

Burlington Development Review Board

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

Brad Rabinowitz
AJ LaRosa
Springer Harris
Geoff Hand
Brooks McArthur
Kienan Christianson
Caitlin Halpert
Sean McKenzie, (Alternate)
Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, January 5th, 2021, 5:00 PM

PUBLIC HEARING NOTICE

REMOTE MEETING

Zoom: <https://us02web.zoom.us/j/82200877340?pwd=WWdaYnBhOXBOSUQzVGtZRxo5R1ZFUT09>

Webinar ID: 822 0087 7340

Password: 842557

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

1. **21-0491CU; 194 South Champlain Street (RH, Ward 5S) Cheri Campbell**
Requesting a short-term rental (bed and breakfast).
2. **21-0520CA/CU; 31 North Prospect Street (RL, Ward 1E) Kesha Ram**
Change of use to duplex; removing boarding house.
3. **21-0536CA/CU; 14 Strong Street (RM, Ward 3C) Erica Giannone and Missa Aloisi**
Addition over single story portion of home; replace windows and install door.
4. **19-0202CA/MA; 44 Lakeside Avenue (ELM, Ward 5S) Lakeside Ovens LLC**
Time extension request for renovating buildings for assembly, office, and seasonal recreational use. Rework parking and circulation. Merge north and south lots into one.
5. **20-0037CA/MA; 266 College Street (FD5, Ward 8E) Hotel Y Burlington LLC**
Time extension request for building renovations and addition for hotel, below grade parking structure, and rooftop bar and restaurant.

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

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

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Department of Permitting & Inspections

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

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Planning & Zoning Clerk
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: January 5, 2021
RE: 21-0520CU; 31 North Prospect Street

=====

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

Zone: RL **Ward:** 1E

Owner/Applicant: Kesha Ram

Request: Change of use to duplex, removing boarding house use.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps and Districts), Article 8 (Parking)

Background Information:

The applicant is seeking approval to convert an existing two unit residence (one apartment unit and one boarding house unit) to a duplex. No new development/construction is proposed.

The existing boarding house use was approved under ZP19-0119CU – “Owner occupied duplex; change downstairs use from commercial medical to 3 bedroom boarding house.” The downstairs medical office was recognized as a non-conforming use per the findings of fact of that permit. Per the standards for a boarding house, that permit required owner occupancy of the premises. The owner resides in the upstairs unit, while the downstairs unit contains the 3 boarding rooms. The permit enabled two residential units in the building, and it received its final certificate of occupancy in November 2018. The upstairs apartment continued to be a dwelling unit and required occupancy by a family. The downstairs boarding house was a “special residential use” and could be occupied by individuals without the family restriction associated with a dwelling unit. The owner now requests to convert the boarding house to a second dwelling unit for conversion to a traditional duplex use and reside offsite.

Previous zoning actions for this property are as follows:

- **Non-Applicability of Zoning Permit 12-0052NA;** interior work only. Approved July 15, 2011.
- **Zoning Permit 13-0569FC;** install picket fence. Approved December 3, 2012.
- **Zoning Permit 19-0119CU;** owner occupied duplex; change downstairs use from commercial medical office to a 3 bedroom boarding house. Approved September 18, 2018.

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

I. Findings

Article 2: Administrative Mechanisms

Part 7: Enforcement

Sec. 2.7.8, Withhold Permit

Of the three zoning permits approved for the property, one remains ‘permit indeterminate’ – meaning it has never been closed. The applicant is tasked with closing this permit before being able to obtain any future certificate of occupancy. **Affirmative finding as conditioned**

Article 3: Applications, Permits and Project Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

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

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

The property will continue to be served by municipal utilities. A State of Vermont wastewater permit will be required. **Affirmative finding as conditioned**

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

The property is located within an established residential neighborhood in the low density residential zoning (RL) district. The RL zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods’ development history. The proposed duplex is consistent with this intent. The MDP provides the following support:

- Support the development of additional housing opportunities within the city... (MDP, Housing Plan, Page IX-1. **Affirmative finding**

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

The proposed duplex is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. **Affirmative finding**

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

No traffic analysis has been provided or is required for this application. The proposed duplex is not expected to generate any additional traffic than what the current use of the property already generates. North Prospect Street has sidewalks on both sides, and is approximately 200 ft from Pearl Street, where bus stops are available. **Affirmative finding**

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the project design. **Affirmative finding**

and,

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;*
City building and energy efficiency codes will apply as conditioned. **Affirmative finding as conditioned**

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

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

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

The proposed duplex is not expected to produce offsite noise or glare substantial enough to require mitigation. **Affirmative finding**

2. *Time limits for construction.*

No construction timeline or phasing are included in the project plans. The standard 3-year timeframe for zoning permits will apply. **Affirmative finding**

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

Hours of operation are not applicable to residential uses. No construction is proposed as part of this change of use. **Affirmative finding**

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

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

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

See the recommended conditions.

Article 4: Zoning Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

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

As noted previously, a duplex is consistent with this intent. **Affirmative finding**

(b) Dimensional Standards and Density

Table 4.4.5-1: Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W²

	Lot Frontage¹		Lot Size	
Use	<i>(linear feet)</i>		<i>(square feet)</i>	
	RL, WRL	RM, WRM	RL, WRL³	RM, WRM
Single detached dwelling	Min: 60'	Min: 30'	Min: 6,000	NA
Duplex and above			Min: 10,000	
1. The DRB may adjust the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street. 2. There are no minimum lot size or frontage requirements in the RH District. 3. Exception: Larger minimum lot size in RL and WRL larger lot overlay district; refer to Section 4.5.5 & Table 5.5-1.				

No physical changes are proposed to the property that would affect lot coverage, setbacks, or building height. While the subject property has a substandard frontage of 57 ft, this would not preclude conversion to a duplex. The property is 5,638 sf in area, well below the minimum 10,000 sf lot size required for a duplex use. Normally, this substandard size would preclude a new duplex use; however, in this case, the property already contains two attached residential units. One is a regular dwelling unit, and the other is a special residential use (boarding house). In effect, the residential density of the property remains unchanged upon conversion to a duplex. **Affirmative finding**

(c) Permitted and Conditional Uses

A duplex is a conditional use in the RL zone. **Affirmative finding**

(d) District Specific Regulations

1. Setbacks

Not applicable.

2. Height

Not applicable.

3. Lot Coverage

Not applicable.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

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.

The property, either a single family use, a duplex use (if approved), or continuance of the existing boarding house use, will be limited to members of a family as defined in Article 13. **Affirmative finding as conditioned**

6. Uses

Not applicable.

7. Residential Development Bonuses

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the Neighborhood Parking District. As such, the duplex requires 4 parking spaces (2 per dwelling unit). According to the site plan approved with the boarding house permit issued in 2018 (ZP19-0119CU), there are 6 onsite parking spaces. **Affirmative finding**

II. Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, all zoning permits issued after July 13, 1989 must be closed out (issued a Certificate of Occupancy) prior to issuance of a Final Certificate of Occupancy for this permit. See attached permit list. Upon expiration of this new zoning permit, no additional zoning permits may be issued until it, and all prior zoning permits, have been closed out with final certificate(s) of occupancy. It is recommended that certificates of occupancy for the old zoning permits be sought prior to seeking a certificate of occupancy for the new zoning permit.
2. Both units shall be occupied only by a family as defined in Article 13.
3. A state wastewater permit may be required, and is the responsibility of the applicant to secure.
4. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
5. Standard permit conditions 1-15.

*NOT TO SCALE

12/23/2020

31 N Prospect St - Google Maps

31 N Prospect St

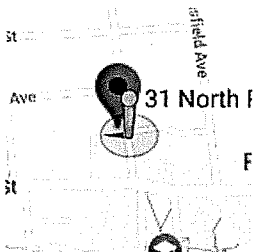


Image capture: Jul 2019 © 2020 Google

Burlington, Vermont



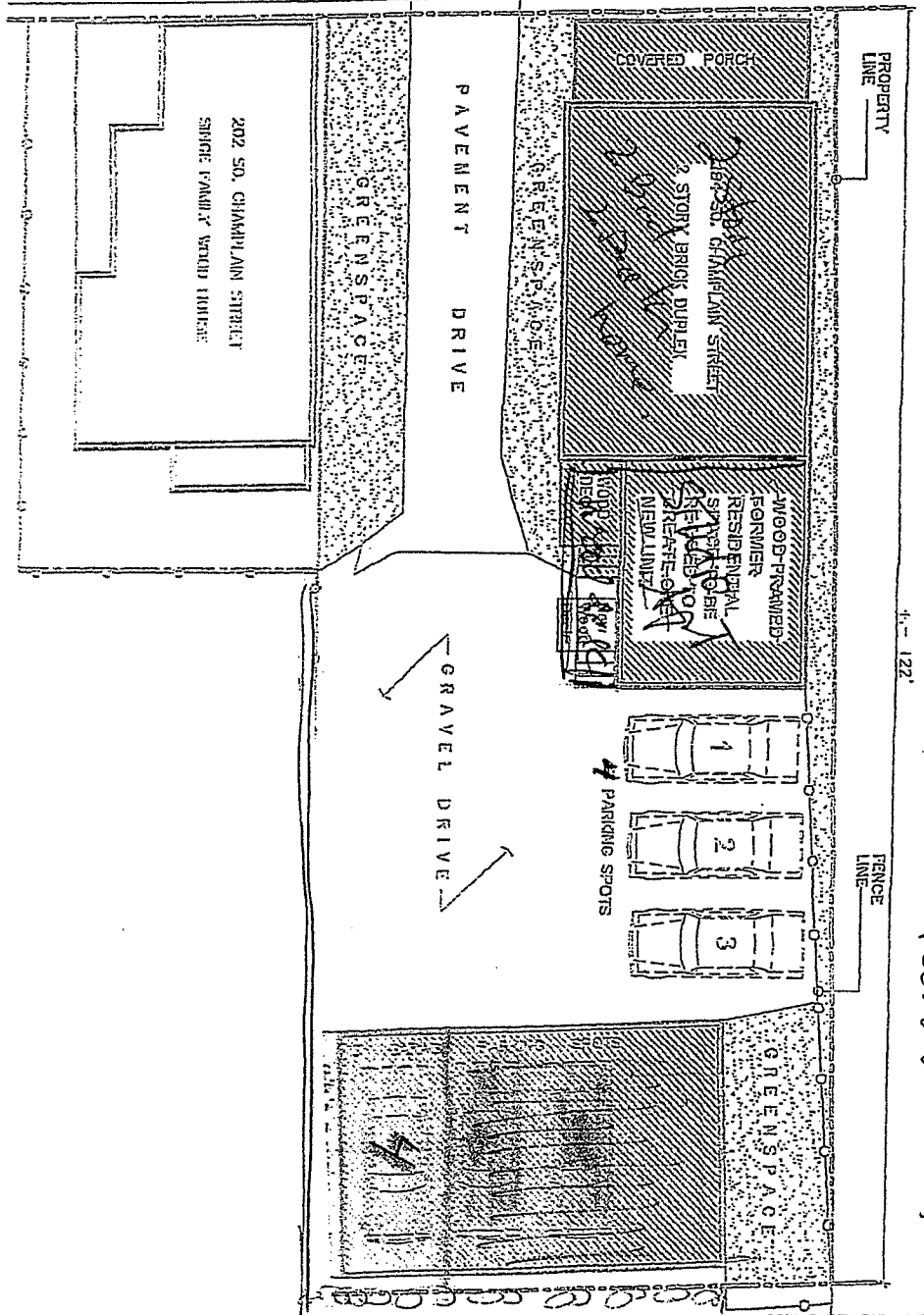
Street View



SOUTH CHAMPLAIN STREET

194

SIDEWALK



2019 Survey recorded w/ city

KEY	PROPERTY LINE
FENCE LINE	---
BUILDING COVERAGE	███

LEGEND
 (N)
 SCALE: 1" = 10'

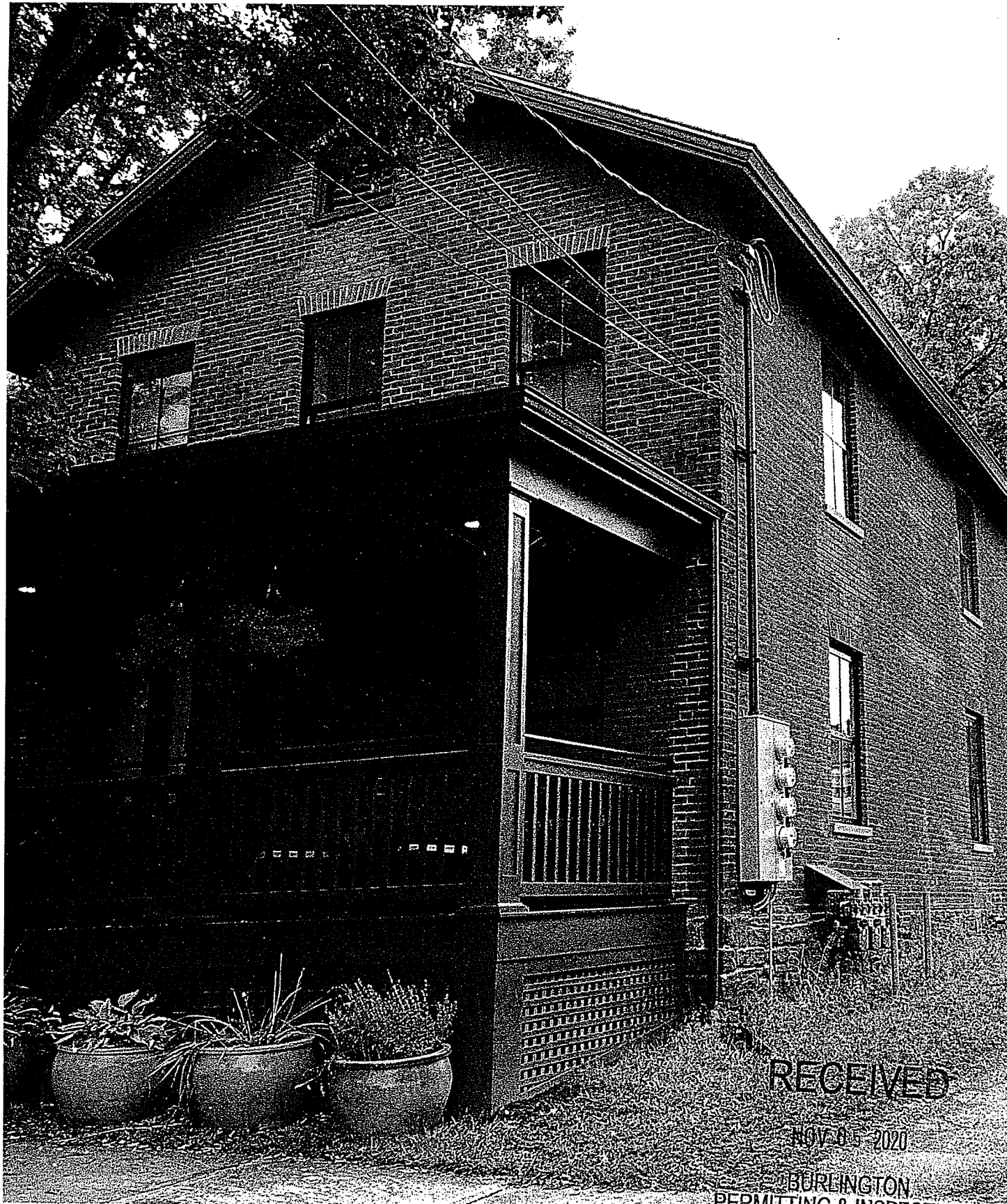
101 COMPARISON
 TOTAL TO 47
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5978 50th St Lot coverage 475577 47768
 ENHANCED coverage 77770
 No change in foot print

RECEIVED

NOV 05 2020

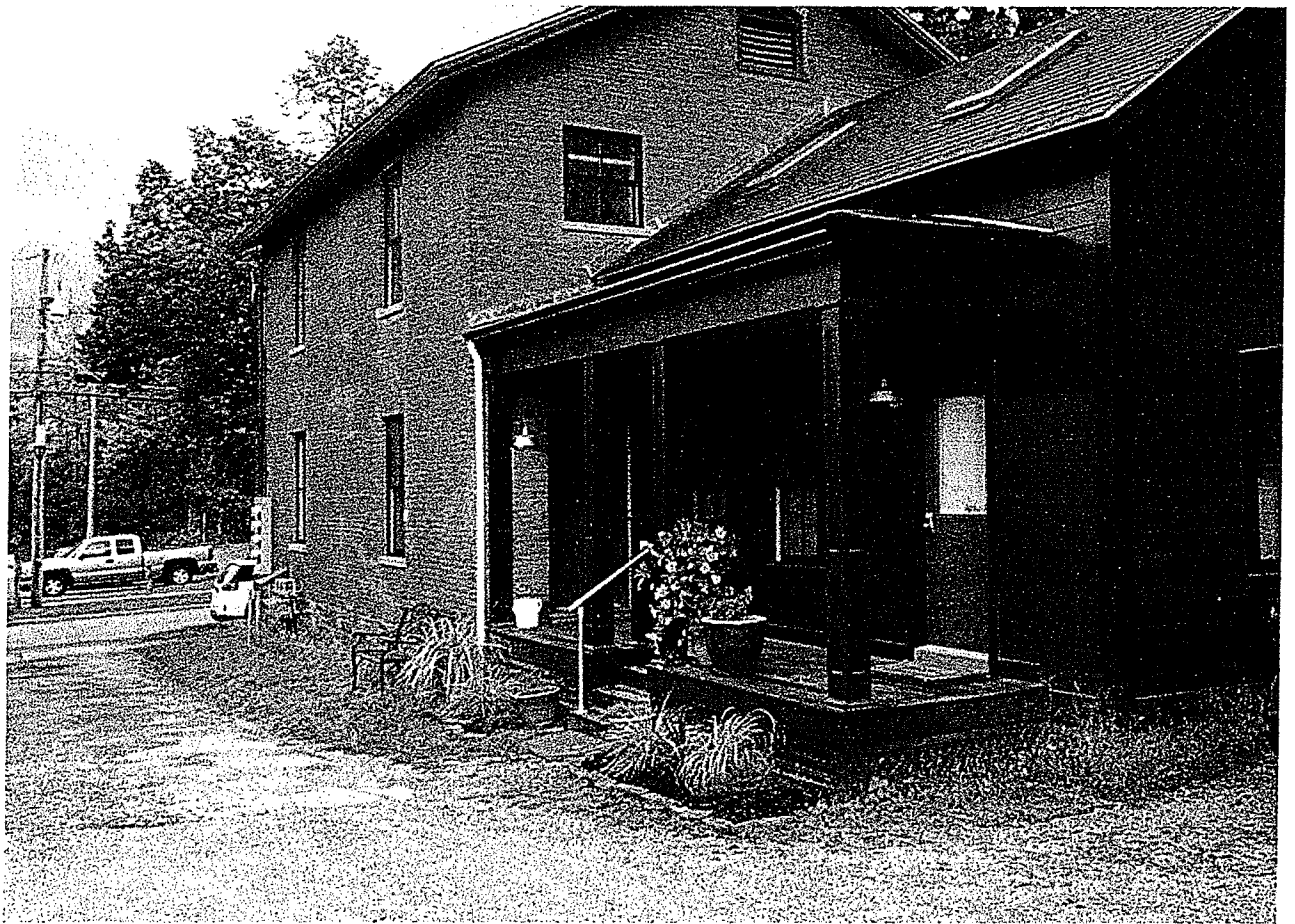
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Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: January 5, 2021
RE: 21-0491CU; 194 South Champlain Street

=====

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Zone: RH Ward: 5S

Owner/Applicant: Cheri Campbell

Request: Establish a 2-room short term rental (bed & breakfast). No construction proposed.

Applicable Regulations:

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

Background Information:

The applicant is requesting approval to convert one dwelling unit within a duplex, as well as one bedroom within the applicant's dwelling unit, as short term rentals (presently handled as a "bed & breakfast"). No development is included.

Previous zoning actions for this property:

- **Zoning Permit 15-0984CA;** replacement window and front porch. Approved May 5, 2015.
- **Zoning Permit 15-1081CA;** remove two chimneys. Denied May 28, 2015.
- **Sketch Plan Review 16-0587SP;** sketch plan review of a proposed PUD; demolish addition and garage and replace with a new duplex and garage structure; demolish single family home at 202 S Champlain St, replace with new single family home. January 2016.
- **Zoning Permit 18-0212CA;** add one unit for a total of three units. Approved September 22, 2017.
- **Zoning Permit 18-0876CA;** replacement roofing, windows, doors and siding; add new deck. Approved April 20, 2018.
- **Zoning Permit 19-0473CA;** replace deck with covered porch. Approved December 12, 2018.
- **Zoning Permit 20-0848CA;** Convert 3 unit residential building to a duplex. Approved May 4, 2020.
- **Zoning Permit 20-0896CA;** remove and rebuild garage; new fence. Approved May 22, 2020.

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

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

The conversion of one dwelling unit within the duplex, and one bedroom within the other unit (applicant's unit) to short term rentals has no appreciable impacts on existing or planned public utilities, services, or facilities. The applicant is advised to check with VT DEC as to whether a state wastewater permit is needed. **(Affirmative finding as conditioned)**

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

The property is located within the residential – high density zone. The neighborhood consists of a mixture of residential properties of varying unit counts and commercial uses. The subject rentals will continue to serve as a place for people to stay, except that it will serve occupants on a short term basis rather than long term. **(Affirmative finding)**

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

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

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

Little change in traffic is expected. The unit configuration remains unchanged. Rather than residents arriving and departing, short term guests will arrive and depart within established timeframes. **(Affirmative finding)**

5. *The utilization of renewable energy resources;*

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

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

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

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

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

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

The short term rentals are not expected to produce adverse effects in need of mitigation.

(Affirmative finding)

2. Time limits for construction.

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

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

The short term rentals are offered year-round. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances. **(Affirmative finding as conditioned)**

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

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

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

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(5) Residential High Density (RH)

The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Large buildings containing multiple dwelling units with high lot coverage are anticipated. The existing duplex is consistent with this intent. Conversion of one of the units (studio apartment) and one of the bedrooms in the other unit to short term rentals remains consistent with the intent of the zone. **(Affirmative finding)**

(b) Dimensional Standards and Density

Not applicable.

(c) Permitted and Conditional Uses

The “bed and breakfast” (short term rental) use is conditional in the RH zone. Owner occupancy is required, and up to 5 rooms may be let. In this case, the applicant is the owner and lives onsite.

The applicant proposes to rent out one bedroom within her unit, and rent out the other studio dwelling unit (one-bedroom). **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

Single-family and duplex uses in the Neighborhood Parking District require 2 parking spaces per unit. “Bed & Breakfast” uses require 1 parking space per rental room. In this case, the applicant’s unit is considered one unit itself which requires 2 parking spaces; however, by renting out one room as a short term rental in the applicant’s unit, a total of 3 spaces will be required for that unit. The other unit, a one-bedroom studio unit, will be rented out as a short term rental and will require 1 parking space. In total, 4 onsite parking spaces will be required. The site plan indicates a total of 4 parking spaces – 3 outdoor spaces and 1 space in the detached garage. **(Affirmative finding)**

II. Conditions of Approval

1. The subject property must be, and remain, owner occupied as long as the bed and breakfast short term rentals remain in operation.
2. The short term rentals must adhere to the life safety standards and provide payment of applicable rooms and meals taxes as per the State of Vermont.
3. It is recommended that guest check-ins be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisance.
4. All guest parking shall be on-site and off-street.
5. A state wastewater permit may be required. It is the applicant’s responsibility to inquire with VT DEC as to whether such permit is necessary.
6. Any additional B&B room, or physical alteration, will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
7. The applicant will have to ensure compliance with state regulations regarding short-term B&B type rentals, including but not limited to payment of required rooms and meals taxes and compliance with Division of Fire Safety standards and Health Department standards.
8. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
9. Standard permit conditions 1-15.

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BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, January 5th, 2020, 5:00 PM

REMOTE MEETING

Zoom: <https://us02web.zoom.us/j/82200877340?pwd=WWdaYnBhOXBOSUQzVGtZRXo5R1ZFUT09>

Webinar ID: 822 0087 7340

Password: 842557

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

Agenda

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Consent**
 1. **19-0202CA/MA; 44 Lakeside Avenue (ELM, Ward 5S) Lakeside Ovens LLC**
Time extension request for renovating buildings for assembly, office, and seasonal recreational use. Rework parking and circulation. Merge north and south lots into one. (Project Manager: Mary O'Neil)
 2. **20-0037CA/MA; 266 College Street (FD5, Ward 8E) Hotel Y Burlington LLC**
Time extension request for building renovations and addition for hotel, below grade parking structure, and rooftop bar and restaurant. (Project Manager: Mary O'Neil)
 3. **21-0520CA/CU; 31 North Prospect Street (RL, Ward 1E) Kesha Ram**
Change of use to duplex; removing boarding house. (Project Manager: Ryan Morrison)
 4. **21-0491CU; 194 South Champlain Street (RH, Ward 5S) Cheri Campbell**
Requesting a short-term rental (bed and breakfast). (Project Manager: Ryan Morrison)
- V. **Public Hearing**
 1. **21-0536CA/CU; 14 Strong Street (RM, Ward 3C) Erica Giannone and Missa Aloisi**
Addition over single story portion of home; replace windows and install door. (Project Manager: Mary O'Neil)
- VI. **Sketch Plan**
 1. **21-0499SP; 2-14 King Street (DW-PT, Ward 3C/5S) Lake Champlain Transportation Company**
Sketch Plan Review of demo warehouse and construct 6,500 sf restaurant with site alterations. (Project Manager: Scott Gustin)
- VII. **Adjournment**

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11/5/20



Doc Ponds – Burlington, VT
Sketch Plan Review - Narrative

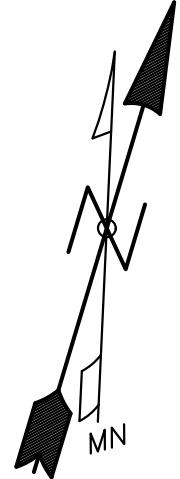
Lake Champlain Transportation Company is excited to present to you plans for a new project at the King Street Ferry Dock in Burlington, VT that will enhance and activate current activities within the site as well as will increase access, utilization and enjoyment of the lakeshore by the Community.

Doc Ponds is a well-established and well known restaurant in the area and are the planned operators of the proposed 6,500 sf restaurant. The new building will replace an existing warehouse on the site. The building is planned to be a one story building with capacity of a minimum of 80 seats on the interior with a mezzanine for storage or office use. The building plans to utilize the lake front vibe and views with outdoor patios & lawn space for outdoor dining and lawn games.

To support a new restaurant at this location grades will be adjusted to raise the building above flood level with a finish floor of 104'-6". The principal structure maintains the required 50'-0" Lake Champlain Waterfront Setback along the south & west and to the north is approximately 28'-10" as the existing building footprint sits at that location today and this encroachment is allowed per Section 4.4.1(d)4.A. Features within the setbacks are limited to elements that enhance the waterfront experience and include patio space, lawn space, seat walls and planters. To satisfy both the waterfront experience and the Vermont Department of Liquor Control the planters are placed to enhance the pedestrian environment as well as create a passable barrier that can be open and closed dependent on hours of operation.

The building itself is 25'-0" high with a flat roof to the west with proposed rooftop solar and then slopes away to the east. The height is under the 35'-0" maximum as stated in Table 4.4.1-1. Proposed form and materials are of an industrial aesthetic reinforcing a wharf style. The façade facing south & west includes large amounts of glazing providing expansive views yet shading the glazing with a scrim wall that is both form & function.

Ample parking is available to the east on Lake Champlain Transportation property and will be similarly raised out of the flood plain. Bicycle parking will also be provided as this site provides easy access for bicyclists and pedestrians from the Burlington Bike Path. Existing impervious surfaces will be reduced therefore improving stormwater treatment. Substantial landscaping/plantings will be introduced on south & west side of the restaurants to naturalize the waterfront and to serve as a partial windbreak.



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7. THE PURPOSE OF THESE PLANS IS TO EXISTING AND PROPOSED SITE SURFACE CONDITIONS, FOR DESIGN AND LOCAL REVIEW.
8. BOUNDARY INFORMATION SHOWN IS APPROXIMATE, BASED UPON INFORMATION FROM THE OWNER, FIELD SURVEY, AND A "PLAT OF SURVEY SHOWING PORTION OF DONALD L. & HELENA M. WILDER PROPERTY" (DATED AUG., 1994 BY WARREN A. ROSENSTEIN, L.S., AS RECORDED AT SLIDE 136B OF THE SOUTH HERO LAND RECORDS), AND SOUTH HERO TAX MAPS. THE 2002 TOPOGRAPHY SHOWN IS PRIMARILY FROM "BASE PLAN - EXISTING CONDITIONS", DATED OCTOBER 18, 2002 BY LAND LINES SURVEYING AND MAPPING, MICHAEL R. WAGOOD, L.S. BUERNER ENGINEERING, LLC HAS SINCE PERIODICALLY UPDATED SITE CONDITIONS TO REFLECT CURRENT CONDITIONS. THE PROPERTY LINES, EASEMENTS, AND OTHER REAL PROPERTY DESCRIPTIONS PROVIDED ON THIS PLANS ARE FOR THE USE OF THE PERMITTING AUTHORITIES ONLY. THEY DO NOT DEFINE LEGAL RIGHTS OR MEET THE REQUIREMENTS OF A SURVEY. THESE PLANS ARE NOT TO BE USED IN LIEU OF A SURVEY AS THE BASIS OF ANY LAND TRANSFER OR ESTABLISHMENT OF ANY PROPERTY RIGHT.

Note: Existing site features are generally labelled on the plans with italicized, lower case text, while upper case, block-style text generally denotes proposed features.

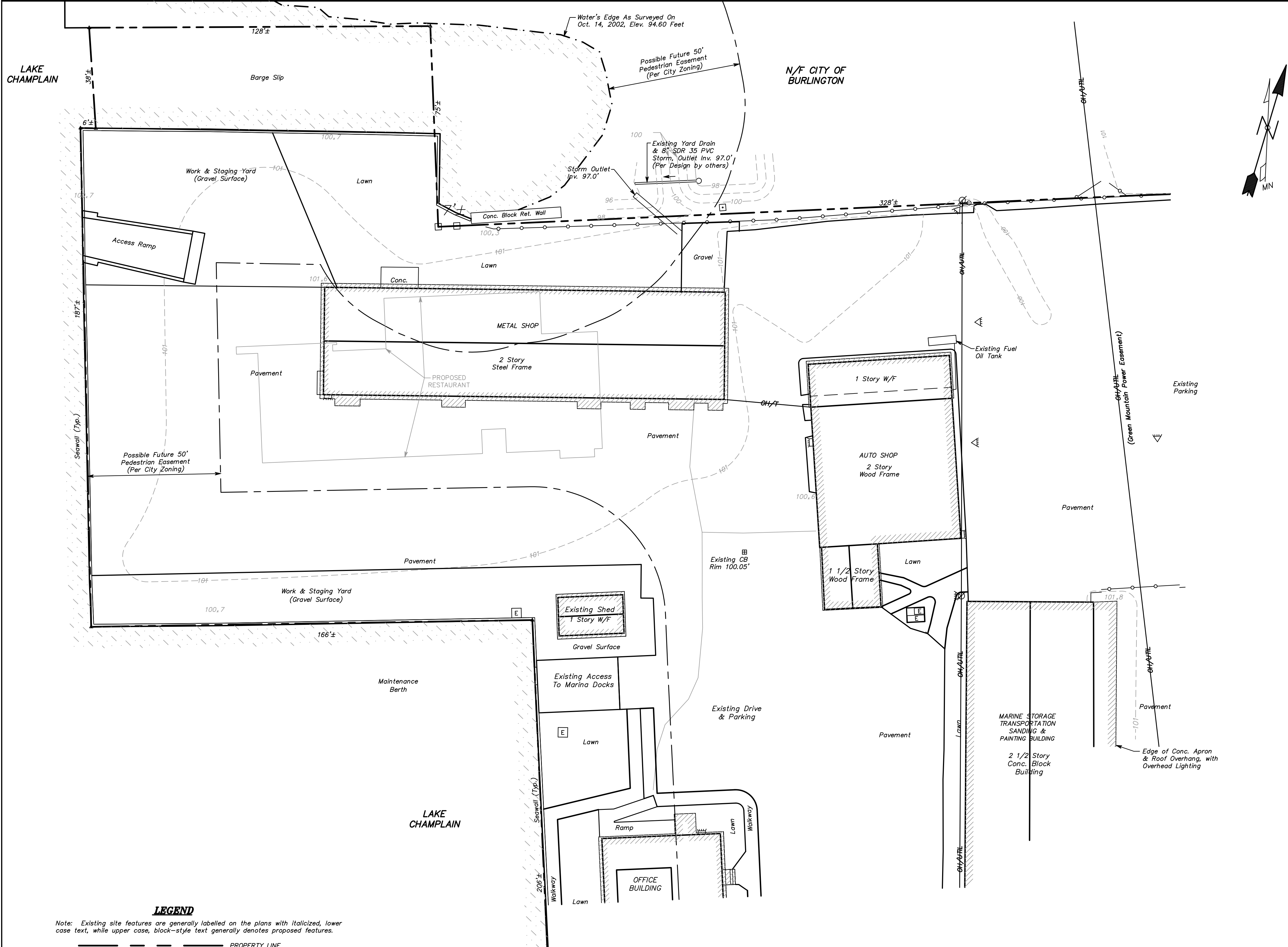
	PROPERTY LINE
	EASEMENT
	FENCE
	FENCE
	UTILITY LINE (AERIAL)
	ELECTRICAL SERVICE (BURIED)
	TELEPHONE/COMMS SERVICE (BURIED)
	NATURAL GAS SERVICE (BURIED)
	WATER SERVICE
	SANITARY FORCE MAIN
	CONTOUR (PROPOSED)
	DITCH OR SWALE
	CONCRETE MONUMENT
	CALCULATED SURVEY POINT
	UTILITY POLE
	LIGHT POLE
	BUILDING-MOUNTED LIGHT
	ELECTRICAL TERMINAL CABINET
	STORM CATCH BASIN
	SPOT ELEVATION

GRAPHIC SCALE
(IN FEET)



LAKE CHAMPLAIN TRANSPORTATION COMPANY
KING STREET DOCK, BURLINGTON, VERMONT 05401
DEEDS RECORDED AT BURLINGTON LAND RECORDS,
VOL. 129, PG. 394-395, DATED FEB. 2, 1948
VOL. 142, PG. 460-461, DATED FEB. 1, 1952
VOL. 235, PG. 435-444, DATED APRIL 8, 1976
TAX MAP PARCEL #049-1-078-000
SPAN 114-035-1983

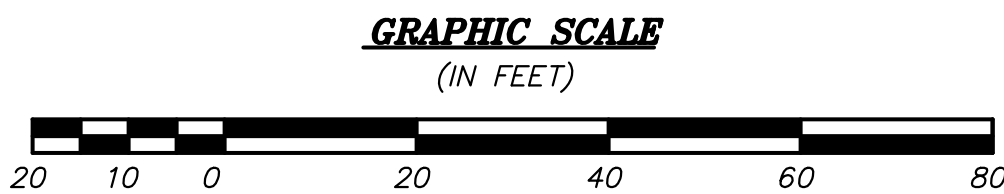
<i>SITE PLAN</i>		Date 11/3/2020
LAKE CHAMPLAIN TRANSPORTATION CO. & DOC PONDS <i>KING STREET DOCK BURLINGTON, VERMONT</i> ©		Project Number 928
		Plan Scale 1" = 20'
		Sheet 1 of 2
 <u>BUERMANN ENGINEERING, LLC</u> 7 Sanderson Road, Milton, Vermont 05468		EC1R00
Tel.: (802) 893-1308 www.belvt.com		



LEGEND

Note: Existing site features are generally labeled on the plans with italicized, lower case text, while upper case, block-style text generally denotes proposed features.

	PROPERTY LINE
	EASEMENT
	FENCE
	FENCE
	UTILITY LINE (AERIAL)
	ELECTRICAL SERVICE (BURIED)
	TELEPHONE/COMMS SERVICE (BURIED)
	NATURAL GAS SERVICE (BURIED)
	WATER SERVICE
	SANITARY FORCE MAIN
	CONTOUR (PROPOSED)
	DITCH OR SWALE
	CONCRETE MONUMENT
	CALCULATED SURVEY POINT
	UTILITY POLE
	LIGHT POLE
	BUILDING-MOUNTED LIGHT
	ELECTRICAL TERMINAL CABINET
	STORM CATCH BASIN
503.8	SPOT ELEVATION



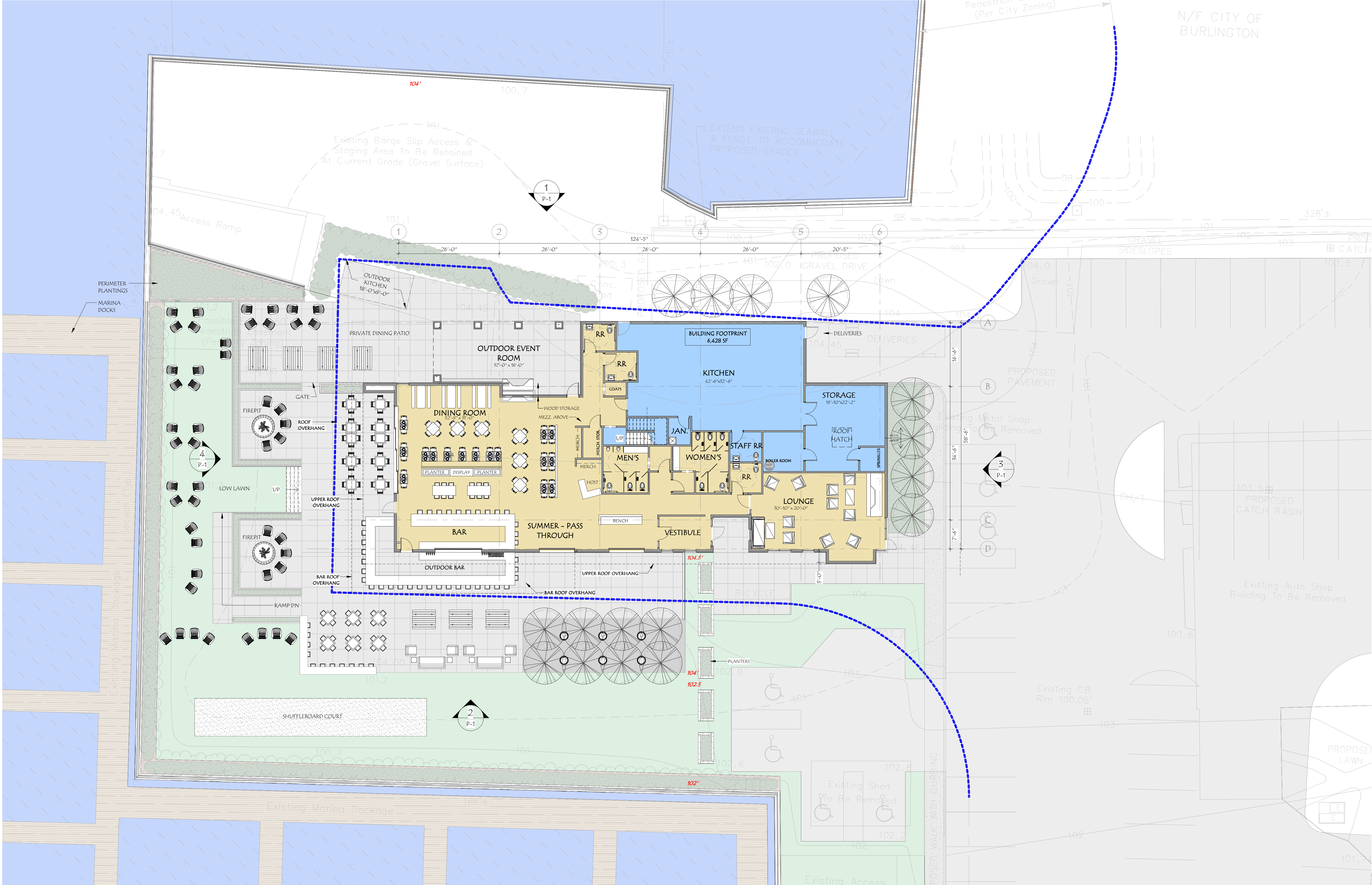
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7. REFER TO SHEET 1 FOR ADDITIONAL NOTES AND REFERENCES.

