



May 4, 2017

Scott Gustin, AICP, CFM  
Interim Zoning Administrator  
Dept. of Planning & Zoning  
149 Church Street  
Burlington, VT 05401

RECEIVED  
MAY 04 2017  
DEPARTMENT OF  
PLANNING & ZONING

Re: Liahona Way, 451 Ethan Allen Parkway  
Burlington, VT

Dear Scott:

We are writing on behalf of our clients, Tim Alles and Bill Ellis, to request approval of their proposed 9 unit Planned Residential Development comprised of three buildings on a 7.16-acre parcel of land (the "Parcel") located between 437 and 463 Ethan Allen Parkway in the Residential Low ("RL") density zoning district. As you know, this project was granted Preliminary Plat approval following a public hearing held on February 16, 2016. In an email from you to me dated January 24, 2017, you stated that the application for Final should be filed prior to May 7, 2017.

The Preliminary Plat Approval contains several conditions to which Tim and Bill respond as follows:

1. This preliminary plat approval in no way grants or implies final plat approval. Final plat application shall be filed in accordance with Section 10.1.9, Final Plat Approval Process, of the CDO and per these Conditions of Approval.

*No response required.*

2. This preliminary plat approval in no way grants or implies approval of future development on the "reserved" 5.5 acres noted in the application.

*No response required.*

3. Prior to final plat application, a third party expert analysis of the property's buildable area shall be obtained. Such analysis shall be paid for by the applicants. The selected expert shall be selected by mutual agreement between the applicants and the Dept. of Planning & Zoning.

*An analysis was performed in August, 2016 by Dubois & King, Inc., one of the City's prequalified consultants according to your 6-21-16 e-mail to me. A copy of this analysis is attached for your records*

4. Prior to final plat application, revised project plans depicting the following shall be submitted:

a. Porch railing details;

*The railing details are shown on Sheet A2 of the attached building plans prepared by Architectural Drafting Services (ADS), revised 1-6-17.*

- b. Utility meter screening;

*The utility meter location is shown on Sheet A3, East Elevation of the attached ADS building plans.*

- c. Consistency between the grading plan and the building elevation drawings;

*Sheets A4 and A5 of the attached ADS building plans have been revised to show the same vertical difference between the grade in the front yard and the driveways as shown on Lamoureux & Dickinson (L&D) Sheet #5.*

- d. Lot coverage confirmation as based on buildable area; and

*See the response to Item 3 above.*

- e. Front yard setback calculations.

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*An analysis of the front and side yard setbacks was conducted by our office in accordance with Table 4-4-5-3 of the 7-18-08 Comprehensive Development Ordinance (CDO) (which remains the same for the 4-7-17 CDO). A copy of that analysis is attached for your records.*

5. Prior to final plat application, written approval from the Dept. of Public Works shall be obtained for the following items:

- a. Wastewater capacity to serve the development;

*A letter dated February 10, 2017 from Steve Roy to our office regarding the allocation to this project of both water and sewer is attached.*

- b. Proposed water lines, force main, and sewer pump station; and

*A letter dated February 10, 2017 from Steve Roy to our office regarding the allocation to this project of both water and sewer is attached.*

- c. Proposed sight distances at the intersection with Ethan Allen Parkway.

*A letter dated February 27, 2017 from Laura Wheelock to our office regarding the acceptability of the project sight distances is attached.*

6. Prior to final plat application, written acceptance of the single access drive and its sufficiency for emergency service vehicles shall be obtained from the Fire Marshal.

*Tim and Bill have so far been unable to obtain this acceptance. Instead, the Fire Marshall requires Tim and Bill to treat their site driveway, which will be maintained by the homeowners, as a road. Tim and Bill can comply with the Fire Marshall's road construction standards only by moving the back triplex backwards further disturbing the wetlands and wetlands buffer. The*

*State Wetlands permit does not allow Tim and Bill to do so and the Conservation Commission has previously requested that Tim and Bill minimize wetlands and buffer disturbance.*

7. Prior to final plat application, a shortened construction timeline and more limited days/hours of construction shall be submitted.

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See Exhibit 10 hereto.

8. Prior to final plat application, submission of a project phasing schedule is recommended.

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See Exhibit 11 hereto.

9. Prior to final plat application, written approval of the inclusionary dwelling unit shall be obtained from the manager of the city's Housing Trust Fund.

*Tim and Bill understand their obligation. Certain data is needed to define Tim and Bill's obligations. That data is not available at this time. Accordingly, Tim and Bill have agreed with the Manager of the City's Housing Trust Fund to supply such data and obtain written approval of their inclusionary unit plan before obtaining their building permit.*

10. Prior to final plat approval, written approval of the project stormwater management system and erosion prevention and sediment control plan shall be obtained from the Conservation Board and the Stormwater Administrator.

*Tim and Bill have been unable to obtain such approval from the Stormwater Administrator because the Administrator wants Tim and Bill to improve the City's stormwater system serving other properties. Currently, the City's stormwater system drains, apparently without an easement into a ravine on Tim and Bill's property. To build Tim and Bill's project, the drain must be relocated, which Tim and Bill are willing to do. They are also willing to extend and improve such drain as requested by the Stormwater Administrator even though the drain does not serve their property. But the Stormwater Administrator has insisted that Tim and Bill should also build a roadway for a truck to access the far end of the improved drainage system. This road can be built only by reducing the size of the project from nine units to eight and by further disturbing the wetland buffer area.*

*L&D Sheet 12A shows the approximately 4,000 sf of additional wetland buffer impact area and approximately 3,100 sf of additional wetland impacts required to satisfy the requests of the Fire Marshall and the Stormwater Director. The State Wetlands permit does not allow Tim and Bill to further disturb the wetlands and buffer and the Conservation Commission has previously requested that Tim and Bill minimize wetlands and buffer disturbance. As shown on L&D Sheet 4, in lieu of a long road down to a new manhole at the bottom of the bank, we propose to place the new storm manhole within the paved private drive as an inside drop manhole, allowing the outlet pipe to the level spreader to be constructed at a slope of 1%.*

As required by Article 3 of the CDO, we have attached the following;

COA Level III – Zoning Permit Application

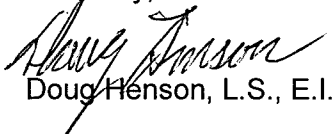
Zoning Permit Application;

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Completed Level I ,II, and III checklists;  
\$ 3,810 application fee for the Level III COA (\$10 filing fee + \$200application fee and \$2  
per \$1000 of estimated construction cost [\$1,800,000])  
Ten (10) 24" x 36" set of the project plans  
and one (1) 11" x 17" set of the project plans.

Please feel free to contact me if you have any questions.

Sincerely,

  
Doug Henson, L.S., E.I.

Cc Tim Alles  
Bill Ellis

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