Burlington Planning Commission
149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)
www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Brynne Martin

Regular Meeting
Burlington Planning Commission
February 8, 2022, 6:30 P.M.
Virtual Meeting via Zoom Only

To Join the Meeting on a Computer
Link: https://us02web.zoom.us/j/85626575088

To Join the Meeting on a Phone
Number: +1 312 626 6799 **Meeting ID:** 856 2657 5088

AGENDA

I. Agenda

II. Public Forum *See details on pg 3 of packet for participating remotely.*

III. Chair's Report

IV. Director's Report

V. University of Vermont Trinity Campus Plans

The Commission will hear an update from representatives from UVM regarding plans to create additional student housing on the Trinity Campus, and an introduction to potential zoning considerations to facilitate infill on the campus. More information related to this item is included in the agenda packet on page 4.

Staff Recommendation: Ask questions and provide feedback to inform upcoming discussions of potential changes to the Trinity Campus Overlay zoning district.

VI. Proposed CDO Amendment: Minimum Parking & TDM Requirements

The Commission will complete its review and discussion of the draft amendment referred by Council. Information related to this item is included in the agenda packet on page 9.

Staff Recommendation: Provide any final input on the draft ordinance or the Commission's draft memo for referral to the Council Ordinance Committee.

VII. Commissioner Items

a. Upcoming Meetings –
   i. **Wednesday,** February 23 at 6:30pm- **online only**
   ii. Tuesday, March 8 at 6:30pm- hybrid or online only TBD
b. Committee Reports
   i. Ordinance Committee

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. Written comments on items may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401, or at mtuttle@burlingtonvt.gov

VIII. Minutes & Communications

a. The minutes of the January 25, 2022 meeting are enclosed in the agenda packet on page 37
b. Communications are posted online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas

IX. Adjourn

Burlington Planning Commission
149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)
www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Brynne Martin

Regular Meeting
Burlington Planning Commission
February 8, 2022, 6:30 P.M.
Virtual Meeting via Zoom Only

To Join the Meeting on a Computer
Link: https://us02web.zoom.us/j/85626575088

To Join the Meeting on a Phone
Number: +1 312 626 6799 **Meeting ID:** 856 2657 5088

AGENDA

I. Agenda

II. Public Forum *See details on pg 3 of packet for participating remotely.*

III. Chair's Report

IV. Director's Report

V. University of Vermont Trinity Campus Plans

The Commission will hear an update from representatives from UVM regarding plans to create additional student housing on the Trinity Campus, and an introduction to potential zoning considerations to facilitate infill on the campus. More information related to this item is included in the agenda packet on page 4.

Staff Recommendation: Ask questions and provide feedback to inform upcoming discussions of potential changes to the Trinity Campus Overlay zoning district.

VI. Proposed CDO Amendment: Minimum Parking & TDM Requirements

The Commission will complete its review and discussion of the draft amendment referred by Council. Information related to this item is included in the agenda packet on page 9.

Staff Recommendation: Provide any final input on the draft ordinance or the Commission's draft memo for referral to the Council Ordinance Committee.

VII. Commissioner Items

a. Upcoming Meetings –
   i. **Wednesday,** February 23 at 6:30pm- **online only**
   ii. Tuesday, March 8 at 6:30pm- hybrid or online only TBD
b. Committee Reports
   i. Ordinance Committee

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. Written comments on items may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401, or at mtuttle@burlingtonvt.gov

VIII. Minutes & Communications

a. The minutes of the January 25, 2022 meeting are enclosed in the agenda packet on page 37
b. Communications are posted online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas

IX. Adjourn

City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

Guidance for Participating in a Virtual Planning Commission Meeting

As social distancing measures to preserve public health and safety continue to be required to prevent the spread of COVID-19, or are recommended as a standard practice, the Office of City Planning will be supporting the Planning Commission to conduct their meetings online via Zoom. Here is information about how to join a virtual meeting, and what to expect while participating.

General Guidance for Public Participation

Please remember that in this digital meeting environment, meetings are open to the public and anyone may be watching or listening even if you cannot see them. Meetings will be recorded, and both the recording and chat content of the meeting will be maintained as a public record.

Please ensure your display photo and screen name are professional, such as using your first and last name. Please test your audio and video prior to the start of a meeting, and familiarize yourself with how to join a meeting by your chosen method. And finally, please be patient with us. Technology doesn't always work as planned, and we are all learning how to hold a successful virtual meeting!

How to Join a Virtual Meeting

Zoom allows participation via either computer or telephone. Each agenda for a meeting that will be conducted virtually will include details about how to join via either of these options, including a web address, phone number, Meeting ID, and password.

If you participate via computer, you have the option of seeing Commissioner videos and any presentation materials that may be shared. If you use either a standard phone or cell phone to call in, you will only hear the audio portion of the meeting. If you join via a smartphone, you may have the option to download the Zoom app, which will enable you to see and hear the meeting.

How to Participate in a Virtual Meeting

During meetings, only Planning Commission members and limited staff members will be viewed on video. Members of the public attending a meeting will be muted, except when invited to speak during public forum or a public hearing. Whether members of the public can speak at other times during the meeting is the discretion of the Chair.

If you want to speak during public forum, please take the following steps to assist us in making this process run as smoothly as possible:

- Email staff at mtuttle@burlingtonvt.gov by 5pm on the day before a meeting to indicate your interest in speaking. You do not need to provide your comments. Staff will enable your microphone as your name is called from a list of interested speakers.
- During a meeting, you can use the "Raise Hand" feature, or indicate in a chat message that you wish to speak during public forum. Staff will enable your microphone as your name is called.
- If you are interested in submitting your comments in writing instead of speaking during the meeting, you may do so by 5pm the day before a meeting, they will be forwarded to the Commissioners ahead of the meeting.

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 the City Planning department or 711 if you are hearing or speech impaired.

City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Planning Commission
FROM: Meagan Tuttle, AICP, Director
DATE: February 1, 2022
RE: UVM Presentation of Trinity Campus Plans

Background
In December 2021, Mayor Weinberger announced the "10 Point Housing Action Plan" to serve as a roadmap with two main goals: to double the rate of housing production within the city over the next 5 years, and end chronic homelessness in Burlington. The action plan includes a number of financial investments, resource expansion, and zoning policy changes to achieve these goals. The plan continues to build on nearly a decade of work to address housing availability and affordability—including many policy reforms the Planning Commission has previously been engaged in. In particular, the plan builds on and expands objectives from the 2015 Housing Action Plan and the 2019 Housing Summit.

The 2021 plan identifies three major zoning policy amendments to support its overarching goals, including "opening new on-campus University of Vermont (UVM) student housing opportunities by rezoning the former Trinity Campus to reduce UVM's pressure on the housing market."

Reviewing the applicability of the Trinity Campus overlay zoning district for this part of UVM's campus has been discussed periodically in recent years. *planBTV: Comprehensive Plan*, updated in 2019, identifies the institutions' campuses and the major thoroughfares that function as the city's eastern gateways as special growth areas. *planBTV* states that these areas are an essential focus for the growth of the institutions within their campuses, particularly to create new and additional housing options for students. *planBTV* also notes this area of campus as being important to help "better balance on-campus housing opportunities between the north and south of the core academic areas of campus."

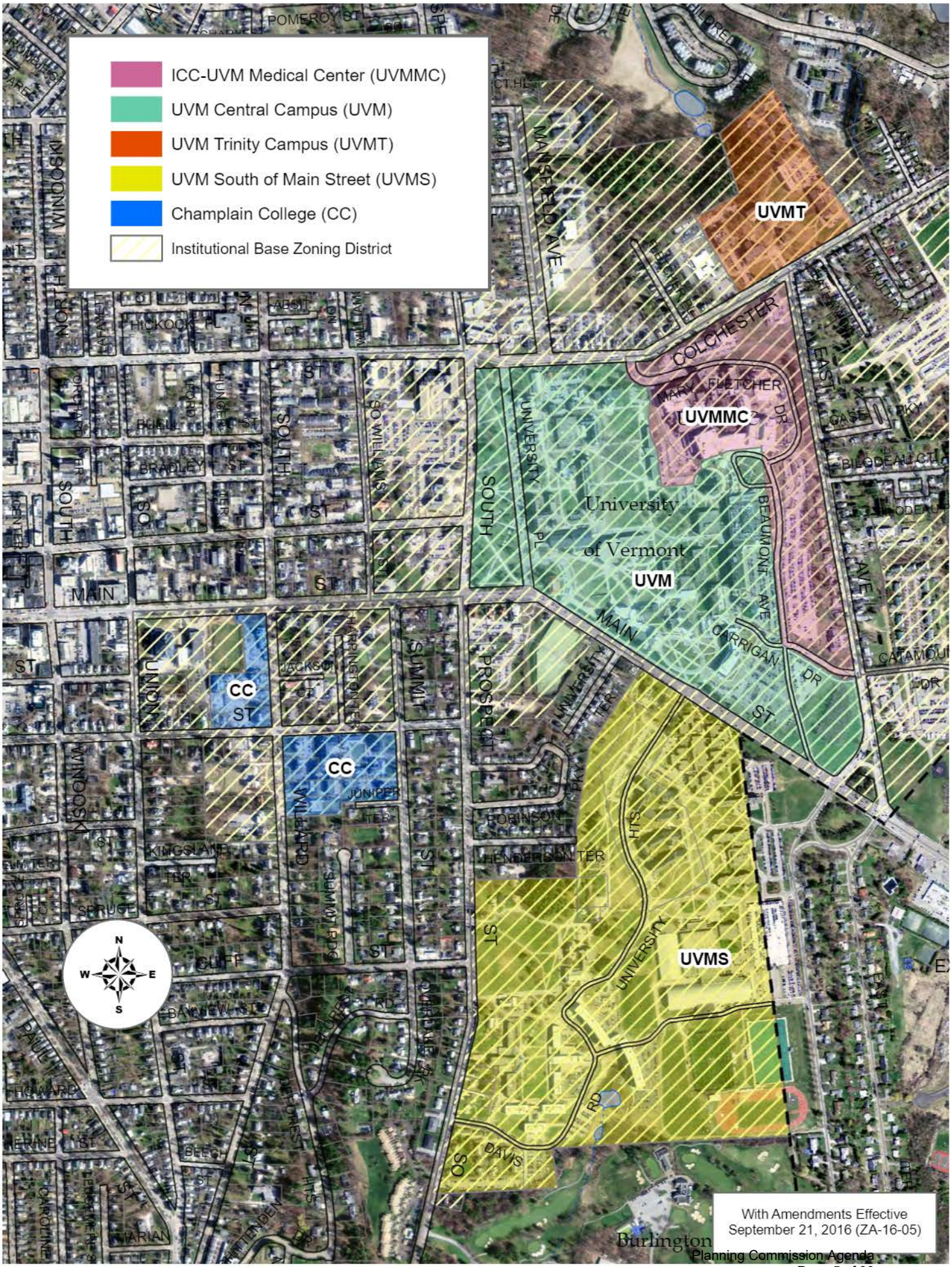
Trinity Campus Overlay Zoning District
The *Burlington Comprehensive Development Ordinance (CDO)* includes five Institutional Core Campus Overlay Districts, which apply to sub areas of the Institutional zoning district. These overlay districts are intended to provide for growth within the core of the institutions' campuses, by allowing an increased development intensity than would typically be found in the underlying zoning district, and providing transitions between sections of campus and the surrounding neighborhoods.

The UVM Trinity Campus (UVMT) overlay zone applies to a parcel on UVM's campus along Colchester Avenue on the north side of the intersection of Colchester and East Avenues. A map of the current Institutional Core Campus Overlay zones, and the existing *CDO* standards that apply to this part of campus are attached to this memo.

The parcel is currently home to a number of UVM residence halls such as McAuley and Mercy Halls. UVM intends to create additional graduate and undergraduate beds in the vicinity of these existing residence halls, and has identified a number of limitations under the current UVMT overlay zone.

UVM representatives will attend the Planning Commission meeting to provide background on campus housing trends, plans for the Trinity Campus, and specific requests for the Planning Commission's consideration regarding the UVMT overlay district.

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 the City Planning department or 711 if you are hearing or speech impaired.


ICC-UVM Medical Center (UVMMC)
UVM Central Campus (UVM)
UVM Trinity Campus (UVMT)
UVM South of Main Street (UVMS)
Champlain College (CC)
Institutional Base Zoning District
UVMT
UVMMC
UVM
UVMS
CC
CC
University of Vermont
Burlington
N
S
E
W
With Amendments Effective September 21, 2016 (ZA-16-05)

7. Uses:

Within the ICC-UVM District, Schools - Post-secondary and Schools -Community Colleges shall be treated as permitted uses.

(e) District Specific Regulations: UVM Trinity Campus (ICC -UVMT):

1. Lot Coverage

Lot coverage within the ICC-UVMT district shall not exceed 40% except as may be allowed under the inclusionary housing provision of Article 9, Inclusionary Housing.

Maximum lot coverage shall be applied to the aggregate of all lots owned by a single entity and located within the ICC-UVMT district.

2. Setbacks:

Development in the ICC-UVMT shall be subject to the setback requirements as specified under the provisions of the underlying zoning district.

Minimum side and rear yard setbacks shall not be applicable between parcels under the same ownership within the ICC-UVMT district, but shall apply along the perimeter of the district.

Colchester Avenue Buffer. Within the ICC-UVMT no development of new surface parking or new structures, except for ancillary structures no larger than 200 square feet, shall be permitted within a setback of 115 feet from the front property line on Colchester Avenue.

3. Surface Parking

No new outdoor surface parking spaces shall be permitted in the ICC-UVMT district unless the number of the new outdoor surface parking spaces is offset by the corresponding removal of outdoor surface parking spaces in the ICC-UVMT district existing as of January 1, 2002 and the Development Review Board has approved such offset in issuing a certificate of appropriateness.

4. Height:

Additions and new construction may be built to a height that does not exceed the greater of thirty-five feet (35') or the height of existing structures located on the same parcel within the ICC-UVMT district, but in no instances shall any building exceed fifty-five feet (55') in height as measured from finished grade.

5. Density:

In the ICC-UVMT district, the restrictions on residential density set forth in the underlying zoning district, and in Article 9 (Inclusionary Housing) shall apply to all development, including changes in use.

Unless replaced on site no housing unit in a residential structure located within the ICC-UVMT shall be demolished or converted to a nonresidential use, except for housing units that are exempt from the provisions of Article 9, Part 2 - Housing Preservation and Replacement/Demolition and Conversion.

6. Uses:

Within the ICC-UVMT, only the following uses shall be permitted or conditionally permitted:

Permitted Uses:	**Conditional Uses:**
Residential	
Assisted Living	
Attached Dwelling(s) – Mixed-Use	
Attached Dwellings - Multi-Family	
Attached Dwellings – Duplex	
Boarding House	
Convalescent /Nursing Home	
Single Detached Dwelling	
Non-Residential	
Bed and Breakfast,	Bakery – Retail
Community Center	Bank
Daycare – Large, Daycare - Small	Café
Dormitory	Convenience Store
Health Care Hospitality	Credit Union
Health Club	Dental Lab
Health Studio	Dry Cleaning Service
Historic Inn	General Merchandise/Retail – Small <4,000sqft

Permitted Uses:	**Conditional Uses:**
Hostel	Grocery Store – Small ≤10,000sqft
Office – General	Medical Lab
Office - Medical, Dental	Pharmacy
Park	Research and Development Facility
Performing Arts Studio	Research Lab
Record and Document Storage	Restaurant
School - Post-Secondary & Community College	
School - Preschool	
Worship, Place of	

All non-residential uses are Permitted Uses within buildings existing as of January 1, 2002; and are Conditional Uses if located within a new building to be constructed after January 1, 2002.

No permitted or conditional use in the ICC-UVMT District may include drive-through facilities, gas pumps or canopies.

7. Parking:

Parking for all uses and structures shall be in accordance with the provisions of Article 8, Part 3 Institutional Parking Plans.

8. Review Requirements:

Within the ICC-UVMT, any new construction or any change in use of 15,000 square feet or more (including any cumulative change of use or new construction of 15,000 square feet or more within a twelve month period) shall be subject to the conditional use major impact review criteria (Article 3).

(f) District Specific Regulations: UVM South of Main Street Campus (ICC - UVMS):

1. Lot coverage

Maximum lot coverage shall be applied to the aggregate of all lots located within the ICC -UVMS District. Lot coverage shall not exceed 60%.

2. Setbacks

Side and rear yard setback requirements as stipulated in the underlying zoning district shall be applicable only along the perimeter of the ICC -UVMS District.

A front yard setback defined by the existing building line as of January 1, 2008 shall be maintained along the South Prospect Street and Main Street frontages of the ICC - UVMS District.

3. Development Buffer

No new structures or surface development shall be permitted within the designated ICC-UVMS Development Buffers as delineated on Map 4.5.2-5 below. These areas shall be maintained as open greenspace, however landscaping, outdoor lighting, street

City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Meagan Tuttle, AICP, Director
DATE: February 2, 2022
RE: Discussion topics for Minimum and Maximum Parking & TDM Amendment

---

Background
The proposed amendment was introduced by the City Council, and referred to its Ordinance Committee in the fall of 2021. Following an invitation to a joint meeting with the Council Ordinance Committee, the Commission requested that the amendment be referred for a thorough review and discussion, and to provide comments to the Council on its development. As such, the Council Ordinance Committee has referred this to the Commission, with a request that it be returned for their action in February.

Staff has discussed the proposed amendment with the Council Ordinance Committee in three meetings. Additionally, the Planning Commission has reviewed the proposed amendment in two previous meetings, and offered detailed comments. Based on those discussions, a number of changes to the original draft ordinance have been made. These changes are incorporated and highlighted in the attached Ordinance markups.

Planning Commission Follow Ups from 1/25 Meeting
The following remaining issues were identified by the Commission for additional discussion prior to sending this item back to the Council Ordinance Committee:

- What can we learn from the number of parking spaces that have been built in excess of the minimum required?
    - *Scott Gustin is researching recent permits and will offer perspectives during the meeting on how frequently additional parking is created and any consistency among uses.*
- Continue discussing the question about whether "parking management plans" under the TDM standards are required for new developments when new parking is not created.
- Finalize Commission's position on the draft TDM memo, specifically with regard to the question of whether to offer comments, or to make a more direct recommendation on the changes.

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 the City Planning department or 711 if you are hearing or speech impaired.

Resolution Relating to

Comprehensive Development Ordinance, Minimum and Maximum Parking Requirements and Transportation Demand Management

RESOLUTION_____
Sponsor(s): Councilor Hanson
Introduced: _____
Referred to: _____
_____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-one……

Resolved by the City Council of the City of Burlington, as follows:

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington, Article 4: Zoning Maps and Districts, Part 4: Base Zoning District Regulations, be and hereby is amended by amending Section 4.4.5 (d) 4. C. Residential Occupancy Limits; and Article 8: Parking, Part 1: General Requirements, be and hereby is amended by amending Sections 8.1.3, Parking Districts, Parking Districts, 8.1.6, Existing Structures: Exemption in Downtown District, 8.1.8, Minimum Off-Street Parking Requirements, Table 8.1.8-1 Maximum Off-Street Parking Requirements, 8.1.9, Maximum Parking Spaces, 8.1.12 Limitations, Location, Use of Facilities, 8.1.15 Waivers from Parking Requirements/Parking Management Plans, and adding Section 8.1.16 Transportation Demand Management; and Article 8: Parking, Part 3: Institutional Parking Plans be and hereby is amended by amending Section 8.3.3 Institutional Parking Management Plans, thereto to read as follows:

Sec. 4.4.5 Residential Districts
(a) – (c) As written.

(d) District Specific Regulations
1-3 As written.

4. Residential Density
A-B As written.

C. Residential Occupancy Limits
In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Notwithstanding the following, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied.

Subject to Conditional Use approval by the DRB, a dwelling unit may be occupied by more than four (4) unrelated adults if it contains at least twenty-five hundred (2,500) square feet excluding its attic and basement pursuant to the following:

(i) If in a RL district, the dwelling unit also contains at least an additional two hundred fifty (250) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4); or,

(ii) If in a RM district, the dwelling unit also contains at least an additional two hundred (200)

Commented [MT1]: All changes highlighted in yellow are changes that have been made by staff to this amendment since it was introduced to/by the Council.

Commented [MT2]: These changes maintain requirements for parking in effect today. See changes in Sec 8 below for more context.

DRAFT

square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4).

(iii) If in a RH district, the dwelling unit also contains at least an additional 150 square feet and two (2) onsite parking spaces, plus and one (1) additional parking space per adult occupant in excess of four (4).

In considering a request relating to permitting a greater number of unrelated individuals residing in a dwelling unit within a residential zoning district, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet.

5-6 As written.

Sec. 8.1.3 Parking Districts

The demand for parking is highly dependent on the context within which a given use or structure is located. Factors such as proximity to other related uses, availability of public transportation and alternative forms of and supports for transportation, the density of land uses, and the ability to share parking with nearby uses are all factors which influence the demand for individual and dedicated off-site parking. For the purposes of this Article, the following three (3) Parking Districts as illustrated in Map 8.1.3-1 are hereby created:

(a) Neighborhood Parking District:
This parking district ~~establishes the baseline of parking requirements throughout the city where~~ encompasses the primarily residential neighborhoods of the city where the demand for off-site parking is largely dependent on the needs and characteristics of and transportation resources available to an individual site or land use.

(b) Shared Use Parking District:
This parking district ~~reduces the requirements from the baseline standards recognizing~~ recognizes that opportunities exist to share parking demand between related nearby land uses, and that travel to and between these uses may not be strictly automobile dependent.

(c) Multimodal Mixed-Use Parking District:
This parking district recognizes that ~~eliminates the minimum on-site parking requirements of Sec. 8.1.8 recognizing~~ the opportunity for extensive sharing of parking demand between nearby mixed land uses makes travel to and between proximate land uses largely independent from an automobile; and that an array of non-vehicular transportation modes, public parking facilities, and frequent transit service greatly reduces the need for independent on-site parking for individual land uses.

This Parking District includes all properties in the following Zoning Districts:
(a) Downtown Core (FD6)
(b) Downtown Center (FD5)
(c) Downtown Waterfront – Public Trust (DW-PT)
(d) Neighborhood Activity Center (NAC)
(e) Neighborhood Mixed Use (NMU)

DRAFT

(f) NAC – Riverside (NAC-R)
(g) NAC – Cambrian Rise (NAC-CR)

With the exception of those properties subject to Part 3 - Institutional Parking Management Plans, this Parking District also includes all properties with street frontage on the following major thoroughfares to a maximum depth of 200-ft.:
(a) North Avenue from Battery Park to Plattsburg Avenue
(b) Colchester Avenue
(c) Pearl Street
(d) North Winooski Avenue
(e) Riverside Avenue from N. Winooski Ave to Colchester Ave
(f) Battery Street
(g) Main Street
(h) College Street to South Williams Street
(i) Pine Street
(j) Saint Paul Street
(k) Shelburne Street

~~With respect to permits issued with parking requirements in this Parking District prior to the effective date of the amendment to eliminate minimum onsite parking, an administrative permit amendment may be requested to remove the parking requirement based upon the change in regulation. This does not apply to permits containing public parking provided in exchange for an Article 4 Development Bonus (See Sec. 4.4.1(d)(5)(A). For those permits, the public parking provided shall be maintained.~~

Commented [MT3]: This has been relocated to Sec 8.1.4 below, and clarifies that this does not apply in the Neighborhood & Shared Use Districts.

Map 8.1.3-1 Parking Districts As written.

Sec. 8.1.4 Existing Structures

Any structure or land use lawfully in existence prior to the adoption of this ordinance shall not be subject to the requirements of this Article as long as the kind or extent of use is not changed, and provided further that any parking facilities now serving such structures shall not in the future be ~~reduced below such requirements~~altered.

Within the Multimodal Mixed-Use Parking District, an administrative permit may be requested to remove the minimum off-street parking requirements associated with permits issued prior to December 16, 2020. This provision does not apply to permits containing public parking provided in exchange for an Article 4 Development Bonus (See Sec. 4.4.1 (d) (5) (A)). For those permits, the public parking provided shall be maintained. This provision does not apply within the Neighborhood or Shared Use Parking Districts.

