

Montpelier Development Review Board
November 2, 2009
City Council Chambers, City Hall

Subject to Review and Approval

Present: Philip Zalinger, Chair; Kevin O'Connell, Vice Chair; Alan Blakeman, Daniel Richardson, Jack Lindley, and Jeremy Hoff; Kenneth Matzner, Alternate Member.
Staff: Clancy DeSmet, Planning and Zoning Administrator.

Call to Order:

The November 2, 2009 meeting of the Montpelier Development Review Board was called to order by Philip Zalinger, Chair.

Review of October 19, 2009 Minutes:

Upon motion by Jack Lindley and Alan Blakeman the October 19, 2009 minutes were approved with a minor amendment. The minutes of October 19th were adopted on a vote of 5 to 0.

Mr. O'Connell said he wasn't at the meeting on the 19th of October but he has reviewed the minutes on the lighting issue. He was there for the original testimony and he sees they are still deliberating that. Mr. Hoff said he wasn't at the 19th meeting but did review the minutes. He was at the original October 5th hearing on this issue. Mr. O'Connell stated for the record he made a site visit two times.

Comments from the Chair:

Mr. Zalinger asked that the Board Members stay after the public agenda is completed to continue deliberations for some pending matters.

- I. **71 Main Street – CB-I/DCD**
Applicant: Kevin Crossett – Guitar Sam
Owner: Timothy Heney
Design Review for a Sign.

Mr. Zalinger said on matters that have design review jurisdiction the Development Review Board does not repeat the review of the Design Review Committee if certain conditions are met. One of those conditions is that the applicant agrees with the recommendations of the Design Review Committee. Mr. Crossett said he is in agreement. Gooseneck light fixtures shall use 60 watt bulbs rather than 75 and the applicant will place a painted wood molding around the parameter of the sign. There is an optional change that the molding may be painted to match the adjacent dark molding. Mr. Crossett replied that was correct.

Mr. Lindley moved approval design review for a sign at 71 Main Street with staff advisory comments and the recommendations of the Design Review Board. Mr. O'Connell seconded the motion. The motion was voted in favor on a vote of 7 to 0.

- II. **Design Review – CB-II/DCD – 35 School Street**
Applicant: Michael R. Doyle
Owner: Michael & Rose Doyle
Permit #5644

This is also design review jurisdiction. The Design Review Committee recommended approval with an adjustment to the scope of the proposal, which was the roof will be constructed with a curved lower section and a hipped, rather than gabled, upper section and will also be covered with asphalt shingles. Mr. Doyle said he was in agreement with those suggestions. Mr. Zalinger asked if the existing roof was gabled.

Mr. DeSmet said it was flat.

Mr. Zalinger said if Mr. Doyle goes ahead and builds his roof with a curved lower section and a hipped upper section, how will they know that it complies with what the Design Review Committee recommended.

Mr. DeSmet said they would probably have to ask one of his Design Review Committee members for assistance.

Mr. Zalinger said if there is no design and no specifications and no identification of what the Design Review Committee saw, then he isn't sure there is any way to measure what Mr. Doyle's project is.

Mr. Doyle said the dimensions of the curve will be 18" x 12" and the curve will go through at about 167 degree angle.

Mr. Zalinger said that is the kind of specificity they need except it doesn't appear anywhere and there is no way to measure after the fact. Come next May if the Design Review Committee says this isn't what they thought the curved lower section would look like. The adjustment was made by the Design Review Committee so it did modify the plan.

Mr. Doyle said the hipped roof was a modification. A gabled roof would have been less expensive and a lot easier to build because in a gabled roof all of the rafters are the same length. In a hipped roof every single rafter has to be measured, angled and cut, but that had nothing to do with the curves. There has been no change in the curves.

Mr. Zalinger asked if the curves were as applied for.

Mr. Doyle said that was correct.

Mr. Zalinger said there is no adjustment with respect to the curve, but only that the roof is hipped.

Mr. Doyle replied that was the major adjustment.

Mr. Zalinger said he takes it from his testimony that it was quite a major adjustment for the scope of the project.

Mr. Doyle replied it would have been simpler to build a gabled roof, but he did agree with the DRC that aesthetically a hipped roof would be a better looking roof.

Mr. Richardson moved approval for design review for 35 School Street with the adjustments to the scope of the proposal as articulated by the Design Review Committee. Mr. Lindley seconded the motion.

Mr. Zalinger asked if it was sufficiently clear to everyone that the only adjustment that the Design Review Committee made to the original plan is to change it to a hipped rather than gabled roof. He wants that to be clear in the decision that the curved lower section is not an adjustment, that the curved lower section Mr. Doyle proposed was approved by the Design Review Committee.

Mr. Matzner said in the design the DRB has here shows a gabled roof.

Mr. Doyle said that would have been the original design he originally submitted. A week ago he agreed to a hipped roof. Everything remains the same except it is a hipped design instead of a gable design. The maximum elevation would remain the same. Instead of a gabled roof where all of the rafters are the same the elevation is not changing and the slope is not changing. The only change is that the framing will be a hipped frame rather than a gabled frame. You would really have to go looking for that roof. The roof is not visible from any point on the street. It is not in a highly visible location.

The application was approved on a vote of 7 to 0.

III. 6 Cliff Street – HDR/DCD

Applicant/Owner: Robert Sheil

Design Review for replacing siding and windows.

Mr. Zalinger administered the oath to Mr. Sheil.

Mr. Zalinger said he was going to serve as Chair and facilitate the discussion but he will recuse himself from participating on the matter.

Mr. DeSmet said on August 26th Mr. Sheil was informed that he needed a permit and approval from the Design Review Committee as well as the Development Review Board to place vinyl siding on the house at 6 Cliff Street. Subsequently, he sought design review approval for vinyl siding and vinyl windows. He went to two meetings of the Design Review Committee and the committee recommended to deny the project as proposed.

