

TIMELINE

227 & 221 Saint Paul St. Issues

221 Saint Paul Street - built 1899, purchased by Dennis in 2000. – Appraised at \$625,000 (see 1/31/19 appraisal).

227 Saint Paul Street - built 1894?, purchased by Chris in 20xx. Date of gas installation: (xx/xx/xx).

September 20, 2013 – through 10/15: email exchange on property line, electric service, *sale of the property to Chris*, erosion control and landscaping. (See E-xx.)

May 1, 2015 – Chris Khamnei obtained a zoning permit to replace “railroad ties” and install 8” wide x 80’ long, along the boundary of 227 and 221 Saint Paul. (see **Picture 001**) Chris requested my presence for the next two summers in order to block my driveway and assist with his construction. Chris cancelled out both times. I had constructed it few years earlier to prevent any MORE dirt falling on the wood wall, to prevent any of our garden soil from falling on the side of his house. This north-side that had soil against it for decades (see **pictures #**). Note: Chris did not request removing a redstone wall in this area; where, as we both knew the material on his house was up to the window sills for decades. (See **pictures**).

He later loaned me his Bobcat to begin the project in August of 2017, when I applied for a building permit. Chris was completely apprised of my plans (see ECI proposal 8/31/17; N-5 thru N-8), including the sketch provided by Engineers Construction (who later backed out of the contract when I could not assure them of Chris Khamnei’s written compliance). Chris was not available for input or formal participation and chose to be a complacent partner – until the wall failed! Chris evacuated 5-10 people that had been living in that building the day prior to Norm’s visit to view the failing wall.

See recent Occupancy Complaint 8/22/19 (See N-11, N-12); and Response letter from Ted Miles, 8/28/19 (See N-9); and **my appeal, 9/xx/19**.

FYI: two other sketches were submitted by two different local contractors. ECI backed out and others did also for the same reasons. SD Ireland finally agreed to supply their most experienced crane crew to assist on this small, constricted site. I built the wall with SD Ireland and removed the failing blocks with SD Ireland, and will do future work with them also. I will try to get submittals and project proposals but any one who is aware of the litigious nature of this project has already refused to participate. It is a small local, construction milieu and I ain’t part of it. Ugh!

April 13, 2017 – A Technical Review Committee meeting for development of 221 Saint Paul Street. Laura Wheelock from the ROW department attended and received plans to build a new building on the City ROW.

I continue to develop plans and making inquiries to the ROW department to Norm Baldwin and Laura Wheelock to the point of frustration when not contacted back.

June 17 – 30, 2017 – gas related emails with Chris (N1 through N4). ???

July 13, 2017 – email sent to Scott Crocker requesting assistance on the wall and gas pipe to 227 Saint Paul Street. (See Emails E1 and E2).

August 22, 2017 – I obtained a building permit to repair portions of the existing retaining wall. I used Chris's Bobcat (see E #). Pictures P-8 thru P-15 show Bobcat excavation and removal of a two-foot high wood retaining wall I had constructed to keep any material from falling onto Chris's building. Chris's initial zoning permit, May 2015, referenced removing railroad ties and installing an 8" concrete retaining wall. What he was calling railroad ties were the 6"x6" pressure treated posts for the two foot retaining wall.

While hand digging the first easterly portion of the boundary line, we discovered the gas service to 227 Saint Paul to be **above** the foundation level, about 18" **below** the window sill (See P-16, P-18, P-19). Dirt had been placed on the building at 225/227 Saint Paul Street decades ago. See P-14, showing the deteriorated, rusted galvanized sheathing placed on wood clapboard building. There was no existing wall in that area. It was all hand dug around the gas pipe (P-11 thru P-19).

Since then I have repeatedly tried to get someone from the City of Burlington ROW department, or any department to assist me with plans for the East section of the proposed retaining wall. The most recent request was to be made by Norm Baldwin. (See xx.)

September 5, 2017 – Received Building Permit #17 251135.

————— *8 month gap here*

[Insert somewhere??] At that point, it was obvious that this wall was beyond repair. I understand NOW that I should have included the phrase "or replace in-kind" in my permit application, for situations just like this. Nevertheless the job needed to continue.

May 10, 2019 – Chris files complaint regarding a "dangerous condition".

May 13, 2019 – text message Norm. I arranged to have Eric Goddard from Knight Engineering come to the site as Norm had referred me to him. However Norm wanted Eric to call him. Norm ended up calling Erick after he agreed with me to look at the project. Erick then declined participation in the project. Erick mentioned that deconstruction was a process of what he understood to be "**ways, means, and methods**". The process of HOW to take down the wall was out of his purview.

