

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
Holly Ransom, Youth Member



Burlington Planning Commission

REGULAR MEETING

Tuesday, March 10, 2015 - 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 – Yves Bradley (5 min)

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

V. Telecommunications Facility – 86 Lake St

VI. Public Hearing: Proposed Zoning Amendments (15 min) – Time Certain 7:00pm

The Commission will continue the public hearing for the following proposed amendment to the Comprehensive Development Ordinance:

- **ZA-15-03 – Inclusionary Zoning for Institutional Zoning Districts** – This proposal exempts institutional student housing outside of the Institutional zone from the inclusionary housing requirements of Article 9. Presently, the exemption applies only to institutional student housing within the Institutional zone. The City has seen one application to develop institutional student housing outside of the Institutional zone and expects to see more in the future. The present exemption recognizes that institutional student housing is a clearly different entity than housing available to anyone. Institutional student housing provides temporary housing for students while enrolled at the institution. The principles of inclusionary housing to provide housing to an array of citizens with various income levels are not intended to apply to institutional student housing. The current exemption should apply to institutional student housing regardless of the zone wherein it is located.
- **ZA-15-04 – Downtown, Neighborhood Mixed-Use, Enterprise Districts Setbacks Abutting a Residential Zone** - This amendment comes as a result of a determination by the Environmental Division that the language of the ordinance by referring to a property line, allows a change of a property line to de facto change the zoning setback. The result without this setback in effect extends the encroachment of a mixed use district into a residential area based solely on changes

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.

Tuesday, March 10, 2015

in parcel boundaries rather than on the zoning boundary line established by the Planning Commission and City Council. Instead the City needs to assure better control over the expansion of districts, thus this change references the “zoning boundary” rather than a dynamic “property line” that is not under the City’s control.

VII. Proposed Amendments (15 min)

The Commission will review the proposed two amendments to Appendix A of the Comprehensive Development Ordinance:

- Small Daycare allowance in RCO districts.
- Clarification of mixed uses allowed the “Attached Dwellings” category

VIII. planBTV South End Community Workshop Debrief (15 min)

IX. Committee Reports (5 min)

X. Commissioner Items (5 min)

XI. Minutes/Communications (2 min)

The Commission will review communications and approve minutes from the January 13 & 27, 2015 meeting.

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

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Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7188
Fax: (802) 865-7195

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



Memo to: Planning Commission
From: Mary O'Neil, AICP
RE: Proposed wireless telecommunications facility
Location: 86 Lake Street
Date: February 18, 2015

In May of 2014 All Points Technology notified the City of Burlington with intent to file an application with the Public Service Board for proposed wireless telecommunications facility at 86 Lake Street on behalf of Cellco Partnerships, doing business as Verizon Wireless. This office requested additional elevations of the proposal in June 2014. The plan included installation of communications antennas atop the building at four roof corners, with a visual treatment suggesting chimneys, and included a sled-mounted series of antennae at the rear. The application was discussed with Verizon and City representatives July 24, 2014. The City shared concern that the plan was inconsistent with some provisions of the Comprehensive Development Ordinance and the Municipal Development Plan.

Verizon ultimately allowed the 45 day notice period for this project to expire.

A letter was received December 1, 2014 from All Points with revised plans, inviting comment. Although the equipment remained in the same location, there was a change of the "stealth" material from brick to matte finish. Antennas on the rear are tilted to capture hotel area on Battery Street. Staff continued to express concern about impact to the historic resource (86 Lake Street is listed on the Vermont State Register) given the addition of new building components that never existed historically, and the broad visibility of the rooftop from multiple locations. A letter was sent to All Points December 11, 2014 expressing the continued objection based on visual impacts of the installation, and the addition of building components that never existed.

A second meeting was held December 18, 2014 with Verizon and its representatives where the revised design was discussed. Verizon's attorney shared the difficulty of identifying sites that would both meet their need and were not constrained by landowner.

Verizon has decided to advance this plan, having filed a 45 day Notice for the proposed facility. At the request of their attorney, the following information is submitted for Planning Commission review and comment as allowed by statute.

February 13, 2015

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 Telecommunications Facility
Location: 86 Lake Street, Burlington, Vermont
Landowner: Lake Street Associates, Inc.

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 Secretary of the Agency of Transportation;
- (f) the landowners of record of property adjoining the project sites;
- (g) 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 September 5, 2014 ("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.vermont.gov>.

Project Location

The Project is a new wireless telecommunications facility consisting of twelve (12) antennas and related equipment to be installed on the roof and inside an existing building (the "Project").

The antennas will be mounted in five (5) locations on the rooftop of 86 Lake Street in the City of Burlington, Vermont. The mounting locations include each of the four (4) corners of the rooftop and in the middle of the eastern edge of the rooftop. The property is owned by Lake Street Associates, Inc. The coordinates for the Project are latitude 44°-28'-41.55" North, longitude 73°-13'-12.50" West.

Project Description

The proposed project will utilize four (4) 3.5' by 4' by 7' high stealth enclosures on each corner of the building's roof to conceal a total of eight (8) antennas – two (2) antennas in each enclosure. These enclosures will employ a matte gray finish so that they appear as utilitarian, mechanical features that are not part of the historic architecture of the building. Thus, the enclosures will not create a false sense of history because they will be differentiated from the historic design and materials of the building.

The proposed enclosures will be as small as possible to accommodate the proposed antennas; their scale and proportion in relation to the building is appropriate for industrial or mechanical equipment, particularly in a neighborhood that has historically been occupied by industrial uses. The relatively dense, mature vegetation surrounding the southern and western (primary) façades of the building will minimize the visibility of these enclosures. The one sector of antennas left unconcealed will be located along the eastern side of the roof where it will hardly be visible, if at all, from existing public rights-of-way.

The proposed vents connected to the proposed Verizon Wireless equipment room inside of the building will be limited to just one window opening near the northwest corner of the building to reduce direct and visual impacts to the building. A proposed exterior cable run between the equipment and the antennas will be routed along the eastern façade of the building and painted to match existing building accents to complement the building's brick exterior. The cable run will not be visible from public rights-of-way. Finally, the proposed antenna installation is removable and will not become a permanent modern feature of the building.

This Project involves the installation of six (6) LTE/4G antennas, measuring approximately 72" long and 12" wide, and six (6) AWS/LTE antennas, measuring approximately 48" long and 12" wide on sled-mounted frames on the rooftop. On each corner of the rooftop, a sled-mounted frame will contain two (2) antennas and two (2) remote radio heads ("RRHs"). Each RRH will measure no more than 24" long and 10" wide. Each corner frame will be concealed behind 7' high stealth screens of RF transparent material with a matte grey finish. The sector on the eastern edge of the rooftop will contain four (4) antennas, three (3) RRHs and one (1) sector distribution box that measures approximately 20" square. This sector will not be enclosed.

Two (2) sector distribution boxes, measuring approximately 20" square, will be mounted flush to the rooftop – one located in the northeast corner of the rooftop and one on the southern portion of the rooftop. One (1) main distribution box, measuring approximately 24" square, will also be installed with the necessary cabling. Therefore, after the installation is complete, there will be a total of twelve (12) antennas.

Fiber optic cables from the antennas will descend from the rooftop via a cable run on the east face of the building to the receiving and transmitting equipment located in an approximately 16' x 20' equipment room to be built in the basement of the building. Verizon Wireless will connect to the building's existing power supply and will be metered for electricity, natural gas, telephone and data services. An air conditioning condenser unit will also be installed on the roof.

An emergency generator powered by natural gas will be installed in a room adjacent to the equipment room in the basement. Air intake and exhaust vents will be installed adjacent to the generator on the exterior west-facing façade. The generator will be used to provide backup power if needed.

See enclosed Project Drawings for more detail.

The Project will allow Verizon Wireless to improve its service along the waterfront in the City of Burlington, especially in the Waterfront Park and Battery Street areas.

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 demonstrate 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, especially at the Waterfront Park. This Project as proposed will provide the desired wireless service 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.

Parties on attached Service List
February 13, 2015
Page 5 of 6

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,



Brian J. Sullivan, Esq.
BSullivan@mskvt.com

Enclosures

- c: Statutory Parties on attached Service List (w/enclosure)
Adjoining Landowners on attached Service List (w/enclosure)

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, Suite 202
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 Dan Burke, Esq.
Vermont Department of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601

Lake Street Associates, Inc.
86 Lake Street
Burlington, VT 05401

Adjoining Landowners:

Burlington Parks & Recreation
645 Pine Street
Burlington, VT 05401

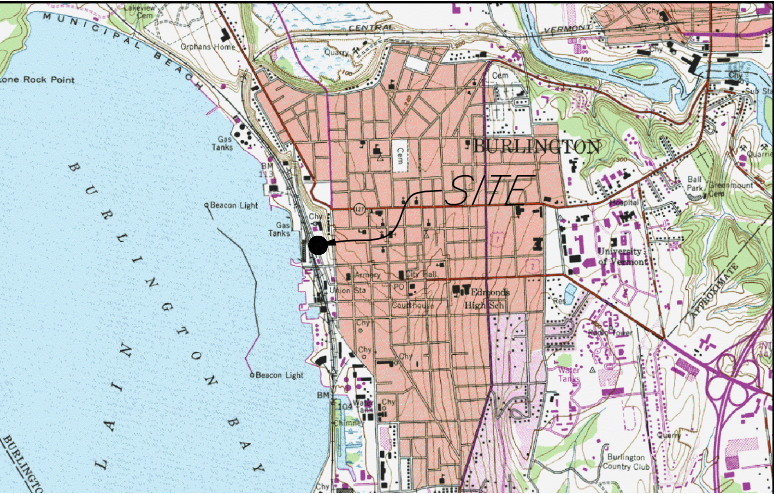
Lake and College, LLC
1 Main Street
Burlington, VT 05401

City of Burlington
City Hall
149 Church Street
Burlington, VT 05401

Haigh Mill Associates
86 Lake Street
Burlington, VT 05401

For information only:

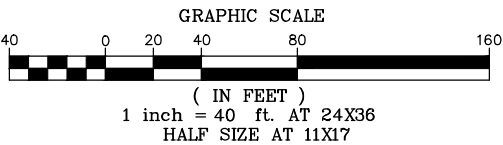
Kiersten Bourgeois, Sr. Project Manager
Agency of Commerce & Community Dev.
1 National Life Drive
Montpelier, VT 05620-5001



LOCATION MAP
NOT TO SCALE

NOTES:

1. PROPERTY OWNERS: LAKE STREET ASSOCIATES
2. LOCATION (CENTER OF ROOF)
LATITUDE: 44°-28'-41.55"
LONGITUDE: 73°-13'-12.50"
3. APPLICANT: NYNEX MOBILE LIMITED PARTNERSHIP 1 AND CELLCO PARTNERSHIP
EACH 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
4. ENGINEER: DUBOIS & KING, INC., 6 GREEN TREE DRIVE
SOUTH BURLINGTON, VT 05403 802-878-7661
5. ZONING DISTRICT: MIXED USE - DOWNTOWN WATERFRONT
6. ADD PROPOSED USE: VERIZON WIRELESS: UNATTENDED TELECOMMUNICATIONS FACILITY. (1-2) VISITS PER MONTH BY TECHNICIAN. NO WATER OR SEWER SERVICES REQUIRED.
7. PROPERTY BOUNDARIES SHOWN ARE APPROXIMATE AS PROVIDED BY CITY OF BURLINGTON TAX MAPS. DUBOIS & KING, INC. DID NOT PERFORM A BOUNDARY SURVEY.
8. GPS SURVEY PERFORMED BY DUBOIS & KING ON 4/15/2014.
9. ELEVATIONS FROM GPS OBSERVATIONS.



