -- can you see on this
7 photograph where that runs? Is that possible?

8 A. The ravine started -- okay --

9 Q. If you can't see it on here, that's okay.
10 I'm just curious.

11 A. It's roughly, the ravine went back to around
12 here. This was all a gully (indicating).

13 Q. So when you're saying, "This is all a gully,"
14 you're looking at the cleared area around your
15 backyard?

16 A. Yes.

17 Q. Okay. So there's something that looks sort
18 of a keyhole shape in the middle of that backyard, this
19 little --

20 A. That was a patio, outdoor patio.

21 Q. Okay. That was a patio?

22 A. Yeah.

23 Q. And the patio's kind of -- let me put a
24 circle around that little keyhole, what I'm calling a
25 keyhole. So it was a patio. So did the ravine run

1 through that grassy area that --

2 A. Yes.

3 Q. Let me just finish the question. The ravine
4 ran through the grassy area that's next to what you're
5 saying was kind of a patio?

6 A. Yes.

7 Q. Okay. Is there a ravine that runs through
8 there now?

9 A. No.

10 Q. So tell me about that change. How did that
11 change?

12 A. In the late '50s, we got a chance to fill it
13 in. That was -- when they were building the
14 residence -- intern residence at the hospital, the
15 contractor, the excavating contractor, was hauling the
16 stuff to Winooski; and the high school graduation, they
17 had seven students that got killed, so he asked me if
18 he could dump the fill in there, and I said yes, and
19 that's when he started filling the gully.

20 Q. What did the high school graduation and the
21 students have to do with that?

22 A. Well, they were hauling the dirt in Winooski,
23 and because the -- they had services, they couldn't
24 haul it.

25 Q. I see. So the contractor asked if they could

1 fill it in your place or you volunteered?

2 A. Dump it, yes.

3 Q. And you said that was in the late '50s, so
4 that would have been shortly after you bought the
5 property?

6 A. Yes.

7 Q. So what was the scale of them coming in and
8 filling the property; do you remember? Like how many
9 dump truck loads or over what period of time they were
10 coming?

11 A. I don't remember. There was quite a few.

12 Q. So if it was high school graduation, it would
13 have been spring and summer?

14 A. Yes.

15 Q. Do you remember -- I know we're talking about
16 60 years ago, 55 years ago. Do you have any memory at
17 all about how long they were filling that property?
18 Was it sort of the whole summer?

19 A. I think it was a good part of the summer,
20 depending upon, you know, how long it took them to
21 finish the excavation.

22 Q. How deep was that gully or the ravine before
23 they started filling it?

24 A. About 35 feet.

25 Q. And they filled that whole 35 feet in?

1 A. Part of it.

2 Q. Did the gully or the ravine, did it run all
3 the way from Colchester Avenue back into the trees
4 before it was filled?

5 A. Yes.

6 Q. And, again, I know it's a long time ago, but
7 do you remember how wide an area, I mean roughly, it
8 was that was filled?

9 A. I would say roughly about 80 feet.

10 Q. So about 80 feet wide up to 30, 35 feet deep?

11 A. Yes.

12 Q. So the fill was coming from the hospital, you
13 said; is that right?

14 A. Yes.

15 Q. And is that what's now the -- actually I
16 don't know what they call it now.

17 A. Medical Center of Vermont.

18 Q. Medical Center of Vermont.

19 A. Right.

20 Q. So from the area across Colchester Avenue?

21 A. Yes.

22 Q. Do you know if there was fill brought in from
23 any other location?

24 A. After, subsequent, yes, later on.

25 Q. Oh, so tell me about that too.

1 A. Over the years, whenever I saw somebody
2 hauling dirt, I used to chase them; and if it was a
3 shorter distance to mine, I asked them to bring it in,
4 fill it in.

5 Q. Because you were trying to flatten out that
6 yard?

7 A. Right. Exactly, yes.

8 Q. And the gain for you was instead of having
9 this giant ravine running through your backyard, you
10 ended up with this great big flat lawn basically?

11 A. Right.

12 Q. Okay. So you said just over the years you
13 would get people to come and fill things in?

14 A. Right.

15 Q. Do you remember, do you have any memory as
16 you sit here now, of any of the other places where fill
17 came from?

18 A. The only -- the last fill I got came from
19 the -- when they were putting in the Red Cross blood
20 center. That was the last of the fill.

21 Q. That would have been over on Mansfield
22 Avenue?

23 A. Yes.

24 Q. And was that the last because by the time
25 they finished, it was basically filled, it was flat?

1 A. Well, then I had to level it off, yes.

2 Q. Okay. So any other places that you remember
3 fill coming from besides Red Cross and the hospital?

4 A. In-between I can't remember who, but whenever
5 I -- they had hauling dirt it was a shorter distance I
6 asked them to bring it in.

7 Q. Okay. Could you give any estimate of how
8 many different places it came from? You know, five,
9 ten, fifty?

10 It was a lot of places; you're laughing?

11 A. I honestly don't know.

12 Q. It was a lot of different dump trucks that
13 you were flagging down?

14 A. Right.

15 Q. Okay. So did you ever have any -- associated
16 with 27 Fletcher Place, there's a driveway right next
17 to the house, right?

18 A. Yes.

19 Q. And was that a single-width driveway?

20 A. Yes.

21 Q. Did you ever have any car parking behind the
22 house in the grassy area in back?

23 A. No.

24 Q. Did you ever pave any part of the property
25 behind the house?

1 A. No.

2 Q. There's a little yellow outline on Exhibit 1
3 that says "Proposed Parking Area 2 Spaces" and then
4 "Existing gate location." Did you ever have parking
5 that abutted this big asphalt parking lot in generally
6 the location where that proposed parking area is noted?

7 A. I only -- I parked my truck and trailer
8 there, that's all.

9 Q. Okay. But it wasn't a paved parking lot?

10 A. Right.

11 Q. Was it a graveled parking lot?

12 A. No, it was grass.

13 Q. Okay. But you just put your truck there from
14 time to time?

15 A. Right.

16 Q. Did you ever do any -- during your ownership,
17 did you ever try to do any development yourself of this
18 property?

19 A. I put in a grass tennis court.

20 Q. Which one of you is the tennis player?

21 A. I was.

22 Q. Did you have that there for a while?

23 A. I was trying to get it ready for the practice
24 before Wimbledon, but the grass didn't come up quick
25 enough.

1 Q. And there went your career?

2 A. Yes.

3 Q. Yeah, okay. Let me see if this is helpful at
4 all.

5 (Deposition Exhibit No. 2 was marked for
6 identification.)

7 MS. SHELKROT: I only have one of these,
8 Kim.

9 Q. Okay. I'm not a big fan of the giant plans,
10 but it's what I have. Sometimes it's helpful.

11 So showing you Exhibit 2, and again, to
12 orient you, here's Fletcher Place (indicating).

13 A. Um-hum.

14 Q. Here's Colchester Avenue (indicating).

15 A. Right.

16 Q. Here's 27, your old house (indicating).

17 A. Yup.

18 Q. And this was a plan that I'll represent to
19 you was submitted in connection with a lot line
20 adjustment to change the boundaries.

21 A. Um-hum.

22 Q. But I think it shows -- and you can help me
23 out -- I think it shows, if you look at it, the old
24 boundaries, the boundaries as they existed when you
25 owned the property.

1 A. Right.

2 Q. So would that be -- there's a line running
3 between 27 and 31, correct?

4 A. Right.

5 Q. And then across the back of 31?

6 A. Right.

7 Q. And then heading back again --

8 A. 37.

9 Q. -- west? Yeah. And then if I'm not
10 mistaken --

11 A. Straight to over here.

12 Q. -- the line went straight across?

13 A. Right.

14 Q. Right? Toward the edge of 43 -- the line
15 between 43 and 49, right?

16 A. Right.

17 Q. And then along this dotted line? Oops, I
18 went too far.

19 A. Right there. Right there (indicating).

20 Q. Right, right there. And then again back
21 towards Colchester Avenue along the dotted line?

22 A. Right.

23 Q. And then back behind 96?

24 A. Right.

25 Q. And then I actually have to tell you I never

1 completely understood how this went. You tell me where
2 it goes from there.

3 A. It goes from here to Colchester Avenue
4 (indicating).

5 Q. Okay. So your property --

6 A. A 15-foot strip right here (indicating).

7 Q. A 15-foot strip goes all the way to
8 Colchester Avenue?

9 A. Yes.

10 Q. And then you had this little dogleg?

11 A. And then it came down to here (indicating).

12 Q. Right.

13 A. And then back here and then (indicating) --

14 Q. All right. So these are these pins that are
15 noted on here. And the garden area was yours, and it
16 went just like this, right (indicating)?

17 A. Right.

18 Q. Oops, to there.

19 Okay. So, here's my question. A couple
20 questions. First, where's the 75 feet that you sold to
21 the doctors at some point? Is that the 75 feet that's
22 noted right here (indicating)?

23 A. Yes, right here (indicating).

24 Q. Okay. And when those trucks were coming in
25 with all the fill, how would they get to the back of

1 the property?

2 A. Right through here (indicating).

3 Q. Through that strip that -- the dogleg that
4 runs out to Colchester Avenue?

5 A. Yes.

6 Q. Okay. So they would come in from that
7 driveway and just fill?

8 A. Right.

9 Q. And, again, not asking you to be a draftsman
10 here, but can you just kind of mark out the area where
11 the fill was, where the ravine was and where the fill
12 was?

13 A. I would say roughly about like so
14 (indicating).

15 Q. Can you draw it for me? I understand it's
16 not to scale. I'm just trying to get a sense of what
17 that area was.

18 A. It went something like about here
19 (indicating).

20 Q. Okay. So it kind of cut through the middle
21 of the property?

22 A. Right.

23 Q. Did you ever talk to Frank von Turkovich
24 about the fill that you put on the property?

25 A. No.

1 Q. Do you know if he was aware of it?

2 A. He must have, yes.

3 Q. Why do you say that?

4 A. Well, because when he -- we were talking
5 afterwards, because I had to put a culvert in.

6 Q. When did you have to put the culvert in?

7 A. When I bought in '58.

8 Q. Why did you have to put the culvert in?

9 A. Because there was -- this area right in here
10 (indicating), there was pipe.

11 Q. You're looking at 96 now?

12 A. That came from University Heights -- I mean
13 the hospital.

14 Q. Okay.

15 A. And that was a 24-inch culvert, and we had to
16 extend that.

17 Q. And so what about the culvert would have led
18 Frank von Turkovich to have an understanding about
19 there being fill on the property? Just that you
20 couldn't see the culvert anymore?

21 A. Right.

22 Q. Did you ever have any trouble with settling
23 or anything else associated with the fill?

24 A. No.

25 Q. Do you know what kind of soils it was that

1 were brought in?

2 A. No. Other than those two that I mentioned,
3 one from the hospital and the other one from the Red
4 Cross, those are the only two that I knew exactly where
5 it came from.

6 Q. Okay. Did you know anything about like the
7 type of soils or the quality, or did you ever have any
8 soil testing done before it was brought in?

9 A. No.

10 MS. SHELKROT: Okay. Let's go off the
11 record. I'm going to take a quick break. I'm going to
12 check with Susan about whether I'm forgetting about
13 anything, whether I'm forgetting to ask you anything.

14 (A brief break was taken from 10:50 AM
15 to 10:51 AM.)

16 MS. SHELKROT: Okay. Back on the record.

17 Q. Rudy, so I've covered the two big areas I
18 wanted to ask you about, which is the fill in the back
19 of the property and the parking situation. Is there
20 anything else about either of those two subjects that
21 you can think of that I haven't asked you about?

22 A. No.

23 MS. SHELKROT: Okay. Kim, do you have
24 any questions?

25 MS. STURTEVANT: I don't. Thank you.

1 MS. SHELKROT: All right. Well, that
2 concludes the deposition. Thank you.

3 (An off-the-discussion was held wherein
4 the witness waived his right to read and sign the
5 deposition transcript.)

6 (Whereupon, the deposition was concluded
7 at 10:52 AM.)
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

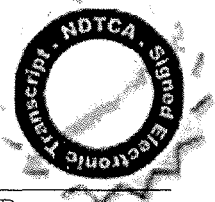
I, Darlene L. Falls, Court Reporter and Notary Public, do hereby certify that the foregoing pages, numbered 3 through 26, inclusive, are a true and accurate record of the Deposition of RUDOLF L. HIRSS, conducted before me as an officer authorized to administer oaths in the state of Vermont, on Thursday, January 5, 2017, commencing at 10:24 AM, in the matter of IN RE: VON TURKOVICH FLETCHER PLACE CHANGE OF USE, STATE OF VERMONT ENVIRONMENTAL DIVISION, DOCKET No. 83-7-15 Vtec, as to which a transcript was duly ordered.

I further certify that I am neither counsel for, nor related to or employed by, any party to said action nor in any way interested in the outcome thereof or in any other way disqualified to stenographically record the proceedings and thereafter produce a transcript.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of January, 2017.



DARLENE L. FALLS, RMR, CRR
Commission expires: 2/10/2019





Google Earth

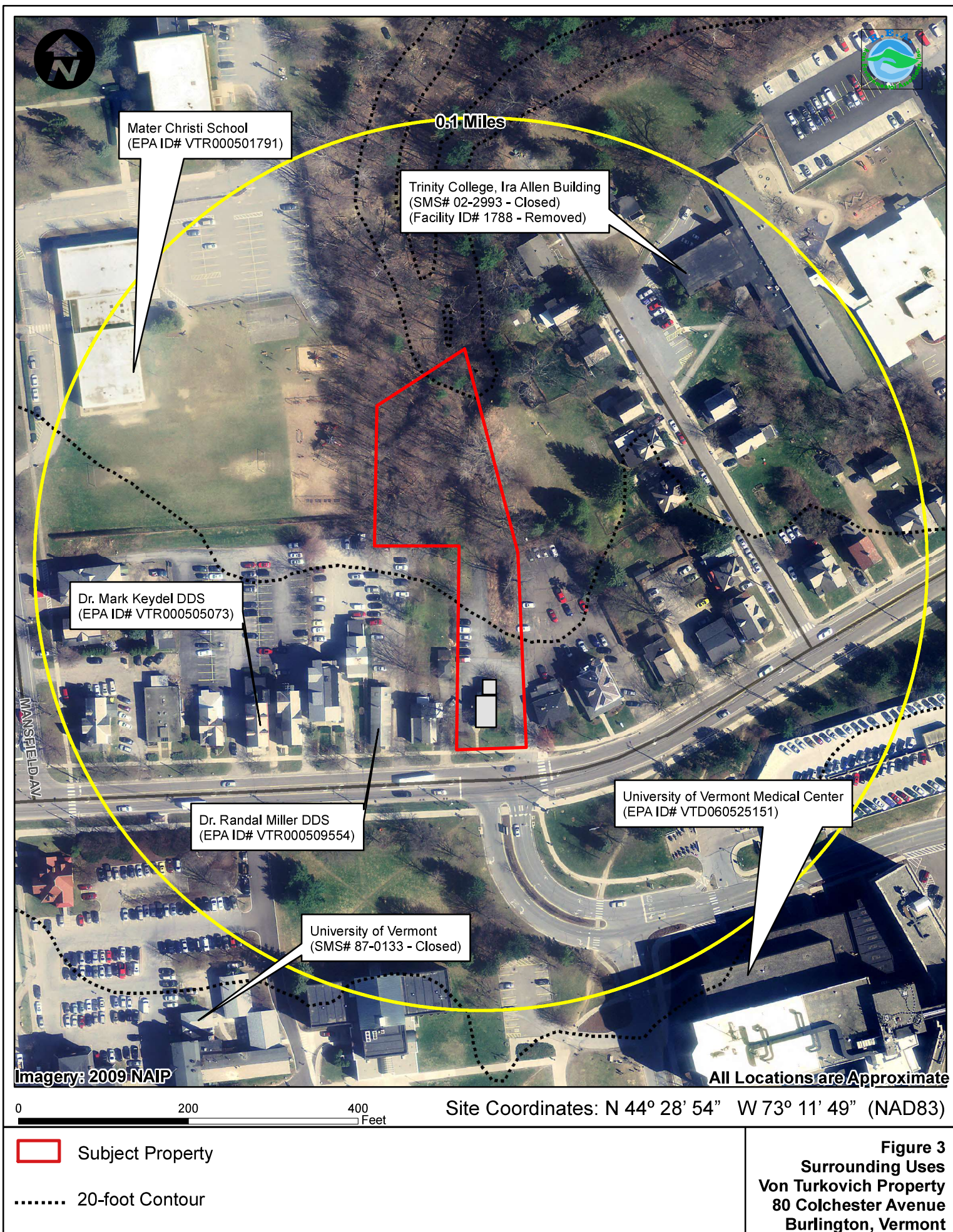
EXHIBIT
(H1755)
Butani I
1-5-2017 DF
PENAD 800-831-6988

Imagery Date: 5/19/2012 44°28'53.72" N 73°11'44.13" W elev 318 ft

Proposed Parking Area
2 Spaces

Existing gate location

5/19/2012



1. What is the purpose of the study?
2. What are the research objectives?
3. What is the research design?
4. What are the variables?
5. What are the hypotheses?
6. What are the results?
7. What are the conclusions?
8. What are the limitations?
9. What are the implications?
10. What are the future research directions?

6

101 COVERAGE:
7/26/14 101 = 2.35 ACRES
101-001 ACRES (101-001) = 2.35
101-002 ACRES (101-002) = 2.35

COLCHISTERS AVENUE

Mary O'Neil

From: Theresa Lefebvre <trlefebvre@comcast.net>
Sent: Wednesday, March 01, 2017 4:59 PM
To: Mary O'Neil
Subject: Colchester Avenue Project

Hello Mary,

I am writing to you to express my concerns about the Colchester Avenue development project being proposed at Colchester Avenue and Fletcher Place. I would appreciate your posting this email to be included with public comment on this issue.

I live in a condominium at River Watch on Riverside Avenue. This is just down the hill from Fletcher Place. Currently we have a problem with storm water run-off. There is a catch basin on the River Watch property that is supposed to hold and filter run-off. However, since this complex was built, there has also been increased construction on the hills above us. The catch basin was cleaned two years ago at a cost of more than \$13,000.00. It appears that it may need to be cleaned out again this year. Currently the cost of this clean-up is the sole responsibility of the homeowners at River Watch. I am very concerned that additional building on the hill above River Watch will result in soil erosion and additional storm water run-off.

Another concern I have is that there has been dumping on one of the properties at Fletcher Place for many, many years. No one knows what has been dumped there, not even the former owner of the property, and up until now the developer has refused to do any soil testing.

Another concern is the loss of wetlands and green space. We have far too little green space left in Burlington. Building a 75-unit complex will eliminate even more. Without this green space, even more storm water run-off will be coming down into the River Watch complex.

My final concern is what a development of this size will do to the traffic on Colchester Avenue. The developer is saying there will be little impact, but I find that very hard to believe. Adding 75 additional vehicles going in and out near the hospital entrance will have a large, negative impact on traffic.

I do not have an objection to development at Fletcher Place; however, I am deeply concerned that the current proposed project is far too large for the size of the property.

Thank you for your assistance.

Theresa R. Lefebvre

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

David E. White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: April 18 2017

RE: ZP17-0388CA/MA; 66, 72, 80, 94 and 96 Colchester 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: ZP17-0388CA/MA

Location: 66, 72, 80, 94, 96 Colchester Avenue

Zone: I **Ward:** 1E

Date application accepted: September 23, 2016

Applicant/ Owner: Colchester Avenue Housing LLC/Frank Von Turkovich

Request: Planned Unit Development, construct 3 story residential building containing 75 apartment units, combine and reconfigure surface parking areas.

1st Conservation Board: October 3, 2016

1st DAB review: October 12, 2016

2nd DAB review: October 25, 2016

Receipt of supplementary materials: December 2 and 8, 2016

2nd Conservation Board: December 5, 2016

3rd DAB review: January 10, 2017

Revised Plans received: January 12, 18, and 27, 2017

3rd Conservation Board: January 23, 2017

1st DRB review: January 31, 2017

2nd DRB review: Scheduled for March 8, 2017; deferred to April 18, 2017 pending traffic study.



Recommendation: Certificate of Appropriateness and Major Impact/Conditional Use approval, per the following findings and conditions:

Background:

66 Colchester Avenue

- **Sketch Plan Review ZP16-0904SP;** Sketch Plan Review for 66, 72, 80, 94 and 96 Colchester Avenue; 27 and 49 Fletcher Place, Construct 2 three story buildings containing 78 apartment units with above-ground and underground parking. April 2016.
- **Sketch Plan Review 16-0746SP;** Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)
- **Sketch Plan Review ZP16-0393SP,** Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **Zoning Permit 87-853;** construct 250 sf. addition to rear of existing office use, provide one additional parking space. (5 + 1 = 6) Approved May 1988.
- **Zoning Permit,** install a 2' x 24' drain trough on the west side of the building. June 1974.
- **Zoning Permit;** convert property to a dental office. Five paved parking spaces. January 1961.

72 Colchester Avenue

- **Sketch Plan Review ZP16-0904SP;** Sketch Plan Review for 66, 72, 80, 94 and 96 Colchester Avenue; 27 and 49 Fletcher Place, Construct 2 three story buildings containing 78 apartment units with above-ground and underground parking. April 2016.
- **Sketch Plan Review 16-0746SP;** Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)
- **Sketch Plan Review ZP16-0393SP,** Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **CU-97-050;** Housing replacement exemption. Approved with conditions March 1997.
- **Zoning Permit 89-051 / COA 89-013;** construct 18' x 20' second story addition on rear of existing single family home, no change to site plan. Approved February 27, 1989.

80 Colchester Avenue

- **Zoning Permit 16-1400LL;** lot line adjustment with 27 and 49 Fletcher Place. September, 2016. Appealed to DRB; DRB upheld administrative approval 12/15/2016.

- **Sketch Plan Review ZP16-0904SP**; Sketch Plan Review for 66, 72, 80, 94 and 96 Colchester Avenue; 27 and 49 Fletcher Place, Construct 2 three story buildings containing 78 apartment units with above-ground and underground parking. April 2016.
- **Sketch Plan Review 16-0746SP**; Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)
- **Sketch Plan Review ZP16-0393SP**, Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **Sketch Plan Review 15-0896SP**, construct 79 apartment units in 3 story building with underground and above-ground parking facilities, April 2015.
- **Zoning Permit 15-0390SN**; install new freestanding sign for Hillel. Approved October, 2014.
- **Zoning Permit 15-0042CA/CU**, change of use from office to membership club; exterior staircase and install bike rack. Approved August 2014.
- **Zoning Permit CU 2004-016**; application for use by UVM affiliated Center for Children, Youth and Families Administrative offices. Approved with conditions, January 2004.
- **Zoning Permit 01-389**; installation of an externally illuminated freestanding sign for the existing medical (chiropractic) office. Approved April 2001; not pick up and confirmed expired in 2011.
- **Zoning Permit CU 2001-035**; change of use of first floor space from office to medical chiropractic office. Removed from agenda as determined that the proposed conversion from a medical billing office to a chiropractic office on the first floor does not require conditional use review. February 2001.
- **Zoning Permit 00-516**; refurbish existing side porch to allow ramping of deck for handicapped accessibility to the existing medical office. No increase in footprint. December, 2000.
- **Zoning Permit 99-277**; removal of slate roofing material, replacing with asphalt shingles for the existing medical office. Approved December 1998.
- **Zoning Permit 92-123**; construction of ten additional parking spaces for a total of sixteen for the existing medical office and residential unit. Existing curb cut to be eliminated, with joint use of adjacent property's (medical office / 94 Colchester Avenue) curb cut. Approved September 1991.
- **Zoning Permit CU92-011 / COA 92-025**; eliminate curb cut and driveway from #80 and utilize widened drive at traffic light at #94. Remove existing garage, change configuration and size of paved parking area. No change to use of #80 as office and apartment. Approved with conditions September 1991.
- **Request for Conditional Use Permit** to construct a private parking lot. July 1990. Application withdrawn by applicant.

- Notice of appeal to the Zoning Board of Adjustment seeking a special exception to erect a 16' x 16' addition to the northeast corner of existing doctor's office. Approved July 1968.

94 Colchester Avenue

- **Sketch Plan Review ZP16-0904SP**; Sketch Plan Review for 66, 72, 80, 94 and 96 Colchester Avenue; 27 and 49 Fletcher Place, Construct 2 three story buildings containing 78 apartment units with above-ground and underground parking. April 2016.
- **Sketch Plan Review 16-0746SP**; Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)
- **Sketch Plan Review ZP16-0393SP**, Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **Sketch Plan Review 15-0896SP**, construct 79 apartment units in 3 story building with underground and above-ground parking facilities, April 2015.
- **Non-Applicability of Zoning Permit Requirements 07-703NA**; replace asphalt shingle roof with same. May 2007.
- **Zoning Permit 92-025**; site changes for combined access with #80. See above. Approved September 1991.
- **Zoning Permit 91-154**; remove two windows and one door from north elevation and install three windows on same side. No change in use. See 89-012. October 1990.
- **Zoning Permit 89-042 / COA 89-012?** (Illegible); replace existing vestibule, new siding and windows, new walkways and landscaping. February 1989.
- **Zoning Permit 780073**; erect an 18' x 30 addition in rear of existing building. June 1977.
- **Zoning Permit**; desire to rent portion of premises for doctor's office. Approved May 1963.

96 Colchester Avenue

- **Zoning Permit 10-0979CA**; convert 304 sf. Of basement into apartment. May 2010.
- **Zoning Permit 08-158SN**; Freestanding sign for OB-Gyn Affiliates. August 2007.
- **Zoning Permit 81-383**; 36' long ramp for handicapped access. March 1981.
- **Zoning Permit 78-109**; connect inside of building to accommodate one physician. No additional coverage. September 1978.
- **Zoning Permit**, erect a 28' x 68'6" addition to the rear of the existing building to be used for two doctor's offices. February 1969.

Overview: The application seeks to construct two connected three story residential buildings. The buildings will contain 75 new apartments configured as studio and one bedroom units. Both buildings will have underground parking. Surface parking, access driveways and interior circulation paths will be reconfigured to serve all associated parcels.

As boundary line adjustment have occurred between 80 Colchester Avenue and 27 and 49 Fletcher Place, the latter properties are now segregated from the development area and are therefore no longer included within the PUD.

Applicable Regulations:

Article 3 (Applications, Permit and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), Article 10 (Subdivision), and Article 11 (Planned Unit Development)

Article 3: Applications and Reviews

Section 3.2.1 (c) Sketch Plan Review

Upon request of the applicant, or as may be required under Article 10 – Subdivision or Article 11 – Planned Development of this ordinance, A Sketch Plan Review may be scheduled before the DRB prior to the submission of an application in order to provide the applicant with constructive suggestions regarding a conceptual development proposal.

The project has had 4 prior Sketch Plan reviews. See dates, above.

Part 3: Impact Fees

Article 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.

