

**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  
Elsie Tillotson, Department Secretary*



**TO:** Development Review Board  
**FROM:** Ryan Morrison  
**DATE:** May 3, 2016  
**RE:** 16-1056SD; 1 Main Street

=====  
**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: DW Ward: 3C

Owner/Representative: Main Street Landing/Melinda Moulton

**Request:** Combined preliminary and final plat review of a 2-lot subdivision; no development included.

**Applicable Regulations:**

Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 10 (Subdivision Review)

**Background Information:**

The applicant is seeking preliminary plat approval to subdivide an existing 2.73 acre lot into two lots. The property contains three commercial buildings and a surface parking lot. The three buildings, Union Station, the Cornerstone Building, and the Wing Building, contain a variety of uses, including retail, professional offices, restaurant, art & health studios, and apartments. The subdivision would result in the three existing buildings on one lot, and the surface parking lot on the other lot. As this subdivision would result in just 2 lots, it is eligible for combined preliminary/final plat review per Sec. 10.1.7 of the CDO.

The proposal has been forwarded to the City Engineer’s office, to the Burlington Fire Marshal, and to the Director of the Parks & Recreation Department. The Fire Marshall responded as having “no concerns over this subdivision without construction.” No other comments were received.

Previous zoning actions for this property are noted below.

- **Zoning Permit 15-1359SN;** signage for Yangser Durjee’s Himalaya Restaurant. Approved July 2, 2015.
- **Zoning Permit 15-1334CA;** replace existing door light with new, located under entry awnings. Approved June 25, 2015.

- **Zoning Permit 15-1058AW**; replacement of two existing awnings and light fixtures. Approved May 12, 2015.
- **Zoning Permit 15-0879CA**; lighting for canopy, new Himalayan restaurant. Approved March 20, 2015.
- **Zoning Permit 15-0759AW**; Awning with signage for Yangser Durjee's Himalaya Restaurant. Approved January 30, 2015.
- **Zoning Permit 15-0457CA**; replace two existing first floor windows on west elevation with two new windows of same dimensions. Approved October 10, 2014.
- **Zoning Permit 15-0458CA**; replace existing second story door. Approved October 6, 2014.
- **Zoning Permit 14-0392CA**; install metal cap over existing concrete along west stair wall. Approved September 27, 2013.
- **Zoning Permit 13-1255CA**; change of use of Suite 208 from studio/office to mixed commercial use. Approved June 20, 2013.
- **Zoning Permit 13-0985CA**; change of use from retail to pharmacy. Approved May 13, 2013.
- **Zoning Permit 13-0171NA**; replacement of seven third floor casement windows in kind. Approved August 10, 2012.
- **Zoning Permit 12-1037NA**; install bike repair stand on western patio near Waterfront Recreation Path. Approved May 1, 2012.
- **Zoning Permit 12-0427FC**; install chain link fence along back of existing building, connecting the two existing chain link fences. Approved October 14, 2011.
- **Zoning Permit 12-0159FC**; replace existing wooden fence with new wooden fence of varying heights along Steel Street. Approved August 12, 2011.
- **Zoning Permit 12-0071FC**; install 3ft high metal fence along College St and 4ft high chain link fence along Waterfront Recreation Path to meet existing chain link fence. Approved July 29, 2011.
- **Zoning Permit 11-0251SN**; replace two existing parallel signs on Main Street side of building with new signs for Mirror Mirror. Approved September 21, 2010.
- **Zoning Permit 11-0241CA**; replace existing window on west elevation with new similar clad window. Approved September 17, 2010.
- **Zoning Permit 10-0625AW**; replace existing awning with new awning. Existing Cornerstone Building awning signage to be replaced with new signage for Madera's. Approved February 18, 2010.
- **Zoning Permit 10-0419CA**; install 54 replacement windows. Approved October 30, 2009.
- **Zoning Permit 10-0112CA**; installation of exterior lighting fixtures. Approver October 14, 2009.
- **Zoning Permit 09-724SN**; projecting sign for Madera's. Approved April 24, 2009.
- **Zoning Permit 09-138CA**; replace windows in Union Station. Approved August 19, 2008.
- **Zoning Permit 09-079CA**; replace 4 sliding windows on second floor west elevation with 4 new casement windows, and replace 2 casement windows on east elevation with 2 new casement windows. No change in window size. Approved August 8, 2008.
- **Zoning Permit 09-015NA**; office to office. Approved July 7, 2008.
- **Zoning Permit 08-759SN**; parallel sign for Madera's restaurant. External illumination included. Approved November 6, 2008.

