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CITY OF BURLINGTON, VERMONT  
OFFICE OF  
THE CITY ATTORNEY  
AND  
CORPORATION COUNSEL

William F. Marshall  
Judicial Watch, Inc.  
425 Third St., Suite 800  
Washington, DC 20024

May 18, 2017

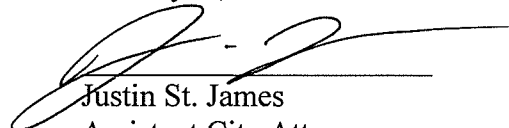
Dear Mr. Marshall,

The City received your public records request seeking records seeking:

“All emails between then-Mayor’s Office officials, employees and representatives, including but not limited to former mayors Peter Clavelle and Robert Kiss, and then-Burlington College President Jane Sanders between 2004 and 2011.

Using the search terms provided, as well as the time frame from January 1, 2004 to December 31, 2011, the City has located 29 responsive emails, which are attached in a single PDF file. The City did not exempt or redact any emails in the course of producing the responsive documents.

Thank you,

  
Justin St. James  
Assistant City Attorney

**From:** Bob Kiss [BKiss@ci.burlington.vt.us]  
**Sent:** Tuesday, September 27, 2011 12:49 PM  
**To:** 'Jane Sanders'  
**Subject:** RE: Time for a Transition

Hello Jane, Good to hear from you. Don't let this transition take away from any of the accomplishments and good work that you've done! Amazing how many things you can do in a lifetime. Best regards, Bob Kiss, Mayor City of Burlington 149 Church Street Burlington, VT 05401 802-865-7272 -----Original Message----- From: Jane Sanders [mailto:maryjaneomeara@gmail.com] Sent: Monday, September 26, 2011 6:06 PM Subject: Time for a Transition I wanted you to hear it from me. It's a good decision. For Immediate Release September 26, 2011 After seven years at Burlington College, President Jane O'Meara Sanders, Ph.D., has submitted her letter of resignation to the Board of Trustees. This comes after months of discussions between the Board leadership and Sanders regarding the future of the college. Sanders will officially step down as president on Friday, October 14th. In honor of her significant accomplishments, the College has given Sanders the title of President Emerita, until now a distinction only given to the college's founder. The Board credits Sanders with negotiating the acquisition of its beautiful new 32-acre lakefront campus, a transformative achievement for the College. The new campus will significantly grow the student body and fully realize the expansion of academic programs that have taken place under Sanders' guidance." Under her leadership, the College developed several new undergraduate majors, four Bachelors of Fine Arts degrees and an Individualized Masters Degree. As part of Sanders' legacy, the institution established an institutional aid fund which now provides over \$400,000 annually to ensure student access to education regardless of financial resources. Sanders will take some time over the next year to enjoy the sabbatical time she has earned, but not had time to take, since 2004. During which, she will research, advise and consult with the College on fundraising, site development and other matters as needed. "I will enjoy the opportunity to focus on these specific areas rather than day-to-day operations" said Sanders, who has indicated a strong interest in establishing community partnerships for the new campus. During the next few weeks, the Board will establish an interim leadership plan and announce the search for a new president. Burlington College is a private liberal arts college located in Burlington, Vermont. The mission of the College is to guide students to become skillful and reflective practitioners, lifelong learners, and active citizens engaged in fostering a just, humane society and sustainable, beautiful communities. To learn more visit [www.burlington.edu](http://www.burlington.edu).

**From:** Peter Clavelle

**Sent:** Wednesday, February 22, 2006 4:20 PM

**To:** rclavelle@adelphia.net; bfclavelle@aol.com; KMLAFAYETTE@aol.com; btorpy@bclt.net; jsanders@burcol.edu; Dept\_Heads@ci.Burlington.vt.us; KWingate@ci.Burlington.vt.us; LPerry@ci.Burlington.vt.us; raycl@hazelett.com; gwright1@hotmail.com; gh@iscvt.org; amindel@iscvt.org; bkeleher@iscvt.org; kse@kse50.com; chuck\_ross@leahy.senate.gov; senator\_leahy@leahy.senate.gov; citypol@msn.com; eblais@netscape.com; thoney@sister-cities.org; macmatt@sprynet.com; drocchio@thearnogroup.com; daniel.fogel@uvm.edu; sjeffrey@vlct.org; melinda.estes@vtmednet.org

**CC:** ferriescla@aol.com

**Subject:** Plans for the Future

Dear Friends, Many of you have asked, "Will there be life after the Mayor's Office? What are your plans? Are you retiring?" No, I am not retiring. Last September 7th, when announcing my decision not to seek re-election, I expressed my hope to make a transition to a career in international development. I am pleased to report that I have been offered -- and I have accepted -- a position with ARD. [www.ardinc.com](http://www.ardinc.com) Burlington-based ARD was founded in 1977 and has gained an international reputation for working with communities and countries around the world to promote and implement strategies for sustainable development. I am excited with this opportunity, and I'm looking forward to starting work with ARD in May. Best regards, Peter

**From:** Bill Mitchell

**Sent:** Monday, March 07, 2005 3:18 PM

**To:** DBradley@ci.Burlington.vt.us

**CC:** lml@05401.com; jsanders@burlcol.edu

**Subject:** Burlington College's Traffic Calming Management Application

Dan, I'm just following up on this as a member of the BC Board's Facilities Committee. Any idea when decisions will be made on Burlington College's Traffic Calming Management Application?  
Thanks, Bill  
Bill Mitchell Assistant to the Mayor City of Burlington, Vermont

**From:** Peter Clavelle [PClavelle@ci.Burlington.vt.us]

**Sent:** Wednesday, February 22, 2006 10:20 AM

**To:** City\_Councilors; rclavelle@adelphia.net; bfclavelle@aol.com; kmlafayette@aol.com; btorpy@bclt.net; Sanders, Jane; Dept\_Heads@ci.Burlington.vt.us; Wingate, Karen; Perry, Lynne; raycl@hazelett.com; gwright1@hotmail.com; gh@iscvt.org; amindel@iscvt.org; bkeleher@iscvt.org; kse@kse50.com; chuck\_ross@leahy.senate.gov; senator\_leahy@leahy.senate.gov; citypol@msn.com; eblais@netscape.com; thoney@sister-cities.org; macmatt@sprynet.com; drocchio@thearnogroup.com; daniel.fogel@uvm.edu; sjeffrey@vlct.org; melinda.estes@vtmednet.org

**CC:** ferriescla@aol.com

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**From:** Bob Kiss [BKiss@ci.burlington.vt.us]

**Sent:** Friday, May 21, 2010 3:24 PM

**To:** 'jsanders@burlington.edu'

**CC:** 'bobkiss@burlingtotelecom.net'; Bob Kiss

**Subject:** Redevelopment of the Catholic Diocese Property: Report to the Mayor 2001

**Attachments:** Redevelopment of Catholic Diocese 2001.pdf

Jane, Here's the report I mentioned. Page 2 of the report outlines the interests of the City (then and, pretty fairly, now).

Best regards,

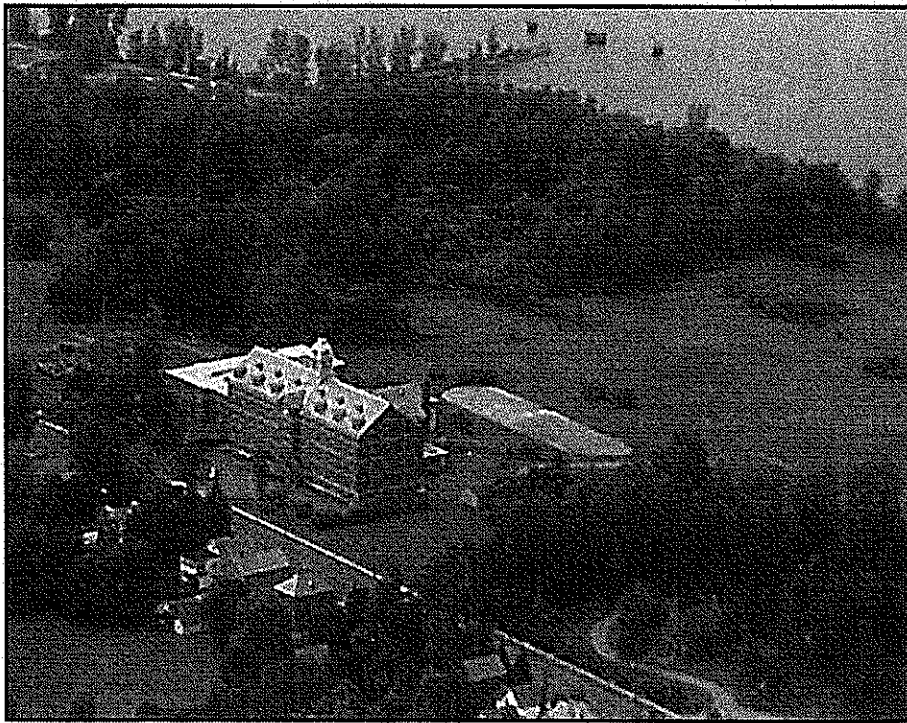
Bob Kiss, Mayor  
City of Burlington  
149 Church Street  
Burlington, VT 05401

802-865-7272

# **REDEVELOPMENT OF THE CATHOLIC DIOCESE PROPERTY**

## **REPORT FOR THE MAYOR OF THE CITY OF BURLINGTON**

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**NOVEMBER 12, 2001**

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## **Redevelopment Of The Catholic Diocese Property**

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### **INTRODUCTION**

For the past several months, Mayor Peter Clavelle has asked that a group of City staff and Boards work together in order to develop an Administration position regarding the conservation and re-development of the Catholic Diocese properties on North Ave. This report is the result of those efforts, and includes the following:

- ❖ A set of principles that would be used to guide the Administrations position on the development of the Catholic Diocese property;
- ❖ Information about the site, including zoning, infrastructure and utilities, as well as natural, archeological and historic preservation issues;
- ❖ Minutes from the public meeting and the charette; and
- ❖ Several concept drawings that could guide any future redevelopment of the site.

It should be noted that the report does not:

- ❖ Test the feasibility or marketability of any development;
- ❖ Determine the exact number of housing units that should be constructed, nor prescribe the specific tenure type or the sale price or rents for each unit;
- ❖ Fully measure the costs and benefits of any development;
- ❖ Measure the specific impacts of any development, particularly traffic.

Several City Departments participated in the development of this Report and recommendations. The Community and Economic Development Office, the Department of Planning and Zoning, and members of the Conservation Commission wrote the report and facilitated this activity. The Parks and Recreation Department, the Cemetery Department and members of its Commission, and the Department of Public Works also anticipated.

**Redevelopment Of The Catholic Diocese Property**

**PRINCIPLES FOR THE DEVELOPMENT OF THE DIOCESE PROPERTY**

The development of the Catholic Diocese property should be guided by the following principles:

- That housing of all types should be incorporated into the development, including housing that will serve a range of income types and that provide opportunity for homeownership as well as rental opportunities;
- That there be generous amounts of open space, and that the open space should be open to the public;
- That the entire waterfront area west of bikepath should be public;
- That the public should have access to the beach area and to the bike path through property;
- That the bluffs directly east of the bike path should be protected from any construction and development;
- That the development be sensitive and protect significant natural features, especially the path and tree scape on the bluffs, as well as cultural resources, such as the old orphanage;
- That neighborhood commercial uses that serve the local neighborhood be allowed and as a result, that consideration be given to allow currently prohibited uses;
- That development of this property should enhance revitalization of Old North End (specifically commerce along North Avenue);
- That the development should support alternative modes of transportation in order to minimize traffic impacts; and
- That a modest amount of cemetery expansion may be allowed.

## Redevelopment Of The Catholic Diocese Property

### **GENERAL SITE CHARACTERISICS**

The land under consideration for redevelopment by the Catholic Archdiocese in Burlington includes 31+ acres of (largely) undeveloped land and two buildings: a single family home with detached garage (currently being used as a social service facility) and a 4+ story, early 19th century brick building that was home to an orphanage, with a 1940s addition off of the south end. The building is located on the west side of North Avenue, adjacent to a city cemetery. Of note is the sense of pastoral serenity and the magnificent and expansive views of Lake Champlain from all parts of the site.

