Burlington Planning Commission
149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)
www.burlingtonvt.gov/planning

Yves Bradley, Chair
Bruce Baker, Vice-Chair
Lee Buffinton
Emily Lee
Andy Montroll
Harris Roen
Jennifer Wallace-Brodeur
Vacant, Youth Member

Burlington Planning Commission

REGULAR MEETING
Tuesday, May 13, 2014 - 6:30 P.M.
Conference Room #12, Ground Floor, City Hall, 149 Church Street

AGENDA

Note: times given are approximate unless otherwise noted.

I. Agenda

II. Public Forum - Time Certain: 6:35 pm

The Public Forum is an opportunity for any member of the public to address the Commission on any relevant issue.

III. Report of the Chair (5 min) – Yves Bradley, Chair

IV. Report of the Director (5 min) – David E. White, Director

V. Clean Hands Policy (20 min)

The Commission will hear from the City Attorney's office on a possible Clean Hands Policy.

VI. Downtown Form-Based Code (45 min)

The Commission will hear a presentation from Planning & Zoning Staff about the organization of the newly drafted downtown Form-Based Code for implementation of planBTV-Downtown & Waterfront Plan.

VII. Application for Certificate of Public Good – 260 N. Winooski

VIII. Committee Reports (5 min)

IX. Commissioner Items (5 min)

X. Minutes/Communications (2 min)

The Commission will review communications and approved minutes from the March 25, April 8 & 22, 2014 meetings.

XI. Executive Session – Director's Evaluation

XII. Adjourn (8:00 p .m.)

This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.

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MSK | MURPHY SULLIVAN KRONK

RECEIVED
APR 21 2014
DEPARTMENT OF
PLANNING & ZONING

April 18, 2014

To: Parties on attached Service List

Re: Application for a Certificate of Public Good, pursuant to 30 V.S.A. § 248a
(LIMITED SIZE AND SCOPE)
Applicant: NYNEX Mobile Limited Partnership 1 and Cellco Partnership, each d/b/a Verizon Wireless ("Verizon Wireless")
Project: Wireless Telecommunication Facility
Location: 260 North Winooski Avenue, Burlington, Vermont
Landowner: WR Vilas, LLC

Dear Statutory Party:

Our firm represents Verizon Wireless. You are receiving this notification because Verizon Wireless intends to file an application with the Public Service Board ("Board"), under the provisions of 30 V.S.A. § 248a ("Section 248a"), for a Certificate of Public Good to allow the installation of a wireless telecommunications facility in the City of Burlington, Vermont. The "Notice" provision of the Section 248a process, as amended, requires that,

> The applicant must provide written notice, at least 45 days in advance of filing a § 248a application, to the following entities:
>
> (a) legislative bodies and municipal and regional planning commissions in the communities where the project will be located;
> (b) the Secretary of the Agency of Natural Resources;
> (c) the Division of Historic Preservation;
> (d) the Commissioner of the Department of Public Service and its Director for Public Advocacy;
> (e) the landowners of record of property adjoining the project sites;
> (f) the Public Service Board....

The application will be filed pursuant to the Amended Order Implementing Standards and Procedures for Issuance of a Certificate of Public Good for Communications Facilities Pursuant to 30 V.S.A. § 248a, which was issued by the Board on August 10, 2011 ("Amended Order"). A copy of the Amended Order is available from the Board's offices, located on the 4th Floor of the Peoples United Bank Building at 112 State Street, Montpelier, Vermont 05620-2701; or on the Board's website at http://psb.vt.gov.

275 COLLEGE STREET, PO BOX 4485 | BURLINGTON, VT 05406-4485 | PHONE 802 861-7000 | FAX 861-7007 | MSKVT.COM

Project Location

The Project is a new wireless telecommunications facility to be installed on the rooftop of a new building which will consist of the installation of twelve (12) antennas and related equipment (the "Project").

The facility will be mounted in three sections or "sectors" in the northwest, southwest and southeast corners of the roof of 260 North Winooski Avenue in the City of Burlington, Vermont. The property is owned by WR Vilas, LLC. The coordinates for the two sectors located on the West Building are latitude 44°-29′-13.03″ North, longitude 73°-12′-31.17″ West and the coordinates for the third sector located on the East Building are latitude 44°-29′-12.52″ North, longitude 73°-12′-30.35″ West.

Project Description

This Project involves the installation of six (6) LTE/4G antennas, measuring approximately six feet (6′) long by one foot (1′) wide, and six (6) AWS/LTE antennas, measuring approximately four feet (4′) long by one foot (1′) wide to be mounted on rooftop "mounting sleds". In addition to the four (4) antennas per sector, three (3) new remote radio heads ("RRHs"), measuring no more than two feet (2′) long by ten inches (10″) wide and one (1) sector distribution box, measuring approximately twenty inches (20″) square, will be installed on each sector behind the individual panel antennas. One (1) main distribution box, measuring approximately two feet (2′) square, will also be installed with the necessary cabling. After the installation is complete, each of the three sectors will have four (4) antennas for a total of twelve (12) antennas.

Fiber optic cables from the antennas will descend from the rooftop via a conduit run to the receiving and transmitting equipment located in an approximately 11′2″ x 19′3″ equipment room to be built in the basement of the West Building adjacent to the mechanical room. Verizon Wireless will connect to the building's existing power supply and will be metered for telephone and data services. An air conditioning unit will be installed on the roof of the West Building.

An emergency generator powered by natural gas will be placed on a concrete pad with the HVAC equipment and protected by a fenced enclosure. The generator will be used to provide backup power if needed. The generator installation will be located outside to the east of the East Building.

See enclosed Project Drawings for more detail.

The Project will allow Verizon Wireless to improve its coverage in the City of Burlington along North Winooski Avenue.

Conformance to Local and Regional Plans

According to 30 V.S.A. § 248a(c)(2), during the Board's review, "substantial deference [will be] given to the land conservation measures" in the local and regional plans of the "affected municipality." We are, therefore, addressing the relevant provisions of the 2014 planBTV: Burlington's Municipal Development Plan (re-adopted March 31, 2014) ("City Plan") and the 2013 Chittenden County Regional Plan – The ECOS Plan (adopted June 16, 2013) ("Regional Plan") to illustrate that the proposed Project will comply.

In the City Plan, telecommunications is mentioned in Chapter VI - Economic Development Plan and Chapter VII - Community Facilities and Services. Specifically, as part of its Economic Development Plan, telecommunications infrastructure is included as a Sustainable Development Strategy by "enabling high speed data and communication services that allow residents to work at home or serve technology-base[d] businesses." (p. VI-7). The City Plan also acknowledges the "Role of Technology and Telecommunications" in the services provided by City government. (p. VII-19).

The Chittenden County Regional Plan notes that "The weakest part of the County's utilities and telecommunications system is the quality and costs of telecommunications, in particular cell phone service." Verizon Wireless currently plays a major role in a state-wide initiative to improve telecommunications services, providing residents and visitors with more effective personal communications. The E911 service enables local governments to respond more quickly and effectively to personal and community emergencies (p. 131). One of the goals outlined in the Regional Plan is to promote the use of technology in economic development; this includes assuring access to high-speed telecommunications. (p. 135).

This Project fulfills the goals of both the City Plan and the Regional Plan by improving the wireless communications and emergency response in the area.

This Project as proposed will provide the desired wireless coverage to areas in the City that are currently underserved by Verizon Wireless, thus expanding the telecommunications infrastructure necessary for businesses and home offices to succeed in the global economy. The Project will provide for enhanced communications for residents, travelers, educational institutions and emergency responders.

Please feel free to contact me, either by email or at the address or telephone number below, if you have any questions or comments regarding the proposed Project. We would like to receive comments no later than 30 days from receipt of this Notice so that they can be considered prior to the application filing.

As a recipient of this notice, you will also be notified when the application is filed, which will be at least 45 days from the above date. You will then have 21 days from receipt of that notification to file comments, a motion to intervene or request for hearing with the Board. Please review the Amended Order for additional information and procedures.

Very truly yours,

Elizabeth M. Drake, Esq.
EMDrake@mskvt.com

Enclosures

c: Parties on attached Service List

SERVICE LIST

List of Statutory Parties:

Susan Hudson, Clerk
Vermont Public Service Board
112 State Street, 4th Floor
Montpelier, VT 05620-2701

Joan Shannon, President
Burlington City Council
149 Church Street
Burlington, VT 05401

Ken Lerner, Zoning Administrator
Department of Planning & Zoning
City of Burlington
149 Church Street
Burlington, VT 05401

Charlie Baker, Executive Director
Chittenden County Reg'l Planning Comm'n
110 West Canal Street, Suite202
Winooski, VT 05404-2109

Jen Mojo
ANR Office of Planning and Legal Affairs
1 National Life Drive
Montpelier, VT 05402-3901

James Duggan
Vermont Div. for Historic Preservation
National Life Building, 6th Floor
Montpelier, VT 05620-1201

Chris Recchia, Commissioner
Vermont Department of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601

Geoff Commons, Dir. for Public Advocacy
c/o Aaron Kisicki, Esq.
Vermont Department of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601

WR Vilas, LLC
210 College Street, # 201
Burlington, VT 05406-4485

Adjoining Landowners

Champlain Housing Trust
88 King Street
Burlington, VT 05401

Mark & Robin Yurchek
316 Malletts Bay Avenue
Winooski, VT 05404

ONE Housing LP
88 King Street
Burlington, VT 05401

ECHO Housing LP
Housing Vermont
123 St. Paul Street
Burlington, VT 05401

Howard & Nancy Dolan
250 North Winooski Avenue
Burlington, VT 05401-3621

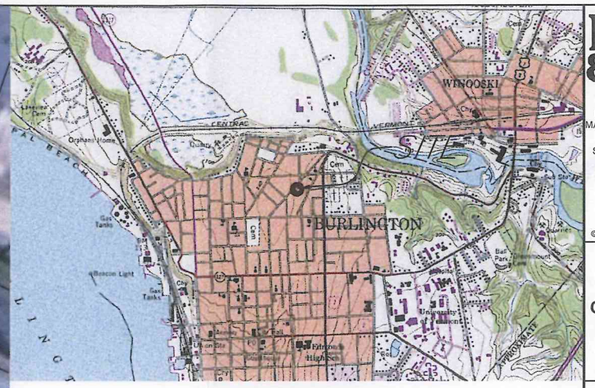
Jacqueline & Susan Rose
61 Hyde Street
Burlington VT 05401

Lawrence & Joanne Packard
120 Indian Brook Road
Essex Junction, VT 05452

BPJS Management, LLC
c/o Bissonette Properties
100 North Street
Burlington, VT 05401

63 Hyde Street, LLC
PO Box 922
Burlington, VT 05401

For information only:
Kiersten Bourgeois, Sr. Project Manager
Agency of Commerce & Community Dev.
1 National Life Drive
Montpelier, VT 05620-5001



LOCATION MAP
NOT TO SCALE

RECEIVED
APR 21 2014
DEPARTMENT OF PLANNING & ZONING

NOTES:

1. THE PURPOSE OF THIS DRAWING IS FOR CONCEPT ONLY. THE DIMENSIONS SHOWN ARE APPROXIMATE.
2. INFORMATION SHOWN ON THIS DRAWING IS BASED ON LIMITED FIELD MEASUREMENTS BY DUBOIS & KING, INC.
3. OWNER: WR VILAS, LLC
4. SITE ADDRESS: 256–262 NORTH WINOOSKI AVENUE BURLINGTON, VT 05401
5. PARCEL ID #: 039–4–001–000
6. LOCATION: CENTER OF WEST BUILDING
   LATITUDE: 44°–29'–13.03" ±
   LONGITUDE: 73°–12'–30.35" ±

   CENTER OF EAST BUILDING
   LATITUDE: 44°–29'–12.52" ±
   LONGITUDE: 73°–12'–30.35" ±
7. FINAL ELECTRIC AND TELEPHONE ROUTING TO BE DETERMINED DURING FINAL DESIGN.
8. APPROXIMATE AMSL GROUND ELEVATION AT THE BASE OF THE
9. TRUE NORTH INFORMATION, AMSL ELEVATIONS AND LATITUDE AND LONGITUDE VALUES SHOWN ARE BASED ON TOPOGRAPHIC SOFTWARE.
10. PROPERTY LINE INFORMATION FROM THE CITY OF BURLINGTON TAX MAPS.

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft. AT 24X36
HALF SIZE AT 11X17

DRAFT

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FAX: (866) 783-7101
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PROFESSIONAL SEAL

NOT FOR CONSTRUCTION
PRELIMINARY PLANS

NO.	DATE	DESCRIPTION	BY	CK'D

verizon wireless

PROJECT ID: 20130951141
PROJECT TYPE: BDGCA
LOCATION CODE: 275582

BURLINGTON NE

256-262 NORTH WINOOSKI AVENUE
BURLINGTON, VT 05401

SHEET TITLE

OVERALL SITE PLAN

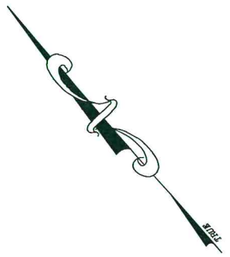
PERMIT PLANS

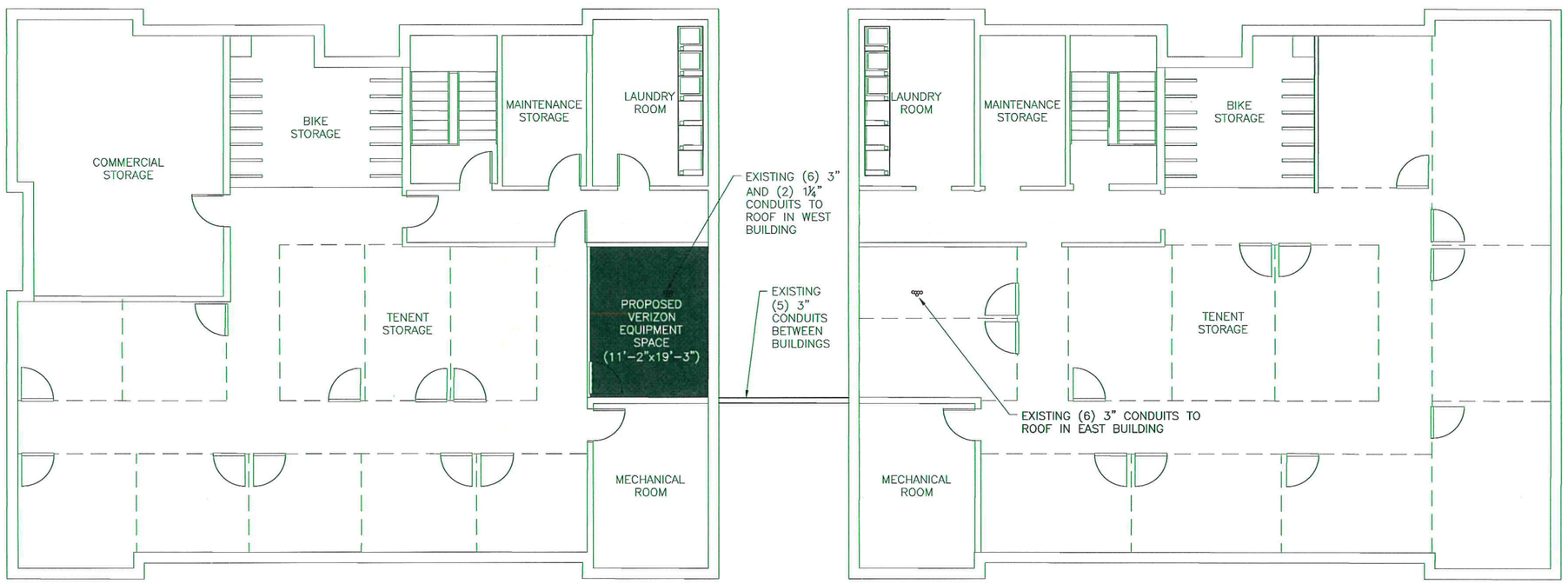
DRAWN BY	DATE
JWP	APRIL 2014
CHECKED BY	D&K PROJECT #
LJH	422337P
PROJ. ENG.	D&K ARCHIVE #
AWD	8060

