

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
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Emily O'Hara (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, February 21, 2023, 5:00 PM

PUBLIC HEARING NOTICE

In Person (at 645 Pine Street) Meeting

- 1. ZAP-23-1; 126 College Street (FD6, Ward 3C) Investors Corporation of VT / Julia Booth**
Appeal of zoning denial (ZPS-22-69) to install wall sign for Vermont Law School.

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

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

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AGENDA

In Person (at 645 Pine Street) Meeting

I. Agenda

II. Communications

III. Minutes

IV. Consent

- 1. ZP-23-27; 655 Spear Street (I, Ward 6S) UVM State Agricultural College / Claire Forbes**
Proposed demolition, removal, and disposal of UVM's BioResearch Laboratory building. Site will be seeded, and a silt fence installed to protect wetland buffer. (Project Manager, Mary O'Neil)

V. Public Hearing

- 1. ZAP-23-1; 126 College Street (FD6, Ward 3C) Investors Corporation of VT / Julia Booth**
Appeal of zoning denial (ZPS-22-69) to install wall sign for Vermont Law School. (Project Manager, Scott Gustin)

VI. Certificate of Appropriateness

- 1. ZP-23-9; 98 Sunset Cliff Road (RL-W, Ward 4N) Keye & Lucy Wong / Elizabeth Herrmann**
Demolish existing single-family residence and construct new single-family residence with associated site improvements. (Project Manager, Scott Gustin)

VII. Adjournment

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Department of Permitting and Inspections

Zoning Division

645 Pine Street

Burlington, VT 05401

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

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

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



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: February 21, 2023

RE: ZP-23-27; 655 Spear Street

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

File: ZP-23-27

Location: 655 Spear Street

Zone: I **Ward:** 6S

Parking District: Shared Use

Date application accepted:

Applicant/ Owner: Claire Forbes / University of Vermont & State Agricultural College

Request: Proposed demolition, removal, and disposal of UVM's BioResearch Laboratory building. Site will be seeded, and a silt fence installed to protect wetland buffer.



Background:

- **Zoning Permit 96-446;** Installation of two 25'X 48'X 9' Greenhouses immediately to the north of the existing greenhouse for research and experimental purposes. April 1996.
- **Zoning Permit 93-014** Relocation of 18'X 48' (9' High) greenhouse from the Hills Science building to the Bio-Research complex near the Entomology Lab. July 1992.

Overview:

Proposed demolition, removal, and disposal of UVM's BioResearch Laboratory building. Site will be seeded, and a silt fence installed to protect wetland buffer.

The University of Vermont is an educational institution and, therefore, is subject to only limited zoning review per 24 VSA, Sec. 4413, *Limitations on municipal bylaws*. This application may be reviewed only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements. *and only to the extent that regulations do not have the effect of interfering with the intended functional use.*

Recommended motion: Certificate of Appropriateness Consent approval, per the following Findings and Conditions:

I. Findings**Article 2: Administrative Mechanisms****Section 2.7.8 Withhold Permit**

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

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

The applicant has two open permits for this parcel (re-numbered under *Open Gov*, but matching the project descriptions defined under “Background”, above):

ZP-1996-145	Zoning Permit	Apr. 10, 1996	ACTIVE
ZP-1992-266 29707 – PROJECT...	Zoning Permit	Jul. 8, 1992	ACTIVE

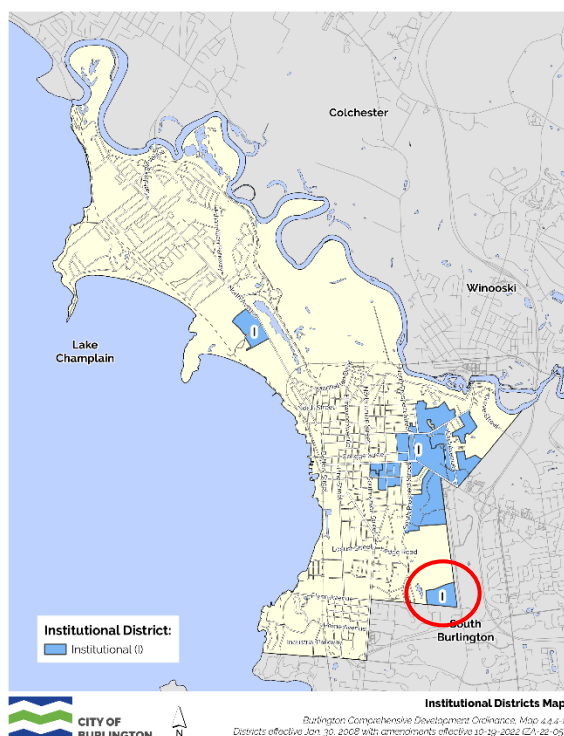
Both must be closed out and issued a Certificate of Occupancy prior to securing a CO for this application. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts

Sec. 4.4.4 Institutional District

(a) Purpose:

*The **Institutional District (I)** as illustrated in Map 4.4.4-1 allows for increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city's major public and higher education and health care institutions within their respective institutional missions. New development is intended to be sensitive the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods.*



This district is intended to support a broad range of related uses reflecting the resident institutions' roles as either regional education, health care, cultural and research centers or municipal educational facilities. Buildings should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sensitive transitions between adjacent lower scale residential and open space areas and larger scale institutional development should be provided. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures.

(b) Dimensional Standards and Density:

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

Table 4.4.4 -1 Dimensional Standards and Density

Districts	Max. Intensity	Max. Lot Coverage ¹	Building Setbacks ¹ (feet)			Max. Height ¹ (feet)
			Front ²	Side ³	Rear ³	
Institutional	20 du/ac (24 du/acre with inclusionary req.)	40% (48% with inclusionary req.)	<u>Minimum:</u> 15-feet	10% of lot width <u>Min:</u> 5-ft <u>Max required:</u> 20-feet	25% of lot depth <u>Min:</u> 20-feet <u>Max required:</u> 75-feet	35'
655 Spear Street Application	n/a	10.97%	<u>n/a</u>	n/a	n/a	n/a

1 –Measurement of and exceptions to coverage, setback and height standards are found in Art 5.

2 –The calculation of the front yard setback shall be a percentage of lot width and depth or as defined and described in Art 5.

3 – Maximum allowable lot coverage, setbacks and building height in portions of this district may be modified by the provisions of the Institutional Core Campus Overlays in Sec. 4.5.2, where applicable.

Affirmative finding.

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Institutional district shall be as defined in Appendix A – Use Table and as modified by provisions of the Institutional Core Campus Overlays in Sec. 4.5.2 where applicable.

There are no requested changes of use; the application is for demolition and removal of the former Bioresearch lab building. **Affirmative finding.**

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

Not applicable.

Section 5.2.2 Required Frontage or Access

No changes are proposed to access. Not applicable.

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.4 -1, above.

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

With building removal, there are no implications for setbacks. **Affirmative finding.**

Section 5.2.6 Building Height Limits

Not applicable.

Section 5.2.7 Density and Intensity of Development Calculations

Not applicable.

Part 3: Non Conformities

Not applicable.

Sec. 5.4.8 Historic Buildings and Sites

The building is not listed on the state or National Register of Historic Resources.

Not applicable.

Article 6: Development Review

Part 1: Land Division Design Standards

No land division is proposed. Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a)Protection of Important Natural Features:

The demolition site is close to a wetlands buffer. The plan includes protection of the identified wetland buffer, with installation of silt fence for erosion control and barrier fencing. See Plan C-3.0. **Affirmative finding.**

(b) Topographical Alterations:

The application proposes to remove and dispose of existing building, slab, foundation/footing. Materials will be recycled or disposed, as appropriate. Fill will be added as necessary to provide smooth and positive sloping subgrade. 4" of topsoil will then be added; with seeding and mulch to complete the site. An Erosion Prevention and Sediment Control Plan is required; approval by the Stormwater Program engineer a condition of approval. **Affirmative finding as conditioned.**

(c) Protection of Important Public Views:

Not applicable.

(d) Protection of Important Cultural Resources:

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

Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

Not applicable.

(f) Brownfield Sites:

Not applicable.

(g) Provide for nature's events:

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

The plans include installation of Silt fence and barrier fencing to protect the adjacent wetland buffer. An EPSC plan will be required as more than 400 sf will be disturbed as part of this project. **Affirmative finding as conditioned.**

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

Not applicable.

(h) Building Location and Orientation:

Not applicable.

(i) Vehicular Access:

No change to existing. **Affirmative finding.**

(j) Pedestrian Access:

No change to existing. **Affirmative finding.**

(k) Accessibility for the Handicapped:

Not applicable.

(l) Parking and Circulation:

Plan C.3.0 is entitled *Bioresearch Complex Parking Improvements*; however this application is focused on building and tree removal only. If any changes are proposed to the complex parking arrangement, the applicant shall more specifically define. Parking changes shall be incorporated into the Joint Institutional Parking Management Plan. **Affirmative finding as conditioned.**

(m) Landscaping and Fences:

Silt and barrier fencing is proposed to prevent runoff and to protect the wetland buffer. The site is intended to be graded; new topsoil added with the area seeded and mulched to create green space. **Affirmative finding.**

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

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

Not applicable.

(p) Integrate infrastructure into the design:

Not applicable.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

Not applicable.

Article 8: Parking

There are no longer any minimum parking standards per Zoning Amendment ZA22-07.

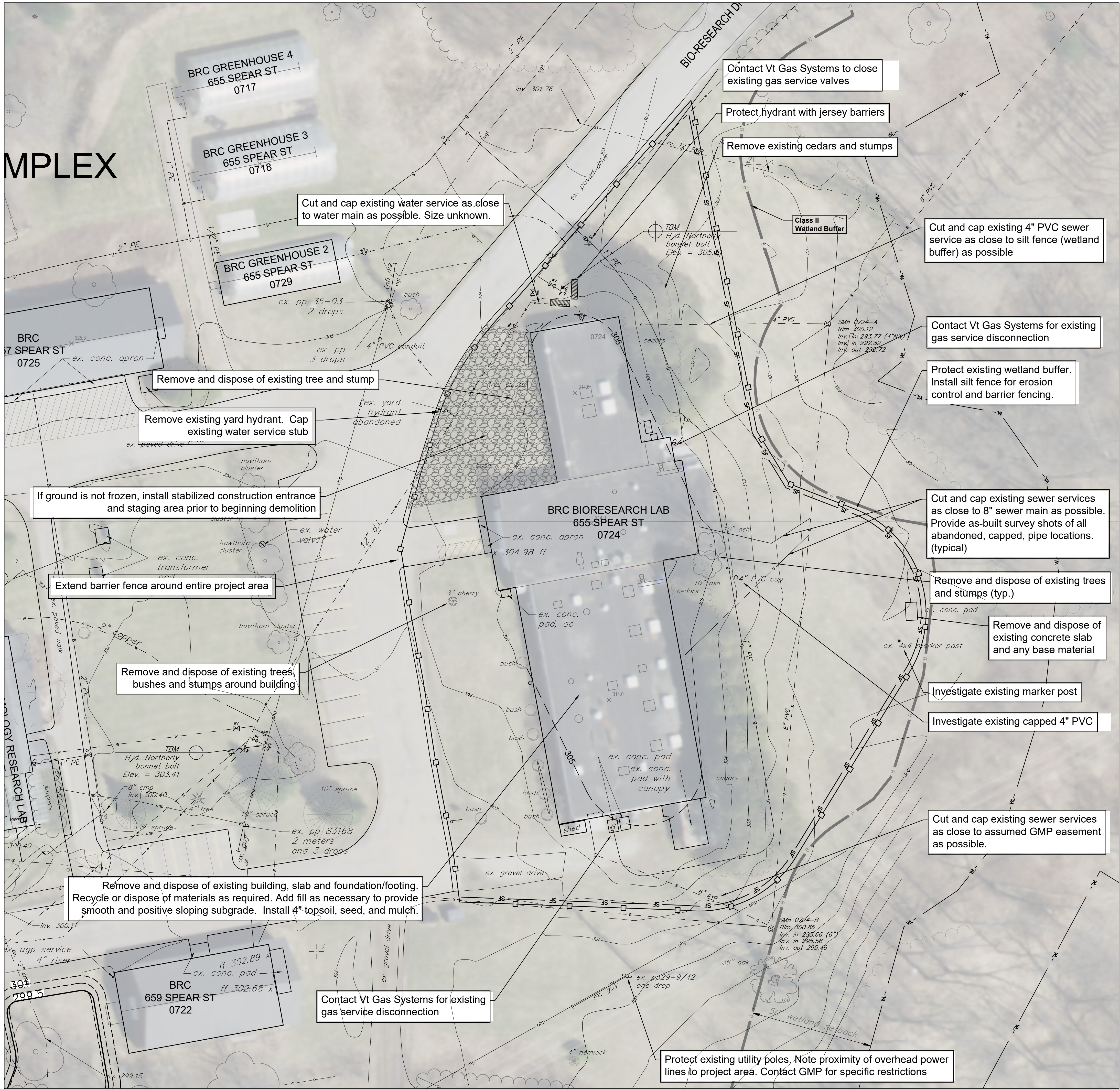
There are no requested changes to the existing parking arrangement within the submission.

Affirmative finding.

II. Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. Two open permits are identified, requiring a Certificate of Occupancy. See Section 2.7.8, above.
2. An Erosion Prevention and Sediment Control plan shall be submitted and is subject to review and approval by the Stormwater Engineer **prior to release of the zoning permit**.
3. All materials shall be disposed of in a safe and legal manner. The applicant shall work with the Vermont Department of Health / Asbestos and Lead program to assure safe removal and disposal of any hazardous materials prior to demolition.
4. If any changes are proposed to the complex parking arrangement, the applicant shall more specifically define. Parking shall be updated within the Joint Institutional Parking Management Plan, as appropriate.
5. Standard Permit Conditions 1-15.

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



Notes:

1. The existing features, shown outside of limits of topographic survey, are base on mapping provide to UVM by the Sells Mapping Company.
2. The underground utilities shown on this plan are based on the UVM Utility Master Plan mapping. Underground utilities are approximate and not warranted to be exact or complete. Dig Safe shall be contacted prior to any excavation.
3. Elevations reference the NAVD 88 vertical datum.
4. Horizontal Coordinates are based on the Vermont State Plan Grid coordinate system.
5. The location of underground electrical lines which service the site lights may not all be shown on this plan. Other electrical lines may also exist which are not shown on this plan.
6. Limited field surveying was completed in March 2022 for this project.
7. Wetlands delineated and located by Arrowwood Environmental on 5/27/2020.