Mr. Zalinger said he wanted to make something clear right at the beginning, that the Development Review Board is blind as to whether it were to progress without a permit. They don't have any enforcement jurisdiction so the fact the work may have been started, completed, or finished is irrelevant to the DRB. They deal with matters as if it were a blank slate. Enforcement matters don't come to the DRB, so they keep a blind eye to the current status of the project. If he has testimony that relates to that, do yourself a favor and retain it.

Mr. Sheil thanked everyone for the opportunity to come and meet with them tonight and discuss this project. As Clancy did, it has to do with covering siding on his home and replacing existing windows in his home with other windows. Mr. Sheil said he wanted to start off by apologizing for not realizing at the time he undertook this project that his home was located in the Design Control District. He wasn't aware of that and didn't know it was in that district as well as the Historic District and he would be required to go through this process. That was something he wasn't aware of. In order for him to try to explain where things are it is a rather complex situation. He begs the DRB's indulgence to do that. He feels there are a number of issues he needs to raise.

He understands that the Board gives great deference to the recommendations of the Design Review Committee and asks that they do exercise the independent judgment that you have granted by the regulation. Once they have heard all of the facts and circumstances of this particular case and the fact they may have some matters they can deal with in their purview that the DRC couldn't he would hope they would deem it appropriate to grant his application.

He bought his house in 1987 from a couple who was moving to England. The previous owners had purchased it as Farmer's Home Administration home and it did not have the sufficient insulation for them to qualify for that program. In conjunction with them purchasing the property they blew insulation into the exterior walls. He isn't sure what type of insulation was blown in at that time. About five years, or less,

after he purchased his home he realized the paint was peeling rather badly and ended up having it painted. Approximately three years, or even a little less, after that the paint started peeling and ended up peeling pretty badly within the next couple of years and he was at a loss to figure out why it would be losing paint that quickly. Around that time he spoke to two or three house painters who told him they believed the reason was because of the blown in insulation and that had affected the vapor barrier between the frame and the clapboards, and as a result of that the clapboards weren't able to hold paint. For a number of years he did nothing. He was told the best solution would be to put on vinyl siding, but he isn't really a fan of vinyl siding as he told the Design Review Committee. He held off doing that hoping he could come up with a different solution.

Finally, about three years ago he decided he needed to address the problem and looked into vinyl siding. He got a lot of information and still decided he couldn't do it. About a year and a half ago. A number of things happened around the same time that pushed him into action. There was a house at the very bottom of his hill that was in really bad disrepair and had the windows boarded up. That was totally rehabilitated and they did a nice job on it. There was a house next to that which needed paint and was painted. His house was really looking bad in the neighborhood and that forced him into action. He also found out that part of the process in putting on vinyl siding would be to put another layer of insulation under the siding which would increase the energy efficiency of the home and make it more green. Also, he is retiring in about five years and he decided if he was going to take out a home equity loan he would hope to pay it back before he hit retirement age. In the summer 2008 he spoke to three different vinyl siders and ended up in September signing with a company out of Williamstown that a number of friends of his had used and did really good work. Because of their scheduling they weren't able to get around to it until late August of this year.

Over the summer he also spoke with his father and the contractor about the advisability of putting in new windows if they were going to put on new siding, and that seemed to make sense. All of the weights in the windows of the house

haven't worked in a long time and it's pretty drafty. He thought he could be more energy efficient by putting in new windows, and vinyl windows are what he looked at. The contractor wasn't able to begin until August 24th of this year. He started that morning and the third day he was working, August 26th, he received a phone call from Clancy who informed him that his house was in the Design Control District and needed to take part in this process and meet with both the Design Review Committee and the Development Review Board. He went home at lunch and told the contractor he needed to cease work and he stopped by Clancy's office after lunch and asked what he should do under the circumstances. Clancy has been very helpful giving him information and helping him through this process.

Since August 26th his home has had vinyl siding on the entire right side, or the uphill side, of his house on Cliff Street and about three quarters up the rear side of the house. The two other walls or the remaining outside surface is now covered with ¾" insulation which is silver color on the outside.

Since the review process has brought his attention to this matter he has tried to research what this process itself entails and tried to educate himself concerning not only the process but the larger issue of historic preservation. He has reviewed the design control map, the zoning regulations, the applicable criteria for review and researched the Historic District applications both from 1976 and the 2006 amendment. After his initial conversations with Clancy in late August it was determined that the next time the Design Review Committee would meet was not until September 15th. He attended the meeting and explained the history of the situation and the reason for his request.

The DRC rightfully so expressed concern that the project had begun without him going through the process and he explained to them he was unaware of the district he was in and needing the approval. They also expressed concerns that by covering the existing clapboards with vinyl siding might lead to compounding moisture problems in his home due to the blown in insulation. He told them he had consulted with

Efficiency Vermont and see how best he could address those concerns. At that point two of the committee members did state that they wanted to be clear with him that even if he addressed other concerns they would still not vote for vinyl under any circumstances. He mentioned to the committee that he believed it would be reasonable to characterize his neighborhood by natural boundaries, those being Court Street, Witt Place, Hillside Avenue, Waverly Place, Cliff Street and Coarse Street. They proceeded with discussions based on this area being his neighborhood. At present there are 44 buildings in the neighborhood and out of those 14 have exteriors that are not wooden clapboards. Three are brick and the other 11 are a variety of aluminum, vinyl and asbestos siding. It was decided they would table the matter at that point in time.

Subsequent to that meeting on September 15th he contacted Efficiency Vermont and was given the names of several area contractors who he could speak with to address the moisture concerns and energy efficiencies and if the vinyl siding were to be installed. He contacted a gentleman by the name of Will Fitzpatrick who has a firm called Shelter Construction in Plainfield, Vermont. He met with him at his home about five weeks ago to discuss those concerns. He told him that any moisture problems he had he felt could be greatly minimized by taking certain measures, such as sealing off his basement. Actually, part of his basement is part of the cliff and there is a small part that has a dirt floor. He mentioned those are big sources of moisture and by sealing off the basement that should deal with a lot of the problem. He also mentioned that he could put fans in both the kitchen and the bathroom. He said he had a consultant he worked with out of Burlington, a gentleman named Randy Bright, who he has spoken to subsequently. Randy said he saw the basic problem was the lack of an interior vapor barrier and the steps that Will had taken would address the moisture concerns. When he asked Will what effect, if any, would putting the vinyl siding would have on the moisture situation with the present clapboards he said he couldn't say for sure. It might help, and the reasoning was that condensation occurs when warmer air or vapor coming out of a house would hit the first cold surface and that if a layer of tight insulation was being put on the existing clapboards and the vinyl insulation after that the first contact with warmer air would probably be the colder surface on the rear side of the vinyl siding. That is where condensation would form. Because there were weep holes on the vinyl siding, unlike the wooden clapboards that might actually help it. That is one theory he proposed.