The site consists of three individual parcels, all owned by the Archdiocese. The parcels include: 351 North Avenue (14.47 acres), 329 North Avenue (9.57 acres) and 311 North Avenue (7.32 acres), for a total of 31.36 acres. See map below. The neighborhood in which this building sits is predominantly low density residential, with a combination of single-family homes, and a few businesses (Yankee Medical, The Vermont Women's Health Center, and a gas station) immediately across the street to the east. To the north is a City Cemetery and to the south is a ravine and a railroad tunnel connecting Burlington and Winooski. The western edge, bounded by the Burlington Bike Path, consists of steep slopes that are forested with a combination of red oak, red maple, white birch and white pine, as well as scrub growth and a variety of common local flora.

The general topography of the site consists of lightly rolling hills and extensive forestation to the south. An informal footpath runs from the southeastern edge of the site (accessed from North Avenue), west towards the lake and along the western edge of the combined parcels. The path is highly used by North End residents for dog walking, as well as direct access to the Burlington Bike Path.

### **ZONING**

The site is zoned as Waterfront Residential Medium (WRM), allowing for the site to be developed with a total of 20 units/acre. This amounts to 627 units PLUS 94 inclusionary units for a total of 721 units. Other permitted residential and non-residential uses are allowed on the site. Other housing types including boarding and convalescence, and non-residential uses including: agriculture, daycare, funeral homes, aquarium, bike path, community centers and clubs, hospitals, libraries, rail, parks, police station, post office, recreational facilities and places of worship.

There is a 35' height limit within the first 200' of the lakefront – using mean high water, and the height limit is 60' beyond that. There is an exemption: you are allowed to build up to height of existing building if it is higher. Height is measured from the mean of North Avenue measured halfway up the pitched roof, and extended out in a plane. As a result, a building on the lower slope could be 115' tall. Regardless of zoning the project must still go through City master plan and design review.

### **INCLUSIONARY ZONING**

Lot coverage is 60%, with an Inclusionary Zoning bonus increase to 72%. Maximum building height is 60 feet and 25% of the total units are required to be affordable, as defined in the City's Inclusionary Zoning Ordinance. The affordable units must be developed on-site.

## Redevelopment Of The Catholic Diocese Property

### **INFRASTRUCTURE**

All City infrastructure reaches this site: water, sewer, electricity. Of major concern to the City is the capacity of the site and the surrounding neighborhood to bear the impact of full development of the site.

### **TRAFFIC**

Information gleaned from Justin Rabidoux of Burlington's Department of Public Works notes the difficulty in assuming levels of traffic and associated levels of congestion, without aid of a formal traffic study. He acknowledges that higher buildout would likely necessitate incorporation of a traffic signal at the intersection to this development because of the fact that traffic generated by this development has only one outlet – North Avenue. Public transportation runs by the site in both directions and, depending on the scale and ultimate land use (condos vs. single family homes vs. apartments) of the development, more circulation options may need to be offered. Maybe one-way traffic through the project would be helpful.

### **WATER/SEWER**

From Steve Roy of Public Works:

1. Water supply and distribution (to this site) is no problem. There are twin 12' water lines.
2. Wastewater would be treated at our Main plant. Available capacity from a project of this magnitude could become a concern depending on existing commitments against our reserves.
3. The wastewater collection system for this area is a 15" combined sewer pipe on North Avenue. We made it clear that they would have to install a flow monitor in this pipe for a few weeks to obtain current average and peak flows. We would use this data to model what could happen during large storm events (i.e. 1 year, 10 year).
4. A wastewater pumping station serving this site may need to have adequate storage to attenuate the peak flows typically associated with residential developments, and perhaps may require a control system to prevent pumping during storm events. Could be largest station in Burlington.
5. Metering device w/off peak sensor to discharge during the night may be an option
6. Stormwater runoff would have to be treated in accordance with the State's draft stormwater guidelines.
7. There is a million gallons of unused sewage capacity – unreserved. There is also reserved capacity.
8. Water treatment/proximity to the lake is an issue.
9. North plant has been declining in use.

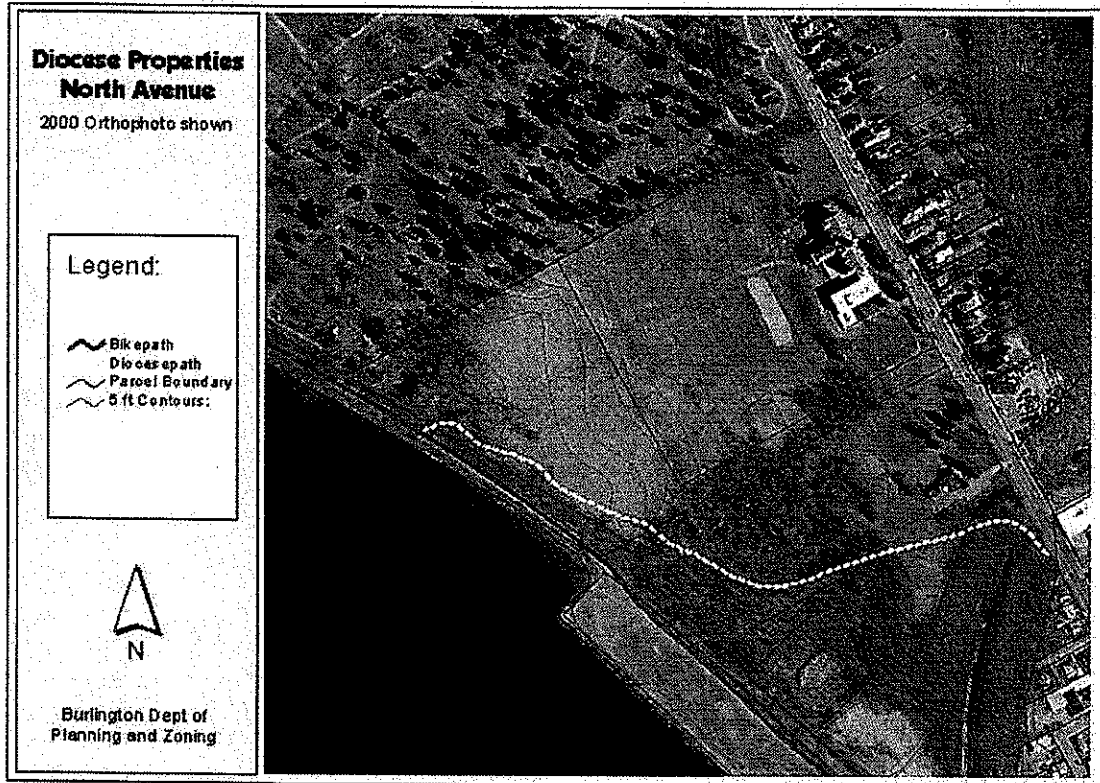
### **ARCHEOLOGICAL**

Sand was sold from a "borrow pit" all along the base of the property – therefore most archeological evidence probably destroyed. High potential for significant sites. Scott Dillon believes there is a known site but can't find the documentation. Did fill out standard ACT 250 form.

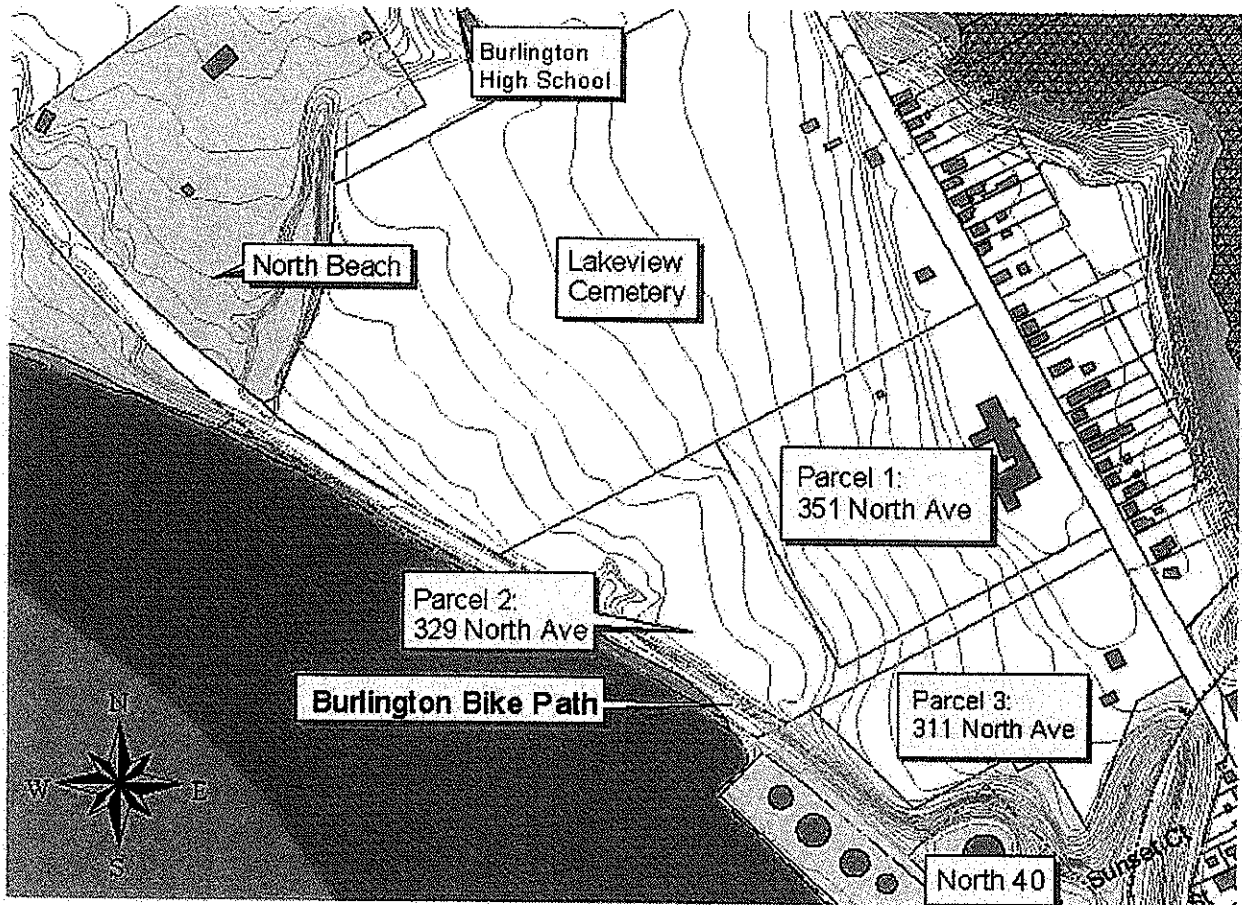
**Redevelopment Of The Catholic Diocese Property**

**CEMETERY NEEDS**

Life expectancy of current cemetery system is 10 – 15 years. Cemetery digs about 145 lots/year. There are about 1000 burials/acre, and therefore one acre will last about 6.90 years. Security is an issue – has to be fenced off. Cremations still take up lot size. Homes and military funerals could be incompatible. There are few alternatives: land behind the high school is ledge, and land in Intervale is floodplain. Providing cemetery space is not a legal obligation of Municipality. Regional alternatives have not been explored.



# Catholic Archdiocese Properties on North Avenue (3 contiguous parcels on west side of North Ave)









Parcel 1: 351 North Avenue  
Square Footage: □630,122sf  
Building Value: □\$6,677,500  
Land Value: □□\$310,600  
Assessed Value: □\$6,988,100

Parcel 2: 329 North Avenue  
Square Footage: □416,896sf  
Building Value: □\$ n/a  
Land Value: □□\$244,800  
Assessed Value: □\$244,800

Parcel 3: 311 North Avenue  
Square Footage: □318,918sf  
Building Value: □\$174,800  
Land Value: □□\$258,800  
Assessed Value: □\$433,600

### Geographic/Environmental Features

-  5 ft Contours
-  Building Footprint (1979)
-  Significant Natural Area
-  Wetland
- Floodplains**
-  100-year
-  500-year additional



**Redevelopment Of The Catholic Diocese Property**

**NATURAL RESOURCES INFORMATION: SITE CONDITIONS & FLORA**

From the perspective of the Nongame and Natural Heritage Program, this site has several interesting to significant features. Although the sand beach is highly disturbed by human use and the rock fill for the bikepath, this is a continuation of North Beach and is still a site of statewide significance. Lake sand beach is considered a rare natural community type in Vermont, and all of our examples are degraded.