Impact fees will be calculated by staff based on the gross new area. New gross area has been provided as 77,222 sq. ft, including the parking decks. An estimate of applicable Impact Fees are as follows:

SF of
Project 77,222

Department	Residential	
	Rate	Fee
Traffic	0.190	14,672.18
Fire	0.216	16,679.95
Police	0.043	3,320.55
Parks	0.723	55,831.51
Library	0.448	34,595.46
Schools	0.934	72,125.35
Total	2.554	\$ 197,225.00

Impact Fees may be waived in whole or in part by the Housing Trust Fund Manager, based upon the number of inclusionary units. See Article 9, below. **Affirmative finding as conditioned.**

Section 3.3.7 Time and Place of Payment

(a) New Buildings: Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof.

As noted. **Affirmative finding as conditioned.**

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards (as adopted by City Council 8.10.2015)

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 proposed development would be served by municipal water and sewer. An allocation letter confirming adequate water and sewer capacity was issued March 6, 2017. A state wastewater permit will also be needed prior to construction. Impact Fees will be assessed for impacts to public services, which will address newly introduced demand. **Affirmative finding as conditioned.**

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

The project is proposed within the Institutional zone, where greater scale and intensity of use can be considered; however, respect for historic residential buildings and sensitive transitions are required. The character of the area is divided by Colchester Avenue: To the north are existing residential scale buildings; many of those converted to medical offices.

66 Colchester Avenue was permitted as a dental office in 1961, yet retains its historic residential character and massing. 72 Colchester Avenue remains a single dwelling unit. 80 Colchester Avenue is home to Hillel; both structures reflect the residential character associated with historic Colchester Avenue. 94 Colchester Avenue is a medical office, however residential in appearance and scale.

Fletcher Place properties are no longer part of the PUD.

See Section 3.5.6 (b) 10 for conformance with Municipal Development Plan.

As most of the structures on the north side of Colchester Avenue / west side of Fletcher Place are residential, additional residential development would be in keeping with the current use of the area.

Architectural elevations have been updated for this application. Three stories are generally greater in size than existing buildings within the project area, but the scale is ameliorated with the location behind existing buildings and a distance from public roads. **Affirmative finding as conditioned.**

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

The new residential units will be located within the rear area, behind existing medical offices, institutional uses and residential units. Impacts will be consistent with existing residential use. The traffic circulation has been formalized (see Trudell Consulting Engineers memo, dated

August 10, 2016; revised Traffic Analysis of 4/7/2017 and further updated 4/11/2017. Several of these parcels currently have significant but unorganized parking areas associated with their medical practices. The reorganization and formalization of parking and circulation will benefit all involved parcels, and minimize vehicular access drives along the bus corridor.

The dumpster location has been re-defined to facilitate access for trash haulers and minimize visibility.

Odor, dust, heat and vibration are not anticipated as associated impacts. **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;*

The new development proposes to utilize the traffic signal that currently serves UVM Medical Center; organizing the traffic circulation for all uses within the PUD to the traffic light. In-bound access will remain available east of the medical office at 96 Colchester Avenue at an existing entry, which will join the interior circulation path. Two other driveways along Colchester Avenue will be removed. A traffic analysis has been provided (dated August 10, 2016; revised dated April 4, 2017 and April 11, 2017) that anticipates approximately 39 trips during the AM peak hour and 47 trips during the PM peak hour (see p. 5, latest plan.) These apartment units are likely to serve UVM Medical Center employees resulting in an overall reduction in the estimated peak hour project generated traffic.

Additionally, the proposal, within the Institutional zoning district, is anticipated in its proximity to local medical and institutional facilities to provide opportunities for pedestrian and bicycle transportation options.

The applicant team has made contact with CarShare to initiate membership and potentially siting a vehicle within the project area. That letter of interest and partnership is dated 2/22/2017.

A traffic engineer (Laura Wheelock PE) attended the 1/31/2017 DRB hearing, and testified that she felt the traffic memo offered conservative numbers. Only generating 48 trips at peak doesn't warrant any action. Her gut feeling was that the project would not require turn lanes. Her continued comments:

- Configuration of driveway access suggests crosswalk, aid detection. There is no pedestrian actuation there now.
- Curb radius has been reduced down to 15'.
- Ensure bike lane parkings on Colchester Avenue.
- She noted that the corridor study recommended rapid flashing beacons in 2 places.
- After a question from the Board about daily traffic totals and Level of Service, she responded that her conversation with the transportation planner resulted in no concern about the issue.

A memorandum to the DRB from DPW included the following:

The Department of Public Works (DPW) has reviewed the plans and traffic memo prepared for this project and have the following comments

Traffic Impact Assessment (TIA):

DPW has requested that the applicant follow up with DPW with a signal analysis to review the levels of service and confirm turn lane configurations shown on the revised plans dated 1/27/17 are adequate to address project traffic. The traffic memo shall address any new vehicular or pedestrian infrastructure enhancements that are needed to support the new leg of the intersection. Those costs shall be the responsibility of the applicant.

Progress Plans Dated 1/27/2017:

DPW reviewed the project plans for impacts on Colchester Ave and have the following comments:

- Driveway access to the project site should be at grade as shown at the western signalized entrance, and include a high visibility crosswalk across the project's drive approach to the intersection.
- ADA detectible warning plates and curb ramps shall be installed at the signalized project drive approach. The eastern entrance only shall remain as a driveway access where sidewalk crosses the driveway.
- Bike lane marking consistent with DPW standards shall be used at the signal.
- Curb radius entering the signalized western project drive shall be 15' per DPW standard unless otherwise waived by DPW.
- Applicant shall work with DPW for the location of the existing eastern crosswalk on Colchester Ave and the curb ramp for that crosswalk relative to the work to construct the project's drive.

The traffic consultant provided an enhanced Traffic Analysis (rec'd 4/7/2017) and a further enriched plan April 11, 2017 for review by the Department of Public Works. Communication has been concentrated and ongoing between the applicant team and DPW since those submissions. Approval of the Department of Public Works of the Traffic report will be a condition of any approval.

No parking waiver is sought with this application. As submitted, parking requirements are met for the proposed development. See Article 8 for further discussion.

Affirmative finding as conditioned.

And

5. *The utilization of renewable energy resources;*

Building plans include the inclusion of a significant solar array on a flat rooftop of both buildings. See Plan A105. **Affirmative finding.**

And

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

Zoning Amendment ZA17-03 (now Section 2.7.8 of the Comprehensive Development Ordinance) will require correcting any open violations and closing all expired permits on all involved parcels prior to application of a Final Certificate of Occupancy for this project. All requirements for Erosion Protection, Sediment Control and Stormwater management, as defined by conditions imposed by the Stormwater Division will be applicable. [EPSC plan/Chapter 26 compliance was confirmed January 23, 2017.

A state waste water permit will be required. This, and Act 250 Review (if appropriate) are the responsibility of the applicant/owners. **Affirmative finding as conditioned.**

(b) Major Impact Review Standards

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

Stormwater Management and EPSC plans have been forwarded to the Department of Public Works. The applicant has a third review with the Conservation Board, January 23, 2017, and received their approval. Chapter 26 compliance was noted January 1/23/2017.

As the proposed use (aside from the existing Colchester Avenue medical offices and the Hillel use) is exclusively residential, no undue air or noise pollution is anticipated. **Affirmative finding as conditioned.**

2. Have sufficient water available for its needs;

A letter of adequate capacity for water/sewer was issued by the Water division March 6, 2017.

Affirmative finding.

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

See above for confirmation of capacity.

4. Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

An erosion prevention and sediment control plan has been found to be compliant with Chapter 26, Wastewater, Stormwater, & Pollution Control. Approval has been received from the Stormwater Administrator. **Affirmative finding.**

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

See Section 3.5.6 (a) 4.

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

Plan A102 (First Floor Plan) defines 16 one bedroom units and 7 studio apartments. Units are limited to one bedroom and studio units. The applicant has defined the intention to serve a professional population associated with area institutions. These limited size units are less likely to have school age children; higher bedroom count increases the possibility. Given the floor plan, the development is unlikely to have school age children; however, required Impact fees will help offset any impact to the school system. **Affirmative finding as conditioned.**

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

The proposed development will generate additional impacts on city services; however, Impact Fees will offset those impacts. **Affirmative finding as conditioned.**

8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;

See Section 5.4.8, 6.2.2. and 6.2.3.

9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;

The project seeks to utilize open space on the interior of multiple lots. There will be increased demands on city infrastructure; however, the location is advantageous in its proximity to area institutions, travel ways, pedestrian paths and the downtown. Technical Review of this project was held December 11, 2014 (with a slightly different building layout), but the project applicants observed and responded to the comments made by department representatives in revised plans.

Affirmative finding as conditioned.

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

The project supports the aspirations of the MDP in the following ways:

- *Support the development of additional housing opportunities within the city, with concentrations of higher-density housing within neighborhood activity centers, the downtown and institutional core campuses. (MDP, Housing Plan, Page IX-1.)* This development aligns with the introductory policy of creating new housing opportunities within the city; a persistent theme in the MDP. Satisfaction of that goal is not restricted to neighborhood activity centers, the downtown or institutional core campuses by this measure.
- *Provide a range of housing types that meet the needs and interests of the student population. These should include apartments that give students an opportunity to get away from the typical dormitory living situation. (MDP, Housing Plan, Page IX-11.)*
- *Addressing Parking and Circulation. Every effort should be made to provide parking either underground or within a structure to minimize the amount of land dedicated to surface parking. Additionally, traffic circulation patterns within residential neighborhoods and through the University campus must be evaluated to minimize through traffic off campus, and the need to use cars all together. (MDP, Housing Plan, Page IX-11.)*
- *Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning. Identify buildable sites for eventual housing construction/conversion. (MDP, Housing Plan, Page IX-12.)* **Affirmative finding.**

11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;

The proposal is infill in undeveloped rear yards of existing adjoining neighborhoods. The proposed new residential units will moderately contribute to the city's housing stock. The location is probably the most desirable feature; in close proximity to area institutions: UVM Medical Center, the university, and downtown.

Inclusionary housing units will be required. The project will be providing an estimated 11 inclusionary housing units as well. **Affirmative finding as conditioned.**

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

Modest impacts on the city's park and recreation needs are anticipated. Payment of impact fees will help offset such impacts. The project will be enhanced with on-site gardens, park benches, bike racks and similar amenities for use of the immediate residents. **Affirmative finding.**

(c) Conditions of Approval for Conditional Use applications

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 application includes an evolved landscape plan (See Plan L1-01.) Trees are proposed around the eastern edge of the central parking area, and the western edge of the parking area behind 66 Colchester Avenue; reducing the likelihood of headlight trespass. Additionally, heavy plantings are proposed behind the adjacent properties of Fletcher Place.

Tree requirements must be consistent and compliant with the requirements of 6.2.2. (l).

Affirmative finding as conditioned.

2. Time limits for construction.

Zoning permits are valid for two years; however, the applicant may request an extended period under a phasing schedule. The applicant here requests an initial phase to complete either the north or south building within 30 months from the date of issuance of the zoning permit. A second phase will see completion of the 2nd building within 42 months from issuance of the zoning permit. Overall, the permit life requested is 3 ½ years. Any phasing plan is at the discretion of the DRB. Given the scope of the project, the requested phasing schedule is reasonable.

The specific hours of construction are typically limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. The DRB has the discretion to alter those hours based on the demands of the project and the context of the development area. **Affirmative finding as conditioned.**

3. Hours of operation and/or construction to reduce the impact on surrounding properties.
See above.

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

As a PUD and a Major Impact/Conditional Use, this is a statutory requirement. Any future enlargement or alteration will be reviewed under the regulations in effect at the time of the request. **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.

Any such performance standards are at the discretion of the DRB.

Article 4: Maps & Districts

(a) Purpose: The Institutional District allows for an increased development scale and intensity than would typically be found in the adjacent residential districts to support

continued growth and flexibility of the city's major educational and health care institutions within their respective institutional missions. New development is intended to be sensitive to the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods.

The district is intended to support a broad range of related uses reflecting the resident institutions role as regional educational, health care, cultural and research centers.

Buildings should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sensitive transitions between adjacent lower scale residential areas and larger scale institutional development should be provided. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures.

The proposed building is larger in scale than those that surround it on Colchester Avenue and Fletcher Place, but the articulated purpose of the district confirms the anticipation of increased scale and intensity. In this project, the difference is largely ameliorated with the siting of the building far within the parcel and placement behind existing buildings. The design of the building has been articulated with developed exteriors, including plane changes, building recesses, balconies, articulated window and roofline treatments and site amenities. There is an enhanced pedestrian and parking circulation system that will permit residents to traverse from building to vehicle or building to off site with relative ease and safety. Parking for residents will be undergrounded; the remaining parking to serve on-site existing uses has been reorganized and arranged for broad user benefit. As development is interior to the lot, surface parking is located behind and to the rear of existing buildings. **Affirmative finding.**

Table 4.4.4-1 Dimensional Standards and Density

Calculation of total acreage (as confirmed by Andrew Mills, PE, Trudell Consulting Engineers)
Parcel identification per Plan C1-03. No change to actual lot lines proposed.

Parcel A (72, 80 and 95 Colchester Avenue)	3.38 A
Parcel B (66 Colchester Avenue)	0.25 A
Parcel C (96 Colchester Avenue)	0.38 A
Total area	4.01 Acres

Institutional District	Max. Intensity 20 du/acre 24 du/acre with IZ	Max. Lot Coverage 40% 48% with IZ	Building setbacks			Max. Height 35'
			Front ² Minimum 15'	Side ³ 10% of lot width, Min. 5', Max 20'.	Rear 25% lot depth, min. 20', max 75'	
Proposed development	15 existing / equivalent units + 75 new = 90/4.01 acres = 22.44, less than the 24-unit limitation with IZ	35.8% (See Plan C2-01)	No change to Colchester Avenue.	New building meets max 20' side yard setback from west; parking area on east will meet minimum 5' setback. See plan C2-03 or L1-01.	Meets maximum setback.	Measurement from average grade to roof is < 35' (see Plans A201, 202); calculation for allowable exceptions to height limits defined in roof plan A105 (areas exceeding height limit See ZA 16-

						14 for amended zoning standards.) ¹
--	--	--	--	--	--	--

Boundary line adjustments have already occurred between 80 Colchester Avenue, 27 Fletcher Place and 49 Fletcher Place. Reciprocal easement arrangements for parking and access will be effected for all involved parcels and will be a condition of approval. See submitted memorandum dated January 30, 2017; Section 6. a-f.

As 66, 94 and 96 Colchester Avenue will remain separate lots, their side yard setbacks remain as existing and will only be analyzed for setback compliance along the periphery of the project which is the ultimate consideration for a PUD.

Internal setbacks are not considered, as only setbacks around the periphery of the PUD are scrutinized.

Affirmative finding.

Section 4.4.4 (c) Permitted and Conditional Uses

Attached dwellings, multi-family are a conditional use in the Institutional Zone, per Appendix A. Seer 3.5.6, above and Appendix A. **Affirmative finding as conditioned.**

Article 5: Citywide General Regulations

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.4-1, above. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

Although the combined parcels exceed the 2-acre threshold, all are within the Institutional Zone which is not subject to this criterion. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.4-1, above.

Section 5.2.6 Building Height Limits

¹ Section 5.2.6 (b), as amended under ZA-16-14 – Downtown Mixed Use Core Overlay.

3. Ornamental and symbolic architectural features, including towers, spires, cupolas, belfries and domes; greenhouses, garden sheds, gazebos, rooftop gardens, terraces, and similar features; and fully enclosed stair towers, elevator towers and mechanical rooms, where such features are not used for human occupancy or commercial identification, **are exempt from specific height limitations** but shall be subject to the design review provisions of Art. 3 and 6. Such features and structures shall be designed and clad in a manner consistent and complementary with the overall architecture of the Building. 4. Exposed mechanical equipment shall be allowed to encroach beyond the maximum building height by no more than 15-feet provided that portion exceeding the height limit does not exceed **20%** of the roof area.

Exposed mechanical equipment shall be fully screened on all sides to the full height of the equipment, and positioned on the roof to be unseen from view at the street level. Screening may consist of parapets, screens, latticework, louvered panels, and/or other similar methods. Such features and structures shall be designed and clad in a manner consistent and complementary with the overall architecture of the Building. Where mechanical equipment is incorporated into and hidden within the roof structure, or a mechanical penthouse setback a minimum of 10-ft from the roof edge, no such area limit shall apply and the structure shall be considered pursuant with 4 above.

Height is limited to 35', except under provisions of Section 5.2.6 (b). Exceptions to Height Limits has recently undergone amendment (ZA16-14, see excerpt in footnote above) which excludes elevator towers. The mechanical equipment is screened, and collectively does not exceed 20% of the roof area. **Affirmative finding.**

Section 5.2.7. Density and Intensity of Development Calculations

See Table 4.4.4-1, above. This meets the limitation for intensity of use including IZ.

Affirmative finding.

Part 3: Non-Conformities

Section 5.3.5 Nonconforming Structures

(a) Changes and modifications:

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

- 1. Such change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.*
- 2. Such change or modification shall not create any new nonconformity,*

There are no changes to the existing non-conformity to setback of 66 or 72 Colchester Avenue. The new building meets the maximum setback of 20' on the easterly boundary of the 80 Colchester Avenue parcel. Other, independent lots (66, 94 and 96 Colchester Avenue will have no implications for setbacks, as they are existing and the lots are within the PUD. A small sliver of the 80 Colchester Avenue parcel connects to Colchester Avenue next to 96, and that will retain its existing setback.

Affirmative finding.

Sec. 5.4.8 Historic Buildings and Sites

72, 80, and 94 Colchester Avenue are all listed on the Vermont State Register of Historic Resources. As the development is proposed for the interior of these combined parcels, the most significant concern may be that of compatibility, particularly in regard to massing and proportion.

(b) Standards and Guidelines:

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

Each of the identified historic resources along Colchester Avenue and Fletcher Place were constructed as residential dwellings. The addition of new housing in the rear of these combined parcels will not alter the historic or current use of each structure.

The single car garage behind 72 Colchester Avenue is proposed for removal, to accommodate the interior circulation and parking plan. See Section 5.4.8 (d), below.

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

No alterations to the principal structures at 66, 72, 80, 94 or 96 Colchester Avenue are proposed. The roadway that is proposed as the principle entrance to the development between 80 and 94

Colchester Avenue is currently an access to a parking area. Two driveways west of 80 Colchester Avenue will be eliminated. The most significant change will be the introduction of a large extended residential structure in the rear of the assembled lots. The structure will occupy an area of the backyards behind these older structures, and introduce a building of a larger scale and mass than those on the north side of Colchester Avenue or Fletcher Place. The significant setback from existing buildings and the streetfront as well as physical screening by the presence of these existing buildings tempers differences in massing.

The single car, wood frame garage behind 72 Colchester Avenue is proposed to be removed to accommodate the new circulation and parking plan. It, also, is listed on the Vermont State Register as associated with 72 Colchester Avenue, and dates from 1930-50. In appearance and presentation, the small accessory building clearly recalls the single family residential use of the property. See Section 5.4.8 (d), below.

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

There is no proposal for conjectural features on any of the subject properties. **Affirmative finding.**

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

Other than the removal of the garage at 72 Colchester Avenue, the application does not include alteration to the existing historic properties. See Section 5.4.8 (d), below for discussion of the garage. **Affirmative finding.**

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

No changes to features or finishes are proposed. **Affirmative finding.**

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

No replacement of historic features is proposed. **Affirmative finding.**

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

No chemical or physical treatments are proposed for the historic buildings. **Affirmative finding.**

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

As noted.

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

Spatial relationships will be altered in that these included properties will no longer have the expansive rear yards as is currently present. As an example of modern infill, the project provides an opportunity for attractive, functional infill housing complementary to its existing residential neighbors. Other historic examples of residential development off Colchester Avenue would be Nash Place, Thibault Parkway, and even Fletcher Place itself.

Growing cities commonly utilized open area tangent to existing development along major thoroughfares to expand residential opportunities; but each successively created a nucleus neighborhood that was independent of but related to neighboring development. This proposal seeks to introduce a residential nub within a collection of existing buildings.

Revised building elevations define a housing model of more modern vocabulary, contrasting in proportion, massing (3 stories), and scale with its most immediate residential neighbors. The substantial setback from the historic buildings that line Colchester Avenue and Fletcher Place, its influence is assuaged by distance. Modeling studies aid analysis of compatibility with and impact to its abutting neighbors, particularly in regard to scale, proportion, and appearance. See prepared images provided for this review.

In design, material and scale, the new development is clearly differentiated from older surrounding structures and distinctly new. **Affirmative finding.**

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

It would be possible to consider the removal of a single large detached structure, so the project might be reversible. **Affirmative finding.**

(d) Demolition of Historic Buildings

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

- A. *The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure;*

No evidence has been provided or any assertion made that the accessory structure at 72 Colchester Avenue is structurally unsound.



or,

- B. *The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district;*

The garage's function will be replaced with the new parking garage; its location in conflict with the proposed circulation path of the new development. The applicant is willing to explore alternatives to demolition, including relocation. Even with relocation, the small accessory building would likely look out of context if repurposed in the area of new development. The Design Advisory Board considered the potential for relocation within the project area, potentially to function as a dumpster or recycling enclosure. The structural integrity of the building came into discussion, and the likely difficulty of housing (and emptying) a dumpster within the shell.

Other potential relocation sites were not considered: 27 Fletcher Place may be an opportunity, or some other residential property along Fletcher Place, as its age, function and appearance would be consistent with those dwellings. In any case, if the development application is approved, exploration of relocation or re-purpose is recommended. The applicant has indicated his willingness to do so. **Affirmative finding.**

or,

- C. *The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.*

The overall development will provide 75 new housing units (11 of those perpetually affordable) in close proximity to major institutions. The subject building is a small accessory structure, common for its period and association with changing mobility and modes of transit. The Design Advisory Board believed the addition of new housing units supported the sacrifice/loss of the small accessory structure. **Affirmative finding.**

And all of the following:

- D. *The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;*

This is the sole historic building proposed for alteration or removal within the development area. Its demolition, although regrettable, will not substantively impact the historic importance of the principal buildings that line Colchester Avenue and Fletcher Place. **Affirmative finding.**

- E. *All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history;*

Photo documentation of the structure prior to its removal is highly recommended. The building's importance, on the Vermont State Register of Historic Resources, does not rise to the benchmark requiring Historic American Building Survey documentation. **Affirmative finding as conditioned.**

and,

F. *The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).*

- (i) *Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;*
- (ii) *Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,*
- (iii) *The time between demolition and commencement of new construction generally shall not exceed six (6) months.*

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

The removal of the garage is incorporated into a much larger development proposal that includes new construction and parking facilities within new buildings. The timetable of such development, if approved, will be consistent with the life of the zoning permit per any phasing schedule approved by the DRB.

New construction must commence within 6 months of the removal of this building per this standard. **Affirmative finding as conditioned.**

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

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

If approved by the DRB and documented in photographs for the record, it is suggested that the garage be made available for reuse, relocation, sale, or salvage per this standard. The applicant has indicated his willingness to do so. **Affirmative finding.**

Section 5.5.1 Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. Lighting, must meet the standards of Section 5.5.2, below. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

Plan L2-01 defines light distribution acceptable for parking lots/walkways. Entry lighting should not exceed 5 fc. There are 2 hot spots identified; at the principal entrance on the south elevation (7.4 fc) and either side of the connector entry (5.5 and 7.6.) With adjustment of these fixtures, the photometric may be brought into compliance with these standards. **Affirmative finding as conditioned.**

Section 5.5.3 Stormwater and Erosion Control

A stormwater management plan, and Erosion Prevention and Sediment Control Plan has been submitted and has been approved in writing by the City Stormwater staff. Additionally,

conditions will require compliance post construction with each approved plan prior to issuance of any Certificate of Occupancy. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

No land division is proposed. Recent property line boundary adjustments have altered the parcel boundaries of 80 Colchester Avenue, 27 and 49 Fletcher Place. This application reflects those newly defined property boundaries. No new division is proposed.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features

There is a significant ravine to the north of the site, which the project development avoids. The proposal intends to incorporate grade changes to facilitate underground parking for the new residential building. **Affirmative finding.**

(b) Topographical alterations

Revised site plan C2-01 defines grade contours post construction. C2-03 is specific for grading and layout. Plan C1-04 clearly defines removal of parking areas, sheds, garage, and walls, as well as the tree clearing limits to the north. **Affirmative finding.**

(c) Protection of important public views

There are no important public views from or through the property. **Affirmative finding.**

(d) Protection of important cultural resources

See Section 5.4.8 (b).

(e) Supporting the use of alternative energy

Submission documents include the intent to incorporate rooftop solar, which is encouraged. A roofplan has been submitted, including a calculation for roof area in excessive of the height limitation, allowable under Section 5.2.6 (b) 4. **Affirmative finding.**

(f) Brownfield sites

The properties are not listed on the Vermont DEC Hazardous Waste Site. Not applicable.

(g) Provide for nature's events

A Stormwater Management plan, was approved by the City Stormwater team per **Section 5.5.3**, Stormwater and Erosion Control. The applicant received approval of the Conservation Board January 23, 2017. Newly submitted plans include EPSC construction and stabilization plans (C5-01 and 02), which have received approval of the City Stormwater team.

Snow storage is identified on the b&w Plan L1-01. The applicant defines a plan to move all snow from the westerly parking lot to the easterly lot and store as noted. Some snow may require trucking from the site. The collective parcels will *share in the costs of managing, operating and maintaining the common facilities* ("Memorandum", Section 6.f, January 30, 2017); these costs will be born by that association. **Affirmative finding.**

(h) Building location and orientation

The visible public streetscape along Colchester Avenue is an important component; however, equally important is the establishment of a well-defined built environment, functional open spaces, and interconnectivity between the new dwellings and the existing streetscape/sidewalks that connect physically and visually to Colchester Avenue. The site plan has been redesigned to create and orient a primary façade (south building) to front Colchester Avenue. A pedestrian way and crosswalk to Colchester Avenue are illustrated on the plan, all connecting to an interior pedestrian circulation network. The applicant is warned that any sidewalk within the right of way needs to meet city specifications (which is concrete) or have a license agreement to maintain. (See pedestrian paver path, Plan C10-01, dated 4/4/2017.)

The proposed circular drive will provide visual access to both buildings, providing a ring of parking spaces to the east of both buildings. Pedestrian drop off may casually occur within that circle, or at the pedestrian crosswalk in front of the southerly building.

Open space or common land is required as part of Article 11.