He also contacted his contractor to see if he could cancel the order for the windows. He found out that the windows weren't yet made and tried to put those on hold although he signed a contract with him and paid him half the money. They may be able to work something out depending on what occurs as part of this process.

One of the most important things he tried to do was to look at the Cityscape Workbook that the DRC and the Development Review Board looks at. He also reviewed the zoning regulations. That puts him up to when he went back to talk to the Design Review Committee last Tuesday, October 27th. At that meeting he once again explained to them that 25 percent of the houses in his neighborhood had exteriors other than wooden clapboards. There are 12 houses and a map that shows their locations. 11 of them are the homes he just spoke about. The 12th is his house as it now stands with the vinyl siding on the uphill side.

He pointed out to the Design Review Committee that when the first application was filed for the Historic District in 1978 in his neighborhood, excluding the brick buildings, there were 5 houses that had exteriors other than wooden clapboards. When an amendment to the Historic District was filed in 2006 there was an increase from 5 to 11 properties, so 6 properties in the time that this ordinance has been in effect have actually ended up having some other material applied to their exteriors, whether that be vinyl or aluminum. 37 Court Street, which is the home of the Vermont Bar Association, and 17 Court Street, which is also an office, are 2 of the buildings he talked about out of those 6. When he checked with Clancy there is nothing in the city records about anyone going through this process. He tried to determine how this process would work. If they were granted permission he would see if he could get some information to work from that.

He would note that the 6 that changed from wooden clapboards to other exterior materials were still listed as contributing properties to the Historic District.

He also discovered with the Cityscape Workbook which was initiated by the Design Review Board in 1976 states that the prime purpose of the workbook is to serve as a guide for this board and the intent is to preserve and enhance the architectural character of Montpelier while providing the framework for economic revitalization. There is a section in the Cityscape Workbook called restoration techniques, and in that section is a subsection called siding and details which states in part:

Clapboard siding is without question the most common 19th century siding material. However, the availability of synthetic substitutes for wood clapboards means that the relative merits of wood, aluminum and vinyl clapboard siding must be considered from the standpoint of expense as well as durability. It should be remembered that nothing will look better than the original siding material. Synthetic siding is often blamed for spoiling the character of an old building. However, it should be pointed out that it is not the material that is to blame but the way in which it is applied. Architectural details such as corner boards and trim around windows and entrances are removed and either are not replaced or replaced with thin synthetic equivalents. Other details such as cornices are removed and replaced with siding. Aluminum and vinyl clapboards are imitation materials and should only be used as if they were wooden clapboards. They should only be applied to surfaces originally covered with wood clapboards and be cut to fit around all architectural details, even corner boards.

The Cityscape Workbook then concludes:

If synthetic siding is applied in this fashion there is no reason why the architectural character of the building should be spoiled.

He told the Committee that he would be willing to amend his application to follow the suggestions found in the workbook. He would only ask that vinyl be applied to those portions of his home that are covered by wooden clapboards. He would be willing to agree that all other wooden surfaces would remain wooden and any architectural details would be preserved. He said his house is a rather plain home. He doesn't really think there is much in way of architectural details, but he would do whatever he could to make sure whatever there is wouldn't be destroyed or replaced.

He pointed out to the committee that this approach had been accepted and followed by the DRC in a situation similar to his back in June of 2007. Some members of the DRB may have actually been on the Design Review Committee at that time. He also pointed out that vinyl siding had improved greatly in the 30 years since the Cityscape Workbook was originally drafted, that the color he chose for the vinyl siding is basically identical to the wooden siding that is on

his house now. He truly believes that applying the vinyl siding will really improve the appearance of his house given the circumstances he finds himself in.

He explained to them he appreciated their suggestion that he look into the moisture concerns and he contacted Efficiency Vermont and followed up by speaking with Will Fitzpatrick and he is in the process of giving him a quote to seal the basement and install bathroom and kitchen fans and do other necessary work he feels would help. He has agreed to do that as part of this project. Basically, his goal is to seek the best combination of efforts to reach a resolution in this matter. Given his present situation, the economic realities and to achieve the design goals of the ordinance, his goal is to work with members of the Committee and the Development Review Board to fashion a proposal that addresses your concerns as well as his needs. The recommendation is to deny him moving forward with the project.

Hopefully, he can adequately explain to the Board why he thinks he should be granted the permit for the application. He know the Board grants great deference to them, but he hopes they will take into account what he says in the next couple of minutes.

Basically, what is in the packets is a map of the Design Control District and he has highlighted the neighborhood he has been speaking about which includes Cliff Street. The second map is similar to the one points out the properties in his neighborhood that already have vinyl, aluminum or asbestos siding. The third piece of paper is simply a listing of the addresses of those properties and what siding materials are on the exterior. That is followed by the description of those properties included in the Montpelier Historic District amendment of 2006. The last piece of information he included is the siding information out of the Cityscape Workbook. There is also included a letter from Victoria Cherney who lives up the hill from him on Coarse Street. She wrote a letter in support of his application.

If you look at the photos that neighborhood is what you are talking about, the Design Control District and the various criteria. The first photo is of the Samosaman Restaurant downtown. There are a lot of different colors there. That may be compatible with its place in the district, although he doesn't think there is an argument to be made that it would be compatible on Cliff Street or College Street. The second photo is a photo of his house which was taken recently which shows the uphill side with the siding. If you look closely, you can see on the porch where it is flaky to the left that is where the siding has not yet been covered up. The third photo is of the downhill side of his house which shows the silver insulation that has been covering that side and the front part of his house above the porch roof. The next photo is a close up taken of the vinyl siding as it was being applied to the porch. On the right hand side there is the vinyl siding put up and on the left hand side you can see where it cuts off. The final photo is the property at 7 Hubbard Street, which was basically the property under review before the Design Review Committee in June of 2007.

