

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone:(802) 865-7188

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Joseph Cava, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: September 6, 2022
RE: 22-307; 120 Depot 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: RM-W Ward: 3C

Owner/Applicant: Steven & Andrea Trombley

Request: Construct a single-family residence on a vacant property, and after the fact tree removal.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking)

Overview:

The project is to construct a single family home on an existing vacant lot, and after the fact tree removal. Most of the property consists of a steep slope.

Due to the steepness of the property and the difficulty to create a reasonable building envelope, two separate variances have been approved; both for a ten-foot setback to the front property line (Depot Street). These were approved in 2014 (expired) and 2021 (still active). A conceptual home plan was included with the 2014 variance showing a compact home meeting the approved setbacks and height requirements. As part of this application, the new home will maintain the ten-foot front yard setback as approved under ZP-21-508, but will exceed the maximum height requirement. See below.

The Design Advisory Board reviewed this application at two meetings. On July 12, 2022, the DAB voted 5-0 to *'table the application until such time as the applicant returns with revised plans.'* The main revision was to redesign the upper floor living space so that it would be the foremost structural aspect facing Depot Street, rather than the garage. Another concern, or rather question, was whether or not the gap between the garage and the first level of living space, although connected with an elevator/stair shaft, meets the intent of required living space above the garage, since the garage exceeds 50% of the street facing façade.

The DAB reviewed the application a second time, per the applicant's request, and unanimously voted 5-0 to recommend denial of the application because the proposal *'doesn't meet the standards of Article 6'*. No changes to the proposal were made for this second DAB meeting.

The plans have since been revised to make the upper story living space the foremost portion of the new home. The gap between the garage and the upper living stories is still proposed, and whether or not that meets the intent of the ordinance remains to be determined. See Article 6 below.

Previous zoning permit action:

- **Zoning Permit 21-508**; variance from front yard setback. Approved August 4, 2021
- **Zoning Permit 15-0339VR**; variance from front yard setback. Approved October 24, 2014

Recommendation: Denial as per the following findings:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

Section 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in any new non-residential buildings square footage are subject to impact fees.

Impact fees shall be calculated based on the total gross square footage of the principal use including attached accessory uses (i.e. garage). Per the submitted plans, an estimate of the fees is:

SF of Project 3,345

Department	Residential	
	Rate	Fee
Traffic	0.224	749.28
Fire	0.253	846.29
Police	0.051	170.60
Parks	0.848	2,836.56
Library	0.525	1,756.13
Schools	1.095	3,662.78
Total	2.996	\$ 10,021.64

The applicant shall submit a final calculation of gross square footage to make final an Impact Fee assessment. **Affirmative finding as conditioned.**

Section 3.3.8 Time and Place of Payment

Impact fees must be paid to the city’s chief administrative officer / city treasurer according to the following schedule:

- a) *New buildings: Impact fees must be paid at least seven days prior to occupancy of a new building or any portion thereof.*

Affirmative finding as conditioned.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

4. *The Waterfront Residential Medium Density (RM-W) district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. This district is distinguished from the Residential Medium Density*

district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.

A single detached dwelling is proposed. **Affirmative finding.**

(b) Dimensional Standards and Density

Table 4.4.5-1 Minimum Lot Size and Frontage

The RM-W zoning district sets no minimum lot size requirement. The minimum frontage requirement is 30 ft. The subject property has 44 ft of frontage along Depot Street. **Affirmative finding.**

Table 4.4.5-2 Base Residential Density

Proposed unit: $1 / (4,180 \text{ lot size} / 43,560 \text{ acre})$ or $1 / .0959 = 10.42$; < 20 units per acre limitation. The proposal complies with the base residential density of the RM-W zone. **Affirmative finding.**

Table 4.4.5-3 Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ₁	Setbacks ^{1, 3, 4, 5, 6}			Height
		Front	Side	Rear	
WRM	60%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20'	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	35-feet
120 Depot Street	52.5%	10' in accordance with approved variance ZP-21-508.	A 44' wide property requires a minimum 4' 3" side yard setback. Proposed setbacks: 4' 11".	Given a lot depth range of 95'-113', the min. rear yard setback ranges 24'-28'. Proposed setback: 35' 8".	62' 1"

The proposal is compliant with lot coverage and setback requirements. The proposed height, however, exceeds the maximum allowance. Section 5.2.6 below explains how height is measured, and in this case, there are no exceptions to height requirements where steep slopes are present.