DUBOIS & KING
ENGINEERING • PLANNING
MANAGEMENT • DEVELOPMENT
6 GREEN TREE DRIVE
SOUTH BURLINGTON, VT 05403
TEL: (802) 878-7661
FAX: (866) 783-7661
www.dubois-king.com
RANDOLPH, VT 05470
BEDFORD, NH 03043
LAKE CHARLES, LA 70601
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PROFESSIONAL

NOT FOR CONSTRUCTION
PRELIMINARY PLANS



PROJECT ID: 20130
PROJECT TYPE: B
LOCATION CODE:

BURLINGTON WATERFRONT

86 LAKE STREET
BURLINGTON, VT 05401

SHEET TITLE

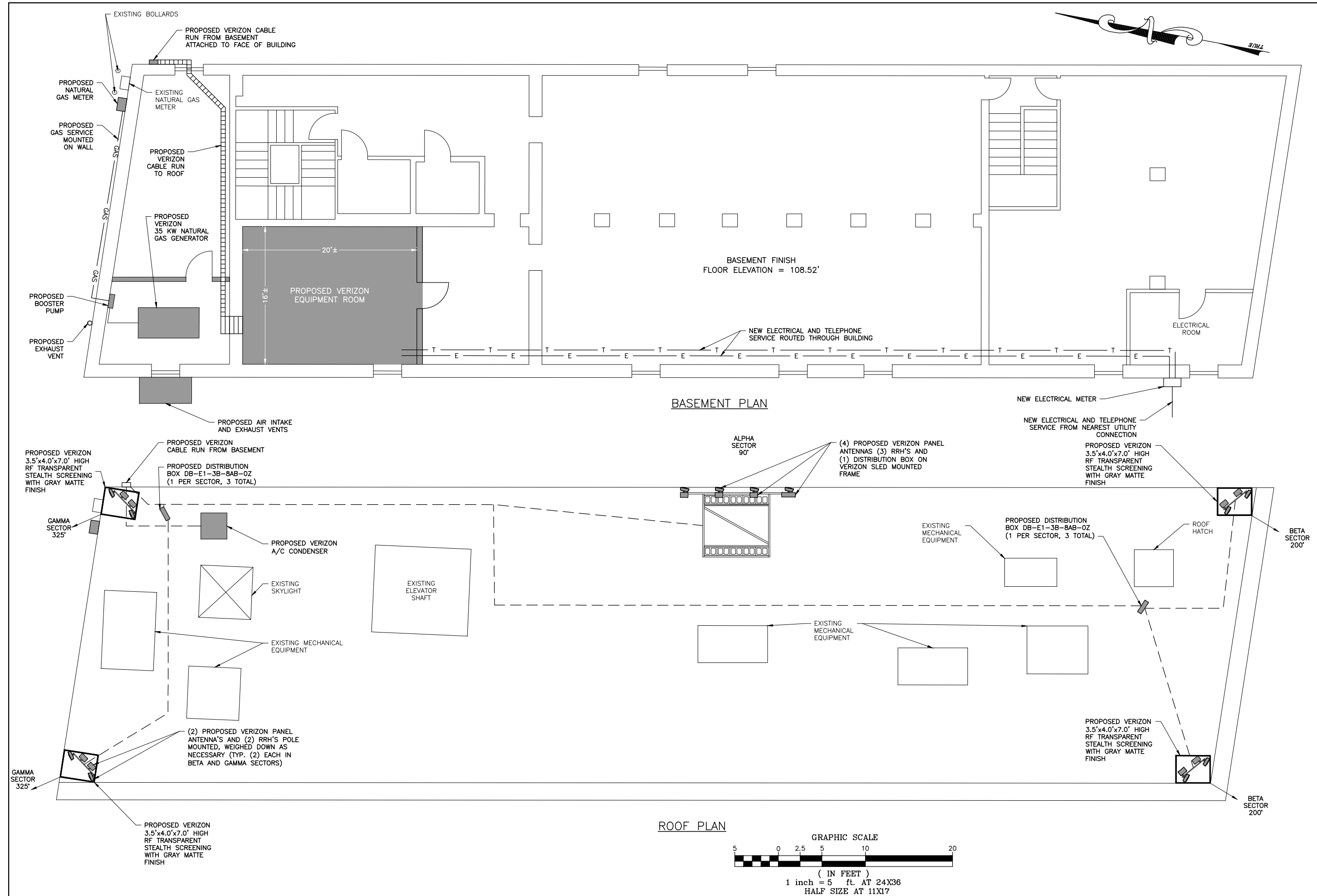
OPTIONAL OVERALL SITE PLAN

PERMIT PLANS

DRAWN BY	DATE
TJD	06/11/14
CHECKED BY	D&K
LJH	4/15/14
PROJ. ENG.	D&K
AWD	

SHEET NUMBER

C-



Dubois & King

ENGINEERING • PLANNING
MANAGEMENT • DEVELOPMENT
6 GREEN TREE DRIVE
SUITE 200
BURLINGTON, MA 01803
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LACONIA, NH

