

Department of Planning and Zoning

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MEMORANDUM

To: The Historic Preservation Review Committee
From: Mary O'Neil, AICP, Senior Planner, CLG Coordinator
RE: 86 Lake Street, Section 106 Review
Date: July 14, 2015

File: N/A

Location: 86 Lake Street

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

Date application accepted: Notice of Section 106 Review, invitation to comment: June 12, 2015.

Applicant/ Owner: Lake Street Associates, Incorporated

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

Previous HPRC project review: April 14, 2015

Request: Revised plans, re: 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 concurred, finding this property eligible for inclusion in the National Register.

The Historic Preservation Review Committee, acting under authority of Burlington's Certified Local Government reviewed initial plans April 14, 2015. After reviewing the plans and consulting with the Criteria of Adverse Effect from 36 CFR Part 800, §800.5 as published in the Federal Register, Vol. 64, No. 95/Rules and Regulations, the Committee found with a 2-1 vote that the proposed antenna installation at 86 Lake Street would have an *adverse effect* on the historic property. Specifically, the Committee found the proposal to install antennas at the four rooftop corners and at the rear (east) roof would have a significant visual impact, altering the characteristics of the historic property that qualify the property for inclusion in the National Register.

From that decision:

Despite the photographic visualizations showing the proposed installation hidden behind the foliage of the existing street trees, the Committee felt that the antenna installation would be visible for a large portion of the year. The Committee also noted that the proposed installation would be visible by a

large population of people due to the property's proximity to Burlington's Waterfront Park, and that installation of the rooftop antennas as proposed would diminish the character and integrity of the property's historic features and appearance. The Committee noted that other alterations to the building, such as the replacement or removal of windows, combined with the proposed antenna installation would result in a cumulative effect that diminishes the integrity of the structure, altering characteristics that qualify the property for inclusion on the National Register.

That opinion is attached.

Verizon Wireless has prepared a revised plan, reducing the number of concealed antenna from 2 per enclosure to 1. The height of the four RF concealment enclosures has also been reduced. The sector proposed along the eastern side of the roof (facing Battery Street) has been reduced to two panel antennas from the original four. The total overall height of the proposed installation would be 41' rather than the originally proposed 43' above ground level.

The planned enclosures are proposed to be matte gray to match existing roof mechanical equipment. Cellco continues to propose 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 from the Vermont Division for Historic Preservation relative to Section 106 Review, issuing a finding of *No Adverse Effect* for the original antenna installation proposal. This Committee questioned whether the failure to identify alternative sites, alternative designs, or alternative methods should be used to support a finding of no-adverse effect on this property. The Committee therefore did not concur with the decision of the Vermont Division for Historic Preservation, dated March 9, 2015 and received by the Department of Planning and Zoning via email the same day. No further communication has been received from the Division for Historic Preservation relative to the revised plans.

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...*

As previously noted, 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.