



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOICE
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov/dpw

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

M E M O R A N D U M

To: Amy Bovee, Clerks Office
From: Chapin Spencer, Director
Date: April 10, 2014
Re: Public Works Commission Agenda

Please find information below regarding the next Commission Meeting.

Date: **April 16, 2014**
Time: 6:30 – 9:00 p.m.
Place: 645 Pine Street – Main Conference Room

A G E N D A

ITEM

- 1 Agenda
- 2 5 Min Public Forum
- 3 5 Min Consent Agenda
 - 3.10 Mill Street Resident Parking
 - 3.20 Henry Street Parking Request
 - 3.30 Bright Street Parking Request
 - 3.40 Colchester Avenue at University Place Parking Request
 - 3.50 Flynn Avenue Sidewalk
- 4 20 Min 237 North Avenue/Packard Lofts
 - 4.10 Communication, J. Fleming
 - 4.20 Discussion
 - 4.30 Decision

Non-Discrimination

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.

- 5 30 Min FY15 Parking Rates Discussion
 - 5.10 Communication, P. Buteau
 - 5.20 Discussion

- 6 30 Min Sidewalk Capital Funding Discussion
 - 6.10 Oral Communication/Presentation, N. Losch
 - 6.20 Discussion

- 7 Minutes of 3-19-14

- 8 Director's Report

- 9 Commissioner Communications

- 10 Adjournment & Next Meeting Date – 5-21-14



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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

TO: PUBLIC WORKS COMMISSION
FM: CHAPIN SPENCER, DIRECTOR
DATE: APRIL 10, 2014
RE: PUBLIC WORKS COMMISSION MEETING

Enclosed is the following information for the meeting on April 16, 2014 at 6:30 PM at 645 Pine St, Main Conference Room.

1. Agenda
2. Consent Agenda
3. 237 North Ave/Packard Lofts
4. FY15 Parking Rates Discussion
5. Minutes of 3/19/14

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**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

To: DPW Commissioners
Fr: Chapin Spencer, Director
Re: **Director's Report**
Date: April 9, 2014

THANK YOU ERIN!

After seven years, Engineer-in-Training **Erin Demers** has decided to leave DPW as of April 10th to spend more time with her family. Erin has led our Street and Sidewalk Capital program for years and has been project manager for many important and complex projects that have changed our City for the better (St. Paul Street, Lower Church Street, and many others). Most recently she has invested countless hours in advancing the Waterfront Access North project. In addition to all of her hard work, her infectious energy, fabulous Halloween costumes and impromptu staff workouts would get staff laughing during even the most stressful times. Please join me and other staff at Erin's Goodbye Party – Thursday, April 17th at Three Needs.

AGENDA ITEMS & ASSOCIATED GOALS AND OBJECTIVES:

At the last Commission meeting, it was suggested that we connect each agenda item back to the goals and objectives that were recently approved.

- **237 North Avenue** -- consistent with Goal #1 Operational Excellence. The Commission is responsible for regulating use in the public right-of-way and we are bringing a proposal forward that balances the City's multiple priorities for this corridor.
- **Traffic Fund** -- consistent with Goal #1 Operational Excellence / Objective 1-C Develop sustainable capital plans as well as Goal #3 Culture of Innovation / Objective 3-A Partner with staff to vet new ways of delivering our services.
- **Sidewalk Funding** – consistent with Goal #1 Operational Excellence / Objective 1-C Develop sustainable capital plans as well as Goal #3 Culture of Innovation / Objective 3-A Partner with staff to vet new ways of delivering our services.

TRAFFIC FUND & PARKING RATES:

April Meeting Objective: Educate Commission on financial position of the Traffic Fund and prepare the Commission to vote on authorizing steps (including rate increases) to restore the health of the Traffic Fund at an upcoming meeting.

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Background: The Traffic Fund is a ‘Special Revenue Fund’ within the City of Burlington. Special Revenue Funds are:

- Established for programs that are separate and distinct from the General Fund
- Typically wholly self-sufficient relative to operating expenses based on special revenues dedicated to the purpose of the specific fund

Revenue: The Traffic Fund gets its ~\$4M / year revenue from:

- On-street metered parking
- Off-street parking in garages and lots
- Monthly parking leases
- Meter hoods for adjacent construction activity

Expenses: In turn, the Traffic Fund supports:

- The operation and maintenance of the City’s on-street and off-street parking facilities
- The operation of the school crossing guard program
- The operation and maintenance of traffic signals, signs and pavement markings

Current Position: By the end of FY’14, the Traffic Fund will:

- Be virtually out of cash without any reserve funds
- Have a recently completed garage assessment likely calling for millions of dollars in needed capital improvements to our aging garages
- Without any rate or operations changes for FY’15, the Traffic Fund would have a deficit of at least \$250,000

Options to Strengthen Traffic Fund: Steps could include:

1. Increasing parking rates (whether on-street, off-street, leases, meter hoods, fines, etc.) – there haven’t been increases since 2009
2. Implementing short-term operational improvements with relatively quick returns on investment (adding automated lane to Marketplace garage, adding meters in the remaining gaps downtown, etc.)
3. Exploring whether School Dept. would manage/fund crossing guard program
4. Exploring whether the City, and Police Dept. in particular, would agree to having DPW coordinate enforcement and keep ticket revenue
5. Exploring a variety of innovations in parking management (will be evaluated through the Downtown Parking Initiative’s pilot projects and parking study -- all due to be completed by the end of 2014)

Proposed Approach:

- To begin to return the Traffic Fund to health in FY’15, DPW staff will be focused on #1 and #2 as the other two will take longer and will not offer short-term relief.
- Staff plans to bring proposed rate increases to Commission for approval by June.
- Staff will continue to work with the consultants leading the Downtown Parking Study and the Parking Management in Residential Areas Study to look for ways to improve customer service and improve the sustainability of our facilities.

We will provide you a list of potential strategies to increase revenues. Assistant Director Pat Buteau and I will be at the Commission to answer any questions on this agenda item.

PARKLET PILOT – DELAYED UNTIL 2015

Staff is recommends delaying the implementation of the ‘parklet’ pilot project until 2015. After the Commission’s preliminary approval to proceed with fleshing out the pilot project at its March meeting, subsequent meetings and conversations led us to delaying the implementation of the pilot until 2015.

The Downtown Parking Initiative Advisory Committee felt that the parklet pilot would be seen as one of their projects and it wasn’t the first project that they wanted to introduce to the public. The police sought more information on locations and how anti-social behavior could be managed in these public spaces. In addition, we will be short one employee in Plangineering this spring due to Erin’s departure. With all this, and the already tight timeline, staff felt it was best to slow down the implementation and to bring it back for 2015.

FY’14 FINANCIALS ON BUDGET OVERALL

Despite a challenging winter season, the Department overall should end the year on or better than budget. A large reason for this success is the high demand for, and solid delivery by, the Inspection Services Division. Thank you to everyone in Inspection Services (Ned, John and Shelley) and Customer Service (Val, Helen and Holly) who has been responded to the high level of permit applications by going over and above to deliver quality, dependable services. If current trends continue, permit revenue could exceed budget by nearly \$500,000.

QUICK BITS:

- **Clean Sweep** this spring will take place between April 30th and May 9th. Ads are in the North Avenue News. Road signs will go up in a week. The parking ban lights will go on later this month.
- The **Downtown Parking Advisory Committee** has selected a consultant team to coordinate the Downtown Parking & Travel Study. The winning proposal was submitted by **Desman Associates** and **Stantec**. The final scope of work is currently being negotiated.
- **Wastewater** received four consultant proposals from our RFP seeking to evaluate upgrades to our dewatering equipment at the main wastewater plant on the waterfront. The proposals are currently being reviewed.
- The new **Building Inspector** Bradley Biggie started in early April and is assisting Ned Holt and the rest of the Inspection Services team. He is the fourth member of the Inspection Services Division.
- The first statewide **Bike / Pedestrian Summit** took place on March 29th in Burlington was a big success. Over 250 attendees participated. You can watch the keynote speaker Caroline Sampanaro from Transportation Alternatives here: <https://www.cctv.org/watch-tv/programs/2014-walkbike-summit>
- Thanks to the **Right-Of-Way crew** for a tremendous job during the challenging winter of

2013 / 2014. The early ice and the cold temperatures made our snow fighting efforts very difficult this year. We received many compliments for our work including a lengthy letter of appreciation from Ward 6 City Councilor Norm Blais.

- Draft final plans for the \$8M **Waterfront Access North** project have been submitted to VTrans for review. The project, north of Waterfront Park, includes a new skatepark and rink, expanded parking, a reconstructed bike path as well as lighting, landscaping, and utility upgrades. These base investments will support the future private investments to the northern waterfront (LC Community Sailing Center, New Moran and a private marina). The plan is to have this project in the ground this year and completed in 2015.
- The Commission-approved mission, goals and objectives from the last meeting are attached in final form.

NEXT REGULAR COMMISSION MEETING: Wednesday, May 21st, 6:30pm.



MEMORANDUM

March 12, 2014

TO: Public Works Commission
FROM: Joel Fleming
RE: Mill Street resident parking request

Background:

Staff received a petition from the residents of Mill Street asking to make the street from Colchester Avenue to its end resident parking only. The residents are in consensus, all asking for 24 hour a day resident parking all week long. Mill Street is a low volume, low speed street and has a mix of residential and commercial uses. Mill Street is a dead end street making it eligible for resident parking.

Observations:

Staff conducted a resident parking license plate survey of Mill Street. The purpose of this count is to figure out who is parking on the street and when. To do this staff did a count at 7:00 am, 11:00 am and 5:00 pm for a total of 5 different days. There are a total of 10 parking spaces on the south side and 11 parking spaces on the north side of Mill Street. On the south side of Mill Street there are three multi-family homes, two of these properties do not have dedicated off-street parking available to them. These residents have to use the on-street parking that is available. There are no residential or commercial properties on the north side of Mill Street.

During the 5 days of counts the spaces were 70% full; on average there were 6 available parking spaces on the street during the counts. It is staff's interpretation that 44% of the vehicles parked on Mill Street during the 5 days of counts were commuters or at least only parking on the street for short periods of time. This often can be a problem for residents who come home from work and have to park further away from their house pushing a parking problem onto another street.

Conclusions:

KJB 4/2/14

Mill Street is a dead end street, making it eligible for resident only parking. The residents of the street typically had open parking spaces available to them no matter what time of the day. Restricting the street to residential use only would have a negative effect on the commercial uses on the street. This would also have a negative effect on residents who would be burdened by the permitting process as well as having to provide their visitors with guest passes.

Recommendations:

Staff recommends that the commission deny the petitioners request for a resident only parking restriction on Mill Street.



CITY OF BURLINGTON

SERVICE REQUEST

Name and Address

Name: Gregg Blasdel

Request Date: 12/20/2013 11:05:28 AM

Due Date: 1/24/2014

Address: 5 Mill Sstreet

Phone Number: 860-7586

Email Address:

Request

Location: Colchester Avenue/Mill Sstreet

Request Description: Brought in a Neighborhood Traffic Management Request on 12/19/13 for residential parking for Mill Street, issues with Dominos Pizza

Assign History

Date	Assigned To	Description
12/20/2013 11:05:28 AM	Joel Fleming	Request Assigned

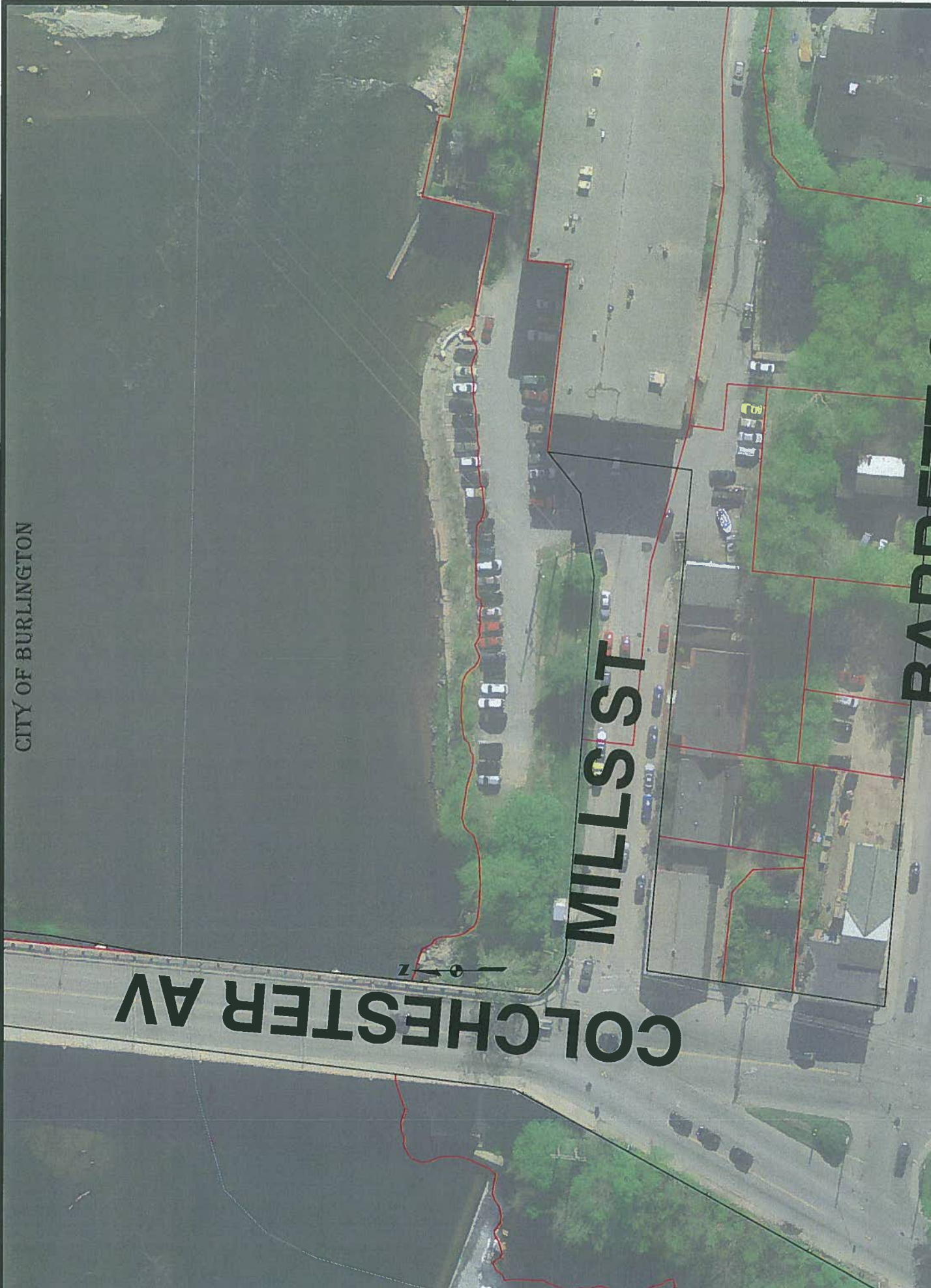
Work History

Customer Service

Status: New

Request created by: Holly Lane

Print Date: 1/2/2014 2:09:00 PM

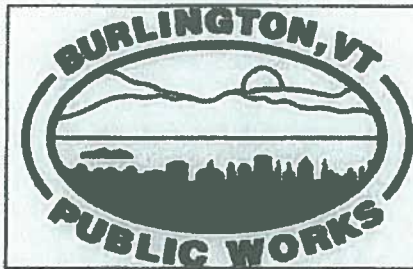


CITY OF BURLINGTON

COLCHESTER AV

MILLS ST

BADDER



CITY OF BURLINGTON - DEPARTMENT OF PUBLIC WORKS

Neighborhood Traffic Management Request

DATE 2/14/13

DEC 19 2013

In accordance with Burlington Public Works Commission policies on neighborhood traffic management and traffic calming this petition must be returned to the Department of Public Works 90 days from the above date.

Petition Contact

First Name GREGG BLASDEL Last Name BLASDEL
Street Number 5 MILL ST. Street Address
Phone Number 860-7586 e-mail address blasdel2@gmail.com

Petition

Location of Request mill Street Burlington, VT
Please describe the circumstances prompting this petition Residential Parking

In accordance with Burlington Public Works Commission policies on neighborhood traffic management and traffic calming this is a petition to pursue the concerns described above. Investigation by city traffic engineering staff has determined that conditions in the questioned area meet all accepted standards and warrants as to roadway design and safety and that any action would be considered an enhancement to the current situation.

All of the households, both rental and owner occupied, on the affected streets (as determined by city traffic engineering staff), including corner households that intersect affected streets must be informed of these activities. Approval of at least 30% of these households is necessary to continue the development of an understanding of the need and purpose of further action. Your signature on this petition conveys this approval.

Only one signature is permitted per household. Attach additional sheets as necessary.

NAME	ADDRESS	APT #	PHONE #	E-MAIL ADDRESS
------	---------	-------	---------	----------------

Kapulen Brion	495 Colchester Ave	#2	8975625	Kbrb@sho
GREGG BLASDEL	5 MILL ST		860-7586	blasdel2@gmail.
John Corral	495 Colchester Ave	Apt 4	802-376-1138	
Robert Tarraciano	495 Colchester Ave	Apt 3	540-267-4597	gamwizad@ao
Cornelia Willis	17 Mill St	Burlington VT	05401	gwillis@com-ed
John A. Rotta	17 Mill St		05401	
Jim Koch	7 Mill St		05401	864-1993 jkochframed@yah
Eliana Henriksen-Payne	495 Colchester Ave	Apt 1	05401	802-522-8457 ellierm@
Brian Till	19 Mill St	Burlington VT	05401	802-598-8479 brantill@gmail.co
Lia d'Hemecourt	17 Mill St	Burlington VT	05401	1-603-496-6764 liadhemec@
Glen Marc Bay	21 Mill St	Burlington VT	05401	
Dubugue Lane	11 Mill Street		302-860-7586	info@dubuguelane.c

CITY OF BURLINGTON – DEPARTMENT OF PUBLIC WORKS

Neighborhood Traffic Management Request

DATE / /

NAME _____

ADDRESS**APT #****PHONE #** _____

E-MAIL ADDRESS

We are requesting your consideration for a change to the parking regulations on Mill Street in Burlington. We are seeking a change from the current unrestricted parking to parking that would only accommodate parking for residents who actually reside on the street. We would also like to have parking consideration for visitors and guest. Mill Street is a dead-end, one block long street and there are four residential houses on the block. Among the four houses there are 10 individual living units and 2 business units. The current parking is for public parking but there is no signage to indicate time of day and length of stay.

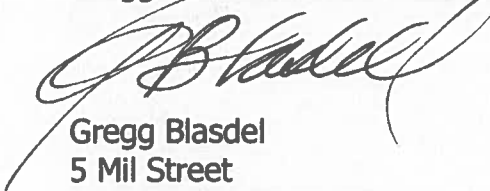
Since Mill street is the last street in Burlington before crossing the Winooski bridge one of our primary issues is residents and individuals working in Winooski who park on Mill Street. Winooski only has two hour parking on the street and Mill Street is unrestricted parking. They walk from the Burlington side of the river either to their residence or their workplace. The problem is exacerbated by the winter parking ban in Winooski. There are others who also use Mill Street as a parking area. There are cars from the Chase Mill and some students who occasionally park and either walks to UVM or more frequently CCV in Winooski. The Chase Mill parking would seem to be adequate if they controlled the 'Winooski walkers' who often park in their lots. Many of the nonresidents also use the street for overnight parking.

A more recent parking development is a construction company that parks one to two trucks on the street overnight and often leaves one vehicle for up to 3 days at a time. We have also had nonresident cars that are left on the street for an entire week. The street has at times become a temporary storage area for vehicles since there are not visible signs or regulations restricting this kind of use.

With such a limited parking area for the permanent residents of Mill Street it takes only a small number of non-resident parkers to make parking difficult.

Thank you for your consideration.

Gregg Blasdel and the residents of Mill Street

A handwritten signature in black ink, appearing to read 'Gregg Blasdel', is written over the printed name and address.

Gregg Blasdel
5 Mil Street
Burlington, VT. 05401
802-860-7586

South Side

AVDine,
62.67%

58%

30%

12%



MEMORANDUM

March 24, 2014

TO: Public Works Commission
FROM: Joel Fleming
RE: Henry Street Parking Request

Background:

Staff received a request from the owner of the Henry Street Deli for more short term parking in front of the deli. Henry Street is a low volume, low speed residential neighborhood. The top block of Henry Street, from Weston Street to North Prospect Street has a residential parking restriction, Monday through Friday, 6:00 am to 6:00 pm. The lower block of Henry Street, from North Willard Street to Weston Street, has unrestricted parking and is open to the public at all hours.

