

## Burlington Planning Commission

149 Church Street  
Burlington, VT 05401  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)  
(802) 865-7144 (TTY)

[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)

*Andy Montrall, Chair  
Bruce Baker, Vice-Chair  
Yves Bradley  
Alexander Friend  
Emily Lee  
Harris Roen  
Jennifer Wallace-Brodeur*



## Burlington Planning Commission

**Tuesday, August 14, 2018, 6:30 P.M.**  
**Conference Room 12, City Hall, 149 Church Street**  
**AGENDA**

*Note: times given are approximate unless otherwise noted.*

**I. Agenda**

**II. Public Forum**- Time Certain 6:30 p.m.

**III. Report of the Chair**

**IV. Report of the Director**

**V. Committee Appointments (5 min)**

The Planning Commission will appoint members of the DAB and DRB to its Ordinance and Long Range Committees for FY19. The boards have nominated the following members:

- Ordinance Committee: Leo Sprinzen (DAB), Austin Hart (DRB)
- Long Range Planning Committee: Samantha Tilton (DRB)

**VI. 2019 Update to planBTV**

The Planning Commission will receive a presentation on how the policies from the current Municipal Development Plan will be translated into the theme framework for the updated planBTV.

**Staff Recommendation:** No action is required. The Commission is invited to share comments and feedback to support the development of content for the plan update.

**VII. Committee Reports**

- a. Executive Committee
- b. Ordinance Committee
- c. Long Range Planning Committee

**VIII. Commissioner Items**

- a. The next regular meeting will be on Tuesday, August 28, 2018 at 6:30pm.

**IX. Minutes & Communications**

The Commission will review and approve the minutes of the July 24, 2018 meeting, enclosed on pages 2-4 of the agenda packet and accept communications on pages 5-8 of the agenda packet.

**X. Adjourn**

*This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.*

## Burlington Planning Commission

149 Church Street  
Burlington, VT 05401  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)  
(802) 865-7144 (TTY)

[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)

Andy Montroull, Chair  
Bruce Baker, Vice-Chair  
Yves Bradley  
Alexander Friend  
Emily Lee  
Harris Roen  
Jennifer Wallace-Brodeur



## Burlington Planning Commission

**Tuesday, July 24, 2018, 6:30 P.M.**  
**Conference Room 12, City Hall, 149 Church Street**  
**Draft Minutes**

Members Present	B Baker, Y Bradley, A Friend, E Lee, H Roen
Members Absent	A Montroull, J Wallace-Brodeur
Staff Present	M Tuttle, D White, S Gustin, S Draper

### **I. Agenda**

Call to Order	Time: 6:35 pm
Agenda	Approved As Is; B Baker chaired

### **II. Public Forum**

Name	Comment	Commission Action?
No members of public spoke		

### **III. Report of the Chair**

B Baker	<ul style="list-style-type: none"><li>No report</li></ul>
---------	-----------------------------------------------------------

### **IV. Report of the Director**

D White	<ul style="list-style-type: none"><li>Planning &amp; Zoning office has been focused on ordinance amendments, the master plan, permit reform, and exploring ideas and data on new organizational structures</li><li>Working on bigger picture parking amendments in the downtown area</li></ul>
---------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### **V. Proposed CDO Amendment: Density Calculations**

Action: Reapprove the Municipal Bylaw Amendment and forward to City Council		
Motion by: E Lee	Second by: A Friend	Vote: Approved Unanimously
Type: Discussion	Presented by: S Gustin	
Discussion/Notes: S Gustin explains the basis of the amendment was an attempt to eliminate wording about rounding, but now is a number of clarifications on the method for calculating density.		

