



Burlington Planning Commission

Ordinance Committee Meeting Minutes

Thursday, March 3, 2022 @ 5:15 PM

Remote Meeting

Attendance

- **Committee Members:** Yves Bradley, Caitlin Halpert, Leo Sprinzen, and Bruce Baker
- **Absent:** Emily Lee
- **Public:** Jay White, Doreen Kraft, Sara Katz, Devin Colman, Brian Leet, Patrick (?).
- **Staff:** Mary O'Neil (Permitting & Inspections)

1. Discussion of Public Art; its absence from the CDO since the adoption of the Form Code.

Mary O'Neil (staff) began an introduction with the history of Public Art regulations within the CDO as a bonus provision under Article 4; regulations that were eliminated upon the adoption of Article 14 (Form Code.) She also introduced a letter of concern from Jay White, a member of the Design Advisory Board detailing projects within the city and no perceived oversight.

Jay White introduced his comments with examples. He detailed two top issues: Damage to buildings (which may be ameliorated with conditions that the art installation has to be reversible and can be removed without damage to the building), and Safety (mounting, wind load, structural stability.)

Mary outlined the difference between art installed in the public domain and/or publically funded; and those projects on private property. That difference resulted in the removal from the website of the Standards provided by Burlington City Arts, related solely to public funds/public projects. (Some of the Commission members has already read them.)

There was broad discussion; initially Bruce, Caitlin and Leo voiced an unwillingness to create a permit/review process that would be perceived to create a barrier or to assess qualities of any proposed art.

Brian Leet (guest) was invited to speak, and he underlined the difference between art funded by the public, and art visible to the public but on private property. He also identified the issue of free speech.

Bruce then acknowledged health and safety concerns, and the issue of introduction of structure that probably requires a permit. He also differentiated between what is removable – like lawn furniture, and historic preservation standards within the ordinance relative to reversibility. He suggested that existing ordinance may already cover many of the identified issues.

Caitlin Halpert found questionable the suggestion of review based on the quality of the art piece. If an engineer deems the installation safe, than it should be acceptable.

The Commission then discussed other potential areas of concern, i.e. height, Clear Site Triangle, and permit cost. They disagree that omission of language from the Form Code does not expressly prohibit public art. Mary asserted that staff has no role or interest in assessing qualities of art installations, but suggested language of allowance within the Code. Mary also alluded to prescriptive standards within the Code relative to window transparency and percentage of building openings that could potentially be affected by an installation, depending upon how it interacts with a building in the downtown.

Doreen Kraft and Sara Katz offered support and continued participation in the discussion.

Brian Leet suggested that if an art installation is of a scale and size that engineering is required, then yes, it should be regulated under those factors.

Bruce Baker requested staff to propose some language, where public art is encouraged without barriers; perhaps doesn't require a permit under specific circumstances and would be subject to building code.

No action taken.

2. Adjournment

The Committee adjourned at 6:15 PM.