



# *Agenda*

## *Planning Commission Meeting*

**Monday, October 28, 2019 at 5:30 PM**  
**City Council Chambers; City Hall**

1. Call to order
2. Approval of the agenda
3. Comments from the Chair
4. General business (comments from the public about something not on the agenda)
5. Review and Approve Minutes of September 23, 2019
6. Summary of the preliminary proposal by the Chair
7. Presentation and public input on the Design Review proposal and map.
8. Discussion of vision statement including review of Montpelier Alive's branding statement (time permitting)
9. Adjournment

PC meetings are open to the public. For questions about accessibility or to request accommodations please call (802) 223-9506.

## **Montpelier Planning Commission Meeting September 23, 2019**

*Subject to review and approval*

This public meeting was recorded, and the video will be available for viewing at this link:  
<https://www.montpelier-vt.org/1094/CivicClerk>

**Present:** Kirby Keeton, Aaron Kisicki, Marcella Dent, Ariane Kissam, Michael Miller.

**Absent:** Barbara Conrey, Stephanie Smith, Emery Richardson, John Adams.

**Call to order by the Chair:** The meeting was called to order by the Chair, Kirby Keeton.

**Approval of the agenda:** Since there was not a quorum in attendance, this item could not be acted upon. Ariane then entered the meeting, so a quorum was reached. Aaron made a motion to approve the agenda as printed, Marcella seconded. The motion passed on a 4-0 vote.

**Comments from the Chair:** Kirby noted that the next City Council meeting with the CVRPC appointment. He has sent a letter to the Mayor and City Council regarding Marcella's interest and the commission's backing of that choice.

Mike noted that the next Council meeting will also discuss the zoning fixes recommended by the Council. Those will be in the final hearing, and hopefully, adoption on Wednesday. Mike doesn't anticipate any issues since no one showed up for the public hearing.

That afternoon, the Downtown Board approved the Growth Center renewal, which is required every five years. Crestview was added.

**General business (comments from the public about something not on the agenda):** Lisa Maxwell was present just to learn.

**Consider minutes from September 9, 2019:** Kirby is actually the chair, not the acting chair. There were a few corrections to be made. "Changes to the college boundary were discussed" and "made changes to the boundary to include all portions of the designated downtown district".

Ariane made a motion to approve the minutes as amended, Marcella seconded. The motion passed on a 4-0 vote.

**Discuss next steps for public input on the Design Review proposal and map:** Mike feels that the proposed map has a rational basis. Soon, a meeting should include a coordination meeting with Historic Preservation. Mike will try to get a public meeting scheduled for the last meeting in October.

**Presentation and discussion of work by staff on the City's implementation plans including committee approved plans for Historic Preservation and Housing:** Mike has been working

on outlines for the different committees to coordinate efforts between committees and to work on goals and strategies. He was thinking of having a single voice, so he would write the drafts in 1,000 words and the committees would edit them to fit their needs and thoughts. Everything needs to meet state statutes.

The 12 chapters will be housing, historic preservation, energy, utilities, economic development, community services, land use, governance, transportation, natural resources, emergency services, and – [Mike is trying to remember it.]

Ariane needed to leave at 6:45. October 14 is a holiday, so there will not be a meeting that night.

**Discussion of vision statement including review of Montpelier Alive's branding**

**statement:** Mike had sent the statement out in email, but he doesn't feel that it necessarily needs to be in the City Plan.

Since there won't be a meeting on October 14, a poll might go out to see who wants to meet on the 7<sup>th</sup> – Kirby and Mike can't make it – the meeting would just have to be in an alternate room and not on tv, since the DRB and DRC are meeting that night.

**Adjournment:** The meeting was deemed adjourned.

Respectfully submitted,

Tami Furry  
Recording Secretary

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Planning Director

## **Section 2201- Design Review Overlay District**

### **Section 2201.A. Purpose and Declaration of Public Policy.**

- (1) The City Council finds that Montpelier is a compact community with special historical, architectural, engineering, urban design, visual, natural, and cultural significance. In particular, the city has retained a wealth of historic buildings, newer buildings, parks, common areas, bridges, structures, travel corridors, and other contributing resources that, together, establish the city's exceptional visual quality and convey a distinctive and powerful sense of place and time to residents and visitors alike. The tangible fabric of that visual quality represents an intricate weave of historic buildings, landscapes, and structures, including monumental public buildings, dignified commercial blocks, architecturally distinctive residences, important common areas, wooded hillsides, and traditional patterns of streets and walkways that join these interconnected resources, thus revealing the city's historic patterns of settlement from its founding to present day.
- (2) The City Council also finds: (i) that the city's special historic and aesthetic character has been compromised in the past, either through the destruction of entire buildings; through the incremental loss of small or selective features on individual buildings that results in a substantial and cumulative loss over time; or through the location or design of new buildings that compromise the visual and historic quality of the city; and (ii) that such compromises have occurred without adequate consideration or awareness of the irreplaceable loss to the people of the city of the aesthetic, cultural and historic values represented by those resources.
- (3) It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and use of the city's architectural, engineering, landscape, and cultural features of historic or aesthetic value is a public good and is required in the interest of health, prosperity, safety, and general welfare of the people. The purpose of this Design Review Overlay District is to: (i) accomplish the protection, enhancement and perpetuation of those features that represent the city's cultural, social, economic, political, engineering, and architectural history; (ii) safeguard the city's historic, aesthetic and cultural heritage; (iii) stabilize and improve property values; (iv) foster civic pride in the accomplishments of the past; (v) protect and enhance the city's attractions to tourists and visitors, thus furthering support and stimulus to business and industry; (vi) strengthen the economy of the city; (vii) promote the use of historic resources for the education, enjoyment, and welfare of the people of the city; and (viii) protect significant viewsheds, including gateway views of the Vermont State House, a National Historic Landmark that is representative of the city's historic role as a seat of government.
- (4) The Design Review Standards, Guiding Design Principles, Specific Design Standards, and New Construction Standards contained herein are intended to advance the purposes of this Design Review Overlay District identified in Paragraph (3) above. Any supplemental educational publications or brochures, as referenced in Section 2201.I, prepared by the Design Review

