



# LAND USE PERMIT AMENDMENT

State of Vermont

Natural Resources Board

District 4 Environmental Commission

111 West Street

Essex Junction, VT 05452

<https://nrb.vermont.gov/>

[phone] 802-879-5614

**CASE NO:** 4C1301-3

BC Community Housing, LLC  
PO Box 1335  
Burlington, VT 05402

351-375 North Avenue Home Owners  
Association, LLC  
PO Box 1335  
Burlington, VT 05402

**LAWS/REGULATIONS INVOLVED**

10 V.S.A. §§ 6001 - 6111 (Act 250)

The District 4 Environmental Commission hereby issues Land Use Permit Amendment #4C1301-3, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 1268, Page 198; Book 1297, Page 60, of the land records of the City of Burlington, Vermont.

**This permit specifically authorizes these revisions to the Cambrian Rise Development: (a) increasing the maximum number of units for the Cambrian Rise Development from 739 to 770; (b) increasing the maximum number of hotel rooms from 42 to 50; (c) increasing the maximum square footage of commercial space to 112,600 square feet; (d) converting one level of understory parking in Building C to residential units for a total of 125 units; (e) altering Building M by adding an additional floor for a total of six floors, increasing the building footprint for a total of 117 units, adding a second level of understory parking, expanding the surface parking, revised landscaping, and façade changes; (f) adding an additional floor to Building P for a total of five floors; and (g) adding an additional floor to Building Q/R for a total of six floors. The project is located at 311-375 North Avenue in Burlington, Vermont.**

Jurisdiction attaches because the project constitutes a material change to a permitted development or subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.



1. The Permittees, and its assigns and successors in interest, is obligated by this permit to complete, operate and maintain the project as approved by the District 4 Environmental Commission (the "Commission") in accordance with the following conditions.
2. The project shall be completed, operated and maintained in accordance with: (a) the conditions of this permit, and (b) the permit application, plans, and exhibits on file with the Commission and other material representations.

The approved plans are:

Sheet L-100 – "Site Plan," dated 1/31/17, last revised 2/3/20 (Exhibit #008a)

Sheet L-EX4 - "Phasing Plan," dated 1/31/17, last revised 2/4/20 (Exhibit #010b);

Sheet L-204 - "Building M Site Plan Update," dated 1/31/17, last revised 8/3/18 (Exhibit #012a);

Sheets 1-4 - "Building M Elevations," dated 8/7/18 (Exhibit #013);

Sheet L-404 – "Building M Lighting Plan," dated 12/17/20 (Exhibit #028);

Sheets CD-2 - "Building C Elevations," dated 1/29/20 (Exhibit #029);

Sheets A3-1 - "Building C Elevations," dated 1/29/20 (Exhibit #029);

Sheets A-3-2 - "Building C Elevations," dated 1/29/20 (Exhibit #029);

Sheet OP-2 – "Building O & P Elevations," dated 12/22/16, last revised 1/4/17 (Exhibit #026); and

Sheet QR-2 – "Building Q & R Elevations," dated 12/30/16, last revised 1/12/17 (Exhibit #027).

3. All conditions of Land Use Permit #4C1301 and amendments are in full force and effect except as further amended herein.
4. The Permittees shall comply with all of the conditions of the following Agency of Natural Resources Permits:
  - a. Wastewater System and Potable Water Supply Permit #WW-4-3619-3 issued on July 17, 2019 by the ANR Drinking Water and Groundwater Protection Division; <sup>a</sup>
  - b. Wastewater System and Potable Water Supply Permit #WW-4-3619-4 issued November 24, 2020 by the ANR Drinking Water and Groundwater Protection Division; <sup>a</sup>

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<sup>a</sup> The number of units approved within each building under Land Use Permit #4C1301-3 are enumerated in Exhibit #031a. The units approved under Land Use Permit #4C1301-3 may differ than those approved under the Wastewater System and Potable Water Supply Permits.

- c. Authorization of Notice of Intent #7462-9020.1T under Construction General Permit 3-9020 issued on June 6, 2017 by the ANR Watershed Management Division; and
  - d. Authorization of Notice of Intent #7462-9015.1A under Stormwater Discharge General Permit 3-9015, issued on July 2, 2019 by the ANR Watershed Management Division.
5. Any nonmaterial changes to the permits listed in the preceding condition shall be automatically incorporated herein upon issuance by the Agency of Natural Resources.
  6. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
  7. A copy of this permit and plans shall be on the site at all times throughout the construction process.
  8. No change shall be made to the design, operation or use of this project without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
  9. No further subdivision, alteration, and/or development on the tracts of land approved herein shall be permitted without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
  10. Pursuant to 10 V.S.A. § 8005(c), the Commission may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.
  11. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittees and their successors and assigns.
  12. Construction hours shall be limited to Monday through Saturday from 7 a.m. to 6 p.m. Construction on the interior of the buildings only is permitted on Sunday. There shall be no earth moving or soil compaction on Saturdays for the buildings fronting on North Avenue. During federal holidays, exterior work is precluded on buildings fronting North Avenue.
  13. The building approved herein is not approved for any manufacturing use or the on-site disposal of any process wastes. The Permittees shall apply and receive amended approval from the District Commission for any change in the use of the buildings which involves the storage or handling of any regulated substances or the generation of hazardous wastes.
  14. If a spill or release of any toxic substance occurs within a source protection area (SPA), the Permittees or their representative must immediately report the event to the Vermont

Department of Environmental Conservation Spills Program and the SPA water system owners or operators. The Spills Program can be reached during regular office hours at 802-828-1138 or via the 24-hour hotline at 800-641-5005. Any person reporting a release must speak directly with a Spills Program representative and cannot report by email, text, or other written form of communication. The person reporting a release must provide water system identification number VT0005053 to the Spills Program. The Permit Holder shall provide instructions, with contact phone numbers, for reporting a toxic substance release to all contractors for the project and those instructions must be displayed on site.