The whole site above the bike path is part of the Winooski River mouth sand delta, formed thousands of years ago during the period when Lake Champlain was a much larger lake and then a saltwater sea. This delta has deep sands that were deposited in shallow water at the mouth of the formerly larger lake/sea. These deep sands are mapped as Adams Windsor B on the NRCS soil survey for Chittenden County. This is the setting for another very rare natural community type in Vermont - the pine-oak-heath sandplain forest.

The Diocese site has been highly manipulated in the past and the only place where there is a small remnant of this rare forest type is in the northwest corner of the site. Here there are red oaks, red maple, white birch and other species characteristic of the community type. This remnant is too small to be considered of statewide significance, but is interesting none-the-less and may be considered significant at the local level. Restoration of sandplain forest on this site would be a very difficult undertaking, especially considering its small size and the abundance of exotic species at the site (Norway maple, black locust, buckthorns, and honeysuckle), however sandplain characteristics would increase and persist over time.

The western edge of the delta on this property forms an impressive bluff overlooking Lake Champlain. This bluff and the adjacent top of the delta strike me as a very significant natural area for the city. This bluff is mostly forested and over time it seems that it would be possible to reduce the abundance of exotic species and encourage native trees, shrubs, and herb. There are already numerous impressive red oaks and cottonwoods, and one white oak. It seems that there is high potential to manage the western side of the delta and the bluff as a natural area that could be enjoyed by many people in the city.

Submitted By:  
Eric Sorenson, Community Ecologist  
Nongame and Natural Heritage Program  
Vermont Fish and Wildlife Department  
103 South Main Street  
Waterbury, Vermont 05671-0501  
(802) 241-3714

**Redevelopment Of The Catholic Diocese Property**

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**CONSERVATION VALUES**

- The primary importance of the property is that it is a continuous and large piece of undeveloped land in a highly urbanized section of Burlington, with few other opportunities for open space access. The property is adjacent to the HUD-designated Old North End Enterprise Community. Land features include a steep forested bank, fields, woods and ravine.
- The property serves as an important, well-used recreation corridor, allowing local residents pedestrian access to the Burlington Bikeway and North Beach<sup>1</sup>.
- In addition to being a recreation travel corridor, other recreational uses of the land are important to local residents. These include kite flying, skiing, biking, berry picking, sledding and walking.
- Throughout the whole Burlington Bikeway, one of the most aesthetically pleasing sections is where the path traverses this property. This is because of the natural, undeveloped experience the property affords. Preserving the natural corridor surrounding the bike path is important to keeping this value intact.
- The land serves as an important viewshed from Lake Champlain, creating an aesthetically pleasing natural region<sup>2</sup>.
- The land serves as a corridor for wildlife to travel between the Intervale and Lake Champlain<sup>3</sup>. Animals include fox, deer and coyote.
- The wooded area serves as a sustainable forest community and, along with the open fields, provides habitat for a variety of wildlife.
- The land has potential for environmental research and education, owing to its close proximity to user populations.
- Community gardening has been practiced on the land, and has the potential to be reintroduced.

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1. City of Burlington, VT. *Open Space Protection Plan*. September 2000. Page 32.

2. *Ibid.* Page 27.

3. Winooski Valley Park District. *Where the Wild Things Are: Large Mammal Habitat Corridors in Burlington, Vermont*. October 2000.



Redevelopment Of The Catholic Diocese Property

## HISTORIC PRESERVATION INFORMATION

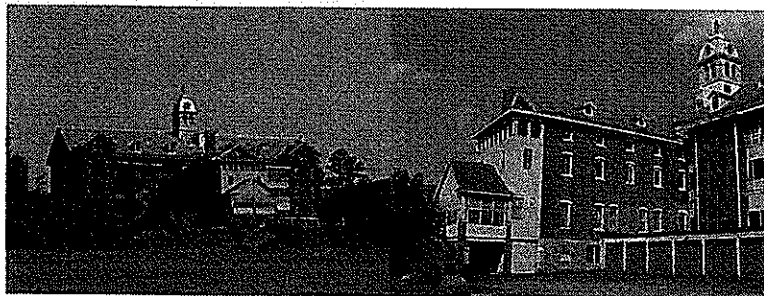
### 311 North Ave.

- Built in 1923 by Dr. Waldo Upton as a private residence.
- Building is in the Bungalow style, and is distinctive for its irregular plan, deep verandas, and field stone construction.
- Original building is listed on the State Register of Historic Places (~1978) and is likely eligible for listing on the National Register of Historic Places.
- Original building is ~2,300 sq.ft., with a ~2,000 sq.ft. addition added in 1982.
- Property is owned by the Roman Catholic Diocese of Burlington, and is currently used as a group home by the Howard Center for Human Services.



### 351 North Ave.

- Built in 1884 as an orphanage run by the Sisters of Providence (Montreal).
- Structure was designed by Rev. Cyril Beaudry, C.S.V. of Joliette, Qu. The stone foundation was laid in 1879 by Guy Willard. James Ross of Rutland was the General Contractor, and Cummings and Son did the masonry from bricks made by Francis LeClair of Winooski.
- Building is a large 4.5-story Victorian with a gable sided orientation and large rear ell. Original building is ~61,000 sq.ft., A 3-story modern addition added to the south in 1940, and the building was renovated in 1975.
- Building is listed on the State Register of Historic Places (~1978) and is likely eligible for listing on the National Register of Historic Places.
- Building originally known as the "Providence Orphan Asylum and Hospital," and later the "St. Joseph's Child Center." Building was run as an orphanage until 1983.
- Property is owned by the Roman Catholic Diocese of Burlington, and is currently used as the Diocesan administrative offices.



**Redevelopment Of The Catholic Diocese Property**

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**CHARRETTE MINUTES**

**Thursday, October 4, 2001**

**At the Wastewater Treatment Plant, 53 Lavallee Lane, Burlington**

The charrette began at approximately 8:45am.

**Attending**

City Staff: Michael Monte (CEDO); Brian Pine (CEDO); Owiso Makuku (CEDO); David Charboneau (Cemeteries); Wayne Gross (Parks); Bob Whalen (Parks); David White (Planning and Zoning); Ken Lerner (Planning and Zoning); and Justin Rabidoux (Public Works)

Elected and Appointed Officials: Peter Clavelle (Mayor); Harris Roen (Conservation Board); Don Meals (Conservation Board); Dick Kieslich (Cemetery Commission).

Charrette Resource People: Michael Healy (facilitator); Mark Hamlin (Landscape Architect); Jeff Glassberg (Preservation and Development Consultant); Alison Grinnell and Andrew Huff (Recorders).

**Charrette Goals**

The goal of the charrette was to build consensus among City departments and Commissions most directly influenced by the development of the Catholic Diocese property and to formulate a unified and coherent Administration position regarding the conservation and re-development of the Catholic Diocese properties on North Ave.

**Review Information On-Site Resources**

The meeting began with a review of the following site conditions, characteristics and resources, to inform all present of the influence (or potential influence) of various factors on the development of the site:

- Zoning Profile presented by Ken Lerner
- Infrastructure and Utilities presented by Justin Rabidoux
- Natural Resource Survey presented by Harris Roen
- Historic Preservation Survey presented by David White
- Archeological Assessment presented by Don Meals (checklist submitted as documentation)
- Cemetery Needs presented by David Charboneau
- Summary/highlighting of major points made during previous night's meeting with residents presented by David White

**Review City Plans & Policies**

David White gave a summary of pertinent City Plans and Policies including the City of Burlington's Master Plan, Open Space Plan and Consolidated Plan. David read a few excerpts directly from these plans. The Waterfront Open Space Plan was referenced by Mayor Clavelle as research that identified and addressed some of the development issues facing the site.

## **Redevelopment Of The Catholic Diocese Property**

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### **Brainstorm Possible Uses and City Needs**

Michael Healy then led participants in a brainstorming session, during which various aspects/facets of the site and issues pertaining to the development of the site were identified that would influence its physical development. Identification and prioritization of these issues were to carry over into the creation of Guiding Principles that would help to establish the City's position on the development of the site, as well as influence the afternoon's "visualization" session for how the development of the parcels might occur.

After an exhaustive list of issues was created, each participant was given an opportunity to vote for five "priority" issues for the development of the site (emphasis was put on the overall vision for the site, rather than concentration of support for issues pertaining solely to one's professional field.)

The brainstorm list, with their priority votes, included:

- Diversity of Housing uses (rental, home ownership, condos, assisted living facility, co housing, mixed income, special needs) 11
- Protect shoreline from becoming private beach (public access) 7
- Open space – overlook views 6
- Community gardens 5
- preserve existing path as public access to beach and bike path 5
- Transportation Hub – train stop – park and ride 4
- Neighborhood Commercial uses 4
- Cemetery land 4
- Hotel – inn 3
- Large Recreation uses (ball stadium, Recreation Center, sports fields) 3
- Small Recreation uses (playground structure) 3
- Beach protection 3
- Bikepath connection 3
- Day care 2
- School 2
- Different scales of open space 2
- Preserving feature trees 2
- Protection of cultural resources (historical, archeological) 2
- Reuse of building 1
- Wildlife corridor 1
- Passive recreation 1
- Public library
- Community center
- Internal; roadway system
- Roadway connection through waterfront
- Internal pedestrian system
- Place of worship
- Catholic Diocese Property
- Light industry
- Other commercial uses (offices, corporate headquarters)

## **Redevelopment Of The Catholic Diocese Property**

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### **Priorities and Principles**

Nine issues emerged as "priorities" and specifically addressed in the subsequent process of formulating the principles that would guide the development of the site. Priorities included:

1. Large and small recreational uses
2. Transportation hub/transportation links to Burlington and region
3. Neighborhood commercial uses
4. Open Space (overlook, views)
5. Protect shoreline from becoming a private beach, ensuring continued public access
6. Community gardens
7. Widely used North-Ender path through the site
8. Cemetery Land
9. Diversity of housing types and uses

The principles were articulated as follows:

1. Can consider currently prohibited uses (e.g. cemetery expansion onto this WRM zoned property).
2. Protection of bluffs (no building zone).
3. Public access to beach through property.
4. Entire waterfront of property is public (west of bikepath).
5. Pay attention to significant natural features, as well as cultural resources.
6. Housing --> mixed income, mixed tenure.
7. Open space of developed diocese property open to the public.
8. Neighborhood commercial uses serving local neighborhood.
9. Development of this property should enhance revitalization of Old North End (specifically, commerce along North Avenue).
10. Support alternative modes of transportation.
11. Modest amount of cemetery expansion may be allowed.

### **Site Walk**

From approximately 12:30 to 1:30pm, charrette participants took a walking tour of the Catholic Diocese property and adjacent sites including the cemetery and the beach.

### **Site Planning**

Upon return to the Wastewater Treatment Plant, the principles were reviewed and the hands on design process started, with Mark Hamlin helping participants to "visualize" the aforementioned principles.

Five different design iterations were produced of the site, with different "interest" groups taking a lead role in highlighting the facet of the design/development of the site that was of greatest import their interest.

The charrette adjourned at approximately 3:30pm. For further information, please contact Owiso Makuku in the Community & Economic Development Office at 865-7177.

## Redevelopment Of The Catholic Diocese Property

### PUBLIC MEETING MINUTES

A public meeting was held on October 3 to discuss resident opinions about the potential development of the Catholic Diocese property. After welcome and introductions, those attending were provided with information about the site including Site Characteristics, Zoning, Natural, Cultural, and Recreational Resources. About 20 people attended, mostly from Ward 3 & 7 NPA's, and mostly from the surrounding neighborhood.

