

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin
DATE: December 20, 2016
RE: 17-0586SP; 149 Church 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: RCO-RC Ward: 3C

Owner/Applicant: City of Burlington / Wagner Hodgson Landscape Architecture

Request: Sketch plan review of reconstruction of City Hall Park – Major features include: replacement fountain, walkways & plaza, tree preservation & removal, small flexible performance space/stage with infrastructure, café structure, and vending space.

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines)

Background Information:

The applicant is requesting sketch plan review of a comprehensive reconstruction plan for City Hall Park. Given the park's inclusion on the National Register of Historic Places, Sec. 5.4.8, *Historic Buildings and Sites*, applies in addition to the design review criteria of Article 6. The proposed design reflects input from a 4-month public engagement process completed in 2012 and seeks to better address the contemporary needs of this public space while retaining some of its most important historic characteristics.

The Design Advisory Board reviewed this sketch plan at their December 13, 2016 meeting. While there was no formal recommendation for sketch plan, the Board commented that the project should contain a central water fountain and radial paths similar to the park's historic configuration.

Recommendation: No action taken for sketch plan.

I. Findings

Article 4: Maps & Districts

Sec. 4.4.6, Recreation, Conservation and Open Space Districts:

(a) Purpose

(2) RCO-Recreation/Greenspace (RCO-RG)

City Hall Park is within the RCO-RG zone. This zone is intended to provide a diversity of passive and active recreational opportunities that provide for public use and enjoyment. In large part, this

zone encompasses the city's parks but does not include lands intended primarily for conservation such as the city's urban wilds. City Hall Park reflects the intent of the RCO-RG zone.

(b) Dimensional Standards & Density

Existing lot coverage information is provided (24.7%); however, no proposed lot coverage information is evident. The maximum permissible lot coverage in City Hall Park is 30%. Proposed lot coverage information must be included in the zoning permit application.

City Hall Park has three frontages: Main Street, St. Paul Street, and College Street. Minimum front yard setback requirements pertain to all three frontages. The handful of proposed buildings comply with the 15' minimum front yard setback.

No building height information is included in the sketch plans. Such information will be required with the zoning permit application. The maximum permissible building height is 35'.

(c) Permitted & Conditional Uses

As a public park, City Hall Park is a permitted use in the RCO-RG zone.

(d) District Specific Regulations

The sketch plans do not articulate whether or how any of these criteria pertain to the proposed reconstruction of City Hall Park. Such details must be included in the zoning permit application.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.6 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.6 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.6 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.5.6 (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.

As such, a building or site may be found to be eligible for listing on the state or national register of historic places and subject to the provisions of this section if all of the following conditions are present:

- 1. The building is 50 years old or older;*

2. *The building or site is deemed to possess significance in illustrating or interpreting the heritage of the City, state or nation in history, architecture, archeology, technology and culture because one or more of the following conditions is present:*
 - A. *Association with events that have made a significant contribution to the broad patterns of history; or,*
 - B. *Association with the lives of persons significant in the past; or,*
 - C. *Embodiment of distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant or distinguishable entity whose components may lack individual distinction; or,*
 - D. *Maintenance of an exceptionally high degree of integrity, original site orientation and virtually all character defining elements intact; or,*
 - E. *Yielding, or may be likely to yield, information important to prehistory; and,*
3. *The building or site possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association*

City Hall Park is the namesake of the City Hall Park historic district. It is an individually listed contributing resource within this historic district. Alterations to the park are subject to review under Sec. 5.4.8.

(b) *Standards and Guidelines:*

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

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.* City Hall Park has been used as a public space dating to the 18th century. While its name and configuration have changed over time, it has remained a significant public open space in the core of Burlington's downtown. The current proposal makes no change to the primary use of this public park space.

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.*

Although the park has changed over the years, it has retained a number of definitive features. These features include a central water feature with paths radiating away from it, several stone monuments, trees, seating, lighting, and a flagpole. It is important to note that individually, none of these elements (except for the monuments) have historic significance. The significance is within the consistent presence of these features over time.

The proposed reconstruction plan retains many of these features. It contains a water feature and paths; however, the radial walkway pattern characteristic of the park is revised in favor of an asymmetrical walkway pattern with an off-center water feature. There is an argument to be considered that this arrangement is simply a contemporary interpretation of the evolving park layout and design, as it still achieves the same function of providing clear access into, and through, the park. A more historically appropriate layout would reflect the traditional radial walkway pattern with central water feature. To be clear, the materials and particular details of these elements are less important than the pattern. Revision towards a more radial pattern is recommended.

The two stone monuments – pertaining to the Civil War and World War II – will be retained. Most mature trees will be retained. Crab apple trees will be removed, and new plantings will be installed. Provision for seating will be made throughout the reconfigured park, and revamped lighting will be installed throughout. The flagpole will be retained.