15. The Permittees and all subsequent owners or lessees shall install and maintain only low-flow plumbing fixtures in any buildings. Any failed water conservation measures shall be promptly replaced with products of equal or better performance.
16. The Permittees shall comply with the Construction Waste Reduction Plan approved by ANR on September 8, 2017. Through contract language, the contractor and all subcontractors shall be obligated to implement the Plan. Exhibits #174 and 175 of Land Use Permit #4C1301.
17. The Permittees shall apply and maintain water and/or other agents approved by the Watershed Management Division in the project's Erosion Prevention and Control Plans previously approved under Land Use Permit #4C1301 on all roadways or disturbed areas within the project during construction and until pavement and/or vegetation is fully established to control dust.
18. A stabilized construction entrance must be installed and maintained in accordance with the specifications as described in the Department of Environmental Conservation's Low Risk Site Handbook for Erosion Prevention and Sediment Control (2006). No further clearing or construction may occur until the stabilized construction entrance is complete.
19. The Permittees shall comply with approved plans for erosion prevention and sediment control previously approved under Land Use Permit #4C1301. The Permittees shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion prevention and sediment control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas.
20. All mulch, siltation dams, water bars and other temporary devices shall be installed immediately upon grading and shall be maintained until all roads are permanently surfaced and all permanent vegetation is established on all slopes and disturbed areas. Topsoil stockpiles shall have the exposed earth completely mulched and have siltation checks around the base.
21. All areas of disturbance must have temporary or permanent stabilization within 14 days of the initial disturbance. After this time, any disturbance in the area must be stabilized

- at the end of each workday. The following exceptions apply: i) Stabilization is not required if work is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours. ii) Stabilization is not required if the work is occurring in a self-contained excavation (i.e., no outlet) with a depth of 2 feet or greater (e.g., house foundation excavation, utility trenches).
22. All disturbed areas of the site shall be stabilized, seeded, and mulched immediately upon completion of final grading. All disturbed areas not involved in winter construction shall be mulched and seeded before October 1. Between the periods of October 1 to April 15, all earth disturbing work shall conform with the "Requirements for Winter Construction" standards and specifications of the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (2006).
  23. Prior to construction of the approved work, the Permittees shall: a) clearly delineate the construction limits with flagging or snow fencing; b) place diversion ditches on the uphill limits of the construction area; and c) place temporary siltation controls on the downhill limits of construction.
  24. Starting at the commencement of construction, a Professional Engineer shall inspect the site at least once per week and at critical times until the project is completed to ensure that the erosion prevention and sediment control plans are being followed. He or she shall certify by submitting a site inspection report monthly to the Commission that all erosion prevention and sediment controls, as specified and approved herein, are in place, properly maintained, and effective. Any corrective measures noted by the Professional Engineer shall be implemented immediately.
  25. A copy of the erosion prevention and sediment control plans previously approved under Land Use Permit #4C1301 shall be on the site at all times during construction.
  26. In addition to conformance with all erosion prevention and sediment control conditions, the Permittees shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittees from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
  27. The Permittees shall complete the following traffic mitigation measures:
    - a. The Permittees shall perform traffic monitoring studies to ascertain whether excessive congestion, as determined by VTTrans, has occurred at the intersections included in developer's traffic studies submitted in support of Land Use Permit #4C1301. The monitoring studies will include conducting turning movement counts at these intersections and analyzing the results for turn lane warrants, Level-of-Service, delay and queue lengths. The studies will also include an examination of crash records to ascertain if roadway safety in the study area is

negatively impacted. The traffic monitoring studies shall be submitted to VTrans and to the District Environmental Commission on June 1, 2023, June 1, 2028 and June 1, 2033.

- b. If, at the end of each study, VTrans and the District Environmental Commission identify unreasonable congestion or unsafe conditions caused by the project, then the Commission will reopen the hearing to discuss appropriate mitigation to ameliorate the adverse conditions. The Commission reserves the right to re-evaluate Criterion 5 and determine what, if any, additional traffic mitigation measures may be necessary.
  - c. In addition to other roadway and intersection improvements, the Permittees shall install a new pedestrian traffic crossing at the north intersection of Cambrian Way and North Avenue. The crossing shall have a Rectangular Rapid Flashing Beacon (RRFB) crosswalk, along with new fluorescent yellow warning signs and diagonal arrows indicating the crossing location and shall be installed prior to the first certificate of occupancy for the project.
28. The Permittees shall pay a proportional transportation impact fee toward the Champlain Parkway (MEGC M 5000(1)) project pursuant to Act 145 – Transportation Impact Fees (2014). The transportation impact fee for the Champlain Parkway project is \$2,069 per PM peak hour trip. The project will contribute 2 PM peak hour trips to the Champlain Parkway project. The Applicant is afforded a 20% reduction in transportation fee as a result of the proposed Transportation Demand Management measures and a 50% reduction in the transportation impact fee, as the project is located within a State Designated Neighborhood Development Area. The transportation fee is calculated as follows:  $\$2,069/\text{PM peak hour trip} \times 2\text{PM peak hour trips} \times 30\% = \$1,241,40$ . The Permittees shall pay a total transportation impact fee of **\$1,241.40** to the Vermont Agency of Transportation before commencement of construction (payment should be remitted to the Vermont Agency of Transportation Development Review and Permitting Services Section, Barre City Place, 219 North Main Street, Barre, VT 05641, Attn: Christopher Clow).
  29. Prior to any site work, the Permittees shall install and maintain temporary fencing along the tree line to be retained and around trees to be retained.
  30. Any extracted stumps shall be disposed of on-site above the seasonal high water table and not in any wetland, or at a state-certified stump and inert waste disposal facility, so as to prevent groundwater pollution.
  31. The Permittees and all assigns and successors in interest shall continually maintain the landscaping as approved in Exhibit #012a; and Exhibits #043-053 of Land Use Permit