Sec. 8.1.5 Existing Structures - Change or Expansion of Use

Whenever there is an alteration or conversion of a structure or a change or expansion of a use which ~~increases~~ affects the parking requirements, the parking requirements of this Article shall apply only to the new use or net new area of the expanded use. ~~total additional parking requirements for the alteration, conversion,~~

DRAFT

~~change, or expansion shall be provided in accordance with the requirements of this Article. A waiver may be requested pursuant to the provisions of Sec. 8.1.15.~~

Sec. 8.1.6 ~~Affordable Housing and Historic Buildings Exemption~~ (Reserved)

~~Regardless of location, the Minimum Off-Street Parking Requirements found under Sec. 8.1.8 below shall not apply to any of the following:~~
~~(a) The creation of permanently affordable inclusionary housing units satisfying the applicable provisions of Article 9 Part 1 – Inclusionary Housing (see Sec. 9.1.10 Income Eligibility and Sec. 9.1.11 Calculating Rents and Selling Prices);~~
~~(b) The adaptive reuse and/or substantial rehabilitation of a building listed on the State or National Register of Historic Places; and,~~
~~(c) The creation of an Accessory Dwelling Unit subject to the provisions of Sec. 5.4.5.~~

~~Sec. 8.1.7 Non-Conforming Residential Structure~~ **(Reserved)**

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

Sec. 8.1.8 Minimum Off-Street Parking Requirements

Requirements for a minimum number of off-street parking spaces have been recognized as an impediment to building housing and other desired uses, inhibit the expansion of alternative transportation and transportation demand management, and act as an instrument to overbuild parking and incentivize single occupancy automobile use. ~~and are, t~~ Therefore, minimum off-street spaces are eliminated in all parking districts for all uses except for applications seeking to exceed occupancy of a dwelling unit by more than four (4) unrelated adults. Such applications are subject to the parking requirements of Sec. 4.4.5 (d), 4, C, Residential Occupancy Limits.

Commented [MT4]: The Council Ordinance Committee wanted to ensure that eliminating minimums did not impact these occupancy standards as they exist today. This Section references those standards, which are also modified in the Article 4 changes above.

~~A minimum number of off-street parking spaces for all uses and structures shall be provided in accordance with Table 8.1.8-1 below.~~
~~(a) Where a use is not listed, the minimum parking requirements shall be determined by the administrative officer based upon a determination that the use is substantially equivalent in use, nature, and impact to a listed use.~~
~~(b) When the calculation yields a fractional number of required spaces, the number of spaces shall be rounded to the nearest whole number.~~
~~(c) The minimum off-street parking requirement for a development with inclusionary housing units provided on site shall be reduced by the percentage of inclusionary units required by Article 9.~~
~~*(Example: A 100-unit residential development with a requirement of 15% inclusionary units shall provide minimum off-street parking based on 85 dwelling units.)*~~

~~**Table 8.1.8 Minimum Off-Street Parking Requirements**~~

DRAFT

~~Table 8.1.8-1 Minimum Off-Street Parking Requirements~~			
	~~Neighborhood Districts~~	~~Shared Use Districts~~	~~Multimodal Mixed-Use Districts~~
~~RESIDENTIAL USES[1]~~	~~Per Dwelling Unit except as noted~~		
~~Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.~~	~~2~~	~~1~~	~~0~~
~~Single Family detached and Duplex~~	~~2~~	~~2~~	~~0~~
~~1. Adjusted for development with inclusionary housing units per Sec. 8.1.8(c).~~			
~~RESIDENTIAL USES - SPECIAL[1]~~	~~Per Dwelling Unit except as noted~~		
~~Assisted Living~~	~~0.5~~	~~0.5~~	~~0~~
~~Bed and Breakfast (per room, in addition to single-family residence)~~	~~1~~	~~0.75~~	~~0~~
~~Boarding House (per two (2) beds)~~	~~1~~	~~0.75~~	~~0~~
~~Community House~~	~~1~~	~~0.75~~	~~0~~
~~Convalescent Home (per four (4) beds)~~	~~1~~	~~1~~	~~0~~
~~Dormitory (per two (2) beds)~~	~~1~~	~~1~~	~~0~~
~~Emergency Shelter~~	~~0~~	~~0~~	~~0~~
~~Group Home (per two (2) beds)~~	~~1~~	~~1~~	~~0~~
~~Historic Inn (per room, in addition to single-family residence)~~	~~1~~	~~0.75~~	~~0~~
~~Sorority & Fraternity (per two (2) beds)~~	~~1~~	~~1~~	~~0~~
~~NON-RESIDENTIAL USES~~	~~Per 1,000 square feet of gross floor area (gfa) except as noted~~		
~~Adult Day Care (per two (2) employees)~~	~~1~~	~~1~~	~~0~~
~~Agricultural Use~~	~~0~~	~~0~~	~~0~~
~~Amusement Arcade~~	~~2~~	~~1~~	~~0~~
~~Animal Boarding/Kennel/Shelter~~	~~2.5~~	~~1.5~~	~~0~~
~~Animal Grooming (per grooming station)~~	~~1~~	~~1~~	~~0~~
~~Animal Hospitals/Veterinarian Office~~	~~3~~	~~2~~	~~0~~
~~Appliance & Furniture Sales/Service~~	~~2.5~~	~~1~~	~~0~~

DRAFT

~~Table 8.1.8-1 Minimum Off-Street Parking Requirements~~			
	~~Neighborhood Districts~~	~~Shared Use Districts~~	~~Multimodal Mixed-Use Districts~~
~~Aquarium~~	~~1.3~~	~~1~~	~~0~~
~~Art Gallery/Studio~~	~~3.3~~	~~2.5~~	~~0~~
~~Auction Houses~~	~~3.3~~	~~2.5~~	~~0~~
~~Automobile & Marine Parts Sales~~	~~2.5~~	~~1.5~~	~~0~~
~~Automobile Body Shop~~	~~2 plus 1/bay~~	~~2 plus 1/bay~~	~~0~~
~~Automobile Repair/Service~~	~~2 plus 1/bay~~	~~2 plus 1/bay~~	~~0~~
~~Automobile Sales – New & Used~~	~~2~~	~~2~~	~~0~~
~~Bakery~~	~~2.5~~	~~2.5~~	~~0~~
~~Bank, Credit Union~~	~~2.5~~	~~2~~	~~0~~
~~Bar/Tavern~~	~~4~~	~~3~~	~~0~~
~~Beauty/Barber Shop (per station/chair)~~	~~1~~	~~1~~	~~0~~
~~Bicycle Sales/Repair~~	~~2.5~~	~~1~~	~~0~~
~~Billiard Parlor (per game table)~~	~~1~~	~~1~~	~~0~~
~~Boat Repair/Service~~	~~2~~	~~2~~	~~0~~
~~Boat Sales/Rental~~	~~2~~	~~2~~	~~0~~
~~Boat Storage~~	~~3~~	~~2~~	~~0~~
~~Bowling Alley (per lane)~~	~~3~~	~~2~~	~~0~~
~~Building Material Sales~~	~~3.3~~	~~2.5~~	~~0~~
~~Café (per four (4) seats)~~	~~1~~	~~0~~	~~0~~
~~Camp Ground (per camping space)~~	~~1~~	~~1~~	~~0~~
~~Car Wash (stacking spaces per wash bay)~~	~~4~~	~~4~~	~~0~~
~~Cemetery~~	~~0~~	~~0~~	~~0~~
~~Cinema (per four (4) seats)~~	~~1~~	~~1~~	~~0~~
~~Club, Membership~~	~~3.3~~	~~2.5~~	~~0~~
~~Community Center~~	~~3.3~~	~~2.5~~	~~0~~
~~Community Garden (per ten (10) plots)~~	~~1~~	~~1~~	~~0~~
~~Conference Center~~	~~3~~	~~2~~	~~0~~

DRAFT

~~**Table 8.1.8-1 Minimum Off-Street Parking Requirements**~~			
	~~**Neighborhood Districts**~~	~~**Shared Use Districts**~~	~~**Multimodal Mixed-Use Districts**~~
~~Contractor Yard (per 1,000 gfa of office space)~~	~~2.5~~	~~2~~	~~0~~
~~Convenience Store~~	~~3~~	~~2~~	~~0~~
~~Convention Center~~	~~n/a~~	~~3~~	~~0~~
~~Courthouse~~	~~n/a~~	~~3.3~~	~~0~~
~~Crematory (per FTE employee)~~	~~1~~	~~1~~	~~0~~
~~Crisis Counseling Center~~	~~4~~	~~3~~	~~0~~
~~Daycare - Home (6 children or less)~~	~~None (0)~~	~~None (0)~~	~~0~~
~~Daycare - Large (Over 20 children) (per two (2) employees)~~	~~1 plus 1 drop-off per 5 children~~	~~1 plus 1 drop-off per 5 children~~	~~0~~
~~Daycare - Small (20 children or less) (per two (2) employees)~~	~~1 plus 1 drop-off per 5 children~~	~~1 plus 1 drop-off per 5 children~~	~~0~~
~~Dental Lab~~	~~2~~	~~1~~	~~0~~
~~Distribution Center (per 3,000 gfa)~~	~~1~~	~~0.75~~	~~0~~
~~Dry Cleaning Plant~~	~~1.3~~	~~1~~	~~0~~
~~Dry Cleaning Service~~	~~2.5~~	~~2~~	~~0~~
~~Film Studio~~	~~3.3~~	~~2.5~~	~~0~~
~~Fire Station (per apparatus)~~	~~2~~	~~2~~	~~0~~
~~Food & Beverage Processing~~	~~1.3, plus 3 per 1,000 gfa devoted to patron use~~	~~1, plus 2 per 1,000 gfa devoted to patron use~~	~~0~~
~~Fuel Service Station (per employee/shift)~~	~~1~~	~~1~~	~~0~~
~~Funeral Home (per four (4) seats)~~	~~1~~	~~1~~	~~0~~
~~Garden Supply Store (per 1,000 gfa of retail area.)~~	~~3~~	~~2~~	~~0~~
~~General Merchandise/Retail~~	~~3~~	~~2~~	~~0~~
~~Grocery Store~~	~~3~~	~~2~~	~~0~~

DRAFT

~~Table 8.1.8-1 Minimum Off-Street Parking Requirements~~			
	~~Neighborhood Districts~~	~~Shared Use Districts~~	~~Multimodal Mixed-Use Districts~~
~~Hazardous Waste Collection/Disposal (per two (2) employees on the largest shift)~~	~~1~~	~~1~~	~~0~~
~~Health Club~~	~~3~~	~~2~~	~~0~~
~~Health Studio~~	~~2~~	~~1~~	~~0~~
~~Hospitals (per patient bed)~~	~~2~~	~~2~~	~~0~~
~~Hostel (per two (2) beds)~~	~~0.5~~	~~0.5~~	~~0~~
~~Hotel/Motel (per room)~~	~~1~~	~~0.75~~	~~0~~
~~Laundromats (per washing machine)~~	~~1~~	~~1~~	~~0~~
~~Library~~	~~1.3~~	~~1~~	~~0~~
~~Lumber Yard (per 1,000 gfa of retail area.)~~	~~3~~	~~2~~	~~0~~
~~Manufacturing-Light~~	~~1.3, plus 3 per 1,000 gfa devoted to patron use.~~	~~1.3, plus 2 per 1,000 gfa devoted to patron use.~~	~~0~~
~~Manufacturing~~	~~1.3, plus 3 per 1,000 gfa devoted to patron use.~~	~~1.3, plus 2 per 1,000 gfa devoted to patron use.~~	~~0~~
~~Marina (per berth)~~	~~0.5~~	~~0.5~~	~~0~~
~~Medical Lab~~	~~2~~	~~1~~	~~0~~
~~Museum~~	~~1.3~~	~~1~~	~~0~~
~~Office - General~~	~~2~~	~~2~~	~~0~~
~~Office - Medical, Dental~~	~~3~~	~~2~~	~~0~~
~~Office - Technical~~	~~2~~	~~2~~	~~0~~
~~Open Air Markets~~	~~0~~	~~0~~	~~0~~
~~Operations Center - Taxi (per three (3) employees)~~	~~1~~	~~1~~	~~0~~
~~Operations Center - Truck/Bus (per 3,000 gfa)~~	~~1~~	~~0.75~~	~~0~~

DRAFT

~~Table 8.1.8-1 Minimum Off-Street Parking Requirements~~			
	~~Neighborhood Districts~~	~~Shared Use Districts~~	~~Multimodal Mixed-Use Districts~~
~~Park (per playing area)~~	~~5~~	~~0~~	~~0~~
~~Parking Garage – Private~~	~~0~~	~~0~~	~~0~~
~~Parking Lot – Private~~	~~0~~	~~0~~	~~0~~
~~Performing Arts Center (per four (4) seats)~~	~~1~~	~~1~~	~~0~~
~~Performing Arts Studio~~	~~1~~	~~0~~	~~0~~
~~Pet Store~~	~~2.5~~	~~1~~	~~0~~
~~Pharmacy~~	~~3~~	~~2~~	~~0~~
~~Photo Studio~~	~~2.5~~	~~1~~	~~0~~
~~Photography Lab~~	~~1~~	~~1~~	~~0~~
~~Police Station~~	~~2.5~~	~~2~~	~~0~~
~~Post Office~~	~~1.3~~	~~1~~	~~0~~
~~Post Office – Local~~	~~2~~	~~2~~	~~0~~
~~Printing Plant~~	~~1.3~~	~~1~~	~~0~~
~~Printing Shop~~	~~2~~	~~2~~	~~0~~
~~Public Transit Terminal~~	~~1 per 200 gfa of public waiting space~~	~~1 per 200 gfa of public waiting space~~	~~0~~
~~Public Works Yard/Garage~~	~~0~~	~~0~~	~~0~~
~~Radio & TV Studio~~	~~2~~	~~2~~	~~0~~
~~Rail Equip. Storage & Repair~~	~~0~~	~~0~~	~~0~~
~~Recording Studio~~	~~1.3~~	~~1~~	~~0~~
~~Recreational Facility – Indoor (per four (4) seats)~~	~~1~~	~~1~~	~~0~~
~~Recreational Facility – Outdoor (per playing field)~~	~~15~~	~~10~~	~~0~~
~~Recreational Facility – Outdoor Commercial~~	~~Larger of 1 per 4 seats or 15 per playing field~~	~~Larger of 1 per 4 seats or 10 per playing field~~	~~0~~

DRAFT

~~Table 8.1.8-1 Minimum Off-Street Parking Requirements~~			
	~~Neighborhood Districts~~	~~Shared Use Districts~~	~~Multimodal Mixed-Use Districts~~
~~Recreational Vehicle Sales – New and Used~~	~~2~~	~~2~~	~~0~~
~~Recycling Center - Large above 2,000 gfa~~	~~0~~	~~0~~	~~0~~
~~Recycling Center - Small 2,000 gfa or less~~	~~0~~	~~0~~	~~0~~
~~Research Lab~~	~~2.5~~	~~2~~	~~0~~
~~Restaurant~~	~~4~~	~~3~~	~~0~~
~~Restaurant – Take-Out~~	~~4~~	~~3~~	~~0~~
~~Salon/Spa~~	~~4~~	~~4~~	~~0~~
~~School – Secondary (per Classroom)~~	~~7~~	~~5~~	~~0~~
~~School - Primary (per Classroom)~~	~~1.5~~	~~1.5~~	~~0~~
~~School – Preschool (per two (2) employees~~	~~1 plus 1 drop-off per 5 children~~	~~1 plus 1 drop-off per 5 children~~	~~0~~
~~School - Trade/Professional~~	~~5~~	~~3~~	~~0~~
~~School, - Post-Secondary~~	~~2~~	~~2~~	~~0~~
~~Solid Waste Facility – Incinerator, Landfill, Transfer Station~~	~~0~~	~~0~~	~~0~~
~~Tailor Shop~~	~~2~~	~~1~~	~~0~~
~~Vehicle Salvage~~	~~0~~	~~0~~	~~0~~
~~Warehouse~~	~~0.5~~	~~0.35~~	~~0~~
~~Warehouse – Self Storage Facility~~	~~1 per resident manager, plus 1 per 100 leasable storage spaces~~	~~1 per resident manager, plus 1 per 100 leasable storage spaces~~	~~0~~
~~Warehouse - Retail~~	~~3.3~~	~~2.5~~	~~0~~
~~Wholesale Sales~~	~~1.3~~	~~1~~	~~0~~
~~Worship, Place of (per four (4) seats)~~	~~1~~	~~1~~	~~0~~

DRAFT

Sec. 8.1.9 Maximum On-Site Parking Spaces

The total number of off-street parking spaces provided in any parking district shall not be more than as required in Table 8.1.9-1 below:

(a) Where a use is not listed, the maximum parking requirements shall be determined by the administrative officer based upon a determination that the use is substantially equivalent in use, nature, and impact to a listed use.

~~(b) The maximum off-street parking requirement for a development with inclusionary housing units provided on site shall be reduced by the percentage of inclusionary units required by Article 9. (Example: A 100-unit residential development with a requirement of 15% inclusionary units shall provide maximum off-street parking based on 85 dwelling units.)~~

Commented [MT5]: The original markups here would have forced 100% affordable projects to have a max of 0 spaces. This was not the intent

Table 8.1.9-1 Maximum Off-Street Parking Requirements

~~*Table 8.1.9-1 Maximum Off-Street Parking Requirements*~~		
~~**Neighborhood District**~~	~~**Shared Use District**~~	~~**Multimodal Mixed-Use District**~~
~~125% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1~~	~~100% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1~~	~~100% of the minimum number of spaces required for the Shared Parking District for any given use as required in Table 8.1.8-1~~

Commented [MT6]: Throughout this table, all fractions have been rounded, per the CDO's standards for rounding. All situations where the maximum was "0" or less than 1 have been changed to 1, except a few uses, noted.

Table 8.1.9-1 Maximum Off-Street Parking Requirements			
	Neighborhood Districts	**Shared Use Districts**	**Multimodal Mixed-Use Districts**
RESIDENTIAL USES[1]	**Per Dwelling Unit except as noted**		
Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.	~~3~~2.5	2	1
Single Family detached and Duplex	~~3~~2.5	2	2
1. Adjusted for development with inclusionary housing units per Sec. 8.1.8(c).			
RESIDENTIAL USES - SPECIAL[1]	**Per Dwelling Unit except as noted**		
Assisted Living	~~1~~0.75	~~1~~0.5	~~1~~0.5
~~Bed and Breakfast (per room, in addition to single-family residence)~~	~~1.25~~	~~1~~	~~0.75~~
Boarding House (per two (2) beds)	1~~.25~~	1	~~1~~0.75

Commented [MT7]: For consistency with the proposed STR changes, this is being replaced by a new "lodging" use. Also applicable to hotel, motel, and hostel.

DRAFT

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Districts
Community House	1.25	1	10.75
Convalescent Home (per four (4) beds)	1.25	1	1
Dormitory (per two (2) beds)	1.25	1	1
Emergency Shelter	01	01	01
Group Home (per two (2) beds)	1.25	1	1
Historic Inn (per room, in addition to single-family residence)	1.25	1	10.75
Sorority & Fraternity (per two (2) beds)	1.25	1	1
NON-RESIDENTIAL USES	**Per 1,000 square feet of gross floor area (gfa) except as noted**		
Adult Day Care (per two (2) employees)	1.25	1	1
Agricultural Use	01	01	01
Amusement Arcade	32.5	2	1
Animal Boarding/Kennel/Shelter	33.25	32.5	21.5
Animal Grooming (per grooming station)	1.25	1	1
Animal Hospitals/Veterinarian Office	43.75	3	2
Appliance & Furniture Sales/Service	3.25	32.5	1
Aquarium	21.6	1.3	1
Art Gallery/Studio	4.1	3.3	32.5
Auction Houses	4.1	3.3	32.5
Automobile & Marine Parts Sales	3.25	32.5	21.5
Automobile Body Shop	32.5 plus 1.25/bay	2 3-plus 1/bay	2 plus 1/bay
Automobile Repair/Service	32.5 plus 12.25/bay	32 plus 12/bay	2 plus 1/bay
Automobile Sales – New & Used (for public and employee parking only; unregistered for-sale vehicles exempt from limits)	32.5	2	2

Commented [MT6]: Throughout this table, all fractions have been rounded, per the CDO's standards for rounding. All situations where the maximum was "0" or less than 1 have been changed to 1, except a few uses, noted.

DRAFT

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Districts
Bakery	3~~.25~~	3~~2.5~~	3~~2.5~~
Bank, Credit Union	3~~.25~~	3~~2.5~~	2
Bar/Tavern	5	4	3
Beauty/Barber Shop (per station/chair)	1~~.25~~	1	1
Bicycle Sales/Repair	3~~.25~~	~~2.5~~	1
Billiard Parlor (per game table)	1~~.25~~	1	1
Boat Repair/Service	3~~2.5~~	2	2
Boat Sales/Rental	3~~2.5~~	2	2
Boat Storage	~~43.75~~	3	2
Bowling Alley (per lane)	~~43.75~~	3	2
Building Material Sales	4~~.1~~	3.3	3~~2.5~~
Café (per four (4) seats)	1~~.25~~	1	~~0~~1
Camp Ground (per camping space)	1~~.25~~	1	1
Car Wash (stacking spaces per wash bay)	5	4	4
Cemetery	~~0~~1	~~0~~1	~~0~~1
Cinema (per four (4) seats)	1~~.25~~	1	1
Club, Membership	4~~.1~~	3~~.3~~	3~~2.5~~
Community Center	4~~.1~~	3~~.3~~	3~~2.5~~
Community Garden (per ten (10) plots)	1~~.25~~	1	1
Conference Center	~~43.75~~	3	2
Contractor Yard (per 1,000 gfa of office space)	3~~.25~~	3~~2.5~~	2
Convenience Store	~~43.75~~	3	2
Convention Center	n/a	n/a	3
Courthouse	n/a	n/a	3~~.3~~
Crematory (per FTE employee)	1~~.25~~	1	1
Crisis Counseling Center	5~~.~~	4	3
Daycare - Home (6 children or less)	~~0~~1	~~0~~1	~~0~~1

Commented [MT6]: Throughout this table, all fractions have been rounded, per the CDO's standards for rounding. All situations where the maximum was "0" or less than 1 have been changed to 1, except a few uses, noted.

DRAFT

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	Neighborhood Districts	**Shared Use Districts**	**Multimodal Mixed-Use Districts**
Daycare - Large (Over 20 children) (per two (2) employees)	1.25 plus 1.25 drop-off per 5 children	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children
Daycare - Small (20 children or less) (per two (2) employees)	1.25 plus 1.25 drop-off per 5 children	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children
Dental Lab	32.75	2	1
Distribution Center (per 3,000 gfa)	1.25	1	10.75
Dry Cleaning Plant	21.6	1.3	1
Dry Cleaning Service	3.1	32.5	2
Film Studio	4.1	3.3	32.5
Fire Station (per apparatus)	n/a32.75	2n/a	2n/a
Food & Beverage Processing	21.6, plus 43.75 per 1,000 gfa devoted to patron use	1.3, plus 3 per 1,000 gfa devoted to patron use	1, plus 2 per 1,000 gfa devoted to patron use
Fuel Service Station (per employee/shift)	31.25	31	21
Funeral Home (per four (4) seats)	1.25	1	1
Garden Supply Store (per 1,000 gfa of retail area.)	43.75	3	2
General Merchandise/Retail	43.75	3	2
Grocery Store	43.75	3	2
Hazardous Waste Collection/Disposal (per two (2) employees on the largest shift)	1.25	1	1
Health Club	43.75	3	2
Health Studio	32.75	2	1
Hospitals (per patient bed)	32.75	2	2
Hostel (per two (2) beds)	10.6	10.5	10.5
Hotel/Motel (per room)	1.25	1	10.75
Laundromats (per washing machine)	1.25	1	1

Commented [MT6]: Throughout this table, all fractions have been rounded, per the CDO's standards for rounding. All situations where the maximum was "0" or less than 1 have been changed to 1, except a few uses, noted.

Commented [MT8]: Ensuring that maximum limits don't constrain public safety facilities in the city.