- **Zoning Permit 08-287SN**; two signs for Justin Cruz Salon. Approved October 9, 2007.
- **Zoning Permit 08-078CA**; replace 22 windows on the southwest side of building. No change in window openings. Approved July 27, 2007.
- **Zoning Permit 07-728AW**; install 7 ft. X 4 ft., 3 ft. tall awning for Local Motion. No signage or lighting included. Shift existing Local Motion sign to side of proposed awning. Approved June 21, 2007.
- **Zoning Permit 07-638CA**; convert existing grassy area into expanded surface parking (increase of 14 spaces). Approved May 29, 2007.
- **Zoning Permit 07-466SN**; awning with sign for retail/sales business (Mirror Mirror). Lettering measures 75.5 inches x 10 inches (5.24 sf parallel signage). Approved February 7, 2007.
- **Zoning Permit 04-583**; awning permit for Roque's Restaurante Mexicano. Approved May 14, 2004.
- **Zoning Permit 04-029CA**; pilates studio proposed as accessory use to 1 Main Street. Approved July 25, 2003.
- **Zoning Permit 02-312**; replacement of faces on two parallel illuminated signs. Total signage area is 7 sf. Approved February 7, 2002.
- **Zoning Permit 01-460**; installation of a non-illuminated parallel sign over the entry to the existing bike path resource center space within the existing wing building. Sign to measure approximately 5.5' x 3.5'. Approved May 25, 2001.
- **Zoning Permit 01-051**; installation of a non-illuminated parallel sign over the entry of the existing retail (Sound Essentials) space. Sign to measure 2' x 6'. Approved July 31, 2000.
- **Zoning Permit 00-093**; re-assemble the existing train passenger shelter along the edge of the train tracks and connecting to Union Station with an awning, using original pieces. Proposal includes benches lining the middle. Approved August 17, 1999.
- **Zoning Permit 99-447**; installation of a non-illuminated parallel sign for the existing restaurant in the Wing Building, Unit 105. Approved April 22, 1999.
- **Zoning Permit 99-243**; installation of a bicycle storage locker, 6.3' x 16.6', on an existing paved and gravel area adjacent to Union Station. Approved November 3, 1998.
- **Zoning Permit 99-136**; replace windows in the stair tower on the west side of Union Station. Approved September 10, 1998.
- **Zoning Permit 98-337**; installation of a non-illuminated parallel sign, measuring 4' x 1', over the entry to the existing retail space (Suite 108) in the Wing Building (1 Steel Street). Approved February 17, 1998.
- **Zoning Permit 97-424**; three year time extension to the existing zoning permit which allows for the construction of two mixed use buildings, one with underground parking, and promenade additions to the rear of Union Station, connecting to the proposed Wing Building. Originally approved 6/9/94. Extension allows until 6/9/2000 for completion. Approved April 23, 1997.
- **Zoning Permit 97-428**; installation of two "flying monkeys" with under-lighting on the roof of the existing Union Station commercial complex. Approved April 24, 1997.
- **Zoning Permit 97-385**; installation of a hood ventilating system for the existing restaurant. Approved April 7, 1997.
- **Zoning Permit 97-316**; installation of three parallel signs for the existing restaurant and convenience store. One internally illuminated sign measuring 7' x 2', placed over the entry to the restaurant; one non-illuminated sign measuring 7' x 2', placed over the entry

to the convenience store; and one 2' x 2' non-illuminated sign placed adjacent to the window on the front elevation. Total signage – 32 sf for the Wing Building establishment. Approved March 10, 1997.