EXISTING CONDITIONS PLAN	Date 11/3/2020
LAKE CHAMPLAIN TRANSPORTATION CO.	Project Number 928
KING STREET DOCK BURLINGTON, VERMONT	Plan Scale 1" = 20'
©	Sheet 2 of 2
 BUERMANN ENGINEERING, LLC 7 Sanderson Road, Milton, Vermont 05468	
Tel.: (802) 893-1308	www.belvt.com
EC1R00	

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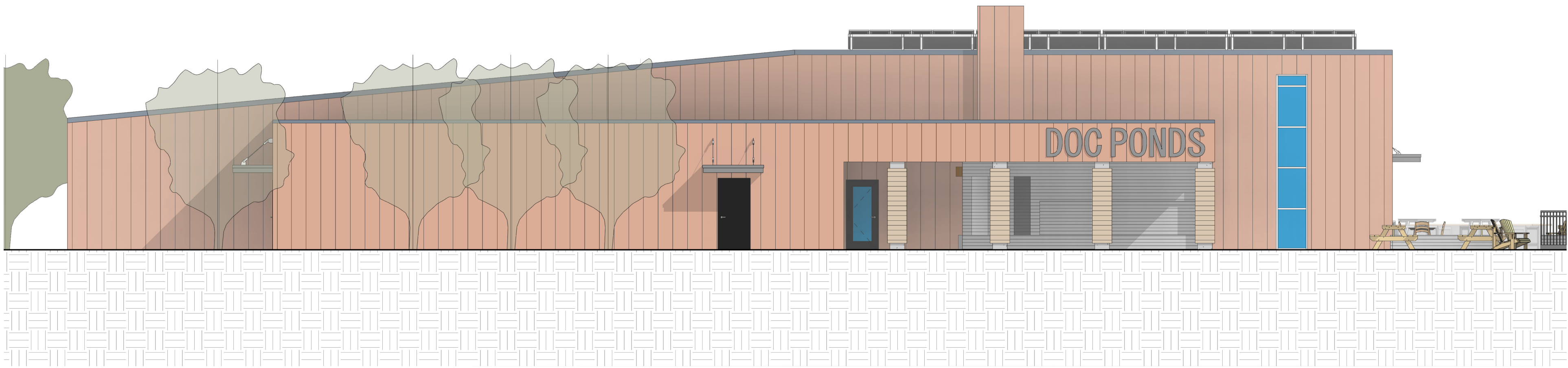
Ownership of Instruments of Service



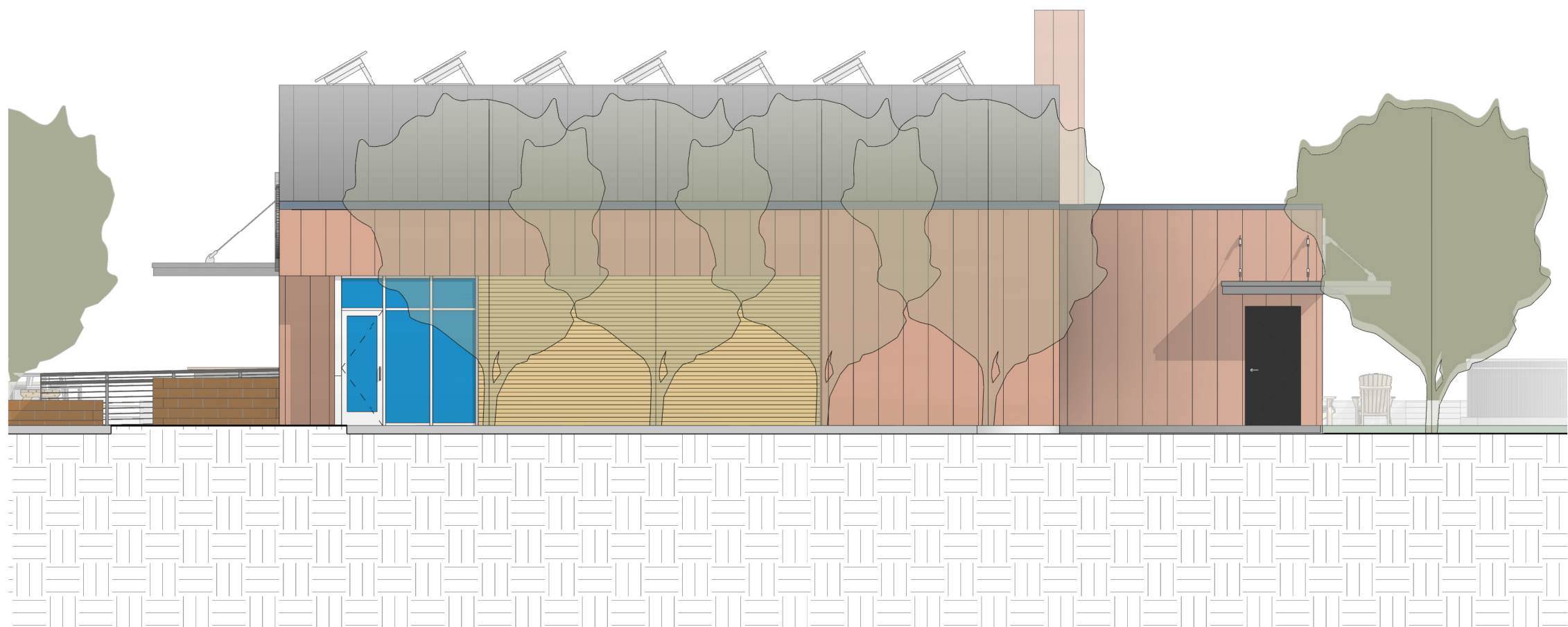
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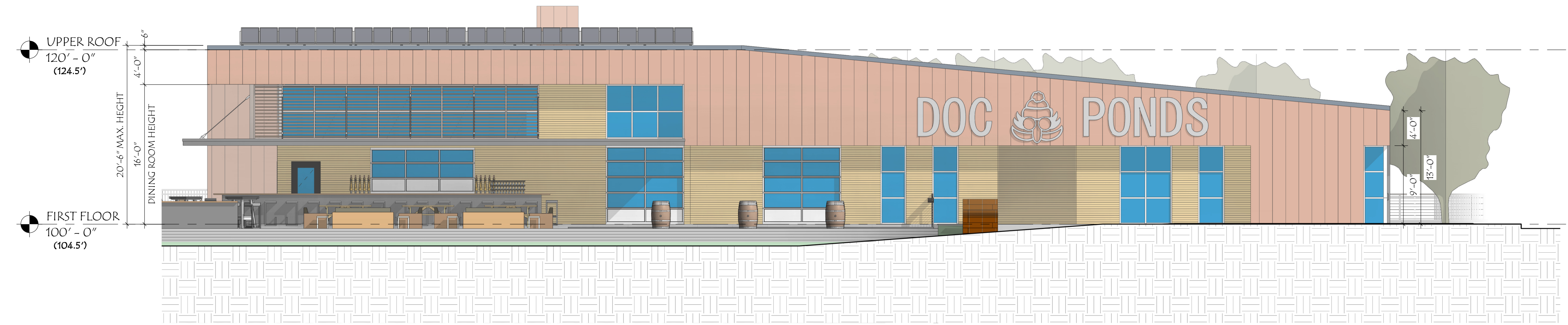
2/19/2020 | 11/5/2020 11:06:46 AM | C:\Users\lansham\OneDrive\Documents\2019\10 Doc Pond\2019\10 Doc Pond\2019\10 Doc Pond.dwg



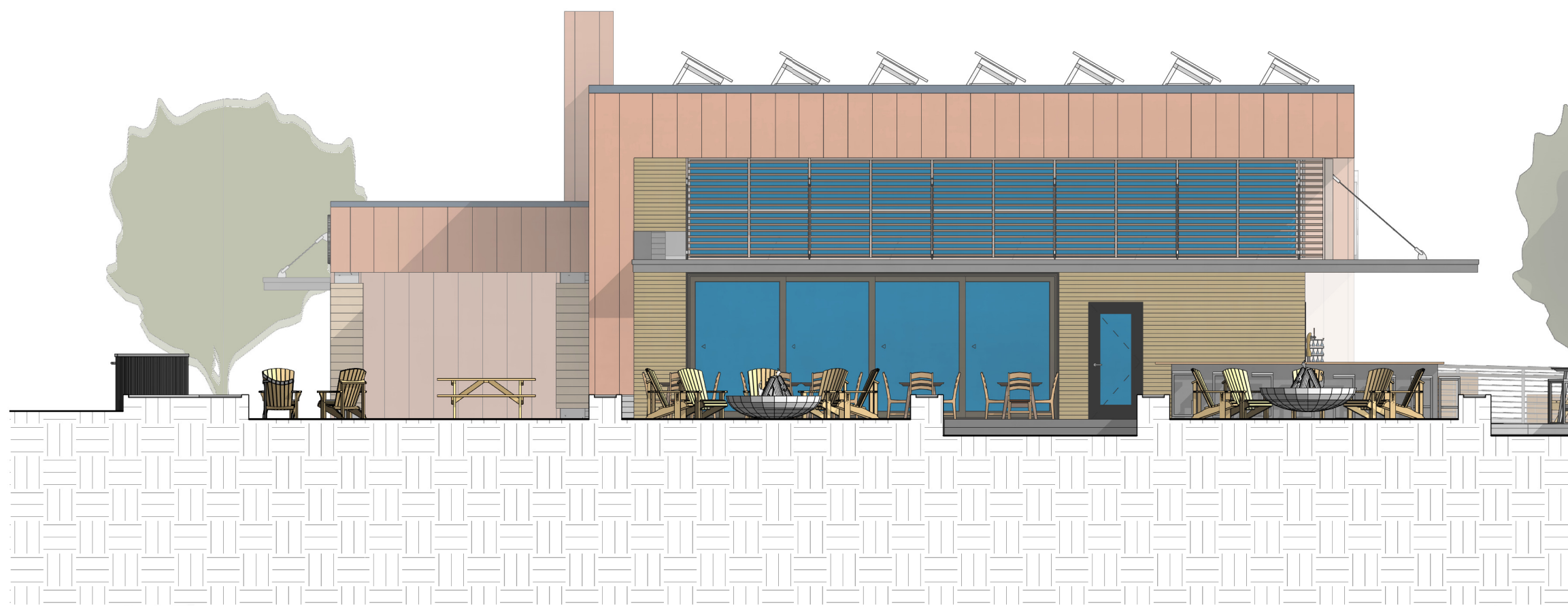
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

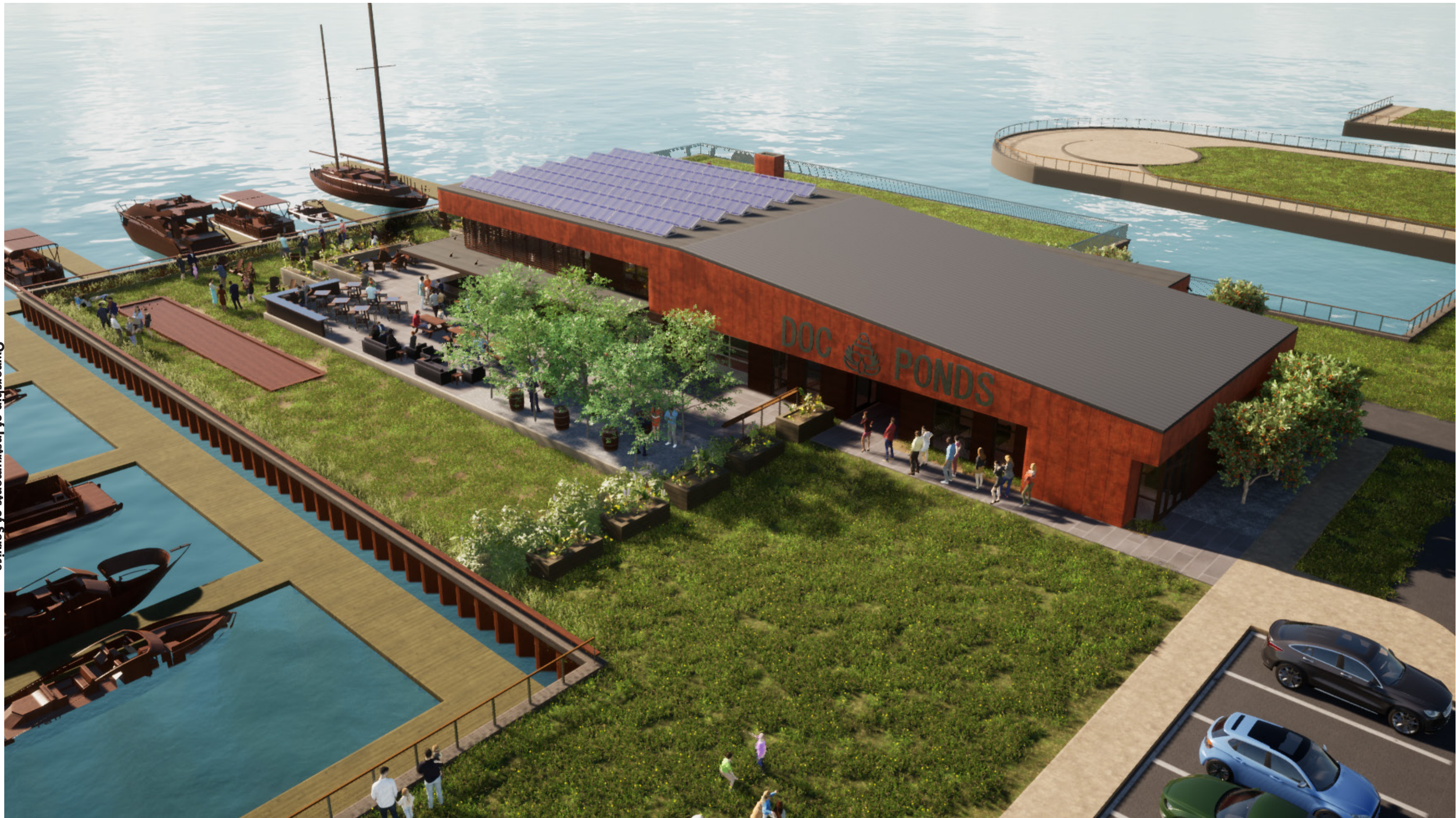
DOC PONDS

BURLINGTON, VT

EXTERIOR ELEVATIONS



11/5/2020 11:06:46 AM



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Burlington, VT

SE Overview

October 30, 2020





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Burlington, VT

SW Overview

October 30, 2020





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Burlington, VT

NE Overview



October 30, 2020



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Doc Ponds

Burlington, VT

SE Approach

October 30, 2020



An architectural rendering of a modern building named "DOC PONDS" at dusk. The building has a dark, curved facade with large glass windows and a prominent sign that reads "DOC PONDS" in large, illuminated letters, with a stylized logo between the words. To the left of the building, there is a rooftop deck area with a large fire pit and several people gathered around it. In the foreground, a grassy area with yellow wildflowers is visible, where a group of children are playing. A paved walkway leads from the right side of the frame towards the building. The sky is dark with scattered clouds, and the overall atmosphere is warm and inviting.

Burlington, VT

October 30, 2020





Doc Ponds

Burlington, VT

Outdoor Bar and Seating



October 30, 2020

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Doc Ponds

Burlington, VT

Shuffleboard Area



October 30, 2020



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Burlington, VT

Outdoor Restaurant Seating & Event Room

October 30, 2020





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Burlington, VT

Looking SE From Viewing Deck

October 30, 2020





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Ownership of Instruments of Service

Doc Ponds

Burlington, VT

Outdoor Gathering Areas

October 30, 2020



Department of Permitting and Inspections

Zoning Division
149 Church Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

William Ward, Director
Theodore Miles, Interim Code Compliance Officer
Charlene Orton, Permitting and Inspections Administrator
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: January 5, 2021
RE: ZP21-0536CA/CU; 14 Strong Street

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

File: 21-0536CA/CU

Location: 14 Strong Street

Zone: RM **Ward:** 3C

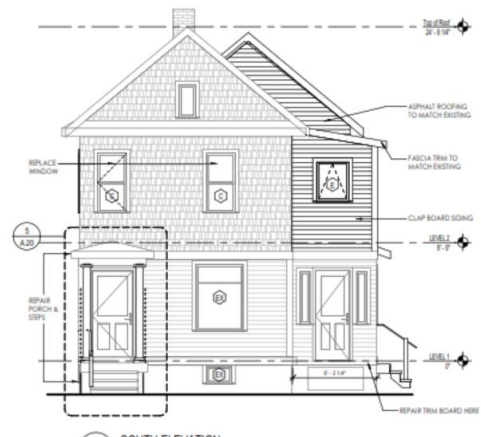
Parking District: Neighborhood

Date application accepted: November 24, 2020

Applicant/ Owner: Missa Aloisi and Erica Giannoni

Request: Add second story over existing one story portion of single family home; replace all windows and add exterior door. Conditional use is related to construction within a required setback.

- **Zoning Permit 99-122;** enclose the side porch of the existing single family home for seasonal use. No change in footprint. September 1998.
- **Zoning Permit 96-479;** installation of a gothic style picket fence along the eastern property line of the single family home. April 1996. (This site plan includes a property land survey by Gordon G. Harlow, dated 14 March 1986.)
- **Zoning Permit 86-015;** construct a 6 x 7 storage shed on the rear portion of the yard and to erect 50' of chain link fence along the side (east) property line. Applicant is also applying to the ZBA for a variance of lot coverage to allow a parking area to be constructed. No decision recorded, no ZBA file found for variance review. There is no shed on the property.



Overview:

The applicants have provided plans to construct a second story addition over the rear, single story of their home, with additional second story “bump-out” on the east elevation over an enclosed porch. Because the rear addition will vertically encroach into a required (rear yard) setback, DRB review is required.

There is an on-going property line dispute with a westerly neighbor about the location of the shared property line. Two sets of development plans have been submitted; the last in an effort to avoid encroachment over an asserted property line. The applicants have not provided an authoritative land survey to settle the dispute; however a recent decision by the Development Review Board (ZP20-0506CA, as appealed) supported the boundary line as defined by a civil survey for 4-8 Strong Street, placing the structure at 14 Strong Street encroaching over the shared boundary line. The applicant has pointed to a recorded survey dated 14 March, 1986 by land surveyor Gordon Harlow, recorded in Burlington Land Records 0162:58. While both define 14 Strong Street as 35' wide and 50' deep, the shared boundary with 4-8 Strong Street diverges significantly between plans.

The boundary dispute remains unresolved at this time.

The **Design Advisory Board** reviewed the application at their December 22, 2020 meeting.

Motion by Matt Bushey:

I move that the project submission be approved as submitted, pending resolution of the ongoing property line dispute with the westerly abutter, with the following recommendations:

1. In response to the property line dispute, the deck railing on west and north elevations shall not be built, until such time that the property line dispute can be resolved.
2. If the columns at the front porch are to be replaced, they shall be replaced with round columns, not square, to replicate the existing.
3. There is an apparent error in the Historic Sites & Structures Survey. The glass transom over the picture window on the south elevation is painted, not stained glass. Replacement of this window is supported. The horizontal muntin with upper transom should be maintained.
4. New lap siding shall have the same exposure as the siding on the existing building.

2nd – Jay White

Vote 5-0.

Motion carries

Recommended motion: Assuming the veracity of approved site plan of ZP20-0506CA (4-8 Strong Street), **Certificate of Appropriateness and Conditional Use Approval** per the following Findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review (Required by 5.3.5 (a) 1.)

Section 3.5.6 (a) Conditional use Review Standards

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

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

The application proposes an expansion over an existing first floor of the single family home. The ordinance anticipates consideration of this allowance in Section 5.3.5 (a). No measureable impact to existing or planned public utilities, facilities or services is anticipated. **Affirmative finding.**

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

From planBTV: Comprehensive Plan 2019 Update:

- *Create new opportunities for mixed use infill and redevelopment in the most densely developed areas consistent with the city's scale and urban form, while conserving and strengthening adjacent residential neighborhoods (p. 37.)*
- *Re-evaluate the zoning regulations and development standards for low and medium density residential districts to ensure standards allow for existing development patterns, design character, scale and mass that are desired to be maintained, while also enabling some evolution of these properties to meet the changing needs of households. (Sec. 3.2, p. 40.)*

Zoning Amendment 14-01 allowed consideration of setback encroachment of vertical expansion over existing enclosed single stories. **Affirmative finding.**

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

This is a proposed expansion of a single family home; a use common to this zoning district. No nuisance impacts are anticipated. **Affirmative finding.**

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

There will be no increased demand on area transportation systems. **Affirmative finding.**

and,

5. *The utilization of renewable energy resources;*

Nothing within the application will preclude the use of wind, water, solar, geothermal or other renewable energy resources. **Affirmative finding.**

and,

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

The expansion of habitable area does not imply approval of an additional unit. No change to the number of residential units or occupancy is included within this review. The residence must continue to comply with Functional Family standards; not more than four unrelated adults may occupy the unit.

Affirmative finding as conditioned.

(c) Conditions of Approval:

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

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

Although the ownership of the mature plantings west of the residence is in dispute, they are not proposed to be removed. No other mitigation standards are identified.

Affirmative finding.

2. *Time limits for construction.*

The permit will have a three year life, which should be sufficient for completion of the project. **Affirmative finding as conditioned.**

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

Residential use has not limitation on hours. Construction shall be limited to 7:30 am to 5:30 pm Monday-Friday. Saturday construction shall be limited to interior work. No construction shall occur on Sundays. **Affirmative finding as conditioned.**

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

Any future enlargement or alteration of the use will be reviewed under the standards in effect at the time of application. **Affirmative finding as conditioned.**

and,

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

This is at the discretion of the DRB.

Article 4: Zoning Maps and Districts

Section 4.4.5 (a) Purpose 3. Residential Medium Density district

The RM district is intended primarily for medium density residential development in the form of single family detached dwellings and attached multi-family apartments.

No change to the existing residential use is proposed. **Affirmative finding.**

(b) Dimensional Standards and Density

The property is within the RM zoning district which limits lot coverage to 40%; and up to 50% with bonus amenities. The lot is currently non-conforming at 62.8% lot coverage. The application proposes removal of an existing walkway to the enclosed porch, and replacement coverage for an exterior door/stoop on the east. Coverage is proposed to be reduced to 62.6% with these changes. See Section 5.3.5 (a) for further discussion of changes to existing non-conformity.

The second story addition will be over existing first floor footprint, and introduce no new lot coverage. The opportunity for vertical expansion over existing finished single story additions that encroach into a required (rear and side) setback is addressed under Section 5.3.5 (a) 1. Structural height is limited to 35'. The proposed new expansion will not exceed that height.

No change to density is proposed. The property will remain a single family residence.

Affirmative finding as conditioned.

(c) Permitted and Conditional Uses

Single family homes are a permitted use in the RM District. **Affirmative finding.**

(d) District Specific Regulations:

1. Setbacks

A. Encroachment for Residential Driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

A. Exceptions in the Waterfront RM District

(This section has been eliminated by ZA20-09.)

3. Lot Coverage

A. Exceptions for Accessory Residential Features

14 Strong Street has already exhausted any allowance for any bonus coverage provisions.

The existing coverage is existing non-conforming to the ordinance. See Section 5.3.5 (a).

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

No changes to existing density are proposed. Not applicable.

6. Uses

No changes to existing use is proposed. Not applicable.

7. Residential Development Bonuses

Not applicable.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

Not applicable.

Section 5.2.2 Required Frontage or Access

No change. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Section 4.4.5 (b) and 5.3.5 (a) i.

Section 5.2.4 Buildable Area Calculation

The parcel does not exceed 2 acres in size. Not applicable.

Section 5.2.5 Setbacks

See Section 4.4.5 (b), above, and Section 5.3.5 (a) 1., below.

Section 5.2.6 Building Height Limits

See Section 4.4.5 (b), above.

Section 5.2.7 Density and Intensity of Development Calculations

No change in the density of the existing, developed lot is proposed. **Affirmative finding.**

Part 3: Non Conformities

Section 5.3.5 Non-Conforming Structures

(a) Changes and Modifications

Nothing in this Part shall be deemed to prevent normal maintenance and repair or structural repair, or moving of a non-complying structure pursuant to any applicable provisions of this Ordinance.

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

1. *Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.*

*Within the residential districts, and subject to Development Review Board approval, **existing nonconforming single family homes** and community centers (existing enclosed spaces only) **that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure.** Such expansion shall be of the existing nonconformity (i.e. setback) and shall:*

- i) *Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development);*
 - ii) *Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,*
 - iii) *Be compatible with the character and scale of surrounding structures.*
2. *Such a change or modification shall not create any new nonconformity; and,*
3. *Such a change or modification shall be subject to review and approval under the Design Review provisions of Article 3, Part 4.*

When any portion of a nonconforming structure has been made conforming, it shall not be made nonconforming again except as provided for historic building features pursuant to Sec. 5.2.6(b)(3).

*A non-conforming residential structure may be enlarged up to the dimensional standards of the underlying zoning district, subject to review and approval by the DRB pursuant to Art. 3, Part 4 Design Review and **Art. 3, Part 5 Conditional Use Review**. Adaptive reuse or residential conversion bonuses may allow a greater expansion than the underlying zoning district allows approved per the provisions of Article 4.*

14 Strong Street is non-conforming to lot coverage and setbacks.

The application proposes re-arrangement of lot coverage (remove duplicate walkway to the public sidewalk, add door and stoop to the east) that reduces the level of non-conforming lot coverage. Additionally and subject to DRB Conditional use review is the proposed vertical expansion over an existing, enclosed single story structure for the purpose of expanding habitable living space for the single family home. The existing single story additions encroach into required setbacks on the side (west) and the rear (north.) Per this standard and subject to DRB Conditional Use review, such expansion may be considered. There is no creation of new non-conformity, and the addition is consistent with the character and scale of the surrounding neighborhood.

The submitted site plan is based on the property line acknowledged under ZP20-0506CA (as appealed) wherein 14 Strong Street physically encroaches a westerly property line, and allows for a vertical expansion over the existing single story north addition as noted in A.01 with existing encroachment over the north (rear) required setback.

Affirmative finding as conditioned.

Sec. 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;

To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;

To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,

To promote the adaptive re-use of historic buildings and sites.

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

14 Strong Street was included within the 2006 Historic Sites and Structures Survey work, and determined to be eligible for historic designation within the context of Strong Street. Therefore, the standards of Section 5.4.8 apply.

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

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

14 Strong Street was constructed c. 1927 as a single family home; a use that continues.

Affirmative finding.

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

This Queen Anne/Colonial Revival side hall plan will retain its characteristics that make it eligible for historic designation. The new additions will be clearly recognizable. **Affirmative finding.**

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

No conjectural features are proposed. As long as there is a break in the ridgeline between the original structure and the proposed addition, it will be possible to discern old from new.

Affirmative finding.

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

The side (now enclosed) porch is an important component of the overall building. The proposal to construct a shed-roofed addition atop will be readable as new. **Affirmative finding.**

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

None identified that are to be altered. **Affirmative finding.**

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

provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.

There is no proposed replacement of missing features. Not applicable.

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

Not applicable.

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

There are no identified archaeological resources at this location. Not applicable.

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

The essential form and spatial characteristics of the property will remain. The new additions are clearly discernable, are set back from the existing building plane and include sheathing compatible to the historic structure. The awning windows and the roof attachment of the easterly addition define the building mass as a modern addition. **Affirmative finding.**

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

While unlikely, it is possible to consider the reversibility of the project. **Affirmative finding.**

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

The expansion of an existing single family home within a residential zoning district proposes no adverse impacts. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

The applicant proposes a residential-style lighting fixture by the new easterly door.

Affirmative finding.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

No land division is proposed; however there remains an unresolved boundary line dispute with the neighbor abutting to the west.

Not applicable.

Part 2: Site Plan Design Standards
Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

Not applicable.

(b) Topographical Alterations:

Not applicable.

(c) Protection of Important Public Views:

There are no important or identified public views warranting protection. Not applicable.

(d) Protection of Important Cultural Resources:

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

See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

No part of this application precludes the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

(f) Brownfield Sites:

14 Strong Street is not listed on the Department of Environmental Conservation's list of Brownfield sites. Not applicable.

(g) Provide for nature's events:

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

Other than removal of a small walkway, no ground disturbance is proposed.

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

A small canopy is illustrated over the newly introduced exterior door on the east, providing shelter to residents. **Affirmative finding.**

(h) Building Location and Orientation:

There is no change to the existing building location or orientation. **Affirmative finding.**

(i) Vehicular Access:

No change. Not applicable.

(j) Pedestrian Access:

A pedestrian walkway on the east is proposed to be eliminated; however the principal entrance will continue to connect to the public sidewalk. **Affirmative finding.**

(k) Accessibility for the Handicapped:

This is not a requirement for a single family home, although always encouraged. Not applicable.



Walkway to be removed

(l) Parking and Circulation:

No change is proposed to existing conditions. **Affirmative finding.**

(m) Landscaping and Fences:

Not applicable.

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

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

See 5.5.2, above.

(p) Integrate infrastructure into the design:

Not applicable.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The proposed addition remains below the ridgeline of the existing roof, while the easterly bump-out over an enclosed porch is not uncommon to add additional space and light to upper floors.

Affirmative finding.

2. Roofs and Rooflines.

Asphalt shingle roofing is proposed over the new rear gable roof and shed roof addition on the east. **Affirmative finding.**

3. Building Openings

The plan proposes square, awning style windows on the shed roof addition, differing in appearance and size from the existing double hung windows on the original home. A new exterior door and landing are proposed on the east, which will allow use of the side (east) yard.

Plan A.20 illustrates a door and outdoor deck area on the 2nd floor. If the property line recognized by the DRB in ZP20-0506CA is correct, this will enable encroachment over a property line and cannot be considered. Under those circumstances a window is recommended in this westerly elevation, and abandonment of the proposed roof deck. Revised building elevations will be required to confirm elimination of this rooftop exit/deck. **Affirmative finding as conditioned.**

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

Plans provide for clapboard siding on the new additions. The existing upper story of the home is shingled, with the first floor clapboarded. Although a secondary walkway to the porch will be removed, there remains a pedestrian walk between the public sidewalk and the front door.

Affirmative finding.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

Clapboard is an acceptable exterior sheathing material, and consistent with existing materials. Asphalt shingles will match existing conditions. **Affirmative finding.**

(f) Reduce energy utilization:

All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

Not applicable.

(i) Make spaces secure and safe:

Development is subject to all building and life safety codes as defined by the building inspector and the fire marshal. **Affirmative finding.**

Article 8: Parking

No change to the existing parking is proposed. Driveway dimensions are consistent with the approved site plan of 4.30.1996. **Affirmative finding.**

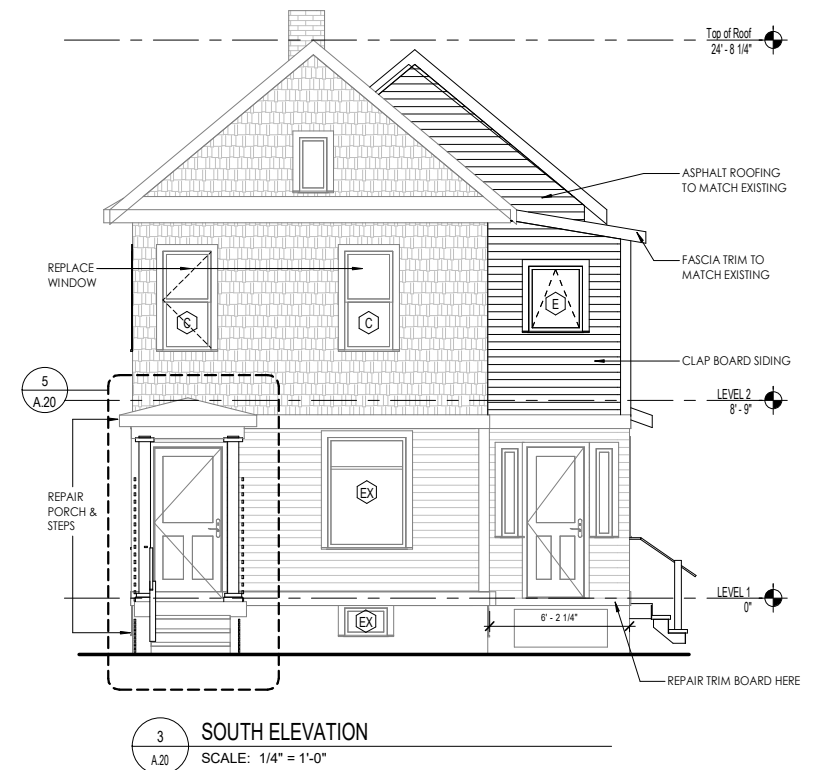
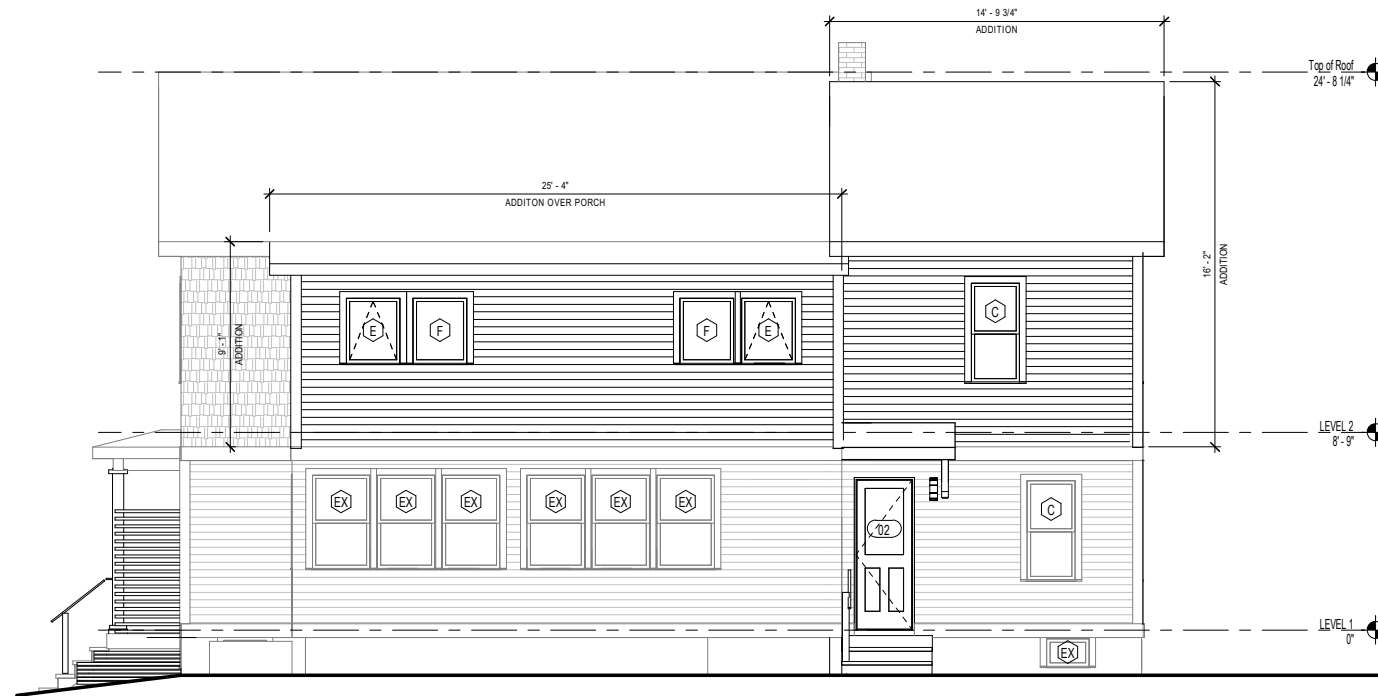
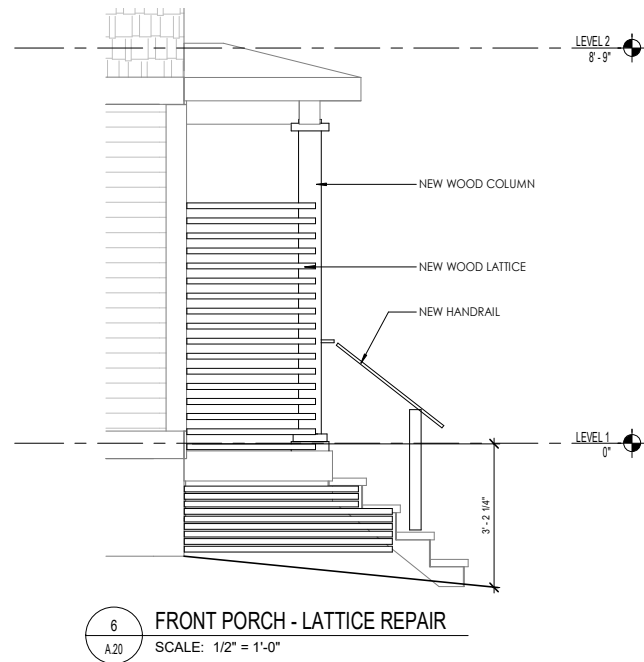
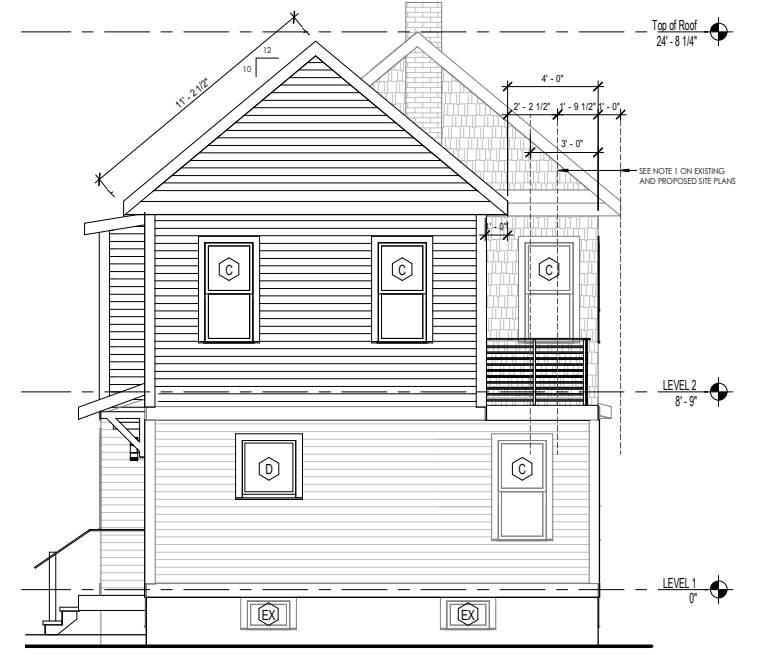
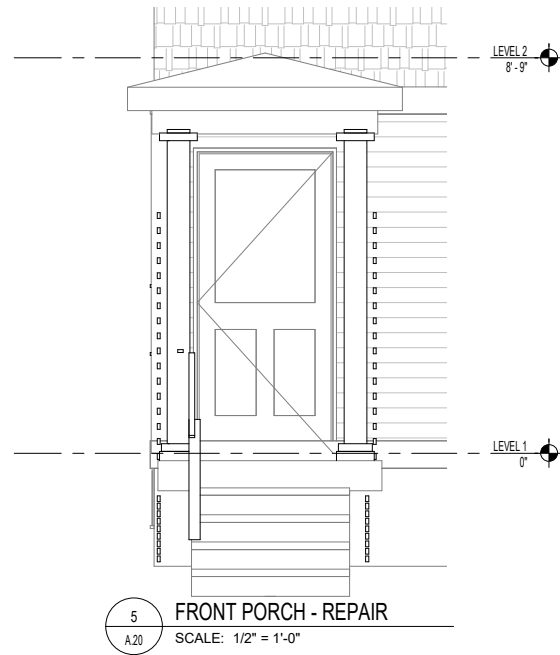
II. Conditions of Approval

1-4 as recommended by the Design Advisory Board:

1. In response to the property line dispute, the deck railing on west and north elevations shall not be built, until such time that the property line dispute can be resolved. A revised westerly elevation drawing shall be provided **prior to release of the zoning permit**, eliminating the proposed roof-top deck and door access. The assumed property line as acknowledged under ZP20-0506CA illustrates structural encroachment of a westerly property line; creation of an outdoor deck in this area would increase the level of non-conformity that currently exists and result in new development over a property line; therefore not permissible.
2. If the columns at the front porch are to be replaced, they shall be replaced with round columns, not square, to replicate the existing.
3. There is an apparent error in the Historic Sites & Structures Survey. The glass transom over the picture window on the south elevation is painted, not stained glass. Replacement of this window is supported. The horizontal muntin with upper transom shall be maintained.
4. New lap siding shall have the same exposure as the siding on the existing building.
5. Construction shall be limited to 7:30 am to 5:30 pm Monday-Friday. Saturday construction shall be limited to interior work. No construction shall occur on Sundays.