Adverse finding.

(c) Permitted and Conditional Uses

A single family detached dwelling is a permitted use in the RM-W zoning district. **Affirmative finding.**

(d) District Specific Regulations

1. *Setbacks*

No setback encroachments are proposed or sought. **Not applicable.**

2. *Lot Coverage*

No exceptions to lot coverage are included or sought. **Not applicable.**

3. *Accessory Residential Structures and Uses*

The garage is integrated into the design of the home, and is subject to applicable standards of Section 6.2.2 (h), below. **Affirmative finding.**

4. *Residential Density*

The occupancy of the dwelling unit is limited to members of a family as defined in Article 13. Any divergence from the limitations of functional family and occupancy of more than four unrelated adults is subject to Conditional Use Review and approval by the DRB.

Affirmative finding as conditioned.

5. *Uses*

There is no Neighborhood Commercial Use at this location. **Not applicable.**

6. *Residential Development Bonuses*

No development bonuses are included or sought. **Not applicable.**

Article 5: Citywide General Standards

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

The parcel is less than 2 acres in size. **Not applicable.**

Section 5.2.5 Setbacks

b. Exceptions to Yard Setback Requirements

5. Accessory Structures and Parking Areas

Accessory structures no more than fifteen (15) feet in height, parking areas, and driveways may project into a required side and rear yard setback provided they are no less than five (5) feet from a side or rear property line where such a setback is required.

The rear deck is partially located within the rear yard setback. However, due to its height being less than 15 ft, it could locate as close as 5 ft to the rear property line. It is proposed at 27' 8" from the rear property line. **Affirmative finding.**

Section 5.2.6 Building Height Limits

No structure shall exceed thirty-five (35) feet in height unless otherwise authorized under the district-specific provisions of Article 4.

(a) Height Measurement

The maximum height of any building shall be measured as follows:

1. *Starting Point: Building height shall be measured from:*

A. *A public sidewalk, alley, or other public way or space where the proposed building's street-facing façade is within a 50-foot horizontal distance of the lot's street frontage.*

The majority of the proposed home is within 50-feet of the lot's street frontage. All structures within 50 feet of the street frontage, whether individual, stacked, multiple stories, etc., cannot exceed the maximum 35-foot height allowance of the RM-W zoning district. The proposed structure will reach a height of 62'1" within a 50-foot horizontal distance from the public way (Depot Street). There are no provisions in the zoning ordinance that allow for excessive height where a steep slope runs perpendicular to street frontage. The zoning ordinance would have to be amended before height in

excess of 35 ft can be considered. Currently, there are no plans to amend the ordinance. As proposed, the height is noncompliant. **Adverse finding.**

B. *The average finished grade within a 10-foot horizontal distance of the building's street-facing façade where the proposed building is more than a 50-foot horizontal distance from the lot's street frontage.*

Not applicable.

C. *For buildings on sloped sites, see additional measurement standards in (b) below.*

(b) Buildings on Sloped Sites

Buildings on slopes shall reflect the pre-construction topography of the site by making use of opportunities to vary the building's height and roof forms relative to terrain changes as follows:

1. *Measurement Interval:* *Building height shall be measured along the street-facing façade at intervals of no less than 32-feet or more than 65-feet along the entire length of the street-facing façade(s).*



This provision applies to structures with long street-facing facades sited on slopes that run parallel with a street (as shown in the example above). The subject property's slope runs perpendicular to the street, and the proposed structure's street facing façade does not exceed 32-feet. **Not applicable.**

2. *Lots Fronting on Two or More Streets:*
Not applicable.

3. *Illustration:*
To evaluate the height and bulk of a proposed building in context with its surroundings, the applicant may be required to prepare a scale model, computer visualization, illustrations, or other renderings.

Not applicable.