Legend

- Inlet Protection plus Marsh Mat Coir Inlet Filter
- Marsh Mat Coir Inlet Filter over Catch Basin Grate
- Existing Catch Basin
- Existing Contours
- Orange Construction Fence
- Temporary Silt Fence
- Straw wattle (silt fence substitute only where indicated)
- Crushed stone for temporary site stabilization
- Erosion Control Matting

DEMOLITION NOTES

1. The location of underground electrical lines which service the site lights are not necessarily shown on the Civil Plans. Other electrical lines may exist which are not shown on this plan.
2. Refer to specifications for detailed scope of demolition work.
3. Prior to disrupting existing utilities, Contractor shall be responsible for confirming status of all utilities to be abandoned.
4. All abandoned manholes, catch basins, and utility vaults shall be demolished and removed. Plug open ends of all abandoned pipes or conduits with concrete or water tight end cap. Use sand fill (703.03) for all demolition backfill outside the influence of the building (95% standard proctor compaction).
5. The Contractor shall establish temporary chain link fence protection barrier at the drip edge of all existing trees to remain within 10 ft. of construction disturbance.
6. All excess fill, stumps, rock, topsoil, waste, and other material is the exclusive property of the Contractor and shall be removed from the property and disposed of in a State approved disposal location.
7. Contractor shall maintain water and sanitary services to all existing buildings to remain. If water shut down is required provide minimum 72 hour notice to the University.
8. Contractor shall demolish and remove all existing infrastructure necessary to construct the new project as designed. This plan does not show every item to be demolished and may not accurately show the limits of the items to be partially demolished.
9. See Specifications for recycling requirements for site and building.
10. This drawing refers to Civil Site Engineering items, located outside the building, only.
11. Coordinate all trees and vegetation to be removed with the Landscape Architect and UVM.
12. All site light poles being impacted by the project shall be salvaged and reused or delivered to a location identified by the University within a 10 mile radius.
13. For all waterline cut-ins, precast concrete waste blocks shall be used for restraint against ductile iron fittings. Redi-mix concrete shall also be placed between the back of the concrete block and the undisturbed trench soil.
14. Contractor shall coordinate all demolition with fire marshal to maintain fire protection to UVM buildings.
15. Contractor shall work closely with UVM Risk Management Training & Compliance and provide full time support for all work involving asbestos cement pipe. Contractor shall excavate and fully expose pipes, provide safe trench protection for UVM access, remove 15'-18' lengths of pipe from trench and place in ACM Trailer, backfill, compact, and restore surface as described on site plans.

DEMOLITION OF
BIORESEARCH LAB WILL
RESULT IN A NET LOSS OF
12,611 SF

BIORESEARCH COMPLEX
LOT COVERAGE WILL
DECREASE FROM 12.15% TO
10.97%



The
UNIVERSITY
of VERMONT
UVM

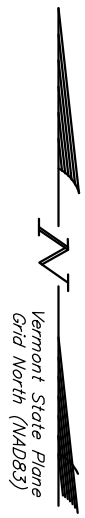
University of Vermont

Physical Plant Department
284 EAST AVENUE
BURLINGTON, VERMONT 05405
Project Manager: Scott Goodwin



164 Main Street, Suite 201 P: (802) 878-0375
Colchester, Vermont 05446 www.krebsandlansing.com

STAMP:



Project:

BIORESEARCH
COMPLEX
PARKING
IMPROVEMENTS

Project No. 22128

Scale 1" = 20'

Drawn by SLM

Checked by

Date 11/18/22

Revisions

No. Date Description

Drawing Title

Demolition
Plan

Drawing No.

C-3.0

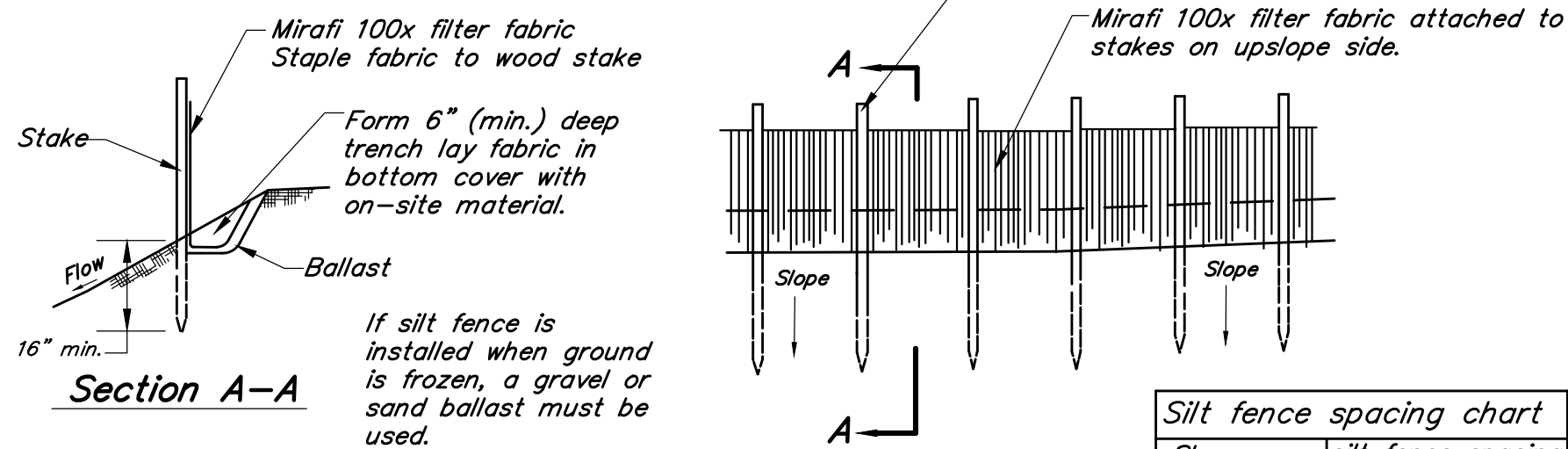
Erosion Prevention and Sediment Control Notes

1. Contractor shall be responsible for complying with all State and Local erosion prevention and sediment control standards and permit requirements during construction. Both the City and State Erosion Prevention & Sediment Control Permits shall be posted near the construction entrance, or in a location visible to the public.
2. **This project is subject to the permit conditions for an Individual Construction Stormwater Permit. The Contractor shall be the On-site Coordinator for the project and shall be responsible for all required inspections (minimum weekly and after any storm event that produces a discharge), a Low Risk Construction General Permit, maintenance, and reporting. The On-Site Plan Coordinator shall be required to provide a turbidity meter for the project. Refer to the permit for inspection and maintenance requirements.**
3. The limit of disturbance shall be clearly defined by Contractor's surveyor prior to clearing. Clearing and grubbing shall not begin until disturbance limits and sediment controls are in place. All roots, stumps and deleterious materials shall be removed from the site. The Contractor shall minimize the amount of disturbed land at any given time.
4. The erosion prevention and sediment control practices shown on these plans are the minimum required for the project. The Contractor shall employ and maintain as many best management practices as necessary to prevent soil from leaving the construction site. If evidence is found of sediment tracking or eroded soil leaving the construction site, the Engineer may direct Site Contractor to implement additional best management practices at no additional cost to Owner.
5. All areas of disturbance shall be permanently or temporarily stabilized as soon as possible and within 48 hours of final grading. All areas of disturbance shall be at least temporarily stabilized daily during winter construction unless the following exceptions apply:
- a. Stabilization is not required if earthwork is to continue in the area in the next 24 hours and there is no precipitation forecast in the next 24 hours.
- b. Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of 2 ft. or greater (e.g. house foundation excavation, utility trenches). Stabilization measures shall include mulch and netting, erosion control matting, crushed stone, gravel, or pavement.
6. Unless specifically indicated on the plans acceptable methods of stabilization shall include:
- STRAW** Mulching — 2 tons per acre. Only **STRAW** mulch is allowed. Approximately 2" uniform thickness. Only allowed on relatively flat areas with minimum upslope watershed. Mulch must be properly secured with netting to prevent material from being blown away by wind (windthrow).
- Hydroseeding* — Applied at the manufacturer's recommended application rate. Contractor shall provide evidence of proper application rate. Hydroseeding must be accompanied by erosion control matting in areas of concentrated flow.
- Erosion control matting — S150BN matting must be applied to all slopes 3:1 (H:V) or greater (unless otherwise indicated).
- Crushed stone or crushed gravel — Typically used for temporary access roads and construction staging areas.
7. The Contractor shall use water for dust control.
8. The Contractor shall provide inlet protection around all catch basins (existing or new) that collect construction site stormwater runoff. At a minimum, MarshMat, or approved equal, coir inlet filters shall be installed over all catch basin grates. Additional inlet control shall be installed as identified on the plans or as warranted during construction. Inlet protection must be maintained until final stabilization has been reached.
9. A stabilized construction entrance (See Detail) shall be installed and maintained at all construction access locations if construction vehicles travel off the existing hardscape. Contractor shall be responsible for installing crushed stone to provide stable areas for construction vehicle traffic, staging, and storage. The Contractor is responsible for providing and maintaining sufficient stone to prevent rutting and sediment tracking.
10. Any paved roads used by construction vehicles shall be swept daily, or at a greater frequency, if dirt or gravel is tracked from the site. The swept debris shall be immediately removed from face of curb if applicable.
11. All temporary erosion and sediment control measures shall be removed within 30 days after final stabilization or after the measures are no longer needed, unless otherwise authorized.
12. All sediment removed from sediment control practices shall be placed in an approved soil disposal area.
13. All areas that do not have established vegetation by October 15th must be stabilized in accordance with the Winter Stabilization requirements outlined in the Low Risk Site Handbook. See Details.
14. After permanent seeding the Contractor shall be responsible for watering to ensure adequate vegetative growth. Weed growth is not considered acceptable vegetative growth.
15. The location of temporary construction fencing and the temporary access shown on the plan are for schematic purposes only. The Contractor shall be responsible for providing all necessary temporary construction fencing, temporary roads, staging areas, etc., necessary to complete the work.
16. Water from dewatering activities that flows off site must be clear. Turbid, or visibly discolored water must not be pumped into storm sewers.
17. Contractor shall call James Sherrard at (802) 503-7027 or email (jsherrard@burlingtonvt.gov) at least 24 hours prior to initiating earth disturbance and submit name, cell phone number, and email contact information of the erosion control coordinator for the project.
18. The perimeter of the site and all BMPs will be inspected at the end of each workday to ensure that sediment will not leave the site. If sediment has traveled beyond the site boundary, it shall be swept up or otherwise removed and deposited on-site in an upgradient area at the end of each workday.

Straw wattles may be used as substitute for silt fence for areas approved by the Engineer.

NOTE:

1. Contractor shall be responsible for the installation, maintenance, and removal of silt fence in all locations shown on the plans.
2. Maintenance shall be performed as needed and material removed when sediment reaches half of fabric height. Remove silt fence after successful establishment of vegetation.



Silt fence spacing chart	
Slope	silt fence spacing
5% to 10%	50 ft. or less
10% to 20%	25 ft. or less
> 20%	15 ft. or less

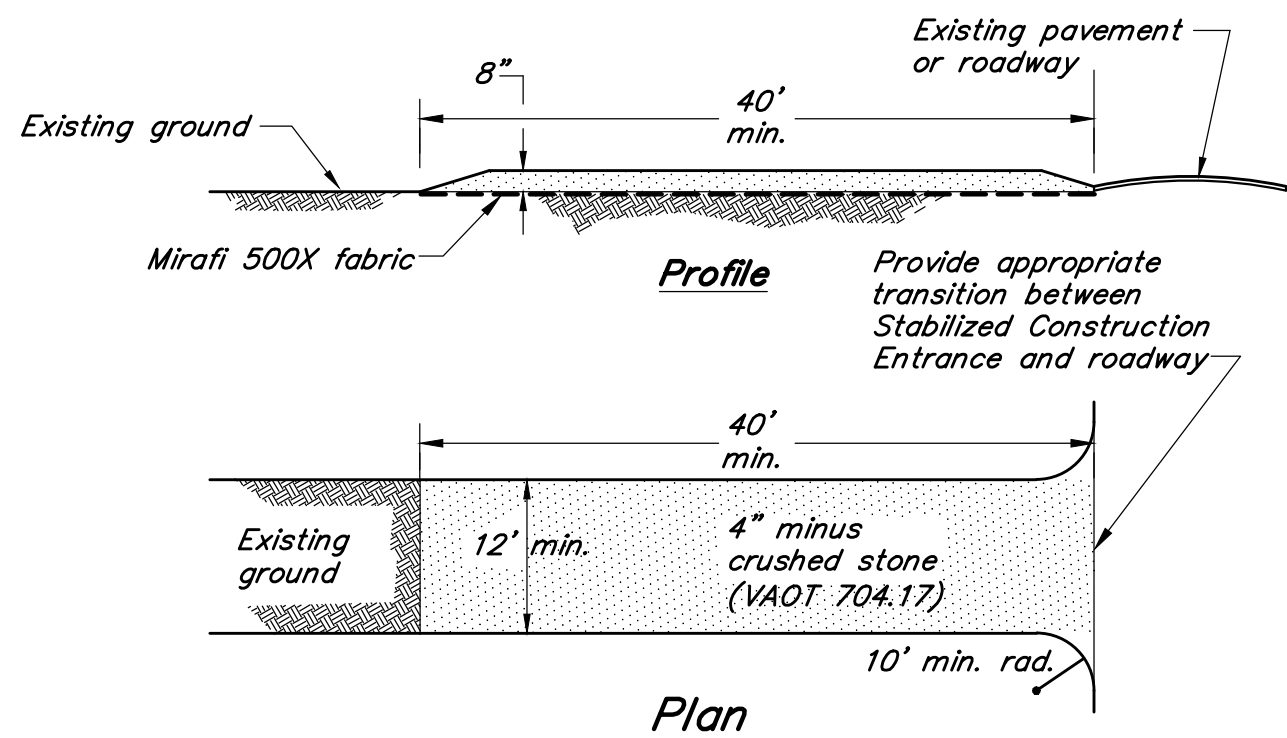
Typical Temporary Silt Fence

N.T.S.

