

## Department of Permitting and Inspections

Zoning Division

645 Pine Street

Burlington, VT 05401

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## MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: November 2, 2021

RE: ZP21-614; 77-87 Pearl Street (6 Pine Street)

**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:** ZP21-614

**Location:** 77-87 Pearl Street (fka 6 Pine Street)

**Zone:** FD6 **Ward:** 3C

**Parking District:** Multi-Modal Mixed Use

**Date application accepted:** August 12, 2021

**Applicant/ Owner:** Jacob Hinsdale

**Request:** Demolish carriage barn and return to green space. Structure is listed on the Vermont State Register of Historic Resources.

### Background:

**77-87 Pearl Street** (this includes multiple connected commercial buildings fronting Pearl Street, and a residential duplex fronting Pine Street.)

- **Zoning Permit 21-0745CA;** removing 2 sections of brickwork to install windows. Approved March 2021.
- **Zoning Permit 21-0028CA;** Increase unit count from 5 to 9 residential units; project includes a 3 space parking waiver request. September 2020.
- **Non-Applicability of Zoning Permit Requirements 18-0392NA;** window sign <25% window area. October 2017.
- **Zoning Permit 18-0380SN;** projecting sign. Application withdrawn October 2017.



- **Zoning Permit 18-0270CA**; install rooftop decking with steel railings; remove and replace exterior rooftop decking; repair siding; replace windows. September 2017.
- **Zoning Permit 18-0119CA**; install kitchen hood ventilation system and roof vent. August 2017.
- **Zoning Permit 18-0070SN**; new illuminated parallel sign for Fetch the Leash. July 2017.
- **Zoning Permit 17-1085CA**; change of use from diner to dog training facility. June 2017.
- **Zoning Permit 17-1118CA**; change of use from deli/take out restaurant (former Radio Deli) to restaurant with seating. May 2017.
- **Zoning Permit 17-1014CA**; install transom window in original location. May 2017.
- **Zoning Permit 16-0707CA/CU**; demolish barn structure and replace with parking. **Application withdrawn May 2016.**
- Non-applicability of Zoning Permit Requirements 15-0949NA; repair and replace fascia on east and south side of (Pearl St.) building. April 2015.
- Non-applicability of Zoning Permit Requirements 15-0792NA; replace and repair damaged and rotten trim and window sills on exterior store fronts. February 2015.
- Non-applicability of Zoning Permit Requirements 12-0880NA; painting of mural on west side of building. March 2012.
- Zoning Permit 09-955CA; remove 2 roof additions (Pearl St.), strip and re-sheath existing rooftop structure and enclosed stairway with cementitious clapboard; install rubber roofing system to flat roofs, asphalt shingle roof on penthouse. Remove and reconstruct existing decorative cornice to match existing. Building 10' x 10' and 10' x 15' roof decks with railing. June 2009.
- Zoning Permit 09-541CA; remove existing mixed asphalt and slate roof shingles and replace with asphalt shingles on apartment house at 6 Pine Street. Carriage barn is NOT included within this permit approval. February 2009.
- Zoning Permit 01-294; two non-illuminated parallel signs of painted/enamelled metal, one on Pearl Street frontage and one on Pine Street. Includes gooseneck down lighting fixtures. January 2001.
- Zoning Permit 01-228, refurbish existing corner grocery store with a deli component exterior façade. Uncover blocked windows and paneling to restore original design and opening. No change in use or massing. November 2000.
- Zoning Permit application to change use to add deli and cook area. Application withdrawn March 1999.
- Zoning Permit 91-121; install awning with sign on front for Leonardo's Pizza (83 Pearl.) October 1990.
- Zoning Permit 91-013; change of use to restaurant (83 Pearl.) July 1990.

- Zoning Permit 87-741; change of use to allow for used furniture sales. Formerly a ceramic shop. March 1988.
- Zoning Permit 81-205; erect stockage fence 6' high. October 1980.
- Zoning Permit 81-142; construct peak roof on existing structure. Additional space will provide one additional dwelling unit. September 1980.
- Zoning Permit to convert a pet shop at 77 Pearl Street into a laundromat, install venting. April 1978.
- Zoning Permit for Giroux Sign Screen Print to sell and make signs at 87 Pearl Street, formerly the Pet Shop. November 1977.
- Zoning Permit to convert a storage use at 85 Pearl into an amusement arcade. September 1975.