Commented [MT9]: Made this consistent with General Retail

DRAFT

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Districts
Library	2~~1.6~~	1~~.3~~	1
Lodging (per room)	1	1	1
Lumber Yard (per 1,000 gfa of retail area.)	~~43.75~~	3	2
Manufacturing-Light	2~~1.6~~, plus ~~43.75~~ per 1,000 gfa devoted to patron use.	1~~.3~~, plus 3 per 1,000 gfa devoted to patron use.	1~~.3~~, plus 2 per 1,000 gfa devoted to patron use.
Manufacturing	2~~1.6~~, plus ~~43.75~~ per 1,000 gfa devoted to patron use.	1~~.3~~, plus 3 per 1,000 gfa devoted to patron use.	1~~.3~~, plus 2 per 1,000 gfa devoted to patron use.
Marina (per berth)	1~~0.6~~	1~~0.5~~	1~~0.5~~
Medical Lab	3~~2.75~~	2	1
Museum	1~~1.6~~	1~~.3~~	1
Office - General	3~~2.5~~	2	2
Office - Medical, Dental	~~43.75~~	3	2
Office – Technical	~~32.5~~	2	2
Open Air Markets	~~0~~1	~~0~~1	~~0~~1
Operations Center - Taxi (per three (3) employees)	1~~.25~~	1	1
Operations Center - Truck/Bus (per 3,000 gfa) (for public and employee parking only; registered transit vehicles exempt from limits)	~~1.25~~	~~1~~	~~10.75~~
Park (per playing area)	6~~.25~~	5	~~0~~1
Parking Garage – Private	N/A	N/A	N/A
Parking Lot – Private	N/A	N/A	N/A
Performing Arts Center (per four (4) seats)	1~~.25~~	1	1
Performing Arts Studio	1~~.25~~	1	~~0~~1

Commented [MT6]: Throughout this table, all fractions have been rounded, per the CDO's standards for rounding. All situations where the maximum was "0" or less than 1 have been changed to 1, except a few uses, noted.

Commented [MT10]: Adjusted max to focus on employees and public parking vs fleet

DRAFT

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Districts
Pet Store	3~~.1~~	3~~2.5~~	1
Pharmacy	~~43.75~~	3	2
Photo Studio	3~~.1~~	3~~2.5~~	1
Photography Lab	1~~.25~~	1	1
Police Station	~~3.1~~n/a	~~32.5~~n/a	~~2~~n/a
Post Office	2~~1.6~~	1~~.3~~	1
Post Office - Local	3~~2.75~~	2	2
Printing Plant	2~~1.6~~	1~~.3~~	1
Printing Shop	3~~2.75~~	2	2
Public Transit Terminal	1~~.25~~ per 200 gfa of public waiting space	1 per 200 gfa of public waiting space	1 per 200 gfa of public waiting space
Public Works Yard/Garage (for public and employee parking only; fleet parking exempt from limits)	~~0~~1	~~0~~1	~~0~~1
Radio & TV Studio	3~~2.5~~	2	2
Rail Equip. Storage & Repair	~~0~~1	~~0~~1	~~0~~1
Recording Studio	2~~1.6~~	1~~.3~~	1
Recreational Facility - Indoor (per four (4) seats)	1~~.25~~	1	1
Recreational Facility - Outdoor (per playing field)	19~~18.75~~	15	10
Recreational Facility - Outdoor Commercial	Larger of 1~~.25~~ per 4 seats or 19~~18.75~~ per playing field	Larger of 1 per 4 seats or 15 per playing field	Larger of 1 per 4 seats or 10 per playing field
Recreational Vehicle Sales – New and Used	3~~2.5~~	2	2
Recycling Center - Large above 2,000 gfa	~~0~~1	~~0~~1	~~0~~1

Commented [MT6]: Throughout this table, all fractions have been rounded, per the CDO's standards for rounding. All situations where the maximum was "0" or less than 1 have been changed to 1, except a few uses, noted.

Commented [MT11]: Updated to apply to public and employee parking.

DRAFT

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Districts
Recycling Center - Small 2,000 gfa or less	01	01	01
Research Lab	3.1	32.5	2
Restaurant	5	4	3
Restaurant – Take-Out	5	4	3
Salon/Spa	5	4	4
School - Secondary (per Classroom)	98.75	7	5
School - Primary (per Classroom)	21.9	21.5	21.5
School – Preschool Large (per two (2) employees	1.25 plus 1.25 drop-off per 5 children	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children
School – Preschool Small (up to 20 children) (per two (2) employees	1.25 plus 1.25 drop-off per 5 children	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children
School - Trade/Professional	6.25	5	3
School, - Post-Secondary	32.75	2	2
Solid Waste Facility - Incinerator, Landfill, Transfer Station	01	01	01
Tailor Shop	32.75	2	1
Vehicle Salvage	01	01	01
Warehouse	10.6	10.5	0.35
Warehouse - Self Storage Facility	1.25 per resident manager, plus 1.25 per 100 leasable storage spaces	1 per resident manager, plus 1 per 100 leasable storage spaces	1 per resident manager, plus 1 per 100 leasable storage spaces
Warehouse - Retail	4.1	3.3	32.5
Wholesale Sales	21.6	1.3	1
Worship, Place of (per four (4) seats)	1.25	1	1

Commented [MT6]: Throughout this table, all fractions have been rounded, per the CDO's standards for rounding. All situations where the maximum was "0" or less than 1 have been changed to 1, except a few uses, noted.

DRAFT

178

(a) **Exemptions**: The following shall not be included in the maximum number of allowable spaces required by this section:

1. Public Parking: Spaces provided and available for use by the public shall not be counted towards the maximum. Such spaces shall be available to the public at a minimum of nights and weekends, and be signed or marked accordingly;

2. Carpool, Vanpool, and Car-Share Parking: Spaces dedicated for vehicles participating in a carpool, vanpool, or car-share program shall not be counted towards the maximum. Such spaces shall be reserved for such use, and be signed or marked accordingly; and,

3. Alternative Fueled Vehicle Parking~~:~~. Parking spaces dedicated for vehicles operating on primarily alternative fuels including but not limited to electric, natural gas, and hydrogen shall not be counted towards the maximum. Such spaces shall be reserved for such use, and be signed and/or the space painted with the words "Alternative Fueled Vehicles Only."

4. ADA Accessible Parking: Parking spaces specifically designed, located and reserved by persons according to the standards in the Federal Americans with Disabilities Act (ADA) as administered by the Dept. of Public Works.

5. Parking provided in form districts: Parking provided on properties within FD5 and FD6 in accordance with standards of Article 14.

6. Institutional Parking: Parking spaces provided by institutions subject to the standards of Article 8, Part 3: Institutional Parking Plans

7. Existing Parking: Existing parking which exceeds the maximum limits per Table 8.1.9-1 as a result of a change of use or change in the intensity of a use(s) on a lot, to the extent that the change does not involve complete redevelopment or substantial rehabilitation of structures on the lot.

~~4~~8. **Waiver of Maximum Parking Limitations.** Parking in excess of the maximum parking limitation of this section, ~~or a request for one parking space where none would otherwise be permitted,~~ may be waived by the DRB pursuant to the ~~provisions of Sec 8.1.15 with the~~ following ~~additional~~ requirements:

A. The applicant requesting the waiver shall also provide:
(i) a peak demand parking study for two similar uses in the area; and,
(ii) a TDM Plan pursuant to the requirements of Sec. 8.1.16

B. The following additional review criteria shall be addressed regarding how:
(i) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;
(ii) The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity; and,
(iii) The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.

Secs. 8.1.10 – 8.1.11 As written.

Sec. 8.1.12 Limitations, Location, Use of Facilities

(a) ~~**Off-Site parking facilities**~~**Shared Parking for Off-Site Use:**
Parking may be used by onsite or offsite users. Parking may not be the primary use of any property unless it is approved as such with a zoning permit where allowed. ~~Except for single and two-family dwellings, required~~

Commented [MT12]: Add an exemption for ADA spaces? Unless doing a substantial improvement, in article 14 and the flood zone- don't have to remove prking spaces in excess of maximum. What about FBC districts—because maximums don't apply – particularly in order to allow shared parking to be located in thse places in structures?

Commented [MT13]: Exemptions from Maximum limits per PC Discussion of this amendment

Commented [MT14]: We don't need this anymore because we have fixed all instances where a 0 minimum would yield 0 max.

Commented [MT15]: Refers to non-applicable section of ordinance.

Commented [MT16]: Standards for shared parking are no longer applicable if minimums aren't required. However, this is included here to ensure that its clear that parking may be shared with other off-site users, as well as to clarify that the sharing of parking cannot be the primary use on site unless otherwise allowed.

Commented [MT17]: Should we maintain a proximity standard?

DRAFT

~~parking facilities may be located on another parcel of land. The off-site parking area shall be within the same zoning district as the use it serves or in a zoning district that allows parking lots or parking garages as Principal uses. Parking that serves any use located outside a residential zoning district shall not be located within a residential zoning district. Off-site parking facilities shall be as follows:~~

~~**1. Neighborhood Parking District:** No more than 50% of the total required offstreet parking from Table 8.1.8-1 shall be provided at a distance greater than 600 feet from the use it is intended to serve.~~

~~**2. Shared Use Parking District:** Any off-site parking shall be provided within 1,000 feet of the use it is intended to serve unless such parking is provided as part of a Parking Management Plan pursuant to Sec. 8.1.15 approved by the DRB.~~

~~**3.** The distance from the off-site parking to the associated use shall be measured in walking distance along a sidewalk or other pedestrian path separated from street traffic from the nearest parking space to the principle pedestrian entrance to the building housing the use. Such off-site parking shall not reduce the required parking for any other use utilizing the property on which it is located unless such shared use is approved by the development review board per Sec. 8.1.15 (b). The right to use the off-site parking to meet the minimum parking requirements of Sec. 8.1.8 must be guaranteed for the duration of the use as evidenced by a deed, easement, lease, or similar written instrument as approved by the City Attorney and recorded in the Burlington land records.~~

(b) ~~**(f)**~~ As written.

~~**(c) Shared Parking:**~~

~~In the event that a mix of uses occupy a single structure or parcel of land located in a Neighborhood or Shared Use Parking District, the total requirement for off-street parking shall be the sum for all individual uses unless it can be shown that the peak parking demands are offset and spaces can be shared (for example: retail and residential, or theater and office uses) as evidenced by a shared parking analysis utilizing the most current edition of the Urban Land Institute's Shared Parking Report, the ITE's Shared Parking Guidelines, or other comparable and industry-recognized publications.~~

~~**(d) Single Story Structures in Shared Use Districts:**~~

~~In the event that a single story structure is proposed to be located in a Shared Use District, the total requirements for off-street parking shall be calculated as for a Neighborhood Parking District. This provision does not apply to single story structures existing and occupied as of the effective date of this ordinance.~~

~~**(e) Joint Use of Facilities:**~~

~~The required parking for two (2) or more uses, structures, or parcels may be combined in a single parking facility if it can be shown by the applicant to the satisfaction of the DRB that the use of the joint facility does not materially overlap with other dedicated parking in such facility, and provided that the proposed use is evidenced by a deed, lease, contract, reciprocal easement, or similar written instrument establishing the joint use acceptable to the city attorney.~~

DRAFT

(f) As written.

Secs. 8.1.13 – 8.1.14 As written.

~~**Sec. 8.1.15 Waivers from Parking Requirements/ Parking Management Plans**~~

~~(a) Parking Waivers The total number of parking spaces required regulated pursuant to this Article may be modified to the extent that the applicant can demonstrate that the proposed development can be adequately served by a more efficient approach that more effectively satisfies the intent of this Article and the goals of the municipal development plan to reduce dependence on the single passenger automobile.~~
~~Any waiver granted for a residential use shall not exceed fifty percent (50%) of the required number of parking spaces. Any waiver granted for a non-residential use may be as much as ninety percent (90%). Waivers shall only be granted by the DRB, or by the administrative officer pursuant to the provisions of Sec. 3.2.7 (a)7.~~

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

~~(1) A calculation of the parking spaces required pursuant to Table 8.1.89 1, and Sec. 8.1.9 regarding parking maximums where applicable.~~

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

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

~~i. Information specifying the proposed number of employees, customers, visitors, clients, shifts, and deliveries;~~
~~ii. Anticipated parking demand by time of day and/or demand by use;~~
~~iii. Anticipated parking utilizing shared spaces or dual use based on a shared parking analysis utilizing current industry publications;~~
~~iv. Availability and frequency of public transit service within a distance of 800 feet.~~
~~v. A reduction in vehicle ownership in connection with housing occupancy, ownership, or type; and,~~
~~vi. Any other information established by the administrative officer as may be necessary to understand the current and projected parking demand.~~

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

~~i. A telecommuting program;~~

DRAFT

~~ii. Participation in a Transportation Management Association including methods to increase the use of mass transit, car pool, van pool, or non-auto modes of travel;~~
~~iii. Implementation of a car-share program;~~
~~iv. Development or use of a system using offsite parking and/or shuttles; and,~~
~~v. Implementation of public transit subscriptions for employees.~~

~~(5) An analysis and narrative pursuant to Sec. 8.1.9 regarding waivers of parking maximums where applicable. Prior to any approval by the DRB pursuant to this section, the means by which the parking management plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.~~

~~**(b) Shared Parking for Off-Site Use**~~
~~Onsite parking spaces may be made available for use by off-site users subject to review and approval of a Parking Management Plan by the DRB.~~
~~A Parking Management Plan for Shared Parking for Off-Site Use must include the following:~~

~~1. A calculation of the parking spaces required pursuant to Table 8.1.8-1 and a calculation of those parking spaces to be shared for off-site parking use.~~
~~2. Information specifying the actual onsite demand for required parking by day, time of day, and by use and also information specifying when and how much parking would be made available to off-site users.~~
~~3. A narrative that outlines how the proposed parking management plan will allow for shared use of required parking spaces with off-site users; how it will enable continued availability of required parking spaces pursuant to Table 8.1.8-1 while also affording off-site parking use of those spaces.~~

~~The Parking Management Plan must demonstrate to the satisfaction of the DRB that making spaces available to off-site users does not negatively affect their ability for onsite users to park due to either:~~

~~1. There being an excess of onsite spaces beyond that necessary to satisfy the requirements of Sec. 8.1.28; and/or,~~
~~2. The spaces are to be made available during off-peak hours of the onsite and/or required users.~~
~~Parking spaces being made available to off-site users may be made available:~~
~~• Either with or without a fee;~~
~~• For transient use by the general public; and/or,~~
~~• By lease, provided the term of any lease does not exceed one (1) year.~~

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

Sec. 8.1.16 Transportation Demand Management
(a) **Purpose**: This section requires the implementation of a Transportation Demand Management (TDM) Program for certain projects for the purpose of advancing the goals of the City's land use and transportation plans, and promoting public health, safety, welfare, and protection of the environment by:

DRAFT

- Reducing parking demand;
- Reducing car ownership;
- Reducing vehicle miles traveled (VMT) and congestion; and,
- Increasing transit use and non-motorized travel;

(b) **Applicability**:

(1) Multimodal Mixed Use Parking District: A Transportation Demand Management Program shall be required for all projects located in the Multimodal Mixed Use Parking District (see Sec. 8.1.3(c)), and involving any one or more of the following:

Dwelling Units	Creation of ten (10) or more dwelling units
Non-residential or Mixed Use Development	A building footprint of eight thousand (8,000) s.f. or more; or, the creation of fifteen thousand (15,000) s.f. or more of gross floor area.

(2) Shared Use District: A Transportation Demand Management Program shall be required for all projects located in the Shared Use Parking District (see Sec. 8.1.3(b)), and involving any one or more of the following:

Dwelling Units	Creation of five (5) or more dwelling units
Non-residential or Mixed Use Development	A building footprint of eight thousand (8,000) s.f. or more; or, the creation of fifteen thousand (15,000) s.f. or more of gross floor area.

(3) Neighborhood District: A Transportation Demand Management Program shall be required for all projects located in the ~~Multimodal Mixed Use Parking District~~ Neighborhood Parking District (see Sec. 8.1.3(a)), and involving any one or more of the following:

Dwelling Units	Creation of five (5) or more dwelling units
Non-residential or Mixed Use Development	A building footprint of eight thousand (8,000) s.f. or more; or, the creation of fifteen thousand (15,000) s.f. or more of gross floor area.

Commented [MT18]: It has been staff's recommendation this may not work at this scale both in terms of effectiveness of these requirements as well as potential impact on the 10 yr reporting requirement for staff capacity to review.

Commented [MT19]: Typo correction

DRAFT

(c) **Transportation Demand Management (TDM) Program**: A TDM Program shall include each of the following elements at a minimum:

a. **Outreach and Education**:

i. Designation of a Transportation Coordinator who directly, or indirectly through membership in a Transportation Management Association, shall be responsible for each of the following:

1. Prepare and present informational and educational materials regarding available TDM strategies to all ~~tenants~~ residents and employees;
2. Organize and host an annual meeting for all ~~tenants~~ residents and employees to present and discuss available TDM strategies, and opportunities for increased use and participation;
3. Preparation and dissemination of an annual travel survey of all ~~tenants~~ residents and employees; and,
4. Record-keeping and annual reporting to City of all TDM activities offered and rates of participation (including parking utilization if applicable).

b. **TDM Strategies**: In addition to compliance with the on-site Bicycle Parking requirements found in Article 8, Part 2, the following TDM strategies shall also be included at a minimum for a period of 10 years from receipt of a Certificate of Occupancy as follows:

i. GMT Transit passes shall be provided to all ~~tenants~~ residents and employees for free for the first year of occupancy or employment, and at a minimum discount of 50% for every year thereafter; and,

ii. A car share membership shall be offered to all ~~tenants~~ residents and employees for free for the first two years of occupancy or employment, and at a minimum discount of 50% for every year thereafter; or,

iii. In lieu of i and ii above, maintain an ongoing and active membership in a Transportation Management Association (TMA) that offers equivalent TDM strategies or better.

c. **Parking Management**: Where on-site or off-site parking is also made available:

i. Conduct parking utilization studies at least annually for a period of 10 years from receipt of a Certificate of Occupancy;

ii. With the exception of permanently affordable housing units, the cost of parking shall be un-bundled from all residential and nonresidential leases and deeds and made available at a market rate;

iii. Where parking spaces are made available to off-site users, parking spaces may be made available by a renewable lease, provided the term of any lease does not exceed one (1) year; and,

iv. Priority parking spaces - located in closest proximity to a primary building entrance and/or public street frontage - shall be made available for each of the following:

1. ~~Handicapped~~ ADA Accessible spaces;
2. Bicycles, scooters, and motorcycles spaces;
3. Car-share: where 1 space must be offered for every 20 residential units, not to exceed a total of 5 spaces, subject to an agreement with a car-share provider; and,
4. Carpool and/or Vanpool vehicles: where more than 20 spaces are available for non-residential uses. In such cases, 5 spaces or 5% of the parking spaces on site, whichever is less, must be reserved for carpool/vanpool use before 9:00 AM on weekdays.

d. **TDM Agreement**: Each TDM Plan shall include a signed commitment to and acknowledgement of each of the following on a form provided by the Administrative Officer:

Commented [MT20]: Changed so that the implication is not that this only applies to renters.

Commented [MT21]: Just a clarification on the term

DRAFT

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

Review and Enforcement: The Administrative Officer shall be responsible for determining compliance with the TDM Program requirements as set forth above, and ongoing implementation shall be included as a condition of any discretionary or administrative permit required for development subject to the conditions of this Section.

Failure to maintain a TDM Program as required above shall be a violation of this ordinance, and pursuant to Sec. 2.7.8 of this ordinance no zoning permit or certificate of occupancy may be granted without a TDM Program in effect.

Guidelines regarding compliance with these TDM requirements shall be developed and provided to applicants by the Administrative Officer.

PART 3: INSTITUTIONAL PARKING PLANS

Sec. 8.3.1 Intent

As written.

Sec. 8.3.2 Applicability

As written.

Sec. 8.3.3 Institutional Parking Management Plans

~~In addition to the requirements of Sec. 8.1.15 above,~~ An Institutional Parking Management Plan shall include the following:

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

~~(a)~~(b) Information specifying the current and ~~proposed~~ anticipated numbers over the ensuing 5 year period for: number of students of all academic programs (full-time, part-time, commuter, on-campus,

Commented [MT22]: This has been edited to bring in some of the elements that used to be located in Sec. 8.1.15 that were not already covered in this section alone, and to account for changes to how this functions when no minimum parking is required.

DRAFT

off-campus, and continuing education), faculty and staff (full-time and part-time), patients and visitors being served by the institution ~~and anticipated over the ensuing five-year period~~.

~~(b)~~(c) An analysis of the anticipated parking demand by user group, time of day and/or demand by use and parking provided to meet that demand currently and anticipated over the ensuing five-year period;

~~(c)~~(d) Information specifying the number and composition of the institution's vehicle fleet, where these vehicles are regularly kept, and designated "service vehicle-only" parking;

~~(d)~~(e) ~~Programs, policies, or incentives~~Strategies used to reduce or manage the demand for parking which may include but are not limited to:

1. Policies which restrict and/or prohibit the bringing of vehicles to the institution for various users or groups of users;
2. A telecommuting program;
3. ~~2.~~ Programs and employee and student subsidies to encourage the use of public transit, car-share, walking, and bicycling;
4. Implementation of a shuttle service system serving off-site parking;
5. ~~3.~~ Implementation of a parking permit system to allocate parking throughout the system; and,

~~(e)~~(f) Implementation of a monitoring, compliance and enforcement system to measure and ensure compliance with the plan.

Sec. 8.3.4 Review and Approval of Institutional Parking Management Plans

~~As written.~~

Such a plan shall require review and approval by the DRB, after consultation with the planning commission, and after a public hearing. In order to approve a proposed Institutional Parking Plan, the DRB shall find:

a. the proposed Institutional Parking Plan adequately serves existing and proposed development and user groups by the institution(s);

b. the proposed Institutional Parking Plan ~~more~~ effectively meets the intent of this Article and the goals of the municipal development plan ~~than would strict adherence to the underlying requirements of this Article~~.

Commented [MT23]: This is based on the assumption that there are underlying minimum parking standards.

Such a plan, if approved by the DRB, shall be applicable for a period not to exceed five (5) years, and may be amended as necessary pursuant to the requirements of this Part. The institution shall provide a report annually to the administrative officer regarding the implementation and performance of the approved plan and any significant changes in conditions impacting supply and/or demand.

Sec. 8.3.5 Review and Approval of Applications for Future Development

~~As written.~~

DRAFT

In reviewing any application for development from a post-secondary educational or medical institution within the Institutional district, the DRB shall find that the proposal is included and addressed ~~consistent~~ within an approved Institutional Parking Plan and that the proposal is consistent with the approved Plan.

Any development proposed by a post-secondary educational or medical institution within the Institutional ~~Campus~~ district that is ~~found not to be consistent~~not included and addressed within an approved Institutional Parking Plan shall only be approved pursuant to the underlying parking requirements of Parts 1 and 2 of this Article, and shall address how the development ~~would otherwise impac~~ is consistent with~~t~~ supply and demand calculations and applicable TDM strategies contained in the approved Plan. Such developments shall be reflected in subsequent annual reports submitted to the administrative officer.

Commented [MT24]: Formerly, Part 1 would have required that a project meet all minimum parking standards for the use. Without minimum standards, this section is modified to ensure that applications speak to how the project would have otherwise related to the assumptions/strategies of the plan.

Commented [SG25]: This is really about showing how a project not included in a current JIPMP can fit within that plan and TDM strategies contained therein until the JIPMP is updated to expressly include it.

JH/Resolutions 2021/*Comprehensive Development Ordinance, Minimum and Maximum Parking Requirements and Transportation Demand Management*
9/7/2021 As amended by staff & Planning Commission following Council Ordinance Committee 12/22/21

DRAFT

Burlington Planning Commission
149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)
www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Brynne Martin

To: City Council Ordinance Committee

From: Burlington Planning Commission

Date: DATE

RE: Proposed Expansion of TDM to Neighborhood and Shared Use Parking Districts

DRAFT FOR DISCUSSION

The Planning Commission recommends the Council Ordinance Committee remove the proposed changes to the Transportation Demand Management (TDM) applicability in *Article 8: Parking* of the *Burlington Comprehensive Development Ordinance (CDO)* and this time and submits the following comments on this issue for consideration.

Commented [MT1]: A commissioner asked if the group would like to make this statement. Commission should discuss.

Highlights represent changes to this document based on the Commission's 1/25 feedback.

TDM requirements were first incorporated in the *CDO* with the adoption of ZA-20-04 in late 2021. Incorporating standards for the performance of new development in zoning is a widely used practice, including in Burlington. The Planning Commission is very supportive of TDM efforts, and would like to see more robust options in Burlington. However, the Commission has concerns about whether the existing TDM standards will work for smaller scale developments. In the case of ZA-20-04, the consensus was to add TDM standards in the *CDO* until or unless a study informs another approach. The Planning Department has not yet had the opportunity to commission that study. While some Commissioners recognize that expanding TDM standards to other parking districts through zoning can be a leverage point to get these requirements in place, the majority of the Commission is concerned about codifying standards today that a study might modify later.

