

Department of Planning and Zoning

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MEMORANDUM

To: The Design Advisory Board
From: Mary O'Neil, AICP, Senior Planner
RE: 86 Lake Street, Section 106 Review
Date: April 14, 2015

File: N/A

Location: 86 Lake Street

Zone: Downtown Waterfront **Ward:** 3C

Date application accepted: Notice of Section 106 Review: Original receipt June 10, 2014. Revised notice received December 1, 2014

Applicant/ Owner: Lake Street Associates, Incorporated

Notice received from All-Points Technology Corporation, on behalf of Cellco Partnership, dba Verizon Wireless.

Request: Installation of wireless telecommunications facilities/review for any adverse effect on historic properties.

Overview:

To comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966, Cellco Partnership/Verizon Wireless has retained All-Points Technology Corporation to evaluate proposed wireless telecommunications facilities for any adverse effect it may have on historic properties.

The subject property is listed in the Vermont State Register of Historic Places as part of the Pioneer Mechanic's Shop Complex and has been recommended eligible for listing in the National Register by architectural historians working in consultation with All Points Technology and Cellco/Verizon. The Division for Historic Preservation concurs, finding this property eligible for inclusion in the National Register.

The original notice from All-Points Technology of the intended telecom installation was received by the City June 10, 2014. Insufficient information was provided, and the City requested additional elevation drawings to understand the visual impact of the project. (Request submitted June 12 2014 to All-Points.) Upon receipt of those elevations, the City responded in objection to the plan, as the antennas were proposed to be installed in newly created chimney-type structures at the four corners of the building. The City also objected to the clear visibility of the un-shielded sled of antennas proposed for the easterly roof, as these would be within clear viewscape of Battery Street, which is topographically higher than this building.

Verizon Wireless is proposing to install antennas atop the roof of the building, including four 3 ½' x 4' by 7' enclosures on each corner of the building's roof. One sector of antennas (four panel antennas, three RRH's, and one MBD unconcealed) along the eastern side of the roof. The total overall height of the proposed installation would be 43' above ground level.

That plan was subsequently amended to remove the brick material surrounded the antennas at the roof corners, but the proposed equipment continued to be placed in the same location. The City submitted another letter of objection December 11, 2014 (attached.) The planned enclosures are proposed to be matte gray to match existing roof mechanical equipment. Cellco also proposes installation of vents in one bay on the northwest corner of the structure to provide ventilation for the proposed equipment room in the basement. The vents would be painted a matte gray as well.

The City received a communication March 10, 2015 from the Vermont Division for Historic Preservation relative to Section 106 Review. After requesting a new design solution, relocation of the antennas, and finding a more suitable alternate location, the Division determined that there was no feasible alternative, and issued a finding of *No Adverse Effect*. (See attached letter, dated March 9, 2015 from the Vermont Division for Historic Preservation.)

As a Certified Local Government, Burlington is a consulting party to the Section 106 Review.

Specifically, the CLG is charged with determining the following: Does the proposed project constitute an *Adverse Effect*? From 36 CFR Part 800, Protection of Historic Properties, §800.5 as published in the Federal Register, Vol. 64, No. 95/Rules and Regulations:

1. *Criteria of Adverse Effect.* An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.
2. *Examples of adverse effects.* Adverse effects on historic properties include, but are not limited to:
 - i. Physical destruction of or damage to all or part of the property;
 - ii. **Alteration of a property**, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access **that is not consistent with the Secretary's Standards for the Treatment of Historic Properties** (36 CFR part 68) and applicable guidelines;
 - iii. Removal of the property from its historic location;
 - iv. **Change of the character of the property's use or of physical features** within the property's setting that contribute to its historic significance;
 - v. **Introduction of visual, atmospheric or audible elements** that diminish the integrity of the property's significant historic features;
 - vi. Neglect....
 - vii. Transfer, lease or sale of property out of Federal ownership or control...

All Points Technology is seeking concurrence with the SHPO's determination of *No Adverse Effect* from Burlington's Certified Local Government.

Failure to concur with the SHPO's determination may require involvement by the Vermont Advisory Council for Historic Preservation and potentially the Federal Communications Commission.