Department of Planning and Zoning
149 Church Street
Burlington, VT 05401
http://www.burlingtonvt.gov/PZ/
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

David E. White, AICP, Director
Meagan Tuttle, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk

MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: January 19, 2016
RE: ZP16-0622CA; 351 North Avenue

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP16-0622CA
Location: 351 North Avenue
Zone: WRM **Ward**: 4N
Date application accepted: November 17, 2015
Applicant/ Owner: Eric Farrell / E.F. Farrell, LLC
Request: Change roof material from slate to standing seam copper on former orphanage building.

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).

Background:

- Zoning Permit 16-0007 CA/MA; Convert former orphanage and college building to 63 residential units and relocate college within building. Associated site improvements. Approved September 2015.
- Zoning Permit 15-0702LL; Lot line adjustment with 329 North Avenue. Approved December 2014. [Plat recorded 1/16/2015; Plat file 509C.]
- Zoning Permit 14-1286CA; Installation of CCTA bus shelter on Burlington College property. Approved June 2014.
- Zoning Permit 12-0706SN; replace existing non-conforming freestanding sign with new freestanding sign for Burlington College – Main Campus. Approved March, 2012.
- Zoning Permit 12-0121CA; Install rooftop air handler, five ac units, bike racks, and remove walls from garage. Approved August 11, 2011.
- Zoning Permit 11-0282CU; convert existing institutional office use and group home use to post-secondary school. No site or exterior building changes proposed. Approved November 2010.
- Zoning Permit 09-526CA; Demolish single car garage. Approved February 2009.
- Non-applicability of zoning permit requirements; continued use of existing group home. June 1998.
- Zoning Permit 92-096 / COA 092-016; Removal of existing wooden cross with installation of fiberglass statuary of St. Mary on top of Diocese building. Overall height to be 104' with exterior illumination to surround statue. Approved September 1991.
- Notice of selective landscape removal on west. No change in grade of site or drainange of runoff water. December 1991.
- Zoning Permit 79-352; install septic tank and seepage bed. July 1979.
- Zoning Permit 77-03; renovation of existing structure "St. Josephs Child Center" into office space and three apartments for Bishop and two priests. Approved January 1977.
- Zoning Permit 77-628; Convert St. Joseph's Child Center into office building, three apartments and three guests' rooms. Remove some windows and brick up openings. Install new windows. Erect 28'6" x 30' addition and 32' x 66' addition. December 1976.

Overview: The applicant received approval for the rehabilitation of the former orphanage building in September 2015; part of that application included the installation of roof windows, alteration of a rear roof and replacement of the existing slate roof with new or reused slate. The applicant now wishes to revise that plan, and install a standing seam metal (copper) roof in place of the approved replacement-in-kind.

The **Design Advisory Board** reviewed the application at their December 8, 2015 meeting, and voted 4-1 to allow the material replacement with the following conditions:

1. Snow guards be added;
2. All flashings to match roof material.

Recommendation: Although there appear conflicts with Section 5.4.8 (b), the Design Advisory Board has made a recommendation for approval with conditions. If the DRB concurs, then approval is recommended.

I. Findings:

Article 5: Citywide General Regulations

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.

351 North Avenue is listed on the State Register of Historic Resources.

(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 overall redevelopment is to convert the former orphanage to apartments; consistent with its general historic residential purpose. The major difference is the conversion of the attic space into habitable area, which has precipitated the requests for the most significant changes to the character of the building; the introduction of roof windows (which were permitted under ZP16-0007CA/MA), and this request to change the roof sheathing to standing seam copper. The present request for material changes to the large roof and its connected wings will

be a significant and visible material change likely to result in a loss of historic character and overall diminishment of the building's historic integrity. An interpretation of the alteration as a "minimal" and therefore acceptable change will be necessary to reach an affirmative finding. The Design Advisory Board has, however, recommended approval of the project.

Affirmative finding if concurrence with DAB recommendation.

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 St. Joseph's Orphanage was constructed with Vermont slate in 1884, and has retained that characteristic original material. Per this standard, its removal and replacement with a different material should be avoided.

   Two letters have been submitted (Heritage Slate, and Cold Hollow) supporting the removal of the existing slate roof and replacement with a new material. While these representatives were not present at the DAB hearing, an employee of the applicant did speak relative to the need to replace the slate.

   The Design Advisory Board has recommended approval of the project. **Affirmative finding** if concurrence with DAB recommendation.

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.*

   While copper is a quality material that has been utilized for centuries, it is not consistent with the original materials on this building. Its substitution for slate would be historically inaccurate; however replacement with copper material can be entertained if slate consultants' reporting is acceptable. **Affirmative finding as conditioned.**

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

   Not applicable.

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

   The slate roof is a distinctive material, feature and finish that characterize the property, and should be retained. The Design Advisory Board has, however, recommended approval of the project. **Affirmative finding** if concurrence with DAB recommendation.

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.*

The replacement in kind was approved under ZP16-0007CA/MA, however this request diverges from that approval and proposes a new roof sheathing which does not match the old in design, color, texture or material. Previous applications for slate replacement have required submission of a report from one qualified to assess the condition of the slate roof; (two letters have been submitted for this application.) The difficulty is that they based their abbreviated opinion on the cost analysis between repairing and maintaining the existing slate roof as the supporting argument for replacement with a new material. Previous review and approval was for a replacement slate roof, not repair.

Letters from two roofing contractors have been submitted supporting the removal of the existing slate roof and replacement. This is consistent with the requirements of the Slate Roof Policy of 1995. **Affirmative finding as conditioned.**

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.*

   If the supporting consultant's letters are found acceptable to support replacement of the historic material with a different material, an affirmative finding can be made. **Affirmative finding as conditioned.**

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

   Not applicable.

