

Montpelier Design Review Committee
May 11, 2010
City Council Chambers, City Hall

Subject to Review and Approval

Present: Steve Everett, Chair; James Duggan, Vice Chair; Eric Gilbertson, Jay White, Steven Burkholder, and Miriam Conlon.
Staff: Clancy DeSmet, Planning and Zoning Administrator.

Call to Order:

The meeting was called to order by James Duggan, Vice Chair.

- I. 161 Barre Street – CB-II/DCD**
Applicant/Owner: Lescha Carpenter
Two decks at rear of building.

Lescha Carpenter said the last time they appeared before the Design Review Committee it was mainly to address the deck on the rear of the building, and in the process she realized it was better to address all of the changes she has planned over the next year. She has submitted drawings for those projects as well. They revised the design for the deck based on some conversations with the Building Inspector about the total renovations and decided to go with a straight run staircase, which is a change from the previous design. Glenn Moore has approved the stairs that will fit in this space.

Mr. Gilbertson asked to be oriented on the project since he wasn't in attendance at the last meeting.

Ms. Carpenter said the deck is on the rear, which is the south side of the building.

Mr. Everett arrived at the meeting and resumed duties of Chair.

Ms. Carpenter said at the end of the last meeting she mentioned that she wanted to add to the application to change the kitchen window in the second floor unit to a shorter window to accommodate some interior renovations. In thinking about design issues related to that and for symmetry sake she has decided to ask for approval to change that window to a fixed window of the same dimensions as the current window that is already in there. This is on the street side of the building on the north side of the house.

Mr. Everett asked why they don't leave the existing window in place and just repair it in place.

Ms. Carpenter said it a double hung.

Mr. White asked why she wanted to change the window.

Ms. Carpenter replied to allow for more light. The top floor she would like to change the window because it is an old single paned window and doesn't match the other windows in the rest of the house. They finished the third floor so it is now a living space.

Ms. Conlon said there would be three double hung on the first and second floors and one on the third.

Ms. Carpenter replied yes. It would open in the center and be fixed or casement.

The contractor said she would like to go with the big fixed window, but if you can't approve that she will go with a different casement.

Ms. Conlon asked if there was really a lot of difference in the amount of light.

Ms. Carpenter said for it to be able to be opened from the inside in is what she is after.

Ms. Conlon said she is saying the double hung doesn't let in nearly as much light. Is there a huge difference?

Ms. Carpenter said it has a significantly different look from the inside.

Mr. Duggan said one of the differences is that it has a significantly different look from the outside, and on the primary façade he isn't clear why she needs to replace it other than allowing a little more light in. He would want to keep the same kind of striation that is there now which if she were to replace that would like a casement where there is a mullion separate the two sashes. He has another question about the porch. Are they intending to go through the window to get to the porch? Is this something that is going to be occupied?

Ms. Carpenter replied it is like a little walkout. She ran it by the Building Inspector and they agreed with it and said it was a good fire safety thing and they would approve it.

The contractor said there is a picture of one that is just down the road.

Ms. Carpenter said it just a small decorative thing where they could put plants and it is consistent with the style of other houses on the street.

Mr. White said if it was a balcony occupied by people it would have to have a 42 inch high rail. Is that what she is proposing?

Ms. Carpenter replied yes.

Mr. White said the picture looks more decorative.

Ms. Carpenter said she thought they would be able to reuse some of the material from the porch that will be enclosed to keep the design consistent and there is a lot of railing they won't be needing.

Mr. Everett said the house on the north side which faces the street has a rhythm and a pattern created by the trim and around and above the windows. To maintain the integrity of that if they do a railing there the braces, railing, etc. should not go through that trim. She wants to maintain the integrity of the façade of the house. That is absolute in anything they do because once she breaks that rhythm up it becomes something else.

Ms. Carpenter said that was her main consideration in changing some of the proposals she had in mind which would have necessitated cutting into that some or framing below the window.

Mr. Everett said the knee braces should not break that horizontal line of the windows.

Mr. Duggan said these are actually tucked up underneath the cornice that goes across the front of the gable. They come up to meet the piece of trim that goes across the top of the cornice.

Mr. Everett said if you look at that piece of horizontal trim the cornice work is above that.

Mr. Gilbertson said this is the primary façade of the building on Barre Street and he has a hard time making changes to that which is not absolutely necessary because that is the public face of the building. The big single window breaks the rhythm of the windows in the front and the picture they show was probably built as part of that building because it is a different period building. It's a Gothic Revival building. They also intend to make the opening larger at the top.

Ms. Carpenter replied yes. They wanted to use a window that is the same height as the existing window.

Mr. Everett asked if there was a window on the south side at that same height.

Ms. Carpenter said there is.

Mr. Everett asked if they had thought about leaving the front as is and putting the window treatment on the back side.

Ms. Carpenter said possibly, but the layout of the third floor makes less sense to do it that way. Because of the way the plumbing is there is a bedroom on the north side.

Mr. Everett asked on the interior what is on the south side.

The contractor said it is unfinished but they are intending it to split it into a bathroom and another room which would bring the wall right near that window. You wouldn't be able to put in a bigger window because of the wall.

Mr. White asked if they had considered an operable skylight to give more light on the third floor.

Ms. Carpenter said she wants to add them.

Mr. White said you get a huge amount of light with skylights.

Ms. Carpenter said that would only address the third floor.

Mr. Everett said taking out the center divider, the pair of double hung windows, isn't going to make much difference in the light.