In particular, many on the Commission are concerned that expanding existing TDM standards to the Neighborhood and Shared Use Parking Districts for projects of 5 residential units or more is not the most practical way to achieve TDM goals for the city. Specifically:

- Zoning standards only impact new development or significant redevelopment. Given the current slow pace of development in the city, this may have little effect compared to a program that applies TDM to both new and existing development and could reach a wider number of users citywide.
- While new 5-10 unit developments are less common today, the City is preparing to explore "missing middle" zoning changes. Parking and transportation will not be the only regulatory considerations to enabling small infill, but should be explored in the context of this work before introducing new standards.
- There is likely a need to consider different TDM strategies based on the scale and location of development across the city. For example, "unbundling" the cost of parking from rent and reporting on parking utilization may be appropriate strategies for small residential developments. However, offering dedicated parking for car share on-site at small developments may not necessarily be where the community needs them, versus in more accessible locations in the public right of way.
- Expanding TDM requirements as-is may result in a large number of very small TDM programs, at individual property owner costs, and with little ability for the city to ensure proper implementation. A more efficient program might be city-funded and city-managed.
- Before adopting changes to TDM requirements, the administrative burden associated with its implementation and proper enforcement must be accounted for. The city's staffing is already stretched thin; implementing these standards requires resources and support for applicants, and meaningful monitoring and enforcement.

The Commission agrees with the staff recommendation that a study is needed to clearly articulate the goals of a TDM program, and to inform the best approaches, scale and context for expanded TDM requirements in the city.

Burlington Planning Commission
149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)
www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Brynne Martin

Burlington Planning Commission

Tuesday, January 25, 2022, 6:30 P.M.

Remote Meeting via Zoom, with City Hall In-Person Option

Draft Minutes

Members Present	A Montroll, A Friend, M Gaughan, E Lee, B Martin, B Baker, Y Bradley
Staff Present	M Tuttle, S Gustin, K Sturtevant
Public Attendance	S Bushor, C Lutz, G Ciffo, B Headrick

I. Agenda

Call to Order	Time: 6:32pm
Agenda	No changes to the published agenda.

II. Public Forum

Name(s)	Comment
S Bushor	Want to know how frequently applicants build more than the minimum required parking, and how this will roll out citywide especially in neighborhoods where there aren't as many shared parking resources.
C Lutz	Like many houses in the city, would like the garage to be usable and livable space. However current ordinance requires this to be a parking space; eliminating parking minimums citywide would allow more flexibility.
B Headrick	Concerned about eliminating minimum parking requirements for UVM, and TDM plan is not effective. Better ways to reduce pollution and increase housing supply do this than eliminating minimum requirements. Encourage UVM to fully build out Trinity Campus with housing that is appealing to students to live on campus.
G Ciffo	Requirement for 77 Pine St to screen the roof mechanicals, but design of building precludes the mechanicals from being visible from the street. Concern about cost and feasibility of screening, especially since it's not needed. Request a clarification zoning amendment.

III. Chair's Report

A Montroll	No report.

IV. Director's Report

M Tuttle	No report.

V. Proposed CDO Amendment- Minimum Parking & TDM Requirements

No action. Discussion will continue at next meeting.		
Motion by:	Second by:	Vote: N/A
Type: Discussion	Presented by: M Tuttle, S Gustin	

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.

M Tuttle and S Gustin presented updates to the draft ordinance based on the Commission's 1/11 discussion, along with staff notes and additional questions for discussion. Commissioner discussion:

Maximum Parking & Related Standards

- Support exemption from maximums for properties in the form based zoning districts.
- Update standards for auto sales to exempt for-sale vehicles from maximum limits.
- After discussion about the role of minimum and maximum parking requirements for institutions, provided direction to remove the maximum parking limits from applicability to properties subject to the Joint Institutional Project Management Plan.

TDM Standards

- Modifications to the draft memo:
  - Note that Commission is very supportive of TDM, but concerned that it doesn't work at this scale
  - Continuing concern about codifying standards in the ordinance that a study might modify later; consider recommending to Council Committee to remove TDM piece from this amendment at this time.
  - Regarding the car share space requirement, note that these sites may not necessarily be where the community needs them; should be in the public space versus private space.
  - Add cost of enforcement to the point about appropriately resourcing

VI. 2021 Housing Action Plan Overview

No action; discussion only		
Motion by:	Second by:	Vote: N/A
Type: Discussion	Presented by: M Tuttle	
M Tuttle shared an update on the Administration's 2021"10-Point Housing Plan" and the role of the Planning Commission within this work. Presentation is available online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

VII. Proposed CDO & Ch. 18 Amendments for STRs

No action; discussion only		
Motion by:	Second by:	Vote: N/A
Type: Discussion	Presented by: M Tuttle	
M Tuttle updated the Commission on changes that have been made to the draft proposed Short Term Rental regulations since they were referred to the Council. Council will hold a public hearing on the Ch. 18 Minimum Housing Amendments on January 31, 2022.		

VIII. Commissioner Items

- Next meetings are February 8 and February 23 (Wednesday) at 6:30pm
- Executive Committee met; staff planning to shift support for Commission Ordinance Committee, and will batch changes to the Comprehensive Development Ordinance 2x/year.
- Commission referred the question from public comment regarding screening for rooftop mechanicals to Ordinance Committee.

IX. Minutes and Communications

Action: Approve the minutes		
Motion by: A Friend	Second by: M Gaughan	Approved Unanimously
Minutes Approved: January 11, 2022.		

X. Adjourn

Adjournment	Time: 8:12pm	
Motion: B Martin	Second: B Baker	Vote: Approved Unanimously

DRAFT

Meagan Tuttle

From: Christopher Damiani <cdamiani@ridegmt.com>
Sent: Monday, February 07, 2022 7:40 AM
To: Meagan Tuttle
Cc: Jon Moore
Subject: Burlington Maximum Parking Zoning Change

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

Hi Meagan,

Thank you for the opportunity for GMT to comment on the city's proposed regulations for the Shared Use District which affects our Operations and Administrative facilities on Queen City Park Rd. Similar to the last round of updates that created the Multi- Modal Mixed Use Corridor, these updates will certainly help meet the TDM goals set out by the city.

Regarding the impacts of the new regulations at our facility, GMT agrees that an exemption for public transit vehicles makes sense and has proposed the following language for the transit vehicle exemption

Registered Public Transit Vehicles as defined by 23 V.S.A §372a or 23 V.S.A §376 shall be exempt from the parking maximums.

In addition, GMT also has some concerns around potentially limiting the parking especially for Operations & Maintenance staff employees (over 70 report to the Queen City Park Rd. facility daily) many of whom come in between 4:30 AM- 6:30 AM and cannot as easily take advantage of TDM strategies.

Please let me know if you have any additional questions.

-Cheers

--

Chris Damiani, AICP
Senior Transit Planner
Green Mountain Transit

8025402537
cdamiani@ridegmt.com
ridegmt.com
101 Queen City Park Rd, Burlington, VT 05401

LAND USE PERMIT
AMENDMENT

State of Vermont
Natural Resources Board
District 4 Environmental Commission
111 West Street
Essex Junction, VT 05452
https://nrb.vermont.gov/

[phone] 802-879-5614

CASE NO: 4C0451-4

The University of Vermont
and State Agricultural College
16 Colchester Avenue
Burlington, VT 05405

LAWS/REGULATIONS INVOLVED
10 V.S.A. §§ 6001 - 6111 (Act 250)

The District 4 Environmental Commission hereby issues Land Use Permit Amendment #4C0451-4, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 154, Pages 681-682, of the land records of the City of Burlington, Vermont.

This permit specifically authorizes the renovations to the Hills Science Building including: (1) construction of an addition at the southeast entrance to include an elevator tower; (2) construction of improvements to the northeast entrance; (3) reconstruction and expansion of the connector between Hills and Benedict Auditorium; (4) installation of replacement windows; and (5) construction of new sidewalks, utilities, and landscaping and installation of a new generator. The project is located on 105 Carrigan Drive in Burlington, Vermont.

Jurisdiction attaches because the project constitutes a substantial change to a pre-existing development and requires a permit pursuant to 10 V.S.A. § 6081 and a material change to a permitted development or subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.

1. The Permittee, and its assigns and successors in interest, is obligated by this permit to complete, operate and maintain the project as approved by the District 4 Environmental Commission (the "Commission") in accordance with the following conditions.

2. The project shall be completed, operated and maintained in accordance with: (a) the conditions of this permit, and (b) the permit application, plans, and exhibits on file with the Commission and other material representations. In the event of any conflict, the terms and conditions of this permit shall supersede the approved plans and exhibits.

   The approved plans are:

   Sheet C100 - "Overall Site Plan," dated 10/1/21 (Exhibit #014);

   Sheet C101 - "Site Plan," dated 10/1/21 (Exhibit #015);

   Sheet C102 - "Site Plan," dated 10/1/21 (Exhibit #016);

   Sheet C103 - "Site Plan and Profile," dated 10/1/21 (Exhibit #017);

   Sheet C200 - "Existing Conditions Plan," dated 10/1/21 (Exhibit #018);

   Sheet C201 – "Site Demolition Plan," dated 10/1/21 (Exhibit #019);

   Sheet C300 – "Erosion Prevention and Sediment Control Preconstruction," dated 10/1/21 (Exhibit #020);

   Sheet C301 – "Erosion Prevention and Sediment Control Summer 2022," dated 10/1/21 (Exhibit #021);

   Sheet C302 – "Erosion Prevention and Sediment Control Winter 2022-2023," dated 10/1/21 (Exhibit #022);

   Sheet C303 – "Stabilization and Post Construction Soil Restoration Plan Summer 2023," dated 10/1/21 (Exhibit #023);

   Sheet C400 – "Civil Details," dated 10/1/21 (Exhibit #024);

   Sheet C401 – "Civil Details," dated 10/1/21 (Exhibit #025);

   Sheet C402 – "Civil Details," dated 10/1/21 (Exhibit #026);

   Sheet C403 – "Civil Details," dated 10/1/21 (Exhibit #027);

   Sheet L400 – "Overall Planting Plan," dated 9/1/21, last submission 10/1/21 (Exhibit #028);

   Sheet L401 – "Planting Plan," dated 9/1/21, last submission 10/1/21 (Exhibit #029);

   Sheet L402 – "Planting Plan," dated 9/1/21, last submission 10/1/21 (Exhibit #030);

   Sheet L403 – "Planting Details," dated 9/1/21, last submission 10/1/21 (Exhibit #031);

   Sheet L500 – "Overall Lighting Plan," dated 9/1/21, last submission 10/1/21 (Exhibit #032);

   Sheet L501 – "Lighting Plan," dated 9/1/21, last submission 10/1/21 (Exhibit #033);

   Sheet L502 – "Lighting Details," dated 9/1/21, last submission 10/1/21 (Exhibit #034);

   Sheet L502 – "Lighting Plan," dated 9/1/21, last submission 10/1/21 (Exhibit #035);

Sheet A101 – "Floor Plan – Level 1 – Hills," dated 9/1/21 (Exhibit #036);

Sheet A105 – "Floor Plan – Roof – Hills," dated 9/1/21 (Exhibit #037);

Sheet A201 – "Elevations," dated 9/1/21 (Exhibit #038);

Sheet A202 – "Elevations," dated 9/1/21 (Exhibit #039);

Sheet A300 – "Building Sections," dated 9/1/21 (Exhibit #040);

Sheet AD101 – "Demo Plan – Level 1," dated 9/21/21 (Exhibit #041);

Sheet AE201 – "Existing Elevations," dated 9/1/21 (Exhibit #042);

Sheet AE202 – "Existing Elevations," dated 9/1/21 (Exhibit #043); and

Sheet G400 – "Perspective Renderings," dated 8/17/12 (Exhibit #044).

3. All conditions of Land Use Permit #4C0451 and amendments are in full force and effect except as further amended herein.

4. The Permittee shall comply with all of the conditions of the following Agency of Natural Resources Permits:

   a. Wastewater System and Potable Water Supply Permit #WW-4-5665 issued on October 19, 2021 by the ANR Drinking Water and Groundwater Protection Division;

   b. Individual Construction Stormwater Discharge Permit #3627-INDC.16 issued on October 25, 2021 by the ANR Watershed Management Division; and

   c. Authorization to Discharge Stormwater #3627-9050 under General Permit 3-9050 (3-Acre General Permit), issued on November 15, 2021 by the ANR Watershed Management Division.

5. Any nonmaterial changes to the permits listed in the preceding condition shall be automatically incorporated herein upon issuance by the Agency of Natural Resources.

6. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.

7. A copy of this permit and plans shall be on the site at all times throughout the construction process.

8. No change shall be made to the design, operation or use of this project without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.

9. No further subdivision, alteration, and/or development on the tract of land approved herein shall be permitted without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.

10. Pursuant to 10 V.S.A. § 8005(c), the Commission or the Natural Resources Board may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.

11. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and their successors and assigns.

12. Construction hours shall be limited to 7:00AM to 6:00PM Monday through Friday, 8:00AM to 4:30PM Saturday and Sunday, with no construction on State or Federal Holidays. Tractor trailers and dump trucks may only access and egress the site during non-peak hours.

13. The Permittee and all subsequent owners or lessees shall install and maintain only low-flow plumbing fixtures in any buildings. Any failed water conservation measures shall be promptly replaced with products of equal or better performance.

14. The Permittee shall be obligated to implement the waste management plans included in Exhibits #006 and 056.

15. The Permittee shall apply and maintain water and/or other agents approved by the Watershed Management Division on all roadways or disturbed areas within the project during construction and until pavement and/or vegetation is fully established to control dust.

16. Immediately upon initial clearing, grading or excavation a stabilized construction entrance must be installed and maintained as shown on Exhibit #020, 021, 022 and 026. At a minimum, this entrance must be constructed and maintained in accordance with the specifications as described in the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (February 2020). No further clearing or construction may occur until the stabilized construction entrance is complete.

17. The Permittee shall comply with Exhibits #020, 021, 022, 023, 026 and 054 for erosion prevention and sediment control. The Permittee shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion prevention and sediment control devices shall be periodically cleaned, replaced, and maintained until vegetation is permanently established on all slopes and disturbed areas.

18. All mulch, siltation dams, water bars and other temporary devices shall be installed immediately upon grading and shall be maintained until all roads are permanently surfaced and all permanent vegetation is established on all slopes and disturbed areas. Topsoil stockpiles shall have the exposed earth completely mulched and have siltation checks around the base.

19. All areas of disturbance must have temporary or permanent stabilization within 14 days of the initial disturbance. After this time, any disturbance in the area must be stabilized at the end of each workday. The following exceptions apply: i) Stabilization is not required if work is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours. ii) Stabilization is not required if the work is occurring in a self-contained excavation (i.e., no outlet) with a depth of 2 feet or greater (e.g., house foundation excavation, utility trenches).

20. All disturbed areas of the site shall be stabilized, seeded, and mulched immediately upon completion of final grading. All disturbed areas not involved in winter construction shall be mulched and seeded before October 15. Between the periods of October 15 to April 15, all earth disturbing work shall conform with the "Requirements for Winter Construction" standards and specifications of the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (February 2020).

21. In addition to conformance with all erosion prevention and sediment control conditions, the Permittee shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittee from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.

22. Prior to any site work, the Permittee shall install and maintain temporary fencing around trees to be retained as depicted on Exhibits #019, 020 and 026.

23. Any extracted stumps shall be disposed of at a state-certified stump and inert waste disposal facility, so as to prevent groundwater pollution.

24. The Permittee and all assigns and successors in interest shall continually maintain the landscaping as approved in Exhibit #028, 029, 030 and 031 by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.

25. The installation of exterior light fixtures is limited to those approved in Exhibit #032, 033, 034, 035, 045, 046, 047 and 048 and shall be mounted no higher than 20 feet above grade level. All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated.

26. The Permittee shall not erect additional exterior signage without prior written approval from the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs and temporary Grand Opening signs.

27. Should the City at any time agree to accept any private utilities being then operated by the Permittee and/or its assigns and successors in interest, the Permittee and/or its assigns and successors in interest shall be responsible to improve the same to City specifications and shall deed all lands involved with said improvements to the City. Such improvements may require a land use permit amendment.

28. The Permittee shall provide each prospective purchaser of any interest in this Project a copy of the Land Use Permit Amendment before any written contract of sale is entered into.

29. The Permittee shall reference the requirements and conditions imposed by Land Use Permit #4C0451-4 in all deeds of conveyance and leases.

30. Pursuant to 10 V.S.A. § 6090(b)(1), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittee has not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).

31. All site work and construction shall be completed in accordance with the approved plans by **October 1, 2025**, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without a public hearing.

32. The Permittee shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittee shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.

33. Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated this 28th day of January, 2022.

By /s/Parker Riehle, Vice Chair
Parker Riehle, Vice Chair
District 4 Commission

Members participating in this decision:

Monique Gilbert
Kate Purcell

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A).

Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings. The appellant must file with the Notice of Appeal the relevant entry fee required by 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal, including appeals from Administrative Amendments and interlocutory appeals. See 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5.

For additional information on filing appeals, see the Court's website at: http://www.vermontjudiciary.org/GTC/environmental/default.aspx or call (802) 951-1740. The Court's mailing address is: Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

Y:\NRB\Essex\DISTRICTS\DIST4\PROJECTS\UVM\4C0451\4C0451-4\Published Documents\District Commission Documents\4C0451-4 permit.docx

Exhibit List

Application # 4C0451-4 (1/26/22)

Applicant(s) University of Vermont & State Agricultural College

Landowner(s) University of Vermont & State Agricultural College

Project Town(s): Burlington, VT

VERMONT
Natural Resources Board

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
000		000 Exhibit List	
001	10/11/21	001 UVM Hills Renovations Act 250 Application	Applicant
002	10/11/21	002 UVM Hills Renovation Schedule G	Applicant
003	10/11/21	003 UVM Hills Renovation Cover letter	Applicant
004	10/11/21	004 UVM Main Campus List of Abutters	Applicant
005	10/11/21	005 UVM Main Campus Abutters Location Map	Applicant
006	10/11/21	006 Construction Waste Mgmt Specification	Applicant
007	10/11/21	007 Construction Waste Mgmt Plan	Applicant
008	10/11/21	008 VDHP Concurrence	Applicant
009	10/11/21	009 ANR Wildlife Habitat Map	Applicant
010	10/11/21	010 UVM Hills Soil Map	Applicant
011	10/11/21	011 VDHP Energy Code Historic Buildings Exemption	Applicant
012	10/11/21	012 Architect Memo & ComCheck	Applicant
013	10/11/21	013 Location Map	Applicant
014	10/11/21	014 C100 Overall Site Plan	Applicant
015	10/11/21	015 C101 Site Plan	Applicant
016	10/11/21	016 C102 Site Plan	Applicant
017	10/11/21	017 C103 Site Plan & Profile	Applicant
018	10/11/21	018 C200 Existing Conditions	Applicant
019	10/11/21	019 C201 Site Demolition	Applicant
020	10/11/21	020 C300 EPSC Preconstruction	Applicant

No.	Date Received (Office Use Only)	Document Name/Description		Submitted By (Office Use Only)
021	10/11/21	021	C300 EPSC Summer 2022	Applicant
022	10/11/21	022	C300 EPSC Winter 2022-2023	Applicant
023	10/11/21	023	C303 Stabilization & Post Construction Summer 2023	Applicant
024	10/11/21	024	C400 Civil Details	Applicant
025	10/11/21	025	C401 Civil Details	Applicant
026	10/11/21	026	C402 Civil Details	Applicant
027	10/11/21	027	C403 Civil Details	Applicant
028	10/11/21	028	L400 Overall Planting Plan	Applicant
029	10/11/21	029	L401 Planting Plan	Applicant
030	10/11/21	030	L402 Planting Plan	Applicant
031	10/11/21	031	L403 Planting Details	Applicant
032	10/11/21	032	L500 Overall Lighting Plan	Applicant
033	10/11/21	033	L501 Lighting Plan	Applicant
034	10/11/21	034	L502 Lighting Details	Applicant
035	10/11/21	035	L502 Lighting Plan	Applicant
036	10/11/21	036	A101 Floor Plan Level 1	Applicant
037	10/11/21	037	A105 Roof	Applicant
038	10/11/21	038	A201 Elevations	Applicant
039	10/11/21	039	A202 Elevations	Applicant
040	10/11/21	040	A300 Building Sections	Applicant
041	10/11/21	041	AD101 Demolition Plan Level 1	Applicant
042	10/11/21	042	AE201 Existing Elevations	Applicant
043	10/11/21	043	AE202 Existing Elevations	Applicant
044	10/11/21	044	G400 Perspective Renderings	Applicant
045	10/11/21	045	Fixture A	Applicant
046	10/11/21	046	Fixture B	Applicant
047	10/11/21	047	Fixture C	Applicant
048	10/11/21	048	Fixture D	Applicant
049	10/11/21	049	Glazing System	Applicant
050	10/11/21	050	Punched Openings	Applicant

No.	Date Received (Office Use Only)	Document Name/Description		Submitted By (Office Use Only)
051	10/11/21	051	Signature Pages	Applicant
052	1/21/22	052	Zoning Permit ZP-21-653, City of Burlington, VT Approved 10/19/21	Municipality
053	1/26/22	053	Vt. DEC Authorization to Discharge Under General Permit 3-9050 - Permit Number 3627-9050 Issued 11/15/21	Applicant
054	1/26/22	054	Watershed Management Division Discharge Permit 3627-INDC.16 Issued 10/25/21	Applicant
055	1/26/22	055	Email by Buzz Surwillo, Solid Waste Management Program re Approval of Construction Waste Management Plan	Applicant
056	1/26/22	056	Construction Site Waste Reduction Plan (Rev. May 2017)	Applicant
057	1/26/22	057	Wastewater System and Potable Water Supply Permit WW-4-5665 Issued 10/19/21	Applicant
058		058		
059		059		
060		060		
061		061		
062		062		
063		063		
064		064		
065		065		
066		066		
067		067		
068		068		
069		069		
070		070		
071		071		
072		072		
073		073		
074		074		
075		075		
076		076		
077		077		
078		078		
079		079		
080		080		

CERTIFICATE OF SERVICE

I hereby certify on this 28th day of January 2022, a copy of the foregoing ACT 250 LAND USE PERMIT #4C0451-4, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

Note: any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes. All email replies should be sent to NRB.Act250Essex@vermont.gov

University of Vermont and State Agricultural College
c/o Lani Ravin, Associate Planner
UVM Planning, Design and Construction
16 Colchester Avenue
Burlington, VT 05405
lani.ravin@uvm.edu
lisa.kingsbury@uvm.edu

Amy Bovee, Ass't City Clerk
Chair, City Council/Chair, City Planning Commission
City of Burlington
149 Church Street
Burlington, VT 05401
abovee@burlingtonvt.gov

Chittenden County Regional Planning Commission
110 West Canal Street, Suite 202
Winooski, VT 05404
permitting@ccrpcvt.org

Elizabeth Lord, Land Use Attorney
Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
anr.act250@vermont.gov

Barry Murphy/Vt. Dept. of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601
psd.vtdps@vermont.gov

Craig Keller/Jeff Ramsey/Christopher Clow
VTrans Policy, Planning & Research Bureau
Barre City Place
219 N. Main Street
Barre, VT 05641
aot.act250@vermont.gov

Vt. Agency of Agriculture, Food & Markets
116 State Street, Drawer 20
Montpelier, VT 05620-2901
AGR.Act250@vermont.gov

Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620
accd.projectreview@vermont.gov

FOR YOUR INFORMATION

District #4 Environmental Commission
Parker Riehle, Vice Chair
Monique Gilbert/Kate Purcell
111 West Street
Essex Junction, VT 05452

Dated at Essex Junction, Vermont, this 28th day of January, 2022.