- **Zoning Permit 97-269**; installation of a non-illuminated awning at the Battery Street entrance to the Cornerstone Building. Awning to have the building identification – “Cornerstone Building” (8' x 8'). Approved January 21, 1997.
- **Zoning Permit 97-184**; installation of a (second) internally illuminated parallel sign for the existing investment office (Charles Schwab). Proposed sign, placed over an entry door, to measure 14" x 8'10". Approved October 29, 1996.
- **Zoning Permit 97-150**; installation of an internally illuminated awning, with lettering, over the main entry to the existing retail space. Awning to project 18, 12'6" overall height and 8'6" clearance to sidewalk. Approved October 8, 1996.
- **Zoning Permit 97-094**; add a window on the third floor elevation, south side, for the existing residential unit. Proposal includes relocating the existing round window to the east. All materials to match existing. Approved August 27, 1996.
- **Zoning Permit 97-031**; installation of a non-illuminated fabric awning with lettering at the main entrance to the existing restaurant. Approved July 18, 1996.
- **Zoning Permit 97-037**; request to extend the two year time limit of the existing food kiosk as originally approved 6/22/95. Approved July 25, 1996.
- **Zoning Permit 96-664**; construction of a pedestrian crossing with an entrance gate in front of Union Station, along Battery Street. Approved June 17, 1996.
- **Zoning Permit 96-579**; installation of two fabric retractable awnings on the windows of the third floor (west side) residential unit in the existing mixed use Cornerstone Building. Approved June 5, 1996.
- **Zoning Permit 96-563**; installation of four non-illuminated parallel signs for the existing juice bar in the Wing Building. Two signs to measure 2' x 2', and two to measure 4' x 4' (one being a menu board). Approved May 28, 1996.
- **Zoning Permit 96-590**; utilization of an area to the north of the Wing Building, south of Union Station, for seasonal and daily bike repairs. Approved June 13, 1996.
- **Zoning Permit 96-451**; installation of a 10' freestanding non-illuminated sign at the entrance to ‘Steel Street’ as a directional to the public parking located under the Cornerstone Building. Approved April 23, 1996.
- **Zoning Permit 96-436**; installation of an internally illuminated parallel sign, measuring 14 x 14 over the entry door to the retail space. Approved April 12, 1996.
- **Zoning Permit 96-421**; relocation of the seasonal food cart from the corner of Lake and College Street to the parking lot north of Union Station and east of the bike path. Approved April 11, 1996.
- **Zoning Permit 96-336**; installation of a non-illuminated parallel sign, 11 x 24, above the window of the first floor (12' from grade) for the existing restaurant. Approved February 13, 1996.
- **Zoning Permit 96-302**; installation of parallel signage for the existing office on the first level of the Cornerstone Building. One internally illuminated sign over the entry, measuring 9" x 17'6", and a series of window banding across the middle of all windows, measuring 4" x 40" or 37.75". Approved January 16, 1996.
- **Zoning Permit 96-277**; as-constructed changes to the façade of the Cornerstone Building to include door and fenestration alterations. Use remains mixed use. Approved December 5, 1995.