6. The expansion of habitable area does not imply approval of an additional unit. No change to the number of residential units or occupancy is included within this review.
7. The residence must continue to comply with Functional Family standards; not more than four unrelated adults may occupy the unit.
8. All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
9. Any future enlargement or alteration of the use will be reviewed under the standards in effect at the time of application.
10. Standard Permit Conditions 1-15.

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



WINDOW SCHEDULE							
MARK	DESCRIPTION	SIZE	WIDTH	SILL	HEIGHT	HEAD	COMMENTS
A	AWNING	20' x 36'	1' - 8"	3' - 8"	3' - 0"	6' - 8"	
B	DOUBLE HUNG	20' x 37'	1' - 8"	3' - 7"	3' - 1"	6' - 8"	
C	DOUBLE HUNG	27' x 54'	2' - 3"	2' - 2"	4' - 6"	6' - 8"	
D	AWNING	30' x 32'	2' - 6"	4' - 0"	2' - 8"	6' - 8"	
E	AWNING	30' x 36'	2' - 6"	3' - 0"	3' - 0"	6' - 8"	HEAD HEIGHT VARIES
F	FIXED	30' x 36'	2' - 6"	3' - 0"	3' - 0"	6' - 0"	
G	AWNING	36' x 36'	3' - 0"	3' - 8"	3' - 0"	6' - 8"	

GIANNONE & ALOISI HOME

14 STRONG STREET, BURLINGTON, VT

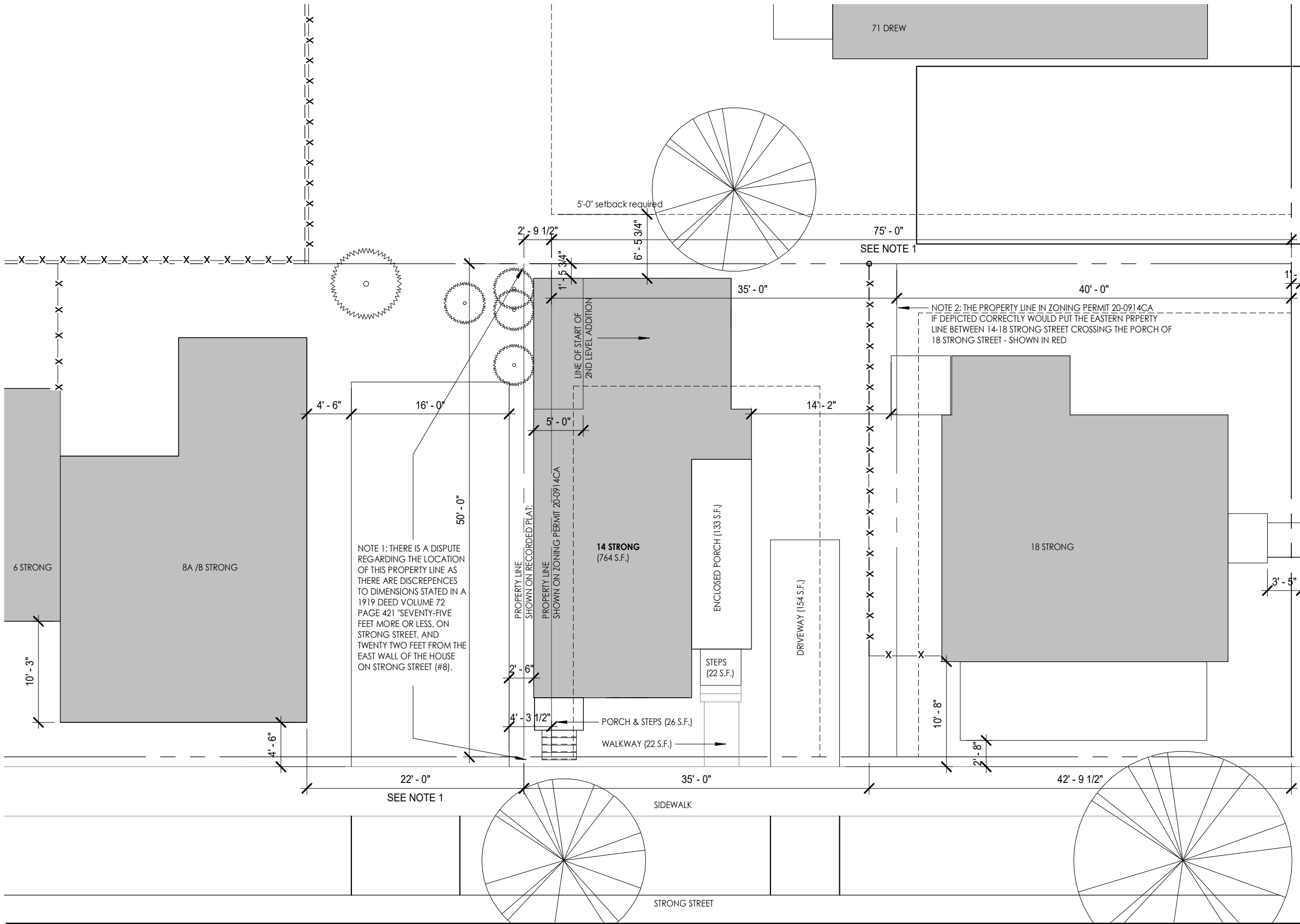
HINGE
architecture
431 Pine Street, Suite 314, Burlington, VT 05401
802.793.9840

DATE: 12/10/20
SCALE: As indicated
DRAWN BY: MA
CHECKED BY: MA
PHASE:

ELEVATIONS

SHEET NO:

A.20



ZONING DISTRICT: RM

MIN. LOT SIZE: 6,000 S.F.
MAX. LOT COVERAGE = 40%

FRONT: Max/Min: +/- 5-ft of ave. of
2 adjoining properties on both sides.
SIDE: Min: 10% or 5'
REAR: Min: 25% or 20'

THIS IS A NON-CONFORMING LOT.

Sec. 5.3.5 Nonconforming Structures

(a) Changes and Modifications:

Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.

Within the residential districts, and subject to Development Review Board approval, existing nonconforming single family homes and community centers(existing enclosed spaces only) that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback)

EXISTING LOT COVERAGE

EXISTING LOT SIZE: 1,750 S.F.*

EXISTING HOUSE: 764 S.F.

EXISTING PORCHES: 159 S.F.

EXISTING DRIVEWAY: 154 S.F.

EXISTING WALKWAY: 22 S.F.

EX. LOT COVERAGE TOTAL: 1,099 S.F. = 62.8%

PROPOSED LOT COVERAGE

LOT SIZE: 1,750 S.F.*

HOUSE: 764 S.F.

PORCHES: 159 S.F.

DRIVEWAY: 154 S.F.

LANDING & STAIR: 18 S.F.

PROP LOT CVG TOTAL: 1,095 S.F. = 62.6%

* lot area and location of property lines are based off tax parcel map & land survey completed by registered land surveyor Gordon Harlow dated March 1996 and filed as record in volume 328.

DRAWING KEY

- EXISTING STRUCTURE
- ADDITION
- PROPERTY LINE
- SETBACK LINE
- FENCE LINE

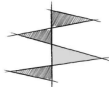
NOTE ON WEST AND EAST PROPERTY LINES

PROPERTY LINE LOCATION IS DEPICTED IN TWO LOCATIONS ON THE WEST AND EAST. THE WEST LOCATION IS CURRENTLY UNDER DISPUTE. ONE OF FOUR PROPERTY OWNERS AT #4-8 STRONG STREET HAS SHOWN PREVIOUSLY THAT THE PROPERTY LINE IS 1'-9 1/2" WITHIN OUR WESTERN EXTERIOR WALL ON AN APPROVED ZONING PERMIT (20-0914CA). THE TWO LOCATIONS DEPICTED ARE THE TWO DIMENSIONS STATED IN A 1919 DEED AND ARE IN CONFLICT. THE DESIGN DEPICTED AVOIDS THE WESTERN PROPERTY LINE BY PLACING THE 2ND STORY 5'-0" FROM THE FACE OF OUR EXISTING HOME, 3'-0" PLUS FROM THE DISPUTED LOCATION.

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GIANNONE & ALOISI HOME

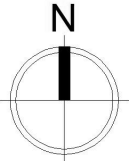
14 STRONG STREET, BURLINGTON, VT



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431 Pine Street, Suite 314, Burlington, VT 05401
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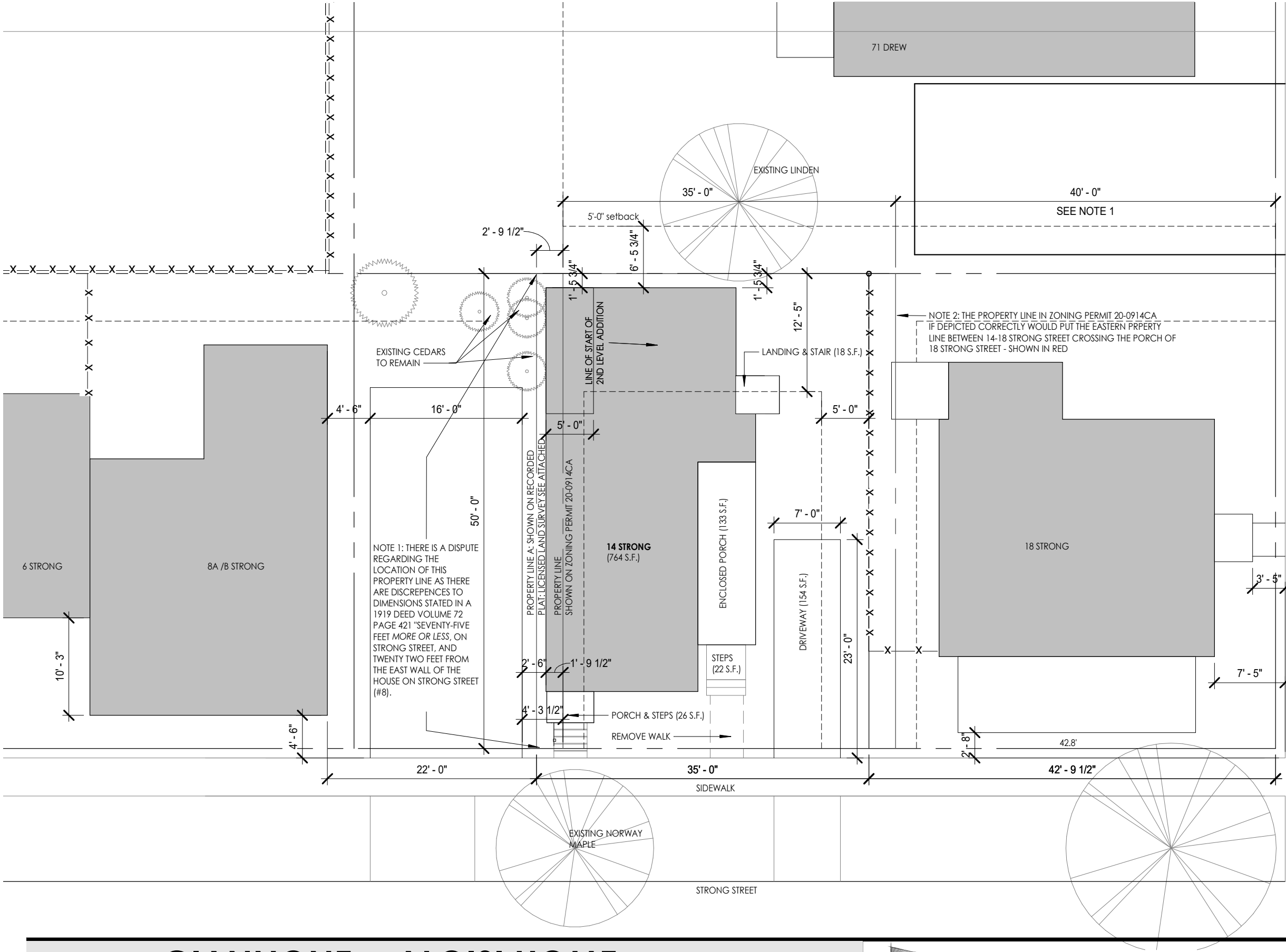


DATE: 12/10/20
SCALE: As indicated
DRAWN BY: MA
CHECKED BY: MA
PHASE:

SITE PLAN -
EXISTING

SHEET NO:

A.01



ZONING DISTRICT: RM

MIN. LOT SIZE: 6,000 S.F.
MAX. LOT COVERAGE = 40%

FRONT: Max/Min: +/- 5-ft of ave. of
2 adjoining properties on both sides.
SIDE: Min: 10% or 5'
REAR: Min: 25% or 20'

THIS IS A NON-CONFORMING LOT.

**Sec. 5.3.5 Nonconforming Structures
(a) Changes and Modifications:**

Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.

Within the residential districts, and subject to Development Review Board approval, existing nonconforming single family homes and community centers(existing enclosed spaces only) that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback)

EXISTING LOT COVERAGE

EXISTING LOT SIZE:	1,750 S.F.*
EXISTING HOUSE:	764 S.F.
EXISTING PORCHES:	159 S.F.
EXISTING DRIVEWAY:	154 S.F.
EXISTING WALKWAY:	22 S.F.

EX. LOT COVERAGE TOTAL: 1,099 S.F. = 62.8%

PROPOSED LOT COVERAGE

LOT SIZE:	1,750 S.F.*
HOUSE:	764 S.F.
PORCHES:	159 S.F.
DRIVEWAY:	154 S.F.
LANDING & STAIR:	18 S.F.

PROP LOT CVG TOTAL: 1,095 S.F. = 62.6%

* lot area and location of property lines are based off tax parcel map & land survey completed by registered land surveyor Gordon Harlow dated March 1996 and filed as record in volume 328.

DRAWING KEY

	EXISTING STRUCTURE
	ADDITION
	PROPERTY LINE
	SETBACK LINE
	FENCE LINE

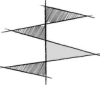
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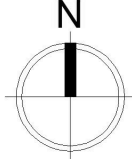
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GIANNONE & ALOISI HOME

14 STRONG STREET, BURLINGTON, VT



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architecture
431 Pine Street, Suite 314, Burlington, VT 05401
802.793.9840



DATE:	12/10/20
SCALE:	As indicated
DRAWN BY:	MA
CHECKED BY:	MA
PHASE:	

**SITE PLAN-
NEW**

A.02



Memorandum

To: Planning and Zoning
Regarding: ZP 21-0536CA/CU
Date: 12/10/20
Project: 14 Strong Street

Dear Mary,

I have reviewed the letter from Alan Bjerke dated 12/02/20 in which his concerns were raised. I am providing revisions to our application that addresses these concerns, and have provided commentary below, presented in the order of his letter.

1. Site plan now depicts the two locations of the disputed property boundary. The one shown on Alan's driveway renewal application ZP20-0506CA references a plan from 1983 (ZP20-0914CA). I have also referenced the location of the property line that is represented on a recorded survey (see attached). The matter of the dispute involves the language that is written in the 1919 Deed Volume 72, page 421 which states that the western property line of 14 Strong Street is defined by the following, "SEVENTY-FIVE FEET MORE OR LESS, ON STRONG STREET, AND TWENTY TWO FEET FROM THE EAST WALL OF THE HOUSE ON STRONG STREET (#8)." I have represented both of these dimensions on the site plan accurately, by doing so I want to state clearly that these lines do not overlap and ambiguity currently exists. I have attached Harlow's Original recorded Plat / survey which references this Deed measurement of 22'. I have hired a licensed surveyor to confirm the validity of Harlow's survey and will be able to provide a letter of testimony on Jan. 5th, 2021.
 - a. I understand that discrepancies and disagreements to surveys are not issues that this board addresses. This plan accurately represents both property line locations in its site plan and the revised addition does not conflict with either location. Furthermore, a third location has been identified in a more recent deed 04/25/1983 that Bjerke, filed with his commentary 12/02/20 that states "The easterly portion of the lot is subject to a building encroachment to a depth of 3 feet more or less." The site plan presented does not conflict with this assertion of location either and provides a 2'-0" buffer from its description.
2. The revised plans do not include construction within any disputed property line location.
3. The trees between 8 and 14 Strong Street are not noted as being removed nor, is there any intention to do so as we also enjoy the privacy and bird-life these trees provide.

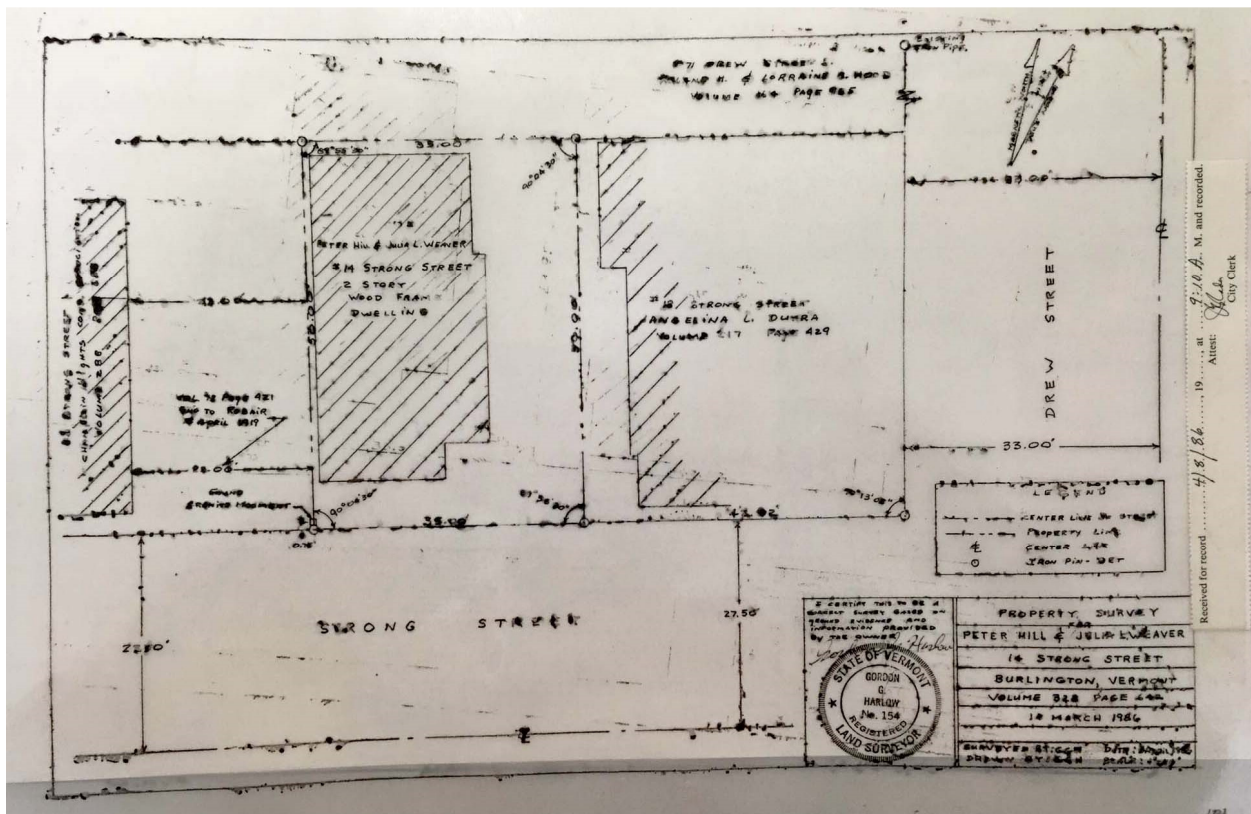
Furthermore, I have consulted with Devin Colman, a State of Vermont Architectural Historian, and he has provided me with historical evidence that shows that 14 Strong Street was built in 1926-27 and that 8 Strong Street was built prior to 1900. This house remains in the same location in which it was built prior to 1900. Bjerke has asserted in his previous ZP20-00506CA application that he believes that the measurement of 22' was taken from the rear portion of the building outline on a 1919 Sanborn Fire Insurance Map. Devin provided me with the following additional Sanborn maps and if closely analyzed alongside each other, one can see that the rear portion of the building took on many shapes over the years and has either an "A" or has and x over the box written in the rear location in various years, I have attached a key for the Sanborn maps below. "A" refers to garage, X is stable, or other type of outbuilding but is not the

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dwelling from which is described in the 1919 Deed Volume 72, page 421. #8 is consistently represented with a "D" for dwelling. Dotted lines on these maps also depict porches. Lastly, the foundation of the front portion of the home is the only one that existed as a basement when the new condominium was constructed and is further evidence of its permanence and location throughout the years. The rear portion has a crawl space beneath it and not a stone foundation based on recorded plat files found on file for the construction drawings of the condominium in 1983.

- According to Bjerke's assertion of the rear building being from which the 22' measurement was taken seems to be incorrect, given that the 1950 Sanborn Fire Insurance map depicts an almost identical outline to the 1919 map but with the inclusion of property line locations and 14 Strong Street dwellings. If the rear building was indeed where the measurement of 22' began, it would place the disputed property line on the eastern side of 14 Strong Street, most of the way through our house. See attached maps.

In summary, I hope that the information provided above and the additional images and maps below provide clarity to this complex property line and that this allows our project to move forward smoothly.



Recorded plat 4/5/1986 by Harlow

77 DREW STREET
ROLAND H. & LORRAINE B. WOOD
VOLUME 164 PAGE 54E

RECEIVED
APR 29 1996
DEPT. OF
PLANNING & ZONING

18/ STRONG STREET
ANGELINA L. DUTRA
VOLUME 217 PAGE 429

2 STORY
WOOD FRAME
DWELLING

DRIVEWAY

FOUND
GRANITE MONUMENT

LEGEND
--- CENTER LINE
--- PROPERTY LINE
+ CENTER LINE
O IRON PIN

STATE OF VERMONT
GORDON G. HARLOW
No. 154
REGISTERED
LAND SURVEYOR

PROPERTY
14 STRONG
BURLINGTON
VOLUME 328
14 MAR
SURVEYED BY: GGL
DRAWN BY: GGL

SIGNED *[Signature]* DATE 4/30/96
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

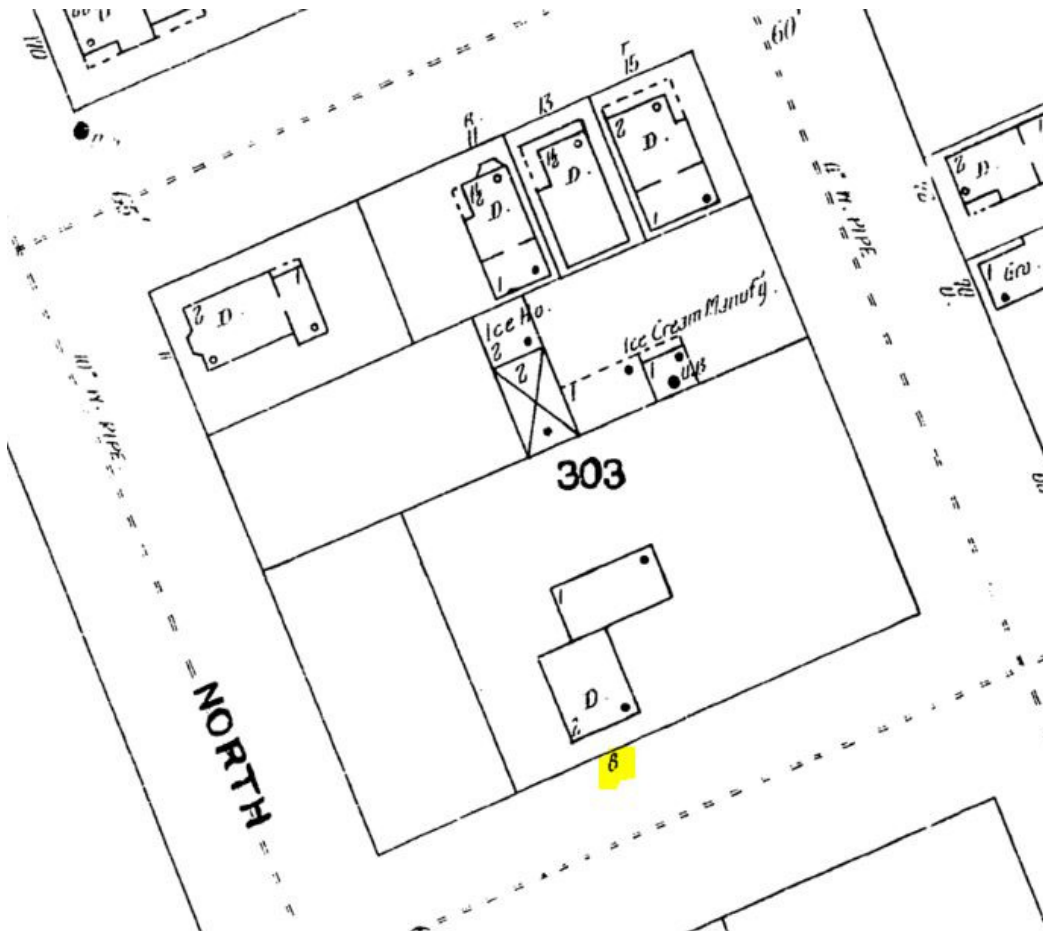
collaborative by design

HINGE



January 1900 Sanborn map showing 8 Strong

HINGE

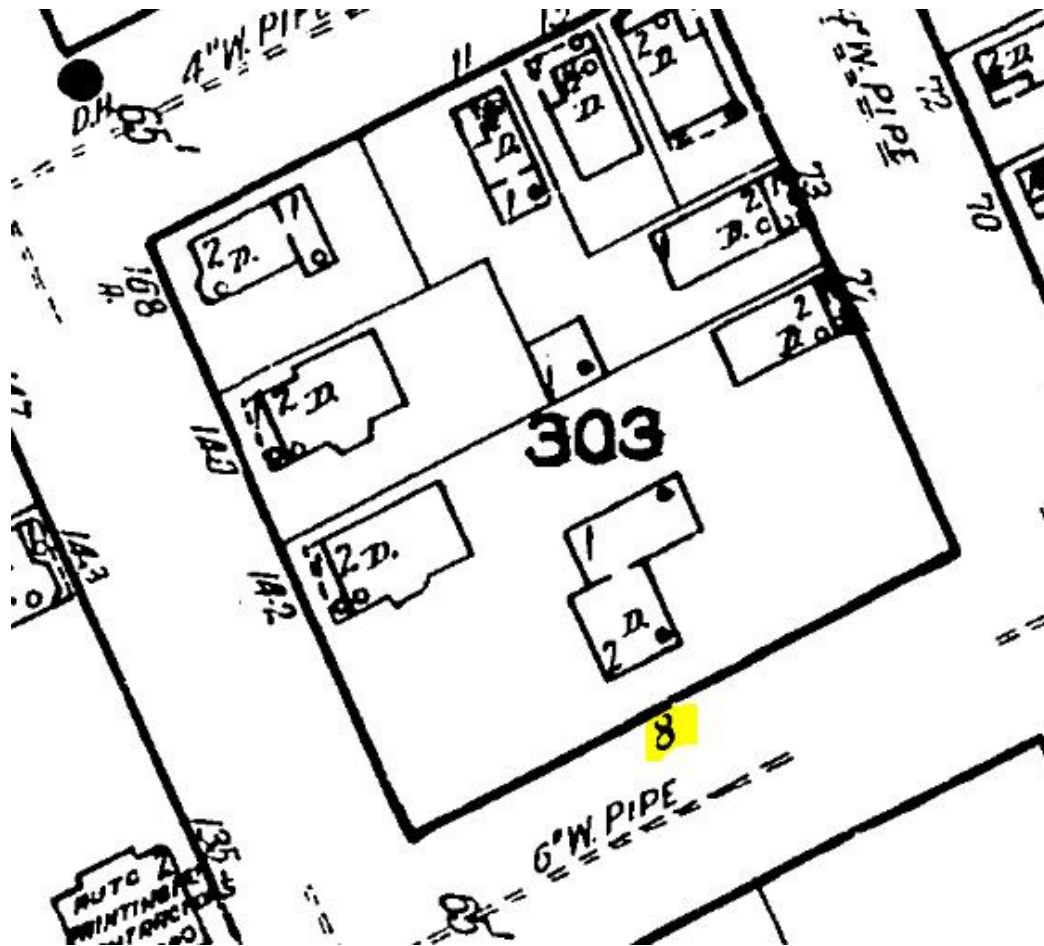


March 1906 Sanborn map showing 8 Strong



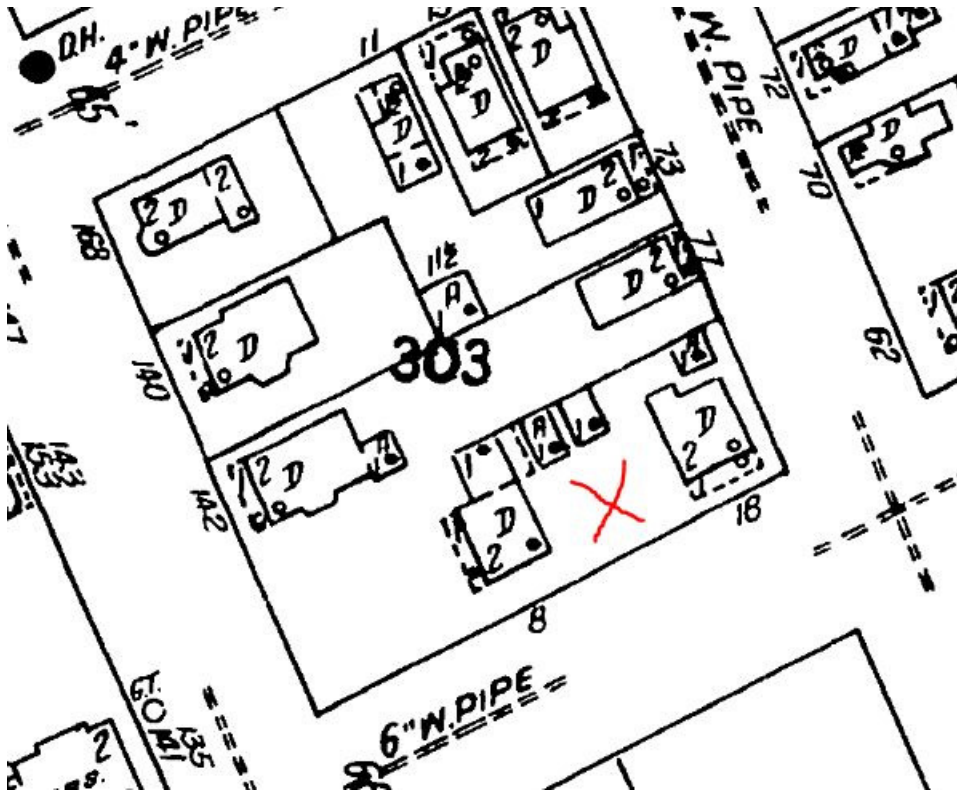
October 1912 Sanborn map showing 8 Strong

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May 1919 Sanborn map showing 8 Strong

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April 1926 Sanborn map showing 8 Strong. The red x shows where 14 Strong will be built. This shows a dotted portion at the rear portion. At 8 Strong Street with two garages to the East.

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KEY

	Fire proof construction. (OR FIRE RESISTIVE CONSTN)		MANSARD ROOF DOTS REPRESENT OPENINGS. STEMS INDICATE STORIES. COUNTING FROM LEFT TO RIGHT, LOOKING TOWARD BUILDING.		Window opening in first story.
	Adobe building.				Window openings in second and third stories.
	Stone building.				Windows with wired glass.
	Concrete, lime, cinder or cement brick				Window openings tenth to twenty-second stories.
	Hollow concrete or cement block constn				Width of street (BETWEEN BLOCK LINES, NOT CURB LINES.)
	Concrete or reinforced concrete constn				
	Tile building.				
	Brick building with frame cornice.				
	" " " stone front.				
	" " " frame side. (DIVIDED BY FRAME PARTITION)				
	Brick veneered building.				
	" and frame building.				
	Frame building, brick lined.				
	" " metal clad.				
	Frame building.				
	Iron building.				
	Tenant building occupied by various manufacturing or occupancies				
	Frame building covered with asbestos				
	Brick building with brick or metal cornice.				
	Fire wall 6 inches above roof.				
	" " 12 " " "				
	" " 18 " " "				
	" " 36 " " "				
	Figures 8, 12, 16 indicate thickness of wall in inches.				
	Wall without opening and size in inches.				
	Wall with openings on floors as designated.				
	Opening with single iron or tin clad door.				
	" " double iron " " " doors.				
	" " standard fire doors.				
	Openings with wired glass doors.				
	Drive or passage way.				
	Stable.				
	Auto, House or private garage.				
	Solid brick with interior walls of C.B. or C.B. and brick mixed.				
	Mixed construction of C.B. and brick with one wall of solid brick.				
	Mixed construction of C.B. and brick with one wall faced with 4" brick.				
	Mixed construction of C.B. and brick throughout.				
	Open elevator.				
	Frame enclosed elevator.				
	Concrete block enclosed elevator with traps.				
	Tile enclosed elevator with self closing traps.				
	Brick enclosed elev. with wired glass door.				
	Iron chimney				
	Brick chimney.				
	Ground elevation.				
	Vertical steam boiler.				
	Gasoline tank.				
	Open under.				
	Siamese fire dept. connection				
	Single fire dept. connection				
	Automatic fire alarm.				
	Independent electric plant.				
	Automatic sprinklers.				
	Automatic chemical sprinklers.				
	Automatic sprinklers in part of building only. (NOTE UNDER SYMBOL INDICATES PROTECTED PORTION OF BUILDING)				
	Not sprinklered.				
	Outside vertical pipe on fire escape.				
	Fire alarm box.				
	Single hydrant.				
	Double " "				
	Triple " "				
	Quadruple hydrant of the "High Pressure Fire Service"				
	Fire alarm box of the "High Pressure Fire Service"				
	Water pipes of the "High Pressure Fire Service"				
	Water pipes and size in inches.				
	Water pipes of private supply				
	House numbers shown nearest to buildings are official or actually up on buildings.				
	Old house numbers shown furthest from buildings.				

Sanborn Fire Insurance Map key interpretation.

Received via email 12.7.2020:

Dear Ms. O'Neil,

I am writing as a neighbor in support of proposed changes to the residential property at 14 Strong Street. I've reviewed the drawings and spoken with the property owners, and feel that their modest design is appropriate for the property and a reasonable request of the DRB. They are deeply conscientious neighbors, and have communicated with and considered those around them in every step of their planning. I hope that they will be allowed to proceed with their plans, and update their small home in order to minimally accommodate their family of four.

Thank you for your consideration,
Sara Mason
72 Drew Street

#71 DREW STREET
 ROLAND H. & LORRAINE B. HOOD
 VOLUME 164 PAGE 545

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APR 29 1996

DEPT. OF
 PLANNING & ZONING

#18/ STRONG STREET
 ANGELINA L. DUTRA
 VOLUME 217 PAGE 429

2 STORY
 WOOD FRAME
 DWELLING
 #14 STRONG STREET
 DAVE & ALISON LAFOREST

VOL 72 PAGE 421
 EMO TO ROB AIR
 28 APRIL 1979

FOUND
 GRANITE MOUNT

Fence will be approx. 4' high and will
 go the full length of the highlighted section.