Observations:

Staff has conducted two separate public meetings with the Henry Street neighborhood and Henry Street Deli owners. In the first of the two meetings staff listened to the neighborhood and the Deli about what the parking issues were around the deli and the rest of the street. The neighbors are concerned about the amount of illegal parking that is happening on Henry Street around the deli. They are also concerned about the truck deliveries to the Deli blocking one or both of the lanes because of the lack of a loading zone for the street. The Deli was in agreement with what the neighborhood said and wanted to do whatever they could to alleviate the parking issues. At the end of the first meeting the neighborhood agreed on a couple different options going forward and staff scheduled a second public meeting so staff could present the updated options to the neighborhood.

At the second public meeting staff met with the neighbors and the Deli owners. Both the neighborhood and the deli agreed on a single option to move forward with. This plan has bump-outs on the corners of North Willard Street and Henry Street and Weston Street and Henry Street. The bump-outs would allow for two new parking spaces, one at each corner adjacent to the bump-out. To alleviate the truck unloading issues the neighborhood agreed on a single truck loading zone and three 15 minute spaces to be installed on the south side of Henry Street (please

see attached plan). Staff has sent out the final plan to the neighborhood via an email list that was provided by the neighborhood.

Conclusions:

After two public meetings with the Henry Street neighborhood and the owners of Henry Street Deli a clear solution was agreed on. Installing three 15 minute spaces and a Vehicle Loading Zone will give the business both short term parking for their customers as well as a loading zone to get their delivery trucks out of the travel lane. The neighborhood and the Deli agreed on time limits for the 15 minute spaces from 8:00 am to 6:00 pm as well as a time limit for the loading zone from 7:00 am to 12:00 pm. After 12:00 pm the loading zone will turn into 15 minute parking spaces from 12:00 pm to 6:00 pm. This provides the business short term parking for their customers during the day and unrestricted parking for the neighborhood after 6:00 pm.

Recommendations:

Staff recommends that the Commission adopt:

- Three 15 minute parking spaces, Monday through Friday, 7:00 am to 6:00 pm labeled 15D
- One 15 minute parking space, Monday through Friday, 12:00 pm to 6:00pm labeled 15P
- One 35 foot Truck Loading Zone, Monday through Friday, 7:00 am to 12:00 pm Labeled V

Existing Conditions



Henry Street

No Parking Here
to Corner

15 minute Space
8:00am-10:00pm

Henry Street
Deli

No Parking Here
to Corner

Weston Street



North Willard Street

Total Parking Spaces on Block: 10
Unrestricted parking spaces: 9
15 Minute Spaces 8:00 am-10:00pm: 1
unrestricted spaces over night 10

Proposed



Henry Street

Weston Street

No Parking
Here to Corner

Unrestricted Parking

#17

Henry Street Deli
#11

15D

15D

15P

V

15D

Unrestricted
Parking

No Parking
Here to Corner

#114 North
Willard Street

North Willard Street



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

OFFICE OF PLANNING
645 PINE STREET, SUITE A
BURLINGTON, VT 05402
802.863.9094 P
WWW.DPW.CI.BURLINGTON.VT.US

JOEL FLEMING, E.I.T.
PUBLIC WORKS ENGINEER

January 6, 2014

Dear Henry Street Residents:

The Department of Public Works received a request to install additional 15 minute parking spaces on the south side of Henry Street in front of the Henry Street Deli. Staff has examined the request and acknowledges the need for additional short term parking this neighborhood. These additional spaces should alleviate the illegal parking that has been happening around the Deli. Staff would like to get feedback from you regarding this removal of parking. I would appreciate your feedback by Friday January 24th, 2014. Please contact me at 865-5832 or jfleming@burlingtonvt.gov.

Thanks for your time,

A handwritten signature in blue ink that reads "Joel Fleming".

Joel Fleming, EIT
Department of Public Works
(802) 865-5832
jfleming@burlingtonvt.gov

Henry Street Deli Parking Issues

February 20, 2014 @ 6:00 pm
645 Pine Street (DPW)

- Review the current issues with parking on lower Henry Street surrounding Henry Street Deli
- Determine some potential solutions to these issues and the next steps to keep this request moving forward
- Discuss the potential decision-making process(es) and schedule

Can't attend or have questions?

Contact:
Joel Fleming,
865-5832 or
Jfleming@burlingtonvt.gov





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645 Pine Street
Post Office Box 849
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Norman Baldwin
City Engineer

Joel Fleming
Engineer Technician

TITLE: Henry Street Parking Issues
WHEN: February 20, 2014, 6:00 pm
LOCATION: Department of Public Works

Agenda

Summary: In this meeting we will discuss the issues identified and some solutions for the neighborhood to consider improving traffic safety.

1. 25 min Summary of Issues presented to DPW
2. 20 min Explore Possible Solutions with the neighborhood
3. 10 min Summarize our discussion
4. 5 min Next Steps

Contact:

Norman Baldwin 863-9094

Joel Fleming 865-5832

Henry Street Deli parking

2/20/2014

[illegible]

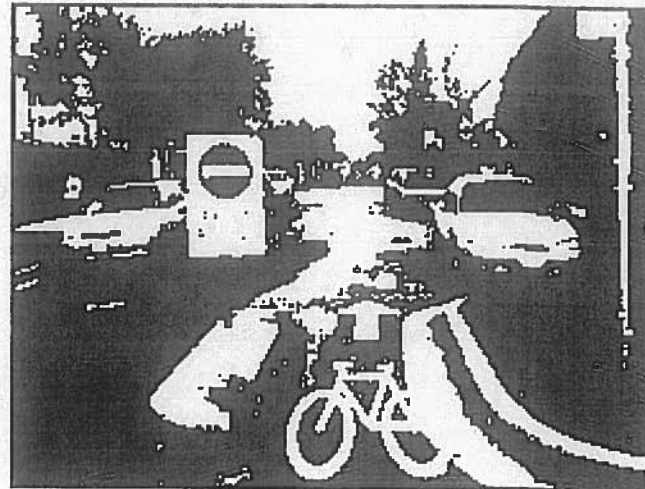
Henry Street Deli Parking Meeting #2

March 20, 2014 @ 6:00 pm
645 pine Street (DPW)

- Review Existing Conditions and two proposed options
- Discuss the two proposed options and get feedback from the neighborhood.
- Discuss the potential decisionmaking process(es) and schedule

**Can't attend or have
questions?**

Contact:
Joel Fleming,
865-5832 or
jfleming@burlingtonvt.gov



Henry Street Deli parking

3/20/2014

[illegible]



MEMORANDUM

March 27, 2014

TO: Public Works Commission
FROM: Joel Fleming
RE: Bright Street Parking Request

Background:

Staff received a request from the owner of Bannister Custom Exteriors on Bright Street in the old north end. The petitioner has requested that DPW remove a parking space on the east side of Bright Street across the street from the entrance to his garage. The petitioner said that it is difficult to back onto Bright Street when a car is parked directly across from the entrance because Bright Street is narrow. Bright Street is a low volume residential street off on Archibald Street just west of North Winooski Avenue in the old north end. Currently there is parking on the east side of Bright Street only.

Observations:

Bright Street is 26 feet wide with parking on the east side of the street. Currently there is an 8 foot wide parking lane and two 9 foot wide travel lanes. Bannister Custom Exteriors sits about 8 feet off of the curb and when a vehicle is parked across from the entrance of the garage trucks are forced to do multiple point turns to get in and out of the garage. The petitioner said that he has many close calls and feels that it is only a matter of time before a parked car is hit. This parking space has given the owners of 24 and 26 Bright Street issues as well. When cars try to double park one or both end up partially blocking their driveways.

There is currently one parking space between the driveways of 24 and 26 Bright Street. This space is directly across from the entrance to Bannister Custom Exteriors. Bright Street has a mix of single and multiple family homes that all have off-street parking available to them.

Conclusion:

Bright Street is a narrow street with parking on the east side only. Removing this single space would give this business owner enough space to access his garage without having to worry about hitting a parked car. Removing this parking space will also benefit the residents of 24 and 26 Bright Street because they will not have to worry about vehicles partially blocking their driveways.

Recommendation:

Staff recommends that the commission adopt a parking restriction on the east side of Bright Street between the driveways of 24 and 26 Bright Street.

25' Restricted

3639**CITY OF BURLINGTON****SERVICE REQUEST****Name and Address**

Name: Kevin Bannister

Address: 21 Bright Street

Phone Number: 862-7850

Email Address:

Request Date:

03/05/2014

11:00 AM

Due Date:

4/4/2014

Request

Location: 24 Bright St

Request Description: Customer came to front desk at DPW with letter and photos (see attached), requesting that the public parking space in front of 24 Bright Street, across from his business, be eliminated.

Assign History

Date	Assigned To	Description
3/5/2014 11:00:30 AM	Joel Fleming	Request Assigned

Work History**Customer Service**

Status: New

Request created by: Helen Plumley

Print Date: 3/5/2014 11:02:35 AM

#36

BANNISTER **CUSTOM EXTERIORS**

21 Bright Street
Burlington, VT 05401
(802) 862-7850 * (802) 651-0701

February 27, 2014

Burlington Public Works Department
645 Pine Street
Burlington, VT 05401

RECEIVED
MAR 05 2014
BURLINGTON PUBLIC
WORKS

To Whom it May Concern:

I am writing this letter to respectfully request that the public parking space that is currently in front of 24 Bright Street be eliminated. I own Bannister Custom Exteriors located at 21 Bright Street and feel that this parking space is not safe for my vehicles entering and exiting our overhead doors at our facility, as well as the personal vehicle that parks in that space. I am afraid either damage to my company vehicles or to the car parked in this particular parking space may occur. I am enclosing pictures for your review.

I look forward to your response in this matter.

Thank you,



Kevin Bannister
President
Bannister Custom Exteriors











Archibald Street

Bright Street

North Winooski Avenue

Unrestricted parking

Unrestricted parking

Proposed removal of parking

No parking Here in Corner



MEMORANDUM

March 27, 2014

TO: Public Works Commission

FROM: Joel Fleming

RE: Colchester Avenue at University Place crosswalk request

Background:

Staff received a request from Mary Loomis, a student at UVM, asking that a crosswalk be installed to cross Colchester Avenue at University Place in a north south direction.

Observations:

The closest crosswalk to the west of this location is the signalized intersection of Prospect Street and Pearl Street which is 189 feet away. The closest crosswalk to the east of this location is the signalized intersection of Colchester Avenue and Mansfield Avenue which is 183 feet away. Colchester Avenue is a major pedestrian route for college students walking to and from class at UVM. Colchester Avenue is a major arterial that runs east west that connects the downtown to Winooski and East Avenue.

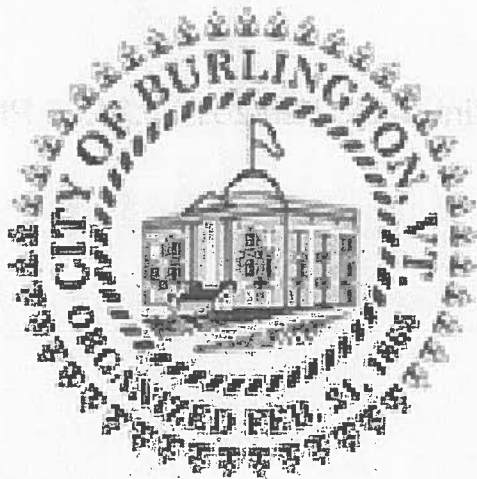
Staff examined the current sight distance that would be required in order to install a midblock crosswalk at this location. According to the MUTCD a roadway with a speed limit of 25 MPH would require 155 feet of stopping sight distance at the crosswalk. There are no sight line restrictions for pedestrians east or west of this location.

Conclusions:

There are crosswalks at signalized intersections within 190 feet in either direction on Colchester Avenue. Staff feels that adding a midblock crossing on this section of Colchester Avenue would put pedestrians at danger and could cause vehicle back-ups in both the Mansfield Avenue-Colchester Avenue and Prospect Street-Colchester Avenue intersections.

Recommendations:

Staff recommends the Commission deny the request to install a crosswalk across Colchester Avenue at University Place.



CITY OF BURLINGTON

SERVICE REQUEST

Name and Address

Name: Mary Loomis

Request Date: 03/25/2014

12:41 PM

Due Date: 4/24/2014

Address: UVM student

Phone Number:

Email Address: maryloomis29@gmail.com

mmloomis@uvm.edu

Request

Location: University Pl & Colchester Av

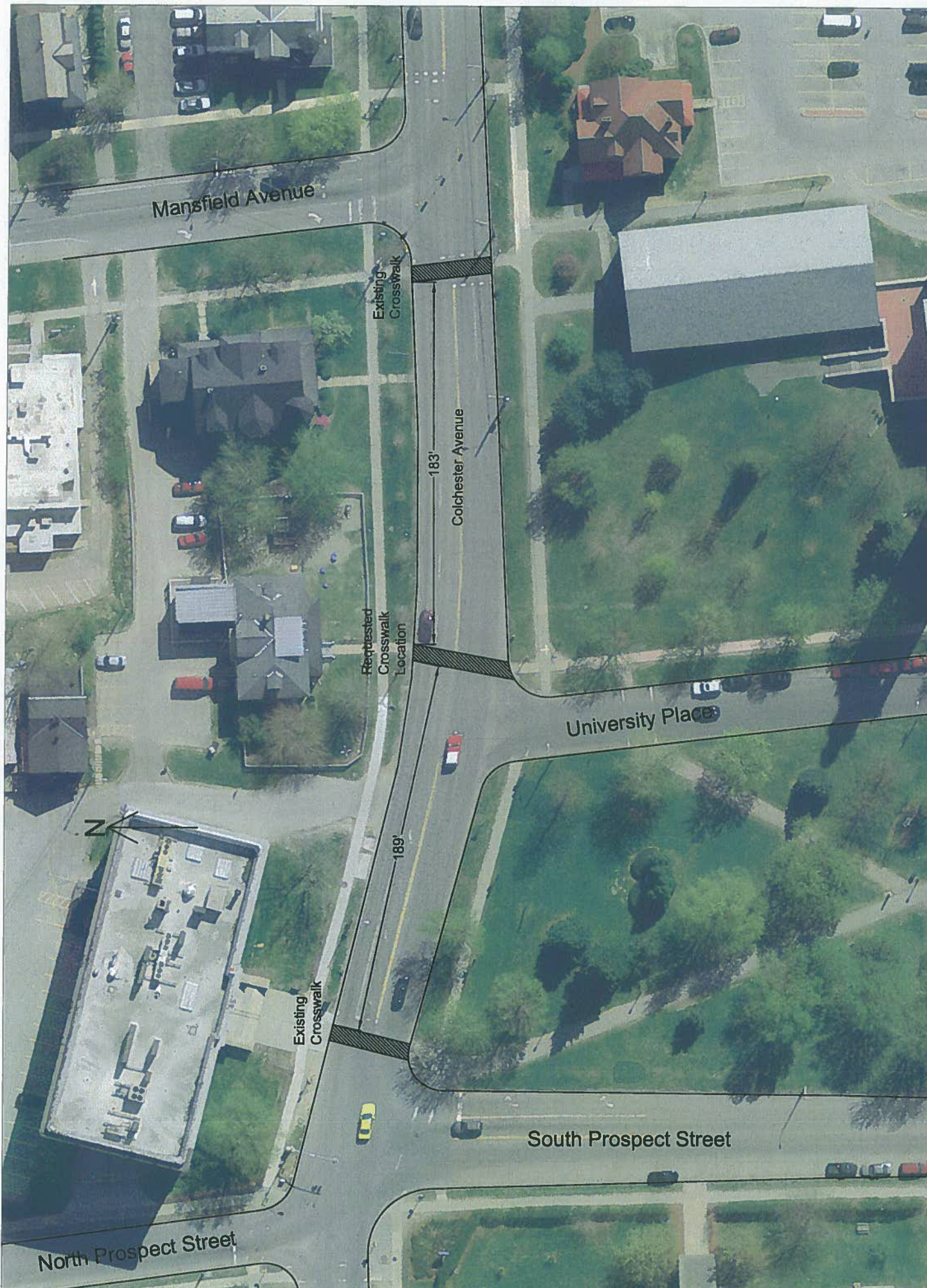
Request Description: Per ContactUs request from today: To Whom It May Concern, My name is Mary Loomis and I am a current student at the University of Vermont and resident of the City of Burlington. I would like to put in a formal request to put in a crosswalk at University Pl and Colchester Avenue. Many students, including myself often wish to cross the road at this location and are frequently faced with a safety risk in doing so due to the oncoming traffic. As it is, the sidewalk at University Place continues to Colchester Ave., yet ends abruptly at the road with no sidewalk. I would like again to ask for a sidewalk at the crossing. Thank you. Sincerely, Mary Loomis I e-mailed customer service acknowledging receipt of her e-mail and said I would create a RF

Assign History

Date	Assigned To	Description
3/25/2014 1:00:56 PM	Joel Fleming	Reassigning for traffic request
3/25/2014 12:47:26 PM	Nicole Losch	Request Assigned

Work History

Date	Staff Person	Description
03/25/2014	Nicole Losch	Reassigned to Joel. (Entered on 3/25/2014 1:01:06 PM by Nicole Losch)





Office of Planning
645 Pine Street, Suite A
Burlington, VT 05402
802.863.9094 P / 802.863.0466 F
www.burlingtonvt.gov/DPW

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

Memo

Date: April 9, 2014
To: Public Works Commission
From: Guillermo Gomez, Public Works Engineer
Subject: Flynn Avenue Sidewalk Update

The Flynn Avenue Sidewalk Project has a history that dates back to 2007, with requests from **Champlain Elementary School parents** living east of Shelburne Street. Parents requested a sidewalk to allow students to walk to school without having to cross Flynn Avenue twice – once at Shelburne Street and once at Pine Street; the path behind the school was closed at this time.

During that same year, the Chittenden County Metropolitan Planning Organization announced a regional Sidewalk Program grant. At that time, DPW was developing the Transportation Plan, which had a strong focus on pedestrian needs. In the **Transportation Plan, sidewalks are recommended on both sides of our major streets and on at least one side of local streets.**

In the months prior to the application submittal, City staff **identified all the potential project candidates through an interdepartmental meeting** that included DPW, Parks and Recreation, CEDO, Planning and Zoning, and City Arts. The Parks Department identified the need for improved pedestrian access to many parks and recreation centers, including Oakledge Park, Leddy Park, and others. The DPW identified sidewalk needs on local streets such as Cliff Street and Foster Avenue.

After considering the various projects, **staffs' recommendation was to package several sidewalk improvements as one application for Flynn Avenue improvements**, including filling the gap on the north side between Pine and Shelburne Streets, continuing the north sidewalk into Oakledge Park, and repairing a few small sections in between. Since then, drainage work at the entrance to Oakledge Park presented an opportunity to add sidewalk during the construction project, so that component is not being pursued through the grant. The cost of inflation and design fees have also increased, and the focus remains on the application component with the most obvious need: filling the gap in the north section between Pine and Shelburne Streets.

The **Flynn Avenue improvements were recommended as the grant candidate to the Transportation, Energy and Utilities Committee, who supported the grant application.** Our application to the Metropolitan Planning Organization was successful, and the city was awarded \$91,000 worth of sidewalk work (including a 20% local match). The Cooperative Agreement was executed **in 2009, after which DPW began to meet with residents of Flynn Avenue east of Pine Street** to identify drainage and other issues that needed consideration in the design. Around this time, Burlington Subaru also completed their renovation and added a sidewalk on Flynn Avenue that was erroneously placed adjacent to the curb.

During the public outreach process, it became clear that **residents adjacent to the new sidewalk preferred a sidewalk adjacent to the curb** (i.e. no greenbelt). They **also questioned the need for a sidewalk** since one existed on the south side of Flynn Avenue.

On the October 14, 2009 Public Works Commission Meeting, staff explained the need to provide a greenbelt to ensure the functionality of the sidewalk throughout the year. Staff sought input from the Commission to discuss the project. The Commission requested staff to develop different alignment alternatives. **The alternatives were presented to the Public Works Commission on February 18, 2010.** The commission voted in favor of supporting the inclusion of a greenbelt but required careful consultation with the city arborist to minimize impacts to adjacent trees. The Public Works Commissioners present at the meeting were Chairman Alberly, Commissioner Ackerson, Commissioner Dugan, Commissioner Gundersen, Commissioner Marshall, Commissioner Sherman and Commissioner Wood.

