

DESIGN ADVISORY BOARD

January – December 2019
Regularly Scheduled Meetings

Date of Meeting	Day of Week	Time	Location	Application Deadline- Wednesday 4pm
January 8, 2019	Tuesday	3pm	Conference Room 12	December 26, 2018
January 23, 2019	Wednesday	5pm	Joint/ Contois Auditorium	January 9, 2019
February 12, 2019	Tuesday	3pm	Conference Room 12	January 30, 2019
February 26, 2019	Tuesday	3pm	Conference Room 12	February 13, 2019
March 12, 2019	Tuesday	3pm	Conference Room 12	February 27, 2019
March 26, 2019	Tuesday	3pm	Conference Room 12	March 13, 2019
April 9, 2019	Tuesday	3pm	Conference Room 12	March 27, 2019
April 23, 2019	Tuesday	3pm	Conference Room 12	April 10, 2019
May 14, 2019	Tuesday	3pm	Conference Room 12	May 1, 2019
May 28, 2019	Tuesday	3pm	Conference Room 12	May 15, 2019
June 11, 2019	Tuesday	3pm	Conference Room 12	May 29, 2019
June 25, 2019	Tuesday	3pm	Conference Room 12	June 12, 2019
July 9, 2019	Tuesday	3pm	Conference Room 12	June 26, 2019
July 23, 2019	Tuesday	3pm	Conference Room 12	July 10, 2019
August 13, 2019	Tuesday	3pm	Conference Room 12	July 31, 2019
August 27, 2019	Tuesday	3pm	Conference Room 12	August 14, 2019
September 10, 2019	Tuesday	3pm	Conference Room 12	August 28, 2019
September 24, 2019	Tuesday	3pm	Conference Room 12	September 11, 2019
October 8, 2019	Tuesday	3pm	Conference Room 12	September 25, 2019
October 22, 2019	Tuesday	3pm	Conference Room 12	October 9, 2019
November 12, 2019	Tuesday	3pm	Conference Room 12	October 30, 2019
November 26, 2019	Tuesday	3pm	Conference Room 12	November 13, 2019
December 10, 2019	Tuesday	3pm	Conference Room 12	November 27, 2019

CITY OF BURLINGTON DESIGN ADVISORY BOARD

Rules of Procedure and Conflict of Interest Policy

New language underlined.

Section I: Authority and Purpose.

The Design Advisory Board of the City of Burlington hereby adopts the following rules of procedure (hereinafter referred to as “Rules”) in accordance with 24 V.S.A. § 4464(d), 1 V.S.A. Chapter 5 Subchapter 2 (Common Law, General Rights, Public Information), and Section 2.5.1 of the Burlington Comprehensive Development Ordinance.

Legal Requirements

The DAB is required to adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct under Sec. 2.4.3 Rules of Procedure of the *Burlington Comprehensive Development Ordinance* and 24 VSA §4464 (d), and must conduct its proceedings in accordance with Vermont’s Open Meeting Law.

The Role of the Chair

Much like the moderator at town meeting, the job of the chairperson is to effectively manage participation by the participants. Most importantly, the chair’s role is to make an effort that those who have a right to participate realize that right, and to allow for those in attendance to be heard. However, it is important to remember that the chair is more than a neutral facilitator. The chair of a small advisory board, such as a local zoning board, has the right to vote, the right to make and second motions, and the right to question participants, just as any other member of the board.

Finally, while many boards elect the most senior member as chair, the most important attributes for a chairperson are the ability to facilitate a meeting or hearing and knowledge of the Design Review, planning and zoning process. These attributes may or may not be linked to the length of one’s tenure on the board. Moreover, a long-serving member may be more effective as a regular member where he or she can focus on analyzing the matter at hand instead of running the meeting.

Section II: Policy.

These Rules are adopted to ensure consistent and fair treatment of applicants, interested persons, and participants, orderly and efficient public proceedings, and compliance with state and federal law. These Rules shall also ensure that no board member will gain a personal or financial advantage from his or her service on the DAB, so that the public trust in municipal government will be preserved. Anything not explicitly conveyed in these bylaws shall be governed by Robert’s Rules of Order.

Section III: Definitions.

- A. “DAB” means the Design Advisory Board.
- B. “Board member” means a regular or alternate member of the DAB.
- C. “Conflict of interest” means any one of the following:
 - 1. A direct personal interest of a board member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, an individual with a close personal relationship to a board member in the outcome of a cause, proceeding, application or any other matter pending before the DAB.
 - 2. A direct or indirect financial interest of a board member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, an individual with a close personal relationship to a board member in the outcome of a cause, proceeding, application or any other matter pending before the DAB.
 - 3. A situation where a board member has publicly displayed or expressed a prejudgment of the merits of a particular proceeding before the DAB. This shall not apply to a member’s particular political views or general opinion on a given issue.
 - 4. A situation where a board member has not disclosed ex parte communications with a party in a proceeding before the DAB, pursuant to Section XII of these Rules.
- D. “Ex parte communication” means direct or indirect communication between a member of the DAB and any party, party’s representative, party’s counsel or any person regarding any proposal before the panel that occurs outside of a public proceeding, and concerns the substance or merits of the proceeding.
- E. “Official act or action” means any administrative act performed by any board member relative to decisions.
- F. “Recuse” means to remove oneself from a particular DAB proceeding because of a real or perceived conflict of interest.