Soil and Seeding Notes

Refer to Post Construction Soil Restoration Plan for additional requirements

1. Topsoil shall have a minimum 4" depth unless additional depth is specified on the Civil or Landscape plans. Topsoil shall be natural, fertile, friable soil representative of local productive soil and free of clay lumps, stones, subsoil or other foreign matter larger than 1/2 inch diameter, not frozen or muddy. Acidity pH shall range from 5.5 to 7 and shall contain 4% organic material as a minimum. Samples of topsoil are to be given to UVM Physical Plant's Ground Manager for inspection before approval. All testing costs will be paid by Contractor.
2. The Contractor shall have a soil analysis performed on the topsoil (UVM soil testing lab 656-3030). The results of soil analysis shall be provided to the UVM Physical Plant Grounds Manager for approval. The soil analysis must state:
- a. Percentages of organic matter, inorganic matter (silt, clay, and sand), deleterious materials, and pH levels.
- b. Sieve analysis and mineral and plant nutrient content of topsoil.
- c. Test for herbicide contamination and provide report certifying that no herbicides are present.
- d. State quantities of nitrogen, phosphorous, and potash nutrients and any limestone, aluminum sulfate, or other soil amendments to be added to produce satisfactory topsoil.
- e. Topsoil shall meet the following gradation:
- | Sieve Sizes: | Percentage Passing: |
|--------------|---------------------|
| 1 inch | 100% |
| 1/2 inch | 95-100% |
| No. 4 | 75-100% |
| No. 10 | 60-100% |
| No. 200 | 10-60% |
3. Commercial fertilizer shall be a complete plant food containing nitrogen (50% organic) phosphoric acid and potash. Soil tests will indicate composition required. Only phosphorus free fertilizers shall be used unless a soil test identifies that phosphorus is warranted for optimum vegetative growth.
4. **Hydro seeding and tacifier is the required practice for turf establishment.** Specifications are:
- Seed: Green Mountain Special Mix (6 lbs/1,000 s.f.) or UVM #1 mix using 6 lbs per 1,000 square feet.
- 40% Creeping Red Fescue 71.46% Min. Futura 3000 PER RYE GRASS
- 30% Perennial Rye Grass 14.81% Min. Dynasty TALL FESCUE
- 30% Kentucky Blue Grass 9.74% Min. CREEPING RED FESCUE
- 2.32% Max. CROP
- 1.61% Max. INERT
- 0.06% Max. WEED
- Hydroseed Additives:
- Starter Fertilizer: Use a starter fertilizer with a 1-2-1* ratio 75 lbs per 1,000 gallons of water. (*Refer to phosphorus note above)
- Lime: 100 lbs. per 1,000 gallons of water
- Mulch: 300 lbs. per 1,000 gallons of water.
- Tacifer: 5 lbs. per 1,000 gallons of water.
- Manufacturer's tag shall be given to Physical Plant's Ground Manager prior to seeding for approval.
5. Areas having soil compaction as a result of construction shall be ~~core~~**-tilled** prior to seeding.
6. If hand seeding, only straw mulch is to be used and secured by netting either organic or inorganic. If inorganic is used, it must be removed before the first mowing.
7. Starter fertilizer shall be applied at the manufacturer's suggested rate at the time of seeding. Only phosphorus free fertilizers shall be used unless a soil test identifies that phosphorus is warranted for optimum vegetative growth. Fertilizer application will not be allowed in sensitive areas and adjacent to drainage ways as determined by the Engineer.
8. Watering is to be done by the Contractor and is to last for the duration of the warranty period to maintain proper growth. UVM will supply the water, but all apparatus necessary to apply the water must be furnished by the Contractor (i.e. hoses, sprinklers, etc.).
9. Staking of all topsoiled areas to control foot traffic will be required. Unless otherwise specified, acceptable staking materials will be grade stakes and twine or string with flagging attached for visibility.
10. A guarantee through the first mowing is required with any sparse or bare areas larger than 1 sq. ft. to be redone.
11. The Contractor is responsible for the first mowing. After the first mowing and prior to the University taking responsibility for the lawn areas the Contractor and the Grounds Manager shall meet to inspect the vegetation establishment
12. Contractor is responsible for all topsoil to complete the project as shown. If existing volume of topsoil is inadequate, the Contractor, at no cost to the Owner, shall purchase offsite approved topsoil as necessary.



Note:

- Contractor shall be responsible for the installation, maintenance, and removal of a stabilized construction entrance at each construction entrance for the project. The Construction Stabilized Entrance and its continued maintenance shall be a minimum measure to prevent tracking of sediment off-site.
- Contractor to use Mirafix 500x under stone for temporary construction roads.
- Stabilized construction entrances shall be repaired when voids are 80% filled with sediment. Repair shall include adding additional 4" minus crushed stone and/or removal of contaminated stone.

THIS DETAIL TO BE USED FOR ALL TEMPORARY STONE STABILIZATION AREAS IDENTIFIED ON THE PLANS

Temporary Stabilized Construction Entrance & Staging Areas

N.T.S.

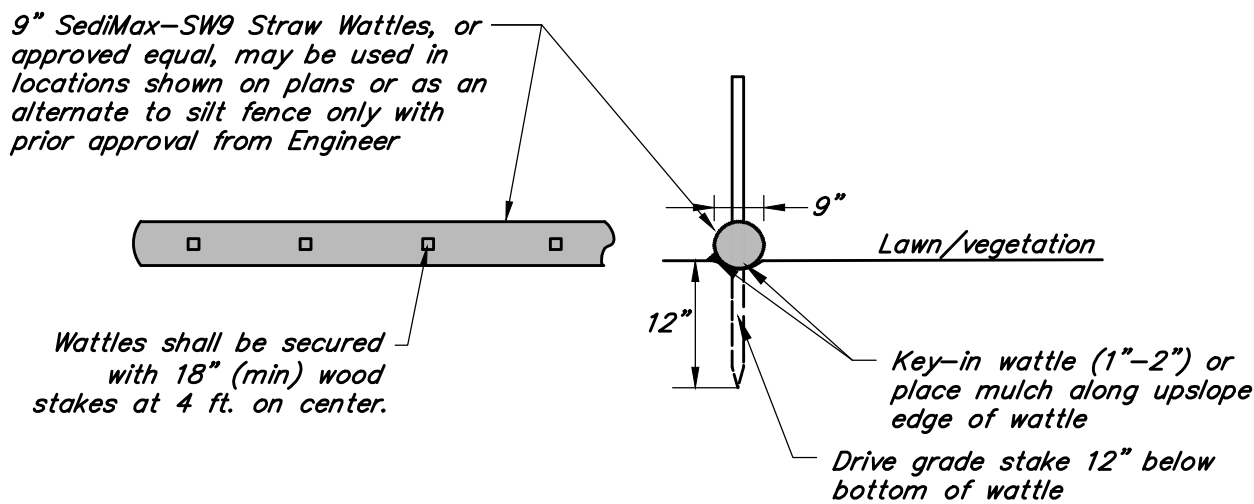
Construction Limit Barriers

- Temporary chain-linked construction fence shall be used to delineate construction limits where practical or where directed in the Contract Documents.
- Orange construction fence or snow fence shall be used to demarcate short-term construction activities.
- 3" thick orange polyester mesh webbing may be used to demarcate pedestrian barricades for new topsoil and seeded areas

NOTES:

1. Contractor shall be responsible for the installation, maintenance, and removal of straw wattles in all locations shown on the plans.
2. Maintenance shall be performed as needed and material removed when sediment reaches half of product height. Remove wattle after successful establishment of vegetation.

Wattle spacing chart	
Slope Gradient (H:V)	Wattle spacing
< 6:1	50 ft. or less
4:1 - 6:1	35 ft. or less
> 4:1 - 2:1	20 ft. or less
> 2:1 - 1:1	10 ft. or less
> 1:1	5 ft. or less



Typical Straw Wattle Sediment Control

N.T.S.



The
UNIVERSITY
of VERMONT
UVM

University of Vermont

Physical Plant Department
284 EAST AVENUE
BURLINGTON, VERMONT 05405
Project Manager: Scott Goodwin

KREBS & LANSING
CONSULTING ENGINEERS
164 Main Street, Suite 201 P: (802) 878-0375
Colchester, Vermont 05446 www.krebsandlansing.com

STAMP:

Project:

BIORESEARCH
COMPLEX
PARKING
IMPROVEMENTS

Project No. 22128
Scale As Noted
Drawn by SLM
Checked by
Date 11/18/22

Revisions	No.	Date	Description

Drawing Title

Demolition
Details

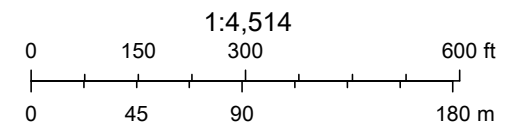
Drawing No.

C-3.1

655 Spear Street, BioResearch Laboratory Building



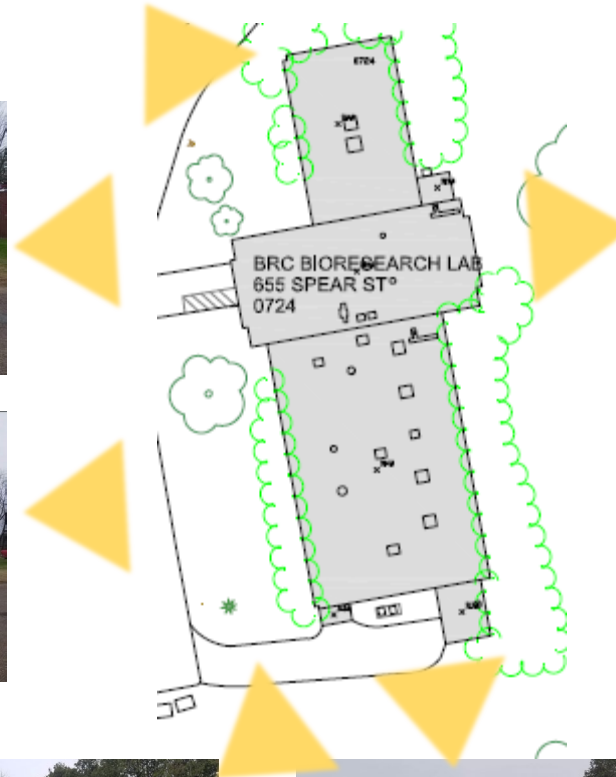
1/24/2023, 9:58:09 AM DEMOLITION OF BIORESEARCH LAB WILL RESULT IN A NET LOSS OF 12,611 SF
BIORESEARCH COMPLEX LOT COVERAGE WILL DECREASE FROM 12.15% TO
10.97%



VCGI, Esri Community Maps Contributors, Chittenden County RPC, VCGI, ©
OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Web AppBuilder for ArcGIS

University of Vermont BioResearch Lab Building Demolition Building Photographs





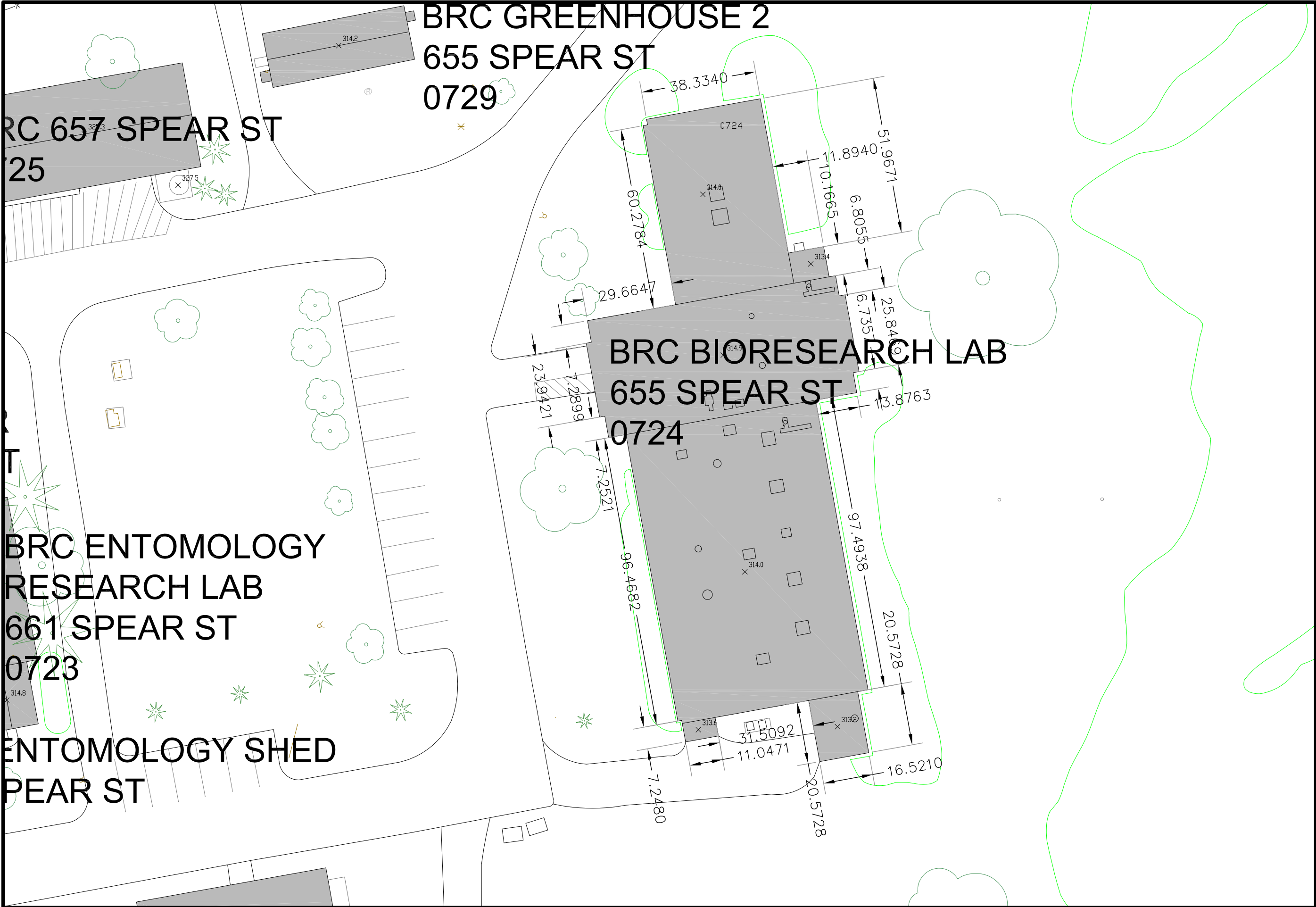












The University of Vermont

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Burlington, VT 05405

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(802) 656-3208

Design & Construction
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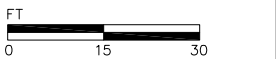
NOTES/LEGEND

PLANIMETRIC DATA: 2011 WSP SELLS
UTILITY DATA: 2019

UVM BOUNDARY (APPROXIMATE)



PROPERTY	
SITE	BRC
ENTITY NO.	N/A
DESCRIPTION	SITE MAP
LEVEL	GROUND
STREET	
CITY, STATE	BURLINGTON, VT
ZIP	05405
GROSS SF	0000
ASSIGN.SF	0000
NON-ASSIGN. SF	0000
DATE	1/26/2023
SCALE	1"=30'-0"
SHEET SIZE	11X17



PROJECT	
PROJECT	
PROJECT NO.	
PROJECT DATE	
DRAWN BY	
CHECKED BY	

DRAWING TITLE
SITE MAP

DRAWING NUMBER
UVM-PLAN-FLAT

10' to top of sign



21" X 48" sign area





City of
Burlington, Vermont
645 Pine Street

Zoning Permit – Reasons for Denial

ZPS #: 22-69

Tax ID: 049-3-017-000

Issue Date: December 22, 2022

Decision: Denied

Property Address: 126 College Street

Description: Install wall sign for Vermont Law School. No illumination included.

Reasons for Denial:

The proposed wall sign is subject to the standards of Sec. 7.2.13: *Wall Sign*, of the Comprehensive Development Ordinance. Wall sign area is allowed for first floor tenants and for second floor tenants with only a ground floor entryway. The proposed wall sign is for a 4th floor tenant. There is no provision for wall sign area for tenants beyond the first or second floors. As a result, the requested wall sign cannot be approved.