SHEET NUMBER

C-1

SHEET 1 OF 7





BASEMENT PLAN

GRAPHIC SCALE

6 0 3 6 12 24

(IN FEET)
1 inch = 6 ft. AT 24X36
HALF SIZE AT 11X17

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PROFESSIONAL SEAL

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verizonwirele

PROJECT ID: 20130951141
PROJECT TYPE: BDGCA
LOCATION CODE: 275582

BURLINGTO NE

256-262 NORTH WINOOSKI AVENU BURLINGTON, VT 05401

SHEET TITLE

BASEMENT PLAN

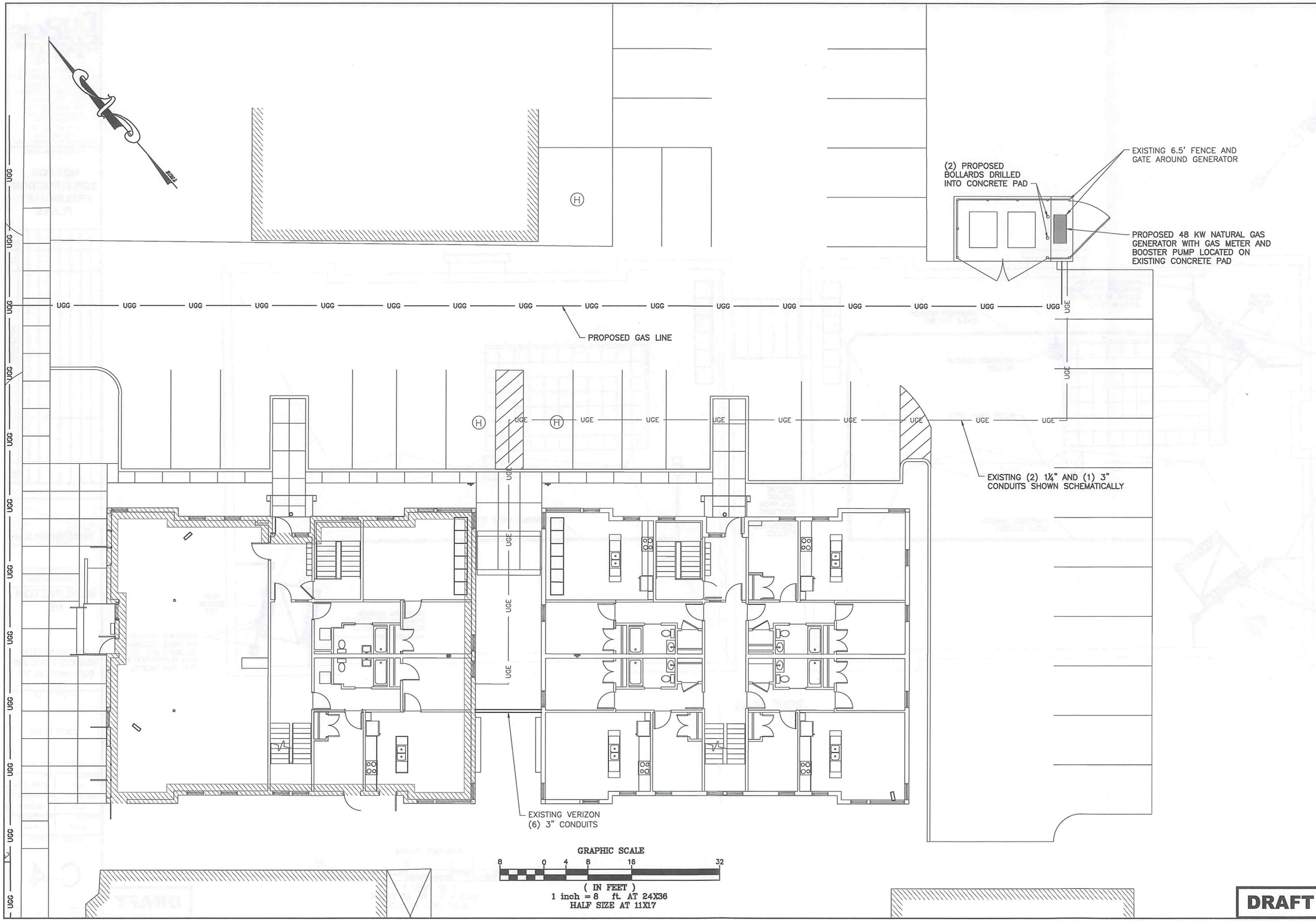
PERMIT PLANS

DRAWN BY	DATE
JWP	APRIL 20
CHECKED BY	D&K PROJECT
LJH	422337
PROJ. ENG.	D&K ARCHIVE
AWD	8061

SHEET NUMBER

C-2

SHEET 2 OF 7



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PROFESSIONAL SEAL

NOT FOR CONSTRUCTION PRELIMINARY PLANS

NO.	DATE	DESCRIPTION	BY	CK'D

verizonwireless

PROJECT ID: 20130951141
PROJECT TYPE: BDGCA
LOCATION CODE: 275582

BURLINGTON NE

256-262 NORTH WINOOSKI AVENUE
BURLINGTON, VT
05401

SHEET TITLE

FIRST FLOOR PLAN

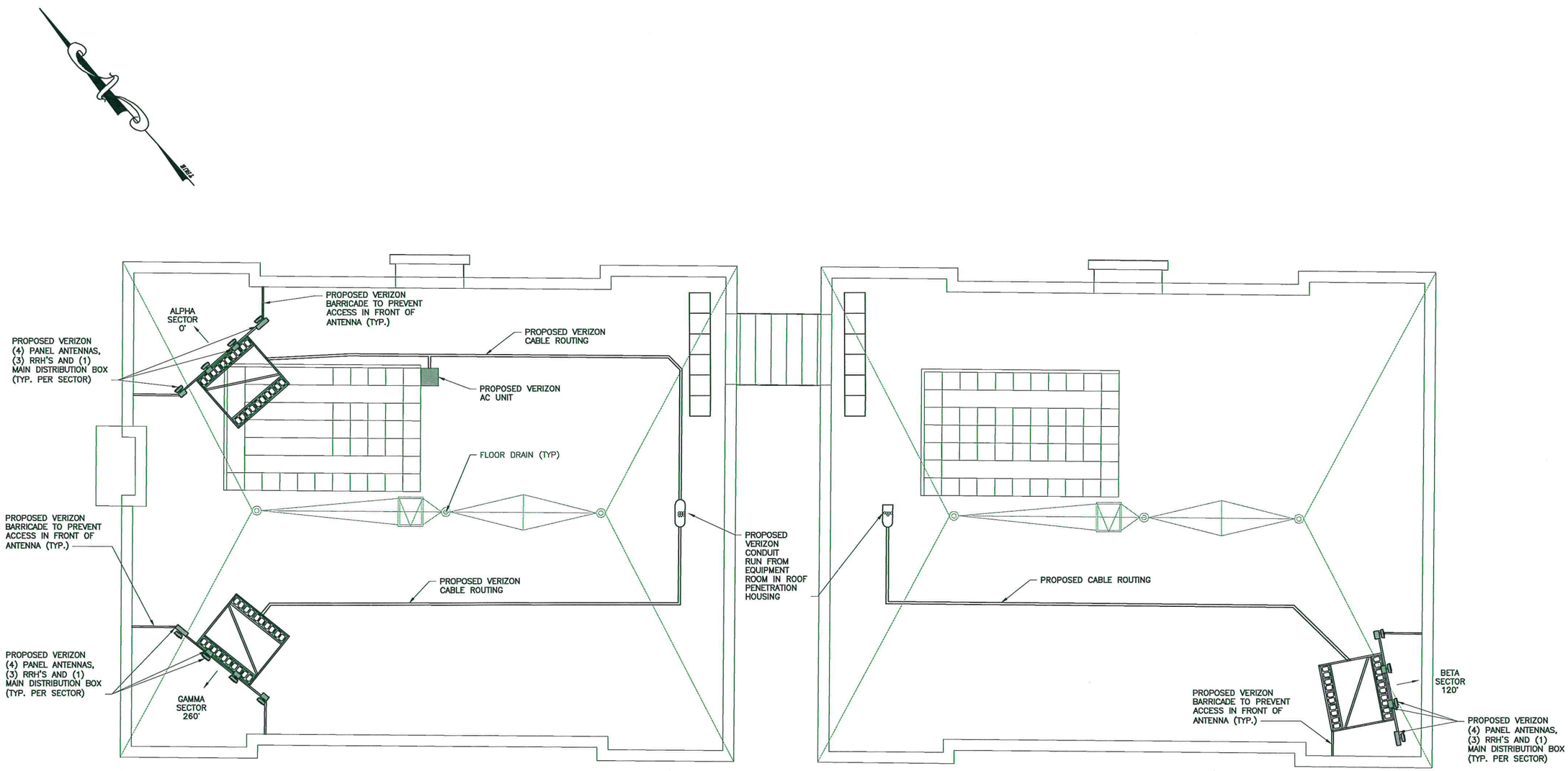
PERMIT PLANS

DRAWN BY	DATE
JWP	APRIL 2014
CHECKED BY	D&K PROJECT #
LJH	422337P
PROJ. ENG.	D&K ARCHIVE #
AWD	8062

SHEET NUMBER

C-3

SHEET 3 OF 7



ROOF PLAN

GRAPHIC SCALE

6 0 3 6 12 24

(IN FEET)
1 inch = 6 ft. AT 24X36
HALF SIZE AT 11X17

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PROFESSIONAL SEAL

NOT FOR CONSTRUCTIO PRELIMINARY PLANS

verizonwirele

PROJECT ID: 20130951141
PROJECT TYPE: BDGCA
LOCATION CODE: 275582

BURLINGTO NE

256-262 NORTH WINOOSKI AVENU BURLINGTON, V 05401

SHEET TITLE

ROOF PLAN

PERMIT PLANS

DRAWN BY	DATE
JWP	APRIL 20
CHECKED BY	D&K PROJECT
LJH	422337
PROJ. ENG.	D&K ARCHIVE
AWD	8063

SHEET NUMBER

C-4

SHEET 4 OF 7

WEST ELEVATION OF WEST BUILDING

GRAPHIC SCALE

3 0 1.5 3 6 12

(IN FEET)
1 inch = 3 ft. AT 24X36
HALF SIZE AT 11X17

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PROFESSIONAL SEAL

NOT FOR CONSTRUCTION PRELIMINARY PLANS

NO.	DATE	DESCRIPTION	BY	CK'D

verizonwireless

PROJECT ID: 20130951141
PROJECT TYPE: BDGCA
LOCATION CODE: 275582

BURLINGTON NE

256-262 NORTH WINOOSKI AVENUE
BURLINGTON, VT
05401

SHEET TITLE

WEST BUILDING ELEVATION

PERMIT PLANS

DRAWN BY	DATE
JWP	APRIL 2014
CHECKED BY	D&K PROJECT #
LJH	422337P
PROJ. ENG.	D&K ARCHIVE #
AWD	8079

SHEET NUMBER

C-5

SHEET 5 OF 7

NORTH ELEVATION

GRAPHIC SCALE

6 0 3 6 12 24

(IN FEET)
1 inch = 6 ft. AT 24X36
HALF SIZE AT 11X17

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PROFESSIONAL SEAL

NOT FOR CONSTRUCTIO PRELIMINARY PLANS

verizonwirele

PROJECT ID: 20130951141
PROJECT TYPE: BDGCA
LOCATION CODE: 275582

BURLINGTOI NE

256-262 NORTH WINOOSKI AVENU BURLINGTON, V 05401

SHEET TITLE

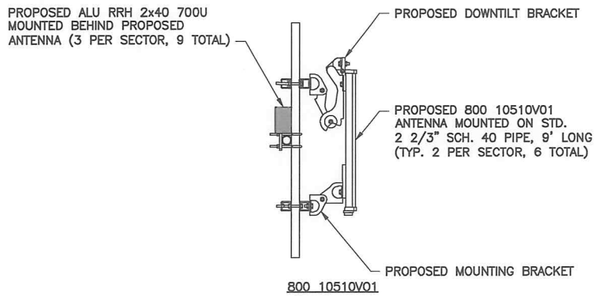
NORTH BUILDING ELEVATION

PERMIT PLANS

DRAWN BY	DATE
JWP	APRIL 20
CHECKED BY	D&K PROJECT
LJH	422337
PROJ. ENG.	D&K ARCHIVE
AWD	8079

SHEET NUMBER

C-6



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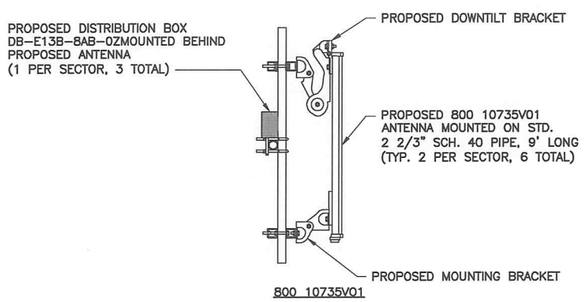

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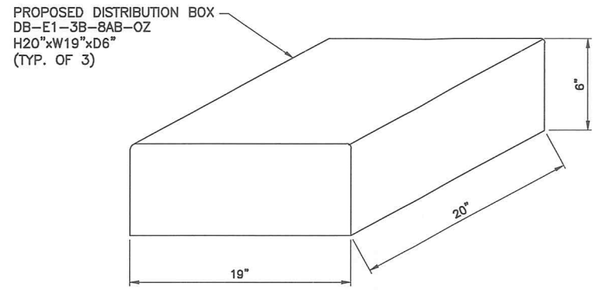
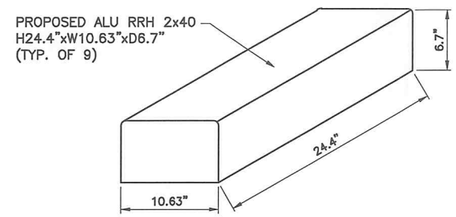
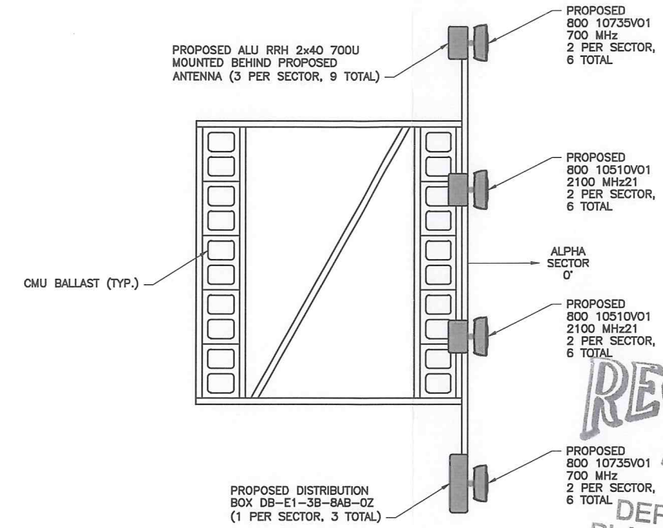
PROPOSED ANTENNA DETAILS
NO TO SCALE



DISTRIBUTION BOX DETAIL
NOT TO SCALE



RRH DETAILS
NOT TO SCALE



ALPHA SECTOR ANTENNA PLAN
NOT TO SCALE

NOTE:

ANTENNA CONFIGURATION FOR EACH SECTOR IS IDENTICAL. BETA SECTOR = 200', GAMMA SECTOR = 325'.

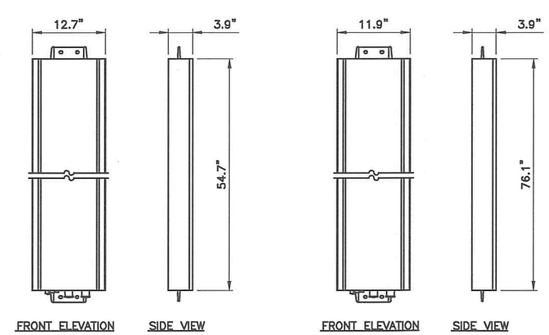
RECEIVED
APR 21 2014
DEPARTMENT OF PLANNING & ZONING

ANTENNA FACIAL SURFACE AREA

800 10735V01:
76.1" x 11.9" = 6.29 SQ. FT. x 6 ANTENNAS = 37.73 SQ. FT.