- #4C1301 by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
32. The installation of exterior light fixtures is limited to those approved in Exhibit #028; and Exhibits #054-064 of Land Use Permit #4C1301 and shall be mounted no higher than 25 feet above grade level. All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated.
  33. The installation of exterior signage shall conform with Exhibits #019 and 020 of Land Use Permit #4C1301 and shall be limited to wayfinding signs. The Permittees shall not erect additional exterior signage without prior written approval from the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs and temporary Grand Opening signs.
  34. Pursuant to 30 V.S.A. Section 51(e), the Permittees and/or subsequent lot owner, at a minimum, shall construct the multi-family home three stories or less, in accordance with Vermont's Residential Building Energy Standards (RBES) Stretch Code effective at the time of construction.
  35. Pursuant to 30 V.S.A. § 53, the energy design and construction shall comply with Vermont's Commercial Building Energy Standards (CBES) in accordance with the NRB Criterion 9(F) Procedure effective at the time of construction. (More information on this subject can be found at [http://publicservice.vermont.gov/energy\\_efficiency/cbes](http://publicservice.vermont.gov/energy_efficiency/cbes) and [https://nrb.vermont.gov/documents/9f-procedure\\_2020-09-01](https://nrb.vermont.gov/documents/9f-procedure_2020-09-01).)
  36. The Permittees shall install infrastructure and pre-wiring for electric vehicle charging stations pursuant to Land Use Permit #4C1301.
  37. The installation and/or use of electric resistance space heat is specifically prohibited without prior written approval from the District Environmental Commission.
  38. The Permittees, upon completion of the construction of each residential building and prior to use or occupancy, shall submit to the District Commission a copy of the certification submitted to the Public Service Department as described under 30 V.S.A. § 51(f).
  39. The Permittees, upon completion of the construction of each commercial building and prior to use or occupancy, shall submit to the District Commission a copy of the certification submitted to the Public Service Department as described under 30 V.S.A. § 53(d).
  40. The Homeowners Association shall contract with a waste hauler with recycling capabilities.
  41. The Act 250 application fee of **\$23,587.51** shall be paid within 30 days of this decision.

42. The Permittees shall provide each prospective purchaser of any interest in this project a copy of the Land Use Permit Amendment before any written contract of sale is entered into.
43. Pursuant to 10 V.S.A. § 6090(b)(1), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittees has not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).
44. All site work and construction shall be completed in accordance with the approved plans by **May 1, 2028**, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without a public hearing.
45. The Permittees shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittees shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.
46. Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated at Essex Junction, Vermont, this 23<sup>rd</sup> day of March, 2021.

By /s/Thomas A. Little, Chair  
Thomas A. Little, Chair  
District 4 Commission

Members participating in this decision:

Parker Riehle

Monique Gilbert



Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A).

Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings. The appellant must file with the Notice of Appeal the relevant entry fee required by 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal, including appeals from Administrative Amendments and interlocutory appeals. See 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5.

For additional information on filing appeals, see the Court's website at:

<http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is: Vermont Superior Court, Environmental Division, 32 Cherry Street, 2<sup>nd</sup> Floor, Suite 303, Burlington, VT 05401.



# FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

State of Vermont  
Natural Resources Board  
District 4 Environmental Commission  
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**CASE NO:** 4C1301-3

BC Community Housing, LLC  
PO Box 1335  
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351-375 North Avenue Home Owners  
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**LAWS/REGULATIONS INVOLVED**

10 V.S.A. §§ 6001 - 6111 (Act 250)

**I. INTRODUCTION**

On November 30, 2020, BC Community Housing, LLC and 351-375 North Avenue Home Owners Association, LLC, filed an application for the following revisions to the Cambrian Rise Development: (a) increasing the maximum number of units for the Cambrian Rise Development from 739 to 770; (b) increasing the maximum number of hotel rooms from 42 to 50; (c) increasing the maximum square footage of commercial space to 112,600 square feet; (d) converting one level of understory parking in Building C to residential units for a total of 125 units; (e) altering Building M by adding an additional floor for a total of six floors, increasing the building footprint for a total of 117 units, adding a second level of understory parking, expanding the surface parking, revised landscaping, and façade changes; (f) adding an additional floor to Building P for a total of five floors; and (g) adding an additional floor to Building Q/R for a total of six floors. The project is located at 311-375 North Avenue in Burlington, Vermont. The Applicant's legal interest is ownership in fee simple described in deeds recorded in Book 1268, Page 198; Book 1297, Page 60, of the land records of the City of Burlington, Vermont

The application, first submitted on November 30, 2020, was determined to be incomplete under Act 250 Rule 10(D) for reasons stated in a letter from the District Coordinator to the Applicants dated December 14, 2020. The application was deemed complete on December 29, 2020 upon receipt of the required supplemental information.

The Commission held a Prehearing Conference on this application on February 5, 2021. The Commission also conducted a site visit earlier in the day on February 5, 2021 and placed its observations on the record. The Commission held a Hearing on this application on March 1, 2021. At the end of the Hearing, the Commission recessed the proceeding pending the submittal of additional information. The Commission adjourned the hearing on March 19, 2021 after receipt of the additional information, an opportunity for parties to respond to that information, and the completion of Commission deliberations.

As set forth below, the Commission finds that the project complies with 10 V.S.A § 6086(a) (Act 250).

## **II. JURISDICTION**

Jurisdiction attaches because the project constitutes a material change to a permitted development or subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.

## **III. OFFICIAL NOTICE**

Under 3 V.S.A. § 810(4) of the Administrative Procedure Act (“APA”), notice may be taken of judicially cognizable facts in contested cases. See 10 V.S.A § 6007(c) and 3 V.S.A. § 801(b)(2). Under § 810(1) of the APA, “[t]he rules of evidence as applied in civil cases . . . shall be followed” in contested cases. Under the Vermont Rules of Evidence, “(a) judicially noticed fact must be one not subject to reasonable dispute in that it is . . . (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” V.R.E. 201(b); See *In re: Handy*, 144 Vt.601, 613 (1984).

The Commission may take official notice of a judicially cognizable fact whether requested or not and may do so at any stage of the proceeding. See V.R.E. 201(c) and (f). Under 3 V.S.A. § 809(g), the Commission may make findings of fact based on matters officially noticed. A party is entitled, upon timely request, to an opportunity to be heard as to the propriety of taking official notice and the tenor of the matter noticed. See V.R.E. 201(e).

Accordingly, official notice is hereby taken of Chittenden County ECOS Plan (2018), planBTV Comprehensive Plan (2019) and the Burlington Comprehensive Development Ordinance (2020) subject to the filing of an objection on or before thirty days from the date of this decision pursuant to Act 250 Rule 6.

## **IV. AMENDMENT APPLICATION - RULE 34(E)**

The threshold question on an amendment application is “whether the applicant proposes to amend a permit condition that was included to resolve an issue critical to the issuance of the permit.” Act 250 Rule 34(E)(1).

In this application, the applicant does not seek to amend any such critical permit condition, so the Commission may consider the merits of the amendment application without conducting the rest of the Rule 34(E) analysis.