The CDO and Municipal Development Plan articulate a vision for vibrant city neighborhoods with a fabric of cohesive streetscapes and call for new neighborhoods to reflect this vision. The proposed development increases residential density through utilization of undeveloped rear yards. This concept is hardly new, with much residential conversion and new construction on rear yards throughout the city. The application here has the potential to introduce a significant number of new residential units in a district that can support the density in a manner that is respectful of the existing pattern of development and streetscape. **Affirmative finding as conditioned.**

(i) Vehicular access

Access to this inner site is proposed directly across from the UVM Medical Center, intending to utilize the existing traffic light. Two driveways west of this access will be eliminated; all traffic will be directed through the the light. Revised plans include proposed signage for pedestrian and vehicular circulation and flow. The proposed access and circulation pattern will make available interior parking behind 66, 72, 80, 94 and 96 Colchester Avenue. A vehicular connection to 106 Colchester Avenue is illustrated up to the property line; without a companion zoning permit for that specific parcel, no shared drive is acknowledged and any driveway must meet a required setback. That extension has been eliminated from the plan until such time as shared access is formalized between parcels and a zoning permit secured.

The principal entry at the traffic light would also offer the opportunity for interior circulation to turn “left” in front of the proposed south building; and then turn right to access to the underground garage(s).

The existing access drive east of 96 Colchester Avenue is proposed to be retained and connected to the inner network as well as specific parking spaces for the existing medical office. This drive is for ingress only; will include handicapped parking spaces and informational signage.

Affirmative finding as conditioned.

(j) Pedestrian access

Sidewalks connect directly to those on Colchester Avenue, and continue along the easterly side of the south building, connecting to the northerly building. A “promenade” type pedestrian path

provides a focal entry to the south building from Colchester Avenue; something recommended in earlier sketch plan review.

Revised site plan (C2-01) and Landscape plan (L1-01) reflect the recommended sidewalk west of the new building, with landscaping. A crosswalk has been added to access the dumpster or the dental office at 66 Colchester.

Sidewalks ring both the north and south of the circular parking area behind 94 and 96 Colchester Avenue. Crosswalks for pedestrian use from the parking lot to the sidewalks in the rear of 66, 94 and 96 Colchester Avenue have been added. **Affirmative finding.**

(k) Accessibility for the handicapped

The project will be required to meet ADA standards, as directed by the building inspector. Elevators are proposed to serve both the north and south buildings. H/C parking is required, with identification, signage and access area. Some h/c parking areas are defined on the site plan (specifically, behind 72 Colchester Avenue, immediately east of the south building and one in underground parking of same.) The existing diagonal parking places next to 96 Colchester Avenue are identified and include h/c parking. Adequacy of these parking spaces must be confirmed with the building inspector; additional h/c parking may be appropriate near medical buildings. **Affirmative finding as conditioned.**

(l) Parking and circulation

Parking is proposed under both new buildings and with surface parking. The applicant will be obliged to meet the parking requirements of Table 8.1.8-1 of the CDO. The parking requirement for multi-unit attached dwellings in the Shared Use Parking District is 1/unit.

Circulation as best understood is proposed via an access drive at the traffic light on Colchester Avenue; proceeding through a choice of paths. Turning right will afford access to a circular loop double-lined with 51 surface parking spaces. A secondary surface parking area west of the south building permits access to another 14 surface parking spaces and entrance to two subsurface parking decks. The far easterly access (next to 96 Colchester Avenue) will first admit access to 6 surface parking spaces intended for the medical office (one h/c), and lead to the circular loop. As circulation paths and parking cross property boundaries, the applicant must effect easement or other instrument to allow use of included parcels within the PUD to provide the suggested access and circulation. A narrative defining the intended easements has been provided. (Memorandum, rec'd via email 1/31/2017.)

Access to the 106 Colchester Avenue parcel as a suggested shared driveway will require a separate zoning permit and coverage calculation for that lot. Until that occurs, the access drive to the boundary line shall be omitted from plans.

The proposed vehicular circulation plans will be dependent on informative signage to direct drivers to correct paths. The applicants have provided such a plan (C2-04). Overall, the plan realizes the abandonment of several access drives, coordinates internal circulation and is largely behind the existing buildings on Colchester Avenue.

Surface parking requires shading to reduce the effect on the local microclimate, air quality, and stormwater runoff. At least 30% of the parking lot must be shaded. 1 shade tree shall be provided for every 5 parking spaces with a minimum caliper size of 2 ½ -3" at planting. For the

circular loop, 10 trees will be required; these are illustrated on revised Plan L1-01, date stamped January 27, 2017. For the parking behind 66/72 Colchester four new trees are needed (5+14=19/5 = 4. 6 are shown on landscaping plan.) The plant list accompanying L1-01 provides appropriate caliber size at time of planting. Specimen choice and size at maturity should be reviewed by the City Arborist for appropriateness and acceptability. [Plan sent to Warren Spinner 12.19.2016.]

Exterior (short term) bicycle parking is provided west of 72 Colchester Avenue, as required with access along vehicular driveways or paths. See Plans C202-204. This rack must accommodate 10 short term bicycle parking spaces. The applicant has confirmed this compliance within his annotated response to the January 31, 2017 staff comments. Additional (long term) bike storage will be provided within the new structure. See Plan A101. Bicycle parking must be linked to pedestrian routes to a building entrance. Bike parking must conform to applicable design and construction details as provided by the City of Burlington Bicycle Parking Guidelines:

https://www.burlingtonvt.gov/uploadedFiles/BurlingtonVTgov/Departments/Public_Works/Transportation_Policy_and_Planning/Bicycling_and_Walking/Bicycle%20Parking%20Guidelines.pdf

Affirmative finding as conditioned.

(m) Landscaping and fences

A landscaping plan has been provided as part of the revised submission packet. See (above) for shading requirements. Landscaping shall be distinctly arranged to prevent parking lot creep, with installation of barriers to prevent vehicles from encroaching into abutting greenspace. This is particularly important with the parking east of 96 Colchester Avenue and at the edge of surface parking areas.

Affirmative finding as conditioned.

(n) Public plazas and open space

While there are no formal public plazas included in the plan, the concourse entrance from Colchester Avenue acts as a public meeting area with benches, lighting, and new landscaping. It is appropriate to evaluate the overall availability of open space available for residents as part of a PUD. North of the development site is unreceptive for open space amenities due to the challenging topography. An open area on the east of the project area abutting the 27 Fletcher Place parcel has been identified as a community garden, and has an existing shed that can be used for tool storage. An area for picnic tables, clothes lines, or play areas dedicated to the enjoyment of the residents would further this effort. However, as a housing complex intended for professionals, those amenities may not be as critical as they would be for a family residential development. The proposal for a rooftop terrace is more likely an amenity to be appreciated by the anticipated tenants.

The rooftop terrace is exempt from height limitations per Section 5.2. 6 (b) as amended.

Affirmative finding.

(o) Outdoor lighting

A photometric plan has been submitted. See Section 5.5.2, above. A minor number of adjustments will be needed at building entrances. **Affirmative finding as conditioned.**

(p) Integrate infrastructure into the design

On-site utilities will need to be undergrounded. Meters, utility connections, HVAC or similar mechanical equipment should be coordinated with the design of the building, and grouped in a service court out of public view. All need to be illustrated on elevations and/or site plans to determine appropriateness of location and necessity of screening.

Rooftop mechanicals are illustrated behind screening on Plans A201 and A202. A detail sheet has been provided for that feature; see *Memorandum* received via email 1/31/2017.

As has been frequently mentioned, it would be preferable to integrate trash and recycling operations within the building rather than as a stand-alone. The location of trash facilities has been redefined behind 66 Colchester Avenue, within an enclosure. This location is less visually obtrusive, and more accessible than previously defined.

The Design Advisory Board accepted the proposed location of the dumpster/enclosure, but conditioned that it should be designed to fit compatibly within the context of the site. The revised plan (A101, detail) define a 6' high steel frame fence with horizontal wood slats. If the interpretation of compatibility is relative to the new development, this may be determined to meet the standard of "compatible design." An elevation drawing of the dumpster enclosure shall be required.

The dumpster is required to be enclosed on all four sides to prevent blowing trash; and must be screened from public view.

The location of residential mailboxes must be defined.

Affirmative finding as conditioned.

Part 3, Architectural Design Standards

Section 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

66, 72 and 80 Colchester Avenue maintain the 1 ½ story, residential scale of mid 19th century dwellings. 94 Colchester Avenue is a more modern, one story medical office structure; and 96 is a 2 ½ story foursquare. Compared to the existing buildings, the massing and scale of the proposed new residential building diverges from the residential scaled buildings that surround it. The distance between them and the proposed building (and distance from both Colchester Avenue and Fletcher Place) somewhat ameliorates that discord. **Affirmative finding.**

2. Roofs and Rooflines.

Flat roofs are proposed; within the context of the immediate area (north side of Colchester Avenue, west side of Fletcher Place) most buildings have gable, bonnet, hipped or compound roofs with dormers. Porches typically have shed or modified hip roofs.

Flat roofs are not commonplace on the *residential* buildings north of Colchester Avenue, however Mater Christi School has a flat roof, as do many of the institutional buildings across Colchester Avenue.

This development is set back from the surrounding residential scale buildings and removed from their immediate context; differences that reflect the newer construction aesthetic and date of construction are acceptable.

The application submittal includes specification sheets for condensing units. The roof plan also defines the intended location of the units. The screening specification detail sheet has been provided.

Affirmative finding.

3. Building Openings

Windows on the southerly building are ganged in threes on the south elevation (facing Colchester Avenue), with the principal entry flanked in plate glass. The westerly elevation displays rhythm and thoughtful arrangement. The west elevation of the northerly building features symmetrically organized windows, with a central spine through which an entry is located. The same elevation of the southerly building has window and door arrangements organized into related groups associated with the arrangement of units. Windows are more vertical than horizontal.

Easterly elevations of both buildings illustrate the desire to distinguish one building from the other with material and window arrangement. The connector between the two is also among glass or metal panels, with a double entry door. First floor doors to units are easily distinguishable by entry stairs and either alcove or canopy.

The north elevation of the northerly building now enjoys more glazing, with triple patio doors onto balconies at the upper floor. Similar features are evident on the south elevation of the same wing. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

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

See Section 5.4.8.

(c) Protection of Important Public Views:

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

(d) Provide an active and inviting street edge:



The core of the development is behind existing structures. The most visible street presence will be the main entry facing Colchester Avenue, which will be visible at the pedestrian entryway between 74 and 80 Colchester. That entrance is defined by the prominence of the façade design, the pedestrian pathway from Colchester Avenue, and the two new Sunburst Honey Locust that will give focus and presence to that entry. The building will be marginally visible from the Fletcher Place roadway. The applicant has provided newly rendered plans to illustrate the view from Fletcher Place. No point of entry is proposed from the Fletcher Place streetscape to the larger development. **Affirmative finding.**

(e) Quality of materials:

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

Sheathing is proposed to be a mix of clapboard (fiber cement or wood), metal, hardi-panels, brick and wood panel. The design relies upon alteration of building material to provide interest and articulation to the plan. Window materials are defined as composite frame/sash, double glazed Low-e.

All material suggested are of acceptable durability in new construction.

The dumpster enclosure is described as “6’ steel frame fence with horizontal wood slats on Plan A101. There is no elevation drawing which will be required.

Affirmative finding as conditioned.

(f) Reduce energy utilization:

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

(g) Make advertising features complementary to the site:

No signage is proposed. Any signs will require a separate sign permit.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p.)

(i) Make spaces secure and safe:

All applicable building and life safety code as defined by the building inspector and fire marshal will be required. Building entrances need to be adequately illuminated (but not to exceed 5 fc.) Light levels remain slightly elevated at building entrances; see Section 5.5.2. An intercom system is recommended to maximize personal safety of the residents. The January 31, 2017 annotations provided by the applicant inform of a willingness to install an intercom system at the main lobby entrance. (p. 27.) **Affirmative finding as conditioned.**

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

The last approved site plan for 66 Colchester Avenue (1988) featured a paved parking area with 6 spaces. As portrayed, there is a significant expansion in parking behind that structure, which will be brought into the PUD to formalize the arrangement and therefore brought into compliance.

From an examination of the zoning record, the final number of permitted parking spaces per parcel:

Address	Use	Permitted Bike parking	Permitted Car parking	Zoning Permit
66 Colchester Avenue	Medical office	0	6	87-853
72 Colchester Avenue	Single family house	0	2	97-050
80 Colchester Avenue	Community House (Hillel)	2	5 required; see 94 below)	15-0042CA/CU
94 Colchester Avenue	Med office and basement apartment	0	16 shared with 80 Colchester (aabove)	92-025
96 Colchester Avenue	Med office with basement apartment	0	25	10-0979CA
Total approved parking with existing uses		2	49	

In the Shared Use Parking District, 1 parking space is required for each dwelling unit. For 75 new residential units, 75 parking spaces will be required in addition to the current demand by existing use. $75 + 49 = 124$ **parking spaces** to meet existing and proposed uses. Plans show 77 surface and 48 interior parking deck, for a total of 125 parking spaces.

Affirmative finding for vehicular parking.

Section 8.2.5 Bicycle Parking Requirements

Table 8.2.5-1 defines the bicycle parking requirement as 1 per 4 units for long term storage, and 1 per 10 units for short term. For 75 new residential units, bicycle parking requirements would be **19 long term spaces, and 8 short term**. Plan A101 confirms 20 interior bicycle parking spaces, which meets the long term bike parking requirement. The bike rack west of 72 Colchester Avenue will accommodate 10 bicycles spaces, sufficient to meet the requirement for 8 short terms spaces required for the new residential units and the 2 required for Hillel (ZP15-0042CA/CU.) As previously noted, exterior bicycle parking must be linked to pedestrian paths that connect to the buildings and public sidewalks.

Affirmative finding.

Article 9: Inclusionary and Replacement Housing

Section 9.1.5 Applicability (As amended by the City Council 8/10/2015.)

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of this Article. Fifteen percent of the total unit count must be inclusionary (Per Section 9.1.10, 15% of 75 is **11** dwelling units). The project would not meet the exemption from Inclusionary Housing within the Institutional Zone, as the proposed units are not being developed by an educational institution.

Approval for the adequacy of the inclusionary units will be required from the manager of the city's Housing Trust Fund. Any stipulations would be included as a condition of approval.

Affirmative finding as conditioned.

Section 9.1.12 Additional Density and Other Development Allowances

As a covered project, it will be entitled to increases in the development allowances of the underlying zoning district. As per Table 4.4.4-1, Maximum intensity increases from 20 dwelling units/acre to 24; maximum coverage from 40% to 48%. Overall coverage for the PUD development site is 35.8%. See Plan C201 and Table 4.4.1, above. 90 total units (75 + 15 equivalent) calculate to 20.31 units per acre, under the allowable 24 units with IZ inclusion. For the method for calculating intensity of use, see Section 5.2.7 (a).

Other possible allowances for the provision of Inclusionary Units may include:

(b) 1. A waiver of up to 50% waiver of parking spaces as outlined in Article 8, Section 8.1.14 (not requested or needed);

2. A waiver of a portion of the impact fees associated with the Inclusionary Units, pursuant to the Art. 3, Part 3 Impact Fee Administration Regulations.

The applicant is encouraged to confer with the Housing Trust Fund Manager to confirm the number of required IZ units, and any potential reduction of Impacts Fees.

All provisions of Section 9.1.8 through 9.1.11 (rental and sales, percentage of Inclusionary Units, and income eligibility) shall apply, without exception, to any inclusionary units that are constructed.

Affirmative finding as conditioned.

Section 9.1.13 Off-Site Option

The applicant has not proposed any inclusionary units be located off site. If the applicant decides to seek an off-site option or to make a payment in lieu of constructing inclusionary units, the provisions of this section will apply. **Affirmative finding as conditioned.**

Section 9.1.14 General Requirements for Inclusionary Units

- (a) *In order to assure an adequate distribution of inclusionary units by household size, the bedroom mix of inclusionary units in any project shall be in the same ratio as the bedroom mix of the non-inclusionary units of the project.*

As noted. Additional provisions of Inclusionary standards, including gross floor area, interior amenities, marketing, and affordability will be required to meet the approval of the City's Housing Trust Manager. **Affirmative finding as conditioned.**

Sec. 9.1.17 DRB Review of Proposal for Phasing

The applicant has requested as a component of the project review that an extended permit life be considered, allowing for one building to be completed within 30 months from the date of issuance of the zoning permit. The second building will be completed within 42 months of the date of issuance of the zoning permit. The scope of the project and extent of site work support support the additional time requested, if the DRB concurs. **Affirmative finding if conditioned.**

Sec. 9.1.18 Timeline for Availability/Phasing of Inclusionary Units for Issuance of Certificate of Occupancy

Inclusionary units shall be made available for occupancy on approximately the same schedule as a covered project's market units, except that certificates of occupancy for the last 10% of the market units will be withheld until certificates of occupancy have been issued for all inclusionary units. If the project is approved to be constructed in two phases on an extended permit timeline, certificates of occupancy may be issued on a phased basis consistent with the conditions of approval per Section 9.1.17. **Affirmative finding as conditioned.**

Sec. 10.1.6 Sketch Plan Review

Whenever a subdivision is proposed that will create five (5) or more lots or dwelling units, the applicant shall submit sketch plans and data pursuant to Article 3, Section 3.2.1(c) Sketch Plan Review showing existing conditions within the site and its vicinity and the proposed layout and development of the subdivision prior to the preparation of any preliminary and/or final plats. The proposal was reviewed under four separate Sketch Plan reviews. **Affirmative finding.**

Section 10.1.18 Preliminary Plat Review

After sketch plan review if applicable, the applicant may submit an application for Preliminary Plat Review pursuant to requirements specified below and containing any additional information requested by the administrative officer after completion of the sketch plan review.

Zoning amendments relative to subdivision review have largely separated PUDs from Article 10. As no lot will be subdivided as part of the PUD (27 and 49 Fletcher Place boundary line adjustments have already occurred) and no new lots will be created, no subdivision will occur. There will be no requirements for Preliminary and Final Plat review. **Not applicable.**

Article 11: Planned Unit Development

Section 11.1.3 General Requirements and Applicability (As adopted by City Council 8/10/2015.)

Any development involving **multiple lots, tracts or parcels of land to be developed as a single entity**, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article. A Planned Unit Development may be permitted subject to minimum project size as follows in the following districts:

Institutional – no minimum project size.

Footnote: Subject to Conditional Use Review pursuant to Article 3, Part 5.

This standard allows development of multiple lots with no minimum lot size for a PUD in the Institutional Zone. See Section 3.5.6 for Conditional Use Review standards.

Section 11.1.4 Modification of Regulations

With the approval of the DRB after a public hearing, the following modifications the requirements of the underlying zoning may be altered within a planned unit development:

- *Density, frontage, lot coverage and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis.*
- *Required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;*
- *More than one principal use and more than one principal structure may be permitted on a single lot, and*
- *Buildings may be of varied types including single detached, attached, duplex or apartment construction.*

Any proposed modifications of regulations shall be listed in a statement accompanying the application submission and such modifications shall be subject to the provisions of Section 11.1.5 and Section 11.1.6.

Calculations for lot area, intensity of use and setbacks have been provided for 66, 72, 80, 94 and 96 Colchester Avenue. See Table 4.4.4-1. Parking has been calculated for the uses on those lots, in addition to the existing uses. More than one principal use and more than one principal structure are proposed within the PUD. Buildings are of varied types, among which are apartment construction proposed in this application. **Affirmative finding.**

Section 11.1.5 Approval Requirements

(a) The minimum project size requirements of Section 11.1.3 shall be met;

There is no minimum project size for a PUD within the Institutional Zone.

(b) The minimum setbacks required for the district have been met at the periphery of the project;
See table 4.4.4-1, above.

(c) The project shall be subject to design review and site plan review of Article 3, Part 4 and the standards of Article 6.

See Articles 3 and 6, above.

(d) The project shall meet the requirements of Article 10 for subdivision review where applicable;

Not applicable. The boundary line adjustments between 80 Colchester Avenue, 27 and 49 Fletcher Place have already occurred. No subdivision will occur as part of this application.

(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project;

See Table 4.4.1 (above.) **Affirmative finding.**

(f) All other requirements of the underlying zoning district have been met as calculated across the entire project;

See Section 4.4.4, above. **Affirmative finding.**

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB

A community garden for the residential units is illustrated on the easterly side of the lot; the entrance promenade and proposed rooftop deck will provide additional common space.

Affirmative finding.

(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.

The applicant requests an initial phase of 30 months, with a secondary phase anticipated at 42 months after issuance of the zoning permit. Any proposed phasing plan will need to be approved by the DRB and included as part of decision and conditions. **Affirmative finding as conditioned.**

(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests;
Sec. 11.1.1, Intent

(a) Promote the most appropriate use of land through flexibility of design and development of land;

The concept of developing underutilized area behind existing structures is a traditional method of infill and intensification of use where encouraged though the Municipal Development Plan. See Section 3.5.6. (b) 10, above. **Affirmative finding.**

(b) Facilitate the adequate and economical provision of streets and utilities;

The proposed new structure can be served by extended access road(s) within the site and utilizing public utilities. **Affirmative finding as conditioned.**

(c) Preserve the natural and scenic qualities of open space;

The natural area/open space to the north will be retained and visible from many of the proposed residences within the new development. The revised site plan has re-aligned the building mass to provide greater exposure for vistas to that natural area. **Affirmative finding.**

(d) Provide for a variety of housing types;

The new units will be one bedroom or studio units, to satisfy demand for housing for professionals. **Affirmative finding.**

(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed;

The project area retains an existing amount of infrastructure, buildings and use that front Colchester Avenue. The ravine area to the north has been partially annexed via boundary line adjustment to be included as part of the PUD. Appending that land area has allowed for greater development and density within the buildable area of the collective parcels but avoiding the sensitive area to the north. **Affirmative finding.**

And;

(f) Achieve a high level of design qualities and amenities.

As proposed, the building design proposes intensifying the density with construction of a single connected residential building. The building is articulated with differentiated materials and building planes; welcoming building entrances, porches and balconies. Customary residential appurtenances like porches, patios, breezeways, gardens, pergolas, play areas, or clotheslines are recommended for inclusion, as typical and welcome amenities for attractive residential complexes, particularly within established neighborhoods. **Affirmative finding.**

(j) The proposed development shall be consistent with the Municipal Development Plan
See Sec. 3.5.6 (b) 10.

(k) Any proposed accessory uses and facilities shall meet the requirements of Section 11.1.6 below.

Section 11.1.6 Accessory Facilities

(a) A planned unit development may contain a building or buildings intended for non-residential uses, such as but not limited to a community center, recreation facility, and child care center and/or business office if the DRB determines that such use or uses are compatible with the intended principle residential use.

The applicant has requested inclusion of a business office associated with the management of the new residential units at 94 Colchester Avenue. Inclusion of any accessory facilities shall be confirmed with the DRB for appropriate review and permit issuance.

Affirmative finding as conditioned.

(b) A planned unit development may contain a building or buildings intended for use as a community convenience store if approved by the DRB under the following standards:

- 1. A determination shall be made by the DRB that the community convenience store will not contribute to parking problems on site or in the surrounding area.*
- 2. The maximum size of the store is 1000 sq. ft.*
- 3. Only one sign is permitted limited to the following:*
 - A. The maximum size is 4 sq. Ft.*
 - B. The sign shall be a parallel sign.*
 - C. The sign shall not be illuminated.*
 - D. No window signs, temporary or permanent shall be allowed.*
 - E. No freestanding signs on the site or within the street ROW are allowed.*

4. *No outside storage or displays or vending machines, except for a telephone and a screened dumpster, is allowed.*
5. *There shall be no exterior service windows or exterior ATM's allowed.*
6. *There shall be no gas pumps allowed.*
7. *The building(s), sign and site for any such store shall be subject to the development review criteria under Article 6.*
8. *Parking shall be in back or at the side of the community convenience store building with the building oriented for pedestrian access.*

The applicant has not suggested the inclusion of a community store in the PUD. Not applicable.

If considered for approval, Recommended Conditions of Approval:

1. Impacts shall be paid based on the gross new area, and paid at least seven days prior to the occupancy of any part of the building. Based upon submitted gross new area, impact fees are estimated to be:

SF of
Project 77,222

<u>Residential</u>		
Department	Rate	Fee
Traffic	0.190	14,672.18
Fire	0.216	16,679.95
Police	0.043	3,320.55
Parks	0.723	55,831.51
Library	0.448	34,595.46
Schools	0.934	72,125.35
Total	2.554	\$ 197,225.00

Said fees may be waived in whole or in part based on the number of inclusionary housing units. Any waiver shall be substantiated by the Housing Trust Fund Manager and formalized with a letter of compliance from that office.

2. Per Zoning Amendment ZA17-03 / Section 2.7.8, all expired zoning permits issued after July 1989 for any of the involved parcels (66, 72, 80, 94, 96 Colchester Avenue) shall be closed out and Certificates of Occupancy issued **prior to issuance of any FCO** for this permit.²
3. **Prior to release of the zoning permit**, written approval from DPW shall be submitted supporting the adequacy of the traffic analysis.
4. **Prior to release of the zoning permit**, a revised photometric shall be submitted correcting the high illumination levels at building entrances.