/s/Christine Commo
Natural Resources Board Technician
879-5614
christine.commo@vermont.gov

Y:\NRB\Essex\DISTRICTS\DIST4\PROJECTS\UVM\4C0451\4C0451-4\Published Documents\District Commission Documents\4C0451-4 cos permit.docx

Permit Number: 3627-9050

PIN: EJ74-0001

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AUTHORIZATION TO DISCHARGE UNDER
GENERAL PERMIT 3-9050

A determination has been made that the applicant(s):

University of Vermont and State Agricultural College
16 Colchester Avenue
Burlington, VT 05405

Impervious Area: 0.43 acres

meets the criteria necessary for inclusion under General Permit 3-9050. Hereinafter, the named applicant shall be referred to as the permittee. Subject to the conditions of General Permit No. 3-9050, the permittee is authorized to discharge stormwater as described herein:

Project Name:	UVM Hills Science Building Improvements and CCRH Sidewalks
Project Location:	105 Carrigan Drive and 170 Carrigan Drive in Burlington, Vermont
Receiving Waters:	Tributary of Centennial Brook
Manner of Discharge:	S/N 001: Stormwater runoff from new roofs, sidewalks, and plaza areas via sheet flow to vegetation in accordance with Simple Disconnection treatment practice and by overland flow and a stormwater collection system, all routed to North Campus Stormwater Facility, which is a Tier 3 Wet Pond with a pre-treatment forebay, then discharging by controlled outlet structure and stabilized outfall to an unnamed tributary of Centennial Brook. S/N 002: Stormwater runoff from new roofs, sidewalks, and plaza areas via sheet flow to vegetation in accordance with Simple Disconnection treatment practice and by overland flow and a stormwater collection system, all routed to North Campus Stormwater Facility, which is a Tier 3 Wet Pond with a pre-treatment forebay, then discharging by controlled outlet structure and stabilized outfall to an unnamed tributary of Centennial Brook.
Design:	This project shall be constructed and operated in accordance with the site plans and details designed by Krebs & Lansing Consulting Engineers, Inc.; Sheet C100, "Overall Site Plan", dated 09/09/2021; Sheet C101, "Site Plan", dated 09/09/2021; Sheet C102, "Site Plan", dated 09/09/2021; Sheet C303, "Stabilization & Post Construction Soil Restoration Plan Summer 2023", dated 09/09/2021; Sheet C500, "Post Development Stormwater Plan", dated 09/09/2021; Sheet C-1.0, "Proposed Site Plan", dated 09/09/2021; Sheet ST-1.0, "Post Development Stormwater Plan", dated 09/09/2021; Sheet 1 of 4, "Overall North Campus Watershed Plan", dated 01/05/2015, last revised 09/09/2021; Sheet 3 of 4, "North Campus Watershed Plan", dated 01/05/2015, last revised 09/09/2021; Sheet 4 of 4, "North Campus Watershed Plan", dated 01/05/2015, last revised 09/09/2021; Sheet WS-EC-1, "Overall East Campus Watershed Plan", dated 09/28/2015, last revised 09/09/2021; Sheet WS-EC-3, "East Campus Watershed Plan", dated 09/28/2015, last revised 09/09/2021; and all supporting information. By reference, the above noted plans are made part of this authorization.

Compliance with General Permit 3-9050 and this Authorization

The permittee shall comply with this authorization and all the terms and conditions of General Permit 3-9050, including the payment of annual operating fees to the Department. A billing statement for such fees will be sent to the permittee each year. An invoice for the first year's operating fee will be sent separately. Any permit non-compliance, including a failure to pay the annual operating fee, constitutes a violation of 10 V.S.A. Chapter 47 and may be grounds for an enforcement action or revocation of this authorization to discharge.

Construction of the Stormwater Management System:
The stormwater management system as described in the approved Design above shall be installed prior to the discharge of stormwater from any new or redeveloped impervious surface covered by this authorization. Where stormwater from existing impervious surface is being treated pursuant to "Site Balancing", per the Approved Design, the stormwater system treating such areas shall be installed prior to the discharge of stormwater from new or redeveloped impervious surface.

For any existing impervious surface covered by this authorization, except for existing impervious surfaces used for Site Balancing, as noted above, the stormwater management system as described in the approved Design above shall be installed no later than 11/14/2026.

Annual Inspection and Report
The stormwater management system shall be properly operated. The permittee shall submit an annual inspection report on the operation, maintenance and condition of the stormwater management system. The inspection report shall be submitted regardless of whether the project has been constructed. The inspection shall be conducted between the conclusion of spring snow melt and June 15th of each year and the inspection report shall be submitted to the Secretary by July 15th of each year, or by July 30th if performed by a utility or municipality pursuant to a duly adopted stormwater management ordinance. The inspection report shall note all problem areas and all measures taken to correct any problems and to prevent future problems. The online submittal system, ANR Online, can be accessed at https://anronline.vermont.gov.

Initial Statement of Compliance
An initial statement of compliance, signed by a designer, must be submitted to the Stormwater Management Program no later than 30 days following completion of construction of the stormwater management system. Forms for completing this requirement are available on the Stormwater Management Program's website. The online submittal system, ANR Online, can be accessed at https://anronline.vermont.gov.

Transferability
This authorization to discharge is not transferable to any person except in compliance with Part 8.4 of General Permit 3-9050. A copy of General Permit 3-9050 is available from the Department via the internet at https://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/2020_09_01%20Final%20GP%203-9050.pdf

Changes to Permitted Development
In accordance with Part 8.6. of General Permit 3-9050, the permittee shall notify the Department of any planned development or facility expansions or changes that may result in new or increased stormwater discharges. The Department shall determine the appropriateness of continued inclusion under General Permit 3-9050 by the modified development or facility.

Recording in Land Records
The permittee shall record in the local land records, within 30 days of issuance of this authorization, a one-page notice of permit coverage. A one-page notice form may be obtained from the Secretary. A copy of the recording shall be provided to the Secretary within 14 days of the permittee's receipt of a copy of the recording from the local land records. Permits for public linear transportation projects shall be exempt from this requirement provided the permit is retained by the permittee in the official project file.

Right to Appeal
(A) Pursuant to 10 V.S.A. Chapter 220, any appeal of this permit, except for appeal of a renewable energy plant as described in (B), must be filed with the clerk of the Environmental Division of the Superior Court within 30 days of the date of the decision. The notice of appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Division; and must be signed by the appellant or the appellant's attorney. In addition, the appeal must give the address or location and description of the property, project, or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the notice of appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For further information, see the Vermont Rules for Environmental Court Proceedings.

(B) If this permit relates to a renewable energy plant for which a certificate of public good is required under 30 V.S.A. § 248, any appeal of this decision must be filed with the Vermont Public Utility Commission pursuant to 10 V.S.A. § 8506. This section does not apply to a facility that is subject to 10 V.S.A. § 1004 (dams before the Federal Energy Regulatory Commission), 10 V.S.A. § 1006 (certification of hydroelectric projects), or 10 V.S.A. Chapter 43 (dams). Any appeal under

this section must be filed with the clerk of the Public Utility Commission within 30 days of the date of this decision; the appellant must file with the clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. § 8504(c)(2) and shall also serve a copy of the notice of appeal on the Vermont Public Service Department. For further information, see the Rules and General Orders of the Public Utility Commission.

Effective Date and Expiration Date of this Authorization

This authorization to discharge shall become effective on November 15, 2021 and shall expire on November 14, 2026. The permittee shall reapply for coverage prior to the expiration of this authorization.

Dated November 15, 2021.

Peter Walke, Commissioner
Department of Environmental Conservation

By:

Christy Witters, Environmental Analyst
Stormwater Management Program

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
STORMWATER PROGRAM

Town Recording of Permit Issued

FOR STORMWATER DISCHARGE PERMIT BY THE VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Notice is hereby given that the Vermont Department of Environmental Conservation gives authorization to discharge pursuant to a general stormwater discharge permit that has been issued to Permittee(s) named herein for the discharge of stormwater runoff for the property identified below from impervious surfaces (e.g. roadways, rooftops, parking lots, walkways) pursuant to 10 V.S.A. 1264. The authorization requires treatment and control of stormwater runoff, long-term maintenance of the treatment and control structures and payment of yearly operational fees.

Permittee(s): **University of Vermont and State Agricultural College**

Permit/Authorization Number: **3627-9050**

911 Address of Property: **105 Carrigan Drive and 170 Carrigan Drive, Burlington**

Name of association (if applicable): _____
(condominium, subdivision or planned community)

Printed Name of Permittee or Authorized Representative: Lani Ravin AICP, for the University of Vermont & State Agricultural College

Signature of Permittee or Authorized Representative: Lani Ravin, AICP Date: 11/15/2021

FOR TOWN CLERK USE ONLY:

Recorded under Book: _____ Page:_____

Date Recorded with Town: _____ Signature / Stamp:_____

****

Recording information for Municipal Clerks - please index this document listing the State of Vermont, Department of Environmental Conservation as "Grantee," and listing the above-named Permittee(s) as "Grantor(s)." Additionally, if this notice lists the name of a condominium, subdivision or planned community association, please list the named association as an additional "Grantor."

Can be Completed by Clerk or Permittee:
Please upload this completed form to ANR Online by visiting the following link
https://anronline.vermont.gov

January 2019

STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
1 NATIONAL LIFE DRIVE, DAVIS 3
MONTPELIER, VT 05620-3522

DISCHARGE PERMIT
NPDES Number: VTS006734
Permit Number: 3627-INDC.16

For Stormwater Discharges from the construction and construction-related activities associated with the construction of the UVM Hills Science Building Improvements and CCRH Sidewalk located at 105 and 170 Carrigan Drive in Burlington, Vermont.

In compliance with provisions of the following state and federal laws and rules: the Vermont Water Pollution Control statute, 10 V.S.A. Chapter 47, including §§1258, 1259 and 1263 and 1264; the Stormwater Permitting Rule (Chapter 22: Vermont Environmental Protection Rules); the Vermont Water Pollution Control Rules, Chapter 13, the federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq., including 33 USC 1342(p); and the regulations of the federal Environmental Protection Agency including 40 CFR 122.26 and in accordance with terms and conditions hereinafter specified,

Permittee: University of Vermont and State Agricultural College
16 Colchester Avenue
Burlington, VT 05405

are hereby authorized by the Secretary of the Agency of Natural Resources (ANR), to discharge stormwater runoff from construction and construction-related activities associated with the construction of CCRH Sidewalk located at 105 and 170 Carrigan Drive, in Burlington, Vermont discharging to an unnamed tributary to Centennial Brook.

This authorization incorporates by reference the following Erosion Prevention and Sediment Control Plan (EPSC Plan) provided by the applicant to the Secretary:

EPSC Plan prepared by:

Krebs and Lansing Consulting Engineers, Inc.

Plan Set Reference:

VM Hills Science Building Improvements
Sheet C300, "Erosion Prevention & Sediment Control Preconstruction", dated 08/27/2021;
Sheet C301, "Erosion Prevention & Sediment Control Summer 2022", dated 08/27/2021;
Sheet C302, "Erosion Prevention & Sediment Control Winter 2022-2023", dated 08/27/2021;
Sheet C303, "Stabilization & Post Construction Soil Restoration Plan Summer 2023", dated 08/27/2021;
Sheet C402, "Civil Details", dated 08/27/2021;

UVM CCRH Sidewalk
Sheet C-1.0, "Proposed Site Plan", dated 08/24/2021;

Project Name: UVM Hills Science Building Improvements and CCRH Sidewalk
Discharge Permit #:3627-INDC.16
NPDES Number: VTS006734

Sheet C-1.1, "Erosion Prevention & Sediment Control Plan", dated 08/24/2021;
Sheet C-2.0, "Civil Details", dated 08/24/2021;

Part I. Coverage Under this Permit

A. Discharges Covered by this Permit

Subject to compliance with the terms and conditions of this permit, this permit authorizes the discharge of pollutants in stormwater associated with the construction and construction-related activity associated with the construction of UVM Hills Science Building Improvements and CCRH Sidewalk located at 105 and170 Carrigan Drive in Burlington, Vermont, discharging to an unnamed tributary to Centennial Brook. This permit only applies to construction and construction-related activities performed in accordance with the approved EPSC Plan. This permit also authorizes discharges from excavation dewatering activities in accordance with Part II.H of this permit.

B. Limitations on Coverage

1. The Secretary has determined that an individual permit is required for this project.

2. This permit does not authorize:
   a. Discharges of post-construction regulated stormwater runoff from impervious surfaces regulated pursuant to Vermont's stormwater statute (10 V.S.A. Section §1264) and Vermont Department of Environmental Conservation's (DEC) Stormwater Permitting Rule (Chapter 22: Vermont Environmental Protection Rules);
   b. Stormwater discharges not associated with construction and construction-related activities;
   c. Stormwater discharges from construction and construction-related activities when the discharge or activity is likely to jeopardize the continued existence of any State or federally listed threatened or endangered species or result in the destruction or adverse modification of critical habitat.

C. Support Activities

The permittee shall obtain permit coverage from the Secretary prior to the use of any support activities occurring outside of the identified project limits of disturbance (e.g. equipment staging areas, material storage areas, excavated material disposal areas and borrow areas). Support activities outside of the approved project boundaries shown in the EPSC Plan shall obtain coverage by amending this permit, or by obtaining coverage under a different individual discharge permit or under DEC's General Permit for Stormwater Runoff from Construction Sites.

D. Co-Permittees

1. In addition to the permittee, all landowners and operators associated with the construction activity who meet either of the following two criteria must obtain coverage under this permit as co-permittee prior to the commencement of construction activities:
   a. The party has operational control over construction plans and specifications, including but not limited to the ability to make modifications to those plans and specifications; or
   b. The party has continuous day-to-day operational control of those activities authorized by the permit, which shall include all construction and construction-related activities involving earth disturbance and EPSC Plan implementation.

Part II. Erosion Prevention and Sediment Control Requirements

A. Implementation of EPSC Plan

1. Each permittee is responsible for implementing the approved EPSC Plan and shall at all times comply with the approved EPSC Plan or amended versions of the EPSC Plan updated in accordance with this permit.

2. The EPSC Plan is incorporated by reference and included in the terms of this permit, and each permittee shall implement the provisions of the EPSC Plan, and all amendments thereto, as a condition of this permit. Failure to comply with the EPSC Plan, and all amendments thereto, shall be deemed a violation of this permit and subject to potential enforcement.

3. Each permittee is responsible for ensuring that each co-permittee involved in construction activities is familiar with the terms and conditions of the EPSC Plan and that each co-permittee's activities are carried out in accordance with the EPSC Plan.

4. The permittee shall assure that construction of all small and large sediment control practices, where proposed on the site, are completed in accordance with the 2020 Vermont Standards and Specifications for Erosion Prevention and Sediment Control prior to upslope earth disturbance of areas for which these features are designed to provide sediment control.

5. The permittee shall assure that, prior to earth disturbance within any area of the site located within 100 feet upslope of a stream or wetland, silt fence or approved perimeter control shall be installed in accordance with the 2020 Vermont Standards and Specifications for Erosion Prevention and Sediment Control and the EPSC Plan at an appropriate distance down slope from disturbed areas and upslope from such waters.

6. The permittee shall install all required elements as set forth in the EPSC Plan within a given work area prior to earth disturbance within that work area. Earth disturbance includes, but is not limited to, stumping and grubbing of cleared areas.

B. On-Site Plan Coordinator (OSPC)

1. The permittee shall designate a person as the OSPC who shall be directly responsible for on-site implementation of the EPSC Plan. Such person shall be knowledgeable in the principles and practice of erosion prevention and sediment controls and possess the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of all erosion prevention and sediment control measures selected to control the quality of stormwater discharges from the construction and construction-related activity.

2. The OSPC shall have the authority to stop and/or modify construction activities as necessary to comply with the EPSC Plan and the terms and conditions of this permit and shall be responsible for inspections and record keeping. The OSPC or his/her designee shall be on site on a daily basis during construction and construction-related activity. The OSPC does not have to be the permit applicant.

3. The name, email, and daytime telephone number of the OSPC shall be filed in writing by email with the DEC Stormwater Management Program district staff member prior to the commencement of construction and construction-related activities.

C. Maintenance of Erosion Prevention and Sediment Control Measures

1. All erosion prevention and sediment control measures (Best Management Practices) identified in the EPSC Plan shall be maintained in effective operating condition. If site inspections required by Part III.A identify Best Management Practices (BMPs) that are not operating effectively, maintenance shall be performed as soon as possible and before the next storm or snowmelt event to maintain the continued effectiveness of the measures. If implementing BMPs is impracticable before the next storm or snowmelt event, then the affected area shall be stabilized temporarily until such time that the BMPs can be installed.

2. If existing BMPs need to be modified or if additional BMPs are necessary for any reason, implementation shall be completed before the next storm event. If implementing BMPs is impracticable before the next storm event, then the affected area shall be stabilized temporarily until such time that the BMPs can be installed. These instances shall be documented pursuant to OSPC inspections required under this permit.

D. Modifications to the EPSC Plan Identified as Necessary During Inspections

1. If, based upon inspections or investigations by representatives of the Secretary, it is determined that the EPSC Plan may not consider a given site condition and there is a reasonable potential to cause, or contribute to a release of a visibly discolored discharge, or other discharge from the construction site that would cause or contribute to a violation of Vermont's Water Quality Standards, the permittee shall be required to:
    a. Modify the EPSC Plan and implement a project change to adequately address the identified concern within seven (7) calendar days following the inspection or per a schedule as otherwise established in a directive by the Secretary; or
    b. Cease discharges of pollutants to surface waters from the construction activity; or
    c. Submit valid and verifiable data with seven (7) days, to be reviewed and approved by the Secretary, containing information representative of current conditions, including stormwater discharges, and any known or identifiable impacts that occurred to waters, wetlands, or established buffers specific to stormwater discharges, including sediment transport or deposition.

2. At any time after issuing this permit, the Secretary may, in his or her sole discretion, determine that a stormwater discharge may cause, has reasonable potential to cause, or contribute to a violation of Vermont's Water Quality Standards. If such a determination is made, the Secretary will require the permittee to:
    a. Amend the EPSC Plan to address adequately the identified water quality concerns.
    b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
    c. Cease discharges of pollutants to surface waters from the construction activity.

3. The Secretary has the sole discretion to order a permittee to immediately stop all ongoing construction and construction-related activities upon a finding that a discharge or potential discharge from such activities presents a current or potential threat of harm to the environment. The Secretary's stop work order may also require the permittee to take all actions to prevent or correct the discharge or potential discharge. Any action taken by the Secretary pursuant to this subpart shall not limit the Secretary's authority to pursue other enforcement actions pursuant to 10 V.S.A Chapters 47 and 201.

4. Each revised EPSC Plan prepared pursuant to this Part shall be maintained on-site and shall be made available to the Secretary's representatives upon request.

E. EPSC Plan Availability

The permittee shall maintain a copy of the EPSC Plan, including any amendments thereto, and all records of co-permittee status for additional landowners and operators responsible for construction and construction-related activities onsite at all times. A copy of the EPSC Plan shall be made available to the Secretary, or his or her designated representative, upon request.

F. Project Changes

1. Project Changes That Do Not Require a Permit Amendment
    a. Use of interchangeable practices found in the Vermont Standards and Specifications for Erosion Prevention and Sediment Control. Interchangeable practices include those identified to serve similar or equivalent erosion prevention or sediment control.

    b. A change that increases the total project-related earth disturbance by 10 percent or less than the previously authorized total, provided that:
        i. The increased area(s) of disturbance are contiguous to the disturbed area authorized.
        ii. The permittee documents this change on a form provided by the Secretary. This documentation shall be completed and maintained on site with the permittee's existing authorization.

    c. The use of active stormwater treatments, including flocculants, provided a permittee has obtained the Secretary's written approval and has revised any EPSC Plan applicable to the project.
        i. When the use of active stormwater treatments, including flocculants, was not previously approved as part of an existing authorization, a permittee shall submit in writing a request for the Secretary's written approval, including a detailed description of the proposed use of active stormwater treatments and any additional information requested by the Secretary.

    d. The permittee shall update the EPSC Plan prior to implementing any change in the design, construction, operation, or other procedure which would alter the grading plan, construction sequence, or the location or implementation of any BMPs.

    e. An update to the EPSC Plan is required, if after taking corrective action, as required in Part III.B, it is determined that the EPSC Plan requires modification to be effective in future efforts in preventing erosion and controlling the discharge of sediment.

    f. An update to the EPSC Plan is required if the Secretary makes this determination pursuant to Part II.D.1 of this permit.

    g. The OSPC is authorized to implement project changes that involve substituting interchangeable erosion prevention and sediment control practices in the Vermont Standards and Specifications for Erosion Prevention and Sediment Control. Interchangeable practices include those identified to serve similar or equivalent erosion prevention or sediment control. The substitution shall be noted on the on-site EPSC Plan.

    h. For changes to the EPSC Plan other than substitution of interchangeable practices, the permittee shall have the EPSC Plan modified to reflect the change by either the original designer, a professional engineer licensed in the State of Vermont or a Certified Professional in EPSC. Such

modification shall include a certification that the modified EPSC Plan meets the requirements of this permit and The Vermont Standards and Specifications for Erosion Prevention and Sediment Control.

i. All proposed changes to the EPSC Plan that do not conform to The Vermont Standards and Specifications for Erosion Prevention and Sediment Control must be submitted to the Secretary for formal approval prior to implementation of the changes in the field.

j. Any project change involving earth disturbance substantially outside (non-contiguous) of the originally authorized limits of disturbance, provided the permittee submits to the Secretary request for written approval prior to implementation of the change. The Secretary may consider several factors in determining whether the change is substantial and requires an amendment to the permit. Such considerations may include, but are not limited to, size of additional area(s) to be disturbed, existing condition of area(s) to be disturbed, proximity to water resources and their buffers, proximity to existing development, and whether the change will present a reasonable potential to cause or contribute to water resources impacts.

k. The modified EPSC Plan submitted pursuant to Part II.F.1(h) shall include:
   i. A narrative description of the change(s);
   ii. Justification for the change(s);
   iii. An updated EPSC Plan sheets showing the proposed change(s);
   iv. Any additional information required by the Secretary

2. Project Changes that Require an Amendment to the Permit
   a. All project changes determined by the Secretary to present a reasonable potential to cause or contribute to water resource impacts.
   b. Increases to the total project-related area of earth disturbance by more than 10 percent of the previously authorized total area of earth disturbance.
   c. Increases to the total amount of concurrent earth disturbance.
   d. Decreases in the effectiveness or length of vegetated buffers between the construction site earth disturbance and the receiving waters, such that the risk score calculated in the Appendix A – Risk Evaluation of Vermont's Construction General Permit 3-9020 and completed at the time of application, increases.
   e. Increases to the slope or erodibility of soils within the limits of disturbance, such that the risk score calculated in the Appendix A – Risk Evaluation of Vermont's Construction General Permit 3-9020 and completed at the time of application, increases.

G. Winter Construction Period (late fall/winter/early spring construction activities)
1. If construction activities involving earth disturbance continue past October 15 or begin before April 15 (Winter Construction), the permittee shall implement Winter Construction EPSC practices as outlined in the EPSC Plan and as identified in the Vermont Standards and Specifications for Erosion Prevention and Sediment Control.

2. If a permittee plans to undertake construction activities during Winter Construction and the EPSC Plan does not identify EPSC measures during this time period, the permittee shall submit a stand-alone EPSC Plan for this late fall/winter/early spring work to the Secretary for formal approval prior to undertaking such activities. The submission shall include a narrative description of the proposed work and the stand-

alone EPSC Plan shall include only this work. The stand-alone EPSC Plan shall be designed according to The Vermont Standards and Specifications for Erosion Prevention and Sediment Control.

3. All possible measures will be taken to limit the exposure of soils during all late fall/winter/early spring construction activities. The Secretary reserves the right to require suspension of construction activities until after April 15 if late fall/winter/early spring construction is determined to present a significant risk to water quality. Also, the Secretary reserves the right to prohibit construction activities from October 15 through April 15 if construction activity during the Winter Construction Period is determined to present a significant risk to water quality.

H. Dewatering Activities

1. A site-specific dewatering plan shall be employed for any dewatering activities. The dewatering plan shall detail the following:
    a. Nature of activity requiring dewatering;
    b. Location of the dewatering pumpage show on plan;
    c. EPSC practice(s) to be used during dewatering activities; and
    d. Anticipated duration of dewatering activities.

    The use of EPSC practice(s) for dewatering activities not included in the original EPSC Plan are subject to the requirements of Part II.F.

    Pumpage from areas excavated for the construction of the project shall be treated or disposed of in such manner that any dewatering discharge to waters of the state is visibly clear and does not present a significant risk of environmental harm or significant risk to public health and safety. Prior to any dewatering activities which may result in the pumpage reaching State waters by surface flow, the permittee shall measure and document the turbidity value to ensure that it is sufficient to comply with the terms and conditions of this permit. The inspection reports shall contain information on when dewatering is being done, measures being utilized for treatment, and effectiveness of those measures.

    If the receiving water is off-site, the permittee shall confirm the runoff flow path will not present a significant risk to environmental harm or public health and safety in route to the stormwater discharge location. If the stormwater discharge results in a significant risk of environmental harm or a significant risk to public health and safety, the permittee shall cease dewatering activities and evaluate whether the dewatering plan requires modification to minimize or prevent such risks.

I. Disturbance Limitations/Stabilization

1. The total earth disturbance associated with construction of this project is **1.49** acres. The maximum area of concurrent earth disturbance at any one time allowed under this permit is **1.49** acres.