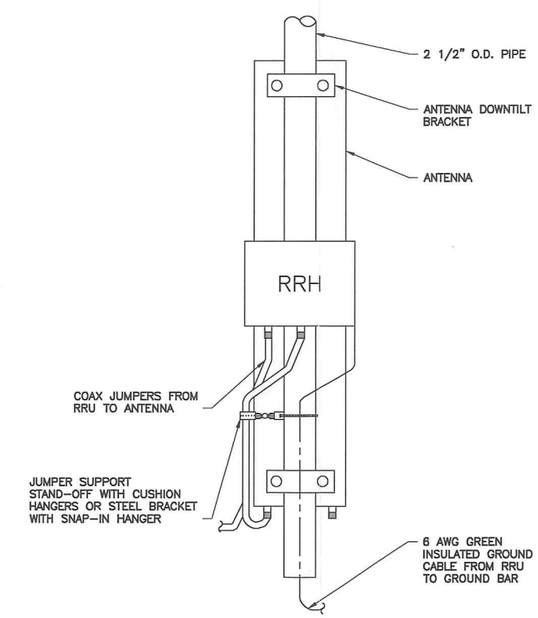
800 10510V01:
54.7" X 6.1" = 2.32 SQ. FT. x 6 ANTENNAS = 13.90 SQ. FT

TOTAL AREA: (37.73 + 13.90) = 51.63 SQ. FT



800 10510V01 800 10735V01

PANEL ANTENNA DETAILS
NOT TO SCALE



RRH PANEL DETAIL
NOT TO SCALE

DRAFT

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SO. BURLINGTON, VT 05403
TEL: (802) 878-7661
FAX: (866) 783-7101
www.dubois-king.com
RANDOLPH, VT
SPRINGFIELD, VT
BEDFORD, NH
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PROFESSIONAL SEAL

NOT FOR CONSTRUCTION
PRELIMINARY PLANS

verizon wireless

PROJECT ID: 20130951141
PROJECT TYPE: BDGCA
LOCATION CODE: 275582

BURLINGTON NE

256-262 NORTH WINOOSKI AVENUE
BURLINGTON, VT 05401

SHEET TITLE

WEST BUILDING ELEVATION

PERMIT PLANS

DRAWN BY	DATE
JWP	APRIL 2014
CHECKED BY	D&K PROJECT #
LJH	422337P
PROJ. ENG.	D&K ARCHIVE #
AWD	8079

SHEET NUMBER

C-7

SHEET 7 OF 7

MSK | MURPHY SULLIVAN KRONK

RECEIVED
APR 17 2014
DEPARTMENT OF PLANNING & ZONING

April 16, 2014

To: Parties on attached Service List

Re: Application for a Certificate of Public Good, pursuant to 30 V.S.A. § 248a
(LIMITED SIZE AND SCOPE)
Applicant: NYNEX Mobile Limited Partnership 1 and Cellco Partnership, each d/b/a Verizon Wireless ("Verizon Wireless")
Project: Modification to Existing Wireless Telecommunication Facility
Location: 128 Lakeside Avenue, Burlington, Vermont
Landowner: Fortieth Burlington, LLC

Dear Statutory Party:

Our firm represents Verizon Wireless. You are receiving this notification because Verizon Wireless intends to file an application with the Public Service Board ("Board"), under the provisions of 30 V.S.A. § 248a ("Section 248a"), for a Certificate of Public Good to allow the modification of an existing wireless telecommunications facility in the City of Burlington, Vermont. The "Notice" provision of the Section 248a process, as amended, requires that,

> The applicant must provide written notice, at least 45 days in advance of filing a § 248a application, to the following entities:
>
> (a) legislative bodies and municipal and regional planning commissions in the communities where the project will be located;
> (b) the Secretary of the Agency of Natural Resources;
> (c) the Division of Historic Preservation;
> (d) the Commissioner of the Department of Public Service and its Director for Public Advocacy;
> (e) the landowners of record of property adjoining the project sites;
> (f) the Public Service Board....

The application will be filed pursuant to the Amended Order Implementing Standards and Procedures for Issuance of a Certificate of Public Good for Communications Facilities Pursuant to 30 V.S.A. § 248a, which was issued by the Board on August 10, 2011 ("Amended Order"). A copy of the Amended Order is available from the Board's offices, located on the 4th Floor of the Peoples United Bank Building at 112 State Street, Montpelier, Vermont 05620-2701; or on the Board's website at http://psb.vt.gov.

Project Location

The proposed Project is the modification of an existing wireless telecommunications facility. The modification will involve the installation of new antennas and equipment and the removal and replacement of the stealth screening (the "Project").

The existing facility is mounted on the roof of the elevator machine room located on the northwest corner of the rooftop of 128 Lakeside Avenue in the City of Burlington, Vermont. The property is owned by Fortieth Burlington, LLC. The coordinates of the site are latitude 44°-27′-43.90″ North, longitude 73°-13′-05.00″ West.

Project Description

This modification involves the removal and replacement of three (3) existing LTE/4G antennas, measuring approximately four feet (4′) long by one foot (1′) wide, with three (3) newer AWS/LTE antennas, measuring approximately six feet (6′) long by one foot (1′) wide. One (1) antenna on each of the three sectors will be replaced with one (1) new antenna. In addition to the replacement of one (1) antenna per sector, two (2) new remote radio heads ("RRHs"), measuring approximately two feet (2′) long by ten inches (10″) wide and one (1) sector distribution box, measuring approximately twenty inches (20″) square, will be installed on each sector behind the panel antennas. One (1) main distribution box, measuring approximately two feet (2′) square, will also be installed with the necessary cabling. After the modifications are complete, each of the three sectors will continue to have four (4) antennas for a total of twelve (12) antennas.

In addition, an existing five-foot (5′) stealth screen will be removed and replaced with an eight-foot (8′) stealth screen made of radio frequency ("RF") transparent material to match the brick building and to shield the new longer antennas. The antennas will continue to be completely shielded by the enclosure.

There will be no changes to the existing 12′ by 30′ equipment shelter located adjacent to the building on the north side. See enclosed Project Drawings for more detail.

The Project will allow Verizon Wireless to improve its coverage in the City of Burlington along Pine Street and the waterfront.

Conformance to Local and Regional Plans

According to 30 V.S.A. § 248a(c)(2), during the Board's review, "substantial deference [will be] given to the land conservation measures" in the local and regional plans of the "affected municipality." We are, therefore, addressing the relevant provisions of the 2014 planBTV: Burlington's Municipal Development Plan (re-adopted March 31, 2014) ("City Plan") and

the 2013 Chittenden County Regional Plan – The ECOS Plan (adopted June 16, 2013) ("Regional Plan") to illustrate that the proposed Project will comply.

In the City Plan, telecommunications is mentioned in Chapter VI - Economic Development Plan and Chapter VII - Community Facilities and Services. Specifically, as part of its Economic Development Plan, telecommunications infrastructure is included as a Sustainable Development Strategy by "enabling high speed data and communication services that allow residents to work at home or serve technology-base[d] businesses." (p. VI-7). The City Plan also acknowledges the "Role of Technology and Telecommunications" in the services provided by City government. (p. VII-19).

The Chittenden County Regional Plan notes that "The weakest part of the County's utilities and telecommunications system is the quality and costs of telecommunications, in particular cell phone service." Verizon Wireless currently plays a major role in a state-wide initiative to improve telecommunications services, providing residents and visitors with more effective personal communications. The E911 service enables local governments to respond more quickly and effectively to personal and community emergencies (p. 131). One of the goals outlined in the Regional Plan is to promote the use of technology in economic development; this includes assuring access to high-speed telecommunications. (p. 135).

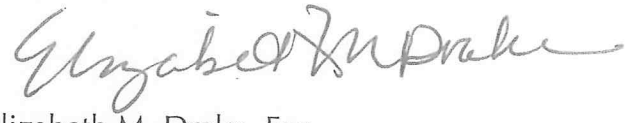
This Project fulfills the goals of both the City Plan and the Regional Plan by improving the wireless communications and emergency response in the area and by increasing the coverage of the existing telecommunications facility in an area of new development improvements. The improvement and extension of the stealth screening will continue to make this facility unobtrusive to passersby.

This Project as proposed will provide the desired wireless coverage to areas in the City that are currently underserved by Verizon Wireless, thus expanding the telecommunications infrastructure necessary for businesses and home offices to succeed in the global economy. The Project will provide for enhanced communications for residents, travelers, educational institutions and emergency responders.

Please feel free to contact me, either by email or at the address or telephone number below, if you have any questions or comments regarding the proposed Project. We would like to receive comments no later than 30 days from receipt of this Notice so that they can be considered prior to the application filing.

As a recipient of this notice, you will also be notified when the application is filed, which will be at least 45 days from the above date. You will then have 21 days from receipt of that notification to file comments, a motion to intervene or request for hearing with the Board. Please review the Amended Order for additional information and procedures.

Very truly yours,



Elizabeth M. Drake, Esq.
EMDrake@mskvt.com

Enclosures

c: Parties on attached Service List

SERVICE LIST

List of Statutory Parties:

Susan Hudson, Clerk
Vermont Public Service Board
112 State Street, 4th Floor
Montpelier, VT 05620-2701

Joan Shannon, President
Burlington City Council
City Hall
149 Church Street
Burlington, VT 05401

Ken Lerner, Zoning Administrator
Department of Planning & Zoning
City of Burlington
City Hall
149 Church Street
Burlington, VT 05401

Charlie Baker, Executive Director
Chittenden County Reg'l Planning Comm'n
110 West Canal Street, Suite202
Winooski, VT 05404-2109

Jen Mojo
ANR Office of Planning and Legal Affairs
1 National Life Drive
Montpelier, VT 05402-3901

James Duggan
Vermont Division for Historic Preservation
National Life Building, 6th Floor
Montpelier, VT 05620-1201

Chris Recchia, Commissioner
Vermont Department of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601

Geoff Commons, Dir. for Public Advocacy
c/o Aaron Kisicki, Esq.
Vermont Department of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601

Fortieth Burlington, LLC
c/o Lewiston Investment Company
67 Lewiston Road
Grosse Pointe Farms, MI 48226

Adjoining Landowners

Cloverleaf Properties
c/o Blodgett Co.
44 Lakeside Avenue
Burlington, VT 05402

David & Tina Kehoe
176 Shelburne Street
Burlington, VT 05401

Roland & Kathleen Pecor
89 Lakeside Avenue
Burlington, VT 05401

Harlaine Miller
599 Avenue D
Williston, VT 05495

Champlain College Inc.
163 South Willard Street
Burlington, VT 05401

Burlington Department of Public Works
645 Pine Street
Burlington, VT 05401

City of Burlington
149 Church Street
Burlington, VT 05401

Burlington Electric Co.
585 Pine Street
Burlington, VT 05401

For information only:
Kiersten Bourgeois, Sr. Project Manager
Agency of Commerce & Community Dev.
1 National Life Drive
Montpelier, VT 05620-5001

REDUCED SCAL
HALF SIZE

NOTE:
ORTHOPHOTO TAKEN BY THE STATE OF VERMONT DATED 2008

GRAPHIC SCALE
200 0 100 200 400 800
(IN FEET)
1 inch = 200ft. AT 24X36
HALF SIZE AT 11X17

RECEIVED
APR 17 2014
DEPARTMENT OF
PLANNING & ZONING

verizon wireless

PROJECT ID # 2002015506
PROJECT TYPE: PCSCA LOCATION CODE #100606

NO.	DATE	REVISIONS	BY	CK'D
1	3-21-14	REVISED COORDINATES	JWP	LJH

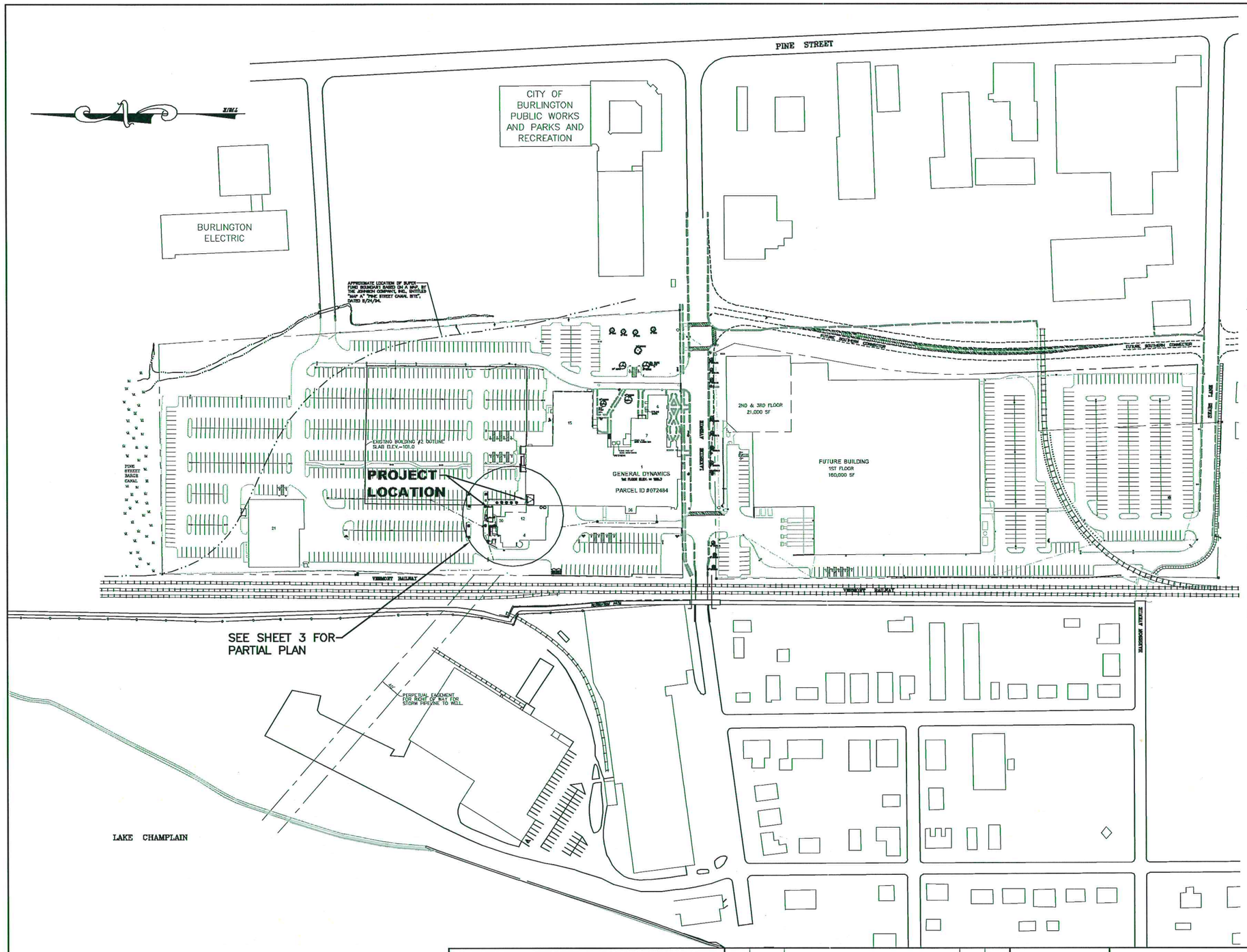
DuBois & King inc.
engineering planning management development

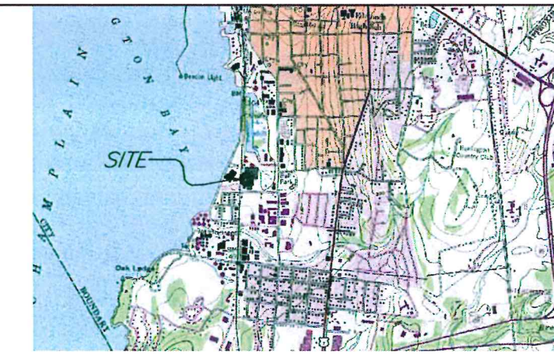
VERIZON WIRELESS
BURLINGTON, VERMONT
PERMIT PLANS

128 LAKESIDE AVENUE
ORTHOPHOTO AND VICINITY PLAN

DRAWN BY JWP	DATE MAR-14
CHECKED BY LJH	PROJ. NO. 418544P2
PROJ. ENG. AWD	DRAW. NO.

SHEET 1 OF 4





LOCATION MAP
NOT TO SCALE

NOTES:

1. PROPERTY OWNER: FORTIETH BURLINGTON, LLC
   c/o GILBANE DEVELOPMENT CO.
   7 JACKSON WALKWAY
   PROVIDENCE, RI 02903
2. APPLICANT: NYNEX MOBILE LIMITED PARTNERSHIP 1
   D/B/A VERIZON WIRELESS
   C/O BRIAN SULLIVAN, ESQ., MURPHY SULLIVAN KRONK
   P.O. BOX 4485, 275 COLLEGE STREET
   BURLINGTON, VT 05401-4485 802-861-7000
3. ENGINEER: DUBOIS & KING, 34 BLAIR PARK ROAD, P.O. BOX 1257, WILLISTON, VT 05495 802-878-7661
4. ZONING DISTRICT: WATERFRONT ENTERPRISE (WFE).
5. PROPOSED USE: UNATTENDED TELECOMMUNICATIONS FACILITY. (1-2) VISITS PER MONTH BY TECHNICIAN. NO WATER OR SEWER REQUIRED.
6. BOUNDARY LINE INFORMATION BASED ON TOWN OF BURLINGTON TAX MAPS. DUBOIS & KING HAS NOT PERFORMED A BOUNDARY SURVEY.
7. TOPOGRAPHIC SURVEY PERFORMED BY DUBOIS & KING, INC., ON MAY 1, 2007.
8. ELEVATIONS FROM GPS OBSERVATIONS.

LEGEND

- APPROXIMATE PROPERTY LINE
- EROSION CONTROL SILT FENCE
- CONSTRUCTION FENCE
- ET — ELECTRIC AND TELEPHONE LINE
- X — CHAIN LINK FENCE
- SURVEY CONTROL POINT
- EXISTING OVERHEAD UTILITY POLE
- PROPOSED OVERHEAD UTILITY POLE

AREA OF DISTURBANCE = 1150± SQ. FT.