² ZA 17-03, Section 2.7.8: *The administrative officer is also authorized to deny all zoning permits for any property with an expired zoning permit without a final certificate of occupancy. Instead of withholding or denying a zoning permit, the administrative officer may grant such permit subject to the condition that the uncorrected zoning violation is corrected or the expired zoning permit is closed out with a final certificate of occupancy. Such action(s) shall take place before the issuance of a final certificate of occupancy on the new permit.*

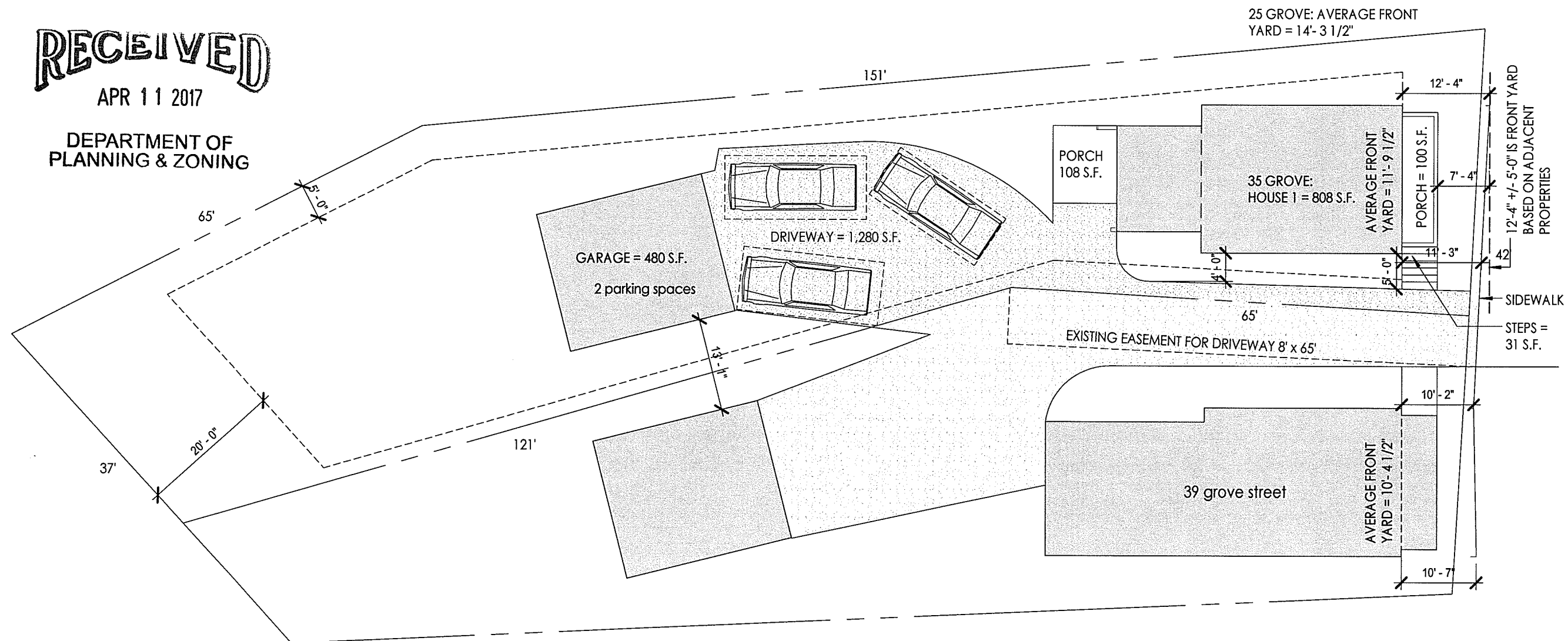
5. **If approved by the DRB**, a phasing schedule shall be included as follows: Either the north or south building will be constructed first within a timeline of 30 months from the date of issuance of the zoning permit. The remaining, connected building will be constructed within 42 months from the date of issuance of the zoning permit.
6. Unless altered by the DRB, hours of construction are limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. No work shall occur on Sundays.
7. Approval for the adequacy of the inclusionary units will be required from the manager of the city's Housing Trust Fund.
8. It is recommended that the garage behind 72 Colchester Avenue, if approved for demolition, is photo-documented in color imaging as a record to be archived in the zoning file. Similarly, the applicant is encouraged to sell or reclaim the structure and all historic building materials, or permit others to safely salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant will be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.
9. For the 75 new units, **19 long term spaces, and 8 short term bike parking spaces** must be defined. **Two (2) additional bicycle parking spaces** must be provided to meet the conditions of ZP15-0042CA/CU, Hillel.) The bicycle rack near 72 Colchester Avenue must accommodate at least **10 short term bicycle parking** spaces.
10. An elevation of the proposed dumpster enclosure, demonstrating compatible design as recommended by the DAB, shall be submitted for staff review and approval **prior to release of the zoning permit**.
11. The easterly access drive (next to 96 Colchester Avenue) shall be identified as ingress only.
12. Any sidewalk within the right of way needs to meet city specifications (concrete) or have a license agreement to maintain.
13. Easements will be required for all involved parcels to assure adequate parking and circulation throughout the site. Formalization and filing within the land records shall be the responsibility of the applicant.
14. Parking lots shall have appropriate barriers to prevent vehicular trespass onto greenspace and parking lot creep. Such barriers (curb stops, landscaping, fencing) shall be defined.
15. Two parking spaces on the east side of the parking circle shall be pulled back to assure the minimum 5' side yard setback, and marked as "Compact Spaces Only." [Confirmed, Plan C204 and L101.]
16. New construction must commence within 6 months of the removal of the accessory garage.
17. **If approved by the DRB**, a business office associated with the management of the new residential building may be incorporated within 94 Colchester Avenue as an accessory use to this development.
18. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
19. 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.

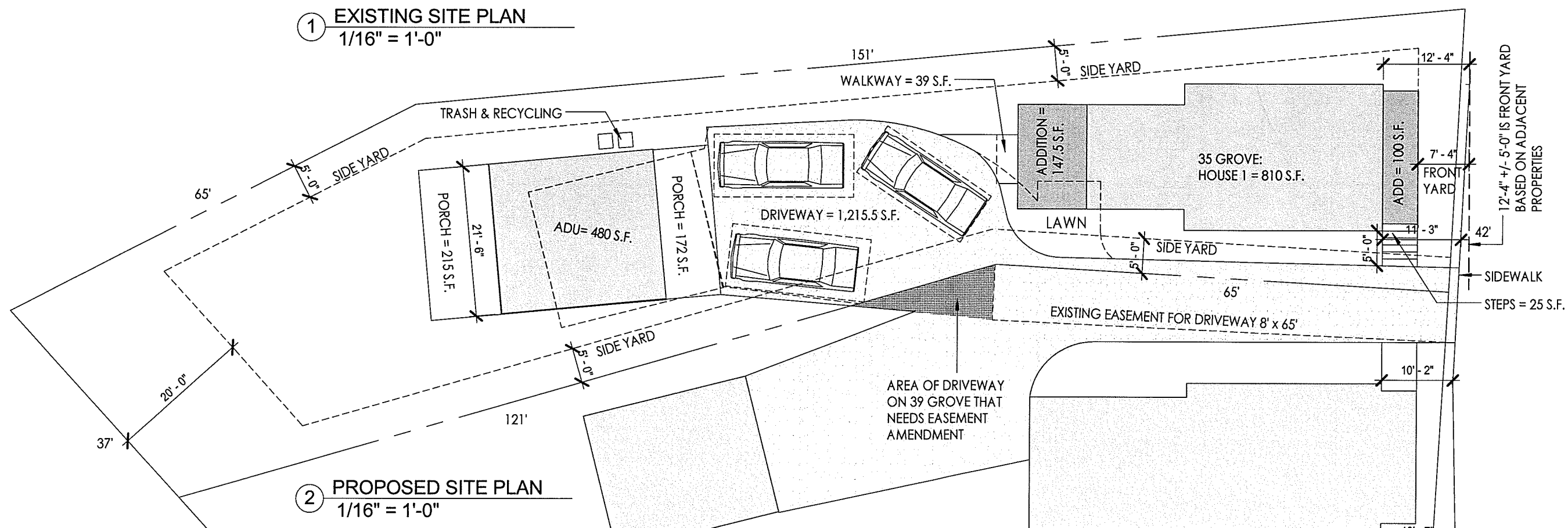
RECEIVED

APR 11 2017

DEPARTMENT OF
PLANNING & ZONING



1 EXISTING SITE PLAN
1/16" = 1'-0"



2 PROPOSED SITE PLAN
1/16" = 1'-0"

NOTE: ALL FRONT YARD MEASUREMENTS
TAKEN FROM FRONT OF HOUSE
SIDEWALK AT EACH CORNER

ZONING DISTRICT: RL

MAX. LOT COVERAGE = 30%
+10% COVERAGE FOR PATIOS, PORCHES, TERRACES.

FRONT: AVE. OF 2 ADJACENT LOTS
BOTH SIDE +/- 5'-0"
SIDE: 10% OF LOT WIDTH
EVENT LESS THAN 5'-0"
REAR: 25% OF LOT DEPTH
EVENT LESS THAN 20'-0"

EXISTING LOT COVERAGE

EXISTING LOT SIZE:

HOUSE :
GARAGE:
PORCHES:

DRIVEWAY:
STEPS:

EXISTING LOT COVERAGE

PROPOSED LOT COVERAGE

EXISTING LOT SIZE:

HOUSE:
ADDITION TO HOUSE :
ADU & WORKSHOP:

DRIVEWAY:
STEPS:
WALKWAY:

PROPOSED LOT COVERAGE

PORCHES:

10% ADD FOR PORCHES =

DRAWING KEY

	EXISTING STREET
	NEW HOME
	PROPERTY LINE
	SETBACK LINE

RECEIVED
APR 11 2017

DEPARTMENT OF
PLANNING & ZONING

GENERAL NOTES

1. ARCHITECTURAL DRAWINGS ARE FOR GENERAL INFORMATION ONLY. ARCHITECTURAL DRAWINGS DO NOT INCLUDE STRUCTURAL, MECHANICAL, OR ELECTRICAL CALCULATIONS, TECHNICAL INFORMATION OR COORDINATION. CONTRACTOR TO PROVIDE STRUCTURAL, MECHANICAL AND ELECTRICAL INFORMATION FOR PERMITTING AND CONSTRUCTION.
2. ALL CONSTRUCTION TO MEET OR EXCEED ALL LOCAL, STATE AND FEDERAL CODES.
3. ALL DIMENSIONS TO BE VERIFIED IN FIELD BY OTHERS.
4. ALL DIMENSIONS ARE TO FACE OF GYPSUM BOARD OR CONCRETE UNLESS OTHERWISE NOTED.
5. CONTRACTOR SHALL COORDINATE ALL WATER, SEWER AND ELECTRICAL CONNECTIONS WITH SUB-CONTRACTOR.

Sec. 5.4.5 Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses:

2. The unit does not consist of more than 30 percent of the total habitable floor area of the building, inclusive of the accessory dwelling unit;

Habitable: A space in the building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

SINGLE FAMILY DWELLING TOTAL
HABITABLE FLOOR AREA:

1ST FLOOR (NON-HABITABLE IS
ITALICIZED)

MUD ROOM = 118 S.F.
WORKSHOP = 143 S.F.
CLOSET = 16 S.F.
PANTRY(S) = 12 S.F.
KITCHEN = 181 S.F.
BATHROOM = 31 S.F.
PLAY ROOM = 73 S.F.
DINING = 187 S.F.
LIVING = 214 S.F.
HALLWAY = 80 S.F.
ENTRY = 25 S.F.

2ND FLOOR (NON-HABITABLE IS
ITALICIZED)

OFFICE = 132 S.F.
BEDROOM = 167 S.F.
BEDROOM = 124 S.F.
CLOSET = 26 S.F.
BATHROOM = 24 S.F.
HALLWAY = 50 S.F.

TOTAL HABITABLE = 1,359 S.F.
30% = 407.7 S.F.

ACCESSORY DWELLING TOTAL
HABITABLE FLOOR AREA:

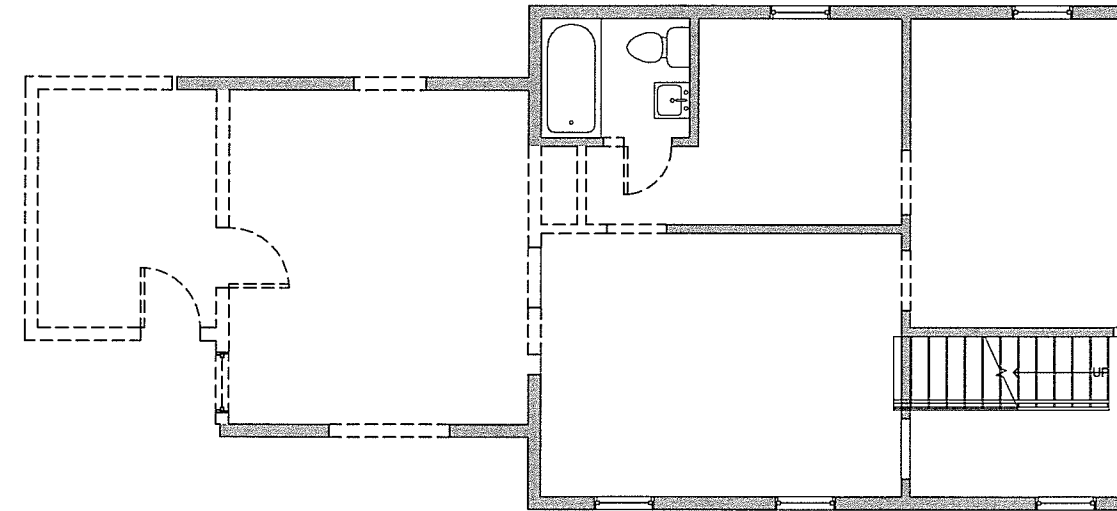
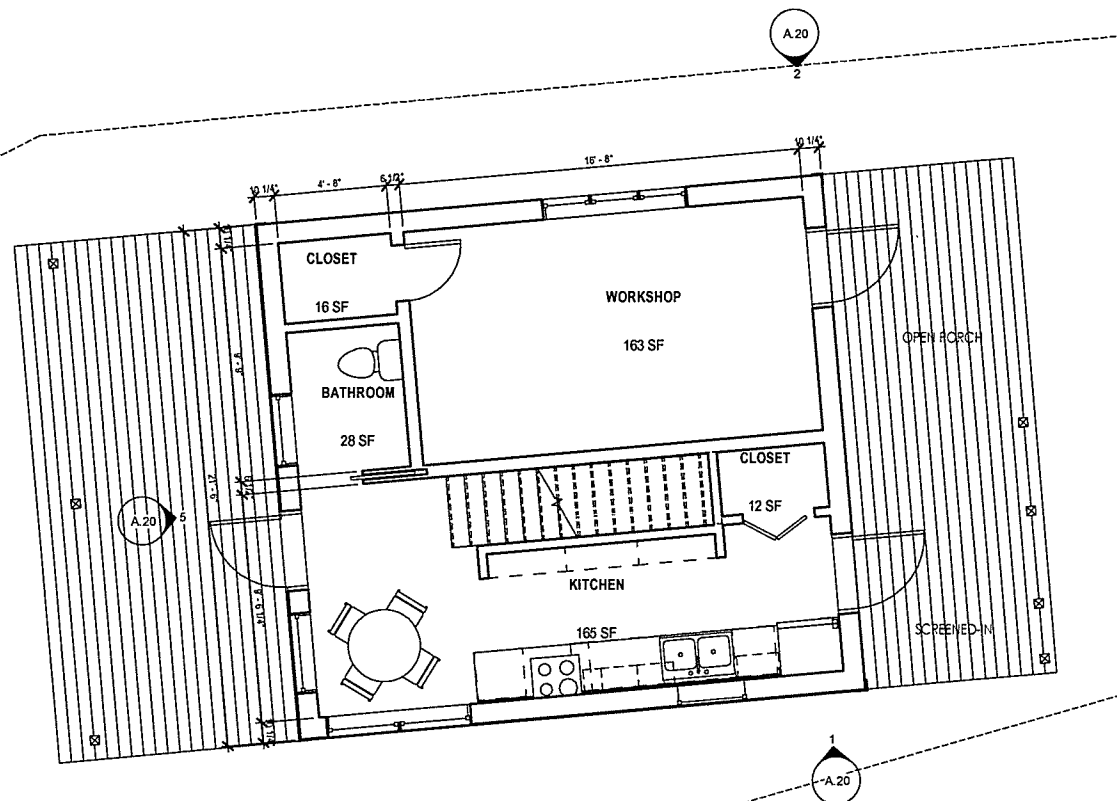
1ST FLOOR (NON-HABITABLE IS
ITALICIZED)

KITCHEN = 165 S.F.
BATHROOM = 28 S.F.
CLOSET = 12 S.F.

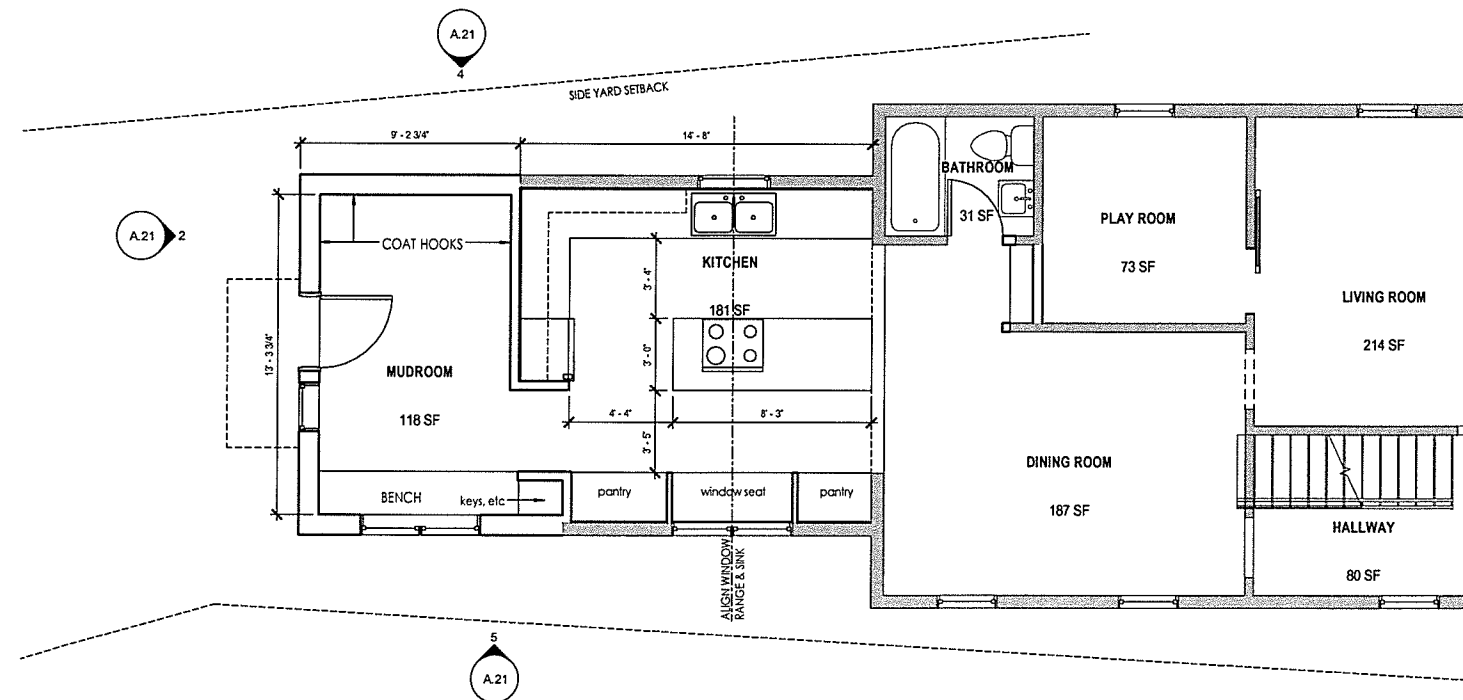
2ND FLOOR (NON-HABITABLE
IS ITALICIZED)

BEDROOM = 143 S.F.
HALLWAY = 42 S.F.
LIVING ROOM = 70 S.F.
CLOSET = 40 S.F.
BATHROOM = 57 S.F.

TOTAL HABITABLE = 378 S.F.



② DEMOLITION PLAN - LEVEL 1
1/4" = 1'-0"



① FLOOR PLAN - LEVEL 1
1/4" = 1'-0"

APR 11 2017

DEPARTMENT OF
PLANNING & ZONING

Sec. 5.4.5 Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses:

2. The unit does not consist of more than 30 percent of the total **habitable** floor area of the building, inclusive of the accessory dwelling unit;

Habitable: A space in the building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

**SINGLE FAMILY DWELLING TOTAL
HABITABLE FLOOR AREA:**

1ST FLOOR (NON-HABITABLE IS
ITALICIZED)

MUD ROOM = 118 S.F.
WORKSHOP = 163 S.F.
CLOSET = 16 S.F.
PANTRY(S) = 12 S.F.
KITCHEN = 181 S.F.
BATHROOM = 31 S.F.
PLAY ROOM = 73 S.F.
DINING = 187 S.F.
LIVING = 214 S.F.
HALLWAY = 80 S.F.
ENTRY = 25 S.F.

2ND FLOOR (NON-HABITABLE IS
ITALICIZED)

OFFICE = 132 S.F.
BEDROOM = 167 S.F.
BEDROOM = 124 S.F.
CLOSET = 26 S.F.
BATHROOM = 24 S.F.
HALLWAY = 50 S.F.

TOTAL HABITABLE = 1,359 S.F.
30% = 407.7 S.F.

**ACCESSORY DWELLING TOTAL
HABITABLE FLOOR AREA:**

1ST FLOOR (NON-HABITABLE IS
ITALICIZED)

KITCHEN = 165 S.F.
BATHROOM = 28 S.F.
CLOSET = 12 S.F.

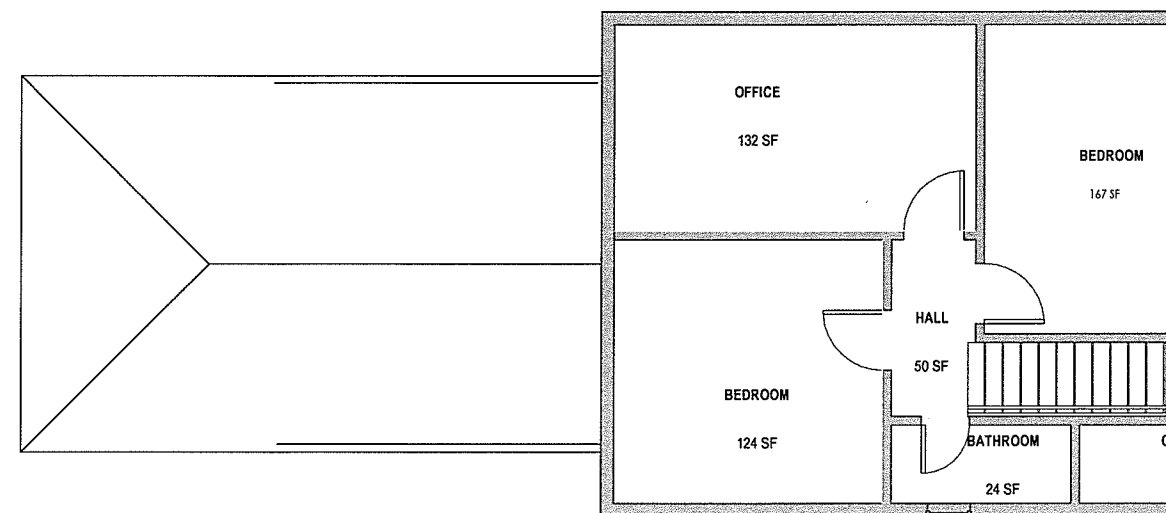
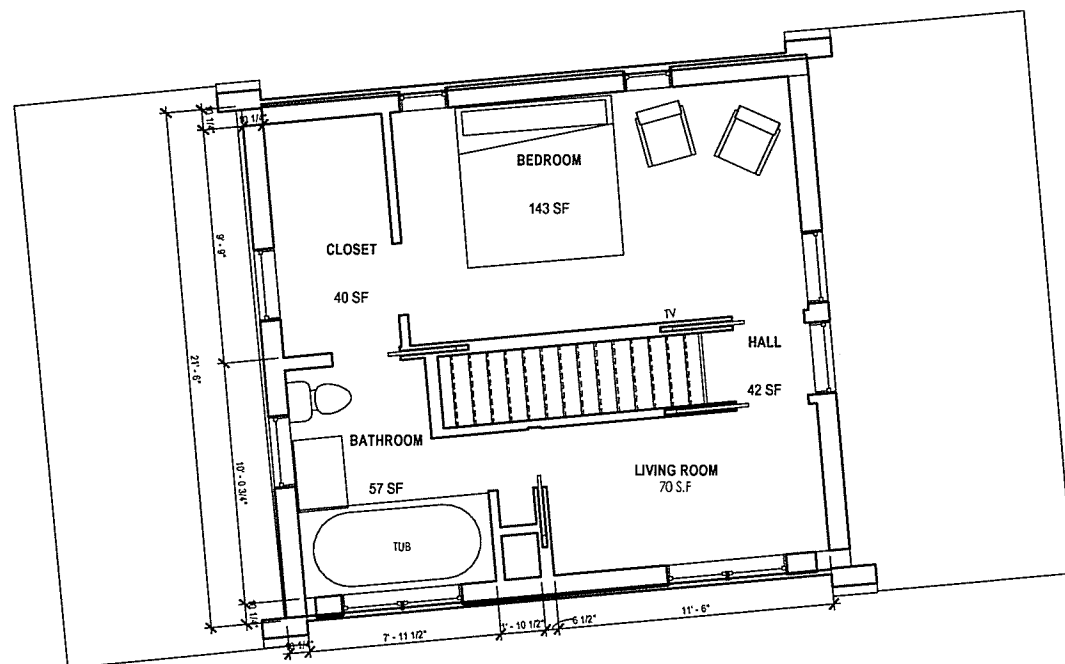
2ND FLOOR (NON-HABITABLE
IS ITALICIZED)

BEDROOM = 143 S.F.
HALLWAY = 42 S.F.
LIVING ROOM = 70 S.F.
CLOSET = 40 S.F.
BATHROOM = 57 S.F.

TOTAL HABITABLE = 378 S.F.

GENERAL NOTES

1. ARCHITECTURAL DRAWINGS ARE FOR GENERAL INFORMATION ONLY. ARCHITECTURAL DETAILS DO NOT INCLUDE STRUCTURAL, MECHANICAL, OR ELECTRICAL CALCULATIONS. TECHNICAL INFORMATION OR COORDINATION, CONTRACTOR TO PROVIDE STRUCTURAL, MECHANICAL AND ELECTRICAL INFORMATION FOR PERMITTING AND CONSTRUCTION.
2. ALL CONSTRUCTION TO MEET OR EXCEED ALL LOCAL, STATE AND FEDERAL CODES.
3. ALL DIMENSIONS TO BE VERIFIED IN FIELD BY OTHERS.
4. ALL DIMENSIONS ARE TO FACE OF GYPSUM BOARD OR CONCRETE UNLESS OTHERWISE NOTED.
5. CONTRACTOR SHALL COORDINATE ALL WATER, SEWER AND ELECTRICAL CONNECTIONS WITH SUB-CONTRACTOR.