2. All areas of earth disturbance must have temporary or final stabilization within **14** days of initial disturbance. After this initial **14**-day period, all disturbance in these areas must be temporarily or permanently stabilized in advance of any runoff producing event. A runoff producing event is an event that produces runoff from the construction site. The following exception to the above stabilization requirements applies:
    a. Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet for stormwater) with a depth of 2 feet or greater (e.g. underground utility installation). Areas of a

construction site that drain to sediment basins are not considered eligible for this exemption and the exemption applies only to the excavated area itself.

J. Pre-construction Conferences

The permittee shall notify the Secretary of the planned start date and schedule a pre-construction conference at least two weeks prior to commencing construction. The pre-construction conference shall occur prior to initiating construction activities and shall be attended by the OSPC, EPSC Specialist, and a representative of the Secretary. At the discretion of the Secretary, a Pre-Construction Conference may be completed off-site from location of the project site and may also occur via video or phone conference if determined to be acceptable and preferable to all parties involved.

K. Presumption of Compliance with Vermont's Anti-Degradation Policy and Water Quality Standards

The Secretary has determined that the permitted discharges satisfy Vermont's Anti-Degradation Policy described in the DEC's Interim Anti-Degradation Implementation Procedure (Procedure), because the procedure allows a presumption of compliance for discharges that meet the requirements of a BMP or treatment and control manual as described in Section IX.D.1.a of the Procedure. The Secretary has also determined that for such discharges that qualify for the presumption under IX.D.1.a, all existing uses of surface waters, and the level of water quality necessary to protect those existing uses will be maintained and protected. The Secretary has determined that if the permittee is in full compliance with all permit conditions, including approved plans, sampling, monitoring, reporting and recordkeeping conditions, and is fully implementing stormwater BMPs required by this permit, the permitted discharges will meet the requirements of the Vermont Standards and Specifications for Erosion Prevention and Sediment Control and qualify for the presumption described in Section IX.D.1.a of the Procedure and will be presumed to comply with the Vermont Water Quality Standards, including but not limited to §1-03 (Vermont's Anti-degradation Policy).

Part III. Inspections, Discharge Sampling, Corrective Action, and Recordkeeping

A. General Inspection Requirements

1. The permittee is responsible for inspecting and maintaining erosion prevention and sediment controls that minimize or eliminate pollutants in the discharge in accordance with the requirements of this permit.

2. Inspections shall be conducted at least once every seven (7) calendar days and as required in Part III.B of this permit.

3. During the Winter Construction period (October 15 through April 15), daily inspections shall be conducted of areas that have been disturbed and are not yet finally stabilized (70 percent vegetated cover or equivalent stabilization with stone or other material).

4. Inspection frequency may be reduced to not less than one (1) per month if the entire site is temporarily stabilized.

5. Inspections may be postponed indefinitely if the entire site has achieved final stabilization.

6. Inspections shall be conducted by, or under the direction of, the OSPC.

7. Inspections shall include all areas of the site disturbed by construction activity and construction-related activity, and all discharge locations, including areas with temporary stabilization.

8. An inspection report shall be completed for each inspection and signed by the OSPC or the person acting under the direction of the OSPC. At a minimum, each inspection report shall include:
   a. The inspection date and time;
   b. Names, titles, and qualifications of personnel making the inspection;
   c. A general description of weather information for the period since the last inspection (or since commencement of construction or construction-related activity if the first inspection) including a general description of any precipitation, any runoff of visibly discolored stormwater from the construction site and any discharges of visibly discolored stormwater from the construction site to waters of the state;
   d. A description of current weather information, including approximate duration and accumulation of any precipitation or snowmelt, and a description of any runoff or discharges of visibly discolored stormwater from the site or to waters of the state occurring at the time of the inspection;
   e. Confirmation that the inspection was performed during the precipitation or snowmelt event, and if not an explanation;
   f. Location(s) of clear discharges of stormwater runoff from the site, with a description of any evidence of prior or current sediment transport at this location, including resuspension and transport of previously deposited sediment;
   g. Location(s) of runoff or discharges of visibly discolored stormwater from the site or to waters of the state;
   h. Location(s) of BMPs that need to be maintained;
   i. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
   j. Location(s) where additional BMPs are needed that did not exist at the time of inspection;
   k. Any corrective action required including any necessary changes to the EPSC Plan and implementation dates, to be completed prior to the next event that produces runoff from the construction site;
   l. Description of areas that are currently disturbed, areas that have been temporarily stabilized, and/or areas that have achieved final stabilization since last inspection;
   m. A description of the soil conditions (e.g. dry, wet, saturated); and
   n. A certification that the construction activities are now in compliance with the EPSC Plan and this permit.

9. A record of each inspection report and of any actions taken in accordance with this Subpart shall be maintained on-site with the EPSC Plan and shall be made available upon request by the Secretary's representatives.

10. When site conditions between April 15th – May 15th are similar to winter conditions (e.g. snow cover, frozen ground and/or saturated soils) within the areas of planned earth disturbance, the appropriate winter restrictions from the 2020 Vermont Standards and Specifications for Erosion Prevention and Sediment Control selected by the OSPC shall be applied to the portions of the site that are experiencing those conditions.

B. Inspection, Sampling and Corrective Action Requirements
   1. As soon as reasonably possible, during, or after, every rainfall event or snowmelt event which produces runoff from the construction site, the OSPC shall inspect for the runoff of visibly discolored stormwater from the construction site. If there is runoff of visibly discolored water from the construction site, the OSPC shall as soon as practicable inspect and maintain BMPs for compliance with the approved EPSC plan. For purposes of this permit, "construction site" shall mean the land or water area where any

facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity or the area of earth disturbance directly associated with the permitted construction activity.

2. If after inspecting and maintaining existing BMPs in accordance with Part III.B.1, the runoff of visibly discolored stormwater continues, the OSPC shall sample the runoff as follows:
   a. A turbidity sample shall be taken at each point where visibly discolored stormwater runs off the construction site. Samples shall be representative of the flow and characteristics of the runoff.
   b. If due to unexpected circumstances an OSPC is unable to sample during periods of runoff, the monitoring report shall include a brief explanation of such circumstances.
   c. Sampling is required at all points where visibly discolored stormwater runoff from disturbed areas that have not been finally stabilized leaves the construction site.
   d. All sampling points shall be identified on the EPSC Plan site map and be clearly marked in the field with a flag, tape, stake, or other visible marker.
   e. After approval by the Secretary, sampling may be discontinued at those points of stormwater runoff that are deemed to pose no risk of discharge to waters of the state.

3. If the turbidity sample taken is 25 NTU or lower, no further sampling or action is required during this particular event.

4. If the turbidity sample taken is greater than 25 NTU:
   a. The OSPC shall as soon as practicable evaluate the need for supplemental BMPs and install such BMPs as necessary to correct the runoff.
   b. The OSPC shall, within 72 hours of first discovering the runoff, submit a written report about the runoff and resulting corrective action to the Secretary. The report shall:
      i. Be on a form provided by the Secretary
      ii. Describe the cause, time and date, and location of the runoff;
      iii. Describe the status of construction and conformance with the EPSC Plan at the time of the runoff;
      iv. Detail the corrective action taken to stop the runoff, including a description of the actions taken, their location, and the time and date of the corrective action; and
      v. Be copied and a copy retained on-site with the EPSC Plan.

   c. The EPSC Plan shall be updated within 72 hours to reflect the actions taken.

5. After taking the actions required in Part III.B.4.a above, and if the runoff of visibly discolored stormwater continues, the OSPC shall again follow the inspection and sampling requirements in Part III.B.2 above. If the turbidity sample is less than 25 NTU then no further action is needed. If the turbidity sample is greater than 25 NTU, the OSPC shall immediately notify DEC's Stormwater Program. The Secretary may require the OSPC to reevaluate existing BMPs and install supplemental BMPs as necessary to correct the runoff. At the Secretary's discretion, the OSPC may also be required to continue sampling runoff daily when runoff is occurring until:
   a. Turbidity is 25 NTU or lower; or
   b. The runoff stops or is eliminated.

C. Recordkeeping

1. The following records shall be maintained on-site with the EPSC Plan:
   a. Inspection reports prepared pursuant to Part III.A of this permit;

b. Discharge Reports, Corrective Action reports and Summaries of Releases prepared pursuant to Parts III.B and VIII.C of this permit;
c. Notices of Addition or Termination of Co-Permittees submitted to the Secretary in accordance with Part V of this permit;
d. Any Notices of Termination for Portions of the On-going Construction Site in accordance with Part V of this permit; and
e. Any project changes or amendments to the EPSC Plan required by this permit, including the initials of the person or persons that revised the plans with dates of revision.

2. A copy of the authorized EPSC Plan shall be on-site during normal working hours from the date of commencement of construction activities to the date of final stabilization. EPSC Plans shall be made available upon request by the Secretary's representatives. The EPSC Plan maintained on site may be available in paper format or in electronic format via a computer maintained on the project site.

3. The OSPC shall have a copy of the EPSC Plan and all amendments available at a central location on-site for the use of all those identified as having responsibilities under the EPSC Plan whenever they are on the construction site.

4. The permittee shall post a Notice of Authorization, provided by the Secretary, demonstrating authorization under this permit. The notice shall be placed near the construction entrance at a location visible to the public. If displaying near the main entrance is infeasible, the notice shall be posted in a local public building such as the municipal office or public library. For linear projects, the notice shall be posted at a publicly accessible location near the active part of the construction project (e.g., where a utility project crosses a public road) or, in the event posting in a publicly accessible location near the active part of the project is infeasible, the permittee shall post in a local public building such as the municipal office or public library.

Part IV. EPSC Specialist Oversight

EPSC Specialist

1. In addition to the regular inspections required under Part III.A., the permittee shall designate an EPSC Specialist who will be responsible for performing environmental inspections during the project; confirming water resources protection throughout the project, assisting the permittee(s) with EPSC Plan implementation, and for related record keeping and reporting to the Secretary per the schedule established in this permit. The name, address, telephone number, email address, and basic qualifications of the person shall be provided to the Secretary for approval before the commencement of construction. This person shall not be the OSPC.

2. The EPSC Specialist shall determine, confirm, and report whether the EPSC Plan is being implemented and that appropriate revisions or updates are being made to the EPSC Plan when the EPSC Plan proves inadequate. In addition, the EPSC Specialist shall, in conjunction with the OSPC bear the responsibility of reviewing the site to ensure compliance with the approved EPSC Plan and to direct corrective action in accordance with Part III.B of this permit.

3. The EPSC Specialist shall notify the permittee(s) and operator(s) when changes in practice are necessary to comply with the EPSC Plan and the terms and conditions of this permit. The EPSC Specialist shall be responsible for inspections, photo documentation, and record keeping and shall, biweekly during earth disturbance activities, file by email to DEC Stormwater Program district staff, a report outlining:

a. Construction status;
b. Dates of inspection(s)
c. EPSC practices installed and removed since last report;
d. New measures undertaken subsequent to the prior report;
e. Erosion problems encountered and how and when resolved;
f. Discussion and summary of OSPC inspection reporting as described within Part III.B.1;
g. Status of the project in terms of consistency with the planned construction sequence;
h. Description, including location and total area (acres), of disturbed land at the time of the inspection;
i. Description of areas temporarily or permanently stabilized since the last inspection record;
j. Changes in the EPSC Plan that are required (including submission for authorization from the Secretary, when necessary);
k. When dewatering is underway, discussion and photographs of measures being utilized for treatment, and turbidity monitoring results in conformance with Part III.H of this permit;
l. Photographs of areas stabilized since the prior report;
m. Photographs of all disturbed areas;
n. Photographs of receiving water(s) at turbidity monitoring location(s); and
o. All turbidity monitoring results collected since prior report in accordance with Subpart III.B of this permit.

4. Prior to commencement of construction or construction-related activities, the EPSC Specialist shall present to the Secretary for approval the proposed reporting format. Construction may not commence prior to the Secretary's written approval of the reporting format and schedule for report submittal. Bi-weekly reports shall be submitted by the Wednesday, or as soon as responsibly possible, following the end of the bi-weekly period. The Department may approve an alternative reporting deadline to the permittee in writing. EPSC Specialist reports shall be filed via email with DEC Stormwater Program district staff. Submittal of reports by mail to the mailing address below will not be accepted without prior approval:

Department of Environmental Conservation
Watershed Management Division
Stormwater Management Program
One National Life Drive, Davis 3
Montpelier, VT 05620-3522

5. Each inspection report shall be prepared in consultation with the OSPC, shall include a review of the OSPC's inspection reports since the last inspection period, and shall be signed by the EPSC Specialist.

Part V. Transfers of Permit, Co-Permittees, and Termination

A. Transfer of Permit Coverage

1. A transfer of this permit may occur only in connection with the transfer of the entire construction site to a new owner.

2. A Notice of Transfer must be submitted to the Secretary not later than thirty (30) days prior to the transfer and shall include the following:

a. The name and address of the present permittee;
b. The name and address of the prospective permittee;

c. The proposed date of transfer; and
d. A statement signed by the prospective permittee, stating that:
   i. The conditions of the facility operation that contribute to, or affect, any discharge will not be materially different under the new ownership;
   ii. The prospective permittee has read and is familiar with the terms of the permit and agrees to comply with all the terms and conditions of the permit; and
   iii. The prospective permittee has adequate funding or other means to affect compliance with all the terms of the permit.

B. Adding or Terminating Co-Permittees

1. An owner or principal operator may be added as a co-permittee by filing a Notice of Addition of Co-Permittee form with the Secretary. The Co-Permittee shall be subject to all the terms and conditions of this permit and the EPSC Plan.

2. If the owner of the construction site obtains coverage under this permit and the owner is not the principal operator or the sole principal operator, then all principal operators shall obtain coverage as co-permittees in accordance with this Subpart prior to the commencement of construction activities.

3. A co-permittee may be terminated as a Co-Permittee by filing a Notice of Termination of Co-Permittee form on a form provided by the Secretary. The Co-Permittee shall only be terminated from the permit upon approval by the Secretary.

C. Notice of Termination for Portions of an On-going Construction Site

1. A permittee may submit a Notice of Termination (NOT) for a portion of the on-going construction project in the following instances:
   a. When final stabilization has been achieved on the portion of the site for which termination is sought;
   b. When title to a portion of the construction site has been transferred to a new owner and the new owner has obtained separate coverage under an individual construction permit or DEC's General Permit 3-9020 for Stormwater Runoff from Construction Sites (February 2020) or its replacement;
   c. When another operator has assumed control over the portion of the site for which termination is sought and the new operator has obtained coverage under an individual construction permit or DEC's General Permit 3-9020 for Stormwater Runoff from Construction Sites (February 2020) or its replacement;
   d. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.

2. To obtain a notice of termination for a portion of an on-going construction site, the permittee shall follow the requirements of Part V.E of this permit.

D. Notice of Termination for the Entire Construction Site

1. The permittee may submit a NOT for the entire construction site in the following instances:
   a. Final stabilization has been achieved on the entire construction site for which the permittee is responsible;
   b. Another operator has assumed control over all areas of the site that have not been finally stabilized and has obtained permit coverage; or
   c. Coverage under an individual or DEC's General Permit 3-9020 for Stormwater Runoff from Construction Sites (February 2020) or its replacement has been obtained.

2. To obtain a notice of termination for the entire construction site, the permittee shall follow the requirements of Part V.E of this permit.

E. Submitting a Notice of Termination

1. A permittee shall submit a complete and accurate NOT, on a form provided by the Secretary.

2. A NOT shall include, at a minimum, the following information:
   a. The permit number for which termination is sought;
   b. The basis for submission of the NOT;
   c. The owner's and operator's name, address and telephone number;
   d. The name of the project and address (or a description of location if no street address is available) of the construction site for which the notification is submitted;
   e. A certification statement, signed and dated by the OSPC and by an authorized representative as defined in the signature requirements in Part VIII.I, and the name and title of that authorized representative; and
   f. If the NOT is for only a portion of an ongoing construction project, a description of the portion of the site to which the NOT will apply and a plan showing the boundaries of this portion.

Part VI. Violation of Permit Requirements; Enforcement

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of 10 V.S.A. Chapter 47 and the federal Clean Water Act and is grounds for an enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

Part VII. Appeals

1. Renewable Energy Projects – Right to Appeal to Public Utility Commission
   Any appeal of this decision must be filed with the clerk of the Vermont Public Utility Commission pursuant to 10 V.S.A. §8506 within 30 days of the date of this decision. The appellant must file with the Clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. §8504(c)(2) and shall also serve a copy of the Notice of Appeal on the Vermont Department of Public Service. For information, see the Rules and General orders of the Public Utility Commission available online at www.puc.vermont.gov. The address for the Public Utility Commission is 112 State Street Montpelier, Vermont 05620-2701 (Tel. #802-828-2358).

2. All Other Projects – Right to Appeal to Environmental Court
   Pursuant to 10 V.S.A. Chapter 220, if this decision relates to all other projects, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of $250.00 payable to the State of Vermont. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For additional information, see the Vermont Rules for Environmental Court Proceedings, available online at

www.vermontjudiciary.org or call (802) 951-1740. The address for the Environmental Court is 32 Cherry Street, 2nd Floor Suite 303, Burlington, Vermont 05401.

Part VIII. Standard Permit Conditions

A Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause as set forth in Stormwater Permitting Rule § 22-310 (Environmental Protection Rules, Ch. 22). The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B. Limitations

1. This permit conveys no vested rights or exclusive privileges. The permit conveys no title to land nor authorizes any injury to public or private property. The permit does not authorize infringement of any applicable federal, state or local laws or regulations nor obviate the necessity of obtaining such additional permits as may be required.

2. Nothing in this permit shall be construed as having relieved, modified, or in any manner affected the permittee's ongoing obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the permittee in the operation of its business, nor does it relieve the permittee of the obligation to obtain all necessary federal, state and local permits.

C. Prohibitions

1. This permit does not relieve any person of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances. Nothing in this permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under 10 V.S.A. § 1281. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

2. If a release of oil or hazardous substances in excess of reportable quantities occurs, the permittee must modify the EPSC Plan required under Part III within 7 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. The EPSC Plan must identify measures to prevent the reoccurrence of such releases and to respond to such releases.

3. Discharges of any material other than stormwater, such as vehicle and equipment maintenance spills, fuels, wash water, construction debris, oil, wet concrete (including washout water from concrete batch trucks or equipment used to mix concrete), and other substances are prohibited.

4. Sediments and other pollutants collected and removed in the course of treatment of stormwater runoff shall be disposed in a manner that will not result in the sediments and pollutants entering waters of the State.

D. Right of Entry

The permittee shall allow the Secretary and his/her authorized representatives, at reasonable times, and upon presentation of credentials, to:

1. Enter upon and inspect the property on which the construction activities are occurring or the premises where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records required to be kept pursuant to the permit;

3. Inspect at reasonable times any facilities, equipment – including monitoring and control equipment – practices, or operations regulated or required under this permit; and;

4. Sample or monitor at reasonable times any construction-related discharges.

E. Historic Properties

Each permittee must comply with any applicable state and local laws concerning the protection of historic properties and places.

F. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit for a period of at least five years from the date of the sample, measurement, report, or application, in accordance with Stormwater Permitting Rule § 1201(c) (Environmental Protection Rules, Ch. 22). This period may be extended by request of the Secretary at any time.

G. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

H. Duty to Mitigate

A permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

I. Signatory Requirements

1. All applications must be signed as follows:
   a. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means:
      i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation;
      ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
c. For a municipality, State, Federal or other public agency: by either a principal executive officer or a ranking elected official. For purposes of this section, a principal executive officer of a Federal Agency includes: the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. All reports required by this permit, including but not limited to EPSC Plans, must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
   a. The authorization is made in writing by a person described above;
   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
   c. The signed and dated written authorization is included in the EPSC Plan. A copy must be submitted to the Secretary, if requested.

3. Any person signing documents required under the terms of this permit must include the following certification:
   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

J. Duty to Reapply

If a discharge from the construction site is anticipated to continue after the expiration date of this permit, the permittee must reapply for coverage under a new permit sixty (60) days prior to the expiration date of this permit.

K. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of this permit.

L. Notice of Planned Changes

The permittee shall give notice to the Secretary as soon as possible of any planned physical alterations to the permitted facility.

M. Notice of Anticipated Noncompliance

The permittee shall give advance notice to the Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

N. Duty to Provide Information

The permittee shall furnish to the Secretary, within a reasonable time, any information which the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine noncompliance with this permit. The permittee shall also furnish to the Secretary upon request, copies of records to be kept pursuant to this permit. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in a report to the Secretary, it shall promptly submit such facts or information.

O. Penalty for Permit Violation

10 V.S.A. Section 1275(a) provides that:
Any person who violations any provision of this subchapter or who fails, neglects, or refuses to obey or comply with any order or the terms of any permit issued in accordance with this subchapter, shall be fined not more than $25,000.00 or imprisoned not more than six months, or both. Each violation may be a separate offense, and, in the case of a continuing violation, each day's continuance may be deemed a separate offense.

10 V.S.A. Section 8010(c) provides that:
A penalty of not more than $42,500 may be assessed for each determination of a separate violation. In addition, if the secretary determines that a violation is continuing the secretary may assess a penalty of not more than $17,000.00 for each day the violation continues. The maximum amount of penalty assessed under this subsection shall not exceed $170,000.00.

P. Penalty for False Statement

10 V.S.A. Section 1275(b) provides that:
Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained under this subchapter, or by any permit, rule, regulation or order issued under this subchapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this subchapter or by any permit, rule, regulation, or order issued under this subchapter, shall upon conviction, be punished by a fine of not more than $10,000.00 or by imprisonment for not more than six months, or by both.

Q. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

R. Monitoring

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

S. Twenty-four-hour reporting

Unless provided otherwise by this permit, the permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and

times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Part X. Effective Date of Permit and Permit Term

This permit shall become effective on October 26, 2021 and shall expire on October 25, 2026. The permittee shall reapply for coverage at least sixty (60) days prior to the expiration if the project has not achieved final stabilization or if the construction activities are expected after the date of expiration.

Signed October 25, 2021

Peter Walke, Commissioner
Department of Environmental Conservation

By: _____
Kevin Burke, Environmental Analyst
Stormwater Management Program

RE: Review of construction waste management plan for 105 Carrigan Drive Hills Building? 4C0451-4

Surwilo, James <James.Surwilo@vermont.gov>

Thu 11/18/2021 9:27 AM

Hills

To:Lani Ravin <Lani.Ravin@uvm.edu>;

Cc:Anderson, Kevin <Kevin.Anderson@vermont.gov>;

Lani, thank you for making the suggested revisions to the Construction Waste Management Plan. The revised plan template and the supplemental Construction Waste Management Specifications constitute the overall ANR-approved Construction Waste Management Plan. Feel free to submit these, and this approval, to the District Commission.

I look forward to working with the University on the project once it commences.

Please contact me with any questions. Buzz

James "Buzz" Surwilo
Vermont Department of Environmental Conservation
Solid Waste Management Program
1 National Life Drive, Davis 1 | Montpelier, VT 05620-3702
802-522-5056 cell | 802-828-1138 office
https://dec.vermont.gov/waste-management/solid

From: Lani Ravin <Lani.Ravin@uvm.edu>
Sent: Wednesday, November 17, 2021 9:48 AM
To: Surwilo, James <James.Surwilo@vermont.gov>
Cc: Anderson, Kevin <Kevin.Anderson@vermont.gov>
Subject: Re: Review of construction waste management plan for 105 Carrigan Drive Hills Building?

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Buzz,

I now have a new draft Construction/demolition waste management plan for your review, for the 105 Carrigan Drive project.

Can you let me know if this is acceptable, or if you have any additional comments? When complete, I'll submit this to Act 250.

Thank you,

Vermont Agency of Natural Resources, Waste Management and Prevention Division
Construction Site Waste Reduction Plan

Revised May 2017

We have found through experience that planning for waste reduction is crucial to its success. A written, well thought out, job-specific plan, particularly if supplemented by contract specifications, will reduce the amount of waste that needs to be disposed of, and can save money. A valid waste reduction plan should list each waste material of consequence and the estimated quantity, and outline what is to become of that waste material once it is generated. In keeping with the priorities set out in Vermont law, our expectation is that the applicant will make a good faith attempt to avoid generation of waste in the first place, as wastes that are not generated do not need to be managed. For wastes that are unavoidably generated, the applicant should make a reasonable attempt to reuse, salvage, or recycle - in that order of preference. And if none of those options are feasible, the material will need to be disposed of responsibly. As the marketability of a material is dependent on a number of factors, such as quantity, condition, and location of the project, acceptable waste reduction efforts will vary somewhat by application.

