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Burlington Development Review Board

Minutes/Findings of Fact
August 17, 2010

In RE: 10-1005CA/MA & 10-1115CA; 475 & 0 Lake St. (Ward 3, DW-PT) (Tax Lot No. 043-4-007-001 & 043-4-004-000)

Owner/Applicant: City of Burlington

Request: Redevelopment of the Moran Plant into public-private uses and associated site works and car parking. Upgrades to bike path, increased green space and park amenities, children's splash area/seasonal refrigerated skating rink and a rebuilt skate park. Project includes Community Sailing Center.

Members Present:
Michael Long
Jonathan Stevens
Brad Rabinowitz
Bob Schwartz
Kevin Stapleton
Paul Henninge

Evidence Presented:
The Board examined the materials submitted in support of this request.

I. FINDINGS

Background Information:
The applicant is requesting approval for the comprehensive redevelopment of the Moran Plant into a mixed use public-private space with associated site work and parking. Site work includes, but is not limited to, bike path upgrades, a children's splash area/seasonal refrigerated skating rink, and a reconstructed skate park. The Community Sailing Center building and site work that includes outdoor boat storage is also part of this application.

Property boundaries have been adjusted to result in a single lot containing the Moran building, the sailing center, and site improvements. The boundary line adjustment was filed under separate application. The project site plans reflect the adjusted property boundaries.

Some minor site work extends into the adjacent city property to the south. As required, a separate zoning permit application has been filed. The work is incorporated into these findings.

The Design Advisory Board reviewed this project on June 8 and again on July 13, 2010. On a 3-1 vote, the DAB recommended forwarding the project to the Development Review Board. The

single major concern of the DAB was the design of the proposed sailing center building. As a largely unarticulated metal box, Board members were concerned that the proposed building reflected only its utilitarian function as a boat warehouse and missed the opportunity to contribute positively to the built environment along this highly visible portion of the downtown waterfront. The DAB felt that the other aspects of the project should not be held up because of the sailing center building and recommended the following condition:

1. Greater thought and articulation for the building design is strongly recommended. Development at this site is an unparalleled opportunity; one that recognizes absolute and unmatched visibility from Lake Champlain, accompanied by direct public access from Lake Street, the bike path, and the Urban Reserve. The Community Sailing Center will be a public building in the most public of places. A plan that acknowledges this unrivaled public access, and responds to that visual exposure in function, beauty and high design, is strongly encouraged. Any building at this site has the potential to be a visual landmark. This development is not just an opportunity; it is an obligation to the public. While anticipated resource and functional use appear to have limited the overall building design, to minimize both the building appearance and the site's potential is shortsighted and a missed opportunity. This structure could and should reflect the importance inherent in mission, location, and community vision, especially for Burlington's waterfront development and future use.

Slightly revised building elevations depicting some additional dimensions and details have been provided; however, the proposed building remains essentially unchanged.

The Conservation Board reviewed the proposal on July 12 and on August 2, 2010. The Board recommended approval subject to the following conditions:

1) Recalculate bike parking to include the parks, restaurant, and parking lot uses.
2) Relocate the short term bike parking for the Moran to the building's main entrance. Doing so may entail relocation of the long term parking elsewhere onsite, which is acceptable.
3) Provide only the minimum number of required vehicle parking spaces.
4) Keep the Conservation Board involved in the wetlands Individual Permit process with the U.S. Army Corps of Engineers and allow for Board comment.
5) Lighting for the Sailing Center shall be directed away from the wetland.
6) Coordinate with the Department of Parks & Recreation on pedestrian access (both formal and informal) into the Urban Reserve.

As the Board recommendation came just 1 day before the DRB hearing, revised plans have not been submitted to address these recommendations. The applicant is amenable to the recommendations, except for #3.

Previous zoning actions for this property are noted below.

- 6/25/09, Approval (non-applicability form) for interior clean-up of Moran building
- 5/1/09, Approval to install a seasonal tent for sailing classes
- 5/24/09, Approval of parallel sign for sailing center
- 5/9/08, Approval to relocate sailing center from Moran to DPW Pumping Station
- 7/29/02, Approval of parallel sign for sailing center
- 4/19/01, Approval to install portable restroom and fencing at skate park
- 5/21/00, Approval to install signage at skate park
- 8/26/99, Approval to install fishing pier

- 4/5/99, Approval of skate park
- 1/23/97, Approval to remove nonstructural ladder from Moran
- 7/14/94, Approval to modify access into the sailing center
- 5/27/93, Approval of sailing center
- 8/9/90, Approval to remove "car shaker" structure and replace with fill and grade
- 6/14/90, Approval for Moran site work
- 6/14/90, Approval of temporary International Sculpture Symposium

Article 3: Applications and Reviews
Part 5, Conditional Use & Major Impact Review:
Sec. 3.5.6, Review Criteria
(a) Conditional Use Review Standards
1. The capacity of existing or planned community facilities;
The renovated Moran and the new sailing center building will be served by the municipal water and wastewater systems. Adequate reserve capacity is available; however, written confirmation from the Department of Public Works is required before a state wastewater permit can be issued. **(Affirmative finding as conditioned)**

2. The character of the area affected;
The project site is located at the northern end of the Downtown Waterfront and adjacent to and just south of the Urban Reserve. The area contains the Coast Guard facility, BED and Water Department buildings, a public boat launch, fishing pier, the skate park, and the current sailing center. Waterfront Park is located just to the south of the subject site. The proposed site renovations will effectively serve as additional public parkland while the renovations to the Moran building will bring about several new uses including a museum, indoor recreational facility, restaurant, and café. The sailing center is already present onsite but will be relocated into a new building with outdoor storage area at the northern end of the site. The project is heavily geared towards public access and serves to strengthen this end of the Downtown Waterfront. **(Affirmative finding)**

3. Traffic on roads and highways in the vicinity;
A traffic study has been provided and addresses traffic volumes, intersection impacts, and parking capacity. The completed project is expected to generate 59 AM peak hour vehicle trips and 77 PM peak hour trips during weekdays and 71 Saturday peak hour trips. Level of service (LOS) at the three analyzed intersections (College St/Lake St, Battery St/College St, and Battery St / Main St) changes little between the build versus no-build scenarios. Queue lengths at these intersections are expected to experience minimal impacts with the projected addition of 1 more vehicle 33% of the time. Anticipated traffic impacts are surprisingly minor; however, the engineering division at the Department of Public Works has reviewed the study and concurs with its findings. See Article 8 of these findings for parking. **(Affirmative finding)**

4. Bylaws then in effect;
As per the findings herein and as conditioned, the project is in compliance with all applicable zoning bylaws. **(Affirmative finding)**

5. Utilization of renewable energy resources;
The Moran building will utilize lake water for its climate control needs. Doing so will save considerable energy, particularly for cooling. Beyond the utilization of this renewable resource,

emphasis has been placed on energy efficiency within the building. LEED certification will be sought. No renewable energy resources will be utilized by the sailing center building beyond the use of passive solar lighting. **(Affirmative finding)**

6. Cumulative impacts of the proposed use;
The most significant cumulative impact associated with this proposal is likely vehicular traffic. There is presently one way into the site and one way out of it. The submitted traffic analysis indicates that, while the number of vehicle trips generated by the project will be substantial, impacts on the existing roadway network will be modest. **(Affirmative finding)**

7. Functional family;
Not applicable.

8. Vehicular access points;
Lake Street will be upgraded along the length of the project site and will provide four points of access; two to the Moran and two to the sailing center. Given the anticipated traffic volumes, the four access points are reasonable. **(Affirmative finding)**

9. Signs;
Building elevations depict parallel signage for both the Moran building and the sailing center building. The existing "City of Burlington" parallel sign on the south elevation of Moran will be restored. Conceptually, the signage is acceptable but is subject to a separate zoning permit. **(Affirmative finding as conditioned)**

10. Mitigation measures;
The proposed use will not generate noise or glare sufficient to warrant mitigation. The sailing center and the skate park, two active outdoor uses, are present onsite already. Noise levels are expected to be as typically associated with a city park. Lighting is addressed under Sec. 5.5.2. **(Affirmative finding)**

11. Time limits for construction;
The project will be phased as reflected in the application's delineation of twelve separate components. No time frame has been specified for the individual phases; however, the applicant anticipates construction to take less than 2 years and can fit within the standard 2-year time frame for zoning permits. The proposed phasing is acceptable, but each phase needs to be clearly depicted on the project plans. **(Affirmative finding as conditioned)**

12. Hours of operation and construction;
The proposed hours of operation are 6:00 AM – 2:00 AM, 7 days per week. These hours are the maximum span for hours of operation; not all uses associated with this project will be open for business 20 hours per day. Given the variety of uses proposed and the Downtown Waterfront location, the proposed hours of operation are acceptable. Hours of construction need not be specified in this location and will be restricted by the city's noise ordinance. **(Affirmative finding)**

13. Future enlargement or alterations;
In the event of future enlargement or alteration, permits would be required and reviewed under the regulations then in effect. **(Affirmative finding)**

14. Performance standards;
Performance standards relating to outdoor lighting and erosion control are addressed under Article 5 of these findings.

