

For information on types of assistance available and  
CCRPC's protocol for deciding if, and to what degree to assist a request, see:  
<http://www.ccrpcvt.org/our-work/economic-development/brownfields/>

Site Name: 168 Archibald St

Site's Street Address/Town/Zip Code: 168 Archibald st, Burlington, VT 05401

Parcel Tax ID #: 040-2-141-000 Property Size (Acres): 5,913 SF - SQ FT

Zoning District: RESIDENTIAL - MEDIUM DENSITY

Describe current use(s): The building has been used as a synagogue since 1885. Along with a funeral parlor on the property

Describe former use(s): Same as above

Are there plans for acquisition and/or redevelopment? ☒ Yes ☐ No

If yes, attach a separate one to two-page document describing the anticipated benefits of the redevelopment such as housing units, commercial development, jobs, economic impact, recreation, etc. (see Site Evaluation Criteria at link above for the types of information to provide).

Have studies been conducted to identify or assess contamination? ☐ Yes ☒ No

If yes, please identify the title, author and date of the report, and if available, send us a PDF: \_\_\_\_\_

Claypoint Associates is conducting a hazardous/regulated building material testing

Potential contaminants include: ☐ Petroleum ☐ Other contaminants

What type(s) of site assessment or cleanup planning assistance are you seeking? Circle all that apply

Phase I Environmental Site Assessment ☒

Phase II Environmental Site Assessment

Soil Monitoring during Construction

Archeological Site Assessment / Recon

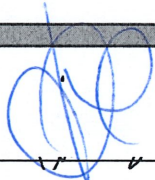
Historic Preservation issues ☒

Cleanup / Corrective Action Planning

Other

Property Owner Information:

Name: Congregation of Ahavath Ezer Inc


Signature:  its agent

Mailing Address: Box 718 Burlington VT 05401

Phone: 802 6577225

Email: ckitter@ahavathvt.com

Nomination Submitted By:

Name or Office: Christopher (Kitter) Spater Date Submitted: 

Mailing Address: 255 South Prospect st, Burlington, VT 05401

Phone: 802-497-4111

Email: kspater@briggshousevt.com

Please Return Site Nomination Form (via PDF is preferred) to:



2/17/23

To Whom It May Concern:

This memo is to serve as an accompanying document for a Phase One ESA study grant. Our planned use for the property includes potential single-family, multi-family home or a mixed use residential/commercial space with offices in the lower level. We have spoken with Scott Gustin and Charles Dillard from the Burlington Planner and Zoning about the zoning possibilities. Currently it is in a medium density residential zone, which on its own, based on land size would qualify it for a 3-unit building. However, given that it is on the National Historic Register, it would be eligible for a higher density. Charles also mentioned that his office is working on a revised "Neighborhood Code" that will propose new standards. He felt this would also allow for higher density.

We have only recently signed a purchase and sales agreement but have retained Kyle Austin from Claypoint Associates to conduct hazardous/regulated building material testing on 2/21/23

Best regards,

A handwritten signature in black ink, appearing to read "Kitter Spater". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Kitter Spater



589 Avenue D, Suite 10  
PO Box 787  
Williston, VT 05495

[www.kas-consulting.com](http://www.kas-consulting.com)

802.383.0486 p  
802.383.0490 f

February 27, 2023

Mr. Kitter Spater  
Briggs House, LLC  
255 South Prospect Street  
Burlington, VT 05401

Submitted via email at [kspater@briggshousevt.com](mailto:kspater@briggshousevt.com)

Re: Proposal for a Phase I Environmental Site Assessment – Synagogue, 168 Archibald Street, Burlington, VT 05401

Dear Mr. Spater:

KAS, Inc. (KAS) is pleased to provide this proposal to conduct a Phase I Environmental Site Assessment (ESA) at the referenced location. It is understood that a Phase I ESA is needed for proper due diligence prior to the potential purchase of the the property.

### **Phase I ESA**

KAS will conduct a Phase I ESA pursuant to ASTM E 1527-21 requirements. The result will be a comprehensive environmental assessment report suitable for transaction purposes. The Phase I Site Assessment will include:

- A federal and state database review;
- Interviews with persons identified as being knowledgeable relative to the property (including the site owner, and past occupants if accessible);
- A detailed visual site inspection with photographic documentation;
- A visual review of surrounding properties for potential environmental impact;
- Review of identified area hazardous waste sites that may impact the site;
- Site history review;
- A local land records review including activity and use limitations and environmental liens; and,
- Preparation of a comprehensive report meeting ASTM criteria.

