

**Department of Permitting and Inspections
Zoning Division**

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TO: Development Review Board
FROM: Mary O'Neil
DATE: November 6, 2019
RE: ZP20-0360CA; 111 Intervale Road

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: E-AE **Ward:** 2C

Owner/Applicant: Burlington Electric Department / Burlington Fire Department

Request: Construct structure for fire training exercises.

Applicable Regulations:

Article 2 (Administrative Mechanisms); Article 4 (Zoning Maps and Districts); Article 5 (Citywide General Regulations), Article 8 (Parking.)

Background:

- **Non-Applicability of Zoning Permit Requirements 16-0173NA;** replacement of waste wood yard attendant shack. August 2015.
- **Non-Applicability of Zoning Permit Requirements 12-0766NA;** install test wells and permanent well for water supply for McNeil Generating Station. March 2012.
- **Zoning Permit 11-0594CA;** remove existing leaf bunker and replace with larger capacity bunker in same location. February 2011.
- **Zoning Permit 10-0042CA;** install 20 foot steel access walkway with safety handrails between McNeil Station and roof of NOx Reduction System. July 2009.
- **Non-Applicability of Zoning Permit Requirements 10-0252NA;** replace and repair rubber roof. September 2009.
- **Zoning Permit 06-847CA;** installation of telecommunications antennas and associated cables and equipment on existing smokestack at McNeil Station. June 2006.
- **Zoning Permit 06-490CA;** Boundary line adjustment between 99 Intervale Rd. and 111 Intervale Rd. February 2006.
- **Zoning Permit 01-084 / COA 01-002;** construction of a railroad trestle dust enclosure for the existing McNeil Generating Plant. August 2000.
- **Zoning Permit 97-582 / COA096-019A;** drill three water wells for the existing McNeil Generating Plant. June 1997.
- **Zoning Permit 96-148 / COA 096-019;** construction of a 50/ x 60/ addition to the existing McNeil Generating Plant for biomass gasification demonstrations. April 1994.
- **Zoning Permit 95-237;** replace existing attendant booth at the entrance to the McNeil Generating Plant. November 1994. Superseded by 16-0173NA.
- **Zoning Permit 094-063;** relocation of water well for McNeil. January 1994. Application withdrawn January 2010.

- **Zoning Permit 89-418 / COA S89-071**; preliminary and final plat approval to subdivide a parcel of land commonly known as the McNeil Woodchip Burning Plant site into two parcels under subdivision regulations. August 1989.
- **Zoning Permit 85-258 / COA 85-084**; construct one story pre-engineered ,city owned animal shelter on the west side of Intervale Road south of and adjacent to the Burlington Electric Office. June 1985.
- **Zoning Permit 86-087 / COA 86-024**; Disassemble 60’ x 120’ metal waterfront building and reassemble on the McNeil Plant side northeast of precipitator structures. To be used for storage. March 1986.

Recommendation: Certificate of Appropriateness Consent approval, per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8, Withhold Permit

The subject property has expired zoning permits (ZP89-418/S 89-071 and ZP10-0042CA) that have not received their required certificates of occupancy. These two permits must be closed out with certificates of occupancy (or relinquished or superseded) prior to issuance of a certificate of occupancy for any new zoning permit. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts

Section 4.4.3 Enterprise Districts

(a) Purpose

2. The Agricultural Processing and energy (E-AE_ district is intended primarily to accommodate enterprises engaged in the manufacturing, processing, and distribution of agricultural goods and products, and those related to the generation of energy from renewable sources. This district is intended to serve as a community of manufacturing and service businesses that work together to improve their environmental and economic performance.

The introduction of a fire training structure is an ancillary use; intended to be utilized for the short term to keep Burlington’s firefighters safe and proficient in their duties. This location segregates the activities from residential neighborhoods and provides opportunities to create differing fire conditions. Although a Fire Station is a permitted use in the E-AE zoning district, this intended use is more specifically a short term training facility for firefighters to manage fire effects and train in best methods. As defined in Article 13, a Fire Station is *a building used to house fire fighting equipment and firefighters*. In this manner, the use is consistent with the zoning district.

Affirmative finding.

(b) Dimensional Standards and Density

Table 4.4.3-` Dimensional Standards and Density

E-AE	Max intensity .75 FAR	Max Lot Coverage 60%	Setbacks			Max. Height 45’
			Front 10’ min.	Side 10’ min.	Rear 10’ min.	