*This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.*

**VI. Proposed CDO Amendment: Additional Residential Units in RL**

Action: Approve Municipal Bylaw Amendment Report and warn for public hearing		
Motion by: Y Bradley	Second by: E Lee	Vote: Approved Unanimously
Type: Discussion	Presented by: S Gustin	
Discussion/Notes: S Gustin explained this was a long-lasting provision that has been requested to be removed. Analysis shows there are few properties that would qualify based on solely density and lot size, so keeping or deleting the provision will not make a significant impact on the number of housing units city-wide. Staff and Ordinance Committee recommends to delete the provision for clarity and transparency. The Commission agreed that the provision does not support the objective of having a clear and predictable ordinance.		

**VII. Proposed CDO Amendment: Parking Amendments**

Action: Approve the Municipal Bylaw Amendment Report and warn for public hearing		
Motion by: H Roen	Second by: A Friend	Vote: Approved Unanimously
Type: Discussion	Presented by: S Gustin	
Discussion/Notes: Four amendments to the parking standards including the addition of terminology of "Art Gallery/Studio" to update Table 8.1.8-1, to update Table 8.1.8-1 to include parking requirements for small daycares and preschools that are consistent with the requirements for large daycares; to modify Sec. 8.1.14 to allow tandem parking for all dwelling units and to clarify its arrangement when used on multi-family sites; and to modify section 8.1.12 to allow parking within a front yard setback when the parking is within a driveway when there is room for at least one parking space beyond the setback. <ul style="list-style-type: none"> <li>A concern was expressed about front yard parking. S Gustin clarified the amendment is not allowing anything new, just clarifying what is already allowed to ensure driveways must access at least one parking space beyond the setback.</li> </ul>		

**VIII. Proposed CDO Amendment: Sign Ordinance**

Action: Commission requested additional information from staff for further discussion		
Motion by:	Second by:	Vote:
Type: Presentation & Discussion	Presented by: D White	
Discussion/Notes: Goal is for the sign ordinance to be more content neutral, with objective standards for sign types, and to be consistent, clear, and predictable. <ul style="list-style-type: none"> <li>Wrestling with how to regulate murals. One option is to categorize by "non-commercial" and "commercial" and exempt murals that do not contain any commercial language/message. If it does contain a commercial message/language, then strictly prohibit them. Another option is to regulate and allow all murals and create a sign type for murals that describes what is allowed.</li> <li>Commission suggests considering a third option: no regulation for murals that do not contain commercial messages/language, and if it does then to create a set of standards to regulate murals with commercial messages/language</li> <li>Questions were raised including, what should be considered a commercial message? How specific should that be? Text or images? Do we regulate text? Do we regulate the size, height, amount of text that is allowed on the mural? How much of the mural can be dedicated to the commercial message? Should we regulate something that people are paying to create?</li> <li>Commission requested information on these questions for further discussion, including examples of other city's ordinances and regulations on murals.</li> </ul>		

**IX. 2019 Update to planBTV**

Action: Item deferred to a future meeting due to loss of quorum.		
Motion by:	Second by:	Vote:
Type: Presentation & Discussion		Presented by: M Tuttle
Discussion/Notes: N/A		

**X. Committee Reports**

Executive	No Report
Ordinance	No Report
Long Range	Will discuss next steps for South End Plan in August.
Other	

**XI. Commissioner Items**

Next Meeting	August 14, 2018 @ 6:30pm in Conference Room 12, City Hall
--------------	-----------------------------------------------------------

**XII. Minutes & Communications**

Action: Approved Minutes & placed communications on file		
Motion by: A Friend	Second by: E Lee	Vote: Approved Unanimously
Changes to Minutes: N/A		
Communications Filed: <ul style="list-style-type: none"><li>Advanced Notice of 43 Elmwood Street Certificate of Public Good</li></ul>		

**XIII. Adjourn**

Adjournment	Time: 8:09 pm	
Motion: A Friend	Second: E Lee	Vote: Approved Unanimously

July 19, 2018

Elizabeth Kohler  
Tel: (802) 864-8382  
ekohler@drm.com

To: Parties Entitled to Notice Pursuant to 30 V.S.A. § 248a(e) and Procedures Order  
Re: AT&T Mobility: Attachment on Replacement Utility Pole  
Right-of-Way along South Champlain Street, Road Near Intersection with Main Street  
Burlington, Vermont 05401  
AT&T Site Name: C-RAN VT019: South Champlain Street, Burlington, Vermont  
**60-DAY ADVANCE NOTICE**