The goal of the Phase I ESA is to ascertain the presence or absence of recognized environmental conditions (RECs) and/or significant data gaps. The specific data collection requirements established under this practice will be met through use of standardized checklists and interview forms that KAS has developed and uses to assure all aspects of the ASTM requirements are addressed.

KAS will verify the site history through use of aerial photographs, historic mapping and street directories and municipal records. At properties with coverage, the Sanborn Fire Insurance Map collection and the Manning Street Directories will be examined for evidence of other historic uses that may have caused contamination. If additional existing environmental documents are made available to KAS during the work they will be reviewed and incorporated into the report.



Mr. Kitter Spater  
February 27, 2023

KAS will interview knowledgeable individuals regarding the sites use and history, including the current and former owners if possible. State and federal databases will be reviewed to ascertain whether other nearby property uses may cause environmental risk to the subject property. A search of municipal land records will also be made for chain of title and use purposes and to determine if there are environmental liens or other environmental information.

Following the collection of the Phase I Environmental Assessment, KAS will prepare a summary report encompassing the results of the work. An electronic copy in .pdf format will be supplied. A hard copy is available upon request.

#### Pricing and Assumptions

KAS will perform the Phase I ESA work described above on a fixed price basis for a total price of \$1,920. Free and easy access to the property is assumed.

#### Schedule

The Phase I ESA will be started upon receipt of notice to proceed and once engaged will take approximately 3 – 4 weeks to complete.

KAS appreciates the opportunity to present this proposal and would like to conduct this work. To engage this work please sign below and return a copy of this page to KAS via fax at 802-383-0490, or via e-mail to [JeremyR@kas-consulting.com](mailto:JeremyR@kas-consulting.com). Please call if you have questions, 802-383-0486.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Roberts", written over the printed name and title.

Jeremy Roberts, P.G.  
Principal / Environmental Program Manager

Work Authorized: \_\_\_\_\_ Date: \_\_\_\_\_  
Name/ Title

## BRELLA PROGRAM APPLICATION CHECKLIST

**Submit this checklist with your completed application.**

**\*\*All items on this checklist are REQUIRED for your application to be considered.\*\***

Completed application form with necessary attachments (reuse plans, etc.)

Full estimated project schedule (including redevelopment milestones and all necessary environmental work.)

Deed with legal description/metes and bounds for the property to be enrolled. (You may need to look past the most recent property deed to procure one that includes a full legal description.)

Proof of publication of the *Notice of Application to Brownfields Reuse and Environmental Liability Limitation Act Program* in a local newspaper. (Public notice template can be located [here](#).)

Check made payable to “State of Vermont” for the \$500 application fee. The check must include a note indicating that it is for a BRELLA application and include the SMS Site # in the check memo.

Completed and notarized application signature and certification.



## **BROWNFIELDS ENVIRONMENTAL LIABILITY LIMITATION ACT (BRELLA) PROGRAM APPLICATION**

### **A. APPLICANT INFORMATION**

1. Name of Applicant\*:
2. Applicant Address:
3. Applicant Telephone:
4. Applicant E-mail Address:
5. Applicant's legal interest in the property to be enrolled:

Owner

Purchaser

Other

If the applicant is not the current owner, please provide a brief description of the applicant's interest in the property – e.g. through a purchase and sales agreement, an option agreement, etc.

6. Name and address of current property owner (if applicant is not the owner):
7. Applicant's contact person for purpose of application
8. Applicant organization type:

Sole Proprietor/Individual

Partnership

Corporation

Other

\*Please note that the applicant name listed here must exactly match the entity (owner or prospective purchaser) that will be listed on the Certificate of Completion. Any changes to the applicant name (i.e. through the formation of a new LLC, etc.) will necessitate the submittal of a new application and associated fee.