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PROFESSIONAL

**NOT FOR CONSTRUCTION
PRELIMINARY PLANS**

verizon

PROJECT ID: 201301
PROJECT TYPE: B
LOCATION CODE: 05401

BURLINGTON WATERFRONT

86 LAKE STREET
BURLINGTON, MA 01801
05401

SHEET TITLE

OPTIONAL BASEMENT AND ROOF PLANS

PERMIT PLANS

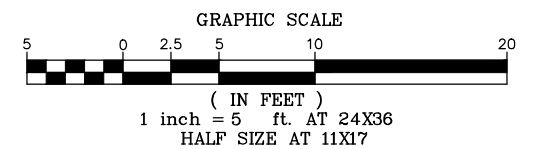
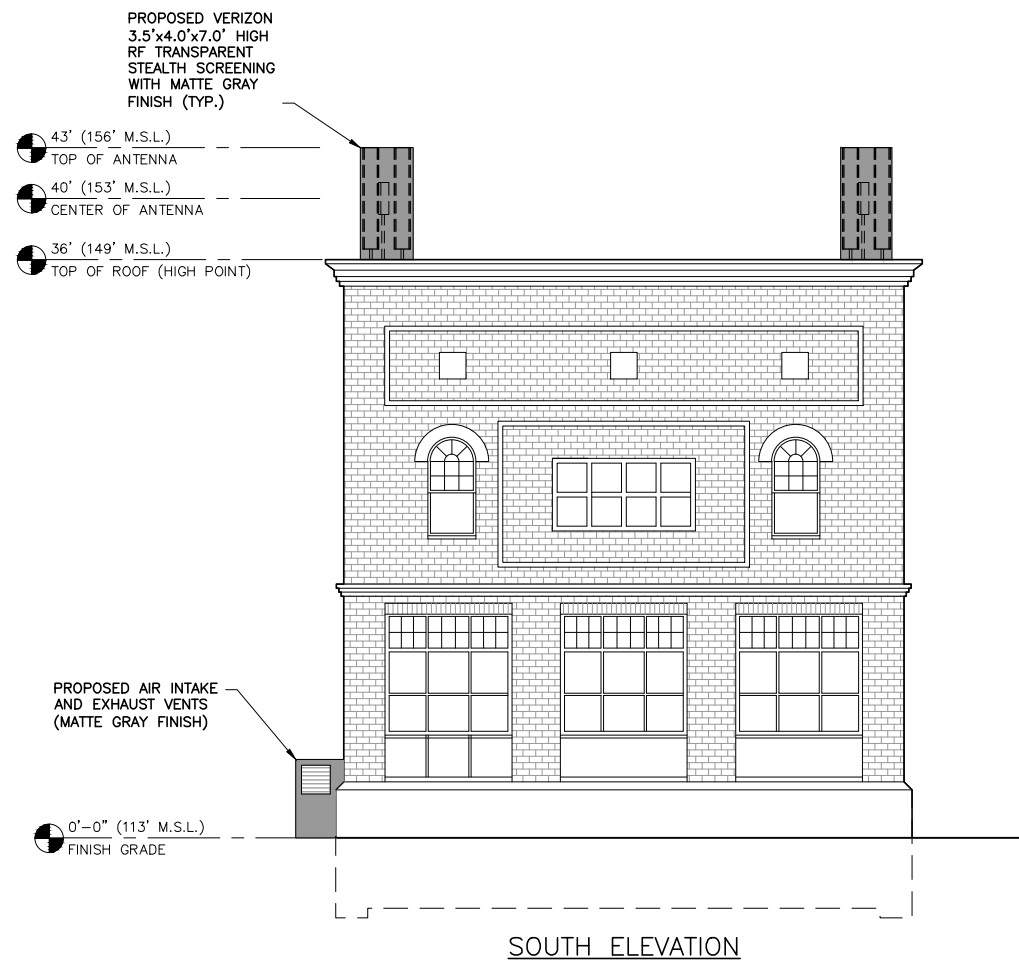
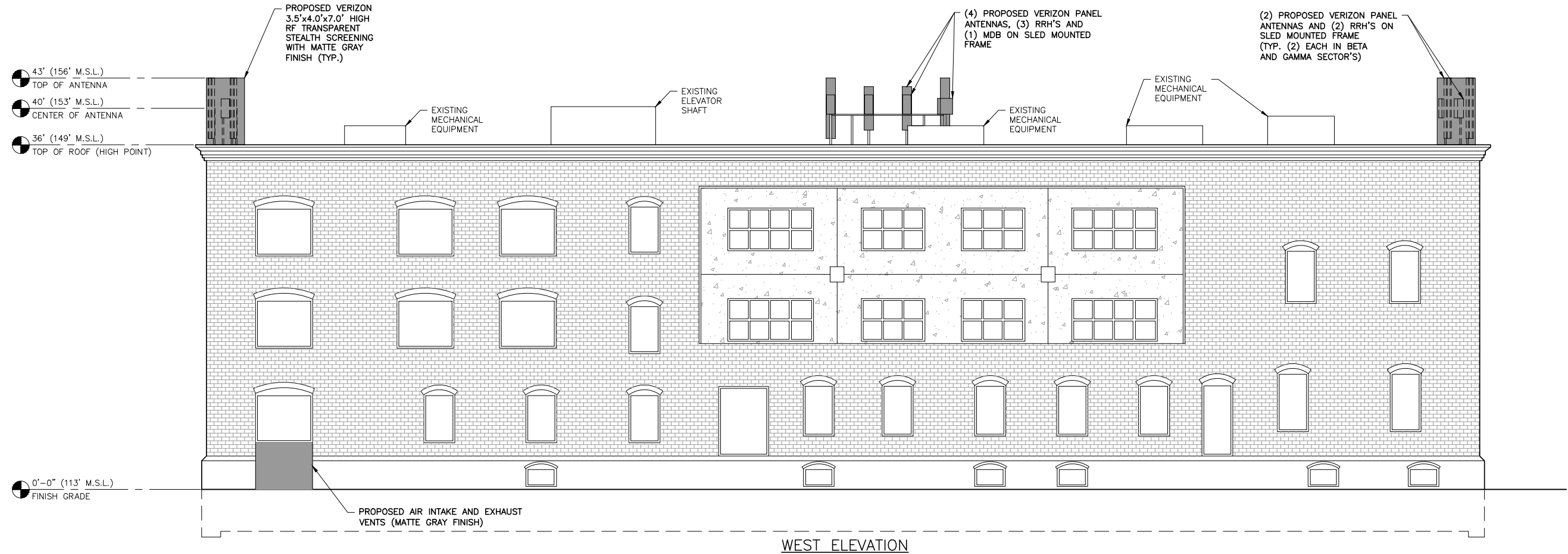
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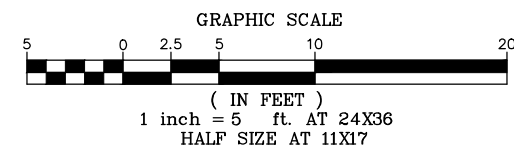
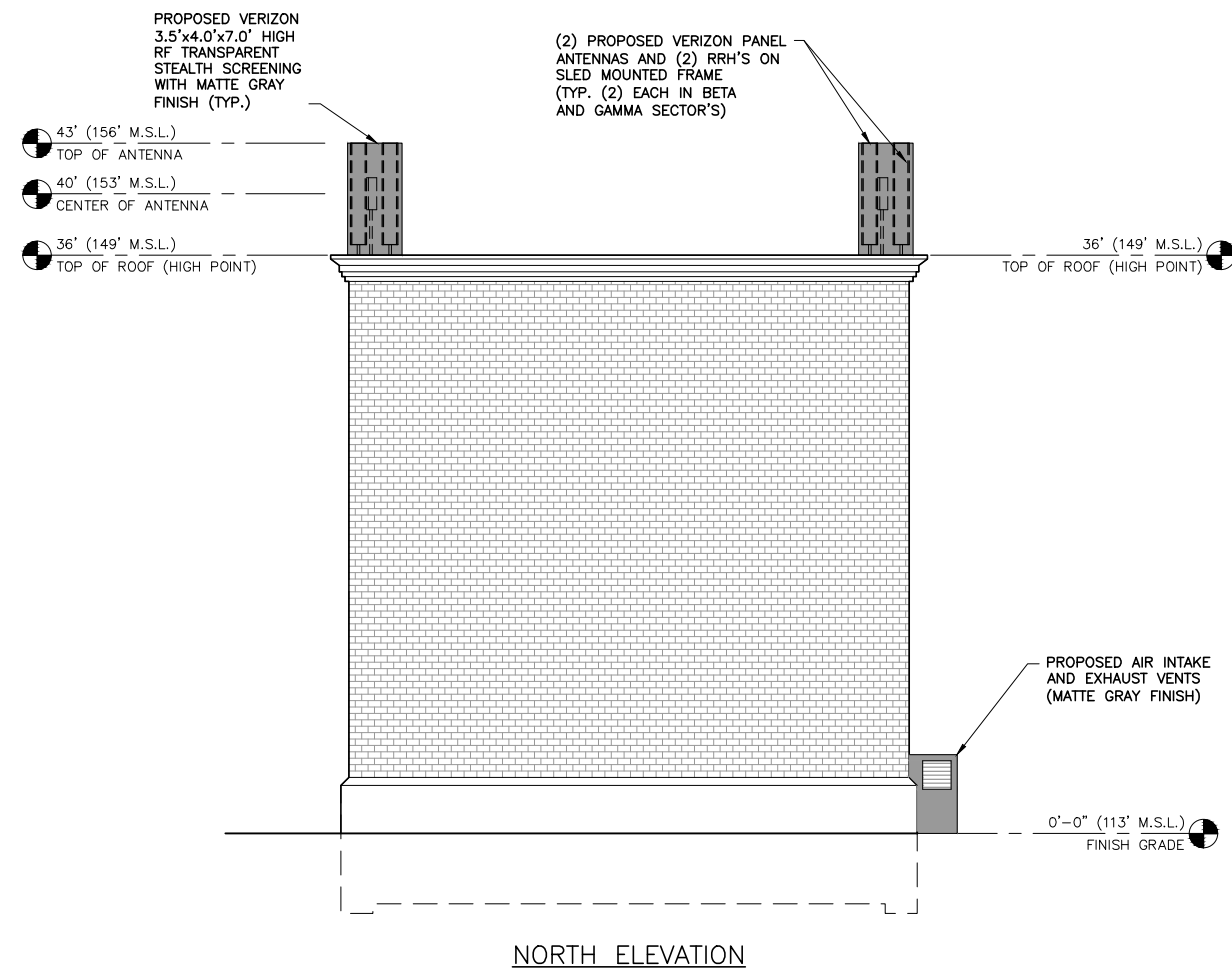
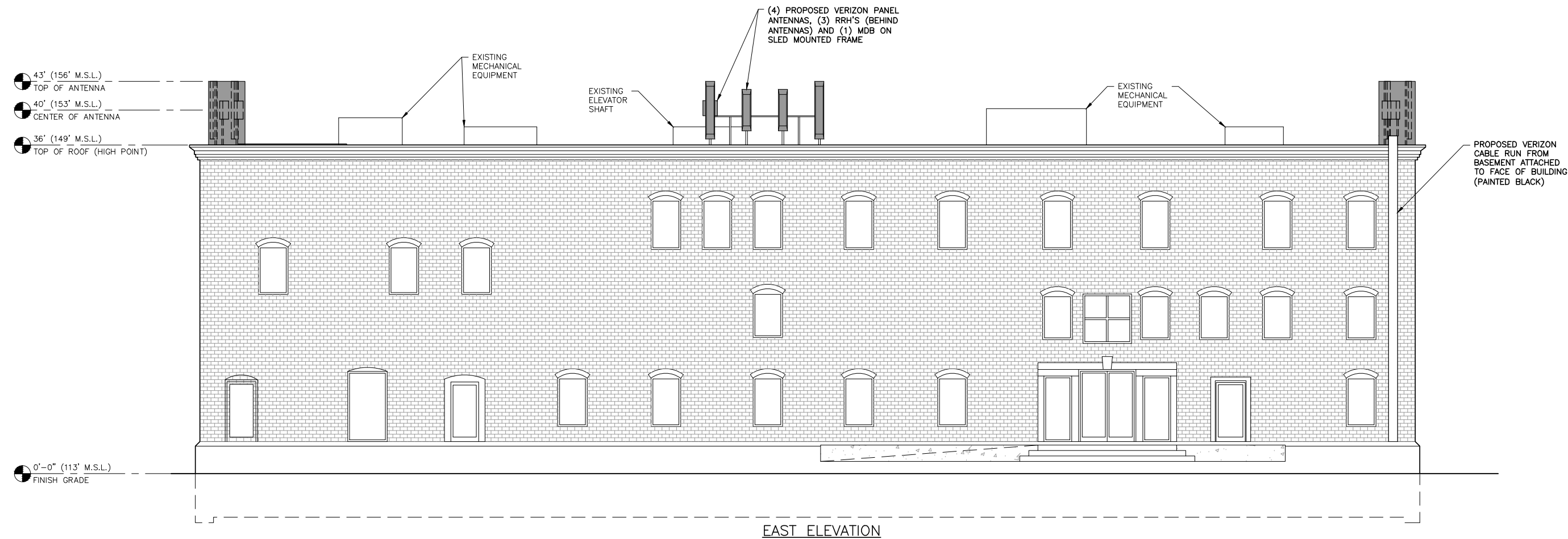
CHECKED BY	DATE
LJH	06/10/14

PROJ. ENG.	DATE
AWD	06/10/14

SHEET NUMBER

C-2





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6 GREEN TREE DRIVE
SOUTH BURLINGTON, VERMONT 05401
TEL: (802) 878-7831
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BEDFORD, NEW HAMPSHIRE
LACONIA, NEW HAMPSHIRE
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NOT FOR CONSTRUCTION
PRELIMINARY PLANS



PROJECT ID: 20130
PROJECT TYPE: B
LOCATION CODE:

BURLINGTON WATERFRONT

86 LAKE STREET
BURLINGTON, VERMONT 05401

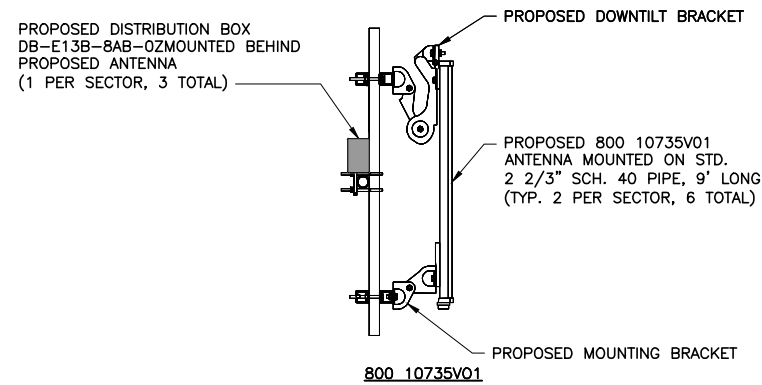
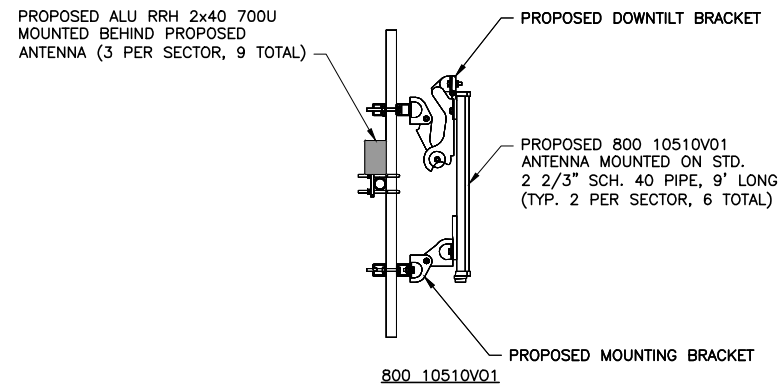
SHEET TITLE