Section IV: Appointment, Attendance and Removal of members

Pursuant to Article 2, Part 5 of the Burlington Comprehensive Development Ordinance, the DAB shall consist of five regular and two alternate members appointed by City Council. Appointment to the DAB shall be for a term of three consecutive years. Members may be appointed to successive

terms without limitation. Any member desiring reappointment, or city resident desiring an appointment to the DAB, must apply to the City Clerk's office and obtain a nomination form from a member of the City Council.

At a meeting in July of each year, the DAB shall hold an organizational meeting and elect by majority vote, a Chair and Vice Chair from its members, and shall also elect a Clerk who may or may not be a DAB member or a municipal employee. One member shall be appointed to the Planning Commission Ordinance Committee. Vacancies in these offices may be filled for the unexpired terms only by the City Council.

- A. The Chair shall preside at all meetings and decide all points of order or procedure, The Chair may request the production of material germane to any issue under consideration.
- B. The Vice Chair shall assume the duties of the Chair whenever the Chair is absent, recused or at the Chair's request. In the event that both the Chair and Vice Chair are absent or recused, the remaining longest serving member of the board shall assume the duties of Chair.
- C. It shall be the duty of all members to review the minutes and other official records of DAB meetings and actions, and correct and ratify these when appropriate and necessary.
- D. Planning & Zoning Department staff shall record decisions of all meetings.

Alternate members are appointed to temporarily serve as board members in the event or a recusal or absence of one or more regular members.

Whenever a regular member is recused or is expected to be absent from the DAB, the chairperson of the DAB, or his or her designee, may request that an alternate serve as an active member of the DAB by selecting an individual from the roster.

Members unable to attend a meeting shall notify the Planning Office staff no later than the morning of the scheduled meeting.

Absence of any member from more than three (3) consecutive or eight (8) total meetings over a period of one fiscal year will be cause for consideration for removal from the board. At the discretion of the chair and voted by a majority of the board, such affirmative vote for removal shall be advanced to the City Council immediately, requesting the appropriate measures be taken. Board members may be removed for cause by the City Council upon written charges and after public hearing. 24 V.S.A. § 4460(c).

Members will be advised by staff when two (2) consecutive or a total of four (4) absences have accumulated. This measure shall not be applicable to alternates, where their attendance is required only by absence or recusal of a regular member.

Section V: Committees

- A. **Standing Committees.** The Board shall appoint at least one (1) member to the Planning Commission Ordinance Committee.
- B. **Ad hoc Committees and Commission Liaisons:** From time to time ad hoc committees and board liaisons to other ad hoc committees may be established by the DAB for special assignments that do not fall within the general purview of standing committees.

Section VI: Regular and Special Meetings.

Regular meetings shall be held in the City Hall, or other publicly accessible location, as warranted based on the number of projects pending. Meeting length shall be at the discretion of the Chair in concurrence with the majority of members present, but should generally not exceed 2 hours. The Chair may cancel meetings at any time.

- A. Special meetings may be called by the Chair, provided at least 24 hours' notice is given to each member, and the time and place of each special meeting is publicly announced at least 24 hours before the meeting.
- B. A quorum shall consist of three participating members of the board.
- C. Board members may participate by telephone or other communication device as long as the absent member can hear everything that is occurring at the meeting and everyone present at the meeting can hear the board member.
- D. All meetings shall be open to the public.
- E. All business shall be conducted in the same order as it appears on the agenda, except the Chair may alter the order of items to be considered as needed, such as to accommodate a late or missing project applicant.

The Chair shall rule on all questions of order or procedure and shall enforce these rules pursuant to 1 V.S.A. § 312(h)¹

- G. At each meeting, speakers may participate on an agenda item but only when recognized by the Chair. Such comment may be limited to three minutes per speaker, unless the Chair sets a different time limit.

Section VII: Proceedings and Order of Business.

All meetings shall be publicly noticed in accordance with 24 V.S.A. §§ 4464(a) (1), (2), as amended.

E. ¹ At an open meeting, the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson.

The Chair shall conduct the proceeding in substantially the following manner:

- A. Open the proceeding by reading the warning of the proceeding.
- B. Ask all who are interested in an agenda item to identify themselves at the time of proceeding on the item of interest.
- C. Accept written information presented to the DAB, including but not limited to staff recommendations.
- D. Invite the applicant or applicant's representative to present such application or proposal.
- E. Invite DAB members to ask questions of the applicant, applicant's representative, or of City staff.
- F. Invite the public to present information regarding the application or proposal.
- G. Invite the applicant, applicant's representative, city staff or members of the public to respond to information presented.
- H. Invite DAB members to ask any additional questions or provide comments.
- I. Allow final comments or questions from the applicant or applicant's representative.
- J. The Chair shall either adjourn the proceeding to a time certain, continue the proceeding without a time certain subject to additional public notice being provided as to the time and place of any future proceeding, or close the proceedings.
- K. If the DAB finds it needs more information to render its decision, then the DAB may table and re-open the proceeding at a later scheduled hearing date. Once a decision or recommendation has been rendered, the proceeding is closed and review continues administratively or referred to other advisory committees or the Development Review Board (as appropriate.)
- L. The proceeding for any application shall be deemed to start the first time it appears on the DAB's agenda. In no event shall a proceeding extend for a period of more than six (6) months. In case of extenuating circumstances, the DAB may grant up to two (2) extensions of up to three (3) months each. If an initial extension is granted and the application lies dormant (no revised plans, information submitted) for the three (3) month duration of the extension, the DAB shall not grant another extension. The administrative officer may act on an incomplete application.

Section VIII: Site Visits.