Now he would like to explain to them the reasons why he would hope the Board would see their way clear to granting him the application. If you look at the criteria the DRC must employ in evaluating applications it is important to look at the language. The terminology includes terms such as harmony of exterior design with other properties in the district; compatibility of proposed exterior materials with other properties; prevention of the use of incompatible exterior materials. He believes using language such as compatibility or harmony rather than more restrictive language such as conformity or consistency or uniformity that the regulations purposely allow for some leeway in their interpretation. 25 percent of the properties in his neighborhood do have exteriors that are other than wooden clapboards, so he believes that the type of siding he is proposing is compatible with the exterior materials of other homes in his neighborhood in the Design Control District. He also believes it is harmonious with the exteriors of other properties in the neighborhood, and by maintaining all of the wooden features except the existing wooden clapboards he would be preserving the appropriate historic content of the neighborhood. The vinyl siding is not incompatible with the materials used in other properties in the neighborhood. He doesn't believe that the DRC should reject the use of vinyl out of hand.

The minutes of both the September 15th and October 27th meetings when he appeared before the DRC reflect the committee members said they would never vote for vinyl. The minutes of the October 27th meeting reflect that one member said that vinyl is a toxic material and was never acceptable within the district. In recommending that his application be denied the DRC also states that a stop work order was issued after the project was started. That isn't

the case. He received the phone call from Clancy and he told him he was not going to file a violation. He said he would speak with his contractor and he did that an hour later.

Throughout this entire process he believes he tried to be above board and responsible. The DRC in their recommendations on their form they state that although 25 percent of the properties in his neighborhood

have alternate which they consider incompatible materials this is not a threshold of acceptance for compatibility. That is what their comment said. From reviewing the regulations he can't see where there is any percentage included in the regulations or the zoning ordinance or design review criteria that talk about what constitutes compatibility, harmony, or a percentage for that. He doesn't believe that analysis should be employed.

Once again, he thinks the purpose of the zoning regulations is to provide guidance and not mandates. He is seeking, as he is sure all of the DRB is the best combination of efforts to reach a reasonable solution. He knows that Montpelier recently celebrated Historic Preservation Week and as part of that celebration recognized and honored Margot George who was the former Chair of the DRC. When he met with the DRC last Tuesday he reminded them there was a situation similar to his which came before it in June 2007 when Ms. George was the Chair person and they took a different approach than they are in this case. The application being reviewed at that time was the property at 7 Hubbard Street which is in the Design Control District. It is one house outside of the Historic District. The homeowner was also asking to be allowed to install vinyl due to the inability of the wood clapboards to hold paint. Ms. George during that discussion talked about the page of the Cityscape Workbook and went on to say that it is clear if you replace wooden clapboard with vinyl clapboard that is the least offensive treatment. The original elements, window trim, corner boards and anything else that isn't clapboard must remain as wooden material. The minutes of that meeting reflect that after that she said there is going to be vinyl siding and all other elements are going to be wood. That means the corners; window trim and all of the porch are wood. No other elements are going to be added. The appearance of the vinyl will be minimal. After that discussion of the alterations to the original application, the adjusted application, it received unanimous approval by the Design Review Committee.

He is willing to amend his application in a similar manner. He wants to work with the Board. He will make similar alterations to his application. He even told the Design Review Committee that he would be willing to withdraw that part of his application for the replacement of windows. He can live with the old windows and he is more than willing to try to find a way to have them restored. The storm windows would have to go back up. He intentionally pursued a plan that he felt would minimize any impact of the appearance on the home. He chose vinyl siding that very closely resembles the wooden clapboards both in width and color. The windows he contemplated were identical to the existing windows, both in dimension and appearance with 6 panes over 1. His goal is to work with the Development Review Board to fashion a proposal that both addresses their concerns and meets his needs. He understands that the DRC may not have the authority to consider economic impact from looking at the regulations in their decision making, but he believes this Board does. Once again, in the Cityscape Workbook on page 3 it states that the Design Review Board uses this workbook as a guideline in reviewing proposed projects within the Design Control District. The Board assumes the attitude that reasonable variances or deviations from these guidelines may be favorably viewed when literal application of the standards results in hardship or in instances that warrant a variance.

One of the suggestions that the DRC made during their discussions was that he could remove all of the vinyl siding and remove all of the new insulation and remove the original clapboards and insulation below them and start over with new insulation and new wooden clapboards. That to him would simply be cost prohibitive. That process he priced out and it would cost him more than he originally paid for his home. He would simply ask members of the Board to take his remarks into consideration and look at this in context. He isn't sure how many are familiar with Cliff Street. Where he lives is sort of a sleepy part of town. Cliff Street gets very little automobile traffic except for the residents. If you are driving a car down Cliff Street you are probably concentrating on the oncoming traffic, the curve of the street, its narrowness as well as the slope. If you are on foot his house is right where the cliff fell away a couple of years ago. As a result of that there is a pretty good view and you are probably looking out over the city as opposed to

looking at his house. There are trees on the downhill side which obscures that whole side of the house. He has a narrow driveway on the uphill side and his uphill neighbor has a row of tall conifer trees. There are two large shrubs and a Maple tree in front of the house. The most visible part of the house by far is probably the porch. He would

even skip putting clapboards on the porch because that is the one part you see from the street. That didn't have the blown in insulation.

He basically began this process with the hopes he could do something which would improve the appearance of his house and provide for better maintenance than it has received in the past. That is still his goal and he respectfully asks the Development Review Board to grant the application.

Mr. O'Connell asked if his application was just for the siding.

Mr. Sheil replied yes. He would be willing to withdraw the windows. He is trying to reach some reasonable way to deal with this.

