

## Department of Planning and Zoning

149 Church Street, City Hall  
Burlington, VT 05401  
[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)  
Phone: (802) 865-7188  
Fax: (802) 865-7195

*David White, AICP, Director*  
*Meagan Tuttle, AICP, Comprehensive Planner*  
*Jay Appleton, Senior GIS/IT Programmer/Analyst*  
*Scott Gustin, AICP, CFM, Principal Planner*  
*Mary O'Neil, AICP, Principal Planner*  
*Ryan Morrison, Associate Planner*  
*Layne Darfler, Planning Technician*  
*Anita Wade, Zoning Clerk*



## MEMORANDUM

**To:** The Design Advisory Board  
**From:** Mary O'Neil, AICP, Principal Planner  
**RE:** ZP 18-0505CA; 26 Park Street  
**Date:** January 9, 2018

---

**File:** ZP18-0505CA  
**Location:** 26 Park Street  
**Zone:** RH **Ward:** 3C  
**Date application accepted:** November 20, 2017 (incomplete.) Deemed complete December 8, 2017.



**Applicant/ Owner:** Lawrence Doane  
**Request:** Remove rear appendage and porches; addition at rear; new porch and driveway, replace all siding, trim, and windows.

### Background:

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).

- Aldermanic vote to grant permission for use as semi-public use (reception home for run-away children) for one year, after which time the Board will have the right of review of use of the building. Owner is directed to see Zoning Administrator for permit. July 1974.
- Zoning Permit (n.n.) to erect a fire escape on the east (rear) side of the building, and to install fire doors. July 1974.

**Overview:** 26 Park Street is a single family home on a small lot (3,360 sf) built in 1910 for George Sanderson and listed on the Vermont State Register of Historic Resources. Photographs illustrate that some changes have been made (porch railing and posts altered, no permits on file.) The applicant has been under a violation notice for demolition by neglect (NOV issued February, 2017.) This application is in response to that action.



1984-1985 Re-appraisal photo

**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 important natural features identified in the submission materials. Ortho photographs define the backyard as largely used as an undefined parking area for some time.

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

No topographic alterations are included in the plans. If there are any changes to grade proposed, they should be identified and contours provided.

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

There are no protected views from or through private property. This development does not obstruct views of Lake Champlain and the mountains as framed by public rights-of-way.

***(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:***

The plan is not prohibitive of including renewable energy such as direct sunlight, wind, water, or geothermal resources.

***(f) Brownfield Sites:***

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

***(g) Provide for nature's events:***

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

The project applicant has submitted an Erosion Prevention and Sediment Control Plan for review by the Stormwater program. Their approval will be a condition of approval. [Notice of Approval received December 7, 2017.]

*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 proposed rear addition will provide three covered entries on the east elevation. The replacement porch on the west (front) will also provide shelter from inclement weather.

A location for snow storage needs to be identified.

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

The building will retain its orientation; fronting on Park Street and the Battery. The large addition is located in the rear of the structure.

***(i) Vehicular Access:***

Access will remain as existing; from Park Street. Photos illustrate two tire paths; however, the plan illustrates an asphalt driveway. It would be possible to minimize the width of the driveway and allow for greater green space and more area for stormwater infiltration. Encroachment into a required side yard setback is pre-existing.

***(j) Pedestrian Access:***

A walkway will continue to serve the primary entrance from Park Street. Those parking in the rear yard can access entries on that elevation.

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

Handicap access is not a requirement for single family residences; however, the multiple entrances and large expansion on three floors suggests that this may become a multi-unit building or serve a function different from single family use. The building inspector implements ADA requirements.

***(l) Parking and Circulation:***

Two parking spaces are provided in the rear, adequate for a single family home. The required minimum 5' setback for parking areas (and patio) from boundary lines is not observed and must be. Adequate backup space is also not provided, but this parking arrangement is an existing condition (although undesirable as vehicles must back out onto Park Street.) As a single family residence the parking plan is acceptable; but if greater intensity of use is proposed, parking is insufficient and backup capacity significantly hindered by the small lot (3,360 sf.). Parking barriers will be required to prevent further parking creep toward and over property lines.

***(m) Landscaping and Fences:***

There is no landscaping identified on the site plan, and none identified in photographs. Some planning for site work should be included to help soften the impact of the large addition and expanse of parking. A landscaping plan will be required.

