

Montpelier Design Review Committee
July 31, 2007
Memorial Room, City Hall

Approved

Present: Margot George, Chair; Vicki Lane, Soren Pfeffer, and Daniel Richardson.
Staff: Gwen Hallsmith, Director of Planning and Community Development; Clancy DeSmet,
Planning and Zoning Administrator, and Audra Brown, Planning and Zoning Assistant.

Call to Order:
Margot George, Chair, called the meeting to order at 5:30 p.m.

I. Design Review – CB-II/DCD

72 Barre Street

Applicant: John Peterson

Owner: John Peterson

Replace wooden storm windows with aluminum double hung storm/screen windows.

Ms. George explained the advisory role of the Design Review Committee and the process for reviewing the application.

Mr. Peterson said he felt the darker color of the aluminum blended with the frame of the window itself so it will look like the window sash is expanded out from where it is. He told the committee that next year he wants to repaint the building. The only color options for window frames are white and brown, or polished aluminum.

Mr. Peterson said he wanted to replace all of the windows except there are no radius windows that are available unless you get them custom made. He said last year they blew some vertical insulation in the walls which made a huge difference from the year before.

The DRC reviewed the criteria and found the applicant met the conditions. The adjustment to the scope of the proposal is the aluminum window will be white and he can paint any parts of it to match the color scheme. The applicant accepted the change to the proposal.

The application as amended passed unanimously 3-0.

II. Design Review – HDR/DCD

144 Elm Street

Applicant: Roger McManis

Owner: Resurrection Baptist Church

Construct 8 x 10 storage shed behind building.

The applicant proposes to build a storage shed at the rear of the Resurrection Baptist Church at 144 Elm Street. The applicant is located within the design review district so he needs a permit. The shed is going to be constructed of wood and painted white with a blue roof to match the church. There will be a plywood floor in the shed. Presently, there is a little shed that is a part of the carport itself. This will be a separate storage shed on the back of the church. There are residents on both sides of the church and have been made aware of the construction.

Mr. Richardson asked about the window in the back of the shed. What is the plan for the rear facing window? Mr. McManis said they were just going to put in a small vinyl window just for light. It will be white to match the shed.

Mr. Richardson asked if he was proposing two doors on hinges that would open. Mr. McManis replied yes. Mr. Richardson said he assumed the door would sit at a little bit above ground level. Mr. McManis said they were going to put the shed on wooden blocks with pressure treated wood. Ms. George said he should probably put it up

on concrete blocks because eventually pressure treated wood will rot. Ms. Lane said the application says there are going to be metal rods driven into the ground at each corner and clamped to shed. Mr. McManis said they are in a flood plain so they need to secure it.

Mr. Richardson said his inclination would be to give the applicant of the option of either a fixed piece of glass or a salvaged window. It is such a low visibility area that no one is going to see it.

Ms. George voiced concern that the shed roof didn't have to match the rest of the church roof. Her suggestion would be to go with a grey or brown roof with shingles. Her preference isn't to go with a blue roof for the little shed. The color of the roof could be optional.

Mr. McManis said they have a group from a church in North Carolina who they partner with who are coming up to Vermont to build the shed.

The DRC reviewed the criteria and found that small storage sheds are common in the district. The blue roof is not common to the district. However, the main structures exist with a blue roof. Therefore, a matching color is acceptable.

Option changes to the application could make the colored roof a natural tone or blue. A window would be white, either single or double hung, and the building will be placed on concrete blocks and tied down. The DRC voted on the application unanimously 4-0.

III. Design Review – CB-I/DCD

10 – 12 State Street

Applicant: Church Nichols

Owner: Moot Realty Trust

Replace 32 windows.

Mr. Nichols said some of the windows actually have curved top windows. The windows are slightly shorter by an inch. They are the maximum size they could get from Pella Windows. The contractor is going to put in a frame with a curved shape like what exists presently. Ms. Lane asked if they had looked into refurbishing the front windows. Mr. Nichols said they are single pane glass.

