

Montpelier Development Review Board
April 19, 2010
City Council Chambers, City Hall

Subject to Review and Approval

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

Call to Order:

The meeting of the Montpelier Development Review Board was called to order by Phil Zalinger, Chair, at 7:00 P.M.

Review of April 5, 2010 Minutes:

Upon motion by Jack Lindley, seconded by Daniel Richardson, the minutes of the April 15, 2010 DRB meeting were adopted on a vote of 6 to 0.

I. 32 Main Street (DB-I/DCD)

Design Review for a Sign

Owner: Aubuchon Realty Company, Inc.

Applicant: Glenn Sturgis/Capitol Copy

The Design Review Committee reviewed the application on April 13th and recommended approval with an adjustment to the scope. The DRC requested that Aubuchon repair and repoint the exposed brick façade at the southeast corner of the building in conjunction with the cosmetic façade renovations to maintain the safety of the building, the sidewalk and the adjacent driveway. Is the applicant in agreement with that recommendation?

Mr. Sturgis replied yes and said they either will or they won't and his work will go forward or not based on that, but he has no reason to think they won't.

Mr. Zalinger said because the Design Review Committee serves in an advisory capacity to the DRB if the DRC after hearing the evidence, discussing it and going into the kind of depth they go into and they make recommendations the DRB generally doesn't reconsider the facts of the case. The DRB accepts the DRC's recommendation provided the applicant agrees to the recommendation. If the applicant won't commit to the DRC's recommendation then they start the hearing over again and hear it on our own merits to determine whether we agree or disagree with the DRC's recommendations. Has Aubuchon been made aware of this recommendation?

Mr. Sturgis said after tonight if he has his permit he will then present it to Aubuchon. Since he can't control what Aubuchon is willing to do, and he has no reason to believe he won't work with him, but if they won't he can't go forward with the sign because he can't work on

the exterior of the building as a tenant. He isn't arguing the decision and understands what it is. He just can't finish the work until he knows they are going to repair the building.

Mr. Zalinger said he can't make that commitment but he doesn't object to the DRB's issuance of a permit tonight with that as a condition.

Mr. Sturgis replied he did not.

Mr. Zalinger said the DRB is going to impose a condition on the grant of approval tonight that says the placement of the 2 x 17 wall sign within the band at Capitol Copy be conditioned upon the repointing that the DRC recommended.

Mr. O'Connell said he would make a motion to that effect, to approve the application with the amendment recommended by the DRC. Mr. Richardson seconded the motion.

Mr. Hoff said this is a little troubling just simply because we don't have the owner of the building we are imposing a permit. In reading the language it sounds as if the committee is making this somewhat of an optional change. They use the words "The committee requests" rather than making it more of a commandment as a condition on the permit. He doesn't necessarily want to make it a condition of a permit because this is a sign permit and not even a larger design review issue.

Mr. Zalinger said it is a sign application but there is also some construction related to it, and that is the removal of the overhang and siding. There is some construction that is involved.

Mr. Richardson said the picture on the back of the packet shows exposed brick on the side. He asked if Mr. Sturgis planned on exposing that brick anyway.

Mr. Sturgis said after discussions he had an informal meeting with Design Review prior to his application and their preference was that the columns be exposed and he agreed to do that. When he met with them on his application the issue of if he took the wood off they run the risk of safety issues with the brick behind there so they need to fix that. That's where they are now. If it is a safety issue he isn't going to argue it, but he can't commit for Aubuchon.

Mr. Hoff said the only adjustment to the scope of his proposal from the shape he submitted it is that when he exposes the brick there may be some repointing and some maintenance that needs to be undertaken, but he doesn't know what the condition of the brick is until he removes the siding.

Mr. Sturgis replied that is correct. They really don't know what they will find until they expose it.

Mr. Lindley said he doesn't even remember approving anything that was making a request of somebody to do anything without knowledge that it could be completed. He is troubled. He has no problem with the sign. He is troubled by the fact that the owner of the building has not commented or stepped forward to say the bricks are a problem. He thinks the bricks being exposed is probably a nice addition to the project.

Mr. Zalinger said he would also point out that safety issues and the need to repoint the brick really doesn't fall under the evaluation criteria of the Design Review Committee. When the owner of this building was here before the Board at least twice in the last four to six months for the changes elsewhere in the neighborhood we never dealt with the signage. The Board never dealt with whether bricks had to be repointed.

Mr. DeSmet said they actually proposed repointing in their application in the rear of the building.

Mr. Zalinger said that was for the leased property.

Mr. DeSmet said he thinks the Design Review Committee kind of recognized the gray area of requesting that, but at a certain point there was a veneer of brick put on there and the T-111 and the roofing. Glenn doesn't know what is under there, either.

Mr. Zalinger said it strikes him that Aubuchon Realty is conversant with what their liability is to the public for maintaining their buildings both on the public sidewalk and for the adjacent driveway, and if they elect to maintain a building that isn't in good repair they certainly know what their liability is and how to insure against it. They are an accomplished commercial landowner.

