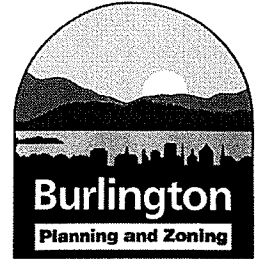



Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin 
DATE: July 5, 2017
RE: 17-1207CA; 523-645 Pine Street

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: ELM Ward: 5S

Owner/Applicant: City of Burlington/Dept. of Public Works

Request: Expansion of the existing compressed natural gas fueling station

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards)

Background Information:

The applicant is seeking approval to expand the existing compressed natural gas (CNG) fueling station behind the Dept. of Public Works building. The project is fairly small, amounting to a larger footprint and some additional equipment. It requires Development Review Board review and approval only insofar as the original project approval stated that any future alterations be subject to DRB review and approval.

Previous zoning actions for this property are noted below.

- 2/24/17, Approval to construct public electric vehicle charging stations
- 10/4/11, Approval to construct vehicle wash station
- 8/10/11, Approval to remove hydrogen fueling station
- 9/20/05, Approval to construct a hydrogen fueling station
- 3/7/03, Approval to replace front door with sliding door
- 3/10/03, Approval to extend salt storage shed
- 6/24/02, Approval to install 8' tall chain link fence
- 7/6/00, Approval to amend approval of DPW facility, eliminate cold storage shed
- 2/10/00, Approval to amend approval of DPW facility, relocate transformer
- 8/10/00, Approval of parking lot screening as required by DPW facility approval
- 8/26/99, Approval of construction of DPW central facility
- 8/26/99, Approval to demolish St. Johnsbury Trucking facility
- 10/9/97, Approval to relocate fueling facility
- 12/20/95, Approval of parallel sign for DPW Traffic Division
- 10/20/95, Change of use from trucking facility to DPW Traffic Division

Recommendation: Consent approval, as per, and subject to, the following findings and conditions below:

I. Findings

Article 2: Administrative Mechanisms

Part 7: Enforcement

Sec. 2.7.8, Withhold Permit

A number of zoning permits have been approved for the subject property. Most, but not all, have final certificates of occupancy. Per this section, prior to issuance of a final certificate of occupancy for this project, any zoning permits not yet closed out with final certificates of occupancy must be addressed. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.3, Enterprise Districts:

(a) Purpose

(1) Light Manufacturing (E-LM)

The subject property is located in the E-LM zone which is intended as the primary commercial/industrial center of Burlington. The zone also allows Public Works garages and yards. The property is the main Department of Public Works facility and contains an existing CNG station. This application proposes to expand the CNG station by 250 sf with an additional compressor and related equipment. This application is consistent with the intent of the E-LM zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

No additional building area is proposed. Therefore, FAR remains unchanged.

Lot coverage will increase slightly. Note that there is a discrepancy between the project narrative that cites 250 sf additional coverage versus the site plan that notes 183 sf additional coverage. In any event, the percent change is less than 1% from the existing 52.8% lot coverage.

Side and rear setbacks remain unchanged. The expanded CNG facility remains well behind the 5' front yard setback.

No new buildings are proposed. The new equipment stands up to 8.5' tall and is under the maximum permissible 45' height. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

The DPW facility is a permitted use in the E-LM zone. The CNG facility is accessory thereto. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.3 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.3 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.3 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.5.3 (b) above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. Noise information has been provided and indicates a dB level of 79 at 10' away. The nearest building is a garage for BED located 45' away. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

No new or altered outdoor lighting is proposed. **(Not applicable)**

Sec. 5.5.3, Stormwater and Erosion Control

Stormwater runoff associated with the minimal additional impervious surface will be handled by the existing onsite stormwater system. As required, an erosion prevention and sediment control plan has been submitted for review and approval by the city's stormwater program staff. **(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 property contains a mapped wetland within its northwest corner. The existing CNG facility triggered Conservation Board review because it is located within the 100' wetland buffer. The proposed expansion is contained within existing developed area and is located to the east of the present CNG facility footprint (i.e. further away from the wetland). No further encroachment towards the protected wetland is included in this proposal. Note that the wetland and associated buffer are not depicted on the site plan and must be. **(Affirmative finding as conditioned)**

(b) Topographical alterations

No significant topographical alterations are included in this proposal. Some minimal fill and grading will be required to level the ground for installation of the new CNG equipment. **(Affirmative finding)**

(c) Protection of important public views

There are no identified view corridors from or through the subject property. **(Affirmative finding)**

(d) Protection of important cultural resources

The subject property contains no historic structures. **(Affirmative finding)**

(e) Supporting the use of alternative energy

No alternative energies are included in this project. Its installation does not preclude future utilization of alternative energy onsite or on neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

The site is included on the Vermont DEC Hazardous Site List. The DEC information indicates that site management activities associated with the contamination are completed. The site plan makes no indication of where contamination exists onsite and must. If the proposed work affects an area of onsite contamination, follow up with DEC will be required. **(Affirmative finding as conditioned)**

(g) Provide for nature's events

See Sec. 5.5.3.

(h) Building location and orientation

No changes proposed. **(Not applicable)**

(i) Vehicular access

No changes proposed. **(Not applicable)**

(j) Pedestrian access

No changes proposed. **(Not applicable)**

(k) Accessibility for the handicapped

No changes proposed. **(Not applicable)**

(l) Parking and circulation

No changes proposed. **(Not applicable)**

(m) Landscaping and fences

The CNG facility is, and will continue to be, enclosed with 8' tall fencing. Some existing cedars along the eastern edge will be removed to make way for the expansion. New perennial plantings will be installed in place. The elimination of some cedars will reduce screening; however, the location of the facility remains far back from the road and minimally visible. **(Affirmative finding)**

(n) Public plazas and open space

No public plazas or open space are included in this proposal.

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

The CNG facility amounts to a collection of mechanical equipment appropriately located near the back of the Public Works facility. It is consolidated into one spot and is set within a fenced enclosure. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(Not applicable)

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised plans depicting the following items shall be submitted, subject to staff review and approval:
 - a. Consistent and accurate lot coverage figure (existing and proposed);
 - b. Wetland and associated 100' wide buffer; and,
 - c. Location of site contamination per DEC's Hazardous Sites List.
2. Final approval of the erosion prevention and sediment control plan by the city's stormwater program staff is required prior to construction.
3. It is the applicant's responsibility to work with VT DEC to address onsite contaminants noted in DEC's Hazardous Sites List.
4. Standard Conditions 1-15.