OPTIONAL BUILDING ELEVATION

PERMIT PLANS

DRAWN BY	DATE
TJD	06/10/14
CHECKED BY	D&K
LJH	4/10/14
PROJ. ENG.	D&K
AWD	
SHEET NUMBER	

C-4



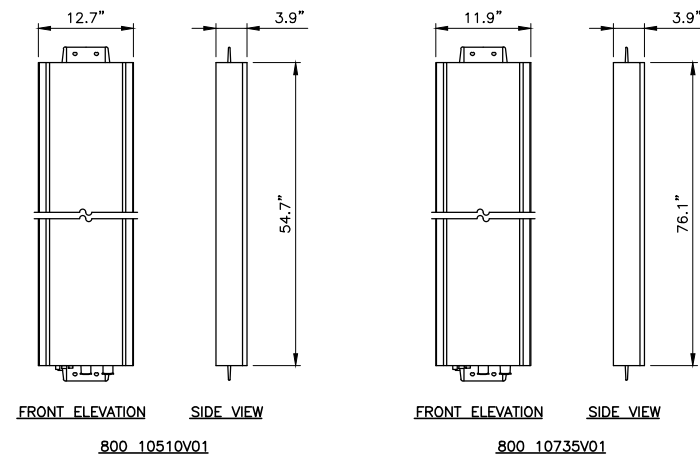
PROPOSED ANTENNA DETAILS
NOT TO SCALE

ANTENNA FACIAL SURFACE AREA

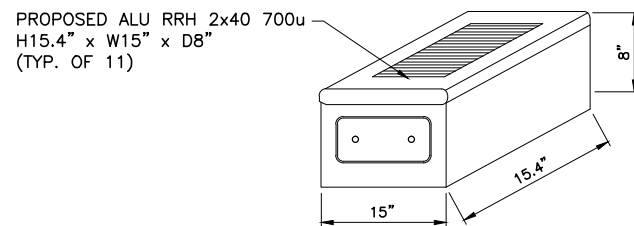
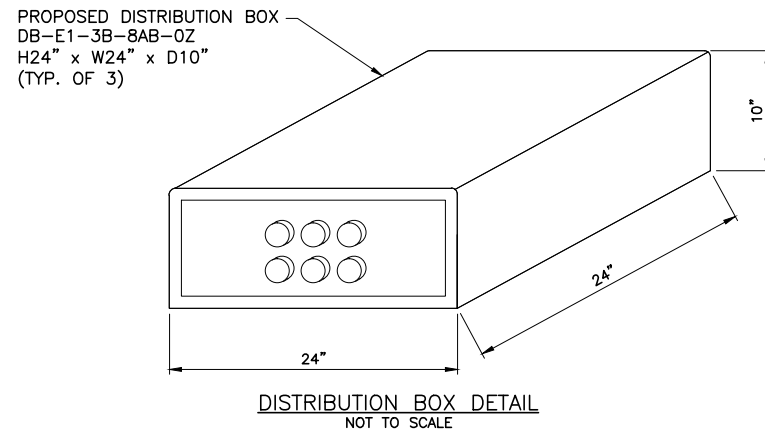
800 10735V01:
76.1" x 11.9" = 6.29 SQ. FT. x 6 ANTENNAS = 37.73 SQ. FT.

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

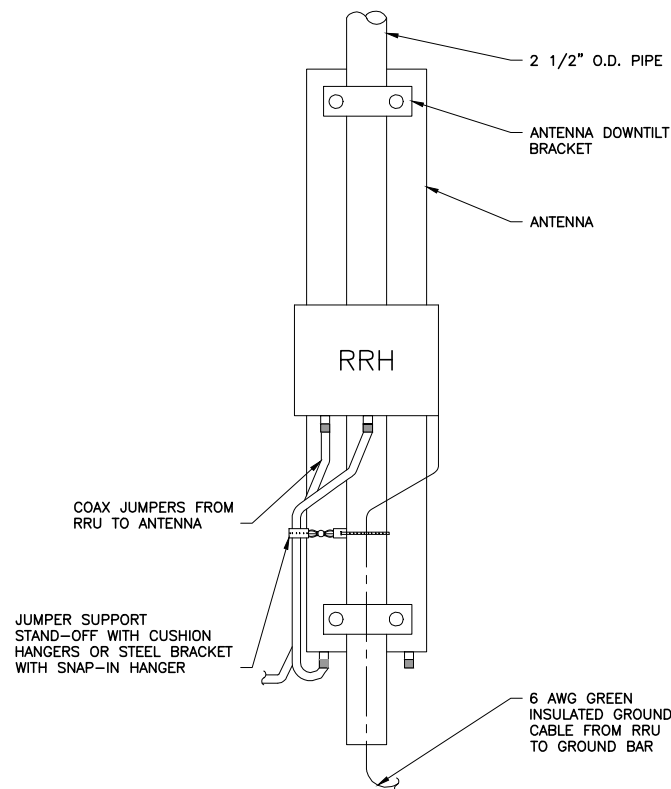
TOTAL AREA: (37.73 + 13.90) = 51.63 SQ. FT



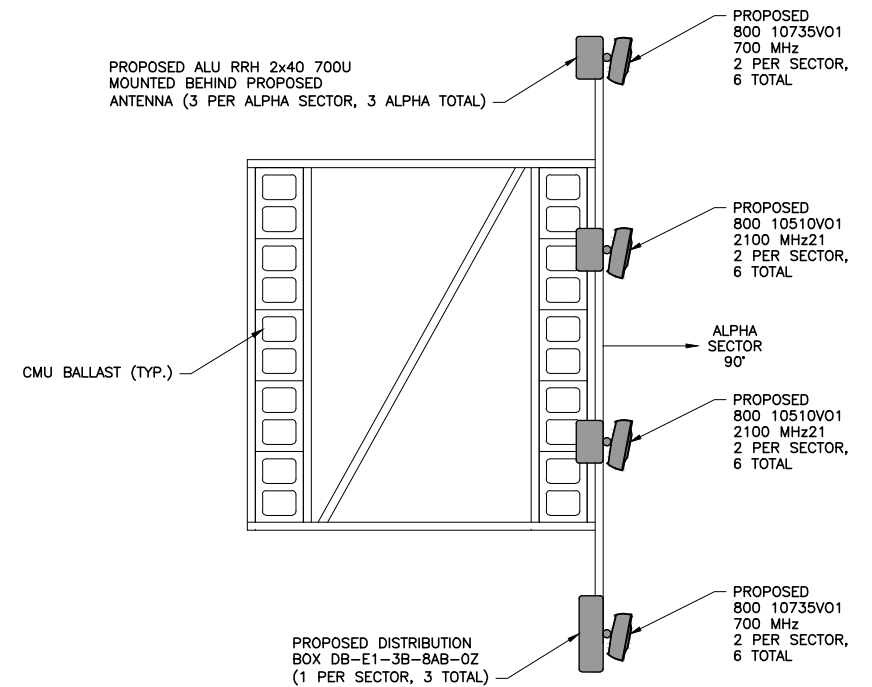
PANEL ANTENNA DETAILS
NOT TO SCALE



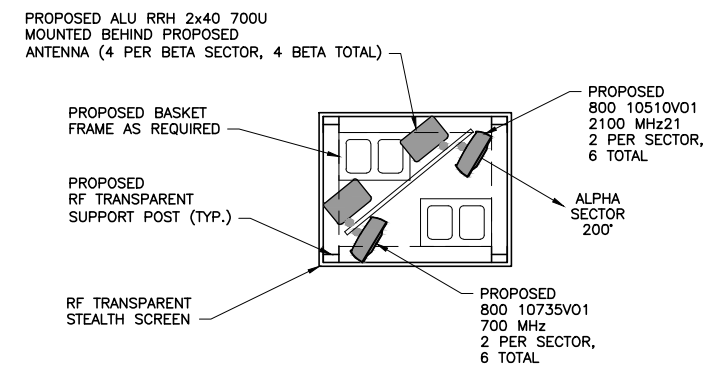
RRH DETAILS
NOT TO SCALE



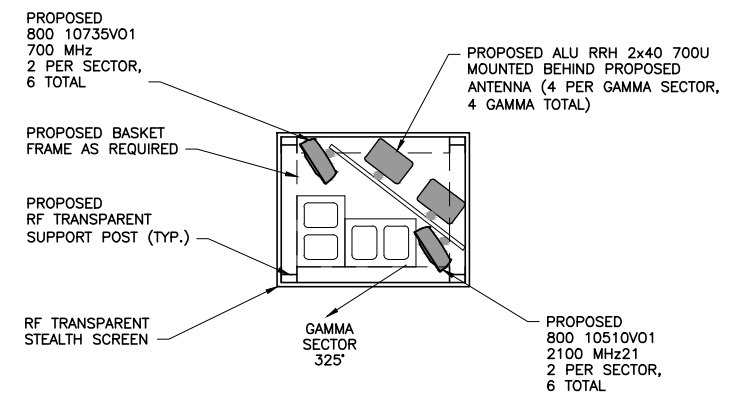
RRH PANEL DETAIL
NOT TO SCALE



ALPHA SECTOR ANTENNA PLAN
NOT TO SCALE



BETA SECTOR ANTENNA PLAN
NOT TO SCALE



GAMMA SECTOR ANTENNA PLAN
NOT TO SCALE

Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/pz
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Elsie Tillotson, Department Secretary
Vacant, Zoning Clerk

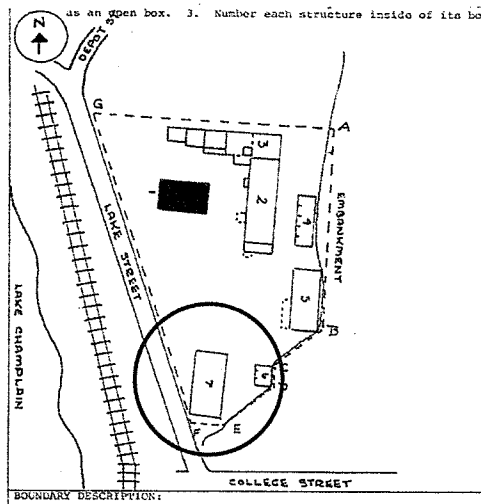


December 19, 2014

All Points Technology Corporation
3 Saddlebrook Drive
Killingworth, CT 06419
Attn: Nicole Castro

Dear Ms. Castro,

I am in receipt of your letter dated December 1, 2014 re: Verizon's proposed wireless telecommunications facility at 86 Lake Street in Burlington Vermont. Thank you for the opportunity to review the revised plans and photographic simulations.



The proposed subject property has been identified as part of an industrial complex of warehouses; all that remain of the Pioneer Mechanics' Shops along Burlington's waterfront. Building #7 (86 Lake Street) was constructed in 1860 to serve the Shepard and Morse Lumber Company. This building is listed on the Vermont State Register of Historic Resources.

Despite the revisions, we continue to find the proposed installation of mechanical equipment on the roof of 86 Lake Street to be in conflict with Section 5.4.8 of the Comprehensive Development Ordinance (CDO), the Municipal Development Plan (MDP), and 30 VSA §248a (c) (1); having an *undue adverse effect on aesthetics, historic sites, etc.* The equipment; placed symmetrically

and at corners of the rooftop, remains decidedly visible from both Lake Street and Battery Street; both highly travelled public roads with pedestrian walkways. The equipment, itself arranged in such a way as to suggest inclusion as original building components or recent facsimiles of building features that never existed. 86 Lake Street is a flat roofed box cornice industrial building that would under this proposal present an altered, misleading and incorrect historic character with the installation of four large corner mechanical boxes. It is again noted that the RRH sled is not



illustrated in the modeling studies, with would be similarly visible from Battery Street and the public walkway that overlooks the bay from Battery Street as well as other historic buildings within the complex. Despite assertions of the equipment's covertness, the proposed installation remains highly discernable and would be misrepresentative of the building's character.



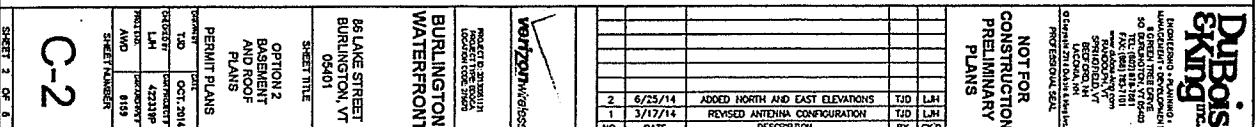
While the proposed equipment would satisfy those goals of the CDO, MDP and Plan BTV relative to improvements to wireless communications in the City, this plan would alter the historic character of a Vermont State Register listed historic resource, and is therefore found to be unacceptable. When reviewed under *Criteria for Evaluating the Effect of Telecommunication Facilities on Historic Resources* as developed by the State of Vermont, we find the proposal as submitted to have

an Adverse Impact on the subject property due to the introduction of conjectural or implied features, the creation of a false sense of history, and the visual intrusion to the historic structure.