### 6 Pine Street

- **Zoning Permit 18-1198CA**; add basement access door on north side in alleyway, no increase in living space. (Duplex.) July 2018.
- **Zoning Permit 79-36** (? illegible); move Plateau Club from present location to 6 Pine Street duplex. No exterior or structural changes. February 1979. [Owner Clark Hinsdale.]

**Overview:** This is a second application to demolish a Vermont State-register listed historic barn from the rear of 77-87 Pearl Street. The 2016 application was withdrawn. Formerly known as 6 Pine Street, the building was constructed between 1885- 1890 as a carriage barn in the Tudor/Stick-Style. The building is individually listed on the Vermont State Register of Historic Resources; therefore Section 5.4.8 (a) (b) (c) and (d) apply.

The **Design Advisory Board** reviewed the application at the September 14, 2021 meeting. After several unsuccessful motions, the DAB votes to **deny** the application to demolish the historic structure 3-1.

**Recommended motion: Deny** the application to demolish and replace with green space for dog training per the following Findings:

#### I. Findings

### Article 3: Applications, Permits and Project Reviews

#### **Part 5: Major Impact and Conditional Use**

#### **Section 3.5.6 Review Criteria**

*The application and supporting documentation submitted for proposed development involving Conditional Use and/or Major Impact Review, including the plans contained therein, shall*

*indicate how the proposed use and associated development will comply with the review criteria specified below:*

**(a) Conditional Use Review Standards:**

*Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:*

- 1. Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The application proposes the demolition of a listed historic structure, and replacement with a small green area to be used for dog training. The existing infrastructure can accommodate the expanded use by *Fetch The Lease*. **Affirmative finding.**

- 2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The project proposed is within the Downtown Core (FD6) which intends for large buildings and more dense development. This parcel, however, is a 19<sup>th</sup> century remnant of Burlington that retains the carriage barn proposed for demolition.

Plan BTV directs:

- *5.3 Support a wide range of businesses in the downtown core (Land Use, Burlington as a Distinctive City)*

*But:*

- *Burlington will preserve and forster its distinctive identity by:*

*Protecting historic buildings, architectural features, and archaeological resources while encouraging the adaptive reuse and historically-sensitive redevelopment of underutilized sites and buildings. (p. 37.)*

**Adverse finding.**

- 3. The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district.*

The proposed use as a green area for dog training will have minimal impacts in the context of the urban core. **Affirmative finding.**

- 4. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

There are no transportation impacts with this application. The dog training facility is already permitted and has assigned parking north and west of the carriage barn.

**Affirmative finding.**

*and,*

5. *The utilization of renewable energy resources;*

There is no conflict with the potential to utilize renewable energy resources with this application. Building demolition always creates construction waste; however the applicant has offered to donate the building materials to ReStore should the application be approved. **Affirmative finding.**

*and,*

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;*

See Section 5.4.8, below.

#### **Article 4: Zoning Maps and Districts**

The proposal is within FD6. See Article 14, below.

#### **Article 5: Citywide General Regulations**

##### **Section 5.2.1 Existing Small Lots.**

Not applicable.

##### **Section 5.2.2 Required Frontage or Access**

There remains vehicular access from Pine Street. **Affirmative finding.**

##### **Section 5.2.3 Lot Coverage Requirements**

FD6 allows up to 100% building bulk lot mass, with a requirement for 10% pervious surface. Although a lot coverage calculation has not been provided, this application proposes a decrease in lot coverage by 543.25 sf. It is not completely clear if the applicant proposes artificial turf for the dog facility (and whether that is permeable), or natural grass. By the Assessor's Property Database, the lot is 10, 143 sf. **Affirmative finding if conditioned for 10% minimum pervious area.**

##### **Section 5.2.4 Buildable Area Calculation**

The parcel is not within the RCO, RM, WRM, RL or WRL zoning district; nor does it exceed 2 acres. Not applicable.

##### **Section 5.2.5 Setbacks**

The removal of a building will not spur setback analysis. Setbacks for outbuildings in the Form Code are 0'.