GRAPHIC SCALE
100 0 50 100 200 400
(IN FEET)
1 inch = 100ft. AT 24X36
HALF SIZE AT 11X17

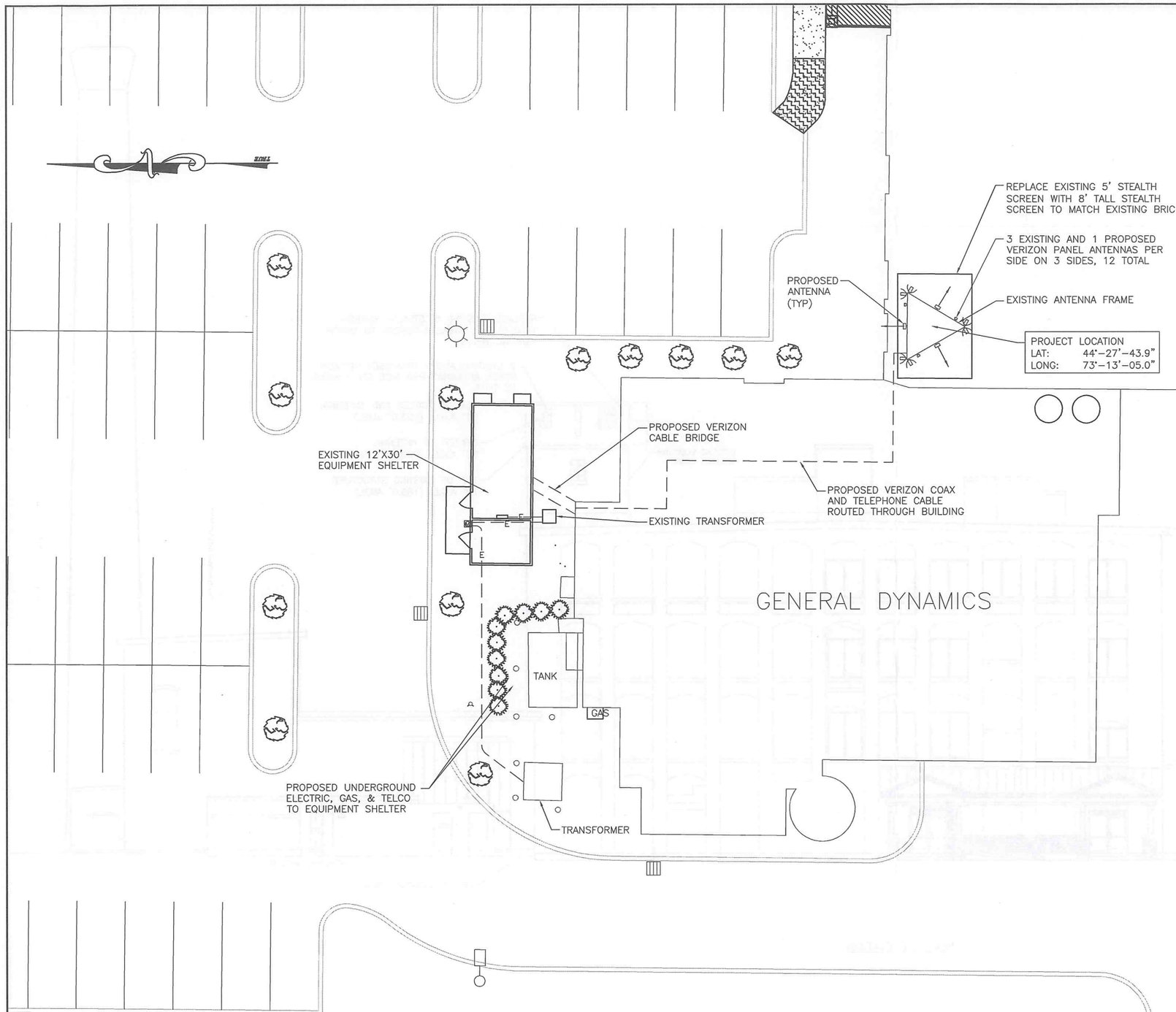
verizon wireless
PROJECT ID # 2002015506
PROJECT TYPE: PCSCA LOCATION CODE #100606

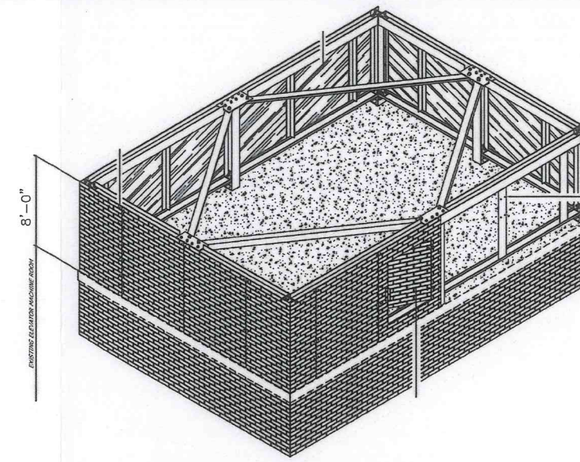
NO.	DATE	REVISIONS	BY	CK'D

DuBois & King inc.
engineering planning management development

VERIZON WIRELESS
BURLINGTON, VERMONT
PERMIT PLANS
128 LAKESIDE AVENUE
OVERALL SITE PLAN

DRAWN BY JWP	DATE MAR-
CHECKED BY LJH	PROJ. NO 41854
PROJ. ENG. AWD	DRAW. NO
SHEET 2 OF	





ENLARGED DETAIL STEALTH SCREEN
NOT TO SCALE

GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)
1 inch = 10 ft. AT 24X36
HALF SIZE AT 11X17

verizon wireless

PROJECT ID # 2002015506
PROJECT TYPE: PCSCA LOCATION CODE #100606

NO.	DATE	REVISIONS	BY	CK'D
2	3-21-14	REVISED COORDINATES	JWP	LJH
1	3-17-14	REVISED TO 4 ANTENNAS PER SIDE	JWP	AWD

DuBois & King inc.
engineering planning management development

VERIZON WIRELESS
BURLINGTON, VERMONT
PERMIT PLANS

128 LAKESIDE AVENUE
DETAIL SITE PLAN

DRAWN BY JWP	DATE MAR-14
CHECKED BY LJH	PROJ. NO. 418544
PROJ. ENG. AWD	DRAW. NO.

SHEET 3 OF 4

NORTH ELEVATION

GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)
1 inch = 10 ft. AT 24X36
HALF SIZE AT 11X17

verizon wireless

PROJECT ID # 2002015506
PROJECT TYPE: PCSCA LOCATION CODE #100606

NO.	DATE	REVISIONS	BY	CK'D
2	3-21-14	REVISED ELEVATION NUMBERS	JWP	LJH
1	3-17-14	REVISED TO 4 ANTENNAS PER SIDE	JWP	AWD

DuBois & King inc.
engineering planning management development

VERIZON WIRELESS
BURLINGTON, VERMONT
PERMIT PLANS

128 LAKESIDE AVENUE
NORTH ELEVATION

DRAWN BY JWP	DATE MAR-1
CHECKED BY LJH	PROJ. NO 41854
PROJ. ENG. AWD	DRAW. NO

SHEET 4 OF

DRM
DOWNS RACHLIN MARTIN PLLC

KANE H. SMART
ksmart@drm.com
Tel: (802) 863-2375
Fax: (802) 658-0905

May 1, 2014

Via Federal Express

Burlington City Council
Attn: Joan Shannon, Council President
c/o Lori Olberg
City Hall
149 Church Street
Burlington, Vermont 05001

City of Burlington Planning Commission
Attn: Peter Potts, Chair
c/o Sandrine Thibault
City Hall
149 Church Street
Burlington, Vermont 05001

Chittenden County Regional Planning Commission
Attn: Charlie Baker, Executive Director
c/o Regina Mahoney, Senior Planner
110 West Canal Street Suite 202
Winooski, VT 05404

Re: AT&T Mobility: Wireless Communications Facility Co-Location at 128 Lakeside Avenue, Burlington, Vermont 05401 (Parcel ID: 53-2-10)
AT&T Site Name: Burlington (Lakeside Smokestack VT4406)
45-Day Notice and Request for Recommendation Pursuant to 30 V.S.A. § 248a(e)

Dear Board and Commission Members:

Our firm represents New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T") in connection with a proposal to co-locate wireless telecommunications antennas and equipment at and around an existing smokestack (the "Facility" or "Project") located at 128 Lakeside Avenue, Burlington, Vermont, on property owned by Fortieth Burlington LLC (the "Property" or "Site"). The approximately 12-acre Property is developed with a 200,000 square foot building and associated parking facilities known as the Innovation Center of Vermont. AT&T has entered into an agreement with the Property Owner, and has attached as Exhibit H a Permit Authorization Letter authorizing AT&T to proceed with the Project.

I. Introduction

Pursuant to 30 V.S.A. § 248a, this letter is intended to notify the City of Burlington (the "City") and the Chittenden County Regional Planning Commission (the "RPC") that AT&T intends to submit an application to the Vermont Public Service Board ("PSB" or "Board") for approval to construct the Facility at the Site. This letter is also being provided to the Vermont Agency of Natural Resources ("ANR"), the Vermont Department of Public Service ("DPS"), the Vermont Division for Historic Preservation ("DHP"), and adjoining landowners. Because the Property is not subject to an Act 250 Land Use Permit, this notice is not being provided to the Natural Resources Board or the District No. 4 Environmental Commission.

This letter and the attachments provide a description of the Facility and its anticipated impacts. This letter also describes the process for PSB review of applications submitted under Section 248a, in addition to the rights of the regional and local planning commissions, municipal legislative bodies and adjoining landowners to comment on the Project. Finally, the letter respectfully requests a recommendation from the City and the RPC, to be submitted to the PSB with the application. AT&T is amenable to sending a representative to discuss the Project and the proposed Facility in person, preferably at a joint meeting of the City Council and Planning Commission.

AT&T's application will be filed pursuant to the PSB's "Amended order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a," dated August 10, 2011 (the "Procedures Order"). The Procedures Order, as well as more information concerning review of communications projects under 30 V.S.A. § 248a, is available at the PSB's office in Montpelier and on its website: http://psb.vermont.gov/.

II. Project Description

AT&T is licensed by the Federal Communications Commission to provide multiple technologies in Vermont, including long-term evolution ("4G" or "LTE") wireless broadband internet service, in addition to traditional Universal Mobile Telecommunications Service ("UMTS" or "3G") service. 3G service provides a combination of telephone service plus high-speed internet access through use of wireless devices such as the iPhone™ and Galaxy™ in addition to other smartphone products. 4G LTE service is a high-performance air interface for cellular mobile communications that is designed to increase the capacity and speed of internet access. When 4G technology is combined with enhanced backhaul, users of 4G LTE-enabled devices will begin to see network speeds of up to 58 Mbps for downloads, rivaling the fastest sources of wire-based internet access.

The Project is part of a network upgrade in Vermont to enable 4G LTE service in addition to its existing 3G service. The Facility is designed to improve AT&T's wireless communications network in Burlington by addressing mitigation options for sector capacity triggers and detractors, ultimately increasing capacity and improving service in Burlington's South End and the

surrounding neighborhoods. The Facility is designed to interconnect with other existing AT&T sites in Burlington, including sites recently upgraded on Main Street and at the University of Vermont, as well as sites in South Burlington on Dorset Street and Joy Drive. Propagation maps depicting the existing coverage in Burlington and showing the effect of installing the proposed Facility are attached at Exhibit E.[1]

Once operational, the Facility will allow AT&T customers to use AT&T's 3G and 4G LTE wireless technologies on mobile and handheld devices in this area, resulting in significant service quality improvements. These changes will benefit residential and business customers living, working, and commuting to and from Burlington, as well as tourists who visit the area.

The Facility will generally consist of the following components:

(a) Nine (9) panel antennas (3 per sector), each measuring approximately 92" x 15" x 7", to be installed on the Smokestack at centerline heights of 114' and 124' aboveground level ("AGL");

(b) An 11.5' x 24' equipment shelter equipped with two HVAC units on a concrete pad to be located northwesterly of the Smokestack adjacent to an existing equipment shed near the parking lot, for housing AT&T's antenna operating equipment (the "Shelter");

(c) A 50-kilowatt natural gas fired emergency backup generator to be installed within the Shelter (the "Generator");

(d) Ancillary improvements and appurtenances consisting of eighteen remote radio head units ("RRHs"), six A2 modules, three surge arrestors, a GPS antenna, and other conduits and hardware necessary for the operation of the Facility.

As part of the Project, AT&T will also relocate an existing shed currently situated in the proposed location of the Shelter, install a combination of vegetation and stockade fencing to provide screening of the Shelter and associated equipment. *See* Photo Simulations, Exhibit B. The Project does not require any improvements to the existing access to the Property. Each feature of the Facility is described and depicted in more detail on the Zoning Drawings prepared by Proterra Design Group LLC ("Proterra"), and attached as Exhibit A. The Project will not

---

1 The green sections in the map depict areas with strong coverage sufficient to penetrate buildings. Blue and yellow areas allow users to hold calls in vehicles and outdoors. Red areas are those where antenna performance decreases so as to potentially result in dropped calls. The areas shown in gray have no coverage. The proposed Facility on Lakeside Avenue is depicted on the maps as "VT4406." Adjacent facilities include existing sites in Burlington at the Vermont House on Main Street (VT6455), at the UVM Redstone Campus water tank (VT6466); and on North Avenue (VT6441), and existing sites in South Burlington on Joy Drive (VT6462), Shelburne Road (VT6452), and Dorset Street (VT6451).

result in a total structure height of 200', nor will it increase the width of the Smokestack by more than 20'. The Project involves approximately 1,800 square feet of total temporary and permanent earth disturbance. Approximately 1,275 square feet of disturbed earth will be seeded and restored to its original condition. Consequently, the Project qualifies as a Project of "Limited Size and Scope," as defined in Section 248a(b)(3).

III. Impacts and Effects of Facility at 128 Lakeside Avenue, Burlington, Vermont

This letter contains the following attachments designed to provide sufficient detail to understand the impacts of the proposed upgraded Facility, in accordance with 30 V.S.A. § 248a(e). These attachments include the following:

Exhibit A — **Zoning Drawings** prepared by Proterra, providing a site plan, antenna plan, vertical profiles, abutter information, and electrical information concerning the Project.

Exhibit B — **Photographic Simulations**, demonstrating the aesthetic effect of the Facility on various public vantage points.

Exhibit C — **Equipment and Generator Specifications**, providing technical details and dimensions of the AT&T Generator and antennas.

Exhibit D — **Propagation Maps**, depicting AT&T's existing and future coverage in Burlington as a result of the Facility and other facilities in the area.

Exhibit E — **Structural Analysis Report**, demonstrating that the Smokestack is structurally capable of accommodating AT&T's antennas and equipment.

Exhibit F — **Permit Authorization Letter**, by the Property Owner, authorizing AT&T to proceed with the Section 248a approval process.

Exhibit G — **ANR Resource Atlas Map**, depicting mapped natural resources in the vicinity of the Facility.

Exhibit H — **Maximum Permissible Exposure Study**, demonstrating that the Facility will operate in compliance with the standards set by the Federal Communications Commission to regulate radiofrequency emissions.

Other information—including AT&T's FCC license information and a NEPA Environmental Screening Report—is being prepared and can be made available upon request.

IV. Process for Review of Communications Facilities under 30 V.S.A. § 248a

Pursuant to 30 V.S.A. § 248a, the PSB may grant a certificate of public good for construction or installation of one or more telecommunications facilities that are to be interconnected with other telecommunications facilities proposed or already in existence if, after review of the project, the PSB finds that the facilities will promote the general good of the state consistent with the policies relating to providing improved telecommunications technology to all Vermonters articulated by 30 V.S.A. § 202c(b).

Among the criteria considered by the PSB in evaluating each facility under 30 V.S.A. § 248a is whether the project is consistent with the recommendations of selectboards, municipal planning commissions and regional planning commissions. In turn, those recommendations can be based on city / regional plans, as well as local zoning bylaws. 30 V.S.A. § 248a(c)(2). Based on a review of the relevant municipal and regional planning documents, AT&T and ATC submit that the Facility is consistent with the applicable substantive criteria.

A. City of Burlington Municipal Development Plan

City of Burlington Municipal Development Plan, readopted by the Burlington City Council on March 28, 2011 (the "Plan") recognizes the importance to economic growth of robust and cutting-edge telecommunications infrastructure. The Plan notes that early investment in telecommunications infrastructure is needed to demonstrate a commitment and willingness to support business development. Plan VI-7. Telecommunications is "of particular importance" because enabling high speed data and communication services allows residents to work at home and serves technology-based businesses. Plan VI-7. The Plan further states that "[f]uture efforts must continue to improve the quality of the city's telecommunications infrastructure and expand public access where appropriate." Plan VII-19.

The Project furthers these goals insofar as the Facility will enhance the availability of AT&T's wireless coverage and provide access to one of the most advanced mobile communications technologies available. Co-locating the Facility at the Smokestack also minimizes aesthetic impacts and impacts to natural, scenic, and historic resources that might be associated with constructing a new facility.