We continue to encourage Verizon to explore opportunities in telecommunication development that could identify equipment capable of mounting on other existing infrastructure (light poles, traffic lights, flagpoles), have more successful camouflage on existing mechanical infrastructure, have lower installation heights so as not to protrude above building cornice lines, avoids installation on historically sensitive buildings, or custom designed to minimize visual impact on its surroundings. Burlington's character and heritage depends upon the integrity of its historic resources and viewsheds, meriting such attention.

Cordially,

Mary O'Neil AICP
Senior Planner
Certified Local Government Coordinator



PLANS

2	6/25/14	ADDED NORTH AND EAST ELEVATIONS	TJD	LJH	
1	3/17/14	REVISED ANTENNA CONFIGURATION	TJD	LJH	
10	2/17	RECORDED	BY	OKO	

veritzomwies

PROJECT ID: 2010061131
PROJECT NAME: MOCA

**BURLINGTON
WATERFRONT**

86 LAKE STREET
BURLINGTON, VT

SHEET TITLE

**OPTION 2
BUILDING
ELEVATIONS**

PERMIT PLANS

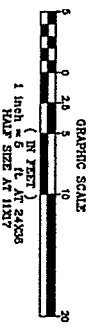
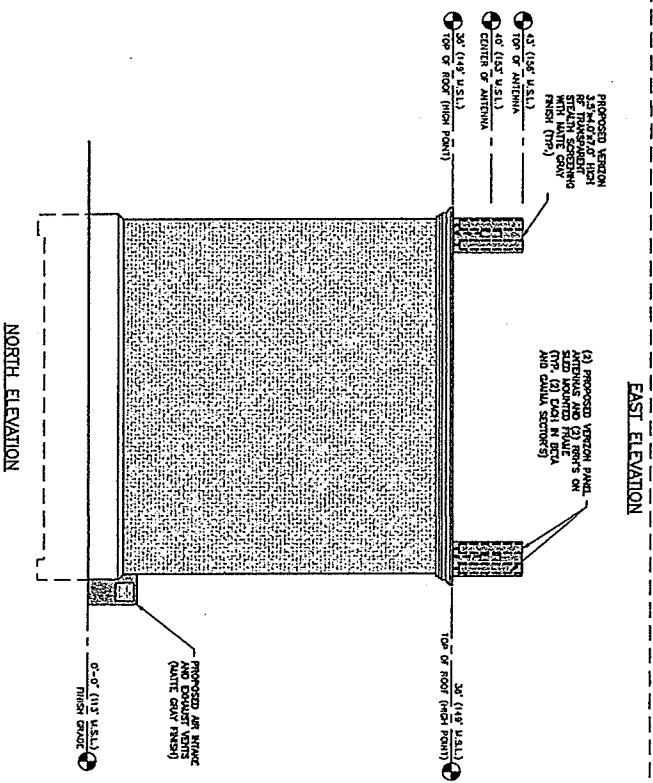
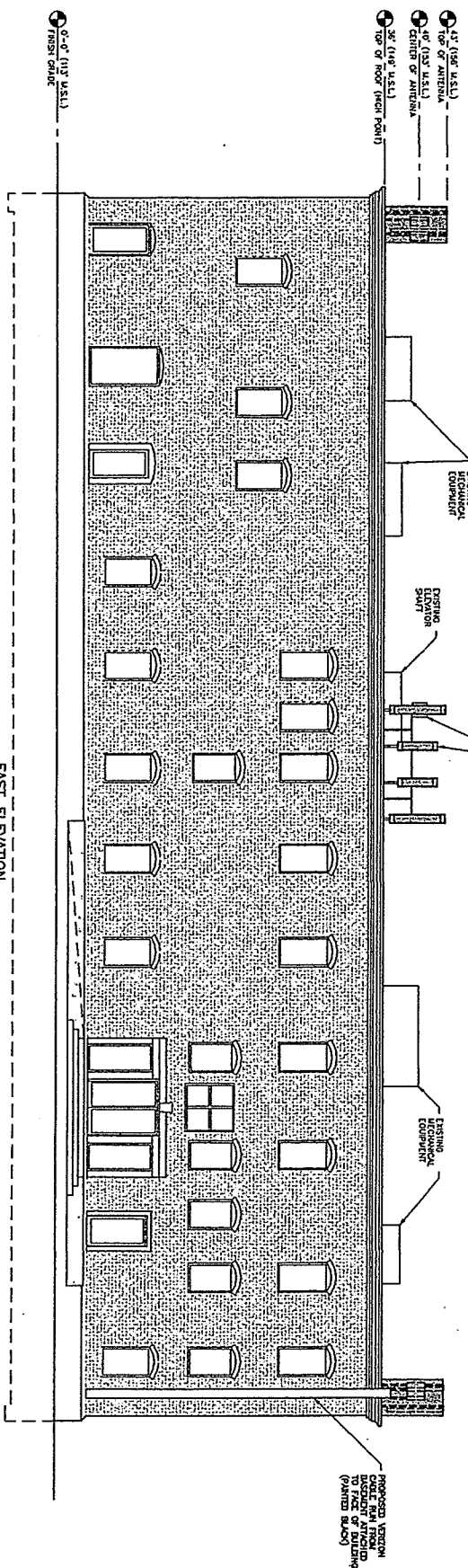
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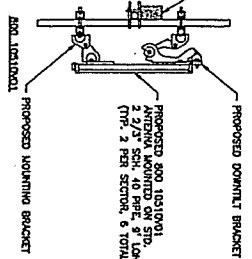
AWD	0151
SHEET NUMBER	

C-4

PAGE 4 OF 1



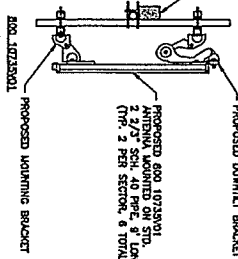
PROPOSED ALU RH 2440 700u
PROPOSED 2440 700u
ANTENNA (3 PER SECTOR, 9 TOTAL)



PROPOSED 2440 700u
ANTENNA (3 PER SECTOR, 9 TOTAL)
2 3/8" SCH. 40 PIPE, 8' LONG
(TYP. 2 PER SECTOR, 6 TOTAL)

PROPOSED DOWNLINK BRACKET

PROPOSED DISTRIBUTION BOX
PROPOSED 2440 700u
ANTENNA (3 PER SECTOR, 9 TOTAL)



PROPOSED 2440 700u
ANTENNA (3 PER SECTOR, 9 TOTAL)
2 3/8" SCH. 40 PIPE, 8' LONG
(TYP. 2 PER SECTOR, 6 TOTAL)

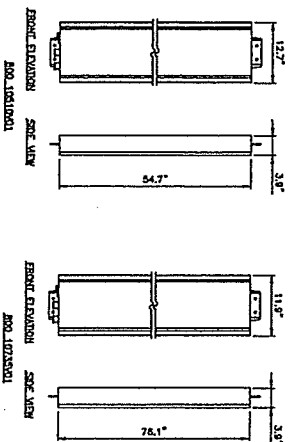
PROPOSED DOWNLINK BRACKET

PROPOSED ANTENNA DETAILS

NOT TO SCALE

ANTENNA FACIAL SURFACE AREA

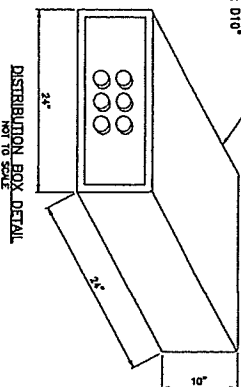
NO. 1234567: 623 SQ. FT. x 6 ANTENNAS = 3738 SQ. FT.
NO. 1234567: 233 SQ. FT. x 6 ANTENNAS = 1398 SQ. FT.
TOTAL AREA (3738 + 1398) = 5136 SQ. FT.



PANEL ANTENNA DETAILS

NOT TO SCALE

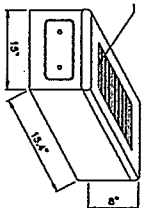
PROPOSED DISTRIBUTION BOX
24" x 18" x 10"
(TYP. OF 11)



DISTRIBUTION BOX DETAIL

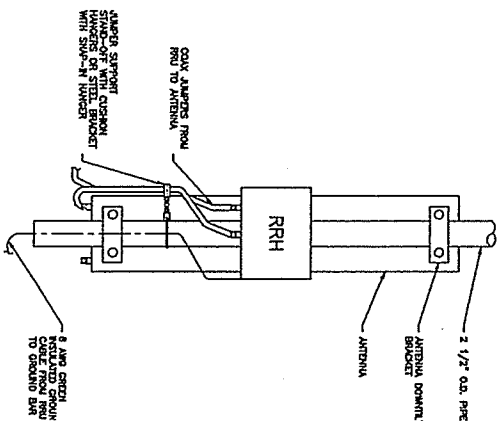
NOT TO SCALE

PROPOSED ALU RH 2440 700u
18" x 18" x 10" (TYP. OF 11)



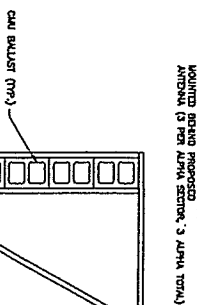
RRH DETAILS

NOT TO SCALE

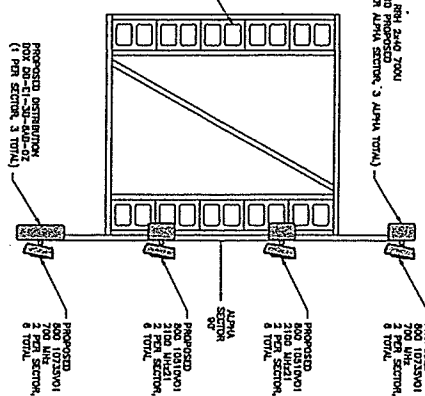


RRH PANEL DETAIL

NOT TO SCALE



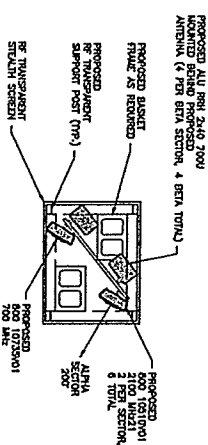
PROPOSED ALU RH 2440 700u
ANTENNA (3 PER ALPHA SECTOR, 3 ALPHA TOTAL)
2 PER SECTOR, 6 TOTAL



PROPOSED DISTRIBUTION BOX
24" x 18" x 10" (TYP. OF 11)
2 PER SECTOR, 6 TOTAL

ALPHA SECTOR ANTENNA PLAN

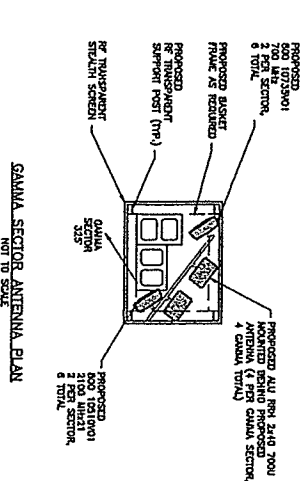
NOT TO SCALE



PROPOSED ALU RH 2440 700u
ANTENNA (3 PER BETA SECTOR, 4 BETA TOTAL)
2 PER SECTOR, 8 TOTAL

BETA SECTOR ANTENNA PLAN

NOT TO SCALE



PROPOSED ALU RH 2440 700u
ANTENNA (3 PER GAMMA SECTOR, 3 GAMMA TOTAL)
2 PER SECTOR, 6 TOTAL

GAMMA SECTOR ANTENNA PLAN

NOT TO SCALE



BURLINGTON WATERFRONT

Orientation: North/Distance to Site: 0.03 miles
Photo Equivalent to 50 mm in 35mm format