Reference is made to 14.3.4. (c), *Lot Occupation and Building Placement*. **Affirmative finding.**

##### **Section 5.2.6 Building Height Limits**

Not applicable.

### **Section 5.2.7 Density and Intensity of Development Calculations**

Not applicable.

### **Section 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.*

6 Pine Street (on the same parcel as 77-87 Pearl Street) is listed on the Vermont State Register of Historic Resources. The following 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 original use was as a carriage barn. After demolition, the use is proposed to be a green area for dog training. The proposal removes the distinctive materials, features, spaces and spatial relationships of the property relative to its association with the attendant residential and commercial buildings.

### **Adverse finding.**

- 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 distinctiveness of the property, as a snapshot of late 19<sup>th</sup> century Burlington still within the downtown core, is its uniqueness. Demolition removes the historic building, its characteristics and spatial relationships with the site. **Adverse finding.**

- 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 no conjectural structural features are proposed, the addition of green space where there was once a building alters the context of the site. **Adverse finding.**

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

No distinctive changes that merit retention are present. Not applicable.

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

The barn is recognized for its Queen Anne stick-style that reflects Tudor influence. Demolition eliminates these distinctive features, finishes, and construction techniques. **Adverse finding.**

- 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 is no plan to repair or replace historic features; rather wholesale building demolition. **Adverse finding.**

- 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.*

Demolition is the most extreme of physical treatments. **Adverse finding.**

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

This site has not been included in any archaeological studies or reported to have any archaeological resources. If any are discovered during demoltion (if approved), such resources shall be reported to the Vermont Division for Historic Preservation for identification, assessment, and appropriate disposition. **Affirmative finding as conditioned.**

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.*

Demolition is contrary to this standard. **Adverse finding.**

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.*

No new construction is proposed. Demolition, however alters the integrity, the spatial characteristics and essential relationships of the historic property.

If the building is photodocumented prior to removal, some measure of assurance may be made that the building could be reconstructed at a future date; although development allowances within the FD6 Form District makes it highly unlikely the structure will be reconstructed on this site in the future. **Adverse finding.**

**(c) Demolition by Neglect:**

*No owner of a historic building, or lessee who is obligated by lease to maintain and repair such a structure (other than the interior), shall allow, cause, or permit the structure to suffer or experience demolition by neglect. Examples of such disrepair and deterioration include, but are not limited to, the following:*

- 1. Deterioration of walls or other vertical supports; walls, partitions or vertical supports that split, lean, list, or buckle, thus jeopardizing structural integrity;*
- 2. Deterioration or inadequate foundations that jeopardize structural integrity;*
- 3. Deterioration of roofs, ceilings, or other horizontal members;*
- 4. Deterioration of fireplaces or chimneys;*
- 5. Deterioration or crumbling exterior stucco or mortar;*
- 6. Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors;*
- 7. Lack of weather protection that jeopardizes the structural integrity of walls, roofs, plumbing, electricity, or overall structural integrity, including lack of paint, lack of adequate heating, and lack of adequate ventilation;*
- 8. Vandalism caused by lack of reasonable security precautions; and/or*
- 9. Deterioration of any feature so as to create a hazardous condition that could require demolition for public safety.*

*In such cases, the building inspector shall notify the property owner of any violation of this section. Such person shall have sixty (60) days to remedy any such violation. In the event the violation is not corrected within sixty (60) days of notification, the city shall be authorized to perform all repairs necessary to correct the violation and to place a lien on the property for the costs of such repairs and reasonable administrative and legal fees incurred.*

The carriage barn has been owned by the applicant's family, by the applicant's admission, for decades. There is no evidence through permitting of ongoing structural repairs of the barn. Reports by both Roland Van Dyk and Marc Dowling define the progressive failure of the



structure. Although recently painted, the barn's condition is evidence of Demolition by Neglect as defined in 1-4 and 6-9, above.

