

Department of Planning and Zoning

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MEMORANDUM

To: The Design Advisory Board
From: Mary O'Neil, AICP, Senior Planner
RE: 6 & 8 Proctor Place; ZP16-0020CA
Date: August 11, 2015

File: ZP16-0020CA

Location: 6 & 8 Proctor Place

Zone: RL-W **Ward:** 5S

Date application accepted: July 6, 2015

Applicant/ Owner: Chapin Spencer and
Rebecca Grannis

Request: Renovation of 6 Proctor Place,
including a small rear addition and new
fiberglass windows.

Background:

- Non-applicability of Zoning Permit Requirements 07-563NA; repair existing back porch. No change in size or materials. April 2007.

Overview: 6 & 8 Proctor Place is a single parcel with two single family homes. This project is specific to 6 Proctor Place. It is unclear if 6 Proctor Place is listed on the Vermont State Register of Historic Places; it was included in preliminary Historic Sites and Structures Survey data preliminary to the Lakeside Historic District. It is not included on the map for that nomination. It may, however, be considered eligible (if not already listed) for its association with Burlington's maritime activities, the earliest development of "Lakeside Park" and as worker housing for the former Queen City Cotton Mill.



MAP NUMBER:	DATE BUILT: 1899	SURVEY NUMBER: 6 Proctor Place
FUNCTIONAL TYPE: dwelling		NEGATIVE FILE NUMBER:
COMMON NAME:		OWNER: Lendor Masse
DESCRIPTION:		
1 1/2 story, 3 x 2 bay workers dwelling. Beautifully imbricated slate roof. Aluminum siding, 2/2 sash windows. Main facade orientation. Stone foundation.		

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:

No changes proposed.

(b) Topographical Alterations:

No changes proposed.

(c) Protection of Important Public Views:

There are no protected public views from this 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.

(e) Supporting the Use of Renewable Energy Resources:

No part of this application will prohibit the use of water, wind, geothermal or other alternative energy resources. Solar infrastructure is included within the submission materials.

(f) Brownfield Sites:

None identified.

(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.

The applicant has submitted an Erosion Prevention and Sediment Control Plan for review by the Stormwater engineers.

The project offers a covered front entry for refuge from inclement weather. A rear entry is not similarly protected; a small canopy or eave extension is recommended.

The existing one car driveway that serves this residential unit has an area to the south that would accommodate snow storage.

(h) Building Location and Orientation:

No changes are proposed to the driveway or parking area. The addition is proposed to replace a small back porch. The primary structure will continue to face north, and be oriented in the same manner as existing.

(i) Vehicular Access:

No change.

(j) Pedestrian Access:

No change.

(k) Accessibility for the Handicapped:

Requirements for access and visibility will be under the jurisdiction of the building inspector.

(l) Parking and Circulation:

No change.

(m) Landscaping and Fences:

No landscaping information has been submitted. For a small addition, additional plans for landscaping are typically not mandated.

(n) Public Plazas and Open Space:

There are no public plazas included in the development site.

(o) Outdoor Lighting:

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

A spec sheet for a recessed light fixture has been submitted; its intended location unidentified. The applicant will need to define this and any other lighting proposed to assure compliance with this, and Standard 5.5.2 of the ordinance.

(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.

Utility connections are visible on submitted photographs, but not included on elevation or site plans. These shall be appropriately revised to include annotations to define the location of meters, HVAC equipment, utility connections, etc.

Similarly, the mailbox location needs to be defined.

The applicant shall indicate the location of trash and recycling storage.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

The rear addition is appropriately scaled for the existing single family home.

1. Massing, Height and Scale:

The proposed addition is at the rear of the dwelling, and is appropriately located and scaled relative to the existing structure.

2. Roofs and Rooflines.

A shed roof is proposed for the new addition, which effectively minimizes the impact of the new volume and marries the new space with the existing dwelling.

3. Building Openings

The front door is proposed to be relocated; windows to be rearranged and some increased in size to accommodate egress requirements.

(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:

A new front door and additional windows will warm the building front, which presently has minimal openings and is rather closed to the street. Replacement siding, trim, windows and doors will present an enhanced, fresh face that will visually enhance the street view.

(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 applicant has chosen replacement siding and trim from tradename "Boral", a relatively recent player in the replacement materials stage. Significant alteration has already occurred on this property, with soffit and trim covered, apparent reorganization of the primary façade, a cinderblock chimney addition, and aluminum siding. As there is substitute siding at present (aluminum), new sheathing is acceptable. Wood siding is identified on the elevation plan for the principle structure, cedar shakes on the new addition.

The durability of the "Boral" products is not known. They are a composite of plastic and ash. This is the applicant's choice for building trim.

Fiberglass windows are proposed for both the new addition and as replacement sash for the primary structure. The existing building has primarily 2/2 double hung windows. No significant trim remains, and the openings appear to be surrounded by a "j" channel, with only the outer sill (stool) exposed. The historic description of the property confirms the 2/2 fenestration pattern. One over One replacement sash is proposed. See Section 5.4.8 for further discussion.