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Committee or by the city's Historic Preservation Commission, as authorized by this ordinance, are intended to serve as practical, informative guides for property owners and are not substitutes for the standards, principles or guidelines contained herein. Instead, such educational materials should be read in conjunction with the provisions of this ordinance, a means to become better informed about the process required to obtain permits.

- (5) The goals of the Design Review Overlay District are as follows:
- (a) To preserve the City's irreplaceable historic resources, its built environment, and historic settlement pattern.
  - (b) To promote and support new development projects that are compatible with and complement the City's historic architecture.
  - (c) To retain a strong sense of place for residents and visitors and foster civic pride in the beauty of the City's historic and cultural heritage.
  - (d) To safeguard the City's cultural landscape and significant viewsheds including gateway views of the City and State Capitol.

Section 2201.B **Enabling Legislation.** In accordance with 24 V. S. A. Chapter 117 §4414(1)(E), the Design Review Overlay District has been created to guide development in areas with particular historical, architectural, urban design, visual and cultural significance.

Section 2201.C **Overlay Zoning.** These design review regulations are an overlay zoning district and are therefore in addition to any requirements of the underlying zoning district. All uses and dimensional requirements of the underlying zoning district remain the same.

Section 2201.D **Boundary.** The Design Review Overlay District shall consist of all lands depicted in Design Review Overlay District on the official City of Montpelier Zoning Map kept on file in the Department of the Planning and Community Development and incorporated into these Regulations.

Section 2201.E **Applicability.** Except as provided herein, development within the Design Review Overlay District shall meet the provisions of this Section.

- (1) **Exempt Development.** The following development is exempt from design review approval requirements:
- (a) The subdivision of land.
  - (b) Routine maintenance and repair of existing structure(s) and site improvements, including repairs and changes in paint color, siding and roofing, provided such maintenance or repair does not result in any change of design, materials, finish, or outward appearance. Routine maintenance and repair includes the repair of architectural features when work is done in-kind.
  - (c) Interior alterations or changes of use that will not result in any exterior modifications. The alteration to doors or windows, located on exterior walls is not an exempt activity.
  - (d) Repair, replacement, and installation of mechanical, electrical, data, and plumbing systems on the rear building elevation provided that such work does not alter or permanently change the appearance or affect character-defining features of the building.
  - (e) Repainting of exterior painted surfaces provided that destructive surface preparation treatments, including, but not limited to high-pressure

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- water washing, grinding, water blasting, sandblasting, and chemical cleaning are not used.
- (f) Repair or partial replacement of deteriorated porches, cornices, exterior siding, doors, balustrades, stairs, or trim when the repair or replacement is done in-kind. ***Alterations that involve changes to materials, composition, type or appearance of a feature, the removal of distinctive materials or alterations of features, spaces, and spatial relationships that characterize a property are not exempt activities.***
  - (g) Window and door repair and maintenance including the installation of storm windows and doors that do not require permanent alteration to the window or door openings and where all visually-related windows or doors on the same façade receive the same storm window or door treatment. Replacement of windows is not an exempt activity.
  - (h) Roof repair with in-kind roofing material.
  - (i) Repair or replacement of roof drainage systems, including flashing, downspouts, gutters, snow guards, and rain barrels.
  - (j) Exterior lead paint abatement that includes scraping and repainting of exterior wood and masonry surfaces, so long as treatments follow established protocols and best practices as established by EPA Renovation, Repair & Painting Program (RRP Rule) and Vermont Essential Maintenance Practices (EMP) - Lead Law Compliance.
  - (k) Electrical equipment, fuel or propane tanks less than 500 gallons, gas meters, cable boxes, satellite dishes less than 3 feet in diameter, HVAC equipment, service meters, sprinkler systems, valves, wiring, and any associated screening systems located in the rear yard or on the rear building elevation.
- (2) **Limitations.** Consistent with the goals laid out in § 2201.A(5), this Section 2201 applies even to those structures that may be partially exempt from municipal bylaws under 24 V.S.A. § 4413(a), as many of those classes of structures (schools, churches, municipal buildings, etc.) are often key historic resources and essential to a city's sense of place, as well as part of the significant viewsheds and historic architecture. Therefore, in accordance with state law, the application of this Section 2201 to those structures related to uses specified in 24 V.S.A. § 4413(a) shall be limited to regulation only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that the regulations do not have the effect of interfering with the intended functional use of such structures.

