

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** November 21, 2017  
**RE:** 17-1081PD; 451 Ethan Allen Parkway

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**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: 7N  
Owner/Representative:                  Tim Alles & Bill Ellis / Jon Anderson, Esq.

**Request:** Time extension for application review period only: Final plat review for 9-unit planned unit development and associated site improvements

**Applicable Regulations:**  
Article 10 (Subdivision)

### **Background Information:**

The applicants are requesting an extension for the allowable time for their final plat application to move through the Development Review Board process. The applicants applied for final plat review in May 2017 and met with the Design Advisory board later that month. Following that, the applicants requested deferral of further review while they worked to resolve outstanding matters such as their expired state wetlands permit. Projects are generally limited to a 6-month timeframe for Board review unless an extension is requested.

**Recommendation:** Time extension approval as per, and subject to, the following findings and conditions:

### **I. Findings**

#### **Article 10: Subdivision**

##### **Sec. 10.1.9 Final Plat Approval Process**

##### ***(b) Completeness of Submission, Administrator's Action***

Within 30 days of receipt of a complete final plat application, the application shall be scheduled for review by the Development Review Board (and related advisory boards – Design Advisory Board and Conservation Board). The final plat application was filed on May 9, 2017 and was deemed complete on May 12, 2017. It was scheduled in a timely manner for the Design Advisory Board meeting on May 23, 2017 and for the Conservation Board on July 10, 2017. Prior to the Conservation Board meeting, the applicants learned that their state wetlands permit had expired. As a result, they requested postponement of the Conservation Board meeting and have not sought review ever since. Applications may be postponed for a time but not indefinitely. The

Development Review Board bylaws (Sec. VIII: Proceedings and Order of Business) limit pending applications to 6 months. Up to two 3-month extensions may be granted. The applicants are seeking an initial 3-month extension. This initial extension may be granted. A second extension; however, is expressly prohibited if the application simply lies dormant through the initial 3-month extension. **(Affirmative finding)**

## **II. Conditions of Approval**

1. This 3-month time extension runs through February 12, 2017.