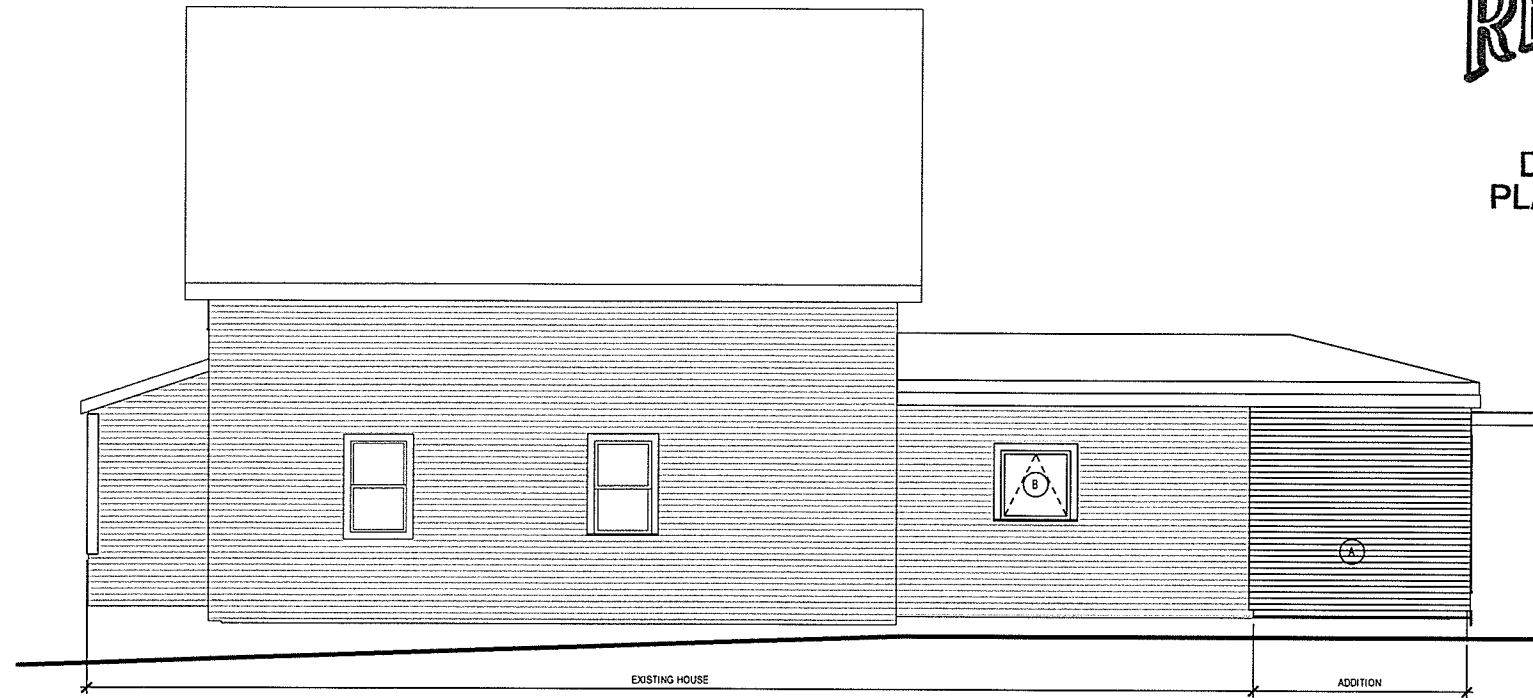


① LEVEL 2
1/4" = 1'-0"

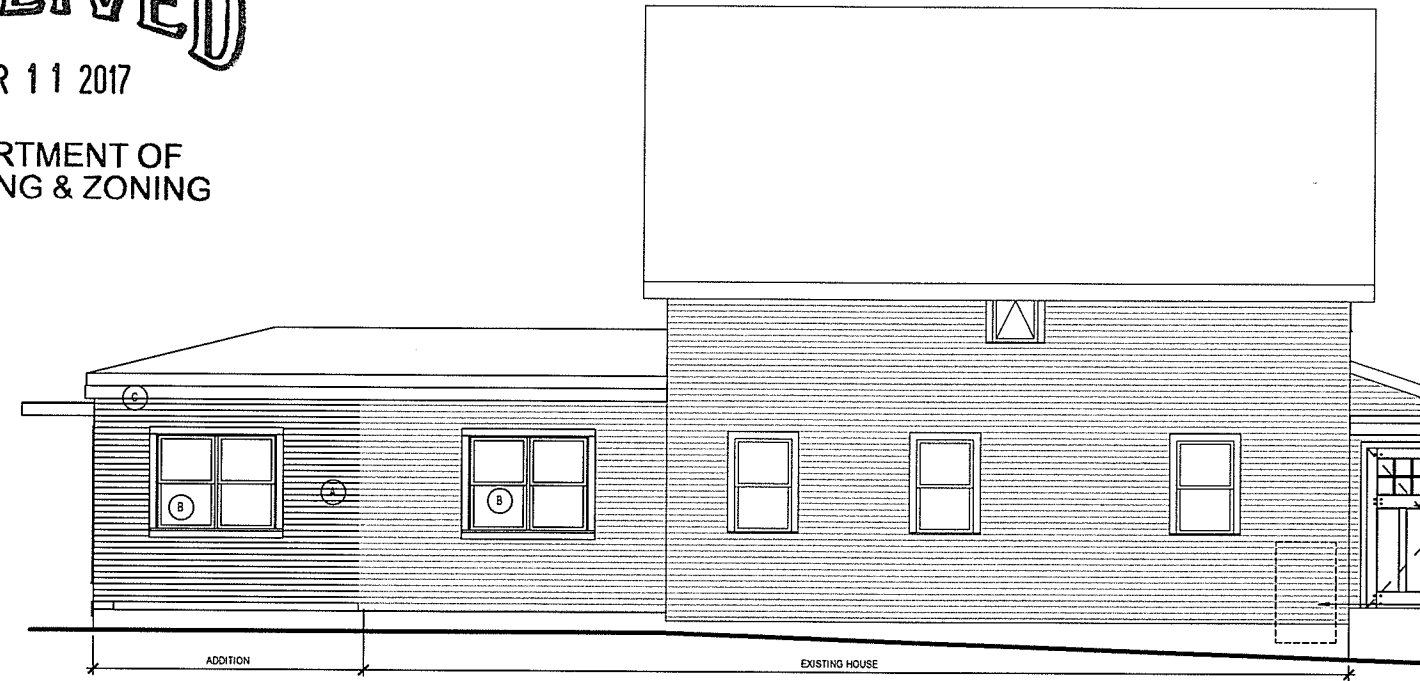
RECEIVED

APR 11 2017

DEPARTMENT OF
PLANNING & ZONING



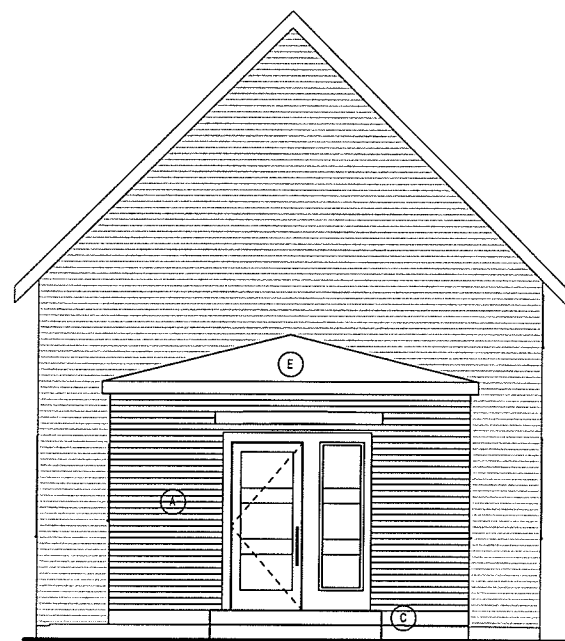
④ MAIN HOUSE - NORTH
1/4" = 1'-0"



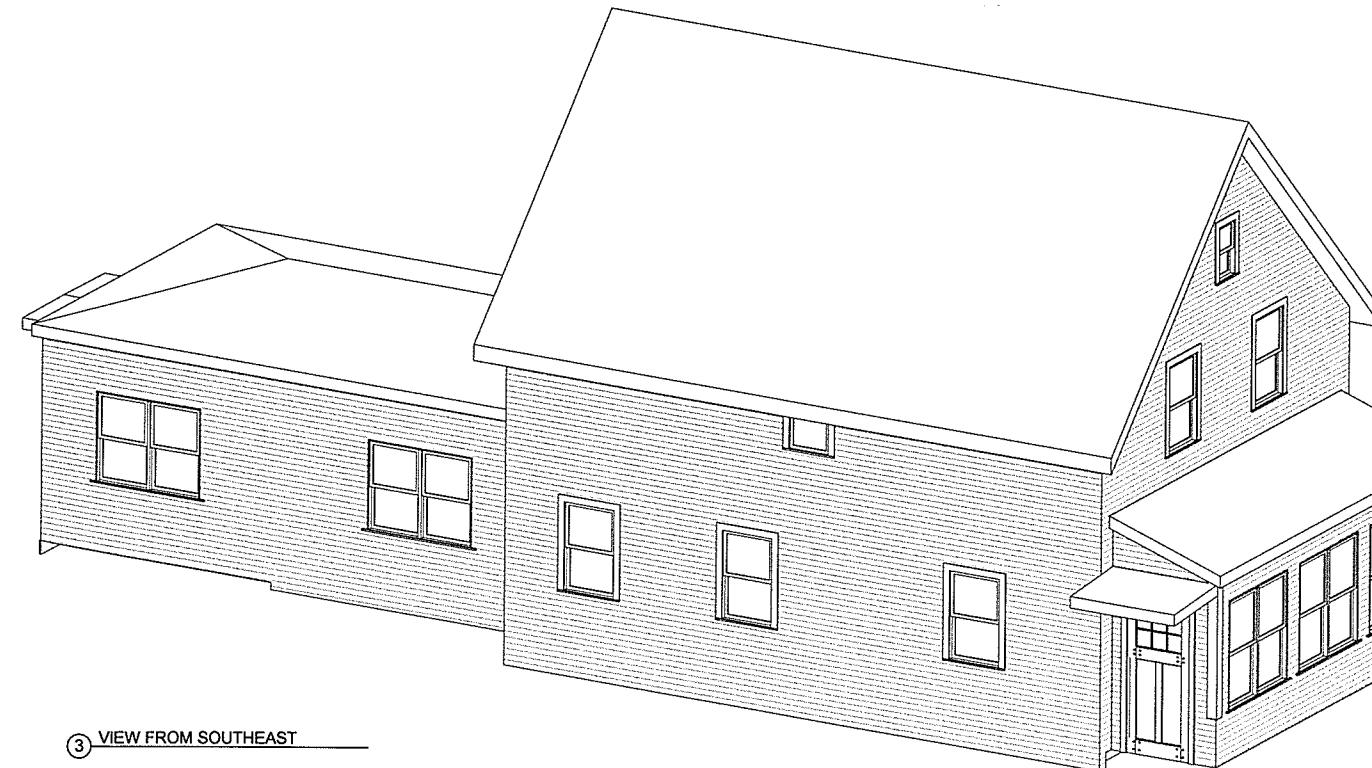
⑤ MAIN HOUSE - SOUTH
1/4" = 1'-0"



① MAIN HOUSE - EAST
1/4" = 1'-0"



② MAIN HOUSE - WEST
1/4" = 1'-0"



③ VIEW FROM SOUTHEAST

RECEIVED

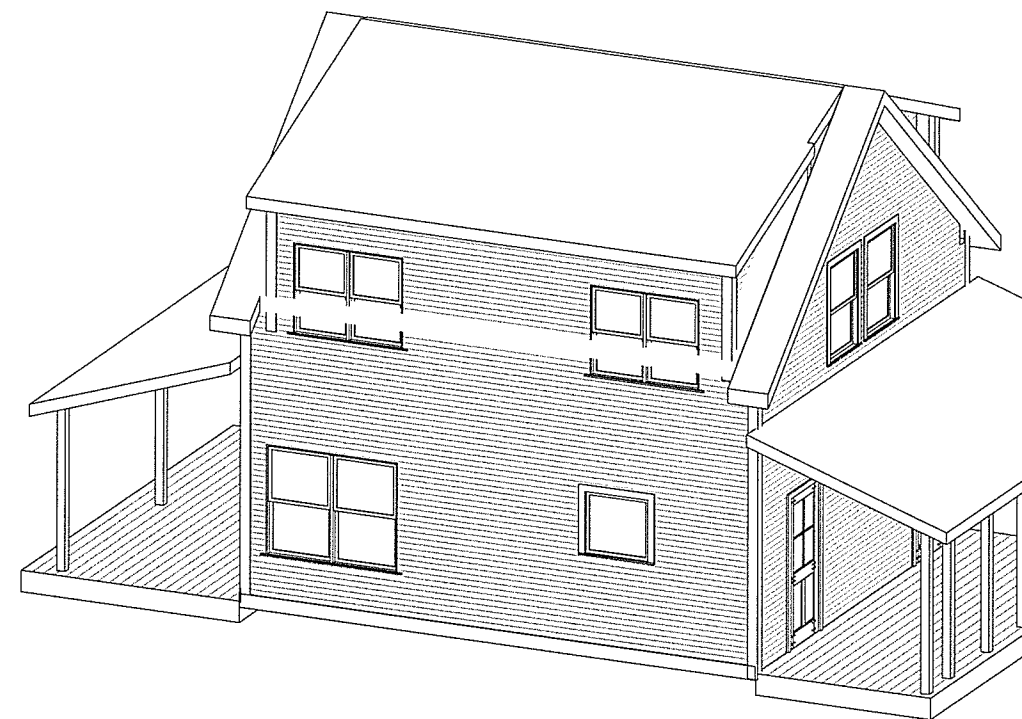
APR 11 2017

DEPARTMENT OF
PLANNING & ZONING

MATERIAL KEY	
Key Value	Keynote Text
A	4" CLAPBOARD SIDING - PAINT
B	ALUMINUM CLAD WINDOW
C	WOOD TRIM
D	WOOD SHINGLES - PAINT
E	ASPHALT SHINGLES



① ADU - SOUTH
1/4" = 1'-0"



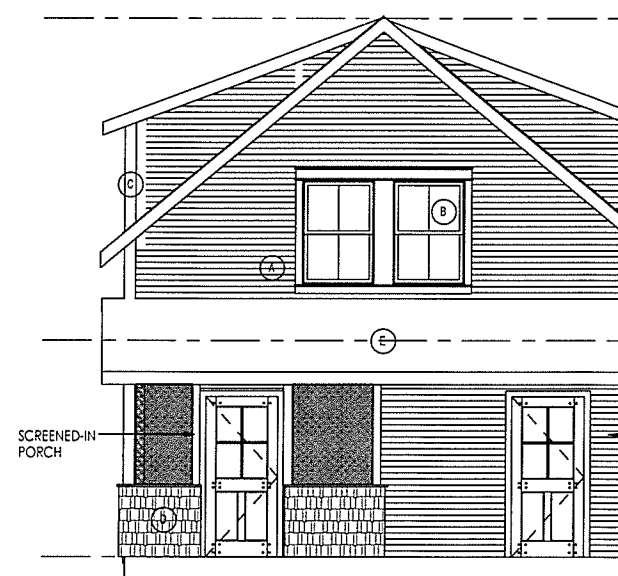
③ ADU MASSING



⑤ WEST ELEVATION
1/4" = 1'-0"



② ADU - NORTH
1/4" = 1'-0"

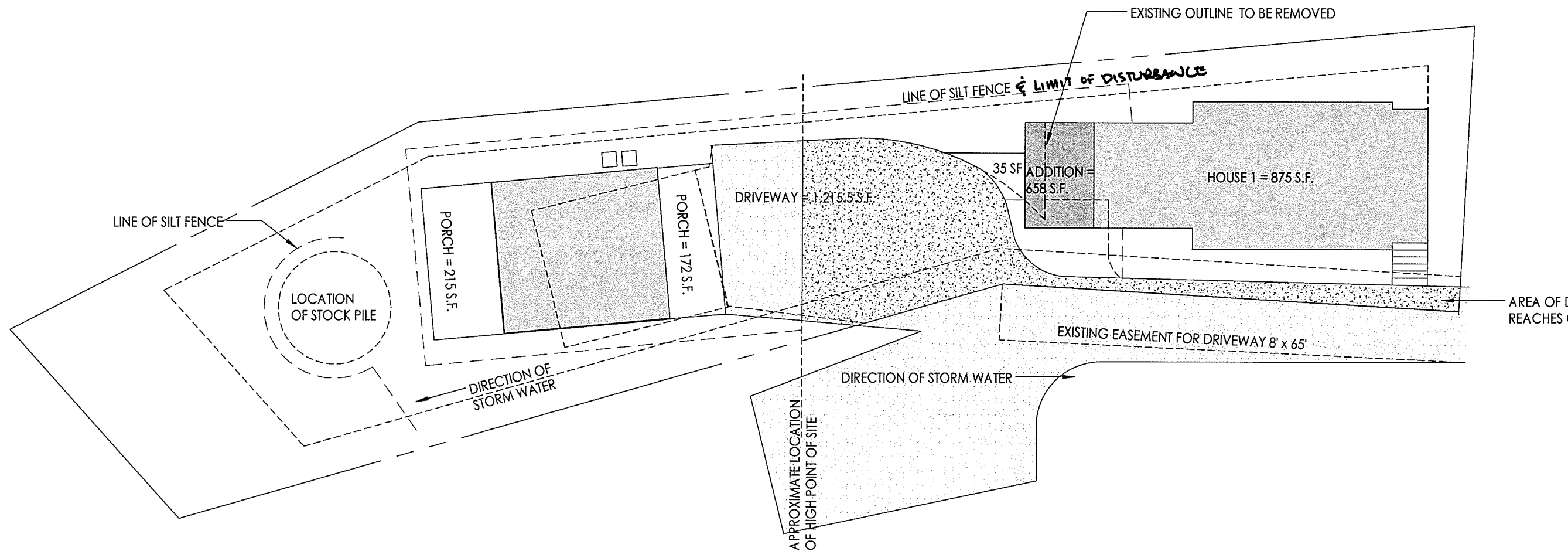


④ ADU - EAST
1/4" = 1'-0"

RECEIVED

APR 11 2017

DEPARTMENT OF
PLANNING & ZONING



① EROSION PREVENTION PLAN
1/16" = 1'-0"

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

David E. White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: April 18, 2017
RE: ZP17-0762CA/CU; 35 Grove Street

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

File: ZP17-0762CA/CU

Location: 35 Grove Street

Zone: RL **Ward:** 1E

Date application accepted: February 3, 2017

Revised plans received: March 13, 2017

1st DRB review: March 21, 2017

Applicant/ Owner: Gina Lambdin

Request: Addition to existing single family dwelling, demolish garage, construct detached accessory dwelling unit, reconfigure parking area.

Background:

There are no zoning permits on file for this property.



Overview:

The application seeks to demolish an existing garage and erect a detached structure to provide an accessory dwelling unit and workshop space for the owner; construct an addition to the existing single family home, enclose a front porch, and redefine the parking area adding a third parking space. The DRB recommended revised plans for review at the April 18, 2017 meeting.

Applicable regulations: Article 3 (Applications Permits and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking) and Article 13 (Definitions.)

Recommendation: **Certificate of Appropriateness and Conditional Use approval** per the following findings and conditions:

I. Findings

Article 3: Applications, Permit and Project Reviews

Part 5: Conditional Use

Section 3.5.6 Review Criteria

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

(a) Conditional Use Review Standards (as adopted by City Council 8.10.2015)

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.*

An addition to an existing single family home in a residential zoning district will not result in an undue adverse effect on existing or planned public facilities. **Affirmative finding.**

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

This is a residential zoning district; the proposed addition to an existing single family home to include an accessory dwelling unit is in concert with the district and the Municipal Development Plan:

- *Support the development of additional housing opportunities within the city...* [MDP, Housing Plan, Page IX-1.]
- *Encourage a wide range of housing options to meet different and changing needs of households with children, the elderly, people with disabilities and moderate and low income households.* [MDP, Housing Plan, Page IX-1.]
- *Conserve the existing elements and design of its established neighborhoods.* [MDP, Historic Preservation, Page IV-1.]
- *Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning.* [MDP, Housing Plan, Page IX-12.]

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;*

An addition to an existing single family home and construction of a replacement accessory structure will have no discernable nuisance impacts greater than typically generated by other residences in the neighborhood. **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;*

The required addition of a single parking space/car will have no measureable impact on transportation systems, street level of service or other performance measures. The proposed parking arrangement, however, requires a turn radius to encroach over a property boundary onto an abutting neighbor's parcel. The applicant has proposed a plan for an expanded easement area agreeable to the abutting property owner that would

expand the area of shared driveway use allowing both property owners to circulate over property lines. **Affirmative finding as conditioned.**
and

5. *The utilization of renewable energy resources;*

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

and

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

The applicant will be required to provide a letter from the Department of Public Works confirming adequate water and sewer capacity for the new accessory dwelling unit.

Affirmative finding as conditioned.

(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;*

New utility installation may require screening as will the placement of trash receptables on the north side of the dwelling. Landscaping is warranted to prevent headlight trespass from the parking arrangement.

Affirmative finding as conditioned.

2. *Time limits for construction.*

The permit will have a two-year life from the date of approval. Reference is made to Section 3.2.9 (d). **Affirmative finding as conditioned.**

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

Residential use has no limitation on hours of operation.

Construction shall be limited Monday-Friday 7:30- 5:30 pm, with indoor work only on Saturdays. No construction shall occur on Sundays. **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 enlargement will be reviewed under the zoning regulations in effect at that time.

Affirmative finding.

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.*

Any other performance standards are at the discretion of the Development Review Board.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

Table 4.4.5-1 Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W

35 Grove Street has a lot frontage of 41'; less than the 60' minimum for a single detached dwelling in the RL zoning district. The project will therefore require review under **Section 5.3.6, Non-conforming Lots.**

Table 4.4.5-3 Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				
		Front ²	Side ³	Rear	Waterfront	Max. Height ¹
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20'	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet
35 Grove Street proposed	34.5% existing; 39% proposed (34.3 % excluding bonus components)	Proposed enclosure to front porch changes setback (measured to principal structure unless converted to habitable area. Only 2 principal structures to establish average setback. (25 Grove and 39 Grove.) Average setback 12'4", setback +/-5'. Proposed setback of 7'4" acceptable.	Lot width varies; meets minimum 10% lot width for new addition and detached structure. Parking area 5' from property line.	Rear residential addition does not encroach into rear lot setback. 25% of 205' +/- = 51.25'.	430+ from Winooski River.	New detached structure approx. 20' to mid-line of the rise of the gable roof.

Affirmative finding.

Section 4.4.5 (d) Encroachment for Residential Driveways

*For purposes of allowing existing, developed, nonconforming lots containing single family homes to create a driveway and provide a maximum of two tandem parking spaces, driveways may encroach into a required sideyard setback up to the property line with DRB approval. Such approval shall be based on demonstrated necessity on the part of the property owner as well as unique physical circumstances of the lot, conditional use criteria and findings that there shall be no undue adverse impact on all of the following items of concern: drainage, safety, **protection of neighboring side yard**, light and air. In addition, the lot shall be found to have dimensions that are smaller than the existing standards for lot size or frontage. The maximum relief from the 5' minimum setback shall be the minimum necessary for the purposes of creating such a driveway and parking spaces and shall be allowed only after a finding that driveway and parking configuration cannot be otherwise located on the lot. With such approval by the DRB, the lot shall not be considered nonconforming due to the decreased setback for the creation of the driveway and parking spaces.*

The existing single family home on the non-conforming lot has a shared driveway, which encroaches into the side yard setback. The non-conformity is the property width; less than the required 60' for a single family home in the RL zoning district. This original site plan proposed to expand the non-conformity by extending the amount of driveway in the setback (further west) to accommodate the altered parking area. The revised site plan illustrates a proposed expansion of a shared use/easement area for vehicular maneuvering. The abutting neighbor gave testimony at the previous hearing that he was willing to expand that area for mutual use, and would instigate an instrument to formalize the arrangement. Such expanded easement area will be required as a condition of approval and be filed in the land records.

Revised photos/plans define existing conditions with three cars on site.

Approval of such expanded non-conformity is at the discretion of the DRB for the purpose of allowing expanded shared access to the proposed parking area.

Affirmative finding as conditioned.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

There is an existing shared driveway, which the application proposes to further expand into a required setback to accommodate a third parking space. See Section 4.4.5 (d) above.

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

This lot does not exceed 2 acres in size. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7 Density and Intensity of Development Calculations

The property will remain a single family home, but with a detached structure for an accessory dwelling unit. For purposes of density, the property remains a single family home. **Affirmative finding.**

Section 5.3.6 Nonconforming Lots

(c) Changes to a Nonconforming Lot:

No change shall be permitted to any nonconforming lot which would have the effect of increasing the density at which the property is being used, or increasing the structure located upon such lot, if the dimensional requirements and standards, including parking, of the underlying zoning district are not met as a result thereof. Any changes proposed on a non-conforming lot are subject to conditional use review.

35 Grove Street is non-conforming as the property frontage is less than the required 60' for a single family home in the RL zoning district (it is 41'.)

See Table 4.4.5-3 for dimensional standards and Article 8 for Parking standards.

Affirmative finding as conditioned.

Section 5.4.5 Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses:

Where there is a primary structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met.

An accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to the primary dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. No accessory unit shall be inhabited by more than 2 adult occupants. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation. Additionally, there must be compliance with all the following:

1. The property has sufficient wastewater capacity as certified by the department of public works;

The applicant will be required to provide written proof of water/sewer capacity issued from the Department of Public Works. **Affirmative finding as conditioned.**

2. The unit does not consist of more than 30 percent of the total habitable floor area of the building, inclusive of the accessory dwelling unit;

Utilizing the definition of habitable space from Article 13, the ADU does not exceed 30% of the total habitable floor area of the principle dwelling and the ADU combined. **Affirmative finding.**

3. Applicable setback and coverage requirements are met;

See Table 4.4.5-3, above. Facility of the parking access will require an expanded shared access/easement area. **Affirmative finding as conditioned.**

4. One additional parking space which may be legally allocated to the accessory unit must be provided for the accessory unit;

The applicant has provided photographs that demonstrate three existing parking spaces on-site; the arrangement is proposed to continue and will meet the required parking for the accessory dwelling unit. An expansion of the shared use/easement area will be required to formalize the proposed plan. **Affirmative finding as conditioned.**



and,

5. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.

This remains a condition of approval. **Affirmative finding as conditioned.**

(b) Conditional Use for Accessory Units:

If any of the following are also proposed, conditional use approval as well as development review provisions of Article 6 shall be required:

1. *A new accessory structure;*
2. *An increase in the height or habitable floor area of the existing dwelling;*
3. *An Increase in the dimensions of any parking area.*

The application proposes a new accessory structure, so Conditional Use Review applies. See Section 3.5.6 (a), above.

(c) Discontinuance of Accessory Units:

Approval of an accessory dwelling unit is contingent on owner occupancy of the single-family dwelling unit as a primary residence. For purposes of this section, owner occupancy means that, after the creation of the accessory unit all individuals listed on the deed for the property must reside in the primary unit or in the accessory unit. If either the primary unit or the accessory unit is no longer owner occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval. Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.

Affirmative finding as conditioned.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

No land division is proposed. Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

There are no identified important natural features on the site. Not applicable.

(b) Topographical Alterations:

The project submission does not detail any proposed changes to topography. **Affirmative finding.**

(c) Protection of Important Public Views:

There are no protected important public views from this parcel. Not applicable.

(d) Protection of Important Cultural Resources:

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

The property is not listed on the state or National Register of Historic Resources. Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

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

(f) Brownfield Sites:

The site is not listed on the VT ANR or DEC Brownfields list of identified sites. **Affirmative finding.**

(g) Provide for nature's events:

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

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

An Erosion Prevention and Sediment Control Plan has been submitted and given approval by the Stormwater program. The revised plan will require new review by that program.

The plan shows both a screened porch and open porch on the new detached structure; either would provide shelter from inclement weather.

The entrance into the mudroom is covered by a small roof extension, also a place of shelter. **Affirmative finding as conditioned.**

(h) Building Location and Orientation:

The addition is proposed in a typical location for residential expansion; at the rear of a principal structure. The new ADU is proposed for a rear (detached) structure. As located, it is consistent with residential additions. **Affirmative finding.**

(i) Vehicular Access:

There is an existing driveway to a rear garage which presently accommodates 3 vehicles. If the neighboring property owner offers an extended easement for the shared use drive, then the expansion can be formalized. **Affirmative finding as conditioned.**

(j) Pedestrian Access:

Walkways/steps have been added to both the front porch access and the rear entry. The porch to the ADU is adjacent to the parking area, and therefore easily accessible. **Affirmative finding.**

(k) Accessibility for the Handicapped:

Accessibility is not a requirement for a single family residence, but it encouraged. Not applicable.

