

4. Attached hereto as Exhibit C is a true copy of the South Burlington School District's Notice of Appeal to the South Burlington Development Board (the "DRB") challenging the issuance of the Permit, as filed with the office of the Administrative Officer on September 7, 2012.

Response: Admitted.

5. The Administrative Officer issued the Permit as a matter of right based on his determination (a) that the Premises are located in the CD 2 zoning district, (b) that "medical office" is a permitted use in the CD 2 zoning district, (c) that the use proposed for the Premises was a "medical office," as defined in the current South Burlington Land Development Regulations (the "LDR"), (d) that the most recent previous use of the Premises had been as a permitted "medical office," and that (e) the Premises are not located in the South Burlington Traffic Overlay District.

Response: Admitted.

6. In connection with the issuance of the Permit, the Administrative Officer did not review for vehicle trip ends because, as calculated under the methodology specified in the LDR, where there is no change in use, there is no change in vehicle trip ends.

Response: Admitted.

7. Attached hereto as Exhibit D is a true copy of page 2-25 of the LDR, which includes the definition of "Office, Medical."

Response: Admitted.

8. The Property fronts on a portion of Dorset Street (the "Road Segment") on the easterly side of the street across from Green Mountain Suites, between the intersection of Dorset Street and Williston Road to the North and the I-189 interchange to the south.

Response: Admitted.

9. By reason of Section 3.02 B of the LDR, attached as Exhibit E, the City's current Overlay Districts Map, displaying, among other overlay districts, its traffic overlay district, is incorporated by reference in the LDR.

Response: Admitted.

10. The most recent version of the City's Overlay Districts Map became effective on January 9, 2012. Because it is color-coded, it requires full color reproduction to be understood. It can be viewed in full color by entering "South Burlington Overlay Districts" in the Google search engine and following the first or second link displayed.

Response: Each sentence is admitted.

11. According to the City's current Overlay Districts Map, the Premises fall outside the City's traffic overlay district.

Response: Admitted.

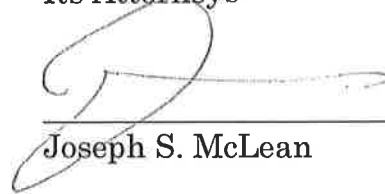
12. Since the mid-1990's, when Dorset Street was expanded from a two-lane road to a four-lane road, properties lying within the Road Segment

have not been deemed to fall within the City's traffic overlay district. During his tenure as Administrative Officer, the Administrative Officer has consistently applied this understanding of the boundaries of the traffic overlay district, and the DRB, which has considered a number of applications for properties lying within the Road Segment, including the Property, has never held otherwise.

Response: Each sentence is admitted.

DATED at Burlington, Vermont this 21 day of February, 2013.

CITY OF SOUTH BURLINGTON
By: Stitzel, Page & Fletcher, P.C.,
Its Attorneys



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February 21, 2013

Jacalyn Fletcher, Manager
Vermont Superior Court
Environmental Division
2418 Airport Road, Suite 1
Barre, VT 05641-8701

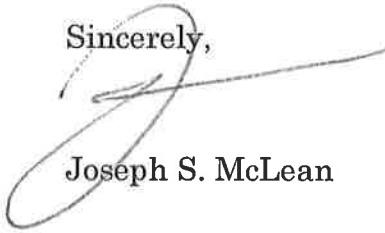
Re: *Howard Center Renovation Permit*
Docket No. 12-1-13 Vtec

Dear Jackie:

Enclosed please find a Discovery Certificate for filing in the above-referenced matter.

Please contact me should you have any questions.

Sincerely,



Joseph S. McLean

Enclosure

cc: Sean M. Toohey, Esq.
Frank Kochman, Esq.
Ray Belair, Zoning Administrator

