

**Montpelier Design Review Committee**  
**November 9, 2010**  
**Memorial Room, City Hall**

*Subject to Review and Approval*

**Present:** Stephen Everett, Chair; James Duggan, Vice Chair; Eric Gilbertson, Kate Coffey and Jay White.  
Staff: Clancy DeSmet, Planning & Zoning Administrator

**Call to Order:**

The meeting was called to order by Stephen Everett, Chair, at 5:30 P.M.

**I. 89 Main Street – CB-I/DCD**

Applicant: The Skinny Pancake, Benjamin Adler  
Owner: City Center Associates  
Design Review for Window Lettering

Mr. Adler said they are applying for permission to put some window lettering on their windows. The letters are white vinyl which is very similar to a lot of other examples in town. They would love to put them on the inside and avoid this process but the windows are tinted and they won't show through. They would be applied on the exterior of the window. There are other businesses in town doing the same thing. They think this is an important piece of marketing for them.

The DRC reviewed the criteria and found the application acceptable on a vote of 5 to 0.

**II. 146 Main Street – CB-II/DCD**

Owner/Applicant: Linda Butsch  
Design Review for replacing slate roof with standing seam.

Linda Butsch said she is applying for two portions of the roof. She has a serious leak and under advisement she has been told that the roof should either be replaced or another material put on it to stop the existing leak. The replacement with slate was \$48,000 and metal standing seam roof was only \$16,000. She is requesting to put on a standing seam roof on two sections about 20' x 40' facing Main Street and the rotary. She doesn't want to do the entire building but the two main portions. It is just the front section of the building. There are three chimneys involved.

Mr. Duggan asked if the estimate for the new slate roof just for the areas she wants to replace or is it for the whole roof.

Ms. Butsch said it is just for those two areas.

Mr. Duggan asked if the leaking was for the area up front.

Ms. Butsch replied yes, in the attic area.

Mr. Gilbertson said the slates on the roof aren't much good any longer. He suspects there are wood shingles underneath it which makes the slate go really fast.

Ms. Butsch said five years ago when she came before the committee she was asked to find out certain answers to questions. One was whether there were wooden shingles underneath the roof, and the answer is no.

Mr. Gilbertson said the slate is so rough it looks like it is laid right over the shingles because it is uneven.

Ms. Butsch said one reason she is asking for this is if they were to repair it, which she knows is a possibility; there are three chimney areas that are separate from the actual slate. An estimate for repairing was such that why not go for the standing seam roof and have a guarantee because with the repair there was no guarantee. They said there could be as many as 5,000 slates on those two sides and he would guesstimate replacing 500, if not more. That isn't even counting the three chimneys.

Mr. White said he also look at it awhile back. If it could be repaired rather than being replaced with slate might be the better thing to do, but then when he looked at it he came to the same conclusion as Eric in that he hasn't seen a slate roof quite in this as rough a condition. It indicates him it isn't just the slate.

Ms. Butsch said she tries every year to have a slate man go up there.

Mr. White said it may be to the point where it's not really repairable and rather than to replace it with new slates and the owner wants to put in a standing seam room there is a precedent with a standing seam room on the building next door that is a dark charcoal gray. If the owner wants to replace the roof and it needs to be replaced and they are choosing a compatible material he is inclined to support the application because the existing roof is beyond its ability to just repair it. He doesn't want to get into the habit of having owners spending a lot of money repairing something when it doesn't really solve the problem and then they don't have money to do other preservation work which is good for the city.

Mr. Gilbertson said it has really deteriorated a lot since five years ago. When the corners of the slates start breaking off it means they are getting pretty near done.

Ms. Butsch said five years ago and she asked for a five-year extension to replace the two sides with asphalt shingles he said he thought a standing seam metal roof would be a better option if the slate had to be replaced. They also said three doors down at Dr. Lansky's Office they had just put on a standing seam roof.

Mr. Gilbertson said she should get three different bids for standing seam roofs. They should get a true standing seam roof. They are formed on site and always the right length. All of the existing slate will have to come off. They will strip it right down to the boards because they need a flat even surface for attachment. Most of the standing seam roofs carry a 50-year warranty.

Ms. Butsch asked if she needed to be specific about color.

Mr. Everett said they will give her some options. One thing he would suggest being downtown is to go with a darker color because over the years it will lighten. He would suggest a charcoal gray and a dark bronze. Eventually they will tend to show a spot or two of rust. The darker colors won't show rust or dirt.

Ms. Butsch said she is a little concerned about the snow coming off the roof. Is she allowed to put snow guards on if it is recommended?

Mr. Everett replied yes but he would stay away from the ice bars. Clip-ons, or angel wings, are preferred.

Mr. White moved they approve the proposed change from the slate to the standing seam metal roof with a recommendation that one of the two darker colors be used instead of the slate gray marked on the application.

Mr. Gilbertson said he thinks this is a good replacement for the roof.

Mr. Duggan said he wishes there were some grants to help put slate back on there, but he appreciates her situation. It's unfortunate they are going to lose the slate roof but she has done what she could.

Mr. Everett said the color of the proposed standing seam roof will be a dark color, such as charcoal gray or dark bronze. It has nothing to do with the appearance but he would highly suggest the 24 gauge as the heavier material.

The committee reviewed the design review evaluation criteria and found the application acceptable on a vote of 5 to 0.