Note: As of January 1, 2015, Vermont law requires "architectural waste" to be recycled in certain circumstances, depending on the quantity generated and distance to a recycling facility. Before submitting a plan or contract specifications, applicants are urged to review information regarding the law at:
http://dec.vermont.gov/waste-management/solid/materials-mgmt/construction-waste

Please call the Solid Waste Management Program at 828-1138 for planning and waste reduction assistance. We would be happy to help.

Company Name	
Contact Person	
Contact Address	
Contact Telephone Number	
Contact Email Address	
Project Location	105 Carrigan Drive, Burlington VT (UVM Hills Building)
Act 250 Application Project Number	

Waste Reduction Plans and/or Contract Specifications in support of an Act 250 application should be submitted to: james.surwilo@vermont.gov

Project Description:
(Demolition/renovation/new construction, square footage, commercial/residential/industrial, timeframe, etc.)

The University of Vermont is proposing to renovate the Hills Science Building. While improvements will primarily involve interior upgrades, work will also include three small building expansions that will improve ADA access and highlight the building entrances. The largest building addition is located at the southwest corner of the building. It involves expanding an existing building connector and enhances the building with a new entrance and reception space. A new code compliant elevator tower will be constructed at the southeast corner of the building to provide improved ADA access to the upper floors. The third addition will include a new vestibule to improve and enhance the existing entrance at the northeast corner of the building. The site modification will include new walkways, an entrance ramp at the northwest side of the building with railings to provide ADA access to a large classroom within the building, and connect to the lobby entrance at the southwest side of Hills. There will also be new landscape plantings, bike racks, new utilities and service upgrades to the Hills building.

Job-site Planning Worksheet

Attach any extra sheets as needed

Waste Prevention Planning - What steps have been taken to prevent waste from being generated during the project? This could include using designs that favor standard sizes or specifying building techniques that incorporate fewer materials. It could also include asking suppliers to take back excess materials. It could include contacting deconstruction firms to remove salvageable materials before renovation or demolition. **Note: 2012 Vermont Law (10 VSA 6602 et al) will mandate the collection of recyclables, food waste, and yard waste over the next several years. New construction should account for these requirements, e.g., providing additional dumpster areas, ample recycling space, food waste storage areas, and the like.**

The major component of waste prevention in this project is the utilization of an existing building, with relatively small additions at the entry points. The University will remove and salvage interior furnishings and fittings, prior to renovation.

Education Plan - Describe how the Construction Site Waste Reduction Plan will be communicated to the general contractor, subcontractors, and all those working on the project. Describe any incentives or disincentives.

See Section 01 5240 - Construction Waste Management; University will require contractor to comply with this specification.

A contractor is not under contract at this time, however, the University has clear and enforceable documents to require waste reduction in the contract documents. Any incentives or disincentives between the Contractor and their subcontracors are strictly between them but the University contract requires that subcontractors to the General Contractor be held to the same contract requirements.

Reuse & Recycling Worksheet

Material	**Estimated Quantity**	**Management** - For markets assistance, contact the ANR at 828-1138, or your local Solid Waste District. When researching recycling options, ask the hauler what will be done with the materials.	**Handling Procedure** - How materials are to be removed, separated, stored, and hauled for reuse or recycling.
Asphalt roofing shingles		Not in Contract.	
Asphalt	6500 sf = 80 CY	Recycled by site contractor to process Yard.	Site contractor will haul offsite when demolition occurs.
Brick	25 CY	Reused or Recycled through Casella Waste.	Demolition contractor will haul offsite as part of demolition.
Cardboard	80 CY	Recycled through Casella Waste or Reused by Contractor.	Contractor to haul offside on weekly basis. The University will work with the contractor to ensure that cardboard recyclables are kept dry.
"Clean" Wood			The University will work with the contractor to ensure that all clean wood is recycled.
Concrete	55 CY	Recycled to aggregate through processing.	Demolition contractor will haul offsite as part of demolition
Aluminum Window Assemblies	5,757 SF	Recycled through Casella Waste.	Windows assemblies will be removed as part of an abatement contractor's scope.

Concrete Deck	600SF + 600SF * 4”= 25 yards	Recycled to aggregate through processing.	Demolition contractor will haul offsite as part of demolition
CMU	400 CY	Recycled through Casella Waste.	Demolition contractor will haul offsite as part of demolition
Brass Pipes	6T	Recycled by UVM.	
Steel	5T	Recycled through Casella Waste.	Demolition contractor will haul offsite as part of demolition
Framing and other misc. structures	10 CY	Separated and Recycled through Casella Waste.	Demolition contractor will haul offsite as part of demolition

Reuse & Recycling Worksheet page 2

Material	**Estimated Quantity**	**Management** - For markets assistance, contact the ANR at 828-1138, or your local Solid Waste District. When researching recycling options, ask the hauler what will be done with the materials.	**Handling Procedure** - How materials are to be removed, separated, stored and hauled for reuse or recycling.
Metal			The University will work with the contractor to ensure that any metal not listed above will be recycled per the provisions of Act 175
Plaster/Drywall			The University will work with the contractor to ensure that any new drywall will be kept dry prior to recycling per the provisions of Act 175
"Treated/Painted" Wood			The University understands that any materials coated with paint containing lead are part of the hazardous waste stream and not recyclable. Other treated wood will be recycled per the provisions of Act 175
Other (e.g., "blue bin" recyclables)			The University will work with the contractor to ensure that blue bins are located on site for contractor and sub-contactors' use. The contents of the blue bins will be recycled per the provisions of Act 175
Salvageable Items/Used Building Materials such as windows, doors, moldings, fixtures, bathroom fixtures, etc. (Please list items separately)			The University is working with a contractor to remove any items that will not be reused within the Hills Building which can be used or salvaged.

WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT

LAWS/REGULATIONS INVOLVED
10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit
Wastewater System and Potable Water Supply Rules, Effective April 12, 2019

Permittee(s): University of Vermont & State Agricultural College
16 Colchester Ave
Burlington, N/AVT 05405

Permit Number: WW-4-5665

This permit affects the following property/properties in Burlington, Vermont:

Lot	Parcel	SPAN	Acres	Book(s)/Page(s)#
105 Carrigan Drive	050-3-021-082	114-035-18092	73.61	Book:154 Page(s):681-682

This application, consisting of the renovation of the Hills Science Building, to include interior renovations and a small building addition, that will include reorganizing classroom, office, assembly spaces and cafe seating. The renovations will include construction of a new fire protection and domestic service at the north end of the building. No modifications to the existing sewer are proposed. This project will be served by both municipal water and sewer, located at 105 Carrigan Drive, in Burlington, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions. Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.

1. GENERAL

1.1 The permittee is responsible to record this permit in the Burlington Land Records within 30 days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.

1.2 The permittee is responsible to record the design and installation certifications and other documents that are required to be filed under these Rules or under a permit condition in the Burlington Land Records.

1.3 Each assign or successor in interest shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s) prior to the conveyance of a lot.

1.4 By acceptance of this permit, the permittee agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.

1.5 This permit does not relieve the landowner from obtaining all other approvals and permits from other State Agencies or Departments, or local officials prior to construction.

2. CONSTRUCTION

2.1 Construction shall be completed as shown on the plans and/or documents prepared by Krebs and Lansing Consulting Engineers, Inc. (Derick Read P.E.), with the stamped plans listed as follows:

Title	Sheet #	Plan Date	Revision
Overall Site Plan	C100	09/17/2021	N/A
Site Plan	C101	09/17/2021	N/A

Site Plan	C102	09/17/2021	N/A
Site Plan	C103	09/17/2021	N/A
Civil Details	C401	09/17/2021	10/19/2021

2.2 Construction of wastewater systems or potable water supplies, or buildings or structures (as defined by the Wastewater System and Potable Water Supply Rules), or campgrounds, not depicted on the stamped plans, or identified in this permit, is not allowed without prior approval by the Drinking Water and Groundwater Protection Division.

3. INSPECTIONS

3.1 No permit issued by the Secretary shall be valid for a substantially completed potable water supply m until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Designer (or where allowed, the installer) on a Secretary-approved form that states:

"*I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply was installed in accordance with the permitted design and all permit conditions, were inspected, were properly tested, and have successfully met those performance tests"*

or which satisfies the requirements of §1-311 of the referenced rules.

4. DESIGN FLOW

4.1 Lot use and design flows (gpd) shall correspond to the following:

Lot	Building	Building Use / Design Flow Basis	Wastewater	Water
105 Carrigan Drive	Existing	Hills Science Building- classroom, office, assembly, cafe	3295	3295

5. WASTEWATER SYSTEM

5.1 105 Carrigan Drive is approved with the existing connection to the City of Burlington wastewater treatment facility.

5.2 This project is approved with an existing sanitary sewer service line. The Drinking Water and Groundwater Protection Division assumes no liability for the adequacy of this service line. Should the line fail and not qualify for the minor repair or replacement exemption, the landowner shall engage a Licensed Designer to evaluate the cause of the failure and to submit an amendment application to this office, and obtain approval thereof, prior to correcting the failure.

6. POTABLE WATER SUPPLY

6.1 105 Carrigan Drive is approved for connection to the water supply system owned by the City of Burlington as depicted on the plan(s) stamped by the Drinking Water and Groundwater Protection Division.

6.2 The landowner shall install and maintain backflow prevention devices that conform to Vermont Department of Public Safety standards and NFPA 13 for any connection of a sprinkler fire suppression system to a public drinking water system.

Peter Walke, Commissioner
Department of Environmental Conservation

By Denise Johnson-Terk Dated October 19, 2021
Denise Johnson-Terk, Environmental Analyst VI
Essex Junction Regional Office
Drinking Water and Groundwater Protection Division

cc: Derick Read P.E.
Act 250 District Environmental Commission
Department of Public Safety, Division of Fire Safety
Department of Health – Food & Lodging Licenses

ZONING PERMIT

City of Burlington, Vermont
Department of Permitting and Inspections

Application Date: September 3, 2021

Permit Expiration Date October 19, 2024
Construction Start by Date October 19, 2022

Project Location: 105 Carrigan Drive District: I;

Owner:	UNIVERSITY OF VERMONT / STATE AGRICULTURAL COLLEGE	Tax ID: 050-3-021-082
Address:	UVM PLANNING, DESIGN & CONSTRUCTION;16 COLCHESTER AVENUE; BURLINGTON, VT 05405	

Project Type: Institutional - Site Improvement / Landscaping / Parking / Fence
Project Description:

The University of Vermont is planning to expand and improve existing connections and accessibility of the Hills building, between the Benedict and Stafford buildings. This will be part of a larger project to renovate the Hills Building, located on the UVM main campus at 105 Carrigan Drive.

This COA Level II application is for a proposed elevator addition, entrance improvements, and associated site improvements to the Hills Agricultural Sciences Building and its environs.

The University of Vermont (UVM) Hills Agricultural Sciences Building was built in 1950. There are existing small connector hallways from Hills to Benedict Auditorium on the west and the Stafford Building on the south. These will be improved and expanded as part of this project. See Overall Site Plan C100.

Hills is currently being re-roofed (ZP-21-389). The Hills Agricultural Sciences building will be renovated to allow for the creation of an institute dedicated to research and education in the agricultural sciences at the ground floor and a combination of University and USDA functions on the upper two floors.

UVM is proposing an addition with a new, code compliant elevator on the southeast side of the building. Additional work will include utility upgrades and site work including landscaping, accessible walkways, and revitalization of the west courtyard including an expansion to the connector between Benedict Auditorium and the Hills Building.

These entryway additions are being provided to beautify and enhance general and ADA access to the building, and improve building services. There will be no increase to the occupant load.

The exterior aspects of the Hills Agricultural Sciences Building renovations will consist of the following improvements:

* An addition at the southeast entrance for improved accessibility to the ground, second and third floors within the building. It will include a three-stop elevator tower.
* A second entry at the east, farther to the north will be expanded to provide a vestibule and covered bike

parking.

* The project includes a diesel powered generator for emergency services within a sound attenuated enclosure in the south west corner of the existing small parking area at the north end of Hills.

* The connector between Hills and Benedict Auditorium will be expanded into a light filled entrance lobby and reception space. This new lobby space will welcome those entering the institute from the west of the building.

* Site work will include walkways, an entrance ramp at the northwest side of the building with railings to provide ADA access to a large classroom within the building, and connect to the lobby entrance at the southwest side of Hills. There will also be new landscape plantings, bike racks, new utilities and service upgrades to the Hills building.

Lot Coverage:

The existing lot coverage is 51.09% for the 10 University Place parcel (UVM overlay north of Main Street) which includes the Hills Agricultural Sciences building. This project will increase the total lot coverage to 51.29%.

There will be an estimated 6,408 net new GSF as part of this project, distributed between the improved entry spaces and elevator lobbies.

Parking:
Two existing parking spaces will be displaced at the north end of Hills. To the east of Hills along Carrigan Drive three parallel spaces will be replaced with six head-in spaces; three of these six new spaces at Carrigan Drive will meet the requirements of the 2010 ADAAG. There will be one net new parking space as a result. It will be accounted for in the Joint Institutional Parking and Management Plan Update in 2022.

Bike Parking:
The project will include 42 new short term bike parking spaces, distributed among all the building entries. There will be four new covered, secure bike parking spaces, located outside near the northeast entry vestibule.

Lighting:
This location on the main campus is currently a well-lit area with existing outdoor lighting. New lighting is proposed as follows:

Lighting within the canopy over the new entrances into the building.
Bollard lighting on pathways.

Stormwater and Erosion Control
See associated Erosion Prevention & Sediment Control Narrative and permit application, as well as the Stormwater Discharge Narrative.

Construction Hours

Proposed construction hours are Monday through Friday 7:00 AM to 6:00 PM and Saturday 8:00 AM - 4:30 PM. Sunday construction work will be for indoor activities only with no significant noise between 8:00 AM and 4:30 PM.

-

Timeline
Construction is anticipated to begin in the second quarter of 2022 following abatement of hazardous materials. Construction is anticipated to have a duration of approximately seventeen months and the renovated spaces are intended to be utilized in the fall semester of 2023.

-

Estimated Cost

The estimated construction cost for the improvements to be permitted is $ 3,532,700.00.

Construction Cost:	$3,532,700	Lot Size (Sq Ft):	
Net New Habitable Sq Ft:	6,408	Net New Number of Residential Units:	
Existing % Lot Coverage:	51.09	Existing Number of Parking Spaces:	
Proposed % Lot Coverage:	51.29	Proposed Number of Parking Spaces:	
Net New % Lot Coverage:	0.2	Required Number of Parking Spaces:	

Zoning Permit #: ZP-21-653
Level of Review: COA II

Decision By: Development Review Board
Decision: Approved

Zoning Administrative Officer

Decision Date: October 19, 2021

An administrative decision may be appealed by an interested person within 15 days from the Decision Date.
A DRB decision may be appealed within 30 days.

Please contact the Zoning Division for more information.

Amount Paid: $23,824.09 **Date:January 21, 2022**

645 Pine Street Burlington, Vermont 05401

E-Notification CERTIFICATE OF SERVICE Regarding Information for LUP# 4C0451-4,
For UVM Hills Science Building Renovations

I hereby certify that I, Lani Ravin, Associate Planner at the University of Vermont & State Agricultural College, sent a copy of documents, dated January 26, 2022, for the University of Vermont, regarding LUP# 4C0451-4, regarding renovations to the Hills Science Building, by electronic mail to those with email addresses as indicated:

District #4 Environmental Commission
111 West Street
Essex Junction, VT 05452
NRB.Act250Essex@vermont.gov
Rachel.Lomonaco@vermont.gov

University of Vermont & State Agricultural College
c/o Lani Ravin, AICP, Associate Planner
Lisa Kingsbury, Associate Director
Planning, Design & Construction
16 Colchester Avenue
Burlington, VT 05405
Lani.ravin@uvm.edu;
Lisa.kingsbury@uvm.edu;

Burlington City Clerk
Chair, Selectboard/Chair, Planning Commission
City of Burlington
149 Church Street
Burlington VT 05401
burlingtontownclerk@burlingtonvt.gov;
abovee@burlingtonvt.gov;

Chittenden County Regional Planning Commission
110 West Canal Street, Suite 202
Winooski VT 05404
Permitting@ccrpcvt.org

Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
Anr.act250@vermont.gov

Dept. of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601
barry.murphy@vermont.gov;
PSD.VTDPS@vermont.gov;

VTrans Policy, Planning & Research Bureau
Barre City Place
219 N. Main Street
Barre, VT 05641
AOT.Act250@vermont.gov;

Agency of Agriculture, Food & Markets
116 State Street, Drawer 20
Montpelier, VT 05620-2901
AGR.Act250@vermont.gov;

Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620
scott.dillon@vermont.gov;
james.duggan@vermont.gov;
ACCD.ProjectReview@vermont.gov;

Dated at Burlington, Vermont, January 26, 2022

Lani Ravin, AICP

Lani Ravin, AICP, Associate Planner
Planning, Design & Construction
University of Vermont & State Agricultural College

E-Notification CERTIFICATE OF SERVICE Regarding Monthly Information for LUP# 4C1043-1A,
For UVM Firestone Building for January, 2022

I hereby certify that I, Lani Ravin, Associate Planner at the University of Vermont & State Agricultural College, sent a copy of documents, dated January 21, 2022, for the University of Vermont, regarding LUP# 4C1043-1A, regarding temporary suspension of a 200 space off-campus parking lot, by electronic mail to those with email addresses as indicated:

District #4 Environmental Commission
111 West Street
Essex Junction, VT 05452
NRB.Act250Essex@vermont.gov
Rachel.Lomonaco@vermont.gov

University of Vermont & State Agricultural College
c/o Lani Ravin, AICP, Associate Planner
Lisa Kingsbury, Associate Director
Planning, Design & Construction
16 Colchester Avenue
Burlington, VT 05405
Lani.ravin@uvm.edu; Lisa.mcnaney@uvm.edu;
Lisa.kingsbury@uvm.edu;

Burlington City Clerk
Chair, Selectboard/Chair, Planning Commission
City of Burlington
149 Church Street
Burlington VT 05401
burlingtontownclerk@burlingtonvt.gov;
lolberg@burlingtonvt.gov;
abovee@burlingtonvt.gov;
mtracy@burlingtonvt.gov;
amontroll@burlingtonvt.gov

Chittenden County Regional Planning Commission
110 West Canal Street, Suite 202
Winooski VT 05404
Permitting@ccrpcvt.org

Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
Anr.act250@vermont.gov

Dept. of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601
barry.murphy@vermont.gov;
PSD.VTDPS@vermont.gov;

VTrans Policy, Planning & Research Bureau
Barre City Place
219 N. Main Street
Barre, VT 05641
AOT.Act250@vermont.gov;

Agency of Agriculture, Food & Markets
116 State Street, Drawer 20
Montpelier, VT 05620-2901
AGR.Act250@vermont.gov;

Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620
scott.dillon@vermont.gov;
james.duggan@vermont.gov;
ACCD.ProjectReview@vermont.gov;

Dated at Burlington, Vermont, January 21, 2022

Lani Ravin, AICP

Lani Ravin, AICP, Associate Planner
Planning, Design & Construction
University of Vermont & State Agricultural College

UVM Parking Lot Capacities and Empty Space Count				
PEAK DEMAND LOT COUNTS - January 2022				
Location	**Usable Spaces**	**Occupied Spaces**	**Empty Spaces**	**Percent Full**
Athletic Commuter	1,704	1,475	229	86.6%
Core Central	61	44	17	72.1%
Core East	710	601	109	84.6%
Core North	369	223	146	60.4%
Core South	193	100	93	51.8%
Core West	387	176	211	45.5%
Commuter Lots	323	219	104	67.8%
Redstone	626	441	185	70.4%
Trinity	314	226	88	72.0%
Total	**4,687**	**3,505**	**1,182**	**74.8%**
Counts done January 18th to January 20th				

STATE OF VERMONT
NATURAL RESOURSES BOARD
DISTRICT 4 ENVIRONMENTAL COMMISSION

Act 250 Land Use Permit Application	)
#4C0174-6 & 4C0368-3	)
The Burton Corporation, Burlington	)

CERTIFICATE OF SERVICE

I, Elsie Goodrich, certify that on January 28,2022, I served copies of *Applicant The Burton Corporation's Opposition Memorandum To The Opponents' Motion To Reconsider* in the above-referenced proceeding to the service list below by the delivery method noted:

By Email:

District #4 Environmental Commission
Thomas A. Little, Chair
Monique Gilbert, Pam Loranger
111 West Street
Essex Junction, VT 05452
nrb.act250essex@vermont.gov
aaron.brondyke@vermont.gov
By Email and First Class Mail

The Burton Corporation
Justin Worthley, Mike Fialko-Casey, and Eric Bergstrom
180 Queen City Park Road
Burlington, VT 05401
justinw@burton.com
mikef@burton.com
ericb@burton.com

John Caulo
LandPlan Development Services, LLC
61 Central Avenue
Burlington, VT 05401
john.caulo@gmail.com

Higher Ground
Alex Crothers, Alan Newman, and Mark Balderston
1214 Williston Road
South Burlington, VT 05403
alex@highergroundmusic.com
alan@highergroundmusic.com
m.j.balderston@gmail.com

Kurt Muller, Jennifer Conley
VHB
40 IDX Drive
Building 100, Suite 200
South Burlington, VT 05403
kmuller@vhb.com
jconley@vhb.com

Eddie Duncan
RSG
55 Railroad Row
White River Junction, VT 05001
eddie.duncan@rsginc.com

Tyler Barnard, Paul Boisvert
Engineering Ventures
208 Flynn Ave, Suite 2A
Burlington, VT 05401
tylerb@engineeringventures.com
paulb@engineeringventures.com

Katherine Schad, Town Clerk
Joan Shannon, Kimberlee Sturtevant
City of Burlington
149 Church Street
Burlington, VT 05401
burlingtontownclerk@burlingtonvt.gov
lolberg@burlingtonvt.gov
jshannon@burlingtonvt.gov
ksturtevant@burlingtonvt.gov

Jeff Padgett, Interim Assistant Director for Parking & Traffic
Burlington Department of Public Works
645 Pine Street
Burlington, VT 05401
jpadgett@burlingtonvt.gov

Colin McNeil
McNeil, Leddy & Sheahan, P.C.
271 South Union Street
Burlington, VT 05401
cmcneil@mcneilvt.com
Counsel for the City of South Burlington

Donna Kinville, Town Clerk
Andrew Bolduc, Paul Conner, Meaghan Emery
City of South Burlington
575 Dorset Street
South Burlington, VT 05403
dkinville@sburl.com
abolduc@sburl.com
pconner@sburl.com
memery@sburl.com

Stephen Crowley, Sharon Behar, Steve Caflisch
South Burlington Fire District #1
12 Pleasant Ave
South Burlington, VT 05403
steve.crowley1@gmail.com
sharon.behar@gmail.com
steve.caflischvt@gmail.com

Taylor Newton
Chittenden County Regional Planning Commission
110 West Canal Street, Suite 202
Winooski, VT 05404
permitting@ccrpcvt.org
tnewton@ccrpcvt.org

Jennifer Mojo
Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
anr.act250@vermont.gov
jennifer.mojo@vermont.gov

VTrans Policy, Planning & Research Bureau
Barre City Place
219 N. Main Street
Barre, VT 05641
aot.act250@vermont.gov

Dept. of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601
barry.murphy@vermont.gov
psd.vtdps@vermont.gov

Agency of Agriculture, Food & Markets
116 State Street, Drawer 20
Montpelier, VT 05620-2901
agr.act250@vermont.gov

Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620
scott.dillon@vermont.gov
james.duggan@vermont.gov
accd.projectreview@vermont.gov

FOR YOUR INFORMATION

James Dumont
Law Office of James A. Dumont
15 Main St., P.O. Box 229
Bristol, VT 05443
dumont@gmavt.net
Counsel for Smith, Waters, Turner, Logan, de Terra, Goodman, Landauer, Bratt, O'Neill, Walrath, Herrick, Ellis, and Copp

Michael Santos
BSC Group
msantos@bscgroup.com

Luc Logan
39 Central Ave
South Burlington, VT 05403
lalogan@hotmail.com

Diane de Terra
39 Central Ave
South Burlington, VT 05403
deterrafirma@gmail.com

Lawrence Smith & Laura Waters
50 Central Ave
South Burlington, VT 05403
wlbsmithvt@gmail.com
waterslj@gmail.com

Almy Landauer
303 Redrock Dr.
Burlington, VT 05401
almy.landauer@gmail.com

Wendy Bratt
52 Central Ave
South Burlington, VT 05403
wbratt@gmavt.net

Doug Goodman/364 QCP Road LLC
66 Central Ave
South Burlington, VT 05403
douggoodmanphoto@gmail.com

Wendy Copp
11 Maple Ave
South Burlington, VT 05403
wendycopp@msn.com

Sabrinajoy Milbury
8 Maple Ave
South Burlington, VT 05403
sabrinajoymilbury@gmail.com

Sharon O'Neill
20 Arthur Court
Burlington, VT 05401
grayoak2@msn.com

Dana Walrath
42 Central Ave
South Burlington, VT 05403
dana.walrath@gmail.com

Stephanie Herrick
161 Austin Drive, Unit #151
Burlington, VT 05401
stephherrick@myfairpoint.net

Michael Turner
110 Central Ave
South Burlington, VT 05403
comittina@comcast.net

Lori Hayes
3 Lyons Ave
South Burlington, VT 05403
lorihayes151515@gmail.com

Janice Ellis
161 Austin Drive #83
Burlington, VT 05401
redosier@comcast.net

Harris Roen
46 Scarff Avenue
Burlington, VT 05401
harris@roen.net

Kerry Anderson
3 Maple Ave
South Burlington, VT 05403
28sabre@comcast.net

Mark Furnari
mark.furnari@gmail.com

Dated at Burlington, Vermont, this 28th day of January 2022.