15. Conditions and safeguards;
Approval of this project will be conditioned to implement the purposes of the zoning regulations. **(Affirmative finding)**

(b) Major Impact Review Standards
1. Not result in undue water, air, or noise pollution;
Stormwater management will be substantially improved as part of this application. See Sec. 5.5.3 for details. Air and noise pollution will be as expected for typical recreational, restaurant, or museum uses. **(Affirmative finding)**

2. Have sufficient water available for its needs;
See Sec. 3.5.6 (a) 1.

3. Not unreasonably burden the city's present or future water supply or distribution system;
See Sec. 3.5.6 (a) 1.

4. Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
A comprehensive erosion prevention and sediment control plan has been submitted along with a stormwater management plan. The plans have been reviewed and approved by the Conservation Board. Approval by the Stormwater Administrator per Chapter 26 is pending. **(Affirmative finding as conditioned)**

5. Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;
See Sec. 3.5.6 (a) 3 for traffic impacts. The project is not expected to cause unreasonable congestion or unsafe conditions on nearby sidewalks or bikeways. Pedestrian access throughout the site will be upgraded substantially, and the bike path will be reconstructed along the length of the subject site. The interaction between vehicle, pedestrian, and bike routes onsite appears to invite the possibility of congestion, particularly at the northeastern end of the site where Lake Street will end and the bike path continues. Revised plans to mitigate this apparent congestion, particularly at the northeast corner of the site are needed. **(Affirmative finding as conditioned)**

6. Not cause an unreasonable burden on the city's ability to provide educational services;
This mixed use project contains no residential component and will have no adverse impact on the city's ability to provide educational services. **(Affirmative finding)**

7. Not place an unreasonable burden on the city's ability to provide municipal services;
The project is, in part, an expansion and enhancement of city recreational facilities. Demands on municipal services are expected to be relatively moderate and will not be unreasonably burdensome. Impact fees will be paid to help offset what impacts there are on municipal services. **(Affirmative finding as conditioned)**

8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;
See Sec. 6.2.2 (a) & 6.3.2 (b).

9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;
The project constitutes redevelopment of a vacant municipal power plant into a mixed use recreational and cultural facility. It will serve to substantially strengthen this portion of the Downtown Waterfront. The project will have no adverse impact on the city's present or future growth patterns. **(Affirmative finding)**

10. Be in substantial conformance with the city's municipal development plan;
The proposed development can be found to be in substantial conformance with the MDP, as per the following:

The proposed development will transform a vacant municipal power plant into a mixed use recreational and cultural facility within the city's Downtown Improvement District (pg. I-10, Downtown Improvement District).

The project includes a comprehensive stormwater management plan that collects and attenuates stormwater runoff prior to offsite discharge. In addition to innovative on-the-ground measures such as constructed gravel wetlands and water quality swales, portions of the Moran roof will be renovated into green roofs (pg. II-5, Urban Ecosystems).

The Moran building is historically significant and will be renovated in such a way as to protect the existing form and features of the building (pg. IV-1, City Policies).

Renovation of the vacant Moran building and establishment of the proposed uses will contribute to Burlington's status as a regional growth center and will bring additional jobs and economic vitality into Burlington's downtown waterfront (pg. VI-3, Regional Growth Center & pg. VI-5, Creating New Jobs).

Redevelopment of the Moran is cited in the Economic Development Action Plan (pg. VI-13, Economic Development Action Plan).

The renovated and new structures included in this proposal will meet or exceed the city's current energy efficiency standards. The renovated Moran is one of the few projects to actually incorporate a renewable resource into its climate control system (pg. VIII-1, City Policies).
(Affirmative finding)

11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;
This project contains no residential component and will have no adverse impact on the present or projected housing needs of the city. **(Affirmative finding)**

12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.

Much of the proposal constitutes an expansion and upgrade of city parkland and facilities. No undue adverse impacts on city parkland are anticipated as a result of this project. Parks impact fees may be waived for this project based on the value of proposed capital improvements associated with this project.

Although not included in this proposal, existing informal pedestrian paths from the Urban Reserve extend into the development site. As recommended by the Conservation Board, the applicant is encouraged to work with the Parks and Recreation Department on coordinating pedestrian access into the Urban Reserve. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts
Sec. 4.4.1, Downtown Mixed Use Districts:
(a) Purpose
(4) Downtown Waterfront – Public Trust District (DW-PT)
The subject property is located in the Downtown Waterfront – Public Trust District. This zone is intended to enhance and diversify commercial and residential development in the downtown waterfront area with an emphasis on enhanced community access to the lakeshore. This project will enhance community parkland along the waterfront and will incorporate a variety of recreational and cultural uses, both indoors and out. Two of the uses, the sailing center and the maritime museum, directly relate to the property's waterfront location. The project appropriately relates to the intent of this district. **(Affirmative finding)**

(b) Dimensional Standards & Density
A FAR of 2 is allowed in the DW-PT zone. The 8+ acre property allows 723,380 sf building area. A total of 57,488 sf building area (or 0.159 FAR) is proposed and is acceptable.

There is no lot coverage limit in the DW-PT zone. The project will result in 60% lot coverage.

No setbacks apply to this site except for a 50' setback from the lakeshore. The proposed sailing center building complies with this setback requirement.

The overall height of the Moran building will remain unchanged; however, some additions to the building will project above 35'. The proposed sailing center building will be 35' tall to the top of the warehouse component and 37' to the top of the classroom and office space component. The height limit in the DW-PT zone is 35'; however, construction above this limit may be allowed per Sec. 5.2.6 (b) *Exceptions to Height Limits*, 1. This exception allows new construction to exceed the district's height limit on parcels with existing buildings (in this case, the Moran) that exceed the height limit. The new construction cannot exceed the height of the existing structure. Both the additions to the Moran and the new sailing center building remain below the existing height of the Moran building. **(Affirmative finding)**

(c) Permitted & Conditional Uses
See Sec. 4.4.1 (d) 2, *Public Trust Restrictions*, A, *Permitted Uses: North of Main Street.*

(d) District Specific Regulations
1. Use Restrictions
A. Ground Floor Residential Uses Restricted
No residential use is included in this proposal. **(Affirmative finding)**

B. Residential/Nonresidential Mix Required
As noted above, no residential use is included in this proposal. Office use is accessory to the proposed primary uses and accounts for far less than 75% of the total use, the maximum allowable in the DW-PT zone. **(Affirmative finding)**

2. Public Trust Restrictions
A. Permitted Uses: North of Main Street
The proposed uses – indoor and outdoor recreation, museum, restaurant, café, and sailing center – are permitted in this portion of the DW-PT zone. **(Affirmative finding)**

3. Facades and Setbacks on Side and Rear Property Lines
Not applicable.

4. Building Height Setbacks
Not applicable.

5. Lake Champlain Waterfront Setbacks
The Moran building sits within the waterfront setback; however, the degree of encroachment will not change. The proposed sailing center building complies with the 50' waterfront setback. Site improvements such as walkways, patios, benches, etc. associated with the project are permitted encroachments per criterion C of this section. **(Affirmative finding)**

6. Development Bonuses/Additional Allowances
Not applicable.

Article 5: Citywide General Regulations
Sec. 5.2.3, Lot Coverage Requirements
See Sec. 4.4.1 (b) above.

Sec. 5.2.4, Buildable Area Calculation
Not applicable.

Sec. 5.2.5, Setbacks
See Sec. 4.4.1 (b) above.

Sec. 5.2.6, Building Height Limits
See Sec. 4.4.1 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations
See Sec. 4.4.1 (b) above.

Sec. 5.4.8, Historic Buildings and Sites
(a) Applicability:
These 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.

Information included within a study provided to the city in 2005 offers the following information: "*Analysis was given regarding the feasibility of listing the properties[Moran complex] individually*

or as a district onto the National Register of Historic Places. The finding of this study is that all of the electricity generating buildings on the waterfront are historically significant and would likely qualify for individual listing, although the application will be stronger if they are listed as a district. The finding of the significance stems from the age of the buildings, the importance of their purpose to the community, and the growing rarity of buildings of these configurations."[1] This supports eligibility requirements for the Moran structure as defined by this section of the ordinance.

(b) Standards and Guidelines:

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The application, while proposing new use, strives to maintain those building details, massing, and materials that are characteristic of the power generating facility. **(Affirmative finding)**

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

Significant effort has been made to retain massing, spatial relationships, and materials associated with the Moran building. If historic tax credits are sought, extensive review and compliance with these criteria will be essential to secure funding. **(Affirmative finding)**

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

Alterations proposed for the Moran building are distinctly identifiable, and distinguishable from the original structure. No conjectural features are proposed. **(Affirmative finding)**

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

Significant effort has been made to assure the retention of important and character defining features of the Moran building in order to allow reasonable interpretation of the structure by the public in its proposed new use. **(Affirmative finding)**

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

See above.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide*

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[1] New England Preservation Collaborative, Inc., *Assessment of Historic Electricity Generating Facilities on the Burlington Waterfront*. Essex Junction, 2005, p. 2.

for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.

Project proponents have diligently committed their efforts toward building repair, component replacement, and commemorative acknowledgement of original building details. The original building superstructure will be clearly evident in project implementation, with exposed steel, brick veneer infill, and window replacement. **(Affirmative finding)**

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

Abatement of asbestos and lead paint as well as other hazardous materials has required significant attention, but no actions are proposed that will affect the integrity of the building mass. **(Affirmative finding)**

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

None identified.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

The plan reflects considerable and attentive analysis of the qualities of the existing vacant electric generating facility and the thoughtful re-use of the structure. There is clear discernment between the original building mass and details and the proposed alterations that will both inform the public of what is old and new and present a pleasing and highly functional new structure. **(Affirmative finding)**

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Although unlikely, it is possible to imagine the proposed improvements to be reversible. As it now exists, the Moran structure is an empty, looming hulk of a building. **(Affirmative finding)**

Sec. 5.4.9, Brownfield Remediation

While this site is included on the Vermont DEC's Hazardous Site List, no waivers under this section are sought for the development.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

An outdoor lighting plan has been submitted and includes fixture cutsheets, location, and a photometric analysis. Fixtures will utilize acceptable metal halide bulbs and, possibly, LED. All fixtures are cutoff.