Mr. Matzner said as he understands it the DRC only had a problem with the siding and not the windows.

Mr. Sheil said he didn't get into that discussion. He had pictures of the windows and their discussion was that they would not approve vinyl windows. Mr. Gilbertson said he didn't see the need for replacement windows at all, even if they were wood, because they didn't look like they were in bad shape and he should be able to restore the windows already in the house. They did discuss the windows for quite awhile.

Mr. O'Connell said he can order wood windows with the energy efficient pricing.

Mr. Sheil said Clancy told him that initially before he went to the meeting. He asked his contractor to price out the difference. It was approximately \$5,900 of the contract he signed for 17 windows. He received a quote from the window builders for installation and tax, the quote he received from Allen Lumber if they were to be made out of wood that without tax or installation the price went up to \$11,158. The price doubled excluding the cost of tax and installation.

Mr. Matzner said to reverse the process and put on new insulation and clapboards would cost more than he originally paid for the house. Does he have documentation on that?

Mr. Sheil said he didn't. If he were to replace the wooden clapboards it would be two to three times the price he paid for the vinyl clapboards. He is paying \$11,500 for the vinyl clapboards, so his estimation was that the wooden clapboards would probably be between \$25,000 to \$30,000. That is based on what he was told would be the difference between having vinyl and wooden clapboards. By putting on insulation and all of the removal costs he assumed would cost \$15,000. The house cost him \$50,000.

Mr. Lindley said on all of the research he did can he tell us whether the house on Hubbard Street has vinyl windows.

Mr. Sheil replied he didn't know about the windows. He was only looking at the siding.

Mr. Blakeman asked what was shiny on the house.

Mr. Sheil said that is the insulation which they put on underneath the vinyl siding.

Mr. Blakeman said if he was to put wood up there, is that possible?

Mr. Sheil said he didn't know, but it would be something he would consider. He doesn't know if you can put wooden clapboards on top of that type of insulation.

Mr. Matzner asked if Clancy knew anything about this house.

Mr. DeSmet said the house on Hubbard Street is not in the Historic District nor is it a contributing structure. It is in the Design Control District.

Mr. Sheil said as he read the criteria the only one of the criteria that mentions the Historic District at all is the first criteria which talks about preservation or reconstruction of appropriate historical style.

Mr. Matzner asked if it came before the DRB.

Mr. DeSmet replied it did and it was approved. The distinguishing factor is that it was not in the Historic District nor a contributing structure to the National Register as this property is.

Eric Gilbertson representing the Design Review Committee said that when they look at a project they look at it like the Development Review Board does with a blind eye towards whether the construction has started or not because that is the only way you can effectively review it. It obviously enters into the discussion. There was obviously a great deal of sympathy for the applicant's position. He said he wanted to talk about the windows. There has been a lot of work done on windows over the last ten years in order to make them energy efficient. The historic preservation people have worked with Efficiency Vermont and a wood window in good repair with a storm window is just as efficient as a new double glazed window. There have been tests by national organizations that have come to that conclusion. That would be the Design Review Committee's recommendation with regard to the windows, weather stripped, weights repaired or there be some jam minors that are spring loaded and you get to keep the original windows and put the storms back on. That would certainly be much cheaper than any replacement windows of any kind. The vinyl windows according to Efficiency Vermont do not have a cost effective payback. They are deteriorated by the time the energy they save is being repaid.

He said the DRC had a tough time with this project. He was involved in the Hubbard Street project. That was very different in many respects. First, not being in the Historic District and it is a different building in a different neighborhood. He was struck by the applicant's comments on Cliff Street because he walked up there today and looked at the houses that have been done there. One of them came to the Design Review Committee three times for changes and alterations. None of the houses on Cliff Street have anything but wood clapboard siding on them, so that is the most immediate neighborhood. That neighborhood has improved significantly over the last 5 to 10 years. He appreciates the applicant's efforts to keep that going in the neighborhood.

Mr. Gilbertson said looking at the neighborhood the closer a building is the more relation it has to the given neighbor. He pointed out that Samosaman is not downtown and is treated very differently downtown than you do in a residential neighborhood. Montpelier is really one big neighborhood in many, many towns, but the neighborhood he defined is broad. If you take out the buildings that have brick siding it is about 10 percent of the buildings in that neighborhood that have something other than wood clapboard siding. The DRC had a lot of discussion about this application with two meetings.

Mr. Zalinger asked if Mr. Gilbertson disputed the applicant's definition of what the neighborhood is.

Mr. Gilbertson said he thinks dispute is too strong a word. He disagrees. The more immediate neighborhood is Cliff Street and Court Street has become mostly businesses rather than residential. It is a little bit different. There is a big brick building that separates the two neighborhoods.

Mr. Zalinger said that everything under section 305(f) deals with the district. There is no mention of neighborhood.

Mr. Gilbertson said he was just commenting on his neighborhood. You get into a little bit of a silly situation if you look at the whole district because there are big brick buildings downtown. Does that mean it is okay to put a big brick building on Cliff Street as being something that is compatible with the neighborhood? Probably not. The closer the buildings are to whatever the subject building is the more relevant it is in determining the compatibility and harmony.

Mr. Zalinger said except that all of the criteria deal with the Historic District and it doesn't say neighborhood. It says Historic District. The Design Review Committee is telling the Development Review Board that they looked to the more residences.

Mr. Gilbertson said he wasn't saying that at all. He is saying they are more relevant and not that they don't look only at them. But to compare a project in the Cliff Street neighborhood with a project on the Blanchard Block just doesn't work very well.

Mr. Zalinger replied he agrees. One is residential and one is commercial.

Mr. Gilbertson said the DRC had a long discussion with the applicant about the potential damage to the building from vinyl siding and trapping moisture and that discussion which falls under the DRC's purview in the sense that it is the possible destruction of a historic structure. There is certainly that potential. He may be able to fix that with doing some appropriate ventilation and moisture control. That would also control the paint peeling problem because that is simply from moisture traveling through the wood and forcing the paint off the building. If you control the moisture initially you would probably have much better results with the paint job.