**Adverse finding.**

**(d) Demolition of Historic Buildings:**

*The purpose of this subsection is:*

- . *To discourage the demolition of a historic building, and allow full consideration of alternatives to demolition, including rehabilitation, adaptive reuse, resale, or relocation;*
- . *Provide a procedure and criteria regarding the consideration of a proposal for the demolition of a historic building; and,*
- . *To ensure that the community is compensated for the permanent loss of a historic resource by a redevelopment of clear and substantial benefit to the community, region or state.*

**1. Application for Demolition.**

*For demolition applications involving a historic building, the applicant shall submit the following materials in addition to the submission requirements specified in Art. 3:*

*A. A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;*

The application includes a submission of a report from Roland Van Dyk relative to the condition and structural stability of the barn, as well as a report from Marc Dowling, architect with G4 Design Studio. Van Dyk opines:

*In summary, while imminent and/or catastrophic failure of the barn at 6 Pine Street is not yet a serious concern, the building is in a state of "progressive" decay and failure; a condition that will eventually result in the building becoming unstable. Furthermore, the building is currently unsafe for use or any form of occupancy due to the strength deficiencies of current framing elements, particularly with respect to 2<sup>nd</sup> Floor framing. The chimney, too, is an element of concern since loose and/or dislodged brick, at the top of the chimney, can present a safety hazard to anyone in close proximity to where the chimney projects up through the roof. Therefore, taking into consideration the current condition of the building as well as possible options for re-purposing the building, we feel that cost/effort required to make the building safe and functional again would likely be significant and that the effort should be weighed against the reasonable benefits for building restoration as well as possible options for building utilization.*

While Mr. Van Dyck underlines structural concerns, his last sentence infers opportunities with building restoration and utilization that have not been further explored. He does not define what specific cost or effort would be required, but defines it as "likely significant."

It is common to reinforce structures to enhance or improve load; and deferred chimney repair is rarely considered the basis for building removal.

Mr. Dowling reiterates Mr. Van Dyck's structural assessment, but places a price tag on the structural repairs *would comfortably eclipse one hundred thousand dollars.*

**Affirmative finding for providing architectural and structural assessments.**

*B. A statement addressing compliance with each applicable review standard for demolition;*

Although the application includes communication from both an engineer (Van Dyk) and an architect (Marc Dowling) relative to the condition and structural condition of the carriage barn, the remainder of the application is relative to the desire to turn the footprint into greenspace to be used by a dog training business. The applicant clearly articulated at the September 14, 2021 Design Advisory Board meeting that there is no intention of redeveloping the site. The argument for the “greater community good” in demolition is to forestall the negative behavior that is occurring at that location. **Adverse finding for addressing compliance with each applicable review standard.**

*C. Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:*

Although the applicant has inferred the high cost of addressing the failing condition of the barn, he has declared no interest in investing any money in the structure or rehabilitation toward another use. The submission lacks a feasibility report from a developer or appraiser, or other person experienced in rehabilitation and adaptive reuse. The architect and engineer are united in their declaration of ongoing building failure. A very broad estimate of rehabilitation costs was opined by the participating architect. **Affirmative finding for quasi-economic feasibility report by architect M. Dowling.**

*(i) the estimated market value of the property on which the structure lies, both before and after demolition or removal;*

No claim of economic hardship has been raised.

An estimate for market value has not been submitted. The applicant asserts the building no longer has any functional use. **Adverse finding.**

*and,*

*(ii) the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;*

The owner has expressed no interest in the rehabilitation of the building for residential or other use. Without analysis and a proposal to redevelop, it is impossible to explore options. Within the Multi-Modal Mixed Use Parking District, there are no parking requirements. In FD6, there are no density limits. Rehabilitation could include installation of new dwelling units without requirements for on-site parking. It is also likely that federal tax credits would be available toward the rehabilitation of the building as an income generating investment property. In addition to the assessment done by Van Dyk, it would be instructional to have a parallel analysis done by one familiar with structural rehabilitation toward reuse. There is no suggestion that the applicant has explored other options than demolition. Further investigation of the building’s potential for reuse remains unanswered.

If the Board favors the removal of the building over rehabilitation, *it should at the very least* be advertised for sale and relocation; an option that would allow its survival. **Adverse finding for feasibility of rehabilitation.**

*D. A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites;*

Replacement of this notable structure with a small area of green space does not rise to the conclusion of a “greater community good.” The DAB had initially entertained demolition with replacement of some feature that honors the architectural and historic qualities of the barn, but the applicant would not entertain any further investment.