Board members are encouraged to visit each site individually, however, no testimony shall be taken and no ex parte communication shall occur. Site visits by a quorum (3 members) of the DAB shall be held pursuant to the following conditions:

- A. If, the Chair determines that a site visit by a quorum of the DAB will be necessary, the site visit shall be scheduled and the date, time and place shall be announced during the meeting.
- B. If necessary, the DAB may recess a hearing and conduct a site visit at a property which is the subject of an application before the DAB.
- C. If necessary, the DAB may adjourn a hearing to a time certain to conduct a site visit at a property which is the subject of an application before the DAB.
- D. The minutes of the proceeding shall reflect that a site visit was held, who was present, and the nature and duration of the site visit.

Section IX: Decisions.

The DRB may make decisions at the close of the proceedings. Members of the DAB who have not heard all testimony and reviewed all evidence submitted for a particular application or proposal shall not participate in the vote.

The following rules shall apply to voting on decisions:

- A. Motions shall be made in the affirmative.
- B. The chair has the same voting rights as other members and can make motions.
- C. A second shall be required for a motion to have the floor.
- D. All members present are expected to vote unless they have recused themselves.
- E. Abstentions are strongly discouraged and shall not count towards either the majority or the minority.
- F. For a motion to succeed, it must receive the concurrence of three participating members of the DAB, regardless of how many members are present. 1 V.S.A. § 172².

² Title 1 : General Provisions
Chapter 003 : Construction Of Statutes
Subchapter 003 : Rules Of Construction
(Cite as: 1 V.S.A. § 172)

§ 172. Joint authority

When joint authority is given to three or more, the concurrence of a majority of such number shall be sufficient and shall be required in its exercise.

The quorum requirement as interpreted by the Vermont Supreme Court will apply regardless of whether members abstain, recuse themselves or if there are vacancies on the board. *In re Appeal of Reynolds*, 170 Vt 352 (2000). In other words, it's not a majority of those present, it's the majority of the seats at the table regardless of whether anyone is sitting in them or not, unless State law explicitly provides for otherwise.

Section X: Conflicts of Interest.

A. **Procedures.** Participation, disclosure of conflicts, and recusal shall be governed by the following procedures:

1. **Participation.** A board member shall not participate in any official action where he or she has a conflict of interest in the matter under consideration.
2. **Disclosure.** Board members with a conflict of interest shall state so prior to commencement of the proceeding. (Refer to Section III of these bylaws for details on how to recognize a conflict of interest.)

When recognized by the Chair, any person may request disclosure of potential conflicts of interest. Nonetheless, after disclosing a conflict or perceived conflict, if a member who believes that he or she is able to act fairly, objectively, and in the public interest, shall state on the record the nature of the potential conflict of interest, and the reason(s) why the member believes he or she is able to act in the matter fairly, objectively, and in the public interest.

This statement shall be part of the minutes of the proceeding pertaining to the matter under consideration.

3. **Recusal.** A board member shall recuse him or herself from any matter in which he or she has a conflict of interest, pursuant to the following:
 - a. The applicant or any person may request that a member recuse him or herself due to a conflict of interest. Such request shall not constitute a requirement that the member recuse him or herself.
 - b. The DAB may, by majority vote, (exclude or recuse) one of its members if there is reasonable public perception that a conflict of interest exists.
 - c. A board member who has recused him or herself from a proceeding shall not sit with the DAB or participate in that proceeding as a board member in any capacity.
 - d. If a previously unknown conflict is discovered, the DAB may take evidence pertaining to the conflict, and if appropriate, adjourn to address the conflict.
 - e. The DAB may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the DAB. The DAB may then resume the proceeding with sufficient members present.

B. Ex Parte Communications. Ex parte communication is prohibited. Any DAB member who inadvertently conducts ex parte communication must disclose such communication as required below.

1. **Disclosure.** At each hearing, Board members who have received written ex parte communications shall place on the record copies of all written communications received as well as all written responses to those communications. Members shall prepare a memorandum or state the substance of any and all oral communications received, all responses made and the identity of each person making the ex parte communication.

C. Progressive Consequences for Failure to Follow the Conflict of Interest Procedures. In cases where the conflict of interest procedures in Section X have not been followed, the DAB may take progressive action to discipline an offending board member. In the discipline of a member, the DAB shall follow these steps in order:

1. The Chair shall meet informally, in private, with the board member to discuss possible conflict of interest violation.
2. The DAB may meet to discuss the conduct of the board member. The board member may request that this meeting occur in public. If appropriate, the DAB may admonish the offending board member in private.
3. If the DAB decides that further action is warranted, the DAB may admonish the offending board member at an open meeting and reflect this action in the minutes of the meeting. The board member shall be given the opportunity to respond to the admonishment.
4. Upon majority vote, the DAB may request that the offending board member resign from the DAB. The Chair of the DAB shall then notify the City Council of this majority vote.

Section XI: Amendments.

These rules may be amended at any regular or special meeting by a two-third vote of the number of regular board members, provided that each DAB member has been presented a written copy of the proposed amendment at least 24 hours before the meeting at which the vote is taken. Only those amendments which are presented to the members prior to the meeting may be amended at that meeting.

Burlington Design Advisory Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/PZ/DAB

Phone: (802) 865-7188

Fax: (802) 865-7195

Matthew Bushey
Leo Sprinzen
Ron Wanamaker
Steven Offenhartz
Tom Cullins
Philip Hammerslough, Alt.
Phil Wagner, Alt.



DESIGN ADVISORY BOARD Tuesday September 25 , 2018 at 3:00 PM Conference Room 12, City Hall, Burlington, VT

Session I – 3:00 PM – 3:30 PM

19-0087CA; 19 Spruce St (RM, Ward 6S) Anna and Oliver Gebhardt
Enclose front porch and replace back door.