Design services were contracted with Lamoureux & Dickinson in 2012 and conceptual plans were created for VTrans, DPW and residents' review. During the public outreach to discuss design, residents again expressed their discomfort with the sidewalk alignment. Although **some residents continue to express their displeasure with this project, other residents continue to express their desire for a complete sidewalk network in this area.**

Following a public discussion of the project at the Ward 5 NPA, residents voiced their opinion about the sidewalk on Front Porch Forum after a post from Joan Shannon, City Council President, requesting feedback on the subject. President Shannon received over fifty responses between Front Porch Forum postings and personal emails, with arguments in favor and against the sidewalk. After weighing on the arguments, she publicly sided in favor of the sidewalk on Front Porch Forum.

From the DPW staff perspective, **there are multiple reasons why we feel this is an important project**, and why we would continue to consider ways to construct this even if we didn't have the existing grant funding:

- We are stewards of the public right-of-way, and it is in the **best interest of the public to provide a continuous sidewalk network on our primary streets** for convenient, safe and accessible connections for pedestrians of all ages and abilities;

- **Pedestrian activity in this area is significant**, with direct connections to neighborhood activity centers to the east and west, as well as parks, schools, and large neighborhoods;
- Sidewalks exist on the north side of this block, but the internal **gap leaves pedestrians stranded mid-block**;
- A **greenbelt is vital for snow storage**, preventing street plowing activities from blocking the sidewalk with snow accumulation;

Staff has consulted the City and the State Arborists to develop a Tree Protection Plan that will become part of the construction documents. This Plan will help minimize the impact to existing trees, plantings and other obstructions placed in the right-of-way. However, some impacts will be unavoidable as some things should never have been placed outside of the private property line or allowed to encroach into the public right-of-way.

We are currently in the process of negotiating agreements with some affected residents where we will need temporary access during construction. Once these agreements are settled, we will be able to complete the next plan submittal. Public Works will circulate the updated set of plans for public review and comment before finalizing them. We expect the public comment period to occur in the next 1-2 months. Since the current design is consistent with the Commission's preferred alternative, selected in 2010, no additional authorization is needed prior to construction. The department hopes to construct the sidewalk this fall.



MEMORANDUM

April 3, 2014

TO: Public Works Commission

FROM: Joel Fleming

RE: North Avenue at Berry Street loading zone

Background:

Staff received a request from Justin Dextrateur, Project Manager from the Hartland group, asking for short term parking to be installed on North Avenue as part of their DRB requirements for the new mixed use building on the corner of North Avenue and Berry Street. In October staff brought part of this request to the Public Works Commission and had a loading zone installed in the first space west of North Avenue on the north side of Berry Street. Since that time Mr. Dextrateur has contacted DPW staff and requested that DPW install short term parking on the west side of North Avenue north of Berry Street. Berry Street and Lakeview Terrace are small residential streets off of North Avenue in the City's old north end with parking restricted to only the north and east sides respectively.

Observations:

Staff has reviewed this request and determined that short term parking should be installed on North Avenue north of Berry Street. There is a bike lane that runs along the west side of North Avenue that continues by turning west onto Berry Street allowing cyclists to travel through to the Berry Street & Lakeview Terrace neighborhood. This corner is a key intersect to the bike route that connects North Avenue with Berry Street and Lakeview Terrace neighborhood.

This tenant at 237 North Avenue is planned to be a coffee shop with some food service, scheduled to open this spring. For this type of business Two 30 minute spaces would accommodate short term parking needs typical of a coffee shop. In order for two 30 minute parking spaces to be installed on the west side of North Avenue without impacting the connectivity of the bike route our proposal calls for the installation of a turn-out on the west side of North Avenue (please see attached drawing). The turn-out would:

- Have to be 40 feet long with 10 foot tapers on both ends.

- Would accommodate two short term parking spaces, giving them enough room to pull into the space without blocking the bike lane.
- This plan would require two of the three trees on this section of North Avenue to be removed.
- The plan also will require a sidewalk ramp at the north end of the proposed turn-out.

Conclusions:

The Vermont Environmental Court ruled that there should be short term parking spaces for the new building on the corner of North Avenue and Berry Street. In order to accommodate the establishment of the two 30 minute parking spaces on North Avenue and not have it impact the bike route connectivity from North Avenue to Berry Street, the 30 minute spaces would need to be established in the proposed turnout.

Recommendations:

Staff recommendation to the commission is to:

- Approve the construction of a turn-out described in the attached drawing
- Establish two 30 minute parking spaces within the turnout described on the west side of North Avenue in the first two spaces north of Berry Street.



CITY OF BURLINGTON

SERVICE REQUEST

Name and Address

Name: Justin D

Request Date: 01/15/2014 3:16:31 PM

Due Date: 2/14/2014

Address:

Phone Number: 8027349217

Email Address:

Request

Location: 237 North Avenue

Request Description: Justin D from the Hartland Group has come in a to re-open an old request to install a loading zone on the west side of North Avenue just north of Berry Street. And to remove the bike lane on the west side of North Avenue from Berry Street north 170 feet to Sunset Court. This will allow the tenants of the new building on the corner of North Ave and Berry to follow their land use permit and supreme court order.

Assign History

Date	Assigned To	Description
1/15/2014 3:16:31 PM	Joel Fleming	Request Assigned

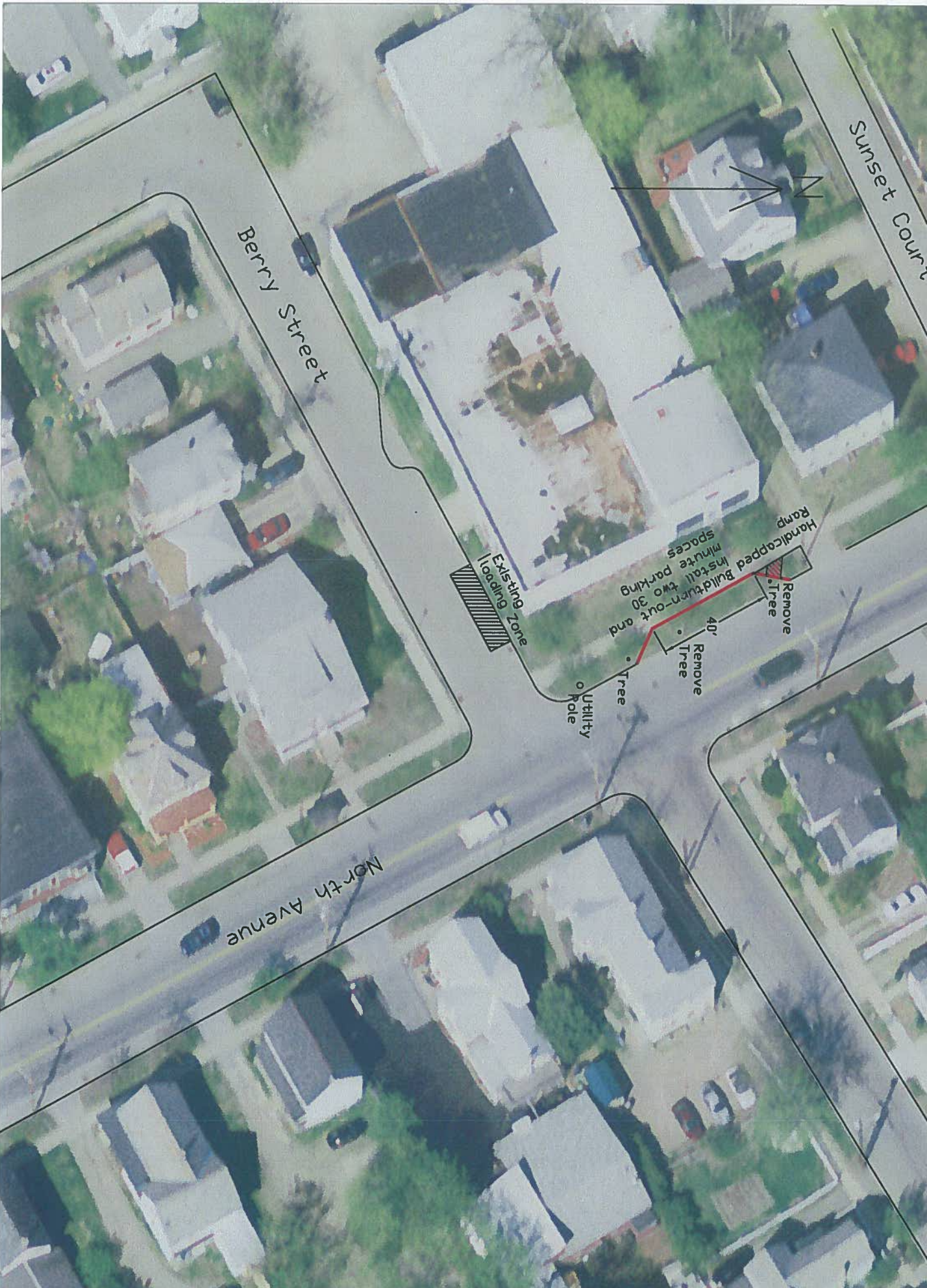
Work History

Customer Service

Status: New

Request created by: Joel Fleming

Print Date: 1/15/2014 3:47:10 PM



Sunset Court

Berry Street

North Avenue

Existing Loading Zone

Handicapped Ramp
Install two 30 minute parking spaces

Remove Tree

Remove Tree

Utility Pole

Remove Tree

40'

Attachment 3

Vermont Environmental Court
2418 Airport Road, Suite 1
Barre, VT 05641-8701
(802) 828-1660
August 31, 2007

Ronald A. Shems, Esq.
Shems Dunkiel, Kassel & Saunders
91 College Street
Burlington VT 05401

Hartland Group North Avenue Permit

Docket No. 120-6-05 Vtec

Enclosed is the Decision and Order issued by Judge Merideth Wright.

cc: Paul S. Gillies, Attorney for Appellant, Alan Bjerke
Paul S. Gillies, Attorney for Appellant, Edward Winant
Paul S. Gillies, Attorney for Appellant, James Bumpas
Paul S. Gillies, Attorney for Appellant, Valerie Hockert-Lotz
Paul S. Gillies, Attorney for Appellant, Annelein Beukenkamp-Winant
Paul S. Gillies, Attorney for Appellant, Molly Bumpas
Ronald A. Shems, Attorney for Appellee, Hartland Group, LLC
Kimberlee J. Sturtevant, Attorney for Interested Person, City of
Burlington
Co-Counsel for Appellant, Alan A. Bjerke
Co-Counsel for party 8, Brian S. Dunkiel

FILED

STATE OF VERMONT

AUG 8 1 2007

ENVIRONMENTAL COURT

VERMONT
ENVIRONMENTAL COURT

In re: Hartland Group, 237 North Ave. Project }
(Appeal of Bjerke, et al.) }

Docket No. 120-6-05 Vtec

Decision and Order

Appellants Alan Bjerke, Valerie Hockert-Lotz, Edward Winant, Annelein Beukenkamp-Winant, James Bumpas and Molly Bumpas appealed from the decision of the Development Review Board (DRB) of the City of Burlington, granting Appellee-Applicant Hartland Group, LLC's application for approval of a project consisting of twenty-five condominiums and a restaurant-café at 237 North Avenue. Appellants are represented by Paul S. Gillies, Esq. and Appellant Alan A. Bjerke, Esq.; Appellee-Applicant is represented by Brian Dunkiel, Esq. and Ronald A. Shems, Esq.; and the City is represented by Kimberlee J. Sturtevant, Esq.

Certain issues in this appeal were resolved on summary judgment.¹ An evidentiary hearing was held in this matter before Merideth Wright, Environmental Judge, and a site visit was taken with the parties and their representatives. The parties were given the opportunity to submit written memoranda and requests for findings. Upon consideration

¹ The decision and order on summary judgment issued in this matter on December 14, 2006, is hereby incorporated in this decision and will not be repeated except as necessary for clarity in this decision. As agreed by the parties at trial and reflected in their post-trial filings, the issues remaining for trial after the resolution of the summary judgment motion were Question 4 relating to the number of parking spaces required for the proposed café, waiver of a loading space, and waiver of parking spaces; Question 5, which contained subsections (a) through (e); Questions 6(a) and 6(b); and Question 9. Question 9 was resolved on the record on the first day of trial.

of the evidence as illustrated by the site visit, and of the written memoranda and requests for findings filed by the parties, the Court finds and concludes as follows.

Appellee-Applicant proposes to redevelop an existing .65-acre parcel² of property, currently improved with an existing 16,500 square-foot commercial (warehouse) building, at 287 North Avenue. The building was originally in use as an automobile showroom and dealership. Appellee-Applicant proposes a twenty-five-unit condominium complex and a forty-seat restaurant-café. Appellee-Applicant's parcel is located at the intersection of North Avenue and Berry Street in a Residential Medium-Density zoning district in the City's "Old North End" neighborhood.

As more fully described and analyzed in the Decision and Order on summary judgment, the commercial warehouse use of the building is nonconforming but holds a valid permit. The proposed residential use is a conforming use in the district; the café is analyzed as a change of a preexisting nonconforming commercial warehouse use under §5.1.8. The café use proposed for the portion of the building fronting on North Avenue will be less harmful or detrimental to the neighborhood than the warehouse use as it is entitled to operate under its existing permit.

The project property is roughly rectangular, with the shorter dimension facing the west side of North Avenue. The next street intersecting with the west side of North Avenue to the north of Berry Street is Sunset Court. The northerly lot line of the project parcel is bordered by three residential lots having frontage on Sunset Court.

² The parcel as a whole encompasses an additional 0.05 acre strip of land on the westerly end of the original parcel (at the top of the cliff), purchased from the City in September 2004. However, a condition of the deed states that the additional parcel "will not be used to calculate allowable density, setbacks or lot coverage to meet zoning requirements for the development" of the original 0.65-acre lot. Accordingly, the calculations regarding density, setbacks and lot coverage in this case have been based upon the 0.65-acre lot size rather than the full 0.7-acre lot size.

The southerly lot line of the project parcel runs approximately along the northerly side of Berry Street to the westerly side of the intersection of Berry Street with Lakeview Terrace, where it makes an approximate two-foot jog to the north, and continues towards the west along the northerly side lot line of Appellants Hockett-Lotz and Bjerke's property. The parcel's westerly lot line runs at an angle along the top of the cliff above the adjacent city-owned property.

Question 6(a) - Major Impact Development criterion §13.1.6(d) (soil erosion or reduction in the capacity of the land to hold water)

Appellee-Applicant has argued that the criterion in the Zoning Ordinance regarding soil erosion and the soil's capacity to hold water is sufficiently similar to criterion 4 of Act 250 so that the positive conclusion in the unappealed Act 250 permit on soil erosion and the soil's capacity to hold water should conclude this issue in this Court, based on principles of issue preclusion. Trepanier v. Getting Organized, Inc., 155 Vt. 239, 265 (1990); In re Stowe Club Highlands, 166 Vt. 33, 36-37 (1996). It is unnecessary to analyze all the criteria for applying issue preclusion in the present case, and especially "the legal standards and burdens employed in each action" and "the procedural opportunities available in each forum." Trepanier, 155 Vt. at 265. Rather, the better practice in the present context is to reach the merits of the issue so that this Court's conclusions are clear, based on the evidence presented in this proceeding.

For the purposes of determining runoff, the existing parking area acts as impervious surface even though is partly paved and partly of compacted gravel. Therefore, the impervious surface is not increased even though a greater proportion of the property will be covered with the building. Under current conditions, stormwater runs off the property uncontrolled.

The project proposes to collect stormwater falling on the building by conducting it

to roof drains and thence to stormwater detention tanks to be located below the floor slab of the parking garage. The tanks will be equipped with access for cleaning. Oil will be separated from the stormwater and the stormwater will be controlled by a slow-release orifice to provide twelve to twenty-four hours of detention time to minimize the effect of a storm on the City's stormwater system. The project proposes to conduct stormwater falling on the westerly grassed area and ground-level patios to a shallow sedimentation basin located at the westerly end of the property. The proposed stormwater system will reduce the risk of soil erosion and other stormwater pollution after construction. In addition, the erosion prevention and sediment control plan proposed to be followed during construction will prevent unreasonable soil erosion during construction. The capacity of the land to hold water will be improved by the sedimentation tank system and the sedimentation basin. The proposal therefore meets §13.1.6(d) of the Zoning Ordinance.

Question 6(b) - Major Impact Development criterion §13.1.6(e) (unreasonable congestion or unsafe conditions with respect to use of the highways) and Question 5 - Design Review criterion § 6.1.10(d) as to traffic

Appellee-Applicant has argued that the traffic criteria in the Zoning Ordinance are sufficiently similar to criterion 5 of Act 250 so that the positive conclusion in the unappealed Act 250 permit on traffic should conclude the issue in this Court, based on principles of issue preclusion. For the same reasons as with regard to Question 6(a), the Court will reach the merits of the issue based on the evidence presented in the present case.

The proposed residential use will generate approximately eleven to thirteen one-way vehicle trips in the morning and afternoon peak hours or one vehicle trip every five minutes. Unlike the former commercial warehouse, the proposed residential and café uses will not generate any tractor-trailer use on Berry Street or on Lakeview Terrace. Deliveries to the café will be by service vehicles which will park on North Avenue.

Although approximately half of the patrons of the café are expected to walk or bicycle rather than to drive to the café, the traffic analysis was performed as if all patrons would drive to the café. Using that assumption, and using local data from a café on a street with similar characteristics on the south side of Burlington, the café is expected to generate approximately 76 one-way trips (46 arriving and 30 departing) in the morning or the Saturday peak hour,³ and is expected to generate 17 one-way trips (11 arriving and 6 departing) in the afternoon peak hour. Approximately 75% of the morning trips and 50% of the Saturday trips would be so-called "pass-by" trips, that is, vehicles that would be on North Avenue anyway but would stop and park to visit the café. These pass-by trips would not generate any additional traffic on North Avenue although they could still have an effect on the traffic due to the parking maneuvers of those vehicles. The peak hour trip generation of the former permitted warehouse use was 22 one-way trips (19 arriving and 3 departing) in the morning peak hour and 22 one-way trips (10 arriving and 12 departing) in the afternoon peak hour.

Based on the traffic analysis in evidence, the minor additional traffic generated by the proposal over that generated by the former permitted warehouse use will not adversely affect the substantial volume of traffic already traveling on North Avenue, and will not change the levels of service for any of the directions of use of the intersection at North Avenue and Berry Street.

North Avenue to the north of Washington Street and the project location is a relatively wide and open roadway, passing by several large open properties with

³ The morning peak hour for traffic (approximately 1000 vehicles) on North Avenue at this location is from 7:15 to 8:15 a.m., 70% of which is southbound. The afternoon peak hour (approximately 1200 vehicles) is from 4:30 to 5:30 p.m., 59% of which is northbound. The Saturday peak hour (approximately 950 vehicles) is from 11:45 a.m. to 12:45 p.m., 54% of which is southbound.

institutional uses, owned by the Archdiocese of Burlington, before reaching the more built-up area beginning three houses north of Sunset Court. Drivers traveling southbound on North Avenue often drive towards Burlington at a relatively high rate of speed appropriate to a more suburban location. Currently, the segment of North Avenue extending from Washington Street to North Street is a high-accident location, primarily in the southbound lane and primarily due to southbound drivers' lack of attention to conditions when approaching the more built-up area, which features increased congestion, slower traffic, and more turning maneuvers.

Appellee-Applicant proposes to install several so-called bulb-outs to serve as traffic-calming measures. These are areas in which the sidewalk is enlarged with curbing into the street, and in which street trees are proposed to be planted. The street trees will not have foliage below a height of ninety-six inches, so that they will not impair visibility.

Two bulb-outs are proposed to be installed on the west side of North Avenue, one across from Convent Square (to the north of the project property) and one on the corner of North Avenue and Berry Street; the remaining one is proposed to be installed on Berry Street near the corner of North Avenue. The bicycle lane on the west side of North Avenue will end at the more northerly bulb-out; a bicycle lane also is located on the east side of North Avenue. The more northerly bulb-out will also protect the parking spaces on the west side of North Avenue southerly from that point.

From the point of view of traffic safety, the bulb-outs will narrow the roadway and provide a clear visual cue to southbound drivers that they are approaching a more built-up area and need to slow down and be more alert to vehicle slowing and turning movements, as well as to pedestrians and cyclists. The bulb-out at the North Avenue/Berry Street intersection serves the additional function of allowing drivers exiting Berry Street to "nose out" safely farther into the North Avenue right-of-way to have better visibility of oncoming North Avenue traffic for making turning maneuvers. The installation of the bulb-outs will

therefore make conditions safer with respect to traffic on the adjoining roadway and will not create undue congestion.

