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DEPARTMENT OF  
PLANNING & ZONING

Jan. 24, 2019

**To: Scott Gustin, Department of Planning and Zoning, Burlington Development Review Board**

**RE: Application 19-0355CA; 441 Shelburne St.**

- Provide a specific construction schedule with timeline for completion of project, particularly the exterior.

The financial impact of this project from permitting to construction has exceeded my plans. As a direct impact of this, the project has not progressed as quickly as I had original planned.

I was not prepared to incur fees in excess of \$300,000 in the zoning and permitting process. Not being a commercial developer, the adverse effect of the cost, was time.

Currently, the progress to the exterior is advancing and we are on track to begin the siding of the exterior within the two to three month timeframe we discussed at the Dec. 18, 2018 meeting. The exterior will be sided before work begins on the interior.

Completion of the entire project is approximately two years based on funding.

- Provide details as to exactly what will be provided to tenants to encourage use of alternative transportation per your proposed parking management plans.

To manage parking, in the lease agreement, one parking spot shall be provided for each unit.

In the "Richardson Multifamily Parking Management Plan", a CarShare Vermont membership will be included in the lease for each unit. The application fee will be covered by 441 Shelburne Rd. LLC. should the lessee want to utilize the program.

The information for CarShare Vermont will also be provided to the lessee with the pricing information, the financial assistance contact information, and locations of the fleet vehicles with the lease agreement.

The Parking Management Plan provides 20 bicycle storage spaces.

Public transportation is readily accessible from the location with three bus stops within 800 feet of the dwelling and access to the bike path within one mile. The project site is also appx. 1.5 miles from the downtown district and .25 of a mile to two shopping plazas as stated in the Parking Management Plan.

It is my hope that I have clarified the questions and concerns of the Development Review Board.

Please let me know if there are any further questions in advance, so I can address them at the Feb. 5, 2019 meeting.

Regards,

Mitchel Richardson

802-372-6139

## Department of Planning and Zoning

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Burlington, VT 05401  
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*Shaleigh Draper, Zoning Clerk*



TO: Mitchel Richardson  
FROM: Scott Gustin  
DATE: January 9, 2019  
RE: 19-0355CA; 441 Shelburne Street

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At their January 8, 2019 deliberative meeting, the Development Review Board unanimously voted to reopen review of your pending zoning permit application. Your application will be scheduled for the February 5, 2019 Development Review Board meeting. In their motion to reopen review of your application, the Board requested that the following items be addressed:

- Provide a specific construction schedule with timeline for completion of the project, particularly the exterior.
- Provide details as to exactly what will be provided to tenants to encourage use of alternative transportation per your proposed parking management plan.

Please have information to me to address the foregoing items by January 25, 2019. Should you have any questions, feel free to contact me at the phone number above.

## Scott Gustin

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**From:** Mitchel Richardson <[REDACTED]>  
**Sent:** Friday, January 04, 2019 2:28 PM  
**To:** Scott Gustin  
**Subject:** 441 Shelburne Rd 19-0355CA

Good afternoon Scott.

Thank you for your time today.

I am writing to request that the DRB reopen my hearing #19-0355CA so that the letter I sent to you on Jan. 3, 2019 can be added as a document of record for the board to review.

Thank you again. If there are any issues or questions, please contact me.

Best regards,

Mitchel M. Richardson

RECEIVED  
JAN 03 2019

DEPARTMENT OF  
PLANNING & ZONING

Date: January 3, 2018

To: Scott Gustin  
Principal Planner, Development Review Board  
City of Burlington  
149 Church St.  
Burlington, VT 05401

Mr. Gustin,

I'd like to apologize for my late arrival to the Nov. 20, 2018 Development Review Board (DRB) hearing and was glad to catch you still in the office that evening to learn that the meeting had been rescheduled for Dec. 18, 2018. Unfortunately, I was under the impression the meeting began at 6 p.m.

I appreciated the opportunity to discuss the 441 Shelburne Road project (19-0355CA) with the DRB at the rescheduled hearing and would like to clarify the following issues that I believe were concerns at the Dec. 18, 2018 DRB meeting.

First, I was very pleased to hear that the city is addressing the permitting process. I myself am not a commercial builder and have found the permitting process to be tedious, costly and quite taxing to me as a homeowner and small business owner.

The first issue the board indicated concern over was the amount of time this project has taken, wondering why construction had stopped.

I'd ask that you please consider the following.

The permitting process alone has cost me upwards of \$300,000. The delays of this project can be directly attributed to this expense. As I am not a commercial developer, I was astounded at the fact that just the approval process could cost this much. This is a self-funded project. Not only did this process consume a significant portion of the money I had earmarked for this project, it forced the considerable delay of construction. The time and resources spent to obtain the proper permits has been the second major factor causing delays in construction.

The presentation by David White, Director of Planning and Zoning and Bill Ward, Director of Code Enforcement brought to light many of the challenges I myself have faced while trying to complete this project.

I did not anticipate the setbacks the permitting process caused nor the substantial fees that came with them.

The board seemed to have concern over the timeline of this project and conveyed the feeling that not much progress has been made since I obtained the permits.

Viewing the building from Shelburne Road via car or bicycle, I can certainly understand that might be the impression. A view from the west side of the property, I believe, would portray a different perception.

Let me assure you, this project is not at a standstill, nor is it a weekend activity.

This project has required many steps to get to the point we are at presently. From the demolition of portions of the structure for replacement, the removal of the debris, the complete replacement of the foundations to the replacement of two sewage lines, this project has required many steps to get to where construction stands today.

My crew and I have completed the concrete portion on the west facing side, enabling the next step of framing. Following the framing portion of this project, siding will be installed.