Photo Location
Lake Street
Burlington, VT
June 17, 2014

EXISTING VP-1





BURLINGTON WATERFRONT

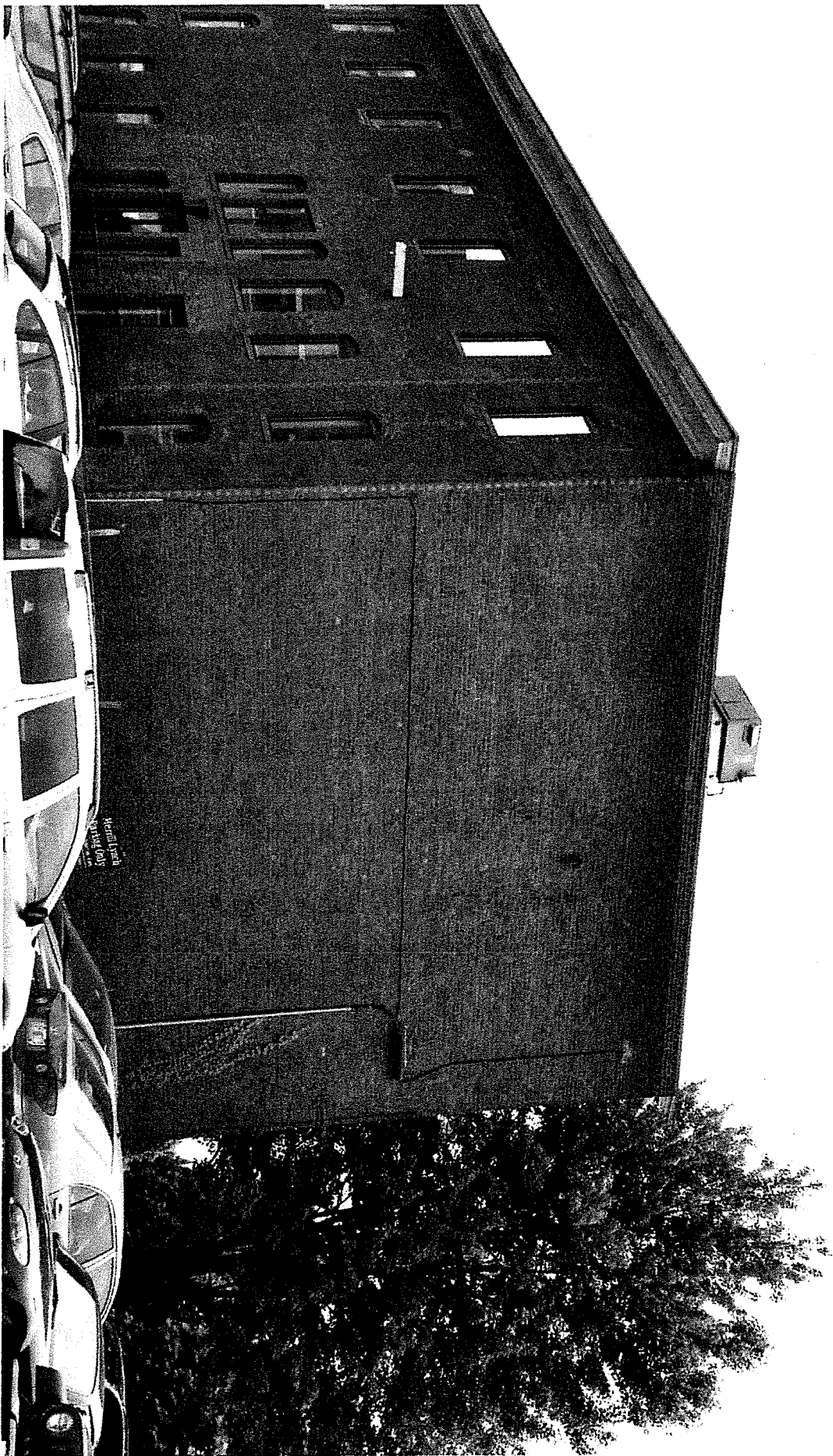
Matte Chimneys

Orientation: North/Distance to Site: 0.03 miles
Photo Equivalent to: 50 mm in 35mm format

Photo Location
Lake Street
Burlington, VT
June 17, 2014

PROPOSED VP-1





BURLINGTON WATERFRONT

Orientation: Southwest/Distance to Site: 0.02 miles
Photo Equivalent to 50 mm in 35mm format

Photo Location

Lake Street Parking Lot
Burlington, VT
June 17, 2014

EXISTING VP-2





BURLINGTON WATERFRONT

Matte Chimneys

Orientation: Southwest/Distance to Site: 0.02 miles
Photo Equivalent: to 50 mm in 35mm format

Photo Location

Lake Street Parking Lot
Burlington, VT
June 17, 2014

PROPOSED VP-2



Burlington Comprehensive Development Ordinance

PROPOSED: ZA-15-03 – Inclusionary Zoning Exemption for Institutional Housing

As warned by the Planning Commission for public hearing on February 24, 2015.

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Purpose: This proposal exempts institutional student housing outside of the Institutional zone from the inclusionary housing requirements of Article 9. Presently, the exemption applies only to institutional student housing within the Institutional zone. The City has seen one application to develop institutional student housing outside of the Institutional zone and expects to see more in the future. The present exemption recognizes that institutional student housing is a clearly different entity than housing available to anyone. Institutional student housing provides temporary housing for students while enrolled at the institution. The principles of inclusionary housing to provide housing to an array of citizens with various income levels are not intended to apply to institutional student housing. The current exemption should apply to institutional student housing regardless of the zone wherein it is located.

Sec. 9.1.6 Exemptions

Exempt from the requirements of this article are:

- (a) Projects ~~that are located within an Institutional (I) zoning district~~ that are developed by or for an educational institution for the exclusive residential use and occupancy by that institution's students or affiliates or by the students of another educational institution. In the event that the property which received an exemption under this section ceases to be used by an educational institution for the exclusive residential use and occupancy by that institution's students or affiliates or by another educational institution, the exemption from Article 9 shall no longer apply, and compliance with the same shall be enforced accordingly;
- (b) Those dwelling units in a covered project that are produced as "replacement units," pursuant to Article 9, Part 2 and which do not produce any net new units; and,
- (c) Projects created using the Senior Housing Development Bonus pursuant to the provisions of Article 4.

Department of Planning and Zoning

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Nic Anderson, Planning & Zoning Clerk
Elsie Tillotson, Administrative Assistant



MEMORANDUM

TO: Yves Bradley, Chair
FROM: David E. White, AICP, Director of Planning & Zoning
DATE: Wednesday, November 05, 2014
RE: Proposed Zoning Amendment –
ZA-15-? Downtown Districts Setbacks Abutting a Residential Zone

For your consideration you will please find attached a proposed amendment to the *Burlington Comprehensive Development Ordinance* for your consideration, warning, and adoption as recommended by the Planning Commission Ordinance Committee.

The proposed amendment is as follows:

- **ZA-15-?** -to amend the zoning setback provision of Section 4.4.1, Table 4.4.1-1 Footnote 2 and Sec. 4.4.1 (d) 6 to change the wording for downtown districts setbacks abutting a residential zone from “property line” to “zoning district boundary line”.

This amendment comes as a result of a determination by the Environmental Division that the language of the ordinance by referring to a property line, allows a change of a property line to de facto change the zoning setback. The result without this setback in effect extends the encroachment of a mixed use district into a residential area based solely on changes in parcel boundaries rather than on the zoning boundary line established by the Planning Commission and City Council. Instead the City needs to assure better control over the expansion of districts, thus this change references the “zoning boundary” rather than a dynamic “property line” that is not under the City’s control.

The PCOC unanimously concurred and agreed that such an amendment be referred to the full PC.

Planning staff is available to answer any questions on this proposed amendment.

Thank you for your consideration.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-15-04 - Downtown, Neighborhood Mixed Use, & Enterprise Districts Setbacks Abutting a Residential Zone

As warned by the Planning Commission for public hearing on February 24, 2015.

Changes shown (underline to be added, strike-out to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Purpose: See attached memo.

Sec. 4.4.1 Downtown Mixed Use Districts (a), (b), (c) as written.

Table 4.4.1-1 Dimensional Standards and Intensity						
Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage	Min. Building Setbacks (feet) Front ⁵ Side ^{2, 4} Rear ^{2, 4}			Height ³ (feet)
Downtown						
D	5.5 FAR	100%	Greater of 0’ or 12’ from curb	0	0	Min: 30 Max: 65
Church St. Marketplace	Same as Downtown					Min: 30 Max: 38 (see Sec. 4.4.1(d)(4)(B))
Downtown Transition District						
DT		100%	Greater of 0’ or 12’ from curb	0	0	
A. North of Buell St.	4 FAR	Same as Downtown Transition				Min: 30 Max: 45
B. South side of Main St.	5.5 FAR	Same as Downtown Transition				Min: 30 Max: 65
C. South of Buell St.	4 FAR	Same as Downtown Transition				Min: 30 Max: 45
D. South of Maple St.	2 FAR	Same as Downtown Transition				Min: 30 Max: 35
Downtown Waterfront						
DW		100%	Greater of 0’ or 12’ from curb	0	0	
A. North of Pearl - East	4 FAR	Same as Downtown Waterfront				Min: 30 Max: 45
B. Pearl to Bank - East	4 FAR	Same as Downtown Waterfront				Min: 30 Max: 45
C. Pearl to Bank - West	2 FAR	Same as Downtown Waterfront				Min: 30 Max: 35
D. Bank to College - East	3 FAR	Same as Downtown Waterfront				Min: 30 Max: 35
E. Bank to College - West	2 FAR	Same as Downtown Waterfront				Min: 30 Max: 35
F. South of	2 FAR	Same as Downtown Waterfront				Min: 30

College						Max: 35
Downtown Waterfront – Public Trust						
A. North of Pearl West	2 FAR	Same as Downtown Waterfront				Max: 35
B. Lakeshore ⁴	2 FAR	Same as Downtown Waterfront				Max: 35
Battery Street Transition						
BST	3 FAR	100%	Greater of 0’ or 12’ from curb	0	0	Min: 30 Max: 35
1 Floor area ratio is defined and described in Art 5. Bonuses for additional FAR where available are described in section (d)6 below. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6. 2 Structures shall be setback along any zoning district boundary^{property} line that abuts a residential zoning district pursuant to the requirements of (d)6 below. 3 Minimum building height shall be 30-feet and 3 stories. Measurement of and exceptions to height standards are found in Art 5. Bonuses for additional building height where available are described in section (d)6 below. Any portion of a building over 45-feet in height shall be setback from the front property line pursuant to the requirements of (d)4 below. 4 All structures shall be setback a minimum of 50-feet from the shoreline of Lake Champlain unless an encroachment is authorized under (d)5 below. 5 All structures shall be setback 12-feet from the curb on a public street except as otherwise allowed by the DRB for development along the following streets: both sides of Center Street; both sides of Pine Street between Cherry and Pearl Streets; the east side of Pine Street between Bank and Main Streets; the west side of Pine Street between College and Main Streets; and South Winooski Avenue between Bank and College Streets. The DRB may order a wider setback in any case under its review if it should determine that the application cannot be approved under applicable criteria without such additional setback.						