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



January 5, 2023

Zoning Administrator
Development Review Board
645 Pine Street
Burlington, VT 05401

Re: Request for Appeal of Denial

To Whom it May Concern,

I'm writing to request an appeal of the zoning decision to install a wall sign for Vermont Law and Graduate School who is a current tenant of ICV's 126 College Street property. I realize that a wall sign for a tenant who is located above the second floor is prohibited in the city of Burlington. However, I am requesting a review of the recent decision of the denial.

On the following pages of this document you will find a letter from Vermont Law and Graduate School as well as an updated accurate rendering of how the sign would be displayed on ICV's building. As you will see from the rendering, the sign is not a monstrosity. This is a modest visual presence for a non-profit educational organization that provides accessible legal support to one of the most vulnerable sectors of Vermont.

Thank you for taking the time to consider our request. Please contact me by phone or email if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julia Booth'.

Julia Booth
(802) 861-4031
julia@icvvt.com

January 4, 2023

To Whom It May Concern:

We are writing to the Development Review Board to appeal the denial of Vermont Law and Graduate School's proposed wall sign. The denial letter states that the basis of the denial is that our proposed sign is for a fourth floor tenant, as opposed to a first or second floor tenant. The denial cites Article 7 of the Building Code, specifically section 7.1.2.13.

The DRB has the Authority under Article 7 to Allow Vermont Law's Proposed Sign

Section 7.1.2.13 does not state that wall signs for fourth floor tenants are prohibited. While that section does mention second and third floor tenants, it is silent on wall signs for fourth floor tenants. There is no part of the Building Code that prohibits wall signage for fourth floor tenants. There is a section in the Building Code for "prohibited signs" and signs for fourth floor tenants are not listed in that section.

Presumably, the purpose of any provision limiting signage is to minimize the number of signs and to minimize confusion. Our proposed sign is consistent with the character of the other signs and consistent with the intent of Article 7. Vermont Law and Graduate School is among the largest tenants, having recently leased 4,856 square feet, more than ten percent of the 37,000 square foot building, for five years, with an option to renew.

Allowing Vermont Law's Sign is Consistent with the Intent of Article 7

Allowing Vermont Law and Graduate School's sign is consistent with the intent of Article 7. Among other things, Article 7 aims to "effectively optimize communication that support the community's sustained economic development."

Allowing the Sign will Facilitate Burlington Residents Access to Legal Services

Vermont Law and Graduate School's new location on College Street will support the city's sustained economic development. The lack of legal representation in Vermont and in Burlington in particular is an enormous problem. WCAX recently reported on the lack of public defenders in the state.¹ Our legal clinic currently represents, pro bono, underserved and diverse members of the Burlington and state-wide community through our immigration and veterans' legal clinics. Basing the program at the school's Burlington office leverages the city's proximity to the neediest communities in Vermont. As mentioned above, VLGS heads the federally-funded National Center on Restorative Justice with partners University of Vermont and San Diego University, and we look forward to hosting national and international symposia and workshops at the Burlington office. Communication of Vermont Law and Graduate School's location on College Street facilitates Burlington and state-wide residents' access to these

¹ See <https://www.wcax.com/2022/12/06/how-is-vermont-addressing-public-defender-shortage>

services through foot and car traffic. With no obvious signage it will be more difficult for those who are trying to find us – especially those folks looking for the immigration clinic.

Allowing the Sign will bring students, faculty, staff, visitors, donors and trustees to nearby and local businesses supporting the City's economic development

Without a sign, Vermont Law and Graduate School may abandon its plans for a long-term lease on College Street. We recently had a lease on St. Paul Street in Burlington with a wall sign. The presence of that sign was critical to recruiting Burlington residents to our pro bono legal clinic and to recruiting prospective students.

Having a presence in Burlington will benefit the city in several ways:

- **We will regularly bring in students, faculty, trustees, donors, environmental and restorative justice experts from around the nation and the world.**

We are a non-profit that does so much for the public good including in the areas of justice reform and protection of the environment – recognition of our school via visibility is important to continuing this mission. If we are hidden and or unrecognizable from the street (or sidewalk) it defeats the purpose of being in a large office building in the heart of Burlington. The Vermont Legislature recently identified addressing climate change as one of its prime 2023 priorities. Vermont Law and Graduate School, with its Master of Climate and Environmental Policy degree program, trains the next generation of leaders to solve this problem. See <https://www.greenwichtime.com/news/article/Vermont-Legislature-to-focus-on-housing-17689547.Php> (identifying climate protection as a top three priority for the Vermont legislature).

- **We will help boost the reputation of the city.**

Media has not been particularly kind to the city recently, with bicycle thefts, drugs, and murders in Burlington being reported in national news. The area near College Street has been deemed dangerous. Our presence may have a positive effect on the neighborhood.

Allowing the sign supports the increase in the number of lawyers in Vermont

The lack of lawyers in Vermont is a well-documented problem.² Vermont Law and Graduate School's strategic plan contemplates increases in enrollment. One way we do this is by attracting Vermonters to law school. VLGS has launched an Online Hybrid JD program for working professionals, which includes three week-long residential sessions for students from across the country who will gather at the Burlington office. This allows greater enrollment without contributing to Burlington's well-documented housing problem. Showing our presence in Burlington is part of our marketing strategy to attract such students. Attracting students who are already living in Burlington increases the likelihood that they will stay in Vermont to practice law once they receive their degree.

² <https://www.wcax.com/2022/05/17/help-wanted-vt-needs-lawyer-up/>

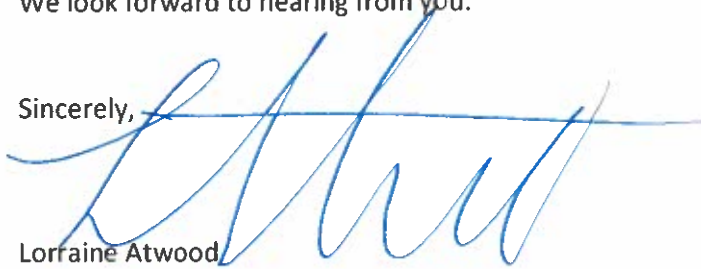
Allowing the Sign supports goals of increased diversity in Vermont

Vermont is known as one of the whitest states in the country; over 99 percent of Vermont residents identified as Caucasian at the last census. Vermont Law and Graduate School attracts students from around the country and is 32-33 percent diverse. Allowing a presence in Burlington provides an influx of students, faculty staff and scholars into a city increasing diversity in all of its forms.

Given the reasons above, Vermont Law and Graduate School kindly requests that a sign consistent with other signs and consistent with the intent of Article 7 be placed at the entrance to the office on 126 College Street.

We look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'L. Atwood', is written over a horizontal line.

Lorraine Atwood
Vice President for Finance and Administration

January 5, 2023

Development Review Board
City of Burlington, Vermont
645 Pine Street
Burlington, VT 05401

RE: Denial of Wall Sign Application for 126 College Street

Dear Members of the Board:

I write in response to the December 22, 2022 denial of a permit application for a wall sign at 126 College Street (the "Denial"). Contrary to what is stated in the Denial, there is nothing in Section 7.2.13 of Burlington's Comprehensive Development Ordinance ("CDO") that prohibits certain tenants from having wall signs. As detailed below, the wall sign permit application for 126 College Street (the "Application") complies with all of the required specifications of Section 7.2.13 of the CDO.

Among other specifications, Section 7.2.13 of the CDO sets restrictions on the maximum height and maximum area of wall signs. This regulation establishes the maximum height for any wall sign as being floor level of the second story of a building. For the maximum allowable area of a wall sign, Section 7.2.13 establishes a maximum allowable area for all wall signs as the lesser of 200 square feet or 15% of the area of the façade or elevation to which they are attached (the "200/15% Requirement"). All wall signs (unless otherwise exempt) must satisfy the 200/15% Requirement. In addition, Section 7.2.13 subjects certain wall signs to more specific maximum allowable area requirements. Among the wall signs with specific maximum allowable area requirements are wall signs associated with first floor tenants and wall signs for second floor tenants with only a ground floor entryway. The existence of specific maximum allowable areas for first and second floor tenants does not somehow create a prohibition on wall signs for third or fourth floor tenants.

The lack of any language in the CDO prohibiting tenants from inhabiting space that is above the second floor must be interpreted in the applicant's favor. "[B]ecause zoning ordinances are in derogation of private property rights, they must be construed narrowly in favor of the property owner and any ambiguity is resolved in favor of the landowner." *In re Application of Lathrop Ltd. Partnership I*, 199 Vt. 19, 35 (internal quotes and citations omitted). Section 7.2.13 does not contain any express prohibition on fourth floor tenants having wall signs. The language in Section 7.2.13 regarding first and second floor tenants merely subjects these tenants to specific maximum allowable area requirements other than the 200/15% Requirement. The Application is for a wall sign for a fourth floor tenant and so the only applicable maximum area requirement is the 200/15% Requirement.

The Application should be approved because it complies with the maximum height,

maximum wall area (specifically the 200/15% Requirement), and other standards established by Section 7.2.13 of the CDO.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. P. Langan", with a stylized flourish at the end.

James P. Langan, Esq.



Department of Permitting & Inspections

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

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



TO: Development Review Board
FROM: Scott Gustin
DATE: February 21, 2023
RE: ZAP-23-1; 126 College Street

=====

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

Zone: FD6 Ward: 3C

Owner/Appellant: Investors Corporation of Vermont / Julia Booth (VT Law School)

Request: Appeal of zoning application denial ZPS-22-69 to install a wall sign for Vermont Law School.

Overview:

The appellant is seeking approval to install a wall sign for Vermont Law School at 126 College Street. The law school is a 4th story tenant in this existing commercial building. The proposed wall sign would locate along the first floor College Street frontage of the building. No sign is presently located where the proposed wall sign would be installed.

While a variety of sign types are permissible, the fundamental problem in this case is that wall sign area is allowed only for first and second story tenants.

Recommendation: Uphold administrative zoning denial based on the following findings:

I. Findings:

The subject sign application was filed and completed December 8, 2022. The proposed wall sign consisted of a basic sign panel affixed to the exterior brick wall next to the building's College Street entrance. No illumination was proposed. Denial of the application was anticipated by the applicant.

The application was reviewed and administratively denied December 22, 2022. Denial was based on the following:

The proposed wall sign is subject to the standards of Sec. 7.2.13: Wall Sign, of the Comprehensive Development Ordinance. Wall sign area is allowed for first floor tenants and for second floor tenants with only a ground floor entryway. The proposed wall sign is for a 4th floor tenant. There is no provision for wall sign area for tenants beyond the first or second floors. As a result, the requested wall sign cannot be approved.

The administrative denial was appealed January 5, 2023 (and completed January 6) within the 15-day appeal period.

The appeal makes a number of assertions that are not germane to the standards of *Article 7: Signs* of the Comprehensive Development Ordinance, such as economic development and access to legal services. As to the standards in Sec. 7.2.13, *Wall Signs*, the appellant argues that wall signs are not expressly prohibited for 4th story tenants. The appellant also argues that, lacking specific standards for 4th story tenants, the proposed wall sign is allowed under the blanket maximum provision of 15% of the building's façade or 200 sf, whichever is less.

The appellant is correct that Sec. 7.2.13, *Wall Signs*, does not expressly prohibit wall signs for 4th story tenants. However, the applicant's argument that this lack of express prohibition enables larger signs for upper story tenants than for first and second story tenants turns the standard on its head. The wall sign standard expressly allows 2 sf sign area per linear foot of street frontage associated with a first floor tenant and 10 sf total for a second floor tenant with only a first floor entryway. It is incongruous that a 2nd floor tenant would be allowed only 10 sf of wall sign area, but upper story tenants would be allowed wall signs limited only by the 15% or 200 sf maximum for the entire building. Approved signs must comply with the applicable standards. In the case of wall signs, the applicable standards pertain to first and second story tenants.

It bears mentioning that other sign types are available for the appellant, including window signs and a directory sign. Given the multiple tenants in the building, a master sign plan that affords greater flexibility as to sign types and location may also be possible. A wall sign; however, cannot be permitted.

II. Recommended Motion:

Uphold administrative zoning denial ZPS-22-69.

Department of Permitting & Inspections

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

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



TO: Development Review Board
FROM: Scott Gustin & Garret King
DATE: February 21, 2023
RE: ZP-23-9; 98 Sunset Cliff Road

=====

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

Zone: WRL Ward: 4N

Owner/Applicant: Keye & Lucy Wong / Elizabeth Herrmann

Request: Demolish existing single family residence and replace with new single family residence.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicants are looking to demolish the current single family home and to build a new single family residence. The project plans show sensitivity to the lakeshore by setting the new home further back from the water's edge than the existing home and by establishing a front yard meadow and the required lakeshore low mow zone.

The proposed site plan also shows a new pedestrian path down to the existing sea wall with the addition of new steps that will reach into the flood zone. Except for this small alteration, no changes will be made to the existing sea wall. As required, project plans for this small encroachment into the flood zone have been sent to VT Agency of Natural Resources for review and comment.

The Conservation Board reviewed this application February 6, 2023. The Board recommended continuation of review to a future date to allow the applicant additional time to conduct soils analysis as to stormwater infiltration potential.

The Design Advisory Board reviewed this application February 14, 2023 and unanimously recommended approval as proposed.

Prior zoning permit actions for this property.

- 5/15/2011, Approval for replace a 20`x8`x10" sea wall section
- 6/29/1988, Approval for repair by replacement of 20` section of concrete sea wall

- 7/26/1984, Approval for demolition of existing single family home and to construct a new single family home with attached garage
- 9/13/1976, Approval to erect a 6`x40` stockade fence
- 5/28/1975, Approval to replace 8`x100` concrete sea wall
- 5/12/1975, Approval to erect single family house and remove existing house

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

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 3: Impact Fees

Applicant will be required to pay impact fees set forth and calculated by the Impact Fee Administrative Regulations based on the net new square footage of the proposed residence. There is a net new square footage of 3,398 sf as compared to the existing home. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) Waterfront Residential Low Density (RL-W)

The property is in the RL-W zone and is subject to the development standards of this zone. The district is intended primarily for low density development in the form of single-family detached dwellings and duplexes. The proposed construction of a new home fits within the district's purpose. **(Affirmative finding)**

(b) Dimensional Standards & Density

Residential density will remain unchanged at one residential unit for the 27,000sf lot.

Prior/Current lot coverage is 23.22%, and proposed lot coverage will be 33.8% as calculated on project plans. The proposed increase in lot coverage complies with the 35% maximum permissible in this zone.

The home's setback from the road will be beyond 50.' At this distance, averaging of neighboring front yard setbacks is not required. Side setbacks will be 14ft which is slightly greater than the district requirement of 10% of lot width (13.5' side setback). The lakeshore setback is greater than the minimum required 75' from the 100' elevation mark.