STRONG STREET

ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS
 REQUIRE ZONING APPLICANTIAL PRIOR TO CONSTRUCTION.
 ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE
 FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

SIGNED *[Signature]* DATE 4/30/96

PLANNING & ZONING DEPARTMENT
 BURLINGTON, VERMONT

Recorded 4/8/1986
 0162/58

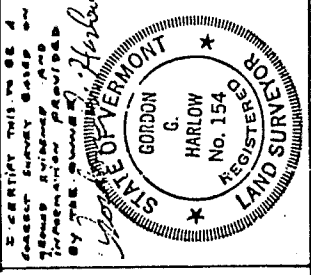
EXISTING
 SEAM PIPE

MAGNETIC NORTH
 TRUE NORTH
 15.2°

33.00'
 33.00'

LEGEND
 --- CENTER LINE OF STREET
 --- PROPERTY LINE
 --- CENTER LINE
 4 IRON PIN - SET
 0

PROPERTY SURVEY
 14 STRONG STREET
 BURLINGTON, VERMONT
 VOLUME 328 PAGE 642
 14 MARCH 1986
 SURVEYED BY: CGH DATE: 8/11/86
 DRAWN BY: GGH SCALE: 1"=10'



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NOV 24 2020

BURLINGTON
PERMITTING & INSPECTIONS

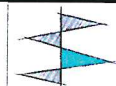


ARIEL IMAGE OF BLOCK

GIANNONE & ALOISI HOME

14 STRONG STREET, BURLINGTON, VT

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HINGE
architecture
431 Pine Street, Suite 314, Burlington, VT 05401

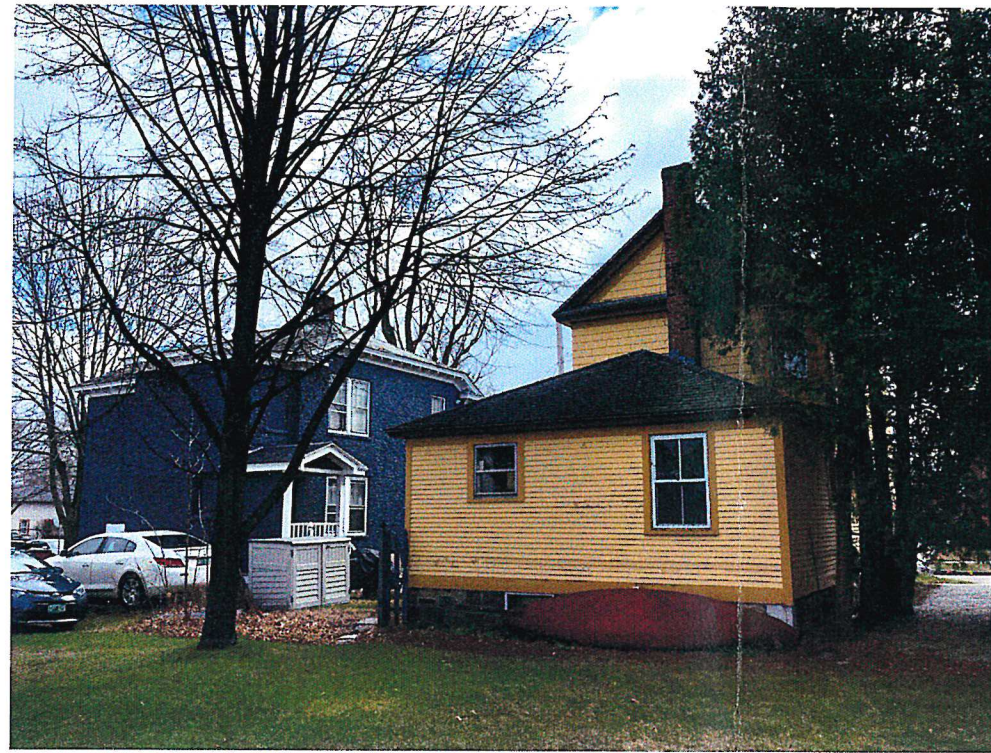
DATE: 11/24/20
SCALE:
DRAWN BY: MA
CHECKED BY: MA

IMAGE

SHEET NO:

40

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NOV 24 2020
BURLINGTON
PERMITTING & INSPECTIONS



NORTH



NORTHEAST



NORTHEAST



SOUTHWEST



SOUTHEAST

GIANNONE & ALOISI HOME

14 STRONG STREET, BURLINGTON, VT

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HINGE
architecture
431 Pine Street, Suite 314, Burlington, VT 05401

DATE: 11/24/20

SCALE:

DRAWN BY: MA

MA

IMAGE

SHEET NO:

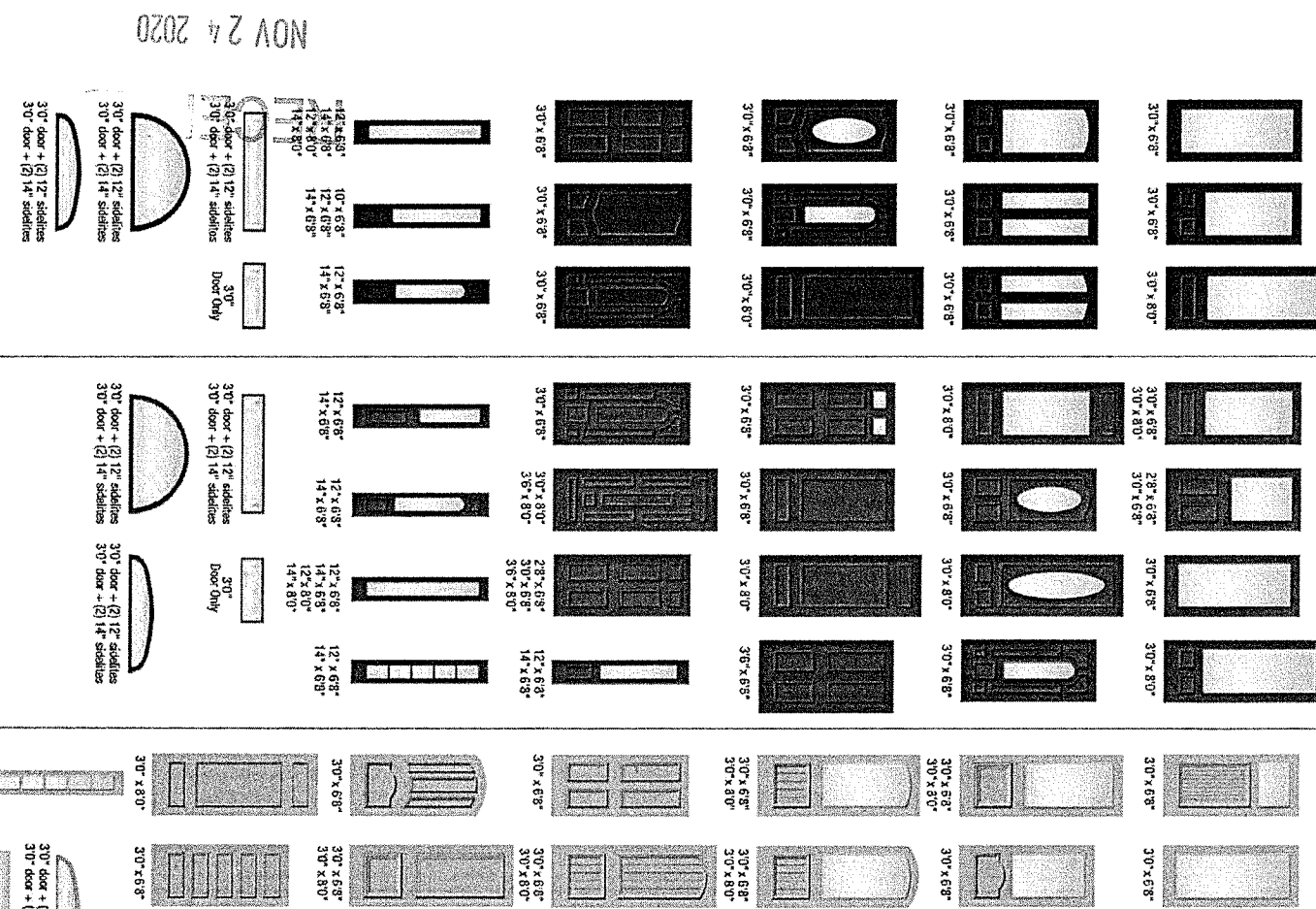
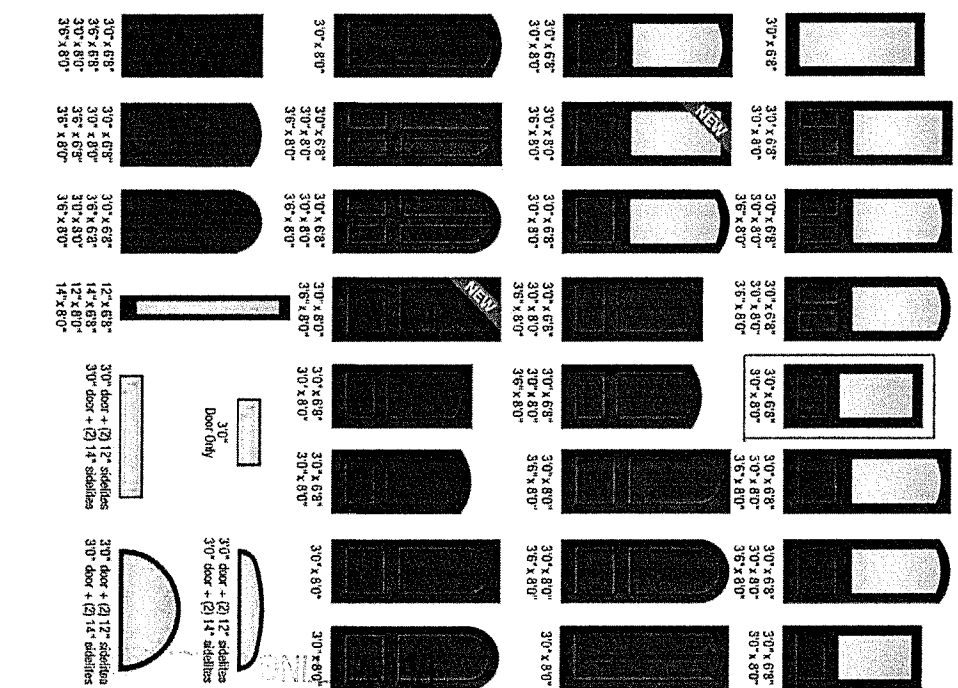
A.C.

portfolio of Classic-Craft, premium entryway styles to configure a beautiful look that suits any homeowner. Here, you'll find samples of our extensive assortment of available door, sidelite and transom options—sorted by Classic-Craft collection—for creating the perfect entryway.

www.thermatu.com

Explore our entire collection online and start designing the entryway of your dreams today.

Rustic Collection.



TWO IF BY SEA LED Outdoor Wall Sconce

By Modern Forms

YLIGHTIN
Call Us 866 428 9289

Product Options

Size: Small, Large

Details

- Designed in 2019
- Finish: Black
- Material: Aluminum
- Shade Material: Glass
- Dimmable When Used With a Electronic low voltage (ELV) Dimmer (Not Included)
- Dimmer Range: 100 to 5%
- Dark Sky compliant, Title 24 compliant
- Installation Type: Hardwired
- ETL Listed Wet
- Warranty: 5 Years Functional, 2 Years Finish
- Made In USA

Dimensions

Small Option Fixture: Width 4.5", Height 11.87", Extension 5.81"

Large Option Fixture: Width 6", Height 18", Extension 7.56"

Lighting

- Small Option: 15 Watt (916 Lumens) 120 Volt Integrated LED: CRI: 90 Color Temp: 3000K Lifespan: 50000 hours
- Large Option: 15 Watt (932 Lumens) 120 Volt Integrated LED: CRI: 90 Color Temp: 3000K Lifespan: 50000 hours

Additional Details

Product URL:

<https://www.ylighting.com/two-if-by-sea-led-outdoor-wall-sconce-by-modern-forms-MFMP281811.html>

Rating: ETL Listed Wet

Product ID: MFMP281811

Prepared by:

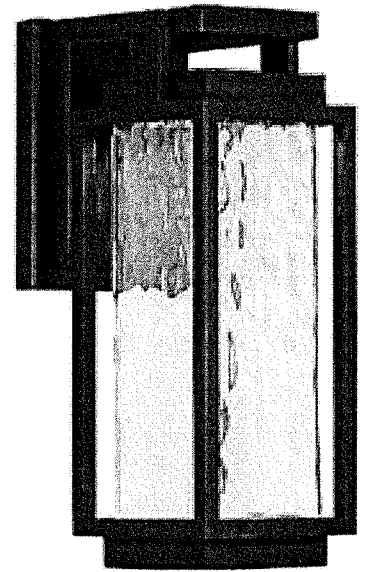
Prepared for:

Project:

Room:

Placement:

Approval:



Notes:

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NOV 24 2020

BURLINGTON
PERMITTING & INSPECTIONS



MARVIN

ULTIMATE DOUBLE HUNG G2

Previously known as Clad Ultimate Double Hung-Next Generation



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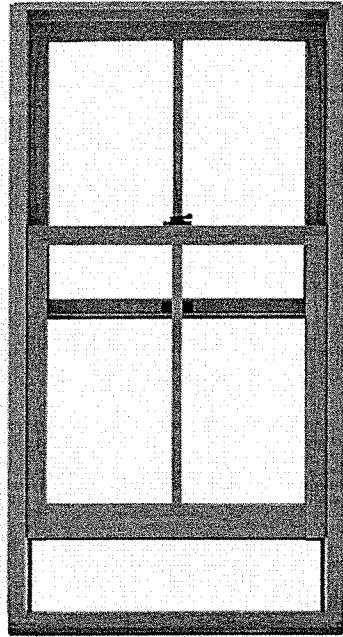


A contemporary classic, the Marvin Signature™ Ultimate Double Hung G2 window blends traditional beauty with state-of-the-art window performance. Reliable and energy efficient, the Ultimate Double Hung G2 window offers an auto-lock feature for convenient security, durable hardware for smooth operation and Marvin's unique wash mode for easy cleaning. Customize your design with round top styles or single hung operation with optional Lift Lock – Marvin's exclusive bottom rail locking mechanism for easier operation in hard-to-reach areas.

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BURLINGTON
PERMITTING & INSPECTIONS



Features of the Ultimate Double Hung G2 Window

- Available in heights up to 10.5 feet or widths up to 5.5 feet
- Marvin's exclusive auto-lock activates when sashes are closed for convenient security
- Unique wash mode allows cleaning of both sides of glass from indoors
- Narrow checkrail maximizes view, while maintaining historical accuracy
- Retractable screen option is nearly invisible when the screen is not in use
- Available with the same features in a single hung style, with optional Lift Lock
- Additional configurations include round top, stationary transom or picture window
- Hidden Lock Status Sensor option connects with your smart home to indicate when windows are closed and locked
- Available with IZ3 coastal/hurricane certification
- Available with Commercial Windows Performance certification
- CE certified

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NOV 24 2020
BURLINGTON
PERMITTING & INSPECTIONS

Department of Permitting and Inspections

Zoning Division
149 Church Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

William Ward, Director
Theodore Miles, Interim Code Compliance Officer
Charlene Orton, Permitting and Inspections Administrator
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: January 5, 2021
RE: ZP19-0202CA/MA; 44-50 Lakeside Avenue

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

File Number: ZP19-0202CA/MA

Zone: E-LM **Ward:** 5S

Date application accepted: November 4, 2020 (prior to permit expiration date)

Applicant/ Owner: John Caulo, LandPlan / Lakeside Ovens, LLC

Request: Request for a one year time extension: Renovate buildings for assembly, office, and seasonal recreational use. Rework parking and circulation. Merge north and south lot.

Original Permit approved: November 14, 2018. (Under that ordinance, permits has a 2 year life.)

Background:

Permits below reflect several buildings on a 14.89-acre site that includes Buildings 32, 44, 50, a parking lot and at least 4 small waterfront "pavilions".

Previous zoning actions for this property:

- **ZP20-0820CA;** Demolish existing office building and replace with new 3-story office building on existing foundation. Add five parking spaces to overall parking count. July 2020.
- **Zoning Permit 20-0707CA;** Construction of seasonal bathhouse at the north end of site with two (2) toilet stalls and two (2) outdoor showers. March 2020.
- **Non-Applicability of Zoning Permit Requirements 19-0492NA;** rooftop solar. January 2019.
- **Zoning Permit 19-0202CA/MA;** renovate buildings for assembly, office, and seasonal recreational use. Rework parking and circulation. Merge north and south lots into one. November 2018.
- **Zoning Permit 19-0011CA;** new windows, exterior entry doors and roof for existing office building. Demolition of existing loading dock on east side of building; reduction of gross floor area. July 2018.
- **Zoning Permit 18-0865A;** Construct one storage structure to match others built under zoning permit 18-0232CA. Also, construct a pavilion and wooden gate within the existing chain link fence along the bike path. Establish a boat rental use associated with the structures. May 2018.

- **Zoning Permit 18-0232CA**; construct three outbuildings for storage, to be placed outside of lakeshore buffer. September 2017.
- **Zoning Permit 17-0315CA**: Renovation of interior commercial space for conversion to office use. [Building 32] September 2016.
- **Zoning Permit 13-0682CA**; install new gas piping on roof besides existing piping. Intall four new roof mounted exhaust fans. January 2013.
- **Zoning Permit 10-0144CA**; construct addition to link two existing commercial buildings. September 2009.
- **Zoning Permit 06-489CA**: Replace two windows, north facade with two new paired windows. Erect 12 ft x 5 ft 6 in. balcony, install door, west side. [Building 32] February 2006.
- **Zoning Permit 06-379CA**; Fit up for Coffee Enterprises. [Building 32] New steel egress door added to south elevation. December 2005.
- **Zoning Permit 05-171CU**; Change from office space to manufacturing space, add 800 amp of power, and add heat to entire building. October 2004. Permit relinquished.
- **Zoning Permit 96-283**; Installation of a seasonal dock for recreational use of blodgett employees. January 1996.
- **Zoning Permit 96-048 / MA96-007**; Installation of a seasonal dock for recreational use of Blodgett employees. August 1995.
- **Non-Applicability of Zoning Permit Requirements**; Blodgett no longer utilizing space with Blodgett Oven expanding into area. Use remains the same; storage, testing, sales, support offices. March 1991.
- **Zoning Permit 78-465**; Blodgett Supply Co. to erect a 12' high by 210' long block wall to enclose the loading platform, install three dock levelers and erect one office. December 1977.

Overview: Project continues to be under construction. Substantial completion expect by June 30, 2021.

Recommended motion: Consent approval for a one year time extension, per the following findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews **Section 3.2.9 Zoning Permits**

(d) Time Limit on Zoning Permits:

*Notwithstanding (e) and (f) below, a zoning permit shall become invalid unless the work or action authorized commences within one (1) year after the date of final decision. All work or action authorized there under shall be completed, and a Final Zoning Certificate of Occupancy received, within three (3) years of the date of decision unless **a written extension of time not to exceed one (1) year is granted in advance** by the administrative officer. **Extensions of time for a zoning permit issued in connection with a conditional use or variance shall require approval by the DRB after a public hearing.** Extensions of*

time may be granted only when the work or action authorized under the zoning permit remains compliant with the current zoning regulations. Up to two (2) time extensions may be granted.

DRB review is required for consideration of this time extension request, as the project was a Major Impact review. With the unusual circumstances of this last year and the impacts on the overall development community, a one year time extension is reasonable. The applicant has provided that construction activities continue, and completion is expected by June, 2021.

The project completion date, under a time extension, will be readjusted to November 14, 2021, unless further adjusted by a state or federal decision per Section 3.2.9 (f). **Affirmative finding.**

II. Conditions of Approval

1. All conditions of ZP19-0202CA/MA not herein altered shall remain in effect.
2. Standard Permit Conditions 1-15.

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

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/PZ/Boards/Development-Review-Board
Phone: (802) 865-7188
Fax: (802) 865-7195

*Brad Rabinowitz
AJ LaRosa
Austin Hart
Alexandra Zipparo
Geoffrey Hand
Samantha Tilton
Springer Harris
Jim Drummond (Alt.)
Zoraya Hightower (Alt)*



Burlington Development Review Board

Findings of Fact

Deliberative Hearing Tuesday, November 7, 2018

In RE: 19-0202CA/MA; 44 Lakeside Ave (Ward 5S, ELM) (Tax Lot No. 053-2-011-000)

Owner/Applicant: Lakeside Ovens, LLC / John Caulo, Land/Plan

Request: Renovate buildings for assembly, office, and seasonal recreational use. Rework parking and circulation.

Members Present:

Brad Rabinowitz
AJ LaRosa
Austin Hart
Ali Zipparo
Springer Harris
Samantha Tilton

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. FINDINGS

Background Information:

The applicant is seeking approval to renovate the existing oven factory into a mix of office and assembly space. The seasonal recreational use (boat rental) associated with the several outbuildings on the beach has been approved under separate zoning permit. Exterior building changes are relatively minimal and amount to new windows and entry systems for building 50. A small bathhouse is also proposed by the outbuildings along the beach. More significant is the proposed site work that will entail rerouting onsite circulation and provision of additional surface parking to accommodate the proposed uses. Lastly, several lots will be merged into one lot.

The Conservation Board reviewed this application at their September 10, 2018 meeting. Significant discussion was had as to the placement of parking as close to the lakeshore and provision of public access to the property and lakeshore. Recent survey work shows that the bike path actually runs across the property within an easement. Direct access from the bike path has been made for the seasonal recreational use at the northern end of the site. While the property remains under private ownership, strides have been made to enable public access and to

afford the recreating public additional opportunity to experience Burlington's lakefront. Ultimately, the Conservation Board voted to recommend approval of the project as designed so long as the applicant works in good faith with the city as to revamping the bike path where it runs across the property and improving public access. Note that the site plan has been revised since Conservation Board review to avoid onsite class 3 wetlands and US Army Corps of Engineer's permitting.

This application was reviewed by the Development Review Board at their October 2, 2018 meeting. The public hearing was continued to allow time for outstanding items related to traffic impacts and onsite parking management. Comments have been provided by the Department of Public Works as to traffic impacts. The applicant has put together a parking management plan to address Sec. 8.1.15 of the findings below.

Previous zoning actions for this property:

- 7/23/18, Approval for exterior renovations to building 44 and demo of loading dock
- 5/8/18, Approval to construct one additional outbuilding and a gazebo and establish a seasonal boat rental use
- 9/8/17, Approval for 3 outbuildings
- 9/20/16, Approval for conversion of warehouse to office space
- 1/16/13, Approval to install new piping and exhaust fans on roof
- 9/1/09, Approval to construct link between two existing buildings
- 2/3/06, Approval to install replacement windows and balcony
- 12/7/05, Approval for interior fit up of office space
- 1/11/96, Approval to construct boat dock
- 12/23/77, Approval to enclose loading dock and to construct an office space

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

The proposed development will involve connection to the city's wastewater system. There is an onsite septic system that apparently serves the oven factory. Sufficient water and sewer service are available. A State of Vermont wastewater permit will be required for the new connection. A capacity letter issued by the Dept. of Public Works will be required prior to issuance of a zoning permit. **(Affirmative finding as conditioned)**

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

The subject property is located within the Enterprise – Light Manufacturing zone. This zone is intended primarily for manufacturing, distribution, processing and the like. While the oven factory will discontinue, it will be replaced by a variety of office and assembly uses intended as “incubator” and “accelerator” spaces. The proposed uses are consistent with the intent of the E-LM zone. **(Affirmative finding)**

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

The proposed office and assembly spaces are not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with heavy industry.

(Affirmative finding)

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

A traffic analysis has been provided. It includes the standard items as to anticipated trip generation, high crash location identification, and intersection level of service (LOS) in build and no-build scenarios. 2019 projections are made without the Champlain Parkway. Projections for 2014 include it. The traffic study generously assumes a 20% trip reduction due to alternative means of transportation to and from the site. Conversely, the study projects gross trip generation for the new uses, rather than a net difference from the existing manufacturing use.

Anticipated trip generation is significant. In the AM peak hour, 145 trip ends are anticipated. In the PM peak hour, 127 trip ends are anticipated. A total weekday trip generation estimate is not evident in the traffic study.

LOS impacts on nearby intersections are fairly modest. Those intersections included are Pine St/Lakeside Ave, Champlain Parkway/Lakeside Ave, Pine Street/Flynn Ave, and Lakeside Ave/Central Ave. Intersection level of service LOS remains good in all scenarios with mostly A's and B's. The Champlain Parkway/Lakeside Ave intersection LOS will be C in both build and no-build scenarios in 2024. The Lakeside Ave/Pine St intersection LOS will drop from A to B in the 2019 build scenario.

Written comments from the Department of Public Works have been provided. Generally, DPW concurs with the traffic assessment. DPW recommends that the traffic analysis be updated with the latest data for the Champlain Parkway. DPW also requests that a crosswalk be provided across Lakeside Avenue where it connects with Central Avenue. **(Affirmative finding as conditioned)**

and,

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the project design. **(Affirmative finding)**

and,

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

As conditioned.

(b) Major Impact Review Standards

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

No significant air or noise pollution is anticipated as a result of this development.

See Sec. 5.5.3 for stormwater management. **(Affirmative finding)**

2. *Have sufficient water available for its needs;*

See Sec. 3.5.6 (a) 1.

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

See Sec. 3.5.6 (a) 1.

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

See Sec. 5.5.3.

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

See Sec. 3.5.6 (a) 4.

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

No impacts on the city's educational system are anticipated as a result of this purely commercial development. **(Affirmative finding)**

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

The proposed renovations and changes in use will generate additional impacts on city services; however, those impacts are expected to be relatively modest. Impacts will be mitigated by payment of impact fees based on the area of buildings converted from industrial to office uses.

(Affirmative finding as conditioned)

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

See Article 6 for effects on significant natural areas, historic buildings, and archaeological significance.

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

The proposed development is located within the ELM zone – an area of the city specifically zoned for a variety of commercial land uses. The project will not adversely impact the city’s present or future growth patterns. The scale of existing onsite development will not change and is not expected to have an undue adverse impact on the city’s ability to accommodate growth.

(Affirmative finding)

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

Several provisions of the Municipal Development Plan target the Enterprise zones for new commercial investment and redevelopment (Land Use Policies, pg. I-2; Growth Areas, pg. I-22 {The Enterprise District}). The site is easily accessible by bike or by foot with its location along the bike path. Bus service is located nearby as well (Transportation System Plan, pg. V-12). As required, the renovated buildings will comply with present energy efficiency standards of the city and state (Energy Plan, pg. VIII-1). **(Affirmative finding)**

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

The proposed commercial redevelopment will have no impact on the present or projected housing needs of the city. **(Affirmative finding)**

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

Little impact on the city’s park and recreation needs is expected as a result of this development. The Parks & Recreation Department has an interest in the bike path running through the property and the proposed alterations. Parks & Recreation has offered the following comment:

The department believes this is an opportune time to explore a bike path alignment closer to the lake, away from the constraints between the Blodgett Building and the railroad fence. The integration of a public Greenway through this beautiful property would also add tremendous value to the HULA proposal. BPRW and HULA are in coordination to ensure that the Burlington Greenway, also known as the Bike Path, will not be adversely affected by the HULA plans. Ongoing coordination will be necessary related to construction, staging, closures and detours.

In addition, parks impact fees will be paid. **(Affirmative finding as conditioned)**

(c) Conditions of Approval:

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

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

The proposed redevelopment will likely not generate offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

2. Time limits for construction.

No construction timeline or phasing are included in the project plans. The standard 2-year timeframe for zoning permits will apply. **(Affirmative finding)**

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

Multiple tenants are expected to occupy the building spaces. Anticipated days and hours of operation are typically Monday – Friday from 7:30 AM – 6:00 PM. Some segments of the user groups may operate 24/7 for global connectivity.

Proposed days and hours of construction are Monday – Friday from 7:00 AM – 5:30 PM. Saturday from 8:00 AM – 3:30 PM. No work on Sunday. These construction hours are consistent with those recently approved for several large projects. **(Affirmative finding)**

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

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

See the recommended conditions.

Article 4: Maps & Districts

Sec. 4.4.3, Enterprise Districts:

(a) Purpose

(1) Light Manufacturing (E-LM)

The subject property is located in the E-LM zone which is intended as the primary commercial/industrial center of Burlington. The proposed office and maker spaces are consistent with the variety of commercial uses allowed in this zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

Building FAR remains unchanged.

Lot coverage will increase to 49%. This percentage is under the maximum allowable 80% coverage.

The front yard setback along Lakeside Avenue remains unchanged. Side yard setbacks are not applicable in the E-LM zone, nor is the lakeshore setback. No construction is proposed anywhere near the rear property line at the far northern end of the site.

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

(c) Permitted & Conditional Uses

General office and manufacturing are both permitted uses in the E-LM zone. In this case, the manufacturing use amounts to some small-scale “maker” spaces. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Sec. 4.5.4, Natural Resource Protection Overlay District

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

Almost the entire property is affected by the Riparian and Littoral Conservation Zone, an overlay that extends 250' inland from the 95.5' elevation along the lakeshore. This overlay zone establishes criteria for tree clearing and stormwater management. The Conservation Board reviewed the project under these standards and recommended approval as noted previously. Minimal tree clearing is proposed and stormwater management will meet or exceed applicable standards. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.3 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.3 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.3 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.5.3 (b) above.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

An outdoor lighting plan has been provided. A variety of fixtures are proposed for different applications, including bollards, poles, wall packs, and canisters. All will use LED light sources.

A photometric plan has been submitted that depicts point-by-point illumination levels. Individual lighting environments are depicted in addition to the overall plan. These separate lighting environments include walkways, parking and circulation areas, building entries, and the bike path.

Walkway lighting is too bright in all instances. Maximum permissible walkway illumination is 2.0 footcandles with a permissible average of 0.5 footcandle. Walkway lighting levels must be dimmed accordingly.

Most building entries comply with the 5.0 footcandle average. Building entries that are too bright are building 50, east entry, and the southwest entry. Illumination levels at these entries needs to be dimmed to 5.0 footcandle average or less.

The north drive parking/circulation area has bright spots up to 5.57 footcandles, whereas 4.0 footcandles is the maximum permissible illumination. The south drive has similar bright spots. The illumination must be dimmed to 4.0 footcandles or less. Reduction will affect the uniformity ratio. It must remain within 20:1.

Illumination levels are depicted along the bike path. The CDO does not contain a specific standard for this environment. In such cases, IESNA standards apply. In this case, the standard for “pedestrian ways and bike ways” would apply. Rather than footcandles, the IESNA standard in this case is in the form of lux. The lighting info for the bike path needs to be revised to reflect this IESNA standard.

The proposed lighting fixtures and illumination sources are acceptable. Lighting levels need to be adjusted as noted above. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

Proposed stormwater management centers on constructed gravel wetlands. These new stormwater elements will collect runoff from impervious surfaces within the site and will provide water quality treatment prior to discharge into Lake Champlain. The Conservation Board reviewed the stormwater management proposal and found it to be acceptable. Final review and approval by the city’s stormwater program staff is pending. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.1.2, Review Standards

(a) Protection of important natural features

The proposed boundary merger will have no impact on important natural features. **(Affirmative finding)**

(b) Block size and arrangement

Block size and arrangement will remain unchanged. **(Affirmative finding)**

(c) Arrangement of Lots

Several irregular lots will be combined into one triangular lot. **(Affirmative finding)**

(d) Connectivity of streets within the city street grid

Not applicable.

(e) Connectivity of sidewalks, trails, and natural systems

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

See Sec. 4.5.4, *Natural Resource Protection Overlay Districts*.

(b) Topographical alterations

No significant topographical alterations are proposed. The site is largely flat with a gently sloping lakeshore. Proposed grading will direct stormwater runoff into receiving stormwater management infrastructure. **(Affirmative finding)**

(c) Protection of important public views

There are no identified public view corridors from or through the subject property. That said, it is visible from the bike path and from the lake. As proposed, the new parking lot will be set back from the bike path, and the existing asphalt between the lakeshore and building 44 will be removed. The Conservation Board felt that, at least as perceived from the lake, public views of the property would improve. **(Affirmative finding)**

(d) Protection of important cultural resources

The property has no known archaeological significance. The immediate lakeshore is identified as an archaeologically sensitive area (as it is for much of the city's waterfront). Construction of the new parking lot may encroach into this sensitive area. In the event that artifacts are uncovered during earthwork, it is the applicant's responsibility to cease earthwork and contact the Vermont Division for Historic Preservation for direction. **(Affirmative finding as conditioned)**

(e) Supporting the use of alternative energy

See Sec. 6.3.2 (f).

(f) Brownfield sites

Although the property is located relatively close to several contaminated sites, it does not appear on the Vermont DEC Hazardous Site List. **(Affirmative finding)**

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management.

Ample room will remain for onsite snow storage. Several building entries will be sheltered. **(Affirmative finding)**

(h) Building location and orientation

Building location and orientation will remain unchanged. **(Not applicable)**

(i) Vehicular access

Vehicular access will continue to come from Lakeside Avenue. The road frontage; however, will be significantly reworked to eliminate the very long curb cut along Lakeside Avenue. A new green belt with street trees will be installed along most of the property's road frontage with the front parking area pulled back from the street. The City Arborist has reviewed and approved the street tree plan. **(Affirmative finding)**

(j) Pedestrian access

Pedestrian access to the site will be improved. Two new connections to the bike path are proposed. The existing sidewalk that dead-ends at the eastern end of the Lakeside Avenue frontage will be extended across the length of the property's street frontage. Such extension will require DPW review and approval (as will the entirety of the new green belt). A new walkway will extend from this new sidewalk into the property. Several interior walkways will facilitate pedestrian circulation within the site, including a number of walkways connecting the parking areas with the buildings. The large parking lot to be constructed at the northern end of the site has just two pedestrian walkway connections. Most users would be forced to walk within the vehicular circulation aisles to reach these two walkways. Such configuration is contrary to the requirement that pedestrians be afforded safe routes separate from vehicles. Introduction of a walkway within the interior parking island would remedy this situation. **(Affirmative finding as conditioned)**

(k) Accessibility for the handicapped

Several clusters of handicap parking spaces are depicted near the buildings' entrances. It is the applicant's responsibility to comply with all applicable ADA requirements. **(Affirmative finding)**

(l) Parking and circulation

Almost all parking will be set behind the buildings along Lakeside Avenue. The existing front yard parking lot will be revamped and pulled back from the street with a new green belt and sidewalk as noted above. Given the layout of the front parking area, the east entry should be signed as "exit only."

Curbing is evident along portions of the parking and circulation areas. Much of the parking is without curbing. Continuous curbing is not required; however, this criterion requires curb stops or similar items at the edges of parking areas in order to prevent parking creep. The site plans must be revised accordingly.

The proposed parking areas will require shade trees. This criterion establishes a target of 30% shading of the parking areas with new shade trees. At least 1 shade tree for every 5 parking spaces is required. A total of 381 parking spaces are proposed (including the tandem spaces.) The landscaping plan has been revised to include the 76 required shade trees. The percentage of shading achieved is not evident in the shade study; however, it appears to meet the 30% standard. An exact percentage needs to be noted. **(Affirmative finding as conditioned)**

(m) Landscaping, fences, and retaining walls

A comprehensive landscaping plan has been submitted and encompasses a diversity of plantings. As noted previously, tree clearing will be minimal, and new trees have been added to adhere to the parking lot shade standard. New street trees will line the newly created green belt along Lakeside Avenue. New trees will also line the walkway along the building's street façade. Within the site, new tree plantings abound, mostly along or within the parking and circulation areas. Shrubs, ground cover, and perennials are also included in the planting mix. The constructed gravel wetlands will be planted with wet-tolerant species. Trees will continue to line

much of the property's lakeshore, and much of what is present-day lawn will be converted to meadow. **(Affirmative finding)**

(n) Public plazas and open space

No public plazas or open space are included in this proposal. As noted before, public access into the site will be improved. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

Existing and proposed ground-mounted mechanical equipment will be enclosed with metal panel screening. Similar screening will be provided for trash and recycling facilities onsite. The site plan notes a trash and recycling enclosure along building 50's primary façade – facing Lakeside Avenue. Upon initial review, the Development Review Board seemingly found this location to be acceptable. Any new utility lines must be buried. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

Unchanged. **(Not applicable)**

2. Roofs and Rooflines

Unchanged. **(Not applicable)**

3. Building Openings

The fenestration of building 50 will be reworked with the introduction of additional windows on all elevations. While somewhat different stylistically from what is there now, the proposed fenestration fits the industrial aesthetic of the long, low brick buildings well.

(Affirmative finding)

(b) Protection of important architectural resources

The buildings are not included on an historic register. The exterior alterations to building 50 will have no adverse impact on Burlington's important architectural resources. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

Only building 50 is being altered as part of this application. Its southern façade faces Lakeside Avenue and will be improved with additional glazing, entryway enhancements, and some modest architectural accents. **(Affirmative finding)**

(e) Quality of materials

Relatively little will change as to building cladding. Brick will remain the predominant exterior material. Metal cable railing systems will be installed along with wooden rain screens at some of the entries. Aluminum-frame windows will be installed throughout. **(Affirmative finding)**

(f) Reduce energy utilization

Few energy details are included in the application plans. The renovated building must comply with the current energy efficiency requirements of the city and state. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

No exterior signs are included in the project plans. Signs are subject to separate zoning permit. **(Affirmative finding as conditioned)**

(h) Integrate infrastructure into the building design

No roof-mounted mechanical equipment is depicted in the elevation plans. **(Affirmative finding)**

(i) Make spaces safe and secure

Egress requirements per the applicable building code will apply. Building entries, walkways, and parking areas are illuminated. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The minimum parking requirement is based on the two primary uses: general office and manufacturing (parking for the boat rental use was addressed under separate permit – present parking info allots 10 spaces for that use). Revised project plans include updated parking information. A total of 141,200 sf will be used for general office. A much smaller space, 3,900 sf, will be used for manufacturing/maker space. The office space requires at least 282 onsite parking spaces (2 spaces per 1,000 sf). The manufacturing/maker space requires 4 onsite parking spaces (1 space per 1,000 sf). Total required parking is 286 spaces for these two uses. A total of 381 parking spaces will be provided; however, only 273 are conventional. The remaining 108 are tandem. A parking management plan is required. **(Affirmative finding)**

Sec. 8.1.9, Maximum Parking Spaces

This section limits surface parking to 125% of the Neighborhood Parking District minimum parking requirement. In this case, the maximum permissible parking for office use is 353 spaces and for the manufacturing use is 6 spaces. Setting aside the 10 spaces for the boat rental, the 371 onsite parking spaces exceed the 359 onsite parking space limit by 12 spaces.

Within the total onsite parking provided, there are 10 EV spaces and 6 car-share spaces. These 16 spaces are exempt from the maximum parking limitation per criteria 3 and 4 of this section. Deducting these 16 spaces from the total results in a compliant parking maximum. **(Affirmative finding)**

Sec. 8.1.10, Off-Street Loading Requirements

This criterion requires an onsite loading area for all nonresidential construction outside of the downtown parking district. While the buildings are already in place, they are being renovated for new interior uses. A loading area is provided along the south façade of building 50.

(Affirmative finding)

Sec. 8.1.11, Parking Dimensional Requirements

Paved parking spaces are dimensionally compliant at 9' X 20.' The tandem and stacked spaces are slightly smaller at 9' X 18' but remain acceptable. Back-up space is narrower than the standard 24' length; however, the 20' back-up length that is provided affords sufficient space for the required 20' wide two-way drive aisles. **(Affirmative finding)**

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Offsite parking facilities

Not applicable.

(b) Downtown street level setback

Not applicable.

(c) Front yard parking restricted

Not applicable.

(d) Shared parking in the Neighborhood Parking Districts

All of the uses on onsite will share the onsite parking facilities. **(Affirmative finding)**

(e) Single story structures in Shared Use Districts

Not applicable (no new buildings are proposed).

(f) Joint use of facilities

As enabled by this section, parking for all of the proposed uses will share spaces within the onsite parking areas. **(Affirmative finding)**

(g) Availability of facilities

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

(h) Compact car parking

As noted above, the tandem and stacked parking spaces are slightly sub-standard but are acceptable. The limitation on compact parking spaces pertains only to parking garages. **(Affirmative finding)**

Sec. 8.1.13, Parking for Disabled Persons

The site plan depicts several clusters of handicap parking spaces in close proximity to building entries. Associated striping is also shown. ADA compliance is administered via the city's building permit process. **(Affirmative finding as conditioned)**

Sec. 8.1.14, Stacked and Tandem Parking Restrictions

A number of tandem parking spaces (2-deep) are proposed. Some of them are needed in order to meet the onsite minimum parking requirement. As required, a parking management plan has been provided. See Sec. 8.1.15 below. **(Affirmative finding)**

Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans

While more than the minimum required parking will be provided onsite, 14 tandem spaces are needed in order to meet the minimum parking requirement. As such, they cannot be considered as conventional spaces and trigger the need for a parking management plan to demonstrate how parking will work for onsite users.

The parking management plan includes measures to reduce onsite parking demand such as potential CATMA membership, bike parking, and dedicated car-pool spaces and related incentives. As to the tandem spaces, they will be allocated on a per-tenant basis and managed by those tenants. Two separate tenants will not use the same tandem spaces. The arrangement is simple and manageable on a per-tenant basis. **(Affirmative finding)**

Sec. 8.2.5, Bicycle Parking Requirements

Onsite bicycle parking has been accounted for in the most recent application materials. Required short term bike parking totals 15 spaces (1 / 10K sf), and required long term bike parking totals 28 spaces (1 / 5K sf). As proposed, 69 short term and 52 long term spaces will be provided. Note that the bike parking is based on 100% office use. The 3,900 sf manufacturing space has a lower requirement that is exceeded by assuming office use for the purposes of bike parking calculations. **(Affirmative finding)**

Article 10: Subdivision

Sec. 10.1.5, Lot Line Adjustments

(a) Lot Line Adjustment Submission Requirements

The required boundary survey prepared by a VT-licensed land surveyor has been provided. It lacks the required Administrative Officer's endorsement block. One must be added.