**V. PARTY STATUS AND FRIENDS OF THE COMMISSION**

A. Parties by Right

Parties by right to this application pursuant to 10 V.S.A § 6085(c)(1)(A)-(D) and who attended the Prehearing Conference and Hearing are:

- A. The **Applicants**, by Eric Farrell and Sonya Enright of BC Community Housing, LLC and Farrell Real Estate at the Prehearing Conference and Hearing; Dave Marshall of Civil Engineering Associates at the Hearing; Corey Mack of Resource Systems Group, Inc. at the Hearing; and Michael Buscher of T. J. Boyle Associates at the Hearing.
- B. The **Chittenden County Regional Planning Commission (“CCRPC”)** at the Prehearing Conference and Hearing by Taylor Newton and through an entry of appearance dated February 9, 2021 by Charlie Baker. CCRPC is a statutory party.
- C. The **Vermont Agency of Transportation (“VTrans”)** through an entry of appearance dated February 4, 2021 by Christopher Clow. VTrans is a statutory party.
- D. The **Vermont Agency of Natural Resources (“ANR”)** through an entry of appearance dated February 4, 2021 by Jennifer Mojo. ANR is a statutory party.
- E. The **Vermont Division for Historic Preservation (“VDHP”)** at the Hearing by Elizabeth Peebles. VDHP is a statutory party.

B. Interested Parties

Any person who has a particularized interest protected by Act 250 that may be affected by an act or decision of the Commission is also entitled to party status. 10 V.S.A § 6085(c)(1)(E).

No other persons were present at the Prehearing Conference or Hearing and no requests for party status or Friends of the Commission status were made.

**VI. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Applicants have met the burden of proving compliance with the following criteria through submittal of the application. Therefore, the application shall serve as the Findings of Fact on these criteria.

- |                           |                   |
|---------------------------|-------------------|
| 1 - Air Pollution         | 1(D) - Floodways  |
| 1 - Water Pollution       | 1(E) - Streams    |
| 1(A) - Headwaters         | 1(F) - Shorelines |
| 1(C) - Water Conservation | 1(G) - Wetlands   |

5(A) – Transportation Congestion & Safety	9(D) - Earth Resources
5(B) – Transportation Demand Management	9(E) - Extraction of Earth Resources
6 - Educational Services	9(F) - Energy Conservation
7 - Municipal Services	9(G) - Private Utility Services
8 – Natural Areas	9(H) - Costs of Scattered Development
8 – Historic Sites	9(J) - Public Utility Services
8(A) - Wildlife Habitat & Endangered Species	9(K) - Effects on Public Investments
9(A) - Impact of Growth	9(L) – Settlement Patterns
9(B) – Primary Agricultural Soils	10 - Local and Regional Plans
9(C) - Productive Forest Soils	

These findings of fact are based on the application, exhibits, and other evidence in the record. Findings made in this decision are not limited to the specific criterion in which they appear and may apply to other sections of the decision. To the extent that any proposed findings of fact are included in this decision, they are granted; otherwise, they are denied.

Under Act 250, projects are reviewed for compliance with the ten criteria of Act 250, 10 V.S.A § 6086(a)(1)-(10). Before granting a permit, the District Commission must find that the project complies with these criteria and, therefore, is not detrimental to the public health, safety or general welfare. The burden of proof under Criteria 1 through 4 and 9 and 10 is on the applicant, and the burden is on the opponent under Criteria 5 through 8, and 9A if the municipality does not have a duly adopted capital improvement program.

**Criterion 1(B) - Waste Disposal:**

Findings of Fact

1. Waste generated by the project will include wastewater, stormwater runoff, residential solid waste, and construction waste.
2. Wastewater generated by the project will be conveyed, via sanitary sewers, to the City of Burlington municipal wastewater treatment system. The City of Burlington’s wastewater treatment system has capacity to serve this project. Exhibit #038.
3. The ANR Department of Environmental Conservation issued Wastewater System and Potable Water Supply Permit #WW-4-3619-3 on July 17, 2019. Exhibit #020.
4. The ANR Department of Environmental Conservation issued Wastewater System and Potable Water Supply Permit #WW-4-3619-4 on November 24, 2020. Exhibit #021.

5. The project site contains 33.65 acres of land, with approximately 22.3 acres disturbed by construction. The total impervious area for the project will be approximately 15.14 acres. Exhibits #025 and 030.
6. The ANR Watershed Management Division has issued coverage under Notice of Intent #7462-9020.1T under Construction General Permit 3-9020, on June 6, 2017 for stormwater generated by the construction phase of the project. Exhibit #030.
7. The ANR Watershed Management Division has issued coverage under Notice of Intent #7462-9015.1A under Stormwater Discharge General Permit 3-9015, on July 2, 2019 for stormwater generated by the operational phase of the project. Exhibit #025.
8. Stormwater runoff from the project will be treated using a variety of bio-retention and Green Street features, including curbside rain gardens and specialized subsurface infiltration chamber systems. Stormwater runoff generated from certain portions of the project will be treated using subsurface infiltration chamber systems that primarily discharge to groundwater and overflow via outlet control structures with an ultimate outfall to Lake Champlain. Stormwater runoff generated from other portions of the project will discharge to the municipal stormwater system with an ultimate outfall to a class II wetland in the Winooski River watershed.
9. Construction debris will be managed in accordance with the construction site waste reduction plan approved by ANR on September 8, 2017. Exhibits #174 and 175 of Land Use Permit #4C1301.
10. Hazardous materials will not be used or stored on the Property.
11. The project proposed to install floor drains that outlet to the municipal wastewater system.
12. The project will not involve the injection of waste materials or any harmful or toxic substances into groundwater or wells.

#### Conclusions of Law

The ANR permits create a presumption pursuant to Act 250 Rule 19 that the disposal of wastes through the installation of wastewater and waste collection, treatment and disposal systems authorized by the permits will not result in undue water pollution. Technical determinations made by ANR in issuing the permits are entitled to substantial deference. 10 V.S.A § 6086(d). No evidence was presented to rebut the presumption or challenge the technical determinations made by ANR.

The project will meet all applicable ANR regulations on waste disposal and will not involve the injection of waste materials or any harmful or toxic substances into groundwater or wells. The project complies with Criterion 1(B).

