

## Minutes of the Planning Commission

Meeting Date: March 25, 2013    Called To Order At: 6:00 pm

PC Members	Present	Absent	Recused	Observed
Chris Dermody, Chair	X			
Jeff Bean	X			
Michael Smith	6:15			
David Barber	X			
Peter Ford	X			
Ryan Doyle		X		

### **A.     PLANNING SEGMENT**

#### **1.   Form-Based Code Presentation**

Chip Sawyer gave an overview of the process of drafting the form-based code as well as the original goals that guided the process. He also went on to explain the next steps of the drafting process to both satisfy grant requirements for the state as well as incorporating it into the upcoming zoning rewrite process.

Peter Ford asked when the adoption might happen. Chip Sawyer stated that this draft is a substantial change from our current regulations and it could be several months before it would be enacted. He said that it would be incorporated in the zoning re-write.

Greta Brunswick, Senior Planner at the Northwest Regional Planning Commission, gave a more detailed presentation of the form-based code draft. The focus of her presentation was on the structure of the document, how it works, as well as what the standards look like.

Chip Sawyer explained that what is currently drafted and being presented is some-what of a standalone document, and that how this would conflict with current regulations throughout the land development regulations has not been taken into consideration. The following step in the process would involve, during the zoning re-write, integrating this form-based code into a new land development regulations.

Peter Ford asked about the rationale behind provisions not requiring a habitable second story. Chip Sawyer responded that there is not as strong a market case for functional stories, and that what has been provided in the draft is a balance between being sensitive to the character of the downtown while recognizing the current state of the market. Peter Ford stated that this a major aesthetic as well as planning principle at stake with this provision.

Jeff Bean requested that a transitional chart that would help all involved with understanding what is coming from the old regulations and what is new. He also stated that he was not seeing anything in the draft that addresses Service-industrial areas. Chip

Sawyer stated that staff was still working towards fully understanding the ramifications for Service-industrial areas of this form-based code and what the long-run future plans would be for such areas.

David Barber requested that an additional “apartment building” building form type be added to the set of building forms. He also asked whether out-buildings were going to be addressed with this code. Greta stated that setbacks are currently addressed, but not on the aesthetic aspects.

Jeff Bean raised concerns regarding the presentation of frontage type versus building type versus what is allowable in the district. Chip Sawyer stated that this was an issue we are working on and we are trying maintaining simplicity and modularity. Chris Dermody suggested that facing pages should be coordinated to show the associated material.

Chris Dermody asked Planning Commissioners to get comments to Brad. He also scheduled a working meeting on April 15th at 6:30.

## **2. Discussion of DAB Role(s)**

This agenda item was skipped.

## **3. Design Advisory Board Rules of Procedure**

Brad Lanute gave a summary of the drafted Rules of Procedure document. He stated that this document was based on the conversations that the board had taken up in the last couple of meetings regarding clear procedures for the DAB. He said that the document is based off of the current DRB rules of procedure, but is adapted to meet the state statutes related to the DAB as well as the Land Development Regulations.

Chris Dermody asked that all of the board members read this carefully, so that the rules can be adopted at a future meeting. Peter Ford asked that the role of the zoning administrator in the process be spelled out as well.

## **B. DESIGN ADVISORY SEGMENT**

- 1. 13 Maiden Lane – The Connor Group, LLC** – Applicant requests recommendations to the Development Review Board for a major site plan that includes demolition of a historic structure and construction of a new commercial building. This property is located in the DR-1 Traditional Downtown design review district.

Brad Lanute gave an introduction to the application and the grounds for design review for this project. Mike Connor, of the Connor Group, gave an overview of the proposed site plan and building elevations. Luke Willey, of Ruggiano Engineering, discussed the current conditions of the site and the proposed engineering design rendered in the site plan. Mike Connor discussed in greater detail the elevations of the proposed building.

Chris Dermody stated that the hearing would be handled in two parts. Part one will deal with the demolition of the current building and part two would deal with the design of the proposed new building. Chris Dermody read Section 706(A)(8)(e). He then asked the applicants if they had a qualified engineer's opinion. Fred Connor, of The Connor Group, stated that they did not.

Chris Dermody then read the first paragraph of the Safety Order issued by Fire Marshal Josh Cox. Josh Cox stated that his role is to identify buildings which are unsafe, and then to order property owners to abate those concerns to enhance the public safety. He stated that he has been inside the building many times. He said that there are several structural systems that have failed or are in the process of failing. He said the fire suppression system is out of service, and cannot be relied on to distinguish a fire. Chris Dermody asked Josh Cox whether this is a qualified engineer's opinion. Josh Cox responded no, it is not.