Mr. Sturgis said he doesn't think there is any question that if he removes that and there are problems that they will work with him to either permit him to do it or do it themselves. The only question he has is if his removing that wood is causing a safety issue but leaving it on there prevents that from being an issue, then they are certainly within their rights to refuse him the sign as it has been approved because what he is doing is creating an expense for them and they may deny him that. Aubuchon has been very good to work with, and he has no reason to think they won't be. It is certainly within their rights to refuse to allow him to do anything to the exterior if it is going to cause an expense for them.

Mr. Zalinger said he can't guarantee them that it won't.

Mr. Sturgis said he can't at this moment, no.

Mr. O'Connell said he could change his motion from as a condition to read to the Design Review Committee's request if the Board is more comfortable with that.

Mr. Zalinger said they could act on his motion and then consider another motion.

Mr. Richardson said he thinks they have to do that procedurally.

Mr. Zalinger said the motion that Mr. O'Connell is no longer supporting is to grant approval of the sign with the condition that upon removal of the siding that the brick be repointed if necessary for safety. The pending motion failed on a vote of 1-5-1. Is there a new motion?

Mr. Richardson moved that the DRB grant Design Review approval to the 32 Main Street application and adjust the adjustment from the Design Review Committee simply to be an option to the permit. Mr. Lindley seconded the motion.

Mr. O'Connell said the way the motion is constructed it comes as a package. In other words, the sign and the removal of the wood siding is all part of one issue. It's not an option to now take off the wood.

Mr. Richardson said he understands it simply as it was reviewed by the Design Review Committee. Their recommendation made sense, but the applicant can't necessarily guarantee into an option.

Mr. O'Connell said he thinks it is fine. If they find they have a maintenance issue they ought to be relatively certain they would deal with that.

Mr. Cranse said the application has three parts. One is the placement of the sign. One is the removal of the non-historical overhang. The third is removing the siding. That's the application. Then, the DRC added their adjustment about the repointing and the DRB is adjusting the adjustment to simply be optional.

Mr. O'Connell said they don't have to do it.

Mr. Richardson said he thinks it carries a strong recommendation from the Design Review Committee and we are just simply make it a recommendation rather than a condition such that if Aubuchon refuses to do the repointing we are not in a situation where then the permit fails and the sign has to be removed.

Mr. O'Connell added that or if the repointing is not necessary, which is also a possibility.

Mr. Zalinger said he doesn't understand the motion to compel the applicant or the owner to repoint the brick façade of the building. It's an option.

Mr. Blakeman said what with this motion can Mr. Sturgis do?

Mr. Zalinger said Mr. Sturgis can remove the existing non-historic wooden shingle overhang, place a new sign in the sign band that then will be exposed and remove the siding from the façade of the building.

Mr. Hoff said if he determines it needs repointing he can do that as well.

Mr. Zalinger said he can repoint the brick tomorrow without a permit, and the owner can repoint the brick any time they want. You don't need a permit. There is a motion made by Dan and seconded by Jack. The motion passed on a vote of 7 to 0.

II. 144 Elm Street (HDR/DCD)

Design Review for a new front door and replacing carport wall

Owner/Applicant: Resurrection Baptist Church

Interested Party: Roger McManis, Trustee

Mr. Zalinger said it appears the Design Review Committee also reviewed this matter on April 13th and recommended approval with an adjustment to the scope of the proposal. The material to cover the exterior of the carport partition wall will be specified as hardy plank clapboard siding. In addition, a trim cap will be installed to prevent moisture intrusion at the top of the wall. Is the applicant in agreement with the adjustment?

Mr. McManis replied they are.

Mr. Zalinger said the approval the DRB proposes they issue requires you to do that.

Mr. Richardson made a motion for design review approval at 144 Elm Street, seconded by Mr. Blakeman. The approval was voted on a 7 to 0 vote.

III. 155 Main Street (HDR/DCD)

Design review for solar collectors on the south facing roof

Owner/Applicant: Montpelier Housing Authority (Pioneer Apartments)

Interested Party: JoAnn Troiano

The Design Review Committee reviewed this matter at its April 13th meeting and the DRC recommended approval as proposed. He asked if there were comments, observations or questions from Board Members.

Mr. Richardson inquired if the solar panels would be visible from the street if you are on the sidewalk.

Ms. Troiano said if they are on the sidewalk probably not. If you are far enough down Elm Street depending whether they can top off a couple of the trees without killing them he

projects it might be 1 to 2 feet above the back roof. You might be able to see it from Elm Street and certainly you could see it from Cliff Street.

Mr. Richardson said he was curious how far the profile stuck up above the mansard section.

Ms. Troiano said it will be above the mansard 1 to 2 feet at the most.

Mr. Richardson moved design review approval at 155 Main Street, with Mr. O'Connell seconding the motion. The application received approval on a vote of 7 to 0.

Other Business:

None.

Adjournment:

Upon motion by Jack Lindley and Alan Blakeman the Development Review Board adjourned on a vote of 7 to 0.

Respectfully submitted,

Clancy DeSmet
Planning and Zoning Administrator

Transcribed by: Joan Clack