Building entry illumination levels are below the maximum permissible 5.0 footcandles. Parking and circulation area illumination levels are acceptable with maximum illumination levels below 4.0 footcandles and a 20:1 uniformity ratio. New lighting will be installed along Lake Street subject to BED standards. Walkway lighting levels exceed the standards for walkways under this Section; however, they are an integral part of an outdoor recreation facility. As such, walkway lighting levels can be viewed under the standards for Outdoor Recreational Facility Lighting and are acceptable. Point-by-point photometric data is available for the sailing center building and storage yard. As recommended by the Conservation Board, illumination is not projected towards the adjacent wetland to the north. Illumination levels are acceptable as Security Lighting under this criterion. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control
Significant stormwater improvements are proposed. These consist of several onsite measures, including two constructed gravel wetlands, a water quality swale, and green roofs. The measures will serve to collect and attenuate stormwater runoff prior to discharge. Discharge will occur in reduced volumes at reduced rates with cleaner water. The proposed stormwater measures have been reviewed and approved by the Conservation Board. Approval by the Stormwater Administrator per Chapter 26 of the City Code of Ordinances is pending. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards:
Part 1, Land Division Design Standards
Not applicable.

Part 2, Site Plan Design Standards
Sec. 6.2.2, Review Standards
(a) Protection of important natural features
The site contains no significant natural areas as identified in the Open Space Protection Plan. While the site is along the Lake Champlain waterfront, it (and the rest of the downtown waterfront) is not included in the Riparian and Littoral Conservation Zone.

A wetland has developed within the site of a former fuel storage tank at the northern end of the project site and will be impacted by the proposed sailing center building. As a class 3 wetland, it is not subject to review under the wetlands criteria of the Natural Resource Protection Overlay District; however, an Individual Permit from the U.S. Army Corps of Engineers is required. The Conservation Board has requested that it be involved in that process and be allowed to comment, particularly on proposed mitigation measures.

Several trees will be removed; however, none are specimen trees or otherwise significant. Tree loss will be offset by the 120 new trees included in the landscaping proposal. **(Affirmative finding as conditioned)**

(b) Topographical alterations
The existing site is generally flat and will remain so. An existing elevated parking lot behind the Water Department pump station will be removed and leveled as part of a new, larger parking area.

A portion of the class 3 wetland will be filled as part of the sailing center construction. Stormwater management will also entail some grading, particularly for swales. Topographical alterations are insignificant. **(Affirmative finding)**

(c) Protection of important public views
There are significant public views from the project site across the lake and towards the Adirondacks. There are also significant public views across the site from Battery Park. Existing public views will not be adversely impacted by the renovated Moran or by the new sailing center building. **(Affirmative finding)**

(d) Protection of important cultural resources
The project site is located on fill soils. The site has no archaeological significance. The Moran building is historically significant as noted under Sec. 5.4.8 (above) and 6.3.2 (b) below. **(Affirmative finding)**

(e) Supporting the use of alternative energy
No alternative energies will be incorporated into the site design. Potential remains for incorporation thereof in the future. Alternative energy usage in the buildings is addressed in Sec. 6.3.2 (f). **(Affirmative finding)**

(f) Brownfield sites
The site is included on the Vermont DEC Hazardous Site List. The Existing Conditions Plan outlines areas of contaminated soils onsite, tied largely to the property's former status as a coal-fired power plant. A corrective action plan (CAP) has been established and implemented for the interior of the Moran building. Such a plan has not been executed for the site; however, it is anticipated that the corrective action will amount to capping contaminated soils in place. A state-approved CAP for the site is required. **(Affirmative finding as conditioned)**

(g) Provide for nature's events
See Sec. 5.5.3 for stormwater management. There is sufficient room onsite for snow storage. Meltwater will be handled by the stormwater system. Building entries are sheltered. **(Affirmative finding)**

(h) Building location and orientation
The location of the Moran building will not change. What is effectively a rear entryway facing Lake Street will be completely overhauled as the primary entrance into the structure. The proposed changes result in a clearly articulated main entrance facing the public street. The new sailing center building will also have a front entry facing the public street. This front entry is reasonably well articulated with signage, logo, and overhang. **(Affirmative finding)**

(i) Vehicular access
As noted previously, four points of vehicular access will be provided into the site. Curb cuts and turn radii are designed to accommodate standard passenger vehicles as well as vehicles pulling trailers. Service access for the Moran will be located on the south side of the building with another exhibit loading space on the north elevation. Overhead doors will provide service and boat access into the sailing center building. **(Affirmative finding)**

(j) Pedestrian access

As required, pedestrians will be provided with a direct walkway connection between the public sidewalk and the Moran's main entrance. The parking areas have direct access to walkways providing a pedestrian link to the building. Striping is proposed where the sidewalk crosses the two driveways. The sailing center's front entrance will have direct access to the new public sidewalk extended along Lake Street. **(Affirmative finding)**

(k) Accessibility for the handicapped
Several handicap parking spaces are depicted on the plans. They are located immediately adjacent to walkways linking to the Moran's main entrance. It is the applicant's responsibility to comply with all applicable ADA requirements. **(Affirmative finding as conditioned)**

(l) Parking and circulation
The existing Moran building is set close to the lake and relatively far from the road. As a result, space for parking is available between the building and the road. This parking will serve the sailing center as well. As proposed, all of the new parking will be provided between Lake Street and the Water Department pump station. No off-street parking will be located between the Moran or the sailing center and Lake Street. A row of honey locust trees will be planted between the eastern edge of the parking area and Lake Street. Fencing and/or additional plantings, especially shrubbery, should be installed to enhance screening of the parking area. Offstreet parking is split into several areas separated by landscaping, although the two largest parking areas exceed the 20 space limit recommended by this criterion. The reconstructed Lake Street will contain parallel and angled parking and will be lined with new street trees.

Interior parking spaces and associated site circulation are laid out such that vehicles will not back out onto Lake Street. Angled parking spaces along Lake Street obviously will require backing out. Vehicles backing out at the northern end of Lake Street will likely conflict with the nearby bike path. As noted previously, this potential circulation problem needs to be addressed and corrected. All parking areas appear to be curbed.

As noted previously, 120 new trees are proposed in and around the parking areas and reconstructed Lake Street. As recommended by this criterion, 30% shading of the parking areas will be achieved with the newly planted trees. The interior parking area, containing 71 parking spaces, requires 1 shade tree per every 5 parking spaces. More than the required 14 shade trees are proposed. Proposed caliper size at the time of planting (2.5" – 3.5") is acceptable as is the anticipated mature canopy diameter of 35'. **(Affirmative finding as conditioned)**

(m) Landscaping and fences
A comprehensive landscaping plan has been provided and consists of a variety of trees, shrubs, and flowers. Some elements of the landscaping plan provide screening whereas others are integrated into the stormwater management system. Other elements provide visual interest to the site and help to define distinct spaces within the site. As noted previously, additional screening of the parking areas from the street is needed. The street trees proposed along Lake Street are subject to review and approval by the City Arborist. **(Affirmative finding as conditioned)**

(n) Public plazas and open space
The site is open to the public and essentially will function as a city park. Much of the site receives ample solar exposure and provides access to the lakefront. Plazas and walkways throughout facilitate pedestrian circulation and utilization of the site. A large fountain will serve as a summer

time splash area and a winter time skating rink. Details on hardscaping elements such as benches, sitting walls, and outdoor furniture have been provided and are similar to those used elsewhere in city parks. **(Affirmative finding)**

(o) Outdoor lighting
See Sec. 5.5.2.

(p) Integrate infrastructure into the design
No new ground-mounted mechanical equipment is proposed. The ground floor plan depicts a large mechanical room. A dumpster enclosure located along the northern side of the BED building will serve the Moran. A dumpster enclosure for the sailing center will be located at the northeastern end of the storage yard. While not an ideal location close to the bike path, the dumpster will be enclosed and screened. The orientation of the enclosure is to be modified to face the north elevation of the building. This revision needs to be depicted on the site plans. Any new utility lines must be buried. The existing electrical transformer station will be removed as part of this project. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards (Moran Plant)
Sec. 6.3.2, Review Standards
(a) Relate development to its environment

1. Massing, Height, and Scale
The massing, height, and scale of the existing structure – originally a power plant – will remain largely unchanged. A new entryway enclosure will be added to the east elevation, and two upper story additions will be constructed on existing building decks. A small ground level addition will be constructed at the northwest corner of the building. The steel apparatus on the north elevation will be removed; however, some new steel beams will be installed in its place. The changes to the building mass are relatively modest and do not significantly affect the overall scale of the structure. **(Affirmative finding)**

2. Roofs and Rooflines
The existing building is a multi-level flat roof structure. Proposed additions will also have flat roofs. **(Affirmative finding)**

3. Building Openings
Most of the windows in the existing structure are broken or boarded-up. All windows will be replaced within the existing window openings. The few additions to the structure will have extensive glazing. While window styles differ somewhat, they are sympathetic to the industrial nature of the building. As noted previously, a new primary entrance will be constructed on the building's eastern elevation. The proposed entrance is well articulated and easily identifiable from Lake Street. Because it is enclosed, the entrance will provide shelter from the weather. **(Affirmative finding)**

(b) Protection of important architectural resources
The existing building is not included on any historic register; however, it is eligible for listing. The building is clearly industrial in appearance. The proposed renovations respect the essential form and appearance of the structure. Additions to the structure are clearly not part of the original building but are stylistically sympathetic. See also Sec. 5.4.8. **(Affirmative finding)**

(c) Protection of important public views
See 6.2.2 (c) above.