(Affirmative finding as conditioned)

II. MINUTES

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. MOTION

Motion: AJ LaRosa

I move that the Board grant major impact and certificate of appropriateness approval to renovate buildings for assembly, office, and seasonal recreational use and to rework parking and circulation at 44 Lakeside Avenue based on the findings in Section I above and subject to the following conditions:

1. **Prior to issuance of the zoning permit**, revised or supplemental information addressing the following items shall be submitted, subject to staff review and approval:
 - a. Obtain a wastewater capacity letter from the Dept. of Public Works;
 - b. Obtain final approval of the EPSC and stormwater management plans from the city's Stormwater Program;
 - c. Revise outdoor lighting levels to be compliant with the applicable standards of Sec. 5.5.2.
 - d. Provide a walkway along or within the landscaping island centered within the northern parking area;
 - e. Provide confirmation of at least 30% shading of onsite parking and circulation areas; and,
 - f. Provision of the required Administrative Officer's endorsement block on the boundary survey.
2. The applicant shall work in good faith with the city so as to realigning the bike path where it currently takes a jog so as to accommodate the spur proposed by the applicants. In working to realign at the spur, the applicant shall work to insure pedestrian and bicycle safety at that junction point.
3. In the event that artifacts are uncovered during earthwork, the applicant shall cease earthwork and contact the Vermont Division for Historic Preservation for direction.
4. Days and hours of construction shall be limited to Monday – Friday 7:00 AM – 5:30 PM and Saturday 8:00 AM – 3:30 PM. No construction activity on Sunday.
5. Within 180 days of the date of final approval, the property plat mylar, with the required Administrative Officer's endorsement block and signature, shall be filed with the City Clerk per Sec. 10.1.11 of the Comprehensive Development Ordinance. Failure to do so shall render void the boundary merger.
6. Impact fees based on the building area converted from manufacturing space to general office space shall be paid to the Department of Planning & Zoning **at least 7 days prior to issuance of a certificate of occupancy.**
7. This approval includes the parking management plan as submitted.
8. An amended traffic study incorporating the latest traffic data for the Champlain Parkway to the record **shall be provided within 30 days.**
9. An ADA accessible crosswalk to cross Lakeside Avenue where it connects with Central Avenue shall be constructed.
10. The east end of the driveway shall be signed as "exit only."
11. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
12. Any construction within the public street right-of-way requires review and approval by the City Council in conjunction with the Department of Public Works.
13. All new construction is required to meet the Guidelines for Energy Efficient construction according to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
14. All exterior signage is subject to separate zoning approval.
15. All new utility lines shall be buried.
16. Standard Permit Conditions 1-15.

Seconded: Austin Hart

Vote: 6-0-0, motion carried

Dated at Burlington, Vermont, this ____ day of November, 2018

Respectfully Submitted,

Brad Rabinowitz, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.

Burlington Development Review Board
149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/PZ
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

Bradford L. Rabinowitz, Chair
Geoffrey Hand
Springer Charles Harris
Kienan D. Christianson
Zoraya Hightower
Alexander J. LaRosa
Brooks G. McArthur
Ravi Venkataraman (alternate)
Vacant, (alternate)



Burlington Development Review Board
Findings of Fact
Deliberative Hearing Tuesday, August 20, 2019

Board Members Present: Brad Rabinowitz (Chair), Alexander LaRosa, Brooks McArthur, Kienan Christianson, and Zoraya Hightower (alternate.)

Absent: Geoff Hand, Harris Springer, Ravi Venkataraman.

Staff members present: Mary O'Neil, Ryan Morrison, Layne Darfler.

File: ZP20-0037CA/MA

Location: 266 College Street

Zone: FD5 **Ward:** 8E

Owner/Applicant: Smith/Buckley Architects / Hotel Y Burlington LLC

Request: Major Impact/Conditional Use review for new hotel and below grade parking structure. Includes rooftop bar and restaurant.

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. Findings

Background Information:

The applicant proposes redevelopment of the current YMCA at 266 College Street. The proposal includes retention of the historic gable-roofed building at the corner of South Union Street and College Street, demolition of north (rear) components, and construction of a new addition and structured parking.

The subject building was designed by Frank Lyman Austin and constructed in 1934 to replace the organization's first building on Church Street, which burned in 1928. It is listed on the National Register of Historic Places within the Main Street – College Street Historic District. See attached narrative from the Federal Register.

The recent approval of a new YMCA a block east on College Street and the sale of this building has made this site available for redevelopment. The new owners propose a hotel (140-144 rooms) with a rooftop restaurant/bar.

The property is located entirely within the FD5 zone and is subject to review under the Downtown Code regulations of Article 14. As such, administrative checklists address much of the project review. This report focuses only on those items not included in the administrative checklists. Conditional use review is

required only relative to outdoor eating areas, proposed along South Union Street and College Street. (Sec. 14.6.6, h).

The Design Advisory Board reviewed this proposal at their July 23, 2019 meeting, and made recommendations in two motions:

Motion by Matt Bushey: I move we recommend approval of the following:

1. *Partial building demolition*
2. *Modification to existing southwest corner (entry) acceptable;*
3. *Ceiling height relief granted in part due to existing condition of historic building;*
4. *Building height to 65' per DRB review, with alternative compliance for additional height, based on the step back of the 6th floor.*

2nd – Steve Offenhartz

Vote 4-0. Motion carries.

Motion by Steve Offenhartz:

I move the brick element on the northeast corner satisfies the intent for the Form Based Code in differentiating the vertical articulation of the ordinance required under 14.3.13 c) iii. The applicant's proposed distance to the planar change (<50' from the corner) is adequate and meets the 20% DRB alternative compliance option.

2nd – Ron Wanamaker

Vote 4-0.

Motion carries.

The Conservation Board reviewed this application on August 5, 2019 and unanimously recommended project approval. In their motion, the Board strongly encouraged installation of rooftop solar panels and that the building be designed so that rooftop solar panels can be installed. The Board further encouraged additional bike parking within the garage.

Zoning Permit Background:

- **ZP13-0737SN**; new parallel, metal signage for the YMCA. February 2013.
- **Zoning Permit 12-0684SN**; two new parallel signs for annual Giving campaign on College Street and South Union Street elevations. January 2012.
- **Zoning Permit 12-0129AW**; changing graphics on existing awning for the Y. August 2011.
- **Zoning Permit 11-0149SN**; install two parallel signs for Catamount Physical Therapy. One on College St. elevation and one on South Union Street elevation. August 2010.
- **NA12-0239NA**; Non-Applicability of Zoning Permit Requirements; temporary artwork. August 2011.
- **Zoning Permit 08-130CA**; installation of three wood windows at 2nd level into infilled brick openings. August 2007.
- **Zoning Permit 00-071**; Amend previously approved zp99-272 to allow relocation of the cogeneration system exhaust pipe to the west side of the existing YMCA as described in the application letter. Pipe will not project above roof line of structure. August 1999.

- **Zoning Permit 99-272**; installation of natural gas fired cogeneration roof top equipment for the existent YMCA. Proposal includes an underground tank, misc. piping and the installation of a door. December 1998.
- **Zoning Permit 98-075**; reopen existing window openings on the south and west elevations of the existing YMCA. New windows to match existing. August 1997.
- **Zoning Permit 91-352 / COA091-071**; installation of shed style awning over entry on College Street with repairs to stairs included. Handicapped access ramp constructed in existing doorway on South Union Street for YMCA. May 1991.
- **Zoning Permit 91-194**; wood sign. December 1990.
- **Zoning Permit 92-154**; construction of a storage shed in brick, to match the existing YWCA building for the storage of chemicals for the swimming pool. October 1991.
- **Zoning Permit 83-60**; construct a 100' x 40'? (Numbers obscured) addition to the existing building to accommodate a new swimming pool. July 1983.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 3 (Applications and Reviews), Article 5 (Citywide General Regulations), Article 14 (Downtown Code)

Article 2: Administrative Mechanisms

Section 2.7.8, Withhold Permit

The subject property has expired zoning permits that have not received their required certificates of occupancy. These two permits must be closed out with certificates of occupancy (or relinquished or superseded) prior to issuance of a certificate of occupancy for any new zoning permit. **Affirmative finding as conditioned.**

Article 3: Applications, Permits and Project Reviews

Section 3.2.1 (d) Pre-Application Neighborhood Meeting

The proposal was presented at the May 8, 2019 Wards 1 & 8. Attendance and minutes have been submitted with a copy of the notary affidavit. **Affirmative finding.**

Part 3, Impact Fees

Section 3.3.2, Applicability

Impact fees will be due based on the net new building area. The applicant shall provide a final net new building area for staff to confirm the appropriate fees due.

Based on submitted area calculations, **Draft** Impact Fees are calculated as follows:

Removed building

SF of Project 45,148

Department	<u>Offices & Other</u>	
	Rate	Fee
Traffic	0.686	30,971.53
Fire	0.202	9,119.90

Police	0.356	16,072.69
Parks	0.425	19,187.90
Library	0.000	0.00
Schools	0.000	0.00
Total	1.669	\$ 75,352.02

New area

SF of Project 174,567

Department	<u>Offices & Other</u>	
	Rate	Fee
Traffic	0.686	119,752.96
Fire	0.202	35,262.53
Police	0.356	62,145.85
Parks	0.425	74,190.98
Library	0.000	0.00
Schools	0.000	0.00
Total	1.669	\$ 291,352.32

Difference **\$ 216,000.30**

**Allocation by
department**

**Enter Total
Fee:** \$216,000.31

Department	<u>Offices & Other</u>	
	Rate	Fee
Traffic	0.686	88781.43
Fire	0.202	26142.64
Police	0.356	46073.16
Parks	0.425	55003.07
Library	0.000	0.00
Schools	0.000	0.00
Total	#REF!	\$ 216,000.30

Affirmative finding as conditioned.

Section 3.3.8 Time and Place of Payment

*(b) Existing buildings: Impact fees must be paid prior to issuance of a zoning permit, or if a building permit is required, within thirty (30) days of issuance of the building permit. **Affirmative finding as conditioned.***

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

The property is served by municipal utilities. A letter of capacity for water and sewer service from the Department of Public Works Water Division will be required prior to release of the permit. A State of Vermont wastewater permit will be required. The applicant is advised to inquire with VT DEC as to wastewater permit requirements. **Affirmative finding as conditioned.**

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

The property is located within the downtown, specifically within Form District 5. This zone is intended for a variety of high density building types that provide locally and regionally serving office, retail, service, hospitality, entertainment, and civic functions. The district is characterized by shallow front yard setbacks and active street frontages. The outdoor eating area along South Union Street and as proposed in the ROW on College Street helps to activate this street frontage and is consistent with the intent of the zone. **Affirmative finding as conditioned.**

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

The outdoor eating areas along College and South Union Streets will likely be seasonal. Insofar as it is directly across the street from residences on South Union Street, the zoning permit application will articulate days and hours of operation (and seasonality, if applicable) of this outdoor eating area. The applicant has defined the outdoor patio on South Union Street will be utilized for breakfast coffee; afternoons for light beverages. It is anticipated that all evening refreshments will be provided indoors. Times of operation should respect the nearby residential uses. **Affirmative finding as conditioned.**

- 4. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and*

access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;

See Sec. 3.5.6 (b) 5 below.

The DRB requires that the proposed pickup/drop-off area on College Street be replicated on the Union Street frontage, as it is closer to the identified main entrance and will ease potential congestion along College Street. **Affirmative finding as conditioned.**

and,

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. The Conservation Board made a strong recommendation for the installation of solar panels, and that the building be constructed with that available option. (Meeting August 5, 2019. Minutes attached.) The applicant is encouraged to consider the feasibility of rooftop solar. **Affirmative finding.**

and,

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

It is the applicant's responsibility to comply with other applicable city and state bylaws and ordinances. **Affirmative finding as conditioned.**

(b) Major Impact Review Standards

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

No significant air or noise pollution is anticipated as a result of this development. A state wastewater permit will be needed. A capacity letter from the Department of Public Works will be needed prior to obtaining the state wastewater permit. **Affirmative finding as conditioned.**

See Sec. 5.5.3 for stormwater management.

2. *Have sufficient water available for its needs;*

The development will be served by the city's water supply system. A capacity letter from the Water Division will be required to confirm availability and capacity. **Affirmative finding as conditioned.**

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

A new wastewater line will be constructed as part of this project. The project intends to connect to the existing municipal water main on College Street in accordance with DPW requirements. Any changes will require review and approval by the Department of Public Works. **Affirmative finding as conditioned.**

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

See Sec. 5.5.3.

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

A traffic impact assessment has been provided, shared and revised per comments submitted by the Department of Public Works. The assessment addresses standard items like trip generation, intersection capacity, and high crash locations. Additional detail and comments from the Department of Public Works were provided August 20, 2019. DPW and VHB agree on estimated trip generation and distribution figures: A total of 68 net new trips weekday mornings (peak) and 87 net new trips weekday evenings. Minimal additional delay at nearby intersections will result from the new development. LOS remains acceptable with little or no change in service due to the project. DPW acceptability of the revised TIS, with recommendations remains a condition of approval. The DRB will require replication of the College Street drop-off/pickup area on South Union Street as a condition of approval. **Affirmative finding as conditioned.**

6. Not cause an unreasonable burden on the city's ability to provide educational services;
No impacts on the city's educational system are anticipated as a result of this commercial development. **Affirmative finding.**

7. Not place an unreasonable burden on the city's ability to provide municipal services;
The proposed commercial development will generate additional impacts on city services; however, those impacts are expected to be relatively modest. Impacts will be mitigated by payment of impact fees based on the net new building area. **Affirmative finding as conditioned.**

8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;
See Article 5 for historic buildings.

9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;
The proposed development will bring additional hotel rooms and a rooftop public restaurant to the city's downtown. Within the downtown, the hotel will be located close to a variety of city attractions and services. Institutions are located nearby at the top of the hill. The project will not adversely impact the city's present or future growth patterns. The increase in intensity of development on this site is not expected to have an undue adverse impact on the city's ability to accommodate growth. **Affirmative finding.**

10. Be in substantial conformance with the city's municipal development plan;
The proposed redevelopment substantially complies with the municipal development plan.

This redevelopment intensifies the degree development on this property within the city's downtown. While doing so, it retains the historically significant building along College Street. Applicable standards will require that the present absence of stormwater management be replaced with comprehensive onsite stormwater management infrastructure that will significantly mitigate offsite discharge. (Distinctive City, Policies 1, 2, & 3).

The project will bring about additional economic development to the city's downtown, thereby strengthening the city's status as a regional growth center. Applicable energy efficiency standards will

result in a much more energy efficient building than is presently the case (Dynamic City, Policies, 6 & 10).

The project's downtown location ensures access to a variety of transportation options, thereby lessening dependence on personal vehicle travel (Connected City, Policy 17). **Affirmative finding.**

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

The proposed commercial development will have no adverse impact on the present or projected housing needs of the city. **Affirmative finding.**

12. Not have an undue adverse impact on the present or projected park and recreation needs of the city. Little impact on the city's park and recreation needs is expected as a result of this development.

What impacts there are will be mitigated by payment of applicable impact fees. **Affirmative finding as conditioned.**

(c) Conditions of Approval:

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

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

The hotel and rooftop restaurant will likely not generate offsite noise or glare substantial enough to require mitigation. **Affirmative finding.**

2. Time limits for construction.

. The standard 3-year timeframe for zoning permits applies. **Affirmative finding as conditioned.**

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

Hours of operation are not applicable to the hotel project. The owner provided testimony that the outdoor seating area proposed for South Union Street will be utilized for morning coffee, and afternoon light refreshments. Any further food and beverage service will be provided indoors at the rooftop restaurant/bar. **Affirmative finding as conditioned.**

Unless specifically requested in advance and approved by the DRB, days and hours of construction shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. and,

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

Article 5: Citywide General Regulations

Section 5.2.3, Lot Coverage Requirements

See Form Code standards, Article 14 (below.)

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

See Form Code standards, Article 14 (below.).

Section 5.2.6 Building Height Limits

See Form Code standards, Article 14 (below.).

Section 5.2.7 Density and Intensity of Development Calculations

Not applicable in FD5.



Sec. 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;

To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;

To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,

To promote the adaptive re-use of historic buildings and sites.

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

266 College Street is listed on the National Register of Historic Places within the Main Street College Street Historic District.

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

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

The property was constructed as a building for the Young Men's Christian Association (YMCA.)

Additions included those for a pool (northerly most addition, 1983) and storage (1991.) The northerly most pool addition is non-contributing, but the original pool, which is proposed for demolition, is part of the historic whole of the site.

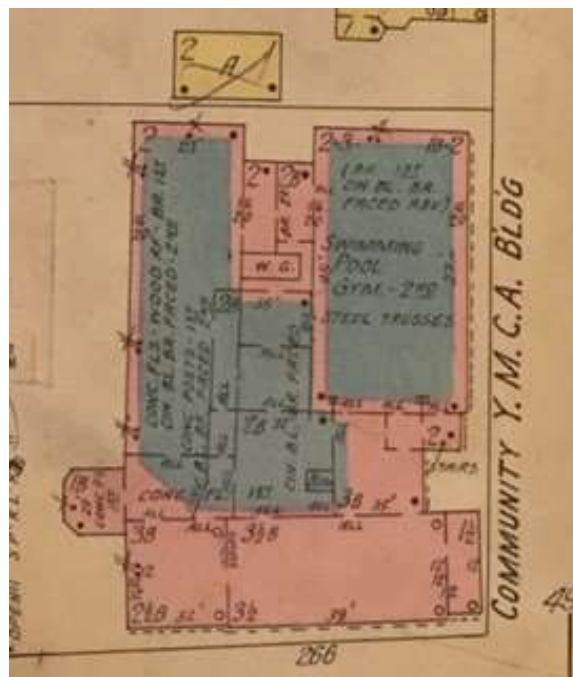
The YMCA began as a welfare movement in London, but has branches all over the world. It is typically associated with use as a *hostel* for young men, which may include recreational facilities.

Although the new use is no longer proposed to be centered on fitness/recreational activities, the short term residential occupancy associated with the original YMCA is similar to the residency of a hotel. In that manner, the use is not so dissimilar. **Affirmative finding.**

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

The structure at the corner of South Union and College Streets is proposed to be retained and rehabilitated for the new use. The National Register nomination identifies the central addition on the north among the spatial characteristics of the building without discount to its value. From the 1942 Sanborn Map image, that central section is original to the building.

Both the central and northerly addition are proposed to be removed. **Affirmative finding.**



1942 Sanborn Map image.

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

Conjectural features from other properties are not proposed. The building addition is clearly a product of its own time and obvious in its new design. The 1934 F.L. Austin building (without northerly pool addition) will remain intact. **Affirmative finding.**

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

The northerly pool and storage additions have garnered no merit on their own part, and are considered non-historic. The central addition is original to the Austin design; its proposed demolition sparks requirements of Section 5.4.8 (d).

The sheltered entrance on the east façade will be retained and utilized as a primary and focal entrance to the hotel. The DRB will require that the brickwork in the gable end come down to the ground.

Affirmative finding as conditioned.

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

The southeasterly building is proposed to be rehabilitated, with new windows, repointing of mortar, and installation of a new entryway within the corner structural component. Rather than re-sheathing the southeasterly corner entrance, the DRB requires that the brickwork continue to arrive at the ground. A new entry may be introduced. **Affirmative finding as conditioned.**

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

Windows are proposed to be replaced in the original corner building, matching the design and appearance of the existing windows. Specific treatments and alterations are detailed in the VHB memorandum, dated June 25, 2019. **Affirmative finding as conditioned.**

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

No chemical or physical treatments are identified within the submission materials.

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

There are no known archaeological deposits on this site; however the Y was built into the Burlington Ravine. Other than a brick sewer, there may be any kind of fill debris below the building site. Discovery of any resources during construction shall be reported to the Vermont Division for Historic Preservation for assessment, evaluation, and appropriate disposition. **Affirmative finding as conditioned.**

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

The proposed addition is connected by a small hyphen from the north side of the existing building. The addition rises a full 6 stories; taller in height than the existing building. The project anticipates exploitation of the significant grade change (former ravine) to provide new opportunities for parking and service area. The northeasterly corner drops to four stories, creating a transition to buildings of smaller scale on South Union Street.

The sixth floor is proposed to be highly glazed; its appearance above the F.L. Austin corner building is visible, but unobtrusive as interpreted by the submitted modeling. As it is set back from both the College Street and South Union Street facades, it is less discernable by the passerby.

The westerly addition (attached to the College Street façade) is clearly modern in vocabulary and evident as new construction. Visibility of the west façade is largely obscured by other buildings and the changing grade of the street. **Affirmative finding as conditioned.**

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

While unlikely, it is conceivable that the new addition could be detached and removed from the existing YMCA building without negative impact to the historic resource. The original pool addition, however, is less likely so. The YMCA that faces College Street, however, embodies the essential form of the original use, and therefore the integrity of the property and its environment may be interpreted to be impaired to a lesser degree. **Affirmative finding.**

Section 5.4.8 (d) Demolition of Historic Buildings

The purpose of this subsection is:

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

1. *Application for Demolition.*

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

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

The applicant is a licensed architect who proposes rehabilitation of a portion of the historic structure, and demolition of the northern additions.

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

The submission materials direct attention to the Standards of Review for Demolition.

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

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

This has not been provided.

and,

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

Rehabilitation of the central pool building is not proposed. SBA memo Attachment 4 is made to support the redevelopment rather than rehabilitation of the northerly buildings.

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

The subject of this application is redevelopment of the site, with a partial demolition of the former YMCA. See VHB Memorandum and comments of Britta Tonn.

and,

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

These have been included as part of the submission packet.

2. *Standards for Review of Demolition.*

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

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

The applicant does not claim structural instability that would prevent occupancy, but rather the steep challenge of rehabilitation for a current use.

or,

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

Moving the northerly sections of the building is not practically conceivable. Redevelopment that would consider rehabilitation of aging indoor pools and fitness areas would have intense structural concern with limited practical application.

or,

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

The VHB memo underlines the high demand for quality hotel accommodations within the City, the creation of jobs, the opportunity to provide public gathering places (lobby, rooftop restaurant/bar), and enhanced tourism.

And all of the following:

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

See VHB Memorandum, p. 7.

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

The applicant team has committed to preparation of a Historic Resource Documentation Package, to be completed prior to the commencement of project activities. This shall be provided to the city for retention within the zoning file, as well as to the Vermont Division for Historic Preservation.

and,

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

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

The new addition will be contemporary in design, but utilizes building step-backs and differing materials to fit within the context of the neighborhood.

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

The YMCA is not expected to move to their new location until spring 2020; demolition of the north wings will begin thereafter with construction commencing within the required 6-month window. The entire project is estimated to take 18 months from start to finish; reasonably within the three year zoning permit window.

and,

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

See above.

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

The applicant does not propose deed restriction for open space or public recreation.

Affirmative finding as conditioned.

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

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

The applicant has offered to make building materials available for salvage. See VHB Memorandum, p. 9.

Affirmative finding.

Section 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion.

Section 5.5.2 Outdoor Lighting

The applicant has provided photometrics (exterior, and garage deck interiors) and fixture information. A mixture of down lighting, wall mounts, and poles are proposed. Light levels are acceptable, but there are illustrated fixtures within the southerly canopy that extend into the public ROW. Sufficiently placed high above the sidewalk at the vertical access entry, they will need to be included within an encroachment agreement with the Department of Public Works and approved by City Council. Similarly, pole lights proposed within the ROW will require approval by the same bodies. **Affirmative finding as conditioned.**

Section 5.5.2 (F) Specific Outdoor lighting Standards

5. Parking Garage Lighting

Illuminance for the parking garage as provided is generally higher than recommended by IESNA RP-20-98. Parking floors are expected to have an overall illuminance of 5 fc (8-9 provided), with a 10:1 max/min horizontal uniformity ratio. Similarly, the entrance ramp should not exceed 50 fc (52.4 provided) as a transition from daylight to the interior of the facility. A revised photometric for the garage lighting shall be provided to reflect these standards, or any current standards of IESNA or similar.

Affirmative finding as conditioned.

Section 5.5.3 Stormwater and Erosion Control

The submission includes a fully articulated stormwater management plan and construction site erosion prevention and sediment control plan that were forwarded to the Stormwater Engineering group for review. Approval of both documents will be a condition of approval. **Affirmative finding as conditioned.**

Article 8: Parking

Parking within the Form Districts is addressed within the compliance checklists completed by the applicant. One area that is not specifically addressed within the Form Codes checklists is bicycle parking. Bike parking for the use (Temporary lodging; hotel, motel, etc.) is 1 per 20 rooms Long Term Spaces; and 2 per 20 rooms Short term spaces. For 144 rooms, **7 Long Term Spaces and 14 Short Term Spaces** are required. The applicant has given testimony that long term spaces will be provided within the building at the lower level. Short term spaces are illustrated in two locations on the site plan within the ROW. The DRB requires that the applicant secure approval from DPW and City Council as necessary for bike

parking within the public ROW; alternately provide Payment in Lieu to DPW (as allowed by Section 8.2.7) to provide bike parking at their chosen location to accommodate the project. **Affirmative finding as conditioned.**

Article 14: Plan BTV Downtown Code

Section 14.6.4 Building Height

(f) Design and Public Space Standards Required for Additional Building Height

i. Design Standards: The maximum building height and mass are permitted By Right by the underlying Form District, as may be modified by the chosen Building Type and Frontage Type. However, there are a number of ways that building shape, articulations, and choice of materials can be used to reduce the perceived height and mass of taller buildings, and ensure a high quality of design that complements the character of the Downtown and Waterfront area.

After consultation with the Design Advisory Board and a Public Hearing, the Development Review Board shall evaluate any proposal seeking additional Building height under each of the following additional design standards, and find affirmatively that:

- a. The proposed building presents a design that emphasizes slender, vertically-oriented proportions to assure a rich visually interesting experience as viewed within the context of the downtown skyline; reinforces opportunities for establishing points of reference for visual orientation; and provides visual interest and human scale at the pedestrian level through the use of a variety of scales, materials, fenestration, massing, or other architectural design techniques;*

The applicants are seeking a maximum height of 72.51' above the average grade. This form district allows 45' by right, with height up to 65'/6 stories with DRB review. There is also a provision (see below) allowing for up to 20% relief ($65' \times .20 = 13'$) from standards. Combined, these standards allow for consideration of the height requested.

The building elevations illustrate a vertical rhythm with fenestration in regular columns, building articulation that guides the eye upward, and changing materials in vertical segments. Human scale is addressed along the pedestrian level of South Union Street with a proposed Office front, Doorway and Terrace building frontages, accentuated with easily identifiable entrances, landscaping, a canopied patio area, and generous glazing.

- b. Step backs, horizontal and vertical variation, selection of materials, and/or other architectural design technics are used to reinforce the street wall, create transitions from buildings of a smaller mass and height, and reduce the perceived height and mass of upper stories from the street level;*

The plane of the new building varies along the streetfront, with the northeasterly corner extruded to the property frontage line abutting the pedestrian way. Corresponded recesses appear at the north elevation where building planes change again. Alternation is evident, again, in the manipulation of fenestration: regularly spaced in vertical columns along the east and north elevations, yet banded in the uppermost floor. The beltcourse of the Austin building is echoed in the smaller (yet similarly scaled and sheathed) northeasterly corner. Pronounced cornice lines cap each building mass.

The southwesterly component of the addition is smaller in scale; deferential to the existing Austin building and set back from the streetfront (also to accommodate garage access.) The larger addition is firmly set behind the historic streetfront building.

The DRB requires that there be an additional step-back along the South Union Street façade at the fifth floor level to reduce the apparent building mass and pronounced street wall along that façade. Revised plans shall be submitted to staff for review.

and,

- c. *Upper story proportions of the building are oriented and tapered and/or separated into separate masses in order to retain sky view between individual building elements from the public thoroughfare.*

Due to the rising grade of College Street and the relatively flat plane of South Union Street, it is unlikely that views between individual building elements will be afforded from the public thoroughfare. The required step back at the fifth floor level will help visually reduce the building's perceived mass. The roof planes are differentiated and articulated at differing elevations, varying the sky view between these building components.

The DRB may condition approval of additional building height by reducing the By-Right building mass by no more than 10% of the total floor area of the new floors enabled by granting the additional building height. In no case shall the maximum By-Right building height be reduced.

The DRB has reduced the by right building mass by requiring a step-back at the fifth floor level on the east side (part of the additional height requested) to minimize the apparent building volume at the South Union Street frontage. The area of the reduction cannot exceed 10% of the total floor area of the new floors enabled by granting the additional building height. Final calculation will be made upon submittal of final plans. **Affirmative finding as conditioned.**

ii. Active Public Space and Restrooms

A minimum of 20 sf/1,000 sf of the gross floor area above 85 feet shall be dedicated to active and publicly accessible upper story rooftops and terraces, and/or street-level public restrooms as follows....

Not applicable. The building is not proposed to exceed 85'.

Section 14.7.3 (b) Alternative Compliance Granted by the Development Review Board

- i. *DRB Alternative Compliance: Relief from any non-numerical standard by no more than 20% of such requirement or an additional 10% beyond any Administrative Relief permit above, may be granted by the Development Review Board after review and recommendation by the Design Advisory Board and a Public Hearing. Decisions by the DRB regarding any Alternative compliance granted shall be made in writing and upon affirmative findings that:*

- A. *The relief sought is necessary in order to accommodate unique site and/or Building circumstances or opportunities;*

The project applicant is requesting relief in two areas: Relief from the 65' maximum height; instead proposing 72.51' above the average grade. The difference (7.51') is less than the 20% maximum relief allowance (13'), measuring 11.55%% deviation. The applicant has offered that the significant changing grade of the site, situated well into Burlington's ravine, to present a unique challenge. Coupled with the topography, the existing building has 20 different vertical levels, which the plan seeks to remediate in the expansions.

A second area of relief requested is in the Floor-to-Floor height of the first floor. **Article 14, Section 14.4.10 – Mixed Use Building** type; Required ground floor height, floor to floor = 14' minimum.) The plan proposes 12' 5 ¾" in order to align new floors with existing floors. 12' maximum administrative relief is afforded in Table 14.7.3-A, with the caveat that *The relief is necessary to better align floors with pre-existing adjacent Building*. DRB relief is an additional 10% beyond administrative relief. 14' required, - 1 ft. admin relief – (10% 13' or 1.3') = 12.4'. 12' 5 ¾" proposed.

- B. *The relief if granted is the minimum necessary to achieve the desired result;*
In trying to reconcile floors that do not align, the ravine, and the opportunity of below grade parking, the applicant feels the request for relief in both building height and floor-to-floor height is well exercised in this plan.
- C. *The property will otherwise be developed consistent with the purpose of this ordinance, the intent of the Form District, the intent and purpose of the section that the relief is being sought, and all other applicable standards;*
The application seeks compliance in all other matters of Plan BTV Downtown Code. Confirmation of compliance with the FBC Checklists will be the task of staff.
- D. *The relief if granted will not impose an undue adverse burden on existing or future development of adjacent properties;*
There are no known adverse impacts introduced to neighboring properties or future development of adjacent properties.
And
- E. *The relief, if granted will yield a result equal to or better than strict compliance with the standard being relieved.*
This site is among the most challenging in the city. The intent of Plan BTV Downtown Code is to utilize physical form as the organizing principle in shaping new development. Burlington's unique characteristics, including significantly changing grades, sometimes tests parameters of dimensional standards, like average building height. The existing building presents unique challenges in the number of vertical levels present, and the desire to align floors with the existing conditions. Consideration of relief in these areas, as allowed by this section, will acknowledge the challenges of context while respecting the goals of the Plan.
Affirmative finding as conditioned.

II. Minutes

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. Motion by Brad Rabinowitz

In the matter of 266 College Street, ZP20-0037CA/MA, I move we approve the application and adopt Findings and conditions noted herein.

IV. **Conditions of Approval**

1. The subject property has expired zoning permits that have not received their required certificates of occupancy. These two permits must be closed out with certificates of occupancy (or relinquished or superseded) **prior to issuance of a certificate of occupancy** for any new zoning permit.
2. The DRB specifically gives approval to the additional height requested beyond the By-Right allowance, with the condition that the building step back at the fifth floor level on South Union Street. Revised elevations and plans shall be provided to staff for review and approval.
3. The DRB offers Alternative Compliance/relief on the floor-to-floor height of the first floor, based on the Findings of Section 14.7.3 (b), above.
4. The DRB requires that the pull-off/drop-off area on College Street be replicated along the South Union Street frontage.
5. Impact fees will be due based on the net new building area. Based on submitted area calculations, the following **is an estimate** of those fees. A final calculation will be made by staff based on finalized area calculations submitted by the applicant.

Removed building

SF of Project 45,148

Department	<u>Offices & Other</u>	
	Rate	Fee
Traffic	0.686	30,971.53
Fire	0.202	9,119.90
Police	0.356	16,072.69
Parks	0.425	19,187.90
Library	0.000	0.00
Schools	0.000	0.00
Total	1.669	\$ 75,352.02

New area

SF of Project 174,567

Department	<u>Offices & Other</u>	
	Rate	Fee
Traffic	0.686	119,752.96
Fire	0.202	35,262.53
Police	0.356	62,145.85
Parks	0.425	74,190.98
Library	0.000	0.00

Schools	0.000	0.00
Total	1.669	\$ 291,352.32

Difference **\$ 216,000.30**

Allocation by department

Enter Total Fee: **\$216,000.31**

Department	<u>Offices & Other</u>	
	Rate	Fee
Traffic	0.686	88781.43
Fire	0.202	26142.64
Police	0.356	46073.16
Parks	0.425	55003.07
Library	0.000	0.00
Schools	0.000	0.00
Total	#REF!	\$ 216,000.30

6. Impact fees must be paid prior to issuance of a zoning permit, or if a building permit is required, within thirty (30) days of issuance of the building permit.
7. The days and hours of operation of any outdoor seating shall be limited to mornings and afternoons. Evening refreshment shall be provided within the building or on the rooftop deck.
8. A State Wastewater permit will be required. It is the obligation of the applicant/owner to secure such permit.
9. Conditions and recommendations of the Department of Public Works relative to the submitted Traffic Impact Study are incorporated into Conditions of Approval.
10. **Days and hours of construction** shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity shall occur on Sundays.
11. On the southeast corner, the brickwork in the gable end shall come down to the ground. A new entry may be introduced at this location.
12. Discovery of any archaeological resources within the ravine during construction shall be reported to the Vermont Division for Historic Preservation for assessment, evaluation, and appropriate disposition.
13. A Historic Resource Documentation Package will be completed prior to the commencement of development, and provided to the City for retention within zoning project files. This HRDP shall also be provided to the Vermont Division for Historic Preservation.
14. **Prior to release of the zoning permit**, a revised photometric plan for the garage lighting shall be provided to reflect adjusted light measurements consistent with IESNA RP-20-98, or current edition of IESNA or similar lighting manual.

15. **Prior to release of the zoning permit**, Erosion Prevention and Stormwater management plans shall be approved, in writing, by the stormwater engineering program.
16. Any conditions imposed by the Form Based Code checklists (see attachment to permit).
17. Standard Permit Conditions 1-15.

Second: Zoraya Hightower

Vote: 5-0

Vote: motion carried

Dated at Burlington, Vermont, this ____ day of August, 2019.

Respectfully Submitted,

Bradford L. Rabinowitz, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court, Environmental Division. (Comprehensive Development Ordinance Article 12, Section 12.2.3 Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court within 30 days of the date of the written decision as follows:

(a) Notice of Appeal: The appeal shall be taken in such a manner as the Supreme Court or the environmental court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3, Vermont Statutes Annotated. Notice of the appeal shall be sent by mail to every interested person appearing and having been heard at the hearing before the DRB, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.)

Department of Permitting and Inspections

Zoning Division
149 Church Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

William Ward, Director
Theodore Miles, Interim Code Compliance Officer
Charlene Orton, Permitting and Inspections Administrator
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: January 5, 2021
RE: ZP20-0037CA/MA; 266 College Street

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



File Number: ZP20-0037CA/MA

Zone: FD5 **Ward:** 8E

Owner/Applicant: Smith/Buckley Architects / Hotel Y Burlington LLC

Permit approved: August 27, 2019

Request: Time Extension request for Major Impact/Conditional Use for new hotel and below grade parking structure. Includes rooftop bar and restaurant.

Overview:

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

The application for redevelopment of the current YMCA at 266 College Street was approved with Prior-to-release conditions August 27, 2019. The project includes retention of the historic gable-roofed building at the corner of South Union Street and College Street, demolition of north (rear) components, and construction of a new addition and structured parking. The approval of a new YMCA building a block east on College Street and the sale of this building has made this site available for redevelopment. The new owners received approval for a hotel (now reduced to 136 rooms) with a rooftop restaurant/bar.

Permit conditions required that construction begin within one year of the date of approval (by August 27, 2020) and completion by August 27, 2022. As of this date, the permit has not been picked up, and the first year of the permit life has passed without commencement of construction.

The property is located entirely within the FD5 zone and is subject to review under the Downtown Code regulations of Article 14. As such, administrative checklists address much of the project review. This report focuses only on those items not included in the administrative checklists. Conditional use review was required only relative to outdoor eating areas, proposed along South Union Street and College Street. (Sec. 14.6.6, h).

The applicant requests a one-year time extension; the 90-day timeline suspension associated with the COVID state of emergency back in the spring makes this request timely. Construction is expected to start in the 2nd Quarter of 2021.

Background:

- **ZP 20-0923CA**; Amend permit 20-0037CA/MA to replace sliding entrance doors with revolving door recessed within structure. Two wood double hung windows in lower gable section will be removed to expose existing masonry openings on north and south of entry. May 2020.
- **ZP 20-0737CA**; Amend condition #10 in zoning permit #20-0037CA/MA for revised construction hours of M-F 7:00-5:30 pm, Saturday 8:00am-4:00 pm. No work on Sunday. May 2020.
- **ZP20-0697CA**; Add door on East/South Union St side for delivery and waste removal access, move western edge of southwest portion of hotel 5' to the East. Hotel room count to reduce to 136. February 2020.
- **Zoning Permit 20-0037CA/MA; Building renovations and addition for hotel, below grade parking structure, and rooftop bar and restaurant (subject to this time extension request), August 2019.**
- **ZP13-0737SN**; new parallel, metal signage for the YMCA. February 2013.
- **Zoning Permit 12-0684SN**; two new parallel signs for annual Giving campaign on College Street and South Union Street elevations. January 2012.
- **Zoning Permit 12-0129AW**; changing graphics on existing awning for the Y. August 2011.
- **Zoning Permit 11-0149SN**; install two parallel signs for Catamount Physical Therapy. One on College St. elevation and one on South Union Street elevation. August 2010.

