

## 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

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*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.)**

## Department of Planning and Zoning

149 Church Street, City Hall  
Burlington, VT 05401  
[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)  
Phone: (802) 865-7188  
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*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. Antennae 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, 4<sup>th</sup> 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, 6<sup>th</sup> 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

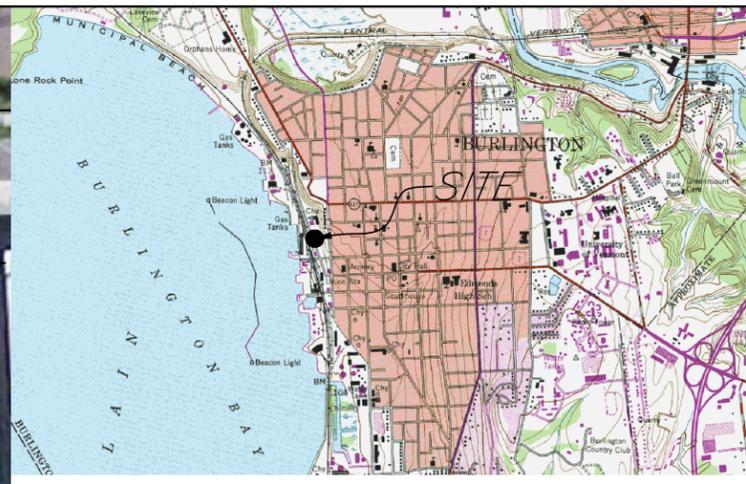
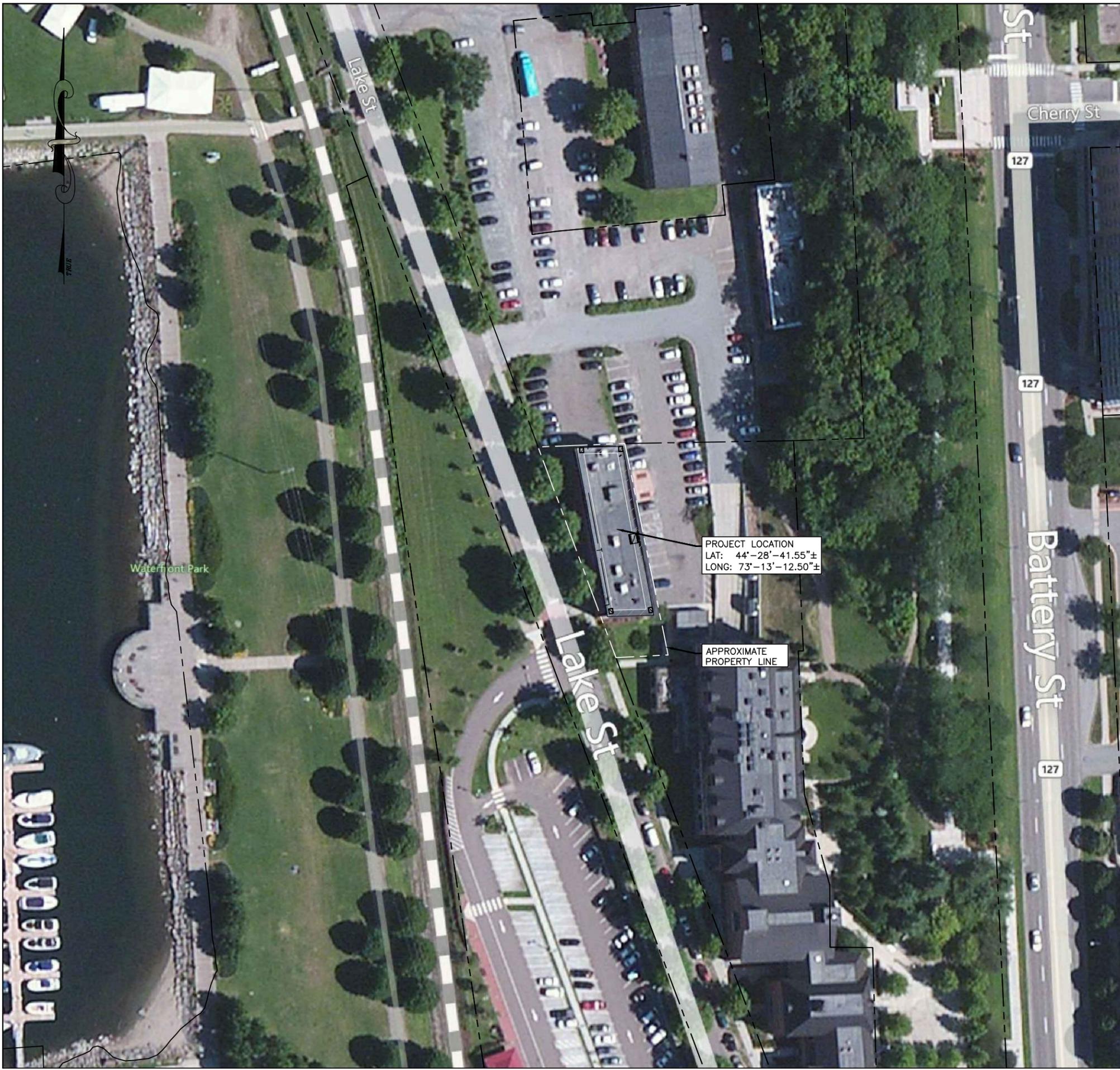
City of Burlington  
City Hall  
149 Church Street  
Burlington, VT 05401

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

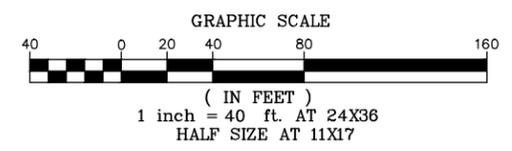




LOCATION MAP  
NOT TO SCALE

**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 inc.**  
ENGINEERING • PLANNING • MANAGEMENT • DEVELOPMENT  
6 GREEN TREE DRIVE  
SO. BURLINGTON, VT 05403  
TEL: (802) 878-7661  
FAX: (866) 783-7101  
www.dubois-king.com  
RANDOLPH, VT  
SPRINGFIELD, VT  
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LACONIA, NH  
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**NOT FOR CONSTRUCTION PRELIMINARY PLANS**

| NO. | DATE    | DESCRIPTION                     | BY  | CHK'D |
|-----|---------|---------------------------------|-----|-------|
| 2   | 6/25/14 | ADDED NORTH AND EAST ELEVATIONS | TJD | LJH   |
| 1   | 3/17/14 | REVISED ANTENNA CONFIGURATION   | TJD | LJH   |