Ms. Carpenter said the idea was to find a window that was more appropriate to a kitchen space and the two double hung windows that are there don't really do much. It was an apartment kitchen. They matched the other windows in the house.

Mr. White said they have often had the issue of windows lower than the counter in the kitchen, if that is what her concern is.

Ms. Carpenter said it was her initial concern.

Mr. Duggan said for the DRC it's not just the rough opening but what is actually in there as well. He would like to encourage her to retain the windows that are there and make accommodations on the inside if she can in this location. He would also prefer to see the windows stay the same size it is up on the third floor. If you wanted to put a single casement in there the same size as the double hung or to put in a new one double hung that matches the size that is in there he thinks that would visually retain what is happening here. He doesn't have a problem with the skylights because it is not the primary façade on the street. He would have a hard time voting for a big change to this window on the front street.

Mr. Everett said it doesn't meet the criteria. Adding the little porch there is going to be very tough to do.

The contractor asked if they were saying it would be an easier change on the back side.

Mr. Everett and Mr. Duggan both replied yes.

Mr. Duggan said he has much less concern with what happens on the rear.

Mr. Gilbertson said without a good solid reason to change things that would involve codes he doesn't think any of the changes for the front would get approved. They don't meet the criteria.

Ms. Carpenter said let's talk about the decks and the porch. She is much more inclined to scrap the whole window changes.

Mr. White said since it is the north side increasing the size of the window a little bit will really not increase the amount of light. On the decks Ms. Carpenter wants to basically remove the open porch that is there now, or fill it in with a lot of little windows.

Ms. Carpenter said the way the building is currently designed the windows are already there. They are on the inside wall of the porch. There are stairs that actually cut through where the windows are so they could just move those windows out on to the new exterior wall.

Mr. White said she would basically be taking off all of the character of the porch and replacing it with something that looks like building wall.

The contractor said the porch has to be pretty much taken down anyway since the whole roof is rotted out and the ceiling and roof is caving in.

Mr. White asked if they are talking about tearing it off and building something different.

The contractor replied no, the same thing that is there.

Mr. White asked if the drawing was showing solid wall with the windows pushed out.

The contractor replied yes.

Mr. White said the windows are in the original façade of the building and the porch gives a very nice feature to the building. The porch gives a very nice feature to the building that would be completely lost by doing what you are doing. He doesn't think it would be a complete loss if it was rebuilt and basically glassed it in column to column and have a lot more light coming in, weatherized it, much like Sarducci's has done the whole porch in glass. This could be an exterior porch and then glassed in, which is a totally different concept than if they were to build a wall and put a lot of punched openings in it and also significantly reduce the amount of light you would get to the interior rooms. He isn't sure they recognize how much darker the interior would be if they were to just push the windows that are there now out further. The amount of light that would get in there would make the room significantly darker than it is now.

Ms. Carpenter said at the moment there is no light coming in from the porch at all because it is walled in.

Mr. White said what they are proposing to do is destroying all of that. He can't agree with that.

Ms. Carpenter said she doesn't want to destroy it at all.

Mr. Gilbertson said fixing what is structurally wrong with it they don't even need to come before the DRC to do that.

Mr. DeSmet said if they repair it with like materials you would be okay. What they have proposed here is different than what is there. If you propose to just repair and replace what is there then they wouldn't need a permit because ordinary repair with like materials is fine. He is talking about the porch.

Ms. Carpenter said the porch and the roof are related because they would happen together.

Mr. White said because you see the building basically from the ground level up and the way it sits on the rest of the street the roof itself is almost not visible. Therefore, whatever they want to put on the roof, is it solar panels or skylights, all of that can be very compatible with what is there. He would encourage them to do that to get the building to be brighter and more livable. They could greatly improve the quality of the space for herself and her tenant by perhaps adding some skylights to the roof to let more light in, and then repairing what is there for the windows and the porch at significantly less cost.

Ms. Carpenter said she is willing to take any of those considerations into account and find a way to make the porch space usable.

Mr. Gilbertson said their goal is to turn the exterior space into interior space.

Ms. Carpenter replied yes.

Mr. Gilbertson said the way Jay suggests there have been a number of porches done that way. What you basically do is build a glass wall behind all of the trim.

Mr. White said he is thinking about Michael Sherman's house up on College Street which has a big wraparound porch and the whole thing has been glassed in at some point.

Mr. Gilbertson said there is a house on Main Street that has been done that way, too.

Mr. White said there is a precedent for that, and it is quite economical to do. You can get modular windows that just clip in to what is there and make it an interior space. You can

use insulated glass to do that with so it is warmer. It can go on the inside of the railings. Because it has the open railing he would probably look at doing something that would be on the inside of the railing. It could even start at the top of the railing and go up with a solid panel behind the railing as long as the vertical part of the railing is still visible and they didn't lose the detail. Basically, it could be a wall from the floor up to the top of the railing and from there to the tops of the columns could be panels of glass that could be opened for more ventilation. There is a significantly better way to get the porch to be interior space and more usable, warmer and less cost and benefit.

The contractor asked if they could drop the railings down because there is a 4 or 5 inch gap at the bottom of the railings.

Mr. White said they could bring a new wall all the way down to the floor.

Ms. Carpenter said the railings could stay.

Mr. White said on the inside just put a plywood wall painted and then do windows that would enclose the whole thing, keep the columns in place. The whole wall could be built on the inside of the existing railing and columns so you have all of that line and interest in the building. Then, they could put a new roof on if that is what is rotting and leaking to keep it dry.

