

## Department of Planning and Zoning

149 Church Street  
Burlington, VT 05401  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)  
(802) 865-7142 (TTY)

David White, AICP, Director  
Meagan Tuttle, AICP, Comprehensive Planner  
Jay Appleton, GIS Manager  
Scott Gustin, AICP, CFM, Principal Planner  
Mary O'Neil, AICP, Principal Planner  
Ryan Morrison, Associate Planner  
Layne Darfler, Planning Technician  
Anita Wade, Zoning Clerk



**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** March 7, 2018  
**RE:** 18-0619CA; 149 Church Street

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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: Civic Ward: 3C

Owner/Applicant: City of Burlington / Wagner Hodgson Landscape Architecture

**Request:** Reconstruction of City Hall Park including sidewalks; installation of new fountain and plazas on east edge; tree removal and replacement; installation of rain gardens and associated retaining walls; retaining walls along Main St edge; replacement pole lighting; architectural lighting on facades of BCA and City Hall buildings; installation of fence to enclose mechanical equipment adjacent to steps.

### **Applicable Regulations:**

Article 5 (Citywide General Regulations), Article 14 (Downtown Code)

### **Background Information:**

The applicant is seeking approval for a comprehensive reconstruction of City Hall Park. This project underwent sketch plan review with the Design Advisory Board on December 13, 2016 and with the Development Review Board on December 20, 2016. The Boards were generally supportive of the redesign. No concerns as to historic preservation were noted. Most comments were directed at events in the park and the potential for a commercial kiosk. As proposed, no commercial kiosk is included. One may be pursued in the future. A new public bathroom (a "Portland Loo") is included.

The park is located within the Civic zone – one of the newly established downtown form zones. As a result, review under Article 14, *PlanBTV: Downtown Code*, is required. Given the park's inclusion on the National Register of Historic Places, Sec. 5.4.8, *Historic Buildings and Sites*, also applies. Development Review Board consideration of this application is limited to Sec. 5.4.8 and Sec. 14.7.1 (f), *Review and Approval of Civic Spaces and Civic Buildings*. All other aspects of this application are reviewed administratively per 3.2.7 (c), *Administrative Decisions*, of the Comprehensive Development Ordinance.

The Design Advisory Board reviewed this application at their January 23, 2018 meeting and recommended approval with the following conditions:

1. Include more seating throughout the park.

2. The mechanical enclosure should incorporate more open vents as opposed to a more closed opaque style.

Revised project plans have been submitted to address the DAB's recommendation. Proposed seating capacity within the park is noted as 314, whereas the current park seating capacity is 158. Screening of mechanical equipment by City Hall's western stairs has been addressed with three alternatives. Of course, only one will be installed. Either option 2 or 3, open fencing or lattice, respectively, would satisfy the DAB's recommendation.

The Development Review Board opened review of this application on February 20, 2018. Significant public testimony was provided as to events in the park (such as the farmers' market) and the proposed cutting of existing trees in the park – specifically, a perceived excess of tree cutting. Events in the park are outside of the scope of zoning permit review. Tree removal, preservation, and plantings are within the scope of this review. The Development Review Board continued the public hearing to March 7, 2018 and requested additional information relative to existing tree conditions and the rationale for cutting those trees slated for removal. The Board also requested information relative to public performances in the park. The applicants have submitted additional information relative to tree retention and removal.

Previous zoning actions for this property are noted below.

- 9/20/16, Approval to enclose ground mounted HVAC units
- 7/20/15, Approval to install replacement ground mounted HVAC units
- 6/13/14, Approval to install security cameras
- 10/1/13, Approval to install a temporary structure in alleyway
- 1/17/13, Approval to install lighting fixtures to illuminate City Hall and the Fire House
- 1/14/12, Denial of light fixtures to illuminate City Hall and the Fire House
- 7/23/12, Approval to install temporary structures in alleyway
- 5/14/12, Approval to install temporary structures in the park and install alleyway lighting
- 10/28/09, Approval to install temporary micro-house in the park
- 4/13/09, Approval to add handrail to western steps of City Hall
- 7/20/10, Approval of 5-year tree maintenance plan for city parks and other public lands
- 6/3/03, Approval of renovations to City Hall Park
- 4/17/03, Approval to install donor recognition sign
- 3/20/01, Approval to replace two louvres with windows
- 9/16/99, Approval to install a millennium sculpture
- 10/16/95, Approval to remove coal shoot cover in alleyway
- 4/12/90, Approval to refurbish street level front doors to become HC accessible
- 8/5/77, Approval for walkway, performance patio, and landscaping improvements

