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April 16, 2021

Dr. Benjamin Ola. Akande  
Champlain College  
251 South Willard Street  
Burlington, VT 05401

Re: Proposed Demolition of Historic House at 8 Browns Court, Burlington

Dear Dr. Akande,

It has come to our attention that Champlain College is planning to demolish the house located at 8 Browns Court in Burlington. The college is scheduled to present its plans to the Burlington Development Review Board on April 20, 2021, but such actions are premature as the college is not in compliance with the legal agreements and permits that enabled the 2015 construction of the Eagles Place (a.k.a. Eagles Landing) apartments. We understand that time has passed and leadership at the college has changed since these agreements were made, which is why we are bringing them to your attention. For the following reasons, we respectfully request that the college withdraw its application for a demolition permit.

Act 250 Land Use Permit #4C0515-17 was issued by the District 4 Commission on June 11, 2015. This permit approved the plans for the construction of the Eagles Place apartment building and other improvements, subject to a number of permit conditions. Specifically, Order #6 in the Findings of Fact and Conclusions of Law states the following:

The Applicants shall comply with the Memorandum of Understanding Between Vermont Division for Historic Preservation and Champlain College (“MOU”) dated December 19, 2014, that requires the Applicants to fund up to \$16,500 for an updated survey of the Battery Street Historic District and National Register inventory amendment to National Register nomination. Exhibit #18.

To the best of our knowledge, the college has not met this requirement, despite having had over six years to do so. The importance of completing this project is directly related to the proposal to demolish the house at 8 Browns Court, as this building is presently listed in the National Register of Historic Places as a contributing resource in the Battery Street Historic District (as amended in 1984). Not having completed the required update of the Battery Street Historic District documentation, it seems premature for the college to seek the demolition of a building that contributes to the significance of that historic district.

In addition to its Act 250 permit obligations, the college also entered into a Settlement Agreement with a group of Burlington residents and the City of Burlington to address concerns about the Eagles Place project. Stipulation E of the Settlement Agreement states the following:

Purchase of Adjoining Residential Properties. 8 Brown's Court, a residential duplex directly adjacent to the Project, is owned by Eagles Landing, LLC and shall be renovated as part of the Project for use no later than the date the Certificate of Occupancy is issued as faculty and/or staff housing. Further, in the event Champlain College ever purchases other residential properties directly adjacent to the Project (along Brown's Court, King Street or Maple Street), the College will renovate if necessary and use such properties as faculty and/or staff housing.

As noted in the stipulation, 8 Browns Court was to be renovated as part of the larger Eagles Place project and completed no later than February 4, 2019, when the Certificate of Occupancy was issued for Eagles Place. The building was damaged by fire in August 2018, but the college did not seek to amend the Settlement Agreement or change the schedule for the required renovations. As such, Stipulation E remains in effect today and the proposed demolition of the house is a violation of the Settlement Agreement. It will be costly to repair 8 Browns Court, but this unfortunate situation has been self-imposed by the college. Funds from the insurance settlement should have been used to repair the building promptly after the fire in order to avoid the long-term effects of water damage and exposure to the elements. The failure to do so, and the resulting expenses of doing so 2½ years later, does not justify demolition now. In addition, the college is required by the Settlement Agreement to use 8 Browns Court as faculty/staff housing. This occupancy requirement is an important part of the Settlement Agreement and was included to ensure the presence of college faculty and/or staff in proximity to the students living at Eagles Place.

Separate from the college's legal obligations under the Act 250 permit, the MOU, and the Settlement Agreement, we also have concerns about the college's intent to remove the two apartment units at 8 Browns Court from the city's small inventory of rental apartments. The lack

of housing in the downtown core has been an issue of great concern to residents, academic institutions, and city officials for many years. Indeed, it was cited by college officials as one of the primary justifications for the approval of the Eagles Place project in the first place. In 2014, Champlain College Senior Vice President David Provost stated that “We don’t fix Burlington’s housing problem unless the DRB [Development Review Board] in this city allows beds to be built.”<sup>1</sup> Housing opportunities in Burlington have only become more limited since 2014, so the college’s desire to eliminate two housing units is questionable. The proposed “pocket park” is not an amenity that is needed at this site and does not compensate for the loss of a historic building, two apartments, and the faculty/staff oversight of Eagles Place. There is already a large outdoor gathering space at the end of Browns Court, just 120 feet south of this property, and the west side of Eagles Place has undergone extensive streetscape improvements to provide public outdoor seating and landscaping. Finally, a “pocket park” is by definition a small, creative improvement made to an otherwise underutilized urban space. One does not demolish a historic building and justify it with the creation of a pocket park on the now-vacant lot. This parcel has a use, housing, and should continue to be used as such.

Thank you for taking these recommendations under consideration, and we’re confident that Champlain College can renovate 8 Browns Court in the same manner that it has renovated so many of the historic buildings on its main campus. There is no reason to treat this property any differently.

Sincerely,

Karyn Norwood  
President  
Preservation Burlington

Cc: Miro Weinberger, Mayor, City of Burlington  
William Ward, Director, Permitting & Inspections  
Mary O’Neil, Principal Planner  
Brad Rabinowitz, Chair, Development Review Board  
Karen Paul, City Council, Ward 6  
Joan Shannon, City Council, South District  
Ward 6 Neighborhood Planning Assembly  
Wendy Duncan, Vice President, Champlain College  
David G. White, White + Burke  
Joel Banner Baird, Burlington Free Press

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<sup>1</sup> April Burbank, “Burlington development review board rejects Champlain College apartment plan,” *Burlington Free Press*, April 2, 2014, 12A.