(l) Parking and Circulation:

The revised site plan reflects the current parking arrangement: three vehicles parking at the end of a shared use access drive. The circulation/parking may only be permitted with an associated and formalized expanded easement area, which the abutting neighbor has offered in testimony. **Affirmative finding as conditioned.**

(m) Landscaping and Fences:

No landscaping plan has been submitted. The applicant is required to provide a plan for Board review. **No finding possible.**

(n) Public Plazas and Open Space:

There are no public plazas or dedicated open spaces. **Affirmative finding.**

(o) Outdoor Lighting:

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

A spec sheet for a soffit recessed can light has been provided; assumedly for a porch entrance. This needs definition. Plans define a LED Downlight at the rear entrance of the ADU.

Affirmative finding as conditioned.

(p) Integrate infrastructure into the design:

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

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

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

There is no identified location of utility connections, meter installation, mailbox locations, or HVAC equipment. Two roll-off waste/recycling bins are identified on the north of the ADU. These will require some screening and/or enclosure. **Affirmative finding as conditioned.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The addition duplicates the height and scale of the existing dwelling. Although large for a typical accessory unit, it includes a workshop for the owner and is located behind the primary structure. **Affirmative finding.**

2. Roofs and Rooflines.

The proposed gable roof again duplicates the existing roofline, albeit with a full shed dormer on both north and south elevations. The addition to the existing single family home is a shallow hipped roof. **Affirmative finding.**

3. Building Openings

Window and door openings are arranged to accommodate interior use. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

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

35 Grove Street is not listed on the state or National Register of historic places. Not applicable.

(d) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

The plan includes enclosing the front porch for additional living space. Aluminum clad windows are proposed across the new space that faces the street.

The entrance to the ADU is behind the existing structure, and therefore not easily visible from the streetfront.

Affirmative finding.

(e) Quality of materials:

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

Aluminum clad windows with wood trim, clapboard siding and asphalt shingles are proposed. All are considered of acceptable durability for new construction. **Affirmative finding.**

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Efficient construction pursuant to the requirements of Article VI, Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding if conditioned.**

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p) above.

(i) Make spaces secure and safe:

All applicable building and life safety code as defined by the building inspector and/or fire marshal shall be applied. **Affirmative finding if conditioned.**

Article 8: Parking

The existing single family home requires 2 parking spaces in the Neighborhood Parking District, and the proposed ADU requires 1 additional space. There are three existing parking spaces on site; a plan which is proposed to continue. An expanded shared use/easement area will be required. **Affirmative finding as conditioned.**

Article 13: Definitions

Habitable: *A space in the building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.*

Using this guidance, the applicant has met the 30% limitation for habitable space for the accessory dwelling unit. See Section 5.4.5 (a), above.

II. Conditions of Approval

1. **Prior to release of the zoning permit**, the applicant shall provide verification of formalization of an expanded easement area from the abutting (southerly) property owner sufficient to accommodate the proposed vehicular circulation and parking plan. Said easement shall be filed in the land records.
2. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit **prior to the issuance of the certificate of occupancy for the unit**. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions **including owner occupancy**. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.
3. **Approval of an accessory dwelling unit is contingent on owner occupancy of the single-family dwelling unit as a primary residence**. For purposes of this section, owner occupancy means that, after the creation of the accessory unit all individuals listed on the deed for the property must reside in the primary unit or in the accessory unit. If either the primary unit or the accessory unit is no longer owner occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a

single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval. Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.

4. Functional Family provisions of the ordinance remain in effect. Not more than 4 unrelated adults may occupy the single family residence.
5. No more than 2 adults may occupy the Accessory Dwelling Unit.
6. The accessory dwelling unit is limited to 30% of the habitable area of the single family residence including the ADU. As proposed, the ADU may not expand into the proposed area defined as a workshop.
7. A letter assuring adequate wastewater and water capacity for the new unit from the Department of Public Works shall be required **prior to release of the zoning permit.**
8. Hours of construction are limited to 7:30 am- 5:30 pm Monday through Friday. Saturday construction is limited to interior work. No construction shall occur on Sundays.
9. The intended location of lighting fixtures shall be provided to staff for review and approval **prior to release of the zoning permit.**
10. A landscaping plan shall be provided for review and approval **prior to release of the zoning permit.** This plan shall include appropriate screening for utility connections, mechanical equipment, trash and recycling containers or to prevent headlamp trespass as necessary.
11. **Prior to release of the zoning permit,** the location of meters, utility connections, HVAC equipment, and mailboxes, shall be provided to staff for review and approval.
12. All new construction is required to meet the Guidelines for Energy Efficient construction pursuant to the requirements of Article VI, Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
13. Standard Permit Conditions 1-15.

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



CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

OFFICE OF PLANNING
645 PINE STREET, SUITE A
BURLINGTON, VT 05402
802.863.9094 P
802.863.0466 F
802.863.0450 TTY
WWW.BURLINGTONVT.GOV

CHAPIN SPENCER
DIRECTOR OF PUBLIC WORKS

NORMAN J. BALDWIN, P.E.
ASSISTANT DIRECTOR OF PUBLIC WORKS

Date: April 12, 2017

To: City of Burlington Planning & Zoning Department
Frank Von Turkovich

From: Norman J. Baldwin, P.E.-City Engineer/Ass't Director, DPW 

C.C. Laura K. Wheelock, P.E.-Public Works Engineer, DPW

Subject: ZP17-0388CA/MA; 66,72,80,94 and 96 Colchester Avenue; 27 and 49 Fletcher Place

The Department of Public Works(DPW) has reviewed the plans and most recent Traffic Impact Analysis prepared by Trudell Consulting Engineers dated April 11, 2017.

At the March 8, 2017 Design Review Board the applicant was asked to for a traffic operational analysis of the Colchester Avenue corridor and specifically was asked to model the existing condition and built condition for the following intersections:

- East Avenue/Colchester Avenue,
- Mary Fletcher Drive/Project Driveway/Colchester Avenue
- Mansfield Avenue/Colchester Avenue
- Prospect Street/Pearl Street

In reviewing the

- trip generation,
- trip distribution,
- modeled vehicle queuing,
- and turning template analysis

within the Traffic Impact Analysis prepared by Trudell the department is satisfied and agrees with the conclusions of the consultant and have no further issues or concerns.

Should you have any questions please contact me at nbaldwin@burlingtonvt.gov or 802.865.5826.

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
vacant, Department Secretary



TO: Development Review Board
FROM: Scott Gustin 
DATE: April 18, 2017
RE: 17-0853CA; 329-375 North Avenue

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

Zone: NAC-CR Ward: 4N

Owner/Applicant: BCCH, LLC & 375 North Ave, LLC / Eric Farrell

Request: Request for amendment of zoning permit 17-0623CA/MA; Condition of approval #13 limiting construction days and times and Condition #3 addressing performance bond for construction.

Applicable Regulations:

Article 3 (Applications and Reviews), Article 10 (Subdivision)

Background Information:

The applicant is seeking approval to amend conditions of approval related to the recently approved Cambrian Rise project. Specifically, the applicant is requesting modification of the permitted days and hours of construction and changes to the financial surety required for public improvements. No physical changes to the proposed development are requested.

Previous zoning actions for this property are noted below.

- Zoning Permit 17-0623CA/MA; Construct development consisting of 11 buildings containing 739 residential units, approximately 45,000 sq. ft. of non-residential support/amenity space, approximately 40,000 sq. ft. of neighborhood commercial spaces and 1,092 parking spaces. Approved March 8, 2017.
- Zoning Permit 16-022CA; Remove slate roof and install copper. Approved January 2016.
- Zoning Permit 16-1077MP; Tree maintenance plan. Approved November 2015.
- Zoning Permit 16-007CA/MA; Convert orphanage to 63 residential units. Approved September 2015. Amended February 2016 to increase to 65 residential units and minor exterior alterations.
- Zoning Permit 15-0702LL; Lot line adjustment with 329 North Avenue. Approved December 2014. [Plat recorded 1/16/2015; Plat file 509C.]
- Zoning Permit 14-1286CA; Installation of CCTA bus shelter on Burlington College property. Approved June 2014.

- Zoning Permit 12-0706SN; replace existing non-conforming freestanding sign with new freestanding sign for Burlington College – Main Campus. Approved March, 2012.
- Zoning Permit 12-0121CA; Install rooftop air handler, five ac units, bike racks, and remove walls from garage. Approved August 11, 2011.
- Zoning Permit 11-0282CU; convert existing institutional office use and group home use to post-secondary school. No site or exterior building changes proposed. Approved November 2010.
- Zoning Permit 09-526CA; Demolish single car garage. Approved February 2009.
- Non-applicability of zoning permit requirements; continued use of existing group home. June 1998.
- Zoning Permit 92-096 / COA 092-016; Removal of existing wooden cross with installation of fiberglass statuary of St. Mary on top of Diocese building. Overall height to be 104' with exterior illumination to surround statue. Approved September 1991.
- Notice of selective landscape removal on west. No change in grade of site or drainage of runoff water. December 1991.
- Zoning Permit 79-352; install septic tank and seepage bed. July 1979.
- Zoning Permit 77-03; renovation of existing structure "St. Josephs Child Center" into office space and three apartments for Bishop and two priests. Approved January 1977.
- Zoning Permit 77-628; Convert St. Joseph's Child Center into office building, three apartments and three guests' rooms. Remove some windows and brick up openings. Install new windows. Erect 28'6" x 30' addition and 32' x 66' addition. December 1976.

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

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

(a) & (b) 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.

(Not applicable)

2. Time limits for construction.

(Not applicable)

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

With the exception of post-secondary school, all of the specific uses articulated in the application are permitted within the NAC-CR zone and are not subject to limitations on days or hours of operation. A typical post-secondary school is operative 24/7 year round with intermittent breaks. No changes are included in this amendment request.

The applicant originally proposed days and hours of construction Monday – Sunday, 7:00 AM-9:00 PM. The DRB approved construction days and hours Monday-Friday 7:00 AM – 6:00 PM, with Saturday hours limited to interior work. No construction was allowed on Sundays.

The applicant is requesting that permitted days and hours of construction be changed to Monday – Saturday, 7:00 AM – 6:00 PM and Sunday interior construction only. During federal holidays, exterior work would be precluded on buildings fronting North Avenue.

Abutting properties to the south, west, and north are green space. Residential properties to the east lie on the opposite side of North Avenue. Construction related impacts will be concentrated within the development. The requested days and hours of construction are consistent with other mid to large size projects approved by the DRB. **(Affirmative finding)**

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

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

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

To be addressed in conditions of approval.

Article 10: Subdivision

Subdivision of the properties is under separate application (17-0267SD). Preliminary plat approval was granted October 19, 2016. Final plat application has been filed. No changes are included in this amendment request.

Sec. 10.1.10 Performance Bond and Guarantee of Completion

As new public improvements (city streets and related infrastructure) are included in this project, a performance guarantee is needed. Per this criterion, a covenant acceptable to the city attorney, running with the land, committing the applicant to complete the public improvements is required. A related financial surety (bond, letter or credit, or escrow) shall secure the covenant. The applicant may submit separate financial suret(ies) for the public improvements in each approved phase prior to the commencement of each phase.

The applicant notes that bonding cannot be done for future work but can be done by phase (as noted above). The applicant goes on to assert that bonding is not necessary in any event to guarantee completion of the public improvements.

The necessity for a financial surety for completion of public improvements by private developers is commonplace among municipalities and is a requirement of Burlington's Comprehensive Development Ordinance. While this criterion refers to bonding, other sureties, subject to acceptance by the City Attorney, may be used. The financial sureties may be phase-by-phase. Simply avoiding execution of a surety is unacceptable. **(Affirmative finding as conditioned)**

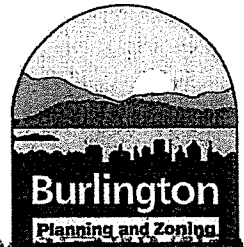
II. Conditions of Approval

1. Days and hours of construction are limited to Monday – Saturday, 7:00 AM – 6:00 PM and Sunday interior construction only. During federal holidays, exterior work shall be precluded on buildings fronting North Avenue.
2. The financial surety required per Section 10.1.10, *Performance Bond and Guarantee of Completion*, shall remain a requirement as approved March 8, 2017 in zoning permit 17-0623CA/MA.
3. Standard Conditions 1-15.

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary



RECEIVED

MAR 08 2017

**DEPARTMENT OF
PLANNING & ZONING**

TO: Development Review Board
FROM: Scott Gustin *AD*
DATE: April 21, 2015
RE: 15-0801PD, 140 Grove Street

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

Zone: RL Ward: 1

Owner/Applicant: Ireland Grove Street Properties

Request: Final plat review of PUD to demolish existing concrete plant and buildings, construct 19 new buildings for 232 residential units, clubhouse, and maintenance building with associated road, parking, and site improvements.

Applicable Regulations:

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), Article 10 (Subdivision), and Article 11 (Planned Unit Development)

Recommendation: Final plat approval as per, and subject to, the following findings and conditions:

I. Findings

Background Information:

The applicant is seeking final plat approval for a 232-unit residential development, including 19 multi-family buildings, clubhouse, maintenance garage, and associated site improvements. The existing industrial buildings will be demolished and removed. Note that the project name, "Garden Street Apartments," will likely change to "Bayberry Apartments" at the request of the City of South Burlington. This change is requested to avoid name duplication with a residential complex in that city.

The Development Review Board granted preliminary plat approval March 20, 2014. Since that approval was granted, the number of dwelling units has decreased from 245 to the currently proposed 232 units. The proposed building mix has changed to include more smaller buildings and fewer larger buildings. A maintenance garage has also been added to the proposal.

The preliminary plat approval contained the following conditions:

- (a) *Promote the most appropriate use of land through flexibility of design and development of land;*
Removal of a nonconforming industrial use and replacement with residential development is conceptually appropriate. The final plat plans are a significant improvement over previous renditions and address the preliminary plat conditions to revamp the development. The revisions result in a more cohesive neighborhood that relates to the existing built environment while providing a sensitive transition to larger scale structures further into the development. **(Affirmative finding)**
- (b) *Facilitate the adequate and economical provision of streets and utilities;*
Multiple residences will be served by shared streets and utilities within the development. Construction of the residences and supporting infrastructure is included in the same development. **(Affirmative finding)**
- (c) *Preserve the natural and scenic qualities of open space;*
Open space will remain, and much of it will contain protected natural features like wetlands and riparian corridors. **(Affirmative finding)**
- (d) *Provide for a variety of housing types;*
The final plat plans incorporate a broader variety of housing types. Residential structures now include 2-, 6, 20+, 30+, and 40+ unit buildings. Unit types will be efficiency, 1-bedroom, and 2-bedroom. **(Affirmative finding)**
- (e) *Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and,*
Not applicable. The subject property does not need to be developed as a PUD, but it may be.
- (f) *Achieve a high level of design qualities and amenities.*
The Design Advisory Board unanimously recommended approval of the final plat plans. Building details have evolved and improved since preliminary plat. Equally important, building layout has been revised to strengthen the interior streetscape. Substantial recreational, garden, and other open space will be provided. The grounds will be dotted with edible landscaping. An onsite clubhouse and pool will be constructed, and covered parking will be provided. The development will be managed with an onsite administrative staff. Overall, the final plat plans incorporate a high level of design quality and amenities. **(Affirmative finding)**
- (j) *The proposed development shall be consistent with the Municipal Development Plan*
See Sec. 3.5.6 (b) 10.

II. Conditions of Approval

1. Within 180 days of the date of final approval, the property plat mylar, with all applicable endorsement signatures, shall be filed with the City Clerk per Sec. 10.1.11 of the Comprehensive Development Ordinance. Failure to do so shall render void the final plat approval.

2. **Prior to release of the zoning permit**, revised project plans shall be submitted, subject to staff review and approval. The revised plans shall incorporate the following:
 - a. All details noted in "red" in the February 24, 2015 email from DPW engineer Steve Roy to Bryan Currier;
 - b. Resolution of the three items called out in the March 26, 2015 letter from fire marshal Barry Simays to Scott Gustin;
 - c. Adjustments and additional information as outlined in the April 9, 2015 memo from DPW engineer Laura Wheelock to Scott Gustin;
 - d. Conditions of the Design Advisory Board's March 10, 2015 review of this project (except for condition 2);
 - e. Merger of lots A, B, and C into a single parcel to be reflected in the boundary survey & boundary adjustment plan;
 - f. A pedestrian path from the northwest corner of the duplexes' parking lot to Grove Street;
 - g. Relocation of the dumpster in front of duplex H further away from that residence;
 - h. Provision of a roof (with supports similar to the pavilions) over the duplexes' gang mailbox;
 - i. Corrected labeling of the maintenance garage as building Q; and,
 - j. Utility meter locations and screening.
3. **Prior to issuance of a certificate of occupancy**, the project engineer must certify in writing that, among other things, the project EPSC plan as approved by the Department of Public Works has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
4. **At least 7 days prior to issuance of a certificate of occupancy**, impact fees calculated on the net new square footage of the development shall be paid to the Department of Planning & Zoning. Impact fees may be reduced as determined by the manager of the City's Housing Trust Fund for the provision of inclusionary housing units.
5. **Prior to issuance of a certificate of occupancy**, the project engineer must certify in writing that, among other things, the project EPSC plan as approved by the Department of Public Works has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
6. All construction within the public right-of-way (including, but not limited to, the walkways for the Grove Street duplexes) shall require an encumbrance permit and/or license subject to approval by the City Council in consultation with the Department of Public Works.
7. A 72-space parking waiver is included in this approval. This waiver is contingent on the implementation of the February 16, 2015 parking management plan. Implementation does not include new or reconfigured parking spaces. Any new or reconfigured parking will require separate zoning permit review.
8. This approval incorporates the Stormwater Administrator's 3/23/15 written approval of the Erosion Prevention and Sediment Control Plan.
9. This approval incorporates the Stormwater Administrator's 3/23/15 written approval of the Stormwater Management Plan.
10. This approval incorporates the proposed improvements to Schmanska Park's access and parking lot as agreed to by the Department of Parks & Recreation dated November 24, 2014.
11. The proposed development sign is subject to a separate zoning permit and is not included in this approval.

12. This project approval includes all "Recommended Mitigation Measures" and pedestrian improvements as noted in the October 2013 Traffic Impact Study and March 25, 2015 Grove Street Development – Review of March 2015 Traffic Improvements memo, respectively.
13. This project approval includes the 2/13/15 "Phasing Plan" and related 2/16/15 "Anticipated Construction Phasing Schedule." Phases 1A & 1B, 2A & 2B, and 3A shall include construction of all 35 inclusionary housing units. Alternation of this schedule shall require separate zoning permit review.
14. Days and hours of construction shall be Monday-Friday 7:00 am – 5:00 pm; Saturdays 8:00 AM – 3:00 PM. No construction on Sunday.
15. A State Wastewater Permit will be required for water and sewer service. It is the obligation of the owner/applicant to seek this and any other required additional permits.
16. Building intercom systems are recommended to maximize the personal safety of the tenants.
17. Standard Permit Conditions 1-15 as adjusted for the proposed phasing and build-out schedule.

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
vacant, Department Secretary



TO: Development Review Board
FROM: Scott Gustin & Mary O'Neil, Principal Planners
DATE: January 30, 2017
RE: 17-0623CA/MA; 329-375 North Avenue

*Initial proposal supp
my staff, due to lack o*

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

RECEIVED
MAR 08 2017

*more
neigh
most of
site*

Zone: NAC-CR Ward: 4N

**DEPARTMENT OF
PLANNING & ZONING**

Owner/Applicant: BCCH, LLC & 375 North Ave, LLC / Eric Farrell

Request: Proposed development consisting of 11 buildings containing 735 residential units, approximately 45,000 sq. ft. of non-residential support/amenity space, approximately 40,000 sq. ft. of neighborhood commercial spaces and 1,093 parking spaces.

Applicable Regulations:

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), Article 10 (Subdivision), and Article 11 (Planned Unit Development)

Background Information:

Known as Cambrian Rise, the application proposes development with mixed commercial and residential uses, related buildings and infrastructure across approximately 21.65 acres (per plan BA1) at 329-375 North Avenue. The total unit count has fluctuated somewhat and is presently at 735 residential units, inclusive of the 65 units already permitted in the former orphanage building.

During the summer and fall of 2016, this project underwent several sketch plan reviews with the Conservation Board, Design Advisory Board, and Development Review Board. Conservation Board comments centered on stormwater management and commended the proposed management of stormwater management onsite, rather than utilization of the city system. The Design Advisory Board reviewed the sketch plans twice. Doing so allowed the DAB an opportunity to get an overview of the proposal; comments were limited to questions about the overall development, and a desire to cut back the hard edges of the buildings along North Avenue as they abutted smaller structures (to the south). The Board acknowledged the large scope of the project, and their limited time or opportunity to discuss any particular building or part of the plan in any depth. They requested additional work sessions during the formal review process. The Development Review Board also reviewed the sketch plans twice. DRB comments discouraged shared pedestrian/bike use of sidewalks, noted concerns about the consistently large massing of the proposed structures, particularly near the orphanage, suggested reduction in surface parking, and encouraged strengthening of the streetscape.

- (a) *Promote the most appropriate use of land through flexibility of design and development of land;*

This proposal includes a variety of uses, amenities, and new public infrastructure that is based on the public outreach process centered development and conservation of the original ~33 acre property. The PUD process enables plasticity in design to create something other than a traditional residential subdivision with detached dwelling units on individual lots. Peripheral setbacks and project-wide lot coverage calculations enable significant flexibility within the project. **(Affirmative finding)**

- (b) *Facilitate the adequate and economical provision of streets and utilities;*

Multiple residences and businesses will be served by shared streets and utilities within the development. **(Affirmative finding)**

- (c) *Preserve the natural and scenic qualities of open space;*

The most significant open space of the original acreage is the 12-acres of conservation land recently sold to the city. Much of this land remains wooded and preserves views to and from the lake. Within the development, a large center green space will also afford easy access to open space and outdoor activities. **(Affirmative finding)**

- (d) *Provide for a variety of housing types;*

All of the housing will be in the form of multi-family attached units. Within that format, a variety of bedroom counts and price points (including inclusionary, “work force,” and market rate units) are included. There is also a mix of owner-occupied and rental units. Senior housing units will also be provided. **(Affirmative finding)**

- (e) *Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and,*

The subject property does not need to be developed as a PUD; however, it may be. The scale, intensity, and type of development proposed is most appropriately reviewed as a collective PUD. **(Affirmative finding)**

- (f) *Achieve a high level of design qualities and amenities.*

With revisions as recommended by the Design Advisory Board, the project will comply with this criterion. **(Affirmative finding as conditioned)**

- (j) *The proposed development shall be consistent with the Municipal Development Plan*
See Sec. 3.5.6 (b) 10.

- (k) *Any proposed accessory uses and facilities shall meet the requirements of Sec. 11.1.6 below.*
Not applicable to the development as proposed.

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised project plans addressing the following recommendations of the Design Advisory Board shall be submitted, subject to staff review and approval:
 - a. Any ground-mounted or roof-mounted mechanical equipment shall be screened from view from the public way;

- b. The handicapped accessible path leading to the waterfront bike path shall be constructed earlier than phase 10;
 - c. At Building C, the visible amount of retaining wall along the south side of the building shall be decreased through the use of earth berming and/or landscaping;
 - d. At Building C, the screening detail that is utilized at parking structures shall not be also utilized at commercial spaces;
 - e. At Building H, the entrance to the commercial space at the southwest corner of the building shall be made more prominent and welcoming by the addition of more glazing;
 - f. At building I, the main residential entrance facing west shall be made more prominent, and the exterior stair at the northwest corner of the building that leads to a secondary entrance shall be made less prominent;
 - g. At building I, no rooftop mechanical equipment shall be located on the roof of the gymnasium due to the visibility of this roof from neighboring buildings
 - h. At building M, the trash enclosure at the southeast corner of the building shall be made less dominant, such as by changing the material or color; and,
 - i. At building Q, the stair tower at the northwest corner of the building shall be treated with similar cladding and screening materials as the main building, to improve the terminus view from North Road.
2. **Prior to release of the zoning permit**, final approval of the post-construction stormwater management system and the erosion prevention and sediment control plan by the city's stormwater program staff is required.
 3. **Prior to release of the zoning permit**, revised plans or related documentation addressing the following shall be submitted, subject to staff review and approval.
 - a. Updated lot coverage within the ~15 acre development site;
 - b. Compliant front yard setbacks along North Avenue;
 - c. Definition of the as-yet undefined "focal element" on Plan L204;
 - d. Definition of the cemetery access plan and the written acceptance by the Department of Parks & Recreation;
 - e. Confirmation of driveway access grading into Building E;
 - f. Continuous concrete sidewalks across all driveways;
 - g. Compliant parking space and circulation aisle dimensions for all parking areas (surface and structured);
 - h. Final selection of street trees with the written approval of the City Arborist;
 - i. Revised outdoor lighting plan compliant with Sec. 5.5.2 and IESNA standards, as applicable. Confirmation of compliance by an independent lighting consultant at the cost of the applicant will be sought;
 - j. Buried electrical transformers where feasible;
 - k. Identified mailbox locations;
 - l. Identification of all screening materials;
 - m. Intercom systems for multi-family housing is recommended;
 - n. Provision of 22 parking spaces for the large daycare;
 - o. Identification of loading areas for all commercial uses;
 - p. Compliant inclusionary housing proposal, including 25% of the entire 735 unit count. Written approval of the inclusionary housing proposal by the manager of the city's Housing Trust Fund is required; and,
 - q. Written details addressing maintenance of common open space and project amenities.