The tallest point of the proposed home is noted at 25' 10 61/64" and is under the 35' maximum permitted height. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The replacement single family home is a permitted use in the RL-W zone. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

See above

2. Lot Coverage

See above

3. Accessory Residential Structures and Uses

Connected porches as accessory uses are permitted in the RL-W zone. **(Affirmative finding)**

4. Residential Density

No change of density to previous permitted use, and the single family home is still limited to occupancy by a family as defined in Article 13 of the Comprehensive Development Ordinance. **(Affirmative finding)**

5. Uses

Not applicable

6. Residential Development Bonuses

Not applicable

Sec. 4.5.4, Natural Resource Protection Overlay (NR) District

(c) District Specific Regulations: Riparian and Littoral Conservation Zone

The property is subject to the *Riparian and Littoral Conservation Zone* as it is within the 250' of Lake Champlain lakeshore. Almost all existing trees will be retained, and several new trees will be planted. As required, a low mow zone will be established between the residence and the existing retaining walls. Note the calculated size of the low mow zone is 5,386.39 sf and complies with the area requirement relative to the size of redevelopment.

The proposed lot coverage exceeds 2,500 sf, so a residential stormwater management plan will be needed, subject to review and approval by the stormwater administrator. The project plans depict a bioretention area on the lakeside of the proposed home that will collect and attenuate stormwater runoff. The Conservation Board recommended that the applicant conduct soils analysis to determine the feasibility of infiltration to lessen the amount of runoff going into this bioretention area and discharging into the lake. This analysis has now been done, but the stormwater design has not yet been updated. Prior to construction, the updated stormwater design should be reviewed by the Conservation Board. In any event, it is subject to final review and approval by the stormwater administrator. **(Affirmative finding as conditioned)**

Sec. 4.5.4, Natural Resource Protection Overlay (NR) District

(a) District Specific Regulations: Special Flood Hazard Area

(7) Special Review Criteria

A. The danger to life and property...

The current sea wall and proposed steps pose no danger to life and protects the property from shoreline erosion. The addition of stairs alongside the current sea wall will cause no changes to lake behavior. **(Affirmative finding)**

B. The danger that material may be swept onto other lands...

The current sea wall is solid reinforced concrete, and the addition of concrete stairs will not cause pieces to dislodge from the wall or cause pieces to end up on other properties. **(Affirmative finding)**

C. The proposed water supply and sanitation systems...

The proposed plans show that there will be connection to the existing sewer line. **(Affirmative finding)**

D. The susceptibility of the proposed facility and its contents to flood damage...

The current sea wall was made to protect the shoreline against flooding and erosion, and additional access stairs will not change the effectiveness of the wall. **(Affirmative finding)**

E. The importance of the services provided...

New steps allow for access to the water's edge. **(Affirmative finding)**

F. The availability of alternative locations...

In order to provide the intended access, the steps must descend into the floodplain. **(Affirmative finding)**

G. The compatibility of the proposed use with existing development...

The current seal wall and proposed stairs fit with current and adjacent properties. Seawalls with lakeshore access are a common element along the city's shoreline. **(Affirmative finding)**

H. The relationship of the proposed use to the Municipal Development Plan

The construction of new stairs conforms to current uses and does not conflict with the Municipal Development Plan. **(Affirmative finding)**

I. The safety of access to the property in times of flood of ordinary and emergency vehicles.

The construction of new stairs will not affect emergency vehicle access to the property. **(Affirmative finding)**

J. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood-waters expected at the site

The new steps will not affect water levels or associated flood effects of the lake. **(Affirmative finding)**

K. Conformance with all other applicable requirements of this ordinance

The construction of new stairs will conform to all requirements of this ordinance. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

The applicant is not seeking additional lot coverage. **(Not applicable)**

Sec. 5.2.4, Buildable Area Calculation

The lot is not subject to the steep slope overlay and is not over 2 acres in size so it does not qualify for buildable area calculation. **(Not applicable)**

Sec. 5.2.5, Setbacks

See above.

Sec. 5.2.6, Building Height Limits

See above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See above

Sec. 5.5.1, Nuisance Regulations

The proposed project will not create any nuisance, as the land use will not change. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

Outdoor lighting fixture specifications have been provided. Lighting locations are shown in the elevations drawings. Fixtures include: Type 1 (Recessed 700 lumen output), Type 2 (Decorative sconce 100 lumen output), Type 3 (Discreet wall sconce 701 lumen output). All proposed outdoor lighting fixtures utilize low output lamps and are acceptable for this residential installation.

(Affirmative finding)

Sec. 5.5.3, Stormwater and Erosion Control

See Sec 4.5.4 (c) for stormwater management.

Over 400sf of land disturbance is proposed, so an Erosion Prevention and Sediment Control plan is required. This plan is subject to final review and approval by the stormwater administrator.

(Affirmative finding as conditioned)

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The subject property is located along the Lake Champlain shoreline north of Appletree Point. The shoreline is an identified significant natural area. Much of the property is affected by the Natural Resource Protection Overlay District, specifically the riparian and littoral conservation zone, which stretches inland 250' from the 95.5' lakeshore elevation. A new low-mow area will be established along the property's lakefront as required. The only work being done in the flood zone is the construction of new stairs that will grant pedestrian access to the water's edge.

(Affirmative finding)

(b) Topographical alterations

Much of the lot slopes gently towards the lake but drops steeply nearest the lakeshore. Existing topographic conditions will remain largely unchanged. **(Affirmative finding)**

(c) Protection of important public views

Distant terminal views of Lake Champlain and the Adirondack mountains will remain essentially unchanged. There are no public views associated with this property. The proposed home is modest in scale, and most mature vegetation will be retained. Its construction will not adversely affect public views from the lake towards shore. **(Affirmative finding)**

(d) Protection of important cultural resources

The property contains no known archaeological resources. Much of the lakeshore is archaeologically sensitive. If, during construction, artifacts are unearthed, it is the applicant's responsibility to stop earthwork and to contact the Vermont Division for Historic Preservation for further guidance. **(Affirmative finding as conditioned)**

(e) Supporting the use of alternative energy

There is no indication that the proposed home will utilize alternative energy. Solar energy utilization is encouraged. In any event, the home will not adversely impact the actual or potential use of alternative energies by neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

The subject property is not an identified brownfield. **(Not applicable)**

(g) Provide for nature's events

See Sec. 4.5.4 (c) for stormwater.

The project plans depict a sheltered entry for the front entryway as well as over the front of the garage. **(Affirmative finding)**

(h) Building location and orientation

The location of the proposed home will be shifted inland as compared to the existing home. It will be set essentially in the middle of the lot. The new home will have an open front entryway facing inland towards the front yard and private road beyond.

As required, the attached garage is set behind the front of the house. **(Affirmative finding)**

(i) Vehicular access

The existing driveway will be reconstructed and reconfigured to serve the proposed home. Sight lines at the driveway's intersection with the road remain essentially unchanged. **(Affirmative finding)**

(j) Pedestrian access

This criterion requires that a pedestrian walkway be provided from the front door to the public sidewalk or street. This property is along a private road without sidewalks. No front walkway is proposed. Consistent with past practice in such situations, no front walkway is required. Convenient access between the driveway and side and front entries is proposed. **(Affirmative finding)**

(k) Accessibility for the handicapped

No handicap accessibility is evident or required with this proposal. **(Not applicable)**

(l) Parking and circulation

Parking will be provided within the attached garage and the driveway. Parking spaces are dimensionally compliant. Circulation and access is provided via the private driveway.

Residential driveways are generally limited to 18' in width but are allowed to widen as they approach the garage. Such is the case in this proposal. There is a turn-around that causes the driveway to reach ~ 32' width. This problem has been remedied in revised plans that depict the turn-around area with concrete pavers to contrast with the gravel driveway. This solution is similar to others in the past used for turn-around areas. **(Affirmative finding)**

(m) Landscaping, fences, and retaining walls

A complete landscaping plan has been provided and notes that most of the current trees will be retained. As noted above, a low-mow zone will be established along the property's lakeshore with additional shrubs planted to soften the edge with the existing seawall. The proposed landscaping plan depicts a variety of new plantings to accent the building and its front entrance. Some landscaping will provide screening. Proposed species are not invasive and appear to be acceptable. **(Affirmative finding)**

(n) Public plazas and open space

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

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

Existing electric lines appear to be aboveground. This new construction will require buried electrical service as confirmed by the applicant. Utility connections to the house are shown on the plans as well as locations of all applicable utility lines and pipes. Locations of mechanical equipment is noted and will be screened with material to match the siding of the house.

(Affirmative finding)

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The proposed home, along with its accessory porches, is similar in size and mass to the current home. The mass of the house will be defined by straight lines and square edges that clearly define the individual components of the house. It appears to have a symmetrical appearance when viewed from the front with two floors in the center and lower single stories extending off to the right and left sides. The proposed structure will be two stories just like the current building. The scale of the home is similar to nearby properties on the street including the additional attached porches. The reduced setback from the road is less than adjacent properties which pulls the new build away from the lakeshore. **(Affirmative finding)**

2. Roofs and Rooflines

The roof will be a dark colored flat membrane roof squared off with parapets matching the building siding that conceal the roof deck. This style is different from the more common hip and gable type roofs on the adjacent properties. The proposed roof design; however, is consistent and matches the modern style of the building. **(Affirmative finding)**

3. Building Openings

The windows and doors are of matching style to the rest of the home's contemporary design. The windows appear as single pane windows without muntins and sit in unadorned frames. Overall, large amounts of glazing will be present with the majority on the lakeside portion of the house to provide views of the lake for the residents. **(Affirmative finding)**

(b) Protection of important architectural resources

The existing building is not listed on the state or national historic register, nor has it been deemed eligible for listing. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

As with most other homes along Sunset Cliff Road, the proposed home is set back relatively far from the road. There is little perceptible streetscape in this neighborhood. As proposed, several trees and a row of flowering shrubs will stretch across the majority of the property's frontage. Behind this landscaping, the proposed home incorporates a readily identifiable front entrance facing the street. At the entrance to the house, there is a covered walkway to the main door along with pavers to the front lawn and porch. **(Affirmative finding)**

(e) Quality of materials

The color and material for the new construction will mainly consist of dark charred wooden siding. The parapet extending above the flat roof deck will be clad in the same material. Accent siding for the covered entry and porch will be a stained wooden material. The aluminum clad wooden windows will be a black/dark color to match the siding of the house. The materials proposed are of acceptable quality and durability for this new construction. **(Affirmative finding)**

(f) Reduce energy utilization

The proposed building must comply with the current energy efficiency standards of Burlington and the State of Vermont. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

No advertising is included in this proposal. **(Not applicable)**

(h) Integrate infrastructure into the building design

All mechanical equipment for the structure will be attached to the building and screened to merge with the siding of the rest of the structure. **(Affirmative finding)**

(i) Make spaces safe and secure

The proposed building must comply with the city's current egress requirements. Building entries will be illuminated. **(Affirmative finding)**