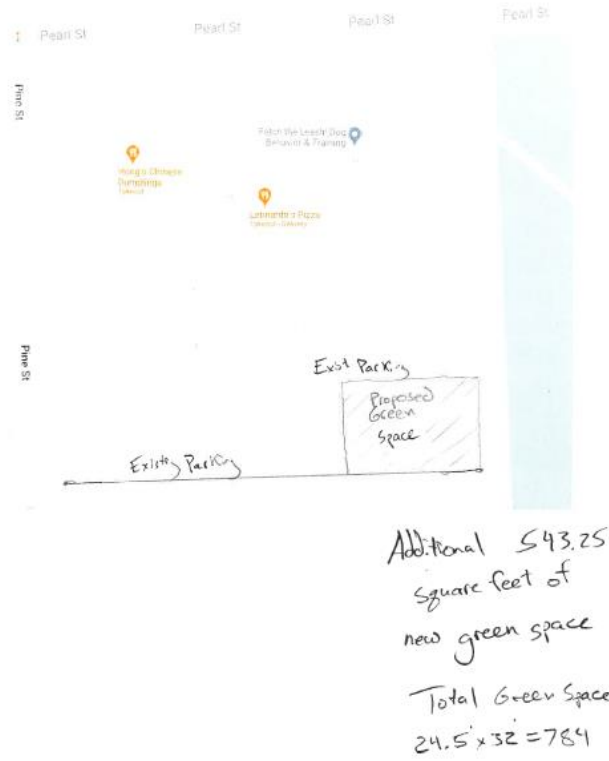
The character of this area is rapidly changing, with this small site a harbinger of 19<sup>th</sup> century Burlington amidst urban growth. While open areas are welcome for public enjoyment and use, this small area will remain private and offer only a small contribution toward a local business use. There remains the possibility that the footprint may be converted to parking or dumpster storage in a zoning district that allows up to 100% building mass on the lot. By this standard, there is no redevelopment plan; and the proposal has a significant negative effect on the architectural and historical qualities of other structures and the character of the neighborhood around the site. **Adverse finding.**

*and,*

*E. Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.*

The submitted plan is an annotated Google image with the location of the barn identified as green space. An overall coverage calculation has not been submitted.

**Adverse findings for lack of redevelopment plan, drawings, elevations.**



## 2. Standards for Review of Demolition.

**Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review and in accordance with the following standards:**

A. *The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure;*

Observation shows evidence of fire damage (south elevation, boarded over), a failing chimney and soffit with holes. There are no building permits on file specifically for repair of the barn.



This photograph was taken for the 2016 review. Similar photographs are within the Van Dyk report.

Please refer to report by Van Dyk for assessment of structural stability and building condition, which he determines to be in “progressive failure.”

*or,*

*B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district;*

Submission materials are absent any evaluation of the building’s suitability for rehabilitation. Evidence of an opportunity for relocation has not been provided.

*or,*

*C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.*

A small green area will have a minimal benefit to a business tenant, but no marked benefit for the greater community. Marc Dowling reports: *Improving the current condition and use of the site is a clear benefit to the surrounding community.*

The building, with its unique detailing and association with the duplex immediately north of it, has greater architectural value, and provides the community an ability to observe structures that have survived Urban Renewal within the Downtown Core.

*And all of the following:*

*D. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;*

The endurance of this small building informs of the association between it and the adjacent residential structure, and to the commercial buildings overall. While those buildings are not proposed to be altered in this application, the demolition of the carriage barn eliminates part of the “story” of the site. There is no mitigation offered for the adverse effect of removing the building.

To the contrary; the allowance of demolition here invites further loss of buildings both on site and on neighboring properties. This is a “fringe” remnant of Urban Renewal; where only a few original structures remain. Development interest and redevelopment potential is high on this block within Form District 6.

*E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington’s architectural history;*

If demolition is approved, photodocumentation of the structure should be completed to retain a record of this notable building, just as Urban Renewal photographs were compiled prior to that effort.