My goal is to have the exterior siding complete within a one-year time frame.

Once the outside construction is complete, work will continue on the interior to finish the renovations.

I invite you and the board to tour the property to see the extensive work that has been completed. Please feel free to contact me to set up a time that would work if this at all of interest to the board.

The final concern I have is the consideration the board gave to the letter submitted by Mr. Jeff Govoni, homeowner of the abutting property to the west, dated Dec. 18, 2018.

I was unaware of this letter until it was brought to my attention during the hearing leaving me no time to properly address any of the items outlined.

Mr. Govoni has seemed to have issues since day one of the purchase of his property, when my parents owned this property and they have continued into my ownership. He knows full well that this project will improve the aesthetics of the property and the neighborhood, yet he has continuously caused problems since the beginning of the permitting process of this project and continues to do so.

Furthermore, I am concerned that the letter put forth by DRB member, Mr. Geoff Hand from Mr. Govoni is not a factual document. Mr. Hand stated that it "gives a flavor to the challenges your neighbors have had to deal with due to the extension of construction".

Based on that comment by Mr. Hand, I am concerned the board is considering Mr. Govoni's letter as the "flavor" of this project, an abutting property owner that has had issues with the property dating back decades. Please also keep in mind that he remains the only neighbor who has had issues with this project.

I'd like to address these comments and provide you with the details he has omitted from his complaints.

#### **-Fence Damage**

Yes, damage occurred to Mr. Govoni's fence. While on location I noticed the damage and questioned the subcontractors on site. All refused any knowledge of the occurrence of the damage.

Mr. Govoni provided me with an estimate from Middlebury Fence Company in the amount of \$2574 on Oct 22, 2018.

Having owned a fence company, I replied that it was an unreasonably high quote considering the damage done. I advised Mr. Govoni that I would be willing to pay Middlebury Fence Company directly but would first appreciate the opportunity to discuss the specifics of the estimate with them. Mr. Govoni refused and then sent me a quote of \$1970 on Oct. 22.

Oct. 23, 2018, after I reiterated my first request, Mr. Govoni sent me an email entitled "Good Fences and Neighbors". It stated, "I will get my fence fixed. I do not want anything from you. All I ask is that when the time comes for a crew to get in there you allow them access. I will ask you this in person but I wanted to send you an email just in case I miss you. Going forward it seems clear we will need to keep clear of each other. I wish you the best with your project." (*See Attachment A.*)

According to Mr. Govoni's letter to you, it seems he was able to get his fence fixed for the price of \$1470.

#### **- Excavation of Property**

A minor excavating intrusion of Mr. Govoni's property was done that equated to less than one foot off the boundary line of the property. This was done by accident due to a misinterpretation of the survey pins.

The replacement of dirt cannot occur until the driveway is installed and will be completed at that time. This has been promised and communicated to Mr. Govoni.

#### **- Endless Project & Chaos Surrounding It**

I purchased this property and was granted permits in 2016. Mr. Govoni states this project has been going on for "five years, if not longer". Construction has been a little over two years under my ownership.

Although this is an active worksite, I don't feel that it is an untidy or unsecured site. It is an active worksite with equipment and materials on site. My best efforts have been put forth for it to be neat and tidy for maximum efficiency.

To my knowledge, there has never been any complaints regarding Mr. Govoni's claims of vehicles/trailers blocking his driveway nor Lyman Avenue.

To address Mr. Govoni's claim of years and years of dust covering his house, I again note that I only purchased this property in 2016 and began construction thereafter.

**- The Costly Temporary Shut Down of my project.**

Mr. Govoni called me on my cellphone in the winter of 2018 regarding a fence project he was inquiring about for his backyard. This was the first and only communication Mr. Govoni had with me regarding his backyard renovation.

I feel the attempt Mr. Govoni made to contact me for the use of my property as a staging, demolition and construction site is exaggerated. At no time did Mr. Govoni ask me for the use of my property.

**- Towing of Vehicle**

Mr. Govoni was made aware of my purchase of the mentioned alley numerous times prior to a family vehicle being towed.

One of those times was in a recorded DRB meeting prior to this incident.

Mr. Govoni is on record as erroneously reporting that he owned the alley way property at a previous DRB meeting. At that time, I brought it to his attention that I had just purchased the property and had the deed in my possession at said meeting.

He continued to act as if he owned the property by posting no trespassing signs bearing his signature, erecting temporary fencing and finally attempting to use the property for long term parking while he was away on vacation.

Before I towed the improperly parked vehicle, I knocked on each surrounding property door to no avail. I then contacted the Burlington Police Department about a vehicle left parked on my property and was told to have it towed. Contrary to Mr. Govoni's letter, I did not know who the automobile belonged to as I had never seen it before. Now knowing what we know, I can't help but wonder why Mr. Govoni would park a vehicle, for any period of time, on property fully aware that I own said property.

I was contacted by Mr. Govoni when he returned from a vacation regarding the automobile.

I informed him I did not appreciate his use of my private property without permission but in an effort to be neighborly, I absorbed all fees attached to the towing of the vehicle.

In conclusion, I've had nothing but support from the neighbors of the property, with the single exception of Mr. Govoni. Several have stopped in and positively commented on the progress that has been made structurally, complimenting the work in progress. They, along with myself are looking forward to the end product.

I appreciate your support and the support of the board in seeing this project through to its conclusion.

Please note that I am courtesy copying Ward 5S City Councilors, Joan Shannon and Chip Mason as they have periodically had input on the project on behalf of Mr. Govoni.

I look forward to our meeting scheduled for tomorrow Friday, Jan. 4, 2018 at 1:30 p.m.

Best Regards,  
Mitchel M. Richardson