(c) Exceptions to Height Limits

1. *Additions and new construction on parcels created prior to January 1, 2008 that contain a non-conforming Principal Building exceeding the maximum permitted Building height may exceed the maximum permitted Building height of the zoning district subject to the design review provisions of Art. 3 and 6, but in no event shall exceed the height of the existing non-conforming Principal Building.* **Not applicable.**

2. *In no case shall the height of any structure exceed the limit permitted by federal and state regulations regarding flight paths of airplanes. **Not applicable.***
3. *Ornamental and symbolic architectural features, including towers, spires, cupolas, belfries and domes; greenhouses, garden sheds, gazebos, rooftop gardens, terraces, and similar features; and fully enclosed stair towers, elevator towers and mechanical rooms, where such features are not used for human occupancy or commercial identification, are exempt from specific height limitations but shall be subject to the design review provisions of Art. 3 and 6. Such features and structures shall be designed and clad in a manner consistent and complementary with the overall architecture of the Building. **Not applicable.***
4. *Exposed mechanical equipment shall be allowed to encroach beyond the maximum building height by no more than 15-feet provided that portion exceeding the height limit does not exceed 20% of the roof area.*

Exposed mechanical equipment shall be fully screened on all sides to the full height of the equipment, and positioned on the roof to be unseen from view at the street level. Screening may consist of parapets, screens, latticework, louvered panels, and/or other similar methods. Such features and structures shall be designed and clad in a manner consistent and complementary with the overall architecture of the Building

*Where mechanical equipment is incorporated into and hidden within the roof structure, or a mechanical penthouse setback a minimum of 10-ft from the roof edge, no such area limit shall apply and the structure shall be considered pursuant with 4 above. **Not applicable.***
5. *All forms of communications equipment including satellite dish antennae shall not be exempt from height limitations except as provided in Sec 5.4.7 of this Article. **Not applicable.***
6. *The administrative officer may allow for up to a 5% variation in the maximum building height to account for grade changes across the site. In no event however, shall such additional height enable the creation of an additional story beyond the maximum permitted. **Not applicable.***

Section 5.2.7 Density and Intensity of Development Calculations

See Table 4.4.5-1, above. **Affirmative finding.**

Section 5.4.9 Brownfield Remediation

Not applicable.

Section 5.5.1 Nuisance Regulations

None identified. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

The applicant has submitted exterior light spec sheets which meet these standards, and the elevation drawings show their locations. **Affirmative finding.**

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control plan will need to be reviewed and approved by the Stormwater Program Manager prior to the release of the zoning permit. **Affirmative finding as conditioned.**

Section 5.5.4 Tree Removal

(a) Review criteria for zoning permit requests for tree removal

(1) Grounds for approval

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be permitted for any of the following reasons:

A. Removal of dead, diseased, or infested trees;

Not applicable

B. Thinning of trees for the health of remaining trees according to recognized accepted forestry practices;

Not applicable

C. Removal of trees that are a danger to life or property; or,

Not applicable

D. As part of a development with an approved zoning permit.

More than 10 trees exceeding 3” in caliper have been removed. The applicant acknowledged their removal as part of future development, and now seeks an after-the-fact permit for their removal – noting that the stumps outside the building envelope will remain in place. This section allows for tree removal in association with an approved development plan. While it is reasonable to assume that this tree removal would be permitted with the development proposal, the proposed development itself does not comply with the height limitation of the RM-W zoning district.

Adverse finding.

(2) Grounds for denial

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be denied if existing healthy trees are known to be:

A. Providing a significant privacy or aesthetic buffer or barrier between properties;

Not applicable

B. Providing stabilization on slopes vulnerable to erosion;

Not applicable

C. Located within a riparian or littoral buffer;

Not applicable

D. Provide unique wildlife habitat;

Not applicable

**E. A rare northern Vermont tree species as listed by the Vermont Natural Heritage Program; or,
Not applicable**

**F. A significant element or, or significantly enhances, an historic site.
Not applicable**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The subject property is steeply pitched except for the upper, easternmost end. Recently, the lot was cleared of trees, and this application also includes a request to permit after-the-fact tree removal. Section 5.5.4, *Tree Removal*, allows tree removal as part of an approved development, which this application seeks. No other important natural features exist onsite. **Affirmative finding.**