9. If applicant is not a sole proprietor/individual, list names and addresses of partners, owners, or officers, as applicable:

**B. PROPERTY INFORMATION**

1. E911 Property Address:
2. SPAN # (if known):
3. DEC SMS Site # (if one has been assigned):
4. Size of Property (in acres):
5. Has there been an environmental assessment of the property? (If yes, AND if VTDEC does not already have the reports on file, include copies of all environmental assessments and investigation reports with this application.)

Yes

No

6. Describe the physical characteristics of the property:
7. Describe the current use of the property, and the extent to which the property is currently utilized:
8. Provide all known information about the operational history of the property, including any state or federal cleanup and/or enforcement activities:

9. Describe all known releases and threatened releases concerning the property, and the risks to human health and the environment presented by the releases and/or threatened releases:

#### **C. PROPERTY REUSE**

1. Describe your plans for reuse of the property. Attach any conceptual site plans or other relevant documents related to the proposed redevelopment/reuse:



D. PROJECT SCHEDULE

1. Use the attached table to detail the redevelopment and remediation schedule. (Write NA for anything that doesn’t apply. If necessary, you may opt to attach a schedule as a separate document in lieu of the included table.)

PROJECT SCHEDULE*		
Task	Anticipated Date Range	Notes
<i>Environmental Tasks</i>		
Phase I ESA		
Phase II ESA/Site Investigation		
Supplemental Site Investigation		
Evaluation of Corrective Action Alternatives (and/or EPA ABCA)		
Corrective Action Plan development and approval		
Corrective Action Plan implementation		
Acquisition of Property		
Project Completion		
<i>Permits</i>		
(i.e. Stormwater, Wastewater, Act 250, Asbestos/Lead, TSCA, or other State and Federal permits)		
<i>Funding</i>		
(Application for and receipt of any project critical funding sources. Please also note any funding related deadlines.)		
<i>Other</i>		
*Enrollment in the BRELLA program protects the applicant from State enforcement action so long as the applicant is working "in good faith" (i.e. within the approved schedule). Please note that VTDEC must be informed of any significant changes to the schedule included in your BRELLA application.		

## E. SIGNATURE AND CERTIFICATION

I, the undersigned, being first duly sworn do attest upon my oath as follows:

- A. I agree to comply with the requirements of the Brownfields Reuse and Environmental Liability Limitation Act (10 V.S.A. §6641 et seq.), and understand and agree that failure to comply may result in disqualification from the program and voiding of the protections from liability provided by the Act.
- B. I have accurately disclosed all information currently known to me, or in my possession or control, which related to releases or threatened releases of hazardous materials at the property for which the application is submitted.
- C. I represent that:
  - 1. **as a prospective purchaser**, neither the applicant, nor any of its principals, owners, directors, affiliates, or subsidiaries:
    - a. currently holds or ever held an ownership interest in the property or in any related fixtures of appurtenances, excluding a secured lender's holding indicia of ownership in the property primarily to assure the repayment of a financial obligation;
    - b. directly or indirectly caused or contributed to any releases of hazardous materials at the property;
    - c. currently operates or controls, or ever operated or controlled the operation, at the property, of a facility for the storage treatment, or disposal of hazardous materials from which there was a release;
    - d. disposed of, or arranged for the disposal of hazardous materials at the property, or;
    - e. generated hazardous materials that were disposed of at the property; **or**
  - 2. **as a current owner**, neither the applicant, nor any of its principals, owners, directors, affiliates, or subsidiaries:
    - a. held an ownership interest in the property or in a related fixtures of appurtenances, excluding a secured lender's holding indicia of ownership in the property primarily to assure the repayment of a financial obligation, **at the time** of any disposal of hazardous materials on the property;
    - b. directly or indirectly caused or contributed to any releases or threatened releases of hazardous materials on the property;
    - c. operated, or controlled the operation, at the property of a facility for the storage, treatment, or disposal of hazardous materials at the property;
    - d. disposed of, or arranged for the disposal of hazardous materials at the property; or
    - e. generated the hazardous materials that were disposed of at the property.
- D. I certify under penalty of law that this application and all attachments were personally prepared by me or prepared under my direction or supervision. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment pursuant to 13 V.S.A. §3016.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_ at \_\_\_\_\_

  
\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Name and Title (printed)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_ at

\_\_\_\_\_, Vermont.