111 Intervale Rd.	At .75, development would have to be less than 1,473,417 sf. With only the Generating Station and accessory structures, the FAR is far below .75 limitation.	ZP11-0594CA identified coverage at 38.6%. The new coverage (est. 7,000 sf new) will be 38.95%; under the 60% limitation.	The structures exceed 10' from any property line.	Two conex boxes totaling 20 feet with a wooden 12 foot roof prop placed on top of one side of the structure so on one side it would total 32 feet.
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Affirmative finding.

(c) Permitted and Conditional Uses

Fire Stations (structures that house firefighting equipment and firefighters) are a permitted use.

Affirmative finding.

(d) District Specific Regulations:

Not applicable.

Section 4.5.4 Natural Resource Protection Overlay (NR) District

The parcel itself is within the Intervale East Wetland, Special Flood Hazard area, and Riparian and Littoral zone. The specific project area as defined, however, is outside these overlays. These special review criteria do not apply. The applicant is advised to keep the structures outside the sensitive areas that will spur additional review and special conditions.



Affirmative finding.

Article 5: Citywide General Regulations

Sec. 5.2.3 Lot Coverage Requirements

See Table 4.4.3, above.

Section 5.2.4 Buildable Area Calculation

This standard does not apply to the E-AE zoning district. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.3, above.

Section 5.2.6 Building Height Limits

See Table 4.4.3, above.

Section 5.2.7 Density and Intensity of Development Calculations

See Table 4.4.3, above.

Sec. 5.4.8 Historic Buildings and Sites

Not applicable.

Section 5.5.1, Nuisance Regulations

Fire training will include the use of theatrical (non-toxic) smoke to replicate more realistic fire conditions. Particulate emissions will be negligible. Smoke derived from wood fire is expected to be no more extreme than that generated from a fireplace or woodstove. No adverse impacts are anticipated. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

No lighting is proposed within this application. **Not applicable.**

Section 5.5.3 Stormwater and Erosion Control

The activities are proposed for an existing gravel area at the BED/McNeil Power Generating Station. There will not be any paved/concrete area as the McNeil Environmental permit prohibits any increased non pervious area. The existing area will be graded to level with an added stone aggregate layer which would allow water to drain. No further ground disturbance is proposed.

Affirmative finding.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Section 6.2.2 Review Standards

(a) Protection of Important Natural Features:

The specific project area is outside the wetland, Special Flood Hazard Area and the Riparian and Littoral overlay. This is an existing graveled area. **Affirmative finding.**

(b) Topographical Alterations:

Modest grading is proposed to level the site for installation of the Conex containers. **Affirmative finding.**

(c) Protection of Important Public Views:

Not applicable.

(d) Protection of Important Cultural Resources:

Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

Not applicable.

(f) Brownfield Sites:

Not applicable.

(g) Provide for nature's events:

The application proposes modest grading to level the site, and adding stone aggregate to facilitate water drainage. **Affirmative finding.**

(h) Building Location and Orientation:

The structure will be located well within an existing parcel to facilitate firefighter activities. **Affirmative finding.**

(i) Vehicular Access:

Existing access from Intervale Road will be utilized. **Affirmative finding.**

(j) Pedestrian Access:

Not applicable.

(k) Accessibility for the Handicapped:

Not applicable.

(l) Parking and Circulation:

See Article 8, below. **Affirmative finding.**

(m) Landscaping and Fences:

Not applicable.

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

Not applicable.

(p) Integrate infrastructure into the design:

The top of the structure will afford an opportunity for firefighters to replicate structural fire on upper floors and in residential situations. **Affirmative finding.**

Part 3: Architectural Design Standards

Not applicable per §4413; *Limitations on Municipal Bylaws*.

Article 8: Parking

There is no specific parking requirement for a firefighting training facility; however Table 8.1.8-1 informs a Fire Station requires 2 parking spaces for every apparatus. As the training will involve the firefighting vehicles themselves, those will be utilized in proximity to the new drill structure. The location of the proposed facility is behind the general wood unloading area that has compacted gravel that can accommodate the fire fighting apparatus. Battalion Chief Terry Ruggles informs: “it will be for fire apparatus and department vehicles.” The general parking at the McNeil plant and the attendant’s structure could reasonably both provide ancillary parking during these scheduled drills.

Affirmative finding.

II. Conditions of Approval

1. Per Section 2.7.8, Withhold Permit, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations.
2. An EPSC and Stormwater Plan review and approval will be required prior to issuance of the permit.
3. Standard Permit Conditions 1-15.