**Recommendation:** Approval as per, and subject to, the following findings and conditions:

## **I. Findings**

### **Article 5: Citywide General Regulations**

#### **Sec. 5.4.8, Historic Buildings and Sites**

##### *(a) Applicability:*

*These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.*

*As such, a building or site may be found to be eligible for listing on the state or national register of historic places and subject to the provisions of this section if all of the following conditions are present:*

- 1. The building is 50 years old or older;*
- 2. The building or site is deemed to possess significance in illustrating or interpreting the heritage of the City, state or nation in history, architecture, archeology, technology and culture because one or more of the following conditions is present:*
  - A. Association with events that have made a significant contribution to the broad patterns of history; or,*
  - B. Association with the lives of persons significant in the past; or,*
  - C. Embodiment of distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant or distinguishable entity whose components may lack individual distinction; or,*
  - D. Maintenance of an exceptionally high degree of integrity, original site orientation and virtually all character defining elements intact; or,*
  - E. Yielding, or may be likely to yield, information important to prehistory; and,*
- 3. The building or site possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association*

City Hall Park is the namesake of the City Hall Park historic district. It is an individually listed contributing resource within this historic district. Alterations to the park are subject to review under Sec. 5.4.8.

*(b) Standards and Guidelines:*

*The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.*

- 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships. City Hall Park has been used as a public space dating to the 18<sup>th</sup> century. While its name and configuration have changed over time, it has remained a significant public open space in the core of Burlington's downtown. The current proposal makes no change to the primary use of this public park space. **(Affirmative finding)***

- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

Although the park has changed over the years, it has retained a number of definitive features. These features include a central water feature with paths radiating away from

it, several monuments, trees, seating, lighting, and a flagpole. It is important to note that individually, none of these elements (except for the monuments pertaining to the Civil War and World War II that will be retained) have historic significance. The significance is within the consistent presence of these features over time.

~~The proposed reconstruction plan retains many of these features. A central water element is included, and most mature trees will be retained. Provision for seating will be made throughout the reconfigured park, and revamped lighting will be installed throughout. The flagpole will be retained. As recommended, the asymmetrical walkway pattern depicted in the sketch plans has been revised to a more traditional radial pattern.~~

The proposed reconstruction plan retains many of these features. A central water element is included along with a flag pole, and provision for seating will be made throughout the park. Revamped lighting will be installed throughout. As recommended, the asymmetrical walkway pattern depicted in the sketch plans has been revised to a more traditional radial pattern.

The park dates to the earliest days of the city, while the oldest individual tree in the park dates to the 1970's. While not historically significant individually, the presence of trees in the park has been constant. As proposed, 24 of the 56 existing trees will be retained, 32 trees will be removed, and 14 new trees will be planted. Proposed tree removal is tied to poor health, species incompatibility, and/or design considerations as articulated in the newly submitted Tree Status plan. New tree plantings will replace nearly half of those to be removed. As has been historically the case, trees will remain a characteristic element of City Hall Park. (Affirmative finding)

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*  
No conjectural elements are included in the proposed design. While basic characteristic features are acknowledged in the redesign, the proposed reconstruction is clearly a product of the present. **(Affirmative finding)**

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

The historic significance of City Hall Park is its role as a public space within the city's downtown, its relationship to surrounding buildings, and its basic design elements. Within this public space, there are a number of defining elements as noted above. These defining elements have changed over time. For example, the shape of the park has changed from circular to rectangular. The paths have been surfaced and resurfaced with differing materials. The central water feature has been replaced. Lighting fixtures have been updated. No individual tree, light, or fountain has any unique historic merit. Only the monuments have historic significance individually. The significance of City Hall Park is found within the functional entirety of the elements that comprise it.  
**(Affirmative finding)**

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*  
As noted above, park features, such as a central water element and radial walkways, are more important to its historic integrity than the specific materials of individual elements. Materials retention within the park is of less concern than would be for renovation of an historic building. **(Affirmative finding)**
  