\_\_\_\_\_  
Notary Public

Commission Expires: \_\_\_\_\_

**NOTICE OF APPLICATION  
TO BROWNFIELDS REUSE AND ENVIRONMENTAL LIABILITY  
LIMITATION ACT PROGRAM**

Please take notice that \_\_\_\_\_ whose mailing address is \_\_\_\_\_, is applying to the Vermont Brownfields Reuse and Environmental Liability Limitation Program (10 V.S.A. §6641 et seq.) in connection with the redevelopment of property known as \_\_\_\_\_ in the \_\_\_\_\_. A copy of the application, which contains a preliminary environmental assessment and a description of the proposed redevelopment project is available for public review at the \_\_\_\_\_ Clerk's Office and at the Vermont Department of Environmental Conservation offices in Montpelier. Comments concerning the application and/or the above referenced documents may be directed to \_\_\_\_\_ at \_\_\_\_\_ or at \_\_\_\_\_. Comments may also be submitted by mail to the Vermont Department of Environmental Conservation, Waste Management Division, 1 National Life Drive – Davis 1, Montpelier, VT 05620; attention: \_\_\_\_\_.



2/17/23

To Whom It May Concern:

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Best regards,

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Kitter Spater

Synagogue of the Jewish Congregation  
Ahavey Zedeck of Burlington, Vermont

to

Congregation of the Ahavath Gerim, Inc.

144/55  
WARRANTY DEED

WARRANTY DEED

Know All Men By These Presents, that we, The Synagogue of The Jewish Congregation Ahavey Zedeck of Burlington, Vermont, (also known as the Ohavey Zedek Synagogue and by other like sounding names), a corporation organized and existing under the laws of the State of Vermont with its principal seat at Burlington, in Chittenden County, Grantor, in consideration of Fifteen thousand dollars (\$15,000) paid to our full satisfaction by Congregation of the Ahavath Gerim, Inc. (also known as the Ahavath Gerim Synagogue), a corporation organized and existing under the laws of the State of Vermont with principal seat at said Burlington, Grantee, do freely give, grant, sell, convey and confirm unto the said Grantee Congregation of the Ahavath Gerim, Inc., and its successors and assigns forever, a certain piece of land in said Burlington, with all buildings and other structures thereon, described as follows:

The Synagogue property situated at the northwesterly intersection of Archibald and Hyde Streets. Being Lots No. 27, 28 and 29 as laid down on a Sketch of Lands of Dodds and Stevens and recorded in Vol. 22, p. 3 of the land records of the City of Burlington. Said lands having a frontage of fifty-eight feet (58') on Hyde Street and ninety feet (90') on Archibald Street and a depth of seventy-one and four tenths feet (71.4') on the northerly end thereof, all said dimensions being more or less.

Being all and the same lands and premises that were conveyed by Herald Stevens to Joseph Frank, Isaac Perelman, and others, trustees, by Warranty Deed dated January 18, 1890 and recorded in Vol. 29, p. 368 of said land records.

Reference is made to the deed and the Sketch herein referred to in aid of this description.

Together with the following contents of the buildings on said lands: The Ark and cover, and all electrical fixtures, all benches and all reading tables in said C.S. buildings. C.S.

Reserving, however, the use of the so-called funeral parlor building on said premises, being the building on the northeast part of said premises, to be used for funeral service purposes in common with the Grantee until such time as the Grantor shall build or construct one of its own so that it shall have no further need for the joint use of said funeral parlor building..

The herein Grantor shall have the right to use the water on said premises, paying for such water as it uses.

To Have and to Hold said granted premises, with all the privileges and appurtenances thereof to the said Grantee, Congregation of the Ahavath Gerim, Inc., and its successors and assigns, to its own use and behoof forever.

And we, the said Grantor, the Synagogue of the Jewish Congregation Ahavey Zedeck of Burlington, Vermont, for ourselves and our successors and assigns, do covenant with the said Grantee, Congregation of the Ahavath Gerim, Inc., its successors and assigns, that until the sealing of these presents we are the sole owner of the said premises; that we have good right and title to convey the same in manner aforesaid; that they are free from every encumbrance; and we hereby engage to warrant and defend the same against all lawful claims whatsoever.

In Witness Whereof, we have caused these presents to be signed and our seal to be hereunto be affixed this 1st day of May, 1953.