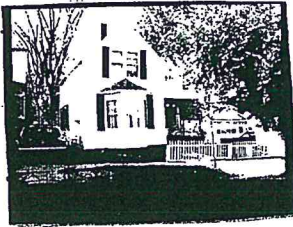
Session II – 3:30 PM – 3:45 PM

Bylaws V.2.0

Session III 3:45 PM – 4:00 PM

2019 Draft Calendar

*The programs and services of the City of Burlington are accessible to people with disabilities.
Individuals who require special arrangements to participate are encouraged to contact the Department of Planning & Zoning at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).*



gable and ell form

STATE OF VERMONT
Division for Historic Preservation
Montpelier, VT 05602

HISTORIC SITES & STRUCTURES SURVEY
Individual Structure Survey Form

COUNTY:	Chittenden
TOWN:	Burlington
LOCATION:	19 Spruce St.
COMMON NAME:	
FUNCTIONAL TYPE:	dwelling
OWNER:	Bernice & Everett Pecor
ADDRESS:	Rd 3 Mallets Bay, Winooski, Vt.
ACCESSIBILITY TO PUBLIC:	Yes ☐ No ☒ Restricted ☐
LEVEL OF SIGNIFICANCE:	Local ☒ State ☒ National ☐

GENERAL DESCRIPTION:

Structural System

- Foundation: Stone ☒ Brick ☐ Concrete ☐ Concrete Block ☐
- Wall Structure
 - Wood Frame: Post & Beam ☐ Balloon ☐
 - Load Bearing Masonry: Brick ☐ Stone ☐ Concrete ☐ Concrete Block ☐
 - Iron ☐ d. Steel ☐ e. Other: ☐
- Wall Covering: Clapboard ☐ Board & Batten ☐ Wood Shingle ☐ Shiplap ☐ Novelty ☐ Stucco ☐ Sheet Metal ☐ Aluminum ☐ Asphalt Shingle ☐ Brick Veneer ☐ Stone Veneer ☐ Bonding Pattern: ☐ Other: ☐
- Roof Structure
 - Truss: Wood ☐ Iron ☐ Steel ☐ Concrete ☐
 - Other: rafter ☐
- Roof Covering: Slate ☒ Wood Shingle ☐ Asphalt Shingle ☐ Sheet Metal ☐ Built Up ☐ Rolled ☐ Tile ☐ Other: ☐
- Engineering Structure: ☐
- Other: ☐

Appendages: Porches ☒ Towers ☐ Cupolas ☐ Dormers ☐ Chimney ☐ Sheds ☐ Ells ☒ Wings ☒ Other: ☐

Roof Style: Gable ☒ Hip ☐ Shed ☐ Flat ☐ Mansard ☐ Gambrel ☐ Jerkinhead ☐ Saw Tooth ☐ With Monitor ☐ With Bellcast ☐ With Parapet ☐ With False Front ☐ Other: ☐

Number of Stories: 1 1/2

Number of Bays: 1 x 1

Approximate Dimensions: _____

SURVEY NUMBER:

19 Spruce

NEGATIVE FILE NUMBER:

77-A-421

UTM REFERENCES:

Zone/Easting/Northing

U.S.G.S. QUAD. MAP:

PRESENT FORMAL NAME:

ORIGINAL FORMAL NAME:

S.E. Curtis house

PRESENT USE: apartments

ORIGINAL USE: residence

ARCHITECT/ENGINEER:

BUILDER/CONTRACTOR:

PHYSICAL CONDITION OF STRUCTURE:

Excellent ☐ Good ☒
Fair ☐ Poor ☐

THEME:

STYLE:

DATE BUILT:

ca. 1894

THREAT TO STRUCTURE:

No Threat ☐ Zoning ☐ Roads ☐
Development ☐ Deterioration ☐
Alteration ☐ Other: ☐

LOCAL ATTITUDES:

Positive ☐ Negative ☐
Mixed ☐ Other: ☐

ADDITIONAL ARCHITECTURAL OR STRUCTURAL DESCRIPTION:

Massing - front gable and ell section in an L-plan with shed roofed rear wing and porch spanning the front of the ell.

Fenestration - bay window with polygonal roof front elevation large window with transom is located next to doorway in ell. Paired windows in gable ends.

Door - plain surround.

Enrichments - imbricated band of slates on roof.

RELATED STRUCTURES:

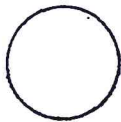
STATEMENT OF SIGNIFICANCE:

Almost identical to #23 Spruce, next door, these houses are a variation of the plan for the group of King St. houses (156-168) and were probably constructed by the same builder almost 20 years later. S. E. Curtis, who owned the house, was an engineer on the Rutland R. R.

REFERENCES:

BFP, 8/3/94, Sanborns, Directories

MAP: (Indicate North In Circle)



SURROUNDING ENVIRONMENT:

Open Land ☐ Woodland ☐
Scattered Buildings ☐
Moderately Built Up ☐
Densely Built Up ☒
Residential ☒ Commercial ☐
Agricultural ☐ Industrial ☐
Other:

RECORDED BY:

Adele Cramer

ORGANIZATION:

VT Division for Historic Preservation

DATE RECORDED:

8/3/77

19 Spruce St.



Google Maps

~~23 Spruce St~~

29 Spruce

21-23 Spruce



Image capture: Oct 2014 © 2018 Google

Burlington, Vermont

Google, Inc.