A 30" high fence is proposed to surround the front yard. See plan A.02.

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

Not required.

***(o) Outdoor Lighting:***

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

Spec sheets have been provided for recessed can light on the front and rear porches.

***(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.*

Elevation plans fail to identify location of meters and utility connections. These, and any mechanical equipment/condensing units/HVAC shall be identified on elevations and/or site plans as appropriate. Any visible from the streetfront must be screened. Mechanical equipment shall not be installed on any primary elevation.

The mailbox will remain as located on the front porch.

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

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

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

The proposed rear addition exceeds the height of the principal structure and is therefore inconsistent and incompatible with the character of the historic massing and height of the existing building, which demands a subordinate and differentiated design. While the location and articulate clearly segregate and differentiate the addition, the increased height is not compatible with the original structure. As part of a designed addition, it should remain subordinate to the principal historic structure.

***2. Roofs and Rooflines.***

Multiple dormers are proposed; designed to echo the existing dormer on the primary façade with a hipped roof and single double-hung window centered in the face. The rear addition has an asymmetrical roof arrangement, connecting to the hipped roof of the existing structure. As the roof to the rear addition is higher and prominent, it is not compatible with the historic principal structure to which it is attached.

***3. Building Openings***

As noted, double hung windows are proposed in new dormers. As habitable area exists in the attic (which this application may expand), egress windows may be required. The applicant is

advised to consult with the building inspector. Any expansion of habitable area, or change in use must be defined.

New windows in the addition are limited. Many of the existing original window openings are proposed to be boarded up, resulting in a dead looking building. No floor plan has been provided to explain the undesirable exterior appearance, particularly on the north elevation but notably on the face, fronting the Battery.

***(b) Protection of Important Architectural Resources:***

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

See Section 5.4.8.

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

Not applicable.

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

The present violation notice identifies the house in dire need of repair and attention. The application proposes to replace most of the exterior: Siding, windows, trim, porches, and rear addition. The replacement porch, although attractive, is not consistent with the original porch design. Posts with a heavily articulated plinth were not part of the original. The railing design present today is the result of more recent alteration without permits.

The wood clapboard is proposed to be replaced with a composite lap siding; trim to be replaced with another composite material. Replacement porch posts are proposed to be trimmed with Boral (composite.) The infill of the upstairs window is unfortunate, closing off an "eye" to the street. The redevelopment plan offers to change the historic character of the building by removing original materials, introducing a new style of porch post detail (plinth) undocumented in the building's past, and closing off building openings.

***(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.*

Composite materials are proposed for siding and trim; fiberglass windows for replacement.

Prior decision of the Environmental Court and the DRB have not permitted fiberglass as replacement sash on historic structures, and have only allowed wood or clad wood as replacement when an original window is being removed. It is the applicant's choice for the rear addition. Fiberglass cannot be approved for the existing historic house.

The DRB has specifically denied composite porch railings, posts and balusters on historic structures.

There is no information that the applicant consulted with an architectural historian about appropriate replacement materials. The clear preference is for replacement-in-kind (See Article 5, Section 5.4.8).

There is not enough documentation about the durability of the specific composite material ("Boral"). Metal roofing (porch) and asphalt shingles (rear porch roof and addition) are both acceptable for new construction. The metal roofing proposed on the front porch may initiate snow slide unfavorable for a primary entrance, creating a hazard for residents and guests.

***(f) Reduce energy utilization:***

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

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

Not applicable.

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

See Section 6.2.2. (p), above.

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

Development shall conform to all applicable building and life safety code as determined by the building inspector and fire marshal. It does appear that this may be developed into some use of greater intensity than a single family residence, which would require different standards.

***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.*

26 Park Street was listed on the Vermont State Register of Historic Resources in 1978. These standards, therefore, apply.

**(b) Standards and Guidelines:**

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

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

The house was constructed in 1910 as a residence; a use which remains. The broad alterations and multiple entrances suggest a greater intensity of use; this must be defined.