(d) 6. Residential District Setback

Structures shall be setback a minimum of 15-feet from any ~~zoning district boundary~~^{property} line that abuts a residential zoning district. Lots of record existing as of January 1, 2015 that are split by downtown and residential zones are exempt from this district boundary setback. (Exceptions to yard setback requirements can be found in (Sec. 5.2.5))

Where a structure, legally existing before 1 January 2011, already encroaches into the required residential district setback for the Residential High-Density District (RH), the DRB may permit, subject to design review, additions to the pre-existing encroaching structure provided:

- the addition does not project farther into the residential district setback towards the RH district boundary than the pre-existing encroachment. In no event shall the encroachment of the addition be less than 5 feet from the boundary line; and,
- the height of any addition does not exceed the height of the pre-existing encroachment or 35-feet whichever

Sec. 4.4.2 Neighborhood Mixed Use Districts.

Table 4.4.2 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage	Minimum Building Setbacks (feet)			Height (feet)
			Front ⁴	Side ²	Rear ²	

NAC	2.0 FAR	80% ⁵	0	0	0	Max: 35
NMU	2.0 FAR	80%	0 ⁶	0	0	Min: 20 ³ Max: 35
NAC-Riverside	2.0 FAR	80%	0	0	0	Min: 20 ³ Max: 35

1. Floor area ratio is defined in [Art. 13](#) and described in [Art 5](#). Actual maximum build out potential may be reduced by site plan and architectural design considerations of [Art 6](#).
2. Structures shall be setback a minimum of 15-feet along any [zoning district boundary property](#) line that abuts a residential zoning district. [Lots of record existing as of January 1, 2015 that are split by neighborhood mixed use and residential zones are exempt from this district boundary setback.](#)
3. Minimum building height shall be 20-feet and 2 story^{ies}. Measurement of and exceptions to height standards are found in [Art 5](#). Bonuses for additional building height are described in section [\(d\)](#)3 below.
4. All structures shall be setback 12-feet from the curb on a public street.
5. Exceptions to minimum lot coverage are provided in [\(d\)](#)2.
6. Notwithstanding footnote 4, the NMU district at the intersection of Pine St. and Flynn Avenue shall have a minimum front yard setback of 10 feet.

Sec. 4.4.3 Enterprise Districts.

Table 4.4.3 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage ¹	Minimum Building Setbacks ¹ (feet)			Max. Height ¹ (feet)
			Front	Side	Rear ³	
Light Manufacturing	2.0 FAR	80%	5 min	0 ²	10% ²	45'
Agricultural Processing and Energy	0.75 FAR	60%	10 min	10 min	10 min	45'

1 – Floor area ratio is further described in [Art 5](#). Measurement of and exceptions to coverage, setback, and height standards are found in [Art 5](#). Actual maximum build out potential may be reduced by site plan and architectural design considerations of [Art 6](#).

2 – Structures shall be setback a minimum of 25-feet along any [zoning district boundary property](#) line that abuts a residential zoning district. [Lots of record existing as of January 1, 2015 that are split by enterprise and residential zones are exempt from this district boundary setback.](#)

3 – Percentage of the lot depth.

Department of Planning and Zoning

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Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Planning Commission
FROM: Scott Gustin
DATE: March 10, 2015
RE: Use Table Amendments

Two separate amendments to *Appendix A – Use Table – All Zoning Districts* are proposed.

The first amendment adds footnote 26 to the *Use Table*. This new footnote is associated with “Attached Dwelling(s) – Mixed Use” and clarifies that the mix of uses allowed under this category are limited to those uses that are permitted, conditional, or pre-existing nonconforming within the relevant zoning district. Presently, this category may be construed to allow any mix of uses, regardless of whether they are permissible within the zoning district. The allowance of any mix of uses, regardless of the zoning district, is inconsistent with the intent of this provision.

The second amendment uses “reserved” footnote 8 for a new provision that allows “Daycare – Small (7-20 children)” as a conditional use in the RCO Zones. It may be allowed only as part of a “Small Museum” and is limited to < 50% of the museum’s gross floor area. This amendment comes at the request of the Winooski Valley Park District for their Ethan Allen Homestead – an existing small museum in an RCO zone. The Homestead is interested in hosting a small daycare consistent with its historic and environmental education programs. Insofar as small museums are allowed within the RCO zones, and insofar as hands-on educational outreach is a typical component of museums, allowing small daycares in association with small museums is reasonable and will help enable successful symbiosis between like entities.

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use					Neighborhood Mixed Use			Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
Attached Dwelling(s) – Mixed-Use ²⁶	N	N ¹	N	N	CU	CU	CU	CU	Y	Y	N	Y	Y	Y	Y	Y	N	N
Daycare – Small ⁸ (7-20 children) (See Sec.5.4.1)	N	N	N	N	CU	CU ¹³	CU ¹³	CU ¹³	Y	Y	N	CU	CU	Y	Y	Y	CU	CU ¹⁷

1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed, or a single unit may be converted into a duplex, on lots existing as of January 1, 2007 and which meet the minimum lot size of 10,000 square feet.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. [Reserved-Small daycares in the RCO zones shall be allowed only as part of small museums and shall constitute less than 50% of the gross floor area of the museum.](#)
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. Cafes not permitted as an accessory use. Retail sales and tasting are permitted as an accessory use.
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.
25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
- 25-26. [The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.](#)

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	Zoning District
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
D	Downtown
DW	Downtown Waterfront
DT	Downtown Transition
BST	Battery Street Transition
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

Burlington Planning Commission

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Bruce Baker, Vice-Chair
Lee Buffinton
Emily Lee
Andy Montroll
Harris Roen
Jennifer Wallace-Brodeur
Holly Ransom, Youth Member*



Burlington Planning Commission

REGULAR MEETING

Tuesday, January 27, 2015 - 6:30 P.M.

Conference Room #12, Ground Floor, City Hall, 149 Church Street

Minutes

Present: A. Montroll, L. Buffinton, H. Roen, J. Wallace-Brodeur (left at 8:00pm), E. Lee and H. Ransom
Absent: B. Baker, Y. Bradley

I. Agenda

No changes.

II. Public Forum

No public comments

III. Report of the Chair

A. Montroll – Joint FBC committee continuing its work. So far the committee has gone through the code to understand it. At the next meeting the committee will finish the review and then start discussing existing buildings and then start and begin the more in-depth discussion.

IV. Report of the Director – David White

The Director presented the following report:

- Staff is spending a lot of time on the FBC, supporting the committee and supporting the architects testing the code.
- Staff is also now planning for the South End multi-day community workshop, Feb 11-14, 2015. Set up a host of discussions and specific events for getting input from the public. Working through the logistics and details and doing outreach on this event.
- Burlington Town Center Design workshop the week after – similar workshop style event to talk about the Town Center redevelopment, Feb 18-21, 2015.

V. Telecommunications Application – 260 N. Winooski Ave

D. White – Introduced the item – proposal for 260 N. Winooski Ave for wireless telecommunications installations on that building.

B. Sullivan – Attorney for Verizon – Most of the city is now offering coverage, but the existing infrastructure doesn't meet the needs for data these days. New design of the network will increase data speeds and system capacity by a factor of about 5. The current level of service is not sustainable using the data trends. In the past, taller buildings were using to cover the larger distance possible. Now, smaller and centralized footprint with a lot more capacity is what they are looking for. There is a pending application with the Public Service Board in the hopes of working a solution with the City. The original design is too visible from the street. He showed the

other options for design of the antenna. Presented the options to staff in December and she referred this to the Commission and City Council. Others present - Louis Hodges - Andrew Davis - Matt McMahon

L. Buffinton – She likes the rectangular shape of the last option, fits in better with building.

E. Lee – What color will they be?

L. Hodges – Most likely lighter gray of the building so it blends in better with the sky.

E. Lee – Any of the options is fine without the vertical bars. Simple and clean options.

E. Hoekstra – He prefers the form of the more rectangular antennas as it fits in better with the building design.

H. Ransom – Likes the closer options.

J. Wallace-Brodeur – These are much better design with less impact. Thanks for taking the city's input into consideration. Preference would be the square option.

D. White – If you push them further back, you need to screen them so people don't walk in front of them?

A. Davis – If we push them back then the antennas have to be taller for better coverage.

D. White – Is this typical equipment that you are setting up in other communities? They could blend in even more with the building design.

L. Hodges – We've put antennas in towers that look like elevators towers before but that depends on the wind and load issues. These are typically fiber glass; other materials would block the signal.

K. Sturtevant – Looking for vote authorizing her to represent the Commission in this question.

A. Montroll – Any of the four options works. Thanks

On a motion by J. Wallace-Brodeur, seconded by E. Lee, the Commission unanimously directed city attorneys to support all options with preference for 4b.

VI. Continued Public Hearing: Proposed Zoning Amendments

D. White – Reminded the commission about the changes they discussed at the last public hearing and the inconsistent use of the state statute. Explained the changes staff made to the draft amendment in the Part 1. Carriage houses changes to reflect what was commented on.

L. Perry – South Winooski Ave – Spoken with D. White today and understanding there would be no more review by the DRB under this item D. Redevelopment of Historic Carriage Houses. She wanted to make sure this is what was intended.

T. Cochran – This represents a city-wide change, we'll see more carriage houses being used for housing units. Repeating an experience we had 30 years ago according to some people, vogue to convert carriage houses in the past and that provision was dropped. This is a broader discussion now the intended clean-up changes; this is more of a policy discussion that the public should have a chance to weigh in. Thinking about the basic policy – if the issue if that carriage houses are falling into disrepair, this is not the way to take care of those. This will have major implications for neighbors with privacy and character of the area is being threatened.

D. White – Other than the last line, it doesn't say that this needs to be reviewed by the DRB. Typically the difference between review levels is the construction cost. COA level 2 are sometimes reviewed by staff. In concept, this could be reviewed by staff only but if there is an addition to the building, then would go to the DRB.

A. Montroll – Even with the change of use?

D. White – This is not a change of use for the entire site.

J. Wallace-Brodeur – The fact that it's being converted to residential, doesn't mean its DRB review?

D. White – Not necessarily, if the use is permitted, then could be reviewed by staff. The way this is written now, there is a possibility that this should be reviewed by staff.

E. Lee – A few years back, preservation Burlington did a tour of carriage houses and they are quite wonderful. Preservation Burlington has an award that they give to owners for outbuildings/carriage houses. She would

prefer that these be considered under the accessory apartments standards of the ordinance to ensure owner occupancy of the carriage house.

A. Montroll – He is concerned that it's not clear about when it goes to the DRB or not. This ought to have more review and go to the DRB as a matter of fact. The extra addition possibility doesn't specify what standards are being reviewed under.

D White – They are reviewing it under Section 5.4.8 also, but it could be clearer.

J. Wallace-Brodeur – This does two things from a policy direction, goes along two policies we all agree on – preserve historic building and incentivize more housing. She agrees with the lack of clarity and the paragraph below. From a process perspective, would like to see the clean up going forward. Can we pull this out on the carriage house and move the rest forward to the Council.