Chris Dermody asked the applicants for a qualified engineer's opinion to satisfy the Land Development Regulations. He said that the board is already scheduled to meet on April 15, and that the report could be presented at that time. Fred Connor stated that it was his hope that the engineer's report could be waived given the state of the building. Chris Dermody said that the demolition portion of the design review would be recessed until April 15th when the engineer's report can be presented to the board.

Chris Dermody asked if there are any artifacts inside that building that could be saved and recycled. Fred Connor said that they have been in touch with ReStore in Burlington, and that salvageable materials would be taken by ReStore.

Chris Dermody stated that they would be moving onto the design phase of the building. He read all of Section 701 of the Land Development Regulations as well as the first paragraph of Section 702. He stated that given the historic nature of the building, there are some things that need to be looked. First is the viewpoints (i.e., the setback). As you look up from the park or down to the park, the current setback is in line with the Leahy building and the library. Fred Connor stated that the front porch of the Owl Club is 26 feet from the property line. Chris Dermody clarified that he wanted to know the distance from the building rather than the porch. Mike Connor measured the site plan with a scale and stated that the existing building from the property line is 40 feet, and the proposed building is 20 feet. Fred Connor stated that the new building meets the intent stated on page 7-2 of the Land Development Regulations. He said that the rules are asking for facades that are continuous, connected and buildings that directly front the sidewalk. Chris Dermody recommended possibly moving the building eastward in order to maintain the historic appearance of Maiden Lane. Fred Connor stated that this would remove the landscaping on the east side of the building, and that the handicap ramp would need to be re-designed with a switchback. Mike Connor stated that if this were to happen, it would require three perpendicular sidewalks to each of the doorways with small patches of green space in between. David Barber stated that this is not the only option. He stated that the two outer doors on the west façade could be moved to the north and south facades. Fred Connor stated that we could feasibly move the building back, but

that the result would look more like a suburban office building rather than an urban office building. Therefore they respectfully suggested that they will not be coming back with that change.

Chris Dermody stated that the present building has a front brick, and the proposed building is to have some type of hardy board. He stated that a softening of the façade with a porch could make it look more historic without needing brick. He also stated that he is generally looking for an echo of the past. Chris Dermody stated that the current building has arched vents at the top of the building, while the new building has square vents. He also stated that the current building has shutters, while the proposed building does not. Chris Dermody stated that the dumpsters in their current location are too close to the street even though they are shielded by a vinyl fence.

David Barber stated that the 625 cubic yards of earth that would be excavated would be a drastic alteration of the site. He stated that a different design approach could remedy this problem as well as the set back issue previously raised and he also stated that an elevator would eliminate the need to change the grade. Fred Connor stated that this is a speculative building, and that they are trying to have maximum flexibility for the future tenants. He said that they are trying to bring forty jobs to the City, and we want those tenants to have those accessibilities.

Jeff Bean raised concerns about shifting the sidewalk away from the traditional right of way to accommodate the site of the building and the proposed parking rather than designing to accommodate the existing sidewalk. He stated that this could be a problem for City maintenance of the sidewalk. Fred Connor stated that they are proposing to give an easement to the City for the sidewalk, but that they would also take care of snow removal. Jeff Bean stated that he agreed that the vent issue previously addressed should be considered by the applicant. He also stated another concern regarding pedestrian protection from the elements at entrances to the building – particularly the two entrances on the west side of the building. Fred Connor stated that they would welcome a condition of having a covered complementary canopy over those entrances, but he also thought it would be a good location for a sign band for future tenants. Jeff Bean stated that the change of use to commercial should also be considered as it relates to the historic character, and that a more residential tone should be reflected in the building design as it serves to transition into the neighborhoods to the east. He stated that shutters and other items that could be carried over from the original design could help to soften the commercial feel of the building. Fred Connor asked that the board look at the proposed window, which is the highest end window that Marvin makes. They are fully maintenance free, and they are not interested in setting up shutters to attach to it as they are not made for shutters. Chris Dermody stated that he is not looking for working shutters. Jeff Bean stated that the arch found in the architecture of the porch could be a good element to carry over into the new design.