The proposal therefore meets §13.1.6(e) and §6.1.10(d) of the Zoning Ordinance.

Question 5 - Design Review Criteria § 6.1.10(a) (b), (c) and (j) (other than traffic and parking)

Design Review Criterion § 6.1.10(a) - Relate development to its environment

As more fully described in the summary judgment decision, the original building, when in use as an automobile dealership and repair facility, had large display windows for the showroom facing North Avenue; the windows have been bricked in since the prior use of the building for a printing business. The present application proposes to restore the front part of the building, facing North Avenue, to the appearance of the original automobile showroom facade, restoring its windows, and to convert that space for the café use, with the interior space designed to resemble the style of the showroom.

The application proposes to expand the building's footprint towards the west, and to convert the property's use to a mixed-use building containing twenty-five residential condominiums and an associated garage, as well as the café. The resulting building is designed to have a ground floor that fills the footprint of the building; above that level it is designed with three separate three-story segments, each having two stories above the ground floor. The resulting proposal has the appearance and mass of three smaller buildings above the ground floor. The ground floor contains the parking garage in the central portion of the building, including room for household storage units assigned to the residential units, for bicycle racks, and for the garbage storage for the building. An

⁴ As to traffic, Question 5(d) (relating to site plan criterion 6.1.10(d)) is addressed with Question 6(b), above; as to parking, it is addressed with Question 4, below.

elevator for the central portion of the building is accessible from the garage and from a pedestrian entrance from Berry Street. Vehicular access to the garage is from Berry Street, much closer to North Avenue than the current access to the rear parking lot for the existing building. On the ground floor of the westerly end of the proposed building, three single-story condominium units are proposed, with ground floor patios facing west towards Lake Champlain, and lawn areas landscaped with trees at the westernmost portion of the property.

Above the ground floor, the three separate building segments contain the twenty-two remaining condominium units. The eastern building segment, above the café, will contain four two-bedroom condominium units on the second floor and three two-bedroom units on the third floor, and will not have roof terraces.

The middle building segment, above the garage, is set back considerably from the northerly side of the ground floor, to minimize its visibility from and to the neighboring properties to the north. It will contain eight two-bedroom condominium units, four on the second floor and four on the third floor. In addition, the windows on the north side of the building have been designed and placed relatively high on the walls so as to minimize any visibility of the neighboring property to the north from those units.

The western building segment will contain six two-bedroom condominium units over the three ground floor units; three on the second floor and three on the third floor, as well as one two-story, two-bedroom condominium unit on the second and third floors over the southwesterly corner of the garage, facing Berry Street. A second Berry Street pedestrian entrance to the building, near the intersection of Berry Street with Lakeview Terrace, provides access for the western residential units, and a second elevator provides access to the units on the upper floors. Roof-top terraces are proposed at the southern or Berry Street end of the central building, over the two-story unit at the southern side of the western building overlooking the intersection of Berry Street with Lakeview Terrace, and

over the three westerly units. The central building has been designed so that no roof-top terraces overlook the houses to the north on Sunset Court.

As well as installing complying exterior lighting on the building, the project proposes to replace outdated street light fixtures along Berry Street with modern street light designed and in locations so as to reduce glare on neighboring properties on Berry Street. Slatted ventilation openings within the garage have been designed to minimize the effects of automobile headlights within the garage on any neighboring properties.

The proposed development relates appropriately to its context, which includes multi-family residential, institutional and commercial buildings along both sides of North Avenue, as well as a wide variety of residential buildings along North Avenue, Berry Street, Lakeview Terrace, Washington Street and Convent Square. The area is characterized by a diversity of building styles, materials, heights and roof shapes even among the residential buildings, which are located fairly close together, typical of this older neighborhood within walking distance of downtown Burlington. The visual context includes a large, flat-roofed commercial building just to the north across North Avenue, occupied by a medical equipment and supply business, as well as several institutional buildings set in their own grounds to the north of the project on the same side of North Avenue. Because the proposed project is divided into three masses above the ground floor, is set back from the north side of the ground floor, and is stepped back along its west side, it does not present an inappropriate visual mass.

Therefore, as proposed, the project will meet § 6.1.10(a) of the Zoning Ordinance.

Design Review Criterion § 6.1.10(j) - Consider the microclimate (including noise)

The heating system for the entire building consists of two high-efficiency natural-gas-fired hot water boilers located in the mechanical room next to the café in the northeastern area of the ground floor. Insulated distribution piping distributes the heat to

the condominium units and to the café. The heating system is vented to the roof. It has been designed to minimize heat loss and will not appreciably affect the microclimate.

The residential units have been designed to have excellent natural ventilation. While unit owners may opt to install an air conditioning cooling system, they will be prohibited by the condominium bylaws from installing window-mounted air conditioning units. Any owner wishing to install air conditioning may do so only by installing a split-system air conditioner with the condenser portion contained in a small unit mounted centrally on the building's roof. The noise generated by these units is comparable to or less than that generated by window units; however, as they would be mounted on the roof and shielded, any such noise will be less noticeable to the neighbors.

The café kitchen is proposed to be equipped with a hood exhaust system with air filters designed to control odor, also vented to the roof of the easterly building. Food waste produced by the café operation will be stored in a refrigerated unit inside the building until it is removed by a commercial waste handling company three times a week.

Therefore, with the conditions imposed below, the project as proposed will meet §6.1.10(j) of the Zoning Ordinance.

Design Review Criteria § 6.1.10(b) and (c) - Preserve the landscape and Provide open space

The project does not propose alterations to the generally level topography of the property except to add a small amount of fill at the westerly end of the property. The open lawn at the westerly end of the property will extend westerly of the ground level patios for the three ground-level units at the westerly end of the building.

The existing condition of the property provides very little open space, as that concept is used in the Zoning Ordinance. Although the term "open space" is not defined, the term "landscaped open space" is defined in the Article 30 of the Zoning Ordinance to

exclude parking lots or driveways. Similarly, limitations on lot coverage in §5.3.2, *et seq.* of the Zoning Regulations include both paved and unpaved parking areas in the calculation of lot coverage, and exclude lawns, gardens and unpaved landscaped areas. Because the existing parking lot does not qualify as "open space" under the ordinance, the fact that part of it will be covered by the new building does not create a violation of §6.1.10. Indeed, its formerly nonconforming use as a commercial parking lot will be replaced by a conforming residential use. It is only because the parking lot has not been used recently at the level allowed under the existing permit for the warehouse that the immediate neighbors have been able to enjoy oblique westerly views over portions of the parking lot. The ordinance does not require those views to be preserved in this district, compare §6.1.11(b); the Court is constrained to follow the Zoning Ordinance as it now exists.

The small amount of open space on the North Avenue and Berry Street sides of the building will be preserved and attractively landscaped. The setbacks required in this area reflect its medium-density urban location.

The existing trees along the south side of the parking lot are not well maintained and are largely non-native species, but in the summer months they do provide a green, leafy appearance when viewed from down Lakeview Terrace looking to the north towards the Berry Street intersection. That area is proposed to be landscaped with trees and shrubs along the building and in the curve of the intersection, including a new street tree at the intersection, to provide a similarly green and leafy appearance looking towards the westerly building entrance.

The project proposes planting several trees along the westerly open space area and to provide a more dense hedge of Dark American Arborvitae between the property and that of Appellants Bjerke and Hockert-Lotz.

Four cottonwood trees at the boundary between the project property and Appellant Winants' property to the north are located on the Winant property. This type of tree is fast

growing and has weak wood, reflected in its common name. It deteriorates rapidly after reaching maturity. The two more westerly of these trees on the Winant property do not have significant root development on the project property, as observed during non-invasive testing. They are nearing the end of their useful life; one has sustained structural ice storm damage and the other has developed what the consulting arborist characterized as a "threatening lean." However, they will be protected during construction as the landowner has declined to have them replaced in connection with construction. The two more easterly trees have substantial root systems extending under the existing building slab and turning away from the project property due to this obstruction. These two trees will be protected during construction and, while they would benefit from pruning, they are likely to improve over time due to having more room for their root development as a result of the greater setback of the building in that area.

Therefore, with the condition imposed below, the project as proposed will meet §§6.1.10(b) and (c) of the Zoning Ordinance.

Question 4 - Parking and waivers (§§10.1.19 and 10.1.20), and Question 5 - Design Review Criterion §6.1.10(d) as to efficient and effective circulation:

The project proposes an on-site garage under the central part of the building having thirty parking spaces, nine of which are long spaces designed to accommodate an additional car in tandem.⁵ Appellee-Applicant proposes to assign one space to each of the twenty-five condominium units, so that each unit will have an assigned space; nine of the units will have an additional tandem space as an amenity. The five remaining spaces in the garage are discussed below with regard to the café parking. Without waivers, the project

⁵ As discussed in the December 14, 2006 summary judgment decision, §10.1.16 of the Zoning Ordinance precludes the additional tandem spaces from being counted as spaces for the purpose of determining compliance with the parking space requirements.

would require fifty parking spaces for the residential units; and would require a loading space for the café, and ten⁶ parking spaces for the café.

Appellee-Applicant conducted a study of the parking availability within a two-minute walk (500 feet) of the project property and within a four-minute walk (1000 feet) of the project property. On-street parking is available along the west side of North Avenue, along Washington Street and Convent Square, along the north side of Berry Street, and along the east side of Lakeview Terrace. An inventory of fifty-eight parking spaces is available within 500 feet and an inventory of approximately 113 spaces is available within 1000 feet. Occupancy rates were surveyed during the peak periods of 7:00 to 8:15 a.m. and 5:00 to 8:00 p.m. The overall occupancy rate did not exceed 50%, even in the higher-occupancy late-evening hours. An average of 34 unoccupied spaces is available within 500 feet and an average of 72 unoccupied spaces is available within 1000 feet. Lakeview Terrace tended to have a higher occupancy rate, with 35% of its sixteen spaces (within 1000 feet) occupied in the early evening hours, and up to 75% occupied after 7:30 p.m.

Efficient and effective circulation

Circulation of vehicles within the building's garage will be adequate; parking maneuvers were studied using a template of a relatively large-size passenger vehicle. There is sufficient maneuvering room within the garage for vehicles to be able to exit the garage frontwards, giving the drivers ample visibility to turn safely into a traveled lane of Berry Street. The shift of the outlet of the garage farther east along Berry Street (than the

⁶ Appellants suggest that the café would require more than ten spaces, figured under Table 10-A of the Zoning Ordinance at one space for every four seats plus one space for each 75 square feet of gross floor area intended for patron use but without seats. However, Appellee-Applicant has committed itself to requiring the café owner or operator, whether through a lease document or a deed, to maintain the café at a combined level of seats and floor area to require no more than ten parking spaces.

location of the current exit from the parking lot) reduces the potential for conflict at the Berry Street/Lakeview Terrace intersection. The proposal therefore meets §6.1.10(d) of the Zoning Ordinance as to efficient and effective circulation within and from the property.

Parking spaces for the residential units

Appellant-Applicant seeks a waiver of 50% of the off-street parking spaces that would otherwise be required, as provided by §10.1.19 of the Zoning Ordinance, based on the availability of alternate transportation modes, and based on data regarding the local availability of unoccupied on-street parking spaces. However, although the City's parking policies may have changed since the adoption of §10.1.19, the ordinance has not been amended to allow an applicant to demonstrate that "the regulation is unnecessarily stringent" due to the availability of on-street parking spaces. The terms "shared or dual use" and "unique use times," in the context of the ordinance's minimum off-street parking requirements, see §10.1.8 and Table 10-A, refers to the shared use of off-street spaces, for example by several businesses in a single building, or the use of the same off-street spaces for a daytime office use and for an evening restaurant use. In the present case, the project does not propose shared or dual use of off-street spaces, except for the two spaces in the garage available for condominium visitors when the café is closed.

The project location is relatively close to downtown Burlington and has excellent access to alternate transportation modes. Three CCTA bus stops are located within 500 feet, with one southbound stop within 100 feet. A bicycle lane is located on both sides of North Avenue to the north, and on the other side of North Avenue to the south, with access to the Burlington Bicycle Path. The area is served by pedestrian sidewalks south into downtown Burlington. Due to the availability of alternate modes of transportation and the project's proximity to downtown commercial uses and employment, an unusually high percentage (28%) of the existing population of this census tract does not use a vehicle for

commuting to work, but instead either walks, bicycles, or travels by bus. Vehicle ownership is also low in this district, with households of one to two people (as are anticipated for this project) having 1.08 vehicles per household.

Although under §10.1.20 a waiver of more than 50% of the required parking spaces is allowed to be considered for affordable housing units, the evidence did not support the provision of less than one assigned space per unit for the residential units in this project, even though four of the units are anticipated to qualify as affordable housing units.

The availability and projected use of alternate transportation modes for this project warrants a waiver of twenty-five of the fifty off-street parking spaces that otherwise would be required for the residential units in this project.

Loading space for the café

One loading space is required for the café, but may be entirely waived under §10.1.20(d). There is sufficient parking along North Avenue in front of the proposed café to accommodate grocery and other deliveries to the café, as long as those deliveries are scheduled to occur in off-peak daytime hours. Moreover, such deliveries by truck could be accomplished along North Avenue with fewer maneuvers and less reversing than inside the garage entrance, and therefore would require less use of the trucks' required back-up beeper, which is preferable in a neighborhood with nearby residential uses. The proposal meets the requirements of the ordinance for waiver of the loading space for the café.

Parking spaces for the café

Without a waiver, the project requires ten off-street parking spaces for the café (see footnote 6 above). Appellant-Applicant seeks a waiver of 50% of the off-street parking spaces that would otherwise be required for the café, as provided by §10.1.19 of the Zoning Ordinance, based on the availability of alternate transportation modes, and based on data

regarding the local availability of unoccupied on-street parking spaces. However, Appellee-Applicant also proposed that only the two spaces in the garage nearest the entrance would be allocated to the café use during café hours (and at other times would be available to visitors to the condominiums), while the remaining three spaces in the garage would be allocated as second parking spaces to three of the condominium units. This proposal appears effectively to request a waiver of eight off-street parking spaces for the café use.

As discussed above, although the evidence showed ample on-street parking in the area to accommodate the café use between the hours of 7 a.m. and 8 p.m., the ordinance as it currently exists does not allow consideration of the availability of on-street parking to justify a waiver of the off-street parking requirements. Appellant-Applicant did not present evidence of its arrangement for the use of any off-street parking spaces on other commercial or institutional property along North Avenue that could be considered for waiver under the "unique use times" provision of §10.1.19 (or, if within 400 feet, could be considered as providing some of the required parking spaces for the café under §10.1.13).⁷

While Appellee-Applicant only proposed to allocate two spaces within the garage to the café use, there is no provision in the ordinance allowing waiver of more than 50% of the off-street parking spaces required for the café use. The project does not propose to obtain the use of off-street spaces in any other nearby commercial or institutional location. Accordingly, without consideration of any remote off-street spaces, the maximum allowable waiver under the present ordinance requires that all five of the remaining spaces in the garage be allocated to the café use during the hours of operation of the café.

Based on the density of residential occupancy of the surrounding area on both sides

⁷ Any future proposal under these sections would have to be considered as an amendment application.

of North Avenue, and extrapolating from the data on the area residents' use of other modes of transportation to travel to work, at least 50% of the customers of the café are expected to originate in the surrounding area and to walk or bicycle to the café. Based on the availability and projected use of alternate modes of transportation, and with conditions as imposed below, a waiver of five of the required ten off-street parking spaces for the café is warranted.

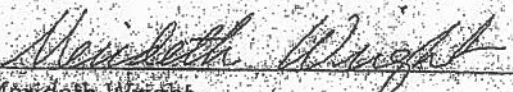
Based on the foregoing, it is hereby ORDERED and ADJUDGED that the project is approved as proposed, with the conditions imposed by the DRB and the following additional conditions:

- 1) Window-mounted air conditioning units are prohibited; such prohibition shall also be incorporated in any lease agreement or deed governing any portion of this project.
- 2) The operation of the café shall be restricted to a size at which it requires no more than ten parking spaces, through a binding legal document such as a lease agreement, deed, or condominium agreement, unless and until the permittee obtains an amendment to this permit with regard to parking.
- 3) Five spaces within the garage shall be assigned to the café use during café hours, unless and until the permittee obtains an amendment to this permit with regard to parking.
- 4) As the evidence of the availability of on-street parking for café patrons did not extend past 8:00 p.m., the hours of operation of the café shall not extend past 8 p.m. unless and until the permittee obtains an amendment to this permit with regard to parking.
- 5) Café food waste shall be stored in a refrigerated unit inside the building until it is removed by a commercial waste handling company.
- 6) Deliveries to the café shall be scheduled so as not to coincide with the peak hours for traffic along North Avenue.

7) If either of the two more easterly cottonwood trees on the boundary of the Winant property that are expected to survive do not in fact survive within two growing seasons after construction, the permittee shall work with a professional arborist to offer the landowner the replacement of those trees with trees of an appropriate size and species to become established and grow successfully in or near the location of those two trees.

Appellee-Applicant shall prepare a judgment order for the Court's signature, also incorporating issues concluded by the summary judgment decision, and approved as to form by the other attorneys. If they do not agree, Appellee-Applicant's proposed judgment order shall be filed on or before September 12, 2007, and any party's objections to the form of the order shall be filed as soon as possible but not to exceed four business days after the filing of the proposed judgment order.

Dated at Berlin, Vermont, this 31st day of August, 2007.


Merideth Wright
Environmental Judge

Attachment 7

ENTRY ORDER

VERMONT SUPREME COURT
FILED IN CLERK'S OFFICE

2008 VT 92

JUL 1 2008

SUPREME COURT DOCKET NO. 2007-434

MAY TERM, 2008

received
7-2-08

In re Hartland Group North Avenue Permit	}	APPEALED FROM:
	}	
	}	Environmental Court
	}	
	}	
	}	DOCKET NO. 120-6-05 Vtec
	}	
	}	Trial Judge: Merideth Wright

In the above-entitled cause, the Clerk will enter:

¶ 1. Neighboring landowners appeal the Environmental Court's approval of an adaptive reuse project involving an existing industrial warehouse located in a medium-density residential district in Burlington. Landowners assert that the Environmental Court erred in finding that a final decision on the project's Act 250 permit precluded additional consideration of whether the project was in substantial conformance with Burlington's municipal plan. They also assert that the court erred in finding that the project complied with the zoning ordinance's requirements for adaptive reuse, parking, and design review and that a 2004 amendment to the maximum density provision in the zoning ordinance was not spot zoning. We affirm.

¶ 2. The underlying facts are as follows. In 2004, appellee, the Hartland Group, met with members of Burlington's Department of Planning and Zoning to discuss the existing language of the maximum-density exceptions in the City's zoning ordinance. At that time, § 5.2.6(b)(2)—pertaining to exceptions for adaptive reuse—allowed a density of up to forty units per acre for adaptive-reuse or residential-conversion projects provided that lot coverage did not exceed 80% and the number of ancillary newly constructed units did not exceed 175% of the units contained in the original structure. The Department agreed with Hartland that the existing provision had the potential to cause confusion and suggested that amending the ordinance was appropriate. On May 28, 2004, after a full review process by the Planning Commission and City Council, the mayor signed an amendment that removed the 175% limitation on the allowable number of new units.

¶ 3. On February 4, 2005, Hartland applied to the Burlington Development Review Board (DRB) for a zoning permit for the adaptive reuse or residential conversion of an existing 16,500 square-foot industrial warehouse located on 0.65 acres at 237 North Avenue. The warehouse is in a medium-density residential district and, at the time of the proposal, was permitted to operate as a nonconforming use (i.e., industrial) in that district. Hartland proposed converting the structure into twenty-five units of mixed-income residential condominiums, thirty enclosed parking spaces,¹ and a forty-seat café on North Avenue, intended to serve the

¹ Hartland originally argued that the project would have thirty-nine enclosed parking spaces by including nine "tandem" spaces in its calculation. "Tandem" spaces are long spaces

neighborhood.² On June 10, 2005, the DRB issued its affirmative and conditional findings and granted the zoning permit to Hartland.