(b) Topographical alterations

The property is steeply pitched, and some topographical alterations will occur to accommodate the new home. However, the new home is more or less designed to work with the topography, rather than altering the topography to accommodate the structure. **Affirmative finding.**

(c) Protection of important public views

Where the property flattens out at the eastern end, views of Lake Champlain and the Adirondack mountains from the east will be marginally affected given a building height of 14' 1" above the highest grade. The bulk of the development will occur below the highest elevation of the property and not impact views at all. **Affirmative finding.**

(d) Protection of important cultural resources

The vacant property contains no known archaeological resources. **Not applicable.**

(e) Supporting the use of alternative energy

The plans show rooftop solar panels. Additionally, the home will not adversely impact the actual or potential use of alternative energies by neighboring properties. **Affirmative finding.**

(f) Brownfield sites

The subject property is not an identified brownfield. **Not applicable.**

(g) Provide for nature's events

As required, an erosion prevention and sediment control plan has been provided to the city's stormwater program staff and will need to be approved prior to the release of the zoning permit. Shelters will be provided above the garage level entrance, and the decks. Given the development footprint, surrounding steep slope, and proximity to Depot Street, room for snow storage is limited, but there is area to the side of the driveway. However, with the smaller driveway and short walkway to the man-door, there isn't much area to clear of snow. **Affirmative finding as conditioned.**

(h) Building location and orientation

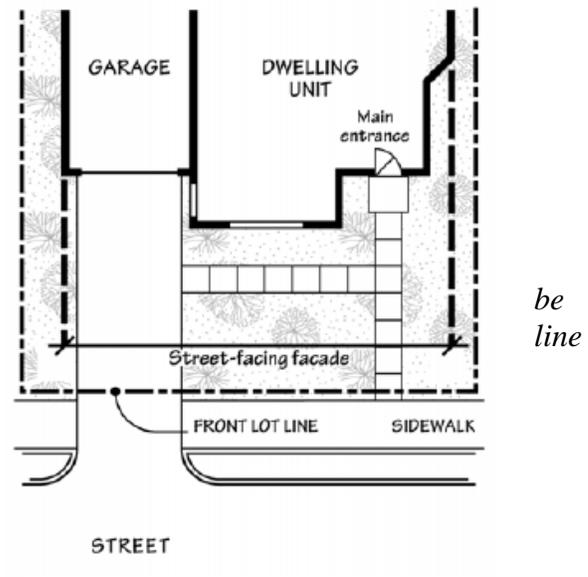
The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curblineline and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

This proposal will be the first development fronting Depot Street, so there is no existing development pattern to maintain here.

Principal buildings shall have their main entrance facing and clearly identifiable from the public street. The development of corner lots shall be subject to review by the city engineer regarding the adequacy of sight distances along the approaches to the intersection. To the extent practicable, development of corner lots in non-residential areas should try to place the building mass near the intersection and parallel to the street to help anchor the corner and take advantage of the high visibility location.

This is a unique design where the garage is the only portion at the street level. As proposed, a clearly identifiable entrance is included.

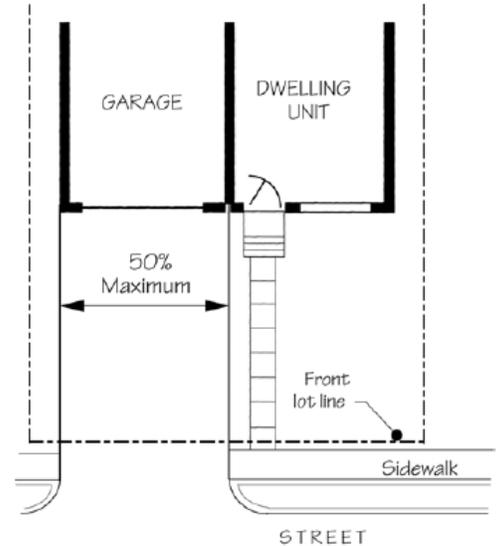
In residential areas, accessory buildings shall be located in such a way so as to be secondary and subordinate in scale and design to the principal structure. A parking structure – either attached or detached – shall be setback from the longest street-facing wall of the principal structure and be deferential yet consistent in character and design. Where a front yard setback is required, any street-facing garage wall containing garage doors shall set back a minimum of 25’ from the front property to prevent parked vehicles from blocking the public sidewalk. Where a garage is not oriented towards the street (i.e. the garage doors face the rear or side yard), the street-facing garage wall shall have windows or doors or other features that break-up the mass into smaller elements, and be blended with the character of the residential portion of the structure.