I have since talked to several Geo Tech engineers and they agreed removal of the blocks is out of their prevue, notwithstanding erosion and sediment control, analyzing the root cause and preparing a plan to rebuild or mitigate for erosion control. **Please review text history pages 1 to 3 (Cell phone message history.)**

As a result of Norm's call, I lost the engineer and word on the streets was out about my job and the problems related. Needless to say, I have spent all summer trying to find anyone who did not know about this project to work on it. Chris's posting private property signs on the edge of the work area makes it impossible to talk to contractors or engineers.

May 14, 2019 – **Stop Work order issued.** I did not receive it. I texted Norm with my plan. I had SD Ireland's most experienced crane operator (insured) and crew. We agreed on a way, a

mean, and method to remove blocks (see copies of texts attached). We were finished within one hour removing the “breached” blocks.

Norm walked on the site that day without notice and disrupted our crew in the middle of a crucial “crane pick”. I invited Chris for the deconstruction also. The “danger blocks” were removed.

May 15, 2019 – Norm had contacted Eric at Knight Engineering. Eric subsequently turned down the project.

May 16, 2019 – Allen from GEO TECH makes a site visit.

May 17, 2019 – Tony from SD Ireland removed blocks as the plan was submitted to Norm (see email #, and Text #). They are Insured, and qualified (see attached certificate of insurance.) With NO point of contact who was I to deliver this information to??

May 29, 2019 – Allen from GEO TECH Technical Engineers and Scientists completes the site plan for erosion and sediment control.

May 30, 2019 – Scott Guston approved engineered erosion control measures.

May 31, 2019 – Norm sends Project to legal.

May 31, 2019 – Norm to contact Vermont Gas. (See email #xx.)

May 31, 2019 – Sketch Plan meeting with Scott.

June 4, 2019 – Meeting with Scott. I got the Zoning permit to proceed with erosion control based on the engineered plans I had received from Geo Tech.

June 5, 2019 ?? – Patrick Mulligan and I took the plans authorized by Scott to Pine Street DPW at 8AM, to explain to Biggie the plan to place erosion control measures in place, and use the other engineering documents to calculate parking lot/turn around space as part of an on going Technical Sketch Plan Review process going forward.

Chapin shut it down. NO explanation. I had outlined in email (see attached email #) what my plan was, that I had a Geo Tech engineer on retainer, and was trying to get contractors to look at the site. Compliance to Norm’s order was in process but Norm was not commenting on my emails that plainly explain what my plan was.

June 6, 2019 – Scott with-held all zoning permits and made me commit to one of the three erosion control plans until the stop work order is resolved.

All three were needed as a format for my engineer to explore after I develop a site plan with fire truck access for the back building proposed at 221 Saint Paul (Row House).

June 6, 2019 – See email #xx, again requesting assistance with the gas service to 225/227 Saint Paul Street.

June 7, 2019 – Chris issued a pending permit. Patrick Mulligan inquired from Scott, about the status.

June 10, 2019 – sent email and Chapin letter to group. 8/16/2019 email to all stakeholders again reminding the city I need help with defining their role in the Vermont Gas/retaining wall issue. ***Plans cannot be developed without this information.*** (See E-6, E-8)

June 25, 2019 – See Scott G. email requiring the DBO/SWO requiring resolution (E-XX); and my response (E-9).

June 27, 2019 – Chris files “Appeal of an Administration Decision Request” with the Department of Planning & Zoning.

July 17, 2019 – Dennis email response (see E-xx) to the Appeal; and continuing requests for Norm to follow up with Vermont Gas, and for help in getting past all of this.

July 17, 2019 – Chris responds with a “not hysterical” photo purporting to show “clear and convincing evidence of damage”.

July 18, 2019 – Dennis replies with another appeal to stop the deceit and sabotage.

July 25, 2019 – File response to the “Alleged Grounds” of the above complaint.

August 22, 2019 – filed complaint with Code Enforcement regarding occupants living in 227 St. Paul Street, without a Certificate of Occupancy; received acknowledgement of filing.

Filed Public Records Request Form at Department of Public Works, for plumbing, electrical, mechanical inspections; and proof the inspection process is compliant with the law. See N-9.

August 23, 2019 – met Biggie to file a Public Records Request for the falling down porch at 245 Pine. Ted Miles came in and Biggie question status of Stop Work Order. Accused me of what Chris K alleged to have happened.