Mike Connor stated that when they looked into purchasing the building they assessed the current conditions and found that it was not feasible to rehab. He said that it is frustrating to balance the intent of the safety order and the intent of the bylaws. Chris Dermody

responded that the board is trying to be timely on this matter, and that he had advised the applicants that this requirement of the engineer's report is in the rules.

Peter Ford stated that there are two issues. First can the building be salvaged? If the building can't be salvaged, is the building proposed an aesthetically acceptable substitute for the current building? He stated that the answer to the second question is no. He said there is no attempt to incorporate the architectural and social history of that building in this proposal. He said that this is a plain building with no ornamentation. He said the original brick building is a federal style building that should be as much as possible reflected in the proposed building.

Michael Smith stated that he would like to see shutters to break up the façade and blend in with the neighborhood, as well as hoods over the two doors on the west side of the building. He also stated that he would like to see more green space on the Maiden Lane side.

David Barber stated that the historic renovation work done previously by Connor Construction has been excellent, but that quality of design is absent in this particular design.

Jeff Bean stated that he is against the privatization of parking.

Chris Dermody read a letter from Ryan Doyle into the record. It read as follows, "Among the many things I would like to say is my belief that form is of the utmost importance in the evaluation of the appearance and therefore under our prevue to analyze. Although the setback of the structure is visible only from a site plan, we cannot comment on the site plan. It does allow us to visualize the static proposed elevation in a three-dimensional way, and is well within our ability to consider. It is my opinion that this is a bland structure so close to the street to crowd the public right-of-way and diminish the appearance, character and value of the street which view towards our beautiful park. I would as a result like to see something more in keeping with the character and form of the neighborhood. Thank You. Ryan J. Doyle."

Sue Prent, an abutting land owner on Bank Street, stated that the board has raised many excellent issues, and agrees that the proposed building is not a sufficient replacement for the Owl Club if it were to be demolished. She said that she contacted Paul Bruhn at Preservation Trust regarding this project, and asked whether they were contacted about this project. Paul Bruhn responded that they were not contacted, but they would be happy to supply a small matching grant to get a second opinion. Chris Dermody stated that since this project is completely funded by private money, there is no state or federal rules regulating the demolition of the building given its historic designation. Sue Prent added that she does not have a problem with the proposed use, but if the design cannot meet the needs of tenants and the requirements of the design review perhaps this is not the right use for a new building.

Donna Veale, an abutting land owner on Congress Street, stated that there are broken windows and doors. She said that the building is dangerous not only due to the structural deficiencies but also squatters that are using the building. She said she is very happy that something is being proposed for the building. She also wanted further information about the proposed fencing and lighting that would abut her property. Fred Connor responded that information on the fencing material has been submitted as part of the application.

Jaime West, resident of 14 Messenger Street, stated that the New England vernacular is present with the design. He likes the trim and the color scheme, but would like to see dormers and some other elements echoing the previous building if cost effective. He stated that he has been in the building in the last ten years, and it is dangerous.

Michelle Besette, business owner in the City, stated that she is very sad to see this building proposed to be demolished. She stated that an engineer with architectural preservation background should be required to look at the building and give a fair assessment. She also stated that the building should be secured. She asked whether there was an architect contracted for this proposal, and stated that she recommends that an architect with historic preservation background be hired.

MaryPat Larrabee, Library Director of St. Albans Free Library, stated that the building is not salvageable. She stated that she understands why the rules require an engineer's opinion, but in this case it is clear what the opinion will be.

Peter Ford stated that there is no north elevation included with the materials. Mike Conner stated it is similar to the south elevation. Peter Ford said this means that it will have a frontage on Congress Street that does not look like any other frontage on Congress Street, so this will be a 30 foot anomaly with no doorway. Is that correct? Mike Connor state yes.

Chris Dermody asked the applicants whether they would like more time to consider revisions to the proposed building design prior to DAB recommendations being referred to the DRB. Fred Connor said yes.

Michael Smith asked Donna Veale about the proposed location of the dumpster. Donna Veale stated that she would prefer the dumpster closer to Congress Street, so that the trash truck does not have to go all the way into the driveway.

Chris Dermody stated that this hearing will be recessed until the April 15 meeting.

2. **133 N. Main Street – The Bargain Shop** – Applicant requests a favorable recommendation to the Zoning Administrator for a building sign. This property is located in the DR-1 Traditional Downtown design review district.