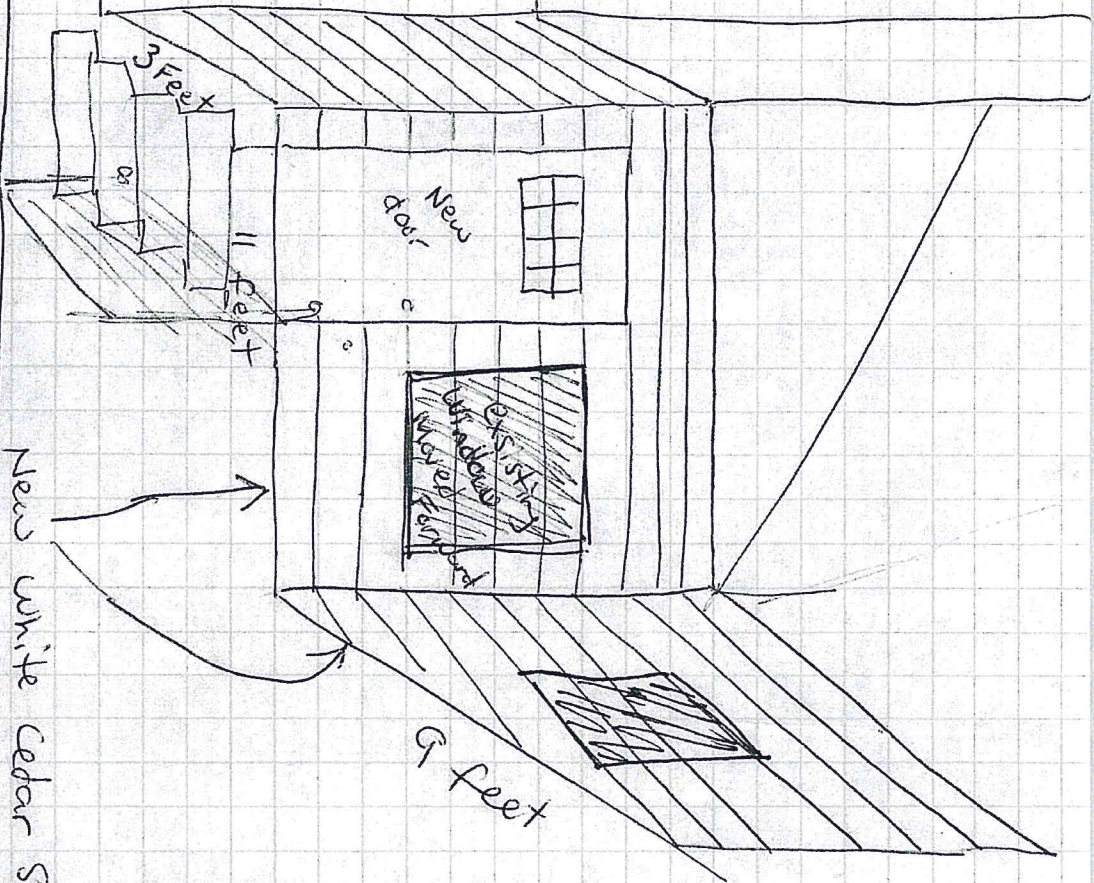
Street View - Oct 2014



North

SPRUE STREET

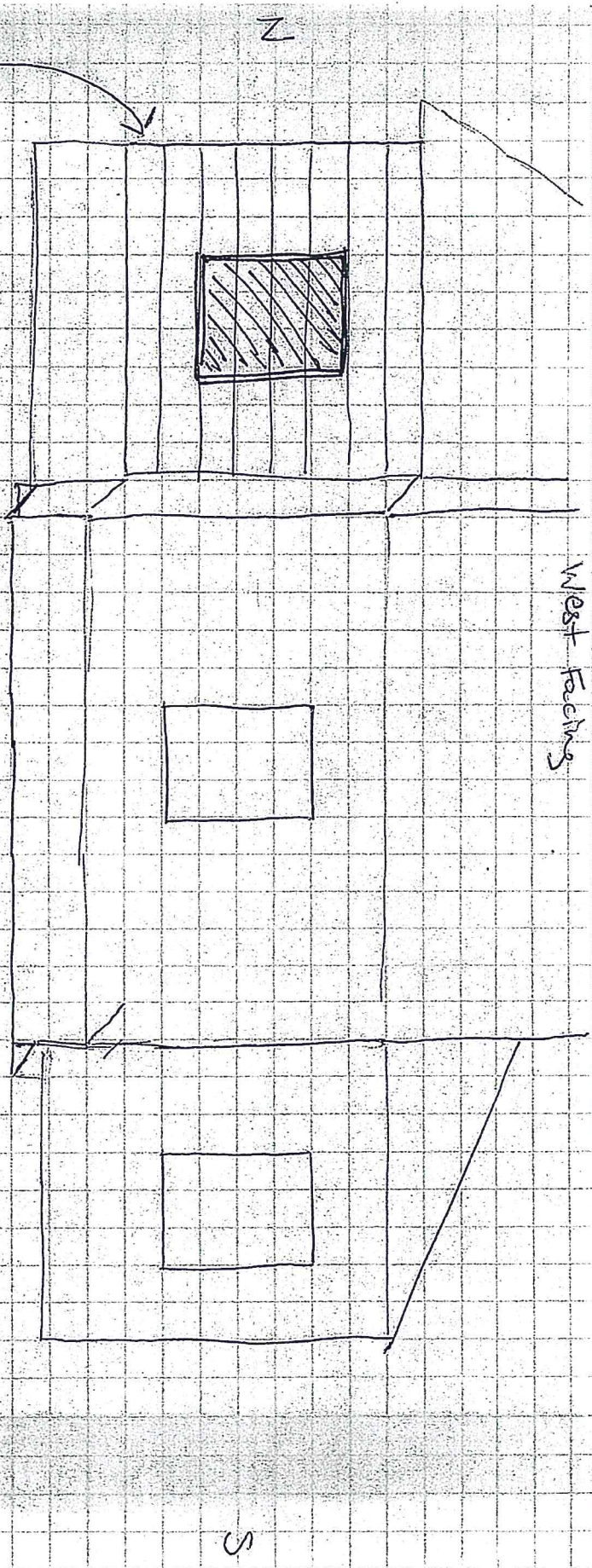
New white cedar siding



Window moved from back of house to be installed on west side of house

West

19 Spruce st
Gebhardt



Wood Cedar siding - white