(d) Provide an active and inviting street edge
The existing building was constructed as a power plant standing alone at the northern end of the downtown waterfront. It was not constructed as an active, pedestrian oriented facility. The proposed renovations do much to improve the attractiveness and pedestrian-friendliness of the building. Site work draws people into the building and associated amenities. The eastern elevation will be transformed from a rather bleak, faceless façade into the primary entrance. **(Affirmative finding)**

(e) Quality of materials
The existing brick sheathing will remain. Additions to the structure will be clad in a variety of materials such as copper siding, wood, and some fiber cement panels. New windows will be metal framed. These materials are durable and of acceptable quality. **(Affirmative finding)**

(f) Reduce energy utilization
As noted previously, the building has significant solar exposure. Ample sunlight will penetrate the interior of the building. The renovated building will comply with the city's current energy efficiency requirements. **(Affirmative finding)**

(g) Make advertising features complimentary to the site
See Sec. 3.5.6 (9).

(h) Integrate infrastructure into the building design
No rooftop mechanical equipment is proposed. Only a rooftop hatch and an elevator vent are depicted on the top roof deck. **(Affirmative finding)**

(i) Make spaces safe and secure
Revamped building entrances are clearly visible and will be acceptably ventilated. The building appears to be readily accessible by emergency vehicles as demonstrated on access and circulation plans. Written approval of the Fire Marshal regarding the building's accessibility by emergency service vehicles is required. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards (Community Sailing Center)
Sec. 6.3.2 Review Standards
(a) Relate development to its environment:
1. Massing, Height and Scale:
A minimalist aesthetic appears to be fundamental inspiration for the sailing center, which remains an unadorned box with little or no articulation on three facades despite input by the Design Advisory Board. The applicant has expressed the subordinate design as an intentional effort to play off the larger Moran building. As visually articulated, the structure in scale and presentation remains the minor key in the overall development. While the DAB took specific issue with the building design of the sailing center, the Development Review Board acknowledges the building's utilitarian intent and its consistency with the industrial history of the downtown waterfront. Design emphasis has been placed on the classroom/office section of the building whereas the warehouse component of the building is clearly secondary in appearance. **(Affirmative finding)**

2. Roofs and Rooflines
A flat roof with skylights is proposed. Flat roofs are common at this end of the downtown waterfront. A couple of small vents for restroom facilities are also depicted. **(Affirmative finding)**

3. Building Openings
Vehicle and pedestrian doors are proposed for the east elevation (off Lake Street and the bike path), with another vehicle opening and ground level entrance on the west. There will be a doorway from the third floor onto an observation deck on the south façade, as well as an opening on the upper level of the "lifeguard tower" on the west. Depiction is needed. **(Affirmative finding as conditioned)**

(b) Protection of Important Architectural Resources:
None identified onsite relative to the CSC. **(Not applicable.)**

(c) Protection of Important Public Views:
The development of this site will enhance the public's opportunity to enjoy the spectacular views and vista from the waterfront. **(Affirmative finding)**

(d) Provide an active and inviting street edge:
The proposed structure is largely plain and simple; the design reflects its utilitarian storage function. The exception is the southern classroom and office component. Insofar as this component is visible from the public street and an entrance therein directly faces the street, the structure's street edge can be deemed acceptable. **(Affirmative finding)**

(e) Quality of materials:
The proposed siding is vertical corrugated steel with a 35-year Kynar exterior finish. Spandrels on the porch area will be steel with aluminum and PVC trim. Fiber cement is proposed for canopy and tower trim, observation deck spandrel panels, and fascia. While not exceptionally durable or high quality, the proposed materials are acceptable for new construction. **(Affirmative finding)**

(f) Reduce energy utilization:
The proposed building must comply with the city's current energy efficiency requirements. The proposed skylights will reduce the need for artificial lighting within the warehouse. **(Affirmative finding as conditioned)**

(g) Make advertising features complementary to the site:
A simplified logo graphic is presented for the lakeside and easterly facade. Without lettering, it is not considered a sign. Revised elevations illustrate minor building identification signage on the eastern entry. Any signage (with specific lettering) will require a separate sign permit. **(Affirmative finding as conditioned)**

(h) Integrate infrastructure into the building design:
No ground mounted mechanical equipment is proposed. Utility meters must be depicted and screened. As noted previously, a dumpster will be provided and will be screened. **(Affirmative finding as conditioned)**

(i) Make spaces secure and safe:
All development will be required to meet building and life safety code, as articulated by the Building Inspector and the Fire Marshal. The sailing center building appears to be readily accessible by emergency vehicles; however, written approval of the Fire Marshal regarding the building's accessibility by emergency service vehicles is required. **(Affirmative finding as conditioned)**

Article 8: Parking
Sec. 8.1.8, Minimum Off-Street Parking Requirements
The subject property is located in the Downtown parking district. The total parking requirement for the mixed use project is 69 spaces. Total parking proposed for the project, not including new onstreet spaces along Lake Street, is 74 spaces. As recommended by the Conservation Board, the number of parking spaces must be reduced to 69. An additional 35 parking spaces serve exiting nearby uses (BED, Water Department, and Fishing Pier). **(Affirmative finding as conditioned)**

Sec. 8.1.10, Off-Street Loading Requirements
As noted previously, loading areas have been designated for both the Moran and the sailing center. **(Affirmative finding)**

Sec. 8.1.11, Parking Dimensional Requirements
All parking spaces and circulation isles are of adequate dimensions. **(Affirmative finding)**

Sec. 8.1.12, Limitations, Location, Use of Facilities
(a) Off-Site Parking Facilities
Not applicable.

(b) Downtown Street Level Setback
As noted previously, due to the locations of the Moran and Lake Street, parking will be placed between Moran and the street. As proposed, the parking will be set back somewhat from the front property line and the street. **(Affirmative finding)**

(c) Front Yard Parking Restricted
Not applicable.

(d) Shared Parking in Neighborhood Parking Districts
Not applicable.

(e) Single Story Structures in Shared Use Districts
Not applicable.

(f) Joint Use of Facilities
The proposed parking will serve all uses onsite as well as nearby uses. **(Affirmative finding)**

(g) Availability of Facilities
The parking to be constructed as part of this development will be for the exclusive use of employees and visitors. It will not be used for the storage or display of vehicles or materials. **(Affirmative finding)**

(h) Compact Car Parking
Not applicable.

Sec. 8.1.13, Parking for Disabled Persons
A number of handicap parking spaces are proposed and comply with the minimum dimensional requirements and location next to access isles of 5' width. These spaces shall be marked and signed as required for handicap spaces. **(Affirmative finding as conditioned)**

Sec. 8.1.14, Stacked and Tandem Parking Restrictions
Not applicable.

Sec. 8.1.15, Waivers from Parking Requirements/Parking Management Plans
Not applicable.

Sec. 8.2.5, Bicycle Parking Requirements
Both short term and long term bicycle parking is required. The proposal includes 12 long term spaces and 30 short term spaces. The Conservation Board found that the proposed bicycle spaces are inadequate and do not account for the complete variety of uses onsite. In addition to the already-accounted-for uses, bike parking needs to account for parks, restaurant, and parking lot uses onsite. The Board also found that insufficient short term bike parking would be provided by the Moran's main entry. Additional short term bike parking is needed here. Relocation of the long term bike parking elsewhere onsite is acceptable if needed in order to provide additional short term bike parking by the main Moran entrance. The proposed bike parking needs to be recalculated and depicted on revised plans. Confirmation that the recalculated bicycle parking complies with Public Works' "Bicycle Parking Guidelines" is also needed. **(Affirmative finding as conditioned)**

II. MINUTES

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. MOTION

Motion: Brad Rabinowitz
I move that the Board grant Certificate of Appropriateness and Major Impact approval for redevelopment of the Moran Plant into public-private uses and associated site works and car parking, including upgrades to the bike path, increased green space and park amenities, children's splash area/seasonal refrigerated skating rink, a rebuilt skate park, and new sailing center facility, located at 475 Lake Street in the DW-PT zone in accordance with Articles 3, 4, 5, 6, and 8. The Board adopts the findings set forth above. Approval is subject to the following conditions:

1. **Prior to release of the zoning permit**, revised plans and/or additional materials shall be submitted, subject to staff review and approval. Revisions and/or additional materials shall include:
    a) Confirmation of adequate wastewater capacity from the Department of Public Works;

b) Recalculated bike parking requirements to account for all onsite uses, depiction on the site plans, and confirmation of compliance with Public Works' "Bicycle Parking Guidelines;"
c) Placement of additional short term bike parking by the Moran's main entry, associated relocation of long term bike parking is acceptable if needed to accommodate the additional short term bike parking;
d) Depiction of just 69 vehicle parking spaces for the new uses (retention of 35 for the existing uses is acceptable);
e) Additional screening of the onsite parking area as viewed from Lake Street, including vegetation and/or fencing;
f) The reoriented sailing center dumpster enclosure;
g) Written approval of the Fire Marshal regarding the Moran's and sailing center's accessibility by emergency service vehicles; and,
h) Depiction of the sailing center's doorway from the third floor onto the observation deck on the south façade, as well as the opening on the upper level of the "lifeguard tower" on the west.