PROJECT ID: 20130961131  
PROJECT TYPE: BDGCA  
LOCATION CODE: 275570

**BURLINGTON WATERFRONT**

86 LAKE STREET  
BURLINGTON, VT  
05401

SHEET TITLE

OPTION 2  
OVERALL  
SITE PLAN

PERMIT PLANS

| DRAWN BY   | DATE          |
|------------|---------------|
| TJD        | OCT. 2014     |
| CHECKED BY | D&K PROJECT # |
| LJH        | 422339P       |
| PROJ. ENG. | D&K ARCHIVE # |
| AWD        | 8158          |

SHEET NUMBER

**C-1**



**NOT FOR  
CONSTRUCTION  
PRELIMINARY  
PLANS**

| NO. | DATE    | DESCRIPTION                     | BY  | CHK'D |
|-----|---------|---------------------------------|-----|-------|
| 2   | 6/25/14 | ADDED NORTH AND EAST ELEVATIONS | TJD | LJH   |
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PROJECT ID: 20130951131  
PROJECT TYPE: BDGCA  
LOCATION CODE: 275570

**BURLINGTON  
WATERFRONT**

86 LAKE STREET  
BURLINGTON, VT  
05401

SHEET TITLE

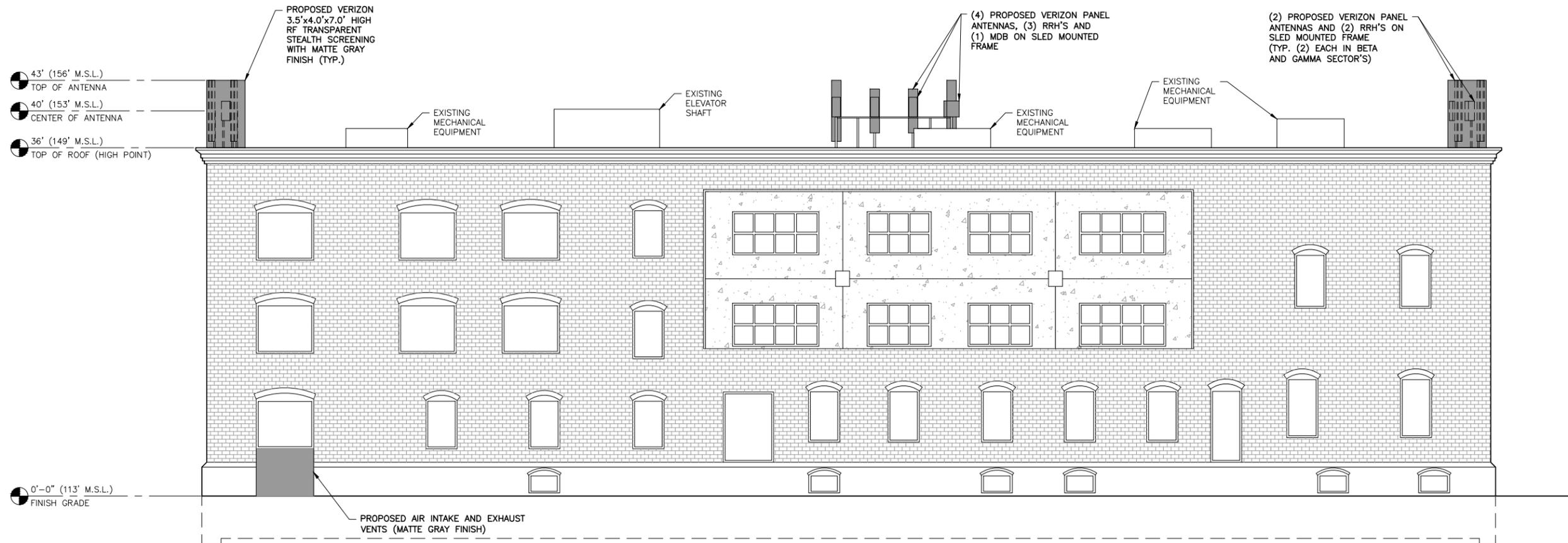
**OPTION 2  
BUILDING  
ELEVATIONS**

PERMIT PLANS

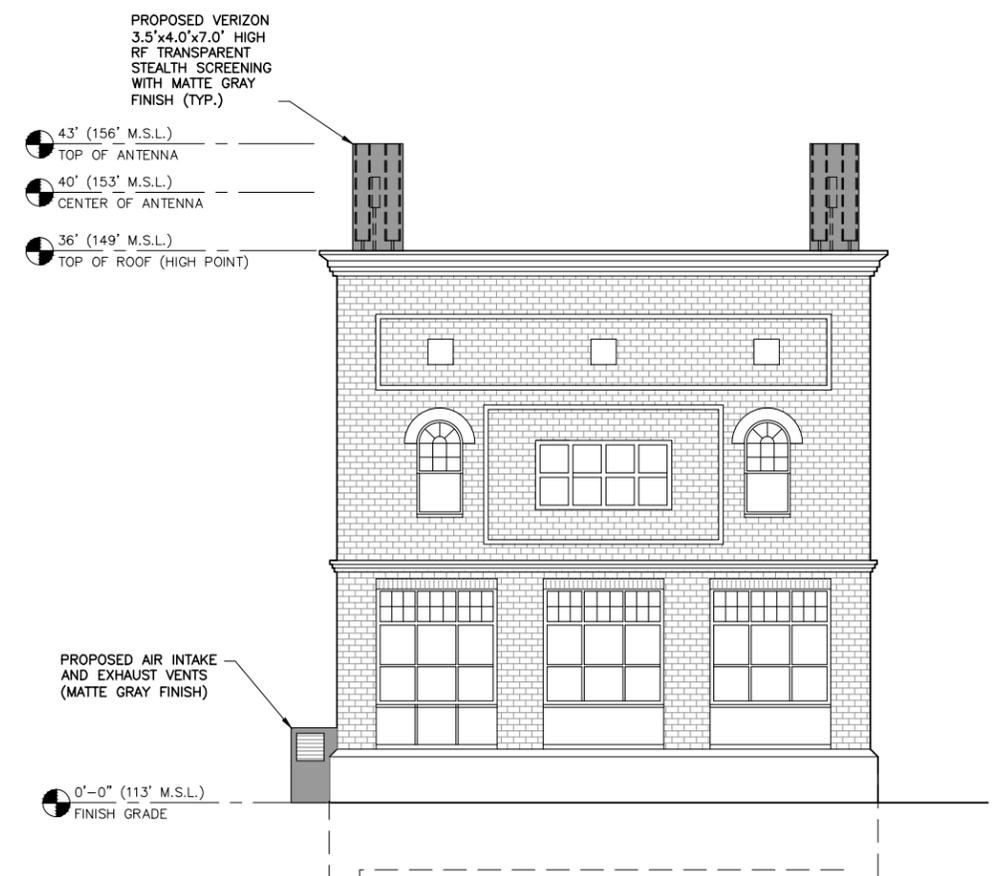
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SHEET NUMBER