**Criteria 2 and 3 – Water Availability and Impact on Existing Water Supply:**

Findings of Fact

13. The City of Burlington will provide domestic water for the project. The City has issued an allocation for the project's water design flows. Exhibit #038.
14. The ANR Department of Environmental Conservation issued Wastewater System and Potable Water Supply Permit #WW-4-3619-3 on July 17, 2019. Exhibit #020.
15. The ANR Department of Environmental Conservation issued Wastewater System and Potable Water Supply Permit #WW-4-3619-4 on November 24, 2020. Exhibit #021.
16. The project is located within the source protection area for the Burlington Department of Public Works Water Division, WSID #5043. Due to the location of the project within the source protection area, ANR requests that the Commission include the following language as a condition to a permit, if one is issued. Exhibit #034.

*If a spill or release of any toxic substance occurs within a source protection area (SPA), the Permittees or their representative must immediately report the event to the Vermont Department of Environmental Conservation Spills Program and the SPA water system owners or operators. The Spills Program can be reached during regular office hours at 802-828-1138 or via the 24-hour hotline at 800-641-5005. Any person reporting a release must speak directly with a Spills Program representative and cannot report by email, text, or other written form of communication. The person reporting a release must provide water system identification number VT0005053 to the Spills Program. The Permit Holder shall provide instructions, with contact phone numbers, for reporting a toxic substance release to all contractors for the Project and those instructions must be displayed on site.*

Conclusions of Law

The ANR permits create a presumption pursuant to Act 250 Rule 19 that the project has sufficient water available for its reasonably foreseeable needs. Technical determinations made by ANR in issuing the permits are entitled to substantial deference. 10 V.S.A § 6086(d). No evidence was presented to rebut the presumption or challenge the technical determinations made by ANR.

The Commission concludes that there is sufficient water available to meet the reasonably foreseeable needs of this project and that the project will not place an unreasonable burden on an existing water supply. The project complies with Criterion 2 and Criterion 3.

#### **Criterion 4 - Soil Erosion:**

##### Findings of Fact

17. The project site slopes from east to west towards Lake Champlain in a series of plateaus and slope changes.
18. The project site contains 33.65 acres of land, with approximately 22.3 acres disturbed by construction. No more than 5 acres of land may be disturbed at any one time. Exhibit #030.
19. The ANR Watershed Management Division has issued coverage under Notice of Intent #7462-9020.1T under Construction General Permit 3-9020, on June 6, 2017 for stormwater generated by the construction phase of the project. Exhibit #030.
20. Erosion prevention measures during construction will include a combination of construction sequencing, inspection schedules and both structural and non-structural best management practices, including the use of temporary stabilization, stabilized work areas, diversion of off-site runoff, and vegetated buffers.
21. Stormwater runoff from the project during construction will be collected and diverted to a series of temporary sediment basins. Depictions of these structural devices are included on the Erosion Prevention and Sediment Control Plans. Exhibits #153-156 of Land Use Permit #4C1301.
22. Erosion controls will be inspected weekly as required by the Construction General Permit. Exhibit #030.
23. The project streets, drives, walkway, paths and parking areas will be finished with impervious surfaces. All other disturbed areas will be re-vegetated or landscaped and mulched promptly after establishing final grade.
24. The project will not affect the capacity of soil on the project site to hold water.

##### Conclusions of Law

The ANR permit creates a presumption pursuant to Act 250 Rule 19 that the project that stormwater runoff during construction authorized by the permit will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water. Technical determinations made by



ANR in issuing the permits are entitled to substantial deference. 10 V.S.A § 6086(d). No evidence was presented to rebut the presumption or challenge the technical determinations made by ANR.

The Commission concludes that the construction of the project will not cause unreasonable soil erosion or a reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. The project complies with Criterion 4.

**Criterion 8 - Aesthetics:**

Findings of Fact

25. The project includes the following aesthetic changes to the previously permitted project:
  - a. Adding an additional floor to Buildings P, Q and R with no other site modifications or design changes. Exhibits #015, 016, 017, 018, 026 and 027.
  - b. Redesign Building M by adding an additional floor for a total of six floors, increasing the building footprint for a total of 117 units, adding a second level of understory parking, expanding the surface parking, revised landscaping, lighting, and façade changes to include a mix of cementitious board, wood panels, metal panels, and brick veneer. Exhibits #002b, 012a, 013, 014 and 028.
  - c. Converting one level of understory parking in Building C to residential units for a total of 125 units and substituting the previously approved brick exterior cladding with slate. Exhibits #002b and 029.
26. The project tract was previously used as an orphanage, general offices, a sand “borrow pit” and a college.
27. The project is currently surrounded by the following:
  - a. To the northwest of the project is the Lakeview Cemetery, which is a large cemetery that is buffered by existing mature vegetation along the project’s northern property line. The cemetery includes meandering single-lane paths, tombstones, and existing mature vegetation spaced throughout the site.
  - b. To the northeast and east of the project is North Avenue which provides vehicular and bicycle access between Burlington’s Old North End and New North End neighborhoods. The east side of North Avenue is lined with existing 1.5-, 2- and 3-story single-family and multi-family residential homes with a variety of architectural styles, exterior cladding materials and colors.

- c. To the southeast of the project is a gasoline station, an existing transmission line and railroad area located along a steep embankment. The railroad passes through a tunnel that leads beneath North Avenue. The Intervale and Old North End neighborhood are located further to the southeast.
  - d. To the southwest of the project is a public park, a steep embankment and the Island Line Trail (commonly known as the "Burlington Bike Path") which is a heavily used recreation path that follows Lake Champlain in a north-south orientation. Immediately west of the recreation path is a thin stretch of city-owned beach locally known as "Texaco Beach" and Lake Champlain.
28. The project tract is located within Burlington's state-designated Neighborhood Development Area. The intention of the Neighborhood Development Area is to facilitate concentrated housing development in areas proximate and walkable to downtown goods and services. The Neighborhood Development Area designation calls for parcels to be developed in a manner that supports Smart Growth principles and commits to a density that is greater than that of surrounding areas.
29. The regional plan that applies to the Project is the Chittenden County ECOS Plan (2018). The CCRPC has indicated that the project is in conformance with the Planning Areas of the Chittenden County ECOS Plan (2018). Exhibit #035.
30. The municipal plan that applies to the Project is the planBTV Comprehensive Plan (2019).
31. The Burlington Comprehensive Development Ordinance (2020) indicates that the project tract is zoned in the Neighborhood Activity Center-Cambrian Rise ("NAC-CR"). The NAC-CR district is intended to create a new center for mixed use development that allows for a range of housing types and to accommodate a diverse range of complimentary general offices, institutional and neighborhood oriented small-scale retail and service use. Development in this area is proposed to be compact, pedestrian-oriented and enhance the community.
32. The project was granted approval by the City of Burlington Development Review Board. Exhibits #006 and 011.
33. The absolute height of all proposed buildings will be lower than that of the existing Liberty House. There are no proposed buildings above the grade of Liberty House in the corridor leading west from Liberty House, preserving a clean line of sight to and from Lake Champlain. Exhibits #022a, 036 and 036a.