Ms. Moot said she had owned the building since 1980, and the building was built in 1840. The tenants pay for the heat in this building. They have no reason to replace the windows other than to help their tenants because it is electric heat. They switched from oil heat to electric heat. It is zoned in every room, the building is insulated and they have custom made massive storm windows that they need a handy man come to put in. The upper storm windows stay in all year. Obviously, they take the summer ones out in the summer so the tenants can open the windows. Because it is an old building some of the windows open well and some don't. There are no screens for the tenants. There really isn't much flexibility. They want the building to look the same. If they sell the building they will never get their money back because it doesn't benefit the landlord. The landlord doesn't pay for the heat.

Mr. Nichols said tenants are paying \$50 a month year round for heat, hot water and cooking, which isn't bad.

Ms. Moot said there is a tenant on the back side of the building with 800 to 1,000 square feet, which is a large apartment, with 2 large bedrooms, a huge living room and a large kitchen, and for that apartment it was \$62 a month on a 12-month basis. That covers heat, hot water, and lights. She has nothing but pride for having the fuel switched to electricity. It has been zoned in every room. She converted offices into apartments. If it is 30 below zero the pipes will never freeze and the rooms heat up quickly because of the storm windows. It is baseboard electric heat.

Mr. Nichols said the windows are old and don't operate or fit well. It is a comfort issue for the tenants because there are drafts. When something does break, it is very difficult to fix

Mr. Richardson said from the description they have given the committee this seems to be a model for a refurbishing of the windows which would be a lesser cost. Mr. Pfeffer said the cost would be less for the materials, but there is a lot of labor involved. With windows the art value isn't the critical factor but the amount of air going through them.

Ms. Lane said she would think the rear windows, since they are not curved if they wanted to replace those windows it would be okay. The front windows, which are the streetscape, are different.

(The DRC took a short break to go and do a site visit at 10-12 State Street.)

Ms. George reconvened the meeting after a site visit to 10-12 State Street. The committee has deduced that at some point, either originally or later on, the back windows although curved has become square windows with wooden insets for the back. The front, however, does have the original curved windows. The application is requesting to replace all of the windows with Pella Impervia windows. The plan on the front was to replicate what is there now.

Mr. Richardson said he would have an interest in seeing the curved windows stay. Since they have put the economics on the table and their interest in doing this stay on a budget, which would be the window replacement costs, he thinks it is worth looking to just refurbishing them because they will get the same amount of value with a slightly lower cost and preserve the façade. These windows were designed that way and are an important feature of an important building in the commercial district. Mr. Richardson said he would not be inclined to vote to approve replacing the windows on the front. Replacing the windows on the back is almost like replacing the windows with the same except they are getting newer and nicer windows. On the front of the building they should pursue the refurbishing, and he would not be inclined to vote for replacing the windows.

Mr. Nichols said they didn't know they had to go through the design review process for this project. He just thought replacing windows was maintenance on the building. They unfortunately have the replacement windows. Ms. Moot said the windows are not returnable because they were special ordered.

Mr. Richardson said given the criteria the committee is working with, and at least from his point of view, and the importance of preserving these historic windows that is the position he would take. The front windows are really worth preserving so he doesn't feel he can vote to approve the application under the ordinance. Ms. Lane said she would echo Dan Richardson's comments.

Ms. George said there is a total of 32 windows. The windows the committee is concerned about are the 14 on the front.

Mr. Pfeffer said he feels the same as Vicki and Dan. Mr. Nichols said the windows are only \$257 each, but it is the labor which includes painting and redoing the frames to make them look the same.

Ms. George said the important thing to remember is that the elements of any building that matter are indeed the solids and voids. This is a special window; it's not a square window. Over the years nobody has changed the front of the building, and it is because it is an important architectural feature of the building. The committee is just talking about the windows on the front. The committee's judgment is preservation or reconstruction of the appropriate historic style. Ms. George said when she does her downtown walking tours she points out all of the individual details of buildings, including the curved windows on that building. The goal of the DRC is to preserve what exists if at all possible. The committee has reached a compromise in the sense that they can change the back side. It is just the 14 front windows the committee is concerned with. They can rehabilitate those.

Ms. Lane said this building has so much detail. Somebody spent a lot of time making the building. Even though the back windows were originally curved, and there is some curved detail around the windows, there is not nearly the same type of detail as there is in the front. The curvature of those windows is so important to this building.