¶ 4. Appellants, a group of neighboring landowners, appealed the DRB's decision to the Environmental Court on June 24, 2005. Landowners submitted ten questions on appeal, specifically: (1) whether the proposed development complied with the City's municipal plan; (2) whether the proposed development was adaptive reuse under the City's zoning ordinance; (3) whether the proposed development complied with the zoning ordinance's setback requirements; (4) whether the proposed development complied with the zoning ordinance's parking requirements; (5) whether the proposed development complied with the zoning ordinance's design-review criteria; (6) whether the proposed development complied with the zoning ordinance's major-impact-review criteria; (7) whether the proposed development complied with the zoning ordinance's use requirements; (8) whether the proposed development complied with the zoning ordinance's nonconforming-use requirements; (9) whether the proposed development complied with the zoning ordinance's requirements for building dimensions; and (10) whether the 2004 amendment to the zoning ordinance was spot zoning. In response, the parties filed motions and cross-motions for summary judgment on questions 2, 3, 4, 8, 9, and 10. In the meantime, the District #4 Environmental Commission (DEC) granted the project an Act 250 permit, which the parties did not appeal. On December 14, 2006, the Environmental Court granted summary judgment in favor of Hartland on questions 2, 3, part of 8 (finding that the prior non-conforming use was not abandoned), and 10. The court also determined that question 1 was precluded by the DEC's decision on the Act 250 permit but reserved the remaining questions for trial.

¶ 5. A trial on the merits was held on March 15 and 30, 2007. On the first day of trial, the court entered judgment for Hartland on question 9 based on the record. Thereafter, on August 31, 2007, the court issued its decision in favor of Hartland on all remaining questions—specifically, questions 4, 5, 6, and part of 8 (the remaining question of whether the café use would be less harmful to the neighborhood than the industrial-warehouse use, as required by §§ 20.1.6 and 5.1.8 of the zoning ordinance)—and approved the project as proposed, subject to the DRB conditions and additional conditions recommended by the court. On September 24, 2007, after both parties agreed, the court entered a judgment order in which it adopted its proposed conditions.

¶ 6. On appeal, landowners claim that the Environmental Court erred in five of its rulings. They assert that: (1) the DEC decision on the Act 250 permit should not have preclusive effect on the present zoning appeal; (2) the project cannot qualify as adaptive reuse under the zoning ordinance; (3) the project does not comply with the parking provisions of the zoning ordinance; (4) the project does not comply with the design-review provisions of the zoning ordinance; and (5) the 2004 amendment relating to adaptive reuse is unconstitutional spot zoning.

¶ 7. Landowner's first argument—that the DEC's decision on the project's conformance with the municipal plan under Act 250 should not preclude a similar analysis under

designed to accommodate an additional car in tandem. The Environmental Court determined in its December 14, 2006 summary judgment decision that § 10.1.16 of the zoning ordinance precludes the tandem spaces from being counted towards compliance.

² The proposed project would be approximately 51,000 square feet, including a 12,500-square-foot indoor parking garage.

the zoning ordinance—is unavailing. Collateral estoppel, or issue preclusion, is appropriate when: “(1) preclusion is asserted against one who was a party in the prior action; (2) the same issue was raised in the prior action; (3) the issue was resolved by a final judgment on the merits; (4) there was a full and fair opportunity to litigate the issue in the prior action; and (5) applying preclusion is fair.” Trickett v. Ochs, 2003 VT 91, ¶ 10, 176 Vt. 89, 838 A.2d 66. The Environmental Court, in its ruling on the parties’ summary judgment motions, found that all of the prerequisites for preclusion were satisfied on the issue of the project’s conformance with the municipal development plan. On appeal, landowners contest only the Environmental Court’s finding that the requirements for conformance with the City’s municipal plan under Act 250 and the zoning ordinance present the same issue. They argue that preclusion is improper because Act 250 and municipal zoning review are two separate processes with distinct criteria.

¶ 8. Under criterion 10 of Act 250, a project must be in “conformance with any duly adopted local or regional plan,” to qualify for a development permit. 10 V.S.A. § 6086(a)(10) (emphasis added). Similarly, § 13.1.6(j) of the Burlington Zoning Ordinance requires a project to be “in substantial conformance with the city’s municipal development plan,” before a municipal permit will be issued. Burlington Zoning Ordinance 13.1.6(j) (emphasis added). As noted by the Environmental Court, administrative decisions can have preclusive effect in judicial proceedings when the administrative body has acted in a judicial capacity, resolving disputed issues of fact, and providing the parties with an adequate opportunity to litigate. Trickett, 2003 VT 91, ¶ 11. While the standards for permit approval under Act 250 and the zoning ordinance differ in significant respects, there is overlap between the two with respect to the requirement of conformance with the municipal plan. Here, the DEC acted in a judicial capacity, providing both landowners and Hartland the opportunity to present evidence on the issue of conformance with the municipal development plan, and ultimately issued the Act 250 permit, deciding based on the evidence before it that the project was “in conformance with” the local plan. The Act 250 requirement that a project be “in conformance with” the city’s municipal plan, without any qualifiers, is arguably a stricter standard than the zoning ordinance’s requirement of “substantial conformance” with the plan. Thus, it was reasonable for the Environmental Court to conclude that the DEC’s finding that the project was in specific “conformance with” the municipal development plan precluded the parties from relitigating the issue under the zoning ordinance because, as a practical matter, the project could not at the same time be “in conformance with” the municipal plan and not in “substantial conformance with” it. The court’s construction of the language of § 13.1.6(j) of the ordinance was not “clearly erroneous, arbitrary, or capricious,” and we therefore uphold its decision. In re Bennington Sch., 2004 VT 6, ¶ 11, 176 Vt. 584, 845 A.2d 332 (mem.).

¶ 9. Landowners’ second argument—that the Environmental Court erred in finding that the proposed project met the requirements for the adaptive-reuse exception to maximum density—is similarly unconvincing. Section 5.2.6(b)(2) of the zoning ordinance provides that:

Residential development in [medium-density residential] districts at a density of forty (40) units per acre may be permitted for the adaptive reuse or residential conversion of existing nonresidential structures and for any new construction on the same lot ancillary to the rehabilitation of such nonresidential structures provided lot coverage does not exceed eighty (80) percent.

Burlington Zoning Ordinance, § 5.2.6(b)(2).

¶ 10. Landowners do not contend that Hartland's project exceeds the forty units per acre or 80% lot-coverage allowances; rather, they claim that the density requirement is not satisfied because the project incorporates the commercial, nonconforming café use and that, therefore, it cannot be considered adaptive reuse or residential conversion as required by the ordinance. While the term "adaptive reuse" is not defined in the zoning ordinance, the court found that when viewed in the context of the municipal plan, the term was not ambiguous as used in § 5.2.6(b)(2). See Kalakowski v. John A. Russell Corp., 137 Vt. 219, 225-226, 401 A.2d 906, 910 (1979) ("Although the plan may recommend many desirable approaches to municipal development, only those provisions incorporated in the bylaws are legally enforceable."). In the context of the municipal plan that the Burlington Zoning Ordinance was enacted to implement, the court found that adaptive reuse referred to "the conversion of existing buildings so that they may be used for purposes other than those for which they were originally built." Furthermore, the court concluded that § 5.2.6(b)(2) addresses adaptive reuse and renovation of buildings with the goal of encouraging more residential development in the City's residential district by allowing greater density. Here, Hartland's proposed project would convert a warehouse—a wholly nonconforming structure—into twenty-five residential units, while maintaining a small portion, the café, as a preexisting nonconforming use. The court concluded that there was nothing in the language of § 5.2.6(b)(2), or purpose behind the maximum-density exception, that precluded Hartland from continuing an existing nonconforming use in a portion of the building while converting the majority of the structure to conforming residential use. Furthermore, it determined later at trial that the new use of the building would be less harmful or detrimental to the surrounding area than the original warehouse, as required by §§ 20.1.6 and 5.1.8 of the zoning ordinance. See In re Nott, 174 Vt. 552, 553, 811 A.2d 210, 211-12 (2002) (mem.) (emphasizing that the whole ordinance must be considered when determining the effect of a single part). Given the purpose of the maximum density exception, the court's construction of § 5.2.6(b)(2)—as allowing a developer to maintain some preexisting nonconforming use in an otherwise residential project—was appropriate, and we find no reason to disturb its decision.

¶ 11. Landowners further contend that the project does not deserve a density exception because, they claim, most of the existing structure will be destroyed rather than reused. Hartland, in its permit application, represented that the northerly wall of the original building on the site had deteriorated and would need to be rebuilt, and that the roof and westerly wall of the structure would have to be removed to incorporate the new construction it proposed, while facades, masonry walls, foundations, footings, floors, and existing architectural details would be reused. The court concluded that this did not take the project "out of the ambit of § 5.2.6(b)(2)," but rather determined that "[i]t would be an absurd result for § 5.2.6(b)(2) on the one hand to encourage the rehabilitation of existing buildings, the conversion of those buildings to conforming residential use, and the addition of new construction for that purpose, and yet to prevent the removal of the building elements necessary to make the rehabilitation safe for future use, or make the new construction possible at all." See Bergeron v. Boyle, 2003 VT 89, ¶ 11 n.1, 176 Vt. 78, 838 A.2d 918 (courts should avoid statutory construction that leads to absurd results). Neither did the court find, nor do landowners claim, that anything in the language of the ordinance suggests that a certain percentage of the original structure must be retained for a project to be considered adaptive reuse. Again, unless clearly erroneous, we are bound by the court's interpretation of the zoning ordinance, and we find no error here. See In re Bennington Sch., Inc., 2004 VT 6, ¶ 11.

¶ 12. Landowners also assert that the proportion of new development is too large to be considered ancillary to the rehabilitation of the existing structure under § 5.2.6(b)(2). Specifically, they argue that "ancillary" connotes "subservient to" or "smaller than" the

preexisting structure, whereas the proposed development would be more than twice the size of the original structure. In its decision, the court reasoned that landowners' construction of the term "ancillary" was inconsistent with the former limitation that: "the number of ancillary newly-constructed units shall not exceed one hundred seventy-five (175) per cent of the units contained in the rehabilitated structure(s)." The court further determined that if, as landowners suggest, "the new construction had to be smaller than the rehabilitated existing building, the ancillary newly-constructed units could not have exceeded 100% of the units contained in the rehabilitated structure," which would have rendered the 175% limitation surplusage. As such, the court reasonably concluded that, in the context of the zoning ordinance, "ancillary" is more appropriately defined as "related to or supportive of the rehabilitation of the existing building." We defer to the court's construction of the ordinance language.

¶ 13. Landowners' next argument—that the proposed project does not comply with the zoning ordinance's parking provisions—was initially decided by the Environmental Court on the merits at trial. On appeal, landowners contend that the court erred in calculating the minimum parking requirements for the café and in granting the maximum waiver available in the absence of a traffic management plan. First, with regard to the required parking spaces, the court determined that the forty-seat café required ten parking spaces, based on Table 10-A, which requires one space for every café seat. Footnote three to Table 10-A further requires an additional parking space for every seventy-five square feet of floor area without seats but intended for patron use. At trial, however, the court did not undertake this additional calculation, and instead conditioned Hartland's permit on restricting café use so that the required number of parking spaces would not exceed ten—as Hartland had represented, during the proceedings, that it was willing to do.³ Exercising its discretion under the zoning ordinance, the court waived 50% of the required ten parking spaces based on its finding that there was ample on-street parking and alternative transportation available to the café. Nonetheless, landowners assert that Hartland's proposed project does not comply with the zoning ordinance's parking provisions, and that the court erroneously calculated the number of parking spots required for the project.

¶ 14. Landowners have failed to demonstrate how the court's decision represents reversible error. In their brief, they claim only that the court erred in its calculation of minimum parking spaces under the zoning ordinance, but do not take issue with the court's finding of fact. The court accepted Hartland's representations that it would maintain the café operation at a level that would require no more than ten parking spaces and, further, specifically conditioned Hartland's permit on it doing so "through a binding legal document such as lease agreement, deed, or condominium agreement." Under 24 V.S.A. § 4464(b)(2), the court had authority to attach "reasonable conditions" to approval of the permit to effectuate the purpose of the zoning ordinance and municipal plan. Here, the court acted appropriately in effectuating the parking restrictions in footnote 3 of Table 10-A by requiring Hartland to restrict the patronage of the café to conform to the ordinance's parking limitations, rather than by undertaking the calculation of square footage intended for patron use. Landowners have not established that this in any way undermined the purpose of the parking restrictions in the ordinance, or that they will suffer any harm as a result of the court's conditions. Because we believe that the parking condition obviates landowners' concern about the minimum parking requirements for the project, we find no reason to disrupt the court's decision.

³ The Environmental Court adopted this restriction as a condition to approval of the proposed project in its Judgment Order, dated September 24, 2007. Hartland's commitment relieved the court's initial uncertainty on summary judgment.

¶ 15. Likewise, landowners' argument that Hartland failed to satisfy the requirement for waiver of parking requirements by not providing a traffic-management plan is unfounded. At the outset, landowners fail to cite a specific zoning provision outlining the requirements for waiver as support for their assertion that Hartland failed to provide the required "traffic management plan to reduce the amount of vehicles . . . seeking a place to park." Furthermore, landowners do not dispute the Environmental Court's findings that the projected use of alternative modes of transportation, Hartland's traffic-congestion analysis, Hartland's study of area parking availability, and Hartland's proposed traffic-calming measures around the project—which include bulb-outs and increased vegetation—result in a reduced need for parking spaces. There is ample evidence in the record to support the court's findings, and we therefore hold that the court did not err in granting a 50% parking waiver to Hartland based on the evidence before it. Lawson v. Brown's Home Day Care Ctr., Inc., 2004 VT 61, ¶ 18, 177 Vt. 528, 861 A.2d 1048 (mem.) (holding that we will reverse trial court findings only if there is no credible evidence to support them).

¶ 16. Finally, Landowners argue that the 2004 amendment to § 5.2.6(b)(2) is unconstitutional spot zoning. "Spot zoning consists of zoning that single[s] out a small parcel or perhaps even a single lot for a use classification different from the surrounding area and inconsistent with any comprehensive plan, for the benefit of the owner of such property." Granger v. Town of Woodford, 167 Vt. 610, 610-11, 708 A.2d 1345, 1346 (1998) (mem.) (quotation omitted). In determining whether a zoning amendment is spot zoning, the court must consider: "(1) whether the use of the affected parcel is very different from the prevailing use of other parcels in the area; (2) whether the area of the parcel is small; (3) whether the classification is for the benefit of the community or only to provide a specific advantage to a particular landowner; and (4) whether the change in the zoning classification complies with the municipality's plan." *Id.* at 611, 708 A.2d at 1346. We will not, however, interfere with municipal zoning, "unless it clearly and beyond dispute is unreasonable, irrational, arbitrary or discriminatory." In re Letourneau, 168 Vt. 539, 544, 726 A.2d 31, 35 (1998) ("[Z]oning ordinances are presumed valid."). Here, the Environmental Court found that the amendment did not amount to spot zoning under any of the criteria enumerated in Granger. The court found that the removal of the 175% limitation allowed more parcels, including the one owned by Hartland, to be converted to residential use in residential zoning districts. The amendment, therefore, did not incite anomalous use but instead allowed the use of such parcels to become more similar to current residential uses in those districts. The court further determined that the amendment had the potential to affect numerous parcels in the medium-density residential district⁴ and decided that the land area of the potentially affected parcels was not small. The court also acknowledged that, while Hartland's proposal prompted the amendment, the removal of the limitation applied generally in the medium-density residential districts and would benefit other properties in addition to Hartland's. Finally, the court found that the amendment complied with the city's municipal plan by encouraging an increase in residential development through the adaptive reuse of existing structures and gradually reducing nonconforming uses in the City. See 2001 Burlington Municipal Development Plan, IV-1, 6 (Historic Preservation), IX-12 (Housing Action Plan); see also In re Casella Waste Mgmt., Inc., 2003 VT 49, ¶ 9, 175 Vt. 335, 830 A.2d 60 ("One of the primary goals of zoning is to gradually eliminate nonconforming uses."). Landowners have failed to establish that the amendment to the ordinance—which was adopted only after public hearings before both the Burlington Planning Commission and City Council—is

⁴ Hartland's evidence showed that the amendment would potentially affect forty-nine properties. Landowners contest this number, but do not contest that the amendment applied to at least fifteen to twenty properties across the City.

unreasonable, let alone unconstitutional spot zoning, in light of the goals of the adaptive-reuse provision of the ordinance.

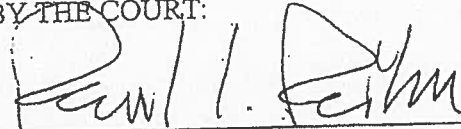
¶ 17. As a final matter, we briefly address landowners' argument that the proposed project does not relate harmoniously to the surrounding environment as required by § 6.1.10(a) of the zoning ordinance. The Environmental Court carefully considered the design of the project and determined that "[t]he proposed development relates appropriately to its context." It thus concluded that the project met the requirements of the ordinance. We are directed to nothing in the record that would allow us to conclude otherwise, and we therefore affirm the court's decision. See V.R.A.P. 28(a)(4); King v. Gorczyk, 2003 VT 34, ¶ 21 n.5, 175 Vt. 220, 825 A.2d 16.

Affirmed.

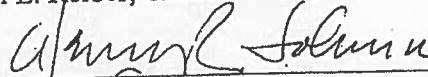
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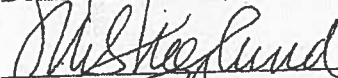
BY THE COURT:



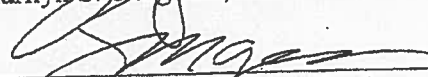
Paul L. Reiber, Chief Justice



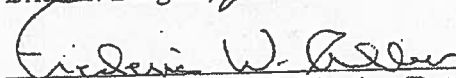
Denise R. Johnson, Associate Justice



Marilyn S. Skoglund, Associate Justice



Brian L. Burgess, Associate Justice



Frederic W. Allen, Chief Justice (Ret.),
Specially Assigned

Traffic Division

FY 2015

Total Incremental Revenues from Rate Adjustments

REQUESTED FOR FISCAL YEAR 2015

			FY 2015 Proposed	Approved
A.	Parking Garage Rate Increases \$8.00 to \$10.00 max \$12.00 max MPG			
	Based on fy2013 actual transient traffic			
	Allows for 15% rate shock		\$314,134	
B.	Courtyard Marriott 1/2 daily rate for overnight guests			
	Increase from \$4.00 per guest to \$5.00 per guest			
	Incremental Revenue....		\$27,300	
C.	Hotel Vermont 1/2 daily rate for overnight guests			
	Increase from \$4.00 per guest to \$5.00 per guest			
	Incremental Revenue....		\$22,500	
D.	Increase Parking Garage Monthly Leases by \$5.00/month			
	5 day \$75.00/month goes to \$80.00/month			
	6 day \$90.00/month goes to \$95.00/month			
	Incremental Revenue....		\$27,540	
E.	Increase Parking Meter fees by \$.25/ hour			
	From \$1.00/hour to \$1.25/hour			
	Incremental Revenue		\$311,400	
G.	Move to 1 hour free parking Marketplace only, \$12.00 max MPG			
	Incremental Increase	\$587,085.00		
	less 15% rate shock			
	Net increment.....		\$499,022.00	
F.	Extend Meter Enforcement time Downtown Core 281 meters			
	From 8am - 6pm to 8am - 10pm			
	Incremental Revenue....		\$195,576	
H.	Sunday Noon to 6pm On Street Meters			
	New Revenue		\$137,850	
I	Replace 10 hour meters with 3 hour meters			
	Incremental Revenue	Do not do	\$157,992	
J	Staff Marketplace Garage Sundays Noon to 8pm			
	Two Attendants and Benefits Expense	\$28,600		
	Additional Revenue Generated	\$71,515		
	Net new Revenue.....		\$42,915	

Traffic Division

FY 2015

Total Incremental Revenues from Rate Adjustments

			FY 2015 Proposed	Approved
<u>REQUESTED FOR FISCAL YEAR 2015</u>				
K	Automated Lane at Marketplace Garage 24/7			
	Cost of Equipment \$23,888 + Electrical \$10,000	-\$33,500		
	Electronic Signage	-\$5,000		
	Additional Security 12midnite-8am	-\$55,680		
	Total Expense....	-\$94,180		
	Savings in 2 attendanst 40 hours + benefits	\$89,840		
	A dditional revenue after closing			
	45 vehicles x \$4.00 x 290 days.....	\$52,200		
	Net Savings.....	year 1	\$47,860	
		year 2	\$86,360	
L	Meter Hood Program Increase by \$5.00			
	9000 bag days x \$5.00		\$45,000	
M	Add Meters in gaps downtown			
	35 meters @ \$4.00 x 290 days x 40% occupancy	\$16,240		
	Instalation, cases, poles etc @ \$225/meteer	\$7,875		
	Repurpose heads from pilots Net.....		\$8,365	
N	Pay by Cell Phone			
	Conservatively increase by 3% of meter revenue		\$36,000	
O	Raise Ticket Fines by \$5.00 last time raised			
	Fy2013 paid tickets 33,351 x \$5.0		\$ 166,755	
	Fines raised in fy2013 from \$12.00 to \$15.00			

BURLINGTON DEPARTMENT OF PUBLIC WORKS COMMISSION
MINUTES, March 19, 2014
645 Pine Street
(DVD of meeting on file at DPW)

COMMISSIONERS PRESENT: Bob Alberry, Tiki Archambeau, Asa Hopkins, Nathan Lavery (Chair), Solveig Overby, Jeffrey Padgett and Mark Porter (Vice Chair)

Commissioner Lavery called the meeting to order at 6:30 p.m.

