

Ryan Morrison

From: Joseph Campanella Cleary <campanella.cleary@gmail.com>
Sent: Thursday, January 14, 2021 1:00 PM
To: Ryan Morrison
Cc: James Sherrard
Subject: Re: 400 North St ADU proposal

[WARNING]: External Message, please be cautious.

I understand that the City declines to address the issue re: private ownership, but to overlook it completely in permitting, and not warn Mr. Boyden of this is very concerning.

Is the city in the business of setting its citizens up for civil lawsuits through a flawed permitting process? As was previously and specifically given as a requirement according to emails from Mr. Sherrard:

“It is the applicant’s responsibility to make sure that this maintenance takes place through a written agreement with the owner(s). Copy of such agreement is subject to review and approval of the City Attorney.”

Having Will drive his vehicle up and over the curb is **not a solution** to water draining down his driveway when the catch basin overflows, nor is the permeable block driveway. I expect that our property will still sustain damage from the current driveway plan, with no recourse if it is approved and built as planned.

As you undoubtedly know from parking/driveway issues around the city, **curbs that are regularly driven over cease to be curbs**—they are broken down and crumble.

In addition, by allowing the planned driveway, **the city will be creating a potential safety hazard for our property and family**: In order to drive over a 4-6” curb, the vehicle will have to be given sufficient power. As it surges over the curb it will then drive down a >10% grade with very little run-out to our fence. Will has called it a “gentle grade”, but it is clearly not—the current configuration can be considered a “terrace”—an approximately 2’ retaining wall built into a hillside.

In ice or snow the potential for a vehicle to lose control and hit our fence or harm our family is not hyperbole, but a very real risk of cramming a poor plan into unsuitable landscape. I would add that this could create legal exposure for both the applicant and the City, as it is an easily foreseeable risk.

In order to mitigate this risk, the City should ask for amended driveway plans.

Have you and Mr. Sherrard visited the site and seen the contours? Besides the issues with the ownership of Dan’s Ct., the proposed driveway is extremely unpractical and it is a mystery why the City would attempt to shepherd this project through as planned. Mr McKenna has plenty of parking and access from North Street, and the ADU standard allows stacked parking.

We continue to ask, in the strongest possible terms, that the City reject the application as submitted, and require amended plans that make use of the current, permitted driveway and parking area.

Joe Cleary
158 N. Willard

On Jan 14, 2021, at 12:03 PM, Ryan Morrison <rmorrison@burlingtonvt.gov> wrote:

Hi Joe.

I'm cc'ing James Sherrard on this so he can see your concerns.

Since it's a private street, we don't get involved in whether or not the street owner is for or against a proposal. Zoning will see it as an access, and if there's an issue between the applicant and the street owner, then that would be addressed privately – civil matter.

Thanks for the reminder about the other two interested parties – I just emailed them. Technically, the hearing was continued a few times since the first public meeting – which was publicly warned back in September. During each hearing held (Sept. 15, Oct. 20, and Dec. 1) a date certain for each continued hearing was made, thus counting as public notice.

Thanks!

Ryan Morrison
Associate Planner
City of Burlington
802-865-7190

“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.”

From: Joseph Campanella Cleary [<mailto:campanella.cleary@gmail.com>]
Sent: Thursday, January 14, 2021 11:40 AM
To: Ryan Morrison <rmorrison@burlingtonvt.gov>
Subject: Re: 400 North St ADU proposal
Importance: High

[WARNING]: External Message, please be cautious.

Hello Ryan,

I am very concerned that it appears that a KEY condition have been removed from the Stormwater permitting process:

“It is the applicant’s responsibility to make sure that this maintenance takes place through a written agreement with the owner(s). Copy of such agreement is subject to review and approval of the City Attorney.”

-page 4, Correspondence with James Sherrard, as listed for 12/1/20 DRB

My conversations with Doug Boyden, the owner of Dan's Ct., indicate that he is not in favor of the increased traffic on his road, or the proposed driveway. Why would the City push this forward without the assent and approval of Mr. Boyden, when this condition was given to the applicant, and seemingly not met?
sincerely,

Joe Cleary
158 N. Willard St.

P.S.

If your email is meant to be an official notice to interested parties, you should also notify neighbor(s) Luke Purvis, who attended the first two hearings, as well as Laura Trieschmann (lvt7765@hotmail.com), two other neighbors who will, like us, be negatively impacted by this ADU.

On Jan 14, 2021, at 11:03 AM, Ryan Morrison <rmorrison@burlingtonvt.gov> wrote:

Good morning

Attached is my memo for next week's DRB meeting – all requirements have been met and it now looks like the DRB will be able to act on the application. The following link to the DRB page shows the packet, complete with all updated plans. Will, you will need to attend the meeting in order for the DRB to act on the application. Tuesday, January 19 at 5 pm. Let me know if you have any questions.

<https://www.burlingtonvt.gov/DPI/DRB/Agendas>

Ryan Morrison
Associate Planner
City of Burlington
802-865-7190

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<North.St.400.ZP21-0076CA.CU.1.19.21.MEMO.pdf>