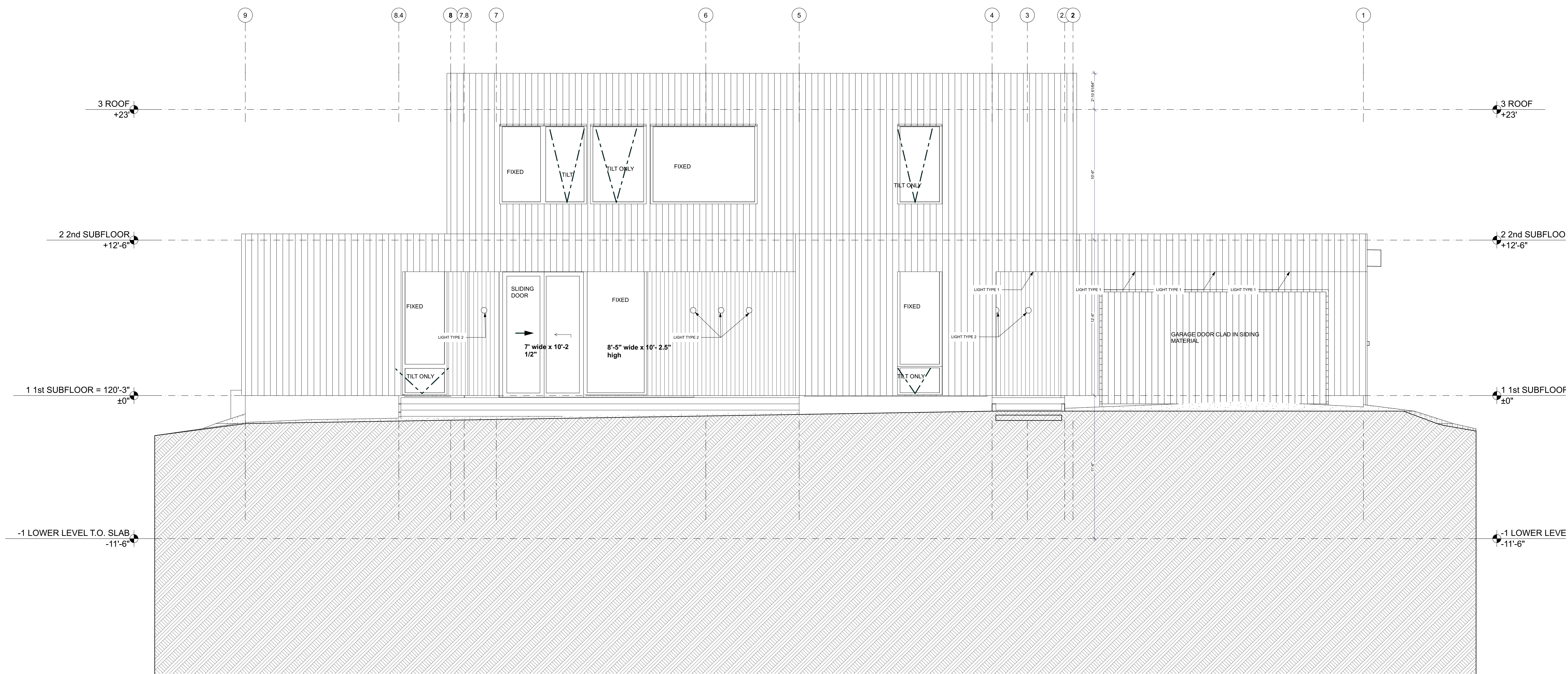
Article 8: Parking

Sec. 8.1.9, Maximum On-Site Parking Spaces

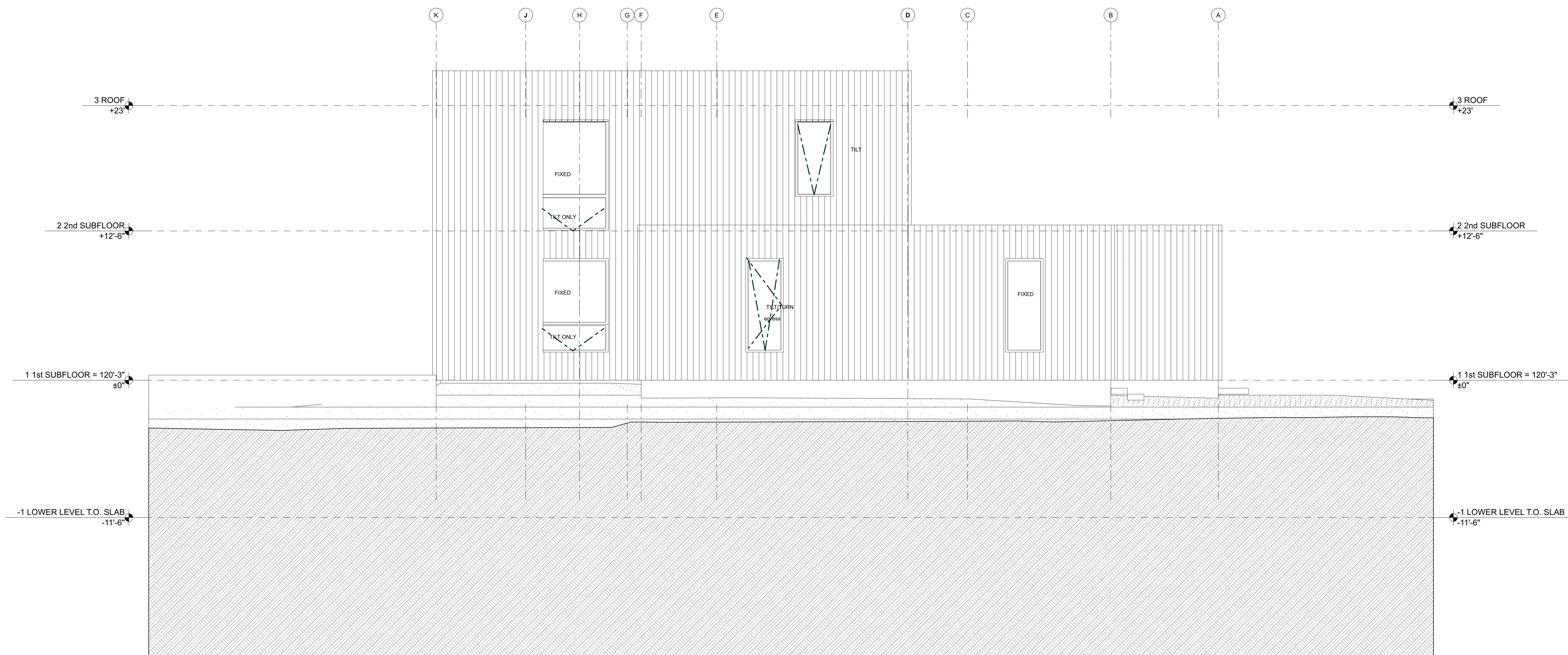
The construction of the new home will conform to the maximum limit of 3 parking spaces for single family homes in neighborhood districts. **(Affirmative finding)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, both the erosion prevention and sediment control plan and the stormwater management plan shall be reviewed and approved by the stormwater administrator in consultation with the Conservation Board.
2. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development.
3. This permit incorporates timely comments from the VT Agency of Natural Resources as to special flood hazard area encroachment.
4. If, during construction, artifacts are unearthed, it is the applicant's responsibility to stop earthwork and to contact the Vermont Division for Historic Preservation for further guidance.
5. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state.
6. Standard permit conditions 1-15.



1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

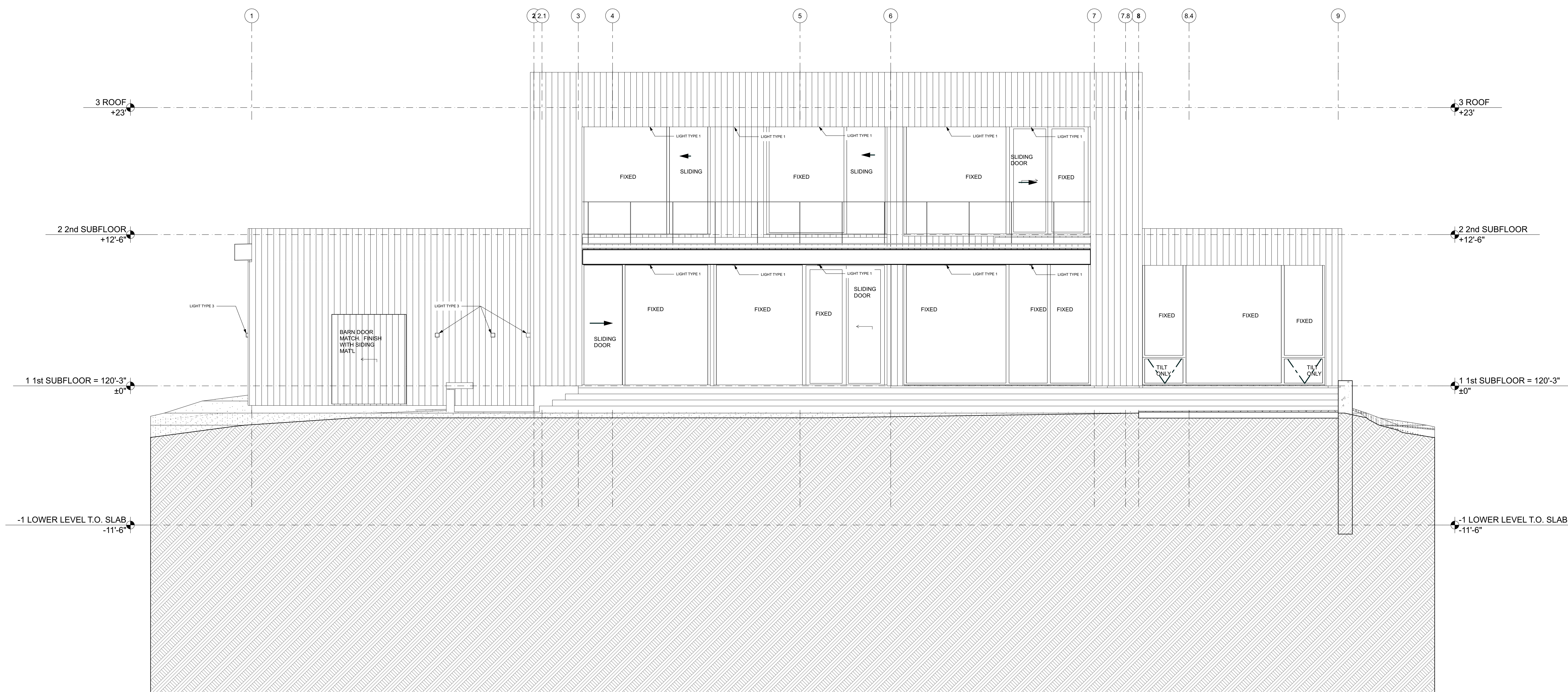


2 EAST ELEVATION
SCALE: 1/4" = 1'-0"

DATE	DESCRIPTION
1-11-23	FOR PERMITTING

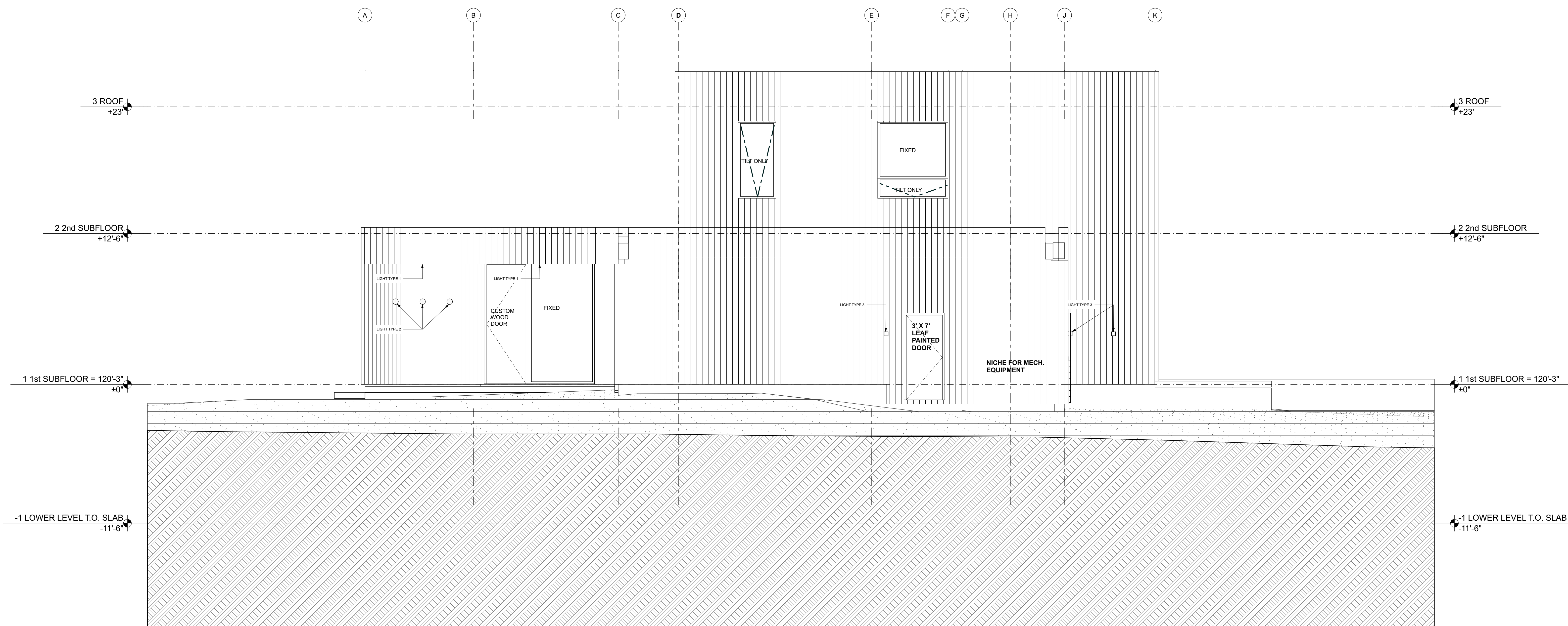
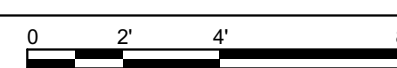
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EXTERIOR
ELEVATIONS



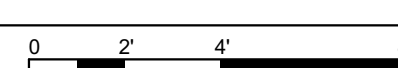
1 SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



2 WEST ELEVATION

SCALE: 1/4" = 1'-0"



DATE	DESCRIPTION
1-11-23	FOR PERMITTING

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**EXTERIOR
ELEVATIONS**

A-202

98 Sunset Cliff Rd.
Burlington VT

Exterior door, window, siding and lighting spec
See attached cut sheets and images

All glazed exterior doors:
MSORA Comfort Optimo XLS in black, triple glazed



All windows:
MSORA Comfort Optimo XLS in black, triple glazed



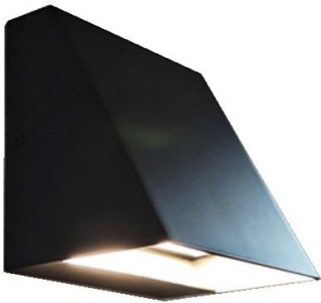
Exterior light fixtures:
Type 1: Recessed



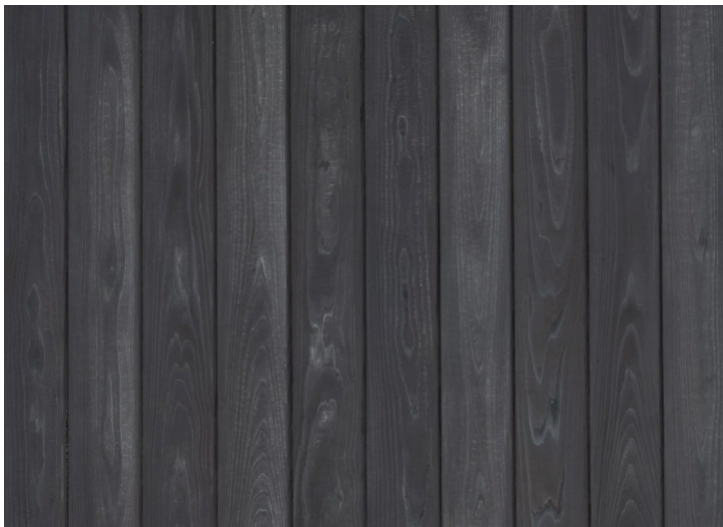
Type 2: Decorative sconce
Lumens each: 100



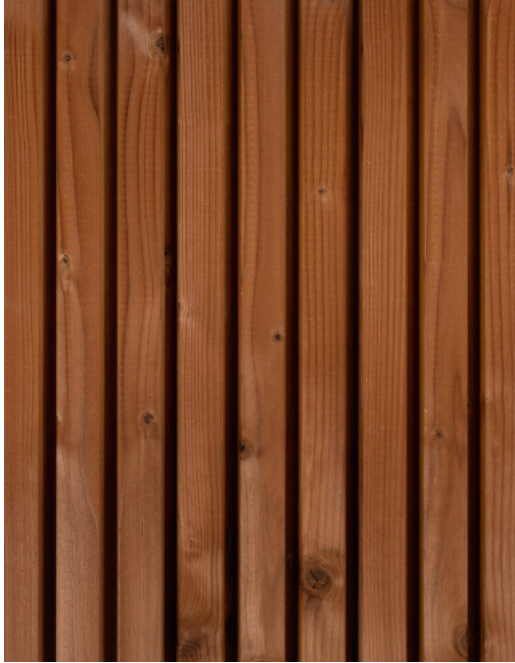
Type 3: Discreet wall sconce
Lumens each: 701



Siding: Nakamoto forestry Gendai- Dark Grey 6" vertical
<https://nakamotoforestry.com/product-finishes/gendai-dark-gray/>



Siding at covered entry and porch with shade structure:
Lunawood triple shadow natural 5 ½" vertical



NOT FOR
CONSTRUCTION

DRAFT

NO.	DESCRIPTION	DATE
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WONG RESIDENCE

98 SUNSET CLIFF RD
BURLINGTON, VT 05408

LAYOUT AND MATERIALS PLAN

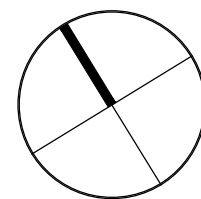
JOB NO. 22-272
SCALE: 1/8"=1'-0"
DRAWN BY: XX
DATE: 01.17.2023