In Presence of:

Louis Lisman

E. B. Reiter

THE SYNAGOGUE OF THE JEWISH CONGREGATION  
AHAVEY ZEDECK OF BURLINGTON, VERMONT See

By Charles Samuelson  
Its president and duly authorized  
agent

STATE OF VERMONT  
CHITTENDEN COUNTY

At Burlington, this 1st day of May, 1953, personally appeared before me Charles Samuelson, the president and duly authorized agent of the Synagogue of the Jewish Congregation Ahavey Zedeck of Burlington, Vermont, and he acknowledged this instrument to be his free act and deed and the free act and deed of the said corporation.

George L. Agel, Notary Public

I hereby certify that U. S. Revenue Stamps in the amount of \$16.50 were affixed to the foregoing written instrument and were duly cancelled.

Received for record May 27, 1953 at 8:10 A. M. and duly recorded.

Attest:

  
City Clerk.

Brownfields Site Evaluation Criteria		
Project Name: Synagogue Ahaveth Gerim		
Address/Project Location: 168 Archibald Street, Burlington		
Applicant: Briggs House, LLC (c/o Kitter Spader)		
Reviewer: Darren Schibler		
Required Characteristics	Possible Points	Scoring
Is the property owner willing to sign a Participation Agreement and Site Access Agreement?		Yes
Does the site meet DEC eligibility criteria for petroleum sites and/or EPA eligibility criteria for hazardous sites?	Yes = continue No = Not eligible	Yes
Is the planned use consistent with current zoning?		Yes
Project Location (10 pts Total)		
Is the project located in Burlington or Winooski?	(Yes=2, No=0)	2
Is the project located in a Center, Enterprise, Metro, Suburban or Village Regional Planning Area (as identified in the most recently adopted regional plan)?	(Yes=2, No=0)	2
Is the project located within a designated state center? (Including areas with pending applications)	(Yes=2, No=0)	0
Does the project site have existing water, sewer, electric, transportation and/or natural gas infrastructure serving it?	(Yes=2, No=0)	2
Is the project located adjacent to another brownfields site?	(Yes=2, No=0)	2
Project Location Economic Conditions (5 pts Total)		
Is the project located in an area where the poverty rate is higher than the County-wide average?	(Yes=5, No=0)	5
2021 ACS Estimates Census Tract 3 rate of 26.1% vs. County rate of 12.1%		
Housing Potential (30 points total)		
Will site cleanup enable housing development in an area planned for high density housing or mixed-use development by the municipality?	Up to 10 points	10
Will site cleanup contribute to alleviating identified housing need as identified in relevant adopted municipal documents?		
Will site cleanup allow multiple housing units (in excess of what is already on site) to be built?	1/2 point per unit, 20 points maximum.	2.5
Commercial Potential (20 points total)		
Will site cleanup enable commercial development in an area planned for high density commercial or mixed-use development by the municipality and region?	Up to 20 points	10
Is the project a mixed-use project?		
Open Space and Recreation Potential (10 points total)		
Will site cleanup enable improvement or construction of a park in an area where it can be readily accessed by an underserved population?	Up to 10 points	0
Will site cleanup involve creating or improving open or recreational space as part of a housing or commercial project?		
Project Economic Impact (25 pts Total)		
Does the project have the potential to create or retain jobs?	1 point per FTE job, up to 10 points	3
If no direct jobs are created or retained, does the project lead to indirect job creation?	Up to 15 points	3
Does the project have other economic development benefits?		
Initial Score 100 points possible		41.5
Bonus Categories		
Is the project will enable housing unit construction, will a percentage of them be permanently affordable?	1/2 point per percentage point affordable, up to 20 points.	0.5
Is the developer/property owner willing to pay for the Phase I or pay for part of the Phase II or Corrective Action Plan?	(Yes=15, No=0)	10
Will site cleanup reduce contamination of surface water or groundwater?	(Yes = 10 No = 0)	5
Additional Notes: Base density allows for 2 units, but bonuses may allow for up to 5 which would trigger inclusionary zoning. Also, pending BTV Neighborhood Code updates may allow for higher residential density and mixed use development on this site. Commercial use is enabled by zoning due to historic listing of building but not planned	Bonus Score	
	45 points possible	15.5
	TOTAL SCORE 57	