ITEM 1 – AGENDA

Commissioner Alberry moved to remove Item 3.20 (Colchester Ave Taxicab Stand Removal) from the Consent Agenda. The original requestor had asked for a delay. This item will appear on the April 2014 agenda. The motion was seconded and the vote unanimous.

ITEM 2 – PUBLIC FORUM – No one came forward.

ITEM 3 – CONSENT AGENDA (Refer to Commission Packet)

3.10 28 King St Parking Meter Addition

- “Staff recommends that the Commission approves the installation of a parking meter on the north side of King St in the parking space in front of 28 King St.”

3.30 Spring St at Intervale Ave Parking Request

- “Staff recommends the Commission adopt a parking prohibition on the west side of Intervale Ave starting at the corner of Spring St and extending 53 feet south on Intervale Ave.”

3.40 North Champlain St 15-Minute Parking Request

- “Staff recommends that the Commission: 1) Adopt a 20-foot abbreviated “No Parking Here to Corner” on the east side of No Champlain St just north of Peru St; and 2) Adopt 2, 15-minute parking spaces, 8:00 am and 8:00 pm every day, just north of the revised “No Parking Here to Corner” restriction proposed above.”

Commissioner Alberry moved to accept staff recommendations; Commissioner Porter seconded. Unanimous.

ITEM 4 – CLIFF STREET SIDEWALK PROJECT UPDATE

(Communication, Guillermo Gomez, Engineer) (Refer to Commission packet)

Construction of a sidewalk along Cliff Street and small bump-out at Summit Street for pedestrian crossing are expected to take place during the 2014 construction season. Mr. Gomez presented and explained the details of the proposed concept in this second of two public meetings. The design presented tonight was different from the design presented at the Ward 6 NPA meeting.

Several residents were in attendance to give input. (The sign-in sheet will be kept with the meeting’s documents. To listen to public comments, go to the following link: www.cctv.org.)

Due to the thoroughness of Mr. Gomez’s presentation and additional comments and concerns, the Commission and DPW staff agreed to extend the proposed deadline for public comments (initially set for today), to Monday, March 31, 2014.

Members of the public requested a meeting with the city arborist Warren Spinner who is working with Mr. Gomez in the area of tree/limb removal and tree replacement for this project. Mr. Gomez will forward this request to Mr. Spinner.

Mr. Gomez added that the grant does not include funds for future traffic calming needs.

Concerns raised by the commissioners include the 1-on-1 slope on a 16% grade, and maintenance on the 2-on-1 slope between the sidewalk and side of the road (Commissioner Padgett); storm water

(Commissioners Padgett and Overby); maintenance and maneuverability of the slope in inclement weather (Overby). The Commission took a short break while the public left.

ITEM 5 – PARKLET PILOT PROJECT

(Communication, Chapin Spencer, Director) (Refer to Commission packet)

2014 BTV Goal: Operate a parklet pilot project for the 2014 season to test the viability of, and the community support for, seasonal parklets in the City of Burlington. The concept would be to transform a few on-street parking spaces into public spaces for pedestrian activity for a one-year pilot project (mid-May to mid-October).

Additional steps recommended by the City Attorney's office will be included in "Appendix C." Attorney Gene Bergman is directing DPW in determining the selection of the parklets' locations and how to charge for the lost parking spaces.

Director Spencer is asking for the Commission's conceptual approval to support further development of the pilot project. The pilot project would then be brought before the City Council in April for approval, then return to the April Commission meeting to determine the exact language needed for Appendix C in the Ordinance (the Commission has authorization to change Appendix C).

Comments/concerns voiced by the commissioners: Location of the parklets; parklets being utilized more by businesses than the public; suggestion to start with only one (1) parklet this year; constraints that the parking study may present once the study is completed; clarification of wording around table service; possible impact on parking availability; businesses next door to the parklets in favor of their neighbor's parklet; loitering; assuring geographic diversity in parklet placement; avoiding parklet placement at accessible parking spaces or loading zones; suggestion of using a designated symbol (art? an object?) for easy public identification/marketing.

Commissioner Overby moved to allow the continued exploration/development of the Parklet Pilot Project; Commissioner Hopkins seconded. Commissioner Alberry added that DPW's questions and concerns be considered.

Six (6) commissioners voted in favor; one (1) was opposed (Commissioner Archambeau; he is concerned about private interests with public space and not knowing where the parklets would be located). The motion carries.

ITEM 6 – FINALIZE COMMISSION WORKPLAN (Communication, Chapin Spencer, Director) (Refer to Commission Packet)

The workplan will help the Commission focus on their vision when addressing the issues that come before them. By meeting their objectives, their goals (standards) will be met.

The Commission will utilize the Workplan at their April meeting and requested that the appropriate goal(s) be matched up with each Agenda item.

Commissioner Lavery suggested replacing the word "each" for "one" under Goal #1, Objective 1-C.

Commissioner Archambeau moved to adopt the Commission statement and workplan; Commissioner Alberry seconded. Unanimous.

Objective 1-A under Goal #1 (Finalize Commission workplan for FY'14-FY'15) has been met!

ITEM 7 – MINUTES: DECEMBER 18, 2013 & FEBRUARY 19, 2014 (Refer to Commission packet)

Minutes of December 18, 2013: **Commissioner Porter moved** to accept the minutes; Commissioner Alberry seconded. Commissioners Alberry, Lavery, Overby and Padgett, who had been at the December meeting, concurred.

Minutes of February 19, 2014: **Commissioner Hopkins moved** to accept the minutes; Commissioner Archambeau seconded. Commissioners Alberry and Overby abstained from voting; the other Commissioners voted in favor.

ITEM 8 – DIRECTOR’S REPORT (Chapin Spencer, Director)

(Refer to Commission packet)

DPW staff is preparing for a sidewalk project on Flynn Ave. The Commissioners determined that a DPW Commission meeting would not be the most appropriate forum for a public meeting on this project. Director Spencer recommended that the commissioners review the Memorandum he e-mailed to them concerning the Commission’s authority.

ITEM 9 – COMMISSIONER COMMUNICATIONS

Commissioner Hopkins: Last month’s discussion of sidewalk capital planning was supposed to have been continued at this meeting but was not on this month’s agenda. Director Spencer stated that the discussion will be continued at the April meeting.

Commissioner Overby: Commended DPW for the Pine St flashing pedestrian signals.

Commissioner Alberly: Asked whether DPW is considering installing a flashing beacon crossing at Willard and Cliff St during the Cliff St Project. Director Spencer said that that is not in the plan, as there is already a stop-controlled intersection. The flashing beacons are used for mid-block crossings where there is no other signage or traffic light to stop traffic.

Commissioner Porter: Commended DPW staff for snow removal efforts over last week’s storm.

Commissioner Archambeau:

- Requested that the intersection of College and South Union St be studied and considered for possible additional signage to alert drivers to the activity particularly around the YMCA;
- Manhattan Dr/Ward St intersection. Numerous drivers heading west on Manhattan Dr increase their speed when entering the north end of Ward St;
- North Champlain St between North and Manhattan Dr, approaching the newly-configured intersection, drivers not heeding directions in the right lane;
- Pearl St crosswalk near No Champlain St – would like DPW to revisit, as the light is always blinking and drivers may not realize pedestrians try to cross at that intersection;
- Battery St/Pearl St intersection. Northbound traffic turning onto Pearl St - difficult. Director Spencer stated that this intersection is going through redesign through the Pearl St corridor study.

Commissioner Padgett: In consideration of Objective 3-D of the Workplan, requested design guidelines and ordinances to support them, for the Pine St crosswalks and flashing beacons. He has observed some pedestrians press the button activating the flashing lights and immediately begin to cross before giving drivers ample opportunity to stop. He is concerned that there are no rules for these crosswalk signs, and no state guidelines.

Commissioner Lavery: Expressed appreciation for staff’s hard work on snowfighting efforts. Director Spencer requested a motion or resolution recognizing staff’s efforts.

For future Performance Reports, he would like to see more performance indicators other than financial (e.g., in the Fiscal Year 2008 Performance Report).

Commissioner Porter proposed the following Resolution: I propose that we congratulate the snowfighting crowd and staff involved, by having a “Wicked Good Job” resolution passed and pass on our thanks for what a great job they have done. The Commission unanimously passed the resolution.

ITEM 10 – NEXT MEETING DATE & ADJOURNMENT

The next DPW Commission meeting is scheduled for Wednesday, April 16, 2014 at 6:30pm.

Commissioner Alberly moved to adjourn at 9:15 p.m.; Commissioner Padgett seconded. Unanimous.

Non-Discrimination

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Burlington, VT 05401
802.863.9094 VOICE
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov/dpw

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MISSION STATEMENT:

We steward Burlington's infrastructure and environment
by delivering efficient, effective and equitable public services

DEPARTMENTAL GOALS:

Goal #1: Operational Excellence
Goal #2: Exemplary Customer Service
Goal #3: Culture of Innovation

DRAFT COMMISSION FY'14 – FY'15 WORKPLAN:

Goal #1: Operational Excellence

Objective 1-A: Finalize Commission workplan for FY'14 – FY'15
Objective 1-B: Establish department-wide key performance indicators
Objective 1-C: Develop sustainable capital plans for at least one asset group
Objective 1-D: Oversee development of an annual performance report

Goal #2: Exemplary Customer Service

Objective 2-A: Establish key performance indicators for customer service
Objective 2-B: Ensure high degree of public access to the Commission and its work

Goal #3: Forge a Culture of Innovation

Objective 3-A: Partner with staff in vetting and advancing new ways of delivering our services
Objective 3-B: Offer each Commissioner an opportunity to learn about policy and governance issues related to our mission
Objective 3-C: Implement downtown parking pilot projects
Objective 3-D: Vet and advance adoption of new transportation design guides

Approved by the Public Works Commission on 3-19-14

Non-Discrimination

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645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.6351 VOX
802.863.0466 FAX
802.863.0450 TTY
www.dpw.ci.burlington.vt.us

William P. Burns
Traffic Foreman

To: Burlington Public Works Commission
From: Billy Burns, Traffic Foreman
Re: **Landscaping Services 2014**

On March 31, 2014, at 12:00 p.m. The Burlington Public Works Traffic Department opened the Landscaping Quotes for the 2014 summer season. Public Works had requested quotes for Landscaping Services for the City flowerbeds for one season of service.

The Traffic Department sent the Request for Landscaping Services to six companies in the area and the Burlington Parks and Recreation Department.

We received one quote back.

Pinnacle Properties total quote was \$23,275.00

We worked with Pinnacle Properties last year and they do quality work in a timely manner. We will offer the contract to Pinnacle Properties.

Last year's winning quote was \$23,275.00

Thank you.



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William P. Burns
Traffic Foreman

To: Burlington Public Works Commission
From: Billy Burns, Traffic Foreman
Re: **Pavement Marking Bid 2014**

On March 31, 2014 at 12:00p.m. Burlington Public Works Traffic Department opened the Pavement Marking Bids for 2014. Public Works had requested bids for Long Line Painting and Stencil Painting.

Item Description:

14,590 linear feet of 4" white painted parking lanes.
8,565 linear feet of 4" white painted fog lines.
41,472 linear feet of 6" white painted bike lanes.
2,275 linear feet of 6" double yellow contra flow lane.
16,559 linear feet of 4" double yellow center lane line.
We also asked for 190 stencils to be painted.

The Traffic Department sent the request for Pavement Marking Services to four companies: We received two bids back.

L&D Safety Markings Corp. total bid was \$13,517.33
Marking Inc. total bid was \$32,482.95

L&D Safety Markings Corp. was the lowest bidder. We have previously worked L&D and they do quality work in a timely manner. We will offer the contract to L&D Safety Markings.

Last year's winning quote was \$12,987.14

Thank you.

An Equal Opportunity Employer

This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.9094 (voice) or 802.863.0450 (TTY).

STREET SWEEPING ZONE A

****PLEASE MOVE ALL BASKETBALL HOOPS OFF THE SIDE OF THE ROAD FOR SWEEPING****

CLEAN SWEEP

is coming to North Avenue
East Side Only! *Is that your
neighborhood?*

From 10:00 PM, Wednesday, April 30, 2014
until 7:00 AM, Thursday, May 1, 2014 cars
must be off all HIGHLIGHTED streets on this
map. Any car not off these streets will be
towed at owner's expense (\$125). Parking
ban lights will be on.

Free parking will be available at the following city lots
from 10:00 PM, April 30, 2014 till 8:00 AM, May 1, 2014:
**Cherry Street Garage (Macy's- 45 Cherry St), College Street Garage
(Hilton), South Winooski Ave Garage (Marketplace).**

**Your cooperation will make it possible for Public Works to do a great
job in sweeping the streets of your neighborhood!**

**Any Questions? Please call 658-7669 or 863-9094 or visit our website
at www.burlingtonvt.gov/dpw**

***ONLY STREETS THAT ARE
HIGHLIGHTED WILL BE SWEEPED**

EAST SIDE ONLY OF NORTH AVE ONLY



From 10:00 PM, Thursday, May 1, 2014 until 7:00 AM. Friday, May 2, 2014 cars must be off all HIGHLIGHTED streets on this map. Any car on these streets will be towed at owner's expense. Parking ban lights will be on.

Your cooperation will make it possible for Public Works to do a great job in sweeping the streets in your neighborhood!

***ONLY STREETS THAT ARE HIGHLIGHTED WILL BE SWEEPED**

****PLEASE MOVE ALL BASKETBALL H
OFF THE SIDE OF THE ROAD
FOR SWEEPING****

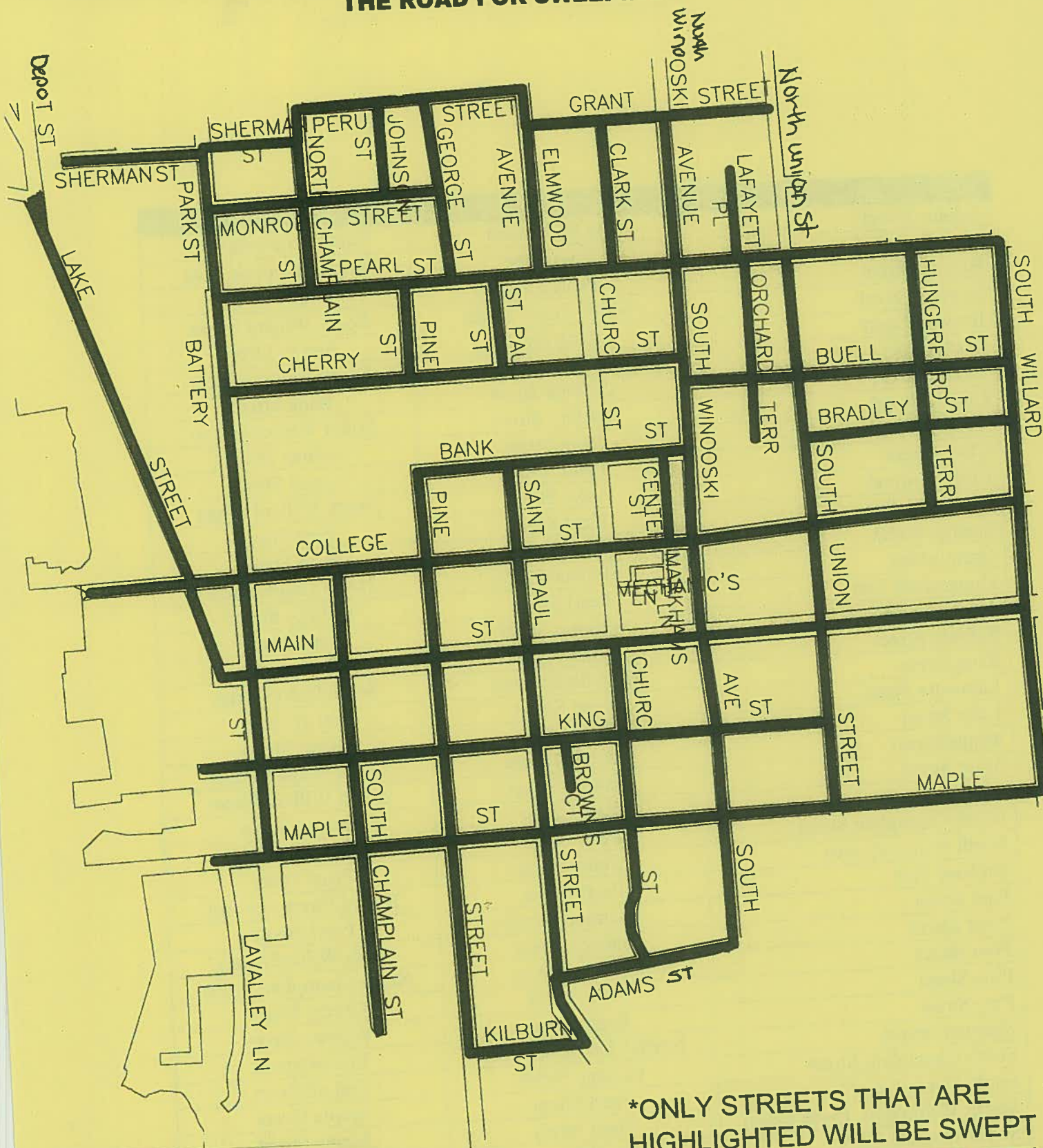




STREET SWEEPING ZONE F



****PLEASE MOVE ALL BASKETBALL HOOPS OFF THE SIDE OF
THE ROAD FOR SWEEPING****



CLEAN SWEEP

***ONLY STREETS THAT ARE
HIGHLIGHTED WILL BE SWEEPED
(SEE BACK FOR STREET LISTING)**

is coming to The Downtown area! *Is that your neighborhood?*

From 12:00 AM, Sunday, May 4, 2014 until 7:00 AM, Monday, May 5, 2014 cars must be off All HIGHLIGHTED streets on this map. Any car not off these streets will be towed at owner's expense (\$125). Parking ban lights will be on.

Free parking will be available at the following city lots from 10:00 PM, May 4, 2014 till 8:00 AM, May 5, 2014: Cherry Street Garage (Macy's - 45 Cherry St), College Street Garage (Hilton), South Winooski Garage (Marketplace).

Your cooperation will make it possible for Public Works to do a great job in sweeping the streets of your neighborhood!