- **NA12-0239NA**; Non-Applicability of Zoning Permit Requirements; temporary artwork. August 2011.
- **Zoning Permit 08-130CA**; installation of three wood windows at 2nd level into infilled brick openings. August 2007.
- **Zoning Permit 00-071**; Amend previously approved zp99-272 to allow relocation of the cogeneration system exhaust pipe to the west side of the existing YMCA as described in the application letter. Pipe will not project above roof line of structure. August 1999.
- **Zoning Permit 99-272**; installation of natural gas fired cogeneration roof top equipment for the existent YMCA. Proposal includes an underground tank, misc. piping and the installation of a door. December 1998.
- **Zoning Permit 98-075**; reopen existing window openings on the south and west elevations of the existing YMCA. New windows to match existing. August 1997.
- **Zoning Permit 91-352 / COA091-071**; installation of shed style awning over entry on College Street with repairs to stairs included. Handicapped access ramp constructed in existing doorway on South Union Street for YMCA. May 1991.
- **Zoning Permit 91-194**; wood sign. December 1990.
- **Zoning Permit 92-154**; construction of a storage shed in brick, to match the existing YWCA building for the storage of chemicals for the swimming pool. October 1991.
- **Zoning Permit 83-60**; construct a 100' x 40'? (Numbers obscured) addition to the existing building to accommodate a new swimming pool. July 1983.

Recommended motion: Consent approval of the time extension, per the following Findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Section 3.2.9 Zoning Permits

(d) **Time Limit on Zoning Permits:**

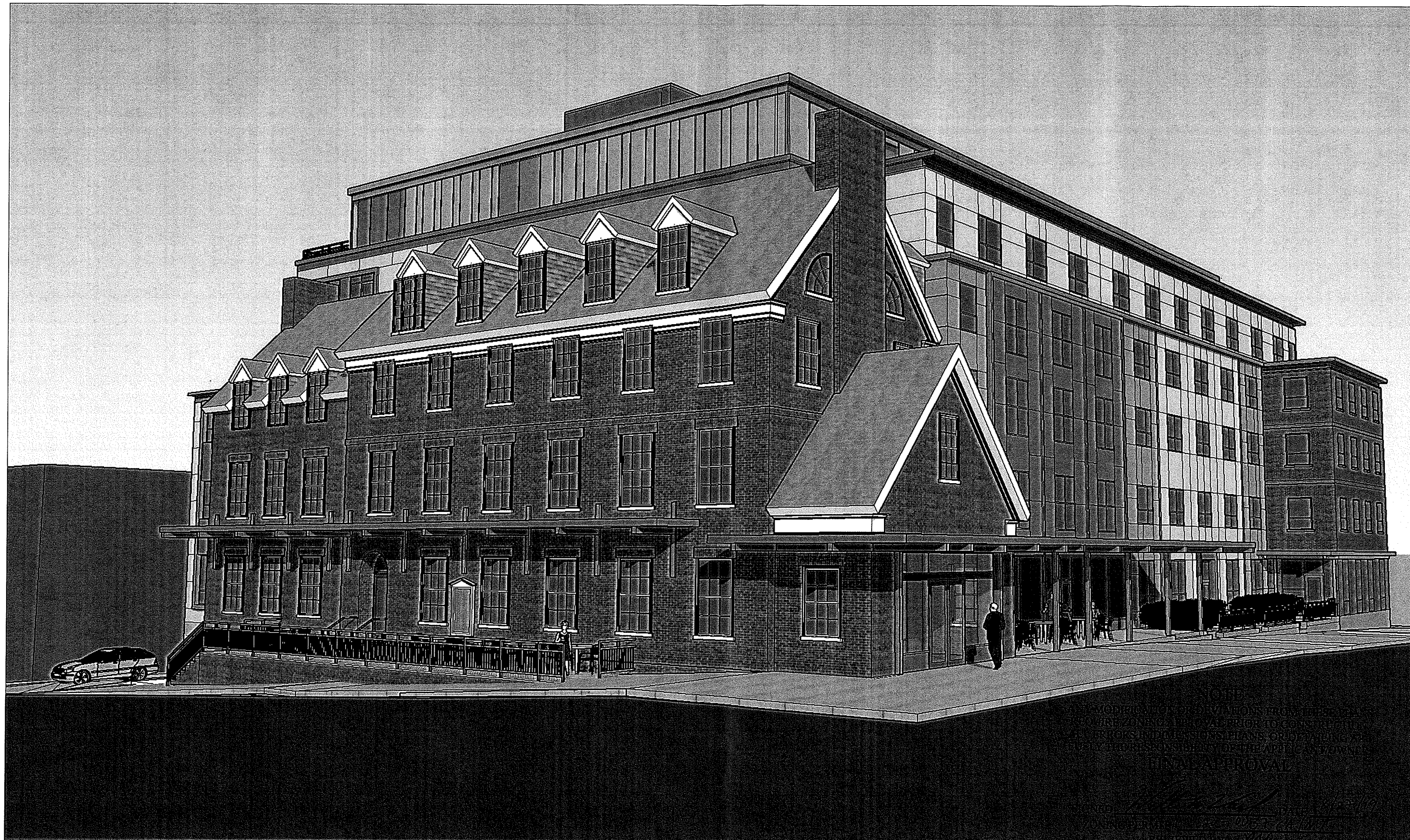
*Notwithstanding (e) and (f) below, a zoning permit shall become invalid unless the work or action authorized commences within one (1) year after the date of final decision. All work or action authorized there under shall be completed, and a Final Zoning Certificate of Occupancy received, within three (3) years of the date of decision unless **a written extension of time not to exceed one (1) year is granted in advance** by the administrative officer. **Extensions of time for a zoning permit issued in connection with a conditional use or variance shall require approval by the DRB after a public hearing.** Extensions of time may be granted only when the work or action authorized under the zoning permit remains compliant with the current zoning regulations. Up to two (2) time extensions may be granted.*

DRB review is required for consideration of this time extension request, as the project was a Conditional Use review (related to outdoor dining.) With the unusual circumstances of this last year and the impacts on the overall development community, a one year time extension is reasonable. The project completion date, under a time extension, will be readjusted to August 27, 2023. **Affirmative finding.**

II. Conditions of Approval

1. All conditions of ZP20-0037CA/MA not herein altered shall remain in effect.
2. Condition #13 shall be met before issuance of any building permits:
A Historic Resource Documentation Package will be completed prior to the commencement of development, and provided to the City for retention within zoning project files. This HRDP shall also be provided to the Vermont Division for Historic Preservation.
3. Upon approval of the time extension, the permit life shall be extended to August 27, 2023.
4. Standard Permit Conditions 1-15.

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



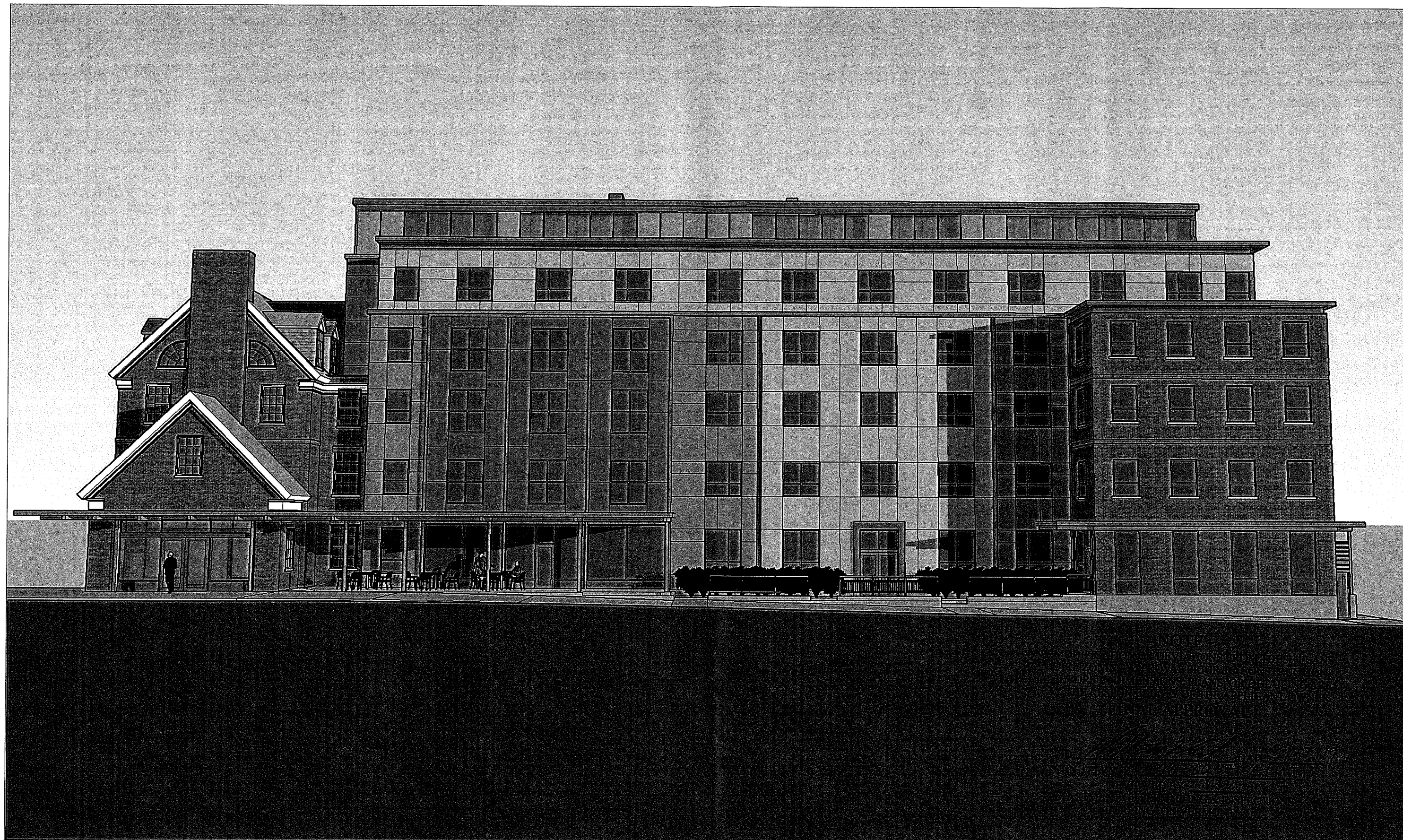
SBA
SOUTH BURLINGTON ARCHITECTS

Project
Cambria Hotel - Burlington

Date
08/27/2019

RENDERING SOUTHEAST - A16

3-DIMENSIONAL RENDERINGS PROVIDED FOR REFERENCE AND TO CLARIFY DESIGN INTENT ONLY. ELEVATIONS A11, A12, A13, AND A14 ARE DRAWINGS OF RECORD.



NOTE

THIS 3-DIMENSIONAL RENDERING IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT A CONTRACT DOCUMENT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DISCREPANCIES OR OMISSIONS. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THE PLANS AND SPECIFICATIONS. THE ARCHITECT DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED IN THIS RENDERING. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THE PLANS AND SPECIFICATIONS. THE ARCHITECT DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED IN THIS RENDERING.

[Signature]
 08/27/2019
 SBA
 3-DIMENSIONAL RENDERING PROVIDED FOR REFERENCE AND TO CLARIFY DESIGN INTENT ONLY. ELEVATIONS A11, A12, A13, AND A14 ARE DRAWINGS OF RECORD.

SBA

Project
 Cambria Hotel - Burlington

Date
 08/27/2019

RENDERING EAST - A17

3-DIMENSIONAL RENDERINGS PROVIDED FOR REFERENCE AND TO CLARIFY DESIGN INTENT ONLY. ELEVATIONS A11, A12, A13, AND A14 ARE DRAWINGS OF RECORD.



Rebecca Grimm <[REDACTED]>
14 Strong St

■ Mary O'Neil

[WARNING]: External Message, please be cautious.

hello

I'm writing as a nearby neighbor of Missa and Erica at 14 Strong St. We live at 70 Drew St and have for 19 years. We are in support of the renovations Missa and Erica are planning as viewed in their submitted drawings. Please let us know if you have any questions related to our support.

Thank you

Rebecca and John Grimm

70 Drew St



Alan Bjerke

December 21, 2020

Mary O'Neil
Burlington Permitting and Inspections
Zoning Division
654 Pine Street
Burlington, VT 05401

Re: Zoning Application: 14 Strong St
ZP 21-0536CA/CU

Dear Mary,

I have had the opportunity to review the revised plans for this proposal, dated December 10, 2020. While I appreciate that the applicant has moved the western edge of the second floor addition at the rear of their building away from our property line, it is not acceptable to propose the development of a deck on our property, without our permission. I am writing to oppose the above referenced zoning application for 14 Strong St as currently proposed. I wish to raise the following objections/concerns:

1. The applicant proposes to build on our land, without our permission. The approved site plan in ZP20-0914CA shows the encroachment by the building at 14 Strong St to be 3 feet onto the property of 4-8 Strong Street. Our property boundary with 14 Strong St is located under the applicant's building. The request to expand their building on our land is without our permission. At issue is the proposal to construct a 2nd floor deck over the one story portion of the building at the rear (northerly) portion of the building. The issue is not whether they can expand an existing non-conformity vertically. It is whether they can develop onto (or over) the land of another without their permission. They may still build a second story and/or deck over the one story portion on the rear of building which is on their land, but we oppose their proposal to expand the existing non-conformity by adding a deck over our land, as currently proposed.

2. The revised proposal will still require removal of mature trees on our property, without our permission. While the permit application does not so state, the construction as proposed by the applicant will require that several mature trees which are on our property would need to either be removed, or cut back so severely that they would never survive. The trees are located in the north-eastern corner of our lot and overhang the applicant's building (on our property) at their north-western corner by about 5 feet. This is only necessitated by the construction of a deck area over the one story portion of the building to the rear, along the existing westerly wall. If the proposed 2nd floor deck were eliminated, (ie. The proposed development over our property boundary) it would not be necessary to remove or kill the trees located on our property. These trees provide essential privacy to the residents of our building in this very tight quarters community. We do not agree to their removal.

Furthermore, as detailed above, the proposal to install a deck over the existing single story rear

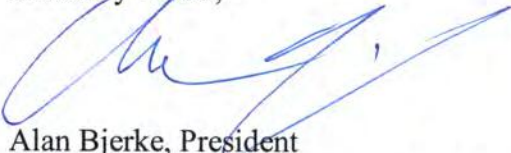
portion of the building all the way to the existing structure's western edge will have an undue adverse impact on our property neighboring to the west, as described in BZO 5.3.5(a)(1)(ii).

Thank you very much for considering our perspectives in connection with this proposed development. I believe that with appropriate redesign to accommodate for our concerns, the applicants can still make a substantial improvement to their building. I would appreciate the opportunity to learn of and comment on any proposed re-designs as the project works its way through the permitting process

If I can be of any further assistance to you, please do not hesitate to contact me.

Thank you very much.

Sincerely Yours,



Alan Bjerke, President
Champlain Heights Condominium Association



Alan Bjerke

December 2, 2020

Burlington Permitting and Inspections
Zoning Division
654 Pine Street
Burlington, VT 05401

Re: Zoning Application: 14 Strong St
ZP 21-0536CA/CU

Dear Friends,

I am writing to oppose the above referenced zoning application for 14 Strong St as currently proposed. I have reviewed the application and wish to raise the following objections/concerns:

1. The site plan for the proposal is incorrect. The site plan submitted by the applicant shows the westerly property line of their property 1 foot to the west of their existing building. In fact, the property line is 4 feet further to the east. Their building encroaches on our property located at 4-8 Strong St by 3 feet. This is demonstrated by the only property line survey of this boundary recorded in the Burlington Land Records (in 1983) as well as the findings in the appeal of permit # ZP20-0914CA, issued August 10, 2020 and permit ZP20-0506CA issued December 5, 2019.

2. The applicant proposes to build on our land, without our permission. The approved site plan in ZP20-0914CA is attached and shows the encroachment by the building at 14 Strong St to be 3 feet onto the property of 4-8 Strong Street. Missa Aloisi of 14 Strong St attempted to dispute the property line location in that matter by submitting a purported survey by Gordon Harlow drawn in 1986. The applicants of this permit appear to rely on the dimensions from the Harlow survey for their site plan. The DRB found by a vote of 7-0 that the 1986 Harlow survey relied on by the applicant is “unsound.” See attached.

Our property boundary with 14 Strong St is located under the applicant’s building. The request to expand their building on our land is without our permission. At issue is the proposal to extend the second floor of the building over the one story portion of the building at the rear (northerly) portion of the building. The issue is not whether they can expand an existing non-conformity vertically. It is whether they can expand the building envelope onto (or over) the land of another without their permission. They may still build a second story over the one story portion on the rear of building which is on their land, but that expansion should be set back at least 3 feet (the amount of the encroachment) from their western wall and preferably 8 feet (encroachment + minimum setback).

3. The proposal will require removal of mature trees on our property, without our permission. While the permit application does not so state, the construction as proposed by the applicant will require that several mature trees which are on our property would need to either be removed, or cut back so severely that they would never survive. The trees are located in the

north-eastern corner of our lot and overhang the applicant's building (on our property) at their north-western corner by about 5 feet. This is only necessitated by the construction over the one story portion of the building to the rear, along the existing westerly wall. If the envelope of the second story addition were confined to no closer than 3 feet from the existing westerly wall, (ie. our property boundary) it would not be necessary to remove or kill the trees located on our property. These trees provide essential privacy to the residents of our building in this very tight quarters community. We do not agree to their removal.

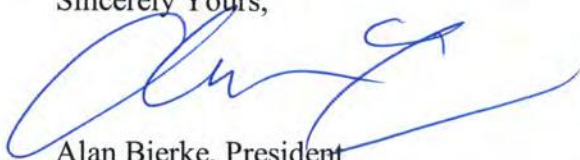
Furthermore, as detailed above, the proposal to build up over the existing single story rear portion of the building all the way to the existing structure's western edge will have an undue adverse impact on our property neighboring to the west, as described in BZO 5.3.5(a)(1)(ii).

Thank you very much for considering our perspectives in connection with this proposed development. I believe that with appropriate redesign to accommodate for our concerns, the applicants can still make a substantial improvement to their building. I would appreciate the opportunity to learn of and comment on any proposed re-designs as the project works its way through the permitting process. I would also appreciate being advised of any hearings on this matter before the Development Review Board.

If I can be of any further assistance to you, please do not hesitate to contact me.

Thank you very much.

Sincerely Yours,



Alan Bjerke, President
Champlain Heights Condominium Association

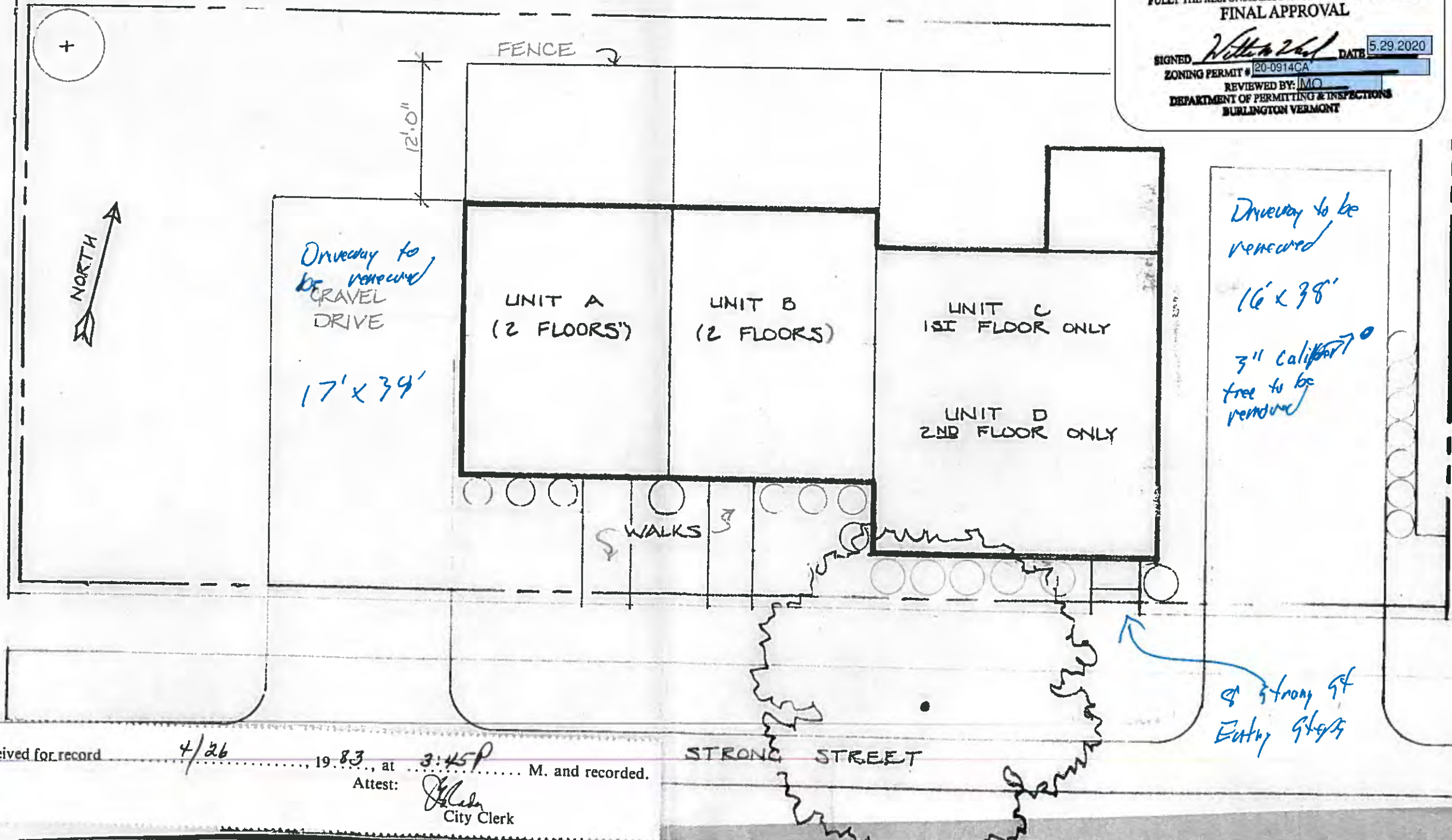
THIS BUILDING IS CALLED CHAMPLAIN HEIGHTS CONDOMINIUMS
I CERTIFY THAT THIS SITE PLAN IS AN ACCURATE COPY OF THE SITE PLAN AS FILED AND APPROVED BY THE MUNICIPALITY OR OTHER GOVERNMENTAL SUBDIVISION HAVING JURISDICTION OVER THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF BUILDINGS TO THE EXTENT THAT SUCH FILINGS AND APPROVALS ARE REQUIRED BY LAW AND THAT THIS PLAN FULLY AND ACCURATELY DEPICTS THE LAYOUT OF THIS SITE.

THIS 26 DAY OF April 1983, Michael J. Mearns
REG. ARCHITECT

THIS CERTIFICATE WAS VERIFIED BEFORE ME ON THIS 26 DAY OF April, 1983, Lucille S. Amour
NOTARY PUBLIC

NOTE. ALL DIMENSIONS TO BE $\pm 1' 0"$

-NOTE-
ANY MODIFICATION OR DEVIATIONS FROM THESE PLANS REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION. ALL ERRORS IN DIMENSIONS, PLANS, OR DETAILING ARE FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.
FINAL APPROVAL
SIGNED William J. Hall DATE 5.29.2020
ZONING PERMIT # 20-0914CA
REVIEWED BY: MO
DEPARTMENT OF PERMITTING & INSPECTIONS
BURLINGTON VERMONT



STRONG ST. & NORTH AVE.
BURLINGTON, VERMONT
SCALE: 1" = 10' 0"
DATE:

CHAMPLAIN HEIGHTS
CONDOMINIUMS
SITE PLAN

Received for record 4/26, 1983, at 3:45P M. and recorded.
Attest: [Signature]
City Clerk

STRONG STREET

Strong St
Entry 9/9/9

Champlain Heights
Condominium Assoc
2nd Amended Site Plan
5/29/20

7A

Enlargement of the Site Plan approved in ZP20-0914CA
Not to original scale

OF THE SITE PLAN
GOVERNMENTAL SUBDIVISION
THE CONSTRUCTION OF
ARE REQUIRED BY LAW
LAYOUT OF THIS SITE.

[Signature]
ARCHITECT

[Signature]
BY PUBLIC



- NOTE -
ANY MODIFICATION OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
ALL ERRORS IN DIMENSIONS, PLANS, OR DETAILING ARE
FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.
FINAL APPROVAL

SIGNED *[Signature]* DATE 5.29.2020
ZONING PERMIT # 20-0914CA
REVIEWED BY: *[Signature]*
DEPARTMENT OF PERMITTING & INSPECTIONS
BURLINGTON VERMONT

UNIT C
1ST FLOOR ONLY

UNIT D
2ND FLOOR ONLY

*Driveway to be
renewed*

16' x 38'

*3" Caliper
tree to be
removed*

Property Line
between 4-8 Strong
St & 14 Strong St

Building
encroachment of 14
Strong St onto the
property of 4-8
Strong St

DECLARATION

This Declaration made this ^{25th} day of *April*, 1983, by E. WILLIAM KOCH, III, of Hinesburg, Vermont (hereinafter referred to as the Declarant):

WITNESSETH:

WHEREAS, the Declarant is the fee simple owner of land and premises described as follows:

A parcel of land located at the northeast corner of the intersection of Strong Street with North Avenue, having a frontage of 50 feet more or less on North Avenue and a frontage of 125 feet more or less on Strong Street.

The easterly portion of the lot is subject to a building encroachment to a depth of 3 feet more or less.

Being all and the same land and premises conveyed to H. WILLIAM KOCH, III, by Warranty Deed of LEO P. DION, JR., dated September 30, 1982 and recorded in Volume 286 at Pages 331-3 of the City of Burlington Land Records.

WHEREAS, Declarant desires to subject the property to the Vermont Condominium Ownership Act and construct a four (4) unit condominium on said land; and

NOW, THEREFORE, Declarant hereby submits the following described lands and premises together with all easements, rights, and appurtenances thereto to the provisions of Chapter 15 of Title 27 of the Vermont Statutes Annotated, known as the Vermont Condominium Ownership Act (hereinafter referred to as the "Act"), and hereby creates with respect to said land a condominium to be known as Champlain Heights Condominium (hereinafter referred to as "Condominium"):

1. Definitions: Each Capitalized term used herein without definition shall have the meaning specified in the Act. The capitalized term "Unit" used herein shall have the same meaning as apartment as defined in the Act.

2. Description of Buildings: There will be a two-story building containing four (4) Units. Unit A (4 Strong Street) and Unit B (6 Strong Street) each have a separate entrance, a first floor, a second floor, and an unfinished attic space. Said Units are constructed over a crawl space accessible from the adjacent basement. Unit C (8A Strong Street) and Unit D (8B Strong Street) have separate entrances off a foyer; Unit C is the first floor and Unit D the second floor and stairway thereto over a full basement of stone and poured concrete foundation walls. Utility service entrances and meters are located in the southerly portion of the basement, which is a common area, the northerly portion being storage areas reserved for Units C and D. The building is of wood frame construction with clapboard siding, and an asphalt shingled roof over Units A and B, and a half-lap asphalt roof over a portion of Unit C and all of Unit D. The interior walls are sheetrock. Each Unit has electric baseboard heat and electrically heated hot water.

Burlington Development Review Board
149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/PZ
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

Bradford L. Rabinowitz, Chair
Geoffrey Hand
Springer Charles Harris
Kienan D. Christianson
vacant
Alexander J. LaRosa
Brooks G. McArthur
Ravi Venkataraman (alternate)
Sean McKenzie, (alternate)



Burlington Development Review Board
Findings of Fact
Deliberative Hearing Monday, August 10, 2020

Board Members Present: Alexander LaRosa, Brooks McArthur, Brad Rabinowitz (Chair), Kienan Christianson, Harris Springer, Ravi Venkataraman (alternate) and Sean McKenzie (alternate).

Absent: Geoff Hand

Staff members present: Mary O'Neil, Ryan Morrison.

File Number: ZP20-0914CA (Appeal)

Zone: RM **Ward:** 3C

Date application accepted: May 22, 2020

Date of Decision: May 29, 2020

End of Appeal Period: Saturday, June 13 2020

Date of Appeal submission: Tuesday, June 16 2020

Date of DRB review: August 4, 2020

Applicant/ Owner: Alan Bjerke

Appellant: Missa Aloisi

Request: Restore gravel driveways to same dimension, modify entry stairs to 8 Strong Street to meet code. No change to coverage. (4-8 Strong Street is a four-unit condominium complex.)

Evidence Presented:

The Board examined the materials submitted in support of this application and appeal.

I. Findings

Background:

- **Zoning Permit 20-0506CA** (8 Strong Street Unit B), Replacement windows, replace exterior deck door with sliding glass door, install mini-split heat pump system. December 2019.
- **Zoning Permit 16-1328CA** (6 Strong Street), replace patio door. May 2016.
- **Zoning Permit 14-0131CA** (6 Strong Street), repare seven existing windows in non-historic ell of building. August 2013.
- **Zoning Permit 13-0449CA (Units 4 and 8A)**, replace thirteen windows on condominium building with new windows. October 2012.
- **Non-Applicability of Zoning Permit Requirements 11-0144NA**; replacement of deck with identical design, location and size. August 2010.

A notice of appeal shall be considered filed with the administrative officer and the DRB when delivered to the planning department, and the date and time of filing shall be entered on the notice by the planning staff; and,

Whenever an appeal is filed, the administrative officer shall forthwith transmit to the DRB all the papers constituting the record relating to the action appeal from.

The appellant left a voice mail in the general mailbox of the Department of Permitting and Inspections June 4, 2020, within the 15-day appeal period. Due to limited and rotational staffing during the pandemic, that voice mail was not retrieved until after the appeal period had expired.

The appellant then called Planning staff Monday, June 15, 2020 to request further information about the project. She was informed that the appeal period had expired 2 days prior, although on a weekend. The appellant then electronically submitted a notice of appeal June 16, 2020, with revisions submitted electronically June 17, 2020. Within her appeal documents, the appellant has provided supporting information relative to the timeliness of her appeal for DRB review.

The DRB finds the appeal timely. **Affirmative finding.**

Gordon G. Harlow completed the survey to which the appellant refers in 1986. The validity of information on the plan is challenged by annotations made by an unknown party that include component identifications ("driveway"), measurements (insertions made freehand, not in the script of the surveyor), property owner name changes, and for whom the survey was completed. Such alterations, if lawful, would require a revised survey to embrace all changes. Without a formal revision, the accuracy of the survey is unsound.

II. Minutes

The Development Review Board will distribute the meeting minutes separately upon review and approval.

III. Motion by Kienan Christiansen:

In the matter of 4-8 Strong Street, ZP20-0914CA/AP, I move first that **we allow the timeliness** of the appeal, which is consistent with other allowances related to the Novel Coronavirus pandemic. Secondly, I move we **deny the appeal** and adopt staff Findings in support of the administrative Certificate of Appropriateness approval. A discrepancy or disagreement in survey are not issues taken up by this Board.

Second: A.J. LaRosa

Vote: 7-0

Motion carries.

Dated at Burlington, Vermont, this **19** day of August 2020.

Respectfully Submitted,

Brad Rabinowitz

Digitally signed by Brad Rabinowitz
DN: cn=Brad Rabinowitz, o=Burlington Development Review
Board, ou, email=brad@bradrabinowitzarchitect.com, c=US
Date: 2020.08.19 13:09:07 -04'00'

Bradford L. Rabinowitz, Development Review Board Chair

12/29/20



Dear Ms. O'Neil and Mr. Gustin,
City of Burlington
Permitting and Inspections

Re: Doc Ponds – Burlington, VT
Sketch Plan Review – Public Access Narrative

The attached revised plans are being submitted for the proposed restaurant project, Doc Ponds, at the Lake Champlain Transportation Co. (LCTC) King St. Ferry Dock in lieu of the previously submitted plans dated 11/5/2020. These revised plans have been developed in response to the Burlington Technical Review Committee meeting on December 10, 2020.

LCTC's current operations do not provide provisions for public access to this area for both safety and security reasons. Although LCTC's "land" operations are relocating, allowing for the location for the restaurant, access to the waterfront in this area remains a vital aspect of the LCTC's operations. The proposed 50' buffer poses a major impact to ongoing operations. LCTC proposes this revised approach that provides direct access to the waterfront to the large open area north of the proposed restaurant, providing views to the north, west and south. This area is accessed via a corridor provided to the east of the new restaurant facility. Provisions have been made for a future north/south connection to the Echo Center and the associated park area through a controlled access point at the current fence line. Since most of the public accesses the Burlington waterfront via College Street, this is a compelling approach to providing a more contiguous utilization of this portion of the waterfront.

As noted above, LCTC cannot accommodate the 50' buffer along the west and south seawall waterfront area for several specific operational, safety and security reasons that have been detailed below:

- LCTC is required to comply with The Maritime Transportation Security Act of 2002 (MTSA) which was enacted by Congress and signed into law on November 25, 2002. The Act creates a consistent security program for all the nation's ports to better identify and deter threats. This law requires LCTC to develop security plans (Declaration of Security Procedures) for both vessels and port facilities, which include establishing restricted areas and access control measures. The Declaration of Security Procedures is a secure document which cannot be shared with the public. The revised site plan is aligned with the provisions of the security plan and the specific public access control measures.
- LCTC Ferry operations requires a deep-water access location for both general maintenance and emergency ferry vessel repair. The deep-water access is located adjacent to the southern portion of the proposed restaurant site and is the only deep-water access adjacent to LCTC property. Access for cranes and maintenance vehicles must be maintained along the land side of the sea wall to provide a safe and unencumbered area to perform these operations. This area has been noted on the attached site plan.
- LCTC Ferry Dock Marina operation continues to expand. This expansion has driven an increase in support services that also require direct access from the land side of the seawall on the west and

south of the site. In addition, site security continues to be an increasing concern for the marina operations. Limiting direct public access to this area is an important part of maintaining security for LCTC's patrons and reducing liability concerns for the operations.



- Access control along the proposed 50' buffer to comply with the Liquor Control Board's requirement for the sale or service of beverage alcohol in an outdoor space, is challenging. The extent of a defined physical barrier and the associated staffing to adhere and enforce the requirements places a significant burden on the restaurant's operations.

The proposed plan maintains LCTC's specific operational, safety and security requirements, while providing enhanced public access, as well as a continuous and improved utilization of this area of the Burlington Waterfront. The natural connection that will be created between LCT and Echo museum is well aligned for pedestrians to extend their Burlington waterfront experience in a meaningful way.

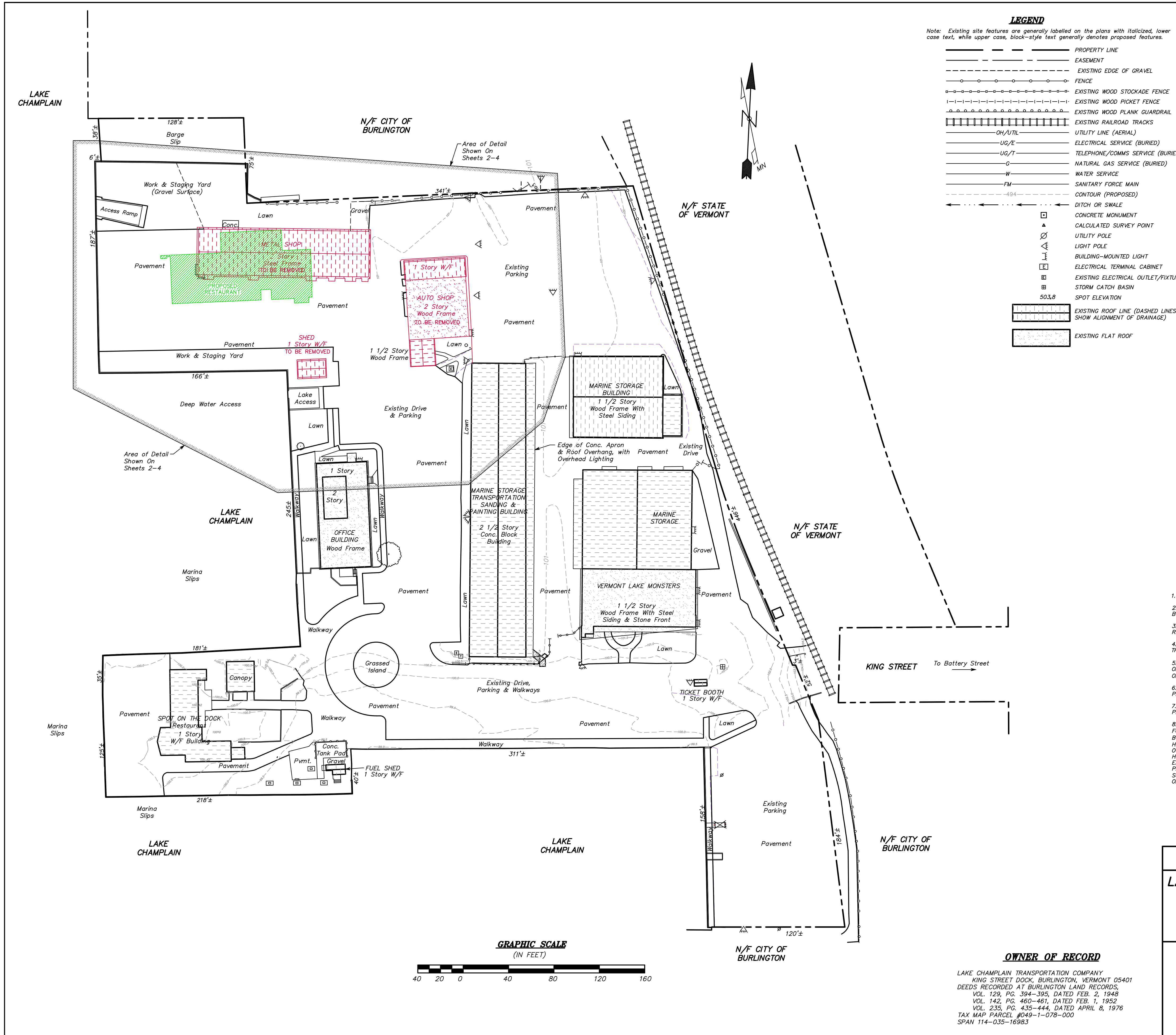
We appreciate the feedback from the Technical Review Committee and would appreciate the City's consideration to the revisions made to meet the City's vision as well as meet LCTC's access & operations requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Roy".