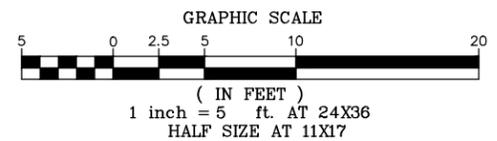
**C-3**



WEST ELEVATION



SOUTH ELEVATION



**NOT FOR  
CONSTRUCTION  
PRELIMINARY  
PLANS**

| NO. | DATE    | DESCRIPTION                     | BY  | CHK'D |
|-----|---------|---------------------------------|-----|-------|
| 2   | 6/25/14 | ADDED NORTH AND EAST ELEVATIONS | TJD | LJH   |
| 1   | 3/17/14 | REVISED ANTENNA CONFIGURATION   | TJD | LJH   |



PROJECT ID: 20130951131  
PROJECT TYPE: BDGCA  
LOCATION CODE: 275570

**BURLINGTON  
WATERFRONT**

86 LAKE STREET  
BURLINGTON, VT  
05401

SHEET TITLE

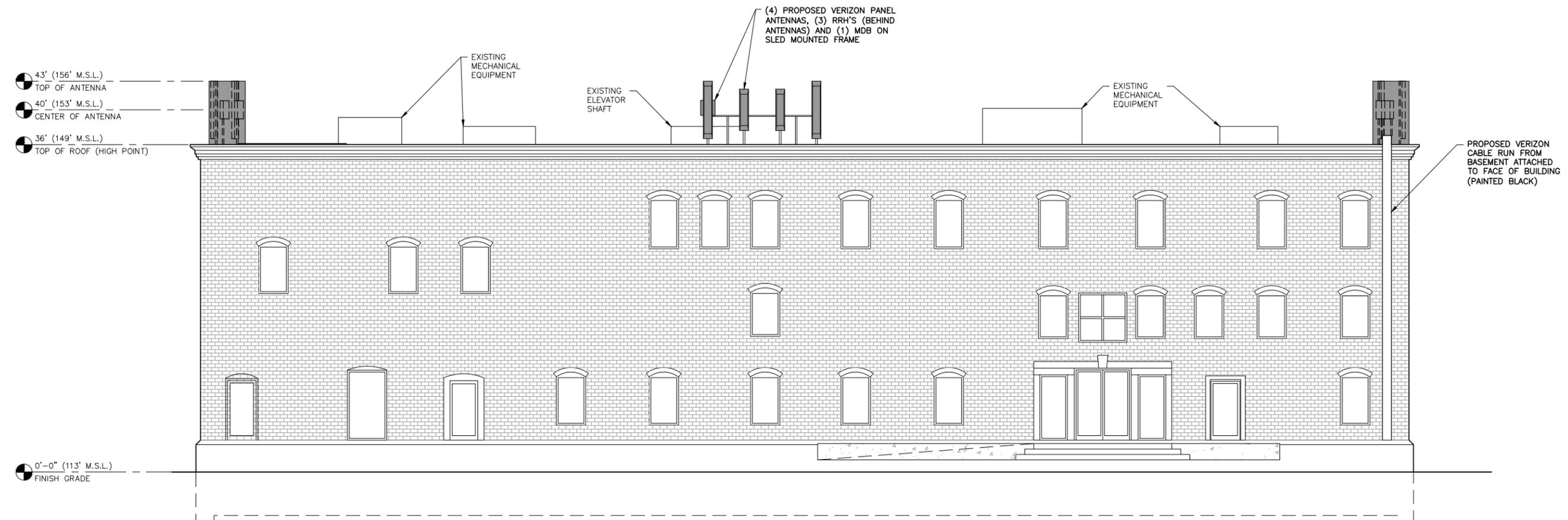
**OPTION 2  
BUILDING  
ELEVATIONS**

PERMIT PLANS

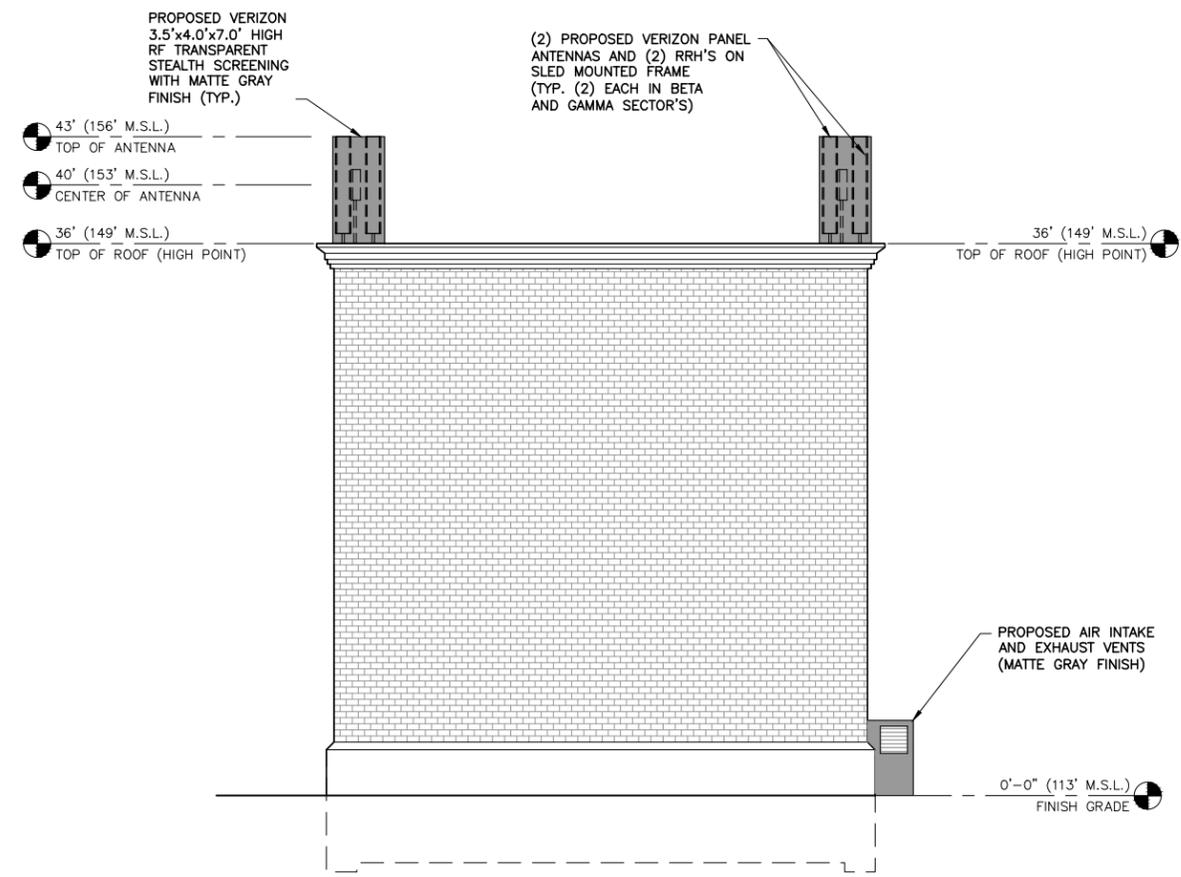
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| TJD        | OCT. 2014     |
| CHECKED BY | D&K PROJECT # |
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| PROJ. ENG. | D&K ARCHIVE # |
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SHEET NUMBER