2. **Prior to release of the zoning permit**, site circulation (particularly between the bike path, pedestrians, and vehicular circulation isles/drives) shall be revised in coordination with the City's Bicycle & Pedestrian Planner. Emphasis shall be placed on resolving the conflict between vehicles backing out of onstreet parking spaces at the northern end of Lake Street and the close proximity of the bike path. The current circulation proposal does not appear to address the actual needs of the pedestrians and cyclists using the area. Revised circulation shall be subject to Development Review Board review and approval.
3. This approval incorporates the 12 construction phases articulated in the applicant's July 21, 2010 memorandum to Planning & Zoning and shall allow separate zoning permits and/or certificates of occupancy to be issued to allow for incremental (i.e. phase-by-phase) occupancy of the project. **Prior to release of the zoning permit**, plans explicitly outlining each phase shall be submitted, subject to staff review and approval.
4. **EPSC Pre-release Condition:** Prior to release of the zoning permit, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator. At all times after the initiation of land disturbance, this project must comply with the Chapter 26: Erosion Prevention and Sediment Control conditions of approval (to be obtained prior to the release of the zoning permit). Verification of compliance with these conditions must be obtained from the DPW Stormwater Program prior to the issuance of a Final CO.
5. **Stormwater Management Plan Pre-release condition:** Prior to the release of the zoning permit, the applicant shall obtain the written approval of the Stormwater Management Plan from the Stormwater Administrator. This project and property must comply with the Chapter 26: Stormwater Management Plan conditions of approval (to be obtained prior to the release of the zoning permit), including any on-going requirements for post-construction operation and maintenance. Verification of compliance with the conditions must be obtained from the DPW Stormwater Program prior to the issuance of a Final CO.
6. **Prior to construction**, the applicant shall develop an Erosion Prevention Sediment Control plan (EPSC), subject to staff review and approval in consultation with the Department of Public Works. The EPSC shall seek to:
   a) Prevent erosion and the transport of sediment off lot, onto the public streets and sidewalks, into the municipal stormwater system, and/or waters of the State;

b) Prevent parking of any construction or construction related vehicles on City owned green space. Damage to green space shall be immediately addressed;
c) Take any and all steps necessary to abate erosion and to clean up all resulting sediment deposited, discharged or found to exist off lot, on City streets and sidewalks, and/or in the City stormwater system;
d) Maintain project erosion prevention and sediment control devices/measures and perform requisite cleanup of resulting sedimentation. This may include, but is not limited to, daily sweeping of streets and sidewalks and cleaning City stormwater catch basins;
e) Specify appropriate seed and fertilizer applications that are ecologically sound and site specific;
f) Specify an appropriate mulch when and where needed and adequate anchoring measures to prevent blow away;
g) Specify an effective grass re-vegetation program. Turf replacement is recommended in areas where re-vegetation of grass proves difficult with seeding and mulch. To reestablish all existing and proposed green space and where practical consider porous (pervious) pavers;
h) Engage the contractor to be proactive in planning and executing construction phase activities with the goal of preventing erosion and controlling sediment;
i) Identify the parties to the EPSC plan and clearly define their respective roles and responsibilities including, but not limited to, the contractor, the onsite coordinator, those responsible for project adherence to the EPSC, and those participating in inspections and acceptance of final site stabilization; and,
j) Define the overall strategy for the EPSC plan by:
    a. Limiting actual disturbance area and time of disturbance;
    b. Employing proper site stabilization (addressing soil preparation for final seeding and landscaping, seed, pesticide/herbicide use, and mulch);
    c. Specifying stone and/or grass swale lining where appropriate;
    d. Specifying where necessary to employ erosion control blankets or mats;
    e. Specifying locations for silt fence and construction barrier fence; and,
    f. Specifying catch basin inlet protection during construction clean up and maintenance and after construction system operation and maintenance.

7. **Prior to and during construction**, erosion control measures shall be installed and maintained in accordance with EPSC plan established with this permit approval. At a minimum, the project EPSC plan shall:
    (a) identify the contractor who is responsible for installing, implementing, and maintaining the EPSC plan and measures;
    (b) identify the onsite contractor who is responsible for the day-to-day monitoring, oversight, and inspections required by the EPSC plan;
    (c) assure that any amendments to the project EPSC plan are filed with the Department of Public Works and the Development Review Board;
    (d) provide that the erosion control measures remain n place until vegetation has become established on all disturbed surfaces and clearly identify under what conditions final site stabilization has occurred; and,
    (e) provide a process whereby the Department of Public Works and/or the Department of Planning & Zoning participate in the final site stabilization program.
8. **Prior to issuance of a certificate of occupancy**, the project engineer must certify in writing that, among other things, the project EPSC plan as approved by the Department of

Public Works has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.

9. At least 7 **days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Treasurer's Office the impact fee as calculated by staff based on the net new and/or converted square footage of the proposed development.
10. The applicant shall meet with the Conservation Board to address the wetlands Individual Permit process with the U.S. Army Corps of Engineers and shall allow for Board comment prior to issuance of the Individual Permit.
11. The applicant shall coordinate with the Department of Parks & Recreation on pedestrian access (both formal and informal) into the Urban Reserve.
12. A State of Vermont wastewater permit is required.
13. A State of Vermont approved Corrective Action Plan for the site is required.
14. All new utility lines shall be buried.
15. All outdoor signage is subject to a separate zoning permit.
16. The proposed structure shall comply with Burlington's current energy efficiency standards and with Burlington's current ingress and egress requirements as established by Burlington Electric Department and Burlington Public Works, respectively.
17. It is the applicant's responsibility to comply with all applicable ADA requirements. Handicap parking spaces shall be marked and signed as required.
18. This property is subject to all applicable nuisance regulations and performance standards in the Burlington Code of Ordinances.
19. Standard permit conditions 1 -18.

Seconded: Jonathan Stevens

Vote: 6-0-0, motion carried

Dated at Burlington, Vermont, this 17th day of August, 2010.

Respectfully Submitted,

Michael Long, Acting Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.

MORAN CENTER
Full plan set

FISHING PIER

-- NOTE --

ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION. ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

SIGNED _____ DATE 9/12/12

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

LAKE CHAMPLAIN

EXISTING SAILING CENTER DOCKS

043-4-004-000
CITY DPW
WATER/WASTEWATER

043-4-004-000
CITY DPW
WATER/WASTEWATER

WATER DEPARTMENT BUILDING

043-4-007-001
CITY TREASURER

043-4-007-001
CITY TREASURER

MORAN PLANT

043-4-007-001
CITY TREASURER

043-4-007-000
CITY TREASURER

043-4-001-000
CITY DPW
PARKS & REC

038-2-006-000
CENTRAL VT RAILWAY

7' SIDEWALK
5' SIDEWALK
10' SIDEWALK
METAL PICKET FENCE WITH MAINTENANCE GATE
SAILING CENTER / BED GENERATORS
ELECTRONIC SLIDING GATE WITH REMOTE OPENER
STEEL FENCE WITH ELECTRONIC GATE AND REMOTE OPENER
MANUAL SWING GATE FOR TRUCK ACCESS ONLY
SIDEWALK WITH CENTRAL PLANTER
MOUNTABLE CURB ISLAND
COAST GUARD DRIVEWAY
RELOCATED WATER DEPARTMENT PARKING
BOAT LAUNCH DRIVEWAY
19.25' x 9' 70° ANGLED PARKING SPACE (TYP)
18' SIDEWALK AND CROSSWALK
18' x 8' PERPENDICULAR PARKING SPACE WITH 5' AND 8' VAN ACCESSIBLE LANDING (TYP)
10' BUS PULL-OFF
WETLAND
8' SIDEWALK
GATE TO CONTROL VEHICLE ACCESS TO THE URBAN RESERVE
DRIVEWAY TO SAILING CENTER
GRANITE BOLLARDS
12.5' TRAVEL LANE AND 2' SHOULDER
10' TRAVEL LANE AND 2' SHOULDER
4.5' PLANTED MEDIAN
LAKE STREET
NEW DECORATIVE FENCE
60 DEGREE ANGLE PARKING
50 DEGREE ANGLE PARKING
8' CONCRETE SIDEWALK (TYP)
10.5' TRAVEL LANE AND 2' SHOULDER
CENTRAL VT RAILROAD
10' ASPHALT BIKE PATH
7" CONCRETE CURB (TYP)
SIDEWALK WITH CENTRAL PLANTER

SCALE 1"=40'
40 20 0 40 80

MORAN PERMIT APPLICATION APP
ZP#10-1005CA/MA

ASSOCIATED IMPROVEMENTS PERMIT

PUBLIC RIGHT OF WAY

Waterfront

WATERFRONT ACCESS / LAKE STREET EXTENSION
STP5000 (17) C-5
BURLINGTON, VERMONT

CITY OF BURLINGTON
Community & Economic Development Office
Burlington City Hall
149 Church Street
Burlington, VT 05401
Ph: (802) 865-7144

Department of Public Works
PO Box 649
Burlington, VT 05402
Ph: (802) 863-9094

VT AGENCY OF TRANSPORTATION
Local Transportation Facilities
National Life Building, Drawer 33
Montpelier, VT 05633

FEDERAL HIGHWAY ADMINISTRATION
P. O. Box 568
Montpelier, VT 05601-0568

DESIGN TEAM

RESOURCE SYSTEMS GROUP - PRIME
55 Railroad Row
White River Junction, VT 05001
Ph: (802) 295-4999

ENGINEERING VENTURES - SITE/CIVIL
208 Flynn Avenue, Suite 2A
Burlington, VT 05401
Ph: (802) 863-6225

SE GROUP - LANDSCAPE ARCHITECT
131 Church Street
Burlington, VT 05401
Ph: (802) 862-0098

REVISIONS

DATE	DESCRIPTION	BY

ZONING APPLICATION SITE PLAN

SCALE:	1"=40'
DESIGNED BY:	JDA
DRAWN BY:	CDM
CHECKED BY:	JDS
DATE:	09/02/10
PROJ. NO.:	STP5000 (17) C5

SHEET 1

Approved Plan #2

Department of Planning and Zoning
149 Church Street
Burlington, VT 05401
Telephone:(802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Associate Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary

Burlington Development Review Board

Minutes/Findings of Fact
September 19, 2011

In RE: 10-1005CA/MA & 10-1115CA; 475 & 0 Lake St. (Ward 3, DW-PT) (Tax Lot No. 043-4-007-001 & 043-4-004-000)

Owner/Applicant: City of Burlington

Request: Site amendments to previous approval for the redevelopment of the Moran Plant into public-private uses and associated site works, road work, and car parking.