The property received variance approval (ZP-21-508) for a 10 ft front yard setback, and thus the minimum 25’ garage setback does not apply here. The garage will provide ample room for two vehicles. The plans show the garage to be setback 6 inches from the longest street facing wall of the principal structure – the mid-level living space above. **Affirmative finding.**

Where a garage is attached to a principal single-family or duplex residential structure and oriented to the street (i.e. the garage doors face the street) the following standards shall apply:

1. *Except as provided in subsections 3, 4 and 5 below, a street-facing garage wall shall constitute no more than 50% of the width of the street-facing façade of the entire structure (including the garage portion), and shall not exceed 24-feet. In cases where a street-facing garage wall constitutes between 30%-50% of the street-facing façade, living space is encouraged above to integrate the garage more closely into the design and mass of the overall structure. In cases where the street-facing garage wall constitutes more than 50% of the width of the street-facing façade, living space above is required.*



The street-facing wall of the garage constitutes more than 50% of the width of the street-facing façade and living space is required above. But what constitutes ‘above’ here? The upper living space is only connected to the garage via an elevator/stair shaft, with an approximate 22 ft open-air gap between the two. Due to the large gap between the garage and upper living space, compliance with this requirement is questionable. The DRB is requested to make a determination on whether or not the proposed layout meets the intent of this provision. **No finding possible.**

2. *Each bay of the garage shall have a separate entrance door of no more than 10-feet in width.*

The garage doors are proposed at 10 ft in width. **Affirmative finding.**

3. *Where the width of the street-facing façade of the residential portion of the structure is less than 14 feet, the street-facing garage portion may be allowed up to but not exceeding 14 feet in order to allow for a single garage bay.*

Not applicable.

4. *Where a garage entrance is within a single roofline and wholly integrated into the overall design the front façade of the structure, it may constitute more than 50% of the width of the street-facing façade provided there is interior living space above, and the primary pedestrian entrance offers a clear and welcoming entrance from the street.*



The garage exceeds 50% of the total façade width and is not within a single roofline and wholly integrated into the design of the front façade. **Adverse finding.**

5. *Enclosed space originally designed and constructed as a garage for vehicular parking but converted to living space may be converted back to enclosed vehicular parking provided there is no expansion of the building footprint necessary to complete the conversion.*

Not applicable.

(i) Vehicular access

The proposal will see direct vehicular access to the garage from Depot Street. **Affirmative finding.**

(j) Pedestrian access

The proposal will see direct pedestrian access from Depot Street, via a walkway and man-door at the garage level. **Affirmative finding.**

(k) Accessibility for the handicapped

No handicap accessibility is evident or required with this proposal. **Not applicable.**

(l) Parking and circulation

The proposal includes a two-car garage, accessed directly from Depot Street. **Affirmative finding.**

(m) Landscaping, fences, and retaining walls

No new landscaping or fencing is indicated in the plans. The lot was cleared of trees, and the applicant notes that the tree stumps will remain in place outside the development footprint, additional slope-stabilizing landscaping needs to be installed. The plans indicate retaining walls extending street-ward from both sides of the garage, which will provide additional slope stabilization. **Affirmative finding as conditioned.**

(n) Public plazas and open space

No public plaza or open space is included or required in this proposal. **Not applicable.**

