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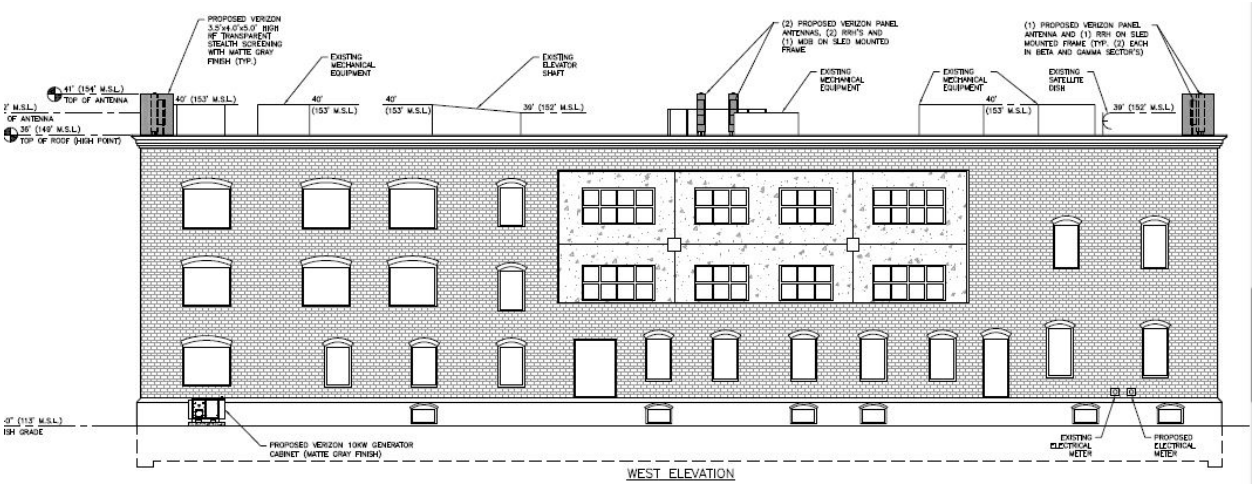
MEMORANDUM

To: Historic Preservation Review Committee
From: Mary O'Neil, AICP, Senior Planner
RE: 86 Lake Street
Date: August 25, 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.
HPRC Review: April 14, 2015. Finding of *Adverse Effect*.
Revised application received: April 23, 2015.
2nd HPRC review: July 14, 2015
Revised plans received via email: August 10, 2015
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.



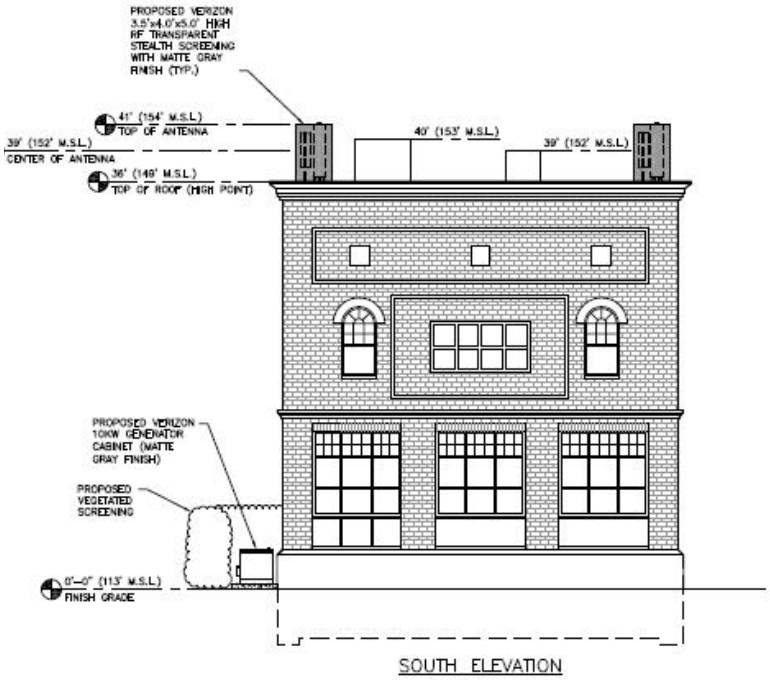
Overview:
To comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966, Cellco Partnership/Verizon Wireless has retained All-Points Technology Corporation to evaluate proposed wireless telecommunications facilities for any adverse effect it may have on historic properties.

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

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.

At a preliminary review (April 14, 2015), the Historic Preservation Review Committee reached a finding of *Adverse Effect* for the antenna installation project proposal. After revised plans were submitted that minimized the number of antenna, the HPRC reversed their decision, and had a finding of *No Adverse Effect* on July 14, 2015. Further revisions were received August 10, 2015, including the following:

- 10KW generator has been moved from the basement to the area previous designated for an air exchanger on the west (front) side of the property. The equipment does not exceed the size of what was previously submitted for review by the HPRC.



- Exterior conduit on the north side of the building has been removed due to generator relocation.
- Landscaping has been added as an equipment screen on the west elevation per recommendation of the Planning Commission.
- The gas connection on the north elevation is illustrated as protected from vehicular damage by bollards, per recommendation of Planning Commission.

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

The Historic Preservation Review Committee, acting on behalf of the CLG is charged with determining the following: Does the proposed project as revised 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 of a property resulting in its deterioration or destruction;*
    - *vii. Transfer, lease or sale of property …*

Applying the criteria of effect and adverse effect.

When applying the criteria of *effect* and *adverse effect*, there are three possible findings:

- **No effect**. There is no effect of any kind (neither harmful nor beneficial) on the historic property;
- **No adverse effect**. There could be an effect, but the effect would not be harmful to those characteristics that qualify the property for inclusion in the National Register; or
- **Adverse effect**; There could be an effect, and that effect could diminish the integrity of such characteristics.

The CLG's responsibility in a finding of:

- **No effect** - Notify the State Historic Preservation Officer (SHPO), compile documentation.
- **Effect is found** - Notify SHPO, seek concurrence. Forward to Council if advised.
- **No adverse effect** - Notify SHPO, seek concurrence. Forward to Council if advised.
- **Adverse effect** – Notify SHPO. Begin Consultation process between agency (FCC), SHPO and Council for Historic Preservation.