Steven Roy

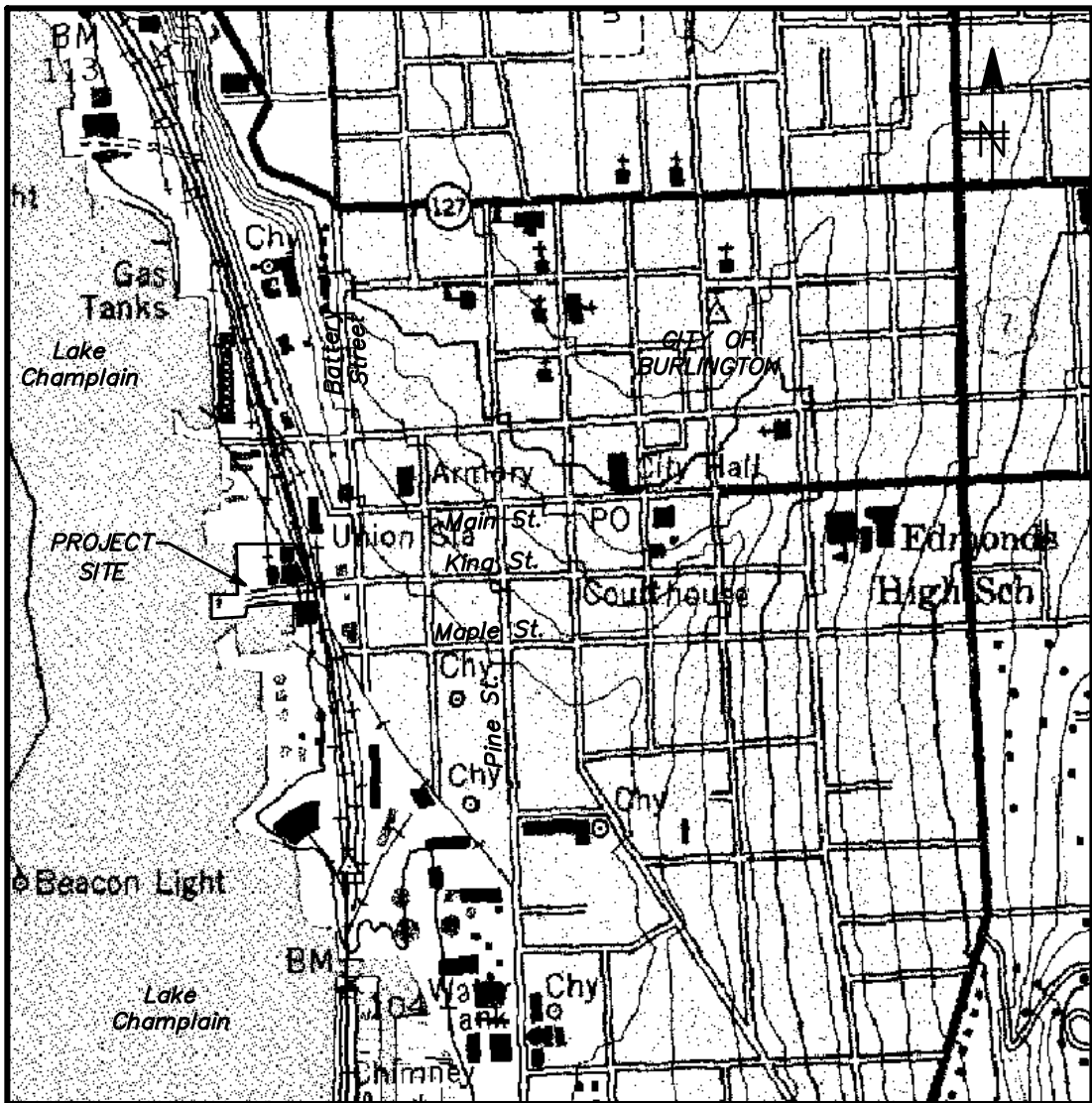
Vice President, Wiemann Lamphere Architects



LEGEND

Note: Existing site features are generally labelled on the plans with italicized, lower case text, while upper case, block-style text generally denotes proposed features.

---	PROPERTY LINE
---	EASEMENT
---	EXISTING EDGE OF GRAVEL
---	FENCE
---	EXISTING WOOD STOCKADE FENCE
---	EXISTING WOOD PICKET FENCE
---	EXISTING WOOD PLANK GUARDRAIL
---	EXISTING RAILROAD TRACKS
---	UTILITY LINE (AERIAL)
---	ELECTRICAL SERVICE (BURIED)
---	TELEPHONE/COMMS SERVICE (BURIED)
---	NATURAL GAS SERVICE (BURIED)
---	WATER SERVICE
---	SANITARY FORCE MAIN
---	CONTOUR (PROPOSED)
---	DITCH OR SWALE
---	CONCRETE MONUMENT
---	CALCULATED SURVEY POINT
---	UTILITY POLE
---	LIGHT POLE
---	BUILDING-MOUNTED LIGHT
---	ELECTRICAL TERMINAL CABINET
---	EXISTING ELECTRICAL OUTLET/FIXTURE
---	STORM CATCH BASIN
---	SPOT ELEVATION
---	EXISTING ROOF LINE (DASHED LINES SHOW ALIGNMENT OF DRAINAGE)
---	EXISTING FLAT ROOF

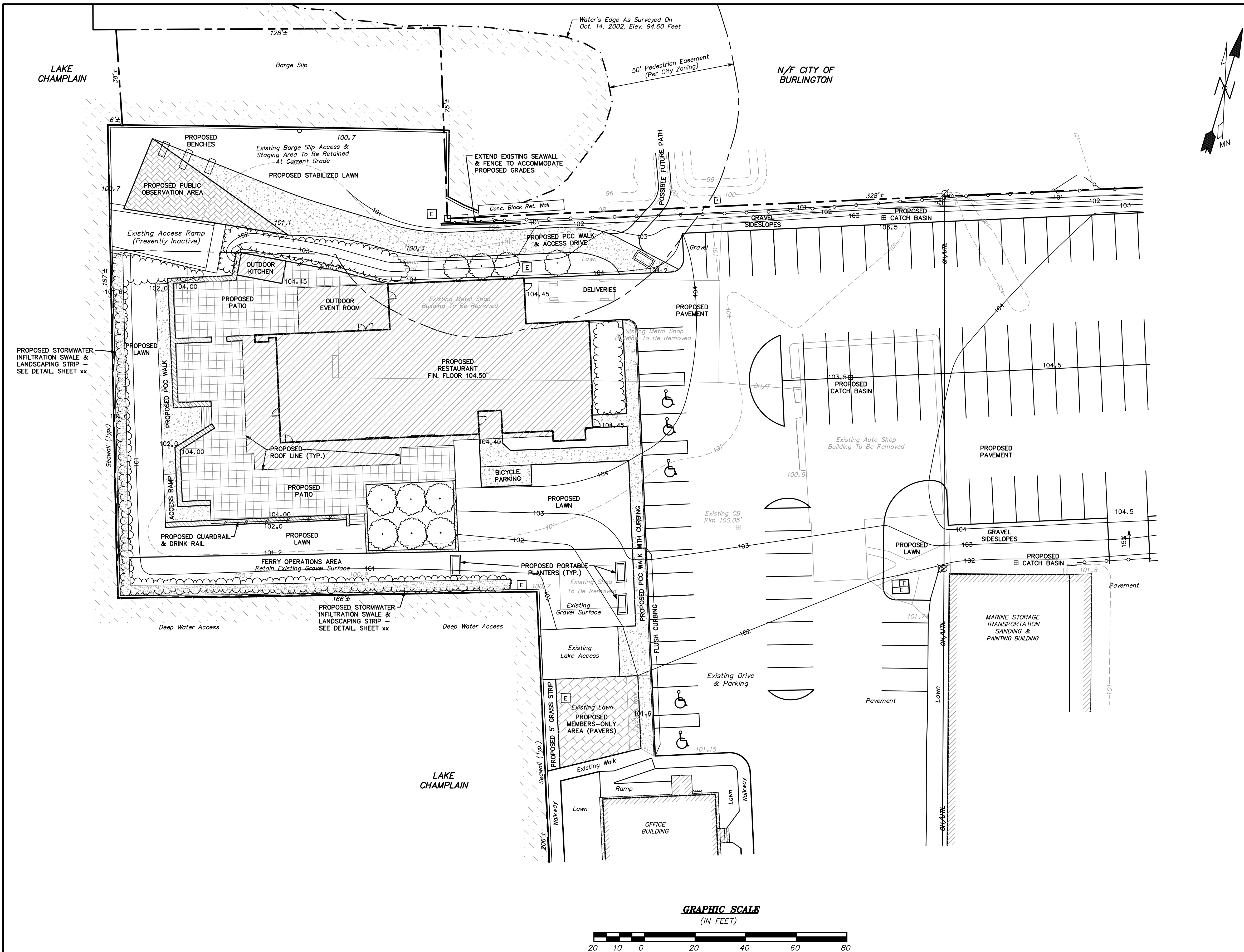


LOCATION MAP
N. T.S.

- NOTES**
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 5. THE CONTRACTOR SHALL NOTIFY DIG-SAFE (888)344-7233 AT LEAST FORTY-EIGHT HOURS PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE AWARE THAT OTHER BURIED UTILITIES OR STRUCTURES, NOT SHOWN ON THESE PLANS AND/OR NOT LOCATED BY DIG-SAFE, MAY EXIST ON THIS SITE.
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 7. THE PURPOSE OF THESE PLANS IS TO DEPICT EXISTING CONDITIONS AND PROPOSED SITE MODIFICATIONS FOR A PROPOSED RESTAURANT, IN SUPPORT OF LOCAL AND STATE PERMITTING.
 8. BOUNDARY INFORMATION SHOWN IS APPROXIMATE, BASED UPON INFORMATION FROM THE OWNER, FIELD EVIDENCE FOUND, A "PLAT OF SURVEY SHOWING PORTION OF DONALD L. & HELENA M. WILDER PROPERTY" (DATED AUG., 1994 BY WARREN A. ROSENSTEN, L.S., AS RECORDED AT SLIDE 136B OF THE SOUTH HERO LAND RECORDS), AND SOUTH HERO TAX MAPS. THE 2002 TOPOGRAPHY SHOWN IS PRIMARILY FROM "BASE PLAN - EXISTING CONDITIONS", DATED OCTOBER 18, 2002 BY LAND LINES SURVEYING AND MAPPING, MICHAEL R. MAGOON, L.S. BUERMANN ENGINEERING, LLC HAS SINCE PERIODICALLY UPDATED SITE CONDITIONS TO REFLECT CURRENT CONDITIONS. THE PROPERTY LINES, EASEMENTS, AND OTHER REAL PROPERTY DESCRIPTIONS PROVIDED ON THIS PLANS ARE FOR THE USE OF THE PERMITTING AUTHORITIES ONLY. THEY DO NOT DEFINE LEGAL RIGHTS OR MEET LEGAL REQUIREMENTS FOR A LAND SURVEY AS DESCRIBED IN 26 V.S.A. SECTION 2502(4), AND SHALL NOT BE USED IN LIEU OF A SURVEY AS THE BASIS OF ANY LAND TRANSFER OR ESTABLISHMENT OF ANY PROPERTY RIGHT.

PROPERTY OVERVIEW - EXISTING CONDITIONS LAKE CHAMPLAIN TRANSPORTATION CO. & DOC PONDS RESTAURANT KING STREET DOCK BURLINGTON, VERMONT	Date 12/23/2020
	Project Number 928
	Plan Scale 1" = 40'
	Sheet 1 of 7
 BUERMANN ENGINEERING, LLC 7 Sanderson Road, Milton, Vermont 05468 Tel.: (802) 893-1308 www.belvt.com	

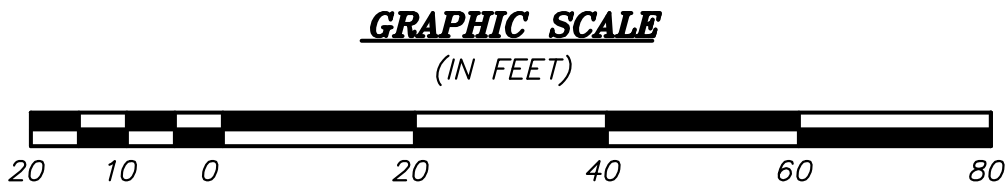
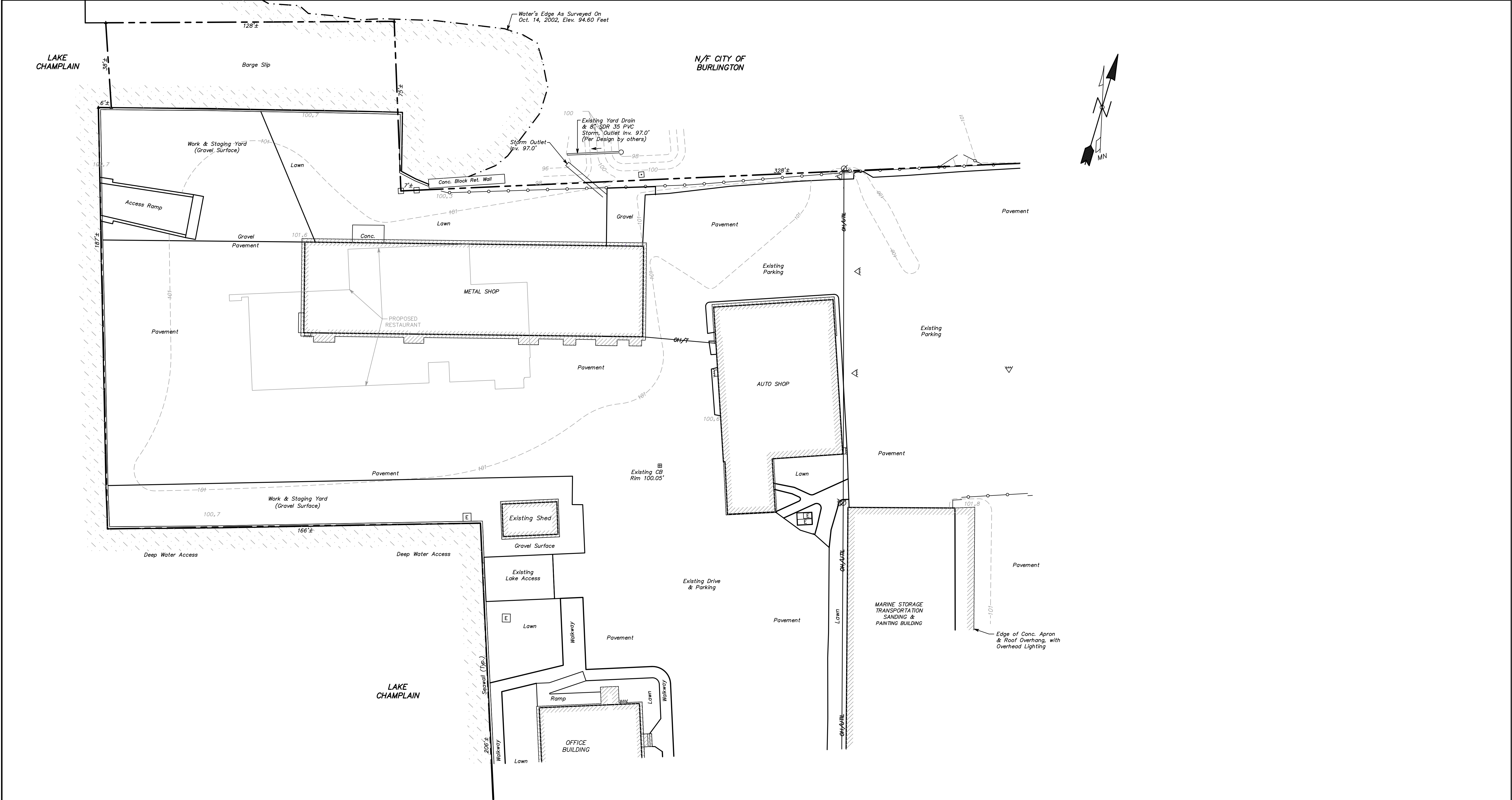
OWNER OF RECORD
LAKE CHAMPLAIN TRANSPORTATION COMPANY
KING STREET DOCK, BURLINGTON, VERMONT 05401
DEEDS RECORDED AT BURLINGTON LAND RECORDS,
VOL. 129, PG. 394-395, DATED FEB. 2, 1948
VOL. 142, PG. 460-461, DATED FEB. 1, 1952
VOL. 235, PG. 435-444, DATED APRIL 8, 1976
TAX MAP PARCEL #049-1-078-000
SPAN 114-035-16983



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7. REFER TO SHEET 1 FOR PLAN LEGEND, ADDITIONAL NOTES AND REFERENCES.

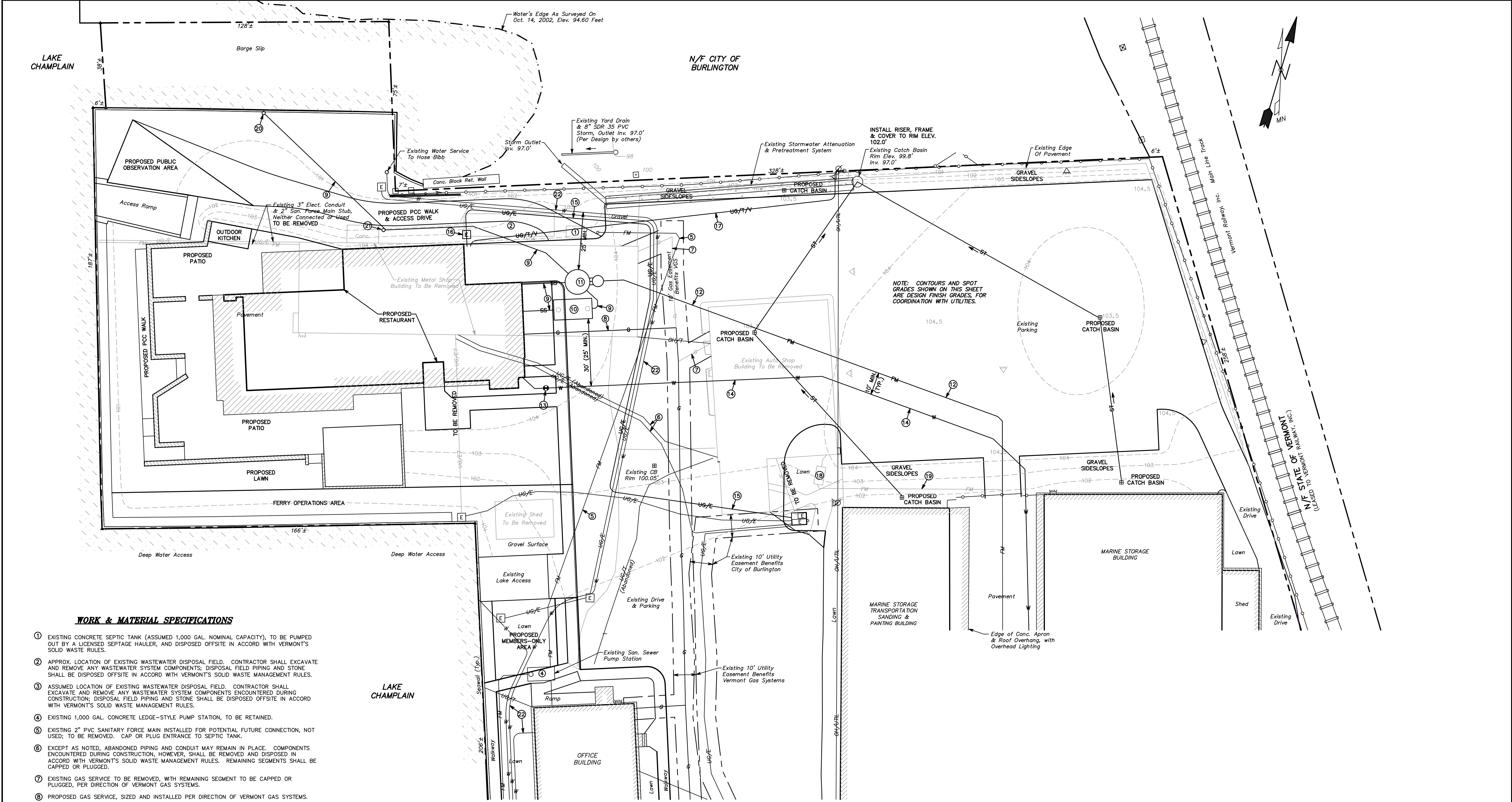
RESTAURANT SITE PLAN	Date 12/23/2020
LAKE CHAMPLAIN TRANSPORTATION CO. & DOC PONDS RESTAURANT	Project Number 928
KING STREET DOCK BURLINGTON, VERMONT	Plan Scale 1" = 20'
	Sheet 2 of 7
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Tel.: (802) 893-1308 www.belvt.com	



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7. REFER TO SHEET 1 FOR ADDITIONAL NOTES AND REFERENCES.

EXISTING CONDITIONS – RESTAURANT SITE	Date 12/23/2020
LAKE CHAMPLAIN TRANSPORTATION CO. & DOC PONDS RESTAURANT KING STREET DOCK BURLINGTON, VERMONT	Project Number 928
	Plan Scale 1" = 20'
	Sheet 3 of 7
 <u>BUERMANN ENGINEERING, LLC</u> 7 Sanderson Road, Milton, Vermont 05468	
Tel.: (802) 893-1308	EC31R00



WORK & MATERIAL SPECIFICATIONS

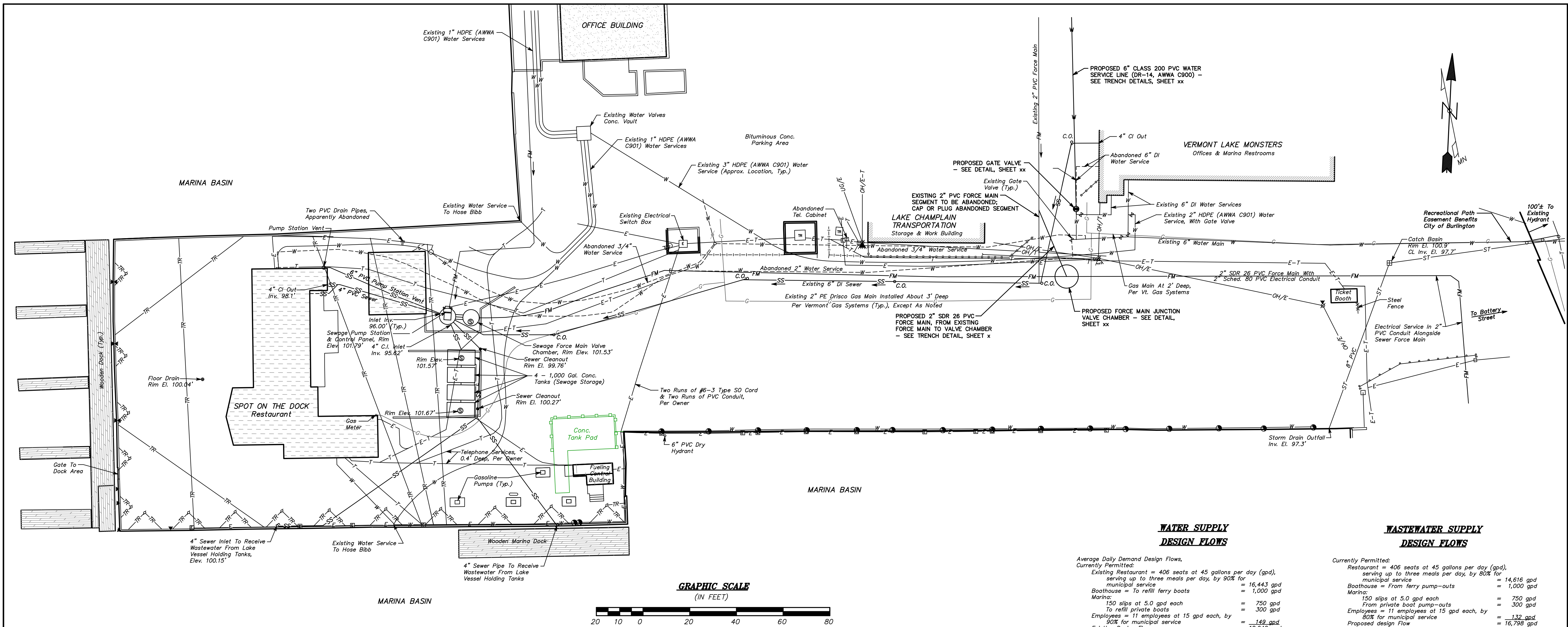
- ① EXISTING CONCRETE SEPTIC TANK (ASSUMED 1,000 GAL. NOMINAL CAPACITY), TO BE PUMPED OUT BY A LICENSED SEPTAGE HAULER, AND DISPOSED OFFSITE IN ACCORD WITH VERMONT'S SOLID WASTE RULES.
- ② APPROX. LOCATION OF EXISTING WASTEWATER DISPOSAL FIELD. CONTRACTOR SHALL EXCAVATE AND REMOVE ANY WASTEWATER SYSTEM COMPONENTS; DISPOSAL FIELD PIPING AND STONE SHALL BE DISPOSED OFFSITE IN ACCORD WITH VERMONT'S SOLID WASTE MANAGEMENT RULES.
- ③ ASSUMED LOCATION OF EXISTING WASTEWATER DISPOSAL FIELD. CONTRACTOR SHALL EXCAVATE AND REMOVE ANY WASTEWATER SYSTEM COMPONENTS ENCOUNTERED DURING CONSTRUCTION; DISPOSAL FIELD PIPING AND STONE SHALL BE DISPOSED OFFSITE IN ACCORD WITH VERMONT'S SOLID WASTE MANAGEMENT RULES.
- ④ EXISTING 1,000 GAL. CONCRETE LEDGE-STYLE PUMP STATION, TO BE RETAINED.
- ⑤ EXISTING 2" PVC SANITARY FORCE MAIN INSTALLED FOR POTENTIAL FUTURE CONNECTION, NOT USED; TO BE REMOVED. CAP OR PLUG ENTRANCE TO SEPTIC TANK.
- ⑥ EXCEPT AS NOTED, ABANDONED PIPING AND CONDUIT MAY REMAIN IN PLACE. COMPONENTS ENCOUNTERED DURING CONSTRUCTION, HOWEVER, SHALL BE REMOVED AND DISPOSED IN ACCORD WITH VERMONT'S SOLID WASTE MANAGEMENT RULES. REMAINING SEGMENTS SHALL BE CAPPED OR PLUGGED.
- ⑦ EXISTING GAS SERVICE TO BE REMOVED, WITH REMAINING SEGMENT TO BE CAPPED OR PLUGGED, PER DIRECTION OF VERMONT GAS SYSTEMS.
- ⑧ PROPOSED GAS SERVICE, SIZED AND INSTALLED PER DIRECTION OF VERMONT GAS SYSTEMS.
- ⑨ PROPOSED 6" SDR SCHED. 40 PVC GRAVITY SEWER AT 0.006' PER FT. MIN. GRADE.
- ⑩ PROPOSED 9,000 GAL. CONCRETE GREASE CHAMBER. SEE DETAIL, SHEET xx.
- ⑪ PROPOSED 10' I.D. PUMP STATION AND 3' I.D. VALVE CHAMBER. SEE DETAILS, SHEET xx.
- ⑫ PROPOSED 2" SDR 26 PVC FORCE MAIN; CONNECT TO EXISTING FORCE MAIN AT SOUTHEASTERLY TERMINUS. SEE TRENCH DETAIL, SHEET xx.
- ⑬ PROPOSED GATE VALVE. SEE DETAIL, SHEET xx.
- ⑭ PROPOSED 6" CLASS 200 PVC WATER SERVICE LINE (DR-14, AWWA C900). SEE TRENCH DETAILS, SHEET xx.
- ⑮ PROPOSED BURIED ELECTRICAL SERVICE. SEE TRENCH DETAILS, SHEET xx.
- ⑯ PROPOSED ELECTRICAL TERMINAL CABINET AND/OR TRANSFORMER, PER DIRECTION OF BURLINGTON ELECTRIC DEPARTMENT.
- ⑰ PROPOSED BURIED TELEPHONE AND CABLE TELEVISION SERVICES, TO BE INSTALLED PER DIRECTION OF SERVICE PROVIDERS. SEE TRENCH DETAILS, SHEET xx.
- ⑱ EXISTING CONCRETE PUMP STATION (ASSUMED 1,000 GAL. NOMINAL CAPACITY), TO BE PUMPED OUT BY A LICENSED SEPTAGE HAULER, AND DISPOSED OFFSITE IN ACCORD WITH VERMONT'S SOLID WASTE RULES.
- ⑲ EXISTING 2" PVC FORCE MAIN SEGMENT, TO BE ABANDONED. CAP OR PLUG ABANDONED TERMINUS.
- ⑳ PROPOSED INLET BASIN TO RECEIVE SEWAGE PUMP-OUT FROM FERRIES AND/OR CRUISES. SEE DETAIL, SHEET xx.
- ㉑ PROPOSED SANITARY SEWER CLEAN OUT. SEE DETAIL, SHEET xx.
- ㉒ EXISTING 1" HDPE (AWWA C901) WATER SERVICE.

GRAPHIC SCALE
(IN FEET)



Note: Existing site features are generally labeled on the plans with italicized, lower case text, while upper case, block-style text generally denotes proposed features.

UTILITIES PLAN – NORTH LAKE CHAMPLAIN TRANSPORTATION CO. & DOC PONDS RESTAURANT KING STREET DOCK BURLINGTON, VERMONT	Date 12/23/2020
	Project Number 928
	Plan Scale 1" = 20'
	Sheet 4 of 7
 BUERMANN ENGINEERING, LLC 7 Sanderson Road, Milton, Vermont 05468	
Tel.: (802) 893-1308 www.belv.com U31NR00	



**WATER SUPPLY
DESIGN FLOWS**

Average Daily Demand Design Flows,	
Currently Permitted:	
Existing Restaurant = 406 seats at 45 gallons per day (gpd), serving up to three meals per day, by 90% for municipal service	= 16,443 gpd
Boathouse = To refill ferry boats	= 1,000 gpd
Marina:	
150 slips at 5.0 gpd each	= 750 gpd
To refill private boats	= 300 gpd
Employees = 11 employees at 15 gpd each, by 80% for municipal service	= 149 gpd
Existing Design Flow	= 18,642 gpd
Proposed:	
Existing Restaurant = 406 seats at 45 gallons per day (gpd), serving up to three meals per day, by 90% for municipal service	= 16,443 gpd
Boathouse = To refill ferry/cruise boats	= 4,500 gpd
Marina:	
150 slips at 5.0 gpd each	= 750 gpd
To refill private boats	= 300 gpd
Employees = 11 employees at 15 gpd each, by 80% for municipal service	= 149 gpd
Proposed Restaurant = 315 seats at 27 gpd, serving up to two meals per day	= 8,505 gpd
Proposed Design Flow	= 30,647 gpd

**WASTEWATER SUPPLY
DESIGN FLOWS**

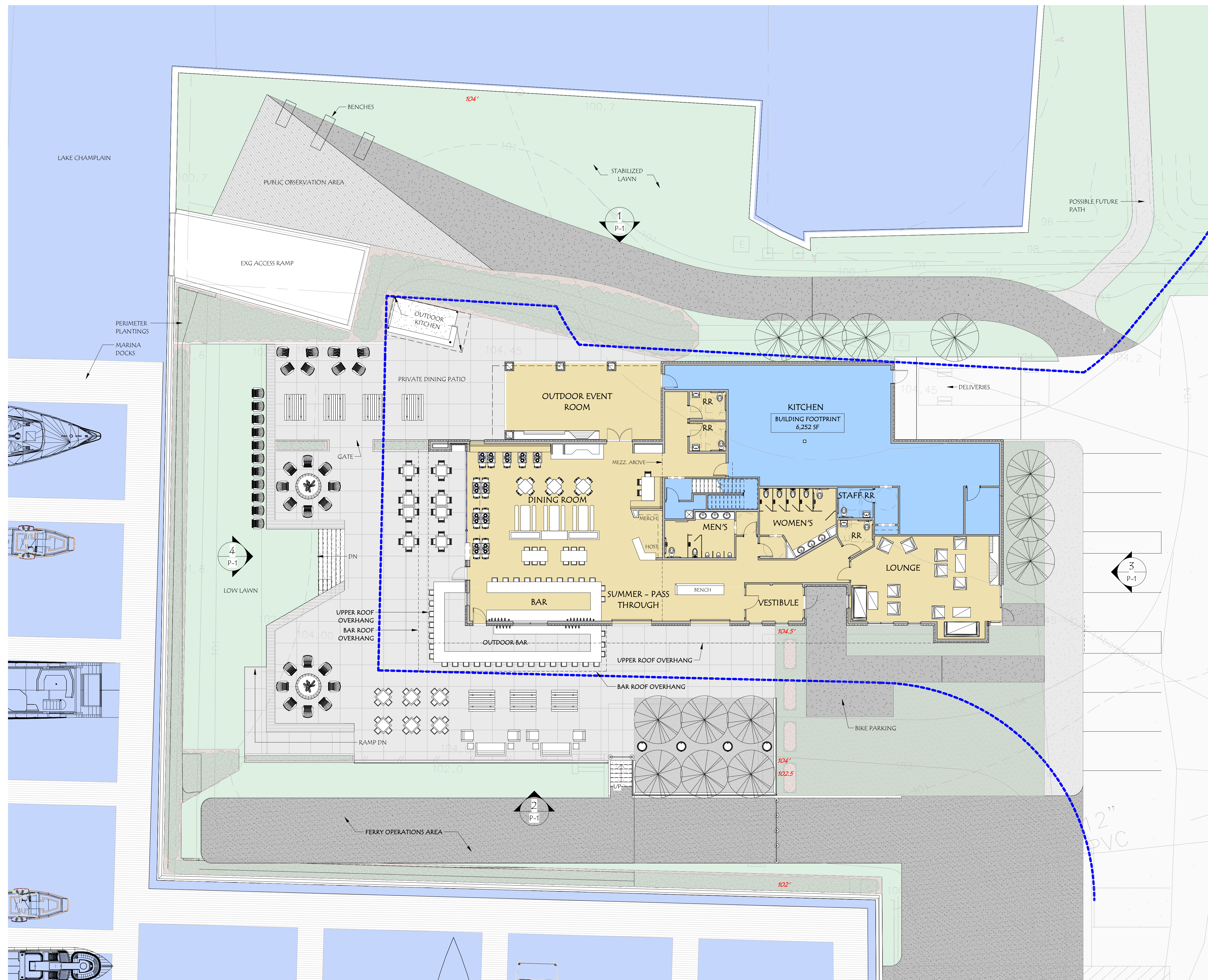
Currently Permitted:	
Restaurant = 406 seats at 45 gallons per day (gpd), serving up to three meals per day, by 80% for municipal service	= 14,616 gpd
Boathouse = From ferry pump-outs	= 1,000 gpd
Marina:	
150 slips at 5.0 gpd each	= 750 gpd
From private boat pump-outs	= 300 gpd
Employees = 11 employees at 15 gpd each, by 80% for municipal service	= 132 gpd
Proposed design flow	= 16,798 gpd
Proposed:	
Existing Restaurant = 406 seats at 45 gallons per day (gpd), serving up to three meals per day, by 80% for municipal service	= 14,616 gpd
Boathouse = From ferry/cruise boat pump-outs	= 4,500 gpd
Marina:	
150 slips at 5.0 gpd each	= 750 gpd
From private boat pump-outs	= 300 gpd
Employees = 11 employees at 15 gpd each, by 80% for municipal service	= 132 gpd
Proposed Restaurant = 315 seats at 27 gpd, serving up to two meals per day	= 8,505 gpd
Proposed Design Flow	= 28,803 gpd

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7. REFER TO SHEET 1 FOR ADDITIONAL NOTES, REFERENCES AND PLAN LEGEND.

