


## Department of Planning and Zoning

149 Church Street  
Burlington, VT 05401  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)  
(802) 865-7142 (TTY)

*David White, AICP, Director*  
*Meagan Tuttle, AICP, Comprehensive Planner*  
*Jay Appleton, GIS Manager*  
*Scott Gustin, AICP, CFM, Principal Planner*  
*Mary O'Neil, AICP, Principal Planner*  
*Ryan Morrison, CFM, Associate Planner*  
*Anita Wade, Zoning Clerk*  
*Layne Darfler, Planning Technician*



**TO:** Development Review Board  
**FROM:** Scott Gustin   
**DATE:** July 18, 2017  
**RE:** 17-1267AP; 43 Starr Farm Road

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The appellants in this matter have requested deferral of the public hearing while working to resolve the problem by way of zoning permit application.

## Scott Gustin

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**From:** Andy MacIlwaine <amacilwaine@DINSE.COM>  
**Sent:** Friday, July 07, 2017 9:39 AM  
**To:** Scott Gustin  
**Cc:** Jeanne Francis  
**Subject:** FW: 43 Starr Farm Road Appeal

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Scott,

I write per Jeanne Francis' recommendation below. My client would like to postpone the July 18 appeal hearing while we work to resolve the identified zoning issues. We are also interested in the option of withdrawing the appeal in favor of a stipulation for compliance. Before I can advise my client about the stipulation, I would need to have a better understanding of the fees for this option and the City's expectations regarding deadlines so that I can get input from our engineer, CEA. Would you be able to provide me with that information?

Thank you.

Andy



**Wm. Andrew MacIlwaine, Esq.**  
*Director*

Dinse, Knapp & McAndrew, P.C.  
209 Battery Street  
P.O. Box 988  
Burlington, VT 05402  
W: 802-864-5751 | F: 802-859-8786  
[amacilwaine@dinse.com](mailto:amacilwaine@dinse.com) | [Bio](#)



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**From:** Jeanne Francis [mailto:JFrancis@burlingtonvt.gov]  
**Sent:** Thursday, July 06, 2017 3:24 PM  
**To:** Andy MacIlwaine  
**Cc:** Scott Gustin; William Ward; Kimberlee Sturtevant  
**Subject:** 43 Starr Farm Road Appeal

Mr. MacIlwaine:

It is my understanding you (your clients) have retained a CEA to assist with preparing a new site plan for the Property that would address the alleged violations (ZV 334328) on the Property. Public Hearing for appeal of zoning NOV 334328 is scheduled for July 18, 2017. Given the short timeframe we are working with here, our office would support a postponement contingent on the understanding the property owner is working to resolve the alleged violations. So, if you would like to request a postponement of the July 20<sup>th</sup> Public Hearing until August 1, please submit, in writing (email is ok) your request to Scott Gustin (email above).

It appears your appeal is around due process and that you are not contending the violations on the Property. If that is the case, another option would be to withdraw your appeal and enter into a Stipulation Agreement with the City outlining deadlines in which to bring the property into compliance (an Agreement fee would be required, of course).

Let me know what you would like to do:

1. Proceed with the appeal at the July 18<sup>th</sup> public hearing; or
2. Request, in writing, to post pone the Public Hearing to August 1 (the next DRB meeting); or
3. Withdraw the appeal and enter into an Agreement with the City on a proposal to bring the Property into Compliance.

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

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