(f) Reduce energy utilization:

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

Solar infrastructure is included in the plan.

(g) Make advertising features complementary to the site:

No signs are proposed.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p.)

(i) Make spaces secure and safe:

Windows meeting egress standards are proposed as part of the renovation.

The project will be required to meet all applicable building and life safe codes, as defined 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.

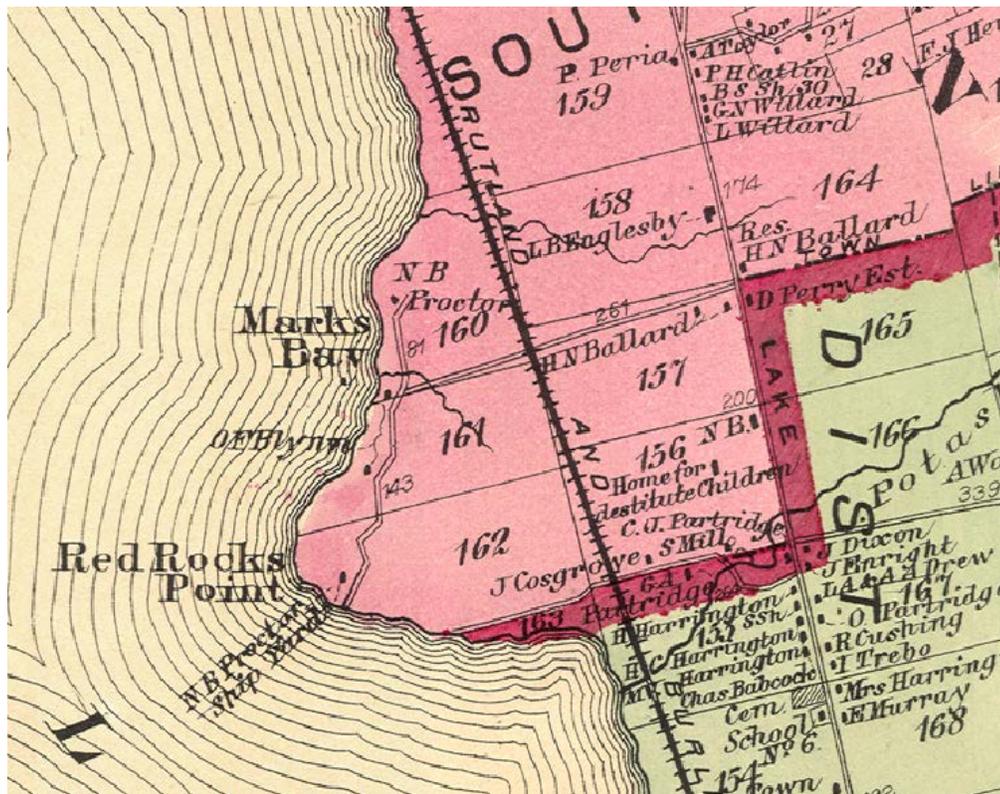
6 Proctor Place was included within a Historic Sites and Structures assessment prior to the Lakeside District nomination. The Vermont Division for Historic Preservation cannot confirm whether it is listed on the Vermont State Register of Historic Resources, but acknowledges its inclusion on the HS&S Survey.

Its eligibility (if not already listed) may certainly be secured when understood that this most likely the dwelling of Napoleon B. Proctor, shipbuilder and captain of several vessels on Lake Champlain. Proctor's wife, Nancy (Englesby) was deeded part of her father Ebenezer

Englesby's land in November 1852. (Englesby's Brook!) Burlington Historian David Blow confirms Proctor's ownership (Proctor Farm, later Oakledge Farm). From *Historic Guide to Burlington Neighborhoods*, Volume I:

*In 1850 Captain Proctor looked around for a suitable place to build a steamboat and purchased Mark's Bay for \$400...Proctor was captain of the **Oakes Ames**, built for the Rutland Railroad by Orson S. Spear in 1868...**Oakes Ames** was the largest boat launched on the lake at that time, being 238 feet long with 270 horse power engines and a speed of 19 ½ miles per hour. In 1874 she was sold and rebuilt as a passenger steamer named the **Champlain** which was wrecked at Steam Mill Point near Westport, NY in 1875...Mark's Bay was an active shipyard for many years and attracted a cluster of carpenters, blacksmiths and other supporting shops around the cove, but no trace is left of this yard...*

Proctor was guaranteed passage to the shipyard by warranty deed; "until said road so reserved shall be opened and worked for travel reserving a right of way or passage across any part of that said land to said sand beach." That path is illustrated on the 1869 Beers Atlas Map:



Napoleon and Nancy Proctor deeded the land to H. R. Conger (in part) in 1888, who developed the "Lakeside Park", having a plat drawn in 1894. With a few exceptions, the street layout and individual parcels reflect that plan.