Mr. Gilbertson asked if they were proposing to change the pitch of the roof.

The contractor replied yes because that is one of the issues. There is a 10/12 pitch coming down to almost a flat roof and the snow is staying there.

Mr. Gilbertson said if they are aiming to make this a four season space it's probably not very practical just from the insulation standpoint. A lot of people have glassed in porches that are three season spaces. They work great in the summer, fall and spring. He doesn't understand the roof.

The contractor said what he would propose to do would be to change the pitch running 2 x 8 stringers.

Mr. Gilbertson asked if it was a flat roof on the porch now.

The contractor said it has a slight slant but not enough for the snow to come off. He would run 2 x 8s from the eaves up into the roof line of the main house.

Mr. Gilbertson said he sees from his drawing they are planning on removing the windows that are now there and putting them on the walls. What do you do with the openings, make a bigger opening?

Ms. Carpenter said that wall is not supposed to be there any more. It is basically to expand the kitchen out and not supposed to be divided.

Mr. Duggan said they are actually talking about taking the exterior wall and blowing it out to the end of the porch.

The contractor said the kitchen is very small. It was a shared Culinary Institute kitchen where four girls shared it.

Mr. Gilbertson said he thinks the plan for this porch is very destructive to the building because they are eliminating an original exterior wall and changing the whole porch. He agrees with Jay that this is a really nice decorative element of the porch. It is what we might refer to as a character defining feature. There is no way that meets the criteria.

Ms. Carpenter asked what if they were to leave all of those features there and close it from the inside.

Mr. Gilbertson said that could work.

Ms. Carpenter said she is perfectly happy to try to preserve as many of these elements as possible. She is happy to hear recommendations on how to do that. If they were to find a way to approve this, the only thing they would really need to change about the exterior other than glassing in those currently opened areas are moving the entry doors to the front that are currently opened.

Mr. Everett asked where the entry door is now for the first floor.

The contractor said it is underneath the stairs.

Mr. Everett said they walk through the porch and go behind the stairs.

Ms. Carpenter said she would like for the first level porch to be enclosed for use by that first floor unit and to change the stair design. They are trying to plan a spiral staircase as an entry stair for the second floor apartment. The main entry door to the house...

Mr. Gilbertson said it probably doesn't meet code.

Ms. Carpenter said she has talked about it with the Building Inspector and he is okay with it. That was the main reason for changing the design to the deck stairs, also. The first floor entry door is under the stairs.

Mr. White asked why wouldn't they leave that open as a porch in front of the door and then enclose the rest of it. If this first little corner bay was open, and all of the rest it enclosed with glass, and even if there was a wall lining up with a column...

Ms. Carpenter said the main reason is because the little room at the top of the stairs where you can see the door is a laundry room. It is a shared laundry room that the whole building uses, and it isn't insulated and freezes in the winter. In order for both units to still have access to this little room she wanted to put a door at the top of the stairs.

Mr. White says the code requires a landing on both sides of the door.

Ms. Carpenter said there is definitely enough space for a landing there. Then, in the very front of the building at the top of the stairs is where the main entry to the second floor unit would need to be.

Mr. Everett said there is a spiral staircase to access the second floor once you go in this door. Where will the spiral stair be?

The contractor said right in front.

Mr. White asked if that would be the only way to get up to the second floor.

Ms. Carpenter replied no because there would be a deck in the back that would have stairs.

Mr. DeSmet said this application was warned in the paper as having two decks on the rear of the building. If you can get past this committee the Development Review Board is going to be perplexed by the amount this project has changed. If he doesn't raise the issue now they will raise it next week. In order for it to be properly reviewed before this panel we have to know everything she is proposing to do on the exterior that affects the preservation and reconstruction of the historic style. He doesn't think it is necessarily appropriate for this body to design her project for her. It seems like they are very far afield on anything that is concrete at all. It's going to be a problem for the DRB.

Mr. Duggan said if they are going to come up with a scheme that includes the retention of the existing porch with changes and modifications he would need to see a plan of that in order to approve that component.

Mr. DeSmet said it is a requirement.

Mr. Duggan said what they are talking about here is just enclosing the porch to match the house and a number of us have said that would not be something we would want to approve in this committee. Therefore, what is here is not reflective of what could be done so he would hope they could revisit this with a concrete plan about that. To that end, what is

warned currently and what we can perhaps do is just deal with the deck which will allow them to get that component done. Then, she might want to take a little more time to refine your ideas for the project which are more in character with the historic design and features of the building.

Ms. Carpenter said she isn't really privy to what the criteria are exactly.

Mr. Duggan said Cityscape would be what informs our decisions, which is the design review ordinance available.

Ms. Carpenter said it is hard to make a proposal that fits.

Mr. Everett said they have the front done. He doesn't think they are going to approve any real physical changes to the front. On the front porch, even doing what Jay proposes, you still run into a significant number of design issues. Just putting a door where it is now open he doesn't know how to resolve that issue. Maybe setting it back a little bit would help.

Ms. Carpenter said she didn't understand that. Almost all of the houses on the street have doors in the front of the building.

Mr. White said what are needed are some architectural services, and he is biased because he is an architect.

Mr. Duggan said he is not an architect and he doesn't understand her drawings to a point that he can approve what she is suggesting.

Mr. DeSmet said the examples she showed him weren't actually in the Design Control District.

Mr. Duggan said they aren't saying they need to come in with finished drawings that are stamped.