Members Present:
Michael Long
Jonathan Stevens
Brad Rabinowitz
Bob Schwartz
Kevin Stapleton

Evidence Presented:
The Board examined the materials submitted in support of this request.

I. FINDINGS

Background Information:
The applicant is requesting approval for site amendments to the previous approval for the redevelopment of the Moran Plant into public-private uses and associated site works, road work, and car parking. The scope and character of the project remain essentially unchanged. The requested amendments pertain largely to parking and landscaping modifications. As two properties are involved, the requested amendment entails two permits. They are addressed together in these findings.

Previous zoning actions for this property are noted below.

- 4/29/11, Approval to relocate boat storage yard fence
- 8/17/10, Approval for comprehensive site redevelopment and installation of sailing center, skate park, and associated recreational facilities
- 8/2/10, Approval of lot line adjustment
- 6/25/09, Approval (non-applicability form) for interior clean-up of Moran building
- 5/1/09, Approval to install a seasonal tent for sailing classes
- 5/24/09, Approval of parallel sign for sailing center
- 5/9/08, Approval to relocate sailing center from Moran to DPW Pumping Station
- 7/29/02, Approval of parallel sign for sailing center

- 4/19/01, Approval to install portable restroom and fencing at skate park
- 5/21/00, Approval to install signage at skate park
- 8/26/99, Approval to install fishing pier
- 4/5/99, Approval of skate park
- 1/23/97, Approval to remove nonstructural ladder from Moran
- 7/14/94, Approval to modify access into the sailing center
- 5/27/93, Approval of sailing center
- 8/9/90, Approval to remove "car shaker" structure and replace with fill and grade
- 6/14/90, Approval for Moran site work
- 6/14/90, Approval of temporary International Sculpture Symposium

Article 6: Development Review Standards:
Part 1, Land Division Design Standards
Not applicable.

Part 2, Site Plan Design Standards
Sec. 6.2.2, Review Standards
(a) Protection of important natural features
The site contains no significant natural areas as identified in the Open Space Protection Plan. A class 3 wetland onsite will be impacted by the proposed sailing center building; however, impacts are not affected by the proposed site amendments. **(Affirmative finding)**

(b) Topographical alterations
The existing site is generally flat and will remain so. The proposed site amendments entail some changes to stormwater drainage, particularly the constructed gravel wetland in the center island of the Moran parking lot. Rather than being long and linear, the constructed wetland will now be short and rectangular. The change is the result of a shallow water main nearby. In general, grading changes are insignificant. **(Affirmative finding)**

(c) Protection of important public views
There are significant public views from the project site across the lake and towards the Adirondacks. There are also significant public views across the site from Battery Park. The proposed site changes do not impact these important public views. **(Affirmative finding)**

(d) Protection of important cultural resources
The project site is located on fill soils. The site has no archaeological significance. The proposed site changes have no impact on any cultural resources. **(Affirmative finding)**

(e) Supporting the use of alternative energy
No alternative energies were incorporated into the original site design. None are included in the amendments. Potential remains for future implementation. **(Affirmative finding)**

(f) Brownfield sites
The site is included on the Vermont DEC Hazardous Site List; however, the proposed site changes have no bearing on the associated Corrective Action Plans (CAP) for the property. **(Affirmative finding)**

(g) Provide for nature's events

As noted previously, the proposed site changes include modification to the proposed gravel wetland in the center island of the Moran parking lot. The revised design is subject to review and approval by the Stormwater Administrator per Chapter 26 of the City Code of Ordinances. **(Affirmative finding as conditioned)**

(h) Building location and orientation
The proposed site changes do not affect the location or orientation of buildings. **(Affirmative finding)**

(i) Vehicular access
The proposed site changes have virtually no impact on vehicular access. One small change entails the replacement of a gate with removable bollards north of the Water Department/BED parking row. **(Affirmative finding)**

(j) Pedestrian access
As with vehicular access, pedestrian access remains almost entirely unchanged; however, the originally proposed crosswalk across the railroad has been deleted. The sidewalk along Lake Street will continue to lead up to the tracks and will continue towards Moran on the other side; however, the applicants have been unable to obtain permission from the railroad to actually construct a cross walk across the tracks. As with similar crossings, the rubber pad between the tracks will remain and will provide a smooth surface for pedestrians to walk across. **(Affirmative finding)**

(k) Accessibility for the handicapped
Handicap accessibility remains essentially unchanged. **(Affirmative finding)**

(l) Parking and circulation
The proposed site revisions entail a number of changes to parking layout and location. A strip of parking spaces along the eastern side of Lake Street has been deleted. Parking spaces have been re-angled along the western side of Lake Street. Four parking spaces will be added to the Moran parking lot, and four existing parking spaces at the southern end of the fishing pier parking lot will be retained. All of these modifications result in a net loss of just 4 parking spaces. Onsite parking remains acceptable per the standards of Article 8, *Parking*. As the modifications entail the addition of 4 parking spaces to the Moran parking lot, the applicants are requesting the deletion of condition 1 (d) from the original approval that required a limit of just 69 spaces in this parking lot. Given the overall reduction in surface parking associated with this amendment, the increase of 4 spaces in Moran's parking lot is acceptable. **(Affirmative finding)**

(m) Landscaping and fences
Landscaping changes are limited mostly to tree plantings. Along with the reconfiguration of the constructed gravel wetland in the center island of the Moran parking lot, 6 trees will be deleted due to the shallow water main underneath. Two trees will be added near the Coast Guard driveway. The number of new street trees along Lake Street will be reduced. The modified street tree plan for Lake Street is subject to review and approval by the City Arborist. Some fencing changes are proposed and entail the deletion of a fence and gate in the rear Water Department parking lot. **(Affirmative finding as conditioned)**

(n) Public plazas and open space

Public plazas and open space onsite will remain largely unchanged. Note that the skate park area will increase to 19,700 sf. **(Affirmative finding)**

(o) Outdoor lighting
See Sec. 5.5.2.

(p) Integrate infrastructure into the design
There are no significant changes to mechanical equipment, utilities, dumpsters, or similar features. **(Affirmative finding)**

Part 3, Architectural Design Standards
Sec. 6.3.2, Review Standards
Not applicable.

II. MINUTES

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. MOTION

Motion: Brad Rabinowitz
I move that the Board grant approval for site amendments to the previous approval for the redevelopment of the Moran Plant into public-private uses and associated site works, road work, and car parking, located at 475 & 0 Lake Street in the DW-PT zone in accordance with Article 6. Approval is subject to the following conditions:

1. Except as specifically modified in this amendment, all conditions of the August 17, 2010 approval for zoning permits 10-005CA/MA and 10-1115CA remain in effect.
2. **Prior to release of the zoning permit**:
    a. The amended stormwater management system shall be reviewed and approved by the Stormwater Administrator.
    b. The amended Lake Street tree planting plan shall be reviewed and approved by the City Arborist.
    c. A revised site plan shall be submitted that depicts the sidewalk at the northern turn-around of Lake Street placed outside of the roadway circle as per the site circulation plan approved by the DRB on September 13, 2010.
3. Standard permit conditions 1-18.