Brad Lanute gave an overview of the submitted application. He stated that the application was complete and that the proposal was in conformance the land development regulations. The applicant, Moira Jettie, gave a presentation of the proposal.

David Barber made the motion to approve the application as presented. The motion was seconded by Jeff Bean with all in favor.

PC Members	Motion	Second	Yes	No	Abstain
Chris Dermody, Chair					
Jeff Bean		X	X		
Michael Smith			X		
David Barber	X		X		
Peter Ford			X		
Ryan Doyle					

- 3. 25 Catherine Street Street – Rainville Chiropractic** – Applicant requests a favorable recommendation to the Zoning Administrator for a building sign. This property is located in the DR-2 Downtown Expansion design review district.

Brad Lanute gave an overview of the submitted application. He stated that the application was complete and that the proposal was in conformance the land development regulations. The applicant, Martha Rainville, gave a presentation of the proposal.

David Barber made the motion to approve the application as presented. The motion was seconded by Michael Smith with all in favor.

PC Members	Motion	Second	Yes	No	Abstain
Chris Dermody, Chair					
Jeff Bean			X		
Michael Smith		X	X		
David Barber	X		X		
Peter Ford			X		
Ryan Doyle					

- 4. 1 Federal, Suite 201 – Arnold & Scangas Architects** – Applicant requests a favorable recommendation to the Zoning Administrator for a building sign. This property is located in the DR-1 Traditional Downtown design review district.

Brad Lanute gave an overview of the submitted application. He stated that the application was complete and that the proposal was in conformance the land development regulations. The applicant, Laz Scangas, gave a presentation of the proposal.

Peter Ford made the motion to approve the application as presented. The motion was seconded by Jeff Bean with all in favor.

PC Members	Motion	Second	Yes	No	Abstain
Chris Dermody, Chair					
Jeff Bean		X	X		
Michael Smith			X		

David Barber			X		
Peter Ford	X		X		
Ryan Doyle					

- 5. 130-132 N. Main Street – Barney Agency** – Applicant requests a favorable recommendation to the Zoning Administrator for awning signs and a freestanding sign. This property is located in the DR-1 Traditional Downtown design review district.

Neither the applicant nor a designated representative was in attendance of the meeting. The application was recessed until the next regularly scheduled Design Advisory Board meeting.

- 6. 139-141 Lake Street – St. Albans Moose Lodge**– Applicant requests a favorable recommendation to the Zoning Administrator for building signs and a free-standing sign. The property is located DR-2 Downtown Expansion design review district.

Brad Lanute gave an overview of the submitted application. He stated that the application was complete and that the proposal was in conformance the land development regulations. The representative of the applicant, Martha Ohliger, gave a presentation of the proposal.

Peter Ford made the motion to approve the application as presented. The motion was seconded by David Barber with all in favor.

PC Members	Motion	Second	Yes	No	Abstain
Chris Dermody, Chair					
Jeff Bean			X		
Michael Smith			X		
David Barber		X	X		
Peter Ford	X		X		
Ryan Doyle					

**7. Questions and Discussion for Zoning Administrator**

Peter Ford stated that he believes that in cases like the Owl Club that the Zoning Administrator should have the authority to refer applications to the appropriate professional services and experts in the field. He said that with historic buildings, it takes the whole prevue of planning and zoning to another level. If we want to make any attempt to preserve what we have, we need expert opinions and more information than what the applicant is required to provide. Brad Lanute explained that there are no requirements in the bylaw that would allow that, and the Zoning Administrator does not have additional authority beyond the bylaw to do so. Peter Ford stated that this is why we need to change the rules if so. Brad Lanute said that page7-9 has the standards that would allow the DAB or the DRB to retain professional assistance, and that it is ultimately the responsibility of the boards to make that judgment.

**C. OTHER BUSINESS**

**1. Meeting Minutes – January 28, 2013**

Jeff Bean noted an error in the voting chart of item number four of the DAB segment. Peter Ford noted a spelling error.

Jeff Bean made the motion to approve the minutes as amended. The motion was seconded by Peter Ford with all in favor.

**2. Planning & Development Update**

This agenda item was not discussed.

**3. Other**

There were no additional items discussed.

**D. PUBLIC COMMENT**

There was no public comment.

**Motion to adjourn the meeting was made by Peter Ford, seconded by Jeff Bean with all in favor. The meeting was adjourned at 9:20 pm.**

Respectfully submitted, Brad Lanute, minute taker.