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October 16, 2016

To: The Burlington Department of Planning and Zoning

DEPARTMENT OF
PLANNING & ZONING

From: Property Owners: Brisson (495 Colchester Ave), Blasdell/Koch (6 Mills Street)

Re: Appeal to Stephen and Sharon Litwiler's Parking Permit Request on currently Green Space bordering abutting properties

We request that you consider the following three areas of concern regarding the addition of a parking space in the small area that is currently serving as Green Space preventing erosion. These are outlined as:

- I. Incorrect site plan with misrepresentation of referenced and cited survey.
 - II. Misuse of space cited in deeded right of way.
 - III. Change of Use from Green Space to parking
- I. Enclosed, please find Exhibit A, B and C showing misrepresentation of land area.

Exhibit A: Litwiler's present sketch request dated received by Planning and Zoning on Sept. 19, 2016. This plan is based on Exhibit B.

Exhibit B: Shelter Design Inc.'s 1993 Site Plan received by Planning and Zoning on Sept. 19, 2016. This plan **MISREPRESENTS** information from Exhibit C.

Exhibit C: Represents the Peter Hayden survey used as a basis for the Litwiler's site plans and recently accepted by the Board for Brisson Properties project at 495 Colchester Avenue.

Exhibit D: Photos with correct boundaries shown in red tape using pipe markers from the Peter Hayden Survey.

Clearly, the measurements for a parking area are misrepresented in the Shelter Design's Plan.

- II. Please refer to **Exhibit E**, the Warranty Deed from Book 126, p. 229 outlining the use of the Right of Way agreement granting access to piece of land in question.
- a. This allowed access to the land and to a building that no longer exists, to use specifically to back vehicles out of the building and enter/exit through the right of way. In no way does it state a parking space or access to a parking space.
 - b. The agreement also clearly states shared financial responsibility of costs of maintenance, snow and rubbish removal and cost of cleaning catch basin, none of which the Litwilers have exercised since their ownership.

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III. Zoning Change of Use from Green Space to Parking could violate 2 Codes. (Please see attached pictures)

- a. According to Code 20-156, parking is prohibited on lawns or yards in residential districts. The Brissons and Blasdel/Koch abutting owners have maintained the current green space for the past number of years.
- b. Since no drainage design was used when the concrete retaining wall was installed, this green space provides necessary protection from erosion and silt entering the catch basin (**code violation**). Please refer to pictures showing run-off and seepage from the wall (owned by the Litwilers) onto abutting properties.

We, respectfully, request that the Planning and Zoning Board not allow a parking space on the Green Space that abuts both our properties.

Thank you for your time and consideration.

Randall and Kathleen Brisson

Dated, 10/16/16

Gregg Blasdel and Jennifer Koch