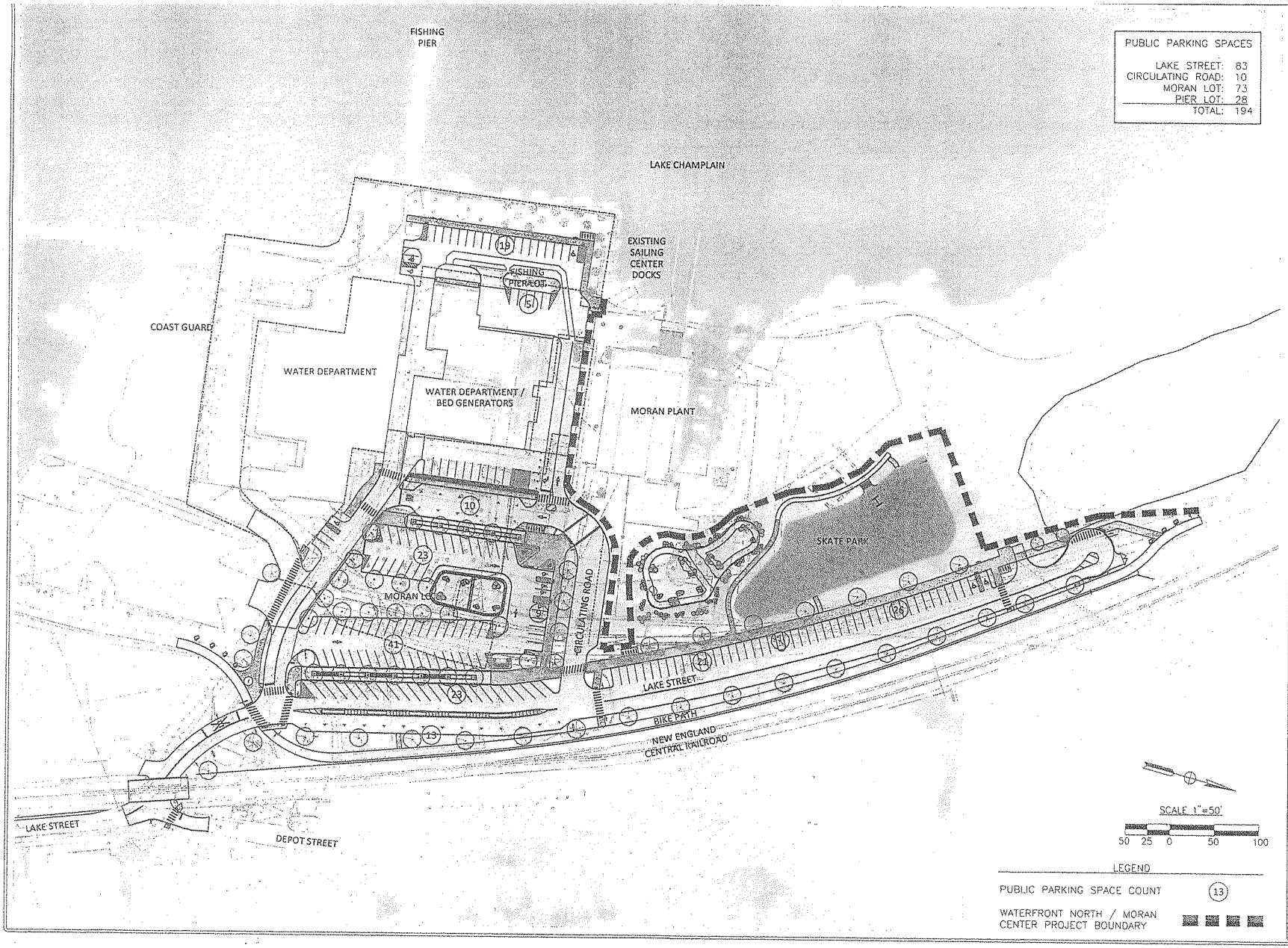
Seconded: Jonathan Stevens

Vote: 5-0-0, motion carried

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person

may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.

received by [signature]
Date: 9/12/11



Waterfront

WATERFRONT ACCESS / LAKE STREET EXTENSION

STP5000(17) C-5 / EH10(019)
TDG 07FHG1-10-C-00010
BURLINGTON, VERMONT

CITY OF BURLINGTON
Community & Economic Development Office
Burlington City Hall
149 Church Street
Burlington, VT 05401
Phn (802) 865-7144

Department of Public Works
PO Box 849
Burlington, VT 05402
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VT AGENCY OF TRANSPORTATION
Local Transportation Facilities
National Life Building, Drawer 33
Montpelier, VT 05633

FEDERAL HIGHWAY ADMINISTRATION
P. O. Box 568
Montpelier, VT 05601-0568

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White River Junction, VT 05001
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Burlington, VT 05401
Phn (802) 863-6225

SE GROUP - LANDSCAPE ARCHITECT
131 Church Street
Burlington, VT 05401
Phn (802) 862-0096

LN CONSULTING - MECHANICAL/PLUMBING
69 Union St - Winooski, VT 05404
Phn (802) 655-1753

KIRICK ENGINEERING - ELECTRICAL
5339 Williston Rd - Williston, VT 05495
Phn (802) 655-5731

KNIGHT CONSULTING ENGINEERS - STRUCTURAL
51 Knight Ln - Williston, VT 05495
Phn (802) 879-6343

REVISIONS

DATE	DESCRIPTION	BY

WFN / MORAN REVISED ZONING APPLICATION

SCALE:	1"=40'
DESIGNED BY:	CDW
DRAWN BY:	CDW
CHECKED BY:	JDS
DATE:	08/09/11
PROJ. NO.:	STP5000(17)CS

SHEET 1

Department of Planning and Zoning
149 Church Street
Burlington, VT 05401
Telephone:(802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Associate Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary

Burlington Development Review Board

Minutes/Findings of Fact
March 2, 2011

In RE: 11-0570CA/CU; 0 Lake St. (Ward 3, UR) (Tax Lot No. 038-2-006-000)

Owner/Applicant: City of Burlington / CEDO

Request: Use area for temporary construction staging during Waterfront North and Moran construction, including temporary interim skating facility.

Members Present:
Austin Hart
Jonathan Stevens
Kevin Stapleton
Paul Henninge

Evidence Presented: The Board examined the materials submitted in support of this request.

I. FINDINGS

Background Information:
The applicant is seeking approval to use two portions of the urban reserve for staging and soil storage areas for the construction of the Waterfront North and associated Moran redevelopment projects. Temporary chain link fencing to enclose the staging and stockpile areas and a temporary skating rink are also included in the proposal. The duration of the requested activity is 2 years.

The Conservation Board reviewed and approved this project February 7, 2011, with the following conditions:

1. Recreational access to the Urban Reserve should be continuous.
2. Dust control measures should be used during construction.
3. Parking areas associated with construction activity should be clarified and delineated.

Condition 1 pertains to keeping the bike path open and to retaining access to the network of informal trails in the Urban Reserve. This condition will be addressed in construction documents and may also include onsite signage.

Condition 2 is aimed at controlling dust as it may impact users of the bike path and other public users of the Urban Reserve. Dust control measures will be incorporated into construction documents.

Condition 3 is aimed primarily at keeping parked vehicles off of the bike path. It should be reflected in a revised site plan that clearly depicts where contractors and associated workers should park during project construction.

Previous zoning permit actions for this site.

- 1/1910, 2-year approval for winter snow storage for the Dept. of Public Works

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

(1) The capacity of existing or planned community facilities;

The temporary staging and stockpile areas will have limited impact on existing community facilities and will facilitate the construction of new community facilities. As recommended by the Conservation Board, measures are needed to ensure that the bike path (and other informal trails) remains open to continuous public use and free from unreasonable dust and contractor vehicle parking. Care must also be taken to keep dirt from construction vehicles off of the bike path. To ensure the safety of users, a specific plan is needed that details how construction vehicles and activities will be separated from the temporary skating rink and from the bike path. **(Affirmative finding as conditioned)**

(2) The character of the area affected;

The sites are bordered primarily by vacant former industrial land in the Urban Reserve. The lake lies to the west. The proposed use is temporary and will have no long term impact on the character of the area. **(Affirmative finding)**

(3) Traffic on roads and highways in the vicinity;

Traffic associated with the proposed use will be limited to construction and contractor vehicles. Use of this site close to construction activity will limit the amount of construction traffic on Lake Street. Traffic impacts will be temporary and associated exclusively with the construction of the Waterfront North and Moran redevelopment projects. **(Affirmative finding as conditioned)**

(4) Bylaws then in effect;

As conditioned, the activity complies with all applicable zoning bylaws. **(Affirmative finding)**

(5) Utilization of renewable energy resources;

(Not applicable)

(6) Cumulative impacts of the proposed use;

The proposed use is temporary in nature and will generate no substantial cumulative impacts. **(Affirmative finding)**

(7) Functional family;

(Not applicable)

(8) Vehicular access points;

The two sites are accessed by existing driveways from Lake Street extension. These driveways are sufficient for the temporary use. **(Affirmative finding)**

(9) Signs;

Some directional signage may be installed; however, doing so has not yet been confirmed. Any new signage will be subject to a separate sign permit. **(Affirmative finding as conditioned)**

(10) Mitigation measures;
The proposed use will result in three primary impacts: construction vehicle traffic, dust, and noise. The applicant must submit a plan for separating construction traffic and activity from the skating rink and the bike path. Dust control measures must be implemented during construction activity. Dirt must be kept off of the bike path as well. Noise impacts will be subject to the city's noise ordinance. No activity is proposed beyond the daylight hours. **(Affirmative finding as conditioned)**

(11) Time limits for construction;
The proposed use is temporary and cannot exceed 2 years without an additional zoning permit. **(Affirmative finding as conditioned)**

(12) Hours of operation and construction;
Hours of operation will be tied directly to the hours of construction of the Waterfront North and Moran redevelopment projects. Approval of those projects tied hours of construction to the city's noise ordinance. **(Affirmative finding as conditioned)**

(13) Future enlargement or alterations;
Any future enlargement or alterations will require additional permit review in accordance with the regulations in effect at that time. **(Affirmative finding)**

(14) Performance standards;
See Sec. 5.5.3 for erosion control measures to be implemented around the soil stockpiles.

(15) Conditions and safeguards;
As conditioned, the proposed use complies with the applicable requirements of the Comprehensive Development Ordinance. **(Affirmative finding)**

Article 4: Maps & Districts
Sec. 4.4.7, Urban Reserve District:
(a) Purpose
The proposed use is temporary in nature and, as such, avoids making any permanent changes within the Urban Reserve. It is identified as one of several uses that may be allowed in the urban reserve. **(Affirmative finding)**

(b) Dimensional Standards & Density
The proposed use does not include any residential density, FAR, or additional lot coverage. **(Affirmative finding)**

(c) Permitted & Conditional Uses
The temporary staging of off-site construction projects on adjacent properties with no other suitable access is allowed as a conditional use. The temporary skate rink as proposed can be viewed as part of the construction staging area given the need to relocate the existing skate park temporarily to allow improvements to the bike path and satisfaction of funding grant conditions. No new impervious surface will be created. **(Affirmative finding)**

(d) District Specific Regulations

1. Any and all improvements in this district shall be consistent with any and all development and use restrictions and easements as may otherwise by applicable to the property.