Section 2201.F **Application Process.**

- (1) **Formal Review:** The Administrative Officer shall review projects requiring Design Review per § 4202 and either: (1) review the applications administratively per § 2201.H; or (2) refer them to the Design Review Committee for review per § 4301.
- (2) **Optional Informal Review:** Applicants whose projects or properties are located within the Design Review Overlay District are encouraged to have an informal meeting with the Administrative Officer or the Design Review Committee, as

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appropriate, to obtain information or guidance: (i) prior to undertaking significant repairs, or for technical assistance with implementing recommended repair and maintenance practices; and (ii) to get preliminary guidance regarding the proposed activity or project and the necessary application contents.

Section 2201.G **Submittal Requirements.**

- (1) **Standard Materials.** In addition to the materials required by any other provisions of these Regulations, applications for design review shall include information sufficient to demonstrate compliance with this Section. At a minimum, applications will typically contain the following, as appropriate for the specific project:
  - (a) A written description of proposed work.
  - (b) Locational map showing the parcel location.
  - (c) If replacing materials, a written description of the existing condition of materials and why repair is not feasible.
  - (d) Current color photographs showing the site and affected structures, all sides, neighboring structures and relevant details.
  - (e) A description of all materials to be used on the exterior of any building. Physical samples of building materials are also helpful for review.
  - (f) Building elevations, drawn to scale, or annotated photographs of the existing structure, including architectural details such as trim and molding. These drawings do not need to be drawn by an architect, but must be drawn to scale, easy to read, and must include architectural details.
  - (g) A plan showing proposed landscaping including information on the type and size of plant materials to be installed. (This is required for projects subject to Site Plan review.)
  - (h) Cut sheets for lighting fixtures, bulb type, lumens, and direction of light.
  - (i) A drawing clearly showing new structures and/or changes to existing structures.
- (2) **Additional Materials.** The Design Review Committee may require an applicant to submit additional information including models or other three-dimensional analyses, as necessary for a clear understanding of a proposal.

Section 2201.H **Administrative Review.**

- (1) **Applicability.** The following may be reviewed by the Administrative Officer without review by the Design Review Committee:
  - (a) New or modified retractable awnings on the side elevation of residential buildings and all elevations of commercial buildings.
  - (b) One accessory structure meeting the requirements of § 1101.B(2) per lot located in the side or rear yard.
  - (c) Exterior placement of meters, vents, cable or telephone boxes, wiring, antennas, satellite dishes and components of HVAC systems including heat pumps located on the side building elevation. Electric, fuel or propane tanks less than 500 gallons, gas meters, cable boxes, satellite dishes less than 3 feet in diameter, HVAC equipment, service meters, sprinkler systems, valves, wiring, and any associated screening systems.

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- (d) Above-ground storage tanks not exceeding a total of 500 gallons per property which are located in the side yard and generally not visible from the public right-of-way.
- (e) Americans with Disability Act (ADA) features, such as ramps, located on the sides or rear building elevation.
- (f) Installation of roof drainage systems, including flashing, downspouts, gutters, snow guards, and rain barrels.
- (g) The removal of signs.
- (h) Modifications to plans previously approved by the Design Review Committee upon a finding that the proposed change:
  - (i) Is not a material change; and
  - (j) Does not affect any character-defining features on the parcel.
- (2) **Administrative Review Criteria:** For approval by the Administrative Officer, applications for Design Review must comply with the design review principles and standards of Section 2201.I.
- (3) **Optional Referral:** The Administrative Officer may refer applications to the Design Review Committee when they are uncertain whether the proposal is eligible for administrative review.

Section 2201.I

**Design Review Standards.**

- (1) **Purpose:** The Design Review Committee, the Administrative Officer, and the Development Review Board shall evaluate an application's conformance to the criteria set forth in the following general design standards when making a determination or recommendation on an application, as well as those specific design standards applicable to the particular project (i.e., alteration or addition to an existing historic or non-historic building, new building, new sign, etc.). The Design Review Committee, the Administrative Officer, and the Development Review Board may consider exceptional circumstances including, but not limited to, cost and technical feasibility.
- (2) **Additional Guidance Materials:** The Administrative Officer, Development Review Board, and Design Review Committee may use additional outside materials in making recommendations and determinations, including the following: (i) the Secretary of the Interior's Standards for Rehabilitation, attached as Appendix A; (ii) the Montpelier Guidelines for [title TBD], attached as Appendix B; and (iii) any other supplemental educational publications or brochures prepared by the Committee or the City's Historic Preservation Commission, and available through the Department of Planning and Community Development.
- (3) **Design Standards.** Project requiring Design Review shall be evaluated based on the following standards and principles, as applicable:
  - (a) **All Projects**
    - i. Exterior design and materials of new construction or alterations of existing buildings shall be consistent and compatible with the characteristics of the existing building or other properties in the zoning district;
      - 1. Additions to existing buildings shall respect and be compatible with the size, scale, materials, detailing, and