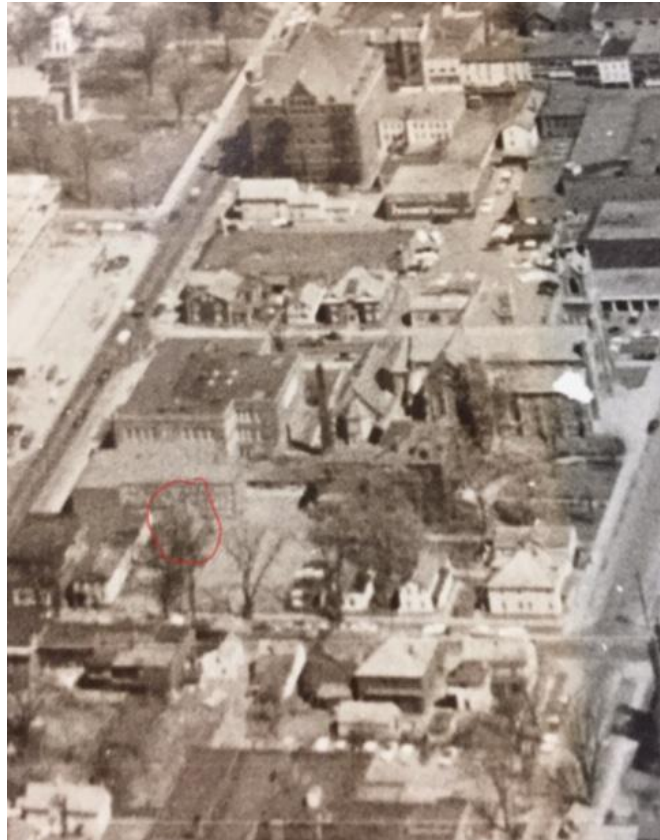
*and,*

*F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).*

*(i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;*

*(ii) Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,*

*(iii) The time between demolition and commencement of new construction generally shall not exceed six (6) months.*



This aerial image from 1961 shows the carriage barn (circled), with the Cathedral School and its addition to the east (center left), and The Cathedral of the Immaculate Conception to the south east (center right.) Homes between 6 and 28 Pine were razed after the Cathedral burned, include the Bishop’s residence on Cherry Street. Everything on the east side of St. Paul was demolished for construction of the state office building. Cathedral school was razed in 1977.

The applicant proposes an immediate demolition and installation of 543 sf of green space. There is no identification of the location for relocated dumpsters on the submitted site plan. No replacement structure is proposed. A small green space will not measurably enhance the architectural character of the immediate area, neighborhood or district.

*This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.*

There has been no such deed restriction proffered.

**Adverse finding for Standards of Review for Demolition.**

### ***3. Deconstruction: Salvage and Reuse of Historic Building Materials.***

*The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.*

If approved by the DRB, the applicant is encouraged to offer the building for relocation; absent that, a requirement to deconstruct using the safest method possible, minimizing exposure to lead paint and any other potential public safety issue. What material may be salvaged is encouraged for sale or reuse.

**Affirmative finding if demolition approved by DRB, building is offered to be relocated, or materials salvaged for reuse.**

## **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:**

There are no identified natural features on site. **Affirmative finding.**

##### **(b) Topographical Alterations:**

Other than grading post demolition, no topographical alterations are proposed. **Affirmative finding.**

##### **(c) Protection of Important Public Views:**

There are no protected public views across the site. Not applicable.

**(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, above.

**(e) Supporting the Use of Renewable Energy Resources:**

Not applicable.

**(f) Brownfield Sites:**

This is not an identified Brownfield site on Vermont's DEC list. The area is generally known to contain "urban soils" which require special handling. **Affirmative finding if conditioned.**

**(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.*

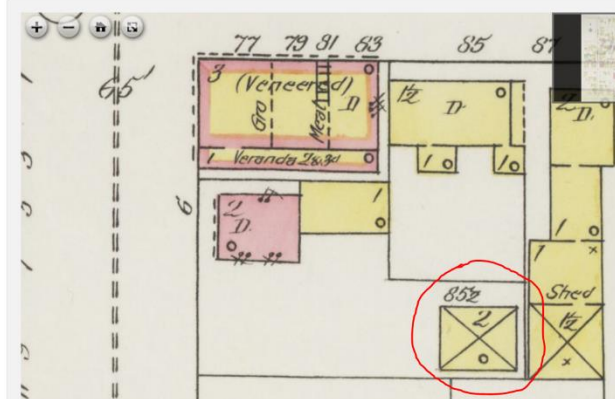
Although the site is currently covered by a building, its removal and replacement with new green space will present an opportunity to address stormwater runoff. As more than 400 sq. ft. will be disturbed, a small project erosion prevention and sediment control planned is required.