E. Lee – She would like to help carriage house item move forward.

D. White – If done as accessory unit with owner occupancy should happen by right OR any other carriage house being renovated by others could be subject to DRB review.

E. Lee – Yes, second option should still be relieved from density and parking requirements.

D. White – Explained Parts 2 & 3 of the proposed amendment.

L. Buffinton – Great housekeeping work. Section 9.2.5 housing replacement requirement, would make sense to read to exempt mobile home from this requirement.

E. Lee – The mobile home issue was around removing smaller mobile home on lots that were too small to fit a larger mobile home. Could possibly cause even more issue from the mobile home park.

J. Wallace-Brodeur – Yes, she would hesitate to set policy for the mobile home park.

D. White – Assured the mobile home park residents that we wouldn't make any change to the zoning to affect them now, let them do their work for the purchase of the property and they can come back later.

On a motion by J. Wallace-Brodeur, seconded by L. Buffinton, the Commission unanimously removed Section 4.5 D and referred to staff to revise consistent to discussion and approved the remaining of Parts 1, 2 and 3 and sent to City Council for adoption.

VII. Electric Vehicle Charging Stations Permitting

D. Roberts (VEIC) – Stephanie Morse (VEIC) and Tom Buckley (BED) here too. Made presentation on electric vehicles and possible policies the City might want to incorporate.

A. Montroll – The Regional Planning Commission just leased two vehicles last year and wants make it much easier to get charging stations everywhere. Supermarket can't just put in a charging stations and charge for fee?

T. Buckley – No, you cannot sell KWH but a business is allowed to charge for the service.

D. Roberts – Building Energy "Stretch Code" – applies when act 250 review is in effect. Talked about changes coming for December 2015, requiring Level 1 and Level 2 charging capabilities for new multi-family developments of 10 or more dwelling units, 4% of parking shall have socket. Requirement is a socket capable to provide the service. A similar commercial code is being finalized as well for some requirements.

L. Buffinton – Great! Straightforward things we could do under zoning. She would encourage them to have more presentations with other groups like Champlain Housing Trust.

D. White – It is worth looking into for possible changes to the regulations.

VIII. Proposed Zoning Amendment

Downtown Districts Setbacks Abutting a Residential Zoning District

D. White – Changes made from your discussion from last meeting.

Tuesday, January 27, 2015

A. Montroll – If someone ends up with a lot split by zoning boundary that this doesn't affect then.

On a motion by E. Lee, seconded by H. Roen, the Commission unanimously warned a public hearing for February 24 for ZA-15-04.

IX. Committee Reports

H. Roen - Meeting Friday for planBTV South End who wants to be more involved.

X. Commissioner Items

E. Lee – Someone has come to her to ask about the sign-in system to let people know about notification. What happened with that capability? City should have more easily notifications.

XI. Minutes/Communications

On a motion by L. Buffinton, seconded by H. Roen, the Commission unanimously approved the minutes from January 13 with changes.

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

On a motion by H. Roen, seconded by E. Lee, the Commission unanimously adjourned the meeting at 8:36pm.

Yves Bradley, Chair

Sandrine Thibault, Secretary

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Bruce Baker, Vice-Chair
Lee Buffinton
Emily Lee
Andy Montroll
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Burlington Planning Commission Minutes Tuesday, March 10, 2015 - 6:35 pm

PC Present: L. Buffinton, H. Roen, J. Wallace-Brodeur, Y. Bradley, A. Montroll, B. Baker, E. Lee

Absent:

Staff: D. White, M. O'Neil, S. Gustin, K Sturtevant

I. Agenda

No changes

II. Public Forum

Solveig Overby: Cell towers on No Winooski and Lakeside – has concerns about what has been supported by the commission. Based on scant information and limited visual examples. Setbacks are important and to be maintained/respected. What we experienced from the street is most important – behind can go higher. What's the enforcement mechanism under the FBC?

Brian Sullivan: Materials the Commission considered at last meeting offered a range of simulations possible, and Commission supported design favored by property owner. Never proposed a tower alone. Antennas were reduced, and bracing elements reduced visual impact.

III. Report of the Chair

The Chair presented the following:

- Has missed the last couple of meetings.
- Offers thanks to staff for all the hard work on planBTV South End.
- Lots to look forward to over coming months.

IV. Report of the Director

The Director presented the following:

- Very busy couple of months – spring permit workload has started
- Has filled the Planning & Zoning Clerk position. New person will start in early April

V. Telecommunications Facility – 86 Lake St

Brian Sullivan: Verizon provides coverage but it's capacity is not adequate to meet growing demand. Past strategy was to go higher (marco sites), but given current demand and technology the focus today is to serve neighborhoods (micro sites – fewer antennas). Existing signal is being taxed and capacity is nearing exhaustion. Staff memo outlines the process undertaken thus far. Design intent is to appear as mechanical infrastructure behind a painted fiberglass structure and not chimney's as originally proposed. No other suitable alternative was available. Lack of another suitable property and structural considerations prevent them from being set back or require them to be taller. Meetings with SHPO have resulted in concurrence with current design.

H Roen: Did you consider taller buildings along Battery St?

Verizon Technical Representative: No. Other site considered was 60 Lake St. Desire was to center the site within the focused service area. Preference is to use newer buildings and avoid historic buildings whenever

possible. Considered and rejected ECHO, Boathouse and LCT properties as well. This was determined to be the best site among those available. The property owner is paid for the use of the site.

M. O'Neil: Grateful for the opportunity for the City to participate. Context for this site are different than past proposals considered. Our review criteria and process is very different than that for the SHPO. Our CDO and MDP provide specific guidance that we must consider. How have they considered other suitable locations and technologies?

A Montroll: Clearly we have a need for better service. If the best site is on a historic building, and if there are not other suitable alternatives, then telecom service may need to take priority as long as we can mitigate impacts.

B. Sullivan: PC and Council has party status before PSB relative to the local MDP (not CDO) in making comments.

M. O'Neil: Notes that A Montroll advertises experience in telecom matters and asks if he may have any business interests that may affect his objectivity.

A Montroll: Is not working in telecommunications currently, and not doing similar work in Burlington. Feels that given the importance of this technology we need to ensure that we are not placing ourselves at a disadvantage. Has some expertise in similar matters that may be helpful to these discussions.

Y. Bradley: Need to balance competing interests – telecommunications vs historic preservation. Going to continue to run into these issues in the future. Operating in a more sensitive environment on Burlington's waterfront and challenge them to be sure to have given us the very best. Can't we do better? We all need to compromise to find better alternatives to get this done.

L. Buffinton: Would prefer to see a process where we are looking at broader future needs across the City and exploring a wider variety of options rather than being given just one place to consider.

H Roen: Would prefer to see other options and how they have been assessed.

E. Lee: Need to appreciate that future development will happen with future opportunities. Appreciates that this is a reversible change to the building and could be removed without permanent damage should better options come along. But there is no way that would ensure that such consideration would be given.

Verizon: Agreements with owners allow multiple opportunities for termination when better alternative may present themselves.

J. Wallace-Brodeur: What are our options at this point?

K. Sturtevant: Commission can choose to or not to provide comments and recommendations to the PSB.

E. Lee: Does not support, and would like to see more options and more thorough comparison. Need to better understand the trade-offs.

J. Wallace-Brodeur: Agree, but also need to address bigger issue so it doesn't dominate PC time and effort.

H Roen: PC should offer comments, and see other options.

A Montroll: Would also like to see other viable options, but if they cannot work could support this proposal.

B. Baker: Commission should not miss opportunity to provide our comments. Should highlight issues and concerns raised and mitigating factors. Take that forward into the process.

Motion. B. Baker, second by E. Stebbins: Staff to prepare memo on the supports and tension in MDP relative to this application, and provide those comments to Verizon.

A Montroll: Let the Commission's discussion tonight stand as comments to Verizon prior to filing of application, and then we can see what actually gets filed. Mover and seconder find this a friendly amendment.

Motion approved: unanimous.

VI. Public Hearing: Proposed Zoning Amendments

- **ZA-15-03 – Inclusionary Zoning for Institutional Zoning Districts**

D. While: Establishes how inclusionary housing should be applied to institutional housing outside of the Institutional District. Modeled after Champlain College Eagles Landing approach.

Solveig Overby: Need to consider future use of housing dedicated to students. May not always be the case.

E. Lee: Building student housing off-campus is a good solution to housing issues, but feels we need to get more protections. Need to have a management component when we allow off-campus student housing.

J. Wallace-Brodeur: An important issue, but this may not be the right place to address this.

Y. Bradley: Recommends that if this is an important issue it should be part of a different conversation

A Montroll: Want to be clear that "affiliates" could occupy. Staff confirmed this to be the case.

Motion: H. Roen, second by A Montroll: refer to Council with recommendation for approval.

E. Lee: Going to vote no. Supports the concept, but doesn't want to miss opportunity to consider issue more holistically

Motion approved: 5-1

- **ZA-15-04 – Downtown, Neighborhood Mixed-Use, Enterprise Districts Setbacks Abutting a Residential Zone**

D. While: Applies to an active appeal currently before the Court. This will clarify the issue.

Motion: L. Buffinton, second by H. Roen: Move to refer to Council with recommendation for approval.

Motion approved: unanimous.

VII. Proposed Amendments

- **Small Daycare allowance in RCO districts.**

S. Gustin: Proposal tied to existing small museum, limits size and comes at the request of WVPD.

A Montroll: Footnote should be with district rather than use and use should be listed as a CU

Motion: L. Buffinton, second by E. Stebbins: Move as amended to send to a public hearing.

Motion approved: unanimous.

- **Clarification of mixed uses allowed the "Attached Dwellings" category**

S. Gustin: Applies to an active appeal. CDO says "any mix of uses." Clarifies that this only includes those listed permitted and conditional uses.

Motion: L. Buffinton, second by E. Stebbins: Move to send to a public hearing.

Motion approved: unanimous.

VIII. planBTV South End Community Workshop Debrief

Deferred to LRPC meeting tomorrow

IX. Committee Reports

- LRPC meets tomorrow. Getting a lot of comments from members of the community relative to the planBTV: South End project.
- Joint CC/PC Form Based Code Committee – been focused on walk-through. Now getting into details and recommending changes. Focusing 2+ meetings on each Form Districts and then will discuss other areas. Already removed E-LM and changed how height is calculated. Will need more time than April and will go to Council with update and new timeframe. Still going to need public process and education once a new draft is complete.
- Ordinance discussed 15-yr Statute of Limitations with City Attorney which will be coming back to the Commission. Still working on parking
- Executive needs to schedule a meeting

X. Commissioner Items

A Montroll: An underwater/underground electric transmission line (mostly in lake) proposed. All RPC's are participating in the process to preserve participation rights. City has not chosen to participate but can through RPC is necessary.

A Montroll: All members of the Commission have potential conflicts on any number of issues that come before it. Has previously disclosed past telecommunications role and experience in the past. Felt that the way M. O'Neil raised the issue was inappropriate and felt like a personal attack and attempt to quiet his comments. Should have raised any question prior to beginning of the discussion rather than after comments had been made. The question isn't the issue, but it's the way they get raised that is the issue.

XI. Minutes/Communications

Motion: L. Buffinton, second by H. Roen: Approve the minutes from the January 13 & 27, 2015 meeting.

Motion approved: unanimous.

XII. Adjourn (9:05 p.m.)

Motion: L. Buffinton, second by H. Roen: Adjourn

Motion approved: unanimous.