L100

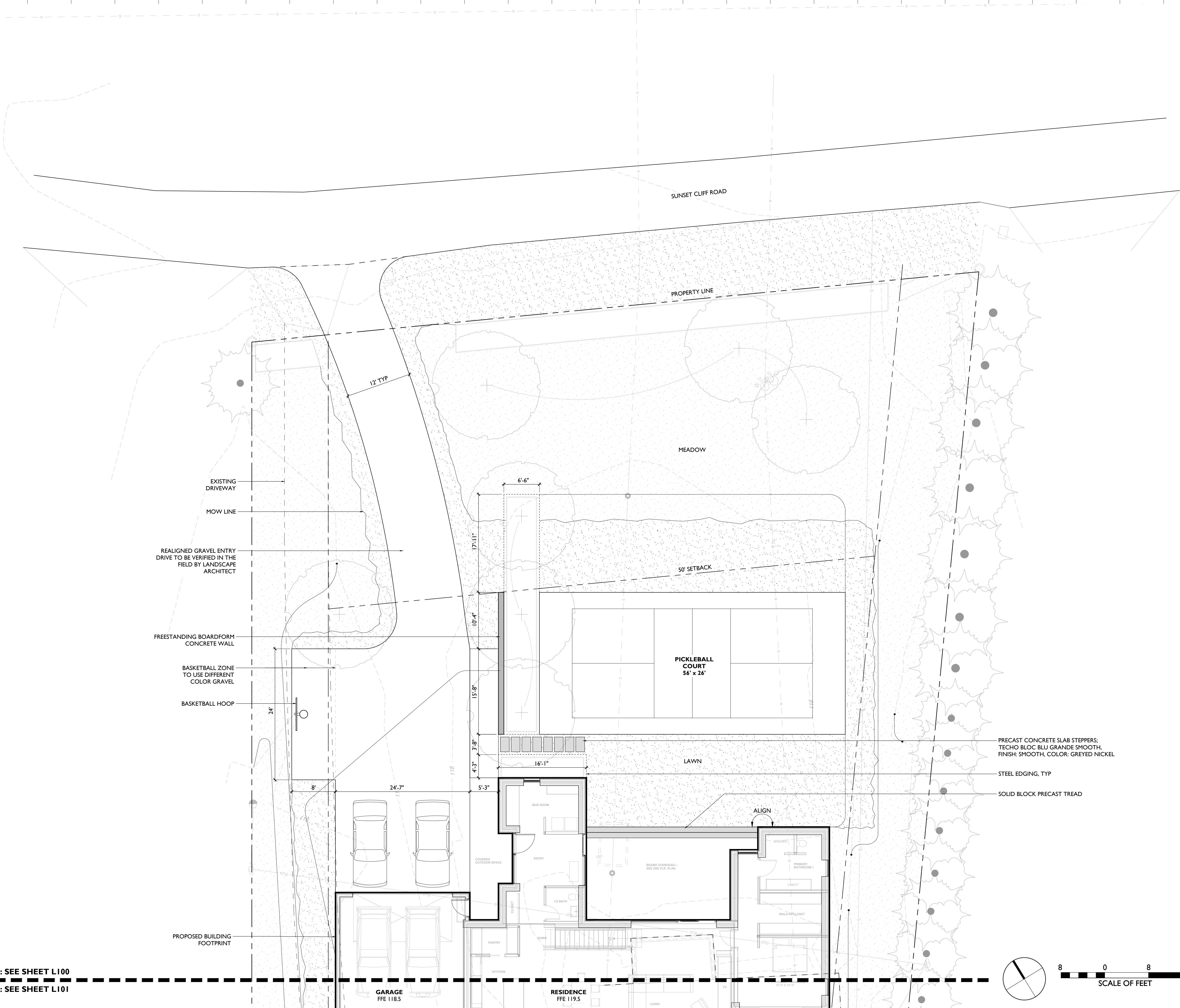
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PLOT DATE: 1/30/2023 11:37 AM

MATCHLINE: SEE SHEET L100
MATCHLINE: SEE SHEET L101



8 0 8 16
SCALE OF FEET



MATCHLINE: SEE SHEET L100
MATCHLINE: SEE SHEET L101

WAGNERHODGSON
LANDSCAPE ARCHITECTURE
VT802.864.0010 NY518.567.1791 wagnerhodgson.com
7 Marble Avenue Burlington, VT 05401
430 Warren Street Hudson, NY 12534

NOT FOR
CONSTRUCTION

PROPOSED BUILDING
FOOTPRINT

GRILL, BY OWNER

EXPOSED AGGREGATE
CONCRETE PAVING

SOLID BLOCK
PRECAST TREAD

PROPOSED
DECIDUOUS TREE

EXISTING BUILDING
FOOTPRINT

MOW LINE

EXISTING EVERGREEN
TREES TO REMAIN

GARAGE
FFE 118.5

RESIDENCE
FFE 119.5

LAWN

LOW-MOW
ZONE

LAKE CHAMPLAIN

REFER TO SHEET I/L102

EXISTING EVERGREEN
TREES TO REMAIN

PATH LIGHT, TBD

PRECAST CONCRETE
SLAB STEPPERS

MOW LINE

PROPOSED LAKE
ACCESS STEPS

PROPOSED LAKE
ACCESS RETAINING
WALLS

EXISTING CONCRETE
WALLS TO REMAIN

EXISTING CONCRETE
LANDINGS TO REMAIN

WONG RESIDENCE

98 SUNSET CLIFF RD
BURLINGTON, VT 05408

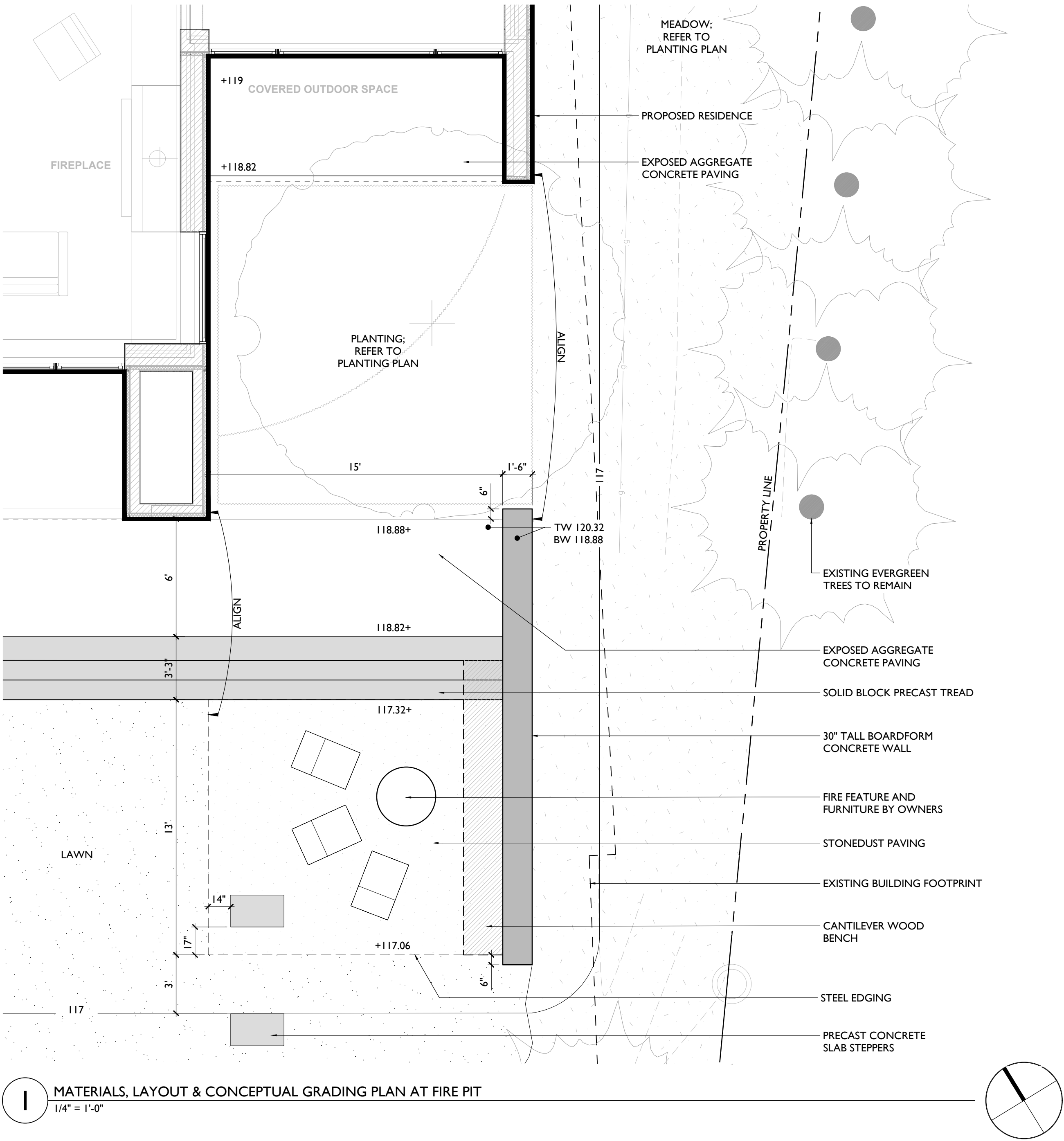
LAYOUT AND MATERIALS PLAN

JOB NO. 22-272
SCALE: 1/8"=1'-0"
DRAWN BY: XX
DATE: 01.17.2023

L101

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CONSTRUCTION



DRAFT

NO.	DESCRIPTION	DATE
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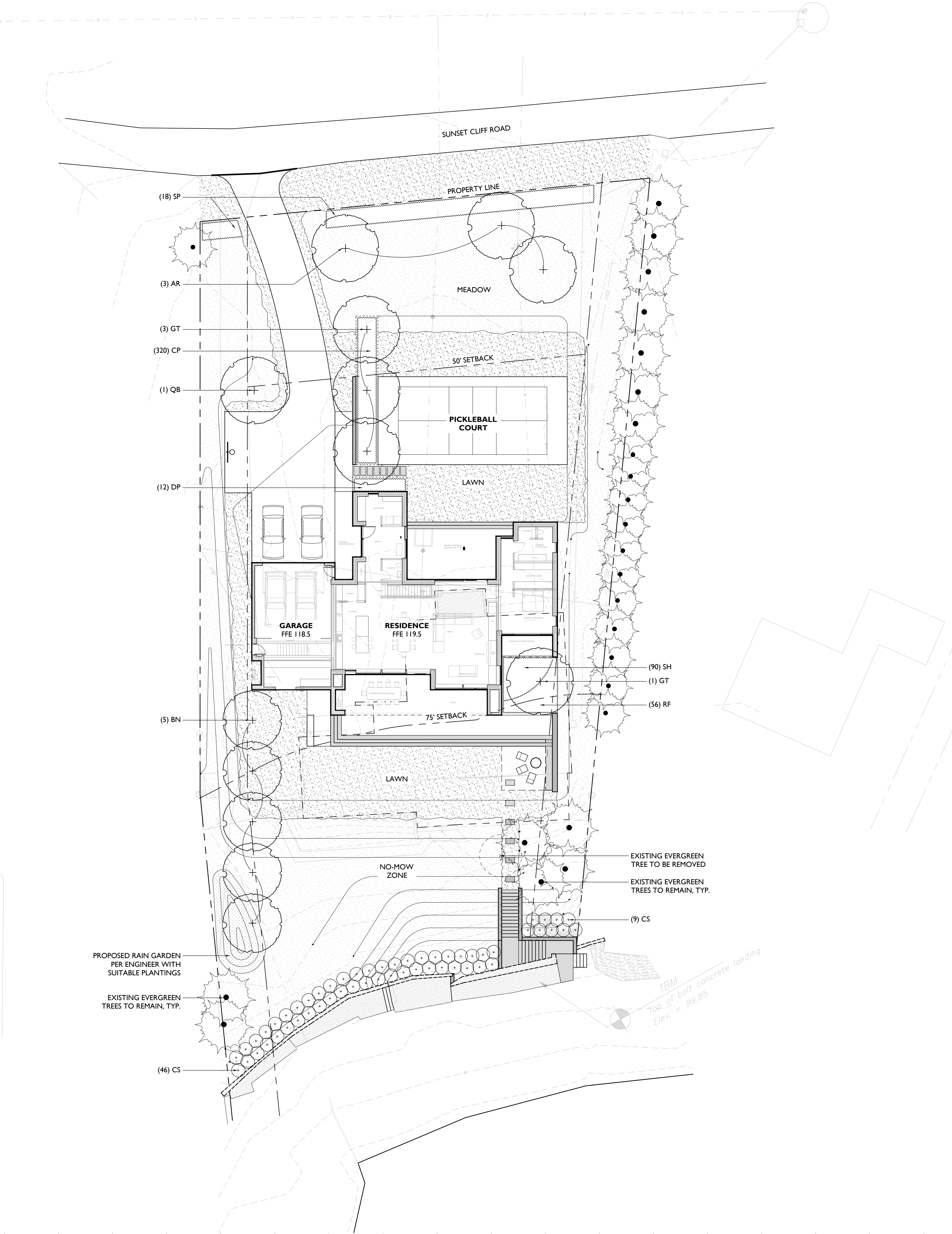
WONG RESIDENCE

98 SUNSET CLIFF RD
BURLINGTON, VT 05408

LAYOUT, MATERIALS
AND GRADING
PLAN AT FIRE PIT

JOB NO. 22-272
SCALE: VARIES
DRAWN BY: XX
DATE: 01.11.2023

L102



PLANT SCHEDULE

KEY	QTY.	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING
-----	------	-----------------	-------------	------	---------

TREES

AR	3	Acer rubrum 'Red Sunset'	RED MAPLE	6"-7" CAL.	AS SHOWN
BN	5	Betula nigra 'Heritage' (single stem)	HERITAGE RIVER BIRCH	6"-7" CAL.	AS SHOWN
GT	4	Gleditsia triacanthos inermis var. 'Shademaster'	SHADEMASTER HONEYLOCUST	6"-7" CAL.	AS SHOWN
QB	1	Quercus bicolor	SWAMP WHITE OAK	6"-7" CAL.	AS SHOWN

SHRUBS

CS	55	Cornus sericea 'Firedance'	FIRE DANCE RED TWIG DOGWOOD	#5	AS SHOWN
SP	18	Syringa patula 'Miss Kim'	MISS KIM LILAC	#5	5' O.C.

ORNAMENTAL GRASSES

CP	320	Carex pensylvanica	OAK SEDGE	1 GAL.	10" O.C.
SH	90	Sporobolus heterolepis	PRAIRIE DROPSEED	1 GAL.	18" O.C.

PERENNIALS

DP	12	Dennstaedtia punctilobula	HAY-SCENTED FERN	1 GAL.	18" O.C.
RF	56	Rudbeckia fulgida 'Goldsturm'	BLACK-EYED SUSAN	1 GAL.	18" O.C.