UTILITY PLAN - SOUTH		Date 12/23/2020
LAKE CHAMPLAIN TRANSPORTATION CO. & DOC PONDS RESTAURANT		Project Number 863
KING STREET DOCK BURLINGTON, VERMONT		Plan Scale 1" = 20'
©		Sheet 5 of 7
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Tel.: (802) 893-1308		www.belvt.com

Ownership of Instruments of Service



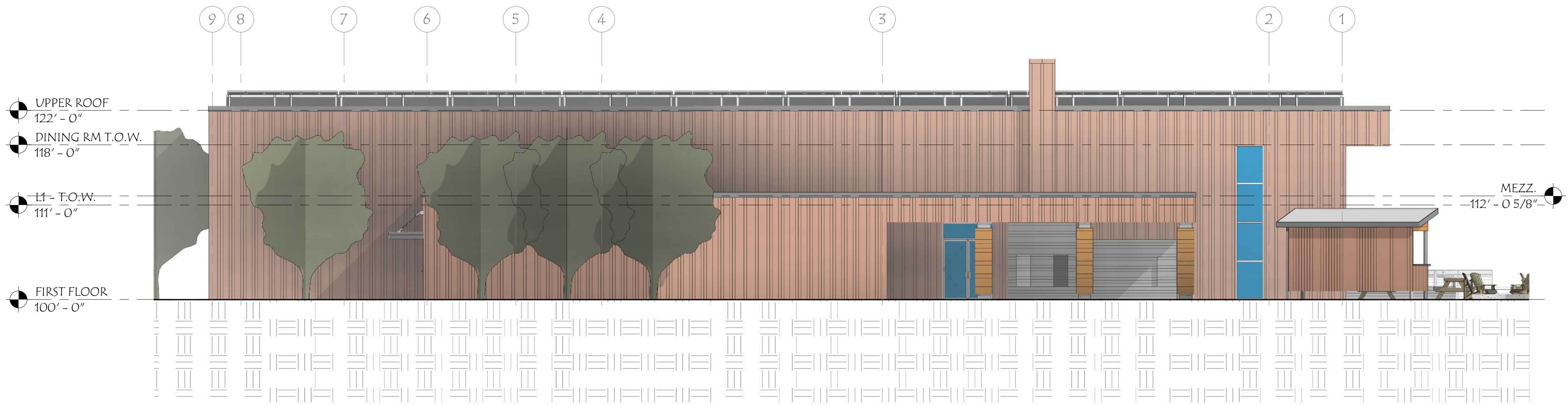
BURLINGTON, VT

Wiemann
amphere
ARCHITECTS

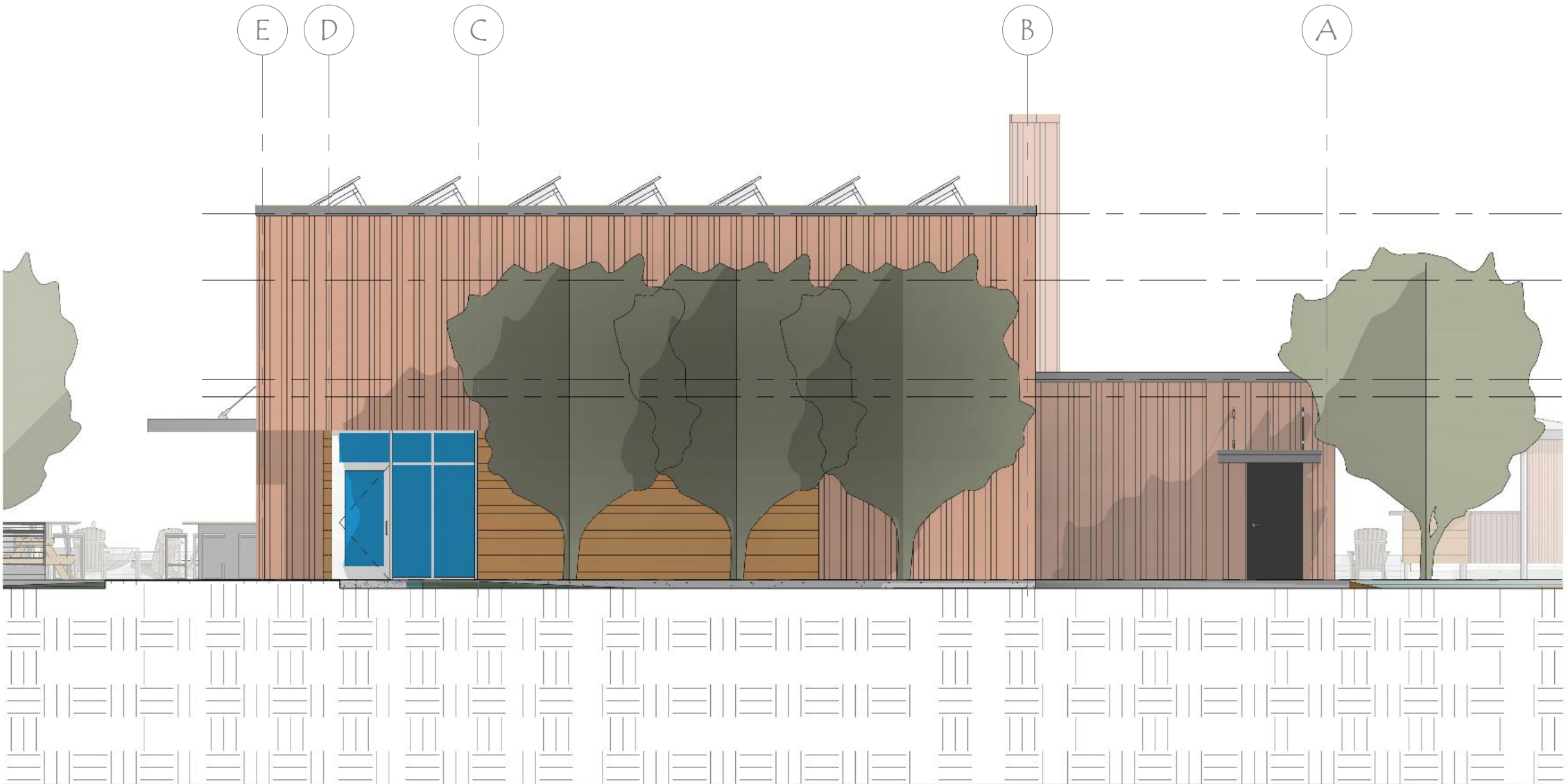
12/28/2020 11:20:20 AM

All reports, drawings, specifications, computer files, field data, notes and other documents and instruments prepared by the Consultant as instruments of service shall remain the property of the Consultant. The Consultant shall retain all common law, statutory and other reserved rights, including the copyright therein. 2019-2020 | Wernham Lamphere Architects | 100 Park Ave., Suite 200 | Burlington, VT 05401 | Tel: 802.255.1100 | Fax: 802.255.1101 | www.wernhamlamphere.com

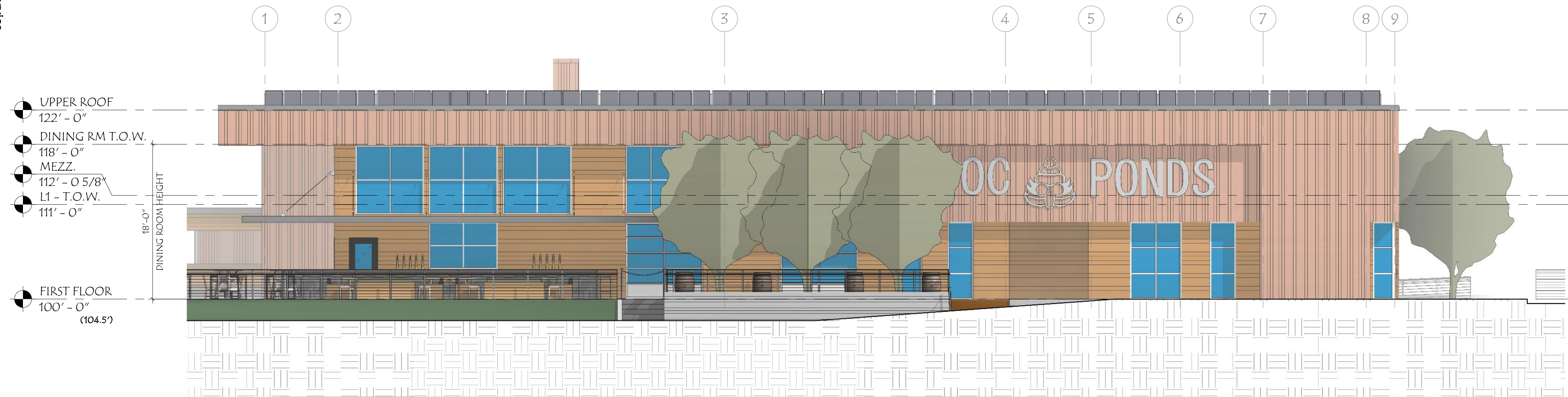
Ownership of Instruments of Service



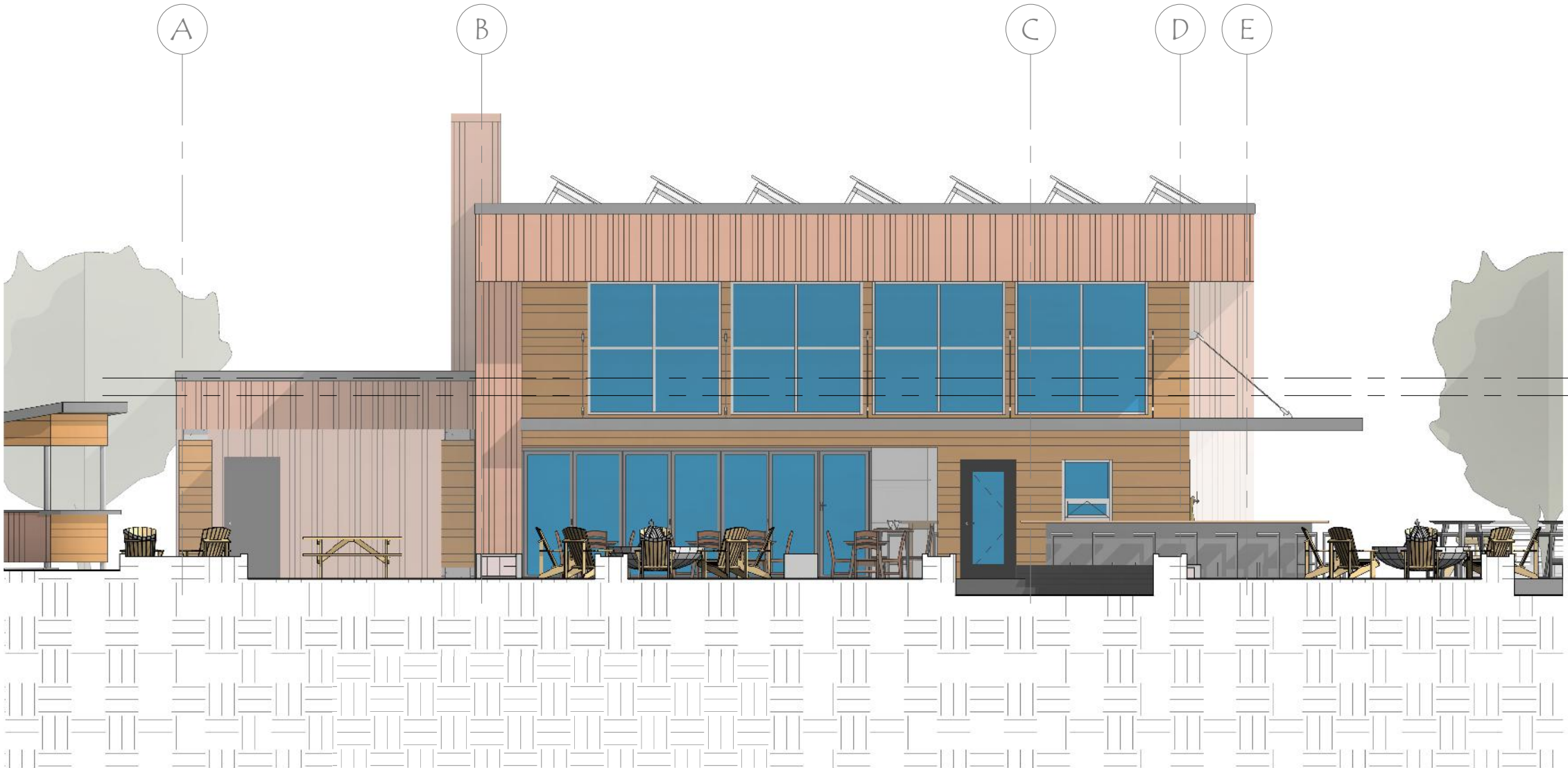
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

WATERFRONT RESTAURANT

BURLINGTON, VT

SCHEMATIC EXTERIOR ELEVATIONS



12/28/2020 11:51:44 AM



Doc Ponds

Burlington, VT

SE Overview

December 29, 2020



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Ownership of Instruments of Service

Doc Ponds

Burlington, VT

SW Overview

December 29, 2020





Ownership of Instruments of Service

Doc Ponds

Burlington, VT

NW Overview

December 29, 2020





Ownership of Instruments of Service

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Doc Ponds

Burlington, VT

NE Overview

December 29, 2020





Doc Ponds

Burlington, VT

SE Approach

December 29, 2020



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Doc Ponds

Burlington, VT

Main Entry

December 29, 2020



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Ownership of Instruments of Service

Doc Ponds

Burlington, VT

Outdoor Bar and Seating

December 29, 2020





Ownership of Instruments of Service

Doc Ponds

Burlington, VT

LCTC Access & Operations Area

December 29, 2020



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Doc Ponds

Burlington, VT

Outdoor Patio

December 29, 2020





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Ownership of Instruments of Service

Doc Ponds

Burlington, VT

Outdoor Restaurant Seating & Event Room



December 29, 2020



Ownership of Instruments of Service

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Doc Ponds

Burlington, VT

Public Observation Area

December 29, 2020



Department of Permitting & Inspections

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

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: January 5, 2021
RE: 21-0499SP; 2-14 King Street

=====

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

Zone: DW-PT Ward: 3C

Owner/Applicant: Lake Champlain Transportation Company

Request: Sketch plan review to demolish warehouse and construct restaurant with associated site alterations.

Applicable Regulations:

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

Background Information:

The applicant is requesting sketch plan review of a proposal to demolish an existing warehouse associated with the ferry company and to replace it with a new restaurant building and related site improvements. An existing "auto shop" building and smaller shed will also be removed as part of the site redevelopment.

The property sits within the Special Flood Hazard Area. This location triggers review under the SFHA criteria of Sec. 4.5.4. Upon application, project plans will be provided to the state floodplain coordinator for review and comment. Significant fill is included in this proposal to elevate the new building and reconstructed parking area above the 102' flood elevation.

Previous zoning actions for this property:

- 10/6/20, Approval for a new building and deck to replace prior structure
- 5/19/20, Approval for the construction of a shed to house a commercial ice machine.
- 8/6/19, Approval for site modifications to accommodate vehicular and pedestrian flow for the ferry basin.
- 12/4/18, Approval to relocate 2 loading ramps.
- 11/7/18, Approval for after the fact paving of gravel areas
- 10/5/17, Approval for replacement fuel tank and islands for dispensers
- 5/23/17, Approval for renovations to restaurant
- 3/7/16, Approval for replacement ticket booth
- 4/27/12, Approval for Lake Monsters Team Headquarters sign

- 6/10/11, Non-app issued for post-flood damage repairs
- 11/30/09, Approval for trussed gable roof
- 2/19/08, Approval for conversion of retail to office space
- 2/17/05, Approval for roof renovations
- 4/13/04, Approval to install ticket window
- 5/27/03, Approval for sur pac and parking lot lighting installation
- 2/21/03, Approval to replace existing restaurant building with larger restaurant building (not acted upon)
- 2/22/01, Approval for Maritime Museum sign
- 2/22/01, Approval to change use to museum
- 8/18/00, Approval to install an interpretative marker
- 5/1/00, Approval to change portion of retail space to creemee stand
- 6/3/99, Approval to amend prior approval for 5 finger docks with marine gas float
- 2/18/99, Approval to install 5 finger docks
- 10/10/95, Approval to install vertical metal siding on maintenance shed
- 10/29/93, Approval for construction of a 20' X 20' storage structure
- 4/9/92, Approval to construct HC accessible bathroom with ramp
- 5/9/91, Approval to construct new structure containing freezer and refrigeration units

I. Findings

Article 3: Applications and Reviews

Part 3, Impact Fees:

Section 3.3.2, Applicability

The new restaurant will require payment of impact fees. Credit will be provided for the demolished warehouse and other buildings the new structure will replace.

Article 4: Maps & Districts

Sec. 4.4.1, Downtown Mixed Use Districts:

(a) Purpose

(2) Downtown Waterfront – Public Trust District (DW-PT)

The subject property is located in the Downtown Waterfront – Public Trust District. This zone is intended to enhance and diversify commercial and residential development in the downtown waterfront area with an emphasis on enhanced community access to the lakeshore. This project will introduce a new publicly accessible use to the downtown waterfront and will provide for public access to the lakefront. The project appropriately relates to the intent of this district.

(b) Dimensional Standards & Density

No FAR information is included in the sketch plans and will need to be included in the permit application. Building height is 25' and is below the 35' limit. No minimum setbacks apply except for a 50' lakeshore setback addressed in subsection d (4) below. While there is no lot coverage limit in this zone, lot coverage will be reduced with the introduction of new green space.

(c) Permitted & Conditional Uses

See Sec. 4.4.1 (d) 1, *Public Trust Restrictions, B, Permitted Uses: Maple to Main Street*

(d) District Specific Regulations

1. Use Restrictions

B. Permitted Uses: Maple to Main Street

Restaurants are a permitted use in this section of the downtown waterfront.

(c) Other Regulations in Effect

All other applicable zoning standards apply as reflected in these findings.

3. Facades and Setbacks on Side and Rear Property Lines

Not applicable.

4. Lake Champlain Waterfront Setbacks

The property sits within the lakeshore portion of the downtown waterfront district. A 50' waterfront setback applies, but provision is made for certain types of encroachments. The 50' waterfront setback stems from the status of the filled waterfront lands as public trust lands. The setback is intended to provide open and continuous public access to the water's edge.

The existing warehouse sits within the 50' setback to the north. The degree of encroachment will be lessened by the proposed restaurant building, but it too will encroach. As the degree of nonconformity will lessen, the proposed building encroachment is acceptable.

Proposed site features to the west and south, including patio seating, planters, and parking will encroach into the 50' setback. Subsection C allows for encroachments such as walkways, planters, and benches so long as pedestrian circulation is not unreasonably impaired. The proposed parking spaces at the southeastern end of the restaurant may need to be relocated, as they may significantly impair pedestrian circulation (they do not appear in the renderings, but do appear in the site plan). Much of the proposed outdoor patio seating area is effectively walled off with planters and may inhibit pedestrian circulation for the general public. A more open layout with greater freedom of pedestrian circulation is encouraged to comply with the intent of the 50' waterfront setback.

5. Development Bonuses/Additional Allowances

Not applicable.

Sec. 4.5.4, Natural Resource Protection Overlay District:

The property is located within the Special Flood Hazard Area (at or below the 102' elevation). As a result, the following criteria apply:

(f) District Specific Regulations: Special Flood Hazard Area

(7) Special Review Criteria

A. The danger to life and property...

The finished grade under the restaurant will be elevated with fill to 104' above sea level. This increase in the finished grade will place the proposed restaurant above the 102' base flood elevation. Within the lakeshore flood zone, fill does not affect flood heights or velocities.

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

As noted above, the finished grade will be increased above the base flood elevation. In doing so, there is limited danger of flood waters reaching the new building and sweeping materials away.

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

The water and sewer lines must be constructed to withstand inundation and soil saturation in times of flooding.

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

Elevating the proposed structure and related parking above the base flood elevation substantially limits the potential for flood damage.

E. The importance of the services provided...

The proposed restaurant will bring about improved public access to the downtown waterfront and will afford opportunity for a new dining experience near the water's edge where none presently exists.

F. The availability of alternative locations...

There are plenty of locations within the city that could host a restaurant. There are few locations; however, along the waterfront that could do so. As noted above, the finished grade will be elevated above the base flood elevation. In doing so, the potential for flooding of the new restaurant will be substantially limited.

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

The restaurant will be located on ferry company property. It will complement the ferry transit operations nicely by providing a place for riders to dine before or after crossing the lake. It could also provide a place for anyone to simply watch the ferries traverse the lake or otherwise experience the downtown waterfront.

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

The ferry company contributes to the working waterfront and enhances the vitality of the downtown waterfront called for in PlanBTV: Downtown and Waterfront. The proposed restaurant will enhance the ferry company property.

I. The safety of access to the property...

Elevation of the finished grade for both the restaurant and the reconstructed parking and circulation areas will improve access to the property during times of flooding.

J. The expected heights, velocity, duration, rate of rise...

The maximum regulatory flood elevation along the lakeshore is 102' above sea level. The addition of fill to raise the finished grade above the base flood elevation will have no perceptible impact on lakeshore flood dynamics or sediment transport.

K. Conformance with all other applicable requirements...

See Articles 4, 5, and 6 of these findings.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.1 (b).

Sec. 5.2.4, Buildable Area Calculation

See Sec. 4.4.1 (b).

Sec. 5.2.5, Setbacks

See Sec. 4.4.1 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.1 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.1 (b).

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. While the proposed restaurant will likely provide a substantial public draw that does not exist now, its location far from residences will limit noise impacts that may be related to outdoor dining and increased traffic generation.

Sec. 5.5.2, Outdoor Lighting

Very limited outdoor lighting information is included in the sketch plans. The permit application must include a photometric plan of the site delineating separate lighting environments (parking & circulation, walkways, and building entries) and fixture cutsheets.

Sec. 5.5.3, Stormwater and Erosion Control

The sketch plans depict some new stormwater management measures. Details as to system components and performance will be required with the permit application. The project is sufficiently large to require an erosion prevention and sediment control plan upon application as well.

Article 6: Development Review Standards**Part 1, Land Division Design Standards**

Not applicable.

Part 2, Site Plan Design Standards**Sec. 6.2.2, Review Standards****(a) Protection of important natural features**

The site contains no significant natural areas as identified in the Open Space Protection Plan. While the site is along the Lake Champlain waterfront, it (and the rest of the downtown waterfront) is not included in the Riparian and Littoral Conservation Zone.

(b) Topographical alterations

As noted previously, the finished elevation will be raised to between 103' and 104' above sea level – above the 102' base flood elevation. That said, the site is basically flat and will remain so.

(c) Protection of important public views

There are significant public views from the project site across the lake and towards the Adirondacks. The replacement of the existing warehouse with a new restaurant will not adversely impact these views. With the conversion to a restaurant, the site will afford improved public access to these important public views.

(d) Protection of important cultural resources

The project site is located on fill soils. The site has no archaeological significance. The warehouse and other buildings to be demolished are not historically significant.

(e) Supporting the use of alternative energy

See Sec. 6.3.2 (f).

(f) Brownfield sites

The site is included on the Vermont DEC Hazardous Site List. Gasoline associated with an underground storage tank was the source of contamination. It appears that remediation activities have been completed.

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management. There remains sufficient space onsite for seasonal snow storage related to plowing.

(h) Building location and orientation

The restaurant will be situated as the warehouse presently is. Unsurprisingly, it will be oriented largely towards the lake; however, its apparent main entry will be visible from inland within the city. There will be an east-facing entry into the lounge as well. There is no uniform pattern of development on the ferry company property for the new restaurant to adhere to.

(i) Vehicular access

Vehicular access to the site will remain from King Street. Circulation and parking will extend north from the ferry company's driveway extending from the bottom of King Street.

(j) Pedestrian access

A new walkway will provide access from the parking areas to the new restaurant. This new walkway will extend south and connect with an existing walkway along the water's edge.

(k) Accessibility for the handicapped

Several handicap parking spaces are depicted in close proximity to the restaurant's main entrance. They are located with ready access to pedestrian walkways. It is the applicant's responsibility to comply with all applicable ADA requirements.

(l) Parking and circulation

Parking spaces and circulation aisles comply with the minimum dimensional requirements of Article 8. Parking spaces will be paved and striped.

Given that the parking area will be substantially revamped, it will need to include shade trees and comply with related shading requirements. No parking lot shading analysis is included in the sketch plans. This criterion establishes a target of 30% shading of the parking areas with new shade trees. At least 1 shade tree for every 5 parking spaces is required. Minimum caliper size at the time of planting is 2.5" – 3.5" and a mature canopy diameter of 35' is expected. Such details will be required with the formal permit application.

(m) Landscaping, fences, & retaining walls

Some basic landscaping details are included in the site plan and reflected in the perspective drawings. No landscaping is evident in the reconstructed parking lot and will be required as noted

above. Note that the site plans indicate a remaining gravel storage yard and access drive at the northern end of the site, whereas the renderings depict open lawn. This discrepancy needs to be corrected. The permit application will need to contain details as to proposed species, size at planting, and location.

The perspective drawings show a fence along the top of an existing retaining wall at the northwest corner of the restaurant. No other new fencing is evident. Details will be needed with the permit application.

No new retaining walls are proposed.

(n) Public plazas and open space

The 50' lakeshore setback effectively requires public open space along the water's edge. As proposed, there is publicly accessible space within this setback. Improved pedestrian circulation is recommended as noted before. There is significant opportunity at this location to provide an exceptional waterfront experience for the public.

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No new outdoor mechanical equipment is apparent in the sketch plans. Provision is needed for trash and recycling containers. Details will be required with the permit application. Any new utility lines must be buried.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The height and scale of the proposed restaurant will be similar to that of the warehouse it will replace. There are several buildings on the ferry company property, including some larger and some smaller than the proposed restaurant. The scale remains appropriate to the site. The massing of the restaurant building is more intricate than that of the warehouse building and includes well-defined components to add interest to the building design and to lessen perceived building bulk and uniformity.

2. Roofs and Rooflines

Most buildings onsite have pitched gable or shed roofs. The proposed restaurant will have a slightly pitched shed roof along with a portion of flat roof. While this roof form differs from others onsite, it works well with the proposed building design and remains appropriate to the site.

3. Building Openings

Ample glazing is proposed along the building's western and southern elevations. Significantly less is present along the eastern and northern facades. Additional glazing along the city-facing eastern elevation is recommended. Windows and doorways are stylistically consistent and appropriate to the proposed building design.

(b) Protection of important architectural resources

See Sec. 6.2.2 (d) above.

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The proposed building is set relatively far back from the street, deep into the lot. It has no street edge. The building does provide a city-facing eastern entrance into the restaurant lounge. As noted above, additional glazing along the eastern façade is encouraged. The primary entrance appears to be around the corner on the southern elevation. The open layout, abundant glazing, and sheltered entry make for an inviting entry into the building.

(e) Quality of materials

Exterior materials details are lacking in the sketch plans. Such information will be required with the permit application.

(f) Reduce energy utilization

The sketch plans depict solar panels on the upper roof deck facing south. In addition to this renewable energy feature, the new building will comply with the current energy efficiency requirements of the city and state.

(g) Make advertising features complimentary to the site

Two “Doc Ponds” wall signs are depicted on the north and south building elevations. No assessment has been made as to dimensional compliance with the sign standards of Article 7. All outdoor signs are subject to separate zoning permit review.

(h) Integrate infrastructure into the building design

No rooftop mechanical equipment is evident in the sketch plans. A chimney of sorts appears to rise above the kitchen area. If any rooftop mechanicals are proposed, they must be depicted and screened.

(i) Make spaces safe and secure

Building entrances are clearly visible and will presumably be illuminated. Whether the line of planters at the southeast corner of the new building will inhibit emergency vehicle access needs to be addressed (or revised) in the permit application.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the Multimodal Mixed-Use parking district. As a result, the proposed restaurant has no minimum onsite parking requirement.

Sec. 8.1.9, Maximum On-Site Parking Spaces

The maximum permissible parking space count for the restaurant is 20. This maximum is based on 100% of the shared use parking district requirement for a restaurant (3 spaces per 1,000 sf for a 6,500 sf restaurant). The proposed parking plan contains far more than 20 spaces. The permit application will need to indicate total existing onsite parking versus the total proposed. There will be a reduction in parking demand for the ferry transit use due to the removal of the warehouse and

auto shop building and an increase due to the restaurant. The end result cannot exceed 20 spaces for the restaurant.

Sec. 8.1.10, Off-Street Loading Requirements

Although not required in the multimodal parking district, a loading area is proposed at the northeast corner of the restaurant building.

Sec. 8.1.11, Parking Dimensional Requirements

As noted previously, the proposed parking spaces and circulation aisles comply with the dimensional minimums of this subsection.

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Off-Site Parking Facilities

None proposed.

(b) Front Yard Parking Restricted

Not applicable.

(c) Shared Parking

Not applicable.

(d) Single Story Structures in Shared Use Districts

Not applicable.

(e) Joint Use of Facilities

Not applicable.

(f) Availability of Facilities

The parking to be constructed as part of this development must be for the exclusive use of employees, patrons, and visitors. It may not be used for the storage or display of vehicles or materials.

Sec. 8.1.13, Parking for Disabled Persons

Several handicap parking spaces are depicted on the sketch plans. These spaces shall be marked and signed as required for handicap spaces.

Sec. 8.1.14, Stacked and Tandem Parking Restrictions

Not applicable.

Sec. 8.1.15, Waivers from Parking Requirements/Parking Management Plans

Not applicable.

Sec. 8.1.16, Transportation Demand Management

Not applicable.

Sec. 8.2.5, Bicycle Parking Requirements

Both short term and long term bicycle parking will be required. The site plan depicts a location for bicycle parking, but details are lacking. The 6,500 sf restaurant requires 7 sheltered long-term bike

parking spaces and perhaps a dozen short term spaces (1 space per 500 sf seating area – confirmation is needed). Bike parking details will be required with the permit application.

II. Conditions of Approval

None for sketch plan review.

Burlington Development Review Board

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

Brad Rabinowitz
AJ LaRosa
Springer Harris
Geoff Hand
Brooks McArthur
Kienan Christianson
Caitlin Halpert
Sean McKenzie, (Alternate)
Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, January 5th, 2020, 5:00 PM

REMOTE MEETING

Zoom: <https://us02web.zoom.us/j/82200877340?pwd=WWdaYnBhOXBOSUQzVGtZRXo5R1ZFUT09>

Webinar ID: 822 0087 7340

Password: 842557

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

Meeting link: <https://www.cctv.org/watch-tv/programs/burlington-development-review-board-349>

Draft Minutes

Board Members Present: Brad Rabinowitz, AJ LaRosa, Springer Harris, Brooks McArthur, Kienan Christianson, Caitlin Halpert, Geoff Hand (only present for 21-0499SP item)

Board Members Not Present: Sean McKenzie (Alt), Ravi Venkataraman (Alt)

Staff Members: Scott Gustin, Mary O'Neil, Ryan Morrison, Alison Davis

I. Agenda

B. Rabinowitz: No changes to the agenda.

II. Communications

B. Rabinowitz: All communications posted under meeting packet online.

S. Gustin: Some revised sketch plan materials posted for the 2-14 King Street item

III. Minutes

B. Rabinowitz: Minutes from December 15th posted online.

IV. Consent

1. 19-0202CA/MA; 44 Lakeside Avenue (ELM, Ward 5S) Lakeside Ovens LLC

Time extension request for renovating buildings for assembly, office, and seasonal recreational use. Rework parking and circulation. Merge north and south lots into one. (Project Manager: Mary O'Neil)

John Caulo appeared on behalf of item

No public appeared for testimony

B. Rabinowitz: Asks applicant if they agree with the Conditions of Approval and staff recommendations

J. Caulo: Yes, agree. Extension due to impact of covid.

B. Rabinowitz: Asks if there is anyone from the public to comment on item

No public

S. Harris: Motion to grant one-year time extension and adopt staff findings.

B. McArthur: Seconds motion

6-0-0

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2. 20-0037CA/MA; 266 College Street (FD5, Ward 8E) Hotel Y Burlington LLC

Time extension request for building renovations and addition for hotel, below grade parking structure, and rooftop bar and restaurant. (Project Manager: Mary O'Neil)

John Caulo appeared on behalf of item

No public appeared for testimony

B. Rabinowitz: Asks applicant if they agree with the Conditions of Approval and staff recommendations

J. Caulo: Yes, agrees. Asks to clarify that this is a one-year extension and that brings that date to August 2023.

M. O'Neil: Yes, correct. This time extension differs from the 44 Lakeside Ave item time extension because the Lakeside Ave project is nearly complete and the time extension was needed just to complete the project. This is a time extension to allow you the one year to commence construction. It will bring you out to August 2023.

B. Rabinowitz: Asks if there are any members on the Board who object to treating item as consent.

No objections

B. Rabinowitz: Asks if there is anyone from the public to comment on item

No public

S. Harris: Motion to grant approval for time extension and adopt staff findings and conditions.

C. Halpert: Seconds motion

6-0-0

3. 21-0520CA/CU; 31 North Prospect Street (RL, Ward 1E) Kesha Ram

Change of use to duplex; removing boarding house. (Project Manager: Ryan Morrison)

Kesha Ram appeared on behalf of item

No public appeared for comment

B. Rabinowitz: Asks applicant if they agree with the Conditions of Approval and staff recommendations

K. Ram: Yes, agree.

B. Rabinowitz: Asks if any members of Board object to item being treated as consent

No objections

Asks if there is anyone from the public to comment on item

No public

K. Christianson: Motion to approve application and adopt staff findings.

C. Halpert: Seconds motion

6-0-0

4. 21-0491CU; 194 South Champlain Street (RH, Ward 5S) Cheri Campbell

Requesting a short-term rental (bed and breakfast). (Project Manager: Ryan Morrison)

Cheri Campbell appeared on behalf of item

No public appeared for comment

B. Rabinowitz: Asks applicant if they agree with the Conditions of Approval and staff recommendations

C. Campbell: Yes, agree.

B. Rabinowitz: Asks if any members of Board object to item being treated as consent

No objections

Asks if there is anyone from the public to comment on item

No public

C. Halpert: Motion to adopt staff recommendations and approve the application for the short-term rental.

K. Christianson: Seconds motion

6-0-0

V. Public Hearing

1. 21-0536CA/CU; 14 Strong Street (RM, Ward 3C) Erica Giannone and Missa Aloisi

Addition over single story portion of home; replace windows and install door. (Project Manager: Mary O'Neil)

Missa Aloisi appeared on behalf of item

Alan Bjerke provided public comment

B. Rabinowitz: Asks about relevance of property line and the issues that were raised for tree removal.

M. Aloisi: Explains that there is a proposed project to create an addition over the first level of home to create another bedroom. Discovered that deed states that western property line is 22 ft from eastern face of 8 Strong St and 75 ft along Strong St to Drew St. If those two dimensions were on the site plan, they would create conflict. Explains dispute of where property line actually exists. Designed project so that there is not encroachment on that disputed property line. No intention of removing any trees on property.

B. Rabinowitz: Asks if there are questions from Board

None

B. Rabinowitz: Invites neighbor to speak

A. Bjerke: Explains that plans were modified for the encroachment of property line, but other issue is that there is a door and flat membrane roof over the section and on the current existing plans, it is planning on being used as a deck. One of the current standard condition states that the door will need to be removed and made into a window. Would prefer that there is not a flat membrane roof there for someone to be able to put a deck on or to climb onto and be treated as a deck. Fine with the addition. Thinks that some trees are going to be cut back.

B. Rabinowitz: Asks if any Board members have questions for neighbor, Alan.

None

B. Rabinowitz: Asks the applicant opinion about Condition of deck not being treated as a deck.

M. Aloisi: Yes, agree. Plans will be revised to how the updates.

B. Rabinowitz: Closes public hearing

VI. Sketch Plan

1. 21-0499SP; 2-14 King Street (DW-PT, Ward 3C/5S) Lake Champlain Transportation Company

Sketch Plan Review of demo warehouse and construct 6,500 sf restaurant with site alterations. (Project Manager: Scott Gustin)

Steve Roy, Jay Buermann, and Russell Fox appeared on behalf of sketch plan

Sharon Bushor provided public comment

B. Rabinowitz: Asks for Staff to give an overview for relevant point of view from the CDO.

S. Gustin: The only item in need of additional attention would be the 50-ft setback from the water's edge. This is on Public Trust land, so the City's zoning code requires 50-foot wide from the water's edge, clear public passage. In the sketch plan, there is patio area, planters, and some building within the setback. There is allowed provision for encroachment, like seating areas, planters, and landscaping, but there is a balance to what is permissible to continue to allow for open and consistent public access. The restaurant is fine, it is in the flood zone, but they are proposing to elevate it to 104 ft above sea level. There is no parking requirement. They do have a fair bit of parking. Question raised to whether it exceeds parking maximum limitation. Even though the minimum parking requirement is gone, the maximum is retained.

S. Roy: Biggest challenge has been the pedestrian access requirements along the lake itself. Trying to present is what we feel is the best balance that can be achieved by Lake Champlain Transportation. Four key items that we want to convey. 1. This is a Maritime Transportation Security Act location. It is a transportation ferry system. Do not know the specific details, they are confidential, but they have requirements that are federally mandated that require certain conditions to be achieved. They are working to maintain that security among some defined level. 2. On south side of proposed project is the only deep water access area. If there is a problem with any of the ferries, that area needs to be accessed to the transportation company to be able to work on the ferries. 3. Marina needs support and access along west side. This revised version has the southern access extending all the way to the west. It allows access to pull any marina docks in and out of the water. 4. For use of restaurant, there are liquor control requirements, and the ability to define certain areas and have those blocked those off from all public access. Trying to work with a combination of all those items. The buildings shown in red are the ones to be removed. The one green hatched is where the new one will be.

B. Rabinowitz: Asks about location of ferry and ferry access.

S. Roy: There are a few different access ramps. The existing location remains as well as the lake access. There are a few different connection points that will remain. There is a new access ramp that will remain in the same place but will probably not be used to a great extent. There is a barge slip that happens on the north portion. That remains used as an access point for loading the barges. Remains as required access. Walks through more of the plans. Explains parking spaces and handicap parking spaces. Building's main entrance will be south side where there is sidewalk leading from parking. There is bike rack area and then covered entrance into building. Largest building sign will be located. Provides greatest visibility from the vehicular access point. There will be a significant amount of seating on patios facing the lake. Explains tree locations and overall site plan. Asks for questions.

C. Halpert: Asks about labeling on plan. Asks about justification of building being placed within pedestrian easement and 50-foot setback.

S. Roy: We have existing building that already encroaches that setback so we are placing the restaurant within that footprint; the zoning code allows us to do that.

G. Hand: Asks to clarify statement. Looks like new building goes beyond the existing footprint.

S. Roy: Explains the location of existing building and proposed new building. To the north, new restaurant comes within one foot or so of the existing footprint that is there today.

G. Hand: Clarifies that the building stays within the existing footprint only to the north.

S. Roy: Yes and the only thing within the 50-ft setback to the west are the planters, low walls and patio space

B. Rabinowitz: Asks about raising grade within the 50-foot area. Asks if that is allowed.

S. Gustin: Provision for encroachment that includes things like planters, landscaping, hardscaping, but it cannot prohibit free and open public access. You can walk across the patio, but the way the walls are designed, it seems cut off from public access. It is seating for the restaurant.

B. Rabinowitz: Asks if the public can walk along the proposed lawn

S. Harris: Not sure if public can even do that based on the landscaping. You would have to go through not the building itself, but through some type of outside viewing situation and enter through the property. Having the public walk through tables, you feel like you are in a restaurant, not like you have access to that land.

S. Roy: Correct. The intent is that the lawn and observation area to the north side would be unfettered public access, but for the south side we would want to discourage access due to ferry operation issues. The proposed lawn and patio space is public access but by way of restaurant.

S. Harris: Asks for details about the access through restaurant and a way to manage customers vs non customers in that area.

S. Roy: To get back to the patio, you enter the restaurant area.

C. Halpert: Asks if it would not be accessible outside business hours.

S. Roy: Yes, outside of business hours it becomes more of a marina security concern for Lake Champlain Transportation.

G. Hand: Explains that they are going to need more information on the justification for why it is okay to put a restaurant that makes money, within the 50-foot easement right-of-way with no restrictions related to security related to that use, but exclude members of the public to that area.

C. Halpert: Existing lawn turning into a member's only area that is directly in front of the deep-water access.

AJ LaRosa: Has concerns as well. It is a public patio. We want to see utilization of underused spaces; this can be popular and add to the waterfront experience, but do not think you can take this public trust doctrine lightly.

G. Hand: Comments on public access. Asks about rerouting of bike path but no provision for access from bike path to this facility.

J. Buermann: The railroad and bike path are ongoing discussion between the transportation company and the City. Trying to plan to some extent for whatever develops, but we are not able to offer anything while those negotiations are ongoing. Our primary connection that we are aiming to offer is the opening up to the north via Echo, what is shown on the plans.

G. Hand: Asks about large restaurant to the south of this property, probably will be traffic between that facility and this one. Asks about pedestrian access back down towards ferry docks or across to existing restaurants in this area.

J. Buermann: Would like to discourage that connection because we have ferry operations in between

B. Rabinowitz: Need a plan that includes surrounding areas for context.

C. Halpert: For the parking being over the maximum, putting this building and patio into the setback makes it feel like it is purposely designed so that you can add additional parking for the entire property. There is space on this property to put a building and patio of this size not in the setback.

S. Gustin: Clarifies that this use would classify as a restaurant and the parking is based on square footage, so the upper limit on surface parking is 20. There are a lot more than 20

spaces on the plan, but not sure what spaces are for the restaurant vs ferry operation. Would like to request more details for that point.

J. Buermann: Understands. Trying to balance the need for parking at the waterfront area even though the restaurant will not take up that much room. The other ongoing operations on this property require a lot of parking.

B. Rabinowitz: Should supply a plan clarifying the allocation of parking spaces.

S. Harris: Asks about how private events would be handled. Can think of a number of private events that may want to purchase that area. Asks how that factors in with public access. Asks about the 3D renderings and how they represent the area around the building and how it differs the surrounding area that currently exists. Does not paint the same picture, unrealistic looking south and north, would like a better representation.

B. Rabinowitz: Asks if it is a one level building.

S. Roy: Yes, but is an 800 sq ft mezzanine for storage.

S. Harris: Asks about trash receptacle locations.

S. Roy: That was part of the Staff notes. We have had conversations about trying to locate a combined trash location for both restaurant and LCT's buildings. Can be defined better in the next round.

B. Rabinowitz: Asks about the setback line in floorplan.

S. Roy: Yes, blue line.

G. Hand: Asks if the marina docks to the west and south are existing.

S. Roy: Yes, they were there this summer.

G. Hand: Adds to my concern about the security justification. You show marina docks in an area you suggested you need to maintain access for deep-water work to the south.

S. Roy: Yes, they have concerns and ongoing issues with the public accessing marina, jumping the wall, getting onto people's boats. Having the restaurant on the western side, that allows more off hours to have no public there or mischief to happen at night.

B. Rabinowitz: Asks to clarify that having the restricted public access provides more security for the docks.

R. Fox: Explains the security plans and the required security plans through the government. The facility security plan is in plan throughout the entire year.

B. Rabinowitz: Explains that through the next round of review, would be helpful to understand if there is anything that they are doing that is restricting public access because of those issues.

C. Halpert: Important to understand the difference of the security concerns for where it falls under the ferryboats and deep-water access vs security for the marina and money making operation of that. Some limitations to public access might make sense for one but not the other.

S. Harris: Would like to know the difference of securing private vessels vs the security needs of boats on the City docks, King St and Echo.

G. Hand: Would love to see this area developed, but would need to see resolutions to the concerns.

S. Roy: Asks if the Board sees any limit to the width of the setback allowed for the 50 ft setback. If the public were allowed access, in the final ten feet towards the water, do you see any difference

G. Hand: Clarifies that there are provisions to encroachment of the 50 ft setback

S. Gustin: Explains the provisions

S. Roy: Asks if the pedestrians are able to flow within the 50 feet, if it has to be the entire 50 feet. If there is a way to provide adequate security on that side, asks if that would sufficient.

G. Hand: Explains what the Board would be looking for or what the options are for answering that question that was raised.

B. Rabinowitz: Explains need for circulation around building.

S. Harris: Would like to know more about the approval for Spot on the Dock property. Lots of similarities between two projects.

B. Rabinowitz: Invites public to speak

S. Bushor: Speaks on history of 50-foot buffer and importance of the 50-foot public access buffer.

B. Rabinowitz: Closes public hearing.

VII. Adjournment

Meeting adjourned at 6:16pm

Bradford L. Rabinowitz, Chair of Development Review Board

Date

Alison Davis

1/9/2021

Alison Davis, Zoning Clerk

Date

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

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