### **III. 153-155 Elm Street – CB-II/DCD**

Owner/Applicant: Win and Laura Turner

Design Review for multiple exterior renovations

Contact Person: Flor Diaz Smith

Ms. Diaz Smith said the little porch they want to extend because the chiropractor in the office has patients who are handicapped or elderly and the accumulation of snow and ice is a problem. They would like to extend the roof to the end about 2 feet. They would replace the windows in the porch because they are in terrible shape. They have done the structural work they agreed upon at the last meeting.

Mr. Everett said he noticed there was a note that the original proposal for the Green Mountain windows and the new quote is for Marvin windows. Is that the clad ultimate double hung?

Ms. Diaz Smith replied yes. It has a metal cladding on the outside. They are still waiting for the historic tax credit to come through before they order the windows in the front, but the windows in the back have been ordered. The color of the cladding will be white like the existing windows.

Ms. Diaz Smith said they are going to try to do the wrap around porch if the tax credit comes through.

Mr. Gilbertson said it would be a great way to deal with the handicapped access.

Ms. Diaz Smith said they don't perceive people using the porch so it is a very large expense for them. They need to weigh the options.

Mr. White said it would be a very good way to do the handicapped access. It would be completely covered and compatible.

Ms. Diaz Smith said they would like to get approval for that but they are waiting for the tax credits to come through. This is something they would do in the spring if the money is there. Those are the two changes.

Ms. Diaz Smith said the only surprise they have is there is no access for the building in the back for the basement. The only way for tenants to go to the basement is through the doctor's office and the doctor's office is not open on weekends.

Mr. Everett asked if they had thought of putting a bulkhead in.

Ms. Diaz Smith said she was thinking about putting a door in the side of the shed. As soon as you come in there would be a landing and they would use the existing stairs to go the rest of the way down.

Mr. Gilbertson said the idea of reconstructing the porch is nice. It is going to be expensive, but it is a very nice way to provide access into the building. They have two years to build after they get their permit.

Mr. Duggan asked what kind of materials they would use.

Ms. Diaz Smith said they would try to match all of the columns. They would be using a granite foundation obviously.

Mr. Gilbertson said they could say the approval on the porch is conditional upon replicating the historic picture. The proposed extension of the rear side porch roof will be constructed three inches shorter so it is not to project beyond the brick of the front portion of the building.

The DRC reviewed the evaluation criteria and found it acceptable and commendable. The committee voted to approve the application on a vote of 5 to 0.

### **Comments on the Sheil Decision:**

Mr. Gilbertson said the city does have the option to appeal which he thinks is probably not a good idea because it will cost a lot of money and time. He isn't sure the Supreme Court would do anything differently. Judge Durkin did make a really good point about the three criteria on harmony and compatibility. If we change the criteria it eliminates the precedent that the decision sets. That is a much more constructive way to deal with it. Is it better to have criteria that are very detailed? He said nothing prohibits vinyl siding. The trouble with detailed criteria if you miss something then the legal interpretation is that you did that by intent.

Mr. Duggan said a question he had about our current criteria form is that would have to change as well.

Mr. DeSmet said the decision seemed to be more elaborate in the sense you can't make your conclusion without having some meat in there. Our attorneys said we could just straight out prohibit vinyl siding and vinyl windows on historic buildings and then define those terms. City Council is going to talk about this tomorrow night. He is going to talk about the difficulty of reviewing "as built" versus someone coming in for a permit first. There is no incentive to get a permit ahead of time. If we would have pursued enforcement action rather than getting him to come in, but he didn't think they would lose in Environmental Court. If we aren't going to appeal we need to work with Bob Sheil to figure out what his design is going to be.

Mr. Duggan said they would have to apply the criteria that was mandated in the decision about the corner boards.

Mr. Gilbertson said a problem he sees is the DRC reviews something and somebody goes to DRB and we turn them down they change the plans so the DRB is not looking at the same set of plans that the DRC did. They really don't have the committee's recommendation, and that is what is required in the ordinance. Somebody changes plans between here and there.

Mr. DeSmet said what he is talking about is One More Time.

Mr. Duggan said he didn't think what happened at the meeting was accurately represented to the DRB but none of the committee were present. The DRC had voted unanimously in that case.

Mr. DeSmet said they were misled all along. Ultimately, the DRB can do what it wants. The size of a sign the DRC really doesn't have control over. The ordinance is specific on the area. We need to define compatibility.

Mr. Gilbertson said they updated and revised the design review guidelines to minimize conflict between historic preservation goals and energy efficiency. He doesn't think a conflict exists. The conflict is made up by the window manufacturers. He doesn't know what modern restoration techniques are.

Mr. White said if someone goes for a state application of any public building they are trying to put more burden on the architects and engineers to take responsibilities for things. What he gets frustrated with is when an applicant comes in for the College Green project and uses all of the DRC's time to fish out and design the project. That really isn't fair to the DRC or other applicants or people hiring architects. If an applicant comes in with things that clearly won't even meet code and would never get a public building permit we and the Development Review Board spends a lot of time on this when it doesn't even meet building codes. If the state requires architects on public buildings shouldn't the City of Montpelier do the same thing for public buildings?

Mr. DeSmet said it really isn't the zoning code at all. It might be in the building codes. It's not really part of what the Design Review Committee does.

Mr. Gilbertson said he thinks the committee spots things that don't meet code but that isn't part of the committee's review.

**Adjournment:**

Upon motion by Mr. Duggan and Ms. Coffey the Design Review Committee adjourned.

Respectfully submitted,

Clancy DeSmet  
Planning & Zoning Administrator

Transcribed by: Joan Clack