Ms. George said the committee is ready to vote on the original application. The DRC could vote that they agreed that the back windows could be replaced with the Pella windows proposed and the applicant's okay that the front windows be refurbished. Otherwise, they would vote on the original application as it stands. The DRC has talked about possible changes.

Mr. Richardson said the other option is to table this for the next meeting so the applicant can look into the cost of refurbishing.

Mr. Nichols inquired if it was possible to approve the back and leave the front tabled. Ms. George said they could do that. Mr. Nichols said that would allow them to move forward with replacing the back windows. Ms. George said they could change the application to remove any permit for the front of the building and replace the windows on the back. Mr. Richardson said they would have to reapply for the front of the building.

Ms. Lane said she would be satisfied with the back of the building. Mr. Richardson said they could recommend to the Development Review Board that replacing the windows on the back of the building is all right. Ms. George said they would be removing the front of the building from the application.

Mr. Nichols said he would like to see the committee recommend the back of the building being acceptable and the front not, and then they can talk to the Development Review Board about it. In the meantime they will get some quotes so they know what they are talking about.

Mr. Richardson told Mr. Nichols what he is asking the committee to do is vote on the application as submitted and yes to the back and no to the front. The committee would state the reasons why they think the front is inappropriate and not approve it.

Mr. Nichols agreed that was best, and they could talk to the Development Review Board about what they want to do.

Ms. George said the DRC would be strongly expressing that the only windows they approved in the application are the windows on the back of the building.

The Design Review Committee reviewed the criteria.

Evaluation Criteria:

- 1) Preservation or reconstruction of the appropriate historic style if the proposed project is in the historic district or involves an historic structure.*

The DRC said the application is unacceptable. The original windows exist on the front (and possibly the rear) and the curved element of the sash on the front mimics the brick detail and shape above the sash. The proposal does not have a curved sash for the top sash. Cityscape standard for windows on page 42 strongly states that window openings should not be enlarged, reduced, blocked up, closed off or otherwise altered in form. New sash for existing windows should be cut to fit the original openings, whether flat or arched. Cityscape recommends rehabilitation of existing special windows. The DRC agrees that the back sashes, which are infilled with wood to square off the window opening, can be replaced with rectangular windows as proposed with 1" additional infill. The front windows, however, should be rehabilitated and made to function efficiently with modern jamb liners and weather stripping.

- 2) Harmony of exterior design with other properties in the district;*

This would be unacceptable because the changed design of a curved sash to square is not acceptable. Because of the prominence of these windows and the building on the downtown, the DRC recommends their preservation. The committee is looking to mimic the existing muntin.

Ms. George said she was not ready to vote on the application until she understands completely what the windows look like. Because the committee won't have a quorum, the DRC is going to table the application. They asked the applicant to bring back a cut sheet from Pella Windows which shows what the windows look like.

Mr. Richardson said if it is an internal muntin the DRC has consistently rejected window applications in the district. The cut sheet indicates that it is grills between the glass. There have been at least three applications in the past six months which have come in with the internal muntin between the glass and the committee has consistently said no because the muntin profile is important on the windows like this for the architectural style.

Ms. George told the applicant the committee is going to table. Mr. Nichols said they would come back and bring in a sample window. Mr. Nichols asked what happens next if the application is tabled.

Mr. Pfeffer said a lot of times applicants bring their contractor with them to the Design Review Committee because he should be able to answer the questions.

Ms. Moot said they have already paid for the custom made windows. Mr. Nichols asked who he should talk to. Who can he go to in town? Ms. George suggested he talk with Steve Everett.

Mr. Richardson suggested they get a copy of the Montpelier Cityscape from the Planning Office. That document contains all of the guidelines the DRC applies as part of the ordinance.

The DRC voted unanimously to table the application until the next meeting on August 7, 2007.

IV. Design Review – HDR/DCD

66 Main Street

Applicant: Kevin Casey, Montpelier Property Mgmt.

Owner: Jeffrey Jacobs, et al

Convert parking lot into parking lot.

Margot George recused from participating in the discussion of this application. Mr. Richardson assumed chair. Vicki Lane and Soren Pfeffer participated in the discussion.