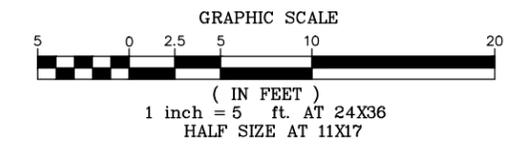
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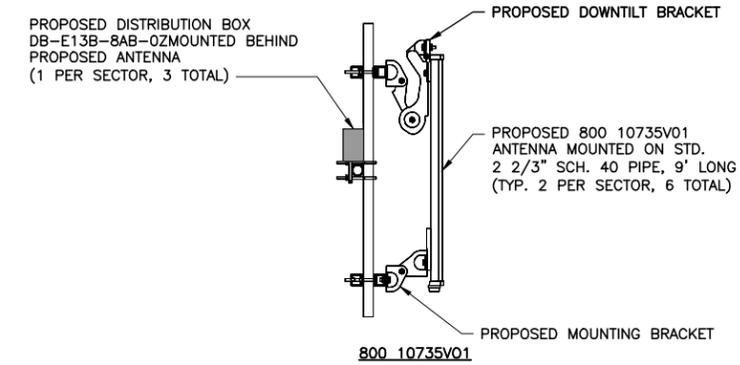
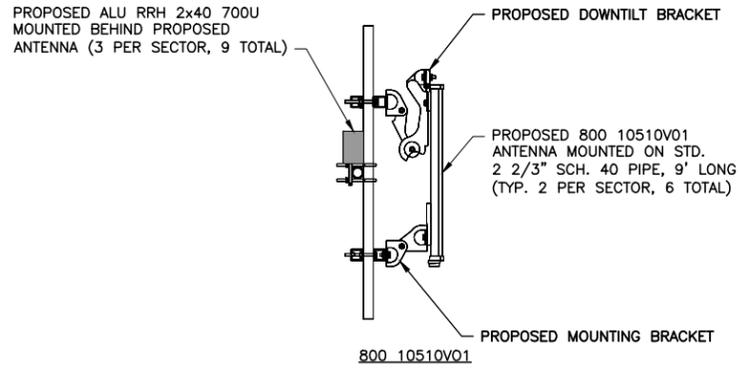


**EAST ELEVATION**



**NORTH ELEVATION**

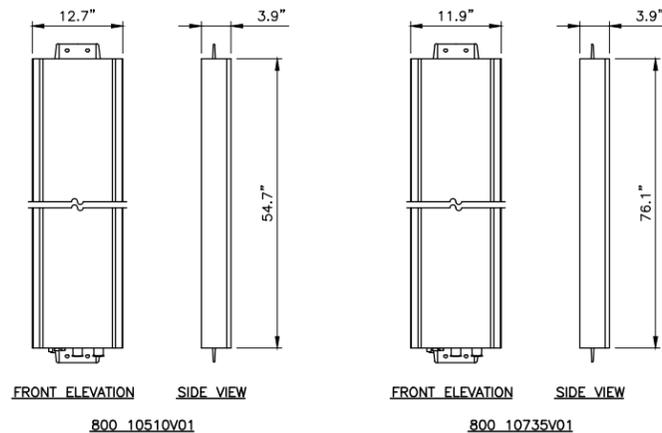




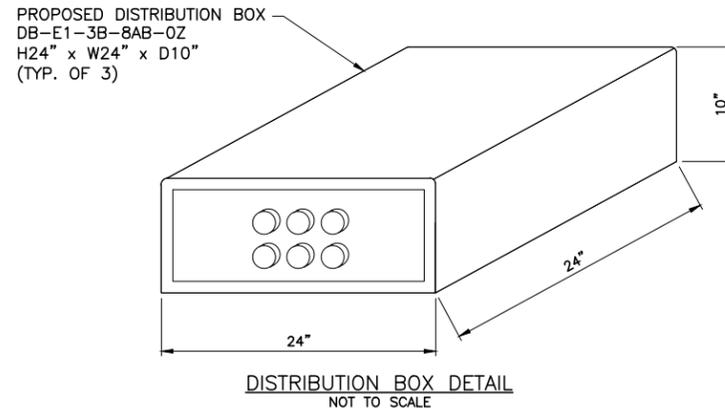
**PROPOSED ANTENNA DETAILS**  
NOT TO SCALE

**ANTENNA FACIAL SURFACE AREA**

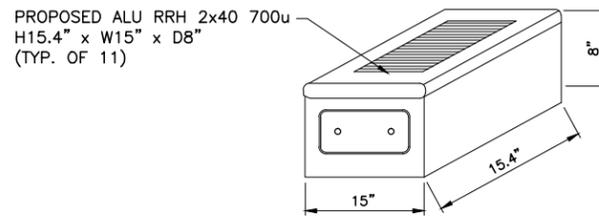
**800 10735V01:**  
76.1" x 11.9" = 6.29 SQ. FT. x 6 ANTENNAS = 37.73 SQ. FT.  
**800 10510V01:**  
54.7" x 6.1" = 2.32 SQ. FT. x 6 ANTENNAS = 13.90 SQ. FT.  
TOTAL AREA: (37.73 + 13.90) = 51.63 SQ. FT