(o) Outdoor lighting

See Sec. 5.5.2 *Outdoor Lighting* above. **Affirmative finding.**

(p) Integrate infrastructure into the design

Utilities are required to be installed underground, including electricity. Additional utilities and meters shall be placed out of sight from the street, or adequately screened. The plans will need to be updated to include all utilities, mechanical units, meters, etc. Trash/recycling will be stored in the garage. **Affirmative finding as conditioned.**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The subject property is the only one along the eastern side of Depot Street that does not also front North Avenue. Nearby structures (multifamily, commercial, police station) front North Avenue, with only one other property utilizing Depot Street for vehicular access. Given the lot's steep slope, only 14 ft of the top floor will be seen from the east. The rest of the home will be below the top elevation of the property – meaning it will be small in scale when compared with neighboring structures – albeit neighboring structures fronting North Avenue. On the other hand, the new home will be quite noticeable as viewed from Depot Street, which is the result of the lot's steep slope. Massing of the structure is broken up by distinct building components along the front, side and rear elevations. **Affirmative finding.**

2. Roofs and Rooflines

The proposed home will have a shed roof. The garage roof below will be flat, topped with grass. **Affirmative finding.**

3. Building Openings

The primary front façade will be lined with sliding doors that provide access to the top floor's Lake Champlain-facing deck. The mid-level front façade will be lined with fixed doors. The side and rear facades will see appropriately placed fenestration. Overall, fenestration is appropriately scaled and stylistically appropriate for the proposed building design. **Affirmative finding.**

(b) Protection of important architectural resources

Not applicable.

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The ground level garage will have siding to match the home above, and a few variations including garage doors, a man-door with roof above, and exterior light fixtures. The upper levels, while a considerable height above the garage, would be viewed as offering an active and inviting street edge. **Affirmative finding.**

(e) Quality of materials

The proposed home will be clad in vinyl shingle siding, while the elevator shaft will be sided with board and batten siding. The roof will be metal standing seam. Additional features include steel support columns, composite decking and cable deck railings. Spec sheets have been included for windows and doors as well, which will either be wooden or fiberglass. The materials proposed are of acceptable quality and durability for this new construction. **Affirmative finding.**

(e) Reduce energy utilization

The proposed building must comply with the current energy efficiency standards of Burlington and the State of Vermont. **Affirmative finding as conditioned.**

(f) Make advertising features complimentary to the site

No advertising is included in this proposal. **Not applicable.**

(g) Integrate infrastructure into the building design

No building or ground-mounted mechanical equipment is included in the project plans. If any is proposed, it must be depicted, screened, and comply with minimum setback requirements. Utility meters also need to be shown on the plans, and need to be out of view from the street. **Affirmative finding as conditioned.**

(h) Make spaces safe and secure

The proposed building must comply with the city's current egress requirements. Building entries will be illuminated. **Affirmative finding.**

Article 8: Parking

Per Table 8.1.8-1, at the time of application, single-family dwellings require two parking spaces in the Neighborhood Parking District. The garage will provide two parking spaces. **Affirmative finding.**

II. Conditions of Approval should the DRB approve the application

1. **At least 7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the City Treasurer’s Office or Planning and Zoning office impact fees as calculated by staff based on the net new square footage of the proposed development. The applicant shall submit a final calculation of gross square footage to make final an Impact Fee assessment. As submitted, estimated Impact fees are:

SF of Project 3,345

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.224	749.28
Fire	0.253	846.29
Police	0.051	170.60
Parks	0.848	2,836.56
Library	0.525	1,756.13
Schools	1.095	3,662.78
Total	2.996	\$ 10,021.64

2. **Prior to the release of the zoning permit**, the plans shall be revised to include new, slope stabilizing landscaping (including existing stumps to remain), and any utilities/meters/mechanical units.
3. **Prior to the release of the zoning permit**, the associate EPSC plan shall be approved by the Stormwater Program Manager.
4. **Prior to the release of the zoning permit**, the applicant shall obtain a letter from the Dept. of Public Works confirming adequate water and sewer capacity.
5. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
6. The single detached dwelling may be occupied only by a “family” as defined in Article 13 of the Comprehensive Development Ordinance.
7. New utility lines must be buried.
8. The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal.
9. A State of Vermont wastewater permit is required.
10. Standard Permit Conditions 1-15.