By: /s/ *Elsie Goodrich*
Elsie Goodrich
Paralegal

STATE OF VERMONT
NATURAL RESOURSES BOARD
DISTRICT 4 ENVIRONMENTAL COMMISSION

Act 250 Land Use Permit Application	)
#4C0174-6 & 4C0368-3	)
The Burton Corporation, Burlington	)

APPLICANT THE BURTON CORPORATION'S OPPOSITION MEMORANDUM TO THE OPPONENTS' MOTION TO RECONSIDER

Applicant The Burton Corporation ("Burton") opposes Laurie Smith, et al.'s ("the Opponents") January 20, 2022 Motion to Reconsider. The Opponents' motion reprises the same flawed arguments advanced in their Supplemental Proposed Conclusions of Law. Opponents again ignore the undisputed record evidence on noise impacts and the controlling Act 250 precedent and instead focus on the speculative and unsubstantiated impacts of car horns and misrepresent the relevant aesthetic standards under Criterion 8. The Commission's decision correctly decided upon the actual evidence in this proceeding that the proposed Project will not cause undue noise impacts. It should not be altered.

Burton responds to each alteration request in turn. The Commission is no doubt familiar with several of the Opponents' supporting arguments previously raised in their October 29, 2021 Supplemental Proposed Conclusions of Law. For brevity, Burton does not repeat our briefing in response in its entirety here, but would respectfully refer the Commission to our November 5, 2021 Response to the Opponents' Conclusions of Law (Ex. 180 or "November 5th Response").

I. Alteration #1 should be denied because the Opponents' claimed undue health impacts from car horns is purely speculative.

Revealingly, Opponents focus not on the record evidence that demonstrates—as the Commission correctly concluded—that the "noise generated by the operation of the Project falls

under the World Health Organization ("WHO") threshold guidelines for both mild annoyance and sleep disturbance" and, consequently, that the Project will not result in undue air pollution. January 5, 2022 Findings of Fact, Conclusions of Law, and Order at 15 ("Final Order"). Instead, as they have throughout this proceeding, Opponents choose to highlight a speculative, hypothetical car horn. There is no *actual* evidence, beyond this ongoing speculation, that these car horn impacts are any more likely to occur in the operation of the Project than in the existing parking lot onsite or the adjoining neighborhood roadways.

An Act 250 permit may not be conditioned or denied on speculation or possibility. *In re LiCausi (Crushed Rock, Inc.)*, 2008 VT 59, ¶ 9, 184 Vt. 75, 80, 955 A.2d 1177, 1181 (2008) (holding that conditions may not be supported by "abstract concerns [that] never evolved past the point of speculation.").[1] The Opponents have long-argued that the Project itself will result in car horns sounding at undue levels, yet this contention only appears in their legal briefing and not once in any *evidence* offered by any party.[2] This, despite the Opponents having hired two noise experts and a traffic expert and ample opportunity to rebut or test RSG's statement[3] that car horns are not likely to occur as a result of the Project's operation. The evidence Opponents do cite in their motion does not establish impacts under Criterion 1 without further assumption and speculation.

---

[1] *See also In re Kevin L. Rogers, Inc.*, No. 88-5-09 Vtec, 2009 WL 6043914 (Vt. Envtl. Ct. Nov. 04, 2009) (quoting *Li Causi*).

[2] For example, Opponents' initial Proposed Findings of Fact and Conclusions of Law assume that car horns will be an impact of the Project's operations but do not cite to evidence supporting this contention.

[3] RSG initially opined on the issue of horns in a June 15, 2021 memo (Ex. 159). The supplemental hearing on noise issues in this proceeding was held September 30, 2021 with an RSG witness and Opponents' noise expert present.

For example, Opponents' claim that health impacts *will* occur is based only on evidence that a hypothetical worst-case scenario exceeds the relevant WHO sleep disturbance guideline. This logic is flawed because this evidence does not demonstrate that these impacts *will* occur, only that they *could* under specific circumstances. As the Commission correctly concluded, the totality of the evidence showed that such a hypothetical scenario was "very unlikely." Final Order at 15. The modeled values were produced in response to Commission inquiries and did not, in the uncontroverted opinion of the RSG experts performing the modeling, reflect the operating impacts of the Project. *See* Ex. 159 (noting that car horns are not an expected impact of the Project operation and that the Burton/Higher Ground Operational Management Plan ("OMP") mitigates the use of horns). Therefore, in order to arrive at Opponents' conclusion, there must be evidence that horns will actually be used as part of the Project operation and result in the modeled levels.[4] There is no such evidence.

The Commission did not ignore a health impact nor did it create an exception for car horns. The Commission simply ruled consistent with the record evidence that undue impacts were very unlikely, and declined to entertain the Opponents' "what-ifs" that find no basis in the evidence. The motion to reconsider should be denied.

Moreover, the Commission's conclusions are amply supported by independent rationales. For one, unlike Criterion 8, there is an established threshold for health impacts from noise under Criterion 1. *See Goddard College Conditional Use Goddard College Act 250 Reconsideration*, No. 173-12-12 Vtec, 2014 WL 814790, at *7 (Vt. Envt'l Ct. Jan. 06, 2014) ("[The]

[4] *See, e.g.*, *In re Pion Sand & Gravel Pit*, No. 245-12-09 Vtec, 2010 WL 3267774 (Vt. Envt'l Ct. Aug. 12, 2010) (finding party had not satisfied their offer of proof where expert could only opine to the possibility of air pollution but had no evidence it actually would occur).

Environmental Board decisions established noise level thresholds or limits evidencing compliance or non-compliance with Criterion 1."). This threshold, the EPA's adverse health impact standard, is "70 dB(A) for 24 hours each day, 365 days a year, over a lifetime."[5] *Id.* The Environmental Board and the Environmental Court have also found that maximum noise levels below 90 dBA do not constitute air pollution under Criterion 1. Both the Project impacts and the potential for horn noise are well below this limit.

Burton and Higher Ground's OMP was designed to mitigate parking lot noise and rapidly clear the venue following events and also supports the Commission's conclusions. *In re Pike Industries*, relied on by the Opponents, instructs under Criterion 1 that,

> Board precedent is also fact-specific; thus, whether a pollutant [including noise] is "undue" can depend on a series of factors, which may include an analysis of the nature and amount of the pollution, a proposed project's location and topography…, and whether effective measures will be taken to mitigate the pollution.

In re Pike Industries, Inc. and Inez M. Lemieux, No. 5R1415-EB, 2005 WL 1382437 at *18 (Vt. Envt'l Bd. June 7, 2005). The OMP, found at Ex. 010a, is appropriate mitigation for any potential horn sounds. *See* Exs. 159, 162 (RSG noise memos regarding horns).

Finally, the Commission's conclusion that car horns are common, unpredictable, and not unique to the Project's operation is well supported by the Supreme Court's recent *JSCL* opinion, which declined to interpret an Act 250-derived noise standard such that *any* land use involving

[5] Opponents consistently label the WHO sleep disturbance guideline as a "standard." This is misleading, as there is no specific requirement for the project to meet the WHO guideline. Rather, the purpose of the WHO publication is to "provide guidance to environmental health authorities" to address potential health impacts. *See* Ex. 009 at 9. The relevant standard in this case is that established by the EPA, adopted by the Environmental Board, and thereafter applied in Act 250 cases.

vehicles could be denied. *In re JSCL, LLC CU Permit*, 2021 VT 22, ¶ 21. For each of these independent reasons, the Commission should also deny the motion to reconsider.

II. Alteration #2 should be rejected because Vermont has no quantitative noise standard under Criterion 8.

Opponents have attempted to justify this request, again, by reference to decisions of the prior Environmental Board they claim establishes a nighttime "standard" under Criterion 8. The Opponents are wrong—"Vermont does not have a quantitative noise standard" for Criterion 8 review. *North East Materials Grp.* ("*NEMG"*), No. 75-6-17 Vtec, 2018 WL 4200947, at *24 (Vt. Envt'l Ct. June 20, 2018) ("[Vermont] use[s] a *benchmark* known as the Barre Granite standard for measuring whether noise is *adverse* under the Quechee test." (emphasis added)) (citing In re Chaves, 2014 VT 5, ¶ 31 n.4). The Environmental Court has already clearly and directly rejected the Opponents' position and there is no basis for the Commission to alter its decision.[6]

As briefed at length in Burton's November 5th Response, the Opponents "standard" is meaningless to the Commission's review and contrary to the well-established *Quechee* test, which must be applied flexibly based on the character and surroundings of a project. At most, Opponents may have argued an adverse impact under *Quechee*, but they have yet to, in any

[6] Opponents' arguments ignore several intervening—and controlling—court opinions that speak precisely to the role of the Environmental Board's quantitative noise standards in the *Quechee* analysis. Opponents' claim is that the Board in Barre Granite, Hannaford, and their progeny establish daytime and nighttime "standards" for when sounds become "shocking or offensive" and therefore unduly adverse under the second step of *Quechee*. However, the Vermont Supreme Court has long applied the Barre Granite standard to the first step of the Quechee test, regarding whether sounds are adverse, not to the second step, as had been Environmental Board's practice. *NEMG*, 2018 WL 4200947, at *24, n. 5 (citing *In re Lathrop Ltd. P'ship I*, 2015 VT 49, ¶ 80; *In re Chaves*, 2014 VT 5 ¶¶ 32,33).

briefing throughout this proceeding, complete the analysis. Under Criterion 8, demonstrating an undue impact is their burden. 10 V.S.A. § 6088(b). Referencing noise conditions applied to different projects with vastly different background noise and community settings does not satisfy this burden and is antithetical to the flexible, fact-specific *Quechee* test.[7] Opponents have not yet explained to the Commission how the Project is "so out of character with *its* surroundings" as to shock or offend the average person. *In re Rinkers*, 302-12-08 Vtec, Decision and Order at 15 (May 22, 2010) (describing second step of the *Quechee* test) (emphasis added). No such explanation is found in the motion to reconsider. Because there is no lawful basis to adopt the Opponents' reasoning and amend the Commission's conclusions on Criterion 8, the motion should be denied.

III. Alteration #3 should be denied because offsite parking is not before the Commission and Condition #28 regulates shuttle services.

There is no need for alteration of Condition #28, which requires and relates to the use of shuttle bus services. This condition does not contemplate off-site parking, nor is off-site parking relied upon in the Commission's findings to satisfy the criteria. Rather the offsite parking clause serves to appropriately define and limit the need for shuttle services. The existing clause creates administrative efficiencies in the event that offsite parking is secured in the future, including avoiding excess permit amendments, and should be retained. The question of what legal

[7] For example, Opponents' reliance on *Davis* is misplaced—the noise condition in that case was developed for a farm in a "quiet rural residential neighborhood," with no audible traffic noise, no commercial or industrial facilities nearby, and ambient noise levels of 38–42 dBA during the daytime—approximately half as loud as the area surrounding the Project. *See In Re: George and Diana Davis d/b/a Bates Mansion at Brook Farm*, Land Use Permit No. 2S1129-EB, 2004 WL 2945475, at *3 (Vt. Envt'l Bd. Dec. 15, 2004); Ex. 009 at 4, 11–14.

requirements or authorizations control offsite parking is not before the Commission at this time and the Opponents' concern is unwarranted. The motion should be denied.

Dated at Burlington, Vermont this 28th day of January, 2022.

DUNKIEL SAUNDERS ELLIOTT
RAUBVOGEL & HAND, PLLC

By: _____

Malaehi T. Brennan, Esq.
Brian S. Dunkiel, Esq.
Jonathan T. Rose, Esq.
91 College Street, P.O. Box 545
Burlington, Vermont 05402-0545
mbrennan@dunkielsaunders.com
bdunkiel@dunkielsaunders.com
jrose@dunkielsaunders.com
(802) 860-1003

Attorneys for the Applicant

UVM Housing Update

Presentation to Burlington Planning Commission

Richard Cate, UVM Vice President of Finance and Administration

February 8, 2022

Agenda

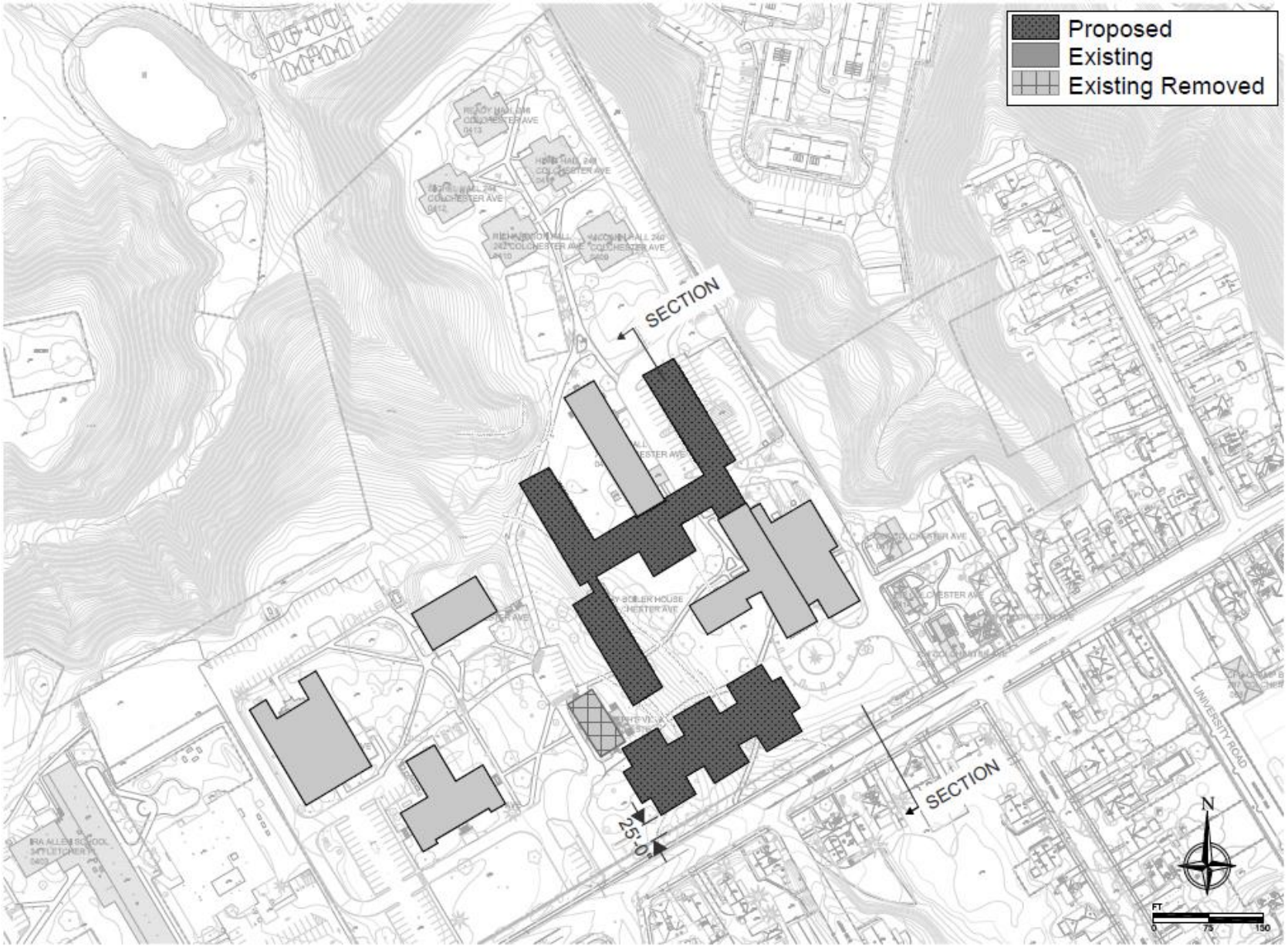
- Review of UVM Housing Goals
- Review of UVM's commitment to housing its students
- Current Zoning Restrictions on Trinity Campus
- Proposal for Housing Expansion and Enhancement on Trinity Campus
- Discussion

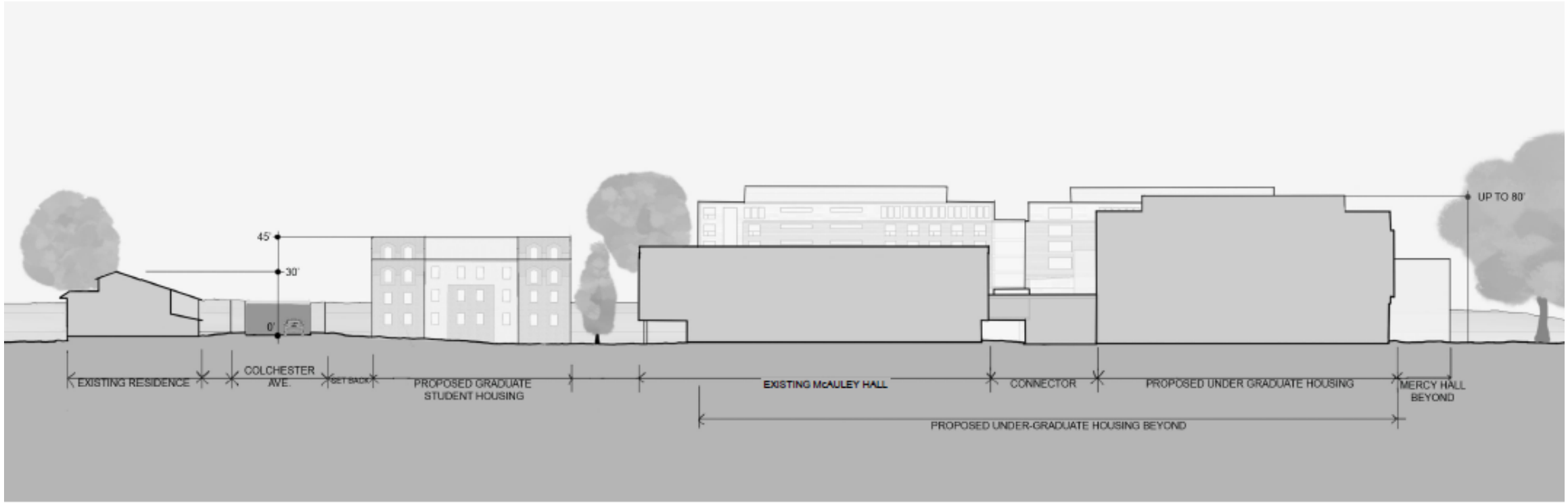
UVM Housing Goals for Trinity Campus

- Build new undergraduate residence halls
- Build new graduate apartments
- Upgrade some existing residence halls
- Expand dining hall
- Enhance sense of community on the campus
- Secure zoning changes from the City in order to accomplish the above goals

Trinity Campus Zoning Constraints

Current Zoning Allowances	Requested Zoning Allowances
40% lot coverage within ICC (current lot coverage ~38%)	60%
115’ Colchester Avenue Buffer Setback (15’ for neighboring properties)	25’ setback
55’ Height Limit	45’ within 115’ of Colchester Ave 80’ beyond 115’ (Mann Hall to the north)


Proposed
Existing
Existing Removed
SECTION
SECTION
25'-0"
N
FT
0
75
150


45'
30'
0'
UP TO 80'
EXISTING RESIDENCE
COLCHESTER AVE.
SET BACK
PROPOSED GRADUATE STUDENT HOUSING
EXISTING McAULEY HALL
CONNECTOR
PROPOSED UNDER GRADUATE HOUSING
MERCY HALL BEYOND
PROPOSED UNDER-GRADUATE HOUSING BEYOND

Google Earth

Burlington Planning Commission
149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)
www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Brynne Martin

Burlington Planning Commission

Tuesday, February 8, 2022, 6:30 P.M.

Remote Meeting via Zoom

Minutes

Members Present	A Montroll, A Friend, M Gaughan, E Lee, B Martin
Staff Present	M Tuttle, S Gustin
Public Attendance	R Cate (UVM), W Koenig (UVM), L Kingsbury (UVM); B Butani, S Butani, S Bushor, B Headrick, "Elderton," "Joe", Lani Ravin (UVM), M Lang, A Halpern

I. Agenda

Call to Order	Time: 6:33pm
Agenda	No changes to the published agenda.

II. Public Forum

Name(s)	Comment
S Bushor	Support housing on Trinity Campus; hope a master plan comes forward for the campus that proposes development over existing parking lots. Propose to keep adequate buffers around larger buildings from neighborhoods; concerned that 15' buffer is not enough.
B Butani	Interested in the discussion of the Trinity Campus zoning district.

III. Chair's Report

A Montroll	No report.

IV. Director's Report

M Tuttle	Council held public hearing on short term rentals on 2/7, but delayed action until 2/22 meeting. B O'Keefe from CEDO providing assistance for the Planning Commission.

V. University of Vermont Trinity Campus Plans

No action, informational item		
Motion by:	Second by:	Vote: N/A
Type: Discussion	Presented by: R Cate, L Kingsbury	

Richard Cate, VP of Development and Finance, and Lisa Kingsbury, Associate Director of Campus Planning, UVM, presented plans to create additional housing on Trinity Campus, and introduced several considerations for the Planning Commission regarding changes to the overlay zoning district. Slides are available at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas

Commissioner Questions:

- Will be people be concerned about the requested 25ft setback on Colchester Avenue?

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.

- What are the long-range plans for the Trinity Campus and other existing dorms, and what grade level students will be living on this campus?
  - UVM indicated likely to include sophomores, juniors, and graduates for a goal of an additional 520 beds; Future phase would re-envision "Back 5" dorms; zoning changes requested would accommodate that and potentially allow for a doubling of number of students in those halls.
  - In response to a question about future development on-campus, UVM indicated possibility of new housing on UHC lot, but Trinity is higher priority.
- Commission interest in converting existing surface parking; UVM indicated some surface parking could be developed, with residents' access in facilities across Colchester Avenue.

VI. Proposed CDO Amendment: Minimum Parking & TDM Requirements

Refer Commission's proposed changes to the ordinance and memo on TDM proposal, with edits reviewed by the Chair, to the Council Ordinance Committee		
Motion by: M Gaughan	Second by: A Friend	Vote: Approved Unanimously
Type: Discussion	Presented by: M Tuttle	

M Tuttle shared an update on a number of edits to the proposed CDO amendments and the draft Planning Commission memo.

Commissioner Comments:

- Staff suggested an additional change for transit operations to allow 1space/employee + 1space/3,000 gfa for visitors; exempt registered transit vehicles.
- Commission confirmed the memo should articulate that their recommendation is that the proposed expansion of TDM applicability should be taken out. A study should be conducted before incorporating new standards in the ordinance, and that this should be from the full Commission.
- Move the bullet point about TDM only applying to new development to be a catch all, as concern is not just about 5-10 unit developments.
- Clarify point about codifying new standards, that point is that we need a study to identify goals before we develop standards, and note that small TDM effort are disjoined and not the best way to achieve broader goals.

VII. Commissioner Items

- Next meetings are February 23 (Wednesday) and March 8 at 6:30pm
- Commission requested an update on the Neighborhood Project
- Ordinance Committee discussed the request from the last meeting about screening standards for rooftop mechanical; no recommendation.
- Send Commission calendar invites for the whole year.

VIII. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: A Friend	Second by: M Gaughan	Approved Unanimously
Minutes Approved: January 25, 2022. Communications filed: https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

IX. Adjourn

Adjournment	Time: 7:44pm	
Motion: E Lee	Second: A Friend	Vote: Approved Unanimously

Signed: February 23, 2022

Andy Montroll, Chair

Respectfully submitted by:

Meagan Tuttle, Director