Mr. Everett said there are some significant design issues that need to be resolved and clearly shown to the DRC so we can approve it. They need to know enough about the project that it is really clear what she is going to do. On the back of the building he doesn't have any problem with the roof treatment, but as these porches come together he probably does. They have had some other issues with people doing things like that on Barre Street.

Mr. White said he doesn't think it as nearly as dire as what the tone of this committee seems to be right now because he actually thinks they could get what they want fairly simple by using the elements that are there, but it may require the services of an architect to do that.

Ms. Carpenter said that is precisely the direction she wants to go in. The way to solve the problem is to hire an architect to help with her with it. What he is proposing is less expensive with fees included than what she is proposing without an architect as far as the total costs of the project. What she is proposing to rebuild the porch and the extent she is proposing it by moving all of the windows and doors and roof lines is a very expensive project. If she had an architect for 10 percent of the total construction costs the total construction costs is likely to be half of what she is now considering and looking at. It is worth considering.

Mr. Gilbertson said often you can save money with an architect and good design.

Mr. Everett said what it boils down is the criteria that the DRC are mandated to judge the project by. Again, they need specifics in order to determine that for the reconstruction or preservation of the historic style.

Ms. Carpenter said maybe she could find an architect to help her come up with something that is going to meet the criteria.

Mr. Everett said they are going to need some detailed sketches that show that to the DRC in order to for them to make a positive decision on her behalf based on the criteria.

Mr. Duggan asked her if she would like the DRC to vote on the deck on the back of the building and follow that through. That will require her when ready to submit a separate application for the rest.

Mr. DeSmet said they should just consider the decks on the rear of the building as it was warned in the paper.

Mr. Gilbertson said the only things they are looking at are the decks.

Mr. Everett said the decks and the changes to the rear windows with changing them from windows to doors. There is a sketch they had gone through and they had highlighted some details to give it more specificity. There were some comments made in order to be more specific to clarify the application for the decks. The second level of the proposed deck on the back will be a double atrium door. It said it could be either double atrium or a single full glassed door installed in place of the eastern most windows for access to the back. The drawing shows the atrium door.

Mr. Gilbertson asked if this served as a means of egress for fire purposes.

Ms. Carpenter said she had looked into that and they aren't required an egress but it obviously would serve as one if necessary.

Mr. Gilbertson said usually they don't let you have a window below a deck.

Mr. White said if the windows are big enough to get out as a second exit you don't need to make every deck an exit.

Mr. Everett said usually they don't like it below a deck in case the fire is on the first floor and it comes out the window.

Mr. White said he goes by what is in the code and not what somebody likes or doesn't like. A sleeping room needs to have a window large enough to get out of and the main entrance out of the apartment are the other ones, and it is sufficient for up to two units.

Mr. Everett said in addition to the doorway on the upper level, at the first level at the lower level of the deck a single full glass door will be installed in the center window position.

Mr. White asked what are the rooms used for right behind the deck on the first floor.

Ms. Carpenter replied they are both bedrooms.

Mr. White asked if she wanted them to be bedrooms. They are going to be significantly darker with this deck. They are going to feel more like a basement.

Mr. Everett said the door on the lower level of the deck will be in place of the center window. At the second level the center window they made a note that the second level center window opening will be unfilled with clapboard siding to match the existing siding of the house.

Mr. Gilbertson said he didn't have any design review issues with the deck. He thinks they will have problems with snow and water getting up against the building, or splashing back or with snow.

Mr. White said what they want the deck for is a sun deck to be out on the sunny side of the house. Is that the main purpose of it?

The contractor said originally they thought it would be nice to have a second exit out of the house.

Mr. White said both are good goals and he thinks both could be achieved, but he thinks they could achieve it better by basically building the deck almost free standing leaving some space between the deck and the house and that way they wouldn't lose light coming through the windows. They could in effect build a bridge to the deck and the deck would sit out by itself.

Ms. Carpenter said they don't have space. They need to remain a certain distance from the property line.

Mr. Gilbertson said it would mean a little smaller deck to do it that way.

Ms. Carpenter said at the moment they are only going to get about 7 feet.

Mr. White asked if there needed to be a 21 foot rear setback.

Ms. Carpenter replied yes, and that is their parking, too.

Mr. White said the parking could be under the deck. The deck could in effect become a carport. How deep is the deck from the house?

Mr. DeSmet said there is a 20 foot setback.

Mr. Everett said the deck is 10 feet deep here and it is set in so they maintain a 5 foot distance. They have clarified from the drawings that the deck construction was using 6 x 6 pressure treated vertical posts with pressure treated framing and pressure treated 5 quarter by 6 decking. The deck railing is consisted of 6 x 6 posts with pressure treated railings and 2 x 2 pressure treated spindles and meeting building codes. The railing around the stairwells is matching the deck railings. They have scrapped the spiral stair on the deck for fire code reasons. They had indicated that by the doors wall mounted light fixtures may be installed outside of each proposed doorway under the deck with 60 watt maximum bulbs. They gave the applicants the option to install a roof over the second level of the deck to match the pitch and proportion of the dwelling roof that is adjacent if they wanted to protect that and keep the snow and rain off the deck and the intersection with the walls. The other option for them was that the stair treads going down from the upper level and the lower level of the deck could be either pressure treated wood or galvanized steel slotted treads to eliminate snow and ice build up.

Mr. Gilbertson said one of the difficulties is they have to come to the DRC with a decision on their part about what they are going to do. They can approve a certain amount of alternatives for design review.

Mr. Everett said this is just the proposal for the deck.