- **Zoning Permit 96-239**; change of use from retail (1<sup>st</sup> floor – 2850 sf) and office (2<sup>nd</sup> floor – 2200 sf) to a 180 seat restaurant in the existing mixed use building. No exterior changes. Approved November 2, 1995.
- **Zoning Permit 96-065**; installation of two non-illuminated parallel signs, each measuring 4' x 1', for the existing food kiosk. Approved August 8, 1995.
- **Zoning Permit 96-034**; installation of a non-illuminated parallel sign, measuring 24" x 24", for the existing retail space in the Wing Building at 1 Steele Street, #109. Approved July 25, 1995.
- **Zoning Permit 96-004**; installation of a non-illuminated parallel sign, 24" x 24", for the existing retail shop in the Wing Building, Unit 113, 1 Steele Street. Approved July 5, 1995.
- **Zoning Permit 95-498**; installation of two non-illuminated parallel signs (7' x 2' above door and 2' x 2' next to door) for the existing restaurant. Property is addressed as 103/104 Steele Street. Approved June 20, 1995.
- **Zoning Permit 95-505**; 7' x 7' kiosk to serve food. Approved June 22, 1995.
- **Zoning Permit 94-489**; installation of a seasonal ice cream cart, to be removed nightly, at the southern end of the existing metal building on the Main Street Landing site. Location is best accessed by traveling along King Street extended. Approved June 9, 1994.
- **Zoning Permit 94-096**; phase I of development of two mixed use buildings and addition to Union Station; COA 94-105. Phase I consists of the demolition of the existing sheds and railroad overhang on the site. Approved June 9, 1994.
- **Zoning Permit 94-490**; construction of two mixed use buildings, one with underground parking, and promenade additions to the rear of Union Station, connecting the proposed Wing Building. Approved June 9, 1994.
- **Zoning Permit 94-348**; installation of two non-illuminated awnings over the front doors of the Union Station office complex. Approved April 5, 1994.
- **Zoning Permit 91-298**; utilization of parking lot adjacent to the bike path and off of College Street for parking of food vendor bus, 8' x 33'. Approved April 11, 1991.

**Recommendation:** Consent Approval as per, and subject to, the findings and conditions below:

## **I. Findings**

### **Article 4: Maps & Districts**

#### **Sec. 4.4.1, Downtown Mixed Use Districts:**

##### **(a) Purpose**

The Downtown Mixed Use districts are intended to provide for a diverse and vibrant mixture of commercial and residential development within Burlington's most highly developed and dynamic urban core. A broad range of uses that support a balance between residential and non-residential uses are encouraged reflecting Burlington's role as a regional urban center for commerce, culture and government. This district is divided into 5 sub-districts. The subject property is located in the Downtown Waterfront (DW) District.

##### **(3) Downtown Waterfront District (DW)**

The DW District is intended to enhance and diversify commercial and residential development in the downtown waterfront area. The DW District is further divided into specific areas for the purposes of regulating building height in such a way as to provide vistas from Battery Street of harbor activity within the breakwater area, and to preserve panoramic views. Sec. 4.4.1 (a) (3) (F) places the property within the "**South of College: Properties south of College Street**" area. Except

for the subdivision itself, no development is included. It is possible that the parking area lot could be developed in the future, but generally any new development will be subject to permitting requirements of the Planning and Zoning Department. **(Affirmative finding)**

***(b) Dimensional Standards & Density***

The DW District does not require a specific minimum lot size. The district limits maximum intensity, or floor area ratio (FAR), which is the ratio of above ground gross floor area to gross site area, or a multiplier representative of the development limits of a site applied to the parcel/land size. The FAR of the DW District – South of College Street is 2.

The DW District’s lot coverage allowance is 100%.

The District requires a front setback of greater than 0’, or 12’ from the curb.

In the South of College Street area of the DW District, the minimum and maximum height allowance is 30’ and 35’, respectively. The new property line separating the two lots will not affect setbacks for the existing buildings.

The resultant 1.59 and 1.14 acre lots are sufficient in size for continuation of existing uses. **(Affirmative finding)**

***(c) Permitted & Conditional Uses***

The DW District permits, and conditionally permits, a variety of uses that can be found in Appendix A – Use Table. No development is included in this proposal. **(Affirmative finding)**

***(d) District Specific Regulations***

***1. Use Restrictions***

Not applicable.

***2. Public Trust Restrictions***

Not applicable.

***3. Facades and Setbacks on Side and Rear Property Lines***

Not applicable.

***4. Building Height Setbacks***

Not applicable.

***5. Lake Champlain Waterfront Setback***

Not applicable.

***6. Residential District Setback***

Not applicable.

***7. Development Bonuses/Additional Allowances***

Not applicable.