6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*  
This criterion is aimed at alterations to an historic building and is largely not applicable. As noted above, it is not the materials of the features within City Hall Park that are of particular significance, it is the collection of features and spatial relationships together that make up the park. Retention of those features, in contemporary form, is largely included in the proposed reconstruction. The monuments that have historic merit will be unchanged. **(Affirmative finding)**
  
7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*  
**(Not applicable)**
  
8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*  
City Hall Park is not located within an archaeologically sensitive area, nor does it contain any archaeologically significant site points. **(Affirmative finding)**
  
9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*  
The overall design and spatial relationships within City Hall Park are most important to its historic significance. None of the trees, lights, fountain, walkways, etc. have individual historic merit. Therefore alteration to them is not of concern under this criterion. As proposed, a number of defining characteristics are retained. An open civic space surrounded by buildings and city streets will remain. Open green spaces and treed areas outlined by the walkways will be retained. Lighting, monuments, and seating areas will be retained. New amenities such as flexible performance space, public art, and restroom will enhance the park's functionality as an important public space in Burlington's downtown. As noted above, the walkway layout has been revised to a more traditional radial pattern thereby preserving the balanced symmetry of the park. **(Affirmative finding)**

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

As with several other criteria above, this criterion is aimed at alterations to an historic building. **(Not applicable)**

#### **Article 14: planBTV Downtown Code**

##### ***Sec. 14.7.1, Applying for a Zoning Permit: Submission Requirements and Review***

###### *f) Review and Approval of Civic Spaces and Civic Buildings*

###### *i) Conformance with the adopted land use and development plans for the area as identified in the Municipal Development Plan*

The reconstruction of City Hall Park is consistent with PlanBTV: Downtown & Waterfront in a number of ways.

- It includes a new bike lane along Main Street and other Complete Street improvements to enhance pedestrian mobility (Complete Street Solution).
- Stormwater management will be substantially improved with a variety of onsite green infrastructure features (The Green Machine).
- The redesign of City Hall Park is specifically called for, and emphasis is placed on pedestrian accessibility and continued functionality as a central gathering place (Main Street). **(Affirmative finding)**

###### *ii) Consistency with:*

###### *A) The purpose of this ordinance;*

Article 14 is intended to guide development within the city's downtown and waterfront in a manner consistent with the vision articulated in PlanBTV: Downtown and Waterfront. It is intended to focus on the form of development and to preserve and reflect the existing urban pattern and moderate urban scale. This ordinance emphasizes creative design, durable materials, and pedestrian scale. It calls for the reinforcement of Complete Streets to address a variety of mobility needs. This ordinance also calls for the preservation and renewal of our historic resources. The proposed redevelopment of City Hall Park touches on all of these purposes. **(Affirmative finding)**

###### *B) The intent of the Form District where the project is located;*

City Hall Park is located within the Civic form district. More specifically, it qualifies as a Square and is intended for unstructured recreation and civic purposes. City Hall Park currently serves such purposes and will continue to do so. **(Affirmative finding)**

###### *C) The purpose of Civic Spaces generally; and,*

Civic spaces generally are intended to provide a diverse array of parks and other public spaces as components of a walkable urban environment and vital community centers. Emphasis is placed on affording public or quasi-public activities dedicated to arts, culture, education, recreation, government, places of worship, public assembly, and public transportation. As with above, City Hall Park currently enables and supports such activities and will continue to do so, albeit in refreshed form. **(Affirmative finding)**

###### *D) The intent of the Civic Space Type being proposed.*

**(Not applicable)** No new civic space is proposed.

*iii) That the proposed Civic Space or Civic Building as designed provides a positive public benefit and enhancement to the community and the context within which it is proposed.*

No new civic space is proposed. The project amounts to a comprehensive reconstruction of a generations-old civic space in the heart of Burlington's downtown. The context of the park remains unchanged. Within the park, key elements will be preserved while improvements are made to enhance its functionality for use by the community well into the future. **(Affirmative finding)**

## **II. Development Review Board Conditions of Approval**

1. Standard Conditions 1-15.
2. Final zoning permit approval is contingent on approval of all applicable administrative checklist items.