Mr. O'Connell asked what kind of storm windows they are talking about.

Mr. Gilbertson replied they are aluminum storms. That is what is there. The triple tracks are fairly effective. There are some companies now that make triple track windows that look like the old storm windows. They are square and are actually made out of aluminum. It is anodized aluminum so you can get light ones that look very much like the original kind of storm windows you put on and off. They have really accepted the use of triple track windows as a way to provide energy efficiency to protect the original windows.

Mr. Gilbertson said in addressing the criteria he believes this doesn't meet the preservation, reconstruction of the appropriate style if the proposed project is in the Historic District and involves a historic structure. This was a unanimous vote by the Design Review Committee with 2 members abstaining and 1 member absent. The standards in terms of the use of materials, they have approved the building on Hubbard Street and new buildings non-clapboard siding. They approved the condos or apartments on Barre Street that had party board siding, but that is a real material and a new building. It is very different when you are doing a historic building.

If you look at some of Mr. Sheil's pictures you'll see that the trim is removed from around the windows, which is what usually happens with aluminum siding. The trim gets removed; the corner boards get removed; everything gets removed and you end up with a very bland building that actually in the long term

devalues the building because you are losing its historic character. That is what the DRC looked at. The harmony of the exterior design with other properties in the district, looking again at the ones that are the closest to his building, the owners of those buildings came to the Design Review Committee and made a very real effort to do good preservation work and make their buildings look good. He thinks everyone would agree that those buildings do look good and they have really added to the value of all of the properties in the neighborhood and it is a nicer neighborhood now than it was.

Putting the siding on he doesn't believe is in harmony. Defining harmony is a little different. The 10 percent of artificial siding in the neighborhood, some of which was put on years and years ago, is not enough to reach the standard of harmony. There are no percentages given in the ordinance, but that is why they have committees like the DRC and the Development Review Board to make that judgment.

Regarding the compatibility of proposed exterior materials with other properties in the district, however you want to define the district drive around and look at the buildings that have had aluminum siding put on them and decide whether those buildings are as historic or as contributing to the neighborhood as the ones that have preserved their wooden siding and wooden trim. That is probably as good a test as any, just to go around the neighborhood and look at any existing buildings. He thinks they will find that the historic character is significantly diminished by adding aluminum or vinyl siding, or any kind of artificial materials. It is part of what makes Montpelier so great is that it is very real. Probably some of you remember what used to be the Vogue Shop and is now Cool Jewels it had aluminum siding on it and that really looked ugly.

#5 is prevention of the use of incompatible building design, color schemes or exterior materials. They are just maintaining for all of the reasons cited that the exterior materials and vinyl siding is not an appropriate material in a

Historic District, except in very rare circumstances. This is a little bit different because the project has started. One of the things he is advocating for is some way that maybe projects like this need to have a building permit so they can be notified. As he understands it, putting siding and windows on a building, as well as roofs, you do not need a building permit so there is no way for an applicant to really be notified they are in a Design Review District and need that kind of application.

Mr. O'Connell asked Clancy why that was.

Mr. DeSmet said he wouldn't guess on that.

Mr. O'Connell said he would think they would need a permit for a roof, siding or windows.

Mr. DeSmet said he asked Glenn Moore that question the day he received the call from someone about Cliff Street and he said no. Public buildings are different.

Mr. O'Connell asked who said no.

Mr. DeSmet said Glenn Moore, the Building Inspector.

Mr. O'Connell said he thinks he is wrong.

Mr. Zalinger said it is clear to him looking at this that the DRC disapproved of the replacement windows as well.

Mr. Gilbertson replied that was not a long discussion, and certainly not as long as the siding.

Mr. Richardson said Mr. Sheil went on at some length talking about the Cityscape guidelines. These guidelines do seem to indicate that synthetic materials can be used. When are those appropriate?

Mr. Gilbertson said he was involved in writing the guidelines in 1976. In the legal environment we were in back then the vinyl siding companies were suing anybody that nailed vinyl siding so they were doing that partly to escape a lawsuit. The practices in vinyl siding have changed in the last 33 years in terms of how appropriate it is within an Historic District.

Mr. Matzner asked if he could say more about that specifically, how things have changed.

Mr. Gilbertson said over 35 years he has been involved in historic preservation and a lot of interpretations have changed about what is appropriate. He thinks he would approve vinyl siding on a new building in an Historic District. How you treat a new building versus an old building is very different. He would question from a technical matter what Mr. Sheil proposed to do in terms of putting the wooden pieces back on around the windows. It can be done because he has added well over an inch to the thickness of the wall and the relationship to the windows.

Mr. Richardson said even if the moldings were turned around the windows it is essentially subsumed by the clapboards that are now an inch deeper.

Mr. Gilbertson replied right. He believed the house on Hubbard Street that instead of putting the J fitting on the side they actually routed out the wood behind there. It was a very different project.

Mr. Richardson said he was on the Design Review Committee at the time and he remembers that had two additional circumstances as well. One was that it was at the edge of the district and adjoining a house that had been outside the district that was sided. The moisture conditions were external rather than internal. There was something about a leak in the roof the way the house was designed. It was a shotgun house and the way the water ran off the roof it naturally caused the moisture. Mr. Gilbertson said it was very close to the other houses as well.

Mr. Matzner asked if Mr. Gilbertson believed that by putting the vinyl siding will actually cause the house to rot faster.

Mr. Gilbertson said it possibly could. In his work he has run into a lot of houses where that has actually happened. He looked at a house down in Williamstown about 20 years ago that had a very exaggerated situation where he insulated the house during the 70's energy crisis and the paint started peeling so he put vinyl siding on it. The vinyl siding was crinkling. He stuck a screwdriver into the beams up to the hilt because the moisture had no way to get out.