- overall character of the primary building and its environs.
- 2. Additions shall not obscure or undermine the essential form and character of the original building, and should reflect the addition's period and style as appropriate.
- ii. Existing buildings shall 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 architectural elements from other buildings, shall not be undertaken. New construction, additions, and alterations shall be of their own time and shall not create a false sense of historicity;
- iii. Proposed landscaping shall be compatible with the zoning district and the site on which the project is located.
- iv. Location and appearance of all utilities, mechanical equipment, trash storage, and fencing shall be sited to minimize adverse visual impact or adequately and appropriately screened from public view;
- v. Alterations to buildings called for by public safety, accessibility, and fire codes shall be designed to maintain the character of the construction materials and features to the maximum extent feasible;
- vi. Where applicable, development shall be designed to respect view corridors and significant vistas generally, including gateway views of the City and State House specifically;
- vii. For parcels with both river and street frontage, development shall be oriented so that both river and street façades are primary. Materials on the riverside of a structure shall be of equal character and quality as those on the street side. Both façades should incorporate fenestration, detailing, and other building components that are dimensionally proportional and are pedestrian friendly.
- viii. **Height.** The height of building additions shall not overwhelm the primary façade.
  - 1. The height of building additions shall be considered in relation to the varied heights of existing building and adjacent buildings.
- ix. **Proportion.**
  - 1. The relationship between the width and height of the façades of buildings shall be compatible with adjacent buildings.
  - 2. The relationship of width to height of windows and doors of adjacent buildings shall be referenced and incorporated into the design of new additions.
- x. **Rhythm.** The visual patterns established by the alterations of solid walls and openings (windows and doors) in the facade of buildings create a rhythm.
  - 1. Proportional architectural details, a sense of rhythm, and regular spacing of fenestration shall be considered.

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2. Scale and massing shall present a variety in their composition.
- xi. **Roof Shape and Equipment.**
  1. The similarity or compatibility of roof shapes in the immediate areas shall be considered in the alteration of a building.
  2. Rooftop equipment and fixtures shall be concealed from eye level view, from public rights-of-way, and from the ground level of any adjacent properties.
- xii. **Architectural Features.** Architectural features, including but not limited to, cornices, windows, shutters, fanlights, entablature, trim, and other forms of molding or character-defining detailing prevailing on the existing building shall be considered in the alteration of a building.
- xiii. **Roof Drainage Systems.** Roof drainage systems shall not hide or obscure architectural character-defining features and shall run adjacent to building corners when possible.
- xiv. **Signage.** When removing a sign, evidence of the sign's installation must be removed to the greatest extent practicable.

**(b) Additions and Alterations to Historic Buildings**

**i. Generally Applicable**

1. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;
2. Character-defining features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved. For instance:
  - a. Additions shall not obscure or undermine the essential form and character of the original building, and should reflect the addition's period and style as appropriate.
  - b. Additions to buildings shall not introduce style and features that are not compatible with the historic structure.
3. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a character-defining feature, the new feature shall be replaced in-kind;
4. Any treatments that cause damage to historic materials, including but not limited to chemical or physical treatments such as sandblasting, shall not be approved;
5. Development shall not destroy historic materials that characterize a historic building.
6. Any new development shall be differentiated from the old, but shall respect and be compatible with the

- massing, size, scale, architectural features, detailing and overall character of the primary building;
- ii. **Rhythm of Historic Buildings.** Patterns of solids and openings shall be preserved to the extent feasible.
    - 1. It is not appropriate to add, cover over, or remove a window or door opening on façades visible from a public street unless the applicant can demonstrate it is essential to operations occurring within the building. In those cases where a window or door opening must be added, covered or removed, a suitable design solution that maintains the architectural integrity of the façade shall be proposed, including retention of the window or door opening and trim, with any infill material set back within the opening.
  - iii. **Site Features.** Existing historic and contributing features such as street trees, fences, gates, walls, steps, gazebos, walkways, front and side yard patterns shall be retained or restored when impacted by the alteration of a building. Walls and fences shall be compatible with the site and the building in scale, traditional materials, and design that reflects the period of the building and/or is compatible with the surrounding context.
  - iv. **Materials.** Historic building materials should be preserved to the maximum extent practicable and replaced in-kind when they have deteriorated beyond repair. Replacement materials shall match existing materials to the maximum extent feasible. Covering historic materials with new materials shall be avoided.
    - 1. An alteration shall be considered to be compatible if the building materials used possess a kind or type which are appropriate to that building. Materials selected shall either fit the context of the existing building and/or reflect the nature and use of the structure.
    - 2. Materials shall be selected for the long-term performance and durability.
    - 3. When composite materials are appropriate, they should be treated in the same manner of the replaced material(s).
  - v. **Roof Shape of Historic Buildings.** Roof forms and pitch shall not be altered on the primary façade.
  - vi. **Architectural Features on Historic Buildings.**
    - 1. Architectural features, including but not limited to, cornices, windows, shutters, fanlights, entablature, trim, and other forms of molding or character-defining detailing prevailing on the existing building shall be considered in the alteration of a building.
    - 2. Distinctive materials, features, and construction techniques or examples of craftsmanship that characterize a historic building shall be preserved.
    - 3. When a feature on a historic building has deteriorated beyond repair, the replacement feature shall match the

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existing in design, texture, other visual qualities, and materials.

4. Architectural features on an addition shall not duplicate, but shall respect the original building features.

**vii. Windows and Doors on Historic Buildings.**

1. Window patterns, sizes, proportions, and original features such as trim, sash and moldings, shall be preserved to the extent possible.
2. Door placement, appearance, materials, and size shall be preserved on primary façades.