B. Burlington Comprehensive Development Ordinance

The City of Burlington's Comprehensive Development Ordinance, last amended September 10, 2012 (the "Ordinance"), allows wireless telecommunications facilities in the Enterprise Light Manufacturing Zoning District subject to conditional use review and approval. Ordinance § 5.4.7. As explained more fully below and except where otherwise indicated, the Project is generally consistent with the substantive criteria conditional use approval, as set forth in Article 3, Part 5.

2. Conditional Use Review under Article 3, Part 5

Community facilities. The Project will not cause an unreasonable burden on the City's ability to provide municipal or governmental services, including educational services. The Project will not utilize water, sewer or solid waste disposal facilities, and will not affect demands on recreational or school facilities. Although police, fire protection and ambulance services will be utilized, these services are currently available and will not be unreasonably burdened by the Facility.

Character of the area. The Project will not affect the character of the area because it involves co-locating on and around an existing structure, with limited changes to the existing infrastructure and development on the Property. The Project will not alter the existing access and the Shelter will be located in close proximity to an existing equipment shelter. AT&T will also paint the antennas and other equipment to match the existing Smokestack. The Shelter will match the other shelters in the vicinity and generally keep with the red brick color of the outbuildings, and AT&T will utilize a combination of vegetation and stockade fencing around the Shelter to provide additional screening. As shown by the Photographic Simulations provided as Exhibit B, the appearance of the Smokestack and the associated Shelter area will remain substantially similar following the co-location Project.

In addition, the Project is consistent with the purposes of the Enterprise Light Manufacturing Zoning District, where the Facility is located, insofar as the Project will support a diversified economic base without detracting from the area's ability to accommodate manufacturing and other commercial and industrial uses. Ordinance § 4.4.3. The Facility will preserve the industrial aesthetic of the district's past, and is consistent with the district's goal of providing for industrial uses suitable for areas of proximity to residential development. Ordinance § 4.4.3.

Traffic on roads and highways. The Facility will not have an undue adverse effect on traffic and roads in the vicinity primarily because the Project does not require a new curb cut on any public roads. Although the Project is expected to generate a slight increase in traffic during construction, post-construction traffic will have a negligible impact on roadways in the area. The Facility will be unmanned and will not generally require more than one to two monthly visits by maintenance personnel.

Consistency with bylaws. As described below, the Project is consistent with the standards relating to telecommunications facilities.

Utilization of renewable energy resources. The Project will have no effect on renewable energy resources.

Cumulative Impact. The Facility will not bring about cumulative negative impacts. The Facility will enhance the availability of AT&T's wireless coverage in the City. It will enable high speed data and communication services, which will allow residents to work at home and will serve technology-based businesses, both of which are goals set forth in the Municipal Development Plan.

Unrelated individuals. This criterion does not apply to the Project.

Vehicular access points. The Project does not involve changing the number of curb cuts on the Property or otherwise affecting vehicular or pedestrian circulation.

Signage. AT&T does not propose to install any signage except as consistent with FCC regulations and guidelines.

Noise and glare. The Facility will not generate undue noise or glare. The only noise associated with the site will be generator "start tests" that will take place roughly once a week for a half hour. The generator would otherwise only run during a prolonged outage. The only lighting at the Facility will be a motion-activated light above the door on the Shelter, designed as a security measure to deter unauthorized access.

Construction schedule. AT&T expects construction to occur in 2015, following the issuance of all required permits and approvals, and will occur over the course of approximately 60-90 days of intermittent construction.

Hours of operation. This criterion does not apply to the Project insofar as the Facility will be unmanned and maintenance visits are expected to occur approximately once per month.

Future alterations. AT&T will seek approval for any future modifications or additions to the Facility.

Performance standards. The Project will comply with the relevant performance standards outlined in Article 5, Part 5. The Project will not alter existing stormwater control measures and will comply with the *Low Risk Site Handbook for Erosion Prevention and Sediment Control*, published by the Department of Environmental Conservation. The only noise associated with the site will be AT&T Generator "start tests" that will take place roughly once a week for a half hour. The Generator would otherwise only run during a prolonged outage. The only lighting proposed at the Facility will be on the Shelter, consisting of a single motion-activated light. The Project will not generate any waste streams or pose any undue hazard to other Property Owners. Finally, as indicated in Exhibit H, the Project will operate within the safety limits for radiofrequency emissions, as established by the FCC Guidelines.

Section 5.4.7(e): Wireless Telecommunications Facilities Conditional Use Approval

Adequate service. The Facility is designed to improve AT&T's wireless communications network in Burlington by addressing mitigation options for sector capacity triggers and detractors, ultimately increasing capacity and improving service in Burlington's South End and the surrounding neighborhoods. The Propagation Maps provided as Exhibit D show the effect of the Facility and how the Facility will interconnect with other facilities to provide 4G LTE service.

Federal requirements. The Facility will comply with FCC standards regarding radiofrequency emissions, as demonstrated by the Maximum Permissible Exposure Analysis ("MPE") attached at Exhibit H. The MPE assumes a "worst case scenario" in which all antennas are operating on full power. The Facility will be marked with proper warnings at the Site indicating the presence of such emissions.

Visual impact. AT&T has attempted to locate the Facility in an area that both ensures coverage along roadways and in areas of population concentration (*i.e.*, in-building coverage), while also keeping in mind the need to avoid unreasonable interference with significant public views identified in the Town Plan. To this end, the co-location of antennas and equipment on the Smokestack will not have a significant adverse aesthetic effect. As depicted on the Photo Simulations attached as Exhibit B, the antennas will be painted to match the color of the existing Smokestack , and the Shelter will be located in close proximity to similar structures on the Property. The Shelter will match the other shelters in the vicinity and generally keep with the red brick color of the outbuildings, and AT&T will install stockade fencing and plant vegetation around the Shelter to provide additional screening from certain vantage points. In addition, existing uses, infrastructure, and development on the Property and in the area help minimize the aesthetic effect of the Project from surrounding area.

Appropriate site. The Site is appropriate for the Project because it involves co-locating on and around an existing high elevation structure, with limited changes to the existing infrastructure and development on the Property. The Property is currently developed with access and utilities that will serve the Facility with minimal modifications and associated impacts. Moreover, the Site is in the Enterprise Light Manufacturing Zoning District, where uses are encouraged that support a diversified economic base that are compatible with manufacturing and other commercial and industrial uses. Ordinance § 4.4.3. The low-impact Facility will preserve the district's industrial aesthetic while providing for additional suitable commercial and industrial uses located near residential developments.

Development Standards. See analysis below.

Speculation. The Facility is not being built on speculation, as AT&T is a licensed wireless communications service provider. AT&T has provided as Exhibit H a Permit Authorization Letter, signed by the Property Owner, consenting to AT&T's proposed co-location Project.

Maintains adequate insurance. AT&T is obligated under its lease agreement to maintain adequate insurance for the Facility.

Signage. AT&T proposes to install only such signage as is required pursuant to applicable laws and regulations, including signage consistent with FCC guidelines.

Section 5.4.7(f) Wireless Telecommunications Facilities Development Standards

Co-location/Location on Existing Structure. The Project complies with this requirement because it involves co-locating on an existing Smokestack, with no proposed increases in the height of the support structure.

Height Limitations. The 25' height limitation does not apply to the Project because it involves co-locating on an existing structure. The existing Smokestack exceeds the 45' height limitation in the Enterprise Light Manufacturing Zoning District, as the existing support structure measures 140' AGL; however, the Project will not alter this existing non-conformity. Ordinance tbl. 4.4.3-1. AT&T will install antennas and equipment at centerline heights of approximately 114' and 124' AGL.

Fall Zones. To the extent a fall zone requirement applies to the co-location of antennas on an existing Smokestack, the Facility will be designed to substantially reduce the risk of collapse. AT&T is in the process of finalizing a Structural Analysis Report, to be supplemented as Exhibit E, demonstrating that the Smokestack will be capable of supporting the proposed antennas and equipment in accordance with the Electronics Industry Alliance / Telecommunications Industry Association Standard 222-G, otherwise known as the EIA/TIA 222-G and referred to as the G-Standard. The G-Standard is applicable to towers and other antenna support structures for all classes of communications service: it is accredited by the American National Standards Institute and represents the accepted industry practices in the design of antenna structures. The G-Standard was designed to account for 90 mph winds with a 3 second gust, and 40 mph winds with ¾" of ice.

Setbacks. The Project does not involve changing the existing setback from the Smokestack. The Shelter that will be installed in substantially the same location as an existing shed on the Property, and will be set back from the westerly Property boundary approximately 3.7 feet. There is no side yard setback requirement because the Property boundary does not abut a residential zoning district. Ordinance tbl. 4.4.3-1.

Lighting. AT&T is not proposing any lighting of the Smokestack, and the only lighting associated with the Project involves a small, motion-activated light fixture designed as a security measure on the Shelter.

Engineering Standards. The Structural Analysis Report to be supplemented as Exhibit E will demonstrate that the Smokestack is structurally capable of accommodating the antennas and equipment.

Residential Districts. The Facility is not located in a residential district.

Section 5.4.7(g) Wireless Telecommunications Facilities Abandonment

Removal. AT&T is obligated under its lease agreement to remove the Facility should it be abandoned or cease to operate.

C. Chittenden County Regional Plan

The Chittenden County Regional Plan, known as the Chittenden County ECOS Plan, adopted on June 19, 2013 (the "ECOS Plan"), recognizes that telecommunications infrastructure is important to economic development. It states: "The weakest part of the County's utilities and telecommunications system is the quality and costs of telecommunications, in particular cell phone service. A major state-wide initiative to improve telecommunications services is underway." ECOS Plan at 131. To this end, the ECOS Plan sets forth a goal to "[p]romot[e] the use of technology in economic development, including access to high-speed telecommunications." *Id.* at 135.

The Project furthers this goal insofar as it will improve the quality of telecommunications and cell phone service in Burlington by providing access to AT&T's LTE service. In addition, the proposed Project is not expected to have a significant regional impact as that term is defined in the ECOS Plan. "A proposed development has a substantial regional impact if it is not consistent with the Future Land Use Plan of this Regional Plan." *Id.* at 118. The Project Site is located in the Enterprise Planning Area identified in the Future Land Use section (*see* Map 2), which comprises "areas where local zoning authorizes a future concentration of employment uses that attract workers form the County and multi-county region. Development in these Planning Areas should have adequate wastewater capacity and access to transit or be near these services." *Id.* at 116. Because it involves improving the quality of telecommunications and cell phone service in this area of Burlington, without affecting existing wastewater systems or traffic patterns, the Project is consistent with the Future Land Use Plan.

V. Request for Recommendation / Comments.

Based upon these application materials, AT&T is requesting a recommendation from the City Council and / or Planning Commission and the Regional Planning Commission for consideration by the PSB with respect to the proposed Facility by **no later than Thursday, June 12, 2014**. Exhibits I and J to this letter are proposed recommendation forms for the City and RPC relating to review of this letter and associated attachments; however, each entity may feel free to use its own form or letter. An electronic copy of the forms will be submitted for your convenience upon request. AT&T respectfully asks that the forms be completed and returned to us for submission with the application to the PSB, and that the remainder of the 45-day notice be waived as of the date the letter is signed and returned (if applicable). If helpful to your deliberative process, AT&T would be pleased to make a presentation concerning the Project within the 45-day timeframe.

Once AT&T's application is filed with the Vermont PSB, any interested person may submit comments and seek to intervene in the proceeding within 21 calendar days of the date the petition was filed. Unless the PSB determines that an application raises a significant issue under the statutory criteria, the PSB may issue a final determination on the application within 45 days of its filing or upon determination that the filing is complete. If the PSB determines that the application does raise a significant issue with respect to the statutory criteria, the PSB may issue a final determination between 45 and 90 days.

VI. Contact for Comments

Should you have any questions relating to the Project at the Site in Burlington, please direct all inquiries and/or comments to Paul Reed, Centerline Communications, at (413) 528-1634, or email to preed@clinellc.com. I can be reached at the telephone number and/or email provided in the letterhead above. In addition, please note that you and your constituents will have an opportunity to file comments with the PSB directly once the application is filed.

We look forward to your review and recommendation, and thank you in advance for your attention to this important project.

Sincerely,

Kane H. Smart

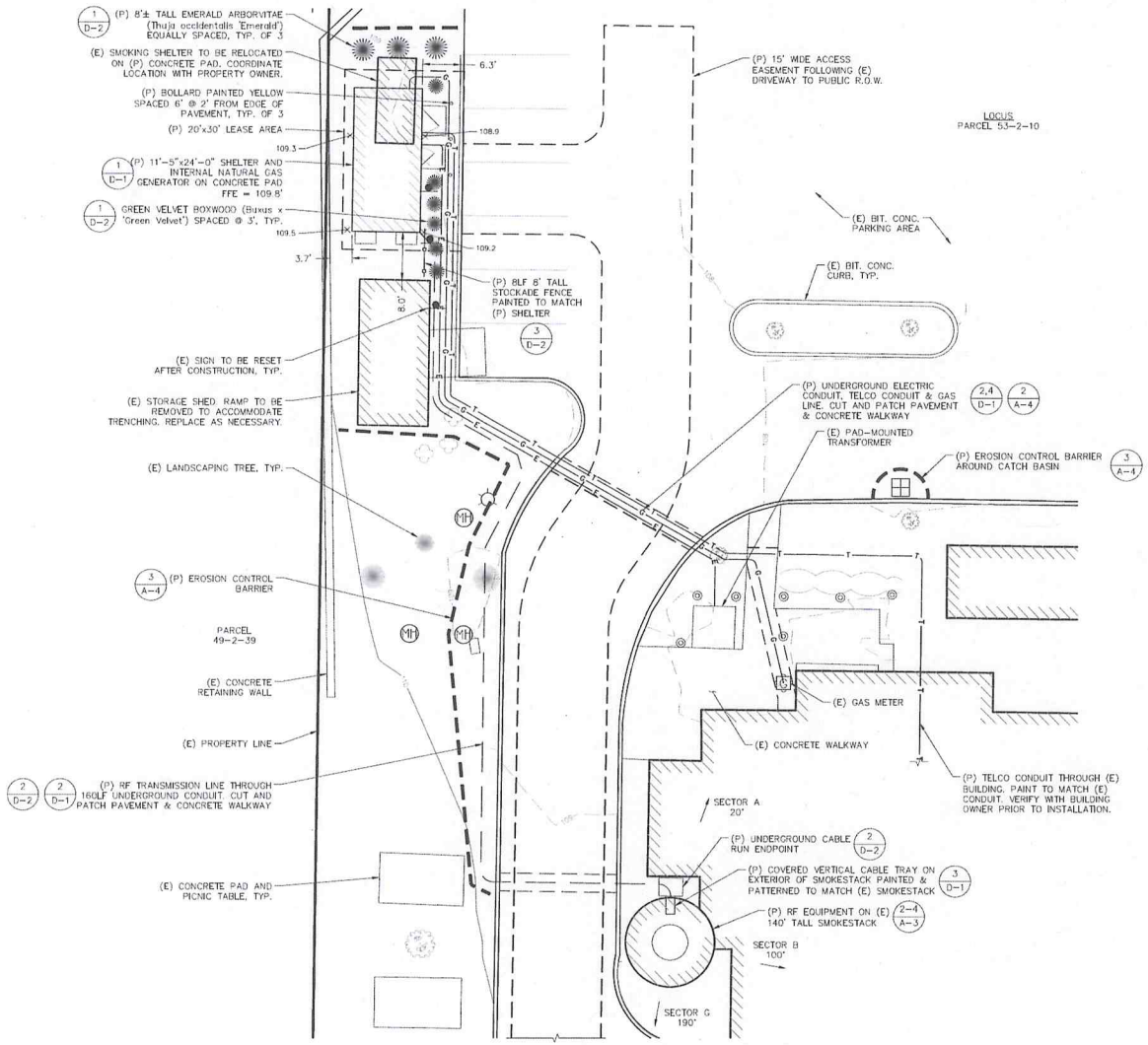
Enclosures

cc: Statutory Parties
Susan M. Hudson, Clerk, Vermont Public Service PSB (hard copy w/CD via U.S. Mail)
Christopher Recchia, Commissioner, Vermont Department of Public Service
Aaron Kisicki, Special Counsel, Vermont Department of Public Service
(hard copy w/CD via U.S. Mail and email)
Jon Groveman, Vermont Agency of Natural Resources, c/o Jen Mojo
(hard copy w/CD via U.S. Mail)
Devin Colman, Vermont Historic Preservation Division (hard copy w/CD via U.S. Mail)
Fortieth Burlington LLC, Attn: Hank Stevens (hard copy via U.S. Mail)

Adjoining Landowners
Cloverleaf Properties Inc., c/o G.S. Blodgett, Corp.
City of Burlington
City of Burlington, Electric Department
City of Burlington, Department of Public Works
Harlaine Miller
State of Vermont, Agency of Transportation Rail Unit
State of Vermont, Building and General Services