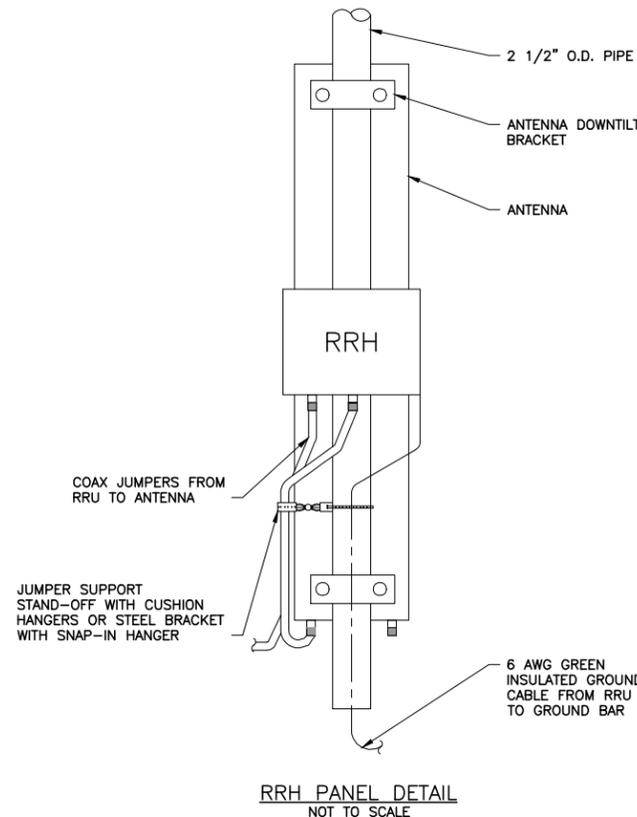
**PANEL ANTENNA DETAILS**  
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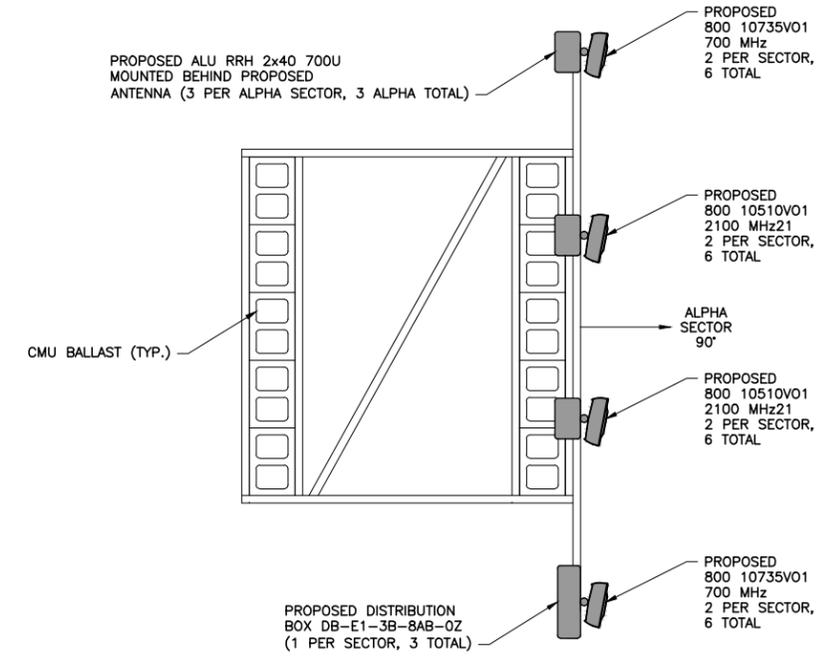
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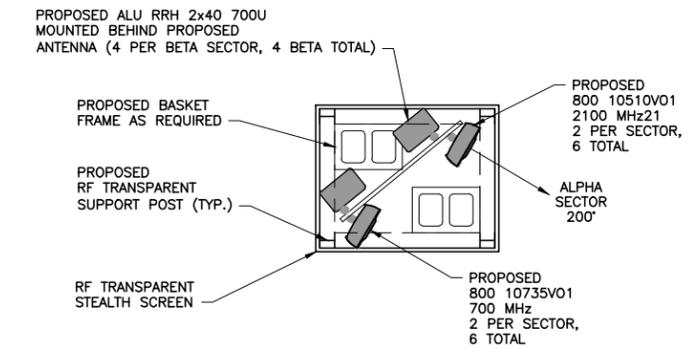
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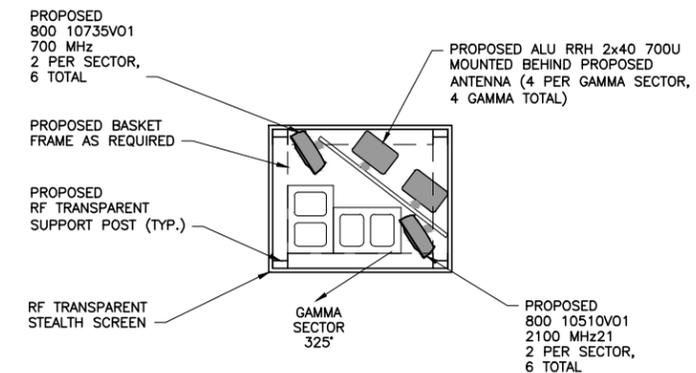
**RRH PANEL DETAIL**  
NOT TO SCALE



**ALPHA SECTOR ANTENNA PLAN**  
NOT TO SCALE



**BETA SECTOR ANTENNA PLAN**  
NOT TO SCALE



**GAMMA SECTOR ANTENNA PLAN**  
NOT TO SCALE

| NO. | DATE    | DESCRIPTION                     | BY  | CHK'D |
|-----|---------|---------------------------------|-----|-------|
| 2   | 6/25/14 | ADDED NORTH AND EAST ELEVATIONS | TJD | LJH   |
| 1   | 3/17/14 | REVISED ANTENNA CONFIGURATION   | TJD | LJH   |



| DRAWN BY   | DATE          |
|------------|---------------|
| TJD        | OCT. 2014     |
| CHECKED BY | D&K PROJECT # |
| LJH        | 422339P       |
| PROJ. ENG. | D&K ARCHIVE # |
| AWD        | 8162          |

## Department of Planning and Zoning

149 Church Street, City Hall  
Burlington, VT 05401  
[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)  
Phone: (802) 865-7188  
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Scott Gustin, AICP, CFM, Senior Planner  
Mary O'Neil, AICP, Senior Planner  
Elsie Tillotson, Department Secretary  
Vacant, Zoning Clerk

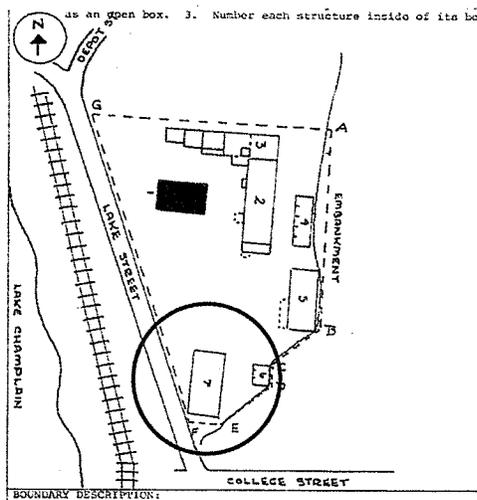


December 19, 2014

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



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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.