#### Summary:

- More preservation of open space as you move closer to the lake
- Development concentrated near the road
- People would like a common play ground
- Most people like development on the orphanage parcel.
- Mostly residential supported
- Not much response to other uses.
- Some mention of shared parking uses.
- More open space.
- Minimum: bike path/lake; Maximum: Sliding/Woods
- None advocated any new development or full development
- The existing walking path goes thru areas they like.
- Access to lake is critical
- Wild experience – Natural
- View corridors
- Concerned about traffic

A more detailed description of the public comments follows.

#### General

- Residents of O.N.E. have access to this natural area.
- Respect uses of area but have a community of housing. Lots of green around area too. Also considers cars —keep in one area.
- Can't always consider what people/residents want. Need to consider owner of land & greater community.
- Mini-mart in that community.
- Public land, but some people only know that land in terms of a natural area (for low-income residents) develop it and it's gone.
- Are there parts more used/more important green areas?
- If build high income housing, low income may not use it anymore.
- Will end up with a compromise but, it is a bad idea for quality of life for current residents. Make it inviting to all.
- If Burlington →Essex RR, Intervale and this area will be used by that.
- North Avenue traffic from Burlington College to Sherman Street in the morning.
- If developed, more traffic.
- Question idea of dense development here will stop sprawl. This won't change that. Open field is rare!
- Like mixed residential and open space.
- Question: Other green space around?  
Answer: No.

### Redevelopment Of The Catholic Diocese Property

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- Beach, Rockpoint, Waterfront. Include assisted living site – less traffic. Also, affordable, elderly, etc.
- Discussion of this land not around being selfish for land. Need to do what cities do. Context of larger city.
- Density in parcel #1. Clustered Parcels #2 and #3: Conservation land.
- Playground- neighborhood, family friendly.
- Community garden.
- Playground •Rockpoint is not open to public, not a neighborhood resource
- Space open to all, not just private yards
- What about an Open Space Plan? Doesn't say every open area should be kept that. Tries to find a balance, no firm lines.
- This area is zoned residential. Open Space Plan doesn't say anything about this land.
- Parks Dept., CEDO and others are trying to work together.
- Housing with low car traffic good.
- Liability issues for owner. Some protection issues for owners re: inappropriate use by owner or users.
- Trinity and this land are being looked at for "building up".
- Public transportation to that area.
- Keep in mind rights of property owners.
- A community center.
- Parking away from buildings.
- Co-housing model involves self-governance, can decide on car issues.
- Remember McCauley Square. Issues of housing and open space were not firm before-hand and posed problems.
- Respect church owns. Neighbors pay property taxes. Church doesn't. Remember: We already live densely and it's an important resource.
- Public transportation can't be relied on to lessen traffic. Remember traffic ↑
- "City" assesses all of these impacts beforehand, including traffic.
- Developer considers that too for property value.
- Relevant City departments review #s and assessment.
- North Avenue bus is most used bus.
- Like the trail, but need housing too. These need to be the priorities and keep access.
- Not just pedestrian access, bikes too.
- Re: traffic —crosswalks (need much improvement.) People aren't stopping for pedestrians. Stop lights? Other ideas?
- No specific project, only some opportunities.
- Tell Conservation Board, we want open space.
- Including community resources there will keep the public using it.
- If you provide services, traffic will increase.
- Design will hopefully have a 'village-like' archetype.
- Parking will include am and pm for workers.
- Assessment of property.
- No plan for redevelopment from City, no ownership.
- Goal: share info and opinions tonight.
- Question: Timeline?

### Redevelopment Of The Catholic Diocese Property

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Answer: Not fixed, at this point. Catholic Diocese owns property.

- Pomerleau and Gilbane- still researching zoning, etc. Hopefully by December
- See map for site being discussed
- Parcel #1: 4½ acres
- Parcel #2: 10 acres
- Parcel #3: 7+ acres
- Other site conditions: (physical) RR tracks to Winooski, Cemetery by BHS, Steep slopes
- Public transportation on North Avenue will be considered
- Inclusionary zoning – way of getting affordable housing in area
- Affordable units need to be on site at Waterfront → mixed income
- 721 is maximum units
- Asphalt and other developing can cover 72%.
- Rental - 65% of median income
- Ownership – 75% of median income
- These are affordable housing costs.

#### Natural Resources

- Most of property is open except mixed forest bordering water.
- Trail from North Avenue to bike path, used often by residents.
- State ecologists → found invasive species, far western corner has most natural species. Wildlife cross road to Intervale: pheasants, deer, fox, etc.

#### St. Joseph's Orphanage

- Out of operation in '80s.
- Now home to Catholic Diocese.
- The property extends to the shoreline, with exception of bike path.
- Question: How long is lease with Howard Center of second building?  
Answer: Don't know.
- Question: Three separate parcels → three separate deeds?  
Answer: They can be split.
- Question: Possible for private beach at that property?  
Answer: Theoretically yes, but has been used publicly for years. (Michael Monte)
- New North End uses area often.
- Water, sewer services, etc. traffic.
- Depends on type of housing.
- Sewage from that area gets pumped to wastewater treatment plant
- Question: Archeological research?  
Answer: Not now, no assessment because area has been disturbed by railroad on shoreline, findings will be disturbed

#### Issues and Opportunities

- Educational and financial opportunities for archeological research. (UVM, tourist, etc.)
- 40,000 square feet being used, orphanage is not being used.
- Trying to understand what the Catholic Diocese's needs are before decisions are made.

### **Redevelopment Of The Catholic Diocese Property**

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- Conservation meeting last year, no conversation with them regarding money.
- Would like to see wildlife areas on edge of property preserved.
- Fence around area may be damaged, so wildlife can pass through
- Uses be clustered to maximize open space. Develop by road
- Preserve land by Water, but remain accessible
- Think about Burlington in regards to preservation of Vermont. Develop urban areas densely for housing to save green space elsewhere.
- Need to take care of housing but this natural area is enjoyable to residents. If people are living there they may invest in and respect the land.