Dear Recipients:

Our firm represents New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (“AT&T”) in connection with a proposal to replace an existing utility pole owned by Burlington Electric Department (“BED”) located in the right-of-way along South Champlain Street, Burlington, Vermont with a new taller utility pole (the “Pole”), and install wireless communications equipment on the Pole (the “Facility” or “Project”). The Pole, situated in the public right of way just south of the intersection with Main Street, has the following coordinates: latitude 44.475519°N and longitude 73.217138°W (the “Site”). AT&T refers to this project as Burlington VT019.

I. Introduction

Pursuant to 30 V.S.A. § 248a, this letter is intended to provide 60 days advance notice to Burlington City Council and the Burlington Planning Commission (the “Town”), the Chittenden County Regional Planning Commission (the “RPC”), and adjoining landowners that AT&T intends to submit a petition to the Vermont Public Utility Commission (“PUC”) for approval to install the Pole and Facility at the Site. Attached as Exhibit A to this notice is a statement that itemizes the rights and opportunities available to the Town and RPC pursuant to §§ 248a(c)(2), (e)(2), (m), (n) and (o). This letter is also being filed electronically with the PUC via its ePUC system, which will provide notice to the Vermont Agency of Natural Resources, the Vermont Department of Public Service, the Vermont Division for Historic Preservation, and the Vermont Agency of Transportation (collectively, the “Advance Notice Parties”).

This notice provides a description of the Project and its anticipated impacts. This notice also describes the process for PUC review of petitions submitted under § 248a, in addition to the rights of the regional and local planning commissions, municipal legislative bodies, and adjoining landowners to comment on the Project.

AT&T’s petition will be filed pursuant to the PUC’s “Fifth Amended Order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a,” dated September 14, 2017 (the “Procedures Order”). The Procedures Order, as well as more information concerning review of communications projects under 30 V.S.A. § 248a, is available at the PUC’s office in Montpelier and on its website: <http://puc.vermont.gov/>.

## II. Project Description

AT&T is licensed by the Federal Communications Commission to provide multiple technologies in Vermont, including long-term evolution (“4G” or “LTE”) wireless broadband internet service. AT&T is improving and enhancing its voice and data network in the state through deployment of technology generally known as “small cells,” used to address capacity issues at specific locations. Small cell technology is especially helpful to remedy connectivity issues experienced in more heavily populated areas or during certain high network traffic periods. The Project will improve capacity along the Main Street in Burlington and the immediately surrounding neighborhoods.

The proposed Facility will consist of the following components:

- A. Replacement of the existing 29’ aboveground level (“AGL”) utility pole with the new 34’ utility pole;
- B. Installation of one (1) canister antenna, measuring approximately 36” in height and 10”, to be mounted on top of the Pole;
- C. Installation of an equipment cabinet, measuring approximately 32” in height and 17.30” in width, to be mounted on the Pole at a height of 8’ 6”AGL; and
- D. Ancillary improvements and other appurtenances located within and around the base of Pole at the Site to be used in connection with operation of antenna and equipment installations.

Each feature of the Facility is described and depicted in more detail on the Site Plan attached as Exhibit B. The Project will result in less than 10,000 square feet of permanent earth disturbance, and the width of the Pole will not be more than 20’ wider than the existing pole. Consequently, the Project qualifies as a “Project of Limited Size and Scope,” as defined in 30 V.S.A. § 248a(b)(3).

In selecting to undertake the Project, AT&T has analyzed whether there are existing structures in the area to be served that could be used for the antennas and equipment without extending the existing pole. For various reasons, none of the existing telecommunications facilities in the area will allow AT&T to meet its objectives of meeting its customers’ needs and planning for future growth of the network in the area to be served by the Project. The existing pole itself must be extended to provide sufficient space and capacity for AT&T’s antenna and equipment.