Jamie Duggan, the Vice Chair of the Design Review Committee, said he first would like to respond to the question about the design guidelines. Mr. Sheil has researched very well the proposal. However, he omitted a few sections that he would like to draw the Board's attention to. Under the section he asked you to review called siding and details the very first sentence says the most important consideration be made to the restoration of a wood frame building is the preservation of architectural details. We just discussed how the window surrounds, the door surrounds, the corner boards and the very small but still there cornice details are being obscured by the current application of the vinyl siding. That paragraph does go on to say that residing a building usually with a synthetic material is probably the single greatest cause for removing details essential to the building's character. That was one of the first places that we came to. The DRC's mandate is to preserve the historic character of the buildings within the district.

Mr. Zalinger asked the DRB how they felt about this. They have addressed this issue in the past when multiple members of the Design Review Committee appeared before us. How many members of the Design Review Committee do they want to hear from tonight?

Mr. O'Connell said it would be great if they could make it brief.

Mr. Zalinger said this has transpired in the past where there have had two and sometimes three members of the Design Review Committee who wished to address the DRB and say the same thing.

Mr. Duggan said he understands that. They on the committee have varying opinions at times.

Mr. Zalinger said as a committee they only have one voice.

Mr. Gilbertson said he believes they are speaking with the same voice.

Mr. Duggan said what needs to be essentially said first and foremost is that they are not dealing with a siding problem. They are dealing with a paint problem. Mr. Sheil himself when he came to the DRC at first said that the reason the application was initiated was because the paint was peeling on his house. He has also informed them that it has been well over 15 years since the last time he applied paint to his house. They felt this was an inappropriate treatment to the building by trying to cover up peeling paint with a synthetic material that is in their purview not an appropriate replacement material. Adding 3/4" insulation he does not believe will make a home green. They asked him to look into the moisture concerns, and that was addressed, but he didn't hear in any of the recommendations that putting vinyl siding on would be beneficial in this case. He wanted to make that point as well. His opinion is that they could draw neighborhoods in lots of different places and the use of that is somewhat arbitrary. A number we might better be focused on is in 1978 when we initially started the National Register District 88 percent of our structures was contributing structures within the National Register District. Today, as they are going through the process of revising and updating that district we are proud to say we still retain 88 percent contributing structures within the district. Our historic preservation consultant who has been updating our district informed us at one of our historic preservation events. That shows even less tolerance for inappropriate treatments.

Mr. Gilbertson said one of the discussions they had at the Design Review Committee is that if the Committee granted approval of this it would set a horrible precedent and from that standpoint they might as well fold their tent. He still feels granting this, even given the circumstances, would set a very bad preference in trying to maintain the character of the Historic District and the Design Review District in Montpelier.

Rebecca Heikelpants, a resident at 22 Cliff Street which is on upper Cliff Street, said she wanted to take them on a walk through. If you are driving up the street you come to the haunted corner, and Bob's house is on the haunted corner. There are a few houses that are really in bad shape and they are all peeling and have wooden clapboards. Upper Cliff Street is a well taken care of neighborhood. Her house has aluminum siding. The gentleman who spoke before her said there aren't houses in the neighborhood that aren't synthetic. The house behind her is aluminum.

Three houses up on Corse Street the house is synthetic. They live in a very small neighborhood so that is a pretty large chunk of our houses that have synthetic siding. If you look at Bob's house in particular it looks like there are ghosts in the eaves. There is paint peeling. It is commendable of him that he is taking a step to actually do something to bring our neighborhood up to a visual standard. She would disagree with something Bob said, that you can see his house from the road. The side he has finished looks so much better. It looks like paint and not vinyl siding. Her house is a really terrible avocado green that looks like aluminum siding. Her direct next door neighbor has a similar problem that Bob has. She has moisture problems and every few years she paints her house

and it peels two years later. She honestly doesn't know how a single income family that is looking to retire in the next couple of years can look at their house and continue to paint their house as long as they live there. It's cost prohibitive. She thinks it is great he is actually doing something to make our neighborhood better. Regarding the windows, he mentioned how nice the storms are. She can't even open her storm windows. Her husband has to do it for her. It's not a compatible solution. She would encourage the DRB to look at the proposal and accept Bob's application.

John Bentley said he is Bob Sheil's neighbor to the north on the uphill side. He thinks what Bob is doing is going to be a vast improvement over the way the house has looked for several years. He thinks it is great he is making improvement. Montpelier is a very nice city, but it is a city and people have to live here. It's not a museum. You can go overboard with the historical preservation thing. This is not an exhibit. People are trying to live here and don't have unlimited funds to keep their homes pristine the way they were 100 years ago. Sometimes it just doesn't work that way. He would encourage the DRB to approve this project.

Kevin O'Connell said he is Bob's neighbor from the lower part. His is the house that is really getting run down. He would like to do a whole lot of things, but the economy is tough. His paint peels. He painted 15 years ago and it started peeling within two years. He has primed it and sanded it, and now it looks just like it did before he painted it back then. He gets to look at Bob's house and he likes what he sees. His house is going to stay like it is for a long time. He has no objection to what Bob is doing.

Mr. Sheil said Mr. Gilbertson and Mr. Duggan spoke about if we were to exclude Court Street and just concentrate on Cliff and Corse Streets and Waverly Place. If you look at that there are 6 out of 22 houses that have other than clapboard siding. As far as restoring the trim he hoped he made it clear to the Design Review Committee that if he could move forward he would do whatever he needed to restore the wooden trim around the windows and route where necessary. He is just trying to reach a reasonable solution under all of the circumstances.

Mr. O'Connell asked if he inquired whether he needed a building permit before he started the project.

Mr. Sheil said he didn't believe he did. Someone in passing said he didn't need one. He didn't inquire with the city, no.

Mr. Zalinger said he had a question about the neighborhood and district. What siding is on the Vermont Bar Association building on Court Street?

Mr. Sheil said it is vinyl siding on the side that faces Court Street, the front of the building. It is an angled building. As you are looking at the building, to the left of that the porch and that area of the building is vinyl siding.

Mr. DeSmet said there is no record of a permit for any of the ones he brought to his attention.

Mr. Sheil said when he spoke with Lisa Maxwell she said it was that way when they bought it 1988. In 1978, according to the Historic Register it was all clapboard.

Mr. Zalinger inquired if it was a contributing structure.