**viii. Porches and Stairs.**

1. The location of porches, ramps, and stairs shall be placed in a manner that does not impact or undermine the original and significant ornamentation or detailing of the existing building.
2. Stairs, ramps and porches shall employ suitable detailing to connect and be compatible with the historic and important design features of existing buildings and new construction.
3. Stairs and ramps shall be designed in a manner with details and materials that provide the most sensitive and compatible structure and that fits the building design and layout.

**(c) Projects that Do Not Involve an Historic Building**

- i. **Additions and Alterations.** Additions and alterations to non-historic and non-contributing buildings shall respect and be compatible with existing patterns and setbacks found in adjacent buildings. New additions on non-historic and non-contributing structures that overshadow or diminish the historic character of contributing adjacent buildings are prohibited.

**ii. New Development.**

1. New development in UC-1, UC-2, and UC-3 zoning districts shall be pedestrian oriented and integrate ADA design principles;
2. New development shall incorporate sustainable design and construction methods and materials compatible with historic materials and styles. Before implementing any energy conservation measures to enhance the sustainability of a historic building, the existing energy-efficient characteristics of the building shall be identified and preserved;
3. **Scale and Massing.** The scale and massing of new buildings shall be compatible with surrounding structures.
  - a. Compatible scale and massing can be achieved by incorporating a variety of shapes or materials, such as columns, windows and their placement, doorways, roof segments, and wall patterns.
4. **Orientation.** New buildings shall be oriented toward, and relate both functionally and visually to, public streets

and/or common greens, parks, or plazas. To provide a uniform streetscape, new principal structures shall be located and oriented with their fronts parallel to the street and with the setback distance comparable to adjacent structures.

- a. Consideration shall be given to buildings serving special civic, social, or cultural functions, including places of worship, that may be designed to serve as prominent focal points and result in different site planning parameters within the district. Such buildings can be considered on their own merits and may require waivers from these standards, if and where appropriate. In those cases every effort shall be made to promote or retain compatibility with the surrounding structures and site design patterns.
5. **Height.** The height of a new building shall be compatible with the varied heights of existing adjacent buildings.
6. **Proportion.**
  - a. The relationship between the width and height of the facades of buildings shall be similar to adjacent buildings.
  - b. The relationship of width to height of windows and doors of adjacent buildings shall be referenced and incorporated into the design of a new building.
7. **Rhythm.** The visual patterns established by the alterations of solid walls and openings (windows and doors) in the façade of buildings create a rhythm. These patterns of solids and openings shall be compatible to the adjacent buildings in the construction of a new building.
  - a. In making this determination, the Design Review Committee shall consider proportional architectural details, a sense of rhythm, and regular spacing of fenestration.
8. **Continuity.** Physical elements such as yards, fences, evergreen masses, or building facades may combine to form lines of continuity along a street. These supporting design or landscape elements, and particularly those with historic value and purpose, shall be retained or referenced in new construction.
9. **Materials.** The materials of new construction shall be compatible with materials of surrounding buildings.
  - a. New construction shall be considered to be compatible if the materials used possess a kind or type that are appropriate to the District.
  - b. Materials selected shall either fit the Neighborhood context of the proposed building and/or reflect the nature and use of the structure.

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- c. Materials may be selected for the long-term performance and durability.
  - 10. **Roofs.**
    - a. **Shape.** The roof shape shall be compatible with roof shapes in the surrounding area.
    - b. **Equipment and Fixtures.** Rooftop equipment and fixtures shall be concealed from eye level view from public rights-of-way and from the ground level of any adjacent properties.
  - 11. **Architectural Features.** Architectural features including but not limited to cornices, windows, shutters, fanlights, entablature and other forms of molding or unique detailing prevailing in the surrounding area shall be regarded as suggestive of the extent, nature, and scale of details that are appropriate for new buildings.
    - a. This subsection does not require that the details of historic buildings be duplicated.
  - 12. **Context and Connectivity.** Building design shall be sensitive to the overall character and context of the Design Review Overlay District and to adjacent buildings.
    - a. New construction shall incorporate architectural elements that reinforce or add to the character of the area.
    - b. Other building elements and components such as lighting fixtures, sign size, design and sign placement, paving patterns, and landscape elements are to be selected and incorporated into new construction in a manner that provides compatibility with adjacent structures and sites.
  - 13. **Accessory Buildings and Structures.**
    - a. New accessory buildings or structures shall be located within either the side yard or rear yard.
    - b. New accessory buildings shall not visually disrupt the streetscape or affect the integrity of the existing building or proposed new building.
- (d) **Demolition.** The demolition of any Historic Structure, or portion thereof, or any application for development which involves the demolition of such structures, shall be reviewed pursuant to the standards of Section 3004(D).
- (e) **Signage.** All signage shall conform to the standards outlined in Section 3012. In addition, the size, location, design, color, texture, lighting, and material of all exterior signs within the Design Review Overlay District shall be complimentary to buildings and structures of the site and surrounding properties. Additional guidance includes the following standards:
- i. Where appropriate, signing shall respect the original sign placement and sign “bands” on historic structures. If a building

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has multiple tenants, there shall be consistency in placement and size among all signs.