Ms. Conlon said should they decide to put a roof over the deck, would they need to come back?

Mr. Everett said the Committee was giving them that option as long as it matched the detail of the existing roof on the back of the house. In other words, they would be extending this roof line here of the adjacent ell; it would just be extended across. They wouldn't have to

come back as long as the Committee gives them that option. The detail of the roof would match existing roof that is on the adjacent ell.

Mr. Gilbertson said they should relocate the posts that support it. That way they could park underneath it. A car parked underneath would be protected from the snow.

Mr. White said the space isn't quite deep enough for a car so the space under the deck wouldn't work.

The contractor said if that is a consideration they could use they might be able to use the space for storing stuff underneath without a post in the middle.

Mr. Everett said they are reviewing the proposal for the decks. The DRC reviewed the criteria. Preservation or reconstruction of the appropriate historic style with the proposed project is in the Historic District or involves an historic structure. The consensus is that the deck meets this.

Mr. White said he doesn't believe it does. The deck also includes changing a pair of doors. It wouldn't be the same rhythm that the house has on the back now.

The contractor replied they would have to take a window out.

Mr. White said instead of the 3 over 3 patterns there would be 3 over a wider door, a blank door and another window.

Mr. Everett said the pair of doors is on the second floor. It is an atrium door on the second floor. This is on the south side which is not visible to the street. It might be visible to a rail car going by but that is about it. Given the location of it and the lack of visibility from the street the consensus is that it is an acceptable treatment. Harmony of exterior design with other properties in the district.

Ms. Conlon said it isn't totally in harmony.

Ms. Carpenter said there are porches on either property on either side of their building.

Mr. Everett said there are decks on other buildings.

Mr. White asked if the other decks were painted.

Ms. Carpenter replied no.

Mr. Everett said they are talking the harmony of the exterior design.

Mr. White said he just thinks it could be done so much better than it is with no more additional costs and he has a problem with the proportions. The perspective isn't showing it correctly because it looks like it is square, and it is not. In reality it looks better than it does in the sketch.

Mr. Gilbertson said it isn't visible to the public.

Mr. Everett said it meets the rest of the criteria. There was an existing light at the top of the lower stairwell and the option was to put two wall mounted fixtures outside of each doorway. With the clarifications attached to the application, the deck proposal was approved on a vote of 5 to 1.

Mr. White said he would vote no on the deck. He thinks it could be much better.

II. 19 Court Street – CB-II/DCD

Applicant/Owner: 17-19-21 Court Street Associates, LLC

Replace front door and remove side light.

Interested Party: Damian Barnett

Mr. Barnett said he is representing Court Street Associates, LLC because the two owners are out of town and the property manager is on a business trip.

Mr. Everett explained that the DRC is advisory to the Development Review Board and review the application. They are mandated to judge the application according to the criteria.

Mr. Barnett said the front door is no longer in place. The issue they had was in mid January one of the doctor's patients went who has muscular dystrophy; there is a panel that overhung the main door to go in. The door sizes are the same, but there is a green panel that overhung the door so if you wanted to grab a hold of the door knob you had to reach behind the panel and turn it. As this 240 lb. man was going in he had to step sideways and his crutch got caught on the panel. Luckily, the door which was rotten on the bottom and let a lot of cold air in and when you first walk in there is a hallway where the door is shut all of the time and he fell directly into that door. When this happened one of the owners said they needed to take the panel off. The doctor was trying to prevent a lawsuit. When they removed the panel it was just a big open space behind it. Because the door jam was rotten one of the owners said to just replace the whole door and try not to alter the opening.

Mr. DeSmet said this happened in January and there was urgency but the work just took place a month ago. He took a picture in the process of it.

Mr. Barnett said it was too cold to paint in the winter. They color matched the green, and after they painted it Clancy said don't do another thing.

Mr. DeSmet said he wrote a letter to the owner.

Mr. Barnett said because Mr. DeSmet said it was in the Historic District they wanted to get it so it wasn't sticking out.

Mr. DeSmet said his letter said he had developed without permits and they should stop.

Mr. Duggan said understanding the circumstances of what happened and how this progressed he doesn't believe this is an acceptable solution with the door that is there now. What they have done is taken two narrow doors...

Mr. Barnett said the second door was not there. The only door that was currently there is the one they tried to walk through.

Mr. Duggan said he still does not agree that this is an acceptable solution for the primary façade into this building.

Mr. Gilbertson said there was one door. Originally, this appears to be a double leaf. Did they just fix one of the doors in place?

Mr. Barnett said the second door was not even there.

Mr. Duggan said at some point the paired door one of them disappeared and was infilled.

Mr. Barnett said when they removed the panel they found it was just wide open.

Mr. Duggan said one thing they could have done would have been to have had a door replicated, a door milled out to replicate the other existing wooden door which they have just now thrown away. They have not retained it with the building. Had they come to the DRC he would have suggested they get a new door milled to match the existing door to restore that character and defining feature of the front porch. Now we have an aluminum or vinyl door.

Mr. Barnett said it is aluminum insulated which they want to stain.

Mr. Duggan said a door like this has never been in this spot. He needs to figure out a way the Committee can come up with a different design, or if nothing else center the door in the opening, but that's not the best solution. It's a shame that this has progressed as far as it has at this point and they are asking to approve something of poor design and even worse aesthetics.

Mr. Barnett said the building owner is in extreme deteriorating health.

Mr. Duggan said he understands what he is saying but that still does not at all change his feeling about this project. They need to come up with a design that will work.