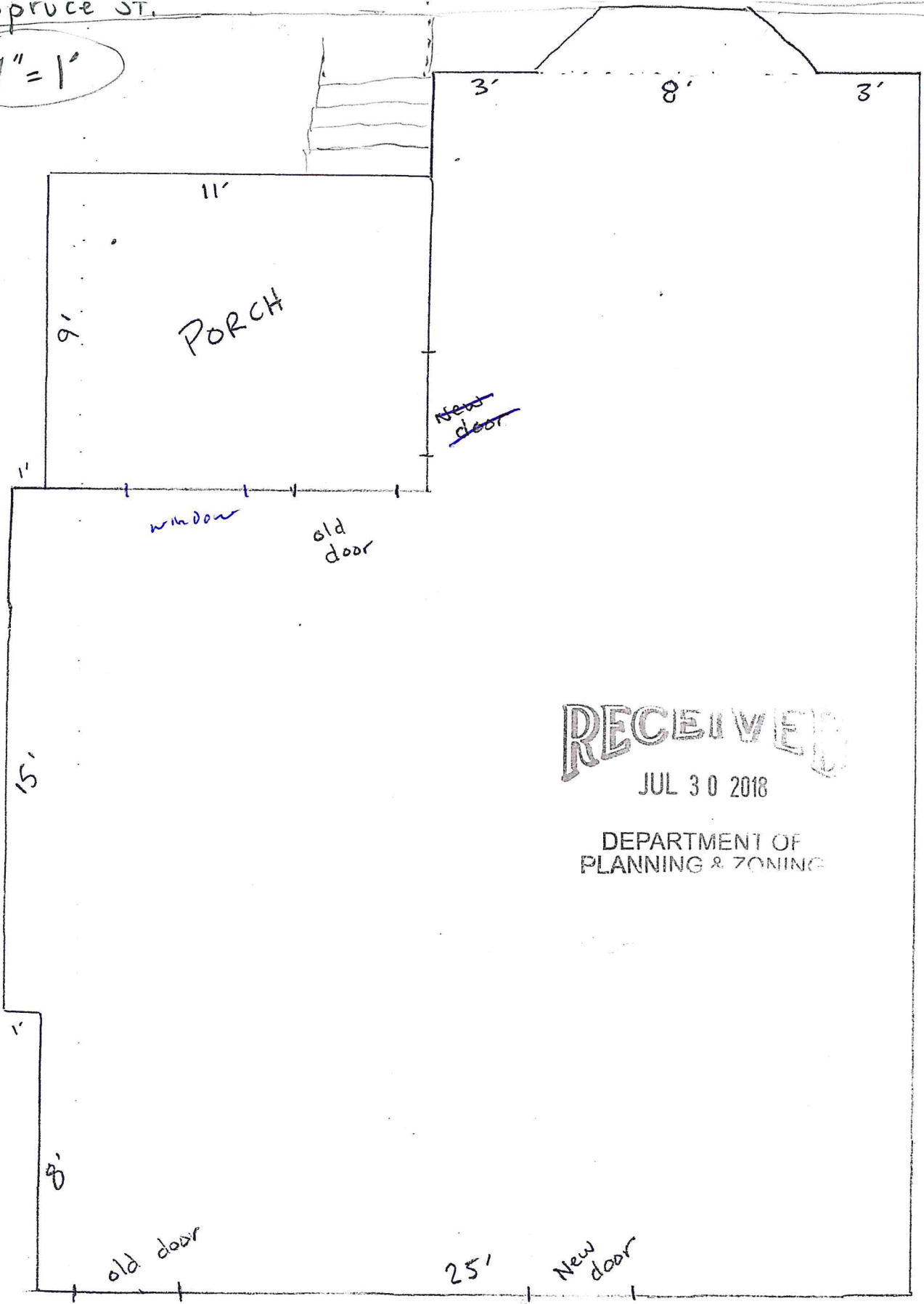
In stall windows that was removed from
Back of house

- Original matching windows

19 Spruce St.
Gehardt

Spruce St.

$\frac{1}{4}" = 1'$



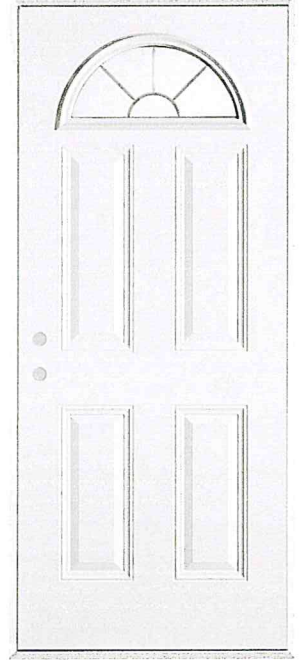
Anna Gebhardt

19 Spruce St



Replace front door with this style door.