Others
Sohail Usmani, AT&T (hard copy w/CD via U.S. Mail)
Jonathan McNeal, Site Acquisitions, Inc. (CD via U.S. Mail)
Paul Reed, Centerline Communications (CD via U.S. Mail)
Peter LaMontagne, Centerline Communications (CD via U.S. Mail)

14967742.1



SITE PLAN

SCALE: 1"=10' (22x34)
1"=20' (11x17)

10 5 0 10 20

ProTerra DESIGN GROUP, LLC
1 Short Street
Suite 3
Northampton, MA 01060
Ph: (413)320-4918
Fax: (413)320-4917

CLIENT:

SAI
27 Northwestern Drive
Salem, NH 03079

NO.	DATE	REVISIONS
A	3/27/14	ISSUED FOR REVIEW
0	4/16/14	ISSUED FOR PERMITTING
1	4/28/14	PERMITTING REVISED

TITLE:
SITE NAME: LAKESIDE - SMOKESTACK
SITE NUMBER: VT4406
ADDRESS: 123 LAKESIDE AVENUE
BURLINGTON, VT 05401

APPLICANT:
NEW CINGULAR WIRELESS PCS, LLC
550 COCHITUATE ROAD
FRAMINGHAM, MA 07701

at&t

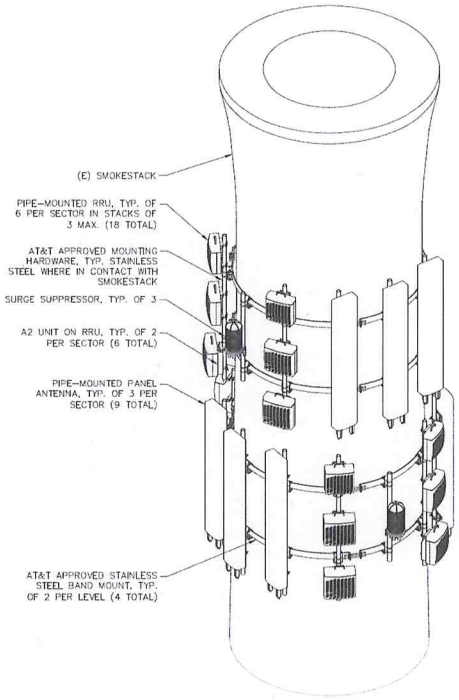
STAMP:

STATE OF VERMONT
BRIAN D. MOSHIER
NO. 9311
LICENSED
PROFESSIONAL ENGINEER
4-28-14

DATE: 3/27/14
DRAWN: MJV
CHECK: JMM/TEJ
SCALE: SEE PLAN
JOB NO.: 13-049

SHEET TITLE:
SITE PLAN

A-2



ANTENNA LEVEL SOUTHEAST ISOMETRIC (2 / A-3)

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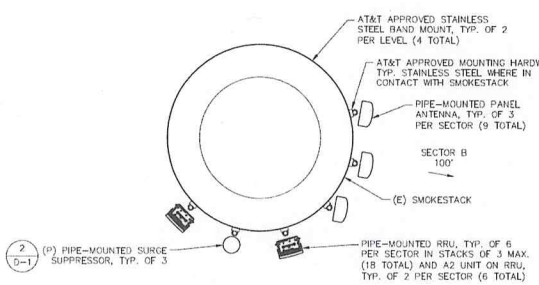

SECTION A-A AT 124' AGL (3 / A-3)

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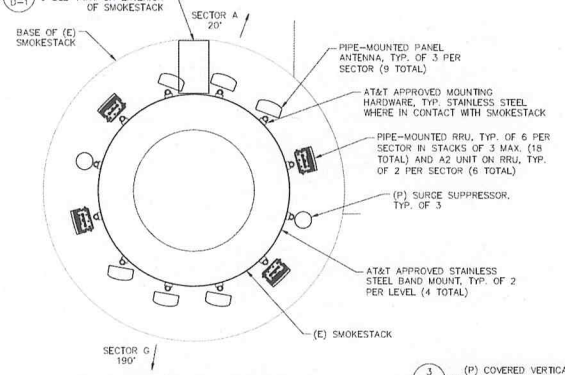

SECTION B-B AT 114' AGL (4 / A-3)

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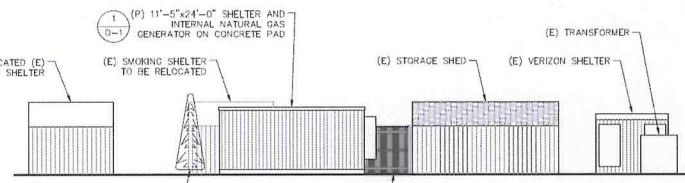
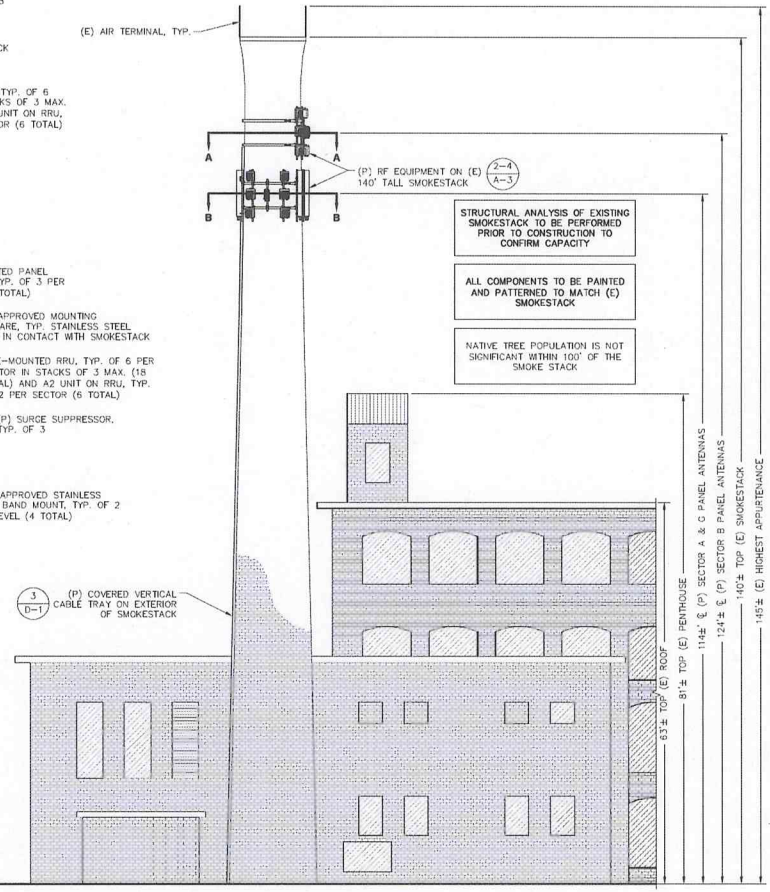
3 1.5 0 3 6





WEST ELEVATION (1 / A-3)

SCALE: 1"=10' (22x34) 1"=20' (11x17)

10 5 0 10 20

ProTerra DESIGN GROUP, LLC
1 Short Street
Suite 1
Northampton, MA 01060
Ph: (413)320-4918
Fax: (413)320-4917

CLIENT:

SAI
27 Northwestern Drive
Salem, NH 03079

NO.	DATE	REVISIONS
A	3/27/14	ISSUED FOR REVIEW
0	4/16/14	ISSUED FOR PERMITTING
1	4/28/14	PERMITTING REVISED

TITLE:

SITE NAME: LAKESIDE - SMOKESTACK
SITE NUMBER: VT1406
ADDRESS: 128 LAKESIDE AVENUE
BURLINGTON, VT 05401

NEW CINGULAR WIRELESS PCS, LLC
AT&T
660 OCCIDENTAL ROAD
FRAMINGHAM, MA 01701

APPLICANT: at&t

STAMP:

STATE OF VERMONT
BRIAN MUNROE
LICENSED
PROFESSIONAL ENGINEER
4-28-14

DATE: 3/27/14
DRAWN: MJV
CHECK: JMM/TEJ
SCALE: SEE PLAN
JOB NO.: 13-049

SHEET TITLE:

ELEVATION

A-3

Caron & Assoc. CAD Design

ProTerra Design Group, LLC

Existing Conditions

SAI

at&t

For visual reference only. Actual visibility is dependent upon weather conditions, season,

Lakeside Smokestack ~ VT4406

Created By: Benjamin E. Caron

Caron & Associates Design

ProTerra Design Group, LLC

Proposed Conditions

SAI

at&t

For visual reference only. Actual visibility is dependent upon weather conditions, season

Lakeside Smokestack ~ VT4406 - (4/30/2014)

Created By: Benjamin E. Caron

Caron & Assoc. CAD Design

ProTerra Design Group, LLC

Existing Conditions

SAI

at&t

For visual reference only. Actual visibility is dependent upon weather conditions, season,

Lakeside Smokestack ~ VT4406

Created By: Benjamin E. Caron

Caron Assoc. CAD Design

ProTerra DESIGN GROUP, LLC

Proposed Conditions

SAI

at&t

For visual reference only. Actual visibility is dependent upon weather conditions, season

Lakeside Smokestack ~ VT4406

Created By: Benjamin E. Caron

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)
www.burlingtonvt.gov/planning

Yves Bradley, Chair
Bruce Baker, Vice-Chair
Andrew Saba
Lee Buffinton
Harris Roen
Andy Montroll
Jennifer Wallace-Brodeur
Vacant, Youth Member

Burlington Planning Commission Minutes

Tuesday, March 25, 2014 - 6:30 pm

PC Present: L. Buffinton, H. Roen, J. Wallace-Brodeur, B. Baker, E. Lee
Absent: Y. Bradley, A. Montroll
Staff: S. Thibault, E. Tillotson, K Sturtevant

I. Agenda

No change to order of agenda.

H. Roen: Had sent an email to Commission members stating that he wanted to discuss the proposed solar farm tonight.

B. Baker: So shall we do Commissioner Items now since other people are here to discuss it also?

H. Roen: Did not want to discuss the merits of the project but the process or procedure for addressing the subject, and what the Planning Commission wants to do. He understands it is the preliminary application now and the comment period will close early in April. If the Commission is going to comment, there is opportunity now, the full application will come later.

S. Thibault: Has discussed with S Gustin the timing issue. The Conservation Board met March 10 and will discuss it again on April 7. The Department of Environmental Conservation will be meeting April 2nd. The pre-application has a 45 day period which is open for comments which ends April 18. The Conservation Board will send their comments by April 16. Comments from the City need to be filed a week before the applicant files its actual application. Staff has discussed this application and concluded that the Conservation Board is the place for stormwater and conservation issues.

H. Roen: The Conservation Board will do a thorough job on conservation and stormwater research. What about comments to the Conservation Board from the public?

S. Thibault: All items received from the public have been included in the Commission packets.

II. Public Forum

B. Baker – Opened the public forum at 6:35 to accommodate visitors.

T. Papp, President of the homeowners association, addresses the proposed solar farm.

1. The Association is not against solar but does have some concerns.
2. The Conservation Board does not have Public Service Board acknowledgement, the regional and local Planning Commissions are the entities that have a seat at this table.
3. The Association believes the current application is incomplete, more information from the developer was requested four months ago.
4. The developer, in the past, has clear cut and stumped the property creating stormwater problems.
5. A 45-day notice is invalid because the application is not complete.

There are wetland and stormwater issues as well as some set back issues. The Association Board has a fiduciary duty to its members to represent their interests.

As approved by the Burlington Planning Commission on.

J. Boucher, legal counsel for the Association: Comments that according to the PBS rules, the plans must include sufficient information to understand the project. At present information is lacking.

H. Roen: Could the Conservation Board be considered a part of the Planning Commission for review purposes?

B. Baker: Is concerned about having a public hearing without proper notice and the next opportunity for a warned meeting is April 8.

L. Buffinton: The public hearing is about content, is this procedural since there no information to review? It is imperative that the Planning Commission take some action, plans are lacking, the Commission should address the 45 day concern.

B. Baker: The City Council will comment based on the Conservation Board's comments and research. Do we need to comment in any other way?

J. Boucher: His reaction this evening, is that the City Council is in an odd situation. It is unusual for the Planning Commission to have equal status to the City Council, but the PSB hearing is to look at all issues. The Planning Commission has its own authority and mission. He would suggest asking the PSB to send report to the Commission. Without adequate information an evaluation cannot be made. It seems that the developer should start the clock again.

T. Papp: The Regional Planning Commission discussed the same problem.

J. Boucher: The PSB wants to hear all sides of the issues.

J. Wallace-Brodeur: Can the Commission act independently or not?

H. Roen: Can the Commission say that we agree with the recommendation of the Conservation Board? They have done an extremely thorough job.

S. Thibault: The Conservation Board meets the day before the next Commission meeting making it a very tight timeline for reacting.

B. Baker: We can put this on the agenda for April 8.th

L. Buffinton: If there is no stormwater plan, can we indicate that we believe the plan is not complete?

J. Wallace-Brodeur: And can somebody from staff help with process and information? She would like land use analysis to understand if the is current policy speaks to this issue, etc.

L. Krohn: The Commission has an opportunity to proceed or comment, generally relevant issues are linked to the act 250 process but policies in the Municipal Plan are relevant. He hasn't seen the application, but cautions to be careful with process.

B. Baker: – Closed the public forum at 6:59pm.

III. Report of the Chair

None, since he is not present.

IV. Report of the Director

Report by S. Thibault: Work on the Form Based Code has slowed somewhat due to complications with staff. They have reached out to the NPAs offering to visit in May or June to expose the public to the proposed changes, they will meet with Wards 4 and 7 in late April, and again in June for changes specific to Burlington. In April they will start to work with Commission to familiarize them with the new FBC. This is specific to the Planbtv study area, the downtown area. The hope is to visit all NPAs.

V. Affirmatively Furthering Fair Housing Training

Ted Wimpy, Director of Fair Housing Project at CVOEO, and Lee Krohn from the RPC

T. Wimpy: This is a statewide program in outreach providing information and advice training to developers, providers, planners, etc., basically anyone who relates to fair housing issues. Federal and state laws protect people from discrimination. HUD wants to see that people in positions to affect housing, receive training around fair housing issues. He will be leading training for the Burlington Development Review Board. Lee Krohn has also had some training and he will give an overview.

L. Krohn: He has been a planner for many years in Manchester. The Commission is familiar with their own community needs. In Burlington there is pressure on housing stock from colleges and businesses. There are many ways to provide fair housing but Burlington is the only city that has inclusionary housing. Champlain College and UVM are proposing to build student rentals to relieve housing pressure. There is a lot of strain on families to find housing which creates social issues, inability to participate in civic events, difficulty in owning the experience of belonging. Housing is the biggest piece of the puzzle and the real challenge is the political will to approve and stand up for projects that meet city policy. The standards need to be clear and predictable. It is tough issue, more housing is needed, there is demand but the cost of housing is a challenge. VHFA has done a study for Burlington and has, as well, information for many towns.

T. Wimpy: The need is there, in the entire county and state. Every municipality is supposed to abide by the fair housing laws, the object is to go beyond requirements. Race, color, religion, family status, gender, public assistance, sexual preferences are all circumstances protected by the fair housing laws. Providing more affordable housing affects lower income people. Policies if not intended to be discriminatory, with disparate impact, can be fair housing policy against a disproportionate number of people in disadvantaged class. He would encourage the City to move assertively toward creating fair housing. Burlington does have an inclusionary housing policy, density bonuses, PUDs of a nature that encourage affordable housing, so the City is doing a pretty good job. There is a need to continue going in the same direction. At one time HUD was not serious about enforcing affirmative fair housing practices, but now there is a different approach.

L. Buffinton: It is good to go through each of pages and see where Burlington stands.

T. Wimpy: Creative interest in transportation/housing policies intersection is a big part of this.

L. Buffinton: Another issue for Burlington is that housing trusts now can get more funding for projects outside of the City which creates a higher cost for housing in Burlington.

T. Wimpy: Creativity linking housing with transportation is key. Conversations with VNRC examine issues within affordability, there seems to be potential for more streams of funding in a creative manner. It would be good to dialogue with neighboring communities to support affordable housing in the area.

J. Wallace-Brodeur: She is pleased with and appreciates the discussion. Some of the issues have to be a subject of further discussion. She appreciates the connection between transportation and housing, it's important to keep talking about.

T. Wimpy: Inclusionary zoning perhaps needs to be tweaked. He hopes everybody is cautious not to roll it back.

VI. Downtown Parking Amendment

S. Thibault: Members all received a memo from D. White last week containing a draft from the comments of the first meetings. We would like to send to it to the City Council as a recommendation.

J. Wallace-Brodeur: The first page, last paragraph refers to parking as a secondary use, what does that mean?

S. Thibault: Without unencumbering the present ordinance, it would be for the Commission to look into allowing the leasing spaces to another entity as a separate use, if they are above and beyond the requirements of the permits.

As approved by the Burlington Planning Commission on.

E. Lee: It seems like a reasonable idea.

H. Roen: It might help downtown with parking for commuters, something which is a problem for the Price Chopper on Shelburne Road for instance.