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.*

Amazingly the property is nearly intact, albeit for unpermitted porch railing replacement. What is visible today is likely original to the building. The application proposes wholesale replacement of siding (wood, for composite), trim (wood for composite), porch decking and railings (composite decking; railings and posts composite or composite trim) and fiberglass windows. The preferred treatment for historic structures is to first repair, and then replace-in-kind. The existing siding has not been maintained, resulting in gross paint failure and material loss. (See Page A.24, *Images*.) An assessment is recommended on the condition of the original wood siding to determine if the wood clapboard may be retained and might be primed/painted to retain the original appearance without material loss.

The State Register listing defines specific characteristics, like "Tuscan columns" and "pilasters". The Tuscan order is the simplest, with a plain entablature, with a ringed column beneath a plain cap and unadorned based. These should be retained or restored to original form.

Although the Environmental Court has permitted replacement of historic wood clapboard with fiber cement, they have not entertained the product presented ("Boral"). It should be noted that the earlier siding approval required that the reveal match that of the existing material; something that may be difficult with this product given such a small existing reveal dimension. Maintaining the historic reveal pattern is essential in maintaining the original historic character.

Similarly, the application proposes replacement window, door, corner and fascia/cornice trim with a synthetic composite. The Development Review Board has specifically denied composite trim for historic porches. Fiberglass windows are not considered an appropriate replacement option for historic structures (new construction acceptable); wood or clad wood only are acceptable. The photo attached to the State Register listing appears to feature 3/1 windows on



the upper floor. There are no permits on file for window replacement. There are 1/1 windows in place at present. The Queen Anne window sash on the first floor, front elevation is a defining feature and should be maintained, particularly if there is ornamental glass in the transom.

Composite porch decking has been previously approved for other historic properties.

Overall, the comprehensive replacement of all original materials with materials that are not in-kind will result in a loss of architectural and historic integrity of the listed property.

The new construction at the rear may utilize new materials without pause.

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 proposed porch posts and railing system are more elaborate than the original porch features (see 1984-85 photo, and photo attached to the State Register listing.) A more modest Colonial porch replacement (turned posts, unadorned base and cap, simple balusters with handrail cap) to match the original would be appropriate.

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

None identified.

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

Although in poor repair, the house retains its integrity of location, design, setting, materials, workmanship, feeling and association. The alterations may step too aggressively to correct present conditions, as character defining features are proposed to be altered or replaced entirely. The wood siding, corner, fascia and trim boards are recommended to be repaired or replaced as warranted with original materials to avoid unnecessary loss of historic fabric and character.

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.*

See comments, above.

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

No chemical treatments are proposed; physical treatments include wholesale removal and replacement of original materials. As noted, unnecessary removal of all exterior sheathing materials and replacement with modern composite is not recommended.

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

No archaeological resources have been identified at this address; however, Battery Park was the site of an important military encampment 1812-1815. The location of the hospital and associated buildings have not been formally identified. There were also burials in the immediate vicinity of those who died of injury or illness at the hospital, resulting in the discovery of human remains along North Street and Front Street. As the burial ground is unmarked, its perimeter is not known.

If excavation for the rear addition uncovers any archaeological remains or resources, proper authorities shall be contacted for appropriate recovery, assessment and disposition.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

The rear addition exceeds the height of the existing structure, which makes it incompatible and inappropriately scaled for the historic building. Access to the rear is possible without an addition that exceeds this building in height.

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.*

Although improbable, the rear addition may be removed in the future without significant loss of historic fabric. The other new construction (replacement of siding, windows, trim, porch with modern materials) will result in a permanent loss of historic material unlikely to be recovered.

**Items for the Board's consideration:**

1. Parking areas and patio must meet a minimum 5' setback from boundary lines.
2. Parking barriers must be provided to prevent parking lot creep. The choice must be identified and illustrated on plans for review and approval of staff.

3. The existing parking plan is suitable for single family use, but fails to accommodate any increase in units, increased parking demand or change of use that would intensify the use. For the Neighborhood Parking District, the parking arrangement only satisfies single family occupancy of 2 parking spaces.
4. The net new habitable area needs to be provided to staff.
5. A location for snow storage needs to be identified.
6. If excavation for the rear addition uncovers any archaeological remains or resources, proper authorities shall be contacted for appropriate recovery, assessment and disposition.
7. Functional Family provisions of the ordinance apply. Not more than 4 unrelated adults may occupy the residential unit.
8. All new construction is required to meet the Guidelines for Energy Efficient construction per the requirements of Article VI, Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
9. Standard Permit Conditions 1-15 apply.