(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 building historically served a residential purpose; one that 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 building retains its orientation, location, and association; however significant alteration has occurred to its materials, the spatial organization of its primary façade, and potentially its design and workmanship (as exterior renovations have masked original features and spaces.) The setting, the location, the massing, the imbricated slate roof, and the window pattern and configuration are the few remaining features that have not been altered. The building is at a tipping point; a decision to allow alteration (and change of window material and design) will signal that the property has reached a point of alteration that no longer merits retention of remaining features. If the existing features are deemed of enough merit to retain and define the character of the structure, than the window alterations (material and design) would not meet this standard.

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.*

The new addition is an anticipated alteration, typical of how buildings may grow and expand to meet current needs. No conjectural features are proposed.

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

There are no identified changes to the property that have significance in their own right.

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

The sheathing and trim have either been covered or compromised with new material. The characteristic slate roof is proposed to be retained. The windows are intended to be replaced with larger and differently designed fiberglass sash; re-arranged across facades. If the property is deemed to retain enough integrity to warrant historic merit, then these alterations are in conflict with this standard. If the Board believes that the building no longer retains enough of its original materials, features, finishes, and overall historic character, than alterations may be acceptable.

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.

Replacement windows on historic properties have been the subject of significant scrutiny and in some cases, litigation involving city staff. To cite examples that tested this standard of the ordinance (after its adoption in 2007) were these cases:

66-68 King Street ZP07-473CA Vinyl replacement windows denied by DRB 3/2007
Decision not appealed.

17 Johnson Street ZP07-471CA Vinyl replacement windows denied by DRB
4/2007
Decision not appealed.

45-47 Clarke Street ZP06-604CA Denied by DRB, appealed to VEC, upheld. 7/2007

55-57 Blodgett Street ZP 07-556CA Denied by DRB, appealed to VEC, upheld
11/2007

In each case, the review board (Development Review Board, or ultimately the Vermont Superior Court, Environmental Division) was asked to evaluate an application for replacement window sash that was of a different material than the existing wood double hung sash.

This standard was used in each review.

The DRB, and VEC concurred that the city has established a standard for the treatment of historic properties, and that the proposed replacement sash did not comply with the specific standard as expressed in the Comprehensive Development Ordinance.

None of these decisions were appealed to the Vermont Supreme Court. Finality rules and the decisions stand.

It was through these decisions, however, that the DRB expanded their interpretation, and found clad wood window sash and simulated divided light (with exterior muntins, factory adhered) to be acceptable in meeting this standard. Since these decisions, which established a precedent in reviewing alterations to historic properties, staff and the DRB have consistently applied this standard as directed by the court and the DRB. The zoning ordinance has not changed since these decisions relative to this Section; and no further decisions have served to alter the precedent established.

The Design Advisory Board does not have the authority to alter the ordinance. The Planning Commission, in concert with City Council, has the authority to change policy, ordinance, and practice.

Fiberglass windows have been permitted for new additions, new construction, and as visually appropriate replacement windows where the historic windows have already been replaced with appropriate permitting, where the property owner wishes to return to a compatible historic appearance. One such case was 35 Crombie Street, where non-original windows were replaced with fiberglass windows (ZP07-373CA, December 2006.)

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.*

None are understood to be proposed.

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 the site. If any are found during ground disturbance, appropriate remedies shall be exacted to protect any such resources.

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 new addition will minimally impact the existing primary structure, and only at the point of contact. As a replacement to an existing porch, it is positioned to be minimally visible and understandable as part of a building's growth. It is clearly differentiated from the principle structure; subordinate in size and massing to protect the integrity of the original.

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.*

The new addition has the potential to be removed in the future, and therefore a reversible change.

Items for the Board's consideration:

1. Preliminary assessment of the historic integrity of 6 Proctor Place will be essential in determining the course of review. If the building retains integrity of location, design, setting, materials, workmanship, feeling and association, than the standards of Section 5.4.8 and the precedent of decisions shall be applicable to this review. See item #6, below.
2. The applicant shall define the location and fixture for proposed new lighting to assure compliance with the lighting standards defined in Section 5.5.2.
3. The location of the mailbox, utility connections, mechanical equipment, and trash/recycling storage shall be defined on the site plan and/or building elevation as appropriate. Landscaping or similar screening may be advised, depending upon location and visibility.
4. Some form of canopy or roof cover is recommended for the rear entry.
5. The applicant shall indicate the location of trash and recycling storage.
6. The judgments and interpretations made by the Development Review Board and the Vermont Superior Court, Environmental Division have set the precedent for decisions relative to window replacement on historic structures. At present, only wood or clad wood replacement sash have been found to be acceptable replacement alternatives for historic structures with wood windows. A change in policy or ordinance standard would require action by the Planning Commission and City Council.