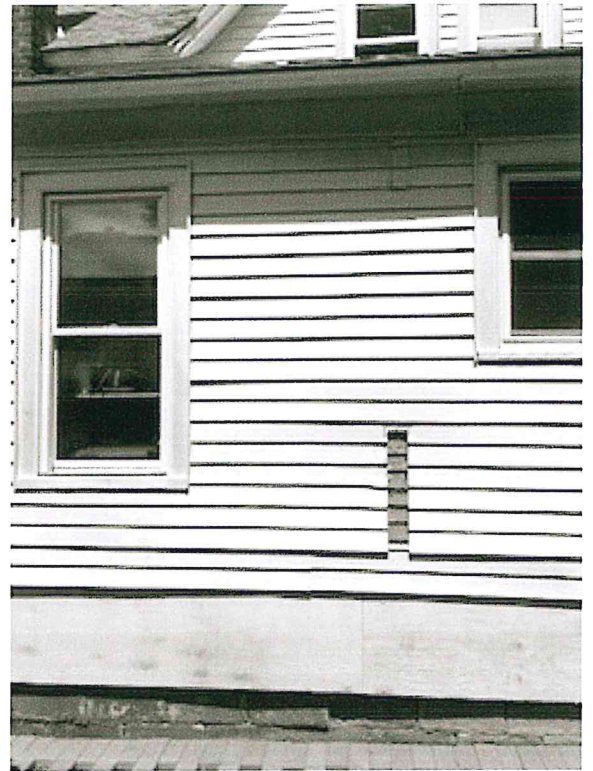
Replacing the siding with matching aluminum siding.



32" x 80"
Steel

RECEIVED
JUL 30 2018

DEPARTMENT OF
PLANNING & ZONING



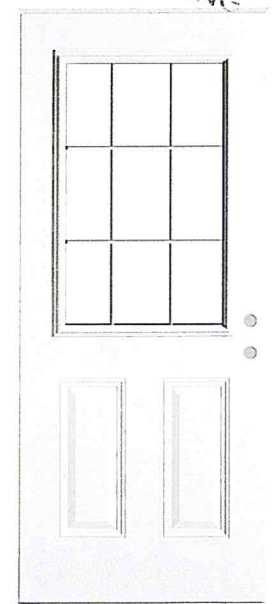
Back Door: Moving back door from far east location to center of house.

RECEIVED
JUL 30 2018
DEPARTMENT OF
PLANNING & ZONING

Replace back door with this style door.

Restoring original wood siding.

Adding steps.



32" x 80"

8/1/18





Front Door: Removing door and window.
Installing door on west wall in place of the
window.

RECEIVED
JUL 30 2018

DEPARTMENT OF
PLANNING & ZONING

Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/pz
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*David White, FAICP, Director
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Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Planning & Zoning Clerk*



MEMORANDUM

To: The Design Advisory Board
From: Ryan Morrison, Associate Planner
RE: ZP 19-0087CA; 19 Spruce Street
Date: September 25, 2018

File: ZP19-0087CA
Location: 19 Spruce Street
Zone: RM **Ward:** 6S
Date application accepted: July 30, 2018
Applicant/ Owner: Oliver & Anna Gebhardt
Request: Enclose front porch and relocate existing back door.



Background:

- **Zoning Permit ZP18-1111FC;** new and replacement fencing. Approved June 4, 2018.

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

Overview: 19 Spruce Street is a single family home on a small lot (2,655 sf) built ca. 1894, and is listed as a contributing resource on the Vermont State Register of Historic Resources. The applicant is proposing to enclose the open front porch, and to relocate an existing rear door to another location on the back of the home.

A similar request to enclose a historic porch was reviewed by the Design Advisory Board earlier this year. The property was located right up street, at the corner of South Winooski Avenue and Spruce Street. Due to the historic nature of the home and open porch, the DAB voted unanimously to recommend denial of the application, for many of the same reasons mentioned below in this staff report.

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

The subject property contains no important natural features as identified in the Open Space Protection Plan.

(b) Topographical Alterations:

No topographic alterations are included in the plans.

(c) Protection of Important Public Views:

The subject property is not affected by any identified public view corridor.

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See Section 5.4.8, below. The property contains no known archaeological resources.

(e) Supporting the Use of Renewable Energy Resources:

No part of this application would preclude the use of wind, water, geothermal or other renewable energy resource.

(f) Brownfield Sites:

The site is not included on Vermont DEC's list of brownfield sites.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

The only increase in lot coverage will result from the addition of steps for the relocated rear door.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

The enclosed porch will provide shelter for those entering the home. However, there is no canopy above the front porch entrance, and there should be one.

(h) Building Location and Orientation:

The building will retain its orientation; fronting on Spruce Street.

(i) Vehicular Access:

Access will remain as existing; from Spruce Street. There is a single car garage, and the driveway is wide enough and deep enough to continue to provide off-street parking.

(j) Pedestrian Access:

The existing walkway will continue to serve this entrance from the Spruce Street sidewalk.

(k) Accessibility for the Handicapped:

Handicap access is not a requirement for single family residences. The building inspector implements ADA requirements.

(l) Parking and Circulation:

Three parking spaces are provided off Spruce Street. No changes to parking are proposed.

(m) Landscaping and Fences:

No changes to landscaping or the fencing are included within the project.

(n) Public Plazas and Open Space:

Not required.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

The plans indicate no new lighting. Should exterior lights be proposed, they will have to meet the lighting performance standards of Sec. 5.5.2.

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

The plans indicate no new utilities or equipment.

Part 3: Architectural Design Standards
Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The proposal will not change the building's existing massing, height and scale, but it will change the structure's historic appearance as seen from Spruce Street.