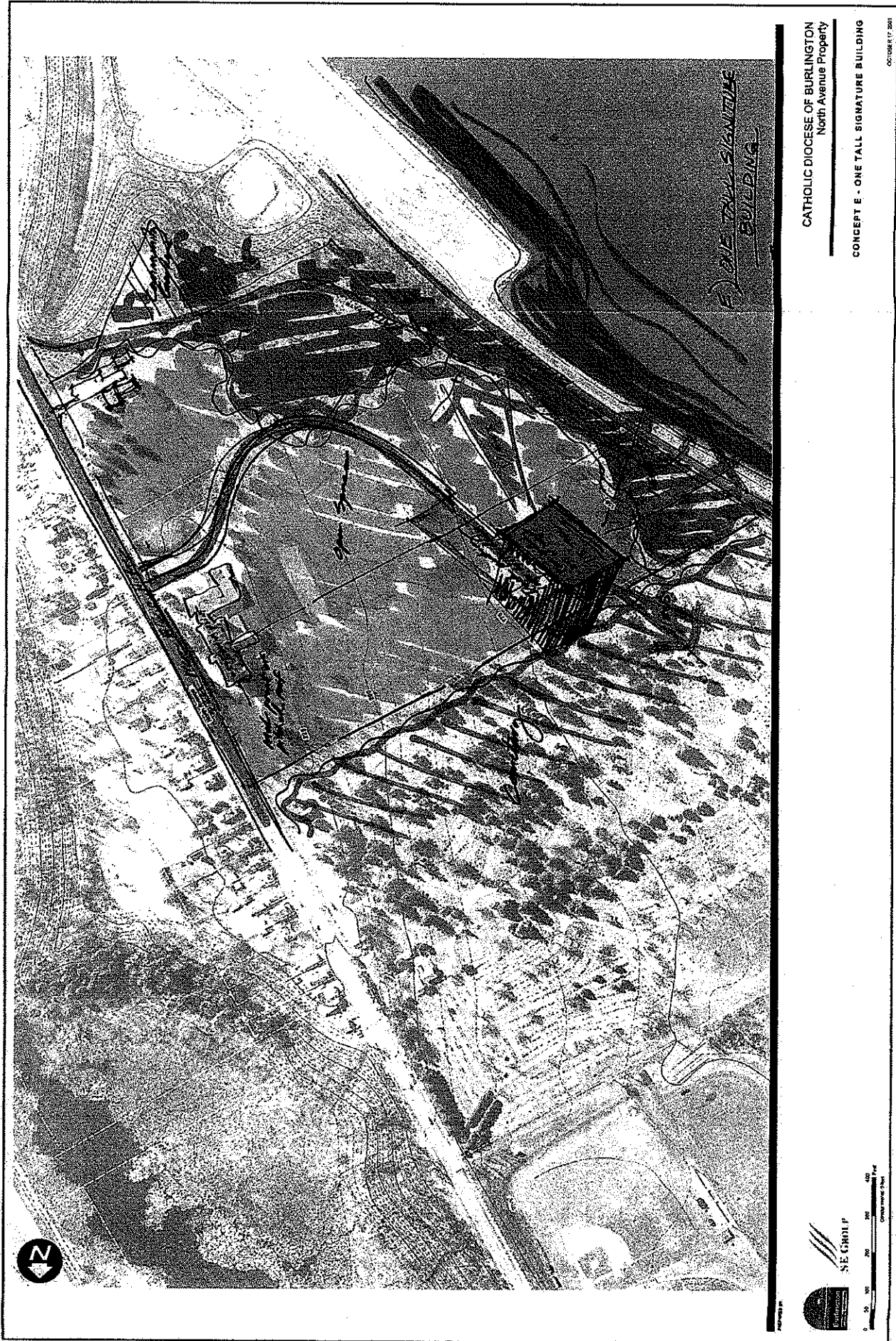


**Redevelopment Of The Catholic Diocese Property**

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**CONCEPT DRAWINGS**

Attached

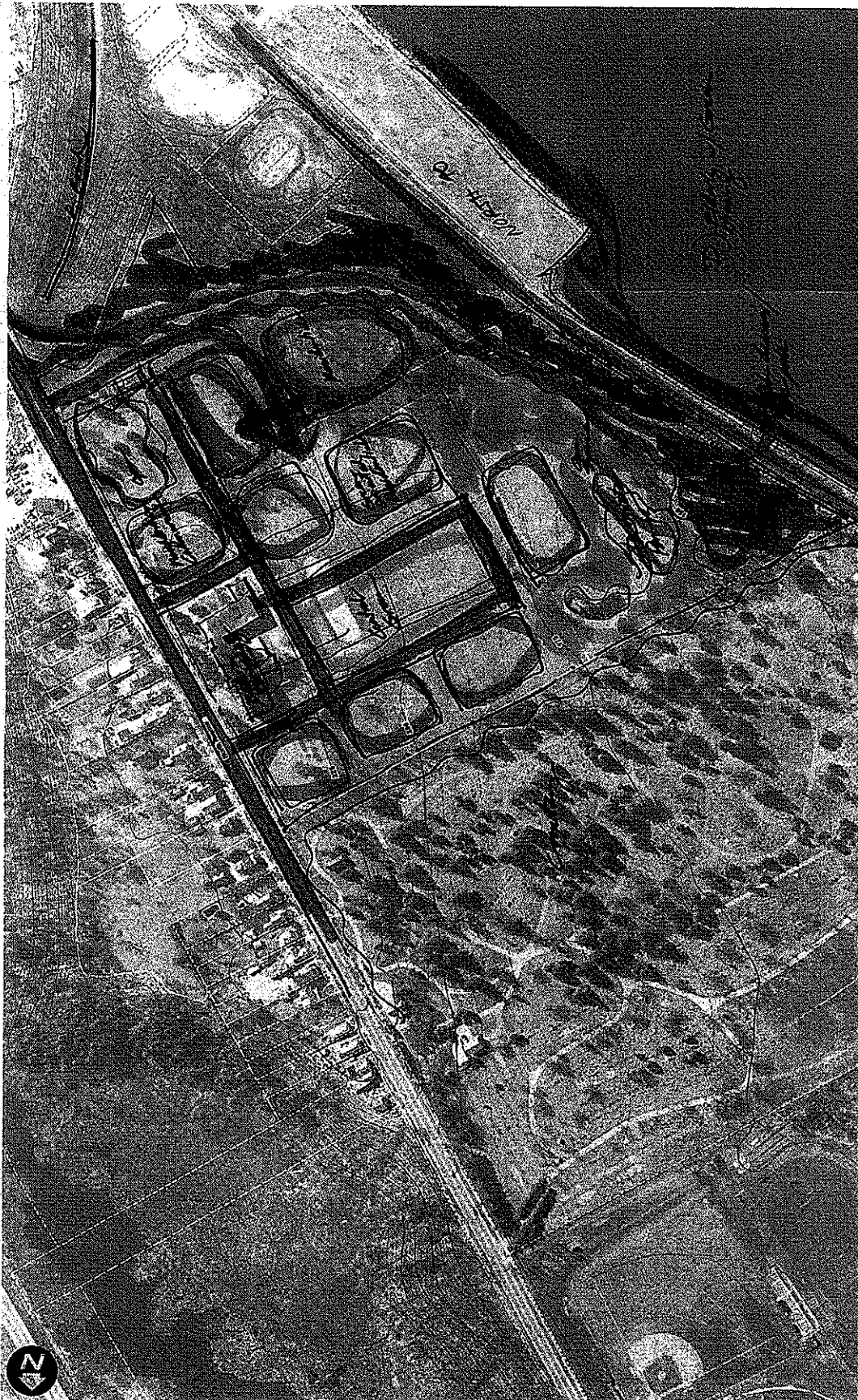


CATHOLIC DIOCESE OF BURLINGTON  
North Avenue Property

CONCEPT E - ONE TALL SIGNATURE BUILDING

OCTOBER 17, 2003



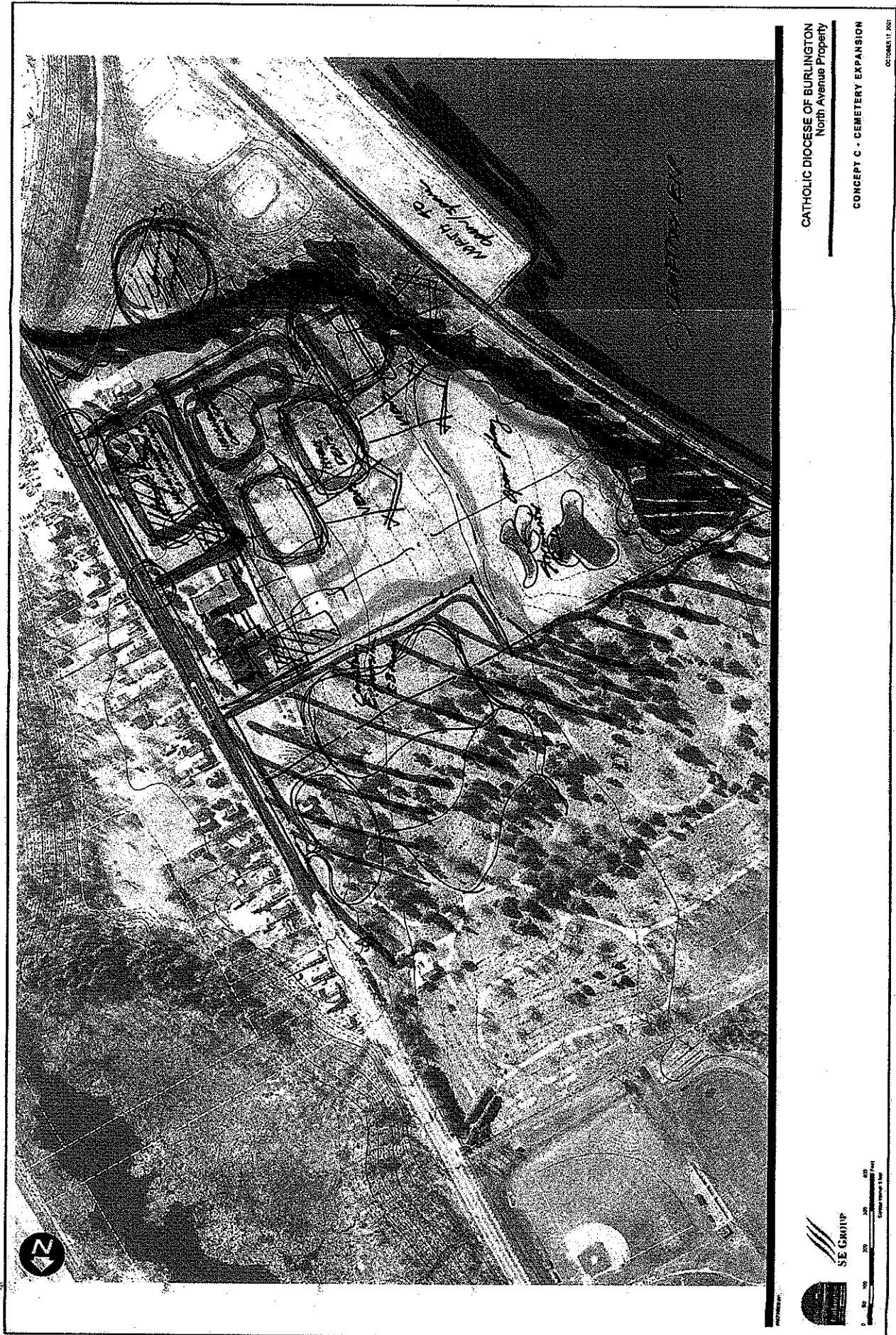


CATHOLIC DIOCESE OF BURLINGTON  
North Avenue Property

CONCEPT 0 - ELDERLY WITH GREEN HOUSING

OCTOBER 11, 2011



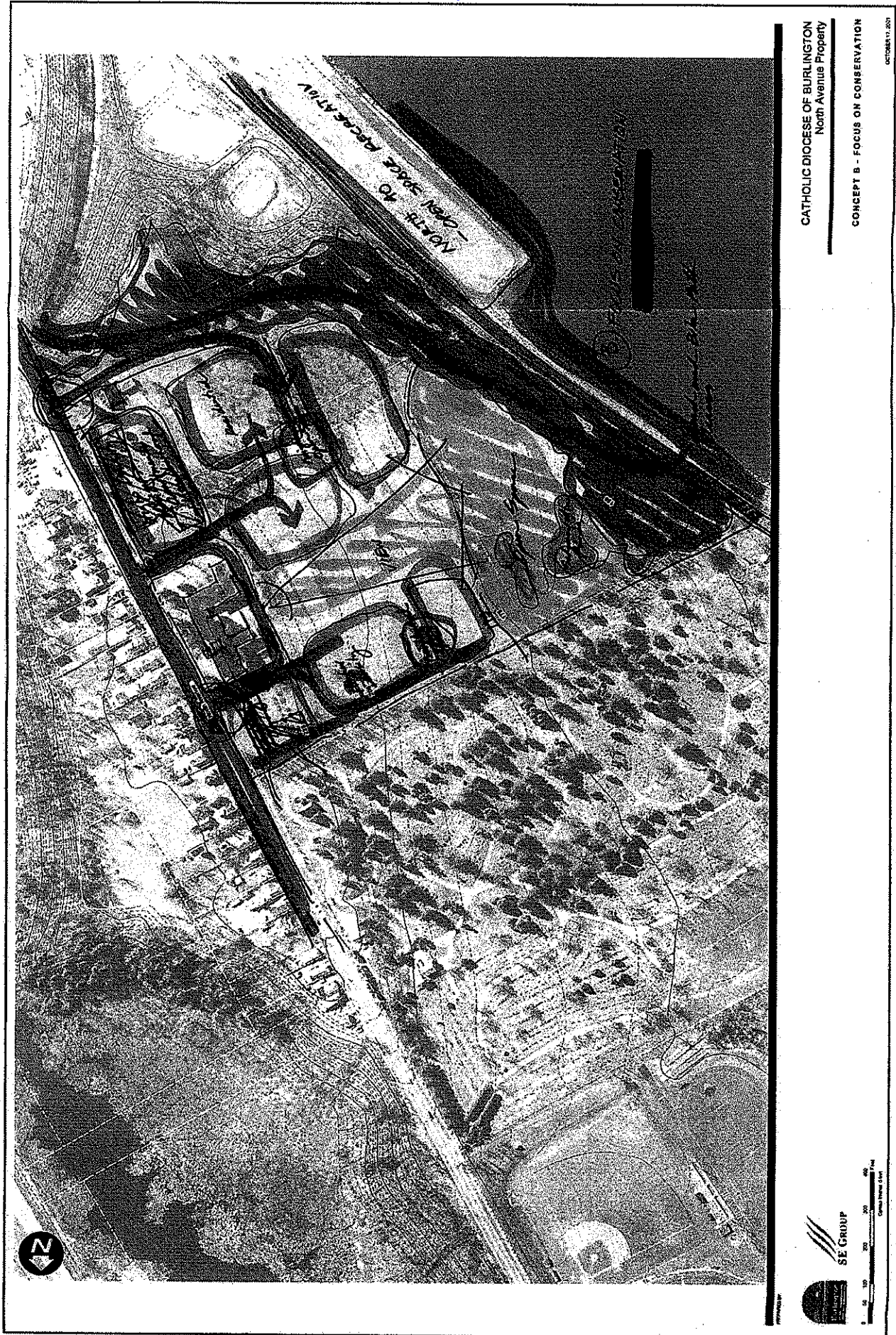


CATHOLIC DIOCESE OF BURLINGTON  
North Avenue Property

CONCEPT C - CEMETERY EXPANSION

OCTOBER 17, 2007



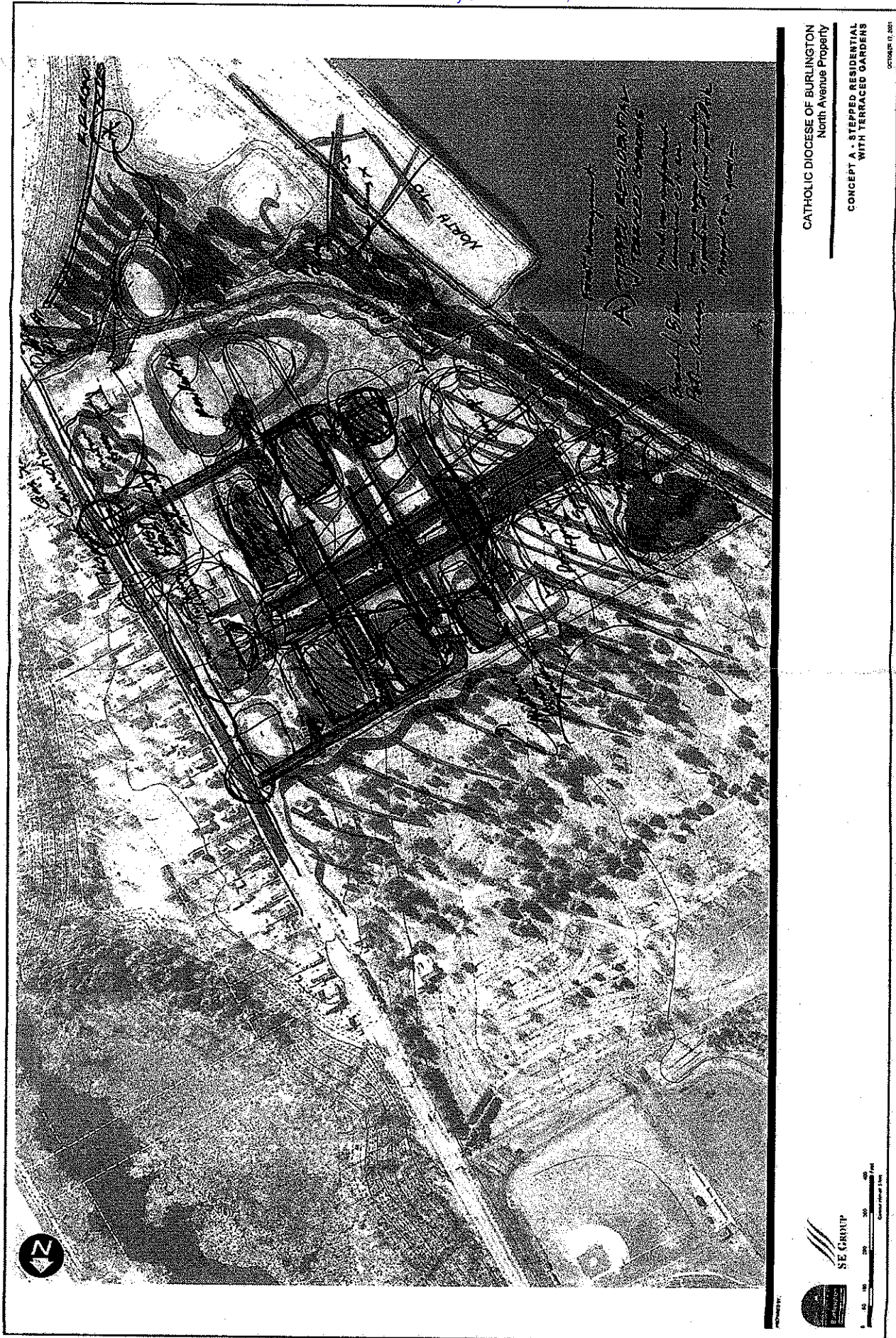


CATHOLIC DIOCESE OF BURLINGTON  
North Avenue Property

CONCEPT B - FOCUS ON CONSERVATION

OCTOBER 17, 2017





CATHOLIC DIOCESE OF BURLINGTON  
 North Avenue Property

CONCEPT A - STEPPED RESIDENTIAL  
 WITH TERRACED GARDENS

OCTOBER 10, 2011



**From:** Sanders, Jane [jsanders@burlington.edu]

**Sent:** Friday, May 21, 2010 3:30 PM

**To:** Bob Kiss

**Subject:** Re: Redevelopment of the Catholic Diocese Property: Report to the Mayor 2001

Thanks Bob. I appreciated your providing this, but didn't expect it so quickly! Have a great weekend. jane On Fri, May 21, 2010 at 4:24 PM, Bob Kiss <BKiss@ci.burlington.vt.us> wrote: > Jane, Here's the report I mentioned. Page 2 of the report outlines the > interests of the City (then and, pretty fairly, now). > > > > Best regards, > > > > Bob Kiss, Mayor > > City of Burlington > > 149 Church Street > > Burlington, VT 05401 > > > > 802-865-7272 > > -- Jane O'Meara Sanders President Burlington College (802) 846-3041; 3069 jsanders@burlington.edu

**From:** Bob Kiss [BKiss@ci.burlington.vt.us]  
**Sent:** Tuesday, May 25, 2010 3:12 PM  
**To:** 'Sanders, Jane'  
**CC:** Joe Reinert  
**Subject:** RE: Burlington College to Buy Diocese Property

Hello Jane, Congratulations again. I'll gather people on the cityside to summarize city interests related to the Diocese/to be College Property this week or early next week. I hope we can meet sometime soon to talk about what are likely to be shared and common interests in your plans to move forward. Once I've met with people here I'll call. Best regards, Bob Kiss, Mayor City of Burlington 149 Church Street Burlington, VT 05401 802-865-7272 -----Original Message-----  
From: Sanders, Jane [mailto:jsanders@burlington.edu] Sent: Monday, May 24, 2010 4:03 PM  
Subject: Fwd: Burlington College to Buy Diocese Property Thought you might like to know!  
Please note that there are two pages to this release. -- Jane O'Meara Sanders President Burlington College (802) 846-3041; 3069 jsanders@burlington.edu -- Jane O'Meara Sanders President Burlington College (802) 846-3041; 3069 jsanders@burlington.edu



**From:** Sanders, Jane [jsanders@burlington.edu]  
**Sent:** Wednesday, May 26, 2010 10:57 AM  
**To:** Bob Kiss  
**Subject:** Re: Burlington College to Buy Diocese Property

Thanks Bob. FYI, I did have a meeting with David White this morning to determine the process and expected time-line to secure a conditional use permit. I also let him know that our current property could potentially be up for sale - perhaps housing, parking garage, restaurant, bank, doctor's offices, etc. for the Old North End? Looking forward to talking with you, Jane On Tue, May 25, 2010 at 4:12 PM, Bob Kiss <BKiss@ci.burlington.vt.us> wrote: > Hello Jane, Congratulations again. > > I'll gather people on the cityside to summarize city interests related to the Diocese/to be College Property this week or early next week. > > I hope we can meet sometime soon to talk about what are likely to be shared and common interests in your plans to move forward. > > Once I've met with people here I'll call. > > Best regards, > > Bob Kiss, Mayor > City of Burlington > 149 Church Street > Burlington, VT 05401 > > 802-865-7272 > -----Original Message----- > From: Sanders, Jane [mailto:jsanders@burlington.edu] > Sent: Monday, May 24, 2010 4:03 PM > Subject: Fwd: Burlington College to Buy Diocese Property > > Thought you might like to know! > > Please note that there are two pages to this release. > > -- > Jane O'Meara Sanders > President > Burlington College > (802) 846-3041; 3069 > jsanders@burlington.edu > > > -- > Jane O'Meara Sanders > President > Burlington College > (802) 846-3041; 3069 > jsanders@burlington.edu > -- Jane O'Meara Sanders President Burlington College (802) 846-3041; 3069 jsanders@burlington.edu

**From:** Sanders, Jane [jsanders@burlington.edu]

**Sent:** Friday, September 03, 2010 11:29 AM

**To:** Bob Kiss; Mayor's Office

**Subject:** Order of Good Cheer

Count me in! -- Jane O'Meara Sanders President Burlington College (802) 846-3041; 3069  
jsanders@burlington.edu

**From:** Joe Reinert [JReinert@ci.burlington.vt.us]  
**Sent:** Thursday, September 09, 2010 3:26 PM  
**To:** 'jsanders@burlington.edu'  
**Subject:** meeting

Hi Jane,

Would a meeting Monday the 13th at 3 pm regarding the Diocese property work on your end? If not glad to look at additional dates and times next week. Many thanks.

Best regards,