## III. Process for Review of Communications Facilities under 30 V.S.A. § 248a

Pursuant to 30 V.S.A. § 248a, the PUC may grant a certificate of public good for construction or installation of one or more telecommunications facilities that are to be interconnected with other telecommunications facilities proposed or already in existence if, after review of the project, the PUC finds that the facilities will promote the general good of the state consistent with the policies relating to providing improved telecommunications technology to all Vermonters articulated by 30 V.S.A. § 202c(b).

Among the criteria considered by the PUC in evaluating each facility under 30 V.S.A. § 248a is whether the project is consistent with the recommendations of selectboards, municipal planning commissions and regional planning commissions. In turn, those recommendations can be based on town / regional plans, as well as telecommunications provisions in local zoning bylaws or a stand-alone ordinance. 30 V.S.A. § 248a(c)(2). Based on a review of the relevant municipal and regional planning documents, AT&T believes that the Project is consistent with the applicable substantive criteria.

Burlington's Municipal Development Plan (re-adopted March 31, 2014) (the "Plan"), recognizes that "enabling high speed data and communication services that allow resident to work at home or serve technology-based business" is an important economic development strategy. Plan at VI-7. The Plan also acknowledges the important role of technology and telecommunications in the services provided by the City. Plan at VII-19. The proposed Project furthers the goals of the Plan insofar as the Facility will enhance the availability and reliability of AT&T service to residents of and visitors to the Burlington Main Street area, all by replacing an existing structure in the public right of way with a slightly-taller, suitable structure.

The Project is also consistent with the Chittenden County ECOS Plan (the "Regional Plan"), adopted June 19, 2013 and amended May 18, 2016. The Regional Plan recognizes that telecommunication services provide important benefits to Chittenden County's residents, visitors, and businesses. The Regional Plan identifies a goal of "[p]romoting the use of technology in economic development, including access to high-speed telecommunications." Regional Plan at 144-145. The Regional Plan notes that "The weakest part of the County's utilities and telecommunications system is the quality and costs of telecommunications, in particular cell phone service." Regional Plan at 141. The Project will directly advance these goals by increasing public access to reliable, high quality wireless internet and telephone service without adversely impacting the County's scenic and environmental qualities. One of the goals outlined in the Regional Plan is to promote the use of technology in economic development; this includes ensuring access to high-speed telecommunications. Regional Plan at 135.

The Project will provide enhanced wireless service access on and along South Champlain Street and Main Street in Burlington. The Project will promote the general good of the state, consistent with 30 V.S.A. § 202c(b), insofar as the Project will improve connectivity for AT&T users in Burlington, through bringing AT&T's network service "closer" to its users. The Project also allows AT&T to prepare for implementation of newer technologies—including 5G capabilities, "smart cities" and new developments in the Internet of Things ("IoT").

#### VI. Opportunity to Comment; Contact for More Information

As a recipient of this notice, you will be notified when the petition is filed with the PUC, which will be at least 60 days from the above date. Once AT&T's petition has been accepted for filing by with the PUC, any interested person may submit comments and seek to intervene in the proceeding within 30 days of the receipt of the notification that the petition has been filed.

Should you have any questions relating to the Project, please direct all inquiries and/or comments to Vincent Paquette, Centerline Communications, at (617) 905-8575, or email to [vpaquette@clinellc.com](mailto:vpaquette@clinellc.com). I can be reached at the telephone number and/or email provided in the letterhead above.

AT&T C-RAN  
South Champlain Street, Burlington, Vermont (VT019)  
July 19, 2018  
Page 4

We look forward to your review and recommendation, and thank you in advance for your attention to this important project.

Sincerely,



Elizabeth Kohler

Enclosures

cc: Service List  
Burlington Electric Department, Attn: Brian Sweeney, Distribution Engineer  
(via US Mail & electronic mail)  
David Ford, Carly Cowher, Tom Fields, and Vincent Paquette, Centerline Communications  
(via electronic mail)