Any Questions? Please call 658-7669 or 863-9094 or visit our website at www.burlingtonvt.gov/dpw (See Reverse side for street listings)

Streets	From	To
Adams Street	St Paul Street	South Winooksi Ave.
Bank Street	Pine Street	South Winooksi Ave
Battery Street	Pearl Street	Maple Street
Bradley Street	South Union Street	South Willard Street
Browns Court	King Street	End of Street
Buell Street	South Winooksi Ave	South Willard Street
Center Street	College Street	Bank Street
Cherry Street	Battery Street	South Winooksi Ave
Church Street	Main Street	Adams Street
Clark Street	Pearl Street	Grant Street
College Street	Lake Street	South Willard Street
Elmwood Ave	Pearl Street	Peru Street
George Street	Pearl Street	Peru Street
Grant Street	Elmwood Ave	North Union Street
Hungerford Terr	Pearl Street	College Street
Johnson Street	Monroe Street	Peru Street
Kilburn Street	Pine Street	St Paul St
King Street	King Street Dock	South Union Street
Lafayette Place	Pearl Street	End of Street
Lake Street	Main Street	Depot Street
Maple Street	Lavalley Lane	South Willard Street
Main Street	Battery Street	South Willard Street
Monroe Street	Park Street	George Street
North Champlain Street	Pearl Street	Peru Street
North Winooksi Ave	Grant Street	Pearl Street
Orchard Terr	Pearl Street	End of Street (co-op)
Park Street	Sherman Street	Pearl Street
Pearl Street	Battery Street	South Willard Street
Peru Street	Elmwood Ave	North Champlain Street
Pine Street	Pearl Street	Cherry Street
Pine Street	Bank Street	Kilburn Street
Sherman Street	North Champlain Street	End of Street
South Champlain Street	College Street	End of Street
South Union Street	Pearl Street	Maple Street
South Willard St (both sides)	Pearl Street	Maple Street
South Winooksi Ave	Pearl Street	Adams Street
St Paul Street	Pearl Street	Cherry Street
St Paul Street	Bank Street	Adams Street
Zone-F		

STREET SWEEPING ZONE G

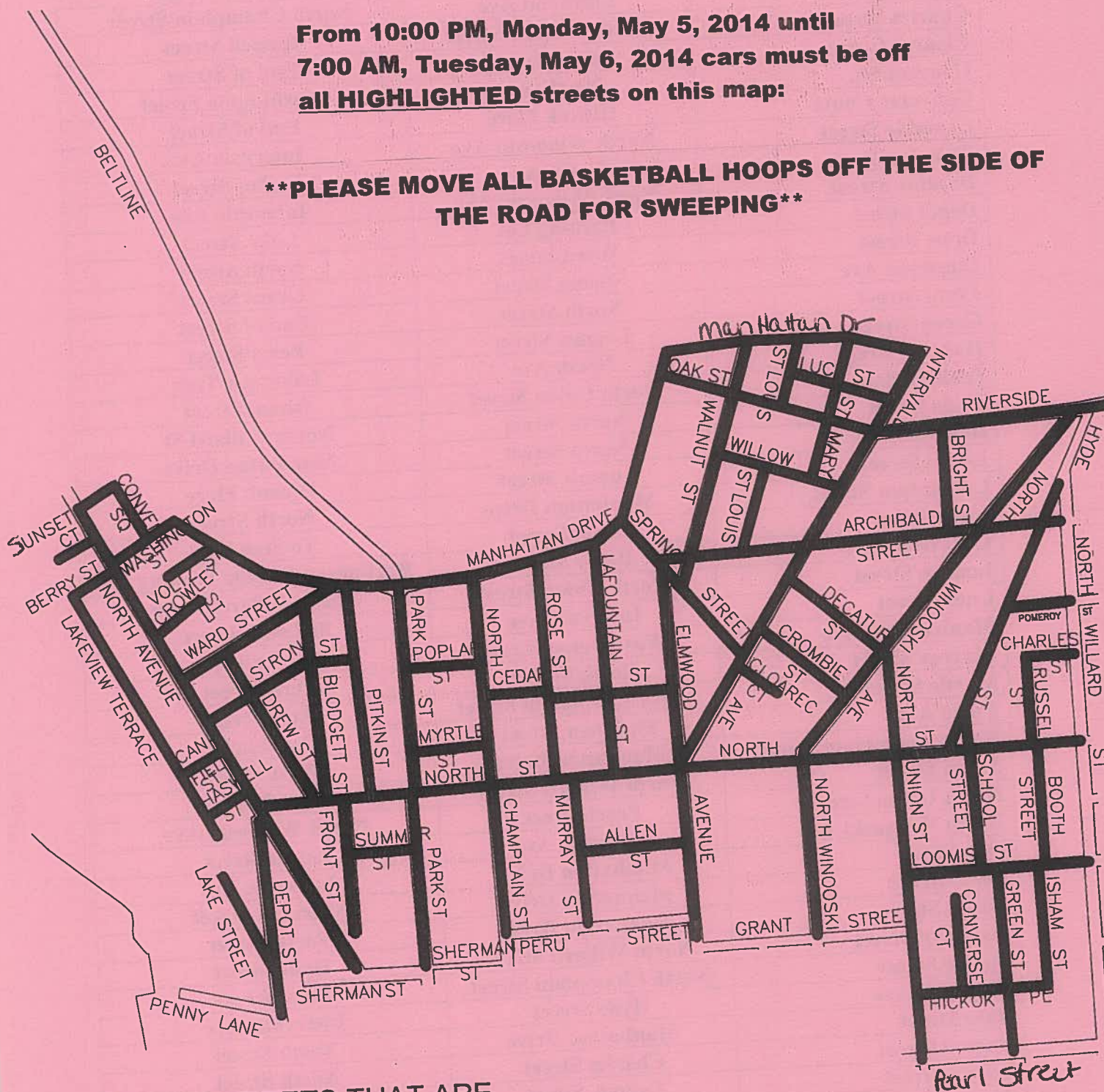


CLEAN SWEEP

is coming to The Old North End!
Is that your neighborhood?

From 10:00 PM, Monday, May 5, 2014 until 7:00 AM, Tuesday, May 6, 2014 cars must be off all HIGHLIGHTED streets on this map:

****PLEASE MOVE ALL BASKETBALL HOOPS OFF THE SIDE OF THE ROAD FOR SWEEPING****



*ONLY STREETS THAT ARE HIGHLIGHTED WILL BE SWEEPED (SEE BACK FOR STREET LISTING)

**Any car not off these streets will be towed at owner's expense (\$125).
Parking ban lights will be on.**

Free parking will be available at the following city lots from 10:00 PM, May 5, 2014 till 8:00 AM, May 6, 2014: Cherry Street Garage (Macy's - 45 Cherry St), College Street Garage (Hilton), South Winooski Garage (Marketplace).

Your cooperation will make it possible for Public Works to do a great job in sweeping the streets of your neighborhood!

Any Questions? Please call 658-7669 or 863-9094 or visit our website at www.burlingtonvt.gov/dpw (See reverse side for a list of streets to be swept)

Street	From	To
Allen Street	Elmwood Ave	Murray Street
Archibald Street	North Willard Street	Spring Street
Berry Street	North Ave	Lakeview Terr
Blodgett Street	Ward Street	North Street
Booth Street	North Street	Loomis Street
Bright Street	Riverside Ave	Archibald Street
Canfield Street	North Ave	Lakeview Terr
Cedar Street	Elmwood Ave	North Champlain Street
Charles Street	North Willard Street	Russell Street
Cloarec Court	Intervalle Ave	End of Street
Convent Sq.	North Ave	Washington Street
Converse Court	Hickok Place	End of Street
Crombie Street	North Winooksi Ave	Intervalle Ave
Crowley Street	North Ave	End of Street
Decatur Street	North Winooksi Ave	Intervalle Ave
Depot Street	Parking Lot	Lake Street
Drew Street	Ward Street	North Street
Elmwood Ave	Spring Street	Grant Street
Front Street	North Street	End of Street
Green Street	Loomis Street	Pearl Street
Haswell Street	North Ave	Lakeview Terr
Hickok Place	North Union Street	Isham Street
Hyde Street	North Street	North Willard St
Intervalle Ave	North Street	Manhattan Drive
Isham Street	Loomis Street	Hickok Place
Lafountain Street	Manhattan Drive	North Street
Lake Street	Depot Street	To Stop Sign
Lakeview Terr	Berry Street	Burlington College Parking Lot
Loomis Street	North Union Street	North Willard Street
Luck Street	Intervalle Ave	St Louis Street
Manhattan Drive	Washington Street	Intervalle Ave
Murray Street	North Street	Peru Street
Myrtle Street	North Champlain Street	Park Street
North Ave	Sherman Street	Convent Sq
North Champlain Street	Manhattan Drive	Peru Street
North Street	North Willard Street	North Ave
North Union Street	Pearl Street	North Winooksi Ave
North Winooksi Ave	Riverside Ave	Grant Street
Oak Street	Manhattan Drive	Intervalle Ave
Park Street	Manhattan Drive	Manhattan Drive
Pitkin Street	Manhattan Drive	Sherman Street
Pomeroy Street	North Willard Street	North Street
Poplar Street	North Champlain Street	Hyde Street
Riverside Ave	Hyde Street	Intervalle Ave
Rose Street	Manhattan Drive	North Street
Russell Street	Charles Street	North Street
School Street	Loomis Street	North Street
Spring Street	Intervalle Ave	Hyde Street
St Louis Street	Manhattan Drive	Manhattan Drive
St Louis Street	Willow Street	Oak Street
St Mary Street	Willow Street	Archibald Street
Strong Street	Pitkin Street	Manhattan Drive
Summer Street	Front Street	North Ave
Sunset Court	North Ave	Park Street
Voltz Street	Manhattan Drive	End of Street
Walnut Street	Manhattan Drive	End of Street
Washington Street	Manhattan Drive	Spring Street
Willow Street	Manhattan Drive	North Ave

Zone- G



STREET SWEEPING ZONE D



*ONLY STREETS THAT ARE
HIGHLIGHTED WILL BE SWEEPED
(SEE BACK FOR STREET LISTING)

****PLEASE MOVE ALL BASKETBALL HOOPS
OFF THE SIDE OF THE ROAD FOR SWEEPING****

CLEAN SWEEP

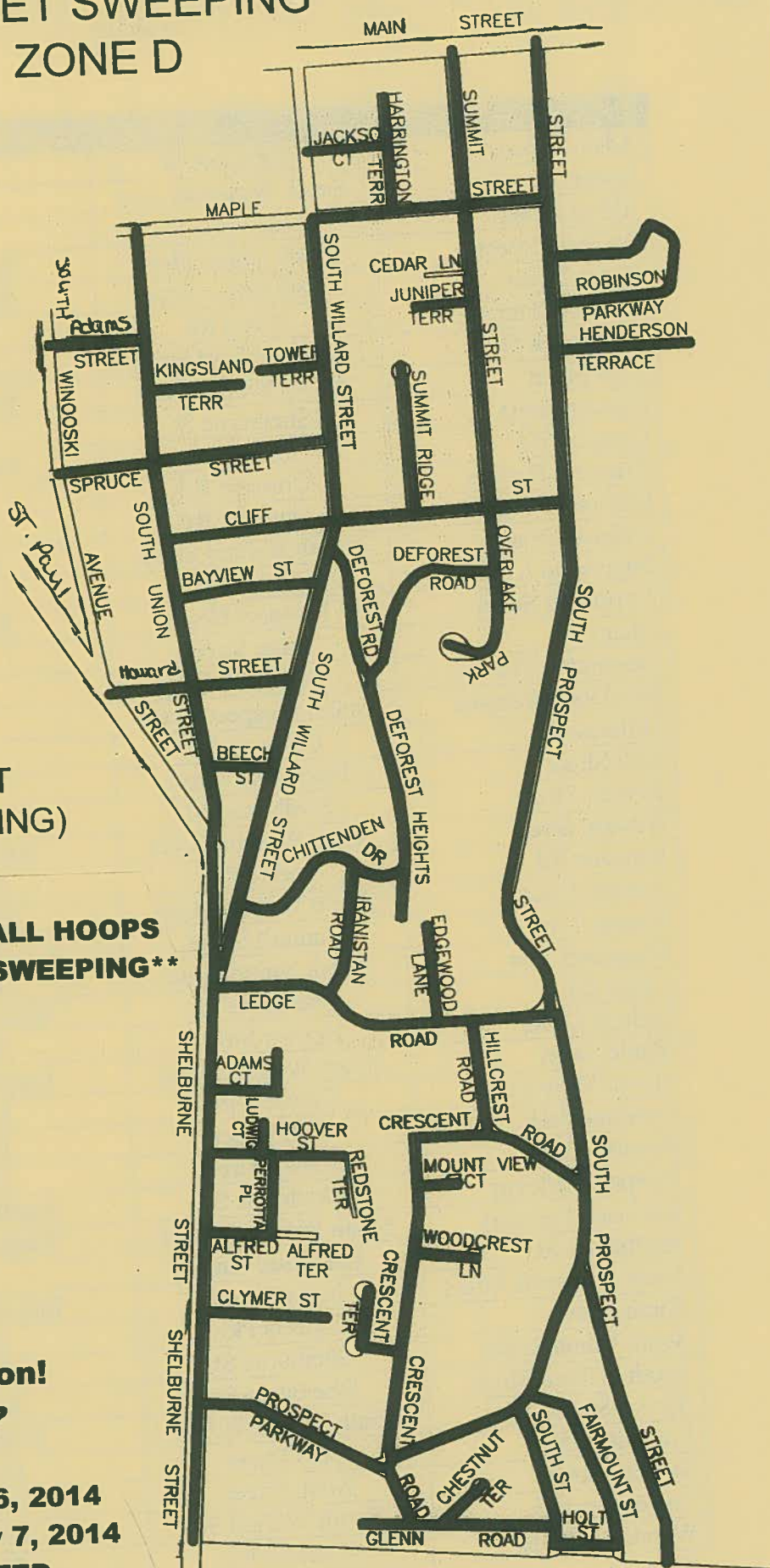
**is coming to The Hill Section!
*Is that your neighborhood?***

**From 10:00 PM, Tuesday, May 6, 2014
until 7:00 AM, Wednesday, May 7, 2014
cars must be off all HIGHLIGHTED
streets on this map. Any car not off these
streets will be towed At owner's expense
(\$125). Parking ban lights will be on.**

**Free parking will be available at the following city lots from 10:00 PM, May 6,
2014 till 8:00AM, May 7, 2014: Cherry Street Garage (Macy's - 45 Cherry St),
College Street Garage (Hilton), South Winooski Garage (Marketplace).**

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sweeping the streets of your neighborhood!**

**Any Questions? Please call 658-7669 or 863-9094 or visit our website at
www.burlingtonvt.gov/dpw (See reverse side for a list of streets to be swept)**

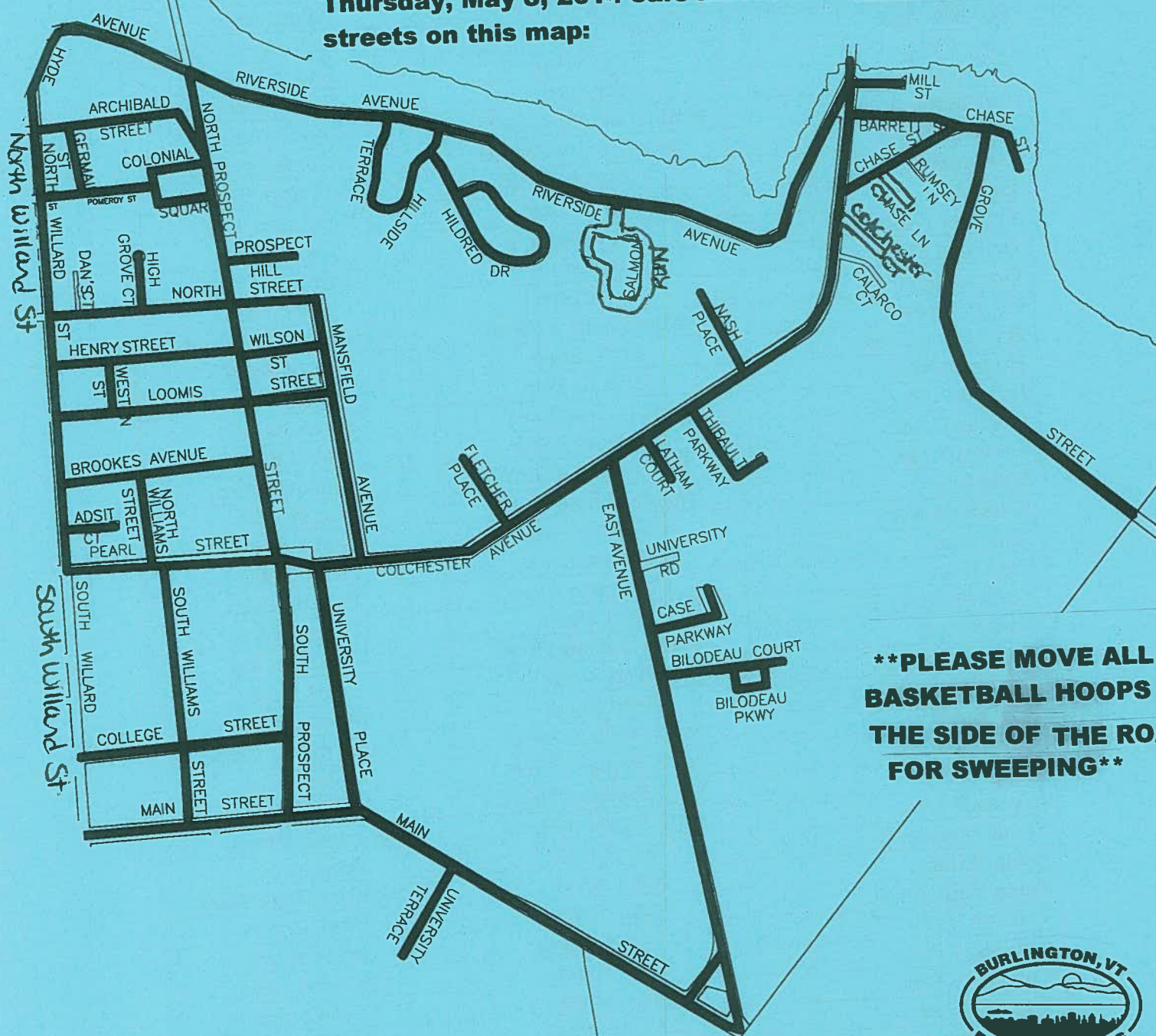


Street	From	To
Adams Court	Shelburne St	End of Street
Adams St	South Winooksi Ave	South Union St
Alfred Street	Shelburne St	Perotta Place
Bayview Street	South Union Street	South Willard Street
Beech Street	South Union Street	South Willard Street
Chestnut Terrace	Glenn Rd	End of Street
Chittenden Dr	South Willard Street	Deforest Heights
Cliff Street	South Union Street	South Prospect Street
Clymer Street	Shelburne St	End of Street
Crescent Rd	Glenn Rd	South Prospect Street
Crescent Terrace	Crescent Rd	End of Street
Deforest Heights	Deforest Rd	End of Street
Deforest Road	South Willard Street	End of Street
Edgewood Lane	Ledge Rd	End of Street
Fairmount Street	Prospect Pkwy	Rice High School
Glenn Rd	South Street	End of Street
Harrington Terrace	Maple Street	End of Street
Henderson Terrace	South Prospect Street	End of Street
Hillcrest Rd	Crescent Rd	Ledge Rd
Holt Street	Fairmount Street	South Street
Hoover Street	Shelburne Rd	Redstone Terr
Howard Street	South Winooksi Ave	South Willard Street
Iranistan Rd	Ledge Rd	Chittenden Dr
Jackson Court	South Willard Street	Harrington Terr
Juniper Terr	Summit Street	End of Street
Kingsland Terr	South Union Street	End of Street
Ledge Rd	Shelburne St	South Prospect Street
Ludwig Court	Hoover Street	End of Street
Maple Street	South Willard Street	South Prospect Street
Mount View Court	Crescent Rd	End of Street
Overlake Park	Cliff Street	End of Street
Perotta Place	Hoover Street	Alfred Street
Prospect Parkway	Shelburne St	South Prospect Street
Robinson Parkway	South Prospect Street	South Prospect Street
Shelburne St	East Side Only	
South Prospects Street	Main Street	End of Street by Rice
South Street	Prospects Pkwy	Holt Street
South Union Street	Shelburne St	Maple Street
South Willard Street	Shelburne St	Maple Street
Spruce Street	South Winooksi Ave	South Willard St.
Summit Ridge	Cliff Street	End of Street
Summit Street	Main Street	Overlake Park
Tower Terrace	South Willard St	End of Street
Woodcrest Lane	Crescent Rd	End of Street

Zone - D

is coming to The University Area! Is that your neighborhood?

From 10:00 PM, Wednesday, May 7, 2014 until 7:00 AM, Thursday, May 8, 2014 cars must be off all HIGHLIGHTED streets on this map:



****PLEASE MOVE ALL
BASKETBALL HOOPS OFF
THE SIDE OF THE ROAD
FOR SWEEPING****



***ONLY STREETS THAT ARE HIGHLIGHTED WILL BE SWEEPED (SEE BACK FOR STREET LISTING)**

**Any car not off these streets will be towed
At owner's expense (\$125). Parking ban lights will be on.**

Free parking will be available at the following city lots from 10:00 PM, May 7, 2014 till 8:00 AM, May 8, 2014: Cherry Street Garage (Macy's - 45 Cherry St), College Street Garage (Hilton), South Winooski Garage (Marketplace).

Your cooperation will make it possible for Public Works to do a great job in sweeping the streets of your neighborhood!