**Affirmative finding if conditioned.**

**(h) Building Location and Orientation:**

The building sits in its original location and orientation; set back from its associated primary structure (duplex fronting Pine Street). Its removal will alter the characteristics of the site that references the early residential character of the neighborhood, and the association the barn had with the surrounding buildings. **Adverse finding.**





conflicts with the public sidewalk. **Affirmative finding.**

**(k) Accessibility for the Handicapped:**

Not applicable.

**(l) Parking and Circulation:**

The parking area has been identified on a site plan since 1980. At that time, it served multiple apartments in 77-83 Pearl Street, one apartment in 6 Pine Street, and commercial use on the first floor of 6 Pine and the entire commercial space at 85-87. This application proposes the demolition of the accessory structure, which most likely served as a repository for a cutter (horse drawn sleigh) and horse, with equipment and hay storage above. There is no approved parking plan that illustrates striping or the number of spaces defined. A more recent restaurant conversion identified the location of three parking spaces (2 north of, and one west of the barn.) The removal of this building is intended to provide additional green space.

A site visit February 2, 2016 illustrated parking for 7 car; six in angled spaces in front of the barn, and one next to it. The submitted site plan does not account for relocation of two dumpsters which currently sit west of it.

No change to access is proposed. If approved, a scaled site plan with parking (and green space annotated) shall be provided. **Affirmative finding if conditioned.**

**(m) Landscaping and Fences:**

Other than installation of green space, no further landscaping is proposed. Given the intensity of use at the site, a landscaping plan, with parking barriers is recommended to prevent parking lot “creep” onto the site if the demolition is approved. **Affirmative finding if conditioned.**

**(n) Public Plazas and Open Space:**

Not applicable.

**(o) Outdoor Lighting:**

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

Not applicable.

**(i) Vehicular Access:**

No change to vehicular access is included within the submission. The 1981 site plan shows a limited curb cut (15'). This application does not include a scaled site plan. The driveway should not exceed the last approved plan. **Affirmative finding if conditioned.**

**(j) Pedestrian Access:**

No change is proposed to the existing pedestrian access to the overall parcel. The parking access should be limited to minimize

**(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.*

This is an existing accessory structure that could provide substantial benefit to the associated residential units with bicycle and equipment storage, trash and recycling location, residential storage, or material storage for the commercial uses. The advantage of having such a storage building is not acknowledged in the application.

The application also fails to identify relocation of the two existing dumpsters (not on the 1980 approved site plan) which in themselves post a risk to the carriage barn. Other than the potential for them to be inadvertently dropped or nudged into the building, there is the potential for a literal dumpster fire which, in close proximity to the wooden structure, would be catastrophic.

*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 place 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.*



Both current and 2016 photographs demonstrate dumpsters located in close proximity to this building. There is no site plan on file that has approved dumpsters, which are not screened and are visually unattractive as well as a potential for fire calamity for the wood frame barn. A plan will be required for the location and screening of all dumpsters and oil drums. **Affirmative finding if conditioned.**

**Part 3: Architectural Design Standards  
Sec. 6.3.2 Review Standards**

**(a) Relate development to its environment:**

**1. Massing, Height and Scale:**

The massing, height and scale of the existing building is consistent with its original function. Its removal will eliminate that characteristic site feature. **Adverse finding.**

**2. Roofs and Rooflines.** Not applicable.

**3. Building Openings**

Not applicable.