34. Despite the redesign of Buildings M and C and the addition of new floors on Buildings P, Q and R, these buildings will be similar in scale to the existing buildings previously permitted within Cambrian Rise Development.
35. Building materials previously approved under Land Use Permit #4C1301 were drawn from a palette that includes exposed concrete; gabion and masonry retaining walls; modest amounts of masonry and wood; fiber cement lap and paneling siding; ribbed and corrugated metal siding; fiberglass and aluminum storefront windows; steel balcony and terrace railings; extruded aluminum and synthetic composition trim materials; metal roofing on the Liberty House; and in other areas where roofs are sloping and ballasted, single-ply roofing when visible from adjoining buildings. Earth tone colors were approved to add variety, interest and individual identity to the structures while respecting and melding with the colors and materials of the Liberty House Structure.
36. New building materials proposed under this application are generally consistent with the building materials previously approved under Land Use Permit #4C1301.
37. Previously approved landscaping plans for Cambrian Rise included Exhibits #043-053 of Land Use Permit #4C1301.
38. New landscaping is proposed for Building M as depicted on Exhibit #012a. By permit condition the Commission will require that the Applicant shall continually maintain the landscaping as approved by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
39. Previously approved lighting plans for Cambrian Rise included Exhibits #054-064 of Land Use Permit #4C1301.
40. New exterior lighting will consist of parking lot lighting, pedestrian lighting, canopy lighting and wall mounted lighting for Building M as depicted on Exhibit #028. All fixtures will be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated. By permit condition the Commission will require that the lighting be mounted no higher than 25 feet above grade.
41. No new signage is proposed under this application.
42. The project will be visible from the following surrounding areas:
  - a. The project will be visible from the Lakeview Cemetery located to the northwest of the project. However, existing mature vegetation and additional landscaping will be installed as part of the project and will limit visibility from the cemetery.

- b. The project will be visible from North Avenue and the buildings located on North Avenue to the east of the project. Most visibility will be of the buildings that will have frontage along the road including Liberty House and Buildings C, B, E/F, G, L and K. Although some visibility of buildings further into the project will be possible, views from the east will generally have minimal change as a result of the building height increases.
- c. Views of the project from locations to the west will primarily be from the public park and Lake Champlain. There is existing vegetation west of the project that provides significant screening of the project from the Lake. Renderings of the project from Lake Champlain are included as Exhibit #022a. The project will generally not be visible from the Island Line Trail recreation path, Texaco Beach or North Beach due to the significant difference in elevation between the project and those areas.

#### Conclusions of Law

The Commission uses a two-part test to determine whether a project meets the portion of Criterion 8 relating to aesthetics and natural and scenic beauty. First, it determines whether the project will have an adverse effect. Second, it determines whether the adverse effect, if any, is undue. *In re Rinkers, Inc.*, No. 302-12-08 *Vtec*, *Decision and Order* at 12 (*Vt. Envtl. Ct. May 17, 2010*) (citations omitted); see also, *Re: Quechee Lakes Corporation*, #3W0411-EB and #3W0439-EB, *Findings of Fact, Conclusions of Law, and Order* at 18-20 (*Vt. Envtl. Bd. Nov. 4, 1985*); *In re Halnon*, 174 *Vt.* 514 (*mem.*) (applying Quechee test in Section 248 context).

The burden of proof under Criterion 8 is on any party opposing the project, 10 V.S.A § 6088(b), but the applicant must provide sufficient information for the Commission to make affirmative findings. *In re Rinkers*, No. 302-12-08 *Vtec*, *Decision and Order* at 10-11 (*Vt. Envtl. Ct. May 17, 2010*) (citing *Re: Susan Dollenmaier*, #3W0125-5-EB, *Findings, Conclusions and Order* at 8 (*Vt Envtl. Bd. Feb. 7, 2005*); *In re Eastview at Middlebury, Inc.*, No. 256-11-06 *Vtec*, *slip op.* at 5 (*Vt. Envtl. Ct. Feb. 15, 2008*), *aff'd*, 2009 VT 98. "Either party's burden, however, may be satisfied by evidence introduced by any of the parties or witnesses . . ." *In re McShinsky*, 153 *Vt.* 586, 589 (1990) (quoting *In re Quechee Lakes Corp.*, 154 *Vt.* 543, 553-54 (1990)).

##### 1. Adverse Effect

To determine whether the project will have an adverse aesthetic effect, the Commission looks to whether the project will "fit" the context in which it will be located. In making this evaluation, the Commission examines a number of specific factors, including the following: the nature of the project's surroundings; the compatibility of the project's design with those surroundings; the suitability of the colors and materials selected for the project; the locations from which the project can be viewed; and the potential impact of the project on open space. *Quechee Lakes Corp et al.*

#3W0411-EB and #3W0439-EB *Findings of Fact, Conclusions of Law and Order at 18 (Vt. Env'tl. Bd., Nov. 4, 1985)* (cited in *Rinkers, No. 302-12-08 Vtec, Decision and Order at 12-13*).

The project is within a large-scale development and is primarily surrounded by medium density residential structures and public spaces. The project will increase the height of several previously permitted structures and will be visible from surrounding areas. The Commission concludes that this project will have an adverse aesthetic impact. Accordingly, the Commission must determine whether that impact is undue.