Mr. Casey presented examples of buffers used around downtown. He said he couldn't find any examples of 5-foot buffers. A 2-foot buffer seemed to be standard with brick walls used at the gas station or in front of the Northfield Savings Bank. They used 2-foot buffers with plantings and mulch. After the last DRC meeting Gwen called him and mentioned the Police Chief mentioned he didn't want a solid wall so there wouldn't be any obstructions. Screening becomes an issue. They aren't crazy about putting a permanent bench there because of similar activity. If anybody has walked by the lot now it is constantly occupied by panhandlers. They would like to put in wood planter boxes to serve as a buffer with wooden fencing. It would screen enough cars. The advantage over steel or brick is that the wood is significantly easier for them to repair and maintain quickly in the event something happens. He is proposing a wooden fence along the street line.

Mr. Richardson inquired if there was any plan for plantings below the fence and planter boxes, such as shrubs.

Mr. Casey said the reason they decided to go with the mulch and not put in any plantings is because of the sidewalk it would be difficult to keep anything alive in that spot.

Ms. Lane said the pictures of the Northfield Savings Bank are relatively new. They had plantings and have to keep replanting because people constantly drive over them. That is why the fence is there. The plantings have survived because the fence has been installed.

The applicant pointed out they had very bad luck with some of their planters at other properties. For example, at Greenwood Terrace they cannot keep anything alive in their planter boxes.

Mr. Richardson said if they are putting planter boxes here, do they have a plan for maintenance. Mr. Casey replied yes.

Mr. Richardson said the window boxes are attractive because you can't sit on a railing. Mr. Casey said it is a full scale planter box built on top of the rail. With flowers growing in the summer they are talking about 4 ½ feet.

Ms. Lane said the benches placed downtown are bolted to the sidewalk when they are out. They are owned by the city.

Ms. Hallsmith said the applicant said they weren't excited about benches partially because this particular area has now become a chronic hangout. That might be something the committee wants to keep in mind.

Mr. Casey said that is one of the reasons they wanted to do this, because it is currently a vacant lot. They want to get some use out of it. They would love to put up a building. From Jeff Jacobs' perspective, let's get this cleaned up so that it is not an eyesore.

Mr. Richardson said that is an option for them with the plantings. If they are talking about benches, the committee is expanding the scope of the project beyond what the applicant is suggesting. If they want to come back later with a bench proposal.

Mr. Pfeffer said he personally feels it is too open without benches. The committee is trying to screen the cars. The benches would act as a screen.

Mr. Casey said he would argue that on State Street this type of buffer has been approved and it provides the same amount of screening. There is no screening at 26 Main Street. Every setback was the maximum of two feet, or there was none or minimal screening. They are trying to follow what is currently downtown.

Mr. Richardson said obviously the sidewalk is going to keep the mulch in on one side but staymat on the other side. What does he propose to keep the mulch delineated from the hard pack? Mr. Casey replied they would probably use a concrete curbing on the back side, which wouldn't be seen from the right-of-way.

Mr. Richardson said he believed the State Street example is a good example. We aren't talking about making the cars invisible.

Ms. Lane said the committee has a picture of a brick structure. In front of M & M Beverage there is a brick planter. Why can't the applicant put something like that in front of their lot? It won't be so easily destroyed. The police can deal with it.

Mr. Casey said Gwen called him and this was the Police Department's concern. If they put up a 4 ½ foot brick wall, is that obstructing?

Ms. Lane said it doesn't have to be a wall. It can be a planter. They could center a couple of nice brick planters with plantings.

The applicant said what she is suggesting is not a bad idea, but he feels it would end up looking like the concrete blocks that are up there presently, and that isn't aesthetically pleasing.

Ms. Hallsmith said part of the discussion they are having is partly because you brought in a few alternatives, which gives members a feel for what the different alternatives are. What is happening is leaving the DRC to design the project, which isn't necessarily the best way to go. The DRC should really respond to something which is being proposed.

Mr. Pfeffer said he feels the transparency of this project doesn't work for him since the whole point is screening. It's a distraction. He said he would like to see something that would provide a little more screening between the sidewalk and the cars. Personally, he would like to see a bench.

Ms. Lane said if they are going to have plantings on the top of it, who is going to police whether they water them or not?

Mr. Richardson said that is a condition the applicant would be agreeing to. It is a difficulty of the permit process. This may be something that doesn't quite fit into the permit criteria, but it is a commercial landlord who comes before the committee. If you are going to have a flower box, that necessitates flowers and maintenance. The next proposal they come forward it, if they show bad faith the Board does have some institutional memory. Ms. Lane said they had the same problem with the MDCA with the whiskey barrel planters.