- ii. It is recommended that sign placement be centered over building entries.
- iii. Sign installation shall limit damage to historic materials on the building.
  - 1. In masonry buildings, fasteners shall be in the mortar joints.
- iv. Sign design, color, and typography shall respect historic precedents where appropriate, and shall be the appropriate scale for existing and new buildings.
- v. Sign support structures shall be compatible with the building architecture and must not be overly complex or dominant in and of themselves.
- vi. Sign lighting for signs on façades of Historic Buildings shall not conflict with or damage the building's architectural integrity, or cover or impact character-defining architectural features.
- vii. Lighting fixtures for signs mounted on all building façades shall be designed with appropriate housing, shielding, and photometrics to ensure that there is appropriate lighting levels and illumination that focuses on the sign panels exclusively.

**(f) Outdoor Lighting Fixtures.** Outdoor lighting within the Design Review Overlay District shall conform to the standards outlined in Section 3204. In addition to the standards outlined in Section 3204, the structural design of the fixture shall be compatible with the architectural design and function of the building and compatible with the Neighborhood.

**(g) Landscaping, Screening, and Site Furnishings.** Landscaping and screening shall include trees, shrubs, and other plantings and conform to the standards of Section 3203. Projects within the Design Review Overlay District and subject to the landscaping requirements in Section 3203 shall also consider the following:

- i. Site furnishings including fencing, seating and other types of site furniture visible from the street or side yards shall be sensitively considered within the context of the existing building, its site and its context.
- ii. Historic landscape designs and plantings shall be preserved to the greatest extent practicable. Historic and native specimen trees shall be protected and preserved unless it is demonstrated that such preservation is not feasible or reasonable.
- iii. Landscaping should not be placed or designed in a manner that would obscure or undermine key architectural patterns or elements on historic buildings.
- iv. When practicable, existing historic fencing shall be preserved or replicated when employed in either residential or commercial/institutional settings. For new construction compatible materials and design patterns shall be employed.

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- v. Mechanical equipment such as HVAC elements, utility structures, loading docks and trash receptacles shall be screened from public view either by: (i) siting on rooftops or in rear yard locations; or (ii) via screening with fencing and/or landscaping.
  - 1. "Green" fencing such as hedges planted with native and hardy landscape species can be employed as effective buffers and screens for utilities and other elements incompatible with an historic district and setting.

Section 2201.J **Defined Terms.** The following defined terms are specific to the provisions of Section 2201. The general definitions under Chapter 510 shall apply to this Section unless otherwise specified in this subsection J.

- (1) **Alteration-** The change of the exterior features, appearance, or form of an existing building.
- (2) **Architectural feature** – Any part of a building and general arrangement of the exterior of a building or other structure, including, but not limited to, type or textures of the building material and siding; the type and style of all windows, doors, porches, roofs, foundations, signs, landscaping, fencing and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.
- (3) **Character** - The visual aspects and physical features that comprise the appearance of a building. Character may include individual structures or the relationship between structures.
- (4) **Compatible-** In harmony with surroundings considering, for example, balanced with or similar in size, scale, massing, outward appearance, fenestration, proportion, etc.
- (5) **Cultural Landscape-** Historically significant places that show evidence of human interaction with the physical environment. Cultural landscapes include both cultural and natural resources and are associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. In addition to vegetation and topography, cultural landscapes may include water features, such as ponds, streams, and fountains; circulation features, such as roads, paths, steps, and walls; buildings; and furnishings, including fences, benches, lights and sculptural objects.
- (6) **Elevation-** The external face of a building or a drawing thereof.
- (7) **Façade-** Any one of the external vertical planes of a building. The primary facade of a building usually faces the street and serves as the building's main entrance.
- (8) **Feature, Character-Defining** – Building or landscape components that contribute to the historical or architectural interest, identity, or significance of a resource. This includes parts of buildings that if removed or inappropriately altered would compromise its architectural character or appearance. Character-

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defining features may include the overall shape of the building, its materials, craftsmanship, and decorative details, as well as the various aspects of its site and environment.

- (9) **Fenestration-** The arrangement of windows and doors on the elevations of a building.
- (10) **Historic Building-** Any building listed on the State Register or National Register of Historic Places.
- (11) **Historic Materials-** The construction materials of a historic building, structure, or site which are part of a character-defining feature.
- (12) **In-kind –** In-kind replacement refers to replacing a deteriorated element with a matching element of the same material, size, shape and appearance.
- (13) **Integrity-** The ability of a property to convey its significance. Seven aspects or qualities that, in various combinations, define integrity include location, design, setting, materials, workmanship, feeling, and association.
- (14) **Mass, massing –** The bulk, form, and shape of a building.
- (15) **Material Change –** For purposes of this Section 2201, means a change in the planned use or development of land or a structure that may have affected the decision made or any conditions placed on the permit if it had been included in the plans as approved.
- (16) **National Register of Historic Places-** Those properties located in Montpelier, Vermont, and nominated for listing on the United States federal government's official list of districts, sites, buildings, structures, and objects deemed worthy of preservation for their historical significance, through a National Register of Historic Places Registration Form, last updated [REDACTED], as amended from time to time.
- (17) **Proportion-** Refers to the relationship of height to width of the various elements in a building's design.
- (18) **Resource –** In the context of historic preservation, a building, structure, site, district, or object. Also known as "cultural resource" or "historic resource."
- (19) **Resource, Contributing –** A building, structure, site, district, or object with qualities of historical or architectural interest. Generally contributing resources are more than 50 years old and are identified as contributing in the National Register of Historic Places nomination.
- (20) **Resource, Non-contributing –** A building, structure, site, district, or object without qualities of historical or architectural interest or significance.