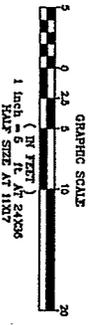
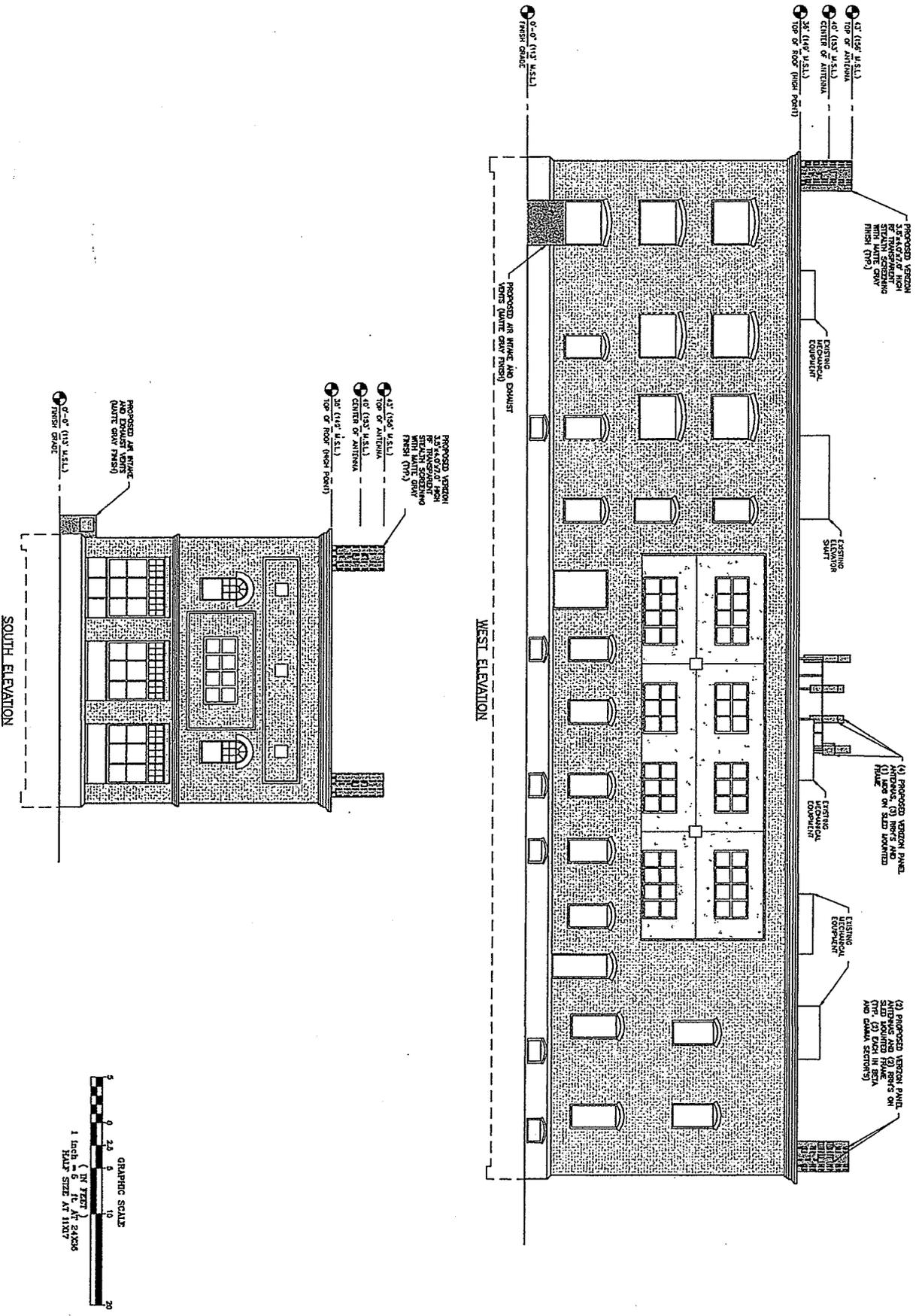
While the proposed equipment would satisfy those goals of the CDO, MDP and Plan BTV relative to improvements to wireless communications in the City, this plan would alter the historic character of a Vermont State Register listed historic resource, and is therefore found to be unacceptable. When reviewed 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



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 FAX: (802) 898-2244

| NO. | DATE    | DESCRIPTION                     | BY  | TJD | LHM |
|-----|---------|---------------------------------|-----|-----|-----|
| 2   | 6/25/14 | ADDED NORTH AND EAST ELEVATIONS | TJD | LHM |     |
| 1   | 3/17/14 | REVISED ANTENNA CONFIGURATION   | TJD | LHM |     |

**NOT FOR CONSTRUCTION PRELIMINARY PLANS**

**PROJECT:** BURLINGTON WATERFRONT  
**LOCATION:** 88 LAKE STREET, BURLINGTON, VT 05401

**PROJECT:** OPTION 2 BUILDING ELEVATIONS PERMIT PLANS

**DATE:** OCT. 2014

**DESIGNER:** LHM

**PROJECT NO.:** 42324P

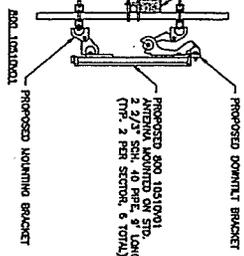
**SHEET NO.:** 3 OF 8

**C-3**

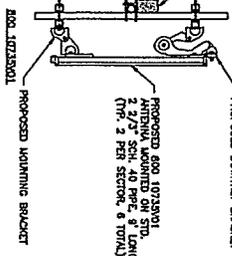




PROPOSED ALU RRH 2440 700u  
 PROPOSED DOWNPIT BRACKET  
 ANTENNA (3 PER SECTOR, 6 TOTAL)

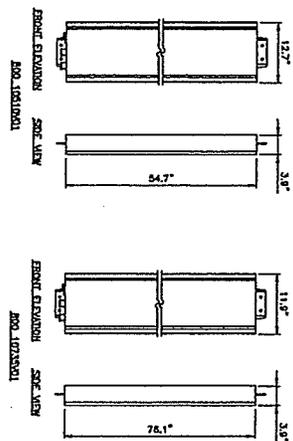


PROPOSED DISTRIBUTION BOX  
 PROPOSED DOWNPIT BRACKET  
 ANTENNA (1 PER SECTOR, 3 TOTAL)



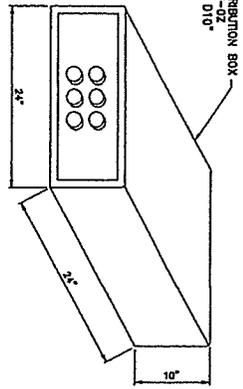
**PROPOSED ANTENNA DETAILS**  
 NOT TO SCALE

**ANTENNA FACIAL SURFACE AREA**  
 RRH ANTENNA: 620 SQ. FT. x 6 ANTENNAS = 3720 SQ. FT.  
 RRH ANTENNA: 761' x 11.9' = 9060 SQ. FT.  
 RRH ANTENNA: 2.12 SQ. FT. x 6 ANTENNAS = 12.72 SQ. FT.  
 TOTAL AREA (3720 + 12.72) = 3732.72 SQ. FT.