L. Buffinton: D. White mentioned unencumbering in reference to the equity issue, could we elaborate on this issue? She might suggest that there could be two different approaches so that there is no discrimination.

K. Sturtevant: Yes it is possible to do that based on the use analysis.

L. Buffinton: Why would there need to be two approaches?

K. Sturtevant: Perhaps it doesn't, it may just need more thought and focus.

B. Baker: He thinks the letter is fine. An engineer friend stated that the Burlington requirements are more exacting than those of other towns.

S. Thibault: Yes, we are looking to change some dimensional requirements when FBC is incorporated.

B. Baker: Measurements are relevant to the FBC. Conversations examining the land use perspective need to happen with the Downtown Parking Task Force. The LRPC meeting could be the driving force and Long Range Planning Committee will keep the Commission informed.

On a motion by J. Wallace-Brodeur, seconded by H. Roen, the Commission unanimously approved a motion to provide the City Council with a memorandum on the proposed changes drafted by staff and reviewed by the Board.

VII. Joint Institution Parking Management Plan

S. Thibault: You had a presentation at your last meeting and Sandy from CATMA is here again tonight. Tonight is your chance to discuss it a little bit more – the meeting was running long last time. I think that we are looking for ultimately, is a motion to recommend approval and refer to the Development Review Board as they are the Body who will ultimately approve this.

E. Lee: I would love more time to review it. I haven't really had a chance to really review the package and I apologize. I have been busy but it's pretty thick and I know there is some projects that are referencing it, for instance, this development where The Eagle's Club is. I know that during a presentation, it seems like those off campus projects were still going to be held to the same parking requirements as any other project, but then I've been hearing through the grapevine that because they participated in the Transportation Joint Institutional Management Plan that they were not going to be required to have the same parking requirement… so I would I really like some clarification on that and have some more time to read that completely because I feel like it is going to have a big impact on some huge development.

S. Thibault, CATMA: As far as The Eagles Club Project, I mean, the requirements are per the ordinance. The parking that is/will be available which is basically what's there today is for public use only and no students will be, you know, allowed to park at that site. So the parking is according to the ordinance.

E. Lee: Does that truly follow the ordinance if you provide parking but then don't allow anyone to park there?

S. Thibault, Planner: The project is in Downtown Transition zone allows for off-site parking.

L. Buffinton: There is concern that students will park on streets.

E. Lee: **:** Yeah, I think there is a concern that students are parking nearby and there is a concern that the project is not going to be by Champlain College, well, I guess the land is owned by Champlain College, the building is owned by the developer and it's a lease-back agreement, so the question is, what happens if there is a reduction in students at Champlain College and they decide they don't need this facility anymore, then you've got a 300 body apartment building with no parking. And what is the long term commitment for Champlain to provide this parking for a building that it doesn't really…. So

Champlain decides we don't want this dorm anymore, and so we are no longer going to house our students there…then what?

S. Thibault, CATMA: Actually, Champlain College enforces their streets around the main campus that their 173 affiliates are not allowed to use, but Champlain enforces them and they do license plate checks with the Burlington Police Department to make sure they are not a Champlain College Affiliate.

E. Lee: This will be a reduction in publicly provided parking spaces.

S. Thibault, Planner: Can I just ask, is it time sensitive from your perspective to get approval to the DRB in a certain amount of time?

S. Thibault, CATMA: Well, we always like to try to have it final and approved, you know, by April, typically, or by the end of April, and so once The Planning Commission reviews and provides comments for the DRB and then it goes to them for their approval, so just that timing for that process…

E. Lee: I could also abstain from the vote.

S. Thibault, Planner: I think we can move it to another agenda, but just keeping in mind there is a process that needs to move forward also.

E. Lee: Okay, I'm happy also to abstain from the vote, I could spend more time reading it and I could comment at DRB and say, "I didn't have a chance to review it, so I didn't vote, and here are my comments…"

B. Baker: If they aren't pushed up against the wall, we might as well take a full opportunity… any other comments?

L. Buffinton: It's a pretty thick plan, so… I think a little more time for everybody… we're missing a few votes tonight, so I think that's a good idea.

B. Baker: Where is the "drunk bus", walk by noise is huge problem. It would be nice to provide this.

L. Ravin: I think we do have a late bus.

B. Baker: I think it is shut down. That's what he hears in the community.

S. Thibault, CATMA: 10 pm to 3 in the morning, every ten minutes on Fridays and Saturdays.

J. Wallace-Brodeur: I do actually want to say that I think that this Parking Management is something that the city actually, this is the model that the city looks to in terms of the downtown stuff, so I do want to acknowledge that having a Parking Management Plan or a Transportation Management Plan is a really good thing for really transportation challenged facilities on the hill, so I do appreciate that we have this other resource in the community, and it is a really important way that we can manage the flow of traffic in our community and getting people to use other modes of transportation, so I do appreciate that.

This item will be place on the next Commission agenda.

VIII. Committee Reports

Executive Committee - met last week.

Long Range Planning Committee - hasn't met.

Ordinance Committee - scheduled during the storm, didn't happen.

IX. Commissioners Items

J. Wallace-Brodeur: Will miss both meetings in April.

H. Roen: He has been named to the Board of Renewable Vermont.

X. Minutes/Communications

On a motion by H. Roen, seconded by J. Wallace-Brodeur, the Commission unanimously approved the minutes with corrections for February 11 and March 3, 2014.

XI. Adjourn

On a motion by L. Buffinton, seconded by E. Lee, the Commission unanimously adjourned at 7:59 pm.

_____ _____

B. Baker, Vice Chair Date

_____

E. Tillotson, recording secretary

DRAFT

As approved by the Burlington Planning Commission on.

Burlington Planning Commission

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Jennifer Wallace-Brodeur
Vacant, Youth Member

Burlington Planning Commission Minutes

Tuesday, April 8, 2014 - 6:30 pm

PC Present: Y. Bradley, L. Buffinton, H. Roen, B. Baker, E. Lee
Absent: L. Buffinton, J. Wallace-Brodeur
Staff: S. Thibault

I. Agenda

No change.

II. Public Forum

Y. Bradley – Opened the public forum at 6:35 to accommodate visitors.

Ernie Pomerleau – There has been great work done in the City recently with planBTV and the new FBC that is coming, under which there will be no DRB review for the architecture of a building. He watched the process for proposed Champlain College project on St-Paul which addressed the shortage of housing and for which the city council approved the deal on the parking lot. This project is located in the transition zone and there are larger buildings all around. The permitting process offers no predictability now. What do we do in the community to meet the goals of planBTV on the ground? He was very surprised that this project proposal was denied and that there is no action to turn it around. He was proud of what was proposed and would love to hear what to do now. Should not have happened?

K. Devine, BBA Director – In the last few days, she has heard from many people on the dismay about the denied of the Champlain College project. It has been an exciting year and the BBA was closely involved in planBTV. Solving the housing crisis is the other main issue to deal with and is vital to the economic future of the city. She would love to live in Burlington and cannot, and many others are in the same predicament. How do we solve that? Adding student housing will help. She is working on the parking initiative under way and it would have been great to see surface parking lot to go away as well as increase more tax revenue. The parking initiative is looking at starting a public-private partnership to better manage parking downtown but the deny of the project last week makes her job much harder to develop that partnership in the future and sell that idea to private owners. Let us know how we can address the disconnect.

Katie Taylor with the Chamber and GBIC – Burlington is working hard to create more density and the way to do that is by going up. How to improve the economic vitality of our downtown is by increasing housing which is a statewide issue. The Commission has done a lot of work with planBTV and is now trying to move toward regulations that will provide that predictability. The denial of the project last week was a step in the wrong direction and she is dismayed about the decision. So much thought was put into the process and to see it denied. She wants to be part of the discussion in the future and get back on the right path.

F. Von Turkovich – The Commission can do something about it. The Development Review Board implements the ordinance that the Commission writes. It is a terrible feeling not to know what will happen when a developer comes forward, no predictability.

Y. Bradley – Closed the public forum at 6:47pm.

As approved by the Burlington Planning Commission on.

III. Report of the Chair

The Chair provided the following report:

- He wanted to discuss the vote by the DRB to deny Champlain College's project on St-Paul Street, which may end up in environmental court. The project was designed and proposed to fit into planBTV and creating denser infill development and dealing in part with the housing problems we face. The project had support from planning staff and DAB and the Mayor Office. There seems to be an issue – the Commission is going in one direction and DRB going in a different direction. He is very disappointed and believes the project should have gone through.

IV. Report of the Director

The director provided the following report:

- Dealing with projects under review by the office.
- He has been working on the Form-Based Code with S. Thibault and made a presentation to staff yesterday about the code, how it's organized. Next month, work will begin with the Commission and conversation with City Council for process review.

V. Joint Institution Parking Management Plan

D. White – Heard a presentation by CATMA on the current update to the Joint Parking Management Plan three meetings ago. The Commission requested for more time to review the document at the last meeting. Commission's role is to make a recommendation to the DRB on the adequacy of the document. Plan allows the institutions to be more creative and show how they do that with TDM and others mechanisms. Number of years around their work is now available and how well it has been working the past.

E. Lee – The plan doesn't address how to get people to live closer to the institutions rather than have to commute. She would love to see an initiative from the institutions to encourage their employees to live in Burlington and therefore reducing the need to commute into the city.

B. Baker – The Commission did not passing this along at the last meeting, did it impact the decision of the DRB on the Champlain College project.

D. White – The update would have added greater clarity, but the application was made at the time the current plan was place. Students to live in the Eagles club are already part of the plan and simply moved from Winooski.

B. Baker – The Commission has been very good at not being political and should remain that way. Need to make sure that we don't delay other processes.

E. Lee – She is the one who asked for the extension and had offered to abstain from the vote if the Commission wanted to move it forward that night.

On a motion by B. Baker, seconded by A. Montroll, the Commission unanimously recommended approval of the Joint Parking Management plan and sent to DRB.

VI. Act 248 Solar

D. White – Act 248 projects are exempt under local control, but there is a chance for the Commission to comment. While the project under development, the City Council asked the Conservation Board to look at the proposal and what impact it might have. The Conservation Board Chair is here tonight to discuss their recommendations after three public meetings. There is a very short timeline left for comments to the Public Service Board. If the Commission wants to offer comments it needs to happen tonight to then go to Council tomorrow for their meeting Monday night.

H. Roen – There is a full application coming and to be able to comment on that, we need to let the PSB know that we want to comment.

As approved by the Burlington Planning Commission on.

S. Gustin – Comment period is open now, within the 45 day. There is a separate timeframe for party status once the application has been filed.

F. VonTurkovich – Present what the project is, where it is located and what the purpose and intent of the project is. A 1/3 of the site now remains as upland. Solar farm to go on 18 acres of the site; the upland area and some of the wetland area. Keep the southern part of the land open as wetland. BED needs the power to be generated locally, would produce 2.5MWH of electricity. Today, it makes sense financially and functions as a place holder in lieu of future development.

Metal posts in the ground are an accepted use by the state into wetlands. They should get at least 25 years of use of the project with BED agreement. The adjacent neighborhoods don't want housing there, but this present an opportunity to use the land. There are still questions with regards to the wetlands permit. Need to be sure that any change in cover type on the land is addressed after development not to increase stormwater runoff into Strathmore development.

E. Lee – Why did you chose the one side from the other?

F. VonTurkovich – The open area is a more important wetland and should be excluded. Want to make sure we get as much light as possible.

E. Lee – Will the wetland still functions underneath the panels?

F. VonTurkovich – There will be no fill allowed in the area. Posts themselves do not constitute fill under state regulations.

M. Moore, CB Chair – Applicant came to the board three times in response to the City Council resolution to address stormwater, wetland and buffer zones. The Conservation Board has discussed the meaning and intent of the project. The burden is on the applicant to come and address these issues and responded to all 60 questions and applicant can now move forward with the application. The Board passed a motion to generally endorse the concept of the project but noting a few items that the applicant should provide more info on, i.e.: buffer to vernal pool, impact of the forest canopy, removal of shrubs in the wetland. Would comment to the DEC office putting forth skepticism as to the methodology the applicant used to calculate the impact to the wetlands. Applicant is stated the impact is only the post = 90 square feet. Why is not the 10 acres of clearing the acreage quantity used to describe the impact?

H. Roen – Is having the panels as an umbrella having an impact on the wetlands?

M. Moore – The clearing and its impact on the wetland is the main issue. The stormwater issue is ok for the most part. A board member did a 10 yr. analysis of the impact of stormwater and a 100 yrs. analysis should be done as well.

H. Roen – Is there precedent in the state?

F. VonTurkovich – 42 projects have been approved in the state in wetlands.

B. Baker – He feels this project is not under the purview of the Commission and commissioners were not there to hear the debate at Conservation Board meetings. The board has the expertise to comment on the wetland and stormwater issues, the Commission doesn't.

S. Gustin – The Conservation Board is looking at this at the request of the Council. The Commission can play a role in this and comment independently which may result in the Commission saying something and Council saying something else. Does this make sense from the Municipal Development Plan standpoint is what the Commission could address.

A. Montroll – There is a role for the PC. The RPC is looking at this as well. To weigh in meaningfully, we would have to put more effort into it and understand all the issues. Is it more appropriate for housing or this type of project? The owner has tried in the past for housing and didn't happen.

Y. Bradley – He is ok with the Conservation Board and Council to weigh in and there is no need for the commission to delve into this as well. He trusts others to take care of this.

On a motion by B. Baker, seconded by A. Montroll, the Commission agreed to take no action on this proposal. HR, opposed.

As approved by the Burlington Planning Commission on.

VII. Committee Reports

Executive Committee – meeting on April 10.

Long Range Planning Committee – meeting on April 15.

Ordinance Committee – met last week and talked about Major Impact, Conditional Use Criteria and more.

VIII. Commissioners Items

A. Montroll – Champlain College project. There is a question of what role the PC can play. Looking forward there is a role. This parcel, the city has been looking at for more than 10 years along the lines of this project. Several sites were identified in the past and then in planBTV we expanded on that as well, to add and create more density. When I see deny of that application on something that looks like something the city has been gearing on for many years. When deny is on massing and density, there is a disconnect between policies the city has with the review process. Should take a close look at the DRB decision and see if there is a disconnect and what it is. How should that part of the city to be developed. Is there something that needs to change in the zoning to make that happen? Are the regulations really giving us what we are looking for?

B. Baker – Make sure predictability is in the ordinance.

D. White – Talked with DRB members for training on a regular basis.

Y. Bradley – Issues raised could have been taken care of but the deny vote sent it to Env. Court now. The new mall owner wants to redevelop it with lots of money and for them to see these kinds of denial makes them worried and doesn't send the right message.

E. Lee – 287-289 South Winooski Ave – listed on the national register. Garage torn down because of an order from the building inspector.

D. White – Being taken down as a dangerous building order.

E. Lee – The owners are getting what they want when they let it go and neglected to keep the building up.

D. White – More discussion needs to happen around demolition by neglect. Disconnect between desire to see these structures maintained and restored, and the fact that people just neglect buildings.

E. Lee – Can we hear back at the next meeting about this application? Project on Pearl St where the former dentist office is. Proposing a 10 foot tall retaining wall next to someone's property. Do retaining walls allowed in the setback?

IX. Minutes/Communications

No action taken.

X. Adjourn

On a motion by A. Montroll, seconded by H. Roen, the Commission unanimously adjourned at pm.

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Y. Bradley, Chair Date

_____

S. Thibault, recording secretary

As approved by the Burlington Planning Commission on.

Burlington Planning Commission

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Vacant, Youth Member

Burlington Planning Commission Minutes

Tuesday, April 22, 2014 - 6:30 pm

PC Present: Y. Bradley, L. Buffinton, H. Roen, B. Baker, E. Lee
Absent: A Montroll, J Wallace-Brodeur
Staff: D White, S. Thibault, E Tillotson

I. Agenda

Y. Bradley: Guests are here to speak about #5 on the agenda, suggests that discussion of zoning boundaries be discussed first to accommodate guests.

On a motion by E. Lee, seconded by H. Roen, the Commission unanimously accepted the change.

II. Public Forum

Y Bradley – Opened the public forum at 6:35 pm.

Y Bradley – Closed the public forum at 6:35 pm.

III. Report of the Chair

The Chair provided the following report:

- The Chair would like to call out D. White and S Thibault, whose names were brought up during a discussion with the Mayor, at which time the Chair expressed that he felt that each of them are working the equivalent of two full time jobs. We really appreciate their efforts and great vision.

IV. Report of the Director

The director provided the following report:

- Presently there are lots of moving parts in the department, ie: Development Review projects under appeal and the permitting process in general. This is a very busy time for us, lots on our plate and we suspect that will continue. There is one really large project, the expansion of FAHC which was presented at sketch plan review last week, and encompasses a major addition to the hospital. It will provide for more single occupancy availability and no increase in patient load. FAHC has been interfacing with staff for quite a while, the project timeline is not yet clear.
- The FBC (Form Based Code) continues to be a focus for S. Thibault and the Director, meetings with staff as well as the think tank are continuing. At the next Planning Commission meeting there will be an overall presentation of FBC.
- Next week both the Director and Comprehensive Planner are going to Montpelier to testify about the Neighborhood Development Area designation application. Burlington is the first application in the state. This designation will be a useful tool for assisting with the state development regulations. Ron Redmond is one member of the state board. One benefit of the designation is a higher threshold for triggering Act 250 for some projects. S. Thibault is working on the designation application presently and with the state. Interestingly, one place where

Burlington lost a point is that parking requirements in residential zones are considered to be too high!