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- (21) **Rhythm** – A patterned repetition or alternation of formal elements (doors, windows, porches, etc.) or motifs to establish a repetitive pattern.
- (22) **Routine Maintenance** – The repair of any deterioration, wear or damage to a structure or any part thereof in order to return the same as nearly as practicable to its condition prior to the occurrence of such deterioration, wear, or damage with in-kind material and quality workmanship. Routine maintenance includes in-kind replacement of exterior elements or accessory hardware using the same materials and workmanship and having the same outward appearance.
- (23) **Scale** – The size and mass of a building's façade and form in relation to nearby buildings. Important factors in establishing the scale of a façade include the physical relationship of elements, such as window area to wall area, the shape and size of fenestration, the bonding pattern of the brickwork, and details such as cornices and trim.
- (24) **Secretary of Interior's Standards** - When referenced in these regulations, the Standards refer to the list of ten Rehabilitation Standards aimed at retaining and preserving those features and materials that are important in defining the historic character of a resource.
- (25) **Setback** – The minimum distance required between a property line and a building or structure, as established by the yard requirements for various zoning districts.
- (26) **Setting** – The physical environment that surrounds a building or structure.
- (27) **Side Building Elevation** – Means the building elevation that faces a side yard.
- (28) **Siding**- The exterior wall covering of a structure.
- (29) **Significance**- The importance of a property to the history, architecture, archeology, engineering, or culture of a community, a State, or the nation. The Historic Preservation Commission may provide testimony of the significance of a property at a Design Review Committee or Development Review Board hearing.
- (30) **Viewsheds/Vistas**- Include but not limited to residential gardens and community parks, scenic highways, streetscapes, institutional grounds, cemeteries, wooded hillsides, backdrops, and public open spaces. They are composed of a number of character-defining features which, individually or collectively contribute to the landscape's physical appearance.
- (31) **State of Vermont Register of Historic Places**- The State's official list of historic properties significant to the history of the Green Mountain state.
- (32) **Trim** – Finished woodwork used to decorate, border or protect the edges of openings, such as doors and windows.

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- (33) **Visible from the public right-of-way** - Any portion of a building or structure that is generally visible from the public street or sidewalk immediately adjacent to the property. For the purposes of these regulations, any portion of a building or structure that is not visible due to landscaping shall be considered visible from the public right-of-way.

DRAFT

# Proposed Update to Montpelier's Design Review Regulations: §2201 of the Unified Development Regulations, adopted 1/3/18, as amended 9/25/19

Presented at the Planning Commission

October 28, 2019

# Pre-Drafting

## I. HPC took up task in September 2017

- Concerns were identified during the 2017 Unified Development Regulations rewrite process

## II. HPC Resources:

- a. Example Regs from VT towns, as well as nationwide
- b. Rehabilitation best practices from NPS and the American Planning Assoc.
- c. LandWorks – consultant hired with CLG grant
- d. Expertise of the Historic Planning Commission members, many full-time professionals in the field.

# Drafting = Public, Iterative Process

## I. April 4, 2018, Design Review Re-Write Kick-Off Meeting

- All property owners within DCD reviewed mailed notice
- Outreach at Montpelier Farmers' Market

## II. HPC held 2 or more public meetings per month through summer—autumn, & at least 1/month through end of 2018.

- Included some regular public attendees: e.g., Cliff St. residents, Planning Commission members, etc.
- Highlight: Presentation on Value and Purpose of Design Review by David Raphael (LandWorks) – 4/4/18

## III. July 12, 2018, Community Open House to present draft to public and solicit feedback

# Solicited Additional City Input

- I. Design Review Committee, DRB, Tree Board, Conservation Commission, Housing Authority, etc.
  - DRC public meeting 1/7/2019
- II. Guidance re: administrative and enforceability issues from City's Planning Director and Planning and Zoning Administrator
- III. Review and Revisions by Planning Commission
  - Revisions proposed to HPC from July and August 2019 Reviews.

# Drafting Goals & Intentions

- I. Improve predictability and consistency of application
- II. Improve defensibility of decisions
- III. Continue with Design Review District, not restricted to Historic District
- IV. Meet CLG requirements, so process results in projects consistent with NPS Rehabilitation Standards
- V. More flexible design standards (versus current regs), with clear exemptions and options for AO review.
- VI. Establish transparent review guidelines to enable discussion of revisions to Overlay District boundaries

# Core Changes

A. Added Specific Standards for: (i) Alterations & Additions to Historic Buildings - §2201.I(3)(b); and (ii) Projects that Don't Involve Historic Buildings - §2201.I(3)(c).

B. Clarified Application Process (§§2201.F & G) and Added Limited Options for Administrative Officer Approval (§2201.H)

C. Increased Exemptions from Design Review and Clarified Statutory Limitations (§2201.E).

# A. Understanding the Standards

Generally modeled on the NPS rehabilitation standards, but modified/expanded to achieve Montpelier-specific goals and provide more predictability, consistency, & enforceability.

