

10/18/2022

Members of the Development Review Board,

I want to thank the Board, as always, for their volunteer service to the City, and to City Staff for their work on this case.

Many of you are familiar with Mr. Purvis, with his methods, and with some details of this case. The appeal that he lays before you can only be described as “delusional”. Mr. Purvis has created his own fantasy history of this property, and a legal theory and framework that has no foundation in reality or property law.

Mr. Purvis has been given generous Settlement terms by the City, with a pathway that he agreed to follow on April, 4, 2022. He is not a VICTIM, and he does not suffer at the hands of an evil City Attorney and Zoning Staff. Mr. Purvis suffers from having formed his identity and happiness around an imagined right to park many cars on the grass of his property, and even on our property. The lies that he tells himself, his neighbors and supporters, and you tonight, have hardened into fact in his mind.

I think that typically this Board should trust the citizens that come before them, that they speak the truth, and operate in good faith. This is not the case with Mr. Purvis. Here are some Facts:

Mr Purvis is a danger to his neighbors: He has run his car into our fence, in order to prove the legitimacy of his parking claim with violence. He did so with a Burlington Police Officer on the scene, responding to our complaint. He has used his snowblower to hurl ice and gravel over the fence at our children, playing in *our* yard.

He has signed 3 separate Settlement Agreements with the City, one a joint-agreement with us, his neighbors. He has NEVER COMPLIED with these agreements. His excuses for non compliance were rejected by the Environmental Court and the Vermont Supreme Court. Yet, you may hear him spout these same (rejected) excuses tonight.

Mr. Purvis’ history of abusing the assumed good faith of the mediation and settlement process continues: He praises former City Attorney Richardson for making generous concessions. However the current appeal, along with his lack of compliance show that he is undermining his own agreement. The Settlement

Agreement and the Fence Permit is not appealable to this Board, as it is beyond the appeal period. In addition, section 13 of the April, 4, 2022 Settlement Agreement states:

“The Parties agree that if any issue under this agreement arises, they shall communicate and attempt to work out the dispute in good faith. Failing such, the Parties shall have recourse to the Chittenden County Superior Court for resolution.”

Finally, I think that it is extremely important that Mr. Purvis simply comply with the rules that govern Zoning Appeals. The fact that he has flaunted Zoning decisions for 8 years *should both inform and prejudice* the Board’s decision.

According to the staff report, the appeal you hear tonight was **NOT PROPERLY FILED**: *“The appellant is very familiar with the zoning appeals process and missed the deadline for filing a complete appeal. **The appeal should be dismissed as untimely.**”*

Mr. Purvis has wasted the City’s time and resources on this matter since 2014. It would be extremely informative to add up the total amount of money that the City has spent to listen to his fiction. Giving him any option to appeal tonight’s decision to the Environmental Court will continue to cost the City. Furthermore, Mr. Purvis has a clear history of abusing the appeals process and City employees. You may remember that the last time he appeared a DRB, Board member Geoff Hand had to interrupt Mr. Purvis’ verbal attack on Zoning Administrator Scott Gustin.

I remind the Board that Mr. Purvis pulled this same stunt a little over a year ago, and was given the benefit of the doubt. He missed the appeal deadline, yet the DRB allowed the appeal to continue, until it was finally resolved in the April Settlement, which he is currently trying to renegotiate.

Tonight, I urge you not to make this same mistake. The history, tactics and substance of Mr. Purvis’ appeal should be denied with prejudice, with an ironclad decision that forestalls his bad-faith strategies. Improperly filed, the appeal should be dismissed as untimely. Beyond that, we support the Zoning Staff recommendations that the ADVERSE decisions are upheld by the Board.

Sincerely,

Joseph and Teresa Cleary