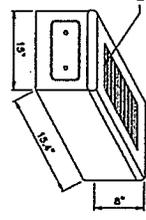


**PANEL ANTENNA DETAILS**  
 NOT TO SCALE

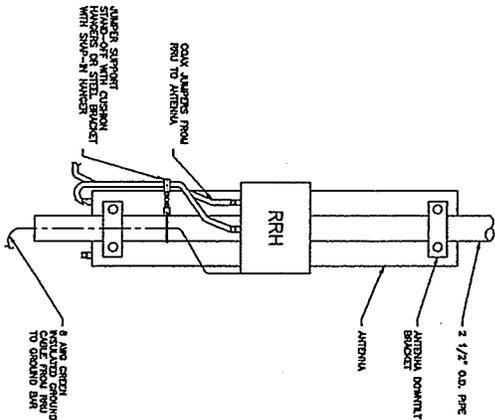
PROPOSED DISTRIBUTION BOX  
 18" x 18" x 18"  
 (TYP. OF 3)



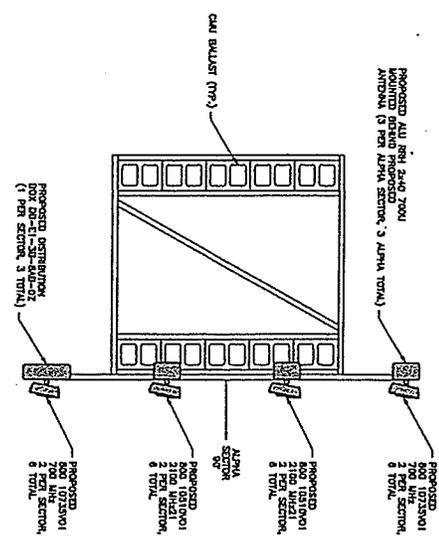
PROPOSED ALU RRH 2440 700u  
 18" x 18" x 18"  
 (TYP. OF 11)



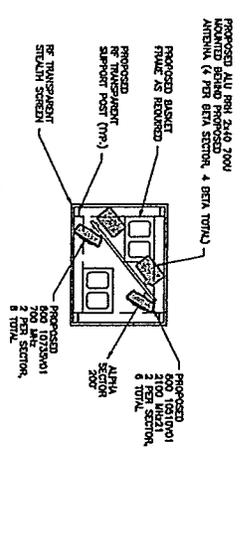
**RRH DETAILS**  
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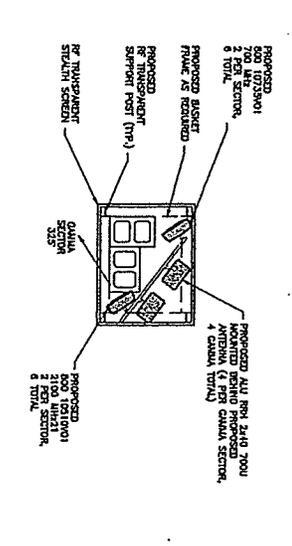
**ALPHA SECTOR ANTENNA PLAN**  
 NOT TO SCALE



**BETA SECTOR ANTENNA PLAN**  
 NOT TO SCALE



**GAMMA SECTOR ANTENNA PLAN**  
 NOT TO SCALE



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 TEL: (802) 871-1111  
 FAX: (802) 871-1112  
 WWW.DUBOIS.COM

**NOT FOR CONSTRUCTION PRELIMINARY PLANS**

| NO. | DATE    | DESCRIPTION                     |
|-----|---------|---------------------------------|
| 1   | 6/25/14 | ADDED NORTH AND EAST ELEVATIONS |
| 2   | 3/17/14 | REVISED ANTENNA CONFIGURATION   |