## 2. *Undue Adverse Effect*

An adverse aesthetic impact is undue if any of the following is true: (1) the project violates a clear, written community standard intended to preserve the aesthetics or scenic beauty of the area; (2) the project offends the sensibilities of the average person, or is offensive or shocking because it is out of character with its surroundings or significantly diminishes the scenic qualities of the area; or (3) the Applicants failed to take generally available mitigating steps which a reasonable person would take to improve the harmony of the project with its surroundings. *In re Rinkers, 302-12-08 Vtec, Decision and Order at 15 (May 22, 2010)* (citing *In re: Times & Seasons, LLC, 2008 VT 7, ¶ 8; In re McShinsky, 153 Vt. at 592*).

### (a) *Clear, Written Community Standard*

In evaluating whether a project violates a clear written community standard, the Commission looks to town plans, open land studies, and other municipal documents to discern whether a clear, written community standard exists to be applied in review of aesthetic impacts of a project. *Hannaford Brothers Co. and Southland Enterprises, Inc., #4C0238-5-EB, Findings of Fact, Conclusions of Law, and Order at 18 (Vt. Env'tl. Bd. 4/9/02)*. A clear, written community standard must be intended to preserve the aesthetics or scenic beauty of the area where the project is located. *Re: Green Meadows Center, LLC, The Community Alliance and Southeastern Vermont Community Action, #2WO694-I-EB, Findings of Fact, Conclusions of Law, and Order at 36 (Vt. Env'tl. Bd. 12/21/00)*.

A plan which states "consideration should be made . . ." is not a clear, written community standard. *Barre Granite Quarries, LLC and William and Margaret Dyott, #7C1079(Revised)-EB, Findings of Fact, Conclusions of Law, and Order at 81 (Vt. Env'tl. Bd. Dec. 8, 2000)*. Although the proposed project does not meet the specific goals or objectives cited above, there are no clear community standards relevant to the proposed project's impacts on aesthetics.

The Commission has reviewed relevant portions of the planBTV Comprehensive Plan (2019) and the Burlington Comprehensive Development Ordinance (2020) and determined that the project complies with the standards set forth in these documents. Additionally, the project was reviewed and approved by the City's Development Review Board and the CCRPC. Furthermore, the property is zoned in the NAC-CR which is intended to promote development that contains both

residential and non-residential uses on one site, with denser development and an emphasis on walkable streetscapes, ground-floor commercial uses, and less-prominent parking lots. The project parcels have long been highlighted in the City's Municipal Development Plan as a location that the Planning Commission had expressed interest in and identified for development.

Therefore, the proposed project does not violate a clear, written community standard.

*(b) Offensive or Shocking Character*

Criterion 8 "was not intended to prevent all change to the landscape of Vermont or to guarantee that the view a person sees from their property will remain the same forever." *Re: Okemo Mountain, Inc. #2S0351-S-EB Findings of Fact, Conclusions of Law, and Order (Dec. 18, 1986)*. Criterion 8 was intended to ensure that as development occurs, reasonable consideration will be given to visual impacts on neighboring landowners, the local community, and on the special scenic resources of Vermont. *Rinkers, No. 302-12-08 Vtec, Decision and Order at 11-12; Horizon Development Corp., #4C0841-EB, Findings of Fact, Conclusions of Law, and Order (Vt. Envtl. Bd. Aug. 21, 1992)*.

The Commission acknowledges that the Cambrian Rise Development will be substantially different than much of the existing area, due to its size, scale and character, but the Cambrian Rise Development was previously permitted under Land Use Permit #4C1301. The current project includes redesign of Building M and C and the addition of new floors on Buildings P, Q and R. Despite the redesign of Building M and C and the addition of new floors on Buildings P, Q and R, these buildings will be similar in scale to the existing buildings permitted within the Cambrian Rise Development. The absolute height of all proposed buildings will remain lower than the existing Liberty House and the exterior cladding materials proposed will be consistent with those approved under Land Use Permit #4C1301.

Given all of these considerations, the Commission concludes that the project would not be offensive or shocking.

*(c) Generally Available Mitigating Steps*

The question under this factor of the aesthetics analysis is whether the Applicant(s) has/have "failed to take generally available mitigating steps that a reasonable person would take to improve the harmony of the proposed project with its surroundings." *In re Times & Seasons, 2008 VT 7, ¶ 8*. If a project does have an adverse aesthetic effect, the applicant must "take generally available mitigating steps to reduce the negative aesthetic impact of a particular project," otherwise, "[f]ailure to take advantage of available alternatives may render an aesthetic impact unduly adverse." *In re Stokes Communications Corp., 164 Vt. 30, 39 (1995)* (quoted in *In re Rinkers, 302-12-08 Vtec, Decision and Order at 19 (May 22, 2010)*). A generally available mitigating step "is one that is reasonably feasible and does not frustrate [either] the project's purpose or Act 250's goals."

The absolute height of all proposed buildings will remain lower than the existing Liberty House, with heights stepping down as the existing landscape slopes toward Lake Champlain. In addition, the Applicants have proposed landscaping under Land Use Permit #4C1301 and additional landscaping improvements for Building M. The architectural color palette is proposed to remain as neutral earth tones. Furthermore, all proposed lighting will be down shielded.

Given all of these considerations, the Commission finds that the Applicants have taken the available mitigating steps to minimize the adverse impacts of the proposed project on the scenic or natural beauty of the area.

*(d) Conclusion*

Based on the above, the Commission concludes that the project will not have an undue adverse effect on the aesthetics or natural and scenic beauty of the area.

**VII. SUMMARY CONCLUSION OF LAW**

Based upon the foregoing Findings of Fact, the Commission concludes that the Project, if completed and maintained as represented in the application and other representations of the Applicants, and in accordance with the findings and conclusions of this decision and the conditions of Land Use Permit #4C1301-3, will comply with the Act 250 criteria. 10 V.S.A § 6086(a).

**VIII. ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, Land Use Permit #4C1301-3 is hereby issued.

DATED this 23<sup>rd</sup> day of March, 2021.

By     /s/Thomas A. Little, Chair      
Thomas A. Little, Chair  
District 4 Environmental Commission

Commissioners participating in this decision:

Parker Riehle

Monique Gilbert

Findings of Fact, Conclusions of Law, and Order #4C1301-3  
Page 15

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A).

Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings. The appellant must file with the Notice of Appeal the relevant entry fee required by 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal, including appeals from Administrative Amendments and interlocutory appeals. See 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5.