4. **Prior to construction**, the historic preservation analysis of only buildings K and L shall be expanded to incorporate the entire project build out. **The expanded analysis shall be subject to review and approval by the Development Review Board prior to construction.**
5. **Prior to construction**, final plat approval of the subdivision of the property shall be sought and obtained.
6. The following comments and requirements of the Department of Public Works are incorporated into these conditions of approval. All improvements are at the expense of the applicant:
 - a. The existing crosswalk (and bus stop) near Champlain Farms should be removed, as the ultimate spacing of crosswalks and stops will be more uniform with the planned crossings and stops at the Project's southern drive.
 - b. New crosswalk should be placed proximate to the new Parks & Recreation redeveloped path near Covent Square with that project
 - c. At the northern project drive, a crosswalk should be considered if/when future activity warrants such a facility. Pedestrian counts shall be taken prior to issuance of a certificate of occupancy. If warrants for a crosswalk are met at this location, it shall be installed.
 - d. Per the project plan set, crosswalks shown at the project intersection of South Road/North Ave.
 - e. The Applicant will be required to replace the sidewalk more than 5 years old on the West side of North Ave between the southern property line (Building K) and the northern property line (north of North drive)
 - f. The signal at North Ave and South Road should be installed during phase one of the project and left in flash, until either trip/pedestrian warrants are met, at which time the signal should become active.
 - g. A No Parking flashing beacon should be installed at/near the intersection of North Ave and South Road, the cost of the beacon is the responsibility of the Applicant. Due to the unique nature of these beacons DPW will install the beacon and seek reimbursement for the materials and cost of installation.
 - h. DPW and Applicant to discuss narrowing of the painted median on the north side of the intersection of North Ave and South Road, DPW to review final plan before line work is implemented.
 - i. Bike lane shall have stop bars marked within the bike lanes, these could be offset from the travel lane stop bars if appropriate.
 - j. Bike lane markings across intersection at South Road shall be consistent with City typical markings in both size and configuration. This should include skip lines at the intersection and bike size chevron in the lane. Also diagonal line striping in the separated portion of the bike lane should be removed
 - k. DPW and Applicant to review bicycle left turns at North Ave and South Road. DPW would like to see a pull off ahead of the crosswalk to allow bicycles to utilize the pedestrian push button, an alternative we would consider is a bicycle box in the lane striping. DPW to review and approve final plan before work is implemented.
 - l. At the Northwest corner of North Ave and South Road the proposed bus stop area shows a significant amount of concrete/hardscape area. This area will need to be revisited/revised with DPW.
 - m. Applicant will seek to adjust property boundary lines in the future on North Ave to place the sidewalk along North Ave back in the ROW.

- n. A crosswalk needs be placed at the west side of the intersection of South Road and West Road. This will facilitate pedestrian movements given the planned commercial activity in the area, adjacent recreational facilities, and ability for DPW to maintain and clear snow at the intersection.
- o. Applicant to review location of stop bars relative to the crosswalks at the intersection of North Road and West Road. Crosswalks should be placed in front of stop bars.
- p. Signage and Striping:
 - i. Crosswalk warning signs MUST reflect YIELD to pedestrians, per VT State Law
 - ii. Share the lane signage should be independent of the pedestrian crossing signs
 - iii. The only on street striping should be for crosswalks, stop bars, and in the immediate vicinity of the proposed signal for center line delineation. No line striping should be placed for individual parking spaces, center line, or fog lines.
 - iv. No speed limit signs within the development
- q. Sidewalk configuration/alignment and connection to Lakeview Cemetery will need to be reviewed by DPW/Parks prior to construction if Applicant pursues acceptance of project streets by the City.
- r. Applicant to review bicycle/pedestrian connection from Building O and P to the bike path to the west to determine whether additional connection will be at back of building or at end of sidewalk.
- s. Applicant will be required to submit design drawings for retaining wall along North Road, stamped by a Professional Engineer registered in the State of Vermont.
- t. Applicant will be required to place monuments at all parcel boundaries.
- u. All public infrastructure intended to be part of the dedication must be within the proposed limits of the ROW.
- v. Any materials used in the ROW that exceed City Standards will be the responsibility of the Applicant, and the Applicant will be required to enter into a License Agreement with DPW, unless otherwise waived, for the care, maintenance, replacement, removal for the life that material unless otherwise replaced with a Standard material, at which time the Agreement can be dissolved.
- w. For the dedication process the Applicant must, at minimum, provide the following:
 - i. As-built drawings of all infrastructure in the ROW
 - ii. Certification from the engineer of record that infrastructure constructed was completed per plans and specification
 - iii. All documentation by the project resident engineer for all infrastructure in the ROW. This shall include but is not limited to: Notes, photographs, reports, quality control testing, change orders, submittals.
 - iv. The City shall be invited to participate at all construction meetings
 - v. The City shall have the right to have oversight during construction, review of resident engineer documentation, submittals.
- x. Review the sequence of work to connect South Road sidewalk/path to the proposed Parks Path, a connection to those facilities in advance of 2022.

- y. There is a discrepancy between the phasing of the project shown on P1.0 by CEA and sheet 2 of 2 by VHB with regard to when Building H, Q, and R will be constructed. Of concern is the varying stormwater treatments that occur during construction, treatment types shown varies.
7. All proposed sidewalk construction within the public street right-of-way is subject to review and approval of the Dept. of Public Works. *All other construction within the public street right-of-way is subject to an encumbrance permit issued by the City Council in conjunction with the Dept. of Public Works.*
 8. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the gross square footage of the proposed development. Impact fees may be paid on a per-phase basis. Per the development agreement, a \$300K credit will apply to parks impact fees due.
 9. A 10-year construction period is included in this zoning permit. Any extension thereof shall require review and approval by the Development Review Board of a request submitted prior to expiration of the 10-year period. Project phasing shall be as depicted in Plan L-EX4.
 10. Days and hours of construction are limited to Monday – Sunday 7:00 AM – 9:00 PM.
 11. A State of Vermont wastewater permit is required.
 12. All new utility lines shall be buried.
 13. It is the applicant's responsibility to comply with all applicable ADA requirements.
 14. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
 15. Any outdoor signage will require a separate sign permit.
 16. Standard Conditions 1-15.

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Vacant, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Ken Lerner *[Signature]*
DATE: December 16, 2014
RE: 15-0525CAMA, 87-95 North Avenue & 7 Haswell Street

DEPARTMENT OF
PLANNING & ZONING

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

Zone: NMU **Ward:** 7

Owner/Representative: Committee on Temporary Shelter (COTS) / Duncan Wisniewski Architects

Request: Renovation and addition to existing building for 14 new residential units as part of mixed use building. Project includes demolition of house and lot merger at 7 Haswell Street. Uses in addition to the residential units will include adult day care (Day Station) and COTS offices.

Applicable Regulations:

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), & Article 10 (Subdivision)



Background Information:

The applicant is proposing the renovation and addition to the existing 15,400 sq. ft. building resulting in a total of 23,890 sq. ft. The site presently contains, at nearly 100% lot coverage, the former Burlington College, a National Registered historic building, and an adjacent parcel (7 Haswell Street) owned by COTS to the west with a residential structure. This house is proposed to be demolished to provide room for the proposed addition. The expansion to the adjacent lot will necessitate a lot line adjustment to combine that parcel with the main site containing the college.

The proposal will contain 23,890 sq. ft. as follows:

First floor: 9,195 sq. ft. for day-station (adult day care) & offices

Article 10: Subdivision

There is no subdivision of land included in this proposal. Two parcels will be merged into one lot resulting in a lot line adjustment with the existing COTS building and 7 Haswell Street, the abutting residential property to the west. As required, a boundary survey by a VT licensed land surveyor has been provided with the final plat plans. (**Affirmative finding as Conditioned**)

II. Conditions of Approval:

1. **Prior to issuance of a certificate of occupancy**, the lot line adjustment mylar, with the applicable endorsement signature, shall be filed with the City Clerk.
2. **Prior to issuance of a certificate of occupancy**, written confirmation from the City's Housing Trust Manager shall be included in the zoning file concurring with IZ compliance.
3. **Prior to release of the zoning permit**, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
4. **Prior to the release of the zoning permit**, the applicant shall obtain the written approval of the Stormwater Management Plan from the Stormwater Administrator.
8. As a portion of the site including the southeast corner of the existing building is within the public ROW, the applicant must contact and work with DPW regarding the work being considered.
9. **Prior to issuance of a certificate of occupancy**, the project engineer must certify in writing that, among other things, the project EPSC plan as approved by the Department of Public Works has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
10. **At least 7 days prior to issuance of a certificate of occupancy**, impact fees calculated on the net new square footage of the development shall be paid to the Department of Planning & Zoning. Impact fees may be reduced as determined by the manager of the City's Housing Trust Fund for the provision of inclusionary housing units.
11. Days and hours of construction shall be Monday-Friday 7:00 am – 5:00 pm; Saturdays 8:00 AM – 5:00 PM. No construction on Sunday. *87-95 North + 7 Haswell - confirmed arch*
12. A State Wastewater Permit will be required for water and sewer service. It is the obligation of the owner/applicant to seek this and any other required additional permits.
13. If any archaeological resources are identified during excavation, the city and state shall be notified for identification and arrangement for appropriate documentation and archiving.
14. The applicant is strongly encouraged to pursue solar hot water and/or photo voltaic options.
15. The street trees and other landscaping within the ROW must be in consultation with the City Arborist.

16. Future signs are anticipated and shall require separate zoning permits.

17. The applicant shall be aware that due to the age of the building hazardous material such as lead paint and asbestos may be present. All materials removed shall handled and disposed of in a safe and legal manner.

18. It is suggested that while the building entrance on North Avenue is not the main access point it should nonetheless be strengthened to some extent.

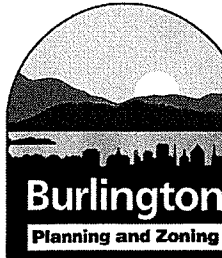
19. The proposed construction is proposed to meet or exceed all energy related requirements of the all applicable energy efficiency standards. However it is the applicant's responsibility to file the documents/certifications of both the RBES and/or CBES Codes of the state as required. Evidence of such filing must be provided **prior to issuance of a certificate of occupancy.**

20. Standard Permit Conditions 1-15

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
vacant, Department Secretary



TO: Development Review Board
FROM: Scott Gustin 
DATE: April 18, 2017
RE: 17-0755CA/CU; 235 Penny Lane
17-0756CA
17-0757CA

Zone: DW-PT Ward: 3C

Owner/Applicant: City of Burlington / Burlington Harbor Marina, LLC

Request: Construct marina, parking lot, and related site improvements.

The applicants request continuance of the public hearing for this application to the May 2, 2017 Development Review Board meeting.

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/PZ/Boards/Development-Review-Board
Phone: (802) 865-7188
Fax: (802) 865-7195

Austin Hart
Brad Rabinowitz
Jonathan Stevens
Alexandra Zipparo
Geoff Hand
Israel Smith
AJ LaRosa
Jim Drummond, (Alt.)



Burlington Development Review Board

Minutes/Findings of Fact

September 1, 2015

In Re: 16-0007CA/MA; 351 North Ave (Ward 4N, Zone WRM) (Tax Lot No. 038-4-025-000)
16-0015CA; 329 North Ave (Ward 4N, Zone WRM) (Tax Lot No. 038-4-025-001)

Owner/Representative: E.F. Farrell LLC.

Request: Convert former orphanage and college building to 63 residential units and relocate college within building. Associated site improvements.

Members Present:

Austin Hart
Brad Rabinowitz
Israel Smith
Ali Zipparo
Geoff Hand
AJ LaRosa

Evidence Presented:

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

I. FINDINGS

Background Information:

The applicant is seeking approval for the proposed conversion of the former orphanage building (AKA St. Joseph's/ Providence Orphan Asylum) at 351 North Avenue into multi-family housing. A total of 63 apartments would be created within the building, all studio and 1-bedroom units. The college currently occupying the building would be retained but condensed into 29,000 sf in the newer southern wing of the building. Limited site work is proposed and amounts to converting some existing vehicular circulation to pedestrian circulation and a new parking area. Two parcels of land are involved in this project; therefore, there are two applications (for 351 North Avenue and 329 North Avenue) reviewed concurrently.

This application underwent sketch plan review with the Conservation Board June 1, 2015 and with the Development Review Board June 16, 2015. In light of the deep sandy soils and ample open space, the Conservation Board advised the applicant to pursue as much infiltration of stormwater onsite as possible. The Development Review Board encouraged the applicant to more effectively delineate the two uses – residential and college – onsite and to more

As proposed, every dwelling unit will have provision for long term bike storage, and outdoor short term spaces will be provided (as conditioned) on bike racks. **(Affirmative finding as conditioned)**

Article 9: Inclusionary and Replacement Housing

Sec. 9.1.5, Applicability

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of this Article. Twenty-five percent of the total unit count must be inclusionary (25% of 63 is 16 dwelling units) in this waterfront zone. The application indicates that these units will be provided. Note that inclusionary housing units must be included onsite – the offsite option is not allowed within any waterfront zone. Final approval from the manager of housing trust fund is required. **(Affirmative finding as conditioned)**

Article 11: Planned Unit Development

As a single building with more than 5 residential units, this project qualifies as a minor Planned Unit Development and is exempt from the requirements and standards of this Article. The project is, however, subject to inclusionary housing requirements per Article 9 above.
(Affirmative finding)

II. MINUTES

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

III. MOTION

Motion: Austin Hart

I move that the Board grant certificate of appropriateness and major impact approval for conversion of the former orphanage and college building to 63 residential units and relocation of the college within the building with associated site improvements in the WRM zone in accordance with Articles 3, 4, 5, 6, 8, 9 & 11. Approval is subject to the following conditions:

1. Permit approval is conditioned upon acceptance by the Department of Public Works of the submitted traffic analysis. If DPW disagrees with the findings or recommendations of the traffic study in any material respect, the project shall come back before this Board for review of changes to the plan that may be required to respond to objections raised by DPW..
2. **Prior to release of the zoning permit**, revised project plans depicting the following shall be submitted, subject to staff review and approval:
 - a. Any additional exterior connections or equipment (cable, gas, electric, generators, HVAC, etc), shall be identified on site plans and/or elevations as appropriate to be assessed for visual impact and screening requirement.
 - b. The materials for the west elevation shall be clearly defined.
 - c. Landscaping shall be added to the south side of the south parking area to provide a visual screen and shading.

3. The Parking Management Plan and parking waiver are accepted on a conditional basis subject to the following three conditions:
 - a. Additional outdoor bike storage racks will be provided: 10 conveniently sited to serve the residences, and 10 to serve the college (20 total). Their design and placement will be subject to staff review and approval.
 - b. Relative to the parking waiver, **the applicant shall return to this Board one year after receipt of a Certificate of Occupancy** to report the number of residential occupants, the number of Burlington College student tenants, and the adequacy of onsite bike and vehicle parking relative to actual parking demand. The Board reserves the right to revisit the parking waiver and require additional parking spaces if evidence regarding actual use of the project show that the parking provided is not adequate to serve the project.
 - c. The applicant shall approach CarShare in good faith to see if they have interest in placing a car onsite.
4. **Prior to release of the zoning permit**, the applicant shall receive written verification of adequate wastewater capacity from the Department of Public Works.
5. **Prior to release of the zoning permit**, the inclusionary housing proposal included in this application shall be subject to the review and written approval of the manager of the city's Housing Trust Fund.
6. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the converted square footage of the proposed development.
7. Days and hours of construction shall be limited to Monday – Saturday, 7:00 AM – 6:00 PM. No construction activity shall be allowed on Sunday.
8. As a multi-unit residential building, an intercom system is recommended for resident safety.
9. In the event that archaeological resources are discovered during construction, the VT Division for Historic Preservation shall be notified.
10. A State of Vermont wastewater permit may be required.
11. All new utility lines shall be buried.
12. It is the applicant's responsibility to comply with all applicable ADA requirements.
13. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
14. Any signage will require a separate sign permit.
15. Standard Conditions 1-14.

Seconded: Brad Rabinowitz

Vote: 6-0-0, motion carried

Dated at Burlington, Vermont, this 1st day of September, 2015

Respectfully Submitted,



Austin D. Hart, Development Review Board Chair

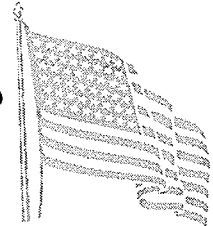
BC Community Housing, LLC

P.O. Box 1335, Burlington, VT 05402

802-861-3000 fax 802-861-3003

RECEIVED
APR 10 2017

DEPARTMENT OF
PLANNING & ZONING



Memo

To: Austin Hart, Esq., Chairman, Development Review Board
City of Burlington, Vermont

From: Eric Farrell

CC: Scott Gustin, Mary O'Neill, David E. White
Michael Monte, CHT, Amy Demetrowitz, CHT, Cindy Reed CSC, Kathy Beyer, HVT
Owiso Makuku; Judy Zullo, Esq.

Date: March 21, 2017

Re: Cambrian Rise

It is my understanding that when the DRB made corrections to the Findings of Fact for 329-375 North Avenue, and re-issued them on Wednesday, March 8, which Findings were originally issued on February 14, 2017, it specifically did not change the approved hours and days of construction. It has come to my attention that the restrictions placed upon the allowed hours of construction were made in reliance upon a mistaken recitation at the deliberative session by one or more Board members of the hours and days which I expressly, and the Board implicitly, agreed to at the Public Hearing.

For clarification on this important point, I invite the DRB to review the CCTV video recording (<https://www.cctv.org/watch-tv/programs/burlington-development-review-board-257>) of the January 31, 2017 Public Hearing for an accurate record of the dialogue that took place between me, as Applicant, and certain members of the Board. The exchange can be found at approximately 160:50 of the tape. Unfortunately, as you may recall, the Public Hearing was very rushed due to severe time limitations on the room, much to the detriment of my project and the Board.

I believe you will find from a review of the tape that, in fact, during the Public Hearing, there was an amicable exchange between myself and the Board which ended with a clear understanding that we had agreed to the following hours of construction: Monday through Saturday, 7am to 6pm; and interior work, and "non-obtrusive" exterior work, on Sunday. Our original proposal for work hours followed the City's Noise Ordinance, i.e. Sunday through Saturday, 7am to 9pm.

Accordingly, we hereby request DRB reconsideration of Condition #13 of our Cambrian Rise permit #ZP16-0623CA/MA that addresses our allowable hours of construction for our impending development on North Avenue, based on the following information.

We believe that, while a number of the Board members extensively discussed the allowable hours of construction during the deliberative session, the discussion centered around a mistaken recollection of the hours that were discussed at the final Public Hearing on January 31, 2017. Specifically, the discussion at that particular hearing was in response to a request by DRB member Alexandra Zipparo whether I would reconsider more limited days/hours of construction than those set forth in the final Staff Report, which days/hours she believed to be too broad. I responded to the question by saying that I could live with Monday through Saturday, 7am to 6pm; and interior work, and "non-obtrusive" exterior work, on Sunday.

During your deliberative session on February 6, 2017, the subject of construction hours comes up at approximately 18:32 of the recording. In response to a request for some recollection of what was discussed at the Public Hearing, we hear various voices piecing together the 1.31.17 discussion, ultimately concluding that "Eric said he could live with no construction on Sunday and interior only construction Saturday...." It was in reliance upon that inaccurate recollection that the members agreed to limit the hours accordingly. Of course, your review of the CCTV video will confirm that I was misquoted.

The restricted hours present a significant financial burden on all of the partners at Cambrian Rise, as we collaborate to deliver desperately-needed, cost-effective housing to the City. I attempted to illustrate the extent of that burden in an email to the Planning Staff dated 3/6/17 (copy attached).

For the record, I have attached a list of other City projects recently approved by the DRB that have allowed work hours on Saturday. The DRB should take into particular consideration the fact that Cambrian Rise is surrounded on three sides by public open space, the result of which is significantly less impact on the surrounding neighborhood than in a typical City project.

Also, for the record, I have attached an excerpt from the Staff report published on 1.30.17, wherein it is referenced that the "Days and hours of construction are limited to Monday - Sunday 7:00 AM - 9:00 PM." I mention this to highlight the fact that we did not propose any other hours in our application, which we agreed to modify at the 1.31.17 Public Hearing, as set forth above.

It is my sincere hope that the DRB will take this opportunity to review the CCTA video of the 1.31.17 Public Hearing and the tape of the deliberative session on February 6, 2017 and conclude that this is a simple matter of a mistaken recitation of what actually took place at the Public Hearing and officially correct the record, thereby obviating the need for a costly appeal of this condition.

Attachments

RECEIVED
MAR 08 2017

Owiso Makuku

From: Eric Farrell
Sent: Monday, March 06, 2017 7:29 AM
To: SGustin@burlingtonvt.gov; MConil@burlingtonvt.gov
Cc: DEWhite@burlingtonvt.gov; Michael Monte; Amy Demetrowitz; KBeyer@hvt.org; Owiso Makuku
Subject: Cambrian Rise DRB conditions

DEPARTMENT OF
PLANNING & ZONING

Hi Scott & Mary,

Mary related on Friday that the DRB did, in fact, restrict the work hours at Cambrian Rise, as a condition of our approval. As we discussed when we met last week, this is not an established community standard that has been consistently applied to other projects, nor was it requested by anyone, including our immediate neighbors. Therefore, I see no justification for such limits. It will, however, have a direct and consequential negative effect on the cost of construction of the new housing units that we have collectively worked so hard to make as affordable as possible. Here is how the impact will be felt. Not working on Saturday's eliminates 52 days per year from the construction schedule, representing 16.7% of the usual and customary 6-day construction work week or 1.733 months per year. A typical project of the size and nature of the buildings that I, CHT and CSC will be constructing, carry "General Conditions" costs (supervision, security, utilities, builders risk insurance, etc.) that run about \$50,000 per month and which are directly correlated to duration of construction. In other words, stretching out the same amount of construction work over more months, costs more in General Conditions. Increasing these costs does not add to the value of the completed building, and quite to the contrary, at 1.733 months, it will add about \$1,000 to the cost of each and every housing unit for no one's benefit. Likewise, stretching out the construction period will add another \$1,000 to each and every housing unit for construction period interest expense, which also adds no value nor benefits no one. Consequently, we respectfully ask that the DRB honor our request for the following reasonable work hours: 7 am - 6 pm, Monday-Saturday, interior-only work on Sundays. This schedule is particularly appropriate at Cambrian Rise, as the property is surrounded on three sides by open space and only 3 of 12 new buildings front on North Avenue.

Regarding bonding of the public improvements (street & infrastructure within the public ROW), Wright & Morrissey's (our general contractor) bonding agent, Hickok and Boardman Insurance, advises that it is absolutely not possible to bond for future work, as suggested in the DRB approval. We can, however, require W&M to provide a bond for each section of the public improvements, when and as we contract with them to construct such improvements per phase. Regardless, we still do not believe this to be an effective method of ensuring the full buildout of these improvements, their construction is a necessary component of each and every phase of construction of the various buildings, which building approvals represent considerable investment and value to us, providing ample motivation and security for the development. I believe that the details of a covenant, as referenced in the DRB approval, can be worked out such that the city and the public is more than adequately protected without any bonding requirement. Similar to restricted work hours, bonding will simply add unnecessary costs to each and every housing unit for no one's benefit.

Please advise how we can secure relief from these two conditions of approval without having to resort to an appeal to the Environmental Court, which, by itself, will add to the cost of each and every housing unit.

Many thanks,

Eric

Sent from my iPad

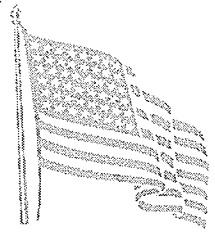
BC Community Housing, LLC

P.O. Box 1335, Burlington, VT 05402

802-861-3000 fax 802-861-3003

RECEIVED
APR 10 2017

DEPARTMENT OF
PLANNING & ZONING



Memo

To: Scott & Mary
From: Owiso
Date: 2/3/17
Re: Confirmation/clarification of DRB testimony on 1/31/17

We thought it would be useful to provide a summary of what was presented at the last DRB meeting, given that the time available at the meeting was so short.

West View From Liberty House

For over two years, we have expressed our commitment to maintain a view corridor west from Liberty House to the Lake by not siting any new buildings that would block the westerly view from Liberty House. Our agreement was not a commitment to pure open space in that corridor, meaning site amenities (pool, greenhouse, grilling areas, playground, gardens, etc.) and infrastructure improvements are acceptable and encouraged. The agreement is not legally binding on us, because it's not memorialized in the Development Agreement or any other document. It is simply a principle we agreed to uphold in deference to the historic former orphanage. We have more than met our commitment by not placing any buildings above the grade behind Liberty House. For the record, the grade drops 58 feet; 224' immediately behind Liberty House to 166' at the boundary line with the Public Park.

On a related matter, any suggestion of eliminating surface parking behind Liberty House is a non-starter for us and simply not a fair and reasonable request. The surface parking in that location (representing a part of the only 21.9% of our total parking provided) is consistent with our aforementioned commitment to maintain the view corridor. Also, it should be noted that the "surface" parking spaces behind Liberty House are actually "structured" parking spaces. The parking field closest to Liberty House has one level of structured parking below; and the west field (above Building D) is structured parking with two levels below (see attached plans EX5a "Surface parking" and EX5c "P1 Parking"). It is also important to note that the City discourages "front yard" parking, in favor of parking behind buildings, thereby screening it from the public street. You can't have it both ways (Article 6).

Parking

As set forth, in part, on the Parking Summary & Analysis spreadsheet I handed out at the DRB meeting on 1/31/17, there are several important metrics that should be highlighted:

- Number of parking spaces required by market demand: 1,430 (usual and customary in our local market)
- Number of parking spaces required by the City's CDO: 930 (insufficient to support the mix of uses without compensating mitigation)
- Difference: 500 spaces (35% reduction)
- Number of parking spaces provided: 1,092
- Parking provided relative to market demand: 76%
- Parking provided relative to CDO requirement: 117%
- Maximum number of surface parking spaces allowed per the CDO: 1,163
- Maximum number of structured (garage) parking spaces allowed per the CDO: unlimited
- Number of surface parking spaces provided: 239
- Surface spaces as a percentage of total spaces provided: 21.9%
- Number of structured (garage) parking spaces provided: 853
- Structured (garage) spaces as a percentage of total spaces provided: 78.1%

Phasing + Unified Certificates of Occupancy

The revised Sequencing Plan submitted recently specifically references our need to secure Unified Certificates of Occupancy upon the completion of each building or Phase.

Phase I, Liberty House, will necessarily open with temporary parking on the north side of the building (see attached plan). We will need Staff to work closely with the Code Enforcement Office and the Building Inspector to guide them through the process of the issuance of CDO's.

Construction Hours

We request the following clarification in the allowable work hours:

- Monday thru Saturday - Exterior Work: 7:00 am – 6:00 pm
- Monday thru Saturday - Interior Work: no restriction
- Sunday - Exterior Work: Not allowed
- Sunday – Interior Work: no restriction
- Federal Holidays – Exterior Work: Not allowed on buildings fronting on North Avenue; unrestricted on the balance of the site.
- Federal Holidays – Interior Work: no restriction

Future Plan Changes that can be Reviewed & Approved by Staff

We request that the following changes to the final plan can be approved by Staff without returning to the DRB:

- A decrease in the total number of residential units or an increase that does bring the total to more than 770.
- A change in the sequencing of phases, provided such change does not materially delay the construction of project amenities. It's important for the DRB to understand that the amenities are even more important to us than to them, as they represent a significant selling feature of the neighborhood.
- A reduction of the total amount of non-residential area or an increase that does not exceed 15%.
- A reduction of the total lot coverage or an increase that does not exceed 5%.
- An increase in surface parking that does not exceed 5%.