Joe Reinert  
Assistant to the Mayor  
Room 34, City Hall  
Burlington, VT 05401  
(802) 865-7275  
[jreinert@ci.burlington.vt.us](mailto:jreinert@ci.burlington.vt.us)

Office of Mayor Bob Kiss  
<http://www.ci.burlington.vt.us/mayor/>

**From:** Sanders, Jane [jsanders@burlington.edu]  
**Sent:** Thursday, September 09, 2010 4:31 PM  
**To:** Joe Reinert  
**Subject:** Re: meeting

That would be fine. Where would you like to meet? Jane On Thu, Sep 9, 2010 at 4:26 PM, Joe Reinert <JReinert@ci.burlington.vt.us> wrote: > Hi Jane, > > > Would a meeting Monday the 13th at 3 pm regarding the Diocese property work > on your end? If not glad to look at additional dates and times next week. > Many thanks. > > > Best regards, > > > Joe Reinert > Assistant to the Mayor > Room 34, City Hall > Burlington, VT 05401 > (802) 865-7275 > jreinert@ci.burlington.vt.us > > > Office of Mayor Bob Kiss > > <http://www.ci.burlington.vt.us/mayor/> > > -- Jane O'Meara Sanders President Burlington College (802) 846-3041; 3069 jsanders@burlington.edu

**From:** Joe Reinert [JReinert@ci.burlington.vt.us]  
**Sent:** Thursday, September 09, 2010 4:40 PM  
**To:** 'Sanders, Jane'  
**Subject:** RE: meeting

How about here at the Mayor's Office? Best regards, Joe Reinert Assistant to the Mayor Room 34, City Hall Burlington, VT 05401 (802) 865-7275 jreinert@ci.burlington.vt.us Office of Mayor Bob Kiss <http://www.ci.burlington.vt.us/mayor/> -----Original Message----- From: Sanders, Jane [mailto:jsanders@burlington.edu] Sent: Thursday, September 09, 2010 5:31 PM To: Joe Reinert Subject: Re: meeting That would be fine. Where would you like to meet? Jane On Thu, Sep 9, 2010 at 4:26 PM, Joe Reinert <JReinert@ci.burlington.vt.us> wrote: > Hi Jane, > > > > Would a meeting Monday the 13th at 3 pm regarding the Diocese property work > on your end? If not glad to look at additional dates and times next week. > Many thanks. > > > > Best regards, > > > > Joe Reinert > Assistant to the Mayor > Room 34, City Hall > Burlington, VT 05401 > (802) 865-7275 > jreinert@ci.burlington.vt.us > > > > Office of Mayor Bob Kiss > > <http://www.ci.burlington.vt.us/mayor/> > > -- Jane O'Meara Sanders President Burlington College (802) 846-3041; 3069 jsanders@burlington.edu

**From:** Sanders, Jane [jsanders@burlington.edu]  
**Sent:** Thursday, September 09, 2010 6:05 PM  
**To:** Joe Reinert  
**Subject:** Re: meeting

See you then. On Thu, Sep 9, 2010 at 5:39 PM, Joe Reinert <JReinert@ci.burlington.vt.us> wrote: > How about here at the Mayor's Office? > > Best regards, > > Joe Reinert > Assistant to the Mayor > Room 34, City Hall > Burlington, VT 05401 > (802) 865-7275 > jreinert@ci.burlington.vt.us > > Office of Mayor Bob Kiss > <http://www.ci.burlington.vt.us/mayor/> > > -----Original Message----- > From: Sanders, Jane [mailto:jsanders@burlington.edu] > Sent: Thursday, September 09, 2010 5:31 PM > To: Joe Reinert > Subject: Re: meeting > > That would be fine. Where would you like to meet? > Jane > > On Thu, Sep 9, 2010 at 4:26 PM, Joe Reinert > <JReinert@ci.burlington.vt.us> wrote: >> Hi Jane, >> >> >> >> Would a meeting Monday the 13th at 3 pm regarding the Diocese property work >> on your end? If not glad to look at additional dates and times next week. >> Many thanks. >> >> >> >> Best regards, >> >> >> >> Joe Reinert >> Assistant to the Mayor >> Room 34, City Hall >> Burlington, VT 05401 >> (802) 865-7275 >> jreinert@ci.burlington.vt.us >> >> >> >> Office of Mayor Bob Kiss >> >> <http://www.ci.burlington.vt.us/mayor/> >> >> >> >> -- > Jane O'Meara Sanders > President > Burlington College > (802) 846-3041; 3069 > jsanders@burlington.edu > -- Jane O'Meara Sanders President Burlington College (802) 846-3041; 3069 jsanders@burlington.edu

**From:** Sanders, Jane [jsanders@burlington.edu]  
**Sent:** Thursday, September 09, 2010 6:06 PM  
**To:** Joe Reinert  
**Subject:** Re: meeting

Who else will be there Joe? Is there anything you would like us to bring? See you on Monday.  
thanks, Jane  
On Thu, Sep 9, 2010 at 5:39 PM, Joe Reinert <JReinert@ci.burlington.vt.us> wrote:  
> How about here at the Mayor's Office? > > Best regards, > > Joe Reinert > Assistant to the  
Mayor > Room 34, City Hall > Burlington, VT 05401 > (802) 865-7275 >  
jreinert@ci.burlington.vt.us > > Office of Mayor Bob Kiss > <http://www.ci.burlington.vt.us/mayor/> >  
> -----Original Message----- > From: Sanders, Jane [mailto:jsanders@burlington.edu] > Sent:  
Thursday, September 09, 2010 5:31 PM > To: Joe Reinert > Subject: Re: meeting > > That would  
be fine. Where would you like to meet? > Jane > > On Thu, Sep 9, 2010 at 4:26 PM, Joe Reinert  
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>> Assistant to the Mayor >> Room 34, City Hall >> Burlington, VT 05401 >> (802) 865-7275 >>  
jreinert@ci.burlington.vt.us >> >> >> >> Office of Mayor Bob Kiss >> >>  
<http://www.ci.burlington.vt.us/mayor/> >> >> >> >> -- > Jane O'Meara Sanders > President >  
Burlington College > (802) 846-3041; 3069 > jsanders@burlington.edu > -- Jane O'Meara  
Sanders President Burlington College (802) 846-3041; 3069 jsanders@burlington.edu