Mr. Barnett said the door that was there before was the frosted and textured glass.

Mr. DeSmet said it actually talks about that in the National Register entry.

Mr. Barnett said the other issue they have is that on that street at night people are going up and knocking on the doors. They have females, one in particular, that tends to be a pain and would actually call the cops because she can see who was messing with the door. Going to the clear door for the safety of the females in the building if somebody is standing outside you can actually see them.

Mr. White said he didn't think they have an issue of whether the glass is frosted or not. The issue is clearly one of the integrity of the original design, which is probably one of the classier buildings in Montpelier as far as the integrity of simple design is concerned. The loss of the main entrance with a new door that looks to be a temporary door and now there is an opportunity to really bring the entrance up to what it should be, which could be a pair of doors again. It isn't a handicapped entrance and no ramp. He thinks the appropriate solution would be to put in a pair of doors that are match the original. This is such a huge loss.

Mr. Duggan said he would suggest they could go next door and use those as a template to model the new doors.

Mr. Barnett asked if there was any way the DRC would approve the 36 inch door styled like the one next door because he doesn't want to go back to the smaller entry way if they have people going in and out with crutches. Is that acceptable?

Mr. Duggan said he would rather see a door that was an extra wide door, which can be made, that looked like paired doors with a mullion in the middle of the glazing panels. He would prefer to see this aesthetic if it is one door or a pair of doors. He isn't talking about the storm treatment. Whether it is a paired door or a solid door that is milled to look like paired doors.

Mr. Gilbertson said there are devices that would open to double leaf doors. You could push a button and it would open it up, which would be ideal for the situation.

Mr. Barnett said when you come in there is a little foyer and a stairwell with the banister sticking down. He doesn't know if that door could open. It would actually rub up against the bottom tread, and when it is at the open position if you have it all the way opened you are narrowing down the actual walking distance to the stairs.

Mr. White said it would be completely compliant to have the doors swing in. Being a narrow door that very well could have been a pair of narrow door so in fact you could open the door and not have it hit the bottom step.

Mr. Barnett said you can see a wear pattern on that bottom tread.

Mr. Duggan said the door has worked for 100 years so far.

Mr. Everett asked if the temporary door put in was a 3 foot door.

Mr. Barnett said it is a 36 inch opening.

Mr. Everett said when that door swings open how far does it miss the banister?

Mr. Barnett said it doesn't go to the stairs. It swings away from the stairs.

Mr. Duggan asked if it could be opened all the way up.

Mr. Barnett replied yes, 100 percent.

Mr. White asked if the stair was on the left of the door of the stair when you come in, or to the right.

Mr. Barnett replied to the left.

Mr. Everett asked how close it comes to the tread to the nearest stair part.

Mr. Barnett replied about a foot.

Mr. White said it sounds like it would have at least the width in front of the stair tread as the width of the stairway. The best solution is to do the pair of doors and have the device affixed to them that will open both at once.

Mr. Barnett asked if that would hinder the aesthetics of the outside by having the big push button on the front.

Mr. Duggan said it doesn't need to be a giant buzzer. It can be a small painted button to match the body of the building so it blends in. He would much prefer to see something that is an accessory on the side than the door that is in place.

Mr. Gilbertson said he wouldn't have any problem with a button because it isn't a big deal so it serves as a function.

Mr. Barnett said cost wise it is going to be about the same if they do a big wide door compared to two small ones.

Mr. Duggan said in light of what he said it doesn't sound like he is going to have the ability to swing one large door into that vestibule.

Mr. Barnett said there actually is about a foot left.

Mr. White said there is probably some space on the casing on the inside of the door. It could be designed as custom doors to fit the space he has and look very good as well as having them both operate.

Mr. Barnett asked how long they would be able to keep this door in place while they get them fixed.

Mr. Gilbertson said they would need to come back with a proposal with a cut sheet for the doors you would be proposing.

Mr. Duggan said he doesn't know the history of these buildings particularly well, but they were probably built by the same person at the same time. They might go back to the ReStore to see if they still have door they brought over there. What they are looking for he believes they will find right next door and take a picture of it.

Mr. White said if he could identify a mill work carpenter he wanted to work with he or she could go and measure the doors, duplicate what you need and he thinks the cost of doing that isn't significantly more than buying new doors. if the DRC made a proposal that he matches the pair of doors. Would he agree with that?

Mr. Barnett asked what they can have for a time frame.

Mr. Duggan said if they approve this the permit is technically in effect for two years.

Mr. DeSmet asked if they were going to approve it without seeing the design. He said he could have issued a violation the day he saw it, but he didn't because they wanted to figure out a solution. Montpelier has the largest Historic District in the state. His options are to talk to mill workers and door manufacturers.

Mr. Duggan said regardless of where his doors come from the DRC would want to see them and see how they fit in with the openings and if there needs to be adjustments. He should see what he can come up with and report back to the Committee.

Mr. Gilbertson said they could approve matching the doors, but if they use different doors or have these doors replicated, or they can table it until he comes back with a design.

Mr. Barnett said in the meantime do they want him to put that green paint on the white door.

Mr. DeSmet said it isn't necessary. He said he thinks tabling the application is the best way to go.

Mr. Duggan said he would feel the most comfortable with that himself.

Mr. Gilbertson moved they table the application, with Mr. Duggan seconding the motion. The vote to table the application was unanimous on a vote of 6 to 0.

III. 24 North Street – HDR/DCD

Applicant/Owner: Steven and Bonnie Burkholder
Rear deck and other exterior renovations.