Mr. Casey said he would argue that Mr. Jacobs still maintains very nice properties. He does maintain his buildings and makes sure they are taken care of. If you look at the landscaping on the side of the Capitol Grounds building and the Spring Street buildings, they are all well maintained.

Ms. Lane said she didn't think they could make that a criteria.

Mr. Pfeffer said he personally would like to see more screening. He can't vote on the application unless they come up with some measurement that would provide more screening.

Mr. Casey said he believes that the perception of a place like Charlie-O's is a lot different than the reality of it. When he looks at their properties, he thinks there are very few examples of vandalism of landscaping. They are trying to avoid the vacant lot becoming a hangout. The big concrete blocks are just an eyesore.

The DRC reviewed the criteria. The options the DRC are giving is that the applicant can either use pressure treated or light cedar, and either leave it natural or paint it to match the color of the adjacent wooden building. Adjustments to the scope of the proposal will be that the balustrades will be 2 ½ to 3 ½ inches apart. The balustrades will be screwed on facing the parking lot side. The concrete curb will be on the parking lot side to contain the mulch. There will be two parking signs with arrows on either end instead of individual signs. One of the recommendations would be that flower boxes are strongly recommended.

Mr. Casey said he was hoping to buffer the parking lot from the mulch by just having some 2 x 4's along the bottom rather than putting a curb in. Mr. Richardson said the only problem he would see that this might cause a certain amount of rotting by putting the mulch up against the wood. Mulch is designed to retain water.

The DRC approved the modified proposal 3-0.

V. Design Review – RIV/DCD

623 Stonecutters Way

Applicant: Hunger Mountain Coop

Owner: Amy Johnston

Changes to previous proposal: Additional deck, removal of extended roof entry side of building and options for cooling condensers.

Interested Party: Brian Leet, Project Manager

Mr. Leet appeared before the committee they presented to them about a month ago. There are two adjustments, one of which they had already identified. They identified it to the Development Review Board after they had appeared before the DRC and they said they were not comfortable reacting to it and asked them to come back to the DRC. The other one was subsequently made. They had talked about an additional deck off the café area on the northwest side and to also add an additional deck off the café area on the southwest side.

Mr. Leet said Hunger Mountain Coop is requesting to amend their application and to vote on the proposal with the minor adjustments. The deck is the same type of construction. The current area is just a lawn. There is no vegetation to be taken out to put the deck in. They are adding a new door to the existing southwest edge of the café area and proposing a deck.

There is an existing storm/sewer line that runs along the edge of the building. The city had made it clear to them before if they were to do the project they would need to relocate the storm/sewer line, which is about a \$30,000 item. They would have to move the easement with the city and the Coop would have to relocate with the line.

The Coop is working to remediate the sound issue with some new equipment. Mr. Leet said they were going to be resolving the noise issue of the compressors with the purchase of equipment. Previously they had discussed adding a new compressor race. They may end up just replacing the rack which is there. There had been discussions about building a new wall to remediate this and those discussions are now off the table.

In their revisions they are not changing any of the materials or colors. They are just shrinking the area. The Coop are having budget problems and would not build all of the pieces they are seeking a permit for right away, but would like to have the permitting in place.

Mr. Leet said the zoning ordinance specifically allows decks and patios in the setback of this construction. Normally a deck or patio would be considered a structure, but the river district allows for decks. When they appeared previously before the DRC, they would show the café behind the setback so they wouldn't need to ask for a variance.

Ms. Lane inquired if there were going to be two decks. Mr. Leet said that ultimately they would like to build both decks. They might not have the finances to do it immediately. The application is adding an additional deck.

Ms. Hallsmith said that unfortunately the first time they built the Coop they built it too close to the top of the river bank, so there will never be a walking path by the other side of the building unless it is built out over the river. The other thing to keep in mind is that alongside this stretch of the river there is a walking/biking path which is on the other side of the Coop.

Ms. George said that originally the plan was to have whole access to the river.

Ms. Lane inquired if the deck was going to have a substantial railing. Mr. Leet said the railing would have to be 42 inches high.