2. Roofs and Rooflines.

No changes to the roof are proposed.

3. Building Openings

The project will see a new door, and an existing front window reused on the enclosed porch's front wall (north). The applicant proposes to relocate a window from the rear wall to the west wall of the enclosed porch. No other changes to building openings are proposed on the front. The existing door on the rear of the home will be relocated to the eastern portion of the rear wall. A new set of steps providing access to the relocated door is proposed.

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

The front façade of the home, facing Spruce Street, is currently active and inviting. The building façade offers variety, instead of a more uniform appearance. By enclosing the porch, the variation on the façade will change, and contribute to a more uniform street edge.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

The house is sided with vinyl clapboard siding, although the the State Register listing identifies the siding as being aluminum. Regardless, neither vinyl nor aluminum siding are original to the historic structure. The applicant proposes to use cedar clapboard siding for the porch enclosure, with reveal to match the siding on the home. The existing window next to the front door will be moved to the front wall of the enclosed porch, next to the new door. This window appears to be a wood framed window, which is typical of historic structures. An existing window on the rear of the building will be relocated to the west side of the enclosed porch. This window, too, appears to be wood framed.

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Efficient construction per the requirements of Article VI, Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

The plans indicate no new utilities or equipment as part of the project.

(i) Make spaces secure and safe:

Development shall conform to all applicable building and life safety codes as determined by the building inspector and fire marshal.

Sec. 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;

To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;

To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,

To promote the adaptive re-use of historic buildings and sites.

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

19 Spruce Street was listed on the Vermont State Register of Historic Resources in 1977. These standards, therefore, apply.

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The house was constructed in 1894 as a residence; a use which continues today.

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The gable and ell styled structure appears to be intact with its original form, as of the 1977 state historic listing. The porch is specifically noted in the historic listing as it spans the front of the ell, and in accordance with this criterion, needs to be retained. Enclosing the porch would be contrary to the historic nature of the structure, as well as contrary to many of, but not all, the nearby historic homes. The neighboring two homes along Spruce Street to the east both have enclosed front porches, similar in nature to the current proposal.

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

By enclosing the porch, a historic element of the structure will be lost. The only way to preserve the porch would be to retain it as such.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

There are no permits on file that suggest changes have been made to the structure, that in their own right would be considered to have acquired historic significance. At some point, prior to the 1977 historic listing, the home was resided with vinyl/aluminum siding. It is important to note that the historic listing specifically identifies the porch proposed for enclosure as '*spanning the front of the ell*'. By enclosing and ultimately changing this porch, the historical significance of it will be lost.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

With the exception of the vinyl/aluminum siding and the metal posts and railings on the front porch, the house retains its integrity of location, design, setting, materials, workmanship, feeling and association. If the project is approved, it will result in the disappearance of the porch's historic appearance.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

There appear to be no deteriorated features on the porch. The proposal doesn't intend to replace anything on the porch, but rather close the porch completely, thus resulting in the loss of a historic feature of the structure.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No chemical treatments are proposed; physical treatments include the wholesale replacement of the historic porch with additional enclosed space. This is contradictory to the preservation of historic features.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

No archaeological resources have been identified at this address.

If any work associated with the project uncovers any archaeological remains or resources, proper authorities shall be contacted for appropriate recovery, assessment and disposition.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*
By enclosing the existing porch, the historic porch will be completely gone.
10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*
Enclosing the porch will result in a loss of a historic feature unlikely to be recovered.

Recommended Motion:

The existing porch is a documented feature of the historic structure at 19 Spruce Street. Allowing it to be enclosed would contradict Sec. 5.4.8 – Historic Buildings and Sites. The proposal is inconsistent with criteria 2-7 and 9-10. Staff recommends denial of the request to enclose the porch, and approval of the request to relocate the existing rear door further down the rear wall of the home.

Burlington Design Advisory Board

149 Church Street, City Hall

Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/Boards/Design-Advisory-Board/>

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*Matt Bushey, Chair
Leo Sprinzen, Vice Chair*

Tom Cullins

Steve Offenhartz

Ron Wanamaker

*Philip A. Wagner, Alternate
Phil Hammerslough, Alternate*



Minutes

Burlington Design Advisory Board

Tuesday, September 25, 2018 3:00 p.m.

Conference Room 12, City Hall, 149 Church Street, Burlington, VT

Present: Matt Bushey (Chair), Leo Sprinzen (Vice Chair), Steve Offenhartz, Tom Cullins, Phil Wagner (alt.)

Absent: Ron Wanamaker, Phil Hammerslough

Staff present: Ryan Morrison, Mary O'Neil

Session I – 3:00 PM – 4:00 PM

19-0087CA; 19 Spruce St (RM, Ward 6S) Anna and Oliver Gebhardt

Enclose front porch and replace back door

Present from applicant: Anna Gebhardt

Motion by SO:

I move we recommend approval of the rear door relocation, and that the applicant withdraw the request to enclose the front porch from this application and submit a new zoning permit application with new plans for the porch enclosure. The applicant shall also submit spec sheets for the rear light fixture(s) to staff for review and approval.

2nd – LS

Vote 4-0-1 (PW did not vote)

Session II – 3:45 PM – 4:00 PM

Draft Bylaws

Motion by Matt Bushey to adopt revised By-Laws.

2nd – Steve Offenhartz

Vote 5-0.

Motion carries.

Session III 4:00-4:15 PM

Draft 2019 DAB Calendar

Motion by Steve Offenhartz to adopt 2019 calendar of meetings.

2nd – Matt Bushey

Vote 5-0

Motion carries.

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Department of Planning & Zoning at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).