PLANTING NOTES

- All plant material in the plant schedule shall be nursery grown in accordance with ANSI in accordance with Z.60.1 Standards for measurement of nursery stock.
- All plants shall be guaranteed by the Contractor for a period of one year from date of receipt of Provisional Acceptance of the completed installation by the Owner.
- Replacement plantings will be required prior to Final Acceptance for any plants which are missing, not true to specifications, have died or are unhealthy or uncharacteristic of the species (due to excessive pruning, dieback or other reasons).
- All plant materials shall be selected and tagged at the nursery by Landscape Architect.
- The Landscape Architect's approval is required for any plant material substitutions.
- The Contractor is responsible for immediately notifying the Landscape Architect if any plant quantity discrepancies exist between the planting plan and the plant list.
- All shrubs and trees will be sprayed with the anti-desiccant "Wilt-Pruf" (or approved equal) prior to the first Winter (no later than November 30).
- The Landscape Contractor shall have the General Contractor locate all underground utilities in areas to be landscaped prior to commencing any excavation. Adjustments to tree locations will be allowed where utility conflicts are clearly a problem and with prior site approval by Landscape Architect.
- All plant bed, shrub and tree location shall be staked in the field by Contractor for Landscape Architects approval prior to installation.
- Adjustments to plant beds shall be approved by Landscape Architect.
- General Contractor is responsible for all erosion control measures during construction.
- All disturbed areas are to be topsoiled and seeded or sodded, as indicated in the planting plan.
- Mulch shall consist of double-shredded hardwood mulch or approved equal and Contractor is responsible for providing samples of mulch to Landscape Architect. Mulch plant materials as shown on plan and details.
- It is the intent of this contract to avoid any disturbance to existing trees or shrubs on site other than those specifically designated for transplant or removal.
- Liquidated damages for trees damaged by construction operation shall be \$500 per caliper inch. Shrubs shall be \$100 each.
- During construction, and until the end of warranty period, existing trees that are showing signs of stress as determined by the Landscape Architect are to be deep root fertilized, two injections per caliper inch per tree at 18" - 24" depth with Peter's 20/20/20 fertilizer or Landscape Architect approved equal.
- Contractor is responsible for verifying and confirming all plant counts as supplied by the Landscape Architect with field conditions as constructed. Any discrepancies shall be reported to Landscape Architect for approval and direction.
- Tree transplanting shall be performed by a suitable hydraulic tree spade, sized as necessary to perform the work.
- Prior to commencement of any construction, all existing trees to remain shall receive tree protection fence at outer edge of dripline whenever possible.

NO.	DESCRIPTION	DATE
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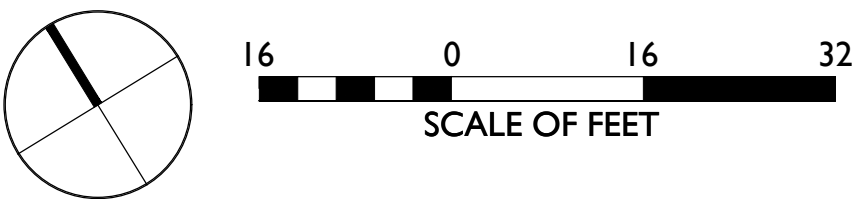
WONG RESIDENCE

98 SUNSET CLIFF RD
BURLINGTON, VT 05408

PLANTING PLAN

JOB NO. 22-272
SCALE: 1/16"=1'-0"
DRAWN BY: XX
DATE: 01.11.2023

L200



**PROGRESS
DRAWINGS--
NOT FOR
CONSTRUCTION**

98 SUNSET CLIFF RD
BURLINGTON, VT

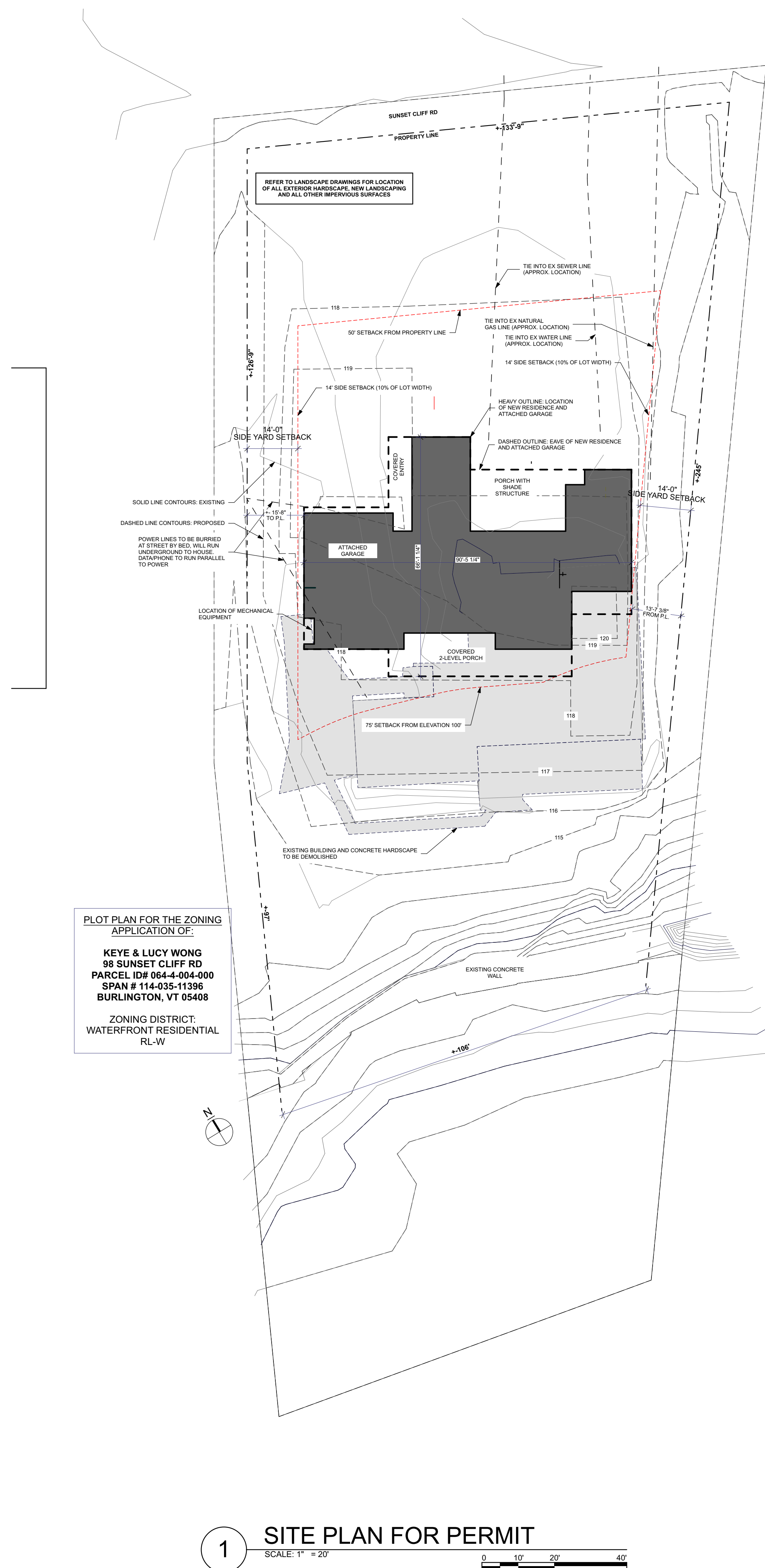
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[illegible]

SITE PLAN FOR PERMIT

A-101



1 SITE PLAN FOR PERMIT
SCALE: 1" = 20'







Burlington Development Review Board

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

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



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, February 21, 2023, 5:00 PM

AGENDA

In Person (at 645 Pine Street) Meeting

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Consent**

- 1. **ZP-23-27; 655 Spear Street (I, Ward 6S) UVM State Agricultural College / Claire Forbes**
Proposed demolition, removal, and disposal of UVM's BioResearch Laboratory building. Site will be seeded, and a silt fence installed to protect wetland buffer. (Project Manager, Mary O'Neil)

Approve

- V. **Public Hearing**

- 1. **ZAP-23-1; 126 College Street (FD6, Ward 3C) Investors Corporation of VT / Julia Booth**
Appeal of zoning denial (ZPS-22-69) to install wall sign for Vermont Law School. (Project Manager, Scott Gustin)

Overturn administrative denial and approve application as submitted.

- VI. **Certificate of Appropriateness**

- 1. **ZP-23-9; 98 Sunset Cliff Road (RL-W, Ward 4N) Keye & Lucy Wong / Elizabeth Herrmann**
Demolish existing single-family residence and construct new single-family residence with associated site improvements. (Project Manager, Scott Gustin)

Approve

- VII. **Adjournment**

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

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Burlington Development Review Board

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Emily O'Hara (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, February 21, 2023, 5:00 PM

MINUTES

In Person (at 645 Pine Street) Meeting

Board Members Present: All members were in person. Caitlin Halpert, Geoff Hand, Brad Rabinowitz, Leo Sprinzen, Sean McKenzie, and Chase Taylor

Board Members Absent: AJ LaRosa, Brooks McArthur and Emily O'Hara

Staff Members Present: Mary O'Neil, Garret King, and Joseph Cava

- I. Agenda
- II. Communications
- III. Minutes
- IV. Consent

1. **ZP-23-27; 655 Spear Street (I, Ward 6S) UVM State Agricultural College / Claire Forbes**
Proposed demolition, removal, and disposal of UVM's BioResearch Laboratory building. Site will be seeded, and a silt fence installed to protect wetland buffer. (Project Manager, Mary O'Neil)

Lisa Kingsbury: Sworn in.

Caitlin Halpert: This item is recommended for consent approval. Have you had time to review the staff report?

Lisa Kingsbury: Yes.

Caitlin Halpert: Do you have any comments or questions?

Lisa Kingsbury: No, none.

Caitlin Halpert: Are there any additional questions or comments from the board? Are there any questions or comments from the public? Hearing none, would someone like to make a motion?

Brad Rabinowitz: Motioned to approve and adopt staff recommendations, Chase Taylor 2nd. Vote 6-0. Motion carries.

V. Public Hearing

1. **ZAP-23-1; 126 College Street (FD6, Ward 3C) Investors Corporation of VT / Julia Booth**
Appeal of zoning denial (ZPS-22-69) to install wall sign for Vermont Law School. (Project Manager, Scott Gustin)

Julia Booth, Tom Juiffre, Beth McCormack, Lorraine Atwood, Jim Langan, Miche Altman, Jill Piaz: Sworn in.

Caitlin Halpert: Can you please address what it is you're appealing?

Mary O'Neil: This appeal is for the administrative denial of ZPS-22-69. The language within the ordinance does not allow wall signs for businesses above the second floor. The applicant appealed the decision in a timely manner.

Brad Rabinowitz: So the applicant can have a wall sign, just not one above a certain level? The staff report doesn't expand.

Mary O'Neil: Section 7.1.13, Wall Signs, gives dimensional standards for tenants on the ground floor, and again for tenants on the second floor with only a first floor entryway. There is no language about wall signs above the 2nd floor.

Leo Sprinzen: I am not aware of any businesses that have a wall signs for business located on the third or fourth floor.

Geoff Hand: Is there another interpretation of the ordinance to allow these types of signs?

Mary O'Neil: No, this ordinance was adopted in September 2019 so any previously existing wall signs are grandfathered.

Julia Booth: If we are to submit a master sign plan, what would you like to see?

Mary O'Neil: There is language within the ordinance for addressing a master sign plan.

Tom Juiffre: If this is denied, what are our options? The verbiage contained within the letter did not address solutions moving forward. What appropriated this change in the ordinance?

Mary O'Neil: Article 7: Signs of the development ordinance. Window signs, a directory sign, or a Master Sign Plan (Part 3) are all options.

Caitlin Halpert: Is there additional argument for the appeal?

Brad Rabinowitz: No sign may exceed the allowable limitations addressed in the ordinance. I know when I go to the city, there are directory signs when you enter the building.

Beth McCormack: We used to have another site that allowed wall signs, and we bought this property with the intent of installing a wall sign. We don't see any language within the ordinance that would prevent a wall sign for this fourth-floor tenant space. The wall sign will support the initiative and nature of the tenants occupying the space.

Lorraine Atwood: We are very disappointed on not being able to install a wall sign here.

Caitlin Halpert: Any questions from the board?

Geoff Hand: It seems illogical that a fourth floor tenant would want a sign.

Beth McCormack: This is to advertise and promote.

Jim Langan: I agree with the staff report and the way it was written, but there is no prohibition within the ordinance against the tenant having a sign in this location and area. We ask that it be accepted on the basis of what the regulations says.

Brad Rabinowitz: So, there's no lighting proposed?

Jim Langan: No.

Geoff Hand: The ordinance was drafted in a way to address the first and second floor tenants, but nothing above that.

Jim Langan: It seems odd that area wasn't addressed to limit the height requirements of a sign.

Caitlin Halpert: The concept of the ordinance is to prevent the building from becoming plastered in wall signs.

Brad Rabinowitz: The criteria for signs should be addressed beyond the ordinance in a master sign plan.

Lorraine Atwood: We believe having a sign here is very important.

Mary O'Neil: It is important to note the decision was not a blanket denial of signage. It was denied because the applicant specifically wanted a wall sign. The applicant was informed of other options, but was insistent on the wall signs.

Miche Altman: I'm a Masters; student at the Vermont Law School. I am advocating for a wall sign at this location. The building at this site is set farther back from other buildings which makes it difficult for students to locate. In addition to students, it is also difficult for individuals whose families first language isn't English locate the office.

Brad Rabinowitz: How are people not finding the building? I am looking at it, and there is a big "126" above the door.

Jill Piaz: The reflective and imposing exterior makes it difficult for people struggling to enter a rigid atmosphere where racial equality and inclusion is encouraged citywide.

Caitlin Halpert: Hearing no additional comment, I move we close the public hearing on this item.

Geoff Hand: Motioned to reverse the administrative denial and approve the application, Brad Rabinowitz 2nd. Vote 4-2. (CH, SMK) Motion carried.

VI. Certificate of Appropriateness

- 1. ZP-23-9; 98 Sunset Cliff Road (RL-W, Ward 4N) Keye & Lucy Wong / Elizabeth Herrmann**
Demolish existing single-family residence and construct new single-family residence with associated site improvements. (Project Manager, Scott Gustin)

Elizabeth Herrmann, Seth Goddard: Sworn in.

Caitlin: Can you give us an overview and tell us about the project?

Elizabeth Herrmann: The proposal is to demolish the existing residence and construct a new one that will be pulled back from the edge of the water. The previous owner built a subterranean tunnel

connecting the house to the lake. This tunnel will be removed and a path built along the existing landscape.

Brad Rabinowitz: I understand that the conservation board had recommendations about this project.

Seth Goddard: Yes, the site is clay soil which makes it difficult for adequate drainage. The bio-retention area proposed in the plan would improve stormwater runoff.

Sean McKenzie: Did the soil contain clay before fill was brought in, or after?

Seth Goddard: It appears that the fill from the original home was spread on top of the existing clay, which is about three feet down and is consistent throughout the site.

Brad Rabinowitz: I am interested in the landscape plan.

Elizabeth Herrmann: Krebs & Lansing came back with some small changes to the lot size which changed the calculation.

Seth Goddard: The lot is widest at Sunset Cliff Rd. and narrows as it goes down to meet the lake elevation. There is a state wastewater permit that has been applied for.

Brad Rabinowitz: Can you expand on the siding design choices?

Elizabeth Herrmann: Yes, the darker shading was to capture shadows and make good use of light by blending the natural and darker materials.

Caitlin Halpert: Hearing no additional comments or questions, I move we close the public hearing on this item and enter deliberative session.

Brad Rabinowitz: Motioned to approve and adopt staff recommendations, Chase Taylor 2nd. Vote 6-0. Motion carried.

VII. Adjournment

Hearing closed at 5:55 PM.



Alexander J. LaRosa, Chair of Development Review Board

3/10/23

Date



2-27-23

Joseph H. Cava, Permitting & Inspections Permit Technician

Date

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

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