S Thibault: Has just forwarded email citing an event at Contois Auditorium next Friday, to celebrate approval of the Climate Action Plan adoption. There will be a presentation and discussion on the Climate Reality Project led by Al Gore. Also, watch WPTZ Channel 5 news this Thursday and Friday where there will be a story on parking in Burlington.

- Also there is a screening of the film "Human Scale" on Wednesday the 30th with great speakers and subject matter. $5.00 tickets in advance.

Y. Bradley: In South Burlington, planning for new city center, FBC has been adopted. They are developing inclusionary housing with three tiers of income consideration. Income below 80% of median income, below 100% and below 120% of median income. Anything below 120 % of median income creates a financial situation where conventional developers cannot make it work. Then the situation is that housing trust entities will have to take care of this need.

V. Discussion of potential changes to CDO

Required setback between Residential and Mixed Use zones

D. White: R. Bove was here some months ago and he brought to our attention some potential conflicts in the zoning ordinance relative to ownership of a property in more than one zoning district. His project is on Pearl Street, where there is a zoning change between properties and a 15 foot setback is required between the two districts. One solution might be to request a change in zoning district boundaries. There is a balance of issues concern; does it achieve the urban design the city is looking for. There might be a solution of moving the district boundary but a broader issue about transition is the height of buildings. It is a current concern and will continue into the FBC conversion.

T. Scott: This illustration is to show the effect of what David White suggests.

- Scheme 1 is the original project presented to the DRB where the 15 foot setback is undoable. The residential height restriction in the adjacent zone, we respect. It creates a nice transition.
- Scheme 2 illustrates that if boundaries were changed, the north side would have a 15 foot setback requirement. The building then could be higher with not as much transition to the neighbor to the north.

T. Scott: Is not saying which one is better. The transition from one zone to another is worth looking at. Setbacks and heights are the issues in his opinion. Scheme 2 does not transition as nicely.

D. White: Scheme 2 is possible if the boundary line is moved. Scheme one is a different way of providing transition with more appropriate building height.

H. Roen: If the ownership of both lots is the same, there is no need for neighbors to have breathing space.

D. White: The zoning boundaries are fixed on the ground. The setback is a zoning distinction.

B. Baker: We can't have zoning district lines sway by changing the boundaries of lots as ownership changes.

T. Scott: We picked the aspect of zoning which helps maintain the zoning transition and kept the height appropriate, but removed the setback requirement. Scheme one is dependent on common ownership.

L. Buffinton: Visually Scheme 1 transition is better; it follows the intent of the ordinance.

B. Baker: It is important to see what the effect would be in other places. Would it be the same in other circumstances?

D. White: Other mixed use districts, RL and NAC are adjacent zones with different height and setback requirements. The ordinance doesn't address tapering heights, but design requirement does. FBC will define this transition more clearly.

As approved by the Burlington Planning Commission on .

E. Lee: Is the process for changing a boundary the typical process that we are involved in? Yes.

H. Roen: If FBC were applied to this situation would setbacks be required?

D. White: Yes, they will still apply.

T. Scott: The setback means nothing to R. Bove since he owns both lots.

D. White: That's where we want to get away from losing the integrity of the zoning districts.

L. Buffinton: A visual transition between districts is needed.

T. Scott: That could be anything, height, use, etc.

Y. Bradley: The Commission favors Scheme 1 which feels right. Could staff provide potential suggestions for the Commission?

Parking as a secondary use in downtown

D. White: This subject jumps up on the list based on the City Council decision on downtown parking. Leasing parking spaces to an offsite user changes the use of a property. The problem is that we know that there are 35% of parking spaces in the City going underutilized and we need to set up an ability to maximize the existing spaces. He has been mulling around the question of the possibility of setting a benchmark relative to leasing without that being considered a new use?

L. Buffinton: What have other cities done?

D. White: He hasn't seen other good examples. Parking is treated as a separate use. FBC will parse all these definitions more appropriately, functions improved.

E. Lee: Is there a real world example?

S. Thibault: The Hinds Lofts, which have maybe 25 parking spaces under building, which is the required number of spaces. Car spaces are leased and not sold with the units, so some are not used. Presently the existing empty spaces can't be leased because of the City Ordinance requirement.

Y. Bradley: Residents have the right to rent a parking space which can be on a month to month basis. Would staff compile suggestions for the Commission?

Neighborhood commercial uses

D. White: This is an issue raised by A. Montroll about existing neighborhood uses. The definition has been used as being all inclusive.

B. Baker: For neighborhood commercial use, the list of examples has become the rule. The ambiguity around the definition makes for hard feelings, there is a need for a more definitive description.

D. White: Probably not, the requirement is that it be a preexisting use and the use can change.

Y. Bradley: Lives on South Union Street within two or three houses of a structure that was previously a fire station. Another house looks a little odd; it used to be meat market and a couple of houses, used to beyond, was an outboard engine repair.

B. Baker: The key question is if it is preexisting.

D. White: Yes or if there is historical use.

VI. Committee Reports

Long Range Planning Committee – has met, had a very productive discussion on parking. Nate Wildfire from CEDO will continue to update the Commission in the next year.

S. Thibault: The Planning Commission will eventually meet with the DPW Commission for discussion. The South End plan report will be available later.

As approved by the Burlington Planning Commission on .

Ordinance Committee – has had one meeting and started discussing changes to the Major Impact and Conditional Use criteria.

Y. Bradley and B. Baker have met with the Mayor, his main question is what we are doing with major impact, and is it consistent with FBC?

D. White: Yes it is, but they are separate although they go hand in hand. There will be big policy changes while a lighter version will clean up inconsistencies.

VII. Commissioner Items

L. Buffinton: A question on the DRB decision on Champlain College. There are three issues, lack of scale, parking and inclusionary housing units.

D. White: Inclusionary housing was not part of the final decision. The DRB did not agree that the project does fit into institutions parking plan. Champlain College will appeal the decision of the DRB denial to leave route open for the future.

D. White: The hearing will be held de novo in Environmental Court. Party status is necessary to testify in Environmental Court.

H. Roen: Former Board member Wayne Senville sends greetings. Do we have an on line access to the Planning Commissioner publication.

D. White: There is an on line subscription but I don't know if the full commission has access.

H. Roen: There is a discussion about St Anthony's on the Front Porch Forum, does this need a response?

VIII. Minutes/Communications

On a motion by E. Lee, seconded by L. Buffinton, the Commission unanimously accepted the communications.

IX. Executive Session – Directors Evaluation

On a motion by B. Baker, seconded by E. Lee, the Commission unanimously voted to recess to executive session to address the director's evaluation.

X. Adjourn

On a motion by H. Roen, seconded by L. Buffinton, the Commission unanimously adjourned at 8:10 pm.

DRAFT

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Y. Bradley, Chair Date

_____

E Tillotson, recording secretary

As approved by the Burlington Planning Commission on .

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Burlington Planning Commission Minutes

Tuesday, May 13, 2014 - 6:30 pm

PC Present: L. Buffinton, H. Roen, J. Wallace-Brodeur, Y. Bradley, B. Baker, A. Montroll
Absent: E. Lee
Staff: D. White, S. Thibault, E. Tillotson, K. Sturtevant

I. Agenda

No changes.

II. Public Forum

Y. Bradley – Opened the public forum at 6:35 pm.

J. Rippa, owner of a property on East Avenue, was invited by B. Baker to speak about a zoning issue. He currently owns a building being used as a triplex, but only approved as a duplex; he has additionally submitted a letter.

B. Baker: There are contradictory directives from the state statutes and the City ordinance.

K. Sturtevant: For the record, the current status of law, zoning violations have a 15 year limitation, but there are many exemptions. The City zoning records don't reflect the current use of three units. Generally the policy addresses fairness back to 1973.

D. White: The city could choose to define a policy as long as it doesn't conflict with state law. The confusion is about additional living space, not an additional unit.

K. Sturtevant: There have been discussions of alternative ways to solve the issue.

J. Rippa: K. Lerner, zoning administrator, didn't have any problem with the whole thing. The original contact was John Rasys who instructed him as to the building approach, incorporating John's ideas.

B. Baker: Do we have discretion to set policy? It all adds up to the fact that we need a policy to address issues like this and the Planning Commission has the discretion to set policy.

D. White: A common thread is that property may have been assessed for actual use and never permitted by zoning. Now records are shared between departments.

B. Baker: The Bianchi ruling was put in place because records weren't being kept.

Y. Bradley: What does the average citizen expect? We need to encourage ways to not blindside the average person.

B. Baker: Burlington is the only municipality that has distinguished between use and structure relative to Bianchi.

A. Montroll: At times there is a need to cure.

L. Buffinton: The recommendation seems a waste of energy and cost.

Y. Bradley: Can we have a straw poll about how much time is appropriate, 15 years?

J. Wallace-Brodeur: Would like to see a proposal.

As approved by the Burlington Planning Commission on June 10, 2014.

Y. Bradley: Could D. White and K. Sturtevant work to find some language to propose?

D. White: A lot of situations have adjoining issues which may not be addressed.

Y. Bradley: The average person assumes that contractors will close out permits and this is often not so.

D. White: Would encourage the Planning Commission to have consistency, to reflect whatever time limitation is in statutes.

A. Montroll: If a situation has been disclosed to the city, it should not be the obligation of the owner. The City departments should share information.

J. Rippa: Nothing has changed since 1973; there have been multiple building permits and housing inspections.

Y. Bradley – Closed the public forum at 7:06 pm.

III. Report of the Chair

The Chair presented the following report:

- He has met with the Director and the Comprehensive Planner to discuss the historic buildings material and discussed the likelihood that the City Council Ordinance Committee will/will not approve the existing proposed amendments and the common opinion is that it has less than a 10% chance of passing. After looking at what was proposed, it's not perfect. He believes the Commission was tired of it and wanted to be done with it. He would rather the Commission get to the point that we wish to be at and then present the material to the City Council Ordinance Committee. It's important that the Mayor have the same position as the Planning Commission. As of now, it's not everything we want it to be. The Commission needs to get back to basics. We could consider looking at the notion of eligibility again. He would suggest that the Commission take one meeting, ask certain stakeholders to attend the meeting, and try to formulate the policy. The feedback from the Mayor's office and the State of Vermont indicates pushback and the City Councilors haven't been paying attention to the proposal. The process would be better with engagement of the City Council members. He would suggest that the ordinance proposal be referred back to the Commission.

D. White: The timeline is too short for the Council to have time to understand and do something productive with the amendment.

Y. Bradley: Politically we have spent a lot of time on policy.

J. Wallace-Brodeur: There has not been good dialogue with all of the different parties. It would be better to have advocates in a more productive role. The product is not clearly articulated, not enough information; it seems like lot of talking in circles. A work session is a good idea.

L. Buffinton: It would be good to ask the City Council members to participate in the process.

Y. Bradley: It has been too long and there is not time enough to present it now. He would like to have it referred back.

H. Roen: Agrees, but the Commission has to be prepared that there may not be consensus on the subject.

D. White: The process began with what are some problems, it is better to begin with a partnership to solve problems.

On a motion by L. Buffinton, seconded by J. Wallace-Brodeur, the Commission unanimously requested that the Council Ordinance Committee refer ZA-13-12-Historic Materials back to the Planning Commission.

IV. Report of the Director

The director presented the following report:

- Two weeks ago, the film The Human Scale was presented at the Main Street Landing theatre to a sellout audience which was wonderful.
- There has been a lot of work done on FBC.

S. Thibault: Noted that Burlington is the first city in the state to get the Neighborhood Development Area Designation. And she hopes all of the Commission saw the email, planBTV South End was launched last Friday!

V. Clean Hands Policy

K. Sturtevant: She wishes to clarify further what the Commission is looking to accomplish. Is the policy to be based on zoning violations, other municipal issues, or zoning applications? There needs to be a nexus to acquire answers, does the type of permit matter? Should there be a grandfathering of the statute of limitations effect on clean hands policy? Apply only to one specific property or to other properties of owner?

Y. Bradley: To use the analogy of bar owners, some are cooperative, others obstructionist, etc. The clean hands policy is a tool to have in case of code enforcements or minimum housing violations. It's an opportunity to illustrate the necessity to comply with the rules and exhibit responsibility.

B. Baker: Agrees, the policy needs to be designed to get properties into compliance.

J. Wallace-Brodeur: And not just with the primary property. A pattern of violations is more an indicator than is one violation.

K. Sturtevant: It has to be something that has to be fixed.

L. Buffinton: It might be a situation where the tenants are the problem. There could be a range of problems: property violations, code enforcement, codes, police calls, taxes, land use violations, the possibilities are too broad.

Y. Bradley: That will be our challenge to decide the parameters.

J. Wallace-Brodeur: It would seem reasonable to weigh violations vs the number of units, to establish a ratio as a tool.

D. White: Should the policy include other properties under the same ownership?

K. Sturtevant: The Planning Commission does have authority to seek remedies. The city of Milwaukee has such an ordinance. The applicant has to fill out an affidavit stating whether or not the property owner is in good standing. It can be an opportunity for a whole review process including a hearing on violations <u>previous</u> to permitting.

D. White: It would address known violations, but it would not be chasing unknown violations.

B. Baker: What is the trigger and what is the path to remedy?

A. Montroll leaves to attend a meeting about 7:20 and returns about 7:40.

D. White: There has been much other interest voiced on this topic. City Councilors will be weighing in on these issues.

K. Sturtevant: So I will work on drafting some possible language?

VI. Downtown Form-Based Code

This presentation will not occur tonight due to time conflicts.

As approved by the Burlington Planning Commission on June 10, 2014.

VII. Application for Certificate of Public Good

D. White: It seems everybody is applying for a Certificate of Public Good (CPG) for alternative power. The legislature has just changed the law. In the old north end on North Winooski Avenue, the new building that Redstone has under construction is specific to the concern. The panels out near the edges of the building are a spot where typically some screening would be expected. This one has some red flags; the City should look into participating in the hearing process.

Y. Bradley: Our understanding that it is Verizon installation, driven by Verizon, and we might suggest to the developer that it is unacceptable as is and will not be approved as presented.

L. Buffinton: I would encourage participating in this hearing and requesting a projected elevation.

A. Montroll: I represent folks who are negotiating with Verizon but it is a different entity and I don't think it is a conflict of interest.

D. White: It is the opportunity for the city to participate.

A. Montroll: Cell phone coverage is poor in this area. Their request is consistent with regional plan for cell coverage. There are ways for it to be screened.

D. White: Let's encourage this in a positive way.

B. Baker: The Commission doesn't have engineering expertise; our goals are the public good.

D. White: We don't have to solve the problem; the Public Service Board will address the problem.

L. Buffinton: In this neighborhood, the reception is good all of time, screening solutions for the panels is possible. She would like better photos of this project.

On a motion by J. Wallace-Brodeur, seconded by L. Buffinton, the Commission unanimously directed staff to participate in the act 248 process for this property.

VIII. Committee Reports

Ordinance Committee – Has been working on conditional uses. There are proposed amendments about conditional uses in several sections, inclusionary PUDs require a conditional use permit. Committee likes recommendations. The next conversation will be about major impact.

B. Baker: At an earlier meeting with the Mayor, he raised the issue that this revision to the inclusionary portion of the ordinance was coming. The Mayor needs to know if this is conjunctive with Form Based Code, both are independent with predictability and a rational process and are separate conversations, but do go hand in hand.

IX. Commissioners Items

L. Buffinton: Did everyone see the article on accessory units from the NY Times sent by E. Lee? In Burlington the obstacles are parking and lot coverage. They create a missed opportunity to encourage family togetherness. It would be great if we could look at the zoning ordinance in a manner that would be friendlier to accessory units. There is a conflict between coverage and density, especially in the RM zone.

X. Minutes/Communications

On a motion by A. Montroll, seconded by H. Roen, the Commission unanimously accepted the minutes of March 25, April 8, April 22, with corrections, and placed them on file.

As approved by the Burlington Planning Commission on June 10, 2014.

XI. Executive Session – Director's Evaluation

On a motion by H. Roen, seconded by A Montroll, the Commission unanimously agreed to go into executive session.

On a motion by H. Roen, seconded by A. Montroll, the Commission unanimously agreed to close the executive session at 8:30 pm.

XII. Adjourn

On a motion by B. Baker, seconded by J. Wallace-Brodeur, the Commission unanimously adjourned at 8:35 pm.

_July 1, 2014____

Y Bradley, Chair Date

E. Tillotson, recording secretary

As approved by the Burlington Planning Commission on June 10, 2014.