The Urban Reserve has been used for construction staging in the past (i.e. for the breakwater). Using it again for temporary staging appears to be consistent with restrictions and easements affecting the property. Written confirmation from the City Attorney's office is needed. **(Affirmative finding as conditioned)**

2. Any authorization granted by the DRB shall include a prescribed duration for the activity after which such authority and all related permits shall expire. The DRB may consider an extension of this time period if such a request has been made prior to expiration. No permit should remain in effect for more than 2 years without reapplication and review pursuant to this section.

This zoning permit approval is valid for 2 years. If the use is to continue beyond that time frame, an additional permit will be needed. **(Affirmative finding as conditioned)**

3. As a condition of any approval by the DRB for projects involving temporary construction staging or seasonal snow storage, the site shall be restored to its prior condition once the temporary activity has been completed for which the DRB may require a bond or other necessary surety in a form satisfactory to the city attorney.

Following completion of the use, the site must be cleaned of any trash, debris, or leftover soils (from the stockpiles). The fence shall be removed. No financial surety is required. **(Affirmative finding as conditioned)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

(Not applicable)

Sec. 5.2.4, Buildable Area Calculation

(Not applicable)

Sec. 5.2.5, Setbacks

(Not applicable)

Sec. 5.2.6, Building Height Limits

(Not applicable)

Sec. 5.2.7, Density and Intensity of Development Calculations

(Not applicable)

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. The city's noise ordinance will govern noise impacts. **(Affirmative finding as conditioned)**

Sec. 5.5.2, Outdoor Lighting

(Not applicable)

Sec. 5.5.3, Stormwater and Erosion Control
No new impervious area is included. The soil stockpiles are located relatively far from the lakeshore; however, preventative erosion control measures will be needed in order to ensure that sediment does not reach the lake. Such erosion control measures shall be provided and will be subject to review and approval by the Stormwater Administrator. The potentially contaminated soils to be stored are part of a site that is currently being managed pursuant to a corrective action plan approved by the Vermont Department of Environmental Conservation. The applicant shall comply with the requirements of the corrective action plan, as it may be revised with the approval of the DEC. **(Affirmative finding as conditioned)**

II. MINUTES

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. MOTION

Motion: Austin Hart
I move that the Board grant Conditional Use and Certificate of Appropriateness approval for temporary construction staging during Waterfront North and Moran construction, located at 0 Lake Street in the UR zone in accordance with Articles 3, 4, and 5. Approval is subject to the following conditions:

1. **Prior to release of the zoning permit**, written verification from the City Attorney that there are no legal restrictions precluding the proposed use shall be provided, subject to staff review and approval.
2. **Prior to release of the zoning permit**, a revised site plan clearly depicting contractor vehicle parking areas shall be submitted, subject to staff review and approval.
3. **Prior to release of the zoning permit,** a specific plan showing how construction vehicles and construction activities will be separated from the temporary skating rink and from the bike path shall be submitted, subject to staff review and approval.
4. **Prior to release of the zoning permit**, an erosion control plan shall submitted, subject to review and approval by the Stormwater Administrator.
5. Following completion of the use, all fencing, debris, trash and leftover soils shall be removed from the site, and the site shall be returned to its original condition.
6. Measures to control dust and to keep dirt from construction vehicles off of the bike path shall be implemented during construction. **Such measures shall be subject to review and approval by the Department of Public Works.**
7. Continuous public access to the bike path and informal trails within the Urban Reserve shall be provided for the duration of construction activity.
8. All outdoor signage is subject to a separate zoning permit.
9. Noise associated with this use shall be subject to the city's Noise Ordinance.
10. The applicant shall comply with the corrective action plan for the site as approved by the Vermont Department of Environmental Conservation.
11. **This permit approval is valid for 2 years only**. Continued use of the site for construction staging and soil stockpiling beyond 2 years will require a new zoning permit per Sec. 4.4.7 (d), *District Specific Regulations*, of the Comprehensive Development Ordinance.
12. Standard conditions 1-18.

Seconded: Jonathan Stevens

Vote: 4-0-0, motion carried

Dated at Burlington, Vermont, this 2nd day of March, 2011.

Respectfully Submitted,

Austin D Hart

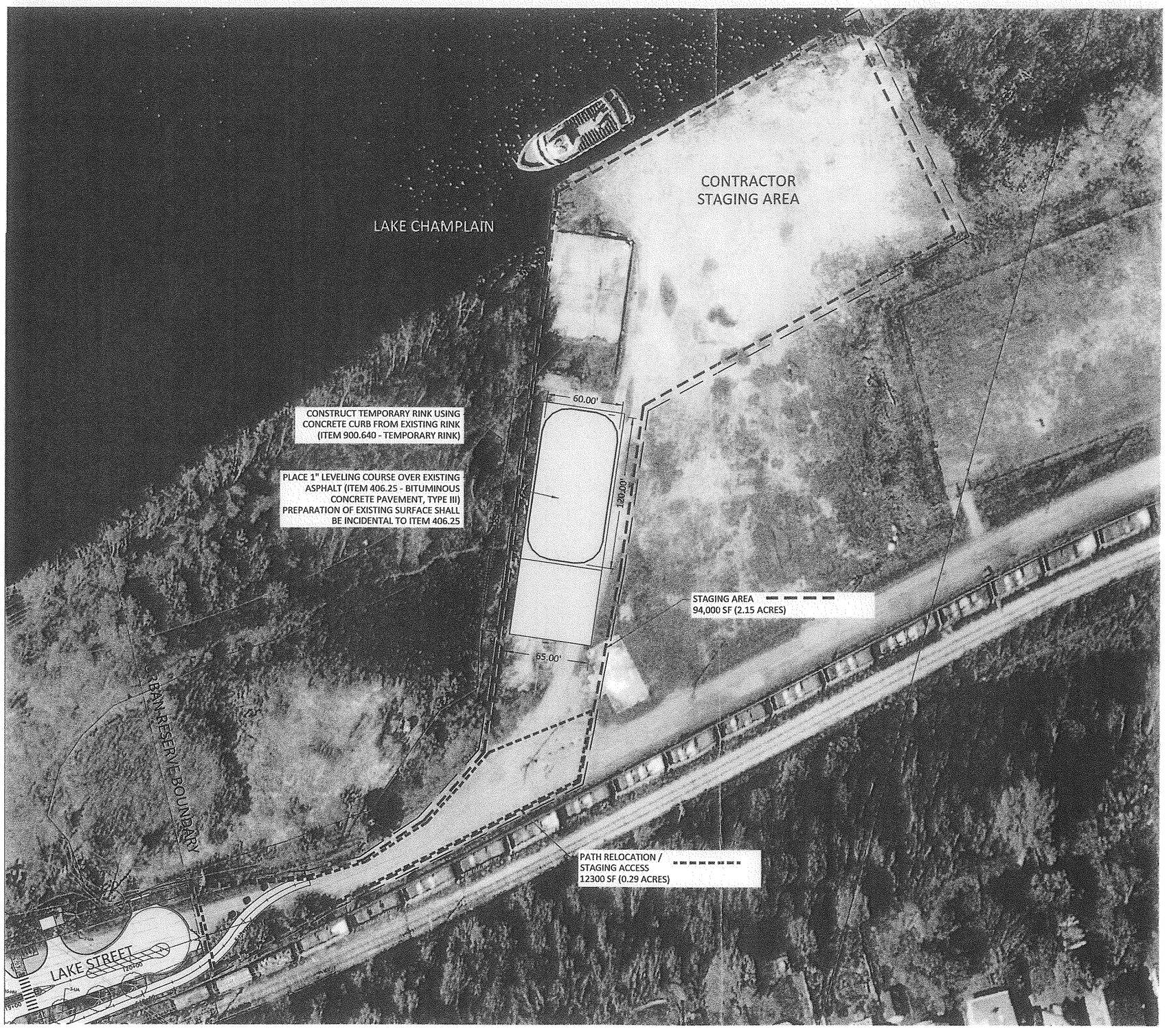
Austin Hart, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.

Recvd 3/3/11 by

KM Shapiro

MATCHLINE - SEE SHEET C10.2 / C10.4



SCALE 1"=40'

40 20 0 40 80

LEGEND

- SIGN
- DETECTABLE WARNING SURFACE
- NEW ASPHALT SURFACE
- NEW CONCRETE
- BENCH
- BIKE RACK
- SWING GATE
- CATCH BASIN
- NEW STREET LIGHTING
- PARKING PAYMENT UNIT
- FENCE
- CONSTRUCTION LIMITS
- RIGHT-OF-WAY
- SECTION 6F IMPROVEMENTS (6f)
- STAGING BOUNDARY

Waterfront

WATERFRONT ACCESS / LAKE STREET EXTENSION
STP5000 (17) C-5
BURLINGTON, VERMONT

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Ph: (802) 862-0098

REVISIONS

DATE	DESCRIPTION	BY

LAYOUT SHEET 6

SCALE:	1" = 40'
DESIGNED BY:	CDM
DRAWN BY:	CDM
CHECKED BY:	JDS
DATE:	1/20/11
PROJ. NO.:	STP5000 (17) C5

SHEET C10.5