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.*
No conjectural elements are included in the proposed design. While basic characteristic features are acknowledged in the redesign, the proposed reconstruction is clearly a product of the present.
4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*
The historic significance of City Hall Park is its role as a public space within the city's downtown, its relationship to surrounding buildings, and its basic design elements. Within this public space, there are a number of defining elements as noted above. These defining elements have changed over time. For example, the shape of the park has changed from circular to rectangular. The paths have been surfaced and resurfaced with differing materials. The central water feature has been replaced. Lighting fixtures have been updated. No individual tree, light, or fountain has any unique historic merit. Only the monuments have historic significance individually. The significance of City Hall Park is found within the functional entirety of the elements that comprise it.
5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*
As noted above, park features, such as a central water element and radial walkways, are more important to its historic integrity than the specific materials of individual elements. Materials retention within the park is of less concern than would be for renovation of an historic building.
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 for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

This criterion is aimed at alterations to an historic building and is largely not applicable. As noted above, it is not the materials of the features within City Hall Park that are of particular significance, it is the collection of features and spatial relationships together that make up the park. Retention of those features, in contemporary form, is largely included in the proposed reconstruction. The monuments that have historic merit will be unchanged.

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.*
Not applicable.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*
City Hall Park is not located within an archaeologically sensitive area, nor does it contain any archaeologically significant site points.

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 overall design and spatial relationships within City Hall Park are most important to its historic significance. None of the trees, lights, fountain, walkways, etc. have individual historic merit. Therefore alteration to them is not of concern under this criterion. As proposed, a number of defining characteristics are retained. An open civic space surrounded by buildings and city streets will remain. Open green spaces and treed areas outlined by the walkways will be retained. Lighting, monuments, and seating areas will be retained. New amenities such as flexible performance space, public art, and food truck space will enhance the park's functionality as an important public space in Burlington's downtown. Revisions to the radial walkway pattern and central water feature more significantly alter existing spatial relationships within the park. Symmetry is replaced by asymmetry. Balanced proportions become deliberately less so. While the proposed layout has merit, a more symmetrical layout similar to the park's existing pattern would better retain its historic integrity.

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.*

As with several other criteria above, this criterion is aimed at alterations to an historic building.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion.

Sec. 5.5.2, Outdoor Lighting

New outdoor lighting is proposed; however, details are lacking in the sketch plans. The permit application must include details as to fixture type, location, and illumination levels.

Sec. 5.5.3, Stormwater and Erosion Control

The proposed reconstruction incorporates new stormwater management elements. While performance data has not yet been provided, the sketch plans depict two new rain gardens to capture and attenuate stormwater. The newly proposed “Park Lane” will be surfaced with permeable pavers. Performance data will be required upon application for the zoning permit. Given the amount of earthwork entailed with this project, an erosion prevention and sediment control plan will be required. These two plans will be subject to review and approval by the city’s stormwater program.

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.2.1, Review Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

City Hall Park contains no significant natural features as defined in the Open Space Protection Plan. The park contains a number of mature trees. Most will be retained. Some; however, will be removed. A definitive tree-removal plan is not included in the sketch materials. One will be needed with the zoning permit application.

(b) Topographical alterations

Contour lines are depicted on the sketch plan. There is; however, no differentiation between existing and proposed. Generally, it appears that topography will remain essentially unchanged.

(c) Protection of important public views

Identified view corridors within Burlington’s downtown are unaffected by the proposed work.

(d) Protection of important cultural resources

The proposed development site has no known archaeological resources. See Sec. 5.4.8 above for discussion of historic significance.

(e) Supporting the use of alternative energy

The proposed reconstruction of City Hall Park has no effect on the actual or potential utilization of renewable energy onsite or on nearby properties.

(f) Brownfield sites

The property is not an identified brownfield, nor is it within VT DEC’s “Hazardous Site List.”

(g) Provide for nature’s events

See Sec. 5.5.3.

(h) Building location and orientation

Not applicable.

(i) Vehicular access

Vehicular access to the park is provided via the existing public street network and on-street parking. Service and emergency vehicle access to the park will be via “Park Lane” running parallel to City Hall and BCA.

(j) Pedestrian access

Multiple points of pedestrian entry to the park are proposed. All of the walkways within the park connect to the public sidewalks outlining its perimeter. Direct access into the abutting buildings is provided via existing and proposed walkways.

(k) Accessibility for the handicapped

ADA details are not included in the sketch plans. General ADA information should be included in the zoning permit application. ADA compliance, however, is ensured through the Dept. of Public Works.

(l) Parking and circulation

Not applicable.

(m) Landscaping and fences

The sketch plans depict proposed landscaping. As noted above, several existing trees will be removed. The assessment of trees to be removed or retained was done in conjunction with the city arborist. The proposed landscaping plan generally reflects trees to be retained versus removed. In addition, a number of new shade trees are proposed. Accent landscaping in the form of perennials is proposed in several locations. Overall, the proposed landscaping relates well to the proposed layout and helps to define individual spaces within the park.

(n) Public plazas and open space

City Hall Park is, of course, a public open space. The proposed redesign is consistent with the goals of this criterion. Proposed walkways, benches, and gathering areas provide ease of access into, and utilization of, the space. A small pavilion, flexible performance space, and public art will enhance users’ experience. The park is readily accessible from adjacent city streets. Ample access to sunlight is provided, and shadow impacts from adjacent buildings remain unchanged.

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No new outdoor mechanical equipment is evident within the sketch plans. Existing mechanical equipment should be considered in the redevelopment. Any new mechanical (or similar) equipment must be addressed in the zoning permit application. There are presently several trash and recycling receptacles in the park. Whether and where such receptacles will be placed in the redesigned park is not evident. Provision for these items needs to be considered.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

Not applicable as submitted. No elevation drawings are included in these sketch plans. Information relative to the new buildings will be needed upon permit application.

II. Conditions of Approval

None for sketch plan.