Mr. Sheil said the sheet included in the packet it has the properties listed, and that is one of them. He thinks all of those are still listed as contributing properties. That's 35-37 Court Street.

Mr. Duggan said the DRC did consider Mr. Sheil's proposed amendment to just side over the clapboards, but with his particular building that is physically impossible because 3/4" of insulation he is putting on and the clapboards meet the corner boards and window trim all at the same plane. He would actually have to cover all of his historic wooden trim with new wooden trim to achieve that design he is proposing. Mr. Sheil has shown himself to be agreeable and flexible. However, he does have some signed contracts and materials he is considering as well at the moment, which is hard for the DRC to rectify that situation for him.

Mr. Zalinger said he thinks it is well within the DRB's purview to make any conditions that it wishes to permit if one is to be granted. If there are obstacles from the contractor's perspective, and therefore from an owner's perspective, those are just obstacles that would have to be addressed.

Mr. Duggan said that didn't make sense with the design guidelines for that type of a proposal.

Mr. Zalinger asked how the Board wished to proceed.

Mr. Lindley said he thinks they need to take this up in a deliberative session if we have heard all of the evidence.

Mr. O'Connell said he would also like to take another walk through the neighborhood.

Mr. Zalinger asked if he wanted a site visit or just independently in association with the Board's deliberations.

Mr. O'Connell replied in association with the Board's deliberations.

Mr. Sheil thanked the Development Board for their time and consideration of his proposal.

Mr. Richardson moved to close the evidentiary portion and move to deliberative session.

Mr. Zalinger said they would close the public hearing on this matter and take it under advisement. Mr. O'Connell seconded Dan's motion. The vote was favorable 6-0-1. Mr. Zalinger recused himself from voting.

Mr. O'Connell asked Clancy to look into the building permit issue because if there was a permit involved at the front end this type of situation could be avoided. It just doesn't make logical sense that they would exclude siding and windows. If you are going to renovate your kitchen, which doesn't even show, you do need a permit.

Mr. Richardson said there is a difference. A lot of the building code is driven by safety matters whereas design review is by historic and aesthetics. Replacing clapboards may not involve the safety issue. One of the reasons the building code has inspection of foundations is just for safety to make sure the foundation meets standards whereas they may not be interested in clapboards because there is very little way in which you can create a public safety issue.

Mr. O'Connell said the only reason you would have a building permit isn't just for safety. It would be for anything. The question is simple. What requires a building permit?

Mr. Richardson said he is disinclined to expand the scope of building permits.

IV. Continuation of Site Plan Review – 34 Barre Street – CB-II/DCD

Applicant: Dance G.E.M, LLC - Reid Asaro

Owner: James Blouin

Change of Use from Retail to an Eating and Drinking Establishment

Mr. Zalinger reminded the parties they were still under oath.

Mr. DeSmet said there was ground trooping done. Mr. Blouin found a survey that actually indicated the true metes and bounds of the property. Tom McArdle, Jim Blouin, Reid Asaro and he went out and looked at the area and noticed there was a dispute over whether the city's right-of-way was actually perpendicular to the proposed parking

previously. Upon further review actually all of the parking remains on the property of 34 Barre Street. As you can see on the revised site plan the edge of the pavement is actually the right-of-way now and there were no problems with the way it was delineated. The only outstanding issue is whether they are approving parking on the city street.

Mr. Zalinger said they are not approving parking on a city street.

Mr. DeSmet said they are not.

Mr. Zalinger said all of the parking is on site and meets the requirements.

Mr. DeSmet said it is hard to see in the site plan, but the seating area has been removed from this application. If that comes up again they will come before the Design Review Committee.

Mr. Zalinger said they have modified their plan to go forward without exterior seating.

Mr. Asaro replied at this time, yes.

Mr. DeSmet said the DRB wanted to see the previous approval of that type of parking on a city street.

Mr. Lindley asked where on the site plan they expect the dumpsters are going to be placed.

Mr. Asaro said where the top four parking spots are there will be one spot that will have a dumpster up beyond the retaining wall. He spoke with Myers Trash Removal and they spoke about not doing a dumpster and having two trash receptacles like they have there now and one recyclable to be picked up. That would work with composting also.

Mr. Lindley said the parking above the wall has four spaces. Mr. Asaro replied that was correct.

Mr. Lindley asked how does one park up above the wall and walk down the street?

Mr. Asaro replied it is all part of the property there. It is all paved there. The side entrance to the building is right there and there are 6 parking spots there.

Mr. Lindley said the ADA parking space is three down from the wall.

Mr. Blakeman asked if his property went up to the wooden fence.

Mr. Asaro replied yes. The wooden fence to the right belongs to them.

Mr. Blakeman said apparently the local families park their cars next to his four spaces. Is he going to have it noted that the parking is only for customers of the business?

Mr. Asaro said the parking lot is already noted for customer parking only and it is part of that property line clearly distinguished by the changing of the pavement in the parking lot.

Mr. Zalinger said his recollection from the last time the Board met is that there is sufficient parking in this application on the front facing Barre Street, so whatever the applicant chooses to do with the parking he has planned along Downing Street is gravy. Whatever arrangements he comes to with the neighbors it is his option. He thinks all of the site plan review criteria have been met. The only remaining question was whether they needed to approve parking on Downing Street, and the answer is no.

Mr. Hoff asked if they voted on conditional use last time.

Mr. DeSmet replied yes along with design review.

Mr. Hoff moved to approve the site plan for 34 Barre Street, and Mr. Richardson seconded the motion.

Mr. O'Connell recused himself since he wasn't here for the original testimony.

The motion passed on a vote of 6 – 0 – 1 with Mr. O'Connell recusing himself.

V. **Variance Request from Rear Yard Setback for a Garage**

6 Marvin Street – MDR

Applicant: Black River Design

Owner: Roderick Cooke

Tabled by the applicant.

Adjournment:

Upon motion by Ken Matzner and Jeremy Hoff the Development Review Board adjourned on a vote of 7 to 0.

Respectfully submitted,

Clancy DeSmet
Planning and Zoning Administrator

Transcribed by: Joan Clack