The revised plans showed the additional trees the committee requested.

The Design Review Committee reviewed the criteria.

Mr. Pfeffer said he couldn't vote yes for the proposal because of the encroachment. Little things have been happening on the river front, and it is all privately owned. Anybody can go to the Coop. Some day we want to have a nice path along the river which he hopes happens. If this was just a deck or patio, he wouldn't have any problem with it at all.

Ms. George inquired if the project had to be as big as proposed. Mr. Leet said the deck which was originally discussed would be difficult to adjust.

Ms. Lane said she didn't have any problems with it.

Mr. Pfeffer said it's nice to have a deck out there.

Mr. Leet said maybe it wouldn't be an issue if it was held back with a railing, but the Coop would want to be very involved in a major public thoroughfare that came past this end of their building. They would like to have these decks have access but would want to be a little secluded.

Ms. Hallsmith told Mr. Pfeffer that she didn't think they could get a walking path behind the Coop the way it is built. The first time the Coop was built there was a mistake made and it was built too close to the river. Ms. Lane added that Allen Lumber is also right up to the edge of the river. She agrees we need to have public access to the river and wanting to have a path along there. It is just one of these cases where it is too late. That should have been done before the Coop and Allen Lumber were built.

Ms. Hallsmith reminded the committee they were in a position where they have a bare quorum. This would essentially be not allowing the Coop not to build their deck because they wouldn't have the approval of the Design Review Committee tonight. If you are down to this level of quorum you need a unanimous vote. The committee is represented as a group so 2 to 1 doesn't work. You need a vote of 3 out of 5 to pass it and send it to the DRB. If they are going to take that position, then they should do a site visit because what is being said isn't possible. It's a shame to hold up what the Coop is trying to do.

Ms. George said they might build it sometime in the future. This part of the plan is not crucial. The reality is the Coop needs to understand that the public has the right to get to water and the city can decide to have a path. They tried to take a path all the way from downtown Montpelier into East Montpelier, and there are only a couple of people holding out on Elm Street. Otherwise, there would be a path that would go by every property on Elm Street. The zoning was originally decided so everybody could get to the river.

Ms. Lane said they are building a deck which is not a permanent structure. Ms. George said once they build it, it becomes permanent. Once you allow it, they can say we can't make them take it down.

Ms. Lane added if they wanted to build a path along the river, what are they going to do when they go next door to Allen Lumber right there where the path would end?

Mr. Leet said if they look at some of the materials from the original design it actually showed a path which exists as a sidewalk, which is odd to have in the middle of the parking lot. That was where the path was going to end. His recommendation would be to table the decks and just deal with the roof for now.

Ms. Lane would rather see a deck there allowing people to sit out there. She is not in favor of tabling or denying the application. Ms. George said she was and so is Soren. The DRC is going to table the application. Ms. George said they should visit the site. They should go and see to make a determination. Mr. Leet has already said he doesn't know if they are going to build a deck. Ms. Lane said she wouldn't visit the site because she doesn't want to get that close to the river.

Mr. Leet said they have an approved drawing which had been recommended by the DRC that included the deck. If we table the application right now, that is the design the Coop is bringing back to the Development Review Board to obtain their approval.

Ms. Hallsmith suggested the DRC set a condition on the approval of the plan that the deck backed up to the setback from the top of bank would make it easy to go to the DRB with. Later they could come back to the Design Review Committee when they decide to build the deck. If the deck isn't even part of the initial construction plans, then the DRC could approve this plan with the condition that the deck is brought back to the 10 foot setback from the top of bank and then move forward with the project. One deck is already approved. The new proposed large deck would be cut back to the top of bank.

Ms. George said the new deck on the southwest corner will not extend beyond the 10 foot setback from the top of bank. The application is amended to read that the deck cannot extend on the southwest corner beyond the required 10 foot setback from the top of bank. The amended application was approved 3-0.

Approval of July 17, 2007 Minutes:

Approval of the July 17, 2007 DRC Minutes was postponed until the August 7th meeting.

Adjournment:

The DRC adjourned at 8:00 p.m.

Respectfully submitted,

Clancy DsMett,
Planning and Zoning Administrator

*Transcribed and Prepared by:
Joan Clack, City Clerk & Treasurer's Office*