Mr. Burkholder recused himself from participating in the application.

Mr. Burkholder said on 24 North Street he would like to install a deck on the rear of the building. They would like to put in a window on the side of the building which is currently the kitchen and also abuts the drive/parking area. They would like to put an entry off the deck into the rear of the kitchen. There is a small shed roof area that is actually an addition to the original building, and there is a small area back there that would work well for them to make a mud room.

Mr. DeSmet said there are cut sheets and pictures of the projects.

Mr. Gilbertson said it wouldn't be visible from the street.

Mr. Burkholder said it isn't visible from anything except the basketball court. On the front of the building there is a small porch which has wainscoting. They want to match the wainscoting, add the balusters above and eventually match that.

Mr. White said he is supporting that completely because this is what he is saying could be so much better on the Barre Street's application design. It's not really significantly more money to do it this way. You may have less material to do it this way.

Mr. Burkholder said the wainscoting is following a theme throughout this building and 176 Main Street which they also own using the wainscoting in the porch area. They just completed a small porch with the wainscoting as part of that project as well.

Mr. White said his only comment would be one of function. They might want to consider putting a gutter over it because they might end up with a big ice pile in the winter and

difficult to get in and out of the door because of that. With the cost of the gutter he will save a lot of headaches for himself with maintenance of the deck and wall.

Mr. Duggan said with the back section where it is open will that be at grade? He assumes the entry will come from the street and just on to that.

Mr. Burkholder replied yes.

Mr. Duggan said on the back wall they are going to remove the door and put the window in and fill in the rest with clapboards to match.

Mr. Everett said he assumes they will relocate the gas tanks.

Mr. Burkholder said the gas tanks actually have been relocated.

The DRC reviewed the criteria. The application as proposed was voted favorably on a vote of 5 to 0.

Review of April 13 and April 27, 2010 Minutes:

Upon motion by Mr. Duggan and Mr. Everett the minutes of April 13th were approved on a vote of 6 to 0. The minutes of April 27th were approved on a motion by Mr. Duggan and Mr. Gilbertson on a vote of 3 to 0.

“No Smoking” Signage:

Mr. DeSmet said this is not an official application but just a conversation. He wrote a memo to City Council and Design Review and the Historical Preservation Commission on how the process would work.

Council Member Sheridan said he is on the Board of New Directions who works with Montpelier and the five U-32 towns to increase healthy behavior among youth. Basically, it also deals with substance abuse, not just drugs and alcohol but also tobacco. What they are trying to do is create healthy examples and healthy lifestyle choices for youth so they don't fall into some of the pitfalls that are out there. One of the things they are trying to promote is “No Smoking” signage. They aren't enforceable, obviously. He is representing a lot of businessmen in town because there is a petition circulating around for them to sign. A lot of them would like to not have the smokers right outside their doors, or there are some people on some of the benches that would like to establish smoke free zones. One is right here on the corner. There is a business in the building where he lives and they have asked him to have the bench removed. He won't do that. He sweeps under it every couple of days trying to keep it looking nice. They have had some complaints from people who say they are a health business and you have people smoking on the bench out in front. They are bothered by that as are a number of people in town. There is no business

that wants to put these signs up, go through two meetings and pay money to do it. They are trying to create healthy behavior choices and good examples. He is wondering if this could be done administratively because no one needs them up from November 1st to April 1st. It is really just the summer months. The signs aren't big and don't take up a lot of room. One of the issues would be how they are attached.

Mr. Gilbertson said he is entirely in favor of not having smoking. He thinks the kids are just going to laugh at it. The place that really needs it is Charlie-O's and they probably wouldn't want to do it.

Council Member Sheridan said no one is actually complaining about there. It is more in the business entrances. It isn't so much for the kids because it isn't the kids who hang out there and smoke. It is more for the adults who are unemployed, on disability, etc. who hang around outside doors and smoke. As far as how the kids are affected it is more to set an example of a healthy lifestyle and behavior and show them that adults take it seriously. They are just trying to set a good example so maybe there will be less smoking. For example, with dogs somebody just let his dog go in front of the Catholic Church and turned and kept walking.

Mr. Gilbertson asked what about the people who have an issue to just put the signs in their windows.

Mr. Duggan said he has noticed there is one in Capital Kitchen.

Council Member Sheridan said some want their windows for their displays and they would rather be able to put the signs outside. He is trying to see if there is a feeling that we can temporarily allow this without it being a lot of legal red tape, they are put up properly and taken down in November.

Mr. Duggan said his feeling is that he thinks it is a great idea and concept but he doesn't know that he would feel comfortable having approval for these signs to be in multiple places around town. If a business owner is encouraged and interested in this type of communication and they have a problem there he would prefer to see them put it in their window. If they want to have the visual competition of what they are trying to advertise along with that he would ask them to police their doorways themselves. If people are creating an obstruction to their business then it is their responsibility to manage that situation rather than the city to randomly place the signs.

Council Member Sheridan said if it is on the street they don't have any authority to do that. It is the city right-of-way right up to the wall of the building.

Mr. White said he is totally against the idea of putting the signage up unless it is in the

window, and if it is in the window he would it to be less strong graphically than it is. From a retail point of view when people drive through town, especially if they are strangers, there are something like 5 to 6 seconds to grasp what is in a particular store? The more competition they have where your eye immediately goes to this very bold sign he thinks some of the businesses will miss that split second of identification. They don't need to come get a permit to put anything they want in the window. It could be these signs or a smaller sign or a vinyl on glass that just says "Please don't smoke in this area" that could be permanently part of the window, and they wouldn't have to get a permit for that either. He wants to favor the aesthetics of Montpelier as a whole and not have these signs adding to the visual clutter all over town. He also doesn't sense that smoking is nearly the issue that it was a few years ago. The statistics are showing that fewer and fewer people are smoking.