**(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.

**(d) Provide an active and inviting street edge:**

This quirky yet ornate building has enormous interest from the street front. Its removal and replacement with green space will be a notable loss to the site and neighborhood. **Adverse finding.**

**(e) Quality of materials:**

*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 do not reflect consultation with an architectural historian relative to appropriate repair, restoration or replacement activities. **Adverse finding.**

**(f) Reduce energy utilization:**

There is no analysis of comparative energy expenditure, particularly energy utilized by heavy equipment to tear down the small structure when added to the value of the “embodied energy” of the existing building: the amount of energy invested in its materials and construction. Various studies, including one by the Department of Defense, have examined Btu’s of energy lost from demolition, adding the cost of energy to demolish, remove and dispose of debris. Although in this example, new construction is not proposed, the action to install a fenced-in green space is not without additional energy expenditure (topsoil, grass seed, fencing, cost of landscaping equipment, delivery and labor.). From “The Benefits of Cultural Resource Conservation”, published by the U.S. Department of Defense:

*The process of rehabilitating a historic facility consumes less energy than new construction. And, the energy costs of operating a rehabilitated structure vs. a new structure are effectively equal.<sup>1</sup>*

When considering the loss of embodied energy in the existing building, **Adverse finding.**

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<sup>1</sup> As reprinted in *The Economics of Historic Preservation* Washington DC; National Trust for Historic Preservation), 1998. P 51-52.

**(g) Make advertising features complementary to the site:**

Not applicable.

**(h) Integrate infrastructure into the building design:**

See Section 6.2.2. (p), above.

**(i) Make spaces secure and safe:**

At present, the building is vacant but filled with refuse and discarded building materials. Two dumpsters are located under the building eaves and gable end. There is a significant threat to the building due to vandalism, fire, or ongoing neglect. The applicant has been encouraged to move the dumpsters, clean out the debris, and plan for repair and/or rehabilitation. If demolition is approved, a site plan illustrating a landscaping plan with parking barriers, and the location and method of screening for the dumpsters will be required. **Affirmative finding if conditioned.**

**Article 8: Parking**

The carriage barn has not been attributed to meeting any parking requirements. There are no minimum parking requirements within the Form Districts.

Not applicable.

**Article 14: Plan BTV Downtown Code**

**Section 14.1.2 Intent**

*j) That the preservation and renewal of Historic Buildings should be facilitated.*

This application is contrary to this standard. **Adverse finding.**

**14.6.5 - Historic Buildings and Districts**

*The regulations found in the Burlington Comprehensive Development Ordinance (BCDO), Article 5, Section 5.4.8 (Historic Buildings and Sites) shall apply in all Form Districts following the process for receiving a Certificate of Appropriateness under Sec. 3.2.7 and Sec 3.2.8.*

*(Administrative Review, DRB Review) To the extent that any Form District, Building Type, Urban Design, or Frontage Type standards threaten or conflict with the ability to maintain the historic integrity of a Historic Building or Site, and the ability to meet the standards found in Sec. 5.4.8 (b), the process for granting relief by the Development Review Board in Sec. 14.7.3 b) shall be followed in order to provide for suitable alternate compliance as applicable.*

See Section 5.4.8, above.

This application is not an attempt to meet the standards required of the Form District, Building Type, Urban Design or Frontage Type that are in conflict with the ability to maintain the historic integrity of the historic building; DRB alternate compliance is not in play.

**Adverse finding.**

**Section 14.7.1. Applying for a Zoning Permit**

**e) ii. Development Review Board (DRB) Review:**

*Applications subject to any of the following as applicable shall require review and approval by the Development Review Board pursuant to Sec. 3.2.8 of the BCDO:*

- *Request regarding the Alteration or Demolition of a Historic Building pursuant to Sec. 5.4.8 of the BCDO*

This application is subject to review by the DRB per Article 5.4.8. **Affirmative finding.**

**II. Conditions of Approval (if considered)**

1. The applicant shall complete an Erosion Prevention and Sediment Control Plan for review and approval by the Stormwater engineer.
2. Accepted practices for addressing Urban Soils shall be implemented for any site disturbance.
3. If any archaeological resources are discovered during demolition such resources shall be reported to the Vermont Division for Historic Preservation for identification, assessment, and appropriate disposition.
4. A minimum 10% pervious area shall be provided onsite. The applicant shall submit a detailed site plan that defines that minimum.
5. A scaled plan shall be provided to staff that includes the following:
  - a) Curb cut not to exceed 15' as approved in the 1980 plan;
  - b) All parking spaces identified, with measurements;
  - c) Green space clearly annotated;
  - d) Parking barriers to prevent parking lot creep;
  - e) The location of dumpsters, oil drums or other exterior storage with appropriate screening provided;
  - f) Any fencing; and
  - g) A landscaping plan.

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