For additional information on filing appeals, see the Court's website at:

<http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is: Vermont Superior Court, Environmental Division, 32 Cherry Street, 2<sup>nd</sup> Floor, Suite 303, Burlington, VT 05401.

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# Exhibit List



<b>Application #</b>	4C1301-3 (3/3/21)
<b>Applicant(s)</b>	BC Community Housing, LLC
<b>Landowner(s)</b>	Bc Community Housing, 351-375 Owners' Association, INC.
<b>Project Town(s):</b>	Burlington, VT

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
000		000 Exhibit List	
001	11/30/20	001 Cover Letter (11/27/20)	Applicant
002	11/30/20	002 Act 250 Application	Applicant
002a	12/18/20	002a Act 250 Application Revised	Applicant
002b	12/18/20	002b Act 250 Application Revised	Applicant
003	11/30/20	003 Schedule G	Applicant
004	11/30/20	004 Cambrian Rise Site Concept - under Land Use Permit - 4C1301-2A	Applicant
005	11/30/20	005 Certificate of Appropriateness - dated 02/05/2020	Applicant
006	11/30/20	006 Zoning Permit - COA Level II - Conditions of Approval - dated 02/24/2020	Applicant
007	11/30/20	007 Building Elevations - Building C (3 sheets) - various dates	Applicant
008	11/30/20	008 Site Plan - date 01/31/2017	Applicant
008a	12/18/20	008a Site Plan Revised 2/3/20	Applicant
009	11/30/20	009 Temporary Parking Plan - Phase 2A & 2B - dated 01/31/2017	Applicant
009a	12/18/20	009a Temporary Parking Plan - Phase 2A & 2B Revised 2/4/20	Applicant
010	11/30/20	010 Phasing Plan - dated 01/31/2017	Applicant
010a	12/18/20	010a Phasing Plan - dated 2/4/20 Updated LEX4	Applicant
010b	12/18/20	010b Phasing Plan - dated 2/4/20 Updated LEX4	Applicant
011	11/30/20	011 Burlington DRB Review Board - Findings of Fact - Dated 10/16/2018	Applicant
012	11/30/20	012 Building M Site Plan Update - dated 07/08/2018	Applicant
012a	12/18/20	012a Building M Site Plan Update - dated 8/3/2018	Applicant
013	11/30/20	013 Building M Elevations (4 sheets) - dated 08/07/2018	Applicant

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
014	11/30/20	014 Building M Perspectives (7 sheets) - undated	Applicant
015	11/30/20	015 Building P Perspectives (3 sheets) - undated	Applicant
016	11/30/20	016 Building Q Perspectives (2 sheets) - undated	Applicant
017	11/30/20	017 Building R Perspectives (2 sheets) - undated	Applicant
018	11/30/20	018 Building Q & R Rear Perspectives - (1 sheet) - undated	Applicant
019	11/30/20	019 RSG Traffic Memo - dated 10/16/2018	Applicant
020	11/30/20	020 WW Permit #WW-4-3619-3 - dated 07/17/2019	Applicant
021	11/30/20	021 WW Permit #WW-4-3619-4 - dated 11/24/2020	Applicant
022	11/30/20	022 T.J. Boyle Associates Revised Aesthetic Analysis - dated 11/19/2020	Applicant
022a	12/18/20	022a T.J. Boyle Associates Revised Aesthetic Analysis - Revised 12/18/20	Applicant
023	11/30/20	023 Building Height Plan - dated 08/07/2018	Applicant
024	11/30/20	024 Email from Peter Smiar, Director of Land Development at VHB re Building C and M (2 pages) - dated 11/27/2020	Applicant
025	11/30/20	025 SW Permit # 7462-9015.1A (3 pages) - dated 07/02/2019	Applicant
026	12/18/20	026 P2 Building P - Elevations - Revised 1/4/2017	Applicant
027	12/18/20	027 QR-2 Building Q and R Elevations - Revised 1/12/2017	Applicant
028	12/18/20	028 Building M Lighting Plan Updated 12/17/2020	Applicant
029	12/18/20	029 Building C Plans	Applicant
030	12/18/20	030 Construction General Permit 7462-9020.1T Issued June 6, 2017	ANR
031	12/18/20	031 Parking Data for all Cambrian Rise Sites	Applicant
	2/12/21	031a Revised Parking Data for all Cambrian Rise Sites	Applicant
032	2/4/21	032 Letter by Christopher Clow, Vtrans re Act 245 Transportation Impact Fee (2/3/21)	VTrans
033	2/4/21	033 Cambrian Rise Artist's Rendering of Project Site	Applicant
034	2/4/21	034 ANR Entry of Appearance Comments (2/4/21)	ANR
035	2/9/21	035 CCRPC Review Letter (2/9/21)	Regional Planning Commission
036	3/1/21	036 Cross Sections - Section B from Lake Champlain (2/15/21)	Applicant
036a	3/1/21	036a Cross Sections - Section B from Lake Champlain (Rev. 2/29/21)	Applicant
037	3/3/21	037 HRO - Highlighted Supplemental Evidence re Cross Section	Applicant
038	3/3/21	038 City of Burlington Department of Public Works re Additional Water/Sewer Capacity (4/19/19)	Applicant
039	3/3/21	039 Plans: Preliminary Grading Plans - North Avenue - Sheets C1.0, C1.1, C1.2 (12/14/20)	Applicant
040	3/3/21	040 Wastewater System and Potable Water Supply Permit WW-4-3619-3 Issued July 17, 2019	Applicant

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
041	3/3/21	041 Wastewater System and Potable Water Supply Permit WW-4-3619-4 Issued November 24, 2020	Applicant
042		042	
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## CERTIFICATE OF SERVICE

I hereby certify on this 23<sup>rd</sup> day of March 2021, a copy of the foregoing ACT 250 LAND USE PERMIT & FINDINGS OF FACT & CONCLUSIONS OF LAW & ORDER #4C1301-3, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

**Note:** any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes. All email replies should be sent to [NRB.Act250Essex@vermont.gov](mailto:NRB.Act250Essex@vermont.gov)

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### **FOR YOUR INFORMATION**

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Dated at Essex Junction, Vermont, this 23<sup>rd</sup> day of March, 2021.

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