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.*

   The slate roof is a major characteristic of the historic structure. Removal and replacement with a different material will diminish the integrity of the building's appearance; however the new work will be differentiated and clearly discernable as a new roofing material, particularly when it is newly installed.

   The examples of standing seam metal roofs provided by the applicant team (H.O. Wheeler School, and Edmunds Middle School) were not completed under the current zoning ordinance which has specific standards for the treatment of historic resources. Additionally, material replacement on either structure would be exempt from municipal review per §4413, public and private schools and other educational institutions.

   The slate roof on St. Joseph's Church was replaced in 1985 with standing seam copper, and the project architect has confirmed the change in the visual character of the building.[1]

   The Design Advisory Board has, however, offered a recommendation for approval of the project. **Affirmative finding** if concurrence with DAB recommendation.

[1] Tyler Scott, Scott & Partners, January 5, 2016. Mr. Scott was working in the office of Colin Lindberg at the time of the project. Although an attempt was made to locate material to match the existing red slate, it was determined there was no inventory of similar slate available for replacement. Subsequently the copper roof was approved.

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.*
    As the existing orphanage building will remain despite material changes to the roof, the essential form and integrity of the historic property will remain. **Affirmative finding.**

Article 6: Development Review Standards

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:
Not applicable.

(b) Topographical Alterations:
Not applicable.

(c) Protection of Important Public Views:
Distant terminal views of Lake Champlain and the mountains to the east and west, and important public and cultural landmarks, framed by public rights-of-way or viewed from public spaces shall be maintained through sensitive siting and design to the extent practicable.

The former St. Joseph's Orphanage is an iconic structure, visible from some distance along North Avenue and from Lake Champlain. The change in material from slate to standing seam copper will be discernable to those traveling along these public thoroughfares. The DAB and DRB will determine whether material change is appropriate given its significance as a cultural landmark, and weigh the supporting consultant letters within the context of the request.
The Design Advisory Board has offered a recommendation for approval.
Affirmative finding if concurrence with DAB recommendation.

(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.

(e) Supporting the Use of Renewable Energy Resources:
Not applicable.

(f) Brownfield Sites:

Not applicable.

(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.

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.

Material substitution on the roof is not likely to have immediate implications for stormwater management; however snow slide is a problem on standing seam roofs. Several adjacent structures have suffered significant damage from snowslide off St. Joseph's roof since a standing seam copper roof was installed in 1985. The applicant is advised to review walkways, pedestrian areas, and building entrances to assess the potential for personal injury or property damage. The Design Advisory Board has included a condition for snow guards if the project is approved. **Affirmative finding as conditioned.**

(h) Building Location and Orientation:

Not applicable.

(i) Vehicular Access:

Not applicable.

(j) Pedestrian Access:

See previous note about increased likelihood of snowslide and proximity of pedestrian way. **Affirmative finding as conditioned.**

(k) Accessibility for the Handicapped:

Not applicable.

(l)Parking and Circulation:

Not applicable.

(m) Landscaping and Fences:

Not applicable.

(n) Public Plazas and Open Space:

See previous note about increased likelihood of snowslide and proximity of pedestrian areas, like the plaza/ patio on the west side of the building although recent application has suggested that the patio may be abandoned from development plans. **Affirmative finding as conditioned.**

(o) Outdoor Lighting:

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

Not applicable.

(p) Integrate infrastructure into the design:

Not applicable.

Part 3: Architectural Design Standards
Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

Not applicable.

2. Roofs and Rooflines.

The former orphanage is among the most recognizable in Burlington; part of that character is the assembled materials of brick, stone and slate. The replacement of the existing and historic slate roof with standing seam copper will introduce a new material on all roofs of the collected whole.

The existing gabled roofs are not proposed to be structurally altered in this application, but roof alterations were permitted under ZP16-0007CA/MA including the installation of roof windows and changes to the rear convent roof addition to create an outdoor space.

The Design Advisory Board has offered a recommendation for approval of the project.
Affirmative finding as conditioned.

3. Building Openings

Not applicable. Roof windows were permitted under ZP16-0007CA/MA.

(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:

See Section 6.2.2. (c), above.

(d) Provide an active and inviting street edge:

The proposed new material will have a different look from the street, but will support an inviting appearance. **Affirmative finding as conditioned.**

(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.

Submission materials from consulting contractors support whole roof replacement with copper, identifying the new material as "maintenance free", although lifetime estimates are not given. A similar comparison to the whole roof slate replacement, which has already been approved, was not provided.

Copper is recognized to be a superior product with an extended life of service when installed properly.

There is nothing within the submission packet to support consultation with an architectural historian on the appropriateness of the material replacement proposal for this particular building. A gentleman who identified himself as an employee of the applicant (Charlie Pughe) asserted at the Design Advisory Board meeting that the material switch was necessary.

The Design Advisory Board has recommended approval of the project. **Affirmative finding as conditioned.**

(f) Reduce energy utilization:

The narrative within the application materials states that the applicant wishes to "take the orphanage building as close as possible to the energy efficiency standards of a new building, while not sacrificing the quality of finishes and building amenities; just to offset those costs." The request for material replacement is therefore indirectly linked to a desire to achieve a higher energy efficiency of the overall building, where investment will be directed. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

Not applicable.

(i) Make spaces secure and safe:

Submission materials support the removal of existing slate in part due to dangers associated with failing, and falling materials. As noted, snow slide from standing seam metal roofs have their own safety issues. Methods of arresting rapid slide will need to be explored to prevent injury or damage from such typical weather related events. **Affirmative finding as conditioned.**

II. <u>Conditions, if approved</u>

1. Snow guards shall be added.
2. All flashing shall match the roof material.
3. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.