August 26, 2019 – Scott said in an email (see E-11 from 2013), that Chris had sought approval to “repair or replace in kind,” requiring no zoning permit. In fact, the 12/18/17 application says only “ADD one living unit, cafe, laundry and garages.”

August 2?, 2019 – Site Inspection from Miles and Biggie on the code complaint.

August 28, 2019 – received Ted Miles letter reporting result of the Occupancy Code complaint (no grounds found). ***NB: 15 days to file an appeal = September 12. Tried; see 9/11.***

September 9, 2019 – **Certificate of Occupancy** issued pursuant to permits issued 9/5/2000 and 12/27/2002.

September 11, 2019 – walked with Don to the Pine Street offices of Permitting and Inspections (Code Enforcement); **filed appeal** to the Result of the 227 Occupancy Complaint, and **two new complaint filings**: 1) illegal road at Pine Street house; and 2) restricting sidewalk egress with aggregated trash from multiple properties, as well work trucks. Told City Hall is the office for appeals, and she wouldn't take the \$250 fee. The clerk at Planning and Zoning, and suggested we speak with Bill Ward / Ted Miles.

----- *Private* -----

September 12, 2019 – Chris responds by email to Group; Dennis replies (See E-xx). The exchange leads to yet another attempt of meet: 8:00a, tomorrow 9/13, in City Hall.

September 13, 2019 – Dennis & Don walk to City Hall. Run into Chris on our way out. We three go to Muddy Waters. Dennis agrees to let Don and Chris have a conversation alone. Don attempts to learn *precisely* what Chris needs to stand down, stop escalating problems and move forward without complaints, appeals and litigiousness.

Clearly Dennis's property has greater potential value to Chris (with ownership of multiple adjacent lots) than any one else. Chris doesn't want any further development at this point – hence his opposition to the wall work. Don told Chris it seems clear HE needs to buy it. Chris repeated details of previous conversations and emails he's had with Dennis on price and process - all thus far, refused.

We call Dennis back, and talk for 20 more minutes. Dennis raises the unresolved issue of the gas company and Chris's service (not to code). Chris calls the gas company to get them back on the case.

Chris re-articulates a way to proceed, involving x% above the average of three independent appraisals. He offers to pay all these costs, unless Dennis chooses to decline the offer; then Dennis pays (Chris's out-clause).

Dennis insists he put it in writing. Chris says he will when he gets back in town.

September 13, 2019 – 1st Draft of Dennis's Out-Clause: *I accept the concept of using the average of three business appraisals based on Down Town Transitional Zoning, for extending negotiations between us.*

If the average is lower than \$ 850,000 then I would reserve the option to place the building on the open, free market, prior to closing a deal.

I then would give Chris first option to purchase the building or bid with the high bidder for the final contract.

----- *End Private* -----

September 16, 2019 – Ted Miles rejects Dennis's 9/11/19 complaint, filed regarding Chris's garbage and sidewalk blocking.

September 20, 2019 – Email from city attorney, Kimberlee Sturtevant, (titled COB v. Ailor – WTF?!) wishing to schedule a conversation about the “unresolved issues on St. Paul Street” and inquiring if I have an attorney; responded immediately.

September 22, 2019 – Additional Zoning Enforcement Complaint filed by Lisa Duprey, about continuing Occupancy at Chris’s, in the absence of a C.O.

September 23, 2019 – Scott email, accompanying the staff report to the DRB, upholding the issuing of the permit (denying Chris’s appeal) to re-grade and stabilize the slope; and recommending the DRB (at their 10/1 meeting) **uphold approval** of the permit 19-0930CA. (See E-13.)

September 26, 2019 – Email from city attorney, Kimberlee Sturtevant, requesting a meeting at 11am on Monday, 9/30, on-site with a sub-set of the stakeholders (See E-15.)

September 26, 2019 – Email from Chris Khamnei, objecting to the Staff Recommendation to the DRB on 10/1/19; and requesting a site visit prior to the DRB. (See E-16.)

September 28, 2019 – Email reply to city attorney, Kimberlee Sturtevant, objecting to the short notice and the absence of key stakeholders: esp. Norm and a representative of the Gas Company. (See E-17.)

October 1, 2019 – Development Review Board (DRB) hearing scheduled on Chris’s 6/27/19 appeal of permit 19-0930CA.

DENNIS: Contemplate: email to Biggie noting permits pending since June 7th, both you and Ted made a physical inspection of 227, and was wondering the status of those 4 month old permits. Chris has already completed this work and moved people in there.