**VERTIZON**  
 wireless

PROJECT: BURLINGTON WATERFRONT  
 ADDRESS: 88 LAKE STREET BURLINGTON, VT 05401

SHEET TITLE: OPTION 2 ANTENNA PLAN AND DETAILS

PERMIT PLANS

TITLE: C-5

DATE: OCT. 2014

DESIGNER: LHM

CHECKER: JKS

PROJECT NO: 1412

SHEET NUMBER: 3 OF 5



## 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 Chinnneys

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

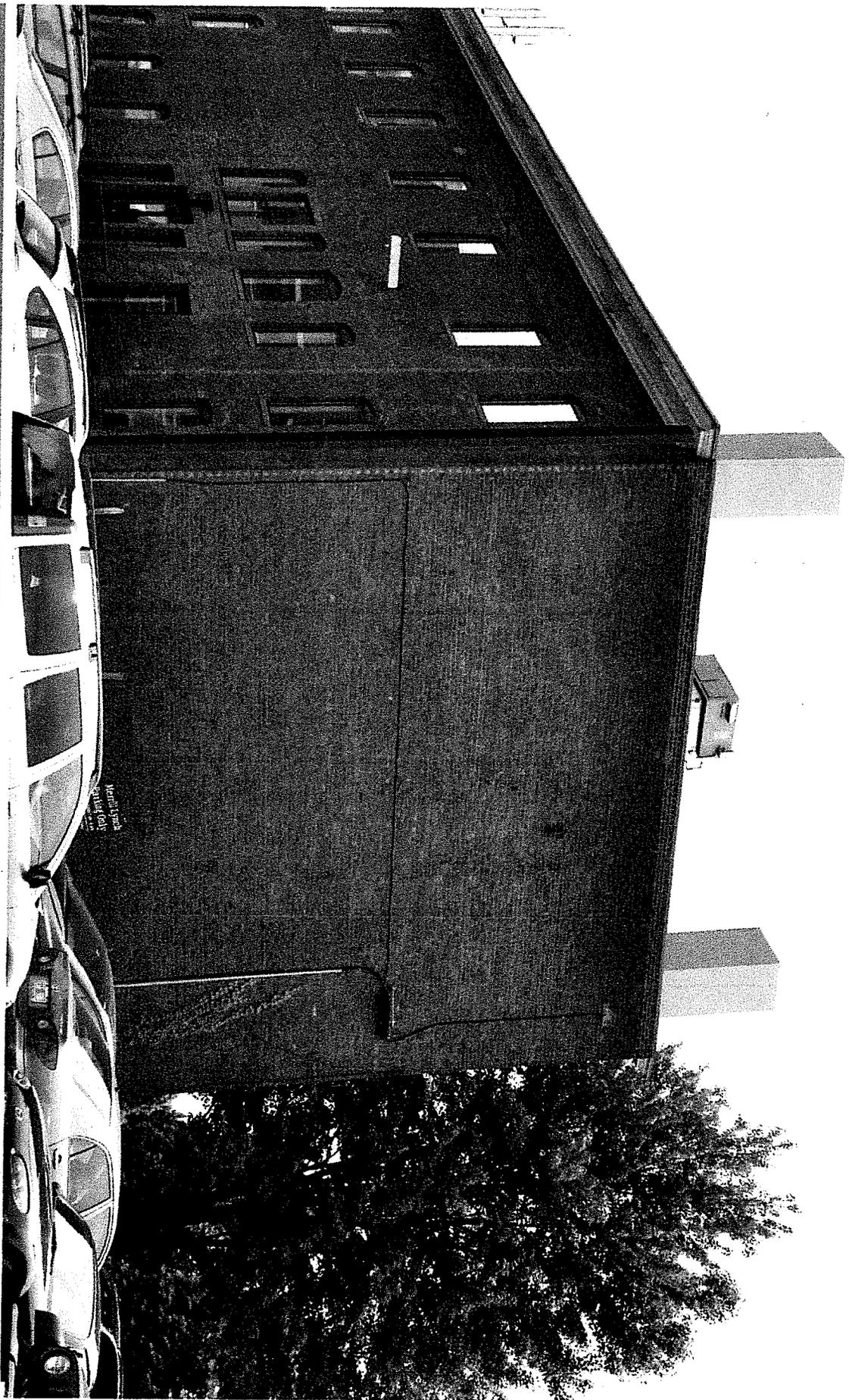
Orientation: Southwest / Distance to Site: 0.02 miles  
Photo Equivalent to 50 mm in 35mm format

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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Ken Lerner, Assistant Director  
Sandrine Thibault, AICP, Comprehensive Planner  
Jay Appleton, Senior IT/GIS Programmer  
Scott Gustin, AICP, Senior Planner  
Mary O'Neil, AICP, Senior Planner  
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.

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

|  |       |                             |                                |   |   |                    |
|--|-------|-----------------------------|--------------------------------|---|---|--------------------|
| College  |       |                             |                                |   |   | Max: 35            |
| <b>Downtown Waterfront – Public Trust</b>  |       |                             |                                |   |   |                    |
| A. North of Pearl West   | 2 FAR | Same as Downtown Waterfront |                                |   |   | Max: 35            |
| B. Lakeshore <sup>4</sup>  | 2 FAR | Same as Downtown Waterfront |                                |   |   | Max: 35            |
| <b>Battery Street Transition</b>   |       |                             |                                |   |   |                    |
| <b>BST</b>   | 3 FAR | 100%                        | Greater of 0' or 12' from curb | 0 | 0 | Min: 30<br>Max: 35 |
| <p>1 Floor area ratio is defined and described in <b>Art 5</b>. 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 <b>Art 6</b>.</p> <p>2 Structures shall be setback along any <b>zoning district boundary</b> <del>property</del> line that abuts a residential zoning district pursuant to the requirements of (d)6 below.</p> <p>3 Minimum building height shall be 30-feet and 3 stories. Measurement of and exceptions to height standards are found in <b>Art 5</b>. 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.</p> <p>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.</p> <p>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.</p> |       |                             |                                |   |   |                    |

(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<br>(floor area ratio <sup>1</sup> ) | Max. Lot Coverage | Minimum Building Setbacks (feet) |                   |                   | Height (feet) |
|-----------|--|-------------------|----------------------------------|-------------------|-------------------|---------------|
|           |  |                   | Front <sup>4</sup>               | Side <sup>2</sup> | Rear <sup>2</sup> |               |
|           |  |                   |                                  |                   |                   |               |

|                      |         |                  |                |   |   |                                 |
|----------------------|---------|------------------|----------------|---|---|---------------------------------|
| <b>NAC</b>           | 2.0 FAR | 80% <sup>5</sup> | 0              | 0 | 0 | Max: 35                         |
| <b>NMU</b>           | 2.0 FAR | 80%              | 0 <sup>6</sup> | 0 | 0 | Min: 20 <sup>3</sup><br>Max: 35 |
| <b>NAC-Riverside</b> | 2.0 FAR | 80%              | 0              | 0 | 0 | Min: 20 <sup>3</sup><br>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<sup>ies</sup>. 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<br>(floor area ratio <sup>1</sup> ) | Max. Lot Coverage <sup>1</sup> | Minimum Building Setbacks <sup>1</sup> (feet) |                |                   | Max. Height <sup>1</sup><br>(feet) |
|---|--|--------------------------------|---|----------------|-------------------|------------------------------------|
|   |  |                                | Front   | Side           | Rear <sup>3</sup> |                                    |
| <b>Light Manufacturing</b>                | 2.0 FAR  | 80%                            | 5 min   | 0 <sup>2</sup> | 10% <sup>2</sup>  | 45'                                |
| <b>Agricultural Processing and Energy</b> | 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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*Jay Appleton, Senior Programmer*  
*Scott Gustin, AICP, CFM, Senior Planner*  
*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 <sup>16</sup> | DT | BST | NMU                    | NAC | NAC-RC | E-AE       | E-LM             |
| RESIDENTIAL USES   | UR            | RCO - A <sup>1</sup>                  | RCO - RG | RCO - C | I             | RL/W             | RM/W             | RH               | D                  | DW | DW-PT <sup>16</sup> | DT | BST | NMU                    | NAC | NAC-RC | E-AE       | E-LM             |
| Attached Dwelling(s) – Mixed-Use <sup>26</sup>                     | N             | N <sup>1</sup>                        | N        | N       | CU            | CU               | CU               | CU               | Y                  | Y  | N                   | Y  | Y   | Y                      | Y   | Y      | N          | N                |
| Daycare – Small <sup>8</sup><br>(7-20 children)<br>(See Sec.5.4.1) | N             | N                                     | N        | N       | CU            | CU <sup>13</sup> | CU <sup>13</sup> | CU <sup>13</sup> | Y                  | Y  | N                   | CU | CU  | Y                      | Y   | Y      | CU         | CU <sup>17</sup> |

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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*Yves Bradley, Chair  
Bruce Baker, Vice-Chair  
Lee Buffinton  
Emily Lee  
Andy Montrall  
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. Montrall, 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. Montrall – 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 is 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.

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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