Any Questions? Please call 658-7669 or 863-9094 or visit our website at www.burlingtonvt.gov/dpw (See reverse side for a list of streets to be swept)

Street	From	To
Adsit Ct.	North Willard Street	End of Street
Archibald Street	North Willard Street	North Prospect Street
Barrett Street	Colchester Ave	Chase Street
Bilodeau Court	East Ave	End of Street
Bilodeau Pkwy	Bilodeau Ct	End of Street
Brookes Ave	North Willard Street	North Prospect Street
Case Pkwy	East Ave	End of Street
Chase Street	Colchester Ave	Barrett Street
Colchester Ave	North/South Prospect Street	Winooski Bridge
College Street	South Willard Street	South Prospect Street
Colonial Sq	Pomeroy Street	North Prospect Street
East Ave	Main Street	Colchester Ave
Fletcher Place	Colchester Ave	End of Street
Germain Street	Pomeroy	Archibald Street
Grove Street	Chase Street	City Line
Henry Street	North Willard Street	North Prospect Street
Highgrove Court	North Street	End of Street
Hildred Drive	Hillside Terr	Hillside Terr
Hillside Terr	Riverside Ave	Riverside Ave
Latham Court	Colchester Ave	End of Street
Loomis Street	North Willard Street	Colchester Ave
Main Street	South Willard Street	Mansfield Ave
Mansfield Ave	South Willard Street	Jug Handle
Mill Street	Colchester Ave	North Street
Nash Place	Colchester Ave	Pump Station
North Prospect St	Pearl Street	End of Street
North Street	North Willard Street	Riverside Ave
North Willard St	Pearl Street	Mansfield Ave
North Williams St	Pearl Street	Hyde Street
Pearl Street	South Willard Street	Brookes Ave.
Pomeroy Street	South Willard Street	South Prospect Street
Prospect Hill	North Willard Street	Colonial Sq
Riverside Ave	North Prospect Street	End of Street
South Prospect St	North Prospect Street	Winooski Bridge
South Willard	Main Street	Pearl Street
South Williams St	Main Street	Pearl Street (both sides)
Thibault Pkwy	Main Street	Pearl Street
University Place	Colchester Ave	End of Street
University Terr	Main Street	Colchester Ave
Weston Street	Main Street	End of Street
Wilson Street	Loomis Street	Henry Street

Zone-E

STREET SWEEPING ZONE C



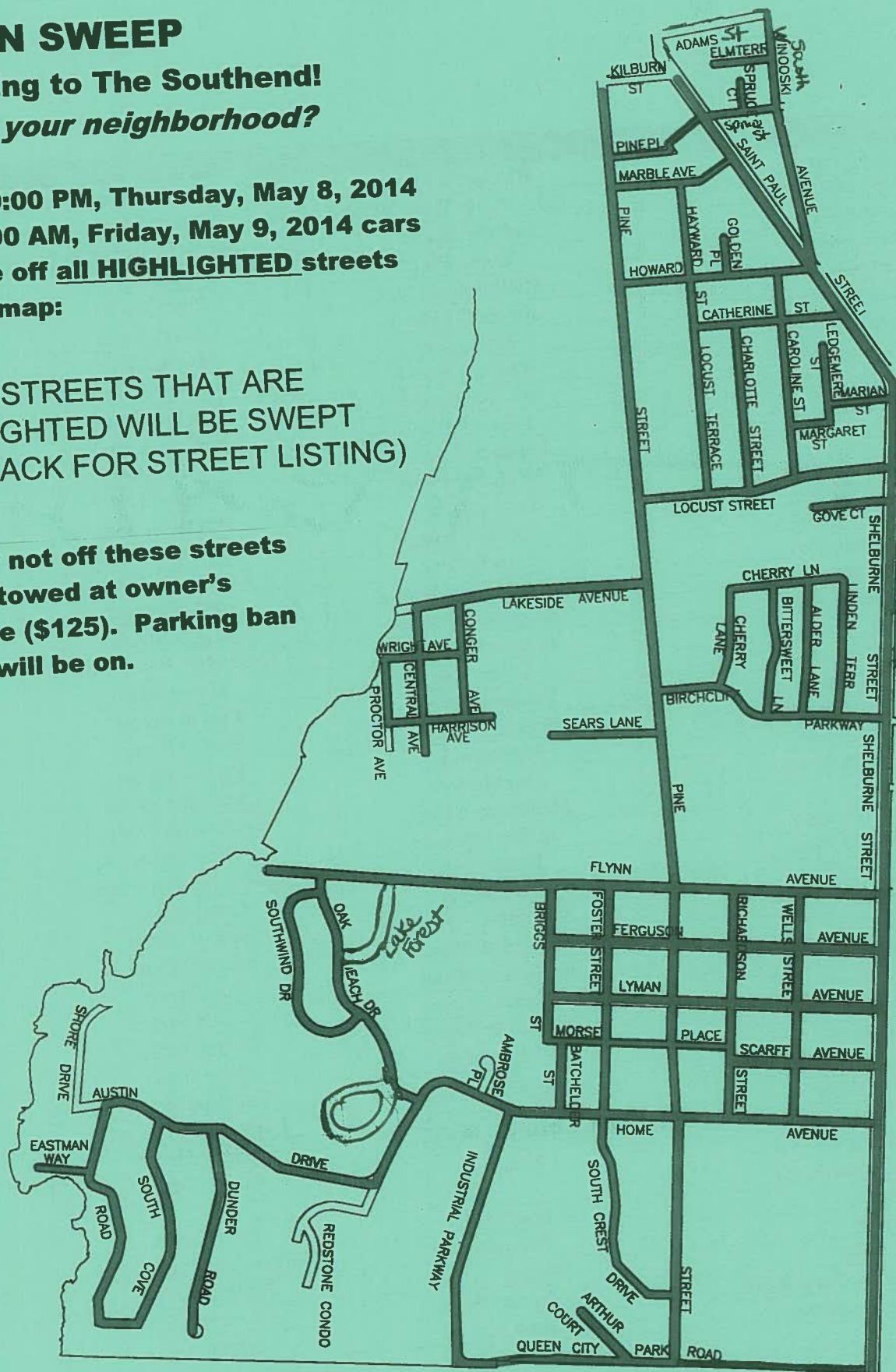
CLEAN SWEEP

is coming to The Southend!
Is that your neighborhood?

From 10:00 PM, Thursday, May 8, 2014
until 7:00 AM, Friday, May 9, 2014 cars
must be off **all HIGHLIGHTED** streets
on this map:

*ONLY STREETS THAT ARE
HIGHLIGHTED WILL BE SWEEPED
(SEE BACK FOR STREET LISTING)

Any car not off these streets
will be towed at owner's
expense (\$125). Parking ban
lights will be on.



****PLEASE MOVE ALL BASKETBALL HOOPS OFF THE SIDE OF
THE ROAD FOR SWEEPING****

Free parking will be available at the following city lots from 10:00 PM,
May 8, 2014 till 8:00 AM, May 9, 2014 at the Cherry Street Garage
(Macy's - 45 Cherry St), College Street Garage (Hilton), South Winooski
Garage (Marketplace).

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job in sweeping the streets of your neighborhood!

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at www.burlingtonvt.gov/dpw (See reverse side for a list of streets to
be swept)



Street	From	To
Alder Lane	Birchcliff Pkwy	Cherry Lane
Arthur Court	Queen City Park Road	End of Street
Austin Drive	Industrial Pkwy	South Cove Drive
Batchelder	Morse Place	Home Ave
Birchcliff Pkwy	Shelburne Street	Pine Street
Bittersweet Lane	Birchcliff Pkwy	Cherry Lane
Briggs Street	Flynn Ave	Morse Place
Caroline Street	Howard Street	Locust Street
Catherine Street	St Paul Street	Locust Terr
Central Ave	Lakeside Ave	Locust Terr
Charlotte Street	Catherine Street	Locust Street
Cherry Lane	Birchcliff Pkwy	Cherry Lane
Conger Ave	Howard Street	Howard Street
Dunder Road	Austin Drive	Howard Street
Eastman Way	South Cove	Howard Street
Elm Terr	South Winookski Ave	Howard Street
Ferguson Ave	Shelburne Street	Howard Street
Flynn Ave	Shelburne Street	Howard Street
Foster Street	Shelburne Street	Howard Street
Golden Place	Flynn Ave	Howard Street
Gove Court	Howard Street	Howard Street
Harrison Ave	Shelburne Street	Howard Street
Hayward Street	Proctor Ave	Howard Street
Home Ave	Marble Ave	Howard Street
Howard Street	Shelburne Street	Howard Street
Industrial Pkwy	St Paul Street	Howard Street
Lakeside Ave	Home Ave	Howard Street
Ledgemere Street	Pine Street	Howard Street
Linden Terr	Margaret Street	Howard Street
Locust Street	Birchcliff Pkwy	Howard Street
Locust Terr	Shelburne Road	Howard Street
Lyman Ave	Catherine Street	Howard Street
Marble Ave	Shelburne Street	Howard Street
Margaret Street	St Paul Street	Howard Street
Marian Street	Ledgemere Street	Howard Street
Morse Place	Shelburne Street	Howard Street
Oak Beach Dr (Not including the loop)	Richardson Street	Howard Street
Pine Place	Flynn Ave	Howard Street
Pine Street	St Paul Street	Howard Street
Proctor Ave	Kilburn	Howard Street
Queen City Park Road	Wright Ave	Howard Street
Richardson Street	Shelburne Road	Howard Street
Scarff Ave	Flynn Ave	Howard Street
Sears Lane	Shelburne Street	Howard Street
Shelburne St	Pine Street	Howard Street
South Cove Road	St Paul Street	Howard Street
South Crest Drive	Austin Drive	Howard Street
Southwind Drive	Home Ave	Howard Street
South Winookski Ave	Oak Beach Drive	Howard Street
Spruce Ct	Adams St	Howard Street
St. Paul Street	Spruce St	Howard Street
Wells Street	Kilburn	Howard Street
Wright Ave	Flynn Ave	Howard Street
Zone C		
End of Street	Conger Ave	Howard Street
Home Ave	Flynn Ave	Howard Street
Shelburne Street	Kilburn	Howard Street
End of Street	Spruce St	Howard Street
St Paul St	Adams St	Howard Street
Oak Beach Drive	Oak Beach Drive	Howard Street
Pine Street	Home Ave	Howard Street
Austin Drive	Austin Drive	Howard Street
Queen City Park Road	St Paul Street	Howard Street
End of Street	St Paul Street	Howard Street
Richardson Street	Pine Street	Howard Street
Home Ave	Shelburne Street	Howard Street
Industrial Pkwy	Flynn Ave	Howard Street
Harrison Ave	Shelburne Road	Howard Street
Queen City Park Road	Wright Ave	Howard Street
Pine Street	Kilburn	Howard Street
Austin Drive	St Paul Street	Howard Street
Briggs Street	Flynn Ave	Howard Street
Ledgemere Street	Richardson Street	Howard Street
Caroline Street	Shelburne Street	Howard Street
Pine Street	Ledgemere Street	Howard Street
Briggs Street	St Paul Street	Howard Street
Locust Street	Shelburne Street	Howard Street
Pine Street	Catherine Street	Howard Street
Cherry Lane	Shelburne Road	Howard Street
End of Street	Birchcliff Pkwy	Howard Street
Central Ave	Margaret Street	Howard Street
Queen City Park Road	Pine Street	Howard Street
Pine Street	Home Ave	Howard Street
Industrial Pkwy	St Paul Street	Howard Street
Catherine Street	Shelburne Street	Howard Street
End of Street	Marble Ave	Howard Street
End of Street	Proctor Ave	Howard Street
End of Street	Shelburne Street	Howard Street
Home Ave	Howard Street	Howard Street
Oakledge Park Gate	Flynn Ave	Howard Street
Briggs Street	Shelburne Street	Howard Street
End of Street	Shelburne Street	Howard Street
End of the Street	South Winookski Ave	Howard Street
End of Street	South Cove	Howard Street
Harrison Ave	Austin Drive	Howard Street
Linden Terr	Lakeside Ave	Howard Street
Locust Street	Birchcliff Pkwy	Howard Street
Harrison Ave	Catherine Street	Howard Street
Locust Terr	Lakeside Ave	Howard Street
Locust Street	St Paul Street	Howard Street
Morse Place	Howard Street	Howard Street
Cherry Lane	Flynn Ave	Howard Street
Pine Street	Birchcliff Pkwy	Howard Street
Home Ave	Shelburne Street	Howard Street
South Cove Drive	Morse Place	Howard Street
Cherry Lane	Industrial Pkwy	Howard Street
End of Street	Queen City Park Road	Howard Street
Cherry Lane	Birchcliff Pkwy	Howard Street

BURLINGTON DEPARTMENT OF PUBLIC WORKS COMMISSION
MINUTES, April 16, 2014
645 Pine Street
(DVD of meeting on file at DPW)

COMMISSIONERS PRESENT: Tiki Archambeau, Asa Hopkins, Nathan Lavery (Chair), Solveig Overby, and Jeffrey Padgett.

COMMISSIONERS ABSENT: Bob Alberry and Mark Porter (Vice Chair)

Commissioner Lavery called the meeting to order at 6:32 p.m.

ITEM 1 – AGENDA

Commissioner Hopkins moved to remove the decision for Item 4:30 (North Avenue/Packard Lofts)

ITEM 2 – PUBLIC FORUM – No one came forward.

ITEM 3 – CONSENT AGENDA (Refer to Commission Packet)

3.10 Mill Street Resident Parking

- “Staff recommends that the Commission deny the petitioners request for a resident only parking restriction on Mill St.”

3.20 Henry Street Parking Request

- “Staff recommends the Commission adopt:
 - Three 15 minute parking spaces, Monday through Friday, 7:00 am to 6:00 pm labeled 15D;
 - One 15 minute parking space, Monday through Friday, 12:00 pm to 6:00 pm labeled 15P;
 - One 35 foot Truck Loading Zone, Monday through Friday, 7:00 am to 12:00 pm Labeled V.”

3.30 Bright Street Parking Request

- “Staff recommends that the Commission adopt a parking restriction on the east side of Bright Street between the driveways of 24 and 26 Bright Street.”

3.40 Colchester Avenue at University Place Parking Request

- “Staff recommends the Commission deny the request to install a crosswalk across Colchester Avenue at University Place.”

3.50 Flynn Avenue Sidewalk

- Per packet, last paragraph: “We are currently in the process of negotiating agreements with some affected residents where we will need temporary access during construction. Once these agreements are settled, we will be able to complete the next plan submittal. Public Works will circulate the updated set of plans for public review and comment before finalizing them. We expect the public comment period to occur in the next 1-2 months. Since the current design is consistent with the Commission’s preferred alternative, selected in 2010, no additional authorization is needed prior to construction. The department hopes to construct the sidewalk this fall.”

Commissioner Archambeau asked for clarification about the issue of cars parking on Mill St.

Joel Fleming, Engineering Tech. understands the issue as cars coming in the morning, parking for the work day and leaving in the afternoon.

Commissioner Hopkins moved to accept staff recommendations; Commissioner Archambeau seconded. Unanimous.

ITEM 4 – 237 NORTH AVENUE/PACKARD LOFTS

(Communication, Joel Fleming, Engineering Tech.)

(Refer to Commission packet for “North Avenue at Berry Street loading zone)

“Staff recommendation to the Commission is to:

- Approve the construction of a turn-out described in the attached drawing; and
- Establish two 30 minute parking spaces within the turnout described on the west side of North Avenue in the first two spaces north of Berry Street.”

Joel Fleming, Engineering Tech gave an overview of the proposal. Staff is looking for Commission input tonight and will return to the Commission for action at an upcoming meeting after soliciting neighborhood input on the proposal.

Commissioner Overby was concerned about plowing this type of space because it is right up against the sidewalk.

Commissioner Padgett questioned who the spaces were requested by, Development Review Board or Developer?

Director Spencer stated that the developer’s plans as part of their 2005 DRB application included on-street parking and a loading zone on North Avenue that would have discontinued the bike lanes and DPW did not raise it as an issue at that time. Responsibility lays on both parties – City requesting that the project be redesigned to be in accordance to new policy and developer agreed to provide a loading zone on North Ave. Project is proposed to be paid for by Developer and City as described in Director Spencer’s memo.

Commissioner Archambeau & Commissioner Overby are not convinced that we are compelled to do this.

Commissioner Hopkins asked the difference on deliveries and loading zone. Can they be the same?

Norm Baldwin, City Engineer stated that before we move ahead we will revisit all pieces of this process.

Jason Van Driesche, Local Motion, commented that biking is very important and future plans to be able have a bike lane both ways would not work with a bump out. He encourages this plan or one similar to it to be adopted.

This item will be revisited next month after seeking neighborhood feedback.

ITEM 5 – FY15 PARKING RATES DISCUSSION

(Communication, Pat Buteau, Assistant Director) (Refer to Commission packet)

Pat Buteau, Assistant Director, DPW estimates the FY’15 Traffic Fund budget will have a \$300,000 operating deficit if no changes to our operations or rates are made. Looking forward, the Traffic Fund will have to address the following needs:

- Deliver a balanced operating budget
- Prepare to fund significant upcoming capital investments in the aging garages
- Invest in new payment technologies to enhance the customer experience
- Build a reserve fund to enable the Traffic Fund to meet future unplanned or emergency needs

There have been no rate increases since 2009. Our traffic fund is nearly depleted and we have delayed significant capital repairs that need to be made. After getting input here and in other forums, a proposed package of operational changes and/or rate increases will be brought to the Commission in May or June.

Commissioner Padgett asked if we believe the market will bear these changes.

Pat Buteau, Assistant Director stated that private garage rates are higher than our rates. There will be an increase in revenue with cell phone and credit card capability.

Commissioner Overby supports the meter rate changes – feels it is a positive thing.

Commissioner Lavery wants to stress the advantage of the system with the new rates.

ITEM 6 – SIDEWALK CAPITAL FUNDING DISCUSSION

(Communication/Presentation, Nicole Losch, Environmental Planner & Norm Baldwin, City Engineer)
(Refer to Commission packet & DVD)

Norm Baldwin, City Engineer, explained that the Department is working to develop a sustainable approach to expanding and maintaining our sidewalk and curb infrastructure. We estimate the life cycle of our sidewalk at 35 years and our curb at 75 years. We need to maintain what we already have and need to think about how to connect everything together. We currently have 127.3 miles of sidewalk. We spend about \$600,000 a year on improvements and currently are on a 127 year life cycle. Typical deficiencies for sidewalks include spalling, drainage issues, vertical displacement and cracking. A full build-out of curbing would result in approximately 700,500 feet of curbing. DPW is looking at funding options.

Commissioner Overby asked about ponding issues and factors we need to look at.

Norm Baldwin, City Engineer, explained that drainage, grading and greenbelt shaving is needed to prevent this. Encourages citizens to use our RFS (request for service) to make us aware of issues that need to be looked at but understand that we don't have adequate funding.

Nicole Losch, Environmental Planner, stated that 10 % of our sidewalk budget currently goes toward curb and greenbelt restoration.

Commissioner Hopkins & Padgett asked if it made sense to have curb work done with paving work?

Commissioner Lavery wants DPW to do more creative thinking to find funding. What are all the options that we can think of?

Jason Van Driesche, Local Motion, said that 20% of travel to work is on foot and increased investments would likely encourage more pedestrian trips/. Sidewalks are a community wide asset.

ITEM 7 – MINUTES, MARCH 19, 2014

Commissioner Archambeau moved to accept the minutes, Commissioner Hopkins seconded. All in favor.

ITEM 8 – DIRECTOR’S REPORT (Chapin Spencer, Director) (Refer to Commission packet)

Thank you to Erin Demers for seven years of service to DPW.

Parklet pilot – Staff will continue to get information. Found out that people would like to give it more time.

May 16th – Lunch for DPW, Parks & Code Enforcement for a very challenging winter. Commissioners are welcome to attend.

Thank you staff for being responsive to Leddy Park Rd and Appletree Point Rd paving.

ITEM 9 – COMMISSIONER COMMUNICATIONS

Commissioner Archambeau – 1. October 2013- commission meeting regarding Manhattan Dr & Oak St. Stop sign - item being voted down, would like to see a different alternative for security and peace of mind for intersection. 2. Would like to amend October minutes as he was not present for meeting and item states he approved.

Commissioner Overby – Would like more information on sidewalk science.

Commissioner Lavery – Thanks to snow removal staff – things went as good as can be expected. Clean sweep will be happening April 30- May 9.

ITEM 10 – NEXT MEETING DATE & ADJOURNMENT

The next DPW Commission meeting is scheduled for Wednesday, May 21, 2014 at 6:30pm.

Commissioner Archambeau moved to adjourn at 8:24p.m.; Commissioner Padgett seconded. Unanimous.

Non-Discrimination

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