**From:** Joe Reinert [JReinert@ci.burlington.vt.us]

**Sent:** Friday, September 10, 2010 9:19 AM

**To:** 'Sanders, Jane'

**Subject:** RE: meeting

Hi Jane, thanks for asking, I can't think of anything to bring. We plan to have David White (Planning Director), Mari Steinbach (Parks Director), Brian Pine (CEDO's Housing Director), Lisa Coven, who heads the City's Conservation Legacy Program, and Matt Moore, from the Conservation Board. Bob said that you would be there with Christine Plunkett - would anyone else from Burlington College attend? Our intent for the meeting was to have a discussion about the City's interests related to the property and potentially explore ways to work together - is that in line with your sense of the meeting? Thanks -Joe Best regards, Joe Reinert Assistant to the Mayor Room 34, City Hall Burlington, VT 05401 (802) 865-7275 jreinert@ci.burlington.vt.us Office of Mayor Bob Kiss <http://www.ci.burlington.vt.us/mayor/> -----Original Message----- From: Sanders, Jane [mailto:jsanders@burlington.edu] Sent: Thursday, September 09, 2010 7:06 PM To: Joe Reinert Subject: Re: meeting Who else will be there Joe? Is there anything you would like us to bring? See you on Monday. thanks, Jane On Thu, Sep 9, 2010 at 5:39 PM, Joe Reinert <JReinert@ci.burlington.vt.us> wrote: > How about here at the Mayor's Office? > > Best regards, > > Joe Reinert > Assistant to the Mayor > Room 34, City Hall > Burlington, VT 05401 > (802) 865-7275 > jreinert@ci.burlington.vt.us > > Office of Mayor Bob Kiss > <http://www.ci.burlington.vt.us/mayor/> > > -----Original Message----- > From: Sanders, Jane [mailto:jsanders@burlington.edu] > Sent: Thursday, September 09, 2010 5:31 PM > To: Joe Reinert > Subject: Re: meeting > > That would be fine. Where would you like to meet? > Jane > > On Thu, Sep 9, 2010 at 4:26 PM, Joe Reinert > <JReinert@ci.burlington.vt.us> wrote: >> Hi Jane, >> >> >> >> Would a meeting Monday the 13th at 3 pm regarding the Diocese property work >> on your end? If not glad to look at additional dates and times next week. >> Many thanks. >> >> >> >> Best regards, >> >> >> >> Joe Reinert >> Assistant to the Mayor >> Room 34, City Hall >> Burlington, VT 05401 >> (802) 865-7275 >> jreinert@ci.burlington.vt.us >> >> >> >> Office of Mayor Bob Kiss >> >> <http://www.ci.burlington.vt.us/mayor/> >> >> >> >> -- > Jane O'Meara Sanders > President > Burlington College > (802) 846-3041; 3069 > jsanders@burlington.edu > - - Jane O'Meara Sanders President Burlington College (802) 846-3041; 3069 jsanders@burlington.edu



**From:** Joe Reinert [JReinert@ci.burlington.vt.us]  
**Sent:** Tuesday, September 14, 2010 8:51 AM  
**To:** 'Sanders, Jane'  
**Subject:** thank you

Hi Jane,

Thanks again to you and Christine for taking the time to meet yesterday and your support and interest in discussing these issues. As we talked about we'll follow up with more specifics about the conservation aspects of the property. Will you or someone with the college let us know about the community garden site or should we follow up with you after Friday? If there's a need for anyone with Burlington College to be in touch with Lisa Coven about issues related to the garden, she can be reached at [lcoven@ci.burlington.vt.us](mailto:lcoven@ci.burlington.vt.us) or 863-0420. Please let us know if you have questions or need more information.

Best regards,

Joe Reinert  
Assistant to the Mayor  
Room 34, City Hall  
Burlington, VT 05401  
(802) 865-7275  
[jreinert@ci.burlington.vt.us](mailto:jreinert@ci.burlington.vt.us)

Office of Mayor Bob Kiss  
<http://www.ci.burlington.vt.us/mayor/>

**From:** Joe Reinert [JReinert@ci.burlington.vt.us]  
**Sent:** Tuesday, October 26, 2010 12:46 PM  
**To:** 'Sanders, Jane'  
**Subject:** 10/28/10 DRB deliberative  
**Attachments:** 2010 10.28.10 - DRB Del Memo-Agenda.doc

Hi Jane – it is this Thursday (agenda attached). Apparently, they normally meet Tuesday but because of schedules this week, it ended up being Thursday.

Best regards,

Joe Reinert  
Assistant to the Mayor  
Room 34, City Hall  
Burlington, VT 05401  
(802) 865-7275  
[jreinert@ci.burlington.vt.us](mailto:jreinert@ci.burlington.vt.us)

Office of Mayor Bob Kiss  
<http://www.ci.burlington.vt.us/mayor/>

## Burlington Development Review Board

149 Church Street, City Hall  
Burlington, VT 05401  
<http://www.ci.burlington.vt.us/planning/>  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)  
(802) 865-7142 (TTY)

Austin Hart, Chair  
Michael Long  
Jonathan Stevens  
Brad Rabinowitz  
Bob Schwartz  
Kevin Stapleton  
Jim Drummond  
Paul Henninge (Alt.)  
Andy Strauss (Alt.)



### MEMORANDUM

TO: Development Review Board  
FROM: Scott Gustin  
DATE: October 20, 2010  
RE: Deliberative session at **4:00 PM, Thursday, October 28, 2010**  
LOCATION: Planning & Zoning Conference Room  
Burlington City Hall, 1<sup>st</sup> Floor  
149 Church Street  
Burlington, VT

---

#### The following items are proposed to be considered:

1. **11-0086CA/CU; 323-325 College Street (RH, Ward 2) 323-325 College Street, LLC**  
Construction of a four story addition, adding 4 residential units, for a total of 9 units on the property (*continued deliberation*)
2. **11-0189CA/MA; 693 Riverside Avenue (RM, Ward 2) Burlington Housing Authority**  
Construct new 8 unit apartment building to be attached to existing building
3. **11-0280CU, 11-0281CU and 11-0282CU; 311, 329 and 351 North Avenue (RM-W, Ward 7) Burlington College**  
Change use from group home, vacant lot and offices to college

*Board members please call our office if you will not be able to attend. Thank you.*

*Note: No additional testimony will be taken from interested parties during this meeting.*

The programs and services of the Department of Planning and Zoning are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Department at least 72 hours in advance so that proper accommodations can be arranged. For accessibility information call 865-7188 (865-7142 TTY).

**From:** Joe Reinert [JReinert@ci.burlington.vt.us]  
**Sent:** Tuesday, October 26, 2010 12:51 PM  
**To:** 'Sanders, Jane'  
**Subject:** letter  
**Attachments:** doc00231120101026134702.pdf

Jane, in the course of our conversation I forgot to mention that Bob sent out the attached letter to you on Monday. It is a follow up to the meeting we had in September. Thanks, Joe Reinert  
Assistant to the Mayor Room 34, City Hall Burlington, VT 05401 (802) 865-7275  
jreinert@ci.burlington.vt.us Office of Mayor Bob Kiss <http://www.ci.burlington.vt.us/mayor/>

Office of  
the Mayor  
Burlington,  
Vermont



**Bob Kiss**  
**Mayor**  
Room 34, City Hall  
Burlington, VT 05401  
Tel: (802) 865-7272  
Fax: (802) 865-7270  
TDD: (802) 865-7142

October 25, 2010

Jane Sanders, President  
Burlington College  
95 North Ave  
Burlington, VT 05401-2998

Dear Jane:

Thank you for meeting with City staff to discuss the City's interests in the Diocese property. As you know, the City's primary short-term interest related to the property is the community garden plot located behind the Howard Center group home. Gardeners renting these plots have begun sending the Parks and Recreation Department deposits for the upcoming year. As was discussed at the meeting last month, can you confirm that the community gardening site will be available to gardeners for the upcoming season?

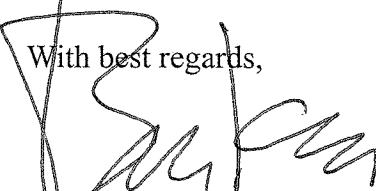
The City remains interested in exploring ways we can work together on conservation interests related to the property. In order to move forward and provide Burlington College with more specificity about this issue, it would be helpful to have the following information:

1. The appraisal of the property related to the purchase and sale agreement;
2. An existing survey of the property; and
3. Permission to go on site to fully evaluate the conservation aspects of the property and the viability of relocating the walking trail which leads to the bike path.

The City would hope to work with the Vermont Youth Conservation Corp to evaluate the site and would need access on-site for one full day, sometime this fall.

Please let me know if it is possible to have access to this information, as well as permission to enter the property for the above purposes. Feel free to contact me or Joe Reinert at 865-7275 or [jreinert@ci.burlington.vt.us](mailto:jreinert@ci.burlington.vt.us) if you have questions. I look forward to working together on these issues.

With best regards,

  
Bob Kiss, Mayor

**From:** Sanders, Jane [jsanders@burlington.edu]

**Sent:** Tuesday, October 26, 2010 1:00 PM

**To:** Joe Reinert

**Subject:** Re: 10/28/10 DRB deliberative

Thanks Joe. On Tue, Oct 26, 2010 at 1:46 PM, Joe Reinert <JReinert@ci.burlington.vt.us> wrote:  
> Hi Jane – it is this Thursday (agenda attached). Apparently, they normally > meet Tuesday but  
> because of schedules this week, it ended up being Thursday. > > > Best regards, > > > Joe  
> Reinert > Assistant to the Mayor > Room 34, City Hall > Burlington, VT 05401 > (802) 865-7275 >  
> jreinert@ci.burlington.vt.us > > > Office of Mayor Bob Kiss > >  
> <http://www.ci.burlington.vt.us/mayor/> > > -- Jane O'Meara Sanders President Burlington College  
> (802) 846-3041; 3069 jsanders@burlington.edu

**From:** Sanders, Jane [jsanders@burlington.edu]  
**Sent:** Friday, January 28, 2011 11:48 AM  
**To:** Bob Kiss; Martin Hoak; Larry Assell  
**Subject:** Fwd: Response to HowardCenter letters  
**Attachments:** HowardCenter 1.27.11.doc

----- Forwarded message -----

**From:** Sanders, Jane <[jsanders@burlington.edu](mailto:jsanders@burlington.edu)>  
**Date:** Thu, Jan 27, 2011 at 8:09 PM  
**Subject:** Response to your letters  
**To:** Todd Centybear <[ToddC@howardcenter.org](mailto:ToddC@howardcenter.org)>

Hi Todd,

We need to resolve this. Give me a call if you have time. New number below or cell 578-8718.

Jane

--

Jane O'Meara Sanders  
President  
Burlington College  
(802) 923-2311; 923-2369  
[jsanders@burlington.edu](mailto:jsanders@burlington.edu)

--

Jane O'Meara Sanders  
President  
Burlington College  
(802) 846-3041; 3069  
[jsanders@burlington.edu](mailto:jsanders@burlington.edu)



January 27, 2011

Good afternoon Todd:

I appreciate your agreeing to meet with me and also taking on the task of writing down the gist of our two-hour discussion. I hoped and expected that it would lead to a clearer understanding on both sides of the obligations of our individual institutions and to some progress in overcoming the obstacles we face in our current situation. I believed that we agreed that we should work together toward a solution that befits two organizations with community missions.

Regrettably, I am in receipt of two letters from you. The first, which you gave to me at the end of what I thought was a productive one-on-one meeting, is again quite different in tone and intention than our discussion. Let me ask a few questions about that letter first.

I'm not sure what you mean by "unless other mutually satisfactory arrangements are made" in the first paragraph. Last week, you told me for the first time that you have repeatedly expressed interest in purchasing the property. When I followed up, the letter I received from the Diocese only requested that the property be donated to Howard and specifically stated that you could not afford to purchase it. As I have indicated to you from the start, the 32-acre property was offered for sale in its entirety and we have neither the option nor intention of breaking off any portion of it. Has the mistaken impression that Howard could purchase or stay on the property indefinitely hindered your search for an alternative?