- §2201.I(1) and (2): Outlines all possibly applicable standards and resources/guidelines for design review.
- §2201.I(3)(a): Standards that apply to all projects.
  - Includes NPS standards and those pulled from the District-specific criteria in the current design review regs. (e.g., riverfront issues).
- §2201.I(3)(b): Standards for Additions and Alterations to Historic Buildings
- §2201.I(3)(c): Standards for Projects that Don't Involve an Historic Building

# A. Specific Standards - §2201.I(3)

New, development-specific standards were drafted to:

- (1) Reflect the known application of the current standards in a transparent manner;
- (2) Increase enforceability and defensibility of permit decisions involving design review with known requirements;
- (3) Provide for true “design” review, not just review of changes to historic buildings; and
- (4) Allow for limited issuance of permits by the AO within the Design Review Overlay District (i.e., AO must have black-white rules).

## B. Admin. Review Options

Administrative Officer may approve the following without DRC or DRB review:

- (1) Primary approval of 7 categories of changes, such as removal of signs, ADA features, certain awnings, etc. - §2201.H(1)(a)–(g).

AND

- (1) Minor amendments to previously approved projects not a “material change” or affecting any “character-defining features.” §2201.H(1)(h).

# C. Exemptions & Limitations

## (1) §2201.E(1) New exemption examples:

- Repainting that avoids destructive surface treatments
- In-kind repair or partial replacement of deteriorated porches, cornices, exterior siding, doors, etc.
- Repair or replacement of roof drainage systems

## (1) §2201.E(2) Clarifies that projects falling under 24 V.S.A. §4413 (churches, municipal projects, etc.) must still go through design review process

- Language reviewed by City's Counsel

# Next Steps

## Heavily Dependent on Public Comments

- I. If positive, move forward with adoption.
- II. If negative, perhaps revise or remand to Historic Preservation Commission for additional study.

## Related Municipal Planning Issues

- A. Revisions to Design Review Overlay Boundaries
- B. What Viewsheds / Vistas Should Be Regulated? Basic definition at §2201.J(30). PC to determine which are “significant” and require protection.

# Zoning & Design Control Districts & Designated Downtown

**Legend**

**Zoning Districts**

- Urban Center 1
- Urban Center 2
- Urban Center 3
- Riverfront
- Eastern Gateway
- Western Gateway
- Mixed Use Residential
- Residential 1500
- Residential 3000
- Residential 6000
- Residential 9000
- Residential 24000
- Rural
- Municipal
- Designated Downtown
- Design Control District
- Montpelier Parcels 2014
- Rivers, Lakes, and Ponds
- Streams

| NEIGHBORHOODS                | ID    |
|------------------------------|-------|
| Civic                        | 1-1   |
| Downtown Business            | 1-2   |
| Elm Street- Urban            | 1-3   |
| Barre Street- West           | 2-1   |
| Main Street                  | 3-1   |
| Barre Street- East           | 4-1   |
| Cross Roads                  | 4-2   |
| Route 2                      | 4-3   |
| Eastern Corridor             | 5-1   |
| Farm and Factory             | 5-2   |
| Office Park                  | 6-1   |
| Western Corridor             | 6-2   |
| College Hill - East State St | 7-1   |
| Court Street                 | 7-2   |
| Lower East State Street      | 7-3   |
| Northfield Street- North     | 7-4   |
| Redstone                     | 7-5   |
| School Street                | 7-6   |
| The Meadow - Elm St          | 7-7   |
| Community College of Vermont | 7-8   |
| Blanchard Park               | 8-1   |
| Franklin Street - Southwest  | 8-2   |
| Liberty Street - West        | 8-3   |
| College Hill - South         | 9-1   |
| Franklin Street - Northeast  | 9-2   |
| Liberty Street - East        | 9-3   |
| Main St- East                | 9-4   |
| River Street                 | 9-5   |
| Route 2 - Prospect St        | 9-6   |
| The Meadow - West            | 9-7   |
| Berlin Street                | 10-1  |
| College Hill - North         | 10-2  |
| College Hill - Southeast     | 10-3  |
| Redstone- North              | 10-4  |
| Cliffside                    | 11-1  |
| Crestview                    | 11-2  |
| Elm Street                   | 11-3  |
| Gallison Hill                | 11-4  |
| Murray Hill                  | 11-5  |
| North Street                 | 11-6  |
| Northfield Street            | 11-7  |
| Park West                    | 11-8  |
| Stonewall Meadows            | 11-9  |
| Towne Street                 | 11-10 |
| Toy Town                     | 11-11 |
| Towne Hill                   | 12-1  |
| College Pasture              | 12-2  |
| Eastern Rural                | 13-1  |
| Highland                     | 13-2  |
| Hill Street                  | 13-3  |
| Pembroke Heights             | 13-4  |
| Southwestern Rural           | 13-5  |
| Western Rural                | 13-6  |
| Wrightsville                 | 13-7  |
| Sabin's Pasture              | 13-8  |

ADD

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**CVRPC**  
CENTRAL VERMONT REGIONAL PLANNING COMMISSION

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Final Zoning District Map 2018 2x3