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin & Mary O'Neil
DATE: March 18, 2014
RE: 14-0671CA/MA; 194 St. Paul Street
14-0672CA/MA; 1 Browns Court
14-0721CA/MA; 14 Browns Court

RECEIVED
MAR 08 2017

**DEPARTMENT OF
PLANNING & ZONING**

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: DT Ward: 6

Owner/Representative: Champlain College & City of Burlington / Eagles Place, LLC

Request: Construction of mixed use building with ground-floor commercial space, 115 residential units and enclosed parking. Development to merge three existing lots.

Applicable Regulations:

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 9 (Inclusionary & Replacement Housing), Article 10 (Subdivision), Article 11 (Planned Unit Development)

Background Information:

The applicant is seeking approval of a 115-unit, 6-story apartment building with 4,300 sf ground-level retail space and enclosed parking. The proposal is to redevelop the existing Eagle's Club and Browns Court parking lot properties and would involve the merger of these properties into a single parcel. The project is being pursued in partnership between the City of Burlington and Champlain College and is the culmination of a decades-long effort by the City to redevelop the Browns Court parking lot property. The development includes significant construction within the public right-of-way and involves coordination with the Department of Public Works. As the project involves three separate properties, three separate permit applications have been filed. They are reviewed concurrently as one.

The Conservation Board reviewed the project January 6, 2014 and unanimously recommended approval subject to the following comments and conditions:

1. Support the parking waiver
2. Suggest expanding the interior bike parking room to a location more accessible to Maple Street (utilize current dead space in garage)

(at or below 65% median area income adjusted for household size). New information has been provided that breaks down this percentage by class and residency. All classes and residency types are well above the 15% inclusionary requirement, ranging from 19% to 25%. These students have been subsidized with scholarships and grants awarded by the College to cover tuition, room, and board expenses.

The inclusionary requirements of this article stipulate that 15% of the housing units be affordable at 65% of the median area income adjusted for household size. Collectively, the College student body is at 23%. The proposed apartment building is for juniors and seniors with an average of 23.5% meeting the inclusionary housing income threshold. The College has provided additional information outlining the income-blind, self-selection process for students to select housing and roommates. No preference will be given based on income. Housing units in the proposed apartment building will be equally available to all juniors and seniors, regardless of income status. There will be no designated inclusionary units. All units and income levels will be fully integrated consistent with the intent of Article 9.

As noted in the January 31, 2014 memorandum from John Caulo, Associate Vice President – Campus Planning & Auxiliary Services to Brian Pine, Assistant Director for Housing, the College has agreed to file an annual summary report with the Community and Economic Development Office demonstrating that its undergraduate student population continues to meet the minimum inclusionary housing criteria of this article. In the event that the housing units ever cease to be dedicated student housing for the College, the project will be subject to compliance with the inclusionary housing requirements of the city at that time. This proposal has been reviewed and found to be acceptable by the city's Assistant Director of Housing. **(Affirmative finding as conditioned)**

Article 10: Subdivision

Sec. 10.1.5, Lot Line Adjustments

No subdivision of land is included in this proposal. Three separate parcels will be merged into one parcel. As required, a lot line adjustment plat prepared by a VT licensed land surveyor has been submitted. Prior to filing the plat in the city's land records, the surveyor's seal and signature must be affixed to the mylar. **(Affirmative finding as conditioned)**

Article 11: Planned Development

As a single building with more than 5 residential units, this project qualifies as a minor Planned Unit Development and is exempt from the requirements and standards of this Article. The project is, however, subject to inclusionary housing requirements per Article 9 above. **(Affirmative finding)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, review and approval of sight distances, turning radii, and retaining walls by the city engineer shall be required.
2. **Prior to release of the zoning permit**, a wastewater capacity letter from the Department of Public Works shall be obtained.
3. **Prior to release of the zoning permit**, a plan or mutual agreement for snow storage and/or removal, particularly for Browns Court, shall be executed between Champlain College and the City of Burlington.

4. **Prior to release of the zoning permit**, removal of the street tree for the Maple Street garage entrance shall be reviewed and approved by the City Arborist.
5. **Prior to release of the zoning permit**, revised project plans depicting the following shall be submitted, subject to staff review and approval:
 - a. Bicycle parking sign details;
 - b. Outdoor and garage lighting details compliant with Sec. 5.5.2 of these findings; and,
 - c. Commercial mailbox details.
6. **Prior to release of the zoning permit**, all required permissions and encroachment agreements for work and development (including the final extent, layout, and components of such construction) within the public ROW shall be sought and granted.
7. **Prior to release of the zoning permit**, the following stormwater management conditions shall be met:
 - a. The applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator;
 - b. The applicant shall obtain the written approval of the Stormwater Management Plan from the Stormwater Administrator; and,
 - c. A letter of credit or escrow agreement shall be executed with the City of Burlington for all construction site stormwater management and erosion control measures. The agreement shall be in an amount sufficient to cover the complete cost of administration and construction associated with remedying a problem associated with construction site stormwater management or erosion control. The standard forms for the letter of credit or escrow agreement are available at the Planning & Zoning Department.
8. **Prior to filing the property plat mylar**, the plat shall be signed and sealed by the VT licensed land surveyor who prepared it.
9. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development.
10. **Prior to issuance of a certificate of occupancy**, the project engineer must certify in writing that, among other things, the project EPSC plan as approved by the Department of Public Works has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
11. **Prior to issuance of a certificate of occupancy**, the public parking included in this project shall be guaranteed by way of a legally binding agreement, subject to review and approval by the City Attorney. If and when the use is no longer associated with Champlain College student housing, the public parking realized by way of the 2 height bonuses shall continue to be provided.
12. At any time in the future, should the use no longer be associated with Champlain College student housing, an assessment of the parking requirements for the proposed use under the zoning ordinance in effect at that time shall be made. Provisions for accommodating the required parking will likely require development of a parking management plan, as the JIPMP will no longer apply.
13. A Corrective Action Plan (CAP) with the VT Department of Environmental Conservation may be required. **Prior to issuance of a certificate of occupancy**, documentation that the site has been appropriately addressed by way of a CAP or written verification from VT Department of Environmental Conservation that a CAP is not required shall be submitted.
14. Days and hours of construction shall be limited to Monday – Friday, 7:00 AM – 6:00 PM and Saturday, 8:00 AM – 5:00 PM. No construction activity shall be allowed on Sunday.

15. This project is subject to the inclusionary housing requirements of Article 9. These requirements shall be met as articulated in the January 31, 2014 memorandum from John Caulo, Associate Vice President – Campus Planning & Auxiliary Services to Brian Pine, Assistant Director for Housing regarding Eagles Landing Student Apartment Project / Inclusionary Zoning.
16. The ADA entrance ramp access suggested within the lower level plan (A1) shall be included within this development proposal to assure accessibility between the Maple Street parking deck and the elevator access to upper (residential) floors.
17. All new utility lines shall be buried.
18. All exterior signs shall require a separate sign permit.
19. A State of Vermont wastewater permit is required.
20. All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
21. Standard permit conditions 1-15.

Susan and Robert Butani

31 Fletcher Place
Burlington, VT 05401

susan.butani@gmail.com
robert.butani@gmail.com

April 13, 2017

Burlington Development Review Board
149 Church Street
Burlington, VT 05401

Attention: Mary O' Neil, Project Manager

**Re: 17-0388CA/M; 66, 72, 80, 94 and 96 Colchester Ave, 27 and 49 Fletcher Place
Colchester Avenue Housing/Frank von Turkovich
Development Review Board Public Hearing: April 18, 2017**

Dear Members of the Burlington Development Review Board:

My wife and I live on Fletcher Place. Fletcher Place is a residential community of houses listed on the Vermont State Register of Historic Places. Mr. von Turkovich's project site sits behind the homes on Fletcher Place.

By letter dated April 12, 2017 (attached) Norman J. Baldwin; an engineer with Burlington's Department of Public Works provided what appears to be an approval of a *Traffic Impact Analysis* dated April 11, 2017. This analysis was prepared by Mr. von Turkovich's consultant, Trudell Consulting Engineers ("TCE").

Mr. Baldwin's letter states in part:

At the March 8, 2017 Design [sic] Review Board the applicant was asked to for [sic] a traffic operational analysis of the Colchester Avenue corridor and specifically was asked to model the existing condition and built condition for the following intersections:

- *East Avenue/Colchester Avenue*
- *Mary Fletcher Drive/Project Driveway/Colchester Avenue*
- *Mansfield Avenue/Colchester Avenue*
- *Prospect/ Pearl Street*

We are perplexed that Fletcher Place has been omitted from Mr. von Turkovich's analysis.

It is currently difficult to enter and exit Fletcher Place, which has no traffic signal. Most Fletcher Place residents have cars, there are two day care centers on Fletcher Place and UVM's Transportation & Parking Services Department is located on Fletcher Place. Fletcher Place has a lot of vehicular traffic.

Due to its proximity to Mr. von Turkovich's project and unlike the studied intersections, which all have traffic lights, entering and exiting Fletcher Place will be increasingly difficult.

I have not located any instructions specifically directing Mr. von Turkovich to omit Fletcher Place from TCE's Traffic Impact Analysis. Regardless, this is a serious omission that needs to be addressed. We respectfully urge the Board to require a traffic impact analysis that includes Fletcher Place.

Please post this letter and attachment to the Burlington Development Review Board's public website.

Thank you for your consideration.

Sincerely

A handwritten signature in blue ink, appearing to read "Robert Butani", is written over a light blue grid background.

Robert Butani

Attachment



CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

OFFICE OF PLANNING
645 PINE STREET, SUITE A
BURLINGTON, VT 05402
802.863.9094 P
802.863.0466 F
802.863.0450 TTY
WWW.BURLINGTONVT.GOV

CHAPIN SPENCER
DIRECTOR OF PUBLIC WORKS

NORMAN J. BALDWIN, P.E.
ASSISTANT DIRECTOR OF PUBLIC WORKS

Date: April 12, 2017

To: City of Burlington Planning & Zoning Department
Frank Von Turkovich

From: Norman J. Baldwin, P.E.-City Engineer/Ass't Director, DPW 

C.C. Laura K. Wheelock, P.E.-Public Works Engineer, DPW

Subject: ZP17-0388CA/MA; 66,72,80,94 and 96 Colchester Avenue; 27 and 49 Fletcher Place

The Department of Public Works(DPW) has reviewed the plans and most recent Traffic Impact Analysis prepared by Trudell Consulting Engineers dated April 11, 2017.

At the March 8, 2017 Design Review Board the applicant was asked to for a traffic operational analysis of the Colchester Avenue corridor and specifically was asked to model the existing condition and built condition for the following intersections:

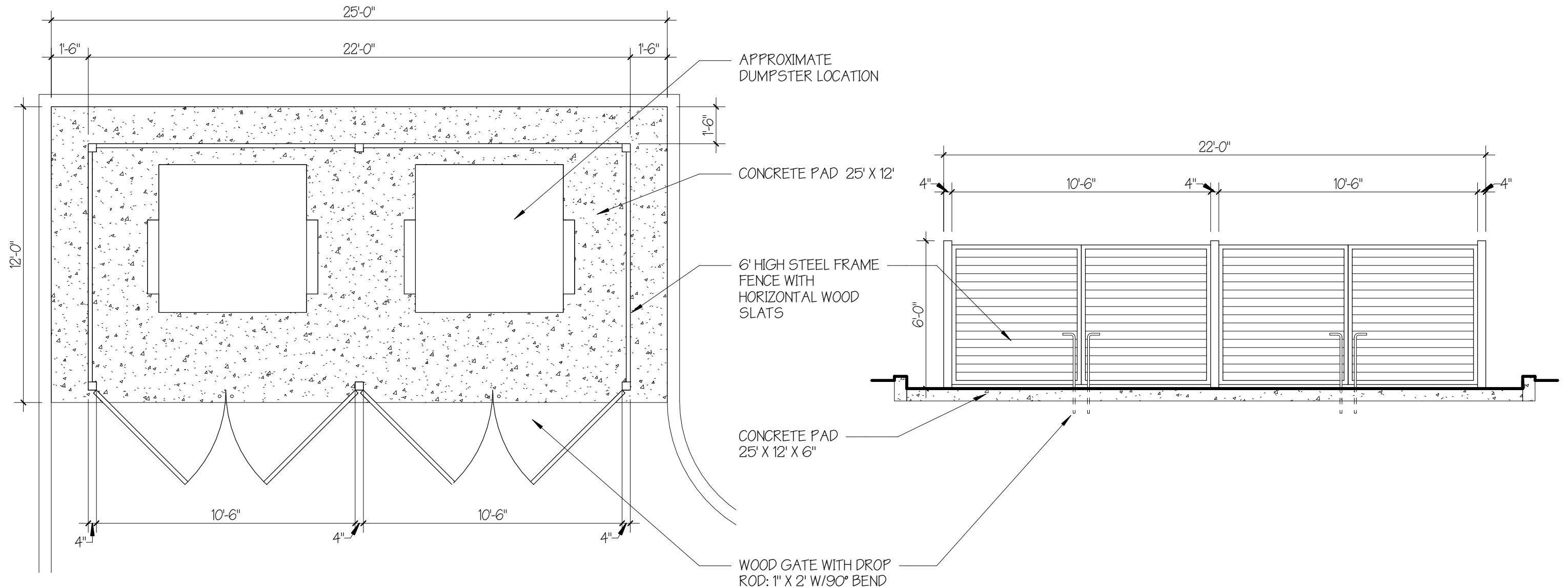
- East Avenue/Colchester Avenue,
- Mary Fletcher Drive/Project Driveway/Colchester Avenue
- Mansfield Avenue/Colchester Avenue
- Prospect Street/Pearl Street

In reviewing the

- trip generation,
- trip distribution,
- modeled vehicle queuing,
- and turning template analysis

within the Traffic Impact Analysis prepared by Trudell the department is satisfied and agrees with the conclusions of the consultant and have no further issues or concerns.

Should you have any questions please contact me at nbaldwin@burlingtonvt.gov or 802.865.5826.



1

DUMPSTER ENCLOSURE PLAN

1/4" = 1'-0"

Referenced From: A201

2

DUMPSTER ENCLOSURE ELEVATION

1/4" = 1'-0"

DUMPSTER ENCLOSURE

SCALE: 1/4" = 1'-0"

COLCHESTER AVENUE HOUSING

BURLINGTON, VERMONT



RabideauArchitects

550 Hinesburg Road
Suite 101
South Burlington, VT 05403
802-863-0222
Rabideau-Architects.com

PROJECT #:

1412

SHEET NUMBER

DE-1

04/13/17

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Austin Hart
Brad Rabinowitz
Israel Smith
AJ LaRosa
Geoff Hand
Alexandra Zipparo
Wayne Senville
Jim Drummond, (Alternate)
Robert Purvee, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, April 18, 2017, 5:00 PM

**Contois Auditorium, City Hall, 149 Church St, Burlington, VT
Minutes**

**Board Members Present: Austin Hart, Brad Rabinowitz, Wayne Senville,
Israel Smith, Geoff Hand, Alexandra Zipparo, Robert Purvee (Alt),**

Board Members Absent: Jim Drummond (Alt)

Staff Members Present: Mary O'Neil, Ryan Morrison, Anita Wade

I. Agenda

Changes to Agenda: Applicant withdrew 62 Sunset Cliff St.

Applicant for 235 Penny Lane requests a deferral until May 2nd DRB meeting.

II. Communications

Supplementals: material for 269 North Winooski Ave and letter from DPW dated April 12, 2017 accepted by Board.

III. Minutes

IV. Consent

1. **17-0833CA; 62 Sunset Cliff Street (RL-W, Ward 4N) 62 Sunset Cliff Realty, LLC**
Add deck and two additions. Interior work. (Project Manager, Ryan Morrison)

Withdrawn.

2. **17-0822HO; 300 Main Street, Unit 2 (RH, Ward 8E) Adam Grundt**
Establish a home occupation for a psychotherapy office.
(Project Manager, Mary O'Neil)

A.Hart: have you seen staff comments and recommendations?

A.Grundt: yes.

A.Hart: no members of public asking to speak before the Board.

B.Rabinowitz: motion to approve staff findings and recommendations.

W.Senville: seconds the motion.

Board Vote: 7-0-0

Public Hearing

1. **17-0875CA/CU; 269 North Winooski Ave (NMU, Ward 2C) Paul Schnabel**
Request to demolish and remove old garage and add a parking space.
(Project Manager, Mary O'Neil)

A.Hart: swears in applicant and interested parties.

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

Printed on 100% Recycled Paper

P.Schnabel: owner of 269 No Winooski said garage was always in disrepair and in terrible shape. Requesting to demolish structure to have more parking space.
 A.Hart: asks about on supplemental documents.
 M.ONeil: supplemental documents show the revised site plans.
 A.Hart: single family or duplex?
 P.Schnabel: duplex as far as City is concerned.
 M.ONeil: assessor's office recognizes two units and previous permit registers as a single family home. We do not have a permit for a change of use. Currently family as duplex.
 A.Hart: impressed with application and work to restore main building. Board tries to be careful about demolition of a building of a historic structure. Demolition by neglect does not apply here. Google maps shows another structure.
 P.Schnabel: that will be removed in demolition, which is a small play structure.
 B.Rabinowitz: asks about turnaround.
 C.Genero: a little more room for turnaround and the driveway is more generous than appears.
 A.Hart: Staff recommendation said demolition
 P.Schnabel: feel this is beneficial addition.
 A.Hart: closed public hearing.

2. 17-0388CA/MA; 66,72,80,94,96 Colchester Avenue (I, Ward 1E) Frank vonTurkovich
 Continued review for construction of a 3 story residential building containing 75 apartments units. Combine and reconfigure surface parking areas. (Project Manager, Mary O'Neil)

A.Hart and G.Hand recused.
 B.Rabinowitz: swears in applicant and interested persons.
 G.Rabideau: applicant.
 B.Rabinowitz: are previous plans current
 G.Rabideau: lighting plan changes and site sections.
 Contractor: traffic report showed no change of service at project intersections and neighboring intersections. This was reviewed by Norm Baldwin at DPW.
 N.Baldwin: City engineer: reviewed project and supports conclusions. Spoke of the impact at the hospital and impact on the service of the intersection. Confident there is no change in level of impact and levels of service along corridor.
 W.Senville: impact of BTC.
 N.Baldwin: no
 W.Senville: you indicated concerns about more traffic.
 N.Baldwin: largest concern was impact on hospital and intersection
 W.Senville: did not take in the concern of Mall traffic?
 N.Baldwin: no
 B.Rabinowitz: asks if members of audience wish to speak.
 T.Lefebvre: spoke to number of cars and congested intersection.
 S.Bushor: City Councilor of Ward One: asks how people navigate intersections with pedestrian crossing concerns. Already difficult to navigate. Applicant saying most people won't drive is a concern and missing analysis. Aware of intersections and delays. Ambulance access and any delays do have impact. Would like to see comment about emergency vehicles and impact.
 R.Dion: ward one active in NPA and task forces of Colchester redesign. This is not consistent with traffic study with L.Wheelock's testimony in January. She said traffic numbers were conservative and signal crosswalk at the developer's development on north side of Colchester. Longer delays at Pearl and Prospect section. Overall grid is saturated with traffic.
 N.Kirby: lived in neighborhood for 41 years. Know a lot about traffic in the area. Not happy to see Fletcher PI and other end of Colchester was left out of this study. Curious about the count of people taking bus. Can't guarantee everyone will carshare and have pedestrian activity. Asked Board to visit this project. Concerned about traffic light and a lot of people run the light. Concern about the water that runs down the project development. Green space should remain green, but parking happens on this green space.
 B.Butani: have testimony about contaminated soil. Concern there is no mention of Fletcher PI and about traffic backing up. Seventy five cars going into and out of project. Asking for more in depth traffic analysis.
 G.Rabideau: explains traffic study based on the institute of traffic study for given number of units can determine traffic behavior and times of day, all trips in and out of the site. The scientific data demonstrates 47 ins and outs and 39 trips in the morning. Trips generated from ITE manual have been anticipated morning and afternoon trips.

B.Rabinowitz: what was included in traffic study?

N.Baldwin: did not ask to look at Fletcher PI is existing issue with access to Pearl St

W.Senville: asks about pedestrian timer/crosswalk

N.Baldwin: push button crossing at traffic light and could consider flashing. Add that the project consolidates driveway access and less of flow onto Colchester Ave.

B.Rabinowitz: no flashing walk?

F.vonTurkovich: no

A.Zipparo: mentioned that people jaywalk in area. I brought this up last time.

B.Rabinowitz: site section was brought up by people. DPW has looked at stormwater at site?

G.Rabideau: yes and state will as well. Drops from area where water runs down hill.

F.vonTurkovich: historic runoff from the hospital was corrected by the City and sidewalk is elevated and does not have had any flooding or stormwater since.

B.Rabinowitz: heights of buildings?

G.Rabideau: roof line is about third floor of building; description of how images were shown by various points of view. Described views from 11 Fletcher PI with screening and additional landscaping.

F.vonTurkovich: two other changes are bike parking area on pavement closer to front door is a change. Proposed embossed sidewalk is a technical correction.

B.Rabinowitz: have letters from other people voicing concerns.

T.Rawlings: housing program manager for Community and Economic Development Office; met with applicant regarding inclusionary zoning requirements and feels applicant is capable of meeting this by providing 11 permanently affordable units.

G.Nanton: assistant director of Community and Economic Development Office reads letter of support as support for municipal plan and affordable units, which will have major impact on City's housing stock.

S.Bushor: not sure traffic analysis provided with housing was taken into consideration. We need more work on this. Second, no sign off on water and collection of water. Want to make sure we do our diligence in addition to Act 250. The housing is close to institutions and very available to undergraduates.

A.Zipparo: the city will review stormwater and do you feel this adequate?

S.Bushor: off-set project or working with existing capability but should refer to additional report.

M.O'Neil: two different views are the EPSC and stormwater.

F.vonTurkovich: holding tank for sewage sent to City facility. No stormwater is put into system, but dealt with on site.

B.Hickok: resident of 27 Fletcher PI, said water is a problem now and hasn't been fixed. Has six inches of water in my cellar today.

R.Dion: asks Board about municipal housing plan if written 6 months ago and questions relevance of study. Said the vacancy rate getting higher than national average; 3,000 new units and may go toward a housing glut in future, which most likely will be student housing.

T.Lefebvre: serious concerns about contamination in backyard of a nearby house. Riverwatch already has serious problems with runoff and wants to be sure it will not affect and increase what goes into our holding pond. When can we expect the answers.

M.O'Neil: stormwater has been reviewed.

T.Lefebvre: someone send me information.

B.Rabinowitz: at the Planning and Zoning website.

W.Senville: missing information is traffic study not significant acct as result of BTC approval.

Traffic report from DPW about mall mentioned Colchester becoming worse. We were informed by City attorney to consider projects in pipeline and I would like analysis of traffic about downtown mall considered.

M.O'Neil: BTC traffic analysis did not include this project.

F.vonTurkovich: there has to be a limit. We cannot take into account every single project.

W.Senville: concern about how the city is reviewing this.

B.Rabinowitz: this is a unique event in Burlington and asking to look at one event.

N.Baldwin: standard review this project is minor accord to scale of project and impacts.

A.Zipparo: at what point would it be impact?

N.Baldwin: looking at state analysis is 75 trips and this is 47. We have already asked them to do more and found no significant change.

Resident: spoke of 31 and 27 Fletcher PI not being correctly labeled

B.Rabinowitz 27 Fletcher is not part of this application and not considering it at this time.

Resident: mentions gravel parking lot at 27 Fletcher Place.

B.Butani: the land is part of 80 Colchester, which has been dug up and created as parking lot and concern that the parking lot is contaminated spot.

B.Rabinowitz: closed public hearing.

3. **17-0623CA/MA; 329-375 North Ave (NAC-CR, Ward 4N) BC Community Housing, LLC**
Request to change conditions of approval relative to days & hours of construction and bonding.
(Project Manager, Scott Gustin)

G.Hand recused.

A.Hart: swears in applicant and interested parties.

E.Farrell: hours of construction will be Monday through Saturday and interior only on Sundays.

A.Zipparo: asks about hours of operation and construction.

A.Hart: Bonding and security?

E.Farrell: spoke on the bonding for public improvements. Construction will be broken up in phases. Public amenities are not usually bonded.

W.Serville: do road phases correlate to building phases?

E.Farrell: not intended to be sequenced only a reference. May change the order the nine phases.

Edgar Austin: hopes DRB does not change the hours. Disagrees with staff report and feels has to deal with construction on the weekends will have negative impact on neighborhood.

A.Hart: discussion ensued on hours and construction.

Edgar: cannot see how this will reduce bonding efforts.

A.Zipparo: ask if resident would you feel more comfortable knowing how impact will be mitigated.

Edgar: yes would like to hear more about this.

K.Ross: thanks Board and realizes changes are difficult. Works in Burlington and at her home. The vibration and noise at project street was so bad had to leave the house because house was shaking was intolerable. Concern for condition of her older house. This does impact neighborhood.

E.Farrell: CHT wants to build next year. Cathedral Sq will be in 2018. College building will build in 2018. Vibrations with site work could limit earth moving equipment on Saturdays. Not a lot can be done about excavation noise.

A.Zipparo: wondering if dates can be given for earthmoving and restrict this work on Saturday.

E.Farrell: more than willing to communicate with neighbors, but taking a day a week off every month is significant.

A.Zipparo: are you willing to work with Community and Economic Development Office?

E.Farrell: absolutely.

A.Hart closed public hearing.

5. **17-0762CA/CU; 35 Grove Street (RL, Ward 1E) Gina S. Lambdin**
Continued review to demolish garage, construct accessory structure for accessory dwelling unit and workshop, rear addition to single family home, convert porch into year-round living space. Reconfigure parking area. (Project Manager, Mary O'Neil)

A.Hart: continued public hearing. Swears in applicants and interested parties.

G.Lambdin: biggest issue was parking and easement. The legal documents with neighbor fully formed but not notarized. Changed parking for no headlights facing toward other properties. Enclosing front porch and front yard setback have drawings and measurements.

M.O'Neil: revised stormwater has been received.

B.Rabinowitz: need signatures and notarized documents.

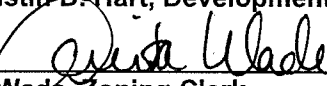
G.Lamddin; not enclosed and no screens.
B.Rabinowitz: will five or six steps onto porch remain as support?
G.Lamddin: steps will remain.
A.Hart: closed public hearing.

6. **17-0755CA/CU; 235 Penny Lane (DW-PT, Ward 3C) City of Burlington**
Construct marina, parking lot, and related site improvements. *Requested deferral to May 2, 2017.*
(Project Manager, Scott Gustin)

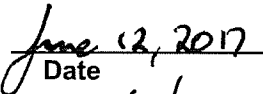
A.Hart: applicant requested this deferred to May 2nd. No one to comment.
Asks for a motion.
I.Smith: motion to defer project to May 2nd.
A.Zipparo: seconds the motion.
Board vote: 5-2-0

- V. **Other Business**
VI. **Adjournment**



Austin D. Hart, Development Review Board


A. Wade, Zoning Clerk



Date
6/9/17

Date

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m.
Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