**Article 5: Citywide General Regulations**

***Sec. 5.2.2, Required Frontage or Access***

No subdivision of land may be permitted on lots that do not have frontage on a public road or public waters. The subject property technically has frontage on 5 public streets: Main Street, Battery Street, Lake Street, College Street, and King Street. After the lot is subdivided, each lot will continue to have street frontage. **(Affirmative finding)**

***Sec. 5.2.3, Lot Coverage Requirements***

See Sec. 4.4.1 (b) above.

***Sec. 5.2.4, Buildable Area Calculation***

Not applicable. The property contains no sensitive natural features.

***Sec. 5.2.5, Setbacks***

See Sec. 4.4.1 (b) above.

***Sec. 5.2.6, Building Height Limits***

See Sec. 4.4.1 (b) above.

***Sec. 5.2.7, Density and Intensity of Development Calculations***

See Sec. 4.4.1 (b) above.

***Sec. 5.4.8 Historic Buildings and Sites***

Union Station is listed on the National Register of Historic Places within the Battery Street Historic District, contributing resource #5, *Union Station*, circa 1916. The proposed subdivision will have no impact on the historic nature of Union Station. **(Affirmative finding)**

***Sec. 5.5.1, Nuisance Regulations***

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

***Sec. 5.5.2, Outdoor Lighting***

Not applicable.

***Sec. 5.5.3, Stormwater and Erosion Control***

Not applicable.

**Article 6: Development Review Standards:**

***Part 1, Land Division Design Standards***

***Sec. 6.1.2, Review Standards***

***(a) Protection of important natural features***

The subdivision will have no impact on important natural features. The property is almost entirely covered with impervious surfaces. A small amount of landscaped areas exist throughout. **(Affirmative finding)**

***(b) Block size and arrangement***

Not applicable.

*(c) Arrangement of Lots*

The proposed subdivision will split the existing lot into two lots, with a difference of 0.45 acres. The larger of the two lots, 1.59 acres, will contain the existing mixed-use buildings. The other lot, 1.14 acres, will encompass the existing parking area. There are several similarly sized lots within the surrounding area. **(Affirmative finding)**

*(d) Connectivity of streets within the city street grid*

Not applicable.

*(e) Connectivity of sidewalks, trails, and natural systems*

Not applicable.

**Article 10: Subdivision Review**

***Sec. 10.1.7, Combined Preliminary and Final Plat***

*For subdivisions that will create fewer than five (5) lots or dwelling units, and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11, the applicant may request, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.*

*In such cases, the submission requirements for final subdivision plats pursuant to Sec. 10.1.9 shall be met at the time of application, and decisions by the DRB shall be based on the project's conformance with the review criteria for both preliminary (Sec. 10.1.8(d)) and final plats (Sec. 10.1.9(d)).*

The proposed subdivision is for two lots, and thus qualifies to be considered in a combined hearing. **(Affirmative finding)**

***Sec. 10.1.9, Final Plat Review***

*(d) Review Criteria*

*1. The requirements of the underlying zoning district(s) and all applicable overlay district(s) as set forth in Article 4*

See Article 4 of these findings.

*2. The review criteria for Conditional Use and Major Impact in Article 3, Part 5 where applicable*  
Not applicable.

*3. The requirements of Article 5 with regard to Special Uses and Performance Standards as applicable*

See Article 5 of these findings.

*4. The land division and site development principles and design standards in Article 6.*

See Article 6 of these findings.

***Sec. 10.1.11, Recording of Final Plats***

*(a) Certifications and Endorsement*

Prior to recording the mylar plat plan, all of the applicable endorsement blocks must be depicted on the plan itself and signed by the appropriate individuals. **(Affirmative finding as conditioned)**

## **II. Conditions of Approval**

1. Within 180 days of the date of final approval, the subdivision plat mylar, with all applicable endorsement signatures, shall be filed with the City Clerk per Sec. 10.1.11 of the Comprehensive Development Ordinance. Failure to do so shall render void the final plat approval.
2. Prior to filing the mylar in the city land records, the subdivision plat shall be revised to reflect the following:
  - a. Obtain signatures for all certifications and endorsements required under Sec. 10.1.11 (a) of the Comprehensive Development Ordinance.
3. No construction related development is included in this approval.
4. Standard permit conditions 1-15.



Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
Phone: (802) 865-7188
Fax: (802) 865-7195

www.burlingtonvt.gov/pz

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APR 05 2016

DEPARTMENT OF
PLANNING & ZONING

Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

PROJECT LOCATION ADDRESS: 1 Main St

PROPERTY OWNER\*: Main Street Landing

APPLICANT: Melinda Moulton

\*If condominium unit, written approval from the Association is also required

POSTAL ADDRESS: One Main Street

POSTAL ADDRESS: One Main Street

CITY, ST, ZIP: Burlington, VT. 05401

CITY, ST, ZIP: Burlington, VT. 05401

DAY PHONE: 802-864-7999

DAY PHONE: 802-864-7999

EMAIL: Melinda@MainStreetLanding.com

EMAIL: Melinda@MainStreetLanding.com

SIGNATURE: Melinda Moulton

SIGNATURE: Melinda Moulton

I am the owner. In addition, I duly authorize the applicant (if noted) to act on my behalf for all matters pertaining to this zoning permit application.

Description of Proposed Project: SUB-Division of Union Station Surface Lot from PARCEL ID 049-1-080-000.

Existing Use of Property: [ ] Single Family [ ] Multi Family: # \_\_\_ Units [X] Other: Commercial
Proposed Use of Property: [ ] Single Family [ ] Multi Family: # \_\_\_ Units [X] Other: Commercial

- Does your project involve new construction, addition, alteration, renovation, or repair to a structure that is heated or cooled? Yes [ ] No [X]
Will 400 sq ft or more of land be disturbed, exposed and/or developed? Yes [ ] No [X]
For Single Family & Duplex, will total impervious area be 2500 sq ft or more? Yes [ ] No [X]
Are you proposing any work within or above the public right of way? Yes [ ] No [X]

Estimated Construction Cost (value)\*: \$ NONE ~ Just for Subdivision
(\*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days for administrative permit; 30 days for board permit). A building (and/or electrical, mechanical, plumbing, curb cut) permit will also be required. Contact the Department of Public Works at 802-863-9094 to inquire. Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office in the lower level of City Hall, 149 Church Street.

Office Use Only: Zone: DW Eligible for Design Review? [X] Age of House 1940 Lot Size 117743
Type: SN \_\_\_ AW \_\_\_ FC \_\_\_ BA \_\_\_ COA 1 \_\_\_ COA 2 \_\_\_ COA 3 \_\_\_ CU \_\_\_ MA \_\_\_ VR \_\_\_ HO \_\_\_ SP \_\_\_ DT \_\_\_ MP \_\_\_
Check No. 4581 Amount Paid 400 Zoning Permit # 16-10765D
4567 100
4580 100
April 2014





RECEIVED  
APR 05 2016

Union Station  
One Main Street  
Burlington, VT 05401

April 1<sup>st</sup>, 2016

DEPARTMENT OF  
PLANNING & ZONING

Mr. David White  
Director of Planning & Zoning  
City of Burlington  
149 church Street, City Hall  
Burlington, Vermont 05401-8415  
Re: Union Station Subdivision

Dear David:

In regard to our previous meetings to talk about the sub-division of the Union Station Surface Lot from Parcel ID 049-1-080-000, I submit the following for review and approval from your department.

- \*\*Complete application form.
- \*\*\$100 application fee
- \*\* Photographs of the subject property
- \*\*My letter, herewith.
- \*\*Two copies of a lot line adjustment plat with an additional copy at 11 x 17 size from Krebs and Lansing.

It is our hope that this sub-division determination will be uncomplicated and look forward to this parcel being available for future development as it is a critical piece of land for the Burlington Waterfront's redevelopment. Please let me know what else you may need from Main Street Landing and what the process will entail to achieve a timely and successful resolution.

With warm regards,

Melinda L. Moulton

CEO, Main Street Landing