Council Member Sheridan said it is still 20 percent of the population.

Mr. White said it isn't going to become a major issue that we have to do it in this way, and if a business has a problem with it he doesn't have a problem with them just asking the person to go and smoke somewhere else. Normally people will rather than be confrontational about it.

Mr. Gilbertson said the message there is sort of assuming that you are thanking someone for doing something they may not be doing from a message standpoint. Please do not smoke in this area is a more effective way to do it.

Council Member Sheridan said first of all people are using these because they are free; people like stuff that is free. They are designed by the Vermont Health Department and someone in the Health Department said rather than asking please they felt like thanking was a better way. The reason New Directions works with them because they are free and people aren't going to buy anything that doesn't enforce anything.

Mr. Gilbertson said the difficulty from the DRC's process is creating an indefinite approval in the sense you don't know how many you are going to put up, don't know where they are going to go, don't know how they are going to be fastened to the building, and just from a process where they approve other signs they would be inconsistent with the way they treat everybody else with signs. That is a poor policy.

Council Member Sheridan said he lives downtown and the smoking hasn't changed. He has lived downtown for 17 years. There are still as many people out there smoking on benches and sitting around town smoking. They collected the cigarette butts for just a day and filled the jars. Downtown is his neighborhood so he takes a serious pride in it. Clancy has seen him sweeping under many benches. Some places don't have windows. One is the corner over here by the bench. There really are no windows there.

Mr. Duggan said he wonders if there could be something that is more linear that went on the

top rung of the bench that was subtle that said please don't smoke at this location.

Council Member Sheridan said he isn't looking for a blanket approval that anybody could do it. What he is looking for is they could come to Clancy and get administrative approval.

Mr. Duggan said he would prefer not to see them on a street façade so if there was a business located upstairs and there was an entry vestibule and a building directory there and a way to put it within that zone that is not on the primary façade, then he might be more willing to go that route.

Mr. Gilbertson said he thought about that area because he thinks Clancy should have more administrative authority for a lot of things we do. Would he be comfortable with having? Clancy saying they could have 10 signs downtown? Maybe. Would he be comfortable with? saying you could do as many as you want so there are 100 signs downtown? He would say no.

Council Member Sheridan said there would probably be no bar owner wanting these. He doesn't think anybody who has a bar wants their people feeling they can't go out there and smoke. The tobacco shop is certainly not going to want one of these. He doesn't know that there are that many. Mr. Bigglestone would like to have one outside of his place. They don't sell anything to do with smoking. Nobody is going to want this outside of their business if they think it offends customers coming in.

Mr. White said most all of the businesses have adequate store windows they could set it in the window.

Council Member Sheridan said he is thinking of places that don't have the window to put the sign in it.

Mr. Duggan said he can see how that poses a problem, but at the same point in time you can't control where the smoke is going either.

Council Member Sheridan said she wants him to have an ordinance put in where there is no smoking allowed on the streets and we could never enforce that.

Mr. White said that isn't fair, either.

Council Member Sheridan said it isn't enforceable. All the cops would be doing all day long would be busting people with cigarettes. If something could be worked out where they are attached to the benches.

Mr. DeSmet said he didn't think that would be a problem at all. There is a different jurisdiction there. The bench is city property and city right-of-way as opposed to this

proposal which is on private property. absent an ordinance change he doesn't have a way to let this happen absent somebody coming in and applying to place it.

Mr. White said he thinks it is unnecessary clutter.

Mr. Gilbertson said he would support the idea and he hates smelling cigarettes when he is walking down the street. They should come back with a limited number of specific proposals.

Council Member Sheridan said he could take that advice and he can get some to put it in their windows. Nobody is in favor of tons of signs downtown. What they are asking us to do is to compromise and add to the clutter of downtown signage so they don't have to put something in their windows. If you really don't want people to smoke in front of the entry way in front of your building put one up, and if there are special cases where someone really wants one put together a package.

Council Member Sheridan said there is a list of people who want to do this and he will talk to them and ask what their thoughts are about putting them in their window.

Mr. Everett said he sees it as inconsistent. Part of the criteria for approving things is color schemes and compatibility, and that is not compatible with a brick building.

Mr. DeSmet said they should hear from Anthony Otis, who is the Chair of the Historic Preservation Committee.

Mr. Otis said he doesn't want anything else put on the outside of the buildings; he doesn't care what it is. Ask the merchants. If they want to put something on the benches, that's fine.

Mr. Gilbertson said if he wanted to smoke and somebody said thanks for not doing it he wonders how much vandalism and antagonism that a sign like that is going to generate. It might cause more smoking.

Council Member Sheridan said to remember that it is not just to stop smoking but to send a message to youth.

Mr. Everett said he thinks the DRC has given them some direction. If they want to come back with some specific proposals they would consider them.

Council Member Sheridan said they are trying to send a message to young people and get them to understand about health. They want people to have more healthy behaviors. Sometimes adults need to set the example.

Adjournment:

Upon motion by James Duggan and Steve Everett, the Design Review Committee adjourned.

Respectfully submitted,

Clancy DeSmet
Planning and Zoning Administrator

Transcribed by: Joan Clack