

Alexander J. LaRosa
Burlington Development Review Board
Dept. of Permitting & Inspections
645 Pine Street
Burlington, VT 05401

January 10, 2023

Re: ZP-22-576: Application To Demolish Former Cathedral And Bell Tower

Dear Mr. LaRosa and Members of the Development Review Board,

We are writing to provide additional support for our original submission to the Board, dated December 15, 2022. Specifically, we would like to address the applicant's argument that the rules governing the demolition of historic structures do not apply, because the former cathedral is less than 50 years old.

We believe that the applicant is incorrect. Contrary to its argument, a building which is less than 50 years old may indeed be eligible for listing in the National and State Registers of Historic Places. Section 60.4(g) of title 36, C.F.R., provides that a property "achieving significance within the past 50 years if it is of exceptional importance" will qualify for listing. The Vermont Division of Historic Preservation's Rule 9.4 adopts the federal standards. As explained in our previous letter, there is no question but that, architecturally, the former cathedral is of "exceptional importance."

When evaluating the significance of the cathedral property as part of their review of the adjacent CCTA Transit Center project, municipal staff applied the National Register Criteria for Evaluation. In the attached letter from the Department of Planning and Zoning to CCTA, dated August 29, 2012, staff conclude that "research within our office has indicated that the Cathedral property is historically sensitive and would likely be eligible for historic designation under Criterion G (Properties that have achieved significance within the past fifty years)."

Section 5.4.8 of the city's Comprehensive Development Ordinance states that the demolition regulations "shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places." The ordinance then paraphrases the federal standard inaccurately, omitting the language of subsection 60.4(g) and several other provisions. There is no indication, however, that the city council intended to narrow or eliminate federal criteria for eligibility. The intent was to adopt and mirror the federal standards. As the Vermont Supreme Court has made clear, in interpreting statutory language "[o]ur primary goal is to discern the Legislature's intent." *Daiello v. Town of Vernon*, 2022 VT 32, para. 31. In section 5.4.8, the ordinance expressly states that "[t]he City seeks to preserve... those aspects of the city having... architectural... merit." The diocese's position cannot be squared with that goal.

Thank you for your consideration.

DocuSigned by:

Devin Colman 1/10/2023
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Devin Colman

On behalf of:

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August 29, 2012

Mr. Aaron Frank
Assistant General Manager
Chittenden County Transportation Authority
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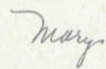
Dear Aaron,

Thank you for meeting with Peter Owens, David White, and me yesterday to discuss the preferred alternative for the transit center. Per your request, we reviewed the material submitted from consultants at Vanasse Hangen Brustlin, Inc. and Diana Parcon relative to the National Register eligibility of the Cathedral of the Immaculate Conception. We were able to share with you supplemental research that recommends the Church and grounds for listing on the National Register of Historic Places. Specific material was photocopied and provided to you from the following documents:

- Blow, David J., Lilian Baker, Carlisle, and Sarah L. Dopp. "Volume I." *Historic Guide to Burlington Neighborhoods*. Vol. I. Burlington, VT: Chittenden County Historical Society, 1991. 41-42. Print.
- Colman, Devin A. "Modernist Architecture in Burlington Vermont." Thesis. University of Vermont Historic Preservation Program, 2006. 128-130. Print.
- Knight, Brian K. *Modern Architecture Survey, Burlington Vermont, Grant 10-01*. Certified Local Government Program, 5 July 2011. Survey Report and Individual Structure Survey Form.

While research within our office has indicated that the Cathedral property is historically sensitive and would likely be eligible for historic designation under Criterion G (Properties that have achieved significance within the past fifty years), we feel that this should not inhibit successful review of your project under the National Environmental Policy Act. While there may be an identified resource within the project area, the plan as proposed is not likely to introduce a significant impact that might negatively affect the property. Quite to the contrary, the eligibility of the cathedral could be embraced during NEPA review, presenting an opportunity to identify, interpret and showcase some of Burlington's more notable architecture. Certainly the proposed transit center is likely to enhance exposure, bringing a larger community to understand the importance of the Cathedral and its grounds.

Respectfully,



Mary O'Neil
Senior Planner

Cc: Stephen L. Carlson, Project Development Manager, CCTA
David E. White, Director of Planning and Zoning
Peter Owens, Director of the Community and Economic Development Office