More confusing is your assertion that my asking how many individuals living on the property have physical – in addition to mental health – disabilities, the level of care required, and the length of residency there "get uncomfortably close to an invasion of client privacy." I asked for quantitative, not identifying, information for the following reasons: 1) to become more effective in assisting you to find housing, as you have only identified one acceptable place in the last eight months; 2) to understand Mr. Bick's comments regarding the "totally unacceptable" nature of the two properties we offered on North Avenue; 3) to ascertain the number in your population who require a handicapped accessible residence, as Mr. Bick noted that was a problem, even though the current residence is not accessible, and; 4) to more clearly understand the relative importance of keeping a particular number of people together in one site, rather than moving to two residences.

Lastly, in regard to the lease, both the Diocese and the College are of the opinion that the lease has been terminated. I have consistently let you know that I have been willing to work with Howard to ease the transition by extending your stay beyond the November end date, given an active search for alternatives. I am concerned, as I stated in my original letter, that there has been little progress, with the Diocese offering the only site considered appropriate by Howard. I was pleased to learn that you have identified another location; I hope you continue to look for alternatives as well.

Now, to move to our one-on-one two-hour discussion this morning; your letter covers a large portion of what we discussed, but understandably, does it from your perspective. Let me offer ours as well.



First, we cannot have (and in our view, do not have) a lease on the property. That is the starting point for us and we need you to clearly state that in a letter to move forward.

Second, we should not be expected to carry the expenses of the property that you are currently occupying. Our costs are considerably higher than the Diocesan costs, as they owned the property without debt or taxes. And, as you know, the fact that we cannot use the building to house students as planned has resulted in less income, additional expenses for alternative housing, and a loss of students. I understand that the rent you can afford is dependent upon reimbursement rates from the state and I was very surprised when you told me the state only provides \$3,000 per month for the sixteen residents in your care there; that seems inordinately low. Your commitment to pay \$6,000 a month and to request a more reasonable amount of \$10,000 a month from the state is appreciated, but it is important to note that it does not begin to cover our expenses and lost revenue for being unable to use the property. As you state in your letter, we also agreed to work together to request that the City of Burlington not require property taxes during the time your clients live on the premises as Howard is exempt from property taxes. So this is a bit of progress.

Third, we are very concerned about the condition of the building, in particular the interior health and safety issues we discussed. As you mentioned, Howard took the responsibility to maintain the property in the lease you had with the Diocese. With the lease now invalid, I could not ask you to make the obviously very necessary repairs, but as the current owner, I must ensure the property is safe for the expected use. To that end, I would appreciate written confirmation that 1) you will not use the rooms with insufficient egress as bedrooms and 2) that the health and safety of others in the facility are not and will not be endangered by the actions of any of the residents. The agreement to enable improvements to the property while it is occupied (with the exception of the residents that would cause the damage again) so you have additional time to find a place is another positive step.

It is Howard's "bottom line" of an additional year (or 20 months altogether) to relocate your clients, despite the fact that the College needs housing for the fall semester that leaves us in a quandary.

Let us re-visit how things have unfolded. In May, we understood that your lease ended in November and that the property would be vacant in December when our purchase was finalized. When Howard said they could not move that quickly, the College offered flexibility and an extension of a few months, asking for nothing but a plan of action in return, despite the fact that we needed to find and rent alternative housing for our students. In November, the Diocese found a site that looked promising, but that has since fallen through. This month, when it became clear that Howard had still not identified any other options, we offered to check with bond counsel to determine whether the end of May would be all right, but that timeframe was unacceptable to you. In the search for a solution we could both agree to yesterday, and with the understanding that you will pay the higher rent and allow us to work on the facility in the summer, I offered to inquire whether the end of July (or fourteen months from original notice and seven months after we purchased the property) would be satisfactory to counsel. I must tell you that the College's facilities and student services staff are worried about the short timeframe, however, we are willing to go this far to support the disabled population you serve. Yet, once again, you are rejecting a conciliatory offer.

Todd, this is as far as we are willing to go. To be quite honest, we are disappointed that Howard does not seem to think that finding housing for their clients is their responsibility or that negotiating in good faith is necessary. The College and the Diocese have offered support and housing options, and have given more time, starting with six months, then additional flexible time for transition, and now fourteen months. During the same time, Howard has only actually considered two sites and has

actually extended the transition timeline from one year to eighteen months, and now to twenty months.

Even though you know that this latest timeframe is unworkable for us, your letter reads as though it is a real consideration. It states that "Howard is willing to fully accept the risk of the (extended) 12 month period. It will be entirely our responsibility to find suitable housing for our clients within this period and to vacate your campus within one year." My expectation since the property went up for sale in March was that you were making "every effort during that time to move as expeditiously as possible to find replacement housing for our clients that is appropriate to their needs." Your letter also notes that you "are unable to make any commitments with regard to your stated need to house up to 15 students for the fall semester." Yet, you expect us to continue to do just that for you. It is simply not fair to expect the College to continue to carry the burden of the expenses associated with housing both your population and ours until February 2012.

Lastly, your letter commits "to give whatever leasehold, bonding or other assurances are necessary to comfort your lenders and bond holders as to our commitment and to fashion legal documents in a way which fully implements this pledge." This is important to do in the context of a seven-month, not twelve-month, extended transition period. I want to be hopeful, along with you, "that we can make it to the finish line on this problem while staying true to our respective obligations."

Please let me know this week whether you will commit to this plan, with the specifics as outlined above and with the property being available to Burlington College by the end of July, 2011, Todd. If you would like to talk, I am in the office every day and you have my cell phone number.

Sincerely,

*Jane O'Meara Sanders*

Jane O'Meara Sanders  
President  
Burlington College

Cc: Burlington College Board Executive Committee  
Roman Catholic Diocese of Burlington  
Mayor Bob Kiss

**From:** Joe Reinert [JReinert@ci.burlington.vt.us]

**Sent:** Tuesday, February 01, 2011 2:38 PM

**To:** 'Sanders, Jane'

**CC:** Bob Kiss

**Subject:** letter(s) to Howard

Dear Jane,

We've received a request from Shay Totten for a copy of the letter you sent to Todd Centybear regarding the relocation of the Howard group home. At first take it appears the letter (as well as the second follow-up letter) is a public record with no applicable exception, but I wanted to let you know that we had received the request. Feel free to call or email if you would like to discuss. Thanks.

Joe

Joe Reinert  
Assistant to the Mayor  
Room 34, City Hall  
Burlington, VT 05401  
(802) 865-7275  
[jreinert@ci.burlington.vt.us](mailto:jreinert@ci.burlington.vt.us)

Office of Mayor Bob Kiss  
<http://www.ci.burlington.vt.us/mayor/>

**From:** Bob Kiss [BKiss@ci.burlington.vt.us]

**Sent:** Friday, July 29, 2011 3:26 PM

**To:** 'jsanders@burlington.edu'

**Subject:** Questions Past

Jane, You asked me a while ago about two items:

**Students to be housed temporarily in your new main building pending access and repairs to the property currently used by Howard.** As I understand it, this shouldn't be a problem, but you should contract Scott Gusten in Planning and Zoning for a permit of non-applicability.

**You also had a question regarding the sale of your former headquarters building related to the parking lot based on questions by COTS lawyers.** Ken Schatz is willing to review these questions, but he's waiting on information you said you'd send his way.

Hope all's well.

Best regards,

Bob Kiss, Mayor  
City of Burlington  
149 Church Street  
Burlington, VT 05401

802-865-7272

**From:** Bob Kiss [BKiss@ci.burlington.vt.us]  
**Sent:** Friday, July 29, 2011 3:34 PM  
**To:** jsanders@burlington.edu  
**CC:** Joe Reinert  
**Subject:** FW: Questions Past

Jane, Here are the numbers for Scott and Ken: Scott Gustin/Planning and Zoning: 865-7189 and Ken Schatz/City Attorney: 865-7125

Bob Kiss, Mayor  
City of Burlington  
149 Church Street  
Burlington, VT 05401

802-865-7272

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**From:** Bob Kiss  
**Sent:** Friday, July 29, 2011 4:26 PM  
**To:** 'jsanders@burlington.edu'  
**Subject:** Questions Past

Jane, You asked me a while ago about two items:

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Hope all's well.

Best regards,

Bob Kiss, Mayor  
City of Burlington  
149 Church Street  
Burlington, VT 05401

802-865-7272

**From:** Jane [jsanders@burlington.edu]  
**Sent:** Saturday, July 30, 2011 12:20 AM  
**To:** Bob Kiss  
**Subject:** Re: Questions Past

Thanks Bob.

Sent from Jane's BlackBerry

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**From:** Bob Kiss <BKiss@ci.burlington.vt.us>  
**Date:** Fri, 29 Jul 2011 16:25:35 -0400  
**To:** 'jsanders@burlington.edu' <jsanders@burlington.edu>  
**Subject:** Questions Past

Jane, You asked me a while ago about two items:

**Students to be housed temporarily in your new main building pending access and repairs to the property currently used by Howard.** As I understand it, this shouldn't be a problem, but you should contract Scott Gusten in Planning and Zoning for a permit of non-applicability.

**You also had a question regarding the sale of your former headquarters building related to the parking lot based on questions by COTS lawyers.** Ken Schatz is willing to review these questions, but he's waiting on information you said you'd send his way.

Hope all's well.

Best regards,

Bob Kiss, Mayor  
City of Burlington  
149 Church Street  
Burlington, VT 05401

802-865-7272

**From:** Bob Kiss [BKiss@ci.burlington.vt.us]  
**Sent:** Monday, August 01, 2011 12:58 PM  
**To:** jsanders@burlington.edu  
**CC:** Joe Reinert  
**Subject:** FW: Burlington College Questions

Jane, This e-mail train may address your questions regarding the use of your new building for student housing. Scott Gustin forwarded this information to me so he is aware of your plan.

Best regards,

Bob Kiss, Mayor  
City of Burlington  
149 Church Street  
Burlington, VT 05401

802-865-7272

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**From:** Scott Gustin  
**Sent:** Monday, June 20, 2011 4:18 PM  
**To:** Bob Kiss  
**Cc:** Joe Reinert; Ken Schatz  
**Subject:** RE: Burlington College Questions

Mayor,

We've not received any application (or request for a determination that a zoning permit is not needed) since David responded about this item on May 17, 2011. His email, which addresses the change in use to a college, is pasted here:

The DRB approved a change of use to Post-Secondary School which would typically incorporate student housing as an accessory use.

Provided that:

- there is no "substantial rehabilitation" (>50% of the building's value) necessary in order to accommodate the student housing on a temporary basis in the building (Condition #4 states that any new buildings, or substantial rehabilitation to existing buildings, would trigger a requirement to develop a master plan for the campus); and/or,
- the amount of space dedicated to the temporary student housing is not greater than 25% of the floor area (threshold for defining a use as accessory); and/or,
- there are no exterior changes to the building

it is covered under the existing zoning permit and we would provide them a Non-Applicability Determination. They will likely require building permits for any interior changes so they should speak with Ned as well.

Let me know if there are any questions

**David E. White, AICP**  
**Director of Planning & Zoning**  
**City of Burlington, VT**

In sum, occupying part of the Diocese building may well not require a zoning permit, but we've not yet received any communication to make that determination.

Let me know if you have any further questions.  
Scott

Scott Gustin, AICP  
Senior Planner  
Department of Planning & Zoning  
149 Church Street  
Burlington, VT 05401  
Phone: (802) 865-7189  
Fax: (802) 865-7195

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**From:** Bob Kiss  
**Sent:** Monday, June 20, 2011 3:00 PM  
**To:** Scott Gustin  
**Cc:** Joe Reinert; Ken Schatz  
**Subject:** Burlington College Questions

Scott, Awhile ago, Jane Sanders talked to me about the plan by Burlington College to house students in its new Diocese building temporarily while they waited for the group home currently in use by Howard Center on the Burlington College property to become vacant and transition to College needs. Has Burlington College moved forward to get any approval or whatever it needs from your office and is this resolved to your satisfaction or not?

Please let me know. Thank you.

Best regards,

Bob Kiss, Mayor  
City of Burlington  
149 Church Street  
Burlington, VT 05401

802-865-7272